

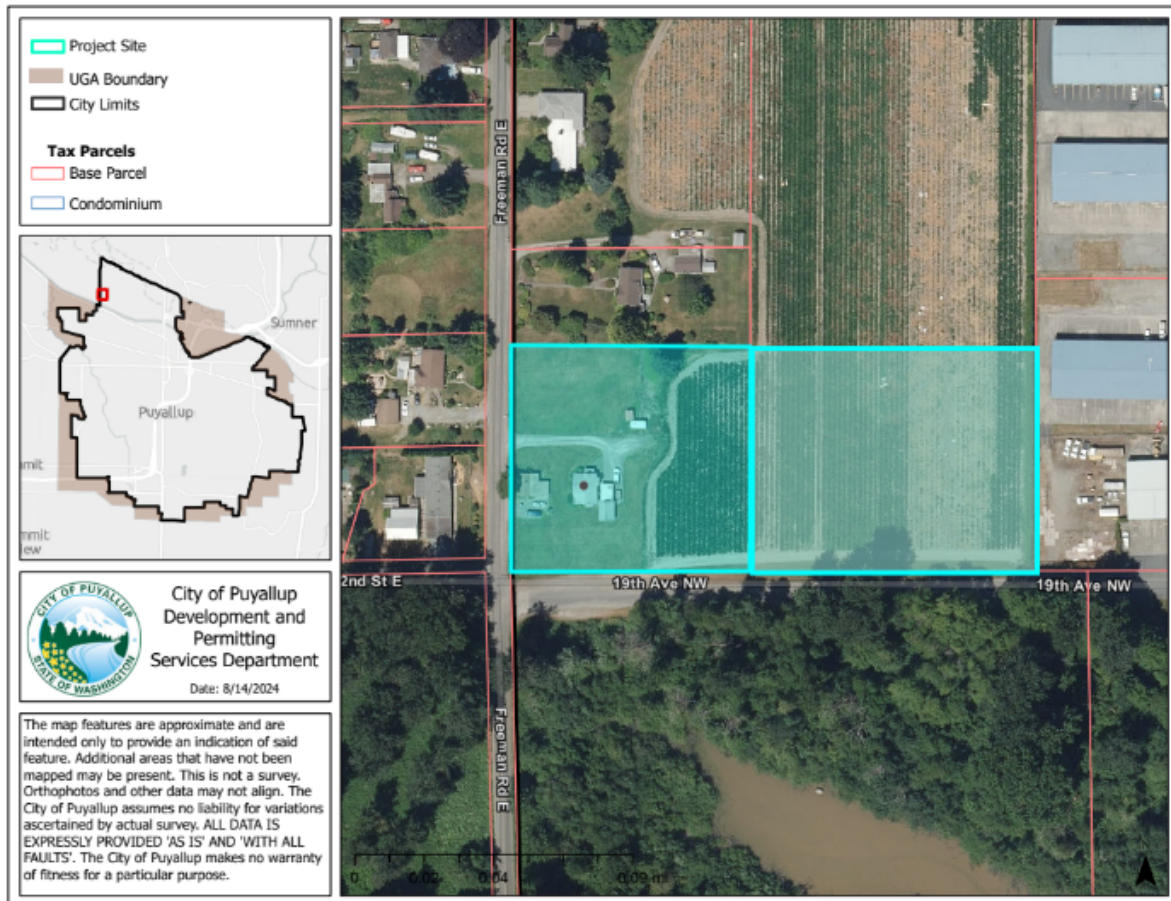


City of Puyallup  
**Planning Division**  
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## STAFF REPORT TO HEARING EXAMINER

To: Hearing Examiner  
From: Chris Beale, Senior Planner  
RE: Freeman Road Logistics Project # PLVAR20230125  
Date of memo: September 10, 2024  
Hearing Date: September 17, 2024

### VICINITY MAP



PROJECT OVERVIEW	
<p><b>Applicant:</b> Cheryl Ebsworth</p> <p><b>Staff:</b> Chris Beale</p> <p><b>Property Owner:</b> CRP/VDC FREEMAN LOGISTICS OWNER LLC</p> <p><b>Address:</b> 5117 FREEMAN RD E, PUYALLUP, WA 98371;</p> <p><b>Parcel ID#:</b> 0420205003, 0420201101</p> <p><b>Site Size:</b> Total project area of approx.. 24 acres</p> <p><b>Comp Plan Designation:</b> LM/W</p> <p><b>Zoning:</b> ML</p>	<p><b>Proposal:</b> Reduction of South landscaping buffer from the 35' wide 1a buffer required by PMC 20.35.020 (8) to a 12' wide 1d buffer which would include a berm, retaining wall and 6' wood fence, similar to the reduction allowed by PMC 20.26.500 (1).</p> <p><b>Staff Recommendation:</b> Approve with conditions</p>

