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

Phil Olbrechts, Hearing Examiner

RE: South Hill Business and Technology Center  Binding Site Plan  PLBSP20230028	<b>FINDINGS OF FACT, CONCLUSIONS  OF LAW AND DECISION.</b>
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**INTRODUCTION**

Benaroya Capital Company LLC has requested binding site plan (BSP) approval to subdivide 71.69 acres into eight parcels in the South Hill Business Park located at 1015, 1019 and 1021 39th Avenue SE in Puyallup, WA. The application is approved subject to conditions.

Addressing the permit criteria in an efficient manner has been particularly vexing for both City staff and the examiner. This is because the City’s BSP municipal code criteria involves highly detailed design standards without any overriding generalized criteria that enable a narrower scope of review. Ideally the municipal code would specify that the decision maker must find conformance to a more general level of review such as RCW 58.17.110. RCW 58.17.110 requires a finding that subdivisions provide for appropriate levels of a long list of infrastructure improvements. The detailed design standards applicable to BSPs would then be addressed only to the extent materially necessary to evaluate the adequacy of proposed infrastructure improvements.

In the absence of any overriding general BSP criteria, this decision addresses each design standard individually. There wasn’t sufficient time to prepare a more narrowly tailored scope of review for this proposal. Future BSP decisions will be more tailored to the primary objective of BSP review, which is to assure that the BSP will be served by adequate and appropriate infrastructure. Specific design standard issues regulated by PMC 19.12 will be evaluated to the extent they address matters of public and applicant concern related to infrastructure needs. 19.12 standards will also be evaluated to the extent they involve major compliance issues that are unique or subject to potential differences of interpretation. By focusing upon these types of issues the public and applicant will be adequately apprised of code compliance issues that most directly affect their interests. This focus also helps make examiner decisions more

1 legally defensible by providing a solid foundation for a reviewing court to provide  
2 deference to factual findings and code interpretations.

3 At the hearing, the Applicant noted that a tremendous amount of work has gone into  
4 ensuring that the proposal meets City standards. Unfortunately, beyond the information  
5 provided in the Ex. 1 site plan, the record had virtually no information on those  
6 compliance efforts at the time of the hearing. Staff filled in some of that missing  
7 information by submission of several development review team letters after the  
8 hearing. That information has proven invaluable in identifying the level of expertise  
9 and work generated by both staff and Applicant in preparing a code compliant proposal.  
10 However, a few significant gaps in information still remain.

11 The most significant information gap relates to the proposed stormwater tract. BSP  
12 review is acknowledged to be a conceptual level of review. More specific development  
13 code review is deferred for development of the lots created by the BSP. However, code  
14 issues that materially affect BSP lot layout must be addressed at BSP review. The BSP  
15 of this case sets aside a lot exceeding an acre in size for a “pond.” MDNS Condition  
16 No. 3i requires the Applicant to first attempt to address stormwater flow control by  
17 infiltration before using and facilities such as stormwater ponds. There is no  
18 information in the record that identifies whether the “pond” tract is large enough or  
19 even necessary to serve the project site. There is no information in the record other  
20 than the Ex. 1 site plan that describes the stormwater system that currently serves the  
21 site. The SEPA addendum for the project references a preliminary storm report. That  
22 report wasn’t presented for entry in the record. If that report addresses whether the  
23 proposed stormwater lot is sufficiently sized and necessary to serve the proposed  
24 development, that report should have been presented.

25 In the absence of the basic and critical stormwater information identified above, resort  
must be made to presuming that the City’s public works staff has found that the  
proposed stormwater lot is sufficient and necessary to accommodate stormwater  
facilities. While arguably sufficient to pass BSP review, a more detailed justification  
for the tract should have been presented.

Another major infrastructure issue lacking in information is conformance to street  
design standards. It’s unclear how the existing internal road was found code compliant.  
PMC 19.12 includes detailed standards for street design. It’s unknown whether public  
works staff found the existing internal road system to be either legally nonconforming  
and thus exempt from PMC 19.12, or that the existing road design happens to comply  
with 19.12 standards. If the currently existing BSP governing the site was evaluated  
under the same 19.12 criteria, that could serve as a basis for concluding that the prior  
finding of compliance is binding. However, the date of approval for the existing BSP  
is not in the record. As with the stormwater issue, resort must be made to blind reliance  
upon public works approval of the proposed circulation system to find compliance with  
the 19.12 transportation standards.

1 A final issue of concern is the proposed trail connection to the Bradley Lake Park trail  
2 system. The 19.12 standards require that “signed bicycle routes” as designated in the  
3 comprehensive plan be designed and constructed in accordance City standards. The  
4 City’s comprehensive plan doesn’t appear to have any designated “signed bicycle  
5 routes.” However, Map 7-4 of the comprehensive plan identifies the Bradley Lake trail  
6 system as a “multi-use trail” that extends onto the project site. It’s unclear whether a  
7 “multi-use” trail qualifies as a “signed bicycle route” as contemplated in 19.12. The  
8 trail dedication in the Ex. 1 survey only dedicates the trail for pedestrian use. The  
9 record contains no information on whether and how the 19.12 bicycle standards were  
10 evaluated for the proposal. There isn’t sufficient information in the record to evaluate  
11 the applicability of the “signed bicycle route” standard. Consequently, a condition of  
12 approval requires City staff to address this issue in the unlikely event they haven’t  
13 already done so.

### 14 ORAL TESTIMONY

15 City staff summarized the staff report and the Applicant’s counsel and development  
16 team answered examiner questions. No one else was present at the hearing or testified.

### 17 EXHIBITS

18 Exhibits 1-22 of the Exhibit List were entered into the record during the March 4, 2026  
19 hearing. The Examiner left the record open until 5 pm March 5, 2026 to allow the City  
20 to respond to complete the record with development review team letters. The following  
21 exhibits are admitted in addition to those identified in the Exhibit List:

- 22 Ex. 23 Staff Memo March 5, 2026
- 23 Ex. 24 Submittal Item Waiver for Traffic Scoping Worksheet and Preliminary  
24 Storm Report, undated
- 25 Ex. 25 Development Review Team Letter July 24, 2023
- Ex. 26 Applicant Response to Comments August 24, 2023
- Ex. 27 Development Review Team Letter October 20, 2023
- Ex. 28 Applicant Response to Comments October 25, 2023
- Ex. 29 Development Review Team Letter April 19, 2024
- Ex. 30 Applicant Response to Comments April 14, 2025
- Ex. 31 Development Review Team Letter June 2, 2025
- Ex. 32 Applicant Response to Comments October 29, 2025
- Ex. 33 Development Review Team Letter December 10, 2025
- Ex. 34 Applicant Response to Comments December 17, 2025

### 26 FINDINGS OF FACT

#### 27 Procedural:

- 28 1. Applicant. Dave Vranizan, Benaroya Capital Company, LLC, 9675 SE 36<sup>th</sup> Street,  
29 Suite 115, Mercer Island, WA 98040.

1 2. Hearing. The Hearing Examiner conducted an in-person (at the City of Puyallup  
2 Council Chambers) and virtual (via Zoom) hearing on the application at 2:00 pm on  
3 March 4, 2026. The examiner held the hearing record open until March 5, 2026 to allow  
4 the City to provide additional responsive materials.

5 **Substantive:**

6 3. Site/Proposal Description. The Applicant has requested BSP approval to subdivide  
7 two of three existing parcels into eight new parcels and two new tracts in the South Hill  
8 Business Park located at 1015, 1019 and 1021 39<sup>th</sup> Avenue SE in Puyallup, WA. The  
9 project site size is 3,122,703 sf (71.69 acres).

10 South Hill Business and Technology Center (SHBTC) is an existing business park  
11 currently spanning three lots, each with a building and associated parking. There are  
12 also scattered outbuildings. SHBTC has been partially developed as a major  
13 manufacturing facility but has languished with respect to full build out for decades and  
14 under multiple ownerships. The current ownership has decided the changing market  
15 would support multiple smaller individual sites under a larger variety of tenants. Since  
16 its inception, the highest and best use for the site has transformed from major  
17 manufacturing to business park.

18 The current project subdivides two of the existing three lots (APN 0419034036 and  
19 0419034038) comprising the business park into a total of nine lots - the existing lot not  
20 being subdivided and eight lots from the other existing two lots. It also creates wetland  
21 tracts (BSP Tracts A and B). Six of the new lots are the currently vacant portions of the  
22 development. The other two new lots will contain the existing buildings and their  
23 parking (BSP Lots 2 and 3). BSP Lots 1 and 4-7 are vacant and will be available for  
24 development. BSP Lot 8 will be the storm pond for the overall development. No  
25 development of the vacant sites is currently proposed. All new developments will be  
reviewed under the then applicable codes at time of future permit review.

