



BUCKLEY CITY COUNCIL MEETING AGENDA

June 23, 2020

Multi-Purpose Center, 811 Main Street

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: 893 7309 0129

Call to Order
Pledge of Allegiance
Roll Call of Council Members

Next Ordinance #10-20
Next Resolution #20-12
Next Agenda Bill #AB20-058

A. Staff Reports

Memo from Foothills Historical Society
Return to Operations Action Planning

B. Main Agenda

1. **Public Hearing – Ordinance 07-20 (Temporarily Postponing Expiration of Development Applications)**
2. ORD No. ___-20: Adoption of Updated BMC Title 18 Subdivisions Code
3. RES No. 20-___: Authorizing Sole Source Purchase of Ambulance Stretcher
4. Pierce County FIT Memorandum of Understanding

C. Consent Agenda

5. A. Approve Minutes of April 28, 2020, City Council Meeting
Approve Minutes of May 12, 2020, City Council Meeting
- B. Claims
- C. Transfer Voucher
- D. Payroll

D. Committee Reports

1. Mayor's Report Johnson



Memo

To: **City Council**

From: City Administrator, Paul Weed

City Planner, Leticia Wallgren

Jean Contreras, Project Manager and Board Treasurer

Date: **June 18, 2020**

Re: Foothills Historical Society Grant & Building Proposal

The Foothills Historical Society is proposing to grow and develop the partnership with the City and greater community to expand their museum program and services. The goal is to continue raising funds and apply for a Heritage Capital Project grant through the Washington State Historical Society. This funding will help the Foothills Historical Society obtain enough funding for a new building in proximity to their existing facilities on River Avenue in Buckley. The purpose of this project is to construct a Heritage Center that provides public access to collections, exhibits, and educational programs. The Heritage Center will also professionally protect archives, collections and artifacts as well as provide a venue for workshops, programs, staff and public education.

The current museum facility was built in 1927 and no longer provides adequate or safe office, library and storage space. In its current design, the new one-story, barn-design building with a loft storage area above, has a gambrel roof and concrete floor with approximately 2500 sq. ft of space. The City staff will continue to work with the FHS building committee and has scheduled time to align the project with the City building processes.

The Foothills Historical Society currently has funding for Phase 1 of the project which currently includes erecting the building envelope and basic interior build out, in addition to some exterior landscaping and cement work. The Foothills Historical Society will continue to raise funds and apply for additional grants to complete the project and finish the inside of the building. An application for a Heritage Capital Project Grant from Washington Historical Society is anticipated for submission by June 25, 2020. If

successful, this grant will reimburse up to 1/3 of the approved expenses by 2023. As you may be aware, indirect operating costs of the Foothills Historical Society operations is funded by Fund 136, Visitor Promotion or Hotel/Motel Tax, and would continue to provide general utilities to the museum and this expansion of a new building.

City of Buckley

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Memo

To: Mayor & City Council

From: City Administrator

Date: April 22, 2019

RE: RETURN TO OPERATIONS ACTION PLANNING

On April 9th City Council received a memo titled Occupational Safety - Coronavirus Prevention and Stay Home-Stay Healthy Order. This memo provided overview of the necessary health and safety precautions staff were taking in alignment with the Governor's Proclamation: Stay Home - Stay Healthy Order. The internal goal from the beginning of COVID-19 was to ensure staff were educated on the evolving situation, compliant with the public health officials guidance, and continually support the community and each other in a safe and conducive way.

As State and County milestones have and continue to be reached in this public health crisis, our staff have adapted City services to best serve the community. It's been impressive to see the resiliency of staff and their proactive and selfless approach in this time of need.

Attached are the current City Return to Operations Action Plans for each department. The department heads have established COVID-19 impacts to City services as well as goals and mitigation measures to meet the target established. We will continue to refine our operations and services as Pierce County evolves with the Continue to Stay Home, Stay Healthy orders.

Thank you again for your continued support and please let me know if you have any questions.

CITY OF BUCKLEY

COVID-19 2020

RETURN TO OPERATIONS ACTION PLANNING



Department: City Hall Administration & Finance Departments (Sheet 1 of 1)

Priority 1

What is impacted?	Public Counter Customer Service
<i>How is it impacted?</i>	City Hall Lobby is closed to public entry.
<i>What is the barrier to restoring normal or modified operations?</i>	- Social Distancing Requirement.
<i>Operational Goal:</i>	Open the lobby to the public from 9:30 a.m. – 4:30 p.m.
<i>Target Date:</i>	Governor's Phase 3 for opening to Government – Public Facing
<i>Mitigation Measures to meet Goal:</i>	<ul style="list-style-type: none"> • Post entry sign with Do Not Enter criteria per CDC symptom list on entry door. • Post sign outside lobby prohibiting more than one customer at a time from entering. • Provide face masks at lobby entry to customers. • Installed plexiglass protective germ barrier in the large opening at the lobby desk. • Provide customers with a pen as needed; and drop-box for used pens to be disinfected later. • Provide hand sanitizer at window for public and workers.

Priority 2

What is impacted?	Ability to accept in-house payments.
<i>How is it impacted?</i>	City Hall Lobby is closed to public entry.
<i>What is the barrier to restoring normal or modified operations?</i>	- Social Distancing Requirement.
<i>Operational Goal:</i>	Accepting in-house payments at the Customer Service Counter.
<i>Target Date:</i>	Governor's Phase 3 for opening to Government – Public Facing
<i>Mitigation Measures to meet Goal:</i>	<ul style="list-style-type: none"> • Reopening of City Hall Lobby under mitigated procedures as indicated above. • Review each event application in alignment with the Governor's orders.

Priority 3

What is impacted?	Special Event Permits
<i>How is it impacted?</i>	We are unable to issue Special Event Permits.
<i>What is the barrier to restoring normal or modified operations?</i>	- Governor's current "Stay Home – Stay Healthy" order.
<i>Operational Goal:</i>	Permit Special Events that can implement with required mitigation measures and operate within established guidelines.
<i>Target Date:</i>	Governor's Phase 4 for events great than 50 or Governor's Phase 3 for crowds of less than 50
<i>Mitigation Measures to meet Goal:</i>	<ul style="list-style-type: none"> • The City's ability to issue Special Event permits is contingent on changes to the Governor's orders regarding gatherings and services. Governor's Phase 4 events greater than 50 or Governor's Phase 3 for crowds of less than 50 • Special event permits will require applicants to provide sanitation services post event.

Priority 4

What is impacted?	Processing of Passport Applications
<i>How is it impacted?</i>	We are unable to process Passport Applications.

<i>What is the barrier to restoring normal or modified operations?</i>	- The National Passport Agency is not accepting applications.
<i>Operational Goal:</i>	Resume Passport Services.
<i>Target Date:</i>	Governor's Phase 3 for opening to Government – Public Facing
<i>Mitigation Measures to meet Goal:</i>	<ul style="list-style-type: none"> • Our ability to resume Passport Application processing is contingent on the National Passport Agency accepting applications.

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Department: Building and Planning Department (Sheet 1 of 2)

Priority 1

What is impacted?	Public Counter Customer Service
<i>How is it impacted?</i>	Multi-Purpose Center is closed to public entry.
<i>What is the barrier to restoring normal or modified operations?</i>	- Social Distancing Requirement.
<i>Operational Goal:</i>	Open the lobby to the public from 9:30 a.m. – 4:30 p.m.
<i>Target Date:</i>	July 1st, 2020
<i>Mitigation Measures to meet Goal:</i>	<ul style="list-style-type: none"> • Post entry sign with Do Not Enter criteria per CDC symptom list on entry door. • Post sign outside lobby prohibiting more than one customer at a time from entering. • Provide face masks at lobby entry to customers. • Hang a plastic cover in the large opening at the lobby desk. • Provide customers with a pen as needed; and drop-box for used pens to be disinfected later. • Provide hand sanitizer at window for public and workers.
<i>Miscellaneous/Other/Notes</i>	<ul style="list-style-type: none"> • The Building and Planning Department has consulted with neighboring departments and is in agreement on the above listed protocol; consistency should be indicated in the plans of all departments housed in the Multi-Purpose Building • Phase 3 or tentatively July 1st to allow staff time to put any necessary mitigation measures in place. In addition, at least one staff member will be consulting with their Dr about the safety of proceeding with the proposed mitigation in place. The later target date gives staff time to have any concerns addressed. • City Planner, Associate Planner, and Building official on regular schedule as of April 27, 2020. Permit tech to continue with modified schedule until further notice.

Priority 2

What is impacted?	Building Inspections
<i>How is it impacted?</i>	Building inspections are subject to the requirements of the Phase 1 Construction Restart Job Site Requirements
<i>What is the barrier to restoring normal or modified operations?</i>	No barrier to modified operations is in place- currently the City is following the Governor's directive allowing all activities to continue under certain requirements.
<i>Operational Goal:</i>	Continue operations currently in place until directive is lifted
<i>Target Date:</i>	N/A
<i>Mitigation Measures to meet Goal:</i>	<ul style="list-style-type: none"> • Implementation of State initiated "Phase 1 Construction Restart COVID-19 Requirements.

Priority 3

What is impacted?	Planning Staff Site Visits
<i>How is it impacted?</i>	Planning staff has ceased site visits prior to June 18 th
<i>What is the barrier to restoring normal or modified operations?</i>	<ul style="list-style-type: none"> - Social Distancing Requirement - Health concerns for staff members who are immunocompromised Existing directives related to operations (Proclamation 20-25, RES 20-08) - Site visits require the staff, owner/applicant, and City agents to be present
<i>Operational Goal:</i>	Perform site visits as needed
<i>Target Date:</i>	June 18 th , 2020
<i>Mitigation Measures to meet Goal:</i>	<ul style="list-style-type: none"> • Arrange for only 1 staff member and one representative of the job site to meet at a time • Maintain social distancing during site visit

Priority 4

What is impacted?	Planning Staff in-person meetings (such as pre-application meetings)
<i>How is it impacted?</i>	Planning staff has ceased in person pre-application meetings and has used Zoom conference tools
<i>What is the barrier to restoring normal or modified operations?</i>	<ul style="list-style-type: none"> - Social Distancing Requirement - Health concerns for staff members who are immunocompromised Existing directives related to operations (Proclamation 20-25, RES 20-08)
<i>Operational Goal:</i>	Hold meetings as needed with Zoom until Phase 3 is authorized
<i>Target Date:</i>	Governor's Phase 3 for opening to Government – Public Facing
<i>Mitigation Measures to meet Goal:</i>	<ul style="list-style-type: none"> • In person meetings shall be in a large, well-ventilated room where attendees can maintain social distancing requirements • All attendees shall print/bring their own meeting materials and pens • Attendance shall be limited to those essential to the project and should include no more than one property owner and one agent/representative. All other attendees will have the opportunity to join remotely. Only staff members required to attend shall be in attendance.

Priority 5

What is impacted?	Public Hearings and Public Meetings (Planning Commission)
<i>How is it impacted?</i>	Planning staff has ceased holding public hearings and meetings
<i>What is the barrier to restoring normal or modified operations?</i>	<ul style="list-style-type: none"> - Social Distancing Requirement - Health concerns for staff members who are immunocompromised Existing directives related to operations (Proclamation 20-25, RES 20-08)
<i>Operational Goal:</i>	Hold meetings and hearings as needed
<i>Target Date:</i>	Governor's Phase 2 for limited opening to Government – Public Facing
<i>Mitigation Measures to meet Goal:</i>	<ul style="list-style-type: none"> • In person meetings of no more than 5 people shall be in a large, well-ventilated room where attendees can maintain social distancing requirements • All attendees shall bring their own pens. City will supply face guards and sanitize the facilities before and after. • Public participants will be required to maintain social distancing requirements

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Department: Community Services and Parks & Recreation (Sheet 1 of 2)

Priority 1

What is impacted?	Senior Center Activities
<i>How is it impacted?</i>	Senior Center is closed to all activities; <i>except</i> lunch delivery program.
<i>What is the barrier to restoring normal or modified operations?</i>	<ul style="list-style-type: none"> - Governor's Stay Home Order. - Participant population demographic is considered high-risk. - Public gathering size limitations. - Social Distancing Requirement.
<i>Operational Goal:</i>	Return to normal programming under a phased approach.
<i>Target Date:</i>	Governor's Phase 4
<i>Mitigation Measures to meet Goal:</i>	<ul style="list-style-type: none"> • Phased programming based on small group size consistent with Governor's Orders. • Post entry sign with Do Not Enter criteria per CDC symptom list on entry door. • Identify social distancing boundaries if in effect at the time. • Require and enforce social distancing within the most current guidelines. • Wear simple facemasks to reduce risk. • Provide hand sanitizer at check-in/check-out point.

Priority 2

What is impacted?	Youth Center Activities
<i>How is it impacted?</i>	Youth Center is closed to all activities.
<i>What is the barrier to restoring normal or modified operations?</i>	<ul style="list-style-type: none"> - Governor's Stay Home Order. - Public gathering size limitations. - Social Distancing Requirement.
<i>Operational Goal:</i>	Return to normal programming under a phased approach.
<i>Target Date:</i>	Governor's Phase 3 or 4 depending on activities and population risk
<i>Mitigation Measures to meet Goal:</i>	<ul style="list-style-type: none"> • Post entry sign with Do Not Enter criteria per CDC symptom list on entry door. • Define and limit entry point(s). • Identify social distancing boundaries if in effect at the time. • Require and enforce social distancing within the most current guidelines. • Reduced group sizes determined by current guidelines and Governor's Orders. • Provide handwashing stations. • Implement a cleaning and sanitation plan following CDC guidelines.

Priority 3

What is impacted?	Parks & Recreation Activities
<i>How is it impacted?</i>	The skate park, climbing boulders, playground equipment, and park improvements are closed; <i>except</i> the City's section of the Foothills Trail remains open.
<i>What is the barrier to restoring normal or modified operations?</i>	<ul style="list-style-type: none"> - Governor's Stay Home Order. - Public gathering size limitations. - Social Distancing Requirement.
<i>Operational Goal:</i>	Open parks and park amenities for unrestricted public use.
<i>Target Date:</i>	Governor's Phase 2 and 3 for public outdoor recreation. Open space parks/recreation are open to the public.
<i>Mitigation Measures to meet Goal:</i>	<ul style="list-style-type: none"> • Identify social distancing boundaries if in effect at the time. • Require and enforce social distancing within the most current guidelines. • Provide handwashing stations. • Daily sanitizing of playground structures.

Priority 4

What is impacted?	City Sponsored Community Events
<i>How is it impacted?</i>	Scheduled community events such as " <i>Concerts in the Park</i> " and " <i>Movie Night in the Park</i> " are in question.
<i>What is the barrier to restoring normal or modified operations?</i>	<ul style="list-style-type: none"> - Governor's Stay Home Order. - Public gathering size limitations. - Social Distancing Requirement.
<i>Operational Goal:</i>	Provide the <i>Concerts in the Park</i> series (5 concerts) and <i>Movie Night in the Park</i>
<i>Target Date:</i>	Governor's Phase 4 for events great than 50 or Governor's Phase 3 for crowds of less than 50
<i>Mitigation Measures to meet Goal:</i>	<ul style="list-style-type: none"> • Post entry sign with Do Not Enter criteria per CDC symptom list on entry door. • Define and limit entry point(s). • Identify social distancing boundaries if in effect at the time. • Require and enforce social distancing within the most current guidelines. • Provide handwashing stations.

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Department: Fire Department (Sheet 1 of 4)

Priority 1

What is impacted?	Public Customer Service Counter
<i>How is it impacted?</i>	- Fire Station Lobby is closed to public entry.
<i>What is the barrier to restoring normal or modified operations?</i>	- Social Distancing Requirement.
<i>Operational Goal:</i>	Open the fire station lobby to the public during normal business hours.
<i>Target Date:</i>	June 1st, 2020
<i>Mitigation Measures to meet Goal:</i>	<ul style="list-style-type: none"> • Post entry sign with Do Not Enter criteria per CDC symptom list on entry door. • Post sign inside lobby instructing customers to maintain social distancing. • Place markers on floor to identify six-foot spaces to maintain social distancing at customer counter window. • Provide customers with a pen as needed; and drop-box for used pens to be disinfected later. • Provide hand sanitizer at window for public and workers.

Priority 2A

What is impacted?	Firefighter Training
<i>How is it impacted?</i>	- Traditional Wednesday night training is prohibited due to large group size.
<i>What is the barrier to restoring normal or modified operations?</i>	- Social Distancing Requirement. - Group size limitation(s).
<i>Operational Goal:</i>	Deliver hands-on instructor led training.
<i>Target Date:</i>	May 4 th , 2020
<i>Mitigation Measures to meet Goal:</i>	<ul style="list-style-type: none"> • Offer weekly training topic multiple times throughout the designated week. • Limit group size to no more than eight (8). • Implement application based sign-up process to fill trainee attendance on a first-come basis. • Maintain social distancing during training. • Provide simple facemasks when social distancing cannot be achieved. • Disinfect high-touch surfaces such as tables and chairs in the classroom before and after each use; clean and disinfect apparatus and tools after each use. • Develop written Training Plan to maintain training delivery consistency across multiple training events delivered by multiple instructors.

Priority 2B

What is impacted?	EMS Training for ALS and BLS Providers
<i>How is it impacted?</i>	- Traditional Wednesday night training is prohibited due to large group size.
<i>What is the barrier to restoring normal or modified operations?</i>	- Social Distancing Requirement. - Group size limitation(s).
<i>Operational Goal:</i>	Online Training Delivery.
<i>Target Date:</i>	May 4 th , 2020
<i>Mitigation Measures to meet Goal:</i>	<ul style="list-style-type: none"> • EMS Ongoing Training Education Program (OTEP) monthly mandatory training requirement delivered through Pierce County EMS approved alternative delivery method. • Establish accounts for all credentialed providers through EMS Connect. • Assign training consistent with approved OTEP Plan.

Priority 3

What is impacted?	Completion of Recruit Academy Class 2020-01
<i>How is it impacted?</i>	- In-class and drill ground sessions were suspended March 12 th , 2020.
<i>What is the barrier to restoring normal or modified operations?</i>	- Social Distancing Requirement. - Group size limitation(s).
<i>Operational Goal:</i>	Deliver hands-on instructor led training.
<i>Target Date:</i>	May 4 th , 2020
<i>Mitigation Measures to meet Goal:</i>	<ul style="list-style-type: none"> • Maintain social distancing in the classroom and on the drill ground. • Disinfect high-touch surfaces such as tables and chairs in the classroom before and after each use; clean and disinfect apparatus and tools after each use. • Provide Instructor-to-Recruit ratio needed to maintain group size of eight (8) or less.

Priority 4

What is impacted?	Promotion of Fire Department Lieutenant's to fill vacancies
<i>How is it impacted?</i>	- Process was suspended on March 12 th , 2020
<i>What is the barrier to restoring normal or modified operations?</i>	- Social Distancing Requirement. - Group size limitation(s).
<i>Operational Goal:</i>	Complete assessment and establish eligibility list with first promotion(s)
<i>Target Date:</i>	May 22 nd , 2020
<i>Mitigation Measures to meet Goal:</i>	<ul style="list-style-type: none"> • Develop alternative assessment center exercises that can be completed by candidates at home and submitted • Evaluation, scoring, and ranking of assessment center exercises. • Group exercise facilitated through social distancing practices; or through technology.

Priority 5

What is impacted?	Volunteer Recruitment and Selection
<i>How is it impacted?</i>	- Recruitment and Selection processes have been suspended due to the pandemic outbreak.
<i>What is the barrier to restoring normal or modified operations?</i>	- Social Distancing Requirement. - Public Gatherings prohibited. - Group size limited.
<i>Operational Goal:</i>	- Commence with recruitment efforts and selection process.
<i>Target Date:</i>	May 11 th , 2020
<i>Mitigation Measures to meet Goal:</i>	<ul style="list-style-type: none"> • One-on-One recruitment sessions in lieu of group sessions. • Limit written testing to groups no larger than five (5), including the proctor. • Limit physical agility testing to groups no larger than five (5), including the assessor. • Maintain social distancing during written and physical agility testing and assessments. • Conduct Oral Interviews via technology. • Conduct Chief's Interviews via technology. • Conduct on-boarding in groups no larger than five (5), including the facilitator.

Priority 6

What is impacted?	Delivery of Community First-Aid and CPR Training
<i>How is it impacted?</i>	- Course delivery has been suspended.
<i>What is the barrier to restoring normal or modified operations?</i>	- Social Distancing Requirement. - Public Gatherings prohibited. - Group size limited.
<i>Operational Goal:</i>	- Restore Community Training for First-Aid and CPR.
<i>Target Date:</i>	May 26 th , 2020 (provided its in small groups)
<i>Mitigation Measures to meet Goal:</i>	<ul style="list-style-type: none"> • Provide knowledge base instruction delivery through online student portal using American Safety & Health Institute OTIS platform. • Provide hands-on training delivery in scheduled sessions with an instructor-to-student ratio of no more than 1 to 3.

Priority 7

What is impacted?	Annual Fire & Life Safety Code Inspections
<i>How is it impacted?</i>	- Annual Fire & Life Safety Code Inspections of commercial occupancies has been suspended since March 13 th , 2020.
<i>What is the barrier to restoring normal or modified operations?</i>	- Closed Commercial Businesses. - Access to occupancies. - Social Distancing Requirement.
<i>Operational Goal:</i>	- Resume Inspections and catch-up to inspection cycle.
<i>Target Date:</i>	July 27 th , 2020
<i>Mitigation Measures to meet Goal:</i>	<ul style="list-style-type: none"> • Opening of commercial occupancies. • Opening of businesses. • Lifting of "Stay Home – Stay Healthy" restrictions.

Priority 8

What is impacted?	Recruit Academy Class 2020-02
<i>How is it impacted?</i>	- Recruit Academy Class 2020-02 was scheduled to start April 7 th , 2020 but the start was postponed
<i>What is the barrier to restoring normal or modified operations?</i>	- Social Distancing Requirement. - Public Gatherings prohibited. - Group size limited.
<i>Operational Goal:</i>	- Start Recruit Academy Class 2020-02
<i>Target Date:</i>	Fall/Winter 2020 – Class 2020-01 current priority
<i>Mitigation Measures to meet Goal:</i>	<ul style="list-style-type: none"> • Opening of commercial occupancies. • Opening of businesses. • Lifting of “Stay Home – Stay Healthy” restrictions.

Priority 9

What is impacted?	Community loss of access to Public Meeting Room
<i>How is it impacted?</i>	- Fire Station Training Room is not available for public/group use.
<i>What is the barrier to restoring normal or modified operations?</i>	- Governor’s current “Stay Home – Stay Healthy” order.
<i>Operational Goal:</i>	- Open Fire Station Training Room for Community Use
<i>Target Date:</i>	Open – must be groups less than 10 and will align with Gov’s Phased Plan
<i>Mitigation Measures to meet Goal:</i>	<ul style="list-style-type: none"> • Our ability to make the Fire Station Training Room available for public/group use is contingent on changes to the Governor’s orders regarding group sizes and public gatherings.

