

1 BEFORE THE CITY OF LAKEWOOD HEARING EXAMINER

2 IN RE: ) CONDITIONAL USE PERMIT #11568  
3 )  
4 QUICK QUACK CAR WASH, ) FINDINGS OF FACT, ANALYSIS,  
5 Applicant. ) CONCLUSIONS OF LAW AND  
6 ) DECISION

7 **APPLICANT:** Vance Shannon/Quick Quack Car Wash

8 **PROPERTY OWNER:** Madison Ferguson, LLC

9 **REPRESENTATIVES:** Vance Shannon and Barghausen Consulting Engineers

10 **SUMMARY OF REQUEST:**

11 A Conditional Use Permit to demolish an existing 8-unit rental complex and construct an  
12 automated car washing facility. The proposed car washing facility features a 108-foot tunnel  
13 with three vehicle queuing lanes and twelve vacuum parking stalls. Other site improvements  
14 include two trash enclosures, parking, utility connections, lighting, stormwater improvements  
15 and landscaping. The project site is located at 8610 and 8618 Steilacoom Blvd. SW (Parcel Nos.  
16 0220331027 and 0220331028) and contains .81-acres.

17 The project site has a zoning designation of Neighborhood Commercial 1 (NC1). This zoning  
18 designation allows for "vehicle service, minor maintenance/repair" subject to a Conditional Use  
19 Permit.

20 **LOCATION OF PROPOSAL:**

21 8610 and 8618 Steilacoom Blvd. SW, Lakewood, Washington. Parcel Nos. 0220331027 and  
22 0220331028.

23 **SUMMARY OF DECISION:**

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

25 **BACKGROUND**

The Applicant, Vance Shannon, on behalf of Quick Quack Car Wash, as well as the  
property owner, Madison Ferguson, LLC, seeks a Conditional Use Permit in order to demolish

1 an existing 8-unit apartment complex and convert the property to an automated car washing  
2 facility featuring a 108-foot tunnel with three vehicle queuing lanes and twelve vacuum parking  
3 stalls. Other site improvements include two trash enclosures, customer/employee parking, utility  
4 extensions, exterior lighting, stormwater improvements and perimeter landscaping, including  
5 enhanced landscaping along the property's southern boundary where it adjoins a residential  
6 neighborhood.

7 The site is located within the Neighborhood Commercial 1 (NC1) zoning designation.  
8 City Staff regards the application as falling within the "vehicle service, minor  
9 maintenance/repair" category in the Municipal Code. As such, the use would be an allowed use  
10 in the NC1 zone subject to a Conditional Use Permit.

11 City Staff recommends approval of the requested Conditional Use Permit subject to the  
12 conditions set forth in the Staff Report. There has been substantial public opposition to the  
13 application with concerns over traffic impacts, noise, lighting, management of water used for car  
14 washing, aesthetics, the loss of affordable housing units, and the belief that the application is not  
15 consistent with the intent of the NC1 zone and the City's Comprehensive Plan.

### 16 **PUBLIC HEARING**

17 Prior to the public hearing I undertook an independent virtual site examination utilizing  
18 Google Streets. As part of this site inspection I examined the project site, all surrounding  
19 properties and neighborhoods, and the area's street system.

20 The public hearing on the application commenced at 1:00 p.m. on Wednesday,  
21 December 4, 2024. The Hearing occurred in a hybrid format allowing for both in-person  
22 testimony as well as remote testimony utilizing the Zoom platform with City Staff serving as the  
23 host. The City appeared primarily through Billie Stewart, Associate Planner, but with additional  
24 assistance from Andrea Bell, Principal Planner, and Frank Sawatzki, City Engineer. The  
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1 Applicant appeared through Shannon Vance. Several members of the public were present and  
2 asked to testify. Testimony was received from Ms. Stewart, Ms. Bell, Mr. Sawatzki, Mr. Vance,  
3 and six members of the public. In addition to the oral public testimony, a large number of public  
4 comments were received just prior to commencement of the hearing (Exhibits M and N),  
5 supplementing public comments received earlier in the application (Exhibit L). A verbatim  
6 recording was made of the public hearing and all testimony was taken under oath. Documents  
7 considered at the time of the hearing were the Staff Report (Exhibit A) along with the following  
8 exhibits:

- 9 B. Site Plan/Plan Set
- 10 C. Traffic Generation Analysis prepared by Armen Hovanesian Transportation  
11 Consulting  
12 dated August 28, 2024
- 13 D. Geotechnical Report prepared by Krazan & Associates, INC. dated February 19, 2024
- 14 E. Hydrogeologic Assessment prepared by Richard Martin Groudwater LLC dated March  
15 20,  
16 2024
- 17 F. Noise Study prepared by MD Acoustics dated August 13, 2024
- 18 G. Operational Characteristics
- 19 H. Applicant Response to Required Findings
- 20 I. Public Comments with applicant's response to comments
- 21 J. Notice of Application/ Agency Transmittal
- 22 K. Notice of Public Hearing
- 23 L. Received Public Comment form Public Hearing Comment Period
- 24 M. Additional Public Comments Received after issuance of Staff Report
- 25 N. Additional Public Comment from Alice Fong
- O. City's PowerPoint Presentation
- P. Zoning Map
- Q. Applicant's Video Presentation

**City's Presentation.** The hearing commenced with the testimony of Billie Stewart,  
Associate Planner, and author of the City's Staff Report. Ms. Stewart's testimony was brief and  
instead relied largely upon her written Staff Report. As explained in that report, the Applicant,  
Quick Quack Car Wash, seeks to demolish an existing 8-unit apartment complex at 8610/8618  
Steilacoom Blvd. SW and construct a new automated car washing facility which includes a 108-

