CITY OF BUCKLEY, WASHINGTON

ORDINANCE NO. 12-20

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 2. Copy to the Department of Commerce. Pursuant to RCW 36.70A.106, the City Administrator is hereby authorized and directed to provide a copy of this ordinance to the State Department of Commerce within 10 days of adoption.

Section 3. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 4. Effective Date. This Ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after publication.

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

Pat Johnson

Pat Johnson, Mayor

Attest:

Treva Percival

Treva Percival, City Clerk

APPROVED AS TO FORM:

Phil Olbrechts

Phil Olbrechts, City Attorney

PUBLISHED: September 2, 2020

EFFECTIVE: September 7, 2020