Priority 10

What is impacted?	Emergency Medical Technician (EMT) Training Program
<i>How is it impacted?</i>	- Disruption of Recruit Academy Class delivery for academy class 2020-01 and 2020-02 may impact planned September 3 rd , 2020 start-date.
<i>What is the barrier to restoring normal or modified operations?</i>	- Suspended delivery of Recruit Academy Class 2020-01 - Delayed start of Recruit Academy Class 2020-02
<i>Operational Goal:</i>	- Fall 2020 EMT Class
<i>Target Date:</i>	August 26, 2020
<i>Mitigation Measures to meet Goal:</i>	<ul style="list-style-type: none"> • Adjust recruitment entry requirements • Successful restoration of recruitment and selection

Priority 11

What is impacted?	Recruit Academy Class 2020-03 (now class)
<i>How is it impacted?</i>	- Recruit Academy Class 2020-02 is scheduled to start July 7 th , 2020 but will need to be postponed
<i>What is the barrier to restoring normal or modified operations?</i>	- Suspended delivery of Recruit Academy Class 2020-01 - Delayed start of Recruit Academy Class 2020-02
<i>Operational Goal:</i>	- Start Recruit Academy Class 2020-03
<i>Target Date:</i>	Planned for early calendar year 2021
<i>Mitigation Measures to meet Goal:</i>	<ul style="list-style-type: none"> • Operations have returned to normal

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Department: **Municipal Court** (Sheet 1 of 1)

Priority 1

What is impacted?	Public Counter Customer Service
<i>How is it impacted?</i>	Multi-Purpose Center Lobby and Court office is closed to public entry
<i>What is the barrier to restoring normal or modified operations?</i>	<ul style="list-style-type: none"> - Social Distancing Requirement - Stay at Home Order - BMC Admin Order 2020-1 and 2020-2
<i>Operational Goal:</i>	Open limited portions of MPC lobby and Court office to the public during normal business hours
<i>Target Date:</i>	May 28, 2020
<i>Mitigation Measures to meet Goal:</i>	<ul style="list-style-type: none"> • Post entry sign with Do Not Enter criteria per CDC symptom list on entry door. • Keep Main St. entrance locked with signage to indicate South side (rear parking lot) entrance is open. • Post sign inside lobby instructing customers to maintain social distancing. • Remove all chairs and benches from lobby area. • Place hand sanitizing station in MPC main lobby. • Provide customers with a pen as needed; and drop-box for used pens to be disinfected later. • Provide hand sanitizer at window for public and staff. • Allow only one person inside court office at a time. • Post sign outside court office indicating staff unable to exchange cash and all credit card transactions must be online or via telephone.

Priority 2

What is impacted?	Court Hearings
<i>How is it impacted?</i>	Service was suspended with the closure of the Court
<i>What is the barrier to restoring normal or modified operations?</i>	<ul style="list-style-type: none"> - Social Distancing Requirement - Stay at Home Order - BMC Admin Order 2020-1 and 2020-2
<i>Operational Goal:</i>	Resume limited in-person court hearings
<i>Target Date:</i>	May 28, 2020
<i>Mitigation Measures to meet Goal:</i>	<ul style="list-style-type: none"> • Implement MPC and Court office lobby access mitigation measures. • Place courtroom gallery chairs in accordance with social distancing requirements • Place litigant tables and chairs in accordance with social distancing requirements. • Waive signature requirement on non-essential documents. • Provide litigants with a pen as needed; and drop-box for used pens to be disinfected later. • Verify mailing address and mail copies of paperwork to litigants in lieu of exchanging copies during hearing. • Stagger hearing times to accommodate social distancing requirements (summons 3 litigants per 15 minutes). • Offer video hearings for civil infractions, limited motions, agreed motions and continuances, and other hearings on a case-by-case basis.

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Department: Parks and Building Maintenance (Sheet 1 of 1)

Priority 1

What is impacted?	Regular Work Schedule is Reduced
<i>How is it impacted?</i>	- Employees are required to share computers, workstations, and vehicles as the number of employees exceeds the number of these resources.
<i>What is the barrier to restoring normal or modified operations?</i>	- Social Distancing Requirement.
<i>Operational Goal:</i>	Return to normal work schedules.
<i>Target Date:</i>	Work Schedule has resumed to safe operations effective May 11, 2020
<i>Mitigation Measures to meet Goal:</i>	<ul style="list-style-type: none"> • Employees don't report to work if sick or meet other CDC guidelines. • Provide simple facemask for employees to wear and require their use when social distancing cannot be achieved. • Disinfect high-touch surfaces such as computers, phones, and workstations before and after each use.

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Department: **Police Department** (Sheet 1 of 1)

Priority 1

What is impacted?	Public Access to Lobby, CPL Applications, FFL Prints, Personal ID Prints, Employment Prints, Interviews.
<i>How is it impacted?</i>	Lobby is closed to Public Access
<i>What is the barrier to restoring normal or modified operations?</i>	<ul style="list-style-type: none"> - Social Distancing Requirement - PPE as required
<i>Operational Goal:</i>	Open Police Department Lobby for regular operations
<i>Target Date:</i>	July 1 st , 2020
<i>Mitigation Measures to meet Goal:</i>	<ul style="list-style-type: none"> • Post signage regarding information set forth by Governor/CDC • Update information on city website reflecting hours lobby is open. • Have PPE available to both employees and citizens • Have a sanitization plan for lobby, fingerprint/Interview room. • Install a procedure for limiting personal contact with citizens during the fingerprint process.

Priority 2

What is impacted?	BAC Process
<i>How is it impacted?</i>	DUI arrests were processed as no test completed.
<i>What is the barrier to restoring normal or modified operations?</i>	<ul style="list-style-type: none"> - Post signage regarding information set forth by Governor/CDC - Have PPE available to both employees and arrestees. - Have a sanitization plan for BAC Draeger Alco Test 9510 (follow WSP sanitization process.)
<i>Operational Goal:</i>	Complete BAC Process as needed for DUI arrests.
<i>Target Date:</i>	July 1 st , 2020
<i>Mitigation Measures to meet Goal:</i>	<ul style="list-style-type: none"> • Inform staff that we will be completing BAC process along with proper cleaning instructions provided by WSP for Draeger Alco Test 9510

**CITY OF BUCKLEY
COVID-19 2020
RETURN TO OPERATIONS ACTION PLANNING**



Department: Public Works Departments (Sheet 1 of 1)

Priority 1

What is impacted?	Regular Work Schedule is Reduced
<i>How is it impacted?</i>	- Employees are required to share computers, workstations, and vehicles as the number of employees exceeds the number of these resources.
<i>What is the barrier to restoring normal or modified operations?</i>	- Social Distancing Requirement.
<i>Operational Goal:</i>	Return to normal work schedules.
<i>Target Date:</i>	Work Schedule has resumed to safe operations effective May 11, 2020
<i>Mitigation Measures to meet Goal:</i>	<ul style="list-style-type: none"> • Employees don't report to work if sick or meet other CDC guidelines. • Provide simple facemask for employees to wear and require their use when social distancing cannot be achieved. • Disinfect high-touch surfaces such as computers, phones, and workstations before and after each use.

Priority 2

What is impacted?	Public Works Office Counter Customer Service
<i>How is it impacted?</i>	Public Works Office is closed to public entry.
<i>What is the barrier to restoring normal or modified operations?</i>	- Social Distancing Requirement.
<i>Operational Goal:</i>	Open the Public Works Office to the public during normal business hours .
<i>Target Date:</i>	Governors Phase 3
<i>Mitigation Measures to meet Goal:</i>	<ul style="list-style-type: none"> • Post entry sign with Do Not Enter criteria per CDC symptom list on entry door. • Post sign outside lobby prohibiting more than one customer at a time from entering. • Provide face masks at lobby entry to customers. • Hang a plastic cover in the large opening at the lobby desk. • Provide customers with a pen as needed; and drop-box for used pens to be disinfected later. • Provide hand sanitizer at window for public and workers.

CITY OF BUCKLEY
COVID-19 2020
RETURN TO OPERATIONS ACTION PLANNING



Department: Waste Water Treatment Plant (Sheet 1 of 1)

Priority 1

What is impacted?	Regular Work Schedule is Reduced
<i>How is it impacted?</i>	- Employees are required to share computers, workstations, and vehicles as the number of employees exceeds the number of these resources.
<i>What is the barrier to restoring normal or modified operations?</i>	- Social Distancing Requirement.
<i>Operational Goal:</i>	Return to normal work schedules.
<i>Target Date:</i>	Work Schedule has resumed to safe operations effective May 11, 2020
<i>Mitigation Measures to meet Goal:</i>	<ul style="list-style-type: none"> • Employees don't report to work if sick or meet other CDC guidelines. • Provide simple facemask for employees to wear and require their use when social distancing cannot be achieved. • Disinfect high-touch surfaces such as computers, phones, and workstations before and after each use.

Priority 2

What is impacted?	Waste Water Treatment Plant Office Public Access
<i>How is it impacted?</i>	Office is closed to public entry.
<i>What is the barrier to restoring normal or modified operations?</i>	- Social Distancing Requirement.
<i>Operational Goal:</i>	Make Office accessible to the public during normal business hours.
<i>Target Date:</i>	Governors Phase 3
<i>Mitigation Measures to meet Goal:</i>	<ul style="list-style-type: none"> • Post entry sign with Do Not Enter criteria per CDC symptom list on entry door. • Post sign outside lobby prohibiting more than one customer at a time from entering. • Provide face masks at lobby entry to customers. • Hang a plastic cover in the large opening at the lobby desk. • Provide customers with a pen as needed; and drop-box for used pens to be disinfected later. • Provide hand sanitizer at window for public and workers.



CITY COUNCIL AGENDA BILL

City of Buckley
PO Box 1960
Buckley, WA 98321

ITEM INFORMATION			
SUBJECT: Public Hearing: Ordinance No. 07-20: Temporarily Postponing Expiration of Development Applications and Approved Land Use Actions and Construction Permits.	Agenda Date: June 23, 2020 AB20-054		
	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 – Mike Deadmond		
	Fire Dept – Chief Predmore		
Cost Impact: \$	Parks & Rec Dept – Kevin Caviezel		
Fund Source:	Planning Dept – Leticia Wallgren		X
Timeline:	Police Dept – Chief Arsanto		
	Municipal Court – Jessica Cash		
	PW/Utilities – Chris Banks		
Attachments: Public Hearing Notice & Ordinance No. 07-200			
<p>SUMMARY STATEMENT: This public hearing is being held pursuant to RCW 36.70A.390, that states a public hearing on the interim official controls established by Ordinance 07-20 shall be held within sixty (60) days of the adoption of the Ordinance to hear and consider public comment.</p>			
COMMITTEE REVIEW AND RECOMMENDATION:			
RECOMMENDED ACTION: N/A			
RECORD OF COUNCIL ACTION			
<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>	

CITY OF BUCKLEY CITY COUNCIL PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the City of Buckley City Council will hold a public hearing to accept comment on Ordinance 7-20 at their next regularly scheduled City Council Meeting. Ord 7-20 is an interim ordinance of the City of Buckley, Washington, in response to the COVID-19 pandemic temporarily postponing expiration of development applications and approved land use actions and construction permits and temporarily tolling procedural deadlines; authorizing administrative interpretations; declaring this a public emergency ordinance pursuant to RCW 35a.13.190; establishing an expiration date consistent with RCW 36.70a.390; and fixing an effective date. The public hearing will be held at 7pm on Tuesday, June 23, 2020. The meeting may be held remotely; please reach out to the City Clerk, Treva Percival, at Buckley City Hall for details on attendance.

CITY OF BUCKLEY, WASHINGTON

ORDINANCE NO. 07-20

AN INTERIM ORDINANCE OF THE CITY OF BUCKLEY, WASHINGTON, IN RESPONSE TO THE COVID-19 PANDEMIC TEMPORARILY POSTPONING EXPIRATION OF DEVELOPMENT APPLICATIONS AND APPROVED LAND USE ACTIONS AND CONSTRUCTION PERMITS AND TEMPORARILY TOLLING PROCEDURAL DEADLINES; AUTHORIZING ADMINISTRATIVE INTERPRETATIONS; DECLARING THIS A PUBLIC EMERGENCY ORDINANCE PURSUANT TO RCW 35A.13.190; ESTABLISHING AN EXPIRATION DATE CONSISTENT WITH RCW 36.70A.390; AND FIXING AN EFFECTIVE DATE.

WHEREAS, the World Health Organization has determined that a pandemic exists due to the global spread of a highly contagious virus commonly known as COVID-19; and

WHEREAS, a state of emergency has been declared by the federal, state, county, and municipal governments in response to the pandemic; and

WHEREAS, on March 23, 2020, Governor Jay Inslee issued Emergency Proclamation 20-25 ("Stay Home, Stay Healthy order") requiring all people in Washington State to immediately cease leaving their home or place of residence except to conduct or participate in essential activities and/or for employment in essential business services; and

WHEREAS, on March 25, 2020, Governor Inslee provided official guidance stating that construction activities are not considered essential under Proclamation 20-25, except in limited circumstances; and

WHEREAS, the pandemic and the emergency declarations and proclamations are causing delays for an indeterminate period of time in the construction, inspection, and review of development projects with an active application or permit with the City of Buckley and will cause delays with any project or permit applications filed during the state of emergency; and

WHEREAS, a number of land use and permit review statutes and municipal code provisions, including chapter 36.70B RCW and Titles 13, 16, 12, 18, 19 and 20 of the Buckley Municipal Code, impose certain time limitations and process requirements, such as public hearings, on development permit applications that are not achievable in the current emergency while complying with the Governor's proclamations; and

WHEREAS, the City Council wishes to encourage a continuation of construction activity delayed by the emergency restrictions and by the economic impacts of the

pandemic through postponement of the deadlines and expiration dates for applications and permits; and

WHEREAS, the City Council further recognizes the necessity for staff telecommuting, for City compliance with the Governor's restrictions on non-essential activities, and for prioritizing work to address the emergency conditions; and

WHEREAS, this public health and economic crisis creates a time-sensitive emergency requiring the use of an interim zoning ordinance extending development application processing and permit expiration time periods to provide additional time; and

WHEREAS, this interim ordinance is intended to be temporary until public health and economic conditions improve and the provisions of this Ordinance are procedural in nature, in that they only modify the amount of time an application or an issued permit remains viable. Accordingly, this Ordinance is exempt from the requirements of a threshold determination under the State Environmental Policy Act pursuant to WAC 197- 11-800(19) and does not require transmittal to the Washington State Department of Commerce for comment; and

WHEREAS, the City Council finds that it is in the public interest to adopt this interim Ordinance and that such Ordinance is necessary for the immediate protection of the public health, safety, property, or peace.

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

Section 1. FINDINGS OF FACT. The Recitals set forth above are adopted as the Findings of Fact required pursuant to RCW 36.70A.390 and are also adopted as findings of fact in support of declaring an emergency for an immediate effective date as required by RCW 35A.13.190.

Section 2. EXTENSIONS OF DEVELOPMENT APPLICATIONS AND PERMITS.

A. This section relates to all development project applications and permits, including those under Titles 12, 13, 14, 16, 17, 18, 19 and 20 of the Buckley Municipal Code.

B. A permit or development approval (for example, a preliminary subdivision plat or conditional use permit application) that was active and valid as of January 1, 2020, shall not lapse, terminate, or otherwise expire prior to the expiration of this interim Ordinance, and the expiration date of the permit or development approval or time period for meeting a deadline or for performance of a condition of the permit or development approval shall be either the time currently provided by code or the expiration of this interim Ordinance, whichever date is later, unless the specific time period is required by state law and cannot be waived.

C. Any application that is currently actively processing or that is determined to be complete while this interim Ordinance is effective, will not be

lapsed, cancelled, or expired prior to the expiration of this interim Ordinance, and the time period for meeting a deadline or for performance of a condition of the application (including deadlines for obtaining permits that are ready for issuance) shall be either the time currently provided by code or the expiration of this interim Ordinance, whichever date is later, unless the specific time period is required by state law and cannot be waived.

D. Application processing deadlines and timelines relating to project permit applications processed under Title 20 BMC, including but not limited to requirements for issuing a notice of decision, are suspended and will be tolled while the Governor's emergency proclamations are in effect

Section 3. STATE LAW. The Council recognizes that in addition to the City's local ordinances and regulations there are associated state statutory deadlines and timelines in Chapters 36.70A, 36.708, 43.21C, 58.17, and 90.58 RCW, among others, which the Council does not have the authority to waive or extend. If the Governor issues an emergency proclamation or other order providing relief from state statutory deadlines and other requirements for development projects, the Council authorizes the Planning Director, Public Works Director, Building Official, and/or Fire Chief, as applicable, to implement or adopt any available measures or relief from those statutory deadlines and requirements provided such interpretations are temporary and consistent with the intent and purpose of this Ordinance.

Section 4. DIRECTOR INTERPRETATIONS. Council further authorizes the Planning Director, Public Works Director, Building Official, and/or Fire Chief, as applicable, to issue temporary procedural interpretations to address deadlines or other requirements related to development activities that were not specifically addressed in this Ordinance, provided such interpretations are temporary and consistent with the intent and purpose of this Ordinance.

Section 5. PUBLIC HEARING. Pursuant to RCW 36.70A.390, a public hearing on the interim official controls established by this Ordinance shall be held within sixty (60) days of the adoption of this Ordinance to hear and consider public comment.

Section 6. EFFECTIVE DATE. Due to the reasons identified in the whereas clauses, this ordinance is hereby designated as a Public Emergency Ordinance necessary for the protection of public health, safety, public property or the public peace and upon approval by at least a majority plus one of the whole membership of the City Council shall be immediately effective upon adoption

Section 7. EXPIRATION. The City Council adopts this interim regulation under the authority of RCW 36.70A.390. Therefore, the interim controls adopted herein shall be in effect for a period of six (6) months from the effective date of this Ordinance and shall automatically expire after a period of six months, unless extended as provided by statute

or otherwise superseded by action of Council, whichever occurs first. Because this is an interim ordinance only, it shall not be codified.

Section 8. SEVERABILITY. If any section, sentence, clause, or phrase of this ordinance should be held to be invalid 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 9. CORRECTIONS. The City Clerk is authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers, and any references thereto.

This ordinance was adopted by the City Council of the City of Buckley, Washington, at a regular meeting on the 28th day of April, 2020.


Pat Johnson, Mayor

Attest:


Treva Percival, City Clerk

APPROVED AS TO FORM:


Phil Olbrechts, City Attorney

PUBLISHED: May 6, 2020
EFFECTIVE: April 28, 2020



CITY COUNCIL AGENDA BILL

City of Buckley
PO Box 1960
Buckley, WA 98321

ITEM INFORMATION

SUBJECT:	Agenda Date: June 23, 2020 AB20-55		
Ordinance No. __-20 adopting an updated BMC Title 18 Subdivision code that repeals and replaces the current BMC Title 18	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 – Sheila Bazzar		
	Building Official – Mike Deadmond		
	Fire Dept – Chief Predmore		
	Parks & Rec Dept – Kevin Caviezel		
	Planning Dept – Leticia Wallgren		X
	Planning Dept – Evan Lewis	X	X
	Police Dept – Chief Arsanto		
Municipal Court – Jessica Cash			
	PW/Utilities – Chris Banks		

Attachments: Title 18 update process chart, List of final changes made to Title 18, Ordinance adopting the updated BMC Title 18, Staff Report and attachments including Attachment A - Updated Title 18 Subdivision code, Attachment B – Public Comment #1, Attachment C – Public Comment #2

SUMMARY STATEMENT:
This is an adopting ordinance for the updated BMC Title 18 Subdivision Code which regulates the division of land in Buckley. This update was conducted to ensure consistency with Buckley’s development regulations and comprehensive plan, ensure compliance with state law, identify and fix any anomalies, and identify and address any other inefficiencies or improvements that are needed in Title 18.

As shown in the attached process chart, this Title 18 update began approximately spring of 2019, with revisions made a few chapters at a time through nine Planning Commission meetings from July 2019 – March 2020. The City Attorney provided feedback in March 2020, with final updates made by the Planning Commission April-June 2020 in consideration of staff recommendations, City Attorney feedback, and 2 public comments. At a June 15, 2020 public hearing, the Planning Commission recommended to Council the approval of the Attached Title 18 Subdivision code to repeal and replace the current Title 18 Subdivision code.

COMMITTEE REVIEW AND RECOMMENDATION: Planning Commission - Approval Recommended

RECOMMENDED ACTION: MOVE to Approve Ordinance No. 09-20, Adoption of Updated BMC Title 18 Subdivision Code to Repeal and Replace the current Title 18 Subdivision Code

RECORD OF COUNCIL ACTION

Meeting Date	Action	Vote

City of Buckley BMC Title 18 Update Process

Spring 2019

Initial staff review of necessary Title 18 updates

July 2019 – March 2020

1. Planning Commissioner volunteer lead (Mel Garland)
2. Planning Commission review & updates (discussed at 9 meetings)

March 2020

City Attorney review and detailed staff review

April – May 2020

1. Further Planning Commission updates, based on:
 - a) Staff recommendations
 - b) City Attorney feedback
2. Notices: SEPA, Commerce, Hearing

June 2020

1. Council Study Session (6/2)
2. Consideration of 2 written public comments
3. Planning Commission hearing, 5 final updates, and recommendation (6/15)

**Council Consideration
for Adoption (6/23/20)**

List of Final Changes made to BMC Title 18

Since the June 2, 2020 Council Study Session

1. **Throughout:** Small copy edits to fix spacing, capitalization, consistency of a few position titles and words, and a few typos.
2. **Pages 4-6:** Added chapter #s to each definition so definitions can be referenced by # as well in the future.
3. **Page 8; 18.14.010(6):** Referenced Title 19 more generally in exemption #6 instead of specifically to Chapter 19.34.
4. **Page 11-12; 18.16.060(1-2):** Added section #s to the “Conformance to zoning regulations” for easier future reference.
5. **Page 14; 18.18.030(p):** Added more detail to required signature blocks, as reflected in the general requirements section of the drawing/survey requirements, for plats, BSPs, or BLA drawings that are recorded with the County – so instead of just saying “all required signers,” it now specifies 7 specific required signature blocks “unless otherwise required or instructed.”
6. **Page 18; 18.18.040(6)(a)(v):** Changed required BLA signature blocks from “Planning Director, Assessor-Treasurer and Auditor” to “all required signers” since specific signature requirements are covered in the “General Requirements” section.
7. **Page 26; 18.22.030(2):** An inadvertent reference to “short plats” in the second sentence (“*Final plats and short plats shall be approved...*”) was deleted since this chapter should not have referred to short plats (since the chapter is about long plats/long subdivisions).
8. **Page 29; 18.26.040:** Below the list of short plat review criteria, the following statement was added to be more clear about the need to consider the review criteria: “*All of these listed short plat review criteria are required to be considered for preliminary short plat approval.*”
9. **Page 29; 18.26.040(1)(c):** For private streets, removed the words “and their successors and assigns” from the requirement for barring the expense of private streets – since those words were in specific reference to “adjacent” property owners that the Planning Commission had previously removed.
10. **Page 31; 18.26.060(4):** A new list item #4 was added to reflect that short plats (just as with long plats) shall be “*approved, disapproved, or returned to the applicant within 30 (thirty) days from the date of filing of final plat, unless the applicant consents to an extension of such time period.*” This timing is required by state law and it’s best that this is clearly stated in the short plats chapter.
11. **Page 37; 18.30.040(1)(e):** Previously read “*No lot shall be created which does not have adequate drainage, access to water supply and sanitary sewer disposal, and/or access for vehicles, utilities and fire protection.*” The words “*adequate drainage*” were removed.
12. **Page 37; 18.30.050(2):** The BLA approval requirement now states that the applicant shall record the BLA within 10 calendar days “*after the city has approved the boundary line adjustment...*” – which is a change from “*After the city has returned the executed boundary line adjustment to the applicant.*”

CITY OF BUCKLEY, WASHINGTON

ORDINANCE NO. ___-20

**AN ORDINANCE OF THE CITY OF BUCKLEY, PIERCE COUNTY,
WASHINGTON, REPEALING AND REPLACING BUCKLEY MUNICIPAL
CODE TITLE 18 SUBDIVISIONS; PROVIDING FOR SEVERABILITY; AND
ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, Buckley Municipal Code (BMC) Title 18 Subdivisions is a system of regulations that periodically needs to be updated; and

WHEREAS, it was necessary to review BMC Title 18 to ensure consistency with Buckley’s development regulations and comprehensive plan, ensure compliance with state law, identify and fix any anomalies, and identify and address any other inefficiencies or improvements that are needed in Buckley’s Subdivisions code; and

WHEREAS, the City of Buckley Planning Commission conducted a thorough review of BMC Title 18 and proposed numerous updates to specific subdivision standards, review criteria, and review processes that are necessary for consistency with development regulations and state law, to fix code anomalies, and to address inefficiencies and lack of clarity within Buckley’s existing subdivision code; and

WHEREAS, the 60-day notice of intent to adopt these subdivision code amendments was sent to the Washington State Department of Commerce on April 24, 2020; and

WHEREAS, environmental review was completed and a determination of non-significance was issued, published and posted on May 27, 2020; and

WHEREAS, a public hearing notice was published and posted on May 27, 2020; and

WHEREAS, the Buckley City Council discussed this updated Title 18 Subdivision code at the June 2, 2020 Council Study Session; and

WHEREAS, the Planning Commission conducted a public hearing on this proposal on June 15, 2020; and

WHEREAS, the Planning Commission received two written public comments that were considered during the June 15, 2020 hearing and, based in part on these comments, made a few text changes to the updated Title 18 during the hearing; and

WHEREAS, at the June 15, 2020 hearing the Planning Commission recommended the City Council adopt the proposed ordinance repealing and replacing BMC Title 18 with the attached BMC Title 18;

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

Section 1. BMC Title 18 Subdivisions is repealed in its entirety and replaced with the updated BMC Title 18 Subdivisions as attached to and considered with 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:

Treva Percival, City Clerk

APPROVED AS TO FORM:

Phil Olbrechts, City Attorney

PUBLISHED: _____

EFFECTIVE: _____



**City of Buckley
Development Code Amendment
Title 18 Subdivision Code Update – 6-23-2020**

To Honorable Pat Johnson, Mayor
City Council Members

From Planning Department Staff

Subject Findings, Conclusions and Recommendations regarding
BMC Title 18 Subdivision Code Updates

Council Meeting Date: June 23, 2020

Hearing Date: June 15, 2020

Proposal Description: Updates to the City of Buckley Municipal Code Title 18, Subdivisions, to ensure consistency with Buckley's development regulations and comprehensive plan, ensure compliance with state law, identify and fix any anomalies, and identify and address any other inefficiencies or improvements that are needed in Buckley's Subdivisions code.