The Applicants have attempted to address the major civil issues while leaving  
flexibility for future tenants to develop the sites according to their individual needs.

4. Characteristics of the Area. The SHBTC is located in a mixed-use area of  
residential, commercial and institutional uses. To the north and east are the Pierce  
College campus and undeveloped forested areas. To the south is commercial  
development. To the west is Bradley Lake Park and a Westley Homes retirement  
apartment complex.

5. Adverse Impacts. As conditioned and mitigated, no adverse impacts are anticipated.  
This project was subject to several prior rounds of environmental review including the  
Fairchild Camera Environmental Impact Statement (EIS) in 1981 (Ex. 16) and the  
Matsushita Semiconductor Corp Supplemental EIS in 1986 with an Addendum in 2010

1 (Ex. 17). A State Environmental Policy Act (SEPA) Determination of Non-  
2 Significance - Mitigated (MDNS) was issued on January 18, 2022 (Ex. 15). Staff  
3 determined no further environmental review is required for the present BSP application  
4 (Ex. 14). Relevant areas of potential impact are discussed below.

5 A. Critical Areas. As conditioned, no impacts to critical areas are anticipated. The  
6 site has several wetlands and buffers which are also fish and wildlife habitat  
7 areas (See Ex. 1, BSP Notes #9, Ex. 14, Appendix C Site Plans and Ex. 25, page  
8 5). Wetlands A (34,089sf) and B (19,762sf) are each Category III wetlands.  
9 Wetlands C (2,949sf), D (1,016sf), E (608sf) and F (3,175sf) are each Category  
10 IV wetlands. Wetland A has an 80-foot buffer. Wetland B has a 150-foot buffer.  
11 Wetlands C-F do not require buffers. Wetlands and their associated buffers will  
12 be protected in critical areas tracts (BSP Tracts A and B) (Ex. 1 and 23). No  
13 development will occur with wetlands or their buffers.

14 The site is within a high susceptibility/critical aquifer recharge area. A note on  
15 the face of the plat states, "*activities that do not cause degradation of ground  
16 water quality and will not adversely affect the recharging of the aquifer may be  
17 permitted in a critical aquifer recharge area and do not require preparation of  
18 a critical area report; provided, that they comply with the city storm water  
19 management regulations and other applicable local, state and federal  
20 regulations*" (Ex. 1, BSP Notes, #7 and Ex. 25, page 4). Development that has  
21 the potential for affecting water quality will have to prepare a critical areas  
22 report per PMC 21.0.1120. The necessity for a critical areas report will be  
23 addressed when the City is presented with specific development proposals for  
24 the vacant lots.

25 Bradley Lake is approximately 175 feet to the northwest within Bradley Lake  
Park. No impacts to the lake are anticipated. The site is not impacted by streams,  
priority habitats and species, steep slopes, floodplains or shoreline (Ex. 14).

6. Infrastructure. As proposed and conditioned, the BSP makes adequate provision for  
infrastructure facilities. Relevant facilities are discussed below.

A. Utilities. The proposal will be served by adequate and appropriate utilities.

The Ex. 23 Supplemental Staff memo identifies that the site is currently served  
by public utilities including water, sanitary sewer and stormwater facilities. The  
BSP includes notes and conditions, covenants and restrictions to address  
maintenance of existing and future water systems across the properties. (Ex. 25  
and 26). Easements are also depicted showing water, sewer and electrical  
easements.

The staff report doesn't identify what entities will be providing service to the  
project site or whether any assessment has been made over the adequacy of

1 service capacity. Given that the site is in an already developed area that is  
2 currently served by all necessary utilities, it is concluded that appropriate  
3 facilities will be made available for the provision of all utilities. Such provision  
4 will be subject to conditions requiring the installation of necessary additional  
5 utility infrastructure as required and authorized by the City’s development  
6 standards that are applied during permit review for development of the proposed  
7 vacant lots.

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B. Transportation. The proposal provides for adequate and appropriate  
transportation facilities.

The site is already developed with an existing internal private roadway, drive  
aisles and parking areas providing circulation throughout the development. The  
BSP maintains these internal circulation areas and includes shared access  
easements across private roads, sidewalks, parking areas, and circulation routes  
to ensure continued access between lots (Ex. 1, Sheet 1). Access to the site is  
provided from 39th Avenue SE. The BSP also includes a future access easement  
allowing potential realignment of the eastern driveway onto 39th Avenue SE to  
meet City driveway spacing standards (Ex. 1; Ex. 12).

This proposal lays out a trail system and creates an internal street system with  
future driveways for external access. The Applicant has provided a trail tract  
which will connect the sidewalk on 39th Avenue SE through the development  
to link with the existing trail at Bradley Lake Park. During BSP staff review,  
the pedestrian crossing associated with this trail was relocated to improve sight  
distance, and the plans were revised to include a paved pedestrian pathway and  
MUTCD-compliant signage. (Ex. 1; Ex. 31; Ex. 32). Staff reviewed pedestrian  
circulation within the site pursuant to PMC 19.12.050(2).

The record is somewhat unclear on how off-site traffic impacts have or will be  
mitigated. Precise traffic impacts cannot be fully assessed because it’s  
unknown what type of development will be proposed for the vacant lots.  
Despite this, the staff recommended conditions of approval require “*a trip  
generation estimate based on your current use and proposed future buildout*”  
as well as a traffic impact analysis assessing “*full build out*” impacts.  
According to this recommended condition, this analysis is required prior to the  
issuance of a new construction permit. Such traffic impact analysis is typically  
required prior to BSP approval so that traffic infrastructure isn’t locked into  
place before trip generation estimates reveal alternative infrastructure needs. If  
this trip analysis can be required prior to any construction permits, it’s difficult  
to see why it wasn’t for BSP review<sup>1</sup>.

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<sup>1</sup> The “full build out” requirement of the recommended conditions is construed as “full build out” of the  
entire BSP since the recommended conditions address a BSP application. Staff may have meant the “*full  
build out*” term to apply to full build out of an individual lot as opposed to the entirety of the site plan.

1 The adequacy of the traffic impact analysis is further muddled by the SEPA  
2 MDNS. The MDNS state that “[s]taff has reviewed the traffic impact analysis  
3 and adequacy of site distance in relation to the project.” Contrary to this  
4 statement, staff at hearing testified that no traffic impact analysis has been  
5 prepared except for a traffic worksheet. No traffic analysis was presented by  
6 staff for entry into the record. It’s unknown whether any completed analysis  
7 meets the recommended condition for a “full build out” analysis to be  
8 completed prior to any construction permits. The MDNS conditions require  
9 future assessment of off-site intersection impacts so it appears that the impact  
10 analysis referenced in the MDNS is not the full report required by the  
11 recommended conditions of approval.

8 Despite the uncertainties of off-site traffic analysis, the record is sufficiently  
9 complete to defer to the staff’s expertise on this issue. The traffic impacts of  
10 the existing business park have likely already been assessed for the existing  
11 business park in the multiple rounds of SEPA review identified in Finding of  
12 Fact No. 5. This puts City staff in a fairly good position to ensure that the  
13 proposed circulation system will not lock in any on or off-site transportation  
14 impacts that won’t be able to handle unanticipated trip generation. The  
15 Development Review Team letters of the record reveal detailed review of  
16 transportation design as reflected in recommended conditions involving  
17 dedication of easements, imposition of fire code standards, and numerous  
18 public trail requirements.

15 C. Stormwater. The proposal will be served by adequate and appropriate  
16 stormwater facilities.

17 The level of completed stormwater review is problematical for this project. It  
18 is recognized that specific stormwater requirements cannot be imposed at this  
19 time since no specific development proposals have been presented for the  
20 vacant lots. However, the stormwater requirements of the project should at least  
21 be determined at a level that addresses the basic design of the proposed BSP.

20 Despite the fundamental need to identify the location of major stormwater  
21 facilities, the MDNS defers this issue to permit review after the lots of the BSP  
22 are approved and locked into place. MDNS Condition No. 3i requires the  
23 Applicant first attempt to address stormwater by infiltration and if that doesn’t  
24 work then alternatives such as detention or retention ponds are allowed. This

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24 That alternative interpretation would be more consistent with staff comments at the hearing that project  
25 impacts can’t be fully assessed until specific development proposals are presented. It’s unknown how  
staff intended this requirement to be construed and deference is given to staff as to how it should be  
construed. The wording of the recommended condition will be adopted “as is” and its application will  
be left to be worked out during future permit review.

