

# CITY OF BUCKLEY

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## Staff Report and Recommendation

### Evans Subdivision #LP 3120 Spiketon Road (Evans) Long Plat at 690 Spiketon Road

**To.** Hearing Examiner  
**From.** City Planner  
**Hearing.** Wednesday, September 7, 2016, 3 p.m.  
City of Buckley Multi-Purpose Center  
811 Main Street  
Buckley, WA 98321  
**Issues.** 1. Buffer between Light Industrial (LI) zone to the east and Lots 17 & 18.  
2. Whether a sidewalk should be required to Ryan Road.

#### I. INTRODUCTION.

##### A. Application Information.

###### 1. Applicant.

E&E Buckley LLC  
P.O. Box 1744  
Wenatchee, WA 98807-1744

###### 2. Contact.

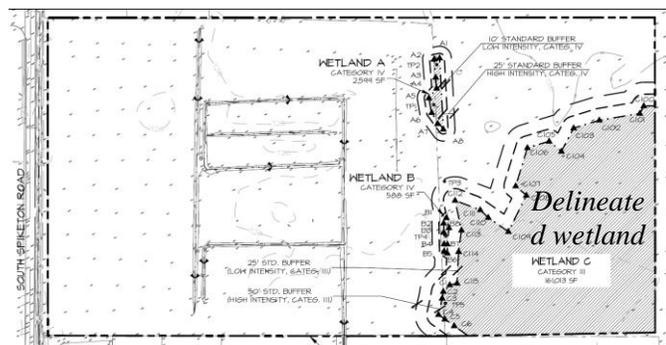
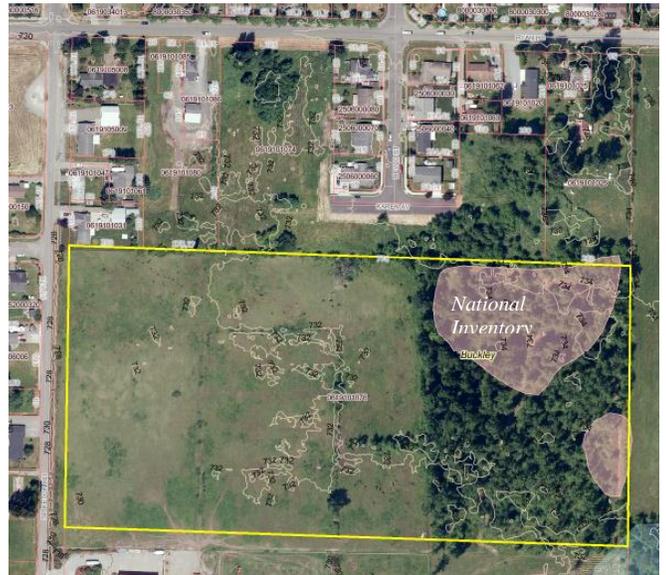
Lisa Klein, AHBL  
2215 N. 30<sup>th</sup> St, Suite 300  
Tacoma, WA 98403

###### 3. Project Description.

Subdivide a 20.05-acre parcel into 63 single family lots. The lot contains a wetland, which, together with its buffer will be open space for the plat. The lot size was obtained from a survey, the assessor shows the parcel to be 18.63 acres.

###### 4. Site Location.

Tax Parcel 0619101076 is an unaddressed lot located on Spiketon Road just north of 690 Spiketon Rd.



Talasaesa Consultants, Inc. Report, Figure 8

**5. Parcel History.**

- a. The 1981 zoning map shows the area as Residential Agricultural.
- b. In 2005, the zone is shown as R-8,000.
- c. The zoning map was amended in 2014 and shows the parcels as R-8,000.
- d. A rezone was requested in 2015 and granted under Ord. 05-16 in 2016 from R-8,000 to R-6,000.

**B. Public Participation and/or Notification.**

- 1. Application was submitted March 1, 2016, and received Technically Complete Status March 23, 2016. A Notice of Application was issued March 30, 2016, and published in the legal section of the Enumclaw Courier Herald. The Notice was mailed to all property owners within 300 feet of the site, posted at city posting sites, and on the property.
- 2. The proposal was not exempt from environmental review because the number of lots exceeded the exempted number of lots. A mitigated determination of non-significance (DNS) was issued May 11, 2016, published in the legal newspaper, mailed to property owners within 300 feet of the site, and posted at city posting sites.
- 3. The MDNS contained three mitigation measures:
  - a. A site within the plat shall be provided for sewer lift station if a suitable off-site location is not secured. Regardless of location, the sizing of the lift station shall be coordinated through the city engineer to be consistent with the sewer comprehensive planning efforts in process. (SEPA item A.11.)
  - b. A secondary 30-foot wide access shall be provide for emergency services; the access may be either to the north through Bevlo or to Spiketown. (SEPA item B.14.d.)
  - c. The applicant may average the wetlands with approval from the city to (1) provide a trail behind the adjacent lots to the recreation area, and (2) to remove encroachment of the lots into the wetland buffer. The averaging will be in accordance with Chapters 12.08 and 12.09 BMC. (SEPA item B.3.a.)
- 4. Public Hearing Notice and proposal description was published in the legal section of The Enumclaw Courier Herald, posted on the city bulletin boards and mailed to all property owners within 300 feet of the site.

**C. Lot Characteristics.**

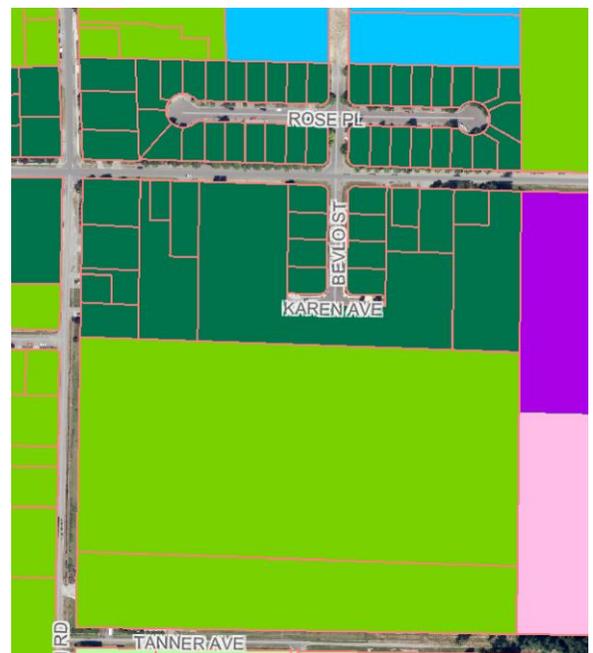
**1. Zoning and neighboring zoning.**

The lot is zoned R-6,000 and has parcels around it zoned as follows:

- a. North: High Density Residential
- b. South: R-6,000
- c. East: Light Industrial to the north and Neighborhood Mixed Use to the south
- d. West: R-6,000

**2. Lot size and possible densities.**

The 20.05-acre parcel is affected by 5.8302 acres of wetlands and buffers, and provides 3.6 acres of right-of-way. Assuming 30 percent of the parcel is encumbered with roads and utilities, after the wetland area is removed, the parcel could likely yield 71 lots; the application is for 63.

