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

Phil Olbrechts, Hearing Examiner

RE: Puyallup School District No. 3 Kessler Center Parking Lot Expansion  Conditional Use Permit  PLCUP-20220128	<b>FINDINGS OF FACT, CONCLUSIONS  OF LAW AND DECISION.</b>
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**OVERVIEW**

Puyallup School District No. 3 seeks approval of a Conditional Use Permit (CUP) to develop a 4.5 acre parcel at 1501 39<sup>th</sup> Ave SW into a school bus parking lot. The application is approved subject to conditions.

Mrs. and Mr. Smith, adjoining property owners, presented numerous concerns regarding stormwater impacts, traffic impacts, fencing and dust control. The Smiths did not present any expert testimony. The majority of the Smiths’ concerns were adequately addressed by City and Applicant public works and engineering professionals as detailed in the findings of fact below. One significant point the Smiths raised was the stormwater impacts to the Smith property caused by increasing the grade of the project site. As noted by the Smiths, this could lead to added accumulation of stormwater on their property. That potential impact had not been specifically addressed at this stage of conceptual land use review. In response, City public works staff added a recommended condition of approval, which has been adopted by this decision. Condition No. 2 requires installation of an interceptor drain designed to tightline accumulations of stormwater on the Smith property to the Costco stormwater pond.

**TESTIMONY**

A computer-generated transcript has been prepared of the appeal hearing to provide an overview of the hearing testimony. The transcript is provided for informational purposes only as Appendix A. Since the transcript is computer generated, it is not 100% accurate, but does provide a useful indication of what testimony was presented during the hearing.

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## EXHIBITS

Exhibits A-Y listed in the Exhibit List prepared by staff were admitted during the hearing. In addition, correspondence from Mr. Anthony Hulse, City of Puyallup Civil Review Engineer was admitted as Exhibit Z. Mr. and Ms. Smith’s response, dated February 4, 2024, was admitted as Exhibit AA and the City Public Works Department reply, dated February 7, 2024, was admitted as Exhibit BB.

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## FINDINGS OF FACT

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### **Procedural:**

1. Applicant. Joleen Jones on behalf of Puyallup School District No. 3, 1501 39<sup>th</sup> Ave. SW, Puyallup, WA 98373.
2. Hearing. The Hearing Examiner conducted a virtual hearing on the application at 10:00 am on January 29, 2024. The hearing was left open through February 7, 2024 for added comment from adjoining property owners on exhibits entered into the record and City and Applicant response.

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### **Substantive:**

3. Site/Proposal Description. The Puyallup School District intends to convert the newly acquired<sup>1</sup> vacant 4.5 acre parcel at APN 0419043122 (originally APN 0419043115) to a parking lot to accommodate the small bus fleet from the Downtown School District Campus (approximately 60 vehicles) and provide additional parking for the bus drivers who currently report to the Downtown Campus. The project will be constructed in two phases. The first phase will include purchasing and fencing the property as well as permitting and constructing a stormwater overflow line that will allow for the property south of the project to be developed and overflow their stormwater infiltration system to the existing stormwater infiltration pond located north of the project. The second phase of work would permit and construct the full site improvements as shown in the conditional use permit documents. This phase of work will require funding from a future levy or bond initiative, resulting in construction starting a minimum of two years from the CUP approval. For this reason, the applicant

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<sup>1</sup> Since the initial application, the site has undergone a boundary line adjustment. The area relevant to this this lot combination was consolidate with the abutting Puyallup School District facility parcel (original APN 0419043117; now revised APN 0419043122) and grant ownership of the southern portion of the site to COSTCO WHOLESALE CORP (original APN 0419043115; now revised APN 0419043123).

1 has requested that the expiration date for this CUP be set to six years, the maximum  
2 allowed per PMC 20.80.025.

3 4. Characteristics of the Area. The immediate surrounding area of the  
4 construction limits consist of Puyallup Public School District bus depot and associated  
5 bus storage area, a new multi-use learning center, and professional offices. The entire  
6 area is zoned community business (CB) or public facilities (PF). APN 0419043091, to  
7 the SW of the site, is currently being constructed as the Village Cooperative, a senior  
8 apartment building. State Route 512 borders the property to the north and Costco to the  
9 east.