1 MDNS condition suggests that whether or not any stormwater tracts will be  
2 necessary for the project is yet to be determined.

3 Despite the MDNS condition deferring the evaluation of a need for stormwater  
4 ponds, the final proposed BSP design includes a stormwater tract, Lot 8,  
5 designated for a pond. It is recognized that the MDNS condition was issued  
6 more than a couple years prior to the final version of the BSP design. Some  
7 level of stormwater assessment was likely done to evaluate the need for the  
8 stormwater tract. However, that analysis wasn't included in the record. The  
9 Ex. 14 SEPA addendum references a preliminary storm report that was  
10 submitted on March 21, 2023. That report wasn't presented by the staff or  
11 applicant for inclusion in the record. There is also no information in the record as  
12 to the stormwater facilities that currently serve the project site. There is no  
13 substantiated basis to conclude that the proposed stormwater tract is designed  
14 and/or necessary to serve the site. If infiltration is found to adequately address  
15 the needs of the site as suggested in MDNS Condition No. 3i, the tract may not  
16 even be necessary<sup>2</sup> if infiltration can be handled on-site for the proposed lots.

17 The record provides almost no information on whether the BSP design  
18 sufficiently accommodates necessary stormwater facilities. However, the fact  
19 that a preliminary storm report was prepared in 2023 and the BSP has been  
20 designed with a stormwater tract marginally leads to the conclusion that some  
21 evaluation of the need for a stormwater tract was made and that staff, with their  
22 expertise in stormwater design, found that analysis to be sufficient to justify the  
23 proposed stormwater tract.

24 D. Common Areas and Unique Site Features. Common areas and unique site  
25 features will be adequately preserved and/or maintained by the BSP lot owners.

Common area and unique site features include the retention of native  
vegetation, landscaping, street trees, fences and walls, parks and open space and  
the vegetation surrounding drainage and stormwater features. The BSP will not  
directly result in the development but will facilitate future development of the  
new lots. As noted above in Finding of Fact No. 5A, the onsite wetlands will be  
preserved in their native state with no development proposed in the wetlands or  
their buffers. As noted in Finding of Fact No. 5F, the proposal is conditioned to  
provide pedestrian path connections from 39th Avenue SE to Bradley Lake Park  
and the Pierce College campus. Conditions from the Concomitant Agreement  
require a wide landscape buffer around the project perimeter. As noted below  
in Finding of Fact No. 6, the project includes a stormwater lot (BSP Lot 8). As  
noted in the supplemental memo (Ex. 23), the BSP includes reciprocal

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<sup>2</sup> It appears from the Ex. 1 site plan that the pond is already in place to serve the existing development. The existence of the pond doesn't answer the question of whether it's sized large enough to serve all of the proposed lots or whether additional tracts may be necessary to meet the stormwater needs of future development.

1 stormwater easements across the newly created lots to ensure continued  
2 conveyance and maintenance access for the existing stormwater system (Ex. 25  
3 and 26). Additionally, any future development of the lots will be conditioned to  
4 comply with the PMC 20.35.031 Business park design standards that require  
5 perimeter landscaping and open space amenities such as landscaped lawns,  
6 courtyard and/or plazas.

7 **CONCLUSIONS OF LAW**

8 **Procedural:**

9 1. Authority of Hearing Examiner. PMC 2.54.070.20 and PMC 19.02.060 authorize  
10 the hearing examiner to hold a hearing and issue final decisions on BSP applications.

11 **Substantive:**

12 2. Zoning and Comprehensive Plan Designations. The site is in the Comprehensive  
13 Plan Business/Industrial Park (B/IP) designation and within the Business Park (MP)  
14 zone.

15 3. Review Criteria. PMC 19.10.050 governs the review criteria for approval of BSP  
16 applications. PMC Chapter 19.12 defines the design principles, standards and  
17 specifications for plats and BSPs. Pertinent criteria are quoted below and applied via  
18 corresponding conclusions of law.

19 **PMC 19.10.050 Hearing examiner review.**

20 *(1) The hearing examiner shall review and either approve, approve with  
21 conditions, or deny all BSP applications to assure conformance to the  
22 provisions of this title, the city comprehensive plan, and other planning  
23 standards and specifications as adopted by the city.*

24 *(2) As a condition of approval of the plan, the hearing examiner shall have the right  
25 and authority to require the deeding of rights-of-way for street, utility and/or  
other purposes, when determined to be in the best interests of the city. Any such  
deeding shall occur prior to or concurrently with the recording of the plan.*

4. Criterion Met. The criterion above is met. The most directly applicable  
development standards to BSPs are the design standards outlined in Chapter 19.12  
PMC. Those standards are individually addressed below and all such standards have  
been met by the proposal as conditioned. City staff have reviewed and found  
conformance to all other applicable development standards for the BSP level of review.  
That level is focused upon lot design and layout and ensuring that the site plan design  
can accommodate the infrastructure requirements of the future development of the site  
plan. More use and building specific code analysis will be conducted and implemented  
for the building permits and other permits required for development of each lot.

1 **PMC 19.12.020 General requirements.** *The following requirements apply to all*  
2 *activities regulated by this title unless specifically stated as exempt:*

3 (1) *Standards and Specifications.* *In addition to compliance with the provisions of*  
4 *this title, all short plats, major subdivisions and BSPs shall comply with the*  
5 *following requirements:*

6 (a) *PMC Title 18, Comprehensive Plan;*

7 5. Criterion met. The project complies with the Puyallup Comprehensive Plan for the  
8 reasons identified in Section 2 of the Supplemental Memo (Ex. 23) adopted herein as  
9 if set forth in full.

10 (b) *PMC Title 20, Zoning Code;*

11 6. Criterion met. The criterion is met. Conformance to zoning code standards is  
12 challenging because the staff report doesn't include any zoning code analysis.  
13 However, MP zoning code standards as they apply to BSP design are fairly nominal.  
14 Table 20.35.020 provides that MP lots are not subject to any minimum lot area, lot  
15 depth or lot width requirements. The one significant area of zoning code compliance  
16 where key information is lacking is landscaping, even though Table 20.35.020 and  
17 PMC 20.35.035(2) have extensive perimeter landscaping requirements. Apparently no  
18 reference is made to landscaping in the staff report or DRT letters because staff intends  
19 on requiring the perimeter landscaping to be installed on a piecemeal basis as each lot  
20 is developed. That is a debatably acceptable strategy, especially if only portions of the  
21 perimeter landscaping and street frontage landscaping is installed after completion of  
22 the internal street network.

23 (c) *PMC Title 21, Environment;*

24 7. Criterion met. The criterion is met. As outlined in Finding of Fact No. 5, the  
25 proposal has gone through extensive State Environmental Policy Act review.

(d) *Other applicable provisions of the Puyallup Municipal Code including*  
*PMC Title 11, Streets and Sidewalks; PMC Title 14, Water and Sewers;*  
*PMC Title 16, Fire; and PMC Title 17, Buildings and Construction;*

8. Criterion met. The criterion is met. The Development Review Team letters  
establish that the proposal has gone through extensive staff analysis and conditioning  
to meet the City's infrastructure standards.

(e) *City Standards for Public Works Engineering and Construction adopted*  
*pursuant to Chapter 17.42 PMC;*

9. Criterion met. The criterion is met for the reasons identified in Conclusion of Law  
No. 8.

(f) *The Stormwater Management Manual for Western Washington currently*  
*approved for city use; and*

1 10. Criterion met. The criterion is met. As outlined in Finding of Fact No. 5C, it  
2 appears that some stormwater analysis following City development standards has been  
3 followed to determine the need and adequacy of the Lot 8 stormwater tract. The City's  
4 development standards including adoption of the Stormwater Manual identified above  
per PMC 21.10.040. As explicitly required by the MDNS, most of the detailed  
stormwater manual compliance review will be handled when specific development  
proposals are submitted for the vacant lots.

5 (g) *Any other applicable federal, state or local regulations.*

6 11. Criterion met. The criterion is met. As suggested in the Development Team Review  
7 letters, the proposal has undergone comprehensive review for conformance to all  
applicable standards for BSP level review.

