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

4 Phil Olbrechts, Hearing Examiner

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| RE: Todd Road Storage Yard<br>Conditional Use and Variance<br>PLCUV20240004 | <b>FINDINGS OF FACT, CONCLUSIONS<br/>OF LAW AND DECISION</b> |
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10 **INTRODUCTION**

11 The Applicants request approval of a conditional use permit and variance to convert a  
12 single-family home to a professional office at 320 Todd Rd NE. The variance is to  
13 reduce the eastern perimeter landscape buffer from 30-feet to 10-feet to accommodate  
14 parking. The applications are approved.

14 **ORAL TESTIMONY**

15 Nabia Comstock, Associate Planner, summarized her staff report. Justin Jones on behalf  
16 of the Applicants supported the staff recommendation. No one else testified.

17 **EXHIBITS**

18 Exhibits 1-20 of the Exhibit List prepared by City staff were admitted into the record  
19 during the July 9, 2025 hearing.

20 **FINDINGS OF FACT**

21 **Procedural:**

22 1. Applicants. Joleen Jones – JMJ Team, 905 Main Street, Suite 200, Sumner,  
23 WA 98390 on behalf of EJ and Catherine Fernandez.

24 2. Hearing. The Hearing Examiner conducted a hybrid hearing on the  
25 application at 9:00 am on July 9, 2025.

**Substantive:**

3. Site/Proposal Description. The Applicants request approval of a conditional use permit and variance to convert a single-family home to a professional office at 320 Todd Rd NE. The variance is to reduce the eastern perimeter landscape buffer from 30-feet to 10-feet. A 900 square foot addition will be placed on the rear of the site.

4. Characteristics of the 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.

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

A. Critical Areas. The proposal conforms to the City's critical area regulations and thus is not found to adversely affect critical areas.

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.

B. Compatibility. The proposal doesn't create any impacts to surrounding properties. The proposal is not in close proximity to any sensitive land uses. The single family home to the west is separated by the undeveloped portions of the subject lot, which is heavily treed and creates a large buffer to the home. The single family homes to the north area separated by railroad tracks and also large undeveloped portions of the lots that the homes are located upon.

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. In addition, the design of the proposed addition to the existing structure conforms with the nonresidential 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.

1 C. Infrastructure/Utilities. The proposal will be served by adequate infrastructure  
2 and utilities. The City traffic reviewer, development engineer, and fire  
3 prevention staff are satisfied with the proposed driveway access along the west  
4 of the subject parcel per the City of Puyallup standards as well as the proposed  
5 an 8.7' right-of-way dedication. They raised no concerns raised about service  
6 facilities in the vicinity being unable to adequately serve the proposed use.

7 6. Special Circumstances. The variance is necessary due to critical areas and their  
8 associated buffers located on the east and southeast of the site. These critical area  
9 buffers reduce the amount of feasible area to develop required parking onsite associated  
10 with the professional office use. Access is required to be placed along the west side of  
11 the building leaving the east side as the only place available for parking. The critical  
12 area buffers don't leave sufficient room to accommodate required parking along with  
13 the required landscape strip.

14 **CONCLUSIONS OF LAW**

15 **Procedural:**

16 1. Authority of Hearing Examiner. PMC 20.80.005 and 20.85.005 authorizes  
17 the hearing examiner to hold hearings and issue final decisions on variance and  
18 conditional use applications.

19 **Substantive:**

20 2. Zoning Designation. The property is currently zoned RM-20, High Density  
21 Multi-Family Residential Zone.

22 3. Review Criteria. PMC 20.85.010 governs the review criteria for variance  
23 applications. PMC 20.80.010 governs the review criteria for conditional use permit  
24 applications. Pertinent criteria are quoted below and applied via corresponding  
25 conclusions of law.

26 **Conditional Use**

27 **PMC 20.80.010(1):** *That the use for which the conditional use permit is applied for is  
28 specified by this title as being conditionally permitted within, and is consistent with the  
29 description and purpose of the zone district in which the property is located;*

30 4. Criterion met. The criterion is met.

31 PMC 20.25.015 (8)(b) states that in the RM-20 zone, professional offices and services  
32 are conditionally permitted if the subject property has frontage on and obtains principal  
33 access from a minor or principal arterial, or collector street as designated on the street

1 classification map in the comprehensive plan, provided all such streets are improved to  
2 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.

3  
4 PMC 20.25.005 provides that the RM-10 multiple-family residential zone is intended  
5 to provide for a mix of single-family dwelling, duplex, triplex, fourplex and townhouse  
6 residential housing types. The proposal doesn't provide any multi-family housing, but  
it is situated to serve those uses in a manner that is compatible with multi-family  
residential character and intensity.

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8 **PMC 20.80.010(2):** *That the granting of such conditional use permit will not be*  
9 *detrimental to the public health, safety, comfort, convenience and general welfare, will*  
10 *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;*

11 5. Criterion met. The criterion is met for the reasons identified in Finding of Fact No.  
12 5.

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

16 6. Criterion met. The criterion is met. As determined in Finding of Fact No. 5B, the  
17 proposal is compatible with surrounding uses. As determined in Finding of Fact No.  
18 5C, the proposal will also be adequately served by all necessary public services and  
infrastructure.

19 **PMC 20.80.010(4)** *That the site is of sufficient size to accommodate the proposed use*  
20 *and all yards, open spaces, walls and fences, parking, loading, landscaping and other*  
21 *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;*

22 7. Criterion met. The criterion is met with approval of the associated variance. City  
23 staff have determined that the proposal otherwise meets the required yards, open  
spaces, parking, and critical area requirements.

24 **PMC 20.80.010(5)** *That the granting of such conditional use permit will not be*  
25 *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.*

1 8. Criterion met. The criterion is met. Staff has reviewed the proposal for consistency  
2 with all applicable development standards pertinent to conditional use permit review  
3 and found the project consistent. There is nothing in the record to show otherwise and  
4 the proposal as presented is found to conform to all applicable development standards,  
5 subject to meeting the criteria for all other applicable permits. As previously noted, the  
6 proposal is consistent with the purpose and therefore intent of the RM-20 zone. The  
7 proposal is consistent with the comprehensive plan by providing for compatible  
8 development as encouraged by comprehensive plan policies such as Policy LU-20.

### 9 **Variance**

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

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

18 4. Criterion met. The criterion is met. The Applicants seek to be able to accommodate  
19 required parking, which is a development entitlement shared by the surrounding  
20 property owners.

21 **PMC 20.85.010(2):** *That the granting of such variance will not be detrimental to the*  
22 *public health, safety, comfort, convenience and general welfare, will not adversely*  
23 *affect the established character of the surrounding neighborhood within a radius of*  
24 *1,000 feet, and will not be injurious to the property or improvements of such vicinity*  
25 *and/or contiguous zone in which the property is located; and*

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

**PMC 20.85.010(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 Applicants and/or previous property owners.*

6. The criterion is met for the reasons identified in Finding of Fact No. 6.

## DECISION

Based upon the conclusions of law above, the requested variance and conditional use permit applications are approved subject to the following conditions:

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 Applicants 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.

Dated this 23<sup>rd</sup> day of July, 2025.

*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.