



BUCKLEY CITY COUNCIL MEETING AGENDA
July 9, 2019
Multi-Purpose Center, 811 Main Street
City Council Meeting
Opening 7:00 P.M.

Call to Order
Pledge of Allegiance
Roll Call of Council Members

Next Ordinance #13-19
Next Resolution #19-05
Next Agenda Bill #AB19-063

A. Citizen Participation

1. Marvin Sundstrom – Enforcement of CUP Requirements Pg. 7

Time Limit of Three Minutes (Citizens wishing to speak are encouraged to sign up at City Hall by Wednesday prior to the Council Meeting)

B. Staff Reports

- **Firefighters** – Swearing in Ceremony

C. Main Agenda

- | | |
|---|----------|
| 1. ORD No. ___-19 Design Ordinance | Pg. : |
| 2. ORD No. ___-19 Title 20 | Pg. 3: 4 |
| 3. ORD No. ___-19 Controlled Substances | Pg. 45: |
| 4. Interagency Agreement – State Mobilization | Pg. 463 |
| 5. Englebert Boundary Line Adjustment | Pg. 466 |
| 6. Spiketon Culvert Temporary Construction Easement Agreement | Pg. 535 |
| 7. Executive Session – Union Negotiations | Pg. |

D. Consent Agenda

- | | |
|---|---------|
| 8. A. Approve Minutes of June 25, 2019, Council Meeting | Pg. 538 |
| Approve Minutes of July 2, 2019, City Council Study Session | Pg. 53: |
| B. Claims | |
| C. Transfer Voucher | |
| D. Payroll | |

E. Committee Reports

- | | |
|---|------------|
| 9. Mayor's Report | Johnson |
| 10. Administration, Finance & Public Safety | Tremblay |
| 11. Transportation & Utilities | B. Burkett |
| 12. Community Services | S. Burkett |
| 13. Council Member Comments & Good of the Order | |

Council may add and take action on other items not listed on this agenda



CITY OF BUCKLEY ♦ PO BOX 1960 ♦ BUCKLEY, WA 98321
360-829-1921 ♦ Fax 360-829-2659 ♦ <http://www.cityofbuckley.com>

CITY OF BUCKLEY MEETING LIST

July 2019

July 8	10:30 AM	Buckley Hall Board (City Hall)
July 9	9:30 AM	Admin, Finance, & PS (City Hall)
July 9	7:00 PM	City Council
July 15	7:00 PM	Planning Commission
July 16	7:00 PM	Transportation & Utilities (City Hall)
July 18	1:00 PM	Community Services (City Hall)
July 23	9:30 AM	Admin, Finance, & PS (City Hall)
July 23	7:00 PM	City Council

The above meetings will be held in the Multi-Purpose Center located at 811 Main Street unless otherwise noted.
Last Revised July 1, 2019



July 2019

Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1 <i>7:00 Planning Commission</i>	2 <i>7:00 City Council Study Session</i>	3	4 	5	6
7	8 <i>10:30 Buckley Hall Board</i>	9 <i>9:30 A/F/PS</i> <i>7:00 City Council</i>	10	11	12	13
14	15 <i>7:00 PM Planning Commission</i>	16 <i>7:00 Transp. & Utilities</i>	17	18 <i>1:00 Community Services</i>	19	20
21	22	23 <i>9:30 A/F/PS</i> <i>7:00 City Council</i>	24	25	26	27
28	29	30	31			

A. CITIZEN PARTICIPATION



RECEIVED

JUL - 9 2019

City of Buckley
Office of Administration -- Mayor Patricia Johnson

Citizen Participation Form

City Council Meeting Date: 7-9-19

Name: MARVIN SUNDBLUM Organization: _____

Phone: 360-829-5249 Email: _____

Address: PO Box 2080 City: BUCKLEY

I WISH TO SPEAK ON THE FOLLOWING SUBJECT(S):

ENFORCEMENT OF CUP REQUIREMENTS

PLEASE NOTE:

This form must be submitted to City Hall (933 Main Street), Attn: City Clerk, by 5:00 PM on the Wednesday prior to the Council meeting you wish to attend.

Please include with your form **16 copies** of any written information you wish to have distributed at the Council meeting. You may wish to have additional copies available for the public audience.

As Council agendas are very full, you are asked to limit your talk/presentation to three (3) minutes.

Last Update: September 9, 2014

B. STAFF REPORTS

C. MAIN AGENDA



CITY COUNCIL AGENDA BILL

City of Buckley
PO Box 1960
Buckley, WA 98321

ITEM INFORMATION			
SUBJECT: ORD No. ____-19, Design review documents: 1. Revised BMC 19.50, 2. New design guidelines manual 3. Subarea plan for Gateway District	Agenda Date: July 9, 2019 AB19-063		
	Department/Committee/Individual	Created	Reviewed
	Mayor Pat Johnson		X
	City Administrator – Dave Schmidt		X
	City Attorney – Phil Olbrechts		X
	City Engineer – Dominic Miller		
	City Clerk – Treva Percival		X
	Finance Dept – Sheila Bazzar		
	Building Official – Mike Deadmond		
	Fire Dept – Chief Predmore		
	Parks & Rec Dept – Kevin Caviezel		
	Planning Dept – Kathy James	X	
	Police Dept – Chief Arsanto		
	Municipal Court – Jessica Cash		
	PW/Utilities – Chris Banks		
Attachments: Planning Commission Report, Updated Guidelines, and Ordinance			
SUMMARY STATEMENT: Since 1991, the city’s commercial districts were subject to special scrutiny using design guidelines for two districts. The National Park’s review of the north/south area of SR 410 spurred the city to review the are more carefully. Two University of Washington master student classes were “hired” to perform workshops and summarize citizens’ desires. In 2016, the city hired AHBL to write a subarea plan for the area from which the regulations could be generated. The guidelines and adopting ordinance was sent to council after the 2016 commission public hearing, but for whatever reason, the council didn’t act on the recommendation. In 2018 or 2019, the guidelines were returned to the commission to review. In that review, the commission decided certain revisions were warranted and a second hearing was conducted June 3, 2019. Attached are the results of that hearing.			
COMMITTEE REVIEW AND RECOMMENDATION:			
RECOMMENDED ACTION: MOVE to Approve Ordinance 13-19 concerning design guidelines.			
RECORD OF COUNCIL ACTION			
Meeting Date	Action	Vote	

CITY OF BUCKLEY

P.O. Box 1960 ♦ Buckley, WA 98321 ♦ (360) 761-7801
<http://www.cityofbuckley.com/>; <http://www.codepublishing.com/WA/Buckley/>



DEVELOPMENT CODE AMENDMENT PLANNING COMMISSION REPORT: DESIGN

I. INTRODUCTION.

To. Honorable Pat Johnson, Mayor
City Council Members
From. City of Buckley Planning Commission
Subject. Commission Report: Findings, Conclusions, and Recommendation
Purpose. To update and clarify existing guidelines and add new district on the east side of the northeast leg of SR 410
Goal. Make the code readable, non-redundant, internally consistent, and easy to find information.

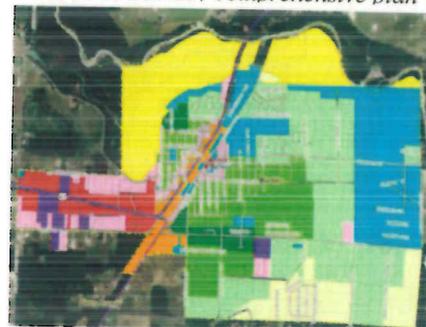


City of Buckley comprehensive plan

II. CONCLUSIONS & RECOMMENDATION.

A. Comprehensive Plan

The proposed ordinance is consistent with the listed in the comprehensive plan section below, which shows appropriate goals and policies of the comprehensive plan.



City of Buckley Zoning

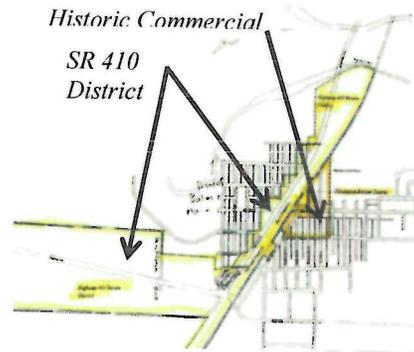
B. Buckley Municipal Code

Based upon a review of facts and findings, the commission determined that the ordinance is consistent with the city's municipal code.

C. Recommendation.

Based upon a review of facts and findings the commission determined that the ordinance would be consistent with the comprehensive plan and code, and recommends the following to the city council:

1. Approve the Gateway Subarea Plan.
2. Approve the Design Guidelines as amended.
3. Approve the proposed code amendment as amended.
4. The commission recommends the trail may be meandered or jogged, but not moved as shown in the 2004 plan.
5. The commission recognizes its role as the city entity most knowledgeable about the comprehensive plan and design guidelines and recommends that it be allowed to decide at least the minor design review applications that come under an A-3 permit.



Current design districts


Mark McPhail, Commission Chair


Date

III. BASIC INFORMATION.

A. History.

1. The City of Buckley Guidelines for Redevelopment was passed in 1991 and updated under Ordinance 11-08. It concerned two areas for design review: along the Main Street commercial area and along all of SR 410 within city limits.
2. Chapter 19.50 BMC, Historic-commercial design review district, was added in 1991 and amended in 2005, 2007, and 2008.
3. Chapter 19.51 BMC, Highway 410 design review district, was added to the code in 1991 and amended in 2005, 2007, 2008, and 2015.
4. The draft subarea plan in Section 1.1 states that in 2002, the city council established a goal of creating a subarea plan for the railroad right-of-way corridor.
5. In 2003, the National Park Service of the U.S. Department of the Interior published a book of charrettes it conducted with “gateway cities” to Mount Rainier; Buckley’s outcomes begin on Page 46. Realignment of SR 410 and SR 165 were addressed.
6. In 2004, a draft SR 410 master plan was published by the University of Washington Department of Urban Design and Planning master class concerning the area between SR 410 and River Avenue. The work was used in updating the 2005 Buckley comprehensive plan.
7. In 2005, the University of Washington Department of Urban Design and Planning professor, Rick Sepler of Madrona Planning and Development Services, Inc., wrote a letter discussing the next phase of implementation after the students’ work. In this letter, an outline of uses for each new commercial zone was attached. The listing of uses was parcel-by-parcel.
8. The list of uses and new zoning names were integrated in the 2005 zoning ordinance update, with was amended in 2008, 2013, 2014, 2015, 2017, and 2018.
9. In 2013, another class of University of Washington Department of Urban Design and Planning master students came at the invitation of the city council, conducted another set of citizen workshops, and published another presentation of SR 410 Corridor Recommendations, this time concentrating on the area between River and SR 410. This area is specified in the comprehensive plan as a Center of Local Importance (CoLI).
10. In 2015, the city contracted with AHBL to prepare an overlay plan for the Rainier Gateway Subarea district, which was published in 2016. It was noted that the realignment of SR 410 and SR 165 was not yet completed and the parcels would need to be re-subdivided to increase marketability (see overlay Sections 2.2.4, 3.2.2, 3.5.1, 5.2, and overlay Policies and Recommendations 4.1 and 4.7).
11. Also in 2015, the city adopted its 2015 comprehensive plan and rezoned parcels along River Avenue to better meet the comprehensive plan goals and policies and increase zoning consistency along the street.
12. In 2016, the planning commission conducted a hearing on the Gateway Subarea Plan and associated revisions to the design guidelines. For whatever reason, the council did not act on the commission’s recommendation. (Also see Section 1.3 of the subarea plan.)
13. In 2017 and 2018, the realignment of the highways was completed and new sidewalks and parking was placed along River Avenue, as suggested in the 2016 AHBL report.
14. In 2018, the design standards were sent back for additional review by the planning commission. Because of the passage of time and new ordinances, the guidelines needed to be updated.
15. In 2019, with new staff reviewing the guidelines, a new look was provided. Although no changes were made to the regulations or subarea plan, a new hearing was desired.

B. Ordinance description.

1. The comparison of Chapters 19.50 and 19.51 BMC (Attachment A) was used in developing the proposed ordinance, but the ordinance was modified several times since the comparison was completed. The desire in combining the chapters' requirements was to remove conflict between the two districts by reducing redundancy where possible and creating a process common to all design reviews. The proposed ordinance intends to:
 - a. Make review processes identical to increase administrative consistency.
 - b. Keep district "personalities" and individual district requirements.
 - c. Add a section to address the new Gateway District.
 - d. "Modernize" the process to the practice that was current in 2010.
 - e. In coordination, update the design guideline manual to address all three districts, provide new maps, and add an administration chapter to clarify the review procedure outlined in the proposed ordinance.
2. Chapters 19.50 and 51 are similar but contain differences this ordinance attempts to remove; the order is not in the order the sections appear in the chapter, but the order that appears in Attachment A:
 - a. The "Purpose" statements are very similar. Number 1 is identical; Number 2 should be identical; Number 2 is individuated. In the proposed ordinance, the individuated statements are moved to the individual sections concerning each district.
 - b. The "relationship to other regulations" sections are identical, and retained in the proposal.
 - c. "Review procedures" is combined with the next section in the SR 410 district. The proposal applies the procedures to both districts.
 - d. "Review required" section's first sections are identical, but the remaining subsections are different:
 - i. The first subsections start out the same, but the SR 410 district lists details for the council to review. The proposal attempts to conform the code to the practice in effect since at least 2010.
 - ii. The second subsections are identical and the proposal inserts the language in the above sub-subsection.
 - iii. The third subsection and a "loose" paragraph in a previous subsection in the SR 410 district, which are identical, are placed as a subsection in the proposal.
 - e. "Waivers of requirements" are identical; the proposal moves this section to a sub-subsection in the "review required" section.
 - f. The "design criteria" are identical; the proposal amends the language to two subsections.
 - g. Each chapter has specific language for each district. The Historic district is like a legal description and adds a paragraph at the end referring to a map. The 410 district only refers to the map and a scoping section that indicates applicability. The proposal refers to three maps.
 - h. The historic district "scope" section specifies applicability. The proposal moved the purpose statement from 19.50.010 that addresses only the historic district to this section and adds the scope. The name of "scope" sections should be changed to "applicability."
 - i. The proposed gateway district is unfinished in the comparison draft; please see the proposed ordinance.
 - j. The SR 410 district "scope" is moved to a proposed section only addressing the SR 410 district, including the purpose statement that addresses this district. The term "scope" sections should be changed to "applicability."

C. General information.

1. Source of Request.
Initial review request was from the city council; the current request is from administration because the proposed revision appears different from the 2016 version.
2. Staff Contact.
City Planner Kathy James.

D. Land Characteristics.

1. Land Use. Many uses are within the city limits from schools to light industrial activities.
2. Terrain & Vegetation. The city is atop the Osceola flow, which formed about 5,600 years ago during the Holocene period after an eruption of Mount Rainier. The mud is more like clay and is about 25 feet deep. It acts like a shield that prevents water infiltration into the sublayers under the clay-like mud.
3. Neighboring Zoning. The city contains 11 zones ranging from light industrial to low density residential (one unit/20,000 square feet of land). The areas most affected by wetlands are zoned "Sensitive" and are next to the river. The remainder of the city contains patches of wetlands, as mapped on the National Wetland Inventory maps (see environmental maps in the comprehensive plan).

E. Noticing Information.

Notices for legislative actions are mailed or emailed to a list of required recipients including citizens who request them, published in the city's legal newspaper, the Enumclaw Courier Herald, and posted on the City Bulletin Boards.

1. SEPA Determination.
Environmental review was performed on the initial proposal and a determination of non-significance was issued July 5, 2016.
2. Notice to Department of Commerce.
The required notice was received July 5, 2016, by the Washington State Department of Commerce under Material Identification Numbers (MID#) 22591 informing it of the proposed change in development regulations.
3. Public Hearing Notice.
 - a. The planning commission conducted the first public hearing on this proposal on June 6, 2016.
 - b. Because of minor revisions created in 2019, the guidelines looked different and contained updated information, it was determined that a new public hearing would be beneficial before adoption
 - c. Public Hearing Notice and proposal ordinance description published Wednesday, May 15, 2019.
 - d. The hearing was conducted June 3, 2019, with one commenter. Comments are outlined in the hearing minutes and are summarized as follows:
 1. The speaker said she is concerned about moving the trail closer to SR 410.
Response: The initial 2004 preferred alternative created after the initial student workshops with the public show the trail close to the highway; the 2013 diagram created after the second set of student workshops showed the trail in the existing spot.

RECOMMENDATION

The commission recommends that the trail may be meandered or jogged, but not moved close to the highway as shown in the 2004 plan.

2. She said she is concerned that the public area in the Gateway District is too small. She said the public wants to use most of the area and that she realizes checks and balances exist. *The public area extends basically from Main Street to Park Avenue with few private business ownerships in the area. South of Main Street, the area contains the library, the post office, a business enterprise and the rest is open. The desire of the subarea plan is to reformat the lots for commercial and public areas that could be used by commercial establishments, in accordance with the rules of the binding site plan, which allows commercial uses but not public parks.*
3. She is concerned that the areas under design review need to be expanded throughout the city so the character of the city is unified. She said the planning commission and council need to be involved in everything that's going on in Buckley, not just a specific area. *Opinion noted.*

IV. ORDINANCE INFORMATION.

- A. **Section 1.** Repeals the existing design standards.
- B. **Section 2.** Adopts the Gateway subarea plan dated January 13, 2016.
- C. **Section 3.** Adopts the proposed design guidelines.
- D. **Section 4.** Repeals Chapters 19.50 and 19.51 BMC.
- E. **Section 5.** Adopts a new Chapter 19.50, which combines the three design districts:
 1. **Proposed 19.50.010, Purpose.**
Provides three similar subsections that originated in the current BMC 19.50 and 19.51.
 2. **19.50.020 Relationship to other regulations.**
Copies identical language from BMC 19.50.020 and 19.51.020.
 3. **19.50.030 Review procedures.**
The proposal copies BMC 19.50.070 and adds the new Type A-3 process as the permit typing. *It should be noted that this process is in flux. Rather than solidifying the past practice in effect since before 2010, the council may modify the draft ordinance to require council approval, which would make the process Type C-3. A compromise would to have "major" actions follow the Type C-3 process and "minor" actions to be A-3. "Major" and "minor" are discussed in the next section. In light of this, options were added for commission review.*

RECOMMENDATION.

The commission recognizes its role as the entity most knowledgeable about the comprehensive plan and design guidelines and recommends that it be allowed to decide at least the minor design review applications that come under an A-3 permit.

4. **19.50.040 Review required.**
 - a. This section discusses applicability and provides the following:
 - i. "Major" is a term easily understood, but not used in this ordinance draft. The commission chose to recognize as "major" anything that didn't fit the description in the next subsection, specifically repair and maintenance that wouldn't change the physical exterior of the structure or fixture. Replacing like-for-like siding or windows could be examples of this.

- ii. Describes the authority and limitation of the decision maker.
 - b. Discusses repair and maintenance activities.
 - i. Since the initial proposal, words were added.
 - ii. Language regarding nonconformities (BMC 19.36) was added.
- 5. **19.50.050 Design criteria.**
 - a. The section adopts the guidelines together with amendments and maps by reference.
 - b. This section directs the decision maker to apply the design guidelines in its decision.
- 6. **19.50.060 Design Districts Described.**

This section dispenses with the legal descriptions and only refers to the maps showing the three design districts. These maps are attached to the guidelines and mini-maps are situated internally in the document.
- 7. **19.50.070 Historic District purpose and applicability.**

This section contains the existing purpose statement found in the current BMC 19.50.010(2.b-c) and excepts out single family residences. A residence used for commercial purposes (not home occupations) must adhere to the guidelines.
- 8. **19.50.080 Gateway District purpose and applicability.**
 - a. The purpose of this district is to preserve open space and views of Mt. Rainier, provide a transition from the SR 410 district to the historic district, and to build non-motorized connections created by the Foothills Trail.
 - b. The applicability excepts out single family residences. A residence used for commercial purposes (not home occupations) must adhere to the guidelines.
- 9. **19.50.090 SR 410 District purpose and applicability.**
 - a. The existing purpose statement is moved to this section.
 - b. Applicability is itemized and excludes single family residences.
 - c. Describes the overlay district 150 feet north and south of the east-west portion of SR 410 and describes applicability.

F. **Section 6.** Directs the city administrator to submit the adopted ordinance to the Washington State Department of Commerce within 10 days of adoption.

G. **Section 7.** Discusses the result if any section of the ordinance is held to be invalid.

H. **Section 8.** Specifies the ordinance will be in effect five days after publication.

V. **ORDINANCE CRITERIA REVIEW.**

All development ordinances must conform to the city's comprehensive plan; development ordinances should be internally consistent with the rest of the city's codes.

Buckley Municipal Code

1.a 19.52.010 Determination – Final action.

In determining what, if any, amendments to this title are to be adopted, the city council shall give due consideration to the proper relationship of such amendments to the comprehensive plan and to this entire title, it being the intent to retain the integrity and validity of the zoning districts herein described, and to avoid any isolated spot zoning changes in the zoning map. Any amendments adopted by the council may be modified from the form in which they were advertised within the limits necessary to relate properly such amendment or amendments to this title. Final action on such modifications shall be subject to review and report of the planning commission prior to final passage by the council. (Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 652 Art. 9(12), 1961).

1.b Finding. *This is mostly applicable to rezones, however, any zoning amendment needs to consider the proposal's relationship to the comprehensive plan and the rest of the Buckley Municipal Code. Design guidelines are unique to the commercial areas described as districts; however, the proposal does not violate or conflict with other portions of the code.*

2.a 19.52.020 Priority of first application.

No application for a change of zoning of any lot, parcel or portion thereof shall be considered by the council within one year of the final action of the council upon a prior application covering any of the same described land. This provision, however, shall not impair the right of the council to propose any amendment of change in the boundaries of any of the districts in this title on its own motion. (Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 652 Art. 9(12), 1961).

2.b Finding. *This section applies only to rezones.*

3.a 19.52.030 Conditional rezone – Approval.

As a condition precedent to the rezone of any parcel of land, the council may require that within a specified period of time an acceptable building permit application must be submitted for the use intended in the rezone application, and that failure to submit said building permit application and to start construction within a specified period of time will result in the rezone automatically becoming null and void and the property reverting back to the zone that existed at the time of the rezone application; provided, the council may extend any time limits set forth in the ordinance granting a conditional rezone if the application for extension is timely made, good cause is shown why the extension is necessary, and the proposed use remains consistent with the comprehensive plan as in effect at the time the extension is requested. Good cause shall relate to factors beyond the control of the applicant and inadequate financing shall not be considered a good cause. (Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 20-84 § 1, 1984).

3.b Finding. *This section applies only to rezones.*

4.a 19.52.040 Conditional rezone – Concomitant agreement.

The council may, as a condition of any rezone, require the execution of an agreement concomitant to the rezone ordinance. The concomitant agreement may include such conditions as the council deems necessary in order to neutralize the impact of the proposed property usage upon public services, including streets, parks, utilities and other public services. The concomitant agreement may include both on-site and off-site improvements. The failure to comply with the terms of said concomitant agreement shall result in the rezone immediately becoming null and void and the property reverting to the zone that existed at the time of the rezone application. In the alternative, the council may require specific performance of the agreement. (Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 20-84 § 2, 1984).

4.b Finding. *This section applies only to rezones.*

5.a 19.52.050 Conditional rezone – Indication on zoning maps.

If a rezone is conditionally granted under the provisions of this chapter, then the zoning map shall reflect the rezone subject to compliance with certain conditions, and the date for compliance shall be written upon the zoning map. A certified copy of the conditional rezone ordinance and the concomitant agreement, if applicable, shall be filed for record with the Pierce County auditor. (Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 20-84 § 3, 1984).

5.b Finding. *This section applies only to rezones.*

VI. Buckley Comprehensive Plan.

A. Element 1, Land use; goals & Policies.

1. **Goal 1.1 Buckley should provide a healthy and productive environment for its citizens and preserve its small town character. *Design guidelines are intended to preserve the small town character as described in Policy 3.5.1.***
2. **Policy 1.1.2** The city should formally designate the area between Ryan and Park, and between SR 410 and River the city's center of local importance (CoLI). ***This is the Gateway District. This action is not yet taken because the city wants to resolve boundary issues before the CoLI is declared to Pierce County and the Puget Sound Regional Council.***
3. **Policy 1.2.2** Identify and preserve an integrated system of open space corridors and/or buffers to provide definition between critical areas and intensive land uses through cooperation with groups such as land trusts or environmental protection organizations. ***A stated policy (3.4.3, 3.6.1) of the Subarea Plan is to maintain open space between development on the west side the trail and SR 410; the 2004 preferred alternative map shows the trail moved toward the highway to increase the building areas. (Also see Sections 2.3, 3.2, and 3.4.1, and Policies and Recommendations 4.1, 4.6, and 4.10 of the Subarea Plan.)***
4. **Policy 1.5.2** Development in the city should promote livability through the following:
 - a. Developers should provide connections to pedestrian trails and/or sidewalks; ***The design guidelines emphasize pedestrian connections and historical designs, such as the train station. Also see Sections 3.2.1 and 3.4.2 of the Subarea Plan.***
 - b. Development should be designed in such a way to recognize the city's history or design standards; and ***The design guidelines encourage buildings to be restored inasmuch as possible to their original design and retain the historic look in the historic district (Sections III.C, D, and E and IV.C.8, E.5.a & b.iv).***
 - c. Development should limit stress factors such as noise, traffic, and damage to existing ecology. ***The proposal emphasizes pedestrian traffic and doesn't address noise.***
 - d. The city should consider creating regulations for planned unit developments, transfer of development rights, and written permitting procedures. ***The proposal does not address PUDs or TDRs, but creates a unified permit procedure for design permits.***
5. **Policy 1.6.4** Plazas and open space should be provided to link trails with commercial areas. ***Plazas are mentioned as requirements in the Gateway District under Policies and Recommendations #4.6.***

B. Element 2, Housing; goals and policies.

1. **Policy 2.1.7** Existing views of Mount Rainier should not be obstructed by new structures or landscaping wherever possible. ***Views are discussed in Sections IV.B and IV.C.4 of the Design Guidelines.***
2. **Policy 2.4.1** Developers should provide connections to adjoining neighborhoods, access to trails, healthy food choices, gathering places, and also provide pedestrian and bike paths for their development. ***Connections with the trail and with other commercial districts is evident in proposed Guidelines IV.C.1, 2, and IV.E.4.c. Sections 3.2.1 and 3.4.2 of the Subarea Plan address street improvements to improve connections and connection to the Historic District.***

C. Element 3, Economic Development; goals and policies.

1. **Policy 3.4.5** Transportation and trail systems should serve to enhance the city's economic health. ***The trail is an important connection to the Historic District area. The***

2. **Policy 3.2.3** Historic downtown buildings should emphasize Buckley’s small-town attributes through historic renovation. *Historic renovation and/or mimicking is particularly desired in the historic district, Chapter III of the guidelines.*
3. **Policy 3.3.2** The city should use marketing themes such as trains, logging, farming, and/or elk in art, architecture, and amenities at parks. *Section II.A states: “The character of Buckley’s buildings is based on the city’s development as a working community with ties to farming, lumber and railroad industries. Its commercial buildings are well constructed and are interesting not because of elaborate ornamentation, but for their history, craftsmanship and proportion. Buildings outside city limits were always utilitarian structures that stress strong, simple, functional forms over decoration. It is not the intent of these guidelines to introduce a clever theme or arbitrary style to the city, but rather to promote the honest restoration of existing structures and the construction of new ones in a manner that keeps with the history and spirit of the community.*
4. **Policy 3.4.3** The area between River Avenue and SR 410 is a place where people meet, recreate, and is an important open space area that gives the city a pleasant atmosphere. The area is zoned commercial and shops are planned to be erected between the Foothills Trail and River Avenue; the area between SR 410 and the trail will remain open space. The area should be designated with the county as a center of local importance and called the Rainier Gateway Center. *This is the Center of Local Importance (CoLI) discussed earlier and at the time it was written these were the factors that were needed to declare the area a CoLI. When the CoLI is actually declared, different factors may be needed. The items discussed in the design standards and the uses for the area will help this declaration foment.*
5. **Policy 3.4.5** Transportation and trail systems should serve to enhance the city’s economic health. *The purpose of the Gateway District is to use the trail system to enhance the city’s economy by transitioning and connecting the SR 410 district with the Historic District.*
6. **Policy 3.5.1** The city’s “small-town attributes” include at least the following: walkability across town, walkability to food, pharmacy, and businesses, residential porches facing street fronts, and large picture windows in businesses along Main Street. Providing pedestrian connections should be required as part of all development because these connections will promote pedestrian traffic to the business community. *The walkability attribute can be found in the Gateway District guidelines at Sections IV.C.1, 3 & 4, and IV.D.3. Because of the proximity to both commercial districts, walkability in this district is paramount. Window treatment can be found in Sections III.C.2.e, IVE.3&4, and V.D.3.g.*
7. **Policy 3.5.4** The design of new developments and redevelopment projects should reflect and preserve Buckley’s small-town appearance and historic uses such as agriculture, trains, and logging. *The goal of the guidelines is to meet this policy.*
8. **Policy 3.6.1** *When possible, open space areas should be protected as natural areas for public enjoyment or developed into recreational facilities. The term “open space” is defined as followed in the city’s zoning ordinance:*

19.12.380 Open space.

“Open space” means that part of a zoning lot, or any number of lots or portions thereof, brought together under one development plan for the entire parcel, other than required yards, which:

(1) Is free and clear of buildings, structures and paved areas used for automobile parking or vehicular access and is to remain open and unobstructed from the ground to the sky;

(2) Is accessible (and made available at all times) to all persons occupying a dwelling unit of the structures located on the lot;

- (3) Has a minimal uninterrupted horizontal dimension in all directions greater than 20 feet;
- (4) Limits paved areas in any required open space to five percent or less of the total square footage of the open space, and shall be located in only one section of the same.

9. **Low impact development facilities, tennis, basketball and other recreational courts may be considered in calculating open space square footage requirements. (Ord. 15-17 § 1, 2017; Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 1020 § 2, 1981. Formerly 19.12.460).**

As defined, the open space areas in the Gateway District should be designated and protected. The 2004 preferred alternative shows the trail to be moved toward the highway; the 2016 proposed subarea plan states on Page 27:

The City should also create a binding site plan for Parcel 800005-0200. The City should adjust the lot line to match that of Parcel 800005-0210, leaving the portion west of the Foothills Trail and Parcel 800005-0220 as open space, and dividing the remainder into a maximum of nine lots.

D. Element 4, Urban design; goals and policies.

1. **Goal 4.1** Enhance the built environment to promote the economic and social vitality along the main street commercial core. *The city recently completed road improvements on River Avenue.*
2. **Goal 4.2** Strengthen the relationship between the trail and downtown. *One of the goals of the Gateway District is to meet this goal.*
3. **Policy 4.4.5** Provide safe and convenient pedestrian linkages across SR 410 through the use of signalized crosswalks or a pedestrian bridge. *The city recently upgraded the traffic lights at Park and SR 165 that creates a safer link across SR 410.*
4. **Policy 4.5.1** Use building design that relates to the street through design elements such as building setbacks and front porches. Building design is addressed in each of the proposed design guideline chapters. *No setbacks are available in the Historic District because the buildings already exist at the property lines; setbacks and step-backs for upper floors are discussed for buildings in the Gateway District; setbacks are set for the SR 410 guidelines through the zoning ordinance for each zone.*
5. **Goal 4.6** Identify and preserve buildings with unique historic character. *Maintaining character is discussed in Sections III.C, IV.C.8., IV.E, and V.D.*



2004 Preferred Alternative

6. **Policy 4.6.2** The city should develop design guidelines to guide renovation of historic buildings and new development adjacent to them. *These guidelines were developed over a period of almost 20 years.*

E. Element 5, Transportation goals and policies.

This element contains no goal or policies pertinent to this proposed ordinance.

F. Element 6, Parks & recreation; goals and policies.

This element contains no goal or policies pertinent to this proposed ordinance.

G. Element 7, Capital facilities (2005 comp plan); goals and policies.

This element contains no goal or policies pertinent to this proposed ordinance.

H. Element 8, Utilities (2005 comp plan); goals and policies

This element contains no goal or policies pertinent to this proposed ordinance.

V. Attachments.

A. May 12, 2016, comparison of BMC 19.50 and 19.51.

B. Undated SR 410 Corridor Recommendations by the University of Washington Department of Urban Design and Planning created at council's request circa 2015.

C. January 18, 2016, City of Buckley Draft Rainier Gateway Subarea Plan.

<p>Chapter 19.50 HISTORIC-COMMERCIAL DESIGN REVIEW DISTRICT</p> <p>Sections:</p> <p>19.50.010 Purpose. 19.50.020 Relationship to other regulations. 19.50.030 Scope. 19.50.040 Historic-commercial design review district described. 19.50.050 Review required. 19.50.060 Design criteria. 19.50.070 Review procedures. 19.50.080 Waiver of review criteria.</p>	<p>Chapter 19.51 HIGHWAY 410 DESIGN REVIEW DISTRICT</p> <p>Sections:</p> <p>19.51.010 Purpose. 19.51.020 Relationship to other regulations. 19.51.030 Scope. 19.51.040 Highway 410 design review district described. 19.51.050 Review required – Review procedures. 19.51.060 Design criteria. 19.51.070 Waiver of requirement.</p>
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Topic	Comments
Chapters	In needing to add another district, perhaps the two chapters can be combined?
Purpose	The design guidelines have one purpose, and each district has its own purpose, individual purpose statements can be made within the sections for each district.
Process	Currently procedures are in the back of the chapter; with individual district sections, the procedures should be toward the front.
Council	The references to the city council as decision maker are removed in favor of the council committee that currently serves as council review body for these permits. This brings the code into conformance with current practice.

Verbatim code – Historic District	Verbatim code – SR 410 District	Proposed combination
<p>19.50.010 Purpose. The purpose of this chapter is to establish criteria and procedures for the preservation and maintenance of historical features of the city's downtown area in order to:</p>	<p>19.51.010 Purpose. The purpose of this chapter is to establish criteria and procedures for the development within the Highway 410 development area in order to:</p>	<p>19.50.010 Purpose. The purpose of this chapter is to establish criteria and procedures for the development <i>within the city's three commercial areas to:</i></p>
(1)Help implement the comprehensive plan; and	(1)Help implement the comprehensive plan; and	(1)Help implement the comprehensive plan; and
(2)Serve the public peace, health, safety, morals, and welfare by:	(2)Serve the public interest in public peace, health, safety, morals and welfare by:	(2)Serve the public interest in public peace, health, safety, morals and welfare by helping assure residents of an aesthetically and culturally pleasing environment by promoting and perpetuating educational, cultural, aesthetic, and social values
(a)Recognizing the significant role of the city and its pioneer residents in the history and development of Pierce County and the state of Washington;	(a)Regulating growth to provide reasonable access on and off Highway 410;	
(b)Preserving the comfort and prosperity of Buckley citizens by preserving a downtown	(b)Promoting economic development by preventing unsightly strip development that	(3) Preserve the beauty of the community for its citizens.

Verbatim code – Historic District	Verbatim code – SR 410 District	Proposed combination
core that is active and interesting to Buckley's citizens and to those passing through;	presents a massive flat aspect to Highway 410; and	
(c)Promoting growth while enhancing property values by minimizing discordant, unsightly developments; and (d)Preserving the beauty of the community for its citizens. (Ord. 22-08 § 1 (Exh. A), 2008; Ord. 08-07 § 2, 2007; Ord. 22-05 § 1, 2005; Ord. 18-91 § 1, 1991).	(c)Helping assure residents of an aesthetically and culturally pleasing environment by promoting and perpetuating educational, cultural, aesthetic, and social values by encouraging the construction of buildings that reflect the city's agricultural, railroad and logging antecedents. (Ord. 22-08 § 1 (Exh. A), 2008; Ord. 08-07 § 3, 2007; Ord. 22-05 § 1, 2005; Ord. 19-91 § 1, 1991).	
<p>19.50.020 Relationship to other regulations. The requirements of this chapter are in addition to other regulations affecting land use and construction within the city including, without limitation, the comprehensive plan, zoning and subdivision codes, SEPA, Shorelines Management Act, and building and mechanical codes. In case of conflict between this and other regulatory provisions, the stricter enactment shall prevail. (Ord. 22-08 § 1 (Exh. A), 2008; Ord. 08-07 § 2, 2007; Ord. 22-05 § 1, 2005; Ord. 18-91 § 1, 1991).</p>	<p>19.51.020 Relationship to other regulations. The requirements of this chapter are in addition to other regulations affecting land use and construction within the city including, without limitation, the comprehensive plan, zoning and subdivision codes, SEPA, Shorelines Management Act, and building and mechanical codes. In case of conflict between this and other regulatory provisions, the stricter enactment shall prevail. (Ord. 22-08 § 1 (Exh. A), 2008; Ord. 08-07 § 3, 2007; Ord. 22-05 § 1, 2005; Ord. 19-91 § 1, 1991).</p>	<p>19.50.020 Relationship to other regulations. The requirements of this chapter are in addition to other regulations affecting land use and construction within the city including, without limitation, the comprehensive plan, zoning and subdivision codes, SEPA, Shorelines Management Act, and building and mechanical codes. In case of conflict between this and other regulatory provisions, the stricter enactment shall prevail.</p>
<p>19.50.070 Review procedures. A person who proposes to construct or alter a structure or fixture that is subject to design review shall submit to the planning director a written application that complies with the requirements set forth in the "City of Buckley Guidelines for Redevelopment." The application shall be considered at the next regular meeting of the design review committee that convenes 20 days or more</p>		<p>19.50.030 Review procedures. A person who proposes to construct or alter a structure or fixture that is subject to design review shall submit to the planning director a written application that complies with the requirements set forth in the "City of Buckley Design Guidelines." The application shall be considered at the next regular meeting of the design review committee that convenes 20 days or more after the date of the application.</p>

Verbatim code – Historic District	Verbatim code – SR 410 District	Proposed combination
after the date of the application. (Ord. 22-08 § 1 (Exh. A), 2008; Ord. 08-07 § 2, 2007; Ord. 22-05 § 1, 2005; Ord. 18-91 § 1, 1991).		
<p>19.50.050 Review required.</p> <p>No structure or fixture that is subject to review under this historic-commercial design review district may be constructed or altered until the design review committee examines any application for construction or alteration and:</p>	<p>19.51.050 Review required – Review procedures.</p> <p>No structure or fixture that is subject to review under this Highway 410 design review district may be constructed or altered until the design review committee examines an application for construction or alteration and:</p>	<p>19.50.040 Review required.</p> <p>No structure or fixture that is subject to review under the city’s Design Guidelines may be constructed or altered until the city council’s design review committee (DRC) examines any application for construction or alteration.</p>
<p>(1)For major construction or alteration that results in significant structural changes and/or total new construction: forwards its recommendations about the project to the city council, and the council votes to approve, deny, or approve the application subject to modifications; or</p>	<p>(1)For major construction or alteration that results in significant structural changes and/or total new construction: forwards its recommendations about the project to the city council, and the council votes to approve, deny, or approve the application subject to modifications. The council shall consider the application and the design review committee's recommendations at its next regular meeting following receipt of the design review committee's recommendations. The council will approve a proposal that meets the guidelines, and will state its basis in the guidelines for denying a project, or for granting an application subject to modifications necessary to bring the project within the guidelines; or</p>	<p>(1)For major construction or alteration that results in significant structural changes and/or total new construction: forwards its recommendations about the project to the DRC.</p> <p>a. The DRC shall consider the application and the director’s recommendation at its next regular meeting following receipt of the recommendation. The DRC will base its decision on the city’s design guidelines.</p> <p>b. The DRC may approve, approve with conditions, or deny a project.</p> <p>i. Conditions shall be given that bring a project into conformance with the code or design guidelines.</p> <p>ii. If no condition will bring a project into conformance with the code or design guidelines, the project must be denied; provided that the DRC may approve a project that fails to comply with design guidelines, but only upon finding that imposition of the guidelines would be impractical or would impose an undue hardship upon the applicant through no fault of his own, or that waiver of the requirements would not cause a detriment to the public interest.</p>
<p>(2)For minor construction or alteration that</p>	<p>(2)For minor construction or alteration that</p>	

Verbatim code – Historic District	Verbatim code – SR 410 District	Proposed combination
seeks to perform improvements that do not result in major structural changes: votes to approve, deny, or approve the application subject to modifications;	seeks to perform improvements that do result in major structural changes: votes to approve, deny, or approve the application subject to modifications.	
(3) Provided, however, that repair or maintenance that does not change the exterior of the structure or fixture is permitted without review. Any and/or all repairs and maintenance must conform to the "City of Buckley Guidelines for Development" as specified in BMC 19.50.060. (Ord. 22-08 § 1 (Exh. A), 2008; Ord. 08-07 § 2, 2007; Ord. 22-05 § 1, 2005; Ord. 18-91 § 1, 1991).	Provided, however, that repair or maintenance that does not change the exterior of the structure or fixture is permitted without review. Any and/or all repairs and maintenance must conform to the "City of Buckley Guidelines for Development" as specified in BMC 19.51.060. (Ord. 22-08 § 1 (Exh. A), 2008; Ord. 08-07 § 3, 2007; Ord. 22-05 § 1, 2005; Ord. 19-91 § 1, 1991).	(2) Repair or maintenance that does not change the exterior of the structure or fixture is permitted without review. Any and/or all repairs and maintenance must conform to the "City of Buckley Design Guidelines."
19.50.080 Waiver of review criteria. The design review committee may recommend, and the council may approve, a project that fails to comply with the guidelines for redevelopment, but only upon finding that imposition of the guidelines would be impractical or would impose an undue hardship upon the applicant through no fault of his own, or that waiver of the requirements would not cause a detriment to the public interest. (Ord. 22-08 § 1 (Exh. A), 2008; Ord. 08-07 § 2, 2007; Ord. 22-05 § 1, 2005; Ord. 18-91 § 1, 1991).	19.51.070 Waiver of requirement. The design review committee and the city council may excuse a project from compliance with the guidelines only upon finding that imposition of the guidelines would be impractical or would impose an undue hardship upon the applicant through no fault of their own, or that waiver of the requirements would not cause a detriment to the public interest. (Ord. 22-08 § 1 (Exh. A), 2008; Ord. 08-07 § 3, 2007; Ord. 22-05 § 1, 2005; Ord. 19-91 § 1, 1991. Formerly 19.51.080).	
19.50.060 Design criteria. In determining whether to recommend approval, approval with modification, or denial of a project, the design review committee shall apply those criteria set forth in the document entitled "City of Buckley Guidelines for Development," dated October 1991, and any amendments or modifications thereto. That document is adopted by	19.51.060 Design criteria. In determining whether to recommend approval, approval with modification, or denial of a project, the design review committee shall apply those criteria set forth in the document entitled "City of Buckley Guidelines for Development," dated October 1991, and all amendments and additions thereto. That document is adopted by this	19.50.050 Design criteria. (1) In determining whether to recommend approval, approval with modification, or denial of a project, the design review committee shall apply those criteria set forth in the document entitled "City of Buckley Design Guidelines," dated October 1991, and any amendments or modifications thereto. (2) That document is adopted by reference as though it were set forth in full in this chapter. Three

Verbatim code – Historic District	Verbatim code – SR 410 District	Proposed combination
<p>reference as though it were set forth in full in this chapter. Three copies of the document shall be placed on file in the city clerk-treasurer's office and shall be maintained there for public examination and copying. (Ord. 22-08 § 1 (Exh. A), 2008; Ord. 16-08 § 1, 2008; Ord. 08-07 § 2, 2007; Ord. 22-05 § 1, 2005; Ord. 18-91 § 1, 1991).</p>	<p>reference as though it were set forth in full in this chapter. Three copies of the document shall be placed on file in the city clerk-treasurer's office and shall be maintained there for public examination and copying. (Ord. 22-08 § 1 (Exh. A), 2008; Ord. 16-08 § 2, 2008; Ord. 08-07 § 3, 2007; Ord. 22-05 § 1, 2005; Ord. 19-91 § 1, 1991).</p>	<p>copies of the document shall be placed on file in the city clerk-treasurer's office together with associated maps and shall be maintained there for public examination and copying.</p>
<p>19.50.040 Historic-commercial design review district described. There is established a historic-commercial design review district that includes the following area: Commencing at River Avenue and Main Street, southwest on River Avenue to Mason Avenue, east on Mason Avenue to Pearl Street, north on Pearl Street to southern boundary of Pierce County Parcel No. 2975000810 (151 Cedar Street), east along property boundary to the centerline of the alley between Cedar Street and Cottage Street, north on this line to south boundary of the parking lot, east on this line to centerline of the alley between A and B Streets, north on this line to Main Street, west on Main Street to east boundary of Parcel No. 6115200140 (912 Main Street) north on this line to north property boundary, west on this line to Cottage Street, north on Cottage Street to River Avenue, north on River Avenue to A Street, south on A Street to southern boundary of Parcel No. 4740000021 (WRSD Admin Bldg), east on this line to east property boundary, north on this line to north property boundary, west on this line to intersection of River Avenue, A Street and</p>	<p>19.51.040 Highway 410 design review district described. A map of the Highway 410 design review district as it exists on the date of the ordinance codified in this chapter is attached to the ordinance codified in this chapter as Exhibit "A." In case of a conflict between the area defined in BMC 19.51.030 and the map, BMC 19.51.030 shall prevail. (Ord. 22-08 § 1 (Exh. A), 2008; Ord. 08-07 § 3, 2007; Ord. 22-05 § 1, 2005; Ord. 19-91 § 1, 1991).</p>	<p>19.50.060 Design Districts Described. The three design districts are as shown on the maps adopted in this ordinance as Attachments A, B, and C and will be on file in the planning office as well as the city clerk's office.</p>

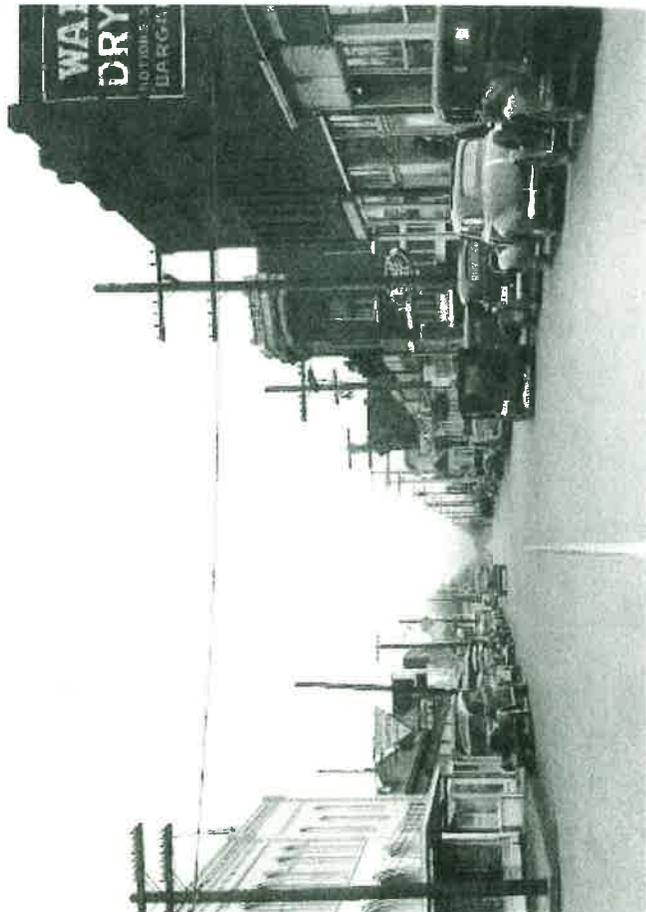
Verbatim code – Historic District	Verbatim code – SR 410 District	Proposed combination
<p>Park Avenue, west on Park Avenue to centerline of Foothills Trail Corridor, south of this line to Main Street, east on this line to point of beginning.</p> <p>A map of the Buckley historic-commercial design review district is attached to the ordinance codified in this chapter as Exhibit "A" and can be found on file in the office of the city clerk-treasurer. In case of conflict between the description of the design review district and the map, the map shall prevail. (Ord. 22-08 § 1 (Exh. A), 2008; Ord. 08-07 § 2, 2007; Ord. 22-05 § 1, 2005; Ord. 18-91 § 1, 1991).</p>		
<p>19.50.030 Scope.</p> <p>The design review requirements of this chapter pertain to all structures and fixtures, except single-family detached residences, and to all residential structures that are used for commercial purposes, if such structures lie within the historic-commercial design review district. (Ord. 22-08 § 1 (Exh. A), 2008; Ord. 08-07 § 2, 2007; Ord. 22-05 § 1, 2005; Ord. 18-91 § 1, 1991).</p>		<p>Historic District purpose and scope.</p> <p>(1) The purpose of the historic district is to:</p> <p>(a) Recognize the significant role of the city and its pioneer residents in the history and development of Pierce County and the state of Washington;</p> <p>(b) Preserve the comfort and prosperity of Buckley citizens by preserving a downtown core that is active and interesting to Buckley's citizens and to those passing through; and</p> <p>(c) Promote growth and enhance property values by minimizing discordant, unsightly developments.</p> <p>(2) The design review requirements of this chapter pertain to all structures and fixtures, except single-family detached residences, and to all residential structures that are used for commercial purposes, if such structures lie within the historic-commercial design review district.</p>
		<p>19.50.080 Gateway District purpose and scope.</p>
		<p>(1) The purpose of the gateway district is to:</p> <p>(a)</p> <p>(b)</p> <p>(2) The design review requirements of</p>

Verbatim code – Historic District	Verbatim code – SR 410 District	Proposed combination
	<p>19.51.030 Scope. The following proposed or existing structures and fixtures are subject to review under the Highway 410 design review criteria if they meet all of the following criteria: (1)The structure or fixture is not a single-family detached residential dwelling, unless said detached single-family residential dwelling is used for commercial purposes; (2)The fixture is not a sign which is otherwise regulated under Chapter 19.30 BMC; (3)The structure or fixture lies in the HC, GC, CC, LI, NMU and P zones or is used for commercial purposes; and (4)The structure is proposed for property which abuts Highway 410 or is adjacent to properties that abut Highway 410 and such property is also subject to review for purposes of this chapter, and these properties abut one another on a common border or point. (Ord. 22-08 § 1 (Exh. A), 2008; Ord. 08-07 § 3, 2007; Ord. 22-05 § 1, 2005; Ord. 24-95 § 4, 1995).</p>	<p>19.50.090 SR 410 District purpose and scope. (1) The purpose of the SR 410 District is to (a)Regulate growth to provide reasonable access on and off Highway 410; (b)Promote economic development by preventing unsightly strip development that presents a massive flat aspect to Highway 410; and (c)Help assure residents of an aesthetically and culturally pleasing environment (d) Promote and perpetuate educational, cultural, aesthetic, and social values by encouraging the construction of buildings that reflect the city's agricultural, railroad and logging antecedents. (2) The following proposed or existing structures and fixtures are subject to review under the Highway 410 design review criteria if they meet all of the following criteria: (a) The structure or fixture is not a single-family detached residential dwelling, unless said detached single-family residential dwelling is used for commercial purposes; (b) The fixture is not a sign which is otherwise regulated under Chapter 19.30 BMC; (c) The structure or fixture lies in the HC, GC, CC, LI, NMU and P zones or is used for commercial purposes; and (d) The structure is proposed for property which abuts Highway 410 or is adjacent to properties that abut Highway 410 and such property is also subject to review for purposes of this chapter, and these properties abut one another on a common border or point.</p>

SR 410 Corridor Recommendations

University of Washington
Department of Urban Design and Planning





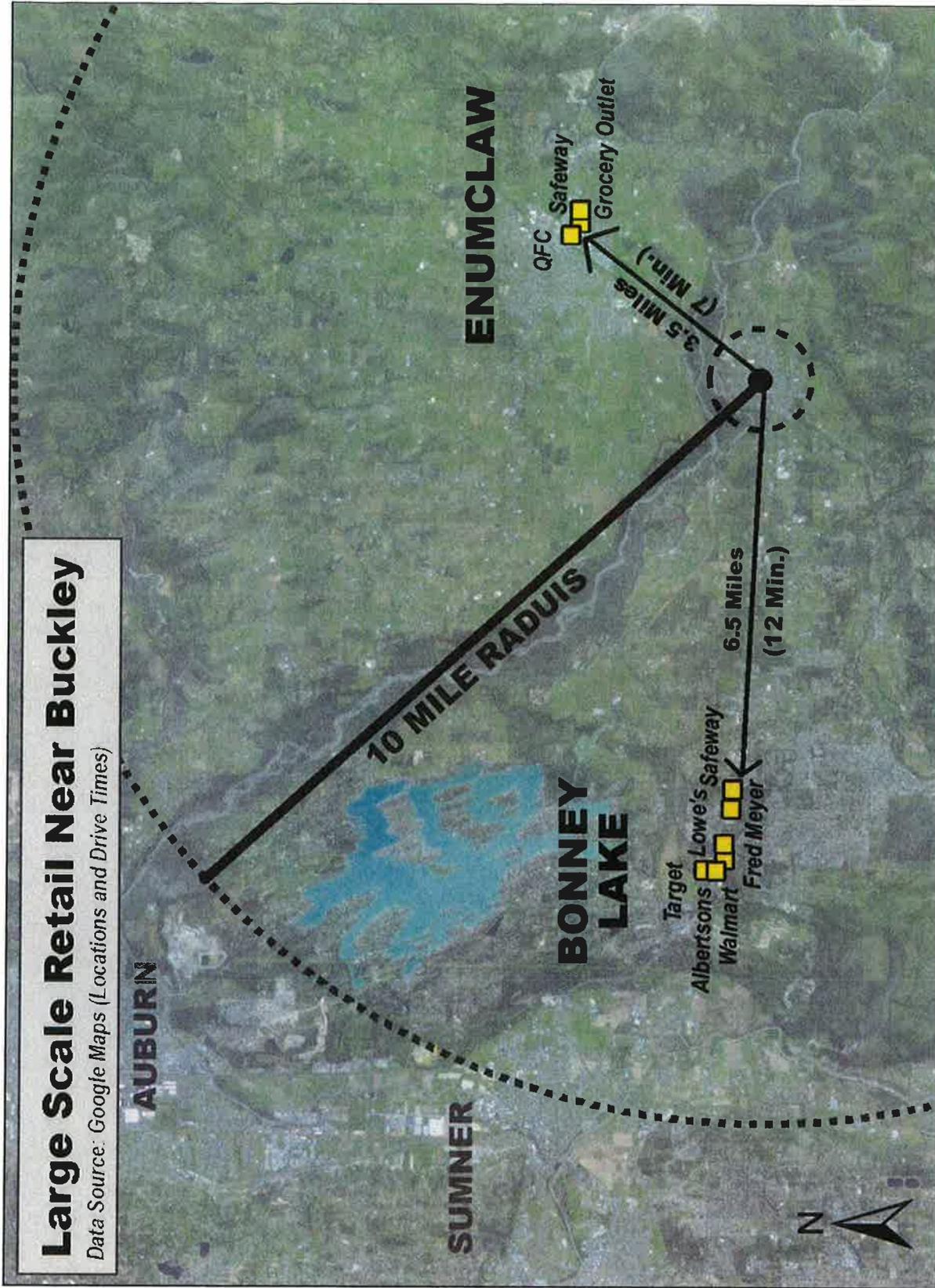


Presentation Overview:

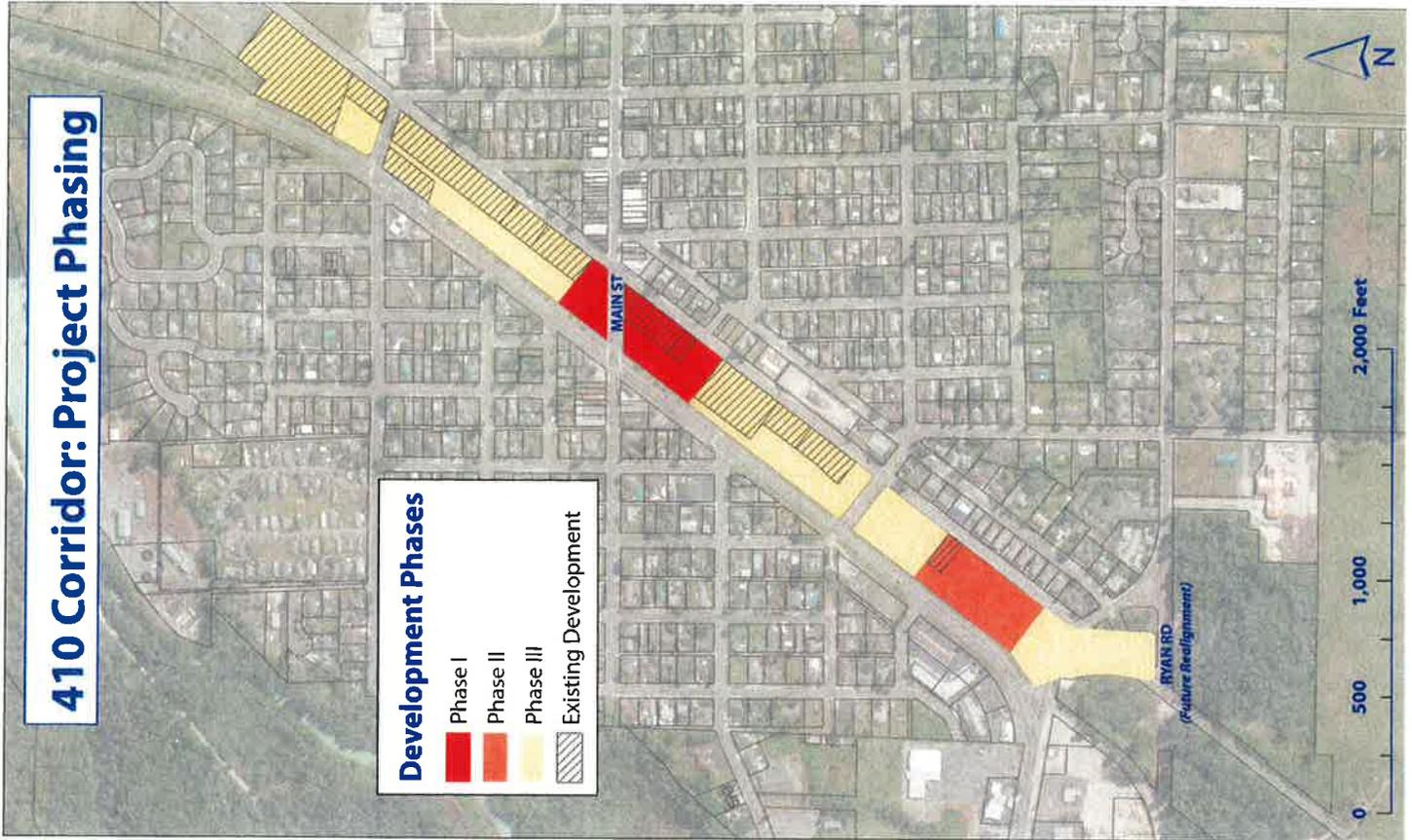
Background - *Liz*

Project Phasing and Scope - *Ryan*

**Design Guidelines and Phase One Catalyst Development -
*Nate***



410 Corridor: Project Phasing





proposal was to subdivide this area into 13A, 13B, 15A, and 15B, as well as subdividing parcels 14 and 16.

Proposed uses on 15B: two buildings: 1. mixed use: retail 1st floor, 2nd & 3rd floor apartments; 2. apartments on two floors.

total: 18 apartments, 2 retail spaces

410 Corridor: Proposed Phase II Subdivisions

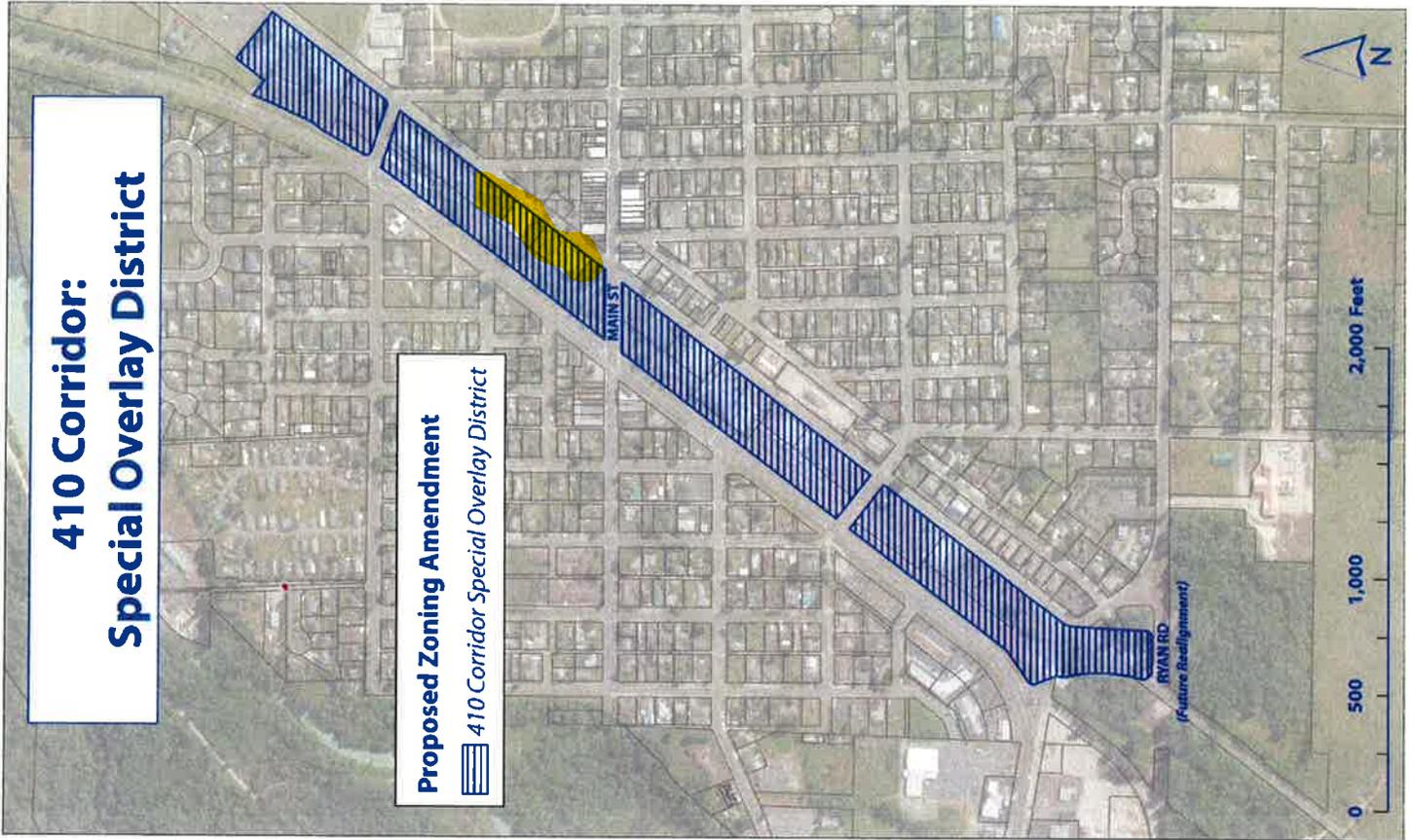
Proposed Subdivisions

 Potential Development Site

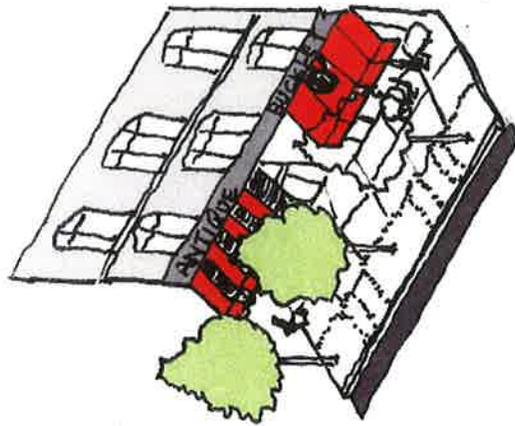
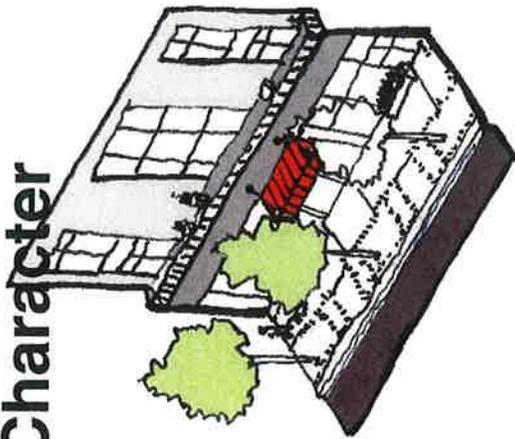


Similarly, subdivide parcel 21 into six parcels, A-F.

The proposal was to have this entire area as the Gateway District. The commission, however, wanted the area on River next to the HC zone to be subject to the HC design criteria.



Architectural Context and Character

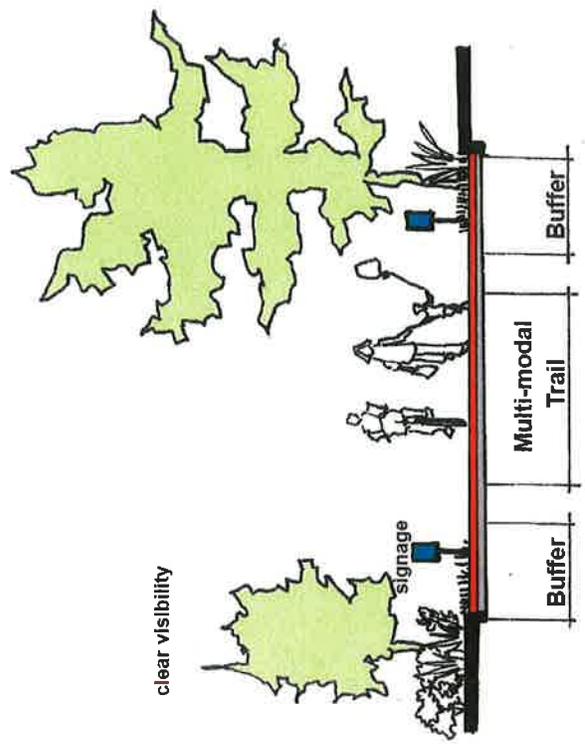


Building entrances, page 50:

orient to trail, scale to pedestrians, screen utility enclosures from trail and streets; primary entrance to street, oriented to sidewalk



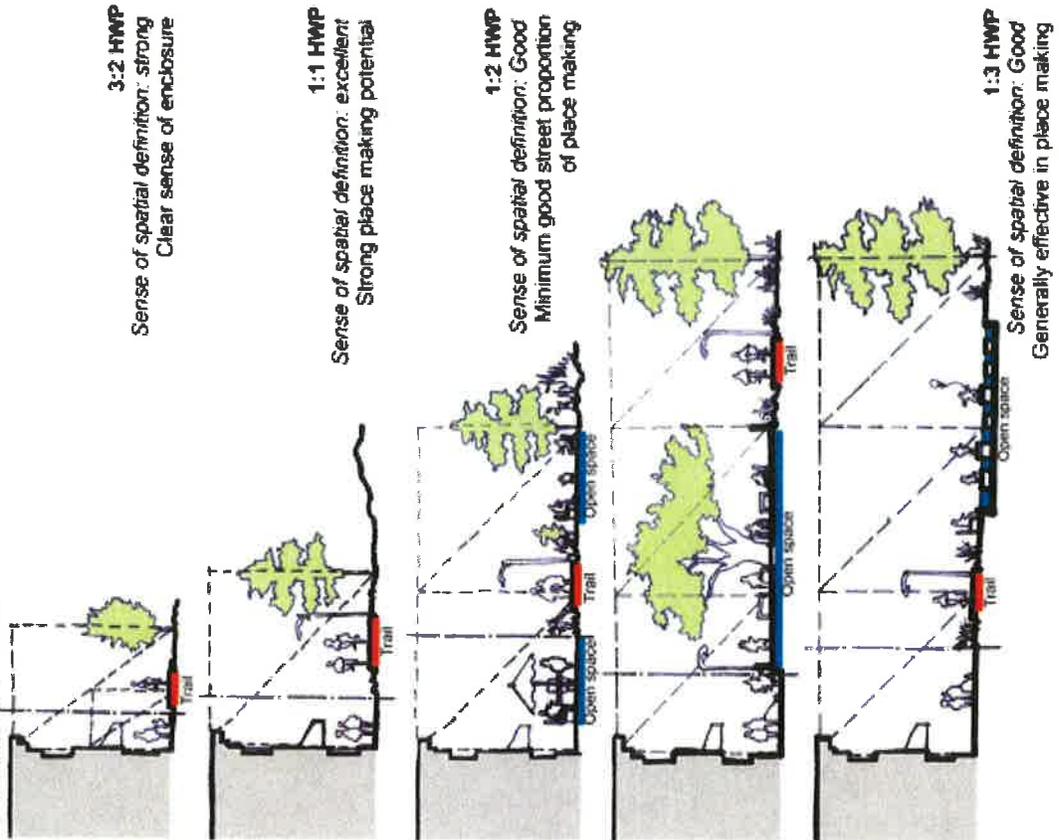
Walkability examples, page 58



Suggested unifying trail signs

Architectural Context and Character

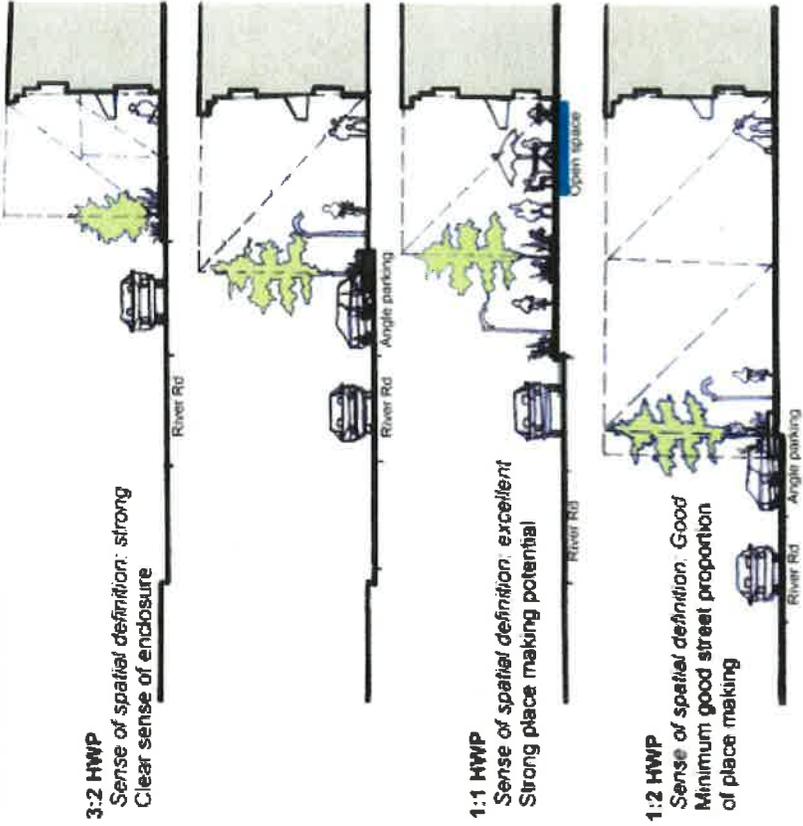
-Foothills Trail side



Sense of Enclosure and Continuity

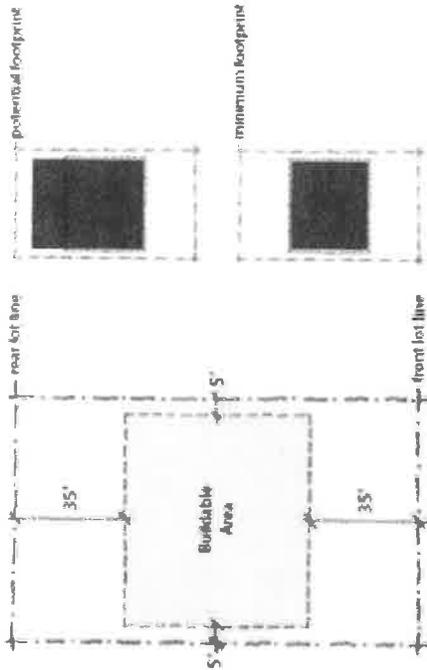
Sense of enclosure is determined by the relationship between the height of buildings and width of the street. The degree of continuity of the building edge along the street also affects enclosure. On occasion creating public space with a larger building setback can be successful, if the emphasis remains on creating a space that complement and enhances the streetscape.

-River Road side

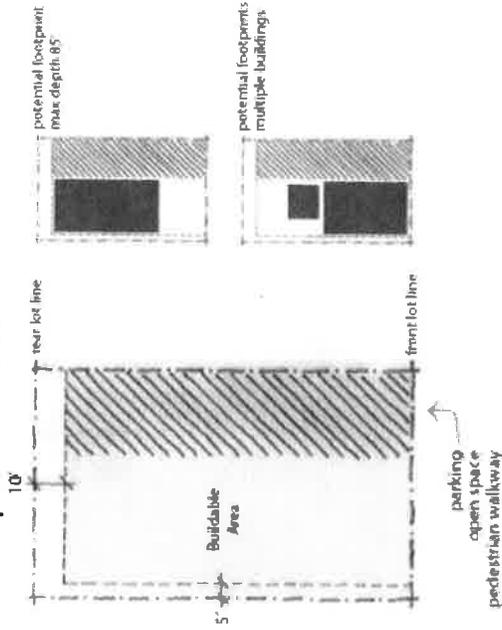


Overlay District Potential Building Footprints

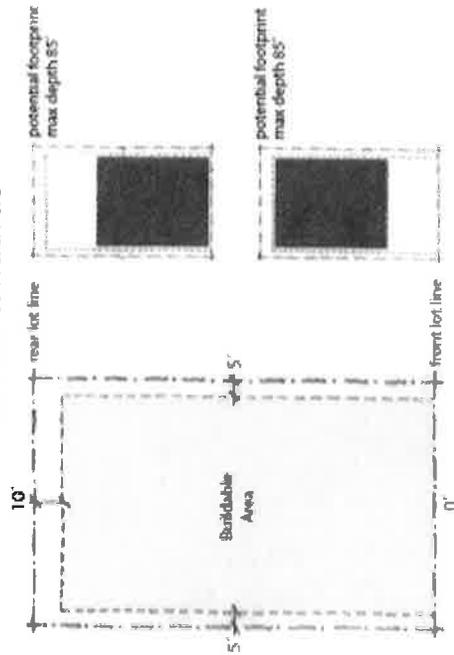
Minimum Setback Standards



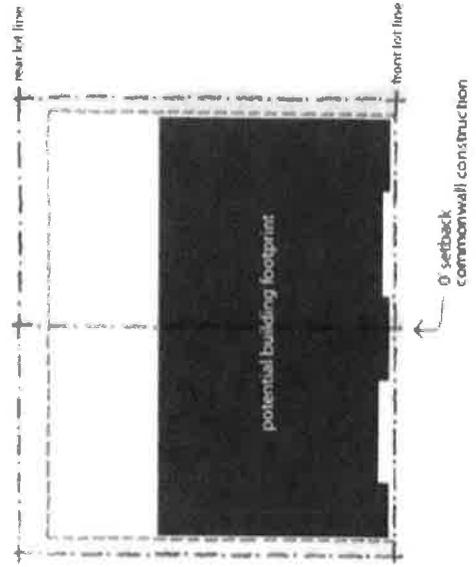
Exception: Side Lot Uses



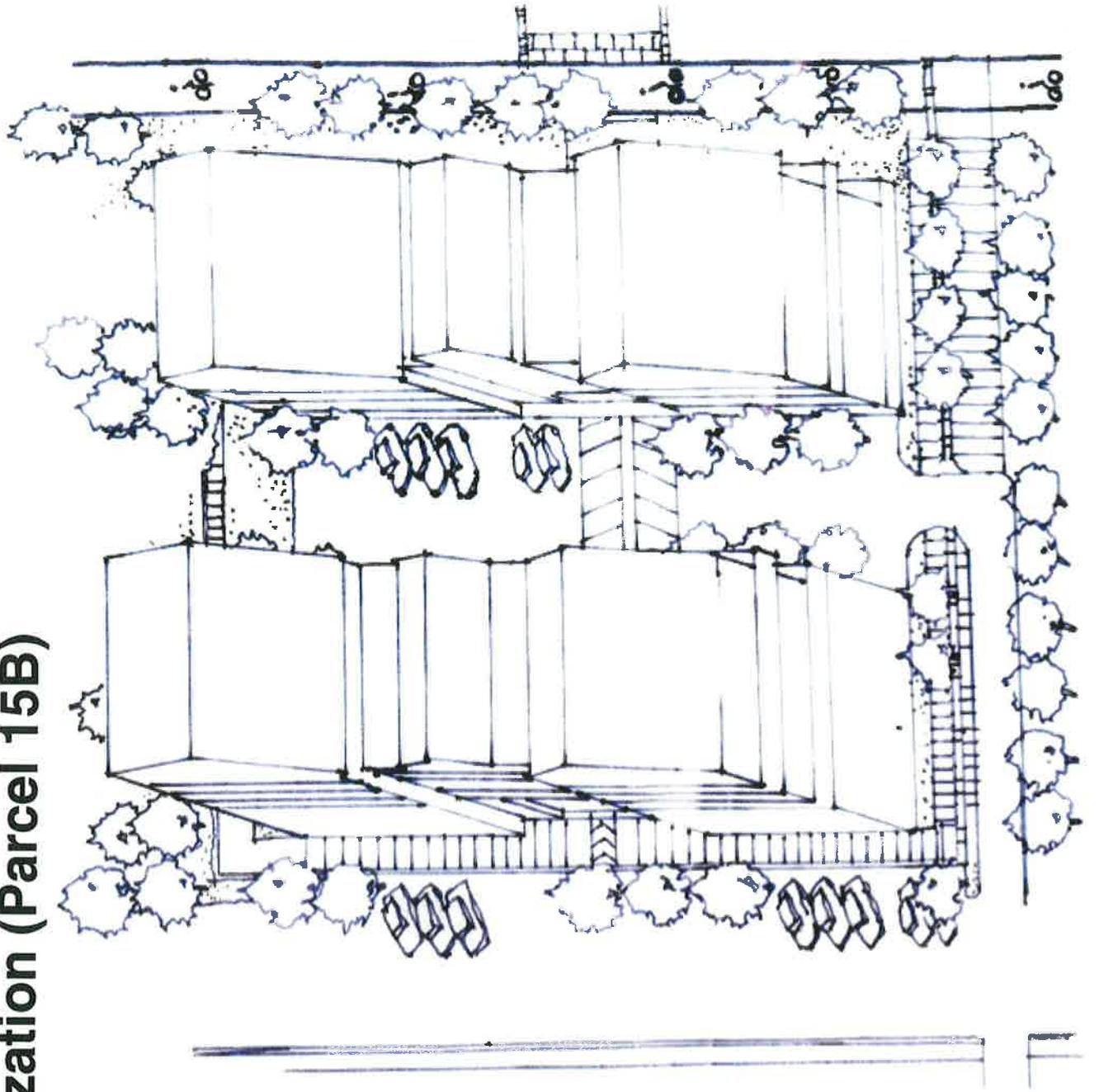
Maximum Setback Standards



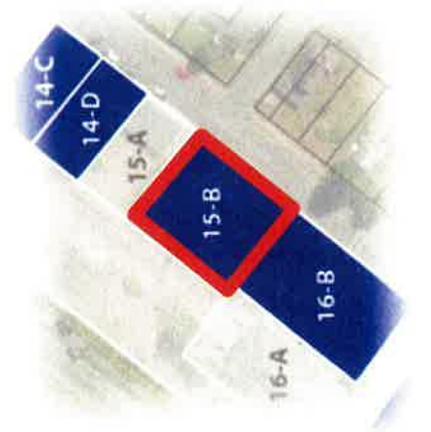
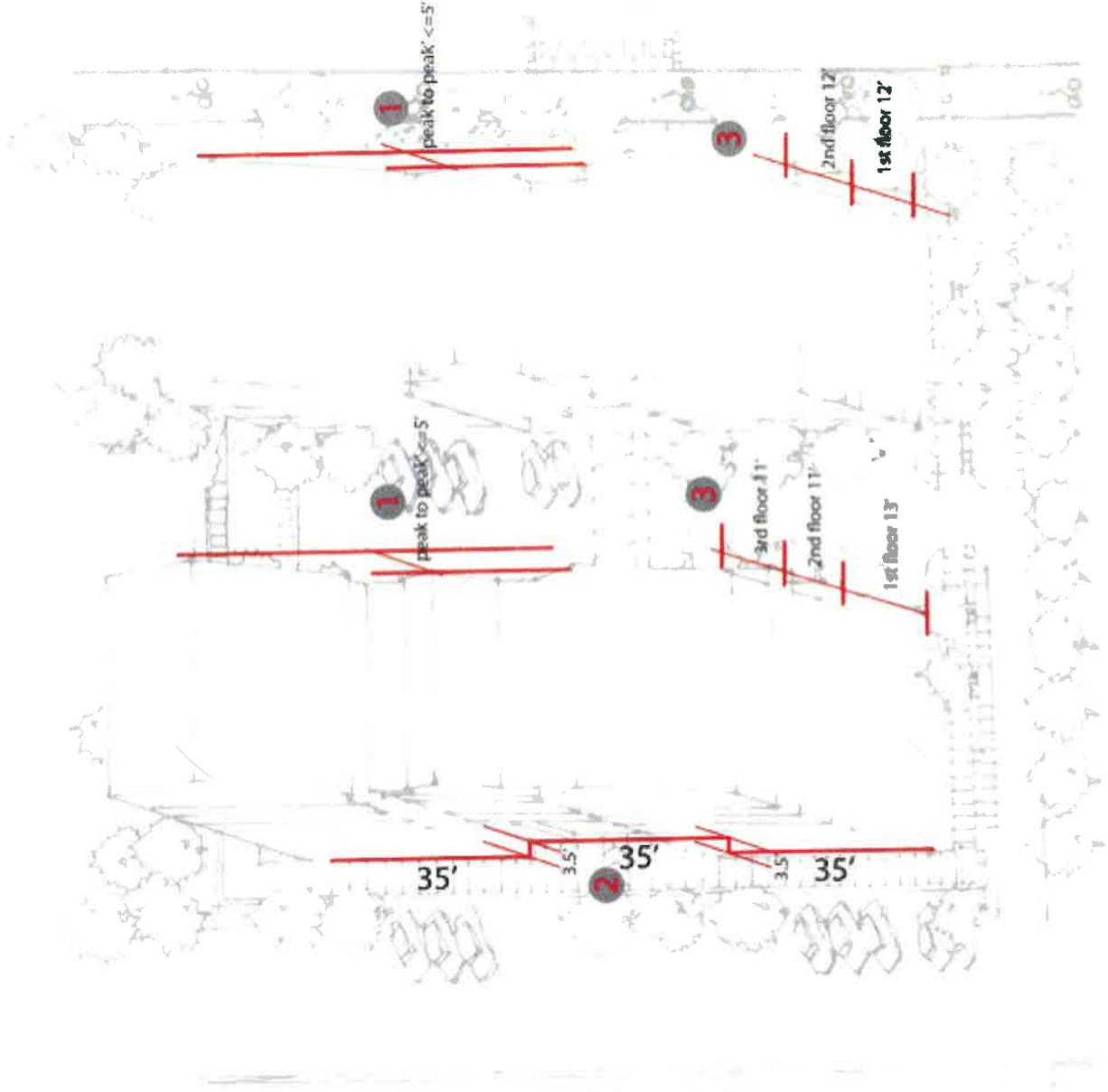
Exception: Common Wall Construction



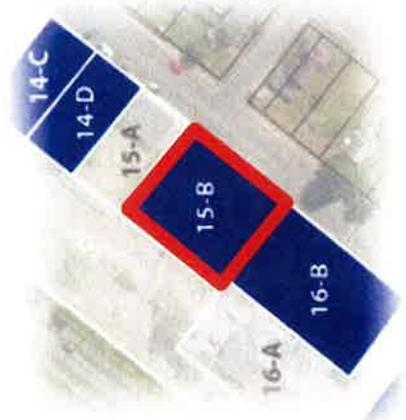
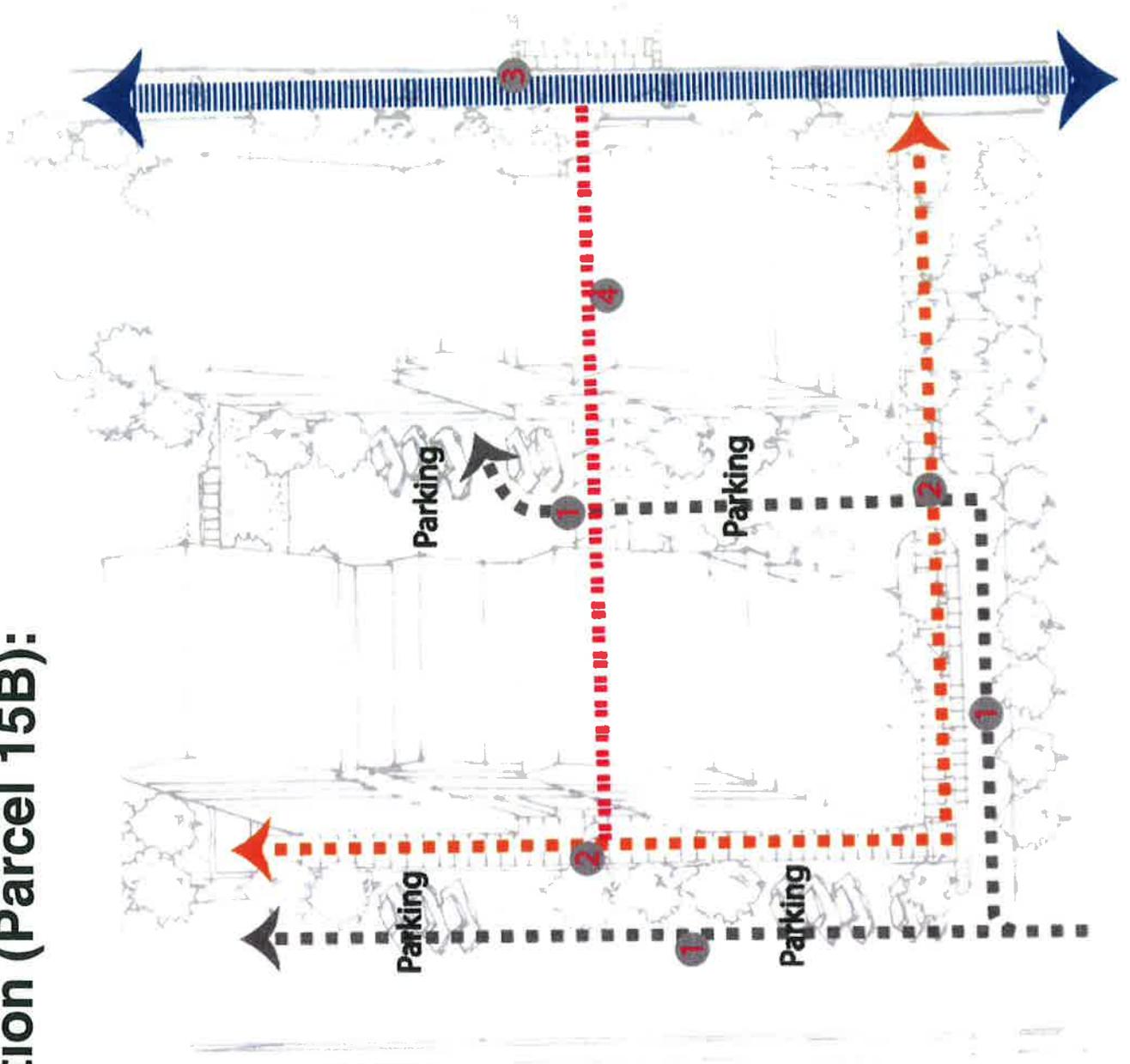
Phase 1 Visualization (Parcel 15B)



Phase 1 Visualization (Parcel 15B): Modulation

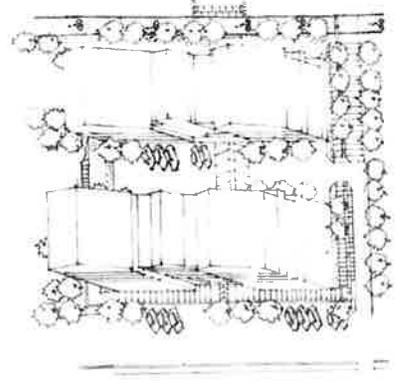


Phase 1 Visualization (Parcel 15B): Access



Phase 1 Development Details (Parcel 15B)

- 17,000 square foot parcel
- Between Foothills Trail and S. River Road
- 7,850 total square foot building footprint
- Building A (River Road): 1st floor retail, 2nd and 3rd floor apartments
- Building B (Foothills Trail): 1st floor and 2nd floor apartments
- 18 apartments
- 2 retail spaces



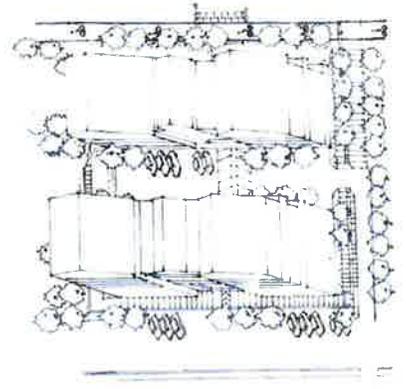
Phase 1 Development Details (Parcel 15B)

Incentive Structure	
Land Value	\$280,500
% Land discount	80%
\$ Land Discount	\$224,400
Land Discount % of cost \$ to Enterprise Fund	6.78% \$56,100

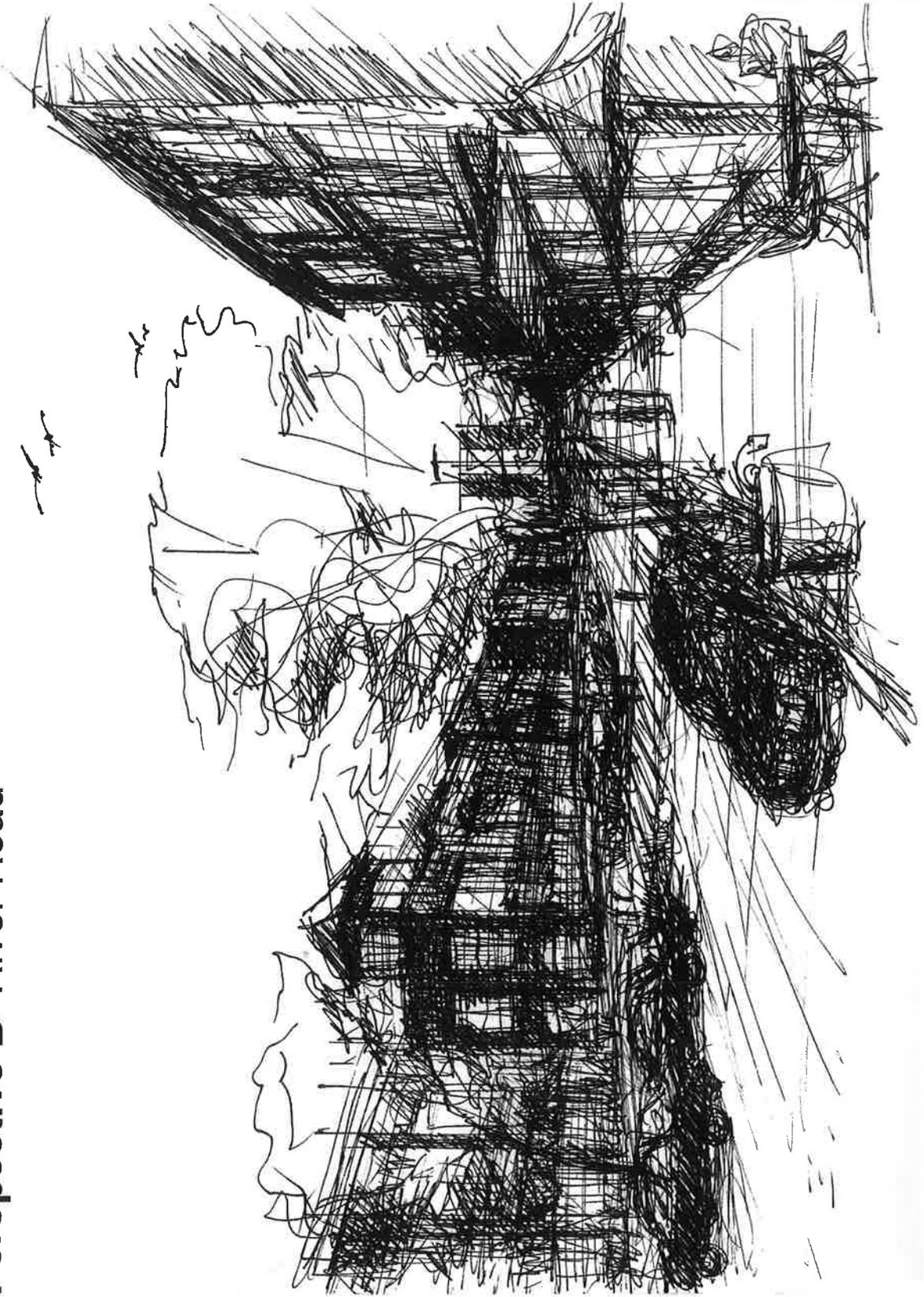
Residential Leasable space			
Building	SF (footprint)	@ floors	total
Bldg. A	4,000	x 2	8,000
Bldg. B	3,850	x 2	7,700
			15,700

Retail Leases				
Use	Units	SF	\$/SF/Yr	PGI/Yr.
Retail	1	2,000	\$ 12.00	\$ 24,000
Retail	1	2,000	\$ 12.00	\$ 24,000
total	2	4,000	\$ 12.00	\$ 48,000

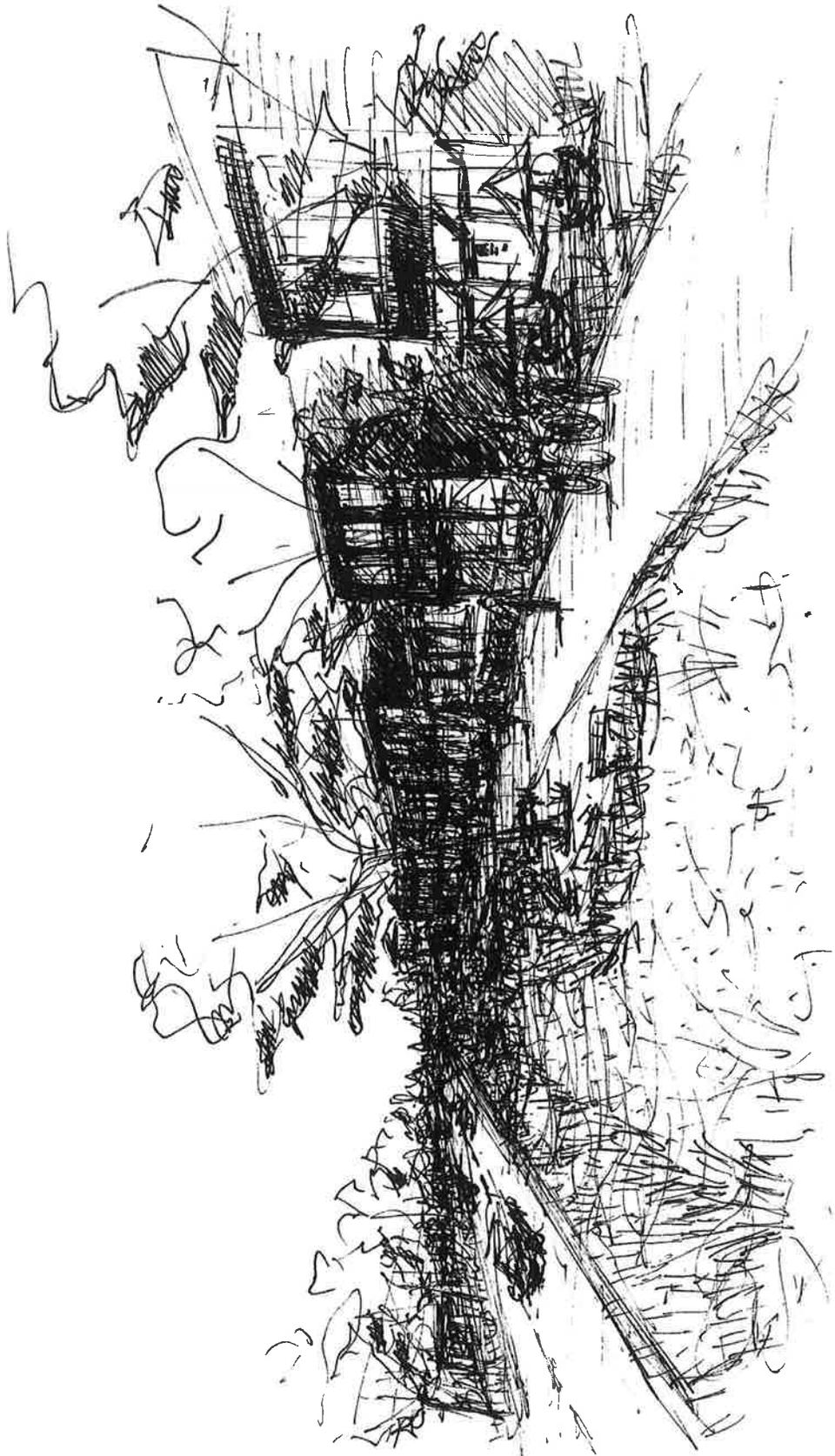
Project Overview	
Building Gross	21,889 SF
Building Net Rentable	19,700 SF
Building Efficiency	90% %
Building Footprint	7,850 SF
Lot Coverage	46% %
Land	\$280,500
Land (Purchase Portion)	17000 SF @ \$15
Closing+Holding Costs	10% % @ \$255,000
Construction	21,889 @ \$113,611
Excavation/Foundation	21,889 SF @ \$5.66
Shell (floor, roof, ext. walls)	19,700 SF @ \$21.19
Interiors	19,700 SF @ \$29.27
Service/Mechanical/Fixtures	19,700 SF @ \$55.28
Appliances/Furnishings	19,700 SF @ \$2.21
Services/Fees	\$776,425
WA Sales Tax	\$2,250,506 @ 9.5%
A/E	\$2,250,506 @ 6%
Contractor's Fee	\$2,250,506 @ 10%
Other Consultants	\$2,250,506 @ 1.5%
Permits	\$2,250,506 @ 1.5%
Leasing Fees	\$2,250,506 @ 6%
Total Project Costs	\$3,307,431



Perspective B River Road



Perspective C River Road



Questions?