State Environmental Policy (SEPA) Threshold Determination: SEPA DNS Issued May 27, 2020

Recommendations Included: Approval of updated BMC Title 18, Subdivisions, found in Attachment A.

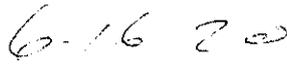
Attachments A. Proposed Updated Title 18 Subdivision Code
B. Public Comment received 6/15/2020 from Kathy James
C. Public Comment received 6/15/2020 from WSDOT

Planning Commission Recommendation to City Council Approval of proposed updated BMC Title 18 Subdivision code

Signed:



Mark McPhail, Commission Chair



Date

FINDINGS

I. Proposal Background

Title 18, Subdivisions, of Buckley Municipal Code (BMC) regulates the division of land in Buckley. As a development regulation, occasional updates to Title 18 are necessary to ensure consistency with Buckley’s development regulations and comprehensive plan, ensure compliance with state law, identify and fix any anomalies, and identify and address any other inefficiencies or improvements that are needed in Buckley’s Subdivision code.

The City of Buckley Planning Commission conducted a thorough review of BMC Title 18 and proposed numerous updates to specific subdivision standards, review criteria, and review processes that are necessary for consistency with development regulations and state law, to fix code anomalies, and to address inefficiencies and lack of clarity within Buckley’s existing subdivision code. Furthermore, environmental review was completed and a determination of non-significance was issued, published and posted on May 27, 2020;

II. Proposed Changes

The proposed updated subdivision code is shown in **Attachment A**. The most substantive changes, in-terms of effects on applicants, staff and decision makers, include:

1. Short Plats have been redefined to include up to six lots, instead of four lots as is in our current Subdivision code. State law allows up to nine-lot short plats.
2. Exemptions language was updated to ensure compliance with state law and to add three types of exemptions.
3. Drawing/survey requirements were significantly updated to better align with state law and Pierce County.
4. Major/minor amendments provisions were added for preliminary plat review.
5. Several review criteria, required by State law, were added for short plats.

The following is a more detailed, chapter-by-chapter overview of the more significant proposed changes to BMC Title 18, and the reasoning for those changes.

Chapter 18.04: Purpose and Applicability

#	Chapter and Page #	Update	Reason for Update
1	18.04.010; page 2	Purpose statement was significantly updated to better reflect the purpose statement in State law – <u>RCW 58.17</u>	It’s best for BMC to reflect the purpose statement in State law since so much of our subdivision code is driven by state law.
2	18.04.020; page 2	Applicability statement updated to remove specific references to short and long plats and their definitions.	Short and long subdivisions are defined later in the updated Title 18

Chapter 18.08: Authority and Jurisdiction

No significant changes from current Title 18.

Title 18 Subdivision Code Updates
June 16, 2020

Chapter 18.12: Definitions

	Chapter and Page #	Update	Reason for Update
1	18.12; pages 4-6	<p>Definitions were added for the following:</p> <ul style="list-style-type: none"> • Binding site plan • County treasurer • County assessor • Director • Final short plat • Review Authority • Short subdivision • Subdivision 	<p>Various reasons</p> <ul style="list-style-type: none"> • To consolidate definitions just in this chapter (such as for Binding Site Plan definition) • To reflect definitions in state law; RCW 58.17 • To define more terms that are used frequently in the updated Title 18 (such as "Review Authority") <p>Also, short subdivision was added and is now defined as containing six or fewer lots, instead of four or fewer lots; since state law allows short plats to be up to 9 lots, and most jurisdictions define them well over 4 lots; many up to 9 lots, but 6 lots was deemed more appropriate for Buckley.</p>
2	18.12; page 4	Alley definition was significantly updated	To eliminate a loophole in situations where alleys were located behind corner lots on collectors or arterials.
3	18.12; page 4	Comprehensive Plan definition was significantly updated	It now matches the comp plan definition from the Growth Management Act.

Chapter 18.14: Exemptions and Exclusions

	Chapter and Page #	Update	Reason for Update
1	18.14.010; pages 7-9	The 7 exemptions currently in BMC were updated to reflect required language in RCW 58.17 and to also add 2 additional exemptions required by state law.	Required by state law: RCW 58.17.040. Updates ensure that language reflects the meaning/intent of RCW 58.17 exemptions even if BMC wording is somewhat different
2	18.14.010; page 8	The following exemption was added: <i>"Divisions of land which were legally created prior to July 1, 1974."</i>	This is the date in which the state's subdivision law went into effect.
3	18.14.010; page 8	The following exemption was added: <i>"Divisions of land for use solely for the installation of electric power, natural gas, telephone, water supply, sewer service, petroleum pipelines, or utility facilities of a similar or related nature serving the general public; provided, however, that any remaining lot that is nonconforming with regard to density</i>	State law only requires this exemption for electric utilities/facilities, but it was deemed that installation of other utilities should be allowed in the timely manner as afforded by this exemption. There's no reason to limit the exemption to just electric utilities in Buckley.

Title 18 Subdivision Code Updates
June 16, 2020

	Chapter and Page #	Update	Reason for Update
		<i>and size shall be at least of adequate size to accommodate required zoning setbacks and able to meet minimum onsite sewage disposal requirements in the event that sewer lines are not available."</i>	
4	18.14.020; pg. 9	Exclusions sub-section was added for 1) Segregations and combinations for tax purposes only 2) Utility easements 3) Boundary line disputes pursuant to RCW 58.04.007	To be explicitly clear about the few situations where Title 18 doesn't need to apply.

Chapter 18.16: Standards and Policies

#	Chapter and Page #	Update	Reason for Update
1	18.16; pg. 10	Removed a subsection on public health, safety, and welfare	This was redundant with similar provisions later in the subdivision code, and thus unnecessary in this section.
2	18.16.030; pg. 10	The following was deleted from the end of section "18.16.030 Dedication of new right-of-way" <i>"In addition to right-of-way dedication and acceptance by the city, the streets shall be developed as per city street standards."</i>	This is stating something that would apply to all new rights of way – it doesn't need to be stated here.
3	18.16.040; pg. 10	Reduced the allowed lot area for cemeteries from 80 acres to 20 acres	80 acres was far larger than necessary for Buckley and the existing cemetery is well under 20 acres.
4	18.16.060; pg. 10-11	Under 18.16.060: Conformance to Zoning Regulation, the following rewording was made: <i>No final plat of land under force and effect of existing zoning regulations shall be approved unless it is in conformance with zoning regulations adopted by the city at the time of plat application.</i>	All final plats would be under force and effect of zoning regulations. Even nonconforming lots are technically addressed through current zoning regulations. The deleted language was unnecessary and redundant.
5	18.16.080(1); pg. 11	Current wording for Roads standard: <i>The arrangement, character, extent, width, grade and location of all roads shall conform with the comprehensive plan and shall be</i>	Essentially the same meaning/intent – no reason to be so specific here.

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#	Chapter and Page #	Update	Reason for Update
		<p><i>considered in their relation to existing and planned roads, to topographic conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such roads.</i></p> <p>New wording: <i>All roads shall conform with the comprehensive plan and shall be considered in their relation to existing and planned roads, to topographic conditions and to public convenience and safety</i></p>	
6	18.16.080(2); pg. 11	Part of the end of the “cul-de-sacs” policy, which required a pedestrian pathway between cul-de-sacs and nearby public facilities and open spaces, was removed.	In the specific situations where subdivisions are allowed, requiring such pathways for cul-de-sacs can be intrusive to adjacent homeowners (privacy/other concerns) and technically difficult. Note that sidewalks would still be required.
7	18.16.090(2); pg. 11	<p>Current wording for Lots standard: <i>“To ensure public health, convenience and safety, the subdividing of land shall provide, by means of a public road, each lot with satisfactory access to an existing public road. The exception shall be a private street to provide access to lots within a short plat subdivision.”</i></p> <p>New wording: <i>“The subdividing of land shall provide a public road serving each lot with satisfactory access. The exception shall be a private street to provide access to lots within a short subdivision.”</i></p>	Essentially the same meaning, but fewer words.
8	18.16.090; pg. 11	The following was removed from Lots standard: <i>“No lot for residential purposes shall be divided or sold into additional lots or building sites, unless the proposed lots to be subdivided meet compliance with the existing zoning regulations, and plat restrictions shall so state this fact.”</i>	Redundant and unnecessary to state this here in subdivision code.
9	18.16; pg. 12	An existing section on Tree Planting was removed, which read: <i>“The planting of all street trees shall conform with adopted landscaping</i>	Unnecessary to state this here in subdivision code. Tree planting requirements are addressed in landscaping code and Public Works

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#	Chapter and Page #	Update	Reason for Update
		<i>standards for street trees."</i>	standards.

Chapter 18.18: Drawing and Survey Requirements

New chapter that absorbed former "Plat Acceptance" chapter, and which is primarily modeled off of Pierce County's drawing and survey requirements.

Chapter 18.20: Dedications and Improvements

New chapter which is primarily modeled off of Pierce County's drawing and survey requirements.

Chapter 18.22: Subdivision – Submittal and Review

#	Chapter and Page #	Update	Reason for Update
1	18.22.010; pg. 22	18.22.010(3) was shortened significantly and now just refers to Title 20.	In many cases, such as this, it's not necessary to re-state specific Title 20 requirements in other Titles.
2	18.22.010; pg. 22	A part of 18.22.010(4)(K) describing sidewalks/crosswalks to ensure safe walking conditions in areas "other than schools" was added – not required by state law.	State law specifies review for safe walking conditions to/from schools. Our updated Title 18 includes this, but expands these criteria to also include areas other than schools.
3	18.22.020; pg. 23-25	Preliminary Plat Amendments section was added – with processes for administrative, minor, and major amendments.	This new amendments chapter clarifies the process for changes after preliminary plat approval but before final plat approval – a process that our current code lacks.
4	18.22.030(2); pg. 26	Clarified language so that final plats shall be approved within 30 days from the date of filing. Current wording suggests only a recommendation shall be made within 30 days.	As currently worded, our existing code wouldn't quite reflect the timing requirement in state law in RCW 58.17.
5	18.22.040; pg. 26	Updated Expiration section so that final plats have to be recorded within 10 calendar days. Also, the option for the Council to add an extension has been removed.	It's not in the City's interest to have applicants sit on approved plats for a long time without being recorded – they should be recorded ASAP.

Chapter 18.24: Plat Alterations and Vacations

Reworded so that alterations or vacation of short subdivisions, rather than just applying to short subdivisions that involve a public dedication, are subject to review procedures elsewhere in Title 18 and also requirements of RCW 58.17.212 and 215.

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Chapter 18.26: Short Subdivisions and Short Plats

#	Chapter and Page #	Update	Reason for Update
1	18.26.010; pg. 28	<p>Removed the exemptions section from short plats since Exemptions chapter at the beginning consolidates all exemptions in one place.</p> <p>However, the following exemptions, specific to short subdivisions, were removed altogether from Title 18:</p> <ol style="list-style-type: none"> 1. <i>Parcels or lots divided for the purpose of sale or lease, which do not contain adequate area or width for a building site unless two such contiguous parcels which collectively comprise a building site are acquired by the same person, family or developer;</i> 2. <i>Parcels, lots or tracts which are sold or leased prior to the effective date of the ordinance codified in this section, as evidenced by an earnest money contract, real estate contract, deed or other evidence acceptable to the city attorney</i> 3. <i>Divisions which were surveyed in accordance with the Survey Recording Act or lots within a plat recorded with the Pierce County auditor prior to June 14, 1977;</i> 	<p>It was best for exemptions to all be consolidated in the exemptions section rather than pertain just to the short plats chapter.</p> <p>Reasons for exemptions that were removed altogether:</p> <ol style="list-style-type: none"> 1. The short plat or BLA chapters should be followed for such situations. 2. This is an outdated exemption that other jurisdictions have done away with. When in effect, it could have legitimized land segregations that wouldn't otherwise be allowed (and that we wouldn't want to have allowed). 3. The reference to June 14, 1977 was likely an error in our current code and should have been 1974. Moreover, an updated version of this exemption is now included in Exemptions chapter.
2	18.26.020; pg. 28	Filing procedure and Fee section significantly shortened	Many of the filing procedures were absorbed into the drawing and survey requirements chapter
3	18.26.020; pg. 28	<p>The following requirement was removed:</p> <p><i>(b) Short plat certificate, from a title insurance company, no older than 30 days, including legal description of property, all parties with legal interest in property, and all easements or covenants of record affecting the property.</i></p>	This is already required per the "General Requirements" section of the Drawing and Survey requirements chapter. It's redundant to list it here.
4	18.26.040; pg. 29	Review criteria were added to match the criteria from the long-subdivisions chapter. Also, a statement was added below the list of criteria to be clear that these criteria must be considered.	State law requires that both long and short subdivisions be subject to at least the same minimum review criteria

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#	Chapter and Page #	Update	Reason for Update
5	18.26.040(1); pg. 29	Under "Access" section, Road reserved area requirement was updated to allow the City Engineer to waive requirement for right-of-way areas to be reserved for future streets in unique circumstances.	This is a common occurrence – often occurring when a street is already fully developed and there's no indication that the street will ever be widened.
6	18.26.040(1); pg. 29	Under "Access" section, requirement for adjoining landowners to bear the expense of private streets was removed Note one edit to be made: <i>The developer and their successors and assigns shall bear the expense of constructing the private street</i>	This change provides more flexibility for property owners along private streets. Most likely, developers and property owners will work out an agreement between themselves regarding the costs of private streets.
7	18.26.040(1); pg. 30	Under "Access" section, bullet point 'e', the following addition was made: <i>Private streets shall only be permitted to be constructed in short plats <u>or to serve unplatted lots of record.</u></i>	Expanding this permission for private streets helps ensure access to lots located <i>behind</i> newly short platted areas.
8	18.26.040(4); pg. 30	The following was reworded: Current Wording: <i>"Areas which are known or suspected to be poor building sites because of geological hazard, flooding, poor drainage, swamp conditions, mud slides, wetlands with buffers or avalanche potential shall be noted on the face of the short plat, unless a study by a qualified consultant proves that no such condition exists on the site or adjacent site with buffer impacts affecting the site and is met with concurrence by the city engineer."</i> New Wording <i>All critical areas, setbacks, and any building restrictions that affect the feasibility of the building site shall be noted on the face of the short plat.</i>	Reason: The processes guiding critical areas are all outlined in Title 12, so not appropriate to try to recap that here.
9	18.26.060(2); pg. 31	The following was deleted: <i>All improvements shall be constructed in accordance with the City of Buckley development guidelines and Public Works standards 10 days after receipt</i>	Reason: There's no reason to be more specific than the code and Public Works standards references shown

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#	Chapter and Page #	Update	Reason for Update
		of the preliminary plat notice of decision from the planning director. Minimum improvement standards shall be as established under the city of Buckley development guidelines and public works standards.	here.
10	18.26.060(4); pg. 31	The following standard was added: "Short plats shall be approved, disapproved, or returned to the applicant within 30 (thirty) days from the date of filing of final plat, unless the applicant consents to an extension of such time period."	This is a requirement from RCW 58.17, but it just needed to be reflected in our code
11	18.26.070; pg. 31	Stormwater drainage facilities was removed from a list of utilities that are not allowed until all required improvements have been provided for short plats.	Reason: Stormwater drainage facilities may be essential to have in place regardless of whether all required improvements have been provided.

Chapter 18.28: Binding Site Plan

#	Chapter and Page #	Update	Reason for Update
1	18.28.010; pg. 33	Definitions section was removed.	It's best that all definitions are consolidated in the "Definitions" chapter at the beginning of Title 18
2	18.28; pg. 33	A former section called "Scope" was removed, which read: "This chapter shall apply to divisions of land into lots or tracts classified for industrial or commercial use. This chapter shall also apply in any zoning district for developers wishing to employ the condominium exemption in BMC 18.14.010; provided, that the notice required by BMC 18.14.010(7)(c) is placed on the face of the recorded binding site plan."	Condos would be reviewed through the site plan review process. They're not technically a land division.
3	18.28.020(2); pg. 33	A requirement to show all proposed improvements and utilities was deleted from the Binding Site Plan Requirements	It's often not known what future improvements and utilities will be needed at the time of binding site plan approval. Approved binding site plans will look just like a plat with no utilities or improvements shown. Utilities and improvements will be addressed later through the site plan review

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#	Chapter and Page #	Update	Reason for Update
			process.
4	18.28.050; pg. 33	Under "Required Public Improvements", installation of required public improvements was changed from being required prior to "recording" to now being required prior to "approval"	It's most efficient and prudent to ensure all requirements are met at the approval step, rather than at the time that a binding site plan is recorded.
5	18.28.050; pg. 34	Under "Required Public Improvements", a requirement was removed which had required <i>"Monumentation of all exterior tract corners, all interior tract corners and all adjacent streets"</i>	State law only requires survey markers, but not monumentation. See Drawing and Survey chapter.
6	18.28.060; pg. 34-35	The following approval requirement was removed: <i>"Prior to the final approval of the binding site improvement plan, the plan shall be revised to accurately reflect all required improvements and shall include all applicable inscriptions deemed necessary by the city, setting forth such appropriate limitations and conditions for the use of the land."</i>	It's often not known what future improvements and utilities will be needed at the time of binding site plan approval. Approved binding site plans will look just like a plat with no utilities or improvements shown. Utilities and improvements will be addressed later through the site plan review process.
7	18.28.060(1); pg. 35	The following approval requirement was reworded as follows: <i>Prior to the issuance of a building permit for construction within a binding site plan, <u>the affected lot or lots must have site plan approval for the planned improvements and all improvement required to adequately service that portion of the plan for which the building permit will be issued shall be installed.</u>all required improvements under BMC 18.36.070 required to adequately service that portion of the plan for which the building permit will be issued shall be installed. In the alternative, the city may allow a bond to be posted in the amount of 130 percent of the estimated cost.</i>	It's often not known what future improvements and utilities will be needed at the time of binding site plan approval. Approved binding site plans will look just like a plat with no utilities or improvements shown. Utilities and improvements will be addressed later through the site plan review process..
8	18.28.060; pg. 35	Binding site plan approval requirements #2-5 were added based	These are required approvals under State law in RCW 58.17.035.

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#	Chapter and Page #	Update	Reason for Update
		on state law	
9	18.28.060; pg. 35	Under the "Approval of plan" chapter, a section called "segregation of lots or parcels" was removed	Redundant with requirements found elsewhere in Title 18.
10	18.28; pg. 35	The following "Enforcement" section was removed: <i>"In the event that any structure or required improvement made pursuant to the binding site improvement plan is in violation of the regulations of this chapter or of the plan, the prosecuting attorney may initiate any action to enjoin any transfer, lease, sale, agreement or option by making application for an injunction to the superior court. Nothing in this section shall be construed as restricting any other enforcement remedies available to the city."</i>	This "enforcement" requirement is more applicable at the site plan review approval stage, not the binding site plan approval stage

Chapter 18.30: Lot Combinations and Boundary Line Adjustments

#	Chapter and Page #	Update	Reason for Update
1	18.30.030(5); pg. 36	The following BLA provision was added: <i>An application for a boundary line adjustment shall not involve more than 5 contiguous lots. This limitation shall not apply to a BLA that results in the combination of lots.</i>	Added to avoid a loophole where additional subdivisions can be created through the BSP process
2	18.30.040(1)(e); pg. 36-37	The following track change was made to standards for approving BLAs: <i>"No lot shall be created which does not have adequate drainage, access to water supply and sanitary sewer disposal, and/or access for vehicles, utilities and fire protection."</i>	It was determined that drainage was an unnecessary requirement here for approving BLAs – drainage issues would typically be addressed separately in permit processes related to the BLA, if applicable.
3	18.30.050(1-2); pg. 37	<ol style="list-style-type: none"> 1. Removed a 60-day requirement for applicants to present approved BLA to the city for signatures. 2. Reduced a 30-day requirement for recording a BLA after approval to 10 calendar days after BLA approval 	The 60-day limit for getting BLAs signed wasn't necessary, but the 10 day requirement for getting BLA recorded after signatures keeps applicants from sitting on approved BLAs too long.

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Chapter 18.32: Application Fees

No significant changes, just simplified some of the language

Chapter 18.34: Appeals

No changes

Other Changes – Global Changes throughout Subdivision Code

The following are changes made throughout the subdivision code which don't affect specific subdivision requirements, but rather just improve the clarity and readability of our subdivision code.

#	Description of Changes	Reason for Change
1	Certain references to "plat" were changed to "subdivision", and visa versa	A "plat" refers to the representation of a subdivision usually in the form of a drawing, while references to subdivision (or short subdivision) should refer to the <i>actual</i> subdivision or short subdivision.
2	Simplified or reduced the length of long lists which described a concept or term when such lists were not necessary. For example, just stating "critical areas" when it wasn't necessary to list out all types critical areas; or just stating "public use" rather than listing several types of public uses when it wasn't necessary. There were several examples like this.	Long lists of examples aren't necessary when a few words suffice.
3	There were numerous redundancies throughout subdivision code.	It wasn't always necessary to restate the same requirements in different chapters- it's more efficient to consolidate requirements where they're most applicable.
4	Certain archaic references were removed	Some requirements, primarily related to application materials (including numerous unnecessary paper or mylar copies) were removed and more discretion was provided to Planning staff to determine the # of copies and means of submitting application materials.
5	Several specific descriptions of permit review processes were replaced with references to Title 20.	Title 20 already describes all permit review processes in great detail. This led to cutting out a lot of unnecessary text.
6	Copy edits to fix grammar, typos and formatting to improve readability. Chapter #s were also updated.	Improved readability.

