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BEFORE THE HEARING EXAMINER FOR THE CITY OF LAKEWOOD

RE: Clover Park School District	)	
	)	FINDINGS OF FACT, CONCLUSIONS OF
Conditional Use	)	LAW AND FINAL DECISION
	)	
LU1800085	)	
	)	
	)	

**Summary**

The Applicant has applied for a conditional use permit to replace the Mann Middle School with a new 136,100 square foot middle school at 11509 Holden Rd SW. The conditional use permit application is approved subject to conditions.

The Applicant and City were in agreement with all staff recommended conditions of approval except for how to mitigate traffic safety impacts. This decision authorizes Public Works staff to determine what type of traffic safety mitigation is required for the project. However, if Public Works staff determines that intersection signalization is required, the amount of that financial contribution is set at \$39,000. If Public Works staff requires pedestrian activated cross-walk lights, the Applicant will be required to install those improvements at its expense.

The City would like the extent of required improvements to be based upon data yet to be collected after project build out while school is in session. There are at least two options for traffic mitigation (signalization or pedestrian activated flashing pedestrian crossing) and the post-hearing data would help the City assess which mitigation is necessary for pedestrian safety. The Applicant is agreeable to collecting the additional data, but prefers to have its maximum financial responsibility set by this decision. The Applicant has had a traffic consultant submit an analysis identifying the Applicant's proportionate share responsibility for the mitigation, specifically \$35,000 to \$39,000, based upon a 7% contribution towards signalization of the Holden/Military Road intersection or 100%

1 contribution towards the flashing crosswalk.

2 The City has apparently failed to appreciate that it has the burden of proof in requiring mitigation for  
3 off-site traffic impacts. Although the Applicant generally has the burden of proof in establishing  
4 compliance with permitting criteria, “*the burden of establishing that a condition is reasonably*  
5 *necessary as a direct result of the proposed development is on the City.*” *Isla Verde v. Camas*, 146  
6 Wn.2d 740, 755 (2000); accord, *Kitsap Alliance v. Central Puget Sound Growth Management*  
7 *Hearings Board*, 160 Wn. App. 250, 271 (2011). The Applicant submitted a memorandum, Ex. Q,  
8 from Transpo Group, a professional traffic consulting firm, detailing its calculations for its  
9 maximum financial contribution. The City provided no evidence to rebut the accuracy of these  
calculations, other than to note in Ex. R that the methodology of Transpo was “unusual.” The City  
also testified at the hearing that data needs to be collected while school is in session to acquire a  
more accurate assessment and that setting financial responsibility after full build out is consistent  
with past Public Works practice.

10 With the evidence presented, there is no basis to find one party’s traffic assessment more compelling  
11 than the other. Other than calling Transpo’s analysis “unusual,” the City doesn’t identify any  
shortcomings in Transpo’s estimates of future traffic impacts and proportionate share analysis.  
12 Clearly, traffic impacts can always be more accurately assessed after build-out, but under that  
13 rational traffic mitigation would almost never be based upon estimated traffic impacts. Further,  
14 delaying the assessment of traffic mitigation post-buildout delegates final decision making to Public  
Works staff, arguably subverting the jurisdiction of the hearing examiner to rule on that issue.

15 When faced with equally compelling testimony from experts on both sides, the party with the burden  
of proof loses. In this case that is the City. Absent a peer review analysis supporting the City’s  
16 position or a detailed explanation from the City revealing deficiencies in the Applicant’s analysis,  
17 there is no basis to find that the City has met its burden of proof in establishing that the Applicant’s  
proportionate share mitigation for intersection signalization is set at \$39,000.

18 The analysis above is not applied to the Applicant’s request to also set its contribution for pedestrian  
19 activated cross-walk lights. That mitigation is distinguishable because the staff proposed conditions  
of approval require the Applicant to install the crosswalk improvements at its expense. In contrast,  
20 the Applicant would only be paying 7% of the intersection signalization and those improvements  
21 would be constructed pursuant to public bid under contract with the City where the City would likely  
be contributing some of its own funds or at least grant funds to the improvements. From both a  
22 practical and equitable standpoint there is no compelling basis to require the City to accept an  
upfront contribution for improvements that the Applicant can construct entirely on its own. In this  
23 respect the cross-walk improvements are little different from frontage improvements except for the  
24 timing of when the requirement is imposed. Further, the Applicant has presumably greater control  
over the costs of the crosswalk improvements since it would be doing the improvements itself. For  
25 these reasons, the staff recommended conditions of approval are only revised to limit the Applicant’s  
26 proportionate share responsibility to \$39,000<sup>1</sup>.