1 foot tunnel with three vehicle queuing lanes (Exhibit B). The project site has a zoning  
2 designation of Neighborhood Commercial 1 (NC1). This zoning designation allows for use of the  
3 property as "vehicle service, minor maintenance/repair" subject to a Conditional Use Permit.  
4 City Staff regards the proposed car washing facility as falling within the "vehicle service/minor  
5 maintenance/repair" category and therefore eligible for a Conditional Use Permit at this site. Ms.  
6 Stewart acknowledged public concerns about its potential noise but responded that the Applicant  
7 has submitted a Noise Study demonstrating that the noise from the facility would be largely  
8 imperceptible from surrounding properties. She also noted public concerns regarding traffic and  
9 responded that the Applicant has submitted a Traffic Impact Analysis demonstrating that the  
10 project will not have a significant traffic impact. She also acknowledged that the site adjoins a  
11 single-family residential neighborhood to the south and that the project could negatively impact  
12 those properties, but responded that the project has been conditioned on a substantial landscape  
13 buffer along its south boundary in order to shield these residential neighbors from noise, light,  
14 and aesthetic impacts. Ms. Stewart acknowledged that there have been various other public  
15 concerns but that the project had been carefully examined relative to the City's conditional use  
16 requirements and found to satisfy all of those requirements. City Staff therefore recommends  
17 approval of the conditional use application subject to the eight conditions set forth in the Staff  
18 Report at page 11.

19 At the conclusion of Ms. Stewart's direct testimony the Hearing Examiner posed a series  
20 of questions. These questions were collectively responded to by Ms. Stewart, Andrea Bell,  
21 Principal Planner, and Frank Sawatzki, City Engineer.

22 • **Zoning.** The Hearing Examiner requested additional information about the  
23 zoning designation of the site and all surrounding properties City Staff produced the zoning map  
24 (Exhibit P) showing that the site and the parcel immediately west of it (the Dutch Bros site) share

1 the Neighborhood Commercial 1 zoning designation. The property immediately to the east has a  
2 Neighborhood Commercial 2 zoning designation, while the parcel east of it has a zoning  
3 designation of ARC (Arterial Residential Commercial). Property to the north of the site, across  
4 Steilacoom Blvd. is largely zoned Neighborhood Commercial 2, while property west of the  
5 adjoining Dutch Bros. facility and across 87th Avenue SW is designated as Open Space and  
6 incorporates the large Fort Steilacoom Park. Properties south of the site is zoned Residential 1  
7 Low Density. The project site is therefore part of a small area (along with the adjoining Dutch  
8 Bros. facility) zoned NC1 while most of the remaining properties on this block of Steilacoom  
9 Blvd. are zoned NC2 with a small area zoned ARC. Staff was asked to describe the intended  
10 uses of property's zoned either NC1 or NC2. Staff explained that NC1 is intended to allow  
11 commercial development at a neighborhood scale and provide limited, regional services to the  
12 surrounding residential neighborhood. Similarly, NC2 is intended to allow  
13 neighborhood/regional commercial at a slightly more intense level of development. The overall  
14 purpose of these two zoning designations is to provide beneficial commercial services to the  
15 surrounding residential neighborhood so as to reduce travel for necessary services. The nearby  
16 ARC zoning designation has similar purposes although it is intended to cater more to commercial  
17 uses relying on arterial traffic.

18 City Staff believes that the proposed use is consistent with its NC1 zoning and that it  
19 would provide useful services to the surrounding residential neighborhood.

20 • **Buffering.** The project site adjoins a low-density residential neighborhood to the  
21 south with the two currently being separated by a fence. The Hearing Examiner noted that  
22 several public commenters had expressed concern about the proposed buffering between the  
23 project and these residential neighbors, and asked staff to more fully describe the proposed  
24 landscaping buffer. Staff explained that the project has been conditioned on a 15-foot  
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1 landscaping buffer along its south boundary with the residential neighborhood, and an 8-foot  
2 landscaping buffer along its east boundary where it adjoins the parking lot of another commercial  
3 development. A copy of the Landscaping Plan was presented (included within the Site Plans -  
4 Exhibit B) which demonstrates proposed landscaping along the south boundary will consist of  
5 several layers of trees and various size shrubs intended to establish a visual barrier. This  
6 landscaping will also incorporate the existing chain link fence with slats to increase the visual  
7 barrier between the project and the adjoining residential neighborhood. This landscaping buffer  
8 is intended to serve multiple purposes including serving as a visual barrier, act as an additional  
9 sound barrier, and provide improved aesthetics between these divergent land uses. The same is  
10 true of the proposed landscape buffer along the east boundary although that buffer is of less  
11 importance as immediately west of the site is a landscaped parking area servicing the adjoining  
12 business to the east. Collectively, the landscaping on both sides of the site's eastern boundary  
13 will shield each business enterprise from the other.

14       •       **Lighting.** The Hearing Examiner noted that several members of the public have  
15 expressed concern about potential light pollution and asked staff how this was being addressed.  
16 Staff responded by referring to the photometric plan prepared for the project. According to the  
17 plan, the proposed exterior lighting system for the project will not cause any light to spill onto  
18 adjoining residential properties and will be contained within the site's boundaries.

19       •       **Noise.** The Hearing Examiner noted that many public commenters have  
20 expressed concern over the expected noise from the car washing facilities. Staff responded by  
21 referring to the Applicant's Noise Study which concludes that, in a worse case scenario (that is,  
22 with all washing equipment and all vacuums operating at the same time) the sound levels would  
23 not exceed the City's noise regulations and would be "barely perceptible" on adjoining  
24 properties. In addition, the site has been designed so that the areas of greatest noise generation  
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1 (the washing facilities and the vacuuming facilities) are to the center and northern portions of the  
2 site and away from the adjoining residential neighborhood.