PC HEARING Draft 20160606

CITY OF BUCKLEY

DRAFT RAINIER GATEWAY SUBAREA PLAN

JANUARY 18, 2016

PREPARED FOR THE CITY OF BUCKLEY, WASHINGTON



TABLE OF CONTENTS

Table of Contents	2
Figures	3
1 Introduction	4
1.1 Overview	4
1.2 Context	4
1.3 Timeline/ Rainier Gateway Subarea Planning Process	7
1.4 Key Issues	9
2 Existing Conditions	11
2.1 Local Policies & Regulations	11
2.2 County, State & Federal Policies and Regulations	17
2.3 Previous City Planning Work	20
2.4 Foothills Trail	21
3 Rainier Gateway Subarea Plan	22
3.1 Existing Uses	22
3.2 Development Plan	25
3.3 Design Guidelines	27
3.4 Implementation	31
3.5 Marketing Plan	35
3.6 Funding	36
4 Policies and Recommendations	38
5 Regulations	40
5.1 BMC §19.51 Highway 410 Design Review District	40
5.2 BMC §18.36 Binding Site Plan	40
5.3 BMC §12.04 SEPA	40

FIGURES

Figure 1: Rainier Gateway Subarea Boundary6

Figure 2: Timeline of Rainier Gateway Subarea Planning Process.....8

Figure 3: City-Owned Parcels in the Rainier Gateway Subarea10

Figure 4: Zoning in the SR410 Subarea12

Figure 5: Example of a Commercial Site Development under the Highway Review Design Guidelines16

Figure 6: Example of a Two Story Retail/Office Building under the Highway Review Design Guidelines16

Figure 7: Foothills Trail Map19

Figure 8: Existing Uses in the Rainier Gateway Subarea23

Figure 9: Development Plan and Land Uses for the Rainier Gateway Subarea26

Figure 10: Development Plan for South Gateway28

Figure 11: Development Plan for Main Gateway29

Figure 12: Development Plan for North Gateway30

Figure 13: Thunderbird Park Gazebo and Plaza31

Figure 14: Chainsaw Art Installations32

Figure 15: On-Street Parking34

1 INTRODUCTION

1.1 OVERVIEW

Buckley, Washington, is a small City located in the south Puget Sound, thirty miles east of Tacoma and near the foothills of Mt. Rainier. Buckley is facing the challenge of trying to preserve its small-town character while accommodating economic and population growth. The community is concerned about the sprawling physical expansion and intensive commercial development that has happened in nearby cities to the west and north occurring in Buckley.

As a result, in 2002 the City Council established the goal of creating a Subarea Plan for the State Route (SR) 410 railroad right-of-way corridor. The SR 410 railroad right-of-way corridor is bounded SR 410 to the northwest, River Avenue to the southeast, SR 165/Ryan Road to the southwest, and Park Avenue to the northeast (see Figure 1). In this document, it is referred to as the Rainier Gateway Subarea Plan area.

In 2003, the National Park Service, in cooperation with the U.S. Forest Service and local jurisdictions located in the Carbon River Corridor, including Buckley, conducted a charrette to envision growth in the corridor related to recreational activities. Many of the goals and design themes developed in this charrette became part of the City's 2005 Comprehensive Plan update, conducted by the City with the assistance of students from the University of Washington's Master of Urban Planning program.

The City's 2005 Comprehensive Plan identified recreational aspects of the community as being a key to promoting economic development and developed recommendations for redeveloping the property within the Rainier Gateway Subarea. The availability of vacant land within the City-owned former railroad right-of-way, in conjunction with its proximity to the Foothills Trail, SR 410, and the downtown business core, make it an ideal location for development that will support the City's vision. The intention of the Rainier Gateway Subarea Plan is to consolidate and adopt the planning work done by the City over the last ten years as formal policies and regulations.

Comment [BM1]: AHBL Comment: Need to incorporate 2015 Comprehensive Plan update materials into the final draft of the Rainier Gateway Subarea Plan.

1.2 CONTEXT

The City of Buckley is approximately four square miles in area and sits on the White River plateau next to the southern Cascades. Two state highways intersect in Buckley. SR 410 connects Sumner to Yakima and SR 165 links Buckley to Wilkeson, Carbonado, and Mt. Rainier's Carbon Glacier, as well as connecting to SR 162, which leads to South Prairie and Orting. The City and the state are currently working on the Ryan Road realignment project, which will improve the intersection of SR 410 and SR 165, as well as redefine the southern boundary of the Rainier Gateway Subarea Plan. Plans also exist to connect Buckley's Foothills Trail to Enumclaw and King County, with a bridge over the White River. The Washington State Department of Transportation (WSDOT) is currently replacing the steel-truss Meridian Street Bridge in Puyallup and has identified the potential to preserve the old bridge for use on the Foothills Trail between Enumclaw and Buckley across the White River.

The City of Buckley incorporated in 1889, although settlers had been arriving in the area since 1830, beginning with fur trappers and then miners after the discovery of coal in the upper Carbon River area in the late 1860s. Logging became the primary trade in Buckley; however, because of the decline in the logging industry, the City has seen limited population and job growth.

The City was skirted by the Wilkeson rail line, built in 1877 between Tacoma and Wilkeson, but then became a flag station on the Northern Pacific Railroads first transcontinental rail line in 1884. In 1982, the Burlington Northern Railway ended service on the tracks, and the railroad bed has since been acquired by the City and Pierce County and converted into the Foothills Trail. The 25-mile-long trail has become a popular recreational destination for bicyclists. The trail currently consists of 15 miles of paved non-motorized trail from South Puyallup to South Prairie and a two mile paved section in Buckley. Plans exist to connect the Foothills Trail in Buckley to the main paved trail ending in South Prairie in 2015, as well as continue to travel north through the City to King County and Enumclaw.

PC HEARING draft 20160606

The City of Buckley has a population of 4,430 people, according to the Office of Financial Management’s 2014 estimate. The City’s population is projected to grow to 7,888 people by the year 2035, based on the population allocation target assigned to the City by Pierce County for 2030 and the City’s growth targets identified in the 2015 Comprehensive Plan.

While the Rainier School is the largest employer in the City, employing approximately 900 people, many citizens are employed outside of the City, due to a lack of other local employers. Within the City, social, educational, and health services make up the largest employment base, which is approximately 21 percent of the total base. The City has shortages of jobs in retail, manufacturing, and financial services, and continues to lose both retail sales and retail properties to neighboring jurisdictions.

Buckley has much to offer in the way of outdoor recreation, including hiking, cycling, fishing, kayaking, skiing, snowshoeing, and bird and wildlife viewing. The Foothills Trail is dubbed locally as “the new Main Street” because it serves as a major thoroughfare for pedestrians and bicycle traffic. It is a place where the community gathers for events and for recreation, and is a center of local importance.

1.3 TIMELINE/ RAINIER GATEWAY SUBAREA PLANNING PROCESS

The Rainier Gateway Subarea Plan is the culmination of strategic decisions and planning work completed over the last 13 years. In their 2002 visioning process, the Buckley City Council established the goal of completing a Master Development Plan for the Railroad Property. In 2003, the City, along with several other plateau communities, received a grant from the National Park Service to conduct several public visioning charrettes and create a plan for envisioning growth along recreational themes in the Carbon River Corridor. The charrettes resulted in general goals and design themes for the City, which formed the basis for the Comprehensive Plan updated in 2005.

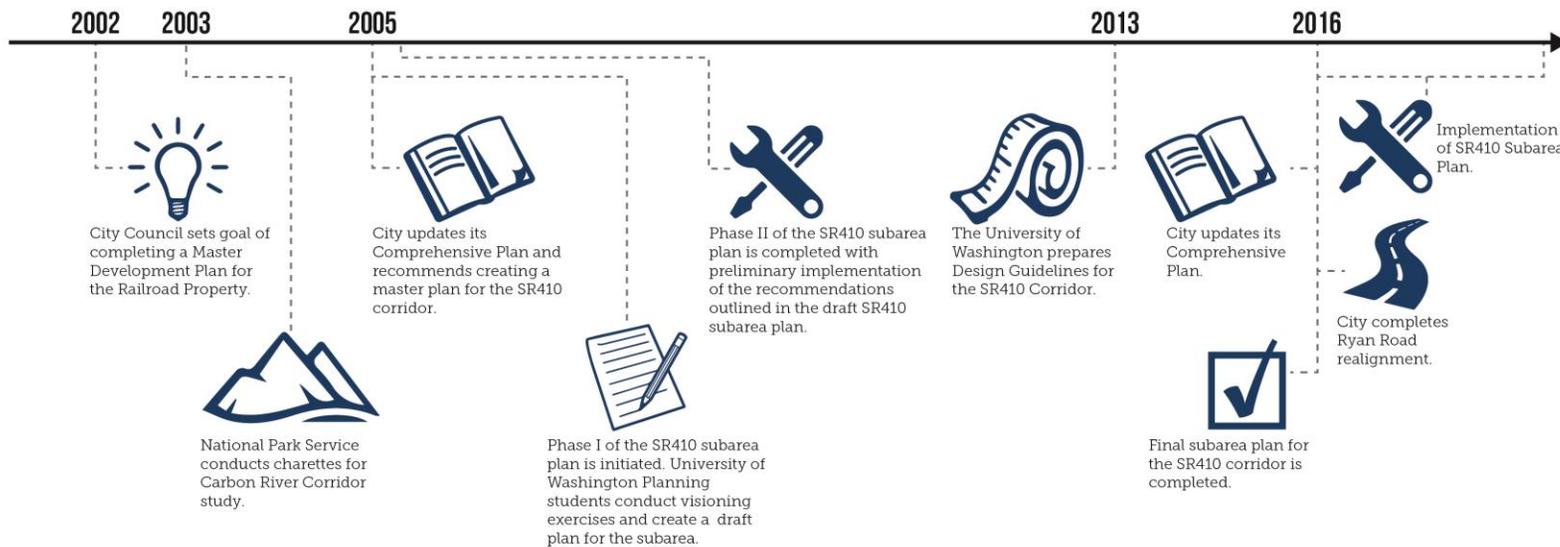
The University of Washington’s Master of Urban Planning class assisted the City in updating its Comprehensive Plan in 2005. As part of the update, staff and students conducted various public visioning workshops where they received ideas and suggestions for the future of the City, which ultimately formed the basis for the goals and recommendations added to the Comprehensive Plan.

One of the goals of the 2005 Comprehensive Plan was to plan for the development of the vacant property along the Rainier Gateway Subarea so that it would draw people to the downtown business area. The Comprehensive Plan identified recreational aspects of the community and surrounding area as key to attracting and promoting economic development within the City. With its availability of vacant land and proximity to the Foothills Trail and downtown business core, the City identified the Rainier Gateway Subarea as an ideal area for an overlay zone for development that would be consistent with the City’s vision.

After the completion of the Comprehensive Plan, the first phase of planning for the Rainier Gateway Subarea was initiated. The University of Washington’s Master of Urban Planning class assisted the City in creating the first draft of the Rainier Gateway Subarea Plan, and developing an implementation plan for phase two of the planning process. The preliminary implementation was completed in 2005 using a \$10,000 grant from CTED. Full implementation of the overlay performance standards was delayed until the Ryan Road realignment project and a zoning code update had been completed.

In 2013, the City contracted the University of Washington’s Department of Urban Design & Planning to prepare Design Guidelines for the Rainier Gateway Subarea. The students from the program gathered data, researched best practices, and engaged with the citizens of Buckley through public meetings to form an understanding of the City’s

Figure 2: City of Buckley SR410 Subarea Planning Timeline



economic conditions and community goals. The students then prepared recommendations for the City and ultimately presented Design Guidelines for the Rainier Gateway Subarea to the City Council.

In 2015, as part of its 2015 Comprehensive Plan update process, the City entered its final phase of planning for the Rainier Gateway Subarea. The final Rainier Gateway Subarea Plan includes findings from the previous planning work done for the Rainier Gateway Subarea and incorporates policies and regulations that will govern development within the Rainier Gateway Subarea.

After the adoption of the Rainier Gateway Subarea Plan is complete, implementation of the recommendations in the plan will result in realizing the City's vision for the Rainier Gateway Subarea. The City will be the lead implementer on most of the policies and recommendations, with the assistance of public/private partnerships, and community groups.

1.4 KEY ISSUES

Commercial activity in Buckley has suffered from competition in neighboring communities and economic recession, reducing the desire of outside investors and local entrepreneurs to invest in Buckley. Because of underinvestment, local demand for everyday goods and services has not been met, forcing residents to leave the City to work and shop. Buckley lacks certain commercial offerings, but it has a collection of historical, character-rich storefronts along the Main Street.

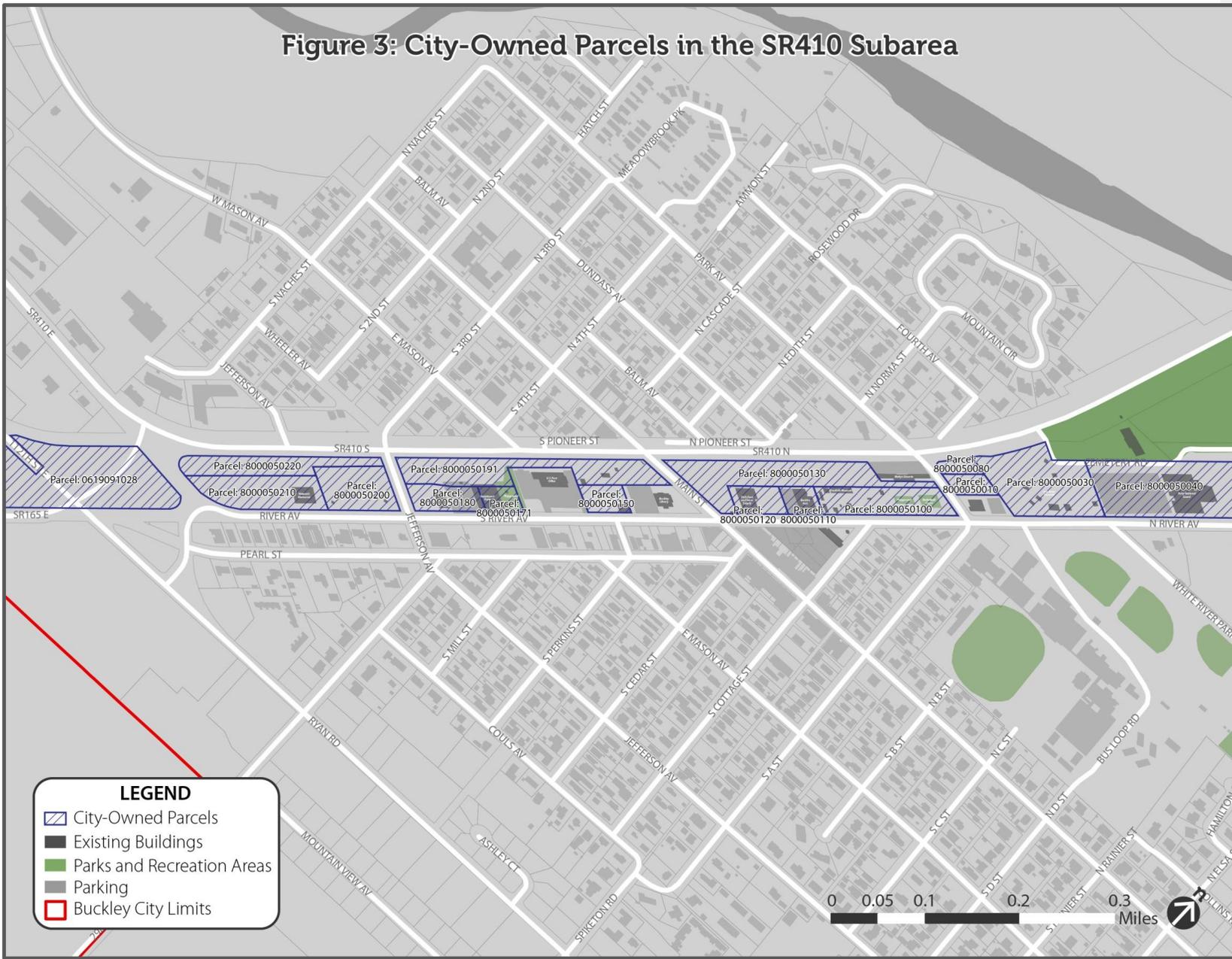
Buckley is interested in accommodating anticipated local growth in a manner that supports Buckley's character. The City anticipates that new investment into Buckley will occur in the form of new residential and retail uses within the next few years. The City understands growth is needed, but that growth should be reasonably controlled so that the City's valuable assets are preserved for current and future residents.

The City of Buckley owns multiple parcels within the Rainier Gateway Subarea that may be of interest to potential investors (see Figure 3). Buckley has the opportunity to shape development within the Rainier Gateway Subarea by dictating the form and intent of each parcel through design guidelines. The sale of key City-owned parcels should be phased strategically in order to link the Rainier Gateway Subarea to Buckley's historical downtown as the commercial and social center of the City.

Opportunities also exist in the Rainier Gateway Subarea to position the community as a "gateway to Mount Rainier" and a destination for tourists and residents alike, who are interested in outdoor recreational activities. Recreational uses should be encouraged within the Rainier Gateway Subarea, including expanding the Youth Center and Skateboard Park. Providing signs and amenities for Foothills Trail users will encourage them to stop in Buckley for food, shopping, and local events, and encourage them to return to Buckley.

The challenge facing Buckley is to create an economic climate that produces a healthy economy for jobs and businesses without compromising the community's desires to maintain its small town lifestyle and protect its natural amenities. The Rainier Gateway Subarea Plan aims to increase economic development in the City by establishing a business-friendly environment and attracting tourism by making Buckley a recreational destination with the presence of the Foothills Trail and proximity of Mt. Rainier.

Figure 3: City-Owned Parcels in the SR410 Subarea



2 EXISTING CONDITIONS

No major environmental or critical area constraints were identified that would affect development within the Rainier Gateway Subarea. The zoning designations in the subarea are Central Commercial (CC) and Public (P), as shown in Figure 4. The minimum lot size in the CC zone is 3,000 sf per unit and the minimum lot width is 40 feet. There are no minimum setbacks requirements for commercial uses, while commercial mixed-use development requires a 10-foot front, side, and rear setback. Setbacks in the Public zone are ten feet from commercially zoned properties and right-of-ways and in accordance with the building code for setbacks from other publicly zoned properties.

With respect to building massing, the maximum lot coverage excluding landscaping required for barrier or visual relief buffers in the CC zone for commercial mixed-use units is 70 percent, not including outbuildings or accessory units, and when they are included, the maximum lot coverage is 75 percent. The maximum lot coverage excluding landscaping required for barrier or visual relief buffers for commercial units is 100 percent. The P zone has no maximum requirements for lot area or lot coverage.

The maximum height in both the CC and P zones is 35 feet, which is effectively three stories, and off-street parking requirements vary by use. The surrounding area consists of High Density Residential (HDR), Low Density Residential (R-6,000), Historic Commercial (HC), and some Medium Density Residential (R-8,000).

2.1 LOCAL POLICIES & REGULATIONS

2.1.1 COMPREHENSIVE PLAN

The Comprehensive Plan guides the City's future development based on the input of its citizens. The City of Buckley is committed to providing the components that contribute to the quality of life for residents and future generations. The key strengths of Buckley are its small town character and natural setting. However, Buckley faces challenges in the way of economic revitalization and population growth after the economic decline of late. In addressing these challenges, the City aims to preserve its small town character and natural environment.

The 2015 Comprehensive Plan update focused on three areas, which form the basis of the Plan's vision for the future. These areas were:

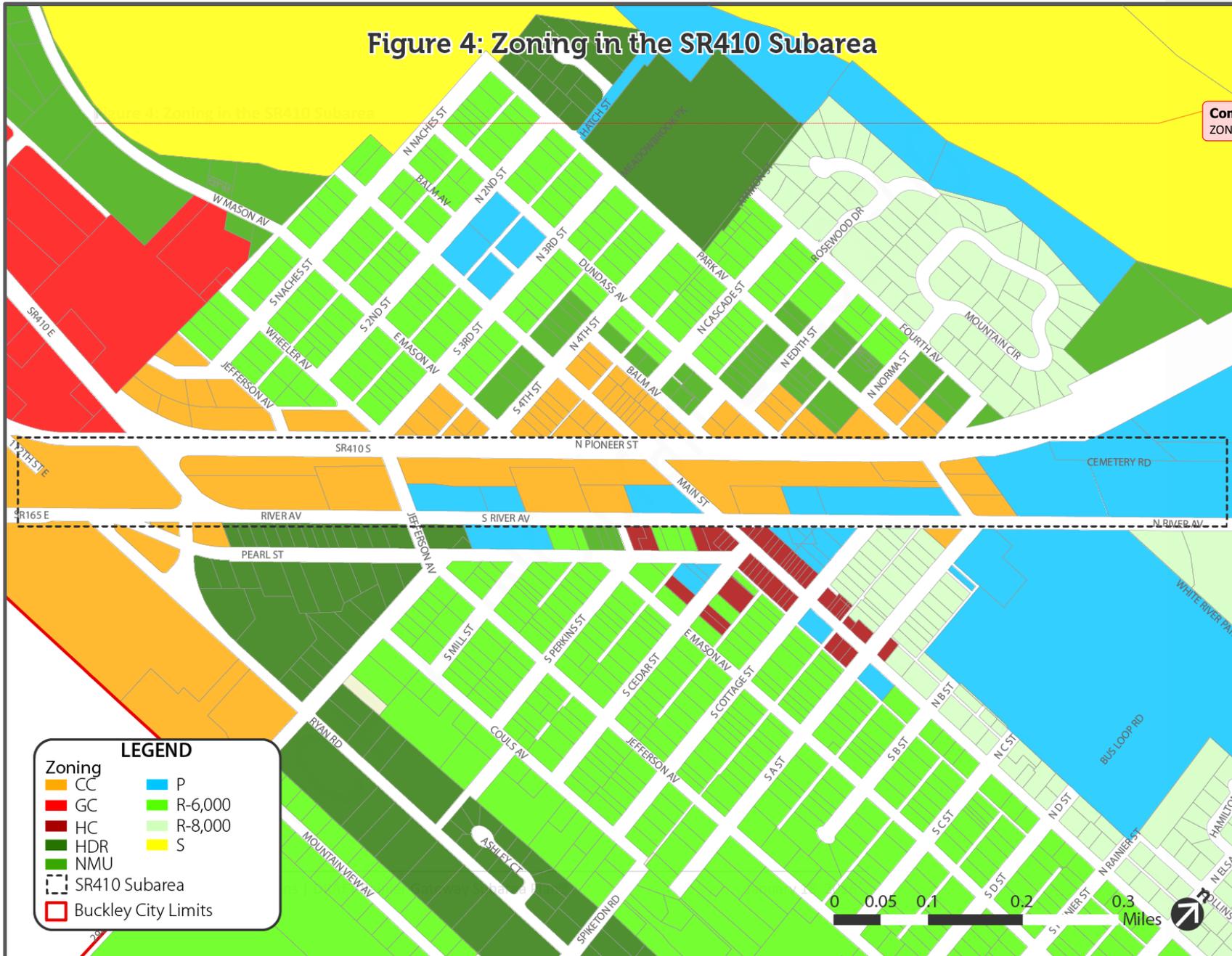
1. Preserve Buckley's town identity and character;
2. Develop the economic viability in the downtown core and SR 410; and
3. Promote outdoor recreational activities.

These focus areas established are the foundation for the goals for the City and the basis for the recommendations set forth in the Comprehensive Plan. These goals included creating an atmosphere that serves as a magnet for tourists, providing recreational activities for both residents and visitors, centering housing and commercial development in the downtown area, preserving the rural character outside of the downtown, and enhancing the small-town character of the City by creating a more pedestrian-oriented downtown.

The Rainier Gateway Subarea Plan must be consistent with the 2015 Comprehensive Plan, which included several policies to guide development in the Rainier Gateway Subarea.

Figure 4: Zoning in the SR410 Subarea

Comment [kj2]: NEED TO ADD UPDATED ZONING MAP



2.1.1.1 LAND USE ELEMENT

The land use element of the Comprehensive Plan set forth the following policies that support and guide the recommendations in the Rainier Gateway Subarea Plan:

Policy 1.1.1

Buckley should preserve its small town character through the following:

- 1. Concentrate retail development near the historic downtown center of the city and near the Rainier Gateway Subarea.*
- 2. Integrate additional density in the residential zones in a manner that protects the single-family areas from commercial encroachment.*
- 3. Focus commercial development outward from the existing commercial zones.*
- 4. Focus pedestrian and bicycling trails and sidewalks between commercial and residential developments to encourage non-motorized access.*
- 5. Encourage mixed-use developments in commercial zones.*

Policy 1.1.2

The city should formally designate the area between Ryan and Park, and between SR 410 and River Avenue the city's center of local importance (CoLI).

Policy 1.6.4

Plazas and open space should be provided to link trails with commercial areas.

Policy 1.8.7

New development shall provide community paths and trails that link the new development to existing trails and paths.

2.1.1.2 HOUSING ELEMENT

The housing element of the Comprehensive Plan set forth the following policies that support and guide the recommendations in the Rainier Gateway Subarea Plan:

Policy 2.1.1

Incorporate neighborhood character and design principles into zoning and design review standards for new development.

Policy 2.1.3

Housing should be permitted above commercial uses in most commercial zones.

2.1.1.3 ECONOMIC DEVELOPMENT ELEMENT

The economic development element of the Comprehensive Plan set forth the following policies that support and guide the recommendations in the Rainier Gateway Subarea Plan:

Policy 3.1.2

The city's regulations should provide the following to enhance sustainable economic development:

- a. Economic disincentives for vacant buildings.*
- b. Overlay district design standards for each commercial area, one for east/west-bound SR 410, one for the area adjacent to northeast-bound SR 410, and one for the historic district.*
- c. Procedures that are as streamlined as possible and still follow state requirements.*

Policy 3.2.3

Historic downtown buildings should emphasize Buckley's small-town attributes through historic renovation.

Policy 3.4.3

The area between River Avenue and SR 410 is a place where people meet, recreate, and is an important open space area that gives the city a pleasant atmosphere. The area is zoned commercial and shops are planned to be erected between the Foothills Trail and River Avenue; the area between SR 410 and the trail will remain open space. The area should be designated with the county as a center of local importance and called the Rainier Gateway Center.

Policy 3.6.1

When possible, open space areas should be protected as natural areas for public enjoyment or developed into recreational facilities.

2.1.1.4 URBAN DESIGN ELEMENT

The urban design element of the Comprehensive Plan set forth the following policies that support and guide the recommendations in the Rainier Gateway Subarea Plan:

Policy 4.1.1

Develop pedestrian infrastructure by widening sidewalks, installing crosswalks, corner plazas, bollards, street furniture, and so forth.

Policy 4.2.2

Develop a visual link between the trail and downtown by using elements such as pavement materials or landscaping. For example, the existing small plaza could be enhanced to help connect the trail with downtown.

Policy 4.2.3

Develop a place of respite on the bike path as it passes Main Street to encourage trail users to stop and visit downtown.

Policy 4.2.4

Encourage retail consistent with recreational use between the trail and River Avenue.

Policy 4.4.6

Work toward a future regional transit stop in Buckley's downtown core through establishing public parking areas, park-n-ride lots, and commercial areas around public parking lots.

2.1.2 DESIGN GUIDELINES

In 1991, the City of Buckley identified two key districts for redevelopment and adopted specific design guidelines: the Downtown Review District and the Highway Review District. Each district has specific guidelines pertaining to scale, detailing, setback requirements, sidewalk improvements, and details for renovation and construction of new and existing structures. The City reviews proposals for restoration and new development in the City's historic commercial core and the commercial and industrial corridor along State Route 410 in accordance with these guidelines.

The 1991 Design Guidelines for the Highway Review District guide the development of land along Highway 410 as it is converted from agricultural and low-density development to commercial and industrial uses. The design guidelines call for new development on SR 410 to be large in scale and flanked by large parking areas. Buildings should take inspiration from the barns and lumber mills built by the settlers and those who came after them on the Buckley plateau. Buildings and new development along SR 410 should be designed to reflect and reinforce the rural character of the area.

Currently, projects within the Rainier Gateway Subarea must comply with the Design Guidelines for the Highway Review District, including using traditional materials such as wood, stone, and metal, with long horizontal lines with sloping roofs. A 35-foot wide minimum landscaped buffer is required along the SR 410 frontage, with an irrigated planting strip greater than ten feet wide, a six-foot wide meandering sidewalk, and bermed parking areas. Within the Rainier Gateway Subarea long, uninterrupted buildings and developments are not acceptable. The Design Guidelines require either modulation or a variation of the building façade by shifting the elevation no less than four feet every 80 feet of building length. Individual buildings or developments within the Rainier Gateway Subarea are limited to more than 30,000 gross square feet in area. Buildings in the Rainier Gateway Subarea can be no more than two stories and have sloping roofs with a minimum pitch of 6:12.

2.1.3 BMC § 19.51 HIGHWAY 410 DESIGN REVIEW DISTRICT

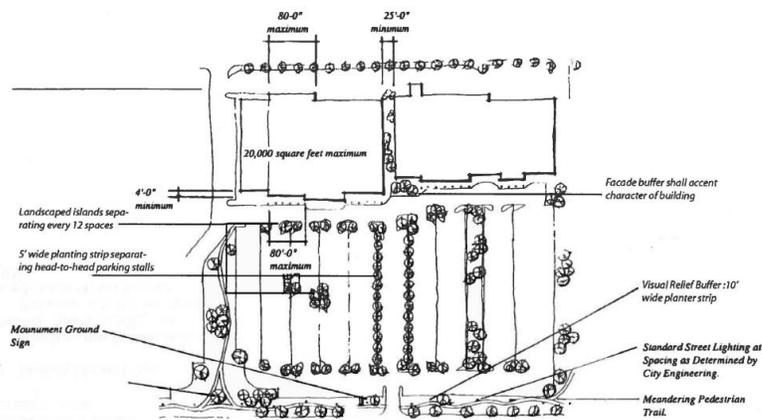
In 1991, to enforce the Design Guidelines adopted by the City of Buckley, regulate growth along SR 410, and prevent unsightly strip development, the City Council passed Ordinance 19-91 to create the Highway 410 Design Review District, [Chapter 19.51 of the Buckley Municipal Code](#) (BMC).

Comment [BM3]: AABL Comment: The purpose (BMC 19.51.010), scope (BMC 19.51.030), description (BMC 19.51.040), and map of the Highway 410 design review district will need to be amended to remove the area subject to this subarea plan.

If the proposed development meets the following criteria, it is subject to review under the Highway 410 design review criteria:

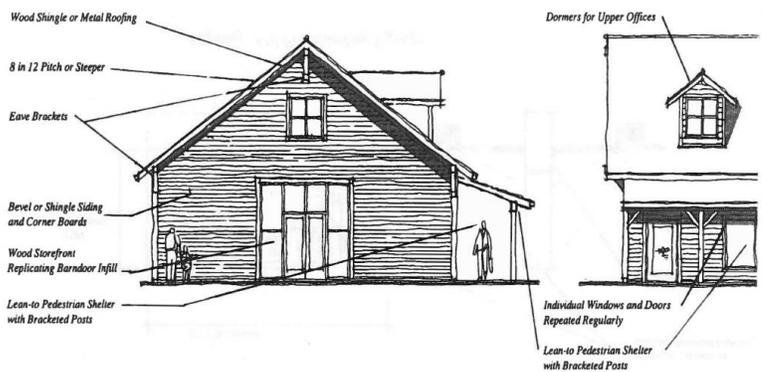
1. The fixture is not a sign which is otherwise regulated under BMC §19.30;
2. The structure or fixture is not a single-family detached residential dwelling, unless said detached single-family residential dwelling is used for commercial purposes;
3. The structure or fixture lies in the HC, GC, CC, LI, NMU, and P zone or is used for commercial purposes; and

Figure 5: Example of a Commercial Site Development under the Highway Review Design Guidelines



Example: Commercial Site Development

Figure 6: Example of a Two Story Retail/Office Building under the Highway Review Design Guidelines



Example: Two Story Retail/Office

4. The structure is proposed for property, which abuts SR 410 or is adjacent to properties that abut SR 410 and such property is also subject to review, and these properties abut one another on a common border or point.

For development proposed within the Highway 410 development area, and meeting the criteria above, the design review committee will review the application for construction or alteration. The design review committee will either (1) forward recommendations to the City Council for major construction or alteration that results in significant structural changes or total new construction or (2) vote to approve, deny or approve the application with modifications for minor construction or alterations that do not result in major structural changes.

2.2 COUNTY, STATE & FEDERAL POLICIES AND REGULATIONS

2.2.1 COUNTYWIDE PLANNING POLICIES AND VISION 2040 MULTI-COUNTY PLANNING POLICIES

The City is currently in the process of designating the Rainier Gateway Subarea a Center of Local Importance (CoLI). Under the Pierce County Countywide Planning Policies (CPP), areas that serve as important centers within Pierce County communities may be formally designated as a CoLI. The formal recognition of a CoLI would be used in future countywide project evaluations.

The CPPs establish design features for CoLIs that are consistent with the Puget Sound Regional Council's (PSRC) VISION 2040's Multi-County Planning Policies. A CoLI is characterized by a concentration of land uses or activities that provide a sense of place or gathering place for the community and neighborhood residents. A CoLI should include one or more of the following land uses:

- Civic services
- Commercial areas
- Recreational areas
- Industrial areas
- Cultural facilities/activities
- Historic buildings or sites
- Residential areas

A variety of transportation options and pedestrian friendly design should be available or planned within a CoLI. The City is responsible for defining what role the CoLI will play in supporting planned growth, and adopting the CoLI by documenting how the CoLI meets the design features specified in the Pierce County CPPs, and delineating the area on a map within the City's Comprehensive Plan. The City is then required to provide the Pierce County Regional Council (PCRC) notice of its intention to adopt a CoLI locally. The CoLI will then be recognized in Appendix B of the Pierce County CPPs.

2.2.2 NATIONAL PARK SERVICE – CARBON RIVER CORRIDOR

In 2003, the National Park Service collaborated with the U.S. Forest Service and local jurisdictions to complete a study on the Carbon River corridor on the north side of the Mount Rainier National Park, looking at portions of the SR 165, SR 162, and Rainier Gateway Subareas. The study included public outreach, with participation from the communities of Wilkeson, Orting, South Prairie, and Buckley, as well as the Puyallup Tribe.

The study explored a variety of opportunities to improve visitor experience in the corridor, and to strengthen the relationship between local communities and Mount Rainier National Park. Public workshops, stakeholder meetings, and interviews were held, followed by a charrette, an intense, idea generating design process to facilitate development of concepts and visualizations for potential activities within the corridor.

The charrette found most of the federal lands in the corridor are at or exceeding their capacity for recreational use. Opportunities for increased recreational capacity in the future will be found in the corridor communities and with the development of the Foothills Trail. There are also strong opportunities for the corridor communities to communicate their heritage to visitors through cultural facilities.

2.2.3 STATE ENVIRONMENTAL POLICY ACT (SEPA) RULEMAKING 2014

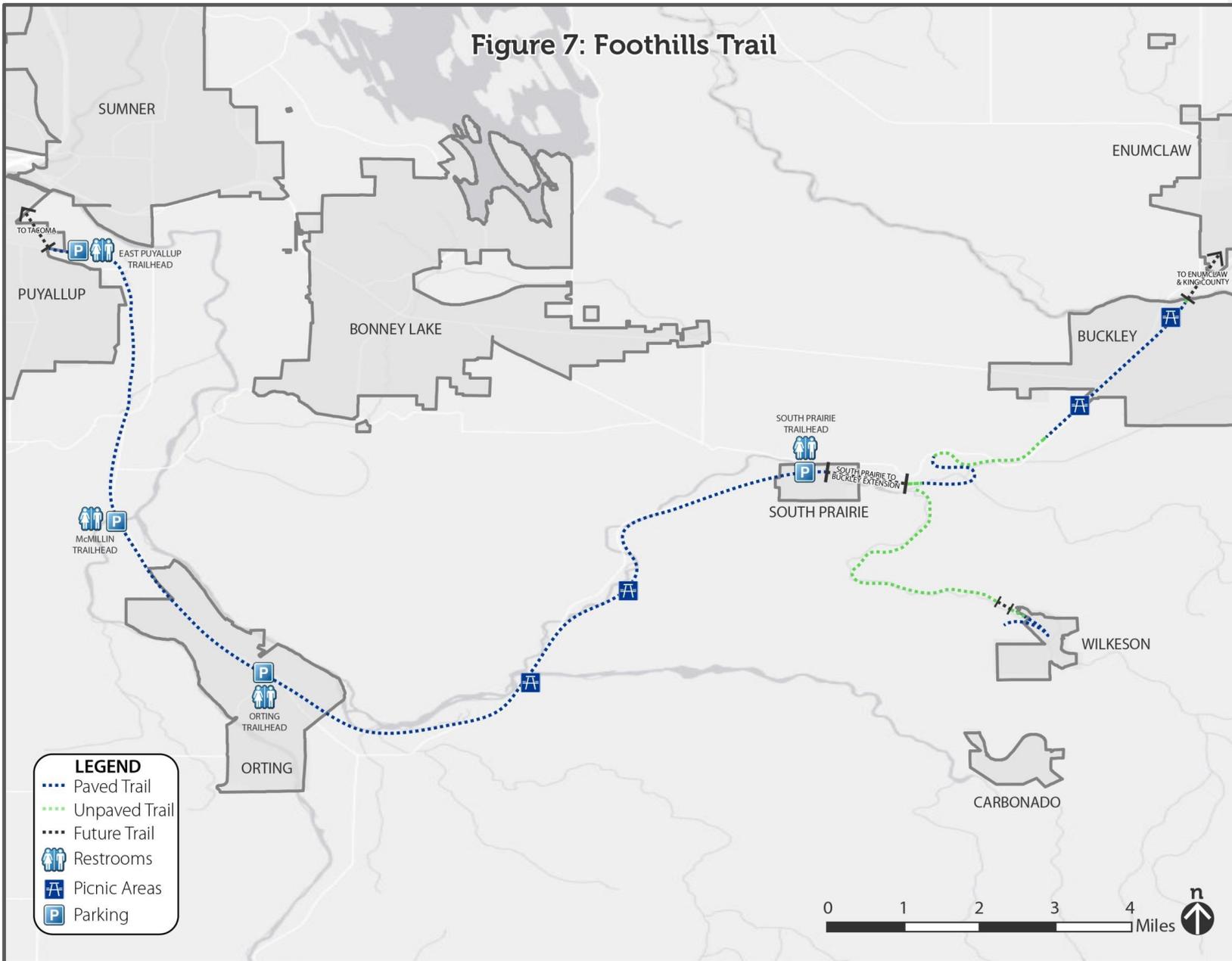
In light of the increased environmental protections now in place under RCW 36.70A, RCW 90.58, and other laws and procedures for environmental protection, land use planning and infrastructure, in 2014 the Washington State Department of Ecology updated the State Environmental Policy Act (SEPA) Rules that guide state and local agencies in conducting SEPA reviews.

The updated SEPA rules (WAC 197-11-800(1)(d)) allow communities to adopt increased flexible exemption thresholds for minor new construction, provided that the requirements for environmental analysis, protection and mitigation for impacts to the environment were adequately addressed through conformance with adopted development regulations and applicable state and federal laws.

2.2.4 RCW 58.17.035 - BINDING SITE PLANS

The Washington State Legislature authorized the binding site plan method of dividing property in RCW 58.17.035 as an alternative to the subdivision or short subdivision process. Binding site plans may be used to subdivide industrial or commercial land, land for the purpose of lease when no residential structures other than mobile homes or travel trailers are permitted, and land for condominium purposes. The City's Planning Director approves binding site plans administratively and then they are recorded with the County.

Figure 7: Foothills Trail



2.3 PREVIOUS CITY PLANNING WORK

2.3.1 SR 410 DRAFT MASTER PLAN – PREPARED BY THE UNIVERSITY OF WASHINGTON - 2005

In 2005, a University of Washington’s Master of Urban Planning studio assisted the City in creating a Draft SR 410 Master Plan. Building on recommendations in the 2005 Comprehensive Plan, the draft plan sought to address the challenges facing Buckley by spurring economic development within the Rainier Gateway Subarea and downtown business core. The draft planning process began with background research on the existing regulatory context for the Rainier Gateway Subarea to identify potential constraints and opportunities.

A steering committee was formed and meetings were held to focus concerns associated with the future use of the corridor. The committee helped to develop and prioritize design approaches for the corridor, which were prepared as conceptual site plans. Three designs were developed for the corridor based on the feedback from the steering committee including an open space alternative, a commercially developed alternative, and a mixed-use alternative. A community workshop was held to obtain feedback on the proposed designs, the results of which led to the preferred site plan for the corridor.

During the initial steering committee meeting as well as in the public workshops, Buckley residents showed strong support for accentuating the Foothills Trail with small commercial/residential buildings while keeping the area between the trail and SR 410 as open space. The preferred site plan included a realignment of the SR 410/SR 165 intersection and a mix of open space and commercial, with second floor office space and residential. Priorities for inclusion in the corridor based on the community workshop included:

- Locating new multi-family housing near existing multi-family housing;
- Installing removable bollards on Jefferson Avenue for holding a farmer’s market or community event in the Rainier Gateway Subarea;
- Relocation of the gazebo in future public buildings area (part of Civic Core); and
- An amphitheater north of Wally’s.

The preferred site plan for the Rainier Gateway Subarea was designed to act as a catalyst for economic development within Buckley’s downtown core. The redevelopment of the corridor into a mixed-use area is consistent with current retail trends and unites the Foothills Trail and Main Street, creating a destination area around the trail. Housing proposed will bring more residents into the downtown area, and pedestrian-oriented features will create a vibrant place for residents and tourists alike.

2.3.2 RAINIER GATEWAY SUBAREA DESIGN GUIDELINES – PREPARED BY THE UNIVERSITY OF WASHINGTON – 2013

In 2013, the City contracted the University of Washington’s Department of Urban Design & Planning to develop design guidelines and implementation plan for the Rainier Gateway Subarea. The team gathered data, researched best practices, and engaged the citizens of Buckley through public meetings in order to inform their understanding of Buckley’s economic conditions and community goals. After analyzing those findings, multiple recommendations were prepared for consideration by the City, the product being the Rainier Gateway Subarea Design Guidelines and Implementation Plan.

The design guidelines were a tool for shaping commercial and civic development within the Rainier Gateway Subarea. The guidelines seek to maintain the character of Buckley, while maximizing the economic and social potential of the Rainier Gateway Subarea. The guidelines required that new development along the Rainier Gateway Subarea reflect the historic character of Main

Street, while also including provisions for providing access points along the trail to new businesses, housing and recreational opportunities.

The design guidelines and implementation plan separated development into three phases, which are adapted and built upon in the Rainier Gateway Subarea Plan. The first phase focused on creating a gateway between the Rainier Gateway Subarea and Main Street that promotes engaging, compatible, and complementary economic development in both areas. Phase I of the implementation plan included provisions for expanding the visual recognition and prominence of the Foothills Trail, for example using a series of consistent urban design elements to create continuity along the trail and Main Street. On-street parking was proposed along River Road with a clustering of development to maximize buildable land while maintaining opportunities for open space.

2.4 FOOTHILLS TRAIL

The vision of the Foothills Trail began with Dr. Douglas “Doc” Tait in Buckley, over 30 years ago. Doc Tait envisioned a Rails-To-Trails project that would connect Buckley to Tacoma, passing through South Prairie, Wilkeson, Carbonado, and Orting along the way. In 1983, the Foothills Rails-to-Trails Coalition was formed to develop the Foothills Trail along the route of the abandoned Northern Pacific Railroad. After years of controversy and lawsuits over the ownership of railroad parcels, the first mile of trail was constructed in Orting. After seeing the success of this trail segment, Pierce County began work connecting the trail to Puyallup. The City of Buckley, however, was not included in early trail plans and began work on its own Foothills Trail, a 2-mile segment of paved trail meandering through the heart of the City. Plans currently exist for the County to connect Buckley’s trail into the 15 miles of completed trail spanning from Puyallup to South Prairie. Eventually, the Foothills Trail will connect Buckley and Mount Rainier National Park to the waterfront of Tacoma’s Commencement Bay, just as the Northern Pacific Railroad did. When complete, the trail will cover more than 28 miles.

In the future, the Foothills Trail will connect Buckley to Enumclaw and King County via a bridge over the White River. The Washington State Department of Transportation (WSDOT) is currently replacing the steel-truss Meridian Street Bridge in Puyallup and has identified the potential to preserve the old bridge for use on the Foothills Trail between Enumclaw and Buckley across the White River.

The Foothills Trail has a special significance in Buckley, with its roots firmly planted in the City’s history. The two-mile paved stretch of trail is the most heavily used park in the City. The plans for connecting Buckley’s trail to South Prairie and Enumclaw will only further enhance its use, and make it a regional destination.

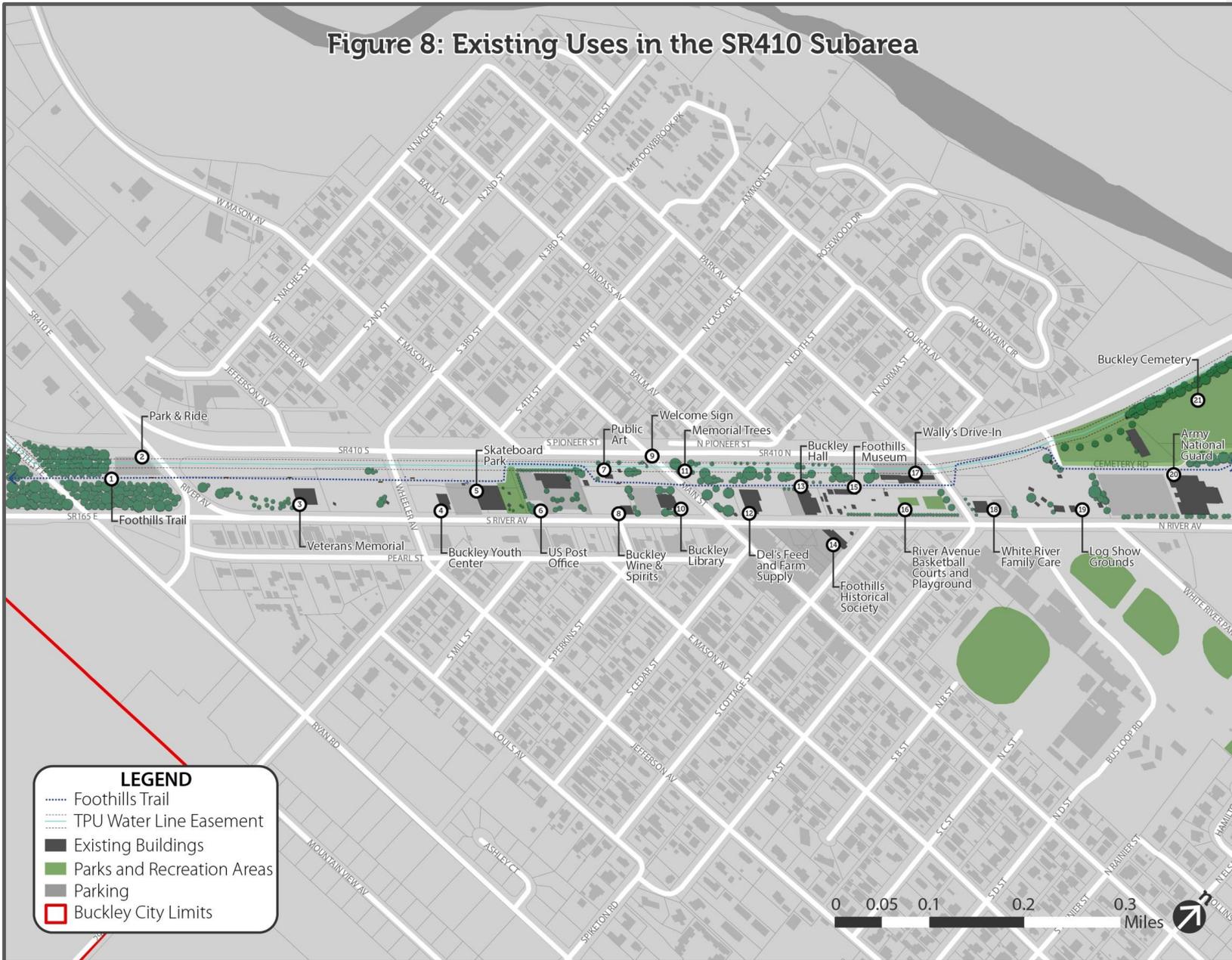
3 RAINIER GATEWAY SUBAREA PLAN

3.1 EXISTING USES

Existing buildings and uses are present within the Rainier Gateway Subarea, and as such, the development plan for the corridor must consider them in the designation of future uses. The following uses currently exist within the Rainier Gateway Subarea, as shown in Figure 7.

1. Foothills Trail – The Foothills Trail, located within the Rainier Gateway Subarea, is a community-gathering place for the City as well as a recreational destination. Locally, the trail is dubbed the new “Main Street,” and is the most used park in the City. The Trail has the potential to be a regional recreational destination with the completion of the extensions to South Prairie and Enumclaw.
2. Park & Ride – This unpaved lot serves as an unofficial park-and-ride for the City of Buckley.
3. Veterans Memorial – The Buckley Veterans Memorial monument was built in 2010 to be a place of remembrance for those who served in the armed forces.
4. Buckley Youth Center – The Buckley Youth Activity Center is a safe place for kids to stay after school, with recreational activities such as pool, air hockey, video games, foosball, and other organized activities. The Youth Center also provides free tutoring for students in grades K-12.
5. Skateboard Park – Built in 2014, the Buckley Multi-Use Skateboard Park features a playground area with equipment, a viewing area and a skate park, providing facilities for skateboarders, roller bladers, and BMX bike riders.
6. U.S. Post Office – The Buckley U.S. Post Office is located within the Rainier Gateway Subarea and serves the City of Buckley.
7. Public Art – Several public art installations are located along the Foothills Trail in the Rainier Gateway Subarea and are a highly valued community asset. A local artist donated the chainsaw carvings in 2006, which are carved from three 40-year old Coulter pines that were on the verge of falling down.
8. Buckley Wine & Spirits and Barber Shop – A wine and liquor store and barber shop are located within a small retail development in the Rainier Gateway Subarea.
9. Welcome Sign – The welcome sign to Buckley directs visitors to the historic district and business district.
10. Buckley Library – The Buckley Library, located within the Rainier Gateway Subarea, serves northeastern Pierce County, providing many benefits to the community.
11. Memorial Trees – Several significant trees and trees planted in memoriam are located and signed within the Rainier Gateway Subarea, immediately north and south of Main Street, and should be preserved from future development.
12. Del’s Feed and Farm Supply – A farm and ranch supply store currently exists within the Rainier Gateway Subarea. The store includes an outdoor space for displaying lumber, fencing, and other farm supplies.
13. Buckley Hall – Buckley Hall is an old feed store that was donated to the City and renovated into a multi-use facility. The City uses the building for community activities such as yoga, aerobics, and dance classes, as well as youth activities and programs. The facility is also rented for private events such as weddings or parties.

Figure 8: Existing Uses in the SR410 Subarea



14. Foothills Historical Society – Founded in 1981, the Foothills Historical Society is responsible for preserving the local history of the towns in the foothills of Mount Rainier. Located across the street from the museum, the presence of the Foothills Historical Society in the Rainier Gateway Subarea provides historical and cultural benefits for tourists and residents alike.
15. Foothills Museum – The Foothills Historical Museum was built in 1927 and was originally a funeral home. The Foothills Historical Society, in 1985, converted it to a museum, located along the Foothills Trail in the Rainier Gateway Subarea.
16. River Avenue Basketball Courts and Playground – This Park consists of a basketball court, an outdoor playground apparatus, and a restroom.
17. Wally's Drive-In – Wally's White River Drive-In, a local staple in the plateau, is an old-fashioned drive-in restaurant.
18. White River Family Care – White River Family Care is a family practice doctor's office serving the City of Buckley.
19. Log Show Grounds – The Buckley Log Show takes place each year at the Log Show Grounds located within the Rainier Gateway Subarea. Various competitions are held, with entrants participating in events such as the ax throw, hot saw, or tree topping.
20. Army National Guard Armory – The Washington Army National Guard armory is located within the northern portion of Rainier Gateway Subarea.
21. Buckley Cemetery – The Buckley Cemetery is located at the northeastern border of the Rainier Gateway Subarea.

3.2 DEVELOPMENT PLAN

When the Draft Rainier Gateway Subarea Plan was developed in 2005, community outreach events were held to create a preferred development approach for the corridor. Some of the considerations included in the preferred development approach included:

- Preserving open space while allowing for some commercial development;
- Providing a park and ride facility near the trail;
- Adding more housing in the downtown area and along the trail; and
- Preserving trees and vegetation in the corridor, especially the memorial trees north and south of Main Street.

Another factor important to the community, as identified in the Comprehensive Plan, is the desire to position the community as a “gateway to Mount Rainier” and a destination for tourists, and residents alike, interested in outdoor recreational activities.

The development plan for the Rainier Gateway Subarea (see Figure 8), takes into consideration the communities preferences for the corridor, and the development and uses currently located within the Rainier Gateway Subarea, and depicts where future development may take place. The sections below break down the implementation steps necessary to facilitate the vision for the Rainier Gateway Subarea.

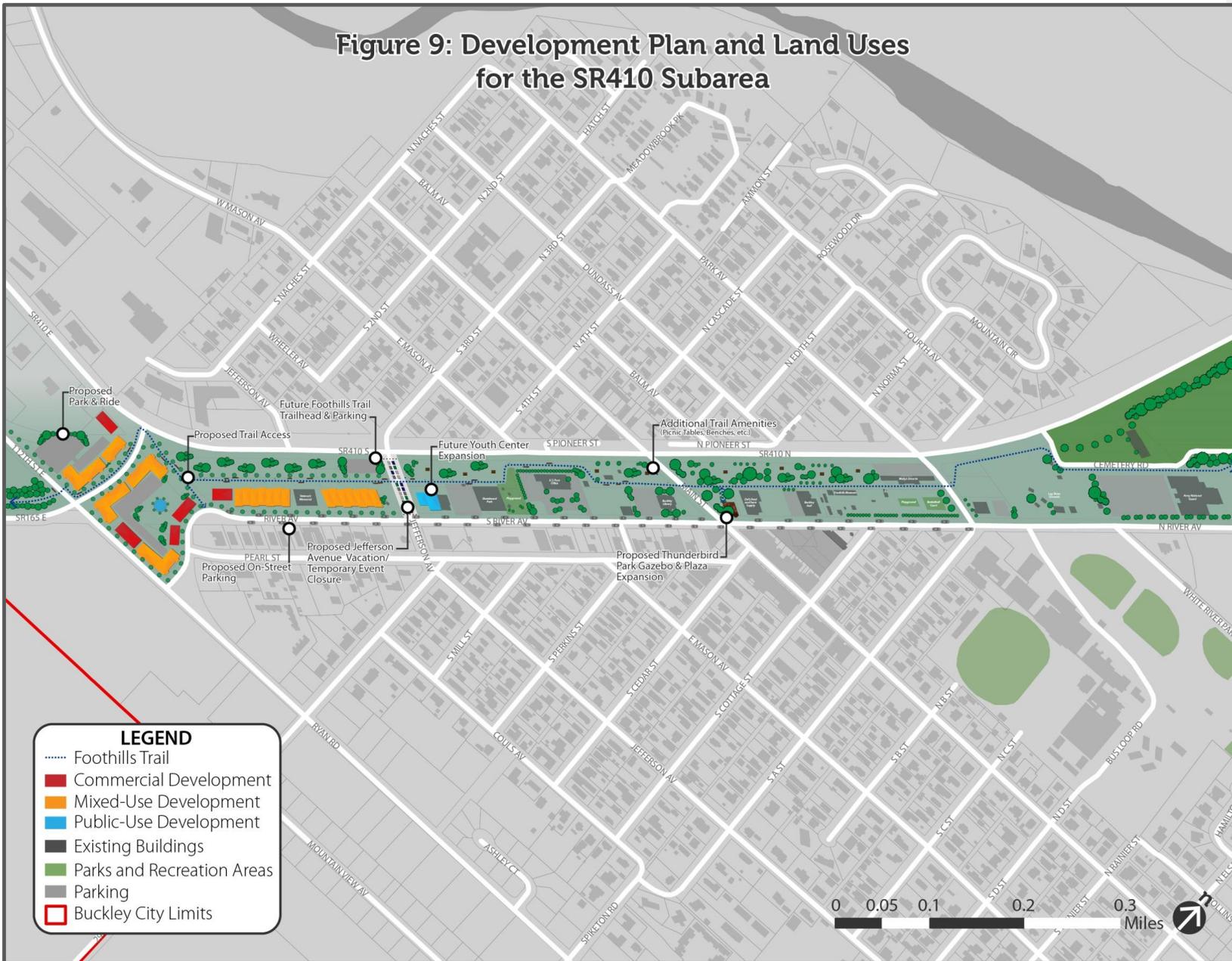
3.2.1 MAIN STREET GATEWAY

In the 2013 Rainier Gateway Subarea Design Guidelines and Implementation Plan for the Rainier Gateway Subarea, subdivisions were proposed for parcels in what was dubbed the “Main Street Gateway.” While the subdivision of property in Main Street Gateway would facilitate economic development and enhance the connection between the Rainier Gateway Subarea and the historic downtown, existing development in Main Street Gateway, as well as significant cultural amenities make it an impractical location for future development. The U.S. Post Office, the two retail spaces, the Pierce County Library, several public art installations and memorial trees are all valuable uses to the City located in the Main Street Gateway and are to be retained in the Rainier Gateway Subarea.

This Subarea Plan will propose no subdivisions for the Main Street Gateway, and will instead focus on creating open spaces and recreational opportunities, as residents and tourists have identified they would like to see in the area. This phase is considered the “amenity phase” as the emphasis is on creating recreational and cultural amenities that will draw in residents and tourists. Figure 9 depicts how the Main Street Gateway could continue to be enhanced with recreational and cultural amenities.

Within the Main Street Gateway, the focus will be providing additional trail amenities as funds are available. Future expansions to the Youth Center will provide additional recreational opportunities within the Rainier Gateway Subarea, as well as essential community services. The City plans to construct a memorial to Doc Tait in the area southwest of the gazebo at Thunderbird Park. The City could also consider expanding Thunderbird Park in order to create an additional gathering place within the Rainier Gateway Subarea that can be rented for private events or as a rest area for trail users. Connecting the plaza and memorial to the trail is essential in enhancing the connection between the trail and the historic Main Street area.

Figure 9: Development Plan and Land Uses for the SR410 Subarea



3.2.2 SOUTH GATEWAY

With the realignments of Ryan Road/112th Street, SR 165, and SR 410, the South Gateway will now serve as the first entrance to Buckley for visitors coming from the west. With much of the South Gateway undeveloped, it is the ideal location for the mixed-use commercial and residential development proposed in both the 2005 Draft Subarea Plan and the 2013 Rainier Gateway Subarea Design Guidelines and Implementation Plan. Figure 10 depicts how the South Gateway could be developed with mixed-use and commercial development, leaving the portion of the Rainier Gateway Subarea west of the trail as open space and preserving existing uses, such as the Veterans Memorial.

As proposed in 2013, the City should amend the binding site plan for Parcel 800005-0210. The City could create a maximum of eight lots within this parcel, not including the Veterans Memorial, with a minimum frontage of 40 feet and minimum lot size of 3,000 square feet. The City may choose to either amend the binding site plan for this parcel in an effort to market the parcel to potential developers, or wait until there is interest.

The City should also create a binding site plan for Parcel 800005-0200. The City should adjust the lot line to match that of Parcel 800005-0210, leaving the portion west of the Foothills Trail and Parcel 800005-0220 as open space, and dividing the remainder into a maximum of nine lots.

After amending the binding site plan for Parcel 800005-0210 and creating a binding site plan for Parcel 800005-0200, the new parcels will be marketed according to the Marketing Plan in Section 3.5.

3.2.3 NORTH GATEWAY

The final development phase encompasses all parcels not already included in Phase I or Phase II. Significant development is not proposed for the North Gateway, and as such, the City may initiate the following projects whenever practical. The focus of this phase is to create open spaces and links between existing development, new development and the Foothills Trail. The City may choose to market Parcel 8000050010 for private development, or use it as open space or other public facility.

3.3 DESIGN GUIDELINES

The Rainier Gateway Subarea Design Guidelines are intended to guide land use and site development within the Rainier Gateway Subarea. The Design Guidelines build on the work completed by City and the University of Washington in 2013, and are included in Appendix A of this plan. The Design Guidelines emphasize architectural context that is in keeping with the character of Buckley's historic Main Street, and respecting the existing pedestrian scale of the district. Provisions are included providing entrances on both street frontages at the Foothills Trail. The Design Guidelines specify architectural elements that reflect the history of Buckley and enhance the rural and natural features that surround the City.

Figure 10: Development Plan for the South Gateway

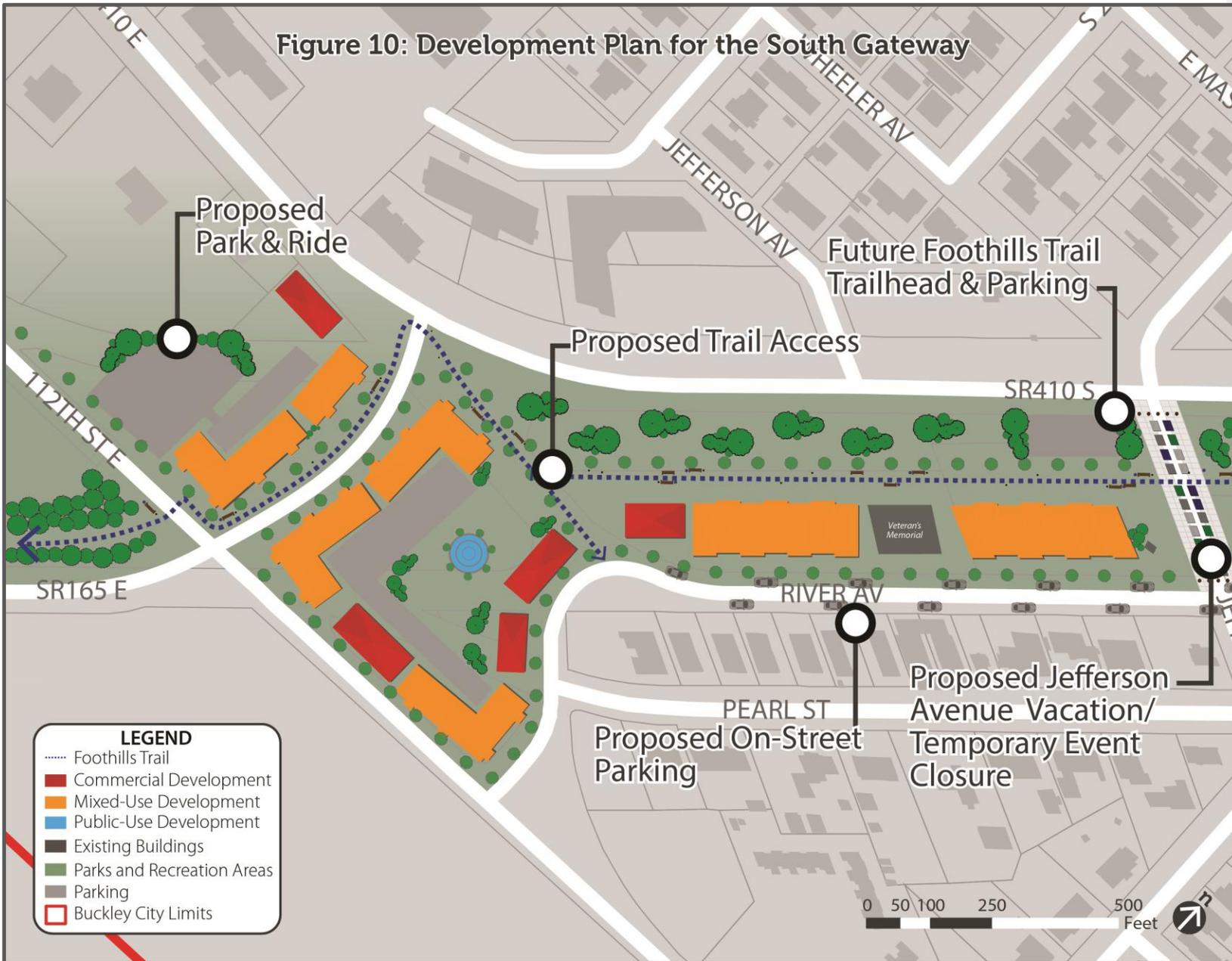


Figure 11: Development Plan for the Main Gateway

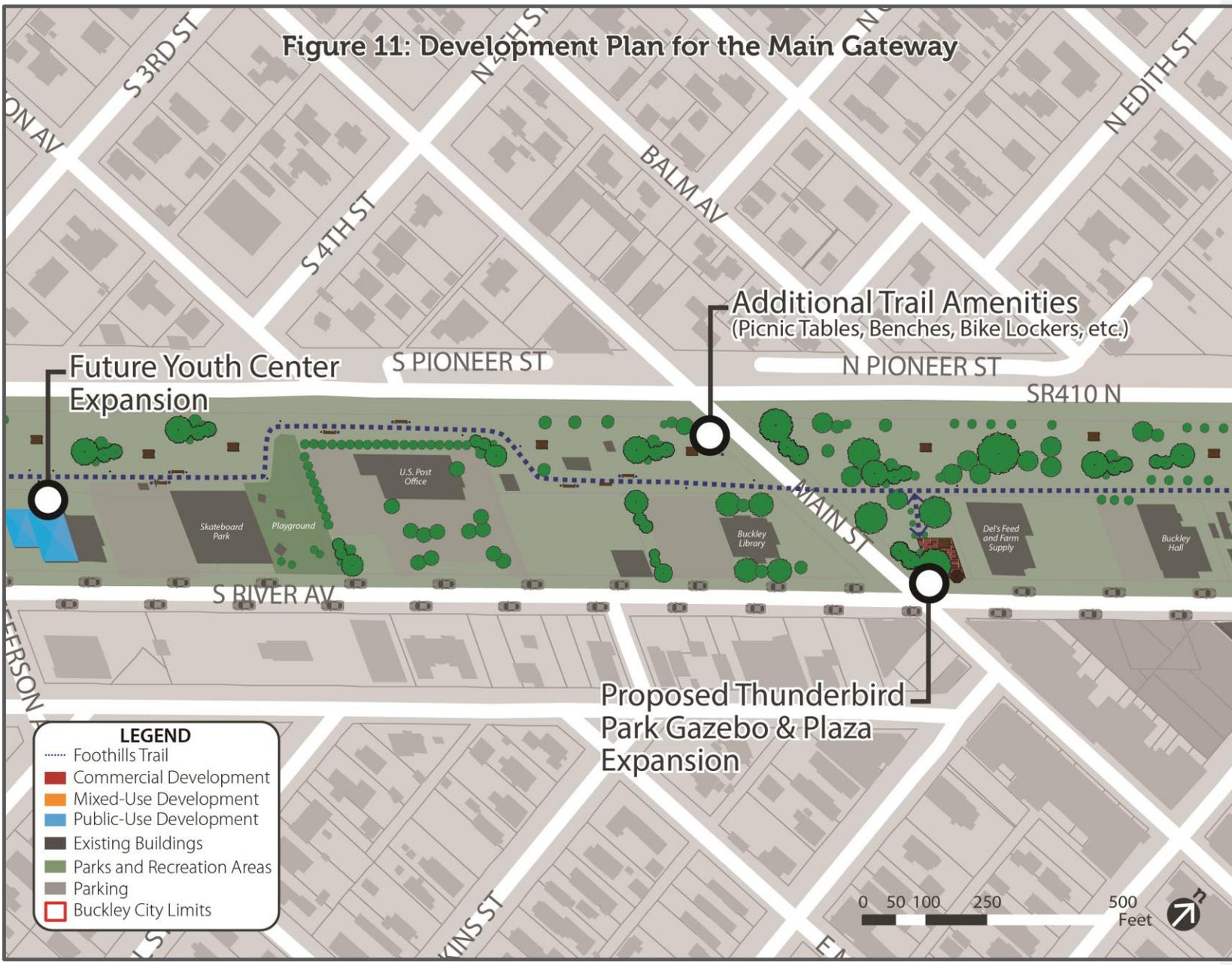
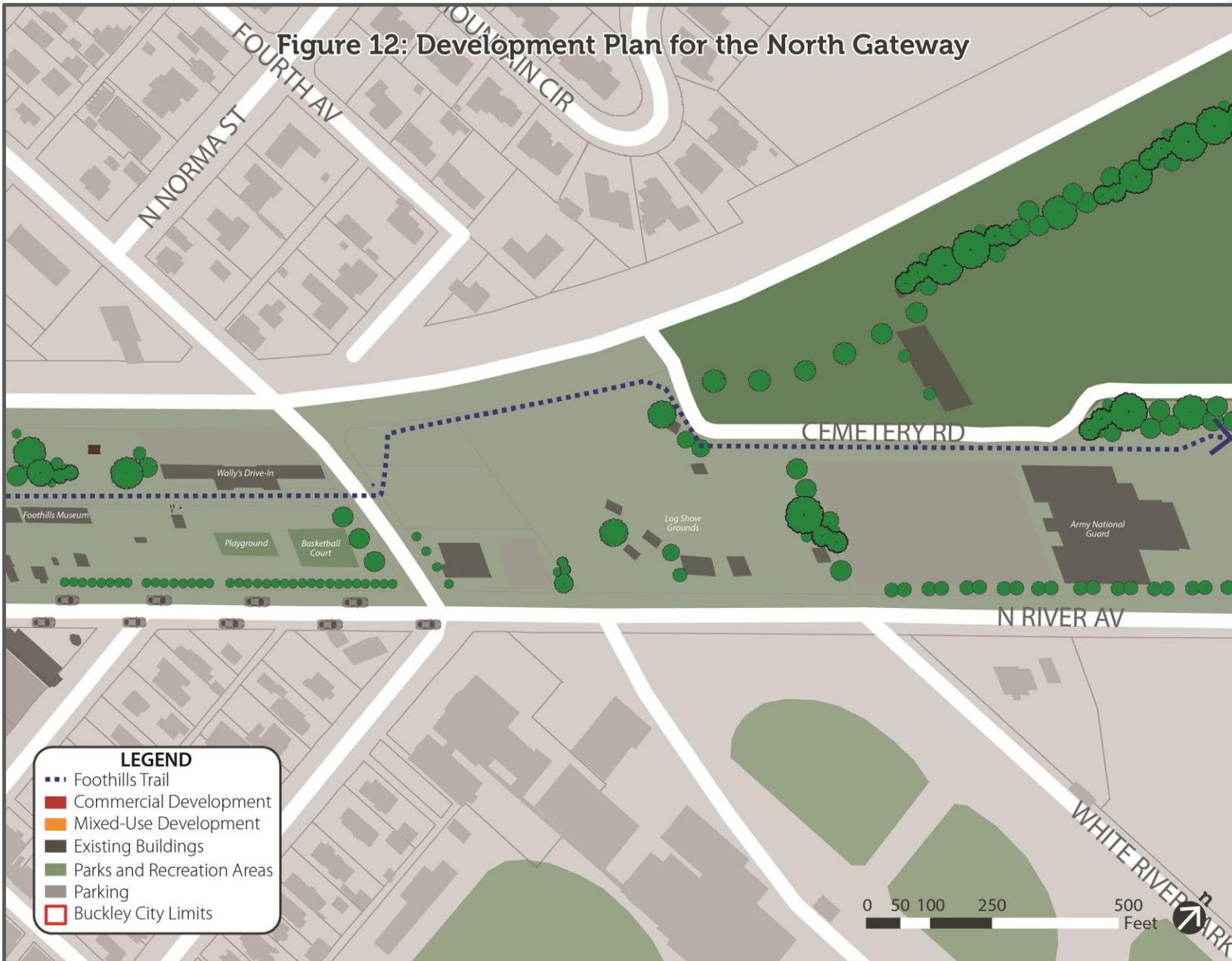


Figure 12: Development Plan for the North Gateway



3.4 IMPLEMENTATION

3.4.1 OPEN SPACE IMPROVEMENTS

The City incorporated many open space improvements along the Foothills Trail following the 2013 Rainier Gateway Subarea Design Guidelines and Implementation Plan. Uniform lighting along the trail allows extended use beyond daytime hours. Benches and landscaping along the trail helps to create appealing spaces for people to meet and spend time in the Rainier Gateway Subarea. The City indicates in its 2015 Comprehensive Plan desire to construct a splash park and climbing wall within the Rainier Gateway Subarea. The City may incorporate additional open space improvements that continue to build a visual recognition of the Foothills Trail and enhance interest in the area.

3.4.1.1 PLAZAS

Plazas and open spaces should be provided to link trails with commercial areas. Plazas provide places for passive recreation, and provide cultural benefits by creating a space for people to gather and hold community events. Existing small plazas should be enhanced to link the trail to downtown.

Figure 13: Thunderbird Park Gazebo and Plaza



Existing plazas, such as the one at Thunderbird Park, could be enhanced to connect the trail to downtown. Decorative paving and landscaping extending from River Avenue and the Foothills Trail could provide a visual connection and provide a place of respite for trail users.

3.4.1.2 ART INSTALLATIONS

Additional art installations should be encouraged along the Foothills Trail. Public art provides visual interest for trail users. The art installations should reflect the history of Buckley, and be compatible with existing art installations along the trail. Art installations located in the Rainier Gateway Subarea could act as a way to set Buckley apart from other Foothills Trail communities, and highlight the character of the City.

Figure 14: Chainsaw Art Installations



Chainsaw art installations, donated by a local artist in 2006, reflect Buckley's logging history.

3.4.1.3 SIGNS

Currently, signs for the Foothills Trail are smaller and not of the same style as signs throughout the City for the Main Street shopping area. Consistent sign design throughout the City would help foster a visual identity, and emphasize the trail as a major destination in Buckley. Larger signs, of similar style to existing signs, would be easier for visitors to see and recognize, increasing their likelihood of using the trail.

3.4.2 STREET IMPROVEMENTS

The City should consider street improvements to improve access to the Rainier Gateway Subarea. Improvements to River Road, such as on-street parking, bicycle racks, and wayfinding can help to direct people to the Rainier Gateway Subarea and enhance the connection between the Rainier Gateway Subarea and Main Street.

3.4.2.1 ON-STREET PARKING

On-street parking along River Road should be installed consistent with the Rainier Gateway Subarea Design Guidelines and City of Buckley Development Guidelines and Public Works Standards. On-street parking provides economic development benefits to the Rainier Gateway Subarea by increasing vehicular access to the trail, as well as shops and restaurants, and creates a buffer between pedestrians and traffic.

3.4.2.2 BOLLARDS

Removable bollards at the intersections of Jefferson Street and SR 410 and Jefferson Street and River Road would allow the road to be closed periodically for events. The City could make use of the closure on a weekly basis during the summer for a farmers market, as well as holding other local events throughout the year. The use of Jefferson Street for events and farmers markets would help bring residents and tourists to the Rainier Gateway Subarea, and add to its importance as a place of gathering in the community.

3.4.2.3 WAYFINDING

Wayfinding is essential for making Buckley a destination, rather than a place to travel through. Providing wayfinding on the trail that directs pedestrian and bicycle traffic to Main Street and other areas of interest would provide economic benefits to downtown businesses, and would help to increase the City's regional visibility.

3.4.2.4 BIKE RACKS

Installing bike racks along the trail and on Main Street would encourage trail users to stop and enjoy Buckley shops, restaurants, and events, and increase the likelihood of people returning to Buckley.

3.4.2.5 TRAILHEAD

With the completion of the South Prairie to Buckley section of the Foothills Trail, a signed trailhead for the trail can help to increase Buckley's visibility in the region, and the use of the trail, locally. A trailhead in Buckley would provide a place for users coming from King County to park and access the trail.