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<sup>1</sup> Unexpended amounts would be required to be refunded to the Applicant per RCW 82.02.020.

## Testimony

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2  
3 Andrea Bell, City of Lakewood Associate Planner, summarized the staff report.

4 In response to examiner questions, Greg Vigoren, Lakewood Public Works, confirmed that Public  
5 Works and the Applicant have not come to agreement on proportionate share off-site traffic  
6 mitigation. Mr. Vigoren explained that traffic impacts can't be assessed until school is back in  
7 session. Public Works would also like to see traffic impacts after build-out of the proposal. Public  
8 Works has assessed traffic impacts in this manner in the past. The LOS of the affected intersection  
9 will be lowered from C to D, but D is the City's adopted standard. Public Works is more concerned  
about traffic safety at the intersection. Site distance is poor at the intersection. A signalized cross-  
walk may be sufficient to mitigate the traffic safety impact and was in fact suggested by Public  
Works.

10 Todd Sawen, on behalf of the applicant, thanked staff for the work in reviewing the project. He noted  
11 there is an existing school at the site from which traffic impacts could be assessed. He also noted that  
12 all stormwater will be infiltrated on-site so there should not be any off-site stormwater impacts.  
13 There are existing sewer and water lines on site so there is no need to do any off-site water or sewer  
14 main work. The new school will not involve any increase in the number of students that walk to  
school, so there will be no increase in pedestrian traffic. It's getting more difficult to fund the project  
with escalating construction costs and having to hold monies back to wait for the City to resolve  
traffic impacts is problematical for the school.

15 Bill Coon, Director of Capital Projects for the applicant, noted that the capacity of the school will be  
16 increased to 1,000 students, but the school has had enrollment as high as 800 in the past. Enrollment  
17 is currently at 500, so the capacity of the school is not being doubled. Students will also mostly be  
coming by bus.

18 In response to examiner questions, Ms. Bell and the Applicant stated that disagreement over the  
19 traffic mitigation issue likely could not be resolved in a week or two if the record were left open for  
20 that purpose.

21 [inaudible] Landon stated he lives at the end of Forest Avenue off of Holden Road. He noted that  
22 traffic is very congested when school is in session at the intersection of Forest and Holden and that  
23 he's waited as long as 12 minutes to get through the intersection. He sometimes will have to take a  
lengthy detour in the opposite direction to get around the intersection. He appreciates that the school  
is finally being improved since many other schools in the region have already been improved.

24 In response to examiner questions, Ms. Bell noted that the school will be larger but that its scale will  
25 be buffered by a significant amount of new landscaping. The school is also not very visible until you  
26 get on the school grounds. Since the existing school is very old, the new buildings and landscaping  
will be more aesthetically pleasing to the surrounding area as well.

1 In response to examiner questions, the project architect confirmed that the athletic fields will not  
2 involve any night lighting.

### 3 4 **Exhibits**

5 The July 19, 2018 revised staff report along with attachments A-R were admitted during the public  
6 hearing as Exhibit 1.

## 7 **FINDINGS OF FACT**

### 8 9 **Procedural:**

- 10 1. Applicant. Clover Park School District.  
11 2. Hearing. A hearing was held on the subject application on July 19, 2018 in the Lakewood City  
12 Hall Council Chambers.

### 13 **Substantive:**

14 3. Project Description. The Applicant has applied for a conditional use permit to replace the  
15 Mann Middle School with a new 136,100 square foot middle school at 11509 Holden Rd SW. The  
16 project will include various site and frontage improvements. Development will take place in two  
17 phases. The first phase will include construction of site infrastructure and amenities with minimal  
18 disruption to the existing school and its programming. The second phase will include the complete  
19 demolition of the existing school and construction of the remaining site features and infrastructure.  
20 The new middle school facility will include academic buildings for classrooms, administrative areas,  
21 a cafeteria/kitchen/commons area, gymnasiums and support spaces. Site development will include  
22 new vehicular drives, parking, a bus loop, pedestrian sidewalks, play fields, running track and  
landscaping. The new facility is expected to house approximately 1000 students and approximately  
50 employees on-site at any one time. The currently existing school has enrollment limited to 393  
students according to the Applicant's traffic report, but according to the Applicant's hearing  
testimony has accommodated up to 800 students in the past. Bus loading will be provided on-site,  
adjacent to but separated from the main access and student drop off area.