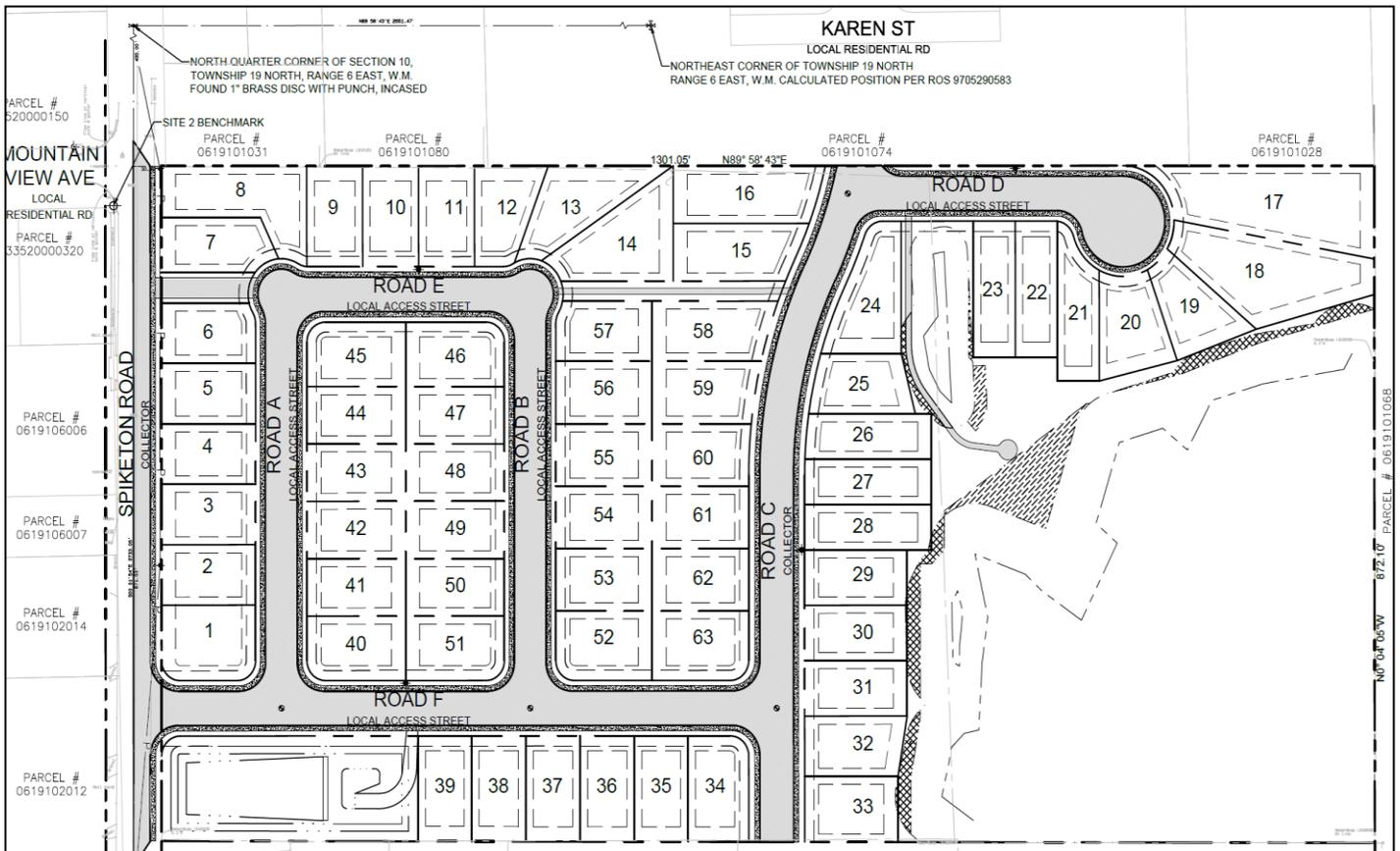




- iii. No priority habitat species are mapped on the site by Washington Department of Fish & Wildlife or Washington Department of Natural Resources, however Elk are located in the vicinity, and are outside the conservation area.
  - iv. No anadromous fish species are present in the vicinity of the site.
  - v. The final buffer width recommended by the biologist assumes the adjacent use is considered high intensity.
- c. Preliminary Technical Information Report, prepared by Scott Kaul, PE, LEED AP, and Jennifer Kelly, PE dated February, 2016, and updated May 23, 2016. This report addresses project assumptions and stormwater concepts and states:
- i. Approximately 25,000 to 40,000 cubic yards (CY) of fill import will be imported.
  - ii. The proposed water quality facility will be publicly owned and be a constructed stormwater wetland.

**7. Adjacent streets and street types.**

- a. The lot is adjacent to Spiketon Road, a collector street. Access points will be from Spiketon with a secondary access point to Spiketon through Tract B.
- b. The plat will provide sidewalks along internal streets and on Spiketon to which it is adjacent. Although shown to be in compliance with the city’s Development Guidelines and public works standards, it is requested that the sidewalks be moved away from the street to allow the street trees to be immediately adjacent to the roadway. (See Condition of Approval IV.5.c.)
- c. Crosswalks will be provided as required by the city engineer. (See Condition of Approval IV.C.2.i.)
- d. Pathways will be provided to the internal recreation area adjacent to the wetland buffer.



*August 17, 2016 resubmittal*

## **D. Project Review**

Subdivision development projects are subject to public scrutiny by way of an environmental disclosure document (an environmental checklist) and a public hearing before the hearing examiner. Subdivisions, whether long or short, must adhere both to local and state laws. State laws are found in Chapter 58.17 RCW and are reflected in the city's local laws; Buckley's local subdivision laws are found in Title 18. Zoning regulations are found in Title 19 and will be addressed in Section II of this report. All decisions in the city must also comply with the comprehensive plan.

The public and affected agencies, such as the Department of Ecology and Tribes, review the environmental checklist and provide comments on the proposal. The comments from state agencies are often converted into conditions of approval.

The Applicant and the public have the opportunity to support or not support the application, the city's analysis, or any condition placed because of an agency comment by formally commenting on the particular issue to the hearing examiner at the public hearing.

The hearing examiner will then decide the proposal based on the submittal and any comments made or presentations given at the hearing. The decision is final; however, if an appeal is filed with Superior Court in Tacoma, then any work that is done, is performed with the understanding that if the appellant prevails the land will be restored to its former condition.

The proposal is at a minimum governed by the following codes:

1. BMC 12.04 and 12.08, together with Chapter 197-11 WAC, SEPA
2. BMC 12.08 and 12.09, Critical Areas and Wetlands
3. BMC 18.04, Purpose and Applicability
4. BMC 18.08, Authority and Jurisdiction
5. BMC 18.12, Definitions
6. BMC 18.16, Procedure, Formal Or Long Subdivisions
7. BMC 18.20, standards and Policies
8. BMC 18.24, Plat Acceptance
9. BMC 18.33, Plat Alterations and Vacations.
10. BMC 19.20.010(1), General Requirements of
11. BMC 19.20.020, R-6,000 Residential Zone
12. BMC 19.20, Classification of Zones.
13. Public Works Standards for Streets, Sidewalks, and Utilities.
14. RCW 58.17.110 Approval or disapproval of subdivision and dedication — Factors to be considered — Conditions for approval — Finding — Release from damages.

## **II. CODE REVIEW**

### **A. BMC 12.04 and 12.08, together with Chapter 197-11 WAC, SEPA**

1. See Section I.B.3 of this report.

### **B. BMC 12.08 and 12.09, Critical Areas and Wetlands**

1. See Section I.C.6 of this report and Condition of Approval IV.A.1.
2. Portions of the wetland buffer would encroach upon platted lots and the trail into the plat's recreation area. In the August 17, 2016, revision, the applicant proposes an averaged buffer that would provide "backyard access" for the lots adjacent to the wetland tract. The city generally accepts this proposal. Please see Section II.B.5 below.

3. BMC 12.09.050 discusses subdivision on lands that contain wetlands and wetland buffers. Each lot that contains a portion of the wetland buffer must contain at least 75 percent of the minimum lot size (4,500 sf) that is outside the buffer. *The city's preference was to alter the buffer to extend away from the property lines rather than inside individual lots. The applicant proposes moving the buffer line to 14 feet from the property lines, reducing the buffer to less than 36 feet in spots.*
4. BMC 12.09.030(6.d) states trails are permitted within a wetland buffer if they are six feet wide, permeable (bark or gravel are listed materials), with buffer widths increased by the width of the trail. *The buffer is modified to meet this requirement.*
5. The proposal offers to enlarge the buffer around Wetlands A and C for buffer encroachments. BMC 12.09.030(6.c) discusses buffer width averaging and contains five criteria all of which must be met to obtain an averaged buffer width:
  - “(c) Wetland Buffer Width Averaging. The planning director may allow modification of the standard wetland buffer width in accordance with an approved critical areas report and the best available science on a case-by-case basis by averaging buffer widths. Averaging of buffer widths may only be allowed where a qualified wetlands consultant demonstrates that:
    - “(i) It will not reduce wetland functions or values;
    - “(ii) The wetland contains variations in sensitivity due to existing physical characteristics or the character of the buffer varies in slope, soils, or vegetation, and the wetland would benefit from a wider buffer in places and would not be adversely impacted by a narrower buffer in other places;
    - “(iii) The total area contained in the buffer area after averaging is no less than that which would be contained within the standard buffer;
    - “(iv) The buffer width is not reduced to less than 50 percent of the standard width or 50 feet, whichever is greater, except for buffers between Category III and IV wetlands and low or moderate intensity land uses; and
    - “(v) Buffer width averaging is being conducted and/or implemented within or on the property where the averaging is being requested.”