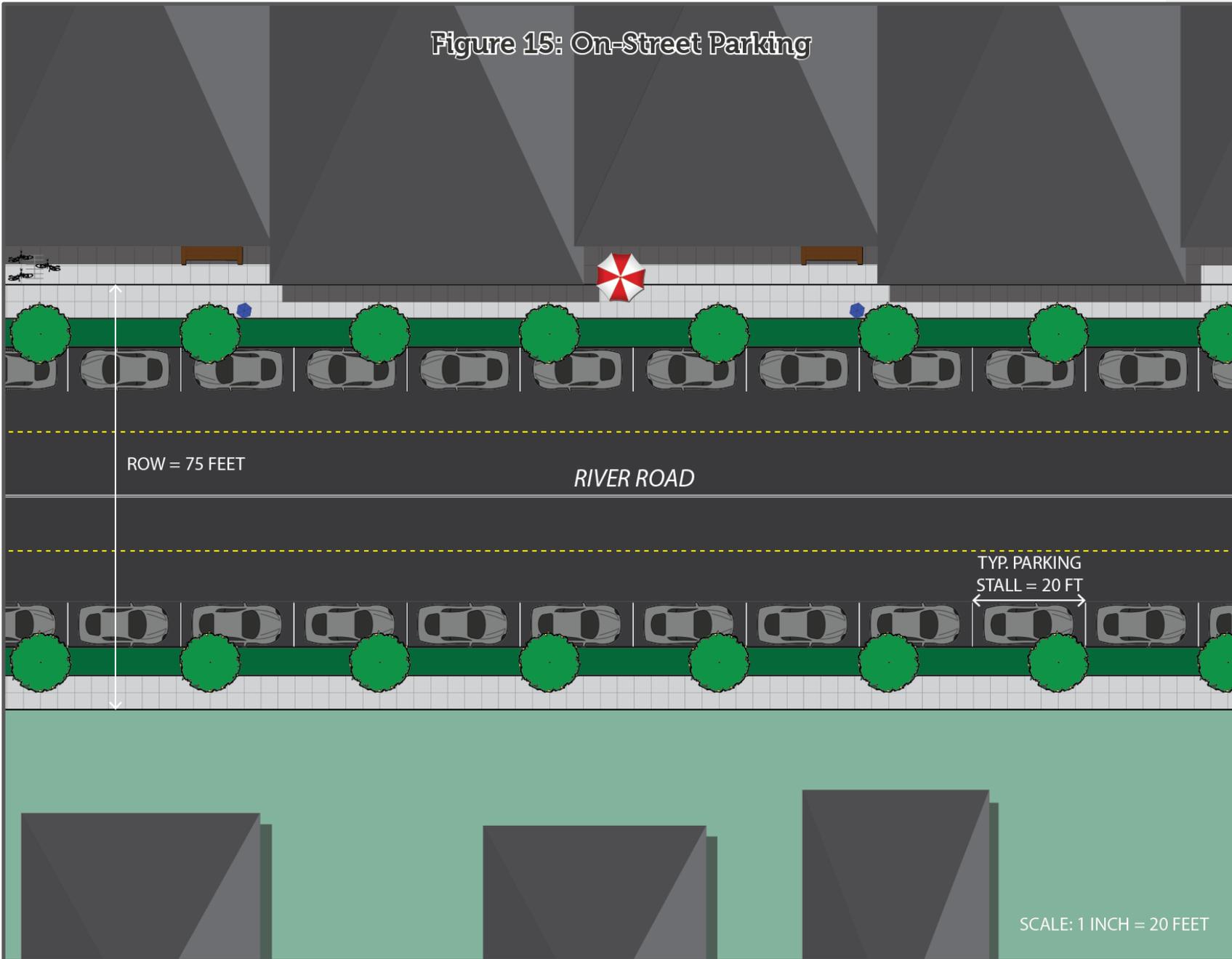
3.4.3 STOREFRONT IMPROVEMENTS

The City should consider working with local Main Street businesses to enhance their storefronts and improve the overall aesthetics of Main Street. Minimizing the amount of vacant storefronts on Main Street, and their appearance of vacancy, and keeping business lights on during specified hours would help to make Main Street a more lively area, and spur additional development within the Rainier Gateway Subarea.

3.4.3.1 LIGHTING

The City should work with businesses on Main Street to establish uniform times during the day for stores to keep their storefront lighting on. Dark stores give off the appearance that everything is closed, and send a message to people whom passerby that this is not a vibrant shopping area. Keeping lighting on will encourage people to stop in Buckley, and check out shops and restaurants that are open.

Figure 15: On-Street Parking



3.4.3.2 VACANT STOREFRONTS

Vacant storefronts create blight and hurt the economic viability of other Main Street businesses. Vacant storefronts should also have their appearance of vacancy minimized. Artists could display their work in vacant storefronts, bringing themselves visibility and improving the appearance of the area.

3.4.4 ECONOMIC DEVELOPMENT INCENTIVES

3.4.4.1 PROPERTY TAX SUBSIDY/ABATEMENT

The City may offer property tax discounts or complete property tax relief for a specified time to businesses or developers interested in locating within the Rainier Gateway Subarea.

3.4.4.2 ADMINISTRATIVE FEE REDUCTIONS

Administrative fees such as permit fees, impact fees, and water/sewer connection fees all increase the upfront construction cost of development. Reducing fees would save developers money and encourage development within the Rainier Gateway Subarea. Administrative fee reductions could be provided as a reimbursement for developers once they begin construction or start installing infrastructure. A percent of the fees could also be waived at the time of application.

3.4.5 SEPA CATEGORICAL EXEMPTION THRESHOLDS

The City of Buckley will be raising the categorical exemption limits under SEPA for new construction to the maximum specified under WAC 197-11-800(1)(d). This will allow for a larger range of development to occur within the Rainier Gateway Subarea without the delay and additional cost of threshold determination and EIS requirements under SEPA.

Currently the categorical exemption limits in Buckley for multi-family residential is four units, and the maximum exemption for commercial development is 8,000 square feet. The maximum exemption under SEPA for multi-family residential is 30 units, and the maximum exemption for commercial development is 30,000 square feet.

3.5 MARKETING PLAN

The goal of the marketing plan is to disseminate information on the Rainier Gateway Subarea properties to potential buyer/developers through a variety of methods in an effort to generate interest and development leads. Techniques to generate interest include development visuals, together with property and community data and demographics.

3.5.1 MARKETING COLLATERAL

Prototype Development concepts will be prepared for the South Gateway area illustrating development potential to convey the vision of the Rainier Gateway Subarea to interested buyer/developers. The City should evaluate the existing parcel configurations and determine if modifications to the boundaries, through either boundary line

adjustments or a revised Binding Site Plan, are appropriate in advance of property sale. The concepts will build on those prepared to date and convey the opportunities and attributes of the area.

Using the development concepts, marketing flyers should be prepared describing the properties for sale and their development potential both in graphic and narrative form. The flyers could be posted on bulletin boards at City Hall, the Library, and Community Center among other key frequently visited areas.

The City should develop a page on its website extolling the Rainier Gateway Subarea plan vision and overall economic development incentives available to buyer/developers. The marketing flyers and development concepts will be useful visuals for the web format.

3.5.2 MARKETING ACTIVITIES, EVENTS AND VENUES

Community gatherings and special events are a good opportunity for the City to promote the Rainier Gateway Subarea Plan and Citywide efforts for economic development. The use of kiosks and promotional sponsorships at City events such as the log show, farmers market, groundbreaking ceremonies, etc. can attract attention to the Rainier Gateway Subarea and demonstrate City efforts for improvements. This can include attractive display of promotional materials and/or staffing by informed personnel. The City should take every opportunity to commemorate and promote improvements in the Rainier Gateway Subarea with a groundbreaking ceremony.

The City should consider contracting with the commercial real estate brokerage community to assist in marketing the Rainier Gateway Subarea. Attending regional retail conferences and events or contracting with the real estate brokerage community to market the properties at such events would also assist in promoting the properties.

The City should also establish a Rainier Gateway Subarea implementation stakeholder group or staff that is charged with ensuring that the implementation activities are occurring and that the information is disseminated in a timely manner when requested from a buyer/developer.

3.6 FUNDING

3.6.1 CAPITOL PROJECT FUNDS/ENTERPRISE FUNDS

The City may use revenues deposited into capital improvement funds, enterprise funds, and other funds designated for uses in line with the plan for the Rainier Gateway Subarea. Enterprise funds encompass any activity for which a fee is charged to external users for goods and services. A common source of revenue for enterprise funds are City-owned utility services, such as water, sewer, garbage, or stormwater. Capital improvement funds and tourism funds may be used for improvements in the Rainier Gateway Subarea, and are generated through revenues received by the City from real estate and lodging excise taxes.

3.6.2 LOCAL REVITALIZATION FINANCING

The Local Revitalization Financing Program allows cities to create “revitalization areas” and allocate increases in local sales and use taxes, and local property taxes, to fund bonds issued for local public improvements within the revitalization area. While the State is no longer accepting applications for state contribution, the City may use the program to increase tax revenues specifically for the Rainier Gateway Subarea.

3.6.3 MAIN STREET TAX CREDIT INCENTIVE PROGRAM

The [Main Street Tax Credit Incentive Program](#) is a way for businesses to redirect their business and occupation taxes to their own community. The downtown organization receiving the fund must be a part of the State's Main Street Program. Businesses can then direct that their tax payment go to the downtown organization, and receive a credit worth 75 percent of their contribution.

3.6.4 PUBLIC/PRIVATE PARTNERSHIPS

Public/Private Partnerships (PPPs) are alliances formed between a government agency and private developers to achieve a common purpose. PPPs typically begin with a conceptualization process, and then private partners are selected through a competitive bid process. The entities involved then define project elements, and develop an implementation process. The process results in benefits for all parties involved; public sector entities can leverage and maximize public assets and private sector entities can be given greater access to land and infill sites, and receive more support through the development process. The City may look into creating a Public Development Authority to assist in facilitating the partnership.

3.6.5 PUBLIC DEVELOPMENT AUTHORITY

One method of facilitating public/private partnerships is for the City to create a Public Development Authority (PDA). A PDA is authorized under RCW 35.21.170 which allows cities to establish "public corporations, commissions, or authorities." The creation of a PDA is useful for engaging in activities that are outside of the normal scope of City operations. The PDA would be legally separate from the City, and would be able to develop properties together with private property owners and developers. A PDA can derive its revenue from the City through lease and operation payments and user fees, or through grants or donations.

4 POLICIES AND RECOMMENDATIONS

POLICY/RECOMMENDATION	SUPPORTING POLICIES/CODES	IMPLEMENTATION METHOD
4.1 The Rainier Gateway Subarea is a place where people meet, recreate, and is an important open space area that gives the City a pleasant atmosphere. Commercial and mixed-use development is planned to be erected between the Foothills Trail and River Avenue. The area between SR 410 and the trail would remain as open space.	Comprehensive Plan Policy 3.4.3 Rainier Gateway Subarea Draft Master Plan Rainier Gateway Subarea Design Guidelines	Utilize strategies from Section 3.4, Implementation Plan, and funding sources from Section 3.6, to facilitate the City's vision for the Rainier Gateway Subarea. Adopt Design Guidelines, included in Appendix A, for the Rainier Gateway Subarea and require development to incorporate design principles identified through amendments to BMC §19.51 Highway 410 Design Review District, as specified in Section 5.1. Remove barriers to development by simplifying the binding site plan, as specified in Section 5.2, and raising the categorical exemption thresholds for SEPA review, as specified in Section 5.3. Market City-owned parcels for sale consistent with Section 3.5, Marketing Plan.
4.2 Encourage retail uses that cater to outdoor recreationalists.	Comprehensive Plan Policy 4.2.4 BMC §12.04 SEPA	Provide Economic Development Incentives to developers who agree to develop retail uses that focus on outdoor recreation, as specified in Section 3.4.4 of the Implementation Plan. Raise the Categorical Exemption limit for SEPA to allow for larger building footprints without the additional time and expenses for SEPA review. Market City-owned parcels for sale consistent with Section 3.5, Marketing Plan.
4.3 Require all development within the Rainier Gateway Subarea to incorporate neighborhood character and design principles consistent with Rainier Gateway Subarea Design Guidelines into building and site design.	Comprehensive Plan Policy 2.1.1 Comprehensive Plan Policy 3.2.3	Modify BMC §19.51 Highway 410 Design Review District to require development to comply with the Rainier Gateway Subarea Design Guidelines for property within the Rainier Gateway Subarea.
4.4 Concentrate new retail development in the Rainier Gateway Subarea.	Comprehensive Plan Policy 1.1.1 BMC §12.04 SEPA	Provide Economic Development Incentives to developers who agree to develop retail uses in the Rainier Gateway Subarea, as specified in Section 3.4.4 of the Implementation Plan. Raise the Categorical Exemption limit for SEPA to allow for larger building footprints without the additional time and expenses for SEPA review. Market City-owned parcels for sale consistent with Section 3.5, Marketing Plan.
4.5 Install removable bollards on Jefferson Avenue between SR 410 and River Avenue to allow for street closures and the use of the	Comprehensive Plan Policy 4.1.1 Rainier Gateway Subarea Draft Master Plan	Utilize funding strategies from Section 3.6 to install removable bollards, as specified in Section 3.4.2.2 of the Implementation Plan.

	street for community events.		
4.6	Develop a visual link between the trail and downtown by using elements such as pavement materials or landscaping. For example, the existing small plaza could be enhanced to help connect the trail with downtown.	Comprehensive Plan Policy 4.2.2	Utilize funding strategies from Section 3.6 to install open space improvements, as specified in Section 3.4.1 of the Implementation Plan.
4.7	Encourage mixed-use developments in commercial zones.	Comprehensive Plan Policy 1.1.1	Utilize binding site plans to allow for easier subdivision of parcels in the Rainier Gateway Subarea for mixed-use and commercial development. Revise the binding site plan approval procedure to allow binding site plans to be approved administratively as a Type A-1 decision. Market City-owned parcels for sale consistent with Section 3.5, Marketing Plan.
4.8	The Rainier Gateway Subarea should be designated with the county as a center of local importance and called the Rainier Gateway Center.	Comprehensive Plan Policy 3.4.3 Comprehensive Plan Policy 1.1.2 Pierce County Countywide Planning Policies (CPPs)	Adopt the Rainier Gateway Subarea as a CoLI by documenting how the area meets the design features required by the Pierce County Comprehensive Plan Policies, and including plans, such as the Rainier Gateway Subarea Plan, and other information that supports the designation in the City's Comprehensive Plan. The Rainier Gateway Subarea should be delineated on a map as a CoLI in the Comprehensive Plan. The City should then provide notice to the Pierce County Regional Council of its intent to adopt a CoLI.
4.9	Minimize the number and appearance of vacant storefronts.	Comprehensive Plan Policy 3.1.2	Incorporate incentives for minimizing the appearance of vacancy as specified in Section 3.4.3.2 of the Implementation Plan.
4.10	Plazas and open space should be provided to link trails with commercial areas, and to provide places of respite for trail users to stop and visit downtown.	Comprehensive Plan Policy 1.6.4 Comprehensive Plan Policy 4.2.3	Utilize funding strategies from Section 3.6 to create plazas and open spaces, and enhance existing open spaces, as specified in Section 3.4.1.1.

5 REGULATIONS

The following regulations will help to fulfill the goals and policies outlined in Section 4 of the Rainier Gateway Subarea Plan.

5.1 BMC §19.51 HIGHWAY 410 DESIGN REVIEW DISTRICT

Ordinance **(ordinance number)** is adopted on **(date)** and amends BMC §19.51 Highway 410 Design Review District to require all properties within the Rainier Gateway Subarea to comply with the new Rainier Gateway Subarea Design Guidelines. The ordinance adopting the proposed amendments to the regulations is included in Appendix B of the Rainier Gateway Subarea Plan.

5.2 BMC §18.36 BINDING SITE PLAN

Ordinance **(ordinance number)** is adopted on **(date)** and amends BMC §18.36 Binding Site Plan to require Type A-1 administrative approval. Previously, a binding site plan was required to go to hearing examiner for public hearing and review, before final approval. The amendment to BMC §18.36 will make it easier for applicants to make use of the binding site plan approach to divide commercial land for sale or lease.

5.3 BMC §12.04 SEPA

Ordinance **(ordinance number)** is adopted on **(date)** and amends BMC §12.04 SEPA to reflect the 2014 rulemaking and new maximum categorical exemption thresholds for minor new construction, allowed under WAC 197-11-800(1)(d). The revisions to the City's SEPA ordinance will help to remove barriers to development by allowing for a larger range of development to occur within the City without the delay and additional cost of threshold determination and EIS requirements under SEPA. The City has determined that the increased thresholds adopted are appropriate for Buckley's localized conditions, in light of increased environmental protections in place such as RCW 36.70A, RCW 90.58, and other laws and procedures for environmental protection.

CITY OF BUCKLEY
DRAFT SR 410 SUBAREA PLAN

JULY 20, 2015

PREPARED FOR THE CITY OF BUCKLEY, WASHINGTON



TABLE OF CONTENTS

Table of Contents	2
Figures	4
1 Introduction	5
1.1 Overview	5
1.2 Context	5
1.3 Timeline/ SR 410 Subarea Planning Process	8
1.4 Key Issues	10
2 Existing Conditions.....	12
2.1 Local Policies & Regulations	12
2.2 County, State & Federal Policies and Regulations	17
2.3 Previous City Planning Work	20
2.4 Foothills Trail.....	21
3 SR 410 Subarea Plan	22
3.1 Existing Uses.....	22
3.2 Development Plan.....	25
3.3 Design Guidelines.....	32
3.4 Implementation	32
3.5 Marketing Plan	36
3.6 Funding.....	36
4 Policies and Recommendations.....	38
5 Regulations	40
5.1 BMC §19.51 SR 410 Subarea Design Review District	40
5.2 BMC §18.36 Binding Site Plan	40
5.3 BMC §12.04 SEPA.....	40
Appendix A: SR 410 Subarea Design Guidelines	41
Site Design	41

Public Life.....45
Appendix B: BMC §19.51 SR 410 Subarea Design Review District.....50

FIGURES

Figure 1: SR 410 Subarea Plan Boundary.....	7
Figure 2: Timeline of SR 410 Subarea Planning Process	9
Figure 3: City-Owned Parcels in the SR 410 Subarea.....	11
Figure 4: Example Commercial Site Development Complying with Highway Review Design Guidelines.....	16
Figure 5: Example Two Story Retail/Office Building Complying with Highway Review Design Guidelines	16
Figure 6: Foothills Trail Map	19
Figure 7: Existing Uses in the SR 410 Subarea	24
Figure 8: Development Plan and Land Uses for the SR 410 Subarea.....	26
Figure 9: Development Plan for South Gateway	29
Figure 10: Development Plan for Main Gateway	30
Figure 11: Development Plan for North Gateway	31
Figure 12: Thunderbird Park Gazebo and Plaza.....	33
Figure 13: Chainsaw Art Installations	34

1 INTRODUCTION

1.1 OVERVIEW

Buckley, Washington, is a small City located in the south Puget Sound, thirty miles east of Tacoma and near the foothills of Mt. Rainier. Buckley is facing the challenge of trying to preserve its small-town character while accommodating economic and population growth. The community is concerned about the sprawling physical expansion and intensive commercial development that has happened in nearby cities to the west and north occurring in Buckley.

As a result, in 2002 the City Council established the goal of creating a Subarea Plan for the State Route (SR) 410 railroad right-of-way corridor. The SR 410 railroad right-of-way corridor is bounded SR 410 to the northwest, River Avenue to the southeast, SR 165/Ryan Road to the southwest, and Park Avenue to the northeast (see Figure 1). In this document, it is referred to as the SR 410 Subarea Plan area.

In 2003, the National Park Service, in cooperation with the U.S. Forest Service and local jurisdictions located in the Carbon River Corridor, including Buckley, conducted a charrette to envision growth in the corridor related to recreational activities. Many of the goals and design themes developed in this charrette became part of the City's 2005 Comprehensive Plan update, conducted by the City with the assistance of students from the University of Washington's Master of Urban Planning program.

The City's 2005 Comprehensive Plan identified recreational aspects of the community as being a key to promoting economic development and developed recommendations for redeveloping the property within the SR 410 Subarea. The availability of vacant land within the City owned former railroad right-of-way in conjunction with its proximity to the Foothills Trail, SR 410, and the downtown business core make it an ideal location for development that will support the City's vision. The intention of the SR 410 Subarea Plan is to consolidate and adopt the planning work done by the City over the last 10 years as formal policies and regulations.

Comment [BM1]: AHBL Comment: Need to incorporate 2015 Comprehensive Plan update materials into the final draft of the SR 410 Subarea Plan.

1.2 CONTEXT

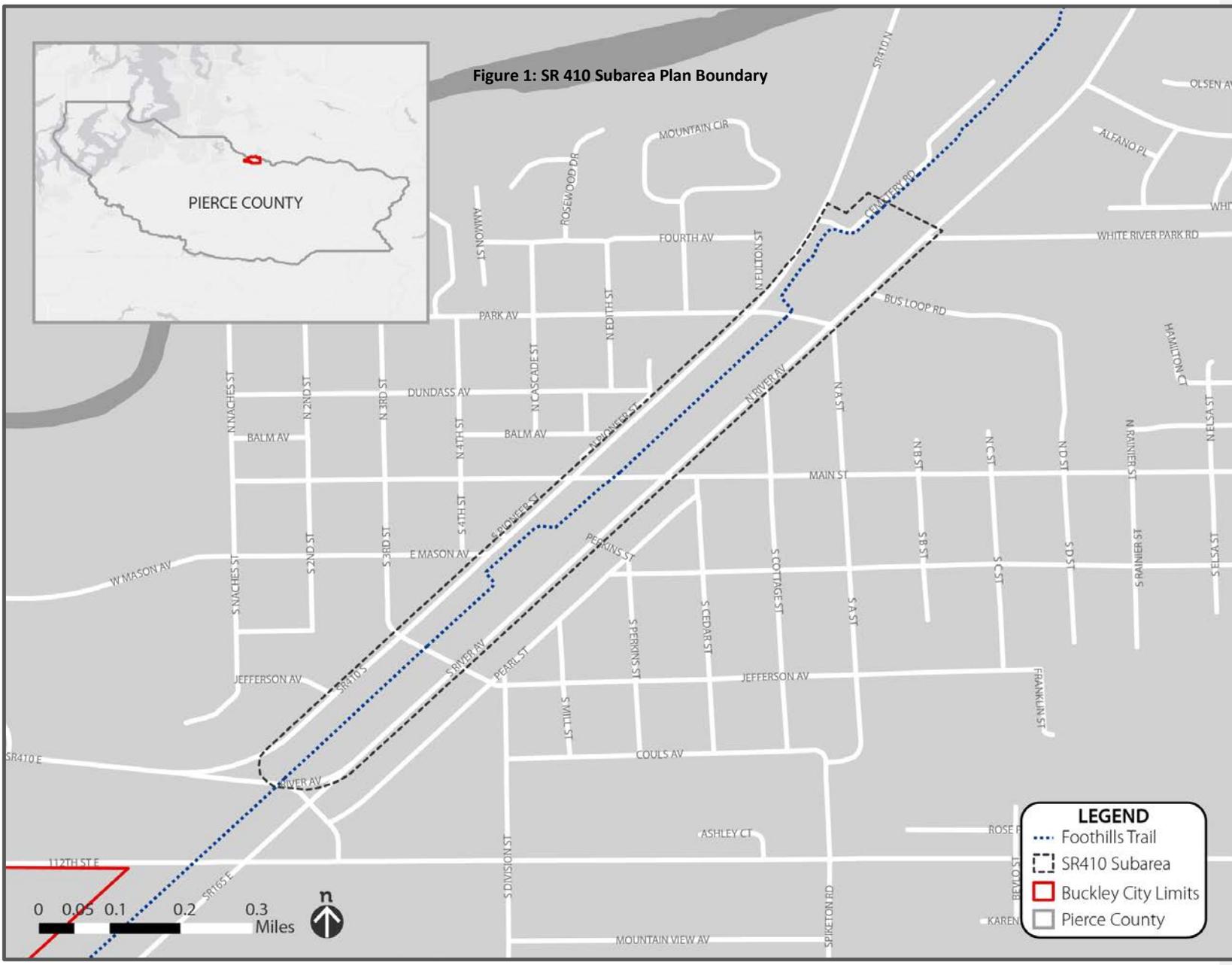
The City of Buckley is approximately four square miles in area. Buckley lies on the White River plateau next to the southern Cascades. Two state highways intersect in Buckley, SR 410, which connects Sumner to Yakima, and SR 165, which connects Buckley to Wilkeson, Carbonado, and Mt. Rainiers Carbon Glacier, as well as connecting to SR 162, which leads to South Prairie and Orting. The City and the state are currently working on the Ryan Road realignment project, which will improve the intersection of SR 410 and SR 165, as well as redefine the southern boundary of the SR 410 Subarea Plan.

The City of Buckley incorporated in 1889, although settlers had been arriving in the area since 1830, beginning with fur trappers and then miners after the discovery of coal in the upper Carbon River area in the late 1860s. Logging became the primary trade in Buckley; however, due to the decline in the logging industry, the City has seen limited population and job growth.

The City was skirted by the Wilkeson rail line, built in 1877 between Tacoma and Wilkeson, but then became a flag station on the Northern Pacific Railroads first transcontinental rail line in 1884. In 1982, the Burlington Northern Railway ended service on the tracks, and the railroad bed has since been acquired by the City and Pierce County and converted into the Foothills Trail. The 25-mile-long trail has become a popular recreational destination for bicyclists. The trail currently consists of 15 miles of paved non-motorized trail from South Puyallup to South Prairie

and a two mile paved section in Buckley. Plans exist to connect the Foothills Trail in Buckley to the main paved trail ending in South Prairie in 2015, as well as continue to travel north through the City to King County and Enumclaw.

Figure 1: SR 410 Subarea Plan Boundary



The City of Buckley has a population of 4,430 people, according to the Office of Financial Management's 2014 estimate. The City's population is projected to grow to 7,500 people by the year 2030, based on the population allocation target assigned to the City by Pierce County.

While the Rainier School is the largest employer in the City, employing approximately 900 people, many citizens are employed outside of the City, due to a lack of other local employers. Within the City, educational, social services and health services make up the largest employment base, approximately 21 percent. The City has shortages in retail, manufacturing, and financial services, and has been losing both retail sales and retail properties to neighboring jurisdictions.

Buckley has much to offer in the way of outdoor recreation, including hiking, cycling, fishing, kayaking, skiing, snowshoeing, and bird and wildlife viewing. The Foothills Trail is dubbed locally as "the new Main Street" because it serves as a major thoroughfare for pedestrians and bicycle traffic. It is a place where the community gathers for events and for recreation, and is considered a center of local importance.

1.3 TIMELINE/ SR 410 SUBAREA PLANNING PROCESS

The SR 410 Subarea Plan is the culmination of strategic decisions and planning work done over the last 13 years. The 2002 Buckley City Council in their visioning process set a goal of completing a Master Development Plan for the Railroad Property. In 2003, the City, along with several other plateau communities, received a grant from the National Park Service to conduct several public visioning charrettes and create a plan for envisioning growth along recreational themes in the Carbon River Corridor. The charrettes resulted in general goals and design themes for the City, which formed a basis for the Comprehensive Plan updated in 2005.

The City was assisted by the University of Washington's Master of Urban Planning class in updating its Comprehensive Plan in 2005. As part of the update, staff and students conducted various public visioning workshops where they received ideas and suggestions for the City, ultimately forming the basis for the goals and recommendations found in the Comprehensive Plan.

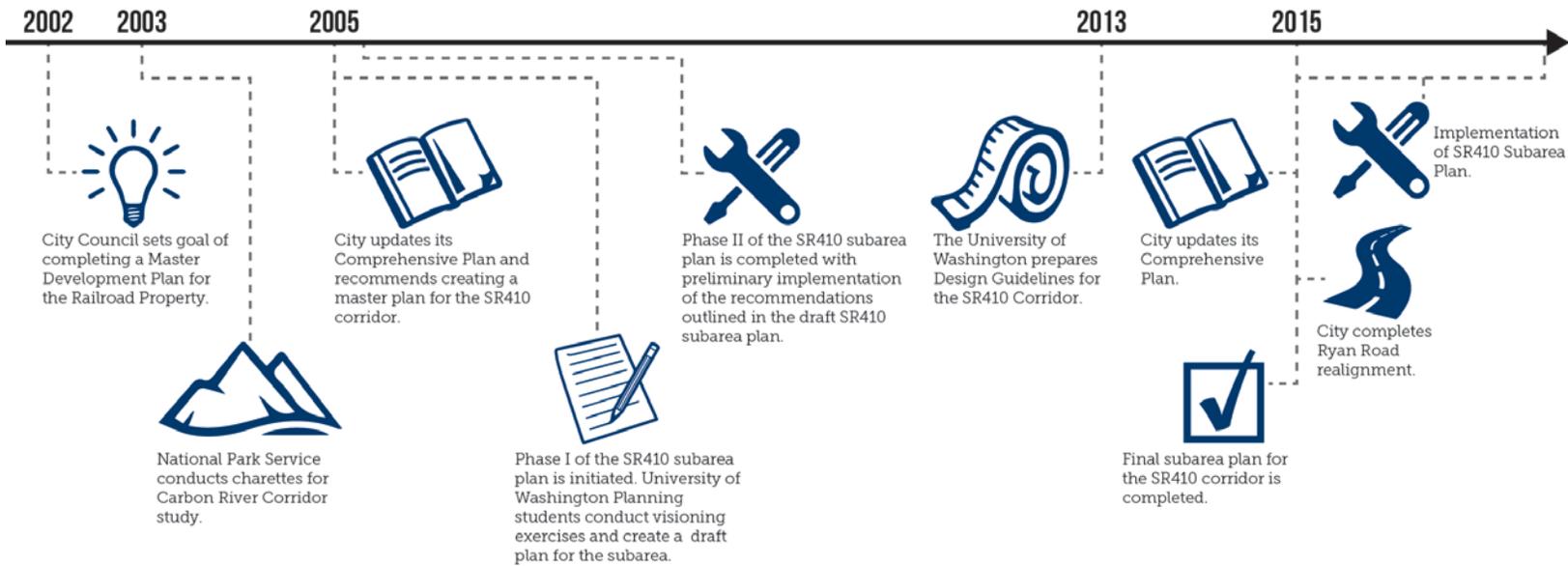
One of the goals of the 2005 Comprehensive Plan was to plan for the development of the vacant property along the SR 410 Subarea so that it would draw people to the downtown business area. The Comprehensive Plan identified recreational aspects of the community and surrounding area as key to attracting and promoting economic development within the City. With its availability of vacant land and proximity to the Foothills trail and downtown business core, the City identified the SR 410 Subarea as an ideal area for an overlay zone for development that would be consistent with the City's vision.

After the completion of the Comprehensive Plan, the first phase of planning for the SR 410 Subarea was initiated. The City was assisted by the University of Washington's Master of Urban Planning class in creating the first draft of the SR 410 Subarea Plan, and developing an implementation plan for phase two of the planning process, the preliminary implementation that was completed in 2005 utilizing a \$10,000 grant from CTED. Full implementation of the overlay performance standards was delayed until the Ryan Road realignment project and a zoning code update had been completed.

In 2013, the City contracted the University of Washington's Department of Urban Design & Planning to prepare Design Guidelines for the SR 410 Subarea. The student from the program gathered data, researched best practices, and engaged with the citizens of Buckley through public meetings to form an understanding of Buckley's economic conditions and community goals. The students then prepared recommendations for the City and ultimately presented Design Guidelines for the SR 410 Subarea to the City Council.

Figure 2: Timeline of SR 410 Subarea Planning Process

City of Buckley SR410 Subarea Planning Timeline



In 2015, as part of its 2015 Comprehensive Plan update process, the City has entered its final phase of planning for the SR 410 Subarea. The final SR 410 Subarea Plan includes findings from the previous planning work done for the SR 410 Subarea, and incorporates policies and regulations that will govern development within the SR 410 Subarea.

After the adoption of the SR 410 Subarea Plan is complete, implementation of the recommendations in the plan will result in realizing the City's vision for the SR 410 Subarea. The City will be the lead implementer on most of the policies and recommendations, with the assistance of public/private partnerships, and community groups.

1.4 KEY ISSUES

Commercial activity in Buckley has suffered from competition in neighboring communities and economic recession. This has reduced the desire of outside investors and local entrepreneurs to invest in Buckley. Because of underinvestment, local demand for everyday goods and services has not been met, forcing residents to leave the City to work and shop. Buckley lacks certain commercial and recreational offerings, but it has a collection of historical, character-rich storefronts along the Main Street.

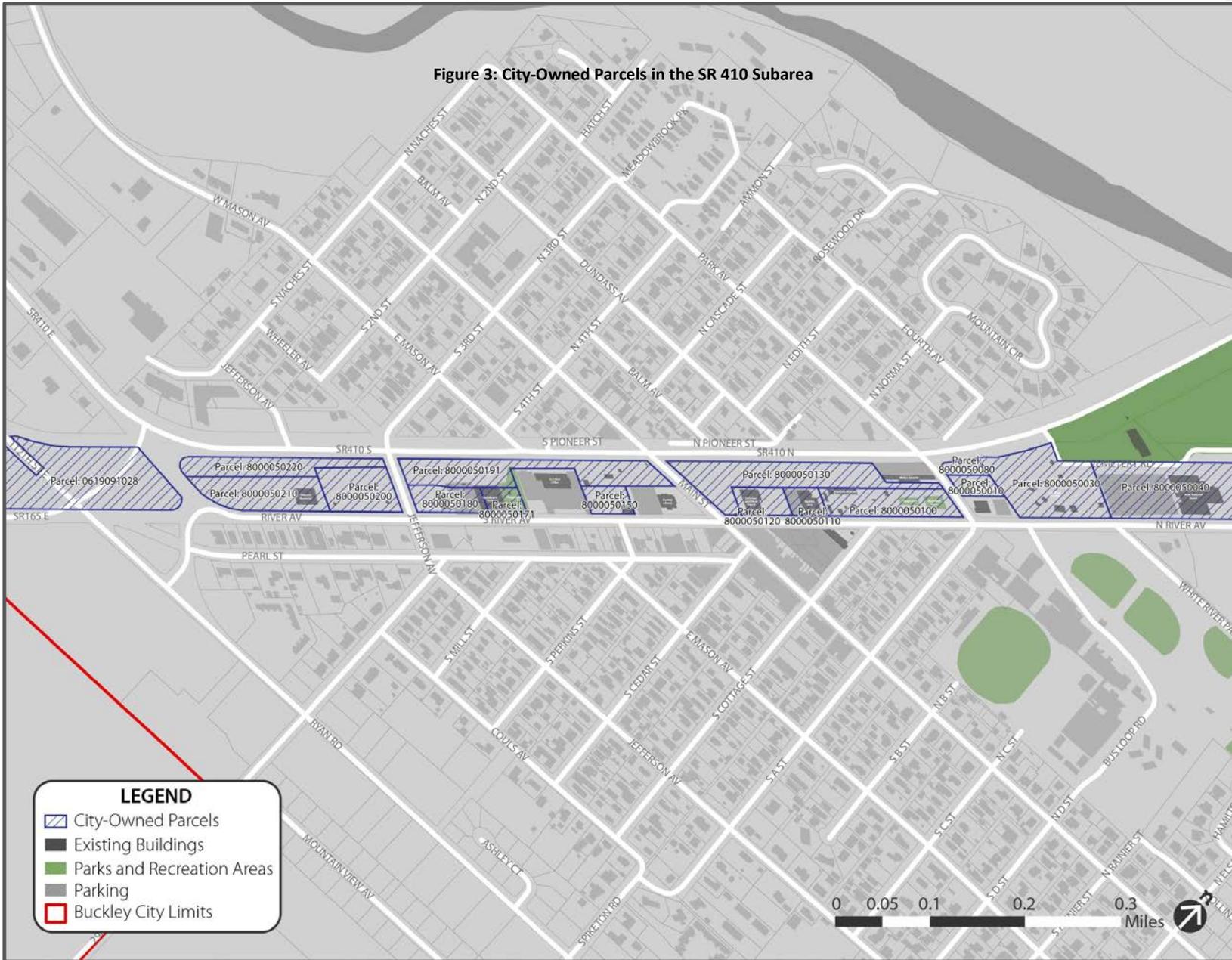
Buckley is interested in accommodating anticipated local growth in a manner that supports Buckley's character. The City anticipates that new investment into Buckley will occur in the form of new residential and retail uses within the next few years. The City understands growth is needed but that growth should be reasonably controlled so that the City's valuable assets are preserved for residents.

The City of Buckley owns multiple parcels within the SR 410 Subarea that may be of interest to potential investors (see Figure 3). Buckley has the opportunity to shape development within the SR 410 Subarea by dictating the form and intent of each parcel through design guidelines. The sale of key City-owned parcels should be phased strategically in order to link the SR 410 Subarea to Buckley's historical downtown as the commercial and social center of the City.

Opportunities also exist in the SR 410 Subarea to position the community as a "gateway to Mount Rainier" and a destination for tourists, and residents alike, interested in outdoor recreational activities. Recreational uses should be encouraged within the SR 410 Subarea, including expanding the Youth Center and Skateboard Park. Providing signage and amenities for Foothills Trail users will encourage them to stop in Buckley for food, shopping, and local events, and encourage them to return to Buckley.

The challenge facing Buckley is to create an economic climate that produces a healthy economy for jobs and businesses without compromising the community's desires to maintain its small town lifestyle and protect its natural amenities. The SR 410 Subarea Plan aims to increase economic development in the City by establishing a business-friendly environment and attracting tourism by making Buckley a recreational destination with the presence of the Foothills Trail and proximity of Mt. Rainier.

Figure 3: City-Owned Parcels in the SR 410 Subarea



2 EXISTING CONDITIONS

No major environmental or critical area constraints have been identified that would affect development within the SR 410 Subarea. Zoning in the corridor is CC (Central Commercial) and P (Public). The minimum lot size in the CC zone is 3,000 sf/unit and the minimum lot width is 40 feet. There are no minimum setbacks requirements for commercial uses and mixed-use development requires a 10-foot front, side and rear setback. Setbacks in the Public zone are 10 feet from commercially zoned properties and right-of-ways, and in accordance with the building code for setbacks from other publically zoned properties.

Comment [BM2]: AHBL Comment: We will add a zoning map of the Subarea to the next draft of the plan.

With respect to building massing, the maximum lot coverage in the CC zone for commercial mixed-use units is 70 percent, not including outbuildings or accessory units, and when included it is 75 percent. The maximum lot coverage for commercial units is 100 percent. The Public zone has no maximum requirements for lot area or lot coverage.

The maximum height in both the CC and Public zone is 35 feet, which is effectively three stories, and off-street parking requirements vary by use. The surrounding area consists of HDR (High Density Residential), R-6,000 (Low Density Residential), HC (Historic Commercial), and some R-8,000 (Medium Density Residential).

2.1 LOCAL POLICIES & REGULATIONS

2.1.1 COMPREHENSIVE PLAN

The Comprehensive Plan guides City's future development based on the input of its citizens. The City of Buckley is committed to providing the components that contribute to its quality of life for residents and future generations. The key strengths of Buckley are its small town character and natural setting. However, Buckley faces challenges in the way of economic revitalization and population growth after the economic decline of late. In addressing these challenges, the City aims to preserve its small town character and natural environment.

The 2015 Comprehensive Plan update focused on three areas, which form the basis of the Plan's vision for the future. These areas were:

1. Preserving Buckley's town identity and character;
2. Developing the economic viability in the downtown core and SR 410; and
3. Promoting outdoor recreational activities.

These focus areas established the basis for the recommendations set forth in the Comprehensive Plan and reinforced goals for the City. These goals included creating an atmosphere that serves as a magnet for tourists, providing recreational activities for both residents and visitors, centering housing and commercial development in the downtown area, preserving the rural character outside of the downtown, and enhancing the small-town character of the City by creating a more pedestrian-oriented downtown.

The SR 410 Subarea Plan must be consistent with the 2015 Comprehensive Plan, which included several policies to guide development in the SR 410 Subarea.

2.1.1.1 LAND USE ELEMENT

The land use element of the Comprehensive Plan set forth the following policies that support and guide the recommendations in the SR 410 Subarea Plan:

Policy 1.1.1

Buckley should preserve its small town character through the following:

- 1. Concentrate retail development near the historic downtown center of the city and near the SR 410 corridor.*
- 2. Integrate additional density in the residential zones in a manner that protects the single family areas from commercial encroachment.*
- 3. Focus commercial development outward from the existing commercial zones.*
- 4. Focus pedestrian and bicycling trails and sidewalks between commercial and residential developments to encourage non-motorized access.*
- 5. Encourage mixed use developments in commercial zones.*

Policy 1.1.2

The city should formally designate the area between Ryan and Park, and between SR 410 and River Avenue the city's center of local importance (CoLI).

Policy 1.6.4

Plazas and open space should be provided to link trails with commercial areas.

Policy 1.8.7

New development shall provide community paths and trails that link the new development to existing trails and paths.

2.1.1.2 HOUSING ELEMENT

The housing element of the Comprehensive Plan set forth the following policies that support and guide the recommendations in the SR 410 Subarea Plan:

Policy 2.1.1

Incorporate neighborhood character and design principles into zoning and design review standards for new development.

Policy 2.1.3

Housing shall be permitted above commercial uses in most commercial zones.

2.1.1.3 ECONOMIC DEVELOPMENT ELEMENT

The economic development element of the Comprehensive Plan set forth the following policies that support and guide the recommendations in the SR 410 Subarea Plan:

Policy 3.1.2

The city's regulations should provide the following to enhance sustainable economic development:

- a. Economic disincentives for vacant buildings.
- b. Overlay district design standards for each commercial area, one for east/west-bound SR 410, one for the area adjacent to northeast-bound SR 410, and one for the historic district.
- c. Procedures that are as streamlined as possible and still follow state requirements.

Policy 3.2.3

Historic downtown buildings should emphasize Buckley's small-town attributes through historic renovation.

Policy 3.4.3

The area between River Avenue and SR 410 is a place where people meet, recreate, and is an important open space area that gives the city a pleasant atmosphere. The area is zoned commercial and shops are planned to be erected between the Foothills Trail and River Avenue; the area between SR 410 and the trail will remain open space. The area should be designated with the county as a center of local importance and called the Rainier Gateway Center.

Policy 3.6.1

When possible, open space areas should be protected as natural areas for public enjoyment or developed into recreational facilities.

2.1.1.4 URBAN DESIGN ELEMENT

The urban design element of the Comprehensive Plan set forth the following policies that support and guide the recommendations in the SR 410 Subarea Plan:

Policy 4.1.1

Develop pedestrian infrastructure by widening sidewalks, installing crosswalks, corner plazas, bollards, street furniture, and so forth.

Policy 4.2.2

Develop a visual link between the trail and downtown, using elements such as pavement materials or landscaping, for example, the existing small plaza could be enhanced to help connect the trail with downtown.

Policy 4.2.3

Develop a place of respite on the bike path as it passes Main Street to encourage trail users to stop and visit downtown.

Policy 4.2.4

Encourage retail consistent with recreational use between the trail and River Avenue.

Policy 4.4.2

Work toward a future regional transit stop in Buckley's downtown core through establishing public parking areas, park-n-ride lots, and commercial areas around public parking lots.

2.1.2 DESIGN GUIDELINES

In 1991, the City of Buckley adopted design guidelines for redevelopment and identified two key districts: the **Downtown Review District** and the **Highway Review District**. Each district has specific guidelines pertaining to scale, detailing, setback requirements, sidewalk improvements, and details for renovation and construction of new and existing structures. The City reviews proposals for restoration and new development in the City's historic commercial core and the commercial and industrial corridor along State Route 410 in accordance with these guidelines.

Comment [DS3]: I don't know how relevant it is but I believe we updated the guidelines in 2008.

The 1991 Design Guidelines for the Highway Review District guide the development of land along Highway 410 as it is converted from agricultural and low-density development to commercial and industrial uses. The design guidelines call for new development on the highway to be large in scale and flanked by large parking areas. Buildings should take inspiration from the barns and lumber mills built by the settlers and those who came after them on the Buckley plateau. Buildings and new development along Highway 410 should be designed to reflect and reinforce the rural character of the area.

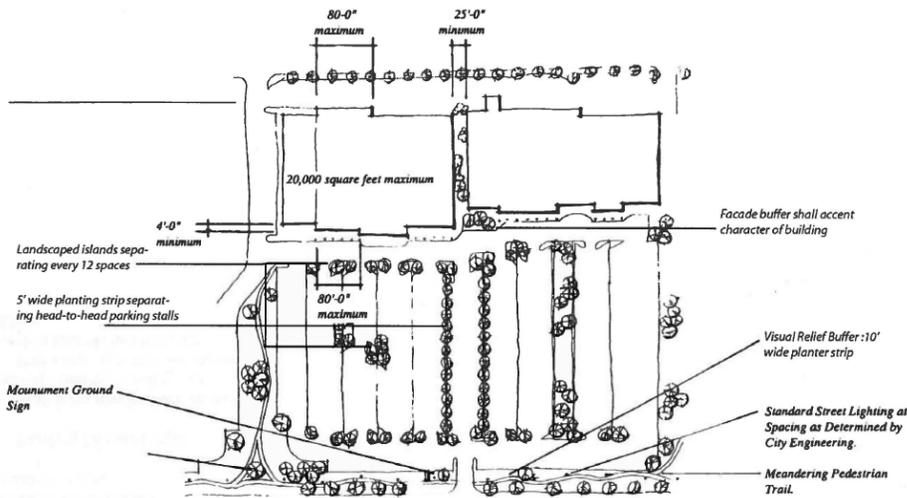
Projects within the SR 410 Subarea must comply with the Design Guidelines for the Highway Review District, including utilizing traditional materials such as wood, stone and metal, with long horizontal lines with sloping roofs. A 35-foot wide minimum landscaped buffer must be established along the SR 410 frontage, with an irrigated planting strip greater than ten feet wide, a six-foot wide meandering sidewalk, and bermed parking areas. Within the SR 410 Subarea long, uninterrupted buildings and developments are not acceptable. Modulation and/or variation of the building façade are required by shifting the elevation no less than four feet every 80 feet of building length. Individual buildings or developments within the SR 410 Subarea shall not exceed 30,000 gross square feet in area and individual buildings within overall developments shall be separated by no less than 25 feet of landscape buffer space. Buildings in the SR 410 Subarea shall be no more than two stories and shall have sloping roofs with a minimum pitch of 6:12.

2.1.3 BMC § 19.51 HIGHWAY 410 DESIGN REVIEW DISTRICT

In 1991, to enforce the Design Guidelines adopted by the City of Buckley, regulate growth along Highway 410, and prevent unsightly strip development, Ordinance 19-91 was passed to create the Highway 410 Design Review District, Chapter 19.51 of the Buckley Municipal Code. If the proposed development meets the following criteria, it is subject to review under the Highway 410 design review criteria:

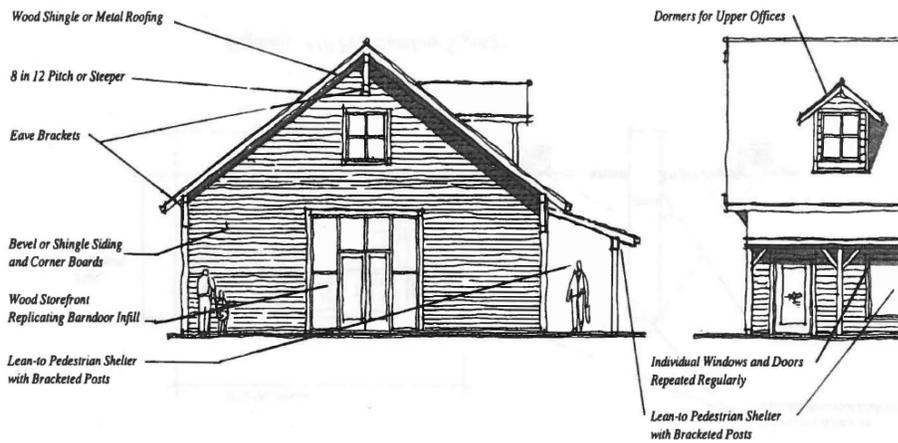
- The structure or fixture is not a single-family detached residential dwelling, unless said detached single-family residential dwelling is used for commercial purposes;

Figure 4: Example Commercial Site Development Complying with Highway Review Design Guidelines



Example: Commercial Site Development

Figure 5: Example Two Story Retail/Office Building Complying with Highway Review Design Guidelines



Example: Two Story Retail/Office

- The fixture is not a sign which is otherwise regulated under Chapter 19.30 BMC;
- The structure or fixture lies in the HC, GC, CC, LI, NMU and P zones or is used for commercial purposes; and
- The structure is proposed for property, which abuts Highway 410 or is adjacent to properties that abut Highway 410 and such property is also subject to review, and these properties abut one another on a common border or point.

For development proposed within the Highway 410 development area, and meeting the criteria above, the design review committee will review the application for construction or alteration. The design review committee will either (1) forward recommendations to the City council for major construction or alteration that results in significant structural changes or total new construction or (2) vote to approve, deny or approve the application with modifications for minor construction or alterations that do not result in major structural changes.

2.2 COUNTY, STATE & FEDERAL POLICIES AND REGULATIONS

2.2.1 COUNTYWIDE PLANNING POLICIES AND VISION 2040 MULTI-COUNTY PLANNING POLICIES

The City plans to designate the SR 410 Subarea a Center of Local Importance (CoLI). Under the Pierce County Countywide Planning Policies (CPP), areas that serve as important centers within Pierce County communities may be formally designated as a CoLI. The formal recognition of a CoLI may be used in future countywide project evaluations.

The CPPs establish design features for CoLIs that are consistent with the Puget Sound Regional Council's (PSRC) VISION 2040's Multi-County Planning Policies. A CoLI is characterized by a concentration of land uses or activities that provide a sense of place or gathering place for the community and neighborhood residents. A CoLI should include one or more of the following land uses:

- Civic services
- Commercial areas
- Recreational areas
- Industrial areas
- Cultural facilities/activities
- Historic buildings or sites
- Residential areas

A variety of transportation options and pedestrian friendly design should be available or planned within a CoLI. The City is responsible for defining what role the CoLI will play in supporting planned growth, and adopting the CoLI by documenting how the CoLI meets the design features specified in the Pierce County CPPs, and delineating the area on a map within the City's Comprehensive Plan. The City is then required to provide the Pierce County Regional Council (PCRC) notice of its intention to adopt a CoLI locally. The CoLI will then be recognized in Appendix B of the Pierce County CPPs.

2.2.2 NATIONAL PARK SERVICE – CARBON RIVER CORRIDOR

In 2003, the National Park Service collaborated with the U.S. Forest Service and local jurisdictions completed a study on the Carbon River corridor on the north side of the Mount Rainier National Park, looking at portions of the SR 165, SR 162, and SR 410 corridors. The study included public outreach, with participation from the communities of Wilkeson, Orting, South Prairie, and Buckley, as well as the Puyallup Tribe.

The study explored a variety of opportunities to improve visitor experience in the corridor, and to strengthen the relationship between local communities and Mount Rainier National Park. Public workshops, stakeholder meetings, and interviews were held, followed by a charrette, an intense, idea generating design process to facilitate development of concepts and visualizations for potential activities within the corridor.

The charrette found most of the federal lands in the corridor are at or exceeding their capacity for recreational use. Opportunities for increased recreational capacity in the future will be found in the corridor communities and with the development of the Foothills Trail. There are also strong opportunities for the corridor communities to communicate their heritage to visitors through cultural facilities.

2.2.3 STATE ENVIRONMENTAL POLICY ACT (SEPA) RULEMAKING 2014

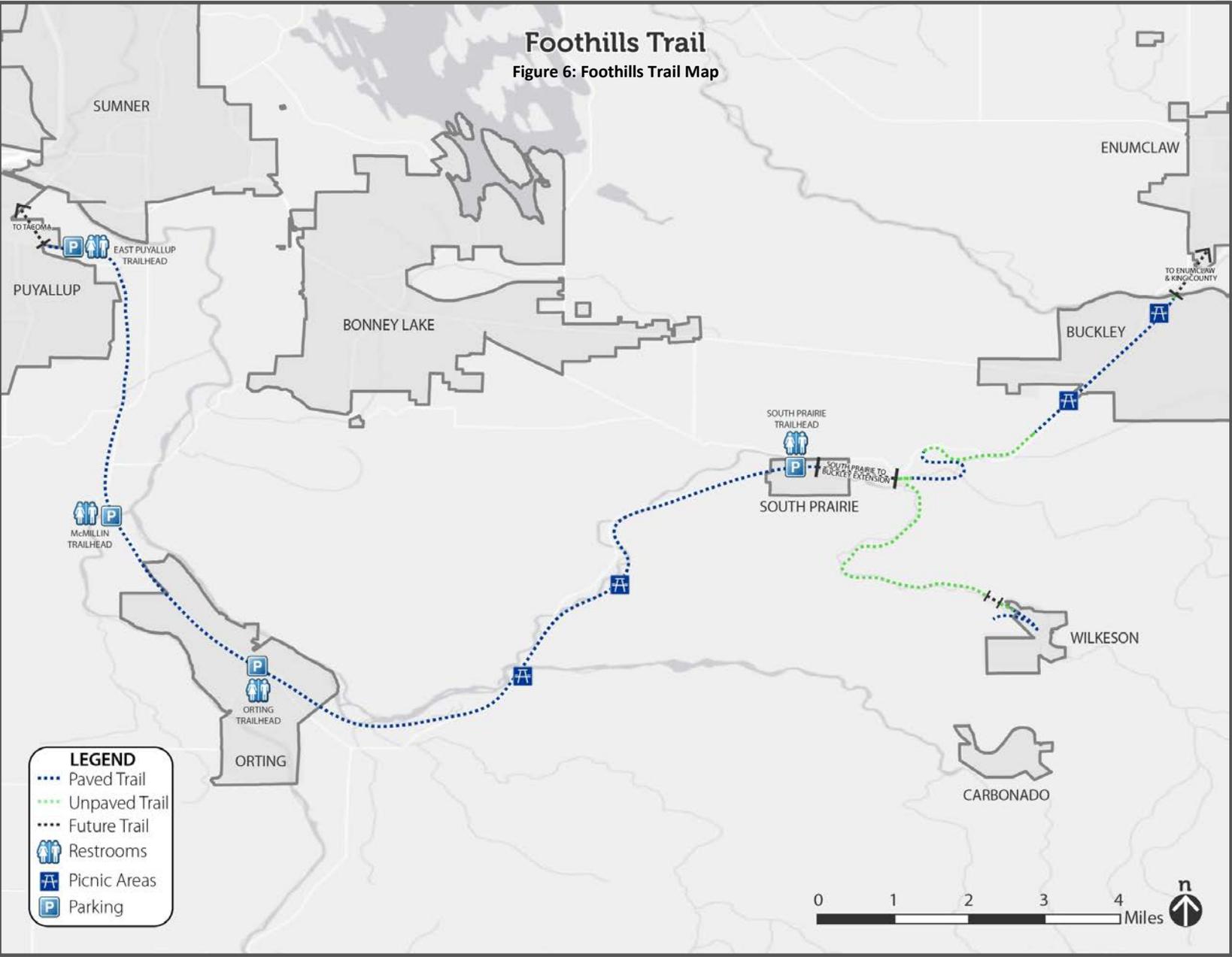
In light of the increased environmental protections now in place under RCW 36.70A, RCW 90.58 and other laws and procedures for environmental protection, land use planning and infrastructure, in 2014 the Washington State Department of Ecology updated the State Environmental Policy Act (SEPA) Rules that guide state and local agencies in conducting SEPA reviews.

The updated SEPA rules (WAC 197-11-800(1)(d)) allow communities to adopt increased flexible exemption thresholds for minor new construction, provided that the requirements for environmental analysis, protection and mitigation for impacts to the environment have been adequately addressed through conformance with adopted development regulations and applicable state and federal laws.

2.2.4 RCW 58.17.035 - BINDING SITE PLANS

The Washington State Legislature authorized the binding site plan method of dividing property in RCW 58.17.035 as an alternative to the subdivision or short subdivision process. Binding site plans may be used to subdivide industrial or commercial land, land for the purpose of lease when no residential structures other than mobile homes or travel trailers are permitted, and land for condominium purposes. Binding site plans are approved administratively by the planning director; then recorded with the County.

Foothills Trail
Figure 6: Foothills Trail Map



LEGEND

- Paved Trail
- Unpaved Trail
- Future Trail
- Restrooms
- Picnic Areas
- Parking

2.3 PREVIOUS CITY PLANNING WORK

2.3.1 SR 410 DRAFT MASTER PLAN – PREPARED BY THE UNIVERSITY OF WASHINGTON - 2005

In 2005, a University of Washington’s Master of Urban Planning studio assisted the City in creating a Draft SR 410 Master Plan. Building on recommendations in the 2005 Comprehensive Plan, the draft plan sought to address the challenges facing Buckley by spurring economic development within the SR 410 Subarea and downtown business core. The draft planning process began with background research on the existing regulatory context for the SR 410 Subarea to identify potential constraints and opportunities. A steering committee was formed and meetings were held to focus concerns associated with the future use of the corridor. The committee helped to develop and prioritize design approaches for the corridor, which were prepared as conceptual site plans. Three designs were developed for the corridor based on the feedback from the steering committee including an open space alternative, a commercially developed alternative, and a mixed-use alternative. A community workshop was held to obtain feedback on the proposed designs, the results of which led to the preferred site plan for the corridor.

During the initial steering committee meeting as well as in the public workshops, Buckley residents showed strong support for accentuating the Foothills Trail with small commercial/residential buildings while keeping the area between the trail and SR 410 as open space. The preferred site plan included a realignment of the SR 410/SR 165 intersection and a mix of open space and commercial, with second floor office space and residential. Priorities for inclusion in the corridor based on the community workshop included:

- Locating new multi-family housing near existing multi-family housing;
- Installing removable bollards on Jefferson Avenue for holding a farmer’s market or community event in the SR 410 Subarea;
- Relocation of the gazebo in future public buildings area (part of Civic Core); and
- An amphitheater north of Wally’s.

The preferred site plan for the SR 410 Subarea was designed to act as a catalyst for economic development within Buckley’s downtown core. The redevelopment of the corridor into a mixed-use area is consistent with current retail trends and unites the Foothills Trail and Main Street, creating a destination area around the trail. Housing proposed will bring more residents into the downtown area, and pedestrian-oriented features will create a vibrant place for residents and tourists alike.

2.3.2 SR 410 CORRIDOR DESIGN GUIDELINES – PREPARED BY THE UNIVERSITY OF WASHINGTON – 2013

In 2013, the City contracted the University of Washington’s Department of Urban Design & Planning to develop design guidelines and implementation plan for the SR 410 Corridor. The team gathered data, researched best practices, and engaged the citizens of Buckley through public meetings in order to inform their understanding of Buckley’s economic conditions and community goals. After analyzing those findings, multiple recommendations were prepared for consideration by the City, the product being the SR 410 Corridor Design Guidelines and Implementation Plan.

The design guidelines were a tool for shaping commercial and civic development within the SR 410 Subarea. The guidelines seek to maintain the character of Buckley, while maximizing the economic and social potential of the SR 410 Corridor. The guidelines required that new development along the SR 410 Corridor reflect the historic character of Main Street, while also including provisions for providing access points along the trail to new businesses, housing and recreational opportunities.

The design guidelines and implementation plan separated development into three phases, which are adapted and built upon in the SR 410 Subarea Plan. The first phase focused on creating a gateway between the SR 410 Corridor and Main Street that promotes engaging, compatible, and complementary economic development in both areas. Phase I included provisions for expanding the visual recognition and prominence of the Foothills Trail and utilized a series of consistent urban design elements to create continuity along the trail and Main Street. On-street parking was proposed along River Road and a clustering of development to maximize buildable land while maintain opportunities for open space.

2.4 FOOTHILLS TRAIL

The vision of the Foothills Trail began with Dr. Douglas Tait in Buckley, over 30 years ago. Dr. Tait envisioned a Rails-To-Trails project that would connect Buckley to Tacoma, passing through South Prairie, Wilkeson, Carbonado, and Orting along the way. In 1983, the Foothills Rails-to-Trails Coalition was formed to develop the Foothills Trail along the route of the abandoned Northern Pacific Railroad. After years of controversy and lawsuits over the ownership of railroad parcels, the first mile of trail was constructed in Orting. After seeing the success of this trail segment, Pierce County began work connecting the trail to Puyallup. The City of Buckley, however, remained left out from early trail plans and began work on its own Foothills Trail, a 2-mile segment of paved trail meandering through the heart of the City. Plans currently exist for the County to connect Buckley's trail into the 15 miles of completed trail spanning from Puyallup to South Prairie. Eventually, the Foothills Trail will connect Buckley and Mount Rainier National Park to the waterfront of Tacoma's Commencement Bay, just as the Northern Pacific Railroad did. When complete, the trail will cover more than 28 miles.

Plans also exist to connect Buckley's Foothills Trail to Enumclaw and King County, with a bridge over the White River. The Washington State Department of Transportation (WSDOT) is currently replacing the steel-truss Meridian Street Bridge in Puyallup and has identified the potential to preserve the old bridge for use on the Foothills Trail between Enumclaw and Buckley across the White River.

The Foothills Trail has a special significance in Buckley, with its roots firmly planted in the City's history. The 2-mile paved stretch of trail is the most heavily used park in the City. The plans for connecting Buckley's trail to South Prairie and Enumclaw will only further enhance its use, and make it a regional destination.

3 SR 410 SUBAREA PLAN

3.1 EXISTING USES

Existing buildings and uses are present within the SR 410 Subarea, and as such, the development plan for the corridor must consider them in the designation of future uses. The following uses currently exist within the SR 410 Subarea.

1. Foothills Trail – The Foothills Trail, located within the SR 410 Subarea, is a community-gathering place for the City as well as a recreational destination. Locally, the trail is dubbed the new “Main Street”, and is the most used park in the City. The Trail has the potential to be a regional recreational destination with the completion of the extensions to South Prairie and Enumclaw.
2. Park & Ride – This unpaved lot serves as an unofficial park-and-ride for the City of Buckley.
3. Veterans Memorial – The Buckley Veterans Memorial Monument was built in 2010 to be a place of remembrance for those who served in the armed forces.
4. Buckley Youth Center – The Buckley Youth Activity Center is a safe place for kids to hangout after school, with recreational activities such as pool, air hockey, video games, foosball, and other organized activities. The Youth Center also provides free tutoring for students in grades K-12.
5. Skateboard Park – Built in 2014, the Buckley Multi-Use Skateboard Park features a playground area with equipment, a viewing area and a skate park, providing facilities for skateboarders, roller bladers, and BMX bike riders.
6. U.S. Post Office – The Buckley U.S. Post Office is located within the SR 410 Subarea and serves the City of Buckley.
7. Public Art – Several public art installations are located along the Foothills Trail in the SR 410 Subarea and are a highly valued community asset. A local artist donated the chainsaw carvings in 2006, which are carved from three 40-year old Coulter pines that were on the verge of falling down.
8. Buckley Wine & Spirits and Barber Shop – A wine and liquor store and barber should be located within a small retail development in the SR 410 Subarea.
9. Welcome Sign – The welcome sign to Buckley directs visitors to the historic district and business district.
10. Buckley Library – The Buckley Library, located within the SR 410 Subarea, serves northeastern Pierce County, as well as providing many benefits to the community.
11. Memorial Trees – Several significant trees and trees planted in memoriam are located and signed within the SR 410 Subarea, immediately north and south of Main Street, and should be preserved from future development.
12. Del’s Feed and Farm Supply – A farm and ranch supply store currently exists within the SR 410 Subarea. The store includes an outdoor space for displaying lumber, fencing, and other farm supplies.

Comment [DS4]: To be reconstructed in the fall of 2015.

13. Buckley Hall – Buckley Hall is an old feed store that was donated to the City and renovated into a multi-use facility. The City uses the building for community activities such as yoga, aerobics, and dance classes, as well as youth activities and programs. The facility is also rented for private events such as weddings or parties.
14. Foothills Historical Society – Founded in 1981, the Foothills Historical Society is responsible for preserving the local history of the towns in the foothills of Mount Rainier. Located across the street from the museum, the presence of the Foothills Historical Society in the SR 410 Subarea provides historical and cultural benefits for tourists and residents alike.
15. Foothills Museum – The Foothills Historical Museum was built in 1927 and was originally a funeral home. The Foothills Historical Society, in 1985, converted it to a museum, located along the Foothills trail in the SR 410 Subarea.
16. River Avenue Basketball Courts and Playground – This Park consists of a basketball court, an outdoor playground apparatus, and a restroom.
17. Wally's Drive-In – Wally's White River Drive-In, a local staple in the plateau, is an old-fashioned drive-in restaurant.
18. White River Family Care – White River Family Care is a family practice doctor's office serving the City of Buckley.
19. Log Show Grounds – The Buckley Log Show takes place each year at the Log Show Grounds located within the SR 410 Subarea. Various competitions are held, with entrants participating in events such as the ax throw, hot saw, or tree topping.
20. Buckley Cemetery – The Buckley Cemetery is located at the northeastern border of the SR 410 Subarea.
21. Army National Guard Armory – The Washington Army National Guard armory is located within the northern portion of SR 410 Subarea.

3.2 DEVELOPMENT PLAN

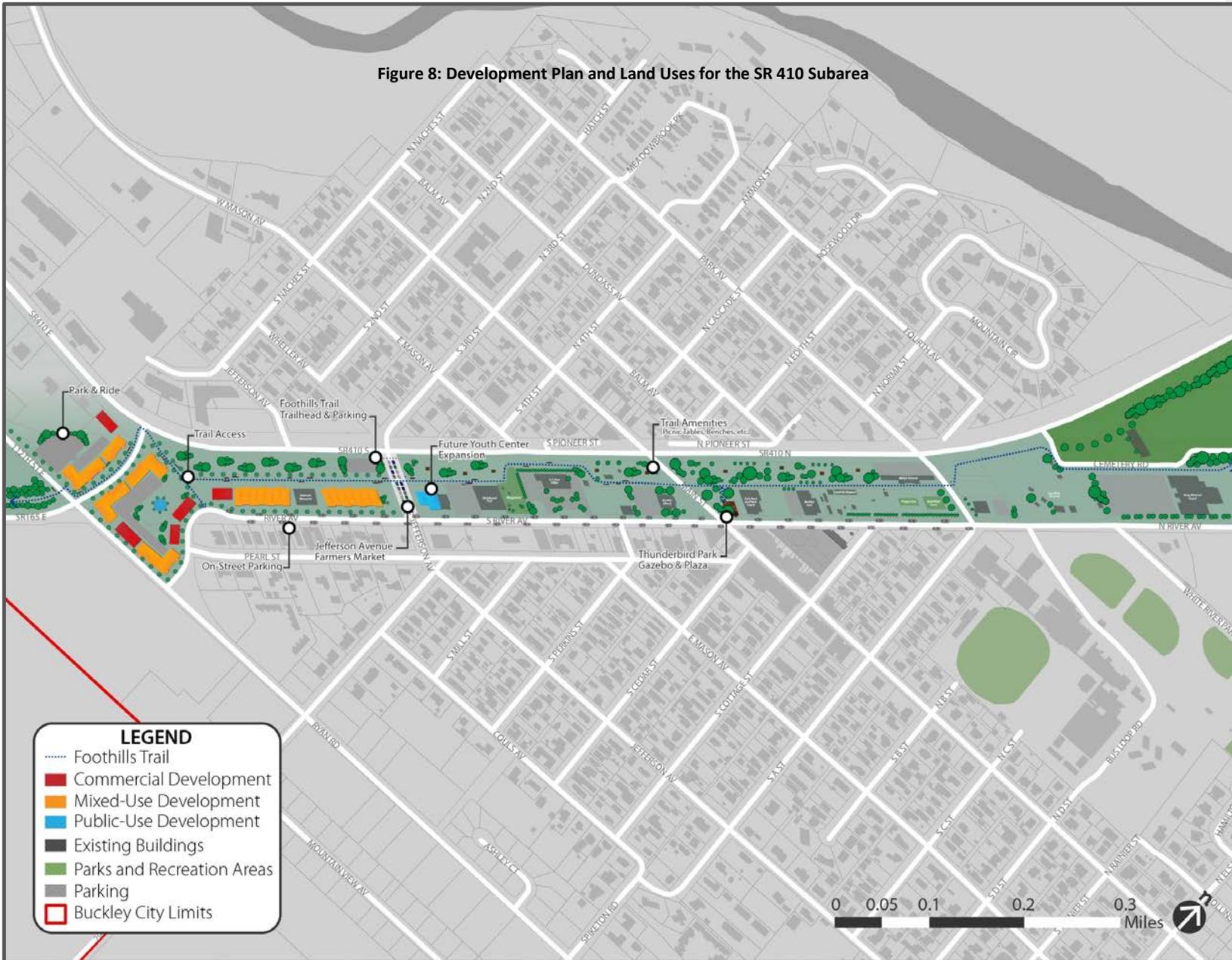
When the Draft SR 410 Subarea Plan was developed in 2005, community outreach events were held to create a preferred development approach for the corridor. Some of the considerations included in the preferred development approach included:

- Preserving open space while allowing for some commercial development;
- Providing a park and ride facility near the trail;
- Adding more housing in the downtown area and along the trail; and
- Preserving trees and vegetation in the corridor, especially the memorial trees north and south of Main Street.

Another factor important to the community, as identified in the Comprehensive Plan, is the desire to position the community as a “gateway to Mount Rainier” and a destination for tourists, and residents alike, interested in outdoor recreational activities.

The development plan for the SR 410 Subarea (see Figure 8), takes into consideration the communities preferences for the corridor, and the development and uses currently located within the SR 410 Subarea, and depicts where future development may take place. The sections below break down the implementation steps necessary to facilitate the vision for the SR 410 Subarea.

Figure 8: Development Plan and Land Uses for the SR 410 Subarea



3.2.1 MAIN STREET GATEWAY

In the 2013 SR 410 Corridor Design Guidelines and Implementation Plan for the SR 410 Subarea, subdivisions were proposed for parcels in what was dubbed the “Main Street Gateway”. While the subdivision of property in Main Street Gateway would facilitate economic development and enhance the connection between the SR 410 Subarea and the historic downtown, existing development in Main Street Gateway, as well as significant cultural amenities make it an impractical location for future development. The U.S. Post Office, the two retail spaces, the Pierce County Library, several public art installations and memorial trees are all valuable uses to the City located in the Main Street Gateway and are to be retained in the SR 410 Subarea.

This Subarea Plan will propose no subdivisions for the Main Street Gateway, and will instead focus on creating open spaces and recreational opportunities, as residents and tourists have identified they would like to see in the area. This phase is considered the “amenity phase” as the emphasis is on creating recreational and cultural amenities that will draw in residents and tourists. Figure 9 depicts how the Main Street Gateway could continue to be enhanced with recreational and cultural amenities.

Within the Main Street Gateway, the focus will be providing additional trail amenities as funds are available. Future expansions to the Youth Center will provide additional recreational opportunities within the SR 410 Subarea, as well as essential community services. Expanding Thunderbird Park will help to create an additional gathering place within the SR 410 Subarea that can be rented for private events or as a rest area for trail users. Connecting the plaza to the trail is essential in enhancing the connection between the trail and the historic Main Street area.

Comment [DS5]: It might make sense to mention the plans for the Doc Tait Memorial which is to be constructed next to the Trail north of Main Street.

3.2.2 SOUTH GATEWAY

With the realignments of Ryan Road/112th Street, SR 165, and SR 410, the South Gateway will now serve as the first entrance to Buckley for visitors coming from the west. With much of the South Gateway is undeveloped, it is the ideal location for the mixed-use commercial and residential development proposed in both the 2005 Draft Subarea Plan and the 2013 SR 410 Corridor Design Guidelines and Implementation Plan. Figure 10 depicts how the South Gateway could be developed with mixed-use and commercial development, leaving the portion of the SR 410 Subarea west of the trail as open space and preserving existing uses, such as the Veterans memorial.

As proposed in 2013, the City should amend the binding site plan for Parcel 800005-0210. The City could create a maximum of eight lots within this parcel, not including the Veterans memorial, with a minimum frontage of 40 feet and minimum lot size of 3,000 square feet. The City may choose to either amend the binding site plan for this parcel in an effort to market the parcel to potential developers, or wait until there is interest.

The City should also create a binding site plan for Parcel 800005-0200. The City should adjust the lot line to match that of Parcel 800005-0210, leaving the portion west of the Foothills Trail and Parcel 800005-0220 as open space, and dividing the remainder into a maximum of nine lots.

After amending the binding site plan for Parcel 800005-0210 and creating a binding site plan for Parcel 800005-0200, the new parcels will be marketed according to the Marketing Plan in Section 3.5.

3.2.3 NORTH GATEWAY

The final development phase encompasses all parcels not already included in Phase I or Phase II. Significant development is not proposed for the North Gateway, and as such, the City may initiate the following projects whenever practical. The focus of this phase is to create open spaces and links between existing development, new development and the Foothills Trail. The City may choose to market Parcel 800008-0010 for private development, or utilize it as open space or other public facility.

Comment [DS6]: There's a large undeveloped area at the NE corner of Park and 410 next to the logger's grounds that we may want to segregate out for potential future development; however, this is a discussion item.

Comment [BM7]: AHBL Comment: We need more guidance on what the City envisions for this portion of the Subarea.

Comment [DS8]: Comment is in reference to the next map page. The map depicts a park & ride on the City property just west of the Phase II Realignment; however, we are currently in negotiation with the owner of the Gamblin property to sell this entire area to him in exchange for the value of constructing the new trailhead and park & ride south of Jefferson Street (depicted). The parking lot illustrated for the trailhead should possibly be enlarged to accommodate joint use.

Figure 9: Development Plan for South Gateway



Figure 10: Development Plan for Main Gateway

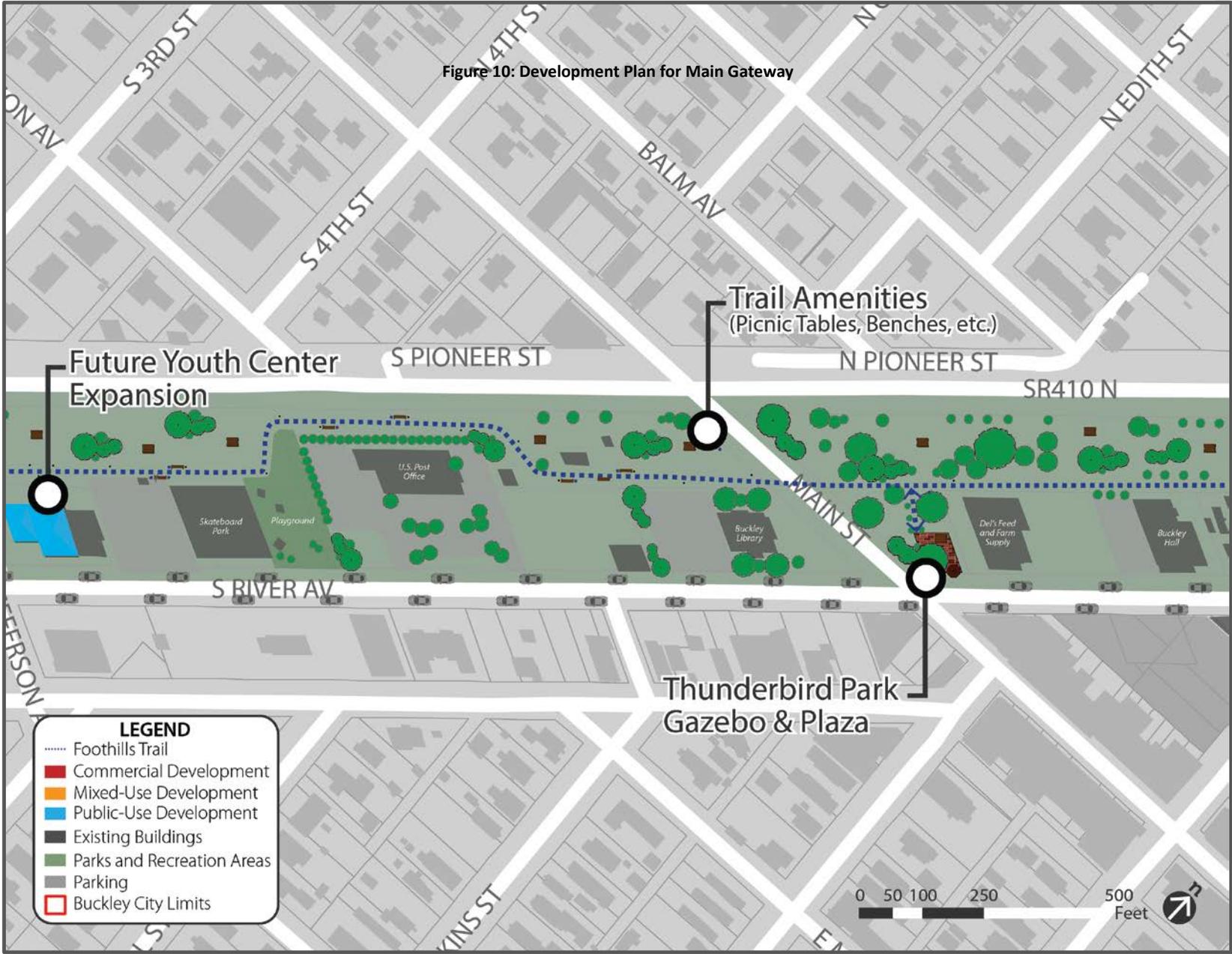
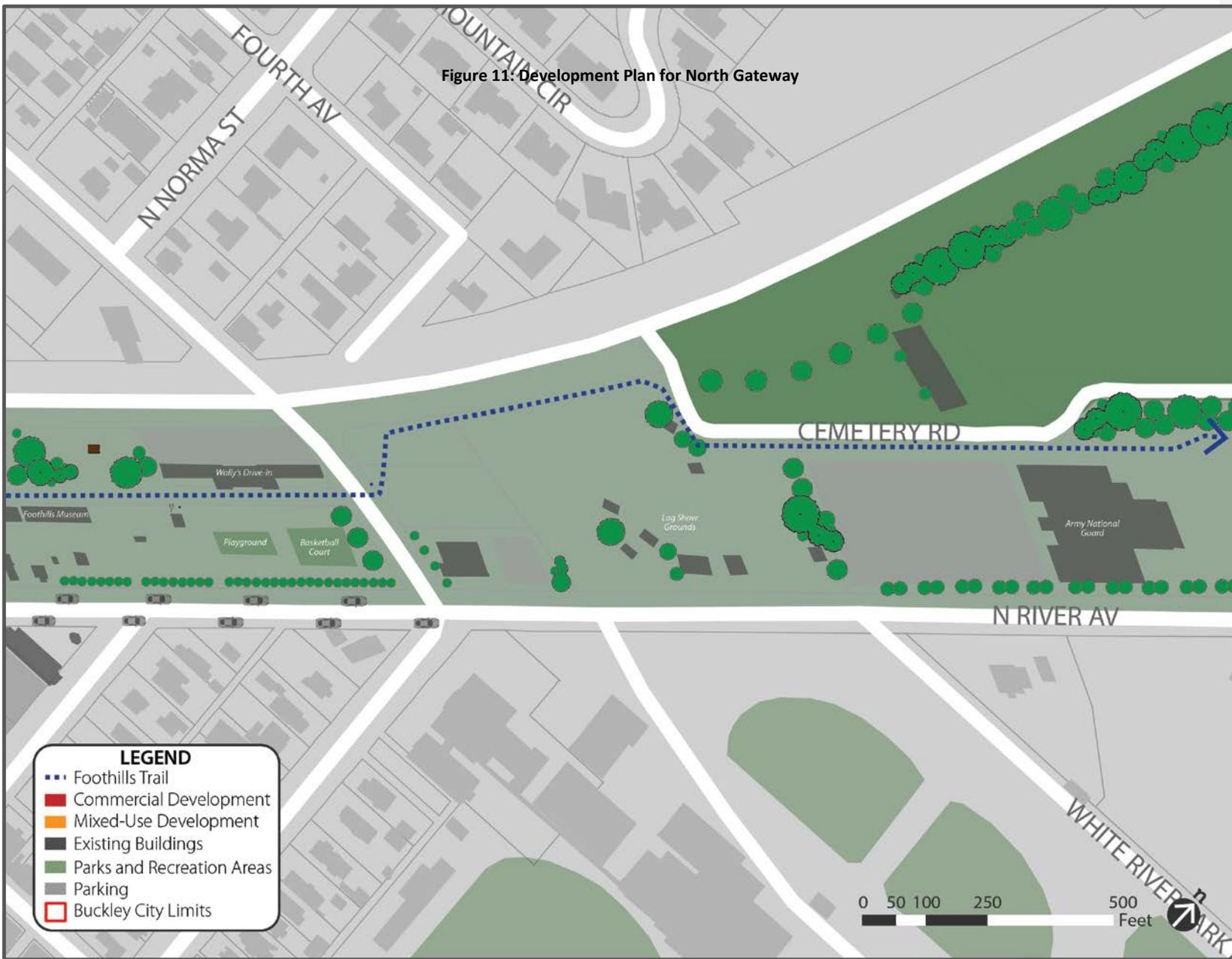


Figure 11: Development Plan for North Gateway



- LEGEND**
- Foothills Trail
 - Commercial Development
 - Mixed-Use Development
 - Existing Buildings
 - Parks and Recreation Areas
 - Parking
 - Buckley City Limits

3.3 DESIGN GUIDELINES

The SR 410 Subarea Design Guidelines are intended to guide land use and site development within the SR 410 Subarea. The following new and redevelopment projects within the SR 410 Subarea are subject to design review:

- Structures or fixtures excluding single-family detached residential dwellings, unless said detached single-family residential dwelling is used for commercial purposes;
- Fixtures other than signs, which are regulated under Chapter 19.30 BMC;
- Structures or fixtures located within the HC, GC, CC, LI, NMU and P zones or those used for commercial purposes; and
- Structures on properties abutting Highway 410, or adjacent to properties that abut Highway 410 and are subject to design review.

The Design Guidelines build on the work completed by City and the University of Washington in 2013, and are included in Appendix A of the SR 410 Subarea Plan. The Design Guidelines emphasize architectural context that is in keeping with the character of Buckley's historic Main Street, and respecting the existing pedestrian scale of the district. Provisions are included for orienting buildings towards the trail, and providing entrances on both street frontages at the Foothills Trail. The Design Guidelines specify architectural elements that reflect the history of Buckley and enhance the rural and natural features that surround the City.

3.4 IMPLEMENTATION

3.4.1 OPEN SPACE IMPROVEMENTS

The City incorporated many open space improvements along the Foothills Trail following the 2013 SR 410 Corridor Design Guidelines and Implementation Plan. Uniform lighting along the trail allows extended use beyond daytime hours. Benches and landscaping along the trail helps to create appealing spaces for people to meet and spend time in the SR 410 Subarea. The City may incorporate additional open space improvements that continue to build a visual recognition of the Foothills Trail and enhance interest in the area.

Comment [DS9]: Plans to construct a splash park and climbing wall are in the comp plan.

3.4.1.1 PLAZAS

Plazas and open spaces should be provided to link trails with commercial areas. Plazas provide places for passive recreation, and provide cultural benefits by creating a space for people to gather and hold community events. Existing small plazas should be enhanced to link the trail to downtown.

3.4.1.2 ART INSTALLATIONS

Additional art installations should be encouraged along the Foothills Trail. Public art provides visual interest for trail users. The art installations should reflect the history of Buckley, and be compatible with existing art installations along the trail. Art installations located in the SR 410 Subarea could act as a way to set Buckley apart from other Foothills Trail communities, and highlight the character of the City.

Figure 12: Thunderbird Park Gazebo and Plaza



Existing plazas, such as the one at Thunderbird Park, could be enhanced to connect the trail to downtown. Consistent paving and landscaping extending from River Avenue and the Foothills Trail could provide a visual connection and provide a place of respite for trail users.

Comment [DS10]: The Doc Tait Memorial is planned to be constructed SW of the gazebo next to the Trail.

3.4.1.3 SIGNAGE

Currently, signage for the Foothills Trail is smaller and not of the same style as signage throughout the City for the Main Street shopping area. Consistent signage throughout the City would help foster a visual identity, and emphasize the trail as a major destination in Buckley. Larger signage, of similar style to existing signage, would be easier for visitors to see and recognize, increasing their likelihood of utilizing the trail.

3.4.2 STREET IMPROVEMENTS

The City should consider street improvements to improve access to the SR 410 Subarea. Improvements to River Road, such as on-street parking, bicycle racks, and wayfinding can help to direct people to the SR 410 Subarea and enhance the connection between the SR 410 Subarea and Main Street.

3.4.2.1 ON-STREET PARKING

On-street parking along River Road should be installed consistent with the SR 410 Subarea Design Guidelines. On-street parking provides economic development benefits to the SR 410 Subarea by increasing vehicular access to the trail, as well as shops and restaurants, and creates a buffer between pedestrians and traffic.

Comment [DS11]: Would it make sense to insert a detail of expanded parking and proposed streetscape along the River Ave corridor?

Figure 13: Chainsaw Art Installations



Chainsaw art installations were donated by a local artist in 2006, and they reflect Buckley’s logging history.

3.4.2.2 BOLLARDS

Removable bollards at the intersections of Jefferson Street and SR 410 and Jefferson Street and River Road would allow the road to be periodically closed for events. The City could utilize the closure on a weekly basis during the summer for a farmers market, as well as holding other local events throughout the year. The use of Jefferson Street for events and farmers markets would help bring residents and tourists to the SR 410 Subarea, and add to its importance as a place of gathering in the community.

3.4.2.3 WAYFINDING

Wayfinding is essential for making Buckley a destination, rather than a place to travel through. Providing wayfinding on the trail that directs pedestrian and bicycle traffic to Main Street and other areas of interest would provide economic benefits to downtown businesses, and would help to increase the City’s regional visibility.

3.4.2.4 BIKE RACKS

Installing bike racks along the trail and on Main Street would encourage trail users to stop and enjoy Buckley shops, restaurants, and events, and increase the likelihood of people returning to Buckley.

3.4.2.5 TRAILHEAD

With the completion of the South Prairie to Buckley section of the Foothills Trail, a signed trailhead for the trail can help to increase Buckley's visibility in the region, and the use of the trail, locally. A trailhead in Buckley would provide a place for users coming from King County to park and access the trail.

3.4.3 STOREFRONT IMPROVEMENTS

The City should consider working with local Main Street businesses to enhance their storefronts and improve the overall aesthetics of Main Street. Minimizing the amount of vacant storefronts on Main Street, and their appearance of vacancy, and keeping business lights on during specified hours would help to make Main Street a more lively area, and spur additional development within the SR 410 Subarea.

3.4.3.1 LIGHTING

The City should work with businesses on Main Street to establish uniform times during the day for stores to keep their storefront lighting on. Dark stores give off the appearance that everything is closed, and send a message to people whom passerby that this is not a vibrant shopping area. Keeping lighting on will encourage people to stop in Buckley, and check out shops and restaurants that are open.

3.4.3.2 VACANT STOREFRONTS

Vacant storefronts create blight and hurt the economic viability of other Main Street businesses. Vacant storefronts should also have their appearance of vacancy minimized. Artists could display their work in vacant storefronts, bringing themselves visibility and improving the appearance of the area.

3.4.4 ECONOMIC DEVELOPMENT INCENTIVES

3.4.4.1 PROPERTY TAX SUBSIDY/ABATEMENT

The City may offer property tax discounts or complete property tax relief for a specified time to businesses or developers interested in locating within the SR 410 Subarea.

3.4.4.2 ADMINISTRATIVE FEE REDUCTIONS

Administrative fees such as permit fees, impact fees, and water/sewer connection fees all increase the upfront construction cost of development. Reducing fees would save developers money and encourage development within the SR 410 Subarea. Administrative fee reductions could be provided as a reimbursement for developers once they begin construction or start installing infrastructure. A percent of the fees could also be waived at the time of application.

3.4.5 SEPA CATEGORICAL EXEMPTION THRESHOLDS

The City of Buckley will be raising the categorical exemption limits under SEPA for new construction to the maximum specified under WAC 197-11-800(1)(d). This will allow for a larger range of development to occur within the SR 410 Subarea without the delay and additional cost of threshold determination and EIS requirements under SEPA.

Currently the categorical exemption limits in Buckley for multi-family residential is four units, and the maximum exemption for commercial development is 8,000 square feet. The maximum exemption under SEPA for multi-family residential is 30 units, and the maximum exemption for commercial development is 30,000 square feet.

3.5 MARKETING PLAN

The goal of the marketing plan is to disseminate information on the SR 410 Subarea properties to potential buyer/developers through a variety of methods in an effort to generate interest and development leads. Techniques to generate interest include development visuals, together with property and community data and demographics.

3.5.1 MARKETING COLLATERAL

Prototype Development concepts will be prepared for the South Gateway area illustrating development potential to convey the vision of the SR 410 Subarea to interested buyer/developers. The City should evaluate the existing parcel configurations and determine if modifications to the boundaries, through either Boundary Line Adjustments or a revised Binding Site Plan, are appropriate in advance of property sale. The concepts will build on those prepared to date and convey the opportunities and attributes of the area.

Using the development concepts, marketing flyers should be prepared describing the properties for sale and their development potential both in graphic and narrative form. The flyers could be posted on bulletin boards at City Hall, the Library, and Community Center among other key frequently visited areas.

The City should develop a page on its website extolling the SR 410 Subarea plan vision and overall economic development incentives available to buyer/developers. The marketing flyers and development concepts will be useful visuals for the web format.

