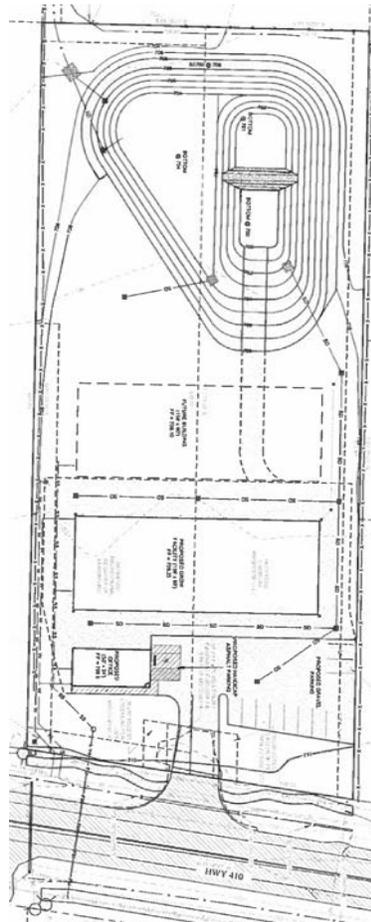




CITY OF BUCKLEY ♦ PO BOX 1960 ♦ BUCKLEY, WA 98321  
360-829-1921 Ext. 7801 ♦ Fax 360-829-9363  
<http://www.cityofbuckley.com/>

### CarbCom Site Plan Review SPR # 3151

**To.** Hearing Examiner  
**From.** City Planner  
**Subject.** Staff Advisory Report  
Findings, Conclusions, and  
Recommendations  
**Hearing.** (day, Date, Time)  
City of Buckley Multi-  
Purpose Center  
811 Main Street  
Buckley, WA 98321  
**Issues.**



## I. Introduction and Application Information

### A. Application Information

#### 1. Owner(s).

CarbCom Properties LLC  
10010 181<sup>st</sup> Ave Ct E  
Bonney Lake, WA 98391

#### 2. Applicant.

B.C. Grimm

#### 3. Project Description.

Build three buildings on two lots: one 1,152 square foot (sf) storage building near the highway, and two 9,360 sf buildings behind the storage building to produce and process marijuana. The northern building will be sited at some time in the future, depending on the success of the venture. Because no matter what is placed on the site, storm water facilities will be required, the project was separated into the site plan review and a Land Disturbing Activities permit, with the LDA being issued first.

#### 4. Site Size(s) & Location.

Subject parcels are located at 28484 and 28443 SR 410, Buckley, WA, and is a portion of the SE ¼ of the SW ¼ of Section 4, Township 19N, Range 6E, Pierce County, Washington. (RTSQQ: 06190434).

**Addresses:** 28484 and 28443 SR 410.

**Parcel Number(s).** 0619047002 & 0619047003.

**Site area.** Parcel 7002 is 1.1299 acres; Parcel 7003 is 1.1599 acres for a total of 2.2898 acres or 99,743.69 square feet (sf).

**5. Site Development and Zoning.**

**a. Terrain & Vegetation.**

The two parcels are generally flat with slight depression toward the north. The difference between the south and north elevations is approximately 8 feet over about 500 feet. Only grass and a few shrubs are on the site. Several environmental reports were submitted with the application:

- i. Wetland report dated April 11, 2016, received April 12, 2016, by H&S Consulting, Mark Heckert. The report states no area on or adjacent to the property meets the definition of wetland because of the site’s drainage.
- ii. Geotechnical Site Assessment dated March 26, 2016, received April 12 and July 18, 2016, by Leroy Surveyors and Engineers, Inc, Mat Crowell, and Rex Humphrey. The report states the area is stable for development. It further states recommendations for construction for consideration by the city engineer.
- iii. Traffic Impact Analysis dated revised June 2016, received July 5, 2016, by Heath & Associates, Inc., no author listed. The report states roughly 63 trip movements will be associated with the site.
- iv. Stormwater Site Plan Report dated April, 2016, received April 12, 2016, by Leroy Surveyors and Engineers, Inc., Steve Nelson. The report details the proposal for review by the city engineer.

**b. Existing Land Use.**

Vacant commercial property. The parcels are shown as vacant on Pierce County’s Buildable Lands Map.

**c. Zoning and Neighboring Development and Zoning.**

The site is zoned General Commercial (GC) and is surrounded by properties and uses as follows:

<b>Direction</b>	<b>Zone</b>	<b>Comprehensive plan designation</b>	<b>use</b>
North	NMU	I&GC	Single family residence
South	GC	I&GC	Auto recycle
East	GC	I&GC	Vacant commercial
West	GC	I&GC	Vacant commercial

**d. Comprehensive Plan Designation and Neighboring Designations.**

The subject site is designated on the comprehensive plan map Industrial & General Commercial (I&GC). The neighboring designations are as shown in the table above.

