

**BEFORE THE HEARING EXAMINER
FOR THE CITY OF PUYALLUP**

In the Matter of the Application of)	No. PLCUP20220167
)	
Lance Hollingsworth, on behalf of)	West Meeker Public Parking
the City of Puyallup)	Conditional Use Permit
)	
)	
)	FINDINGS, CONCLUSIONS,
<u>For a Conditional Use Permit</u>)	AND DECISION

SUMMARY OF DECISION

The request for a conditional use permit to construct a 14-space parking lot, with 10 feet of associated landscaping, for use by staff of the Puyallup Police Department and the public, on an approximately 11,679 square foot property located at 313 and 321 West Meeker Avenue, is **APPROVED**. Conditions are necessary to mitigate specific impacts from the proposed development.

SUMMARY OF RECORD

Hearing:

The Hearing Examiner held an open record hearing on the proposal on March 24, 2023. The Hearing Examiner held the record open for two weeks to allow the City to produce a memorandum addressing the question of whether the facility was an “essential facility” as that term is defined in the municipal code. The City timely provided the memorandum, which the Examiner admitted into the record, and the record closed at that time.

Testimony:

The following individuals presented testimony at the open record hearing:

Rachael Brown, City Associate Planner
Lance Hollingsworth, Applicant Representative
Hans Hunger, City Engineer
Scott Engle, City Chief of Police
James Carter, City Review Engineer
Jeannie Venzone

Exhibits:

The following exhibits were admitted into the record:

1. Application for a Conditional Use Permit, dated December 8, 2022
2. Site Plan, undated

*Findings, Conclusions, and Decision
City of Puyallup Hearing Examiner
West Meeker Public Parking CUP
No. PLCUP20220167*

3. Critical Area ID Form, dated December 12, 2022
4. Preliminary Stormwater Site Plan, prepared by City of Puyallup, revised February 10, 2023
5. Preliminary Landscaping Plans, undated
6. Applicant's Response to City Development Review Team First Comment Letter, undated
7. City Development Review Team First Comment Letter, dated February 2, 2023
8. Affidavit of Notice for Notice of Application, dated January 17, 2023
9. Affidavit of Notice for Notice of Public Hearing, dated March 13, 2023
10. Correspondence with Police Chief, various dates in February 2023
11. City Development Review Team Final Letter, dated February 24, 2023
12. Staff Report, dated March 16, 2023
13. Staff Powerpoint, dated March 24, 2023
14. Comments from Jeannie Venzone, received March 27, 2023
15. Memo Regarding Police Parking and Essential Facility Definition, dated April 7, 2023

The Hearing Examiner enters the following findings and conclusions based upon the testimony at the open record hearing and admitted exhibits:

FINDINGS

Application and Notice

1. Lance Hollingsworth, on behalf of the City of Puyallup, requests a conditional use permit (CUP) to construct a 14-space parking lot, on a now-vacant property that is approximately 11,679 square feet in size, across the street from an existing police station. Initially, the parking lot would be reserved for the use of the personal vehicles of Puyallup Police Department employees during business hours. It would be available for use by the public after business hours and all day on weekends. Sometime within the next few years, however, the Police Department intends on moving to a new facility altogether. At that point, the parking lot would be available for public use around the clock. The proposed parking lot would be located at 313 and 321 West Meeker Avenue.¹ *Staff Report, Exhibit 12, pages 3 through 10; Exhibit 2; Exhibit 10; Testimony of Rachael Brown; Testimony of Scott Engle.*

2. The City of Puyallup (City) determined that the application was complete and published notice of the application in the *Tacoma News Tribune* newspaper on December 19, 2022. The City also provided notice of the application by mailing notice to nearby property owners on December 28, 2022; and posting notice on the subject property on January 11, 2023. On March 9, 2023, the City published notice of the associated public hearing in the *Tacoma News Tribune*. On March 13, 2023, the City mailed notice of the March 24 hearing to surrounding property owners and, also, posted notice of the hearing on the subject property. The City received one public comment in response to its notice

