

Initial Project Review

Variance: Bachmeier

Application Number: 967038 (Variance)
Family Application Number: 967034 (Short Plat)
Tax Parcel Number: 0419071067

Mid-County Advisory Commission (MCAC) Public Meeting: October 12, 2021, at 6:30 p.m. Due to COVID-19 restrictions, this meeting will be held remotely. To participate in the virtual meeting, visit www.Zoom.com and click “Join a Meeting” or call 253-215-8782, then enter the Meeting ID: 997 7964 9729, and Password 7156, or click on the following link: <https://piercescountywa.zoom.us/j/99779649729?pwd=QTISdW9ESUU0N3hoWHhKRz1VL1I2Zz09> . For additional questions regarding the virtual meeting process, contact Danica Williams at 253-798-7156 or danica.williams@piercescountywa.gov.

Proposal: The applicant requests preliminary short plat approval to subdivide 3.58 acres into two residential lots. The application includes the following proposed variances associated with the short plat:

- A variance to the requirements of PCC 18A.15.020.B.2.a, which requires only one lot within the subdivision to exceed 7,260 square feet in size when the subdivision is more than 300 feet from a sewer hook-up and the minimum density requirement of the zone is not achieved through the subdivision.
- A variance to PCC 18A.37.020.B, which requires structures typically accessory to a residence, such as garages, greenhouses and storage buildings, may only be permitted without a principal use up to a maximum of 576 total square feet. The proposed short plat would segregate the existing single-family residence (SFR) from an existing detached garage that exceeds the 576-square foot threshold with a result of the garage being on a property without a principal permitted use.

The variances require a public hearing and Pierce County Hearing Examiner approval. The Single-Family (SF) zone requires a minimum density of 4 dwelling units per acre and a maximum density of 4 dwelling units per acre. The property is served by a public water system and individual on-site septic systems.

Project Location: 11524 Woodland Avenue East, Puyallup, WA, within Section 7, T19N, R4E, W.M., in Council District #5.

Review Summary: County staff has reviewed this proposal for compliance with all applicable policies, codes, and regulations. The County finds, based on an initial project review, that the proposal appears to meet the intent of the applicable codes and regulations and staff plans to recommend approval of the proposed variance, subject to conditions.

Zone Classification: The current zoning of the property is SF. The primary use of the SF zone is single-family residences with a minimum, base, and maximum density of 4 dwelling units per acre. The Comprehensive Plan designates the property as Moderate Density Single-Family (MSF).

Community Plan: Mid-County

State Environmental Policy Act (SEPA): Pursuant to the State Environmental Policy Act and the Pierce County Environmental Regulations, Title 18E, the proposal is considered exempt to the requirements of SEPA as a result of the proposed short plat being less than 20 dwelling units.

County Contact: Tony Kantas, Senior Planner, tony.kantas@piercecountywa.gov, or 253-798-2789.

Pierce County Online Permit Information:

<https://pals.piercecountywa.gov/palsonline/#/permitSearch/permit/departementStatus?applPermitId=967038>