**e. Lot Configuration.**

- a. The two parcels are each rectangular.
- b. The parcels were created under a short plat recorded under Pierce County jurisdiction, please see Section II.A.6 below.
- c. A request for a boundary line adjustment (BLA) was submitted May 31, 2016, and is under review. The BLA will join the two narrow rectangular parcels into one rectangular parcel.

## 6. Parcel History.

- a. Prior permits on the land included a short plat recorded under Pierce County jurisdiction under Auditor's File Number (AFN) 8012290114. The original parcel extended from SR 410 to Hinkelman. The short plat created three lots that were to be residential with building setbacks 30 feet from property lines. Upon annexation to the city, the former use and setback restrictions stated on the face of the plat are understood to be dissolved.
- b. A right-of-way permit (ROW 2913) was issued in April, 2015, to construct the shared access into the lots, as required by the 1980 short plat. Construction ensued and was finalized on October 14, 2015.
- c. A Land Disturbing Activities permit was requested May 16, 2016, to increase the possibility of construction this summer.
- d. A boundary line adjustment (BLA) was requested May 31, 2016, to remove the lot line and enable construction over the property line.
- e. Design review was requested for this application June 9, 2016, with a meeting with the design review committee (DRC) June 30, 2016. The design was approved with conditions. (Please see attached decision.)

## 7. Public Participation and/or Notification.

Application for the site plan review was submitted April 12 and called complete May 24, 2016. To enhance the work schedule, the applicants submitted applications for a Land Disturbing Activities permit, boundary line adjustment, and design review.

A letter of incomplete application was sent May 2, 2016, followed by appropriate submittals. A notice of complete application using the optional SEPA process was sent May 24, 2016, and published the following Wednesday, June 1, 2106. The notice was mailed to all property owners within 300 feet, posted in the city's official posting sites, and published in the legal section of The Enumclaw Courier Herald.

The Public Hearing Notice and proposal description 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.

## 7. Environmental Review.

The proposal is not exempt from the State Environmental Policy Act. A Determination of Non-Significance (DNS) was issued July 20, 2016. Because the optional method was used, no comment period was required; and no appeals were filed.

## 8. Public and Agency Comments.

- a. On June 9, 2016, Bill Eastman commented that he had no issues with the business, but was concerned about raising the lot for drainage, that the new elevation would drain onto his property. He said he wanted to be certain that no additional runoff would be added to his property. *Erosion Control Note 2 on page C5 of the August 4, 2016, construction plan submittal states: "In case erosion or sedimentation occurs to adjacent property, all construction work within the development that will aggravate the situation must cease and the applicant/contractor shall immediately commence restoration or mitigation measures. Restoration activity*



*shall continue until such time as the problem is rectified.” The properties on either side of the CarbCom property are fairly level and even with one another. Each property slopes gently down toward the north from the highway at about elevation 712 at a rate of about 1 percent to Hinkleman at elevation 702. The diagram to the right shows a portion of the construction plans and how the elevation is proposed (dotted lines) and what the existing elevation is (dashed lines). Elevation 708 appears to travel along the east property line that joins with Mr. Eastman’s property.*

- b. On June 15, 2016, Ecology sent comments concerning hazardous waste and toxics reduction, waste to resources, and water quality concerns.
- c. On July 18, 2016, the Washington State Department of Transportation (WSDOT) commented that it has no concerns with the proposal.
- d. On July 26, 2016, Pierce Transit commented that no service is currently provided to Buckley.
- e. On August 2, 2016, ecology commented again on water quality.

**B. Project Review.**

Commercial projects are subject to public scrutiny by way of an environmental disclosure document (an environmental checklist) and a public hearing before the hearing examiner. 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 are most often converted into conditions of approval for the site plan review.

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.