¹ The property is identified by tax parcel numbers 7060000230 and 7060000242. *Exhibit 1.*

materials, described in more detail below. No comments from reviewing agencies were received. *Staff Report, Exhibit 12, pages 4–5; Exhibit 8; Exhibit 9; Exhibit 14.*

State Environmental Policy Act

3. The City determined that the proposed development is categorically exempt from environmental review under the State Environmental Policy Act (SEPA), Chapter 43.21C Revised Code of Washington (RCW), in accord with Washington Administrative Code (WAC) 197-11-800. The statewide SEPA rules categorically exempt the construction of buildings up to 4,000 square feet in area with up to 20 associated parking stalls. *WAC 197-11-800(1)(b)(iv)*. Here, the proposal would not involve construction of any new structures and would involve installation of fewer than 20 new parking stalls. *Exhibit 12, Staff Report, page 4.*

Existing Site and Surrounding Area

4. The subject lot is 11,679 square feet in size, located at 313 and 321 West Meeker Avenue. The subject property was formerly the site of a dilapidated, single-family home, which has already been demolished in preparation for the proposed parking lot. The property is across Meeker from, and to the north of, the City of Puyallup Public Safety Building, home of the Puyallup Police Department. *Staff Report, Exhibit 12, pages 4–5 and 8–9; Exhibit 13; Testimony of Rachael Brown; Testimony of Scott Engle.*
5. Properties adjacent to the subject property are a mixture of single-family and multi-family homes, professional offices, and municipal buildings. A bank abuts the property to the east. The Public Safety Building abuts the property across Meeker to the south. A two-story apartment complex abuts the property across the street to the west. Four single-family houses abut the property to the north. Landscaping is proposed along much of the edges of the property and driveway improvements on the west and south sides of the property are proposed. Adequate right-of-way exists to support the proposed driveways. The location of the driveways does not conflict with existing traffic use along the streets, nor with the use of the existing driveway that provides an exit from the Public Safety Building. *Staff Report, Exhibit 12, pages 4–5 and 8–9; Exhibit 5; Exhibit 12; Exhibit 13; Testimony of Raechel Brown; Testimony of James Carter; Testimony of Lance Hollingsworth; Testimony of Jeannie Venzone.*

Comprehensive Plan and Zoning

6. The site is designated High Density Residential (HDR) under the City Comprehensive Plan. The City identified the following Comprehensive Plan goals and policies as relevant to the proposed use:
 - Encourage new institutional structures, associated parking areas and grounds which are sized and designed to complement massing, materials, and landscaping patterns of the surrounding residential neighborhood. *DT 7.7*

- Promote adequate parking in the downtown area consistent with the pedestrian-oriented environment. *DT 13.*
- The City, in coordination with downtown property and business owners, shall encourage identification of additional parking opportunities, including more efficient use of existing parking areas, as well as construction of new private facilities. *DT 13.1.*
- The City shall pursue creation of new mixed use parking structures at several downtown locations, as envisioned in the LIFT Grant and described in the 2009 TOD Study. *DT 13.2.*
- Designate high density residential areas in the city, allowing 15–22 dwelling units per acre. *LU 14.*
- High density residential development is intended for areas near employment and/or commercial areas, where high levels of transit are present or likely. This designation creates a transition between commercial uses and lower intensity residential uses. Some commercial uses may also be permitted. *LU 14.1.*
- Encourage high density residential development to utilize innovative approaches to retain significant on-site vegetation, orient clustered development parallel to the contour of the landform, provide reduced travel lanes and parking and provide age-appropriate active community open space. *LU 14.2.*
- Require architectural and site design standards for multiple-family complexes to promote the development of aesthetically appealing projects through quality design. *LU 14.3.*
- Residential densities in the RM-Core zone shall be limited only by the site development envelop parameters (e.g., maximum building height, required setback, landscaping, and design standard requirements), rather than by a specified dwelling units per acre. *LU 14.4.*
- Puyallup is a community of inviting neighborhoods and vibrant business districts that honors its established neighborhood character. *CC 1.*
- Maintain the identity and character of established residential neighborhoods through appropriate landscaping and site design of new developments and infill projects. *CC 1.1.*
- Allow a variety of unit types and sizes within single family residential areas while ensuring consistency with the scale, massing, and architectural character of the surrounding buildings. *CC 1.2.*
- Create a sensitive interface between residential and non-residential areas through various measures such as setbacks, screening, vegetative buffering, and shielded lighting. *CC 1.3.*
- Promote the development of commercial uses that are visually attractive, compatible with the character of the community and natural environment, and which retain their own distinct sense of place. *CC 1.4.*