*The city considers the use to be of moderate intensity with reasonable buffer widths to be between the standard buffer widths of 10 and 25 feet and the high intensity buffer widths of 25 and 50 feet, which results in buffer widths of 17.5 and 37.5 feet. The city considers the buffers to be between Category III and IV wetlands. (See Condition of Approval IV.B.1.c.)*

#### **C. BMC 18.04, Purpose and Applicability**

1. The purpose of the subdivision code is to protect the public, ensure streets are adequate, provide a variety of housing types, ensure adequate public facilities and utilities are provided for growing populations, and to preserve the city's small town character.
2. Title 18 governs subdividing any property within the city.

#### **D. BMC 18.20, standards and Policies**

##### **1. 18.20.010 Conformance to comprehensive plan.**

If a proposed street and/or lot pattern for any district in the city has been made by the city council, the street layout of any new plan submitted shall be in general conformance to said pattern or plan. Otherwise, proposed streets in new subdivisions shall conform to the comprehensive plan as adopted, or to the existing pattern of roads in the city. *The Future Street Plan shows South Rainier Street, a designated collector street, traveling in a north/south direction along the east property line. The presence of the wetland along*

*the east property line and the city's desire to protect this critical area creates a need to move this planned street away from the wetland. The proposal is to move the collector to the west in a north/south direction providing a future connection from Ryan to Tanner. (Also see Sections II.D.11 concerning BMC 18.20.130 and III.E.4 concerning Policy 6.3.3 and Condition of Approval IV.A.2.c.)*

**2. 18.20.020 Public health, safety, convenience, general welfare and quality of life are to be protected.**

Each proposed subdivision and the ultimate use of the land therein shall be in the interest of public health, safety, convenience, general welfare, and quality of life. Subdividers shall be prepared to present evidence to this effect when requested by the planning department and the hearing examiner. *Please see Sections II.D.9 through II.D.12. Also see the engineer's conditions A through G.*

**3. 18.20.030 Public facility area exclusive.**

Land proposed to be subdivided shall not be a part of, nor encroach upon, any area designated in the comprehensive plan for future public facilities. *No public facilities other than utilities and rights-of-way are proposed on this site.*

**4. 18.20.040 Dedication of new right-of-way.**

Where the comprehensive plan or the city's official road plan indicates the necessity of new right-of-way of a required width or a portion thereof for street purposes, whether within a new plat or new subdivision or along the boundaries of a new plat, new subdivision or new lot, such required right-of-way or portion thereof shall be dedicated to the city by the filing of a plat. In addition to right-of-way dedication and acceptance by the city, the streets shall be developed as per city street standards. *Upon recordation, the plat shall dedicate tracts for pedestrian courses, roads, and sidewalks. No new right-of-way is required for Spiketon Road.*

**5. 18.20.050 Cemetery area.**

The area of a proposed cemetery in one unit shall be not more than 80 acres, which may or can be surrounded by streets and highways. If the area of a cemetery is intersected or cut by dedicated or platted streets, the areas on opposite sides of said streets shall form and be considered separate units. *No cemetery area is proposed.*

**6. 18.20.060 Public areas may be required on plats.**

Restrictive covenants not contrary to existing regulations regarding the use of land, governing and binding all future owners of lots or tracts, may be shown on any plat. *Restrictive covenants are not yet proposed, but may be shown on the final plat. Certain conditions of approval shall be shown on the face of the final plat.*

**7. 18.20.070 Conformance to zoning regulations.**

No final plat of land under force and effect of existing zoning regulations shall be approved unless it is in conformance with zoning regulations adopted by the city at the time of plat application. Whenever there is a discrepancy between minimum standards of dimensions noted in this title and those contained in zoning regulations, building codes or other official regulations, the highest standard shall apply. *The lots meet zoning requirements for lot size, setbacks, and shape. Also see Section II.D.10.*

**8. 18.20.080 Subdivision of inadequate land.**

Land which the hearing examiner has found to be unsuitable for subdivision due to flooding, bad drainage, steep slopes, rock formations, or other features likely to impact the safety, welfare and the general health of future residents, and which is inappropriate for subdivision, shall not be subdivided unless adequate corrective steps are formulated by the developer and approved by the hearing examiner and the city engineer. *The land size is adequate; the wetland and its buffer are the only critical areas on the site.*

**9. 18.20.110 Roads.**

(1) The arrangement, character, extent, width, grade and location of all roads shall conform with the comprehensive plan and shall be considered in their relation to existing and planned roads, to topographic conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such roads. ***The proposed roads contain one cul-de-sac, the rest are either looped back to Spiketon or prepared to connect with future development to the north and south. A secondary access is provided back to Spiketon through Tract B for secondary emergency access.***

(2) Cul-de-sacs are only allowed where adjoining land is restrictive (steep slopes, wetlands, etc.), or where connection to the existing grid system is otherwise illogical in accordance with determination from the city engineer. When cul-de-sacs are permitted, the cul-de-sac shall have a pedestrian pathway to provide pedestrian access to public parks, trails, open spaces and/or recreation facilities when the topography, etc., permits and there are existing or proposed facilities to access. ***The cul-de-sac is located in an area that would lead to an industrially-zoned parcel. Vehicular access to this zone could create non-residential uses that could be adverse to the development's community.***

(3) Alleys. Where the city deems it necessary due to smaller lots, narrower streets, limited access and restricted on-street parking, alleyways may be required within a subdivision in order to direct driveways and driveway ingress/egress away from residential street frontage. ***No alleys are proposed.***

**10. 18.20.120 Lots.**

(1) The lot area, width, depth, shape and orientation, and the minimum building setback lines shall be appropriate for the location of the subdivision, for the type of development and use contemplated, and shall conform with the requirements of BMC Title 19. ***The proposed lot designs are appropriate for the constraints of the land to be subdivided, the area in which it is proposed, and requirements of the zoning code. (Also see Section II.D.7.)***

(2) To ensure public health, convenience and safety, the subdividing of land shall provide, by means of a public road, each lot with satisfactory access to an existing public road. The exception shall be a private street to provide access to lots within a short plat subdivision. ***The plat contains a road for public dedication that leads to and from Spiketon Road with stub-outs to the north and south for future development on adjacent lots.***

(3) Double frontage and reverse frontage lots shall be avoided, except where essential to provide separation of residential development from traffic arterials or to overcome specific disadvantages of topography and orientation. ***Through lots are proposed along the west property line facing Spiketon Road, a collector street. These lots will contain two front yards and two side yards.***

(4) No lot for residential purposes shall be divided or sold into additional lots or building sites, unless the proposed lots to be subdivided meet compliance with the existing zoning regulations, and plat restrictions shall so state this fact. ***The resultant lots are mostly the minimum size necessary in this zone and could contain a single residence and an accessory dwelling unit (ADU). The exceptions are in the cul-de-sac parcels, which have two lots that have enough area that could theoretically contain duplexes or be subdivided into two lots each.***

**11. 18.20.130 Public spaces.**

(1) Where a proposed park, playground, school, trail or other public use shown in the adopted comprehensive plan is located in whole or in part in a subdivision, the city may

require the dedication or reservation and construction in compliance with the adopted plan. *No park, playground, school, trail, or other public use is shown in the comprehensive plan on this lot; however a future collector street is shown to be along the east property line with the future name of South Rainier Street. (Also see II.D.1.)*

(2) Due regard shall be shown for the preservation of outstanding natural and cultural features such as scenic spots, watercourses, historic sites and other features as deemed appropriate by the city. *The wetland will be preserved as open space. This will preserve a portion of the copse of trees that currently adorn the land in this area.*

**12. 18.20.140 Street lighting.**

Street lights of appropriate design, as determined by adopted city standards, shall be located on opposite sides of each street intersection and all new dedicated streets and/or new developments adjacent to existing streets without street lights shall have street lights installed in accordance with the city of Buckley development guidelines and public works standards Section 4.21. *Street lighting shall be installed in accordance with the Development Guidelines and Public Works Standards. (See Condition of Approval IV.A.3.d & IV.D.2.b.)*

**13. 18.20.150 Tree planting.**

The planting of all street trees shall conform with adopted landscaping standards for street trees. *Street trees shall be installed prior to final plat approval, or bonded in accordance with city ordinance. (See Condition of Approval IV.A.5.c.)*

**E. BMC 18.24, Plat Acceptance**

This chapter speaks of final plat acceptance and will be reviewed by the city council before final plat approval.

**F. Title 19, Zoning.**

The following code sections specifically describe zoning's relationship with this subdivision (extraneous subsections are removed):

**1. BMC 19.20.020, R-6,000 Residential Zone**

(2) Performance standards – Dimensional Requirements.

(a) Lot Area and Coverage.