3.5.2 MARKETING ACTIVITIES, EVENTS AND VENUES

Community gatherings and special events are a good opportunity for the City to promote the SR 410 Subarea Plan and Citywide efforts for economic development. The use of kiosks and promotional sponsorships at City events such as the log show, farmers market, groundbreaking ceremonies, etc. can attract attention to the SR 410 Subarea and demonstrate City efforts for improvements. This can include attractive display of promotional materials and/or staffing by informed personnel. The City should take every opportunity to commemorate and promote improvements in the SR 410 Subarea with a groundbreaking ceremony.

The City should consider contracting with the commercial real estate brokerage community to assist in marketing the SR 410 Subarea. Attending regional retail conferences and events or contracting with the real estate brokerage community to market the properties at such events would also assist in promoting the properties.

The City should also establish a SR 410 Subarea implementation stakeholder group or staff that is charged with ensuring that the implementation activities are occurring and that the information is disseminated in a timely manner when requested from a buyer/developer.

3.6 FUNDING

3.6.1 CAPITOL PROJECT FUNDS/ENTERPRISE FUNDS

The City may utilize revenues deposited into capital improvement funds, enterprise funds, and other funds designated for uses in line with the plan for the SR 410 Subarea. Enterprise funds encompass any activity for which a fee is charged to external users for goods and services. A common source of revenue for enterprise funds are City-owned utility services, such as water, sewer, garbage, or stormwater. Capital improvement funds and tourism funds may be utilized for improvements in the SR 410 Subarea, and are generated through revenues received by the City from real estate and lodging excise taxes.

3.6.2 LOCAL REVITALIZATION FINANCING

The Local Revitalization Financing Program allows cities to create “revitalization areas” and allocate increases in local sales and use taxes, and local property taxes, to fund bonds issued for local public improvements within the revitalization area. While the State is no longer accepting applications for state contribution, the City may utilize the program to increase tax revenues specifically for the SR 410 Subarea.

3.6.3 MAIN STREET TAX CREDIT INCENTIVE PROGRAM

The Main Street Tax Credit Incentive Program is a way for businesses to redirect their business & occupation taxes to their own community. The downtown organization receiving the fund must be a part of the State’s Main Street Program. Businesses can then direct that their tax payment go to the downtown organization, and receive a credit worth 75 percent of their contribution.

3.6.4 PUBLIC/PRIVATE PARTNERSHIPS

Public/Private Partnerships (PPPs) are alliances formed between a government agency and private developers to achieve a common purpose. PPPs typically begin with a conceptualization process, and then private partners are selected through a competitive bid process. The entities involved then define project elements, and develop an implementation process. The process results in benefits for all parties involved; public sector entities can leverage and maximize public assets and private sector entities can be given greater access to land and infill sites, and receive more support through the development process. The City may look into creating a Public Development Authority to assist in facilitating the partnership.

3.6.5 PUBLIC DEVELOPMENT AUTHORITY

One method of facilitating public/private partnerships is for the City to create a Public Development Authority (PDA). A PDA is authorized under RCW 35.21.170 which allows cities to establish “public corporations, commissions, or authorities”. The creation of a PDA is useful for engaging in activities that are outside of the normal scope of City operations. The PDA would be legally separate from the City, and would be able to develop properties together with private property owners and developers. A PDA can derive its revenue from the City through lease and operation payments and user fees, or through grants or donations.

4 POLICIES AND RECOMMENDATIONS

POLICY/RECOMMENDATION	SUPPORTING POLICIES/CODES	IMPLEMENTATION METHOD
4.1 The SR 410 Subarea is a place where people meet, recreate, and is an important open space area that gives the City a pleasant atmosphere. Commercial and mixed-use development is planned to be erected between the Foothills Trail and River Avenue; with the area between SR 410 and the trail remaining as open space.	Comprehensive Plan Policy 3.4.3 SR 410 Subarea Draft Master Plan SR 410 Corridor Design Guidelines	Utilize strategies from Section 3.4, Implementation Plan, and funding sources from Section 3.6, to facilitate the City’s vision for the SR 410 Subarea. Adopt Design Guidelines, included in Appendix A, for the SR 410 Subarea and require development to incorporate design principles identified through amendments to BMC §19.51 Highway 410 Design Review District, as specified in Section 5.1. Remove barriers to development by simplifying the binding site plan, as specified in Section 5.2, and raising the categorical exemption thresholds for SEPA review, as specified in Section 5.3. Market City-owned parcels for sale consistent with Section 3.5, Marketing Plan.
4.2 Encourage retail uses that cater to outdoor recreationalists.	Comprehensive Plan Policy 4.2.4 BMC §12.04 SEPA	Provide Economic Development Incentives to developers who agree to develop retail uses that focus on outdoor recreation, as specified in Section 3.4.4 of the Implementation Plan. Raise the Categorical Exemption limit for SEPA to allow for larger building footprints without the additional time and expenses for SEPA review. Market City-owned parcels for sale consistent with Section 3.5, Marketing Plan.
4.3 Require all development within the SR 410 Subarea to incorporate neighborhood character and design principles consistent with SR 410 Subarea Design Guidelines into building and site design.	Comprehensive Plan Policy 2.1.1 Comprehensive Plan Policy 3.2.3	Modify BMC §19.51 Highway 410 Design Review District to require development comply with the SR 410 Subarea Design Guidelines for property within the SR 410 Subarea Overlay.
4.4 Concentrate new retail development in the SR 410 Subarea.	Comprehensive Plan Policy 1.1.1 BMC §12.04 SEPA	Provide Economic Development Incentives to developers who agree to develop retail uses in the SR 410 Subarea, as specified in Section 3.4.4 of the Implementation Plan. Raise the Categorical Exemption limit for SEPA to allow for larger building footprints without the additional time and expenses for SEPA review. Market City-owned parcels for sale consistent with Section 3.5, Marketing Plan.
4.5 Install removable bollards on Jefferson Avenue between SR 410 and River Avenue to allow for street closures and the use of the street for community events.	Comprehensive Plan Policy 1.1.2 SR 410 Subarea Draft Master Plan	Utilize funding strategies from Section 3.6 to install removable bollards, as specified in Section 3.4.2.2 of the Implementation Plan.

4.6	Develop a visual link between the trail and downtown, using elements such as pavement materials or landscaping, for example, the existing small plaza could be enhanced to help connect the trail with downtown.	Comprehensive Plan Policy 4.2.2	Utilize funding strategies from Section 3.6 to install open space improvements, as specified in Section 3.4.1 of the Implementation Plan.
4.7	Encourage mixed use developments in commercial zones.	Comprehensive Plan Policy 1.1.1	Utilize binding site plans to allow for easier subdivision of parcels in the SR 410 Subarea for mixed-use and commercial development. Revise the binding site plan approval procedure to allow binding site plans to be approved administratively as a Type A-1 decision. Market City-owned parcels for sale consistent with Section 3.5, Marketing Plan.
4.8	The SR 410 Subarea should be designated with the county as a center of local importance and called the Rainier Gateway Center.	Comprehensive Plan Policy 3.4.3 Comprehensive Plan Policy 1.1.2 Pierce County Countywide Planning Policies (CPPs)	Adopt the SR 410 Subarea as a CoLI by documenting how the area meets the design features required by the Pierce County Comprehensive Plan Policies, and including plans, such as the SR 410 Subarea Plan, and other information that supports the designation in the City's Comprehensive Plan. The SR 410 Subarea should be delineated on a map as a CoLI in the Comprehensive Plan. The City should then provide notice to the Pierce County Regional Council of its intent to adopt a CoLI.
4.9	Minimize the number and appearance of vacant storefronts.	Comprehensive Plan Policy 3.1.2	Incorporate incentives for minimizing the appearance of vacancy as specified in Section 3.4.3.2 of the Implementation Plan.
4.10	Plazas and open space should be provided to link trails with commercial areas, and to provide places of respite for trail users to stop and visit downtown.	Comprehensive Plan Policy 1.6.4 Comprehensive Plan Policy 4.2.3	Utilize funding strategies from Section 3.6 to create plazas and open spaces, and enhance existing open spaces, as specified in Section 3.4.1.1.

5 REGULATIONS

The following regulations will work to fulfill the goals and policies outlined in Section 4 of the SR 410 Subarea Plan.

5.1 BMC §19.51 SR 410 SUBAREA DESIGN REVIEW DISTRICT

Ordinance **(ordinance number)** is adopted on **(date)** and amends BMC §19.51 Highway 410 Design Review District, now SR 410 Subarea Design Review District, to require all properties within the SR 410 Subarea to comply with the new SR 410 Subarea Design Guidelines. The ordinance adopting the proposed amendments to the regulations is included in Appendix B of the SR 410 Subarea Plan.

5.2 BMC §18.36 BINDING SITE PLAN

Ordinance **(ordinance number)** is adopted on **(date)** and amends BMC §18.36 Binding Site Plan to require Type A-1 administrative approval. Previously, a binding site plan was required to go to hearing examiner for public hearing and review, before final approval. The amendment to BMC §18.36 will make it easier for applicants to utilize the binding site plan approach to divide commercial land for sale or lease.

5.3 BMC §12.04 SEPA

Ordinance **(ordinance number)** is adopted on **(date)** and amends BMC §12.04 SEPA to reflect the 2014 rulemaking and new maximum categorical exemption thresholds for minor new construction, allowed under WAC 197-11-800(1)(d). The revisions to the City's SEPA ordinance will help to remove barriers to development by allowing for a larger range of development to occur within the City without the delay and additional cost of threshold determination and EIS requirements under SEPA. The City has determined that the increased thresholds adopted are appropriate for Buckley's localized conditions, in light of increased environmental protections in place such as RCW 36.70A, RCW 90.58, and other laws and procedures for environmental protection.

APPENDIX A: SR 410 SUBAREA DESIGN GUIDELINES

These design guidelines are intended to guide land use and site development along the SR 410 Corridor. New construction under the incentive program must comply with these guidelines. For development at full market value, new structures must undergo the design review process; compliance is voluntary but strongly encouraged, as adherence to these guidelines will lead to a more successful and cohesive SR 410 Corridor.

SITE DESIGN

ARCHITECTURAL CONTEXT AND CHARACTER

The SR 410 corridor is considered "Buckley's front yard." Similar to a front yard meeting the street, a proposed building fits into its context by relating to the public right-of-way. The character of the public right-of-way is determined by the width of the right-of-way, landscaping and street trees, setbacks, height, width, orientation, and architectural style of the buildings. The following guidelines deal with general design concepts intended to provide design recommendations for new construction. Provisions are made for specific and prescriptive design elements in the SR 410 Corridor Special Overlay District.

ARCHITECTURAL CONCEPT AND CONSISTENCY

- Spacing within a block or a building group should be organized to create a vertically harmonious transition of building facades; this may be achieved by varying the heights of the building facades.
- The architectural design of new projects should take into consideration and respond to the scale, form, and character of Buckley's historic Main Street.

SCALE AND FORM

- To maintain a complementary rhythm and form between the SR 410 Corridor and historic Main Street, new buildings should respect the existing pedestrian scale of the district.
- Buildings should have a two-story appearance
- Building height and facade variation must comply with the SR 410 Corridor Special Overlay District.

STREETSCAPE COMPATIBILITY

- Buildings, open space, landscape, and parking should be internally integrated in image and form, while being functionally and aesthetically compatible with neighboring buildings.
- In order to maintain a complementary rhythm and form between the SR 410 Corridor and historic Main Street, new buildings should be pedestrian scale.
- Building facades should vary in order to enrich the established rhythm of the block. Long, uninterrupted buildings and developments are not appropriate.

SITE DESIGN

The Foothills Trail provides public access to the rear of buildings in the SR 410 Corridor. This provides a unique opportunity for building entries on both frontages.

ORIENTATION

- Buildings should be oriented to the Foothills Trail and/or the street, to encourage pedestrian activity and define common open space.
- Buildings should define edges of public space and create a comfortable, pedestrian-scaled environment.
- Service and storage areas, dumpsters, and utility enclosures should be screened from view from both the trail and surrounding streets.
- Buildings located on corner lots should be designed to positively define and frame the public realm of both streets they front.
- Buildings should be orientated to offer views of the Foothills Trail.

BUILDING ENTRANCE

- Buildings should provide a primary entrance facing River Street and a secondary entrance facing the Foothills Trail.
- Primary Entrances should be:
 - Clearly identifiable as the primary entrance to a building.
 - Oriented to the sidewalk and street.
 - Welcoming at the pedestrian scale.
 - Secondary Entrances should be:
 - Clearly identifiable as the secondary entrance from the rear or trail-fronting facade.
 - Oriented to the Foothills Trail.
 - Clean and well maintained and presenting a welcome appearance with a small sign, bicycle parking, awnings, display windows, and landscaping.
- Public entrances should be clearly defined and highly visible, featuring no less than three of the following:
 - Canopies or porticos
 - Overhangs
 - Recesses/Projections

- Raised corniced parapets over the door
- Peaked roof forms
- Outdoor patios
- Display windows
- Architectural details integrated into the building structure and design
- Integrated planters that incorporate landscaping and/or seating areas
- Pavement and entrances should be designed to make the entrance noticeable. Warm colors at entrances are recommended.

EXTERIOR ELEMENTS AND FINISHES

Buildings should have thoughtful and cohesive architectural features that provide visual interest at the scale of the pedestrian. Exterior ornament should be minimized to reflect the utilitarian nature of the buildings. Architectural interest can be achieved through structural elements.

ARCHITECTURAL ELEMENTS

- Where visible from the exterior, wood truss and heavy-timber structural systems are recommended along with complementary stone veneer(s).
- Roof forms should be in keeping with existing building forms along the SR 410 Corridor and Main Street. Roof forms should incorporate simple gables or parapets, and sheds with generous overhangs, particularly over primary entrances.
- Wood doors should be simple in shape. Large openings may be detailed to resemble traditional barn doors. Painted wood doors and wood framing are preferred over aluminum doors.
- Windows should be fixed, casement, awning, or double hung, with a square or vertical orientation. Sliding windows are not acceptable. Wood or metal sash materials are acceptable.
- Large areas of glass should be avoided; smaller windows should be used whenever possible.
- Newer, energy efficient types should be considered when constructed in a style that compliments the intent of these guidelines.

EXTERIOR MATERIALS

- Buildings should be constructed from materials that are similar in texture and finish to those found along Buckley's historic Main Street.
- Materials should evoke a sense of consideration for the pedestrian and should reflect the building's intended use.

- The use of brick or wood (horizontal wood siding, vertical board and batten, cedar shingles, etc.) is encouraged.
- When brick is used, they should be used in a way so that they appear to be structural, rather than a veneer.
- To keep in character with the surrounding area, high gloss finishes should be avoided, and flat or low gloss finishes should be used.
- If no paint is used, stain and/or oil should be applied to protect and preserve the natural material from the elements.
- Wood shingles or metal roofing should be employed.

EXTERIOR COLORS

- Exterior paint colors should mimic the rural and natural features in and around Buckley. They should create a harmonious effect and be selected with care.
- The predominant color should be muted; natural/earth tones and simple painting schemes are acceptable.
- Color schemes employing many colors or particularly bright colors should be avoided.
- The color of brick or other natural building materials should dictate the color family choice.
- Colors should be selected to emphasize building form and highlight major features.
- The use of accent colors on features like doors, signs, or windows is encouraged, but accent colors should not detract from the overall appearance.
- Contrasting color combinations should be avoided.
- The number of accent colors used should be limited to a maximum of two.

ACCESS AND SERVICES

Typically, utility areas or service entrances are accommodated "behind" the building. Since the building is situated between the Foothills Trail and River Road, utility or service areas are to be located on the side of the building. It is important to minimize the visual impact as much as possible by concealing these areas from view.

PARKING AND VEHICLE ACCESS

- Vehicle parking should not be located between the Foothills Trail and the back of the building.
- Any off-street parking lots should be located on the side of the building.
- Parking lot entrances (curbcuts) should not interrupt the level grade of the sidewalk.

Comment [DS12]: Should we focus on directing parking to the off-street streetscape that we're attempting to create?

- Parking lot entrances and exits must be as narrow as fire code will permit. Buildings or attached structures, such as trellis structures, covered walkways, covered outdoor seating areas, should be built as close to edge of the driveway as permissible, so as to minimize disruptions in the fabric of the walkable urban streetscape.

SCREENING OF DUMPSTERS, UTILITIES AND SERVICE AREAS

- Service areas, mechanical equipment, and refuse receptacle enclosures should be internal to the development or located out of public view.
- Service areas should be located to one side of the buildings, and should be visually diminished using screening by landscape or architectural features in a manner that is compatible with the building and site design.
- All roof equipment (mechanicals, HVAC) should be screened from public view at street level.

PUBLIC LIFE

NATURAL SYSTEMS AND SITE FEATURES

As Buckley's "front yard": the SR 410 Subarea presents an opportunity for the community to announce itself and make a first impression to those travelling on the highway. Well-designed and landscaped open areas appear welcoming, soften visual impact, and promote social interaction. Design of the SR 410 Subarea should reflect the community's desire to preserve open space and views of Mount Rainier.

OPEN SPACE

- Open space should be preserved.
- Open space should be inviting and accessible to passers-by on foot.
- Open spaces should consist of pleasing proportions, and be well lit to promote safety.
- Encourage social interaction by furnishing open areas and pedestrian walkways with outdoor furniture, bike parking, landscaping, and trash receptacles.
- Existing large trees should be kept to provide shelter for gathering spaces. These trees serve as symbols of Buckley's logging heritage.
- Protect views of Mount Rainier from SR 410 Corridor by meeting height restrictions and open space requirements of SR 410 Corridor Special Overlay District and the following Guidelines. Public viewing platforms to see Mount Rainier are encouraged.
- Orient landscaped seating areas to the Foothills Trail and/or, toward views of Mount Rainier.

LANDSCAPE DESIGN

- Landscape design between the Foothills Trail and SR 410 should be inspired by native flora. Landscaping should be appealing to Foothills Trail users and vehicles on SR 410.
- Recreational use of open space adjacent to the Foothills Trail is encouraged and should be provided for.
- Trees should frame plazas and commercial buildings located along the Foothills Trail. These trees will provide shade and help define public spaces.
- Vegetation should not block views of Main Street from SR 410, but should frame view of Main Street and River Road, and should welcome drivers on SR 410 into the City.

OPEN SPACE CONNECTIVITY

The Foothills Trail will be a key connection between Buckley and surrounding towns. It is already a vibrant and valuable circulation corridor through the Buckley community, running parallel to SR 410. Providing additional connections between the Foothills Trail and adjacent streets like Main Street, River Road and Ryan Road will enhance the Foothills Trail's presence as a destination and will encourage a vibrant business district.

FOOTHILLS TRAIL CONNECTIVITY

- Wherever possible, separate bicycle and pedestrian paths should be provided. If it is not feasible, additional width, signing and pavement markings should be used to minimize conflicts between Foothills Trail users.
- Provide signage with typical notices for multimodal users. Foothills Trails are open to the public and designed to accommodate pedestrians, runners, bicyclists, and skaters. The Foothills Trail is to remain open and publically accessible unless a special event limits or prevents access, in which case an alternate route should be provided.
- The final design of any trail project must comply with the regulatory requirements of the Pierce County Foothills Trail Design Guidelines.

PUBLIC ART

- Public art could serve as a landmark and establish a gateway at the intersection of SR 410 and Main Street.
- Public art themes should be informed by SR 410 Corridor Design Guidelines pertaining to style and materials.
- Natural materials such as wood and stone are highly recommended. Other materials that reflect Buckley's historic character are encouraged, such as iron and stone. Modern materials such as glass and plastics are discouraged.
- Public art should recall Buckley's heritage, emphasize the Foothills Trail, and/or highlight Buckley's natural surroundings.

- Functional public art, including but not limited to benches, shelters, bike racks, or children's play equipment, is encouraged.

OTHER ELEMENTS

- Signage should guide trail users to public restrooms, commercial uses, and points of interest.
- Foothills Trail amenities and features should be aesthetically pleasing, encourage use, and discourage illegal behavior.
- Public bathrooms and picnic structures should follow the materials guidelines specified for SR 410 Corridor buildings.
- Public refuse receptacles in commercial sites should be gray or other low-saturation colors and simple in design.
- Pavement should be compatible with other pavements in Buckley. Commercial open space and plazas can use cool colors and varied saturation, degree of darkness, and shapes.

STREET-LEVEL INTERACTION

The front setback area can affect the social space of a small downtown street. Downtown streets should enhance the pedestrian's experience of Buckley. Building up to the sidewalk can facilitate window browsing, social interaction, and people watching. The feeling of enclosure is determined by the relationship between the height of buildings and width of the street and the continuity of the building edge along the street. When a building is set back from the street, a public space that complements and enhances the streetscape or trail should be provided.

HUMAN ACTIVITY

- Open spaces on lots, pedestrian walkways, plazas, outdoor sitting, and dining areas should have a clear hierarchy.
- Sidewalks and crosswalks within the public right-of-way should be paved in a manner consistent with Main Street.
- Pedestrian walkways should be paved in a material with a texture, color, and size that is in harmony with the overall style of the property.
- Cafe decks adjacent to open space should use different materials to distinguish them from public open space. The elevation of cafe decks can be a little higher than surrounding grounds, together with the fencings, to help shelter the seating spaces from adjacent roads and other public spaces.
- Outdoor furniture shape and color should be of low intensity color and simple design. Wooden benches can be used as portable and temporary seating. Metal benches can be used as a more permanent seating option.

STREET PROPORTION

- Wherever buildings are setback from the street at a considerable distance, they should be connected to the street edge by pedestrian walkways or a public plaza.
- Wherever buildings are setback from the Foothills Trail at a considerable distance, they should be connected to the Foothills Trail by pedestrian walkways.
- Setback restrictions are provided for in the SR 410 Corridor Special Overlay District.
- If a building is oriented with the primary entrance fronting River Road, a public plaza with emphasis on the preservation of open space should be provided between the trail-fronting facade and the Foothills Trail. Foothills Trail users should be accommodated through the provision of onsite bicycle parking.

SIGNAGE

- Signage should be compatible with the surrounding environment or the architecture of the building they correspond to.
- Minimize distractions by sign or advertising materials and obstructions that may contribute to traffic accidents or encroachment on public rights-of-way.
- Signs may not be erected or altered without complying with the SR 410 Corridor Special Overlay District.
- Simple overall shapes are preferred over complex geometries.
- Sign colors should be compatible with the colors and materials of the building facade.
- Signs should not obscure key architectural elements, doors or windows.
- Signs should be professionally designed and constructed using high-quality materials.

ACTIVE TRANSPORTATION

Active transportation, or non-motorized transportation, generally addresses pedestrian and bicycle activity. Providing for pedestrians and bicyclists can encourage a vibrant, healthy, and easily accessible community for users of all ages and abilities.

WALKABILITY/ PEDESTRIAN CONNECTIVITY

- Where practical, adjacent commercial developments and surrounding neighborhoods should be connected with paved sidewalks and crosswalks.
- Where pedestrian walkways cross streets or internal vehicular routes, they should be distinguished by a change in paving material, color, and texture.
- Clearly striped crosswalks will improve visibility and safety of the pedestrian.

BICYCLE AMENITIES

- Bicycle parking should be conveniently located to either the street right of way or Foothills Trail and the building entrance. The bicycle parking should be no farther away than the closest parking space. The location of the rack and subsequent parking should not interfere with pedestrian passage.
- One on-street bicycle corral, with a capacity of at least eight bicycles, may be substituted for one required parking space.
- Bicycle parking should be weatherproofed and/or covered whenever possible.
- Bicycle parking facilities should be stationary racks that support the bicycle with at least one point to which the user can lock the bicycle and one wheel and frame with a high security U-shaped lock or cable lock. Rail-type, Inverted U, and Cora are recommended options. Original designs that reflect local character are encouraged.
- The bike rack should have rounded surfaces and corners. The bike rack should be coated in a material that will not damage the bicycle's painted surfaces.
- Bicycle parking should be visible from street sidewalks or building entrances, so that it provides sufficient security from theft and damage.
- Residential bicycle parking should be located in a secure location, either indoors or in a locked, covered outdoor cage.

PERSONAL SAFETY AND SECURITY

- Lighting along River Street and the Foothills Trail should help users feel safe and comfortable, while still preserving the feeling of rural open space in the corridor.
- All building entrances should be illuminated.
- Lighting fixtures should satisfy dark sky requirements and use minimal power.
- Lighting fixtures located on building should be concealed or integrated into the overall design of the project. The light source should be hidden from direct pedestrian or motorist view.

APPENDIX B: BMC §19.51 SR 410 SUBAREA DESIGN REVIEW DISTRICT

CITY OF BUCKLEY

P.O. Box 1960 ♦ Buckley, WA 98321 ♦ (360) 761-7801

www.cityofbuckley.com / <https://www.codepublishing.com/WA/Buckley/>



DESIGN GUIDELINES



Table of contents

I.	Welcome.	4
I.A	Introduction.	4
I.B	Purpose.	5
I.C	Regulation and applicability.	6
I.D	Unifying elements.	6
II.	Design approach.	7
II.A	Introduction.	7
II.B	Purpose.	7
II.C	Regulation & applicability.	7
1.	General regulations	7
2.	Design review.	7
3.	Signs.	9
II.D	Design review applicant instructions.	9
1.	Submittal Requirements & Review Criteria.	9
2.	Application Information.	10
III.	Downtown district.	11
III.A	Introduction.	11
III.B	Purpose.	11
III.C	Regulations and applicability.	11
1.	Main Street buildings.	11
2.	Corner buildings.	13
3.	Mid-block buildings.	14
4.	Miscellaneous commercial buildings.	15
5.	New commercial buildings in the NMU zone.	15
III.D.	Architectural design.	16
1.	Masonry.	16
2.	Concrete or stucco exteriors.	16
3.	Wood storefront and detailing.	17
4.	Wood windows.	17
5.	Metal cornices and ornament.	17
6.	Cast iron structure and storefronts.	17
III.E	New Construction and unifying elements.	18
1.	Signs.	18
2.	Awnings.	19
3.	Building color.	19
IV.	Rainier Gateway District	21
IV.A	Introduction	21
IV.B	Purpose.	21
IV.C	Regulations and applicability.	21
1.	Pedestrian connections.	21
2.	Foothills Trail connections.	21
3.	Bicycle amenities.	22
4.	Open space.	22
5.	Design.	22
6.	Signs.	23
7.	Lighting.	23

8.	Public art.	23
9.	Other Elements.	23
IV.D	Site design.	24
1.	Orientation.	24
2.	Setbacks.	24
3.	Building entrance.	25
4.	Parking and vehicle access.	26
5.	Screening dumpsters, utilities and service areas.	26
IV.E	Architectural design.	26
1.	Massing and articulation.	26
2.	Upper level step backs.	28
3.	Streetscape.	28
4.	Architectural elements.	29
5.	Exterior materials.	29
6.	Exterior colors.	30
V.	Highway 410 District.	31
V.A.	Introduction.	31
V.B.	Purpose.	31
V.C.	Regulations and applicability.	32
V.D.	Architectural design.	32
1.	Site Development	32
2.	Scale and form.	32
3.	Architecture and structure.	33
4.	Unifying elements.	34
VI.	Attachments.	36
A.	Map of Downtown Design Review District	36
B.	Map of Rainier Gateway Design Review District	36
C.	Map of Highway 410 Design Review District	36
E.	Illustration of Suggested Sign Fonts	36

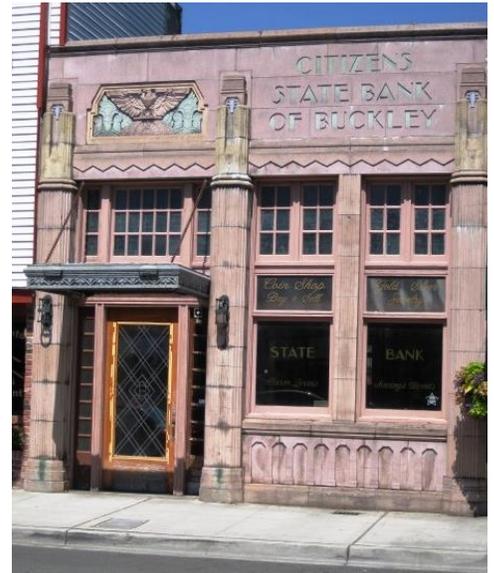
I. Welcome.

I.A Introduction.

The City of Buckley, originally named Perkin's Prairie in 1882, is one of the oldest Pierce County communities, and it was a crossroads of activity for railroad, lumber, agriculture and mining interests. Traces of each industry are still present in the buildings and streets of the city.

The plateau on which Buckley is sited was an early trading route through the Washington Territory, with the Naches Pass Trail and Military Road passing through the area. Later, in the 1880's, the Northern Pacific Railroad established a siding at White River as a part of the transcontinental rail link to the East Coast.

Recognizing that the railroad had the potential of securing more business interests, the town was renamed Buckley in 1888 for a division superintendent of the railway. Buckley was incorporated by the electorate in 1889.



766 Main Street



Although the anticipated railroad boom never fully materialized, the town was physically shaped by the railway. Especially at River Avenue, Ryan Road, and State Route 165, irregular angles on the dominant street grid created unusual intersections. Simplifying these intersections is continuous today.

Through the late nineteenth and early twentieth centuries Buckley grew slowly, remaining somewhat isolated from communities in the valley below. The town served as a local center of trade for farmers and loggers.

The business district, gutted by fire in 1892, and again in 1920, began to replace its simple wood framed storefronts with brick and cast iron buildings, taking on the appearance of an established, permanent city. Many of these buildings are good examples of the commercial architecture of the day.

As the influence of the automobile grew after World War II, and the markets and services in Tacoma and other towns became more accessible, Buckley's downtown came under increasing economic pressure. Suburban supermarkets built in larger, adjacent towns in the 1950s and 1960s brought difficult times to downtown businesses in Buckley, the traditional hub of community life.

In the 1970s and much of the 1980s, Buckley's relatively remote location, surrounded by farms, helped keep it insulated from the suburban sprawl that blurred the identities of other small towns in Western Washington. However, as the population of Pierce County increases and farms are sold for other uses, this insulation is beginning to disappear.

In 1982 the Burlington Northern Railway ended service on the tracks, and the railroad bed was acquired by the City and Pierce County forming the Foothills Trail. The 25-mile-trail has become a popular recreational destination for bicyclists, horse enthusiasts, and hikers.

As of 2019, the trail consists of 21 miles of paved non-motorized trail from South Puyallup to South Prairie, with a two mile paved section in Buckley. Plans were recently completed that connected the Foothills Trial in Buckley to the main paved trail in South Prairie which connects to other cities in Pierce County. Plans are in progress that will continue the trail north to the City of Enumclaw in King County. The 2015 Comprehensive Plan identified recreational aspects of the community as being a key to promoting economic development, and the Foothills Trail as a major recreational asset in Buckley.

The Highway 410 railroad right-of-way corridor, which is roughly described as between River Road, SR167/Ryan Road, and Park Avenue, is now referred to as the Rainier Gateway District. The Gateway District received close attention between the early 2000s to present day.

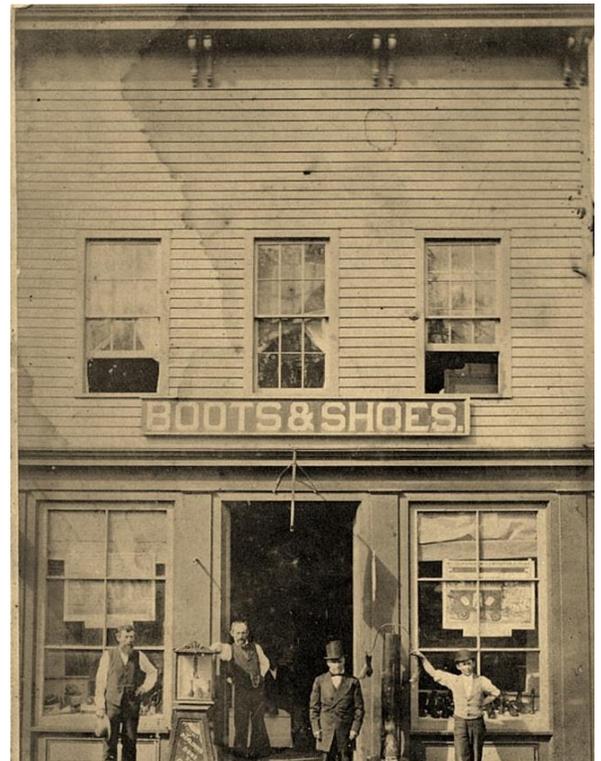
In 2013, students from the University of Washington conducted meetings with the public, performed surveys, and listened to the community to find out what it wanted for this area. The class presented its compilation of community desires and ideas for the Rainier Gateway District. It also proposed development of park land.

These design guidelines focus on improving aspects of urban design within the three design review districts in Buckley. The 2015 Comprehensive Plan defines “urban design” as architecture at the city scale; it considers the way buildings, streets, and the spaces between them relate to one another with the goal of creating vibrant, welcoming urban environments.” Further, in Element 4, Urban Design, it states:

“Thoughtful urban design can help tie different areas of the city together visually and functionally. Urban design can help establish Buckley as a niche destination in the region—one that draws people to the city looking to experience the town’s unique small town and historic atmosphere, and to take advantage of Buckley’s proximity to recreation opportunities.”

I.B Purpose.

The City of Buckley welcomes the opportunities that growth brings, but realizes it is important to maintain the city’s character, quality of life, and environmental biodiversity that make the city a desirable place to live and visit. Careful management of the city’s streetscape and building character is important.



*Buckley's Boots & Shoes
Note the window: tall and single hung*

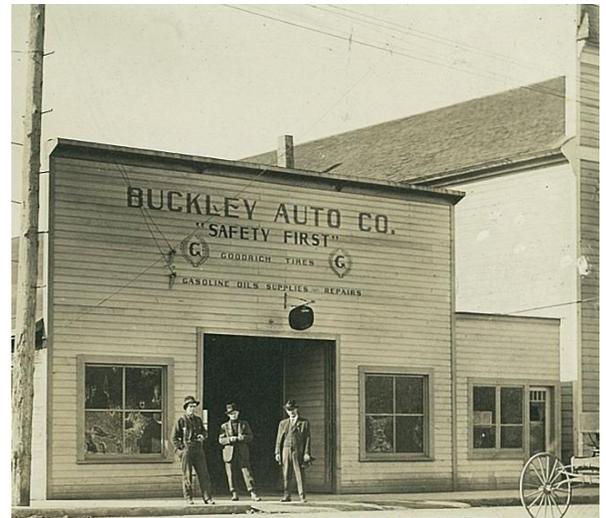
To this aim, the City established a Design Review Committee (DRC). This committee reviews proposals for restoration and new development in the city’s design districts. Proposed projects submitted to the DRC must meet the development standards outlined in these Design Guidelines.

I.C Regulation and applicability.

The following Design Guidelines illustrate the architectural features that are important to maintaining the character of the Buckley’s commercial areas and to establishing an appropriate identity for the town as it grows. The guidelines are to be applied to all new construction, reconstruction, and changes of use from residential to commercial. Except for multifamily residences, residential structures continuing to be residential are not required to conform to these guidelines.

I.D Unifying elements.

Commercial areas of the city should reflect an aspect of Buckley’s personality. In the comprehensive plan it’s called the “small town character.” It is the character of the city that says it’s friendly and people are welcome as they are, that we’re proud of our history, and that we care about one another. This character needs to be shown in each development through the choice of color, style, landscape, and roof form. Signs can also communicate a town’s personality and the type of sign used for each development should be designed with care to further the city’s character. The comprehensive plan describes the city’s small town attributes as follows:



*Buckley Auto Company
Note the false front and square windows*

Comprehensive Plan Policy 3.5.1

The city’s “small-town attributes” include at least the following: walkability across town, walkability to food, pharmacy, and businesses, residential porches facing street fronts, and large picture windows in businesses along Main Street. Providing pedestrian connections should be required as part of all development because these connections will promote pedestrian traffic to the business community.



Building across from Buckley Museum

II. Design approach.

II.A Introduction.

The character of Buckley's buildings is based on the city's development as a working community with ties to farming, lumber and railroad industries. Its commercial buildings are well constructed and are interesting not because of elaborate ornamentation, but for their history, craftsmanship and proportion. Buildings outside city limits were always utilitarian structures that stress strong, simple, functional forms over decoration. It is not the intent of these guidelines to introduce a clever theme or arbitrary style to the city, but rather to promote the honest restoration of existing structures and the construction of new ones in a manner that keeps with the history and spirit of the community.



Main Street sketch from 1991, Note: whimsical signs, clearstory windows, and benches

II.B Purpose.

To coordinate the design of future development the City of Buckley has, through ordinance, established a Design Review Committee (DRC) made up of three City Council members. Any exterior construction, reconstruction or remodeling of any structure, excluding single family dwellings, within the design review districts is reviewed by this committee. Development in the design districts is to be reviewed by the DRC, which will issue a recommendation to the decision maker as a part of the building permit process.

II.C Regulation & applicability.

1. General regulations

General regulations are found in the Buckley Municipal Code (BMC). These regulations include and are not limited to the following:

- a. Building height requirements listed in BMC 19.20.010. A maximum building height of 35 feet is allowed in commercial zones (BMC 19.20.010(2)); these design guidelines may specify the minimum and maximum number or height of stories for each design area;
- b. Setbacks and lot coverage specified in each zone's BMC section (Sections 19.20.050 through 100, BMC);
- c. Permitted and conditional uses listed in BMC 19.20.130;
- d. Parking requirements addressed in Chapter 19.28 BMC;
- e. Landscaping addressed in Chapter 19.29 BMC;
- f. Signs addressed in Chapter 19.30 BMC; signs are also addressed in these design guidelines.
- g. Permitting addressed in other sections of the Buckley Municipal Code and will apply to each application.

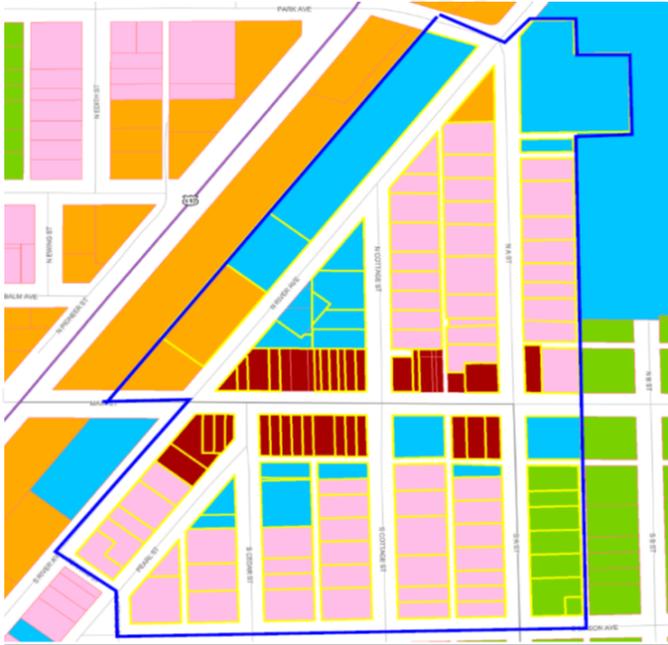
2. Design review.

Applications within the design review districts for commercial, multifamily, and mixed uses must be reviewed by the DRC before issuance of a building permit. Other development subject to design review includes major repairs, which is described in the code chapters requiring design review (BMC 19.50 and 19.51).

City of Buckley Design Review Districts.

Downtown Review District.

Includes Main Street and is roughly bounded by the foothills trail to the east side of the alley between A and B streets, and from Park to Mason avenues.



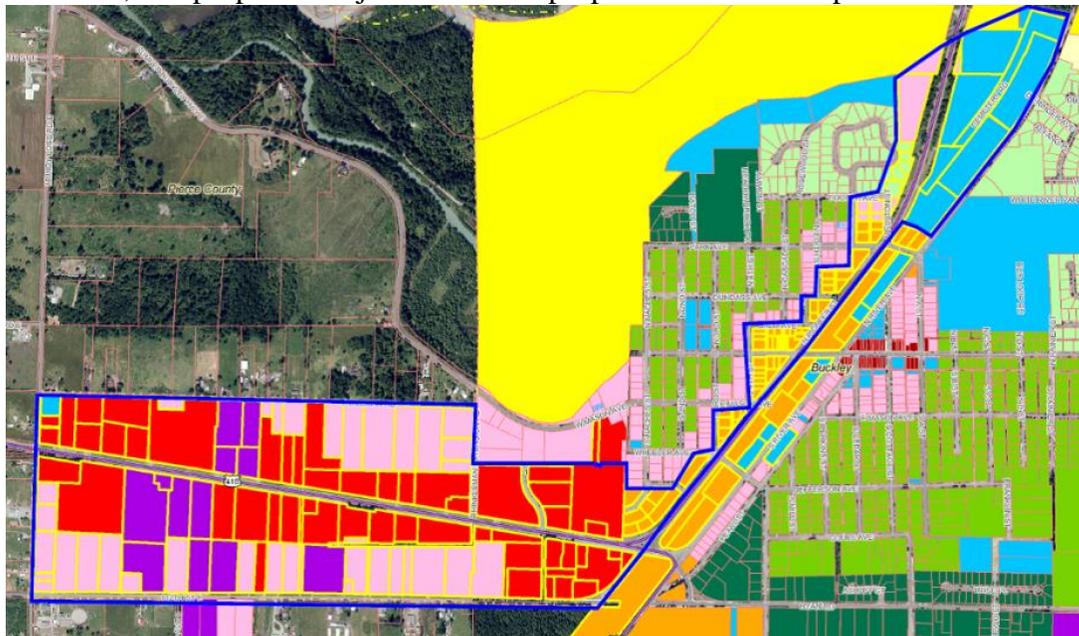
Rainier Gateway District.

All property roughly between Highway 410 and River Avenue, and Park Avenue and Ryan Road to the south.



Highway 410 District.

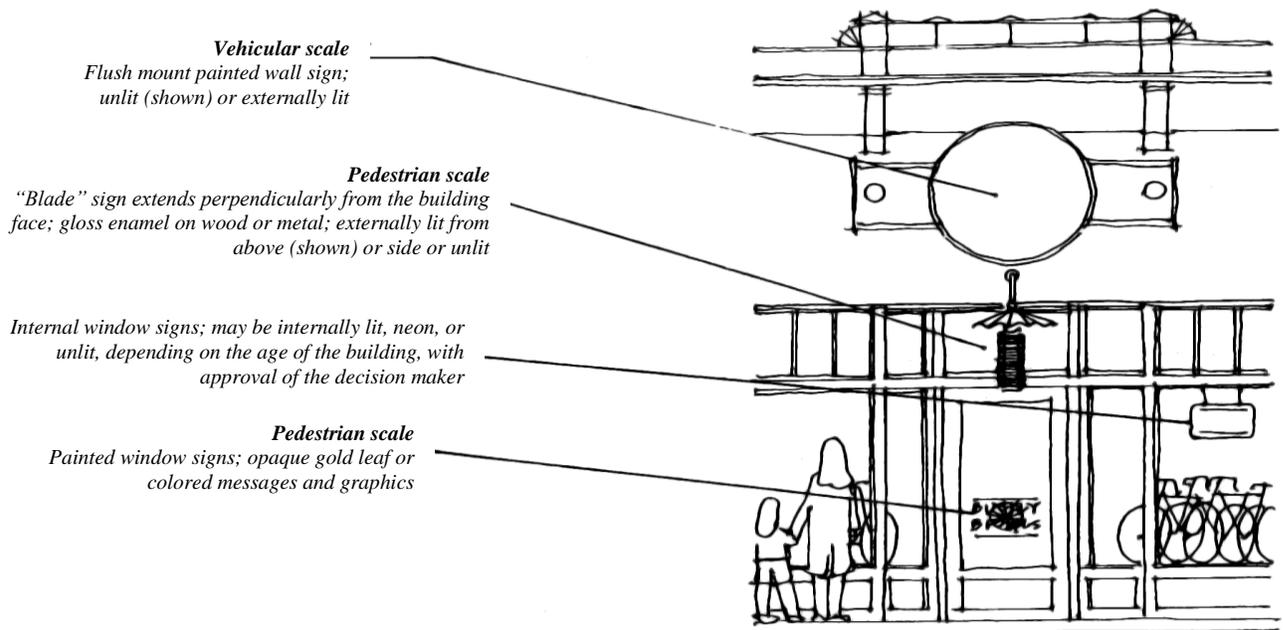
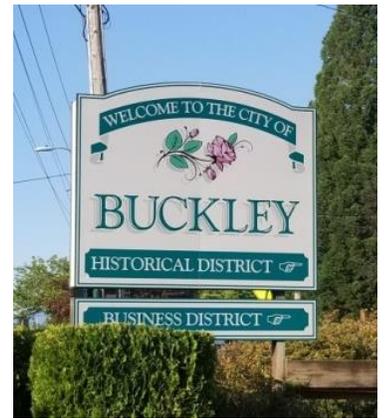
All property abutting the highway within the city limits in GC, CC, NMU, LI and P zones, and property in zones adjacent to these zones. This area includes all properties abutting SR 410 in the CC, GC, NMU, LI, and P zones, and properties adjacent to these properties with development visible from SR 410.



3. Signs.

Signs are regulated both by this document and Chapter 19.30 BMC. Sign regulations common to all districts are as follows:

- a. All signs shall comply with Chapter 19.30 BMC and these design guidelines.
- b. Sign colors shall be compatible with the colors and materials of the building façade and as described in these guidelines.
- c. Signs shall not obscure key architectural elements, doors, or windows.
- d. Simple shapes are preferred over complex geometries.
- e. Signs shall be professionally designed and constructed with high-quality materials.
- f. Signs on adjacent storefronts shall be coordinated in height and proportion and designed to unify the street elevation.
- g. Sign structure shall be designed to complement the sign and not clash with or overwhelm it.
- h. Attachments to building materials shall not permanently damage any architectural ornament or feature and shall avoid damaging bricks or masonry.



Example of signs that are pedestrian- or vehicle-oriented

II.D Design review applicant instructions.

1. Submittal Requirements & Review Criteria.

Submittals to the decision maker for proposed new construction and remodeling projects within the design districts must be made in the following format. Incomplete submittals may not be reviewed.

- a. The review body is either the Design Review Committee (DRC), or for minor projects, such as signs in the SR 410 district, the city planner.
- b. The applicant should show substantial compliance with appropriate elements of the design guidelines.
- c. General Submittal Requirements: All drawings (each sheet) must contain the following information:

- i. Project Name, file number of associated site plan review, if applicable;
- ii. Project Address, general location, parcel number, and STRQ/Q;
- iii. Date, and an area for revision dates;
- iv. Name, address, e-mail address, contact, and phone number of firm responsible for drawings;
- v. North Arrow;
- vi. Drawing scale: site development plan to be drawn at 1"=20' or 1"= 30'-0';
- vii. Existing buildings to be removed or retained;
- viii. Major landscape features existing and proposed;
- ix. Existing and proposed topographic contours at 2'-0" intervals;
- x. Existing streets and roads on or bordering property, including curb lines and sidewalks;
- xi. Existing buildings and features within 100 feet of subject property lines;
- xii. Exterior lighting location and types including mounting heights; and
- xiii. Exterior sign locations and types.

2. Application Information.

Please show the following information on the design review application or elevation drawings:

- a. Area of proposed structure in square feet by floor;
- b. Lot coverage of structure (please state lot size in square feet);
- c. Lot coverage by impervious surfaces;
- d. Building height (please indicate the height of the highest part of the highest gable and the height as measured in accordance with the building code);
- e. Number and location of parking spaces; and
- f. Area, location, and depth of landscaping.
- g. Landscaping Plan. A landscape plan meeting the requirements of BMC 19.29 should be submitted with the site plan review, but it may be deferred until design review or toward the end of construction, if the DRC has sufficient information about the general design and intent of the landscape design;
 - i. Extent and location of all plant materials and other landscape features. Label individual plants or include a planting legend;
 - ii. Proposed planting materials drawn to scale at mature sizes and indicating spacing. Indicate mature heights;
 - iii. Species and size of existing planting materials to remain; and
 - iv. Location of water outlets or schematic irrigation system plan.
- h. Exterior Building Elevations:
 - i. Architectural drawings at 1/8"=1" or 1/4"=1" Building elevations are to be labeled with directional views (north, south, etc) rather than "front" or "right";
 - ii. Indicate doors and windows, architectural details, materials and finishes;
 - iii. Note existing and finished grades, base elevation and elevation of highest projection of building;
 - iv. Provide color and exterior material samples of the proposed color pallet; and
 - v. Illustrate on the plans the likely location(s) of any sign, whether on the building (façade) or on the site (monument).
- i. Architectural Details:
 - i. Details drawn to scale at appropriate sizes for all ornament, exposed structural systems and other details as required to describe proposal; and
 - ii. The DRC may require addition drawings of submittals for specific projects. Additional submittals are required for building and fire department approvals.

III. Downtown district.

III.A Introduction.

The Downtown District contains a mixture of commercial, public and residential properties. Its buildings include the well-defined commercial core on Main Street.

III.B Purpose.

These design guidelines apply only to commercial and public structures. Single family residences are not subject to review unless they are to be converted to commercial use.



*Oddfellows building, 711 Main Street, built in 1892
Note the arches and tall windows; also note the detailed cornices*

III.C Regulations and applicability.

The restoration of existing buildings or the construction of new structures downtown shall restore or maintain the elements that are most important to the architectural character of buildings on Main Street, as defined by these guidelines.

The Downtown District contains more than one zone; each should be considered differently. While all historic buildings should be restored as much as possible, the emphasis for the city is to maintain the historic look of downtown. This would include colors, signs, and ornamentation, such as cornices. Included in this district along River Avenue are parcels zoned Central Commercial; these parcels should be considered according to the historic guidelines in accordance with the year of construction.

The area surrounding the historic core is called the Neighborhood Mixed Use zone (NMU) and is designed to serve as a buffer zone between the commercial and residential areas. As a buffer, the architecture should reflect a portion of the historic requirements, but also reflect the designs of a single-family neighborhood. The NMU zone currently allows a variety of uses including single family residences, commercial, and mixed commercial/residential.

Main Street can be divided into three basic components: corner buildings, mid-block buildings, and miscellaneous buildings (those that don't quite fit into either category). The sketches on the next page show the basic breakdown of buildings as used in these guidelines.

1. Main Street buildings.

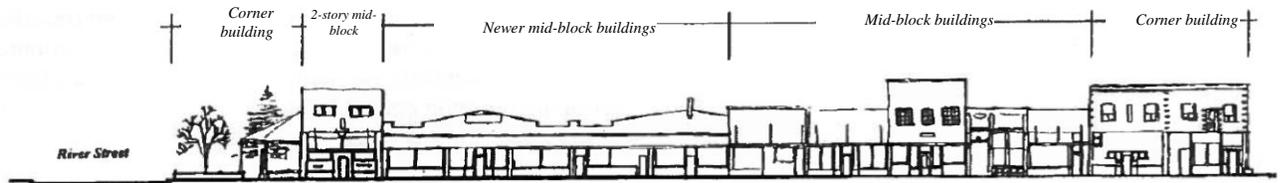
Main Street buildings are divided into three types: corner buildings, mid-block buildings, and miscellaneous buildings. In the diagrams on the next page, you can see building sketches on Main Street. Please note the characteristics on the corners



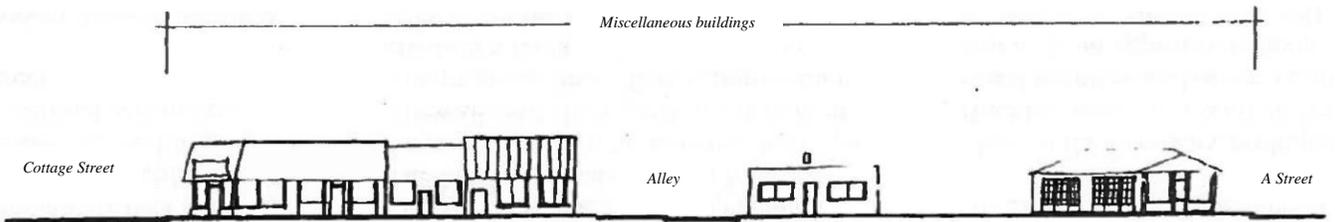
Corner building at Main Street and Cedar, 711 Main Street, built in 1892

and mid-block buildings in the pictures included in this document. The buildings differ in age, style and importance to the city's appearance. These buildings, which make up Main Street's core, have no setbacks from the sidewalk and share internal walls. This creates a feeling of enclosure and identity on the street.

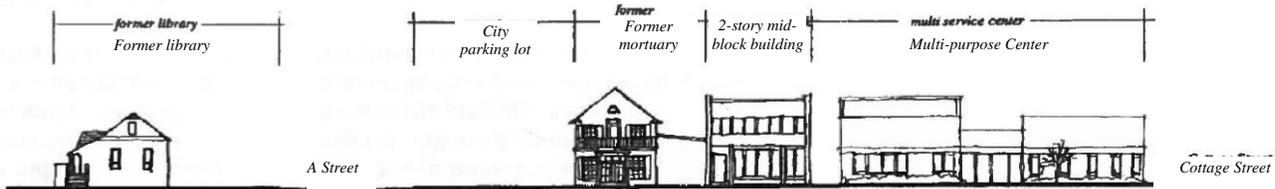
The architectural character of each building on Main Street in the Downtown Review District shall be identified and maintained, with renovations planned to be true to the original construction and subject to DRC approval. Buildings that lack strong character shall be renovated to compliment the rest of the Downtown Review District without resorting to gimmicks or false ornamentation.



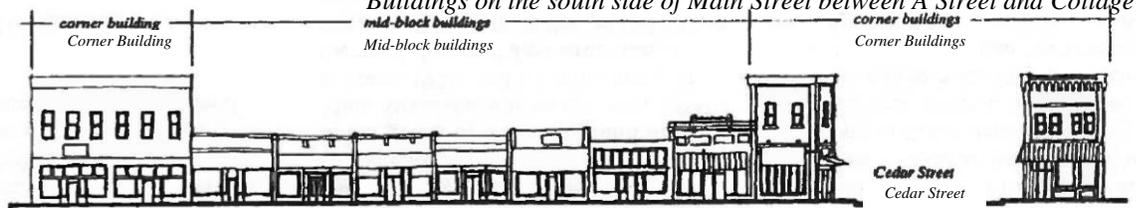
Buildings looking north on Main Street between River Avenue and Cottage



Buildings looking north on Main Street between Cottage and A Street



Buildings on the south side of Main Street between A Street and Cottage



LOOKING SOUTH ON MAIN STREET
Buildings on the south side of Main Street

2. Corner buildings.

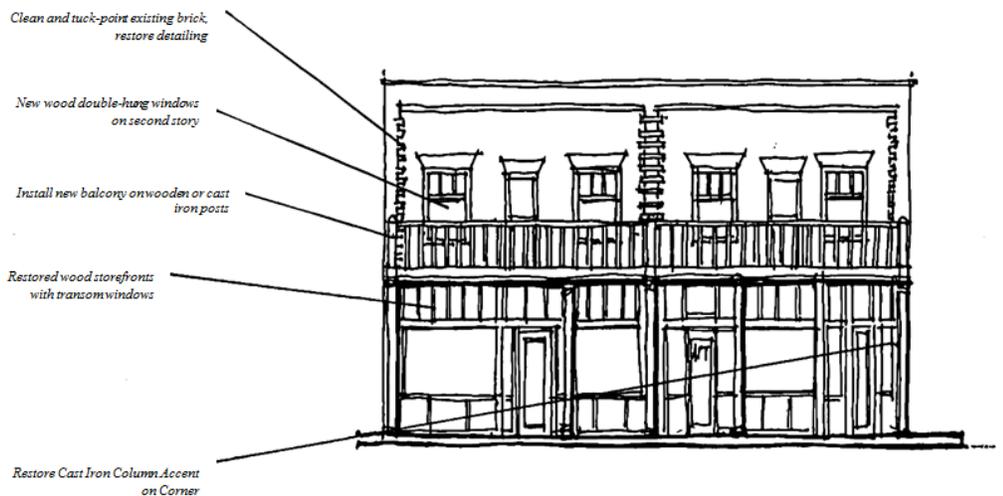
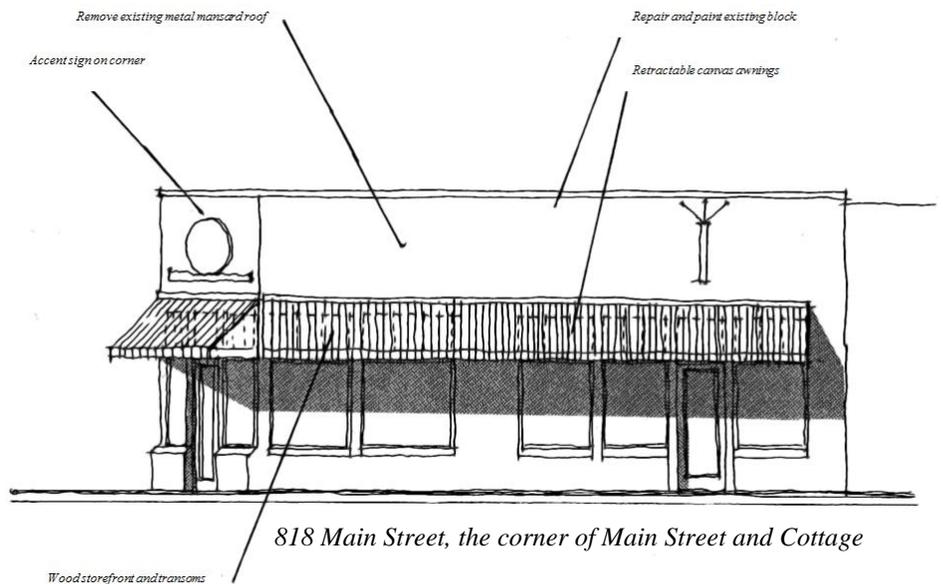
Some of the oldest downtown structures are at the ends of each block. Typically they are stone and brick, two stories tall with commercial tenants at street level and office or residential occupancies upstairs. These buildings add a great deal of character to Buckley, providing visual accents to define each major intersection. This oldest group of remaining

buildings on Main Street dates from the early 1890s to about 1920 and contains many of the most distinguished structures in town. Buildings from this period reflect many elements characteristic of late 1800s/early 1900s architecture: traditional stone and masonry work, cast iron storefronts and stamped metal cornices.

Most of the two-story buildings in Buckley were built with elaborate metal cornices and other ornamentation that adds an appropriate level of finish to their tops. Earthquakes and the effects of the weather have removed most of these details, but evidence of their overall architectural effect is visible in historic photos of Main Street and in commercial districts of similar age in other cities.

In typical buildings of this period, cast iron was often employed to imitate stone work and to form structural elements such as lintels or columns. Many of these elements remain but have been covered or disguised by non-conforming materials. Other cast iron elements have often been removed. The corner buildings include the following features:

- a. More than one story height, usually with commercial spaces on street level and offices or residential space above.
- b. Traditional brick and stone construction, often with elaborate detailing.
- c. Flat roofs with dominate cornices.
- d. Cast iron storefronts or wood storefronts.
- e. Wood sash double-hung windows.



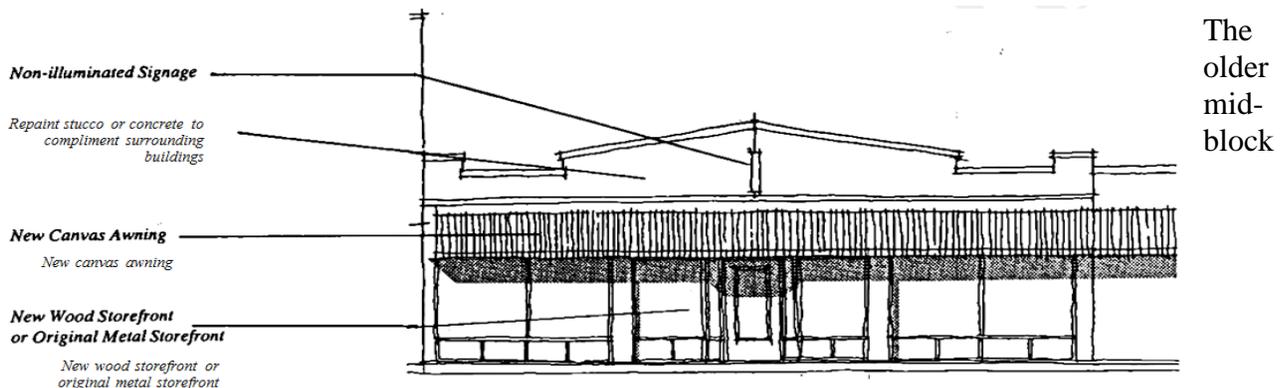
Example: Corner Building: 780-790 Main

These buildings are particularly important in providing definition to the corners and the end of blocks. It is their dominance at intersections that gives Buckley much of its character.

3. *Mid-block buildings.*

Between these larger structures are two groups of one-story commercial buildings, the groups being identified by age and type of construction. They are all similar in height, scale and detailing, and serve to tie the blocks together.

Many of these structures are as old as the corner buildings but are more modest in scale and detailing; while not the first noticeable structures on a walk down Main Street, they provide much of the detail and pedestrian scale interest that can give Buckley’s buildings their individuality.



Example of a newer mid-block building

buildings share elements:

- a. Typically twenty-five feet wide, brick construction.
- b. Usually a wood framed cornice on brackets was applied over the storefronts.
- c. One-story, commercial or professional buildings.
- d. Structure is less ornamental, with most of the detailing contained in storefronts and windows.
- e. Storefront glazing is maximized to show off merchandise. Infill below the windows is usually wood, as are sash members doors.

Some of the mid-block buildings were built more recently and constructed of poured concrete or concrete block rather than brick. They lack the detail of the older buildings both in structural detailing and storefront interest. They do, however, provide visual continuity to Main Street.

These buildings were built with economy in mind and are the second generation of structures in Buckley, built after the fire of 1920. They should be viewed as “background” buildings taking a backseat to their older, more ornate neighbors, and should not be ornamented to imitate them. It should, however, be noted that their infill function makes them an important part of downtown.

The newer mid-block buildings share these elements:

- f. Single story, commercial occupancies.
- g. Concrete or concrete block construction.
- h. Very simple lines with no ornamentation.
- i. Metal storefronts and doors that have replaced the original wood systems.

4. **Miscellaneous commercial buildings.**

The Downtown District contains several miscellaneous buildings with more individual characteristics. They exhibit a variety of roof forms, more variation in materials and vary greatly in age and use. Because yards and setbacks are introduced for parking, landscaping or service, these structures serve as a natural buffer and transition to the residential neighborhoods that surround the commercial center. The following are examples of miscellaneous buildings:

a. **Former Methodist Church and Mortuary, 873 Main Street.**

A dignified wood frame structure, currently painted grey, was moved to its present site many years ago. Its history and formality earn it a place on Main Street.

b. **Café, offices and laundromat on north side of Main, between 828 and 840 Main Street.** These

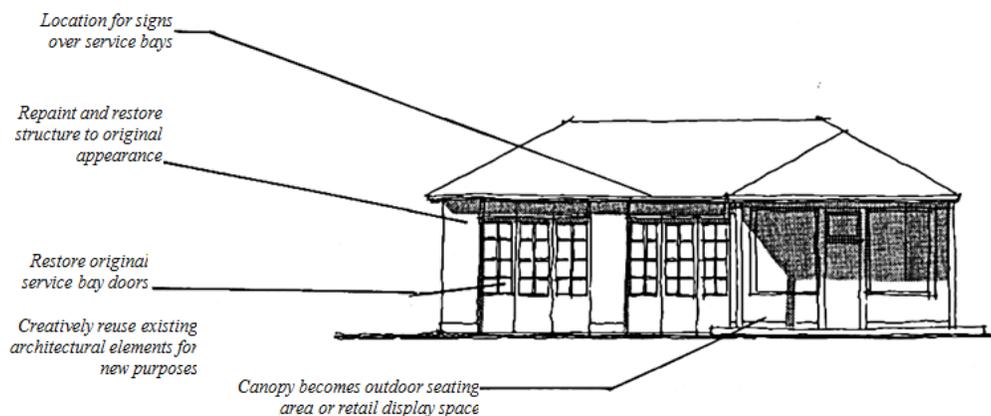
buildings provide some mid-block infill but are of such different materials from all other buildings in town that they should be dealt with individually as “background structures”.

c. **Former Gas station at “A” Street and Main, 818 Main Street.**

This type of gas station dates back to the 1940s and is becoming rare. The scale of the service bays, windows and roof forms make it good transition to the residential neighborhoods to the east.



873 Main Street, former Methodist church and mortuary, built in 1928



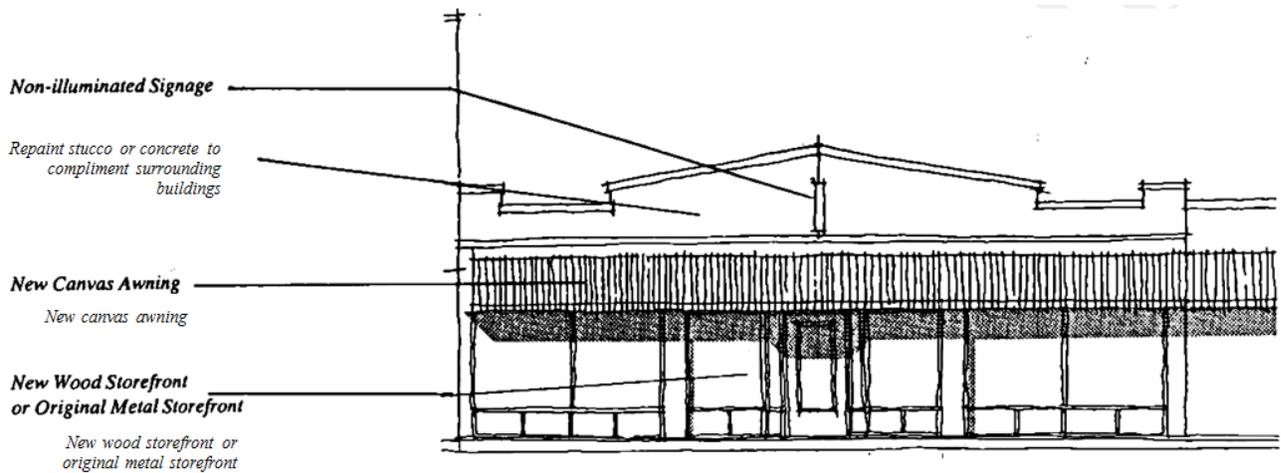
d. **City Multi-Purpose Building, 811 Main Street.** On the site of the Old Buckley Hotel, this one-story brick and wood public building was built in the 1970s and was an attempt to reflect Buckley’s rural setting. It is an example of roof forms, material, building siting and scale that do not contribute to the traditional personality of Main Street.

5. **New commercial buildings in the NMU zone.**

Construction, reconstruction, in-fill, or conversions from residential to commercial uses in the NMU zone surrounding the historic commercial zone on Main Street in the Downtown District should use the following standards:

- The use should be set back from the property in conformance with the zoning ordinance in effect at the time the commercial use is to be established.
- The area between the sidewalk and the building should be landscaped or decorated.
- New construction should have no more than two floors.

- d. One-story buildings should have pitched roofs like a house.
- e. Two-story buildings may have pitched roofs.



Example of a newer mid-block building

III.D. Architectural design.

Restoration and renovation of Downtown Review District buildings in the Historic Commercial (HC) zone shall be carried out in accordance with the following guidelines.

1. Masonry.

The following design guidelines apply to masonry:

- a. Use original materials. Non-original materials such as wood, metal or plastics, are not acceptable substitute materials for original masonry walls. Stylized exterior cement walls may be acceptable.
- b. Do not sandblast. Use clean brick and stone with water and non-abrasive cleaners that will not erode or change the surface of the material.
- c. Repaint brick and stone joints to match original grout profile. Repair cracks and replace non-conforming masonry work or other non-masonry materials with brick or stone that matches the color and dimensions of original materials.
- d. Restore to unpainted conditions whenever possible. Most brickwork in Buckley was originally unpainted. Use of high quality, low sheen sealers is acceptable. If repairs to brickwork are extensive or matching materials are not available, painting of brick may be an acceptable alternative.
- e. Perform seismic bracing without damaging or destroying original materials. The introduction of bolts and new structural supports on the building's exterior should be avoided or carefully planned.
- f. Repair masonry cornices to original profiles. Substitute materials may be acceptable to achieve original visual appearances if structural or other construction constraints do not allow reconstruction in masonry.



Example of masonry building

2. Concrete or stucco exteriors.

Patch and repair concrete or stucco as required. Remove any non-original materials such as wood or metal siding. Repaint to compliment natural brick structures.

3. Wood storefront and detailing.

Restore wood cornices and storefronts to original condition using historic photographs as a guide. Much of the character of these buildings lies in the quality and proportions of the carpentry work and much pedestrian interest can be created through proper restoration.

4. Wood windows.

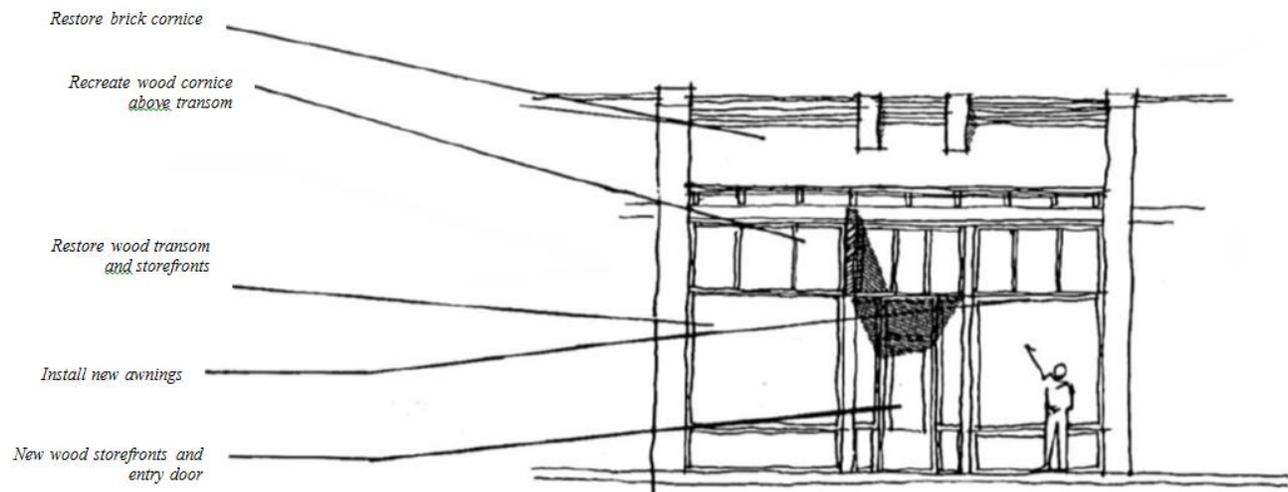
- a. Windows on masonry buildings are typically taller than they are wide, in a 2:1 or 3:1 ratio. Upper transom panels are broken into individual tiles that are vertically oriented. These proportions as well as the size and thickness of sash and mullion members are to be maintained or restored to original appearance.
- b. Newer, energy efficient types may be considered by the DRC when constructed in a style that compliments the intent of these guidelines.



Window treatment in the HC zone

5. Metal cornices and ornament.

Repair or replace building cornice work with new materials, basing profiles on photographic evidence available. Original stamped aluminum or fiberglass castings should be made from remains of any existing cornice fragments. Paint restored cornices and ornament to match original, basing color selection on shades and tones visible in photos, and on evidence of color preferences known from similar buildings.



6. Cast iron structure and storefronts.

Restore or replace all cast iron work to match original profiles. Fiberglass or aluminum castings are acceptable substitutions for cast iron that is missing or beyond repair. Paint new work to replicate historic conditions, as based on photographic evidence and similar built examples from adjacent structures or other cities.



745 Main Street, Littleton, 1004

III.E New Construction and unifying elements.

New structures built within the Downtown Review District shall be constructed to complement existing buildings, but should not attempt to imitate or literally copy them. Setbacks, roof forms, building heights and general massing shall be in keeping with the existing structures on either side of the proposed site.

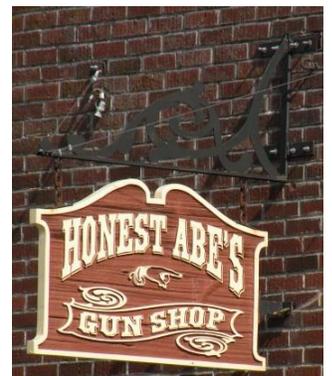
New buildings constructed on Main Street shall be designed to reinforce the traditional pattern of two-story corner structures and one-story mid-block buildings.

Doors, windows, details and ornamentation shall be of similar materials, scale and proportion to those elements found on existing buildings and described elsewhere in these guidelines.

1. *Signs.*

Signs in the Downtown Review District are to be designed with pedestrians in mind. The size, scale, color and lettering of messages shall be appropriate to walking and slow vehicular speeds and be reminiscent of original Main Street signs as found in photographic documents.

- a. Signs shall be part of the design review and shall be reminiscent of the styles and materials available at the time the building was constructed. The decision maker shall take into consideration the skill and technical quality of signs submitted for approval and may rescind approval for any sign not executed in accordance with materials submitted for review.
- b. Sign area shall meet the thresholds specified in Title 19 of the Buckley Municipal Code.
- c. Signs shall not cover architectural ornamental features, unless originally a feature of the building.
- d. Signs and individual letters shall be sized appropriately for slow moving traffic and pedestrians.
- e. Signs on adjacent storefronts shall be coordinated in height and proportion and designed to unify the street elevation.
- f. Projecting signs and signs placed flat against the building wall are encouraged. Projecting signs shall be consistent with the period of building to which it is affixed, and shall be consistent with the time period of the building.
- g. The restoration and preservation of historic wall and architectural signs is encouraged. No new signs shall be installed or painted in place of historic signs.
- h. Signs shall be professionally lettered and display a level of craftsmanship appropriate to the Downtown District. Lettering shall be of a traditional block or curvilinear style which is easy to read and similar to the style of building. Generally, no more than two different lettering styles should be used on one sign. Examples of acceptable lettering fonts are included in the Design Approach section of these guidelines.
- i. Construction shall be of metal, wood or other durable material as approved by the DRC and appropriate to the building on which the sign is installed.
- j. Sign colors shall be appropriate to the era in which the building was constructed and in all cases be consistent with the predominantly red brick facades of downtown buildings.

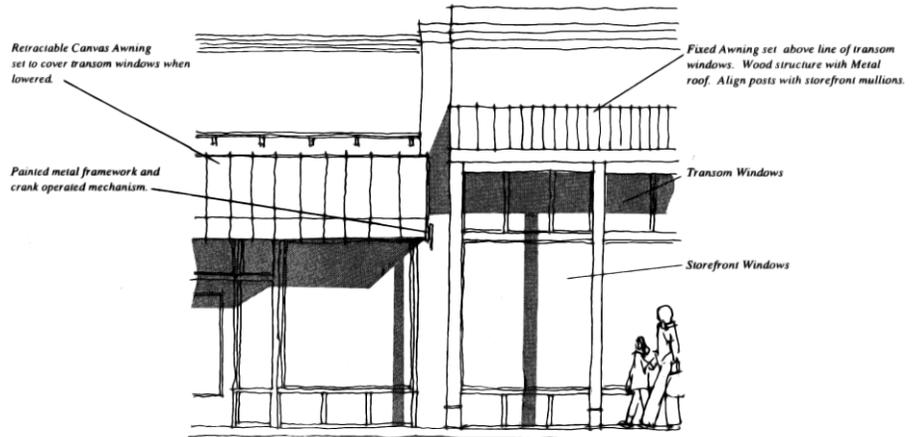


- k. Signs in the Downtown District shall be unlighted or lighted from external sources. Neon signs may be acceptable to the DRC if custom-designed to be similar to the building's historic or architectural features. Neon signs shall not flash, blink, move, twirl, or manipulate lettering.
- l. Sign structure shall be designed to complement the sign, not clash or overwhelm it. Attachments to building materials shall not permanently damage any architectural ornament or feature, and shall avoid damaging bricks or masonry.

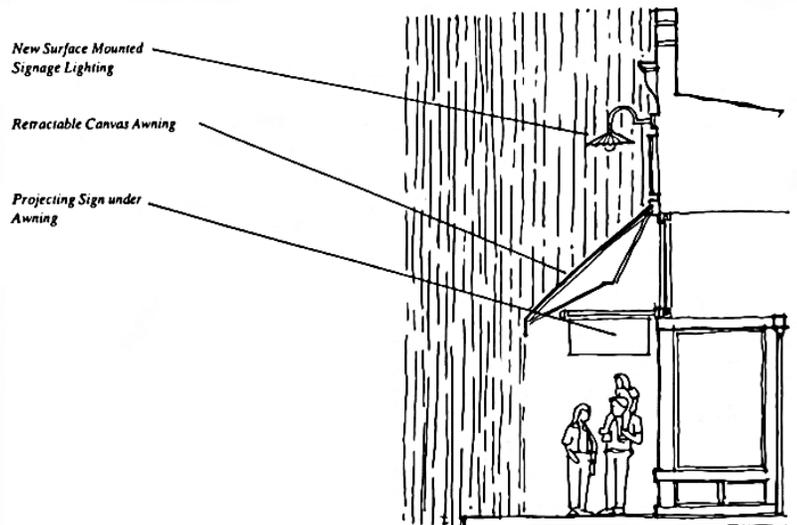
2. Awnings.

Awnings are a traditional addition to the facades of buildings downtown and shall be encouraged as a unifying exterior feature.

- a. All awnings shall be compatible with neighboring buildings and complement the historic character of the buildings on which they are placed and design shall be based upon historic counterparts. They shall reflect the architectural style and form of the building and shall be, or appear to be, retractable in keeping with historic precedent.
- b. Awnings shall be attached to the building in a manner that does not permanently damage the structure or obscure significant architectural features.
- c. Construction shall be of canvas-like materials in traditional textures and sheen.
- d. Back-lighted or translucent awnings are not allowed.
- e. Awnings shall be in color and/or patterns which complement the building and have basis in the historical record.



Awning sketch in the Downtown District from the 1991 Guidelines



Awning sketch in the Downtown District from the 1991 Guidelines

3. Building color.

- a. Color for existing buildings in the Downtown Review District shall approximate the original colors of materials and finishes.
- b. Materials may be scraped to provide evidence of former schemes or written or anecdotal evidence used to establish an authentic color palate. Since color is subjective, however, the original color may have been inappropriate and painted over. Discretion should therefore be used in the selection of any new color scheme. Several national paint companies have introduced colors which have historic origins. Review of historic colors appropriate to the

building's age can be a good method of selecting a scheme. Any colors selected should be judged for their appropriateness to use in the City of Buckley.

- c. All color schemes shall be reviewed and approved by the DRC prior to application. The DRC may require sample applications of paint colors on site before final approval. Building colors shall contribute to the architectural character of the building and be considered in combination with signs, awnings and other elements.
- d. Original building colors shall be considered for any existing building renovation. For new construction, colors should be chosen that are muted, earth tones and work well with the overall red brick color of most downtown buildings. Color schemes employing many colors or particularly bright colors shall be avoided.
- e. Color shall be selected to emphasize building form and to highlight major features. Surfaces which were not painted originally shall not be painted unless specifically approved by the DRC.



Undated streetfront photo looking east. Note the clearstory windows



One of the city's historic photos showing signs and awnings; Note the windows and roof modulation



Undated streetfront photo; the hotel on the left is where the multipurpose center is now; Note the windows, buildings overhang, and sign lettering

IV. Rainier Gateway District

IV.A Introduction

These design guidelines are intended to guide land use and site development in the Rainier Gateway District. The City believes adherence to these design guidelines will lead to a more successful and cohesive Rainier Gateway District.

IV.B Purpose.

Buckley's Rainier Gateway District presents an opportunity for the community to connect development in the SR 410 Corridor with a revitalized historic downtown. The design of the Rainier Gateway District should reflect the community's desire to preserve open space and views of Mount Rainier, transition from the auto-dependent SR 410 to the more pedestrian-friendly historic downtown, and strengthen the non-motorized connections created by the Foothills Trail.

IV.C Regulations and applicability.

Development in the Rainier Gateway District should connect the western commercial Highway 410 District with the Downtown District. These connections should be visual as well as by use.



View from the proposed Gateway District

1. Pedestrian connections.

- a. Developers shall provide connections to adjoining uses, access to the Foothills Trail, and provide pedestrian and bike paths for their development.
- b. Where pedestrian walkways cross streets or internal vehicular routes, they shall be distinguished by a change in paving material, color, and texture.
- c. Crosswalks shall be clearly striped to improve visibility and safety of the pedestrian.

2. Foothills Trail connections.

- a. Wherever possible, separate bicycle and pedestrian paths should be provided. If it is not feasible, additional width, signs and pavement markings should be used to lessen conflicts between Foothills Trail users.
- b. Provide signs with typical notices for multimodal users to accommodate pedestrians, runners, bicyclists, and skaters.



View looking south of the Gateway District

3. ***Bicycle amenities.***

- a. All new development shall provide adequate bicycle infrastructure, such as sidewalks, crosswalks, bike paths, and bike racks.
- b. Bicycle parking facilities shall be conveniently located either in the street right of way, along the Foothills Trail or at the main entrances to buildings. Bicycle parking facilities should be no farther away than the closest parking space. The location of the bicycle parking facilities and subsequent parking should not interfere with pedestrian passage.
- c. Where bicycle parking facilities are provided, they shall be stationary racks that support the bicycle with at least one point to which the user can lock the bicycle and one wheel and frame with a high security U-shaped lock or cable lock. Rail-type, Inverted U, and Cora are recommended options.
- d. Original designs for bicycle parking facilities that reflect local character are encouraged. Bicycle parking facilities should also be weatherproofed and/or covered whenever possible.
- e. Bicycle parking facilities shall be located where they are visible from street sidewalks or building entrances so that sufficient security from theft and damage is provided.
- f. Residential bicycle parking facilities shall be located in a secure location, either indoors or in a locked, covered outdoor cage.

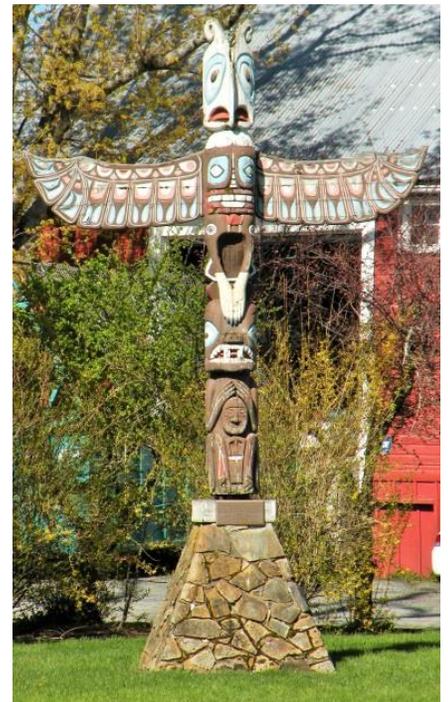
4. ***Open space.***

Plazas and open space shall be provided to link the Foothills Trail with commercial areas. A combination of four or more site furnishings shall be provided in open space areas or pedestrian walkways.

Where possible, seating areas should be oriented to the Foothills Trail and/or views of Mount Rainier.

Site furnishings include but are not limited to:

- a. Trash and recycling receptacles (required as one of the four site furnishings).
- b. Benches/seating.
- c. Tables.
- d. Bicycle racks.
- e. Drinking fountains.
- f. Pedestrian scaled lighting (other than streetlights in the public right-of-way).
- g. Public art.
- h. Container plants.



Totem at Main and River

5. ***Design.***

Landscape design between the Foothills Trail and SR 410 shall use native plantings as much as possible. A list of native plants is available at City Hall. Where native plants are not used, the designer shall indicate why the non-native species has been selected and list its benefits over a similar native plant.

- a. Plantings shall be selected to support their intended use. Where recreational use of open space is provided adjacent to the Foothills Trail, plant selection should consider the impacts of this use on nearby shrubs and groundcover.

- b. Open spaces and plazas shall be framed with trees to shade and define public spaces.
- c. Existing large trees shall be retained wherever possible to provide shelter for gathering spaces. These trees serve as symbols of Buckley's logging heritage.

6. Signs.

All signs shall comply with Chapter 19.30 BMC and these design guidelines.

- a. Sign colors shall be compatible with the colors and materials of the building facade.
- b. Signs shall not obscure key architectural elements, doors, or windows.
- c. Simple overall shapes are preferred over complex geometries.
- d. Signs shall be professionally designed and constructed with high-quality materials.



*Buckley Library, 123 River Ave
Built in 1992*

7. Lighting.

Lighting along River Road and the Foothills Trail should help users feel safe and comfortable, while still preserving the feeling of rural open space in the corridor.

- a. All building entrances shall be illuminated. Commercial buildings and landscaping can be illuminated indirectly by concealing light fixtures within buildings and landscaping to highlight attractive features and avoid light intrusion into neighboring properties.
- b. Lighting fixtures should satisfy dark sky requirements and use minimal power.
- c. Lighting fixtures located on buildings should be concealed or integrated into the overall design of the project. The light source should be hidden from direct pedestrian or motorist view.

8. Public art.

Public art should serve as a landmark and establish a gateway at the intersection of SR 410 and Main Street.

- a. The Rainier Gateway Subarea Design Guidelines pertaining to style and materials should inform public art themes.
- b. Natural materials such as wood and stone are highly recommended. Other materials that reflect Buckley's historic character are encouraged, such as iron and Wilkeson sandstone. Modern materials such as glass and plastics are discouraged.
- c. Public art should recall Buckley's heritage, accentuate the Foothills Trail, and/or highlight Buckley's natural surroundings.
- d. Functional public art, including but not limited to benches, shelters, bike racks, or children's play equipment, is encouraged.

9. Other Elements.

- a. Signs shall be provided to guide trail users to public restrooms, commercial uses, and points of interest.
- b. Foothills Trail amenities and features should be aesthetically pleasing, encourage use, and discourage illegal behavior.
- c. Public bathrooms and picnic structures should follow the materials design guidelines specified for Rainier Gateway District buildings.



Veterans' Memorial

- d. Public refuse receptacles in commercial sites shall consist of low-saturation colors and be simple in design.
- e. Pavement colors shall be compatible with other pavements in Buckley. Commercial open space and plazas can use cool colors and varied saturation, degree of darkness, and shapes.

IV.D Site design.

