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

Phil Olbrechts, Hearing Examiner

<p>RE: Puyallup School District No. 3 Puyallup High School – Three Double Portable Addition</p> <p>Conditional Use Permit</p> <p>PLCUP-20230109</p>	<p><b>FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION.</b></p>
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**OVERVIEW**

Puyallup School District No. 3 seeks approval of a Conditional Use Permit (CUP) to add three double classroom portable buildings adjacent to existing portables at Puyallup High School to mitigate for the lost classroom space in the now closed Library Science building. The application is approved subject to conditions.

**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.

**EXHIBITS**

Exhibits 1-29 listed in the Exhibit List prepared by staff were admitted during the hearing.

## FINDINGS OF FACT

### Procedural:

1. Applicant. Robert Landa on behalf of Puyallup School District No. 3, 323 12<sup>th</sup> Street NW, Puyallup, WA 98373.

2. Hearing. The Hearing Examiner conducted a virtual hearing on the application at 10:00 am on July 16, 2024. Associate Planner Rachel Brown presented the staff report and recommendation. Mr. Brian Deveroux, the School District's Director of Facilities Planning, testified in support of the application. There was no other testimony.

### Substantive:

3. Site/Proposal and Description. The Puyallup School District proposes to add three double classroom portable buildings adjacent to the nine existing portable classroom buildings all located at their Puyallup High School campus at 711 and 721 West Main Street. The proposal will result in the addition of six new classroom spaces. This addition aims to mitigate the loss of classroom space resulting from the closure of the Library Science building. The proposal includes associated landscaping, hardscaping, stormwater facilities, and other required utility infrastructure to support the portables. A deviation from side yard setback standards is proposed as a component of this application.<sup>1</sup> The applicant is requesting a deviation from the required 20 ft side yard setback to accommodate the portable buildings and the existing parking area (which will not be altered). The applicant is requesting a reduction in the required setback to 14 ft. The new portable classrooms will generate approximately 360 net new pedestrian student trips across 7th St NW, between the portables and the main campus. This is due to the operational requirements of a school use. Students must cross the street from the main campus building classrooms to the portable classrooms at each bell ring throughout the school day. Since there are 6 new classrooms proposed and approximately 30 students per classroom, it is anticipated that the maximum number of students leaving the portables after each class will be 180 students and the same number will then enter the classrooms. These students could come and go from the classrooms across the street at the main campus. The existing portable classrooms at the site currently generate approximately 540 student trips across this same street at each bell ring.

4. Characteristics of the Area. The proposed project site is located at the Puyallup High School campus, immediately to the west of the main campus and

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<sup>1</sup> PMC Section 20.44.020.6 allows for conditional use permits (such as the subject application) to establish minimum side yard setbacks within PF zoning districts in lieu of those that otherwise apply in the district.

1 adjacent to the existing portable classroom buildings in the 700 block of W Main. The  
2 site is bounded by 8th St NW & W Main to the south, 7th St NW & W Main to the east,  
3 and 7th St NW & 3rd Ave NW to the north. The site is bounded on the west and north  
4 by a single-family neighborhood and on the south by a church. The High School  
5 campus is zoned public facilities (PF).

6 5. Adverse Impacts. No adverse impacts are anticipated from the proposal.  
7 Consistent with WAC 197-11-922-948, the Puyallup School District acted as SEPA  
8 Lead Agency for this proposal. A SEPA Mitigated Determination of Non-Significance  
9 (DNS) with 4 mitigating measures (all associated with the proposed pilot street  
10 closures) was issued by the school district on May 8, 2024 (Exhibit 26). Pertinent  
11 impacts are addressed as follows:

12 A. Traffic. A Traffic Study was prepared to evaluate impacts to traffic associated  
13 with the proposed installation of portable classroom space to accommodate the  
14 demolition of the existing Library Science Building (Exhibit 15). The Traffic  
15 Study concluded that the proposal would not increase student capacity or cause  
16 a net increase in vehicle trips associated with the campus. The previously  
17 submitted traffic scoping document assumed the maximum program capacity  
18 (1862 students) to represent the previously approved and constructed baseline  
19 capacity. The City believes the base student capacity should actually be  
20 assumed at 1650 students (Exhibit 8, page 2). However, since the current  
21 proposal will not result in additional vehicle trips, the City can resolve capacity  
22 discrepancies at a later date with the District.