III. Public Comments

Two sets of public comments were received on the afternoon of the Planning Commission Hearing on June 15, 2020:

- a) One set of comments was from commenter Kathy James who provided comments, concerns, questions and suggestions on more than five dozen specific aspects of the

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updated Title 18. Planning Staff reviewed all of these comments prior to the Planning Commission hearing, and Planning Commissioners also considered these comments prior to and/or during the hearing. The City Attorney also provided initial feedback on relevant comments prior to the hearing. Four of the final changes made to Title 18 during the hearing were a direct result of these public comments. The other comments were considered but the Planning Commission deemed it unnecessary to make additional changes based on those comments.

- b) Two comments were submitted from WSDOT specifically recommending adding and emphasizing bicycle, pedestrian, and active transportation. These comments were considered, but the Planning Commission deemed it unnecessary to make additional changes based on these comments.

CONCLUSIONS AND RECOMMENDATION

I. Comprehensive Plan

The proposed updated Title 18 is consistent with and implements the City of Buckley Comprehensive Plan.

II. Buckley Municipal Code

Based upon a review of facts and findings, the proposed updated Title 18 is consistent with Buckley Municipal Code.

III. State Environmental Policy Act (SEPA)

This proposed, updated Title 18 Subdivision Code underwent SEPA review and a SEPA DNS was issued May 27, 2020.

IV. Staff Recommendation

Based on the above Findings of Fact and Conclusions of Law, staff recommends the approval of this updated Title 18 subdivision code.

ATTACHMENT A: UPDATED BMC TITLE 18 SUBDIVISION CODE

**Title 18
SUBDIVISIONS**

Chapters:

- 18.04 Purpose and Applicability**
- 18.08 Authority and Jurisdiction**
- 18.12 Definitions**
- 18.14 Exemptions and Exclusions**
- 18.16 Standards and Policies**
- 18.18 Drawing and Survey Requirements**
- 18.20 Dedications and Improvements**
- 18.22 Subdivision – Submittal and Review**
- 18.24 Plat Alteration and Vacation**
- 18.26 Short Subdivisions and Short Plats**
- 18.28 Binding Site Plan**
- 18.30 Lot Combinations and Boundary Line Adjustments**
- 18.32 Application Fees**
- 18.34 Appeals**

CHAPTER 18.04
PURPOSE and APPLICABILITY

18.04.010 Purpose:

The purpose of this Title is to:

- (1) Regulate the subdivision of land and to promote the public health, safety and general welfare in accordance with standards established by the state to prevent the overcrowding of land;
- (2) Promote effective use of land;
- (3) Promote safe and convenient travel by the public on streets and highways;
- (4) Provide for adequate light and air;
- (5) Facilitate adequate provision for water, sewerage, parks, recreation areas, and other public requirements;
- (6) Provide for the expeditious review and approval of proposed subdivisions which conform to zoning standards and local plans and policies;
- (7) Lessen congestion;
- (8) Provide for proper ingress and egress;
- (9) Adequately provide for the housing and commercial needs of the citizens of the city; and
- (10) Require uniform monumentation of land subdivisions and conveyancing by accurate legal descriptions.

18.04.020 Applicability:

This Title shall hereby and hereinafter apply to the subdividing and boundary adjustment of any property within the city limits.

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CHAPTER 18.08

AUTHORITY and JURISDICTION

18.08.010 Authority and Jurisdiction:

The roles of the City of Buckley Planning Department, review authority and City Council, respectively, in the administration, review and approval process for subdivision and dedication proposals are set forth in this Title and in Buckley Municipal Code (BMC) Title 20.

CHAPTER 18.12

DEFINITIONS

Unless the context or subject matter clearly requires otherwise, the words or phrases defined in this section shall have the indicated meanings.

18.12.010. "Alley" means a public way which provides a secondary means of access to the rear of abutting property. For corner lots, where no rear yard exists, the front and street side yards cannot be used as a secondary point of access. The following, as defined in Buckley's Public Works Standards, are also not considered as providing secondary access:

- (1) Major and minor arterial rights-of-way;
- (2) Collector rights-of-ways; and
- (3) Local access rights-of-way.

18.12.020. "Binding site plan" means a drawing which:

- (1) Identifies and shows the areas and locations of all streets, roads, open spaces, and any other matters specified by city regulations;
- (2) Contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land as are established by the City of Buckley; and
- (3) Contains provisions making any development be in conformity with the proposed site plan.

18.12.030. "Block" means a group of lots, tracts or parcels within well-defined and fixed boundaries.

18.12.040. "BMC" means the City of Buckley Municipal Code.

18.12.050. "Buffer strip" means an area or strip of land located and planted with trees and shrubs to provide a screen between conflicting land uses.

18.12.060. "County Treasurer" means the office or person assigned such duties under the Pierce County Charter.

18.12.070. "County Assessor" means the office or person assigned such duties under the Pierce County Charter.

18.12.080. "Comprehensive plan" means a generalized coordinated land use policy statement of the governing body of a county or city that is adopted pursuant to Chapter 36.70A.RCW.

18.12.090. "Crosswalk/pathway" means a right-of-way dedicated to public pedestrian use, which cuts across a block to facilitate pedestrian access to adjacent streets and properties.

18.12.100. "Director" means the Director of Planning (Planning Director) or other designated representative of the City of Buckley.

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18.12.110. "Dedication" means the deliberate appropriation of land by an owner for any general and public uses, reserving to them self no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted. The intention to dedicate shall be evidenced by the owner by the presentment for filing of a final plat, short plat or binding site plan showing the dedication thereon. The acceptance by the public shall be evidenced by the approval of such plat for filing by the appropriate governmental unit.

18.12.120. "Easement" means a grant by the property owner of the use of a piece of land by the public or persons for specific purposes, such as utilities and/or access.

18.12.130. "Final plat" means the final drawing of a subdivision and dedication prepared for filing for record with the County Auditor and containing all elements and requirements set forth in this Title.

18.12.140. "Final short plat" means the final drawing of a short subdivision and dedication prepared for filing for record with the County Auditor and containing all elements and requirements set forth in this Title.

18.12.150. "Improvements" means streets, with or without curb or gutter, sidewalks, crosswalk-ways, utilities and other appropriate items.

18.12.160. "Lot" means a fractional part of subdivided lands having fixed boundaries, being of sufficient area and dimension to meet minimum zoning requirements for width and area.

18.12.170. "Owner" means a person, firm, association, partnership, private corporation, public or quasi-public corporation, or any combination thereof.

18.12.180. "Plat" means a map or representation of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, streets and alleys, or other divisions and dedications.

18.12.190. "Preliminary Plat" means a neat and approximate drawing of a proposed subdivision showing the general layout of streets and alleys, lots, blocks, and restrictive covenants or conditions to be applicable to the subdivision, and other elements of a plat or subdivision which shall furnish a basis for the approval or disapproval of the general layout of a subdivision.

18.12.200. "Public facilities" mean and include streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, utilities, parks and recreational public facilities, and schools.

18.12.210. "Public services" mean and include fire protection and suppression, law enforcement, public health, education, recreation, environmental protection, and other governmental services provided to the public.

18.12.220. "Review Authority" means a person, board or commission authorized by Title 20 BMC to make a decision or recommendation on a project permit application or land use regulation or policy.

ATTACHMENT A: UPDATED BMC TITLE 18 SUBDIVISION CODE

18.12.230. "Road" or "Street" means a right-of-way, dedicated to public use, which provides vehicular and pedestrian access to adjacent properties.

18.12.240. "Sketch" means a rudimentary drawing.

18.12.250. "Short subdivision" means the division or redivision of land into six or fewer lots, tracts, parcels, sites, or divisions for the purpose of sale, lease, or transfer of ownership.

18.12.260. "Street, Collector" means a thoroughfare which carries traffic from local streets to the major system of arterial streets.

18.12.270. "Street, Cul-de-sac" means a short street having one end open to traffic and being terminated by a vehicle turnaround.

18.12.280. "Street, "Major arterial" means an arterial which has continuity and serves as a distributor of through traffic and includes major highways.

18.12.290. "Street, "Minor arterial" means a street that serves as a distributor of traffic between major arterial streets and collector streets.

18.12.300. "Street, Local access" means a street supplementary to a collector street, primarily designated for residential streets within subdivisions. Local access streets carry traffic to neighborhood facilities and dwellings, have limited through traffic and may be subject to traffic calming devices.

18.12.310. "Street, "Private access" means a privately owned access. Private access can provide access to six or fewer lots and connects to a local access or collector street.

18.12.320. "Subdivision" means the division or redivision of land into seven or more lots, tracts, parcels, sites, or divisions for the purpose of sale, lease, or transfer of ownership.

18.12.330. "Subdivider," "developer" or "corporation" means an identified person who undertakes the subdividing or the re-subdividing of a parcel of land into a short subdivision or a subdivision for the purpose, immediate or future, of transfer of ownership or development.

CHAPTER 18.14
EXEMPTIONS and EXCLUSIONS

18.14.010 Exemptions

The following land division actions are exempt from the provisions of this Title:

- (1) Cemeteries and other burial plots while used for that purpose.
- (2) Divisions of land into lots or tracts each of which is one one-hundred-twenty-eighth of a section of land or larger, or five acres or larger if the land is not capable of description as a fraction of a section of land; provided, that for purposes of computing the size of any lot under this item which borders on a street or road, the lot size shall be expanded to include that area which would be bounded by the centerline of the road or street and the side lot lines of the lot running perpendicular to such centerline.
- (3) A proposed division of land made by testamentary provisions or the laws of descent. Such a proposed division of land shall be submitted to the Planning Department for review and approval. No building permit shall be issued on a lot created through this process unless the lot meets the requirements of BMC Chapter 19.20. Testamentary divisions shall also be subject to the following:
 - (a) Applications for testamentary divisions shall contain a legal description of all proposed lots.
 - (b) Each lot must adjoin or have legal access to a public road right-of-way or private road easement.
 - (c) A note shall be recorded on the title of each lot that puts future purchasers on notice of whether or not the lot was created pursuant to applicable lot size requirements for construction, at a minimum, of a single-family dwelling.
- (4) Division of land by a binding site plan for sale or lease of commercial or industrially zoned property created in accordance with BMC 18.28, provided:
 - (a) The division meets the density or lot size zoning requirements for the area involved; provided that for the purpose of computing the size of any lot which borders on a street or road, the lot size shall be expanded to include that area which would be bounded by the center line of the road or street and the side lot lines of the lot running perpendicular to such center line;
 - (b) A survey of the binding site plan division conducted by a licensed land surveyor is filed with the Pierce County Auditor. The survey shall be recorded and shall include the following notes: "Future development, including but not limited to, clearing and grading, new structures and installation of infrastructure are subject to City of Buckley Development Regulations";
 - (c) Each lot or tract adjoins or has legal access to an existing public road right-of-way or private road easement.

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- (5) Divisions of land which were legally created prior to July 1, 1974.
- (6) A division for the purpose of lease when no residential structure other than mobile homes, tiny houses or tiny houses on wheels as defined in RCW 35.21.686, or travel trailers are permitted to be placed upon the land when the city has approved a binding site plan for the use of the land in accordance with Title 19 BMC.
- (7) A division made for the purpose of alteration by adjusting boundary lines, between platted or unplatted lots or both, which does not create any additional lot, tract, parcel, site or division nor create any lot, tract, parcel, site, or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site. Such alterations shall be regulated as provided under BMC 18.30.
- (8) Divisions of land for use solely for the installation of electric power, natural gas, telephone, water supply, sewer service, petroleum pipelines, or utility facilities of a similar or related nature serving the general public; provided, however, that any remaining lot that is nonconforming with regard to density and size shall be at least of adequate size to accommodate required zoning setbacks and able to meet minimum onsite sewage disposal requirements in the event that sewer lines are not available.
- (9) Divisions of land for the sole purpose of enabling the City to surplus or acquire land for park, open space, critical area, conservation, viewpoint, recreational, educational or other public purposes; provided, however, that any remaining lot that is nonconforming with regard to density or size shall be at least of adequate size to accommodate required zoning setbacks and able to meet minimum onsite sewage disposal requirements in the event sewer lines are not available.
- (10) Divisions of land into lots or tracts if:
- (a) The improvements constructed or to be constructed thereon will be included in one or more condominiums or owned by an association or other legal entity in which the owners of units therein or their owners' associations have a membership or other legal or beneficial interest;
 - (b) The city has approved a binding site plan for all such land; and
 - (c) The binding site plan contains therein the following statement: "All development of the land described herein shall be in accordance with the binding site plan, as it may be amended. Upon completion, the improvements on the land shall be included in one or more condominiums or owned by an association or other legal entity in which the owners of units therein or their owners' associations have a membership or other legal or beneficial interest. This binding site plan shall be binding upon all now or hereafter having any interest in the land described herein."
- (11) A division for the purpose of leasing land for facilities providing personal wireless services while used for that purpose. "Personal wireless services" means any federally licensed personal wireless service. "Facilities" means unstaffed facilities

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that are used for the transmission or reception, or both, of wireless communication services including, but not necessarily limited to, antenna arrays, transmission cables, equipment shelters, and support structures.

(12) Division of land by roads or rights-of-way.

- (a) The City recognizes that a parcel has been divided into separate, legal lots by a State or Federal road or highway; a City road that has been adopted as part of the City road system; a City road right-of-way that has been acquired or accepted by the City of Buckley but is an unopened City road.
- (b) In the case of an established railroad right-of-way, the City shall recognize that a parcel has been divided into separate, legal lots as set forth in subsection (a) above.

18.14.020 Exclusions

The following actions shall not be considered a land division action and are excluded from the provisions of BMC Title 18.

- (1) Assessor-Treasurer's Office segregations and combinations for tax purposes only;
- (2) Utility easements; and
- (3) Boundary line disputes pursuant to RCW 58.04.007.

CHAPTER 18.16
STANDARDS and POLICIES

- 18.16.010 Conformance to comprehensive plan.**
- 18.16.020 Public facility area exclusive.**
- 18.16.030 Dedication of new right-of-way.**
- 18.16.040 Cemetery area.**
- 18.16.050 Public areas may be required on plats.**
- 18.16.060 Conformance to zoning regulations.**
- 18.16.070 Subdivision of inadequate land.**
- 18.16.080 Roads.**
- 18.16.090 Lots.**
- 18.16.100 Public spaces.**
- 18.16.110 Street lighting.**

18.16.010 Conformance to comprehensive plan.

If a proposed street and/or lot pattern for any district in the city has been made by the City Council, the street layout of any new plan submitted shall be in general conformance to said pattern or plan. Otherwise, proposed streets in new subdivisions and short subdivisions shall conform to the comprehensive plan as adopted, or to the existing pattern of roads in the city.

18.16.020 Public facility area exclusive.

Land proposed to be subdivided shall not be a part of, nor encroach upon, any area designated in the comprehensive plan for future public facilities.

18.16.030 Dedication of new right-of-way.

Where the comprehensive plan or the city's official road plan indicates the necessity of new right-of-way of a required width or a portion thereof for street purposes, whether within a new subdivision or short subdivision, such required right-of-way or portion thereof shall be dedicated to the city by the filing of a plat.

18.16.040 Cemetery area.

The area of a proposed cemetery in one unit shall be not more than 20 acres, which may or can be surrounded by streets and highways. If the area of a cemetery is intersected or cut by dedicated or platted streets, the areas on opposite sides of said streets shall form and be considered separate units.

18.16.050 Public areas may be required on plats.

Restrictive covenants not contrary to existing regulations regarding the use of land, governing and binding all future owners of lots or tracts, may be shown on any plat.

18.16.060 Conformance to zoning regulations.

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(1) No final plat shall be approved unless it is in conformance with zoning regulations adopted by the city at the time of plat application.

(2) Whenever there is a discrepancy between minimum standards of dimensions noted in this Title and those contained in zoning regulations, building codes or other official regulations, the highest standard shall apply.

18.16.070 Subdivision of inadequate land.

Land which the review authority has found to be unsuitable for subdivision or short subdivision due to critical areas or other features likely to impact the safety, welfare and the general health of future residents, and which is inappropriate for subdivision or short subdivision, shall not be subdivided unless adequate corrective steps are formulated by the developer and approved by the review authority and the City Engineer.

18.16.080 Roads.

(1) All roads shall conform with the comprehensive plan and shall be considered in their relation to existing and planned roads, to topographic conditions and to public convenience and safety.

(2) Cul-de-sacs are only allowed where adjoining land is restrictive (steep slopes, wetlands, etc.), or where connection to the existing grid system is otherwise illogical in accordance with determination from the City Engineer.

(3) Alleys. Where the city deems it necessary due to smaller lots, narrower streets, limited access and restricted on-street parking, alleyways may be required within a subdivision or short subdivision in order to direct driveways and driveway ingress/egress away from residential street frontage.

18.16.090 Lots.

(1) The lot area, width, depth, shape and orientation, and the minimum building setback lines shall be appropriate for the location of the subdivision or short subdivision, for the type of development and use contemplated, and shall conform with the requirements of BMC Title 19.

(2) The subdividing of land shall provide a public road serving each lot with satisfactory access. The exception shall be a private street to provide access to lots within a short subdivision.

(3) Double frontage and reverse frontage lots shall be avoided, except where essential to provide separation of residential development from traffic arterials or to overcome specific disadvantages of topography and orientation.

18.16.100 Public spaces.

(1) Where a proposed public use shown in the adopted comprehensive plan is located in whole or in part in a subdivision or short subdivision, the city may require the dedication or reservation and construction in compliance with the adopted plan.

(2) Due regard shall be shown for the preservation of outstanding natural and cultural features such as scenic spots, watercourses, historic sites and other features as deemed appropriate by the city.

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18.16.110 Street lighting.

Street lights of appropriate design, as determined by adopted city standards, shall be located on opposite sides of each street intersection and all new dedicated streets. New subdivisions or short subdivisions adjacent to existing streets without streetlights shall have streetlights installed in accordance with adopted city standards.

CHAPTER 18.18
DRAWING and SURVEY REQUIREMENTS

- 18.18.010 Purpose.**
- 18.18.020 Applicability.**
- 18.18.030 Drafting Standards.**
- 18.18.040 Survey Standards.**

18.18.010 Purpose.

This chapter establishes uniform drafting and survey standards for plat maps and site plans that depict land division actions, alterations or adjustments to existing land divisions. This chapter also contains the minimum information that is required to be noted or depicted on each specific type of plat and site plan.

18.18.020 Applicability.

The provisions of this chapter of the BMC shall apply to all land division actions, and alterations or adjustments to existing land divisions in this Title that require a survey or preparation of a plat map or site plan. All plat preparation and survey activities shall conform to the provisions of Chapter 332-130 WAC and Chapters 58.09 and 58.17 RCW, when applicable.

18.18.030 Drafting Standards.

(1) General Requirements.

Each proposed preliminary plat, final plat, short plat, binding site plan or alteration of an existing land division or boundary line adjustment shall include the following details:

- (a) A drawing, which complies with the requirements of the Survey Recording Act Chapter 58.09 RCW and is prepared by a professional land surveyor, of the exterior boundaries of the property shall be prepared at a scale not smaller than one inch equals one hundred feet (1" = 100') or other scale approved by the Planning Department or as set forth in the Survey Recording Act. The drawing shall be on a sheet size of 18 inches by 24 inches (18" x 24") except for the preliminary plat which is 24 inches by 36 inches (24" x 36"). The map shall include the graphic scale accompanied by a scale bar and a north directional arrow (note: north arrow shall be to the top or left or within the quadrant between top and left);
- (b) The total area (square feet or acres) of the property and roads;
- (c) The Assessor-Treasurer's tax parcel identification number of all included parcels;
- (d) The complete legal description of the proposed project;
- (e) All adjoining public and private roads, proposed roads with identifying name, as approved by the Planning Department, locations, and right-of-way dimensions;

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- (f) The location and dimensions of any drain field, if known, easements, or right-of-way existing within the proposed project boundaries;
- (g) All lots shall be identified by unique numerical designation. All tracts, if permitted, shall be identified by alphabetical designation;
- (h) The location and use of all existing buildings and structures, the size of any existing buildings and structures, a note as to whether the structures are to be retained or removed, monument or free-standing signs and the distance between structure and proposed lot/boundary lines; if the structure is to be removed no distance to the boundary lines is necessary;
- (i) Current zoning classification at time of application;
- (j) Name and address of property owner(s), developer, and professional licensed land surveyor preparing the plat;
- (k) Any encroachments on the exterior property boundaries; (The resolution of any encroachment is the responsibility of the applicant);
- (l) The size (square feet or acreage) and location of any designated critical area, and its associated buffers, open space areas, on-site recreational areas, and parks;
- (m) A title report not older than 30 days including supporting documents, reflecting all matters of record;
- (n) Location of all survey monuments found and established within the property boundaries of the proposed project and the position of each new property corner set;
- (o) Short subdivisions, and binding site plans shall contain the following statement: "Approval of this land division does not guarantee the approval or issuance of future building permits";
- (p) Signature blocks shall be provided for the Mayor, City Engineer, Planning Director, City Attorney, Public Works Director, Fire Chief, Pierce County Assessor-Treasurer, and Pierce County Auditor, unless otherwise required or instructed;
- (q) Drawings shall be in permanent black ink on paper, without folds. All maps submitted for recording shall be original plots or prints with original signatures. Sheet size and format must comply with the recording requirements of the Pierce County Auditor;
- (r) Individual lot sizes;
- (s) Dimensions to the nearest one-hundredth of a foot and angles and bearings in degrees, minutes, and seconds, except for proposed interior lots and tracts on preliminary plats;
- (t) A vicinity map drawn to a scale of 1" = 1,000', with north oriented to the same direction as the plat drawing and showing sectional corners and off-site roads shall be provided for short plats, binding site plans and preliminary plats.
- (u) Any rights-of-way within or abutting the proposed project.

18.18.040 Survey Standards.

(1) General Survey Requirements

All land division actions (preliminary plat, final plat, short plat, boundary line adjustment and binding site plan), or alteration to an existing land division shall conform to the following survey standards:

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- (a) All surveys shall be accomplished as required by Chapter 332-130 WAC and the Survey Recording Act, Chapter 58.09 RCW except for the above actions a separate record of survey will not be required;
- (b) All lot staking shall be completed prior to the recording of the land division action. However, in the event the applicant has bonded for final improvements, the staking shall take place as the improvements are made;
- (c) All corners shall be staked according to Chapter 58.09 RCW and Chapter 332-130 WAC. When the corner(s) or interior lot corner(s) falls in a body of water, over the edge of a steep slope or other inaccessible area, an offset corner will be permitted. When the boundary line follows a meandering line, corners shall be set as mutually agreed upon by the City and the surveyor. Corners on a preliminary plat need not be set until the final plat, but all exterior boundaries and encroachments must be accurately shown on the map and be based on an actual field survey;
- (d) When the legal description utilizes a partial or complete section sub-divisional breakdown to establish the boundaries, section subdivision survey information in accordance with the requirements of WAC 332-130-030 shall be shown on the plat;
- (e) All reference monuments used in the establishment of the corners shall be identified, described, and noted as set or found on the plat. When appropriate, the survey shall reference the recorded or previous survey that was the basis for the currently proposed survey;
- (f) Permanent control monuments shall be established at every controlling corner on the boundaries of the parcel of land included in the final plat, binding site plan or short plat. These monuments shall meet the requirements of RCW Chapter 58.09.120. For formal plats the monuments shall be as described above except that Pierce County standard monuments shall be placed along the centerlines of the roadways at intersections, point of curvature and point of tangency of curves or at the point of intersection, if the monument will be completely within the paved portion of the road. If the formal plat abuts a City right-of-way, Pierce County standard monuments shall be placed at the centerline of the right-of-way;
- (g) Map closures are required for all final plats, short plats, large lot divisions, Binding Site Plans, and any portion of an alteration where the boundary of a lot or tract is being altered. Map closures (map checks) shall be submitted for all closed figures and shall meet the following criteria:
 - i. Each lot or tract shall begin on a new page;
 - ii. The dimensions listed in the map checks shall match those depicted on the map;
 - iii. The map checks must contain, at minimum, delta, radius, and arc length;
 - iv. For curves, the radial bearing in and out must be listed in the map checks;
 - v. The map checks must provide a calculated area in square feet and a mathematical closure for each closed figure.
- (h) All existing structures and improvements including buildings, fences, retaining walls, etc., shall be shown on the plat.

