



BUCKLEY CITY COUNCIL MEETING AGENDA
August 25, 2020
City Council Meeting
Opening 7:00 P.M.

****Notice: This will be a virtual meeting held via Zoom meetings.
To listen to the meeting live, please use the following information.
Call-in Number: 253-215-8782
Meeting ID: 885 8940 1420**

Call to Order
Pledge of Allegiance
Roll Call of Council Members

Next Ordinance #11-20
Next Resolution #20-19
Next Agenda Bill #AB20-072

A. Citizen Participation

During the duration of the declared public health emergency, public comments will only be accepted via email at tpercival@cityofbuckley.com, via mail to City of Buckley, PO Box 1960, Buckley, WA 98321, or from the drop box located in front of City Hall at 933 Main Street, Buckley, WA 98321. Public comments must be submitted by 5:00 PM the Wednesday prior to the Council meeting to be included in the Council Packet. Any comments received after that time, will be emailed out separately to all Council members.

B. Staff Reports

1. 112th Street TIB Grant
2. Community Services Staff Report

C. Main Agenda

1. ORD No. ____-20: Adoption of Multifamily Design Guidelines Pg.
2. ORD No. ____-20: Increase in Allowed Density for Townhomes Pg.
3. ORD No. ____-20: Design Review Process Update Pg.
4. ORD No. ____-20: Adoption of Administrative Variance Pg.
5. ORD No. ____-20: Buckley Feed and Farm Rezone Pg.
6. ORD No. ____-20: Mountain Man Investments Rezone Pg.
7. RES No. 20-____ : Distribution of Coronavirus Relief Funds Pg.
8. Amendment to SCORE Agreement for Inmate Housing Pg.

D. Consent Agenda

9. A. Approve Minutes of July 7, 2020, City Council Study Session Pg.
Approve Minutes of July 28, 2020, City Council Meeting Pg.
- B. Claims
- C. Transfer Voucher
- D. Payroll

E. Committee Reports

1. Mayor's Report Johnson
2. Community Services Rose
3. 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

August 2020

August 25 7:00 PM City Council Meeting (Virtual)

September 2020

Sept. 1 7:00 PM City Council Study Session (Virtual)

Sept. 7 City offices will be Closed for Labor Day

Sept. 8 7:00 PM City Council Meeting (Tentative Virtual)

Sept. 14 7:00 PM Planning Commission (Tentative Virtual)

Sept. 22 7:00 PM City Council Meeting (Tentative Virtual)

Sept. 28 7:00 PM Planning Commission (Tentative Virtual)

All Committee meetings are currently cancelled unless there is an absolute need to hold one. Council and Committee meetings may be held telephonically or by the use of technology. Please check the City website at www.cityofbuckley.com for the latest updates to the City Calendar

The above meetings will be held in the Multi-Purpose Center located at 811 Main Street unless otherwise noted.
Last Revised August 18, 2020

A. CITIZEN PARTICIPATION

B. STAFF REPORTS

City of Buckley

P.O. Box 1960, Buckley WA 98321

Phone: 360-829-1921 ext 200

Fax: 360-829-2659



Memo

To: Mayor and City Council

From: Public Works Director, Chris Banks

Date: August 19, 2020

RE: 112th Street East Pavement Preservation TIB Grant Application

On August 11, 2020 the city submitted a grant application with TIB's Small City Arterial Program to perform pavement preservation on 112th Street East from Mundy Loss Rd to west of SR 165.

112th Street East is currently listed as priority #3 on the city's 2021-2026 Six Year Transportation Improvement Plan and is classified as a minor arterial that needs restoration.

The city should receive grant notification stating whether the grant has been approved or not in Mid-November, 2020. If the city receives approval and funding from TIB, the project will be constructed in the summer of 2022.

The total estimated costs of the project are **\$845,836**. If the grant is approved, the cost breakdown by funds are stated below.

- Total TIB Funds \$718,960
- Total Local Funds \$126,876
- Total Project Costs \$845,836

City of Buckley

P.O. Box 1960, Buckley WA 98321
Phone: 360-829-1921 ext 200
Fax: 360-829-2659



Memo

To: Mayor & City Council

From: Kevin Caviezel, Community Services Director

Date: August 20, 2020

RE: Community Services Staff Report

I am excited to share with you that the Buckley Senior Center Board received a \$25,000 CARES grant from Pierce County Aging and Disability Resources. This grant will be used to support daily delivery of lunches at the Senior Center. We will be reimbursed for expenses such as mileage for delivery drivers, lunch supplies, sanitizer, masks, gloves, cleaning supplies and other COVID-19 related expenses. The grant covers all expenses between March 2020 through December 2020. Expenses that can be reimbursed through this grant will be submitted on a monthly basis.

C. MAIN AGENDA



CITY COUNCIL AGENDA BILL

City of Buckley
PO Box 1960
Buckley, WA 98321

ITEM INFORMATION

SUBJECT: Ordinance No. __-20 adopting City of Buckley Multifamily Design Guidelines and BMC Chapter 19.49.	Agenda Date: August 25, 2020 AB20-072		
	Department/Committee/Individual	Created	Reviewed
	Mayor Pat Johnson		X
	City Administrator – Paul Weed		X
	City Attorney – Phil Olbrechts		X
	City Engineer – Dominic Miller		
	City Clerk – Treva Percival		
	Finance Dept – Saundra Groshong		
	Building Official – Curt Ek		
	Fire Dept – Chief Skogen		
	Parks & Rec Dept – Kevin Caviezel		
	Planning Dept – Leticia Wallgren		X
Planning Dept – Evan Lewis	X	X	
Police Dept – Chief Northam			
Municipal Court – Jessica Cash			
	PW/Utilities – Chris Banks		

Attachments: Staff Report; Recommended new Chapter 19.49 BMC; Recommended new Multifamily Design Guidelines; 8/4/20 Council Study Session Presentation Slides; Responses to questions from two councilmembers about multifamily design guidelines (and combined with responses to questions about a separate zoning code amendment regarding townhome density); Digest of Multifamily Open Space, Recreation, and Parking Guidelines from other Cities; Ordinance 22-08 from 2008 and Ordinance

SUMMARY STATEMENT:

This is an ordinance to adopt new City of Buckley Multifamily Design Guidelines as well as a new chapter of Buckley Municipal Code, 19.49 BMC, which serves as the trigger in code for requiring these guidelines. These guidelines were developed to ensure that future multifamily developments in Buckley meet minimum required standards for open space, recreation and parking, as well as recommended standards for building design. These guidelines are not intended to restrict the variety or creativity of architectural design of multifamily buildings, but rather to ensure minimum standards that reflect the desired form and function of multifamily housing in Buckley.

The City of Buckley Planning Commission, through an open record public hearing held on July 6, 2020, recommends adoption of the Multifamily Design Guidelines and BMC Chapter 19.49.

COMMITTEE REVIEW AND RECOMMENDATION: Planning Commission - Approval Recommended at the July 6, 2020 Planning Commission meeting

RECOMMENDED ACTION: MOVE to Approve Ordinance No. 11-20, Adoption of City of Buckley Multifamily Design Guidelines and BMC Chapter 19.49.

RECORD OF COUNCIL ACTION

<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>



City of Buckley Development Code Amendment Multifamily Design Guidelines

To Honorable Pat Johnson, Mayor
City Council Members

From Planning Department Staff

Subject Adoption of Multifamily Design Guidelines and BMC 19.49

Council Meeting Date: July 14, 2020

Hearing Date: July 6, 2020

Proposal Description: Adoption of guidelines which specify minimum standards and desirable attributes for multifamily developments in Buckley; in particular new minimum standards for multifamily open space, recreation and parking, as well as other design guidelines

State Environmental Policy (SEPA) Threshold Determination: SEPA DNS Issued June 17, 2020

Recommendations Included: Adoption of City of Buckley Multifamily Design Guidelines and a new chapter 19.49 of Buckley Municipal Code (BMC)

Attachments
A. Chapter 19.49 BMC
B. Multifamily Design Guidelines

Planning Commission Recommendation to City Council Adoption of City of Buckley Multifamily Design Guidelines and a new chapter 19.49 of Buckley Municipal Code (BMC)

Signed:



Mark McPhail, Commission Chair



Date

FINDINGS

I. Proposal Background and Development Process

A. Background

In early 2020, the Planning Commission started reviewing a formal zoning code text amendment (ZCTA) request application to increase the allowed density for townhomes. As a condition to recommending approval for this ZCTA, the Planning Commission requested the development and adoption of design guidelines which specify minimum open space, recreation and parking requirements for multifamily developments in Buckley. Additionally, around this same time the Planning Department conducted pre-application meetings, or received serious developer inquiries, for four projects that would significantly increase the number of multifamily units in Buckley; reinforcing the need to establish minimum standards for multifamily housing.

B. Current Conditions and Need

Buckley currently has roughly 250-300 multifamily housing units; approximately 40 percent of these are duplexes and 60 percent are other types of multifamily as defined in BMC. However the recent developer interest in multifamily housing, particularly townhomes, has the potential to increase the number of multifamily units in Buckley by between 70-100 percent (roughly two-thirds to double) in a relatively short period of time.

Multifamily requirements currently found in Buckley Municipal Code (BMC) are insufficient to ensure that the expected future multifamily housing in Buckley reflects the look and amenities desired by Buckley residents through Buckley' comprehensive plan, development regulations, and by the desires expressed by the Planning Commission. The following list encompasses multifamily design or development standards found throughout Buckley's zoning code.

- **Roof Pitch for Multi-Family and Duplexes (BMC 19.20.010):** *"Minimum pitch of 4:12; provided, however, that there shall be no minimum pitch required on deck and patio covers and carport roofs."*
- **Duplex Garages (BMC 19.20.010):** *"Each duplex dwelling shall have an attached or detached two-car enclosed garage per unit."*
- **Residential Cluster Duplexes and Townhouses in R-6000 and R-8000 zones (BMC 19.20.020 and 19.29.030):** *"These units shall be designed to complement the project's single-family houses and to be integrated into the development and single-family setting. When placed on a corner, units shall be constructed to afford at least one unit oriented to each of the adjacent streets, where feasible."*
- **Cottage housing standards (BMC 19.24):** Specific to Multi-family and Townhomes in HDR zone
- **Off-street parking (BMC 19.28) – duplex and townhouse:** 2 spaces per townhome unit. Not specified for "multi-family"
- **Landscaping:** For multifamily with 2 or more units, façade buffer, visual relief buffer, and street tree requirements pertain.
- **Other Standards for all Residences or Buildings (but not specific to multifamily)**
 - Bulk Modifications (BMC 19.22)
 - Open Space (BMC 19.26)
 - Major and minor design review in Hwy 410, Rainier Gateway, and Downtown Districts (BMC 19.50)

While these minimal standards, scattered throughout BMC Title 19, may be sufficient right now given Buckley's current volume of multifamily, they are insufficient given the expected future growth in multifamily.

C. Development Process

The following process was used in developing these Multifamily Design Guidelines:

January/February 2020: The Planning Commission provided initial input on its priorities for multifamily developments in Buckley. The Planning Commission’s input was informed by research provided by Planning staff on multifamily design guideline best practices and similar multifamily guidelines and standards found in nearby cities of Sumner, Bonney Lake, Enumclaw, Puyallup, North Bend, Steilacoom and Black Diamond.

March 2020: Planning Staff drafted initial Multifamily Design Guidelines to reflect the desires expressed by the Planning Commission during meetings in January and February.

April-May 2020: The Planning Commission considered feedback from the City Attorney on the initial draft guidelines, and made additional refinements to the draft multifamily guidelines.

June 2020: The Planning Commission made final changes to the multifamily guidelines and considered a new Chapter 19.49 BMC which addresses the purpose, applicability, relationship, and procedures for these guidelines and serves as the trigger point for these guidelines in code.

II. Overview of Multifamily Design Guidelines and BMC 19.49

A. Multifamily Design Guidelines

The Planning Commission developed these Multifamily Design Guidelines to ensure that minimum standards are set for the amount and type of open space, recreation areas, and parking in new multifamily developments as well as to describe other desirable, although not necessarily required, design elements that are preferred in the City. The Planning Commission considered and balanced several factors in developing these guidelines, such as:

- Public health, safety and welfare concerns
- Aesthetic fit for the City of Buckley
- That required or recommended amenities matched the needs of age groups and resident makeup likely to live in multifamily housing in Buckley in the future
- Housing affordability
- Other considerations

Table 1 below provides a section-by-section overview of the Multifamily Design Guidelines as well as the Planning Commission’s reasoning, as relevant.

Table 1: Overview of Multifamily Design Guideline Sections

Section	Description + Reasoning (as applicable or relevant)
INTRODUCTION	
Purpose	Describes the desired outcomes of these multifamily guidelines, as expressed by the Planning Commission, and clarifies the limits and intent of these guidelines.
Applicability	Provides a definition for “multifamily” that is specific to these design guidelines in order to clarify when these guidelines apply. This “multifamily” definition is different than the definition found in BMC 19.12. The Planning Commission, in considering current and possible future multifamily housing in Buckley, felt that eight units was an appropriate threshold for triggering these guidelines.

Section	Description + Reasoning (as applicable or relevant)
Enforceability	Clarifies which aspects of these guidelines are enforceable and not enforceable and provides a waiver provision for these guidelines along with criteria governing situations where waivers can be granted. Waiver provisions are common in zoning codes.
Relationship to BMC	Clarifies that the more stringent standards apply when there is a conflict between these guidelines and other parts of BMC. This is already how BMC is interpreted in practices – whether stated or not.
Definitions	Provides definitions specific to these Multifamily Design Guidelines, in addition to or different from definitions in BMC 19.12. These definitions are in addition to those found in BMC 19.12 with the exception of the definition for Open Space.
OPEN SPACE & RECREATION AREAS	
Applicability and Intent	The applicability and intent statement is primarily based on goals and policies from the Comprehensive Plan.
Guidelines for all Common Open Space and Recreation Areas	Establishes minimum areas and attributes of common open space. These areas and attributes are required for all new multifamily developments to which these guidelines apply. The Planning Commission, after thorough review and discussion, felt the standards shown are in the best interests of the City and residents.
Guidelines for Common Open Space	Establishes preferred attributes for common open space location, shape, and design. These guidelines are recommended but not required. These standards are similar to those in other, nearby cities of a similar size to Buckley or slightly larger, and also reflect the preferred look of multifamily housing in the view of the Planning Commission. Example diagrams and aerial images are shown from nearby multifamily developments that the Planning Commission felt reflect an appropriate look and layout for Buckley.
Guidelines for Recreation Areas	Establishes minimum requirements and amenities for recreation areas, including their location relative to multifamily buildings, connection to other open spaces, and necessary amenities such as garbage/recycling bins, benches, tables and bicycle racks.
PARKING	
Applicability and Intent	The applicability and intent statement is primarily based on goals and policies from the Comprehensive Plan and desired outcomes expressed by the Planning Commission.
Guidelines for all Multifamily Parking	<p>The first four standards listed establish minimum amounts of parking, and minimum parking area design standards, for multifamily developments. These minimums and standards are required for all new multifamily developments to which these guidelines apply. The Planning Commission, after thorough review and discussion, felt the standards shown are in the best interests of the City and residents.</p> <p>All other parking standards and guidelines are recommended but not required. These standards are similar to those in other, nearby cities of a similar size to Buckley, and also reflect the preferred look of multifamily parking in the view of the Planning Commission. Example parking diagrams and images are shown from nearby multifamily developments that the Planning Commission felt reflect desirable or (as labeled) undesirable multifamily parking examples.</p>
ADDITIONAL	

Section	Description + Reasoning (as applicable or relevant)
GUIDELINES	
Façade Articulation and Modulation; Windows; Roofs	All other guidelines shown are strongly encouraged but not required. These standards are similar to those in other, nearby cities of a similar size to Buckley, and also reflect the preferred look of multifamily building design in the view of the Planning Commission. These guidelines, supported with example pictures, show the level of façade articulation and modulation, and the look of windows and roofs, that would be more appropriate in Buckley.

B. BMC 19.49

BMC 19.49 was developed to provide a trigger point within Buckley Municipal Code for requiring the Multifamily Design Guidelines. BMC 19.49 provides an overview of the purpose and applicability of these Multifamily Design Guidelines, their relationship to other regulations, and procedures for their future use and any amendments. BMC 19.49 reflects the same purpose and applicability language from the Multifamily Design Guidelines, and reiterates that the Multifamily Design Guidelines have the same effect as if they were contained within BMC.

III. Zoning Code Amendment Review Criteria

All zoning code amendments must conform to the city’s comprehensive plan. The only criteria specified for zoning code amendments generally are found in BMC 19.52. Such criteria are more applicable to site-specific rezones, but staff has provided an answer to the applicable criteria below.

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.

The recommended multifamily design guidelines and BMC 19.49 are consistent with the Comprehensive Plan as described in the next section. Other requirements of BMC 19.52.010 are related to site-specific rezones and therefore not applicable to this proposal.

19.52.020 – Priority of first application; 19.52.030 – Conditional rezone – Approval; 19.52.040 – Conditional rezone – Concomitant agreement; 19.52.050 – Conditional rezone – Indication on zoning maps

Criteria listed in BMC 19.52.020-050 is related to site-specific rezones, not to this type of zoning code amendment for multifamily guidelines.

IV. Consistency with the Comprehensive Plan

The City of Buckley Comprehensive Plan does not go into much detail about multifamily design and standards. However the proposed Multifamily Design Guidelines and BMC 19.49 are consistent with the following Comprehensive Plan Goals and Policies:

Goal 1.1: *Buckley should provide a healthy and productive environment for its citizens and preserve its small town character.*

Policy 1.1.3 – *With all new development and redevelopment, the city should carefully consider the way buildings, streets, and the spaces between them relate to one another, and strive to create a vibrant, welcoming urban environment.*

Staff response: The proposed multifamily design guidelines help ensure that multifamily developments provide sufficient, connected and accessible open space, as well as multifamily design that blends well into the surrounding area to foster a more welcoming urban environment.

Policy 1.1.5 – *The city should identify open space corridors within and between urban growth areas, including lands useful for recreation, wildlife habitat, trails, and connection of critical areas.*

Staff response: While neither the Multifamily Design Guidelines nor BMC 19.49 require dedication of open space or recreation areas to the City, by requiring a minimum amount of open space area and recreation amenities, as well as connection between them, the City is helping ensure connected open spaces in-line with this policy.

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.*

Staff response: While the design guidelines don't specifically address cooperation with groups, they do reflect a more *systems approach* to open space – including the connection of open spaces and recreation areas.

Goal 1.4 – *Coordinate with Pierce County and neighboring jurisdictions to create opportunities for mutual improvements.*

Staff response: While the design guidelines don't specifically address coordination with neighboring jurisdictions:

1. Staff obtained some ideas and feedback from Pierce County to inform these guidelines;
2. One of Buckley's Planning Commissioners has direct experience in multifamily design and development in other jurisdictions;
3. The Planning Commission closely reviewed and considered the Multifamily Design Guidelines of several nearby jurisdictions in developing these design guidelines.

Goal 1.5: *Housing types should be mixed and meet the needs of all segments of the population.*

Staff response: Establishing minimum multifamily design standards helps ensure multifamily housing meets the recreation and access needs of current and future Buckley residents.

Policy 1.5.2 – *Development in the city should promote livability through the following:*

1. *Developers should provide connections to pedestrian trails and/or sidewalks;*
2. *Development should be designed in such a way to recognize the city's history or design standards; and*
3. *Development should limit stress factors such as noise, traffic, and damage to existing ecology.*

Staff response: Buckley's Multifamily Design Guidelines promote all of the livability elements of Policy 1.5.2 by ensuring connected open spaces and imposing design standards which help to limit the stress and noise sometimes associated with denser residential living.

Policy 1.5.10 – The city should encourage development of affordable housing.

Staff response: Buckley's Multifamily Design Guidelines were written to ensure that minimum standards are met for open space, recreation and parking – all of which enhance the quality of life for multifamily residents. However, unlike the multifamily guidelines of many nearby jurisdictions, Buckley's guidelines avoid requirements for the physical design of multifamily structures and rather leave such requirements as recommendations and suggestions. By not imposing rigid multifamily design requirements, developers should have more flexibility to build affordable multifamily housing.

Policy 1.5.13 – Zoning regulations and associated maps should provide adequate land and densities to accommodate housing targets while protecting and enhancing the character, quality, and function of existing residential neighborhoods.

Staff response: As Buckley's Multifamily Design Guidelines would be triggered by a new chapter of Buckley's zoning code, BMC 19.49, and since the design guidelines are intended to protect and enhance the character, quality and function of multifamily residential neighborhoods, the intent of Policy 1.5.13 is met.

Policy 1.7.2 – The city may require additional land for improvements to roadways, pedestrian walkways, trails, and access to open space areas.

Staff response: The minimum open space, recreation and parking requirements in the design guidelines directly align with the intent of Policy 1.7.2.

Goal 1.8 – Have a well-maintained, interconnected system of multi-functional parks, recreational facilities and open spaces that is attractive, safe, and available to all segments of the city's population; and supports the community's established neighborhoods and small-town atmosphere.

Staff response: While neither the Multifamily Design Guidelines nor BMC 19.49 require dedication of open space or recreation areas to the City, by requiring a minimum amount of open space area and recreation amenities, as well as connection between them, the City is helping ensure the intent of Goal 1.8 is met.

Policy 1.8.4 – Any residential development containing more than four dwelling units shall provide recreational facilities or appropriate and usable park land on or near the development.

Staff response: The standard the Planning Commission felt was appropriate for triggering these Multifamily Design Guidelines was 8 or more units.

Policy 1.9.4 – Land developers should be financially responsible for onsite and off-site improvements that reduce direct impacts of the development. These improvements may include, but are not limited to, street improvements, installation of traffic safety features, paths and/or sidewalks, utility construction, utility capacity expansion, and drainage ways.

Staff response: The requested open space would help reduce the direct impacts from this more dense form of housing development – by ensuring multifamily residents have immediate access to recreation amenities and open space, and sufficient parking.

Goal 2.1 – Preserve Buckley's existing housing character through integration of new development and redevelopment with the city's historic, small-town character.

Policy 2.1.1 – Incorporate neighborhood character and design principles into zoning and design review standards for new development.

Staff response: The Multifamily Design Guidelines recommend sound design principles for smaller towns – largely based on multifamily guidelines in nearby jurisdictions that are well established. Buckley's Multifamily Design Guidelines also impose minimum standards for open space and recreation that also relate to how well such developments fit into the neighborhood character.

Policy 2.5.1 – Multifamily housing should be screened from neighboring single family development to attenuate noise, traffic headlights, and increase privacy.

Staff response: Open space required and/or recommended by the Multifamily Design Guidelines, particularly when considered together with Buckley's landscaping code requirements, would provide sufficient screening as intended by Policy 2.5.1.

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.

Goal 4.5 – New development in the City of Buckley should strengthen the small town character and foster community interaction.

Staff response: These Multifamily Design Guidelines help to ensure that multifamily housing, which is already allowed by Buckley's code in several zones, is provided in a form that fits within Buckley's small town appearance – through well-articulated and modulated facades and the provision of sufficient open space. Open spaces and recreation areas also foster community interaction.

Goal 6.1 – Foster Buckley's role as a destination point by enhancing the town's visibility and identity by ensuring retention of open space and continued development of active and passive recreational opportunities to benefit the citizens of the growing community of Buckley and its surrounding communities.

Staff response: These Multifamily Design Guidelines directly implement this goal, and its relevant policies, through requirements for minimum open space and recreation areas within multifamily developments.

V. Title 20 Process

Development code text amendments are a C-1 process under BMC which requires a recommendation by staff, an open record public hearing with the Planning Commission, and a final decision by the City Council. These requirements for C-1 processes were followed during the development of the Multifamily Design Guidelines and BMC 19.49.

VI. Public Notices

A notice of public hearing and SEPA determination of non-significance (DNS) notices were both posted and published on June 17, 2020. Additionally a 60-day notice for these Multifamily Design Guidelines was sent to the Washington State Department of Commerce on May 15, 2020. The Washington State Department of Commerce emailed a note of support for these Multifamily Design Guidelines on May 19, 2020.

VII. Public Comments

No public comments were received regarding these Multifamily Design Guidelines or BMC 19.49.

VIII. State Environmental Policy Act (SEPA)

These Multifamily Design Guidelines and BMC 19.49 underwent SEPA review and a SEPA DNS was issued June 17, 2020.

CONCLUSIONS AND RECOMMENDATION

I. Comprehensive Plan

The Multifamily Design Guidelines and BMC 19.49 are consistent with and implement the City of Buckley Comprehensive Plan, as detailed in the *Findings* section above.

II. Buckley Municipal Code

Based upon a review of facts and findings, the Multifamily Design Guidelines and BMC 19.49 are consistent with Buckley Municipal Code.

III. Staff Recommendations

Based on the above Findings of Fact and Conclusions of Law, staff recommends the adoption of the attached Multifamily Design Guidelines and BMC 19.49.

Chapter 19.49

MULTIFAMILY DESIGN GUIDELINES

Sections:

- 19.49.010 Purpose.
- 19.49.020 Applicability.
- 19.49.030 Relationship to other regulations.
- 19.49.040 Procedures.

19.49.010 Purpose.

The City of Buckley Multifamily Design Guidelines specify minimum standards and desirable attributes for multifamily developments in Buckley. These guidelines are not intended to restrict the variety or creativity of architectural design of multifamily buildings, but rather to ensure minimum standards that reflect the desired form and function of multifamily housing in Buckley.

19.49.020 Applicability.

(1) All multifamily residential housing in the City of Buckley shall comply with the requirements set forth in the City of Buckley "Multifamily Design Guidelines."

(2) For determining applicability to these "Multifamily Design Guidelines", the term "multifamily" includes all duplexes, townhomes, or any other structures containing three or more dwelling units amounting to at least eight (8) residential units on the same parcel or on consecutive parcels under common ownership, regardless of whether individual dwelling units are leased or individually-owned.

19.49.030 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.

19.49.040 Procedures.

(1) The City of Buckley "Multifamily Design Guidelines" dated July 14, 2020, and any amendments or modifications thereto, are 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 Multifamily Design Guidelines.

Multifamily Design Guidelines

City of Buckley

INTRODUCTION

Purpose

These City of Buckley Multifamily Design Guidelines specify minimum standards for multifamily open space, recreation areas and parking and describe desirable attributes for other characteristics of multifamily developments in Buckley.

The following outcomes are desired for multifamily developments in Buckley:

- Common open spaces and gathering places that are desirable, accessible, and tastefully integrated with recreation amenities;
- Recreation areas that provide sufficient amenities for families, children of all ages, pets, and other residents of multifamily communities;
- Vehicle, bike and pedestrian circulation that provides sufficient access throughout multifamily developments;
- Multifamily design elements that create architectural interest representative of Buckley's small-town character;
- Parking that is adequate yet de-emphasized aesthetically to the extent possible; and
- Building layouts that provide sufficient *eyes on the street* to foster public safety, blend well into neighborhoods, and are designed to reduce the apparent size of multifamily buildings.

These guidelines are not intended to restrict the variety or creativity of architectural design of multifamily buildings, but rather to ensure minimum standards that reflect the desired form and function of multifamily housing in Buckley.

Applicability

These guidelines apply to all new multifamily developments in the City. For the purpose of these guidelines, the term "multifamily" includes all duplexes, townhomes, or any other structures containing three or more dwelling units amounting to at least eight (8) residential units on the same parcel or on consecutive parcels under common ownership, regardless of whether individual dwelling units are leased or individually-owned. Definitions for each of these housing types are found in BMC 19.12 and also the "Definitions" section of these guidelines.

When a multifamily development is proposed for a location within a City of Buckley Design Review District, as referenced in BMC 19.50, the multifamily development shall additionally comply with Buckley's Design Guidelines. In cases of conflict, the more restrictive standard shall apply.

Enforceability

Guidelines preceded by the word "shall" are enforceable in the same way as all land use requirements in Buckley Municipal Code. Guidelines preceded by the words "encouraged" or "should" are strongly preferred by the City, yet it is left to the discretion of the applicant on how to meet the intent of such guidelines.

The Planning Director, or their designated official, has the ability to approve a waiver from these multifamily guidelines, without the need for a variance, when all of the following criteria are met:

1. Compliance with specific guidelines is impractical due to utility or infrastructure conflicts, topographic conditions, or other site limitations;
2. The applicant can clearly demonstrate that their design, with the waiver, will still conform to the purpose and intent of these guidelines;
3. The waiver of guidelines in one area of a multifamily development would not result in a material departure from the look and design of other parts of the development;
4. The waiver does not grant a special privilege to the property owner;
5. The waiver is the minimum necessary to grant relief to the applicant.

In order for a waiver from these guidelines to be considered, the applicant must submit a formal waiver request, in a format prescribed by the Planning Department, which shows how criteria 1-5 would be met and, if applicable, provides details of any proposed alternative to the waived guidelines. The waiver shall be considered a Type A-1 decision subject to the review and appeal procedures of Title 20 BMC.

Relationship to Buckley Municipal Code

These guidelines shall serve as a supplement to the standards of Buckley Municipal Code (BMC). Where there is a conflict between these guidelines and standards in BMC, the more stringent requirements shall apply.

Definitions

The following definitions are relevant and used frequently throughout these Multifamily Design Guidelines. Definitions for other frequently and commonly used terms in these Design Guidelines follow definitions in BMC 19.12. The definitions of these guidelines shall supersede any conflicting definitions of BMC 19.12.

Common Open Space: Open space intended and available for use by all residents within a multifamily development. Areas such as private balconies, porches, yards, or entryways for individual dwelling units as well as yards/setbacks required by zoning code are not considered common open space.

Multifamily: All duplexes, townhomes, or any structures containing three or more dwelling units amounting to at least eight (8) residential units on the same parcel or on consecutive parcels under common ownership, regardless of whether individual dwelling units are leased or individually-owned.

Open Space: That part of a 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.

Recreation Areas: Common areas set aside for recreational use and recreational amenities, such as sports courts, playground equipment, swimming pools, trails, gardens, picnic areas, ponds, and other outdoor amenities designed to be actively used and enjoyed by residents, tenants and guests of multifamily developments.

OPEN SPACE AND RECREATION AREAS

Applicability and Intent

Multifamily open space and recreation guidelines shall apply to all common open space in multifamily developments in Buckley. Consistent with goals and policies of the City of Buckley Comprehensive Plan, open space and recreation guidelines are intended to:

- Provide open spaces that are attractive, safe, and available to all segments of the population;
- Complement and enhance the city's natural environment and small-town appearance;
- Connect recreation areas and open spaces through trails and sidewalks;
- Provide recreational infrastructure that shows off the City's natural features;
- Provide screening from neighboring single family development to attenuate noise, traffic headlights, and to increase privacy.

Guidelines for all Common Open Space and Recreation Areas

All common open space and recreation areas shall adhere to the following guidelines:

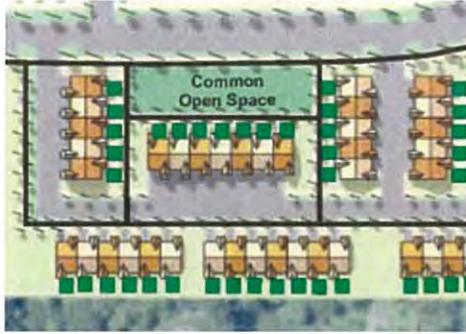
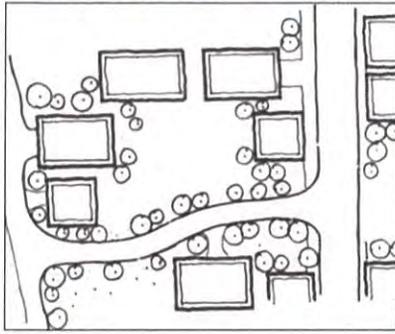
1. A minimum of 120 square feet of common open space per dwelling unit shall be provided for all new multifamily developments applicable under these guidelines. This open space shall include some type of landscape treatment such as grass or another permeable surface, trees, ponds/water features, and/or other maintained landscaped areas.
2. Common open space areas shall be usable and shall not include lands that are designated as sensitive areas, critical areas or have slopes steeper than a 20 percent grade.
3. Recreation areas amounting to a minimum of 60 square feet per dwelling unit shall be set aside for active recreation such as sports courts, playground equipment, swimming pools, trails, gardens, picnic areas, ponds, and other outdoor amenities designed to be actively used and enjoyed by multifamily residents and guests.
4. Multifamily developments subject to these guidelines shall implement a mechanism, acceptable to the planning director, to ensure the continued care and maintenance of privately-owned common open space. A typical example would be creation of a homeowners' association with authority and funding necessary to maintain the common areas.

Guidelines for Common Open Space

Common open space should adhere to the following guidelines:

1. All multifamily buildings should be located within 600 feet of common open space.
2. Common open space should be located adjacent to public rights-of-way and/or along the required setback/yard areas for public rights-of-way.
3. Common open space should be designed so private multifamily open space appears visually integrated with public streetscape landscaping.
4. Common open space should include a variety of dimensions, including long corridors along rights-of-way, larger open areas with similar length and depth, and uniquely shaped areas to fill-out otherwise unbuildable portions of multifamily developments.

Examples of Desirable Common Open Space and Configurations



Desirable Open Space Connections



Desirable Open Space Example 1: Lakeland Hills, Auburn, WA; showing a wide variety of common open space dimensions, shapes and locations, with areas for recreation open space set away from rights-of-way

Desirable Open Space Configuration



Desirable Open Space Example 2: Silver Creek Apartments, South Hill, WA

Guidelines for Recreation Areas

Recreation areas shall adhere to the following guidelines:

1. Every multifamily building shall be located within 600 feet of recreation areas.
2. Recreation areas shall be adjacent to the front or rear yard of at least one multifamily building in the multifamily development.
3. Recreation areas shall be physically connected to other common open space areas in the development through adjacency to other common open space or a pedestrian walkway.
4. Recreation areas shall include, at a minimum, the following amenities:
 - a. Garbage and recycling receptacles
 - b. Park benches and tables
 - c. Bicycle racks

Land included in the calculation for recreation areas should adhere to the following guidelines:

1. Be located toward the center of multifamily developments and not immediately adjacent to public rights-of-way;
2. Include a variety of recreation amenities for all ages, such as pedestrian paths, gardens, water features, swing/play sets, and sports courts;
3. Include some covered areas so recreation areas can be enjoyed year-round.

PARKING

Applicability and Intent

Multifamily parking guidelines shall apply to all off-street parking within multifamily developments in Buckley. Consistent with goals and policies of the City of Buckley Comprehensive Plan and other parking outcomes desired by the City, multifamily parking guidelines are intended to:

- Ensure an appropriate amount of parking for all applicable multifamily developments in Buckley;
- Encourage connectivity within multifamily developments and between multifamily developments and the surrounding neighborhood;
- Create a vibrant, welcoming urban environment; and
- Encourage non-motorized access and enhance the potential for non-motorized transportation options.

Guidelines for all Multifamily Parking

All multifamily developments shall adhere to the following parking guidelines:

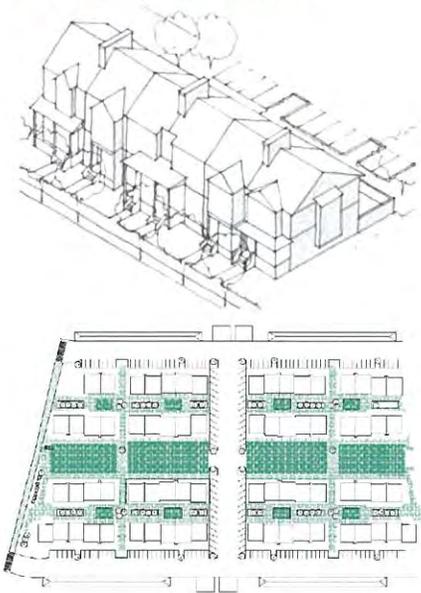
1. A minimum of two (2) parking spaces per dwelling unit shall be provided.
2. A minimum of one guest parking space per every five (5) dwelling units shall be provided.
3. A comprehensive system of pedestrian walkways shall link all site entrances, building entries, parking areas and common outdoor spaces with the public sidewalk.
4. Clearly defined pedestrian connections shall be provided:
 - a) Between public sidewalks and building entrances when buildings are not located directly adjacent to the sidewalk.
 - b) Between parking lots and building entrances.

All multifamily developments are encouraged to adhere to the following parking guidelines:

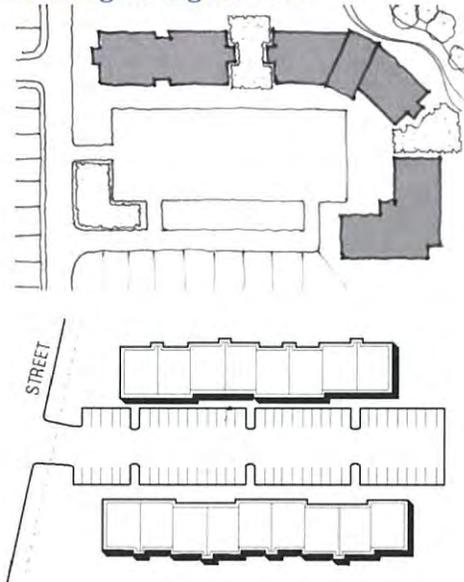
1. Parking areas and garages should be located behind or to the sides of multifamily buildings, located off of alleys, and/or located in the interior portions of multifamily buildings.
2. Parking should be designed to complement pedestrian entries. This applies to public garages and individual private garages, whether they front on a street or private interior access road.
3. Guest parking should be spread throughout multifamily developments rather than concentrated in one or a few central areas.
4. Parking lot lighting shall be placed to create adequate visibility at night and evenly distributed to increase security and pedestrian safety;
5. Developments should provide a safe and convenient network of vehicular circulation that connects to the surrounding road/access network and provides the opportunities for future connections to adjacent parcels, where applicable. For example, large sites (at least 2 acres) should utilize a network of vehicular connections at intervals of no more than every 400 feet.
6. For any configuration where the primary access is off of the same facade as vehicular access, carports may be allowed adjacent to an apartment building if integrally designed to the main structure. Lighted carports are encouraged.
7. Garages and carports should include façade buffer landscaping elements to minimize the appearance of garages.
8. Parking garage entries (both individual private and shared parking garages) should not dominate the streetscape. They should be designed and sited to complement, not subordinate, the pedestrian entry. This applies to both public garages and any individual private garages, whether they front on a street or private interior access road.

9. Townhouse developments featuring 2-car garages are encouraged to employ tandem garages to minimize the garage's negative visual impact on the street and visual environment.
10. Townhomes and all other multi-family dwelling units with private exterior ground floor entries should provide at least 20 square feet of landscaping adjacent to the entry. This is particularly important for units where the primary entrance is next to private garages off of an interior access road. Such landscaping areas soften the appearance of the building and highlight individual entries.

Examples of Desirable Parking Configurations



Examples of Undesirable Parking Configurations



Example of Desirable Parking Entrance Designs



Example of Undesirable Parking Entrance Designs



ADDITIONAL GUIDELINES

The following guidelines are strongly encouraged for multifamily developments in Buckley:

Façade Articulation and Modulation

Articulation is the visual enhancement of a building façade by including features such as broken rooflines, chimneys, entrances, distinctive window patterns, and other elements that add depth and texture to the building surface. Modulation is the stepping back or projecting forward of portions of a building face, within specified intervals of building width and depth, as a means of breaking up the apparent bulk of a structure’s continuous exterior walls. All residential buildings and residential portions of mixed-use buildings should include the following articulation and/or modulation features at intervals of no more than 30 feet (as applicable) along all facades facing a street, common open space, and common parking areas:

1. Vertical building modulation with distinct changes in the building façade that are tied to a change in color or building material and/or roofline modulation. Balconies should not be used to meet this modulation guideline unless they are recessed or projected from the facade and integrated with the building’s architecture. For example, “cave” balconies or balconies that appear to be “tacked on” to the facade should not be considered sufficient vertical building modulation.
2. Horizontal building modulation through the stepping back or extending forward of building stories or horizontal building elements. The depth (extension out or set back from the building facade) of the modulation should be at least two feet when tied to a change in the roofline and at least five feet in other situations.
3. The use of a distinctive ground floor or lower floor design, consistent articulation of middle floors, and a distinctive roofline.
4. The use of bays, dormers, balconies and other projected or recessed design elements to reduce the building’s mass and add visual interest.
5. Repeating distinctive window patterns.

Examples of Good Façade Articulation and Modulation



Windows

1. Windows on multifamily buildings should be simple in form, use transparent (not reflective) glass, and recessed and treated.
2. To the extent possible, multiple windows on a single wall plane should be regularly spaced and aligned with other windows and doors on the same wall plane. Single or grouped windows on a wall plane should relate to other architectural features such as roof forms, doors, or façade projections.
3. Landscaping adjacent to windows should not impede views from dwelling units.

Desirable Window Treatment and Layout



Undesirable Window Treatment and Layout



Roofs

1. Pitched roofs, with a minimum slope of 5:12, are recommended over flat roofs.
2. Roof lines should be varied within the overall horizontal plane through combinations of roof heights that create variation and visual interest.
3. Modulation of roofline height is preferred at least every 30 feet.

Desirable Roof Modulation and Roof Forms





CITY OF BUCKLEY MULTIFAMILY BACKGROUND & CONTEXT

AUGUST 4, 2020 COUNCIL STUDY SESSION

1

MULTIFAMILY DEFINITIONS IN BUCKLEY MUNICIPAL CODE

1. **Duplex/two-family:** A building designed or used by two families for residential purposes; provided, two townhome units are not considered a duplex
2. **Townhome:** A type of attached multifamily dwelling in a row of at least two, but not more than four, such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common fire-resistant walls.
3. **Multifamily:** A building designed exclusively for occupancy by three or more families living independently of each other, and containing three or more dwelling units.

2

VARIATIONS ON MULTIFAMILY UNITS & PARCELS

1) Subdivision of attached units



Example image from Bonney Lake

2) Condominiumized units



Example image from Buckley

3) Apartments – all on one parcel



Example image from Buckley

3

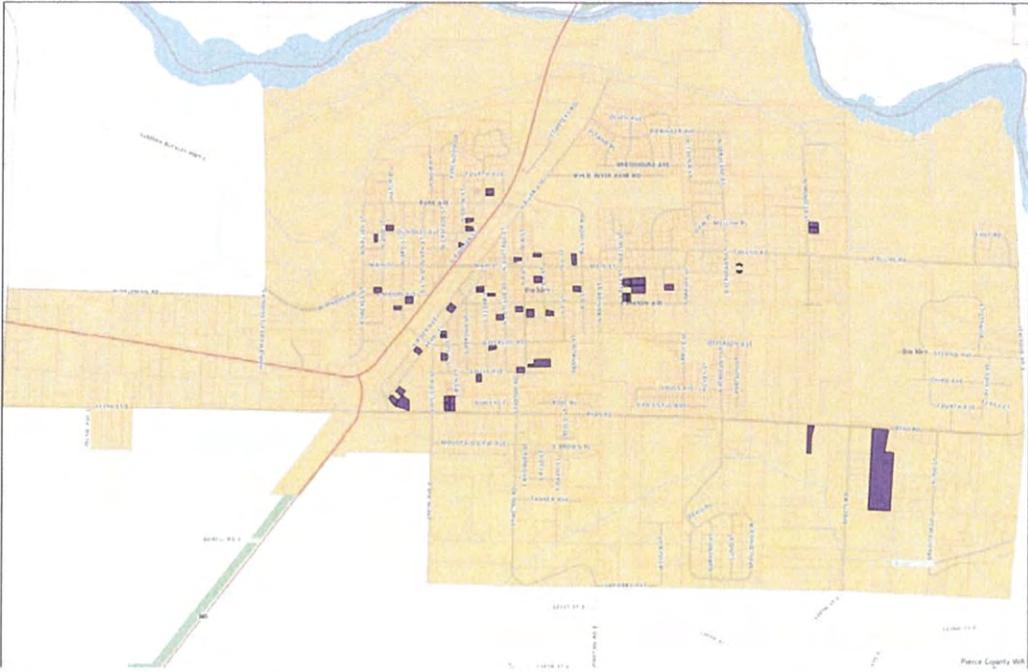
MULTIFAMILY PERMITTED USES BY RESIDENTIAL ZONE (BMC 19.20.130)

	High Density Residential (HDR)	Neighborhood Mixed Use (NMU)	R-6000	R-8000	R-20000
Duplexes	Permitted	x	Permitted	Permitted	x
Townhomes	Permitted	Permitted	Permitted	Permitted	x
Multifamily*	Permitted	Permitted	Permitted	x	x

*Multifamily also allowed in Central Commercial & Historic Commercial Zones with densities based on HDR zone

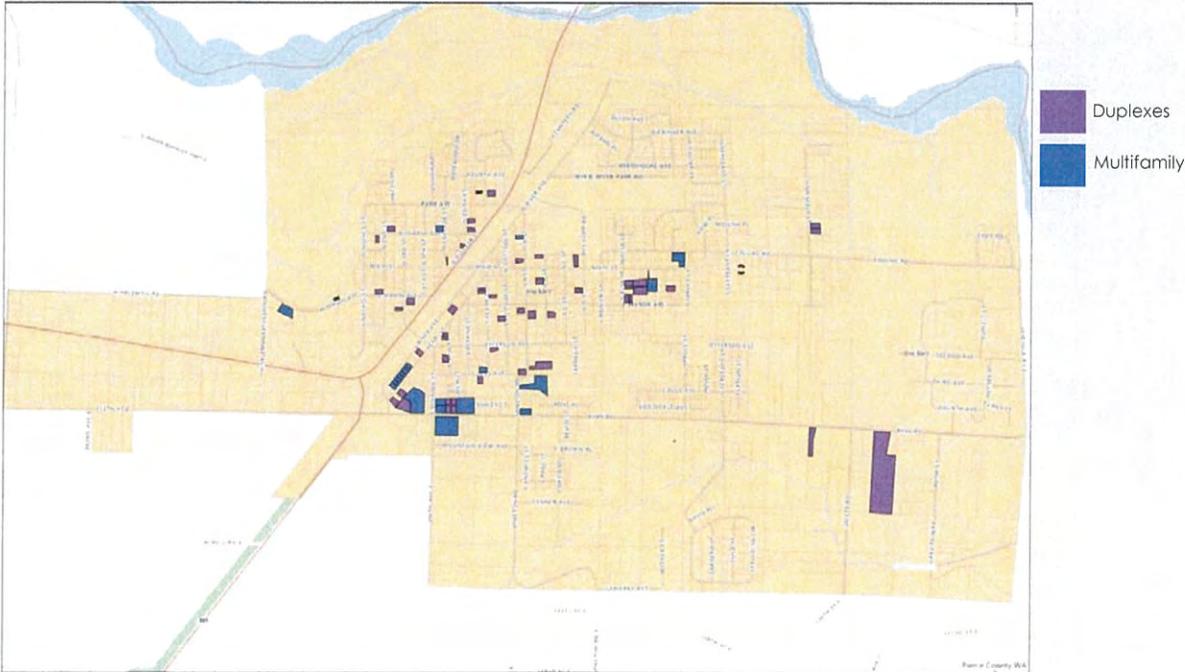
4

BUCKLEY PARCELS WITH DUPLEXES



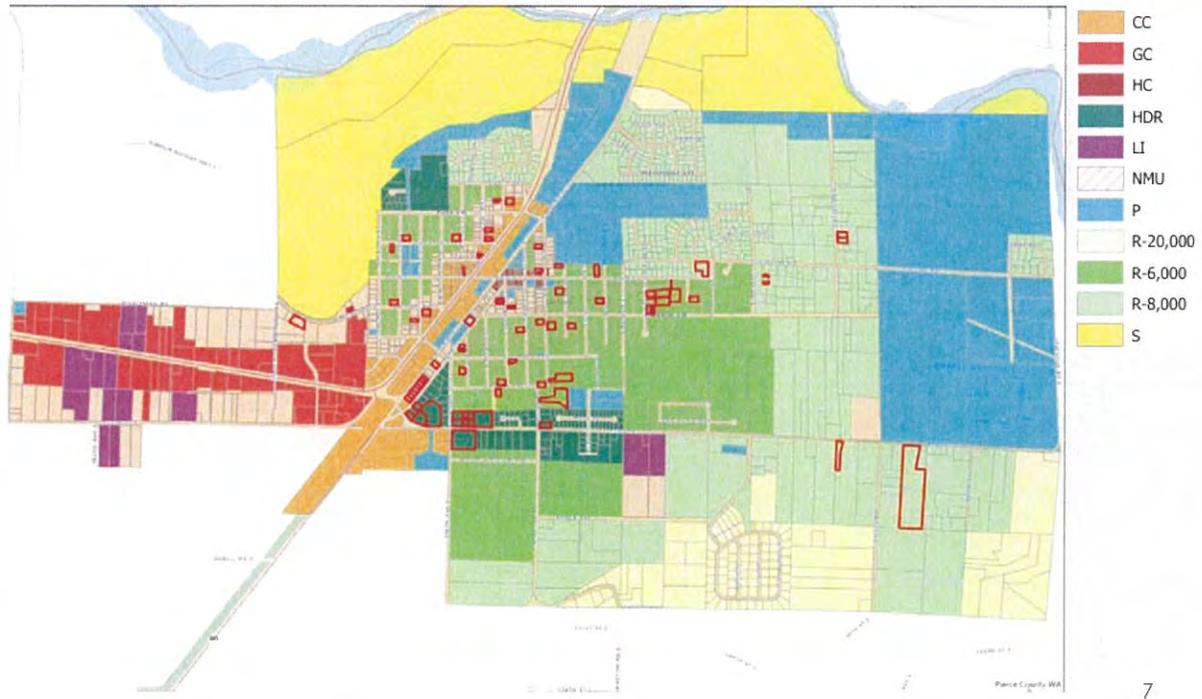
5

BUCKLEY PARCELS WITH DUPLEXES + 3- PLEXES, 4-PLEXES, AND OTHER MULTIFAMILY



6

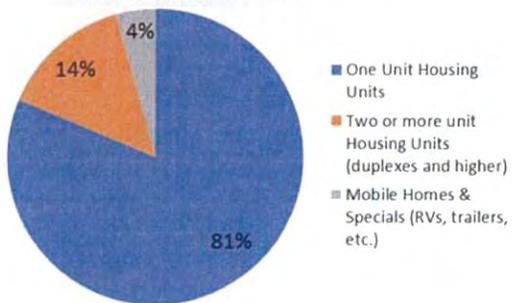
BUCKLEY PARCELS WITH DUPLEXES & MULTIFAMILY UNITS + ZONING



7

BUCKLEY HOUSING UNIT COMPARISONS (SOURCE: WA OFFICE OF FINANCIAL MANAGEMENT)

Buckley Housing Units by Type - 2020



Nearby City Housing Comparisons - 2020

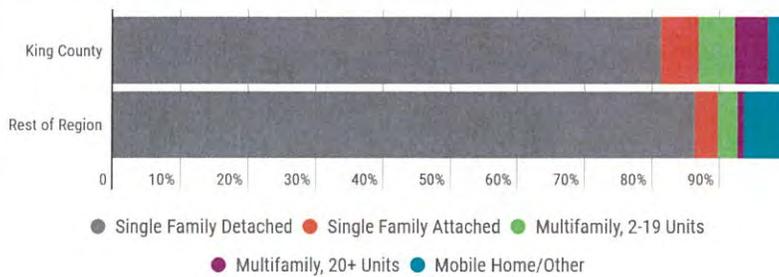
	One Unit	Two or More Units	Mobile Homes & Special Units
Bonney Lake	84%	10%	6%
Enumclaw	66%	25%	9%
Orting	89%	5%	6%
Sumner	56%	38%	6%
Black Diamond	87%	3%	10%

8

STATUS OF MIDDLE HOUSING IN THE REGION* (FROM PSRC 2018 ARTICLE)



Ownership Housing Stock by Housing Type



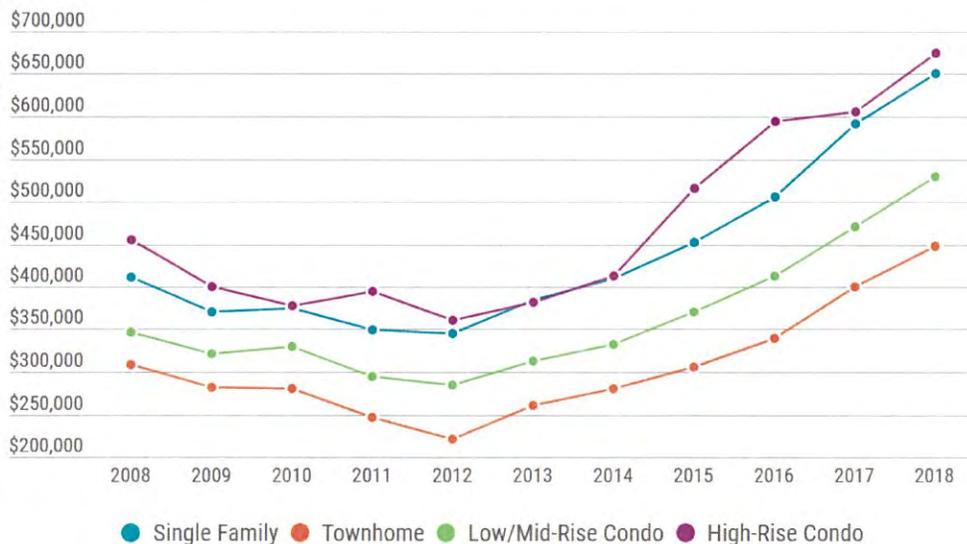
*'Region' means King, Pierce, Snohomish, & Kitsap Counties

Source: 2017 American Community Survey

9

HOUSING MEDIAN PRICE COMPARISONS (FOR KING COUNTY; FROM PSRC 2018 ARTICLE)

Median Sales Price by Housing Type, King County



Source: King County Assessor Database

10



**CITY OF BUCKLEY
MULTIFAMILY DESIGN GUIDELINES**

AUGUST 4, 2020 COUNCIL STUDY SESSION

1

1

WHY MULTIFAMILY GUIDELINES

1. Significant recent developer interest in multifamily housing in Buckley
2. Recent application for a townhome density increase
3. A current lack of clear multifamily guidelines in code
...which is unusual for cities of Buckley's size and larger

2

2

MULTIFAMILY GUIDELINES DEVELOPMENT PROCESS

January/February 2020

- Planning Commission initial discussion of multifamily priorities and must-haves
- Staff research

March 2020

- Initial draft multifamily guidelines

April-May 2020

- City Attorney feedback
- Planning Commission refinements to draft

June/July 2020

- Planning Commission final changes to guidelines
- Planning Commission consideration of new BMC Chapter 19.49 (which is the code trigger for requiring multifamily guidelines)
- Planning Commission Hearing & Recommendation

3

3

EXAMPLE CITIES CONSIDERED FOR BUCKLEY MULTIFAMILY GUIDELINES



4

4

APPLICABILITY

1. Duplexes, townhomes, or other structures containing 3 or more units...
2. Amounting to at least 8 units...
 - a. On same parcel or consecutive parcels under common ownership
 - b. Regardless of whether units are leased or individually owned
3. Administrative waiver option available
 - a) Must show that 5 listed criteria are all met

5

5

REQUIRED VS. RECOMMENDED GUIDELINES

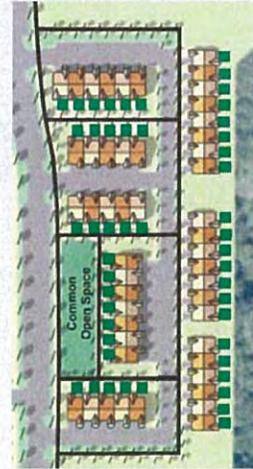
1. Required guidelines
 - a) Easily quantifiable - i.e. minimum open space, recreation amenities, and parking
 - b) Reflect key multifamily priorities expressed by Planning Commission
 - c) Identified with the word "shall" or "required"
2. Recommended guidelines
 - a) All others – mainly aesthetic guidelines
 - b) Identified with the words "encouraged" or "should"

6

6

OPEN SPACE REQUIREMENTS

1. Minimum of 120 sq. ft. of common open space per unit
2. Usable (i.e. no steep slopes, etc.)
3. Continued care & maintenance (usually through HOA)
4. Other guidelines encouraged

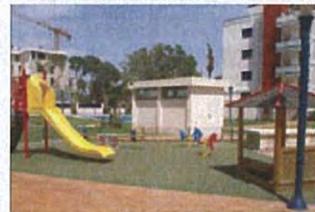


7

7

RECREATION REQUIREMENTS

1. Minimum of 60 sq. ft. of active rec areas per dwelling unit
2. Multifamily buildings all within 600 ft. of rec areas
3. Connected to other common open space
4. Minimum amenities:
 - a) Garbage/recycling bins
 - b) Benches/tables
 - c) Bike racks
5. Other guidelines encouraged

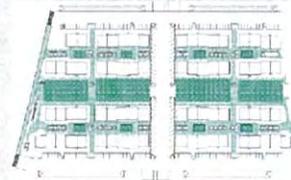


8

8

PARKING REQUIREMENTS

1. 2 spaces per unit
2. 1 additional guest space per 5 dwelling units
3. Connected to entries, open spaces, public sidewalks
4. Other guidelines encouraged



9

9

ADDITIONAL GUIDELINES

Encouraged but not required:

1. Façade articulation & modulation
2. Simple window design with some treatment; non-reflective
3. Pitched roofs and modulated roof height



10

NEW BMC CHAPTER 19.49

1. The *trigger* in code for requiring multifamily guidelines
2. Located sequentially (before) design districts BMC chapter
3. Mentions guidelines themselves have the force of code

Chapter 19.49 MULTIFAMILY DESIGN GUIDELINES

Sections:
 19.49.010 Purpose
 19.49.020 Applicability
 19.49.030 Relationship to other regulations
 19.49.040 Procedures

19.49.010 Purpose.

The City of Buckley Multifamily Design Guidelines specify minimum standards and desirable attributes for multifamily developments in Buckley. These guidelines are not intended to restrict the variety or creativity of architectural design of multifamily buildings, but rather to ensure minimum standards that reflect the desired form and function of multifamily housing in Buckley.

