



CITY OF PUYALLUP

Development & Permitting Services

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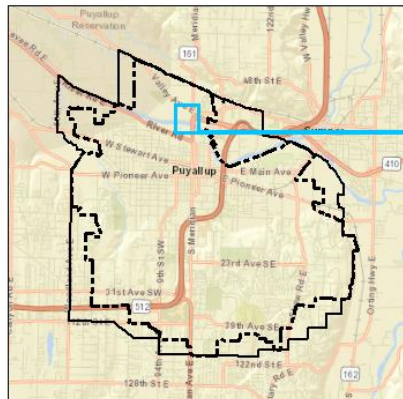
Date of staff report: 3/23/2021 (Public Hearing date 3/30/2021)

TO: Hearing Examiner

FROM: Rachael Brown, Assistant Planner

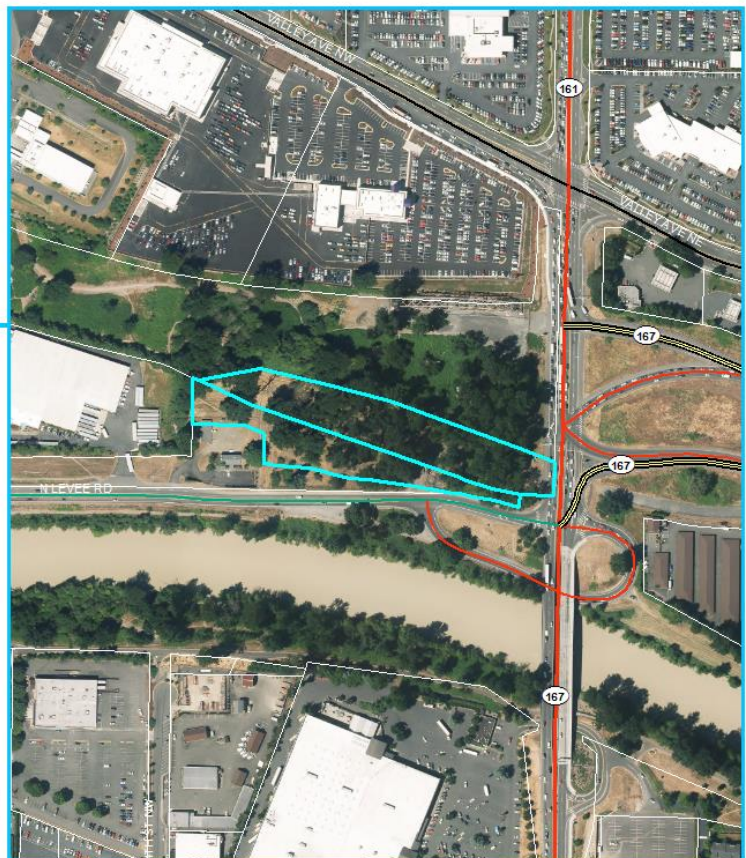
RE: **CASE NO. P-21-0003:** Shoreline Substantial Development permit and Land use Variance— N. Levee Rd. Pump Station Replacement Project

Site Map



City of Puyallup
Development and Permitting
Services Department
Date: 1/22/2021

The map features are approximate and are intended only to provide an indication of said feature. Additional areas that have not been mapped may be present. This is not a survey. Orthophotos and other data may not align. The County assumes no liability for variations ascertained by actual survey. ALL DATA IS EXPRESSLY PROVIDED AS IS AND WITH ALL FAULTS. The County makes no warranty of fitness for a particular purpose.



