

**City of Buckley
Planning Commission Minutes
December 1, 2008**

Chairperson Liebel called the meeting to order at 7:04 PM.

The following members were present: Bill Dorn and Kathleen Snellback. Also in attendance was Associate Planner Suraiya Rashid.

Chairperson Liebel gave an overview to the public as to how this meeting will be taking place. Tonight the entire agenda consists of processing 14 site specific rezones. This could be a tedious process or we can do it very efficiently and concisely. In a effort to achieve that we will save all planning commission comments, discussion and/or response for after the public hearings and proceed to open and close each of these 14 separate public hearings to hear public comments and take notes for our discussion immediately there after. The public hearings are for the public to speak and the planning commission to listen, they will not immediately respond to any questions and or concerns during the public hearings. Planning Commission discussion will only ensue after all the public hearings have closed.

Associate Planner Rashid gave a summary for all the site specific rezones. Rashid stated right now we have a list of 14 site specific rezones we need get through tonight. Instead of going through all of them in great detail, so generally speaking what we are looking to do is get in greater compliance with the Comprehensive Plan Land Use Map. All the site specific rezones are in compliance with the Comprehensive Plan future land use map. A new comprehensive plan map was just adopted by the City Council at their last meeting. There are staff reports with each rezone and she has recommended approval on all rezones. They have been reviewed by the City and are in accordance with the comprehensive plan future land use map.

Chairperson Liebel recessed the regular meeting to open the public hearings.

Chairperson Liebel opened the public hearing at 7:08 PM for R-2008-01, Johansen Excavating, 28215 112th Street East. The applicant is asking for a rezone from Neighborhood Mixed Use (NMU) to Light Industrial (LI).

Rashid read a letter into the record that came in via e-mail from Susan McGuire at 28110 112th St E. Her concerns are regarding the storage of large construction vehicle that are now there and the possibility of oil or fuel leakage with the proximity of the drainage ditch that is adjacent to the property, also for the owners lack of concern of the movement of soil and the addition of fill in the recent months. She also stated that the addition of traffic on 112th St. E. would not be a benefit in the community that surrounds these properties, nor would the addition

of more area lighting or the possibility of contaminants leaching into the drainage ditch or the ground water so she is against the changes without proper oversight by the City of Buckley and it's agencies.

The Public Hearing was closed at 7:11 PM.

Chairperson Liebel opened the public hearing at 7:11 PM for R-2008-02, Ralph and Paula Williams, 173 Cedar St.

There were no public comments.

The public hearing was closed at 7:12 PM.

Chairperson Liebel opened the public hearing at 7:12 for R-2008-03, Marvin Annas, 203 Pearl Street.

There were no public comments.

The public hearing was closed at 7:12 PM.

Chairperson Liebel opened the public hearing at 7:13 for R-2008-04, Scott Nall, 28300 112th St. E.

Rashid read a letter into the record from Susan McGuire regarding her concerns regarding the lack of sanitary sewers on the property and if there is any addition of fill or asphalt this could directly affect her property and the drainage of it. She is also concerned about the possible addition of more yard lighting. She also stated that the addition of traffic on 112th St. E. would not be a benefit in the community that surrounds these properties, nor would the addition of more area lighting or the possibility of contaminants leaching into the drainage ditch or the ground water so she is against the changes without proper oversight by the City of Buckley and it's agencies.

The public hearing was closed at 7:14 PM.

Chairperson Liebel opened the public hearing at 7:14 for R-2008-05, Cory & Becky Elder, 171 Pearl Street.

There were no public comments.

The public hearing was closed at 7:14 PM.

Chairperson Liebel opened the public hearing at 7:15 for R-2008-06, White River School District, 146 Cedar Street.

There were no public comments.

The public hearing was closed at 7:15 PM.

Chairperson Liebel opened the public hearing at 7:15 for R-2008-07, JBS Investment Group LLC, 28201 Highway #410

Dennis Edwards at 28116 Hinkleman Road stated this is an investment property for them and they bought it five years ago. Their concern is they are not quite sure how this all arrived. Before they knew it they wound up having Interwest Construction surrounding their property and now they are trying to rezone it to commercial which he is confused with because there is one piece of ground that will be NMU. So you have 9 acres of property that will be zoned commercial around their ½ acre property that will be NMU so he is confused on how this will pan out. He has written and e-mails Rashid a letter that he would like to get entered into the record.