23 B. Pedestrian Safety and Pilot Street Closures. As the proposed portable  
24 classrooms would be located across the street from the main campus, students  
25 will need to cross the street as they transition between classes in the main  
campus and in the portable classrooms. A resulting increase of approximately  
360 net new pedestrian trips per bell ring on school days is estimated at the  
streets between the main campus and the portable classrooms. The site already  
contains 9 portable classrooms, which generate approximately 540 pedestrian  
trips per bell ring, according to the school district estimates. To alleviate  
potential conflict between cars and pedestrians, both the City and School  
District are proposing a temporary (and potentially permanent in the future)  
closure of the two streets (W Main and 7th St NW) separating the portable site  
from the main campus. The street closure will facilitate safe pedestrian  
movement and will be coordinated with local transportation authorities to  
maintain traffic flow. The Traffic Study assessed the impact of the proposed  
closures and concluded that it would be negligible on area circulation. City staff  
have reviewed and accepted this conclusion and concur that a pilot program can  
be implemented. Alternatively, should the street closure prove infeasible after  
implementation, pedestrian safety improvements installed by the applicant  
along the affected streets would still serve to minimize pedestrian/vehicular  
conflicts.

1 C. Critical Areas. The site does not contain nor is it located near any critical areas.  
2 Therefore, no critical area reports were required for this project.

3 D. Stormwater. The proposed project will address potential on- and off-site  
4 stormwater impacts through construction of a stormwater management system  
5 designed consistent with the requirements of the current City adopted 2019  
6 Department of Ecology Manual for Western Washington (DOE manual). The  
7 stormwater design approach is delineated in the submitted *Preliminary  
8 Drainage Report – Puyallup High School Portables* prepared by JMJ TEAM,  
9 licensed professional engineers (Exhibit 3).

10 The Manual is designed to assure, and requires applicants to demonstrate, that  
11 proposed development of the size of this project will not result in an increase in  
12 stormwater flows that exceeds forested, pre-developed conditions. The manual  
13 also incorporates stringent water quality control measures as required by DOE  
14 that incorporate all known, available and reasonable methods of stormwater  
15 prevention, control and treatment (AKART). See RCW 90.52.040 and RCW  
16 90.48.010. Consequently, compliance with the manual assures that the  
17 stormwater impacts of the proposal will not adversely affect neighboring  
18 properties or the environment.

19 The proposed approach will collect stormwater runoff from the new portables  
20 via roof downspouts and convey it to an infiltration gallery to be fully  
21 infiltrated. Runoff from the aluminum landings accessing the portables will  
22 drain through the perforated surface and be collected on the permeable gravel  
23 pad where stormwater will fully infiltrate into native soils. Runoff from  
24 permeable asphalt walkways will infiltrate through the porous surface and fully  
25 infiltrate into native soils. City public works staff has reviewed the proposed  
stormwater management strategy and plan and have determined that it would  
be consistent with adopted City and State stormwater management standards.

E. Deviation for Side Yard Setback. The School District is requesting a reduction  
of the 20 ft side yard setback required in the PF district down to 14 feet to  
accommodate the portable buildings and the existing parking area (which will  
not be altered). The District owns all of the parcels within the entire block of  
this proposed development area. However, since the block technically consists  
of multiple parcels, any building proposed must meet all required building  
setbacks as measured from the nearest parcel line. The District has indicated in  
their application that they have no immediate plans to sell the abutting parcels  
as they are currently in use. City staff have analyzed the proposed reduction in  
their staff report (Exhibit 27) and determined that the requested reduced setback  
would not be detrimental to the site development in terms of infrastructure, as  
there is adequate room on the subject parcel for the required stormwater  
infrastructure and other required utilities.

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F. Noise. Staff indicated in their report that noise concerns were raised by the Tacoma-Pierce County Health Department in a letter dated April 5, 2024. The Health Department specified that the “*noise levels exceeded allowable site allowance levels.*” Staff clarified during their testimony at the public hearing (Appendix A) that the noise concern is associated with noise generated by train track operations and the noise from the train tracks impacting the student body using the portable classrooms. As such, the District will prepare a sound study (after installation of the portables) for review by the Health Department to determine if additional sound noise mitigation will be required.

G. Compatibility. The proposal is fully compatible with surrounding uses. The subject property is located within a PF zoning district. The proposed use of portable classroom buildings at Puyallup High School is consistent with the zoning regulations. The site is located within a zone designated for educational facilities (PF Zone), which permits such uses conditionally. Compliance with conditional use criteria is designed to ensure compatibility with other allowed uses as envisioned by the City’s Comprehensive Plan. As such, the proposal can be construed to be compatible provided conditional use criteria are satisfied.

