



City of Puyallup  
**Planning Division**  
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## STAFF REPORT TO HEARING EXAMINER

To: Hearing Examiner  
From: Josh Kubitz, AICP, City of Puyallup Planning Consultant  
RE: CIP 20-018 WPCP Secondary Clarifier No. 3 Project # PLCUV-20230074  
Date of memo: December 28, 2023  
Hearing Date: January 11, 2024

### VICINITY MAP



**PROJECT OVERVIEW**

<p><b>Applicant:</b> Jessica Wilson, City of Puyallup</p> <p><b>Staff Coordinator:</b> Nabila Comstock</p> <p><b>Property Owner:</b> City of Puyallup</p> <p><b>Address:</b> 1602 18th St SW, Puyallup, WA 98371</p> <p><b>Parcel ID#:</b> 0420208069</p> <p><b>Parcel Size:</b> 158,816 square feet</p> <p><b>WPCP Facility Size:</b> 529,253 square feet</p> <p><b>Comp Plan Designation:</b> PF</p> <p><b>Zoning:</b> PF</p>	<p><b>Proposal:</b> CUP for installation of a new secondary clarifier and associated yard piping and electrical work at the City of Puyallup Water Pollution Control Plant (WPCP). Per PMC 20.44.020, the applicant is requesting a two (2) foot minimum front, rear, and side setbacks. Additionally, a variance is requested to obtain formal approval for the existing 10-foot concrete encroachment into the six-foot-wide required perimeter landscape buffer.</p> <p><b>Relevant History:</b></p> <p>On October 27, 2023, the subject property received an Alternative Methods / Materials Request approval to provide additional low-lying landscaping along the outer easterly wall on parcel number 042020844 instead of landscaping along the inner walls of parcel 0420204132.</p> <p>Application materials refer to parcel 0420204132 at the time of application. The applicant completed a lot combination with tax parcel 042020844 while the CUP and Variance application was being processed (Pierce County recording no. 202309210295). As such, the proposed action will take place on parcel 0420208069.</p> <p>WPCP Tax Parcels 0420201044 and 0420204136 received a CUP (Permit 96-65-001) in 1996 for expanded wastewater facilities.</p> <p>WPCP tax parcels 0420204097 and 0420204256 received a revised CUP (Permit 99-65-004) and Variance (Permit 99-61-008) for improvements and relocating the perimeter wall near single-family zoned properties and increasing the concrete perimeter fence height.</p> <p><b>Staff Recommendation:</b> Approval</p>
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**PUBLIC NOTIFICATION RECORD – APPLICATION NOTICE**

- Permit request received by city on June 27, 2023
- Initial submittal deemed complete by Department on July 26, 2023
- Notice of complete land use application mailed to all owners of property within a specified radius of the site (as required by PMC 20.12.010) as indicated by the Pierce County Assessor Treasurer’s records: August 2, 2023

- Notice of Application sent to the current list of public agencies and Tribes noticed of complete land use applications by the Department: August 2, 2023
- Notice of Application Published in the Tacoma News Tribune: August 2, 2023
- Notice of Application was posted at the project site by the applicant: August 14, 2023 (verification provided by the applicant via affidavit of posting).

## **PUBLIC NOTIFICATION RECORD – HEARING NOTICE**

- Notice of Public Hearing mailed to all owners of property within 300 feet of the site as indicated by the Pierce County Assessor Treasurer’s records on December 20, 2023 (22 days in advance of public hearing – 14 days minimum required by PMC 20.12.010 (2)).
- Notice of Public Hearing was posted at the project site by the applicant on December 21, 2023 (verification provided by applicant via signed declaration – 14 days in advance of public hearing, 20 days minimum required by PMC 20.12.010 (3)).
- Notice of Public Hearing published in the Tacoma News Tribune on December 22, 2023 (22 days in advance of hearing – 14 days minimum required by PMC 20.12.010 (1)).

## **COMMENT RECORD**

Staff received no public comments in response to the notices.

Staff received two Agency comment letters associated with the SEPA environmental review and determination issuance:

- Washington Department of Ecology provided standard comments regarding requirements for clean fill and clean up procedures.
- Nisqually Indian Tribe stated they have no specific comments or concerns at this time.

## **STATE ENVIRONMENTAL POLICY ACT (SEPA) STATUS**

City of Puyallup issued a SEPA Determination of Non-significance (DNS) on November 20, 2023. The appeal period ended on December 6, 2023. No appeals were filed.

## **STATUS OF REGULATIONS**

Since the filing of the complete application, no applicable amendments to the Municipal Code have been adopted by the City Council.