3       ●       **Traffic.** Traffic impacts have been a common concern of public commenters.  
4 The Hearing Examiner asked staff to discuss the project's traffic impacts and their mitigation.  
5 Mr. Sawatzki responded and explained that the City is most concerned when a project will  
6 reduce the Level of Service (LOS) at nearby intersections to something below LOS D, as LOS D  
7 is the lowest acceptable standard. In this case, the nearby intersection at 87th Avenue and  
8 Steilacoom Blvd. is already below LOS D. As such, the project will not cause the interchange to  
9 fall below an acceptable LOS although its may exacerbate an existing failure. Staff concludes  
10 that this project will have minimal impact on the current problems at this interchange and that  
11 appropriate traffic mitigation will be in the form of a traffic impact fee to be used toward  
12 regional traffic improvements. In addition, the project has been designed to have limited ingress  
13 and egress to Steilacoom Blvd. Its access to Steilacoom will be a right in /right out access only,  
14 with no left turns allowed into or out of the site. The access point will be specially designed so  
15 as to prevent left turns from being made.

16       ●       **Impacts to Nearby City Properties.** The Hearing Examiner noted that the City  
17 is an important neighbor of the project, being the owner of the nearby Fort Steilacoom Park,  
18 located at the southwest corner of the intersection of 87th Avenue and Steilacoom Blvd. The  
19 Hearing Examiner asked Ms. Bell, as Principal Planner, whether the City has concerns over the  
20 impact of this development on its park. Ms. Bell responded that the City is not concerned about  
21 the project's impacts on the Fort Steilacoom Park. To the contrary, the City views this portion of  
22 Steilacoom Blvd. as increasingly dedicated to commercial and retail uses, and that the existing  
23 apartment complex sits uneasily among these commercial/retail uses, and is a "one off" from  
24 surrounding uses. The City views the transition of this property from an apartment to a car wash  
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1 facility as consistent with the current and intended uses of this portion of Steilacoom Blvd. and  
2 that it will be a better match with surrounding uses. If anything, the proposed use is a better fit  
3 with the nearby park in the same way as the adjoining Dutch Bros. coffee stand is helpful to have  
4 next to the park.

5       •       **Affordable Housing.** Nearly every public commenter has expressed concern that  
6 this project will result in the loss of eight "affordable housing" units and that this loss is  
7 inconsistent with the City's Comprehensive Plan. The Hearing Examiner asked staff as to  
8 whether it agreed. Ms. Bell respectfully disagreed with this claim. She first noted that these  
9 units are not "affordable housing" but are rather standard rental units leased at market rates. She  
10 understood the commenters' concerns but noted that the City is working in a number of other  
11 ways to address issues with affordable housing. In particular, the City is about to enact a suite of  
12 regulations addressing affordable housing. These include: increasing residential densities;  
13 expanding the types of residential uses allowed; allowing residential development in commercial  
14 areas; encouraging ADU's and other secondary units; and providing for easier land subdivision to  
15 encourage development. Ms. Bell concluded her comments by noting that the conversion of the  
16 property to a commercial use is more consistent with the City's goals and policies than any  
17 attempt to preserve it as rental housing, and that the City's needs for increased housing are best  
18 addressed through other means.

19       **Applicant's Presentation.** The Applicant appeared through Vance Shannon. Mr.  
20 Shannon began his presentation by presenting a video (Exhibit Q) demonstrating how the  
21 proposed car wash facility works. Among other things, the video demonstrated how the car  
22 washing facilities reclaim all water being used and rely upon biodegradable soaps. The net effect  
23 is that very little water is used per car wash and any disposed water is sent to the sewer system,  
24 not the stormwater system. Mr. Shannon asserts that this looped system utilizing reclaimed  
25 water will not have any impacts to the local environment.



1 Mr. Shannon then turned to traffic issues and noted that the Applicant's Traffic Study  
2 demonstrates that the project will have only insignificant impacts to local traffic and to public  
3 safety.

4 Mr. Shannon acknowledged that noise is a big concern to the public but stated that the  
5 Applicant has done everything to assure minimum noise impacts. For example, the Applicant has  
6 chosen a less effective vacuum system as it will result in a quieter operation. Sound dampening  
7 has been installed throughout the facility, including an acoustic liner through the washing tunnel.  
8 Importantly, all vacuums are enclosed and the only audible sound from vacuuming is the sound  
9 of air rushing through the vacuum hoses, with no audible motor sound. Mr. Shannon reiterated  
10 that the Applicant's Noise Study demonstrates that noise from the facility will be "barely  
11 perceptible" on adjoining properties.

12 Mr. Shannon then turned to the issue of employees and explained that the project intends  
13 to have eighteen employees with two or three on duty at any time. He asserts that these positions  
14 are well paid.

15 Mr. Shannon then responded to concerns over potential pollution resulting from  
16 operations. As was demonstrated in his video, he states that the system will rely solely on  
17 recycled and reclaimed water, using only 28 gallons per wash, with all disposed water going to  
18 the sewer system, not the stormwater system. Mr. Shannon asserts that this system is vastly  
19 superior to other forms of car washing, especially hand washing. It is for this reason that EPA  
20 recommends automated car washing over other forms of washing. Mr. Shannon responded to  
21 various commenters' concerns that there are already more than enough car wash facilities by  
22 stating that his examination of the region shows only one other car wash within ten miles and  
23 that facility is a hand washing facility.

24 Mr. Shannon concluded his comments by stating that both the building and its  
25 landscaping will be attractive and an asset to the neighborhood, and will serve as a great addition

1 to this intersection. He also referred to the project's photometric plan and its conclusion that the  
2 project will not result in any light pollution on adjoining properties.

3 At the conclusion of his direct testimony Mr. Shannon was asked by the Hearing  
4 Examiner as to the intended hours of operation. He responded that the company-wide standard  
5 for hours of operation is 7:00 a.m. to 9:00 p.m. and that this facility would maintain those same  
6 hours.

7 **Public Testimony.**

8 **Christina Manetti.** Ms. Manetti earlier provided written comments in opposition to the  
9 application. In her oral testimony she reiterated her opposition to the project and asked that it be  
10 located somewhere else in the City. She stated that the video presented by the Applicant made  
11 her even more concerned about the project and convinced her that it was a poor fit for the site.  
12 She also disagreed with the Applicant's claim that there are few or no similar operations nearby  
13 as she counts ten existing car wash facilities in the area. Her greatest concern is that the facility  
14 will cause the loss of eight housing units which, even if not technically qualifying as "affordable  
15 housing", are clearly intended for lesser income tenants. The City has a tremendous need for  
16 such housing especially as it encourages an increase in its population. She then turned to the  
17 number of likely employees for the business and questioned the Applicant's claim that there  
18 would be eighteen employees and argued that his would be possible only if the employees were  
19 limited to part time employment. She concluded her testimony by asking that the project be  
20 located elsewhere due to concerns over its noise, impacts to surrounding property values, lack of  
21 aesthetics, and potential pollution.

