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BEFORE THE HEARING EXAMINER FOR THE CITY OF PUYALLUP

Phil Olbrechts, Hearing Examiner

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| RE: Freeman Road Logistics Project Variance PLVAR20230125 | FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION. |
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INTRODUCTION

Synthesis Architects PLLC on behalf of Vector Development Company requests approval of a variance to reduce the south landscaping buffer of a warehouse project located at 5117 Freeman Road E. from the 35' wide buffer required by PMC 20.35.020 (8) to a 12' wide buffer which would include a berm, retaining wall and 6' wood fence, The application is approved subject to conditions.

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.

EXHIBITS

Appendices 1-6 listed on the last page of the September 10, 2024 staff report along with the staff report were entered into the record during the September 17, 2024 hearing.

FINDINGS OF FACT

Procedural:

1. Applicant. Synthesis Architects PLLC on behalf of Vector Development Company, 12503 NE Bel-Red Rd, Suite 100, Kirkland WA 98034.
2. Hearing. The Hearing Examiner conducted a virtual hearing on the application at 2:00 pm on September 17, 2024.

1 **Substantive:**

2 3. Site/Proposal Description. Synthesis Architects PLLC on behalf of Vector
3 Development Company requests approval of a variance to reduce the south landscaping
4 buffer of a warehouse project located at 5117 Freeman Road E. from the 35' wide buffer
5 required by PMC 20.35.020 (8) to a 12' wide buffer which would include a berm,
retaining wall and 6' wood fence.

6 PMC 20.35.020 (8) mandates that in ML zones, a landscaped area at least 35 feet in
7 width shall be provided along common property lines with all RS-, RM-, and PDR-
8 zoned properties. This requirement aims to maintain a substantial buffer between
industrial and residential uses to mitigate visual and physical impacts.

9 4. Characteristics of the Area. The project is located on the Puyallup Tribe
10 Reservation. The surrounding area consists of a mix of single-family residential, low-
11 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. The project site abuts a parcel to the south that is zoned RM-10.

12 As observed by staff in the staff report, the surrounding area, with its blend of
13 residential and industrial uses, exhibits a range of buffer types and widths. The
14 proposed 12-foot-wide Type 1d buffer, which includes enhanced features such as a
15 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.

16 5. Adverse Impacts. No adverse impacts are anticipated from the proposal.
Pertinent impacts are addressed as follows:

17 A. Critical Areas. The area of the project site where the landscaping reduction is
18 proposed is located within a regulated flood hazard zone. Additionally, nearby
19 critical areas include wetlands, streams, and fish and wildlife habitats, all of
20 which are subject to regulatory protections under the Puyallup and Fife
21 Municipal Codes. The proposed landscaping plan has been designed to
22 minimize impacts on these critical areas while still providing adequate
buffering between the project site and adjacent properties. The reduction in
buffer width will have no discernable impacts on these critical areas and will
conform to critical area standards.

23 B. Compatibility. The proposal doesn't create any impacts to surrounding
24 properties. The proposed 12-foot-wide Type 1d buffer, which includes
25 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. Further, the parcel to the south is separated by a
private road and to the south of the road is a large wetlands area that can't be
developed. Consequently, the enhanced buffer serves as a completely site

1 obscuring buffer to adjoining road traffic and across the road there will be no
2 development affected by the proposal. Given that the primary purpose of the
3 35-foot buffer is for aesthetics and noise separation, the proposed reduction in
the buffer will not exacerbate either of these impacts and thus is found to be
fully compatible with surrounding uses

4 6. Special Circumstances. The variance is necessary due to the special circumstances
5 of an adjoining private road next to a residential zoning district. As previously noted,
6 the 35 foot landscape buffer is only required because the project site abuts an RM-10
7 zoned parcel. A private road is located within an easement along the boundary between
8 the project site and the abutting RM-10 parcel. If the private road had been either in a
separate tract or was a publicly dedicated road, the project site and RM-10 parcel would
not be considered abutting and the 35-foot landscape buffer could be reduced to 12 feet
as proposed by PMC 20.26.500(1).

9 CONCLUSIONS OF LAW

10 Procedural:

11 1. Authority of Hearing Examiner. PMC 20.85.005 authorizes the hearing
12 examiner to hold a hearing and issue final decisions on variance applications.

13 Substantive:

14 2. Zoning Designation. The property is currently zoned ML, Light
15 Manufacturing.

16 3. Review Criteria. PMC 20.85.010 governs the review criteria for variance
17 applications. Pertinent criteria are quoted below and applied via corresponding
18 conclusions of law.

19 **PMC 20.85.010:** *Each determination granting a variance shall be supported by*
20 *written findings showing specifically wherein all of the following conditions exist:*

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

4. Criterion met. The criterion is met. As outlined in Finding of Fact No. 6, the 35-
foot landscaping buffer is only required because the abutting road is in an easement as
opposed to a separate tract. From an impacts and design standpoint, the project is
indistinguishable from a project that abuts a public road or private road in a separate

1 tract. Given this circumstance, the Applicant would not be given any special privilege
2 by approval of the variance from a project with the same design but abutting a road
3 tract or right of way instead of a road easement. Further, as noted in Finding of Fact
No. 4, the surrounding area is characterized by a wide range of buffer widths and the
proposed buffer is consistent with the types of buffers required of other uses.

4 **PMC 20.85.010(2):** *That the granting of such variance will not be detrimental to the*
5 *public health, safety, comfort, convenience and general welfare, will not adversely*
6 *affect the established character of the surrounding neighborhood within a radius of*
7 *1,000 feet, and will not be injurious to the property or improvements of such vicinity*
8 *and/or contiguous zone in which the property is located; and*

9 5. Criterion met. The proposal is consistent with established character and will not be
10 detrimental for the reasons identified in Finding of Fact No. 5.

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

17 6. Criterion met. As noted in Finding of Fact No. 6, the variance is necessary to give
18 the Applicant the same development rights as other developers, specifically to not be
subject to the 35-foot landscape requirement when adequate separation is provided by
a road. In this case the same separation is provided by the existing private road that
would be provided by a private road in a separated tract or a public road. The only
difference is that the private road is located within an easement and that easement
qualifies as a special circumstance since that form of ownership makes no material
difference to the purpose of the 35 foot landscaping buffer, i.e. protecting adjoining
uses from visual and noise impacts.

19 DECISION

20 Based upon the conclusions of law above, the requested variance application is
21 approved subject to the following landscaping conditions:

- 22 o 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.
- 23 o 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
24 cover species shall be planted at two feet on center throughout the southern landscape
buffer.
- 25 o 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.

o 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.

o All standards in the VMS manual shall be observed, including topsoil installation (Section 8.2) and mulching (Section 8.3).

Dated this 4th day of September, 2024.

Phil Olbrechts

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.