8 (2) *Surveying and Monumentation. In order to ensure the establishment and*  
9 *preservation of land surveys, and ensure accurate and consistent standards and*  
10 *procedures for surveying and monumentation, the following requirements shall*  
*apply:*

11 (a) *All surveying and monumentation shall be performed in accordance with*  
12 *Chapter 58.09 RCW and city requirements;*

13 (b) *Permanent survey control monuments shall be provided at all controlling*  
14 *corners of the subdivision, at the intersection of centerlines of roads within*  
*and adjacent to the subdivision, and at the angle points and points of*  
*curvature in each street;*

15 (c) *Permanent survey control monuments located within areas subject to*  
16 *flooding shall include the elevation of the top of the monument;*

17 (d) *Every lot corner shall be permanently marked in accordance with standard*  
*surveying practices;*

18 (e) *The city may also require the boundaries of any delineated critical area to*  
19 *be surveyed and permanently marked in accordance with the city's*  
*monumentation standards;*

20 (f) *If any land proposed for subdivision under this title is contiguous to a*  
21 *meandering body of water, the meander line shall be reestablished, the line*  
22 *shown on the face of the drawing, and permanently marked in accordance*  
*with the city's monumentation standards; and*

23 (g) *Any monument or other permanent survey markers disturbed by*  
24 *construction or other activities shall be reestablished in accordance with*  
*the requirement contained in this section.*

25 12. Criteria met. The criterion is met. The surveying and monument standards quoted  
above are made conditions of approval.

1           (3) *Low Impact Development Principles. General principles of low impact*  
2           *development to be reflected in any subdivision layout include:*

3           (a) *Emphasizing natural resource conservation;*

4           (b) *Minimizing impervious surfaces, loss of existing vegetation, and storm*  
5           *water runoff;*

6           (c) *Incorporating any natural drainage features.*

7           13. Criteria met. As proposed and conditioned, the project will meet low impact  
8           development principles. The BSP itself proposes no new construction. However,  
9           subsequent development will create new impervious surfaces. The project will  
10          conserve the on-site wetlands in two new tracts and will result in no development  
11          within any wetland or its buffer as described in Finding of Fact No. 5A. Impervious  
12          surfaces are limited by both the business park design standards of PMC 20.35.031 and  
13          within the conditions of approval. The City's stormwater standards also encourage low  
14          impact development and those standards will be implemented during permit review for  
15          development of the proposed lots.

16          **PMC 19.12.030 Critical and sensitive areas.** *In order to preserve and protect natural*  
17          *resources which are important to the character of the community, perform important*  
18          *ecological functions and processes, and/or prevent a hazard to life or property, any*  
19          *activities regulated under this title shall comply with the following requirements:*

20          (1) *Critical Areas. In order to identify regulated critical areas, ensure appropriate*  
21          *notification of future property owners, and to ensure continued compliance with*  
22          *the city of Puyallup's environmentally critical areas management ordinance,*  
23          *all critical areas defined and regulated under Chapter 21.06 PMC located*  
24          *within the boundaries of the subject parcel shall be delineated. A statement*  
25          *indicating the type, class or category of critical area, and a statement*  
                *referencing the need to comply with the applicable city requirements shall also*  
                *be included on the face of the drawing. Additional information or requirements*  
                *may be imposed as a condition of development approval;*

                14. Criteria met. As conditioned, the BSP provides the critical areas information  
                required above. The site plan, Ex. 1, contains the required information for critical  
                aquifer recharge areas. The site plan also depicts the location of wetlands and their  
                buffers. The site plan does not appear to identify the class of wetlands as required  
                above. A condition of approval requires that the class of wetland be identified.

**PMC 19.12.040 Utilities.** *In order to ensure the provision of adequate utilities as*  
                *determined by the public works director or designee in a timely manner consistent with*  
                *the city's comprehensive plan, and protect the health, safety and welfare of the city and*  
                *its residents, all activities regulated under this title shall comply with the following*  
                *requirements:*

1 (1) *Drainage Facilities. In order to protect public safety and the natural*  
2 *environment, all storm water management facilities shall be designed and*  
3 *constructed to reflect the general principles and design criteria set forth in this*  
4 *section, including appropriately managing increased storm water runoff*  
5 *resulting from subdivision and subsequent development of a tract in such a*  
6 *manner as to minimize storm water runoff, minimize vegetation loss, minimize*  
7 *erosion, reduce potential for on-site and off-site flooding, minimize impervious*  
8 *surfaces and control public costs for the provision of storm water management*  
9 *facilities.*

10 *General principles of storm water management design to be reflected in any*  
11 *subdivision layout include: a project design that mimics predisturbance*  
12 *hydrologic processes using a site layout to minimize impervious surfaces and*  
13 *loss of vegetation with management of storm water through low impact*  
14 *development wherever feasible; incorporation and use of any natural drainage*  
15 *features; and provision of storm water detention/retention facilities to control*  
16 *peak flows and protect water quality;*

17 *The proposed storm water management system shall conform to the general*  
18 *design criteria set forth below and specific development standards referenced*  
19 *in PMC § 19.12.020 and in the current version of the Stormwater Management*  
20 *Manual for Western Washington as most recently adopted by the city for city*  
21 *use:*

22 (a) *No subdivision shall be approved which does not make adequate provision*  
23 *for storm or flood water runoff, and for low impact development principles;*

24 (b) *All storm water systems shall be separate and independent from sanitary*  
25 *sewer systems;*

(c) *Storm water systems may consist of a combination of low impact*  
*development, natural drainage systems, curb and gutters, underground*  
*pipng, water quality treatment facilities, and detention/retention facilities.*  
*Preference is given to low impact development, retention and use of natural*  
*drainage systems whenever possible;*

(d) *Storm water systems shall be designed to maintain historical flows*  
*necessary for the preservation of wetlands, ponds, streams, or other critical*  
*areas. Separate infrastructure may be approved for use in collecting and*  
*discharging roof runoff and spring/seep water to critical areas to assist in*  
*maintaining historical flows. In no instance shall road or yard runoff be*  
*permitted to be discharged to critical areas without appropriate*  
*pretreatment. Storm water systems shall be sited and designed to avoid*  
*potential adverse impacts to steep slopes, aquifer recharge areas, wetlands,*  
*or other identified critical areas;*

(e) *Adequate biofiltration facilities shall be provided to reduce siltation and*  
*water quality impacts;*

1 (f) All storm water facilities shall be located either in a public road right-of-  
2 way, or in a separate dedicated tract of appropriate width and improved to  
3 the standards set forth in the most recent city engineering standards and  
4 specifications manual;

5 (g) Low impact development, retention, and use of natural drainage systems is  
6 required wherever feasible. Drainage ways shall be established and  
7 delineated by easement of adequate width which conforms substantially to  
8 the lines of the watercourse, and shall be maintained in an open vegetated  
9 channel; and

10 (h) Subdivision of any portion of any tract located within an area subject to  
11 flooding as delineated on the most recent edition of the Federal Emergency  
12 Management Agency's Flood Insurance Rate Maps shall comply with  
13 associated floodproof development standards.

14 15. Criteria met. The criterion is met. As outlined in Finding of Fact 6C, the proposed  
15 stormwater lot has presumably been sized to accommodate a stormwater pond that is  
16 in conformance with the City's stormwater manual. Impervious surfaces will be  
17 minimized as identified in Conclusion of Law No. 13 and required by the stormwater  
18 manual. All other stormwater requirements quoted above are addressed in detail in the  
19 City's stormwater manual. As noted in Finding of Fact No. 6C, a large part of that  
20 stormwater compliance will be addressed during review of specific development  
21 proposals for the proposed vacant lots.

22 (2) *Domestic Water Facilities.* In order to assure the establishment of a water  
23 supply system capable of providing a safe and adequate supply of water for  
24 domestic use and fire protection at all times, a public water system shall be  
25 extended, sized, designed and constructed in such a manner as to provide  
adequate domestic water service to every lot and provide minimum required  
fire flows.

