



BUCKLEY CITY COUNCIL AGENDA

Tuesday, September 24, 2024, at 6:00 P.M.

Multi-Purpose Center, 811 Main Street

Next Ordinance #10-24, Next Resolution #24-08, Next Agenda Bill #24-047

Or Via Zoom:

<https://us02web.zoom.us/j/83366597529?pwd=N2hMTmh5eEZ4TGpJd2dpbFp0cnkvdz09>

Call-in Number: 253-215-8782

Meeting ID: 833 6659 7529 Meeting Passcode: 863441

A. CALL TO ORDER

1. Pledge of Allegiance
2. Roll call
3. Agenda Modifications
4. Announcements, Appointments and Presentations

B. PUBLIC COMMENTS - *Time Limit of Three Minutes* (Citizens wishing to speak are Encouraged to sign up at City Hall by Wednesday prior to the Council Meeting)

C. COMMITTEE REPORTS

- | | |
|--|----------|
| 1. Mayor's Report | Burkett |
| 2. Development Services Utilities & Transportation | Arsanto |
| 3. Parks & Community Services | Anderson |
| 4. Council Member Comments & Good of the Order | |

D. CONSENT AGENDA

- a. Approve minutes of April 2, 2024, City Council Study Session
- b. Claims and Payroll

E. REGULAR AGENDA

1. ORDINANCES

- a. ORD No. ____-24: Essential Public Facilities
- b. ORD No. ____-24: Clean Air Parks

F. STAFF REPORTS

1. City Administrator Update
 - a. Review options for the no-camping in public places Ordinance

G. PUBLIC COMMENTS - *Time Limit of Three Minutes*

B. PUBLIC COMMENTS

C. COMMITTEE REPORTS

D. CONSENT AGENDA

**CITY COUNCIL
STUDY SESSION
April 2, 2024**

ATTENDEES: Council members Arsanto, Smith, Bergerson, Anderson, Green, Burbank and Bender.

Also in attendance were Mayor Burkett, City Administrator Brunell, Public Works Director Banks, Fire Chief Skogen and Deputy City Clerk Clark.

Mayor Pro Tem Smith called the regularly scheduled meeting to order at 6:00 PM.

EMS Levy:

City Administrator Brunell and Finance Director Hines prepared a memo and resolution for Council to review with a tool that would generate additional resources to maintain existing service levels, such as a property tax levy lid lift for the current EMS levy. City Administrator Brunell took the time to walk Council through the three different options that has been provided.

Council discussed and agreed they would like this to have the resolution brought forward to a City Council meeting and likes the flat rate option. All Council members agreed as long as this is not going to be passed on to Senior Citizens that are on limited income. Ms. Brunell gave RCW 84.36.38 that would exempt senior citizens and citizens with disabilities that would qualify.

Reserve Policy Draft:

City Administrator Brunell shared that she thinks the city is in a very fortunate position to have a cumulative reserve fund and that the city does not have a lot of debt which is a bonus. The contingency reserve is for unexpected costs such as an emergency that the city did not anticipate at the time of budget and set aside. To move the funds will require a majority vote from Council and whatever amount is approved could be transferred from the cumulative fund to another fund.

The city is currently experiencing a budget shortfall and imbalance in the general fund, which could cause a need for a portion of the cumulative reserve fund. Over the last two years Council has discussed using the cumulative reserve fund for such projects as: expanding city hall, building a splash park, hiring an additional firefighter, hiring a police officer and developing Miller Park. Considerations for Council are with the current deficit. The city will need an additional firefighter and police officer, and the general fund is below the recommended standard.

Council discussed how they will want to use the reserve fund to balance the budget, reestablish general fund or hire additional public safety officers. Council will discuss this further.

Mayor Pro Tem Smith adjourned the City Council Study Session to go into Executive Session at 6:53 PM for approximately 10 minutes to discuss pending litigation. At 7:03, PM Mayor Pro Tem Smith requested 10 more minutes. At 7:13, PM Mayor Pro Tem Smith requested 10 more minutes. At 7:23, PM Mayor Pro Tem Smith requested 10 more minutes.

Council returned from Executive Session and reconvened the City Council Study Session at 7:32 PM

With nothing further, the Study Session was adjourned at 7:35 PM.

City Administrator

Mayor

Prepared by: Jessica Clark, Deputy City Clerk

CITY OF BUCKLEY			
Payroll and Claims/Treasurer Checks - August 2024			
September 10, 2024 Council Meeting			
FUND #	FUND NAME	AMOUNT	ITEM
001	General Fund	\$ 455,383.16	Payroll
		\$ 180,020.03	Claims/Treasurer Checks
003	GF Cumulative Reserve		Claims/Treasurer Checks
004	Cemetery		Claims/Treasurer Checks
007	Police Equip. Maintenance Reserve		Payroll
		\$ 53,681.29	Claims/Treasurer Checks
008	Railroad ROW	\$ 2,606.84	Payroll
			Claims/Treasurer Checks
030	Fire Equipment & EMS Reserve	\$ -	Claims/Treasurer Checks
035	Park Construction	\$ 1,867.34	Claims/Treasurer Checks
101	Street Operations	\$ 7,015.53	Payroll
		\$ 41,073.46	Claims/Treasurer Checks
102	Street Capital Improvement	\$ 33,254.43	Claims/Treasurer Checks
103	Transportation Benefit District		Claims/Treasurer Checks
105	EMS	\$ 38,957.30	Payroll
		\$ 23,043.41	Claims/Treasurer Checks
109	Criminal Justice		Payroll
			Claims/Treasurer Checks
134	Fire Dept Facility Maint & Cap Imp	\$ 736.60	Claims/Treasurer Checks
136	Visitor Promotion	\$ 418.25	Claims/Treasurer Checks
202	Fire Station Construction Bond		Claims/Treasurer Checks
307	Capital Improvement	\$ 14,563.87	Claims/Treasurer Checks
308	Comp Plan Capital Improvements		Payroll
			Claims/Treasurer Checks
401	Natural Gas Operations	\$ 42.20	Claims/Treasurer Checks
402	Water Sewer Operations	\$ 121,533.85	Payroll
		\$ 83,513.49	Claims/Treasurer Checks
403	Solid Waste	\$ 188.46	Claims/Treasurer Checks

FUND #	FUND NAME	AMOUNT	ITEM
405	Sewer Construction	\$ 18,402.56	Claims/Treasurer Checks
406	Water Construction	\$ 122,747.29	Claims/Treasurer Checks
407	Storm Drain Operation & Maint	\$ 30,860.85	Payroll
		\$ 23,948.78	Claims/Treasurer Checks
408	Stormwater Construction	\$ 25,509.36	Claims/Treasurer Checks
430	Utility Equipment Reserve		Claims/Treasurer Checks
631	Municipal Court Trust		Claims/Treasurer Checks
632	Custodial Activities	\$ 8,361.62	Claims/Treasurer Checks
	Total Payroll	\$ 656,357.53	
	Total Claims & Treasurer Checks	\$ 631,372.44	
	Date Approved by Council -		Finance Director, Sandi Hines
Payroll =	July- mid-month draw & end of month		
Claims =	July - all batches		

E. REGULAR AGENDA



CITY COUNCIL AGENDA BILL

City of Buckley
PO Box 1960
Buckley, WA 98321

ITEM INFORMATION			
SUBJECT:	Agenda Date: September 24, 2024		AB24-047
ORD No. ___-24: Adopting Essential Public Facilities Ordinance	Department/Committee/Individual	Created	Reviewed
	Mayor		X
	City Administrator	X	
	City Attorney		X
	City Engineer		
	City Clerk		X
	Finance Dept		
	Building Official		
	Fire Dept		
Cost Impact: NA	Parks & Recreation		
Fund Source: NA	Building & Planning		X
Timeline: 2024	Police Dept		
	Municipal Court		
	PW/Utilities		X
Staff Contact: City Administrator, Courtney Brunell and Senior Planner, Chris Farnsworth			
Attachments: Essential Public Facilities Ordinance, Department of Commerce Acknowledgement Letter and Memo			
SUMMARY STATEMENT: The proposed code amendment for the siting and regulation of essential public facilities (EPFs) in the City of Buckley. The amendment is designed to comply with the Washington State Growth Management Act (GMA) and align with the Buckley Comprehensive Plan. The goal is to ensure the orderly growth and delivery of public services while mitigating adverse community impacts.			
COMMITTEE REVIEW AND RECOMMENDATION: Planning Commission Recommendation			
RECOMMENDED ACTION: Move to Approve Ordinance No. 10-24 Adopting Essential Public Facilities Ordinance.			
RECORD OF COUNCIL ACTION			
Meeting Date	Action	Vote	



City of Buckley Municipal Code Amendment Staff Report

To: Mayor Beau Burkett, City Council, Planning Commission.

From: Planning Department Staff.

Subject: Recommendation for a Municipal Code Text Amendment for the siting of Essential Public Facilities.

Council Meeting Date: TBD

Hearing Date: September 9, 2024.

Proposal Description: Adoption of BMC 19.37 which governs the siting of essential public facilities.

(SEPA) Threshold Determination: SEPA DNS issued 5/15/2024.

Recommendations Included: Adoption of BMC Title 19.37 Essential Public Facilities.