Project Data

Application Complete Date: July 23, 2021

IPR Mailed Date: October 6, 2021

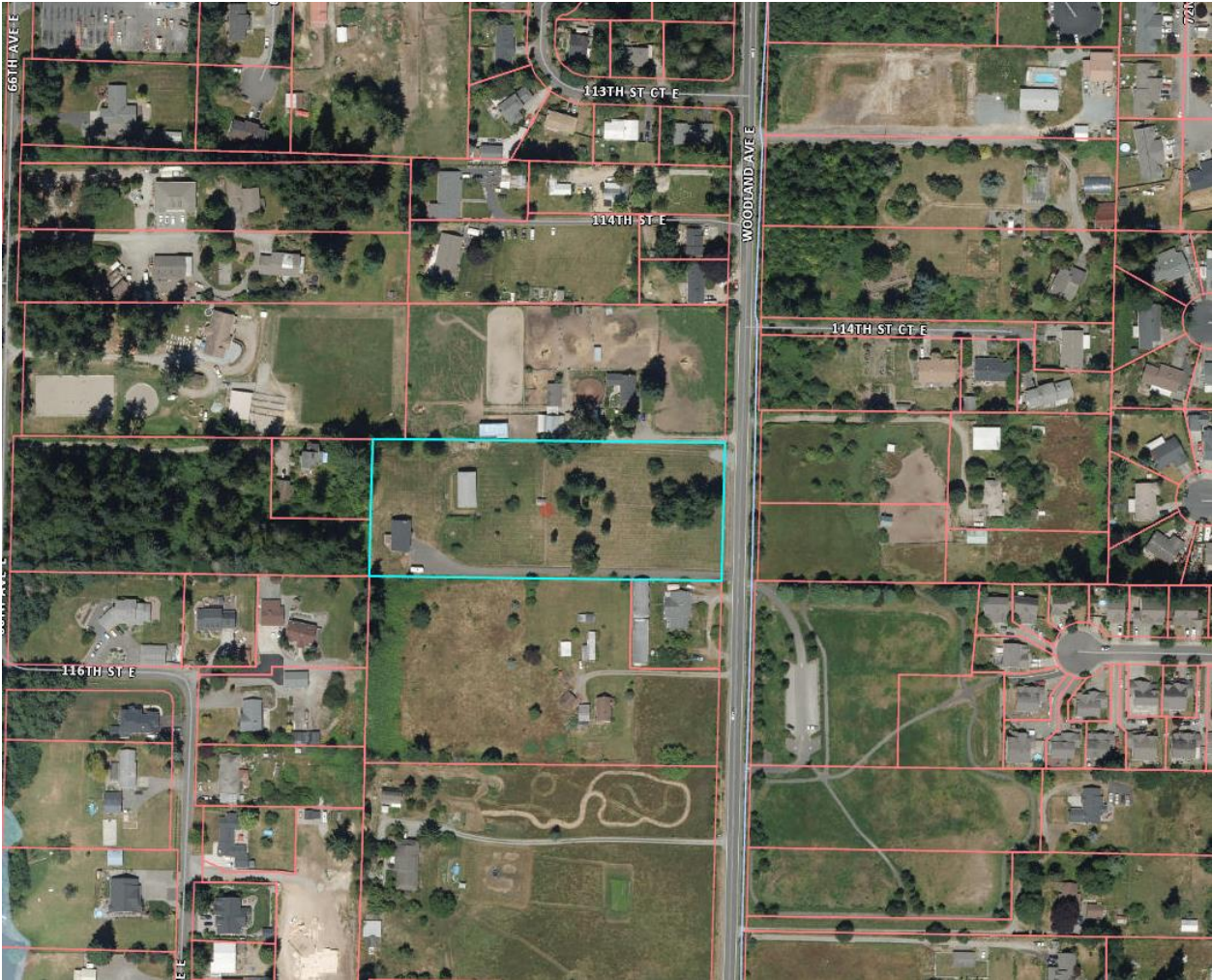
Property Owner: Kellen Bachmeier
11524 Woodland Avenue East
Puyallup, WA 98373
kellenbachmeier@yahoo.com

Applicant: Tony Balmelli
7411 Prine Drive Southwest
Olympia, WA 98512
tonybalmelli@comcast.net

