

# CITY OF BUCKLEY

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## Staff Report and Recommendation

### Cottage Housing Subdivision S-CH 3089 Couls Cottages

**To.** Hearing Examiner  
**From.** City Planner  
**Subject.** Staff Advisory Report. Conditional Use Permit Findings, Conclusions, and Recommendations  
**Hearing.** Tuesday, November 15, 2016, 3 p.m.  
City of Buckley Multi-Purpose Center  
811 Main Street  
Buckley, WA 98321  
**Issues.** Increased density on a confined lot surrounded on three sides by existing residences.

#### I. INTRODUCTION.

##### A. Application Information.

###### 1. Applicant.

Jake & Lenae VanderVies.

###### 2. Contact.

Jake VanderVies.

###### 3. Site Location.

The proposal is on a 1.6854-acre unaddressed parcel located between 527 Couls Avenue and 573 Couls Avenue, Buckley, WA, and is a portion of the SW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Section 3, Township 19 N, Range 6E, Pierce County, Washington; TA# 3240000353.



###### 4. Project Description.

- The proposal is a subdivision using the city's cottage housing development regulations (BMC 19.24). This process provides a density bonus of 1.6 more than allowed under a conventional subdivision.
- The project includes but is not limited to clearing, excavation, and installation of on-site and off-site improvements. Required improvements include but are not limited to installation of utilities (water, sewer, stormwater, electric, phone and cable) and frontage improvements to Couls Avenue and may consist of pavement widening, installation of sidewalks, curb and gutter, planter strip, landscaping, stormwater drainage, and street lighting.

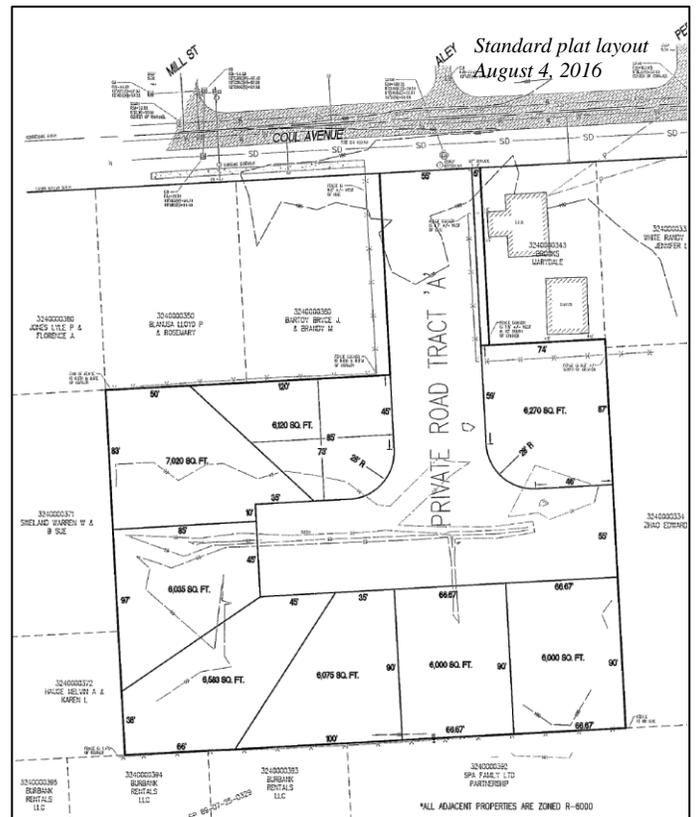
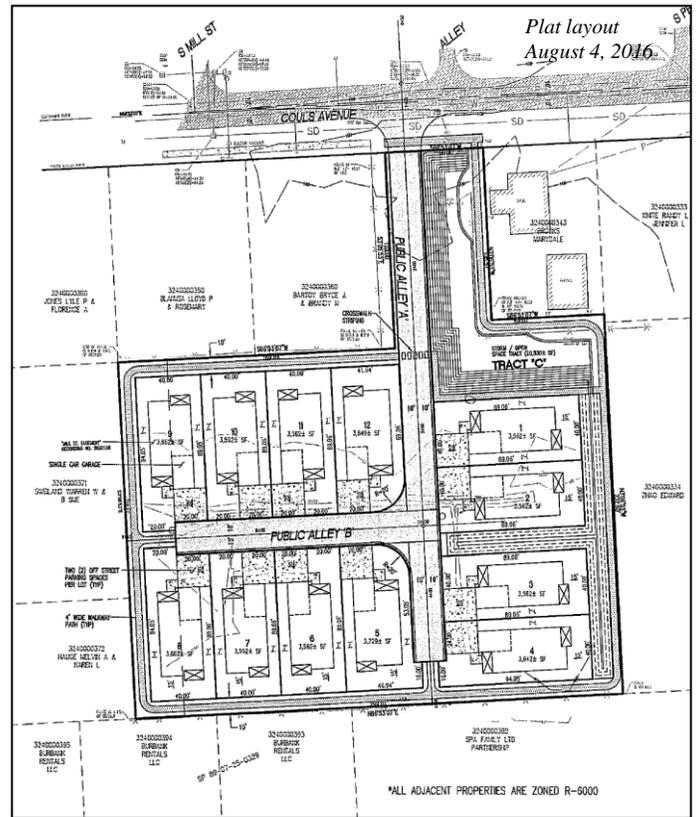
- c. A hydrant will be required within the lot, and 20 feet width of paving will be required for the driveway/public alley.
- d. Details of the proposal are as follows:
  - i. Twelve lots at about 3,606 sf in size.
  - ii. Single-story single family houses with one-car garages; the houses will be about 1,009 sf and also will contain a 260 sf garage and two porches of 78 sf each (156 sf total).
  - iii. A perimeter trail will be provided and total about 1,244 lineal feet (lf); the trail will be placed in easements five and 10 feet wide.

