

BEFORE THE CITY OF LAKEWOOD HEARING EXAMINER

IN RE:	)	CONDITIONAL USE PERMIT #3747
	)	
PARTNERS ARCHITECTURAL	)	FINDINGS OF FACT, CONCLUSIONS
DESIGN GROUP, INC.,	)	OF LAW AND DECISION
	)	
Applicant.	)	

**APPLICANT:** Partners Architectural Design Group, Inc.

**PROPERTY OWNER:** 100th ST SW Lakewood Property, LLC

**REPRESENTATIVES:** Eric Koch  
Partners Architectural Design Group, Inc.

Micah Glastetter, Owner

**SUMMARY OF REQUEST:**

A Conditional Use Permit to convert existing buildings at 4034-4048 100th Street SW in Lakewood to the production, drying and surfacing of "live edge slabs". Site improvements include a new dust collection system, ADA bathrooms, kiln equipment and cooling tower, and exterior site improvement including landscaping and frontage improvements along 100th Street SW. No other site changes are proposed.

**LOCATION OF PROPOSAL:**

4034-4048 100th Street SW, Lakewood, Washington. Parcel No. 0219011113.

**SUMMARY OF DECISION:**

The permit application is **approved** subject to the conditions recommended by City Staff.

**BACKGROUND**

The Applicant, Partners Architectural Design Group, Inc. on behalf of the property owner, 100th ST SW Lakewood Property, LLC, and its tenant, Lakewood Live Edge (collectively the "Applicant") seek a Conditional Use Permit to convert the existing facilities and

1 buildings at 4034-4048 100th Street SW to the production, drying and surfacing of "live edge  
2 slabs". Live edge slabs are slabs of wood cut and processed to be used in manners which  
3 showcase their natural beauty, perhaps as tabletops, cabinetry, paneling, etc. Existing use of the  
4 project site involves similar handling of trees and timber products and the proposed use would  
5 not be reflected in any obvious change to the project site except for improved landscaping and  
6 other frontage improvements. Stated slightly differently, the proposed use would not be visibly  
7 different than the existing use while the property's aesthetics would be much improved.

8 The application has been carefully reviewed by City Staff and has received its full  
9 support. There has been no public opposition to the project.

10 **PUBLIC HEARING**

11 The public hearing on the application commenced at 10:00 a.m. on Wednesday,  
12 March 29, 2023. The hearing occurred remotely utilizing the Zoom platform with City Staff  
13 serving as the host. The City appeared through Andrea Bell, Associate Planner. The Applicant  
14 appeared through Eric Koch, Project Architect, and Micah Glastetter, one of the owners of the  
15 project. Two members of the public were also present, Dan Durr and Matthew Couch, both of  
16 whom testified in support of the application. No other members of the public were present or  
17 sought to testify. Testimony was received from Ms. Bell, Mr. Koch, Mr. Glastetter, Mr. Couch,  
18 and Mr. Durr. A verbatim recording was made of the public hearing and all testimony was taken  
19 under oath. Documents considered at the time of the hearing were the Staff Report including  
20 attachments A-J. There were no other exhibits presented during the hearing.

21 Andrea Bell testified briefly but primarily relied on the Staff Report she had earlier  
22 prepared. Ms. Bell notes that this is a straightforward application to convert an existing tree-  
23 related facility into the production, drying and processing of live edge slabs. The project will  
24 make use of existing buildings and facilities with almost no outward evidence of a change in use.  
25 The only significant exterior change will be requirements for landscaping and frontage

1 improvements, all of which will enhance the aesthetics of the site over its current appearance.  
2 Ms. Bell confirmed that the project, as conditioned, is consistent with its C2 zoning and that it  
3 otherwise satisfies all requirements for the requested Conditional Use Permit. She recommends  
4 approval of the permit subject to the conditions found at page 8 of the Staff Report.

5 Ms. Bell was then questioned by the Hearing Examiner regarding several aspects of the  
6 application. As to the project's hours of operation, Ms. Bell confirmed that the Applicant  
7 anticipates hours of operation from 8:00 a.m. to 5:00 p.m. The City is not asking for any  
8 condition restricting hours of operation as it does not feel this is necessary given the Applicant's  
9 intentions and the commercial/industrial use of most surrounding properties. Ms. Bell also  
10 confirmed that the City does not anticipate any noise problems, especially as many surrounding  
11 uses are industrial in nature. There are some nearby residential uses, and a nearby school, but  
12 neither is expected to be impacted by noise from the project as most activity will take place  
13 indoors. Ms. Bell also confirmed that no new lighting will be installed except any that may be  
14 required as a frontage improvement.