Toni Tash, his wife, she has major concerns as well. Their children rent the house and they have grandchildren who can't go out and play in the yard because of all the traffic and if you have a road next to the house where you have dump trucks coming out the kids won't be able to play in the yard. They were never told about this. She stated their kids are awakened in the mornings, they aren't supposed to start working until 7:00 AM and this morning it was 6:46 AM. Pictures fall off the walls, there are bright lights, it is a little house in the middle of a commercial enterprise. It is like out of cartoon.

Edwards stated he doesn't understand how they were even able to build without having it rezoned first.

Rashid then read a letter into the record from Dennis Edwards and Toni Tash which was commenting on the proposed reconstruction of Hinkleman Road. They object to the proposal of the reconstruction. The use of Hinkleman Road by heavy truck traffic even if empty is clearly inconsistent with such residential use as well as other uses permitted in the NMU zone. The large allowed heavy vehicles would be passing close to the residence within the development moving to and from the proposed access point as well as on Hinkleman road compounding the disturbance they would create. They believe this unsafe and undesirable condition is unnecessary given the developments access to Highway #410 and respectfully request that the City of Buckley reconsider the proposal and deny the request. They have been concerned about the development and its impacts on their property and this notification and generated many questions. There were surprised to learn that this development includes a maintenance shop for heavy equipment. While looking at the current table of permitted and accessory and prohibited uses in the zoning districts in the Buckley comprehensive plan, they see no mention of construction or contractor yards

either permitted or prohibited. They also examined the proposed revision to the permitted, conditional, accessory and prohibited uses in the zoning districts. They note that within the other uses category construction/contractor yards are categorically prohibited in the NMU zone. Clearly the City of Buckley does not desire this use in this zone and had the basis to prohibit prior to approval because a contractor maintenance facility in the yard cannot exist without the currently prohibited uses cited above. It appears the city has approved a project which violates its comprehensive plan avoiding all the problems inherent with the public process associated with rezoning the property appropriately to allow the development to proceed. As a result, the value of their property has been significantly impacted. They are consulting their attorney to determine what remedies may be appropriate. Rashid stated this was not in direct response to the rezone; it was in direct response to the Hinkleman Road Improvements that were accepted by the City Council.

The public hearing was closed at 7:24 PM.

Chairperson Liebel opened the public hearing at 7:24 for R-2008-08, JBS Investment Group LLC, 28008 Hinkleman Rd.

Gaylen Gold, 27913 Hinkleman Rd, currently he is within 100 feet, he is opposed to this. Currently there is another business for sandblasting and painting and with massive amount of traffic that goes into that facility alone. If you open up traffic to truck traffic, it is not a wide enough road and can't be expanded far enough to cover it. With the additional noise and traffic there should be a noise barrier as well as a visual barrier to block not only the dust from truck leaving that area plus the traffic alone can barely get down there now. There are two retention ponds that are already dug and will drain into Hinkleman Roads ditch which at the last rain storm there was massive amounts of water coming from there and Buckley had to sand bag the corner of Hinkleman and Mundy Loss. If this is allowed to continue bringing that much water into the ditch some of us are going to get flooded. He feels the traffic, noise, pollution and water runoff issues need to be taken into consideration.

The public hearing was closed at 7:28 PM.

Chairperson Liebel opened the public hearing at 7:29 for R-2008-09, Dalles J. Sullivan, 2261 Ryan Road.

Rashid read a letter into the record from Dalles Sullivan. It states he attended the public hearings for the rezone of Buckley prior to the final comprehensive plan being adopted by the City of Buckley. At that time it was made clear there would be no property in the city limits with zoning limitations of less than three parcels per acre. After the final comprehensive plan was adopted, somehow, his property was virtually the only parcel of land on Ryan Road to receive a more restrictive

zoning. The majority of parcels on Ryan Road were rezoned to approximately five units per acre whereas his parcel is limited to two units per acre. He contacted the city planner at the time and was informed that he did not realize he was interested in developing. As a result he assigned him the reduced density zoning but that he would support Mr. Sullivan in an effort to rezone and increase his density. Mr. Sullivan is asking to receive the same zoning as the majority of the property owners to approximately five parcels per acre.