**5. Parcel History.**

- a. The parcel is Lot B of a boundary line adjustment (BLA) recorded under Auditor's File Number 200711075002.
- b. The lot includes half of the vacated Mill Street on the west property line, which was vacated under Ordinance 759.
- c. The parcel is oddly shaped with a 60 x 120 foot entry from Couls into a rectangle of about 218 x 300 feet.

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

1. Application was submitted January 13, 2016, and called incomplete February 9, 2016. Information was submitted May 9, 2016. A Notice of Application was issued June 1, 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 is not exempt from environmental review because the number of lots exceeded the exempted number of four lots.
3. A determination of non-significance (MDNS) was issued July 7, 2016, published in the legal newspaper, mailed to property owners within 300 feet of the site, and posted at city posting sites.
4. Public Hearing Notice and proposal description was published in the legal section of The Enumclaw Courier Herald, posted on city posting sites and mailed to all property owners within 300 feet of the site.



**C. Lot Characteristics.**

**1. Zoning and zoning of adjacent parcels.**

The 1.6854-acre lot is zoned R-6,000, and is surrounded by parcels zoned R-6,000, except that the property to the south is High Density Residential (HDR) zoning.

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

At 6,000 square feet (sf) for each resultant lot, the parcel could attain the following densities, given the lot size of 1.6854 acres, or 73,416 sf, and removing 30 percent for streets and utilities, with a resulting size of 51,391.22 sf:

Single family lots at 6,000 sf of lot for each dwelling unit (sf/du): 8.57

Duplex units or townhomes at 4,500 sf/du: 11.42

As a cottage housing project, a cluster can be up to 12 single family units. The CHD is like a combination of a single family and a multifamily development in that the lots may contain single family units but the lots may be small, and like for duplexes or multifamily development, the lots cannot contain future accessory dwelling units.

*\*Possible density is a simple arithmetic calculation; it doesn't include site constraints or utility/road requirements. The standard plat layout submitted August 4, 2016, shows eight units are possible.*

**3. Current Land Use and surrounding land uses.**

- a. The parcel is currently vacant and unimproved; it is designated as “vacant” on Pierce County’s Buildable Lands map.
- b. The parcel and neighboring parcels to the north, east, and west are zoned R-6,000.
- c. The parcels to the north and west are developed as single family residential lots.
- d. The parcel to the east is vacant.
- e. The parcels to the south are zoned high density residential and contain duplexes and four-plexes

**4. Comprehensive plan designation and surrounding designations.**

The parcel is designated as urban lower density; parcels to the north, east, and west share the same designation while the southern parcel is designated urban higher density.

**5. School District.**

- a. The parcel is in the White River School District, which requires no impact fees for schools and school grounds.
- b. The elementary and middle schools are to the north within the city limits, the high school is to the southwest outside city limits.
- c. Sidewalks are intermittent within the city and county area around the city.

**6. Terrain & Vegetation.**

- a. The parcel is flat and contains shrubs and grasses.



2014 aerial of vicinity

b. A wetland report was written in 2008 and states no wetlands exist.

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

The parcel is adjacent to Couls Avenue; at this location Couls Avenue is not designated on the Future Street Plan.

#### **D. Project Review.**

Cottage Housing developments are similar to planned unit developments in that the project can “bend” zoning rules of density and setbacks to provide benefit to the area, usually in the form of open space. The cottage housing rules are specified in the zoning regulations in BMC 19.24. In addition to the cottage housing rules, subdivision rules apply with some exceptions, particularly street dedication and widths. In place of a public street, the development may supply a private driveway, as if it were a multifamily development. Because the emphasis is on the cottage development, any differences between the subdivision rules and the cottage housing rules, where possible, the city will give preference to the cottage housing rules.

Cottage housing and 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, where the cottage housing regulations lie, are found in Title 19 and will be addressed in Section II of this report. All decisions in the city must comply with the comprehensive plan, which will be reviewed in Section III of this report.

During the SEPA process, 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.

During the hearing, the Applicant and the public have the opportunity to support or not support the application, the city’s analysis, or any condition placed by formally commenting on the particular issue to the hearing examiner at the public hearing.

The hearing examiner will then review the application, the code, and make a decision on 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 18.20, Standards and Policies
5. BMC 18.24, Plat Acceptance
6. BMC 19.20.010(1), General Requirements
7. BMC 19.20.020, R-6,000 Residential Zone
8. BMC 19.20, Classification of Zones.

9. BMC 19.24, Cottage Housing Development
10. Public Works Standards for Streets, Sidewalks, and Utilities.
11. 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.2 through 4 of this report.