Attachments:

1. Department of Commerce Acknowledgement Letter
2. Department of Natural Resources Comment
3. Memo to City Council 6/4/2024
4. Essential Public Facilities Ordinance

Planning Commission Recommendation to City Council: Adoption of the Essential Public Facilities Ordinance.

Signed:



Mel Garland
Planning Commission Chair

9/9/2024

Date

Municipal Code Amendment Overview

I. Code Amendment Overview

- Please see Exhibit 3.

II. Resulting Code Text Changes

- The proposed code amendment ensures the orderly and efficient siting of Essential Public Facilities while addressing community concerns and complying with state regulations. It also recognizes Buckley's unique situation regarding state owned properties, ensuring that the City has a role in future planning of essential public facilities.

III. Comprehensive Plan

- The proposed code amendment is consistent with Buckley's Comprehensive Plan. Essential Public Facilities are currently present in Buckley and the new ordinance will ensure that Buckley has active participation in the siting and development of the essential public facilities located in Buckley.

IV. June 4, 2024 Council Study Session

- At the June 4, 2024 City Council study session, City Council received a memo providing an overview of the Essential Public Facilities Ordinance (Ex.3)

V. Title 20 Process

- Code amendments such as this are a C-1 process under BMC which requires a recommendation by staff, an open record public hearing with the Planning Commission, and a final decision by the City Council.

VI. Public Notices

- A notice of public hearing was published on August 21, 2024. Additionally, a 60-day notice was sent to the Washington State Department of Commerce on May 15, 2024.

VII. Public Comments

- One comment was received from the Department of Natural Resources (Ex. 1).

VIII. State Environmental Policy Act (SEPA)

- A SEPA Determination of Non-Significance (DNS) was issued on May 15, 2024.

RECOMMENDATION

I. Staff Recommendation

- Staff recommends adopting the Essential Public Facilities code amendment.



STATE OF WASHINGTON
DEPARTMENT OF COMMERCE
1011 Plum Street SE • PO Box 42525 • Olympia, Washington 98504-2525 • (360) 725-4000
www.commerce.wa.gov

05/15/2024

Mr. Chris Farnsworth
Senior Planner
City of Buckley
933 Main Street
Post Office Box 1960
Buckley, WA 98321

Sent Via Electronic Mail

Re: City of Buckley--2024-S-7072--60-day Notice of Intent to Adopt Amendment

Dear Mr. Farnsworth:

Thank you for sending the Washington State Department of Commerce (Commerce) the 60-day Notice of Intent to Adopt Amendment as required under [RCW 36.70A.106](#). We received your submittal with the following description.

Proposed ordinance for the siting of essential public facilities.

We received your submittal on 05/15/2024 and processed it with the Submittal ID 2024-S-7072. Please keep this letter as documentation that you have met this procedural requirement. Your 60-day notice period ends on 07/14/2024.

We have forwarded a copy of this notice to other state agencies for comment.

Please remember to submit the final adopted amendment to Commerce within ten days of adoption.

If you have any questions, please contact Growth Management Services at reviewteam@commerce.wa.gov, or call Eric Guida, (360) 725-3044.

Sincerely,

Review Team
Growth Management Services

Exhibit 2

Chris Farnsworth

From: Sears, Tricia (DNR) <Tricia.Sears@dnr.wa.gov>
Sent: Thursday, May 16, 2024 9:06 AM
To: Chris Farnsworth
Cc: Sears, Tricia (DNR); Guida, Eric (COM)
Subject: Buckley's proposed ordinance for the siting of essential public facilities: WGS comments

Follow Up Flag: Follow up
Flag Status: Flagged

[NOTICE: This message originated outside of the City of Buckley mail system -- **DO NOT CLICK** on links or open attachments unless you are sure the content is safe.]

5/16/24

Hello Chris,

In keeping with the interagency correspondence principles, I am providing you with comments on the proposed changes to Buckley's proposed ordinance for the siting of essential public facilities (Commerce ID# 2024-S-7072).

For this proposal submitted via Planview, I looked at the proposal and focused on areas related to WGS work. Of note, but not limited to, I look for language around the geologically hazardous areas, mineral resource lands, mining climate change, and natural hazards mitigation plans.

Specifically in this proposal, I reviewed Buckley's Chapter 19.37 Essential Public Facilities. There is a mention of critical areas under 19.37.030 General Provisions. There is no mention of mineral resource lands.

WGS has no specific recommended changes to this proposal. However, please consider the items below that could be useful in your comprehensive plan update and in other planning related endeavors.

Recognizing the limitations of the current proposals, I want to mention that it would be great for you to consider these in future work, be it in your comprehensive plan, development code, and SMP updates, and in your work in general:

- Consider adding a reference to WAC 365-190-120 geologically hazardous areas for definitions. In addition, consider adding a reference to WAC 365-196-480 for natural resource lands.
- Consider adding a reference to the WGS Geologic Information Portal. If you have not checked our interactive database, the WGS Geologic Information Portal, lately, you may wish to do so. [Geologic Information Portal | WA - DNR](#)
- If you have not checked out our Geologic Planning page, you may wish to do so. [Geologic Planning | WA - DNR](#)

Thank you for considering our comments. If you have any questions or need additional information, please contact me. For your convenience, if there are no concerns or follow-up discussion, you may consider these comments to be final as of the 60-day comment deadline of 7/19/24.

Cheerio,
Tricia

Tricia R. Sears (she/her/hers)
Geologic Planning Liaison



TO: Mayor and City Councilmembers
FROM: Courtney Brunell, City Administrator
DATE: June 4, 2024
SUBJECT: Essential Public Facilities

Purpose: This memo provides an overview of the proposed code amendment for the siting and regulation of essential public facilities (EPFs) in the City of Buckley. The amendment is designed to comply with the Washington State Growth Management Act (GMA) and align with the Buckley Comprehensive Plan. The goal is to ensure the orderly growth and delivery of public services while mitigating adverse community impacts.

Discussion: The proposed amendment aims to establish a formal process for identifying, siting, and regulating EPFs within Buckley, ensuring compliance with state laws and minimizing adverse impacts. This will facilitate the timely and appropriate siting of such facilities while respecting community concerns.

Buckley is unique in having a significant amount of state-owned property within our city limits. To ensure that the City has a role in the plans for these properties, the proposed amendment includes language requiring a master planning process. This process will allow the City to actively participate in the planning and development of state-owned properties, ensuring that such developments align with Buckley's community goals and standards.

Below is a summary of the Proposed Code Amendments:

Applicability: The amendment applies to all existing and new EPFs, with specific exemptions:

1. **Additions:** Additions to existing EPFs within current property boundaries, exempt under the Washington State Environmental Policy Act.
2. **Secure Community Transition Facilities:** Exempt under RCW 71.09.342. Exempt under RCW 71.09.342, these are facilities designed to provide a secure environment for individuals transitioning from total confinement under civil commitment due to sexual offenses to a less restrictive alternative. The exemption ensures that the siting and operation of such facilities are not precluded by local regulations, reflecting the state's interest in managing and

rehabilitating these individuals safely. Such facilities must be located at least 500' from a school or childcare facility and would require public notification separate from this proposed process.

3. **Preempted Facilities:** EPFs for which city regulatory authority is preempted by state or federal law.

General Provisions

EPFs must comply with all relevant provisions of the Buckley Municipal Code, including design, landscaping, parking, signage, and critical areas regulations.

Inventory of Existing Buckley Essential Public Facilities

1. **Rainier State School**
2. **City of Buckley Municipal Facilities:**
 - Wastewater Treatment Plant
 - Buckley & DSHS Reservoir
 - Police Station
 - Fire Department
 - Municipal Buildings (City Hall, Public Works Shop, Multi-Purpose Center)
3. **White River School District Facilities:**
 - Administration Building
 - Elk Ridge Elementary School
 - Glacier Middle School

Siting of Local Essential Public Facilities Code:

1. **Process:**
 - **Conditional Use Permit (CUP):** Required for all local EPFs.
 - **Permit Processing:** Requires a Public Hearing in front of the Hearing Examiner
 - **Application Requirements:** Conditional Use Permit required documents and documentation required consistent with County-Wide Planning Policies including documentation of need, alternative site selection, and public participation plans.
 - **Decision Criteria:** Ensure consistency with comprehensive plans, adequate mitigation, and necessary infrastructure.
2. **Additional Criteria for Mental Health Facilities:** The code also includes specific criteria for mental health facilities, this language is copied from jurisdictions that have significant amounts of state-owned property within their city limits.
 - **Community Impact Assessment:** Evaluations of the potential effects on adjacent properties and the community.
 - **Operational Characteristics:** Is a worksheet for applicants to provide detailed descriptions of operations and their compatibility with surrounding areas.
 - **Mitigation Measures:** Applicant will provide a list of specific measures to address and mitigate any identified adverse impacts.
3. **Public Facilities Master Plans-** A master plan is required for EPFs using contiguous parcels totaling 20 acres or more and zoned Public. This plan must include compatibility

studies and detailed evaluations of operational impacts. Given the unique presence of state-owned properties in Buckley, the master planning process is essential to ensure that the City has a significant role in shaping the future of these sites. This involvement is crucial for balancing state needs with local community interests.

The proposed code amendment ensures the orderly and efficient siting of EPFs while addressing community concerns and complying with state regulations. It also recognizes Buckley's unique situation regarding state-owned properties, ensuring that the City has a role in future planning through the master planning process.