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Case information:

Case No.: P-21-0003 (Shoreline Substantial Development) & P-21-0004 (Land-Use Variance)
Applicant: City of Puyallup – City Engineers Office (Drew Young, PE, project applicant)
Location: 117 N LEVEE RD (Pierce County Public Works Parcel)
Existing Zoning: Limited Manufacturing (ML)
Shoreline Environment: Puyallup River Urban Conservancy Shoreline Environment
Comp. Plan: Light Manufacturing/Warehousing (LM/W)
SEPA Status: Project SEPA exempt under WAC 197-11-800 (3) 'Repair, remodeling and maintenance activities'
Staff Planner: Rachael Brown, Assistant Planner

Public notification record:

Notice of Application

- Permit request received by city on **January 11, 2021**
- Application deemed complete on **January 21, 2021**
- Notice of complete land use permit application mailed to all owners of property within 300' of the site as indicated by the Pierce County Assessor Treasurer's records on **January 28, 2021**. Consistent with the Puyallup SMP, a (30) day comment period was provided in the notice, expiring on **March 1, 2021**.
- Notice of Application sent to the current list of public agencies and Tribes notified of complete land use applications by the Department on **February 2, 2021**.
- Notice of Application published in the Tacoma News Tribune for two (2) consecutive weeks on the same day; published on **January 28, 2021 and February 4, 2021**
- Notice of Application was posted at the project site by the applicant on **February 2, 2021** (verification provided by applicant via email photo)

Public Hearing notice

- Notice of Public Hearing mailed to all owners of property in excess of 300' of the site as indicated by the Pierce County Assessor Treasurer's records on **July 25, 2019** (35 days in advance of public hearing – 15 days minimum required by Puyallup SMP)
- Notice of Public Hearing was posted at the project site by the applicant on **August 1, 2019** (verification provided by applicant via email photo - 28 days in advance of public hearing, 10 days minimum required by PMC 20.12.010 (3)).
- Notice of Public Hearing published in the Tacoma News Tribune on **July 30, 2019** (30 days in advance of hearing – 14 days minimum required by PMC 20.12.010 (1))

Comments received:

1. Nisqually Indian Tribe: commented to say they have no comments or concerns but should be kept informed if there are any Inadvertent Discoveries of Archeological Resources/Human Burials
2. Squaxin Island Tribe: commented to direct the City to consult with the Puyallup Tribe on this project. The Puyallup Tribe is always included as a recipient of notices of application, and we did not receive comments from them.
3. No other written comments were received by staff as of the date of this staff report publication.

Status of Development Regulations:

- Since the filing of the complete application, no amendments to regulations applicable to the project have been adopted by the City Council. The following represents a full list of ordinances from the City Clerk’s office showing legislative actions taken since the application was deemed complete for processing:

Ordinances from January 21, 2021 – March 23, 2021

<i>Ordinance #</i>	<i>Date</i>	<i>Subject/Title</i>
<u>3224</u>	1-5-21	Amends § 14.02.010, water hydrant use (14.02)
3225	1-5-21	Emergency outdoor dining and retail use program (Special)

Permit request:

1. The applicant, Drew Young, PE, project manager on behalf of the City of Puyallup, requests a Shoreline Substantial Development Permit approval to repair and maintain the N. Levee Rd. sewer pump station. The pump station is located outside of the 150’ shoreline buffer but within the 200’ regulated shoreline environment for the Puyallup river. The pump station is an existing facility, located on a leased easement on a Pierce County Public Works owned parcel, situated a few hundred feet east of N Meridian on the north side of N Levee Rd.
2. **Existing Condition:** The sewer pump station is an existing facility that consists of a generator building and a fenced paved area with several pump stations placed in various locations within the fenced area. A graveled driveway leads from Levee Rd to the station. The existing fence is 6’ tall including the barbed wire security topper.
3. **Surrounding Area:** The parcel is vacant except for the pump station, which takes up the eastern end of the parcel. The parcel is vegetated primarily with second growth deciduous trees and shrubs. The pump station area is cleared of vegetation. The surrounding area is primarily industrial and commercial, with large warehouses and shopping centers within the vicinity of the site. The WA Dept. of Transportation owns a large swath of land immediately to the north of the site, which is slated to expand State

Route 167. The Puyallup River is across the street (N Levee Rd) from the site to the south.