## **PROJECT DETAILS**

- This project includes the installation of a new secondary clarifier (number 3) at the City's Water Pollution Control Plant (WPCP), associated yard piping and electrical work, HVAC, and mechanical work in the RAS/WAS Building, mechanical piping work at the Effluent Pump Station, and associated landscaping.
- A portion of the existing concrete screening wall will have 70-feet removed and replaced to facilitate the construction of the third secondary clarifier. The replacement wall will be consistent with the existing wall.
- 1997 construction project at WPCP included the installation of the stone columns that will be used to support the third secondary clarifier.

- On October 27, 2023, the subject proposal received an Alternative Methods / Materials Request approval (PRAMR20231444) to provide low-lying landscaping along the outer easterly wall on parcel number 042020844 instead of the city vegetation standards manual (VMS) required landscaping along the inner walls of parcel 0420204132. The AMR landscaping plan provides the landscaping schedule and location of the proposed landscaping. Planning staff will confirm AMR landscaping installation at civil construction permit when final landscaping plans are required.

## **DEVELOPMENT REVIEW**

- The project is in the PF zoning district and is subject to PMC Chapter 20.44 PF Public Facilities Zone standards.
- Per PMC 20.44.012(3) community facility uses requires a conditional use permit pursuant Chapter 20.80 PMC. The applicant has submitted a conditional use permit for the proposed third secondary clarifier and associated work. A review and analysis of conditional use permit criteria is provided below.
- Per PMC 20.44.020(4) – (6), the minimum setbacks from front, rear, and side property lines in the PF zone is twenty feet, or as required in PMC 20.26.500, or as otherwise established through a conditional use permit or master plan.
  - The applicant is requesting, through the conditional use permit, that the minimum front, rear, and side yard setbacks for tax parcel 0420208069 is set at two (2) feet to allow for the existing 10-foot concrete screening wall to remain and to correct the existing encroachment. This setback reduction is not anticipated to adversely impact the surrounding community as the solid wall has been in place around the WPCP facility since the 1980's and 1990's. Additional review is provided under the conditional use permit criteria below.
- Per PMC 20.44.020(7), minimum landscape standards apply to setbacks along common boundaries with any R zone. The development footprint of the proposed secondary clarifier is located at the north end of tax parcel 0420208069 and has a common boundary with only General Commercial (CG) zoned properties. Therefore, this standard does not apply.
- Per PMC 20.44.030, the proposal is subject to Chapter 20.26 PMC Design Review Standards and Procedures. PMC 20.26.300 Nonresidential design review standards prescribes requirements regarding site layout and design of commercial buildings. There are no proposed commercial buildings or associated parking lots. As such, the proposal is compliant with these standards.
- Per PMC 20.44.035, off-street parking shall be required as specified in Chapter 20.55 PMC or otherwise established by conditional use permit. The proposed third secondary clarifier does not add additional traffic onsite. The traffic engineer has reviewed the traffic scoping submittal waiver and agreed that the proposal will not add trips. As such, no additional parking is required for the proposed project.
- Per PMC 20.44.045(6), no fence greater than three and one-half feet may encroach within front and side setbacks. If the subject property minimum setback is reduced to 2-feet, as requested by the applicant, and allowed per PMC 20.44.020, no variance will be required for the wall height exceeding three and one-half feet.
- Per PMC 20.58.005, perimeter landscaping is required in the setback areas of all sites, or up to twelve feet from all property lines, whichever is less, to a minimum of six feet.

- The applicant is requesting that the perimeter landscaping width is reduced to allow the two (2) foot minimum building setback and allow the existing concrete wall encroachment to be permitted. As such, the applicant is requesting a variance to establish a two (2) foot landscape buffer for the front and side (north and east) property lines of parcel 0420208069.
- The City’s traffic engineer, development engineer, and building reviewer have reviewed the project against applicable codes and recommend approval.

**SURROUNDING AREA**

The immediate surrounding area of the construction limits consists of commercial uses (vehicle dealership and animal hospital). The larger subject property and WPCP facility surrounding area consists of manufactured single-family residential homes.

The WCPC facility is primarily accessed from 18<sup>th</sup> St NW.

**CRITICAL AREA REVIEW**

The subject site is located within a volcanic hazard area and within an aquifer recharge area.

PMC 21.06.1260 provides performance standards for projects located in the volcanic hazard area and primarily regulates new uses. Since the proposed third secondary clarifier is an expansion of an existing approved critical facility, no additional director’s approval is required for being located within a volcanic hazard area.