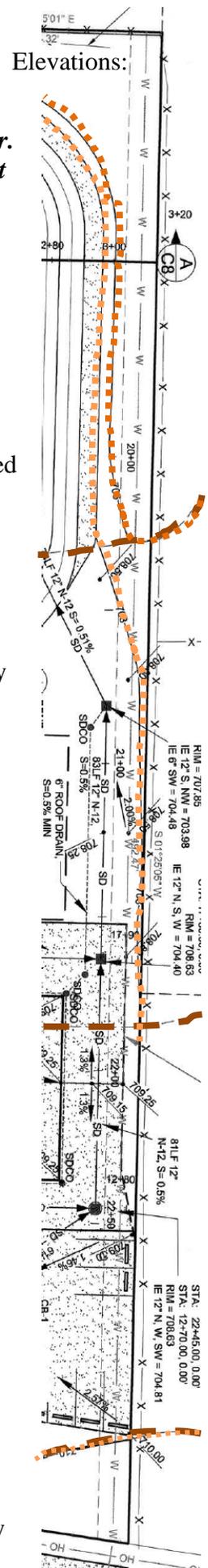
The hearing examiner will then decide the proposal based on the submittal and any comments or presentations given at the hearing. The decision is final; however, if an appeal is filed with Superior Court in Tacoma, then any work that is done is performed with the understanding that if the appellant prevails,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

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

- 1. SEPA, BMC 12.04, together with Chapter 197-11 WAC,
- 2. General requirements of BMC 19.20.010(2),
- 3. Performance standards of BMC 19.20.070,
- 4. Permitted uses identified in the City’s Use Matrix, BMC 19.20.130,
- 5. Bulk requirements of BMC 19.22,
- 6. Design guidelines of the 410 design area under BMC 19.51,
- 7. The Guidelines for (Re)Development, and the
- 8. Public Works standards for streets, sidewalks, and utilities.
- 9. Site plan reviews in particular are governed by Chapter 19.33, Buckley Municipal Code.

a. **19.33.010 Purpose.**

(1)The purpose of this chapter is to ensure applicable development meets the goals and provisions of the city’s comprehensive plan goals and policies, any



applicable design standards, public works standards, and all ordinances of the city.

- (2) This chapter is intended to address all aspects of site design, including but not limited to building and open space layout, parks and trails, parking lot design, vehicular and pedestrian access, and the provisions for safe and efficient access to and from the public street system for vehicles and pedestrians.

*Conditions will be created that ensure this purpose is met, as allowed in the following regulations.*

b. **19.33.020 Applicability.**

- (1) Site plan review and approval shall be required prior to a use being established on a lot or the issuance of a building permit for any new commercial, new light industrial, new public building or activity, or new buildings in which more than two dwelling units would be contained. ...*The proposal is for three commercial buildings (two at 156 x 60 feet or 9,360 sf, and one smaller building at 48 x 24 feet or 1,152 sf, and two parking areas for fewer than 20 spaces each, and requires a site plan review under this chapter.*

c. **Site Plan Review Criteria.**

Section 19.33.060 BMC provides that:

- (1) Required Findings. The designated official may approve a proposed project if it first makes the following findings and conclusions:

- (a) The project is consistent with the Buckley comprehensive plan; and
- (b) The project meets the requirements and intent of the Buckley Municipal Code.

*Both subsections (1)(a) and (1)(b) are fairly general and in their generality includes all of the comp plan and all of the Buckley Municipal Code. The reviewing and deciding officials will determine if a proposed project is consistent with adopted development regulations and the appropriate elements of the Buckley comprehensive plan or subarea plan(s) adopted under Chapter 36.70A RCW. This includes, but not limited to, the following:*

- i. *The type of land use, including uses that may be allowed under certain circumstances, such as the residential cluster development and conditional and special uses, if the criteria for their approval have been satisfied;*
- ii. *The level of development, such as units per acre or other measures of density if applicable;*
- iii. *Infrastructure, including public facilities and services needed to serve the development, and availability and adequacy of public facilities identified in the Buckley comprehensive plan, if the plan or development regulations provide for funding of these facilities;*
- iv. *The characteristics of the development, such as development standards;*
- v. *Consistency. For purposes of this section, the term "consistency" shall include all terms used in this chapter and Chapter 36.70A RCW to refer to performance in accordance with this chapter and Chapter 36.70A RCW, including but not limited to compliance, conformity, consistency and concurrency. Nothing in this section requires documentation, dictates procedures for considering consistency, or limits the director from asking more specific or related questions with respect to any of the four main categories listed in subsections (2)(a) through (d) of this section.*

*The above criteria will be answered in Section II of this report; Subsection II.A. will describe how the review criteria referenced in BMC 19.33.060 are met in relation to the development regulations; Subsection II.B will address how the review criteria are met in*

*relation to appropriate comprehensive plan goals and policies. All information given in Section I will be referenced but not repeated in Section II.*

## II. Code and Comprehensive Plan Review.

### A. Code Review.

#### 1. BMC 12.04 – State Environmental Policy Act (SEPA)

Together with WAC 197-11, these chapters address the State Environmental Policy Act (SEPA). *Please see section I.A.7 above.*