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

1. See Section I.C.6 of this report.

### 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. *The remainder of this review will help determine if this purpose is met.*
2. Title 18 governs subdividing any property within the city. *This title is applicable to this project.*

### 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 no streets through or adjacent to this parcel. The area on the west side of the property is from vacated Mill Street (Ord. 759). The comprehensive plan will be reviewed in Section III of this report.*

#### 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. *The cottage development will provide small lots with small homes close together and a perimeter trail, which is planned to enhance the feeling of neighborhood and community within the cluster. The lot is within 2,000 feet of downtown services and within 1,000 feet of the Foothills Trail.*

#### 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 facilities other than public utilities and a public alley 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. *No public pedestrian*

*courses are proposed. No new right-of-way is required for Couls Avenue. A sidewalk shall be placed on the 60 feet adjacent to Couls Avenue that will connect with the private perimeter trail.*

**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 and shall be disclosed with the final plat application. Restrictive covenants shall include limitations required by the cottage housing code, BMC 19.24.*

**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.F.1 & II.F.2.*

**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; no critical areas are 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 public alley provides a "T" at each driveway. No secondary access is available.*

(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. *Cul-de-sacs are not practical on this site. The city is allowing T-turn-arounds in place of the cul-de-sac.*

(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. *Using the flexibility of the cottage housing regulations, alleys are to be used in place of streets.*

**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 Sections II.D.7 and II.F.2.)***

(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. ***Using the flexibility of the cottage housing regulations, alleys are to be used in place of streets.***

(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. ***The plat touches one public street, Couls Avenue, for a length of 60 feet.***

(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 insufficient for additional units; accessory dwelling units are not allowed in cottage housing developments.***

#### **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.***

(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. ***No natural or cultural features are known to exist on the site.***

#### **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. ***Lighting of frontage streets and public alleys within the plat shall be installed in accordance with the Development Guidelines and Public Works Standards.***

#### **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 on Couls prior to final plat approval.***

#### **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, Classification of Zones.**

a. BMC 19.20.010(1), General Requirement

This subsection gives specific requirements for single family residences; additional requirements are in Chapter 19.24 BMC.

b. BMC 19.20.020, R-6,000 Residential Zone

This section provides regulations for development in the R-6,000 zone.

i. Lot area is also addressed in Chapter 19.24 BMC.

ii. Lot coverage for the 1.7 acre lot (73,416 sf) would be as follows:

A. Residence	35 percent	25,690 sf
B. Residence and outbuildings	45 percent	33,037 sf
C. All impervious surfaces	60 percent	44,050 sf

*As proposed, a rough calculation for each house would be about 1,068, plus 200 sf that is allowed for a garage, plus 150 sf for porches plus a parking pad of 420 sf for a total of about 1,838 sf of impervious surfaces on each lot, for a total of 22,058 sf for the proposed 12 lots. The street will cover about 8,900 sf; the trail may cover about 6,220 sf, adding to the impervious surface coverage to equal 37,178, which is 6,872 sf below the 60 percent maximum for the existing lot.*

	<i>Lot area</i>	<i>Percentage calculation</i>
	<b>73,416 sf</b>	
<i>House (35%)</i>		25,690
<i>Accessory structures (45%)</i>		33,037
<b>Total impervious (60%)</b>		<b>44,050</b>
	<i>Proposed numbers</i>	<i>Total (times 12)</i>
<i>Proposed house size:</i>	1,069	12,825
<i>Proposed porches:</i>	150	1,794
<i>Proposed garages:</i>	200	2,400
<i>Parking pads:</i>	420	5,040
<b>Proposed impervious/lot:</b>	<b>1,838</b>	<b>22,058</b>
<i>Trail:</i>		6,220
<i>Alley:</i>		8,900
		<b>37,178</b>

iii. Lot dimensions for single family lots are to be as follows:

- A. Lot width: 45 feet
- B. Lot depth: 85 feet

*Lot dimensions are not specified in the cottage housing regulations; however, for a single family residence the width is to be 45 feet and for an attached unit the width is to be 29 feet. The proposal is for clustered development, which is a cross between attached units and non-attached units. The sum of the two numbers averaged was used to determine minimum lot width (37 feet). The lot width is proposed to be 40 feet.*

iv. Setbacks\* are to be as follows:

- A. Front: 15 feet
- B. Rear: 15 feet
- C. Side: 8 feet

D. Garage: 22 feet

\* *The cottage housing development regulations change these setbacks to seven feet (19.24.020(11.c)).*

- v. Parking: 2 spots per residence. The proposal contains one 1-car garage and a 20-by-20 foot parking pad/driveway (2 cars) for parking. *Each unit provides at least two parking spaces.*

## 2. BMC 19.24, Cottage Housing Development

### a. 19.24.010 Purpose.

The purpose of this chapter is to: (1) provide housing types that are responsive to changing household demographics (e.g., retirees, small families, single-parent households, single-person households, dual-owner households); (2) provide opportunities for more-affordable housing within single-family neighborhoods; (3) encourage creation of functional, usable open space in residential communities; (4) promote neighborhood interaction and safety through design; (5) ensure compatibility with neighboring uses; and (6) provide opportunities for infill development consistent with goals of the Growth Management Act. *The proposal is to provide small houses that can be used as “starter” or “finisher” homes; the small lots should provide more affordability; the proposal will dedicate a perimeter easement for a trail; the proposal’s plan is that neighbors will “meet and greet” in the back yards as people run or walk on the trail; all neighboring uses are residential; the proposal will fill in a vacant parcel at an increased density, which fulfills the goals of the GMA.*

### b. 19.24.020 Development standards.

CHDs shall be subject to the following development standards:

