CITY OF BUCKLEY, WASHINGTON

ORDINANCE NO. 15-17

AN ORDINANCE OF THE CITY OF BUCKLEY, WASHINGTON, AMENDING SUBSECTIONS 19.20.040(2.a.ii), 19.20.080(2.a.ii), 19.22.160(10), 19.23.080(5.e), 19.28.020(2), 19.28.030(3), 19.29.0550(2.b.vi) BMC; AND AMENDING SECTIONS 19.12.380, 19.26.030, AND 19.29.060 BMC TO ADDRESS LOW IMPACT DEVELOPMENT STANDARDS WITHIN THE ZONING ORDINANCE; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Federal Environmental Protection Agency's Phase II regulations went into effect in early 2003 and apply to all regulated small municipal separate storm sewer systems; and

WHEREAS, on January 17, 2007 the Washington State Department of Ecology (DOE) issued two Phase II Municipal Stormwater Permits, one for Western Washington and one for Eastern Washington. The Phase II Permit for Western Washington covers at least 80 cities and five counties; and

WHEREAS, DOE determined that the City of Buckley was to be included under this Stormwater Phase II NPDES Permit coverage; and

WHEREAS, DOE first issued the Western Washington Phase II Permit in 2007 and modified it in 2009. DOE reissued it unmodified on August 1, 2012 to be effective through July 31, 2013. At the same time, Ecology also reissued an updated 2013 to 2018 permit on August 1; and

WHEREAS, the newly reissued Phase II Permit requires that each municipality meet the requirements of their NPDES Permit. Each municipality's permit for discharging stormwater is designed to reduce the discharge of pollutants, protect water quality, and meet the requirements of the Clean Water Act; and

WHEREAS, the newly reissued Phase II Permits require stormwater managers to develop a new "revised" *Stormwater Management Plan (SWMP)* that is a "forward only" looking document that describes what the City will do (not what was done in the past) during the next permit phase; and

WHEREAS, the Phase II Municipal Permits require that permittees develop—and annually update—a Stormwater Management Program (SWMP) document to submit with the annual report; and

WHEREAS, in compliance with the DOE Phase II NPDES Stormwater Permit requirement the City Council adopted Ordinance No. 09-16, March 22, 2016, establishing the newly revised 2016 Stormwater Management Program; and

WHEREAS, Task CTRL 9 – 13 of the Stormwater Management Program requires that the City review, identify, adopt and implement codes, rules, standards, and revisions to our existing standards which incorporate low impact development principles and low impact development BMPs; and

WHEREAS, per City Council direction City staff and City engineers have reviewed all of the City's development codes, standards and regulations and identified changes that incorporate low impact development principles and low impact development BMPs to comply with the Phase II NPDES; and

WHEREAS, code language needing revision was identified in BMC Titles 12, 13, 14 and 19 of the Buckley Municipal Code and Chapter 4 of the City's Design Guidelines and Public Works Standards; and

WHEREAS, due to ongoing review and incorporating additional changes to the various titles, each section will be presented for amendment separately; and

WHEREAS, staff identified several sections in the zoning code that were not addressed during the 2016 zoning code clean-up; and

WHEREAS, staff created an amending ordinance; and

WHEREAS, the draft ordinance was transmitted to Department of Commerce and received under Material Identification Number (MID#) 23593 and was granted expedited review April 27, 2016; and

WHEREAS, the environmental determination of non-significance (DNS) was issued April 19, 2017; and

WHEREAS, the Planning Commission conducted a public hearing on this proposal on May 22, 2017; and

WHEREAS, the Planning Commission recommends approval;

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

Section 1. Section 19.12.380 is amended to read as follows:

19.12.380 Open space.
"Open space" means that part of a zoning lot, or any number of lots or portions thereof, brought together under one development plan for the entire parcel, other than required yards, which:
(1) Is free and clear of buildings, structures and paved areas used for automobile parking or vehicular access and is to remain open and unobstructed from the ground to the sky;
(2) Is accessible (and made available at all times) to all persons occupying a dwelling unit of the structures located on the lot;
(3) Has a minimal uninterrupted horizontal dimension in all directions greater than 20 feet;
(4) Limits paved areas in any required open space to five percent or less of the total square footage of the open space, and shall be located in only one section of the same.
Low impact development facilities, tennis, basketball and other recreational courts may be considered in calculating open space square footage requirements

Section 2. Subsection 19.20.040(2.a.ii) is amended to read as follows:

(ii) Lot Coverage. The maximum lot coverage of the primary dwelling unit shall be 25 percent, not including outbuildings or accessory dwelling units. The maximum lot coverage of all structures shall be 35 percent. The maximum of all impervious coverage, including driveways and sidewalks and related impervious surfaces, shall be 45 percent. Sustainable permeable driveways, decks, patios and other on-site permeable surfaces shall not be included in the impervious surface calculations.