15 Following Ms. Bell's testimony, Eric Koch, Project Architect, testified on behalf of the  
16 Applicant. Mr. Koch's testimony was brief and simply confirmed that the Applicant has no  
17 objection to the City's proposed conditions of permit approval and believes that it has satisfied all  
18 requirements for a Conditional Use Permit. The Hearing Examiner asked Mr. Koch how the logs  
19 brought into the site would be processed. He deferred to one of the project's owners, Micah  
20 Glastetter, for a more complete response. Mr. Glastetter explained that logs brought to the site  
21 will first be sawed into smaller slabs by one of two saws located outside. Slabs will then be  
22 brought into the building for drying, sanding and processing. Except for the initial stage of being  
23 sawed into smaller slabs, all work will occur indoors. Mr. Glastetter explained that the two  
24 outdoor saws will make very little noise especially in comparison to surrounding industrial  
25

1 activities and the nearby train. Mr. Glastetter believes that any noise generated by the project  
2 will not be audible at any nearby residential properties.

3 At the conclusion of the Applicant's presentation the hearing was opened for public  
4 testimony. There were two members of the public present who wished to testify, both in support  
5 of the application. Dan Durr expressed his "delight" that the Applicant chose to remain in the  
6 City rather than move elsewhere, and believes that the business will be a credit to the City while  
7 providing an economic benefit and producing a prestigious product that will help the City be  
8 recognized. Mr. Durr believes that the project fits perfectly with the location and its existing  
9 building facilities access and mix of nearby property uses. Matthew Couch then testified in a  
10 similar manner. He is employed by the Lakewood Live Edge and believes it to be an excellent  
11 fit for the City. Like Mr. Durr, he believes that its products enhance the reputation of the  
12 community and also help promote other local companies who utilize the company's wood slabs  
13 and cabinetry, construction, etc.

14 There has been no public opposition to the project. There appears to be a universal belief  
15 that the project, as conditioned, will make excellent use of existing facilities while enhancing the  
16 aesthetics of the site; will fit comfortably within the zoning designation and surrounding uses;  
17 and will produce a prestigious product that reflects well on the community. I conclude that the  
18 application satisfies all requirements for a Conditional Use Permit.

19 I therefore make the following:

20 **FINDINGS OF FACT**

21 1. Any Findings of Fact contained in the foregoing Background and Public Hearing  
22 Sections are incorporated herein by reference and adopted by the Hearing Examiner as his  
23 Findings of Fact.

24 2. The Applicant, Partners Architectural Design Group, Inc., on behalf of the  
25 property owner, 100th ST SW Lakewood Property, LLC, and its tenant, Lakewood Live Slab,

*Findings of Fact, Conclusions of Law  
and Decision - 4*

**CITY OF LAKEWOOD HEARING EXAMINER**  
**299 N.W. CENTER ST. / P.O. BOX 939**  
**CHEHALIS, WASHINGTON 98532**  
**Phone: 360-748-3386/Fax: 748-9533**

1 request a Conditional Use Permit in order to convert an existing building and facilities to the  
2 production, drying and surfacing of live edge slabs at property located at 4034-4048 100th Street  
3 SW, Lakewood, Parcel No. 0219011113.

4 3. Site improvements associated with the project include a new dust collection  
5 system, relocated ADA-accessible bathrooms, the installation of kiln equipment, and a kiln  
6 cooling tower, all within the existing building, together with landscaping and frontage  
7 improvements along 100th Street SW.

8 4. The project will not result in any other noticeable exterior changes to existing  
9 facilities, to vehicular access, or to onsite parking.

10 5. The project is not intended to have customer visits and traffic will be limited to  
11 deliveries and employee traffic. The project is therefore not expected to have any impact on  
12 vehicle traffic. A Trip Generation Memo was completed for the proposal by Jake Traffic  
13 Engineering on July 20, 2021. The Memo determined that the new use would have low traffic  
14 levels and would not create adverse impacts to local traffic such that the project does not trigger  
15 the need for further traffic studies. City Staff has reviewed the Traffic Memo and has accepted  
16 it, noting that a Right-of-Way Permit will be required for the necessary frontage improvements.