19.49.020 Applicability.

(1) All multifamily residential housing in the City of Buckley shall comply with the requirements set forth in the City of Buckley Multifamily Design Guidelines.

(2) For determining applicability to these "Multifamily Design Guidelines", the term "multifamily" includes all duplexes, townhomes, or any other structures containing three or more dwelling units amounting to at least eight (8) residential units on the same parcel or on consecutive parcels under common ownership, regardless of whether individual dwelling units are leased or individually-owned.

19.49.030 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, CEQA, Shoreline Management Act, and building and mechanical codes. In case of conflict between this and other regulatory provisions, the stricter enactment shall prevail.

19.49.040 Procedures.

(1) The City of Buckley "Multifamily Design Guidelines" dated July 14, 2020, and any amendments or modifications thereto, are adopted by reference as though they 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 Multifamily Design Guidelines.

COUNCIL PACKET MATERIALS

1. Ordinance
2. Staff Report
3. Chapter 19.49 BMC
4. Multifamily Design Guidelines

Any Questions?

Councilmember Questions/Staff Responses #1 - Sent 8/11/2020

Requested information & questions regarding Multi-Family Design to better explain the request before the City Council – with City Staff responses in red

1. On page 1 - **A current lack of clear multifamily guidelines in code.**

Please explain the planning commission position as to what they believe should be in the code.

- **Staff response:** The multifamily guidelines provided are what the Planning Commission has recommended for Council approval. Please see the attached Council packet that was provided for the Study Session. The “Multifamily Design Guidelines” start on page 26 of the 8/4 Council PDF, and are also in the 8/25/20 Council packet.

2. In the on page 2 - 7 city's are listed : **please provide for each city in Tables**

- population, total land mass, income/household,
- Sales tax income & property tax receipts for each city, Access to Rapid Transit (year expected)
- numerical housing mix (single family, multifamily, Manufactured homes)
- comparator showing each city's guidelines for this type of intensive housing.

- **Staff response:**
The following table shows population, land area, and median household income for the cities that Planning Commission looked when developing multifamily design guidelines:

City	Population (2020)	Land Area (2020) (Sq. Mi.)	Median Household Income (2018)
Puyallup	42,700	13.84	\$70,711
Bonney Lake	21,390	9.48	\$91,368
Enumclaw	12,610	5.2	\$57,769
Sumner	10,360	8.43	\$59,846
North Bend	7,455	5.02	\$106,135
Steilacoom	6,505	2.17	\$76,912
Black Diamond	5,205	7.24	\$94,650
Buckley	5,080	4.11	\$64,201

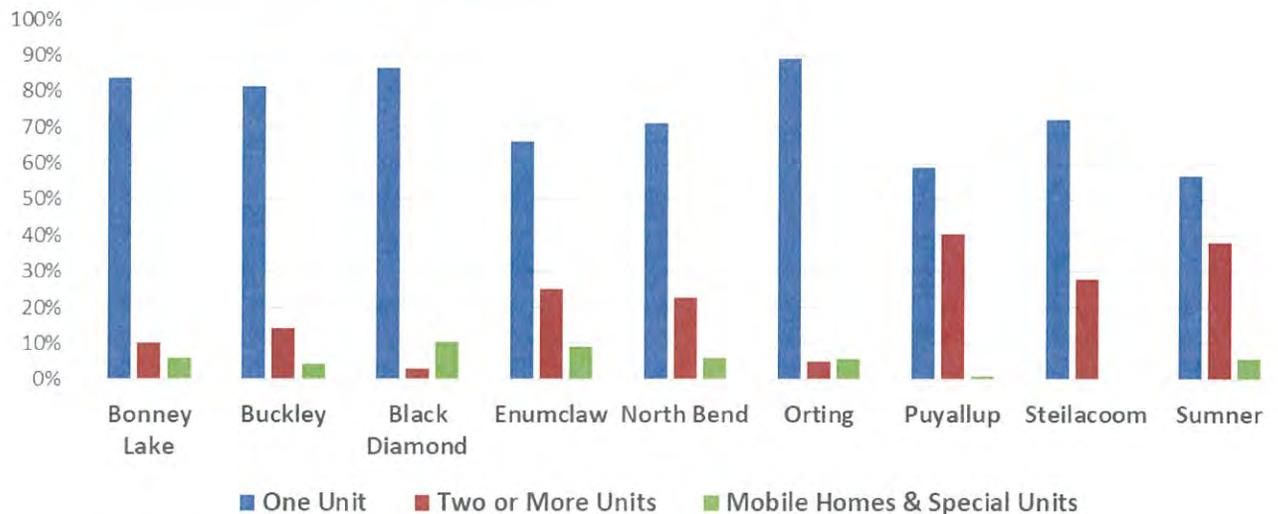
Data sources for the table above include

- **Population data** for individual cities in Washington is provided by the WA State Office of Financial Management (OFM): https://ofm.wa.gov/sites/default/files/public/dataresearch/pop/april1/ofm_april1_population_final.pdf
- **Land area data** is found in the OFM datasets found here (click “city and towns” under “Estimates of April 1 population density”): <https://ofm.wa.gov/washington-data-research/population-demographics/population-estimates/population-density>
- **Household income data** is found here from the US Census Bureau (under “Select a Geography Type”, click “Place” select “Washington” from the first drop down menu, and then select individual cities from the second drop down menu): <https://www.census.gov/acs/www/data/data-tables-and-tools/data-profiles/2018/>

Tax Data: The following table shows sales vs. property tax revenues for 2015 for these comparison cities. The data comes from the MRSC: https://public.tableau.com/profile/mrsc#!/vizhome/SalesandPropertyTaxDependence_0/Dashboard1. More recent local sales and property tax receipt data by jurisdiction is found through the WA State Dept. of Revenue, here: <https://dor.wa.gov/about/statistics-reports>

City	Sales Tax (2015)	Property Tax (2015)
Puyallup	\$18,457,668	\$8,718,470
Bonney Lake	\$3,656,657	\$2,837,654
Enumclaw	\$2,293,581	\$1,771,327
Sumner	\$4,805,013	\$1,212,217
North Bend	\$2,026,603	\$1,656,508
Steilacoom	\$308,077	\$1,827,915
Black Diamond	\$311,927	\$1,456,821
Buckley	\$683,034	\$1,125,365

Housing mix data by city is provided from WA OFM, here (click the “Excel” link next to “Housing units” to download): <https://ofm.wa.gov/washington-data-research/population-demographics/population-estimates/april-1-official-population-estimates>. This is the data that Planning staff used in the charts/tables shared during the 8/4 Council Study Session. Results for the comparison cities is shown below:



Multifamily Guideline Comparisons: For comparisons showing each nearby city’s guidelines, staff provided two worksheets for the Planning Commission’s consideration, comparing design guidelines among different cities, attached to these two Council Q&A documents. The actual multifamily guidelines for these cities can be provided by staff and Council will be sent a link with these guidelines from other cities.

Other data for comparing between cities is in the following city profiles from MRSC: <http://mrsc.org/Home/Research-Tools/Washington-City-and-Town-Profiles.aspx>

3. Page 3 - Administrative waiver option available

Under what circumstances? & why would someone need a waiver if all criteria are met?

- **Staff response:** Administrative waivers come up, often times, in unique site circumstances such as for topography and infrastructure conflicts that could make it difficult to meet all guidelines. Since every site is so unique, staff would review waiver requests on a case-by-case basis, and it's expected that they would be infrequent. As with all waiver provisions in code, applicants need to show that specific criteria are met for granting the waiver and those criteria are explained and listed in the enforceability section of the multifamily guidelines.

4. Page 3 - required vs. recommended guidelines

When looking @ the development in this city & comparing it to locally available options in Black Diamond @ Ten Trails & South of Bonney Lake @ Tehaleh & Falling Waters it is obvious that there is a different set of standards being met. Please explain why Buckley got left holding the short straw.

- **Staff response:** Staff are unclear of the question and what is meant by "short straw." Currently, Buckley has very few standards for multifamily housing, so the recommended guidelines are a significant improvement over what Buckley currently has. The Planning Commission felt that guidelines focused primarily on open space, recreation and parking are the most appropriate for Buckley.

5. Page 4 & 5 & page 9 - requirements

In 2,150 square feet please show how much each lot by footage will have to give to requirements including those items required by code.

- **Staff response:** We believe you may be referring to square footage requirements for open space in multifamily developments (whether those developments have units on individual lots, condominiums, or all on one parcel), and the guidelines are the same; a minimum of 120 square feet of common open space per unit and 60 square feet of active recreation area per unit. As this is "common" open space instead of private open space, such open space would be required for each multifamily development as a whole and not each multifamily lot (if, for instance, each unit is subdivided into a separate lot). For example, if 40 townhomes are proposed, 4,800 square feet of common open space and 2,400 square feet of active recreation area is required in the multifamily development. Individual units (if individually owned) wouldn't be required to give up space. If this does not answer your questions, it would be helpful to have more clarity on the question.

6. Page 6 - New BMC chapter 19.49

This needs to be explained in greater detail as to what those guidelines would be.

- **Staff response:** The new BMC chapter 19.49 is only meant to be the trigger in code for the design guidelines. This is similar and aligned with BMC 19.50 design districts where the design district guidelines are referenced in BMC 19.50 but the guidelines

themselves are a document that lives *outside* of the code book (and is available online or by physical copy with the City).

7. Affordable Housing

Please provide a quantifiable definition of "Affordable Housing" along with a breakdown from Hosford showing how they will meet what they profess.

- **Staff response:** In reviewing the applicant's request to increase the allowed density for townhomes in certain zones, and in considering multifamily guidelines, the Planning Commission didn't define "affordable housing". Affordability in this context suggests that townhomes are generally less expensive and thus *more affordable* housing options when compared similar single-family homes – please see attachments in the 8/25/20 Council packet for the data has been shared with Council to show this. As for the applicant's proposal, the applicant has only applied for a request to modify our zoning code following a required C-1 permit process in BMC Title 20. The townhome concept provided by the applicant in their application has not yet been proposed in a formal application to the City, however if and when such an application is received and reviewed, the applicant would be subject to all city requirements in BMC.
8. In one of the presentations you show a development in Puyallup & one in Lake land. Please provide the street locations for these so they can be visited.
- **Staff response:** The Silver Creek example in Puyallup is at 9202 176th St E, Puyallup, WA 98375. The Lakeland Hills example in Auburn is the Four Lakes Apartment Homes at 6821 Udall PI SE, Auburn, WA 98092.
9. From the council packet 7-14-2020
- Requesting a density reduction to **HDR** - 70.67% of original, **NMU** - 61.43% of original, **R-6000** - 35.83% of original. What council action lowered R-6000 to 4,500 feet square?
- **Staff response:** It appears the referenced zoning code was approved by Council in 2008 through Ordinance 22-08, which is attached. However it is not clear if the 4,500 sf/unit minimum lot size for townhomes was changed at that time – since the Council approved a complete replacement of Buckley's zoning code with that ordinance. Please note that the 4,500 sf/unit minimum lot size is just for townhomes – for single family homes the minimum lot size/unit is still 6,000 sf.
10. During the course of the original Title 19 a property owner requested that their be zoned R-8000 rather than R- 20,000. Builders are routinely asking for & receiving downzones from R-8000 to R-6000. Under the planning commission's requested scenario: What is to prevent that from being further downzoned to 2,150 ft?

- **Staff response:** If your question is referring to what would prevent an R-8000 parcel from allowing a minimum lot size/unit of 2,150 sf/unit, what prevents that is the R-8000 zoning standards found here: <https://www.codepublishing.com/WA/Buckley/#!/Buckley19/Buckley1920.html#19.20.030>. The R-8000 zone does not permit that level of density and therefore a site-specific request for that level of density in R-8000 would not be approved under our

current code. Also, even if there was a request in the future to allow that level of density in R-8000, just as with the R-6000 zone, a code change to allow that level of density in R-6000 and R-8000 could not be approved unless the comprehensive plan was first amended to allow that level of density in the Urban Lower Density land use designation described and identified in the comprehensive plan. This was explained in the staff report and at the 8/4/20 Council Study Session.

11. Is the planning commission aware that "Buildable Lands" was a staff action never approved by city council?

- **Staff response:** For clarity purposes, "buildable lands" analysis is required in the WA State Growth Management Act, stemming from RCW 36.70A.215 <http://app.leg.wa.gov/RCW/default.aspx?cite=36.70A.215>. Buildable lands analysis, to implement this requirement of the GMA, are typically conducted by Counties. Buckley follows Pierce County's definition for buildable lands, and Buckley's supply of "buildable lands" is determined by Pierce County based on various County assumptions as well as permit and other data provided by the City; therefore it is not something that would or should ever require Council approval. Having land designated as "buildable" is for the purpose of determining whether cities have sufficient capacity in their Urban Growth Areas to accommodate forecasted population growth. It is an approximate measurement, and land designated by Pierce County as "buildable" or not does not have bearing on whether a particular site is buildable for a specific project proposal.

Page 5 - Note @ the bottom

12. Minimum lot size was a conscious decision based on the amount of space required rather than having a situation where, over the years, code requirements would change & create a situation where added requirements would lower the standard lot size requirement. Please explain the benefit of changing that.

- **Staff response:** Higher density for townhomes is in alignment with the [2015 Comprehensive Plan](#). Please see the staff report and presentation slides attached to the 8/25/20 Council packet that were considered by staff and the Planning Commission – included with the 8/25/20 Council packet.

Comprehensive Plan Citations

13. How many times has Title 19 been amended since its inception?

- **Staff response:** Title 19 has been amended several times to address the needs of our growing City and Council's vision/direction of Buckley. We continually try to provide Code amendments that best serve the interest of the City and our elected officials.

14. What happens if the city's population goals are not met?

- **Staff response:** Cities have to show that their Comprehensive Plans and development regulations accommodate a certain amount of future growth; in particular that there is sufficient buildable land to provide the housing capacity needed to support a future forecasted population. If cities are not showing that they are able to accommodate future expected growth, then they must undertake "reasonable measures" to show how they will accommodate the expected future growth within their existing UGAs.
- **Additional Resources for consideration:**

- <https://app.leg.wa.gov/rcw/default.aspx?cite=36.70a>
- <https://www.commerce.wa.gov/about-us/rulemaking/gma-laws-rules/>
- <http://mrsc.org/Home/Explore-Topics/Planning/General-Planning-and-Growth-Management/Comprehensive-Planning-Growth-Management.aspx>

15. How much time is being spent by the planning commission spending creating an atmosphere to attract business?

- **Staff response:** The Planning Commission spends time focused on its purpose, powers, and duties as outlined in [BMC Chapter 2.33](#). They continually balance many different factors in its discussions including, first and foremost, that Buckley's comprehensive plan is implemented and updated, as well as balancing the needs of businesses, residents, visitors, and other stakeholders in the City of Buckley. As an all-volunteer group, they generously spend many hours per month reviewing and discussing planning topics of concern to the City of Buckley.

16. Open Space, View Corridors, Outdoor Aesthetics, Participation in natural environment. Where does this plan advance that citation?

- **Staff response:** The multifamily guidelines, which should be adopted prior to adopting the request to increase townhome density, are largely focused on ensuring sufficient open space for multifamily developments so this citation would be advanced if the guidelines are enforced. Also, multifamily housing would still be subject to other zoning code standards (height restrictions, design district guidelines, and others) that also factored into the citations you mentioned.

17. Policy 1.5.5 - **Flexibility** • the tiny homes development,

- **Staff response:** It is unclear what the question is.

18. Policy **1.5.10-Affordable Housing**- How would this development meet that criteria?

- **Staff response:** Allowing for more townhomes would allow for more units of a type of housing that is generally less expensive, and therefore more affordable, than single family housing. The data presented would support this fact.

19. **Housing Mix** • When Perkins Prairie was being promoted the housing mix proposal was pursued & some leeway was granted to the builder for a housing mix in the area from the Mormon church to the 1st entry & back to the wetlands. Shortly after receiving the concessions the developer came back with a new plan, the city did not get the mix it bargained for, the developer kept the concessions (oversight & use of public facilities) & we now have Cookie Cutter Lane. Please explain, if this proposal were granted how the city would not be jilted again & the reasoning for this developer to believe they can succeed where the previous developer felt they could not.

- **Staff response:** Any townhome proposal would be subject to Buckley's existing code requirements. Any townhome proposal would be a site plan review and possibly also subdivision process which is a C-2 process in BMC. The Hearing Examiner is the decision maker for C-2 processes and would consider a recommendation from staff. Staff would only make a recommendation for approval of a project that is consistent with BMC and Buckley's comprehensive plan, and the Hearing Examiner would consider staff's recommendations. If "jilted" implies that a developer did something that isn't allowed by code, following the City's code through the C-2 permit process

should help ensure the City isn't "jilted".

20. **Traffic** · the sketch shows the traffic coming in from HWY 410. What will be done to alleviate the already burdensome left turn issue?

- **Staff response:** The proposal before Council is specific to adopting multifamily guidelines applicable to all future multifamily developments of at least 8 units, and also for allowing higher density for townhomes in two zones. If any applicant proposes a specific townhome development in the future under our current or any new densities, they would be required to come in for a pre-application meeting where access, among many other issues, would be discussed and then likely required to submit a traffic study with their application. Frontage improvements and impact fees would also likely be required. Each property is required to pay impact fees associated with the additional impact the project may be causing.

21. **Chapter 19.49** · Really says nothing - Please explain how that can be acceptable as a substitute for the present regulations?

- **Staff response:** BMC 19.49 is not the multifamily design guidelines. The guidelines are a document that will exist *outside* of BMC (online and in hardcopy) but have the same force as BMC. This is *exactly* the format used for Buckley's three design districts, where BMC 19.50 is a short chapter explaining the design districts, but the design guidelines exist as a document outside of BMC.

Councilmember Questions/Staff Responses #2 - Sent 8/13/2020

Councilmember Questions re. Multifamily Guidelines and Townhomes Density Zoning Code Text Amendment, submitted 8-13-2020; with Staff responses in red

1. What led up to considering R-6000 to be changed to R-2150 allowing almost double the amount of Townhouses, then adding it as a condition to the packet sent to the Council?
 - a. **Staff response:** The applicant submitted a paid application to request this density increase for townhomes in December 2019 (and note that the applicant's request was for townhomes only – the densities for all other housing types would remain the same). The applicant's original request was for the 2,150 sf/unit density for townhomes in all four zones that allow townhomes, which included R-8000, but they later removed R-8000 from the request. The condition related to R-6000 was added after the Planning Commission, when this was discovered and brought up by staff, confirmed that this higher level of density in R-6000 would first require a comprehensive plan amendment. That condition was added in consultation with the City Attorney to ensure it was legally correct.

2. We were given several cities as a comparison to our city. Do you have the exact development information for each city cited? Could you give the council this information?
 - a. **Staff response:** Yes, comparison city population, land area, income, tax revenue, housing mix, and multifamily design guideline information is shown in the staff's response to the other councilmember who requested this information – please see that information attached.

3. It was said that the Townhouses are to be affordable housing. How do they meet The Pierce county affordable housing criteria which is 80% of the 2018 median income chart of 75,407?
 - a. **Staff response:** The Planning Commission and staff did not attempt to define "affordable housing" for this review. Rather, data has been provided which shows that townhomes are usually *less expensive* than single family homes and therefore provide a more affordable option for home buyers relative to single family – such as for first time home buyers who are looking to live in Buckley, or for people wanting to downsize.

4. Were the schools capabilities looked at to see if they can handle a large influx of students? Would this not fall under Policy 1.1 in the comprehensive plan?
 - a. **Staff response:** School capacity and capital facilities planning is led and conducted by the School District, not the City. Relatedly, through Ordinance 33-19 approved by the Buckley City Council at the end of 2019, impact fees for the White River School District are once again being charged for new single and multi-family residential building permits in the City of Buckley, so impacts to schools from future growth are accounted for through these impact fees.

5. If R-6000 does not meet our comprehensive plan then how can HDR and NMU zones meet the comprehensive plan? Is there an amendment to the comprehensive plan being planned?

a. **Staff response:** Unlike most other comprehensive plan (comp plan) land use designations, Buckley's comp plan is more specific about the intended level of density for the Urban Lower Density (ULD) comp plan land use designation, in which all R-6000 zoned lots are located, so it is clear that the 2,150 sf/unit minimum lot sizes in R-6000 would not be consistent with the comp plan. The comp plan describes a density range from 4,500 – 20,000 sf/unit for ULD and further describes it as being intended for lower density multifamily. This is in contrast to the Urban Higher Density (UHD) comp plan land use designation which describes density ranges from 2,150-8,600 sf/unit, and the Commercial and Mixed Use (C&MU) comp plan land use designation which does not describe a density range yet states that "high density multifamily uses are allowed."

To address the second question, no amendment to the comp plan is currently planned to allow this level of density for ULD, nor to move R-6000 out of the ULD to allow 2,150 sf/unit minimum lot sizes in R-6000. Any such amendment in the future would ultimately require approval by City Council and follow processes in BMC 19.06.

6. Why was the possible site plan added to the Council packet?

a. **Staff response:** The preliminary/conceptual site plan drawing was added to the Council packet because the applicant included it in their application package. Staff always includes full application materials in all Council packets that contain recommendations to council stemming from an outside application.

7. By having 2 possible developments using 410 as their only main road out of the development, how does this follow the following policies in the comprehensive plan 1.8.4, 1.8.7, 1.9.2, and 2.1.4

a. **Staff response:** First, below is each policy you've asked about, with staff responses after, in red:

- i. 1.8.4: Any residential development containing more than four dwelling units shall provide recreational facilities or appropriate and usable park land on or near the development. Consistency with this comp plan policy would be addressed at the project review level. Moreover, the adoption of multifamily guidelines would help to ensure this policy is achieved.
- ii. 1.8.7: New development shall provide community paths and trails that link the new development to existing trails and paths. Consistency with this comp plan policy would be addressed at the project review level.
- iii. 1.9.2: Zoning densities should recognize existing utility locations, with higher densities closest to existing mains and lowest densities in areas away from existing facilities. When new utility services are installed, the city should reexamine the zoning to see if a higher density is warranted. HDR and NMU lots in Buckley are generally closer to areas served by

existing water and sewer lines; not all, but closer than many R-8,000 and particularly R-20,000 in areas of SW Buckley.

- iv. 2.1.4: *Housing should not be adjacent to intense commercial activities, such as gravel extraction, automotive wrecking, hazardous materials handling, and other businesses that contain environmental risks.* Most HDR and NMU parcels are not adjacent to parcels with zoning that would allow these kinds of activities. Also, review for consistency with the comp plan would take place through the site plan review process related to a specific project proposal – that is currently the case under existing allowed townhome densities, and would still be the case if higher densities for townhomes were allowed in the HDR and NMU zones.

Also, it's important to note the following since it's helpful for future reference related to specific project proposals: at the project review level, it is difficult to legally enforce consistency with specific comp plan goals and policies unless a goal or policy has been adopted by ordinance into Buckley Municipal Code. This is because comp plan goals and policies are often vague and also because, in addressing a wide range of topics from promoting economic development, accessibility, preservation of small town character and open space, affordable housing, and many other competing priorities large and small, comp plan goals and policies can sometimes compete with or even contradict one another. When there is conflict between a comp plan policy and zoning code, case law has established that the zoning code wins. This is another reason why it makes sense to adopt multifamily design guidelines; such guidelines would have the force of code and be legally enforceable; most of the comprehensive plan goals and policies about recreation and open space currently are not. Adopting the multifamily guidelines would help ensure those comp plan goals and policies are legally enforceable.

- 8. How do this code text amendment follow RCW 36.70.A.130, RCW 35.63.105 and BMC 19.06?
 - a. **Staff Response:** First, to recap, RCW 36.70A.130 addresses the requirements and schedule for major comprehensive plan updates every eight years, as well as annual comprehensive plan updates. RCW 35.63.100 addresses requirements related to the adoption, certification and recording of comprehensive plan amendments. BMC 19.06 lays out the process in Buckley Municipal Code for comprehensive plan amendments, consistent with State law.

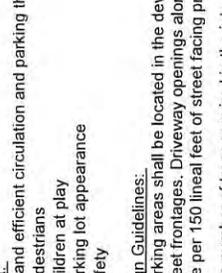
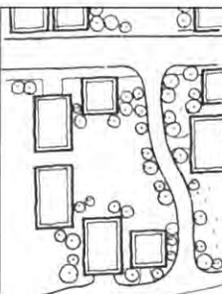
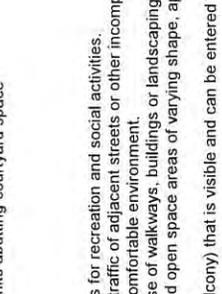
The zoning code text amendment ordinance, currently before the Council, does not require a comprehensive plan amendment. Only the requested density for the R-6000 is inconsistent with the comprehensive plan and thus would require a comprehensive plan amendment in order to be adopted. However, the city is under no obligation to amend the comp plan to allow this higher density in R-6000, and currently there are no plans to do-so. If the comp plan is ever amended in the future to allow higher densities in R-6000, and when the comp

plan is amended in the future for any other reason, the City would follow processes required in RCW 36.70A.130, RCW 35.63.100, and BMC 19.06. At the present time, however, these processes are not applicable to the decision in front of Council for either the multifamily guidelines or townhomes density request.

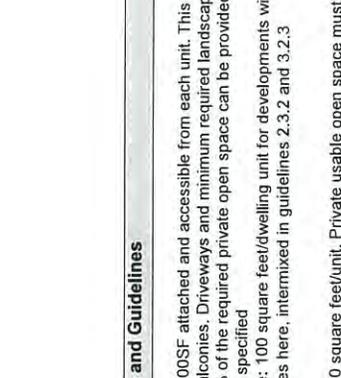
9. Can you explain why the Multifamily design guidelines have so little in it? There are other guidelines that are much more strict than this one?
 - a. **Staff Response:** The Planning Commission felt it is best to focus the required design guidelines on open space, recreation and parking, while leaving other guidelines as optional. Currently Buckley has very few standards for multifamily housing and the proposed guidelines are significantly better than what currently exists in Buckley's zoning code. There was concern that requiring additional guidelines could lead to unnecessarily higher multifamily development costs that would be passed onto future multifamily buyers or renters. Also, given that there has been significant increased interest in multifamily housing this year, there was a strong desire to get these guidelines in place as quickly as possible before developers submit applications that become vested without any guidelines in place.

Digest of Multifamily Open Space, Recreation, and Parking Guidelines from other Cities – DRAFT 2/6/2020

The following cities have design standards and guidelines specific to multifamily housing which, for the most part, Buckley currently lacks. These are suburban cities in Pierce and King Counties of a similar or moderately larger size than Buckley and were selected to provide a variety of models and ideas for Buckley to choose from in developing its own multifamily design guidelines.

City	Open Space & Recreation Standards and Guidelines	Parking Standards and Guidelines
<p>Black Diamond (pop 4,4K)</p>	<p>Open Space & Recreation Standards and Guidelines</p> <p>Intent:</p> <ul style="list-style-type: none"> Casual social interaction Safe play areas for children Reduce the perceived density Serve as an outdoor room for residents <p>Open Space Size Standards:</p> <ul style="list-style-type: none"> Collage housing <ul style="list-style-type: none"> Private: 200 sf/unit (separated from common open space by hedge or fence not to exceed 36" in height) Common: 400 sf/unit, 20' width, at least 50% of units abutting common open space 'Courtyard' <ul style="list-style-type: none"> Private: 200 sf/unit Common: 300 sf/unit, 25' width, at least 50% of units abutting courtyard space Townhome: <ul style="list-style-type: none"> Private: 300 sf/unit at ground level <p>Open Space Design Guidelines</p> <ol style="list-style-type: none"> Conveniently locate open space to the majority of units for recreation and social activities. Open spaces should be sheltered from the noise and traffic of adjacent streets or other incompatible uses. Take advantage of sun orientation to provide a comfortable environment. Provide well-defined open space edges through the use of walkways, buildings or landscaping. For larger developments, provide a series of connected open space areas of varying shape, appearance and intended use. Require private open space (such as yard, patio or balcony) that is visible and can be entered from inside the dwelling for all units. Define boundaries between private and common open spaces by elements such as low walls or plant Site and design buildings so that windows of neighboring units do not overlook private open spaces. Common outdoor spaces shall provide at least three of the following amenities to accommodate a variety of ages and activities to meet the needs of the residents: <ol style="list-style-type: none"> Site furnishings (benches, tables) Play areas (locate away from public streets) Gardens Patios or courtyards Special paving, such as stone, brick or other unit pavers Covered structure (i.e. gazebo) Water feature 	<p>Parking Standards and Guidelines</p> <p>Chapter 18.80 Off-Street Parking & Loading Requirements</p> <p>Residential Zone Requirements</p> <ul style="list-style-type: none"> Multi-family structures: 1.75 spaces per unit Multi-family studio/efficiency dwellings: 1 space per unit Senior housing: ¾ space per unit Single-family dwellings: 2 spaces per unit <p>Commercial Zone Requirements</p> <ul style="list-style-type: none"> Multi-family structure in a mixed-use project: 1.5 space per unit in a free-standing building; 1 space per unit if within a mixed-use building <p>Parking Design Guidelines</p> <p>Intent:</p> <ul style="list-style-type: none"> Safe and efficient circulation and parking that considers needs of: <ul style="list-style-type: none"> Pedestrians Children at play Parking lot appearance Safety <p>Design Guidelines:</p> <ol style="list-style-type: none"> Parking areas shall be located in the development's interior and not along street frontages. Driveway openings along street frontages shall be limited to one per 150 lineal feet of street facing property. The number of trees required in the interior landscape area in parking lots shall be dependent upon the location of the parking lot in relation to the building and the public right-of-way (street): <ul style="list-style-type: none"> Where the parking lot is located between the building and the street, one street for every four spaces shall be provided (1:4) Where the parking lot is located to the side of the building and partially abuts the street (max. 50%), one tree for every six spaces shall be provided (1:6) Where the parking lot is behind the building and is not visible from the street, one tree for every eight spaces shall be provided (1:8) <p>3. Parking lot lighting shall be placed to create adequate visibility at night and evenly distributed to increase Security:</p> <ul style="list-style-type: none"> Control vehicle speeds by appropriate signage, changes in roadway texture, and other traffic calming devices, where necessary. Avoid blank walls with rows of garage doors that face the public street front. Use single-car garage doors, rather than double-car garage doors. Provide landscaping around garages, and tuck-under parking. Include an adjacent pedestrian entry path that connects to the public sidewalk along all entry drives. Provide elements that define the main entry, including lighting, textured paving, and accent plant
 <p>Centralized open space provides convenient access for many units.</p>	 <p>Large and small open spaces are connected and oriented to dwellings</p>	 <p>Tot lot centrally located for safety and accessibility</p>

City	Open Space Standards and Guidelines	Recreation Standards and Guidelines	Parking Standards and Guidelines
<p>Stellacoomb (pop 6.4K)</p> <p>18.20.050 Community design standards.</p> <p>Multifamily (1) Required Open Space. In addition to any open space required by other provisions of this title, every multifamily dwelling unit shall be provided with two hundred fifty (250) square feet of open space which shall meet the following standards:</p> <ul style="list-style-type: none"> a) Accessible to each dwelling unit; b) Screened from all areas accessible to vehicles; c) The length of the area shall be no more than twice the width; d) The open space may be located in any required setback area except street setbacks; e) Required open space shall have not more than five (5) percent grade; f) The surface of the open space shall be suitable for recreation or relaxation 	<p>Chapter 18.20.050: The surface of the open space shall be suitable for recreation or relaxation</p>	<p>Chapter 18.12.020 Intent of residential zoning districts. In order to maintain a desirable family living environment, a sufficient amount of usable recreational area to serve the needs of residents of multifamily developments is also provided for within this district.</p>	<p>Parking Standards and Guidelines</p> <ul style="list-style-type: none"> • Multifamily: 1 parking space per bedroom; maximum of 2 per dwelling unit. • Duplex: 2 per dwelling unit • Townhome: It's considered a type of single family, so subject to single family parking standard of 2 off-street spaces per dwelling unit
<p>North Bend (pop 7K)</p> <p>Chapter 18.34.060.F.3 Pedestrian connections shall be provided from housing areas to adjacent open space and park areas.</p> <p>Chapter 17.25.040 Multiple-family structures, complexes, or developments In all zoning districts, any proposed multiple-family structure, complex, or development of five or more units shall provide a minimum of 200 square feet per unit of recreational space on site for the use of the occupants, subject to the following requirements:</p> <ul style="list-style-type: none"> A. The front, side, and rear yard setback area required by the applicable zoning district shall not qualify as recreational space; B. The required recreational space may be dispersed in multiple locations throughout the multifamily complex or development, but no required recreational space shall be less than 800 square feet in size; C. No more than 50 percent of the total required recreational space may be indoor or covered space; D. No more than 50 percent of the total required recreational space may be used for any single purpose such as swimming pools, tennis courts, or similar facilities; E. No more than 50 percent of the uncovered recreational space requirement may be located on slopes greater than four horizontal units to one vertical unit (4:1) slope; F. To the extent feasible, all multifamily residential recreational space shall be centrally located within the development; and G. The required recreational space shall be usable for recreation by the residents and shall not be occupied by at-grade stormwater features or aboveground utilities, floodplain fill compensatory storage areas, or other facilities that would diminish its utility for recreation purposes. 	<p>Chapter 17.25.060: Minimum park features, play equipment, and infrastructure</p> <p>A. Mini-Parks. A mini-park is characterized by its relatively small size (one-quarter acre to one-half acre) and its specialized facilities that are designed to serve the neighborhood in which the park is located. Mini-parks often serve a specific segment of the population (i.e., tot lots or senior citizens). Mini-parks should be located adjacent to a public right-of-way and be highly visible from the public right-of-way. The exact facilities to be located will be determined during the design and platting process. Mini-parks shall contain active and passive recreational facilities such as those depicted in the diagrams and list below:</p> <ol style="list-style-type: none"> 1. Children's play equipment; 2. Picnic areas and/or tables; 3. Benches; 4. Pea patch/other specialized community garden <p>B. Larger Consolidated Parks. Larger consolidated parks of two and one-half acres or more are typically characterized by recreational activities for each member of the family, such as field games, court games, crafts areas, playground apparatus, picnicking, and space for quiet/passive activities. Neighborhood parks shall contain active recreational facilities such as softball, basketball, volleyball, handball, tennis, children's play structures, and picnic facilities. The exact facilities to be located will be determined during the design and platting process. The following picture is an example of these larger consolidated parks features:</p> <p>C. All parks and recreation areas shall contain the following features:</p> <ol style="list-style-type: none"> 1. Garbage and recycling bins; and 2. Benches; and 3. Lighting. Lighting is not required; however, any proposed lighting shall be at a neighborhood scale, energy efficient, and full cutoff light fixtures; and 4. ADA Compliance. All parks shall provide compliance with applicable requirements of the Americans with Disabilities Act. 	<p>Chapter 18.16.090 Off-street parking requirement for multifamily housing having 2 or more dwelling units: 2 spaces per dwelling unit. Where spaces are provided in a garage or carport, parking shall not be more than 1 space in depth.</p> <p>For senior or assisted living apartments: Space to accommodate 1 parking space per employee for the peak employee load, plus 1 space per dwelling unit for units allowing to have on-site storage of vehicles, and 1 space per 10 dwelling units for visitors is required</p> <p>Chapter 18.18.110 Landscape plans for multifamily, commercial and industrial development shall incorporate common open space or park areas as required with trails, interior courtyards and recreation facilities suitable for the benefit of the project's anticipated residents.</p> <p>Chapter 18.34.060.F Parking, Garages/Carports/Surface Guidelines:</p> <ul style="list-style-type: none"> • Parking (both garages/carports and surface parking) shall be located to the side or rear of the building, away from the public street. Side yard parking, including garages/carports or surface parking areas, is limited to not more than 35 percent of lot width for multifamily buildings. Detached garages and carports for multifamily buildings shall be compatible with design of the main building. • Primary residential parking areas shall not front on public streets or internal circulation routes. Except for single units above garages, off-street parking (both surface and garages) shall be located to the side or rear of buildings where fronting public streets. • Where a driveway or alley connects to a primary circulation route, parking served by the driveway or alley shall trigger landscaping at entrance. • Surface parking areas shall be limited to a maximum of eight stalls in any one location. • Open surface parking areas at the rear of buildings shall include landscape screens to buffer parking areas from adjacent residential development. • On-site pedestrian circulation routes shall be shown on site plans. Pedestrian pathways are to be integrated with required on-site landscaping, including parking areas. 	<p>Chapter 18.34.060.F Parking, Garages/Carports/Surface Guidelines:</p> <ul style="list-style-type: none"> • Parking (both garages/carports and surface parking) shall be located to the side or rear of the building, away from the public street. Side yard parking, including garages/carports or surface parking areas, is limited to not more than 35 percent of lot width for multifamily buildings. Detached garages and carports for multifamily buildings shall be compatible with design of the main building. • Primary residential parking areas shall not front on public streets or internal circulation routes. Except for single units above garages, off-street parking (both surface and garages) shall be located to the side or rear of buildings where fronting public streets. • Where a driveway or alley connects to a primary circulation route, parking served by the driveway or alley shall trigger landscaping at entrance. • Surface parking areas shall be limited to a maximum of eight stalls in any one location. • Open surface parking areas at the rear of buildings shall include landscape screens to buffer parking areas from adjacent residential development. • On-site pedestrian circulation routes shall be shown on site plans. Pedestrian pathways are to be integrated with required on-site landscaping, including parking areas.

City	Open Space Standards and Guidelines	Recreation Standards and Guidelines	Parking Standards and Guidelines
<p>Summer (pop 10K)</p>	<p>Townhouse</p> <ul style="list-style-type: none"> Private open space: 200SF attached and accessible from each unit. This may include landscaped front and/or rear yards, porches, patios, and balconies. Driveways and minimum required landscape buffers may not be included in the calculations. Up to 50% of the required private open space can be provided as additional common open space (beyond minimum requirements specified) Common Open Space: 100 square feet/dwelling unit for developments with more than 10 dwelling units. Add additional guidelines here, intermixed in guidelines 2.3.2 and 3.2.3 <p>Apartments</p> <ul style="list-style-type: none"> Private open space: 50 square feet/unit. Private usable open space may be attached and accessible from the dwelling. This may include porches, patios, and balconies. Private open space may be counted toward up to 20 - 30% of the minimum common open space required. Common open space: 200 square feet/unit. All space in the development must be pedestrian oriented. Common open spaces must have perceived tenant ownership, promoted with such amenities as gathering areas, community gardens, park spaces, big toys, picnic areas, etc. Common open space shall not interfere with private space of tenants and contain at least one of the following: <ul style="list-style-type: none"> Fountain, furniture, art, gardens or other as approved by the Design Commission. Driveways and minimum required landscape buffers may not be included in the calculations. (add landscaping from other version) <p>Multifamily Developments</p> <ul style="list-style-type: none"> Common open space: Common open space may count for up to 100 percent of the required open space for stacked flats. This includes landscaped courtyards or decks, gardens with pathways, children's play areas, or other multi-purpose recreational and/or green spaces. Special requirements and recommendations for common open spaces include the following: <ul style="list-style-type: none"> Required setback areas shall not count towards the open space requirement, except for spaces that meets the dimensional and design requirements and guidelines herein. Space under stairways, stair landings, above grade walkways, balconies and decks shall not count as common open space. Space shall be large enough to provide functional leisure or recreational activity. To meet this requirement, no dimension shall be less than fifteen feet in width. Alternative configurations may be considered by the Director where the applicant can successfully demonstrate that the common open space meets the intent of the standards. Spaces (particularly children's play areas) shall be visible from dwelling units and positioned near pedestrian activity. Spaces shall feature paths, landscaping, seating, lighting and other pedestrian amenities to make the area more functional and enjoyable. Individual entries shall be provided onto common open space from adjacent ground floor residential units, where applicable. Small, semi-private open spaces for adjacent ground floor units that maintain visual access to the common area are strongly encouraged to enliven the space. Common space shall be separated from ground floor windows, streets, service areas and parking lots with landscaping, low-level fencing, and/or other treatments as approved by the Director that enhance safety and privacy (both for common open space and dwelling units). Space should be oriented to receive sunlight, facing east, west, or (preferably) south, when possible. An atrium roof covering may be built over a courtyard to provide weather protection provided it does not obstruct natural light inside the courtyard. Raingardens may count as common open space if it is usable common open space. <p>Community gathering space: Community gathering space, such as mailbox kiosks or community boards, shall provide relief from the weather and provide landscaping, adequate lighting, and a bench.</p>	<p>Multifamily Developments</p> <p>Indoor recreational areas: Indoor recreational areas may count towards the required open space. The following conditions must be met:</p> <ol style="list-style-type: none"> Indoor spaces must be located in visible areas, such as near an entrance lobby and near high traffic corridors. Space must be designed to provide visibility from interior pedestrian corridors. Windows should generally occupy at least one-half of the perimeter of the space (towards internal corridors or outside) to make the space inviting and encourage use. Space must be designed specifically to serve interior recreational functions and not merely be leftover unrentable space used to meet the open space requirement. Such space must include amenities and design elements such as swimming pools, sport courts, etc. that will encourage use by residents as determined by the Director and as recommended by the Design Commission. <p>Some additional recreation requirements interspersed in open space requirements</p>	<p>Minimum Parking Requirements – Chapter 18.42:</p> <ul style="list-style-type: none"> Multifamily dwellings: one space per studio; 1.5 for more bedroom units; senior or retirement apartments one for each unit; visitor parking for any type of multifamily use at one space for every five units; Multifamily dwellings within the Town Center Plan area: 1.25 for each unit. Parking may be reduced to 0.85 for each unit only when the following facts and conditions are found to exist: <ol style="list-style-type: none"> The proposal is within one-quarter mile of the Summer Sounder Station; On-street parking is available along the street frontage; and A parking study is provided that shows that the proposed parking will meet the market demands of the proposed development. <p>Apartments Parking Configuration</p> <ul style="list-style-type: none"> Carport configuration: For any configuration where the primary access is off of the same facade as vehicular access, carports may be allowed adjacent to an apartment building if integrally designed to the main structure. Lighted carports are encouraged. <p>Multifamily Site Design & Parking</p> <ul style="list-style-type: none"> Surface parking location. Parking lots shall be located to the side or rear of buildings. Parking lots may not be located adjacent to street corners. Parking garage entries. Parking garage entries must not dominate the streetscape. They should be designed and sited to complement the pedestrian entry. This applies to both public garages and any individual private garages, whether they front on a street or private interior access road. Common parking garage design guidelines. Buildings containing above-grade structured parking shall screen such parking areas with landscaped berms, or incorporate contextual architectural elements that complement adjacent buildings or buildings in the area, to the satisfaction of the Director. Upper level parking garages must use articulation or fenestration treatments that break up the massing of the garage and/or add visual interest.
			