(i) Lot Area. The minimum lot area shall be 6,000 square feet except as permitted within a residential cluster or cottage housing development. *No cluster or cottage developments are proposed.*

2. (A) For single-family dwellings, the minimum lot area per dwelling unit shall be 6,000 square feet except as permitted within a residential cluster or cottage housing development. *Each proposed lot equals or exceeds 6,000 sf.*

3. (B) For duplex dwellings, the minimum lot area per building shall be 4,500 square feet per dwelling unit except as permitted within a residential cluster development. *No duplexes are proposed at this time; two proposed lots exceed 9,000 sf and could site duplexes on each parcel.*

4. (ii) Lot Coverage. The maximum lot coverage of the primary dwelling unit shall be 35 percent, not including outbuildings or accessory units. The maximum lot coverage of all structures shall be 45 percent. The maximum of all impervious coverage, including driveways and sidewalks, shall be 60 percent. Sustainable pervious/permeable surfaces such as driveways, decks, patios, and other on-site permeable surfaces shall not be calculated in the impervious calculations and shall permit impervious lot coverage to be increased as approved by engineering studies and/or best management practices. *Sixty percent of the existing 20.05 acre lot is 524,027 sf. After removing the wetland area, the*

*net lot area is 589,416 sf. Streets consume about 156,193 sf of the net lot area. The maximum lot coverage in this zone is 60 percent on each lot; if each lot reaches the maximum lot coverage, the total would be 226,800 sf. The area covered by the streets and lot coverage is less than the area allowed for impervious surfaces on the 20.05 acre lot. This information is shown in the table below:*

	<b>Area</b>	<b>60 percent</b>
<b>Gross lot area</b>	20.05 ac = 873,378 sf	524,027 sf
<b>Wetland tract area</b>	283,952 sf	
<b>Net lot area</b>	589,416 sf	
<b>Street area</b>	156,193 sf	
<b>60 percent of 6,000 sf lots</b>	3,600 x 63 = 226,800 sf	
<b>Street + max lot coverage</b>	382,993 sf	

5. (A) For all new subdivisions, the second story of single-family residences shall be smaller than the first story by at least 10 percent of the first floor area (square footage) footprint excluding the attached garage, unless the bulk of the living space is located above the attached garage. ***This shall be a condition of approval. (Please see Condition of Approval IV.B.2.)***
6. (b) Lot Dimensions. The minimum dimensions for any new lot or parcel not considered in a short or long plat shall be:
  - (i) Minimum lot width:
    - (A) Forty-five feet for a single-family residence, except as allowed in flag lots. ***Each lot is at least 45 feet wide; the narrowest lots are on the west side of the wetland and are a mixture of widths of 45, 55, and 60-plus feet.***
  - (ii) Minimum lot depth: 85 feet; ***All lots exceed 85 feet in depth.***
  - (iii) Minimum lot width at street frontage on a cul-de-sac or hammerhead terminus: 30 feet. ***Lots 7, 8, 13, 14, 17, 18, 19, 20, and 21 all front cul-de-sacs and contain at least 30 feet of lot width at the cul-de-sac.***
  - (iv) Flag lots: flag lots are permitted subject to the bulk modification conditions set forth in the zoning code. ***The plat has no flag lots; although Lot 8 resembles a flag lot, it contains two front yards and doesn't meet the definition of flag lot.***
10. (c) Setback Requirements. The minimum setback requirements, except as permitted in a residential cluster or cottage housing, shall be: ***Setbacks are reviewed at this time to ensure that houses can be meet current setbacks under the current laws in effect. After the plat is recorded and five years pass, setback requirements will be determined at the time of building permit application using the zoning code in effect at the time of building permit application.***
11. (i) Front yard: 15 feet, except where a front porch consisting of more than or equal to two-thirds of the total front of the house and more than or equal to six feet in depth exists, then the minimum front yard setback shall be nine feet to the front of the porch. ***The plat resubmitted August 17, 2016, shows Lots 1 through 63. Of these lots, the following lots have two front yards: 2-8, 24, 34, 40, 45, 46, 51, 52, and 63. Lot 1 has three front yards. The rest have one front yard.***
12. (iii) Fifteen-foot street side yard (corner lot). ***This is the same as the front yard requirement.***
13. (iv) Minimum eight-foot side yard, except for attached dwellings, then the common wall separating the dwellings may have a zero side yard setback. ***The lots mentioned in II.F.11 of this report contain multiple front yards, so the remaining lot lines are side yards; the rest of the lots have two side yards.***

14. (v) Minimum 15-foot rear yard. *The lots mentioned in II.F.13 of this report contain multiple front yards and no rear yards; the remaining lots can each meet the required rear yard requirement.*

*Setbacks are stated on Page 1 of 8 and shown on each lot in the plat drawings.*

15. (vii) Off-street parking requirements shall be per Chapter 19.28 BMC. *Two stalls for each single family residence is required; one additional stall is required for accessory dwelling units (ADU) in accordance with BMC 19.22.130. One ADU is possible for each single family home.*

16. **BMC 19.29.060, Design standards (landscaping).**

Subsection (2) concerns landscaping between incompatible uses and zones. Normally the requirement is for new or expanded commercial or light manufacturing uses; however, the plat is proposed against an established incompatible use. The requirement is for a 20-foot vegetative screen, or a 10-foot vegetative screen with a 6-foot tall fence. It is the city's opinion that the plat residents would benefit from a vegetative buffer.

G. Public Works Standards for Streets, Sidewalks, and Utilities.

1. A letter acknowledging water availability was signed by Chris Banks July 7, 2016.
2. A letter acknowledging sewer availability was signed by Chris Banks July 7, 2016.
3. Construction permit requirements are listed as conditions of approval in Sections IV.B through G.

H. **RCW 58.17.110 Approval or disapproval of subdivision and dedication — Factors to be considered — Conditions for approval — Finding — Release from damages.**

- (1) The city, town, or county legislative body shall inquire into the public use and interest proposed to be served by the establishment of the subdivision and dedication. It shall determine:
- (a) If appropriate provisions are made for, but not limited to, the public health, safety, and general welfare, for open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and schoolgrounds, and shall consider all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and
  - (b) whether the public interest will be served by the subdivision and dedication.
- (2) A proposed subdivision and dedication shall not be approved unless the city, town, or county legislative body makes written findings that:
- (a) Appropriate provisions are made for the public health, safety, and general welfare and for such
    - open spaces, *The proposal will provide open spaces through retention of the wetland and wetland buffer area in which a small recreation area will be placed. Drainage ways will be provided by retaining the buffer and by provision of a drainage pond. (Please see Section I.C.6.)*
    - drainage ways, streets or roads, alleys, other public ways, *A drainage pond is proposed and under review by the city engineer; the roads are adequately situated with future extensions possible to the north and south upon adjacent lots' development; no alleys are proposed, no public ways except sidewalks within the plat and on Spiketown Road are proposed.*
    - transit stops, *The transit authority does not come to this city; no transit stops are required.*

- potable water supplies, sanitary wastes, *A water availability letter was approved July 7; A sewer availability letter was approved July 7, 2016.*
  - parks and recreation, playgrounds, *(Please see Section I.C.6.)*
  - schools and schoolgrounds and all other relevant facts, *(Please see Section I.C.5.)*
  - including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and *To meet the criterion of safe walking conditions for students who only walk to and from school, the plat will need to provide sidewalks from its property corner north to the sidewalk that connects to Ryan Road (see Section I.C.5); however, for the schools that are in the county, such as the high school, no safe walking path exists or is planned as the high school is outside the city's UGA.*
- (b) the public use and interest will be served by the platting of such subdivision and dedication. If it finds that the proposed subdivision and dedication make such appropriate provisions and that the public use and interest will be served, then the legislative body shall approve the proposed subdivision and dedication. Dedication of land to any public body, provision of public improvements to serve the subdivision, and/or impact fees imposed under RCW [82.02.050](#) through [82.02.090](#) may be required as a condition of subdivision approval. Dedications shall be clearly shown on the final plat. No dedication, provision of public improvements, or impact fees imposed under RCW [82.02.050](#) through [82.02.090](#) shall be allowed that constitutes an unconstitutional taking of private property. The legislative body shall not as a condition to the approval of any subdivision require a release from damages to be procured from other property owners. *The legislative body gives the approval of preliminary plats to the hearing examiner. The road will be public and conform to the minimum standards of the city's Development Guidelines and public works standards.*
- (3) If the preliminary plat includes a dedication of a public park with an area of less than two acres and the donor has designated that the park be named in honor of a deceased individual of good character, the city, town, or county legislative body must adopt the designated name. *No public park is proposed.*