Jane Hansen, 2275 Ryan Road, lives adjacent to the 2261 property. To follow up the letter from Mr. Sullivan, the majority of the properties on Ryan Road are on flat ground in fact the majority of the properties are under water. She is interested in the east end, the east 1/3 of the property. It is a 19 acre parcel; her property is taken out of the far north east corner. They are up against the State of Washington property which includes the city reservoir which she feels merits and requires special notice. The city reservoir is higher than the Sullivan property and there is quite a topographic change on the east 1/3 of the property. Her property is lower. The hill is steep and very wet. The hill dewateres 12 months a year and precipitation doesn't have an effect. The hill is also very mobile. She would request that the eastern third not be designated as higher density because of the danger of moving soil on that end of the property. Last spring they installed dewatering wells designed by a geotechnical engineer. The installed five and pumped twice a day following any precipitation event the dewatering wells have particulates which means the soil is moving in the water. If the city chooses to increase the density and allow excavation on that property she would ask for very important limits and that being that the city engage in a geotechnical study to determine the extent of soil movement and the risk to her property. Also the city should consider undertaking a geotechnical study to determine if any kind of soil movement below the reservoir would have an impact on that very significant investment. In city infrastructure, that would be a significant loss. She would also want to determine with the geotechnical study the source of the water because it is possible that the reservoir is leaking and having an impact on downstream properties. She would like to get in general the geotechnical parameters of that property. There is a serious soil movement problem because of the steepness of the ground and the nature of the ground and the volume of water that comes off that. She would like to see a multi-million dollar bond put up by anybody engaged in excavation because of the risks of downstream properties and to the City of Buckley's drinking water reservoir.

The public hearing was closed at 7:35 PM.

Chairperson Liebel opened the public hearing at 7:35 for R-2008-10, Terry Bodle, 28303 112th St E.

Rashid read a letter into the record from Susan McGuire stating the property at 28303 112th St E, there is also concern about the change in the property as to its

future use, additional traffic, possible filling of the property and additional yard or area lighting that will have an impact on her neighborhood. She also stated that the addition of traffic on 112th St. E. would not be a benefit in the community that surrounds these properties, nor would the addition of more area lighting or the possibility of contaminants leaching into the drainage ditch or the ground water so she is against the changes without proper oversight by the City of Buckley and it's agencies.

The public hearing was closed at 7:36 PM.

Chairperson Liebel opened the public hearing at 7:36 for R-2008-11, Roy & Harriet Tongue, 191 Pearl St.

There were no public comments.

The public hearing was closed at 7:36 PM.

Chairperson Liebel opened the public hearing at 7:37 for R-2008-12, Bryce & Christine Tingley, 170 Cedar Street.

There were no public comments.

The public hearing was closed at 7:37 PM.

Chairperson Liebel opened the public hearing at 7:37 for R-2008-13, Bryce & Christine Tingley, 180 Cedar Street.

There were no public comments.

The public hearing was closed at 7:38 PM.

Chairperson Liebel opened the public hearing at 7:38 for R-2008-14, Amy Holt-Ziemke, 280 No. River Ave.

There were no public comments.

The public hearing was closed at 7:38 PM.

Discussion on requested rezones and recommendation to Council:

The planning commission took each rezone to make recommendations on.

R-2008-01 – Johansen Excavating, 28215 112th St E.; R-2008-04 – Scott Nall, 28300 112th St E.; R-2008-10 – Terry Bodle, 28303 112th St E. Liebel stated Ms. McGuire definitely had some concerns regarding run off and lighting. Rashid stated all of the issues she has brought up aren't done through the rezone process;

there are ordinances in place for these issues that would be dealt with during the permitting process.