*General principles of domestic water system design to be reflected in any  
subdivision layout include: establishment of a system which provides adequate  
pressure and flow to meet domestic water, fire flow and irrigation demand; and  
design and construction of a system which ensures a safe and sanitary source  
of domestic water;*

*The proposed domestic water system shall conform to the general design  
criteria set forth below and specific development standards referenced in PMC  
§ 19.12.020:*

(a) *The water mains shall be designed and constructed in a "looped" system  
wherever possible in order to reduce potential for stagnation and stabilized  
system pressure;*

1 (b) *Fire hydrants shall be located, sized and installed in accordance with the*  
2 *standards and specifications set forth in Chapter 16.08 PMC and approved*  
3 *by the fire chief or designee; and*

4 (c) *Water mains and fire hydrants shall be located within public street right-*  
5 *of-way, or within a perpetual easement of appropriate width and improved*  
6 *to the standards set forth in the most recent city engineering standards and*  
7 *specifications manual. Placement within public street right-of-way is*  
8 *preferred.*

9 16. Criteria met. The criterion is met. As outlined in Finding of Fact No. 6A, the  
10 project site is already served by water facilities. The Ex. 1 site plan shows water  
11 easements that serve or traverse the project site. The proposal has also been thoroughly  
12 reviewed by City staff. It is anticipated that if there were any water utility concerns  
13 they would have been raised by the staff. No concerns were raised. A condition of  
14 approval requires development of the site to conform to the design standards specified  
15 above. Given these factors, it is concluded that the proposal will be served by adequate  
16 and appropriate water facilities.

17 (3) *Sanitary Sewer Facilities. In order to assure protection of the local*  
18 *groundwater aquifer, sources of supply for the city's domestic water system,*  
19 *and surface water systems, and reduce the potential for sewage-related health*  
20 *hazards, a sanitary sewer system shall be extended, sized, designed and*  
21 *constructed in such a manner so as to provide sanitary sewer service to every*  
22 *lot in the development.*

23 *The proposed sanitary sewer system shall conform to the general design*  
24 *criteria set forth below and specific development standards referenced in PMC*  
25 *§ 19.12.020:*

(a) *The system shall be designed to be a gravity flow system whenever possible,*  
*to reduce on-going operation and maintenance associated with a*  
*mechanically pumped system;*

(b) *Sanitary sewer facilities shall be located within public street right-of-way,*  
*or within a perpetual easement of appropriate width and improved to the*  
*standards set forth in the most recent city engineering standards and*  
*specification manual. Placement of sewer mains within street right-of-way*  
*is preferred, with any associated pumping facilities to be located outside of*  
*public street right-of-way and within a tract dedicated to the city; and*

(c) *When sanitary sewer service is not available and the city public works*  
*director or designee has authorized the use of on-site septic system, the on-*  
*site septic system shall be reviewed and approved by the Tacoma-Pierce*  
*County health department.*

17. Criterion met. The criterion is met. The Ex. 23 supplemental staff report identifies  
that the project site will be served by sewer. The proposal has also been thoroughly

1 reviewed by City staff. It is anticipated that if there were any sewer utility concerns  
2 they would have been raised by the staff. No concerns were raised. A condition of  
3 approval requires development of the site to conform to the design standards specified  
4 above. Given these factors, it is concluded that the proposal will be served by adequate  
5 and appropriate sewer facilities.

6 *(4) Undergrounding of Utilities. All new or replacement of existing overhead  
7 utilities such as telephone, single-phase power, cable TV, etc., designed to serve  
8 the subdivision and located within the boundaries of the tract shall be installed  
9 underground. Undergrounding of existing telephone, single-phase power  
10 distribution and cable TV lines may be exempt from this requirement if the cost  
11 of undergrounding the existing line is more than twice the cost of  
12 undergrounding service and distribution lines needed to serve the subdivision.*

13 **18. Criteria met.** A condition of approval requires development of the site to conform  
14 to the design standards specified above.

15 **PMC 19.12.050 Transportation facilities:** *In order to ensure the provision of  
16 adequate transportation facilities for all modes of transportation in a timely manner,  
17 which are consistent with the city's comprehensive plan, and protect the health, safety  
18 and welfare of the city and its residents, all activities regulated under this title shall  
19 comply with the following requirements:*

20 *(1) Street Location and Arrangement. In order to provide for streets of suitable  
21 location, width, and improvement to accommodate expected traffic and afford  
22 satisfactory access to police, firefighting, snow removal, sanitation, and road  
23 maintenance equipment, and to coordinate street development so as to compose  
24 a convenient circulation system, avoid undue hardships to adjoining properties  
25 and assure compatibility with the city's comprehensive plan, all streets shall be  
designed and constructed in accordance with the regulations and standards set  
forth or referenced in this title and "City Standards for Public Works  
Engineering and Construction."*

*General principles of circulation design to be reflected in any subdivision  
layout include: safety for both vehicular and pedestrian traffic; efficiency of  
service for all users; quality of life features or amenities as affected by traffic  
element in the circulation system; compatibility with existing site features or  
characteristics; consistency with low impact development principles; and  
economy of both construction and use of land.*

*Arterial and collector streets proposed in the comprehensive plan, located  
within or adjacent to a proposed subdivision, shall be provided in accordance  
with the plan, shall be improved to city specifications, and shall be dedicated  
to the public in all instances. All other streets including minor collectors and  
local access streets shall be improved to city specifications and dedicated to the  
public.*

1           *The proposed street layout shall conform to the general design criteria set forth*  
2           *below and specific development standards referenced in PMC § 19.12.020:*

3           (i) *All streets shall be arranged in proper relation to topography and other site*  
4           *characteristics in a manner which results in usable lots, safe streets and*  
5           *acceptable gradients without unnecessary destruction of drainage courses,*  
6           *trees and other natural site features;*

7           (ii) *The arrangement of streets in new development should be such that said*  
8           *streets extend to the boundary lines of the tract to make provision for future*  
9           *extension to adjacent tracts, except when determined to be impractical by*  
10           *the public works director or designee due to critical areas, site constraints,*  
11           *or existing street alignments;*

12           (iii) *The street layout shall reflect the use of local streets to provide access to*  
13           *abutting properties, and the use of collector streets to channel traffic*  
14           *through the development to abutting collectors and arterials. The layout*  
15           *should discourage the use of local streets by through traffic;*

16           (iv) *When lot(s) within a residential development are proposed adjacent to an*  
17           *arterial street, primary access to said lots shall be provided from a local*  
18           *street or collector street and a "no access" easement established along the*  
19           *lot boundary bordering the arterial;*

20           (v) *All street intersections shall be perpendicular, unless a modified*  
21           *intersection is approved by the city's public works director or designee;*

22           (vi) *Frontage improvements shall be required except when existing street*  
23           *improvements are determined to meet minimum city standards and*  
24           *specifications by the public works director or designee, or where assurance*  
25           *for dedication and improvement of the remaining part of the street is*  
              *provided to the satisfaction of the public works director or designee.*  
              *Whenever a tract to be subdivided borders on an existing half or partial*  
              *street, the other part of the street shall be dedicated within such tract;*

              (vii) *Whenever a proposed subdivision borders an existing street, reconstruction*  
              *or widening of such street may be required as a condition of subdivision*  
              *approval. Additional dedication of right-of-way may also be required;*

              (viii) *All streets within a proposed development shall be designed and*  
              *constructed to city standards and specifications, unless a situation of*  
              *unusual physical conditions such as critical areas or a controlled design*  
              *environment is proposed, and it can be demonstrated that a private street is*  
              *the only feasible solution and will not disrupt the city's existing or proposed*  
              *transportation circulation system to the satisfaction of the public works*

1                    *director or designee. If authorized by the public works director or designee,*  
2                    *private streets shall be designed and constructed to city standards and*  
3                    *specifications, and covenant provisions for the perpetual ownership,*  
                    *maintenance, improvement, and liability of said private street at no expense*  
                    *to the city is reviewed and approved by the city attorney;*

4                    (i) *Restriction of public access to publicly-owned and maintained roadways*  
5                    *through the establishment of gated communities shall not be permitted; and*

6                    (j) *Roadway connections to abutting, stubbed out rights-of-way shall be*  
7                    *required as a condition of approval if said connection furthers the city goal*  
8                    *of promoting a system of interconnected grid of roadways. New streets shall*  
9                    *not be connected or traffic from a proposed development discharged to a*  
10                   *substandard roadway without minimum improvement to said roadway as*  
11                   *determined to be needed by the city public works director or designee.*  
12                   *Improvements to said substandard rights-of-way may be required if they are*  
13                   *proportional to the size/scale of the development and the impacts to said*  
14                   *roadway, as determined by the city engineer or designee.*

15                   19. Criteria met. The criterion is met. As noted in Finding of Fact No. 6B, the proposal  
16                   will be using the existing internal road system and exterior road connections to serve  
17                   the new lots. As such the road may qualify as a nonconforming use that does not need  
18                   to be modified to conform to the standard quoted above. Title 19 doesn't appear to  
19                   include any nonconforming use standards. However, in the absence of such express  
20                   standards the common law provides similar protection, i.e. legally created and  
21                   approved development is not subject to new development standards. *See, e.g.,*  
22                   *Jefferson County v. Lakeside Industries*, 106 Wash. App. 380, 385, 23 P.3d 542 (2001),  
23                   *review denied*, 145 Wash.2d 1029, 42 P.3d 974 (2002)<sup>3</sup>. The existing circulation  
24                   system may also have already been found compliant with the standards quoted above  
25                   in the site plan review for the currently existing business park. The staff report doesn't  
                    identify when the original site plan was approved so it's not clear if the standard quoted  
                    above was in effect at the time of the currently applicable site plan was approved.

