

OFFICE OF THE HEARING EXAMINER

CITY OF BUCKLEY

REPORT AND DECISION



CASE NO.: Evans Subdivision #LP 3120
Spiketon Road (Evans) Long Plat

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

CONTACT: Lisa Klein, AHBL
2215 North 30th Street, Suite 300
Tacoma, WA 98403

PLANNER: Kathy Thompson

SUMMARY OF REQUEST:

The applicant is requesting preliminary plat approval for a 20.05 acre parcel of land located in the area of 690 Spiketon Road. The applicant wishes to subdivide this 20.05 acre parcel into 63 single-family lots. The Tax Parcel No. is 0619101076.

SUMMARY OF DECISION: Request granted, subject to conditions.

DATE OF DECISION: October 17, 2016

PUBLIC HEARING:

After reviewing the Planning Department Staff Report and examining available information on file with the application, the Examiner conducted a public hearing on the request as follows:

The hearing was opened on September 29, 2016, at 1:00 p.m.

Parties wishing to testify were sworn in by the Examiner.

The following exhibits were submitted and made a part of the record as follows:

- EXHIBIT "A" - Planning Department Staff Report
- EXHIBIT "1" - Subdivision Application
- EXHIBIT "2" - Title Report
- EXHIBIT "3" - Letter from Property Owner
- EXHIBIT "4" - MDNS
- EXHIBIT "5" - Geotechnical Engineering Report
- EXHIBIT "6" - Preliminary Technical Information Report
- EXHIBIT "7" - Critical Areas Assessment Report
- EXHIBIT "8" - Traffic Impact Analysis
- EXHIBIT "9" - Mailing List and Map
- EXHIBIT "10" - Fire Department Comments
- EXHIBIT "11" - Notice of Technically Complete Status
- EXHIBIT "12" - Notice of Development Application
- EXHIBIT "13" - TAL BAS
- EXHIBIT "14" - DOE Letter Regarding DNS
- EXHIBIT "15" - Gray & Osborne Comments
- EXHIBIT "16" - Notice of MDNS
- EXHIBIT "17" - Email from Pierce Transit Regarding MDNS
- EXHIBIT "18" - AHBL Response
- EXHIBIT "19" - Letter to Rawsons' from AHBL Regarding Easement
- EXHIBIT "20" - Wetland Buffer Averaging
- EXHIBIT "21" - Email of Planner Comments and Response
- EXHIBIT "22" - Certificate of Water Availability
- EXHIBIT "23" - Certificate of Sewer Availability
- EXHIBIT "24" - Gray & Osborne Comments
- EXHIBIT "25" - AHBL Response to Gray & Osborne
- EXHIBIT "26" - Notice of Public Hearing
- EXHIBIT "27" - Fire Apparatus Exhibit
- EXHIBIT "28" - Boundary and Topographic Survey
- EXHIBIT "29" - Preliminary Plat Map
- EXHIBIT "30" - List of Exhibits

MINUTES

The Minutes of the Public Hearing set forth below are not the official record and are provided for the convenience of the parties. The official record is the recording of the hearing that can be transcribed for purposes of appeal.

Exhibit A and Exhibits 1-30 were admitted into evidence.

Appearing was KATHY THOMPSON, who briefly summarized the Staff Report with its attachments. The applicant is requesting preliminary plat approval to divide a 20.05 acre parcel that has 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, however, the application is just for 63 lots. A MDNS was issued on May 11, 2016. It contained three measures which staff request be included as conditions for approval of the preliminary plat. Staff is recommending approval. The MDNS requires a sewer lift station, if not off site then onsite. It should be approved by the City Engineer. The second condition is that there be a secondary 30 foot wide access road to provide for emergency services. The access would either be to the north to Bevlo or to Spiketon Road. The third condition is that the applicant may average the wetlands with approval from the City to provide a trail behind the lots adjacent to the wetlands recreation area and to remove encroachment of the lots into the wetland buffer. The averaging will be in accordance with Chapter 12.08 and 12.09 of Buckley Municipal Code (BMC). The Critical Areas Assessment Report indicates that there are three wetlands on site. Wetland A is 2,599 square feet. It is a Category IV wetland and has a standard buffer of ten feet and a final buffer of 25 feet. Wetland B is 588 square feet and because of its proximity to Wetland C, it is categorized as a Category III wetland with a standard buffer of 25 feet and a final buffer of 50 feet. Wetland C is 3.7 acres, or 164,359 square feet. It is also a Category III with a standard buffer of 25 feet and a final buffer of 50 feet. Staff recommends buffer averaging as set out in the Staff Report. Soils onsite were compacted because of grazing onsite. It is zoned as R-6,000. To the north the area is zoned High Density Residential, to the south it is R-6,000, to the east is Light Industrial, to the north and Neighborhood Mixed Use to the south. To the west is R-6,000. The Comprehensive Plan designates the site as Urban Lower Density. Parcels around it are designated by the Comprehensive Plan as: to the north as Urban Higher Density; to the south Urban Lower Density; to the east Industrial & General Commercial and to the west Urban Lower Density. The proposal will include sidewalks along the internal streets and on Spiketon Road. Staff is requesting that the sidewalk along Spiketon Road have an area between it and the road for purposes of allowing street trees to be immediately adjacent to the roadway. They have recommended this request as a condition of approval. They have also recommended crosswalks as required by the City Engineer as a condition of approval. Pathways will be provided to the internal recreation area adjacent to the wetland buffer. This is a recreation, park like area for residents, only. Because of the difference in zoning and use, there has to be a 20 foot buffer between this site and the Light Industrial Uses to the east. The City's future street plan shows 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, according to staff, to move this planned street away from the wetland. The proposal is to move the collector street to the west, in a north-south direction, providing a future connection from Ryan to Tanner.