#### 2. BMC 12.08 – Critical Areas

This chapter covers several chapters in Title 12, including wetlands, geological hazard areas, and floods. *The site has no critical areas.*

#### 3. BMC 16.01 - Land Disturbing Activities (LDA)

This chapter regulates any changes to the geography and includes regrading property and affecting the land. *Work was requested to be conducted through LDA 3174 to prepare the site for the storm water facility. Construction of the storm facility, site clearing, and site grading will precede the construction of buildings.*

#### 4. BMC 19.20 – Classifications of Zones.

- a. BMC 19.20.010(2) is the standard that establishes general requirements for all commercial zones, which include building heights at a maximum of 35 feet. *In the design review conducted July 5, 2016, building elevations were shown to be 22 feet from grade to the apex of the pitched roof.*
- b. BMC 19.20.070 states the lot coverage may be 100 percent in the GC zone and setbacks may be 0 feet. These allowances are mediated by requirements in other sections of code, as listed below:

The following table shows required perimeter setbacks.

Property line	Setback (by zone)	Landscape, BMC 19.29	Required total setback
North	0	20 – barrier buffer*	20
East	0	5 – visual relief buffer	5
West	0	5 – visual relief buffer	5
South	0	10 – visual relief buffer	10

\* Barrier buffers at side and rear lot lines is required if the use is incompatible to the adjacent uses. The use of the adjacent properties to the east and west is “vacant;” therefore the use is not incompatible with the proposed use. The use to the north is single family residential; therefore, the proposed use is incompatible and requires a barrier buffer. The barrier buffer is either 20 feet of thick vegetation OR 10 feet of thick vegetation and a 6-foot high wooden fence. (Please see BMC 19.29.060(2).) Also, it should be noted that the setback to the storm facility from the property line is 20 feet.

#### 5. BMC 19.22 – Bulk Modifications

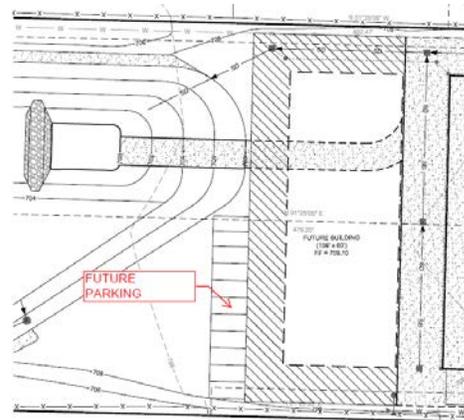
This chapter provides standard provisions required in all zones, such as that yards are to be unobstructed from the ground upward except by landscaping.

- a. BMC 19.22.140 directs the reader to the storm water retention regulations in BMC 14.30 and 17.08.
  - i. BMC 14.30, Stormwater management, adopts the 2005 Ecology Stormwater Manual for Western Washington.
  - ii. BMC 17.08 adopts the Development Guidelines and Public Works Standards Rev. 4, dated May 25, 2010.

**6. BMC 19.28 - Off-Street Parking and Loading**

Standards for off-street parking are governed under this chapter, which provides basic parking stall size, numbers of stalls for each type of use, and safety standards to use in the City of Buckley.

- a. Size. Parking stalls are to be 9 x 19 feet with a vertical clear distance of 7.5 feet. The proposed stalls meet this criterion. Stalls may be wider, but may not be shorter or narrower; and handicapped stalls must be provided. A handicapped stall is located next to the smaller building. Compact stalls may be 8 x 16 feet.
- b. Number of stalls. The number of stalls for this use is governed by BMC 19.35.040(5): one parking stall plus one parking stall for each 1,000 sf of processing and/or production area. The applicant proposes 12 stalls next to SR 410 and 10 stalls next to the stormwater pond after the second building is constructed.



