

## STAFF REPORT TO HEARING EXAMINER

To: Hearing Examiner

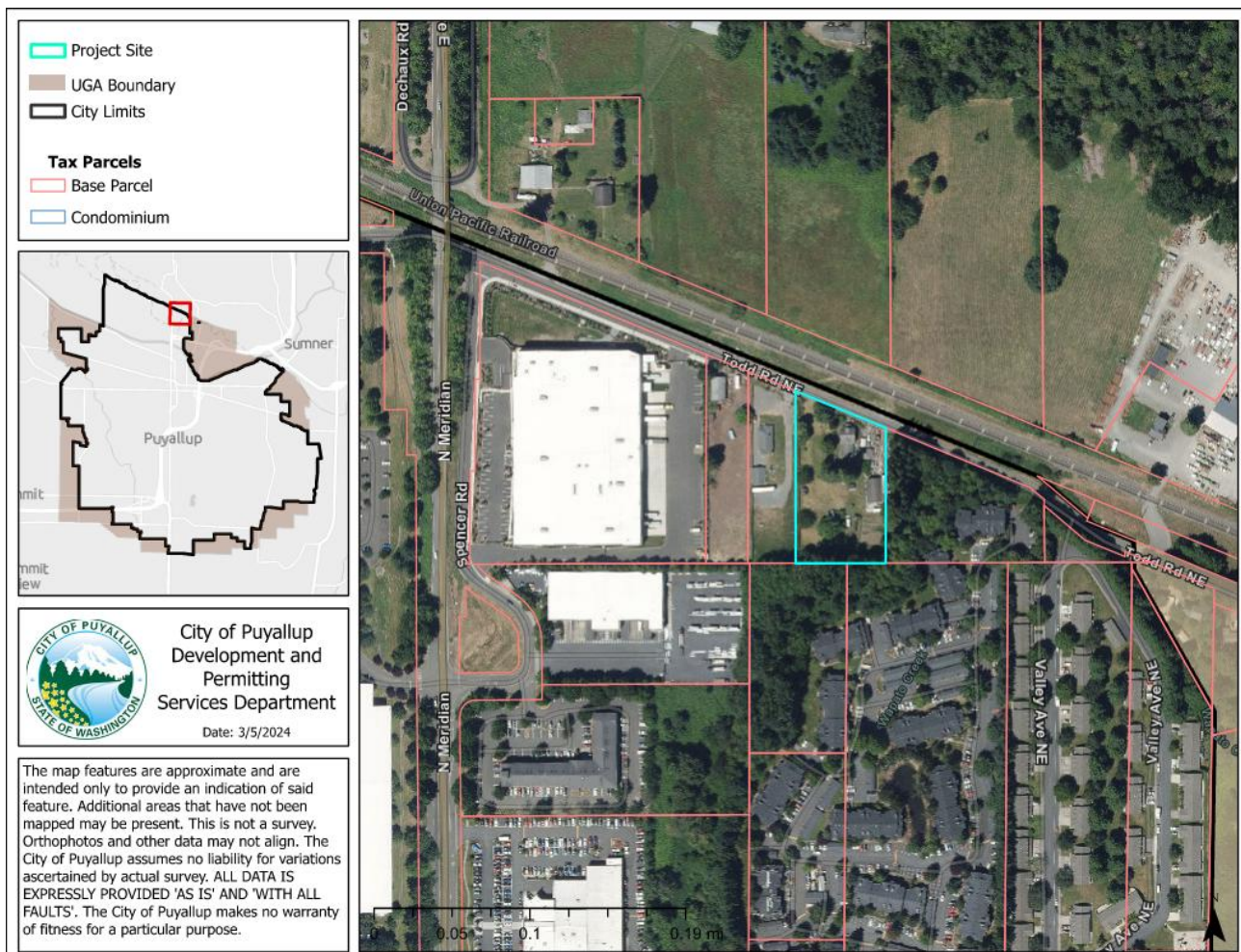
From: Nabila Comstock, Associate Planner