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(2) Preliminary Plat.

In addition to complying with BMC Title 18 and Chapter 58.17 RCW, the following information is required for preliminary plats:

- (a) A preliminary plat map prepared by a professional licensed land surveyor at a scale not smaller than 1" = 200' showing the following information, must be submitted with the application.
 - i. Proposed name of subdivision. This name shall not duplicate nor resemble the name of another subdivision in Buckley. Names of local and/or historic significance to Buckley are preferred, but not required.
 - ii. Contours of sufficient intervals to indicate the topography of the entire plat area; up to 5 percent slope, 2-foot contours; 5 percent and over slopes, 5-foot contours. State the source of the topography (Pierce County aerial, field survey etc.);
 - iii. All adjoining parcels, plats, surveys and preliminary plats along with the platted names or parcel numbers of un-platted property and property owners' names;
 - iv. The size and approximate dimensions of all proposed lots and tracts;
 - v. All utility providers and type of access;
 - vi. The lineal feet of street rights-of-way and their areas.
- (b) The exterior boundaries of the preliminary plat shall be surveyed and dimensioned pursuant to RCW Chapter 58.09.
- (c) A plat map that displays the entire plat on one sheet, not to exceed 24 inches by 36 inches (24" x 36") in size.

(3) Final Plat and Final Short Plat.

In addition to complying with Title 18 of BMC and Chapter 58.17 RCW, the following information is required for final plats and final short plats:

- (a) An application for a plat shall be filed with the Planning Department on forms provided and with the number of copies prescribed by the Planning Department. The plat shall be prepared by a Professional Land Surveyor registered in accordance with the requirements of RCW Chapter 18.43, and shall include:
 - i. Names of streets and street address for each lot, as assigned;
 - ii. The lines of all streets and roads, alley lines, lot lines, lots and blocks numbered in numerical order, starting with number one, easements and any areas to be dedicated to public use, with notes stating their purpose and any limitations;
 - iii. Enough data to reproduce, on the ground, the location of every street, easement line, lot line, boundary line and block line on site;
 - iv. All interior monuments and property corners shall be installed prior to the release of any bond or financial guarantee;
 - v. The plat shall be accompanied by a current title report with the identical legal description of the land to be subdivided on both the title report and final plat;

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- vi. Sufficient survey control will be shown to comply with RCW Chapter 58.09;
 - vii. Substantially conform to the approved preliminary plat;
 - viii. The plat shall be signed by the property owner(s) as shown on the title report or another applicable document;
 - ix. Name of the final plat.
- (b) The original drawing shall be on 18 inch by 24 inch (18" x 24") sheets in portrait orientation with a 2" border on the left margin and a 1/2" margin elsewhere. Page numbers shall be in the upper right-hand corner and the Surveyor's business title block shall be in the lower right-hand corner.

(4) Plat Alterations.

In addition to the requirements listed in final plats, above, plat alterations must also include the following:

- (a) Proposed plat alterations shall contain a written description of the proposed alteration on the face of the plat. This description shall identify the specific change(s) to the original, recorded document, as well as the reason for the alteration. Only those parcels affected by the alteration need to be shown on the resultant plat.

(5) Binding Site Plans

In addition to complying with Title 18 of BMC and Chapter 58.17 RCW, the following information is required for Binding Site Plans:

- (a) An application for a binding site plan shall be filed with the Planning Department on forms provided and with the number of copies prescribed by the Planning Department. The binding site plan shall be prepared by a Professional Land Surveyor, registered in accordance with the requirements of RCW Chapter 18.43, and shall include:
 - i. Names of streets and street address for each lot, as assigned;
 - ii. The lines of all streets and roads, alley lines, lot lines, lots and blocks numbered in numerical order, starting with number one, easements and any areas to be dedicated to public use, with notes stating their purpose and any limitations;
 - iii. Enough data to reproduce, on the ground, the location of every street, easement line, lot line, boundary line and block line on site;
 - iv. All interior monuments and property corners shall be installed prior to the release of any bond or financial guarantee;
 - v. The plan shall be accompanied by a current title report with the identical legal description of the land to be subdivided on both the title report and final plat;
 - vi. Sufficient survey control will be shown to comply with RCW Chapter 58.09;
 - vii. The plat shall be signed by the property owner(s) as shown on the title report or other applicable document;
 - viii. Name of the Binding Site Plan, if any.

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- (b) The original drawing shall be drawn in permanent black ink on 18 by 24-inch (18" x 24") sheets in portrait orientation with a 2" border on the left margin and a 1/2" margin elsewhere. Page numbers shall be in the upper right-hand corner and the Surveyor's business title block shall be in the lower right-hand corner.
- (c) A Binding Site Plan will be required for any phased residential condominium.
- (d) Each lot of a Binding Site Plan must undergo a separate Site Plan Approval process prior to any improvements being built. The Site Plan Approval process may be accomplished concurrently with the Binding Site Plan.

(6) Boundary Line Adjustment.

Additional information required for boundary line adjustment:

- (a) An application for a final plat shall be filed with the Planning Department on forms provided and with the number of copies prescribed by the Planning Department. The boundary line adjustment shall be prepared by a Professional Land Surveyor, registered in accordance with the requirements of RCW Chapter 18.43. The application shall be accompanied by a site plan drawn to a scale of not less than one inch equals 100 feet (1" = 100'), containing existing and revised parcels and showing the location of all roads, structures, easements, property dimensions, uses and setbacks, and notarized acknowledgements and signatures of all property owners, and include the following items:
 - i. The proposed lot configuration shall be indicated by heavy solid lines;
 - ii. The existing lot lines proposed to be changed shall be indicated by heavy broken lines;
 - iii. The original legal descriptions of the existing parcels together with new separate legal descriptions for each revised parcel, labeling them specifically as Parcel A, Parcel B, etc.;
 - iv. The area and dimensions of each lot, existing and proposed, in the proposed adjustment; and
 - v. Signature blocks for boundary line adjustments to include all required signers.
- (b) The final document for recording shall be signed by the property owners and officials.

CHAPTER 18.20

DEDICATIONS and IMPROVEMENTS

18.20.010 Purpose.

18.20.020 Applicability.

18.20.030 Requirements for Recorded Documents.

18.20.040 Improvements.

18.20.010 Purpose.

The purpose of Chapter 18.20 BMC is to provide standards and criteria for dedications and improvements in any land division action.

18.20.020 Applicability.

The provisions of Chapter 18.20 BMC apply to divisions of land administered by the City of Buckley.

18.20.030 Requirements for Recorded Documents.

(1) **Legal Description.** Every land division action filed for record must include a full and correct description of the lands divided as they appear on the plat or land division action.

(2) **Free Consent, Dedication, Donation, and Waiver of Signatures.**

- (a) Every land division action must be accompanied by a title certificate confirming that the title of the land described is in the name of the owner(s) signing the land division action. The legal description in the title certificate must match the legal description presented on the land division map.
- (b) Every land division action shall include a statement that the land division action has been made with the free consent and in accordance with the desires of the owner(s).
- (c) Every land division filed for record shall include the dedication of all streets and other areas to the public and, if applicable, the donation to other entities public or private. Roads not dedicated to the public must be clearly marked on the face of the plat or land division action as private.

(3) Tracts created by a land division action shall be owned in undivided interests by the owners of each numbered lot, and shall be an appurtenance to each numbered lot, unless the review authority makes specific conditions for alternative ownership as a condition of approval.

18.20.040 Improvements.

(1) **General Requirements.**

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- (a) All infrastructure shall be designed and certified by a professional engineer and be in conformance with applicable City and state codes and regulations. Prior to construction or installation, all improvement design plans shall be approved by the City of Buckley.
- (b) Final approval of any proposed land division action will not be granted until the required improvements have been constructed. In lieu of the completion of the actual construction or installation of any required improvements prior to final land division approval, the City may accept a bond, which is in accordance with City requirements, securing to the City the actual construction and installation of such improvements. In addition, the City may require the posting of security, including the posting of a bond securing to the City the successful operation of improvements for an appropriate period up to three years after final approval.

(2) **Names, Numbers and Addresses.** In order to promote an orderly and coherent street and property location system, names and numbers in all land divisions shall be assigned, by the Buckley Planning Department, in accordance with established procedures and guidelines.

- (a) Subdivision Names and Numbers. Subdivision or Binding Site Plan names shall be chosen by the applicant subject to approval by the Buckley Planning Department. The Planning Department shall approve the proposed name if it is reasonably distinguishable from previously established subdivision names. The legal identification of short plats and large lots, if any, shall be referred to by the Auditor's Fee Number (AFN) assigned by the Auditor at the time of recording. Lot numbers shall be proposed by the applicant and shall be approved by The Planning Department.
- (b) Street Names and Numbers. All public and private roads established by subdivision, short subdivision, or binding site plan shall have street names or numbers assigned and clearly shown on the plat prior to approval and recording. Street names and numbers shall be assigned by the City Planning Department. Private roads shall be clearly labeled on the face of the plat.
- (c) Addresses. In accordance with RCW 58.17.280, lot addresses shall be assigned and shown on the final land division map.

(3) **Bonds and Financial Guarantees.**

- (a) The City of Buckley shall require an applicant to submit the appropriate bond or financial guarantee for reclamation, construction, final survey and staking, temporary road approach guarantees, and guarantees for parks, landscaping, fences or other urban amenities, to the City to guarantee any required improvements, mitigation, or monitoring required as a condition of approval of any land division action.
- (b) When any other Buckley Municipal Code or regulation contains additional requirements for bonds or financial guarantees, then the most restrictive regulations shall be applied.
- (c) Bonds or financial guarantees for all City or review authority requirements, such as parks, landscaping, fences, and other amenities, shall be accepted

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for a maximum of 24 months from the effective date of the recorded land division map or binding site plan.

CHAPTER 18.22

SUBDIVISION - SUBMITTAL and REVIEW

18.22.010 Preliminary application and approval

18.22.020 Preliminary plat amendments

18.22.030 Final application and approval

18.22.040 Expiration

18.22.010 Preliminary application and approval.

- (1) The developer or their surveyor shall transmit the number of copies prescribed by the Planning Department of the preliminary plat application, together with the intake fee and deposit fee specified in BMC 18.32.010, to the Planning Department, which shall transmit copies of the plat application in accordance with the city's permit procedures. The application fee, with related anticipated costs in the form of a deposit as specified in an adopted city resolution, shall be paid to the city at the same time the proposed plat application is filed.
- (2) The proposed plat or subdivision shall be prepared by a licensed land surveyor.
- (3) The applicant and Planning Department shall follow the required review, notice and approval processes specified in BMC Title 20.
- (4) Following issuance of an environmental determination under SEPA and preparation of all appropriate environmental documents, the review authority shall review the preliminary plat at an open record public hearing to ensure conformance of the proposed plat to the general purposes of the comprehensive plan and to all relevant standards. The review authority shall inquire into the public use and interest proposed to be served by the establishment of the proposed plat, and shall determine if appropriate provisions are made for, but not limited to:
 - (a) Public health, safety, and general welfare;
 - (b) Open spaces;
 - (c) Drainage ways;
 - (d) Streets or roads, alleys, other public ways;
 - (e) Transit stops;
 - (f) Potable water supplies;
 - (g) Sanitary wastes;
 - (h) Parks and recreation;
 - (i) Playgrounds;
 - (j) Schools and schoolgrounds;
 - (k) Sidewalks, crosswalks, pathways and other planning features that ensure safe walking conditions for students who only walk to and from school, as well as in areas other than schools;

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- (l) Whether the public use and interest will be served by the platting of such subdivision and dedication;
 - (m) Whether the preliminary plan complies with all applicable requirements in the Standards and Policies chapter of this Title.
- (5) Based upon the evidence presented and in consideration of all applicable criteria, the review authority shall approve or disapprove the preliminary plat. The review authority shall not, as a condition to the approval of any plat, require a release from damages to be procured from other property owners. Dedication of land to any public body, provision of public improvements to serve the subdivision, and/or impact fees may be required as a condition of subdivision approval, as allowed by law. Dedications shall be clearly shown on the final plat. Every decision made under this section shall be in writing and shall include findings of fact and conclusions to support the decision. Following the review authority's decision, a notice of decision shall be issued to the applicant within 90 days from the date of filing unless the applicant consents to an extension of time; provided, that the 90-day period shall not include the time spent preparing and circulating an environmental impact statement.
- (6) If the preliminary plat or subdivision is approved by the review authority, the applicant/developer before requesting final plat approval shall install the required improvements by either of the following methods:
- (a) By actual installation of required improvements to the satisfaction of the City Engineer and in accordance with the city's adopted development guidelines and public works standards.
 - (b) By furnishing the city with a plat or subdivision bond, in which assurance is given the city that the installation of the required improvements will be carried out in accordance with the public works standards to the satisfaction of the City Engineer, at the discretion of the City Engineer. The amount of the plat or subdivision bond or other appropriate security shall be determined by the City Engineer in accordance with the city's adopted public works standards and shall be for a maximum time period of two years.
- (7) After completion of all required improvements, upon submittal of a final plat application, the City Engineer shall submit a written notice to the Planning Department stating that the developer has completed the required improvements in accordance with Chapter 18.20 BMC and the Public Works standards.
- (8) Notice of the filing of a preliminary plat of a proposed subdivision located adjacent to the right-of-way of a state highway (SR 410 and SR 165) or within two miles of the boundary of a state or municipal airport shall be provided to the Washington State Secretary of Transportation. The Secretary shall respond to the city within 14 days of such notice as to the effect the proposed subdivision will have on the state highway or airport.

18.22.020 Preliminary plat amendments

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This section provides the criteria and limitations for amending an approved use permit or preliminary plat, including conditions of approval. Modifications of projects shall first be evaluated and then, depending on the extent of the modifications, a process as identified below will be followed:

- (1) **Administrative:** The City will evaluate each modification and offer design solutions in a collaborative manner with the project proponent. Proposed changes that do not increase impacts to surrounding property owners or modify the intent of the original decision may be considered. In those instances where the modification increases adverse impacts, such as stormwater, traffic, reduced open space, or noise, in a manner that was not disclosed in this project approval, minor or major amendment procedures shall be followed.
- (2) **Minor Amendment, Purpose:** Minor amendments address those changes to an approval that fall within the scope of the original approval and do not increase impacts to surrounding properties.
 - (a) Any additions or expansions proposed through minor amendments that individually or cumulatively exceed the requirements of this section shall be reviewed as a major amendment and shall be subject to current development regulations.
 - (b) **Required Written Findings and Determinations:** The Director's written decision on a minor amendment shall include findings and conclusions, based on the record, to support the decision. A finding that addresses the applicability of any specific conditions of approval from the original permit shall be required. A proposed minor amendment shall not be approved unless the Director makes written findings that:
 - i. Any change of use, or modification of housing type, is permitted outright in the current zone classification and meets all requirements of the zoning code;
 - ii. Proposed changes to conditions of approval fall within the scope of the original approval and comply with the intent of the original condition;
 - iii. Proposed changes to conditions of approval or the proposal do not result in increased impacts to the surrounding property owners or modify the intent of the original decision. Impacts may include, but are not limited to, stormwater, traffic, open space, or noise;
 - iv. The perimeter boundary of the original site is not being increased over 5 percent of the original area;
 - v. The change does not increase the overall residential density of the project;
 - vi. The proposal does not increase the overall hard surface on the site by more than 10 percent;
 - vii. Access points are not reduced, increased or significantly altered;
 - viii. The proposal does not reduce designated open space; and
 - ix. The proposal does not increase the number of lots.

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- (c) Approvals: The Director has the authority to approve or deny any proposed minor amendment and may impose additional or altered conditions and requirements as necessary. Minor amendment approvals shall follow the required review, notice and approval processes specified in BMC Title 20.

(3) Major Amendments

The following is required for all proposed **amendments** to a preliminary plat that exceed the **minor amendment** criteria.

- (a) The Planning Department shall set a date for public hearing before the review authority after all requests for additional information or plan corrections have been provided, if applicable, and if either a determination of non-significance (DNS or MDNS) or EIS (FEIS or FSEIS), if required, has been issued.
- (b) Any amendment that requires a permit other than those granted in conjunction with the original preliminary plat approval shall require the approval of such permit before or with the decision on the proposed major amendment.
- (c) The review authority's written decision on the major amendment shall include findings and conclusions, based on the record, to support the decision. The review authority shall inquire into the public use and interest proposed to be served by the amendment of the subdivision and dedication. A proposed major amendment shall not be approved unless the review authority makes written findings that:
 - i. The proposed major amendment addresses all applicable conditions of approval for the original permit;
 - ii. Appropriate provisions are made for, but not limited to, the public health, safety and general welfare, for open spaces, critical areas, drainage ways, streets, roads, alleys, and all other relevant facts, including other planning features that ensure safe conditions;
 - iii. The public use and interest will be served;
 - iv. The proposal does not increase the number of lots more than 5 (five) percent of the original proposal.
- (d) Approvals: The review authority has the authority to approve or deny any proposed major amendment and may impose additional or altered conditions and requirements as necessary to ensure that the proposal conforms with the intent of the Comprehensive Plan, and other applicable City codes and state laws.
- (e) Amendments shall follow the required review, notice and approval processes specified in BMC Title 20.

18.22.030 Final application and approval

- (1) The final plat shall conform to the preliminary plat as approved by the review authority. If desired by the applicant/developer, the final plat may constitute only that portion of the preliminary plat which is proposed to be recorded and developed at the time. The developer shall submit a paper original and the number of copies

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prescribed by the Planning Department of the final plat and other required exhibits to the Planning Department. A complete final plat application shall be submitted to the Planning Department within five years after approval of the preliminary plat. The Planning Director may extend the time for submission of a final plat up to an additional 24 months for good cause shown. If no final plat is filed within five years or no extension given, the preliminary plat approval shall lapse.

- (2) The Planning Department shall review the final plat to determine if the plat conforms with the conditions of the preliminary plat. Final plats shall be approved, disapproved, or returned to the applicant within 30 (thirty) days from the date of filing of final plat, unless the applicant consents to an extension of such time period. The final plat staff report and recommendation shall be submitted to the decision authority specified in BMC Title 20 for final action. Upon approval of the final plat by the City Council, the developer shall obtain the required signatures on the final plat, and record it in accordance with RCW 58.17.160.
- (3) Any lots in a final plat filed for record shall be a valid land use notwithstanding any change in zoning laws for a period of five years from the date of filing. A subdivision shall be governed by the terms of approval of the final plat, and the statutes, ordinances, and regulations in effect at the time of approval under RCW 58.17.150(1) and (3) for a period of five years after final plat approval unless the City Council finds that a change in conditions creates a serious threat to the public health or safety in the subdivision. Sales or agreements to sell, lease, or otherwise transfer a lot, tract, or parcel of land following preliminary plat approval shall be governed by the provisions of RCW 58.17.200 and 58.17.205.

18.22.040 Expiration.

If a final plat has not been recorded with the Pierce County auditor's office within 10 calendar days after approval by the City Council, the map shall expire and be null and void. To revitalize the expired subdivision plat map, the map shall be resubmitted as a preliminary plat map.

CHAPTER 18.24

PLAT ALTERATION and VACATION

18.24.010 Plat alterations and vacations.

The alteration or vacation of any subdivision, as well as the alteration or vacation of any short subdivision, shall follow the application and review procedures stated for subdivisions and short plats contained within BMC Title 18 and also shall be subject to the requirements of RCW 58.17.212 and 58.17.215, as now or hereafter amended.

CHAPTER 18.26

SHORT SUBDIVISIONS and SHORT PLATS

- 18.26.010 Applicability.**
- 18.26.020 Filing procedure and fee.**
- 18.26.030 Departmental review.**
- 18.26.040 Review criteria.**
- 18.26.050 Preliminary approval.**
- 18.26.060 Final approval.**
- 18.26.070 Public utility service.**
- 18.26.080 Revisions to short subdivisions.**

18.26.010 Applicability.

- (1) Every short plat and/or short subdivision shall comply with the provisions of this section and this chapter. The short subdivision area shall consist only of two to six lots with related tracts of land (stormwater, trails, etc.), which are divided from the original parcel, lot or tract and are proposed to be sold or leased.
- (2) Further Divisions: Land in short subdivisions may not be further divided in any manner within a period of five years without the filing of a final plat, except that when the short plat contains six or fewer parcels, nothing in this section shall prevent the owner who filed the short plat from filing an alteration within the five-year period to create up to a total of six lots within the original short plat boundaries.

18.26.020 Filing procedure and fee.

- (1) The number of copies prescribed by the Planning Department of a proposed short plat shall be filed with the city.
- (2) The application fee, with related anticipated costs in the form of a deposit as specified in an adopted city resolution, shall be paid to the city at the same time the proposed short plat application is filed therewith.
- (3) At the time the application for short plat is submitted to the city, the applicant shall also submit proof of date of segregation, showing the date that the total parcel, as it is now legally described, was originally created;
- (4) Additional preliminary short plat procedures shall follow the required review, notice and approval processes specified in BMC Title 20.

18.26.030 Departmental review.

- (1) The City Engineer shall review the short plat for adequacy of access, storm drainage facilities, water supply, sanitary sewer system, other related utility systems, survey accuracy, and feasibility for building sites.
- (2) The Planning Director shall review the short plat for compliance with the subdivision regulations and the zoning code and the State Environmental Policy Act, and consistency with the comprehensive plan.

18.26.040 Review criteria.

In compliance with review criteria listed in RCW 58.17.110, reflected in BMC 18.22.010, the review authority shall inquire into the public use and interest proposed to be served by establishment of the proposed short plat, and shall determine if appropriate provisions are made for, but not limited to:

- (1) Public health, safety, and general welfare
- (2) Open spaces
- (3) Drainage ways
- (4) Streets or roads, alleys, other public ways
- (5) Transit stops
- (6) Potable water supplies
- (7) Sanitary wastes
- (8) Parks and recreation
- (9) Playgrounds
- (10) Schools and schoolgrounds
- (11) Sidewalks, crosswalks, pathways and other planning features that ensure safe walking conditions for students who only walk to and from school, as well as in areas other than schools.
- (12) Whether the public use and interest will be served by the platting of such short subdivision and dedication.

All of these listed short plat review criteria are required to be considered for preliminary short plat approval.

Additional review criteria most applicable to short plats is described further below.

(1) Access.