PMC 21.06.1120 – PMC 21.06.1140 provides performance standards for projects located in the critical aquifer recharge area. The proposed third secondary clarifier is an activity that does not cause a degradation of ground water and will not adversely affect the recharging of the aquifer. Per PMC 21.06.1120, the proposed third secondary clarifier may be permitted in a critical aquifer recharge area and would not need a critical area report provided that the project complies with the city storm water management regulations. The City’s development engineer has reviewed the project and recommends approval, see Final DRT letter. The city’s development engineer will ensure compliance with city’s storm water management regulations at civil construction permit.

**CONDITIONAL USE FINDINGS PER PUYALLUP MUNICIPAL CODE SECTION 20.80.010**

Per PMC 20.80.020, the Hearing examiner shall have the authority to grant, amend, or deny a conditional use permit. Accordingly, each determination granting a CUP shall be supported by written findings demonstrating that the conditions listed in PMC 20.80.010 exist. The following represents analysis of applicable findings in the city’s CUP ordinance (PMC 20.80.010) as it relates to the current request by the applicant:

**PMC 20.80.010(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.

Applicant Response: *The PF zone includes major parcels of land that provide public service needs of the community (PMC 20.44.005). The WPCP provides wastewater treatment for the City of Puyallup sewer service area. The WPCP abuts residential zoned properties on the southwest, south, and southeast side of the site, per PMC 20.44.012, public service facilities that abut residential property must obtain a Conditional Use Permit.*

Staff analysis: Per PMC 20.44.005, the PF zone is reserved for designated public facilities and is intended to accommodate a variety of government uses, while providing minimum performance standards for new development and mitigate the potential for adverse off-site impacts. The existing WPCP facility is a community facility that serves a community service function. The requested two (2) foot minimum setback will correct the existing concrete wall encroachment into the building

setbacks and will allow the WPCP facility to install the third secondary clarifier and meet the growing city demands for wastewater treatment. Per PMC 20.44.012(3), community facility uses are conditionally permitted uses. Therefore, staff finds that the proposal is in compliance with this criterion.

**PMC 20.80.010(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.

Applicant Response: *The granting of a conditional use permit will benefit public health, safety, and general welfare. Construction of the proposed project is necessary to increase the capacity of the WPCP to meet the needs of the growing population of the City's sewer service area. The proposed project will be within the confines of the existing WPCP site. The proposed project will preserve the character of the surrounding neighborhood which consists of multi-family residential and general commercial zones.*

Staff analysis: The City's traffic engineer, development engineer, and building reviewer have reviewed the proposed conditional use permit and requested two (2) foot minimum setback and concluded that they recommend approval. The proposed actions will take place within the existing WPCP site and will continue to be screened from neighboring properties by the existing concrete wall. The concrete wall is currently encroaching into the front and side yards and the minimum setback reduction to 2-feet will correct this long-standing encroachment. The requested two (2) foot minimum setback will not adversely affect the established character of the surrounding neighborhood as the existing facility and concrete screening wall has been in place for more than twenty years. The proposal is assumed to have positive impacts to the public health, safety, comfort, convenience, and general welfare of the community because it will allow for increased capacity for wastewater treatment. Therefore, staff finds that the proposal is in compliance with this criterion.

**PMC 20.85.010(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.

Applicant Response: *The proposed project is located within the confines of the existing WPCP site. The project will add additional wastewater clarification capacity and upgrade existing facilities to ensure the WPCP can continue to treat the projected wastewater flows through approximately 2041 to the quality required by the facility's NPDES permit. The existing water, sewer, and electrical utility connections available at the WPCP are adequate to support the construction and operation and maintenance needs of the proposed improvements. The proposed project will not require an increase in staff. The existing street capacities are adequate.*

Staff analysis: The proposed third secondary clarifier is located within the confines of the existing WPCP community facility site and is screened by the existing 10-foot concrete wall. This proposed expansion will add additional wastewater capacity to City of Puyallup and will ensure that WPCP can meet the City of Puyallup needs through approximately 2041. The applicant submitted a traffic scoping memo waiver which was granted by the city's traffic engineer because there are no anticipated trips associated with the proposed project. The city's traffic engineer and development engineer have reviewed the proposed conditional use permit and requested two (2) foot minimum setback and concluded that they recommend approval. The proposed third secondary clarifier is adequately served by existing street capacities. Therefore, staff finds that the proposal is in compliance with this criterion.