Dorn asked if the city checks on people or do they have the authority to check on people that have and store large amounts of gas and diesel. Rashid stated there are fire safety and fuel storage regulations in our code. Dorn stated this is hard to say no to because that is the direction the city wants to go, however, there have been some legitimate concerns voiced. Rashid stated she can forward the concerns or in the motion you can specifically state any concerns. Liebel stated we have all talked about the only commercial district this city has and we need business in this town is along the 410 corridor. We have seen a couple examples tonight along Hinkleman and 112th. It is his understanding that a lot of these properties were looking to get rezoned light industrial and commercial during the city wide rezone and then got backed off because there were no sewer permits available to build out the property so they left them at neighbor hood mixed use to hold off increased taxes until such a time that sewer permits were available so now we are starting to see those roll back to what the original intention was. Rashid stated that is and has been the cities long term plan for commercial on the north side of Highway #410 and light industrial on the south side. Liebel stated the emphasis is on traffic, light and noise.

Dorn moved to recommend approval for R-2008-01, R-2008-04 and R-2008-10 with an emphasis on concerns that have been voiced both by the neighbors and planning commission and would like to have a letter written to the property owner letting her know that her concerns are being taken into consideration. Liebel seconded the motion and the motion carried.

R-2008-02, Ralph & Paula Williams, 173 Cedar Street; R-2008-03, Marvin Annas, 203 Pearl Street; R-2008-05, Cory & Becky Elder, 171 Pearl Street; R-2008-06, White River School District, 146 Cedar Street; R-2008-11, Roy & Harriet Tongue, 191 Pearl Street; R-2008-12, Bryce & Christine Tingley, 170 Cedar Street, R-2008-13, Bryce & Christine Tingley, 180 Cedar Street.

Rashid explained to the commission why all these rezones from Residential to Historical Commercial came about. All the applicants were notified and have shown an interest in having their property rezoned. She also then gave a brief overview of what types of uses are allowed within this zone. Dorn stated his only concern is if these homeowners want to remodel there homes that they would be allowed to. Rashid then read for the planning commission this section of the zone that they would be allowed to do this.

Dorn moved to recommend approval for R-2008-02, R-2008-03, R-2008-05, R-2008-06, R-2008-11, R-2008-12 and R-2008-13 as recommended in the staff report. Liebel seconded the motion and the motion carried.

R-2008-07, JBS Investment Group LLC, 28201 Highway #410 and R-2008-08, JBS Investment Group LLC, 28008 Hinkleman Road.

Snellback asked if you can approve 2008-07 and not 2008-08. Snellback asked why the city is recommending approval of this. Rashid stated the city is recommending approval for this because it is in conformance with the Comprehensive Plan. Snellback stated one thing that she would like to know about is the Hinkleman Improvements. Rashid stated the improvement of Hinkleman Road was a project that was approved by City Council. The city looked at the cost of the project. The project was already on our Capital Transportation Improvements list. The city was planning to do it regardless of who paid for it. Interwest Development looked at the improvements and said they would like to use Hinkleman Road but the city said they could not because it is in no condition to be used. Interwest then came back with a proposal to do the improvements if the city waived the traffic impact fees. The cost of the project was much more than the traffic impact fees we would have received. The decision was made by the Council to approve this proposal. Rashid stated she wanted to be clear with the Planning Commission that the Hinkleman Road improvements do not affect the rezoning of the property. The city wrote a letter to all the property owners along Hinkleman Road within 300 feet of the affected area regarding the Hinkleman Road improvements. Dorn asked if the concern was because the road is not wide enough or because it is through a residential area. Rashid stated the concern from the cities' standpoint is that it is not wide enough and is not in good condition. Rashid stated the work has not been completed on the road.

