



1 met with no open space if there was no specific code requirement for open space and the project  
2 was not of the type that created a need for open space due to lack of public access, such as a school  
3 or mixed use development. The vacant land in the southern portion of the project site is private and  
4 not publicly accessible and is marshy and not useable. In response to further questioning, Ms. Bell  
5 identified that surrounding uses are primarily industrial and commercial. The proposal has several  
6 landscaping and frontage improvements and other features that enhance compatibility with  
7 surrounding uses as well. There will be some increase in bus traffic because Pierce Transit is  
8 increasing the size of its bus fleet. A traffic impact analysis has been prepared and found no  
9 significant traffic impacts with proposed mitigation. The only residential uses in the proximity of  
10 the project site are to the south and you'd have to cross 100<sup>th</sup> street and some commercial and open  
11 space areas along with a tall embankment to get to them. There are a couple residential buildings to  
12 the north, but from what Ms. Bell could ascertain it appears those buildings have been converted to  
13 residential use.

14 Janine Robinson, senior planner with Pierce Transit, spoke on behalf of the Applicant. She noted  
15 that Pierce Transit appreciated the responsiveness and cooperation of City staff throughout the  
16 master plan review process. In response to questions about impacts to sensitive uses in the vicinity,  
17 Ms. Robinson noted that a noise study was done as part of federal environmental review for the  
18 project and it was determined that there were no noise impacts.

### 19 Exhibits

20 Exhibits A-I identified at page 14 of the March 3, 2020 staff report (revised March 10, 2020) were  
21 admitted during the hearing.

## 22 FINDINGS OF FACT

### 23 Procedural:

- 24 1. Applicant. Pierce Transit.
- 25 2. Hearing. A hearing was held on the subject application on March 10, 2020 at 4:00 pm in the  
26 Lakewood City Hall Council Chambers.

### Substantive:

3. Project Description. The Applicant has applied for a conditional use permit to amend to the  
2006 Pierce Transit Master Facilities Plan, which governs development of the Pierce Transit  
Maintenance and Operations Base (“transit base”) located at 3701 96th Street SW. The amendment  
will enable Pierce Transit to make improvements to the transit base allowing for additional capacity  
for projected fleet growth through 2040 and enable them to maximize building and land use by  
expanding and improving core functions of bus maintenance, building facilities, parking, safety and  
transit vehicle circulation and service.

The existing transit base functions as the transit agency’s headquarters campus and serves the

1 agency's entire bus fleet. The transit base also serves a fleet of over 100 Sound Transit vehicles. The  
2 transit base has four primary areas known as the Main Base, South Base, West Base, and Building 6  
3 (9622 – 40th Avenue SW) all within the vicinity of 96th Street SW west of South Tacoma Way in  
Lakewood,

4 Improvements to the transit base will take place over several years as design, financing, and  
5 construction sequencing are finalized. A conceptual-level sequencing plan calls for construction over  
6 a 6- to 7-year period between 2019 and 2025. Planned improvements have been divided into 18 work  
7 zones based on needs, costs, and impact on operations during construction. The zones are intended to  
8 provide flexibility in final construction sequencing based on Pierce Transit's priorities, costs, and  
available financing. The transit base project site consists of four primary areas: Main Base, South  
Base, West Base, and Building 6 (9622 40th Avenue SW) site. The following information outlines  
the scope of work for the proposed master plan amendment and each individual base:

9 *Main Base*

10 TPN 0220364093

11 The Main Base portion of the site encompasses 19.04 acres and is bordered by South Tacoma Way  
12 on the east, 96th Street SW on the south, 94th Street SW on the north, and the West Base parcels on  
13 the west. The Main Base houses most of the agency's maintenance and operations functions. The  
14 main maintenance building (Building 1), on the west end of the site, is approximately 80,000 square  
15 feet, with 23 maintenance bays, a paint and body shop, and office space. Also on the Main Base are a  
16 fuel and wash facility (Buildings 2 and 3); fare collection facility (in Building 2); facilities  
maintenance (in Building 3); and revenue fleet, non-revenue fleet, and employee parking.  
Additionally, there is a 33,500-square-foot administrative building (Building 4) that houses the  
majority of Pierce Transit's office functions and the operations dispatch function. Proposed  
improvements of the Main Base include:

- 17 ○ Restriping and expansion of bus parking;
- 18 ○ Reconfiguration of bus entries off 96th Street SW;
- 19 ○ Relocation of utility connection between facilities;
- 20 ○ Addition of maintenance bays, paint bays, a van repair bay, and reconfiguration of Building 1;
- 21 ○ Demolition and relocation of the functions in Building 2 (Facilities Maintenance and Bus  
Wash) and Building 3 (Fare Collection and Fueling);
- 22 ○ Construct a new Fuel and Wash Facility;
- 23 ○ Demolish employee parking and construct new parking for shuttle, fleet, and non-revenue  
vehicles;
- 24 ○ Construct new employee parking and expanded visitor parking adjacent to Building 4;
- 25 ○ Construct charging system and battery storage for Electric Bus Fleet;
- 26 ○ Construct new detail clean and quick fix area;
- Construct 96th Street SW frontage improvements as required by the City of Lakewood;
- Improved site / safety lighting

26 *South Base*

TPNs 0219011128, 0219011129, and 0219011130

1  
2 The South Base portion of the site covers 11.83 acres with approximately 5 developed acres. The  
3 South Base is bordered by commercial uses to the east and west, an electrical substation to the  
4 northwest, 100th Street SW to the south, and 96th Street SW to the north. The South Base currently  
5 functions as an employee, visitor, and fleet parking area and also includes the 26,500 square-foot  
6 Training Center (Building 5), which was completed in August 2005. The southern, undeveloped  
7 portion of the South Base was once the site of a gravel mining operation and contains stormwater  
8 treatment, storage, and infiltration facilities that currently receive stormwater from the developed  
9 portion of the site. The parcels bounded by the South Base area will remain Public / Institutional  
10 Zone (PI). Proposed improvements of the South Base include:

- 11 ○ Restriping and expansion of parking;
- 12 ○ Construct employee electric vehicle charging stations;
- 13 ○ Improved site / safety lighting
- 14 ○ New access driveway from 100<sup>th</sup> Street SW

15 *West Base*

16 TPNs 5087000010, 0220368002, and 0220368001

17 The West Base portion of the site, comprising 3.57 acres, is bordered by the Main Base and a small  
18 section of 94th Street SW to the east, 96th Street SW to the south, commercial properties to the north,  
19 and 39th Avenue Court SW to the west. Currently the West Base parcels contain a facilities  
20 maintenance yard and two warehouse buildings (Buildings 7 and 8) that are used for facilities  
21 maintenance surplus and storage, information technology (IT) storage, obsolete radio equipment  
22 storage, and campaign bays for the changeover of communications equipment on individual buses  
23 that are taken out of and brought into service. The parcels bounded by the West Base area will be re-  
24 zoned to Public / Institutional Zone (PI). Proposed improvements of the West Base include:

- 25 ○ Demolition of existing Buildings 7 and 8 and other site features;
- 26 ○ Constructing a ramp between West Base and Main Base, providing secondary bus  
entrance/exit to 39th Avenue Court SW;
- Construct new facilities maintenance/IT storage/service supervisor building;
- Construct new employee and non-revenue vehicle circulation, parking, entrances, and new  
facilities maintenance service yard;
- Construct 39th Avenue Court SW frontage improvements to the extent required by the City of  
Lakewood

27 *Building 6*

28 TPN 5087000111

29 Pierce Transit recently acquired a site at 9622 40th Avenue SW for temporary and permanent  
30 maintenance and operations functions. The property encompasses 1.06 acres and is bordered by 40th  
31 Avenue SW on the east, commercial properties to the north and south, and the BNSF right-of-way to  
32 the west. The site contains Building 6, which currently houses vanpool office functions and vehicle  
parking. Tenant improvements and improvements to water, electrical, HVAC, and striping at this site

1 were made to bring the building and site up to current codes. The parcel bounded by the Building 6  
2 site will remain Commercial Two Zone (C2). Proposed functions of Building 6 include:

- 3 ○ Continued hosting of Vanpool program;
- 4 ○ Temporary hosting of groups displaced by construction elsewhere on the transit base;
- 5 ○ Permanent locations of other maintenance and operations functions – to be determined.

6 4. Surrounding Area. The surrounding area is characterized by commercial and industrial  
7 development. The only residential use is located to the south and is separated from the project site by  
8 commercial land, open space and a tall embankment.

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

11 A. Critical Areas. The site is not located within or near a shoreline of the state, a critical/sensitive  
12 habitat, nor a special flood hazard area. There are also no known endangered or threatened  
13 species on or near the site.