**PMC 20.85.010(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.

Applicant Response: *The WPCP site is adequately sized to accommodate the facilities that have been identified to provide wastewater treatment for the City of Puyallup sewer service area into the future.*

Staff analysis: The WPCP facility was adequately sized to the boundaries of the facility. The proposal is for the installation of a third secondary clarifier within the existing WPCP boundaries which are surrounded by a concrete screening wall. The existing 10-foot concrete screening wall has been onsite since the 1980's and 1990's with little to no landscaping between the concrete wall and the neighboring property line. The existing concrete screening wall is located within the required setback and perimeter landscaping area. The applicant is requesting a two (2) foot building setback for the existing concrete wall, which will correct the existing encroachment and provide suitable clearance between the secondary clarifiers and the perimeter wall. Additionally, the vegetative management standards (VMS) require landscaping interior of the of cement screening wall. Shrub and tree vegetation would cause maintenance and operation concerns because they could impact the secondary clarifier operations and impact the community wastewater treatment. As such, the city has received and approved an Alternative Methods and Materials Request (AMR) that allows the landscaping to provided at a location that would provide better public screening while not impacting the secondary clarifiers operations. The applicant has requested a perimeter landscape buffer variance which is further discussed in the variance criteria below. The City's traffic engineer, development engineer, and building reviewer have reviewed the proposed conditional use permit and requested two (2) foot minimum setback and concluded that they recommend approval. Therefore, staff finds that the two (2) foot minimum setback and landscaping width reduction is appropriate for the WPCP site with the existing 10-foot concrete screening wall and the proposal is in compliance with this criterion.

**PMC 20.85.010(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.

Applicant Response: *Granting of the proposed conditional use permit will preserve the existing public facility land use consistent with the current comprehensive plan and will provide the facilities necessary to meet the City's obligations for wastewater treatment.*

Staff analysis: As detailed in the previous criteria, the proposal is compliant with the Comprehensive Plan the zoning district purpose and intent, will not be detrimental to the public health, safety, comfort, convenience, and general welfare, and has been properly located. The proposed request to reduce the minimum building setback to 2-feet will correct an existing 10-foot concrete screening wall encroachment and will continue to allow the wall to sufficiently screen the surrounding communities from the WCPC community facility uses. Therefore, staff finds that the proposal is in compliance with this criterion.

## **VARIANCE FINDINGS PER PUYALLUP MUNICIPAL CODE SECTION 20.85.010**

Per PMC 20.85.005, the Hearing examiner shall have the authority to grant, with or without conditions, variances from the required landscape setbacks and fence heights. Accordingly, each determination granting a variance shall be supported by written findings demonstrating that the conditions listed in PMC 20.85.010 exist. The following represents analysis of applicable findings in the City's Variance ordinance (PMC 20.85.010) as it relates to the current modification request by the applicant:

**PMC 20.85.010(1):** The variance shall not constitute a grant of special privilege inconsistent with the limitations upon uses of other properties in the vicinity and/or contiguous zone in which the property on behalf of which application has been filed is located. For purposes of this subsection, vicinity shall be defined to only include a radius of 1,000 feet or be within the boundaries of an established subdivision when the variance request pertains to a single-family residential use.

Applicant Response: *The variance request does not grant special privilege to the parcel. The public is not allowed into the WPCP for safety and security reasons. The adjacent Public Facility parcels are included in the WPCP facility and do not allow public access. The entire WPCP facility is surrounded by a 10-foot-tall concrete wall for security, flood protection and screening from adjacent parcels. The front yard setback standard for the adjacent General Commercial zone is required to promote public access to the commercial enterprises. The adjacent General Commercial zone does not require side yard or rear yard setbacks. Public access to the adjacent General Commercial zoned properties is not affected by the request to decrease the front yard setback of Parcel 0420204132. The side yard and rear yard uses of the adjacent General Commercial zoned properties are not affected by the request to decrease the side and rear yard setbacks for Parcel 0420204132.*

Staff analysis: This variance is not a grant of special privilege for the PF zoned parcel. The existing 10-foot concrete screening wall was constructed within 2.25-feet of the property lines in the 1980's and portions were replaced (in-kind) in the 1990's. WPCP tax parcels 0420204097 and 0420204256 received a revised CUP (Permit 99-65-004) and Variance (Permit 99-61-008) for relocating the perimeter wall near single-family zoned properties and increasing the concrete perimeter fence height. The entire WPCP facility is screened secured with the 10-foot-tall concrete screening wall within the required landscape buffer. The request to reduce the perimeter landscape buffer to 2-feet will maintain the existing perimeter landscape buffer width, continue to allow the 10-foot-tall solid concrete screening along commercial zoned properties, and correct the existing encroachment. Therefore, staff finds that the proposal is in compliance with this criterion.

**PMC 20.85.010(2):** That the granting of such variance 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 within a radius of 1,000 feet, and will not be injurious to the property or improvements of such vicinity and/or contiguous zone in which the property is located.