The proposed lots meet the zoning requirements for lot size, setbacks and shape. The Staff Report indicates that the land size is adequate, the wetland and its buffers are the only critical areas on the site, and that the site is suitable for development as a subdivision.

The proposed roads contain one cul-de-sac, the rest are looped back to Spiketon or prepared to connect with future development to the north and south. A secondary access is provided to Spiketon Road through Tract B for secondary emergency access. The cul-de-sac is in an area that would lead to an industrial zoned parcel, thus, the cul-de-sac. Vehicle access to this zone could create nonresidential uses that would be adverse to the development's community. No alleys are proposed. The lots are basically the minimum size necessary in this zone and could contain a single residence and an accessory dwelling unit. Some exceptions do exist in the cul-de-sac parcels, which have two lots that have enough area that theoretically could contain duplexes or be subdivided into two lots. Land will be preserved as an open space, thus preserving a portion of the trees that currently adorn the land in the wetland area. Street lighting will be installed in accordance with the public guidelines. Street trees will be installed prior to final plat approval or bond. Bus transit does not come to the City, so no transit stops are required. The applicant is providing a small park between the wetland buffers for its residents. Park fees might be required to pay for public park development, such as at Miller Park across Ryan to the northeast. The property line will be fenced from Spiketon to the wetland buffer. The fence shall be constructed in accordance with requirements of the stormwater manual along the stormwater pond. The fence from the pond to the wetland buffer shall be a six foot solid board fence with the exception of Road C. With reference to the buffers, they will be using average buffering of 15 and 37.5 feet for the wetland buffers.

Appearing was DOMINIC MILLER, City Engineer, who was employed by Gray & Osborne. In reference to Condition 5 on page 21, he was concerned about an easement being required from an individual not involved, which he did not think was appropriate. He did want to emphasize that there needs to be a stub to the property line to allow for a future connection to Bevlo Street. Condition 25 contains a typo. It should refer to a 2005 Puget Sound Region Stormwater Management Manual. He recommended the deletion of Condition 7 on page 21 and further indicated that he is in agreement with the rest of the conditions.

Appearing was LISA KLEIN, AHBL representative for the project. She requested, and the staff agreed, that Condition 2(c) on page 17 should be eliminated. She drafted and submitted new language for Condition A5(a). Condition A5(a) will be amended to read: "The south property line shall be fenced from Spiketon Road to the wetland buffer. The fence shall be constructed in accordance with requirements on the Stormwater Manual along the stormwater pond. The fence from the pond to the wetland buffer (with the exception of Road C) shall be six feet solid board fence". This recommendation was agreed to by staff. Condition 5 on page 21 needs to be modified to read that a water stub should be provided to Bevlo Street and that the requirement that a water easement dedicated to the City should be deleted. Recommended Condition 7 should be deleted. Staff agreed. On Condition 25 on page 22, it was recommended by the Engineer and agreed by all that the language concerning the DOE Stormwater Manual for the Puget Sound Region should be the 2005 edition.

Appearing was MATT WEBER, Civil Engineer for the applicant, who was concerned about the fence around the stormwater area and along the south property line.

Appearing was GERALD LOOMIS, a neighbor. He is concerned that there would be access to Bevlo Street. He also wanted to know if the invasive cottonwoods in the wetland buffer areas and the wetlands could be trimmed because they are blocking his view.

Appearing was JOHN MAYS, who was concerned about the benchmarks. It appears that there was a mistake in the numbering of the benchmarks. A benchmark on the south should be 726, not 762 as reflected on the mark. He was concerned about stormwater control and flooring. There is not a good water supply and also elk occupy the area sometimes. He does not want to object to the proposal he just wants it done right.

No one spoke further in this matter and the Hearing Examiner took the matter under advisement. The hearing was concluded at 1:47p.m.

