



City of Puyallup

Development Services Center

333 S. Meridian, Puyallup, WA 98371
(253) 864-4165 Fax (253) 840-6678
www.cityofpuyallup.org

Date: November 14, 2017

To: Commenting parties of the Preliminary Decision for Project #P-15-0116

From: Kendall Wals, Case Planner | (253) 841-5462 | kwals@ci.puyallup.wa.us

Subject: Final Decision for Project #P-15-0116 (Techmeier Administrative Adjustment for related proposed Short Plat #P-15-0117)

BACKGROUND

The City of Puyallup received a proposed two lot short plat application (permit #P-15-0117) in December 2015 for a parcel located at 2307 41st St SE. In addition, an Administrative Adjustment application (permit #P-15-0116) was submitted, concurrently with the proposed short plat application, requesting 15 percent reduction in the required lot area for proposed Lot 1.

The City of Puyallup issued a preliminary approval decision for the Administrative Adjustment (#P-15-0116) on November 22, 2016. The comment period for the preliminary decision expired December 9, 2016. The city received four (4) timely written comment letters regarding the subject preliminary approval decision:

- Drugge, Robert A. and Deborah L., 4019 Rodesco Dr SE, Puyallup, WA 98374. Comment letter dated December 5, 2016; received December 6, 2016.
- Houghton, Keith and Colleen, 2110 43rd St SE, Puyallup, WA 98372. Electronic comment letter received December 7, 2016.
- Carlisle, Dawne, 2208 43rd St SE, Puyallup, WA 98372. Electronic comment letter received December 7, 2016.
- Coudriet, Wayne and Tami, 2111 40th St SE, Puyallup, WA 98372. Electronic comment letter received December 9, 2016.

Per Puyallup Municipal Code (PMC) section 20.86.025, subsection 1, if a written objection to the initial notice is filed by any such property owner or by the applicant within 10 business days of said notification, the director shall reconsider the initial determination in light of the objection(s) as raised and render a final decision on the permit. The Development Services Department issued an initial response to the preliminary decision comments on December 16, 2016, placing the administrative adjustment decision and appeal period on hold at that time for further review.

ADDITIONAL ANALYSIS

The comments received in December 2016 in response to the preliminary decision for the Administrative Adjustment application had the following general concerning impacts:

- Property value
- Community character

- Drainage/pond
- Potential fill work

City staff response to the potential impacts/concerns are included in the sections below.

Property Value

Staff understands the concerns regarding potential impacts to property value for properties near the proposed short plat. However, impacts to property value are not a part of the code-specified approval criteria for this request. In addition, the Pierce County Assessor-Treasurer's office determines property value for purposes of tax valuation; City staff does not have empirical information of to what, in any, impact an infill project such as this may have on vicinity property values. As a result, potential impacts to property values cannot be used in decision making for land use permit applications.

Community Character

Commenting parties expressed concerns regarding impacts to the character of the neighborhood and adjacent properties. The proposed new parcel (Lot 2) on this site would meet the minimum required lot size of the subject RS-35 zone district (35,000 sq. ft.). The adjustment request is to allow a 15 percent reduction in the lot area for proposed Lot 1 (approx. 29,875 sq. ft.) containing the existing single-family residence.

Within the vicinity (1,000 feet) of the site, six properties have been granted an administrative adjustment; five of the adjustments allowed a deviation from a required setback and one allowed a 20 percent reduction from the required lot width of a new parcel. Since there are other properties identified in the area which vary from a prescribed zoning standard via approved administrative adjustments, and said properties consist of a single-family residential use, staff found that the proposal would not be out of place with surrounding uses or be a grant of special privilege inconsistent with other properties in the vicinity. To address concerns regarding the potential impacts of a new building interfacing with the adjacent properties to the north and west, the permit will be conditioned to retain existing trees and landscaping and/or provide additional landscaping to screen the new improvements to the greatest extent feasible (see Condition #1).

Drainage/pond on-site

In the comments received, concerns were raised regarding potential drainage to adjacent properties caused by a new building on the new proposed lot. In addition, an existing pond area on the site was brought to staff's attention.

After the December 14, 2016 site visit conducted by the City's Code Compliance Officer, Shane Pieren, city staff was concerned whether the existing ponding water on the site may be a regulated critical area (e.g. wetland). As a result, staff requested the applicant provide a critical area report completed by a qualified biologist to determine if the pond on-site is a regulated critical area and whether the buildable status of the proposed lot may be affected as a result.

On July 13, 2017, a Wetland Reconnaissance and Verification report, prepared by John Comis Associates LLC, was submitted for the subject property and application. The report underwent multiple rounds of review by the city's third-party critical area/biological consultant, and included a site visit by the city's consultant on October 5, 2017 to directly evaluate the onsite conditions. Both the applicant's biologist and the city's agreed that the soil layers demonstrated that the area where the pond was excavated was not a wetland prior to excavation, and the pond should not be regulated as a critical area. As a result, the pond will be regulated as a landscape amenity. As part of the pending short plat permit review, the applicant will be required to comply with current state stormwater regulations, which includes addressing any increased stormwater runoff from the new proposed development.

Potential Fill Work

As mentioned above, on December 14, 2016, the City's Code Compliance Officer, Shane Pieren, visited the site to also investigate the comments received related to potential fill work on the subject site. At that time, it appeared that there had been some fill work done on the site, however, the amount of fill appeared to be below the 100 cubic yard threshold that would trigger an engineering clear, fill, and grade permit. As a result, the work appeared to be within the allowed site work and a case was not started related to the fill work.

FINAL DECISION

Based on the preliminary approval decision findings issued November 22, 2016, comments received, and the additional analysis provided in this document, the Director makes the following reconsideration findings required pursuant to Section 20.86.010 of the Puyallup Municipal Code:

- The adjustment will not constitute a grant of special privileges inconsistent with other properties within a radius of 1,000 feet.
- The granting of the adjustment will not be detrimental to the public health, safety, comfort, convenience and general welfare, nor affect the established character of the neighborhood.
- The current proposal satisfies the three criteria needed to waive the required finding as expressed in PMC 20.86.010 (3).

In order to address comments received and in keeping with the documented findings above, the Development Services Director hereby **grants the request for Administrative Adjustment P-15-0116, with the following condition:**

1. Existing trees and landscaping near the area of work on the new proposed lot (Lot 2), within 10 feet of the north and west property lines, shall be retained unless determined to be infeasible by City Staff during building permit review given the proposed development envelopes. Dependent upon the extent of tree retention, additional landscaping may also be required to increase vegetation and provide screening of the new improvements from the adjacent properties.

APPEAL

Per PMC section 20.86.025, any party aggrieved by the director's final decision may file an appeal of that decision to the Hearing Examiner. Such appeals for hearing examiner review must be filed within 10 business days from the date the written decision was made (or by 5:00 pm on November 30, 2017) and shall include the following:

- a) The appeal shall clearly state the decision being appealed, setting forth the specific reason, rationale, and/or basis for the appeal.
- b) Appeal fee of \$570 shall be paid to the city upon filing of the appeal.

Upon filing of a timely and complete appeal, the Hearing Examiner shall conduct a public hearing to consider the merits of the appeal. The Hearing Examiner may affirm, modify, or deny the director's decision or may remand the matter to the director for further review in accord with the examiner's direction.