- (a) The proposed short plat may be reviewed for adequate ingress and egress to all proposed lots. Extension of roads or access rights from property line to property line of the short plat subdivision land may be required so that the road may be extended in the future, as consistent with constitutional requirements and the planned and/or anticipated transportation needs of the city. If there is other reasonable access available, the City Engineer may limit the location of direct access to city arterials or other city roads. When an adjoining landowner will be obligated to construct or maintain a future road connection, a note to this effect shall be stated on the face of the short plat.
- (b) Road Reserved Areas. Where a city collector or arterial street is proposed as per adopted plan, the Planning Director or City Engineer shall require the adopted right-of-way area section be reserved as a street for future development, unless the City Engineer makes written findings that unique circumstances and undue hardship justify a narrower width.
- (c) Private Streets. Unless the city has adopted plans for a city collector or arterial street on or adjacent to the properties in issue, the City Engineer may approve a private street, if all persons and their successors who own the land adjoining the private street within the short plat and adjacent properties have equal legal rights to use the private street. The developer shall bear the

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expense of constructing the private street. Where the short plat or land beyond the short plat has the potential of being further subdivided, then the private street shall be required to have a right-of-way width equivalent to city standards as per the adopted street plan.

(d) All owners of property taking access from the private street shall share equally in the maintenance of the private street.

(e) Private streets shall only be permitted to be constructed in short plats or to serve unplatted lots of record.

(2) Drainage.

The proposed short plat shall be reviewed for existing and proposed drainage facilities.

(3) Sewers or Septic Tanks.

The proposed short plat shall be reviewed for provision of sanitary sewage facilities serving the development per adopted sanitary sewage requirements. If known local conditions exist which may affect future building sites, these conditions shall be stated on the face of the short plat.

(4) Feasibility for Building Sites.

All critical areas, setbacks, and any building restrictions that affect the feasibility of the building site shall be noted on the face of the short plat.

(5) Water Supply and Fire Protection.

The proposed short plat shall be reviewed for potential adequacy of water supply and fire protection and necessary fire flow and required fire hydrant(s) shall be installed as required by the Fire Chief or his/her designee.

(6) Denial of Short Plat.

Failure to comply with subsections (2), (3) or (5) of this section shall be criteria for which a short plat be denied. Existing city standards shall be used during the review process.

18.26.050 Preliminary approval.

(1) **Review:** The city shall complete its review and issue either preliminary approval or disapproval of the proposed short plat or short subdivision, or return the application for modification or correction according to review timelines specified in BMC Title 20, unless an environmental analysis is required as stated in this chapter. Upon receipt of a short plat in proper form by the city, the Planning Director shall forward one copy of the application to the Public Works Director, the City Engineer, Fire Chief and other departments and agencies, who shall review and make recommendations on the proposed plat.

A proposed short plat shall not be approved unless the Planning Director issues a notice of decision to the applicant which contains the following written findings:

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- (a) Appropriate provisions are made for the public health, safety, convenience, quality of life and general welfare, in accordance with City of Buckley codes and standards.
- (b) The public use and interest will be served by the platting of such subdivision.

(2) Improvements Required.

The City Engineer shall provide minimum installation standards in regard to materials, design and construction. Said standards shall be appropriate to the locality, topography, soil conditions and geology of the area in which the proposed subdivision is to be developed and improved and shall be basic requirements to be met by all developers. Said standards shall be made available to all developers, and their surveyors and engineers. All improvements shall be constructed in accordance with the City of Buckley development guidelines and Public Works standards.

18.26.060 Final approval.

- (1) The final short plat shall receive final approval according to the review process, decision authority, and timelines specified in BMC Title 20, after all required improvements have been constructed and the construction approved by the City Engineer, or after the owner or developer of the short plat has entered into a contract and posted a 150 percent performance bond with the city guaranteeing that all required construction of improvements will be completed within one year. For final approval the short plat shall be submitted in a format prescribed by the Planning Department and then recorded with the County Auditor upon approval.
- (2) A complete final short plat application shall be submitted to the Planning Department within five years after preliminary approval. The Planning Director may extend the time for submission of a final short plat up to an additional 24 months for good cause shown. If no final plat is filed within five years or no extension given, the preliminary approval shall lapse.
- (3) For short plats preliminarily approved but not finalized prior to the effective date of the ordinance codified in this section, the expiration date shall be five years from the date that notice is mailed to the property owner.
- (4) Short plats shall be approved, disapproved, or returned to the applicant within 30 (thirty) days from the date of filing of final plat, unless the applicant consents to an extension of such time period.

18.26.070 Public utility service.

No public utility service will be provided to any buildings or improvements constructed within a short plat until the construction of all required improvements has been completed and approved by the City Engineer or unless the requirements set out in BMC 18.26.060 have met with compliance. These public utility services shall include water supply, sanitary sewer service, and natural gas.

18.26.080 Revisions to short subdivisions.

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Minor revisions to short subdivisions may be approved by the Planning Director if they do not qualify as lot line adjustments, do not create any additional lots, do not alter a dedication and do not alter or increase adverse impacts on adjoining properties and are consistent with the public interest and the comprehensive plan. All alterations and vacations involving increased impacts or dedications shall be subject to RCW 58.17.212 and 58.17.215, as now or hereafter amended. All minor revisions shall be recorded with the County Auditor as an amendment to the short subdivision.

CHAPTER 18.28

BINDING SITE PLAN

- 18.28.010 Purpose.**
- 18.28.020 Application requirements.**
- 18.28.030 Review procedure.**
- 18.28.040 Minor Adjustments to binding site plan.**
- 18.28.050 Required public improvements.**
- 18.28.060 Approval of plan.**
- 18.28.070 Revision of plan.**

18.28.010 Purpose.

This chapter has been established for the purpose of providing greater flexibility in the creation of lots or parcels of land in districts classified for business, commercial and industrial uses, and to provide an alternative for the subdivision of such land.

18.28.020 Application requirements.

- (1) Applications for a binding site improvement plan shall be submitted to the city on forms provided by the city. The application shall be accompanied by the number of copies of the Binding Site Plan prescribed by the Planning Department.
- (2) The Binding Site Plan shall consist of the following:
 - (a) A neat and accurate drawing of the subject property, prepared by a land surveyor or civil engineer licensed in the State of Washington;
 - (b) A plan that identifies the location and dimensions of all existing and proposed streets, roads, critical areas and open spaces;
 - (c) A plan that bears all inscriptions setting forth such appropriate limitations and conditions for the use of the land.
- (3) The application shall be accompanied by the application fee required by the resolution adopted under Chapter 18.32 BMC.
- (4) Environmental information shall be prepared and submitted with the application and in accordance with the guidelines established under the State Environmental Policy Act of 1971, as amended, and BMC Title 12, as amended. The information is a part of and must accompany the binding site improvement plan application.

18.28.030 Review procedure.

An application for a binding site plan shall be reviewed and acted upon in the following manner:

- (1) Review of the preliminary binding site plan by city staff and staff recommendations and comments prepared;

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- (2) Review authority public hearing and review;
- (3) Approval shall be based upon a written determination by the review authority that the binding site plan is consistent with all applicable development standards, the comprehensive plan and the public interest;
- (4) Construction, inspection and approval of all or a portion of required public improvements or posting of bond in the amount of 150 percent of the estimated cost of improvements. If property is owned by the City of Buckley, the city may waive construction and bonding requirements;
- (5) Submission of final binding site plan by the applicant;
- (6) Administrative review and comments, followed by recommendation to Council;
- (7) Council approval of final binding site plan;
- (8) Site plan to be recorded with Pierce County.

18.28.040 Minor adjustments to binding site plan.

If minor adjustments are made following the approval of the binding site plan, such adjustment may be approved by the City Administrator without use of the review procedures outlined in BMC 18.28.030. Minor adjustments are those which may affect the precise dimensions or location of proposed streets, roads, improvements, utilities, or open spaces. Minor adjustments do not include boundary line adjustments. If a property owner or developer wishes to make an adjustment to the final binding site plan, which the City Administrator determines to be beyond the scope of this section, the adjustment shall be reviewed in accordance with the provisions of BMC 18.28.030. All minor adjustments shall be recorded with the County Auditor as an amendment to the binding site plan.

18.28.050 Required public improvements.

- (1) Prior to recording of any binding site plan, the applicant shall install and construct all public improvements the city has determined are necessary for the initial development of the site, including required off-site improvements. The public improvements include, but are not necessarily limited to, the following:
 - (a) Adequate water supply;
 - (b) Adequate sewage disposal;
 - (c) Appropriate storm drainage improvements;
 - (d) Appropriate streets;
 - (e) Adequate fire hydrants;
 - (f) Appropriate access to all lots within the plan;
 - (g) Provision for all appropriate deeds, dedications and easements.
- (2) In lieu of the completion of all required site improvements, the city may place restrictions on the timing of development for portions of the site or allowed bonding as authorized by City of Buckley Municipal Code.

18.28.060 Approval of plan.

- (1) All public improvements that have been required by the city at this stage shall be inspected and approved by the city. The city may, upon application, allow a bond to

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be posted by the applicant in the amount of 150 percent of the estimated cost of improvements guaranteeing completion within one year as an alternative to the inspection and approval of the public improvements as set forth above. When the city is satisfied that all requirements have been complied with it will give final approval to the binding site improvement plan. Prior to the issuance of a building permit for construction within a binding site plan, the affected lot or lots must have site plan approval for the planned improvements and all improvements required to adequately service that portion of the plan for which the building permit will be issued shall be installed.

- (2) After approval of the general binding site plan for industrial or commercial divisions subject to a binding site plan, the approval for improvements and finalization of specific individual commercial or industrial lots shall be done by administrative approval.
- (3) The binding site plan, after approval, and/or when specific lots are administratively approved, shall be filed with the County Auditor with a record of survey. Lots, parcels, or tracts created through the binding site plan procedure shall be legal lots of record. The number of lots, tracts, parcels, sites, or divisions shall not exceed the number of lots allowed by the local zoning ordinances.
- (4) All provisions, conditions, and requirements of the binding site plan shall be legally enforceable on the purchaser or any other person acquiring a lease or other ownership interest of any lot, parcel, or tract created pursuant to the binding site plan.
- (5) Any sale, transfer, or lease of any lot, tract, or parcel created pursuant to the binding site plan, that does not conform to the requirements of the binding site plan or without binding site plan approval, shall be considered a violation of chapter 58.17 RCW and shall be restrained by injunctive action and be illegal as provided in Chapter 58.17 RCW.

18.28.070 Revision of plan.

Alteration of an approved and recorded binding site plan shall be accomplished by application as set forth in BMC 18.28.020 and shall be subject to all procedures and requirements as established in this chapter.

Chapter 18.30

LOT COMBINATIONS and BOUNDARY LINE ADJUSTMENTS

- 18.30.010 Purpose.**
- 18.30.020 Written request required.**
- 18.30.030 Adjustment request – Contents.**
- 18.30.040 Adjustment request – Review standard.**
- 18.30.050 Approval – Authority – Finalization.**
- 18.30.060 Approval – Conditions.**

18.30.010 Purpose.

The purpose of this chapter is to provide a method for summary approval of lot combinations and boundary line adjustments which do not create any additional lot, tract, parcel, site or division, while ensuring that such boundary line adjustment satisfies public concerns of health, safety and welfare.

18.30.020 Written request required.

The lot lines between existing lots may be adjusted by the city upon written request of the affected property owners, through date-stamped receipt of a completed application.

18.30.030 Adjustment request – Contents.

The request for lot combination or boundary line adjustment shall be accompanied by and shall contain the following:

- (1) The completed application and fee per adopted city resolution;
- (2) A scale drawing of the affected lots, including the dimensions of the lot before and after the proposed lot combination or boundary line adjustment, and a plot plan as appropriate showing the location and dimensions of existing structure(s) in relation to the proposed lot/boundary line adjustment as prepared by a professional land surveyor;
- (3) The names, addresses and signatures of all persons having any ownership interest or a lien upon the affected parcel;
- (4) A title guarantee from a title company authorized to do business in the state of Washington, showing all encumbrances against the property and the names of the persons in whom title is vested and no older than 30 days.
- (5) An application for a boundary line adjustment shall not involve more than 5 contiguous lots. This limitation shall not apply to a boundary line adjustment that results in the combination of lots.

18.30.040 Adjustment request – Review standard.

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- (1) The city Planning Director and City Engineer shall review the proposed boundary line adjustment request in accordance with the following standards:
 - (a) The affected lots must be in the same zoning classification;
 - (b) The resulting lots must have dimensions meeting the minimum lot size requirements in effect at the time the request is made for the zone in which each lot is located, except as provided in subsection (2) of this section;
 - (c) Setbacks in effect at the time the request is made must be met as to all structures upon the lot as they relate to the new lot line;
 - (d) The shapes of the resulting lots must not be inconsistent with the general lot configuration for other lots in the area, and other existing city codes relating to lot shapes, except as provided in subsection (2) of this section;
 - (e) No lot shall be created which does not have access to water supply and sanitary sewer disposal, and/or access for vehicles, utilities and fire protection.
- (2) A lot line adjustment for a pre-existing legal nonconforming lot of record will be allowed, even though the resulting lots do not meet the lot size requirements of the existing zoning code, if:
 - (a) There is no net increase in the number of lots;
 - (b) The resulting lots are each either equal to or larger in area than the smallest of the existing legal lots of record from which the new lots were created; and
 - (c) The City Council approves such lot/boundary line adjustments.

18.30.050 Approval – Authority – Finalization.

- (1) The Planning Director will review the boundary line adjustment request and comment in accordance with the review criteria. Upon submittal of a boundary line adjustment meeting the review criteria, the Planning Director may approve the boundary line adjustment or defer to the City Council for the decision on approval.
- (2) After approval of any boundary line adjustment by the Planning Director or City Council, it will be signed by all appropriate city officials. After the city has approved the boundary line adjustment, the applicant shall record the boundary line adjustment with the Pierce County Auditor's office within 10 calendar days. Failure to record the executed boundary line adjustment with the County Auditor within the time limits set forth herein shall render the boundary line adjustment approval null and void. No boundary line adjustment shall be deemed completed until such time it, and any necessary transfer of property, is recorded with the County Auditor's office in accordance herein and a copy of the recorded documents are returned to the city.

18.30.060 Approval – Conditions.

The following requirements are conditions of approval:

- (1) Payment of all fees owed to the city for its services, calculated pursuant to BMC 18.32.020;
- (2) Survey and setting of all the corners of the new lot(s) by a licensed land surveyor;

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- (3) Execution of deeds and related documents by the affected owners and lienholders, on forms to be provided by the city and recorded by the applicant with the county in order to effectuate the boundary line adjustment, with copies of the recorded documents returned to the city;
- (4) Determination of identity of affected owners by a title report or other documentation satisfactory to the City Engineer;
- (5) Such other conditions as may be necessary to protect the public health, safety and public welfare.

CHAPTER 18.32

APPLICATION FEES

18.32.010 Payment of Application Fees

No application for land use actions authorized by this Title shall be examined or considered by the city until the application and deposit fees have been paid in full by the applicant as adopted by city resolution.

18.32.020 Calculation of Total Fees

Costs for administration, engineering, legal or other professional services actually incurred by the city that arise out of the processing of any land use development application and all costs incurred by the city for inspecting construction of public improvements made by a developer as a condition of land use approval prior to final approval shall be reimbursed by the applicant in addition to the application deposit fee. In addition, all costs for administration, engineering, legal or other professional services actually incurred by the city in connection with any appeal of a land use development approval or any environmental determination associated with a land use development application shall be reimbursed by the applicant/developer in addition to any appeal deposit fee. The total fee for which the applicant is responsible shall be the amount of the actual costs incurred by the city in processing the application or request referred to in BMC 18.32.010, including any subsequent amendments or revisions thereto and/or costs incurred by the city for inspecting construction of public improvements made by a developer as a condition of land use approval, and are calculated per city adopted fee resolution.

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CHAPTER 18.34

APPEALS

18.34.010 Appeals.

Appeals of all decisions and interpretations made pursuant to this title shall be subject to BMC Title 20, as now or hereafter amended.

Attachment B to Staff Report - Public Comment #1 - Received 6/15/2020

20200615 public hearing

Comments

Kathy James

Title 18



Evan,

Thank you for your email of June 12, 2020, sent to me after 6 p.m.

In this email you attached the agenda, the remote meeting instructions, the staff report, the draft subdivision code ordinance; and two versions of the updated code being considered at the hearing. I couldn't understand the staff report. And I don't understand how sepa can be a conclusion and not a finding. Were comments returned from Ecy? Were comments returned from the department of commerce on the ordinance?

First, I want to say that I am disappointed in the staff effort to make this code part of Buckley's code.

In your #4 you itemized subsections a through g.

- a. I believe you mean you've added section numbers to each definition. I hope they are in increments of 10, i.e. 010, 020, 030... so additional definitions can be added seamlessly.
- b. "Them" is plural. "Self" is singular. This is nonstandard and, as you look in 1.01.070, gender doesn't matter.
- c. The city should adopt by reference the state's exemptions so that we won't ever have a different set than the state.
- d. Do you mean you added subsection numbers to proposed 18.16.060? Thank you.
- e. Signature blocks
- f. Contradicts e.
- g. As you see in the public works' standards, private streets are only allowed for short plats, not long plats, so heirs and assigns should probably remain. What did the city engineer say?

You refer to page numbers rather than section numbers, so the exact location is not assured, especially because you have two proposals.

Ordinance.

Section 2: usually it's the clerk that sends these notices to the assessor and state. You forgot the assessor. Is this a task the administrator is taking on now?

Proposed code

18.04.010. Unless you want to change the rest of the code, or the style of the codifier, periods should be after the title, not colons.

I like the old 010.1, to protect the city, rather than regulate. I hope the rest are found in the comp plan.

18.04.020. "Hereby" and "hereinafter" and "shall" are redundant. Eliminate two.

18.8.010. I don't understand this section.

18.12. The planning commission very carefully set out code definitions in 1.01.060 last year. If we only have one of something, such as the city, it is defined there. Reference to this citation should be included in the introduction. The commission also defined "days" as calendar days in 1.01.060.

12.010. Please make sure this correlates with the public works standards.

12.020. The plan needs to show all items required by that chapter. This doesn't say what a binding site plan is. It would be useful to know.

12.040. Defined in 1.01. DELETE.

12.220. We have no board any longer. "Person," as defined in 1.01.060, includes these things, so just "person" should be enough. The "review authority" should be called the "decision maker," to make it like other places in code.

12.250. You define a short plat as 6 lots. Did you also do the research to exempt the short plat of 6 lots from SEPA?

In 12.260 through 310, you may want to reference the PW standards as the main location of these definitions, e.g., "... or as defined in the PW standards."

12.330. A subdivision by definition (see 320) is for the transfer of ownership, therefore this is redundant. I don't believe the state includes development in its definition.

18.14. Delete in favor of adopting the state's. This way we won't any longer have an incomplete list.

18.16.

18.16.010. This is the same as existing 18.20.010. It is not well worded. The comp plan, transportation element, has a plan that shows where streets are to be placed and their street type.

020. This is the same as existing 18.20.030. Existing 18.20.020 is an important section. I hope it still exists. Public facilities is defined in the GMA and may be different from what we have for subdivisions here.

030. This is similar to existing 18.20.040, which is clearer.

040. This is the same as existing 18.20.050. It seems, though rather unnecessary because rcw 58.14.040.1, is exempt from the subdivision standards.

050. This is the same as 18.20.060.

060. This is the same as 18.20.070, just with numbers added. Thank you.

18.16.080. See 18.20.110. All roads must conform to the PW Standards. The PW standards are, because they were passed by the council, assumed to be consistent with the comp plan. Cul-de-sacs are allowed in the PW standards. Alleys are also addressed there as well. Alleys are a preferred design element in the cplan, but the regulations make them difficult to create.

18.16.090. See 18.20.120. It would be nice if you required all lots to access from one curb cut to reduce the number of curb cuts along a road.

18.16.100. "Way back in 18.16.020, you state that a subdivision can't be part of land upon which the city designates for future public facilities. Please conform.

18.16.110. The last sentence is unclear.

Have you eliminated tree plantings?

18.18. Drawing requirements are well and good to place in the code so no argument by an applicant can be made. HOWEVER, I believe this goes overboard. Basic requirements should be in code and specific requirements should be on the application form, which could be changed as needed without public hearing. Also, the requirements here for the various types of items covered in this title are not referred back to in the various chapters, which will create much confusion for the reader in the future.

I did not read these carefully.

18.20. Dedications are handled in the state's Title 58 as well as in the city's PW standards. They shouldn't contradict one another. Bonds are discussed and required in the PW standards.

This appears to address long and short plats, but is not specifically stated. Would it also address amendments, which aren't really a division but a refinement of an already subdivided piece?

I didn't read this carefully, but if these are required by state statute, why not just reference?

18.22. "Developer" is singular. "Their" is plural. Eliminate the discrepancy by just saying "the applicant shall."

Is a proposed plat different from a proposed subdivision? I'm confused. Also, why specify the applicant AND the city shall follow the requirements of Title 20? Can it not be assumed that the city will?

#4. These, a through m, are decision criteria upon which the decision is to be based, not a procedure.

This draft (6/11/2020) places too many procedural details, particularly regarding SEPA. SEPA is an animal all to itself and may be required even if an application may usually be exempt.

Also, isn't the approval of the city engineer required before the subdivision or short plat can be approved?

#6. The review authority does not approve or disapprove anything. The decision maker does.

Does this code have an applicant and a developer? In real life the applicant hires the developer, but the applicant is responsible for his work. Having only one person to deal with is hard enough, specifying two will increase the city's staff's workload.

It appears your instructions are slightly out of order. Amendments are generally done after final, rather than before.

The chapter appears to be for long plats, which is what you define as subdivisions, but the text also refers to short plats. This is confusing.

Again, the "review authority" is the decision maker and this language is confusing. Is the person reviewing, like the planner does, or deciding, like the hearing examiner does.

In proposed 18.22.040, you allow 10 days after council gives final approval. If the council has conditions to satisfy prior to recordation, like a missed bond item or a missed whatever, this may not provide enough time; do you allow an extension?

18.24. Does this not also deal with proposed 18.22.020?

18.26. The "review criteria" are decision criteria upon which the decision must be based. Not just reviewed. Also, if you are going to specify sepa for long plats, you also need to mention this for short plats with more than four lots, are on lands wholly or partially covered by water, or impacted by a critical area because these also need sepa. It could be argued that short plats that require utility extensions of more than 8" lines will also need sepa because it is part of a permit that is in part not exempt from sepa.

It is not clear whether you are introducing a preliminary and final short plat process. Earlier it sounded as if you were, as you mentioned a final short plat, but you don't seem to mention that here.

18.26.040

Your review criteria are misleading. Your applicants can say, "I reviewed that." and the city engineer might review that. But review is not approved.

These are items the long plat lots should also be subject to, but I don't remember them being listed. Limiting denial to three items, means that those are the only items that must be done. I don't think the state means that. Also, rcw 58.17.120 provides other conditions for disapproval.

According to the state, a short plat is not approved until it is recorded. This approval must be done in 30 days, unless the state changed that recently, or if the city is creating a preliminary short plat.

If the city is creating a preliminary short plat and all the decision criteria are the same or nearly the same, i would recommend placing both long and short plat criteria into the same chapter. Only the review would be different (see rcw 58.17.095).

Proposed 18.26.070 is needed for long plats as well; however, please understand an applicant can build one house on the lot before any plat approval is given.

18.28.

.020. Is the application completed?

Also, 20.20.050 includes fees. Please reference 20.20.050 and add from there.

Where bonds are listed, please reference the PW standards or wherever bonds are addressed. It would be bad if they are increased in PW sections and not in planning sections.

Are you removing the hearing examiner? And it appears final BSPs go to council, but must they, as they do with plats, approve the BSP if all conditions are met?

I didn't read this carefully, but it seems to have redundancy.

18.30

020 this seems to be the first time you acknowledge the importance of date-stamped documents. If required for none but this, this will be missed.