22 **James Dunlop.** Mr Dunlop is a resident of the City and acknowledges that he is not  
23 directly affected by the project but is concerned over the loss of affordable housing and asked  
24 that the project be denied so that the existing apartments not be demolished. He also believes  
25 that a 9:00 p.m. closing time is later than necessary.

1           **Vicki Stanich.** Ms. Stanich is a resident of the City and lives within a few blocks of the  
2 project. She is strongly opposed to it as she believes it will cause the loss of affordable housing  
3 and will worsen traffic in the area. She explains that anyone living near the location knows how  
4 challenging it is to negotiate the nearby 87th Avenue/Steilacoom Blvd. intersection, especially  
5 during the rush hour and especially during summer months. She also believes that the project  
6 will lead to increased noise and air pollution in the neighborhood. She adds that within five  
7 miles of the project site there are at least six other car washes currently operating.

8           **Corey Campbell.** Mr. Campbell provided earlier written comments and incorporated  
9 them into his testimony. In addition to these earlier written comments, he added that the nearby  
10 City park is a County gem that must be protected. He also questioned whether a high impact car  
11 wash was appropriate in the zoning area intended for light retail. Mr. Campbell then took issue  
12 with the Applicant's traffic study and believes that it was chosen to be undertaken at a time of the  
13 year (summer) when traffic in the area is less. He also notes that this study finds that the project  
14 will generate only 37 new PM Peak Hour Trips and yet the Applicant's video boasts that the  
15 facility can process 150 cars per hour. He notes that recent improvements to nearby traffic  
16 intersections are already experiencing backlogs and that this area of Steilacoom Blvd. cannot  
17 manage additional traffic.

18           **Destiny Lemco.** Ms. Lemco submitted earlier written comments and referred to them as  
19 part of her testimony. She is a resident of the City and has lived in several different locations  
20 near the project site. She has observed significant traffic backups in the area and that it is a  
21 dangerous intersection, especially for those walking across 87th Avenue to get to the park. She  
22 believes that the site to be the wrong location for the project and that it is an awkward fit. While  
23 the adjoining Dutch Bros. facility makes sense in its location, the car wash does not. She also  
24 questions the accuracy of the sound study and believes that noise levels experienced by  
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1 pedestrians along the adjoining sidewalk will be much greater than claimed. She concluded her  
2 remarks by noting that if the City wants to support neighborhoods it must not make it simple to  
3 take housing away.

4 **Dannah Butters.** Ms. Butters is one of the residents of the residences immediately south  
5 of the project site and her property shares the longest length of fence line of all of the adjoining  
6 residences. Ms. Butters believes that her property will be more impacted by the project than any  
7 other. She is concerned by its impacts from noise and traffic and is also worried by the  
8 continuous eroding away of residential properties in the area. She is a mother with three children  
9 who enjoy the use of their backyard. She fears that her backyard will no longer be enjoyable  
10 once this development occurs. She also fears a drop in property values and an increase in crime.  
11 She asks that the project be denied and located where its impacts will be less.

12 **City Response.** At the conclusion of public testimony City Staff responded to several  
13 public comments. Ms. Bell acknowledged all of the public concerns but explained that City  
14 Staff had carefully reviewed the project to confirm its alignment with the Comprehensive Plan  
15 and Development Regulations and that Staff continues to believe that it will satisfy all  
16 requirements subject to the conditions Staff has recommended. She also noted that members of  
17 the public had questioned the findings of the noise, traffic and other studies but that City Staff  
18 had carefully reviewed all of the studies and could find no evidence that they had been  
19 improperly prepared or that their findings were inaccurate.

20 **Applicant Response.** Mr. Shannon responded to public comment by concurring with the  
21 comments made by Ms. Bell and reiterating the Applicant's position that it believes the  
22 application to comply with all Development Regulations and to be consistent with the City  
23 Comprehensive Plan, and that the Applicant has worked hard to ensure that all of its required  
24 studies have been accurately prepared. He concluded his response by responding to Ms. Butters  
25 concerns about possible increase in crime by noting that the facility will have 24-hour

1 surveillance and that the company's other car washes have demonstrated an increase in  
2 neighborhood security and a reduction in crime due to the surveillance provided by the facility.

### 3 ANALYSIS

4 LMC 18A.30.130 requires the Applicant to demonstrate that: The conditional use will  
5 not adversely affect the established character of the surrounding vicinity; will not be detrimental  
6 to the public health, safety and general welfare; will not be injuries to other properties in the  
7 vicinity of the site; is consistent and compatible with the City's Comprehensive Plan; is properly  
8 located in relation to other land uses, transportation and public facilities and that these facilities  
9 can adequately serve the project; its intensity and use are compatible with the intensity and use  
10 nearby properties; is of sufficient size to accommodate the proposed use; will not introduce  
11 hazardous conditions that cannot be mitigated; and the conditions necessary to mitigate any  
12 impacts are easily enforced.