Notification: The City has engaged with the Rainier School Team and the White River School District regarding this amendment. The amendment has already gone through the State Environmental Policy Act (SEPA) process, with the comment period ending on May 31st.

Next Steps:

- June 4, 2024- Council Review
- July, 2024- Public Hearing in front of Planning Commission and draft resolution for Council
- July, 2024- Council reviews Planning Commission recommendation
- August, 2024- tentative action

Chapter 19.37 ESSENTIAL PUBLIC FACILITIES

Sections:

- **19.37.010 Purpose.**
- **19.37.020 Applicability.**
- **19.37.030 General provisions.**
- **19.37.040 Siting of local essential public facilities.**
- **19.37.050 Siting of state and regional essential public facilities.**
- **19.37.060 Preclusion of siting of essential public facilities.**
- **19.37.070 Independent consultant review.**

19.37.010 Purpose.

The Washington State Growth Management Act (Chapter [36.70A](#) RCW) requires the city to establish a process for siting essential public facilities. Essential public facilities are those public facilities that are inherently difficult to site. The purpose of this chapter is to implement the Growth Management Act and the Buckley comprehensive plan by establishing a formal process for identifying, siting, and regulating essential public facilities in the city of Buckley and minimizing their adverse impacts as necessary to support orderly growth and delivery of public services. The city's goal in promulgating the regulations under this chapter is to ensure the timely, efficient, and appropriate siting of essential public facilities while simultaneously acknowledging and mitigating the significant community impacts often created by such facilities.

Comprehensive plans and development regulations cannot preclude the siting of essential public facilities within jurisdictional boundaries. Nothing in this chapter should be construed as an attempt by the city of Buckley to preclude the siting of such facilities within the city when the essential public facility is consistent with the Washington State Growth Management Act and other state statutes and regulations.

19.37.020 Applicability.

The regulations, requirements, and standards contained in this chapter apply to all existing and new essential public facilities, which shall comply with all applicable provisions within this title and the Buckley Municipal Code.

A. *Exemptions.* The following are exempted from the requirements of this chapter:

1. *Additions.* Additions to existing essential public facilities within the existing property boundaries, which are exempt from review under the Washington State Environmental Policy Act, Chapter [12.04 BMC](#), and Chapter [43.21](#) RCW.2. *Preempted Facilities.* Any essential public facilities for which the city's regulatory authority is preempted by or is inconsistent with state or federal law are exempt from the requirements of this chapter.

19.37.030 General provisions.

Essential public facilities shall comply with all applicable provisions of the following:

A. Development Standards.

1. *Terminology.* Unless the context otherwise requires, the definitions provided in Chapter [19.12](#) BMC, Definitions, shall apply to this title.

2. *Other Applicable Regulations.* All essential public facilities shall comply with all applicable provisions of this title, including the following:

a. *Design Standards.* Development shall comply with all applicable design standards in Chapter [19.50](#) BMC, Design Standards.

b. *Landscaping.* Development shall comply with all applicable landscaping standards in Chapter [19.29](#) BMC, Landscaping Standards.

c. *Off-Street Parking.* Off-street parking shall meet the applicable requirements in Chapter [19.28](#) BMC, Parking Standards and Design.

d. *Essential Public Facilities.* Land uses that are designated as essential public facilities shall meet the applicable requirements in this chapter.

f. *Signage.* Signage shall meet the applicable requirements in Chapter [19.30](#) BMC, Signs.

g. *Critical Areas Regulations.* Development shall comply with all applicable critical areas regulations in Chapter [12.08](#) BMC, Critical Areas.

B. *Types of Essential Public Facilities.* Essential Public Facilities Defined. Essential public facilities are those public facilities specifically and expressly identified as such facilities in RCW 36.70A.200 and WAC 365-196-550 as now or hereafter amended. They do not include facilities under generic "catch all" provisions defining such facilities as "difficult to site". Essential public facilities also include those state facilities identified as essential public facilities in the capital facilities plan maintained by the Office of Financial Management as identified in RCW 36.70.200(4), and include the following:

1. Airports;
2. State education facilities;
3. State or regional transportation facilities;
4. Transportation facilities of statewide significance as defined in RCW [47.06.140](#);
5. Regional transit authority facilities as defined under RCW [81.112.020](#);
6. State and local correctional facilities;
7. Solid waste handling facilities;
8. In-patient facilities, including substance abuse facilities;
9. Mental health facilities; and
10. Any facility on the state ten-year capital plan maintained by the Office of Financial Management.

C. Essential Public Facility Classifications.

1. *Local Essential Public Facility.* A local essential public facility is owned, operated, or sponsored by the city of Buckley, a special purpose district, or another unit of local government, and which serves the city-wide population.
2. *State Essential Public Facility.* A state essential public facility is owned, operated, or sponsored by the state of Washington.
3. *Regional Essential Public Facility.* A regional essential public facility is owned, operated, or sponsored by a regional or federal agency whose boundaries encompass the city, and which serves the countywide population or an area that is greater than the city limits.

19.37.040 Siting of local essential public facilities.

The purpose of the local essential public facility siting process is to allow the city to impose reasonable conditions on an essential public facility necessary to mitigate the impacts of the project while ensuring that its development regulations do not preclude the siting of an essential public facility. This section shall only apply to all local essential public facilities. The provisions in this section do not apply to state and regional essential public facilities, which are regulated by BMC 19.37.050.

A. *Land Use Matrix.* Local essential public facilities shall be limited to the zoning districts identified in Table [19.20.130](#): Permitted uses for all zones. An essential public facility not explicitly permitted by Table [19.20.130](#) in a specific zoning district is prohibited. Facilities sited by a state or regional decision-making body shall not be subject to Table [19.20.130](#).

B. *Compliance with Development Regulations.* Unless otherwise specified in this title, local essential public facilities shall conform to all applicable provisions of this code for development within the zoning district in which they are proposed to be located.

C. *Application and Review Process.*

1. *Conditional Use Permit Required.* A conditional use permit shall be required before any local essential public facility may be located or modified/expanded within the city of Buckley, regardless of the zoning district in which such facility is or is proposed to be located, unless exempted by BMC 19.37.020. A local essential public facility must satisfy the conditions of this chapter and Chapter [19.40 BMC](#), Conditional Use Permits.

2. *Permit Processing.* A conditional use permit and other associated land use permits for a local essential public facility shall be processed according to the requirements in [Title 20 BMC](#), Land Use and Development.

3. *Determination of Essential Public Facilities.* During the preapplication meeting, the planning director shall determine if an application is an essential public facility. The proposal shall be considered an essential public facility if one or more of the following criteria is met:

- a. The public facility needs a specific type of site such as size, location, available public services, of which there are few choices.
- b. The public facility needs to be located near another public facility or is an expansion of an essential public facility at an existing location.
- c. The public facility has, or is generally perceived by the public to have, significant adverse impacts that make it difficult to site.
- d. Use of the normal development review process would effectively preclude the siting of an essential public facility.
- e. Development regulations require the proposed facility to use an essential public facility siting process.

4. *Application Submittal Requirements.* A complete application for a conditional use permit for an essential public facility shall include all of the following items

- a. *Application Materials.* The application shall be made according to the submittal requirements in [BMC 20.20](#), Processes for all project permit applications, on forms prescribed by the city, and shall include the fee as established by the current fee resolution.
- b. *Local Outreach.* The applicant shall conduct local outreach efforts with early notification to prospective neighbors to inform them about the project and to engage residents in the development of the proposal, site planning, and mitigation design prior to submittal of a conditional use permit application.
- c. *Documentation of Need.* The applicant must demonstrate the need for the proposed essential public facility. Included in the analysis of need should be the projected service population, an inventory of existing and planned comparable facilities, and projected demand for this type of essential public facility.
- d. *Alternative Site Selection.* The applicant shall search for and investigate alternative sites. The proposal shall include a written analysis indicating whether any alternative sites have been identified that meet the minimum site requirements of the facility.
- e. *Public Participation Plan.* The conditional use permit application shall include a public participation plan for city review and comment that is designed to encourage early public involvement in the permitting decision and in determining possible mitigation measures.
- f. *Consistency with Applicant's Plans.* The applicant shall provide a written analysis demonstrating that the proposal is consistent with the applicant's own long-range plans for facilities and operations.
- g. *Consistency with Comprehensive Plan.* The applicant shall provide a written analysis demonstrating that the proposal is consistent with the Buckley comprehensive plan.

h. *Consistency with Zoning Code.* The applicant shall provide a written analysis demonstrating that the proposal is consistent with the Buckley zoning code.

i. *Minimum Site Requirements.* The applicant shall submit documentation showing the minimum siting requirements for the proposed facility. Site requirements may be determined by the following factors: minimum size of the facility, access, support facilities, topography, geology, and mitigation needs. The applicant shall also identify future expansion needs of the facility.

j. *Proposed Impact Mitigation.* The proposal must include adequate, appropriate, and reasonable mitigation measures for the impacted area(s) and community. Mitigation measures may include, but are not limited to, natural features that will be preserved or created to serve as buffers, other site design elements used in the site plan, and/or operational or other programmatic measures contained in the proposal. The proposed measures shall be adequate to substantially reduce or compensate for anticipated adverse impacts created by the proposed facility.