17 6. The project site is located within the Commercial 2 (C2) zoning district. The  
18 proposed use as a "manufacturing, assembling and packaging-medium density" facility is an  
19 allowed use within the C2 zone upon approval of a Conditional Use Permit.

20 7. The project site had once been used as a wrecking yard and had experienced soil  
21 contamination. All contamination has since been remediated and the owner has received a "No  
22 Further Action" letter from Ecology confirming that remediation is complete and the site is safe  
23 to use for its intended purpose.

1           8.       As only interior improvements are proposed for the project, there are no proposed  
2 increases in impervious material onsite. New parking will be established within existing asphalt  
3 paves areas.

4           9.       Pursuant to the State Environmental Policy Act a Determination of Categorical  
5 Exemption was issued by City Staff pursuant to WAC 197-11-800, finding that the project is  
6 categorically exempt from a SEPA Threshold Determination or any EIS requirement.

7           10.      Notification of the public hearing was issued on March 13, 2023, in conformance  
8 with LMC 18A.20.340.

9           11.      In response to the Notice of Application, Planning Staff received comments from  
10 the City's Public Works Engineering as set forth more fully on pages 2 and 3 of the Staff Report.  
11 These comments have been incorporated into the conditions of approval.

12          12.      The Staff Report, at pages 7 and 8, contains various other Findings of Fact  
13 proposed by Staff. The Hearing Examiner has reviewed these proposed Findings and, to the  
14 extent not already noted herein, adopts the Staff Findings as his own.

15           Required Findings for Conditional Use Permits/Compliance with LMC 18A.30.130.

16          13.      Pursuant to LMC 18A.30.130, the granting of a requested Conditional Use Permit  
17 must not conflict with the requirements of Subsections A-G.

18          14.      Pursuant to LMC 18A.30.130.A.1, the granting of the Conditional Use Permit  
19 must not adversely affect the established character of the surrounding vicinity as explained more  
20 fully in the ordinance.

21          15.      The Applicant asserts, and the City agrees, that the proposed use is a minor  
22 change to its present use with only interior modifications to the existing building and no other  
23 changes or modifications to the exterior of the building. A new dust collector will safely collect  
24 sawdust generated by operations. Limited changes to the site will not adversely affect the  
25 established character of the surrounding, eclectic uses. New landscaping will be established

1 along perimeters and the parking area consistent with current code, with fencing relocated to  
2 make room for new perimeter buffers and landscaping. No new paved areas are proposed.  
3 Proposed changes in use will not be visible from site frontage but landscaping and frontage  
4 improvements will significantly improve the site's aesthetics. As a result, there are no apparent  
5 negative impacts of the change but several benefits including improved aesthetics.

6 16. As conditioned, the requirement of LMC 18A.30.130.A.1 has been met.

7 17. Pursuant to LMC 18A.30.130.A.2, the proposed use must not be detrimental to  
8 the public health, safety or general welfare.

9 18. The Applicant asserts, and the City Staff agrees, that the proposed changes will  
10 not be detrimental to public health, safety and general welfare; that necessary tenant  
11 improvements will align with current building codes and include important dust collection  
12 systems; and that new landscaping and frontage improvements will provide an important and  
13 beneficial aesthetic to an area currently needing improved aesthetics. The Hearing Examiner  
14 concurs that the project, as conditioned, complies with LMC 18A.30.130.A.2.

15 19. Pursuant to LMC 18A.30.130A.3, the project must not be injurious to the property  
16 or improvements adjacent to, and in the vicinity of, the project site.

17 20. The Applicant and City Staff agree that the proposed change in use is consistent  
18 with the character of surrounding uses. As earlier noted, the site is already occupied and the  
19 proposed use will only involve interior tenant improvements together with important landscaping  
20 and frontage improvements. There are no anticipated problems with noise, light, dust, or other  
21 negative impact to adjoining property uses. The requirements of LMC 18A.30.130.A.3 have  
22 been satisfied.