RE: Todd Road Storage Yard, Project # PLCUV20240004

Date of memo: July 2<sup>nd</sup>, 2025

Hearing Date: July 2<sup>nd</sup>, 2025

## VICINITY MAP



PROJECT OVERVIEW	
<p><b>Applicant:</b> Joleen Jones – JMJ Team</p> <p><b>Staff Coordinator:</b> Nabila Comstock, Associate Planner</p> <p><b>Property Owner:</b> E. J. Fernandez</p> <p><b>Address:</b> 320 Todd Rd NE, Puyallup, WA 98372</p> <p><b>Parcel ID#:</b> 0420222005</p> <p><b>Site Size:</b> 73,180 SF</p> <p><b>Comp Plan Designation:</b> HDR – high-density residential</p> <p><b>Zoning:</b> RM-20 - High density multiple-family residential zone</p>	<p><b>Proposal:</b> Conditional use permit application for the conversion of an existing single-family residence to a professional office in the RM-20 zone and includes a 900sf addition on the rear of the structure. The existing garage will remain on site. This project also includes a variance application to reduce the required side yard landscaping requirements due to the proximity to an existing critical area buffer. No structures are proposed within the reduced landscape area. Project will include landscaping, stormwater controls, utilities, and other site improvements as required.</p> <p><b>Relevant History:</b> This property is within an expired concomitant agreement area that allowed for commercial uses outright despite the underlying zoning. However, the concomitant agreement has expired and therefore the applicant is required to apply for a conditional use permit to operate a professional office in the RM-20 zone.</p> <p><b>Summary of Key Issues:</b> The City's Comprehensive Plan designates this site as within the RM-20 – High-Density Multifamily Residential Zone. In the RM-20 zone, professional offices are a conditionally permitted use. In addition to this, the typical perimeter landscape buffer between a nonresidential use and a residential zone is 30-feet. The applicant is applying for a variance to reduce the perimeter landscape buffer due to the existing critical area buffer that provides a buffer between the project and the residential development to the east.</p> <p><b>Staff Recommendation:</b> Approve with conditions.</p>

## PUBLIC NOTIFICATION RECORD – APPLICATION NOTICE

- Permit request received by city on January 10, 2024
- Initial submittal deemed complete by Department on January 10, 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 sent to the current list of public agencies and Tribes notified of complete land use applications by the Department: 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 22, 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: 14 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: JMJ Team (verification provided by application via affidavit of posting - 14 days in advance of public hearing, 14 days minimum required by PMC 20.12.010 (3)).
- Notice of Public Hearing published in the Tacoma Weekly: 14 days in advance of hearing – 14 days minimum required by PMC 20.12.010(1)).

## **COMMENT RECORD**

A response from Squaxin Island Tribe was received on January 22, 2024, in response to the Notice of Application. Their comment stated that they had no specific comments or concerns, but if DAHP recommends a survey, or any other additional recommendations, that they would concur with DAHP's recommendations. If any archaeological or cultural resources are uncovered during implementation, they request that work is halted in the area of discovery and to contact DAHP and the Squaxin Island Tribe's Archaeologist, Shaun Dinubilo via email at [sdinubilo@squaxin.us](mailto:sdinubilo@squaxin.us).

A response from Tacoma Water was received on January 17, 2024, in response to the Notice of Application. Their comment stated that Tacoma Water does not provide service to this area.

## **STATUS OF REGULATIONS**

Since the filing of the complete application, no amendments to regulations applicable to the project have been adopted by the City Council.

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

City of Puyallup issued a SEPA Determination of Non-significance (DNS) on June 24, 2025. The appeal period will end on July 7<sup>th</sup>, 2025. If any appeal is made, the Hearing Examiner will be made aware during the scheduled public hearing.

## **PROJECT DETAILS**

- The conditional use permit application is for the conversion of an existing single-family residence to a professional office in the RM-20 zone. The project scope includes a 900 square foot addition to the rear of the existing structure as well as associated parking, landscaping, stormwater controls, utilities, and other site improvements as required.
- Per PMC 20.25.015 (8), professional offices and services are conditionally permitted uses in the RM-20 zone if they meet the requirements of PMC 20.25.014 (8)(b) and the requirements of PMC 20.80 – Conditional Use Permits.
- The project also includes a variance application to reduce the width of the required eastern perimeter landscape buffer due to the proximity to an existing critical area buffer. No structures are proposed within the reduced landscape area, only parking stalls.
- The applicant has provided a stream/wetland corridor buffer restoration program to address existing development in the critical area buffers as well as to clearly delineate the buffer boundaries on the subject parcel. The buffer restoration program plans to restore a protective buffer along the

southeastern portion of the project site and would be associated with a stream and wetland corridor located offsite to the southeast.

- The parcel directly to the west is owned by the same property owner but is not proposed for development at this time.

## **SURROUNDING AREA**

The surrounding area consists of residences and limited manufacturing uses. To the north of the site, separated by the Union Pacific Railroad is a large property with a single-family residence located at the back end of the lot. To the south and east of the site is a multi-family apartment complex. To the west of the site is a single-family residential structure and further west are general warehousing uses.