5. *Decision Criteria.* This section shall apply to all local essential public facilities. These decision criteria do not apply to regional and state essential public facilities addressed in BMC 19.37.050. The hearing examiner may approve, or approve with conditions, a conditional use permit for a local essential public facility, provided the proposal meets all of the following criteria, in addition to the criteria imposed by Chapter [19.40 BMC](#), Conditional Use Permits:

- a. The proposal is consistent with the comprehensive plan;
- b. The project is consistent with the applicant's own long-range plans for facilities and operations;
- c. The project applicant has demonstrated the need for the proposed essential public facility, supported by an analysis of the projected service population, an inventory of existing and planned comparable facilities, and the projected demand for the type of facility proposed;
- d. The applicant has provided a meaningful opportunity for public participation in the siting decision and development of mitigation measures that is appropriate in light of the project's scope, applicable requirements of the city code, and state and federal law;
- e. The project site meets the facility's minimum physical site requirements, including projected expansion needs. Site requirements shall be determined by the minimum size of the facility, setbacks, access, support facilities, topography, geology, and on-site mitigation needs;
- f. The applicant has reasonably investigated alternative sites, as evidenced by a detailed explanation of site selection methodology, as verified by the city and reviewed by associated jurisdictions and agencies;

g. City services, businesses, job opportunities, and public transportation are sufficient to accommodate the proposed use;

h. The proposal incorporates specific features to ensure that it is compatible with the existing or intended character, appearance, quality of development, and physical characteristics of the site and surrounding properties;

i. Necessary infrastructure is or will be made available to ensure safe transportation access and transportation concurrency;

j. Necessary infrastructure is or will be made available to ensure that public safety responders have the capacity to handle increased calls and expenses that will occur as the result of the facility, including, but not limited to, insurance costs, public awareness, and public education costs. The facility will not adversely affect public safety;

k. The applicant has the ability to and shall pay for all capital costs associated with on-site and off-site improvements;

l. The facility will not unreasonably increase noise levels in residential and commercial areas, and school zones, especially at night;

m. Visual screening will be provided that will mitigate the visual impacts from streets and adjoining properties. Visual screening must be of such quality and design as to complement the neighborhood in which the local essential public facility is located. Screening complements the neighborhood when it meets or exceeds the quality and design of other screening in the neighborhood;

n. The local essential public facility meets all provisions of this code for development within the zoning district in which it is proposed to be located, including but not limited to bulk requirements;

o. Any and all probable significant adverse environmental impacts are mitigated; and

p. The essential public facility shall comply with any applicable siting and permitting requirements.

6. *Conditions of Permit Approval.* If the hearing examiner determines that any one or more of the decision criteria set forth in subsection (C)(5) of this section is not met by the proposal, the hearing examiner shall impose such reasonable conditions on approval of the conditional use permit as may be necessary in order to enable the facility to meet the decision criteria. The decision criteria set forth in subsection (C)(5) of this section shall not be applied in such a manner as to preclude the siting of any local essential public facility in the city of Buckley. In the event that a local essential public facility cannot, by the imposition of reasonable conditions of approval, be made to meet the decision criteria set forth in subsection (C)(5) of this section on the preferred site described in the proposal, the hearing examiner shall either:

- a. Require the local essential public facility to be located on one of the alternative sites, if the proposal can be reasonably conditioned to meet the decision criteria at the alternative site; or
- b. Approve the siting or expansion of the local essential public facility at the preferred site with such reasonable conditions of approval as may be imposed to mitigate the impacts of the proposal to the maximum extent practicable, if there is no available alternative site on which the decision criteria can be met.

D. *Compliance with Conditional Use Permit.* Any development and building permits for a local essential public facility approved under this chapter shall comply with all conditions of permit approval

E. *Denial of Permit.* In the event a development and/or building permit for an essential public facility is denied, the department shall submit, in writing, the reasons for denial to the project applicant.

F. *Hold Harmless.* No development or building permits may be applied for prior to approval of a conditional use permit for a local essential public facility unless the applicant signs a written release acknowledging that such approval is neither guaranteed nor implied by the department's acceptance of the development and/or building permit applications. The applicant shall expressly hold the city harmless and accept all financial risk associated with preparing and submitting construction plans before the final decision is made under this chapter.

G. *Minor modifications to approved Conditional Use Permits.* The City Administrator or designee is authorized to allow minor modifications. Minor modification means a departure from the conditions of an approved CUP when consistent with the following criteria:

1. It does not in any way change the use permitted by the approved CUP;
2. The minor modification shall not relocate a building, alter the height of a building, parking area, street or other use or built feature in such a way that visual, light, noise, vibration or other impacts as experienced from surrounding properties and public rights-of-way are intensified, and shall not reduce any required yard, setback, buffer or open space below the area or dimensions established by code;
4. Traffic volumes shall not increase;
5. Modifications to internal circulation layout are acceptable; provided, that ingress and egress points to the subject property are not modified in such a way that external traffic patterns are affected or impacts increased;
6. The adjustment does not add new environmental impacts or increase environmental impacts disclosed in the original SEPA documents;
7. The installation of portable classrooms or temporary structures subject to a Process Type I administrative action;

8. Renovations, remodeling and general maintenance, provided there is no expansion in occupiable space that would lead to traffic or environmental impacts of the original SEPA documents.

a. An applicant may be required to demonstrate via a traffic impact analysis that there is no impact due to an increase in occupiable space

19.37.050 Siting of state and regional essential public facilities.

This section shall apply to all state and regional essential public facilities that have been reviewed through a state or regional siting process. These requirements do not apply to either local essential public facilities or state and regional essential public facilities that have not been reviewed through a state or regional siting process, which are addressed in BMC 19.37.040.

A. Compliance with Development Regulations. Unless otherwise specified in this title, state and regional essential public facilities shall conform to all applicable provisions of this code for development within the zoning district in which they are proposed to be located.

B. Proposals Not Reviewed through a State or Regional Siting Process. When a proposed state or regional essential public facility has not been reviewed and evaluated through a state or regional siting process, it will be processed as a conditional use permit with the same procedure and requirements provided in BMC 19.37.040 for local essential public facilities.

C. Proposals Reviewed through a State or Regional Siting Process.

1. *Development Agreements.* A development agreement, as authorized by [RCW 36.70B.200](#), may be required before any state or regional essential public facility can be located within the city of Buckley for a proposal reviewed through a state or regional siting process. The development agreement shall be processed as a Type C2 application as identified in [BMC 20.08.030](#) with the City Council the final decision maker. For essential public facilities involving development agreements, any required master plan applications shall be consolidated with the development agreement review process.

2. *Development Agreement Criteria.* When a development agreement is required, the city council shall strive to reach accord on a development agreement that satisfies the following criteria to the extent the criteria do not preclude the siting of an essential public facility:

a. The proposed agreement is consistent with applicable development regulations, unless modified by Chapter [19.40 BMC](#), Variances;

b. The proposed agreement provides for adequate mitigation of adverse environmental impacts; provided, that if the development is not defined at a project level, the agreement shall provide a process for evaluating and mitigating such impacts in the future; and

- c. The proposed agreement reserves authority to impose new or different regulations to the extent required by a serious threat to public health and safety.
- 3. *Underlying Land Use Permits.* Any proposal for the siting of a state or regional essential public facility shall follow the procedures established by Title 20 BMC, Permit Processing, for the underlying land use permit(s), such as a short subdivision, a binding site plan, or site plan review, prior to the public hearing for a development agreement, as applicable.
- 4. *Conditions of Approval.* The city council may approve, or approve with modifications, and impose reasonable conditions upon the state or regional essential public facility in order to ensure that:
 - a. Necessary infrastructure is or will be made available to ensure safe transportation access and transportation concurrency;
 - b. Necessary infrastructure is or will be made available to ensure that public safety responders have the capacity to handle increased calls and expenses that will occur as the result of the facility, including but not limited to insurance costs, public awareness and public education costs. The facility will not adversely affect public safety;
 - c. Any and all probable significant adverse environmental impacts are mitigated;
 - d. *Distribution of Essential Public Facilities.* The project sponsor shall provide information for the City to examine the overall distribution of essential public facilities within greater Pierce County to avoid placing an undue burden on any one community.
 - e. *Consistency with other Plans.* The proposal must demonstrate the relationship of the project to local, regional and state plans. The proposal should be consistent with the comprehensive plan and county-wide planning policies. In evaluating consistency, consideration shall be given to the urban growth area designations, critical area designations, population and employment holding capacities and targets, and the land use, capital facilities and utilities elements of the adopted plans.
 - d. The applicant has the ability to and shall pay for all capital costs associated with on-site and off-site improvements;
 - e. The facility will not unreasonably increase noise levels in residential and commercial areas, and school zones, especially at night; and
 - f. Visual screening will be provided that will mitigate the visual impacts from streets and adjoining properties. Visual screening must be of such quality and design as to complement the neighborhood in which the state or regional essential public facility is located. Screening complements the neighborhood when it meets or exceeds the quality and design of other screening in the neighborhood.

g. The city council shall not impose conditions in such a manner as to preclude the siting of any state or regional essential public facility in the city of Buckley. In the event that a state or regional essential public facility cannot, by the imposition of reasonable conditions of approval, be made to mitigate the impacts identified, the city council shall approve the siting or expansion of the state or regional essential public facility with such reasonable conditions of approval as may mitigate such impacts to the maximum extent practicable.