14 B. Traffic. The proposed master plan amendment includes in-depth research and analysis of  
15 existing traffic conditions and potential impacts. The Applicant has prepared a traffic study by  
16 Heffron and Associates, appended as Appendix G to the proposed Master Facilities Plan, that  
17 assesses traffic impacts. From this analysis, it is anticipated that the traffic generated by the  
18 proposed use will not unduly burden the traffic circulation system in the vicinity. Mitigation  
19 measures and best management practices will be implemented to ensure project improvements  
20 to the various base sites will not adversely impact nearby circulation routes such as South  
21 Tacoma Way, 94th ST SW or 40th Ave SW. Overall, the proposal will generate less traffic  
22 than that anticipated for the 2006 plan because the prior analysis assumed the transit base would  
23 employ about 270 more persons than Pierce Transit currently projects for the site. The traffic  
24 report determined that all affected intersections would continue to meet City of Lakewood level  
25 of service standards for minor arterials. It also found that the proposed increase in parking  
26 supply is expected to better accommodate overall parking demand.

Site plans and project plans have been submitted by the applicant as part of their proposed  
master plan amendment. As determined by the City's public works department, these plans  
depict appropriate proposals for on-site circulation and transportation activities, considering the  
potential impacts of the proposed use on traffic flow and control, emergency vehicle  
movements and safety associated with the suitability of access points, on-site drives, parking,  
loading and unloading areas, refuse collection and disposal points, sidewalks, bike paths, or  
other transportation facilities required by this title or desired by the Applicant.

The Main Base and South Base are accessed primarily from 96th Street SW; the West Base is  
accessed from 39th Avenue Court SW and Building 6 is accessed from 40th Avenue SW.  
Although there are four driveways located on 94th Street SW, they remain gated and are used  
infrequently—primarily for deliveries. S Tacoma Way SW and 100th Street SW provide access

1 to the wider transportation network that is served regionally by I-5 and State Route (SR) 512.  
2 The proposed project would reconfigure bus access along 96th Street SW with a new  
3 connection between the Main Base and 39th Avenue Court SW providing an option for buses  
4 arriving from or destined to the west. Ingress and egress for most of the bus fleet (Pierce Transit  
5 and Sound Transit coaches) would be consolidated to one main access on 96th Street SW. The  
6 existing Main Base egress driveway would be relocated about 65 feet west (measured  
7 centerline-to-centerline) and widened to allow inbound and outbound movements with security  
8 gates. Improvements to the West Base would consist of reconfigured access along 39th Avenue  
9 Court SW with the new ramp between the West and Main Bases and three other driveways for  
10 employee and fleet-vehicle parking.

11 The City of Lakewood Public Works Engineering Department has provided comments on the  
12 master plan amendment and has continued discussions with the project proponent regarding off-  
13 site improvements that will be required at different phases of the subject site improvements.  
14 The improvements will assist in ensuring that all sites have adequate on-site circulation, EV  
15 access, ingress/egress and safety.

16 C. Hazardous Conditions. Construction and operation of the transit base improvements will  
17 involve the use of hazardous materials such as vehicle fuel, oil, antifreeze and grease. The  
18 Applicant proposes measures that should sufficiently mitigate against any hazardous conditions  
19 caused by construction and transit base operations. As noted in the proposed master plan  
20 amendment, local and state regulations regarding safety and the handling of hazardous materials  
21 will be enforced during the construction process. Similar measures will be enforced during  
22 operations. Section 8.8 of the proposed master plan amendment details the measures the  
23 Applicant proposes to prevent the release of hazardous materials.

24 D. Compatibility. The proposal is fully compatible with surrounding uses both on and off the  
25 campus. The proposed use is an expansion of an existing use located immediately adjacent to  
26 the project site. Overall, the transit base sites cover over 35 acres of developed and undeveloped  
land. As shown in Appendix A to the proposed master plan amendment, the relatively modest  
increase in building area is dwarfed by surrounding existing and proposed parking and retained  
open space and proposed landscaping. The proposed increase in building space and parking is  
consistent with the areas already developed on-site and will not pose any type of significant  
aesthetic impact to surrounding uses. All surrounding uses are commercial or industrial, with  
the only residential uses located to the south and separated from the project site by commercial  
and industrial properties, 100<sup>th</sup> St. and an embankment. New landscaping and other site  
improvements are being proposed to mitigate impacts to adjoining properties and the vicinity.  
Some buffering devices already exist and will be enhanced as the project moves forward. The  
Applicant has also conducted a noise study and found that surrounding sensitive uses would not  
be adversely affected by noise generated from the use.