## **CRITICAL AREA REVIEW**

The project site contains and is within 300 feet of a stream and wetland. A stream/wetland buffer establishment program has been developed to mitigate impacts to the critical areas. This includes establishing a protective buffer, native plantings, an implementation report, and a five-year shoreline plant monitoring and maintenance program. The stream/wetland buffer establishment program has been reviewed by the city's third-party critical area review consultant and meets the requirements of the Puyallup critical area code. The site is also within the aquifer recharge area and volcanic hazard area but does not require critical area reports based on the scope of the proposed development and use.

## **CONDITIONAL USE FINDINGS PER PUYALLUP MUNICIPAL CODE SECTION 20.80.010**

Per PMC 20.80.020, the Hearing Examiner shall have the authority to grant, amend, or deny a conditional use permit. Accordingly, each determination granting a CUP shall be supported by written findings demonstrating that the conditions listed in PMC 20.80.010 exist. The following represents analysis of applicable findings in the city's CUP ordinance (PMC 20.80.010) as it relates to the current request by the applicant:

- I. That the use for which the conditional use permit is applied for is specified by this title as being conditionally permitted within and is consistent with the description and purpose of the zone district in which the property is located.

### **Staff Analysis:**

- a. The site is in the RM-20 – High density multiple-family residential zone and the corresponding HDR – high-density residential use designation. Per PMC 20.25.015 (8), professional offices and services require a conditional use permit pursuant to PMC Chapter 20.80 – Conditional Use Permit.
- b. PMC 20.25.015 (8)(b) states that in the RM-20 zone, professional offices and services are conditionally permitted if the subject property has frontage on and obtains principal access from a minor or principal arterial, or collector street as designated on the street classification map in the comprehensive plan, provided all such streets are improved to full city standards; or the subject property must be located within 500 feet of a CG (general commercial) zone. This property is located within 500 feet of a CG-zoned property located to the west and as a result of this, meets the requirements for a professional office to be permitted on the subject

property. Therefore, staff finds that the proposal is in compliance with the criterion.

2. That the granting of such conditional use permit 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, and will not be injurious to the property or improvements in such vicinity and/or zone in which the property is located.

Staff Analysis:

- a. The proposed change of use to a professional office would not have a significant impact on the established character of the surrounding neighborhood. The properties located to the west consist of single-family residences that have been used as professional offices as well as a general warehouse located three parcels west along Todd Road NE. Directly to the east of the subject parcel is a multi-family apartment complex. However, the apartment complex is separated from the subject parcel by a stream, wetland, and their associated buffers. To the north of the site is a single-family residence, which is separated from the site by both Todd Road NE and the Union Pacific Railroad.
  - b. Perimeter landscaping as well as the required critical area buffers along the east, south, and west property lines will preserve the character of the zone by providing a barrier between the parking on the west and the edge of the building on the east.
  - c. In addition, the design of the proposed addition to the existing structure conforms with the non-residential design review requirements found in PMC 20.26.300 and meets the property development standards for the RM-20 zone found in PMC 20.25.020. Therefore, it is not anticipated to have negative impacts on the surrounding area in terms of the character of the neighborhood.
  - d. The city's traffic engineer, development engineer and building reviewer have reviewed the proposed conditional use permit and have recommended approval with conditions to be addressed at the civil application stage. The proposal is not anticipated to have detrimental effects on the public health safety comfort convenience and general welfare of the community as the professional office use is consistent with the requirements of the RM-20 zoning code. Therefore, staff finds the proposal is in compliance with this criterion.
3. That the proposed use is properly located in relation to the other land uses and to transportation and service facilities in the vicinity; and, further, that the use can be adequately served by such public facilities and street capacities without placing an undue burden on such facilities and streets.

Staff Analysis:

- a. The proposed professional office is to be located inside an existing single-family residential structure at the project site. The traffic reviewer, development engineer, and fire reviewers have reviewed the proposed conditional use permit and are satisfied with the proposed driveway access along the west of the subject parcel per the City of Puyallup standards as well as the proposed an 8.7' right-of-way dedication. There have not been concerns raised about service facilities in the vicinity being unable to adequately serve the proposed use period therefore staff find that the proposal meets this criterion.