4. Project scope of work includes:
 - Upgrades to the existing pump station easement area
 - Expanding the existing Generator Building to the east to allow for the addition of a new electrical room (approx. 8' X 12')
 - Replace the roof of the Generator Building
 - Replace existing top slab with new top slab with access hatches for pump maintenance
 - Replace existing 6' chain-link fence with 10' chain-link fence (if approved via Variance application P-21-0004)
 - Existing pump vaults will be either upgraded or replaced with new pump vaults and associated equipment

State Environmental Policy Act (SEPA):

1. The City's Development Services Department (DSD) acted as lead agency and analyzed the environmental impacts of the proposal as required by the State Environmental Policy Act (SEPA), Chapter 43.21C Revised Code of Washington (RCW). The project is exempt under the following sections of the Washington Administrative Code (WAC), as shown below. The city's Responsible Official determined the project to be exempt under these sections of WAC.

WAC 197-11-800 (3) 'Repair, remodeling and maintenance activities'

(3) Repair, remodeling and maintenance activities. The following activities shall be categorically exempt: The repair, remodeling, maintenance, or minor alteration of existing private or public structures, facilities or equipment, including utilities, recreation, and transportation facilities involving no material expansions or changes in use beyond that previously existing; except that, where undertaken wholly or in part on lands covered by water, only minor repair or replacement of structures may be exempt (examples include repair or replacement of piling, ramps, floats, or mooring buoys, or minor repair, alteration, or maintenance of docks). The following maintenance activities shall not be considered exempt under this subsection:

- (a) Dredging of over fifty cubic yards of material;
- (b) Reconstruction or maintenance of groins and similar shoreline protection structures;
- (c) Replacement of utility cables that must be buried under the surface of the bedlands; or
- (d) Repair/rebuilding of major dams, dikes, and reservoirs shall also not be considered exempt under this subsection.

Critical area review:

1. Based on a review of available data and site-specific study of the project area by the applicant, the following critical areas are known to be affected by the project action:

	CRITICAL AREA
X	Critical aquifer recharge area
X	Geologic hazard area – Volcanic hazard area
	Geologic hazard area – Landslide hazard area
	Geologic hazard area – Erosion hazard area
	Geologic hazard area – Seismic hazard areas
	Wetland and/or wetland buffer
	Fish and Wildlife Conservation Area - Stream and/or stream buffer
	Fish and Wildlife Conservation Area – General habitat area
	Flood prone area – 100-year floodplain
X	Shoreline of the State

2. The Director, and designee, reviewed the project scope relative to possible impacts to the identified critical areas during the procedures established through PMC 21.06.520.
3. The Director determined the following critical areas and/or buffers are present in the project area, but the proposed activity is unlikely to impact or degrade values or functions to the following critical areas, and therefore no further review was required by the Director as to the project’s possible impacts:
 - a. Critical aquifer recharge area
4. The Director determined the following critical areas and/or buffers are present in the project area, which triggers requirements for critical area report requirements, and project proponent has completed and submitted a critical area reports for impacts to the city’s critical area resources in the following areas:
 - a. Fish and Wildlife Conservation Area - Stream and/or stream buffer
 - b. Fish and Wildlife Conservation Area – General habitat area
 - c. Flood prone area – 100-year floodplain
5. The applicant submitted the following critical areas reports which demonstrated that critical areas which were suspected on or near the project site were not present:
 - a. Wetlands or wetland buffers.
6. All project actions are outside of the shoreline buffer area and therefore do not require mitigation.