<p>City Enumclaw (pop 12k)</p>	<p>Open Space & Recreation Standards and Guidelines Chapter 19.40.050 Pedestrian Access and Amenities</p> <p>Multifamily (Developments other than townhouses, duplexes, and cottages) shall provide open space (designed per subsection D of this section) equivalent to 20 percent of the building's livable floor area (excludes hallways and common areas). See EMC 19.40.090 through 19.40.170 for open space standards for duplex, cottage and townhouse developments.</p> <p>Open Space Types and Standards</p> <ol style="list-style-type: none"> 1. Common Open Space. Where accessible to all residents, common open space may count for up to 100 percent of the required open space for vertically stacked apartments. This includes landscaped courtyards or decks, front porches, gardens with pathways, children's play areas, or other multipurpose recreational and/or green spaces. Special requirements and recommendations for common open spaces include the following: <ol style="list-style-type: none"> a. Required setback areas shall not count towards the open space requirement, except for spaces that meet the dimensional and design requirements and guidelines herein. b. Space shall be large enough to provide functional leisure or recreational activity. To meet this requirement, no dimension shall be less than 15 feet in width (except for front porches). c. Spaces (particularly children's play areas) shall be visible from dwelling units and positioned near pedestrian activity. d. Spaces shall feature paths, landscaping, sealing, lighting and other pedestrian amenities to make the area more functional and enjoyable. e. Individual entries shall be provided onto common open space from adjacent ground floor residential units, where applicable. Small, semi-private open spaces for adjacent ground floor units that maintain visual access to the common area are strongly encouraged to enliven the space. f. Separate common space from ground floor windows, streets, service areas and parking lots with landscaping, low-level fencing, and/or other treatments as approved by the administrator that enhance safety and privacy (both for common open space and dwelling units). g. Space should be oriented to receive sunlight, facing east, west, or (preferably) south, when possible. h. Stairways, stair landings, above grade walkways, balconies and decks shall not encroach into the common open space. An atrium roof covering may be built over a courtyard to provide weather protection provided it does not obstruct natural light inside the courtyard. Front porches are an exception. i. Front porches qualify as common open space; provided, that no dimension is less than eight feet. "Cave" porches are not included in calculations for common open space. "Cave" porches are porches that are entirely inset into the building. Porches set into the corner of a building are an exception. 2. Balconies. Covered private balconies, porches, decks, or patios may be used to meet up to 50 percent of the required open space for vertically stacked apartments. To qualify as open space, such spaces shall be at least 35 square feet, with no dimension less than four feet, to provide a space usable for human activity. 3. Indoor Recreational Areas. Indoor recreational areas may count for up to 25 percent of the required open space only in buildings on lots less than 100 feet in width. The following conditions must be met: <ol style="list-style-type: none"> a. Indoor spaces must be located in visible areas, such as near an entrance lobby and near high traffic corridors. b. Space must be designed to provide visibility from interior pedestrian corridors. Windows should generally occupy at least one-half of the perimeter of the space (towards internal corridors or outside) to make the space inviting and encourage use. c. Space must be designed specifically to serve interior recreational functions and not merely be leftover unrentable space used to meet the open space requirement. Such space must include amenities and design elements such as swimming pools, sport courts, etc., that will encourage use by residents. <p>Chapter 19.40.110 Guidelines – Duplexes: Duplex developments have no common or private open space requirements.</p> <p>Chapter 19.40.140 Guidelines – Cottage Housing</p> <ul style="list-style-type: none"> • Minimum common space: 400 square feet per dwelling • Minimum private open space: 200 square feet per dwelling • Common open space requirements: <ul style="list-style-type: none"> o Shall be at least 50 percent of the cottages in a cottage housing development. o Shall have cottages abutting on at least two sides of the common open space. o Cottages shall be oriented around and have an entry facing the common open space. o Shall be within 60 feet walking distance of the cottages. o Shall be at least 20 feet in width. o Shall be designed and maintained as an amenity for residents of the development. o To the maximum extent practicable, common open space land shall be compact and contiguous unless the land is used as a continuation of an existing greenway, trail or other linear park, or unless specific topographic features require a different configuration. • Private open space requirements shall be adjacent to each dwelling unit and for the exclusive use of the dwelling resident(s). This may include landscaped front and/or rear yards, porches, patios and balconies. Driveways and minimum required landscape buffers may not be included in the calculations. <ul style="list-style-type: none"> o Usable (not on a steep slope). o Oriented toward the common open space as much as possible. o Minimum depth of 10 feet as measured from the cottage face. • Alternative open space configurations may be permitted provided they provide a hierarchy of usable semi-private and public open spaces that meet the intent of the guidelines. 	<p>Parking Standards and Guidelines Minimum Off-Street Parking</p> <ul style="list-style-type: none"> • Cottage housing: 1.35 spaces per dwelling • Townhouses: same as single family housing for this purpose only; • 2 spaces per dwelling unit if 2 or more bedrooms, or 1 space per dwelling unit if 1 bedroom • Senior housing: .75 spaces per dwelling unit <p>Chapter 19.40.040 Site Design and Parking Surface Parking.</p> <ol style="list-style-type: none"> 1. Parking lots shall be located to the side or rear of buildings. Parking lots may not be located adjacent to street corners. Parking areas and freestanding parking structures (detached garages or carports) shall not occupy more than 30 percent of each perimeter public street frontage. 2. Parking lots shall be landscaped and buffered per the requirements of EMC 19.08.090. 3. Parking lot landscaping shall be used to reinforce pedestrian and vehicular circulation at: (a) parking lot entrances; (b) ends of driving aisles; and (c) to define pedestrian walkways through parking lots. 4. Off-street parking shall be provided at a rate of 1.35 stalls per dwelling unit, unless otherwise stated in this chapter. For any multifamily development, visitor parking shall be provided at a rate of one additional stall per five dwelling units. For example, a 12-unit cottage development would be required to provide 19 off-street parking spaces (12 units x 1.35 spaces per unit + two visitor parking stalls). Fractional results shall be rounded up to the nearest whole number. <p>Parking garage entries (both individual private and shared parking garages) must not dominate the streetscape. They should be designed and sited to complement the pedestrian entry. This applies to both public garages and any individual private garages, whether they front on a street or private interior access road.</p> <p>Common Parking Garage Design Guidelines. Buildings containing above-grade structured parking shall screen such parking areas with landscaped berms or incorporate contextual architectural elements that complement adjacent buildings or buildings in the area. Upper level parking garages must use articulation or fenestration treatments that break up the massing of the garage and/or add visual interest.</p> <p>Cottage Off-Street Parking Requirements:</p> <ol style="list-style-type: none"> 1. Located on the same property as the cottage development. 2. Screened from public streets and adjacent residential uses by architectural screening or landscaping per the requirements of Chapter 19.08 EMC. 3. Located in clusters of not more than six adjoining spaces (except where parking areas are adjacent to an alley). 4. Prohibited in front yard setback areas. 5. A pitched roof design is required for all detached parking structures. 6. Garages may be attached to individual cottages provided all other design standards have been met and the footprint of the ground floor, including the garage, does not exceed 1,000 square feet. Such garages shall be located away from common open spaces to the extent possible.
--	--	---

City	Open Space & Recreation Standards and Guidelines	Parking Standards and Guidelines
	<p>Chapter 19.40.170 Guidelines – Townhouse</p> <ul style="list-style-type: none"> • Minimum common space: 100 square feet/dwelling unit for developments with more than six units • Minimum private open space: 200 square feet attached and accessible from each unit. Up to 50 percent of the required private open space can be provided as additional common open space • Common open space requirements: <ul style="list-style-type: none"> ◦ Shall abut at least 50 percent of the cottages in a cottage housing development. ◦ Shall have cottages abutting on at least two sides of the common open space. ◦ Cottages shall be oriented around and have an entry facing the common open space. ◦ Shall be within 60 feet walking distance of the cottages. ◦ Shall be at least 20 feet in width. ◦ Shall be designed and maintained as an amenity for residents of the development. ◦ To the maximum extent practicable, common open space land shall be compact and contiguous unless the land is used as a continuation of an existing greenway, trail or other linear park, or unless specific topographic features require a different configuration. 	
Bonney Lake (pop 21K)	<p>Multifamily: 200 sf per unit Townhouses 20 or more units: 50 sf per unit</p>	Multifamily: 2 spaces per unit
Buckley (pop 5K)	Other open space requirements are very similar to Sumner and Enumclaw. No specific requirement for multifamily	<p>Duplexes and Townhouses: 2 spaces per unit Studio apartment: 1 space unit Elderly housing: 0.33 spaces per unit Retirement dwelling: 2 spaces per unit</p>

ORDINANCE NO. 22- 08

AN ORDINANCE OF THE CITY OF BUCKLEY, WASHINGTON, COMPREHENSIVELY AMENDING AND UPDATING BUCKLEY'S ZONING REQUIREMENTS, TITLE 19 BMC, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

WHEREAS, due to insufficient sewer capacity, development has been severely limited in the City since it adopted a sewer moratorium in 1995; and

WHEREAS, the City of Buckley is in the process of upgrading and expanding its sewage treatment plant, and these improvements are anticipated to be completed in September, 2008; and

WHEREAS, the completion of the sewer improvements will enable and facilitate a significant amount of new development within the City; and

WHEREAS, the City Council has determined that the City's development standards, including its Zoning regulations, need to be comprehensively amended and updated in order to ensure that this new development is compatible with the Buckley community, impacts are fully mitigated, and new state mandates are integrated and addressed;

WHEREAS, the Planning Commission conducted extensive public review and deliberation of the draft subdivision amendments; and

WHEREAS, the Planning Commission conducted a public hearing on the draft Zoning Code amendments on March 17, 2008; and

WHEREAS, the City Council modified some of the recommendations of the Planning Commission and subsequently held public hearings on July 22, 2008 and August 19, 2008;
NOW, THEREFORE,

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

Section 1. Exhibit A, incorporated by this reference as if set forth in full, is adopted by the City Council as amendments to Title 19 BMC, Zoning. All code sections amended by this ordinance are laid out in full in Exhibit A and all modifications made to those code sections (identified by track changes) are to be integrated into the Buckley Municipal Code.

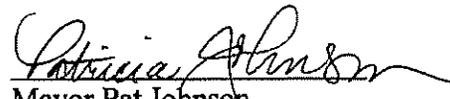
Section 1.5. Due to the time constraints of adopting updated regulations prior to the City's sewage treatment plant improvements "going on-line"; the Council has not had time to

consider all of the recommendations made by the Planning Commission. Specifically, the Council has not had sufficient time to determine whether the cluster provisions recommended by the Planning Commission provide sufficient flexibility within the City's development standards. The Council intends on continuing its review of the Planning Commission recommendations for a comprehensive update to Title 19 by considering other options for flexibility, such as planned unit developments. In this regard, the City Council reserves the right to continue its review and evaluation of planning commission recommendations in order to adopt a second ordinance without referring the matter back to the planning commission. If necessary, the City Council designates itself as the "planning agency" under Chapter 35A.63 in order to carry out this additional review.

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. A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

Passed by the City Council on the 9th day of September, 2008.


Mayor Pat Johnson

Attest:


Dave Schmidt, City Administrator

APPROVED AS TO FORM:


Susan Sampson, City Attorney

PUBLISHED: October 8, 2008

EFFECTIVE: October 13, 2008

CITY OF BUCKLEY, WASHINGTON

ORDINANCE NO. ____-20

AN ORDINANCE OF THE CITY OF BUCKLEY, PIERCE COUNTY, WASHINGTON, ADOPTING MULTIFAMILY DESIGN GUIDELINES AND A NEW CHAPTER 19.49 OF BUCKLEY MUNICIPAL CODE; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City of Buckley Planning Commission desires that minimum multifamily guidelines and standards first be adopted in Buckley Municipal Code (BMC) prior to allowing an increase in townhome densities as recently requested through a formal zoning code text amendment application that was considered by the Planning Commission; and

WHEREAS, the City of Buckley Planning Department has seen a significant increase in the amount of interest in multifamily housing in Buckley since the end of 2019 which reinforces the importance of having multifamily guidelines and standards in place as soon as possible; and

WHEREAS, the City of Buckley, unlike most nearby jurisdictions, currently lacks clear or comprehensive design standards or guidelines specific to multifamily housing; and

WHEREAS, the City of Buckley Planning Commission considered the desired outcomes and priorities for multifamily housing in Buckley, informed by multifamily design guidelines of nearby jurisdictions, and then developed and recommended adoption of the Multifamily Design Guidelines and BMC Chapter 19.49 that are both attached to this ordinance; and

WHEREAS, the 60-day notice of intent to adopt these Multifamily Design Guidelines was sent to the Washington State Department of Commerce on May 15, 2020; and

WHEREAS, environmental review was completed and a determination of non-significance was issued, published and posted for adoption of these Multifamily Design Guidelines on June 17, 2020; and

WHEREAS, a public hearing notice was published and posted on June 17, 2020; and

WHEREAS, the Planning Commission conducted a public hearing on these Multifamily Design Guidelines on July 6, 2020; and

WHEREAS, the Planning Commission received no public comments prior to or during the July 6, 2020 hearing and recommended the City Council adopt the attached Multifamily Design Guidelines and BMC 19.49; and

WHEREAS, the City Council discussed these multifamily design guidelines at a study session on August 4, 2020, and staff provided answers to Councilmember questions about these guidelines sent

after the study as attached to this ordinance;

NOW THEREFORE THE CITY COUNCIL OF THE CITY OF BUCKLEY, PIERCE COUNTY, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. BMC Chapter 19.49, Multifamily Design Guidelines, is adopted as attached to and considered with this Ordinance.

Section 2. City of Buckley Multifamily Design Guidelines are adopted as attached to and considered with this Ordinance.

Section 3. 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 4. 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 5. 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.

Introduced, passed, and approved this 25th day of August 2020.

Pat Johnson, Mayor

Attest:

Trevia 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: Ordinance No. __-20 Adopting an Increase in the Allowed Density for Townhomes in the HDR and NMU Zones	Agenda Date: August 25, 2020 AB20-073		
	Department/Committee/Individual	Created	Reviewed
	Mayor Pat Johnson		X
	City Administrator – Paul Weed		X
	City Attorney – Phil Olbrechts		X
	City Engineer – Dominic Miller		
	City Clerk – Treva Percival		X
	Finance Dept – Sandra Groshong		
	Building Official – Curt Ek		
	Fire Dept – Chief Skogen		
	Parks & Rec Dept – Kevin Caviezel		
Cost Impact: \$	Planning Dept – Leticia Wallgren		X
Fund Source:	Planning Dept – Evan Lewis	X	X
Timeline:	Police Dept – Chief Northam		
	Municipal Court – Jessica Cash		
	PW/Utilities – Chris Banks		

Attachments: Report; Applicant’s application (with narrative and conceptual townhome layout); City of Buckley Zoning Map (as reference); slides from 8/4/20 Council Study Session and Ordinance

SUMMARY STATEMENT:

This is an adopting ordinance to increase the allowed density for townhomes in the High Density Residential (HDR) and Neighborhood Mixed Use (NMU) zones. This adopting ordinance stems from a formal zoning code text amendment (ZCTA) request that was received by the City from applicant Hosford Construction, LLC on December 17, 2019 (application file # ZCTA-19-0001). The applicant requested the following:

1. Increase the allowed density for townhomes by lowering the townhome minimum lot size to 2,150 square feet per unit for the following zones: HDR (currently 3,000 sf/unit min. lot size), NMU (currently 3,500 sf/unit min. lot size), and R6000 (currently 4,500 sf/unit min. lot size).
2. Reduce the minimum lot width for townhomes in these three zones from the current minimum lot width of 29 feet for attached units to a new minimum lot width of 20 feet.

The Planning Commission recommends adoption of the applicant’s request for the HDR and NMU zones. While the Planning Commission also recommended the applicant’s request for the R-6000 zone, that request for the R-6000 zone could only be adopted if the comprehensive plan was amended to allow that level of density in comprehensive plan land use designation in which the R-6000 zone is located. The ordinance therefore only adopts the request for the HDR and NMU zones; it does not obligate the city to amend the comprehensive plan related to the requested density for the R-6000 zone.

COMMITTEE REVIEW AND RECOMMENDATION: Planning Commission - Approval Recommended

RECOMMENDED ACTION: MOVE to Approve Ordinance No. 12-20, Adoption of townhome density increase, requested through application file # ZCTA-19-0001, for the HDR and NMU zones.

RECORD OF COUNCIL ACTION

<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>



City of Buckley Development Code Amendment Zoning Code Text Amendment Re. Townhome Density

To: Honorable Pat Johnson, Mayor
City Council Members

From: Planning Department Staff

Subject: Findings, Conclusions and Recommendations regarding an amendment to BMC Title 19 to increase allowed townhome density

Applicant for Zoning Code Text Amendment Request: Hosford Construction LLC (File # ZCTA-19-0001)

Council Meeting Date: July 14, 2020

Hearing Date: July 6, 2020

Proposal Description: Zoning Code Text Amendment to update BMC Title 19 to reduce the minimum lot size and minimum lot width for townhomes in three zones that allow townhomes including HDR, NMU and R-6000 zones

State Environmental Policy (SEPA) Threshold Determination: SEPA DNS Issued June 17, 2020

Staff Recommendations Included: Approval of the increase in allowed townhome density in the HDR and NMU zones, and conditional approval in the R6000 zone, as shown in the attached ordinance

Attachments: A. Application, with narrative and conceptual townhome layout
B. City of Buckley Zoning Map

Planning Commission Recommendation to City Council: Approval of the increase in allowed townhome density in the HDR and NMU zones, and conditional approval in the R6000 zone, as shown in the attached ordinance

Signed:


Mark McPhail, Commission Chair


Date

FINDINGS

FINDINGS

I. Proposal Background

A. Background and Process

The City of Buckley Planning Department received an application on December 17, 2019 from applicant Hosford Construction LLC (application File # ZCTA-19-0001) which requested an amendment to Buckley Municipal Code (BMC) Title 19 to increase the allowed density for townhomes in all four zones that currently allow townhomes including High Density Residential (HDR), Neighborhood Mixed Use (NMU), R-6000 and R-8000. The applicant later removed R-8000 from this request.

The applicant specifically requested to:

1. Lower the minimum lot size for townhomes to 2,150 square feet per unit for the HDR, NMU, and R6000 zones; and
2. Lower the minimum lot width for the HDR, NMU, and R6000 zones from the current minimum lot width of 29 feet for attached townhome units to a new minimum lot width of 20 feet for attached townhome units.

Along with their application form, the applicant provided an example townhome conceptual site plan, as shown in Attachment A, which reflects two versions of a townhome development on NMU zoned lots under Buckley's current code standards and under the proposed new standards. The applicant also provided a narrative which states the following points:

1. The applicant's requested density increase is consistent with townhome densities in other Pierce County jurisdictions.
2. The requested density increase is consistent with and helps to implement City of Buckley Comprehensive Plan goals.
3. Allowing for more townhome units in the proposed zones will "keep infrastructure costs to a minimum" and provide more affordable housing.

The City of Buckley Planning Commission was presented with this zoning code text amendment request at the January 13, 2020 Planning Commission meeting, and discussions continued at the January 27 and February 10 Planning Commission meetings. The applicant appeared in person for two of these meetings to provide further context to the Planning Commission and to answer questions about their application. The Planning Commission also requested and heard from planning staff about estimated buildable acreage in Buckley, and the number of units supported by that buildable acreage, in relation to the applicant's request for increased townhome density.

Based on its initial discussions in 2020, the Planning Commission generally supported the applicant's proposal yet felt that before recommending approval it would be necessary to have certain minimum standards in place for multifamily open space, recreation amenities and parking. Therefore, with assistance from planning staff, the Planning Commission developed multifamily design guidelines during the winter and spring of 2020, and these guidelines are found in a separate recommendation from the Planning Commission to the City Council.

Following the development of Multifamily Design Guidelines, the Planning Commission resumed and completed its discussions and recommendations for the initial zoning code text amendment request in May and June 2020.

B. Current Code Requirements Related to Request

Currently in BMC, minimum lot widths for attached units in the HDR, NMU and R-6000 zone are 29 feet. **Table 1** below shows current minimum lot sizes per unit for townhomes in these same zones.

Table 1: Minimum Lot Sizes for Townhomes

Zone	Minimum Lot Sizes
HDR	3,000 sf/unit
NMU	3,500 sf/unit
R-6000	4,500 sf/unit

Additionally, BMC currently defines a ‘townhome’ as, “A type of attached multifamily dwelling in a row of at least two, but not more than four, such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common fire-resistant walls.”

If fully adopted, the applicant’s request would reduce the minimum lot width for attached townhome units in these three zones to 20 feet, and it would reduce the minimum lot size per unit to 2,150 square feet in these three zones. The applicant did not request a change to the definition of townhomes.

II. Proposal Evaluation

Staff evaluation is provided on the following aspects of the applicant’s proposal – as brought up by the applicant or inquired about by the Planning Commission in relation to existing code: Buildable lands and available housing capacity, comparison to nearby jurisdictions, and consistency with the City of Buckley Comprehensive Plan.

A. Buildable lands and impact on housing units

In considering this request to increase townhome density in three zones, it is important to get a general sense of what impact that density increase may have on future housing capacity in Buckley. The most recent detailed housing capacity analysis occurred with the 2014 Pierce County Buildable Lands Report. The report took housing trend data in each zone from 2006-2012 to establish an “assumed density” for each zone for the year 2030; so therefore densities were estimated based on what had occurred in years prior to 2014 rather than the maximum possible density for each zone. This 2014 report was based on permit data the City provided to Pierce County through 2012, and it yielded the following table of housing unit capacity for each zone.

Table 2: City of Buckley: Housing Unit Capacity (2014)

Zoning District	Adjusted Net Acres	Assumed Density ¹	Unit Capacity	One Dwelling Unit per Vacant (Single Unit) Lot	Pipeline	Housing Capacity
R-6,000	35.84	5	179	4	171	354
R-8,000	152.17	4	609	2	65	676
R-20,000	26.82	2	54	69	0	123
HDR	6.25	5	31	0	0	31
NMU	26.94	6	162	0	0	162
HC	0.02	5	0	0	0	0

¹ The 2014 housing capacity totals in Table 2 reflect “assumed densities” that are based on actual development trends in each zone from 2006-2012, not maximum densities. This same detailed analysis necessary to establish new “assumed densities” has not been conducted since 2014.

Zoning Code Text Amendment to Increase Townhome Density
July 6, 2020

Zoning District	Adjusted Net Acres	Assumed Density ¹	Unit Capacity	One Dwelling Unit per Vacant (Single Unit) Lot	Pipeline	Housing Capacity
CC	1.39	5	7	0	0	7
P	N/A	N/A	N/A	0	2	2
Total Housing Capacity						1,354

The Pierce County Buildable Lands Report estimated the City of Buckley’s housing need at 1,321 units and, given the projected 2030 housing capacity of 1,354 units, Buckley had sufficient housing capacity as of 2014.² However, increasing the allowed density for townhomes right now could be a helpful start to ensure the City has sufficient housing capacity in the future.

Buckley should expect continued pressure on its housing supply. Under the preferred growth alternative in the draft Puget Sound Regional Council (PSRC) Vision 2050, Pierce County would absorb approximately 21 percent of the region’s projected population growth through 2050, totaling 364,000 people. 14 Pierce County jurisdictions classified as “Cities and Towns” in Vision 2050, including the City of Buckley, would collectively need to absorb 7 percent of that growth, or 25,000 people. It is a year or two too early to know Buckley’s future population and housing unit targets based on this expected growth as there are many factors, and some negotiation, that will play into those targets. However it is highly likely that Buckley’s future housing target will increase, and Buckley’s housing capacity will need to keep up with that target.

Increasing the allowed densities for townhomes would be a positive first step toward ensuring that Buckley has sufficient housing capacity in the next 25-30 years. Based on a very rough estimate of remaining buildable land and considering current and proposed new densities under this ZCTA, staff estimates that the requested townhome density could accommodate up to 500 additional units over what code currently allows. While it’s most likely that only a small fraction of these additional housing units will be realized, accommodating even a small amount of Buckley’s future growth by allowing additional townhome density has economic, social and environmental benefits, for instance:

1. Allowing increased townhome density in zones located close to the urban core and along Highway 410, which are areas already served by commercial services and critical infrastructure, should keep housing affordable and reduce overall impacts.
2. Townhomes are a type of middle housing that provide the cost and space efficiency of more traditional multifamily housing. They provide a good third option for residents who may not want to take on the burden or commitment of a single family detached home yet also do not want to live in more traditional multifamily with several stacked units within a single structure.
3. Accommodating more townhomes in and near already developed areas of Buckley may help alleviate some of the growth pressure in the undeveloped, outlying areas of Buckley which have seen the greatest growth pressure in recent years. Many outlying areas within Buckley’s UGA are not fully served by critical infrastructure and also contain environmental critical areas that require protection or mitigation, as well as farms and other open spaces that many residents would like to see preserved.

B. Townhome Density Comparison to Nearby Cities

The requested townhome density increase would bring the City of Buckley in line with maximum townhome and/or multifamily densities allowed by nearby cities including Bonney Lake and Sumner, although it would allow higher densities than what appears to be allowed by Enumclaw and Orting, as shown in **Table 3**:

² While there was a legislative rezone of 148 parcels in 2015 and 2016, planning staff estimates those legislative rezones likely did not result in any significant net change in housing capacity.

Table 3: Comparison of Maximum Townhome (or other Multifamily) Densities by City

City	Allowed Townhome or Multifamily Densities (zone densities)	Minimum Townhome Lot Widths
Buckley (w/ZCTA)	HDR, NMU, R6000: 2,150 sf min lot size (equivalent to 20 units/gross acre, or <i>very roughly</i> 14 units/net acre) ³	HDR, NMU, R-6000 zones: 20 ft
Bonney Lake	R2 and C1 zones: 9 units/net acre R3, C2, MC and E zones: 10-20 units per net acre	R2 zone: 55 ft R3 zone: 20 ft C1 zone: 100 ft C2, MC and E zones: NA
Enumclaw	R4 zone: 14.5 units/acre (3000 sf min lot size)	R4 zone: 30 ft
Sumner	MDR zone: 15 units/ <i>net</i> acre (2,900 sf <i>net</i> min lot size) HDR zone: 25 units/ <i>net</i> acre (1,740 sf <i>net</i> min lot size) ESUV zone: 26 unit/ <i>net</i> acre	MDR & HDR zone: No limit for townhomes as long as density requirements are met ESUV zone: 45 ft
Orting	RU zone: 6 units/acre (7,260 sf min lot size) RFM zone: 6 units/acre (7,000 sf min lot size) for townhomes; but higher densities for other multifamily including 11 units/acre (4,000 sf min lot size) for first unit and 22 units/acre (2,000 sf min lot size) for each additional unit	RU zone: No minimum RFM zone: 40 ft

For the cities shown in **Table 3**, zones that allow these higher townhome densities are generally located near the urban core and well-served by existing infrastructure – which is the case with most areas zoned HDR, NMU and R-6000 in Buckley.

III. Zoning Code Amendment Review Criteria

All zoning code amendments must conform to the city’s comprehensive plan. The only criteria specified for zoning code amendments generally are found in BMC 19.52. Such criteria are more applicable to site-specific rezones, but staff has provided an answer to the applicable criteria below.

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.

Staff Response: A key part of the applicant’s reasoning for this zoning code text amendment was consistency with the Comprehensive Plan. As detailed in the next section, the requested townhome density increase for the HDR and NMU zones is consistent with the comprehensive plan while the requested density for R6000 is not and therefore requires a condition of approval that is described later.

³ Buckley’s allowed densities are based on a min lot size per unit, while other cities define density based on units per acre. Thus the approximate units per gross & net acre shown for Buckley are rough estimates in order to provide more of an apples-to-apples comparison with other cities.

19.52.020 – Priority of first application; 19.52.030 – Conditional rezone – Approval; 19.52.040 – Conditional rezone – Concomitant agreement; 19.52.050 – Conditional rezone – Indication on zoning maps

Staff Response: Criteria listed in BMC 19.52.020-050 is relevant to site-specific rezones, not to this type of zoning code text amendment to increase allowed densities throughout certain zones.

IV. Consistency with the Comprehensive Plan

The applicant's request to increase the allowed density for townhomes in the HDR and NMU zones to 2,150 sf/unit is consistent with the Comprehensive Plan, described as follows:

1. The HDR zone is an implementing zone for the Urban Higher Density (UHD) comprehensive plan land use designation, and the comprehensive plan shows UHD density ranges from 2,150-8,600 sf/unit.
2. The NMU zone is an implementing zone for the Commercial & Mixed Use (C&MU) comprehensive plan land use designation where higher density residential is allowed and which provides a buffer between commercial areas and lower density residential areas. NMU zoned parcels are also found within the Industrial and General Commercial (I&GC) comprehensive plan land use designation. The comprehensive plan states that I&GC is "not conducive to residential development." Therefore, specific project proposals will be evaluated for consistency with the comprehensive plan, and if a townhome project is proposed within the I&GC land use designation, it will likely not be recommended for approval under the current comprehensive plan. The existing review and recommendation processes for townhome developments would sort out whether townhomes are or are not appropriate for an area based on the comprehensive plan land use designation.

The request to increase the allowed townhome density in the R-6000 zone is not consistent with the Comprehensive Plan. R-6000 is an implementing zone for the Urban Lower Density (ULD) comprehensive plan land use designation. The Comprehensive Plan describes ULD as allowing single family, duplexes, and multiplexes, with density ranges from 4,500 to 20,000 sf/unit. Additionally, the comprehensive plan refers to R-6000 as allowing "lower-density multifamily." It would be reasonable to conclude that allowing the city's maximum possible density in a land use designation named and described as "lower density" would not meet the intent of ULD. While the comprehensive plan could be more clear on what housing types and densities are intended for ULD, it is reasonable to conclude that townhome densities of 2,150 sf/unit in the R-6000 zone would be inconsistent with the comprehensive plan as currently written.

The Planning Commission supported the applicant's requested density in the R-6000 zone, although given the inconsistency with the comprehensive plan, a condition would need to be added to Council's consideration of the applicant's request specific to the R-6000 zone.

In addition to land use designations in the comprehensive plan, the proposed zoning code text amendment is consistent with the following Comprehensive Plan goals and/or or policies.

Goal 1.1: Buckley should provide a healthy and productive environment for its citizens and preserve its small town character.

Staff response: Townhomes are a form of multifamily housing that are generally seen as a better fit for small towns as opposed to traditional multifamily with several stacked units within individual structures. Allowing higher densities for this small town-oriented form of multifamily

Zoning Code Text Amendment to Increase Townhome Density
July 6, 2020

may encourage more of this form of multifamily housing in the future over more traditional multifamily.

Policy 1.1.1 – Buckley should preserve its small town character through the following:

2. Integrate additional density in the residential zones in a manner that protects the single family areas from commercial encroachment.

Staff response: Allowing increased townhome density in zones, which are already located near or along highway 410 where most commercial development is already found, will further encourage commercial development in areas where such commercial development is preferred, and alleviate commercial pressures on areas where it is not preferred.

Goal 1.5: Housing types should be mixed and meet the needs of all segments of the population.

Staff response: Accommodating future growth by allowing more townhomes will provide a form of housing that is appropriate for individuals and young families that do not want to take on the full burden of a single family home, as well as the future housing needs of older residents who wish to downsize from single family yet remain in the City of Buckley.

Policy 1.5.10 – The city should encourage development of affordable housing.

Staff response: Increasing allowed townhome densities would increase the supply of a housing type that is generally more affordable than single family residential. It would also help the City stay on pace with expected future demands on housing capacity as Buckley absorbs its share of the region's expected growth over the next 2-3 decades. Ensuring that housing supply stays ahead of future demand should help keep housing affordable.

Goal 1.9: Coordinate an orderly provision of public facilities with public and private development activities that complements the fiscal resources of the city.

Policy 1.9.3: Development approvals should be contingent upon facilities already being in place as the development occurs.

Staff response: Increasing allowed townhome densities in the HDR, NMU and even R-6000 zones would encourage higher densities in areas that have or are generally closer to existing public facilities such as water, sewer, transportation and public safety facilities and services.

Goal 2.3: Promote creation of affordable housing options throughout the city for all segments of the population.

Staff response: Accommodating future growth by allowing more townhomes will provide a form of housing that is appropriate for individuals and young families that do not want to take on the greater burden of a single family home, as well as future housing needs of older residents who wish to downsize from single family yet remain in the City of Buckley.

Goal 2.5: Areas identified as vacant or underused in the county's buildable lands program should be prioritized (targeted) for development.

Staff response: As shown in **Table 2**, the 2014 Pierce County Buildable Lands Report showed a significant amount of vacant or underutilized land in the NMU zone (27 acres) and R-6000 zone (26 acres), with a smaller amount of capacity in the HDR zone (6 acres).

Zoning Code Text Amendment to Increase Townhome Density
July 6, 2020

Goal 3.1: Promote, develop, and enhance a strong and sustainable economic climate.

Staff response: Fulfilling many of the economic development policies is facilitated through increased density and housing options near the city's existing commercial areas. Development of townhomes in higher density areas that already allow townhomes is consistent with the fulfillment of the City's economic development goals.

Goal 4.1: Enhance the built environment to promote the economic and social vitality along the main street commercial core.

Staff response: Economic and social vitality in the City's commercial core is enhanced when there is more density and housing options near the city's commercial areas; which is provided by developing townhomes on vacant or underutilized parcels that are preferred for higher density residential.

Goal 4.5: New development in the City of Buckley should strengthen the small town character and foster community interaction.

Staff response: Townhomes are generally seen as a type of multifamily that fits well in small towns; rather than more traditional multifamily housing with multiple stacked units in the same structure. Furthermore, accommodating increased density in areas closer to the urban core and existing services can foster more community interaction; both in terms of bringing people in greater physical proximity, but also making people less car-dependent for accessing services and allowing more opportunities for community interaction outdoors.

Zoning Code Text Amendment to Increase Townhome Density
July 6, 2020

V. Title 20 Process

Development code text amendments are a C-1 process under BMC which requires a recommendation by staff, an open record public hearing with the Planning Commission, and a final decision by the City Council. These requirements for C-1 processes were followed for this townhome density zoning code text amendment.

VI. Public Notices

A notice of public hearing and SEPA determination of non-significance (DNS) notices were both posted and published on June 17, 2020. Additionally a 60-day notice for this zoning code text amendment was sent to the Washington State Department of Commerce on May 15, 2020. On May 19, 2020, the Washington State Department of Commerce emailed a note of support for allowing an increase in townhome densities.

VII. Public Comments

No public comments were received regarding this zoning code text amendment request.

VIII. State Environmental Policy Act (SEPA)

This requested zoning code text amendment underwent SEPA review and a SEPA DNS was issued June 17, 2020.

CONCLUSIONS AND RECOMMENDATION

I. Comprehensive Plan

The requested zoning code text amendment for the HDR and NMU zones is consistent with and implements the City of Buckley Comprehensive Plan, as detailed in the Findings section. The requested amendment for the R-6000 zone is inconsistent with the description of the ULD land use designation in the comprehensive plan, and therefore warrants a condition of approval as shown below.

II. Buckley Municipal Code

Based upon a review of facts and findings, the requested zoning code text amendment is consistent with Buckley Municipal Code.

III. Staff Recommendations

1. Based on the above Findings of Fact and Conclusions of Law, staff recommends approval of this zoning code text amendment request, as proposed, for the HDR and NMU zones.
2. Based on the above Findings of Fact and Conclusions of Law, staff recommends that approval of the zoning code text amendment request in the R-6000 zone be subject to the condition that the Comprehensive Plan must first be amended to show that the requested townhome density in R-6000 is consistent with density provisions and descriptions of the comprehensive plan land use designation(s) in which R-6000 zoned areas are located.



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

**CITY OF BUCKLEY
MASTER LAND USE APPLICATION**

File # ZCTA-19-0001

Check all that apply:

REZONE

ZONING CODE AMEND

CRITICAL AREAS PERMIT

VARIANCE

SITE PLAN

OTHER:

Please print or type a response to each question as thoroughly as possible. If you need further information, please contact the City at 360-829-1921. A preliminary meeting with staff, prior to application, is recommended.

No application shall be examined or considered by the city until the following intake fees and deposit fees have been paid in full by the applicant.

1. Applicant/Property Owner: Hosford Construction LLC E-Mail: josh@hosfordconstruction.com
Phone # 253 632 1562 Address: 1155 Porter St
Enumclaw, Wa 98022

2. Applicant (if other than property owner): _____ E-Mail: _____
Phone # _____ Address: _____

3. Surveyor/Engineer: Jim Schemmer E-Mail: jt.schemmer@scgeng
Phone # 360-7084386 Address: 301 30th Street, Suite C
Anacortes, Wa 98221

4. Location/Address of Project: _____ PC Assessor's Parcel No(s): _____

5. Legal description (attach additional sheets if necessary): _____

6. If rezone or zoning code amendment; Description of requested change (attach additional sheets if necessary): _____

7. Project Description/Activity: additional sheet attached

8. Provide site plan and project design specifications: check

9. Provide a complete environmental checklist for SEPA review*: check

*(if required by the City)

10. Provide completed application checklist: check

11. *If clearing, grading and/or filling:

Revised 08/10, 03/13; 20140722, 20160405

Estimate number of cubic yards: _____ if over 500 cubic yards, attach SEPA checklist.

() Regraded () Removed from site () Imported to site () Other

Maximum height of fill _____ Maximum depth of cut _____

Square footage of area to be covered with impervious surface _____

12. Describe and identify on site plan any streams, drainage course or wetlands known or suspected within 200 feet of the property and indicate whether or not the project will effect or impact any of these as well as alter the flow of stormwater across the property: _____

13. Identify whether or not the project will effect or impact the flow of stormwater across the property. If the project will impact a flow please indicate on the site plan the current drainage pattern and how the project will effect the flow: _____

Note: Please refer to the current Taxes, Rates and Fee Schedule for the total fee associated with this permit for which the applicant is responsible.

SIGNATURE OF APPLICANT*

DATE

- (Must be the owner of the property or have a documented legal ownership interest verified by the City)

Agency Use Only:

Application fees/deposits:

Amount Received:

	Amount Received:	Date received
<input type="checkbox"/> Subdivision (Full/Short)	_____	_____
<input type="checkbox"/> Boundary Line Adjustment	_____	_____
<input type="checkbox"/> Binding Site Plan	_____	_____
<input type="checkbox"/> SEPA Review (checklist)	_____	_____
<input type="checkbox"/> Rezone	_____	_____
<input type="checkbox"/> Variance	_____	_____
<input type="checkbox"/> Conditional Use Permit	_____	_____
<input checked="" type="checkbox"/> Zoning Code Amend	1,000.00	12/17/19 #3168
<input type="checkbox"/> Site Plan	_____	_____
<input type="checkbox"/> Critical Areas Permit	_____	_____

Application packet materials (check if received):

Completed application checklist

MASTER LAND USE APPLICATION CHECK LIST*

<p>A. Completed application form _____</p> <p>B. Ownership and consent statement _____</p> <p>C. Site Plan Map (consisting of):</p> <p style="padding-left: 20px;">1 - reproducible tracing _____</p> <p style="padding-left: 20px;">8 - prints of proposed _____</p> <p style="padding-left: 20px;">2 - 11" x 17" reductions _____ or</p> <p style="padding-left: 20px;">1 - Electronic PDF of all Maps _____</p> <p style="padding-left: 20px;">1 - transparency of plan/vicinity maps _____</p> <p>Note* reproducible prints shall be 18" X 24" and allow 3" border, left side (prepared by engineer or land surveyor)</p> <p style="text-align: center;">Map Contents,</p> <p>1. Vicinity sketch (w/ N arrow) _____ (all adj. subdivisions, major structures, watercourses, drainage, etc.)</p> <p>2. Names, addresses, phone numbers of subdivider and Surveyor/Engineer _____</p> <p>3. Names and owners of property within 300 ft _____</p> <p>4. Boundary lines to scale of tract to be subdivided. _____</p> <p>5. Location, width and names of existing streets, right-of-ways, within or adjacent to, perm buildings, watercourses, power lines, railroads, section lines _____</p> <p>6. Existing contours (Solid) proposed contours (dotted) at intervals of 1 ft.(unless otherwise approved by the City), contours are to extend 100 ft beyond _____</p> <p>7. Profiles/grades of streets _____</p> <p>8. Parcels for dedication/reserved for public or deeded for common use with purpose, conditions, or limitations _____</p> <p>9. Existing and proposed easements _____</p> <p>10. Date, scale, north arrow and meridian _____</p> <p>11. Source of water supply (letter of water availability) _____</p> <p>12. Method of sewage disposal (letter of sewer availability) _____</p> <p>13. Zoning of existing and proposed _____</p>		<p>14. Existing structures and conditions delineated (w/note indicating whether structures are to be removed) _____</p> <p>15. Natural drainways and water courses, including drainage ditches. _____</p> <p>16. Proposed restrictive covenants or appropriate limitations and conditions for the use of the land _____</p> <p>17. Number of gross and net lots per/acre, amount of land and total area of each lot _____</p> <p>18. Lots numbered consecutively from 1,2,... _____</p> <p>19. Conceptual Utilities Plan, identifying both existing and proposed (water, sanitary sewer, gas, stormwater, etc.) _____</p> <p>20. Legal description of original and *proposed _____</p> <p>21. Identification and delineation of critical areas (w/type & buffer if applicable) _____</p> <p>22. Title Report or Plat Certificate (no older than 30 days) _____</p> <p>23. Building setback line on all proposed lots indicated by a dashed line _____</p> <p>24. Proposed landscaping plans _____</p> <p>D. Critical Areas Report (if required by the City) _____</p> <p>Provide details of all work waterward of the Ordinary High Water Mark (OHWM = that area where the presence and action of waters are so common and usual, as to mark upon the soil a distinct characteristic...more information on this definition is available)</p> <p>Provide details of any Sensitive/Critical Areas studies including information for all potential impacts to any waterways, wetlands or critical areas. Identify any actions to avoid or minimize impacts.</p> <p>E. Traffic Impact Analysis (May be required by the City for projects generating >25 vehicle trips/day) _____</p> <p>F. Stormwater Drainage Report _____</p> <p>G. Environmental Checklist (completed and signed) _____</p> <p>H. Stamped envelopes with names and addresses of all property owners within 300 feet of the project boundary and a property listing from Pierce County or a title company. _____</p> <p>I. Profiles showing existing grade and proposed street grades, include typical cross sections of proposed grade, roadway and sidewalks. _____ (Include completed plans, drawings and engineer specifications)</p>
---	--	--

12/20/2019

Leticia Wallgren

City Planner, City of Buckley
933 Main Street
Buckley, WA 98321

RE: Zoning Code Text Amendment

Dear Leticia,

Townhouse designs meet many of the City of Buckley's future development goals as identified in the current Comprehensive Plan.

Townhouse developments throughout Pierce County support 20 foot wide units built on a 2,150 square foot lot. A neighboring community supports this template for townhouse developments.

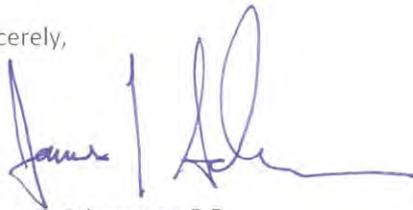
Current City of Buckley zoning code across zones is not competitive with several neighboring communities' zoning code regarding Townhouse development. Meeting Comprehensive Plan goals such as providing housing at low income or first time buyer levels is difficult to meet with the large lots required across all zones in the City of Buckley.

An example of this limitation is evident for the property at 28704 Hinkleman Road. Only 67 Townhouse units can be built at this address. See attached Plan. However, 120 units can be built at this address if designed consistent with the neighboring community code. See attached Plan.

Clearly, the cost per unit supported by the homeowner is much less according to codes allowing Townhouses on the suggested format. Additionally the greater density supported keeps infrastructure costs to a minimum. Overall, lower income households will have more opportunities for housing within their budgets if the City of Buckley provides a similar template.

The City of Buckley Comprehensive Plan, quoted in following pages, supports consideration of allowing zone text modifications across all zones allowing townhouses to allow for 20 foot wide units on 2,150 square foot lots. Higher density development that supports a greater range of family income levels will provide a viable means for the City of Buckley to reach its Comprehensive Plan Goals.

Sincerely,

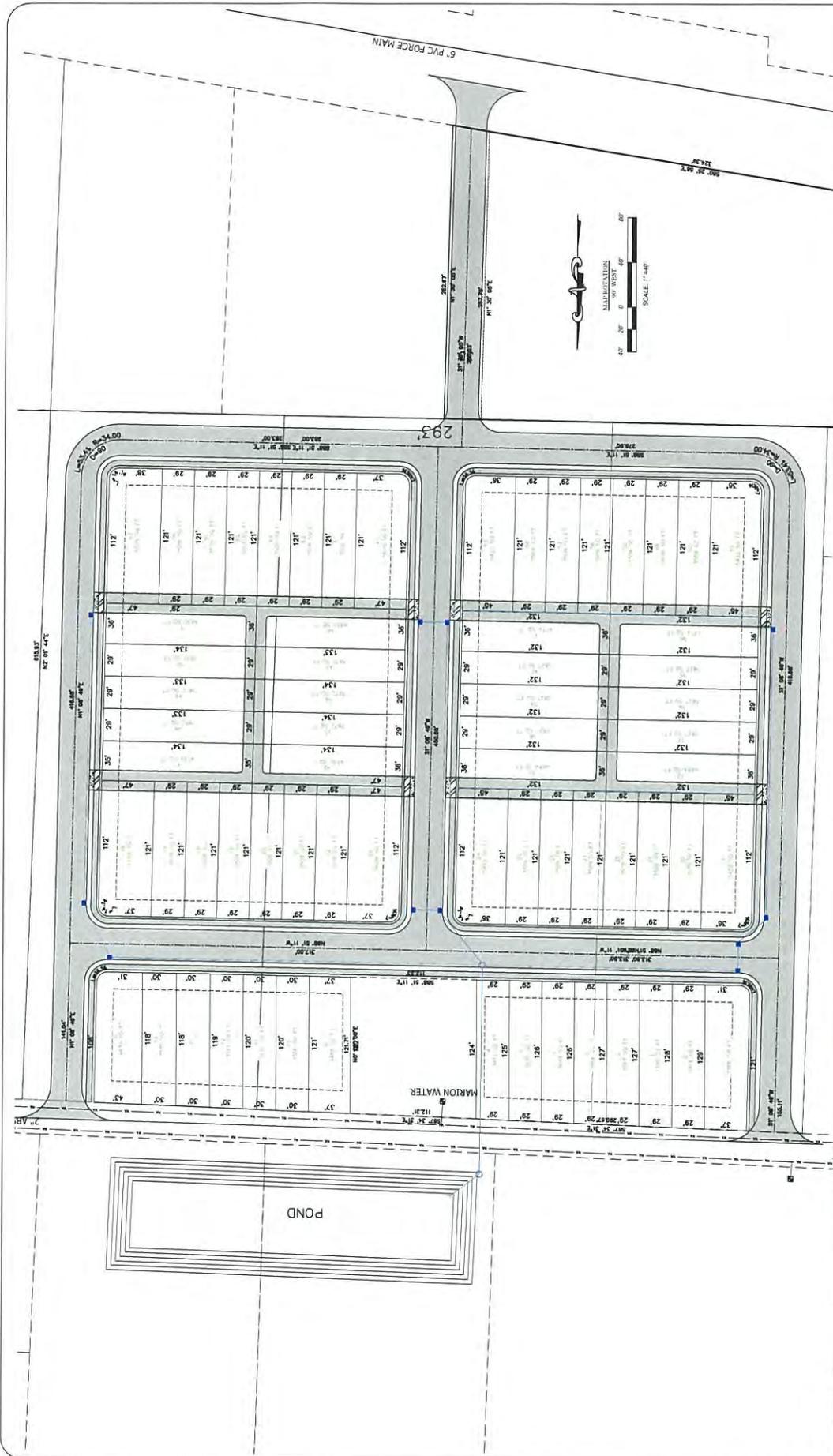
A handwritten signature in blue ink, appearing to read 'James T. Schemmer', written over a vertical line.

James T. Schemmer, P.E.
Schemmer Consulting Group PLLC

Comprehensive Plan Citations

1. New housing centered around downtown would bring more residents to downtown businesses while helping to preserve rural character outside the center.
2. The Neighborhood Mixed Use (NMU) zone is our buffer zone between commercial and residential zones, but is only buffering a small area of the city's commercial lands. The NMU needs to be expanded to buffer all commercial zones around the northeast SR 410 corridor and other commercial zones
3. Dividing the average household size into the number of people needed to meet the 2030 population allocation, 1,258 new housing units need to be constructed. These units can be single family homes, apartments, condominiums, mixed-use developments, or group homes. Together with construction of houses, streets, utilities, and increased service capacities need to be developed.
4. **General land use.** Under the Washington State Growth Management Act, Buckley must provide for population growth in a 20-year time span. Buckley must encourage commercial development and a diverse range of housing types to address the changing needs of its population, while also maintaining Buckley's small town character.
5. **Residential land use.** Preserving Buckley's rural character includes maintaining open spaces and view corridors to help encourage an outdoor aesthetic and participation in a natural environment. Encouraging clustering of development allows maintenance of open space and helps protect sensitive areas.
6. **Policy 1.1.1** Encourage mixed use developments in commercial zones.
7. **Policy 1.5.5** Flexibility in development regulations should be provided to allow for clustered housing developments. This could be through planned unit developments, clustered housing developments, cottage housing, or adding flexible lot sizes in the subdivision regulations.
8. **Policy 1.5.6** Density bonuses should be considered for residential developments that, in addition to meeting minimum building requirements, affordability design initiatives are used as a specified community objective of that residential development. Specific criteria for evaluating application for a density bonus should be identified and developed by the planning commission and city council.
9. **Policy 1.5.10** The city should encourage development of affordable housing.
10. **Existing Conditions:** The main issues facing Buckley in terms of housing include the following:
 - i. 1.Ensuring that sufficient land for housing is identified and provided; and
 - ii. 2.Ensuring affordable housing is available for its citizens.

11. Density can be increased by building on underdeveloped areas unconstrained by critical lands, changing zoning where applicable, and through promoting higher density housing.
12. Many different housing types can be used to increase density. Developments using duplexes, townhouses, cottage housing and single-family housing on small lots can complement the small town character. Through the 2005 comprehensive plan implementation, zoning allowed smaller lots than were allowed before 2005 and a variety of single, duplex, and triplex housing on lots within the R-6,000 and R-8,000 zones were permitted. This helps provide housing that is well served by public goods and services possible.
13. **Policy 2.1.2** Use the neighborhood mixed use zoning between commercial and single family zones to create a transition between commercial and residential zones.
14. **Policy 2.1.8** Manufactured housing should not be regulated differently from site-built housing.
15. **Policy 2.2.1** Maintain housing approaches that are listed in the current zoning code that include duplexes and triplexes.
16. **Policy 2.2.5** Ensure building codes will permits innovative housing designs including low impact housing.
17. **Goal 2.3** *Promote creation of affordable housing options throughout the city for all segments of the population.*
18. **Policy 2.3.1** Encourage development of a range of low income and senior housing opportunities convenient to services.
19. **Policy 2.3.2** The city should enable affordable housing in new developments by offering incentives, such as density bonuses and economic incentives.
20. **Policy 2.3.3** Affordable housing should be treated the same as other housing types and be allowed in market-rate housing areas.
21. The City is committed to ensure components that contribute to its quality of life (affordable housing, natural environment, good schools, efficient government and infrastructure) are available for residents and for future generations.



1	1"=40'
2	2
3	2
4	2

PRELIMINARY
11.17.2019

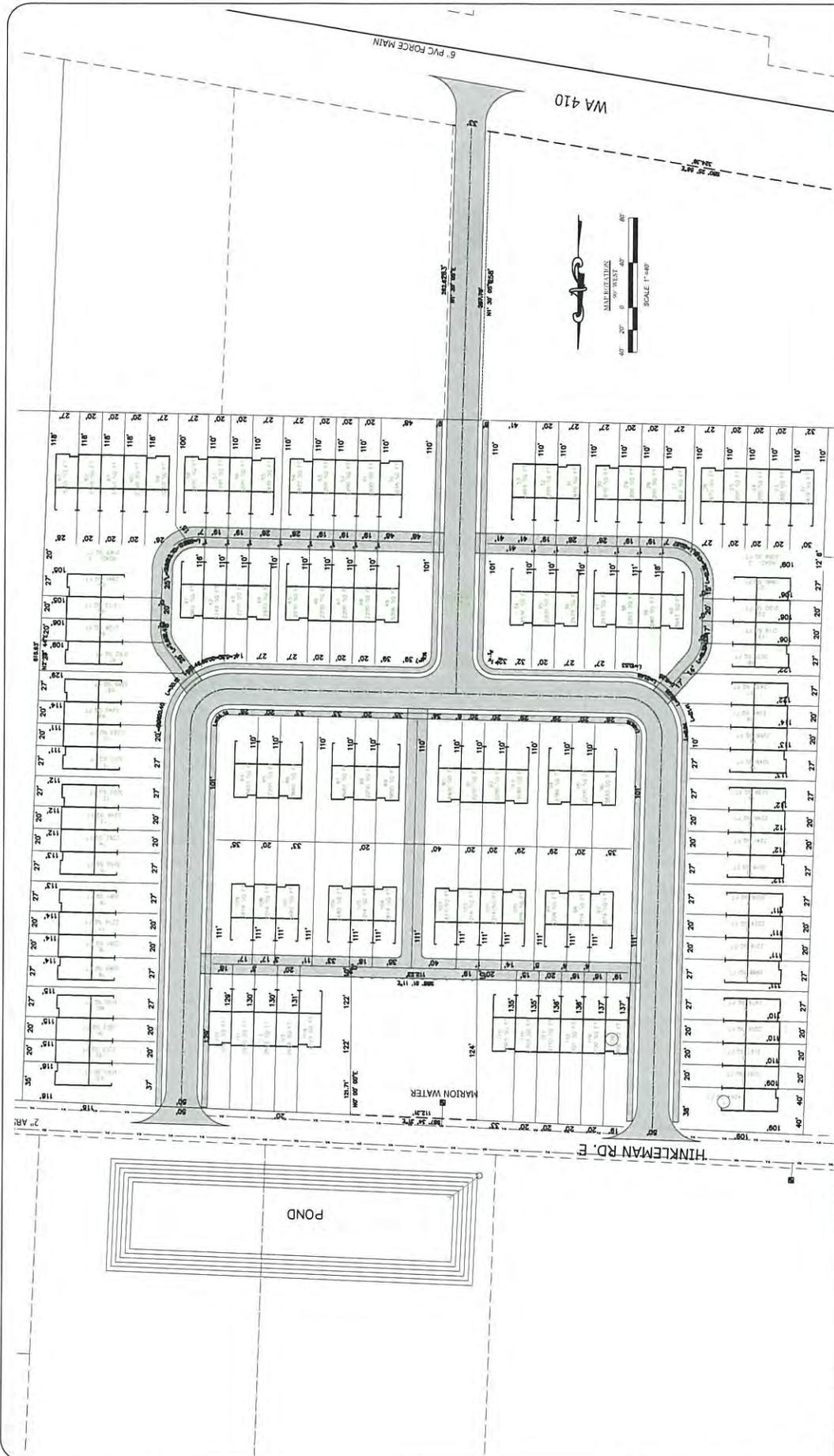
SITE PLAN
67 TOWNHOUSE LOTS
BUCKLEY WASHINGTON

TOWNHOUSES
BUCKLEY, WA 98521

SG SCHEMMER
ENGINEERING
CONSULTING
REGISTERED PROFESSIONAL ENGINEER
RESIDENTIAL HOME DESIGN
1330 1st AVENUE, SUITE 200
SEASIDE, WA 98148
PH: 360-293-0000 FAX: 360-293-2551

PROJECT NUMBER:	19-045 TOWNHOUSES
DESIGNED/DRAWN BY:	JTS
CHECKED BY:	JTS
ISSUE DATE:	11.17.2019

1	
2	
3	
4	



1	PROJECT NUMBER: 19-045 TOWNHOUSES	 SCHEMMER ENGINEERING CONSULTING & DESIGN 210 S. 3RD ST., SUITE 200 BUCKLEY, WA 98321 360-531-4000 • 360-531-5051 • www.sgeng.com	120 TOWNHOUSE UNITS BUCKLEY, WA 98321	SITE PLAN 120 TOWNHOUSE LOTS BUCKLEY WASHINGTON	PRELIMINARY 11.17.2019
2	DESIGNED/DRAWN BY: JTS				
3	CHECKED BY: JTS				
4	ISSUE DATE: 11.17.2019				

Attachment for Townhomes Zoning Code Text Amendment: Slides Shared at 8/4/20 Council Study Session



CITY OF BUCKLEY

TOWNHOMES DENSITY INCREASE

AUGUST 4 COUNCIL STUDY SESSION

1

ZONING CODE TEXT AMENDMENT REQUEST OVERVIEW

- Application received 12/17/2019
- From applicant Hosford Construction, LLC
- Applicant requested an increase to the allowed density for townhomes in 3 Zones



2

ZONING CODE TEXT AMENDMENT

Requests that BMC allow 2,150 sq. ft. minimum lot size and 20 ft. lot widths for townhomes in 3 zones:

High Density Residential (HDR)	Neighborhood Mixed Use (NMU)	R-6000
		
<p>Current Code Townhome Limits: Min lot size/unit: 3,000 sf Min lot width: 29 ft.</p>	<p>Current Code Townhome Limits: Min lot size/unit: 3,500 sf Min lot width: 29 ft.</p>	<p>Current Code Townhome Limits: Min lot size/unit: 4,500 sf Min lot width: 29 ft.</p>

3

3

STAFF & PLANNING COMMISSION REVIEW CONSIDERATIONS

This request....