D. *Additional Criteria for SCTFs as defined by Chapter 71.09 RCW.*

a. In no case shall a secure community transition facility (SCTF) be sited adjacent to, immediately across a street or parking lot from, or within the line-of-sight of :

1. Schools (public and private, kindergarten through college) or potential school sites owned by the school district or private school;

2. Licensed preschools, child care homes, day-care centers;

3. Sports fields, playgrounds, parks and teen centers;

4. Places of worship

5. School bus stops

6. Property used for organizations, associations, facilities and businesses which provide, as a substantial portion of their activities, function or business, the provision of services to children and/or youth;

7. Public libraries;

8. Trails used by the general public to access schools and parks.

Line-of-sight has been estimated to be six hundred (600) feet, which distance has been determined to be the maximum distance at which it is possible to reasonably visually distinguish and recognize individuals,

b. The site or building shall meet all of the security requirements of RCW 71.09.285.

c. No SCTF may be located within six hundred (600) feet of any residentially zoned property.

d. An eight-foot-high fence, in character with the surrounding area, between the facility and all property boundaries is required.

e. The facility shall have a backup power source.

19.37.055 Essential Public Facility Master Plans

A. A public facilities master plan is required for all State and Regional Essential public facilities as defined by RCW 36.70A.200 and WAC 365-196-550 essential public facilities which utilize contiguous parcels of land totaling twenty (20) acres or more and which are zoned Public.

B. *Exemption from a Public Facilities Master Plan.* A public facilities master plan is not required for:

1. Local essential public facilities.
2. Renovations, remodeling and general maintenance, provided there is no expansion in occupiable space greater than one thousand (1,000) square feet of the structure proposed for renovation/remodeling;
3. Roof repairs;
4. Infrastructure improvements to existing systems (e.g., interior streets; sidewalks; lighting; security equipment; landscaping; and storm water, sewer, water, and power utilities);
5. Emergency repairs;
6. and installation of fire/life safety equipment).

C. *Uses.* Uses (which should be construed as including structures for this section) not included in an approved public facilities master plan, except those listed in subsection A of this section, shall not subsequently be allowed upon the site except by review and approval of an amended public facilities master plan following the same process as establishment of an initial public facilities master plan.

When a new essential public facility use is proposed which requires a public facilities master plan or amendment to an existing plan and it is located on the same property or site of an already established essential public facility use, the City shall require the project proponent to prepare a compatibility study which, at minimum, contains the following information on a form prescribed by the City:

- a. The purpose of the proposed essential public facility use;
- b. An operational characteristics description of the proposed essential public facility use and an operational characteristics description of the existing use or uses;
- c. An evaluation of the potential effects of the proposed essential public facility use upon the existing use or uses;
- d. An evaluation of the potential effects of the proposed essential public facility use upon the adjacent properties;

- e. An evaluation of the potential effects of the proposed essential public facility use upon at-risk or special needs populations, including but not limited to children and the physically or mentally disabled; and
- f. Identification of any applicable mitigation measures designed to address any potential effects identified through the evaluation required herein.

D. *Previous Permits.* A previously adopted public facilities permit issued under Pierce County predating City incorporation or annexation, or a previously adopted administrative use or other permit issued by the City, may constitute an adopted public facilities master plan for the purposes of fulfilling the requirements herein. Any subsequent amendment(s) sought to an existing essential public facility for which a master plan is otherwise required shall follow the process for a public facilities master plan.

E. *Process.* A public facilities master plan shall be reviewed as a Process Type C-3 permit under Chapter [20.08 BMC](#) with the hearing examiner as the final decision maker.

F. *Termination and Expiration of Approval.* If a condition of approval is violated, or if any provision of this code is violated, the Planning Director may, in his sole discretion, initiate a revocation of the public facilities master plan which shall require a public hearing before and decision by the Hearing Examiner. Nothing in this section shall limit or affect the revocation of building permits, issuance of stop orders or other similar proceedings authorized by this code.

Recognizing that the nature of essential public facilities often requires approval of significant capital appropriations and that the appropriations process may be unpredictable, a public facilities master plan typically would not expire unless and until the slate of projects to be completed thereunder has been substantially completed, and new projects that are not included in the scope of the public facilities master plan are proposed. In such case, the proponent shall undertake an update which shall follow the same process as an initial public facilities master plan.

19.37.060 Preclusion of siting of essential public facilities.

A. *Essential Public Facilities.* According to WAC [365-196-550](#), a city shall not use its comprehensive plan or development regulations to preclude the siting of essential public facilities. This title shall not be administered or interpreted in a manner inconsistent with state law.

1. *Siting Impracticability.* Development regulations preclude the siting of an essential public facility if their combined effects would make the siting of an essential public facility impossible or impracticable. The siting of an essential public facility is deemed impracticable if it is incapable of being performed or accomplished by the means employed or at command.

2. *Applicant Resources.* An essential public facility shall not be determined to have been precluded because the applicant determines that compliance with applicable development regulations would be too costly or time consuming.

3. *Permitting Requirements.* Reasonable permitting requirements may be imposed and mitigation of the essential public facility's adverse effects is allowed, provided:

a. When the city is siting its own essential public facility, public or private, the siting process shall be non-preclusive with reasonable criteria.

b. The city may not include criteria in its land use approval process which would allow the essential public facility to be denied.

B. *State and Regional Essential Public Facilities.* If the essential public facility and its location have been evaluated through a state or regional siting process, the city shall not require the facility to go through the city's siting process.

19.37.070Independent consultant review.

A. *Review for Compliance.* The Planning Director shall have the discretion to require independent consultant review of a proposal for an essential public facility to assess its compliance with the criteria contained in this chapter, as well as the conditional use permit criteria, if applicable.

B. *Fees.* If independent consultation is required, the applicant shall follow the provisions of [BMC 20.02.030](#), Reimbursement for consultant costs.

CITY OF BUCKLEY

ORDINANCE NO. ____-24

**AN ORDINANCE OF THE CITY OF BUCKLEY, WASHINGTON, AMENDING THE BUCKLEY MUNICIPAL CODE
TO ESTABLISH REGULATIONS FOR THE SITING AND OPERATION OF ESSENTIAL PUBLIC FACILITIES;
PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE**

WHEREAS the City of Buckley recognizes the need for a formal process for the siting and regulation of essential public facilities (EPFs) to ensure orderly growth and the efficient delivery of public services while mitigating adverse community impacts;

WHEREAS the proposed code amendment is designed to comply with the Washington State Growth Management Act (GMA) and align with the Buckley Comprehensive Plan;

WHEREAS the Planning Commission held a public hearing on September 9th, 2024, to gather input from the community regarding the proposed amendment and subsequently recommended its approval;

WHEREAS the proposed amendment was presented to the City Council on June 4th, 2024, for consideration and further discussion;

WHEREAS the amendment applies to all existing and new EPFs, with specific exemptions for additions, secure community transition facilities, and facilities preempted by state or federal law;

WHEREAS the City of Buckley acknowledges the importance of including a master planning process for state-owned properties within its limits, allowing for active participation in the planning and development of such properties to ensure alignment with community goals;

WHEREAS the proposed code amendment establishes criteria for the siting of local EPFs, including public notification requirements, community impact assessments, and operational evaluations to address and mitigate any identified adverse impacts;

WHEREAS the City has engaged with relevant stakeholders, including the Rainier School Team and the White River School District, and has completed the State Environmental Policy Act (SEPA) process for the proposed amendment;

NOW, THEREFORE, be it ordained that the City of Buckley adopts the proposed code amendments regarding essential public facilities as outlined above.

Section 1. Buckley Municipal Code Chapter 19.37, "Essential Public Facilities" is hereby amended as follows:

Chapter 19.37 ESSENTIAL PUBLIC FACILITIES

Sections:

19.37.010 Purpose.

19.37.020 Applicability.

19.37.030 General provisions.

19.37.040 Siting of local essential public facilities.

19.37.050 Siting of state and regional essential public facilities.

19.37.060 Preclusion of siting of essential public facilities.

19.37.070 Independent consultant review.

19.37.010 Purpose.

The Washington State Growth Management Act (Chapter RCW) requires the city to establish a process for siting essential public facilities. Essential public facilities are those public facilities that are inherently difficult to site. The purpose of this chapter is to implement the Growth Management Act and the Buckley comprehensive plan by establishing a formal process for identifying, siting, and regulating essential public facilities in the city of Buckley and minimizing their adverse impacts as necessary to support orderly growth and delivery of public services. The city's goal in promulgating the regulations under this chapter is to ensure the timely, efficient, and appropriate siting of essential public facilities while simultaneously acknowledging and mitigating the significant community impacts often created by such facilities.

Comprehensive plans and development regulations cannot preclude the siting of essential public facilities within jurisdictional boundaries. Nothing in this chapter should be construed as an attempt by the city of Buckley to preclude the siting of such facilities within the city when the essential public facility is consistent with the Washington State Growth Management Act and other state statutes and regulations.

19.37.020 Applicability.

The regulations, requirements, and standards contained in this chapter apply to all existing and new essential public facilities, which shall comply with all applicable provisions within this title and the Buckley Municipal Code.