Projects within the Rainier Gateway District shall be designed in compliance with all City of Buckley planning and development requirements. In addition, projects subject to review shall include as many of the following five elements as possible: orientation, setbacks, building entrance, parking and vehicle access, and screening dumpsters, utilities and service areas; all of which are described in more detail as follows:

1. Orientation.

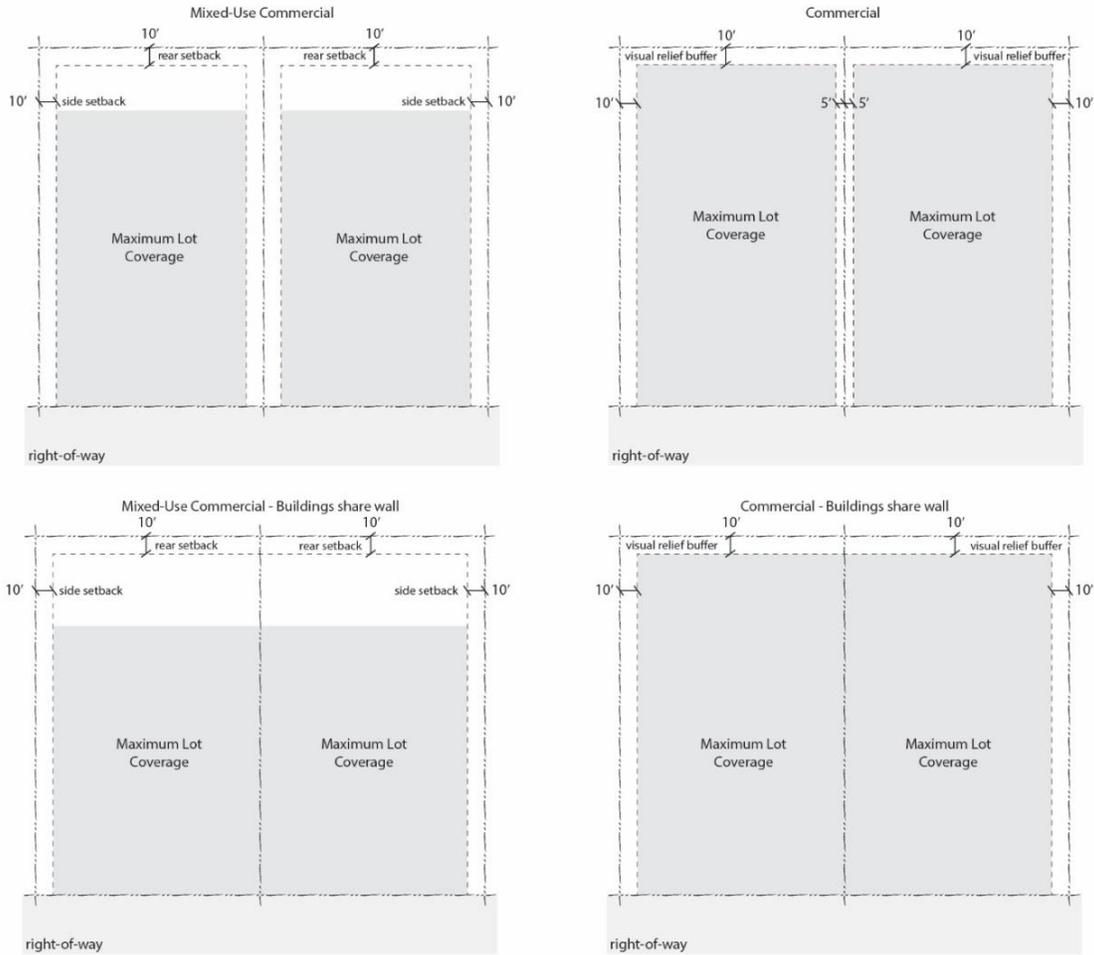
- a. Buildings shall be oriented to the street, with a secondary entrance facing the Foothills Trail to encourage pedestrian activity and define common open space.
- b. Buildings shall define edges of public space and create a comfortable, pedestrian-scaled environment.
- c. Buildings located on corner lots shall be designed to positively define and frame both streets they front.

2. Setbacks.

Building setbacks shall be the same as specified in the individual land use districts, except for the following:

- a. Where a commercial use is located on the first floor, the front setback may be reduced to zero.
- b. Where minimum requirements for side setbacks exist, these may be reduced to zero only where buildings are attached.
- c. The maximum front setback from River Road shall be ten feet, where plazas, landscaping, benches, bicycle parking, and other pedestrian and trail-user amenities are provided. Where pedestrian amenities are not provided, and the proposal is for a commercial use, buildings shall be located at the front lot line in order to create a distinct street edge and foster a more pedestrian oriented environment.
- d. A maximum five-foot side setback shall exist where the following conditions occur on the opposite side lot line:
 - i. Where parking is located on the side of the building.
 - ii. Where public open space is located on the side of the building.
 - iii. Where additional width is required to accommodate pedestrian walkway between the Foothills Trail or River Road and the primary entrance.
 - iv. Where buildings are setback from the Foothills Trail along the rear frontage, the space shall contain public and trail-user amenities. Outdoor dining and seating areas may be located within the rear setback.

Building Setback Example Diagram



3. Building entrance.

Buildings shall provide a primary entrance facing River Road. Primary entrances shall be clearly identifiable as the primary entrance to a building and oriented to the sidewalk and street.

- a. A minimum of one Foothills Trail-oriented public entrance (secondary entrance), accessible during normal business hours, is required for all buildings located less than 50 feet from the Foothills Trail.
- b. If a secondary, or Foothills Trail-oriented public entrance is not provided, a public walkway accessing the primary street-oriented entrance from the Foothills Trail must be provided. If located along a shared lot line, public walkways may be consolidated between adjacent lots.
- c. Public entrances shall be made visible and prominent using architectural elements, such as canopies, fixed seating, large doors, porches, or protruding or recessed entrances. Primary public entrances shall be enhanced by no less than three of the following:
 - i. Provide at least 200 square feet of landscaping.
 - ii. Provide pedestrian facilities, such as benches, special paving, or bicycle racks.
 - iii. Provide a trellis, arbor or other building element that incorporates landscaping.
 - iv. Provide adjacent window displays.
 - v. Architectural details integrated into the building structure and design.
 - vi. Provide artwork or special pedestrian scaled signs.
 - vii. Other methods approved by the director as meeting the intent.

4. *Parking and vehicle access.*

Parking shall primarily be provided on River Road. When the required minimum number of off-street parking spaces as dictated by BMC 19.28.040 cannot be accommodated on River Road, off-street parking shall be located in City designated parking areas and designed to meet the following standards.

- a. Vehicle parking shall not be located between the Foothills Trail and the back of the building.
- b. Parking lot entrances (curb cuts) should not interrupt the level grade of the sidewalk.
- c. Parking lot entrances and exits must be as narrow as fire code will permit.

5. *Screening dumpsters, utilities and service areas.*

- a. Service areas (loading docks, trash dumpsters, compactors, and mechanical equipment) shall be located to avoid negative visual, olfactory, auditory (noise), or physical impact on the street or trail environment.
- b. Service areas should be located to one side of the buildings and should be visually diminished using screening by landscape or architectural features in a manner that is compatible with the building and site design.
- c. All rooftop equipment (mechanicals, HVAC) should be screened from public view at street level.

IV.E Architectural design.

The Rainier Gateway District is considered "Buckley's front yard." Similar to a front yard meeting the street, a proposed building fits into its context by relating to the public right-of-way. The character of the public right-of-way is determined by the width of the right-of-way, landscaping and street trees, setbacks, height, width, orientation, and architectural style of the buildings. The following design guidelines deal with general design concepts as well as specific and prescriptive design elements intended to guide the design of new construction in the Rainier Gateway District.

1. *Massing and articulation.*

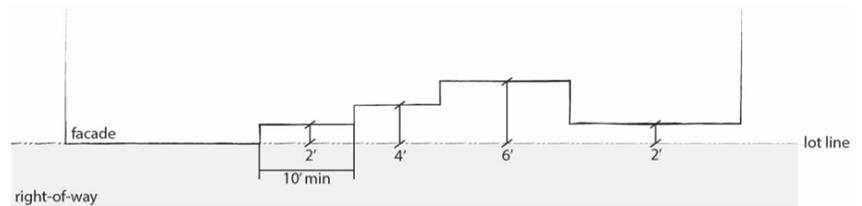
- a. **Building height.** Buildings shall be a minimum of two stories and a maximum of three stories or a total of 35 feet in height. The ground floor shall have a minimum height of 12 feet as measured from finished floor to ceiling.
- b. **Building articulation.** Buildings shall include articulation along the facades facing and visible from River Road or the Foothills Trail. All new development shall employ at least two of the following elements. If the proposed building is more than 100 feet wide as measured along any façade facing the street or trail, then the building shall use at least three of the following elements:
 - i. Changes in materials.
 - ii. Individual bays or protruding storefronts.
 - iii. Balconies or decks on upper floors.
 - iv. Separated, distinct roof forms.
 - v. Extrusion of corners.
 - vi. Distinct window patterns.
 - vii. Changes in colors.
 - viii. Other features approved by the decision maker as meeting the intent.



Example: Buildings with Good Articulation and Modulation

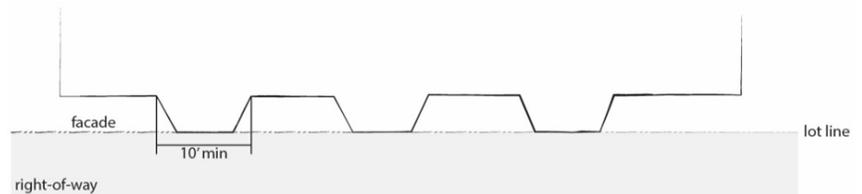
c. Horizontal building modulation.

i. The maximum façade width along the facades facing and visible from River Road or the Foothills Trail, as measured horizontally along the building exterior, without building modulation shall be 25 feet.



Example: Horizontal Modulation

ii. The minimum width of modulation shall be ten feet.



iii. The minimum depth of modulation shall be two feet.

iv. Building frontage at the ground level may not modulate in depth more than six feet. Roof decks, balconies, or bay windows may be used as all or part of the building modulation and they may exceed this requirement.

d. Roof line modulation. Modulate the roofline of all facades visible from a public right-of-way, the Foothills Trail, parking areas, or open spaces. Roof forms must include one or more of the following:

- i. A gabled, hipped or shed roof with a slope of at least 6 feet vertical to 12 feet horizontal. The individual segments of the roofline must not extend more than 25 feet in width, measured horizontally.
- ii. A continuous flat roofline that extends no more than 25 feet without modulation. Modulation shall consist of either:
 - A. A change in elevation of the visible roof line of at least four feet;
 - B. A sloped or gabled roof line segment of at least ten feet in width and no less than three feet vertical and 12 feet horizontal; or
 - C. A combination of both A and B.

- iii. Coordinated modulation of rooflines on multi-tenant buildings to highlight key building entries and/or change in building tenants or uses.
- iv. Roof modulation in mixed use or multifamily buildings that employ:
 - A. A gable, gambrel or hipped roof;
 - B. Broken or articulated roof line;
 - C. Prominent cornice or façade or parapet that accentuates the top of the building; or
 - D. Other roof element that accentuates the buildings concept and helps it fit in with neighboring structures with prominent roofs.
- v. Alternative designs subject to approval by the director, if they demonstrate that the proposed design meets the intent of the standards.

2. Upper level step backs.

- a. Building façades shall be stepped back above the first story on both the street and Foothills Trail frontages for residential uses. The intent of this section is to provide outdoor living space for apartments and homes that do not have direct access to ground floor outdoor space. This is not intended to produce a rigid uniform step back, and as such the following alternatives are acceptable:
 - i. The top floor steps back at least ten feet.
 - ii. All floors above the ground floor step back at least ten feet.
 - iii. Progressive step backs on the second and top floor to a total of at least ten feet (e.g. second floor seven feet, top floor three feet).
- b. Facades of floors that are stepped back shall be distinguished by a change in elements such as window design, railings, trellises, details, materials and/or color so that the result is a rich and ordered combination of features that face the street.
- c. Balconies may extend into the step back areas. Seating and dining areas may be provided on upper story step back areas oriented towards the Foothills Trail.
- d. Alternatives to this design guideline may be proposed, so long as the effect is that the upper floor(s) appear to recede from view.

3. Streetscape.

- a. **Blank walls.** Blank walls are not allowed adjacent to, or within 25 feet of a public right-of-way, the Foothills Trail, parking areas or open spaces. At least 60 percent of the wall area between two and 12 feet above grade must be pedestrian friendly. Pedestrian friendly facades shall have one or more of the following characteristics:
 - i. **Transparent Windows:** Transparent window area or display windows, which provide visibility into building interiors. The following transparency standards apply:
 - A. Glass must be clear or lightly tinted in windows, doors, and displays. Reflective, opaque, or painted glass is prohibited.
 - B. Doors and entry windows must be transparent to meet this requirement. If they are not, they shall be considered blank walls.
 - ii. **Art or Architectural Treatment:** Sculpture, mosaic, mural or similar relief artwork that provides visual interest. Structural architectural elements may be acceptable if the design meets the intent of this section.
 - iii. **Vertical Trellis or Planting Bed.** A permanent vertical trellis in front of the wall with climbing plants or planting bed with plant materials designed to obscure 60 percent of the wall's surface within three years.
 - iv. **Display Windows.** Display windows may be used to meet this requirement.

- b. **Transparency.** Commercial mixed-use buildings shall include windows with clear glass on at least 30 percent of the area between two and 12 feet above grade for all ground floor building facades that are visible from a public right-of-way or the Foothills Trail.
- c. **Weather protection.** All businesses shall provide pedestrian weather protection at least four feet in depth along at least 75 percent of the length of building facades that are adjacent to River Road, and at least 50 percent of the length of building facades that are adjacent to the Foothills Trail or provide pedestrian connections to the trail. The weather protection may be in the form of awnings, canopies, building overhangs or architectural details to create covered outdoor pedestrian space.
 - i. Pedestrian weather protection shall be provided at public entries.
 - ii. Canopies or awnings shall be placed between eight feet and 12 feet above the sidewalk and have a minimum depth of six feet. Color and material of pedestrian coverings shall complement building colors and be approved by the City. All lettering and graphics on pedestrian coverings shall conform to BMC 19.30.

4. Architectural elements.

- a. **Doors.** Doors shall be simple in shape. Painted wood doors and wood framing are preferred over aluminum doors. Wood doors may incorporate windows to meet transparency requirements.
- b. **Windows.** Windows shall be fixed, casement, awning, arched, or double hung, with a square or vertical orientation. Sliding windows are not acceptable. Wood or metal sash materials are acceptable. Windows shall cover a minimum of 30 percent of the Foothills Trail fronting and street fronting façade area of ground floor commercial or mixed-use buildings. Windows shall begin at least one foot above grade. Newer, energy efficient window types may be considered when constructed in a style that compliments the intent of these design guidelines.
- d. **Roofs.** Roof forms shall be in keeping with existing building forms along the Rainier Gateway District and Main Street. Flat roofs with dominate cornices are the predominant roof form on Main Street. Buildings with sloping roofs shall have a minimum pitch of 4 feet vertical to 12 feet horizontal. Roof forms shall incorporate simple gables or parapets, and sheds with generous overhangs, particularly over primary entrances.

5. Exterior materials.

- a. Buildings shall be constructed from materials that are similar in texture and finish to those found along Buckley's historic Main Street. The use of natural materials that reflect the Northwest setting such as brick, local woods, and stone are encouraged. The choice of materials shall also reflect the building's intended use.
- b. The following materials shall be used accordingly:
 - i. **Wood:** Whenever visible from the exterior, wood truss and heavy timber structural systems are recommended. Horizontal sidings such as clapboard and tongue-in-groove, vertical siding such as board and batten, and other horizontal sidings such as smaller wood shingles is required. Larger, more rustic styles of shakes may be appropriate.



123 Main Street, detail in workmanship

- ii. **Brick:** Full size brick is preferable to thin veneer brick. When used, brick veneers shall be mortared to give the appearance of full-depth brick and detailed with wrap-around corner and bullnose pieces.
- iii. **Stone:** Complimentary stone or stone veneers shall be used along with wood finishes. When required by building code or for functional reasons, concrete and concrete masonry materials may be employed, provided it is designed to emulate traditional stone construction.
- iv. **Metal siding:** Historically appropriate metal siding may be used either as an accent material or to achieve a special architectural character. Metal siding may also be approved where it mimics the appearance of another approved building material.
- c. To keep in character with the surrounding area, high gloss finishes are not permitted. Flat or low gloss finishes shall be used.
- d. If no paint is used, stain and/or oil shall be applied to protect and preserve the natural material from the elements.
- e. Wood shingles or metal roofing shall be employed on all new construction.

6. Exterior colors.

- a. Exterior paint colors shall mimic the rural and natural features in and around Buckley. They should create a harmonious effect and be selected with care.
- b. The predominant color shall be muted; natural/earth tones and simple painting schemes are acceptable.
- c. Color schemes employing many colors, particularly bright colors, or contrasting colors shall be avoided. The color of brick or other natural building materials should dictate the color family choice. Natural, unpainted wood with a clear sealer or wood painted grey, dull red or green are examples of appropriate color palates.
- d. Colors shall be selected to highlight building form and highlight major features.
- e. Warm colors at building entrances are recommended.
- f. The use of accent colors on features like doors, signs, or windows is encouraged, but accent colors should not detract from the overall appearance.
- g. The number of accent colors used shall be limited to a maximum of two.



View of Mt. Rainier from the trail

V. Highway 410 District.

V.A. Introduction.

While the Downtown District represents much of Buckley's past, defining its current image and character, the land along Highway 410 will contain much of Buckley's future. As the city and region grow, this open, level land will be increasingly converted from agricultural and low density development to commercial and industrial uses. How this change is allowed to take place will influence the character and quality of life for the citizens of Buckley in the 21st Century.

V.B. Purpose.

The Highway 410 corridor provides visitors and passers-by with their first and sometimes only impression of the city. It should be considered Buckley's front yard. A favorable impression along the highway increases the potential for visitors to turn into Main Street for further exploration of the community.

In the 1991 Guidelines, development along the highway was planned to be large scale, intense uses flanked by large parking lots. Through the 2015 comprehensive plan an implementing ordinance created a 150-foot overlay frontage zone on either side of the highway that permitted less intense uses next to SR 410 with a maximum of two rows of parking between the highway and the buildings.

Highway 410 contains two segments in Buckley: an east-west segment and a northeast-southwest segment. The east-west segment contains the Frontage, the Light Industrial, the General Commercial, and Neighborhood Mixed Use zones. The northeast-southwest portion contains the Central Commercial, Neighborhood Mixed Use, Public, and R-8,000 zones. These zones contain a variety of uses.

New development on the highway must take a different form that suits their purpose without destroying the character and individuality of Buckley.

The district contains many lots that are not adjacent to the highway, and a lesser standard concerning construction on these lots should be used. For example, if the development or redevelopment is completely hidden from SR 410, it is possible that the guidelines should be interpreted to be as viewed from the adjoining street rather than the highway.

In 1991, the area around Buckley city limits contained examples of architecture built by settlers. These barns and lumber mills looked at home in the landscape because their forms were simple and straightforward, accomplishing their purposes without gimmicks or unnecessary ornament. Since 1991, more modern buildings were constructed. These guidelines should employ the above description: forms that are straightforward, simple, utilitarian, although the addition of whimsy in business's signs may be a welcomed addition.

The 1991 guidelines state construction was principally of wood, stone and metal, with long horizontal lines and sloping roofs. Since 1991, more metal construction ensued with lesser-sloped buildings than the guidelines preferred.

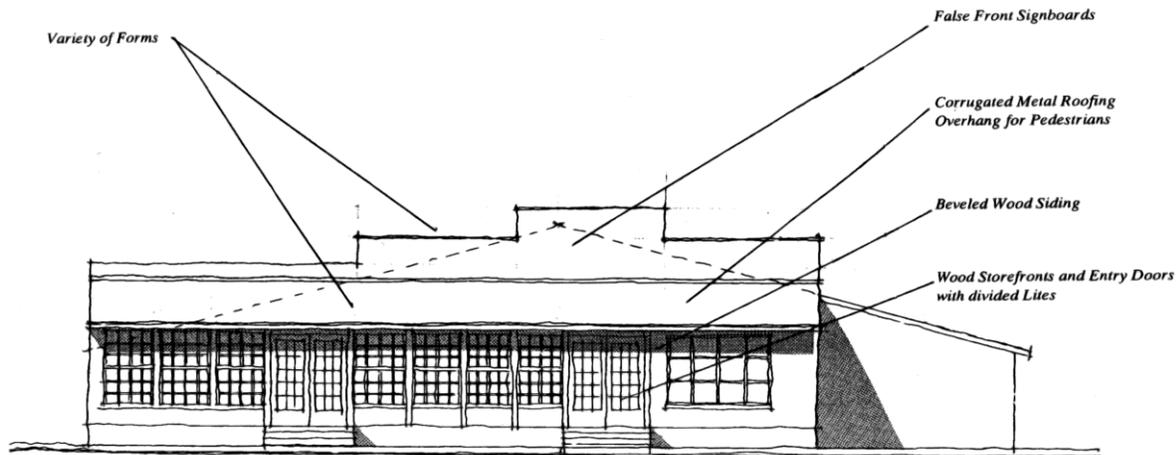
Except in the Frontage zone, these guidelines should encourage long roof spans and tall ceilings.

V.C. Regulations and applicability.

The following guidelines for development in the Highway 410 District are based on creative and sensitive reintroduction of these traditional building materials and forms to new commercial and industrial uses. The guidelines also require unifying elements for the overall development of properties along Highway 410 in designated review areas. New developments and renovation of existing buildings and properties serving current and new uses are required to comply with these guidelines as stated in Chapter 19.50 BMC.

V.D. Architectural design.

New development and redevelopment along Highway 410 should be designed to reflect and reinforce the rural character of the area. Buildings should be reminiscent in form, material and detail of the traditional types of buildings that were in rural Pierce County. Traditional structures were primarily built here for the agricultural and timber industries, and they are straight-forward and functional in appearance.



Example: Single Story Retail

1991 sketch of Buckley Hall, built in 1975

1. Site Development

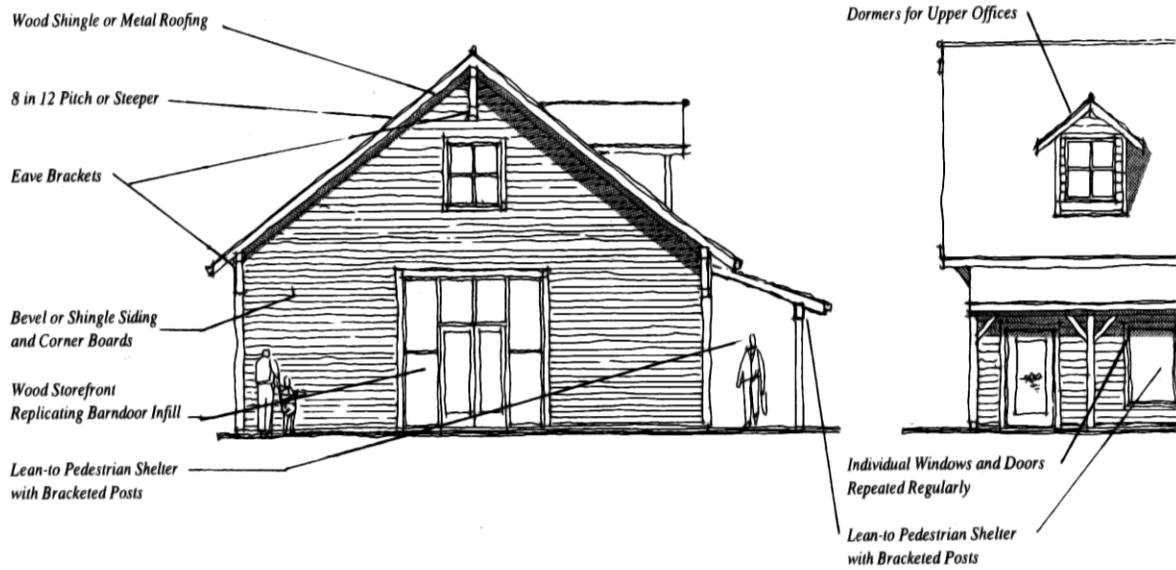
Highway 410 is the first or last vision passers-by have of our city. Development ought to speak to our attributes as defined in the policies under Goal 3.5 of the city's comprehensive plan. This design area is auto-oriented, but the small town character is not. Development in this district should combine the two needs by placing a commercial-looking establishment with no more than two parking lanes between the highway and the buildings. Industrial uses, if allowed by zoning, such as outdoor storage, can be placed behind the building.

2. Scale and form.

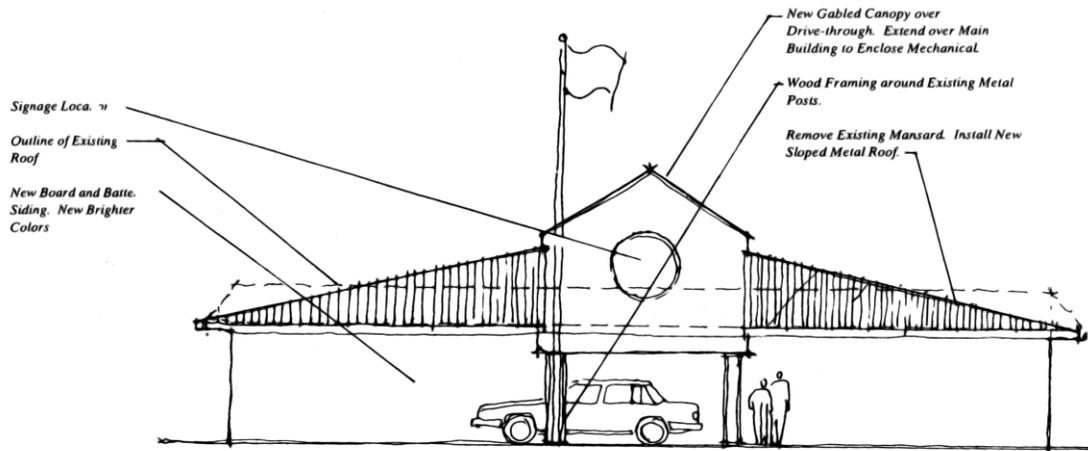
Projects shall relate to the scale and form of traditional agricultural and mill buildings. Traditional buildings often were added onto over the years. Farms and mills usually consisted of a cluster of similar buildings. New construction shall utilize these devices wherever possible to reduce the scale and apparent mass of larger projects.

- a. Long, uninterrupted buildings and developments are not acceptable. Modulation and/or variation of the building façade is required by shifting the height no less than four (4) feet every eighty (80) feet of building length.
- b. Individual buildings or developments shall not exceed 30,000 gross square feet in area.
- c. Individual buildings within overall developments shall be separated by a landscape buffer unless otherwise approved by the DRC. Covered walkways may connect across buffer spaces.

- d. The architectural design of new projects shall take into consideration and respond to the scale and character of the rural landscape.
- e. Overall architectural design shall be based on traditional agricultural and mill buildings.



Example: Two Story Retail/Office



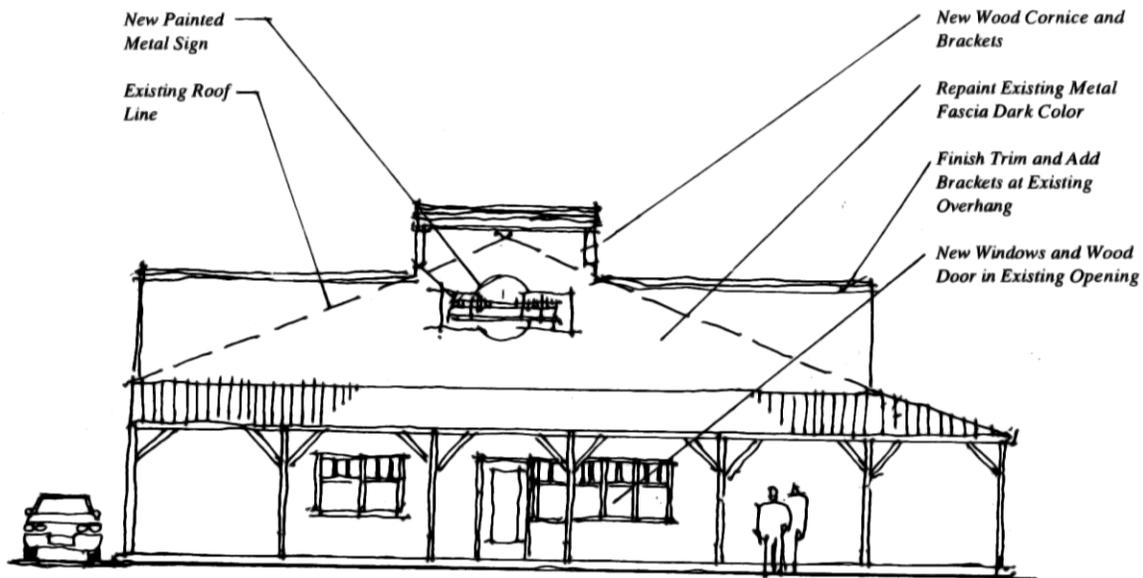
1991 sketch of the Eagle Lodge on Highway 410, built in 1977

3. Architecture and structure.

- a. Where visible from the exterior, wood truss and heavy-timber structural systems are recommended along with complimentary stone veneer(s).
- b. Buildings shall be no more than two stories and shall have sloping roofs with a minimum pitch of 6 in 12 unless hidden by parapets or otherwise specified by the DRC.
- c. Roof forms shall incorporate simple gables and sheds with generous overhangs.
- d. Siding: Utilize horizontal beveled wood, wood shingle or vertical wood board and batten siding along with complimentary stone veneer(s) whenever possible. Where required by building code or for functional reasons, concrete and concrete masonry materials may be employed with approval of the DRC. In such cases concrete and concrete masonry shall be detailed to emulate traditional stone construction.
- e. Roofing: Wood shingles or metal roofing shall be employed on all new construction unless otherwise approved by the DRC. Existing rural buildings have often replaced these materials

with composition roofing, particularly patterns that reflect a wood shingle appearance may be acceptable for new projects.

- f. Doors: Wood doors shall be simple in shape, large openings may be detailed to resemble traditional barn doors intended to accommodate animals and machinery.
- g. Windows: Windows shall be fixed, casement, awning or double hung, with a square or vertical orientation. Sliding windows are not acceptable. Wood or metal sash materials are acceptable. Break large areas of glass into smaller lights whenever possible. Newer, energy efficient, types may be considered by the DRC when constructed in a style that compliments the intent of these guidelines.
- h. Ornament: Ornament shall be minimized to reflect the utilitarian nature of the buildings. Achieve architectural interest through structural elements such as gable brackets, stone veneer, post and beams. Stress craftsmanship and the detailing of ventilators, corner boards.



LKQ front building on Highway 410, built in 1987

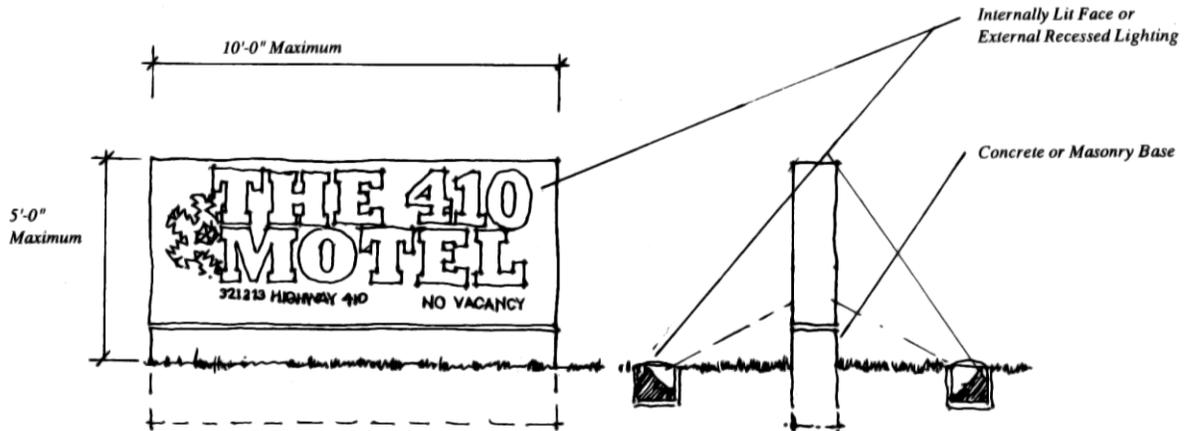
4. Unifying elements.

- a. Color.
 - i. Colors should generally be color tones and simple painting schemes that were typically used in the traditional buildings.
 - ii. Color schemes employing many colors or particularly bright colors shall be avoided.
 - iii. Natural, unpainted wood with a clear sealer, or wood painted grey, dull red or green are examples of an acceptable color palate.
 - iv. Colors should be selected to emphasize building form and highlight major features.
 - v. The use of brightly colored or glossy building materials such as metal or tile siding are not acceptable.
- b. Monument signs identifying a building or business complex.

These large signs should be read and understood at highway speeds from some distance away. The goal of this type of sign is to communicate a simple message clearly and in a manner that does not detract from the landscaped development of the highway, or the driver.

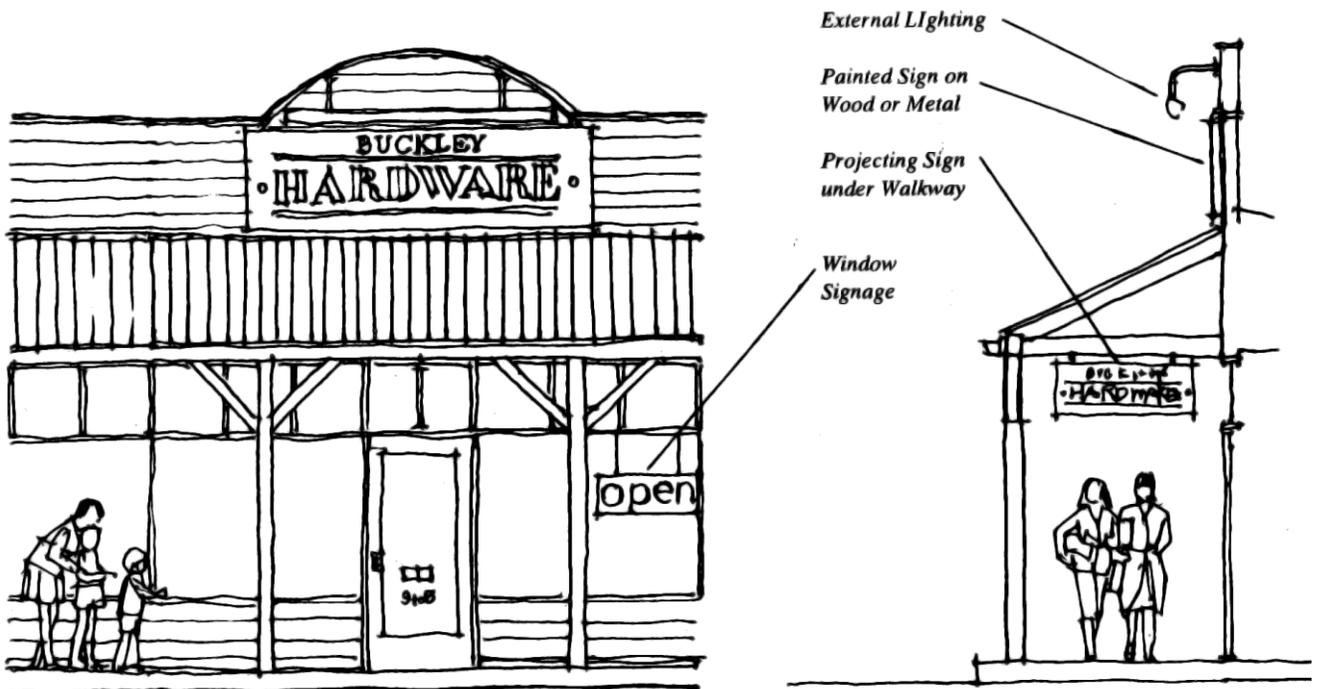
 - i. Monument signs that identify an individual commercial building or a multiple tenant complex shall be coordinated with the City of Buckley's Corridor Plan Concepts for the Highway 410 frontage.

- ii. Sign body construction shall be of concrete, wood or metal set on a concrete stone, or masonry foundation or base.
- iii. All monument signs shall be within the required landscape buffer along Highway 410 and meet setback requirements of Chapter 19.30 BMC.



c. Building-mounted signs (wall signs).

- i. Wall signs are those that are attached to a building that identifies the tenants and activities at a pedestrian oriented scale. These signs serve a similar purpose to the signs along downtown and shall be similar in design.
- ii. Wall signs may be flush with or projecting from the building face.
- iii. Projecting signs may not extend more than four (4) feet from the building.



VI. Attachments.

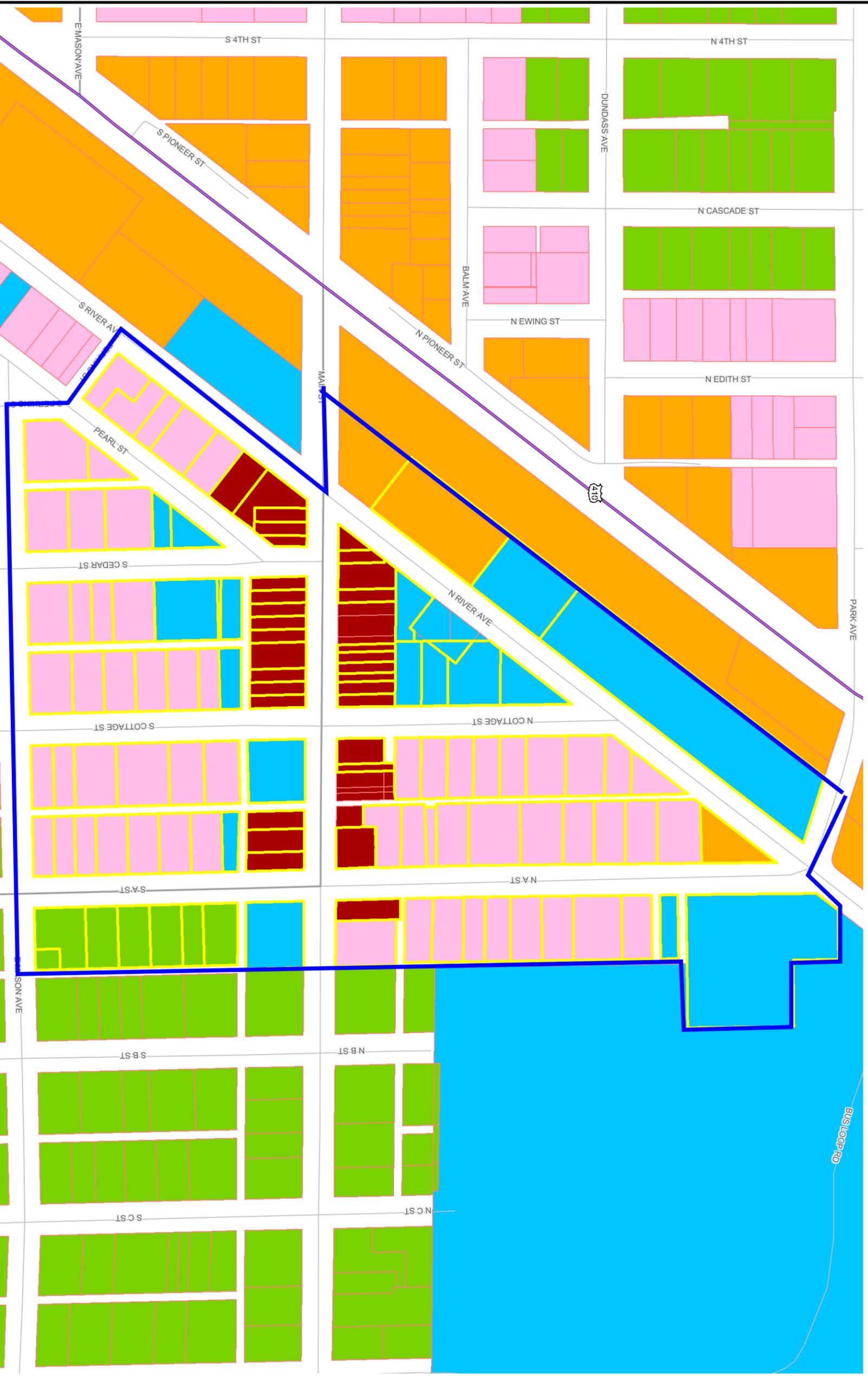
- A. Map of Downtown Design Review District**
- B. Map of Rainier Gateway Design Review District**
- C. Map of Highway 410 Design Review District**
- E. Illustration of Suggested Sign Fonts**

CountyView Web Map



Map Legend

- Highlighted Tax Parcels
- Tax Parcels**
- Base Parcel
- Condominium
- Other
- Roads**
- Interstate
- Limited Access State Routes
- Other State Routes
- Ramps
- Major Arterial
- Collector
- Local Access
- Zoning - Buckley**
- CC
- GC
- HC
- HDR
- LI
- NMU
- P
- R-20,000
- R-6,000
- R-8,000
- S
- Recommended boundary for Downtown Design District

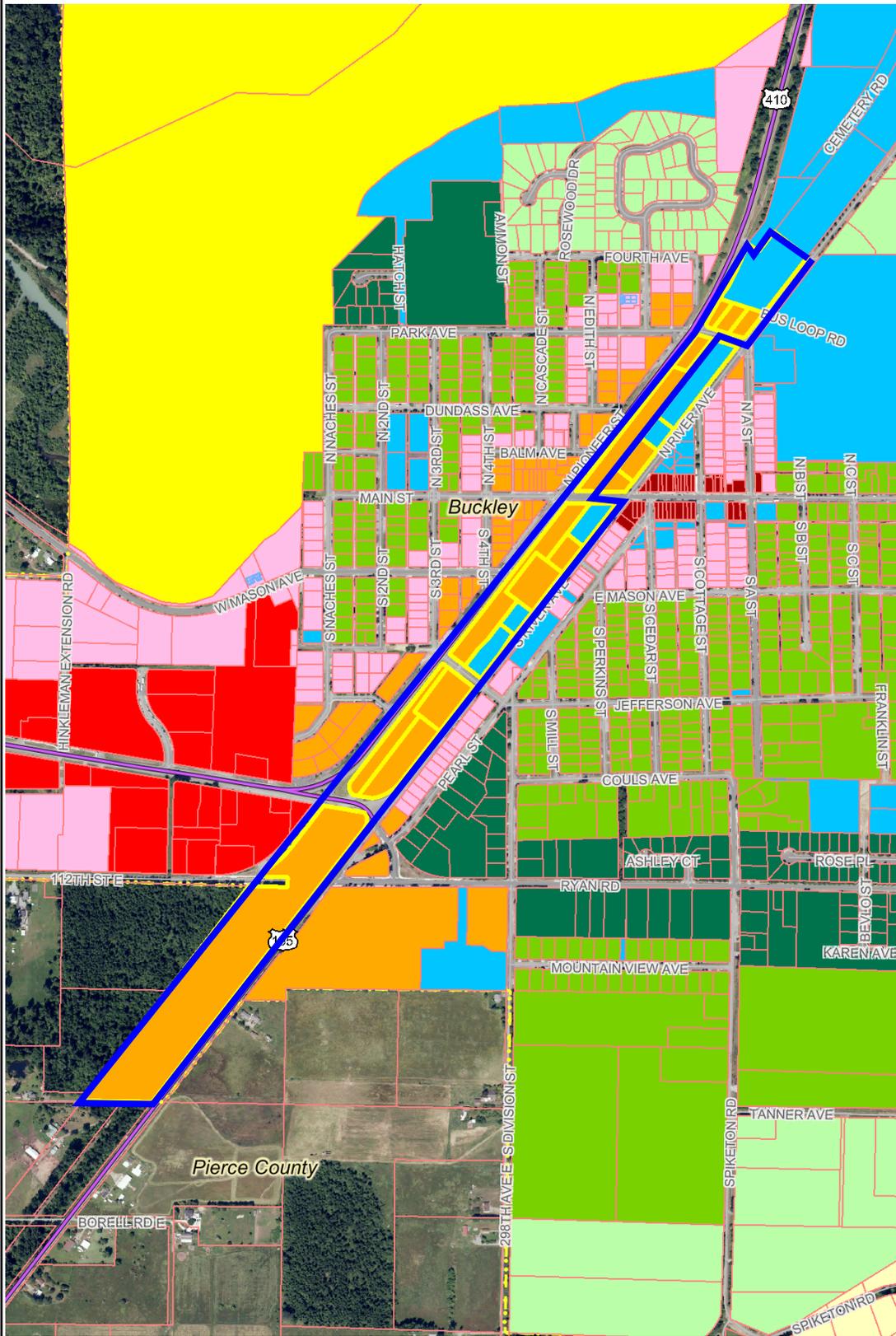


The map features are approximate and are intended only to provide an indication of said feature. Additional areas that have not been mapped may be present. This is not a survey. The orthophotos and other data may not align. Pierce County assumes no liability for variations ascertained by actual survey. All data is expressly provided AS IS and WITH ALL FAULTS. Pierce County makes no warranty of fitness for a particular purpose.



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design: gateway district zoning



Map Legend

Highlighted Tax Parcels

Tax Parcels

- Base Parcel
- Condominium
- Other

Zoning - Buckley

- CC
- GC
- HC
- HDR
- LI
- NMU
- P
- R-20,000
- R-6,000
- R-8,000
- S

Comprehensive Plan - Buckley

- C/MU
- I/GC
- UHD
- ULD
- Right of Way

Pierce County Basemap

Roads

- Interstate
- Limited Access State Routes
- Other State Routes
- Ramps
- Major Arterial
- Collector
- Local Access

County - 2014 - Ortho

0 950 ft.

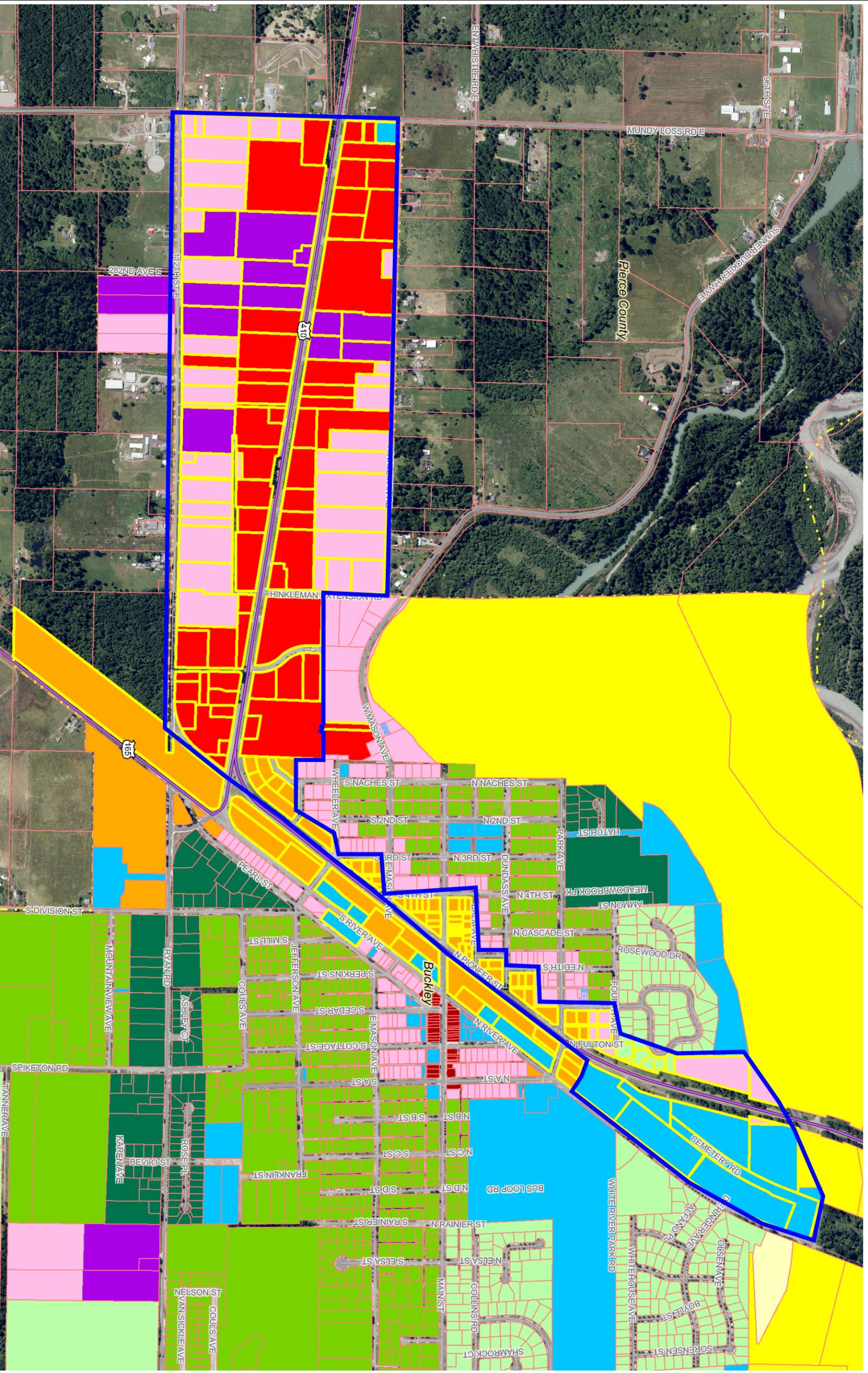


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The map features are approximate and are intended only to provide an indication of said feature. Additional areas that have not been mapped may be present. This is not a survey. The orthophotos and other data may not align. Pierce County assumes no liability for variations ascertained by actual survey. All data is expressly provided AS IS and WITH ALL FAULTS. Pierce County makes no warranty of fitness for a particular purpose.

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CountyView Web Map



Map Legend

- Highlighted Tax Parcels
- Tax Parcels**
 - Base Parcel
 - Condominium
 - Other
- Zoning - Buckley**
 - CC
 - GC
 - HC
 - HDR
 - LI
 - NMU
 - P
 - R-20,000
 - R-6,000
 - R-8,000
 - S
- Comprehensive Plan - Buckley**
 - CMU
 - I/GC
 - UHD
 - ULD
 - Right of Way
- Pierce County Basemap**
 - Easements - Lines
 - City of Tacoma Easement
 - Gas Easement
 - Monument Line
 - Private Road
 - Public ROW
 - Railroad
 - Stormwater Easement
 - Transmission Easement
 - Water Easement
- Roads**
 - Roads

Scale 1:10,242



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CITY OF BUCKLEY

ORDINANCE NO. ___-19

AN ORDINANCE OF THE CITY OF BUCKLEY, WASHINGTON, CONCERNING DESIGN GUIDELINES IN COMMERCIAL DISTRICTS, ADOPTING THE CITY OF BUCKLEY RAINIER GATEWAY SUBAREA PLAN; REPEALING CHAPTERS 19.50 AND 19.51, BMC; ADDING A NEW CHAPTER 19.50, BMC; AND ADOPTING BY REFERENCE A NEW DESIGN GUIDELINE MANUAL; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the city created the City of Buckley Guidelines for Redevelopment in 1991 and updated the guidelines under Ordinance 11-08 in 2008; and

WHEREAS, the city is reshaping its highway corridor through a construction plan; and

WHEREAS, the highway corridor is the city's "front yard"; and

WHEREAS, the highway corridor between SR 410 and River Avenue is largely owned by the city and zoned for commercial development; and

WHEREAS, the area between SR 410 and River Avenue contains the Foothills Trail and should meet a commercial design that welcomes the public into the city; and

WHEREAS, the historic district contains buildings that were erected in the late 1800s and early 1900s; and

WHEREAS, the planning commission conducted a public hearing on this proposal on June 6, 2016; and

WHEREAS, the required notice was received July 5, 2016, by the Washington State Department of Commerce under Material Identification Numbers (MID#) 22591 informing it of the proposed change in development regulations; and

WHEREAS, environmental review was performed on the initial proposal and a determination of non-significance was issued July 5, 2016; and

WHEREAS, minor revisions to the proposed guidelines were created by staff in early 2019, that were environmentally insignificant; and

WHEREAS, because the guidelines looked different and contained updated information, it was determined that a new public hearing would be beneficial before adoption; and

WHEREAS, a hearing before the planning commission was conducted June 3, 2019; and

WHEREAS, the commission considered one person's comments before rendering its recommendation for the city council to disapprove the proposal;

NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF BUCKLEY, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. The City of Buckley Guidelines for Redevelopment is hereby repealed.

Section 2. The City of Buckley Rainier Gateway Subarea Plan attached as Attachment A is hereby adopted in full.

Section 3. The City of Buckley Design Guidelines attached as Attachment B together with its attached maps are hereby adopted in full.

Section 4. Chapters 19.50 and 19.51 BMC are hereby repealed.

Section 5. A new Chapter 19.50 BMC addressing each of the three design areas is adopted as follows:

19.50.010 Purpose.

The purpose of this chapter is to establish criteria and procedures for the development within the city's three commercial areas to:

- (1) Implement the comprehensive plan;
- (2) Serve the public interest in public peace, health, safety, morals and welfare by helping to assure residents of an aesthetically and culturally pleasing environment by promoting and perpetuating educational, cultural, aesthetic, and social values as well as economic development; and
- (3) Preserve the beauty and history of the community for its citizens.

19.50.020 Relationship to other regulations.

The requirements of this chapter are in addition to other regulations affecting land use and construction within the city including, without limitation, the comprehensive plan, zoning and subdivision codes, SEPA, Shorelines Management Act, and building and mechanical codes. In case of conflict between this and other regulatory provisions, the stricter enactment shall prevail.

19.50.030 Review procedures.

- (1) A person who proposes to construct or alter a structure or fixture that is subject to design review shall submit to the planning director a written application that complies with the requirements set forth in the "City of Buckley Design Guidelines." The application shall be considered at the next regular meeting of the design review committee that convenes 20 days or more after the date of the application.

- (2) The permit process is as follows:
 - (a) Type C-3 for proposals that meet BMC 19.50.040(1); and
 - (b) Type A-3 for proposals that meet BMC 19.50.040(2).

19.50.040 Review required.

No structure or fixture that is subject to review under the city's Design Guidelines may be constructed or altered until the city council's design review committee (DRC) examines any application for construction or alteration.

- (1) The DRC shall transmit its recommendation to the decision maker for construction that does not meet the description in Subsection 2 of this section.
 - (a) The DRC shall consider the application and the director's report at its next regular meeting following receipt of the director's recommendation. The DRC will base its recommendation on the city's design guidelines.
 - (b) The DRC may recommend the decision maker approve, approve with conditions, or deny a project.
 - (i) Conditions shall be given that bring a project into conformance with the code or design guidelines.
 - (ii) If no condition will bring a project into conformance with the code or design guidelines, the project must be denied; provided that the DRC may recommend approval of a project that fails to comply with design guidelines, but only upon finding that imposition of the guidelines would be impractical or would impose an undue hardship upon the applicant through no fault of his own, or that waiver of the requirements would not cause a detriment to the public interest.
- (2) Repair or maintenance that does not change the physical exterior of the structure or fixture (e.g. siding or windows) is permitted without committee review. Any and/or all repairs and maintenance must conform to the "City of Buckley Design Guidelines," and Chapter 19.36 BMC for nonconforming uses and structures if applicable.

19.50.050 Design criteria.

- (1) The City of Buckley Design Guidelines (Design Guidelines) dated June 17, 2019, and any amendments or modifications thereto is adopted by reference as though it were set forth in full in this chapter. Three copies of the document shall be placed on file in the city clerk-treasurer's office together with associated maps and shall be maintained there for public examination and copying.
- (2) In determining whether to recommend approval, approval with modification, or denial of a project, the decision maker shall apply criteria set forth in the Design Guidelines.

19.50.060 Design Districts Described.

The three design districts are as shown on the maps adopted in this ordinance as Attachments A, B, and C and will be on file in the planning office as well as the city clerk's office.

19.50.070 Historic District purpose and applicability.

- (1) The purpose of the historic district is to:
 - (a) Recognize the significant role of the city and its pioneer residents in the history and development of Pierce County and the state of Washington;

- (b) Preserve the comfort and prosperity of Buckley citizens by preserving a downtown core that is active and interesting to Buckley's citizens and to those passing through; and
 - (c) Promote growth and enhance property values by minimizing discordant, unsightly developments.
- (2) The design review requirements of this chapter pertain to all structures and fixtures that are used for commercial purposes that lie within the historic-commercial design review district as shown on the map in the guidelines.
- (a) These guidelines do not apply to single-family detached residences and the home occupations that may be within them.

19.50.080 Gateway District purpose and applicability.

- (1) The purpose of the gateway district is to:
- (a) The design of the Rainier Gateway Subarea shall reflect the community's desire to preserve open space and views of Mount Rainier.
 - (b) Transition from the auto-dependent SR 410 to the more pedestrian-friendly historic Downtown.
 - (c) Strive to build non-motorized connections created by the Foothills Trail.
- (2) The design review requirements of this chapter pertain to all structures and fixtures that are used for commercial purposes that lie within the Gateway Design review district.
- (a) These guidelines do not apply to single-family detached residences and the home occupations that may be within them.

19.50.090 SR 410 District purpose and applicability.

- (1) The purpose of the SR 410 District is to:
- (a) Regulate growth to provide reasonable access on and off Highway 410;
 - (b) Promote economic development by preventing unsightly strip development that presents a massive flat aspect to Highway 410; and
 - (c) Help assure residents of an aesthetically and culturally pleasing environment
 - (d) Promote and perpetuate educational, cultural, aesthetic, and social values by encouraging the construction of buildings that reflect the city's agricultural, railroad and logging antecedents.
- (2) The following proposed or existing structures and fixtures are subject to review under the Highway 410 design review criteria:
- (a) The structure or fixture is on or proposed for property located within the SR 410 design review district as indicated on the applicable district map; and/or
 - (b) The proposal is a sign also regulated under Chapter 19.30 BMC; and/or
 - (c) The structure or fixture is used for commercial purposes; and
 - (d) These guidelines do not apply to single-family detached residences and the home occupations that may be within them.
- (3) An overlay district is established as follows: 150 feet north and 150 feet south of SR 410 right-of-way lines between Mundy Loss and SR 165. The following criteria shall be met:
- (a) Development in this subarea shall meet design guidelines for the SR 410 district. If no development is in this subarea, then the entire parcel shall be subject to the SR 410 design guidelines.

- (b) Development in this subarea shall meet the uses and regulations of the General Commercial zone regardless of the parcel's zoning.
- (c) Development outside the subarea, if not hidden by another building, shall meet all of the design guidelines.
- (d) Development outside the subarea that is hidden by another building in accordance with this chapter shall meet building height, landscape, and parking requirements of the city's code.
 - (i) If the building next to SR 410 is removed, the building behind it shall be remodeled or altered to meet the SR 410 design criteria in effect at the time it is remodeled.

Section 6. Copy to the Department of Commerce. Pursuant to RCW 36.70A.106, the City Administrator is hereby authorized and directed to provide a copy of this ordinance to the State Department of Commerce within 10 days of adoption.

Section 7. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 8. Effective date. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the city, and shall take effect and be in full force five (5) days after publication.

APPROVED by the Buckley City Council this 9th day of July 2019.

Pat Johnson, Mayor

ATTEST:

Treva Percival, 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. ___-19, Reorganized and updated Title 20, which is the city's administrative title. The title originally contained one chapter; the revision adds chapters by topic. Cost Impact: \$ Fund Source: Timeline:	Agenda Date: July 9, 2019 AB19-064		
	Department/Committee/Individual	Created	Reviewed
	Mayor Pat Johnson		X
	City Administrator – Dave Schmidt		X
	City Attorney – Phil Olbrechts		X
	City Engineer – Dominic Miller		
	City Clerk – Treva Percival		X
	Finance Dept – Sheila Bazzar		
	Building Official – Mike Deadmond		
	Fire Dept – Chief Predmore		
	Parks & Rec Dept – Kevin Caviezel		
	Planning Dept – Kathy James	X	X
	Police Dept – Chief Arsanto		
Municipal Court – Jessica Cash			
PW/Utilities – Chris Banks			
Attachments: Commission Report, Public Hearing Presentation and Ordinance			
SUMMARY STATEMENT: The proposed Title 20 contains chapters by topic to achieve increased ability to find appropriate codes and enhance future code revisions. The commission report itemizes the proposed amendments.			
COMMITTEE REVIEW AND RECOMMENDATION:			
RECOMMENDED ACTION: MOVE to Approve Ordinance No. 14-19 Reorganized and updated Title 20			
RECORD OF COUNCIL ACTION			
<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>	

CITY OF BUCKLEY

P.O. Box 1960 ♦ Buckley, WA 98321 ♦ (360) 761-7801

<http://www.cityofbuckley.com/>; <http://www.codepublishing.com/WA/Buckley/>

DEVELOPMENT CODE AMENDMENT

PLANNING COMMISSION REPORT – TITLE 20



I. INTRODUCTION

- To.** Honorable Pat Johnson, Mayor
City Council Members
- From.** City of Buckley Planning Commission
- Subject.** Commission Report: Findings, Conclusions, and Recommendation
- Hearing.** Monday June 3, 2019
City of Buckley Multi-Purpose Center
811 Main Street
Buckley, WA 98321
- Issues.**
1. Readability, ease of finding regulations, repetition reduction
 2. Reorganizing Chapter 20.01 into separate, topical chapters
 3. Several issues are being decided in different ordinances before the council:
 - a. Proposed BMC 20.08.030, Table 2:
 - i. Shoreline permit section numbers need to be added after the SMP ordinance is approved
 - ii. Design review processes, and the asterisk at the bottom of the table are as recommended by the planning commission in the design ordinance
 - iii. Telecommunication permits – the new permits are as shown in the Ordinance 11-19, the commission recommends combining the three permits required in the same section of code requiring the same process (C-3 was in error) into one line
 - b. Proposed BMC 20.36, Shoreline permits; these sections need to be replaced by the sections approved by ecology as part of the SMP review
- Additional.** RCW 36.70B provides state laws for permit process regulations

II. CONCLUSIONS & RECOMMENDATION.

A. Comprehensive Plan

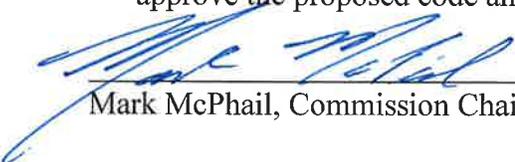
The proposed ordinance is consistent with the listed in the comprehensive plan section below, which shows appropriate goals and policies of the comprehensive plan.

B. Buckley Municipal Code

Based upon a review of facts and findings, the commission determined that the ordinance is consistent with the city's municipal code.

C. Recommendation.

Based upon a review of facts and findings the commission determined that the ordinance would be consistent with the comprehensive plan and code, and recommends the city council approve the proposed code amendment.



Mark McPhail, Commission Chair



Date

III. BASIC INFORMATION.

A. Application information

1. Source of Request.

City Planner.

2. Staff contact.

City Planner Kathy Thompson.

3. Land characteristics.

a. **Land use.** Many uses are within the city limits from schools to light industrial activities.

b. **Terrain & vegetation.** The city is atop the Osceola flow, which formed about 5,600 years ago during the Holocene period after an eruption of Mount Rainier. The mud is more like clay and is about 25 feet deep. It acts like a shield that prevents water infiltration into the sublayers under the hardened mud. This geology creates a drainage situation in which the following may be true:

- i. Infiltration cannot be used as a drainage technique in Buckley; the popular rain gardens will hold water, but not infiltrate as planned because of the Osceola mud beneath the soil.
- ii. Rain water may percolate through the topsoil (which is shallow) and sheet flow downhill; because the city geology is relatively flat, the water often ponds in place.
- iii. The above condition of ponding provides an opportunity for land to develop wetland characteristics simply by not being mowed regularly.
- iv. The entire city is shown to be within priority habitat species designation.

c. **Neighboring zoning.** The city contains 11 zones ranging from light industrial to low density residential (one unit/20,000 square feet of land). The areas most affected by wetlands are zoned "Sensitive" and are next to the river. The remainder of the city contains patches of wetlands, as mapped on the National Wetland Inventory maps (see environmental maps in the comprehensive plan).

B. Ordinance description.

1. The existing title.

Title 20 is a single chapter (e.g. 20.01) that contains approximately 33 sections (e.g. 20.01.010), 142 sub-sections (e.g. 20.01.010(1)), 139 subsub-sections (e.g. 20.01.010(1)(a)), 25 sub-subsub-sections (e.g. 20.01.010(1)(a)(i)), 9 subsub-subsub-sections (e.g. 20.01.010(1)(a)(i)(A)), one set of tables, and 1 paragraph within a section that was unattached to anything except the section in which it was.

2. The proposed title will do the following:

- a. Reorganize the existing title, which contains one chapter, to several chapters that cover a topic each. Update the chapters with recent state requirements, and move existing requirements into appropriate code chapters in other titles, if appropriate. The proposal creates one title with 10 chapters by topic, 81 Sections, 144 Sub-sections, 135 subsub-sections, and 39 Sub-subsub-sections.
- b. The chapters are by topic, so all notice requirements will be in one place; all regulations to be applied to all permits is in one place (this copies the shoreline Washington Administrative Code organization), or all general provisions in one place.

3. Ordinance will affect:

- a. The ordinance will affect all permit applications that come into the city for processing;
- b. The ordinance will affect all future ordinances that concern permit processing; and
- c. The ordinance will improve the ability of code language to be written in the future.

C. Noticing information.

Notices for legislative actions are mailed or emailed to a list of required recipients including citizens who request them, published in the city's legal newspaper, the Enumclaw Courier Herald, and posted on the City Bulletin Boards.

1. SEPA determination.

The Determination of Non-Significance (DNS) was issued May 1, 2019, with a comment period ending May 15, 2019. No comments or appeals were received.

2. Notice to Department of Commerce.

- a. A request for expedited review was received by the state Department of Commerce April 25, 2019, under Submittal ID Number 2019-S-123, and granted on May 13, 2019.
- b. The proposed ordinance may be decided upon receipt by the council.

3. Public hearing.

- a. Public Hearing Notice and proposal description published in the Wednesday, May 15, 2019, and posted at required sites throughout the city.
- b. The hearing was conducted June 3, 2019, at 7 p.m. The commission considered no comments and after deliberation, issued a recommendation for council on June 17, 2019.

III. ORDINANCE INFORMATION

- a. The review of this ordinance is topical and creates specific chapters for specific information, such definitions are all in one chapter, regulations about notices are all in one chapter, and so forth. As with all codes, general rules like this are often not possible, but the intent is to increase readability and decrease search-time needed to find information. To enhance interpretation, a purpose section is added to each chapter. The existing code will be replaced by the proposed code in entirety.
- b. Because of the complexity of the chapter, all new section number references were checked before transmittal to ensure the reference correct for council review.

1. Chapter 3.81, Development review expenses.

- a. Development review expenses are addressed in Chapter 3.81 BMC and throughout Title 20. The proposal attempts to consolidate the fee sections for both BMC 3.81 and Title 20 in one place. The proposed location for the regulations of BMC 3.81 is in the new BMC 20.02.030.

2. Chapters 12.04 and 12.06, State Environmental Policy Act (SEPA).

SEPA stands on its own in its own chapters, BMC 12.04 and 12.06, which need a code update as well for which a hearing will be conducted July 15. The existing Title 20 contains a section on SEPA integration with permits. This topic, as well as a general SEPA update, is being addressed in a separate ordinance concerning updates to and the combination of Chapters 12.04 and 12.06. Any sections in that ordinance that are appropriate in this title can be moved at that time.

Table of contents.

Title 20, Land use and development

20.02, General provisions and fees.

20.04, Definitions.

20.08, Permit types.

20.12, Exemptions.

20.16, Pre-application conferences.

20.20, Processes for all project permit applications.

20.24 Projects requiring two or more permit applications – optional consolidation.

20.28, Notices.

20.32, Appeals.

20.36, Shoreline permits.

3. Chapter 20.02, General provisions.

The proposal creates five sections:

- a. 20.02.005 The scope statement explains that the title is applicable to all permit applications except those specifically exempted by this title in Chapter 20.12.
- b. 20.02.0010 Purpose statement. This section retains the old purpose language in Section 20.01.010.
- c. 20.02.0020 Conflict with other procedures. This moves language from 20.01.290 and adds some verbiage from the Shoreline Master Program.
- d. 20.02.030 Fees. Combines the existing BMC 3.81 with 20.01.090(6), 20.01.110 (10 & 11), 20.01.262, 20.01.265, 20.01.268, and 20.01.270.
- e. 20.02.040 Legislative procedures and limitations. Moves language from second paragraph in 20.01.070(2)(e).

4. Chapter 20.04, Definitions.

- a. Through a series of ordinances, the code's "universal" definitions in Section 1.01.060 are amended by adding certain terms currently in other chapters including BMC 20.01 of which the city has only one, such as the mayor, the city, the state, and the hearing examiner.
- b. The proposal also converts the individually numbered definitions (e.g. (1), (2)) to code citation terms (e.g. 20.04.010, 20.04.020, and so forth), which will allow room for additional terms in the future. The proposed code lists the definitions as 20.04.xxx, which the publishing company will alter after receipt to numbers, or the city may alter the numbers prior to transmittal into the numbering system of its choice.
- c. The proposal amends the definition for "closed record appeal" and updates other definitions as recommended by the city attorney.
- d. The term "effective date of decision" is shown as struck out because it is not used in this title other than in this definition. The city attorney or council may reinstate it if it desires.
- e. The Type-3 permit or process was changed during discussion after the hearing to be decided by the planning commission. The reason for the commission to make decision is that in the three A-3 permits, design review (major or minor), fence variances, and sign variances, the vision stated in the comprehensive plan is a priority and the commission is the "keeper" of that vision, as well as the entire comprehensive plan.

5. Chapter 20.08, Permit types.

The proposal maintains the current system with some changes:

- a. The current footnotes are moved to the top of the section;
- b. Three sections within each of the two process types are created;
- c. Certain administrative permits are added to the table that will need to be processed further in the respective titles later, e.g. an administrative site plan review.
- d. A footnote is added to address “major” and “minor” design review processes, which are added under a reference to the new BMC 19.50.040. (NOTE: design review was under consideration in another ordinance and was coordinated closely with this ordinance.)
- e. In Table 1, the commission made itself the decision maker for A-3 permits with a recommendation from staff. For design review, the recommendation will be from the Design Review Committee (DRC), as stated in the design ordinance.
- f. The citations for shoreline permits are highlighted in grey because the section numbers may change after the State Department of Ecology finishes its review.
- g. “Off premises directional signs” was removed because it indicates a need to read the sign in order to regulate it. This may violate case law: *Reed v. Town of Gilbert*.
- h. The three lines used for telecommunications facilities, which all reference the same section, are combined. Also, the C-3 permit type is corrected to C-2.

6. Chapter 20.12, Exemptions to Title 20.

The proposal moves information about which permit types are exempt from the title toward the front of the title; the current location is 20.01.070.

- a. A purposed statement is added to assist future chapter interpretation.
- b. A clear requirement is to follow this title unless specifically exempted.
- c. Moved to this location is language from the current BMC 20.01.030 (3), 20.01.070 (1), 20.01.070 (2), 20.01.070 (4), and 20.01.070 (5).

7. Chapter 20.20, Pre-application conferences.

Pre-application conferences are currently described in Section 20.01.110 in 12 subsections and one other subsection, 20.01.265, which further discusses fees.

The city may require pre-application conferences for certain project types. The city chooses to require pre-aps for subdivisions, (including short plats), multifamily developments, and commercial developments (site plan reviews). Because of vesting regulations, the applicant may choose to have the pre-application conference after the plat or building application is submitted. This arrangement would be at the applicant’s risk.

The current code provides that a portion of the pre-application fee can be waived or refunded to the applicant in his application. This is not accurate; the city cannot provide work for free. The proposal removes the fee provision and moves all other all pre-application information and requirements to this one chapter.

Other parts of the proposed pre-application chapter include:

- a. A purposed statement is added, with six subsections to mirror RCW 36.70B.170.
- b. A clear statement about vesting is added from 20.01.110 (12).
- c. Section 20.20.030 moves much of BMC 20.01.110(8) to this section with three subsections.
- d. Section 20.20.040 includes amended BMC 20.01.110(3.b), (4) and (5) to list submittal requirements so the city can provide the required information to the applicant.

- e. Section 20.20.050 includes amended BMC 20.01.110(6) and (7).
- f. A time limit is given to provide the application the conference reviewed.
- g. Information regarding consecutive pre-application conferences (BMC 20.01.110(9)) is placed in the last section of the chapter.

8. Chapter 20.20, Processes for all project permit applications.

This chapter brings all requirements for all types of permits to one chapter, including procedure determination, submittal requirements, submittal requirement waivers, SEPA, notices and appeals. Specific types of permits, such as subdivisions, may require more information or additional actions that are listed in the individual chapter that requires the permit. This chapter provides the following:

- a. A purpose statement is added.
- b. Determination by the director is moved to this chapter from BMC 20.01.040.
- c. Consistency is addressed several times in the comprehensive plan, and in BMC 20.01.010, BMC 20.01.140(2,j), BMC 20.01.170(1), (2), and (3).
- d. Concurrency is often confused with consistency; it is moved here from BMC 20.01.170(3).
- e. Consolidation is the third and final “C” from GMA. Currently sections BMC 20.01.050, BMC 20.01.090(5), and BMC 20.01.260(2) address consolidation; which are moved to Chapter 20.26.
- f. Every application requires particular items to be submitted. The minimum is listed here with a reference back to whichever code chapter is requiring the permit. A Notice of Application can only be issued if all the items listed in the code are met or waived by the director. If needed submittal requirements are not listed in the particular permit that requires notice, the city must issue a notice of complete application anyway, currently discussed in BMC 20.01.120(2). The term for items needed for a complete application is changed from “contents of the application” to “submittal requirements.”
- g. The state requires certain projects to be issued within a certain timeframe. The proposal uses the term “time requirements,” which is the term used in the shoreline code. From BMC 20.01.080, 090, and 250, as well as RCW 36.70B.080(1), RCW 58.17.095(3), and 58.17.140(2).
- h. Exceptions to the time requirements include waiting for information from the applicant, legal actions, environmental impact statements, and so forth. These are listed in this section as well. The exceptions are currently listed in BMC 20.01.250.
- i. A section on SEPA is included to explain the process, which is unlikely to change over time, and refers readers to Chapter 12.04 BMC.
- j. Notices and appeals are part of the general permit process, and references to the new chapters are provided.

9. Chapter 20.24, Projects requiring two or more permit applications – optional consolidation.

- a. This chapter replaces Section 20.01.050 BMC. More information can be found in RCW 36.70B.120 (1). This adds a purpose statement, instructions on consolidating permits at the applicant’s request, conducting hearings on multiple permits, how to determine the decision maker for permits that individually have different decision makers, and how to consolidate permits with other government agencies.
- b. It should be noted that even though the projects may not be consolidated, staff reports likely will be consolidated in order to maintain information integrity.

10. Chapter 20.28, Notices.

The proposal moves all notice requirements to this chapter. Other chapters and titles, such as subdivisions, will refer to this chapter and state individual requirements in the individual chapter or title, such as subdivisions that are adjacent to or within two miles of state right-of-way must provide a notice to the Secretary of Transportation (RCW 58.17.080). While it is possible to place this type of information in this chapter as a subsection, it was chosen not to in an effort to “declutter” and send pertinent requirements to the chapters that are requiring a notice.

- a. Purpose statement.
- b. Notices for public meetings. These are not hearings, but general commission or council meetings. Taken from BMC 20.01.200. Individual chapters for the various commissions, committees and council may contain additional information about public meetings.
- c. The regulations have two types of parties in each permit process: “interested parties” and “parties of record.” Only the latter is defined. “Interested parties” is a more general term and can be used for anyone who expresses in writing an interest in a project as well as agencies that might be interested.
- d. The city provides itself the ability to require additional public notices than what is usually required. This allows the city to provide sufficient notice for projects that may be problematic.
- e. Projects that require notices begin first with the notice of complete application.
 - i. When an application comes over the counter and is declared “counter complete,” which is a simple way of saying it seems to be complete, but we’ll review it and see for sure.
 - ii. Twenty-eight days later, the city must either notify the applicant that the application is indeed complete, or the application is missing x, y, and z. To ascertain whether the application is complete, the planner is only “counting beans” in that if the requirements show that 25 items of this or that are required and 24 are provided, the applicant must provide the 25th item before the application can be called complete. This notice doesn’t review the material to say it’s a useful report or not, just that a document labeled the appropriate report is submitted.
 - iii. If a letter of complete application is not provided, the state declares the application to be complete (RCW 36.70B.070(4.a)).
 - iv. Fourteen days after the applicant is told the application is complete, the notice of complete application must be published in the city’s legal newspaper, mailed to property owners within 300 of the project site, and posted on the property.
- f. If the application is declared incomplete, the city must specify exactly which “beans” are missing. When the applicant submits the appropriate “beans,” the city has 14 days to declare the application complete or still incomplete. (BMC 20.01.130(3).)
- g. RCW 36.70B.060 contains items that a notice of complete application must contain, which are listed in this section. This is repeated in BMC BMC 20.01.120(2.a).
- h. The way the notice is to be published comes from RCW 36.70B.110(4) and BMC 20.01.140(3).
- i. RCW 36.70B uses the term “predecision hearing,” which is just the required hearing before the hearing examiner makes its decision. Our code uses the term in several sections and discusses requirements in BMC 20.01.180(3) and 190. The 15-day notice requirement comes from RCW 36.70B.110(3).
- j. Hearing notice contents is specified in BMC 20.01.190. According to RCW 36.70B.110 specifies that the hearing date is to be included in the notice of application, if scheduled at the time of the complete application notice.

- k. At the end of a project, everyone who asked for a Notice of Decision is to receive a Notice of Decision. Distribution is discussed in RCW 36.70B.130 and BMC 20.01.250 (1). The RCW refers back to RCW 36.70B.110(4), which states “A local government shall use reasonable methods to give the notice of application to the public and agencies with jurisdiction and may use its existing notice procedures. A local government may use different types of notice for different categories of project permits or types of project actions. ...” This is followed by examples of notice types, such as are used with notices of application. In this proposed ordinance, the city reduces its burden to just one of the items listed: RCW 36.70B.110(4.c). This reduces the cost to the applicant.

11. Chapter 20.32, Appeals.

After a project is decided, a period of time is offered in which a party of record can appeal the decision for whatever reason.

- a. This chapter opens with a purpose statement and then itemizes what needs to be in the appeal request.
- b. RCW 36.70B.110(6.d) states the appeal is to be filed within 14 days of the decision.
- c. BMC 20.01.260 discusses all appeal requirements, including SEPA appeals. The commission favored sending SEPA appeal requirements to the SEPA chapter, BMC 12.04.
- d. Two types of appeals are available to any party of record: administrative, which is performed by the hearing examiner, and judicial, which would be governed by the Revised Code of Washington and decided by a judge. Our code only discusses administrative appeals.

12. Chapter 20.36, Shoreline permits.

- a. The existing 20.01 contains shoreline references in the definitions section (20.01.020), regulation about comment periods (20.01.140(2.h), Notices of Application (20.01.140(4), and application review (20.01.150).
- b. The Shoreline Management Act (SMA) is a state regulation that changes over time. Every eight years each jurisdiction with a Shoreline Master Program (SMP) must amend its SMP to comply with all recent state requirements.
- c. The city’s final review is in progress on amendments to the city’s SMP. Because of this review, any existing shoreline sections were removed from Title 20 and placed in the adopting ordinance for the Shoreline Master Program under a proposed new Chapter 19.42 BMC. After review and approval by the Washington State Department of Ecology, all permit-related sections will be removed from that ordinance and inserted into a separate chapter under Title 20, Chapter 20.36 BMC.
- d. The Shoreline Master Program (SMP) is a separate document from the municipal code, but bears the weight of the Washington Administrative Code because it is adopted by reference in the WAC. The SMP contains all required information for reviewing shoreline permits, together with state-required definitions and references. BMC 19.42 is to carry all the administrative regulations to the Buckley Municipal Code and make the shoreline processes a little easier to read and follow.
- e. Also see BMC 19.42, Shoreline Master Program administration and the amended Shoreline Master Program (SMP), Chapter 7.

13. Section 3. This ordinance section identifies a list of code sections in which Chapter 20.01 is mentioned and with the passage of this ordinance would be incorrect.

IV. ORDINANCE CRITERIA REVIEW

- A. All development ordinances must conform to the city's comprehensive plan; development ordinances should be internally consistent with the rest of the city's codes. Only the zoning code contains a list of things the council should consider in adopting an ordinance (BMC 19.52.010):
1. In determining what, if any, amendments to this title are to be adopted, the city council shall give due consideration to the proper relationship of such amendments to the comprehensive plan and to this entire title, it being the intent to retain the integrity and validity of the zoning districts herein described, and to avoid any isolated spot zoning changes in the zoning map.
 2. Any amendments adopted by the council may be modified from the form in which they were advertised within the limits necessary to relate properly such amendment or amendments to this title.
 3. Final action on such modifications shall be subject to review and report of the planning commission prior to final passage by the council.
- B. To extrapolate that intent to the entire code, this ordinance the city council should:
1. Give due consideration to the proper relationship of such amendments to the comprehensive plan, this entire code, and appropriate state laws with the intent to retain the integrity and validity of the code and eliminate redundancies, conflicts, and make the municipal code easier to read and understand.
 2. Modify the ordinance from the form in which it was advertised within the limits necessary to relate properly to the proposed amendment or to this or state code.

C. Buckley Comprehensive Plan

1. Element 1, Land use; goals & Policies.
This element contains no goal or policies pertinent to this proposed ordinance.
2. Element 2, Housing; goals and policies.
This element contains no goal or policies pertinent to this development.
3. Element 3, Economic Development; goals and policies.
 1. **Policy 3.1.2** The city's regulations should provide the following to enhance sustainable economic development:
 - a. Economic disincentives for vacant buildings. *Not applicable.*
 - b. Overlay district design standards for each commercial area, one for east/west-bound SR 410, one for the area adjacent to northeast-bound SR 410, and one for the historic district. *Not applicable.*
 - c. Procedures that are as streamlined as possible and still follow state requirements. *This title is procedural, and attempts to make the organization of the title easier to find information and add clarity.*
 2. **Goal 3.7** Ensure regulation balances economic growth with the quality of life and the environment. *The proposed ordinance may enhance the economy of permit requests by making requirements clear and easier to find.*
 3. **Policy 3.7.1** Recognize and consider the economic, social, and environmental impacts upon the community of proposed legislative actions prior to formal adoption. *The*

proposal will not provide social or environmental impacts. The economic impacts may be in providing easier-to-understand or follow procedural regulations.

4. Element 4, Urban design; goals and policies.
This element contains no goal or policies pertinent to this development.
5. Element 5, Transportation goals and policies.
This element contains no goal or policies pertinent to this development.
6. Element 6, Parks & recreation; goals and policies.
This element contains no goal or policies pertinent to this development.
7. Element 7, Capital facilities (2005 comp plan); goals and policies.
This element contains no goal or policies pertinent to this development.
8. Element 8, Utilities (2005 comp plan); goals and policies
This element contains no goal or policies pertinent to this development.



Title 20



Repeal and Replacement
Title 20, Land Use and Development
June 3, 2019, Hearing

Why we're here



- ❧ RCW 36.70B contains permitting requirements
- ❧ RCW 58.17 contains noticing requirements
- ❧ WAC 173-27 contains permitting requirements
- ❧ WAC 197-11 contains noticing requirements

- ❧ Amendment to Title 20 is needed
- ❧ Required hearing before the planning commission
- ❧ Obtain comments to make the product better
- ❧ Transmit recommendation to city council

Code writing goals



- ❧ Make the code readable;
- ❧ Make the code non-redundant;
- ❧ Make the code internally consistent; and
- ❧ Make information in the code easy to find



Title 20, existing



Contains

- 1 chapter: Administration of Land Use and Zoning Applications and Development Regulations
- 33 sections (e.g. 20.01.010),
- 142 sub-sections (e.g. 20.01.010(1)),
- 139 subsub-sections (e.g. 20.01.010(1)(a)),
- 25 sub-subsub-sections(e.g. 20.01.010(1)(a)(i)),
- 9 Subsub-subsub-sections (e.g. 20.01.010(1)(a)(i)(A)), and
- 1 paragraph within a section that was unattached to anything but the session

20.01.260

The notice of decision shall include a statement of the threshold determination made under Chapter 12.04 BMC as amended and the procedures for an appeal (if any) of the permit decision or recommendation. Said notice shall also state that the affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation. The department shall provide notice of the decision to the Pierce County assessor.

(d) In calculating the 120-day period for issuance of the notice of final decision, the following periods shall be excluded:
(i) Any period during which the applicant has been requested by the director to correct plans, perform required studies, or provide additional required information. The period shall be calculated from the date the director notifies the applicant of the need for additional information until the earlier of the date the director determines that the additional information provided satisfies the request for information, or 14 days after the date the additional information is provided to the city.
(ii) If the director determines that the information submitted is insufficient, the applicant shall be informed of the particular insufficiencies and the procedures set forth in subsection (1)(d)(i) of this section for calculating the exclusion period shall apply.

(iii) Any period during which an environmental impact statement (EIS) is being prepared pursuant to Chapter 43.21C RCW. The time period for preparation of an EIS shall be governed by Chapter 43.21C RCW.

(iv) Any period for consideration and issuance of a decision for administrative appeals of project permits, which shall be not more than 90 days for open record appeals and 60 days for closed record appeals, unless a longer period is agreed to by the director and the applicant;

(v) Any period during which the applicant has failed to pay any applicable fees or deposits after having been notified of such by the city shall be excluded from the time period in this chapter;

(vi) Any extension of time mutually agreed to by the director and the applicant.

(g) If the city is unable to issue its final decision on a project permit application within the time limits provided for in this section, it shall provide written notice of this fact to the project applicant. The notice shall include a statement of reasons why

the time limits have not been met and an estimated date for issuance of the notice of decision.

(f) The time limits established in this title do not apply if a project permit application:

(i) Requires an amendment to the comprehensive plan or a development regulation;

(ii) Requires siting approval of an essential public facility as provided in RCW 36.70A.200; or

(iii) Is substantially revised by the applicant, in which case the time period shall start from the date that a determination of completeness for the revised application is issued by the director pursuant to BMC 20.01.130 and RCW 36.70B.010.

(2) Effective Date. The final decision of the council, hearing examiner or hearing body shall be effective on the date stated in the decision, motion, resolution, or ordinance; provided, that the appeal periods shall be calculated from the date of issuance of the land use decision, as provided in the Land Use Petition Act, Chapter 36.70C RCW. For the purposes of this chapter, the date on which a land use decision is issued is:

(a) Three days after a written decision is mailed by the city; or, if not mailed, the date on which the city provides notice that a written decision is publicly available;

(b) If the land use decision is made by ordinance or resolution by the city council sitting in a quasi-judicial capacity, the date the city council passes the ordinance or resolution;

(c) If neither subsection (2)(a) nor (b) of this section applies, the date the decision is entered into the public record. (Ord. 06-16 § 25, 2016; Ord. 08-19 § 3 (Exh. B), 2010; Ord. 11-69 § 1, 2005).

20.01.260 Appeals.

(1) Appeal of Administrative Interpretations and Decisions. Administrative interpretations and administrative decisions may be appealed to the appeal authority designated in BMC 20.01.030, Table 1, by applicants or parties of record within 14 days from the date of the decision.

(a) SEPA determinations shall be appealed to the hearing examiner; provided, that an appeal of a determination of significance shall follow Chapter 43.21C RCW and Chapter 197-11 WAC.

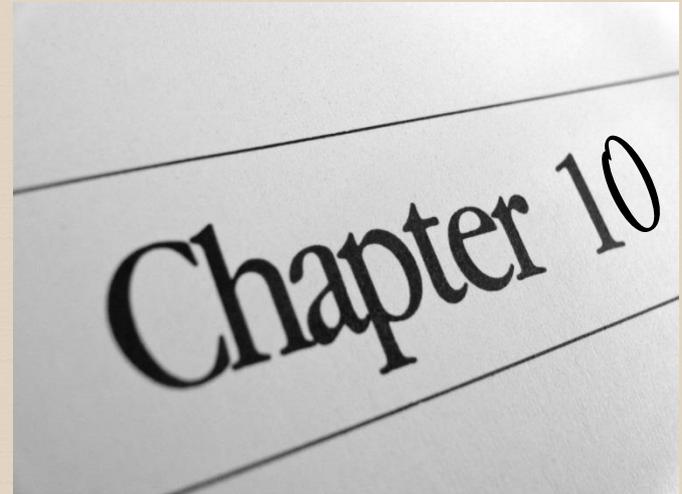
(2) Consolidated Public Hearing. All appeals of SEPA threshold determinations made pursuant to Chapter 12.04 BMC, as amended (other than determinations of significance) shall be considered together with the decision on the project application in a single, consolidated public hearing.