### III. COMPREHENSIVE PLAN

#### A. Element 1, Land Use.

1. **Goal 1.1** *Buckley should provide a healthy and productive environment for its citizens and preserve its small town character.* The small town character is defined in Policy 3.5.1 and includes pedestrian amenities; the proposal is to add public sidewalks and private pedestrian trails to a private wetland refuge.
2. **Goal 1.2** *The city should carefully consider critical areas and their buffers before areas are designated for development. Development potential should be preserved by allowing smaller lots in the non-critical areas to reduce the loss of density. If preservation is not possible, development should protect the critical areas and augment or replace the area before construction is permitted.* The wetland and a majority of its buffer will be placed in Tract D, which is about 5.8 acres (253,962 sf) in area. This area includes a small park for residents.
3. **Policy 1.3.4** Areas containing critical areas, including wetlands, fish and wildlife habitat protection areas, frequently flooded areas, critical aquifer recharge areas, and geologically hazardous areas, are to be protected from development. The best available science (BAS) is to be used to protect the functions and values of these areas and special consideration should be given for conservation or protection measures necessary to

preserve or enhance anadromous fisheries. *The plat includes only Categories III and IV wetlands. The BAS was used to delineate the wetlands after using guidance from the Corps of Engineers' guidance material.*

4. **Residential land use (Also addressed in Element 2).**

**Goal 1.5 Housing types should be mixed and meet the needs of all segments of the population.** The plat provides large and small lots, which can create a mixture of housing sizes, which may create a mixture of economic variability.

5. **Policy 1.5.2** Development in the city should promote livability through the following:

1. Developers should provide connections to pedestrian trails and/or sidewalks;
2. Development should be designed in such a way to recognize the city's history or design standards; and
3. Development should limit stress factors such as noise, traffic, and damage to existing ecology.

*The plat provides an internal trail, sidewalks inside and outside the development, and potential vehicular/pedestrian connections to the north and south. The city's history will be noted through street and plat names (See Condition of Approval IV.B.3.)*

6. **Transportation (also addressed in Element 5).**

**Goal 1.7 Have transportation systems enhance the appearance, quality, and function of residential and commercial districts, provide connectivity between adjacent developments and ensure safe and easy multi-modal access to goods and services.** The proposed system provides a street around a block and potential accesses to the north to Ryan through Bevlo, and to the south to Tanner when the adjacent parcels develop.

7. **Policy 1.7.1** The city should require vehicular and non-motorized connections between adjacent developments through dedications of land and easements. *Off-site sidewalks will be constructed when the adjacent property develops and eventually will run from the property corner to the sidewalk that joins Ryan Road.*

8. **Policy 1.8.4** Any residential development containing more than four dwelling units shall provide recreational facilities or appropriate and usable park land on or near the development. *The development is providing a small park between wetland buffers for its residents. Park impact fees may be required to pay for public park development, such as at Miller Park across Ryan to the northeast.*

9. **Policy 1.8.6** Connect parks, schools, recreation areas, and open spaces through trails and sidewalks. *Sidewalks will be provided; a city park is slated to be developed north of Ryan just beyond Rose Place and will connect with Bevlo Street.*

10. **Policy 1.9.3** Development approvals should be contingent upon facilities already being in place as the development occurs. The following actions constitute development: a building permit, subdivision approval, rezoning, shoreline permit, variance, or any other official action that affects the development of land. Provision for development application review and the timing of the actual impacts caused by the different types of developments should be adopted in the city's concurrency management system as part of the land development regulations. *Facilities include roads, water, sewer, and other utilities, and are required to be constructed prior to granting final plat approval.*

11. **Policy 1.9.4** Land developers should be financially responsible for onsite and off-site improvements that reduce direct impacts of the development. These improvements may include, but are not limited to, street improvements, installation of traffic safety features, paths and/or sidewalks, utility construction, utility capacity expansion, and drainage ways. *Onsite and offsite improvements are required to be completed as part of plat construction. Offsite improvements include frontage improvements and street lighting on Spiketon Road and construction of a sanitary sewer lift station and force main.*

*Onsite improvements include streets, sidewalks, lighting, utilities, and storm drainage improvements in accordance with city standards.*

12. **Policy 1.9.5** Impact fees should be used as a means for new development to pay its share of the costs of new or expanded facilities and services. *At the time of building permit issuance, each lot will pay impact fees for schools, parks, streets, and any other facility or service that is passed by resolution of the city council.*
13. **Policy 1.9.6** The city should not issue development permits that result in a reduction of the level of service (LOS) standard for the public facilities identified in the capital facilities element. *The application will not reduce the LOS.*

#### **B. Element 2, Housing Element Goals and Policies.**

1. **Policy 2.1.6** Existing farms and residences should be protected by provision of buffers, fences, and distances. *The south property line should be fenced with a wooden fence from Spiketon to the wetland buffer; the fence shall be at least 4 feet from Spiketon for 15 feet (the front setback) and six feet in height to the wetland buffer; a six-foot fence may be permitted by the building official. The lots adjacent to the industrially-zoned property shall have vegetative screens. (Please see Condition of Approval IV.A.5.a.)*
2. **Policy 2.1.7** Existing views of Mount Rainier should not be obstructed by new structures or landscaping wherever possible. *Homes along Spiketon should be a single story to preserve mountain views from the public right-of-way.*
3. **Policy 2.4.1** Developers should provide connections to adjoining neighborhoods, access to trails, healthy food choices, gathering places, and also provide pedestrian and bike paths for their development. *A connection to the neighborhood to the north is not available at this time; a connection to the industrial land to the east is not desirable; connection to the neighborhood to the west is provided by sidewalks. A pervious trail will be provided to the wetland area, which may serve as the plat community's gathering place.*
4. **Goal 2.5** *Areas identified as vacant or underused in the county's buildable lands program should be prioritized (targeted) for development.* The parcel is shown on the buildable lands program map as "Vacant."
5. **Goal 2.6** *Encourage open space dedication and green building techniques in new construction.* The wetland tract will be dedicated as open space and available for the developments' residents to use and maintain.

#### **C. Element 3, Economic Development.**

1. **Policy 3.5.1** The city's "small-town attributes" include at least the following: walkability across town, walkability to food, pharmacy, and businesses, residential porches facing street fronts, and large picture windows in businesses along Main Street. Providing pedestrian connections should be required as part of all development because these connections will promote pedestrian traffic to the business community. *The plat will provide sidewalks and pedestrian connections to Spiketon and to the plat's wetland park.*

#### **D. Element 4, Urban Design Goals and Policies.**

1. **Goal 4.5** *New development in the City of Buckley should strengthen the small town character and foster community interaction.* The new plat will create an extension of the Buckley community; the housing styles will be in accordance with city regulations, which are discussed in II.F.6.

2. **Policy 4.5.3** Encourage compact grid street patterns rather than dead ends or long blocks that are more typical of modern subdivisions. *The plat will create future connections to the parcels to the north and south to meet this policy.*
3. **Policy 4.5.4** Where dead ends exist, encourage pedestrian paths and “cut throughs.” *Pedestrian paths and “cut throughs” will be developed when adjacent parcels develop and connect with the street stub-outs. The exception is development to the east, which is an incompatible land use to residences.*

**E. Element 5, Transportation (2005 Comp Plan).**

1. **POLICY 6.2.2** TRANSPORTATION IMPROVEMENTS NEEDED TO SUPPORT NEW DEVELOPMENT SHALL BE IN PLACE AT THE TIME OF DEVELOPMENT TO MAINTAIN TRANSPORTATION LOS STANDARDS. *Required conditions of approval shall be constructed or bonded before granting final plat approval.*
2. **POLICY 6.2.3** WHEN REVIEWING DEVELOPMENT PROPOSALS, REZONING, AND ROAD VACATION PETITIONS, VARIANCES, USE PERMITS, SUBDIVISIONS PLATS, AND RESIDENTIAL AND COMMERCIAL PROJECTS THE CITY SHOULD ENSURE THEY ARE CONSISTENT WITH THE GOALS AND POLICIES IN THIS TRANSPORTATION ELEMENT. *The proposed development with required conditions of approval is consistent with the Transportation Element.*
3. **GOAL 6.3** MINIMIZE NEGATIVE TRANSPORTATION IMPACTS TO THE ENVIRONMENT.