13 Opponents to the project have raised several issues which they believe prevent the  
14 Applicant from meeting its burden of proving that all of these requirements have been met.  
15 These include the following issues, followed by the Hearing Examiner's response:

16 ● **Traffic.** The Applicant's own Traffic Impact Analysis (TIA) recognizes that the  
17 nearby intersection at Steilacoom Blvd. and 87th Avenue is operating at a failed level and that  
18 this project will only worsen that failure. Opponents therefore assert that the project will be  
19 detrimental to the general welfare; will be inconsistent with the goals and policies of the City  
20 Comprehensive Plan and Regulations; and that the Applicant has failed to demonstrate that the  
21 nearby transportation system will adequately serve the use without placing an undue burden on  
22 transportation and public facilities and services. The Applicant responds, and the City Staff  
23 concurs, that the project will not cause the nearby intersection to fail and, more importantly, that  
24 it will not lead to a material worsening of the traffic conditions. At the same time, the required  
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1 traffic mitigation fee will assist in important traffic improvements in the area such that the  
2 project's traffic burdens are no greater than its benefits. I agree with the position taken by City  
3 Staff and the Applicant and conclude that the project, as conditioned, will not create traffic  
4 problems that are injurious to the general welfare and that the City's traffic system has the  
5 capacity to adequately serve the proposed use.

6       ●     **Noise.** There is an intuitive sense that the proposed use will generate significant  
7 noise, perhaps because of our collective memories of historic car washing systems. The  
8 Applicant's noise study demonstrates otherwise and shows that the project, as conditioned, will  
9 not result in burdensome noise. I accept the findings of the noise study and conclude that the  
10 project's noise will not be unduly burdensome.

11       ●     **Lighting, Landscaping and Other Buffer Issues.** Although the project site is  
12 surrounded to the east, west and north with an eclectic mix of commercial and retail activity, its  
13 southern boundary adjoins a longstanding low density residential neighborhood. This raises  
14 obvious concerns about the compatibility of the two land uses and the need to shelter the  
15 residential neighborhood from its commercial neighbors. In response, the Applicant's  
16 Photometric Study confirms that the project, as conditioned, will not send its light onto the  
17 adjoining residences, while a wider-than-average landscape buffer along the project's south  
18 boundary is intended to provide a visual, sound, lighting and aesthetic barrier. City Staff finds  
19 that this barrier is sufficient and that the project, as conditioned, provides an adequate buffer  
20 between residential and commercial uses. I concur with the City Staff Findings.

21       ●     **Aesthetics.** Opponents assert that the proposed car wash is unattractive,  
22 especially in comparison to the existing apartment complex, and is out of place in the  
23 neighborhood. I respectfully disagree. This portion of Steilacoom Blvd. has an unusually  
24 diverse and varied set of commercial, retail, medical, public and other uses, with an equally  
25 diverse set of buildings housing those uses. I conclude that the proposed use is not out of

1 character with the surrounding uses and that it is compatible with the intensity and character of  
2 nearby uses.

3         •     **Loss of Housing.** The most common objection to the project is that it will result  
4 in the demolition of eight apartment units that serve as lower income housing for the community.  
5 The Applicant responds, and City Staff agrees, that these units do not qualify as "affordable"  
6 housing as they are simply market rate rental units. City Staff adds that it finds the current  
7 apartments ill suited for their location and that the proposed use serves as a better overall use of  
8 the site. Staff adds that the City is in the process of enacting a variety of new resolutions to  
9 address affordable housing needs, and that these regulations will be far more effective to address  
10 the problem than what would be achieved by refusing to allow these apartments to be  
11 demolished. After careful review I reluctantly agree with City/Applicant and conclude that, as  
12 conditioned, the project is consistent and compatible with the City's Comprehensive Plan,  
13 including its housing goals and policies, as well as its Development Regulations.

14         For the foregoing reasons I conclude that the Applicant has adequately demonstrated that  
15 all requirements for a Conditional Use Permit as found in LMC 18A.30.130 have been met and  
16 that the permit should be approved subject to conditions.

17         I therefore make the following:

18                                   **FINDINGS OF FACT**

19         1.       Any Findings of Fact contained in the foregoing Background, Public Hearing or  
20 Analysis Sections are incorporated herein by reference and adopted by the Hearing Examiner as  
21 his Findings of Fact.

22         2.       The Applicant, Vance Shannon, on behalf of Quick Quack Car Wash, and also on  
23 behalf of the property owner, Madison Ferguson, LLC, requests a Conditional Use Permit in  
24 order to demolish an existing eight unit apartment building in order to construct a new automated  
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1 car washing facility at property located at 8610 and 8618 Steilacoom Blvd. SW, Parcel Numbers  
2 0220331027 and 0220331028.

3 3. Site improvements associated with the project include an automated car washing  
4 facility featuring a 108-foot tunnel and 3 vehicle queuing lanes. It also provides 12 vacuum  
5 parking stalls. Other site improvements include two trash enclosures, general parking, utility  
6 connections, lighting, stormwater management and landscaping.

7 4. The project is located within the Neighborhood Commercial 1 (NC1) zoning  
8 district. The adjoining property to the west, currently used as a Dutch Bros. coffee restaurant,  
9 has the same NC1 zoning designation. Property immediately east of the site is developed as a  
10 commercial building with multiple and varied tenants and has a zoning designation of NC2.  
11 Property further east has a zoning designation of ARC (Arterial Residential Commercial) and  
12 possesses an eclectic mix of commercial, retail and other uses. Property to the north, across  
13 Steilacoom Blvd., has a zoning designation of NC2 and has a similar eclectic collection of  
14 commercial, medical, retail, grocery, restaurant and other uses, including a large Safeway  
15 grocery store. Property to the south of the site has a zoning designation of Residential 1 (Low  
16 Density Residential) and contains longstanding, low density residential neighborhoods. The  
17 property is a short distance east of the Steilacoom Blvd./87th Avenue intersection. Southwest of  
18 this intersection is the large Fort Steilacoom Park operated by the City. To the northwest of this  
19 intersection are large areas of publicly owned property housing a variety of local and state  
20 agencies.

21 5. The NC1 zoning designation is intended to provide commercial/retail services to  
22 area neighborhoods while maintaining a neighborhood identity, with the purpose of reducing the  
23 amount of travel needed to obtain basic services. The NC2 zoning designation , which applies to  
24 many of the adjoining and nearby properties, has a similar purpose but with a slighter greater  
25



1 intensity. The ARC zoning designation also has a similar purpose but with a more heightened  
2 level of intensity.