Section 3. Subsection 19.20.080(2.a.ii.A & B) are amended to read as follows:

(A) For commercial mixed-use units, the maximum lot coverage of the primary unit shall be 70 percent, not including outbuildings or accessory units. The maximum lot coverage of all structures shall be 75 percent. The maximum of all impervious coverage, including driveways and sidewalks, shall be 85 percent. Sustainable permeable driveways, decks, patios and other on-site permeable surfaces shall not be included in the impervious surface.

(B) For commercial units, the maximum lot coverage of the primary unit shall be 90 percent. Sustainable permeable driveways, decks, patios and other on-site permeable surfaces shall not be included in the impervious surface calculations.

Section 4. Subsection 19.22.160(10) is amended to read as follows:

(10) Minimum driving surface on the driveway shall be 20 feet in width and constructed of two-inch asphalt concrete pavement or permeable pavement pursuant to the city design and construction standards in the R-6,000, R-8,000, NMU, and HDR zones. Crushed gravel surface will be allowed within the R-20,000 zone;

Section 5. Subsection 19.23.080(5.e) is amended to read as follows:

(e) Building design and layout shall minimize the impacts on natural features of the site where possible. Open space and setback requirements should be used to break up impervious surface where possible.

Section 6. Section 19.26.030 is amended to read as follows:

19.26.030 Allocation criteria.
(1) The required minimum open space allocation shall not include lands reserved for street rights-of-way, tidelands or lands covered by buildings, structures or impervious materials, except as would be permitted pursuant to BMC 19.26.040
(2) When possible, open space square footage should be used to separate impervious surface area.

Section 7. Subsection 19.28.020(2) is amended to read as follows:

(2) Except for those exempted in the HC zone as allowed under BMC 19.20.090(2)(d)(i), and cottage housing developments, the required parking spaces or garages shall be located on the

same building site or development and shall be located near to the site entrance, if feasible, so as to reduce the need for long driveways.

Section 8. Subsection 19.28.030(3) is amended to read as follows:

(3) Commercial, Industrial, Institutional, Community Facilities. The following design standards shall apply to commercial, industrial, institutional and community facility uses:
(a) Those areas designated for use by motorcycles shall consist of a minimum usable area of 54 square feet.
(b) Driveways shall comply with the City's Development Guidelines and Public Works Standards
(c) Notwithstanding subsections (2)(b) and (c) of this section, all driveways and accessway widths and designs must be approved by the fire department for purposes of emergency accessibility.

Section 9. Subsection 19.29.050(2.b.vi) is amended to read as follows:

(vi) Existing Tree Survey. Applicants shall submit a tree survey indicating the name, caliper, and location of any existing tree greater than six inches in caliper at four and one-half feet above grade. The boundaries and species of any stands of trees shall be detailed. The plan shall note which trees shall be retained, using the drip line boundary delineation to locate retained trees on the grading plan. An effort shall be made to preserve existing trees, especially conifers, on site and incorporate them into overall design.

Section 10. Section 19.29.060 is amended to read as follows:

Property owners are encouraged to retain the existing trees, especially conifers, and other native vegetation on a site on a site to the maximum extent possible. The following design standards should be followed and implemented in the creation of a final landscaping plan. The plan should encourage a low maintenance, quality design. Design with drought-resistant plants and minimal grass area is encouraged to promote water conservation. Design shall include utilization of native vegetation.
(1) Facade Buffers. This design pertains to new commercial and manufacturing buildings or uses within the following zones: CC, GC, HC, HDR, LI, NMU; to new multifamily buildings containing more than two units; and to existing commercial, manufacturing or multifamily residential improvements which exceed 30 percent of the appraised value of the structure(s).
(a)Facade buffers should accent the character of the building. Street trees, window boxes, planters and hanging pots within the public right-of-way are acceptable, subject to approval by the planning director or city engineer. These items should not create a hazard by inhibiting pedestrian movement in the right-of-way and shall comply with required sight distances at intersections. The planting material should soften the transition between the pavement and the building. Blank building walls should be softened by landscaping. Plantings arranged formally or informally. Vegetation used within low impact development facilities shall be considered as part of these landscaping requirements as approved by the public works director.
(b) Within the historical commercial zone, potted street trees, planter boxes and street furniture within the public right-of-way may be substituted for the above facade landscaping upon