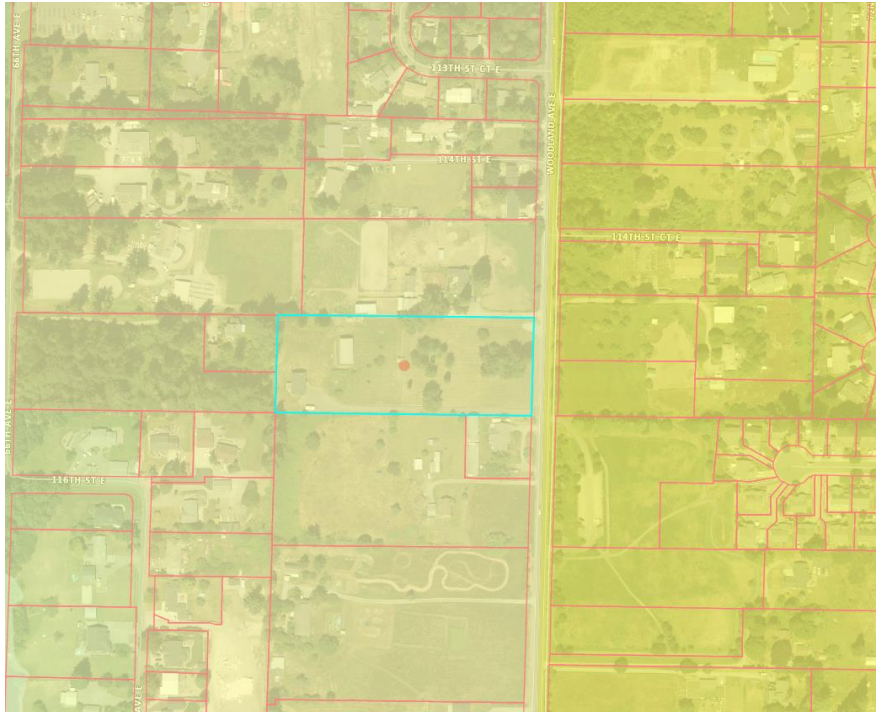
Public and Legal Notice

- *August 11, 2021:* Notice of Application, including the Mid County (MCAC) public meeting information, was sent to property owners within a radius of 300 feet, but not less than two parcels deep, around the exterior boundaries of the subject property.
- *August 16, 2021:* The site was posted with a Public Notice sign, confirmed with a Declaration of Posting.
- *September 30, 2021,* Legal Notice was published in the official County newspaper (*The News Tribune*), advertising the public meeting to be held by the Mid-County Advisory Commission.

2019 County Aerial Photos

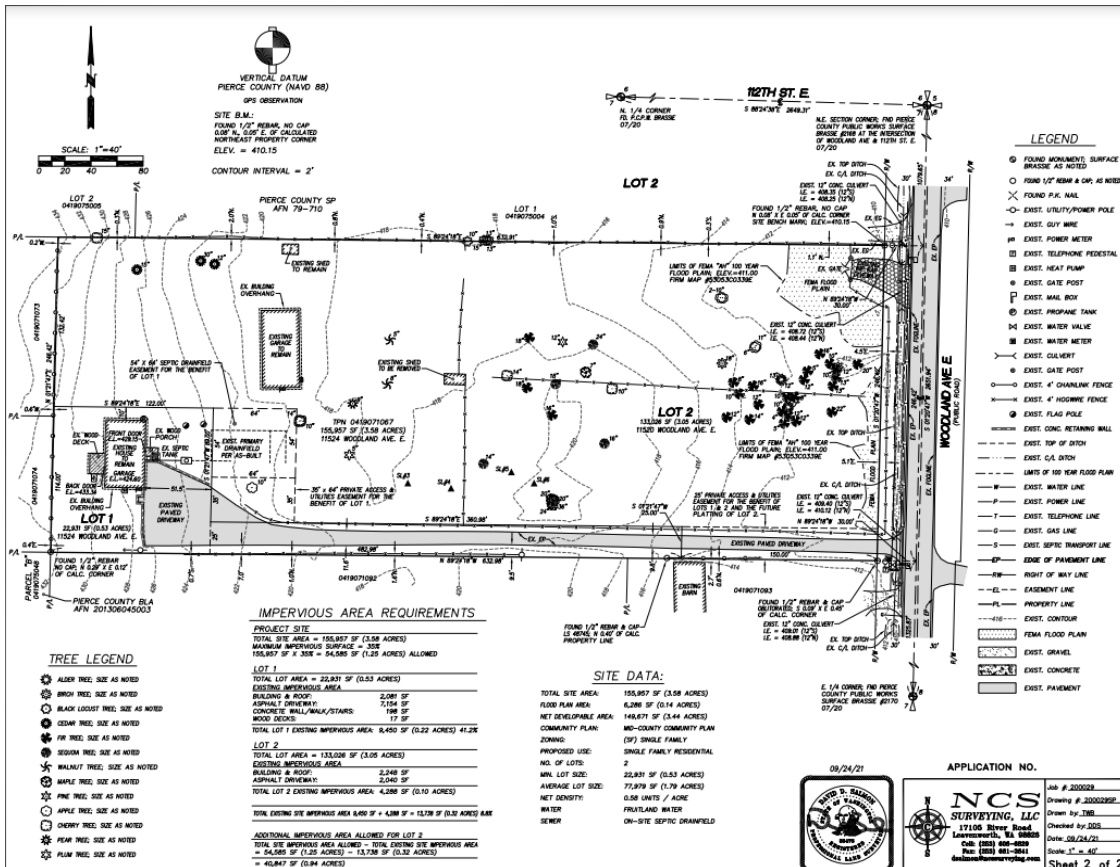


Zoning Map



Green (west of Woodland Avenue East) – SF zoning
 Bright Yellow (east of Woodland Avenue East) – MSF zoning

Proposed Preliminary Short Plat Site Plan



Public and Agency Review Comments

To date, the County has not received any comments from nearby property owners in response to the notice of application that was mailed to neighboring property owners.