**PUBLIC NOTIFICATION RECORD – APPLICATION NOTICE**

- Permit request received by city on January 11, 2024
- Initial submittal deemed complete by Department on January 11, 2024
- 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: January 17, 2024
- Notice of Application Published in the Tacoma News Tribune: January 18. 2024
- Notice of Application was posted at the project site by the applicant: January 23, 2024 (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 a specified radius of the site as indicated by the Pierce County Assessor Treasurer’s records: (Mailer sent on August 30, 2024 – 18 days in advance of hearing – 14 days minimum required by PMC 20.12.010 (1)).
- Notice of Public Hearing was posted at the project site by the applicant: Cheryl Ebsworth (verification provided by application via affidavit of posting – August 29, 2024)
- Notice of Public Hearing published in the Tacoma Weekly August 28, 2024.

**COMMENT RECORD**

- Comment letter received from the City of Fife on February 9. 2024. Chris Larson, Community Development Director, submitted formal comments regarding Vector's variance request. Requested clarification that the request pertains to the buffer yard landscaping on the south side of 19th Ave NW and does not impact the buffer landscaping intended for the residential properties on the west side of Freeman Rd. Based on this understanding, the City of Fife has no further comments. He also offered to provide additional comments or a more formal statement if needed.
- Comment letter received from Mr. Don Hobbs on September 03. 2024. Mr. Hobbs stated that he and their neighbors strongly oppose the variance requested by Vector. They already find the presence of warehouses across from their properties undesirable, and reducing the landscaping setback would

worsen the situation. They believe the landscaping is their only hope for some curb appeal, and they don't think anyone impacted by the project would support granting the variances.

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

The subject variance proposal is exempt from SEPA. The site development associated SEPA application is P-21-0136.

### **Project Details**

The proposal requests a reduction in the southern landscaping buffer from the 35-foot-wide Type 1a buffer, as required by PMC 20.35.020(8), to a 12-foot-wide Type 1d buffer. The proposed buffer would include a berm, retaining wall, and a 6-foot wood fence, similar to the reduction allowed by PMC 20.26.500(1).

### **Surrounding Area**

The project site is located within the City of Puyallup, just east of Freeman Road, with the City of Fife situated to the west. The project is located on the Puyallup Tribe Reservation. The surrounding area consists of a mix of single-family residential, low-density multi-family residential, industrial, and vacant lands. This blend of land uses reflects the transitional nature of the area, which includes both residential and industrial characteristics.

### **Critical Area Review**

The area of the project site where the landscaping reduction is proposed is located within a regulated flood hazard zone. Additionally, nearby critical areas include wetlands, streams, and fish and wildlife habitats, all of which are subject to regulatory protections under the Puyallup and Fife Municipal Codes. The proposed landscaping plan has been designed to minimize impacts on these critical areas while still providing adequate buffering between the project site and adjacent properties.

### **Variance Criteria**

20.85.010 Required findings to grant.

Each determination granting a variance shall be supported by written findings showing specifically wherein all of the following conditions exist:

- (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; and
- (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; and
- (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.

## **Variance Criteria – Staff Analysis**

### **(1) Special Privilege**

The reduction in the southern landscaping buffer does not constitute a grant of special privilege inconsistent with the limitations placed upon other properties in the vicinity or contiguous zones. The surrounding area, with its blend of residential and industrial uses, exhibits a range of buffer types and widths. The proposed 12-foot-wide Type 1d buffer, which includes enhanced features such as a berm, retaining wall, and a 6-foot wood fence, provides a comparable level of screening and separation as other properties within the 1,000-foot radius. Therefore, the variance aligns the property's use with the surrounding land uses and does not grant a special privilege. This also aligns with the analysis below, section (3), Special Circumstances.