E. Adequacy of Utilities. The proposal will be served by adequate utilities.

Staff have determined that public facilities and services are readily available for this project and  
no new utilities are proposed. The subject site has services provided from Lakeview Light and

1 Power (electricity), Puget Sound Energy (natural gas), Lakewood Water District (water), City  
2 of Lakewood contractor Waste Connections (solid waste), CenturyLink (telephone), and Pierce  
3 County Public Work and Utilities (sanitary sewer). Pierce Transit would work with potentially  
4 affected utilities to ensure that utility service is not affected during construction and that access  
5 for utility maintenance is maintained at all times.

6 The proposed master plan amendment has extensive elements included within it which indicate  
7 how pierce transit will implement the appropriate provisions are made for water, sanitary sewer,  
8 drainage ways, utilities, roadways, emergency services, and any other applicable infrastructure  
9 or services.

10 Staff have determined that the proposal will not overburden or adversely impact schools, police  
11 and/or fire protection facilities and services. All work will be contained on the subject sites.

## 12 **Conclusions of Law**

13 1. Authority. LMC 18A.20.080 classifies conditional use applications and public facility master  
14 plan applications as Process III applications subject to hearing examiner final approval with judicial  
15 appeal.

16 2. Zoning Designations. Public Institutional (PI).

17 3. Review Criteria. LMC 18A.30.830(A)(1) in conjunction with 18A.30.850D require a  
18 conditional use permit and a public facilities master plan amendment for the proposal because it  
19 qualifies as a large-scale amendment to a public facilities master plan in the PI zone. LMC  
20 18A.30.850A governs the criteria for master plan review<sup>3</sup>. LMC 18A.10.150A1 governs the criteria  
21 for conditional use permit review. Applicable permitting criteria are quoted below in italics and  
22 applied through corresponding conclusions of law.

### 23 **Conditional Use**

24 **LMC 18A.30.850(A):** *The size and physical characteristics of the site are appropriate for the*  
25 *proposed use including all facilities and amenities that are required by this title or desired by the*  
26 *Applicant.*

4. The criterion is met for the reasons identified in Finding of Fact No. 5(D).

**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.*

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<sup>3</sup> See Conclusion of Law No. 12.

1  
2 5. The criterion is met. As determined in Finding of Fact No. 5, no significant adverse impacts  
3 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.

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

7 6. The criterion is met. As determined in Finding of Fact No. 5, no significant adverse impacts  
8 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.

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

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

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

15 8. The criterion is met. As determined in Finding of Fact No. 5(B), the traffic generated by the  
16 proposal is less than that anticipated for the 2006 master plan and is adequately mitigated.

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

23 9. The criterion is met. As noted in Finding of Fact No. 5(B), adequate site layout is proposed  
24 for on-site vehicular and pedestrian circulation. As determined in Finding of Fact No. 5(D), the  
proposal will not adversely affect adjoining properties, including visual and auditory effects.

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



1  
2 10. The criterion is met. As determined in Finding of Fact No. 5(A), the proposal will not  
3 adversely affect critical areas.

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

8 11. The criterion is met for the reasons identified at pages 9-10 of the staff report.

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

12 12. The criterion is met. As required by LMC 18A.30.840A, general development standards in  
13 the PI Zoning District are deliberately flexible and are determined by the Community Development  
14 Director and City Engineer on a case-by-case basis. To provide for more legally defensible  
15 predictability and consistency in master plan review, City staff have historically applied the detailed  
16 purpose clause of the master plan review process, LMC 18A.30.850A1, as the criteria for master plan  
17 approval. As detailed below, the proposal conforms to the purposes of master plan review. For this  
18 reason, the proposal is considered to comply with the “appropriate” development and performance  
19 standards. Further, staff have reviewed the proposal for conformance with all other applicable  
20 development standards and found no issues of noncompliance and there is no evidence to the  
21 contrary. The master plan process only provides for conceptual review of the proposal’s conformity  
22 to the City’s development standards. As summarized at pages 3-5 of the staff report, Lakewood  
23 Public Works has identified a series of implementing permit reviews that will assure compliance with  
24 the City’s development standards at future more detailed levels of review.

### Public Facilities Master Plan

25 **LMC 18A.30.850A1:** *Appropriate provisions are made for water, sanitary sewer,*  
26 *drainage ways, utilities, roadways, emergency services, and any other applicable infrastructure*  
27 *or services;*

28 13. The criterion is met for the reasons identified in Finding of Fact No. 5E.