1. Is consistent with Buckley Municipal Code
2. Is roughly consistent with the max densities allowed by some nearby jurisdictions
3. Helps to...
 - a) Ensure future sufficient housing capacity
 - b) Ensure more new housing units are located near commercial areas and existing infrastructure
 - c) Promote a greater diversity of housing options
 - d) Foster more affordable housing options
 - e) Alleviate some growth pressure in the most undeveloped areas of Buckley

4

4

STAFF & PLANNING COMMISSION REVIEW CONSIDERATIONS

This request...

1. Is consistent with the Comprehensive Plan for HDR and NMU Zones
2. Is **NOT** consistent with the Comprehensive Plan for the R-6000 zone



2015 Comprehensive Plan

Contents:

1. General introduction to the comprehensive plan
2. Element 1: Land use element
3. Element 2: Housing element
4. Element 3: Economic development element
5. Element 4: Urban development element
6. Transportation element - To be updated
7. Element 6: Parks element
8. Utilities element - To be updated
9. Capital facilities element - To be updated
10. Maps

Approved under Ordinance 11.07 on December 8, 2015

Mayor Pat Johnson

Council Position #1 - Steve Lee, Mayor
 Council Position #2 - Chris Smith, Deputy Mayor Pro Tem
 Council Position #3 - Marvin Anderson
 Council Position #4 - Jason Stangor
 Council Position #5 - John Leggett
 Council Position #6 - Matt Tomlinson
 Council Position #7 - Brian Howard

5

5

STAFF & PLANNING COMMISSION REVIEW CONSIDERATIONS

Request for R-6000 cannot be adopted until and if:

- a) R-6000 zone density is consistent with its comp plan land use designation
- b) BMC 19.06 comp plan amendment process is followed



Comp Plan Land Use Designations

- C-MU
- I-GC
- U-HD
- ULD
- Right of Way

Council adoption of this zoning code amendment ordinance does not obligate the City to amend the comp plan as noted above

6

6

PLANNING COMMISSION RECOMMENDATION

1. Adopt the requested townhome min lot size and lot width for the HDR and NMU zones
2. **Conditionally** approve the requested townhome min lot size and lot width for the R-6000 zone**

**Council's adoption of the ordinance before you on 7/14/20 would adopt the applicant's requested townhome density increase for only the HDR and NMU zones*

***If the comp plan is eventually amended consistent with the applicant's request for the R-6000 zone, Council may then adopt a separate ordinance approving the applicant's request for R-6000 without further Planning Commission review*

7

7

COUNCIL PACKET MATERIALS

1. Ordinance
2. Staff report
3. Applicant's application and example townhomes concept
4. Buckley zoning map (as reference)

Any Questions?

8

8

CITY OF BUCKLEY, WASHINGTON

ORDINANCE NO. ____-20

AN ORDINANCE OF THE CITY OF BUCKLEY, PIERCE COUNTY, WASHINGTON, INCREASING THE ALLOWED DENSITY FOR TOWNHOMES IN THE HDR AND NMU ZONES; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, on December 17, 2019 the City of Buckley received an application from Hosford Construction, LLC requesting an amendment to Buckley Municipal Code (BMC) allowing for 20 foot-wide townhouse (townhome) units on 2,150 square foot lots in all zones that allow townhomes; and

WHEREAS, the applicant’s reasoning for this request, as attached to this ordinance, mentions that their requested townhome density is consistent with nearby jurisdictions and the City of Buckley Comprehensive Plan, and further mentions the affordable housing benefits from allowing this increased density for townhomes; and

WHEREAS, BMC currently allows townhomes in the following zones: High Density Residential (HDR), Neighborhood Mixed Use (NMU), R6000, and R8000; and

WHEREAS, BMC currently limits townhome densities, through minimum lot sizes per unit, as follows: 3000 sf/unit for HDR, 3500 sf/unit for NMU, 4500 sf/unit for R6000, and 6000 sf/unit for R8000; and

WHEREAS, the City of Buckley Planning Commission reviewed the applicant’s request, and while the Planning Commission was generally supportive of this increased townhome density, it only supports this increase in the HDR, NMU and R6000 zones – not in the R8000 zone since that would be too significant of a townhome density increase relative to what R8000 currently allows; and

WHEREAS, on June 10, 2020 the applicant modified their initial application to only request their proposed townhome density in HDR, NMU and R6000 zones – not R8000; and

WHEREAS, the City of Buckley Planning Commission recommends approval of the applicant’s request, however the Planning Commission expressed that the City of Buckley first adopt multifamily design guidelines prior to adopting the applicant’s requested townhome density increase; and

WHEREAS, adoption of the requested density increase in the R6000 zone, which is an implementing zone for the Urban Lower Density (ULD) land use designation in the City of Buckley Comprehensive Plan, could only be approved if the City of Buckley Comprehensive Plan was amended to allow that level of density in the R-6000 zone; and

WHEREAS, environmental review was completed and a SEPA determination of non-significance was issued, published and posted for this request on June 17, 2020; and

WHEREAS, the 60-day notice of intent to adopt this zoning code text amendment was sent to the Washington State Department of Commerce on May 15, 2020; and

WHEREAS, a public hearing notice was published and posted on June 17, 2020; and

WHEREAS, the Planning Commission conducted a public hearing on this proposal on July 6, 2020; and

WHEREAS, the Planning Commission received no public comments prior to or during the July 6, 2020 hearing and recommended that the City Council adopt the applicant's request to lower the minimum lot size/unit for townhomes to 2,150 sf/unit, and lower the minimum lot width to 20 ft., in the HDR and NMU zones; and

WHEREAS, the Planning Commission recommended approval for the requested minimum lot size/unit and minimum lot widths for townhomes in the R-6000 zone but only if the comprehensive plan was first amended to allow this; and

WHEREAS, despite the Planning Commission's recommendation regarding the applicant's request in the R-6000 zone, the City is in no way obligated to amend the comprehensive plan to allow the requested level of density in the R-6000 zone; and

WHEREAS, the City Council held a study session to discuss this proposal on August 4, 2020 and staff provided answers to Council's questions during and after the study session;

NOW THEREFORE THE CITY COUNCIL OF THE CITY OF BUCKLEY, PIERCE COUNTY, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. BMC 19.20.050(2)(a)(i)(B), for the NMU zone, is amended as follows:

"For townhomes, the minimum lot area per dwelling unit shall be ~~3,500~~2,150 square feet."

Section 2. BMC 19.20.050(2)(b)(i)(B), for the lot width requirement in the NMU zone, is amended as follows:

“20 feet for townhomes or ~~twenty nine~~29 feet when other types of attached units are provided.”

Section 3. BMC 19.20.060(2)(a)(i)(E), for the HDR zone, is amended as follows:

“For townhomes, the minimum lot area per dwelling unit shall be ~~3,000~~2,150 square feet.”

Section 4. BMC 19.20.060(2)(b)(i)(A), for lot width requirements in the HDR zone, is amended as follows:

“Minimum lot width: 45 feet, except for attached dwellings, then the width can be reduced to 20 feet for townhomes or 29 feet for other types of attached dwellings.”

Section 5. 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 6. 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 7. 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.

Introduced, passed, and approved this 25th day of August 2020.

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: Ordinance No. __-20 Amending the City of Buckley Design Review Process	Agenda Date: August 25, 2020 AB20-074		
	Department/Committee/Individual	Created	Reviewed
	Mayor Pat Johnson		X
	City Administrator – Paul Weed		X
	City Attorney – Phil Olbrechts		X
	City Engineer – Dominic Miller		
	City Clerk – Treva Percival		X
	Finance Dept – Saundra Groshong		
	Building Official – Curt Ek		
	Fire Dept – Chief Skogen		
Cost Impact: \$	Parks & Rec Dept – Kevin Caviezel		
Fund Source:	Planning Dept – Leticia Wallgren		X
Timeline:	Planning Dept – Evan Lewis	X	X
	Police Dept – Chief Northam		
	Municipal Court – Jessica Cash		
	PW/Utilities – Chris Banks		

Attachments: Staff Report; Design Review Process Code Edits (shown as attachment 1); Design Guideline Edits (shown as attachment 2); Overview of Design Review Bodies in Nearby Cities (shown as attachment 3); Responses to councilmember comments from July 7 (shown as attachment 4); Presentation slides from 7/7/2020 Council Study Session (shown as attachment 5); Public comment received 8/25/2020 which was considered during the 8/17/2020 Planning Commission hearing, and Ordinance.

SUMMARY STATEMENT:
This is an adopting ordinance to amend the City of Buckley design review process by replacing the current role of the Design Review Committee (DRC) in the design review process with the Planning Commission, as well as making a few other design review code edits and design review guideline edits for clarity and to fix anomalies.

COMMITTEE REVIEW AND RECOMMENDATION: Planning Commission - Approval Recommended at the August 17 Planning Commission meeting

RECOMMENDED ACTION: **MOVE to Approve Ordinance No. 13-20, Amending the City of Buckley Design Review Process**

RECORD OF COUNCIL ACTION

<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>



**City of Buckley
Development Code Amendment
Design Review Process Changes**

To Honorable Pat Johnson, Mayor
City Council Members

From Planning Department Staff

Subject Findings, Conclusions and Recommendations Regarding
Design Review Process Updates

Council Meeting Date: August 25, 2020

Hearing Date: August 17, 2020

Proposal Description: Updates to the City of Buckley design review and approval process to replace the role of the Buckley Design Review Committee (DRC) with the Planning Commission, and to make a few additional design review process corrections and changes.

State Environmental Policy (SEPA) Threshold Determination: SEPA exempt as a "procedural action", per WAC 197-11-800(19)

Recommendations Included: Approval of design review process changes found in Attachments 1 and 2

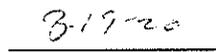
Attachments

1. Proposed Buckley Municipal Code Text Changes
2. Proposed Design Guideline Text Changes
3. Overview of Design Review Bodies of Nearby Cities
4. Responses to Council feedback at 7/7/20 Council Study Session
5. Slides shared at 7/7/20 Council Study Session

Planning Commission Recommendation to City Council Approval of proposed design review process changes

Signed:


Mark McPhail, Commission Chair


Date

FINDINGS

I. Proposal Background

The City of Buckley Design Review Committee (DRC) currently exists as part of the Community Services Council Committee. The DRC reviews and makes recommendations to the Planning Commission on minor design review applications, and the DRC reviews and makes recommendations to the City Council on major design review applications. For both the major and minor design review processes, the DRC first considers a staff recommendation as required by BMC Title 20.

The City of Buckley Mayor, in reflecting past concerns and conversations about the City's design review process that were brought to the Mayor's attention by City staff, conveyed at the January 14, 2020 City Council meeting that the design reviewing role be moved out of the Community Services Council Committee and instead handled by the Planning Commission.

The following issues warrant an update to Buckley's design review process:

1. For major design reviews the DRC, as a purely advisory body, currently makes recommendations to City Council, and yet it is both atypical among most cities and a potential conflict for an advisory body to be comprised solely of members of the decision making body to whom recommendations are made. An overview of the design reviewing bodies in other jurisdictions is found in **Attachment 3**;
2. For minor design reviews it is unnecessary and inefficient to have two different entities (staff and a design review committee) providing a recommendation to the decision maker for minor design reviews; which primarily consist of signs and other small exterior modifications that warrant a streamlined and time-efficient review process. The DRC meets once per month and the Planning Commission meets twice per month. Under the current design review process, it can sometimes take two months to obtain a decision for a simple sign permit within a design review district.

The City of Buckley Planning Commission considered this design review process change and drafted recommended text changes to BMC and City of Buckley Design Review Guidelines in early 2020. A more visual representation of how these changes would change the design review process is shown in slides in **Attachment 5**. The Planning Commission considered a few additional design review process corrections, clarifications and changes that should be made as described in the next section.

II. Proposed Changes

As shown in code and design guideline track changes found in **Attachment 1 and 2**, all BMC and Design Guideline references to *Design Review Committee* or *DRC* were changed to *Planning Commission*. In a few places, as shown in track changes, slight wording changes in addition to the words *Design Review Committee* or *DRC* were made

Design Review Process Updates
August 17, 2020

to ensure these references to design review bodies/authorities made sense in the context with where and how they were written.

To stay consistent with the level of detail currently shown in BMC and design guidelines, when updated text in BMC or design guidelines references the decision making role of the Planning Commission it was sometimes necessary to reference the City Council since Council has decision making authority for major design reviews per BMC Title 20.

The following additional changes were considered by the Planning Commission and are proposed for approval:

Change	Reason for Change
<p>BMC 19.30.190(1)(b) and BMC 19.50.030(1): Major design review applications must be received at least 4 weeks prior to the Planning Commission’s review, and minor design review applications must be received at least 2 weeks prior to the Planning Commission’s review; both are a change from 20 days as currently stated in BMC.</p>	<p>BMC 19.30 and 19.50 currently require design review materials at least 20 days prior to design review meetings. The Planning Commission would now like materials submitted 4 weeks prior for major design review, and 2 weeks prior for minor design review, to ensure the Planning Commission has sufficient time for review.</p>
<p>BMC 19.30.190(2): Design review applicants should no longer be required to be present at design review meetings.</p>	<p>This in-person requirement may place an unnecessary burden on applicants and unnecessary delays in design review decisions. However all applicants still have the option of being present at design review meetings if they choose.</p>
<p>Design Guidelines Section II.B: The line <i>“Development in the design districts is to be reviewed by the DRC...”</i> was deleted.</p>	<p>This deleted line was repeating, though in less specific language, what was stated in the preceding sentence about what the design reviewing body reviews. When read in context with the previously described changes to the design reviewing body, this deletion was necessary for the sentence to make sense, although its deletion does not change the meaning.</p>
<p>Design Guidelines Section II.D.2.g: The design reviewing body will no longer have the authority to require that a landscaping plan be submitted with site plan review applications.</p>	<p>Design Guideline II.D.2.g states that a landscape plan may be deferred by the DRC during the site plan review process. Since site plan reviews are a separate permit process from design review, subject to a separate set of requirements, and since applicants are typically asked to submit preliminary landscaping plans for site plan reviews which meet standards in the BMC 19.29</p>

Change	Reason for Change
	Landscaping chapter, the design reviewing body shouldn't be in the position of determining the submittal requirements for a process such as this that is separate from design review.
Design Guidelines Section II.D.2.i.ii: The design reviewing body may only request additional drawings from applicants specifically for the purpose of design review.	Design Guideline II.D.2.i.ii currently states that "the DRC may require addition[al] drawings of submittals for specific projects." Since this current guideline could be misinterpreted as allowing the design reviewing body to require additional materials beyond just design review, language was added so it's clear that this ability to request materials is just "for the purpose of design review."
Design Guidelines Section III.E.3.c: An anomaly in Buckley's Design Guidelines, which currently states that color schemes shall be reviewed and approved by the design reviewing body prior to application, should be fixed so it's clear such color schemes shall be reviewed prior to "approval".	The current language is clearly in error since it's not possible for color schemes to be reviewed and approved prior to application, so this change simply fixes this error.

III. July 7, 2020 Council Study Session Feedback

At the July 7, 2020 City Council meeting, several comments or suggestions were made regarding this proposed updated design review process. Staff has responded to that feedback in **Attachment 4**, and slides shared by Planning Dept. staff at that study session are shown in **Attachment 5**.

IV. Zoning Code Amendment Review Criteria

All zoning code amendments must conform to the city's comprehensive plan. The only criteria specified for zoning code amendments generally are found in BMC 19.52. Such criteria are more applicable to site-specific rezones, but staff has provided an answer to the applicable criteria below.

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.

The recommended design review process change is consistent with the Comprehensive Plan as described in the next section. Other requirements of BMC 19.52.010 are related to site-specific rezones and therefore not applicable to this proposal.

19.52.020 – Priority of first application; 19.52.030 – Conditional rezone – Approval; 19.52.040 – Conditional rezone – Concomitant agreement; 19.52.050 – Conditional rezone – Indication on zoning maps

Criteria listed in BMC 19.52.020-050 is related to site-specific rezones, not to this type of zoning code amendment to change the design review process.

V. Comprehensive Plan

The proposed ordinance is consistent with the City of Buckley Comprehensive Plan. The Comprehensive Plan does not address design review decision making bodies or design review processes, and the proposed change does not change the design guideline requirements that applicants would have to abide by; it is only a change to the decision making process. The proposed change is still fully in line with comprehensive plan goals and policies to fulfil the plan vision of preserving Buckley's identity and character and developing economic viability in the downtown core and along Hwy 410.

VI. Title 20 Process

Development code text amendments such as this are a C-1 process under BMC which requires a recommendation by staff, an open record public hearing with the Planning Commission, and a final decision by the City Council. These requirements for C-1 processes were followed during the development of the proposed design review process change.

VII. Public Notices

A notice of public hearing was posted and published on July 29, 2020. Additionally a 60-day notice was sent to the Washington State Department of Commerce on February 3, 2020.

VIII. Public Comments

No public comments were received for this design review process change.

IX. State Environmental Policy Act (SEPA)

These design review process changes are considered “procedural actions” according to WAC 197-11-800(19) and thus did not require SEPA review and SEPA determination.

CONCLUSIONS AND RECOMMENDATION

I. Comprehensive Plan

This design review process change is consistent with and implements the City of Buckley Comprehensive Plan, as detailed in the Findings section above.

II. Buckley Municipal Code

Based upon a review of facts and findings, this proposed design review process change is consistent with Buckley Municipal Code.

III. Staff Recommendation

Based on the above Findings of Fact and Conclusions of Law, staff recommends the approval of these design review process changes, as shown in **Attachments 1 and 2**, to replace the role of the Design Review Committee with the Planning Commission and to make a few other small corrections or changes as described in Findings Section II of this staff report and as shown in **Attachments 1 and 2**.

Attachment 1: Design Review Process Code Edits

19.29.060 Design standards.

Property owners are encouraged to retain the existing trees, especially conifers, and other native vegetation on a site to the maximum extent possible. The following design standards should be followed and implemented in the creation of a final landscaping plan. The plan should encourage a low maintenance, quality design. Design with drought-resistant plants and minimal grass area is encouraged to promote water conservation. Design shall include utilization of native vegetation.

(1) Facade Buffers. This design pertains to new commercial and manufacturing buildings or uses within the following zones: CC, GC, HC, HDR, LI, NMU; to new multifamily buildings containing more than two units; and to existing commercial, manufacturing or multifamily residential improvements which exceed 30 percent of the appraised value of the structure(s).

(a) Facade buffers should accent the character of the building. Street trees, window boxes, planters and hanging pots within the public right-of-way are acceptable, subject to approval by the planning director or city engineer. These items should not create a hazard by inhibiting pedestrian movement in the right-of-way and shall comply with required sight distances at intersections. The planting material should soften the transition between the pavement and the building. Blank building walls should be softened by landscaping. Plantings arranged formally or informally. Vegetation used within low impact development facilities shall be considered as part of these landscaping requirements as approved by the public works director.

(b) Within the historical commercial zone, potted street trees, planter boxes and street furniture within the public right-of-way may be substituted for the above facade landscaping upon approval by the ~~design review committee~~Planning Commission or decision maker and recommended for approval by the city planning director or city engineer.

Chapter 19.30

SIGN CODE

Sections:

- 19.30.010 Purpose.
- 19.30.020 Definitions.
- 19.30.030 Applicability and exemptions.
- 19.30.040 Public safety considerations.
- 19.30.050 Prohibited signs.
- 19.30.060 General permit requirements.
- 19.30.070 General sign requirements.
- 19.30.080 Sign area calculation.
- 19.30.090 Historic-commercial district (HC zone).
- 19.30.100 General commercial, central commercial and industrial (GC, CC, LI) zone signs.
- 19.30.110 Neighborhood mixed-use (NMU) zone signs.
- 19.30.120 Residential (R-6,000, R-8,000, R-20,000) zone signs.
- 19.30.130 Public facility zone (P) signs.
- 19.30.140 Off-premises signs.
- 19.30.150 Temporary signs.
- 19.30.160 Nonconforming signs.
- 19.30.170 Maintenance and repair of legal nonconforming signs.
- 19.30.180 Maintenance of signs.
- 19.30.190 Application ~~for design review to design review committee.~~
- 19.30.200 Appeals from design review ~~committee or designated official.~~
- 19.30.210 Variances.
- 19.30.220 Planning director's authority.
- 19.30.230 Right of entry.
- 19.30.240 Removal of signs.
- 19.30.250 Recovery of removed signs.
- 19.30.260 Enforcement, violations and penalties.
- 19.30.270 Appeal from sign code administrative interpretations and decisions.
- 19.30.280 Severability.

19.30.070 General sign requirements.

(14) Signs located within the historic-commercial (HC) district shall conform to the design standards of Chapter 19.50 BMC and be subject to ~~design review committee~~ Planning Commission, City Council, or ~~or~~ designated official review and approval pursuant to BMC 19.30.190.

19.30.090 Historic-commercial district (HC zone).

Signs in the historic-commercial (HC) zones shall be subject to ~~design review committee~~ Planning Commission or City Council approval and shall be limited as follows:

- (1) A maximum of 50 square feet of total signage surface area, which includes wall-mounted, projecting, detached and rear entry, is allowed per building.
- (2) Wall signs to include window-mounted signs are allowed up to the 50 square feet sign surface area maximum, but cannot cover more than 10 percent of the building facade on which the signs are located.
- (3) Projecting signs are allowed up to 10 square feet of sign surface area and shall be framed or bracketed with wrought-iron-style trim. Projecting signs shall conform to the general requirements of BMC 19.30.070(9)(a) through (e).

(4) Wall Graphics. The use of exterior walls of buildings for graphics, artwork, or other displays shall be subject to review ~~and approval by the design review committee~~ Planning Commission and approval by the Planning Commission or City Council.

19.30.190 Application ~~to design review committee~~for Design Review.

(1) An applicant requesting ~~design review committee or designated official approval~~ design review approval as provided under the city's design review districts shall comply with the following requirements:

(a) Applications for ~~design review committee or designated official approval~~ design review shall be submitted to the planning director.

(b) All fully completed sign applications with appropriate attachments or diagrams and payment of processing fee(s) must be submitted to the city not less than ~~20-two (2) weeks, for minor design review, and not less than four (4) weeks, for major design review,~~ days prior to ~~the the Planning Commission monthly design review committee meeting for consideration in which the application will be considered.~~

(c) The applicant shall make the premises upon which the sign is to be erected available for inspection by the building official.

(2) The city shall advise the applicant as to the date of ~~the design review committee's~~ Planning Commission's consideration of the application or the designated official's determinations. ~~The applicant shall be present at the design review committee meeting, or the design review committee may, in its discretion, deny the application for the applicant's failure to appear.~~

(3) The ~~design review committee~~ Planning Commission or, as applicable, City Council or designated official, shall consider, and require compliance with, the following factors in reaching a decision on the application:

(a) The sign shall further the purpose of this sign code, as said purpose is set forth in BMC 19.30.010;

(b) The sign shall comply with applicable state, county and city building and fire codes;

(c) All permanent signs must meet the standards set forth in BMC 19.30.060 and 19.30.070. (Ord. 22-08 § 1 (Exh. A), 2008; Ord. 11-07 § 4, 2007; Ord. 05-06 § 1, 2006).

19.30.200 Appeals from ~~design review committee or designated official.~~Design Review or designated official.

Any sign applicant or aggrieved party under this chapter may appeal decisions of the ~~design review committee~~ Planning Commission to the city council by filing an appeal and paying adopted appeal fee with the city clerk within 10 working days of the ~~design review committee's~~ Planning Commission's or designated official's written decision. The council shall review the application at its next available meeting date. The appeal shall be on a de novo basis. The council shall take action upholding, revising or modifying the ~~design review committee's~~ Planning Commission's or designated official's decision. (Ord. 22-08 § 1 (Exh. A), 2008; Ord. 11-07 § 5, 2007; Ord. 05-06 § 1, 2006)

Chapter 19.50 DESIGN REVIEW DISTRICTS

Sections:

- 19.50.010 Purpose.
- 19.50.020 Relationship to other regulations.
- 19.50.030 Review procedures.
- 19.50.040 Review required.
- 19.50.050 Design criteria.
- 19.50.060 Design districts described.
- 19.50.070 Historic district purpose and applicability.
- 19.50.080 Gateway district purpose and applicability.
- 19.50.090 SR 410 district purpose and applicability.

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. (Ord. 19-19 § 5, 2019).

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. 19-19 § 5, 2019).

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~~ Planning Commission meeting that convenes at least 20 two (2) weeks, for minor design review, or four (4) weeks, for major design review, 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). (Ord. 19-19 § 5, 2019).

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)~~ Planning Commission examines ~~any the~~ application for construction or alteration, and until approval is granted by the Planning Commission, for minor design review, or City Council, for major design review.

(1) The ~~DRC-Planning Commission~~ shall transmit its recommendation to the City Ceouncil, or as specified in BMC 20.08.030, Table 2, for construction that does not meet the description in subsection (2) of this section. These projects are considered "major."

- | (a) The DRC-Planning Commission shall consider the application and the director's report at its next regular meeting following receipt of the director's recommendation transmitted to the committee no less than seven days prior to its meeting. The DRC-Planning Commission will base its recommendation on the city's design guidelines.
- | (b) The DRC-Planning Commission may recommend the ~~decision-maker~~ City Council 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) Where practical difficulties are involved in carrying out the design standards, the city council shall have the authority to grant modifications for individual cases, provided the city council shall first find that special individual reasons makes the strict letter of the design standards impractical and the modification is in compliance with the intent and purpose of the design standards and doesn't create a material departure from any consistent design in surrounding buildings.
- | (2) The DRC-Planning Commission shall ~~be the decision maker~~ ~~transmit its recommendation~~ for other projects which are considered "minor" ~~to the planning commission, -or~~ as specified in BMC 20.08.030, Tables 1 and 2, for repair or maintenance that does not change the physical exterior of the structure or fixture (e.g., siding or windows). 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. (Ord. 19-19 § 5, 2019)

Chapter 20.12
EXEMPTIONS

20.12.010 Purpose.

The purpose of this chapter is to identify permit processes that are not subject to notice requirements. (Ord. 13-19 § 2, 2019).

20.12.030 Exemptions to this title.

(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, except for minor design reviews, 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 Chapter 12.04 BMC.

Attachment 2: Design Guideline Edits

CITY OF BUCKLEY

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

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



DESIGN GUIDELINES

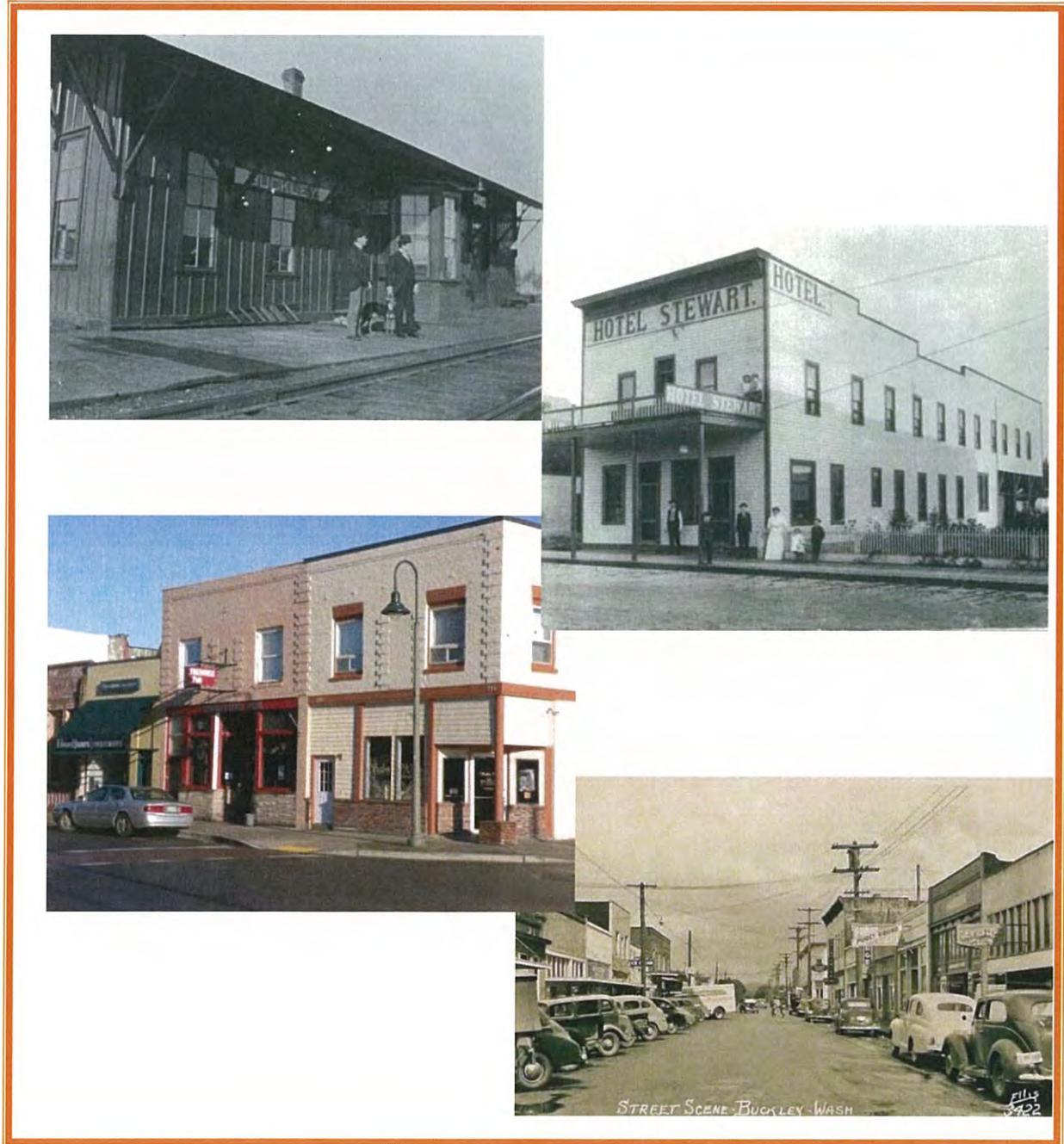


Table of contents

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.	12
III.A	Introduction.	12
III.B	Purpose.	12
III.C	Regulations and applicability.	12
1.	Main Street buildings.	12
2.	Corner buildings.	13
3.	Mid-block buildings.	14
4.	Miscellaneous commercial buildings.	16
5.	New commercial buildings in the NMU zone.	16
III.D.	Architectural design.	17
1.	Masonry.	17
2.	Concrete or stucco exteriors.	18
3.	Wood storefront and detailing.	18
4.	Wood windows.	18
5.	Metal cornices and ornament.	18
6.	Cast iron structure and storefronts.	19
III.E	New Construction and unifying elements.	20
1.	Signs.	20
2.	Awnings.	21
3.	Building color.	21
IV.	Rainier Gateway District	23
IV.A	Introduction	23
IV.B	Purpose.	23
IV.C	Regulations and applicability.	23
1.	Pedestrian connections.	23
2.	Foothills Trail connections.	23
3.	Bicycle amenities.	25
4.	Open space.	25
5.	Design.	25
6.	Signs.	26
7.	Lighting.	26

8.	Public art.	27
9.	Other Elements.	27
IV.D	Site design.	27
1.	Orientation.	27
2.	Setbacks.	27
3.	Building entrance.	29
4.	Parking and vehicle access.	30
5.	Screening dumpsters, utilities and service areas.	30
IV.E	Architectural design.	30
1.	Massing and articulation.	30
2.	Upper level step backs.	32
3.	Streetscape.	32
4.	Architectural elements.	33
5.	Exterior materials.	34
6.	Exterior colors.	34
V.	Highway 410 District.	36
V.A.	Introduction.	36
V.B.	Purpose.	36
V.C.	Regulations and applicability.	37
V.D.	Architectural design.	37
1.	Site Development	37
2.	Scale and form.	37
3.	Architecture and structure.	39
4.	Unifying elements.	40
VI.	Attachments.	42
A.	Map of Downtown Design Review District	42
B.	Map of Rainier Gateway Design Review District	42
C.	Map of Highway 410 Design Review District	42
E.	Illustration of Suggested Sign Fonts	42

I. Welcome.

IA 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 Trail 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.



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

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.

To this aim, the City established a Design Review Committee (DRC). The committee Planning Commission reviews proposals for restoration and new development in the city's design districts. Proposed projects submitted to the DRC-City 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~~ the Planning Commission. ~~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 in 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.
- h. Building and sign colors shall be muted in all design areas.

2. Design review.

Applications within the design review districts for commercial, multifamily, and mixed uses must be reviewed by the ~~DRC~~ Planning Commission 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.



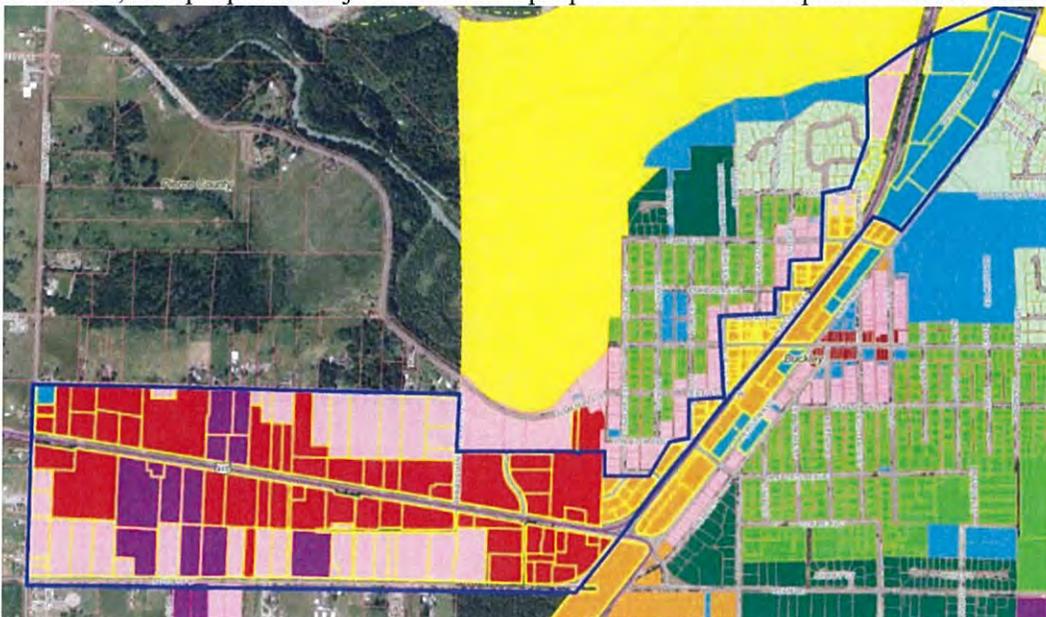
Rainier Gateway District.

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



Highway 410 District.

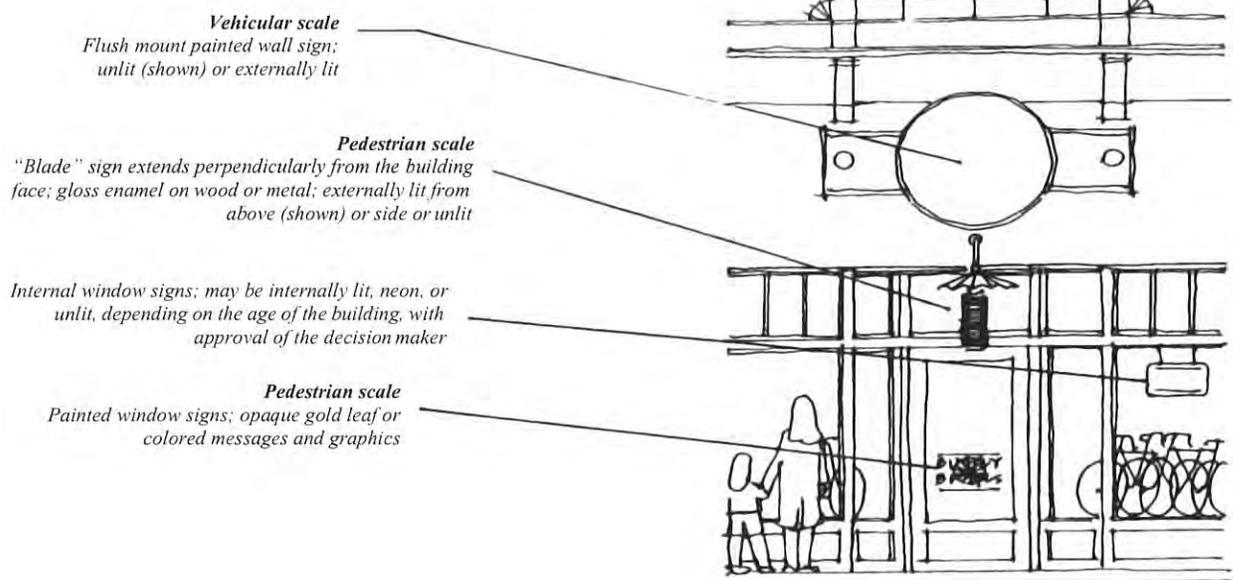
All property abutting the highway within the city limits in GC, CC, NMU, LI and P zones, and property in zones adjacent to these zones. This area includes all properties abutting SR 410 in the CC, GC, NMU, LI, and P zones, and properties adjacent to these properties with development visible from SR 410.



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, such as doors and or windows. In accordance with Policy 4.1.3 of the city’s comprehensive plan, storefront visibility and transparency shall be essential.
- 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 as specified in BMC 20.08.030 Table 2.
- 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-Planning Commission may require additional drawings of submittals for specific projects for the purpose of design review. Additional submittals are required for building and fire department approvals.



Undated view of Buckley



Undated view of Buckley likely in the 1960s



Undated view of Buckley likely in the 1970s

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.

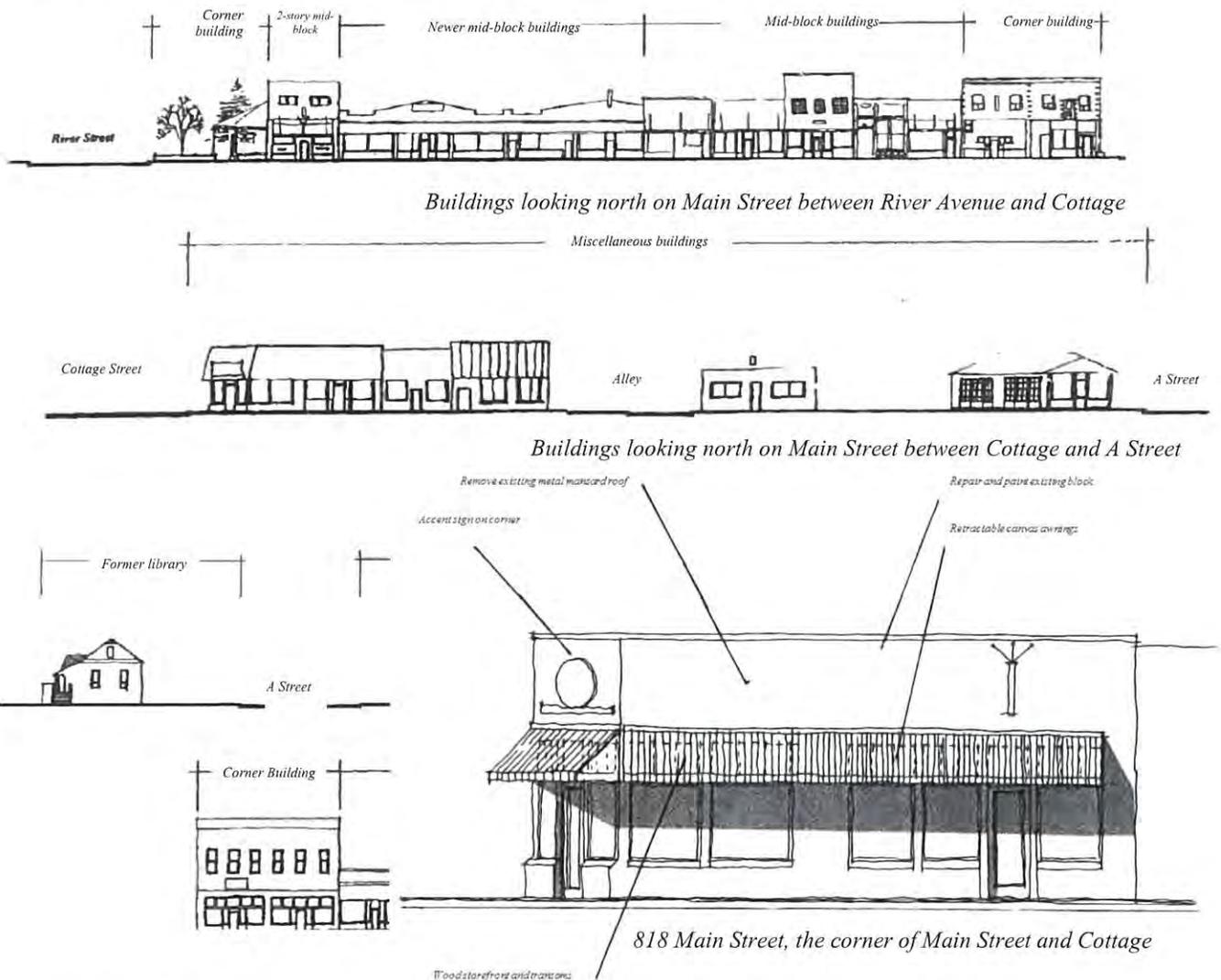
In the diagrams on the next page, you can see building sketches on Main Street. Please note the characteristics on the corners



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 Planning Commission DRC or City Council 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.



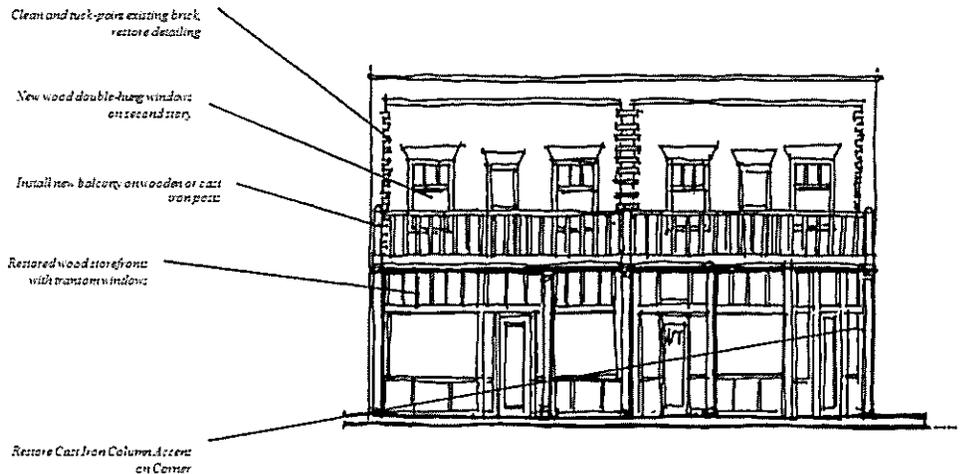
2. Corner buildings.

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:



Example: Corner Building: 780-790 Main

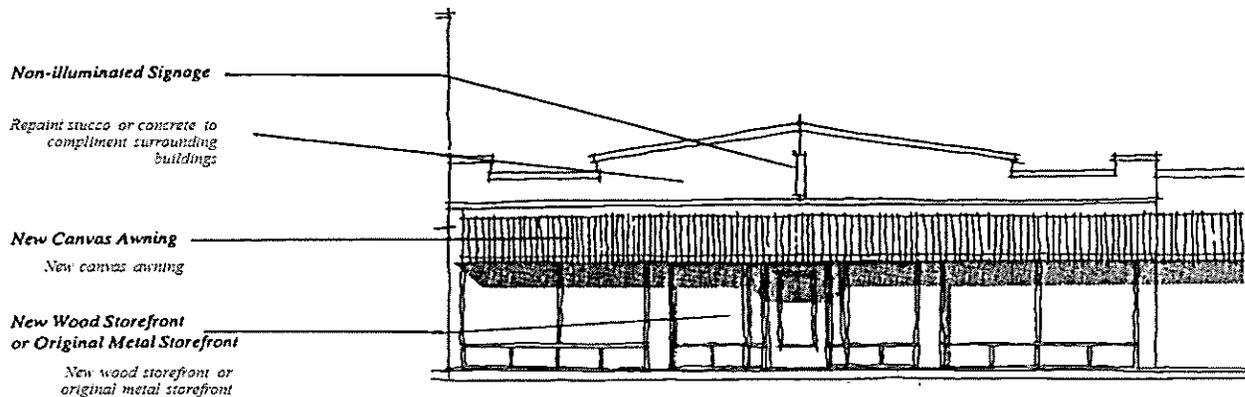
- a. More than one story height, usually with commercial spaces on street level and offices or residential space above.
- b. Traditional brick and stone construction, often with elaborate detailing.
- c. Flat roofs with dominate cornices.
- d. Cast iron storefronts or wood storefronts.
- e. Wood sash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

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

The older mid-block buildings share these 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:



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

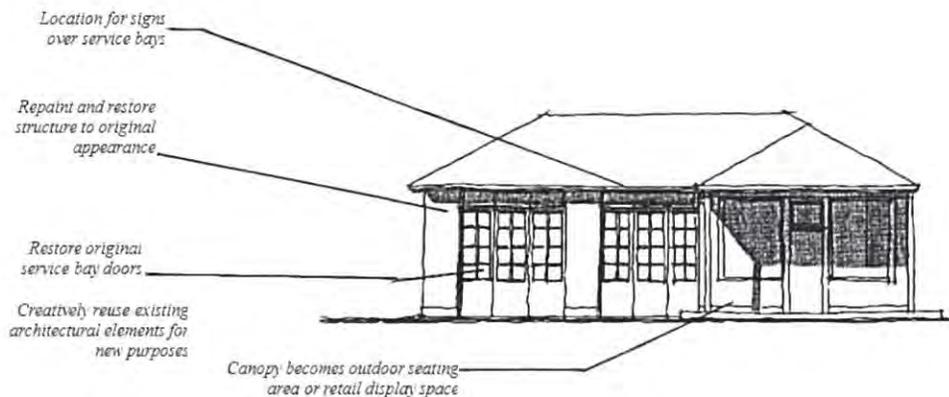
a. Former Methodist Church and Mortuary, 873 Main Street.

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.



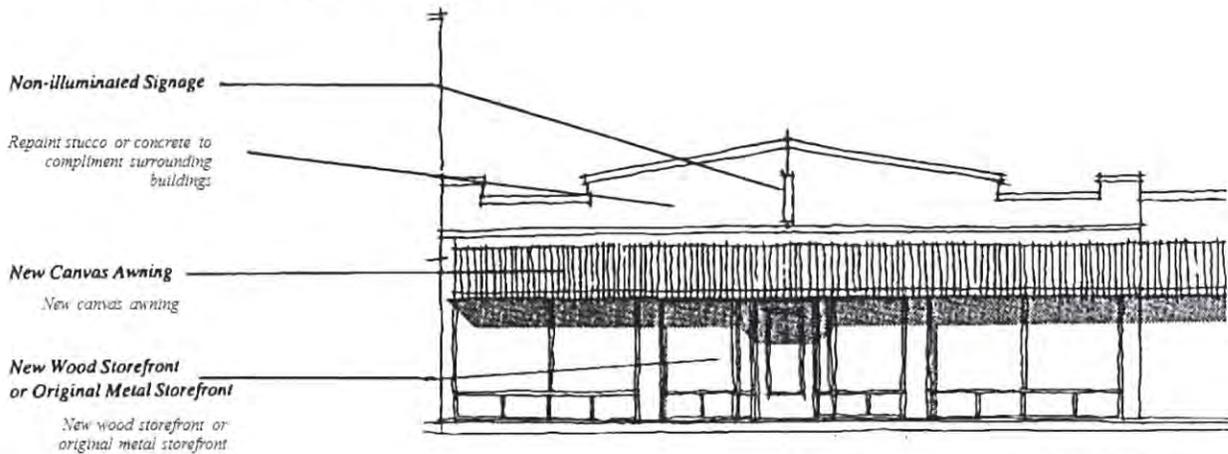
d. City Multi-Purpose Building, 811 Main Street. On the site of the Old Buckley Hotel, this one-story brick and wood public building was built in the 1970s and was an attempt to reflect Buckley’s rural setting. It is an example of roof forms, material, building siting and scale that do not contribute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

- a. 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.
- b. The area between the sidewalk and the building should be landscaped or decorated.

- c. New construction should have no more than two stories.
- 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.

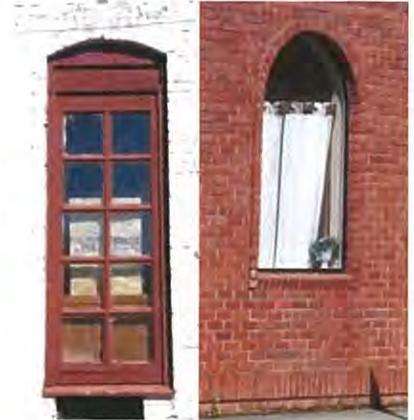
Patch and repair concrete or stucco as required. Remove any non-original materials such as wood or metal siding. Repaint to compliment natural brick structures.

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.

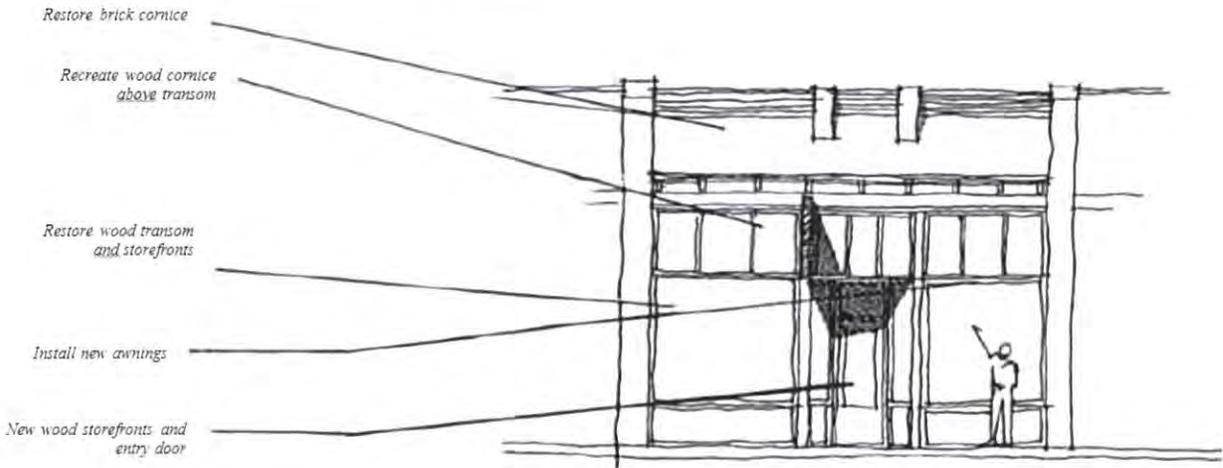
- a. Windows on masonry buildings are typically taller than they are wide, in a 2:1 or 3:1 ratio. Upper transom panels are broken into individual tiles that are vertically oriented. These proportions as well as the size and thickness of sash and mullion members are to be maintained or restored to original appearance.
- b. Newer, energy efficient types may be considered by the [Planning Commission 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, built in 1904

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 [Planning Commission \(for minor design review\)](#) or [City Council \(for major design review\)](#) ~~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.