3 6. "Vehicle service, minor maintenance/repair" is a permitted use within the NC1  
4 zoning designation pursuant to LMC 18A.10.180 subject to a Conditional Use Permit. City Staff  
5 concludes that the proposed use falls within this category and is therefore a permitted use at this  
6 site subject to a Conditional Use Permit.

7 7. The City Comprehensive Plan designates the subject site as "Neighborhood  
8 Business District" in the Future Land Use Map. City Staff finds that the proposed use is  
9 consistent with this land use designation.

10 8. The project site currently contains an 8-unit apartment complex on a portion of  
11 the site but only 4 of the 8 units are currently being leased. Units are leased at market rates and  
12 are currently not being used as part of any low income/affordable housing program. The project  
13 will demolish these units and all other current site improvements in order to construct the new  
14 automated car washing facility. The property management company for the site has ensured that  
15 it will assist in finding current residents new housing accommodations as needed.

16 9. Public commenters have expressed concern that the project will cause excessive  
17 levels of noise on adjoining and nearby properties. The Applicant has presented a Noise Study  
18 (Exhibit F) prepared by MD Acoustics and dated August 13, 2024. The purpose of the study was  
19 to determine the project's worse case noise impacts. The study anticipated that the project will  
20 utilize a 120 horsepower IDC blower system or equivalent. It will also utilize an acoustic liner  
21 through the washing facility. Based upon these assumptions, and assuming that all 14 vacuums  
22 and dryer system are operating simultaneously with all washing systems, the study concludes  
23 that the project will have a worse case impact of raising noise levels by no more than 4 decibels  
24 at residential receptors and no more than 1 decibel at commercial receptors. These minor  
25 increase, and the noise level generated by the project, are all within permitted noise levels.

1           10.     The Noise Study further concludes that the change in noise level will be "just  
2 perceptible" or "not perceptible" at all receptor locations and, therefore, the project will have no  
3 substantive noise impact.

4           11.     The Applicant has submitted a Photometric Plan demonstrating that the project's  
5 exterior lighting, as currently designed, will not cause any light to spill onto adjoining properties,  
6 especially the residential properties to the south.

7           12.     The Applicant has submitted a Traffic Impact Analysis (TIA) (Exhibit C)  
8 prepared by Armen Hovanesian Transportation Consulting dated August 28, 2024. The purpose  
9 of the TIA is to analyze the existing traffic conditions near the project site and estimate the  
10 project's impact on those traffic conditions.

11           13.     The TIA forecasts that the project will result in 9 net new AM Peak Hour Trips  
12 and 37 new net PM Peak Hour Trips but then analyzes the project at its worst case scenario as  
13 having 48 new net AM Peak Hour Trips and 136 new net PM Peak Hour Trips.

14           14.     The TIA recognizes that the nearby intersection at Steilacoom Blvd. and 87th  
15 Avenue is a problem intersection and is currently operating at a Level of Service (LOS) below  
16 LOS D. LOS D is the City's lowest acceptable Level of Service.

17           15.     The TIA finds that, in the future, the Steilacoom Blvd./87th Avenue intersection  
18 will operate at LOS F with or without the project. Stated slightly differently, the TIA concludes  
19 that the project will not worsen the intersection's LOS. The project will, however, result in a  
20 slight increase in delays at the intersection, although these added delays are not substantive. The  
21 TIA declares that the intersection's Level of Service and queuing "will remain substantially the  
22 same. Therefore, the project does not add any substantial amount of traffic to the study  
23 intersections."  
24  
25

1           16.     The study concludes that the project does not have any major adverse affects on  
2 access, safety and circulation on the area roadway system or at any analyzed intersection.  
3 Therefore, no further action is required.

4           17.     The project will be assessed a traffic improvement assessment to aid in regional  
5 traffic improvements.

6           18.     To further limit traffic impacts, the project will be limited to a right in/right out  
7 access off of Steilacoom Blvd., thus preventing any left turns into or out of the project from  
8 Steilacoom Blvd.

9           19.     The Applicant's Preliminary Site Plan (Exhibit B) includes a preliminary  
10 landscaping plan. The plan proposes a 15-foot vegetative buffer along the south boundary to  
11 provide enhanced buffering from the residential neighborhood to the south. The plan proposes a  
12 mix of types and sizes of vegetative plantings meeting "Type 1" landscaping standards. In total,  
13 the project will provide 1,271 square feet of landscaping and buffer along the south boundary to  
14 serve as a visual, noise, lighting and aesthetic buffer.

15           20.     An additional 8-foot buffer is proposed along the east boundary of the project to  
16 mitigate impacts to adjoining commercial development.

17           21.     To further limit the impacts of the project on adjoining properties, all primary car  
18 washing activities, including vacuuming, have been moved away from the residential properties  
19 to the south and instead oriented toward Steilacoom Blvd. to the north. This is intended to  
20 ensure that noise from car washing machinery is not aimed at residential properties.  
21 Additionally, the vacuuming system has been designed such that the only noise emanating from  
22 the system is the sound of moving air, with no audible motor sound.

23           22.     The car washing system will utilize a water reclamation design that recycles and  
24 reclaims water to the greatest extent possible and also utilizes biodegradable soaps. Similar  
25

1 systems used elsewhere result in only 28 gallons of water used per washing, with all non-  
2 reclaimed water going to the City's sewer system and not its stormwater system.

3 23. The property is not located within any critical areas or near any designated  
4 shorelines, other critical areas, or critical area buffers.

5 24. Staff finds that the proposed use is not expected to impose hazardous conditions  
6 onsite or adversely impact properties in the general vicinity.

7 25. The Applicant's other facilities have common operating hours of 7:00 a.m. to 9:00  
8 p.m. The Applicant intends to follow these same hours for this operation.

9 26. The Applicant's other facilities employ a common surveillance system. The  
10 Applicant has found that the use of this surveillance system at its other facilities has reduced  
11 crime both on the property as well as on surrounding properties.