NOTE: A complete record of this hearing is available in the office of the City of Buckley Planning Department.

FINDINGS, CONCLUSIONS, AND DECISION:

FINDINGS:

1. The Hearing Examiner has admitted and reviewed documentary evidence, viewed the property, researched the issues, heard testimony, and taken this matter under advisement.
2. Pursuant to the State Environmental Policy Act (SEPA) and the Buckley Municipal Code the responsible official issued a (MDNS) Mitigated Determination of Non-Significance on May 11, 2016. The MDNS contains three measures which follow:
 - 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 provided for emergency services; the access may be either to the north through Bevlo or to Spiketon. (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.)

No appeals were filed.

3. Public Notice and the proposal was published in the legal section of the Enumclaw Courier Herald, on August 24, 2016, (See Exhibit 26), posted on City posting sites and on the property and mailed to all property owners within 300 feet of the site consistent with the provisions of the Buckley Municipal Code.
4. The Staff Report with its attachments analysis's the issues, presents proposed findings, conclusions, and recommendations, and is hereby incorporated by reference as though fully set forth.
5. The applicant has a possessory interest in a long, rectangular shaped parcel of property located on Spiketon Road. It is referred to as long plat at 690 Spiketon Road and is just north of 690 Spiketon Road. The parcel consists of 20.05 acres, it is zoned R-6,000 and parcels around it are zoned to the north, High Density Residential; to the south, R-6,000; to the east Light Industrial to the north and Neighborhood Mixed Use to the south; and to the west, R-6,000. This 20.05 acre parcel is affected by 5.8302 acres of wetlands and buffers, and the site is generally flat. It has a uniform grass cover in the area proposed for development. A roadside ditch is located along the front of Spiketon Road. There is a wetland area that appears to be a tributary to a ditch along Tanner Avenue that drains back to Spiketon Road. Spiketon Road side ditch is relatively flat and connected by a series of 24 inch culverts at driveway crossings.
6. The applicant wishes to subdivide this parcel as a residential development of 63 single-family lots which will include public roads, stormwater management systems, sanitary sewer, water, and other miscellaneous utilities. In order to achieve the design grades and purposes, it is estimated that 25,000 to 40,000 cubic yards of fill will need to be imported. This parcel has a wetland area that has a mix of trees and groundwater and three identified wetlands.
7. The subdivision will access off of Spiketon Road and the proposed streets will utilize the standard crown section in accordance with the City of Buckley standards with a network of catch basins and closed pipe systems to collect and convey runoff. A combination constructed wetland and detention pond is planned to provide quality and quantity control of stormwater discharge from the project site.
8. The Comprehensive Plan for the City of Buckley designates the area of the lot as Urban Lower Density. The Urban Lower Density area of Buckley is defined on page 11 of the 2015 Comprehensive Plan. It provides that Urban Lower Density is an area where single-family residence, duplexes, and multi-plexes are allowed, where sewage utilities are available. These residential uses are restricted from commercial retail. Density ranges from 4,500 to 20,000 square feet per unit. The proposal as submitted does fit this definition. The Comprehensive Plan is the City's

framework for the future. It is a plan that documents the future that the citizens desire. The Buckley Comprehensive Plan focuses on three areas, (1) is to preserve the town's identity and character, (2) is to develop economic viability in a downtown core and State Highway 410, (3) is to promote outdoor recreational areas. Basically this plan calls for maintaining the small town appearance of Buckley.

9. The Buckley City Code zones the site as R-6,000. The intent and purpose of the R-6,000 residential zone is set out in 19.20.020 of the Buckley Municipal Code. The intent and purpose of this zone is to provide for compact residential development. This zone is applied in those areas adjacent to the City center, but suitable for detached residential development. Because this zone may be adjacent to commercial zones, limited opportunity for non-residential uses is recognized via the conditional use permit process. It sets out the dimensional requirements for development. As the Staff Report indicates the applicant's proposal is consistent with the dimensional requirements of the R-6,000 zone.
10. The general layout of the proposal is set out on page 4 of the Staff Report. As reflected therein this lot is adjacent to Spiketon Road which is a collector street. Access points will be from Spiketon Road with secondary access point to Spiketon in Tract B. The plat will provide sidewalks along internal streets and on Spiketon Road. Sidewalks will be moved away from streets to allow street trees to be immediately adjacent to the roadway between the sidewalk and roadway. Pathways will be provided to the internal recreational area adjacent to the wetland area which is shown on the bottom of page 4 in the undeveloped clear area in the far right hand corner of the page.
11. This proposal is subject to numerous provisions of the Buckley Municipal Code as well as State and Federal laws. At a minimum it is governed by BMC 12.04 and 12.08 together with Chapter 197-11 WAC, SEPA:
 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.