Comprehensive Plan and Zoning:

1. Staff has identified and compiled applicable Comprehensive Plan policies.
2. The project is located in the Limited Manufacturing (ML) zone.
3. The use of the site as a public utility (public service) is a permitted use in the ML zone (PMC 20.35.010)
4. Regarding compliance with the Comprehensive Plan policies applicable to the project:
 - a. The Natural Environmental Element states, among other policies, city projects should “(...) achieve effective environmental stewardship while striving towards sustainable fiscal responsibility” (*Policy NE – 2.1*), “(u)tilize low impact development techniques (...)” (*Policy NE – 5.6*), and, “(p)rotect salmon, steelhead

and other fish, plants, and wildlife that rely on the aquatic environment by protecting and improving water quality” (*Policy NE – 9.14*).

- i. Staff has reviewed the proposal for consistency with applicable Comprehensive Plan policy from the Natural Environment Element and has not identified inconsistencies or conflicts with the Plan policies contained therein as they are applicable to the subject project. The project is implementing features and designs that achieve general consistency with the policies cited and applicable, including the use of low impact development principles, minimization of project impacts on habitat and natural environment, enhancement to restore areas degraded by project actions and protection of water quality, where required.
- b. The Community Character Element states, among other policies found in the Comprehensive Plan, “(u)tility facilities (should be) sited and treated so as not to detract from the quality of life or visual appearance of the community” (*Policy CC – 10*).
 - i. Staff has reviewed the proposal for consistency with applicable Comprehensive Plan policy from the Community Character Element and has not identified inconsistencies or conflicts with the Plan policies contained therein as they are applicable to the subject project. The project is implementing or already includes features that achieve general consistency with the policies cited and applicable including the installation of landscape screening and the location of the existing facility in an area of the city that has few buildings in the immediate vicinity which could be disturbed by the facility.
- c. The Utilities Element states, among other policies found in the Comprehensive Plan, “Maximize sanitary sewer service within the sewer service area to promote economic development and improved water quality” (*Policy U – 4*).
 - i. Staff has reviewed the proposal for consistency with applicable Comprehensive Plan policy from the Utilities Element and has not identified inconsistencies or conflicts with the Plan policies contained therein as they are applicable to the subject project. The project is implementing or features that achieve general consistency with the policies cited and applicable including upgrading several pumps to increase the capacity of this sewer pump station.

Based on the analysis outlined above, it is staff’s opinion the proposed project is generally consistent with the applicable goals, policies and regulations of the Puyallup Comprehensive Plan and applicable zoning regulations, as conditioned at the end of this staff report.

Shoreline Substantial Development Permit:

1. The Hearing Examiner is granted authority to review and approve Shoreline Substantial Development Permits (SSDP) under PMC 2.54.070 (2).

2. The review process and criteria for granting an SSDP is contained in the Puyallup SMP, Chapter 8, section (C.)(1)(c):

A Substantial Development Permit shall be granted by the Hearing Examiner only when the development is consistent with the following:

- i. Goals, policies and use regulations of the SMP;*
- ii. Puyallup Comprehensive Plan and Municipal Code; and*
- iii. The policies, guidelines and regulations of the Shoreline Management Act.*

3. Consistency with the goals, policies and use regulations of the Puyallup Shoreline Master Program. Staff has identified and compiled applicable goals, policies and regulations from the Puyallup SMP.
4. Staff has identified the following areas in which the Puyallup SMP contains applicable standards and provides the following analysis:

a. Public Access, Recreation, Views and Aesthetics – Section C, Chapter 4.