                    (2) *Sidewalks and Walkways. In order to provide for safe and convenient*  
                    *pedestrian movement as an alternative to the use of vehicles, increased mobility*  
                    *for persons with limited access to motorized vehicles, and create a community-*  
                    *wide pedestrian circulation system, all sidewalks and walkways shall be*  
                    *designed and constructed in accordance with the regulations and standards set*  
                    *forth or referenced in this title.*

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<sup>3</sup> Despite use of the existing internal roadway, the City could still have required modifications since the surrounding lot configuration has changed. Unfortunately, the record doesn't identify how and whether staff applied any nonconforming use rights to waive compliance with any 19.12 or other street design standards. As with other gaps in information on this project, deference is given to the expertise of staff that such issues were properly considered and addressed.

1            *General principles of sidewalk and walkway design to be reflected in any*  
2            *development layout include: safety for both pedestrian and vehicular traffic;*  
3            *appropriate interface or separation from potential hazards including vehicular*  
4            *travel lanes or other dangerous site features; compatibility with site features*  
5            *and characteristics; provision of direct and convenient pedestrian connections*  
6            *between community activity areas, schools, commercial and employment*  
7            *centers, recreation facilities, transit stops, and other residential*  
8            *neighborhoods; consistency with low impact development principles; and*  
9            *orientation to unique or significant site features including critical areas and*  
10           *view corridors.*

11           *The proposed sidewalk and walkway layout shall conform to the following:*

- 12           *(a) Sidewalks shall be required depending upon road classification and*  
13           *intensity of development in accordance with the requirements set forth in*  
14           *the city's engineering standards;*
- 15           *(b) Where sidewalks are optional, they may be required if close to pedestrian*  
16           *generators, to continue a walk on an existing street, to link areas, or to*  
17           *provide pedestrian access to future development as indicated in applicable*  
18           *master plans;*
- 19           *(c) In conventional developments, sidewalks shall be placed in the right-of-*  
20           *way, unless an exception is permitted by the public works director or*  
21           *designee, to preserve topographical or natural features, or unless the*  
22           *applicant shows an alternative pedestrian system provides safe and*  
23           *convenient circulation;*
- 24           *(d) In planned developments, sidewalks may be located away from the road*  
25           *system to link dwelling units with other dwelling units, the street, and on-*  
             *site activity centers such as parking lots, recreation areas or open space.*  
             *They may also be required parallel to the street for safety and other*  
             *reasons;*
- (e) Pedestrian easements shall be required through the center of blocks more*  
             *than 600 feet in length to provide circulation and access to schools, parks,*  
             *open space, shopping or other community facilities;*
- (f) Sidewalks shall be designed and constructed in accordance with the*  
             *specifications set forth in the city's engineering standards;*
- (g) Dedication of easements for public access or public right-of-way may be*  
             *required for sidewalks or walkways considered to be an integral link in the*  
             *pedestrian circulation system or proposed to be provided in lieu of standard*  
             *sidewalk improvements required to be constructed within public street*

1 *right-of-way, as determined by the city's public works director or designee;*  
2 *and*

3 *(h) Off-site sidewalk and/or walkway connections shall be required as a*  
4 *condition of approval if said off-site sidewalk/walkway furthers*  
5 *implementation of the city's nonmotorized plan and if such off-site sidewalk*  
6 *connections are proportional to the size/scale of the development and would*  
7 *further the goals of the nonmotorized plan, as determined by the city*  
8 *engineer or designee. Special consideration will be made to sidewalk*  
9 *connections that would promote safe and dedicated public walking routes*  
10 *to schools.*

11 **20. Criteria met.** The criterion is met. As identified in Finding of Fact No. 6B, the  
12 proposal has sidewalks and pedestrian pathways that safely serve the interior lots and  
13 connect them to exterior pedestrian facilities. Most notably, these pedestrian facilities  
14 include a trail tract which will connect the sidewalk on 39th Avenue SE through the  
15 development to link with the existing trail at Bradley Lake Park.

16 **PMC 19.12.050(3):** *Bikeways. In order to provide for safe and*  
17 *convenient bicycle travel as an alternative to the use of motorized vehicles,*  
18 *increased mobility for persons with limited access to motorized vehicles, and*  
19 *create a community-wide bicycle circulation system, all bikeways shall be*  
20 *required, designed and constructed in accordance with the regulations and*  
21 *standards set forth or referenced in this title.*

22 *General principles of bikeway design to be reflected in any development layout*  
23 *include: safety for both bicyclists and vehicular traffic; appropriate interface*  
24 *or separation from potential hazards including vehicular traffic or other*  
25 *dangerous site features; compatibility with site features and characteristics;*  
*provision of direct and convenient bicycle connections between community*  
*activity areas, schools, commercial and employment centers, recreation*  
*facilities, transit stops, and other residential neighborhoods; consistency with*  
*low impact development principles; and orientation to unique or significant site*  
*features including critical areas and view corridors.*

*The proposed bikeway layout shall conform to the following:*

*(a) Residential (local access) streets and associated improvements shall*  
*include bicycle use as a component of the roadway, unless alternate bicycle*  
*paths are provided;*

*(b) Signed bicycle routes, as designated in the city's comprehensive plan, shall*  
*be designed and constructed in accordance with the city's standards and*  
*specifications;*

1 (c) *Bike paths, as designated in the city's comprehensive plan, shall be designed*  
2 *and constructed in accordance with the city's standards and specifications;*

3 (d) *Bike paths may be combined with pedestrian sidewalks or walkways when*  
4 *approved by the city's public works director or designee, and shall be*  
5 *designed and constructed in accordance with the city's standards and*  
6 *specifications;*

7 (e) *Bike routes and bike paths shall be located, designed and constructed to*  
8 *interconnect with existing or proposed off-site bike routes or paths; and*

9 (f) *Dedication of easements for public access or public right-of-way may be*  
10 *required for bike routes or bike paths designated in the city's comprehensive*  
11 *plan. Such dedication may also be required if considered to be an integral*  
12 *link in the city's bike route or bike path circulation system, or proposed to*  
13 *be provided in-lieu-of standard street improvements required to be*  
14 *constructed within public street right-of-way, as determined by the city's*  
15 *public works director or designee.*

16 21. Criteria met. The criterion is met. It's unclear if the trail connection to Bradley  
17 Lake Park qualifies as one of the City's "[s]igned bicycle routes, as designated in the  
18 City's comprehensive plan" as identified in PMC 19.12.050(3)(b) quoted above. Map  
19 7-4 of the comprehensive plan identifies the Bradley Lake trail system as a multi-use  
20 trail. Part of that trail system according to the map extends onto the project site. The  
21 staff reports and development review team letters don't appear to address bicycle lanes  
22 or whether the Applicant has any responsibility to make its trail connection to the  
23 Bradley Lake trail a multi-use trail. The Ex. 1 site plan shows the trail connection at  
24 what could be the location of the multi-use trail encroachment depicted in Map 7-4.  
25 However, the easement dedication at page 4 of the Ex. 1 site plan states the dedication  
is to be used "*solely for pedestrian access.*" To conform to the standard quoted above,  
a condition of approval requires that City staff evaluate whether the multiuse trail  
connection at the project site as depicted in Map 7-4 qualifies as a "signed bicycle  
route" that must be developed to include bicycle use.

