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BEFORE THE HEARING EXAMINER FOR THE CITY OF PUYALLUP

Phil Olbrechts, Hearing Examiner

RE: Industrial Storage/Work Space Conditional Use PLCUP20220162	FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION.
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INTRODUCTION

Samantha Keimig seeks approval of a conditional use permit to construct a new building for storage space and associated second floor office space located at 111 5th St. SE. The application is approved for storage and office use with ancillary limited manufacturing/light industrial uses.

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. No one else testified.

EXHIBITS

Exhibits 1-15 listed in the Exhibit List prepared by staff were admitted during the hearing.

FINDINGS OF FACT

Procedural:

1. Applicant. Samantha Keimig, 1113 27th Pl NW, Puyallup, WA 98371.
2. Hearing. The Hearing Examiner conducted a virtual hearing on the application at 10:00 am on January 18, 2024.

1 **Substantive:**

2 3. Site/Proposal Description. Samantha Keimig seeks approval of a
3 conditional use permit for industrial storage space and associated work space for a
4 new building to be located at 111 5th SE. The proposed uses of the building have not
5 been entirely made clear. The application, Ex. 2, identifies the use as a building for
6 “storage with possible work space area.” Page 2 staff report identifies the use as “a
7 3,204 square foot building divided into four (4) storage units on the ground floor and
8 two (2) workspace units on the second floor.” At hearing the Applicant clarified that
9 the workspace units would be limited to office use. However, the Applicant also
10 stated at hearing that the first floor would be “primarily” limited to storage use but
11 that the Applicant was requesting “light industrial/light manufacturing use.”

12 4. Characteristics of the Area. The proposed development is located on a
13 parcel located directly north of the BNSF railway and directly south of a professional
14 office complex. Directly to the east of this lot is a parking lot and to the west is an
15 approximate 1,600 square foot garage and small parking lot.

16 5. Adverse Impacts. As conditioned to be primarily limited to storage and
17 office use, no adverse impacts are anticipated from the proposal. Pertinent impacts
18 are addressed as follows:

19 A. Compatibility. Limited to storage and office space, the proposal is fully
20 compatible with surrounding uses. As noted in Finding of Fact No. 4,
21 surrounding uses are not particularly sensitive, with the only potentially
22 adversely affected use being the professional office complex to the north.
23 Although the proposal may conceivably generate some large truck traffic, it
24 does not appear that just four storage units would generate a significant
25 amount of that type of traffic. Further, as identified in the infrastructure
assessment below, the City engineer has evaluated the proposed access
circulation and found it appropriate for the proposed use.

Beyond some potential truck traffic, City regulations ensure compatibility. As
noted in the staff report, the design of the building will be subject to the
design standards of PMC 20.26.300, which assures aesthetic compatibility.
Such compatibility is further enhanced by the City’s landscaping standards,
which require 6-foot perimeter landscaping buffers along the east, south and
west property lines.

The Applicant suggested during hearing testimony that first floor use would
only be “primarily” limited to storage. Compatibility and other impacts of the
project cannot be assessed without knowing what specific uses are proposed.
The primary purpose of the conditional use process is to provide an
opportunity to evaluate the impacts of specifically identified development
projects that cannot be blindly permitted outright upfront. In cases where
developers propose buildings for tenants with unknown future uses, the

1 tenants are the parties responsible for applying for conditional use permits
2 once their uses are manifest. In this case some accommodation can be made
3 to the Applicant by authorizing industrial/manufacturing uses to those
ancillary to storage that don't materially increase adverse impacts to
surrounding uses or the environment.

4 B. Critical Areas. According to the staff report, the project site does not contain
5 nor is within 300 feet of any regulated critical area that necessitated reports
6 for this scope of work. The only critical areas located on this site or within
7 300 feet are the Lahar Zone and the Aquifer Recharge Area. Staff did not
8 identify any Critical Area requirements resulting from the proximity of the
project site to the Lahar and Aquifer Recharge Area and none are apparent
from the record.

9 C. Infrastructure/Utilities. The proposal will be served by adequate infrastructure
and utilities.

10 The proposed storage and workspace building is located along an existing
11 paved alleyway. The applicant will be required to make frontage
12 improvements along length of the parcel to properly serve the use and long
13 with right of way dedication. The proposed use includes three (3) driveways –
14 one for access to the parking lot and two for cars to use for the storage spaces.
The traffic engineer has stated that the number of driveways does not present
transportation issues and will not place an undue burden on this street.