- i. Staff has reviewed the proposal relative to this section of the Puyallup SMP. The SMP states, in part among other goals/policies/regulations, that “Where on-site access is determined to be infeasible...off-site enhancements to public access – commensurate and proportionate to the development – shall be required.” (*Policy IV, Views and Aesthetics*).
- ii. The City is already providing public access to the Puyallup Shoreline via the Riverwalk Trail, which has been periodically improved and expanded (most recently in 2010). The Riverwalk Trail is located on the opposite side of the Puyallup River from the project site.
- iii. No further public access improvements are required for this project because such improvements would not be ‘commensurate and proportionate’ to the development.
- iv. The project site does not currently have direct access to the shoreline, as it is separated from the Puyallup river by N. Levee Rd, a minor arterial street. Providing public access directly over or across this busy roadway would be unsafe and infeasible.
- v. Impacts to the shoreline environment due to project actions are minimal due to its location. This project is located outside the 150’ buffer of the Puyallup Shoreline and only an approximately twenty-six (26) foot swath of the project area is located within the 200’ regulated shoreline area. This project is also located on a large, undeveloped, Pierce County Public Works owned parcel, well away from any properties that could be blocked by the small pump station building. The parcel immediately to the north, that could be impacted by view blockage is owned by the WA Dept of Transportation and is slated for use as a new segment of WA 167.

b. Shoreline Use – Section A, Chapter 5.

- i. The guiding goal of this section of the Puyallup SMP is to “ensure healthy, orderly growth by allowing...redevelopment activities which will be an asset to the community and local economy; which will result in no net loss of shoreline ecological functions; and will maintain or improve the health, safety and welfare of the public.” (Goal 1, *SHORELINE USE*)
 - ii. The use proposed at this site is a water-related use, as any water-dependent use proposed on the shoreline would require sewer service which would be served by this pump station.
 - iii. Staff has analyzed the impacts of the proposed development and found that it will not result in net loss of shoreline ecological functions.
- c. **Historic, cultural, scientific and educational resources – Section B, Chapter 5.**
 - i. The guiding goal of this section of the Puyallup SMP is to “prevent the destruction, damage, or inappropriate alteration to any cultural and historic resources including a site, building, district, structure or object having historical, cultural, scientific, or educational value as identified by the appropriate authorities, including affected Indian tribes, and the Department of Archaeology and Historic Preservation.” (Goal 1, *HISTORIC, CULTURAL, SCIENTIFIC AND EDUCATIONAL RESOURCES*).
 - ii. Staff provided notice of application to the WA State Department of Archeology and Historic Preservation, and staff from the Puyallup Tribe and Muckleshoot Tribes. No comment letters were received in response to the city’s notices.
 - iii. Staff recommends the Hearing Examiner consider a condition related to the project that would re-enforce requirements for work stoppage in the event historic and/or cultural resources are found or suspected during project construction.
- d. **Ecological protection – Section C, Chapter 5**
 - i. The overarching goal of this section of the SMP is to “(...) protect critical areas in the shoreline (e.g., wetlands and fish and wildlife habitats) for their ecological functions and values, as well as their aesthetic, scenic, and educational qualities” (Goal 1.ii, *Ecological Protection and Critical Areas*). This section of the SMP works in concert with the city’s critical areas ordinance (PMC 21.06). The section contains specific regulatory standards that either cross reference PMC 21.06 or provide superseding regulations protecting the natural environment and critical areas.
 - ii. Staff has reviewed the project critical areas assessments the project impacts and made appropriate determinations regarding avoidance of impacts.
- e. **Flood Hazard Reduction – Section D, Chapter 5**
 - i. This section of the SMP works in concert with the city’s Flood Protection Ordinance (PMC 21.07) “(t)o reduce flood damage or hazards to shoreline uses and developments as well as limit shoreline modifications that may increase flood hazards” (Goal 1.i, *Flood Hazard Reduction*).
 - ii. The project is not located within the regulated 100-year floodplain and active floodway related to the Puyallup River.