(4) *Street Lighting. In order to provide for vehicle and pedestrian safety, improved*  
*security and an attractive streetscape, street lighting shall be installed at the*  
*corner of all intersections, on cul-de-sacs that are 200 feet or longer in length,*  
*or as determined to be needed by the public works director or designee. All*  
*street lighting shall be installed in accordance with standards and*  
*specifications contained in the documents referenced in PMC § 19.12.020.*

22. Criterion met. The criterion is met. A condition of approval requires street lighting  
as required above.

**PMC 19.12.060 Block and lot layout:** *In order to ensure a functional and efficient*  
*design, predictability, effective police surveillance, assist in alleviating property line*

1 *disputes, public nuisances and zoning infractions, reduce conflicts with transportation*  
2 *facilities, and create desirable and uniform lots for development, all activities*  
3 *regulated under this title shall comply with the following requirements:*

4 (1) *Block Arrangements. Blocks shall be arranged in accordance with the*  
5 *following requirements:*

6 (a) *Blocks shall have sufficient width to provide for two tiers of lots of*  
7 *appropriate depth. Exceptions to this prescribed block width shall be*  
8 *permitted in blocks adjacent to critical areas, major transportation*  
9 *facilities, industrial and commercial areas;*

10 (b) *Whenever practical, blocks along arterials and major collector streets shall*  
11 *not be less than 1,000 feet in length. Blocks in other residential areas shall*  
12 *not be more than 1,000 or less than 300 feet in length;*

13 (c) *Easements may be required to be established through blocks exceeding 600*  
14 *feet in length, to accommodate utilities, drainage courses/facilities, or*  
15 *pedestrian walkways;*

16 (d) *Where blocks are developed along arterial streets and/or highways that are*  
17 *proposed to contain alleys, said alleys shall run parallel to said arterial,*  
18 *and not perpendicular or radial so as to create an intersection between the*  
19 *arterial and alley; and*

20 (e) *Wherever feasible, blocks shall be arranged consistent with low impact*  
21 *development principles.*

22 23. Criteria met. The criterion is met. As shown in the Ex. 1 site plan, the proposed  
23 blocks are two-tiered when adjoining lots are considered. The proposed block is well  
24 over 1,000 feet in length. The proposal avoids any construction in wetland areas, which  
25 is consistent with low impact development principles.

(2) *Lot Arrangements. Lots shall be oriented and improved in accordance with the*  
*following requirements:*

(a) *The lot arrangements shall be such that there will be no foreseeable*  
*difficulties, for reasons of topography or other site conditions, in securing*  
*building permits to build on all lots in compliance with the zoning ordinance*  
*and other regulations and in providing safe driveway access to buildings*  
*on such lots from an approved street. In the case that a proposed lot would*  
*establish an irregular building envelope due to critical areas, critical area*  
*buffers, easements, landscape buffers, or any other encumbrances or site*  
*conditions, it shall be the burden of the applicant to demonstrate that such*  
*building envelope is buildable without relief from requirements of this title;*

- 1 (b) *Lot dimensions shall comply with the minimum standards of the zoning ordinance, with corner lots to be platted a minimum of 10 feet wider than the minimum required lot width;*
- 2
- 3 (c) *Double frontage and reverse frontage lots shall be discouraged except where necessary to provide separation of development from arterial streets or to overcome specific disadvantages of topography and orientation;*
- 4
- 5 (d) *Lots shall not generally derive access exclusively from an arterial or major collector street. Where driveway access from an arterial or major collector street may be necessary for several adjoining lots, said lots may be required to be served by a common and combined driveway in order to limit possible traffic hazards on such streets;*
- 6
- 7
- 8
- 9 (e) *Lots shall be laid out so as to provide positive drainage away from all buildings, and individual lot drainage shall be coordinated with the general storm drainage pattern for the area;*
- 10
- 11 (f) *Each individually owned lot or unit shall obtain direct access from a dedicated public street by a panhandle access, approved private access road or approved alley with direct nonmotorized access;*
- 12
- 13 (g) *Panhandle access will only be allowed when separated by at least one lot width, and shall serve no more than one lot. Panhandle access shall have a minimum width of 20 feet and a maximum length of 200 feet;*
- 14
- 15 (h) *All newly created and/or modified lots shall be uniformly square or rectangular in shape (four-sided polygon) to the fullest extent possible per the administrative authority of the development services designee, unless the land use case requires purview of the hearing examiner or BSP committee. Side lot lines shall be perpendicular to street lines or radial to curved street lines. Jogging or meandering lot lines shall be avoided unless associated with code-required critical area preservation, significant natural feature(s), established configuration of an abutting legal lot(s) of record, previously recorded easements, or testamentary provisions;*
- 16
- 17
- 18
- 19
- 20
- 21 (i) *Topsoil shall be placed on each lot to a minimum depth as specified in the city's vegetation management standards manual ("VMS");*
- 22
- 23 (j) *No cut trees, timber, organic debris, earth, rocks or stones 12 inches in diameter or greater, contaminated or nonstructural surplus soil, junk, rubbish, or other waste materials of any kind, including construction debris, shall be buried in any land without prior approval of the public works director or designee. No cut trees, timber, organic debris, earth, rocks, stones, soil, junk, rubbish, or other waste materials of any kind, excluding*
- 24
- 25

1                    *landscape materials, shall be left deposited on any lot or street at the time*  
2                    *the buildings are ready for occupancy;*

3                    *(k) Where a subdivision of a residentially zoned property would result in a lot*  
4                    *that could be further subdivided in the future, a utility and access easement*  
5                    *area, in a width suitable to provide such access and utilities, may be*  
6                    *required to serve future subdivision of the property; and*

7                    *(l) Wherever feasible, lot layout shall be developed consistent with low impact*  
8                    *development principles.*

9                    24. Criterion met. The criterion is met. All proposed building lots exceed 140,000  
10                    square feet, which is plenty of room for safe and efficient commercial development.  
11                    Critical areas and their buffers are excluded from the building lots, which includes  
12                    geologically hazardous areas that contain topography unsuitable for development. As  
13                    previously noted, there are no minimum lot size or width standards that apply to the  
14                    lots in the MP zone. The project sites fronts on 39<sup>th</sup> Ave SE, which his classified as a  
15                    major arterial in Map 7-3 of the comprehensive plan. An existing access point to 39<sup>th</sup>  
16                    Ave SE will continue to be used as the sole access point to the proposed lots. All lots  
17                    will be accessed via the internal private access road. The City’s stormwater regulations  
18                    will ensure that drainage is directed away from buildings. The lots are not uniformly  
19                    square or rectangular, but their shapes are likely necessary to accommodate the existing  
20                    development and existing internal roadway.

21                    **PMC 19.12.070 Common areas and unique site features.** *In order to promote the*  
22                    *visual quality of the city, ensure appropriate retention and maintenance of common*  
23                    *facilities, and provide for adequate public park, recreation and school facilities, all*  
24                    *activities regulated under this title shall comply with the following requirements:*

25                    *(1) Vegetation Buffers. In order to promote the visual quality of the streetscapes*  
                         *and provide additional buffering from transportation corridors consistent with*  
                         *the city's comprehensive plan, all activities regulated under this title shall*  
                         *comply with the following requirements:*

                         ...

*(b) When suitable natural vegetation is present, it shall be retained, and if*  
                         *necessary, enhanced with native plant material. Any proposed enhancement*  
                         *shall be set forth in a landscape plan, approved by the development services*  
                         *director or designee, and the landscaping installed prior to final plat*  
                         *approval; and*

*(c) When suitable natural vegetation is not present, a landscape plan shall be*  
                         *prepared reflecting the use of native plant material, approved by the*  
                         *development services director or designee, and the landscaping installed*  
                         *prior to final plat approval. All native vegetation buffers shall be placed*

1                    *into either a native vegetation protection easement (NVPE) or dedicated*  
2                    *NVPE tract with appropriate protection language, as approved by the*  
3                    *director or designee, shown on the face of the plat.*

4 25. Criteria met. The criterion is met. As identified in Finding of Fact. No. 6D, the  
5 project area is already subject to numerous critical area and easement requirements that  
6 result in significant vegetation retention. As noted in the MDNS, the finished site will  
7 include 2.75-acres of pervious landscaping and stormwater management facilities.  
8 Landscaping will also be required under Chapter 20.58 PMC as the vacant lots are  
9 developed.<sup>4</sup> These landscaping requirements include 5% minimum landscaping and  
10 landscaped perimeters. See PMC 20.58.005.

11                    *(2) Street Trees. In order to further implementation of the city's street tree program,*  
12                    *street trees are required to be installed in all plats in accordance with Chapter*  
13                    *11.28 PMC, Street Trees. Proposed subdivisions under this title shall dedicate*  
14                    *suitable area for street trees in accordance with city standards for the*  
15                    *applicable roadway.*

16 25. Criterion met. As conditioned, the criterion is met. The Ex. 1 site plan doesn't  
17 appear to include any dedicated areas for street trees. Staff likely intend to impose this  
18 requirement during review of proposed development of the vacant lots. A condition of  
19 approval assures that this BSP requirement carry over into that phase of development  
20 review if not required for the BSP.