- Enhance the commercial employee and customer experience through quality site and architectural design, landscaping, streetscape, and non-motorized improvements. *CC 1.5.*
- Encourage industrial development projects which complement and contribute positively to the character of the community through sensitive site design, buffering from adjacent uses, and facilitation/acknowledgement of the pedestrian experience. *CC 1.6.*
- Outreach to residents to determine neighborhood identity in order to work towards the possible development of a Neighborhood Identity Plan or Placemaking Strategy. *CC 1.7.*
- Collaborate with organizations that contribute to the identity of a specific area to address potential impacts to the surrounding neighborhood. *CC 1.8.*

Exhibit 12, Staff Report, pages 6 through 10.

7. In addition, although the following passages from the Comprehensive Plan are not goals or policies *per se*, staff identified them as relevant to the land use planning underlying the basis and need for the proposed parking lot:

- “The Police Department’s only capital facility is its headquarters located in the City’s Public Safety Building in the downtown area of the City. That building contains a 52-bed jail, as well as a property area and evidence room. This building has become outdated and over-crowded and has inadequate meeting space, locker space for all male employees, restroom facilities, and file storage space. Additionally, the carpet is well-worn and beyond its life expectancy, former storage areas have been turned into office space, and the jail is in need of modernization. **The building is also in need of security updates including a secure parking area for police vehicles and employees**, secure work area for our Volunteers In Police Services and ballistic/blast protection to the vulnerable areas of the building.” *Capital Facilities Element, page 9.6* (emphasis added).
- “In 2008, Puyallup was one of three communities to receive a Local Infrastructure Funding Grant (LIFT) amounting to \$1 million dollars per year for 25 years. The award will be applied to several local projects. Puyallup’s plan proposes to ... **[r]e-use downtown city-owned real estate assets that today only provide marginal economic benefit.** The City plans to gradually surplus and allow transit-oriented development projects that will bring more office space, parking and amenities that will attract more jobs and housing to downtown...” *Capital Facilities Element, page 9.11* (emphasis added).

Exhibit 12, Staff Report, pages 7 through 9.

8. Staff concluded that, although a parking lot intended for use by the police department and the public is not the “highest and best” use land in the HDR designation, it is consistent, in this case, with the dictates of the Comprehensive Plan. The subject property is located

close to the downtown core, where a need for additional public parking has been recognized. The need for additional police parking has been specifically recognized. The proposed parking lot would be screened by vegetation, including the thickest screening where the parking lot abuts existing residential properties. In addition, the City's "long-term plan for the parcel is to sell the parcel for re-development once the bond measure to fund the construction of the new public safety building is approved by voters. The re-development of the parcel will ideally be for residential use." *Exhibit 12, Staff Report, pages 6 through 10.*

9. The property is located in the "regional growth center-oriented high density multiple-family residential zone" (RM-Core). Generally, the multi-family zones (RM-10, RM-20, and RM-Core) are "intended to reserve appropriately located areas for multiple-family living at a broad range of dwelling unit densities consistent with the Puyallup comprehensive plan. They are intended to protect the public health, safety and general welfare by ensuring that the opportunities to obtain reasonable cost housing exist for households representing a variety of income categories and lifestyles; **facilitating the provision of utility services and other public facilities** commensurate with anticipated population and dwelling unit densities; providing that multiple-family developments offer the amenities and conveniences necessary to assure the comfort and enhance the lifestyles of their occupants; and assuring the compatibility of multiple-family development with other uses and adjacent zoning districts. The RM multiple-family residential zone districts are further intended to provide housing types that possess attractive architectural and site design characteristics that are complementary to the community character of Puyallup." *PMC 20.25.005* (emphasis added). "The RM-20 and RM-Core multiple-family residential zones allow for a wider range of multifamily uses, including apartments, duplex, triplex, fourplex, townhouse and other multifamily residential housing types. The RM-20 and RM-Core zones are intended to provide for substantially higher density multifamily residential land uses, with RM-Core being specifically the densest and intended to promote a more compact form of residential land use." *Id.*

Within all RM zones, "public service uses" are allowed as a conditional use. *PMC 20.25.015(6)*. In addition to meeting the requirements for a conditional use permit (described below), public services uses in the RM zone must also be "screened from adjacent properties and public rights-of-way by a minimum 10-foot-wide landscaped buffer strip." *PMC 20.25.015(6)(b)*.