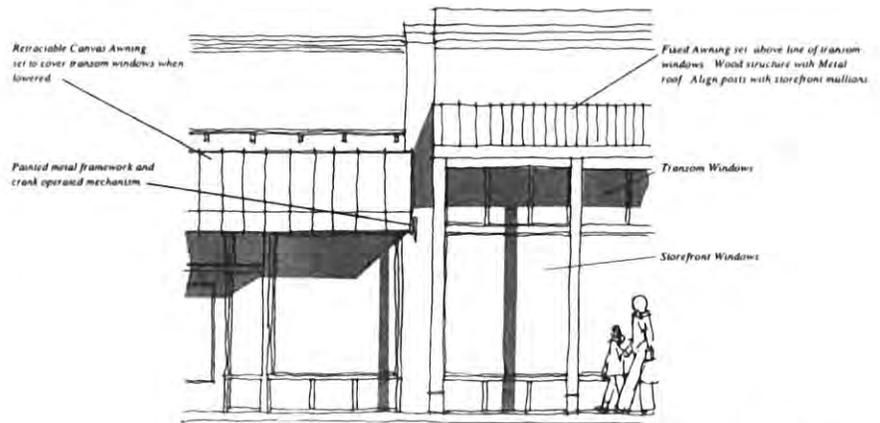


- k. Signs in the Downtown District shall be unlighted or lighted from external sources. Neon signs may be acceptable to the Planning Commission if custom-designed to be similar to the building's historic or architectural features. Neon signs shall not flash, blink, move, twirl, or manipulate lettering.
- 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.

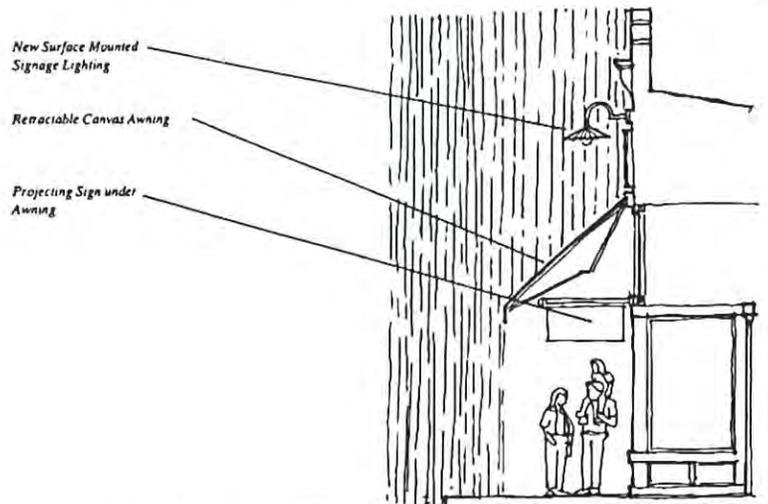
2. Awnings.

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 Planning Commission (for minor design reviews) or City Council (for major design reviews) DRC prior to application approval. The Planning Commission 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 Planning Commission (for minor design review) or Council (for major design review) 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.

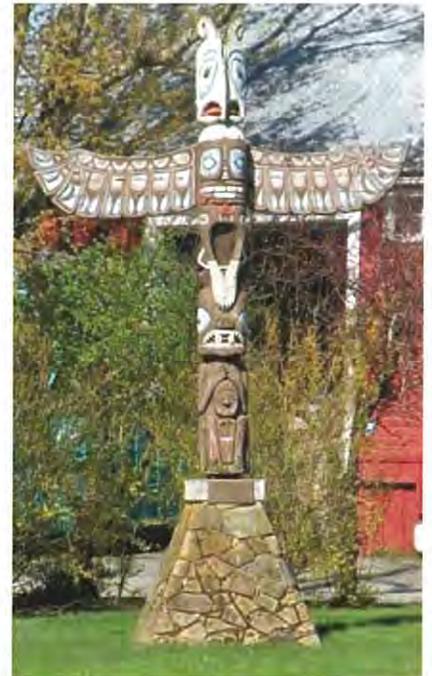
4. *Open space.*

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.
- 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.



Veterans' Memorial

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.

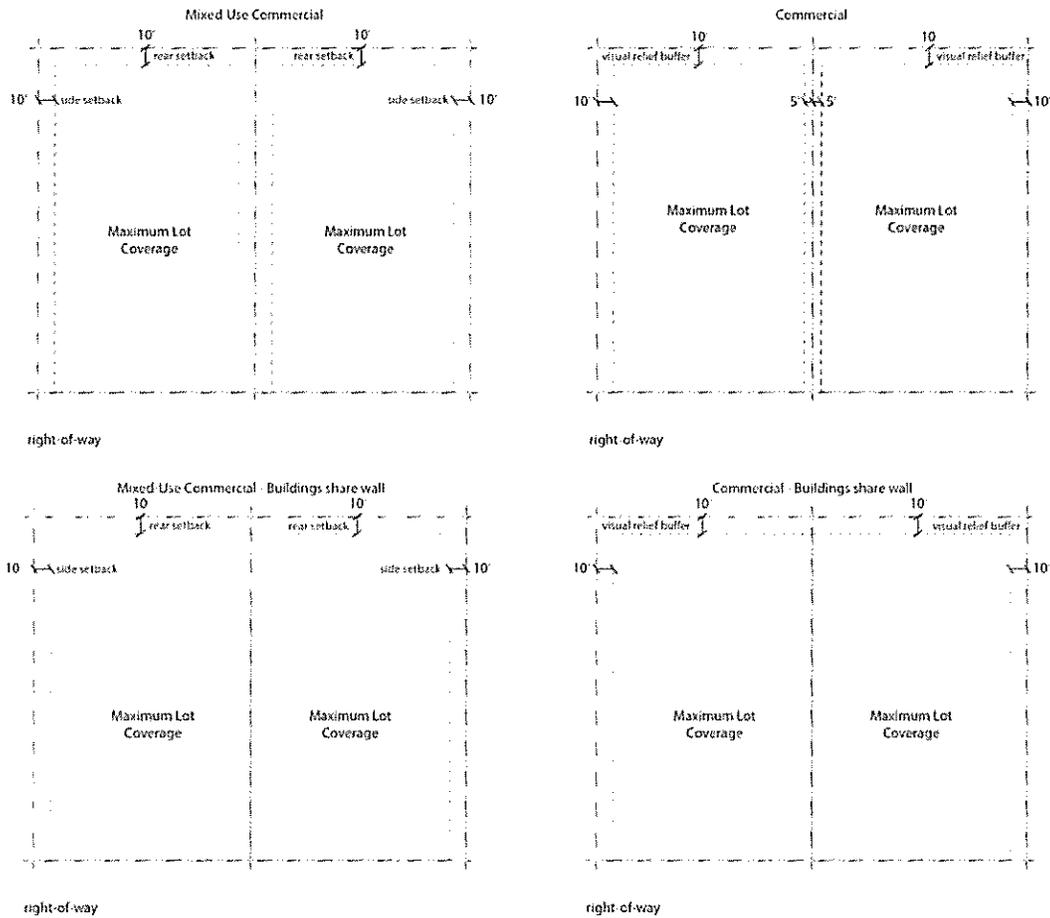
2. **Setbacks.**

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 decision maker 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.*

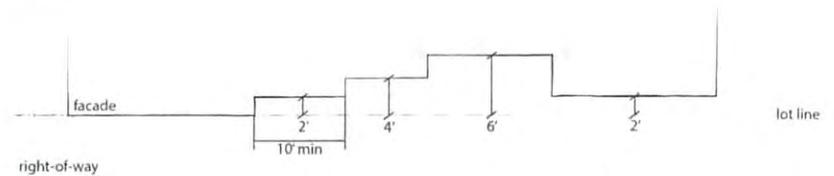
- a. **Building height.** Buildings shall be a minimum of two stories and a maximum of three stories or a total of 35 feet in height. The ground floor shall have a minimum height of 12 feet as measured from finished floor to ceiling.
- b. **Building articulation.** Buildings shall include articulation 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

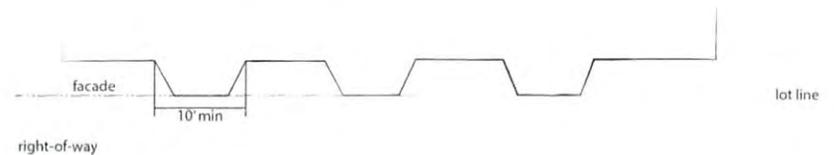
c. Horizontal building modulation.

- 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.
 - 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.



123 Main Street, detail in workmanship

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.

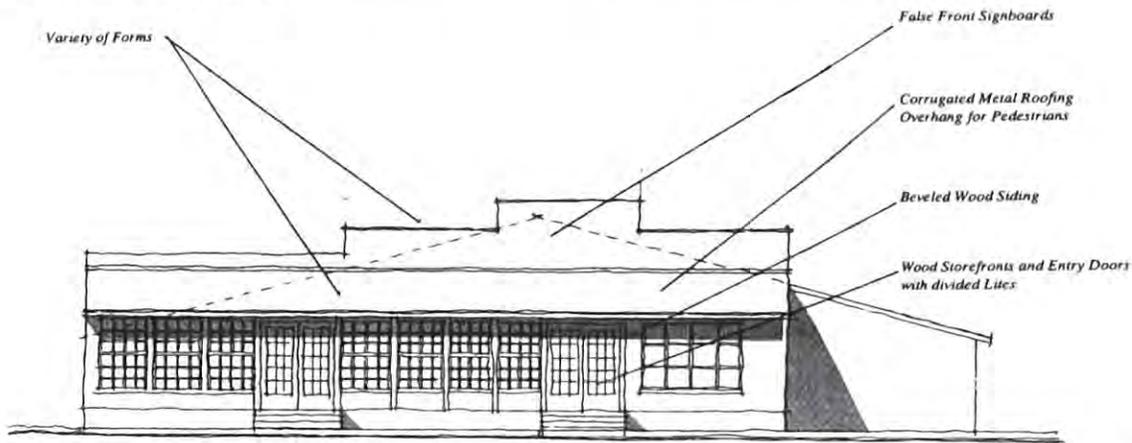
Except in the Frontage zone, these guidelines should encourage long roof spans and tall ceilings.

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

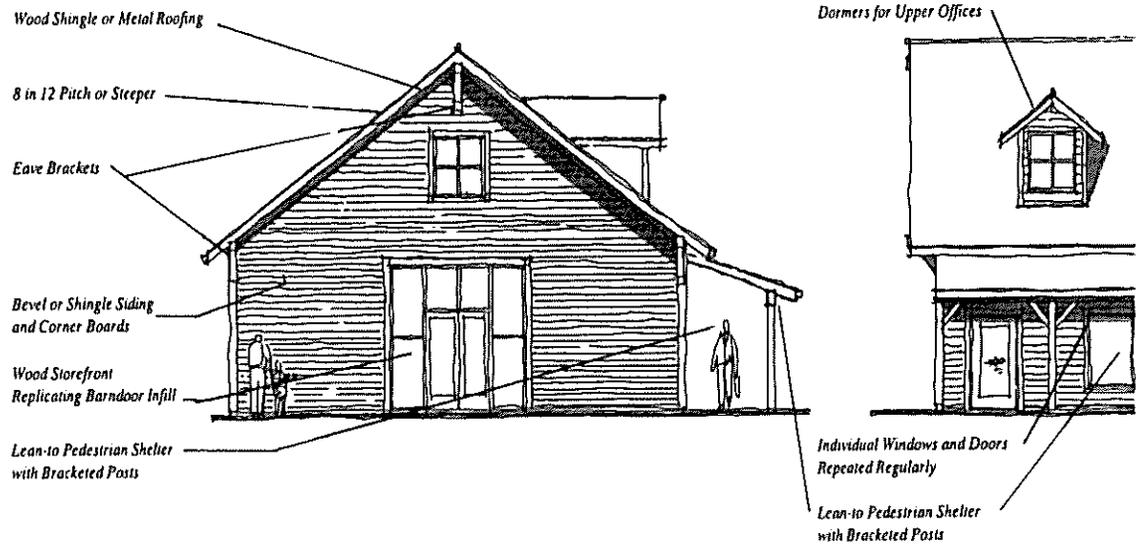
Highway 410 is the first or last vision passers-by have of our city. Development ought to speak to our attributes as defined in the policies under Goal 3.5 of the city’s comprehensive plan. This design area is auto-oriented, but the small town character is not. Development in this district should combine 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.

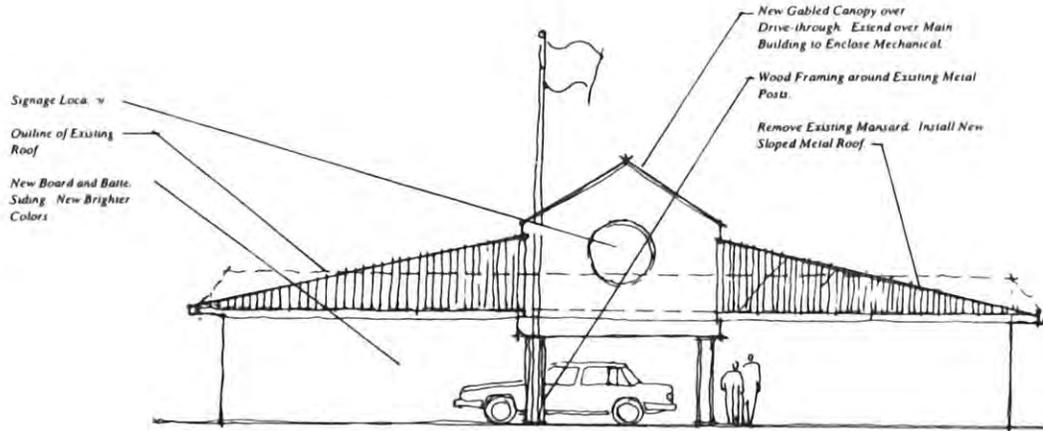
- a. Long, uninterrupted buildings and developments are not acceptable. Modulation and/or variation of the building façade is required by shifting the height no less than four (4) feet every eighty (80) feet of building length.
- b. Individual buildings or developments shall not exceed 30,000 gross square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

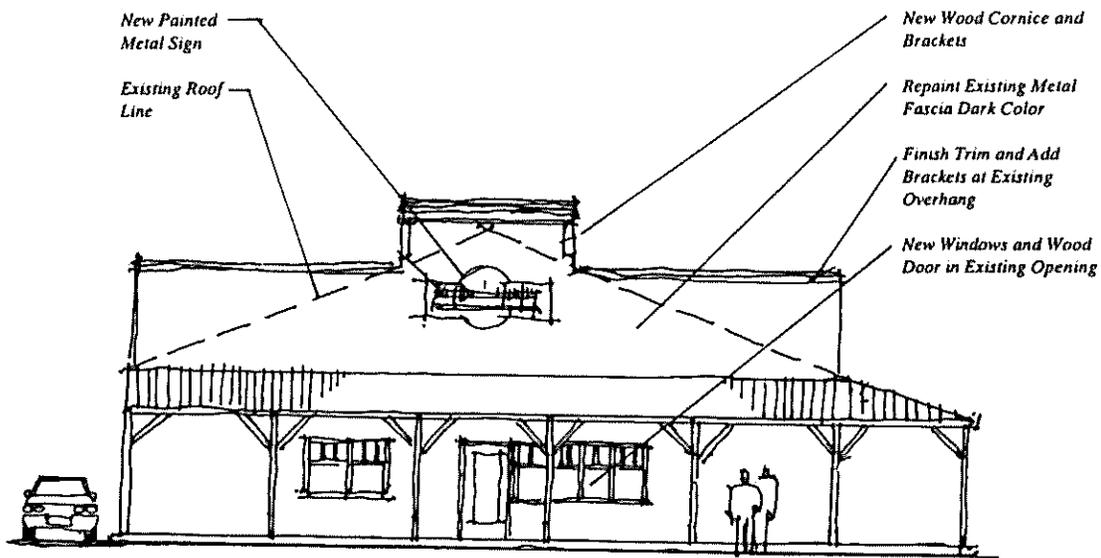
3.



Example: Eagles Lodge Renovation
1991 sketch of the Eagle Lodge on Highway 410, built in 1977

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 [Planning Commission 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 [Planning Commission 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 [Planning Commission 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 [Planning Commission 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.

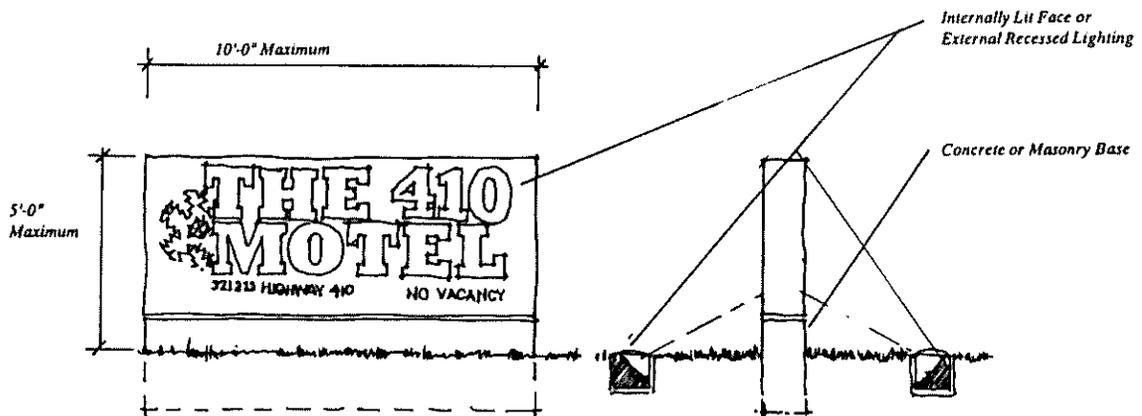
a. Color.

- 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.

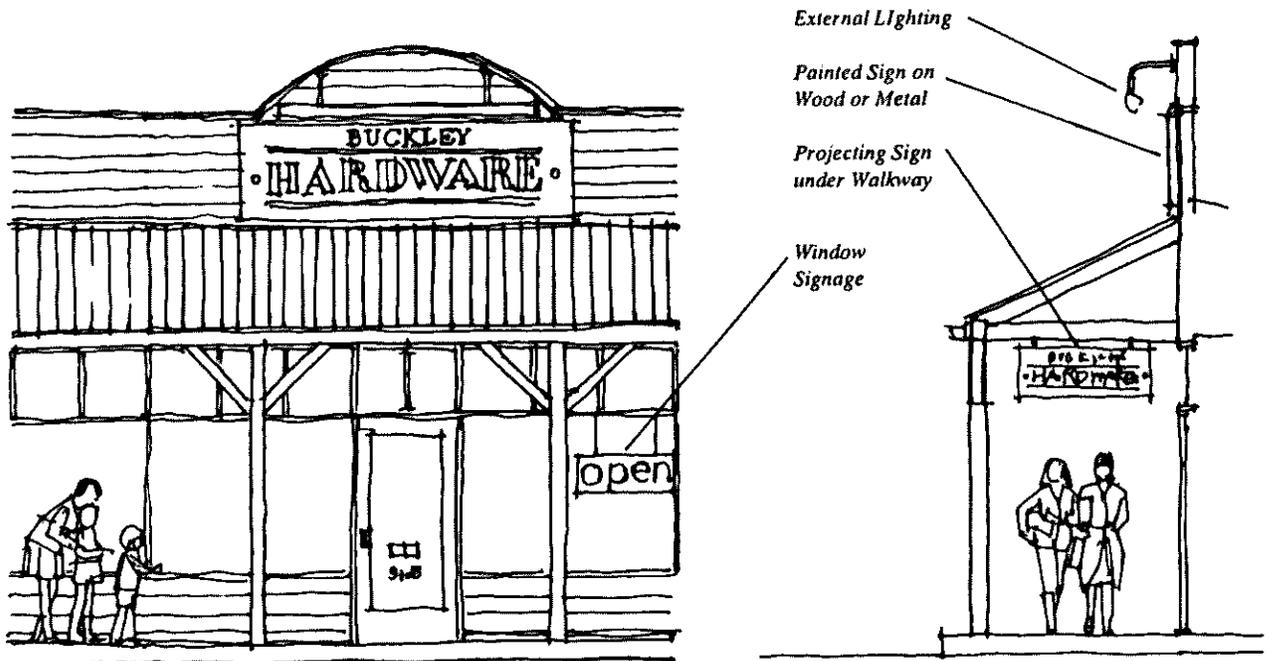
These large signs should be read and understood at highway speeds from some distance away. The goal of this type of sign is to communicate a simple message clearly and in a manner that does not detract from the landscaped development of the highway, or the driver.

- 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 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**

Attachment 3: Overview of Design Review Bodies in Nearby Cities – for July 7, 2020 Council Study Session

As shown in the following table, there are a wide range of design review decision making processes and bodies in jurisdictions in or near Pierce County:

- In some cities, design review is a recommendation from a design reviewing board/commission to staff, planning commission and/or council
 - Examples: Bonney Lake, Enumclaw, Sumner, Puyallup, Steilacoom, Gig Harbor
- In some cities, design review is a strictly administrative process with a staff or Planning Commission decision
 - Examples: Edgewood, Fife, Fircrest, University Place, Auburn, Lakewood, and Orting (administrative process, approval by PC)
- In no cities in or near Pierce County, as far as Buckley staff can determine, is the design reviewing body comprised of councilmembers.

The following table was comprised from a fairly quick staff review of cities in the region, but the takeaway: **It is quite abnormal for City Council members to serve as the design review advisory body – particularly when Council is also the decision maker.** When they are used, design review advisory bodies are typically appointed by city councils and consist of individuals from the related fields of architecture, planning, engineering, or just interested citizens in general.

City	Design Reviewing Body	Links
Bonney Lake	<ul style="list-style-type: none"> • Design Commission • 7 appointed member commission that advises on design reviews to planning dept. and commission. • Code notes that: <i>"It is preferred that as many of the members as possible shall be practicing professionals within the fields of architecture, planning, civil engineering, landscape architecture, and development."</i> 	https://www.ci.bonney-lake.wa.us/Government/Governance/Boards_Commissions/Design_Commission https://www.codepublishing.com/WA/BonneyLake/#1/BonneyLake02/BonneyLake0260.html#2.60.020
Enumclaw	<ul style="list-style-type: none"> • Design Review Board • 5 member body which reviews and approves building designs, landscaping, and site plans to ensure an aesthetic design and compliance with the city's codes. • Appointed by the Mayor and confirmed by City Council • At least 3 members of the Board shall be architects, landscape architects, city planners, engineers, or have a related profession. 	https://www.cityofenumclaw.net/197/Design-Review-Board
Sumner	<ul style="list-style-type: none"> • Design Commission • 7 members: Five of the members shall be practicing professionals within the fields of architecture, planning, civil engineering, landscape architecture, and development. Appointments shall strive to achieve as great a diversity within these fields as possible • Advises the mayor, council, staff • Appointed by mayor, confirmed by council 	https://www.codepublishing.com/WA/Sumner/html/Sumner02/Sumner0289.html
Orting	<ul style="list-style-type: none"> • Architectural Design Review (ADR) process • ADR applications are reviewed and approved by the Planning Commission 	http://cityoforting.org/services/building-department/architectural-design/

City	Design Reviewing Body	Links
Puyallup	<ul style="list-style-type: none"> Design Review & Historic Preservation Board 7 members, appointed by Council – required makeup includes: <ul style="list-style-type: none"> 2 members associated with construction trades 1 member with expertise in historic preservation 2 registered architects Other members associated with local groups or land use disciplines 	https://www.cityofpuyallup.org/492/Design-Review-Historic-Preservation-Boar
Edgewood	<ul style="list-style-type: none"> Design standards review process Administrative process – staff review and decision 	https://www.codepublishing.com/WA/Edgewood/#!/Edgewood18/Edgewood1840.html#18.40.070 https://www.codepublishing.com/WA/Edgewood/html/Edgewood18/Edgewood1895.html
Steilacoom	<ul style="list-style-type: none"> Preservation & Review Board 7 members appointed by the mayor. <i>Not</i> council members. 	https://townofsteilacoom.org/147/Preservation-Review-Board SMC 14.08.070: https://townofsteilacoom.org/DocumentCenter/View/620/Title-14-Development-Code-Administration?bId=1 https://www.codepublishing.com/WA/Fife/html/Fife19/Fife1960.html
Fife	<ul style="list-style-type: none"> Administrative Design Review process Staff review and either staff or Planning Commission decision 	https://www.codepublishing.com/WA/Fife/html/Fife19/Fife1960.html
Fircrest	<ul style="list-style-type: none"> Administrative design review process Strictly staff review/decision 	https://www.codepublishing.com/WA/Fircrest/#!/html/Fircrest22/Fircrest2266.html
University Place	<ul style="list-style-type: none"> Administrative design review process Strictly director/staff review/decision 	http://cityofup.com/sites/default/files/pdfs/Development_Services/Applications/Planning/ADR%20Information-%20DEC14.pdf https://www.codepublishing.com/WA/UniversityPlace/#!/html/UnivrsityPlace19/UniversityPlace1952.html
Auburn	<ul style="list-style-type: none"> Architectural & Site Design Review process Strictly director/staff review/decision – administrative process 	https://www.auburnwa.gov/UserFiles/Servers/Server_11470554/File/City%20Hall/Documents/Forms/design_review_2019a.pdf https://auburn.municipal.codes/ACC/18.31.200
Lakewood	<ul style="list-style-type: none"> Design review process Strictly director/staff review/decision 	https://lakewood.municipal.codes/LMC/18A.20.080
Gig Harbor	<ul style="list-style-type: none"> Design Review Board Members appointed by the Council Makes recommendations to Planning Commission and Council 	https://www.codepublishing.com/WA/GigHarbor/#!/GigHarbor02/GigHarbor0221.html https://www.cityofgigharbor.net/215/Design-Review-Board

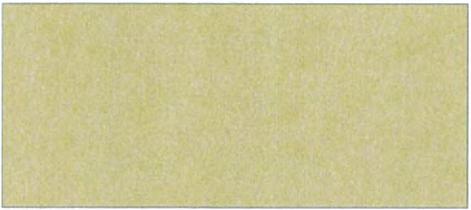
Responses to Councilmember Comments from the July 7, 2020 Council Study Session

- 1) **The legality of the proposed design review process update:** It was expressed that somehow the proposed change violates local and/or state law.
 - **Staff response:** The proposed updated process would not violate any local or state law. The Planning Commission would still decide on minor design reviews and the Council would still decide on major design reviews. This proposed change would only affect the design review advisory body – the Design Review Committee (DRC) – which the City Council has the authority to change or replace in the design review process.
- 2) **Improvements to the current design review process:** It was expressed that the DRC sometimes receives design review materials the week of Design Review meetings.
 - **Staff response:** Staff acknowledges that this sometimes occurs for minor design reviews, despite aiming to provide materials to the DRC earlier, however this only happens for minor exterior changes that take very little review and can be easily and reasonably discussed and understood without much advance review (examples being signs, wall graphics, paint colors, and other small changes). Furthermore, this short notice on design review materials reflects the inefficiency of the current design review process. Staff tries to work with applicants to ensure faster decisions, and when an applicant proposes minor changes a week or so prior to a DRC meeting for a business that operates on faster timelines than the city’s processes accommodate, it is not ideal for that applicant to wait another month for a DRC recommendation (and then another 1-2 weeks after that for a Planning Commission decision). Additionally, even if the DRC met more frequently, it would not address the underlying inefficiency of having three reviewing bodies for minor design reviews nor address the inherent conflict and abnormality in having the DRC, when comprised only of Councilmembers, make recommendations to the full Council on major design reviews.
- 3) **Impacts to the Community Services Committee (CSC):** A concern was raised about how this proposed change would affect the CSC.
 - **Staff response:** The only impact to the CSC from this proposal would be removing the DRC function of the CSC. However those same councilmembers who comprise the DRC could continue all of the other functions of the CSC as normal.
- 4) **Swap the proposed decision makers:** A councilmember suggested switching the decision maker in the proposed updated process, so the Council decides on minor design reviews and the Planning Commission decides on major design reviews.
 - **Staff response:** Staff recommends against this idea since 1) there’s clearly a desire among the planning commission, and expressed at the study session, that Council should have decision making authority over design proposals that have a significant aesthetic impact on the City (as major design reviews do), and 2) this suggested swap in the decision makers would still not address the inefficiency of having three reviewing steps/bodies for minor design reviews, nor the conflict inherent in having councilmembers comprise the DRC for major design reviews.
- 5) **Planning Commission’s role in minor design reviews:** A councilmember suggested that it’s a “conflict” for the Planning Commission to approve minor design reviews.
 - **Staff response:** Staff sees no way in which this would be a conflict. Additionally, the City Council approved the Planning Commission’s decision making authority over minor design reviews when BMC Title 20 was updated in 2019.

- 6) **Major and minor design reviews combined:** A councilmember asked how this proposed new design review process would play out when there are aspects of both major and minor design review for the same project.
- o **Staff response:** Staff expressed at the study session that there would be no change in how major/minor design review elements are combined. If an applicant is proposing new construction in a design review district as well as minor design review elements in the same proposal, staff will still be able to combine all design review for such projects into one major design review proposal. There are a few examples of this in recent years in practice.
- 7) **Council's authority over committees:** A councilmember expressed and emphasized that the City Council has authority over council committee membership and/or roles.
- o **Staff response:** The proposed design review process update does not have any impact on the current authority of Council over council committee membership and/or roles.
- 8) **Council's role in design review process:** A councilmember expressed that they like that Councilmembers are involved in the design review process.
- o **Staff response:** The proposed design review process still leaves Council as the decision maker for major design reviews, and for minor design reviews there would be no change in Council's decision making authority since the Planning Commission currently decides, and would still decide, on minor design reviews.
- As for the Council's current role in minor design reviews through the DRC, it is unusual among most cities for the city council to be the review and advisory body for minor design review processes and decisions; typically those are administrative staff decisions or the recommendation of the Planning Commission or a citizen advisory body, *not* City Councilmembers. Having Councilmembers deeply involved in minor design reviews leads to excessive delays in decisions. This will increasingly be a problem if our current design review structure continues – both due to the City growing in size and seeing increased commercial interest in design review districts, and due to the City recently adding a design review district; both factors which will increase the expected volume of both minor and major design review applications.
- 9) **Planning Commission work load:** A councilmember expressed that the proposed design review process change would overburden the Design Review Committee.
- o **Staff response:** If this design review update proposal is before the City Council for a vote, then the Planning Commission has recommended this change and is therefore willing to take on major design reviews. This process change will not affect the Planning Commission's review of minor design reviews since those are already reviewed and decided on by the Planning Commission. Major design reviews are infrequent and are not expected to significantly increase the Planning Commission's workload.

**CITY OF BUCKLEY
DESIGN REVIEW PROCESS UPDATE**

JULY 7, 2020 COUNCIL STUDY SESSION



WHY UPDATE DESIGN REVIEW PROCESS?

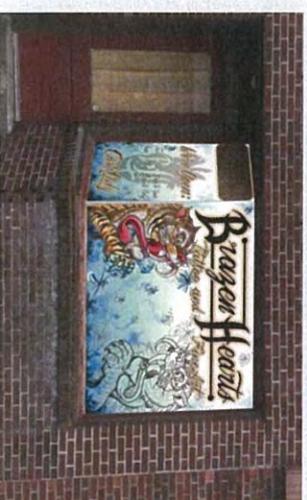
1. **Establish efficient and effective process that:**
 - a) Involves fewer steps
 - b) Is supportive of small businesses in Buckley
2. **Ensure that composition of the design reviewing body:**
 - a) Aligns with norms and best practices of other jurisdictions
 - b) Is different from composition of design review decision--
making body
3. **Correct a few process anomalies for clarity**

1) EFFICIENT & EFFECTIVE PROCESSES - MINOR DESIGN REVIEW PROCESS

Minor Design Review is for:

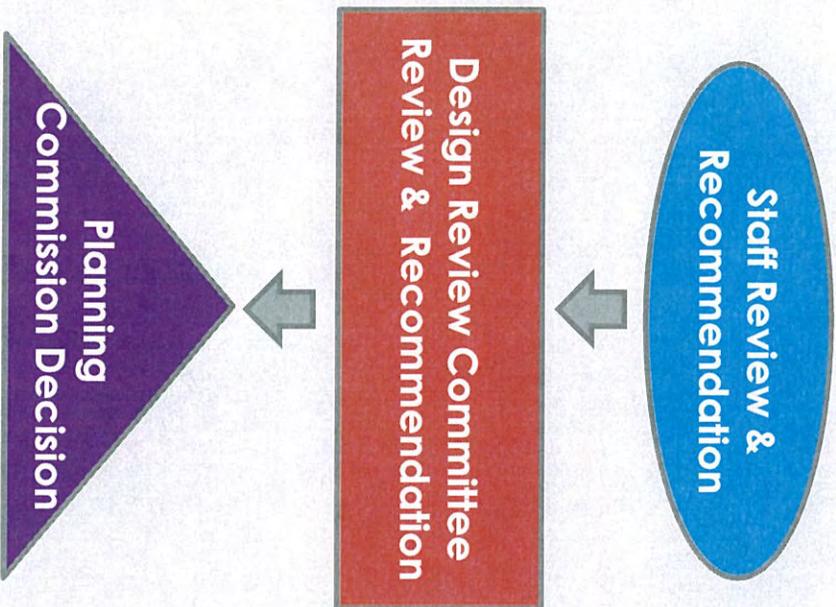
1. Signs in design districts
2. Other minor exterior repair, maintenance, changes

Buckley businesses desire a simpler process and shorter decision-making time for minor permits

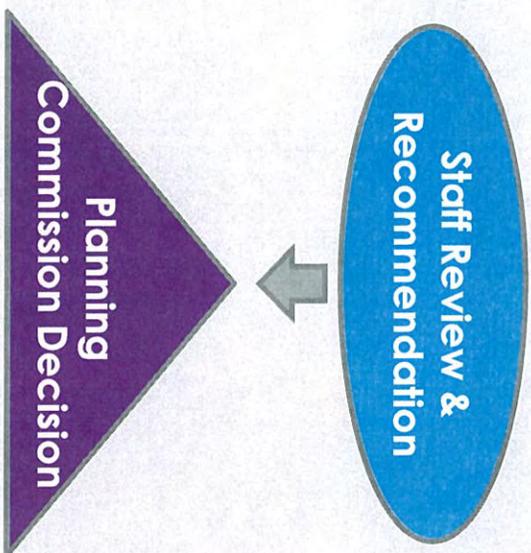


1) EFFICIENT & EFFECTIVE PROCESSES - MINOR DESIGN REVIEW PROCESS

Current Minor Design Review:
3 steps; 4-8 Week Process



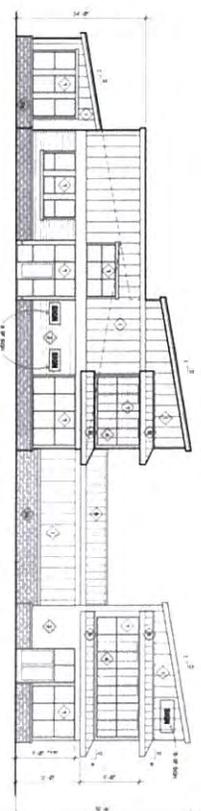
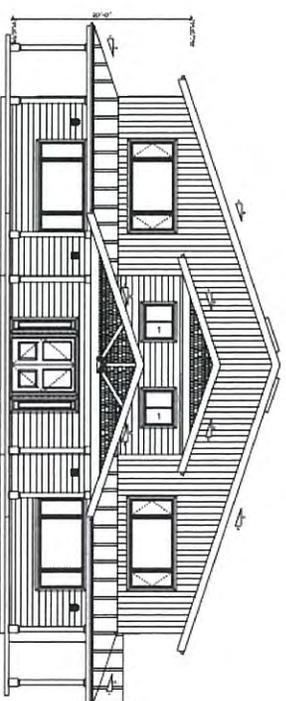
Proposed Minor Design Review:
2 steps; 2-4 Week Process



2) DESIGN REVIEWING BODY COMPOSITION - MAJOR DESIGN REVIEW

Major Design Review is for:

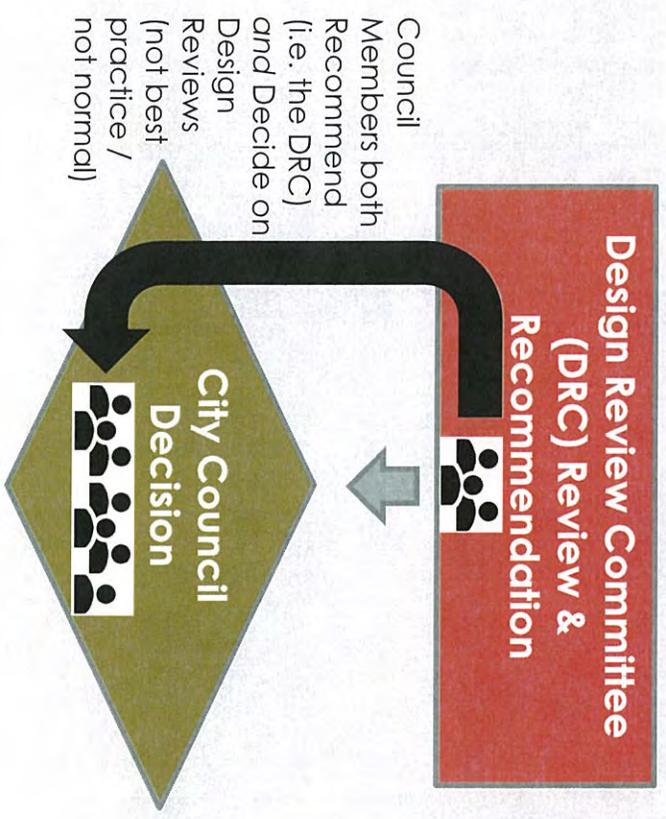
1. Anything beyond minor exterior repair, maintenance, & changes
2. I.e. all new construction in design districts



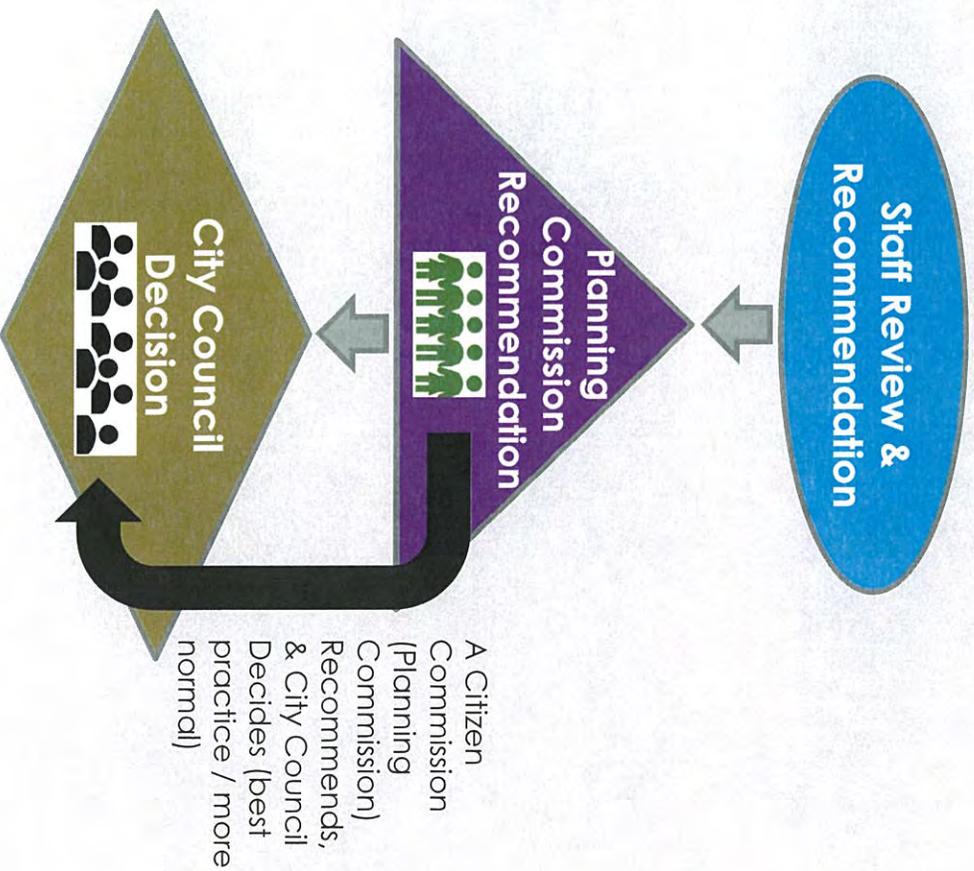
2) DESIGN REVIEWING BODY COMPOSITION

- MAJOR DESIGN REVIEW PROCESS

Current Major
Design Review Process:



Proposed Major
Design Review:



PROPOSED NEXT STEPS FOR DESIGN REVIEW PROCESS UPDATES

1. Address feedback/questions from July 7 Council Study Session
2. July 20 Planning Commission Hearing
3. July 28 Council Meeting for Adoption

See attachments for draft ordinance, staff report and exhibits showing proposed code changes

Additional Attachment to Design Review Process Update Packet for 8/25/20 Council Meeting - Public Comment Received 8/17/20 - Which was considered with the 8/17/20 Planning Commission Public Hearing

20200817

Planning commission hearings

1. Design review
2. Administrative variance

First:

Whereas statements:

Whereas statement #1:

1. The planning commission is not to decide things to be approved by the council. Bmc 19.50.040 states that no structure is to be constructed or altered until the DRC examines the application for construction or alteration. The entire permit.
2. By admitting that the commission is reviewing major, that is items not determined by the DRC to be h, is to admit violating this code section.
3. Further in this section, it states that the director's recommendation is to be transmitted to the DRC no fewer than seven days before its meeting.
4. Even further, the DRC's recommendation can be to approve, approve with conditions, or deny an application – major or minor. This recommendation would be based on the city's design guidelines.
5. If a proposal cannot for practical reasons meet a design review criterion, the DRC may recommend the council approve a modification – sort of an administrative variance.
6. Minor projects (A-3 permits) are for repair or maintenance in the instances in which the repair or maintenance does not change the appearance of a building – in any manner. If a window is being replaced in kind (exactly the same look), then it can be minor. If the siding is to be repaired so that it looks exactly the same it did before, then it's minor. Anything else is major (C-3 permit).

Whereas statement #2: agreed

Whereas statement #3:

The city council is in charge of the city's budget and as such is the only entity that can direct staff to change the process that currently directs the council to make a decision and alters its authority over anything.

Whereas statement #4:

What is "appropriate"? It is the council's authority and right to determine what is and is not appropriate for it to review. A governing body has much guidance in whether a committee member may or may not vote on a proposal that it considered in a committee meeting. If committee members in the finance committee are prohibited from voting for a budget it considered, then this may be an appropriate statement. I've just never seen it.

Whereas statement #5:

Only the council can determine what is necessary. It passed the code in the past, in respect I need to assume in knew what it was doing and that it, whatever was required, was necessary for this city. It is necessary to have the director create a recommendation based on code. The recommending body is not a set of planners skilled in the art of code reading. Neither is the planning commission. It is not their roles. It is the role of the director to read the code, find the places where the application meets the code and the areas where the application does not meet code, and write (if possible) conditions that would let the application meet code.

As windows set the tone and personality of a building, signs set the tone and personality of the city. No sign is "minor."

As mentioned above, by code, no exterior modification is "minor."

Whereas statement #6: given.

Whereas statement #7:

1. According to BMC 19.50.040, the applicant must apply no fewer than 20 days before the DRC meeting. From there, the application is supposed to go to council at its next meeting. You propose to increase that from 14 to 28 days, I think.
2. The DRC, well, any design group I've worked with, produces a better design when the applicant and committee can work as a team at the same meeting. I think removing this is unwise.
3. Landscape is a vital part of an area's design. It is in the design guidelines for that reason.
4. The proposal appears to attempt to kneecap the council or any of the decision makers. Design review submittal requirements are listed in the guidelines and the list is extensive.
5. The error is that the word "building" was omitted from the term "permit." It should be "building permit." Please forgive my error. Please also see Section II.C.2 of the design guidelines for clarification of this.

Whereas statement #8: I could argue, but won't.

Whereas statement #9: given

Whereas statement #10: given

Whereas statement #11: given. But please do not consider that a sign that these changes were acceptable.

Whereas statement #12: Given.

Whereas statement #13: noted.

It seems odd that the staff report is to be included in the ordinance, rather than a commission report. And even at that it seems the sections to be changed should be sections of the ordinance rather than a reference document that could be lost or otherwise hidden from view.

I did not read the staff report. Except for the comprehensive plan summary. If the comp plan doesn't mention decision making or processes, how can it "...still fully in line with comprehensive plan goals and

policies to fulfil the plan vision of preserving Buckley's identity and character and developing economic viability in the downtown core and along Hwy 410."?

Attachment 1:

19.29.060(1.b). it would be simpler to just remove "design review committee or" and leave the decision maker to be listed elsewhere.

19.30.070. Again, just remove the reviewers and say that it must be reviewed.

19.30.090. Again, simpler to just say "decision maker."

19.30.190. design review application submittal requirements are listed in the guidelines. The timing is off. Also, you're putting the same requirement in two locations. Pick one and refer one to the other.

19.50.040(2). It seems you trying to include the planning commission as a decision maker for all design review by including Table 1, which states the commission is the decision maker for A-3 (minor) projects, as determined by the DRC. This changes nothing as the permits (A-1 and C-3) are listed in Table 2.

20.12.030(2.b) no comment. Don't understand it.

Attachment 2:

I.B. I do not think the planning commission is a good body to review current planning applications. This is why the city accepted a hearing examiner to review current planning projects. Before the hearing examiner was accepted, the council made project decisions.

To say "the city" must do this or that is to say no one is responsible. It could be the public works director, or the finance director, or the utility clerk. A specific entity must be designated.

II.B no, the council designated the DRC as it's design review entity, having had the architectural review board fail for lack of interested board members. This, having not be authorized by the council in the first place, is not wise.

II.D.2 I can understand a bit of confusion in the use of the term "site plan" the "site plan" is like the site plan for the building permit, not the site plan for site plan review. The deferral was to benefit the applicant so he or she did not need to immediately hire a landscape architect, but could work with the DRC.

This is as far as I can review. I glanced toward the end and it seems much work was put into reviewing other cities' codes and processes. I don't see one city there that resembles Buckley.

Summary notes:

1. This seems to be an ordinance to remove council authority without its permission or direction.

2. The planning commission was supposed to be by now well on its three-year course in writing or editing new comprehensive plan elements.
3. Does the commission have time to learn the comp plan process (rcw 36.70A) and work with current planning projects? Remember, cities are sued for many things, but many are in current planning. Does the commission really want that? If so, then each member should attend land use law seminars, and land use boot camp every year.
4. The code as written is not being followed; why change it if what is written and new won't in all likelihood be followed?

Kathy james

CITY OF BUCKLEY, WASHINGTON

ORDINANCE NO. ____-20

AN ORDINANCE OF THE CITY OF BUCKLEY, PIERCE COUNTY, WASHINGTON, UPDATING THE CITY'S DESIGN REVIEW AND APPROVAL PROCESS TO REPLACE THE ROLE OF THE BUCKLEY DESIGN REVIEW COMMITTEE WITH THE PLANNING COMMISSION, AND TO MAKE OTHER RELATED DESIGN REVIEW PROCESS IMPROVEMENTS OR CORRECTIONS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, as required in Buckley Municipal Code (BMC) 19.50 and Title 20, the City of Buckley Design Review Committee (DRC) currently reviews and makes recommendations to the Planning Commission on minor design review applications, and the DRC reviews and makes recommendations to the City Council on major design review applications; and

WHEREAS, the DRC is comprised solely of city Councilmembers who serve on the Community Services Committee; and

WHEREAS, the City of Buckley Mayor, in reflecting past concerns and conversations about the City's design review process that were brought to the Mayor's attention by City staff, conveyed at the January 14, 2020 City Council meeting that the design reviewing role be moved out of the Community Services Council Committee and instead handled by the Planning Commission; and

WHEREAS, for major design reviews the Design Review Committee, as a purely advisory body, currently makes recommendations to City Council, and yet it is not appropriate for an advisory body to be comprised solely of members of the decision making body to whom the advisory body is making recommendations; and

WHEREAS, for minor design reviews it is unnecessary and inefficient to have two different entities (staff and a design review committee) providing a 'recommendation' to the decision maker for minor design reviews; which primarily consist of signs and other small exterior modifications that warrant a streamlined and time-efficient review process; and

WHEREAS, the City of Buckley Planning Commission considered these design review process updates and drafted recommended text changes to BMC Title 19, Title 20, and the City of Buckley Design Review Guidelines; and

WHEREAS, the Planning Commission identified a few process changes that should be made, with reasoning for each included in the attached staff report, including corrections to two errors and that:

1. Major design review applications must now be received at least 4 weeks prior to the Planning Commission’s review, and minor design review applications must be received at least 2 weeks prior to the Planning Commission’s review – which is a change from 20 days for both processes;
2. Design review applicants should no longer be required to be present at design review meetings;
3. The design reviewing body should not have the authority over whether or not a landscaping plan be submitted with site plan review applications;
4. The design reviewing body may only request additional drawings from applicants for the purpose of design review;
5. An error in Buckley’s Design Guidelines, which currently states that color schemes shall be reviewed and approved by the design reviewing body prior to ‘application’, should be fixed so it’s clear such color schemes shall be reviewed prior to ‘approval’ instead of ‘application’; and

WHEREAS, these design review process changes are considered “procedural actions” according to WAC 197-11-800(19) and thus did not require SEPA review and SEPA determination; and

WHEREAS, the notice of intent to adopt these design review process amendments was sent to the Washington State Department of Commerce on February 3, 2020; and

WHEREAS, a public hearing notice was published and posted on July 29, 2020; and

WHEREAS, the City Council discussed this proposed design review process change at a study session on July 7, 2020; and

WHEREAS, the Planning Commission conducted a public hearing on this proposal on August 17, 2020; and

WHEREAS, the Planning Commission received one written comment and heard one public comment at the August 17, 2020 public hearing, with the written comment attached to this ordinance; and

WHEREAS, at the August 17, 2020 hearing, the Planning Commission recommended that the City Council adopt the proposed ordinance adopting these design review process changes;

NOW THEREFORE THE CITY COUNCIL OF THE CITY OF BUCKLEY, PIERCE COUNTY, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. BMC Title 19 and Title 20, and the City of Buckley Design Guidelines are hereby modified as shown in Attachments 1 and 2 to the staff report attached to this ordinance.

Section 2. 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 3. 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 4. 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.

Introduced, passed, and approved this _____ day of _____ 2020.

Pat Johnson, Mayor

Attest:

Trevia 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: Ordinance No. __-20 Adopting an Administrative Variance Provision in Buckley's Zoning Code Cost Impact: \$ Fund Source: Timeline:	Agenda Date: August 25, 2020 AB20-075		
	Department/Committee/Individual	Created	Reviewed
	Mayor Pat Johnson		X
	City Administrator – Paul Weed		X
	City Attorney – Phil Olbrechts		X
	City Engineer – Dominic Miller		
	City Clerk – Treva Percival		X
	Finance Dept – Sandra Groshong		
	Building Official – Curt Ek		
	Fire Dept – Chief Skogen		
	Parks & Rec Dept – Kevin Caviezel		
	Planning Dept – Leticia Wallgren		X
Planning Dept – Evan Lewis	X	X	
Police Dept – Chief Northam			
Municipal Court – Jessica Cash			
PW/Utilities – Chris Banks			

Attachments: Staff Report; Administrative Variance Code provision (shown as Attachment 1), and Ordinance

SUMMARY STATEMENT:

This is an ordinance to adopt an administrative variance provision into Title 19 of Buckley Municipal Code. This Administrative Variance provision would allow for administrative review and approval of certain requests to deviate from quantitative aspects of Buckley's zoning code – as described in the attached recommended code. Such requests could range from 10-25 percent off of certain quantitative zoning code requirements, as listed in the attached recommended code, and only when seven specific criteria are met. Administrative variances would be processed as A-2 permits as described in BMC Title 20.

COMMITTEE REVIEW AND RECOMMENDATION: Planning Commission - Approval Recommended at the August 17 Planning Commission meeting

RECOMMENDED ACTION: MOVE to Approve Ordinance No. 14-20, Adopting an Administrative Variance Provision in Buckley's Zoning Code

RECORD OF COUNCIL ACTION

<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>



**City of Buckley
Development Code Amendment
Administrative Variance Code**

To Honorable Pat Johnson, Mayor
City Council Members
From Planning Department Staff
Subject Adoption of Administrative Variance Code

Council Meeting Date: August 25, 2020

Hearing Date: August 17, 2020

Proposal Description: Administrative variance code provision

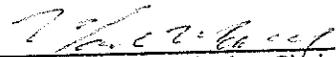
State Environmental Policy (SEPA) Threshold Determination: SEPA DNS Issued July 1, 2020

Recommendations included: Adoption of an administrative variance code provision to be added within Chapter 19.40 of Buckley Municipal Code.