12 Findings Relating to SEPA and to Notice.

13 27. Pursuant to WAC 197-11-355, the City utilized the optional DNS process for this  
14 project. The SEPA comment period occurred concurrently with Notice of Application dated  
15 June 12, 2024.

16 28. A SEPA Determination of Nonsignificance (DNS) was issued November 7, 2024.  
17 No appeals were filed and the determination is final.

18 29. Notice of public Hearing before the Hearing Examiner was issued in accordance  
19 with 18A.20.

20 30. The City received comments from Ecology, the City' Planning and Public Works  
21 divisions, Pierce Transit and LeMay Waste Connections. These comments and  
22 recommendations have been incorporated into the conditions of approval.

23 31. The City initially received one public comment in response the Notice of  
24 Application (Exhibit L) but then received a substantial number of additional public comments  
25

1 just prior to the public hearing (Exhibits M and N). The nature of these public comments has  
2 been more fully described in the Public Hearing Section.

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

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

6 33. Pursuant to LMC 18A.30.130.A.1, the granting of the Conditional Use Permit  
7 must not adversely affect the established character of the surrounding vicinity.

8 34. As noted in earlier Findings, properties to the north, east and west are currently  
9 zoned Neighborhood Commercial and are occupied with an eclectic variety of commercial,  
10 retail, restaurant, professional and medical facilities. The proposed use is compatible with all of  
11 these adjoining commercial activities. Although property to the south consists of residential  
12 neighborhoods, project approval has been conditioned upon establishing an appropriate buffer  
13 between these two uses to ensure that the proposal does not adversely affect the character of the  
14 residential neighborhood to the south. Additionally, the project has been designed to minimize  
15 its impacts on adjacent residential properties by orienting car washing and vacuum facilities  
16 away from the residential properties to the south; by incorporating sound buffering devices into  
17 the equipment; and by utilizing equipment with the lowest sound levels. The project has also  
18 been designed to comply with all development and building design standards pursuant to LMC  
19 18A.70.040 and 18A.60.040.

20 35. As conditioned, the requirements of LMC 18A.30.130.A.1 have been met.

21 36. Pursuant to LMC 18A.30.130.A.2, the proposed use must not be detrimental to  
22 the public health, safety or general welfare.

23 37. The Applicant asserts, and the City Staff agrees, that the project will not be  
24 detrimental to public health, safety and general welfare as it has been designed to satisfy all City  
25 development and building standards for new development in this zone. This includes all

1 engineering design standards, noise standards and other applicable City and State requirements.  
2 City Staff adds that its SEPA Determination of Nonsignificance confirmed that it is very unlikely  
3 that the proposed site operations will create adverse impacts or an undue burden for the  
4 surrounding properties.

5 38. As conditioned, the requirements of LMC 18A.30.130.A.2 have been met.

6 39 Pursuant to LMC 18A.30.130A.3, the project must not be injurious to the property  
7 or improvements adjacent to, and in the vicinity of, the project site.

8 40. The Applicant asserts, and City Staff agrees, that the project has been designed to  
9 ensure that it does not affect surrounding properties. This is accomplished by compliance with all  
10 design requirements; by the construction of required utility connections and stormwater  
11 management systems; and by the need to obtain all necessary construction and development  
12 permits including a site development permit consistent with Title 12 and Title 15 of the  
13 Lakewood Municipal Code.

14 41. As conditioned, the Hearing Examiner finds that the requirements of LMC  
15 18A.30.130.A.3 have been met.

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

19 43. The Applicant asserts, and City Staff agrees, that the project is consistent and  
20 complies with the goals and policies of the Comprehensive Plan including Policies LU-16.1,  
21 LU18.1, LU21.1, ED1.1 and U4.1. The proposed use is a permitted use within the NC1 zoning  
22 district subject to a Conditional Use Permit. As noted above, all site improvements must comply  
23 with site development permits requirements as well as building permit requirements.

24 44. Opponents assert that the project is inconsistent with those portions of the City's  
25 Comprehensive Plan advocating for enhanced housing opportunities, especially affordable

1 housing. City Staff responds that the current housing units do not quality as "affordable  
2 housing" but rather are housing units being rented at market rates. Staff further finds that the  
3 City's goals and policies for more affordable housing will be better achieved through the use of  
4 other properties for increased housing, and that this property is best served by commercial use  
5 compatible with its surrounding commercial neighbors.

6 45. The Hearing Examiner concurs with the City's Findings and finds that the project  
7 is compliant with the requirements of LMC 18A.30.130.B.

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

13 47. As noted in previous Findings, the project site is located in an intensely developed  
14 portion of Steilacoom Blvd. containing an eclectic mix of commercial, retail, professional,  
15 medical and other uses. Steilacoom Blvd. SW is a principal arterial street within the City. It is  
16 fully improved within this neighborhood with dual lanes, middle turn lane and sidewalk. As  
17 noted earlier, the Applicant's TIA concludes that the proposed new use will not place an undue  
18 burden on public systems, facilities or services. Additionally, a water availability letter has been  
19 provided. The project remains conditions upon obtaining all necessary permits from utility  
20 providers (water, sewer, electricity, telephone, etc.) for the project.

21 48. The Hearing Examiner finds that the project satisfies the requirements of LMC  
22 18A.30.130.C.

23 49. Pursuant to LMC 18A.30.130.D, the intensity and character of the proposed use  
24 must be compatible with the intensity and character of adjoining and nearby properties.  
25

1           50.     As noted above, the project is located within an already developed commercial  
2 area and its zoning is intended to allow commercial development. Although properties to the  
3 south are in a residential neighborhood, project approval has been conditioned on establishing a  
4 suitable buffer to screen those properties from the impacts of this project. Additionally,  
5 surrounding residential neighborhoods are well used to the fact that all properties along this  
6 portion of Steilacoom Blvd. are used as commercial property and this close relationship between  
7 commercial properties along Steilacoom Blvd. and residential properties to the north and south,  
8 has existed for many years. The proposed project will not deviate from this longstanding  
9 relationship.

10           51.     The requirements of LMC 18A.30.130.D have been met.