"Public service use" means a use involving government or community function or public service or utility. Typical uses include emergency service (ambulance or rescue), **public parking lots (but not garages)**, emergency service facilities, major regional utility corridors (large transmission lines, underground pipelines) which affect greater than a 40-foot-wide swath of surface land, and public parks and open spaces. *PMC 20.15.005* (emphasis added). Thus, a public parking lot is allowed as a conditional use in the RM-

Core zone, so long as a 10-foot landscaped buffer is provided. *Exhibit 12, Staff Report, pages 4 through 8.*

Critical Areas

10. The entire site has been mapped as both an aquifer recharge area and a volcanic hazard area. Under the critical areas code, “Construction of new critical facilities as defined in this chapter including **essential facilities** and hazardous facilities, as well as any building with occupancy of 1,000 persons or more as determined by the building official using the International Building Code, shall be **prohibited in volcanic hazard areas.**” *PMC 21.06.1260(1)* (emphasis added).

Essential facilities means “those facilities that are necessary to maintain life, health, welfare and safety functions.” *PMC 21.06.210(41)*. The term includes but is not limited to police stations and emergency response services or preparedness centers and their associated buildings, shelters, or vehicle storage areas. *Id.*

Here, the proposal is for a parking lot associated with a police station. However, during the hearing, Police Chief Engle explained that the parking lot was intended to be used for the parking of employees’ personal vehicles. It is not intended to be used for the storage of police cars. Following the hearing, Ms. Brown supplied a memo arguing that the parking of personal vehicles during business hours does not constitute a “vehicle storage area” associated with the police station. Therefore, the proposal is not subject to the prohibition in *PMC 21.06.1260(1)*. *Staff Report, Exhibit 12, page 6; Exhibit 3; Exhibit 15: Testimony of Scott Engle.*

Conditional Use Permit

11. The Applicant provided a project narrative addressing the CUP criteria of *PMC 20.80.010*, which noted:
- The RM zones allow for a conditional use for public services per *PMC 20.25.015(6)*. The Project proposes to construct public parking which is, by definition, a public service use.
 - The project will enhance public convenience and comfort by providing additional off-street parking near the urban center of the city. Public health and safety are not anticipated to be negatively affected. The required 10 feet of landscape buffer will preserve the character of the surrounding properties.
 - The facility is intended to relieve any burdens placed on public facilities and streets in the vicinity. The facility is blocks away from Pioneer Park and the surrounding public facilities such as the library, the community center, and the train station. The new public parking will be able to serve employees of the Puyallup police department which is across the street to the south.
 - The site's primary use will be for public parking to serve nearby public facilities. The site will add 14 additional parking spaces to the overall public parking

facilities in the Urban Center. The lot is not directly connected to a specific service that would require a set number of parking spaces.

- The need for additional public parking is driven by the anticipated economic growth in the vicinity. This supports the Downtown Neighborhood Plan's parking issues. The location is on the perimeter of the downtown core, thus promoting users to park and utilize pedestrian amenities within the downtown core.

Exhibit 1.

12. In addition, Police Chief Engle emailed with City staff regarding the need for the parking in light of the forthcoming closure of the AOB Parking Lot that the police currently use:

If [the proposed parking lot on Meeker] was not approved we would be in a world of hurt. Police staff need to park close due to the nature of their job and the safety of getting to their cars in a timely and safe manner. They would like[ly] have to park on the street thus we would have to take away street parking from the public to accommodate staff parking. Further, we are out of room for detectives and other agencies to park here at our site when they come to our station—thus the need for the relief parking behind us in this lot. If the lot is not approved we end up out on the street taking valuable parking away from the public.