**Discussion.** Automobile usage has huge impacts upon ecological systems whether it be from the burning of fossil fuels resulting in emissions of carbon monoxide, nitrogen dioxide, and ozone contributing to smog and respiratory problems, and emissions of carbon dioxide contributing to global warming, or from increases in impervious surfaces resulting in water quality degradation from increased turbidity, temperature and pollution. Minimizing transportation’s negative impacts to the environment calls for commitment, ingenuity and education.

*This development reduces impacts to the environment by moving Rainier Street to the east.*

4. **POLICY 6.3.3** NEW ROADS SHOULD BE ROUTED TO AVOID TRANSVERSING NATURAL PRESERVES, PARKS AND RECREATION AREAS, SIGNIFICANT HISTORICAL AND CULTURAL RESOURCES, AND AREAS IDENTIFIED AS CRITICAL WILDLIFE HABITAT. *The future right-of-way called Rainier Street is shown to transverse the wetland. It is moved to the west through this decision to avoid the wetland.*

**F. Element 6, Parks & Recreation**

No goal or policy in this element is applicable to this proposal.

**G. Element 7, Capital Facilities (2005 Comp Plan).**

No goal or policy in this element is applicable to this proposal.

**H. Element 8, Utilities (2005 Comp Plan).**

1. **Policy U-1** Public facilities and utility services necessary to support development shall be adequate to serve the development at the time development is available for occupancy and utility use shall not create a decrease in current service levels below City of Buckley standards. *The proposed public facilities and utility services for the development are not anticipated to decrease current service levels below city standards.*

2. **Policy U-21 Encourage additions to and improvements of facilities that provide adequate capacity for future planned growth.** *The proposed development includes water mains stubbed to the boundaries of the plat to allow for future connection and looping of the water mains. The proposed development includes an offsite sanitary sewer lift station and force main that will include capacity for sewer service to adjacent properties and allow for future capacity expansion to serve additional areas. The Applicant has the option to execute a latecomers' agreement in accordance with city codes to recover costs associated with oversizing the sanitary sewer lift station and force main facilities.*

#### **IV. CONCLUSIONS & STAFF RECOMMENDATION.**

**Based upon a review of facts, findings, submitted application, site plan and on-site inspection staff determined that granting approval would be consistent with the review criteria and recommends that the hearing examiner approve the application with the following recommended Conditions of Approval:**

##### **Recommended Conditions of Approval.**

The following conditions are recommended for the **Spiketon Subdivision, A.K.A. Evans Subdivision, file number LP 3120**, to ensure compliance with city codes, plans, and standards:

##### **A. General Conditions.**

###### **1. State Environmental Policy Act.**

All mitigation measures listed in the project's mitigated determination of non-significance (MDNS) are condition of project approval:

- a. A site within the plat shall be provided for sewer lift station if a suitable off-site location is not secured. Regardless of location, the sizing of the lift station shall be coordinated through the city engineer to be consistent with the sewer comprehensive planning efforts in process. (SEPA item A.11.)
- b. A secondary 30-foot wide access shall be provide for emergency services; the access may be either to the north through Bevlo or to Spiketon. (SEPA item B.14.d.) *(In a subsequent document submitted April 25, 2016, the Bevlo access is not currently possible.)*
- c. The applicant may average the wetlands with approval from the city to (1) provide a trail behind the adjacent lots to the recreation area, and (2) to remove encroachment of the lots into the wetland buffer. The averaging will be in accordance with Chapters 12.08 and 12.09 BMC. (SEPA item B.3.a.) *The buffers are reduced to 17.5 and 37.5 feet; the proposed 14-foot trail shall be reduced in width to accommodate this buffer. Prior to final plat, the applicant shall show the reduced buffer and averaging areas, including the area between Wetland A and the sidewalk and side lot line of Lot 23.*

###### **2. Critical area conditions.**

- a. The applicant shall comply with all other State and/or Federal regulations and obtain relevant permits. This includes the U.S. Army Corps of Engineers and the Washington State Department of Ecology (DOE). It is the sole responsibility of the applicant to contact the other jurisdictions and secure any and all other permits required for this proposed project.
- b. Pursuant to BMC 12.12.100 the regulated wetland(s) and associated buffer(s) shall either be placed in a separate tract on which development is prohibited, protected by execution of an easement, dedicated to a conservation organization or land trust, or similarly preserved through a permanent protective mechanism acceptable to the city. The location

and limitations associated with the wetland(s) and buffer(s) **shall be shown on the face of the plat** applicable to the property and shall be recorded with the Pierce County assessor's office.

- c. The future street planned on the future street map on the east side of this parcel shall be moved on future street plans to the west to avoid the wetland.
  - d. Wetland buffers shall be 17.5 feet for the Wetland A and 37.5 feet for Wetlands B and C. The final plat shall show the averaged buffer area.
3. Other Environmental Impacts and General Requirements.
- a. Applicant shall be responsible for payment of any and/or all costs incurred by the city for review of the project or inspection of the site **during construction**.
  - b. All applicable regulatory permits shall be acquired by the applicant **prior to start of construction**.
  - c. Proponent shall be required to install safety railings or fencing along pedestrian corridors which are located adjacent to cut slopes with a vertical height over three (3') feet and a slope in excess of 3:1 and/or rockeries that are over three (3') feet in vertical height. Location, type and design shall be approved by the city engineer.
  - d. Light and glare onto adjacent properties within the subdivision shall be avoided. As approved by the city staff and city engineer, measures such as but not limited to vegetative planter strips, barriers, etc., shall be provided along roadways within the subdivision as necessary to reduce light and glare. Lights associated with residential use shall be shielded down and away from adjacent properties and open space areas.  
**Approved measures shall be shown on construction plans.**
  - e. **Prior to initiation of construction**, the applicant shall submit a traffic control and haul route plan to the city for review and approval to minimize traffic safety conditions on Ryan Road, SR-165 and SR-410.
  - f. Bonds or assurance devices shall be provided as follows:
    - i. **Prior to construction activities in the right-of-way**, the applicant shall submit a performance guarantee in the amount of 150 percent of the cost of the improvements for all work conducted within the city right-of-way.
    - ii. **Prior to acceptance of the work in the right-of-way**, the applicant shall submit a maintenance guarantee/bond in the amount of 25 percent of the cost of the improvements for all work conducted within the city right-of-way and all improvements and infrastructure constructed and/or installed on-site at the time of completion and release of performance bonding. The maintenance guarantee shall be in place for a period of two years from the date of final acceptance by the city.
  - g. The street sections for the proposed plat are consistent with the city's current public works Standard details for street sections, which show the sidewalk between the pavement and the planter strips. In a recent plat (Clearwater Estates), the city elected to have the planter strip located between the pavement and sidewalk. To be consistent the proposed plat shall be revised to be consistent with the recently approved plat.
  - h. **Upon application for a building permit** for construction of a dwelling unit upon any lot within the plat adopted fees associated with impacts to the city's transportation system, parks and schools shall be paid to the City of Buckley.
4. **Prior to installation**, any proposed development sign shall receive approval of a sign permit, as required by BMC 19.30, Sign Code. The proposed location should be shown and labeled on the **construction plans** and a detail demonstrating compliance should be provided. Any proposed signs shall be situated in a manner so as not to adversely affect safety or corner vision. The site triangles should take in account the sign location.
5. **Prior to final plat application**, the applicant shall install the following landscaping:

- a. The south property line shall be fenced with a wooden fence from Spiketon to the wetland buffer; the fence shall be at least 4 feet from Spiketon for 15 feet (the front setback) and six feet in height to the wetland buffer; a six-foot fence may be permitted by the building official in accordance with BMC 16.12.
- b. The lots adjacent to the industrially-zoned property (Lots 17 and 18) shall have vegetative barrier buffers in accordance with BMC 19.29.060(2). At a minimum, the buffer shall be 10 feet with a fence.
- c. Street trees shall be planted between the sidewalk and street in accordance with 19.29.060(5).
- d. Bonds or assurance devices shall be submitted for landscaping installation and/or maintenance in accordance with BMC 17.08.040 and 18.16.020.