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

15           53.     The subject site consists of two parcels with a total of .81 acres. City Staff finds  
16 that this site is large enough to adequately accommodate all proposed uses while also ensuring  
17 compliance with all municipal code, development and design standards, including landscaping  
18 requirements. In addition, the project will be required to satisfy all other development standards  
19 imposed in the NC1 zoning designation.

20           54.     The requirements of LMC 18A.30.130.E have been satisfied.

21           55     Pursuant to LMC 18A.30.130.F, the proposed use must not introduce hazardous  
22 conditions at the site that cannot be mitigated so as to protect adjacent properties, the vicinity and  
23 the public health, safety and welfare of the community from such hazards.

24           56.     The proposed use will not introduce hazardous conditions on the subject property.  
25 The intended use has been carefully reviewed during SEPA review and found not to introduce



1 any hazardous conditions. Further, the Applicant will be required to work with the City and all  
2 applicable agencies to ensure that the public health, safety and welfare is assured. In particular,  
3 the car washing systems must operate in accordance with Ecology's Publication No. WQ-R-95-  
4 056 relating to vehicle and equipment water discharges Best Management Practices. All paved,  
5 pollution generating, services must retreat all runoff in accordance with Title 12 LMC as well as  
6 the Ecology's Stormwater Manual. The City will review all proposed plans for compliance with  
7 these and other public safety requirements as part of site plan review. Finally, during  
8 construction the developer will be required to maintain a written record of environmental  
9 protection Best Management Practices being utilized, must log regularly scheduled testing to  
10 assure compliance, and must conduct additional inspections and testing following storm events.

11 57. The Hearing Examiner finds that the requirements of LMC 18A.30.130.F have  
12 been met.

13 58. Pursuant to LMC 18A.30.130.G, the conditions necessary to mitigate the impacts  
14 of the proposed use must be capable of reasonable monitoring and enforcement. The City finds  
15 that this will be accomplished through the conditions imposed on project approval.

16 59. The requirements of LMC 18A.30.130.G have therefore been met.

17 60. City Staff recommends approval of the requested Conditional Use Permit subject  
18 to the eight conditions found on page 11 of the Staff Report. The Applicant does not object to  
19 these conditions.

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

### 21 CONCLUSIONS OF LAW

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

23 2. Any Conclusions of Law contained in the foregoing Background Section, Public  
24 Hearing Section, Analysis Section or Findings of Fact Section are hereby incorporated herein by

25 reference and adopted by the Hearing Examiner as his Conclusions of Law.

*Findings of Fact, Analysis, Conclusions of Law  
and Decision - 25*

**CITY OF LAKEWOOD HEARING EXAMINER**  
**299 N.W. CENTER ST. / P.O. BOX 939**  
**CHEHALIS, WASHINGTON 98532**  
**Phone: 360-748-3386/Fax: 748-3387**

- 1 3. All public notice requirements for this application have been met.
- 2 4. All SEPA requirements have been met.
- 3 5. The proposed use is not prohibited under the City's Comprehensive Plan and is
- 4 consistent with the Plan.
- 5 6. The proposed use, as conditioned, is consistent with the City's Land Use
- 6 Ordinances.
- 7 7. The proposed use is consistent with the site's NC1 zoning designation.
- 8 8. The project, as conditioned, satisfies all requirements of
- 9 LMC 18A.30.130.A(1-3).
- 10 9. The project, as conditioned, satisfies all requirements of LMC 18A.30.130.B.
- 11 10. The project, as conditioned, satisfies all requirements of LMC 18A.30.130.C.
- 12 11. The project, as conditioned, satisfies all requirements of LMC 18A.30.130.D.
- 13 12. The project, as conditioned, satisfies all requirements of LMC 18A.30.130.E.
- 14 13. The project, as conditioned, satisfies all requirements of LMC 18A.30.130.F.
- 15 14. The project, as conditioned, satisfies all requirements of LMC 18A.30.130.G.
- 16 15. The requested Conditional Use Permit should be granted subject to the conditions
- 17 set forth in the permit. Now, therefore, Conditional Use Permit #11568 is **approved** subject to
- 18 the following:
- 19
- 20

### DECISION

21 1. Quick Quack Car Wash shall be constructed in compliance with this staff report

22 and all conditions of approval. Minor modifications to the plans will require Planning and

23 Public Works Department approval, and major modifications will require a land use

24 modification permit.

25

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

4           3.     The applicant shall abide by the agency comments made by the WA State  
5 Department of Ecology dated June 26, 2024; the City of Lakewood Planning & Public Works  
6 Engineering Division dated October 30, 2024; Pierce Transit dated June 12, 2024 and  
7 LeMay Refuse and Recycling dated June 12, 2024. These are summarized on page 3 and  
8 4 above and included with this report as exhibits.

9           4.     The tenant is required to obtain a City of Lakewood business license prior to  
10 occupancy in accordance with LMC Title 5.


11           5.     A complete application of all required construction permits such as a Site  
12 Development Permit and Building Permits shall be submitted to the City for approval within  
13 three (3) years of the date of conditional use permit approval.

14           6.     Hours of construction are limited to 7:00 am to 10:00 pm on weekdays and 9:00  
15 am to 10:00 pm on weekdays pursuant to LMC 8.36.010.

16           7.     A solid barrier fence of at least 5 feet in height shall be placed along the south  
17 property line pursuant to LMC 18A.70.150.A.1.

18           8.     Noncompliance with the conditions of the permit shall be grounds for rehearing  
19 before the Hearing Examiner, in addition to fines and penalties. The Hearing Examiner may  
20 suspend or revoke a conditional use permit pursuant to this section and/or impose  
21 penalties for violation of any of the provisions of this title or original conditions of approval.  
22  
23  
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1 DATED this 21<sup>st</sup> day of December, 2024.

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4 \_\_\_\_\_  
Mark C. Scheibmeir  
City of Lakewood Hearing Examiner

5 **Appeal Right and Valuation Notices**

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

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

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