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BEFORE THE HEARING EXAMINER FOR THE CITY OF PUYALLUP

Phil Olbrechts, Hearing Examiner

RE: Foskey Rezone PLRZ20230064	FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION.
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INTRODUCTION

Natalie Foskey has applied to rezone four acres composed of four parcels located between SR 512 and South Meridian just south of 17th Ave SE from Office Professional (PO) to Limited Mixed Use (LMX). The rezone is approved. The proposed rezone is well suited to enable a wider range of uses to serve expanding hospital development to the north, is compatible with the mix of uses that surrounds it and provides additional housing options to the Puyallup community.

ORAL TESTIMONY

A computer-generated transcript of the hearing has been prepared to provide an overview of the hearing testimony. The transcript is provided for informational purposes only as Appendix A.

EXHIBITS

Exhibits 1-12¹ listed in the Exhibit List prepared by staff were admitted during the hearing. A zoning vicinity map was admitted as Exhibit 13 after close of the hearing.

FINDINGS OF FACT

Procedural:

1. Applicant. Natalie Foskey, 6116 211th St SW Ste 203, Lynnwood, WA 98036.

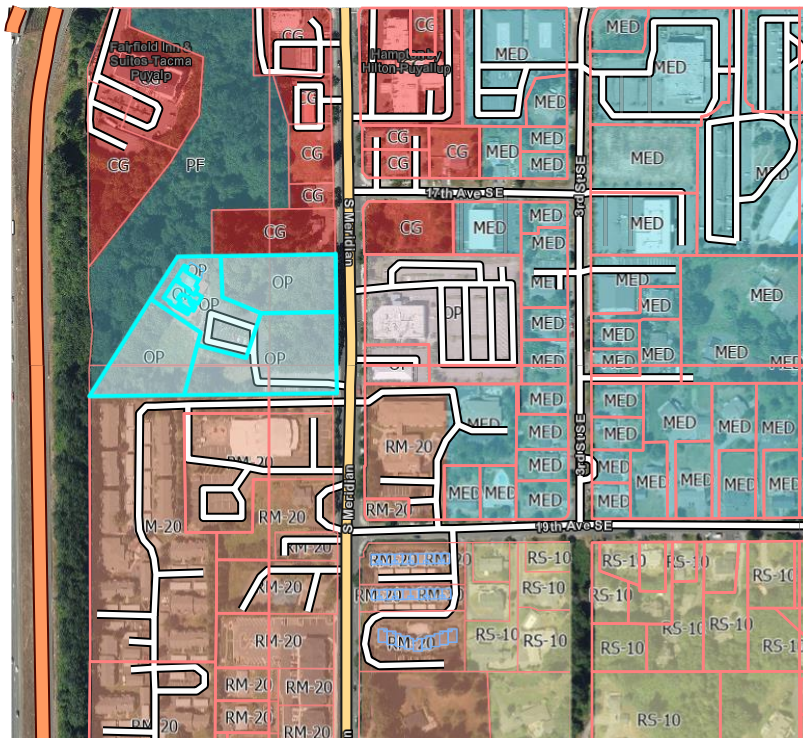
¹ Exhibit 8 in the list had no document identified.

2. Hearing. The Hearing Examiner conducted a virtual hearing on the application at 10:00 am on October 6, 2023.

Substantive:

3. Site/Proposal Description. Natalie Foskey has applied to rezone four acres composed of four parcels located between SR 512 and South Meridian just south of 17th Ave SE from Office Professional (PO) to Limited Mixed Use (LMX). The four (4) subject parcels are contiguous parcels owned by Willows Development LLC. Tax parcel 0420334197 contains a vacant office building and associated parking. The office building was constructed in 1985 and has been historically used for medical offices. Tax parcel 0420334189 provides additional vehicle parking and access to S. Meridian. Tax parcels 0420334186 and 0420334188 are mostly undeveloped parcels with dense tree and shrub coverage. All four (4) subject parcels include steep slopes, wildlife habitat areas, wetlands, and critical aquifer recharge area or associated buffers. Outside of the access, parking, and building footprint, the properties include dense vegetation.

4. Characteristics of the Area. The rezone area is bordered to the north and west with open space. SR 512 is also located to the west. Medical offices are located on the east and multifamily and a private early learning center are located to the south. Surrounding zoning is depicted below.



1 5. Adverse Impacts. No adverse impacts are anticipated from the proposal.
2 As testified by staff, any changes in traffic created by the rezone are likely to be
3 marginal since the project site realistically only has room probably for one more
4 building pad. Further, the presently allowed medical uses may generate trip
5 generation rates that may be comparable to any newly permitted retail uses authorized
6 by the proposed rezone. The rezone is compatible with surrounding zones and
7 existing uses, as its authorized uses reflect the mix of uses surrounding it, such as
8 residential, commercial and office.

9 6. Change in Circumstances. A change in circumstances justifies the rezone.
10 Changes in surrounding development and an increasing need for housing and housing
11 diversity comprise the change in circumstances.