- iii. Staff has determined the project is compliant with this section of the Puyallup SMP and all applicable sections of PMC 21.07.
- f. **Vegetation conservation – Section E, Chapter 5**
- i. This section of the SMP outlines, among other applicable policies, that projects should “(l)imit removal of native vegetation on development sites within the city’s shoreline planning areas” to the minimum necessary (*Policy 2.ii*), and “...establish 65% native vegetation landscaping coverage between permitted uses/structures and OHWM to the extent feasible (*Policy 3.ii*).
 - ii. The project site is limited to the existing sewer pump station and its access point from N. Levee R. No trees or shrubs are located within the project area, the project area is vegetated by grass and Himalayan blackberry (*rubus armeniacus*).
 - iii. The project will include the addition of 374 square feet of landscaped area, a large portion of which will be located within the regulated shoreline area.
 - iv. Staff recommends the Hearing Examiner consider a condition that 100% of the landscaped area be planted with native plants.
- g. **Water quality and quantity - Section F, Chapter 5**
- i. This section of the SMP works in concert with the city’s Stormwater Management Ordinance (PMC 21.10), “(t)o treat and infiltrate all storm water runoff in shoreline planning areas within the city using best management practices” (*Goal 1.i, Water Quality and Quantity*).
 - ii. The project engineer submitted a response letter describing some design features of the facility. In that response it was stated that “the paved area of the site will be sloped towards a localized drain that will discharge back into the pump station well” to prevent possible pollutants/contaminates from leaving the pump station during operation.
 - iii. The project does not meet the thresholds to trigger further review of stormwater design.
- h. **Filling, Grading and Excavation - Section H, Chapter 7**
- i. The project contains minimal grading work, mostly around the perimeter of the site and in front of the existing generator building where earthwork will occur to prep the site for replacement of the asphalt paving.
- i. **Utility Development - Section O, Chapter 7**
- i. The utility section of the SMP outlines, among other policies and standards, that utilities should be “located outside of the shoreline area where feasible” (*Policy II.*). Furthermore, “no permit shall be issued for any new or expanded building or structure more than thirty-five feet in height that will obstruct the view of a substantial number of residences on areas adjoining shorelines”.
 - ii. This sewer pump station is an existing facility that serves the north side of the Puyallup River. The project Engineer provided a response letter in which he outlined the rationale for why this pump station could not reasonably be moved outside of the shoreline area which states, “The City of Puyallup’s Water Pollution Control Plant (Sewage Treatment Plant) is

located on the south side of the Puyallup river. In order to convey sewer from the north side of the Puyallup river, sanitary sewer is required to be pumped over the North Meridian Bridge to a gravity sewer conveyance system along River Road that discharges to the Treatment Plant.

Therefore, this pump station needs to be located in close proximity to the North Meridian Bridge to efficiently pump sewer towards the treatment plant.” Furthermore, “the entire sewer conveyance network for this area has been constructed to discharge to this location with the pump station being the lowest elevation for sewer collection and transport...This pump station needs to be at this location in order to continue to provide sewer service for this area”. Based on these conditions, it would be infeasible to relocate the pump station to a different location outside of the shoreline area.

- iii. Furthermore, The location in the shoreline as a water related use is necessary because the city is not the owner of the underlying land and cannot reasonably or feasibly relocate the use outside of the shoreline environment due to the previously defined easement area and current configuration of sewer main infrastructure that feeds into the facility would require extensive modification beyond the intended scope of the project.
- iv. The proposed expansion to the existing generator building is not taller than thirty-five (35) feet.
- v. Staff has determined the project is compliant with this section of the Puyallup SMP.

Based on the analysis outlined above, it is staff’s opinion the proposed project is consistent with the applicable goals, policies and regulations of the Puyallup SMP, as conditioned at the end of this staff report.

The policies, guidelines and regulations of the Shoreline Management Act:

Under the Washington State Shoreline Management Act (RCW 90.58), there are three basic SMA policy areas: Shoreline use, environmental protection, and public access. Following policy is stated in the SMA, RCW 90.58.020:

The legislature declares that the interest of all of the people shall be paramount in the management of shorelines of statewide significance. The department, in adopting guidelines for shorelines of statewide significance, and local government, in developing master programs for shorelines of statewide significance, shall give preference to uses in the following order of preference which:

- (1) Recognize and protect the statewide interest over local interest;*
- (2) Preserve the natural character of the shoreline;*
- (3) Result in long term over short term benefit;*
- (4) Protect the resources and ecology of the shoreline;*
- (5) Increase public access to publicly owned areas of the shorelines;*
- (6) Increase recreational opportunities for the public in the shoreline;*

(7) Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary.