23 4. Surrounding Area. Surrounding land uses are primarily single family residential homes and  
24 neighborhoods. Lake Louise Elementary School is one block to the north and Carp Lake sits to the  
southeast.

25 5. Adverse Impacts. There are no significant adverse impacts associated with the project.  
26 Pertinent impacts are addressed as follows:

1 A. Critical Areas. There are no critical areas on-site or close to the project site.

2  
3 B. Traffic. As conditioned, the proposal provides for an adequate site layout for on-site  
4 circulation and transportation activities. Overall, traffic flow and control will be improved  
5 with the new site layout; site development will provide for new vehicular drives, additional  
6 parking, a bus loop and pedestrian sidewalks; all loading and unloading areas will be  
7 improved and safety to and from school shall be directly addressed through frontage  
8 improvements, the Traffic Impact Analysis, the Public Works Memorandum dated July 3,  
9 2018, and the Conditional Use Permit conditions of approval. Impacts are more  
10 particularly addressed as follows:

11 1. On-site Circulation. The on-site circulation for the educational facility provides  
12 adequate vehicle maneuvering and queuing space away from Holden Road SW.  
13 Separate parent and bus drop-off areas will utilize site entrances and will be located on  
14 opposite sides of a pedestrian walkway leading towards the main entrance of the school.  
15 Parent queuing/drop off is proposed along the western edge of this walkway. Parents  
16 and visitors will enter the site from the existing driveway on Holden Rd and then head  
17 northeast along the walkway towards the main entrance which will help maximize  
18 queue length.

19 Buses will enter the site from the existing southern driveway off of 116th ST SW and  
20 head north towards the walkway adjacent to the student drop off area where they will  
21 load and unload. Well-marked pedestrian paths for safer pedestrian crossing from the  
22 various parking areas to the school have been provided. Landscaping as well as new  
23 and improved fencing will be installed along the school perimeter. Emergency vehicle  
24 access and fire lanes will be provided to the interior of the campus by vehicular gates  
25 located north and south of the new school.

26 2. Parking. Staff have preliminary found parking to comply with the City's parking  
standards and will assure that final parking plans are consistent during design and  
building permit review. General parking for the facility includes 187 parking stalls. A  
portion of these stalls can be accessed from the main entrance located off of Holden Rd.  
SW and the remaining stalls can be accessed from an existing driveway located off of  
116th ST SW. Parking for staff and visitors will be located north of the drop off area in  
the northwest corner of the site. An additional parking area for staff will be located  
south of the parent drop off lane. This additional parking area can also be used for  
community use of the fields after normal school hours.

3. Congestion. According to Table 7 of the Applicant's June traffic study, Ex. G, the  
proposal will generate 240 AM peak hour trips and 172 PM peak hour trips. The City  
and Applicant are in agreement that this added traffic will reduce level of service  
("LOS") to a couple intersections from C to D as detailed in the Applicant's traffic  
studies but that this reduction in service still satisfies the City's adopted LOS standard.

1 Mr. Landon testified that congestion in the area when students are going to or from  
2 school is exceptionally bad from where he lives on Forest Avenue. At times he has to  
3 wait twelve minutes to get through the intersection closest to his home. However, the  
4 congestion standard adopted by the City, LOS D, allows for this type of congestion in  
5 Mr. Landon's area. As discussed under traffic safety, below, signalization may be  
6 required to address pedestrian safety impact, which in turn may help reduce congestion.  
7 Absent the signalization, it doesn't appear that the Applicant can be required to address  
8 the congestion impacts identified by Mr. Landon.

9  
10 4. Traffic Safety. The City and Applicant are in agreement (or at least the Applicant isn't  
11 objecting) that off-site mitigation is necessary to provide for pedestrian safety. The  
12 Applicant noted at the hearing that the proposal will likely not increase pedestrian  
13 traffic in the surrounding area, but the Applicant will be increasing vehicular traffic,  
14 which in turn can be legally recognized as an increased danger to pedestrian that  
15 justifies mitigation. For the reasons identified in the summary section of this decision,  
16 the amount and timing of proportionate share mitigation adopted by this decision will  
17 be as recommended by staff but proportionate share intersection mitigation will be  
18 limited to the amount specified by the Applicant's traffic consultant in Ex. Q.

19 C. Hazardous Conditions. No hazardous conditions are reasonably inferred from the record as  
20 mitigated. The staff report notes there are no hazardous conditions associated with the proposal  
21 and none are evident.