**B. Final Plat Conditions.**

Certain information is required on the face of the plat:

1. Restrictive language concerning acceptable activities in the wetland and wetland buffer shall be **stated on the final plat drawing**:
  - a. The wetland buffer shall be fenced with split rail fencing.
  - b. Signs shall be placed at the edge of the buffer in accordance with BMC 12.09.030(7).
  - c. The area shall be used for passive recreation.
  - d. The following statement shall be inscribed on the face of the plat: “No structures or improvements shall be permitted within the buffer area, including buildings and decks except as otherwise permitted under the city’s adopted sensitive areas regulations.” (BMC 12.12.100)
2. General design of single family residences in this subdivision shall be as follows and **stated on the final plat drawing**:
  - a. The second story of single-family residences shall be smaller than the first story by at least 10 percent of the first floor area (square footage) footprint excluding the attached garage, unless the bulk of the living space is located above the attached garage. (BMC 19.20.020(2.a.ii.A).)
3. **Prior to final plat application**, the applicant shall provide street names for city consideration. The names shall be based in the city’s history. The approved names shall be shown on the final plat.
4. The applicant shall indicate the following **on the face of the final plat**:
  - a. The applicant shall indicate ownership of all tracts, including the ownership and maintenance of the proposed trail.
  - b. The right-of-way of the proposed interior plat public roads and alley shall be dedicated to the city upon recording of the plat.
  - c. Any and/or all phasing of a final plat requires that road layouts, utilities, etc. are complete as an operable system as determined by the city engineer to prevent service conflicts to developed portions.
  - d. The applicant shall affix a note to the final plat map that states “No lot for residential purposes shall be divided or sold into additional lots or building sites, unless the proposed lots to be subdivided meet compliance with the existing zoning regulations.”
5. **Prior to final plat** approval for this project, closure calculations for all lots, tracts, rights-of-way, and the overall plat boundary will be required for city review. This comment does not need to be addressed **prior to construction plan approval**.
6. **Prior to final plat**, the applicant shall submit maintenance devices as follows:
  - a. The developer shall submit a right of way and landscape maintenance agreement with the final plat to verify public street and landscape maintenance responsibilities.

- b. The proponent shall establish a maintenance covenant as part of the Restrictive Covenants to ensure that any constructed drainage system is maintained in accordance with City of Buckley requirements. The Maintenance Covenant shall be reviewed and approved by the city engineer **prior to final plat** approval.
7. Upon preliminary plat approval, the city shall provide the applicant with addressing for each lot for each residence and potential accessory dwelling unit. Addresses of the primary dwelling **shall be shown on the final plat**.

### **Engineer's Conditions.**

#### **C. General**

1. Applicant shall be required to obtain a Construction Stormwater General Permit (NPDES) from the State of Washington **prior to any construction activity on-site**.
  - a. The Applicant will be required to comply with the requirements of the Washington State Department of Ecology National Pollutant Discharge Elimination System (NPDES) general permit for stormwater discharges associated with construction activity.
2. The applicant shall comply with all other State and/or Federal regulations and obtain relevant permits. This includes the U.S. Army Corps of Engineers and the Washington State Department of Ecology (DOE). It is the sole responsibility of the applicant to contact the other jurisdictions and secure any and all other permits required for this proposed project.
3. City of Buckley Development Guidelines and Public Works Standards details shall be used where applicable.
4. All proposed private accesses and public roadways shall be required to comply with city emergency access requirements.
5. All roadway improvements shall be designed and constructed per AASHTO standards and in accordance with the City of Buckley "Development Guidelines and Public Works Standards."
6. All utilities shall be designed and constructed in accordance with the "Development Guidelines and Public Works Standards", unless otherwise modified herein.
7. The plat shall comply with city requirements for potable water use and fire protection.
8. The applicant shall be required to pay for all general facility and/or connection charges pertaining to each city utility as required by adopted city code.
9. Construction of offsite utilities within city right-of-way shall include half street overlay and shall be constructed in accordance with the "Development Guidelines and Public Works Standards."
10. The Plans shall demonstrate compliance with the city Sanitary Sewer Standards Section 6.
11. All applicable regulatory permits shall be acquired by the applicant **prior to start of construction**.

#### **D. Permitting.**

1. **Prior to issuance of a civil construction permit**, the Applicant shall demonstrate that any conditions and or mitigation measures of the Hearing Examiner's Decision or any official decisions for this project have been addressed and incorporated into, or noted in, the construction plans as applicable. A letter responding to each condition of the Hearing Examiner's Decision shall be provided to demonstrate compliance.
2. **Prior to work in the right-of-way**, a right-of-way permit shall be obtained from the city. **Prior to work on the parcel of land**, a Land Disturbing Activities (LDA) permit shall be obtained from the city. Drawings required for this construction project shall include, but not be limited to the following Plans that demonstrate compliance with the current BMC and city

standards. Approval of the Plans will be required **prior to issuance of a construction permit** for this plat. The city Standard Approval Block shall be added to all construction plans to be submitted for civil construction approval. Required permits also include:

- a. Civil Construction Plans (street, stormwater, water, sanitary sewer).
- b. Street Lighting Plans and photometric calculations. Lighting shall be shielded to reduce off-site glare. Because the city Contracts with Puget Sound Energy (PSE) for street lighting energy and maintenance, the lighting design must be reviewed and approved by PSE. It may be advantageous for the Applicant to contract with PSE Intolight for the design and installation of the street lighting system.
  - i. LED Street lighting shall be required and located at all street intersections and at intervals per Puget Sound Energy standards, as adopted by the city. The spacing, design and style of fixtures shall be pursuant to adopted city Standard.
- c. Landscape and Irrigation Plans in compliance with BMC 19.29. The Planting Plan shall indicate the locations and types of all proposed landscaping for the street planter strips and the vegetative buffers as required by the city. Note that **root barriers are required** for all trees located in planter strips.
- d. A Traffic Control Plan will be required to be submitted to the city for review and approval **prior to initiation of the work**.
- e. A Haul Route Plan will be required to be submitted to the city for review and approval **prior to commencement of import or export** haul operations for this project.
- f. A Temporary Erosion and Sediment Control (TESC) Plan will be required as part of the construction plans for this project.
- g. A Stormwater Pollution Prevention Plan shall be included with the final stormwater report.
- h. A Channelization Plan will be required to be submitted which identifies the existing and proposed pavement markings and signage adjacent to and on the site. "No Outlet" signs shall be provided where applicable.
- i. Crosswalks shall be provided as required by the city engineer..

#### **E. Preconstruction Conditions**

1. The proponent shall designate a geotechnical engineer who shall be responsible for ensuring compliance with the geotechnical recommendations. The geotechnical engineer shall be on site **during all filling and grading activities** and shall ensure that grading, filling, site stabilization, excavating and testing shall be consistent with the geotechnical recommendations for the site.
2. **Prior to the initiation of filling** and grading, the applicant shall provide supporting documentation from the Geotechnical Engineer identifying their review of the proposed permitting activities and providing any applicable amendments to the original geotechnical report prepared for the project.
3. The applicant shall identify the source of all imported fill material and provide written documentation that the material is free of environmentally hazardous substances. All grading and filling must use only clean fill, i.e., dirt or gravel. All other materials, including waste concrete and asphalt, are considered to be solid waste and permit approval must be obtained through the Tacoma-Pierce County Health Department (TPCHD) **prior to filling**.
4. Utilities to be dedicated to the city shall be extended to the boundaries of the plat to facilitate future connections by adjacent properties. The utilities include domestic water, sanitary sewer, storm drainage, and natural gas. The locations for such extensions shall be determined by the city during construction review of the plat utilities. Utilities provided by entities other

than the city shall meet the requirements of the respective entities for extensions to the boundaries of the plat.