Liebel stated we need to separate the construction from what permanently is going to be there. Yes there is a lot of dust, noise and possible problems associated with construction. Liebel stated we wouldn't be having a discussion if the construction wasn't going on a piece of property that is zoned NMU and we are talking about rezoning it and the building is practically built so how did that happen. Rashid stated the property is zoned NMU and the use applied for is an office building. They have always had the intention of some day building commercial buildings on the property but that was not in their original site plan. The applicant knows for what they want to do that they would need a rezone. Snellback asked what their hope is for the future. Rashid stated what she has heard is that they have some type of retail fronting their office. Liebel asked Mr. Edwards if Interwest offered to buy his property. Mr. Edwards said no. Mr. Edwards stated that has no problem with Interwest, it is the process that was gone through to do this project. Mr. Edwards stated to Rashid what she is saying about this project is incorrect. It is not just an office building. They have built on there five shops to work on machinery. How the city allowed this is beyond him. He knows that the planning commission is not going to turn the zoning down, it will be zoned commercial, it is the process of how it was done. As far as Hinkleman Road is concerned, yes the city obviously wants that improvement to Hinkleman Road, he can understand

that, it is how they are going about getting it and allowing the dump trucks to come out on Hinkleman Road to go to Mundy Loss Road. He called the city about this and supposedly they are not supposed to start working until 7:00 AM in the morning and they are supposed to be finished by 4:30 PM. That is not what is happening. From what he understands, that is going to be a swing shift operation through the night. He understands the work on the trucks will be done at night because they run during the day. His concern is how did this process get where it is before it was zoned commercial.

Dorn stated he feels the city has an obligation to the property owners for the road improvements. Will there be any public meetings regarding the widening and surfacing of Hinkleman Road? Rashid stated all the information is public and tonight's hearing is not to discuss the improvements to Hinkleman Road, the City Council has already approved this.

Mr. Gold stated Buckley has done a survey on Hinkleman Road and they cannot widen it because they cannot take property from the people on the north side of the road because they are in the county. Rashid stated she appreciates the comments but again, we are not discussing the Hinkleman Road improvements. She is not the engineer or the public works director so she is not qualified to address these concerns. The discussion for tonight is the rezone and whether or not these properties should be rezoned. Snellback stated she doesn't want to rubber stamp this she would vote no. Rashid stated her only question the only thing that the commission is concerned about tonight is the rezone and you have to have valid reasons why you denied the rezone. Rashid stated you also have in your power to deny without prejudice and voice the concerns. Dorn stated the city is not going to make them tear the building down. Rashid stated the building is not out of compliance. Dorn stated a statement needs to be made by the planning commission that the public was not involved enough with this decision. There are some legitimate concerns of the property owners that need to be addressed. You need to rezone it but if we could get some of the concerns dealt with during transition that would be a big help. Dorn stated when you have major part of the people on that road show and they all say the same thing, there is a communication gap and the government is supposed to work for the people and if the people don't understand how you get there, you should have to tell them. Rashid stated we need to stick to the public hearing rules, we cannot digress, the concerns from the property owner have been laid out. Rashid stated the property owners have gone over and above anything we expect from people. If the contact didn't happen she can't see that it would be negligence on their part. She feels the disagreement here is between neighboring property owners and what the city has or has not accomplished.

Dorn moved to recommend approval R-2008-07 with the recommendation that there needs to be some clarification on how this came about and where the breakdown exists, Snellback seconded the motion. Snellback stated she is

willing to do this for R-2008-07 but not for R-2008-08. She can see a rezone off of Highway #410. If the road will not support it off of Hinkleman then she doesn't see how we can comply. She is not interested on how this happened she is interested in where it goes from here. **The motion then carried.**

Devon Boyle, 1645 Collins Road stated her father previously owned 28008 Hinkleman Road. We were approached by Interwest in January or February about purchasing my fathers property. These people have gone out of their way to make things right, they purchased my fathers property and are allowing him to live there until the day he dies. They have done the same thing for the person that is living in the house on Hinkleman that was included with the property off of Highway #410. To say they haven't communicated with the neighbors is wrong. She is sorry the property owners are not here tonight. There is a property owner that lives across Hinkleman that has had major concerns regarding water runoff and Interwest has talked to him on a daily basis. It is hard to listen that Interwest is not working with neighbors when she knows for a fact that they have communicated with the neighbors.

Liebel stated his comments about communication were about the city, not the company. Snellback asked is this a logical commercial change if the road cannot support it. Rashid stated whether they are rezoned or not, the road will be reconstructed. Liebel stated nothing he hears is going to change his opinion, he is in favor of the rezone but he is not comfortable with the process that occurred through this whole thing and don't know anything about the folks involved. Putting this off is not going to do any good.