The proposed variance request is specifically a Planning design standard which does not affect any of the other review departments requirements relating to the short plat; therefore, no comments have been received to date from any departments or agencies in respect to the proposed variance. Comments have been received to date on the short plat from the following departments and agencies:

- Fruitland Water:
 - Has provided a water availability letter and a map of water lines within the vicinity of the property.
- Pierce County Fire Prevention Bureau (FPB):
 - Has requested a water system map that indicates existing hydrant locations and that it appears an additional hydrant will be required to be installed. A separate water system permit is required for hydrant installation and shall be final approved prior to final short plat approval. FPB also requests the following note to be added to the short plat map “Fire flow and/or fire protection requirements shall be determined at the time of application for building permit.”
- Cartography Section of Planning and Public Works (PPW):
 - Has approved the short plat.
- Development Engineering Section of PPW:
 - Has marked up the preliminary short plat with requested revisions, which includes removal of a direct access point onto Woodland Avenue East for proposed Lot 2.
- Resource Management Section of PPW:
 - The County Biologist has stated that there are no wetlands or associated buffers on the subject property.
- Sewer Division of PPW:
 - The Sewer Division has reviewed the subject preliminary short plat application and has the following comments:
 1. The subject property is located within the Pierce County Sewer Service area and is within the Comprehensive Urban Growth Area (CUGA).
 2. The subject property is not within 300 feet of an existing accessible sanitary sewer.
 3. All new development approved to utilize interim on-site sewage systems after the effective date of July 1, 1993 shall connect to a permanent sewage treatment and disposal system when that system becomes available, as defined by the appropriate agencies.

Comments received on this proposal may be found by accessing the Online Permit Information referenced on page 2. The substance of these comments is reflected, where appropriate, in the analysis provided below.

Background

The 3.7-acre parcel site is generally rectangular shaped and fronts Woodland Avenue East to the east. The parcel is currently developed with a Single Family Residence (SFR) located along the western boundary of the property, two detached structures located within the inter area of the parcel, and a long driveway that extends from Woodland Avenue East to the existing SFR.

The topography of the property moderately slopes from a high point elevation of approximately 430 feet along the western boundary of the parcel to a low point of approximately 410 feet along Woodland Avenue East. Based on the submitted site plan, there appears to be 13 trees located on the eastern half of the property. There is a designated flood plain along Woodland Avenue East, as outlined on the proposed short plat.

Surrounding Land Use / Zoning Designation:

LAND USE		ZONING (Title 18A)
North	SFR and an accessory agricultural use on 3.25 acres	Single Family (SF) – Mid County
South	SFR on .59 acres and SFR on 4.29 acres	SF – Mid County
East	SFR on .57 acres and an undeveloped 3.13-acre property	SF – Mid County
West	Woodland Avenue East	Moderate Density Single Family (MSF) – South Hill

Utilities/Public Facilities: Utility service and public facilities are proposed as follows:

- Water - Fruitland Water Company
- Sewer- Individual Septic Systems
- Power - Puget Sound Energy
- School- Puyallup

Governing Regulations

The proposed plat is being reviewed for conformance with the following goals, policies and requirements in effect on the July 27, 2021 complete application date of this proposal:

- Title 19A Comprehensive Plan - January 1, 1995, as amended
- Title 17A Construction and Infrastructure Regulations – Site Development and Stormwater Drainage
- Title 17B Construction and Infrastructure Regulations – Road and Bridge Design and Construction Standards
- Title 18 Development Regulations - General Provisions
- Title 18A Development Regulations – Zoning
18A.75.040 - Variances
- Title 18D Development Regulations - Environmental
- Title 18E Development Regulations - Critical Areas
- Title 18F Development Regulations - Land Division and Boundary Changes
- Title 18H Development Regulations - Forest Practices
- Title 18J Design Standards and Guidelines