Exhibit 10.

13. City staff also analyzed the proposal in relation to the CUP criteria of PMC 20.80.010, noting, among other considerations:
 - The proposed parking lot is located in the [RM-Core] zone and the corresponding High Density Residential (HDR) land use designation.
 - Proposal is for a parking lot owned and operated by the City of Puyallup for primary use by Police with use by the public allowed on weekends and after work hours on weekdays. As such this use is categorized as a 'Public Service Use' which is listed as a conditionally permitted use in the RM zone chapter (PMC 20.25).
 - Public service use" means a use involving government or community function or public service or utility. Typical uses include emergency services or public parking lots (but not garages), as well as emergency service facilities.
 - The City intends to use the site as police/public parking so long as the police station is still located at its current location. However, the City has purchased another site at 600 39th Ave SE where it intends to relocate the police and fire station in the next few years ... Once the new police station is constructed, the City intends to sell both parcels (the station and this parking lot) for re-development.

- While the proposal does not include a residential component, it does serve the residential uses in the neighborhood by supporting the provision of an essential public service, namely police service.
 - The City’s long-term plan for the parcel is to sell the parcel for re-development once the bond measure to fund the construction of the new public safety building is approved by voters. The re-development of the parcel will ideally be for a residential use.
 - This parking lot is small, only 14 stalls, and is thus not anticipated to have negative impacts on the surrounding area in terms of significant increases in car noise, fumes, or frequency in traffic.
 - The use for which the parking lot is associated (the police/fire station across Meeker) is already existing and is not expanding. Instead, the parking area that the police station is currently using ... is currently under contract to be sold and re-developed into a mixed-use building. Thus, this parking area is being shifted from one City-owned parcel to another within the neighborhood.
 - The required 10-foot landscape screening (a Type 1C ‘Visual Barrier Landscape Screen’ will be required) will preserve the character of the surrounding properties and shield views from the street and neighboring properties on to the parking lot.
- Staff Report, Exhibit 12, pages 7 through 9.*

Public Comment

14. As noted above, the City received one public comment in advance of the hearing. The comment said there is a dispute as to the location of property lines in the area, potentially affecting the subject property. The comment also stated there are underground utility lines that cross the property lines for the benefit of the commenter’s property, and that the parking lot might potentially lead to problems with those utilities. There have been homeless people camping in the currently vacant lot, leaving behind trash which has not been picked up for a year. There is inadequate supervision and maintenance proposed for the parking lot. The hours during which the public may use the lot are not clearly explained and could be a source of conflict. The proposed driveway access onto Meeker may conflict with the existing driveway access to the Public Safety Building, leading to traffic safety problems. The residential neighbors will lose privacy once the parking lot is in operation. There could also be trespasses from the parking lot onto the neighboring properties. The lot should be used for residential purposes, not a parking lot. *Exhibit 14.*
15. In response to the public comment, City staff recommend adding the following additional conditions to any approval associated with the proposal:
- Additional lighting shall be added to the parking lot during construction permitting.
 - A six-foot-tall privacy fence shall be added around the parking along property lines that abut neighboring properties.

- Public parking shall not be allowed overnight. Public parking shall be limited to weekdays 5:00 PM to 11:00 PM and weekends 7:00 AM to 11:00 PM. Police cars may park overnight.

Exhibit 14.

Testimony

16. City Assistant Planner Rachael Brown testified generally about the application and explained how the proposed use would comply with the City’s Comprehensive Plan and zoning ordinances. She noted that the property consists of two lots that would be consolidated into one. She said SEPA review was not required, because the project falls below the City’s 40-space threshold for the number of parking spaces that triggers SEPA review. The need for the proposal was the upcoming loss of the AOB Parking Lot due to development.

Ms. Brown acknowledged that a parking is not a residential use, so the proposal would require landscaping buffering to make it more compatible with existing residential uses nearby. The goal is to strike a balance between residential uses and this public parking lot, for which the City has an important need. The City selected Type 1C landscaping, ten in feet in width to improve the parking lot’s compatibility with surrounding residential properties. The City now also proposed to also add a six-foot privacy fence in response to privacy concerns from neighbors. Ms. Brown explained the City’s code required a minimum six-foot buffer for uses not subject to a setback requirement. The proposed ten-foot buffer here exceeded the minimum required standard for uses allowed outright.