Title 20, proposed



Contains:

- 10 chapters by topic
- 81 Sections
- 144 Sub-sections
- 135 Subsub-sections
- 39 Sub-subsub-sections



Section 1.01.060



- ❧ Definitions for code
- ❧ Moving some from Title 20

Chapter 3.81



- ❧ Fees for development review
- ❧ Moved to Title 20

Chapter 19.42



- ❧ Shoreline Master Program permits
- ❧ Currently addressed in Shoreline Master Program & this chapter
- ❧ Move 19.42 sections speaking of permits to Title 20

New chapters



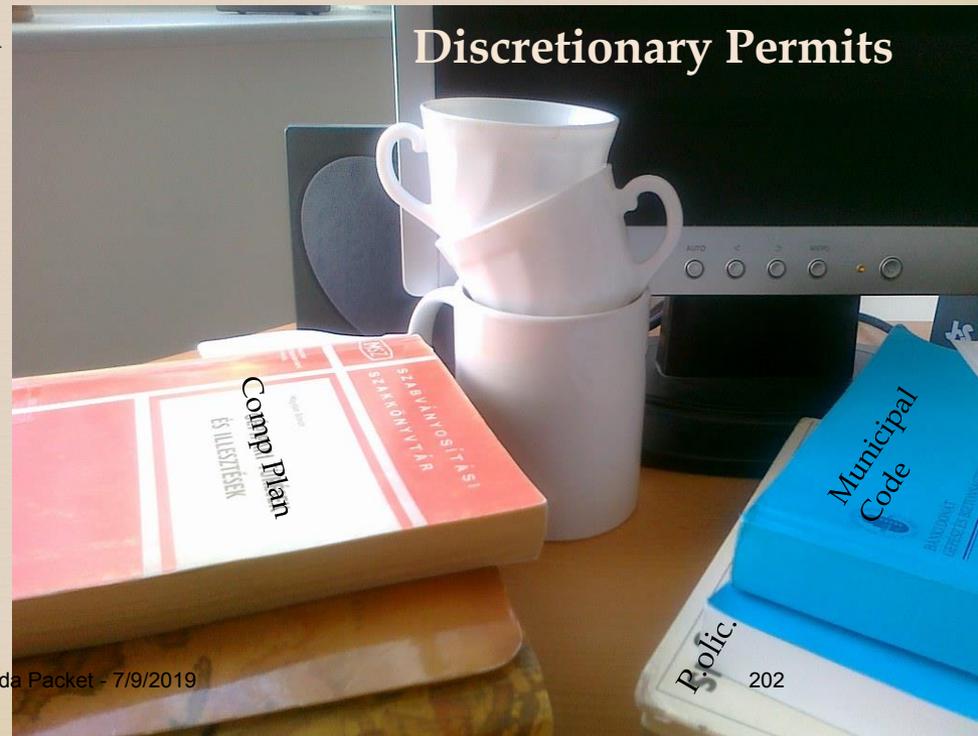
- ❧ 20.02, General provisions
 - ❧ Purpose statement
 - ❧ Conflict
 - ❧ Development fees (BMC 3.81)
 - ❧ Legislative actions
- ❧ 20.04, Definitions
- ❧ 20.08, Procedures and permit types
 - ❧ Two tables with notes
 - ❧ Application process
 - ❧ Application type



New chapters



- ❧ 20.12, Exemptions from this title
- ❧ 20.16, Pre-application conferences
- ❧ 20.20, Processes for all project permit applications
 - ❧ Director's determination
 - ❧ Submittal requirements
 - ❧ Time requirements
- ❧ 20.24, Projects requiring two or more permit applications – optional consolidation

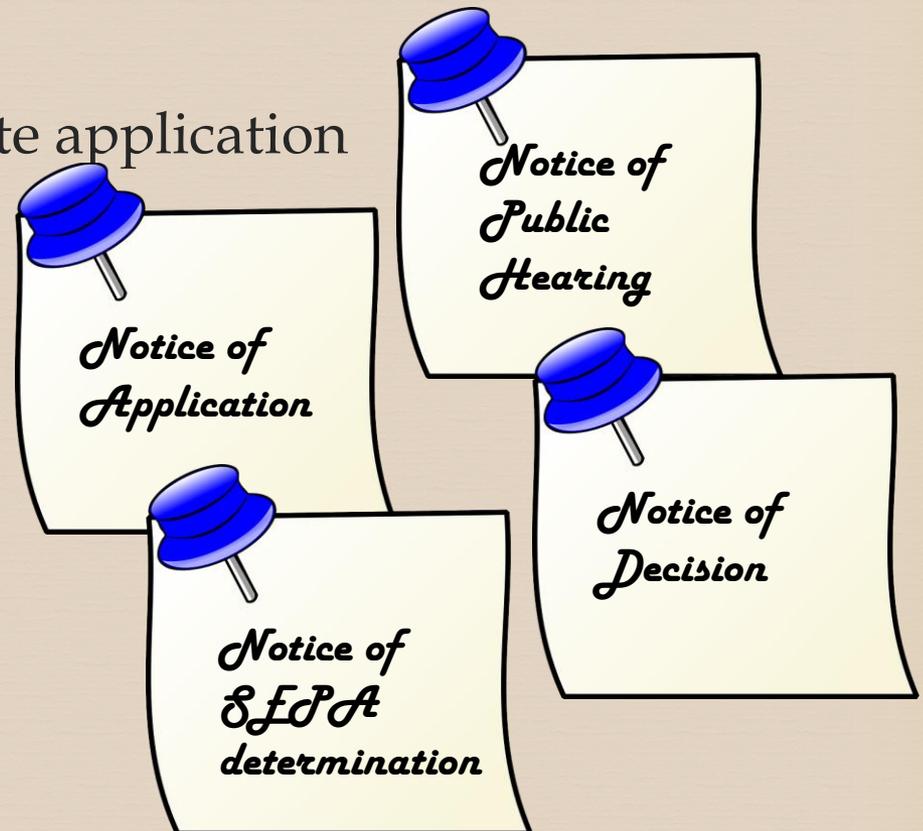


New chapters



20.28, Notices

- ❧ Determining a complete application
- ❧ Notices of application
- ❧ Distribution
- ❧ Hearing notices
- ❧ Notices of decision



New Chapters



- ❧ 20.32, Appeals
 - ❧ Contents
 - ❧ Filing
 - ❧ Procedures
 - ❧ Decision
- ❧ 20.36, Shoreline permits
 - ❧ Import from revised 19.42



Issue summary 1



- ❧ All citations need to be checked for accuracy before transmittal

- ❧ BMC 1.01.060, code definitions; these were moved from this ordinance to the telecommunications ordinance
 - ❧ If these definitions are not passed prior to sending this ordinance to council, they should be included in this transmittal

Issue summary 2



- ❧ Proposed BMC 20.08.030, Table 2:
 - ❧ Shoreline permit section numbers
 - ❧ Design review processes, and the asterisk at the bottom of the table
 - ❧ Telecommunication permits

- ❧ Proposed BMC 20.36, Shoreline permits: these section numbers need to be replaced by the sections approved by ecology as part of the SMP review

Next Steps



- ❧ Complete hearing
 - ❧ Consider comments
 - ❧ Revise ordinance and report as needed

 - ❧ Decide to consider at next meeting
- OR
- ❧ Transmit to city council with recommendation

Questions?



End

CITY OF BUCKLEY

ORDINANCE NO. ____ - 19

AN ORDINANCE OF THE CITY OF BUCKLEY, WASHINGTON, AMENDING REPEALING CHAPTER 3.84 BMC; REPEALING CHAPTER 20.01 BMC; ADDING A NEW TITLE 20 BMC; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the city desires to have internally consistent code that is easy to read; and

WHEREAS, Chapter 36.70B RCW requires certain regulatory elements to be in our code; and

WHEREAS, the existing Title 20 BMC is designed to contain all the information required by Chapter 36.70B RCW in one chapter; and

WHEREAS, the existing Title 20 BMC is difficult to navigate; and

WHEREAS, Chapter 3.81 BMC contains some permit fee regulations, as does Chapter 20.01 BMC; and

WHEREAS, in reviewing Chapter 20.01 BMC, the city discovered some differences with Chapter 3.81 BMC concerning fees; and

WHEREAS, a single location for permit fee regulations is preferred; and

WHEREAS, the Shoreline Master Program is under review and the adopting ordinance contains certain sections for review under BMC 19.42 that are appropriate for this title; and

WHEREAS, the planning commission reviewed Chapter 20.01 BMC and broke the single chapter into several topical chapters to make the information easier to find and understand; and

WHEREAS, the "60-day notice" expedited review request was received by the Washington State Department of commerce April 25, 2019, under Submittal ID Number 2019-S-123; and

WHEREAS, environmental review was completed and a determination of non-significance (DNS) was issued May 1, 2019; and

WHEREAS, the expedited review request was granted on May 13, 2019; and

WHEREAS, a public hearing notice was published May 15, 2019; and

WHEREAS, the planning commission conducted a public hearing on this proposal on June 3, 2019; and

WHEREAS, the planning commission heard no comments at the hearing, and on June 17, 2019, recommended the city council adopt the proposed ordinance;

NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF BUCKLEY, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Chapter 3.81 is repealed.

Section 2. Chapter 20.01, Administration of Land Use and Zoning Applications and Development Regulations, is hereby repealed in toto and replaced with the following:

Title 20, Land use and development.

20.02, General provisions and fees.

20.02.005 Scope.

Title 20 applies to the processing of project permit applications except to the extent exempted under Chapter 20.12 BMC. Legislative actions are only addressed to the extent expressly identified in Title 20.

20.02.010 Purpose.

In enacting this title, the city council intends to establish an integrated permit review process, including environmental review, that implements the provisions of Chapter 36.70B RCW (the Regulatory Reform Act, ESHB 1724) while ensuring compliance, conformity, and consistency of proposed projects with the city's adopted comprehensive plan and development regulations.

20.02.020 Conflict with other procedures.

In the event of a conflict in project application and/or public hearing procedures found elsewhere in the Buckley Municipal Code and the requirements of this title, except for the city's Shoreline Master Program, the requirements and procedures set forth in this title shall prevail. For conflicts with the Shoreline Master Program, the more restrictive provision shall apply unless an alternative interpretation is necessary to assure compliance with both the Shoreline Management Act and the Regulatory Reform Act.

20.02.030 Application fees and costs incurred by the city.

(1) The applicant shall be charged the amount charged to the city by outside-contracted consultants; the city may charge an overhead.

- (a) Any of the city's outside consultants, when asked by the city to provide services in connection with any proposed development, shall submit a cost estimate to the city planner for the services to be provided.

- (b) The applicant for the proposed development shall pay a deposit in the amount specified in the city's Taxes Rates, and Fees chart in addition to the consultant costs identified in BMC 20.02.030(1)(a).
- (c) The city planner will forward the total amount of permit fees and consultant estimates to the applicant for payment, prior to application submittal.
- (d) In the event the deposit is not depleted, it shall be returned to the applicant.
- (2) The land use and/or permit applicant shall pay to the city all costs incurred by the city that are associated with processing the land use proposals.
 - (a) No application shall be considered complete under this title until sufficient fees are provided.
 - (b) All costs associated with public notices shall be borne by the applicant.
 - (c) City and consultant reimbursables include, but are not limited to, staff time for application review, assessment, engineering, inspections, legal, secretarial, administrative costs, cost of publications, and other city processing costs.
- (3) Fees for routine city processing costs for building and land use applications, permits and agreements shall be as set forth by resolution of the city council.
 - (a) Non-routine or complex projects for which a pre-application conference is called shall establish fees based on an estimation of staff time that would likely be required to complete review and issue a recommendation to the decision maker. In such cases, the director shall estimate the amount of all costs anticipated to be incurred by the city associated with processing the proposal, including engineering, inspection, legal and administrative costs, and staff time.
 - (b) Hourly rates for city staff time to process land use and/or permit applications shall be as established by resolution of the city council.
- (4) If the cost of review exceeds the initial refundable fee amount, the city shall immediately notify the applicant in writing of the estimated additional fee amount required for the review.
- (5) Except for agreed-upon emergencies, deposit amounts, intake fees, and hourly charges for permit applications submitted after the work is begun shall be doubled, unless otherwise specified.

20.02.040 Legislative procedures and limitations.

- (1) The administrative procedures for the legislative decisions specified in this chapter are set forth coordinately by adopted ordinances.
- (2) Nothing in this title or the permit processing procedures shall limit the authority of the city to make changes to the Buckley comprehensive plan, as part of an annual revision process, or to the city's development regulations, or to undertake any other legislative actions.

20.04, Definitions.

20.04.010 Definitions.

In addition to the definitions in BMC 1.01.060 and 070, the following definitions shall apply throughout this title:

20.04.020 Adequate public facilities

"Adequate public facilities" means facilities which have the capacity to serve development without decreasing levels of service below locally established minimums.

20.04.030 Adjacent landowners.

“Adjacent landowners” means the owners of real property, as shown by the records of the county assessor, located within 300 feet of any portion of the boundary of the proposed subdivision.

20.04.040 Aggrieved party.

“Aggrieved party” is a party of record who can demonstrate all of the following:

- (1) The land use decision has prejudiced or is likely to prejudice that person;
- (2) That person’s asserted interests are among those that the local jurisdiction was required to consider when it made the land use decision;
- (3) A judgment in favor of that person would substantially eliminate or redress the prejudice to that person caused or likely to be caused by the land use decision; and
- (4) The petitioner has exhausted his or her administrative remedies to the extent required by law.

20.04.xxx Appellant.

“Appellant” means a person, organization, association or other similar group who files a complete and timely appeal of a city decision.

20.04.xxx Applicant.

“Applicant” means a person who is the owner of the subject property or the authorized representative of the owner of the subject property, and who has applied for land use permits.

20.04.xxx Closed record appeal.

“Closed record appeal” means an administrative appeal on the record to a local government body or officer, including the legislative body, following an open record hearing on a project permit application when the appeal is on the record with no or limited new evidence or information allowed to be submitted and only appeal argument allowed. Only parties of record to the open public hearing may participate in the closed record appeal.

20.04.xxx Complete application.

“Complete application” means an application that contains all material required for that permit as stated in appropriate sections of the Buckley Municipal Code and the appropriate application form, and is determined to be complete by a letter to the applicant; or an application for which no determination of incomplete application was made within the required timeframe.

20.04.xxx Concurrency.

"Concurrency" means that, based on the schedule of improvements in the appropriate element of the comprehensive plan, each concurrency facility will have capacity to serve the development at time of occupancy, or reasonably soon thereafter, at the adopted the level of service.

20.04.xxx Consistency.

"Consistency" means that no feature of a plan or regulation is incompatible with any other feature of a plan or regulation. Consistency is indicative of a capacity for orderly integration or operation with other elements in a system.

20.04.xxx Department.

“Department” means the city of Buckley planning department.

20.04.xxx Determination of complete application.

“Determination of complete application” means information required for a complete application by City regulations has been submitted.

20.04.xxx Director.

“Director” shall mean the City of Buckley planning department director or the director’s designee.

~~**20.04.xxx Effective Date of Decisions.**~~

~~All final decisions shall be as described in BMC 20.24.070.~~

20.04.xxx Effective Date of Notices.

All notices provided to applicants and any members of the public shall be deemed given on the third day after deposit in the U.S. mail, first class postage prepaid.

20.04.xxx Ministerial.

“Ministerial” means an action that allows for little discretion and requires adherence to previous decisions or adopted rules and regulations.

20.04.xxx Notice of application.

“Notice of application” means a formal notice stating a submitted project meets the minimum submittal requirements as stated by appropriate codes.

20.04.xxx Notice of decision.

“Notice of decision” means a formal notice stating a project was reviewed and decided.

20.04.xxx Open record hearing.

- (1) “Open record hearing” means a hearing, conducted by a single hearing body or officer, that creates the record through testimony and submission of evidence and information.
- (2) An open record hearing may be held prior to a decision on a project permit to be known as an “open record pre-decision hearing.”
- (3) An open record hearing may be held on an appeal, to be known as an “open record appeal hearing,” if no open record pre-decision hearing was conducted on the project permit.

20.04.xxx Parties of record.

“Parties of record” means the land use permit applicant, persons who have testified at an open record hearing, and any persons who have submitted written comments concerning the application that form part of the public record that is considered at the open record hearing.

20.04.xxx Project permit.

“Project permit” or “project permit application” means any land use or environmental permit or license required from a local government for a project action, including but not limited to building permits, subdivisions, binding site plans, planned unit developments, conditional uses, shoreline substantial development permits, site plan review, permits or approvals required by critical area ordinances, site-specific rezones authorized by a comprehensive plan or subarea

plan, but excluding the adoption or amendment of a comprehensive plan, subarea plan, or development regulations except as otherwise specifically included in this subsection.

20.04.xxx Public hearing.

Public hearing. See “Open record hearing.”

20.04.xxx Quasi-judicial permit.

Quasi-judicial actions of decision-making bodies are those actions of the City Council, planning commission, hearing examiner, board of adjustment, or other decision makers or hearing bodies who determine or make recommendations upon the legal rights, duties, or privileges of specific parties in a hearing or other contested case proceeding.

20.04.xxx Review authority.

“Review authority” is a person or board or commission authorized by City regulations to make a decision or recommendation on a project permit application or land use regulation or policy.

20.04.xxx Type A-1 permit or process.

“Type A-1 permit or process” means a process that involves an application that is subject to clear, objective and nondiscretionary standards that require the exercise of professional judgment about technical issues and therefore does not require public participation. This includes decisions regarding application of fees and codes similar to and including building and construction codes.

20.04.xxx Type A-2 permit or process.

“Type A-2 permit or process” means a process that involves an application that is subject to objective and subjective standards that require the exercise of limited discretion about nontechnical issues and about which there may be a limited public interest.

20.04.xxx Type A-3 permit or process.

“Type A-3 permit or process” means an application that is subject to objective and subjective standards that require the exercise of discretion about nontechnical issues and about which may be a public interest.

20.04.xxx Type C-1, C-2, C-3 permit or processes

“Type C-1, C-2, C-3 permits or processes” means processes which involve applications that generally require the exercise of substantial discretion and about which there is a broad public interest.

20.08, Permit types.

20.08.010 Purpose.

The purpose of this chapter is to identify methods in which decisions within the city are made.

20.08.020 Types of development permit applications.

For the purpose of project permit processing, all development permit applications shall be subject to one or more of the following:

- (1) Administrative procedures, Type A procedures.

- (a) Type A-1; this process does not require public notice;
 - (b) Type A-2; this process requires public notice;
 - (c) Type A-3; this process requires public review with a review committee or commission, such as the planning commission.
- (2) Legislative procedures, Type C procedures.
- (a) Type C-1; is legislative or quasi-judicial and requires public hearings. The decision-making body for Type C-1 processes is the city council.
 - (b) Type C-2; processes are quasi-judicial and requires public hearings (the decision-making body shall be the hearing examiner, except the city council shall be the decision-making body for site specific rezones, mobile home parks, planned unit developments, major planned unit development amendments and any other permit project approval requiring adoption of an ordinance).
 - (c) Type C-3; processes are largely ministerial or administrative and do not require a public hearing (the decision-making body for Type C-3 is the city council).

20.08.030 Procedures for processing development project permits.

Project Permit Application Framework. The project permit application framework is set forth in Tables 1 and 2 as follows:

Table 1: Application Process						
Procedural Steps	Application Process					
	Type "A" Administrative decisions			Type "C" Legislative decisions Planning Commission, Hearing Examiner and City Council		
	Type A-1 ⁷	Type A-2	Type A-3	Type C-1	Type C-2	Type C-3
Recommendation by:	N/A	N/A	Staff	Staff	Staff	Staff
Notice of application ⁶	No	Yes	No	Yes	Yes	No
Open Record Public Hearing	See Note ¹	See Note ¹	No	Yes Planning Commission	Yes Hearing Examiner	No
Final Decision-Making Body	Staff	Staff	Planning Commission	City Council	Hearing Examiner/City Council ³	City Council
Appeal Authority ⁵	Hearing Examiner	Hearing Examiner ²	Hearing Examiner	Pierce County Superior Court ⁴	Pierce County Superior Court	Pierce County Superior Court
1. Note: Public hearing only on appeal of an administrative decision, open record hearing before hearing examiner.						
2. SEPA appeals are to be consolidated with the hearing on the underlying permit as required by the SEPA rules.						
3. Note: Council is the final decision-making body for mobile home parks, planned unit developments, all rezones, and major PUD amendments.						
4. Note: Comprehensive plan amendments, shoreline permits, BMC land use text amendments and area-wide rezones are potentially appealable to the Growth Management Hearings Board or Shoreline Hearings Board.						
5. No assurances are made as to the accuracy of Table 1 in identifying the appellate forum with jurisdiction to hear appeals of final city decisions. It is the responsibility of the appellant to determine where to file appeals of final city decisions.						
6. Notices of Application are not required for project permits that are categorically exempt under SEPA unless a public comment period or public hearing is required per RCW 36.70B.110(5).						
7. Small cell permits appeals go directly to court.						

Table 2: Application Type

Type A-1 administrative without notice; Type A-2 administrative with notice; **Type A-3 administrative decision with a decision by the planning commission;** Type C-1 legislative or quasi-judicial with a recommendation from a commission; Type C-2 quasi-judicial with the hearing examiner; Type C-3 ministerial or administrative with the city council.

Title and Chapter	Permit	Permit Type					
		A-1	A-2	A-3	C-1	C-2	C-3
	Title 12, Environment						
<u>12.08.130</u>	Critical area exemption	A-1					
<u>12.08.140</u>	Critical area exception – public agency and utility					C-2	
<u>12.08.330</u>	Critical areas variance					C-2	
<u>12.08.260</u>	Innovative wetland mitigation					C-2	
<u>12.08.150</u>	Reasonable use exception					C-2	
12.04	SEPA determination		A-2				
20.36.020(2)	Shoreline exemption	A-1					
20.36.040	Shoreline substantial development permit		A-2				
20.36.040	Shoreline conditional use permit					C-2	
20.36.040	Shoreline variance					C-2	
<u>12.08.130</u>	Wetland exemptions	A-1					
<u>12.11.040</u>	Floodplain development permit	A-1					
	Title 16, Buildings and Construction						
<u>16.06.020</u>	Building and other construction permits	A-1					
<u>16.80.010</u>	Canopies	A-1					
<u>16.12.070</u>	Fences	A-1					
<u>16.12.070</u>	Fence variances			A-3			
<u>16.01.010</u>	Land disturbing activity permit	A-1					
<u>16.40.040</u>	Mobile home installation permit	A-1					
<u>14.06.140</u>	Sewer permit	A-1					
13.08.010	Sidewalk construction permit	A-1					
<u>16.10.010</u>	Temporary dwelling permit	A-1					
<u>14.06.390</u>	Wastewater discharge (also from state DOE)	A-1					
	Title 17, Design and Construction Standards, and Development Guidelines and Public Works Standards (DGS)						
17.08	Acceptance of public improvement						C-3
<u>17.08.050</u>	Dedication of public easements and rights-of-way						C-3
DGS 4.07(C)	Frontage improvement exceptions						C-3
DGS 4.21	Light standards	A-1					
	Modification of public improvement requirement						C-3
DGS 2.02	Major variances of Development Guidelines and Public Works Standards						C-3
DGS 2.02	Minor variances of Development Guidelines and Public Works Standards	A-1					
DGS 2.01	Right-of-way use permits	A-1					
	Title 18, Subdivisions						
<u>18.34.040</u>	Boundary line adjustment	A-1					
<u>18.34.040</u>	Boundary line adjustment, non-conforming lots						C-3
	Binding site plans						

Title and Chapter	Permit	Permit Type					
		A-1	A-2	A-3	C-1	C-2	C-3
<u>18.36.060</u>	Preliminary binding site plans					C-2	
<u>18.36.090</u>	Final binding site plan amendments						C-3
<u>18.36.070</u>	Adjustments (minor) to binding site plan approved plans	A-1					
<u>18.36.070</u>	Adjustments (not minor) to binding site plan approved plans					C-2	
	Short subdivisions (short plats)						
<u>18.32.070</u>	Preliminary short subdivisions		A-2				
<u>18.32.080</u>	Final short subdivisions						C-3
<u>18.32.100</u>	Amendments (minor) to unrecorded short plats	A-1					
<u>18.32.100</u>	Amendments to approved or recorded final short plats						C-3
	Subdivisions (long plats)						
<u>18.16.020</u>	Preliminary subdivisions (long plats)					C-2	
<u>18.16.030</u>	Final subdivisions						C-3
	Amendments to approved (not recorded) preliminary plats					C-2	
RCW <u>58.17.215</u>	Amendments to approved (recorded) final plats (alteration of recorded plat)						C-3
	Title 19, Zoning						
<u>19.06.030</u>	Comprehensive plan amendments				C-1		
<u>19.08.070</u>	Administrative interpretation	A-1					
<u>19.20.010</u>	Commercial height modification		A-2				
<u>19.40.120</u>	Conditional use permits, zoning code					C-2	
<u>19.50.040(1)</u>	<u>Design review, major^c</u>						<u>C-3</u>
<u>19.50.040(2)</u>	<u>Design review, minor^c</u>			A-3			
<u>19.52</u>	Development code text amendments				C-1		
<u>19.32.050</u>	Home occupation Type A with minor impact	A-1					
<u>19.32.060, 19.40</u>	Home occupation Type B with potential impacts					C-2	
<u>19.34.020</u>	Mobile home parks					C-2 ^a	
<u>19.30.140</u>	<u>Off premises directional signs</u>	<u>A-1</u>					
<u>19.30.060</u>	Sign permit	A-1					
<u>19.33</u>	Site plan reviews (commercial/industrial)					C-2	
	Site plan review, administrative		A-2				
<u>19.33.090</u>	Site plans amendment commercial/industrial/multifamily					C-2	
<u>19.33.090</u>	Site plans – technical adjustment	A-1					
<u>19.52</u>	Rezones, legislative				C-1		
<u>19.52</u>	Rezones, site-specific					C-2	
	Planned unit developments (PUDs)					C-2 ^a	
	• PUD amendments					C-2 ^a	
	• PUD amendments – technical adjustment	A-1					
<u>19.25.090</u>	^b Telecommunication facilities (collocation)	A-1					
<u>19.25.110</u>	^b Telecommunication facilities waiver						<u>C-3</u>
<u>19.25.110</u>	^b Telecommunication macro facilities					<u>C-2</u>	
<u>19.25.110</u>	^b Telecommunication facilities variance					<u>C-2</u>	
<u>19.25.110</u>	^b Telecommunication macro facilities, waiver, or variance					<u>C-2</u>	
<u>19.25.170</u>	^b Telecommunication – Eligible facility requests	A-1					
<u>19.25A.</u>	^b Telecommunication – small cell facilities;	A-1					
<u>19.30.210</u>	Variances, sign code			A-3			
<u>19.40.020</u>	Variances, zoning					C-2	

- ^a The hearing examiner shall give a recommendation to the city council for decisions on applications for site specific rezones, mobile home parks, planned unit developments, and major planned unit development amendments.
 - ^b Telecommunication facilities shall follow the shot clocks (time requirements) required by the FCC for complete applications, permit review, permit consolidation, conditions, approvals, and appeals.
 - ^c “Major” and “minor” as described in BMC 19.50.040.
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20.12, Exemptions.

20.12.010 Purpose.

The purpose of this chapter is to identify permit processes that are not subject to notice requirements.

20.12.030 Exemptions to this title.

- (1) A permit determined to be exempt from this chapter shall be exempt from the following provisions of this title unless otherwise specified:
 - (a) Determination of complete application;
 - (b) Notice of application;
 - (c) Optional consolidated project permit processing;
 - (d) Joint public hearings;
 - (e) Staff reports;
 - (f) Notice of decision; and
 - (g) Time requirements.
- (2) The following permits are exempt from the provisions of this title unless otherwise specified in this code:
 - (a) Type A-1 Administrative Permits. Pursuant to RCW 36.70B.140(2), Type A-1 permits include lot line or boundary adjustments, building and other construction permits, or similar administrative approvals.
 - (b) Type A-3 reviews. Type A-3 reviews are permits that need an advisory review by a committee or a commission and a decision by the planning commission. They include design review and fence variances. No notice is required for advisory reviews.
 - (c) SEPA determinations and processes executed under BMC 12.04.
- (3) Legislative decisions. The following legislative decisions are not subject to the procedures in this title:
 - (a) Landmark designations;
 - (b) Street vacations;
 - (c) City of Buckley comprehensive plan adoption and amendments;
 - (d) Municipal code amendments (zoning code text, development regulations and zoning district amendments);
 - (e) Area-wide rezones to implement city policies contained within the city of Buckley comprehensive plan and all amendments;
 - (f) Annexations; and
 - (g) All other master land use and utility plans and all amendments.
- (4) The administrative procedures for the legislative decisions specified in this section are set forth coordinately by adopted ordinances. Nothing in this chapter or the permit processing

procedures shall limit the authority of the city to make changes to the Buckley comprehensive plan, as part of an annual revision process, or to the city's development regulations, or to undertake any other legislative actions.

20.16, Pre-application conferences.

20.16.010 Purpose.

- (1) The purpose of the pre-application conference is to familiarize the applicant with the requirements of the Buckley Municipal Code and allow the director or designee to provide the applicant with preliminary comments based upon the applicant's preliminary concept of the proposal.
- (2) The information is designed to be general in nature to give the applicant enough information to decide whether the proposal is feasible.
- (3) Pre-application conferences should include information on the requirements for a complete application.
- (4) Pre-application conferences are required for site plan reviews required under BMC 19.33.
- (5) Pre-application conferences are required for subdivisions and short plats, and may be performed after application submittal at the choice of the applicant.
- (6) Pre-application conferences may be performed for any project if requested by the applicant, with permission from the property owner.

20.16.020 Vesting.

A pre-application conference doesn't vest an application.

20.16.030 Assurances unavailable.

- (1) It is impossible for the pre-application conference to be an exhaustive review of all potential issues.
- (2) The discussions at the conference or the forms provided by the city to the applicant under this section shall not bind or prohibit the city's future application or enforcement of all applicable law and ordinances.
- (3) No statements or assurances made by city representatives shall in any way relieve the applicant of his or her duty to submit an application consistent with all relevant requirements of city, state, and federal codes, laws, regulations and land use plans.

20.16.040 Scheduling.

Final drawings are discouraged at the pre-application stage; at a minimum, the submittal materials must include the following:

- (1) A completed pre-application request form and fee;
- (2) Permission from the land owner for the pre-application to occur.
- (3) A preliminary sketch or conceptual design that illustrates the applicant's generalized ideas of the proposal. The sketch or conceptual design shall include:
 - (a) Approximate lot lines.
 - (b) General topography of the site.
 - (c) All access roads and driveways serving the site including both public and private.

- (d) Driveways and access routes around and opposite the site shall be shown.
- (e) Proposed vehicle and pedestrian access to the site.
- (f) Proposed utilities.
- (g) All land uses on adjacent properties.

20.16.050 Pre-application conference.

- (1) City staff, including the building official, city administrator, public works director, city engineer, city attorney, police chief, and fire chief, all as deemed necessary by the director, shall attend the pre-application conference as scheduled by the director to discuss the application to the land development proposal under consideration of codes, ordinances, regulations and policies administered by that department, including any recommendation for referral for plan review to the International Conference of Building Officials, if appropriate for a complex proposal.
- (2) The director shall preside at the pre-application conference and shall make a list of the approvals and permits required for the land development proposal as identified by the department heads.
- (3) At or subsequent to the conference the director shall provide the applicant with:
 - (a) A summary that lists the requirements for a complete application;
 - (b) A summary of the procedures to be used to process the application;
 - (c) References to relevant code provisions or development standards that may apply to the processing or approval of the application.
 - (d) Information on all applicable application fees.
- (4) The applicant shall submit the application for the proposal within a year after the pre-application conference.

20.16.060 Consecutive pre-application conferences.

An applicant may request additional pre-application conferences.

20.20, Processes for all project permit applications.

20.20.010 Purpose.

The purpose of this chapter is to list items that are common to all project permit applications.

20.20.020 Determination of Director.

- (1) The director shall determine the proper procedure for all development applications.
- (2) If there is a question as to the appropriate type of procedure, the director shall resolve it in favor of the higher procedure type letter as defined in BMC 20.08.030.
- (3) The director's determination is an A-1 decision.

20.20.030 Consolidation.

Project permit applications shall be consolidated into one project file if requested by the applicant in accordance with BMC 20.24.020.

20.20.040 Application Forms.

Applications for project permits shall be submitted upon forms provided by the director.

20.20.050 Submittal Requirements.

A project permit application shall consist of all materials required by the applicable development regulations, and shall include the following general information:

- (1) A completed project permit application form;
- (2) A SEPA checklist if required by the SEPA official.
- (3) A verified statement by the applicant that the property affected by the application is in the exclusive ownership of the applicant, or that the applicant has submitted the application with the written consent of all owners of the affected property. A photocopy of the property deeds shall be provided;
- (4) A property and/or legal description of the site, as required by the applicable development regulations;
- (5) The applicable fee;
- (6) A site plan, showing the proposal, points of access and utilities, and identifying all easements, deeds, restrictions, or other encumbrances restricting the use of the property, if applicable;
- (7) For all permits that require public notices, assessor's maps and a list of tax parcels and their owners for all properties within 300 feet of the property and properties to which public notice must be sent as provided in BMC 20.28.080.
- (8) Any supplemental information or special studies identified by staff, together with the pre-application notes for A-2 and C-2 permits;
- (9) In addition to requirements of this section, complete application requirements for the land use permits set forth in other chapters of the Buckley Municipal Code;
- (10) For A-2 and C-2 permits, a statement indicating how the project will not reduce transportation levels of service within the time required by RCW 36.70B.040.
- (11) A statement verifying the project's likely consistency with city codes, and the goals and policies of the comprehensive plan.

20.20.060 Submittal requirements waived.

The director may waive specific submittal requirements determined to be unnecessary for review of an application. In such event, the director shall document the waiver in the project file or project log.

20.20.070 Time requirements.

The director shall issue a notice of final decision for project permit applications within 120 days of the issuance of the determination of completeness pursuant to BMC 20.28.040; provided, that the time period for issuance of a notice of final decision on a preliminary plat and preliminary short plat shall be 90 days and for a final plat or final short plat 30 days to the extent that these shorter time periods are mandated by state law and only if those applications have not been returned to the applicant for further information. Plat applications returned for further information shall have their notices of final decision issued within 120 days subject to the exclusions identified below.

- (1) In calculating the 120-day period for issuance of the notice of final decision, the following periods shall be excluded:
- (2) Any period during which the applicant has been requested by the director to correct plans, perform required studies, or provide additional required information. The period shall be

calculated from the date the director notifies the applicant of the need for additional information until the earlier of the date the director determines that the additional information provided satisfies the request for information, or 14 days after the date the additional information is provided to the city;

- (a) If the director determines that the information submitted is insufficient, the applicant shall be informed of the particular insufficiencies and the procedures set forth in this subsection for calculating the exclusion period shall apply;
 - (b) Any period during which an environmental impact statement (EIS) is being prepared pursuant to Chapter 43.21C RCW. The time period for preparation of an EIS shall be governed by Chapter 43.21C RCW;
 - (c) Any period for consideration and issuance of a decision for administrative appeals of project permits, which shall be not more than 90 days for open record appeals and 60 days for closed record appeals, unless a longer period is agreed to by the director and the applicant;
 - (d) Any remand to the planning commission, hearing examiner or director;
 - (e) Any period during which the applicant has failed to pay any applicable fees or deposits after having been notified of such by the city shall be excluded from the time period in this chapter;
 - (f) Any extension of time mutually agreed to by the director and the applicant.
- (3) If the city is unable to issue its final decision on a project permit application within the time limits provided for in this section, it shall provide written notice of this fact to the project applicant. The notice shall include a statement of reasons why the time limits have not been met and an estimated date for issuance of the notice of decision.
- (4) The time limits established in this title do not apply if a project permit application:
- (a) Requires an amendment to the comprehensive plan or a development regulation;
 - (b) Requires siting approval of an essential public facility as provided in RCW 36.70A.200; r
 - (c) Is substantially revised by the applicant, in which case the time period shall start from the date that a determination of completeness for the revised application is issued by the director pursuant to BMC 20.28.070 and RCW 36.70B.070.
- (5) All hearing examiner decisions shall be issued within ten working days as required by RCW 35A.63.170.

20.20.080 Action on Project Permit Applications.

A decision or recommendation on a project permit application shall include one of the following actions:

- (1) Approve;
- (2) Approve with additional conditions;
- (3) Modify, with or without the applicant's concurrence; provided, that the modifications do not:
 - (a) Enlarge the area or scope of the project unless the increase is due to added mitigation;
 - (b) Increase the density or proposed building size; or
 - (c) Significantly increase adverse environmental impacts;
- (4) Deny without prejudice (reapplication or resubmittal is permitted);
- (5) Deny with prejudice (reapplication or resubmittal is not allowed for one year); or
- (6) Remand for further proceedings and/or evidentiary hearing in accordance with BMC 20.20.090.

20.20.090 Remand.

A hearing may only be re-opened upon remand if consistent with the one hearing rule of the Regulatory Reform Act, Chapter 36.70B RCW. In the event the decision maker in an administrative appeal or upon receipt of a recommendation for a project permit application determines that the administrative record or decision or recommendation of the lower review authority is insufficient, inadequate or otherwise flawed for the reasons identified below, the decision maker may remand the matter back to the lower or proper review authority issue revised or additional findings of fact and conclusions of law. Remand is available upon a showing of:

- (1) Improper authority as a review authority or grounds for disqualification of those taking the agency action;
- (2) Unlawfulness of procedure or of decision-making process;
- (3) Mistake of material facts or errors in law; or
- (4) Incomplete record.

20.20.100 Reconsideration.

An applicant, the City or a party to a public hearing or closed record appeal may seek reconsideration of a recommendation or a decision of a review authority on a project permit application by filing a written request for reconsideration with the community development department within 10 calendar days following issuance of the written recommendation or final decision.

- (1) All requests for reconsideration shall state specific errors of facts or law.
- (2) The review authority shall consider the request and may schedule argument and/or briefing on the reconsideration request.
- (3) A decision upon reconsideration may be revised to correct for errors in law or material fact or as otherwise necessary to avoid invalidation of the decision or recommendation.
- (4) A decision or recommendation is not final until after a decision on the reconsideration request has been issued.
- (5) Additional evidence may only be admitted for a reconsideration request as authorized under the one hearing rule of the Regulatory Reform Act, Chapter 36.70B RCW.
- (6) Decisions on reconsideration requests issued by the hearing examiner or other review authorities who do not have regularly scheduled meetings shall be issued within ten working days of the date the record is closed on the reconsideration request.
- (7) Decisions upon reconsideration issued by review authorities with regularly scheduled meetings shall be issued by the next regularly scheduled meeting after the reconsideration request has been reviewed unless additional time is necessary upon a showing of good cause, such as lack of a quorum.
- (8) Recommendations in staff reports to any review authority shall not be subject to reconsideration.

20.20.110 Notice.

Permits that require notices are listed in the table in BMC 20.08.030.

20.20.120 Appeals.

All permits can be appealed in accordance with the table in BMC 20.08.030.

20.24 Projects requiring two or more permit applications – optional consolidation.

20.24.010 Consolidation option.

A project that involves two or more project permit applications may be subject to a consolidated project permit review process as established in this chapter. The applicant may determine whether the applications shall be processed collectively or individually. If the applications are processed under the individual procedure option, the highest type procedure must be processed prior to the subsequent lower procedure.

20.24.020 Consolidated permit processing.

- (1) When project permits are consolidated, the permit procedures of the project permit with the highest permit type shall apply to all of the consolidated project permit applications.
- (2) All project permits being reviewed through the consolidated permit review process shall follow at least the requirements of BMC 20.28.050, 20.28.070, and 20.28.120; and
- (3) A single report stating all the decisions made as of the date of the report on all project permits included in the consolidated permit process that do not require an open record pre-decision hearing and any recommendations on project permits that do not require an open record pre-decision hearing.
 - (a) The report shall state any mitigation required or proposed under the development regulations or the agency's authority under RCW 43.21C.060.
 - (b) The report may be the local permit.
 - (c) If a threshold determination other than a determination of significance has not been issued previously by the local government, the report shall include or append this determination. (RCW 36.70B.060(5))

20.24.030 Public hearing for consolidated applications.

The review process shall provide for no more than one consolidated open record hearing and one closed record appeal. If an open record pre-decision hearing is provided prior to the decision on a project permit, the process shall not allow a subsequent open record appeal hearing.

20.24.040 Decision-maker(s).

Applications processed in accordance with subsection (2) of this section which have the same highest numbered procedure but are assigned different hearing bodies shall be heard collectively by the highest decision-maker(s) to the extent consistent with state law. The order of decision making authority, from highest to lowest is city council, hearing examiner, and staff.

20.24.050 Consolidation with the other government agencies.

The city is also authorized to consolidate project review with the permit procedures of other government agencies. Joint public hearings with other agencies shall be processed as follows:

- (1) The director may combine any public hearing on a project permit application with any hearing that may be held by another local, state, regional, federal, or other agency, on the proposed action, as long as:
 - (a) The hearing is held either within the city limits; and
 - (b) The requirements of subsection (3) of this section are met.

- (2) The applicant may request that the public hearing on a permit application be combined as long as the joint hearing can be held within the time periods set forth in this chapter. In the alternative, the applicant may agree to a particular schedule if additional time is needed in order to complete the hearings.
 - (3) A joint public hearing may be held with another local, state, regional, federal or other agency and the city, as long as:
 - (a) The other agency is not expressly prohibited by statute from doing so;
 - (b) Sufficient notice of the hearing is given to meet each of the agencies' adopted notice requirements as set forth in statute, ordinance, or rule; and
 - (c) The agency has received the necessary information about the proposed project from the applicant in enough time to hold its hearing at the same time as the local government hearing.
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20.28 Notices.

20.28.010 Purpose.

- (1) The purpose of this chapter is to identify notice requirements for all permit applications that require notices as identified in Table 1 of Section 20.08.030.

20.28.020 Identification of interested parties and other agencies with jurisdiction.

For permits that require a notice of application and/or a public hearing, following shall apply:

- (1) The applicant shall supply with its application a list and associated map of all property owners, as listed by the Pierce County Assessor's Office, within 300 feet of the property boundaries of the property identified in the proposal.
 - (a) If the proposal is contiguous to property owned by the applicant or more than one property is involved in the proposal, the 300 feet shall be drawn from the exterior boundary of the combined parcels.
- (2) To the extent known by the city, other agencies that may have jurisdiction over some aspect of the project permit application shall be identified in the city's determination of complete application, and included in the list of property owners within 300 feet of the proposed project.

20.28.030 Optional additional public notice.

- (1) In addition to the notice requirements of this chapter the city may require or perform one or more of the following optional methods of providing public notice of any project permit are authorized for projects that the Director determines may be of significant public interest:
 - (a) Notify the public or private groups with known interest in a certain proposal or in the type of proposal being considered;
 - (b) Notify the news media;
 - (c) Place notices in appropriate regional or neighborhood newspapers or trade journals;
 - (d) Publish notice in agency newsletters or send notice to agency mailing lists, either general lists or lists for specific proposals or subject areas;
 - (e) Mail to potentially affected property owners; and
 - (f) Place notices on the Internet.

- (2) The city's failure to provide the optional notice as described in this section shall not be grounds for invalidation of any permit decision.

20.28.040 Determination of complete application.

A project permit application is complete for the purposes of this chapter when it meets the submission requirements contained in in this title and the submission requirements contained in the applicable development regulations.

- (1) Within 28 days after receiving a project permit application, the city shall mail a determination to the applicant which states either:
 - (a) That the application is complete; or
 - (b) That the application is incomplete and what is necessary to make the application complete.
- (2) A project permit application shall be deemed complete under this chapter if the city does not provide a written determination to the applicant that the application is incomplete within 28 days of receiving the application. Notwithstanding a failure to provide a determination of complete application, the city may request additional information throughout review of the proposal.
- (3) The city's determination of complete application shall not preclude the city from requiring additional information, that the applicant correct plans or perform studies at any time if new information is required for project review, or if there are substantial changes in the proposed action.
 - (a) If additional information is required during the review process, the applicant shall have 90 days to submit the necessary information to the city.
 - (b) If the applicant either refuses in writing to submit additional information or does not submit the required information within the 90-day period, the director shall determine that the application is abandoned and is therefore withdrawn, according to the procedures of a Type A-1 action. The determination shall be in writing and shall identify the right to appeal.
 - (c) In those situations where the director deems an application withdrawn because the applicant fails to submit the required information within the necessary time period, the applicant will forfeit the application fee.

20.28.050 Incomplete application.

- (1) If the applicant receives a determination from the city that an application is not complete, the applicant shall submit the required information within 90 days to the city.
- (2) Within 14 days after an applicant submits the required information, the city shall determine whether the application is complete or incomplete.
 - (a) After submittal of material, if the city deems the application to be still incomplete, another determination of incomplete application shall be issued.

20.28.060 Notice of application.

- (1) Within 14 days after the date an application is determined to be complete, the review authority shall issue a Notice of Application containing the information required in BMC 20.28.070.
- (2) The Notice of Application shall be distributed and publicized as required by BMC 20.28.080 at least 15 days prior to any open public hearing on the application.

20.28.070 Contents of the notice of application.

Modification to this section may be in the individual chapter requiring the permit or notice, such as shorelines.

- (1) The notice of application shall include:
 - (a) The name of the applicant or applicant's representative and the case file number for the application;
 - (b) The date of application, the date of the determination of complete application for the application and the date of the notice of application;
 - (c) The street address location of the project or, if unavailable, the location in reference to roadway intersections;
 - (d) A description of the proposed project action and a list of the project permits included in the application and, if applicable, a list of any studies requested under this code;
 - (e) The identification of other permits required by other agencies with jurisdiction not included in the application, to the extent known by the city;
 - (f) The identification of existing environmental documents that evaluate the proposed project and the location where the application and any studies can be reviewed;
 - (g) The name of the city staff contact and telephone number;
 - (h) A statement of the limits of the public comment period, and statements of the right of any person to comment on the application, receive notice of and participate in any hearings, request a copy of the decision once made, and any appeal rights.
 - (i) The public comment period shall not be less than 14 days nor more than 30 days following the date of the notice of application.
 - (i) The date, time, place and type of hearing, if applicable and scheduled at the date of the notice of application;
 - (j) A statement of the preliminary determination of consistency with applicable development regulations and the Buckley comprehensive plan, if one has been made at the time of notice, and of those development regulations that will be used for project mitigation and determination of consistency as provided in RCW 36.70B.040;
 - (k) Any other information determined appropriate by the city, such as the city's pending SEPA threshold determination or a statement advising that a final environmental determination shall be made following a comment period;
- (2) If a local government has made a determination of significance under Chapter 43.21C RCW concurrently with the notice of application, the notice of application shall be combined with the determination of significance and scoping notice. Nothing in this section prevents a determination of significance and scoping notice from being issued prior to the notice of application;
- (3) A statement that the final decision on the application will be made within the certain time period established by this title.

20.28.080 Distribution of Notice of Application.

Notices of Application required by Table 1 of BMC 20.08.030 shall be distributed and publicized as follows:

- (1) Posting the property for site-specific proposals shall consist of one or more notice boards posted by the applicant or the applicant's representative. A single notice board shall be placed by the applicant at the midpoint of the site street frontage or as otherwise directed by the city for maximum visibility and where it is completely visible to pedestrians and vehicle traffic.
 - (a) Additional notice boards may be required when:
 - (i) The site does not abut a public road;
 - (ii) A large site abuts more than one public road;
 - (iii) The director determines that additional notice boards are necessary to provide adequate public notice; or
 - (iv) The city may also require notices to be posted in conspicuous places visible on the site or in the vicinity of a proposed action at least 10 days before the close of the comment period.
 - (b) Notice boards shall be:
 - (i) Maintained in good condition by the applicant during the notice period;
 - (ii) In place at least 30 days prior to the date of pre-decision hearing; and
 - (iii) Removed by the applicant within 15 calendar days after the end of the notice period.
 - (iv) An affidavit of posting shall be submitted to the director by the applicant prior to the hearing or final comment date. If the affidavit is not filed as required, any scheduled hearing or date by which the public may comment on the application will be postponed in order to allow compliance with this notice requirement. Notice boards shall be constructed and installed in accordance with specifications promulgated by staff.
- (2) The notice of application shall be published in the city's official newspaper of general circulation. Published notice shall include at least the project's street address or location, project description, type of permit(s) required, comment period dates, and location where the complete application may be reviewed.
- (3) The notice of application shall be mailed to:
 - (a) The applicant and the applicant's representative;
 - (b) Owners of property within a radius of 300 feet of the edge of the property that is the subject of the application:
 - (i) As required by BMC 20.20.050, the applicant shall provide the city with self-addressed, stamped envelopes and a list of adjacent property owners. This list may be created or verified by the city planning department;
 - (ii) Failure of a property owner to receive notice does not invalidate the decision if the notice was sent; a sworn certificate of mailing executed by the person who did the mailing shall be conclusive evidence that notice was mailed to parties listed or referenced in the certificate; and
 - (iii) Other people the review authority believes may be affected by the proposed action or who request such notice in writing.
- (4) Notice of the filing of a preliminary plat application of a proposed subdivision located adjoining the city's municipal boundaries shall be given to the appropriate county officials.

- (5) Notice of the filing of a preliminary plat application of a proposed subdivision located adjacent to the right-of-way of a state highway shall be given to the Secretary of the Washington State Department of Transportation, who must respond within 15 days of such notice.
- (6) Upon acceptance of a complete application, the director shall transmit a copy of the application, or appropriate parts of the application, to each affected agency and city department for review and comment, including those agencies responsible for determining compliance with state and federal requirements. The affected agencies and city departments shall have 15 days following the date of the notice of application to comment. The director may grant an extension of time if needed.
- (7) Department shall maintain for public review a list of pending projects (public inspection files), including project status. However, the failure by the department to maintain and update the project status list shall not be grounds for invalidation of any permit decision.

20.28.090 Notice of public hearing.

Open record public hearings required by Table 1 of BMC 20.08.030 are subject to the notice requirements of this section. A notice of a public hearing shall be mailed, posted and first published not less than 15 days prior to the hearing date. Notice of the public hearing shall be in accordance with BMC 20.28.100.

20.28.100 Content of a notice of public hearing.

- (1) The notice given of a public hearing required in this title shall contain:
 - (a) The name and address of the applicant or the applicant's representative;
 - (b) Description of the affected property, including the street address (if any) and either a vicinity location sketch (including roadway intersections) or written description, other than a legal description, reasonably sufficient to inform the public of the location;
 - (c) The date, time and place of the hearing;
 - (d) A description of the nature of the proposed use or development;
 - (e) A statement that all interested persons may provide oral or written comments or testimony at the hearing;
 - (f) Where information may be examined, and when and how written comments addressing findings required for a decision by the hearing body may be submitted;
 - (g) The name of the city staff contact or representative and the telephone number where additional information may be obtained;
 - (h) That a copy of the application and staff report, and all documents and evidence relied upon by the applicant and applicable criteria, are available for inspection at the department at no cost.
- (4) General Procedure for Mailed Notice of Public hearing.
 - (a) For all public hearings required by this title, mailed notice shall be provided to all owners of property located within 300 feet of the property lines of the project site. The applicant shall provide the city with self-addressed, stamped envelopes and a list of all such adjacent landowners. This list may be created or verified by the city planning department. The director shall issue a sworn certificate affirming the mailing of notice to all persons entitled to notice under this title. The director may provide notice to other persons than those required to receive notice under the title.

- (b) For all public hearings required by this title, mailed notice shall also be provided to all persons who submitted written comments on the application and provided a mailing address.
- (c) All public notices shall be deemed to have been issued three days after mailing or on the date then notice is personally delivered.
- (5) Procedure for posted or published notice of public hearing.
 - (a) Posted notice of the public hearing is required for all Type C-1 and C-2 project permit applications. The posted notice shall be posted as required by this title.
 - (b) Published notice is required for all public hearings required by this title. The published notice shall be published in the city's official newspaper.
- (6) An additional notice of the hearing may be given to adjacent property owners by any other reasonable method the city deems necessary.
- (7) Time and Cost of Notice of Public hearing.
 - (a) Notice of a public hearing shall be mailed, posted and first published not less than 14 days prior to the hearing date. Any posted notice shall be removed by the applicant within 14 days following the public hearing.
 - (b) All costs associated with the public notice shall be borne by the applicant.
- (8) As optional methods of providing notice of public hearing, the city may notify the public or private groups with known interest in a certain proposal or in the type of proposal being considered.

20.28.110 Notice of decision.

- (1) The city shall provide a notice of decision that includes the following information:
 - (a) The application information
 - (b) The decision
 - (c) A statement of any threshold determination made under SEPA (Chapter 43.21C RCW)
 - (d) The procedures for administrative appeal, if any
 - (e) The right that the affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation.
- (2) The notice of decision shall be provided to the Pierce County assessor, to the applicant, and to any person who, prior to the rendering of the decision, requested notice of the decision or submitted substantive comments on the application, or as required by another section of code.

20.32, Appeals.

20.32.010 Purpose.

- (1) The purpose of this chapter is to identify administrative appeal procedures for city decisions after the decision is final.
- (2) Applicants or other parties of interest who may be aggrieved by a decision are authorized to appeal decisions.
- (3) Appeals of hearing examiner decisions on shoreline permits shall follow the processes identified in RCW 90.58.180 and WAC 173-27-100.

20.32.020 Contents of the appeal.

The appeal shall be in writing and contain a concise statement identifying:

- (1) The decision being appealed (file name, file number);
- (2) The name and address of the appellant and his/her interest(s) in the matter;
- (3) The specific reasons why the appellant believes the decision to be wrong. The appellant bears the burden to prove the decision wrong;
- (4) The desired outcome or changes to the decision; and
- (5) The appeal fee.

20.32.030 Filing.

- (1) The filing and content requirements of appeals subject to city review in this chapter shall be considered jurisdictional. Failure to strictly comply with filing and content requirements shall result in dismissal of the appeal.
- (2) The appeal shall be delivered to the planning department by mail or personal delivery, and must be received no later than 4:00 p.m. on the last business day of the appeal period, with the required appeal fee.
- (3) BMC 20.08.030 Table 1 identifies final decisions appealable to superior court. In lieu of superior court, some appeals of final decisions are required by state law to be filed in other forums. The appellant bears the responsibility of filing an appeal in the proper forum and no assurances are made as to the accuracy of the forums designated by this Title.

20.32.040 Appeal procedures.

Notices for non-judicial appeal hearings shall be published in the newspaper, posted in the city's official posting places, and delivered to the appellant, applicant and all parties of record no less than 15 days before the appeal hearing is to be scheduled

- (1) Appeals shall be conducted in accordance with the rules of procedure of the designated hearing body and shall serve to provide argument and guidance for the hearing body's decision.
- (2) Administrative interpretations and administrative decisions may be appealed to the appeal authority designated in BMC 20.08.030, Table 1, by applicants or parties of record within 14 days from the date of the decision.
- (3) Administrative appeals shall be limited to the grounds for appeal identified in the filed appeal.
- (4) Parties to an appeal shall be limited to the appellant, applicant and city unless intervention for good cause is authorized by the review authority.

20.32.050 Appeal decisions.

The decision following an appeal hearing shall include one of the following actions:

- (1) Grant the appeal in whole or in part.
- (2) Deny the appeal in whole or in part.
- (3) Remand for further review.

20.36, Shoreline permits.

Note: these sections are under review in the SMP adoption ordinance and may be replaced after the SMP is accepted by the Washington State Department of Ecology.

20.36.010 Submittal requirements.

- (1) The administrator shall determine the appropriate permit type and provide the necessary application forms for shoreline substantial development, conditional use, and variance permits, per Chapter 173-27 WAC and the city's Shoreline Master Program (SMP). The applicant shall provide, at a minimum, the following information **both digitally and on paper**:
- (2) Each type of activity on the shoreline requires specific submittal requirements to ensure the permit meets the Shoreline Management Act (SMA) and the city's SMP. In addition to the criteria in SMP 7.2.1, the basic application for each permit shall contain the following:
 - (a) Completed application form for the proposed use.
 - (b) An owner/agent agreement to work on the land (for projects on city land, this could be in the form of council minutes from the meeting at which the permission was given, or written permission from the mayor.
 - (c) If a pre-application conference was conducted, a copy of the pre-application letter from the city.
 - (d) An environmental checklist for review under the State Environmental Policy Act.
 - (e) Environmental reports that meet the requirements of the SMP Appendix B for the following, as appropriate:
 - (i) Floodplains or floodways adjacent to the proposed activity;
 - (ii) National-Wetland-Inventory-mapped wetlands within 300 feet of the proposed activity; and/or
 - (iii) Known or reported wetlands within 300 feet of the proposed development.
 - (f) Fees for city of Buckley building and land use applications, land use actions and agreements shall be as set forth in the fees, fines and rate schedule established by resolution of the city council.
 - (g) A map of and the names and addresses of all real property owners within 300 feet of property where development is proposed.
 - (i) Using the map and list, submit three sets of addressed envelopes using the city's return address.
 - (h) An 11 x 17 aerial of properties within 1,000 feet of the project area and a brief description of the general nature of all improvements and land uses in this area.
 - (i) Source, composition, and volume of fill material;
 - (j) Composition and volume of any extracted materials, and identify proposed disposal area;
 - (k) If the development proposes septic tanks, evidence that the proposed development complies with local and state health regulations;
- (3) Each application shall provide a site plan, drawn to scale that shows project details on one or more sheets and shall include:
 - (a) A vicinity map drawn to a scale of four inches equals one mile and of sufficient detail to orient the location of the development area, with names of streets and other landmarks, and a north directional arrow.
 - (i) Indicate site location using natural points of reference (section lines, roads, state highways, prominent landmarks, etc.);
 - (ii) If the development involves the removal of any soils by dredging or otherwise, identify the proposed disposal site on the map. If the disposal site is beyond the confines of the vicinity map, provide another vicinity map showing the precise

- location of the disposal site within the city and/or its distance to the nearest city or town;
- (b) The site boundary as represented in the associated legal description, and include the following:
 - (i) Property dimensions in vicinity of project;
 - (ii) Ordinary high water mark;
 - (iii) Shoreline designation according to the master program.
 - (iv) Any associated wetlands and/or floodplain and/or floodways within 300 feet of the development area.
 - (c) Using the definitions for “height” and “average grade level” from WAC 173-27, show the following:
 - (i) Existing ground and/or bathymetric elevation;
 - (ii) Proposed ground and/or bathymetric elevation;
 - (iii) Height of existing structures; and
 - (iv) Proposed height of existing structures;
 - (v) Where appropriate, proposed land and bathymetric contours using two-foot intervals in water area and on areas landward of OHWM, if development involves grading, cutting, filling, or other alteration of land contours;
 - (vi) Typical cross-section or sections;
 - (d) Dimensions and location of existing structures that will be maintained;
 - (i) Dimensions and locations of proposed structures, parking and landscaping;
 - (ii) Details of fill, grade, or dredge areas;
 - (e) Location of proposed utilities, such as sewer, septic tanks and drain fields, water, gas, and electricity;
- (4) Additional information determined by the city to be necessary for the adequate review of the proposal shall be supplied within 90 days of the request.

20.36.020 Permit types and procedures.

- (1) Almost all development within the shoreline is subject to the requirements of the Shoreline Management Act (SMA) and the city' Shoreline Master Program (SMP), regardless of whether a substantial development permit is required, and likely requires written permission by the city, except for emergency repairs that may be performed after verbal agreement by the city, applicant, and the state before a permit is obtained.
- (2) Permissions to develop or place uses within shoreline jurisdiction include the following:
 - (a) Exemptions, exceptions, and exclusions:
 - (i) Exemptions are listed in SMP 7.2.2 and within the Shoreline Management Act's definition of substantial development in RCW 90.58.030(3)(e). The city may place conditions on exemptions and follow a Type A-1 process, as described in Title 20, as amended by this chapter. If a proposal is exempted from a Shoreline substantial development permit, but requires another shoreline permit(s), only the decision criteria for the other shoreline permit(s) will be used in the project's review and approval.
 - (ii) Exceptions follow a Type A-1 process, as described in Title 20, but require no application. Exceptions may be approved by letter or email to the Department of Ecology and the applicant. No conditions can be required, but conditions may be suggested that would make the exception meet the city's Shoreline Master Program.

- (iii) Because of the uses associated with exclusions, exclusions do not need to meet the Shoreline Management Act or Shoreline Master Program.
- (b) Shoreline Substantial Development Permits follow a Type A-2 process as described in Title 20, as amended by this chapter.
 - (i) Substantial development shall not be undertaken within shoreline jurisdiction unless a shoreline substantial development permit is obtained; and
 - (ii) The appeal period has been completed; and
 - (iii) Any appeals are resolved and/or the applicant is given permission to proceed by the proper authority.
- (c) Shoreline Conditional Use Permits follow a Type C-2 process as described in Title 20, as amended by this chapter.
- (d) Shoreline Variances follow a Type C-2 process, as described in Title 20, as amended by this chapter.
- (e) All decisions shall be in writing.
- (4) The Department of Ecology and the Attorney General's Office shall be notified of permit decisions after the local appeal periods expire.
- (5) The Department of Ecology shall review the decision submitted by the city for Department approval, approval with conditions, or denial, as provided in WAC 173-27-200. Ecology's final decision shall be issued to the city and the applicant within 30 days of the date the city's decision was submitted to the Department.
- (6) When an applicant desires to revise a permit, the applicant must submit detailed plans and text describing the proposed changes. If the administrator determines that the revisions proposed are within the scope and intent of the original permit, consistent with WAC 173-27-100, the administrator may approve the revision.
 - (a) Revisions to permits under WAC 173-27-100 may be authorized after original permit authorization has expired: Provided, That this procedure shall not be used to extend the original permit time requirements or to authorize substantial development after the time limits of the original permit.
 - (b) Local government shall notify the department in writing of any change to the effective date of a permit with an explanation of the basis for approval of the change. Effective dates may be changed as authorized by RCW 90.58.143. Any change to the time limits of a permit other than those authorized by RCW 90.58.143 as amended shall require a new permit application.

20.36.030 Permit processes, general.

- (1) Shoreline permit decisions shall be processed and be subject to the applicable regulations provided under the Shoreline Management Act (SMA) and the city's Shoreline Master Program (SMP).
- (2) The burden of proving that a proposed development is consistent with the approval criteria and master program policies and regulations shall be the applicant's.
- (3) Decision criteria include all applicable items listed in the SMP and the SMA.
 - (a) Decision criteria in the SMP are found in Chapters SMP 3 through SMP 6.
 - (b) Decision criteria in the SMA are found in WAC 173-27-140 through -210.
 - (c) Decisions shall be consistent with Buckley Municipal Code requirements.

- (4) Each permit issued by the city shall contain a provision that construction pursuant to the permit shall not begin and is not authorized until 21 days from the date of filing with the Department of Ecology, per WAC 173-27-190.
- (5) Any decision on an application for a shoreline permit or revision, whether it is an approval or a denial, shall first be sent to the applicant and parties of record by way of a notice of decision, as outlined in Title 20.
 - (a) The Notice of Decision shall be mailed to the Attorney General Office and the Washington State Department of Ecology by mail, return receipt requested.
 - (b) After the local appeal period is over or the local appeals are decided, the final decision packet containing all items listed in WAC 173-27-130(3) shall be sent to the Department of Ecology by return receipt requested mail.
 - (c) "Final decision by local government" shall mean the order or ruling, whether it be an approval or denial, which is established after all local administrative appeals related to the permit have concluded or the opportunity to initiate such appeals have lapsed.

20.36.040 Shoreline substantial development permits, variances and conditional uses permits.

- (1) Shoreline substantial development permits are required for all substantial development that does not qualify as exempt, excepted or excluded from shoreline regulations.
 - (a) Review criteria for SSDPs are found in Sections 173-27-140, and -150, and the SMP.
- (2) Provisions concerning shoreline variances and shoreline conditional uses should be applied in a manner which, while protecting the environment, will assure that a person will be able to use his/her property in a fair and equitable manner.
 - (a) Review Criteria for Shoreline Conditional Use Permits (SCUP) are governed by WAC 173-27-140, 160, 200, and 210, and SMP 7.2.4. SCUPs can allow greater flexibility in applying use regulations. In authorizing SCUPs, special conditions may be attached to the permit by the City or the Department of Ecology to prevent undesirable effects of the proposed use.
 - (i) Development, including uses, that need an SCUP are listed in the Shoreline Master Program under SMP Table 6-1 in Chapter 6.
 - (b) Variance review criteria are governed by WAC 173-27-170, and -200, and SMP 7.2.5. Two basic types of variances exist: one landward of the Ordinary High Water Mark and one waterward of the Ordinary High Water Mark. Each has its own set of decision criteria.
 - (i) Variances are to allow development within the shoreline jurisdiction that requires modified dimensional or bulk standards required by the SMP because the lot has unique conditions on the project site.
 - (ii) Variances are not permitted for wetlands.
- (4) Conditions may be imposed upon development by SSDP, SCUP and Variance decisions as necessary to achieve compliance with applicable permit review standards.

20.36.050 Notices required.

Each permit for a shoreline substantial development, shoreline conditional use, or shoreline variance issued by the city shall contain a provision that construction pursuant to the permit shall not begin and is not authorized until 21 days from the date of filing as defined in RCW 90.58.140(6) and WAC 173-27-130, or until all review proceedings initiated within 21

days from the date of such filing have been terminated; except as provided in RCW 90.58.140 (5)(a) and (b).

- (1) Shoreline permits shall require the notices as required for A-2 and C-2 permits, with the following additional criteria:
 - (a) Notices of application for shoreline permits also require the following:
 - i. A statement that the comment period shall be 30 days following the date of the notice of application.
 - ii. In addition, the notice shall state that any person may comment on the application, receive notice, and participate in any hearings, request a copy of the decision, and appeal rights.
 - iii. A list of project permits included in the application.
 - iv. A list of any studies requested under RCW 36.70B.070, 36.70B.090 and WAC 173-27-180 or environmental documents that evaluate the proposal and the location of these documents for the public to review.
 - v. If an open record pre-decision hearing is required, the notice of application shall be provided at least 30 days prior to the hearing.
 - (b) Notice for determinations under the State Environmental Policy Act shall be as required in BMC 12.04.
 - (c) Notices of decision shall be provided as required in Title 20, BMC to all parties of record, as defined in WAC 173-27-030(12) , with the following additional information:
 - i. The notice shall state the approval date and the date by which the activity shall be commenced.
 - ii. The notice shall state the date five years from the approval date by which the development or activity shall be completed.
 - iii. The notice shall state the city's shoreline administrator may extend either or both dates by one year each based on reasonable factors, if a request for extension has been filed before the expiration date and notice of the proposed extension is given to parties of record on the substantial development permit and to the Department of Ecology.
 - iv. The notice shall state the effective date of a substantial development permit shall be the date of filing as provided in RCW 90.58.140(6).

20.36.060 Time requirements.

The following time requirements shall apply to all permits:

- (1) In accordance with SMP 7.2.1.I, construction, use, or activity shall commence within two years after the approval of the permits.
 - (a) Substantial progress shall include all of the following where applicable: the making of contracts; signing of notice to proceed; completion of grading and excavation; and the laying of major utilities; or, where no construction is involved, commencement of the activity.
- (2) Permit authorization shall terminate five years after permit approval.
- (3) The city may authorize a single one-year extension before the end of the either time period mentioned in (1) or (2) of this section, with prior notice to parties of record and the Department of Ecology, for up to one year based on reasonable factors.
- (4) The running of a permit time period shall not include the time during which an activity was not actually pursued due to the pendency of reasonably related administrative appeals or litigation or development of an EIS.

(5) When permit approval contains conditions, such conditions shall be satisfied prior to occupancy or use of a structure or prior to commencement of a nonstructural activity; provided, that an alternative compliance limit may be specified in the permit.

20.36.070 Appeals.

- (1) Appeal of administrative decisions shall follow the direction in Title 20.
- (2) Appeal of hearing examiner decisions shall follow the processes identified in RCW 90.58.180 and WAC 173-27-100.

Section 3. Amendment. At least the following sections are corrected to remove the term “Chapter 20.01” or a specific section in Chapter 20.01 to “Title 20”:

1.12.210(4), 2.33.010(4), 3.50.085(5), 13.35.080, 13.35.300, 14.30.920, 16.06.120(18), 16.24.040, 18.08.010, 18.38.010, 19.06.020(2), 19.08.070, 19.12.487, 19.20.010(2)(a), 19.23.090, 19.24.040, 19.29.050, 19.30.270, 19.33.040, 19.33.070, 19.40.110, 19.40.210, 19.56.050,

Section 4. Copy to the Department of Commerce. Pursuant to RCW 36.70A.106, the City Administrator is hereby authorized and directed to provide a copy of this ordinance to the State Department of Commerce within 10 days of adoption.

Section 5. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 6. Effective date. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the city, and shall take effect and be in full force five (5) days after publication.

APPROVED by the Buckley City Council this 9th day of July 2019.

Pat Johnson, Mayor

ATTEST:

Treva Percival, 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. ____-19 Amending Chapter 10.68 of the Buckley Municipal Code Related to Controlled Substances and Legend Drugs	Agenda Date: July 9, 2019 AB19-065		
	Department/Committee/Individual	Created	Reviewed
	Mayor Pat Johnson		X
	City Administrator – Dave Schmidt		X
	City Attorney – Phil Olbrechts		X
	City Engineer – Dominic Miller		
	City Clerk – Treva Percival	X	X
	Finance Dept – Sheila Bazzar		
	Building Official – Mike Deadmond		
	Fire Dept – Chief Predmore		
	Parks & Rec Dept – Kevin Caviezel		
	Planning Dept – Kathy James		
	Police Dept – Chief Arsanto		
	Municipal Court – Jessica Cash		
	PW/Utilities – Chris Banks		
Attachments: Ordinance			
<p>SUMMARY STATEMENT: Charging standards for controlled substance laws in Washington State have changed or been altered making it difficult to get minor drug charges filed as a felony. The City of Buckley desires to adopt higher thresholds for charging minor possession of controlled substances as misdemeanors in the Buckley Municipal Court. This Ordinance amends the City of Buckley code to allow for this.</p>			
COMMITTEE REVIEW AND RECOMMENDATION: A/F/PS 7-9-2019 (tentative)			
<p>RECOMMENDED ACTION: MOVE to Approve Ordinance No. 15-19 Amending Chapter 10.68 of the Buckley Municipal Code Related to Controlled Substances and Legend Drugs.</p>			
RECORD OF COUNCIL ACTION			
Meeting Date	Action	Vote	

CITY OF BUCKLEY

ORDINANCE NO. __-19

AN ORDINANCE OF THE CITY OF BUCKLEY, WASHINGTON, AMENDING CHAPTER 10.68 OF THE BUCKLEY MUNICIPAL CODE RELATED TO CONTROLLED SUBSTANCES AND LEGEND DRUGS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, The City currently has no mechanism for charging of small quantities of controlled substances as defined by RCW 69.50.101; and

WHEREAS, charging standards for controlled substance laws in Washington State have changed or been altered, making it difficult to get minor drug charges filed as a felony; and

WHEREAS, the City desires to adopt higher thresholds for charging minor possession of controlled substances as misdemeanors in the Buckley Municipal Court; and

WHEREAS, the City Council desires to amend BMC 10.68 to allow the City to charge minor possession of controlled as a misdemeanor in the Buckley Municipal Court;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BUCKLEY, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. Chapter 10.68 of the Buckley Municipal Code is hereby repealed in its entirety and replaced to read as follows:

BMC 10.68.010 Controlled substances prohibited.

- (1) It is unlawful for any person to knowingly possess a controlled substance other than marijuana as defined by RCW [69.50.101\(f\)](#) unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his or her professional practice.
- (2) It is unlawful for any person to knowingly possess a legend drug in violation of Chapter [69.41](#) RCW.
- (3) Penalties.

- (a) Violation of subsection A of this section is a misdemeanor. For a first offense, the maximum penalty shall be 90 days in jail and/or a \$1,000 fine. For a second or subsequent offense, the maximum penalty shall be 180 days in jail and/or a \$2,000 fine.
- (b) Violation of subsection B of this section is a gross misdemeanor punishable by up to 364 days in jail and/or a \$5,000 fine.
- (c) Violation of subsection C of this section is a misdemeanor punishable by up to 90 days in jail and/or a \$1,000 fine.

The city clerk is directed to maintain copies of the adopted statutes on file for public inspection and copying.

Section 2. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 3. Effective date. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the city, and shall take effect and be in full force five (5) days after publication.

APPROVED by the Buckley City Council this 9th day of July 2019.

MAYOR, PAT JOHNSON

ATTEST/AUTHENTICATED:

CITY CLERK, TREVA PERCIVAL

APPROVED AS TO FORM

OFFICE OF THE CITY ATTORNEY:

BY _____
PHIL OLBRECHTS

Published: _____
Effective: _____



CITY COUNCIL AGENDA BILL

City of Buckley
PO Box 1960
Buckley, WA 98321

ITEM INFORMATION			
SUBJECT:		Agenda Date: July 9, 2019 AB19-066	
Interagency Agreement between State of Washington – Washington State Patrol and the City of Buckley (Fire Department) for State Mobilization	Department/Committee/Individual	Created	Reviewed
	Mayor Pat Johnson		X
	City Administrator – Dave Schmidt		X
	City Attorney – Phil Olbrechts		X
	City Engineer – Dominic Miller		
	City Clerk – Treva Percival		X
	Finance Dept – Sheila Bazzar		
	Building Official – Mike Deadmond		
	Fire Dept – Chief Predmore	X	X
	Community Services – Kevin Caviezel		
	Planning Dept – Kathy James		
Police Dept – Chief Arsanto			
Municipal Court – Jessica Cash			
	PW/Utilities – Chris Banks		
Attachments: Interlocal Agreement			
SUMMARY STATEMENT:			
<p>The City of Buckley (Fire Department) has been an active agency in the Washington State Fire Services Resource Mobilization Plan. The state mobilization of resources occurs within the provisions of an Interagency Agreement between the City of Buckley and State of Washington (Washington State Patrol). The current agreement is expiring and a proposed replacement agreement has been provided by the Washington State Patrol.</p> <p>The Fire Chief recommends Council approval of this Interagency Agreement.</p>			
COMMITTEE REVIEW AND RECOMMENDATION: Has not been reviewed by a committee; this is a renewing agreement.			
RECOMMENDED ACTION: A MOTION authorizing the Mayor to execute the Interagency Agreement between the City of Buckley and Washington State Patrol regarding Mobilization under the Washington State Fire Services Resources Mobilization Plan.			
RECORD OF COUNCIL ACTION			
Meeting Date	Action	Vote	

INTERAGENCY AGREEMENT
BETWEEN
STATE OF WASHINGTON
WASHINGTON STATE PATROL
AND
CITY OF BUCKLEY FIRE DEPARTMENT

This Interagency Agreement (Agreement), pursuant to RCW 43.43.960 through RCW 43.43.964 (State Fire Service Mobilization) and Chapter 39.34 RCW (Interlocal Cooperation Act), is made and entered into by and between the Washington State Patrol, hereinafter referred to as "WSP," and the City of Buckley Fire Department, a statutorily authorized fire agency within the State of Washington, hereinafter referred to as "Fire Agency."

The purpose of this Agreement is to provide for the reimbursement of allowable Fire Agency costs incurred while its assets are mobilized in accordance with RCW 43.43.960 through RCW 43.43.964 and the Washington State Fire Services Resource Mobilization Plan (Mobilization Plan). The Mobilization Plan and any subsequent versions adopted pursuant to RCW 43.43.962 are incorporated herein by this reference.

Therefore, it is mutually agreed that:

1. **Mobilization Plan.** The Mobilization Plan provides a process to quickly notify, assemble and deploy fire service personnel and equipment to any local fire jurisdiction in Washington State that has expended all local and mutual aid resources in attempting to manage, mitigate and control an emergency incident or situation for the protection of life and property. If the Fire Agency responds with its available assets to an incident mobilization, both parties shall comply with the procedures detailed in the Mobilization Plan.
2. **Period of Performance.** The period of performance of this Agreement begins on Date of Execution and ends on December 31, 2023 unless terminated sooner as provided herein.
3. **Billing Procedures.** WSP shall reimburse the Fire Agency upon the receipt of properly executed claim forms submitted by the Fire Agency according to the Mobilization Plan. Claims for payment submitted by the Fire Agency to WSP for costs due and payable under this Agreement shall be paid by WSP if received by WSP within 45 days from the end of each respective fire mobilization. The Fire Agency is required to be registered as a Statewide Payee prior to submitting a request for payment under this Contract. The Washington State Department of Enterprise Services (DES) maintains the Statewide Payee Registration System; to obtain registration materials go to <http://www.des.wa.gov/services/ContractingPurchasing/Business/VendorPay/Pages/default.aspx>.
4. **Compliance with Civil Rights Laws.** During the period of performance for this Agreement, both parties shall comply with all federal and state nondiscrimination laws.
5. **Records Maintenance.** Both parties shall maintain books, records, documents and other evidence which sufficiently and properly reflect all direct and indirect costs expended by either party in the performance of the services described herein. These records shall be subject to inspection, review or audit by personnel of both parties, other personnel duly authorized by either party, the Office of the State Auditor, and federal officials so authorized by law. Both parties shall retain all books, records, documents, and other material relevant to this Agreement for six (6)

years after expiration, and the Office of the State Auditor, federal auditors, and any persons duly authorized by the parties shall have full access and the right to examine any of these materials during this period.

6. **Agreement Management.** The work described herein shall be performed under the coordination of Chief of Buckley Fire Department, and Assistant State Fire Marshal Melissa Gannie of WSP, or their successors. They shall provide assistance and guidance to the other party necessary for the performance of this Agreement.
7. **Hold Harmless.** Each party shall defend, protect and hold harmless the other party from and against all claims, suits and/or actions arising from any negligent or intentional act or omission of that party's employees, agents, and/or authorized subcontractor(s) while performing under this Agreement.
8. **Agreement Alterations and Amendments.** This Agreement may be amended by mutual agreement of the parties. Such amendments shall not be binding unless they are in writing and signed by personnel authorized to bind each of the parties.
9. **Termination.** Either party may terminate this Agreement upon thirty (30) calendar days' written notification to the other party. If this Agreement is so terminated, the terminating party shall be liable only for performance in accordance with the terms of this Agreement for performance prior to the effective date of termination.
10. **Appeals of Denied Claims.** In the event that WSP denies payment of claim(s) submitted by the Fire Agency under this Agreement, the Fire Agency may appeal the denial according to the Mobilization Plan. The process contained in the Mobilization Plan is the sole administrative recourse available to the Fire Agency for the appeal of denied claims.
11. **Order of Precedence.** In the event of any inconsistency in the terms of this Agreement, the inconsistency shall be resolved by giving precedence in the following order:
 1. Applicable federal and state statutes and regulations;
 2. Terms and Conditions contained in this Agreement
 3. Any other provisions of the Agreement, whether incorporated by reference or otherwise.
12. **All Writings Contained Herein.** This Agreement contains all the terms and conditions agreed upon by the parties. No other understandings, oral or otherwise, regarding the subject matter of this Agreement shall be deemed to exist or to bind any of the parties hereto.

IN WITNESS WHEREOF, the parties have executed this Agreement.

FOR:
CITY OF BUCKLEY FIRE DEPARTMENT

FOR:
WASHINGTON STATE PATROL

Signature

Signature

Chief, or Designee

Simon Tee, Grants and Contracts Manager

Title

Title

Date

Date

APPROVED AS TO FORM BY THE OFFICE OF THE ATTORNEY GENERAL 2/5/2008



CITY COUNCIL AGENDA BILL

City of Buckley
PO Box 1960
Buckley, WA 98321

ITEM INFORMATION			
SUBJECT: Englebert Boundary Line Adjustment Cost Impact: \$ Fund Source: Timeline:	Agenda Date: July 9, 2019 AB19-067		
	Department/Committee/Individual	Created	Reviewed
	Mayor Pat Johnson		X
	City Administrator – Dave Schmidt		X
	City Attorney – Phil Olbrechts		X
	City Engineer – Dominic Miller		
	City Clerk – Treva Percival		X
	Finance Dept – Sheila Bazzar		
	Building Official – Mike Deadmond		
	Fire Dept – Chief Predmore		
	Parks & Rec Dept – Kevin Caviezel		
	Planning Dept – Evan Lewis	X	X
	Police Dept – Chief Arsanto		
Municipal Court – Jessica Cash			
PW/Utilities – Chris Banks			
Attachments: Staff Report and Exhibits 1-9 – Englebert BLA.			
SUMMARY STATEMENT: Applicants Robert and Sandra Englebert went through the boundary line adjustment (BLA) process to adjust the boundaries between three existing lots of record located at 355 North Cascade Street; parcel #7380000040 (9,600 sf), 7380000080 (1,880 sf), and 7380000131 (1,920 sf). The proposed boundary line adjustment would result in two similarly sized, approximately square shaped lots; one lot of 6,658 sf and another of 6,538 sf. The proposed resulting lots do not meet the minimum lot depth requirements, and thus, per Buckley Municipal Code 18.34.030(2)(c), Buckley City Council must approve this BLA. All pertinent information is presented in the staff report and exhibits. Supplemental materials are also available to view at the Building and Planning office.			
COMMITTEE REVIEW AND RECOMMENDATION:			
RECOMMENDED ACTION: Move to approve the proposed Boundary Line Adjustment for Robert and Sandra Englebert			
RECORD OF COUNCIL ACTION			
Meeting Date	Action	Vote	



LAND USE STAFF REPORT

Proposal Name: Englebert Boundary Line Adjustment

Proposal Address: 355 N Cascade Street
Buckley, WA 98321

Proposal Description: Reconfigure the lot lines for 3 parcels (APN 7380000040, 7380000080, and 7380000131) resulting in two similarly sized parcels.

File Number: BLA-19-0001

Applicant: Robert and Sandra Englebert
355 N Cascade St
Buckley, WA 98321

Planner: Evan Lewis, Assistant Planner
elewis@cityofbuckley.com
360-761-7819

State Environmental Policy (SEPA) Threshold Determination: This project is exempt from SEPA pursuant to WAC 197-11-800(6)(f).

Recommendations Included: Boundary Line Adjustment

Staff Recommendation: Approval with Conditions


Evan Lewis
City of Buckley

Application Date: April 10, 2019

Notice of Application: None required (BMC 20.01.030)

Decision Publication Date: None required (BMC 20.01.030)

Appeal Deadline: None – Judicial Appeal (BMC 20.01.030)

TABLE OF CONTENTS

FINDINGS OF FACT 3

I. Proposal Description 3

II. Site Description, Zoning & Land Use Context 4

 A. Site Description 4

 B. Zoning..... 4

 C. Land Use Context 4

 D. Public Comment 5

III. Adequacy of Infrastructure/Public Services..... 5

 A. Water and Sewer Service 5

 B. Fire Protection 6

 C. Drainage 6

 D. Streets and Access 6

IV. Adverse Impacts 6

V. Consistency with Land Use Code Requirements..... 6

CONCLUSIONS OF LAW 8

VI. Decision Making Authority..... 8

VII. Zoning and Comprehensive Plan Designations..... 8

VIII. State Environmental Policy Act (SEPA)..... 8

IX. Review Criteria 8

X. Administrative Decision 10

XI. Appeals..... 10

XII. Exhibits 11

FINDINGS OF FACT

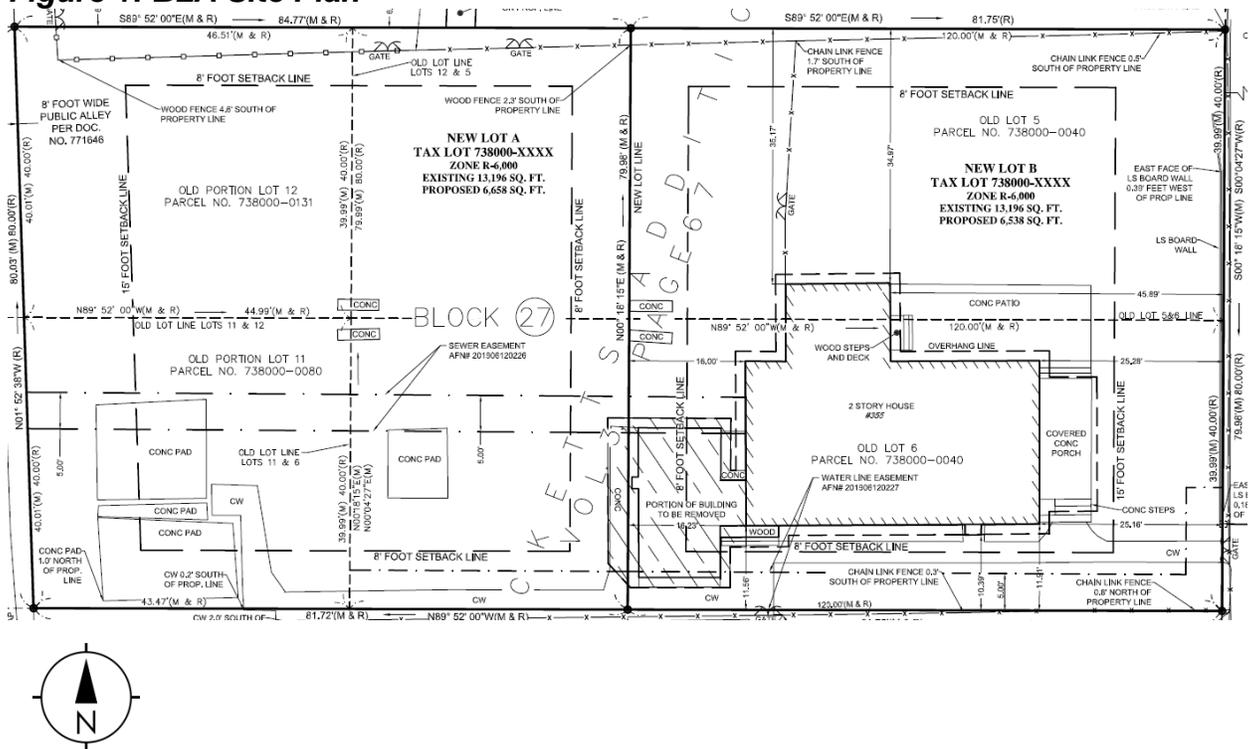
I. Proposal Description

The applicant has requested a boundary line adjustment (BLA) to adjust the boundaries between three existing lots of record located at 355 North Cascade Street; parcel #7380000040 (9,600 sf), 7380000080 (1,880 sf), and 7380000131 (1,920 sf). The proposed reconfiguration is shown on the site plan map below and in the Record of Survey drawing in **Exhibit 5**.

Parcel Number	Original Lot Size	Revised Lot Size
7380000040	9,600 sf	One lot of 6,658 sf
7380000080	1,880 sf	
7380000131	1,920 sf	One lot of 6,538 sf

The proposed BLA would result in two similarly sized, approximately square shaped lots; one lot of 6,658 sf (Lot A, on the west) and another of 6,538 sf (Lot B, on the east). The subject lots are zoned R-6000. Surrounding properties to the north, east, and south are also zoned R-6000 and lots to the west are zoned High Density Residential (HDR). The subject lots have a Comprehensive Plan designation of ULD (Urban Lower Density). Single family detached homes surround the subject parcels on all sides, including a mobile home park adjacent to the west. **Figure 1** below shows the proposed BLA Record of Survey drawing, and a larger version of the Record of Survey drawing is found in **Exhibit 5**.

Figure 1: BLA Site Plan



II. Site Description, Zoning & Land Use Context

A. Site Description

The approximately 0.3-acre project site is located at 355 N Cascade (currently APN #7380000040, 7380000080, and 7380000131). Parcels 7380000080 and 7380000131 have frontage on Ammon St. to the west, and parcel 7380000040 has frontage on N Cascade St to the east. The site is surrounded by residential homes on all sides. There are no critical areas on the subject site. See **Figure 2** for an aerial image of the property and surrounding area.

Figure 2. Aerial Image of Subject Lots



B. Zoning

The subject lot is zoned R-6000, a single-family zone which requires a minimum lot area of 6000 sf for single family dwellings. Other residential uses permitted in the R-6,000 zone are duplexes, senior low-income homes, townhomes, and cottage housing.

C. Land Use Context

The subject lot has a Comprehensive Plan Land Use Designation of Urban Low Density (ULD). The proposed boundary line adjustment is consistent with the single-family comprehensive plan use designation. The surrounding neighborhood context is mostly single family. Surrounding land uses are listed and shown in the following **Table 1** and **Figure 3**.

Table 1: Surrounding Land Uses

Direction	Comprehensive Plan Designation	Zone	Current Use
Subject	ULD	R-6,000	Single Family Housing and Vacant
North	ULD	R-6,000	Single Family Housing/Vacant/Garage
South	ULD	R-6,000	Single Family Housing and Outbuilding
East	ULD	R-6,000	Single Family Housing
West	UHD	HDR	Mobile Home Park

Figure 3: Surrounding Land Uses



D. Public Comment

Per [BMC 20.01.030](#), this BLA does not require public notice. Therefore there were no public comments.