Initial Planning and Public Works Staff Review for Consistency with Land Use Policies and Regulations

Title 18E, Development Regulations – Critical Areas

- Aquifers are regulated per Section 18E.50.040.A. The stormwater review of future building permits will ensure compliance with all aquifer recharge requirements.
- Flood Hazard Areas are regulated per Chapter 18E.70. There is a flood plain along Woodland Avenue East. The revised site plan removes a previously proposed new access point that would have gone through the flood plain. As proposed, there will be no improvements within the flood plain.

Title 18A, Development Regulations – Zoning

The proposed variances are to deviate from the following code sections of Title 18A:

Table 18A.15.020-1. Urban Residential Density and Urban Lot Dimensions							
Urban Zone Classification		Residential Density (du/ac)			Lot Dimensions		
		Minimum	Base	Maximum	Lot Size (square feet)		Minimum Lot Width (feet) (3)
					Mean	Minimum	
SF	Single Family (All County)	4	4	4	6,000	5,000	60

Staff Comment: The proposed short plat does not comply with the density requirement of 4 dwelling units per acre of the SF zone.

Residential Density (Chapter 18A.15)

PCC 18A.15.020.B states the following:

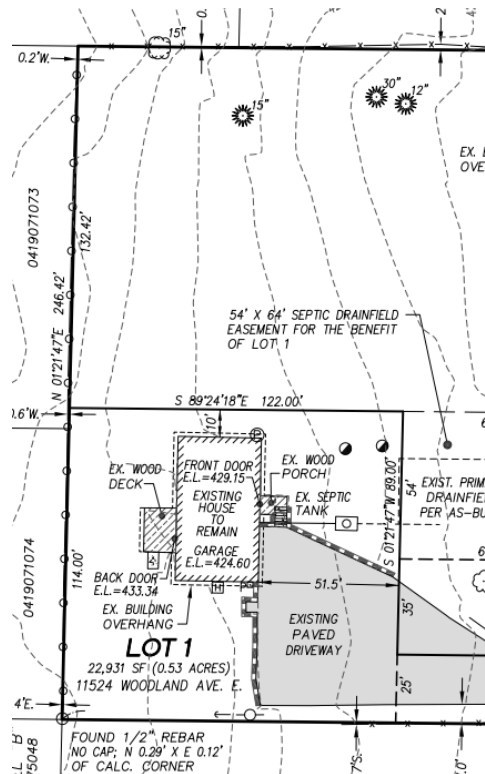
Minimum Density.

1. Urban land divisions and residential developments shall comply with Minimum Density, pursuant to Table 18A.15.020-1, for the zone classification in which the proposal is located, unless relief is allowed pursuant to 2. below.
2. Relief from minimum density is allowed as follows:
 - a. If a lot is more than 300 feet from a sewer hook-up, the minimum density requirement shall not apply; provided, that only one lot of the proposed short plat or subdivision may exceed 7,260 square feet in size and provided improvements associated with the land division do not preclude future access or other improvements needed to achieve minimum density for any future land division.

Staff Comment: The subject property is zoned SF, which is considered an urban zoning designation. The subject property is greater than 300 feet from a sewer hook-up. As proposed, the short plat does not comply with the requirement of only one lot exceeding 7,260 square feet in size. Proposed Lot 1 contains the existing single-family residence and is 22,931 square feet (.53 acres) in size and designed as a pipestem lot. Proposed Lot 2 would be 133,026 square feet (3.05 acres) in size.

PCC 18.25.030 defines a "Pipestem lot" as a lot which gains street right-of-way access by way of a driveway easement or lot extension which is too narrow to be built upon. When a pipestem shaped lot abuts two or more street rights-of-way it shall not meet this definition of a pipestem lot.

At the time the short plat and variance applications were originally submitted, proposed Lot 1 only included a boxed-out area surrounding the existing single-family residence and the apron shaped driveway in front of the residence. This version of the proposed short plat still exceeded the threshold of only one lot exceeding 7,260 square feet in size. In response to Development Engineering comments and concern to the location of the flood plain along Woodland Avenue East and limiting access points onto Woodland Avenue East, the applicant revised the design of Lot 1 to be a pipestem lot. The design includes access/utility easements for Lot 2 within the pipestem portion of Lot 1.