040 you state "city planning director and city engineer" "city" is understood. You also define "director" as the planning director. DELETE in favor of "director."

I believe you are listing criteria to determine whether a proposed lot would be compliant to zoning. If so, that'd be good to say.

I am interested in legal's opinion that the city can require 1.e. It makes sense, but we were never able to require it before.

Also, if the engineer only looking at drainage and utilities? Is he not also looking at the survey to ensure it is accurate? In 30 years i saw one surveyor have his surveys return from the city's surveyor unmarked.

040.2: I'm not sure what you mean on first reading. BLAs for nonconforming lots are allowed if..., or BLAs for nonconforming lots aren't allowed unless. Please make the wording more concise. And please give the impression that the city has a choice to approve or not approve. To say that the city will approve gives the city no choice but to approve.

050. Upon what will the director base the need for council review? It appears only for nonconforming lots, which can be disclosed upon application.

050.2 this is kinder to the applicant than for plats because it allows 10 days after the mylar or plan is returned to the applicant, rather than just approved.

Again, requiring something one way for this and that but not for the other will enable mistakes to be made.

18.32

See the commissions prior work at 20.02.030. This is unneeded.

Attachment C to Staff Report - Public Comment #2 - Received 6/15/2020



**Washington State
Department of Transportation**

Olympic Region
5720 Capitol Boulevard, Tumwater
P.O. Box 47440
Olympia, WA 98504-7440
360-357-2600 / FAX: 360-357-2601
TTY: 1-800-833-6388
www.wsdot.wa.gov

June 15, 2020

Mr. Evan Lewis
Associate Planner
City of Buckley
933 Main Street
Buckley, WA 98321

RE: City of Buckley Proposed Development Regulation Update #2020-S-1368

Dear Mr. Lewis:

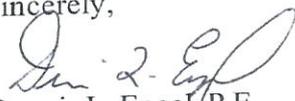
Thank you for allowing the Washington State Department of Transportation (WSDOT) Olympic Region Multimodal Planning Office an opportunity to review and comment on the proposed update to the Buckley Municipal Code Title 18 - Subdivisions. We appreciate the opportunity to review this document.

On Page 35, 18.xx.xxx Required public improvements, section (d) it says "Appropriate streets." We would like to suggest adding the text "including bicycle / pedestrian infrastructure" to section (d). This highlights the importance for new developments to be oriented towards transit streets, pedestrian-oriented site and building design, and ensuring bicycle and pedestrian connections to street and trail networks which aligns with Department of Commerce's development regulations checklist under Concurrency and Transportation Demand Management, Section D.

Additionally, in the public works section it would be good to emphasize active transportation. Many people using active transportation are more comfortable traveling on separated paths/trails. With Buckley's location and being close to both the Foothills Trail and SR 410, the opportunity for active transportation on the Foothills Trail versus the state highway could be encouraged by providing the active transportation connections.

We appreciate the opportunity to review and comment on the proposed update. If you have any questions related to this letter please contact myself or Theresa Turpin of my office at (360) 357-2675.

Sincerely,


Dennis L. Engel, P.E.
Multimodal Planning Manager

DE:yl
TT

cc: Ike Nwankwo, Commerce
Anne Fritzel, Commerce
Michael Hubner, PSRC



CITY COUNCIL AGENDA BILL

City of Buckley
PO Box 1960
Buckley, WA 98321

ITEM INFORMATION			
SUBJECT: Resolution 20-___: Establishing a Sole Source Provider and Authorizing the Purchased of an Used Vendor Demonstration Ambulance Stretcher	Agenda Date: June 23rd, 2020 AB20-056		
	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 – Mike Deadmond		
	Fire Dept – Chief Predmore	X	X
	Parks & Rec Dept – Kevin Caviezel		
	Planning Dept – Leticia Wallgren		
Police Dept – Chief Arsanto			
Municipal Court – Jessica Cash			
PW/Utilities – Chris Banks			
Attachments: Resolution			
<p>SUMMARY STATEMENT: The City Council previously heard the Fire Chief’s recommendation to purchase a used Power Cot ambulance stretcher that would be compatible with existing fire department equipment. Following Council’s affirmative direction to move forward on the Fire Chief’s recommendation this Resolution was prepared establishing the legislative findings to declare a special market condition and recognizing a sole source supplier.</p>			
<p>COMMITTEE REVIEW AND RECOMMENDATION: This item was heard and discussed by the full City Council at their regularly scheduled June 9, 2020 City Council Meeting.</p>			
<p>RECOMMENDED ACTION: Move to approve Resolution No. 20-11 Establishing a Sole Source Provider and Authorizing the Purchase of an Used Vendor Demonstration Ambulance Stretcher.</p>			
RECORD OF COUNCIL ACTION			
Meeting Date	Action	Vote	

CITY OF BUCKLEY, WASHINGTON

RESOLUTION NO. 20-___

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUCKLEY, PIERCE COUNTY, WASHINGTON ESTABLISHING A SOLE SOURCE PROVIDER AND AUTHORIZING THE PURCHASE OF A USED VENDOR DEMONSTRATION AMBULANCE STRETCHER

WHEREAS, Washington law RCW 39.04.280 (1) (a) provides that competitive bid requirements may be waived by the governing body of a municipality for purchases that are clearly and legitimately limited to a single source of supply and RCW 39.04.280(1)(b) also authorizes waiver for “special facilities or market conditions”; and

WHEREAS, the City is in need of purchasing an ambulance stretcher to equip a newly acquired ambulance; and

WHEREAS, all other City owned ambulance are equipped with Stryker Medical ambulance stretchers; and

WHEREAS, the mounting equipment installed in an ambulance needed to secure the ambulance stretcher while the vehicle is in motion is specific to each manufacturer of stretcher and is not compatible with other the stretcher of other manufacturers; and

WHEREAS, it is often necessary to transfer ambulance stretchers between vehicles necessitating the City purchase an ambulance stretcher manufactured to be compatible with the existing equipment in each of the City’s other ambulances; and

WHEREAS, vendor Stryker Medical has available for immediate delivery a used demonstration ambulance stretcher that meets the needs of the City; and

WHEREAS, the availability of a used demonstration ambulance stretcher results in a cost savings compared to purchasing new equipment;

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Buckley hereby declares:

Section 1. Based upon the preceding legislative findings, the City Council hereby declares that the purchase of a Used Demonstration Ambulance Stretcher compatible with the City’s other ambulance stretchers is clearly and legitimately limited to a single source of supply and that the sole source of that supply is Stryker Medical Equipment. The City Council declares that the unique opportunity provided by the compatible equipment and used demonstration ambulance stretcher qualifies as special market conditions pursuant to RCW 39.04.280(1)(a) and (b).

Section 2. Based upon the preceding legislative findings, and pursuant to RCW 39.04.280 (1) (a) and (b), the competitive bidding requirements for the City of Buckley are hereby waived and the Fire Chief is authorized to cause the purchase of the used demonstration ambulance stretcher from Stryker Medical in the amount of \$17,803.44, plus Washington state sales tax.

Section 3. This Resolution shall take place immediately

ADOPTED by the City Council of the City of Buckley this 23rd day of June 2020.

Pat Johnson, Mayor

ATTEST:

Treva Percival
City Clerk

APPROVED AS TO FORM:

Phil Olbrechts, City Attorney

Posted: _____



CITY COUNCIL AGENDA BILL

City of Buckley
PO Box 1960
Buckley, WA 98321

ITEM INFORMATION			
SUBJECT: Memorandum of Understanding: Pierce County Force Investigation Team	Agenda Date: June 23, 2020 AB20-057		
	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 – Mike Deadmond		
	Fire Dept – Chief Predmore		
	Parks & Rec Dept – Kevin Caviezel		
	Planning Dept – Leticia Wallgren		
Police Dept – Asst. Chief Northam		X	
Municipal Court – Jessica Cash			
PW/Utilities – Chris Banks			
Attachments: Memorandum of Understanding			
<p>SUMMARY STATEMENT: The purpose of this Memorandum of Understanding is for the Pierce County Force Investigation Team (PCFIT) to conduct independent, thorough, accurate, appropriate, open and unbiased investigations, in compliance with Law Enforcement Training and Community Safety Act (LETCSA), RCW 10.114.011 and Chapter 139-12 WAC, for all officer-involved use of deadly force incidents that result in death, substantial bodily harm, or great bodily harm occurring within Pierce County.</p> <p>The PCFIT will conduct criminal investigations to develop relevant information to allow a determination of the presence or absence of criminal culpability on the part of those involved in the incident. The purpose of the investigations shall be to inform any determination of whether the use of deadly force met the “good faith” standard of RCW 9A.16.040 and satisfied other applicable laws and policies.</p> <p>Please see the attached Memorandum of Understanding for the full scope of the agreement.</p>			
COMMITTEE REVIEW AND RECOMMENDATION:			
RECOMMENDED ACTION: MOVE to Approve the MOU Between the City of Buckley and the Pierce County Force Investigation Team.			
RECORD OF COUNCIL ACTION			
<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>	

**Pierce County Force Investigation Team
Memorandum of Understanding**

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SECTION 1. STATEMENT OF PURPOSE

The Mission and Purpose of the Pierce County Force Investigation Team (PCFIT) is to conduct independent, thorough, accurate, appropriate, open, and unbiased investigations, in compliance with the Law Enforcement Training and Community Safety Act (LETCSA), RCW 10.114.011, and Chapter 139-12 WAC, for all officer-involved use of deadly force incidents that result in death, substantial bodily harm, or great bodily harm occurring within Pierce County.

The PCFIT will conduct criminal investigations to develop relevant information to allow a determination of the presence or absence of criminal culpability on the part of those involved in the incident. The purpose of investigations shall be to inform any determination of whether the use of deadly force met the “good faith” standard of RCW 9A.16.040 and satisfied other applicable laws and policies.

Once a PCFIT investigation has been completed and submitted to the prosecutor for final review, it shall be made available to the involved agency for their internal use and disclosure.

Investigations shall follow the rules of law established by the state and federal constitutions, statutory and case law which apply to criminal investigations. The investigation shall be performed in a manner that provides both the appearance and the reality of an independent, thorough, fair, complete and professional investigation.

- **Our Goals:** To conduct professional multi-jurisdictional investigations of incidents of deadly force by law enforcement while promoting public trust through transparency and consistency.

SECTION 2. MEMBER AGENCIES

Bonney Lake Police Department	Orting Police Department
Buckley Police Department	Pacific Police Department
Dupont Police Department	Pierce County Sheriff’s Department
Eatonville Police Department	Puyallup Police Department
Fife Police Department	Roy Police Department

Fircrest Police Department	Ruston Police Department
Gig Harbor Police Department	Steilacoom Department of Public Safety
Lakewood Police Department	Sumner Police Department
Milton Police Department	Tacoma Police Department
	Washington State Patrol

SECTION 3. DEFINITIONS

Good faith: An objective standard under RCW 9A.16.040, which shall consider all the facts, circumstances, and information known to the officer at the time to determine whether a similarly situated reasonable officer would have believed that the use of deadly force was necessary to prevent death or serious physical harm to the officer or another individual.

Involved Agency: The agency which employed or supervised the officer(s) who used deadly force.

Venue Agency: The agency having geographic jurisdiction of the incident. (This may or may not be the involved agency.)

Member Agency: Signatories to this agreement.

Involved Officer(s): Officer who used deadly force and is the subject of the investigation.

Non-law Enforcement Community Representatives: Civilians chosen by Member Agencies to carry out the duties assigned by WAC 139-12-030(2),(4).

Witness Officer(s): Officer involved in the incident who did not use deadly force.

SECTION 4. EXECUTIVE BOARD

The Executive Board of the PCFIT shall consist of the Sheriff and Chief, or their designee, of each agency with personnel assigned to the Team. Representatives of the Prosecutor's Office and the Medical Examiner's Office will be invited to all Board meetings and their input may be solicited. For voting purposes and for decision making in administering this agreement, it will be the majority rule of the Executive Board.

The Chairperson of the Executive Board will be designated by the Pierce County Police Chiefs Association for a term of two years. The Chairperson of the Executive Board shall schedule a meeting of the Executive Board in January of each year. The purpose of the meeting will be to receive a comprehensive report from the PCFIT Commander(s) concerning activities of the Team over the past year, address issues pertaining to the operation and support of the Team, and address changes to the PCFIT protocol. Special meetings may be called at any time by a member of the Executive Board. Special meetings may also be requested by the PCFIT Commander(s).

SECTION 5. PCFIT COMMANDERS

There will be at least two PCFIT Commanders. They will be the rank of lieutenant or higher and from different departments. The PCFIT Commanders shall have the responsibility to develop Standard Operating Procedure/Guidelines (SOP/G) and manage and coordinate the readiness and training of the Unit. Candidates for the PCFIT Commander position will be nominated by a member agency and selected by the Executive Board and will report directly to the Executive Board. The PCFIT Commanders will serve two years, but the term may be extended or terminated at the discretion of the Executive Board. A Commander must have strong interpersonal and leadership skills, with experience in complex criminal investigations and strong working knowledge of case law relevant to police use of force. A Commander shall not oversee, consult, or participate in any manner on any investigation where the Commander's employer is the involved agency.

SECTION 6. LEAD INVESTIGATORS

There will be at least two Lead Investigators from different departments. The Lead Investigators will be qualified senior investigators with experience in criminal investigations. The Lead Investigators will be nominated by a member agency and selected by the PCFIT Executive Board. The Lead Investigators must have strong leadership and organizational skills and should have a working knowledge of the Incident Command System (ICS) and be prepared to assume command in the absence of the PCFIT Commander. The Lead Investigators will assist the PCFIT in the development of the SOP/G, oversee investigations and assign PCFIT resources as needed. Lead investigators shall not participate in, oversee, or assign resources to investigations involving officers from their employer agencies.

SECTION 7. INVESTIGATORS

Investigators will be experienced officers with a background in criminal investigations. Investigators shall meet state law requirements for officers investigating use of deadly force. They must be adept at working with multiple agencies. The Investigators will be selected by the PCFIT Commanders with input from the non-law enforcement community representatives and the permission of the investigators agency's chief executive or designee.

SECTION 8. NON-LAW ENFORCEMENT COMMUNITY REPRESENTATIVES

Each Member Agency shall appoint at least one civilian to fulfill the duties assigned by WAC 139-12-030, provided that Member Agencies may use Non-Law Enforcement Community Representatives appointed by other Member Agencies upon mutual agreement. The Executive

Board shall create a transparent process for soliciting names and creating a roster of individuals willing to serve in this capacity.

SECTION 9. TRAINING

The Member Agencies will ensure that personnel assigned to PCFIT either have completed or will complete classes in the following core areas:

Criminal Investigations

Crime Scene Investigations

Basic Homicide Investigations

Interview and Interrogation

Officer Involved Shooting Investigations

LETCSA Violence De-escalation and Mental Health training

Assigned personnel are expected to complete all the core classes within two years of being assigned. In addition, member agencies are encouraged to provide their investigators with advanced training courses. These courses may include advanced homicide investigation, blood stain pattern analysis, crime scene photography/videography, and other classes relevant to their assignment with the PCFIT.

SECTION 10. ACTIVATION

Upon request of the involved agency to investigate an officer-involved use of force resulting in substantial bodily harm, great bodily harm or death, the following Protocol shall automatically and immediately take effect:

- A Chief of Police, Sheriff, WSP Commander, or their designee, shall make the request for the PCFIT to South Sound 911 (SS911).
- SS911 shall contact the PCFIT Commander through standard call-out procedures identified on the PCFIT phone tree or contact list.
- The PCFIT Commander shall assign the Lead Investigator. The Lead Investigator shall be responsible for determining how many investigators will be needed during the initial response.
- The Lead Investigator, other investigators and crime scene processors called out shall not be from the involved agency.

SECTION 11. RESPONSIBILITIES

- The involved agency shall make the initial request to activate the PCFIT.
- The involved agency will immediately secure the crime scene(s). This responsibility includes preservation of the integrity of the scene(s) and its/their contents, controlling access to the scene(s), and the identification and separation of witnesses. Use of allied agency resources may be necessary to accomplish this task.
- The venue agency, if not also the involved agency, shall make facilities and equipment available as needed by the PCFIT. No specialized equipment belonging to the involved agency may be used by the investigative team unless no reasonable alternative exists, the equipment is critical to carrying out the independent investigation, and the use is approved by the PCFIT commander. If the equipment is used, the nonlaw enforcement community representatives on the PCFIT must be notified about why it needs to be used and steps taken to strictly limit the role of any involved agency personnel in facilitating the use of that equipment.
- The involved agency shall provide a command-level liaison and make appropriate department personnel available to provide information as needed for the investigation.

SECTION 12. AUTHORITY

Once the PCFIT has agreed to investigate an incident as requested by the involved agency's chief executive, the PCFIT shall have sole and exclusive authority concerning the investigation of the incident. The PCFIT Commander(s) or designee will provide limited briefings about the progress of the investigation to the involved agency's designated command level liaison throughout the course of the investigation.

SECTION 13. INVESTIGATIVE PRIORITY

The criminal investigation has investigative priority over the administrative investigation, and shall begin immediately after an incident has occurred. Provided, however, that the criminal investigation shall be conducted in a manner that does not inhibit the Involved Agency from conducting a timely administrative investigation.

SECTION 14. INVESTIGATIVE GOALS – SHARING OF INFORMATION

The goal of the investigation is to develop all available relevant information about the incident. When the investigation is completed, including all forensic testing, toxicology report and autopsy reports, the case will be submitted to the County Prosecutor. The County Prosecutor will make a final determination as to whether the use of deadly force satisfies the statutory "good faith" standard, and on the presence or absence of criminal culpability on the part of the officers involved in the incident.

No information about the ongoing independent investigation will be shared with any member of the involved agency, except limited briefings given to the designated command level liaison of the involved agency about the progress of the investigation.

If the chief or sheriff of the involved agency requests that the PCFIT release the body cam video or other investigation information of urgent public interest, the PCFIT commander should honor the request with the agreement of the prosecutor.

The investigation may incidentally provide factual information to the involved agency's management for its internal use. While the Criminal Investigators do not direct their investigative attention to administrative concerns, it is recognized that the Criminal Investigation's results are of proper interest to agency management for its internal use, and those results are fully available for that purpose.

SECTION 15. INVESTIGATIVE REQUIREMENTS

The investigation is required to follow the rules of law, which apply to all criminal proceedings; these include constitutional, statutory and case law. Investigators will maintain the integrity of the investigation by following the rules of evidence throughout the investigation.

The investigation will be performed in a manner that provides a thorough, fair, complete and professional investigation, free of conflicts of interest.

SECTION 16. COSTS

Each member agency shall be responsible for their employees' wages and associated personnel costs. The involved agency shall be responsible for reasonable or extraordinary investigative expenditures (to include, but not limited to, hospital security). The involved agency shall be advised of all extraordinary costs associated with the investigation, but shall not have the power to veto or prohibit the expenditure of any necessary expenditures.

SECTION 17. EVIDENCE

- **Evidence Storage:** All evidence shall be stored at a non-involved agency property room as designated by the PCFIT Commander. The PCFIT Commander shall coordinate with the member agency's chief executive or designee to ensure compliance with that agency's policies and procedures. The involved agency shall be responsible for storage and handling costs of extraordinary items such as vehicles, HAZMAT, etc.

- Evidence Retention: Evidence shall remain in the custody of the designated, non-involved agency property room until the Pierce County Prosecutor has reviewed the case and made a charging determination or has authorized the release of evidence.
 - If no charges are filed, all evidence will be transferred to the involved agency's property room.
 - If charges are filed, all evidence will remain in the custody of the designated, non-involved agency property room until the completion of the criminal prosecution. Once the criminal prosecution is completed all evidence will be transferred to the involved agency's property room.

SECTION 18. CASE FILES

- All original reports, statements and other documentation related to the investigation will be electronically filed with SS911.
- While the investigation is in process and not yet forwarded to the prosecutor, access to the electronic case files will be restricted to personnel conducting the investigation. Under no circumstances will reports or other case material be disseminated without the written consent of the Commander.
- The complete investigation will be sent to the Pierce County Prosecuting Attorney's Office for review.
- Once the investigation is complete, the involved agency will be granted access to the case files to conduct their administrative investigation. The non-law enforcement PCFIT representatives shall also have access to the completed case file. Public dissemination of the case files shall be consistent with state law.

SECTION 19. VEHICLE INCIDENTS

When requested, the PCFIT will investigate incidents in which the use of a vehicle is an intentional use of force that causes substantial bodily harm, great bodily harm or death. In these investigations, the PCFIT may utilize experienced Collision Reconstructionists and other appropriate resources.

This section is not to imply that the PCFIT will be activated in a police involved collision causing great bodily harm or death where the collision was not a result of an intentional use of force.

SECTION 20. COMMAND STAFF BRIEFING

The purpose of this briefing is to advise the Command Staff from the involved agency the status of the incident and to determine what information is appropriate for media releases. In

addition to the Command Staff from the involved agency, the attendees to this meeting typically will consist of the PCFIT Commander and Lead Investigator.

SECTION 21. PHYSICAL EVIDENCE COLLECTION, PRESERVATION, AND ANALYSIS

Member agencies having the capability to assist PCFIT Investigators in the documentation of the scene(s) and to assist in the collection, preservation, and analysis of physical evidence may do so providing they possess the requisite training and experience, provided that agencies involved in the use of force shall not assist with the collection, preservation, or analysis of physical evidence.

Prior to final relinquishment of the scene, the Lead Investigator, crime scene Investigators/ professionals, and PCFIT Commander will confer to determine if the collection of evidence is complete.

SECTION 22. EMPLOYEE RIGHTS

Law enforcement employees have the same rights and privileges regarding criminal investigative interviews that any other citizen would have, including the right to remain silent, the right to consult with an attorney prior to an interview, and the right to have an attorney present during the interview.

SECTION 23. OFFICER INTERVIEWS

- Witness officers
 - Witness officers will provide a written report and/ or recorded interview as deemed appropriate by the Lead Investigator.
- Involved officers
 - Statements from the officers using force must be completely voluntary. Under no circumstances are investigators to take a compelled statement from the involved officer(s). Any compelled statements obtained in Administrative Investigations shall not be shared with the PCFIT investigative team.

SECTION 24. PUBLIC SAFETY STATEMENT

Public Safety Statements should be taken with consideration of the Involved Agency's policies, procedures and documents. The public safety statement may include:

- Any outstanding suspects
- Location of evidence
- Location of potentially injured people

- Any general public safety concerns

SECTION 25. REPORT WRITING

1. All investigators participating in the criminal investigation will write reports documenting their participation.
2. The Investigators within each investigative team will allocate and divide among themselves the responsibility for documenting interviews and observations.
3. Prompt completion of reports is essential. All involved agencies and investigators will strive for report completion within 7 days of any investigative activity. The Medical Examiner's report may be delayed beyond 30 days pending results of some scientific tests.

SECTION 26. PUBLIC TRANSPARENCY AND MEDIA RELATIONS

The PCFIT Commander shall provide public updates about the investigation a minimum of once per week, even if there is no new progress to report. When an investigation is complete, the information will be made available to the public in a manner consistent with applicable state law.

The PCFIT Executive Board shall ensure that all the following is made available to the public:

- The names of the members, supervisors, commanders, and non-law enforcement community representatives on the PCFIT.
- The PCFIT policies and procedures

During investigations, the PCFIT commander shall insure that all state law requirements for notification of family members and Tribes are followed.