The provisions of each of those sections are set out in pages 5 through 16 of the Staff Report, as set out the provisions and their analysis are hereby incorporated by reference as though fully set forth. Generally speaking the provisions the Examiner is to use in determining whether or not to approve a preliminary plat for a subdivision are set out in RCW 58.17.110(2) provides:

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, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and schoolgrounds and 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) 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.
12. As the Staff Report indicates White River School District requires no impact fees to accommodate schools and grounds. Sidewalks are proposed within the subdivision and along Spiketon Road which will provide students access to the school bus pickup area which is at the corner of Mountain View Avenue and Spiketon Road across the street from the northwest corner of the proposed plat. A crosswalk will be required at this location. The buffer areas will be also dedicated open space. There will be a walking trail and a park like setting for residents only. The plat is designed to accommodate future street plans, which shows Rainier Street a designated collector street traveling in a north-south direction along the east property line where a wetland exists. The plat will accommodate the plan by moving the collector to the west in a north-south direction providing future connections from

Ryan Road to Tanner.

13. The proposal will provide open spaces through the retention of the wetland and the wetland buffer area in which a small recreation area will be placed. 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. No alleys are proposed, no public ways except sidewalks within the plat and on Spiketon Road are proposed. No transit authority exists for the City and therefore no transit stops are required.
14. A water availability letter was approved July 7. Sewer availability was approved July 7, 2016. Parks are proposed although a condition of approval herein will require contribution towards public park funds.

From the foregoing findings, the Examiner makes the following conclusions:

CONCLUSIONS:

1. The Hearing Examiner has the jurisdiction to consider and decide the issues presented.
2. As set out in the Staff Report, through public hearing, and the various attachments, the applicant is making appropriate provisions for the public health, safety, and general welfare, and for open spaces, drainage ways, streets, roads, alleys, other public ways, transit stops, potable water supplies, sanitary waste, parks and recreation, playgrounds, schools and schoolgrounds and all other relevant factors including sidewalks and other planning features that assure safe walking conditions for students. Alleys and transit stops are not applicable in this case.
3. The public use and interest will be served by the platting of this subdivision. It promises to be an attractive, appropriately designed subdivision for moderately priced housing as long as it meets the following conditions:
 - 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 provided 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. 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 from Spiketon to the wetland buffer. The fence shall be constructed in accordance with the requirements of the Stormwater Manual along the stormwater pond.

The fence from the pond to the wetland buffer (with the exception of Road C) shall be a six foot solid board fence.

- 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. The line will loop back to Spiketon Road and stub to the property line.
6. The proposed driveway locations shall be shown on the plans.
7. 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.
8. 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.
9. All public utility lines proposed to serve the development shall be extended to the plat.
10. 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.
11. 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.
12. A water sampling station shall be provided at a location to be determined by the city during construction plan review.

13. 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.
14. 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.
15. 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.
16. 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.
17. 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.
18. Computations and other data used for design of the water system shall be submitted to the city for review and approval.
19. The proposed development shall be provided with drainage improvements which are sufficient to preclude free flow of surface runoff onto adjacent properties.
20. 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.
21. 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.
22. Two points of access to the plat shall be provided upon completion of the project.
23. 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.

24. 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 (2005 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.
25. 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.
26. 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.
27. 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.
28. 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.

DECISION:

The applicants request to subdivide a 20.05 acre parcel on Spiketon Road in the area north of 690 Spiketon Road into 63 residential lots is hereby granted subject to the conditions contained in the conclusions above.

ORDERED this 17th day of October, 2016.



TERRENCE F. McCARTHY
Deputy Hearing Examiner

TRANSMITTED this 17th day of October, 2016, to the following:

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

CONTACT: Lisa Klein, AHBL
2215 North 30th Street, Suite 300
Tacoma, WA 98403

OTHERS:

John Mays
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Buckley, WA 98321

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1603 Springwater Street
Wenatchee, WA 98801

CITY OF BUCKLEY

**CASE NO.: Evans Subdivision #LP 3120
Spiketon Road (Evans) Long Plat**

20.01.260 Appeals.

- (7) Judicial Appeal. BMC 20.01.030 identifies final decisions appealable to superior court (Hearing Examiner decision are identified as going to superior court). In lieu of superior court, some appeals of final decisions are required by state law to be filed in other forums. The appellant bears the responsibility of filing an appeal in the proper forum and no assurances are made as to the accuracy of the forums designated for appeal in Table 1, BMC 20.01.030.
- (a) The cost of transcribing and preparing all records ordered certified by the court or desired by the appellant for such appeal shall be borne by the appellant.
- (b) Prior to the preparation of any records, the appellant shall post with the city clerk an advance fee deposit in the amount specified by the city clerk. Any overage will be promptly returned to the appellant.