Applicant Response: *The granting of the variance from the front, side and rear yard setbacks for Parcel 0420204132 will not be detrimental to the public health, safety, comfort, convenience, and general welfare of the public or adjacent parcels, nor will the granting of the variance to not propose landscaping on this parcel. The public is not allowed in the WPCP for security and safety reasons. The WPCP is a critical city facility that protects the health of all residents and the environment by providing wastewater treatment that meets the requirements of the State Departments of Ecology and Health and the Environmental Protection Agency. The WPCP has been in its current location for over 70 years. The proposed improvement on Parcel 0420204132 will be approximately four feet high and will not be visible to the surrounding properties as the entire WPCP site is surrounded by a 10-foot-tall security and flood protection wall. The requested variance to the front, side and rear yard setbacks for Parcel 0420204132 will not adversely affect the established character of the surrounding neighborhood, nor will the requested variance to not propose landscaping on this parcel.*

Staff analysis: The City's traffic engineer, development engineer, and building reviewer have reviewed the proposed variance and concluded that they recommend approval of the variance. The granting of this variance will not be detrimental to public health or safety of the neighborhood within a radius of 1,000-feet. The WPCP facility has been located at its current location for over 20 years. The existing 10-foot concrete screening wall was constructed within 2.25-feet of the property lines in the 1980's and portions were replaced (in-kind) in the 1990's. WPCP tax parcels 0420204097 and



0420204256 received a revised CUP (Permit 99-65-004) and Variance (Permit 99-61-008) for relocating the perimeter wall near single-family zoned properties and increasing the concrete perimeter fence height. The entire WCPC facility is secured with the 10-foot-tall concrete screening wall within the required landscape buffer. The granting of this variance will not change the view, inhibit pedestrians, or otherwise harm the established character of the neighborhood. The public will not perceive any changes to the character of the improvements in the vicinity. Therefore, staff finds that the proposal is in compliance with this criterion.

**PMC 20.85.010(3):** That such variance is necessary, because of special circumstances relating to the size, shape, topography, unusual natural features, location or surroundings of the subject property, to provide it with use rights and privileges permitted to other properties in the vicinity within a radius of 1,000 feet and/or contiguous zone in which the subject property is located. Such circumstances shall not be the result of some action caused by the applicant and/or previous property owners.

Applicant Response: *The variance of the front, side and rear yard setback requirements for Parcel 0420204132 is necessary to allow the construction of a third secondary clarifier that is required to provide adequate wastewater treatment for the growing population of the city. The variance will allow the third secondary clarifier to be installed in a location that creates the most efficient use of space and existing facilities. The WPCP is confined to the existing parcels included within the facility. Additional treatment capacity, including future facility improvements, required to serve the growing population of the Puyallup sewer service area must be able to be accommodated with the parcels currently included in the WPCP.*

Staff analysis: This variance is necessary due to the need to provide adequate public wastewater treatment facilities, and by the existing site conditions that result from previously approved actions within the public facilities contiguous zone in which the subject property is located. These circumstances over the last twenty years are not a result of an action by the property owner. The existing 10-foot concrete screening wall was constructed within 2.25-feet of the property lines in the 1980's and portions were replaced (in-kind) in the 1990's. WPCP tax parcels 0420204097 and 0420204256 received a revised CUP (Permit 99-65-004) and Variance (Permit 99-61-008) for relocating the perimeter wall near single-family zoned properties. The entire WCPC facility is secured with the 10-foot-tall concrete screening wall within the required landscape buffer. Therefore, staff finds that the proposal is in compliance with this criterion.

## STAFF CONCLUSIONS

Based on the results of the review presented in the preceding sections, staff proposes the following findings to the Hearing Examiner, required pursuant to Section 20.85.010 and Section 20.80.010 of the Puyallup Municipal Code:

- 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.
- 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.
- 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.

- 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.
- 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.
- The requested variances would not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity.
- The proposal, as presented, is not anticipated, or known to be a detriment to public health, safety, general welfare nor would the requested variances adversely impact the established character, or the comfort/convenience enjoyed by the surrounding/abutting property owners of the neighborhood currently.
- There are special circumstances related to the location, surroundings, topography, and unusual natural features on site that justify a need for relief from the code required minimum front yard setback.

### **STAFF RECOMMENDED HEARING EXAMINER CONDITIONS**

Based on the above analysis and recommendations and subject to the required findings pursuant to Section 20.80.010 and Section 20.85.010 of the Puyallup Municipal Code, staff recommends that the Hearing Examiner **APPROVE** the combined conditional use permit, the requested two (2) foot minimum setback, and the variance request (PLCUV-2023-0074).

Attachments:

“A” – Exhibit List