Attachments A. Administrative Variance code – BMC 19.40

Planning Commission Recommendation to City Council Adoption of an administrative variance code provision to be added within Chapter 19.40 of Buckley Municipal Code.

Signed:


Mark McPhail, Commission Chair

8-19-20
Date

FINDINGS

I. Proposal Background and Development Process

A. Background and Development Process

In early 2020, the Planning Commission started discussing the addition of a new administrative variance provision to be added into Buckley Municipal Code (BMC) Title 19; Buckley's zoning code. This new code provision initially stemmed from a Planning Commission discussion about updates to Buckley's landscaping code, but an administrative variance provision is applicable to other aspects of our zoning code.

The timeline shown here was followed in developing the proposed administrative variance code:

January 2020: Initial Planning Commission consideration and discussion of administrative variance concept.

February-March 2020: Staff development of draft administrative variance code, City Attorney review and feedback, and Planning Commission discussion and revisions. The draft code was also sent to the state Dept. of Commerce for their required 60-day notice.

April-June 2020: No action taken on Administrative Variance Code. The Planning Commission had already expressed in March that the new code provision was ready to take to hearing on May 4, but that timing was pushed back due to COVID-19 and other items that needed hearings first.

B. Current Conditions

The City of Buckley, like most cities, requires a zoning variance for deviations from zoning code requirements such as lot width, depth or area; required front, side or rear yards; required height of buildings, fences and structures; maximum floor area, impervious surface coverage and signage; and required parking. Per BMC Title 20, zoning variances are a type C-2 permit process which require a recommendation by staff and a decision by a hearing examiner, as well as a posted, published and mailed notice of application, public hearing and decision. As of the date of this staff report, zoning variances for single family residences require a \$70 intake fee and \$500 deposit plus any additional staff and hearing examiner time over that deposit amount. Zoning variances for other uses require a \$70 intake fee and a \$1000 deposit plus the cost of staff review time. They are up to a 120-day process, not counting the 28 day period to determine a submitted application "complete" or "incomplete" and not counting clock stoppages where the city is awaiting information from the applicant.

C. Need

In order to accommodate the unique circumstances of individual sites and projects, it is helpful to have tools in municipal zoning codes that allow for reasonable flexibility for applicants in zoning codes. In some cases, a small deviation from lot width, depth, setback, or landscaping buffer widths is all that an applicant needs in order to move forward on an otherwise sound and code-compliant proposal.

Many nearby jurisdictions have recognized the need for tools that provide flexibility to zoning code requirements, as demonstrated by administrative variance code provisions in, but not limited to, the cities of:

- Sumner – SMC 15.50.045:
<https://www.codepublishing.com/WA/Sumner/#!/Sumner18/Sumner1850.html#18.50.045>

- Black Diamond – BDMC 15.09.042(C):
http://www.ci.blackdiamond.wa.us/citycode/level2/TIT18ZO_CH18.12DECORPE.html#TIT18ZO_CH18.12DECORPE_18.12.030VA
- Kent – KMC 15.09.042:
<https://www.codepublishing.com/WA/Kent/html/Kent15/Kent1509.html#15.09.042>
- Auburn – AMC 18.70.015: <https://auburn.municipal.codes/ACC/18.70.015>
- Edgewood – EMC 18.50.080(C):
<https://www.codepublishing.com/WA/Edgewood/#!/Edgewood18/Edgewood1850.html#18.50.080>
- Gig Harbor – GHMC 17.66.020(A & B):
<https://www.codepublishing.com/WA/GigHarbor/#!/GigHarbor17/GigHarbor1766.html#17.66.020>
- Puyallup – PMC 20.86:
<https://www.codepublishing.com/WA/Puyallup/#!/Puyallup20/Puyallup2086.html#20.86.010>
- Renton – RMC 4.9.250(B):
<https://www.codepublishing.com/WA/Renton/#!/Renton04/Renton0409/Renton0409250.html#4-9-250>

II. Overview of Proposed Administrative Variance Code Provision

The attached proposed administrative variance code was most informed by similar code provisions in the Cities of Kent, Black Diamond, Auburn, Puyallup and Renton, as well as Buckley’s existing variance code. However, most municipal administrative variance codes are similar in that they provide for small deviations to quantifiable zoning code standards – typically less than 25 percent deviations – and mainly vary in the number of zoning standards and percentage deviation that is allowed. The attached proposed administrative variance code for the City of Buckley is consistent with similar codes of surrounding jurisdictions and further incorporates specific standards and criteria that the Planning Commission felt appropriate for Buckley.

The Planning Commission developed this administrative variance code provision to provide greater flexibility and efficiency for applicants who may not quite meet certain quantifiable zoning code standards which pose an obstacle to their proposals, and which, under current BMC, would need to go through the full, C-2 variance permit process. **Table 1** below provides a section-by-section overview of the Administrative Variance code as well as the reasoning, as relevant.

Table 1: Overview of Administrative Variance Sections

Section	Description + Reasoning (as applicable or relevant)
Purpose	Describes the Planning Director’s, or their designated official’s, authority in enforcing the administrative variance requirements. This is a standard section that leads off many chapters of BMC and most municipal codes; it is a best practice to include.
Applicability	Describes the specific quantifiable standards of Buckley’s zoning code for which an administrative variance can be used, and the maximum percentage deviations from those standards that applicants can request. This was developed by looking at standards and percentages that other cities had established for their administrative variance codes, as well as discussions among the Planning Commission about what made the most sense for Buckley.
Required Findings to grant administrative	The proposed administrative variance code includes several criteria that applicants would need to show are met in order to obtain approval. Some

Section	Description + Reasoning (as applicable or relevant)
variance	of these standards are similar to those that have to be met in Buckley's existing variance code, but also reflect aspects of similar criteria required in the administrative variance codes of other jurisdictions.
Submittal requirements	Describes an administrative variance application form that will be developed by the Planning Department should the administrative variance code be adopted.
Procedure for approval	Describes the permit type and otherwise refers to BMC Title 20 for the permit process

As noted in the attached administrative variance code, administrative variance applications would be processed as a Type A-2 permit process as detailed in BMC Title 20. According to BMC Title 20, A-2 processes do not require a recommendation (whether by staff, planning commission, or an advisory committee), however they do require a notice of application¹. If appealed, A-2 decisions go to the hearing examiner.

III. Zoning Code Amendment Review Criteria

All zoning code amendments must conform to the city's comprehensive plan. The only criteria specified for zoning code amendments generally are found in BMC 19.52. Such criteria are more applicable to site-specific rezones, but staff has provided an answer to the applicable criteria below.

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.

The recommended administrative variance code is consistent with the Comprehensive Plan as described in the next section. Other requirements of BMC 19.52.010 are related to site-specific rezones and therefore not applicable to this proposal.

19.52.020 – Priority of first application; 19.52.030 – Conditional rezone – Approval; 19.52.040 – Conditional rezone – Concomitant agreement; 19.52.050 – Conditional rezone – Indication on zoning maps

Criteria listed in BMC 19.52.020-050 is related to site-specific rezones, not to this type of zoning code amendment to add an administrative variance provision.

IV. Consistency with the Comprehensive Plan

The City of Buckley Comprehensive Plan does not specifically address variance processes or specific zoning code standards addressed through the administrative variance code. There is no comprehensive plan language that specifically restricts administrative variances or the type of zoning code flexibility intended by administrative variances. However the proposed administrative variance code is consistent with the following Comprehensive Plan Goals and Policies that are

¹ Notices of application for A-2 permits 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).

indirectly related to the zoning code standards that would be affected by an administrative variance provision:

Goal 1.1: *Buckley should provide a healthy and productive environment for its citizens and preserve its small town character.*

Policy 1.1.3 – *With all new development and redevelopment, the city should carefully consider the way buildings, streets, and the spaces between them relate to one another, and strive to create a vibrant, welcoming urban environment.*

Staff response: The proposed administrative variance code specifically requires consideration of the relationships among and between buildings and streets. It is specifically designed to address unique situations where unique site conditions create an unnecessary hardship for property owners, yet it would only be granted if, in consideration of adjacent areas, it would not negatively affect surrounding land.

Goal 1.2 (and related policies) – *The city should carefully consider critical areas and their buffers before areas are designated for development. Development potential should be preserved by allowing smaller lots in the non-critical areas to reduce the loss of density. If preservation is not possible, development should protect the critical areas and augment or replace the area before construction is permitted.*

Staff response: Criteria for granting an administrative variance specifically includes showing that the administrative variance will not be detrimental to adjacent natural features, critical areas or open space.

Policy 1.5.11 – *Prevent incompatible land uses through zoning and code enforcement.*

Staff response: Criteria for granting an administrative variance are written specifically to protect adjacent lands from detrimental impacts. Buckley's permitted use table prevents incompatible land uses, and the administrative variance code, just like Buckley's existing variance code, cannot be used to grant a variance from Buckley's use table.

Policy 2.1.6 – *Existing farms and residences should be protected by provision of buffers, fences, and distances.*

Staff response: Criteria for granting an administrative variance are written specifically to protect adjacent lands from detrimental impacts. The proposed administrative variance code only allows small deviations from setback requirements (up to 20%) and landscaping buffers (up to 25%) when seven strict criteria are met – which includes showing that there is no detrimental impact to surrounding land. Additionally, any adjacent landowners would be notified of administrative variance applications through the required public notice process.

Goal 3.1: *Promote, develop, and enhance a strong and sustainable economic climate.*

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.*

Staff response: The proposed administrative variance code would also apply to commercial proposals, and it is specifically written to provide a more streamlined permit process for small deviations from Buckley's zoning code; it therefore could indirectly enhance Buckley's economic climate by reducing a possible barrier to commercial development.

Goal 3.7 – Ensure regulation balances economic growth with the quality of life and the environment.

Policy 3.7.1 – Recognize and consider the economic, social, and environmental impacts upon the community of proposed legislative actions prior to formal adoption.

Staff response: The proposed administrative variance code would provide a less time intensive permit process for small deviations from some of Buckley's zoning code standards – although only when seven strict criteria are met. Reducing unnecessary time and expense from some zoning code standards has a positive economic impact.

V. Title 20 Process

Development code text amendments such as this are a C-1 process under BMC which requires a recommendation by staff, an open record public hearing with the Planning Commission, and a final decision by the City Council. These requirements for C-1 processes were followed during the development of the proposed administrative variance provision.

VI. Public Notices

A SEPA determination of non-significance (DNS) notice was posted and published on July 1, 2020 and a hearing notice was published and posted July 29, 2020. Additionally a 60-day notice was sent to the Washington State Department of Commerce on March 13, 2020.

VII. Public Comments

No public comments were received regarding this administrative variance code provision.

VIII. State Environmental Policy Act (SEPA)

This administrative variance provision underwent SEPA review and a SEPA DNS was issued July 1, 2020.

CONCLUSIONS AND RECOMMENDATION

I. Comprehensive Plan

The administrative variance provision is consistent with and implements the City of Buckley Comprehensive Plan, as detailed in the *Findings* section above.

II. Buckley Municipal Code

Based upon a review of facts and findings, the proposed administrative variance provision is consistent with Buckley Municipal Code.

III. Staff Recommendations

Based on the above Findings of Fact and Conclusions of Law, staff recommends adoption of the attached administrative variance code.

Chapter 19.40.115 Administrative Variance

- 1) **Purpose:** The administrative variance process is intended to allow the Planning Director or the Planning Director's designated official to grant relief from a limited set of requirements included in this Title.
- 2) **Applicability:** The Planning Director or the Planning Director's designated official shall have the authority to grant variances from the following development standards up to deviations from the quantifiable standards shown:
 - A. Lot width – not to exceed 10 percent of code standards
 - B. Lot depth – not to exceed 10 percent of code standards
 - C. Setbacks – not to exceed 20 percent of code standards
 - D. Lot coverage – not to exceed 20 percent of code standards
 - E. Building height – not to exceed 20 percent of code standards
 - F. Projection distances into setbacks – not to exceed 25 percent of code standards
 - G. Landscaping buffers – not to exceed 25 percent of code standards

In authorization of an administrative variance, the Planning Director may include conditions regarding aspects of the proposal that the Planning Director deems necessary to carry out the intent and purpose of the City of Buckley zoning code and comprehensive plan.

- 3) **Required findings to grant administrative variance:** The Planning Director may authorize an administrative variance to zoning code regulations. Each determination granting an administrative variance shall be supported by written findings showing specifically wherein all of the following conditions exist:
 - A. The variance will not alter the character of the neighborhood, or be detrimental to surrounding properties in which the lot is located;
 - B. The variance will not be detrimental to adjacent natural features, critical areas, or open space;
 - C. The variance will not interfere with or negatively impact the operations of existing land uses and all legally permitted uses within the zoning district it occupies;
 - D. The variance will not constitute a threat to public health, safety, and welfare within the city;
 - E. The variance will not grant a special privilege to the property owner;
 - F. Strict enforcement of the requirements of this title creates an unnecessary hardship to the property owner or would deprive the property owner of the rights commonly enjoyed by others in the same area; and
 - G. The variance is the minimum necessary to grant relief to the applicant.
- 4) **Submittal Requirements:** A property owner, or their duly authorized agent, may file an application for an administrative variance on a form prescribed by the Planning Director and filed with the Building and Planning Department.
- 5) **Procedure for Approval:** Administrative Variance applications will be processed as Type A-2 applications, as described in BMC Title 20.

CITY OF BUCKLEY, WASHINGTON

ORDINANCE NO. ____-20

AN ORDINANCE OF THE CITY OF BUCKLEY, PIERCE COUNTY, WASHINGTON, ADOPTING AN ADMINISTRATIVE VARIANCE PROVISION IN BUCKLEY'S ZONING CODE; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, additional tools are needed to improve the efficiency of permits related to Buckley's zoning code; and

WHEREAS, the City of Buckley's code, like most cities, currently includes a zoning variance process in which applicants can request deviations from certain zoning code requirements; and

WHEREAS, Buckley's zoning variance process can take several months and requires significant staff review, 2-3 rounds of public noticing, and a public hearing and hearing examiner's decision – resulting in significant staff time and costs to applicants; and

WHEREAS, the time and costs associated with Buckley's existing variance process is normal, appropriate and expected for many variance requests, however there are a wide range of reasons, large and small, that applicants request zoning variances; and

WHEREAS, in addition to the more traditional zoning variance permit process, many jurisdictions provide an administrative variance process that allows for administrative/Planning Director approval for requests to deviate slightly from quantifiable zoning code requirements, and typically only when the applicant shows that they meet several strict criteria; and

WHEREAS, while it's anticipated that administrative variances would be infrequently requested and approved, Buckley contains many uniquely shaped and situated lots for which an administrative variance provision could provide an additional tool for more streamlined permit decisions when unusual project and site circumstances are encountered; and

WHEREAS, the Planning Commission considered and discussed the attached administrative variance zoning code provision for Buckley's zoning code; and

WHEREAS, the 60-day notice of intent to adopt Buckley's administrative variance zoning code

Ordinance No. ____-20

provision was sent to the Washington State Department of Commerce on March 13, 2020; and

WHEREAS, a public hearing notice was published and posted on July 29, 2020; and

WHEREAS, the Planning Commission conducted a public hearing on this proposal on August 17, 2020 and received and heard no public comments; and

WHEREAS, at the August 17, 2020 public hearing the Planning Commission recommended the City Council adopt this administrative variance provision;

NOW THEREFORE THE CITY COUNCIL OF THE CITY OF BUCKLEY, PIERCE COUNTY, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. BMC Title 19.40.115, Administrative Variance, as attached to this ordinance, is hereby adopted.

Section 2. 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 3. 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 4. 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.

Introduced, passed, and approved this _____ day of _____ 2020.

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. __-20 Adopting the Findings and Conclusions of the Hearing Examiner’s Recommendation for the City initiated Rezone for Buckley Feed and Farm.	Agenda Date: August 25, 2020		A20-076
	Department/Committee/Individual	Created	Reviewed
	Mayor Pat Johnson		X
	City Administrator – Paul Weed		X
	City Attorney – Phil Olbrechts		X
	City Engineer – Dominic Miller		
	City Clerk – Treva Percival		X
	Finance Dept – Sandra Groshong		
	Building Official – Curt Ek		
	Fire Dept – Chief Skogen		
	Parks & Rec Dept – Kevin Caviezel		
	Planning Dept – Leticia Wallgren	X	
	Planning Dept – Evan Lewis		
	Police Dept – Chief Northam		
Municipal Court – Jessica Cash			
	PW/Utilities – Chris Banks		
Attachments: Exhibit A- Recommendation, Exhibit B-Staff Report, and Ordinance			
SUMMARY STATEMENT: Upon entering into a sale agreement between the City and Buckley Feed and Farm, it was realized that the lot lines needed to be adjusted- particularly to remedy the area between Buckley Feed and Buckley Hall where the lot line between the two encroaches onto the Buckley Hall parking lot. In order to effect a boundary line adjustment, the affected lot(s) need to be in the same zoning classification. This rezone will accomplish that. Please see staff report for a visual representation of the portion of area being rezoned from Central Commercial (CC) to Public (P).			
COMMITTEE REVIEW AND RECOMMENDATION: Hearing Examiner- Approval Recommended			
RECOMMENDED ACTION: MOVE to Approve Ordinance No. 15-20, adopting the findings and conclusions of the Hearing Examiner’s recommendation for the rezone of a portion of the Buckley Feed and Farm lot.			
RECORD OF COUNCIL ACTION			
<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>	

**PLACEHOLDER FOR
HEARING EXAMINER
RECOMMENDATION**

**THIS
RECOMMENDATION IS
DUE TO THE CITY BY
8/21/2020 AND WILL
BE SENT OUT AS SOON
AS IT IS RECEIVED.**



LAND USE STAFF REPORT

INTRODUCTION

Proposal Name: City of Buckley Rezone- Buckley Feed & Farm

Proposal Address: 117 N River Ave
Buckley, WA 98321

Proposal Description: Rezone a portion of the Buckley Farm and Feed lot for future Boundary Line Adjustment

File Number: R-20-0002

Applicant: City of Buckley
Attn: Paul Weed, City Administrator
933 Main St.
Buckley, WA 98321

Planner: Leticia Wallgren, City Planner
llwallgren@cityofbuckley.com
360.761.7817

State Environmental Policy (SEPA) Threshold Determination: Determination of Non-Significance (DNS) issued at time of Notice of Application using the optional DNS process (WAC-197-11-355)

Recommendations Included: Rezone

Staff Recommendation: Recommendation of Approval to City Council

	08/03/2020
Leticia Wallgren, City Planner City of Buckley	Date

Application Date: July 08, 2020

Notice of Application: July 15, 2020

Notice of Public Hearing: July 15, 2020

Decision Publication Date: Within 120 days of determination of complete application (BMC 20.20.070)

Appeal Deadline: 21 days from final land use action (RCW 36.70C.040(3))

EXHIBITS

1. Rezone Application (July 8, 2020)
2. Legal Description with Narrative
3. Notice of Application using the Optional DNS process, Notice of Public Hearing (issued July 15, 2020)
4. SEPA Determination (DNS) (issued July 27, 2020)
5. SEPA Checklist (prepared by Leticia Wallgren, City Planner, reviewed by Evan Lewis, Associate Planner).
6. Owner Notify Map with 300-foot buffer
7. Aerial with Zoning overlay
8. Draft survey for Boundary Line Adjustment (for context only)

CONTENTS

INTRODUCTION 1

EXHIBITS 2

FINDINGS OF FACT 4

I. Proposal Description 4

II. Site Description, Zoning & Land Use Context 5

 A. Site Description 5

 B. Zoning..... 5

 C. Land Use Context 6

 D. Public Comment..... 7

III. Adverse Impacts..... 7

IV. Consistency with the Comprehensive Plan..... 7

CONCLUSIONS OF LAW 8

V. Decision Making Authority..... 8

VI. Zoning and Comprehensive Plan Designations..... 8

VII. State Environmental Policy Act (SEPA)..... 8

VIII. Case Law Review Criteria and Application..... 8

IX. Administrative Recommendation 9

FINDINGS OF FACT

I. Proposal Description

The applicant has requested a rezone of a portion of a developed parcel located at 117 N River Ave (APN 8000050120). The parcel (0.69 acres) is currently zoned Central Commercial (CC). The Comprehensive Plan Designation is Commercial & Mixed Use (C&MU). The subject lot is proposed to undergo a boundary line adjustment affecting the northeastern-most lot line; the boundary line adjustment will decrease the total lot area of the subject lot from 30,069 sf to 25,609; The proposed reconfiguration is shown in **figure 1** below.

Parcel Number	Original Area Size	Revised Area Size
8000050120	30,069 sf	25,609 sf
8000050110 (adjacent lot)	20,622 sf	25,082 sf

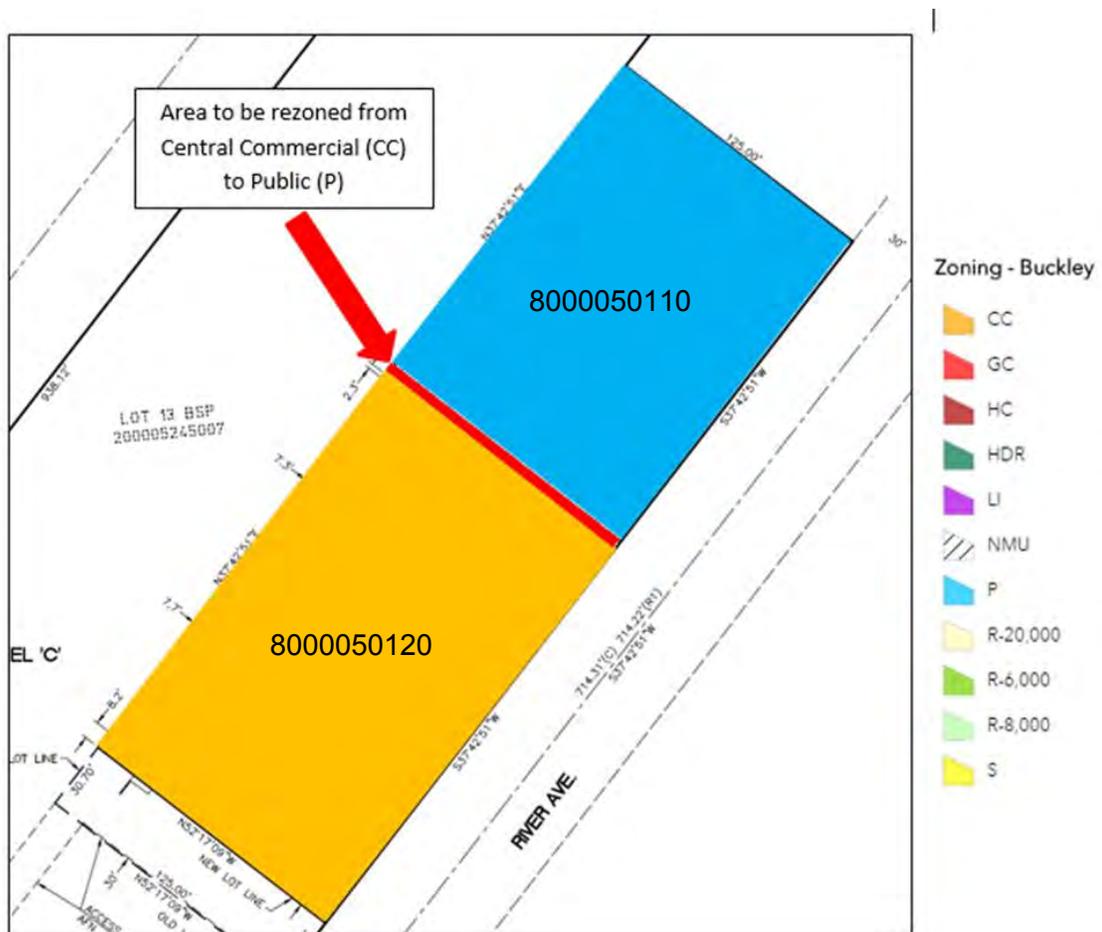


Figure 1. Proposal Drawing

II. Site Description, Zoning & Land Use Context

A. Site Description

The 0.69-acre project site is located at 117 N River Rd (APN 8000050120). The site has frontage on River Road and is also located in close proximity to the Foothills Trail. The site is rectangular and approximately 241-feet in width and approximately 125-feet in length. There are no known critical areas on site or in the immediate vicinity. See **figure 2** for an aerial photo of the property as it currently exists.



Figure 2. Aerial showing subject lot highlighted in blue.

B. Zoning

The subject lot is zoned Central Commercial (CC); the CC zone is intended to implement the policies of the Buckley comprehensive plan for areas designated for commercial development and privileging pedestrian traffic first, and motorized

transportation second, after the date of implementation. The primary purpose is to develop commercial parcels for neighborhood-oriented businesses and pedestrian connectivity per the Buckley comprehensive plan (Urban Design Element Goals 4.3, 4.4, and 4.5, Policy 4.4.3) (BMC 19.20.080(1)).

The minimum lot size for lots within the CC zone is 3,000 sf; The proposed zoning meets the minimum lot size for the zone.



Figure 3. Zoning of subject lot and surrounding lots.

C. Land Use Context

The subject parcel has a Comprehensive Plan Land Use Designation of Industrial and Commercial & Mixed Use (C&MU). All surrounding parcels share this designation. The surrounding neighborhood context is commercial, public, and recreation. See figure 3 Zoning Map and figure 4 for Comprehensive Plan map.

Direction	Comprehensive Plan Designation	Zone	Current Use
Subject	C&MU	CC	Commercial
North	C&MU	CC	Recreation
South	C&MU	P/HC	Public Facility/ Commercial
East	C&MU	P	Public Facility
West	C&MU	CC	Recreation



Figure 4. Comprehensive Plan Map and Designations of subject lot and surrounding lots.

D. Public Comment

The city received no public comment on this proposal.

III. Adverse Impacts

There are no significant adverse impacts associated or anticipated with the proposal. Any subsequent development on the subject lot may be subject to permitting requirements. Impacts of subsequent development will be reviewed at the time of permit submittal. The proposal is consistent with the implementation of the comprehensive plan designation and the surrounding area.

IV. Consistency with the Comprehensive Plan

The Buckley Comprehensive Plan defines the Commercial & Mixed-Use (C&MU) as:

Commercial & Mixed Use (C&MU); in this area uses are to be more people-oriented with less intense retail than in I&GC. Uses are to include residences above retail and provide a buffer zone around commercial zones in which single family and high-density multifamily uses are allowed.

The Buckley Comprehensive Plan does not directly define implementing zones. As the CC zone is present on the property, it is assumed to be intended to be implementing zones for the C&MU Comprehensive Land Use Designation. The

applicant is not requesting a change in the base zones on the subject property, but a reorientation of the amount of each zone.

CONCLUSIONS OF LAW

V. Decision Making Authority.

Pursuant to BMC 20.08.030, the City Planning Director (or designated official) provides a recommendation to the Hearing Examiner. The Examiner holds an open record hearing and forwards a recommendation to the City Council. The City Council shall have make the final decision.

VI. Zoning and Comprehensive Plan Designations.

The subject parcel has a Comprehensive Plan Land Use Designation of Commercial & Mixed-Use (C&MU). The subject lot is zoned Central Commercial (CC)

VII. State Environmental Policy Act (SEPA)

A determination of non-significance (DNS) was issued on July 27, 2020. The Notice of Application utilized the optional DNS process and was issued on July 15, 2020. No appeals were filed. No comments were received.

VIII. Case Law Review Criteria and Application.

Once it is concluded that a rezone is necessary for consistency with a Comprehensive Plan Land use map designation, approval of the rezone is essentially legally mandated except in extraordinary circumstances such as perhaps gross inconsistencies with other parts of the comprehensive plan. None of those circumstances are present here. The Buckley City Code does not include any criteria for rezone applications. Washington appellate courts have imposed some rezone criteria, requiring that the proponents of a rezone must establish that conditions have substantially changed since the original showing and that the rezone must bear a substantial relationship to the public health, safety, morals or welfare. See *Ahmann-Yamane, LLC v. Tabler*, 105 Wn. App. 103, 111 (2001). If a rezone implements the Comprehensive Plan, a showing that a change of circumstances has occurred is not required. *Id.* at 112.

The proposed rezone clearly meets the judicial criteria for a rezone. There is no question that the proposal implements the Comprehensive Plan, as the Comprehensive Plan Land Use Map designation for the property is currently Commercial & Mixed Use and the current CC zoning implements that designation as described in Finding of Fact IV above. In point of fact, approval of a rezone to an implementing zone is mandated by RCW 36.70A.120, which requires the City's zoning regulations to be consistent with its comprehensive plan. The requested

rezone is to shift the balance of two of the implementing zones for this Comprehensive Plan Land Use Designation.

The rezone bears a substantial relationship to the public health, safety, morals and welfare because it will not result in any significant adverse impacts as determined in Finding of Fact No. III while providing a significant opportunity to encourage economic development in the downtown business district by allowing the city to sell the lot to private landowners.

IX. Administrative Recommendation

Based on the above Findings of Fact and Conclusions of Law, the City is seeking a recommendation of approval from the Hearing Examiner to the City Council; further, staff is recommending approval of the proposed rezone (R-20-0002) without conditions.

CITY OF BUCKLEY, WASHINGTON

ORDINANCE NO. ___ - 20

AN ORDINANCE OF THE CITY OF BUCKLEY, WASHINGTON, CONCERNING A PORTION OF PROPERTY LOCATED AT 117 N RIVER AVE (PARCEL NUMBER 8000050120); TO ALLOW A REZONE THAT RECONFIGURES THE ZONING DESIGNATION RESULTING IN AN INCREASED AREA OF PUBLIC (P) ZONE AND DECREASED AREA OF CENTRAL COMMERCIAL (CC) TO EFFECT A BOUNDARY LINE ADJUSTMENT; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the current City Comprehensive Plan was adopted in 2015; and

WHEREAS, the Comprehensive Plan allows for various zones within each Comprehensive Plan district; and

WHEREAS, the subject parcel is designated Commercial & Mixed Use (C-MU) by the City Comprehensive Plan; and

WHEREAS, both Central Commercial (CC) and Public (P) are implementing zones within the C-MU Comprehensive Plan designation; and

WHEREAS, the subject 0.69-acre property located at 117 N River Rd (Parcel #8000050120) is currently zoned Central Commercial (CC) and the adjacent 0.47-acre lot to the northeast located at 127 N River Ave (parcel #8000050110) is currently zoned Public (P); and

WHEREAS, a portion of the lot located at 117 N River Rd is encroaching onto the adjacent lot at 127 N River Ave and will need to be remedied via boundary line adjustment; and

WHEREAS, affected areas for boundary line adjustments must be within the same zoning designation; and

WHEREAS, the CC zone is intended to implement the policies of the Buckley comprehensive plan for areas designated for commercial development and privileging pedestrian traffic first, and motorized transportation second, after the date of implementation. The primary purpose is to develop

commercial parcels for neighborhood-oriented businesses and pedestrian connectivity per the Buckley comprehensive plan; and

WHEREAS, the purpose of the public zone is to provide public services for all public needs to create a strong and sustainable economy and provide public services efficiently.; and

WHEREAS, the City Comprehensive Plan recognizes the CC zone and the P zone are not conducive to residential development; and

WHEREAS, the surrounding land is mostly zoned low-density residential except for two parcels adjacent to the west; and

WHEREAS, the applicant is not requesting a change in the base zones on the subject property, but rather a reorientation of the amount of each zone such that the CC portion will decrease from 0.69 acres to .59 acres; and

WHEREAS, both of the requested zoning areas exceed the minimum space requirements for an individual parcel within the respective zones; and

WHEREAS, any current and future use of the property must comply with the City's zoning code; and

WHEREAS, minimizing the CC zone and increasing the portion of the P zone will improve this parcel's compatibility with the surrounding neighborhood as the City develops within the current binding site plan; and

WHEREAS, the City provided proper notice of this application and the public hearing pursuant to the Buckley Municipal Code; and

WHEREAS, the City's responsible official issued a determination of non-significance (DNS) on July 27, 2020. The Notice of Application utilized the optional DNS process and was issued on July 15, 2020; and

WHEREAS, the Hearing Examiner conducted a public hearing on this proposal on August 15, 2020; and

WHEREAS, the Hearing Examiner recommended, on _____, 2020, that Buckley City Council grant the applicant's request for a rezone; and

WHEREAS, the City Council finds that the applicant's request for a rezone is consistent with the goals and policies of the Comprehensive Plan and the Buckley Municipal Code and is granted;

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

Section 1. The attached staff report serves as findings of fact and conclusions.

Section 2. The subject property located at 117 N River Ave (parcel #8000050120) is hereby rezoned to increase the area of Public (P) use and decrease the area of Central Commercial (CC) use, in accordance with land areas reflected in the applicant's proposal.

Section 3. Staff is authorized to change the 2015 zoning map to reflect this change.

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 25th day of August 2020.

Mayor Pat Johnson

ATTEST:

Trevia 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. __-20 Adopting the Findings and Conclusions of the Hearing Examiner’s Recommendation for the MMI LLC Rezone.	Agenda Date: August 25, 2020 AB20-077		
	Department/Committee/Individual	Created	Reviewed
	Mayor Pat Johnson		X
	City Administrator – Paul Weed		X
	City Attorney – Phil Olbrechts		X
	City Engineer – Dominic Miller		
	City Clerk – Treva Percival		X
	Finance Dept – Saundra Groshong		
	Building Official – Curt Ek		
	Fire Dept – Chief Skogen		
	Parks & Rec Dept – Kevin Caviezel		
	Planning Dept – Leticia Wallgren	X	
	Planning Dept – Evan Lewis		
Police Dept – Chief Northam			
Municipal Court – Jessica Cash			
PW/Utilities – Chris Banks			
Attachments: Exhibit A- Recommendation, Exhibit B-City Staff Report, and Ordinance			
SUMMARY STATEMENT: The location of the proposal is 28301 112 th Street in Buckley, WA 98321, AFN # 0619047005. The proposal seeks to Rezone the subject parcel from Neighborhood Mixed Use (NMU) to Light Industrial (LI). Anticipated use is contractor yard.			
COMMITTEE REVIEW AND RECOMMENDATION: Hearing Examiner- Approval Recommended			
RECOMMENDED ACTION: MOVE to Approve Ordinance No. 16-20, adopting the findings and conclusions of the Hearing Examiner’s recommendation for the rezone of the lot located at 28301 112th St. E.			
RECORD OF COUNCIL ACTION			
Meeting Date	Action	Vote	

OFFICE OF THE HEARING EXAMINER

CITY OF BUCKLEY

REPORT AND RECOMMENDATION

FILE NO.: R-19-0004
MOUNTAIN MAN INVESTMENTS, LLC REZONE

APPLICANT: Mountain Man LLC
Attn: Mr. Jake Box
18802-91st Street Court East
Bonney Lake, WA 09391

AGENT: AHBL
Attn: Lisa Klein/Josh Kubitza
2215 North 30th Street
Tacoma, WA 98403

PLANNER: Leticia Wallgren, City Planner

SUMMARY OF REQUEST:

Rezone the subject parcel from Neighborhood Mixed Use (NMU) to Light Industrial (LI). The site is located at 28301-112th Street East, Buckley.

SUMMARY OF RECOMMENDATION: Recommend approval.

DATE OF RECOMMENDATION: August 5, 2020

PUBLIC HEARING:

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

The hearing was opened on July 7, 2020, at 2:00 p.m.

Parties wishing to testify were sworn in by the Examiner.

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

- EXHIBIT A - Planning Department Staff Report
- EXHIBIT 1 - Rezone Application (October 09, 2019)
- EXHIBIT 2 - Project Narrative
- EXHIBIT 3 - Owner Consent Form
- EXHIBIT 4 - SEPA Checklist (prepared by Lisa Klein, AHBL, December 23, 2019)
- EXHIBIT 5 - Wetland Determination prepared by 4M Consulting LLC (March 26, 2019)
- EXHIBIT 6 - SEPA Determination of Non-Significance (DNS)
- EXHIBIT 7 - Power Point Presentation

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

LETICIA WALLGREN appeared and presented a power point presentation. The applicant wishes to rezone a single neighborhood mixed use parcel to light industrial use. The site is currently vacant and is located at 28301-112th Street. It is 1.79 acres in size and is vacant with no wetlands on the site. There are no specific criteria in the Buckley Municipal Code for rezones, however case law dictates that the rezone must bear a substantial relationship to public health, safety, morals, or welfare and that conditions have substantially changed since the original zoning.

JOSH KUBITZA appeared and testified that the rezone would be consistent with surrounding zoning.

No one spoke further in this matter and the Hearing Examiner took the matter under advisement. The hearing was concluded at 2:11 p.m.

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

FINDINGS, CONCLUSIONS, AND RECOMMENDATION:

FINDINGS:

1. The Hearing Examiner has admitted documentary evidence into the record, heard testimony, and taken this matter under advisement.
2. The City's SEPA Responsible Official issued a Determination of Non-Significance on April 08, 2020 after review of SEPA checklist and Wetland Determination submitted by the applicant. No comments were returned. No appeals were filed.

3. Public Notice of Application was published in the Enumclaw Courier Herald on January 29, 2020. It was posted in city posting locations, posted to the site, and mailed to neighbors within a 300-foot buffer by or before the publishing date.
4. The applicant, Mountain Man, LLC, has a possessory ownership interest in a 1.79 acre parcel. The subject lot is currently zoned Neighborhood Mixed Use (NMU) and the comprehensive plan designation is Industrial and General Commercial. Utilities are currently provided on site; however, sewer is currently unavailable and the previous use utilized onsite septic.
5. The subject lots are zoned NMU where the intent and purpose is to implement the policies of the adopted Buckley Comprehensive Plan for areas designated for mixed residential and commercial development after the date of implementation. The applicant seeks to rezone the subject lot to Light Industrial use, to be compatible with the GC zone, have easy access to arterials, have business uses that by their nature have higher level noise and/or possible use of hazardous material, and include industrial uses, the most intense commercial uses, and light manufacturing, such as metal working. Said zone is not conducive to residential development.
6. Abutting zones include NMU to the north and south, LI to the west, and GC to the East.
7. Section 19.20.050(1)(a) BMC sets forth the purpose of the NMU zone classification as follows:
 - a. The primary purpose is to allow development of small commercial businesses in residential neighborhoods (such as neighborhood grocery stores or convenience stores), especially residential above ground floor commercial per the Buckley Comprehensive Plan.

Section 19.20.100(1) BMC sets forth the purpose of the LI zone classification as follows:

- (1) Purpose Statement. The LI zone is intended to be compatible with the GC zone, have easy access from arterials, have business uses that by their nature have a higher level of noise and/or possible use of hazardous materials, and include industrial uses, the most intense commercial uses, and light manufacturing, such as metal working. This zone is not conducive to residential development.
8. There will be no significant adverse impacts associated with said proposal and compatibility with the adjoining land uses will increase going from NMU to the LI zone. Rezoning said lot will improve compatibility with neighboring uses.

9. Since there is no criteria in the Buckley Municipal Code regarding rezones we must rely on case law; specifically, Ahmann-Yamane, LLC, v. Tabler, 105 Wn. App. 103, 111 (2001), which requires that proponents of the rezone must establish that conditions have substantially changed since the original showing and that the rezone must bear a substantial relationship to public health, safety, morals or welfare. The proposed rezone meets the above criteria. The proposal is necessary to implement the comprehensive plan and it bears a substantial relationship to public health, safety, morals and welfare because it will not result in significant adverse impacts.

CONCLUSIONS:

1. The Hearing Examiner has the jurisdiction to consider and make a recommendation on the issues presented by this request.
2. The applicant's request for expanding a rezone is consistent with the zoning of the area, uses in the area, and with the purpose of both the NMU and LI zone classifications as set forth in the BMC. Therefore, the zone reclassification should be approved.

RECOMMENDATION:

It is hereby recommended that the Buckley City Council grant the applicant's request for a zone reclassification

ORDERED this 5th day of August, 2020.



MICHAEL M. McCARTHY
Deputy Hearing Examiner

TRANSMITTED this 5th day of August, 2020, to the following:

APPLICANT: Mountain Man LLC
Attn: Mr. Jake Box
18802-91st Street Court East
Bonney Lake, WA 09391

AGENT: AHBL
Attn: Lisa Klein/Josh Kubitza
2215 North 30th Street
Tacoma, WA 98403

4X

OTHERS:

CITY OF BUCKLEY

5X

APPEAL PROCEDURES

20.01.260 Appeals.

(7) Judicial Appeal. BMC 20.01.030 identifies final decisions appealable to superior court (Hearing Examiner decision are identified as going to superior court). In lieu of superior court, some appeals of final decisions are required by state law to be filed in other forums. The appellant bears the responsibility of filing an appeal in the proper forum and no assurances are made as to the accuracy of the forums designated for appeal in Table 1, BMC 20.01.030.

- (a) The cost of transcribing and preparing all records ordered certified by the court or desired by the appellant for such appeal shall be borne by the appellant.
- (b) Prior to the preparation of any records, the appellant shall post with the city clerk an advance fee deposit in the amount specified by the city clerk. Any overage will be promptly returned to the appellant.



LAND USE STAFF REPORT

INTRODUCTION

Proposal Name: Mountain Man Investments, LLC Rezone

Proposal Address: 28301 112th St. E
Buckley, WA 98321

Proposal Description: Rezone the subject parcel from Neighborhood Mixed Use (NMU) to Light Industrial (LI).

File Number: R-19-0004

Applicant: Mountain Man LLC
Attn: Mr. Jake Box
18802 91st St Ct E
Bonney Lake, WA 98391

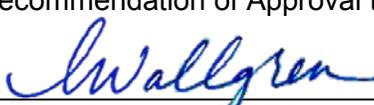
AHBL (Agent)
Attn: Lisa Klein/Josh Kubitza
2215 N 30th St.
Tacoma, WA 98403

Planner: Leticia Wallgren, City Planner
lwallgren@cityofbuckley.com
360.761.7817

State Environmental Policy (SEPA) Threshold Determination: Determination of Non Significance (DNS)
(Issued April 08, 2020)

Recommendations Included: Rezone

Staff Recommendation: Recommendation of Approval to City Council

 06/17/2020

Leticia Wallgren, City Planner Date
City of Buckley

Application Date: December 23, 2019

Notice of Application: January 29, 2020 (BMC 20.28.060)

Notice of Public Hearing: June 16, 2020

Decision Publication Date: Within 120 days of determination of complete application (BMC 20.20.070)

Appeal Deadline: 21 days from final land use action (RCW 36.70C.040(3))

EXHIBITS

1. Rezone Application (October 09, 2019)
2. Project Narrative
3. Owner Consent Form
4. SEPA Checklist (prepared by Lisa Klein, AHBL, December 23, 2019)
5. Wetland Determination prepared by 4M Consulting LLC (March 26, 2019)

CONTENTS

INTRODUCTION..... 1

EXHIBITS..... 2

FINDINGS OF FACT 4

I. Proposal Description 4

II. Site Description, Zoning & Land Use Context 5

 A. Site Description 5

 B. Zoning..... 6

 C. Land Use Context 6

 D. Public Comment..... 7

III. Adverse Impacts..... 7

IV. Consistency with the Comprehensive Plan..... 7

CONCLUSIONS OF LAW 7

V. Decision Making Authority..... 7

VI. Zoning and Comprehensive Plan Designations..... 8

VII. State Environmental Policy Act (SEPA)..... 8

VIII. Case Law Review Criteria and Application. 8

IX. Administrative Recommendation 9

FINDINGS OF FACT

I. Proposal Description

The applicant has requested a rezone of the parcel located at 28301 112th St E (AFN # 0619047005); see **figure 1** below for a visual representation. The applicant seeks a Rezone of the subject lot from Neighborhood Mixed-Use (NMU) to Light Industrial (LI) to allow a future proposed use.



Figure 1. Subject Parcels

Lot to be rezoned

II. Site Description, Zoning & Land Use Context

A. Site Description

The subject lot is 1.79 acres (approx. 77, 872 sq. ft.). The subject lot is currently zoned Neighborhood Mixed Use (NMU); the Comprehensive Plan Designation is Industrial & General Commercial (I-GC). The lot was previously developed and, historically, was used as a single-family residence. Utilities are available on-site noting that city sewer is currently unavailable, and the previous use utilized on-site septic. See **figure 2** for an aerial photo of the property as it currently exists noting that the structures on the lot have, since, been demolished.



Figure 2. Aerial showing subject lot highlighted in blue.

B. Zoning

The subject lots are currently zoned Neighborhood Mixed-Use (NMU) where the intent and purpose is “to implement the policies of the adopted Buckley comprehensive plan for areas designated for mixed residential and commercial development after the date of implementation” (BMC 19.20.050[1]). See **figure 1** for current zoning of subject lot and surrounding lots. The proposal seeks to rezone the subject lot to LI where “to be compatible with the GC zone, have easy access from arterials, have business uses that by their nature have a higher level of noise and/or possible use of hazardous materials, and include industrial uses, the most intense commercial uses, and light manufacturing, such as metal working. This zone is not conducive to residential development.” (BMC 19.20.100[1]).

C. Land Use Context

The subject parcel has a Comprehensive Plan Land Use Designation of Industrial and General Commercial (I&GC). The parcels to the north, south, east, and west of the subject share this designation. The surrounding neighborhood context is developed single family and commercial uses. See **figure 1** for Zoning Map and **figure 3** for Comprehensive Plan Map. **Table 1** summarizes the Land Use Context by zoning/comp. plan designation.



6 **Figure 3. Comprehensive Plan Map**

Table 1. Zoning and Comprehensive Plan

Direction	Comprehensive Plan Designation	Zone	Current Use
Subject	I&GC	NMU	Vacant; previously SFR
North	I&GC	GC	Commercial
South	I&GC	NMU	Single Family Residential
East	I&GC	GC	Commercial
West	I&GC	LI	Commercial

D. Public Comment

The city received no public comment on the proposed rezone.

E. Public Notice

Public Notice of Application was published in the Enumclaw Courier Herald on January 29, 2020. It was posted in city posting locations, posted to the site, and mailed to neighbors within a 300-foot buffer by or before the publishing date.

III. Adverse Impacts

There are no significant adverse impacts associated with the proposal. Compatibility with adjoining land uses will increase going from the NMU zone to the LI zone. Rezoning the subject lot to LI will improve the compatibility with the neighboring uses.

IV. Consistency with the Comprehensive Plan

The Buckley Comprehensive Plan defines the Industrial & General Commercial (I&GC) as follows:

“in this area uses are to be more intense commercial, auto-oriented businesses, and include light manufacturing, metal working, higher levels of noise, and possible use of hazardous materials. This district is not conducive to residential development.”

The Buckley Comprehensive Plan does not directly define implementing zones, but it is assumed that rezones should implement the comprehensive plan. In the case of the subject lot, a rezone to LI would be consistent with the surrounding lots to the north and to the east. The surrounding commercial lots and uses are assumed to implement the comprehensive plan. With that said, it is reasonable to presume that a rezone to the same or similar zoning designation as surrounding lots would also implement the comprehensive plan.

CONCLUSIONS OF LAW

V. Decision Making Authority.

Pursuant to BMC 20.08.030, the City Planning Director or official designated by the Planning Director provides a recommendation to the Hearing Examiner. The

Examiner holds an open record hearing and forwards a recommendation to the City Council.

VI. Zoning and Comprehensive Plan Designations.

The subject parcels have a Comprehensive Plan Land Use Designation of Industrial & general Commercial (I&GC). The subject lot is zoned Neighborhood Mixed Use (NMU).

VII. State Environmental Policy Act (SEPA)

The City's SEPA Responsible Official issued a Determination of Non-Significance on April 08, 2020 after review of SEPA checklist and Wetland Determination submitted by the applicant. No comments were returned. No appeals were filed.

VIII. Case Law Review Criteria and Application.

Once it is concluded that a rezone is necessary for consistency with a Comprehensive Plan Land use map designation, approval of the rezone is essentially legally mandated except in extraordinary circumstances such as perhaps gross inconsistencies with other parts of the comprehensive plan. None of those circumstances are present here. The Buckley City Code does not include any criteria for rezone applications. Washington appellate courts have imposed some rezone criteria, requiring that the proponents of a rezone must establish that conditions have substantially changed since the original showing and that the rezone must bear a substantial relationship to the public health, safety, morals or welfare. See *Ahmann-Yamane, LLC v. Tabler*, 105 Wn. App. 103, 111 (2001). If a rezone implements the Comprehensive Plan, a showing that a change of circumstances has occurred is not required. *Id.* at 112.

The proposed rezone clearly meets the judicial criteria for a rezone. There is no question that the proposal is necessary to implement the Comprehensive Plan, as the Comprehensive Plan Land Use Map designation for the property is currently Industrial and General Commercial (I&GC) and the proposed Light Industrial (LI) zoning designation implements that designation as described in Finding of Fact IV above. In point of fact, approval of a rezone to an implementing zone is mandated by RCW 36.70A.120, which requires the City's zoning regulations to be consistent with its comprehensive plan.

The rezone bears a substantial relationship to the public health, safety, morals and welfare because it will not result in any significant adverse impacts as determined in Finding of Fact No. III while providing a significant opportunity to increase the commercial & economic impacts of the Light Industrial (LI) zoning on the surrounding neighborhood.

IX. Administrative Recommendation

Based on the above Findings of Fact and Conclusions of Law, the City is seeking a recommendation of approval from the Hearing Examiner to the City Council; further, staff is recommending approval of the proposed rezone (R-19-0004) without conditions.

CITY OF BUCKLEY, WASHINGTON

ORDINANCE NO. ___ - 20

AN ORDINANCE OF THE CITY OF BUCKLEY, WASHINGTON, CONCERNING A LOT OF RECORD LOCATED AT 28301 112TH STREET E (PARCEL NUMBER 0619047005); TO ALLOW A REZONE FROM THE NEIGHBORHOOD MIXED USE (NMU) ZONE TO THE LIGHT INDUSTRIAL (LI) ZONE FOR CONSISTENCY WITH THE SPIRIT AND INTENT OF THE ZONE AND THE COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the current City Comprehensive Plan was adopted in 2015; and

WHEREAS, the Comprehensive Plan allows for various zones within each Comprehensive Plan district; and

WHEREAS, the subject parcel is designated Industrial and General Commercial (I-GC) by the City Comprehensive Plan; and

WHEREAS, the Light Industrial (LI) zone is implementing the Industrial and General Commercial (I-GC) Comprehensive Plan designation; and

WHEREAS, the subject 1.79-acre property located at 28301 112th Street E (Parcel #0619047005) is currently zoned Neighborhood Mixed-Use (NMU); and

WHEREAS, the Light Industrial (LI) zone is intended to be compatible with the GC zone, have easy access from arterials, have business uses that by their nature have a higher level of noise and/or possible use of hazardous materials, and include industrial uses, the most intense commercial uses, and light manufacturing, such as metal working; and

WHEREAS, the Neighborhood Mixed Use (NMU) zone is intended to implement the policies of the adopted Buckley comprehensive plan for areas designated for mixed residential and commercial development after the date of implementation; and

WHEREAS, the City Zoning Code recognizes the NMU zone is not conducive to intended commercial uses; and

WHEREAS, the surrounding land is mostly zoned General Commercial (GC) and Light Industrial (LI); and

WHEREAS, any current and future use of the property must comply with the City's zoning code; and

WHEREAS, rezoning to LI will improve this parcel's compatibility with the surrounding neighborhood's commercial & industrial nature; and

WHEREAS, the City provided proper notice of this application and the public hearing pursuant to the Buckley Municipal Code; and

WHEREAS, the City's SEPA Responsible Official issued a Determination of Non-Significance on April 08, 2020; and

WHEREAS, the Hearing Examiner conducted a public hearing on this proposal on July 07, 2020; and

WHEREAS, the Hearing Examiner recommended, on August 05, 2020, that Buckley City Council grant the applicant's request for a rezone; and

WHEREAS, the City Council finds that the applicant's request for a rezone is consistent with the goals and policies of the Comprehensive Plan and the Buckley Municipal Code and is granted;

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

Section 1. The City Council adopts the findings and conclusions of the hearing examiner recommendation, attached as Exhibit A, in support of this rezone request

Section 2. The subject 1.79-acre property located at 28301 112th Street E (Parcel #0619047005) is hereby rezoned from Neighborhood Mixed Use (NMU) to Light Industrial (LI)

Section 3. Staff is authorized to change the 2015 zoning map to reflect this change.

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 25th day of August 2020.