Other new suggested conditions aimed at addressing to neighbors’ concerns include additional lighting for the parking lot beyond the existing streetlights, as well as regular trash pickup. In addition, public use of the parking lot would be limited to day and evening parking only—no overnight parking except for police cars if needed for police operations.

Ms. Brown requested that the record be held open for two weeks following the public hearing, to give her time to prepare a memo on the question of whether the proposed parking was an essential public facility as that term is defined in the critical areas ordinance, and if so, whether further review of the proposal might be warranted.

Testimony of Rachael Brown.

17. Lance Hollingsworth, City Applicant Representative, addressed a question about easements that appeared in a public comment submitted in advance of the hearing. He acknowledged the discovery of utilities on the subject property, which serve the neighboring property to the north. He said the City was preparing to grant an easement to the neighboring property owner for these utilities. The easement would allow the

neighbor to access the subject property for purposes of maintenance. The easement issue had, at this time, not been fully resolved, but he did not see it as an issue for purposes of CUP review.

With regard to traffic safety, Mr. Hollingsworth said there is more than adequate separation between the proposed driveway on the subject property and any other driveway that might potentially create a traffic conflict, including approximately 100 feet of separation between the proposed driveway on Meeker and the existing Public Safety Building driveway. He did not see any reason to be concerned about traffic issues.
Testimony of Lance Hollingsworth.

18. City Engineer Hans Hunger took up the easement issue at the request of Mr. Hollingsworth. Mr. Hunger said the draft easement was intended only to formalize the City's relationship to utilities that are already present. In the event of a conflict between the City and the neighboring property owner about, for example, maintenance of the utilities, the City would attempt to work out the dispute whenever it arose. Mr. Hunger did not think the presence of the utility lines or the possibility of the City granting an easement related to the utilities lines was an issue that needed to be addressed during the CUP process. Like Mr. Hollingsworth, Mr. Hunger did not perceive any potential conflict between existing and proposed driveways that would give him any concern about traffic. *Testimony of Hans Hunger.*
19. Police Chief Scott Engle testified about the need for the parking lot. He clarified that it would only be staff parking their personal vehicles there. It would not be a storage area for police cars, although it was possible that individual police cars might park there on occasion in the course of ordinary police operations. He said it was possible that a police car might park there intermittently overnight, depending on what kind of emergency calls the police department was dealing with. Mr. Engle also asked that the privacy fence not run along the Meeker Street property line, because the police wanted to be able to see into the parking lot from the Public Safety Building for security purposes. *Testimony of Scott Engle.*
20. James Carter, City Development Review Engineer, testified about existing rights of way and vehicular access to the subject property. He testified that there was ample right of way to accommodate the entrances to the subject property, and that there was no conflict between the location of the proposed driveways and any other existing driveways. *Testimony of James Carter.*
21. Jeannie Venzone testified against the parking lot. She owns one of the residential properties to the north of the subject property. Hers are the utilities that run under the subject property. She said that the currently vacant lot has not been adequately maintained, and that drug use and garbage are rife. She said that the proposed driveway

for the proposed parking lot is too close to the existing driveway of the Public Safety Building, leading to dangerous traffic conflicts. *Testimony of Jeannie Venzone.*

Staff Recommendation and Applicant Response

22. Ms. Brown testified that City staff recommends approval of the CUP application, with conditions. Mr. Hollingsworth testified that the Applicant agrees with staff's assessment and the recommended conditions, including the new ones that appear in Exhibit 14 and suggested during the hearing. *Staff Report, Exhibit 12, pages 10–11; Exhibit 14; Testimony of Rachael Brown; Testimony of Lance Hollingsworth.*

CONCLUSIONS

Jurisdiction

The Hearing Examiner has authority to hear and make a decision whether to grant a conditional use permit that is in harmony with the scope and purpose of Title 20 PMC and the zoning district in which the use is to be located as well as the goals, objectives, and policies of the Puyallup Comprehensive Plan. *PMC 20.12.015; PMC 20.80.005.*