10 5. Adverse Impacts. No adverse impacts are anticipated from the proposal.  
11 Consistent with WAC 197-11-922-948, the Puyallup School District acted as SEPA  
12 Lead Agency for this proposal. A SEPA Determination of Non-Significance (DNS)  
13 was issued by the school district on November 22, 2022 (Exhibit X). Pertinent impacts  
14 are addressed as follows:

15 A. Traffic. The proposed project includes the addition of new surface parking at  
16 their existing South Hill Support Campus located at 3607 17<sup>th</sup> Street SW to  
17 accommodate the Special Education (SPED) bus fleet (including spare buses)  
18 and its associated bus drivers and staff that will be relocated from the  
19 Downtown Operations Campus (DOC) to the South Hill Support Campus. A  
20 total of 60 staff (56 SPED bus drivers and 4 transportation admin) are  
21 anticipated to be relocated from the DOC to the South Hill Support Campus as  
22 a result of the proposed capital project. The relocation of the SPED bus fleet  
23 from the DOC to South Hill Support Campus is not anticipated to result in any  
24 new staff. Vehicular access to the existing South Hill Support Campus site is  
25 provided via two full access driveways on 17<sup>th</sup> Street SW and also via a right-  
in right-out only access driveway on 39<sup>th</sup> Ave SW. Access would remain the  
same as existing with the proposed project.

After initial scoping review was provided by the City, an Updated Traffic  
Impact Analysis (TIA) that evaluated the proposal was prepared by  
Transportation Engineering NorthWest (TENW) and was submitted to the City  
for review (Exhibit N). The TIA analyzed 3 study intersections for weekday  
PM peak hour conditions with the project (three points of access to the site were  
additionally reviewed). The LOS analysis results indicate that two of the three  
signalized study intersections are anticipated to meet established LOS standards  
under 2026 weekday PM peak hour conditions with the project. However, the  
study intersection of 14<sup>th</sup> Street Place SW/39<sup>th</sup> Ave SW is anticipated to  
operate at LOS E without or with the proposed project in 2026 during the  
weekday PM peak hour which would not meet the City's established LOS  
standards. The City's 39<sup>th</sup> Ave SW Adaptive Signals Intersection

1 Improvements Project (TIP #26) would improve operations at the 14<sup>th</sup> Street  
2 Place SW/39<sup>th</sup> Ave SW intersection to LOS C during the weekday PM peak  
hour in 2026 without or with the proposed project.

3 To mitigate transportation impacts to the City road network as a whole, the City  
4 administers a Transportation Impact Fee (TIF). The City’s current adopted TIF  
5 is \$4,500 per PM peak hour trip. The preliminary estimated transportation  
6 impact fee for the proposed project is \$427,500 (\$4,500 X 95 new PM peak  
7 hour trips). These impact fees may only be imposed for “system improvements”  
8 which are defined as public capital facilities in a local government’s capital  
9 facilities plan that provides service to the community at large (not private  
10 facilities), are reasonably related to the new development, and will benefit the  
11 new development (WAC 365-196-850). The proposed 39<sup>th</sup> Ave SW Adaptive  
12 Signals Intersection Improvements Project (Transportation Improvement Plan  
13 #26) would be a qualifying project and would represent a “proportionate share”<sup>2</sup>  
14 contribution to addressing identified impacts.

11 Concerns were raised by Ms. Smith that the TIA did not assess traffic impacts  
12 for 39<sup>th</sup> Avenue SW. Ms. Smith additionally asserts that the applicant is  
13 intentionally omitting the traffic issues on 39<sup>th</sup> Ave SW by stating that they will  
14 not use it now, but admitting that they will use the street by 2026. Ms. Smith  
15 further states that the TIA states that 39<sup>th</sup> Ave SW is not adequate to handle  
16 traffic flows. Ms. Smith concludes that 39<sup>th</sup> St. SW either needs to be upgraded  
17 or should not be utilized.