A. Exemptions. The following are exempted from the requirements of this chapter:

1. Additions. Additions to existing essential public facilities within the existing property boundaries, which are exempt from review under the Washington State Environmental Policy Act, Chapter , and Chapter RCW.2. Preempted Facilities. Any essential public facilities for which the city's regulatory authority is preempted by or is inconsistent with state or federal law are exempt from the requirements of this chapter.

19.37.030 General provisions.

Essential public facilities shall comply with all applicable provisions of the following:

A. Development Standards.

1. Terminology. Unless the context otherwise requires, the definitions provided in Chapter BMC, Definitions, shall apply to this title.

2. Other Applicable Regulations. All essential public facilities shall comply with all applicable provisions of this title, including the following:

a. Design Standards. Development shall comply with all applicable design standards in Chapter , Design Standards.

b. Landscaping. Development shall comply with all applicable landscaping standards in Chapter , Landscaping Standards.

- c. Off-Street Parking. Off-street parking shall meet the applicable requirements in Chapter , Parking Standards and Design.
- d. Essential Public Facilities. Land uses that are designated as essential public facilities shall meet the applicable requirements in this chapter.
- f. Signage. Signage shall meet the applicable requirements in Chapter , Signs.
- g. Critical Areas Regulations. Development shall comply with all applicable critical areas regulations in Chapter , Critical Areas.

B. Types of Essential Public Facilities. Essential Public Facilities Defined. Essential public facilities are those public facilities specifically and expressly identified as such facilities in RCW 36.70A.200 and WAC 365-196-550 as now or hereafter amended. They do not include facilities under generic "catch all" provisions defining such facilities as "difficult to site". Essential public facilities also include those state facilities identified as essential public facilities in the capital facilities plan maintained by the Office of Financial Management as identified in RCW 36.70.200(4), and include the following:

1. Airports;
2. State education facilities;
3. State or regional transportation facilities;
4. Transportation facilities of statewide significance as defined in RCW ;
5. Regional transit authority facilities as defined under RCW ;
6. State and local correctional facilities;
7. Solid waste handling facilities;
8. In-patient facilities, including substance abuse facilities;
9. Mental health facilities; and
10. Any facility on the state ten-year capital plan maintained by the Office of Financial Management.

C. Essential Public Facility Classifications.

1. Local Essential Public Facility. A local essential public facility is owned, operated, or sponsored by the city of Buckley, a special purpose district, or another unit of local government, and which serves the city-wide population.
2. State Essential Public Facility. A state essential public facility is owned, operated, or sponsored by the state of Washington.
3. Regional Essential Public Facility. A regional essential public facility is owned, operated, or sponsored by a regional or federal agency whose boundaries encompass the city, and which serves the countywide population or an area that is greater than the city limits.

19.37.040 Siting of local essential public facilities.

The purpose of the local essential public facility siting process is to allow the city to impose reasonable conditions on an essential public facility necessary to mitigate the impacts of the project while ensuring that its development regulations do not preclude the siting of an essential public facility. This section shall only apply to all local essential public facilities. The provisions in this section do not apply to state and regional essential public facilities, which are regulated by BMC 19.37.050.

A. Land Use Matrix. Local essential public facilities shall be limited to the zoning districts identified in Table : Permitted uses for all zones. An essential public facility not explicitly permitted by Table in a specific zoning district is prohibited. Facilities sited by a state or regional decision-making body shall not be subject to Table .

B. Compliance with Development Regulations. Unless otherwise specified in this title, local essential public facilities shall conform to all applicable provisions of this code for development within the zoning district in which they are proposed to be located.

C. Application and Review Process.

1. Conditional Use Permit Required. A conditional use permit shall be required before any local essential public facility may be located or modified/expanded within the city of Buckley, regardless of the zoning district in which such facility is or is proposed to be located, unless exempted by BMC 19.37.020. A local essential public facility must satisfy the conditions of this chapter and Chapter , Conditional Use Permits.

2. Permit Processing. A conditional use permit and other associated land use permits for a local essential public facility shall be processed according to the requirements in , Land Use and Development.

3. Determination of Essential Public Facilities. During the preapplication meeting, the planning director shall determine if an application is an essential public facility. The proposal shall be considered an essential public facility if one or more of the following criteria is met:

a. The public facility needs a specific type of site such as size, location, available public services, of which there are few choices.

b. The public facility needs to be located near another public facility or is an expansion of an essential public facility at an existing location.

c. The public facility has, or is generally perceived by the public to have, significant adverse impacts that make it difficult to site.

d. Use of the normal development review process would effectively preclude the siting of an essential public facility.

e. Development regulations require the proposed facility to use an essential public facility siting process.

4. Application Submittal Requirements. A complete application for a conditional use permit for an essential public facility shall include all of the following items

a. Application Materials. The application shall be made according to the submittal requirements in , Processes for all project permit applications, on forms prescribed by the city, and shall include the fee as established by the current fee resolution.

- b. Local Outreach. The applicant shall conduct local outreach efforts with early notification to prospective neighbors to inform them about the project and to engage residents in the development of the proposal, site planning, and mitigation design prior to submittal of a conditional use permit application.
- c. Documentation of Need. The applicant must demonstrate the need for the proposed essential public facility. Included in the analysis of need should be the projected service population, an inventory of existing and planned comparable facilities, and projected demand for this type of essential public facility.
- d. Alternative Site Selection. The applicant shall search for and investigate alternative sites. The proposal shall include a written analysis indicating whether any alternative sites have been identified that meet the minimum site requirements of the facility.
- e. Public Participation Plan. The conditional use permit application shall include a public participation plan for city review and comment that is designed to encourage early public involvement in the permitting decision and in determining possible mitigation measures.
- f. Consistency with Applicant's Plans. The applicant shall provide a written analysis demonstrating that the proposal is consistent with the applicant's own long-range plans for facilities and operations.
- g. Consistency with Comprehensive Plan. The applicant shall provide a written analysis demonstrating that the proposal is consistent with the Buckley comprehensive plan.
- h. Consistency with Zoning Code. The applicant shall provide a written analysis demonstrating that the proposal is consistent with the Buckley zoning code.
- i. Minimum Site Requirements. The applicant shall submit documentation showing the minimum siting requirements for the proposed facility. Site requirements may be determined by the following factors: minimum size of the facility, access, support facilities, topography, geology, and mitigation needs. The applicant shall also identify future expansion needs of the facility.
- j. Proposed Impact Mitigation. The proposal must include adequate, appropriate, and reasonable mitigation measures for the impacted area(s) and community. Mitigation measures may include, but are not limited to, natural features that will be preserved or created to serve as buffers, other site design elements used in the site plan, and/or operational or other programmatic measures contained in the proposal. The proposed measures shall be adequate to substantially reduce or compensate for anticipated adverse impacts created by the proposed facility.

5. Decision Criteria. This section shall apply to all local essential public facilities. These decision criteria do not apply to regional and state essential public facilities addressed in BMC 19.37.050. The hearing examiner may approve, or approve with conditions, a conditional use permit for a local essential public facility, provided the proposal meets all of the following criteria, in addition to the criteria imposed by Chapter , Conditional Use Permits:

- a. The proposal is consistent with the comprehensive plan;

- b. The project is consistent with the applicant's own long-range plans for facilities and operations;
- c. The project applicant has demonstrated the need for the proposed essential public facility, supported by an analysis of the projected service population, an inventory of existing and planned comparable facilities, and the projected demand for the type of facility proposed;
- d. The applicant has provided a meaningful opportunity for public participation in the siting decision and development of mitigation measures that is appropriate in light of the project's scope, applicable requirements of the city code, and state and federal law;
- e. The project site meets the facility's minimum physical site requirements, including projected expansion needs. Site requirements shall be determined by the minimum size of the facility, setbacks, access, support facilities, topography, geology, and on-site mitigation needs;
- f. The applicant has reasonably investigated alternative sites, as evidenced by a detailed explanation of site selection methodology, as verified by the city and reviewed by associated jurisdictions and agencies;
- g. City services, businesses, job opportunities, and public transportation are sufficient to accommodate the proposed use;
- h. The proposal incorporates specific features to ensure that it is compatible with the existing or intended character, appearance, quality of development, and physical characteristics of the site and surrounding properties;
- i. Necessary infrastructure is or will be made available to ensure safe transportation access and transportation concurrency;
- j. Necessary infrastructure is or will be made available to ensure that public safety responders have the capacity to handle increased calls and expenses that will occur as the result of the facility, including, but not limited to, insurance costs, public awareness, and public education costs. The facility will not adversely affect public safety;
- k. The applicant has the ability to and shall pay for all capital costs associated with on-site and off-site improvements;
- l. The facility will not unreasonably increase noise levels in residential and commercial areas, and school zones, especially at night;
- m. Visual screening will be provided that will mitigate the visual impacts from streets and adjoining properties. Visual screening must be of such quality and design as to complement the neighborhood in which the local essential public facility is located. Screening complements the neighborhood when it meets or exceeds the quality and design of other screening in the neighborhood;
- n. The local essential public facility meets all provisions of this code for development within the zoning district in which it is proposed to be located, including but not limited to bulk requirements;

- o. Any and all probable significant adverse environmental impacts are mitigated; and
- p. The essential public facility shall comply with any applicable siting and permitting requirements.