**Table 1, BMC 19.28.040.**

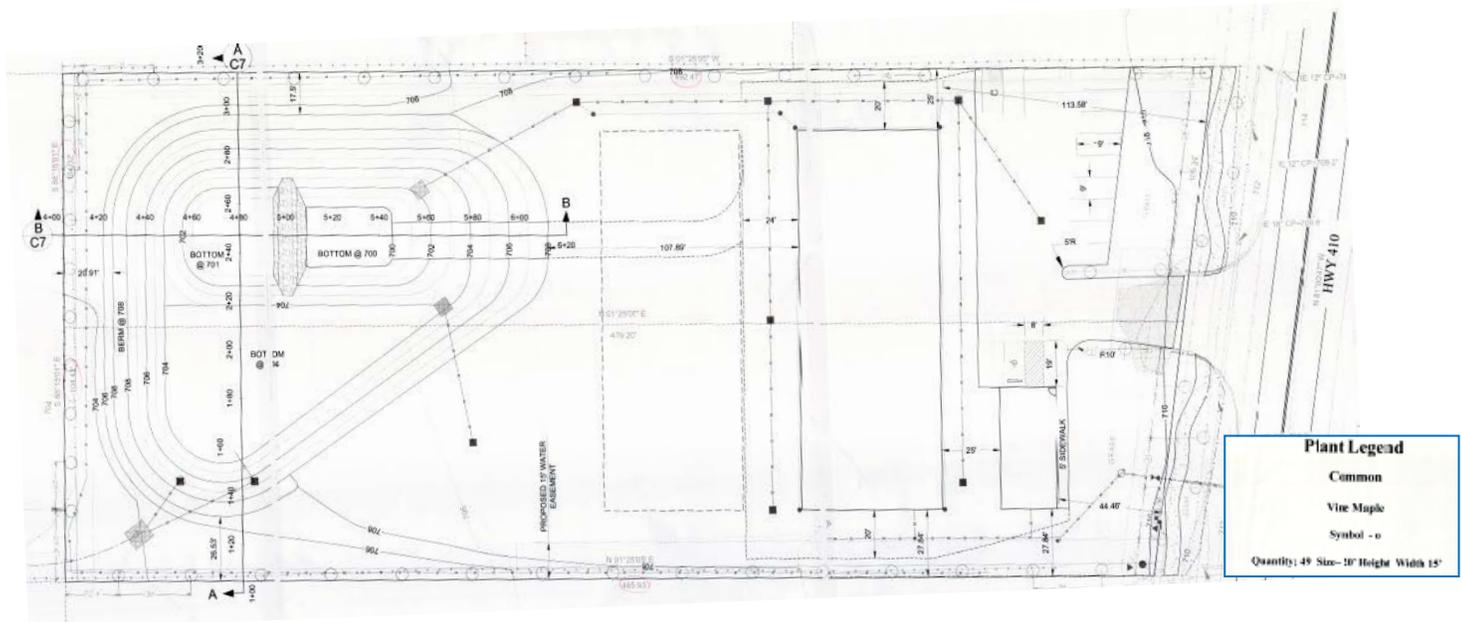
For use	Size in sf	Area used for production/producing	Parking rate for use	Stalls req.
			1	1
<b>Building 1</b>	1,152	1,152 sf for product storage	1:1,000 sf of use	1.2
<b>Building 2</b>	9,360	9,360 sf for producing	1:1,000 sf of use	9.36
<b>Building 3</b>	9,360	9,360 sf for processing	1:1,000 sf of use	9.36
<b>Totals:</b>	20,872			<b>21 stalls</b>

- c. Bike stalls. All commercial and office areas shall provide bike rack facilities for the facility. Bicycles may be parked on the porch.
- d. Surfacing. The code states “where required parking and loading facilities shall be surfaced and maintained with asphalt, concrete, or other permanent approved surfacing material sufficient to prevent mud, dust, loose material, and other nuisances.”

**6. BMC 19.29 – Landscaping**

Landscaping requirements for the proposed project are governed by BMC 19.29.060, which provides that Façade Buffers, Barrier Buffers and Visual Relief Buffers are required for all new commercial and manufacturing buildings and new multi-family buildings over two units within the CC, GC, HDR, LI and NMU zones. Parking Lot Canopy Buffers are required to the interior of all parking lots that have 20 or more spaces. Landscaping requirements are found in BMC 19.29 and the SR 410 Design Guidelines.

The proposal contains new commercial development and therefore requires Façade Buffers, Barrier Buffers and Visual Relief Buffers. These typically include landscape improvements along SR 410, screening along property lines, and landscaping between buildings.



**Façade Buffers.** The design review committee (DRC) required landscaping between buildings in the form of hanging baskets at the building corners.

**Barrier Buffers.** A barrier buffer is along the north property line. The details of the plant list are required before occupation of the first building.

**Visual Relief Buffers.** The applicant proposes landscaping the perimeter with 30 percent conifers and vine maples.

**Parking Lot Canopy Buffers.** Fewer than 20 parking spaces are required for each building. The front building will have parking next to the highway, the second building will have parking next to the detention pond.

**Street Trees.** Trees along the south property line will be determined prior to installation.

**7. BMC 19.33.050 Standards to be used for review.**

All new commercial and multifamily development under site plan review shall install street frontage improvements at the time of construction as required by the city.

**8. BMC 19.33.060 Site plan decision.**

Required Findings. The designated official may approve a proposed project if it first makes the following findings and conclusions.