As proposed, it makes sense to increase the size limitation of Lot 1 with consideration of the existing apron shaped driveway improvements and design the lot as a pipestem to limit access points onto Woodland Avenue East, which also averts improvements within the flood plain.

Accessory Development Residential (Chapter 18A.37)

18A.37.020.B states structures typically accessory to a residence, such as garages, greenhouses and storage buildings, may be permitted without a principal use up to a maximum of 576 total square feet. Fences and retaining walls shall not be considered a principal use and shall not be limited to the 576 square feet maximum when no principal use is located on site.

Staff Comment: The proposed short plat would segregate the existing SFR from an existing detached garage that exceeds the 576-square foot threshold with a result of the garage being on a property (Lot 2) without a principal permitted use. The applicant has submitted a septic design application for proposed Lot 2 and is currently working with an architect in submitting a building permit application for a new SFR on Lot 2. If the building permit application for the SFR is ready to be issued, pending final short plat approval and recording, this variance request would no longer be needed.

Title 18J, Development Regulations – Design Standards and Guidelines

- As proposed, the proposed short plat complies with all applicable Design Standards and Guidelines of Title 18J.

Title 18F, Development Regulations - Land Division and Boundary Changes

Section 18F.50.040 provides the requirements for the proposed short plat.

- D. Required Written Findings and Determinations. The Director shall inquire into the public use and interest proposed to be served by the establishment of the short subdivision/large lot division and dedication. A proposed preliminary short subdivision/large lot division shall not be approved unless the Director makes written findings that:
1. Appropriate provisions are made for the public health, safety and general welfare, for open spaces, drainage ways, stormwater runoff, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds and all other relevant facts including sidewalks and other planning features that assure safe walking conditions for students who walk to and from school; and
 2. The public use and interest will be served by such short subdivision/large lot division.
- E. Approval. The Director has the authority to approve or deny any proposed preliminary short subdivision/large lot division and may impose additional or altered conditions and requirements as necessary to assure that the proposal conforms with the intent of the Comprehensive Plan, applicable community plans, other applicable County codes, state laws and the criteria contained in this Title.

PCC 18A.75.040 Variances

Section 18A.75.040 provides the below requirements for the proposed variances relating to the short plat.

- A. **Purpose.** The purpose of this Section is to provide a means of deviating from the requirements of Title [18A](#) PCC in specific instances where strict application of these requirements would prevent property from being utilized in a similar manner as other properties in the same zone classification because of special features or constraints unique to the property involved.
- B. **Applicability.**
1. A variance may be used to deviate from a dimensional requirement of Title [18A](#) PCC.
 2. No variance shall be granted to permit the establishment of a use or density otherwise prohibited in the zone in which the property concerned is located, or to waive applicable design standards described in Title [18J](#) PCC.
 3. Where a variance has been granted, further reduction or deviations, such as those allowed in PCC [18A.15.040](#) C., Situational Setback and Height Provisions, shall not be approved or allowed.
- C. **Review Criteria.** Before any variance may be granted, it shall be shown that:

1. There are special circumstances applicable to the subject property or to the intended use such as shape, topography, location, or surroundings that do not apply generally to the other property or class of use in the same vicinity and zone;

Applicant Comment: Due to the location of the existing house and associated improvements, the size of proposed Lot #1 is not able to be 7,260 SF or smaller.

2. Such variance is necessary for the preservation and enjoyment of a substantial property right or use possessed by other property in the same vicinity and zone but which because of special circumstances is denied to the property in question;

Applicant Comment: This variance is necessary to allow the use of this property for a 2 Lot Short Plat which other property owners are allowed, but because of the location of the existing improvements, the variance is necessary.

3. The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvement in such vicinity and zone in which the subject property is located;

Applicant Comment: The granting of this variance will in no way be materially detrimental to the public welfare or injurious to the property or improvements within the vicinity of this property.

4. The granting of such variance is consistent with the Comprehensive Plan including any applicable Community Plan; and

Applicant Comment: The granting of this variance will not adversely affect the Comprehensive Plan. This property will still be able to meet all of the required zoning regulations of the (SF) Single Family Zone. In particular it will still meet the minimum density of 4 units per acre.