15 Staff have found that utility services meeting city standards are proposed in
16 order to serve the use. These utilities include connecting to the water main,
17 sanitary sewer, and storm. The applicant will be extending each utility main in
the right of way at varying lengths and locations under a future civil permit.

18 Staff have determined that the site will be able to accommodate all four (4)
19 required parking stalls and meet the majority of all required development
standards of the current code without special deviations.

20 CONCLUSIONS OF LAW

21 **Procedural:**

22 1. Authority of Hearing Examiner. PMC 20.80.005 authorizes the hearing
23 examiner to hold a hearing and issue final decisions on conditional use applications.

24 **Substantive:**

25 2. Zoning Designation. The property is currently zoned CG.

1 3. Review Criteria. PMC 20.30.010 requires a conditional use permit for
2 limited manufacturing/light industrial use in the CG zone. Limited
3 manufacturing/light industrial is defined by PMC 20.15.005 to include storage units.
PMC 20.80.010 governs the review criteria for conditional use permits. Pertinent
criteria are quoted below and applied via corresponding conclusions of law.

4 **PMC 20.80.010 Required findings to grant:**

5 *Each determination granting a conditional use permit shall be supported by written*
6 *findings of fact showing specifically wherein all of the following conditions exist:*

7 *(1) That the use for which the conditional use permit is applied for is specified by this*
8 *title as being conditionally permitted within, and is consistent with the description*
and purpose of the zone district in which the property is located;

9 4. Criterion met. The criterion is met. PMC 20.30.005(5) provides that the CG zone
10 is intended to allow some uses which are quasi-light industrial in character. Limited
11 manufacturing/light industrial is defined by PMC 20.15.005 to include storage units.

12 **PMC 20.80.010(2):** *That the granting of such conditional use permit will not be*
13 *detrimental to the public health, safety, comfort, convenience and general welfare,*
14 *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;

15 5. Criterion met. The criterion is met for the reasons identified in Finding of Fact
16 No. 5.

17 **PMC 20.80.010(3):** *That the proposed use is properly located in relation to the other*
18 *land uses and to transportation and service facilities in the vicinity; and, further, that*
19 *the use can be adequately served by such public facilities and street capacities*
without placing an undue burden on such facilities and streets;

20 6. Criterion met. The criterion is met for the reasons identified in Finding of Fact
21 No. 5C.

22 **PMC 20.80.010(4)** *That the site is of sufficient size to accommodate the proposed use*
23 *and all yards, open spaces, walls and fences, parking, loading, landscaping and other*
24 *such features as are required by this title or as are needed in the opinion of the*
25 *hearing examiner are properly provided to be compatible and harmonious with*
adjacent and nearby uses;

1 7. Criterion met. The criterion is met. As noted in Finding of Fact No. 5C, the
2 proposal has sufficient space to accommodate parking for the site. Landscaping and
design requirements can be accommodated as detailed in the staff report.

3 **PMC 20.80.010(5)** *That the granting of such conditional use permit will not be*
4 *contrary to the adopted comprehensive plan, or to the objectives of any code,*
5 *ordinance, regulation, specifications or plan in effect to implement said*
comprehensive plan.

6 8. Criterion met. The criterion is met. The proposal is consistent with the and
7 comprehensive plan policies identified at pages 3-4 of the staff report. The proposal
8 is also consistent with all other applicable regulations and their associated objectives
for this level of review as identified in the staff report.

9 **DECISION**

10 Based upon the conclusions of law above, the request conditional use is approved for
11 first floor storage use and second floor office use along with ancillary (to the storage)
12 limited manufacturing/light industrial use as defined by PMC 20.15.005 that doesn't
13 materially increase the adverse impacts of the storage/office use to surrounding
properties or the environment.

14 Dated this 2nd day of February, 2024.

15 *Phil Olbrechts*

16

Phil Olbrechts,
17 City of Puyallup Hearing Examiner

18 **Appeal Right and Valuation Notices**

19 This decision may be appealed to the City of Puyallup Appellate Hearing Examiner by
20 filing a petition for review with the City of Puyallup Planning Director as regulated by
PMC 2.54.150 et. seq.

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