23 21. Pursuant to LMC 18A.30.130.B, the granting of the proposed Conditional Use  
24 Permit must be consistent and compatible with the goals and policies of the Comprehensive Plan,  
25 and any code, ordinance, regulation or standard in effect to implement the plan.

1           22.     The Applicant and City Staff concur that the proposed use is consistent and  
2 compatible with the Comprehensive Plan and other land use regulations. In particular, City Staff  
3 finds that the project, as conditioned, is consistent with the general commercial goals and  
4 policies of the City Comprehensive Plan particularly Goal LU-16 and Policy LU-16, and Goal  
5 LU-18 and Policy LU-18.1.

6           23.     The Hearing Examiner concurs that the project, as conditioned, is consistent and  
7 compatible with the goals and policies of the Comprehensive Plan and the City's land use  
8 regulations.

9           24.     Pursuant to LMC 18A.30.130.C, the proposed use must be properly located in  
10 relation to other land uses, transportation and public facilities and services in the vicinity and,  
11 further, that the capacity of the transportation system and other public facilities and services will  
12 be adequately served by the proposed use without placing an undue burden on such systems,  
13 facilities and services.

14           25.     The Applicant has provided a Traffic Memo demonstrating that the proposed use  
15 will not have any negative impacts on traffic in the area. Other existing public facilities and  
16 services are adequate to support the proposed use without any undue burden. Staff concurs and  
17 notes that the proposed use is well located with respect to important traffic corridors and regional  
18 transportation hubs. City Staff also concurs with the Applicant that the proposed use will not  
19 place any undue burden on transportation systems or other public facilities. The Hearing  
20 Examiner finds that the project satisfies the requirements of LMC 18A.30.130.C.

21           26.     Pursuant to LMC 18A.30.130.D, the intensity and character of the proposed use  
22 must be compatible with the intensity and character of adjoining and nearby properties.

23           27.     The Applicant's responds to this requirement by noting that hours of use are  
24 expected to be 8:00 a.m. to 5:00 p.m. and that the maximum number of employees is expected to  
25 not be more than five. The anticipated hours of operation and number of employees are in



1 keeping with surrounding uses. City Staff concurs and finds that the intensity and character of  
2 the proposed use is compatible with adjacent properties, and that commercial and industrial  
3 businesses to the north, east and west have similar or greater hours of operation. As a result, the  
4 proposed change in use is not expected to have any noticeable impact on adjoining or nearby  
5 properties. The Hearing Examiner concurs and finds that the requirements of LMC  
6 18A.30.130.D have been met.

7 28. Pursuant to LMC 18A.30.130.E, it must be demonstrated that the site is of  
8 sufficient size to accommodate the proposed use, and that all yards, open spaces, landscaping,  
9 walls and fences, parking, loading and other necessary features are properly provided to assure  
10 the proposed use will be compatible with adjacent uses and the character of the vicinity.

11 29. The Applicant responds that all activities will occur within an existing building.  
12 The existing building, and the existing surrounding facilities, are of sufficient size to  
13 accommodate all intended uses together with needed parking. The site will enjoy improved  
14 landscaping as well as frontage improvements, consistent with current code, to help ensure  
15 compatibility with surrounding uses. No new buildings or paved areas are proposed. City Staff  
16 adds that the site contains nearly two acres and has three existing commercial/industrial style  
17 buildings. The site, and its existing buildings, are large enough to adequately accommodate  
18 existing uses of the site as well as the proposed new use. New landscaping and fencing along  
19 with frontage improvements will help screen site activities, improve aesthetics, and assure the  
20 proposed use is compatible with adjacent uses and character of the neighborhood. The Hearing  
21 Examiner concurs and finds that LMC 18A.30.130.E has been satisfied.

22 30. Pursuant to LMC 18A.30.130.F, the proposed use must not introduce hazardous  
23 conditions at the site that cannot be mitigated so as to protect adjacent properties, the vicinity and  
24 the public health, safety and welfare of the community from such hazards.

1 31. The Applicant notes that there are no hazardous conditions anticipated as a result  
2 of the change in use. City Staff agrees that the new use will not introduce hazardous site  
3 conditions that cannot be mitigated, and that the tenant and property owner will work with the  
4 City and other affected agencies to ensure the public health, safety and welfare of the community  
5 are protected. The Hearing Examiner concurs and finds that the requirements of LMC  
6 18A.30.130.F have been met.