22 D. Compatibility. The proposal is compatible with surrounding residential use. The proposed  
23 school development will be similar in program and function to the existing middle school on  
24 site, so overall the proposal will not create any significant change in compatibility from existing  
25 use. The new contemporary design and site improvements will complement the surrounding  
26 community. The new buildings will be larger than those currently on site, but as testified by  
planning staff, the new buildings will be obscured from view from surrounding properties by  
virtue of their location and extensive buffering provided by new landscaping. Given the aged  
condition of the current buildings, the new buildings will be more aesthetically pleasing than  
current development. The athletic fields will not be lit for night time use, assuring that one of  
the more incompatible impacts of school facilities is not included with the project.

27 E. Adequacy of Utilities. The proposal will be served by adequate utilities. Project packets were  
28 sent to Lakewood Water District, West Pierce Fire and Rescue, Pierce County Sewer, Pierce  
29 Transit, and the Tacoma Pierce County Health Department. None of the utility providers or  
30 outside agencies that received project packets expressed concern about the new CPSD school  
31 facility. CPSD will provide engineered plans consistent with state and local codes that illustrate  
32 storm drainage will be kept on site for all new development. Staff have concluded that the  
33 project is not expected that the use will overburden or adversely affect said public facilities and  
34 services.

1  
2 **Conclusions of Law**

3  
4 1. Authority. LMC 18A.2.502 Table 3 classifies conditional use permits as a Process III application subject to hearing examiner review.

5  
6 2. Zoning Designations. Public Institutional.

7  
8 3. Review Criteria. LMC 18A.30.830(A)(1)(b) requires a conditional use permit. LMC 18A.10.150 governs the criteria for conditional use permit review. Applicable conditional use criteria are quoted below in italics and applied through corresponding conclusions of law.

9 **LMC 18A.10.150(A):** *The size and physical characteristics of the site are appropriate for the proposed use including all facilities and amenities that are required by this title or desired by the applicant.*

10  
11 4. The criterion is met because the project area is already used for school purpose and has sufficient space to accommodate the proposed increase in capacity. Further the proposal is compatible with adjoining uses and will not create any significant adverse impacts as determined in Finding of Fact No. 5.

12  
13  
14 **LMC 18A.10.150(B):** *The proposed use will not be detrimental to the public health, safety, and general welfare of the community and will not introduce hazardous conditions at the site that cannot be mitigated to protect adjacent properties and the vicinity.*

15  
16  
17 5. The criterion is met. As determined in Finding of Fact No. 5, no significant adverse impacts will be created by the proposal, which includes any hazardous conditions. Since the proposal creates no significant adverse impacts, it will not be detrimental to public health, safety and welfare.

18  
19 **LMC 18A.10.150(C):** *The proposed use will not be injurious to, or adversely affect the uses, property, or improvements adjacent to, or in the vicinity of, the site upon which the proposed use is to be located. The proposed use will be compatible with adjacent land uses and consistent with the character of the surrounding area.*

20  
21  
22 6. The criterion is met. As determined in Finding of Fact No. 5, no significant adverse impacts will be created by the proposal and the proposal is compatible with surrounding uses. Consequently, it will not be injurious or adversely affect surrounding uses.

23  
24 **LMC 18A.10.150(D):** *The proposed use will be supported by adequate water, sewer, storm drainage, schools, electrical, police, and fire protection facilities and services. The use will not overburden or adversely affect said public facilities and services.*

1 7. The criterion is met. As determined in Finding of Fact No. 5(E), the proposal is served by  
2 adequate public facilities and services.

3 **LMC 18A.10.150(E):** *The traffic generated by the proposed use will not unduly burden the traffic*  
4 *circulation system in the vicinity.*

5 8. The criterion is met. As determined in Finding of Fact No. 5(B), the traffic generated by the  
6 proposal is consistent with adopted level of service standards and will be adequately mitigated to  
adequately address traffic safety.

7 **LMC 18A.10.150(F):** *An adequate site layout is proposed for on-site circulation and*  
8 *transportation activities, considering the potential impacts of the proposed use on traffic flow and*  
9 *control, emergency vehicle movements and safety associated with the suitability of access points, on-*  
10 *site drives, parking, loading and unloading areas, refuse collection and disposal points, sidewalks,*  
11 *bike paths, or other transportation facilities required by this title or desired by the applicant. All*  
12 *conditions necessary to lessen any impacts of the proposed use have been included in the project*  
13 *design or will be required as conditions of approval pursuant to LMC 18A.10.160, Action of Hearing*  
14 *Examiner. Buffering devices such as fencing, landscaping or topographic characteristics may be*  
15 *required to adequately protect adjacent properties from adverse effects of the proposed use,*  
16 *including adverse visual or auditory effects.*

17 9. The criterion is met for the reasons identified in Finding of Fact No. 5(B).