#### (1) Cottage Housing Development Size.

- (a) CHDs are not permitted on sites less than one acre in size (a site may be composed of more than one contiguous lot). *The parcel is 1.6854 acres.*
- (b) CHDs shall contain clusters consisting of a minimum of four dwelling units and a maximum of 12 units, unless otherwise permitted by this chapter. *Twelve lots are proposed. (Also see BMC 19.24.020(1.b) below.)*
- (c) A CHD may be integrated into a larger conventional subdivision as long as the grid pattern is maintained. *The proposal is a stand-alone project and not part of another subdivision or project. After construction, no vehicular connections to adjacent properties will be possible.*

#### (2) Locational Criteria. A CHD in any zone shall be separated from another CHD by a minimum of 300 feet measured between the closest points of the subject properties. This provision may be waived or modified in a residential cluster. *No other CHDs are in the city.*

#### (3) Calculation of Cottage and Carriage Units.

- (a) The following steps shall be utilized in the R-6,000 and R-8,000 zones to determine the number of units permitted on a given site: *The zone is R-6,000.*
- (i) The applicant shall submit a pro forma site plan showing the number of conventional dwelling units that would be permitted by the underlying zoning classification. *The applicant submitted a pro-forma plan on August 4, 2016, (see Page 2) showing eight possible lots.*
- (ii) The number calculated in subsection (3)(a)(i) of this section shall be multiplied by one and six-tenths. Fractional numbers of one-half or greater shall be rounded up. Fractional numbers less than one-half shall be rounded down. The resulting number is the number of dwelling units

- permitted on the site, subject to the maximum identified in subsection (1)(b) of this section. ***The density bonus calculation is 13 (8 x 1.6 = 12.8). (Also see Section II.F.2.b(1)(b) of this report.)***
- (b) In the HDR zone one dwelling unit is permitted for each 2,500 square feet of lot area, based on gross lot size. ***Not applicable.***
- (4) Unit Size.
- (a) Cottage unit floor area shall be between 800 and 1,200 square feet. ***Each cottage is formed by two offset rectangles. A line drawn around the exterior of the unit measures 57 x 26, or 1,482 sf. From this, the two porches (totaling 149.5 sf), the two offset areas (totaling 63.8 sf), and the garage (totaling 260 sf) are removed for a total of 1,008.7 sf. (Please note that this calculation uses actual sizes, the CHD code allows only 200 feet to be removed from this calculation.)***
- (b) Carriage unit living space floor area shall be between 800 and 950 square feet. ***No carriage units are proposed.***
- (c) Floor area is the area within the surrounding exterior walls, but excluding space where the floor to ceiling height is less than six feet. Floor area does not include covered porches. The planning director shall use appropriate discretion, consistent with the intent of this chapter, in determining area to be counted in the calculation of maximum square footage. ***No area within the unit will be less than six feet in height.***
- (5) Private Open Space. Each dwelling unit shall provide a minimum of 400 square feet of private front yard space. Examples include lawn area, courtyards and patios. No dimension of a private open space area used to satisfy the minimum square footage requirement shall be less than nine feet. ***For this proposal, the "front" is the area next to the trail, rather than next to the ally. Each lot is shown to have 15 feet between the house and the trail.***
- (6) Common Open Space.
- (a) A minimum of 250 square feet of common open space shall be provided per dwelling unit. ***A total of 12 x 250, or 3,000 sf of common open space is required; the trail is to be about five feet wide, about 1,244 feet long, and is within an easement five and 10 feet wide. Not counting the easement areas that are five feet wide, the common open space is about 9,590 sf. The narrow easements are adjacent to the storm system (see Page 2).***
- (b) Common open space within a CHD shall be a minimum of 3,000 square feet in size, regardless of number of dwelling units. ***See above.***
- (c) No dimension of a common open space area used to satisfy the minimum square footage requirement shall be less than 10 feet, unless part of a pathway or trail. ***The entire common open space area is part of the perimeter trail.***
- (d) In subdivisions and short subdivisions, common open space shall be located in a separate tract or tracts. ***Prior to final plat review, the open space tract shall be designated as a separate open space tract.***
- (e) Required common open space shall be divided into no more than two separate areas per cluster of dwelling units. ***The development contains one cluster and the open space is continuous.***
- (f) Common open space shall be improved for passive or active recreational use. Examples may include but are not limited to courtyards, orchards, landscaped picnic areas or gardens. Common open space shall include amenities such as seating, landscaping, trails, gazebos, barbecue facilities, covered shelters or

water features. Surface water management facilities that provide LID techniques and enhance the overall quality of the space may be located in common open space areas, upon review and acceptance by the planning director. ***The trail can be active or passive; no room is provided for open space amenities.***

(7) Site Design.

- (a) At least 75 percent of the units shall abut common open space. ***All units abut the open space.***
- (b) CHDs should be designed to fit seamlessly into a block on the grid pattern. The only allowed modification of the grid system is a 90-degree rotation of the alleyways to allow for vehicular access to the carriage units. ***A grid pattern is not possible given the vacation of Mill Street (please see Section I.A.5.b).***
- (c) Common open spaces shall have dwelling units abutting at least two sides. Siting of dwelling units or common open space in areas with slopes exceeding 15 percent is not encouraged. Dwelling units shall not be placed in such areas if extensive use of retaining walls is necessary to create building pads, or open space areas. ***The open space is linear in design as a perimeter trail. This allows only one project residence to be adjacent to the open space except on the corners, such as on Lots 5, 8, and 9, which have the trail adjacent on two sides. In developments shaped differently, this requirement may include open space areas that are centered between lots. On this lot, a central open space design that may have had residences on either side of it would have precluded one or more of access, density, or community development. The preference of the owner is to have a common open space that can be used by all residents to meet and greet the other owners in this community. The private open space is to be at the rear of the units (away from the alley) that the individual owners can cultivate or recreate with their neighbors.***
- (d) All carriage units must be alley-loaded and screened from view from other public right-of-ways. ***No carriage units are proposed.***
- (e) Common open space areas may not include lands that are designated as sensitive areas. ***The site contains no sensitive areas.***

(8) Design Standards.