Criteria for Review

Each decision granting a conditional use permit must be supported by written findings of fact showing specifically that all of the following conditions exist:

- (1) That the use for which the conditional use permit is applied for is specified by this title as being conditionally permitted within, and is consistent with the description and purpose of the zone district in which the property is located;
- (2) That the granting of such conditional use permit will not be detrimental to the public health, safety, comfort, convenience and general welfare, will not adversely affect the established character of the surrounding neighborhood, and will not be injurious to the property or improvements in such vicinity and/or zone in which the property is located;
- (3) That the proposed use is properly located in relation to the other land uses and to transportation and service facilities in the vicinity; and, further, that the use can be adequately served by such public facilities and street capacities without placing an undue burden on such facilities and streets;
- (4) That the site is of sufficient size to accommodate the proposed use and all yards, open spaces, walls and fences, parking, loading, landscaping and other such features as are required by this title or as are needed in the opinion of the hearing examiner are properly provided to be compatible and harmonious with adjacent and nearby uses;

(5) That the granting of such conditional use permit will not be contrary to the adopted comprehensive plan, or to the objectives of any code, ordinance, regulation, specifications, or plan in effect to implement said comprehensive plan.

PMC 20.80.010.

The hearing examiner has the authority to impose conditions and safeguards as he deems necessary to protect and enhance the health, safety and welfare of the surrounding area, and to assure that the proposed use or activity fully meets the findings set forth in PMC 20.80.010. No conditional use permit decision can require the dedication of land for any purpose not reasonably related to the use of property for which the conditional use permit is requested, nor posting of a bond to guarantee installation of public improvements not reasonably related to the use of property for which the conditional use permit is requested.

PMC 20.80.015.

The criteria for review adopted by the Puyallup City Council are designed to implement the requirement of Chapter 36.70B RCW to enact the Growth Management Act. In particular, RCW 36.70B.040 mandates that local jurisdictions review proposed development to ensure consistency with City development regulations, considering the type of land use, the level of development, infrastructure, and the characteristics of development. *RCW 36.70B.040.*

Conclusions Based on Findings

- 1. With conditions, the use for which the conditional use permit is applied for is conditionally permitted within the regional growth center-oriented high density multiple-family residential zone (RM-Core) zoning district and is consistent with the description and purpose of the RM-Core zoning district.** The subject property is zoned RM-Core. The City's RM-Core zone is primarily intended to serve high-density residential uses. However, the zone is also intended to facilitate the provision of "utility services **and other public facilities.**" *PMC 20.25.005.* Public services, including public parking lots but not garages, are allowed as conditional uses in the zone. *PMC 20.25.015(6).* To be eligible for a conditional use permit, a public service use in the RM-Core zone must have at least ten feet of landscaping screening, an increase over the usually required six feet. *PMC 20.25.015(6)(b).* The proposed parking lot meets the definition of a public service use, because it is available for the use of the public, not just the use of the police. In addition, the Comprehensive Plan policies relevant to the proposal indicate that public parking and parking for the police are important needs in the downtown core area. The Comprehensive Plan specifically contemplates that additional parking in this neighborhood will need to be built. With only 14 parking spaces provided, this parking lot is not of a scale that would render it inconsistent with the description and purposes of the RM-Core district. In addition, it is likely that the parking lot will only be a temporary use, in that the City plans to move the police out of their

existing building sometime in the next few years, after which the City hopes to develop the subject property into some use other than a parking lot. *Findings 1 – 22.*