III. Adequacy of Infrastructure/Public Services

As conditioned, these properties will be served by adequate infrastructure and public services as follows:

A. Water and Sewer Service. The new Lot A shall have new domestic water service across the new Lot B for service from the water main in Cascade Street. This new water service is shown as Rec. No 201906120227 on the Record of Survey Drawing (**Exhibit 5**).

The new Lot B shall have a new side sewer across the new Lot A for service from the sewer main in Ammon Street. This new sewer service is

shown as Rec. No 201906120226 on the Record of Survey Drawing (**Exhibit 5**).

Fees will be assessed at the time of building permit issuance.

B. Fire Protection. The City of Buckley Fire Department confirmed that there is adequate fire protection serving lots created by this BLA.

C. Drainage. The City Engineer determined that the proposal meets the requirement for adequate drainage.

D. Streets and Access. The City Engineer determined that the new Lot A has adequate access from Ammon Street and the new Lot B has adequate access from Cascade Street.

Impact fees will be assessed at the time of building permit issuance.

IV. Adverse Impacts

As conditioned, no adverse impacts are anticipated. As noted above in Finding of Fact No. III, as conditioned, the proposed boundary line adjustment will be adequately served by public utilities and infrastructure. There are no critical areas on site and no recorded view easements.

V. Consistency with Land Use Code Requirements

The site is located in the R-6,000 zone; the proposed boundary line adjustment meets all except one of the general performance standards of the zone. See the chart in **Table 2** below.

Table 2: R-6000 Zone Performance Standards*

Standard	Required/Allowed	Proposed
Minimum lot area	Single Family: 6000 sf Duplex: 4,500 sf Senior low income: 2,500 sf Townhomes: 4,500 sf	Lot A: 6,658 sf Lot B: 6,538 sf
Minimum lot width	Single Family: 45' With attached units: 29'	Lot A: 79.98' Lot B: 79.98'
Minimum lot depth	Depth: 85'	Lot A: 81.72' Lot B: 81.75'

Standard	Required/Allowed	Proposed
Building setbacks	Front: 15' Yard-to-garage: 22' Side: 8 Rear: 15	<u>Lot A:</u> NA – no structures identified on survey drawing (only concrete pads are shown) <u>Lot B:</u> Front: 18' Yard-to-garage: NA Side: 9' (south); 35' (north) Rear: 16' (after portion of home removed as shown in survey drawing)
Lot Coverage	35% Primary structure Lot A: 2,330 sf Lot B: 2,288 sf 45% Primary + Accessory Structures Lot A: 2,996 sf Lot B: 2,942 sf 60% All impervious Lot A: 3,995 sf Lot B: 3,923 sf	35% Primary structure Lot A: NA Lot B: 1,182 sf 45% Primary + Accessory Structures Lot A: NA Lot B: 1,182 sf 60% All impervious Lot A: 787 sf Lot B: 1,882 sf

**Performance standards will be re-evaluated at the time of building permit.*

Based on the survey drawing, the proposed BLA meets setback and lot coverage requirements but does not meet the minimum lot depth requirements. The proposed Lot A has a minimum depth of 81.72' and the proposed Lot B has a minimum depth of 81.75'; the minimum required lot depth is 85'. Per [BMC 18.34.030\(2\)\(c\)](#), Buckley City Council must approve boundary line adjustments for pre-existing legal nonconforming lots where resulting lots do not meet lot size requirements

Additionally, upon final approval and recording of this boundary line adjustment, the affected lot corners shall be surveyed and set by a Professional Land Surveyor licensed in the State of Washington, per BMC 18.34.050(2).

As conditioned, and pending Council acceptance of the proposed non-confirming lot depth, the proposed boundary line adjustment meets the standards set forth in BMC 19.20.020 for residential development in the R-6000 zone as well as BMC 19.20.010 for zoning requirements common to all zones.

CONCLUSIONS OF LAW

VI. Decision Making Authority.

Per [BMC 18.34.030\(2\)\(c\)](#), since the resulting lots do not meet lot size requirements, Buckley City Council must approve the boundary line adjustment.

VII. Zoning and Comprehensive Plan Designations.

The subject property is zoned R-6,000, a primarily single-family residential zone. The Comprehensive Plan Land Use Designation is Urban Low Density (ULD).

VIII. State Environmental Policy Act (SEPA)

The project is SEPA exempt. The City's SEPA Responsible Official has determined the project is exempt from SEPA review pursuant to WAC 197-11-800(6)(f).

IX. Review Criteria.

BMC 18.34.030 governs the review criteria for boundary line adjustments. The review criteria are quoted in italics below and addressed in the following text.

[BMC 18.34.030](#) Adjustment Request – Review Standard

The city planning director and engineer shall review the proposed lot line adjustment request in accordance with the following standards:

1. *The affected lots must be in the same zoning classification;*

Staff Response: The affected lots are all in the R-6000 zoning classification.

2. *The resulting lots must have dimensions meeting the minimum lot size requirements in effect at the time the request is made for the zone in which each lot is located, except as provided in subsection (2) of this section;*

Staff Response: The minimum lot size in the R-6000 zone is based on building type. The resulting Lot A is 6,658 sf and Lot B is 6,538 sf – both of which meet the minimum lot size requirements for all housing types allowed in the R-6000 zone. As described in Section V, the resulting lots do not meet minimum lot depth requirements for the R-6000 zone and thus this BLA requires City Council approval.

3. *Setbacks in effect at the time the request is made must be met as to all structures upon the lot as they relate to the new lot line;*

Staff Response: A portion of the existing home on the new Lot B encroaches on the rear setback, however that portion of the building is proposed for removal; as shown in **Exhibit 5**. The remaining home on the new Lot B would meet setback requirements for the R-6000 zone.

The survey drawing (**Exhibit 5**) shows no structures for the proposed Lot A. Setbacks will be reviewed again at the time of any building permit.

4. *The shapes of the resulting lots must not be inconsistent with the general lot configuration for other lots in the area, and other existing city codes relating to lot shapes, except as provided in subsection (2) of this section;*

Staff Response: The proposed lots are consistent with the general lot configuration of other lots in the area and other existing city codes relating to lot shapes.

5. *No lot shall be created which does not have adequate drainage, access to water supply and sanitary sewer disposal, and/or access for vehicles, utilities and fire protection.*

Staff Response: As conditioned, and as noted in Findings of Fact III, the proposed lot line adjustment will have adequate drainage, access to water supply, and sanitary sewer disposal, and/or access for vehicles, utilities, and fire protection.

18.34.050 Approval – Conditions

1. *Payment of all fees owed to the city for its services, calculated pursuant to BMC 18.37.020;*

Staff Response: The applicant paid the fee of \$545 to the city.

2. *Survey and setting of all the corners of the new lot(s) by a licensed land surveyor;*

Staff Response: This is addressed by Condition of Approval #3 in **Exhibit 1**.

3. *Execution of deeds and related documents by the affected owners and lienholders, on forms to be provided by the city and recorded by the applicant with the county in order to effectuate the lot/boundary line adjustment, with copies of the recorded documents returned to the city;*

Staff Response: Deed of trust information was included as linked documents to the Title Commitment (**Exhibit 4**). According to the City Engineer, the provided title information appears to meet the requirements of BMC 18.34.020.

4. *Determination of identity of affected owners by a title report or other documentation satisfactory to the city engineer;*

Staff Response: According to the City Engineer, the provided title information appears to meet the requirements of BMC 18.34.020.

5. *Such other conditions as may be necessary to protect the public health, safety and public welfare.*

Staff Response: All other conditions of approval are listed in **Exhibit 1**.

X. Administrative Decision

Based on the above Findings of Fact and Conclusions of Law, planning staff recommends the boundary line adjustment be granted subject to the conditions of approval in **Exhibit 1**. The applicant shall note the following:

- The approval of this BLA should not be construed as approval of any land use which may or may not have been properly permitted.
- This boundary line adjustment is not a plat, replat, or subdivision.
- Approval of a boundary line adjustment is not a guarantee that future permits will be granted for any structure or development within a lot affected by a boundary line adjustment.
- All conditions, restrictions and notes from the original subdivision still apply.

Additionally, per BMC [18.34.040\(2\)](#): *After approval of any lot/boundary line adjustment by the planning director or city council, the applicant shall have a period of 60 calendar days to present the final lot/boundary line adjustment on the form as required by this chapter, for signature by all appropriate city officials. After the city has returned the executed lot/boundary line adjustment to the applicant, the applicant shall record the lot/boundary line adjustment with the Pierce County auditor's office within 30 calendar days. Failure to present the city with the formal lot/boundary line adjustment on the required form or to record the executed lot/boundary line adjustment with the county auditor within the time limits set forth herein shall render the lot/boundary line adjustment approval null and void. No lot/boundary line adjustment shall be deemed completed until such time it is recorded with the county auditor's office in accordance herein and a mylar copy of the recorded map is returned to the city.*

XI. Appeals

From BMC 20.01.260(7). BMC [20.01.030](#) identifies final decisions appealable to superior court. In lieu of superior court, some appeals of final decisions are required by state law to be filed in other forums. The appellant bears the responsibility of filing an appeal in the proper forum and no assurances are made as to the accuracy of the forums designated for appeal in Table 1, BMC [20.01.030](#).

- (a) The cost of transcribing and preparing all records ordered certified by the court or desired by the appellant for such appeal shall be borne by the appellant.
- (b) Prior to the preparation of any records, the appellant shall post with the city clerk an advance fee deposit in the amount specified by the city clerk. Any overage will be promptly returned to the appellant.

Englebert Boundary line adjustment

BLA-19-0001

July 3, 2019

XII. Exhibits

- 1) Conditions of Approval**
- 2) BLA Application**
- 3) Owner Authorization to Act Forms**
- 4) Title Commitment and Linked Documents**
- 5) Record of Survey for BLA**
- 6) New Lot A Closure Report**
- 7) New Lot B Closure Report**
- 8) Water Utility Easement**
- 9) Sewer Utility Easement**



Exhibit 1 – Conditions of Approval for Englebert BLA

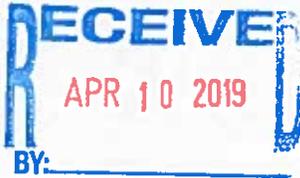
1. The new Lot A shall have new domestic water service across the new Lot B for service from the water main in Cascade Street.
2. The new Lot B shall have a new side sewer across the new Lot A for service from the sewer main in Ammon Street.
3. Upon final approval and recording of this boundary line adjustment, the affected lot corners shall be surveyed and set by a Professional Land Surveyor licensed in the State of Washington, per BMC 18.34.050 (2).
4. The applicant shall note the following:
 - The approval of this BLA should not be construed as approval of any land use which may or may not have been properly permitted.
 - This boundary line adjustment is not a plat, replat, or subdivision.
 - Approval of a boundary line adjustment is not a guarantee that future permits will be granted for any structure or development within a lot affected by a boundary line adjustment.
 - All conditions, restrictions and notes from the original subdivision still apply.
5. Per BMC [18.34.040\(2\)](#): *After approval of any lot/boundary line adjustment by the planning director or city council, the applicant shall have a period of 60 calendar days to present the final lot/boundary line adjustment on the form as required by this chapter, for signature by all appropriate city officials. After the city has returned the executed lot/boundary line adjustment to the applicant, the applicant shall record the lot/boundary line adjustment with the Pierce County auditor's office within 30 calendar days. Failure to present the city with the formal lot/boundary line adjustment on the required form or to record the executed lot/boundary line adjustment with the county auditor within the time limits set forth herein shall render the lot/boundary line adjustment approval null and void. No lot/boundary line adjustment shall be deemed completed until such time it is recorded with the county auditor's office in accordance herein and a mylar copy of the recorded map is returned to the city.*

CITY OF BUCKLEY

P.O. Box 1960 • Buckley, WA 98321 • (360) 829-1921 ext. 7801
www.cityofbuckley.com: http://www.codepublishing.com/WA/Buckley/



BOUNDARY LINE ADJUSTMENT (BLA), BMC 18.34



Receipt stamp

File Number: **BLA-19-0001**
 Parcel Number(s): _____
 Parcel Number(s): _____
 Amount Received: _____
 Date Amount Received: _____
 Treasurer's Receipt Number: _____
 Expiration (60 days after approval): _____ For city signatures
 Expiration (30 days after signatures): _____ To record BLA

NO WORK OR ACTIVITY MAY BE STARTED WITHOUT APPROVAL AND ISSUANCE OF A PERMIT.

I. General information. This section of the permit application is to provide basic information about the applicant and the proposal, billing information, and the proposal's location. Please place a check in the square beside the applicant, owner, or agent to indicate the permit's billing address:

Please place a check in the square beside the applicant, owner, or agent, to indicate the permit's billing address

- A. Applicant/Property Owner:** Phone # (253)569-9252
 Name: Robert & Sandra Englebert
 Address: 355 N. Cascade Street
 City, state, zip: Buckley WA , 98321
 E-mail address: _____
- B. Applicant, if different from property owner:** Phone # _____
 Name: _____
 Address: _____
 City, state, zip: _____
 E-mail address: _____
- C. Contractor/Installer/Surveyor:** Phone # (253)627-9131 Ext: 10708
 Name: David Ohumukini Project Surveyor at Huitt-Zollars
 Address: 1102 Broadway Suite 301
 City, state, zip: Tacoma WA, 98402
 E-mail address: DavidO@Huitt-Zollars.com
- D. Contact Person:** Phone # _____
 Name: _____
 Address: _____
 City, state, zip: _____
 E-mail address: _____
- E. Project Description/Activity:**
Taking the three parcels and adjusting the lines to make 2 more equal sized lots.
- F. Project addresses and/or location:** 355 N. Cascade St. Buckley WA, 98321

II. Specific information. This section of the permit application is to provide specific information about the proposal, and show the details required by code. Failure to present the city with the formal boundary line adjustment on the required form or to record the executed lot/boundary line adjustment with the county auditor within the set time limits shall render the lot/boundary line adjustment approval null and void. No boundary line adjustment shall be deemed completed until such time it is recorded with the county auditor's office and a copy of the recorded map is returned to the city.

Detailed Project Description/Activity:

Taking the current three parcel's and adjusting the lines to make two square shaped lots that are with in requirements for R-6000 Residentially zoned lots.

A. Parcel questions.

1. Existing parcel(s) information.

a. Number of subject lots before BLA: 3

Assessor's parcel#: <u>738000-0040</u>	Acreage: <u>0.30</u>
Assessor's parcel#: <u>738000-0080</u>	Acreage: <u>0.04</u>
Assessor's parcel#: <u>738000-0131</u>	Acreage: <u>0.04</u>
Assessor's parcel#: _____	Acreage: _____
Assessor's parcel#: _____	Acreage: _____

b. Are any of these lots of nonconforming size?

Yes: Lots: _____ No

c. Are parcels in the same zone?

Yes No

Zone(s): Yes R-6000 Residential Zone

2. Proposed parcel information.

a. Number of proposed lots after recordation: 2

Parcel identifier: <u>738000-</u>	Size in sf: <u>6,658</u>
Parcel identifier: <u>738000-</u>	Size in sf: <u>6,538</u>
Parcel identifier: _____	Size in sf: _____
Parcel identifier: _____	Size in sf: _____
Parcel identifier: _____	Size in sf: _____

b. Are any of these lots of nonconforming size?

Yes: Lots: _____ No

3. Critical areas. Within the vicinity of the subject property (about 300 feet), do you know or suspect the existence of the following:

Streams Yes **drainage**

course Yes **wetlands**

Yes No

If yes, please describe how the BLA is designed to avoid possible impacts from subsequent development:

City Use Only

B. BLA criteria.		
1. Is an increase in the number of lots proposed?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	(may be required before approval)
2. Are the resulting lots equal to or larger in area than the smallest of the existing legal lots of record from which the new lots are to be created?	<input type="checkbox"/> lots are of larger size <input checked="" type="checkbox"/> lots are of smaller size <input type="checkbox"/> Equal size	
3. Did the council approve the BLA?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
4. Does each resultant lot have the following:		
a. Adequate drainage?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Agreed
b. Access to water supply?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Agreed
c. Access sanitary sewer disposal?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Agreed
d. Access for vehicles, utilities and fire protection?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Agreed
C. Submittal requirements.		
1. The completed application.		<input checked="" type="checkbox"/> included
2. Fee per adopted city resolution.		<input checked="" type="checkbox"/> included
3. The names, addresses and signatures of all persons having any ownership interest or a lien upon the affected parcel.		<input checked="" type="checkbox"/> included
3a. Authority to Act forms for each parcel not owned by applicant.		<input checked="" type="checkbox"/> included
4. A scale drawing of the affected lots, including the dimensions of the lot before and after the proposed lot/boundary line adjustment.		<input checked="" type="checkbox"/> included
4a. A vicinity map of the parcels involved in the proposed BLA shall be supplied on the proposed BLA drawing.		<input checked="" type="checkbox"/> included
5. A plot plan as appropriate showing the location and dimensions of existing structure(s) in relation to the proposed lot/boundary line adjustment as prepared by a professional land surveyor.		<input checked="" type="checkbox"/> included
5a. The current setbacks effective at the time of application from the proposed lot lines shall be shown in a contrasting line on the plan.		<input checked="" type="checkbox"/> included
6. A title abstract no older than 30 days from a title company authorized to do business in the state of Washington, showing all encumbrances against the property (properties) and the names of the persons in whom title is vested.		<input checked="" type="checkbox"/> included
7. Electronic copy of all submittal documents.		<input checked="" type="checkbox"/> included
D. Standard conditions of approval:		Applicant agrees?
1. Payment of all fees owed to the city for its services, calculated pursuant to BMC 18.37.020	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
2. Survey and setting of all the corners of the new lot(s) by a licensed land surveyor;	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
3. Execution of deeds and related documents by the affected owners and lienholders, on forms to be provided by the city and recorded by the	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

applicant with the county in order to effectuate the lot/boundary line adjustment, with copies of the recorded documents returned to the city;

4. Determination of identity of affected owners by a title report or other documentation satisfactory to the city engineer;

Yes No

5. Such other conditions as may be necessary to protect the public health, safety and public welfare.

Yes No

III. Certification.

I hereby certify that:

1. I have read and examined this application and know the same to be true and correct.
2. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not.
3. The granting of a permit does not provide authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction.
4. I acknowledge that it is my responsibility to maintain public streets free of dirt and debris.
5. I understand and agree to abide by the conditions of approval.

Sandra L Englebert

SIGNATURE OF APPLICANT*

4-9-19

DATE

* Must be the owner of the property or have a documented legal ownership interest verified by the City

**Exhibit 3:
Owner Authorization to Act Forms**



RECEIVED
APR 11 2019
BY: Wallgren

CITY OF BUCKLEY ♦ PO BOX 1960 ♦ BUCKLEY, WA 98321
360-829-1921 ♦ Fax 360-829-9363 ♦ www.cityofbuckley.com

**LETTER FROM PROPERTY OWNER GRANTING
AUTHORIZATION TO ACT**

**A COPY OF THIS LETTER MUST BE SUBMITTED
FOR EACH PROPERTY OWNER INVOLVED**

I, Robert Englebort, being duly sworn declare that I am the owner of the
(PROPERTY OWNER)
property involved in the application. I hereby grant Jeffrey McInnis
of Huitt-Zollars, Inc. to act on my behalf with regards to the property with Pierce
County Assessor Treasurer's Parcel Number# 738000040, 0080, and 0131.

I further declare that all statements, answers, and information herein submitted is in all respects
true and correct to the best of my knowledge and belief.

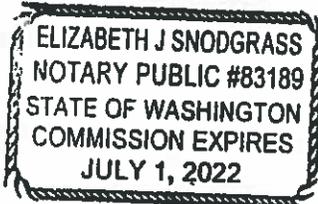
[Signature]
Signature

3-5-2019
Date

355 N. Cascade St.
Buckley, WA 98321
Address

State of Washington)
County of Pierce)

SIGNED AND SWORN to before me on 3/5/19 by Robert Englebort



[Signature]
Notary Public in and for the State of
Washington, residing at Buckley.
My commission expires 7/1/22.



RECEIVED
APR 11 2019
BY: Uwallgren

CITY OF BUCKLEY ♦ PO BOX 1960 ♦ BUCKLEY, WA 98321
360-829-1921 ♦ Fax 360-829-9363 ♦ www.cityofbuckley.com

**LETTER FROM PROPERTY OWNER GRANTING
AUTHORIZATION TO ACT**

**A COPY OF THIS LETTER MUST BE SUBMITTED
FOR EACH PROPERTY OWNER INVOLVED**

I, Sandra Englebert, being duly sworn declare that I am the owner of the
(PROPERTY OWNER)
property involved in the application. I hereby grant Jeffrey McInnis

of Huitt-Zollars, Inc. to act on my behalf with regards to the property with Pierce
County Assessor Treasurer's Parcel Number# 7380000040, 0080, and 0131

I further declare that all statements, answers, and information herein submitted is in all respects
true and correct to the best of my knowledge and belief.

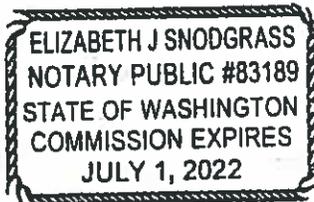
Sandra Englebert
Signature

3-5-2019
Date

355 N. Cascade St
Buckley WA 98321
Address

State of Washington)
County of Pierce)

SIGNED AND SWORN to before me on 5th March 2019 by Sandra Englebert.



Elizabeth J Snodgrass
Notary Public in and for the State of
Washington, residing at Buckley.
My commission expires 7/1/22.



First American

**Exhibit 4:
Title Commitment & Linked Documents**

First American Title Insurance Company

7502 Lakewood Drive West, Ste A
Lakewood, WA 98499

April 10, 2019

Sandra & Robert Englebert
PO Box 1057
Buckley, WA 98321

Phone:
Fax:

Title Officer: Bronwyn Shoemaker
Phone: (253)382-2811
Fax No.: (866)651-5629
E-Mail: title.pierce.wa@firstam.com
Order Number: 3138730

Escrow Number: 3138730

Buyer: n/a

Owner: Robert & Sandra Englebert
Property: 355 North Cascade Street
Buckley, Washington 98321

Attached please find the following item(s):

Guarantee

Thank You for your confidence and support. We at First American Title Insurance Company maintain the fundamental principle:

Customer First!



First American

Guarantee

Subdivision Guarantee-Third

ISSUED BY

First American Title Insurance Company

GUARANTEE NUMBER

5003353-3138730

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE LIMITS OF LIABILITY AND THE CONDITIONS AND STIPULATIONS OF THIS GUARANTEE,

FIRST AMERICAN TITLE INSURANCE COMPANY
a Nebraska corporation, herein called the Company

GUARANTEES

Sandra & Robert Englebert

the Assured named in Schedule A against actual monetary loss or damage not exceeding the liability stated in Schedule A, which the Assured shall sustain by reason of any incorrectness in the assurances set forth in Schedule A.

First American Title Insurance Company

Dennis J. Gilmore
President

Jeffrey S. Robinson
Secretary

This jacket was created electronically and constitutes an original document

SCHEDULE OF EXCLUSIONS FROM COVERAGE OF THIS GUARANTEE

1. Except to the extent that specific assurances are provided in Schedule A of this Guarantee, the Company assumes no liability for loss or damage by reason of the following:
 - (a) Defects, liens, encumbrances, adverse claims or other matters against the title, whether or not shown by the public records.
 - (b) (1) Taxes or assessments of any taxing authority that levies taxes or assessments on real property; or, (2) Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not the matters excluded under (1) or (2) are shown by the records of the taxing authority or by the public records.
 - (c) (1) Unpatented mining claims; (2) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (3) water rights, claims or title to water, whether or not the matters excluded under (1), (2) or (3) are shown by the public records.
2. Notwithstanding any specific assurances which are provided in Schedule A of this Guarantee, the Company assumes no liability for loss or damage by reason of the following:
 - (a) Defects, liens, encumbrances, adverse claims or other matters affecting the title to any property beyond the lines of the land expressly described in the description set forth in Schedule (A), (C) or in Part 2 of this Guarantee, or title to streets, roads, avenues, lanes, ways or waterways to which such land abuts, or the right to maintain therein vaults, tunnels, ramps or any structure or improvements; or any rights or easements therein, unless such property, rights or easements are expressly and specifically set forth in said description.
 - (b) Defects, liens, encumbrances, adverse claims or other matters, whether or not shown by the public records; (1) which are created, suffered, assumed or agreed to by one or more of the Assureds; (2) which result in no loss to the Assured; or (3) which do not result in the invalidity or potential invalidity of any judicial or non-judicial proceeding which is within the scope and purpose of the assurances provided.
 - (c) The identity of any party shown or referred to in Schedule A.
 - (d) The validity, legal effect or priority of any matter shown or referred to in this Guarantee.

GUARANTEE CONDITIONS AND STIPULATIONS

1. Definition of Terms.

The following terms when used in the Guarantee mean:

- (a) the "Assured": the party or parties named as the Assured in this Guarantee, or on a supplemental writing executed by the Company.
- (b) "land": the land described or referred to in Schedule (A)(C) or in Part 2, and improvements affixed thereto which by law constitute real property. The term "land" does not include any property beyond the lines of the area described or referred to in Schedule (A)(C) or in Part 2, nor any right, title, interest, estate or easement in abutting streets, roads, avenues, alleys, lanes, ways or waterways.
- (c) "mortgage": mortgage, deed of trust, trust deed, or other security instrument.
- (d) "public records": records established under state statutes at Date of Guarantee for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without knowledge.
- (e) "date": the effective date.

2. Notice of Claim to be Given by Assured Claimant.

An Assured shall notify the Company promptly in writing in case knowledge shall come to an Assured hereunder of any claim of title or interest which is adverse to the title to the estate or interest, as stated herein, and which might cause loss or damage for which the Company may be liable by virtue of this Guarantee. If prompt notice shall not be given to the Company, then all liability of the Company shall terminate with regard to the matter or matters for which prompt notice is required; provided, however, that failure to notify the Company shall in no case prejudice the rights of any Assured unless the Company shall be prejudiced by the failure and then only to the extent of the prejudice.

3. No Duty to Defend or Prosecute.

The Company shall have no duty to defend or prosecute any action or proceeding to which the Assured is a party, notwithstanding the nature of any allegation in such action or proceeding.

4. Company's Option to Defend or Prosecute Actions; Duty of Assured Claimant to Cooperate.

Even though the Company has no duty to defend or prosecute as set forth in Paragraph 3 above:

- (a) The Company shall have the right, at its sole option and cost, to institute and prosecute any action or proceeding, interpose a defense, as limited in (b), or to do any other act which in its opinion may be necessary or desirable to establish the title to the estate or interest as stated herein, or to establish the lien rights of the Assured, or to prevent or reduce loss or damage to the Assured. The Company may take any appropriate action under the terms of this Guarantee, whether or not it shall be liable hereunder, and shall not thereby concede liability or waive any provision of this Guarantee. If the Company shall exercise its rights under this paragraph, it shall do so diligently.
- (b) If the Company elects to exercise its options as stated in Paragraph 4(a) the Company shall have the right to select counsel of its choice (subject to the right of such Assured to object for reasonable cause) to represent the Assured and shall not be liable for and will not pay the fees of any other counsel, nor will the Company pay any fees, costs or expenses incurred by an Assured in the defense of those causes of action which allege matters not covered by this Guarantee.
- (c) Whenever the Company shall have brought an action or interposed a defense as permitted by the provisions of this Guarantee, the Company may pursue any litigation to final determination by a court of competent jurisdiction and expressly reserves the right, in its sole discretion, to appeal from an adverse judgment or order.
- (d) In all cases where this Guarantee permits the Company to prosecute or provide for the defense of any action or proceeding, an Assured shall secure to the Company the right to so prosecute or provide for the defense of any action or proceeding, and all appeals therein, and permit the Company to use, at its option, the name of such Assured for this purpose. Whenever requested by the Company, an Assured, at the Company's expense, shall give the Company all

GUARANTEE CONDITIONS AND STIPULATIONS (Continued)

reasonable aid in any action or proceeding, securing evidence, obtaining witnesses, prosecuting or defending the action or lawful act which in the opinion of the Company may be necessary or desirable to establish the title to the estate or interest as stated herein, or to establish the lien rights of the Assured. If the Company is prejudiced by the failure of the Assured to furnish the required cooperation, the Company's obligations to the Assured under the Guarantee shall terminate.

5. Proof of Loss or Damage.

In addition to and after the notices required under Section 2 of these Conditions and Stipulations have been provided to the Company, a proof of loss or damage signed and sworn to by the Assured shall be furnished to the Company within ninety (90) days after the Assured shall ascertain the facts giving rise to the loss or damage. The proof of loss or damage shall describe the matters covered by this Guarantee which constitute the basis of loss or damage and shall state, to the extent possible, the basis of calculating the amount of the loss or damage. If the Company is prejudiced by the failure of the Assured to provide the required proof of loss or damage, the Company's obligation to such assured under the Guarantee shall terminate. In addition, the Assured may reasonably be required to submit to examination under oath by any authorized representative of the Company and shall produce for examination, inspection and copying, at such reasonable times and places as may be designated by any authorized representative of the Company, all records, books, ledgers, checks, correspondence and memoranda, whether bearing a date before or after Date of Guarantee, which reasonably pertain to the loss or damage. Further, if requested by any authorized representative of the Company, the Assured shall grant its permission, in writing, for any authorized representative of the Company to examine, inspect and copy all records, books, ledgers, checks, correspondence and memoranda in the custody or control of a third party, which reasonably pertain to the loss or damage. All information designated as confidential by the Assured provided to the Company pursuant to this Section shall not be disclosed to others unless, in the reasonable judgment of the Company, it is necessary in the administration of the claim. Failure of the Assured to submit for examination under oath, produce other reasonably requested information or grant permission to secure reasonably necessary information from third parties as required in the above paragraph, unless prohibited by law or governmental regulation, shall terminate any liability of the Company under this Guarantee to the Assured for that claim.

6. Options to Pay or Otherwise Settle Claims: Termination of Liability.

In case of a claim under this Guarantee, the Company shall have the following additional options:

- (a) To Pay or Tender Payment of the Amount of Liability or to Purchase the Indebtedness.
The Company shall have the option to pay or settle or compromise for or in the name of the Assured any claim which could result in loss to the Assured within the coverage of this Guarantee, or to pay the full amount of this Guarantee or, if this Guarantee is issued for the benefit of a holder of a mortgage or a lienholder, the Company shall have the option to purchase the

indebtedness secured by said mortgage or said lien for the amount owing thereon, together with any costs, reasonable attorneys' fees and expenses incurred by the Assured claimant which were authorized by the Company up to the time of purchase.

Such purchase, payment or tender of payment of the full amount of the Guarantee shall terminate all liability of the Company hereunder. In the event after notice of claim has been given to the Company by the Assured the Company offers to purchase said indebtedness, the owner of such indebtedness shall transfer and assign said indebtedness, together with any collateral security, to the Company upon payment of the purchase price.

Upon the exercise by the Company of the option provided for in Paragraph (a) the Company's obligation to the Assured under this Guarantee for the claimed loss or damage, other than to make the payment required in that paragraph, shall terminate, including any obligation to continue the defense or prosecution of any litigation for which the Company has exercised its options under Paragraph 4, and the Guarantee shall be surrendered to the Company for cancellation.

- (b) To Pay or Otherwise Settle With Parties Other Than the Assured or With the Assured Claimant.

To pay or otherwise settle with other parties for or in the name of an Assured claimant any claim assured against under this Guarantee, together with any costs, attorneys' fees and expenses incurred by the Assured claimant which were authorized by the Company up to the time of payment and which the Company is obligated to pay.

Upon the exercise by the Company of the option provided for in Paragraph (b) the Company's obligation to the Assured under this Guarantee for the claimed loss or damage, other than to make the payment required in that paragraph, shall terminate, including any obligation to continue the defense or prosecution of any litigation for which the Company has exercised its options under Paragraph 4.

7. Determination and Extent of Liability.

This Guarantee is a contract of Indemnity against actual monetary loss or damage sustained or incurred by the Assured claimant who has suffered loss or damage by reason of reliance upon the assurances set forth in this Guarantee and only to the extent herein described, and subject to the Exclusions From Coverage of This Guarantee.

The liability of the Company under this Guarantee to the Assured shall not exceed the least of:

- (a) the amount of liability stated in Schedule A or in Part 2;
- (b) the amount of the unpaid principal indebtedness secured by the mortgage of an Assured mortgagee, as limited or provided under Section 6 of these Conditions and Stipulations or as reduced under Section 9 of these Conditions and Stipulations, at the time the loss or damage assured against by this Guarantee occurs, together with interest thereon; or
- (c) the difference between the value of the estate or interest covered hereby as stated herein and the value of the estate or interest subject to any defect, lien or encumbrance assured against by this Guarantee.

8. Limitation of Liability.

- (a) If the Company establishes the title, or removes the alleged defect, lien or encumbrance, or cures any other matter assured against by this Guarantee in a reasonably diligent manner by

GUARANTEE CONDITIONS AND STIPULATIONS (Continued)

any method, including litigation and the completion of any appeals therefrom, it shall have fully performed its obligations with respect to that matter and shall not be liable for any loss or damage caused thereby.

- (b) In the event of any litigation by the Company or with the Company's consent, the Company shall have no liability for loss or damage until there has been a final determination by a court of competent jurisdiction, and disposition of all appeals therefrom, adverse to the title, as stated herein.
- (c) The Company shall not be liable for loss or damage to any Assured for liability voluntarily assumed by the Assured in settling any claim or suit without the prior written consent of the Company.

9. Reduction of Liability or Termination of Liability.

All payments under this Guarantee, except payments made for costs, attorneys' fees and expenses pursuant to Paragraph 4 shall reduce the amount of liability pro tanto.

10. Payment of Loss.

- (a) No payment shall be made without producing this Guarantee for endorsement of the payment unless the Guarantee has been lost or destroyed, in which case proof of loss or destruction shall be furnished to the satisfaction of the Company.
- (b) When liability and the extent of loss or damage has been definitely fixed in accordance with these Conditions and Stipulations, the loss or damage shall be payable within thirty (30) days thereafter.

11. Subrogation Upon Payment or Settlement.

Whenever the Company shall have settled and paid a claim under this Guarantee, all right of subrogation shall vest in the Company unaffected by any act of the Assured claimant. The Company shall be subrogated to and be entitled to all rights and remedies which the Assured would have had against any person or property in respect to the claim had this Guarantee not been issued. If requested by the Company, the Assured shall transfer to the Company all rights and remedies against any person or property necessary in order to perfect this right of subrogation. The Assured shall permit the Company to sue, compromise or settle in the name of the Assured and to use the name of the Assured in any transaction or litigation involving these rights or remedies. If a payment on account of a claim does not fully cover the loss of the Assured the Company shall be subrogated to all rights and remedies of the Assured after the Assured shall have recovered its principal, interest, and costs of collection.

12. Arbitration.

Unless prohibited by applicable law, either the Company or the Assured may demand arbitration pursuant to the Title Insurance Arbitration Rules of the American Land Title Association. Arbitrable matters may include, but are not limited to, any controversy or claim between the Company and the Assured arising out of or relating to this Guarantee, any service of the Company in connection with its issuance or the breach of a Guarantee provision or other obligation. All arbitrable matters when the Amount of Liability is \$2,000,000 or less shall be arbitrated at the option of either the Company or the Assured. All arbitrable matters when the amount of liability is in excess of \$2,000,000 shall be arbitrated only when agreed to by both the Company and the Assured. The Rules in effect at Date of Guarantee shall be binding upon the parties. The award may include attorneys' fees only if the laws of the state in which the land is located permits a court to award attorneys' fees to a prevailing party. Judgment upon the award rendered by the Arbitrator(s) may be entered in any court having jurisdiction thereof.

The law of the situs of the land shall apply to an arbitration under the Title Insurance Arbitration Rules.

A copy of the Rules may be obtained from the Company upon request.

13. Liability Limited to This Guarantee; Guarantee Entire Contract.

- (a) This Guarantee together with all endorsements, if any, attached hereto by the Company is the entire Guarantee and contract between the Assured and the Company. In interpreting any provision of this Guarantee, this Guarantee shall be construed as a whole.
- (b) Any claim of loss or damage, whether or not based on negligence, or any action asserting such claim, shall be restricted to this Guarantee.
- (c) No amendment of or endorsement to this Guarantee can be made except by a writing endorsed hereon or attached hereto signed by either the President, a Vice President, the Secretary, an Assistant Secretary, or validating officer or authorized signatory of the Company.

14. Notices, Where Sent.

All notices required to be given the Company and any statement in writing required to be furnished the Company shall include the number of this Guarantee and shall be addressed to the Company at **First American Title Insurance Company, Attn: Claims National Intake Center, 1 First American Way, Santa Ana, California 92707 Claims.NIC@firstam.com Phone: 888-632-1642 Fax: 877-804-7606**



First American Title



First American

Schedule A

Subdivision Guarantee

ISSUED BY

First American Title Insurance Company

GUARANTEE NUMBER

3138730

Order No.: 3138730

Liability: \$2,000.00

Fee: \$350.00

Tax: \$ 34.65

Name of Assured: Sandra & Robert Englebert

Date of Guarantee: April 04, 2019

The assurances referred to on the face page hereof are:

1. Title is vested in:

Robert W. Englebert and Sandra L. Englebert, husband and wife

2. That, according to the public records relative to the land described in Schedule C attached hereto (including those records maintained and indexed by name), there are no other documents affecting title to said land or any portion thereof, other than those shown under Record Matters in Schedule B.

3. The following matters are excluded from the coverage of this Guarantee

A. Unpatented Mining Claims, reservations or exceptions in patents or in acts authorizing the issuance thereof.

B. Water rights, claims or title to water.

C. Tax Deeds to the State of Washington.

D. Documents pertaining to mineral estates.

4. No guarantee is given nor liability assumed with respect to the validity, legal effect or priority of any matter shown herein.

5. This Guarantee is restricted to the use of the Assured for the purpose of providing title evidence as may be required when subdividing land pursuant to the provisions of Chapter 58.17, R.C.W., and the local regulations and ordinances adopted pursuant to said statute. It is not to be used as a basis for closing any transaction affecting title to said property.

6. Any sketch attached hereto is done so as a courtesy only and is not part of any title commitment, guarantee or policy. It is furnished solely for the purpose of assisting in locating the premises and First American expressly disclaims any liability which may result from reliance made upon it.



First American

Schedule B

Subdivision Guarantee-Third

ISSUED BY
First American Title Insurance Company

GUARANTEE NUMBER
3138730

RECORD MATTERS

1. General Taxes for the year 2019. The first half becomes delinquent after April 30th. The second half becomes delinquent after October 31st.

Tax Account No.: 7380000040

1st Half

Amount Billed: \$ 1,475.13
Amount Paid: \$ 0.00
Amount Due: \$ 1,475.13
Assessed Land Value: \$ 99,000.00
Assessed Improvement Value: \$ 158,000.00

2nd Half

Amount Billed: \$ 1,475.13
Amount Paid: \$ 0.00
Amount Due: \$ 1,475.13
Assessed Land Value: \$ 99,000.00
Assessed Improvement Value: \$ 158,000.00

Affects: A portion of said premises

2. General Taxes for the year 2019. The first half becomes delinquent after April 30th. The second half becomes delinquent after October 31st.

Tax Account No.: 7380000080

1st Half

Amount Billed: \$ 30.21
Amount Paid: \$ 0.00
Amount Due: \$ 30.21
Assessed Land Value: \$ 4,500.00
Assessed Improvement Value: \$ 0.00

2nd Half

Amount Billed: \$ 30.21
Amount Paid: \$ 0.00
Amount Due: \$ 30.21
Assessed Land Value: \$ 4,500.00
Assessed Improvement Value: \$ 0.00

Affects: A portion of said premises

3. General Taxes for the year 2019. The first half becomes delinquent after April 30th. The second half becomes delinquent after October 31st.

Tax Account No.: 7380000131

1st Half

Amount Billed: \$ 30.21
 Amount Paid: \$ 0.00
 Amount Due: \$ 30.21
 Assessed Land Value: \$ 4,500.00
 Assessed Improvement Value: \$ 0.00

2nd Half

Amount Billed: \$ 30.21
 Amount Paid: \$ 0.00
 Amount Due: \$ 30.21
 Assessed Land Value: \$ 4,500.00
 Assessed Improvement Value: \$ 0.00
 Affects: Remainder of said premises

4. Deed of Trust and the terms and conditions thereof.

Grantor/Trustor: Robert W. Englebert and Sandra L. Englebert, husband and wife
 Grantee/Beneficiary: EquiFirst Corporation
 Trustee: Escrow Northwest Inc.
 Amount: \$234,000.00
 Dated: September 12, 2007
 Recorded: September 17, 2007
 Recording Information: 200709170344

A document recorded September 10, 2009 as 200909100175 of Official Records provides that Old Republic Default Management Services, a Division of Old Republic National Title Insurance Company was substituted as trustee under the deed of trust.

The beneficial interest was assigned by successive assignments, the last of which was; Recorded: June 14, 2018 Recording information: 201806140244 To: FirstKey Mortgage, LLC.

5. Any and all offers of dedication, conditions, restrictions, easements, boundary discrepancies or encroachments, notes and/or provisions shown or disclosed by Short Plat or Plat of Sackett's Addition to Buckley, W.T. recorded in Volume 3 of Plats, Page(s) 67.

Informational Notes, if any



First American

Schedule C

Subdivision Guarantee

ISSUED BY

First American Title Insurance Company

GUARANTEE NUMBER

3138730

The land in the County of Pierce, State of Washington, described as follows:

The South 40 feet of Lot 12, the North 40 feet of Lot 11, and all of Lots 5 and 6, Block 27, Sackett's Addition to Buckley, W.T., according to the plat thereof recorded in Volume 3 of Plats, Page 67, records of the Pierce County Auditor;

Except the Westerly 8 feet of said Lots 11 and 12 conveyed to the Town of Buckley for a public alley by instrument recorded under recording number 771646;

Situate in the City of Buckley, County of Pierce, State of Washington.

3 Tilor
3111952mm

200709170344 20 PGS
09/17/2007 10:31am \$60.00
PIERCE COUNTY, WASHINGTON

Return To:
EquiFirst Corporation
Attn: Collateral M
500 Forest Point Circle
Charlotte, NC 28273

Assessor's Parcel or Account Number: 7380000040
Abbreviated Legal Description: LOTS 5, 6, 11 AND 12 SACKETT'S ADD TO BUCKLEY

[Include lot, block and plat or section, township and range] Full legal description located on page 16
Trustee: Escrow Northwest Inc
Additional Grantees located on page

[Space Above This Line For Recording Data]

DEED OF TRUST
MIN 100200104109139903

DEFINITIONS

Words used in multiple sections of this document are defined below and other words are defined in Sections 3, 11, 13, 18, 20 and 21. Certain rules regarding the usage of words used in this document are also provided in Section 16.

- (A) "Security Instrument" means this document, which is dated September 12, 2007 together with all Riders to this document.
- (B) "Borrower" is Robert W. ^{Engelbert}Engelbert and Sandra L. ^{Engelbert}Engelbert, husband and wife

Borrower is the trustor under this Security Instrument.
(C) "Lender" is EquiFirst Corporation

0410913990
WASHINGTON-Single Family-Fannie Mae/Freddie Mac UNIFORM INSTRUMENT WITH MERS Form 3048 1/01

VMP® -6A(WA) (0012).04
Page 1 of 15 Initials: RE
VMP Mortgage Solutions, Inc. ME

Lender is a **Corporation**
 organized and existing under the laws of **North Carolina**
 Lender's address is **500 Forest Point Circle**
Charlotte, NC 28273
 (D) "Trustee" is **Escrow Northwest Inc**

(E) "MERS" is Mortgage Electronic Registration Systems, Inc. MERS is a separate corporation that is acting solely as a nominee for Lender and Lender's successors and assigns. **MERS is the beneficiary under this Security Instrument.** MERS is organized and existing under the laws of Delaware, and has an address and telephone number of P.O. Box 2026, Flint, MI 48501-2026, tel. (888) 679-MERS.

(F) "Note" means the promissory note signed by Borrower and dated **September 12, 2007**. The Note states that Borrower owes Lender **two hundred thirty-four thousand and 00/100** Dollars

(U.S. \$ **234,000.00**) plus interest. Borrower has promised to pay this debt in regular Periodic Payments and to pay the debt in full not later than **October 1, 2037**

(G) "Property" means the property that is described below under the heading "Transfer of Rights in the Property."

(H) "Loan" means the debt evidenced by the Note, plus interest, any prepayment charges and late charges due under the Note, and all sums due under this Security Instrument, plus interest.

(I) "Riders" means all Riders to this Security Instrument that are executed by Borrower. The following Riders are to be executed by Borrower [check box as applicable]:

- | | | |
|---|---|--|
| <input checked="" type="checkbox"/> Adjustable Rate Rider | <input type="checkbox"/> Condominium Rider | <input type="checkbox"/> Second Home Rider |
| <input checked="" type="checkbox"/> Balloon Rider | <input type="checkbox"/> Planned Unit Development Rider | <input type="checkbox"/> 1-4 Family Rider |
| <input type="checkbox"/> VA Rider | <input type="checkbox"/> Biweekly Payment Rider | <input checked="" type="checkbox"/> Other(s) [specify] |
| ARM Floor/ Prepay Rider | | |

(J) "Applicable Law" means all controlling applicable federal, state and local statutes, regulations, ordinances and administrative rules and orders (that have the effect of law) as well as all applicable final, non-appealable judicial opinions.

(K) "Community Association Dues, Fees, and Assessments" means all dues, fees, assessments and other charges that are imposed on Borrower or the Property by a condominium association, homeowners association or similar organization.

(L) "Electronic Funds Transfer" means any transfer of funds, other than a transaction originated by check, draft, or similar paper instrument, which is initiated through an electronic terminal, telephonic instrument, computer, or magnetic tape so as to order, instruct, or authorize a financial institution to debit or credit an account. Such term includes, but is not limited to, point-of-sale transfers, automated teller machine transactions, transfers initiated by telephone, wire transfers, and automated clearinghouse transfers.

(M) "Escrow Items" means those items that are described in Section 3.

(N) "Miscellaneous Proceeds" means any compensation, settlement, award of damages, or proceeds paid by any third party (other than insurance proceeds paid under the coverages described in Section 5) for: (i) damage to, or destruction of, the Property; (ii) condemnation or other taking of all or any part of the Property; (iii) conveyance in lieu of condemnation; or (iv) misrepresentations of, or omissions as to, the value and/or condition of the Property.

(O) "Mortgage Insurance" means insurance protecting Lender against the nonpayment of, or default on, the Loan.

(P) "Periodic Payment" means the regularly scheduled amount due for (i) principal and interest under the Note, plus (ii) any amounts under Section 3 of this Security Instrument.

0410913990

VMP® 8A(WA) (0012).04

Page 2 of 15

Initials: *RC*
ATC

Form 3048 1/01

(Q) "RESPA" means the Real Estate Settlement Procedures Act (12 U.S.C. Section 2601 et seq.) and its implementing regulation, Regulation X (24 C.F.R. Part 3500), as they might be amended from time to time, or any additional or successor legislation or regulation that governs the same subject matter. As used in this Security Instrument, "RESPA" refers to all requirements and restrictions that are imposed in regard to a "federally related mortgage loan" even if the Loan does not qualify as a "federally related mortgage loan" under RESPA.

(R) "Successor in Interest of Borrower" means any party that has taken title to the Property, whether or not that party has assumed Borrower's obligations under the Note and/or this Security Instrument.

TRANSFER OF RIGHTS IN THE PROPERTY

The beneficiary of this Security Instrument is MERS (solely as nominee for Lender and Lender's successors and assigns) and the successors and assigns of MERS. This Security Instrument secures to Lender: (i) the repayment of the Loan, and all renewals, extensions and modifications of the Note; and (ii) the performance of Borrower's covenants and agreements under this Security Instrument and the Note. For this purpose, Borrower irrevocably grants and conveys to Trustee, in trust, with power of sale, the following described property located in the **County** [Type of Recording Jurisdiction] of **Pierce** [Name of Recording Jurisdiction]:
See Attached Exhibit A

Parcel ID Number: **7380000040**
355 North Cascade Street
Buckley
("Property Address"):

which currently has the address of
[Street]
[City] , Washington **98321** [Zip Code]

TOGETHER WITH all the improvements now or hereafter erected on the property, and all easements, appurtenances, and fixtures now or hereafter a part of the property. All replacements and additions shall also be covered by this Security Instrument. All of the foregoing is referred to in this Security Instrument as the "Property." Borrower understands and agrees that MERS holds only legal title to the interests granted by Borrower in this Security Instrument, but, if necessary to comply with law or custom, MERS (as nominee for Lender and Lender's successors and assigns) has the right: to exercise any or all of those interests, including, but not limited to, the right to foreclose and sell the Property; and to take any action required of Lender including, but not limited to, releasing and canceling this Security Instrument.

BORROWER COVENANTS that Borrower is lawfully seized of the estate hereby conveyed and has the right to grant and convey the Property and that the Property is unencumbered, except for encumbrances **0410913990**

 -6A(WA) (0012).04

Page 3 of 15

Initials: *RE*
ME

Form 3048 1/01

of record. Borrower warrants and will defend generally the title to the Property against all claims and demands, subject to any encumbrances of record.

THIS SECURITY INSTRUMENT combines uniform covenants for national use and non-uniform covenants with limited variations by jurisdiction to constitute a uniform security instrument covering real property.

UNIFORM COVENANTS. Borrower and Lender covenant and agree as follows:

1. Payment of Principal, Interest, Escrow Items, Prepayment Charges, and Late Charges. Borrower shall pay when due the principal of, and interest on, the debt evidenced by the Note and any prepayment charges and late charges due under the Note. Borrower shall also pay funds for Escrow Items pursuant to Section 3. Payments due under the Note and this Security Instrument shall be made in U.S. currency. However, if any check or other instrument received by Lender as payment under the Note or this Security Instrument is returned to Lender unpaid, Lender may require that any or all subsequent payments due under the Note and this Security Instrument be made in one or more of the following forms, as selected by Lender: (a) cash; (b) money order; (c) certified check, bank check, treasurer's check or cashier's check, provided any such check is drawn upon an institution whose deposits are insured by a federal agency, instrumentality, or entity; or (d) Electronic Funds Transfer.

Payments are deemed received by Lender when received at the location designated in the Note or at such other location as may be designated by Lender in accordance with the notice provisions in Section 15. Lender may return any payment or partial payment if the payment or partial payments are insufficient to bring the Loan current. Lender may accept any payment or partial payment insufficient to bring the Loan current, without waiver of any rights hereunder or prejudice to its rights to refuse such payment or partial payments in the future, but Lender is not obligated to apply such payments at the time such payments are accepted. If each Periodic Payment is applied as of its scheduled due date, then Lender need not pay interest on unapplied funds. Lender may hold such unapplied funds until Borrower makes payment to bring the Loan current. If Borrower does not do so within a reasonable period of time, Lender shall either apply such funds or return them to Borrower. If not applied earlier, such funds will be applied to the outstanding principal balance under the Note immediately prior to foreclosure. No offset or claim which Borrower might have now or in the future against Lender shall relieve Borrower from making payments due under the Note and this Security Instrument or performing the covenants and agreements secured by this Security Instrument.

2. Application of Payments or Proceeds. Except as otherwise described in this Section 2, all payments accepted and applied by Lender shall be applied in the following order of priority: (a) interest due under the Note; (b) principal due under the Note; (c) amounts due under Section 3. Such payments shall be applied to each Periodic Payment in the order in which it became due. Any remaining amounts shall be applied first to late charges, second to any other amounts due under this Security Instrument, and then to reduce the principal balance of the Note.

If Lender receives a payment from Borrower for a delinquent Periodic Payment which includes a sufficient amount to pay any late charge due, the payment may be applied to the delinquent payment and the late charge. If more than one Periodic Payment is outstanding, Lender may apply any payment received from Borrower to the repayment of the Periodic Payments if, and to the extent that, each payment can be paid in full. To the extent that any excess exists after the payment is applied to the full payment of one or more Periodic Payments, such excess may be applied to any late charges due. Voluntary prepayments shall be applied first to any prepayment charges and then as described in the Note.

Any application of payments, insurance proceeds, or Miscellaneous Proceeds to principal due under the Note shall not extend or postpone the due date, or change the amount, of the Periodic Payments.

3. Funds for Escrow Items. Borrower shall pay to Lender on the day Periodic Payments are due under the Note, until the Note is paid in full, a sum (the "Funds") to provide for payment of amounts due for: (a) taxes and assessments and other items which can attain priority over this Security Instrument as a lien or encumbrance on the Property; (b) leasehold payments or ground rents on the Property, if any; (c) premiums for any and all insurance required by Lender under Section 5; and (d) Mortgage Insurance premiums, if any, or any sums payable by Borrower to Lender in lieu of the payment of Mortgage Insurance premiums in accordance with the provisions of Section 10. These items are called "Escrow Items." At origination or at any time during the term of the Loan, Lender may require that Community

0410913990

 -6A(WA) (0012).04

Page 4 of 15

Initials: *RE*
HE

Form 3048 1/01

Association Dues, Fees, and Assessments, if any, be escrowed by Borrower, and such dues, fees and assessments shall be an Escrow Item. Borrower shall promptly furnish to Lender all notices of amounts to be paid under this Section. Borrower shall pay Lender the Funds for Escrow Items unless Lender waives Borrower's obligation to pay the Funds for any or all Escrow Items. Lender may waive Borrower's obligation to pay to Lender Funds for any or all Escrow Items at any time. Any such waiver may only be in writing. In the event of such waiver, Borrower shall pay directly, when and where payable, the amounts due for any Escrow Items for which payment of Funds has been waived by Lender and, if Lender requires, shall furnish to Lender receipts evidencing such payment within such time period as Lender may require. Borrower's obligation to make such payments and to provide receipts shall for all purposes be deemed to be a covenant and agreement contained in this Security Instrument, as the phrase "covenant and agreement" is used in Section 9. If Borrower is obligated to pay Escrow Items directly, pursuant to a waiver, and Borrower fails to pay the amount due for an Escrow Item, Lender may exercise its rights under Section 9 and pay such amount and Borrower shall then be obligated under Section 9 to repay to Lender any such amount. Lender may revoke the waiver as to any or all Escrow Items at any time by a notice given in accordance with Section 15 and, upon such revocation, Borrower shall pay to Lender all Funds, and in such amounts, that are then required under this Section 3.

Lender may, at any time, collect and hold Funds in an amount (a) sufficient to permit Lender to apply the Funds at the time specified under RESPA, and (b) not to exceed the maximum amount a lender can require under RESPA. Lender shall estimate the amount of Funds due on the basis of current data and reasonable estimates of expenditures of future Escrow Items or otherwise in accordance with Applicable Law.

The Funds shall be held in an institution whose deposits are insured by a federal agency, instrumentality, or entity (including Lender, if Lender is an institution whose deposits are so insured) or in any Federal Home Loan Bank. Lender shall apply the Funds to pay the Escrow Items no later than the time specified under RESPA. Lender shall not charge Borrower for holding and applying the Funds, annually analyzing the escrow account, or verifying the Escrow Items, unless Lender pays Borrower interest on the Funds and Applicable Law permits Lender to make such a charge. Unless an agreement is made in writing or Applicable Law requires interest to be paid on the Funds, Lender shall not be required to pay Borrower any interest or earnings on the Funds. Borrower and Lender can agree in writing, however, that interest shall be paid on the Funds. Lender shall give to Borrower, without charge, an annual accounting of the Funds as required by RESPA.

If there is a surplus of Funds held in escrow, as defined under RESPA, Lender shall account to Borrower for the excess funds in accordance with RESPA. If there is a shortage of Funds held in escrow, as defined under RESPA, Lender shall notify Borrower as required by RESPA, and Borrower shall pay to Lender the amount necessary to make up the shortage in accordance with RESPA, but in no more than 12 monthly payments. If there is a deficiency of Funds held in escrow, as defined under RESPA, Lender shall notify Borrower as required by RESPA, and Borrower shall pay to Lender the amount necessary to make up the deficiency in accordance with RESPA, but in no more than 12 monthly payments.

Upon payment in full of all sums secured by this Security Instrument, Lender shall promptly refund to Borrower any Funds held by Lender.

4. Charges; Liens. Borrower shall pay all taxes, assessments, charges, fines, and impositions attributable to the Property which can attain priority over this Security Instrument, leasehold payments or ground rents on the Property, if any, and Community Association Dues, Fees, and Assessments, if any. To the extent that these items are Escrow Items, Borrower shall pay them in the manner provided in Section 3.

0410913990

 -6A(WA) (0012).04

Page 5 of 15

Initials: *RC*
ME

Form 3048 1/01

Borrower shall promptly discharge any lien which has priority over this Security Instrument unless Borrower: (a) agrees in writing to the payment of the obligation secured by the lien in a manner acceptable to Lender, but only so long as Borrower is performing such agreement; (b) contests the lien in good faith by, or defends against enforcement of the lien in, legal proceedings which in Lender's opinion operate to prevent the enforcement of the lien while those proceedings are pending, but only until such proceedings are concluded; or (c) secures from the holder of the lien an agreement satisfactory to Lender subordinating the lien to this Security Instrument. If Lender determines that any part of the Property is subject to a lien which can attain priority over this Security Instrument, Lender may give Borrower a notice identifying the lien. Within 10 days of the date on which that notice is given, Borrower shall satisfy the lien or take one or more of the actions set forth above in this Section 4.

Lender may require Borrower to pay a one-time charge for a real estate tax verification and/or reporting service used by Lender in connection with this Loan.

5. Property Insurance. Borrower shall keep the improvements now existing or hereafter erected on the Property insured against loss by fire, hazards included within the term "extended coverage," and any other hazards including, but not limited to, earthquakes and floods, for which Lender requires insurance. This insurance shall be maintained in the amounts (including deductible levels) and for the periods that Lender requires. What Lender requires pursuant to the preceding sentences can change during the term of the Loan. The insurance carrier providing the insurance shall be chosen by Borrower subject to Lender's right to disapprove Borrower's choice, which right shall not be exercised unreasonably. Lender may require Borrower to pay, in connection with this Loan, either: (a) a one-time charge for flood zone determination, certification and tracking services; or (b) a one-time charge for flood zone determination and certification services and subsequent charges each time remappings or similar changes occur which reasonably might affect such determination or certification. Borrower shall also be responsible for the payment of any fees imposed by the Federal Emergency Management Agency in connection with the review of any flood zone determination resulting from an objection by Borrower.

If Borrower fails to maintain any of the coverages described above, Lender may obtain insurance coverage, at Lender's option and Borrower's expense. Lender is under no obligation to purchase any particular type or amount of coverage. Therefore, such coverage shall cover Lender, but might or might not protect Borrower, Borrower's equity in the Property, or the contents of the Property, against any risk, hazard or liability and might provide greater or lesser coverage than was previously in effect. Borrower acknowledges that the cost of the insurance coverage so obtained might significantly exceed the cost of insurance that Borrower could have obtained. Any amounts disbursed by Lender under this Section 5 shall become additional debt of Borrower secured by this Security Instrument. These amounts shall bear interest at the Note rate from the date of disbursement and shall be payable, with such interest, upon notice from Lender to Borrower requesting payment.

All insurance policies required by Lender and renewals of such policies shall be subject to Lender's right to disapprove such policies, shall include a standard mortgage clause, and shall name Lender as mortgagee and/or as an additional loss payee. Lender shall have the right to hold the policies and renewal certificates. If Lender requires, Borrower shall promptly give to Lender all receipts of paid premiums and renewal notices. If Borrower obtains any form of insurance coverage, not otherwise required by Lender, for damage to, or destruction of, the Property, such policy shall include a standard mortgage clause and shall name Lender as mortgagee and/or as an additional loss payee.

In the event of loss, Borrower shall give prompt notice to the insurance carrier and Lender. Lender may make proof of loss if not made promptly by Borrower. Unless Lender and Borrower otherwise agree in writing, any insurance proceeds, whether or not the underlying insurance was required by Lender, shall be applied to restoration or repair of the Property, if the restoration or repair is economically feasible and Lender's security is not lessened. During such repair and restoration period, Lender shall have the right to

0410913990

 -6A(WA) (0012).04

Page 6 of 15

Initials: *Re*
ME

Form 3048 1/01

hold such insurance proceeds until Lender has had an opportunity to inspect such Property to ensure the work has been completed to Lender's satisfaction, provided that such inspection shall be undertaken promptly. Lender may disburse proceeds for the repairs and restoration in a single payment or in a series of progress payments as the work is completed. Unless an agreement is made in writing or Applicable Law requires interest to be paid on such insurance proceeds, Lender shall not be required to pay Borrower any interest or earnings on such proceeds. Fees for public adjusters, or other third parties, retained by Borrower shall not be paid out of the insurance proceeds and shall be the sole obligation of Borrower. If the restoration or repair is not economically feasible or Lender's security would be lessened, the insurance proceeds shall be applied to the sums secured by this Security Instrument, whether or not then due, with the excess, if any, paid to Borrower. Such insurance proceeds shall be applied in the order provided for in Section 2.

If Borrower abandons the Property, Lender may file, negotiate and settle any available insurance claim and related matters. If Borrower does not respond within 30 days to a notice from Lender that the insurance carrier has offered to settle a claim, then Lender may negotiate and settle the claim. The 30-day period will begin when the notice is given. In either event, or if Lender acquires the Property under Section 22 or otherwise, Borrower hereby assigns to Lender (a) Borrower's rights to any insurance proceeds in an amount not to exceed the amounts unpaid under the Note or this Security Instrument, and (b) any other of Borrower's rights (other than the right to any refund of unearned premiums paid by Borrower) under all insurance policies covering the Property, insofar as such rights are applicable to the coverage of the Property. Lender may use the insurance proceeds either to repair or restore the Property or to pay amounts unpaid under the Note or this Security Instrument, whether or not then due.

6. Occupancy. Borrower shall occupy, establish, and use the Property as Borrower's principal residence within 60 days after the execution of this Security Instrument and shall continue to occupy the Property as Borrower's principal residence for at least one year after the date of occupancy, unless Lender otherwise agrees in writing, which consent shall not be unreasonably withheld, or unless extenuating circumstances exist which are beyond Borrower's control.

7. Preservation, Maintenance and Protection of the Property; Inspections. Borrower shall not destroy, damage or impair the Property, allow the Property to deteriorate or commit waste on the Property. Whether or not Borrower is residing in the Property, Borrower shall maintain the Property in order to prevent the Property from deteriorating or decreasing in value due to its condition. Unless it is determined pursuant to Section 5 that repair or restoration is not economically feasible, Borrower shall promptly repair the Property if damaged to avoid further deterioration or damage. If insurance or condemnation proceeds are paid in connection with damage to, or the taking of, the Property, Borrower shall be responsible for repairing or restoring the Property only if Lender has released proceeds for such purposes. Lender may disburse proceeds for the repairs and restoration in a single payment or in a series of progress payments as the work is completed. If the insurance or condemnation proceeds are not sufficient to repair or restore the Property, Borrower is not relieved of Borrower's obligation for the completion of such repair or restoration.

Lender or its agent may make reasonable entries upon and inspections of the Property. If it has reasonable cause, Lender may inspect the interior of the improvements on the Property. Lender shall give Borrower notice at the time of or prior to such an interior inspection specifying such reasonable cause.

8. Borrower's Loan Application. Borrower shall be in default if, during the Loan application process, Borrower or any persons or entities acting at the direction of Borrower or with Borrower's knowledge or consent gave materially false, misleading, or inaccurate information or statements to Lender (or failed to provide Lender with material information) in connection with the Loan. Material representations include, but are not limited to, representations concerning Borrower's occupancy of the Property as Borrower's principal residence.

0410913990

 -6A(WA) (0012).04

Page 7 of 15

Initials: *RE*
BVC

Form 3048 1/01

9. Protection of Lender's Interest in the Property and Rights Under this Security Instrument. If (a) Borrower fails to perform the covenants and agreements contained in this Security Instrument, (b) there is a legal proceeding that might significantly affect Lender's interest in the Property and/or rights under this Security Instrument (such as a proceeding in bankruptcy, probate, for condemnation or forfeiture, for enforcement of a lien which may attain priority over this Security Instrument or to enforce laws or regulations), or (c) Borrower has abandoned the Property, then Lender may do and pay for whatever is reasonable or appropriate to protect Lender's interest in the Property and rights under this Security Instrument, including protecting and/or assessing the value of the Property, and securing and/or repairing the Property. Lender's actions can include, but are not limited to: (a) paying any sums secured by a lien which has priority over this Security Instrument; (b) appearing in court; and (c) paying reasonable attorneys' fees to protect its interest in the Property and/or rights under this Security Instrument, including its secured position in a bankruptcy proceeding. Securing the Property includes, but is not limited to, entering the Property to make repairs, change locks, replace or board up doors and windows, drain water from pipes, eliminate building or other code violations or dangerous conditions, and have utilities turned on or off. Although Lender may take action under this Section 9, Lender does not have to do so and is not under any duty or obligation to do so. It is agreed that Lender incurs no liability for not taking any or all actions authorized under this Section 9.

Any amounts disbursed by Lender under this Section 9 shall become additional debt of Borrower secured by this Security Instrument. These amounts shall bear interest at the Note rate from the date of disbursement and shall be payable, with such interest, upon notice from Lender to Borrower requesting payment.

If this Security Instrument is on a leasehold, Borrower shall comply with all the provisions of the lease. If Borrower acquires fee title to the Property, the leasehold and the fee title shall not merge unless Lender agrees to the merger in writing.

10. Mortgage Insurance. If Lender required Mortgage Insurance as a condition of making the Loan, Borrower shall pay the premiums required to maintain the Mortgage Insurance in effect. If, for any reason, the Mortgage Insurance coverage required by Lender ceases to be available from the mortgage insurer that previously provided such insurance and Borrower was required to make separately designated payments toward the premiums for Mortgage Insurance, Borrower shall pay the premiums required to obtain coverage substantially equivalent to the Mortgage Insurance previously in effect, at a cost substantially equivalent to the cost to Borrower of the Mortgage Insurance previously in effect, from an alternate mortgage insurer selected by Lender. If substantially equivalent Mortgage Insurance coverage is not available, Borrower shall continue to pay to Lender the amount of the separately designated payments that were due when the insurance coverage ceased to be in effect. Lender will accept, use and retain these payments as a non-refundable loss reserve in lieu of Mortgage Insurance. Such loss reserve shall be non-refundable, notwithstanding the fact that the Loan is ultimately paid in full, and Lender shall not be required to pay Borrower any interest or earnings on such loss reserve. Lender can no longer require loss reserve payments if Mortgage Insurance coverage (in the amount and for the period that Lender requires) provided by an insurer selected by Lender again becomes available, is obtained, and Lender requires separately designated payments toward the premiums for Mortgage Insurance. If Lender required Mortgage Insurance as a condition of making the Loan and Borrower was required to make separately designated payments toward the premiums for Mortgage Insurance, Borrower shall pay the premiums required to maintain Mortgage Insurance in effect, or to provide a non-refundable loss reserve, until Lender's requirement for Mortgage Insurance ends in accordance with any written agreement between Borrower and Lender providing for such termination or until termination is required by Applicable Law. Nothing in this Section 10 affects Borrower's obligation to pay interest at the rate provided in the Note.

Mortgage Insurance reimburses Lender (or any entity that purchases the Note) for certain losses it may incur if Borrower does not repay the Loan as agreed. Borrower is not a party to the Mortgage Insurance.

Mortgage insurers evaluate their total risk on all such insurance in force from time to time, and may enter into agreements with other parties that share or modify their risk, or reduce losses. These agreements are on terms and conditions that are satisfactory to the mortgage insurer and the other party (or parties) to these agreements. These agreements may require the mortgage insurer to make payments using any source of funds that the mortgage insurer may have available (which may include funds obtained from Mortgage Insurance premiums).

0410913990

 -6A(WA) (0012).04

Page 8 of 15

Initials: *RE*
ME

Form 3048 1/01

As a result of these agreements, Lender, any purchaser of the Note, another insurer, any reinsurer, any other entity, or any affiliate of any of the foregoing, may receive (directly or indirectly) amounts that derive from (or might be characterized as) a portion of Borrower's payments for Mortgage Insurance, in exchange for sharing or modifying the mortgage insurer's risk, or reducing losses. If such agreement provides that an affiliate of Lender takes a share of the insurer's risk in exchange for a share of the premiums paid to the insurer, the arrangement is often termed "captive reinsurance." Further:

(a) Any such agreements will not affect the amounts that Borrower has agreed to pay for Mortgage Insurance, or any other terms of the Loan. Such agreements will not increase the amount Borrower will owe for Mortgage Insurance, and they will not entitle Borrower to any refund.

(b) Any such agreements will not affect the rights Borrower has - if any - with respect to the Mortgage Insurance under the Homeowners Protection Act of 1998 or any other law. These rights may include the right to receive certain disclosures, to request and obtain cancellation of the Mortgage Insurance, to have the Mortgage Insurance terminated automatically, and/or to receive a refund of any Mortgage Insurance premiums that were unearned at the time of such cancellation or termination.

11. Assignment of Miscellaneous Proceeds; Forfeiture. All Miscellaneous Proceeds are hereby assigned to and shall be paid to Lender.

If the Property is damaged, such Miscellaneous Proceeds shall be applied to restoration or repair of the Property, if the restoration or repair is economically feasible and Lender's security is not lessened. During such repair and restoration period, Lender shall have the right to hold such Miscellaneous Proceeds until Lender has had an opportunity to inspect such Property to ensure the work has been completed to Lender's satisfaction, provided that such inspection shall be undertaken promptly. Lender may pay for the repairs and restoration in a single disbursement or in a series of progress payments as the work is completed. Unless an agreement is made in writing or Applicable Law requires interest to be paid on such Miscellaneous Proceeds, Lender shall not be required to pay Borrower any interest or earnings on such Miscellaneous Proceeds. If the restoration or repair is not economically feasible or Lender's security would be lessened, the Miscellaneous Proceeds shall be applied to the sums secured by this Security Instrument, whether or not then due, with the excess, if any, paid to Borrower. Such Miscellaneous Proceeds shall be applied in the order provided for in Section 2.

In the event of a total taking, destruction, or loss in value of the Property, the Miscellaneous Proceeds shall be applied to the sums secured by this Security Instrument, whether or not then due, with the excess, if any, paid to Borrower.

In the event of a partial taking, destruction, or loss in value of the Property in which the fair market value of the Property immediately before the partial taking, destruction, or loss in value is equal to or greater than the amount of the sums secured by this Security Instrument immediately before the partial taking, destruction, or loss in value, unless Borrower and Lender otherwise agree in writing, the sums secured by this Security Instrument shall be reduced by the amount of the Miscellaneous Proceeds multiplied by the following fraction: (a) the total amount of the sums secured immediately before the partial taking, destruction, or loss in value divided by (b) the fair market value of the Property immediately before the partial taking, destruction, or loss in value. Any balance shall be paid to Borrower.

In the event of a partial taking, destruction, or loss in value of the Property in which the fair market value of the Property immediately before the partial taking, destruction, or loss in value is less than the amount of the sums secured immediately before the partial taking, destruction, or loss in value, unless Borrower and Lender otherwise agree in writing, the Miscellaneous Proceeds shall be applied to the sums secured by this Security Instrument whether or not the sums are then due.

If the Property is abandoned by Borrower, or if, after notice by Lender to Borrower that the Opposing Party (as defined in the next sentence) offers to make an award to settle a claim for damages, Borrower fails to respond to Lender within 30 days after the date the notice is given, Lender is authorized to collect and apply the Miscellaneous Proceeds either to restoration or repair of the Property or to the sums secured by this Security Instrument, whether or not then due. "Opposing Party" means the third party that owes Borrower Miscellaneous Proceeds or the party against whom Borrower has a right of action in regard to Miscellaneous Proceeds.

0410913990

 -6A(WA) (0012).04

Page 9 of 15

Initials:

RC
ME

Form 3048 1/01

Borrower shall be in default if any action or proceeding, whether civil or criminal, is begun that, in Lender's judgment, could result in forfeiture of the Property or other material impairment of Lender's interest in the Property or rights under this Security Instrument. Borrower can cure such a default and, if acceleration has occurred, reinstate as provided in Section 19, by causing the action or proceeding to be dismissed with a ruling that, in Lender's judgment, precludes forfeiture of the Property or other material impairment of Lender's interest in the Property or rights under this Security Instrument. The proceeds of any award or claim for damages that are attributable to the impairment of Lender's interest in the Property are hereby assigned and shall be paid to Lender.

All Miscellaneous Proceeds that are not applied to restoration or repair of the Property shall be applied in the order provided for in Section 2.

12. Borrower Not Released; Forbearance By Lender Not a Waiver. Extension of the time for payment or modification of amortization of the sums secured by this Security Instrument granted by Lender to Borrower or any Successor in Interest of Borrower shall not operate to release the liability of Borrower or any Successors in Interest of Borrower. Lender shall not be required to commence proceedings against any Successor in Interest of Borrower or to refuse to extend time for payment or otherwise modify amortization of the sums secured by this Security Instrument by reason of any demand made by the original Borrower or any Successors in Interest of Borrower. Any forbearance by Lender in exercising any right or remedy including, without limitation, Lender's acceptance of payments from third persons, entities or Successors in Interest of Borrower or in amounts less than the amount then due, shall not be a waiver of or preclude the exercise of any right or remedy.

13. Joint and Several Liability; Co-signers; Successors and Assigns Bound. Borrower covenants and agrees that Borrower's obligations and liability shall be joint and several. However, any Borrower who co-signs this Security Instrument but does not execute the Note (a "co-signer"): (a) is co-signing this Security Instrument only to mortgage, grant and convey the co-signer's interest in the Property under the terms of this Security Instrument; (b) is not personally obligated to pay the sums secured by this Security Instrument; and (c) agrees that Lender and any other Borrower can agree to extend, modify, forbear or make any accommodations with regard to the terms of this Security Instrument or the Note without the co-signer's consent.

Subject to the provisions of Section 18, any Successor in Interest of Borrower who assumes Borrower's obligations under this Security Instrument in writing, and is approved by Lender, shall obtain all of Borrower's rights and benefits under this Security Instrument. Borrower shall not be released from Borrower's obligations and liability under this Security Instrument unless Lender agrees to such release in writing. The covenants and agreements of this Security Instrument shall bind (except as provided in Section 20) and benefit the successors and assigns of Lender.

14. Loan Charges. Lender may charge Borrower fees for services performed in connection with Borrower's default, for the purpose of protecting Lender's interest in the Property and rights under this Security Instrument, including, but not limited to, attorneys' fees, property inspection and valuation fees. In regard to any other fees, the absence of express authority in this Security Instrument to charge a specific fee to Borrower shall not be construed as a prohibition on the charging of such fee. Lender may not charge fees that are expressly prohibited by this Security Instrument or by Applicable Law.

If the Loan is subject to a law which sets maximum loan charges, and that law is finally interpreted so that the interest or other loan charges collected or to be collected in connection with the Loan exceed the permitted limits, then: (a) any such loan charge shall be reduced by the amount necessary to reduce the charge to the permitted limit; and (b) any sums already collected from Borrower which exceeded permitted limits will be refunded to Borrower. Lender may choose to make this refund by reducing the principal owed under the Note or by making a direct payment to Borrower. If a refund reduces principal, the reduction will be treated as a partial prepayment without any prepayment charge (whether or not a prepayment charge is provided for under the Note). Borrower's acceptance of any such refund made by direct payment to Borrower will constitute a waiver of any right of action Borrower might have arising out of such overcharge.

15. Notices. All notices given by Borrower or Lender in connection with this Security Instrument must be in writing. Any notice to Borrower in connection with this Security Instrument shall be deemed to have been given to Borrower when mailed by first class mail or when actually delivered to Borrower's

0410913990

 -6A(WA) (0012).04

Page 10 of 15

Initials: *KE*
JHE

Form 3048 1/01

notice address if sent by other means. Notice to any one Borrower shall constitute notice to all Borrowers unless Applicable Law expressly requires otherwise. The notice address shall be the Property Address unless Borrower has designated a substitute notice address by notice to Lender. Borrower shall promptly notify Lender of Borrower's change of address. If Lender specifies a procedure for reporting Borrower's change of address, then Borrower shall only report a change of address through that specified procedure. There may be only one designated notice address under this Security Instrument at any one time. Any notice to Lender shall be given by delivering it or by mailing it by first class mail to Lender's address stated herein unless Lender has designated another address by notice to Borrower. Any notice in connection with this Security Instrument shall not be deemed to have been given to Lender until actually received by Lender. If any notice required by this Security Instrument is also required under Applicable Law, the Applicable Law requirement will satisfy the corresponding requirement under this Security Instrument.

16. Governing Law; Severability; Rules of Construction. This Security Instrument shall be governed by federal law and the law of the jurisdiction in which the Property is located. All rights and obligations contained in this Security Instrument are subject to any requirements and limitations of Applicable Law. Applicable Law might explicitly or implicitly allow the parties to agree by contract or it might be silent, but such silence shall not be construed as a prohibition against agreement by contract. In the event that any provision or clause of this Security Instrument or the Note conflicts with Applicable Law, such conflict shall not affect other provisions of this Security Instrument or the Note which can be given effect without the conflicting provision.

As used in this Security Instrument: (a) words of the masculine gender shall mean and include corresponding neuter words or words of the feminine gender; (b) words in the singular shall mean and include the plural and vice versa; and (c) the word "may" gives sole discretion without any obligation to take any action.

17. Borrower's Copy. Borrower shall be given one copy of the Note and of this Security Instrument.

18. Transfer of the Property or a Beneficial Interest in Borrower. As used in this Section 18, "Interest in the Property" means any legal or beneficial interest in the Property, including, but not limited to, those beneficial interests transferred in a bond for deed, contract for deed, installment sales contract or escrow agreement, the intent of which is the transfer of title by Borrower at a future date to a purchaser.

If all or any part of the Property or any Interest in the Property is sold or transferred (or if Borrower is not a natural person and a beneficial interest in Borrower is sold or transferred) without Lender's prior written consent, Lender may require immediate payment in full of all sums secured by this Security Instrument. However, this option shall not be exercised by Lender if such exercise is prohibited by Applicable Law.

If Lender exercises this option, Lender shall give Borrower notice of acceleration. The notice shall provide a period of not less than 30 days from the date the notice is given in accordance with Section 15 within which Borrower must pay all sums secured by this Security Instrument. If Borrower fails to pay these sums prior to the expiration of this period, Lender may invoke any remedies permitted by this Security Instrument without further notice or demand on Borrower.

19. Borrower's Right to Reinstate After Acceleration. If Borrower meets certain conditions, Borrower shall have the right to have enforcement of this Security Instrument discontinued at any time prior to the earliest of: (a) five days before sale of the Property pursuant to any power of sale contained in this Security Instrument; (b) such other period as Applicable Law might specify for the termination of Borrower's right to reinstate; or (c) entry of a judgment enforcing this Security Instrument. Those conditions are that Borrower: (a) pays Lender all sums which then would be due under this Security Instrument and the Note as if no acceleration had occurred; (b) cures any default of any other covenants or agreements; (c) pays all expenses incurred in enforcing this Security Instrument, including, but not limited to, reasonable attorneys' fees, property inspection and valuation fees, and other fees incurred for the purpose of protecting Lender's interest in the Property and rights under this Security Instrument; and (d) takes such action as Lender may reasonably require to assure that Lender's interest in the Property and rights under this Security Instrument, and Borrower's obligation to pay the sums secured by this Security Instrument, shall continue unchanged. Lender may require that Borrower pay such reinstatement sums and expenses in one or more of the following forms, as selected by Lender: (a) cash; (b) money order; (c)

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 -6A(WA) (0012).04

Page 11 of 15

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Form 3048 1/01

certified check, bank check, treasurer's check or cashier's check, provided any such check is drawn upon an institution whose deposits are insured by a federal agency, instrumentality or entity; or (d) Electronic Funds Transfer. Upon reinstatement by Borrower, this Security Instrument and obligations secured hereby shall remain fully effective as if no acceleration had occurred. However, this right to reinstate shall not apply in the case of acceleration under Section 18.

20. Sale of Note; Change of Loan Servicer; Notice of Grievance. The Note or a partial interest in the Note (together with this Security Instrument) can be sold one or more times without prior notice to Borrower. A sale might result in a change in the entity (known as the "Loan Servicer") that collects Periodic Payments due under the Note and this Security Instrument and performs other mortgage loan servicing obligations under the Note, this Security Instrument, and Applicable Law. There also might be one or more changes of the Loan Servicer unrelated to a sale of the Note. If there is a change of the Loan Servicer, Borrower will be given written notice of the change which will state the name and address of the new Loan Servicer, the address to which payments should be made and any other information RESPA requires in connection with a notice of transfer of servicing. If the Note is sold and thereafter the Loan is serviced by a Loan Servicer other than the purchaser of the Note, the mortgage loan servicing obligations to Borrower will remain with the Loan Servicer or be transferred to a successor Loan Servicer and are not assumed by the Note purchaser unless otherwise provided by the Note purchaser.

Neither Borrower nor Lender may commence, join, or be joined to any judicial action (as either an individual litigant or the member of a class) that arises from the other party's actions pursuant to this Security Instrument or that alleges that the other party has breached any provision of, or any duty owed by reason of, this Security Instrument, until such Borrower or Lender has notified the other party (with such notice given in compliance with the requirements of Section 15) of such alleged breach and afforded the other party hereto a reasonable period after the giving of such notice to take corrective action. If Applicable Law provides a time period which must elapse before certain action can be taken, that time period will be deemed to be reasonable for purposes of this paragraph. The notice of acceleration and opportunity to cure given to Borrower pursuant to Section 22 and the notice of acceleration given to Borrower pursuant to Section 18 shall be deemed to satisfy the notice and opportunity to take corrective action provisions of this Section 20.

21. Hazardous Substances. As used in this Section 21: (a) "Hazardous Substances" are those substances defined as toxic or hazardous substances, pollutants, or wastes by Environmental Law and the following substances: gasoline, kerosene, other flammable or toxic petroleum products, toxic pesticides and herbicides, volatile solvents, materials containing asbestos or formaldehyde, and radioactive materials; (b) "Environmental Law" means federal laws and laws of the jurisdiction where the Property is located that relate to health, safety or environmental protection; (c) "Environmental Cleanup" includes any response action, remedial action, or removal action, as defined in Environmental Law; and (d) an "Environmental Condition" means a condition that can cause, contribute to, or otherwise trigger an Environmental Cleanup.

Borrower shall not cause or permit the presence, use, disposal, storage, or release of any Hazardous Substances, or threaten to release any Hazardous Substances, on or in the Property. Borrower shall not do, nor allow anyone else to do, anything affecting the Property (a) that is in violation of any Environmental Law, (b) which creates an Environmental Condition, or (c) which, due to the presence, use, or release of a Hazardous Substance, creates a condition that adversely affects the value of the Property. The preceding two sentences shall not apply to the presence, use, or storage on the Property of small quantities of Hazardous Substances that are generally recognized to be appropriate to normal residential uses and to maintenance of the Property (including, but not limited to, hazardous substances in consumer products).

Borrower shall promptly give Lender written notice of (a) any investigation, claim, demand, lawsuit or other action by any governmental or regulatory agency or private party involving the Property and any Hazardous Substance or Environmental Law of which Borrower has actual knowledge, (b) any Environmental Condition, including but not limited to, any spilling, leaking, discharge, release or threat of

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Page 12 of 15

Initials:

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Form 3048 1/01

release of any Hazardous Substance, and (c) any condition caused by the presence, use or release of a Hazardous Substance which adversely affects the value of the Property. If Borrower learns, or is notified by any governmental or regulatory authority, or any private party, that any removal or other remediation of any Hazardous Substance affecting the Property is necessary, Borrower shall promptly take all necessary remedial actions in accordance with Environmental Law. Nothing herein shall create any obligation on Lender for an Environmental Cleanup.

NON-UNIFORM COVENANTS. Borrower and Lender further covenant and agree as follows:

22. Acceleration; Remedies. Lender shall give notice to Borrower prior to acceleration following Borrower's breach of any covenant or agreement in this Security Instrument (but not prior to acceleration under Section 18 unless Applicable Law provides otherwise). The notice shall specify: (a) the default; (b) the action required to cure the default; (c) a date, not less than 30 days from the date the notice is given to Borrower, by which the default must be cured; and (d) that failure to cure the default on or before the date specified in the notice may result in acceleration of the sums secured by this Security Instrument and sale of the Property at public auction at a date not less than 120 days in the future. The notice shall further inform Borrower of the right to reinstate after acceleration, the right to bring a court action to assert the non-existence of a default or any other defense of Borrower to acceleration and sale, and any other matters required to be included in the notice by Applicable Law. If the default is not cured on or before the date specified in the notice, Lender at its option, may require immediate payment in full of all sums secured by this Security Instrument without further demand and may invoke the power of sale and/or any other remedies permitted by Applicable Law. Lender shall be entitled to collect all expenses incurred in pursuing the remedies provided in this Section 22, including, but not limited to, reasonable attorneys' fees and costs of title evidence.

If Lender invokes the power of sale, Lender shall give written notice to Trustee of the occurrence of an event of default and of Lender's election to cause the Property to be sold. Trustee and Lender shall take such action regarding notice of sale and shall give such notices to Borrower and to other persons as Applicable Law may require. After the time required by Applicable Law and after publication of the notice of sale, Trustee, without demand on Borrower, shall sell the Property at public auction to the highest bidder at the time and place and under the terms designated in the notice of sale in one or more parcels and in any order Trustee determines. Trustee may postpone sale of the Property for a period or periods permitted by Applicable Law by public announcement at the time and place fixed in the notice of sale. Lender or its designee may purchase the Property at any sale.

Trustee shall deliver to the purchaser Trustee's deed conveying the Property without any covenant or warranty, expressed or implied. The recitals in the Trustee's deed shall be prima facie evidence of the truth of the statements made therein. Trustee shall apply the proceeds of the sale in the following order: (a) to all expenses of the sale, including, but not limited to, reasonable Trustee's and attorneys' fees; (b) to all sums secured by this Security Instrument; and (c) any excess to the person or persons legally entitled to it or to the clerk of the superior court of the county in which the sale took place.

23. Reconveyance. Upon payment of all sums secured by this Security Instrument, Lender shall request Trustee to reconvey the Property and shall surrender this Security Instrument and all notes evidencing debt secured by this Security Instrument to Trustee. Trustee shall reconvey the Property without warranty to the person or persons legally entitled to it. Such person or persons shall pay any recordation costs and the Trustee's fee for preparing the reconveyance.

24. Substitute Trustee. In accordance with Applicable Law, Lender may from time to time appoint a successor trustee to any Trustee appointed hereunder who has ceased to act. Without conveyance of the Property, the successor trustee shall succeed to all the title, power and duties conferred upon Trustee herein and by Applicable Law.

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Page 13 of 15

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Form 3048 1/01

25. **Use of Property.** The Property is not used principally for agricultural purposes.

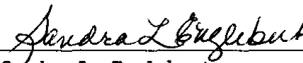
26. **Attorneys' Fees.** Lender shall be entitled to recover its reasonable attorneys' fees and costs in any action or proceeding to construe or enforce any term of this Security Instrument. The term "attorneys' fees," whenever used in this Security Instrument, shall include without limitation attorneys' fees incurred by Lender in any bankruptcy proceeding or on appeal.

ORAL AGREEMENTS OR ORAL COMMITMENTS TO LOAN MONEY, EXTEND CREDIT, OR TO FORBEAR FROM ENFORCING REPAYMENT OF A DEBT ARE NOT ENFORCEABLE UNDER WASHINGTON LAW.

BY SIGNING BELOW, Borrower accepts and agrees to the terms and covenants contained in this Security Instrument and in any Rider executed by Borrower and recorded with it.