- (a) Dwelling units shall have a minimum 4:12 roof pitch. Portions of a roof with a pitch less than 4:12 shall be limited to architectural features such as dormers, porch roofs and shed roofs. ***This shall be stated as a condition of approval. (Please see recommended condition A.1.g.)***
- (b) Each dwelling unit abutting a public right-of-way (not including alleys) shall have a primary entry and covered porch a minimum of 72 square feet in size, oriented towards the public right-of-way. If abutting more than one public right-of-way, the applicant, with city input, shall determine which right-of-way the entrance and covered porch shall be oriented towards. ***The proposal contains no unit that abuts a public right-of-way. Each unit contains two 13 x 6 foot covered porches (78 sf).***
- (c) Each dwelling unit abutting a public right-of-way (not including alleys) shall be a single-story dwelling unit. ***The parcel is not conducive to abutting a public right-of-way. The internal alley shall be dedicated to the city.***
- (d) Each dwelling unit shall have an entry and covered porch oriented towards the common open space. If subject to subsection (8)(b) of this section, this may be

a secondary entrance with covered porch, a minimum of 48 square feet in size. If not subject to subsection (8)(b) of this section, this shall be a primary entrance with covered porch, a minimum of 72 square feet in size. **Each porch is 78 sf in size. The porch facing the access drive will have a walkway to it and landscaping around it; the porch to the rear will have the private open space between the porch and the trail.**

- (e) Covered porches shall be a minimum of six feet deep. **Each porch is six feet deep.**
  - (f) Dwelling units shall not have the appearance of "tall, skinny houses." As a guideline, dwelling units should not appear to exceed a ratio of one to one (ridge height to width) as viewed from off site. **The units are single story.**
  - (g) Front doors of carriage units must front the common open space area. **No carriage units are proposed.**
  - (h) Cottage units shall not include attached garages unless the garage abuts an alley or shared parking lot. The first 200 square feet of attached garage space shall not be counted towards maximum dwelling unit size allowance for cottage units. **Each unit contains an attached garage; each unit abuts an alley to be dedicated to the city.**
  - (i) Detached garages and carports associated with individual dwelling units shall not exceed 500 square feet in size (detached garages or carports shall not count towards maximum unit size allowance). **Detached garages or carports are not proposed.**
- (9) Parking.
- (a) A minimum of two off-street parking spaces per unit shall be provided. **Three spaces are provided: one in the garage and two on the 20 x 20 foot parking pad outside the garage.**
  - (b) Parking spots shall be distributed throughout the site so that two parking spaces are conveniently located per dwelling unit. **Two are outside each unit.**
  - (c) Carriage units must have a two-car garage. **No carriage units are proposed.**
  - (d) No shared garage or carport may exceed 800 square feet in size. **No shared garages or carports are proposed.**
  - (e) Garages and carports shall have a minimum 4:12 roof pitch. **This shall be stated in the conditions of approval. (Please see recommended condition A.I.g.)**
  - (f) Garages and carports shall not be located between the common open space and the dwelling units. **Each garage is located away from the trail.**
  - (g) Surface parking lots shall be broken into sub-lots of no more than four parking spaces. Sub-lots shall be separated by landscaped bulb-outs a minimum of 12 feet in width. **The individual parking pads are connected by a lot line and can contain up to four vehicles.**
  - (h) Parking in the form of garages, carports or surface lots may occupy no more than 40 percent of site frontage on a public right-of-way, except in the case of an alley, in which case no restriction applies. **All units face an alley.**
  - (i) Surface parking lots shall be set back 15 feet from front property lines and 10 feet from external side and rear property lines. **The parking pads are not for common use.**
  - (j) Surface parking lots of more than two spaces, visible from a public right-of-way (not including alleys) or adjacent single-family uses or zones, shall be