1. PCFIT: Once the PCFIT has initiated an investigation, all media releases related to the investigation shall be made by the PCFIT Public Information Officer (designated by the PCFIT Commander) after consultation with the involved agency's chief executive or designee, and after review by the PCFIT's non-law-enforcement community representatives. The PCFIT may release information typically on the day of the incident, an intermediate news release, and then a release when the complete investigation is sent to the Prosecutor.
2. THE INVOLVED AGENCY: The involved agency's Public Information Officer ("PIO"), or other official designee, will release information in coordination with PCFIT supervisors. It shall be the responsibility of the involved agency to determine when the involved

officer's name will be released to the public, pursuant to their policies and procedures and consistent with the requirements of state laws including the Public Records Act.

SECTION 27. FAMILY AND TRIBAL LIAISONS

The Lead Investigator will assign a liaison to the family of the person against whom deadly force has been used. The liaison will make every effort to keep the family informed of the status of the investigation and provide details that do not compromise the integrity of the investigation. A Tribal liaison shall be assigned if the person against whom deadly force was used is a member of a recognized Indian Tribe.

SECTION 28. PROSECUTOR PROTOCOL

The Lead Investigator will ensure adherence to the Pierce County Prosecutor's Officer Involved Fatal Incident Protocol. Questions regarding the Prosecutor's protocol or legal questions related to the investigation should be referred to the Pierce County Prosecuting Attorney's Office.

SECTION 29. SANCTIONS/REMOVAL OF MEMBER AGENCY

Willful violations of the protocol agreement will be brought to the attention of the Executive Board by the PCFIT Commander or Lead Investigator. The Executive Board, by majority vote, may elect to immediately stop the investigation and turn the investigation over to the involved agency for another independent agency to investigate. A member agency failing to abide by this agreement may also be removed from the PCFIT by a majority vote of the Executive Board.

SECTION 30. TERM OF AGREEMENT

This Agreement shall become effective on the date it is executed by all signing parties, and shall remain in full force and effect and is intended to be indefinite.

SECTION 31. TERMINATION

A party may terminate this Agreement or, alternatively, withdraw its participation in the PCFIT by providing written notice to the chief law enforcement officer for each member agency of its intent to terminate or withdraw from this agreement. A notice of termination or withdrawal shall become effective upon the latter of: a) 30 days after service of the notice on the chief law enforcement officers for all member agencies; or b) at the conclusion of any PCFIT investigation that is pending on the date of the written notice of intent to terminate or withdraw from this Agreement.

SECTION 32. STATUS OF OFFICERS ASSIGNED TO PCFIT

- Pursuant to RCW 10.93.050, each officer assigned to the PCFIT remains the employee of the party who hired the officer, and is not an employee of any other member agency.
- Member agencies shall not allow officers who have been disciplined for dishonesty, bias or improper use of force to be assigned to the PCFIT.

SECTION 33. LIABILITY, HOLD HARMLESS AND INDEMNIFICATION

Pursuant to RCW 10.93.040, it is understood and agreed that each member agency, its agents, employees, and insureds do not, by virtue of these Protocols, assume any responsibility or liability for the actions of another agency's officers.

Each party hereto shall be responsible and assume liability for its own wrongful or negligent acts or omissions, or those of its officers to the fullest extent required by law, and shall save, indemnify, defend and hold harmless all other parties from such liability. In the case of negligence of more than one party to this Agreement, any damages shall be in proportion to the percentage of negligence attributed to each party, and each party shall have the right to contribution from the other party in proportion to the percentage of negligence attributed to the other party. Nothing contained in this section of this Agreement shall be construed to create a liability or a right of indemnification in any third party. The provisions of this section shall survive the termination or expiration of this Agreement.

SECTION 34. DISPUTE RESOLUTION

For the purpose of this Agreement, time is of the essence. Should any dispute arise concerning the enforcement, breach or interpretation of this Agreement, the parties shall first meet in a good faith attempt to resolve the dispute.

SECTION 35. SEVERABILITY

If any provision of this Agreement or any provision of any document incorporated by reference to this Agreement shall be held invalid, such invalidity shall not affect the other provisions of this Agreement which can be given effect without the invalid provision, if such remainder conforms to the requirements of applicable law and the fundamental purpose of this Agreement. To this end, the provisions of this Agreement are declared to be severable.

SECTION 36. MISCELLANEOUS

Any provision of this Agreement that imposes an obligation that continues after termination or expiration of this Agreement shall survive the term or expiration of the Agreement and shall be binding on the parties to this Agreement. This Agreement shall be governed by and construed in accordance with the laws of the State of Washington.

SECTION 37. EXECUTION OF AGREEMENT

This Agreement may be signed in counterparts by the parties. If the Agreement is signed by the parties in counterparts, it will be considered a fully executed Agreement.

PCDFIT

Print Name Title

Signature Date
Bonney Lake Police Department

Print Name Title

Signature Date
Buckley Police Department

Print Name Title

Signature Date
DuPont Police Department

Print Name Title

Signature Date
Eatonville Police Department

Print Name Title

Signature Date
Fife Police Department

Print Name Title

Signature Date
Fircrest Police Department

Print Name Title

Signature Date
Orting Police Department

Print Name Title

Signature Date
Pacific Police Department

Print Name Title

Signature Date
Pierce County Sheriff's Department

Print Name Title

Signature Date
Puyallup Police Department

Print Name Title

Signature Date
Roy Police Department

Print Name Title

Signature Date
Ruston Police Department

PCDFIT

Print Name _____ Title _____

Signature _____ Date _____
Gig Harbor Police Department

Print Name _____ Title _____

Signature _____ Date _____
Lakewood Police Department

Print Name _____ Title _____

Signature _____ Date _____
Milton Police Department

Print Name _____ Title _____

Signature _____ Date _____
Washington State Patrol

Print Name _____ Title _____

Signature _____ Date _____
Steilacoom Dept of Public Safety

Print Name _____ Title _____

Signature _____ Date _____
Sumner Police Department

Print Name _____ Title _____

Signature _____ Date _____
Tacoma Police Department

Chapter 139-12 WAC
LAW ENFORCEMENT TRAINING AND COMMUNITY SAFETY ACT—INDEPENDENT INVESTIGATIONS CRITERIA

NEW SECTION

WAC 139-12-010 Purpose. In 2015 the U.S. Department of Justice issued a final report from the 21st Century Task Force on Policing. A core focus of that report addressed strategies for improving relationships, increasing community engagement, and fostering cooperation. The report recommended clear and comprehensive policies on the use of force, training on the importance of de-escalation, crisis intervention and mental health, the provision of first aid, and recommended external and independent investigations in officer involved shootings resulting in injury or death. Initiative 940 and SHB 1064 incorporated those recommendations and these WAC implement the requirement of an independent investigation that is completely independent of the involved agency. The goal of this requirement is to enhance accountability and increase trust to improve the legitimacy of policing for an increase in safety for everyone.

Ultimately, this is about the sanctity of all human life; the lives of police officers and the lives of the people they serve and protect. The preservation of life has always been at the heart of American policing. RCW 9A.16.040 provides a legal justification for officers whose use of deadly force meets the "good faith" standard. RCW 10.114.011 requires that where the use of deadly force by a peace officer results in death, substantial bodily harm, or great bodily harm an independent investigation must be completed to inform any determination of whether the use of deadly force met the good faith standard established in RCW 9A.16.040 and satisfied other applicable laws and policies. The independent investigation is a criminal investigation and state law requires an "independent investigation" completely independent of the involved agency.

NEW SECTION

WAC 139-12-020 Definitions. Best practices - For the purpose of this chapter, best practices are defined as methods, techniques, and procedures that have consistently shown by research and experience to produce superior results and are established or proposed as a standard, suitable for widespread adoption in the law enforcement profession.

Complete investigation - The final work product of the IIT for the purpose of informing the prosecuting attorney's charging decision. An independent investigation must be completed to inform any determination of whether the use of deadly force met the good faith standard established in RCW 9A.16.040 and satisfied other applicable laws and policies.

Deadly force - As set forth in RCW 9A.16.010, "deadly force" means the intentional application of force through the use of firearms or any other means reasonably likely to cause death or serious physical injury.

Evanescent evidence - Physical evidence that may be degraded or tainted by human or environmental factors if left unprotected or unpreserved for the arrival of the independent investigation team (IIT); identification and contact information for witnesses to the incident; photographs and other methods of documenting the location of physical evidence and location/perspective of witnesses.

Good faith standard - As set forth in RCW 9A.16.040, "'good faith" is an objective standard which shall consider all the facts, circumstances, and information known to the officer at the time to determine whether a similarly situated reasonable officer would have believed that the use of deadly force was necessary to prevent death or serious physical harm to the officer or another individual."

Great bodily harm - As set forth in RCW 9A.04.110, "great bodily harm" means bodily injury which creates a probability of death, or which causes significant serious permanent disfigurement, or which causes a significant permanent loss or impairment of the function of any bodily part or organ.

Independent investigative team (IIT) - A team of qualified and certified peace officer investigators that operates completely independent of any involved agency to conduct investigations of police deadly force incidents. An IIT is created when multiple law enforcement agencies enter into a written agreement to investigate deadly force incidents in their geographical regions. The IIT will have at least two nonlaw enforcement community representatives directly participating in the vetting and selection of investigators and review conflict of interest statements submitted by investigators at the beginning of each investigation, and additional tasks as set out in this WAC. Each agency that enters into the agreement is considered a "member agency."

Initial incident response - This is the period in time immediately following a deadly force incident when involved agency personnel on scene and other first responders immediately take actions to render the scene safe and provide or facilitate life-saving first aid to persons at the scene who have life threatening injuries. Then the involved agency will immediately call the IIT and the primary focus of the involved agency shifts to the protection and preservation of evanescent evidence in order to maintain the integrity of the scene until the IIT arrives. Once the IIT arrives, and the IIT commander has the appropriate resources on scene, the involved agency will relinquish control of the scene to the IIT.

Involved agency - The agency that employs or supervises the officer(s) who used deadly force. There can be more than one "involved agency."

Necessary - As set forth in RCW 9A.16.010, "necessary" means that no reasonably effective alternative to the use of force appeared to exist and that the amount of force used was reasonable to affect the lawful purpose intended.

Prosecutor's review - The period of time when the IIT presents a completed investigation to the prosecutor, who then reviews all the facts and makes a charging decision.

Substantial bodily harm - As set forth in RCW 9A.04.110, "substantial bodily harm" means bodily injury which involves a temporary but substantial disfigurement, or which causes a temporary but sub-

stantial loss or impairment of the function of any bodily part or organ, or which causes a fracture of any bodily part.

NEW SECTION

WAC 139-12-030 Independent investigation criteria. There are five factors that are fundamental to enhancing public trust in the integrity of independent investigations involving police use of deadly force:

- Independence;
- Transparency;
- Communication;
- Credible process; and
- Credible investigators.

Standards are necessary for the public to assess whether the actions taken by the IIT are independent, transparent, credible, and communicated in a manner that builds public trust.

At a future date, in order to create accountability, it is necessary to establish a process to gather and review data about uses of deadly force, and subsequent investigations, and to report data so the public can determine if the standards for independent investigations are being met and are improving public trust.

(1) Independence.

(a) Independence is essential to integrity and objectivity of the investigation. Maintaining independence is achieved through compliance with rules and regulations designed to prohibit undue influence, and the appearance of undue influence, by the involved agency in the investigation.

(b) Standards for an investigation completely independent of the involved agency:

- No member of the involved agency may participate in any way in the investigation conducted by the IIT.

- No information about the ongoing independent investigation will be shared with any member of the involved agency, except limited briefings given to the chief or sheriff of the involved agency about the progress of the investigation so that they can manage the internal administrative investigation and communicate with their community about the progress of the investigation.

- If the chief or sheriff of the involved agency requests that the IIT release the body cam video or other investigation information of urgent public interest, the IIT commander should honor the request with the agreement of the prosecutor of jurisdiction.

- No specialized equipment belonging to the involved agency may be used by the independent investigative team unless no reasonable alternative exists, and the equipment is critical to carrying out the independent investigation. If the equipment is used, the nonlaw enforcement community representatives on the IIT must be notified about: 1 - why it needs to be used; and 2 - the steps taken to strictly limit the role of any involved agency personnel in facilitating the use of that equipment.

(2) Transparency.

(a) Transparency is the critical element of procedural justice that allows community members to assess whether the process of the in-

vestigation is conducted in a trustworthy manner and complies with the standards for the five listed factors.

(b) Standards for the transparency of an independent investigation:

- The policies and operating procedures of the IIT will be available to the public.

- The names of the members, supervisors, commanders, and nonlaw enforcement community representatives on the IIT will be available to the public.

- A minimum of two nonlaw enforcement community representatives will be assigned to each IIT to participate in the vetting, interviewing, and selection of IIT investigators; review conflict of interest statements; be present at the briefings with the involved agency(s) chief or sheriff; have access to the investigation file when it is completed; review all press releases and communication to the media; and review notification of equipment use of the involved agency.

- The nonlaw enforcement community representatives must sign a binding confidentiality agreement at the beginning of each deadly force investigation that remains in effect until the prosecutor of jurisdiction either declines to file charges or the criminal case is concluded.

- If the confidentiality agreement is violated, the representative may be subject to prosecution under RCW 9A.76.020 (Obstructing a law enforcement officer) and chapter 10.97 RCW, Washington State Criminal Records Privacy Act.

- The commander or other representative of the IIT will provide public updates about the investigation at a minimum of once per week, even if there is no new progress to report.

- When an independent investigation is complete the information will be made available to the public in a manner consistent with applicable state law.

(3) **Communication.**

(a) Communication is key to enhancing the public's perception of police legitimacy and fairness. A lack of open communication leads to suspicion and damages trust.

(b) Standards for communication during an independent investigation:

- A family member of the person against whom deadly force has been used will be notified as soon as they can be located by either the involved agency or the IIT, whichever is faster.

- A member of the IIT team will be assigned as a family liaison within the first twenty-four hours and keep the family, or a representative of the family's choice, apprised of all significant developments in the independent investigation and will give the family and the involved agency advance notice of all scheduled press releases.

- Neither the involved agency nor the IIT will provide the media with criminal background information of the person against whom deadly force has been used, unless it is specifically requested, and release of the information is required by the Public Records Act or other applicable laws.

- If the person against whom deadly force is used is, or is believed to be a member of a federally recognized tribe:

- The involved agency will notify the governor's office of Indian affairs (GOIA) in accordance with RCW 10.114.021.

- A member of the IIT will be assigned as a tribal liaison within the first twenty-four hours and keep the tribe (or a representative of

the tribe's choice) apprised of all significant developments of the investigation.

(4) Credibility.

(a) In order for investigations to be viewed as credible it is critical to demonstrate that the procedures followed are consistent, known to the public, and rooted in best practices for homicide investigations, with particular attention focused on those unique areas of evidence relevant to the officer's decision-making process. Equally important is the credibility of the investigators. Significant requirements are set for the selection of investigators for the IIT. Training, a history of ethical behavior, and demonstrated impartiality are critical to maintain confidence in the investigation.

(b) Standards for a credible independent investigative process:

- After life-saving first aid has been provided, members of the involved agency and other first responders at the scene will:

- Secure the incident scene and maintain its integrity until the independent investigative team arrives.

- The perimeter should be clearly marked and protected.

- Evanescent evidence must be located and preserved, consistent with best practices published annually by the criminal justice training commission.

- The independent investigation will follow accepted best practices for homicide investigations published and annually updated each year by the WSCJTC.

- An involved agency conducting a timely internal administrative investigation for compliance with department policy and procedures is critical to maintaining public trust and is separate and distinct from the independent investigation required by the law enforcement training and community safety act. To allow the involved agency to move forward with the administrative investigation in a timely fashion, the independent investigation required by LETCSA must be conducted in a manner that does not inhibit the involved agency from doing so. To accomplish this:

- The IIT commander must create and enforce firewalls, which is a process to prevent information sharing between the IIT from the involved agency, and train all team members to observe them to ensure no member of the IIT receives any compelled statements of the involved officer(s) or any investigative content that was informed by such compelled statements.

- The firewall system and training must ensure that the involved agency is affirmatively advised not to furnish "prohibited content" to the IIT.

- If any member of the IIT receives prohibited information, the investigator receiving the prohibited information must immediately report it to the supervisor and the member. The information will be removed and/or isolated from the remaining investigation unless the prosecutor of jurisdiction deems such action unnecessary.

- These requirements also apply to any "public safety" statements compelled from involved officers.

(c) The standards for credible investigators include:

(i) Appointed Members.

The chiefs and sheriffs who sign a written agreement to support and participate in the IIT shall appoint:

- The IIT leadership team, which includes an IIT commander, assistant or co-commander, and the logistics/administrative commander.

- At least two nonlaw enforcement community representatives who have credibility with and ties to communities impacted by police use of deadly force.

- All IIT leadership shall be commissioned peace officer(s), with previous experience in criminal investigations.

- The IIT supervisors shall be recommended by their agency to the IIT commander.

(ii) Selection Process for IIT Members.

The IIT commander shall make written notification to the member agency's leadership, soliciting personnel from their respective agencies for assignment to IIT.

The IIT leadership shall:

- Ensure all applicants meet all time, rank, and training prerequisites described in chapter xxx WAC.

- Ensure that qualified applicants are interviewed by a review board, which includes the nonlaw enforcement community representative advisor and other members of the IIT selected by the IIT commander.

- All applicants shall be interviewed using criteria pertinent for the position of an IIT investigator. The same questions should be asked of each applicant.

- At the conclusion of the review board the IIT commander shall consider the recommendations of the board and select those best suited for the needs of the IIT.

(iii) Requirements for IIT Investigators.

- Applicants for the position of investigator must be employed by a member agency of the IIT.

- The applicant shall be a commissioned peace officer in the state of Washington with previous experience as a detective or investigator, or have special skills or experience necessary for the team.

- The applicant must have the written recommendation from their immediate supervisor.

- The agency and applicant must commit to three years of service to the IIT (excludes promotion or exigent circumstances).

- The agency and applicant shall commit to ongoing advanced investigative training.

- The agency and applicant must commit to eight hours of semianual IIT training.

- The applicant must be willing to be on call and reasonably available for call-out.

- The applicant should meet the basic training requirements identified in this chapter.

(iv) Periodic Appointment Review.

The chief or sheriff of a member agency, and the IIT commander shall review the appointment of their IIT members who have served three years for possible rotation or replacement.

(v) Training Requirements.

The CJTC will issue an "IIT qualified investigator certificate" to ensure that those who are entrusted with investigating officer involved use of deadly force incidents meet a basic training requirement listed below prior to joining an IIT. Each of the classes listed below must contain at least forty hours of instruction approved by WSCJTC. To obtain a basic IIT certificate candidates must:

- Provide proof of at least three years of uninterrupted experience as a certified peace officer.

- Provide proof of successful completion of the basic training classes listed in this chapter.

(A) Basic training classes:

- Basic homicide investigation;
- Crime scene investigation;
- Interviewing and interrogation;
- Crime scene photography/videography; and
- Violence de-escalation and mental health.

(B) Advanced training classes.

Advanced training develops and maintains competence, which improves the credibility of the team. The advanced training classes, taken before and/or during appointment to an IIT, are desirable and member agencies should make reasonable efforts to provide this training. A minimum of twenty-four hours of training annually may include, but is not limited to, the following criminal investigation topics:

- Advanced homicide investigation techniques;
- Advanced interviewing and interrogation;
- Officer-involved shooting investigation;
- In-custody death investigation;
- Excited delirium and positional asphyxia;
- Bloodstain pattern analysis; and
- Other related training, seminars, and conferences or on-going training as offered by WSCJTC or other training venues on an as available basis.

(C) In-service training.

- All IIT members shall receive priority registration to LETCSA training as well as recertification every three years.
- The IIT shall train as a unit at least semiannually.

(vi) Demonstrated History of Honorable Behavior.

Investigators assigned to an IIT must have a work history free of sustained serious misconduct and/or a pattern of complaints and a personal history free of demonstrable bias or prejudice against community members that may be impacted by the deadly force incident.

Examples of disqualifying sustained misconduct and/or personal history include, but are not limited to:

- Discrimination of any type, based on protected classes identified by the equal employment opportunity commission.
- Theft, fraud, dishonesty, and abuse of authority including, but not limited to: Theft, falsifying an official police record or making a false statement, ACCESS (a centralized computer enforcement service system) violations, obtaining or disclosing confidential information, and excessive use of force.
- Dishonorable behavior including, but not limited to: Harassment, bullying, aggressive or intimidating behavior, or threats of violence, including domestic violence.

(vii) Conflicts of Interest.

Prior to each independent investigation, investigators must complete a "conflict of interest" assessment tool regarding any connection to the officers being investigated. The assessment (created by WSCJTC) will include questions about the investigator's prior interaction or relationship with officers being investigated, and will address social conflict, work conflict, and bias. The conflict assessment will be reviewed and approved by the nonlaw enforcement community representatives and the IIT commander.

City Council Minutes
April 28, 2020
(Virtual Meeting)

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, Fire Chief Predmore, 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 Wilbanks seconded the motion. Motion carried.

MAIN AGENDA

ORD No. 07-20 Land Use and Permitting Action During the COVID-19 Pandemic
Council member Burbank moved to Approve ORD No. 07-20 Authorizing Temporary Land Use and Construction Application Permit Action During the COVID-19 Pandemic. Council member Rose seconded the motion. Upon roll call vote, motion carried 6/0.

CONSENT AGENDA

Council Member Smith moved to approve the Consent Agenda. Council member Rose seconded the motion. Motion carried.

Approve Minutes of March 24, 2020, City Council Meeting

Claim check numbers 61250 through 61332 in the amount of \$271,027.28 for the period of March 25, 2020, - April 14, 2020, are hereby approved and ordered paid this 28th day of April 2020. Claim check numbers 61333 through 61369 in the amount of \$65,990.12 for the period of April 15th, 2020, through April 28, 2020, are hereby approved and ordered paid this 28th day of April 2020.

COMMITTEE REPORTS

Mayor's Report:

The Mayor stated that the Study Session for May 2, 2020, will be cancelled.

Council member Rose moved to adjourn. Council member Wilbanks seconded the motion. Motion carried.

With nothing further the meeting was adjourned at 7:35 pm.

Mayor

City Administrator

Prepared by: Treva Percival, City Clerk

**City Council
May 12, 2020
(Virtual Meeting)**

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, Public Works Director Banks, City Planner Wallgren, Court Administrator Cash, City Attorney Olbrecht, 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 Rose seconded the motion. Motion carried.

STAFF REPORTS

Department updates were made available as part of the Council Packet and can be located on the City of Buckley's website under Council Agenda Packets.

MAIN AGENDA

ORD No. 08-20 Traffic Impact Fee Deferral

Council member Smith moved to Approve ORD No. 08-20 Authorizing Deferral of Payment of Impact Fees to Issuance of Certificate of Occupancy. Council member Burbank seconded the motion. Upon roll call vote, motion carried 7/0.

Bid Award: Short-Term Telemetry Improvements

Council member moved to Award Bid of the Short-Term Telemetry Project to Advanced Electrical Technologies for the Price of \$123,529.32, pending DSHS Funding of Additive 2. Council member Burbank seconded the motion. Motion carried.

CONSENT AGENDA

Council Member Smith moved to approve the Consent Agenda. Council member Burbank seconded the motion. Motion carried.

Approve Minutes of April 14, 2020, City Council Meeting.

Mayor's Report:

Mayor Johnson shared that the AWC Conference will be virtual this year and there is no cost to attend. The food bank has been serving around 400 people a week. The Rails to Trails coalition is donating \$500 to each food bank in the cities that the trail goes through. Lastly, the Soup Ladies are back using Buckley Hall to assist first responders.

Council member Smith moved to adjourn. Council member Wilbanks seconded the motion. Motion carried.

With nothing further the meeting was adjourned at 7:29 PM.

Mayor

City Administrator

Prepared by: Treva Percival, City Clerk