### **(2) Public Health, Safety, and Welfare**

Granting the variance for a reduced landscaping buffer will not be detrimental to public health, safety, comfort, convenience, or general welfare. The inclusion of a berm, retaining wall, and a 6-foot wood fence within the reduced buffer ensures that the visual and physical separation between the project site and adjacent properties is maintained. This design mitigates potential adverse impacts on the established character of the surrounding neighborhood and protects the properties within a 1,000-foot radius. Furthermore, the site's location within a flood hazard zone and proximity to critical areas such as wetlands, streams, and fish and wildlife habitats have been carefully considered; the proposed variance has no effect on critical areas. The proposed buffer reduction is consistent with safety and regulatory standards, ensuring no harm to the vicinity or contiguous zone/property.

### **(3) Special Circumstances**

The requested variance is necessary due to the unique circumstances surrounding the project site's location and zoning boundary conditions. According to PMC 20.35.035(2), a 35-foot landscaping buffer is required along common property lines between ML (Light Manufacturing) zones and residential zones (RS, RM, and PDR). Specifically:

- **PMC 20.35.035(2)(b)** mandates that in ML zones, a landscaped area at least 35 feet in width shall be provided along common property lines with all RS-, RM-, and PDR-zoned properties. This requirement aims to maintain a substantial buffer between industrial and residential uses to mitigate visual and physical impacts.

In this case, the subject parcel, zoned ML, abuts a parcel to the south (TPN 0420201008), which is zoned RM-10. The zoning boundary abutment between these parcels triggers the requirement for a 35-foot buffer. However, a private roadway (19th Ave NW), located within an easement on TPN 0420201008, separates the subject parcel from the RM-10-zoned property to the south.

This situation creates a special circumstance because the presence of the private roadway would ordinarily result in a non-abutting zoning boundary, where a standard 12-foot landscaping buffer would apply. The unique condition here is that despite the separation provided by the private road, the zoning lines still abut due to the roadway being situated in an easement rather than a dedicated public or private road tract. In a typical scenario where a private road tract or public roadway exists, the zoning lines would not abut, and the requirement for a 35-foot buffer would not apply.

The necessity for the variance arises from this unusual zoning and road configuration. The reduction of the buffer to 12 feet, while including enhanced landscaping features such as a berm, retaining wall, and 6-foot wood fence, provides an appropriate response to this specific site condition. It ensures that the intent of the buffer requirement—adequate separation between industrial and residential uses—is met without imposing an undue burden on the property owner, given the unique circumstances of the site.

This variance is not the result of actions taken by the applicant or previous property owners but is inherent to the site's context, where the presence of the private roadway within an easement creates an atypical zoning boundary condition. Therefore, the requested variance is necessary to provide the property with use rights and privileges similar to those of other properties in the vicinity, in accordance with municipal code provisions.

### **Staff Conclusions**

Based on the analysis of the criteria outlined in PMC 20.85.010, the requested variance meets all the required findings. The variance does not grant special privilege, poses no threat to public welfare, and is necessary due to the unique circumstances of the property. The proposal meets the criteria for approval, and it is recommended that the Hearing Examiner approve the variance with the conditions listed below.

### **Staff Recommended Hearing Examiner Conditions**

#### **1. Landscaping Conditions:**

- Conifer trees ('Excelsa' Western Redcedar) shall be planted at 15 feet on center in the southern buffer area. The trees must be at least eight feet tall at the time of planting.
- Evergreen understory shrubs, at least three-gallon container size, shall be spaced no more than five feet on center throughout the southern landscape buffer. Ground cover species shall be planted at two feet on center throughout the southern landscape buffer.
- At least 50% of all plant species used in the landscaping shall be native to the Pacific Northwest, as specified in Section 7.3 of the Puyallup Vegetation Management Standards (VMS) manual. Daffodil bulbs shall be planted in accordance with Section 7.4 of the VMS.
- The southern landscape buffer shall be irrigated to ensure plant survival. The applicant shall post an assignment of funds equal to 125% of the material and installation costs to ensure plant establishment, survival, and replacement of dead plants over a three-year monitoring period.
- All standards in the VMS manual shall be observed, including topsoil installation (Section 8.2) and mulching (Section 8.3).

These conditions are intended to ensure that the reduced landscaping buffer adequately mitigates potential impacts and that the project remains consistent with the character of the surrounding area and environmental regulations. With these conditions, staff recommends Hearing Examiner approval of the proposed variance application.

**Appendices:**

1. Application form
2. Site Plan
3. Landscape Plans
4. Final staff review (DRT) letter, August 08 2024
5. Comment letters – Chris Larson, Donald Hobbs
6. Notice of Hearing Packet