6. Conditions of Permit Approval. If the hearing examiner determines that any one or more of the decision criteria set forth in subsection (C)(5) of this section is not met by the proposal, the hearing examiner shall impose such reasonable conditions on approval of the conditional use permit as may be necessary in order to enable the facility to meet the decision criteria. The decision criteria set forth in subsection (C)(5) of this section shall not be applied in such a manner as to preclude the siting of any local essential public facility in the city of Buckley. In the event that a local essential public facility cannot, by the imposition of reasonable conditions of approval, be made to meet the decision criteria set forth in subsection (C)(5) of this section on the preferred site described in the proposal, the hearing examiner shall either:

- a. Require the local essential public facility to be located on one of the alternative sites, if the proposal can be reasonably conditioned to meet the decision criteria at the alternative site; or
- b. Approve the siting or expansion of the local essential public facility at the preferred site with such reasonable conditions of approval as may be imposed to mitigate the impacts of the proposal to the maximum extent practicable, if there is no available alternative site on which the decision criteria can be met.

D. Compliance with Conditional Use Permit. Any development and building permits for a local essential public facility approved under this chapter shall comply with all conditions of permit approval

E. Denial of Permit. In the event a development and/or building permit for an essential public facility is denied, the department shall submit, in writing, the reasons for denial to the project applicant.

F. Hold Harmless. No development or building permits may be applied for prior to approval of a conditional use permit for a local essential public facility unless the applicant signs a written release acknowledging that such approval is neither guaranteed nor implied by the department's acceptance of the development and/or building permit applications. The applicant shall expressly hold the city harmless and accept all financial risk associated with preparing and submitting construction plans before the final decision is made under this chapter.

G. Minor modifications to approved Conditional Use Permits. The City Administrator or designee is authorized to allow minor modifications. Minor modification means a departure from the conditions of an approved CUP when consistent with the following criteria:

1. It does not in any way change the use permitted by the approved CUP;
2. The minor modification shall not relocate a building, alter the height of a building, parking area, street or other use or built feature in such a way that visual, light, noise, vibration or other impacts as experienced from surrounding properties and public rights-of-way are intensified, and shall not reduce any required yard, setback, buffer or open space below the area or dimensions established by code;
4. Traffic volumes shall not increase;

5. Modifications to internal circulation layout are acceptable; provided, that ingress and egress points to the subject property are not modified in such a way that external traffic patterns are affected or impacts increased;
6. The adjustment does not add new environmental impacts or increase environmental impacts disclosed in the original SEPA documents;
7. The installation of portable classrooms or temporary structures subject to a Process Type I administrative action;
8. Renovations, remodeling and general maintenance, provided there is no expansion in occupiable space that would lead to traffic or environmental impacts of the original SEPA documents.
 - a. An applicant may be required to demonstrate via a traffic impact analysis that there is no impact due to an increase in occupiable space

19.37.050 Siting of state and regional essential public facilities.

This section shall apply to all state and regional essential public facilities that have been reviewed through a state or regional siting process. These requirements do not apply to either local essential public facilities or state and regional essential public facilities that have not been reviewed through a state or regional siting process, which are addressed in BMC 19.37.040.

A. Compliance with Development Regulations. Unless otherwise specified in this title, state and regional essential public facilities shall conform to all applicable provisions of this code for development within the zoning district in which they are proposed to be located.

B. Proposals Not Reviewed through a State or Regional Siting Process. When a proposed state or regional essential public facility has not been reviewed and evaluated through a state or regional siting process, it will be processed as a conditional use permit with the same procedure and requirements provided in BMC 19.37.040 for local essential public facilities.

C. Proposals Reviewed through a State or Regional Siting Process.

1. Development Agreements. A development agreement, as authorized by , may be required before any state or regional essential public facility can be located within the city of Buckley for a proposal reviewed through a state or regional siting process. The development agreement shall be processed as a Type C2 application as identified in with the City Council the final decision maker. For essential public facilities involving development agreements, any required master plan applications shall be consolidated with the development agreement review process.

2. Development Agreement Criteria. When a development agreement is required, the city council shall strive to reach accord on a development agreement that satisfies the following criteria to the extent the criteria do not preclude the siting of an essential public facility:

- a. The proposed agreement is consistent with applicable development regulations, unless modified by Chapter , Variances;
- b. The proposed agreement provides for adequate mitigation of adverse environmental impacts; provided, that if the development is not defined at a project level, the

agreement shall provide a process for evaluating and mitigating such impacts in the future; and

c. The proposed agreement reserves authority to impose new or different regulations to the extent required by a serious threat to public health and safety.

3. Underlying Land Use Permits. Any proposal for the siting of a state or regional essential public facility shall follow the procedures established by Title , Permit Processing, for the underlying land use permit(s), such as a short subdivision, a binding site plan, or site plan review, prior to the public hearing for a development agreement, as applicable.

4. Conditions of Approval. The city council may approve, or approve with modifications, and impose reasonable conditions upon the state or regional essential public facility in order to ensure that:

a. Necessary infrastructure is or will be made available to ensure safe transportation access and transportation concurrency;

b. Necessary infrastructure is or will be made available to ensure that public safety responders have the capacity to handle increased calls and expenses that will occur as the result of the facility, including but not limited to insurance costs, public awareness and public education costs. The facility will not adversely affect public safety;

c. Any and all probable significant adverse environmental impacts are mitigated;

d. Distribution of Essential Public Facilities. The project sponsor shall provide information for the City to examine the overall distribution of essential public facilities within greater Pierce County to avoid placing an undue burden on any one community.

e. Consistency with other Plans. The proposal must demonstrate the relationship of the project to local, regional and state plans. The proposal should be consistent with the comprehensive plan and county-wide planning policies. In evaluating consistency, consideration shall be given to the urban growth area designations, critical area designations, population and employment holding capacities and targets, and the land use, capital facilities and utilities elements of the adopted plans.

f. The applicant has the ability to and shall pay for all capital costs associated with on-site and off-site improvements;

g. The facility will not unreasonably increase noise levels in residential and commercial areas, and school zones, especially at night; and

h. Visual screening will be provided that will mitigate the visual impacts from streets and adjoining properties. Visual screening must be of such quality and design as to complement the neighborhood in which the state or regional essential public facility is located. Screening complements the neighborhood when it meets or exceeds the quality and design of other screening in the neighborhood.

i. The city council shall not impose conditions in such a manner as to preclude the siting of any state or regional essential public facility in the city of Buckley. In the event that a state or regional essential public facility cannot, by the imposition of reasonable conditions of approval, be made to mitigate the impacts identified, the city council shall

approve the siting or expansion of the state or regional essential public facility with such reasonable conditions of approval as may mitigate such impacts to the maximum extent practicable.

D. Additional Criteria for SCTFs as defined by Chapter 71.09 RCW.

1. In no case shall a (SCTF) be sited to, immediately across a or parking lot from, or within the line-of-sight of :

- a. Schools (public and private, kindergarten through college) or potential school sites owned by the school district or private school;
- b. Licensed preschools, child care homes, day-care centers;
- c. Sports fields, playgrounds, parks and teen centers;
- d. Places of worship
- e. School bus stops
- f. Property used for organizations, associations, facilities and businesses which provide, as a substantial portion of their activities, function or business, the provision of services to children and/or youth;
- g. Public libraries;
- h. Trails used by the general public to access schools and parks.

2. Line-of-sight has been estimated to be six hundred (600) feet, which distance has been determined to be the maximum distance at which it is possible to reasonably visually distinguish and recognize individuals,

3. The site or shall meet all of the security requirements of:

- a. No SCTF may be located within six hundred (600) feet of any residentially property.
- b. An eight-foot-high fence, in character with the surrounding area, between the facility and all property boundaries is required.
- c. The facility shall have a backup power source.

19.37.055 Essential Public Facility Master Plans

A. A public facilities master plan is required for all State and Regional Essential public facilities as defined by RCW and WAC essential public facilities which utilize contiguous parcels of land totaling twenty (20) acres or more and which are zoned Public.

B. Exemption from a Public Facilities Master Plan. A public facilities master plan is not required for:

- 1. Local essential public facilities.
- 2. Renovations, remodeling and general maintenance, provided there is no expansion in occupiable space greater than one thousand (1,000) square feet of the structure proposed for renovation/remodeling;
- 3. Roof repairs;

4. Infrastructure improvements to existing systems (e.g., interior streets; sidewalks; lighting; security equipment; landscaping; and storm water, sewer, water, and power utilities);

5. Emergency repairs;

6. and installation of fire/life safety equipment).

C. Uses. Uses (which should be construed as including structures for this section) not included in an approved public facilities master plan, except those listed in subsection A of this section, shall not subsequently be allowed upon the site except by review and approval of an amended public facilities master plan following the same process as establishment of an initial public facilities master plan.

When a new essential public facility use is proposed which requires a public facilities master plan or amendment to an existing plan and it is located on the same property or site of an already established essential public facility use, the City shall require the project proponent to prepare a compatibility study which, at minimum, contains the following information on a form prescribed by the City:

1. The purpose of the proposed essential public facility use;
2. An operational characteristics description of the proposed essential public facility use and an operational characteristics description of the existing use or uses;
3. An evaluation of the potential effects of the proposed essential public facility use upon the existing use or uses;
4. An evaluation of the potential effects of the proposed essential public facility use upon the adjacent properties;
5. An evaluation of the potential effects of the proposed essential public facility use upon at-risk or special needs populations, including but not limited to children and the physically or mentally disabled; and
6. Identification of any applicable mitigation measures designed to address any potential effects identified through the evaluation required herein.