Witnesses:

_____  (Seal)
Robert W. Engleburt -Borrower

_____  (Seal)
Sandra I. Engleburt -Borrower

_____ (Seal) _____ (Seal)
-Borrower -Borrower

_____ (Seal) _____ (Seal)
-Borrower -Borrower

_____ (Seal) _____ (Seal)
-Borrower -Borrower

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 -6A(WA) (0012).04

Page 14 of 15

Form 3048 1/01

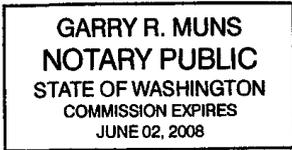
STATE OF WASHINGTON

County of Thurston Pierce *RE* } ss:

On this day personally appeared before me **Robert W. Englebort & Sandra L. Englebort**

to me known to be the individual(s) described in and who executed the within and foregoing instrument, and acknowledged that he/she/they signed the same as his/her/their free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 12th day of September, 2007.



Garry R. Muns
Notary Public in and for the State of Washington, residing at
Lake Tapps
My Appointment Expires on 06/02/08

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VMP -6A(WA) (0012).04

Page 15 of 15

Initials: *RE*
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Form 3048 1/01

EXHIBIT "A"

The South 40 feet of Lot 12, the North 40 feet of Lot 11, and all of Lots 5 and 6, Block 27, Sackett's Addition to Buckley, according to the Plat recorded in Book 3 of plats, page(s) 67, in Pierce County, Washington.

Except the Westerly 8 feet of said Lots 11 and 12, conveyed to the Town of Buckley for a public alley by instrument recorded under recording number 771646.

ADJUSTABLE RATE RIDER to Security Instrument

(LIBOR 6 Month Index - As Published in *The Wall Street Journal* - Rate Caps)

(To Be Recorded Together with Security Instrument)

THIS ADJUSTABLE RATE RIDER is made this 12th day of September, 2007 and incorporated into and shall be deemed to amend and supplement the Mortgage, Deed of Trust or Security Deed (the "Security Instrument") of the same date given by the undersigned (the "Borrower") to secure Borrower's Adjustable Rate Note (the "Note") to EquiFirst Corporation (the "Lender") of the same date and covering the property described in the Security Instrument and located at:

355 North Cascade Street, Buckley, WA 98321
(property address)

THE NOTE CONTAINS PROVISIONS ALLOWING FOR CHANGES IN THE INTEREST RATE AND THE MONTHLY PAYMENT. THE NOTE LIMITS THE AMOUNT THE BORROWER'S INTEREST RATE CAN CHANGE AT ANY ONE TIME AND THE MAXIMUM AND MINIMUM RATE THE BORROWER MUST PAY.

ADDITIONAL COVENANTS.

In addition to the covenants and agreements made in the Security Instrument, Borrower and Lender further covenant and agree as follows:

A. INTEREST RATE AND MONTHLY PAYMENT CHANGES

The Note provides for an initial interest rate of 8.750% . The Note provides for changes in the interest rate and the monthly payment as follows:

(A) Change Dates

The interest rate I will pay may change on October 1, 2010 and on that day every sixth month thereafter. Each date on which my interest rate could change is called a "Change Date".

(B) The Index

Beginning with the first Change Date, my interest rate will be based on an Index. The "Index" is the average of interbank offered rates for six-month U.S. dollar-denominated deposits in the London market ("LIBOR"), as published in *The Wall Street Journal*. The most recent Index figure available as of the first business day of the month immediately preceding the month in which the Change Date occurs is the "Current Index."
If the Index is no longer available, the Note Holder will choose a new index that is based upon comparable information. The Note Holder will give me notice of this choice.

(C) Calculation of Changes

Before each Change Date, The Note Holder will calculate my new interest rate by adding 5.380 percentage points (5.380 %) to the Current Index. The Note Holder will then round the result of this addition to the nearest one-eighth of one percentage point (0.125%). Subject to the limits stated in Section 4(D) below, this rounded amount will be my interest rate until the next Change Date.

The Note Holder will then determine the amount of the monthly payment that would be sufficient to repay the unpaid principal that I am expected to owe at the Change Date in full on the Maturity Date at my new interest rate in substantially equal payments. The result of this calculation will be the new amount of my monthly payment.

(D) Limits on Interest Rate Changes

The interest rate I am required to pay at the first Change Date will not be greater than 11.750% or less than 8.750% . Thereafter, my interest rate will never be increased or decreased on any single Change Date by more than one percentage point(s) (1.00%) the rate of interest I have been paying for the preceding six months. My interest rate will never be greater than 14.750 % or less than the initial interest rate provided for in Section 2 of this Note.

(E) Effective Date of Changes

My new interest rate will become effective on each Change Date. I will pay the amount of my new monthly payment beginning on the first monthly payment date after the Change Date until the amount of my monthly payment changes again.

(F) Notice of Changes

The Note Holder will deliver or mail to me a notice of any changes in my new interest rate and the amount of my monthly payment before the effective date of any change. The notice will include information required by law to be given me and also the title and telephone number of a person who will answer any question I may have regarding the notice.

B. TRANSFER OF THE PROPERTY OR A BENEFICIAL INTEREST IN BORROWER

Uniform Covenant 17 of the Security Instrument is amended to read as follows:

Transfer of Property or a Beneficial Interest in Borrower.

If all or any part of the Property or any interest in it is sold or transferred (or if a beneficial interest in Borrower is sold or transferred and Borrower is not a natural person), without Lender's prior written consent, Lender may, at its option, require immediate payment in full of all sums secured by this Security Instrument. However, this option shall not be exercised by Lender if exercise is prohibited by federal law as of the date of this Security Instrument. Lender also shall not exercise this option if: (a) Borrower causes to be submitted to Lender information required by Lender to evaluate the intended transferee as if a new loan were being made to the transferee; and (b) Lender reasonably determines that Lender's security will not be impaired by the loan assumption and that the risk of a breach of any covenant or agreement in this Security Instrument is acceptable to Lender.

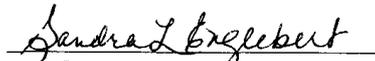
To the extent permitted by applicable law, Lender may charge a reasonable fee as a condition to Lender's consent to the loan assumption. Lender may also require the transferee to sign an assumption agreement that is acceptable to Lender and that obligates to the transferee to keep all the promises and agreements made in the Note and in the Security Instrument. Borrower will continue to be obligated under the Note and this Security Instrument unless Lender releases Borrower in writing.

If Lender exercises the option to require immediate payment in full, Lender shall give Borrower notice of acceleration. The notice shall provide a period of not less than 30 days from the date the notice is delivered or mailed within which Borrower must pay all sums secured by this Security Instrument. If Borrower fails to pay these sums prior to the expiration of this period, Lender may invoke any remedies permitted by this Security Instrument without further notice or demand on Borrower.

BY SIGNING BELOW, Borrower accepts and agrees to the terms and covenants contained in this Adjustable Rate Rider.



Robert W. Englebert



Sandra L. Englebert

**ADJUSTABLE RATE INTEREST RATE FLOOR &
PREPAYMENT PENALTY Rider to Security Instrument**

(To Be Recorded Together with Security Instrument)

This ADJUSTABLE INTEREST RATE FLOOR & PREPAYMENT PENALTY RIDER (the "Rider") is made this 12th day of September, 2007, and amends the Mortgage, Deed of Trust or Security Deed (the "Security Instrument") dated the same date and given by the person(s) who signs below (the "Borrower(s)") to EquiFirst Corporation (the "Lender") to secure prepayment of a Note in the amount of U.S. \$ 234,000.00.

In addition to the agreements and provisions made in the Note and the Security Instrument, and notwithstanding any provisions to the contrary contained in said Note or the Security Instrument, both the Borrower(s) and the Lender further agree as follows

ADJUSTABLE INTEREST RATE FLOOR

This loan has an Interest Rate "Floor" which will limit the amount the Interest Rate can decrease. Regardless of any changes in the index, the Interest Rate during the term of this loan will never be less than the initial Interest Rate provided for in Section 2 of the Note.

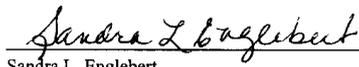
PREPAYMENT PENALTY

In the event, during the first 3 years after the execution of this Note, I make a prepayment and the prepayment exceeds twenty percent (20%) of the original principal amount of the loan in any twelve (12) month period, I will pay a prepayment charge in an amount equal to six (6) months' advance interest on the amount prepaid which is in excess of twenty percent (20%) of the original principal amount of the loan within the twelve (12) month period. The Note Holder will not assess a prepayment penalty after the 3rd anniversary of the date of execution of this Note.

In the event that I make either a full or a partial prepayment during the 60 day period prior to the expiration of the prepayment penalty term as set forth in this section, the Note Holder will not impose a prepayment penalty.



Robert W. Englebert



Sandra L. Englebert

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Balloon Payment Rider to Security Instrument
(To Be Recorded Together with Security Instrument)

This BALLOON PAYMENT RIDER (the "Rider") is made this 12th day of September, 2007 and amends the Mortgage, Deed of Trust or Security Deed (the "Security Instrument") dated the same date and given by the person(s) who sign below (the "Borrower(s)") to EquiFirst Corporation (the "Lender") to secure repayment of a Note in the amount of U.S. \$ 234,000.00.

In addition to the agreements and provisions made in the Note and the Security Instrument, both the Borrower(s) and the Lender further agree as follows:

- 1) THIS LOAN IS PAYABLE IN FULL AT THE MATURITY DATE. THE "MATURITY DATE" IS October 1, 2037 YOU MUST REPAY THE ENTIRE PRINCIPAL BALANCE OF THE LOAN AND UNPAID INTEREST THEN DUE. THE LENDER IS UNDER NO OBLIGATION TO REFINANCE THE LOAN AT THAT TIME. YOU WILL, THEREFORE, BE REQUIRED TO MAKE PAYMENT OUT OF OTHER ASSETS THAT YOU MAY OWN, OR YOU WILL HAVE TO FIND A LENDER, WHICH MAY BE THE LENDER YOU HAVE THIS LOAN WITH, WILLING TO LEND YOU THE MONEY. IF YOU REFINANCE THIS LOAN AT MATURITY, YOU MAY HAVE TO PAY SOME OR ALL OF THE CLOSING COSTS NORMALLY ASSOCIATED WITH A NEW LOAN EVEN IF YOU OBTAIN REFINANCING FROM THE SAME LENDER.
- 2) **CALCULATION OF MONTHLY PAYMENT AT CHANGE DATE**
THE SECOND PARAGRAPH OF SECTION 4(C) OF THE NOTE IS HEREBY AMENDED BY DELETING IT IN ITS ENTIRETY AND REPLACING IT WITH THE FOLLOWING: "THE NOTE HOLDER WILL THEN DETERMINE THE AMOUNT OF THE MONTHLY PAYMENT THAT WOULD BE SUFFICIENT TO REPAY THE UNPAID PRINCIPAL BALANCE THAT I AM EXPECTED TO OWE AT THE CHANGE DATE IN FULL OVER THE REMAINING AMORTIZATION PERIOD OF MY LOAN AT MY NEW INTEREST RATE IN SUBSTANTIALLY EQUAL PAYMENTS. THE RESULT OF THIS CALCULATION WILL BE THE NEW AMOUNT OF MONTHLY PAYMENT. I UNDERSTAND THAT THE AMORTIZATION PERIOD OF MY LOAN IS 50 YEARS FROM THE DATE MY FIRST PAYMENT IS DUE AND THAT I WILL HAVE A FINAL BALLOON PAYMENT DUE ON THE MATURITY DATE."
- 3) AT LEAST NINETY (90), BUT NOT MORE THAN ONE HUNDRED TWENTY (120) DAYS PRIOR TO THE MATURITY DATE, THE LENDER MUST SEND THE BORROWER(S) A NOTICE WHICH STATES THE MATURITY DATE AND THE AMOUNT OF THE "BALLOON PAYMENT" WHICH WILL BE DUE ON THE MATURITY DATE (ASSUMING ALL SCHEDULED PAYMENTS DUE BETWEEN THE DATE OF THE NOTICE AND THE MATURITY DATE ARE MADE ON TIME).



Robert W. Englebert



Sandra L. Englebert

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200909100175 2 PGS
09/10/2009 11:51:02 AM \$15.00
PIERCE COUNTY, WASHINGTON

AND WHEN RECORDED MAIL TO:

Old Republic Default Management Services
PO Box 250
Orange, California 92856-6250

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SPACE ABOVE THIS LINE FOR RECORDER'S USE

TSG Order No.: 090520122-WA-GSI

T.S. #: 09-33875

APPOINTMENT OF SUCCESSOR TRUSTEE

WHEREAS, **ROBERT W ENGLEBERT AND SANDRA L. ENGLEBERT, HUSBAND AND WIFE** is the grantor and **ESCROW NORTHWEST INC** is the trustee, and **MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.** is the beneficiary or Successor in Interest under that certain trust deed dated **9/12/2007**, and recorded on **9/17/2007**, under Auditor's File No. **200709170344** as book -- and page -- , of official records in the office of the Recorder of **Pierce County, Washington** and is more particularly described as follows:

THE SOUTH 40 FEET OF LOT 12, THE NORTH 40 FEET OF LOT 11, AND ALL OF LOTS 5 AND 6. BLOCK 27, SACKETT'S ADDITION TO BUCKLEY, ACCORDING TO THE PLAT RECORDED IN BOOK 3 OF PLATS, PAGE(S) 67, IN PIERCE COUNTY, WASHINGTON.

EXCEPT THE WESTERLY 8 FEET OF SAID LOTS 11 AND 12, CONVEYED TO THE TOWN OF BUCKLEY FOR A PUBLIC ALLEY BY INSTRUMENT RECORDED UNDER RECORDING NUMBER 771646.

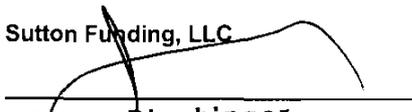
The undersigned, **Sutton Funding, LLC by Barclays Capital Real Estate Inc., DBA HomeEq Servicing as Attorney-in-Fact**, who is the present beneficiary under said trust deed desires to appoint a new trustee in the place and stead of the original trustee named above.

NOW, THEREFORE, the undersigned hereby appoints **Old Republic Default Management Services, a Division of Old Republic National Title Insurance Company, P.O. Box 250, Orange, CA 92856-6250**, as successor trustee under said trust deed, to have all the powers of said original trustee, effective immediately.

IN WITNESS WHEREOF, the undersigned beneficiary has hereunto set his hand: if the undersigned is a corporation, it has caused its corporate name to be signed and affixed hereto by its duly authorized officers.

Dated: 7/30/2009

Sutton Funding, LLC



Tonya Blechinger
Assist. Secretary

15

State of California
County of Sacramento

On 8/3/2009 before me, Jane Quick, a Notary Public in and for said county, personally appeared Tonya Bechinger who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature *Jane Quick* (Seal)
Jane Quick



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Pierce County, WA EWILLIA

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Pages: 3 Fee: \$18.00

PREPARED BY:

Towd Point Master Funding Trust 2017-PM5
C/O FirstKey Mortgage, LLC, 900 Third Avenue,
5th Floor, New York, NY 10022

ID: 318055

ALT ID: 2612981

UID: FK84_318055_WC051618

WHEN RECORDED RETURN TO:

Westcor Land Title Insurance Co
600 W Germantown Ave, Suite 450
Plymouth Meeting, PA 19462

Parcel #: 7380000040

ASSIGNMENT OF DEED OF TRUST

FOR VALUE RECEIVED, the undersigned, **Towd Point Master Funding Trust 2017-PM5**, located at C/O FirstKey Mortgage, LLC, 900 Third Avenue, 5th Floor, New York, NY 10022, ("ASSIGNOR/GRANTOR"), hereby grants, conveys, assigns to: **FirstKey Mortgage, LLC**, located at: 900 Third Avenue, 5th Floor, New York, NY 10022, ("ASSIGNEE/GRANTEE"), all beneficial interest under that certain **DEED OF TRUST**, dated **09/12/2007** and executed by **ROBERT W. ENGLEBERT AND SANDRA L. ENGLEBERT, HUSBAND AND WIFE**, borrower(s) to: **ESCROW NORTHWEST INC** as original trustee and **Mortgage Electronic Registration Systems, Inc.**, solely as nominee for **EQUIFIRST CORPORATION**, as original lender, and certain instrument recorded **09/17/2007**, in **Instrument 200709170344**, in the Official Records of **Pierce County, the State of Washington**, given to secure a certain Promissory Note in the amount of **\$234,000.00** covering the property located at **355 N CASCADE ST, BUCKLEY, WA 98321**.

Legal Description:

See Exhibit A, Attached.

TOGETHER with the note or notes therein described and secured thereby, the money due and to become due thereon, with interest, and all rights accrued or to accrue under said Mortgage including the right to have reconveyed, in whole or in part, the real property described therein.

Dated: May 18, 2018

ASSIGNOR: Towd Point Master Funding Trust 2017-PM5

By: FirstKey Mortgage, LLC, a Florida Limited Liability Company, not in its individual capacity but solely as Administrator

By: 

Name: William Walencyk

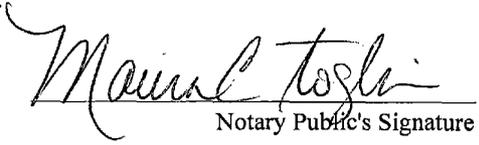
Title: Authorized Signatory

State of: New York

County of: New York

Before me, Maura C. Toglia, duly commissioned Notary Public, on this day personally appeared **William Walencyk, Authorized Signatory of FirstKey Mortgage, LLC, a Florida Limited Liability Company, not in its individual capacity but solely as Administrator for Towd Point Master Funding Trust 2017-PM5, known to me** (or proved to me on the oath of _____ or through _____) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed in his/her authorized capacity.

Given under my hand and seal of office this 18 day of May, 2018.


Notary Public's Signature

MAURA C. TOGLIA
Printed Name Notary Public, State of New York
Lic. #01TO6044869

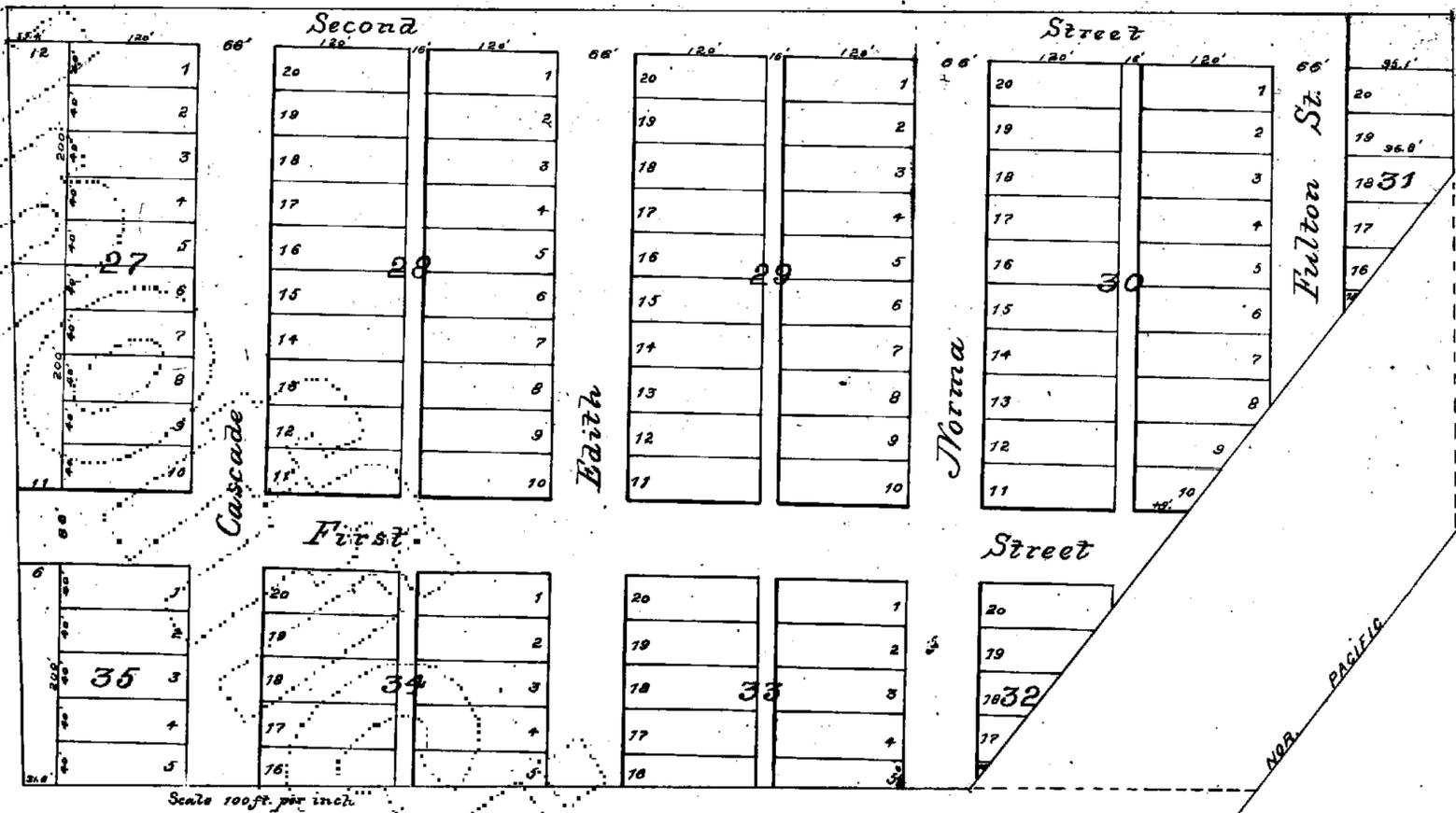
My Commission Expires Qualified in Westchester County
My Commission Expires July 17, 2018

Property Address: 355 N CASCADE ST, BUCKLEY, WA 98321

Exhibit A: Legal Description

THE SOUTH 40 FEET OF LOT 12, THE NORTH 40 FEET OF LOT 11, AND ALL OF LOTS 5 AND 6, BLOCK 27, SACKETT'S ADDITION TO BUCKLEY, ACCORDING TO THE PLAT RECORDED IN BOOK 3 OF PLATS, PAGE (S) 67, IN PIERCE COUNTY, WASHINGTON. EXCEPT THE WESTERLY 8 FEET OF SAID LOTS 11 AND 12, CONVEYED TO THE TOWN OF BUCKLEY FOR A PUBLIC ALLEY BY INSTRUMENT RECORDED UNDER RECORDING NUMBER 771646.

SACKETTS ADDITION TO BUCKLEY. W. T.



For reference only, not for re-sale.

Know all men by these presents that we C. E. Sackett and Rollo Sackett his wife, do hereby lay out and plat into town lots, streets and alleys, the following described tract of land, viz:

All that part of the S. E. 1/4 of the N. W. 1/4 of Sec. 3, T. 19 N. R. 6 E. W. Mer. lying North of the Dundas Addition and West of the Northern Pacific Railroad; which is hereafter to be known as Sacketts Addition to Buckley Wash. Ter. and we do hereby donate and dedicate to the use of the public forever all the streets and alleys in this Addition.

In witness whereof we have hereunto set our hands and seals this 13th day of August

A. D. 1889.

Witness { R. J. Miller
Coke Ewing

C. E. Sackett
Rollo Sackett

Territory of Washington }
County of Pierce } S.S.

This is to certify that on this thirteenth day of August A. D. 1889 C. E. Sackett and Rollo Sackett his wife personally appeared before me, a Notary Public in and for said County of Pierce Washington Territory, to me known to be the individuals described in and who executed the within deed, and acknowledged to me that they executed the same freely and voluntarily and for the use and purpose therein set forth.

In witness whereof, I have hereunto set my hand and official seal the day and year in this certificate above mentioned

Coke Ewing
Notary Public in and for
said Pierce County Wash. Ter.



Recorded at the request of C. E. Sackett August 14th 1889 at 11 49 o'clock a. m.

Edward Heggema
County Auditor
By W. H. Collins, Deputy

1st. That the said parties of the first part are seized of the said premises in fee simple, and have good right to convey the same.
 2nd. That the said parties of the second part shall quietly enjoy the said premises.
 3. That the said premises are free from all incumbrances. Prior to February 3, 1925.
 4. That the said parties of the first part will warrant and defend the title to the same forever against all lawful claims and demands whatsoever.
 In Witness Whereof, The said parties of the first part have hereunto set their hands and seals the day and year first above written.
 Signed, Sealed and Delivered in the presence of

Edmund Braun (Seal)
 M^{rs} Minnie Braun (Seal)

State Of Washington,)
 County of Pierce,) ss.

I, S.R. Webb, a Notary Public in and for the said State, do hereby certify that on this 17th day of September A.D. 1925, personally appeared before me Edmund Braun and his wife Minnie Braun, to me known to be the individuals described in and who executed the within instrument and acknowledged that they signed and sealed the same as their free and voluntary act and deed for the uses and purposes therein mentioned. Given Under My Hand and Official Seal, this 17th day of September A.D. 1925,

" S. R. Webb Notary Public " S. R. Webb
 " State Of Washington, Seal " Notary Public in and for said State,
 " Commission Expires June 11, 1927 " Residing at Tacoma, in said County
 Commission expires June 11, 1927

Filed and recorded at request of R.B. Webb Sep. 22, 1925 at 4:45 P.M.
 By *J. Campbell Jr.* Deputy F. Campbell Jr. Auditor Pierce Co. Wa.

771542 THIS INDENTURE WITNESSETH, That J.J. Connelly and Wife Grace Connelly party of the first part, in and in consideration of the sum of (\$1.) one Dollar and other valuable consideration Dollars, lawful currency of the United States of America, to in hand paid by Chas. F. Powell, party of the second part, do by these presents remise, release, convey and quit claim unto said party of the second part, heirs and assigns, all interest of the said party of the first part in and to the following described real property, situated in Pierce Co. County, State of Washington, to-wit:

Lots 1 to 10 inc. and 18 and 19 in Block 49, Townsite of Springfield State of Washington.
 TO HAVE AND TO HOLD, The said premises, with all the appurtenances, unto the said part of the second part and to heirs and assigns forever.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the 8th day of September 1925.
 Signed, Sealed and Delivered in the Presence of

A. B. Bell (Seal)
 J. J. Connelly (Seal)
 Grace Connelly (Seal)

State Of Washington,)
 County of Pierce,) ss.

I, A.B. Bell, a Notary Public in and for the said State, do hereby certify that on this 8th day of September 1925, personally appeared before me J.J. Connelly & Grace Connelly husband and wife, to me known to be the individuals described in and who executed the within instrument, and acknowledged that they signed and sealed the same as their free and voluntary act and deed for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

" A. B. Bell Notary Public " A. B. Bell
 " State Of Washington, " Notary Public in and for the State of
 " Commission Expires Dec. 18, 1926 " Washington, residing at Tacoma in said
 County

Filed and recorded at request of Chas. F. Powell Sep. 24, 1925 at 8:08 A.M.
 By *J. Campbell Jr.* Deputy F. Campbell Jr. Auditor Pierce Co. Wa.

771546 The Grantors Thomas P. Hansen and Marie Hansen, his wife; Chris Olson and Carrie Olson, his wife, and Edith S. Trumble and Frank Trumble, her husband, all of Buckley, Pierce County, State of Washington, For the consideration of One and no/100 Dollars Convey and quit-claim to the Town of Buckley, a municipal corporation of said county and state all interest in the following described Real Estate:

a strip of land eight feet wide lying in and along the east line of that portion of the N.E. 1/4 of the S.W. 1/4 of the N.W. 1/4 lying between the north line of Park Avenue and the north one-sixteenth line in Section Three, Township Nineteen North, Range Six East of W.M. and also a strip of land eight feet wide lying in and along the west line of the north forty feet of lot eleven and in and along the west line of lot twelve, in block twenty-seven in Sackett Addition to the Town of Buckley, Washington, to be used as a public alley and should such alley thereafter be vacated said strips of land shall revert back to said land according to law.

Situate in the County of Pierce, State of Washington.
 Dated this 29th day of August 1925.

Witnesses:
 Thos. P. Hansen (Seal)
 Mrs Marie Hansen (Seal)
 Chris Olson (Seal)
 Carrie Olson (Seal)
 Edith S. Trumble (Seal)
 Frank Trumble (Seal)

State of Washington,)
 County of Pierce,) ss.

I, Charles Harkins, a Notary Public, do hereby certify that on this 29th day of August 1925, personally appeared before me Thomas P. Hansen and Marie Hansen, husband and wife; Chris Olson, husband and wife and Edith Trumble and Frank Trumble wife and husband to me known to be the individuals described in, and who executed the within instrument, and acknowledged that they signed and sealed the same as their free and voluntary act and deed for the uses and purposes therein mentioned. Given under my hand and official seal this 29th day of August A.D. 1925.

Charles Harkins Notary Public
 State Of Washington,
 Commission Expires Apr. 10, 1929

Filed and recorded at request of Chas. Harkins
 By *J. Campbell Jr.* Deputy

771547 THIS INDENTURE, Made this 3rd day of August 1925, BY AND BETWEEN, Charles Uovovich husband and wife, and Elsie Koenig, all the first part, and the Town of Buckley, the second part.

WITNESSETH:
 That the said parties of the first part, for and in consideration of the sum of one dollar, lawful money of the United States, receipt whereof is hereby acknowledged, party of the second part, its successors, heirs, assigns, and assigns, do hereby describe lateral sewer and sub-sewer and drain, thereon the said lateral sewer and sub-sewer of Buckley.
 The said strip of land for said

Fettig and McNeely addition to the Charles Uovovich and Vice Uovovich eight, Block Four, Said addition may be.
 Edward Boyle and Anna Boyke, a block four, in said addition, to the west line of said lot.
 Elsie Koenig, a strip of land to addition, to cross said lot as n said lot.
 All situate, lying and being in

Provided, that each and every one of their heirs, executors, administrators and the use of the said strip of right of said sewer and drain and of using and maintaining said sewers.

Provided, Further, that the late vest Districts, hereafter to be created, right of way, and the whole thereof shall constructing such lateral sewer and sub-sewer or may be provided by the ordinances of the City of Tacoma.
 IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and year first above written.

State Of Washington,)
 County of Pierce,) ss.

I, Charles Harkins, a Notary Public appeared before me Charles Uovovich and Elsie Koenig, to me known to be the individuals described in and who executed the within instrument, and acknowledged that they signed and sealed the same as their free and voluntary act and deed for the uses and purposes therein mentioned. Given under my hand and official seal this 3rd day of August 1925.

" Charles Harkins Notary Public " Charles Harkins
 " State Of Washington, " Notary Public in and for the State of
 " Commission Expires Apr. 10, 1929 " Washington, residing at Tacoma in said
 County

Filed and recorded at request of Chas. Harkins
 By *J. Campbell Jr.* Deputy

771548 (Internal Revenue \$3.00 Sep. 24, Sheriff's Deed Under Special Exec No. 53013)

This Indenture, Made this 19th day of August 1925, in and between the County of Pierce, State of Washington, of the first part, and the Town of Buckley, the second part;

WHEREAS, by virtue of a writ of the Court of the State of Washington, holding July 1924, upon a judgment rendered in said Court, Plaintiff, vs. N.L. Goodwin and Myrtle Goodwin, his wife Defendants, for the sum of \$100.00, directed and delivered, commencing out of the lands, tenements and real estate of the said defendants, and real estate particularly set forth and described on the said writ, the said Sheriff

AND WHEREAS, He, the said Sheriff, sold the said premises at public auction, in the City of Tacoma, County of Pierce, State of Washington, on the 19th day of August 1925, after having first given notice of the said premises were struck off to S.A. Alder, and said sum being the highest sum bid for the same.

Exhibit 5:
Record of Survey for BLA

CITY OF BUCKLEY
BOUNDARY LINE ADJUSTMENT
BLA-18-0005

CITY OF BUCKLEY
RECORD OF SURVEY FOR BOUNDARY LINE ADJUSTMENT
A PORTION OF THE SW 1/4, NW 1/4, SECTION 3, TOWNSHIP 19N, RANGE 6E, W.M.
PIERCE COUNTY, WASHINGTON

CITY OF BUCKLEY PLANNING AND
DEVELOPMENT SERVICES
DEPARTMENT

CITY PLANNER _____ DATE _____

CITY ENGINEER _____

CITY ENGINEER _____ DATE _____

CITY MAYOR _____

MAYOR CITY OF BUCKLEY _____ DATE _____

ASSESSOR/TREASURER _____

I HEREBY CERTIFY THAT ALL STATE AND COUNTY TAXES
HERETOFORE LEVIED AGAINST THE PROPERTY DESCRIBED
HEREON, ACCORDING TO THE BOOKS AND RECORDS OF MY
OFFICE, HAVE BEEN FULLY PAID AND DISCHARGED.

ASSESSOR/TREASURER _____ DATE _____

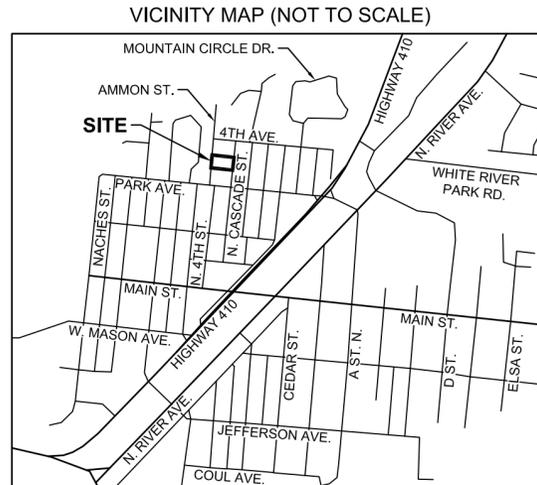
FREE CONSENT STATEMENT

STATE OF WASHINGTON)
COUNTY OF _____)ss
ON THIS DAY PERSONALLY APPEARED BEFORE ME

TO ME KNOWN TO BE THE INDIVIDUAL DESCRIBED IN AND
WHO EXECUTED THE WITHIN AND FOREGOING INSTRUMENT
AND ACKNOWLEDGED THAT THEY SIGNED THE SAME AS
THEIR FREE AND VOLUNTARY ACT AND DEED, FOR THE USES
AND PURPOSES THEREIN MENTIONED GIVEN UNDER MY HAND
AND OFFICIAL SEAL THIS

_____ DAY OF _____, 2019.

NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON,
MY COMMISSION
EXPIRES _____



REFERENCE SURVEYS

1. RECORD OF SURVEY FOR WICKERSHAM EAST BOUNDARY LINE ADJUSTMENT NO. BLA-2009-03.
2. RECORD OF SURVEY FOR BETTE NICHOLSON RECORD NO. 9609090317 OF PIERCE COUNTY, WASHINGTON
3. REMONUMENTATION SURVEY SACKETT'S ADD & DUNDASS ADD AUDITOR'S FEE NO. 8483020235.

BASIS OF BEARING

S 89°52'00" E DETERMINED FROM THE CENTER LINE BETWEEN FOUND MONUMENTS IN CASE AT THE INTERSECTION OF 4TH AVE. AND EDITH ST. AND 4TH AVE. AND N. FULTON ST. PER REMONUMENTATION SURVEY SACKETT'S ADD & DUNDASS ADD VOLUME 182 PAGE 214 OF PLATS AND RECORDED UNDER AUDITORS FEE NO. 8483020235 RECORDS OF PIERCE COUNTY, STATE OF WASHINGTON.

SURVEYOR'S NOTES

1. FIELD MAPPING COMPLETED NOVEMBER, 2018.
2. ALL DISTANCE ARE GROUND UNLESS OTHERWISE NOTED.
3. INSTRUMENT USED, TRIMBLE TOTAL STATION & TRIMBLE GPS.
4. THIS SURVEY WAS PERFORMED BY FIELD TRAVERSE WITH THE FINAL RESULT MEETING OR EXCEEDING THE CURRENT TRAVERSE STANDARDS CONTAINED IN W.A.C. 332-130-090.
5. THE BOUNDARY CORNERS AND LINES DEPICTED ON THIS MAP REPRESENT DEED LINES ONLY. THEY DO NOT PURPORT TO SHOW OWNERSHIP LINES THAT MAY OTHERWISE BE DETERMINED BY A COURT OF LAW.
6. THIS SURVEY COMPLIES WITH ALL STANDARDS AND GUIDELINES OF THE "SURVEY RECORDING ACT" CHAPTER 58.09 R.C.W., AND 332-130 W.A.C.
7. UPON FINAL APPROVAL AND RECORDING OF THIS LOT LINE ADJUSTMENT, THE AFFECTED LOT CORNERS WILL BE SET BY A PROFESSIONAL LAND SURVEYOR LICENSED IN THE STATE OF WASHINGTON, PER BMC 18.34.050(2).

GENERAL NOTES

1. THE APPROVAL OF THIS BLA SHOULD NOT BE CONSTRUED AS APPROVAL OF ANY LAND USE WHICH MAY OR MAY NOT HAVE BEEN PROPERLY PERMITTED.
2. THIS BOUNDARY LINE ADJUSTMENT IS NOT A PLAT, REPLAT, OR SUBDIVISION.
3. APPROVAL OF A BOUNDARY LINE ADJUSTMENT IS NOT A GUARANTEE THAT FUTURE PERMITS WILL BE GRANTED FOR ANY STRUCTURE OR DEVELOPMENT WITHIN A LOT AFFECTED BY A BOUNDARY LINE ADJUSTMENT.
4. ALL CONDITIONS, RESTRICTIONS AND NOTES FROM THE ORIGINAL SUBDIVISION STILL APPLY.

EXCEPTIONS FOR TAX PARCEL NO(S):
738000-0080, 0040, & 0131

PER: FIRST AMERICAN TITLE INSURANCE COMPANY
FILE NO. 3138730

- 1) DEED OF TRUST TERMS AND CONDITIONS:
RECORD NUMBER: 200709170344
RECORDED: SEPTEMBER 17TH, 2007
- 2) TRUSTEE UNDER THE DEED OF TRUST:
RECORD NUMBER: 200909100175
RECORDED: SEPTEMBER 10TH, 2009
- 3) ANY AND ALL OFFERS OF DEDICATION, CONDITIONS, RESTRICTIONS, EASEMENTS, BOUNDARY DISCREPANCIES OR ENCROACHMENTS, NOTES AND/OR PROVISIONS SHOWN OR DISCLOSED BY SHORT PLAT OR PLAT OF SACKETT'S ADDITION TO BUCKLEY, W.T. RECORDED VOLUME 3 OF PLATS, PAGE(S) 67.

UTILITY PROVIDERS

PROVIDER:	UTILITY SERVICE:
CITY OF BUCKLEY	DOMESTIC WATER AND SEWER
PUGET SOUND ENERGY	ELECTRIC AND GAS
COMCAST/CENTURY LINK	TELEPHONE, CABLE TELEVISION, AND INTERNET

ACKNOWLEDGEMENT

STATE OF WASHINGTON)
COUNTY OF PIERCE)ss
ON THIS ___ DAY OF _____, 20__.

BEFORE ME PERSONALLY APPEARED _____ TO ME KNOWN TO BE THE INDIVIDUAL(S) DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT, PERSONALLY APPEARED BEFORE ME, AND ACKNOWLEDGED THAT (HE/SHE/THEY) SIGNED THE SAME AS (HIS/HER/THEIR) FREE AND VOLUNTARY ACT AND DEED, FOR THE USES AND PURPOSES THEREIN MENTIONED.

DATED: _____ (SEAL OR STAMP)

SIGNATURE: _____

(PRINT NAME): _____

IN WITNESS WHEREOF, I HAVE HEREON SET MY HAND AND OFFICIAL SEAL THE DAY AND YEAR FIRST ABOVE WRITTEN.

NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON

RESIDING AT _____

MY COMMISSION EXPIRES _____

ORIGINAL LEGAL DESCRIPTION
(TAX PARCEL NO. 738000-0080)

THE NORTH 40 FEET OF LOT 11, BLOCK 27, SACKETT'S ADDITION TO BUCKLEY, W.T., ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 3 OF PLATS, PAGE 67.

EXCEPT THE WESTERLY 8 FEET OF SAID LOT 12 CONVEYED TO THE TOWN OF BUCKLEY FOR A PUBLIC ALLEY BY INSTRUMENT RECORDED UNDER RECORDING NUMBER 771646.

SITUATE IN THE COUNTY OF PIERCE, STATE OF WASHINGTON.

PARCEL AREA: 1,769 SQ. FT.(0.04 ACRES).

ORIGINAL LEGAL DESCRIPTION
(TAX PARCEL NO. 738000-0040)

ALL OF LOTS 5 AND 6, BLOCK 27, SACKETT'S ADDITION TO BUCKLEY, W.T., ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 3 OF PLATS, PAGE 67.

SITUATE IN THE COUNTY OF PIERCE, STATE OF WASHINGTON.

PARCEL AREA: 9,598 SQ. FT.(0.22 ACRES).

ORIGINAL LEGAL DESCRIPTION
(TAX PARCEL NO. 738000-0131)

THE SOUTH 40 FEET OF LOT 12, BLOCK 27, SACKETT'S ADDITION TO BUCKLEY, W.T., ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 3 OF PLATS, PAGE 67.

EXCEPT THE WESTERLY 8 FEET OF SAID LOT 12 CONVEYED TO THE TOWN OF BUCKLEY FOR A PUBLIC ALLEY BY INSTRUMENT RECORDED UNDER RECORDING NUMBER 771646.

SITUATE IN THE COUNTY OF PIERCE, STATE OF WASHINGTON.

PARCEL AREA: 1,830 SQ. FT.(0.04 ACRES).

REVISED LEGAL DESCRIPTION LOT A
(TAX PARCEL NO. 738000-XXXX)

THE SOUTH 40 FEET OF LOT 12, THE NORTH 40 FEET OF LOT 11, AND THE EAST 38.25 FEET OF LOTS 5 AND 6, BLOCK 27, SACKETT'S ADDITION TO BUCKLEY, W.T., ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 3 OF PLATS, PAGE 67, RECORDS OF THE PIERCE COUNTY AUDITOR;

EXCEPT THE WESTERLY 8 FEET OF SAID LOTS 11 AND 12 CONVEYED TO THE TOWN OF BUCKLEY FOR A PUBLIC ALLEY BY INSTRUMENT RECORDED UNDER RECORDING NUMBER 771646;

SITUATED IN THE CITY OF BUCKLEY, COUNTY OF PIERCE, STATE OF WASHINGTON

PARCEL AREA: 6,658 SQ. FT.(0.15 ACRES).

REVISED LEGAL DESCRIPTION LOT B
(TAX PARCEL NO. 738000-XXXX)

LOTS 5 AND 6, BLOCK 27, SACKETT'S ADDITION TO BUCKLEY, W.T., ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 3 OF PLATS, PAGE 67, RECORDS OF THE PIERCE COUNTY AUDITOR;

EXCEPTING THE EAST 38.25 FEET THEREOF.

SITUATED IN THE CITY OF BUCKLEY, COUNTY OF PIERCE, STATE OF WASHINGTON

PARCEL AREA: 6,538 SQ. FT.(0.15 ACRES).

PROPERTY OWNERS

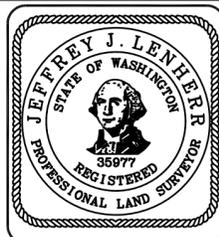
ROBERT & SANDRA ENGLEBERT

SITE ADDRESS

355 N. CASCADE ST.
BUCKLEY, WA, 98321

RECORDING CERTIFICATE
FILED FOR RECORD THIS _____ DAY OF _____, 20__
AT _____ .M. IN BOOK _____ OF SURVEYS AT PAGE _____ AT THE
REQUEST OF _____
RECORDING FEE NO. _____
AUDITOR _____

SURVEYOR'S CERTIFICATE
THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR
UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS,
OF THE SURVEY RECORDING ACT AT THE REQUEST OF _____
IN _____, 20__
JEFFREY LENHERR, PLS DATE: _____
CERTIFICATE NUMBER 35977



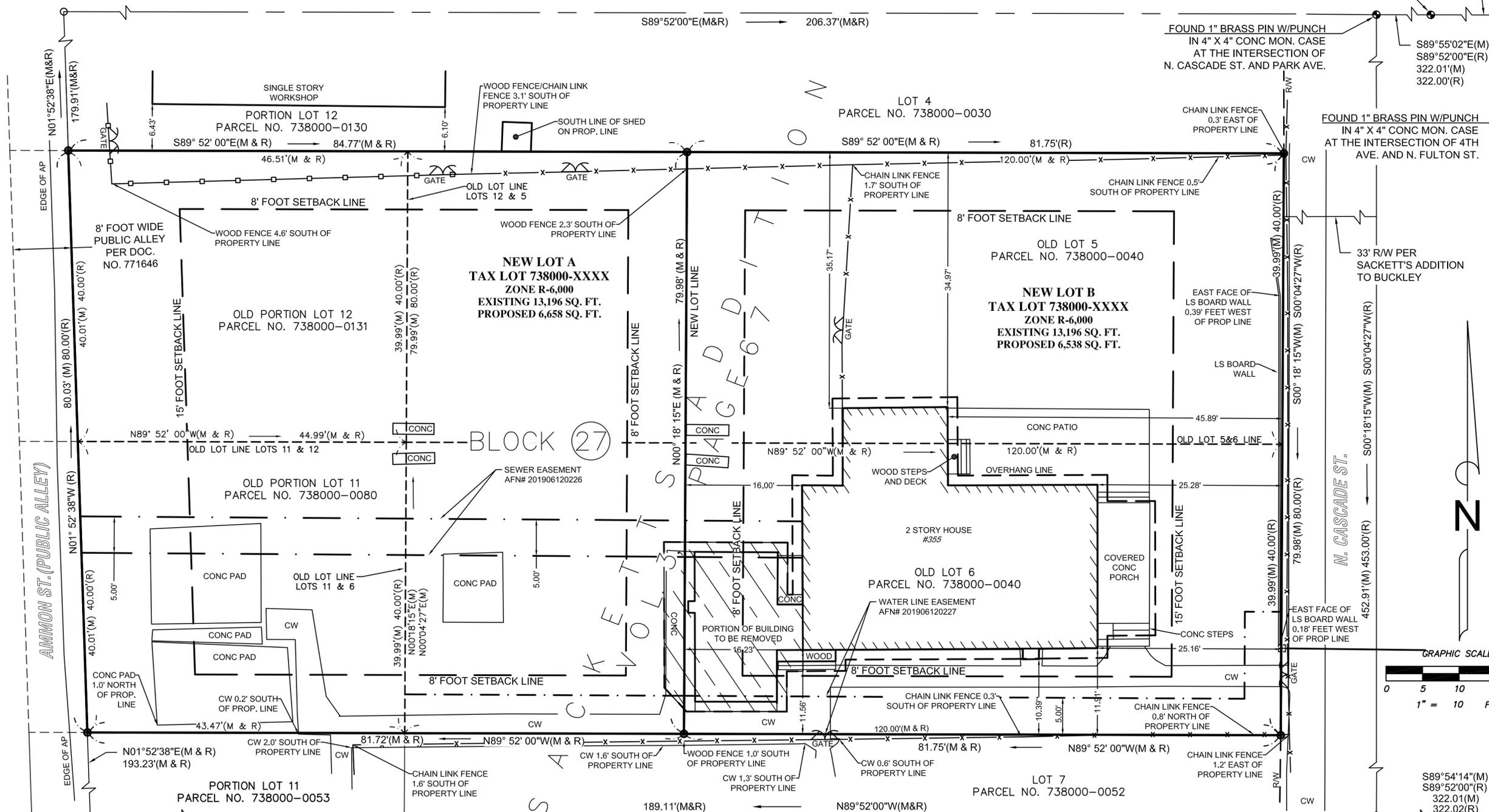
HUITT-ZOLIARS
1102 Broadway, Suite 301
Tacoma, Washington 98402
Phone (253) 627-9131 Fax (253) 627-4730

DRAFTED: KP	CHECKED: DO
DATE: 06/13/19	JOB NO.: 310178.02
SCALE: 1" = 10'	FIELD CREW: TB, KL

INDEX DATA: SW 1/4, NW 1/4, SECTION 3, TOWNSHIP 19 NORTH, RANGE 6 EAST, W.M.
RECORD OF SURVEY FOR BOUNDARY LINE ADJUSTMENT
FOR
ROBERT & SANDRA ENGLEBERT
355 N. CASCADE, BUCKLEY, PIERCE COUNTY, WA, 98321

SHT. 1 OF 2

CITY OF BUCKLEY
RECORD OF SURVEY FOR BOUNDARY LINE ADJUSTMENT
A PORTION OF THE SW 1/4, NW 1/4, SECTION 3, TOWNSHIP 19N, RANGE 6E, W.M.
PIERCE COUNTY, WASHINGTON



LEGEND

- GATE
- FOUND MONUMENT AS NOTED
- CALCULATED MONUMENT OR CORNER
- 1/2" IRON REBAR SET W/CAP MARKED NO. 35977

LINETYPES

- CHAIN LINK FENCE
- WOOD FENCE
- RIGHT-OF-WAY LINE
- OLD PROPERTY LINE
- BUILDING OVERHANG LINE

ABBREVIATIONS

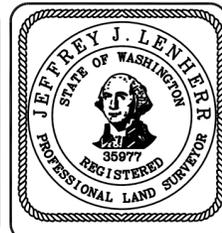
- AP ASPHALT
- C CALCULATED
- CONC CONCRETE
- CW CONCRETE WALKWAY
- PROP PROPERTY
- M MEASURED
- R RECORD

FOUND 1 1/4" BRASS PIN W/PUNCH
IN 4" X 4" CONC MON. CASE
AT THE INTERSECTION OF
N. CASCADE ST. AND PARK AVE.

FOUND 1" BRASS PIN W/PUNCH
IN 4" X 4" CONC MON. CASE
AT THE INTERSECTION OF
PARK AVE. AND EDITH ST.

RECORDING CERTIFICATE
FILED FOR RECORD THIS _____ DAY OF _____, 20____
AT _____ M. IN BOOK _____ OF SURVEYS AT PAGE _____ AT THE
REQUEST OF _____
RECORDING FEE NO. _____
AUDITOR _____

SURVEYOR'S CERTIFICATE
THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR
UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS,
OF THE SURVEY RECORDING ACT AT THE REQUEST OF _____
IN _____, 20____
JEFFREY LENHERR, PLS
CERTIFICATE NUMBER 35977
DATE: _____



HUIT-ZOLLARS
1102 Broadway, Suite 301
Tacoma, Washington 98402
Phone (253) 627-9131 Fax (253) 627-4730

DRAFTED: KP
DATE: 06/13/2019
SCALE: 1" = 10'

CHECKED: DO
JOB NO.: 310178.02
FIELD CREW: TB, KL

INDEX DATA: SW 1/4, NW 1/4, SECTION 3, TOWNSHIP 19 NORTH, RANGE 6
EAST, W.M.

RECORD OF SURVEY FOR BOUNDARY LINE ADJUSTMENT
FOR
ROBERT & SANDRA ENGLEBERT

355 N. CASCADE, BUCKLEY, PIERCE COUNTY, WA, 98321

SHT.
2
OF
2

Exhibit 6
New Lot A Closure Report

Englebert BLA

City of Buckley

New Lot A Closure Report

North: 672188.5008' East: 1259463.1684'

Segment #1 : Line

Course: S89° 52' 00.00"E Length: 81.748'

North: 672188.3105' East: 1259544.9162'

Segment #2 : Line

Course: S00° 18' 15.29"W Length: 79.982'

North: 672108.3297' East: 1259544.4915'

Segment #3 : Line

Course: N89° 52' 00.00"W Length: 81.748'

North: 672108.5199' East: 1259462.7437'

Segment #4 : Line

Course: N00° 18' 15.29"E Length: 79.982'

North: 672188.5008' East: 1259463.1684'

Perimeter: 323.461' Area: 6538.38 Sq. Ft.

Error Closure: 0.0000 Course: N00° 00' 00.00"E

Error North: 0.00000 East: 0.00000

Precision 1: 323460000.000

Exhibit 7
New Lot B Closure Report

Englebert BLA

City of Buckley

New Lot B Closure Report

North: 672108.5195' East: 1259462.7437'

Segment #1 : Line

Course: N89° 52' 00.00"W Length: 81.721'

North: 672108.7097' East: 1259381.0229'

Segment #2 : Line

Course: N01° 52' 38.31"W Length: 80.031'

North: 672188.6978' East: 1259378.4011'

Segment #3 : Line

Course: S89° 52' 00.00"E Length: 84.767'

North: 672188.5005' East: 1259463.1679'

Segment #4 : Line

Course: S00° 18' 15.29"W Length: 79.982'

North: 672108.5196' East: 1259462.7432'

Perimeter: 326.502' Area: 6658.02 Sq. Ft.

Error Closure: 0.0005 Course: N80° 07' 43.39"W

Error North: 0.00008 East: -0.00048

Precision 1: 653002.000

**Exhibit 8:
Water Utility Easement**

201906120227 MBALLAR 5 PGS
06/12/2019 11:18:01 AM \$103.00
AUDITOR, Pierce County, WASHINGTON

This Document Prepared By:

Huitt-Zollars, Inc.
1102 Broadway Suite 301
Tacoma, WA 98402

After recording return documents to:

Englebert Robert W. & Sandra L.
PO Box 1057
Buckley, WA 98321

UTILITY WATER EASEMENT

Grantor(s): (Last name first, then first name and initials):

1. Englebert, Robert W.
2. Englebert, Sandra L.

Grantee(s): (List person receiving easement right)

1. Englebert, Robert W.
2. Englebert, Sandra L.

Abbreviated Legal Descriptions:

TAX PARCEL NO. 7380000040
SACKETT'S ADD: SACKETT'S ADD L 5 & 6 B 27

TAX PARCEL NO. 7380000080
SACKETT'S ADD: SACKETT'S ADD N 40 FT OF L 11 B 27 EXC W 8 FT FOR ALLEY ITEM
1

Assessor's Property Tax Parcel Number: 7380000040, 7380000080

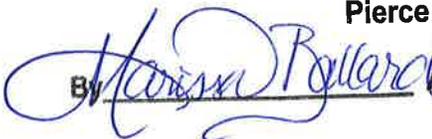
Section, Township, Range: S 03, T 19 N, R 06 E, W.M.

Fronting Street: N. Cascade St.

Cross Street: Ammon St.

EXCISE TAX EXEMPT DATE 6/12/19

Pierce County

By  **Auth. Sig.**

UTILITY WATER EASEMENT

THIS INDENTURE, made this 11th day of June, 2019, between Robert & Sandra Englebert hereinafter called the GRANTOR(S), and Robert & Sandra Englebert Hereinafter called the GRANTEE(S),

WITNESSETH:

For valuable consideration, receipt of which is hereby acknowledged, the Grantor(s) hereby grants and conveys to the Grantee, its successors and assignees, A PERPETUAL EASEMENT FOR WATER LINES, over, under, upon and through a portion of that certain real property situate and being in the County of Pierce, State of Washington, more particularly described as follows, TO WIT:

PARCEL(S):

TAX PARCEL NO. 7380000040

ALL OF LOTS 5 AND 6, BLOCK 27, SACKETT'S ADDITION TO BUCKLEY, W.T., ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 3 OF PLATS, PAGE 67.

SITUATE IN THE COUNTY OF PIERCE, STATE OF WASHINGTON.

PARCEL AREA: 9,598 SQ. FT. (0.22 ACRES).

TAX PARCEL NO. 7380000080

THE NORTH 40 FEET OF LOT 11, BLOCK 27, SACKETT'S ADDITION TO BUCKLEY, W.T., ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 3 OF PLATS, PAGE 67.

EXCEPT THE WESTERLY 8 FEET OF SAID LOT 12 CONVEYED TO THE TOWN OF BUCKLEY FOR A PUBLIC ALLEY BY INSTRUMENT RECORDED UNDER RECORDING NUMBER 771646.

SITUATE IN THE COUNTY OF PIERCE, STATE OF WASHINGTON.

PARCEL AREA: 1,769 SQ. FT. (0.04 ACRES).

PERMANENT EASEMENT:

Said portion of the above-described parcel being described as follows:

THAT PORTION OF LOT 5 OF THE SACKETT'S ADDITION TO BUCKLEY, W.T., ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 3 OF PLATS, PAGE 67, RECORDS OF PIERCE COUNTY, STATE OF WASHINGTON, BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 5;

THENCE NORTH 89°52'00" WEST ALONG THE SOUTH LINE OF SAID LOT 5 A DISTANCE OF 120.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 5; THENCE LEAVING SAID SOUTH LINE NORTH 00°18'15" EAST ALONG THE WEST LINE OF SAID LOT 5 A DISTANCE OF 5.00 FEET TO A LINE PARALLEL WITH AND 5.00 FEET NORTH OF SAID SOUTH LINE;

EXHIBIT "A"
WATER LINE EASEMENT

THAT PORTION OF LOT 5 OF THE SACKETT'S ADDITION TO BUCKLEY, W.T., ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 3 OF PLATS, PAGE 67, RECORDS OF PIERCE COUNTY, STATE OF WASHINGTON, BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 5;

THENCE NORTH 89°52'00" WEST ALONG THE SOUTH LINE OF SAID LOT 5 A DISTANCE OF 120.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 5;

THENCE LEAVING SAID SOUTH LINE NORTH 00°18'15" EAST ALONG THE WEST LINE OF SAID LOT 5 A DISTANCE OF 5.00 FEET TO A LINE PARALLEL WITH AND 5.00 FEET NORTH OF SAID SOUTH LINE;

THENCE ALONG SAID PARALLEL LINE SOUTH 89°52'00" EAST A DISTANCE OF 115.00 FEET;

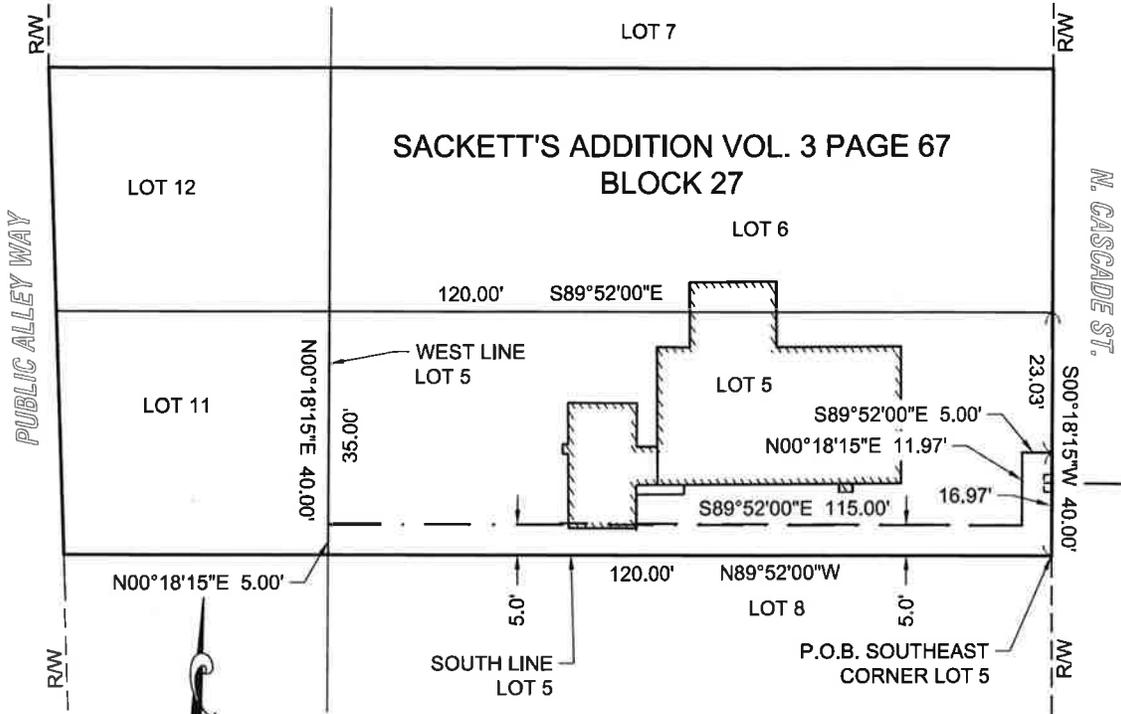
THENCE LEAVING SAID PARALLEL LINE NORTH 00°18'15" EAST A DISTANCE OF 11.97 FEET;

THENCE SOUTH 89°52'00" EAST A DISTANCE OF 5.00 FEET TO A POINT ON THE EAST LINE OF SAID LOT 5;

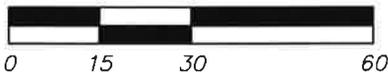
THENCE ALONG SAID EAST LINE SOUTH 00°18'15" WEST A DISTANCE OF 16.97' TO THE POINT OF BEGINNING

CONTAINING 660 SQUARE FEET OR 0.011 ACRES, MORE OR LESS.
SITUATED IN THE COUNTY OF PIERCE, STATE OF WASHINGTON.

EXHIBIT B



GRAPHIC SCALE



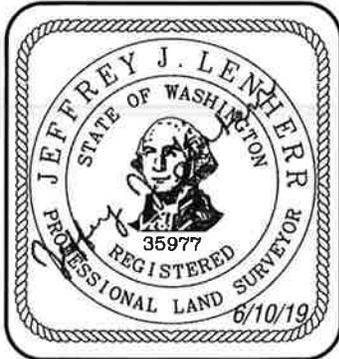
1" = 30 FEET

ABBREVIATIONS

P.O.B.	POINT OF BEGINNING
RW	RIGHT-OF-WAY

INDEX DATA: NW 1/4, SEC. 3, T. 19 N., R. 6 E., W.M.

DATE: 06/10/19



SKETCH OF WATER LINE EASEMENT
 PROPERTY TAX ADDRESS: 355 N. CASCADE ST.
 TAX ACCOUNT NO.: 738000-0040 & 0080

HUITT-ZOLLARS

1102 Broadway, Suite 301
 Tacoma, Washington 98402
 Phone (253) 627-9131 Fax (253) 627-4730

**Exhibit 9:
Sewer Utility Easement**

201906120226 MBALLAR 5 PGS
06/12/2019 11:18:01 AM \$103.00
AUDITOR, Pierce County, WASHINGTON

This Document Prepared By:

Huitt-Zollars, Inc.
1102 Broadway Suite 301
Tacoma, WA 98402

After recording return documents to:

Englebert Robert W. & Sandra L.
PO Box 1057
Buckley, WA 98321

UTILITY SEWER EASEMENT

Grantor(s): (Last name first, then first name and initials):

1. Englebert, Robert W.
2. Englebert, Sandra L.

Grantee(s): (List person receiving easement right)

1. Englebert, Robert W.
2. Englebert, Sandra L.

Abbreviated Legal Descriptions:

TAX PARCEL NO. 7380000040
SACKETT'S ADD: SACKETT'S ADD L 5 & 6 B 27

TAX PARCEL NO. 7380000080
SACKETT'S ADD: SACKETT'S ADD N 40 FT OF L 11 B 27 EXC W 8 FT FOR ALLEY ITEM
1

Assessor's Property Tax Parcel Number: 7380000040, 7380000080

Section, Township, Range: S 03, T 19 N, R 06 E, W.M.

Fronting Street: N. Cascade St.

Cross Street: Ammon St.

EXCISE TAX EXEMPT DATE 6/12/19
Pierce County

By *Harissa Ballard* Auth. Sig.

UTILITY SEWER EASEMENT

THIS INDENTURE, made this 11th day of June, 2019, between Robert & Sandra Englebert hereinafter called the GRANTOR(S), and Robert & Sandra Englebert Hereinafter called the GRANTEE(S),

WITNESSETH:

For valuable consideration, receipt of which is hereby acknowledged, the Grantor(s) hereby grants and conveys to the Grantee, its successors and assignees, A PERPETUAL EASEMENT FOR SANITARY SEWER, over, under, upon and through a portion of that certain real property situate and being in the County of Pierce, State of Washington, more particularly described as follows, TO WIT:

PARCEL(S):

TAX PARCEL NO. 7380000040

ALL OF LOTS 5 AND 6, BLOCK 27, SACKETT'S ADDITION TO BUCKLEY, W.T., ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 3 OF PLATS, PAGE 67.

SITUATE IN THE COUNTY OF PIERCE, STATE OF WASHINGTON.

PARCEL AREA: 9,598 SQ. FT. (0.22 ACRES).

TAX PARCEL NO. 7380000080

THE NORTH 40 FEET OF LOT 11, BLOCK 27, SACKETT'S ADDITION TO BUCKLEY, W.T., ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 3 OF PLATS, PAGE 67.

EXCEPT THE WESTERLY 8 FEET OF SAID LOT 12 CONVEYED TO THE TOWN OF BUCKLEY FOR A PUBLIC ALLEY BY INSTRUMENT RECORDED UNDER RECORDING NUMBER 771646.

SITUATE IN THE COUNTY OF PIERCE, STATE OF WASHINGTON.

PARCEL AREA: 1,769 SQ. FT. (0.04 ACRES).

PERMANENT EASEMENT:

Said portion of the above-described parcel being described as follows:

THAT PORTION OF LOTS 5 AND 11 OF THE SACKETT'S ADDITION TO BUCKLEY, W.T., ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 3 OF PLATS, PAGE 67, RECORDS OF PIERCE COUNTY, STATE OF WASHINGTON, BEING A STRIP OF LAND 5.00 FEET WIDE, LYING 2.50 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 11 ALSO BEING A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF A PUBLIC ALLEY CONVEYED TO THE TOWN OF BUCKLEY BY INSTRUMENT RECORDED UNDER RECORDING NUMBER 771646

EXHIBIT "A"
SEWER LINE EASEMENT

THAT PORTION OF LOTS 5 AND 11 OF THE SACKETT'S ADDITION TO BUCKLEY, W.T., ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 3 OF PLATS, PAGE 67, RECORDS OF PIERCE COUNTY, STATE OF WASHINGTON, BEING A STRIP OF LAND 5.00 FEET WIDE, LYING 2.50 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 11 ALSO BEING A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF A PUBLIC ALLEY CONVEYED TO THE TOWN OF BUCKLEY BY INSTRUMENT RECORDED UNDER RECORDING NUMBER 771646

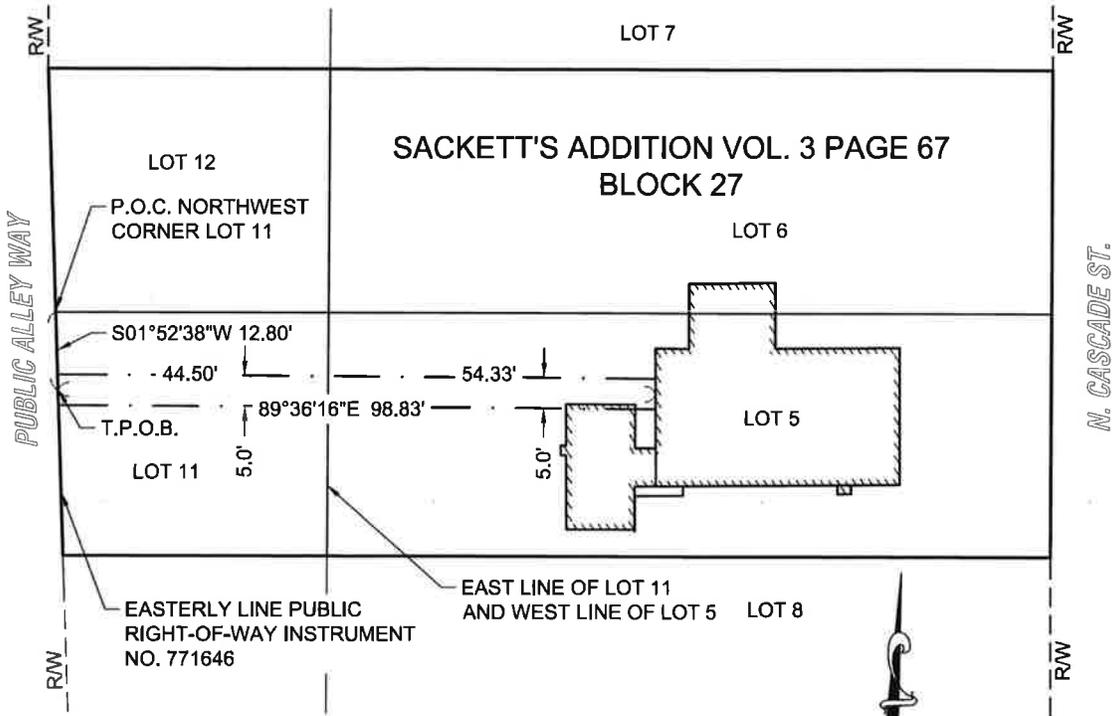
THENCE SOUTH 01°52'38" WEST ALONG SAID EASTERLY RIGHT-OF-WAY LINE A DISTANCE OF 12.80 FEET TO THE TRUE POINT OF BEGINNING OF SAID DESCRIBED CENTERLINE;

THENCE LEAVING SAID EASTERLY RIGHT-OF-WAY LINE SOUTH 89°36'16" EAST A DISTANCE OF 98.83 TO THE END OF SAID DESCRIBED CENTERLINE;

SIDELINES TO BE SHORTENED OR PROLOGED TO TERMINATE ON THE WEST AT SAID EASTERLY RIGHT-OF-WAY LINE AND ON THE EAST PERPENDICULAR TO SAID CENTERLINE.

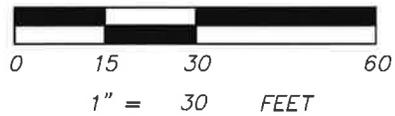
CONTAINING 494 SQUARE FEET OR 0.011 ACRES, MORE OR LESS.
SITUATED IN THE COUNTY OF PIERCE, STATE OF WASHINGTON.

EXHIBIT B



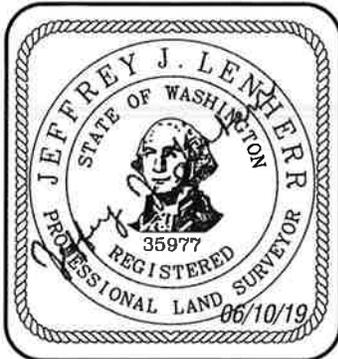
ABBREVIATIONS

P.O.C	POINT OF CEMMENCEMENT
T.P.O.B.	TRUE POINT OF BEGINNING
R/W	RIGHT-OF-WAY



INDEX DATA: NW 1/4, SEC. 3, T. 19 N., R. 6 E., W.M.

DATE: 06/10/19



SKETCH OF SEWER EASEMENT
 PROPERTY TAX ADDRESS: 355 N. CASCADE ST.
 TAX ACCOUNT NO.: 738000-0040 & 0080

HUITT-ZOLIARS

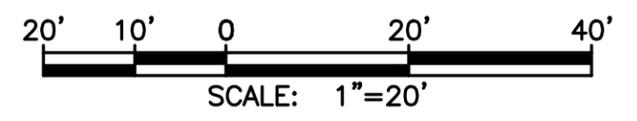
1102 Broadway, Suite 301
 Tacoma, Washington 98402
 Phone (253) 627-9131 Fax (253) 627-4730



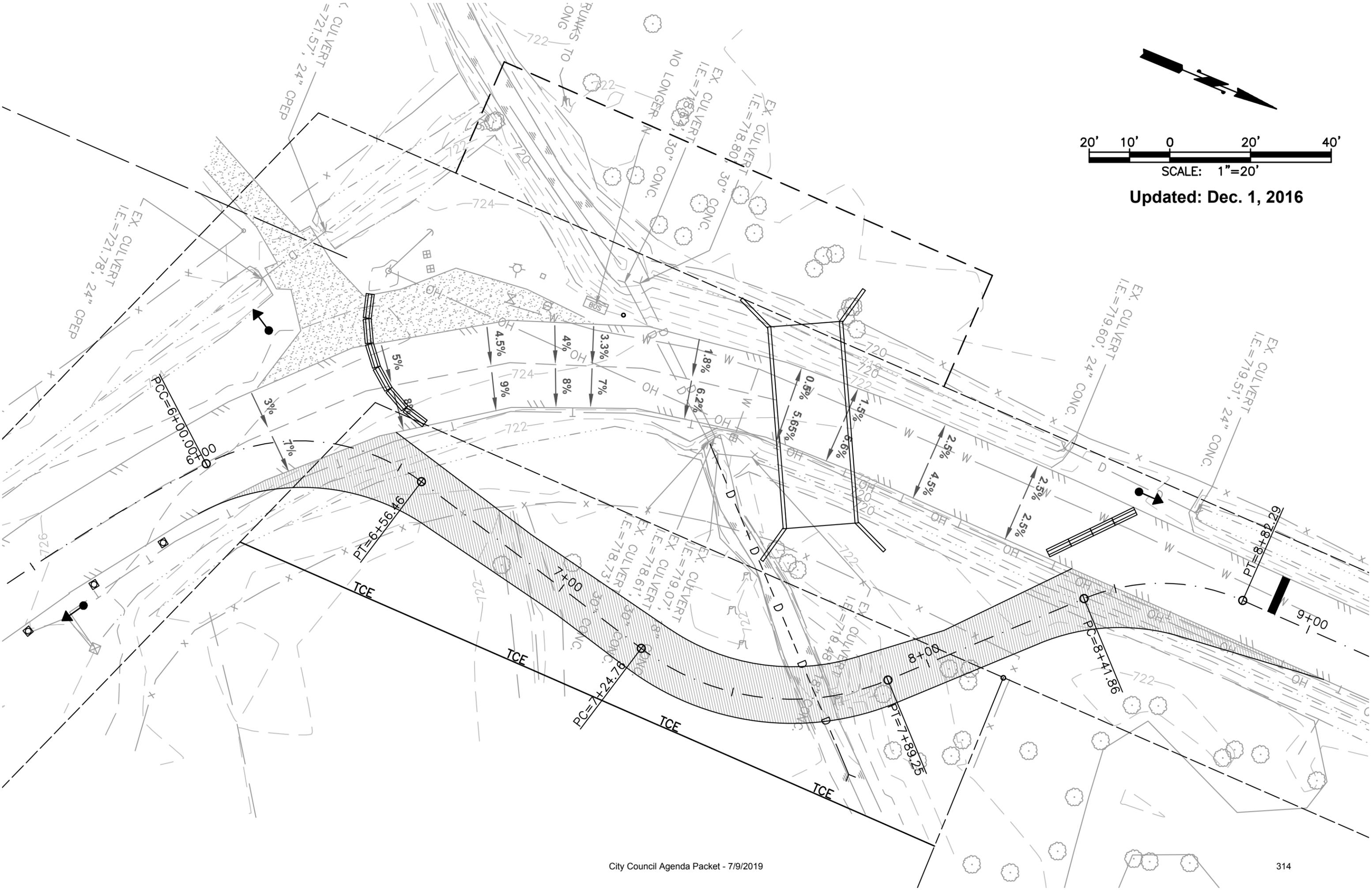
CITY COUNCIL AGENDA BILL

City of Buckley
PO Box 1960
Buckley, WA 98321

ITEM INFORMATION			
SUBJECT: Temporary Construction Easement & Administrative Settlement Agreement – Spiketon Culvert Project	Agenda Date: July 9, 2019		AB19-068
	Department/Committee/Individual	Created	Reviewed
	Mayor Pat Johnson		X
	City Administrator – Dave Schmidt		X
	City Attorney – Phil Olbrechts		X
	City Engineer – Dominic Miller		
	City Clerk – Treva Percival	X	X
	Finance Dept – Sheila Bazzar		
	Building Official – Mike Deadmond		
	Fire Dept – Chief Predmore		
	Parks & Rec Dept – Kevin Caviezel		
	Planning Dept – Kathy James		
	Police Dept – Chief Arsanto		
	Municipal Court – Jessica Cash		
	PW/Utilities – Chris Banks		
Attachments: Project Plan Sheet			
<p>SUMMARY STATEMENT: On June 11, 2019, the City Council awarded bid of the Spiketon Culvert Replacement Project to McClung Construction Company for \$713,326.90. Prior to issuing a Notice to Proceed, the City needed to obtain temporary construction easements from two adjoining property owners.</p> <p>The primary construction easement that the City needs to construct a temporary bypass road for traffic circulation on Spiketon Road bisects the western 10,000 sq ft of 870 Spiketon Road. City staff and engineer have negotiated with the property owner and have agreed to a settlement value of \$25,010 for granting the easement and temporary use of the property for the construction of the project. This value consists of the following items; (1) easement value - \$12,375; (2) owner installed fencing replacement - \$10,035; (3) labor for area restoration - \$2,600; for a total of \$25,010.</p> <p>The City engineer will have a copy of the administrative settlement letter and temporary construction easement document available for Council review at the meeting Tuesday night.</p>			
COMMITTEE REVIEW AND RECOMMENDATION: None			
RECOMMENDED ACTION: MOVE to Approve the Temporary Construction Easement & Administrative Settlement Agreement for the Spiketon Culvert Project.			
RECORD OF COUNCIL ACTION			
<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>	



Updated: Dec. 1, 2016



D. CONSENT AGENDA

**City Council
June 25, 2019**

Mayor Pro Tem Tremblay called the regularly scheduled meeting to order at 7:00 PM.

Upon roll call the following members were present: Tremblay, Bender, Smith, B. Burkett, and Leggett. Also in attendance were City Administrator Schmidt and Public Works Director Banks.

Council member Smith moved to excuse Council member Wilbanks and Council member S. Burkett. Council member Bender seconded the motion. Motion carried.

Council member Smith moved to approve the agenda as presented. Council member Leggett seconded the motion. Motion carried.

CITIZEN PARTICIPATION

None.

STAFF REPORTS

City Administrator Schmidt stated that the Jr. Log Show was a success and went well and Finance Director interviews are this week.

MAIN AGENDA

ORD No. 12-19 Amending & Replacing BMC 14.05 – Cross Connection Control:
Council member Smith moved to Approve ORD No. 12-19 Amending and Replacing BMC 14-05 and Adopting a New Cross Connection Control Program. Council member Leggett seconded the motion. Upon roll call vote motion carried, 5/0.

RES No. 19-04 Amending Personnel and Policy Manual (19th Revision):
Council member B. Burkett moved to Award Bid of Buckley Community Hall Siding Repairs to Neilson Construction for \$36,915. Council member Leggett seconded the motion. Motion carried.

Purchase Authorization – WTP Sodium Hydroxide Pump Panel Rebuild:
Council member B. Burkett moved to authorize TMG Services to Perform Repair/Rebuild of the City/State Water Treatment Plant Sodium Hydroxide Pump Panel Rebuild. Council member Smith seconded the motion. Motion carried.

CONSENT AGENDA

Council Member Smith moved to approve the Consent Agenda. Council member Leggett seconded the motion. Motion carried.

Approve Minutes of June 11, 2019 City Council Meeting

Claim check numbers 60096 through 60112, in the amount of \$188,520.30, for the period of June 12, 2019 through June 25, 2019, are hereby approved and ordered paid this 25th day of June 2019.

COMMITTEE REPORTS

Mayor's Report:

Mayor Pro Tem Tremblay stated Mayor Johnson is in Spokane for the AWC Conference.

Administration, Finance & Public Safety:

Council member Tremblay wanted to remind everyone of the Heritage Walk, Wednesday at 6 pm at Foothills Museum. They will be focusing on River Rd., A St., and the School District.

Transportation & Utilities:

Council member B. Burkett stated that the stop signs on the trail are up and there will be an electrician coming out to look at the flashing beacon lights. The next meeting is July 16

Community Services:

Council member Bender mentioned that the Board of Directors for the Youth Center was at the meeting and will be donating \$1,000 for the benches in the park. On July 2nd Leticia and Evan will be discussing the downtown renovation. The next meeting is July 18

Council Member Comments & Good of the Order:

Council member Smith mentioned that Pierce County did a wonderful job on the intersection at 112th and 410. He also wanted to let everyone know that they should stop by Wood, Wine and Whimsy. The owners were great and so were the sandwiches.

Council member Tremblay moved to adjourn. Council member Bender seconded the motion. Motion carried.

With nothing further the meeting was adjourned at 7:22 PM.

Mayor

City Administrator

**CITY COUNCIL
STUDY SESSION**

July 2, 2019

ATTENDEES: Council members Bender, Wilbanks, Leggett, Tremblay, Smith, S. Burkett, and B. Burkett. City Administrator Schmidt and Mayor Johnson were also in attendance.

Mayor Pro Tem Tremblay called the Study Session to order at 7:00 PM.

Mayor Pro Tem Tremblay opened the Study Session by introducing Planning Assistant Evan Lewis. Evan gave a presentation on the Downtown Buckley Upkeep & Revitalization. Council went around with their thoughts on this and the positive and negative of what they feel would work.

City Administrator Schmidt gave a presentation on the Binding Site Plan amendment.

With nothing further, the Study Session was adjourned at 8:31 PM.

City Administrator Dave Schmidt

Mayor Pat Johnson

	CITY OF BUCKLEY			TRANSFER VOUCHER	
			30-Jun-19		
From Fund #	NAME	AMOUNT		To Fund #	
	Bars Number			NAME	Bars Number
1	General Fund	\$ 321,779.59		Payroll Fund	
		\$ 115,346.28		Claims Fund	
	597.00.40	\$ 84.00	430	Utility Equip Res	397.00.60
	597.00.65	\$ 4,166.00	2	Contingency Reserve Fund	397.00.10 St Merge
3	GF Cumulative Reserve				
	597.00.30	\$ 6.48	1	G F Investment Interest	397.00.45 St Merge
4	Cemetery			Claims Fund	
	597.00.00	\$ 84.00	430	Utility Equipment Reserve	397.00.20
	597.00.50.30		1	GF Insurance Portion	397.60.80 St Merge
7	P D Maintenance Reserve			Payroll Fund	
		\$ 21,876.25		Claims Fund	
8	Railroad ROW	\$ 2,643.89		Payroll Fund	
				Claims Fund	
	597.00.50.30		1	GF Insurance Portion	397.60.81 St Merge
	597.00.00.46	\$ 84.00	430	Utility Equipment Reserve	397.00.70
30	Fire Equipment & EMS Reserve			Payroll Fund	
				Claims Fund	
35	Park Construction			Payroll Fund	
		\$ 1,741.27		Claims Fund	
	597.10.00.10	\$ 1,123.21	1	G F Investment Interest	397.00.40 St Merge
	597.10.10.10	\$ 417.00	307	Cap Imp Trailhead Parking	397.10.40
	597.10.20	\$ 167.00	430	Utility Equipment Reserve	397.00.75
101	Street Operations	\$ 8,536.67		Payroll Fund	
		\$ 7,904.59		Claims Fund	
	597.00.00	\$ 42.00	430	Utility Equipment Reserve	397.00.10
	597.50.00.30		1	GF Insurance Portion	397.60.82
	597.20.00		1	GF Administration	397.60.20
	597.30.00	\$ 3,125.00	102	Street Capital Improvement	397.00.10.50
	597.50.00.70	\$ 42.00	1	GF Dispatch	397.60.22
102	Street Capital Improvement			Payroll Fund	
		\$ 76,487.87		Claims Fund	
	597.10.00.30		1	GF Investment Interest	397.00.40
	597.10.00.31	\$ 3,518.00	1	GF Project Administration	397.60.95

From Fund #	NAME	AMOUNT	To Fund #	NAME	Bars Number
102	Street Capital Improvement				
	597.10.00.32	\$ 1,250.00	307	Cap Imp Trailhead Parking	397.10.80.60
	597.10.00.33	\$ 834.00	430	Utility Equipment Reserve	397.00.80
103	Tranportation Benefit District	\$ 35.80		Claims Fund	
	597.00.00	\$ 3,125.00	101	City Street	397.42
	597.30.48	\$ 3,883.00	101	City Street	397.20.10
105	EMS	\$ 9,366.68		Payroll Fund	
		\$ 25,634.78		Claims Fund	
	597.90.00	\$ 500.00	030/131	Fire Equip/EMS Res	131-397
	597.90.00.40	\$ 125.00	30	Fire/EMS Bunker Gear	397.10.10
109	Criminal Justice			Payroll Fund	
		\$ 1,043.31		Claims Fund	
	597.10.00.20	\$ 4,167.00	7	PD Maintenance Reserve	397.00.00
134	Fire Dept Facility Maint & Cap Imp			Payroll Fund	
				Claims Fund	
	597.10.00.30	\$ 1,262.60	202	FS Bond Investment Interest	397.00.40
136	Visitor Promo			Payroll Fund	
		\$ 915.94		Claims Fund	
	597.10.00.10		1	GF Investment Interest	397.00.40
	597.51.00.30		1	GF Insurance Portion	397.60.90
	597.52.00.60		1	GF Brick Sales Administration	397.60.91
202	Fire Station Construction Bond			Claims Fund	
307	Capital Improvement			Payroll Fund	
		\$ 8,064.49		Claims Fund	
	597.10.00.10		1	GF Investment Interest	397.00.40
	597.10.00.31	\$ 2,438.00	1	GF Project Administration	397.60.99
	597.00.20.00		102	St CIP - River Avenue	397.00.20
	597.10.00.32		102	PW Admin Bldg	397.10.50
308	Comp Plan Cap Imp	\$ 10,251.71		Payroll Fund	
		\$ 3,288.63		Claims Fund	
	597.10.30	\$ 1,250.00	307	Cap Imp - PW Admin Bldg	397.10.80.50
	597.10.20		102	St CIP - River Avenue	397.10.40
401	Natural Gas Operations			Claims	
	6% tax 533.10.54	\$ 79.92	1	GF Business Tax	316.43
	597.00.00.70		1	GF Gas System Sale	397.60.93

From Fund #	NAME	AMOUNT	To Fund #	NAME	Bars Number
402	Water Sewer Operations	\$ 96,902.65		Payroll Fund	
		\$ 41,508.78		Claims Fund	
	10% tax W 534.10.54	\$ 8,105.85	1	GF Business Tax	316.42
	10% tax S 535.10.54	\$ 16,474.98	1	GF Business Tax	316.44
	597.00.00.50	\$ 542.00	1	GF Dispatch	397.00.60
	597.00.00.51	\$ 6,016.00	1	GF Admin Water	397.60.10
	597.00.00.52	\$ 7,360.00	1	GF Admin Sewer	397.60.10
	W 597.00.00.53		1	GF Insurance Portion	397.60.60
	S 597.00.00.55		1	GF Insurance Portion	397.60.60
	597.00.00.70	\$ 59,354.00	405	Sewer Imp Fund	397.00.00 St Merge
	597.00.00.80	\$ 16,815.00	406	Water Imp Fund	397.00.00 St Merge
	597.00.00.40	\$ 2,084.00	430	Utility Equipment Reserve	397.00.40
	597.00.00.90	\$ 1,250.00	307	Cap Imp - PW Admin Bldg	397.10.60
403	Solid Waste	\$ 84,833.24		Claims Fund	
	10% tax 537.10.54	\$ 10,304.85	1	GF Business Tax	316.45
	597.00.00.10	\$ 5,077.00	1	GF Administration	397.60.40
	597.00.00.55		1	GF Insurance Portion	397.60.83
405	Sewer Ext & Replacement			Payroll Fund	
		\$ 1,726.26		Claims Fund	
	597.10.00.31	\$ 2,231.00	1	GF Project Administration	397.60.96
	597.10.00.32	\$ 1,250.00	307	Cap Imp - PW Admin Bldg	397.10.80.70
	597.10.00.33	\$ 2,083.00	430	Utility Equipment Reserve	397.00.85
406	Water Line Replacement & Ext			Payroll Fund	
		\$ 6,626.47		Claims Fund	
	597.10.00.31	\$ 2,678.00	1	GF Project Administration	397.60.97
	597.10.00.32	\$ 1,250.00	307	Cap Imp - PW Admin Bldg	397.10.80.80
	597.10.00.40	\$ 1,250.00	430	Utility Equipment Reserve	397.00.90
407	Storm Drain Operation & Maint	\$ 19,370.92		Payroll Fund	
		\$ 2,605.24		Claims Fund	
	10 % tax 531.30.44.01	\$ 4,914.06	1	GF Business Tax	316.48
	597.00.00	\$ 1,250.00	430	Utility Equipment Reserve	397.00.50
	597.00.00.10	\$ 9,549.00	408	Storm Drain Cap	397.00.30 St Merge
	597.00.00.20	\$ 5,820.00	1	GF Admin	397.60.40.10
	597.00.00.53		1	GF Insurance Portion	397.60.71
	597.00.00.57	\$ 42.00	1	GF Dispatch	397.60.21

E. COMMITTEE REPORTS