Mayor Pat Johnson

ATTEST:

Trevia 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: RES No. 20-__: Distribution of COVID-19 Relief Funds	Agenda Date: August 25, 2020		AB20-078
	Department/Committee/Individual	Created	Reviewed
	Mayor Pat Johnson		X
	City Administrator – Paul Weed		X
	City Attorney – Phil Olbrechts		X
	City Engineer – Dominic Miller		
	City Clerk – Treva Percival	X	X
	Finance Dept – Sandra Groshong		
	Building Official – Curt Ek		
	Fire Dept – Chief Skogen		
	Parks & Rec Dept – Kevin Caviezel		
	Planning Dept – Leticia Wallgren		
	Police Dept – Chief Northam		
Municipal Court – Jessica Cash			
	PW/Utilities – Chris Banks		
Attachments: Staff Memo, Department of Commerce Interagency Agreement, Professional Services Agreement, and Resolution with Exhibit A and Exhibit B			
<p>SUMMARY STATEMENT: The City of Buckley received \$146,550 in federal funding through the Washington State Department of Commerce to address the specific impacts that COVID-19 has had in the City of Buckley. The Resolution up for adoption includes (1) Approval of Contract with Department of Commerce, (2) Creation of CARES Act Relief Funds Response Programs, and (3) Distribution determination of Coronavirus Relief Funds.</p>			
COMMITTEE REVIEW AND RECOMMENDATION: N/A			
RECOMMENDED ACTION: MOVE to Approve Resolution No. 20-19 COVID-19 Relief Legislation			
RECORD OF COUNCIL ACTION			
Meeting Date	Action	Vote	



City of Buckley

P.O. Box 1960 ♦ Buckley, WA 98321 ♦ (360) 761-7817

Memo

DATE: August 18, 2020
TO: City Council & Mayor
FROM: City Administrator & Staff¹
SUBJECT: CARES Act Relief Funds Program Recommendations

Background

On March 27, 2020, Congress passed the \$1.8 trillion Coronavirus Aid, Relief and Economic Security Act (CARES Act). This stimulus package includes a \$150 billion Coronavirus Relief Fund (CRF) for states, local and tribal governments.

The State of Washington received almost \$3 billion in funding under the Act. City and county governments with a population exceeding 500,000 received direct funding from the federal government. Locally, Pierce County received \$158 million.

For those cities and counties in Washington that did not qualify for direct funding (including Buckley), Governor Inslee set aside \$300 million of the State's share for distribution based on population. The City has been awarded Coronavirus Relief Funds (CRF) in the amount of \$146,550, subject to contract acceptance.

¹ The circumstances in which the City has found itself, like the Nation, are extraordinary. The City's response has been effectively "all hands-on deck." To that end, every city department has found itself in this response. This memorandum reflects this approach and illustrates the collective staff-wide view towards providing relief, however modest that it may be, towards alleviating the suffering which our community is undergoing.

The Mayor briefed the Council on the initial CARES Act process in June. At that time, staff started to work on a general direction. To help gain an understanding of community needs, City staff, with input from Council Members, met with subject matter experts from the public sector, non-profit and private business community. These discussions were meant to provide insight for the needs in the community and shape how the City develops its CARES funding grant. As a result of these meetings, the comprehensive funding recommendations set forth in this memorandum, together with proposed legislation (also included with this memorandum) are forwarded to the Council for its consideration.

CRF Summary

The City will be receiving \$146,550 of federal funding through the Washington State Department of Commerce to address the specific impacts that COVID-19 has had in the City of Buckley. By law, these funds may be used for certain expenditures. These include: City COVID-related costs, economic recovery, and human services. Funds must be expended by the City by October 31, 2020.

To gain an understanding of community needs, City staff met with subject matter experts from other government agencies, non-profits, and private business owners since the CARES award notification. These meetings and discussions provided insight on the services provided by Pierce County and the needs in the community which guided the development of the City’s CARES funding distribution. Consistent with the legal framework surrounding the expenditure of these funds, input from an array of stakeholders, and prior direction from the City Council, staff recommends the expenditure of these funds as follows:

\$98,550	City Response
\$30,000	Residential Utility Assistance
\$18,000	City Small Business Assistance

\$146,550	Total CARES Act Relief Funds

First, approximately ninety-eight thousand, five hundred and fifty dollars (\$98,550.00) of these funds would be set aside to reimburse the taxpayers for City-incurred expenses associated with its COVID-19 response. These funds would serve to offset expenditures in the areas of personal protective equipment for staff and the public, additional janitorial expenses, disinfectant supplies, and a portion of the salaries associated with individuals tasked with COVID-19 response.

Second, approximately thirty thousand dollars (\$30,000) of these funds would be set aside to assist eligible residential members with their City of Buckley water, sewer and storm utility bills associated with COVID-19. Eligible residents for the City of Buckley Utility Assistance Program must meet the eligibility requirements outlined in Resolution 20-19 (COVID Relief Legislation).

Third, approximately eighteen thousand (\$18,000) would be allocated to the City Small Business Assistance Funds Program. This program would take the form of assistance to eligible

commercial store-front businesses in Buckley to help seating expansion for those businesses that have been affected by COVID-19 requirements. Eligible residents for the City Small Business Assistance Program must meet the eligibility requirements outlined in Resolution 20-19 (COVID Relief Legislation).

It is the intention of staff to provide regular updates to Council on the progress of the CARES funding program with the first review after the initial awards are given to residents and businesses. Another update will be provided to Council or Committee to assess the efficacy of funding in assisting businesses and Buckley residents in this time of need. Finally, staff will provide a CARES program review after the grant performance period that will provide a full accounting of the recommendations.

CRF Allowable Expenditures:

The CARES Act requires that funding provided under the program only be used for expenses that meet three criteria:

- Necessary expenditures incurred in response to the COVID-19 health emergency;
- Costs incurred between March 1, 2020 and December 30, 2020; and
- Costs that were not accounted for in the budget most recently approved as of March 27, 2020.

Regarding the criteria, the Department of Commerce has indicated that the State and the U.S. Treasury will defer to local governments in their legislative determination of necessity. The U.S. Treasury also has provided governments with a Q&A. As it relates to Buckley, the Q&A² generally provides that funding can be used for (but not limited to):

Economic Development:

- A program to provide grants to small businesses to reimburse them for the costs of business interruption caused by required closures.
- A payroll support program.
- A grant program for small businesses that closed voluntarily to promote social distancing measures or that were affected by a decrease in customer demand resulting from the public health emergency.

Human Services:

- A program to assist individuals with payment of overdue rent or mortgage payments necessary to avoid eviction or foreclosure.

² The following is excerpted from the most recent guidance which is available on-line at <https://home.treasury.gov/system/files/136/Coronavirus-Relief-Fund-Frequently-Asked-Questions.pdf>.

- Payments to provide emergency financial assistance to individuals and families directly impacted by a loss of income due to the COVID-19 public health emergency.
- A program to assist with unforeseen financial costs and other emergency individual needs.

City Expenses:

- Payroll and benefit expenses of public employees whose work duties are substantially dedicated to mitigating or responding to the COVID-19 public health emergency.
- Expenses to improve telework capabilities for public employees to enable compliance with COVID-19 public health precautions.
- Expenses for public safety measures undertaken in response to COVID-19.
- Expenses for communication and enforcement of public health orders related to COVID-19.
- Expenses for acquisition and distribution of medical and protective supplies, including sanitizing products and personal protective equipment for police officers and other employees in connection with the COVID-19 public health emergency.
- Expenses for disinfection of public areas and other facilities in response to the COVID-19 public health emergency

With this regulatory framework in mind, a closer examination of specific recommendations were identified as follows:

Distribution and Criteria - Residential Utility and City Small Business Assistance Funds

Following input from the Department of Commerce and other local municipalities use of CRF, the following framework for the distribution of the Residential Utility and City Small Business Assistance Funds is submitted to Council for consideration:

The City staff are recommending contracting temporary professional services with Plateau Outreach Ministries for the distribution of the City Residential Utility Funds. As a local, skilled and independent 501 (c) 3 service provider to Buckley and the greater community, we believe they are well positioned to serve in this capacity and has experience engaging in our residents through various assistance programs in our area. Plateau Outreach Ministries will receive and administer the grant applications and recommendations on behalf of the City of Buckley while the City staff will distribute the funds under the guidance set forth below. Please see the Coronavirus Relief Funds for Local Governments Council Resolution and Professional Services Agreement attached for further information of terms and conditions considered.

It is important to note that the Department of Treasury’s guidance on CRF funding does not allow a government agency, such as a municipality, to make a direct payment to a utility, but instead payments may be provided to individual account holders (or a non-profit on behalf of

an individual account holder). This situation has been answered by the [Department of Commerce FAQ](#) below:

Q: May Fund payments be used to replace foregone utility fees? If not, can Fund payments be used as a direct subsidy payment to all utility account holders?

A: Fund payments may not be used for government revenue replacement, including the replacement of unpaid utility fees. Fund payments may be used for subsidy payments to electricity account holders to the extent that the subsidy payments are deemed by the recipient to be necessary expenditures incurred due to the COVID-19 public health emergency and meet the other criteria of section 601(d) of the Social Security Act outlined in the Guidance. For example, if determined to be a necessary expenditure, a government could provide grants to individuals facing economic hardship to allow them to pay their utility fees and thereby continue to receive essential services.



Interagency Agreement with

City of Buckley

through

the Coronavirus Relief Fund for Local Governments

For

Costs incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19) during the period of March 1, 2020 thru October 31, 2020.

Start date: March 1, 2020

TABLE OF CONTENTS

Special Terms and Conditions

1.	Authority.....	1
2.	Acknowledgement of Federal Funding.....	1
3.	Contract Management	1
4.	Compensation	1
5.	Expenses.....	1
6.	Indirect Costs.....	1
7.	Billing Procedures and Payment.....	1
8.	Audit.....	2
9.	Debarment.....	3
10.	Laws	3
11.	Order of Precedence.....	4

General Terms and Conditions

1.	Definitions	5
2.	All Writings Contained Herein.....	5
3.	Amendments.....	5
4.	Assignment	5
5.	Confidentiality and Safeguarding of Information.....	5
6.	Copyright.....	6
7.	Disputes	6
8.	Governing Law and Venue	6
9.	Indemnification.....	7
10.	Licensing, Accreditation and Registration	7
11.	Recapture	7
12.	Records Maintenance.....	7
13.	Savings	7
14.	Severability	7
15.	Subcontracting	7
16.	Survival	8
17.	Termination for Cause	8
18.	Termination for Convenience.....	8
19.	Termination Procedures	8
20.	Waiver.....	9

Attachment A, Scope of Work	10
Attachment B, Budget & Invoicing	12
Attachment C, A-19 Certification	13
Attachment D, A-19 Activity Report	15



System Access Request Form

Mail or email this completed form to your Commerce program manager. The Contract Management System Portal (CMS) is accessed through Secure Access Washington (SAW). Use this link to access the SAW site <https://secureaccess.wa.gov/> and create a SAW account.

Upon receipt of this form, your Commerce program manager will send a CMS Registration Code to your SAW email address. See the [CMS training manual on the website](#) for instructions on how to create a SAW account and to login to CMS.

Requestor Information

FIRST NAME	LAST NAME	WORK PHONE	CELL PHONE
SAW EMAIL		FAX PHONE	ROLE
			<input type="checkbox"/> Data Entry and Submit <input type="checkbox"/> Data Entry Only <input type="checkbox"/> Read Only
ORGANIZATION NAME		STATEWIDE VENDOR NUMBER	
ORGANIZATION NAME		STATEWIDE VENDOR NUMBER	

Requestor Agreement

By signing this form, I certify that I am authorized to view and/or submit information on behalf of the organizations listed above, will practice adequate Password management by keeping Passwords confidential and agree to the Conditions of Use Access Agreement.

<http://www.commerce.wa.gov/privacy-information/conditions-use-access-agreement/>

PRINTED NAME	SIGNATURE	DATE

Manager Approval

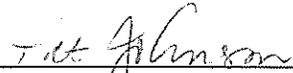
By signing this form, I approve this employee to access the CMS portal on behalf of the organizations listed above.

PRINTED NAME	SIGNATURE	DATE

FACE SHEET

Contract Number: 20-6541C-125

**Washington State Department of Commerce
Local Government Division
Community Capital Facilities Unit
Coronavirus Relief Fund for Local Governments**

1. Contractor City of Buckley 933 Main Street Buckley, Washington 98321-1960		2. Contractor Doing Business As (optional)	
3. Contractor Representative Paul Weed City Administrator (360) 761-7802 paulweed@cityofbuckley.com		4. COMMERCE Representative Tryg Hoff Project Manager (360) 725-2779 Fax 360-586-5880 tryg.hoff@commerce.wa.gov P.O. Box 42525 1011 Plum Street SE Olympia, WA 98504-2525	
5. Contract Amount \$146,550.00	6. Funding Source Federal: X State: Other: N/A:	7. Start Date March 1, 2020	8. End Date October 31, 2020
9. Federal Funds (as applicable) \$146,550.00	Federal Agency: US Dept. of the Treasury	CFDA Number: 21.019	Indirect Rate (if applicable): 10.00%
10. Tax ID # XXXXXXXXXXXXXXXX	11. SWV # SWV0007153-00	12. UBI # 999999999	13. DUNS # 622732022
14. Contract Purpose To provide funds for costs incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19) during the period of March 1, 2020 thru October 31, 2020. Final invoices must be received by November 15, 2020.			
15. Signing Statement COMMERCE, defined as the Department of Commerce, and the Contractor, as defined above, acknowledge and accept the terms of this Contract and Attachments and have executed this Contract on the date below and warrant they are authorized to bind their respective agencies. The rights and obligations of both parties to this Contract are governed by this Contract and the following documents hereby incorporated by reference: Attachment "A" – Scope of Work, Attachment "B" – Budget & Invoicing, Attachment "C" – A-19 Certification, Attachment "D" – A-19 Activity Report			
FOR CONTRACTOR  _____ Pat Johnson, Mayor 08/03/2020 _____ Date		FOR COMMERCE _____ Mark K. Barkley, Assistant Director, Local Government Division _____ Date APPROVED AS TO FORM ONLY BY ASSISTANT ATTORNEY GENERAL 05-01-2020. APPROVAL ON FILE.	

**SPECIAL TERMS AND CONDITIONS
INTERAGENCY AGREEMENT
FEDERAL FUNDS**

1. AUTHORITY

COMMERCE and Contractor enter into this Contract pursuant to the authority granted by the Interlocal Cooperation Act, Chapter 39.34 RCW.

2. ACKNOWLEDGMENT OF FEDERAL FUNDS

Funds under the Contract are made available and are subject to Section 601(a) of the Social Security Act, as amended by section 5001 of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), and Title V and VI of the CARES Act.

The Contractor agrees that any publications (written, visual, or sound) but excluding press releases, newsletters, and issue analyses, issued by the Contractor describing programs or projects funded in whole or in part with federal funds under this Contract, shall contain the following statements:

"This project was supported by a grant awarded by US Department of the Treasury. Points of view in this document are those of the author and do not necessarily represent the official position or policies of the US Department of the Treasury. Grant funds are administered by the Local Government Coronavirus Relief Fund thru the Washington State Department of Commerce."

3. CONTRACT MANAGEMENT

The Representative for each of the parties shall be responsible for and shall be the contact person for all communications and billings regarding the performance of this Contract.

The Representative for COMMERCE and their contact information are identified on the Face Sheet of this Contract.

The Representative for the Contractor and their contact information are identified on the Face Sheet of this Contract.

4. COMPENSATION

COMMERCE shall pay an amount not to exceed the contract amount listed on the Face Sheet for the performance of all things necessary for or incidental to the performance of work under this Contract as set forth in the Scope of Work (Attachment A).

5. EXPENSES

Contractor shall receive reimbursement for allowable expenses as identified in the Scope of Work (Attachment A) or as authorized in advance by COMMERCE as reimbursable.

Travel expenses may include airfare (economy or coach class only), other transportation expenses, and lodging and subsistence necessary during periods of required travel. Contractor shall receive compensation for travel expenses at current state travel reimbursement rates.

6. INDIRECT COSTS

Contractor shall provide their indirect cost rate that has been negotiated between their entity and the federal government. If no such rate exists a *de minimis* indirect cost rate of 10% of modified total direct costs (MTDC) will be used.

7. BILLING PROCEDURES AND PAYMENT

COMMERCE shall reimburse the Contractor for eligible Project expenditures, up to the maximum payable under this Contract. When requesting reimbursement for expenditures made, Contractor shall submit all Invoice Vouchers and any required documentation electronically through COMMERCE's Contracts Management System (CMS), which is available through the Secure Access Washington (SAW) portal. If the Contractor has constraints preventing access to COMMERCE's online A-19 portal, a hard copy A-19 form may be provided by the COMMERCE Project Manager upon request.

**SPECIAL TERMS AND CONDITIONS
INTERAGENCY AGREEMENT
FEDERAL FUNDS**

The voucher must be certified by an official of the Contractor with authority to bind the Contractor. The final voucher shall be submitted to COMMERCE no later than November 15, 2020.

COMMERCE will pay Contractor upon acceptance of services provided and receipt of properly completed invoices, which shall be submitted to the Representative for COMMERCE not more often than monthly.

The invoices shall describe and document, to COMMERCE's satisfaction, reimbursable expenditures as set forth under the Scope of Work (Attachment A) and Budget & Invoicing (Attachment B). The invoice shall include the Contract Number as stated on the Face Sheet.

Each voucher must be accompanied by an A-19 Certification (Attachment C) and A-19 Activity Report (Attachment D). The A-19 Certification must be certified by an authorized party of the Contractor to certify and attest all expenditures submitted on the voucher are in compliance with the United States Treasury Coronavirus Relief Fund ("Fund") Guidance for State, Territorial, Local, and Tribal Governments:

<https://home.treasury.gov/system/files/136/Coronavirus-Relief-Fund-Guidance-for-State-Territorial-Local-and-Tribal-Governments.pdf>

The A-19 Activity Report must be submitted which describes, in Excel spreadsheet and narrative form, a detailed breakdown of the expenditures within each applicable budget sub-category identified in the voucher, as well as a report of expenditures to date. COMMERCE will not release payment for any reimbursement request received unless and until the A-19 Certification and A-19 Activity Report is received. After approving the Invoice Voucher, A-19 Certification and Activity Report, COMMERCE shall promptly remit a warrant to the Contractor.

Payment shall be considered timely if made by COMMERCE within thirty (30) calendar days after receipt of properly completed invoices. Payment shall be sent to the address designated by the Contractor.

COMMERCE may, in its sole discretion, terminate the Contract or withhold payments claimed by the Contractor for services rendered if the Contractor fails to satisfactorily comply with any term or condition of this Contract.

No payments in advance or in anticipation of services or supplies to be provided under this Agreement shall be made by COMMERCE.

Duplication of Billed Costs

The Contractor shall not bill COMMERCE for services performed under this Agreement, and COMMERCE shall not pay the Contractor, if the Contractor is entitled to payment or has been or will be paid by any other source, including grants, for that service.

Disallowed Costs

The Contractor is responsible for any audit exceptions or disallowed costs incurred by its own organization or that of its subcontractors.

Should the Contractor be found to spent funds inconsistent with federal laws, rules, guidelines, or otherwise inappropriately, it is the responsibility of the Contractor to reimburse Commerce for any amount spent on disallowed costs.

8. AUDIT

Contractor shall maintain internal controls providing reasonable assurance it is managing federal awards in compliance with laws, regulations, and provisions of contracts or grant agreements that could have a material effect on each of its federal programs; and prepare appropriate financial statements, including a schedule of expenditures of federal awards.

If the Contractor is a subrecipient and expends \$750,000 or more in federal awards from any and/or all sources in any fiscal year, the Contractor shall procure and pay for a single audit or a program-specific audit for that fiscal year. Upon completion of each audit, the Contractor shall:

**SPECIAL TERMS AND CONDITIONS
INTERAGENCY AGREEMENT
FEDERAL FUNDS**

- A. Submit to COMMERCE the reporting package specified in OMB Super Circular 2 CFR 200.501, reports required by the program-specific audit guide (if applicable), and a copy of any management letters issued by the auditor.
- B. Submit to COMMERCE follow-up and developed corrective action plans for all audit findings.

If the Contractor is a subrecipient and expends less than \$750,000 in federal awards from any and/or all sources in any fiscal year, the Contractor shall notify COMMERCE they did not meet the single audit requirement.

The Contractor shall send all single audit documentation to auditreview@commerce.wa.gov.

9. DEBARMENT

- A. Contractor, defined as the primary participant and its principals, certifies by signing these General Terms and Conditions that to the best of its knowledge and belief that they:
 - i. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency.
 - ii. Have not within a three-year period preceding this Contract, been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public or private agreement or transaction, violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, receiving stolen property, making false claims, or obstruction of justice;
 - iii. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of federal Executive Order 12549; and
 - iv. Have not within a three-year period preceding the signing of this Contract had one or more public transactions (Federal, State, or local) terminated for cause of default.
- B. Where the Contractor is unable to certify to any of the statements in this Contract, the Contractor shall attach an explanation to this Contract.
- C. The Contractor agrees by signing this Contract that it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by COMMERCE.
- D. The Contractor further agrees by signing this Contract that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," as follows, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions:

LOWER TIER COVERED TRANSACTIONS

- i. The lower tier Contractor certifies, by signing this Contract that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
 - ii. Where the lower tier Contractor is unable to certify to any of the statements in this Contract, such contractor shall attach an explanation to this Contract.
- E. The terms **covered transaction, debarred, suspended, ineligible, lower tier covered transaction, person, primary covered transaction, principal, and voluntarily excluded**, as used in this section, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. You may contact COMMERCE for assistance in obtaining a copy of these regulations.

10. LAWS

The Contractor shall comply with all applicable laws, ordinances, codes, regulations, and policies of local, state, and federal governments, as now or hereafter amended, including, but not limited to:

**SPECIAL TERMS AND CONDITIONS
INTERAGENCY AGREEMENT
FEDERAL FUNDS**

United States Laws, Regulations and Circulars (Federal)

Contractor shall comply with Uniform Administrative Requirements, Cost Principles, and Audit Requirement for Federal Award, 2 CFR 200, Subpart F – Audit Requirements.

Contractor shall comply with the applicable requirements of 2 CFR Part 200, including any future amendments to 2 CFR Part 200, and any successor or replacement Office of Management and Budget (OMB) Circular or regulation.

Contractor shall comply with Omnibus Crime Control and Safe streets Act of 1968, Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, Title IX of the Education Amendments of 1972, The Age Discrimination Act of 1975, and The Department of Justice Non-Discrimination Regulations, 28 C.F.R. Part 42, Subparts C.D.E. and G, and 28 C.F.R. Part 35 and 39.

11. ORDER OF PRECEDENCE

In the event of an inconsistency in this Contract, the inconsistency shall be resolved by giving precedence in the following order:

- Applicable federal and state of Washington statutes and regulations
- Special Terms and Conditions
- General Terms and Conditions
- Attachment A – Scope of Work
- Attachment B – Budget & Invoicing
- Attachment C – A-19 Certification
- Attachment D – A-19 Activity Report

**GENERAL TERMS AND CONDITIONS
INTERAGENCY AGREEMENT
FEDERAL FUNDS**

1. DEFINITIONS

As used throughout this Contract, the following terms shall have the meaning set forth below:

- A. "Authorized Representative" shall mean the Director and/or the designee authorized in writing to act on the Director's behalf.
- B. "COMMERCE" shall mean the Department of Commerce.
- C. "Contract" or "Agreement" means the entire written agreement between COMMERCE and the Contractor, including any attachments, documents, or materials incorporated by reference. E-mail or facsimile transmission of a signed copy of this contract shall be the same as delivery of an original.
- D. "Contractor" shall mean the entity identified on the face sheet performing service(s) under this Contract, and shall include all employees and agents of the Contractor.
- E. "Personal Information" shall mean information identifiable to any person, including, but not limited to, information that relates to a person's name, health, finances, education, business, use or receipt of governmental services or other activities, addresses, telephone numbers, social security numbers, driver license numbers, other identifying numbers, and any financial identifiers.
- F. "State" shall mean the state of Washington.
- G. "Subcontractor" shall mean one not in the employment of the Contractor, who is performing all or part of those services under this Contract under a separate contract with the Contractor. The terms "subcontractor" and "subcontractors" mean subcontractor(s) in any tier.

2. ALL WRITINGS CONTAINED HEREIN

This Contract contains all the terms and conditions agreed upon by the parties. No other understandings, oral or otherwise, regarding the subject matter of this Contract shall be deemed to exist or to bind any of the parties hereto.

3. AMENDMENTS

This Contract 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.

4. ASSIGNMENT

Neither this Contract, work thereunder, nor any claim arising under this Contract, shall be transferred or assigned by the Contractor without prior written consent of COMMERCE.

5. CONFIDENTIALITY AND SAFEGUARDING OF INFORMATION

- A. "Confidential Information" as used in this section includes:
 - i. All material provided to the Contractor by COMMERCE that is designated as "confidential" by COMMERCE;
 - ii. All material produced by the Contractor that is designated as "confidential" by COMMERCE; and
 - iii. All personal information in the possession of the Contractor that may not be disclosed under state or federal law.
- B. The Contractor shall comply with all state and federal laws related to the use, sharing, transfer, sale, or disclosure of Confidential Information. The Contractor shall use Confidential Information solely for the purposes of this Contract and shall not use, share, transfer, sell or disclose any Confidential Information to any third party except with the prior written consent of COMMERCE or as may be required by law. The Contractor shall take all necessary steps to assure that Confidential Information is safeguarded to prevent unauthorized use, sharing, transfer, sale or disclosure of Confidential Information or violation of any state or federal laws related thereto. Upon request, the Contractor shall provide COMMERCE with its policies and procedures on confidentiality.

**GENERAL TERMS AND CONDITIONS
INTERAGENCY AGREEMENT
FEDERAL FUNDS**

COMMERCE may require changes to such policies and procedures as they apply to this Contract whenever COMMERCE reasonably determines that changes are necessary to prevent unauthorized disclosures. The Contractor shall make the changes within the time period specified by COMMERCE. Upon request, the Contractor shall immediately return to COMMERCE any Confidential Information that COMMERCE reasonably determines has not been adequately protected by the Contractor against unauthorized disclosure.

- C. Unauthorized Use or Disclosure. The Contractor shall notify COMMERCE within five (5) working days of any unauthorized use or disclosure of any confidential information, and shall take necessary steps to mitigate the harmful effects of such use or disclosure.

6. COPYRIGHT

Unless otherwise provided, all Materials produced under this Contract shall be considered "works for hire" as defined by the U.S. Copyright Act and shall be owned by COMMERCE. COMMERCE shall be considered the author of such Materials. In the event the Materials are not considered "works for hire" under the U.S. Copyright laws, the Contractor hereby irrevocably assigns all right, title, and interest in all Materials, including all intellectual property rights, moral rights, and rights of publicity to COMMERCE effective from the moment of creation of such Materials.

"Materials" means all items in any format and includes, but is not limited to, data, reports, documents, pamphlets, advertisements, books, magazines, surveys, studies, computer programs, films, tapes, and/or sound reproductions. "Ownership" includes the right to copyright, patent, register and the ability to transfer these rights.

For Materials that are delivered under the Contract, but that incorporate pre-existing materials not produced under the Contract, the Contractor hereby grants to COMMERCE a nonexclusive, royalty-free, irrevocable license (with rights to sublicense to others) in such Materials to translate, reproduce, distribute, prepare derivative works, publicly perform, and publicly display. The Contractor warrants and represents that the Contractor has all rights and permissions, including intellectual property rights, moral rights and rights of publicity, necessary to grant such a license to COMMERCE.

The Contractor shall exert all reasonable effort to advise COMMERCE, at the time of delivery of Materials furnished under this Contract, of all known or potential invasions of privacy contained therein and of any portion of such document which was not produced in the performance of this Contract. The Contractor shall provide COMMERCE with prompt written notice of each notice or claim of infringement received by the Contractor with respect to any Materials delivered under this Contract. COMMERCE shall have the right to modify or remove any restrictive markings placed upon the Materials by the Contractor.

7. DISPUTES

In the event that a dispute arises under this Agreement, it shall be determined by a Dispute Board in the following manner: Each party to this Agreement shall appoint one member to the Dispute Board. The members so appointed shall jointly appoint an additional member to the Dispute Board. The Dispute Board shall review the facts, Agreement terms and applicable statutes and rules and make a determination of the dispute. The Dispute Board shall thereafter decide the dispute with the majority prevailing. The determination of the Dispute Board shall be final and binding on the parties hereto. As an alternative to this process, either of the parties may request intervention by the Governor, as provided by RCW 43.17.330, in which event the Governor's process will control.

8. GOVERNING LAW AND VENUE

This Contract shall be construed and interpreted in accordance with the laws of the state of Washington, and any applicable federal laws, and the venue of any action brought hereunder shall be in the Superior Court for Thurston County.

**GENERAL TERMS AND CONDITIONS
INTERAGENCY AGREEMENT
FEDERAL FUNDS**

9. INDEMNIFICATION

Each party shall be solely responsible for the acts of its employees, officers, and agents.

10. LICENSING, ACCREDITATION AND REGISTRATION

The Contractor shall comply with all applicable local, state, and federal licensing, accreditation and registration requirements or standards necessary for the performance of this Contract.

11. RECAPTURE

In the event that the Contractor fails to perform this Contract in accordance with state laws, federal laws, and/or the provisions of this Contract, COMMERCE reserves the right to recapture funds in an amount to compensate COMMERCE for the noncompliance in addition to any other remedies available at law or in equity.

Repayment by the Contractor of funds under this recapture provision shall occur within the time period specified by COMMERCE. In the alternative, COMMERCE may recapture such funds from payments due under this Contract.

12. RECORDS MAINTENANCE

The Contractor shall maintain books, records, documents, data and other evidence relating to this contract and performance of the services described herein, including but not limited to accounting procedures and practices that sufficiently and properly reflect all direct and indirect costs of any nature expended in the performance of this contract.

The Contractor shall maintain records that identify, in its accounts, all federal awards received and expended and the federal programs under which they were received, by Catalog of Federal Domestic Assistance (CFDA) title and number, award number and year, name of the federal agency, and name of the pass-through entity.

The Contractor shall retain such records for a period of six (6) years following the date of final payment. At no additional cost, these records, including materials generated under the contract, shall be subject at all reasonable times to inspection, review or audit by COMMERCE, personnel duly authorized by COMMERCE, the Office of the State Auditor, and federal and state officials so authorized by law, regulation or agreement.

If any litigation, claim or audit is started before the expiration of the six (6) year period, the records shall be retained until all litigation, claims, or audit findings involving the records have been resolved.

13. SAVINGS

In the event funding from state, federal, or other sources is withdrawn, reduced, or limited in any way after the effective date of this Contract and prior to normal completion, COMMERCE may suspend or terminate the Contract under the "Termination for Convenience" clause, without the ten calendar day notice requirement. In lieu of termination, the Contract may be amended to reflect the new funding limitations and conditions.

14. SEVERABILITY

The provisions of this contract are intended to be severable. If any term or provision is illegal or invalid for any reason whatsoever, such illegality or invalidity shall not affect the validity of the remainder of the contract.

15. SUBCONTRACTING

The Contractor may only subcontract work contemplated under this Contract if it obtains the prior written approval of COMMERCE.

If COMMERCE approves subcontracting, the Contractor shall maintain written procedures related to subcontracting, as well as copies of all subcontracts and records related to subcontracts. For cause, COMMERCE in writing may: (a) require the Contractor to amend its subcontracting procedures as they

**GENERAL TERMS AND CONDITIONS
INTERAGENCY AGREEMENT
FEDERAL FUNDS**

relate to this Contract; (b) prohibit the Contractor from subcontracting with a particular person or entity; or (c) require the Contractor to rescind or amend a subcontract.

Every subcontract shall bind the Subcontractor to follow all applicable terms of this Contract. Contractor shall incorporate 2 CFR Part 200, Subpart F audit requirements into all subcontracts. The Contractor is responsible to COMMERCE if the Subcontractor fails to comply with any applicable term or condition of this Contract. The Contractor shall appropriately monitor the activities of the Subcontractor to assure fiscal conditions of this Contract. In no event shall the existence of a subcontract operate to release or reduce the liability of the Contractor to COMMERCE for any breach in the performance of the Contractor's duties.

Every subcontract shall include a term that COMMERCE and the State of Washington are not liable for claims or damages arising from a Subcontractor's performance of the subcontract.

16. SURVIVAL

The terms, conditions, and warranties contained in this Contract that by their sense and context are intended to survive the completion of the performance, cancellation or termination of this Contract shall so survive.

17. TERMINATION FOR CAUSE

In the event COMMERCE determines the Contractor has failed to comply with the conditions of this contract in a timely manner, COMMERCE has the right to suspend or terminate this contract. Before suspending or terminating the contract, COMMERCE shall notify the Contractor in writing of the need to take corrective action. If corrective action is not taken within 30 calendar days, the contract may be terminated or suspended.

In the event of termination or suspension, the Contractor shall be liable for damages as authorized by law including, but not limited to, any cost difference between the original contract and the replacement or cover contract and all administrative costs directly related to the replacement contract, e.g., cost of the competitive bidding, mailing, advertising and staff time.

COMMERCE reserves the right to suspend all or part of the contract, withhold further payments, or prohibit the Contractor from incurring additional obligations of funds during investigation of the alleged compliance breach and pending corrective action by the Contractor or a decision by COMMERCE to terminate the contract. A termination shall be deemed a "Termination for Convenience" if it is determined that the Contractor: (1) was not in default; or (2) failure to perform was outside of his or her control, fault or negligence.

The rights and remedies of COMMERCE provided in this contract are not exclusive and are in addition to any other rights and remedies provided by law.

18. TERMINATION FOR CONVENIENCE

Except as otherwise provided in this Contract, COMMERCE may, by ten (10) business days written notice, beginning on the second day after the mailing, terminate this Contract, in whole or in part. If this Contract is so terminated, COMMERCE shall be liable only for payment required under the terms of this Contract for services rendered or goods delivered prior to the effective date of termination.

19. TERMINATION PROCEDURES

Upon termination of this contract, COMMERCE, in addition to any other rights provided in this contract, may require the Contractor to deliver to COMMERCE any property specifically produced or acquired for the performance of such part of this contract as has been terminated. The provisions of the "Treatment of Assets" clause shall apply in such property transfer.

COMMERCE shall pay to the Contractor the agreed upon price, if separately stated, for completed work and services accepted by COMMERCE, and the amount agreed upon by the Contractor and COMMERCE for (i) completed work and services for which no separate price is stated, (ii) partially completed work and services, (iii) other property or services that are accepted by COMMERCE, and (iv) the protection and preservation of property, unless the termination is for default, in which case the Authorized Representative shall determine the extent of the liability of COMMERCE. Failure to agree

**GENERAL TERMS AND CONDITIONS
INTERAGENCY AGREEMENT
FEDERAL FUNDS**

with such determination shall be a dispute within the meaning of the "Disputes" clause of this contract. COMMERCE may withhold from any amounts due the Contractor such sum as the Authorized Representative determines to be necessary to protect COMMERCE against potential loss or liability.

The rights and remedies of COMMERCE provided in this section shall not be exclusive and are in addition to any other rights and remedies provided by law or under this contract.

After receipt of a notice of termination, and except as otherwise directed by the Authorized Representative, the Contractor shall:

- A. Stop work under the contract on the date, and to the extent specified, in the notice;
- B. Place no further orders or subcontracts for materials, services, or facilities except as may be necessary for completion of such portion of the work under the contract that is not terminated;
- C. Assign to COMMERCE, in the manner, at the times, and to the extent directed by the Authorized Representative, all of the rights, title, and interest of the Contractor under the orders and subcontracts so terminated, in which case COMMERCE has the right, at its discretion, to settle or pay any or all claims arising out of the termination of such orders and subcontracts;
- D. Settle all outstanding liabilities and all claims arising out of such termination of orders and subcontracts, with the approval or ratification of the Authorized Representative to the extent the Authorized Representative may require, which approval or ratification shall be final for all the purposes of this clause;
- E. Transfer title to COMMERCE and deliver in the manner, at the times, and to the extent directed by the Authorized Representative any property which, if the contract had been completed, would have been required to be furnished to COMMERCE;
- F. Complete performance of such part of the work as shall not have been terminated by the Authorized Representative; and
- G. Take such action as may be necessary, or as the Authorized Representative may direct, for the protection and preservation of the property related to this contract, which is in the possession of the Contractor and in which the Authorized Representative has or may acquire an interest.

20. WAIVER

Waiver of any default or breach shall not be deemed to be a waiver of any subsequent default or breach. Any waiver shall not be construed to be a modification of the terms of this Contract unless stated to be such in writing and signed by Authorized Representative of COMMERCE.

Scope of Work

This funding is made available under section 601(a) of the Social Security Act, as added by section 5001 of the Coronavirus Aid, Relief, and Economic Security Act ("CARES Act") and Section V and VI of the CARES Act, for costs incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19). Under the CARES Act, the Coronavirus Relief Fund may be used to cover costs that:

1. **Are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19); AND**
2. **Are not accounted for in the budget most recently approved as of March 27, 2020 (the date of enactment of the CARES Act) for the State or government.**

These funds may be used to reimburse for expenditures incurred during the period of March 1, 2020 thru Oct. 31, 2020. Please note: In order to ensure all funds have been fully utilized prior to the US Treasury's December 30, 2020 end date, the State of Washington must closeout contracts by October 31, 2020. All final requests for reimbursement must be received no later than November 15, 2020.

Expenditures must be used for necessary actions taken to respond to the public health emergency. These may include expenditures incurred to allow the local government to respond directly to the emergency, such as by addressing medical or public health needs, as well as expenditures incurred to respond to second-order effects of the emergency, such as by providing economic support to those suffering from employment or business interruptions due to COVID-19-related business closures.

Funds may not be used to fill shortfalls in government revenue to cover expenditures that would not otherwise qualify under the statute. Although a broad range of uses is allowed, revenue replacement is not a permissible use of Fund payments.

Payments may be used only to cover costs not accounted for in the budget most recently approved as of March 27, 2020. A cost meets this requirement if either:

1. The cost cannot lawfully be funded using a line item, allotment, or allocation within that budget; OR
2. The cost is for a substantially different use from any expected use of funds in such a line item, allotment, or allocation.

The "most recently approved" budget is the enacted budget for the relevant fiscal period for the particular government. A cost is not considered to have been accounted for in a budget merely because it could be met using a budgetary stabilization fund, rainy day fund, or similar reserve account.

Allowable expenditures include, but are not limited to:

1. Medical expenses such as:
 - a. COVID-19-related expenses of public hospitals, clinics, and similar facilities.
 - b. Expenses of establishing temporary public medical facilities and other measures to increase COVID-19 treatment capacity, including related construction costs.
 - c. Costs of providing COVID-19 testing, including serological testing.
 - d. Emergency medical response expenses, including emergency medical transportation, related to COVID-19.
 - e. Expenses for establishing and operating public telemedicine capabilities for COVID-19-related treatment.
2. Public health expenses such as:

- a. Expenses for communication and enforcement by State, territorial, local, and Tribal governments of public health orders related to COVID-19.
 - b. Expenses for acquisition and distribution of medical and protective supplies, including sanitizing products and personal protective equipment, for medical personnel, police officers, social workers, child protection services, and child welfare officers, direct service providers for older adults and individuals with disabilities in community settings, and other public health or safety workers in connection with the COVID-19 public health emergency.
 - c. Expenses for disinfection of public areas and other facilities, e.g., nursing homes, in response to the COVID-19 public health emergency.
 - d. Expenses for technical assistance to local authorities or other entities on mitigation of COVID-19-related threats to public health and safety.
 - e. Expenses for public safety measures undertaken in response to COVID-19.
 - f. Expenses for quarantining individuals.
3. Payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency.
 4. Expenses of actions to facilitate compliance with COVID-19-related public health measures, such as:
 - a. Expenses for food delivery to residents, including, for example, senior citizens and other vulnerable populations, to enable compliance with COVID-19 public health precautions.
 - b. Expenses to facilitate distance learning, including technological improvements, in connection with school closings to enable compliance with COVID-19 precautions.
 - c. Expenses to improve telework capabilities for public employees to enable compliance with COVID-19 public health precautions.
 - d. Expenses of providing paid sick and paid family and medical leave to public employees to enable compliance with COVID-19 public health precautions.
 - e. COVID-19-related expenses of maintaining state prisons and county jails, including as relates to sanitation and improvement of social distancing measures, to enable compliance with COVID-19 public health precautions.
 - f. Expenses for care for homeless populations provided to mitigate COVID-19 effects and enable compliance with COVID-19 public health precautions.
 5. Expenses associated with the provision of economic support in connection with the COVID-19 public health emergency, such as:
 - a. Expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures.
 - b. Expenditures related to a State, territorial, local, or Tribal government payroll support program.
 - c. Unemployment insurance costs related to the COVID-19 public health emergency if such costs will not be reimbursed by the federal government pursuant to the CARES Act or otherwise.
 6. Any other COVID-19-related expenses reasonably necessary to the function of government that satisfy the Fund's eligibility criteria.

Budget & Invoicing

The Contractor shall determine the appropriate budget and use of funds within the following 6 budget categories and their sub-categories:

1. Medical
2. Public Health
3. Payroll
4. Actions to Comply with Public Health Measures
5. Economic Support
6. Other Covid-19 Expenses

The Contractor shall submit invoice reimbursement requests to the Commerce Representative using the Commerce Contract Management System's (CMS) Online A-19 Portal. Each reimbursement request must include:

1. A-19 Certification form – An authorized party of the local government will certify each invoice (A19) submitted for reimbursement and attest that all incurred expenditures meet the US Treasury Department's guidance: <https://home.treasury.gov/system/files/136/Coronavirus-Relief-Fund-Guidance-for-State-Territorial-Local-and-Tribal-Governments.pdf>
2. A-19 Activity Report
3. A detailed breakdown of the expenditures incurred within each applicable budget sub-category on the A-19 Activity Report.

The A-19 Certification and Activity Report templates will be provided with the executed contract. The documents are included in Attachment C and Attachment D for reference.

Receipts and proof of payment for costs incurred do not need to be submitted with A-19s. All contractors are required to maintain accounting records in accordance with state and federal laws. Records must be sufficient to demonstrate the funds have been used in accordance with section 601(d) of the Social Security Act. Commerce reserves the right to audit any costs submitted for reimbursement. The Contractor shall comply with Commerce A-19 audits and provide the appropriate records upon request.



LOCAL GOVERNMENT CORONAVIRUS RELIEF FUNDS CERTIFICATION

I, **<FIRST, LAST NAME>**, am the **<TITLE>** of **<LOCAL GOVERNMENT>**, and I certify that:

1. I have the authority and approval from the governing body on behalf of the Local Government to request reimbursement from the Department of Commerce (Commerce) per contract number **<COMMERCE CONTRACT NUMBER>** from the allocation of the Coronavirus Relief Fund as created in section 5001 of H.R.748, the Coronavirus Aid, Relief, and Economic Security Act ("CARES Act") for eligible expenditures included on the corresponding A-19 invoice voucher for report period **<REPORT PERIOD FROM A-19>**.
2. I understand that as additional federal guidance becomes available, a contract amendment to the agreement between Commerce and the Local Government may become necessary.
3. I understand Commerce will rely on this certification as a material representation in processing this reimbursement.
4. I certify the use of funds submitted for reimbursement from the Coronavirus Relief Funds under this contract were used only to cover those costs that:
 - a. Are *necessary expenditures* incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19);
 - b. ~~Were~~ not accounted for in the budget most recently approved as of March 27, 2020; and
 - c. Were incurred during the period that begins on March 1, 2020, and ends on October 31, 2020.
5. I understand the use of funds pursuant to this certification must adhere to official federal guidance issued or to be issued on what constitutes a necessary expenditure. We have reviewed the guidance established by U.S. Department of the Treasury¹ and certify costs meet the required guidance. Any funds expended by the Local Government or its subcontractor(s) in any manner that does not adhere to official federal guidance shall be returned to the State of Washington.

Footnote

¹ Guidance available at <https://www.treasury.gov/press-releases/Pages/2020/03/20200327> (Federal Coronavirus Relief Fund Guidance for State, Local, and Tribal Governments) (4/30/20)

LOCAL GOVERNMENT CORONAVIRUS RELIEF FUNDS CERTIFICATION

Page 2 of 2

- 6. I understand the Local Government receiving funds pursuant to this certification shall retain documentation of all uses of the funds, including but not limited to invoices and/or sales receipts in a manner consistent with §200.333 *Retention requirements for records of 2 CFR Part 200 Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance). Such documentation shall be produced to Commerce upon request and may be subject to audit by the State Auditor.
- 7. I understand any funds provided pursuant to this certification cannot be used as a revenue replacement for lower than expected tax or other revenue collections.
- 8. I understand funds received pursuant to this certification cannot be used for expenditures for which the Local Government has received any other emergency COVID-19 supplemental funding (whether state, federal or private in nature) for that same expense.

I certify that I have read the above certification and my statements contained herein are true and correct to the best of my knowledge.

Printed Name

Title

Signature

Date:

CRF A-19 Activity Report
INSTRUCTIONS

INSTRUCTIONS:

A completed CRF A-19 Certification and Activity Report must be submitted with each A-19 reimbursement request. The A-19 Activity Report must be submitted as an Excel spreadsheet, not a PDF. You must also include a detailed breakdown of the individual expenditures reported in Column F for each applicable sub-category included on the A-19 Activity Report.

There are 6 primary budget categories,

1. Medical Expenses
2. Public Health Expenses
3. Payroll expenses for public employees dedicated to COVID-19
4. Expenses to facilitate compliance with COVID-19-measures
5. Economic Supports
6. Other COVID-19 Expenses

Each primary budget category includes sub-categories and provides an option to add "other" sub-categories not listed.

Follow the below instructions when completing the A-19 Activity Report.

- 1 **REPORT PERIOD** - Enter the report period into Cell D1 of the A-19 Activity Report.
 - a This should match the report period entered on the corresponding A-19.
 - b Report period should include MM/YY to MM/YYYY, i.e. 03/20, March 2020, 03/2020, etc.
- 2 **COLUMN E** - Enter the total amount of all previous reimbursement requests submitted to Commerce for each applicable sub-category.
- 3 **COLUMN F** - Enter the total amount being requested in the current reimbursement request for each applicable sub-category.
- 4 **COLUMN H: USE OF FUNDS** - You must include a general description of the use of the funds being requested for each applicable sub-category. Keep descriptions as concise as possible, but include adequate context to demonstrate how these funds helped address the COVID-19 emergency. If applicable, please consider:
 - a Providing a brief description of the specific activities performed
 - b Identifying specific populations served
 - c Identifying specific programs created or utilized.
 - d Including any known or intended outcomes, results, or community impacts
- 5 **OTHER SUB-CATEGORIES** - Budget categories 1-5 include a placeholder to add an additional sub-category if necessary.
 - a Enter a **Title** for other expenses added within the appropriate budget category.
 - b Enter titles into Cells D10, D19, D27, D36, and D41.
 - c There is only one "other" placeholder in each budget category section. Please combine multiple "other" sub-categories added to the same budget category.
- 6 **OTHER BUDGET CATEGORIES** - Budget category 6 is where you should include any eligible expenditures that don't fall under budget categories 1-5.
 - a Enter a **Title** for these "other" expenses within budget category 6.
 - b Enter titles into Cells D44 - D48.
 - c There are only 5 entry fields available within Budget Category 6.

Coronavirus Relief Fund
A-19 Activity Report

Report Period:

Eligible Expenditures	Previously Reported Expenditures	Current Expenditures this Invoice	Total Cumulative Expenditures	Brief Description of Use of Funds
1 Medical Expenses				
A. Public hospitals, clinics, and similar facilities	\$ -	\$ -	\$ -	
B. Temporary public medical facilities & increased capacity	\$ -	\$ -	\$ -	
C. COVID-19 testing, including serological testing	\$ -	\$ -	\$ -	
D. Emergency medical response expenses	\$ -	\$ -	\$ -	
E. Telemedicine capabilities	\$ -	\$ -	\$ -	
F. Other	\$ -	\$ -	\$ -	
Sub-Total:	\$ -	\$ -	\$ -	
2 Public Health Expenses				
A. Communication and enforcement of public health measures	\$ -	\$ -	\$ -	
B. Medical and protective supplies, including sanitation and PPE	\$ -	\$ -	\$ -	
C. Disinfecting public areas and other facilities	\$ -	\$ -	\$ -	
D. Technical assistance on COVID-19 threat mitigation	\$ -	\$ -	\$ -	
E. Public safety measures undertaken	\$ -	\$ -	\$ -	
F. Quarantining individuals	\$ -	\$ -	\$ -	
G. Other	\$ -	\$ -	\$ -	
Sub-Total:	\$ -	\$ -	\$ -	
3 Payroll expenses for public employees dedicated to COVID-19				
A. Public Safety	\$ -	\$ -	\$ -	
B. Public Health	\$ -	\$ -	\$ -	
C. Health Care	\$ -	\$ -	\$ -	
D. Human Services	\$ -	\$ -	\$ -	
E. Economic Development	\$ -	\$ -	\$ -	
F. Other	\$ -	\$ -	\$ -	
Sub-Total:	\$ -	\$ -	\$ -	
4 Expenses to facilitate compliance with COVID-19-measures				
A. Food access and delivery to residents	\$ -	\$ -	\$ -	
B. Distance learning for school closings	\$ -	\$ -	\$ -	
C. Telework capabilities of public employees	\$ -	\$ -	\$ -	
D. Paid sick and paid family and medical leave to public employees	\$ -	\$ -	\$ -	
E. COVID-19-related expenses in county jails	\$ -	\$ -	\$ -	
F. Care and mitigation services for homeless populations	\$ -	\$ -	\$ -	
G. Other	\$ -	\$ -	\$ -	
Sub-Total:	\$ -	\$ -	\$ -	
5 Economic Supports				
A. Small Business Grants for business interruptions	\$ -	\$ -	\$ -	
B. Payroll Support Programs	\$ -	\$ -	\$ -	
C. Other	\$ -	\$ -	\$ -	
Sub-Total:	\$ -	\$ -	\$ -	
6 Other COVID-19 Expenses				
A. Other	\$ -	\$ -	\$ -	
B. Other	\$ -	\$ -	\$ -	
C. Other	\$ -	\$ -	\$ -	
D. Other	\$ -	\$ -	\$ -	
E. Other	\$ -	\$ -	\$ -	
Sub-Total:	\$ -	\$ -	\$ -	
TOTAL:	\$ -	\$ -	\$ -	

PROFESSIONAL SERVICES AGREEMENT

This Agreement ("Agreement") is dated effective this _____ day of August, 2020. The parties ("Parties") to this Agreement are the City of Buckley, a Washington municipal corporation ("City"), and Plateau Outreach Ministries ("POM") ("Contractor").

A. The City seeks the temporary professional services of a skilled independent contractor capable of working without direct supervision in the capacity of a Human Services Service Provider who is experienced in engaging our community through assistance to City of Buckley residents, particularly vulnerable populations and families, which we do through several programs and is familiar with the City's municipal code, resolutions, regulations and policies.

B. The Contractor has the requisite skill and experience necessary to provide such services.

C. The City desires to have certain services performed by the Contractor as described in this Agreement,

NOW THEREFORE, in consideration of payments, covenants, and agreements hereinafter mentioned, to be made and performed by the parties hereto, the parties mutually agree as follows:

I. Scope of Work

The Contractor agrees to furnish all personnel and materials and to do all things necessary or incidental in order to perform the following duties ("Services"):

POM will provide outreach assistance and application screening to the City of Buckley on a pass-through basis to include but not limited to determining eligibility for, and arranging recommendations for payment to qualified applicants for the City Residential Utility Assistance programs authorized by City of Buckley Council, Resolution 20-19.

II. Term and Termination

A. This Agreement shall commence upon mutual execution and shall terminate on October 31, 2020, unless extended or terminated earlier, pursuant to the terms and conditions of the Agreement.

B. This Agreement may be terminated by the City or the Contractor without cause, in whole or in part, at any time during the term specified in Subsection I.A. above, by providing the other party 30 days' advance written notice of the termination. The Agreement may be suspended by the City without cause, in whole or in part, at any time during the term specified in Subsection I.A. above, by providing the Contractor 30 days' advance written notice of the suspension.

C. The City may terminate or suspend this Agreement, in whole or in part, upon seven days' advance written notice in the event: (1) the Contractor materially breaches any duty, obligation, or service required pursuant to this Agreement, or (2) the duties, obligations, or services required herein become impossible, illegal, or not feasible. If

the Agreement is terminated by the City pursuant to this Subsection I.C. (1), the Contractor shall be liable for damages, including any additional costs of procurement of similar services from another source.