Liebel moved to recommend approval of R-2008-08 with clarification regarding the same concerns that Dorn had regarding the breakdown of communication. Dorn seconded the motion. Liebel amended the motion to include the concerns regarding the water, transportation, noise, visual barrier and all of the other concerns the public referred to tonight. Dorn seconded the amendment. The motion then carried 2-1.

R-2008-09, Dalles Sullivan, 2261 Ryan Road.

Liebel stated he has definite concerns regarding the information that Ms. Hansen brought up in her public comments. From what was stated by staff the intentions of the applicant was to do more of horse equine community with a potential to cluster a few homes. Rashid addressed some of the concerns that Ms. Hansen brought up. We would require the property owner to do a geo technical report for subdivision approval as well as they would have to go through SEPA environmental review which is distributed to 20 agencies. This is a extensive process that after she receives the checklist from property owners if there are significant environmental threats as the lead agent, she would have to issue a determination of significance. All the issues have to be taken into consideration

and then the property owner would have to present alternatives to development which would have to go through review through the 20 agencies again. There are all kinds of environmental safe guards. If they are choosing to subdivide all property owners would be notified again with another public hearing that the public can come again and voice their concerns. Rashid stated with the new zoning code he is already allowed to cluster within the R-20,000 zone. Snellback asked why he wants to rezone then. Rashid stated because he wants to get more lots than what the R-20,000 allows. Rashid stated there is no sewer there so in order to get septic approval, you have to have more land and sewer is so far from that property right now. Liebel stated that is why he doesn't see the point, he thinks he has the opportunity through clustering that he doesn't know about to get the density he is looking for without the rezone. Snellback stated it is very possible that he would like to sell the property once it is rezoned. Dorn stated he doesn't think there are any reasons not to approve it. Liebel stated what his concern is that it will create a smaller cluster very tightly packed with a whole bunch of space around it and he doesn't think that is appropriate out that far. That could have a pretty significant impact on water in terms of storm drainage. Discussion ensued. Liebel stated he could go either way, he feels we are pretty protected if we allow it and that we have good reasons to deny it and we could even defer it until more research is done on this property.

Liebel moved to deny recommendation for R-2008-09 due to the fact that R-20,000 allows for clustering he can get the density he wants and it provides a little more safety to the community in terms of the water supply and neighboring properties. Snellback seconded the motion and the motion carried.

R-2008-14, Amy Holt-Ziemke, 280 No River Avenue.

Liebel stated his only concern is what does central commercial allow? Does it allow a gas station or convenience store? His concern is not with what the current owner wants to do but what if he sells what a new owner would want. Rashid gave a brief description to the commission as to what would be allowed. Snellback asked if he is allowed to do the business he is doing now. Rashid stated yes he is because it is a home occupation with conditions attached. He is only allowed to do one at a time, they have to be entirely within the garage, and he can't have vehicles parked outside. There were concerns voiced by the commission about the traffic problems on that corner. Dorn stated he is in favor of the rezone. Snellback stated looking into the future of that concept; she sees a danger there because of the corner. Liebel stated that shouldn't affect him so much as the city needs to do something about the traffic. It is a dangerous corner with or without the business. Snellback stated as a municipal entity looking into the future, she sees it costing her the city money to say yes to the rezone. She sees him successful as he is now but to grant the rezone she sees problems for the municipality. Dorn stated he sees another job for someone. Liebel stated he is

more concerned with the people beside him that are still residential. Discussion ensued. Snellback stated she is not comfortable approving this until the intersection is dealt with. Liebel asked if there was another zone that makes sense. Rashid stated he had originally asked for general commercial and she recommended central commercial because that is the zone that makes more sense.

Liebel moved to recommend approval on R-2008-14 with a strong recommendation that the traffic at the intersection be dealt with. Snellback seconded the motion and the motion carried.

The next meeting will be January 5, 2008. Liebel stated one thing he would like to see on the agenda is voting for a new chair.

With nothing further the meeting was adjourned at 9:30 PM

Gordon Liebel, Chairperson