- a. The project is consistent with the Buckley comprehensive plan; and  
*This will be addressed in Section II.D below.*
- b. The project meets the requirements and intent of the Buckley Municipal Code.  
*This will be addressed in Section II.C below.*

**9. BMC 19.51 – SR 410 design district**

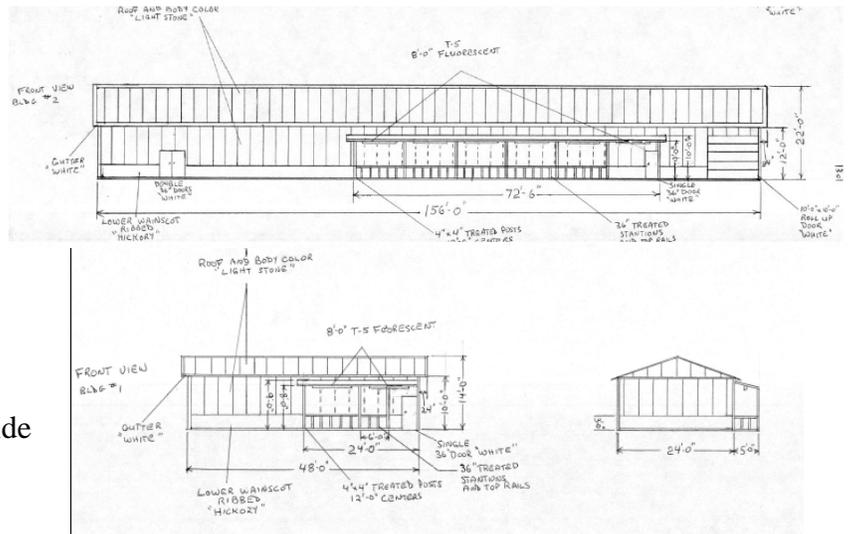
This chapter provides the city’s Highway 410 design review district regulations, which refers readers to the guidelines for development. In addition to design guidelines, the chapter requires review by the design review committee (DRC).

The proposal is to provide windowless metal buildings facing SR 410. Porches will be installed on the south sides of two of the buildings closest to SR 410 and false windows will be installed along the porch and the ends of the buildings to give a pedestrian feel.

The purpose of the chapter is to promote economic development by preventing unsightly strip development that presents a massive flat aspect to SR 410 and to encourage construction of buildings that reflect the city's agricultural, railroad and logging antecedents.

Guidelines for Development provide additional guidelines to ensure the goals of Chapter 19.51 are met, specifically landscaping,

architectural modulation and design, roof pitch, building materials, colors, and signs.



The project was reviewed by the design committee on June 30, 2016, which approved the design with conditions. A copy of that approval is attached and conditions are included in this report.

## B. Comprehensive Plan Review.

### 1. Element 1, Land Use, Goals & Policies.

- a. **Policy 1.1.3** With all new development and redevelopment, the city should carefully consider the way buildings, streets, and the spaces between them relate to one another, and strive to create a vibrant, welcoming urban environment. *The design committee required extra landscaping and the appearance of windows on the buildings to create a more welcoming building.*
- b. **Policy 1.5.2** Development in the city should promote livability through the following:
  - i. Developers should provide connections to pedestrian trails and/or sidewalks; *The applicant will provide a sidewalk in front of his property along SR 410.*
  - ii. Development should be designed in such a way to recognize the city's history or design standards; and *The applicant's design was approved by the design review committee.*
  - iii. Development should limit stress factors such as noise, traffic, and damage to existing ecology. *The applicant created a joint access into the two lots, rather than one access for each lot, as required by the previous short plat.*
- c. **Goal 1.6** *The city should have different commercial uses to support the various needs of the Buckley community, increase the city's tax base, and support the city's small town character.* The proposed use is fairly new to the city; it won't increase the city's tax base, however, until state legislation requires it. If the producer/processor sells to local retail outlets, however, the city will obtain some tax revenue as that product is sold.
- d. **Policy 1.6.2** Encourage motorized and non-motorized connections between adjoining retail developments to create links to transportation. Also encourage links between retail, residential and civic uses. The city should consider establishing links through easements, impact fees, and development code. *No connections are proposed to neighboring properties.*
- e. **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 landscape plan will provide a grassy park-like area between the sidewalk and the parking lot, which will enhance the appearance of the district. Connectivity to adjacent development will come with development on adjacent parcels.