12 The city rezoned the subject properties in 1999 from RM-20 to OP zoning district. In
13 the twenty-four (24) years since the subject properties were last rezoned, the city has
14 seen meaningful change in conditions in commercial development and an increase in
15 housing availability issues. As indicated in the 1998 Project Vicinity Map (Exhibit 5)
16 and the 2021 Project Vicinity Map (Exhibit 6), there has been significant commercial
17 and office development north of the subject properties between 1998 and 2021 that
18 coincides with expansion of the nearby hospital (MultiCare Good Samaritan
19 Hospital). The rezone would provide additional land uses that would allow greater
20 site flexibility to ensure that the subject properties continue to be a buffer between the
21 residential properties to the south and the more intense commercial properties to the
22 north.

23 Regarding ongoing housing issues, the city adopted the Puyallup Housing Action
24 Plan (Housing Plan) in September 2021 to review and address the ongoing housing
25 issues within the city. Per the Housing Plan, Puyallup needs a total of 7,853
additional housing units between 2019 and 2035 to meet projected population growth.
The average annual production of housing units in Puyallup from 2010 to 2019 was
151 units per year. Puyallup needs an average of 491 units per year to meet the
projected household growth by 2035. One of the Housing Plan high priority strategies
is to rezone properties to facilitate higher residential densities and housing types. The
proposed rezone would assist in implementing this strategy. The changes in
development patterns since 1998, the change in city demographics, and the increase
housing availability and affordability issues constitute a change in conditions that
would necessitate the subject rezone request.

CONCLUSIONS OF LAW

Procedural:

1. Authority of Hearing Examiner. PMC 20.90.025 authorizes the hearing
examiner to hold a hearing and approve rezones. As further required by PMC

1 20.90.025, the hearing examiner's approval is given effect by City Council adoption
2 of an ordinance implementing the rezone.

3 **Substantive:**

4 2. Zoning Designation. The property is currently zoned OP, Office
5 Professional.

6 3. Review Criteria. PMC 20.90.015 sets the criteria for site-specific rezones.
7 Pertinent criteria are quoted below and applied via corresponding conclusions of law.

8 **PMC 20.90.015(1):** *Each determination granting a rezone shall be supported by
9 written findings and conclusions showing specifically wherein all of the following
10 conditions exist:*

11 *(1) That the proposed amendment to the zoning map is consistent with the goals,
12 objectives and policies of the comprehensive plan;*

13 4. Criterion met. The criterion is met for the reasons identified in pages 3-4 of the
14 staff report.

15 **PMC 20.90.015(2):** *That the proposed amendment to the zoning map is consistent
16 with the scope and purpose of this title and the description and purpose of the zone
17 classification applied for;*

18 5. Criterion met. The criterion is met. PMC 20.05.005(1) provides that the purpose
19 of the zoning code is to promote public health, safety and welfare and to implement
20 the City's comprehensive plan. As previously noted, the proposal is consistent with
21 the comprehensive plan. The proposal promotes public health, safety and welfare
22 because it is compatible with surrounding development and provides for more
23 housing options and other services to the growing City. As noted in the staff report,
24 the rezone would not make existing development nonconforming and the lots are of
25 sufficient size to accommodate the bulk and dimensional standards of the proposed
LMX zone. Given the expanding hospital to the north, the proposed rezone is well
located to promote the objectives of the LMX zone, which is intended to emphasize
mixed use, multi-story residential and office development and accommodate smaller-
scale standalone retail development.

PMC 20.90.015(3): *That there are changed conditions since the previous zoning
became effective to warrant the proposed amendment to the zoning map;*

6. Criterion met. The criterion is met for the reasons identified in Finding of Fact
No. 6.

PMC 20.90.015(4): *That the proposed amendment to the zoning map will be in the
interest of furtherance of the public health, safety, comfort, convenience and general*

1 *welfare, and will not adversely affect the surrounding neighborhood, nor be injurious*
2 *to other properties in the vicinity in which the subject property is located.*

3 7. Criterion met. The criterion is met for the reasons identified in Finding of Fact
4 No.5. In addition, the proposal advances public health, safety and welfare by
5 expanding the range of uses available to serve the expansion of the hospital to the
6 north, most notably by providing an additional area for housing development.

7 **DECISION**

8 Based upon the conclusions of law above, the proposed rezone from OP to LMX is
9 approved. The rezone is subject to adoption by the City Council of an implementing
10 ordinance as required by PMC 20.90.025.

11 Dated this 10th day of October, 2023.

12 *Phil Olbrechts*

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Phil Olbrechts,
14 City of Puyallup Hearing Examiner

15 **Appeal Right and Valuation Notices**

16 City Council adoption of an ordinance implementing this rezone decision shall
17 constitute the final land use decision of the City of Puyallup on this rezone
18 application. That adoption is final subject to appeal to superior court as governed by
19 Chapter 36.70C RCW.

20 Affected property owners may request a change in valuation for property tax purposes
21 notwithstanding any program of revaluation.
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