approval by the design review committee or decision maker and recommended for approval by the city planning director or city engineer.
(2) Barrier Buffers. This design pertains to new commercial and manufacturing buildings or uses within the following zones: CC, GC, HDR, LI, NMU, and existing commercial and manufacturing improvements which exceed 30 percent of the appraised value of the structure(s) within any 12-month period, where the commercial and/or manufacturing use abuts or is across an alley from a residential zone or use. These requirements also apply to mobile home parks/subdivisions, recreational vehicle parks and storage containment facilities.
Barrier buffers are to be provided along interior side and rear property lines as a minimum unless otherwise noted. These buffers should create a sight-obscuring barrier between incompatible zones and/or uses. The barrier shall be constructed along rear and interior side perimeters of site as follows:
(a) A minimum of a 20-foot-wide strip planted with evergreen trees or shrubs which provide a visual screen from the ground to the top. The trees must be at least six feet tall at time of planting and spaced to grow together within three years. An alternative consisting of a 10-foot-wide planting strip with a sight-obscuring six-foot wooden fence and six-foot-tall evergreens spaced to grow together within three years may be approved by the decision maker.
(b) Evergreen shrubs and ground cover to provide 75 percent coverage of landscaping area within two years after planting.
(3) Visual Relief Buffers. This design pertains to new commercial and manufacturing buildings and uses within the following zones: CC, GC, HDR, LI, NMU; to new multifamily structures containing more than two units; and to commercial, manufacturing or multifamily residential improvements which exceed 30 percent of the appraised value of the structure(s). A transparent buffer to provide visual relief between compatible land use areas or to soften the appearance of parking lots. The buffer shall be constructed around site perimeter as follows:
(a) A minimum of a five-foot-wide strip for all interior lots and a 10-foot-wide strip for all lots abutting a road or street to be planted with trees of which 70 percent may be deciduous. One tree shall be provided for each 30 linear feet of landscaped area. The trees may be spaced irregularly or clustered.
(b) Evergreen shrubs and ground cover to provide 75 percent coverage of landscaped area within two years after planting.
(c) Vegetation used within low impact development facilities shall be considered as part of these landscaping requirements as approved by the public works director.
(4) Parking Lot Canopy Buffers. This design pertains to the interior of all parking lots which have 20 or more spaces, to residential, commercial and manufacturing for new developments and to improvements which exceed 30 percent of the appraised value of the existing structure(s) within any 12-month period. Parking lots shall be designed to provide a minimum of 50 percent canopy shading within 10 years of planting. These buffers will provide shade, cool spots and transparent buffers within the parking lot. All required landscaping area widths shall be measured from back of curb to back of curb.
(a) A planting strip at least eight feet wide with trees spaced no more than 30 feet apart shall separate head-to-head parking stalls. At least 30 percent of the required trees shall be evergreen. Planting strips and islands shall be a minimum of eight feet wide in all CC, GC, LI, NMU and HDR zones.
(b) Landscaped islands the same dimensions and alignment as the parking spaces shall be installed at the ends of each row of parking spaces and separating every 12 spaces within rows of

parking spaces. Each landscaped island shall have at least one tree, and at least 30 percent of the trees shall be evergreens. The number of required parking spaces may be reduced by one space for each landscaped island provided.
(c) Evergreen shrubs and ground cover shall be planted within the planting strips and islands to provide 75 percent coverage of these areas within two years of planting.
(d) Planting strips and landscaped islands within parking lots shall be protected from vehicular access by a curb or landscaping timber border.
(5) Street Trees. This design pertains to new commercial and manufacturing buildings or change of occupancy, as defined by the International Building Code, within the following zones: CC, GC, HC, HDR, LI, and NMU; to new multifamily structures containing more than two units; and to improvements which exceed 30 percent of the appraised value of the existing structure(s) within any 12-month period.
(a) Street trees shall be planted by the land owner or developer in the right-of-way strip of arterial and collector streets between the property line and the edge of the curb or street paving according to city specifications.
(b) Where tree branches might interfere with pedestrians or vehicles in the right-of-way, trees should have a clear trunk area of seven feet above the ground for pedestrian paths, eight feet above bicycle lanes, 15 feet above arterial streets, and 14 feet above all other streets.
(c) Spacing of street trees shall be a minimum of 40 feet apart on arterial streets and up to 30 feet on collector and local streets.
(d) In the historical commercial zone, a combination of potted street trees, lamp posts, planter boxes, hanging baskets or other landscaping or street furniture may be substituted for street trees upon approval by the decision maker as recommended by the planning director and/or city engineer.
(e) Property owners on local access streets are encouraged to plant street trees in accordance with city specifications and recommended species type as adopted by resolution.
(f) Removal, pruning, or topping of any street tree is prohibited without approval by the designated city official. Where authorized, pruning and other maintenance will be to American National Standards Institute (ANSI) tree care standards.
(g) Property owners are encouraged to plant or retain vegetation other than trees within the right-of-way strip between the property line and the edge of the curb or street paving. This shall include vegetation used within low impact development facilities and shall not obscure visibility.
(6) Riparian Zone Buffer. This design pertains to all parcels and sites within the city of Buckley. Original vegetation along streams, wetlands, water sources and drainage channels must be maintained in order to continue natural erosion control and ground water recharge. Permits and procedures established in the city wetlands and critical areas ordinance must be followed in these areas.

Section 11. 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 12. 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 13. Effective date. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after publication.

APPROVED by the Buckley City Council this 13th day of June, 2017.

MAYOR, PAT JOHNSON

ATTEST/AUTHENTICATED:

CITY CLERK, JOANNE STARR

APPROVED AS TO FORM

OFFICE OF THE CITY ATTORNEY:

PHIL OLBRECHTS

PUBLISHED: JUNE 21, 2017

EFFECTIVE: JUNE 26, 2017