H. Consistency with Development Standards. City staff has reviewed the proposed application and have determined that it is consistent with all adopted standards provided that the requirements delineated in the Final DRT Letter (Exhibit 11) are met and the deviation from side yard setback is approved (see Finding 5(E), above).

**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. PMC Section 20.44.020.6 allows for conditional use permits (such as the subject application) to establish minimum side yard setbacks within PF zoning districts.

**Substantive:**

2. Zoning Designation. The property is currently zoned PF, Public Facilities Zone.

3. Review Criteria. PMC 20.44.017 specifically requires a conditional use permit for the construction of a public senior high school. PMC 20.80.010 governs the

1 review criteria for conditional use permits. Pertinent criteria are quoted below and  
2 applied via corresponding conclusions of law.

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

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

9 4. Criterion met. This criterion is met for the reasons identified in Finding of Fact No.  
10 5(G). PMC 20.44.017 authorizes Public Senior High School uses in the Public  
11 Facilities (PF) Zoning District as a conditional use. PMC 20.44.005 provides that the  
12 intent of the PF zone is to provide parcels of land that serve the cultural, educational,  
13 recreational and public service needs of the community. As determined at Finding No.  
14 5(G), the proposed use is consistent with the description and purpose of the zone it is  
15 located within.

16 **PMC 20.80.010(2):** *That the granting of such conditional use permit will not be*  
17 *detrimental to the public health, safety, comfort, convenience and general welfare, will*  
18 *not adversely affect the established character of the surrounding neighborhood, and*  
19 *will not be injurious to the property or improvements in such vicinity and/or zone in*  
20 *which the property is located;*

21 5. Criterion met. The criterion is met for the reasons identified in Finding of Fact No.  
22 5(A-H). Potential impacts have been identified and fully mitigated. City Staff have  
23 reviewed the proposed conditional use permit for conformance with all adopted  
24 regulations designed to ensure compatibility with surrounding uses and prevent adverse  
25 impacts. The proposed development will occur immediately adjacent to the existing  
Puyallup High School, which has been located at this site for many years. The proposal  
is found to have positive impacts to the public health, safety, comfort, convenience,  
and general welfare of the community because it will help facilitate public education.

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

30 6. Criterion met. The criterion is met for the reasons identified in Finding of Fact 5(A  
31 and B). The proposed project is located immediately adjacent to the High School and  
is part of the overall campus, which has operated at this site for many years. Access  
will be pedestrian and proposed directly from adjacent High School facilities. The  
applicant submitted a traffic study, which was reviewed by city's traffic engineer who  
determined that as conditioned no significant impacts to the City's existing traffic

1 systems would occur as a result of this project. As determined in Finding of Fact No.  
2 5(B), the proposed pilot street closures will allow for safe pedestrian connections for  
3 students. Should the pilot program indicate that the street closures are unworkable,  
4 permanent pedestrian improvements will be installed.

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

10 7. Criterion met. The criterion is met for the reasons identified in Finding of Fact  
11 5(H). City staff with expertise in planning, public works and engineering have  
12 reviewed the proposed conditional use permit and concluded that the project as  
13 proposed and conditioned has met all minimum City standards for landscaping,  
14 stormwater facilities, and other required features to ensure adequate space is available  
15 for this development. Additionally, conditions of approval have been required to  
16 ensure the implementation of the mitigating measures.

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

21 8. Criterion met. The criterion is met for the reasons identified in Finding of Fact  
22 5(A-H). The proposal is consistent with the City's comprehensive plan because the  
23 comprehensive plan future land use map designates the project site as Public Facilities,  
24 which is consistent with the proposed use. As previously noted, the proposal is  
25 consistent with the applicable PF zoning purpose and intent. Staff has reviewed the  
proposal for consistency with all applicable development standards pertinent to  
conditional use permit review and found the project consistent. The granting of the  
deviation for side yard setback is warranted for the reasons identified in Finding of Fact  
5(E). The proposal as conditioned is found to conform to all applicable development  
standards, subject to meeting the criteria for all other applicable permits.

## 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 June 6, 2024 (Exhibit 11).

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2. The project shall implement the proposed street closure between the portable site and the main campus to ensure student safety. If, after the temporary street closure period the closure proves to be infeasible, an alternative proposal to install traffic calming measures and enhanced pedestrian safety facilities along W Main and 7th St NW will be proposed by the applicant, reviewed and approved by the City, and installed at the applicant's expense.

Dated this 30<sup>th</sup> day of July 2024.

*Phil Olbrechts*

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Phil Olbrechts,  
City of Puyallup Hearing Examiner

### **Appeal Right and Valuation Notices**

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

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