15 In response, the City noted that the TIA (Exhibit N) fully assessed traffic  
16 impacts by evaluating four (4) intersections on 39<sup>th</sup> Ave. SW that would  
17 potentially be impacted by the project. These studied intersections are located  
18 along 39<sup>th</sup> Ave. SW at 17 St. SW, 14<sup>th</sup> St. Place SW and 9<sup>th</sup> St. SW. The fourth  
19 intersection assessed was the site access from 39<sup>th</sup> Ave SW. Studying  
20 intersections as a means of assessing traffic impacts is standard transportation  
21 planning methodology and practice. Therefore, it is reasonable to determine that  
22 39<sup>th</sup> Ave. SW has been assessed for transportation impacts.

21 Ms. Smith’s assertion that the applicant intentionally omitted its use of 39<sup>th</sup> Ave  
22 SW until 2026 from the analysis is unsupported as the TIA states clearly on  
23 page 18 that 39<sup>th</sup> Ave. SW will be used for “...access to the site for employees  
24 and visitors and is anticipated to provide secondary access for employees  
25 associated with the South Hill Campus Project.”<sup>3</sup> This declared use is the basis  
for the TIA’s analysis of the intersection of the access point with 39<sup>th</sup> Ave. SW.

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<sup>2</sup> Proportionate share contributions can only be applied to impacts specifically generated by a proposal.

<sup>3</sup> TIA page 18.

1 Ms. Smith's assertion that the TIA states that "39<sup>th</sup> Ave SW is not adequate to  
2 handle the traffic flow" is not an accurate summation of the analysis in the TIA.  
3 While the TIA identified that the 14th Street Place SW/39th Ave SW  
4 intersection is anticipated to operate at LOS E without or with the proposed  
5 project in 2026 during the weekday PM peak hour and would not meet the  
6 City's established LOS standards, specific mitigating measures were proposed  
7 to address this impact. Specifically, the construction of the City's planned 39th  
8 Ave SW Adaptive Signals Intersection Improvements Project (Transportation  
9 Improvement Program (TIP) #26) would improve operations at the 14th Street  
10 Place SW/39th Ave SW intersection to LOS C during the weekday PM peak  
11 hour in 2026 without or with the proposed project. As noted above, the applicant  
12 will be contributing Transportation Impact Fees that can be use support this  
13 project. Ms. Smith's assertion that 39<sup>th</sup> Street SW needs to be "upgrade to  
14 handle the traffic" is generally correct – with or without this project. However,  
15 as described above, a specific improvement that addresses impacts on 39<sup>th</sup> St.  
16 SW has been proposed.

17 Additionally, Ms. Smith indicated concern that the increased volume of traffic  
18 associated with the proposal would provide an impediment for clients to access  
19 her office. Ms. Smith cites the Development Review Team letter (Exhibit R)  
20 which indicated:

21 *40% @ south leg of 17th/39th is too high for employee/bus trips.  
22 20% is more likely. Please update trip distribution/assignment  
23 accordingly. [CUP Traffic Scoping]*

24 City public works has clarified in their response (Exhibit BB) that the comment  
25 was referring to proposed trip distribution only and was not a conclusion that  
the proposal would generate trips that were "too high for employee/bus trips."  
As to increased traffic volumes and potential adverse effect on access to  
businesses, both the TIA and City staff have concluded that the transportation  
volumes associated with the project can be accommodated and will meet  
adopted City standards.

Mr. and Ms. Smith expressed concerns (Exhibit Y) regarding the long-term  
maintenance of the driveway that serves the School District property and  
Costco. Specifically, the Smiths wish to be party to any discussion's as they  
believe that their property is impacted by the access. The City clarified that the  
School District is not proposing vehicle access on the east side of their property.  
This driveway is private and is not owned by the City or the School District.  
and is not included in this application (Exhibit BB).

- B. Critical Areas. The subject site is located within an aquifer recharge area and a  
previously contaminated site is located near the subject property. A wetland is  
located approximately 500 ft to the west of the site. However, the wetland buffer

1 does not encroach onto any portion of the site and is not subject to critical area  
2 review.

3 Aquifer Recharge. The proposed parking lot is an activity that does not cause a  
4 degradation of ground water and will not adversely affect the recharging of the  
5 aquifer provided that effective stormwater management facilities are provided.  
6 Per PMC 21.06.1120, the proposed parking lot may be permitted in a critical  
7 aquifer recharge area and would not need a critical area report provided that the  
8 project complies with the city storm water management regulations. The City's  
9 development engineer has reviewed the project and recommends approval  
10 (Exhibit T). The city's development engineer will ensure compliance with  
11 city's storm water management regulations at civil construction permit.