7 32. Pursuant to LMC 18A.30.130.G, the conditions necessary to mitigate the impacts  
8 of the proposed use must be capable of reasonable monitoring and enforcement. The City finds  
9 that its proposed conditions of approval will ensure that the impacts of the proposed conditional  
10 use are mitigated and can be reasonably monitored and enforced. The Hearing Examiner  
11 concurs.

12 33. City Staff recommends approval of the requested Conditional Use Permit subject  
13 to the six conditions found at page 8 of the Staff Report. The Applicant has no objection to the  
14 proposed conditions.

15 34. There is no public opposition to the requested Conditional Use Permit.

16 Based upon the foregoing Findings of Fact, the Hearing Examiner makes the following:

17 **CONCLUSIONS OF LAW**

18 1. The Hearing Examiner has jurisdiction over the parties and the subject matter.

19 2. Any Conclusions of Law contained in the foregoing Background Section, Public  
20 Hearing Section or Findings of Fact Section are hereby incorporated herein by reference and  
21 adopted by the Hearing Examiner as his Conclusions of Law.

22 3. All public notice requirements for this application have been met.

23 4. All SEPA requirements have been met.  
24  
25

1 5. The proposed use is not prohibited under the City's Comprehensive Plan and is  
2 consistent with the Plan.

3 6. The proposed use, as conditioned, is consistent with the City's Land Use  
4 Ordinances.

5 7. The proposed use is consistent with the site's C2 zoning designation.

6 8. The project, as conditioned, satisfies all requirements or  
7 LMC 18A.30.130.A(1-3).

8 9. The project, as conditioned, satisfies all requirements of LMC 18A.30.130.B.

9 10. The project, as conditioned, satisfies all requirements of LMC 18A.30.130.C.

10 11. The project, as conditioned, satisfies all requirements of LMC 18A.30.130.D.

11 12. The project, as conditioned, satisfies all requirements of LMC 18A.30.130.E.

12 13. The project, as conditioned, satisfies all requirements of LMC 18A.30.130.F.

13 14. The project, as conditioned, satisfies all requirements of LMC 18A.30.130.G.

14 15. The requested Conditional Use Permit should be granted subject to the conditions  
15 set forth in the permit. Now, therefore, Conditional Use Permit #3747 is **approved** subject to the  
16 following:  
17

18 **DECISION**

19 1. Lakewood Live Edge tenant improvements shall be constructed in substantial  
20 compliance with the City Staff Report and all conditions of approval. Minor modifications to the  
21 plans will require Community Development and Public Works Departments approval, and major  
22 modifications will require a land use modification permit.

23 2. The Applicant shall abide by the comments and project requirements provided by  
24 City of Lakewood Public Works Engineering dated December 30, 2022 (Exhibit 1). Be advised  
25

1 that while a site development permit is not required for the change of use, one will be applicable  
2 for the required frontage improvements.


3 3. All necessary permits from outside agencies, such as, Lakewood Water District  
4 and Pierce County Sewer shall be obtained prior to construction activities.

5 4. The tenant is required to obtain a City of Lakewood business license prior to  
6 occupancy.

7 5. A complete application of all required construction level permits shall have been  
8 submitted to the City for approval within three (3) years of the date of conditional use permit  
9 approval.

10 6. Noncompliance with the conditions of the permit shall be grounds for rehearing  
11 before the Hearing Examiner, in addition to fines and penalties. The Hearing Examiner may  
12 suspend or revoke a conditional use permit pursuant to this section and/or impose penalties for  
13 violation of any of the provisions of this title or original conditions of approval.

14 DATED this 31 day of March, 2023.

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16  
17   
18 \_\_\_\_\_  
19 Mark C. Scheibmeir  
20 City of Lakewood Hearing Examiner

### 21 **Appeal Right and Valuation Notices**

22 Final decision of the Hearing Examiner are subject to appeal to superior court. Appeals  
23 of final land use decisions to superior court are governed by the Land Use Petition Act  
24 ("LUPA"), Chapter 36.70C RCW. LUPA imposes short appeal deadlines with strict service  
25 requirements. Persons wishing to file LUPA appeals should consult with an attorney to ensure  
that LUPA appeal requirements are correctly followed.

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