- D. If the termination results from acts or omissions of the Contractor, including but not limited to misappropriation, nonperformance of required services, or fiscal mismanagement, the Contractor shall return to the City immediately any funds, misappropriated or unexpended, which have been paid to the Contractor by the City.
- E. If City or other expected or actual funds is withdrawn, reduced, or limited in any way prior to the termination date set forth above in Subsection II.A., the City may, upon written notification to the Contractor, terminate or suspend this Agreement in whole or in part.
- F. If the Agreement is terminated or suspended as provided in this Section: (1) the City will be liable only for payment in accordance with the terms of this Agreement for services rendered prior to the effective date of termination or suspension; and (2) the Contractor shall be released from any obligation to provide such further services pursuant to the Agreement as are affected by the termination or suspension.
- G. Nothing herein shall limit, waive, or extinguish any right or remedy provided by this Agreement or law that either party may have in the event that the obligations, terms, and conditions set forth in this Agreement are breached by the other party.

III. Compensation, Method of Payment & Advances

- A. The City shall reimburse the Contractor for satisfactory completion of the services and requirements specified in this Agreement. Compensation for Services shall be based on a one-time, flat rate of \$2,000 which includes taxes, fees, and reimbursable expenses for all services provided.
- B. The Contractor shall submit one invoice and all distribution documentation as specified in this Agreement and its attached exhibit(s) or other documents expressed referenced herein. If the Contractor's final invoice and reports are not submitted as specified in this Agreement and its attached exhibit(s), the City will be relieved of all liability for payment to the Contractor of the amounts set forth in said invoice or any subsequent invoice.
- C. The City is not able to advance any funds or payments necessary for the performance of the services under this Agreement.

IV. Maintenance of Records/Evaluations and Inspections

- A. The Contractor shall maintain accounts and records, including all programmatic records and other such records as may be deemed necessary by the City to ensure proper distribution of assistance and funds in compliance with this Agreement.
- B. The City will give advance notice to the Contractor in the case of any audits to be conducted by the City. The Contractor shall comply with all record keeping requirements set forth in any federal rules, regulations or statutes included or referenced in the Agreement documents. The Contractor shall inform the City in writing of the location, if different from the Contractor address listed on page one of this Contract, of the aforesaid books, records, documents, and other evidence and shall notify the City in writing of any changes in location within 10 working days of any such relocation.

- C. A copy of all decisions and fund distribution records listed in A and B above shall be provided to the City upon completion of this Contract. The records and documents with respect to all matters covered by this Agreement shall be subject at all time to inspection, review, or audit by the City and/or federal/state officials so authorized by law during the performance of this Agreement.
- D. The Contractor agrees that all information, records, and data collected in connection with this Agreement shall be protected from unauthorized disclosure in accordance with applicable state and federal law.
- E. Identification of funding in all communications with members of the public and recipients of services provided under this Agreement, the Contractor shall identify the services as funded by the City. Additionally, Contractor shall provide any additional information the City may require regarding the City program or policy under which the services are provided.

V. Corrective Action

If the City determines that a breach of Agreement has occurred, that is, the Contractor has failed to comply with any terms or conditions of this Agreement or the Contractor has failed to provide in any manner the work or services agreed to herein, and if the City deems said breach to warrant corrective action, the following sequential procedure will apply:

- A. The City will notify the Contractor in writing of the nature of the breach;

The Contractor shall respond in writing within ten working days of its receipt of such notification, which response shall indicate the steps being taken to correct the specified deficiencies. The corrective action plan shall specify the proposed completion date for bringing the Agreement into compliance, which date shall not be more 30 days from the date of the Contractor's response, unless the City, at its sole discretion, specifies in writing an extension in the number of days to complete the corrective actions;

- B. The City will notify the Contractor in writing of the City's determination as to the sufficiency of the Contractor's corrective action plan. The determination of sufficiency of the Contractor's corrective action plan shall be at the sole discretion of the City;
- C. In the event that the Contractor does not respond within the appropriate time with a corrective action plan, or the Contractor's corrective action plan is determined by the City to be insufficient, the City may commence termination or suspension of this Agreement in whole or in part pursuant to Section II.C.;
- D. In addition, the City may withhold any payment owed the Contractor or prohibit the Contractor from incurring additional obligations of funds until the City is satisfied that corrective action has been taken or completed; and
- E. Nothing herein shall be deemed to affect or waive any rights the parties may have pursuant to Section I., Subsections B, C, D, and E.

VI. Remedial Action

If the City or any auditor shall determine through program review, Agreement monitoring, or audit that the City has overpaid the Contractor, or has paid the Contractor for services not properly rendered, or has reimbursed the Contractor for costs or services not allowed under

the terms of this Agreement, the Contractor shall reimburse the City all disallowed amounts within thirty (30) days of invoice. The City Administrator, in his or her sole discretion, reserves the right to withhold any payments due to the Contractor under any This Agreement in order to offset any amount not timely repaid after invoice, or to make alternative arrangements for repayment by the Contractor. Additionally, following any adverse audit finding, the Contractor shall undertake any corrective action that the Administrator or any funding source may reasonably require. The City's remedies in this section are cumulative and shall not be construed to amend, limit, or waive any of the City's remedies at law or equity

VIII. Dispute Resolution

The parties shall use their best, good-faith efforts to cooperatively resolve disputes and problems that arise in connection with this Contract. Both parties will make a good faith effort to continue without delay to carry out their respective responsibilities under this Agreement while attempting to resolve the dispute under this section.

IX. INDEMNIFICATION.

Contractor shall defend, indemnify and hold the City, its officers, officials, employees and volunteers harmless from any and all claims, injuries, damages, losses or suits including attorney fees, arising out of or resulting from the acts, errors or omissions of the Contractor in performance of this Agreement, except for injuries and damages caused by the sole negligence of the City.

However, should a court of competent jurisdiction determine that this Agreement is subject to RCW 4.24.115, then, in the event of liability for damages arising out of bodily injury to persons or damages to property caused by or resulting from the concurrent negligence of the Contractor and the City, its officers, officials, employees, and volunteers, the Contractor's liability, including the duty and cost to defend, hereunder shall be only to the extent of the Contractor's negligence. It is further specifically and expressly understood that the indemnification provided herein constitutes the Contractor's waiver of immunity under Industrial Insurance, Title 51 RCW, solely for the purposes of this indemnification. This waiver has been mutually negotiated by the parties. The provisions of this section shall survive the expiration or termination of this Agreement.

X. INSURANCE.

A. Insurance Term

The Contractor shall procure and maintain for the duration of the Agreement, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work hereunder by the Contractor, its agents, representatives, or employees.

B. No Limitation

The Contractor's maintenance of insurance as required by the Agreement shall not be construed to limit the liability of the Contractor to the coverage provided by such insurance, or otherwise limit the City's recourse to any remedy available at law or in equity.

C. Minimum Scope of Insurance

The Contractor shall obtain insurance of the types and coverage described below:

- a. Commercial General Liability insurance shall be at least as broad as ISO occurrence form CG 00 01 and shall cover liability arising from premises, operations, stop-gap independent contractors and personal injury and advertising injury. The City shall be named as an additional insured under the Contractor's Commercial General Liability insurance policy with respect to the work performed for the City using an additional insured endorsement at least as broad as ISO endorsement form CG 20 26.
- b. Workers' Compensation coverage as required by the Industrial Insurance laws of the State of Washington.
- c. Professional Liability insurance appropriate to the Contractor's profession.
- D. Minimum Amounts of Insurance

The Contractor shall maintain the following insurance limits:

- a. Commercial General Liability insurance shall be written with limits no less than \$1,000,000 each occurrence, \$2,000,000 general aggregate.
- b. Professional Liability insurance shall be written with limits no less than \$1,000,000 per claim and \$2,000,000 policy aggregate limit.

XI. Assignment/Subcontracting

- A. The Contractor shall not assign or sub-Agreement any portion of this Agreement or transfer or assign any claim arising pursuant to this Agreement without the written consent of the City. Said consent must be sought in writing by the Contractor not less than 15 days prior to the date of any proposed assignment.

XII. Nondiscrimination

- A. The Contractor shall comply with all applicable federal, state and local laws regarding discrimination, including those set forth in this Section.
- B. The Contractor shall comply with the following non-discrimination and equal opportunity provisions mandated by federal and state laws and City ordinance.
 1. Assurance of Compliance with Title VI of the Civil Rights Act of 1964 & Section 504 of the Rehabilitation Act of 1973. The Contractor will comply with Title VI of the Civil Rights Act of 1964, as amended, 42 USC 2000d et. seq., which prohibits discrimination on the basis of race, color or national origin in programs and activities receiving federal financial assistance and Section 504 of the Rehabilitation Act of 1973, as amended, 29 USC 794, which prohibits discrimination on the basis of handicap in programs and activities receiving federal financial assistance. The Contractor agrees that compliance with this subsection constitutes a condition of continued receipt of federal financial assistance and that it is binding upon the applicant, its successors, transferees and assignees for the period during which such assistance is provided. The Contractor further assures that all contractors, subcontractors, subgrantees or others with whom it arranges to provide services or benefits in connection with programs or activities are not discriminating in violation of the above statutes, regulations, guidelines and standards. In the event of failure

to comply, the Contractor understands that this and any This Agreement can be terminated, and the Contractor denied the right to receive further assistance.

2. Americans with Disabilities Act: The Contractor shall comply with all applicable provisions of the Americans with Disabilities Act of 1990 (ADA) in performing its obligations under this or this Agreement. Failure to comply with the provisions of the ADA shall be a material breach of and grounds for the immediate termination of this and this Agreement.
- C. During performance of the Contract, the Contractor agrees that it will not discriminate against any employee or applicant for employment because of the employee or applicant's sex, race, color, marital status, national origin, religious affiliation, disability, sexual orientation, gender identity or expression or age except by minimum age and retirement provisions, unless based upon a bona fide occupational qualification. The Contractor will make equal employment opportunity efforts to ensure that applicants and employees are treated equitably, without regard to their sex, race, color, marital status, national origin, religious affiliation, disability, sexual orientation, gender identity or expression or age.
 - D. Non-Discrimination in Client Services: The Contractor shall not deny an otherwise qualified individual any services or other benefits provided under the This Agreement on the grounds of race, color, sex, religion, national origin, creed, marital status, age, sexual orientation, political ideology, ancestry, or the presence of any sensory, mental or physical handicap. The Contractor shall not discriminate on any of the foregoing grounds in the awarding of any contract, in the provision of services, or in other activities made possible by the Project This prohibition also applies to discriminatory use of any criteria or methods of administration in determining: (i) the types of services or other benefits to be provided to an individual; or (ii) the class of individuals to whom, or the situation in which, such services or other benefits will be provided; or (iii) the class of individuals to be afforded an opportunity to participate--any of which may have an effect of subjecting individuals to discrimination on the prohibited grounds or may have the effect of defeating or substantially impairing their opportunities.

XIII. Contractual Relationship

- A. The relationship of the Contractor to the City by reason of this Agreement shall be that of an independent contractor, and the Contractor agrees that no employee of the Contractor shall be deemed or claimed to be an employee of the City for any purpose. This Agreement does not authorize the Contractor to act as the agent or legal representative of the City for any purpose whatsoever. The Contractor is not granted any express or implied right or authority to assume or create any obligation or responsibility on behalf of or in the name of the City or to bind the City in any manner or thing whatsoever
- B. The Contractor shall be solely responsible for the quality and suitability of services provided under the This Agreement. The City shall determine whether services provided by the Contractor under this Agreement are satisfactory to the City. If during the course of the Agreement, the City determines services being provided by the Contractor are not satisfactory, the Contractor shall take such corrective action as the City may require. Failure to promptly take such action shall constitute a material breach of the This Agreement and may be cause for termination, in the City discretion.

XIV. Prohibited Interlinkings

No person shall, as a condition to receiving services from the Contractor funded by the City through the Agreement, be required to do any of the following: (1) pay any fees other than those contemplated and included by specific reference in this Agreement; (2) secure a membership in the Contractor or an affiliated organization; (3) be solicited to attend a religious service or subjected to religious instruction; nor (4) be subjected to discrimination in receipt of Contractor's services under this Agreement on account of a failure to make extra payments or to participate in such Contractor activities.

XV. Future Support

The City makes no commitment to support the services contracted for herein and assumes no obligation for future support of the activity contracted herein except as expressly set forth in this Agreement.

XVI. Entire Contract/Waiver of Default

The parties agree that this Agreement is the complete expression of the terms hereto and any oral or written representations or understandings not incorporated herein are excluded. Both parties recognize that time is of the essence in the performance of the provisions of this Contract. Waiver of any default shall not be deemed to be a waiver of any subsequent default. Waiver or breach of any provision of the Agreement shall not be deemed to be a waiver of any other or subsequent breach and shall not be construed to be a modification of the terms of the Agreement unless stated to be such through written approval by the City, which shall be attached to the original Contract.

XVII. Agreement Amendments

Either party may request changes to this Agreement. Proposed changes which are mutually agreed upon shall be incorporated by written amendments to this Agreement.

XVIII. Notices

Whenever this Agreement provides for notice to be provided by one party to another, such notice shall be in writing and directed to the Executive Director of the Contractor and the project representative of the City department specified on page one of this Agreement. Any time within which a party must take some action shall be computed from the date that the notice is received by said party.

XIX. Services Provided in Accordance With Applicable Grant

The services provided herein are in furtherance of a grant from the State of Washington, to wit: the Coronavirus Relief fund for Local Governments (Washington St. Dept. of Commerce Agreement # 20-125) (the "Grant Agreement") as administered by the City of Buckley. In furtherance of that grant, the Contractor further agrees:

- A. To abide by the laws of the state of Washington, rules and regulations promulgated thereunder, the regulations of the state and federal governments specifically including those set forth in the Grant Agreement, and the requirements of the Grant Agreement

applicable to the Services which control disposition of funds granted under this Agreement,

- B. The Washington State Department of Commerce and the State of Washington are not liable for claims or damages arising from the Contractor's performance herein.
- C. The Contractor has received a copy of the Grant Agreement.
- D. To abide by the funding criterion set forth in City of Buckley Resolution 20-19 a copy of which is acknowledged as received.
- E. In the event of an inconsistency in this Agreement, the inconsistency shall be resolved by giving precedence in the following order:
 - 1. Applicable federal and state of Washington statutes and regulations
 - 2. The Grant Agreement
 - 3. City of Buckley Resolution 20-19
 - 4. This Agreement.

XX. Applicable Law

This Agreement shall be construed and interpreted in accordance with the laws of the State of Washington. The venue for any action hereunder shall be in the Superior Court for Pierce County, Washington.

XXI. No Third Party Beneficiaries

Except for the parties to whom this Agreement is assigned in compliance with the terms of this Agreement, there are no third party beneficiaries to this Agreement, and this Agreement shall not impart any rights enforceable by any person or entity that is not a party hereto.

PLATEAU MINISTRIES OUTREACH,

CITY OF BUCKLEY

By: _____
Signature: Elisha Smith-Marshall
Title: Executive Director

By: _____
Signature: Patricia Johnson
Title: Mayor, City of Buckley

Address – 1806 Cole Street, Enumclaw, WA 98022
<https://www.plateauoutreach.org/>

Address: PO Box 1960, Buckley, WA 98321
Date: _____

Approved as to form:

Phil Olbrechts, City Attorney

CITY OF BUCKLEY, WASHINGTON

RESOLUTION NO. ____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUCKLEY APPROVING AN INTERAGENCY AGREEMENT FOR CORONAVIRUS RELIEF FUND FOR LOCAL GOVERNMENTS AND SETTING FORTH GUIDELINES FOR THE DISTRIBUTION OF CORONAVIRUS RELIEF FUNDS TO THE BUCKLEY COMMUNITY

WHEREAS, COVID-19 is a contagious and potentially deadly virus that has been declared a pandemic event by the World Health Organization; and

WHEREAS, on March 16th, 2020, the City of Buckley declared a state of emergency related to COVID-19; and

WHEREAS, actions taken to mitigate the spread of COVID-19 have resulted in widespread social and economic disruption throughout the City of Buckley; and

WHEREAS, the City of Buckley will receive, on a reimbursement basis from the State Department of Commerce, the sum of \$146,550.00 from the Coronavirus Aid, Relief, and Economic Security Act (CARES Act); and

WHEREAS, the CARES Act and the State guidelines which provide for the distribution of the funds provide that payments may only be used to cover costs that: (1) are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019; (2) were not accounted for in the budget most recently approved as of March 27, 2020 (the date of enactment of the CARES Act) for the State or government; and (3) were incurred during the period that began on March 1, 2020, and ends on October 31, 2020; and

WHEREAS, the U.S. Department of the Treasury has specifically advised that recipients such as the City of Buckley may use fund payments to provide emergency financial assistance to businesses directly impacted by the COVID-19 public health emergency. This federal guidance affords local governments, such as the City, the discretion to determine what payments are necessary. It adds that “[a] program that is aimed at assisting small businesses with the costs of business interruption caused by required closures should be tailored to assist those businesses in need of such assistance.” Furthermore, “[t]he amount of a grant to a small business to reimburse the costs of business interruption caused by required closures would also be an eligible expenditure[.]” The federal guidance goes on to add that businesses “affected by decreased customer demand as a result of the COVID-19 public health emergency,” are eligible for grant programs which benefit small businesses; and

WHEREAS, the COVID-19 crisis has forced governments and local businesses alike to reexamine their long-term planning. On the local government side, both the State of Washington and a number of local governments are implementing cost-containment measures in the way of service cuts and reductions in force. Already, the State has seen record unemployment and a number of Buckley businesses either have closed or are at risk of closing; and

WHEREAS, the U.S. Department of the Treasury has specifically advised that recipients such as the City of Buckley may use fund payments to provide emergency financial assistance to individuals and families directly impacted by a loss of income due to the COVID-19 public health emergency. Such guidance extends to payments for “program[s] to assist individuals with payment of overdue or unforeseen financial costs for ... other emergency individual needs.” The City of Buckley further determines that such assistance, in the form of a program to assist individuals with payment of overdue utilities is a necessary expenditure, consistent with the City’s emergency response and appropriate in light of the exigencies of the situation to maintain both housing and essential needs for its residents; and

WHEREAS, the City Council wishes to appropriate and deploy portions of said funds within the City response and community through small business assistance and residential utility assistance as a result of COVID-19. These actions further long-standing City goals and priorities, are consistent with the

fundamental purposes of government by addressing the welfare of the residents of the City of Buckley, and the use of these funds in the manners set forth herein are necessary, appropriate and proper under both state and federal law;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BUCKLEY, WASHINGTON, AS FOLLOWS:

Section 1. Approval of Contract with Department of Commerce. The City Council hereby approves execution of the Interagency Agreement between the City of Buckley and the Washington State Department of Commerce for the Coronavirus Relief Fund for Local Governments, in substantially the form of the documents on file with the City Clerk. The proper officials of the City of Buckley are authorized to execute and implement the Interagency Agreement.

Section 2. Creation of CARES Act Relief Funds Response Programs.

The City Council establishes the following grant programs to provide community stabilization:

- A. The City Council establishes the COVID-19 City Small Business Assistance Funds Program. These funds allocated to this program shall be expended consistent with the criteria described in **Exhibit A**, attached hereto.
- B. The City Council establishes the COVID-19 Residential Utility Assistance Program. These funds allocated to this program shall be expended consistent with the criteria described in **Exhibit B**, attached hereto.

Section 3. Distribution determination of Coronavirus Relief Funds.

- A. Subject to the constraints otherwise set forth in this Resolution, the City Council directs the following sums of those of Coronavirus Relief Funds (i.e. those funds which are to be received or anticipated to be received via the interagency agreement identified in Section 1 of this Resolution), to be allocated to the following programs:
 - 1. Ninety-eight, five hundred and fifty dollars (\$98,550.00) shall be allocated to the COVID-19 City Response. These funds would be set aside to reimburse the taxpayers for City-incurred expenses associated with its COVID-19 response. These funds would serve to offset expenditures in the areas of personal protective equipment for staff and the public, additional janitorial expenses, disinfectant supplies, and a portion of the salaries associated with individuals tasked with COVID-19 response.
 - 2. Thirty thousand dollars (\$30,000) of these funds would be set aside to assist eligible residential members with their City of Buckley water, sewer and storm utility bills associated with COVID-19.
 - 3. The remaining funds, in the amount of eighteen thousand dollars (\$18,000) would be allocated to the City Small Business Assistance Funds Program. This program would take the form of assistance to eligible commercial store-front businesses in Buckley to help seating expansion for those businesses that have been affected by COVID-19 requirements.
- B. Any monies which the Council has directed their use for any of the programs identified in Subsection (A) and any subparts thereof, which have not been committed by September 30, 2020 may be reallocated by the Mayor between the programs identified in this Resolution.

Section 4. Administration of Stabilization Programs. The administration of the programs set forth in Section 2 shall be subject to the following parameters and guidelines:

- A. The City Administrator or his designees are authorized to take and execute any additional measures or documents that may be necessary to administer these programs and the

interagency agreement authorized in Section 1 of this Resolution and to make necessary changes to the administration of these funds which are consistent with this Resolution, excepting that changes to maximum grant amounts or maximum funding amounts shall be approved by the Buckley City Council.

- B. City staff shall develop any application documents to ensure that the process is as simple, streamlined, and easy for the applicant as possible.
- C. The City Administrator will provide a report to City Council documenting the grant funding, the amount of the funding, the need and remaining grant fund balance.
- D. The City Council makes the express determination that, notwithstanding any provision of the Buckley Municipal Code or internal policy to the contrary, that any such contracts necessary to implement Section 3 of this Resolution are within the scope of the emergency management authority contained within Section 2.96 of the Buckley Municipal Code and/or Resolution 20-08 (“A Resolution Of The City Of Buckley, Washington Declaring And Proclaiming An Emergency Relative To COVID-19”) and are not subject to competitive bidding or other similar requirements associated with the City’s emergency response.

Section 5. Legislative Findings. To the extent that legislative findings are necessary, the recitals set forth above are hereby adopted as the City Council’s legislative findings in support of the funds, policies, expenditures and other actions undertaken pursuant to this Resolution. The Council reserves the right to supplement its findings at a later time, if in its sole discretion, it deems it necessary to do so.

Section 6. Retroactive Ratification of Actions Taken. Any and all actions taken by the City Mayor or City staff related to either the Interagency Agreement identified in Section 1 or the Assistance Programs outlined herein that occurred prior to the authorization provided in this Resolution are hereby ratified and approved.

Section 7. General Provisions.

- A. This Resolution shall be implemented consistent with applicable law and subject to the availability of funding.
- B. This Resolution is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the City of Buckley, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

Section 9. Effective Date. This Resolution shall take effect immediately upon its adoption.

ADOPTED BY THE CITY COUNCIL ON AUGUST 25, 2020.

Patricia Johnson, Mayor

ATTEST:

Trevia Percival, City Clerk

APPROVED AS TO FORM:

Phil Olbrechts, City Attorney

Posted: _____

EXHIBIT A

COVID-19 CITY SMALL BUSINESS ASSISTANCE FUNDS PROGRAM

GRANT CRITERIA & PROCEDURES

To assist small, locally-operated Buckley-based for-profit businesses, the City of Buckley is committing up to Eighteen thousand dollars (\$18,000.00) to the COVID-19 City Small Business Assistance Program, an emergency fund that provides working capital grants in amounts up to \$3,000 to qualifying small businesses.

Criteria for All Applicants

All applicants must meet the following criteria for financial support:

- 1) Businesses physically located within City boundaries.
- 2) Businesses that have a City of Buckley business license and meet the following requirement:
 - a. Have been continually licensed with the City of Buckley since March 16, 2019 to the present
- 3) Experienced a loss of 25% or more in revenue due directly to COVID-19 impacts (comparing March 1, 2019 – July 30, 2019 with March 1, 2020 – July 30, 2020).
- 4) Businesses with ten (10) or fewer full-time equivalent employees (FTEs) whose primary workstation is within the City of Buckley.

The number of FTEs is determined by calculating the sum of each employee's average number of hours paid per week, divided by 40, and rounding the total to the nearest tenth. The maximum for each employee is capped at 1.0.

- 5) Businesses in good standing, current on all City taxes and fees due, current on all State and City regulatory requirements, and no outstanding code violations. For the purposes of this requirement, the business is not disqualified if it has taken advantage of an extension of taxes and fees, or other regulatory requirements, if those obligations have been suspended or deferred by appropriate local or state directives.
- 6) Unless exempt, have available for inspection a written Safety Plan outlining how its workplace will prevent the spread of COVID-19 that is at least as protective as the requirements from the Washington State Department of Labor & Industries. If the State of Washington has issued guidance for the business' specific industry, the Safety Plan must also be compliant with any industry-specific guidance.
- 7) As a condition of receiving a grant, the business must also commit to the following minimum requirements: (a) cooperate with public health authorities in the investigation of cases, suspected cases, outbreaks, and suspected outbreaks of COVID-19; (b) cooperate with the implementation of infection control measures, including but not limited to isolation and quarantine and follow the cleaning guidelines set by the CDC to deep clean and sanitize; (c) comply with all public health authority orders and directives; and (d) comply with all Department of Labor & Industries interpretive guidance, regulations, and rules and Department of Labor & Industries-administered statutes.
- 8) Grants may be used to leverage funding from a public or private financing program.

Grant Guidelines

Tier 1 Businesses.

Businesses qualifying under Tier 1 will be eligible for priority funding of grant awards are in alignment with the following criteria and shall be entitled to Tier 1 priority status.

Businesses meeting the following additional criteria shall be entitled to Tier 1 status:

- 1) Businesses that collect and remit sales tax to the State of Washington, with a minimum sales tax remission to the State of Washington in the amount of \$5,000 in 2019; and
- 2) Businesses that have a customer-driven store-front and visible presence within any of the commercial areas within the City of Buckley.

For the purposes of this criteria, a business has a “store-front and visible presence within any of the commercial areas,” of the City if the business is located in one of the following zones: Historic Commercial (HC); Central Commercial (CC); Neighborhood Mixed Use (NMU); and General Commercial (CC).

Tier 2 Businesses.

Businesses which do not meet the Tier 1 requirements are identified as Tier 2 businesses. All businesses not qualifying under Tier 1 will be placed for priority funding of grant awards in alignment with Tier 2 priority status.

Exclusions from the Program.

Entities meeting one or more of the following criteria are excluded from receiving grants under this Program:

- 1) Businesses that have more than ten (10) FTEs whose primary workplace is within the City of Buckley; or
- 2) Businesses that qualified as an “essential business” and remained open to the public or worked under normal operating conditions from March 16, 2020 to July 31, 2020, unless the business can prove a loss of 25% revenue due to COVID impacts (comparing March 1, 2019 – July 31, 2019 with March 1, 2020 – July 31, 2020);
- 3) Nonprofits and governmental entities.
- 4) Grants cannot be made to businesses owned, or partially owned, by managers, officers, directors, employees or other public officials associated with the City of Buckley.

Uses of Grant Funds

All grant recipients are subject to the following limitations on the use of grant funds.

Grant funds eligible for:

1. Payment of rent or required monthly loan payments
2. Payments of essential wages, taxes, and normal benefits to employees essential to maintain business; provided such expenses have not been and, to the best knowledge of the recipient, will

not be reimbursed under any federal, state or regional program, including any grant or loan programs.

3. Normal operating costs that are included in “cost of goods sold” on businesses’ income statement (raw materials for manufacturers, component pieces for assemblers, items for resale for retailers, food for restaurants, etc.)
4. Normal operating expenses that are included in “operating expenses” on businesses’ income statement (utilities, insurance, professional services, etc.)
5. Normal draw or wages on a weekly or monthly basis to owner
6. Increased costs which are necessary to comply with safety-compliance measures or regulatory compliance associated with COVID-19.

Grant funds may not be spent on the following:

1. Any expense that would not be considered an eligible business expense by IRS rules
2. Political contributions
3. Bonuses to owners or employees
4. Wages to any member of owner’s family who is not a bona fide employee
5. Charitable contributions
6. Gifts or parties
7. Draw or salary to owner that exceeded the amount that they were paid on a weekly or monthly basis for the same period last year
8. Pay down or pay off debt by more than required in underlying debt instrument.
9. Payment of local, state or federal taxes or assessments.
10. That portion of payroll and other employee- or business-associated costs for which the Recipient has received or expects to receive reimbursement from other federal, state or regional funds (e.g. Payroll Protection Program or unemployment insurance).

Identification of Grant Recipients.

Initial applications shall be received for a period of three weeks. In the event that the total number of grant funds requested by qualified applicants exceeds available funds for a given tier, the City will randomly select qualified applicants within that tier to receive grant awards. Any remaining funds, after this initial distribution, shall be distributed on first-come first-served basis to qualified applicants.

EXHIBIT B
RESIDENTIAL UTILITY ASSISTANCE PROGRAM
GRANT CRITERIA & PROCEDURES

To assist Buckley-based residents, the City of Buckley is committing up to thirty thousand dollars (\$30,000.00) to the Residential Utility Assistance Grant Program, an emergency fund that provides grants to qualifying City of Buckley utility residents. These grants shall be used for delinquent or past due utility assistance. The following are the criteria for financial support:

Criteria for All Grant Programs:

1. The applicant must live within the city limits and use City of Buckley service area utilities (water, sewer and storm) as of March 16, 2020 and continuing through the date of application;
2. Utilities must have been for services provided after March 1, 2020.
3. The applicant must certify that they have sustained a substantial loss of income due to COVID-19 and that the funds used from one or more of the programs below is necessary to address the direct impacts of COVID-19. This may be verified by proof of outstanding City of Buckley utility account as evidenced by the most recent monthly billing(s).

Check all that apply and provide supporting documentation

- a. Death of immediate family member due to COVID-19
 - b. Loss of job or income due to COVID-19
 - c. Sudden illness or injury due to COVID-19
 - d. Substantial loss of funds due to COVID-19
 - e. Severely disabled or ill household member due to COVID-19
 - f. Other
4. Utility customer must be eligible for and be willing to set up a utility payment plan for any remaining balance not covered by the Residential Utility Assistance Program.
 5. Amount of Assistance. The maximum available for a residence is \$500.00 to be applied toward the most outstanding utilities: water, sewer and storm



CITY COUNCIL AGENDA BILL

City of Buckley
PO Box 1960
Buckley, WA 98321

ITEM INFORMATION			
SUBJECT: Amendment to Original Agreement for Inmate Housing with SCORE Cost Impact: \$ Fund Source: Timeline:	Agenda Date: August 25, 2020		AB20-079
	Department/Committee/Individual	Created	Reviewed
	Mayor Pat Johnson		X
	City Administrator – Paul Weed		X
	City Attorney – Phil Olbrechts		X
	City Engineer – Dominic Miller		
	City Clerk – Treva Percival	X	X
	Finance Dept – Sandra Groshong		
	Building Official – Curt Ek		
	Fire Dept – Chief Skogen		
	Parks & Rec Dept – Kevin Caviezel		
	Planning Dept – Leticia Wallgren		
	Police Dept – Chief Northam		X
Municipal Court – Jessica Cash			
PW/Utilities – Chris Banks			
Attachments: Letter from SCORE, Jails Services Update, Amendment			
<p>SUMMARY STATEMENT: This is an amendment to our original SCORE agreement. SCORE is the South Correctional Entity that the City of Buckley uses for inmate housing. This amendment will go into effect on January 1, 2021. The daily rates or premium medical surcharges will not be increasing for the year 2021. SCORE has decided to implement a \$35.00 booking fee; however, this fee will not go into effect until 2022.</p>			
COMMITTEE REVIEW AND RECOMMENDATION: N/A			
RECOMMENDED ACTION: MOVE to Approve the Amendment to the original agreement with SCORE for Inmate Housing.			
RECORD OF COUNCIL ACTION			
<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>	



SOUTH CORRECTIONAL ENTITY

Serving the Cities of: Auburn, Burien, Des Moines, Renton, SeaTac, and Tukwila

June 30, 2020

Chief James Arsanto
Buckley Police Department
PO Box 640
Buckley, WA 98321

Sent via Email: jarsanto@cityofbuckley.com

Dear Chief James Arsanto:

Thank you for your continued support and partnership during this unprecedented time. On behalf of all South Correctional Entity (SCORE) Employees, we appreciate the work you do for your community while upholding the mission and values that strengthen all of our communities.

Background

SCORE's Vision is "to protect the public, by providing secure and humane housing of inmates within its control and by providing the best corrections services within Washington State". SCORE strives to provide the highest quality of supervision and services and has earned, for a second time, accreditation with the National Commission of Correctional Health Care. In 2016, SCORE was the first jail accredited by the Washington Association of Sheriffs' and Police Chiefs and is seeking reaccreditation this year. Additionally, many of SCORE's Corrections Officers and Captains have been certified by the American Jail Association. SCORE is also compliant with the Prison Rape Elimination Act and the American Disabilities Act.

I am pleased to share with you that since August of 2018, we've applied for and have been awarded more than \$1,000,000.00 in grant monies to support opioid treatment and reentry coordination services. SCORE continues to provide comprehensive Medication Assisted Treatment (MAT) program and these grant monies allow us to serve a greater number of inmates and maintain continuity of care through our community partners.

COVID-19 Response

SCORE was an early adopter of employee and inmate screening and continues to ensure we are engaged in preventative measures such as regular sanitation routines, masks requirements for staff, visitors, and inmate population, and temperature and symptom checks prior to facility entrance. We continue to work with our vendors to provide free inmate visits via video and have increased our video court technology options for contactless court hearings.

2021 Rates and Fees

SCORE has decided to implement a modest fee of \$35.00 upon booking. This fee will not be charged in 2021 but is scheduled to go in to effect for contract year 2022. This fee will appear on your contracts as "waived" for 2021 due to our continued booking restrictions and the economic damage caused by COVID-19 pandemic. We know that this pandemic has had devastating effects on our communities and city budgets so we will not be raising our Daily Rates or Premium Medical Surcharges for contract year 2022. Therefore, this letter will serve as notification of SCORE’s housing contract rates for 2021:

2021 Rates

Daily Housing Rates:

General Population – Guaranteed Beds	\$128.00
General Population – Non-Guaranteed Beds	\$184.00

Daily Rate Surcharges:

Mental Health – Residential Beds	\$159.00
Medical – Acute Beds	\$217.00
Mental Health - Acute Beds	\$278.00

Booking Fee: \$35.00 (Waived)

Mental Health - Residential Beds means inmates clinically determined by SCORE Health Services Provider, or its successor charged with the same duties, as needing ongoing mental health care services and specialized housing in SCORE’s Mental Health - Residential Unit.

Medical – Acute Beds means an inmate is clinically determined by SCORE Health Services Provider, or its successor charged with the same duties, as needing the level of medical services and housing provided in SCORE’s medical clinic.

Mental Health – Acute Beds means an inmate clinically determined by SCORE Health Services Provider, or its successor charged with the same duties, as needing the level of psychiatric services and specialized housing in SCORE’s Mental Health - Acute Unit.

To review our response to COVID-19 visit <https://www.scorejail.org/news-releases>.

Please contact me if you have any questions. I can be reached either via email or phone at dschrum@scorejail.org or 206-257-6262.

Sincerely,



Devon Schrum, Executive Director
South Correctional Entity



SOUTH CORRECTIONAL ENTITY

Serving the Cities of: Auburn, Burien, Des Moines, Renton, SeaTac, and Tukwila

August 7, 2020

Chief James Arsanto
Buckley Police Department
PO Box 640
Buckley, WA 98321

Sent US Mail
Sent via Email: jarsanto@cityofbuckley.com

RE: SCORE Interlocal Agreement for Inmate Housing – 2021 Amendment

Dear Chief Arsanto:

I am following up to a previously sent notification to your agency and/or city on June 30, 2020, regarding SCORE's 2021 housing rates. On behalf of SCORE and all its employees, thank you for your continued support and partnership. We appreciate the work you do for your community while upholding the mission and values that strengthen all our communities.

Today we are sharing the amendment that will be in effect January 1, 2021. We know that this pandemic has had devastating effects on our communities and city budgets so we will not be raising our Daily Rates or Premium Medical Surcharges for contract year 2021.

SCORE has, however, decided to implement a modest booking fee of \$35.00. This fee will not be charged in 2021, and is scheduled to go in to effect for contract year 2022, along with any other rate changes that are yet to be determined. Due to our continued booking restrictions and the economic damage caused by COVID-19 pandemic; the booking fee will appear on the contract as "waived" for 2021.

Thank you for your immediate review and response to the attached materials. Please return a signed agreement and an updated evidence of insurance by October 1, 2020.

Sincerely,

Marilynn Montenegro
Communications & Contracts Manager
South Correctional Entity
mmontenegro@scorejail.org
Office: 206-257-6222



VIDEO COURT ONLINE TECHNOLOGY EXPANDS

SCORE has been utilizing video technology since 2011 and understands the critical nature of reliable video court technology in today's times.

Recently, COVID-19 has required SCORE and owner and contract agency courts to look at alternate technologies in order to facilitate "contactless" court proceedings from multiple remote locations. In light recent events, we are pleased to share that SCORE is supporting a larger range of video conference technologies for video court operations which include:

- Zoom
- WebEx
- GoToMeeting
- Microsoft Teams
- Polycom RP1Cloud

If you would like to discuss and coordinate video technology. Please contact SCORE for testing and license requirements before making a transition to new technology at: servicedesk@scorejail.org

SCORE ACHIEVEMENTS & ACCREDITATION

- | | |
|------|--|
| 2014 | SCORE accredited by the National Commission on Correctional Healthcare (NCCHC). |
| 2015 | SCORE receives 100% Prison Rape Elimination Act (PREA) Compliance Audit |
| 2016 | Earns jail accreditation from the Washington Association of Sheriffs and Police Chiefs (WASPC)
<i>Note: Re-Accreditation planned for 2020</i> |
| 2018 | Re-accredited by the National Commission on Correctional Healthcare (NCCHC). |

SCORE RECEIVES NEW GRANT – SAME DAY VISIT AND TRANSPORTATION FOR CONTINUITY OF CARE

SCORE was awarded a \$200K grant allowing the agency to pilot same day visit and transportation services for inmates. This program will help SCORE transport individuals to treatment programs on the same day of their release. The grant will cover staffing and administrative costs necessary for this work to take place without additional costs to SCORE.

Since September of 2018, SCORE has applied for and been awarded more than \$1 million in grant monies to assist with continuity of care, Opioid Use Disorder treatment, and or reentry services.

SCORE strives to provide unprecedented services while making a difference in the lives of others. For more information about jail programming, contact:

Jeff Gepner
Corrections Programs Lieutenant
programs@scorejail.org
(206)257-6200

2021 HOUSING CONTRACT RATES

SCORE Housing Contract Rate notification letters were sent out to contract agencies on June 30, 2020. SCORE will be implementing a modest booking fee but has waived the fee for 2021 in light of COVID-19. Additionally, contract housing rates and surcharges will remain the same for 2021. For contract questions, please contact:

Marilynn Montenegro
Contracts & Communications Manager
mmontenegro@scorejail.org
(206)257-6222



MARCH 3, 2020 | SCORE TAKES PRECAUTIONARY & PREVENTATIVE MEASURES AGAINST COVID-19

SCORE announced its continued effort to monitor the rapidly evolving situation regarding the national pandemic and implemented the following precautionary measures while all court and jail programs remained on schedule.

- Temporarily closed its lobby.
- Facility open to legal counsel and official business only.
- Online video visits made available free.
- SCORE reviewed and evaluated operations based on recommendations from Seattle-King County Public Health, the Washington State Department of Health and the Center for Disease Control.
- Employees and inmates encouraged to practice good hygiene.
- SCORE's health services provider to provide additional health screenings and monitoring of inmates and employees.

MARCH 11, 2020 | SCORE TEMPORARILY SUSPENDS NON ESSENTIAL SERVICES

- SCORE suspended lobby video visitation
- Online video visits made available free.
- Volunteers are requested to stay home.
- Suspended non-regulatory jail tours.
- Rescheduled SCORE College Fair and college prep classes.

MARCH 13, 2020 | SCORE DECLARES STATE OF EMERGENCY

SCORE announced there were no known suspected or positive cases of COVID-19 at the facility. On March 13, 2020, SCORE declared a state of emergency allowing the facility to act quickly to mitigate the impact of the virus and prevent the spread.

MARCH 18, 2020 | EXECUTIVE DIRECTOR SCHRUM SHARES SAFEGUARDING STEPS IN NPR ARTICLE

SCORE's shared its implementation of emergency protocols over the last several weeks to prevent the spread of the Coronavirus in an article from NPR. SCORE Executive Director Schrum shared steps SCORE is taking to safeguard the facility. She noted SCORE continues to monitor the Coronavirus and implement additional response plans as the pandemic continues to evolve.

To read full article visit:

<https://www.npr.org/2020/03/13/815002735/prisons-and-jails-worry-about-becoming-coronavirus-incubators>

MARCH 23, 2020 | SCORE ANNOUNCES MODIFIED OPERATIONS

In order to slow the spread of COVID-19, SCORE modified its operations in the following ways:

- Mandatory health screening to anyone accessing the facility.
- Inmates working in the kitchen mandated additional medical screening.
- Launched virus transmission and disease spread prevention education campaign for inmates and employees.
- Closed facility lobby, some programming, and jail tours.
- Closed dormitory style housing.
- Increased virtual access to attorneys, courts, and governing boards.
- Reduced administrative staffing to essential personnel.



MARCH 27, 2020 | SCORE CURBS COVID-19

In an article published in the Bellevue Reporter, SCORE Executive Director Devon Schrum discussed how SCORE is prioritizing preventative health measures,

"We're doing everything we can to take very good care of the people we have here.", stated Schrum.

SCORE continues to monitor the Coronavirus and implement response plans by continuing to work with criminal justice partners, health service providers, King County Department of Public Health and Centers for Disease Control to take emergency response precautions to prevent the exposure and/or transmission of the Coronavirus. To read the full article visit:

<https://www.bellevuereporter.com/news/king-county-jails-reducing-inmates-prioritizing-space-for-violent-offenders-to-curb-covid-19/>

APRIL 3, 2020 | SCORE CONTINUES TO SUSTAIN COVID-19 PREVENTION MEASURES

Despite the pandemic straining regional resources, SCORE has prioritized safeguarding those who access the facility and care for those incarcerated through the following measures:

- Continued engagement of SCORE's Incident Command System in response to COVID-19 under its State of Emergency.
- Continuous education to staff and inmates to prevent the spread of COVID-19.
- Ongoing screening to those accessing the facility in accordance with DOH and CDC guidelines.
- Sustain additional sanitation practices.
- Order additional cleaning materials.
- Continue to submit emergency request for N-95 masks, gowns, gloves and supplies through State and County resources.
- Implement pandemic medical/food service plans.

- Communicate mandatory bookings restrictions.
- Maximize social distancing for inmate seating, meal service and staff.
- Designate quarantine housing spaces.
- Temporarily close dormitory style housing pods.
- Temporarily close in-person and volunteer visits.
- Continue to offer free online video visits.
- Require social distancing with video court proceedings.

APRIL 23, 2020 | FORMER INMATE TESTS POSITIVE

SCORE received notification that a former SCORE inmate was identified as testing positive for COVID-19. The inmate was at SCORE briefly from 4/18/2020 to 4/22/2020 and was not displaying any symptoms of COVID-19. The inmate occupied a single cell while at SCORE. SCORE immediately made notification to the appropriate health authorities, arresting agency and identified three employees as having had some potential exposure to the inmate. As a result, there were no positive cases confirmed after exposure.

MAY 1, 2020 | SCORE RECEIVES DONATED FACE SHIELDS FROM NUCOR STEEL

Matt Lyons, General Manager of Nucor Seattle, volunteered to provide a large donation of face shields to SCORE helping mitigate the impact of the novel coronavirus (COVID-19).

The face shields were distributed to SCORE intake and medical officers. Nucor's generous donation positively impacted the health and welfare of the men and women in custody, SCORE employees, and our law enforcement partners.

JUNE 2020 | FACE MASKS MANDATED FOR ALL INMATES & EMPLOYEES

For more information visit:

<https://www.scorejail.org/news-releases>

AMENDMENT TO ORIGINAL AGREEMENT FOR INMATE HOUSING

THIS AMENDMENT TO INTERLOCAL AGREEMENT FOR INMATE HOUSING dated as of _____, 2020 (hereinafter "Amendment to Original Agreement") is made and entered into by and between the **SOUTH CORRECTIONAL ENTITY**, a governmental administrative agency formed pursuant to RCW 39.34.030(3) ("SCORE") and the _____ (hereinafter the "City" and together with SCORE, the "Parties" or individually a "Party"). This Amendment to Original Agreement is intended to supplement and amend that certain Interlocal Agreement for Inmate Housing between the Parties dated _____, as it may have been previously amended (the "Original Agreement"). The Parties hereto mutually agree as follows:

1. **EXHIBIT A. FEES AND CHARGES AND SERVICES.** Per section 4 (Compensation) of the Original Agreement is hereby amended to include the following:

Daily Housing Rates

General Population – Guaranteed Beds	\$128.00	No. of Beds: _____
General Population – Non-Guaranteed Beds	\$184.00	

Daily Rate Surcharges:

Mental Health – Residential Beds	\$159.00
Medical – Acute Beds	\$217.00
Mental Health – Acute Beds	\$278.00

<u>Booking Fee</u>	\$35.00	Waived until Dec. 31, 2021
--------------------	---------	----------------------------

Daily Rate Surcharges are in addition to the daily bed rates and subject to bed availability. The Booking Fee will be charged to the jurisdiction responsible for housing the inmate. Fees, charges and services will be annually adjusted each January 1st.

2. **SECTION 1. DEFINITIONS:**
- a. **Commencement Date.** The bed rates provided for in Section 1 of this Amendment to Original Agreement shall become effective **January 1, 2021**. This Amendment to Original Agreement may be executed in any number of counterparts.
 - b. **Member City** means "Owner City" as set forth in the SCORE Public Development Authority Amended and Restated Interlocal Agreement dated December 11, 2019.
3. **RATIFICATION AND CONFIRMATION.** All other terms and conditions of the Original Agreement are hereby ratified and confirmed.

IN WITNESS WHEREOF, the Parties have executed this Amendment to Original Agreement as of the date first mentioned above.

SOUTH CORRECTIONAL ENTITY

Contract Agency Name

Signature

Signature

Date

Date

ATTESTED BY:

Signature

NOTICE ADDRESS:

NOTICE ADDRESS:

SOUTH CORRECTIONAL ENTITY
20817 17th Avenue South
Des Moines, WA 98198

Attention: Executive Director Devon Schrum

Attention:

Email: dschrum@scorejail.org

Email:

Telephone: 206-257-6262

Telephone:

Fax: 206-257-6310

Fax:

DESIGNATED REPRESENTATIVE FOR PURPOSES OF THIS AGREEMENT:

DESIGNATED REPRESENTATIVE FOR PURPOSES OF THIS AGREEMENT:

Name: Devon Schrum

Name:

Title: Executive Director

Title:

D. CONSENT AGENDA

**CITY COUNCIL
STUDY SESSION
(Via Zoom Meetings)**

July 7, 2020

ATTENDEES: Councilmembers Smith, Rose, Bender, Sundstrom, Wilbanks, and Burbank. Also in attendance were: Mayor Johnson, City Administrator Weed, Asst. Police Chief Northam, City Planner Wallgren, Associate Planner Lewis, and City Clerk Percival

Mayor Pro Tem Smith called the regularly scheduled meeting to order at 7:06 PM.

Planning Commission and Design Review Committee

Associate Planner Lewis presented the steps that the Planning Commission and the Design Review Committee follow. Council had a lengthy discussion on the topic. Council members with further questions stated that they would follow up with an email to staff with any further questions. City Clerk Percival stated that she would make sure all Council members were provided with copies of any questions submitted and the answers provided.

Pierce County FIT Memorandum of Understanding

Council member Smith stated that after having more time to review this agreement, he has no problem with it moving forward to Council for approval.

With nothing further, the Study Session was adjourned at 8:13 PM.

City Administrator Paul

Mayor Pat Johnson

Prepared by: Treva Percival, City Clerk

**City Council
July 28, 2020**

Mayor Johnson called the regularly scheduled meeting to order at 7:00 PM.

Upon roll call the following members were present: Bender , Smith, Rose, Burbank, Wilbanks, Sundstrom, and Morem.

Also present were: City Administrator Weed, City Attorney Olbrechts, Public Works Director Banks, Interim Police Chief Northam, Community Services Director Caviezel, Asst. Fire Chief Skogen, Administrative Assistant Clark, and City Clerk Percival.

Mayor Johnson asked if there were any other additions, deletions, or changes to the agenda.

Council member Smith moved to approve the agenda as presented. Council member Bender seconded the motion. Motion carried.

CITIZEN PARTICIPATION

None.

STAFF REPORTS

Asst. Chief Skogen shared that Friday was Chief Predmore's last day in the office but his official retirement date is July 31st.

City Administrator Weed stated that there was a memo included in Council packets regarding the DSHS property and Sub-Lease Negotiation. He stated that he was asking the Council for permission to negotiate terms and an agreement with interested parties for the land.

Council member Smith moved to authorize the Mayor and City Administrator to enter into negotiations with an interested party for the DSHS property. Council member Bender seconded the motion. Motion carried.

City Administrator Weed stated that he would bring this to a Study Session for further discussion.

MAIN AGENDA

Public Hearing: 2021-2026 Six-Year Transportation Improvement Plan

Mayor Johnson recessed the City Council meeting at 7:10 PM and entered the Public Hearing.

Public Comment: None.

Mayor Johnson closed the Public Hearing and reconvened the City Council meeting at 7:12 PM.

ORD No. 10-20: Amending BMC to add Section 10.32.200 Unmanned Aircraft

Council member Smith moved to Approve ORD No. 10-20 Adding Section 10.32.200 to the Buckley Municipal Code to Prohibit Unmanned Aircraft to record or transmit visual or audio recordings. Council member Bender seconded the motion. Upon roll call vote, motion carried 6/1.

RES No. 20-15 Adopting the 2021-2026 Six-Year Transportation Improvement Plan (STIP)

Council member Burbank moved to Approve Resolution No. 20-15 Adopting the 2021-2026 Six-Year Transportation Improvement Plan. Council member Smith seconded the motion. Motion carried.

RES No. 20-16 Approving RCO Grant Submittal for the Rainier Gateway Court 20-1268D

Council member Smith moved to Approve Resolution No. 20-16 Authorizing the Submittal of RCO Grant Application(s) for the Rainier Gateway Court 20-1268D. Council member Wilbanks seconded the motion. Motion carried.

RES No. 20-17 Establishing a Sole Source Provider and Authorizing the Purchase of an Existing Service Server Upgrade

Council member Rose moved to Approve Resolution No. 20-17 Establishing a Sole Source Provider and Authorizing the Purchase of an Existing Service Server Upgrade. Council member Burbank seconded the motion. Motion carried.

Agreement for Professional Services Between the City of Buckley and Eric Skogen

Council member Smith moved to Approve the Agreement for Professional Services Between the City of Buckley and Eric Skogen for the Position of Fire Chief. Council member Wilbanks seconded the motion. Motion carried.

CONSENT AGENDA

Council Member Smith moved to approve the Consent Agenda. Council member Burbank seconded the motion. Motion carried.

Payroll check numbers 38648 through 38705 and 38712 in the amount of \$225,826.55, and ACH payroll in the amount of \$380,999.83 for the month of June 2020 are hereby approved and ordered paid this 28th day of July 2020.

COMMITTEE REPORTS

Mayor's Report:

The Mayor reported that Richard O'Neil who had applied for the vacant Council seat is interested in serving on the Planning Commission. She would ask for a motion to approve this appointment.

Council member Sundstrom moved to approve the appointment of Richard O'Neil to the Planning Commission. Council member Rose seconded the motion. Motion carried.

Mayor Johnson also stated that Ken Viren was interested in serving on Planning Commission also; however, he would like to wait until the next Council meeting to be appointed.

This leaves one vacancy on the Planning Commission and the Mayor shared that she has been in touch with the Chamber president to try and find a Chamber member that is interested.

Mayor Johnson reminded everyone of the City-wide Shred Event is scheduled for August 1, 2020, from 10 a.m. to 1 p.m. in the Buckley Eagles parking lot.

Community Services:

Council member Rose stated that the Community Services Committee met via zoom on July 16, 2020, and reviewed the plans for the Miller Park Proposal.

Council Member Comments & Good of the Order:

Council member Sundstrom stated that he had not received any responses in regards to the legislative priorities. He also stated that he would be sending out some information to everyone regarding Council Committees. He also suggested that all Council members review the ethics and conflict of interest information on MRSC's website.

Council member Smith moved to adjourn. Council member Bender seconded the motion. Motion carried.

With nothing further the meeting was adjourned at 8:04 PM.

Mayor

City Administrator

Prepared by: Treva Percival, City Clerk

E. COMMITTEE REPORTS