- screened by landscaping and/or architectural features. ***It is unlikely that any unit will be visible from Couls Avenue.***
- (10)Height. Cottage units shall not exceed 18 feet in height. Carriage units shall not exceed 26 feet in height. ***The units are single story. This shall be a condition of approval.***
- (11)Setbacks and Building Separation.
- (a) Nondwelling structures shall have a minimum setback from the public street of 10 feet. ***No non-dwelling structures other than drainage facilities are proposed.***
- (b) Structures within the CHD shall have a minimum separation of 10 feet from each other. Where more than one detached dwelling unit is located on an individual lot the detached dwelling units must maintain a minimum of 14 feet setback from one another. ***The individual units are 14 feet from one another on individual lots.***
- (c) Structures shall be set back from their property lines on all sides a minimum of seven feet. ***Each unit is a minimum of seven feet from each property line.***
- (12)Lot Coverage. Lot coverage in CHDs shall not exceed 60 percent of gross site area. Lot coverage shall be calculated for the overall CHD, not for individual lots. ***The gross lot coverage is 44,050 sf for all impervious surfaces; the lot coverage for the proposal, not counting the storm water facility, is less than this amount. Also see Section II.F.1.b.ii.***
- (13)Common Area Maintenance. CHDs shall be required to implement a mechanism, acceptable to the planning director, to ensure the continued care and maintenance of CHD common areas. A typical example would be creation of a homeowners' association with authority and funding necessary to maintain the common areas. ***A homeowners association and covenants, conditions, and restrictions, shall be submitted with the final plat application.***
- (14)General Provisions.
- (a) CHDs in the R-6,000 and R-8,000 zones are permitted as subdivisions, short subdivisions, and cluster or townhome developments. CHDs in the HDR zone are permitted as subdivisions, short subdivisions, townhome developments or multifamily developments. ***The subject zone is R-6,000; a subdivision was requested.***
- (b) A community building, not exceeding 2,000 square feet, may be provided for the residents of the CHD. Roof pitch, architecture, materials and colors shall be similar to that of the dwelling units within the CHD. ***No community building is proposed.***
- (c) An existing single-family home incorporated into a CHD that does not meet the requirements of this chapter is permitted to remain on a site developed for cottage housing. Modifications or additions to the structure not consistent with the provisions of this chapter shall not be permitted. ***The subject lot is vacant.***
- (d) Accessory dwelling units are not permitted in CHDs. ***This shall be stated on the final plat. (Please see recommended condition A.3.c.)***

**c. 19.24.030 Modifications.**

Applicants may request modifications to the open space, site design, design standards, setbacks and parking provisions of this chapter. The planning director may modify the above-referenced provisions of this chapter if all of the following apply:

- (1) The site is constrained due to unusual shape, topography, easements or critical areas. *The site is an unusual shape, with a 60-foot swath of land as its only connection to a public street.*
- (2) The modification is consistent with the purpose of the chapter as stated in BMC 19.24.010. *No modification was specifically requested; however, the proposal is consistent with the purpose of the chapter.*
- (3) The modification will not result in a project that is less compatible with neighboring land uses. *No modification was specifically requested; however, the proposal is consistent with the purpose of the chapter.*

**d. 19.24.040 Procedure for approval.**

Applications for a cottage housing development will be processed as a Type C-2 application, as described in BMC 20.01.100. *The Type C-2 process is being followed.*

**G. 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 a perimeter trail.*
    - drainage ways, streets or roads, alleys, other public ways, *A drainage pond is proposed and was accepted by the city engineer; the alley is adequately situated, future extensions are not possible; no public ways except the trail and sidewalks on Couls Avenue 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 December 1, 2015; A sewer availability letter is pending.*
    - parks and recreation, playgrounds, *Only the trail is proposed. Miller Park will be developed to the east of the property at some point in the future and the Foothills Trail is within 1,000 feet of the property.*
    - 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 *Sidewalks within the city are intermittent. (Also see Section I.C.5.)*
- (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 alley 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, Goals & Policies.

1. **Policy 1.1.1** Buckley should preserve its small town character through the following:
  - a. Concentrate retail development near the historic downtown center of the city and near the SR 410 corridor. *The proposal is residential.*
  - b. Integrate additional density in the residential zones in a manner that protects the single family areas from commercial encroachment. *The proposal is single family residential with added density to incorporate smaller house sizes and smaller lot sizes in a community of its own.*
  - c. Focus commercial development outward from the existing commercial zones. *Not applicable.*
  - d. Focus pedestrian and bicycling trails and sidewalks between commercial and residential developments to encourage non-motorized access. *The development will include a pedestrian trail between the developed lots and the property boundaries.*
  - e. Encourage mixed use developments in commercial zones. *Commercial uses are not allowed in this zone, except for home occupations.*
2. **Policy 1.2.1** Develop approaches that allow clustered development to:
  - a. Preserve sensitive (critical) natural features and to provide flexibility to the property owner; *No critical areas are on the site.*
  - b. Maintain view opportunities; and *View opportunities are toward the southeast and may or may not be available to the development. The single story buildings should not impede any existing views from neighboring properties.*
  - c. Preserve contiguous portions of development sites in permanent open space. *The proposed trail will be a tract in the plat for continual use by the residents.*