5. In order to provide water service for the proposed development, a looped water system is required. It appears that connection to the existing water main along Bevlo Street may be feasible. A water easement dedicated to the city will be required.
6. The proposed driveway locations shall be shown on the plans.
7. Per city standards Section 4.09, where a street is temporarily dead ended, turn around provisions must be provided where the road serves more than one lot. **Prior to construction plan approval**, the city fire department shall determine whether turn around provisions will be required at the southerly end of Road C for Lots 32 and 33.
8. The applicant shall provide ½ street improvements to Spiketon Road along property frontage consistent with the City of Buckley “Development Guidelines and public works standards, and may include but shall not be limited to pavement widening (from centerline of existing roadway to right-of-way line), meandering sidewalk, curb and gutter, planter strip, landscaping, storm water drainage and street lighting.
9. In order to provide for the extension of utility services to the development the applicant will be required to pay for and install any necessary extensions to the water, sewer or stormwater system that are necessary in order to serve the proposed subdivision.
10. All public utility lines proposed to serve the development shall be extended to the plat.
11. Where feasible, as determined by the city, each proposed side sewer shall connect to sewer main line a minimum of distance 5-feet from a sanitary sewer manhole.
12. Per city Water standards, fire hydrants are required every 600 feet in residential areas. Spacing and locations shall be verified by the city fire department.
13. A water sampling station shall be provided at a location to be determined by the city during construction plan review.
14. Puget Sound Energy (PSE) is the current natural gas provider for the city. Installation of the gas utility shall be in accordance with PSE standards. The Conceptual Utility Plan shall include natural gas, if proposed.
15. A hydraulic analysis shall be performed on the proposed water system to ensure the availability of fire flow in accordance with the Buckley Municipal Code and the city of Buckley Comprehensive Water Plan.
16. Utility plans submitted for preliminary short plat are conceptual “only” and must be resubmitted as formal construction drawing for review and approval by the city engineer **prior to any on-site construction** being performed.
17. An engineered natural gas system plan meeting Federal and State Regulation shall be submitted to the city engineer for review and approval **prior to construction**.
18. Computations and other data used for design of the sewer system shall be submitted to the city for review and approval. The gravity sewer feasibility evaluation shall be included.
19. Computations and other data used for design of the water system shall be submitted to the city for review and approval.
20. The proposed development shall be provided with drainage improvements which are sufficient to preclude free flow of surface runoff onto adjacent properties.
21. Access to the site is provided via a proposed public ‘Road F’ off of the existing Spiketon Road. The proposed development of the site is subject to Street Frontage Improvements of Section 4.07 of the city Street standards. Frontage improvements shall be made across the full frontage of the property from centerline to right-of-way line.
22. The functional classification of each existing roads adjacent to the plat and the proposed roads within the plat shall be labeled in plan view of the plans.
23. Two points of access to the plat shall be provided upon completion of the project.

24. Sight distance triangles shall be demonstrated at the proposed intersection at the Spiketon Road and Tanner Avenue rights-of-way in accordance with city Standard Section 4.12 and the Sight Obstruction Detail (Drawing No. ST-6) to verify that safe stopping and turning movements will be provided.
25. A final engineered drainage and storm water plan and report shall be submitted to the city Engineer for review and approval. The drainage plan must incorporate the storm drainage requirements of the D.O.E. Stormwater Management Manual for the Puget Sound Region (1992 edition), Volume 2. The stormwater control plan shall provide for extension of the storm conveyance/collector system to the plat boundary and include any additions of impervious surface to Spiketon Road. The stormwater plan must also address compliance with minimum requirements Nos. 1 through 11 in BMC 14.30.051.
26. Final pond sections and details shall be provided with the final engineering report and plan set showing that the modeled 4-foot depth of detention storage and one foot of freeboard is included above the water quality depth. The outlet controls shall be designed to match the outlet controls determined by WWHM.
27. Filling and/or excavation of the site which results in elevation changes between the site and adjacent properties shall require the applicant to provide adequate stormwater conveyance measures as approved by city staff and the city engineer to prevent flooding or ponding of water on adjacent properties.
28. To mitigate and avoid significant impacts to water quality, the proponent shall provide on-site water quality monitoring and temporary erosion and sedimentation control during construction. A water quality monitoring plan (WQM Plan) and temporary erosion and sedimentation control plan (TESC Plan) shall be submitted by the applicant for review and approval and approval by the city engineer **prior to commencement of any clearing, grading, or filling on the site**. The WQM and TESC Plans shall be developed in accordance with the City of Buckley Municipal Code Chapters 14.30 and 14.40, Stormwater Management and Stormwater Maintenance Ordinances and shall incorporate erosion and sediment controls, preservation of natural drainage discharge locations, source controls, runoff treatments, stream bank erosion controls and performance bonding to ensure compliance with the standards set forth therein during project clearing, grading and construction. The WQM and TESC Plans shall indicate measures to be taken to avoid untreated stormwater discharges to any and/or all critical areas, and the treatment necessary to meet the state water quality standards, Chapter 173-201 WAC and shall address each of the following:
  - a. shall provide for additional and/or upgraded protections and measures as necessary; and
  - b. shall identify requirements of and frequency of reporting to the City; and
  - c. shall include monitoring at appropriate stations; and
  - d. shall allow for adjustment of monitoring and water quality monitoring parameters depending on location of development activity; and
  - e. on-going monitoring shall include evaluation of the proposed BMP's and testing of sediment as appropriate;
  - f. shall stipulate that if water quality standards are exceeded then all on-site activity shall "stop" until additional measures have been developed, reviewed and approved by the city to prevent further non-compliance.
29. The following statement shall be inscribed on the face of the plat: "No structures or improvements shall be permitted within the buffer area, including buildings and decks except as otherwise permitted under the city's adopted sensitive areas regulations." (BMC 12.12.100)

## **F. Construction Conditions**

1. Proponent shall be required to install safety railings or fencing along pedestrian corridors which are located adjacent to cut slopes with a vertical height over three (3') feet and a slope in excess of 3:1 and/or rockeries that are over three (3') feet in vertical height. Location, type and design shall be approved by the city engineer.
2. In order to minimize impacts related to on-site stormwater runoff, all structures shall be required to install roof drain systems that incorporate proper application of flow control best management practices (BMPs).
3. Stormwater runoff rate leaving the site shall not exceed pre-development conditions for quality or quantity. All open ditches receiving runoff directly adjacent to and immediately downstream of the site must be mowed, cleaned, channelized (if necessary) and stabilized **prior to construction**, to insure that adequate capacity exists and/or is maintained for runoff leaving the site.
4. Sedimentation and erosion control measures shall be installed **prior to any clearing or grading on-site** and shall remain in place until the city engineer approves removal. Silt fencing shall be required in all down slope areas of clearing and grading activities. Other than access construction, the remainder of all lower story vegetation removal shall be staged so that exposed soils will be minimized until absolutely necessary as approved by the city.
5. The city shall inspect all temporary erosion and stormwater control structures during the construction period and sediment shall be removed from sedimentation ponds as necessary to ensure proper functioning. Disposal of sediment materials shall be subject to the approval of the city in accordance with applicable Federal, State and city regulations. Enhanced inspection and maintenance may be required at the city's discretion. The developer shall pay for the cost of inspection for temporary erosion and stormwater control structures during construction period.
6. Clearing and grading of the site shall be limited to the dry season only (April 1-September 30), without prior city approval. The site shall be stabilized for the wet season (Oct. 1-March 31) by October 1, unless otherwise approved by the city. Stabilization shall occur by using recommended measures within BMC 14.30 and 14.40, Stormwater Management and Stormwater Maintenance Ordinances. The applicant shall identify and flag in the field, **prior to start of work**, the clearing limits of the project and maintain said flagging for the duration of the project. Clearing and grading of the site shall not start until the city has inspected and approved of the TESC measures in place and has issued a permit.
7. Tracking of mud and debris onto city sidewalks and roadways shall be minimized. Any mud, soil or debris tracked or deposited onto public property shall be cleaned up immediately and not allowed to accumulate.
8. The proponent shall designate a qualified individual or firm who shall be responsible for ensuring compliance with the WQM and TESC Plans. The individual/firm shall ensure that erosion and sedimentation control devices and other such soil protection are correctly installed, that Best Management Practices (BMP's) are correctly implemented, and that BMP methods and maintenance schedules are followed; for monitoring and evaluating the effectiveness of practices and recommending modifications to the WQM and TESC Plans as necessary if monitoring reveals that practices are not effective; and for ensuring that reports and inspections are coordinated with the city.

## **G. Post Construction Conditions**

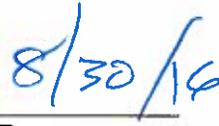
1. As-built drawings in accordance with Section 3.08 of the city standards, which incorporate the Contractor's field markups, will be required to be submitted to the city 30 calendar days after completion of the work.

2. Geotechnical reports shall be provided to the city for review and approval **prior to completion and acceptance** of the site work approved under this application for preliminary plat.
3. **Following construction and prior to final acceptance** of this project, the Applicant will be required to execute an Agreement for Inspection and Maintenance of Privately Maintained Storm Drainage Facilities. The Agreement shall be provided after construction of the storm drainage system to reflect "as-built" conditions. A copy of the form of the agreement is included in the city Street standards.
4. All on-site and off-site utilities installed or constructed as a result of this development including offsite utilities on private property that **are to be dedicated** to the city within easements shall include provisions for access by city public works vehicles for maintenance of utilities to be dedicated to the city.
5. Utility easements for utility maintenance and replacement **shall be dedicated** to the City of Buckley in all areas where utilities extend onto private property and/or private roads/accesses and shall be a minimum of fifteen (15') feet in width.

**V. APPEAL PROCEDURES**

Appeals of hearing examiner decisions are to follow BMC 20.01.260 (8), Judicial appeals.

  
\_\_\_\_\_  
City Planner Kathy Thompson

  
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Date