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

*No goals or policies are relevant to this proposal.*

## 3. Element 3, Commercial Goals & Policies

- a. **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 proposal will provide a sidewalk across its frontage, a landscaped "parked out" area beside the sidewalk, a porch in front of both buildings facing the highway, and false windows will give the impression of visibility from the street. The sidewalk will provide connection to future development to the east and west.***
- b. **Policy 3.5.2** Consider the city's "small-town attributes" when legislating or permitting may affect one of these characteristics. ***The city's small town attributes likely will not be negatively affected by this development.***
- c. **Policy 3.5.3** Consider the city's "small-town attributes" in the design and of and review of how businesses function. Site plan reviews should include a review of vehicle and pedestrian flow, pedestrian and/or open space amenities, vegetative screens around parking lots, storefront windows along the street, and buildings closer to the highway separated by only two rows of parking. ***The proposal is to provide circular vehicle access around the existing and future buildings with parking in the front and parking in the rear of the lot. Vegetative screens are appropriate against the single family residence to the north, with vegetative buffers in the parking lot, against property lines, and with street trees against the highway.***
- d. **Policy 3.5.4** The design of new developments and redevelopment projects should reflect and preserve Buckley's small-town appearance and historic uses such as agriculture, trains, and logging. ***This use could qualify as agriculture, and is to be situated in a metal building that in the opinion of the design committee meets the city's design standards and therefore meets this policy.***
- e. **Policy 3.7.2** Because industrial and major commercial uses are compatible, they should be in the same vicinity and, inasmuch as possible, buffered from residential zones in the city. ***A vegetative barrier buffer is required between the home to the north and this development.***

## 4. Element 4, Urban Design Goals & Policies

- a. **Goal 4.1** ***Enhance the built environment to promote the economic and social vitality along the main street commercial core.*** This development proposes landscaping and false windows on the building to enhance the built environment and thereby perhaps promote the economic vitality of the city in general.
- b. **Policy 4.1.1** Develop pedestrian infrastructure by widening sidewalks, installing crosswalks, corner plazas, bollards, street furniture, and so forth. ***The development includes sidewalks along the highway and a landscaped area between the sidewalk and the parking lot.***

- c. **Policy 4.1.3** Enhance business vitality through storefront visibility and transparency and by allowing commercial activity to spill out onto the sidewalk. New construction should have large picture windows to show off merchandise inside. *It is not appropriate for this particular use to have storefront visibility; however, the applicant proposes false windows that will provide the illusion of visibility into the building.*
  - d. **Policy 4.3.4** The city should require pedestrian-scale signs that create a place where people feel welcome. *No signs are anticipated at this time.*
  - e. **Policy 4.4.2** Ensure that all new development provides adequate pedestrian and bicycle infrastructure, such as sidewalks, crosswalks, bike paths, and bike racks. *Bike racks shall be supplied and may be placed on the porches.*
  - f. **Policy 4.5.1** Use building design that relates to the street through design elements such as building setbacks and front porches. *The building meets the requirements of the design standards, as modified by the design committee, and provides front porches.*
5. Element 5, Transportation (2005 Comp Plan)
- a. **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. *Conditions are placed to ensure compliance with this policy.*
  - b. **GOAL 6.4** TRANSPORTATION SYSTEMS SHOULD ENHANCE THE APPEARANCE, QUALITY AND FUNCTION OF RESIDENTIAL AND COMMERCIAL DISTRICTS. **Discussion.** The size and capacity of transportation facilities should be appropriately matched to the types of surrounding land uses and vice versa to enhance the function of these land uses without destroying their appearance or quality. For instance highways are more appropriately located in close proximity to industrial land uses than adjacent to residential neighborhoods. *The proposed parking areas are appropriate to its use and will be screened from the street by landscape and buildings.*
  - c. **POLICY 6.4.5** THE CITY SHOULD REQUIRE COMMERCIAL AND HIGH DENSITY RESIDENTIAL DEVELOPMENT LOCATED ADAJACENT TO AND/OR WHICH HAS ACCESS TO PRINCIPAL ARTERIALS SUCH AS SR410 AND SR165 TO COMPLETE ROADWAY IMPROVEMENTS SUCH AS WIDENING AND CHANNELIZATION TO THE PRINCIPAL ARTERIAL TO MITIGATE IMPACTS ASSOCIATED WITH THE NEW DEVELOPMENT. *The use is adjacent to the highway.*
6. ELEMENT 6, PARKS AND RECREATION  
*No goals or policies are relevant to this proposal.*
7. ELEMENT 7, CAPITAL FACILITIES (2005 COMP PLAN)  
*No goals or policies are relevant to this proposal.*
8. ELEMENT 8, UTILITIES (2005 COMP PLAN)
- a. **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. *Water and sewer services are adequate and water/sewer availability letters were approved August 29, 2016.*