29 **LMC 18A.30.850A2:** *Critical Areas will be protected;*

30 14. The criterion is met as there are no critical areas on the project site.

31 **LMC 18A.30.850A3:** *Usable open space will be provided;*

32 15. The criterion is met. The proposal does not generate any need for open space and is not  
33 subject to any specific open space requirement, therefore no open space can or should be required.

1  
2 **LMC 18A.30.850A4:** *Appropriate provisions are made for motorized and non-motorized*  
3 *transportation circulation, including sidewalks and other planning features that assure safe walking*  
4 *conditions for students who walk to and from school;*

5 16. The criterion is met. The project is not located in the vicinity of a school and will not be  
6 accommodating any students who need to walk to school. The proposal provides for adequate  
7 transportation circulation for the reasons identified in Finding of Fact No. 5B.

8 **LMC 18A.30.850A5:** *Approval criteria and mitigation measures are established which*  
9 *include general design elements and linkage components;*

10 17. The criterion is met. The proposed master plan amendment establishes general design  
11 elements and linkage components that staff have found consistent with City development standards.  
12 The City of Lakewood has also issued a Determination of Non-significance for the project which  
13 concludes that all potentially significant environmental impacts will be mitigated through adherence  
14 to state, fire, building, and local code regulations and policies.

15 **LMC 18A.30.850A6:** *The safety of the general public as well as workers at and visitors to the*  
16 *facility is ensured.*

17 18. The criterion is met. The proposed project is intended to improve overall transit base safety  
18 and efficiency, which may also improve system-wide performance and would serve as an overall  
19 benefit to transit in the service area. Multiple elements related to site safety, safety during  
20 construction and safety for workers and visitors to the facility have been implemented into the  
21 proposed master plan.

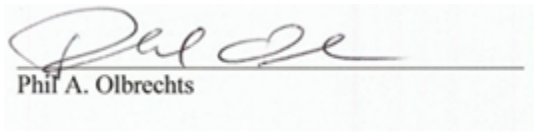
## 22 **DECISION**

23 The conditional use permit and public facility master plan amendment are approved subject to the  
24 following conditions:

- 25 1. Master Facilities Plan update #LU1900210 will allow for improvements to the current  
26 Pierce Transit Base allowing for additional capacity for projected fleet growth through  
2040 and enabling them to maximize building and land use by expanding and improving  
core functions of bus maintenance, building facilities, parking, safety and transit vehicle  
circulation and service.
2. Alterations, expansions or major improvements not included in this proposed master plan  
amendment shall require a land use modification permit.

- 1 3. Pierce Transit shall abide by all requirements set forth in the revised comment letter from  
2 City of Lakewood Public Works Engineering dated March 3, 2020.
- 3 4. Pierce Transit shall abide by all requirements set forth in the comment letter from  
4 Tacoma-Pierce County Health Department dated November 4, 2019.
- 5 5. Pierce Transit shall abide by the Determination of Non-significance, #LU-19-00265,  
6 issued for the proposal on February 10, 2020.
- 7 6. Building permits shall be required for various construction activities proposed to take  
8 place on Pierce Transit base sites as improvements move forward. Pierce Transit shall  
9 consult with the City of Lakewood regarding these permits and the individual  
10 construction activities.
- 11 7. Site Development permits shall be obtained for the project through City of Lakewood  
12 Public Works Engineering Department as necessary. Pierce Transit shall inquire with  
13 Public Works Engineering to determine which activities, improvements or expansions  
14 will require site development.
- 15 8. The Applicant shall comply with the recommendations made in the reports attached to its  
16 master plan amendment as appendices, which are considered to be part of the Applicant's  
17 proposal. The final draft of the Heffron traffic report, dated August 13, 2019, is  
18 considered to be part of the master plan amendment and to replace the draft report.

19 DATED this 21st day of March, 2020.

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Phil A. Olbrechts

Hearing Examiner for Lakewood

### 27 **Appeal Right and Valuation Notices**

28 LMC 18A.02.502 Table 3 provides that the final decision of the Hearing Examiner in a Type III  
29 proceeding is subject to appeal to superior court. Appeals of final land use decisions to superior  
30 court are governed by the Land Use Petition Act (“LUPA”), Chapter 36.70C RCW. LUPA  
31 imposes short appeal deadlines with strict service requirements. Persons wishing to file LUPA  
32 appeals should consult with an attorney to ensure that LUPA appeal requirements are correctly  
33 followed.

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

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