This project has important significance for the City. As essential infrastructure, this sewer pump station provides a vital service to Puyallup Citizens and an important means of maintaining water quality for the Puyallup River. Without pump stations to convey sewage to Puyallup's Sewage Treatment Plant, sites served by these pump stations would likely have to rely on septic systems, which can diminish water quality in a region. The pump station is near capacity and is in need of improvements in order to continue to serve its function. Turning off the pump station or taking no action as an alternative are not feasible options. Approval of the project, if appropriately designed and conditioned, will result in a net long-term benefit to the public by maintaining important infrastructure for public health. As such, staff has not identified any conflicts with the SMA's overall policy findings and believes that permit approval can be made in regards to this criteria.

Staff conclusions – (Shoreline Substantial Development Permit):

Staff's review of the applicant's requested Shoreline Substantial Development Permit results in the following conclusions:

1. The proposed project is generally consistent with the policies and regulations of the Puyallup Shoreline Master Program. Staff proposes conditions below to improve consistency with the Puyallup SMP goals, policies and regulations; and,
2. The proposed project is generally consistent with the Puyallup Comprehensive Plan and applicable zoning regulations; and,
3. The application is generally consistent with the policy goals set forth in RCW 90.58

Staff recommended Hearing Examiner conditions:

Staff recommends the Hearing Examiner concur with staff's above written conclusions set forth in this report, and **approve** the requested Shoreline Substantial Development Permit (permit ID P-21-0003), subject to the following conditions:

Planning

1. The Applicant shall complete an Inadvertent Discovery Plan (IDP), to the approval of the City, WA State Department of Archeology and Historic Preservation, and affected Tribal governments. The IDP shall be completed in a form supplied by the Department and shall be completed prior to issuance of the civil permit for the site.
2. A final landscaping plan shall be provided at the time of civil permit application. Project shall comply with the city's landscaping ordinance (PMC 20.58) and the city's Vegetation Management Standards (VMS) manual, as adopted by 20.58.015 (6).
3. All landscaping areas shall be planted with native plants.

4. All portions of a lot not devoted to building, future building, parking, access drives, walks, storage or accessory uses shall be landscaped in a manner consistent with the requirements of the PMC.
5. Tree and native vegetation protection plans shall be provided near any existing vegetation on site. Limits of clearing and protection fencing details shall be provided on the final civil permit plans.
6. No trees or shrubs shall be removed without prior authorization from the City
7. If proposed building improvements exceed \$150,000 then half-street improvements are required per PMC 11.08.030
8. Building permit plans will need to meet the 2018 building Codes adopted February 1, 2021.
9. Fence permit is required per building code.
10. Separate electrical permit is required with Washington State Department of Labor & Industries.
11. The project shall comply with all requirements of the City's noise ordinance during construction. Noise related to construction, machinery and vehicles shall be limited to between the hours of 7:00 AM and 10:00 PM on weekdays and 9:00 AM and 10:00 PM on weekends, in accordance with City ordinance.
12. Development shall be laid out so as to provide positive drainage away from all buildings, and shall be coordinated with the general storm drainage pattern for the area. Drainage cannot impact adjacent or abutting properties during or after site construction.
13. Project shall comply with all applicable regulations in the Limited Manufacturing (ML) zone district (PMC 20.35), including, but not limited to, 20.35.020 (property development), 20.35.023 (building heights), 20.35.025 (parking) and 20.35.035 (performance standards).
14. Project shall comply, where applicable, with design regulations in PMC 20.26.400 (Industrial design standards). Project shall be reviewed at the time of building permit for compliance with applicable regulations outlined therein.