D. Previous Permits. A previously adopted public facilities permit issued under Pierce County predating City incorporation or annexation, or a previously adopted administrative use or other permit issued by the City, may constitute an adopted public facilities master plan for the purposes of fulfilling the requirements herein. Any subsequent amendment(s) sought to an existing essential public facility for which a master plan is otherwise required shall follow the process for a public facilities master plan.

E. Process. A public facilities master plan shall be reviewed as a Process Type C-3 permit under Chapter with the hearing examiner as the final decision maker.

F. Termination and Expiration of Approval. If a condition of approval is violated, or if any provision of this code is violated, the Planning Director may, in his sole discretion, initiate a revocation of the public facilities master plan which shall require a public hearing before and decision by the Hearing Examiner. Nothing in this section shall limit or affect the revocation of building permits, issuance of stop orders or other similar proceedings authorized by this code.

Recognizing that the nature of essential public facilities often requires approval of significant capital appropriations and that the appropriations process may be unpredictable, a public facilities master plan typically would not expire unless and until the slate of projects to be completed thereunder has been substantially completed, and new projects that are not included in the scope of the public facilities master plan are proposed. In such case, the proponent shall undertake an update which shall follow the same process as an initial public facilities master plan.

19.37.060 Preclusion of siting of essential public facilities.

A. Essential Public Facilities. According to WAC, a city shall not use its comprehensive plan or development regulations to preclude the siting of essential public facilities. This title shall not be administered or interpreted in a manner inconsistent with state law.

1. Siting Impracticability. Development regulations preclude the siting of an essential public facility if their combined effects would make the siting of an essential public facility impossible or impracticable. The siting of an essential public facility is deemed impracticable if it is incapable of being performed or accomplished by the means employed or at command.
2. Applicant Resources. An essential public facility shall not be determined to have been precluded because the applicant determines that compliance with applicable development regulations would be too costly or time consuming.
3. Permitting Requirements. Reasonable permitting requirements may be imposed and mitigation of the essential public facility's adverse effects is allowed, provided:
 - a. When the city is siting its own essential public facility, public or private, the siting process shall be non-preclusive with reasonable criteria.
 - b. The city may not include criteria in its land use approval process which would allow the essential public facility to be denied.

B. State and Regional Essential Public Facilities. If the essential public facility and its location have been evaluated through a state or regional siting process, the city shall not require the facility to go through the city's siting process.

19.37.070 Independent consultant review.

- A. Review for Compliance. The Planning Director shall have the discretion to require independent consultant review of a proposal for an essential public facility to assess its compliance with the criteria contained in this chapter, as well as the conditional use permit criteria, if applicable.
- B. Fees. If independent consultation is required, the applicant shall follow the provisions of, Reimbursement for consultant costs.

Section 2. Severability.

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 3. Effective Date.

This ordinance shall take effect and be in force five (5) days after its passage and publication, as required by law.

Introduced, passed, and approved this 24TH day of September 2024.

Beau Burkett, Mayor

ATTEST:

Treva Zumeck, City Clerk

APPROVED AS TO FORM:

Phil Olbrechts, City Attorney

Published:

Effective:



CITY COUNCIL AGENDA BILL

City of Buckley
PO Box 1960
Buckley, WA 98321

ITEM INFORMATION			
SUBJECT: ORD No. <u>24</u> : Clean Air Parks	Agenda Date: September 24, 2024		AB24-048
	Department/Committee/Individual	Created	Reviewed
	Mayor		
	City Administrator		
	City Attorney		
	City Engineer		
	City Clerk		
	Finance Dept		
	Fire Dept		
	Parks & Recreation	X	
	Planning Dept		
	Police Dept		
	Municipal Court		
	PW/Utilities		
Staff Contact: Courtney Brunell			
Attachments: Citizens Advisory Commission Resolution 2024-02 and Ordinance			
SUMMARY STATEMENT: The Citizens Advisory Commission has reviewed and, through resolution, recommends that the Council adopt the Clean Air in Parks Ordinance. This ordinance was developed following a youth-driven request in April 2024 for the City of Buckley to establish smoke- and vape-free parks. After considering various options, the Commission voted to move forward with an ordinance suitable for Buckley and now recommends the attached version for adoption.			
COMMITTEE REVIEW AND RECOMMENDATION: None			
RECOMMENDED ACTION: Move to Approve Ordinance No. 11-24 Clean Air Parks			
RECORD OF COUNCIL ACTION			
<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>	

**CITY OF BUCKLEY
CITIZENS ADVISORY COMMISSION
RESOLUTION NO. 2024-02**

A RESOLUTION OF THE CITIZENS ADVISORY COMMISSION OF THE CITY OF BUCKLEY, WASHINGTON, FORMALIZING ITS RECOMMENDATIONS REGARDING CLEAN AIR PARKS ORDNANCE, AND FORWARDING ITS RECOMMENDATIONS TO THE BUCKLEY CITY COUNCIL FOR CONSIDERATION AND ACTION

WHEREAS, the City of Buckley City Council, on April 11, 2023, approved Ordinance NO. 08-23 to create a Citizens Advisory Commission; and

WHEREAS, the commission is intended to have broad-based jurisdiction to make recommendations on matters assigned by the City Council and/or Mayor regarding the City of Buckley policies and administration; and

WHEREAS, on November 14, 2023, the City Council adopted the Citizens Advisory Commission work plan; and

WHEREAS, the 2023 and 2024 work plan included establishing policies and ordinances for Parks and Recreation; and

WHEREAS the Citizens Advisory Commission met in March, April and June of 2024 to review ordinance drafts and provided input for an update to City ordinances to create Clean Air In Parks;

NOW, THEREFORE, BE IT RESOLVED BY THE BUCKLEY CITIZENS ADVISORY COMMISSION THAT:

Section 1:

The Citizens Advisory Commission hereby recommends the following actions to the Buckley City Council pertaining to creating Clean Air Parks:

Adopt the Clean Air In Parks Ordinance

Section 2:

The Buckley Citizens Advisory Commission hereby requests staff to transmit its recommendations as contained herein to the Buckley City Council in a timely manner.

Section 3:

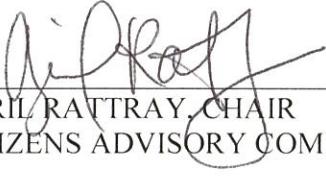
This resolution shall take effect immediately upon its passage.

PASSED AND ADOPTED at a regular meeting of the City of Buckley Citizens Advisory Commission this 16 day of September, 2024, by the following vote:

AYES: MEMBERS:

NOES: MEMBERS:

ABSENT: MEMBERS:


APRIL RATTRAY, CHAIR
CITIZENS ADVISORY COMMISSION

ATTEST:


ERIN SNODGRASS, PARKS AND RECREATION DIRECTOR

CITY OF BUCKLEY
ORDINANCE NO. ___-24

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BUCKLEY, WASHINGTON, REPEALING
AND REPLACING BUCKLEY MUNICIPAL CODE CHAPTER 10.84.113 REGARDING SMOKING AND
TOBACCO USE WITH A NEW CHAPTER ENTITLED "CLEAN AIR IN PARKS."**

WHEREAS, the City of Buckley has established a Citizens Advisory Commission to engage the community and make recommendations regarding city policies and ordinances; and

WHEREAS, the Citizens Advisory Commission conducted extensive review and discussion of existing regulations related to smoking and tobacco use in parks and public spaces; and

WHEREAS, on September 16, 2024, the Citizens Advisory Commission approved Resolution No. 2024-02, recommending the adoption of revised code language to promote cleaner air in public parks; and

WHEREAS, the City Council finds it necessary to enact measures that protect the health and well-being of the community in public spaces;

NOW THEREFORE, the City Council of the City of Buckley, Washington does hereby ordain as follows:

Section 1: Repeal and Replace

Chapter 10.84.113 of the Buckley Municipal Code is hereby repealed and replaced with the following provisions under the title "Clean Air in Parks":

10.84.113 Clean Air in Parks

It is unlawful to open and/or use tobacco products including but not limited to cigarettes, vapor electric cigarettes, cigars, pipes, or consume any marijuana, marijuana-infused product, or marijuana concentrates (RCW 69.50.445), or any other smoking device in any public park or on the city's trail system.

Enforcement officers shall make a good faith effort to warn persons observed to be in a first time violation of this section before issuing a violation notice. The director shall post signs in appropriate locations advising patrons of this section. Failure to comply with this section shall constitute a civil infraction as governed by Chapter 7.80 RCW. A first time offense shall constitute a Class 3 civil infraction with a penalty of \$50 and all subsequent offenses shall constitute a Class 2 civil infraction with a penalty of \$125 for each offense. The Buckley Municipal Court shall have jurisdiction to hear appeals of the civil infractions.

Section 2: Severability

If any section, subsection, sentence, clause, or phrase of this ordinance is held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 3: Effective Date

This Ordinance shall take effect thirty (30) days from the date of publication.

PASSED and APPROVED BY THE City Council of the City of Buckley on the 24th day of September 2024.

Beau Burkett, Mayor

ATTEST:

Treva Zumeck, City Clerk

APPROVED AS TO FORM:

Phil Olbrechts, City Attorney

Published:

Effective:

F. STAFF REPORTS