3. **Policy 1.4.6** The city should work with private or nonprofit organizations that aid low- and moderate-income families. *Cottage housing developments allow increased density in exchange for smaller units, smaller lots, and open space. The type of development may minimize impacts on adjacent residential areas and offer its owners a quality living experience that may be less expensive than traditional single family housing. The clustered arrangement with the walking trail touching each lot may contribute to a sense of community.*
4. **Goal 1.5** *Housing types should be mixed and meet the needs of all segments of the population.* Cottage housing within the city can be considered a different housing type from the city's other housing stock.
5. **Policy 1.5.2** Development in the city should promote livability through the following:
  - a. Developers should provide connections to pedestrian trails and/or sidewalks; *The proposal is to provide a perimeter trail.*
  - b. Development should be designed in such a way to recognize the city's history or design standards; and *Design standards are written into the cottage housing regulations (see section II.F).*
  - c. Development should limit stress factors such as noise, traffic, and damage to existing ecology. *The proposal may limit stress factors by limiting the width of the alley, providing a perimeter trail that encourages community interaction as owners use the trail, and the garage is between the main living units and the alley, which may limit noise in the home.*
6. **Policy 1.5.5** Flexibility in development regulations should be provided to allow for clustered housing developments. This could be through planned unit developments, clustered housing developments, cottage housing, or adding flexible lot sizes in the subdivision regulations. *The proposal is for a clustered housing development.*
7. **Policy 1.5.7** Encourage more efficient use of the land where services exist, through such devices as flexible lot sizes and reduced setbacks through a planned unit development. *Services exist on this parcel for the proposed clustered development.*
8. **Policy 1.7.1** The city should require vehicular and non-motorized connections between adjacent developments through dedications of land and easements. *Connections to adjacent properties are not possible.*
9. **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 proposal is for 12 units that contains a perimeter trail for recreational use. The development is also three blocks from the Foothills Trail.*
10. **Policy 1.9.2** Zoning densities should recognize existing utility locations, with higher densities closest to existing mains and lowest densities in areas away from existing facilities. When new utility services are installed, the city should reexamine the zoning to see if a higher density is warranted. *The parcel is located in the R-6,000 zone, north of the high density zone. Utilities to serve the higher densities to the south are available for this parcel.*
11. **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. *Water, sewer, streets, and all other utilities necessary for the development of a home shall be in place at the time of final plat approval.*

12. **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 City Engineer states that the development, as approved with conditions, will not result in a reduction in the LOS standard for public facilities.*

## **B. HOUSING ELEMENT GOALS AND POLICIES**

1. **Goal 2.1** *Preserve Buckley's existing housing character through integration of new development and redevelopment with the city's historic, small-town character.* The existing character includes porches and pitched roofs. This proposal will provide both.
2. **Policy 2.2.3** Through the subdivision process, allow flexible lot sizes to decrease costs of installing utility lines and pavement by decreasing the required utility line and street lengths, and increasing the amount of open space. *The proposal is to create smaller lots in a clustered environment, which may achieve this policy.*
3. **Goal 2.4** *Encourage pedestrian, bike, healthy food choices, gathering places, and auto connections within and between neighborhoods, schools, parks, and commercial areas, as described in Element 5.* The proposal will provide a trail throughout the development that will encourage connections between neighbors.
4. **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. *The development will provide no connection to adjacent private properties, and will provide a sidewalk along Couls.*
5. **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 currently shown as "vacant" on the county's buildable lands map.
6. **Policy 2.5.1** Consider increasing zoning density (exclusive of accessory dwelling units) served by city utilities and on lands identified as vacant or underused in the county's buildable lands program. *The parcel is zoned R-6,000 with a density of about 7.26 units per acre (which may be considered doubled if accessory housing units are calculated). Through the cottage housing process, the density is increased to about 12.08 units an acre.*

## **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 proposal will provide public alleyways for vehicular access and a pedestrian trail for exercise and neighborhood interaction. Porches are proposed that will face the alley and the trail. Open space will be provided along the front and the back of each lot. A sidewalk will be constructed within the Couls Avenue right-of-way.*

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

1. **Policy 4.4.2** Ensure that all new development provides adequate pedestrian and bicycle infrastructure, such as sidewalks, crosswalks, bike paths, and bike racks. *The proposal will provide a perimeter trail, a sidewalk along Couls Avenue, and each unit may provide space for bicycle parking under its porch. A crosswalk is shown on the plans to connect the trail across the alley between Tract C and the north property line of Lot 12.*

2. **Goal 4.5** *New development in the city of Buckley should strengthen the small town character and foster community interaction.* The proposal should foster neighborhood interaction as residents use the trail.
3. **Policy 4.5.1** Use Building design that relates to the street through design elements such as building setbacks and front porches. *The development is using the trail as the main access for design as if it were the street for this policy. Vehicular access will be from the alley and it will have a primary entry and a covered porch. The “secondary” access will be toward the trail, and it is intended that this be the primary access for residents and neighbors.*
4. **Policy 4.5.4** Where dead ends exist, encourage pedestrian paths and “cut throughs.” *The alley will provide dead ends; no “cut throughs” to neighboring residential lands is proposed at this time.*

**E. Element 5, Transportation goals and policies. (2005 COMP PLAN)**

1. **POLICY 6.1.1** SIDEWALK SAFETY SHALL BE ENHANCED BY INCORPORATING LIGHTING, SIGNAGE, AND CONNECTIVITY STANDARDS INTO SIDEWALK DESIGN GUIDELINES AND BY ENSURING REPAIRS ARE ADDRESSED IN A TIMELY MANNER. PAVING TREATMENTS MAKE CROSSWALKS MORE VISIBLE ENHANCING SAFETY FOR PEDESTRIANS. *The alleyway shall provide adequate lighting in accordance with Development Guidelines and Public Works Standards.*
2. **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. *The City Engineer states that the development, as approved with conditions, will not result in a reduction of Transportation LOS Standards.*
3. **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 proposal is to provide public alleys with 20 feet of pavement width, instead of local access streets with 34 feet of pavement width, as included in the Public Works Standards. The reduced pavement width is intended to reduce ecological impact associated with areas of pollution-generating impervious surface, increase neighborhood feel, and increase residential unit density that is allowed under the cottage housing regulations. The proposal is consistent with the goals and policies of the transportation element.*
3. **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 DMAPPROPRIATELY LOCATED IN CLOSE PROXIMITY TO INDUSTRIAL LAND USES THAN ADJACENT TO RESIDENTIAL NEIGHBORHOODS. *The size and function of the alley is appropriate to the proposal.*