- b. **Policy D-1** Coordinate management of the stormwater system with property owners to prevent property damage from flooding, protect water quality, maintain recharge of aquifers, provide for the safety and enjoyment of citizens, and preserve and enhance habitat and sensitive areas. *The storm report was reviewed by the city engineer and accepted as adequate August 29, 2016.*
- c. **Policy H-3** Hazardous wastes shall be properly disposed of according to procedures and standards set by federal, state, or regional agencies. *These regulations are enforced by the Liquor and Cannabis Control Board and other state agencies. The waste material from the plants will be mulched and reused as fertilizer.*

### III. CONCLUSIONS & STAFF RECOMMENDATION.

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

#### A. General Conditions.

1. Conditions from the design review shall be conditions for this site plan review:
  - a. **Prior to final occupancy, landscaping** shall be installed in a manner approved with the site plan review. In addition to the requirements of Chapter 19.29 BMC and prior to building permit application, the plan shall include the following:
    - i. A barrier buffer is required to the north, next to a residence, and shall provide a visible barrier that is six feet tall and 20 feet deep.
    - ii. Landscaping next to the south-facing buildings visible from the highway shall be provided. It should resemble a short hedge.
    - iii. A variety of trees shall be offered and include 30 percent conifers.
    - iv. The parking lot contains fewer than 20 spaces and is not required to shade half of its spaces within 10 years; however parking lot landscaping shall be shown to shade some of the stalls by placing trees within the southern landscape area.
    - v. Street trees shall be reconsidered; the single species of vine maple is not preferable. A mixture of color, size, and/or shape is desired.
  - iv. Hanging baskets (or some other form of device) shall be provided at the corners of each building that is facing another building (i.e. the small south building will have baskets on the north side that faces the larger building, but not necessarily on the south side).
  - b. **The appearance of windows** shall be provided along the south-facing walls under the porch roof and on the east/west ends of the buildings.
  - c. **Prior to installation**, the applicant shall request a sign permit that meets the requirements of BMC 19.30.
  - d. **List of approved materials:**
    - a. Siding and roofing: T-3 of the Taylor Metal Products line
    - b. Roof color: "Sandstone," Taylor Metal Products, Standard ARMOR TECH Coatings
    - c. Trim: "Glacier White," Taylor Metal Products, Standard ARMOR TECH Coatings
    - d. Wainscot: "Hickory," Taylor Metal Products, Standard ARMOR TECH Coatings
    - e. Walls: "Desert Brown," 29ga by Valley Rolling

- f. Garbage enclosure fence: slatting shall be green
2. In addition to the above landscaping conditions, preliminary landscape plans shall demonstrate compliance with the City of Buckley Municipal Code (BMC) and shall be submitted prior to building permit issuance for installation prior to final inspection in accordance with BMC 19.29.050 for the following:
  - b. Design details of the barrier buffer on the north property line shall be in accordance with BMC 19.29.050 and 060(2).
  - c. The details of the mixture of conifers and deciduous trees for each type of landscape buffer shall be in accordance with BMC 19.29.
  - d. The street trees shall be selected from the city's approved list and submitted for review and approval.
3. The following locations shall be added to the plans:
  - a. The proposed trash and recycle enclosure locations.
  - b. The location of bike racks.
  - c. Per City Minimum Street Design Standards, sidewalks along SR 410 (Major Arterial) shall be 8-feet wide. Since a meandering sidewalk is proposed, a reduction to 6-feet wide may be allowed. The City should review and determine the allowable width.
4. Any proposed signs shall comply with BMC 19.30 Sign Code in effect at the time the application is made.
  - a. The proposed location for future signs should be shown and labeled on the construction plans.
  - b. Any proposed signs shall be situated in a manner so as not to adversely affect safety or corner vision.
  - c. The site triangles should take in account the sign location.
  - d. Prior to installation, a sign permit shall be applied for and approved by the city.
5. Construction shall conform to the details required by the city engineer.
6. A boundary line adjustment shall be completed **prior to building permit issuance.**

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

1. The Applicant shall 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. A City Right-Of-Way Permit, including applicable bonding requirements, will be required for any proposed construction within the existing SR 410 right-of-way.
3. The applicant shall prevent tracking of material onto city rights-of-way.
4. The applicant shall allow unscheduled, periodic inspection of the erosion control measures.
5. The applicant shall allow unscheduled, periodic inspection of the compaction and dewatering efforts.

6. 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 should 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.
7. 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.

#### **IV. APPEAL PROCEDURES**

##### **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.

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

\_\_\_\_\_  
Date