12 Previously Contaminated Site. Staff have indicated in their Staff Report that  
13 prior study by Shannon & Wilson (2022) has determined that there are no  
14 known hazardous chemicals or conditions that could affect this project. An  
15 adjacent property received No Further Action status for remedial actions taken  
16 and does not appear to be an environmental concern for the subject property.

17 C. Stormwater. The proposed project will address potential on- and off-site  
18 stormwater impacts through construction of a stormwater management system  
19 designed consistent with the requirements of the current City adopted 2019  
20 Department of Ecology Manual for Western Washington (DOE manual). The  
21 stormwater design approach is delineated in the submitted *South Hill Support  
22 Campus Improvements Stormwater Plan* prepared by JMJ TEAM, licensed  
23 professional engineers (Exhibit H).

24 The proposed approach will use infiltration as the most appropriate stormwater  
25 management practice for the new asphalt parking lot. Due to the existing grades  
of the site, the asphalt parking lot will be broken out into two sections where  
the SPED and standard stalls meet. The standard parking lot will sheet flow to  
a bioretention swale in the SE corner of the new parcel. From the bioretention  
swale, the storm runoff will be conveyed to an infiltration gallery to the east  
where it will infiltrate up to the 100-year storm event. An overflow system is  
planned to be installed and connect to the existing Costco infiltration pond on  
the adjacent property to the north. This overflow system will only discharge  
stormwater during storm events larger than the 100-year storm event. The  
SPED parking lot will be graded toward the NW of the existing site and  
stormwater will be collected and flow to a bioretention swale north of the  
parking lot. Like the standard parking lot, storm runoff will be conveyed from  
the bioretention swale to an infiltration gallery to the east and infiltrate up to  
the 100-year storm event. An overflow system is planned to be installed and  
connect to the existing Costco infiltration pond on the adjacent property to the  
north. This overflow system will only discharge stormwater during storm  
events larger than the 100-year storm event. The northern portion of the project  
site will remain undeveloped and will continue to drain to the north away from

1 the proposed improvements and therefore not included in the proposed  
2 stormwater calculations. City public works staff has reviewed the proposed  
3 stormwater management strategy and plan and have determined that it would  
be, with recommended conditions of approval, consistent with adopted City and  
State stormwater management standards.

4 Through comment and testimony at the public hearing, Mr. and Ms. Smith  
5 raised several concerns regarding the proposed stormwater management  
6 strategy and its potential adverse effect on their adjacent property (Exhibit AA).  
7 The Smith's concerns were reviewed by the City's Development and Planning  
8 Services Department, which submitted a detailed response to each identified  
9 issue (Exhibit BB). Additionally, Mr. Anthony Hulse, Civil Review Engineer,  
EIT, of the Development and Planning Services Department had previously  
responded to Mr. and Ms. Smith on many of their stormwater management  
concerns (Exhibit Z).

10 Mr. and Ms. Smith expressed concern (Exhibit AA) regarding the omission of  
11 an off-site graveled property from evaluation in the stormwater plan. The focus  
12 of their concern was that this impervious area was not accounted for in the  
13 evaluation of existing stormwater volumes as they effect the 15-inch  
14 stormwater pipe that serves 14<sup>th</sup> St. Pl. SW. The Smith's have observed pooling  
15 and overflows and have concluded that this pipe is inadequate and undersized.  
16 They are concerned about flooding of their building. Additionally, the Smith's  
17 inquired whether a seismic study of the 15-inch line had been prepared. The  
18 City responded (Exhibit BB) that the referenced gravel area was under separate  
19 ownership and was not required to be improved as part of this project.  
20 However, regarding the adequacy of the existing 15-inch stormwater pipe, the  
21 City's engineer responded (Exhibit Z) that the proposed parking lot project  
22 should improve the 15" storm pipe situation. In the current condition the  
23 stormwater from this pipe is conveyed through the Smith's property and  
24 discharges to the ground. The proposed project is proposing to collect this  
runoff and route it to the existing Costco Pond. The pipe will not be infiltrating  
any of this water into the proposed infiltration trench. In regard to the seismic  
study of the 15-inch pipe, the City indicated that further geotechnical evaluation  
will be required (per the adopted DOE Stormwater Management Manual) at the  
time of land-use application. Analysis at that time will also evaluate pipe  
capacity (Exhibit Z). The City's assessment of the proposed stormwater  
management strategy is based on professional analysis which indicates an  
improvement to the existing condition due to the proposed project. Improving  
the existing condition while preventing additional impacts effectively addresses  
the stormwater concerns raised.