- 2. With conditions, the granting of the conditional use permit would not be detrimental to the public health, safety, comfort, convenience, and general welfare; will not adversely affect the established character of the surrounding neighborhood; and will not be injurious to the property or improvements in the vicinity and/or zone in which the property is located.** The City provided reasonable notice of the proposal, opportunity to comment on the application, and to testify at the open-record hearing. The proposed development is categorically exempt from SEPA environmental review and does not trigger the City code’s critical area reporting requirements. Stormwater from the parking lot would be managed in accordance with the City’s current stormwater requirements to ensure that the proposal would not have adverse impacts to aquifers. Although the parking lot lies within a volcanic hazard zone, the City does not intend to store essential vehicles such as police cars in the parking lot—thus, there will be no public health or safety impacts even in the unlikely event that a lahar overwhelms this parking lot. Although a parking lot is visually distinct from the adjacent residential uses, that potential visual impact is mitigated by the City’s use of Type 1C landscaping, ten feet in width, between the parking lot and all surrounding residential properties. The residential properties will be further protected by a six-foot privacy fence, which will mitigate the possibility of trespass from the parking lot onto the surrounding properties. The fence will not lie along the southern property line, so the police will still be able to maintain oversight of the parking lot. For additional security in the parking lot, the City will install additional lighting above that provided by existing streetlights. In addition, overnight parking by the public will be prohibited, which will reduce the noise and inconvenience experienced by adjacent residents. Any issues associated with the existing belowground utility lines can be addressed on a case-by-case basis as they arise. There is no basis to believe that developing a paved parking lot atop the utility lines will *per se* result in any injury to neighboring properties, because it is a routine feature of urban life for utility lines to be buried beneath paved surfaces. *Findings 1 – 22.*
- 3. With conditions, the proposed use would be properly located in relation to other land uses and to transportation and service facilities in the vicinity, and, further, the use would be adequately served by such public facilities and street capacities without placing an undue burden on such facilities and streets.** Public utilities are available to serve the site, and the Applicant would install necessary improvements, including a stormwater management system and curb improvements where required. The Examiner is persuaded by the engineers’ testimony that the parking lot does not conflict with existing transportation infrastructure in the neighborhood. Fears to the contrary are speculative. *Findings 1 – 22.*

4. **The site is of sufficient size to accommodate the proposed use, and all yards, open spaces, walls and fences, parking, loading, landscaping, and other such features would be compatible and harmonious with adjacent and nearby uses.** The 11,679 square foot site can accommodate the proposed 14-unit parking lot and 10-foot landscaping buffer. As noted, the landscaping buffer, as well as the security lighting and privacy fence, will ensure that this parking lot is compatible with adjacent residential uses. Limiting the public’s use of the parking lot to daytime hours only also ensures compatibility. *Findings 1 – 22.*

5. **The granting of such conditional use permit will not be contrary to the adopted comprehensive plan, or to the objectives of any code, ordinance, regulation, specifications, or plan in effect to implement said comprehensive plan.** As noted, several City Comprehensive Plan goals and policies would be furthered by the proposed use, including goals and policies promoting adequate parking in the downtown area and contemplating the need for additional public parking and police parking. The Examiner agrees with Ms. Brown’s post-hearing memo that the parking lot is not an essential facility that would be prohibited in a volcanic hazard area, because the parking lot is not intended for the storage of emergency response vehicles. The parking lot will mainly be used by police department employees to park their personal vehicles. Personal vehicles are not emergency response vehicles, nor does daytime parking of personal vehicles constitute “storage.” The occasional and temporary use of the parking lot by police cars engaged in police operations at night also does not rise to the level of “storage.” *Findings 1 – 22.*

DECISION

Based on the preceding findings and conclusions, the request for a 14-space public parking lot, with associated landscaping, on a lot approximately 11,679 square feet in size, located at 313 West Meeker is **APPROVED**, with the following conditions:

1. The parking lot shall be signed such that parking shall be restricted as follows. Monday through Friday 7:00 AM to 5:00 PM, the parking lot will be restricted to police parking only. Public parking will be allowed from 5:00 PM to 11:00 PM on weekdays, and from 7:00 AM to 11:00 PM on weekends. At such time that the City no longer operates a police station at 311 West Pioneer, the parking lot will become solely a public parking lot, at which time the weekend hours will apply on all days of the week.

2. Parking lot shall be screened from adjacent properties by a 10-foot-wide, Type IC landscape buffer on all sides.

3. Additional lighting shall be added to the parking lot during construction permitting.

4. A six-foot-tall privacy fence shall be added around the parking along property lines that abut neighboring properties.
5. Regular trash pickup of the parking lot shall occur.

Decided this 26th day of April 2023.



ALEX SIDLES
Hearing Examiner
Sound Law Center