5. No significant adverse environmental impact will be caused as a result of the variance approval.

Applicant Comment: No significant adverse environmental impacts will be caused by allowing the size of proposed Lot #1 to increase from 7,260 SF to 13,907 SF.

D. Review Process.

1. An application for a variance will be considered an administrative variance if such request is to deviate not more than 20 percent from the minimum or maximum dimension allowed by Title [18A](#) PCC including, but not limited to, the dimensions set forth in Tables 18A.15-040-1 and -2, and PCC [18A.15.040](#) C., Situational Setback and Height Provisions.
2. An application for administrative variance shall be reviewed and granted or denied by the Director or designee.
3. An application for variance to deviate more than 20 percent from the minimum or maximum dimension allowed by Title [18A](#) PCC including, but not limited to, the dimensions set forth in Tables 18A.15.040-1 and -2, and PCC [18A.15.040](#) C., Situational Setback and Height Provisions, shall be reviewed and granted or denied by the Hearing Examiner.

- E. **Approval Subject to Conditions.** Approval may include specific conditions which will serve to accomplish the standards and criteria established by this Title and policies established by the Comprehensive Plan and any applicable Community Plan.

Mid-County Communities Plan

The subject property is within the Moderate Density Single Family (MSF) land use designation within the Mid-County Communities Plan. The MSF land use designation is intended to provide areas for urban single and two-family residential development. MSF is implemented by the Residential Resource (RR) and Single Family (SF) zone classifications. Areas with significant critical area complexes are zoned RR and allow for 1 to 3 units per acre and is limited to single-family detached housing. SF allows 4 units per acre. The following are the urban residential goals of the Mid-County Communities Plan:

- GOAL MC LU-10 Implement distinct zoning districts for a variety of residential choices including: single family, multifamily, senior housing, and mixed-use development.
 - MC LU-10.1 Low residential densities should be located in the vicinity of environmentally constrained lands, such as wetlands, floodplains, lands with hydric soils, and aquifer recharge areas.
 - MC LU-10.2 High-density residential should be located in the Neighborhood Corridor and Urban Corridor when infrastructure is available.
 - MC LU-10.3 Establish the High Density Residential District (HRD) Designation.
 - MC LU-10.4 The primary uses within the HRD designation shall be moderate to high density single-family detached, two-family, attached single-family, and multifamily.
 - MC LU-10.5 Provide incentive-based residential density regulations.
 - MC LU-10.5.1 Provide on-site density credits within the Residential Resource zone.

- GOAL MC LU-11 Allow non-residential uses within residential areas.
 - MC LU-11.1 Limited non-residential uses, such as schools and daycares, should be allowed within residential areas.
 - MC LU-11.2 Non-residential activity should be scaled and sized appropriately to ensure compatibility within the neighborhood.

- GOAL MC LU-12 Ensure residential rezone applications are consistent with the intent, goals, objectives, and standards as set forth in the Mid-County Community Plan. Residential rezones may be allowed when the following criteria are met:
 - MC LU-12.1 A Planned Development District (PDD) shall accompany all rezone applications;
 - MC LU-12.2 If the request is to up-zone from Residential Resource to Single-Family, it must be demonstrated that the environmental constraints qualifying the property for such classification no longer exist on the site;
 - MC LU-12.3 An analysis of market vacancy has demonstrated that there is a need for higher density within the Mid-County Community Plan area. The analysis must consider the availability of buildings for the same type of use and shall demonstrate why the rezone is necessary. The analysis shall not be an analysis of market potential.
 - MC LU-12.4 For any rezone request to allow higher densities, the site must be located on an arterial within 1,000 feet of a transit stop.
 - MC LU-12.5 Compatibility with surrounding uses shall be maintained.

- MC LU-12.6 For any rezone request to allow higher densities, connection to sewers shall be required.
- MC LU-12.7 The Examiner shall provide written findings that the proposed zone and PDD implement the goals, objectives, and standards of the designation better than the existing zone.

Questions for MCAC Discussion and Consideration

- Does the variance proposal adequately address public health, safety and general welfare issues as discussed above? If no, what changes are recommended?
- Will the public use and interest be served by the proposal? If not, what changes are recommended?

Other Questions or Concerns?

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