25 The Smith's asserted in Exhibit AA that there was not an easement in 14<sup>th</sup> St.  
Pl. SW to allow stormwater discharge as refered to in Exhibit S. However, the  
City provided specific reference to a recorded stormwater easement (AFN  
2481323) which effectively resolves this concern.

1 Mr. and Ms. Smith assert (Exhibit V and Exhibit AA) that the soils located on  
2 the project site are inadequate to infiltrate stormwater generated by the  
3 proposal. Specifically, the Smith's cite as the basis for their conclusion that  
4 Appendix B, page 17 of the Stormwater Plan (Exhibit H) states that high  
moisture soils are an issue and will require removal. The City's response  
(Exhibit BB) provides clarification:

5 *The Page 17 reference is describing the re-use of existing soils for fill rather*  
6 *than trucking in new dirt for structural purposes. This section describes the*  
7 *existing soil conditions and how they may be re-used with proper*  
8 *mitigation. This section is not discussing stormwater infiltration, see pages*  
9 *20 and 21. The Professional Geotech report states that infiltration is*  
*feasible with proper mitigation. A CESCL will be required during on site*  
*grading and installation of infiltration Best Management Practices.*

10 Mr. and Ms. Smith raised concerns (Exhibit V) regarding infiltration rates  
11 associated with the proposal. They understood that the proposed stormwater  
12 system would allow only 1.1 inches of water filtration per hour versus what  
13 they believed to be a required 5 inches of water filtration per hour. The Smith's  
14 didn't identify where they acquired their information on infiltration. As noted  
15 in page 7 of the stormwater plan, Ex. H, and confirmed by City staff, Ex. Z, the  
16 proposed infiltration rate is 5 inches of water per hour. In the absence of any  
17 documented evidence to the contrary, there is no deficiency found in the  
18 Applicant's proposed infiltration facility

19 Additionally, Mr. and Ms. Smith expressed concern that the grading of the  
20 project site will effectively block the historic flow of water exiting their site and  
21 result in pooling and flooding on their property. They assert that by eliminating  
22 the natural drainage area on the project site through construction of the parking  
23 areas, the Smith's property will be subject to additional pooling and flooding.  
24 The Smith's stated that the adjacent residential property as well as their own  
25 building currently experiences inundation impacts which they assert will be  
amplified by the proposed project. After consideration of this concern, the City  
has proposed an additional condition of approval (Exhibit BB) adopted by this  
decision that will require the provision of an interceptor drain to address  
existing off-site drainage as it reaches the project site. The City's Development  
Review Engineer has determined that this facility will substantially improve  
existing drainage and reduce the risk of pooling. The City's assessment is based  
on professional analysis which indicates an improvement to the existing  
condition due to the proposed project, which effectively addresses this concern.

D. Dust. Grading is proposed for the site. Significant dust can be generated by  
grading activities especially in the drier months. The risk of dust impacts can  
be reduced to an acceptable level through adherence with the requirements of  
the 2019 DOE stormwater manual whose minimum requirement #2 requires



1 projects to provide a construction stormwater pollution prevention plan prior to  
2 any construction occurring. This plan includes Dust Control BMP C140, which  
3 requires several measures to reduce dust including the watering of potential dust  
4 creating surfaces during construction.

5 Concerns were raised by Mr. and Ms. Smith through comment and testimony  
6 at the public hearing that dust associated with construction will adversely  
7 impact both their building and vehicles. However, application of the required  
8 Best Management Practices (BMP) for dust control will greatly reduce the  
9 potential for any significant impacts.