21                    *(3) Fences and Walls. In order to provide a form of neighborhood identity, ensure*  
22                    *consistent treatment, reduce the potential for graffiti, preserve the visual*  
23                    *character of native or replanted vegetation buffers, protect against the visual*  
24                    *impacts of tall retaining walls on the perimeter of plats and provide physical*  
25                    *buffering along major and minor arterials and collectors, fences and walls shall*  
                     *be designed, located, constructed and maintained in accordance with the*  
                     *provisions of this section.*

*General principles of fence and wall placement and treatment to be reflected in*  
                     *any subdivision include: the perimeter boundary of any subdivision adjacent to*  
                     *a major or minor arterial or collector should be buffered from the arterial or*  
                     *collector by vegetation, fence, wall or a combination thereof; fencing, wall or*  
                     *landscape treatment should be consistent to provide a form of neighborhood*  
                     *identity; the use of landscaping or vegetation enhancement is preferred in lieu*  
                     *of fencing or walls to provide screening and privacy for the rear yards of*  
                     *adjoining lots; landscaping shall be retained or installed along the street side*  
                     *of any fencing or wall to reduce hard surfaces which may attract graffiti; and,*  
                     *the installation of fencing or walls adjacent to critical areas or associated*

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<sup>4</sup> The record does not identify when and how landscaping will be required. At worst, landscaping requirements will be deferred until the proposed lots are individually developed.

1 buffers is discouraged to reduce the potential disturbance and dumping of yard  
2 waste, and encourage incorporation of the critical area and associated buffers  
3 as an element of the adjoining lot.

4 Proposed fences, walls and landscape buffers shall conform to the following:

5 (a) Fences shall not encroach into any street right-of-way, and shall be set back  
6 a minimum of one foot from the edges of any sidewalk. The location,  
7 setbacks, stepbacks and landscape screening of all retaining walls along all  
8 perimeter areas of all plats shall conform to the standards set forth in PMC  
9 § 20.58.005(2)(a);

10 (b) Fences, walls and landscaping shall comply with all clear vision area  
11 requirements at street and driveway intersections;

12 (c) Landscape treatment shall be retained or installed between the public right-  
13 of-way and any solid fence or wall to reduce the appearance of a long  
14 continuous wall and reduce "hard" surfaces which may attract graffiti;

15 (d) Solid fences and walls shall be located on the side of any common tract or  
16 vegetation easement opposite the side adjacent to the street. Non-sight-  
17 obscuring fencing such as split-rail or chain link fencing may be located on  
18 the street side of any common tract or vegetation easement, provided the  
19 fencing is not painted and any chain link fencing shall be black vinyl clad  
20 in surface coating;

21 (e) Fencing or walls shall not encroach into any critical area or associated  
22 buffer, and all fencing and walls within five feet of a critical area or buffer  
23 shall be non-sight-obscuring; and

24 (f) Standards and specifications regarding the type, placement, treatment,  
25 ownership, maintenance and modification, of fencing, walls or landscaping  
associated with perimeter treatment of the project boundaries, common  
areas, native vegetation easements, critical areas and associated buffer,  
shall be specified at the time of final plat approval.

26 Criteria met. As conditioned, future development within the BSP will be required  
27 to comply with the fences and wall requirements.

28 (4) *Common Areas and Facilities.* Common areas and facilities such as but not  
29 limited to parks/open space, storm water detention/retention ponds, bioswales  
30 and other storm water facilities, subdivision entrances containing  
31 signage/landscape treatment, critical areas, etc., typically provide a "common"  
benefit to more than one property owner. In some instances, provision of  
common facilities may be a requirement of development plan approval and  
necessary for the provision of services. In order to enable the transfer of

1 *property rights or ownership interest to other parties, and ensure the continued*  
2 *provision and maintenance of the common facility for a specific purpose or use,*  
3 *the property upon which the common facilities exists must be delineated as a*  
*separate tract or easement for a specific purpose, and the parties with*  
*ownership or use interest specified.*

4 *General principles for common facilities to be reflected in the proposed*  
5 *development include: common areas and facilities benefiting more than one*  
6 *party should be designated as a common area/facility and delineated by*  
7 *easement or separate tract, and the ownership/use interest and provisions for*  
8 *maintenance should be specified at the time of platting; ownership and*  
9 *maintenance of common areas/facilities which primarily benefit the*  
10 *residents/property owners within the development should be the responsibility*  
11 *of said residents/property owners; adequate provisions should be included for*  
12 *continued ownership and maintenance of private common facilities; and*  
13 *common facilities which primarily benefit the general public or are considered*  
14 *part of a city facility should be delineated at separate tracts and dedicated to*  
15 *the public.*

16 *Proposed common areas and facilities shall conform to the following:*

- 17 (a) *Facilities benefiting more than one property owner shall be considered*  
18 *common area/facilities, designated by easement or separate tract, and*  
19 *corresponding dedication statements included on the face of the final plat*  
20 *specifying the use for which the easement or tract is created, and assigning*  
21 *ownership and use interest;*
- 22 (b) *Common areas/facilities which primarily benefit the residents/property*  
23 *owners within the development such as subdivision entrances containing*  
24 *signage/landscape treatment, and private parks and recreation facilities*  
25 *shall be considered "private" common areas/facilities and the primary*  
*ownership and responsibility for maintenance assigned to said*  
*residents/property owners;*
- (c) *All private common areas shall be of a size sufficient to accommodate*  
*associated facilities;*
- (d) *Adequate provisions for ownership and maintenance in the form of*  
*statements of easement; conditions, covenants and restrictions; and/or*  
*creation of a homeowner's association shall be specified at the time of*  
*platting. The documents shall address continued ownership interest, right*  
*of use, responsibility for maintenance, remedies in the event any of the*  
*responsible parties fail to perform, and procedures for modification or*  
*vacation of easements or tracts and associated facilities not required as a*  
*condition of plat approval. The documents shall also include an adequate*

1                    *funding mechanism for those areas/facilities requiring regular*  
2                    *maintenance; and*

3                    *(e) Common areas/facilities which are determined by the city to primarily*  
4                    *benefit the general public or are considered part of a city facility such as*  
5                    *storm water detention/retention ponds and bioswales shall be delineated as*  
6                    *a separate tract and dedicated to the public for future ownership and*  
7                    *maintenance.*

8                    27. Criteria met. The criterion is met. The Ex. 1 staff report addresses detailed  
9                    ownership responsibilities for common areas as required above.

10                    **DECISION**

11                    Based upon the findings of fact and conclusions of law above, the requested BSP  
12                    application is approved subject to the following conditions:

- 13                    1. The proposal shall implement and comply with all recommended conditions in the  
14                    Ex. 12 Final Development Review Team letter.
- 15                    2. The site plan, Ex. 1, shall be modified to identify the class of wetlands located on  
16                    the project site as required by PMC 19.12.030(1).
- 17                    3. BSP water and sewer facilities shall conform to the design standards required by  
18                    PMC 19.12.040(2) and (3).
- 19                    4. BSP utilities shall be underground to the extent required by PMC 19.12.040(4).
- 20                    5. City staff shall, if not done so already, evaluate whether the Lake Bradley trail  
21                    system connection depicted in Comprehensive Plan Map 7-4 qualifies as a “signed  
22                    bicycle route” as contemplated in PMC 19.12.050(3). If it so qualifies, the  
23                    Applicant shall develop and dedicate that trail connection to include bicycle use to  
24                    the extent required by PMC 19.12.050(3).
- 25                    6. In order to provide for vehicle and pedestrian safety, improved security and an  
                     attractive streetscape, street lighting shall be installed at the corner of all  
                     intersections, on cul-de-sacs that are 200 feet or longer in length, or as determined  
                     to be needed by the public works director or designee. All street lighting shall be  
                     installed in accordance with standards and specifications contained in the  
                     documents referenced in PMC § 19.12.020. This standard may be waived to the  
                     extent that staff finds existing transportation facilities to not be subject to PMC  
                     19.12.050(4) as legal nonconforming uses.

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- 7. The Ex. 1 site plan shall dedicate suitable areas for street trees in accordance with city standards as contemplated in PMC 19.12.070(2). Staff may defer this requirement to the permit review for the development of the proposed lots if that is found to be more practical
  
- 8. All fences and walls developed at the project site shall conform to PMC 19.12.070(3).

Dated this 19<sup>th</sup> day of March 2026.

  
\_\_\_\_\_  
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.