18 **LMC 18A.10.150(G):** *The proposed use will cause no unreasonably adverse effects to wetlands,*  
19 *shorelands, wildlife habitat, and other sensitive areas.*

20 10. The criterion is met. As determined in Finding of Fact No. 5(A), the proposal will not  
21 adversely affect critical areas since none are on or near the project site.

22 **LMC 18A.10.150(H):** *That the granting of the proposed conditional use is consistent and*  
23 *compatible with the intent of the goals, objectives and policies of the comprehensive plan. For*  
24 *essential public facilities, the Hearing Examiner shall balance the goals and policies of the*  
25 *comprehensive plan, the intent of this code, and the public need for the proposed facility.*

26 11. The criterion is met for the reasons identified at pages 4-6 of the staff report.

**LMC 18A.10.150(I):** *The proposed use complies with the appropriate development and*  
*performance standards and all other applicable provisions of the City of Lakewood Land Use and*  
*Development Code.*

12. The criterion is met. As conditioned, as outlined in the staff report, staff have found the  
general layout of the proposal to comply with all City development standards and will review final  
design and construction plans for consistency as part of design and building permit review.



1  
2 **DECISION**

3 Conditional Use Permit Application No. LU1800085 satisfies all conditional use criteria as  
4 determined in the Conclusions of Law of this decision and is therefore approved subject to the  
5 following conditions:

- 6 1. The proposed development of the new CPSD middle school shall be constructed in  
7 substantial conformance with the site and landscape plans approved with the associated  
8 Design review (LU1800131), Building (BP1800688), and Site Development (PW-  
9 1800209) permits that have been approved or are pending review. Minor modifications to  
10 the plans will require Community Development and Public Works Departments approval,  
11 and major modifications will require an amended or new Conditional Use Permit.
- 12 2. The applicant shall abide by all mitigating conditions provided in the SEPA DNS  
13 applicable to the proposed school development.
- 14 3. The applicant shall abide by all conditions of approval set forth in the Public Works  
15 Department memorandum dated July 3, 2018 including but not limited to:
- 16 a. A Site Development Permit and Drainage Review are required. The permit  
17 application and plans shall be reviewed and approved prior to building permit  
18 issuance.
  - 19 b. All onsite storm water runoff shall infiltrate onsite. All onsite runoff from  
20 pollution generating hard surfaces shall receive water quality and quantity  
21 treatment in accordance with LMC12A.11. A geotechnical analysis including soil  
22 infiltration rate documentation is required.
  - 23 c. All stormwater designs shall be consistent with either the latest Stormwater  
24 Management Manual for Western Washington, (currently the 2012 as amended in  
25 2014), or the Pierce County Stormwater Management and Site Development  
26 Manual, (currently the 2015). Drainage modelling using a DOE or Pierce County  
approved modelling software is required.
  - d. A 10 foot right of way dedication is required along the entire frontage of Holden  
Road SW.
  - e. A title report shall be provided which is current within the last 6 months to verify  
the existence of any easements or encumbrances.
  - f. Develop an official bus route policy to and from the project. The Public Works  
Engineering Director's, or designee's, concurrence with the bus route policy will  
be required prior to Site Development Permit issuance.
  - g. The applicant, or contracted consultant on its behalf, shall complete additional  
analysis at the intersection of Holden Road/Military Road to determine if  
additional safety improvements are required. The data collection and analysis will  
begin once Mann Middle School is back in session for the 2018-2019 school year,

1 the exact commencement order shall be coordinated with the City. This additional  
2 analysis shall include, at a minimum, the following information:

- 3 i. 24-hour traffic counts on all approaches to the Holden Road/Military Road  
4 intersection.
- 5 ii. Pedestrian counts during the AM school peak and PM school peak hours.  
6 Information collected shall distinguish between school students and  
7 background pedestrian volumes.
- 8 iii. Updated intersection turning movement counts between 7 am – 9 am and 3  
9 pm – 6 pm.
- 10 iv. Based upon the updated information collected, an analysis of all traffic  
11 control signal warrants for the subject intersection.
- 12 v. Based upon the updated information collected, a pedestrian crossing gap  
13 study to determine if additional pedestrian safety measures are warranted,  
14 specifically, but not limited to, HAWK signal and/or RRFB pedestrian  
15 crossing system(s).