10 E. Compatibility. The proposal is fully compatible with surrounding uses. The  
11 subject property is located within a CB zoning district. The intent of this zone  
12 is to accommodate indoor retail and service activities in shopping centers,  
13 commercial malls and office complex environments, with building heights  
14 ranging between four and six stories. Outdoor displays and sales are to be  
15 allowed only as incidental or accessory activities to a primary use; land-  
16 intensive uses such as automobile sales are prohibited. The proposed public  
17 school bus depot, is classified as a 'Public Service Use'. Such uses are allowed  
18 within this zoning district via a Conditional Use permit per table PMC  
19 20.30.010. Compliance with conditional use criteria is designed to ensure  
20 compatibility with other allowed uses as envisioned by the City's  
21 Comprehensive Plan. As the proposed use is less intensive in bulk, scale and  
22 transportation impacts than other uses (such as shopping centers, commercial  
23 malls and 4-6 story buildings) that are allowed outright within the zoning  
24 district, it can be construed to be compatible provided conditional use criteria  
25 are satisfied.

Mr. and Ms. Smith inquired through comment (Exhibit V) and testimony at the  
public hearing regarding proposed fencing and/or landscaping along the  
common boundary between the proposed project and their property. The City  
responded to this inquiry (Exhibit Z) and stated that at this time, there is not  
a finalized detail on the type of fencing that will be provided. The City indicated  
that typically, this level of detail is identified during review of the civil permit  
application. Landscaping on the project site along the common boundary with  
the Smith's property is also proposed in the submitted Landscape Plan (Exhibit  
L).

**CONCLUSIONS OF LAW**

**Procedural:**

1. Authority of Hearing Examiner. PMC 20.80.005 and 20.85.005 and  
authorize the hearing examiner to hold a hearing and issue final decisions on  
conditional use applications.

1 **Substantive:**

2 2. Zoning Designation. The property is currently zoned CB, Community  
3 Business Zone.

4 3. Review Criteria. PMC 20.30.010(5) requires a conditional use permit for  
5 Public Service Uses located in the CB zone. PMC 20.80.010 governs the review criteria  
6 for conditional use permits. Pertinent criteria are quoted below and applied via  
7 corresponding conclusions of law.

8 **PMC 20.80.010(1):** *Each determination granting a conditional use permit shall be  
9 supported by written findings of fact showing specifically wherein all of the following  
10 conditions exist:*

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

14 4. Criterion met. This criterion is met for the reasons identified in Finding of Fact No.  
15 5(E). PMC 20.30.010(5) authorizes public service uses in the Community Business  
16 (CB) Zoning District as a conditional use. PMC 20.30.005(4) provides that the intent  
17 of the CB zone is to provide for a full range of business, professional and personal  
18 service uses and consumer retail activity in well-designed, integrated developments.  
19 The intent of this zone is to accommodate indoor retail and service activities in  
20 shopping centers, commercial malls and office complex environments, with building  
21 heights ranging between four and six stories. As determined at Finding No. 5(E), the  
22 proposed use is consistent with the description and purpose of the zone it is located  
23 within and will have less impact than other uses that are allowed outright.

24 **PMC 20.80.010(2):** *That the granting of such conditional use permit will not be  
25 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;*

5. Criterion met. The criterion is met for the reasons identified in Finding of Fact No.  
5(A-E). Potential impacts have been identified and fully mitigated. City Staff have  
reviewed the proposed conditional use permit for conformance with all adopted  
regulations designed to ensure compatibility with surrounding uses and prevent adverse  
impacts. The proposed development will occur immediately abutting the existing  
Puyallup Public School District Bus Depot and Food Storage facility, which has been  
located at this site since the 1990s. The proposal is found to have positive impacts to  
the public health, safety, comfort, convenience, and general welfare of the community  
because it will allow for a more efficient use of public school resources, help facilitate  
public education and provide a net reduction in vehicular trips throughout the City.