**F. Element 6, Parks & Recreation Goals and Policies.**

1. **Goal 6.3, Park trails and connections.** *Trails should link recreation areas, neighborhoods, schools, commercial areas, civic areas, historical areas, and other destinations and serve all citizens.* The sidewalk will link to future sidewalks and these sidewalks will lead to the Miller Park to the east and the Foothills Trail to the west.
2. **Policy 6.4.4** Stormwater conveyance systems should be created in attractive, non-geometric shapes in park areas. ***The stormwater facility is located on the northwest corner of the development, adjacent to Couls Avenue to the north. The pond is shaped as an “L” and includes a “T” shaped swale area behind the lots on the east side of the plat, adjacent to the trail.***

**G. ELEMENT 7, CAPITAL FACILITIES (2005 COMP PLAN)**

This element contains no applicable goals or policies for this application.

**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.** *A water availability letter was approved.*

**IV. CONCLUSIONS & STAFF RECOMMENDATION.**

**Based upon a review of facts, findings, submitted application, site plan and on-site inspection staff determined that granting conditioned approval would be consistent with the review criteria and recommends that the hearing examiner approve the application. Recommended conditions follow:**

**A. General conditions.**

1. At the time of building permit application, the plans shall show the following:
  - a. No unit shall contain an accessory dwelling unit.
  - b. Setbacks shall be seven feet from property lines.
  - c. Each unit shall have no fewer than two parking spaces.
  - d. Each site plan shall show a covered porch into the unit from the open space trail.
  - e. Each porch shall be no less than six feet deep.
  - f. Each site plan shall show the location of the 400 sf of private front yard space (19.24.020(5)).
  - g. Dwelling units and garages shall have a minimum 4:12 roof pitch (19.24.020(8.a, 9.c)). Portions of a roof with a pitch less than 4:12 shall be limited to architectural features such as dormers, porch roofs and shed roofs.
  - h. Building height shall not exceed 18 feet. Building height shall be measured in accordance with the building code from finished grade to the average pitch height.
  - i. The floorplan for each unit shall contain a floor area between 800 and 1,200 square feet, not including the first 200 sf of an attached garage or areas in the unit that are less than six feet in height.
2. Restrictive covenants shall be submitted with the final plat application and include the following:
  - a. The CC&Rs shall include a plan for maintenance of the common open space.
  - b. Any other limitation required by BMC 19.24.

3. The final plat shall state on its face the following:
  - a. The alley is a public alley.
  - b. The general conditions 1.a through 1.h.
  - c. No accessory dwelling unit is permitted in this development.

#### B. ENGINEER'S CONDITIONS

1. Drawings required for this project shall include, but not 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.
  - A. Civil Construction Plans (street, stormwater, water, sewer, gas, etc.).
  - B. Street Lighting Plans and photometric calculations. Lighting should 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.
  - 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 will be required for all trees located in planter strips. The submitted Landscape Planting Plan appears to be sufficient for purposes of Preliminary Plat approval and will be reviewed for compliance with City Standards during construction review. The City should determine applicability of any vegetative buffers (i.e. Parking Lot Canopy Buffer, BMC 19.29.060(4)) and if a landscape strip with street trees will be required as part of frontage improvements on Couls Avenue.
  - 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. A Road Condition Assessment shall be made for the local access roads included under the Haul Route Plan. The roads are anticipated to include Division Street and Couls Avenue. The Assessment shall consist of a pre-construction and post-construction condition evaluation. The Applicant shall compensate the City with a contribution toward a road rehabilitation and asphalt overlay project. The contribution shall be commiserate with the construction impacts to the roads, as approved by the City Engineer and City Administrator.
  - F. A Temporary Erosion and Sediment Control (TESC) Plan will be required as part of the construction plans for this project.
  - G. 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. A "No Outlet" sign should be provided.
  - H. Turning movement exhibits shall be provided to allow the city to determine the feasibility of the site layout. The exhibits shall demonstrate that the city Fire Department's large apparatus can navigate the site, which includes in and out of the site accesses and accessibility to fire appurtenances. The design vehicle used shall be identified.
2. 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 should be provided to demonstrate compliance.

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 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.
4. 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.
5. Any proposed signs shall comply with BMC 19.30 Sign Code. The proposed location should be shown and labeled on the 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.
6. The proposed trash and recycle enclosure locations shall be identified.
7. A geotechnical report with recommendations for the proposed development should be provided during construction plan review.
8. A City right-of-way permit, including applicable bonding requirements, will be required for any proposed construction within the existing Couls Avenue right-of-way.
9. 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.
10. 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.
11. The proposed development shall be provided with drainage improvements which are sufficient to preclude free flow of surface runoff onto adjacent properties.

#### SEWER

12. The Plans shall demonstrate compliance with the city Sanitary Sewer Standards Section 6.
13. Computations and other data used for design of the sewer system shall be submitted to the city for review and approval.

#### WATER

14. In order to provide water service for the proposed development, a looped water system will be required. A new 8-inch water main shall be connected to the existing 8-inch water mains on Couls Avenue with the water service connections to serve the building lots made off of the new looped 8-inch water main.
15. Per City Water Standards, fire hydrants are required every 600 feet in residential areas. A minimum of 1 onsite fire hydrant will be required. Spacing and locations shall be provided as determined by the city Fire Department.

#### GAS

16. 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.

**V. 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