16 h. Depending upon the results of this additional analysis, signal improvements or a  
17 contribution for signal improvements at Holden Road and Military Road may be  
18 required of the applicant. If signal improvements or other safety improvements are  
19 warranted and deemed necessary, the design of such shall be completed  
20 concurrently with the Site Development Permit and said improvements shall be  
21 constructed and accepted by the City prior to occupancy, unless mutually agreed  
22 upon by both parties. If, instead, a contribution for signal improvements at Holden  
23 and Military Road is required of the applicant, said contribution shall be paid prior  
24 to occupancy.

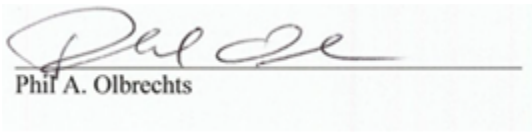
25 i. The City, or contracted consultant on its behalf, shall complete a follow up traffic  
26 study one year after the new school’s opening, the exact date to be coordinated  
with the City. The cost of the follow up traffic study shall be paid by the Clover  
Park School District. The purpose of the study is to determine if a traffic signal  
should be installed at the Holden Road/Military Road intersection, or if other  
safety improvements are required or warranted in the post-developed condition.  
The City shall determine the overall scope, however, this follow up analysis shall  
include, at a minimum, the following information:

- 27 i. 24-hour traffic counts on all approaches to the Holden Road/Military Road  
28 intersection.
- 29 ii. Pedestrian counts during the AM school peak and PM school peak hours.  
30 Information collected shall distinguish between school students and  
31 background pedestrian volumes.
- 32 iii. Updated intersection turning movement counts between 7 am – 9 am and 3  
33 pm – 6 pm.
- 34 iv. Based upon the updated information collected, an analysis of all traffic  
35 control signal warrants for the subject intersection.
- 36 v. Based upon the updated information collected, a pedestrian crossing gap  
study to determine if additional pedestrian safety measures are warranted,

1 specifically, but not limited to, HAWK signal and/or RRFB pedestrian  
2 crossing system(s).

- 3 j. Depending upon the results of this follow up traffic study, signal improvements or  
4 a contribution for signal improvements at Holden Road and Military Road may be  
5 required. If signal improvements or other safety improvements are warranted and  
6 deemed necessary by the follow up traffic study, the improvements shall be  
7 designed and constructed within 9 months or the start of the following school year  
8 whichever comes first. The applicant shall obtain a Right of Way Permit from the  
9 City to construct said improvements. The full cost of the design, materials and  
10 construction of the improvements shall be borne by the applicant. If, instead, a  
11 contribution for signal improvements at Holden and Military Road is required of  
12 the applicant, a \$39,000 contribution shall be paid within 90 days (or other  
13 mutually agreed to timeframe) of being notified by the City.
- 14 k. Roadway and frontage improvements are required along 116th St SW between the  
15 intersection of Holden Rd SW and the new driveway entrance onto the school in  
16 order to accommodate new vehicular, bus, and pedestrian traffic. Such  
17 improvements are subject to the details set forth in the Public Works Department  
18 memorandum dated July 3, 2018.
- 19 4. The applicant shall dispose of demolition material in accordance with Board of Health  
20 Resolution 2004-3550 and WAC 173-350. Any hazardous material found during  
21 demolition must be appropriately handled and disposed.
- 22 5. Temporary construction fencing and safety signage shall be in place during  
23 construction/demolition in order to protect students on-site.

24 DATED this 6th day of August, 2018.

25   
26 Phil A. Olbrechts

Pro Tem Hearing Examiner for Lakewood

### Appeal Right and Valuation Notices

LMC 18A.02.502 Table 3 provides that the final decision of the Hearing Examiner is subject to appeal to superior court. Appeals of final land use decisions to superior court are governed by the Land Use Petition Act (“LUPA”), Chapter 36.70C RCW. LUPA imposes short appeal deadlines

1 with strict service requirements. Persons wishing to file LUPA appeals should consult with an  
2 attorney to ensure that LUPA appeal requirements are correctly followed.

3 Affected property owners may request a change in valuation for property tax purposes  
4 notwithstanding any program of revaluation.

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