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

Staff Analysis:

- a. The site is of sufficient size to accommodate the proposed professional office use. The proposed addition to the south end of the structure meets the non-residential design review requirements as well as the property development standards for the RM-20 zone.
  - b. The applicant has requested a variance to reduce the eastern perimeter landscape buffer due to the existing buffer from Wapato Creek that creates a large physical buffer between the existing multi-family development to the east and the proposed professional office use. Staff provided an analysis of this variance later in this staff report. Ultimately, staff determined that the variance application met the requirements of PMC 20.85 – Variances and as a result, meets this CUP criterion.
  - c. The proposal otherwise meets the required yards, open spaces, parking, and critical area requirements. Therefore, staff finds that the proposal is in compliance with this criterion.
5. That the granting of such conditional use permit will not be contrary to the adopted comprehensive plan, or to the objectives of any code, ordinance, regulation, specifications or plan in effect to implement said comprehensive plan.

Staff Analysis:

- a. Provisions in the City's zoning regulations allow for professional offices to be permitted conditionally in the RM-20 zone subject to the requirements of PMC 20.25.015 (8) (b).
- b. PMC 20.25.015 (8)(b) states that in the RM-20 zone, professional offices and services are conditionally permitted if the subject property has frontage on and obtains principal access from a minor or principal arterial, or collector street as designated on the street classification map in the comprehensive plan, provided all such streets are improved to full city standards; or the subject property must be located within 500 feet of a CG (general commercial) zone.
  - i. This property is located within 500 feet of a CG-zoned property located to the west and because of this, meets the requirements for a professional office to be permitted on the subject property.
- c. The proposal is compliant with the Comprehensive Plan, the zoning district and intent, and will not be detrimental to the public health, safety, comfort, convenience, and general welfare, and is properly located. Therefore, staff finds that the proposal is in compliance with this criterion.

### **VARIANCE FINDINGS PER PUYALLUP MUNICIPAL CODE SECTION 20.85.010**

Per PMC 20.85.005, the Hearing examiner shall have the authority to grant, with or without conditions, variances from the required landscape setbacks and fence heights. Accordingly, each determination granting a variance shall be supported by written findings demonstrating that the conditions listed in PMC 20.85.010

exist. The following represents analysis of applicable findings in the City's Variance ordinance (PMC 20.85.010) as it relates to the current modification request by the applicant:

- I. 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.

Staff analysis: This variance application to reduce the eastern perimeter landscape buffer from 30-feet to 10-feet is not a grant of special privilege for the RM-20 zoned parcel. The subject parcel is not within the boundaries of an established subdivision. However, other lots within a 1,000-foot radius of the subject lot and located within the Puyallup city limits may apply for a variance from the required perimeter landscape setbacks. Therefore, staff finds that the proposal is in compliance with this criterion.

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.

Staff analysis:

- a. The proposed variance to reduce the eastern perimeter landscape buffer from 30-feet to 10-feet will not be detrimental to the public health, safety, comfort, convenience and general welfare, and will not adversely affect the established character of the surrounding neighborhood within a 1,000-foot radius. The required perimeter landscape buffer along the eastern property line is 30-feet due to the two differing land use types – professional office on the subject parcel and residential on the eastern parcel as required per PMC 20.26.500 (1). Wapato Creek does not physically extend onto the subject parcel and is not proposed to be impacted as part of this variance application.
  - b. The variance to reduce the eastern perimeter landscape buffer would not result in an adverse impact to the established character of the surrounding neighborhood as the existing multi-family development is already buffered from the site by way of the existing critical areas along the western portion of the multi-family development.
  - c. The critical areas and their buffers are to be delineated, buffered from, and enhanced along the eastern and southern portion of the property. Therefore, staff finds that the proposal is in compliance with this criterion.
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.

Staff analysis:



- a. This variance is necessary due to critical areas and their associated buffers located on the east and southeast of the site. These critical area buffers reduce the amount of feasible area to develop required parking onsite associated with the professional office use.
- b. A “high intensity use” as defined in PMC 21.06.930 includes commercial developments. The standard buffer associated with a Category II wetland for a “high intensity use” is 150-feet. The Puyallup Municipal Code section 21.06.930 (3)(a)(i) allows for the standard buffers for Category II wetlands to be reduced from 150-feet to that of a “moderate intensity” buffer of 110-feet when the measures of PMC 21.06.930 (3)(a)(i) are met. These measures have been addressed in the Stream/Wetland Corridor Buffer Restoration Program (Exhibit 11) The city’s third-party critical area consultant and staff have reviewed this Exhibit and determined that the buffer may be reduced from 150-feet to 110-feet.
  - a. There is a relatively undisturbed vegetated corridor existing along the offsite stream/wetland corridor to the east. The vegetated corridor is bound by the existing residential development to the east and commercial developments to the west. This existing corridor has been manipulated for several decades. To mitigate these impacts and protect the critical areas and their buffers, a restoration program has been proposed. The stream/wetland restoration includes restoring and enhancing the existing, relatively undisturbed vegetated corridor along the offsite stream/wetland corridor with native implementation of a protective 110-foot buffer. This buffer includes restoration of the establishment of native plantings, an onsite fence delineating the buffer to limit intrusion into the buffer, as well as other measures to minimize the potential impacts of land uses on the stream/wetland habitat functions as outlined in Exhibit 11.
  - b. As a result of the 110-foot wetland and stream buffer area and the existing physical buffer area that currently exists between the existing multi-family development to the east and the project site, staff finds that the proposed variance to reduce the eastern perimeter landscape buffer between the two land uses from 30-feet to 10-feet meets the criterion.

## **STAFF CONCLUSIONS**

Based on the results of the review presented in the preceding sections, staff proposes the following findings to the Hearing Examiner, required pursuant to Section 20.85.010 and Section 20.80.010 of the Puyallup Municipal Code:

- The use for which the conditional use permit is applied for is specified by this title as being conditionally permitted within and is consistent with the description and purpose of the zone district in which the property is located.
- The granting of such conditional use permit 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, and will not be injurious to the property or improvements in such vicinity and/or zone in which the property is located.
- That the proposed use is properly located in relation to the other land uses and to transportation and service facilities in the vicinity; and, further, that the use can be adequately served by such public



facilities and street capacities without placing an undue burden on such facilities and streets.

- The site is of sufficient size to accommodate the proposed use and all yards, open spaces, walls and fences, parking, loading, landscaping, and other such features as are required by this title or as are needed in the opinion of the hearing examiner are properly provided to be compatible and harmonious with adjacent and nearby uses.
- That the granting of such conditional use permit will not be contrary to the adopted comprehensive plan, or to the objectives of any code, ordinance, regulation, specifications, or plan in effect to implement said comprehensive plan.
- The requested variances would not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity.
- The proposal, as presented, is not anticipated, or known to be a detriment to public health, safety, general welfare nor would the requested variances adversely impact the established character, or the comfort/convenience enjoyed by the surrounding/abutting property owners of the neighborhood currently.
- There are special circumstances related to the location, surroundings, topography, and unusual natural features on site that justify a need for relief from the code required minimum front yard setback.

## **STAFF RECOMMENDED HEARING EXAMINER CONDITIONS**

Staff has provided conditions of approval for the conditional use permit/variance application PLCUV20240004. The full list of staff conditions can be found in Exhibit 17 - Final DRT Letter. The following conditions are recommended as hearing examiner conditions of approval.

1. Civil plans are to provide profile of the storm system with all elevations in order to evaluate the different types of on-site BMPs in relation to each other and other existing and proposed site elements. Include which areas are to be pervious hard surface. The Stormwater Plan is still reporting that pervious hard surfaces will be installed. All design elements should be consistent across all documents.  
In addition, for civil submittal include the following: contours, existing and proposed; revision to silt fence encompassing all areas of excavation and pavement installation; city standard details for every design element included on plans; and relevant city notes (storm, street, etc.). See City of Puyallup Design Standards Sections 1.0 and 2.0.
2. Public right-of-way runoff shall be detained and treated independently from proposed private stormwater facilities. This shall be accomplished by providing separate publicly maintained storm facilities within a tract or dedicated right-of-way; enlarging the private facilities to account for bypass runoff; or other methods as approved by the City Engineer. [PMC 21.10.190] Civil submittal shall include analysis of mitigation for road and right of way run off.  
In addition, current plan shows 6-inch pipes in right-of-way. City Standards 204.3(3-4) calls for public stormwater pipes to be minimum 12-inch diameter and to be demonstrated to be able to accommodate a 25-year storm event with no overtopping.
3. The proposed type of BMP is now designated by the Department of Ecology as an Underground Injection Well. Review Volume I-2.14 Underground Injection Control Program and Volume I-4 UIC

Program. The result will most likely be that the applicant will need to register the “well” through the department of Ecology.

4. Provide accessible routes from the proposed ADA van stall to building entrance and primary function areas. No fewer than one accessible route connecting accessible parking and accessible passenger loading zones to an accessible entrance. A striped path from loading zone to sidewalk across parking lot is require and assure meets minimum slope requirements.