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

4 6. Criterion met. The criterion is met for the reasons identified in Finding of Fact  
5 5(A). The proposed project is located immediately abutting the existing Puyallup  
6 Public School District facilities. Access is proposed directly from this abutting school  
7 district facility. The applicant submitted a traffic impact analysis, which was reviewed  
8 by city's traffic engineer who determined that as conditioned no significant impacts to  
9 the City's existing traffic systems would occur as a result of this project. As determined  
10 in Finding of Fact No. 5(A), the proposal will provide mitigation through  
11 Transportation Impact Fees which can be used to advance planned system  
12 improvements needed to accommodate anticipated traffic volumes associated with the  
13 proposal/

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

14 7. Criterion met. The criterion is met for the reasons identified in Finding of Fact  
15 5(E). City staff with expertise in planning, public works and engineering have  
16 reviewed the proposed conditional use permit and concluded that the project as  
17 proposed and conditioned has met all minimum City standards for size of landscape  
18 areas, parking stalls, stormwater facilities, and other required features to ensure  
19 adequate space is available for this development. As determined at Finding 5(E), the  
20 project proposes fencing and landscaping along common property lines to provide  
21 screening and separation. As determined at Finding 5(A-D), potential adverse impacts  
22 on adjacent properties have been considered and mitigation had been incorporated in  
23 the proposal. Additionally, conditions of approval have been required to ensure the  
24 implementation of the mitigating measures.

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

24 8. Criterion met. The criterion is met for the reasons identified in Finding of Fact  
25 5(A-E). The proposal is consistent with the City's comprehensive plan because the  
comprehensive plan future land use map designates the project site as Community  
Business, which is consistent with the proposed use. As previously noted, the proposal  
is consistent with the applicable CB zoning purpose and intent. The request for an

1 expiration date of six (6) years for the Conditional Use Permit is justified due to the  
2 funding timelines associated with public projects as determined at Finding No. 3. Staff  
3 has reviewed the proposal for consistent with all applicable development standards  
4 pertinent to conditional use permit review and found the project consistent. Concerns  
5 raised through public involvement have been fully considered and addressed. The  
6 proposal as conditioned is found to conform to all applicable development standards,  
7 subject to meeting the criteria for all other applicable permits.

8 **PMC 20.80.025:** *Any conditional use permit granted by the hearing examiner shall  
9 become null and void if not exercised within the time specified in such permit up to a  
10 maximum of six years following approval or, if no time is specified, within one year of  
11 the date of approval of such permit. A conditional use permit shall be deemed exercised  
12 and remain in full force and effect when a complete building permit application has  
13 been submitted, or a complete civil engineering permit is submitted if no building  
14 permit is required for the approved project. If such permit is abandoned or is  
15 discontinued for a continuous period of one year, it may not thereafter be reestablished  
16 unless authorized in accordance with the procedure prescribed herein for the  
17 establishment of a conditionally permitted use.*

18 9. Six Year Expiration Granted. The Applicant has requested a six-year expiration  
19 period, which is granted. The request is justified due to the funding timelines  
20 associated with public projects as determined at Finding No. 3 and the public necessity  
21 associated with the project.

## 22 **DECISION**

23 Based upon the conclusions of law above, the request conditional use is approved as  
24 conditioned:

- 25 1. The project shall meet all conditions and requirements as delineated in the  
Final DRT Letter dated December 21, 2023 (Exhibit T).
2. To mitigate potential drainage impacts on adjacent properties due to the  
proposal, the applicant shall submit with the civil permit application a revised  
stormwater site plan that includes an interceptor drain that that will be  
tightlined to the existing Costco stormwater pond. This improvement shall be  
included in the phase II permit submittal package for the project. The design  
of this facility shall be generally consistent with the conceptual design  
approach illustrated in Exhibit BB. The purpose of the interceptor drain shall  
be to prevent pooling on adjacent parcels due to grading associated with the  
project by collecting and redirecting the current (pre-development) drainage  
runoff from properties adjacent to 14<sup>th</sup> St. Pl. SW and conveying it off site.  
The proposed interceptor drain shall be installed fully on the applicant's  
parcel and shall be maintained by applicant.

1 3. The expiration of this Conditional Use Permit shall be six (6) years from the  
2 date of approval.

3 Dated this 20<sup>th</sup> day of February 2024.

4  
5 *Phil Olbrechts*

6 Phil Olbrechts,  
7 City of Puyallup Hearing Examiner

8 **Appeal Right and Valuation Notices**

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

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