



Kitsap County Hearing Examiner

COUNTY COURTHOUSE, 614 DIVISION STREET MS-36
http://www.kitsapgov.com/dcd/lu_env/he/

PORT ORCHARD WASHINGTON 98366-4682
(360) 337-7181 FAX (360) 337-4925
kashcraf@co.kitsap.wa.us

REVISED NOTICE OF HEARING EXAMINER DECISION

July 1, 2010

To: Interested Parties and Parties of Record

RE: Project Name: **Port Orchard Wal-Mart Expansion**
Applicant: **Wal-Mart Stores**
2001 S.E. 10th Street
Bentonville, AR 72716
South Kitsap County, Commissioner District #2
Application: **Appeal of Site Plan Review**
Case Number: **030324-028 (012301-2-149-2005; 012301-2-104-2008)**
LIS#0309418

Enclosed is the Decision issued by the Kitsap County Hearing Examiner in the above-referenced matter.

THE DECISION OF THE HEARING EXAMINER IS FINAL, UNLESS APPEALED, AS PROVIDED UNDER WASHINGTON LAW AND BY KCC 21.04.120 OF THE KITSAP COUNTY LAND USE AND DEVELOPMENT PROCEDURES.

The complete case file will be available for review at the Department of Community Development, Monday through Thursday, except holidays, 10:00 a.m. to 3:45 p.m. by calling me at (360) 337-4487 for an appointment.

Sincerely,

A handwritten signature in cursive script, appearing to read "Karen Ashcraft".

Karen Ashcraft
Clerk of the Examiner

C: Wal-Mart Stores, Inc., 2001 SE 10th ST, Bentonville, AR 72716
John C McCullough & Courtney Kaylor, 701 Fifth AVE, Suite 7220, Seattle, WA 98104
Jeff Chambers, PACLAND, 1505 Westlake AVE N, Suite 305, Seattle, WA 98109

Interested Parties:
See Attached



Kitsap County Hearing Examiner

COUNTY COURTHOUSE, 614 DIVISION STREET MS-36 PORT ORCHARD WASHINGTON 98366-4682
<http://www.kitsapgov.com/dcd>

Stephen K. Causseaux, Jr.

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OFFICE OF THE HEARING EXAMINER

KITSAP COUNTY

REVISED REPORT AND DECISION

RECEIVED

JUN 28 2010

KITSAP COUNTY DEPT. OF
COMMUNITY DEVELOPMENT

CASE NO.: 030324-028
Appeal of Site Plan Review for Port Orchard Wal-Mart Expansion

APPLICANT: Wal-Mart Stores, Inc.
2001 S.E. 10th Street
Bentonville, AR 72716

PROJECT REPRESENTATIVE: John McCullough
McCullough Hill, P.S.
701-5th Avenue, Suite 7220
Seattle, WA 98104

PROJECT ENGINEER: Jeff Chambers, PACLAND
1505 Westlake Avenue North, Suite 305
Seattle, WA 98109

SUMMARY OF REQUEST:

The Wal-Mart Stores, Inc. is requesting Site Plan Approval to expand their existing 103,485 square foot retail store by adding a 105,551 square foot store grocery component for a total of 209,036 square feet. The project includes additional landscaping, approximately 370 additional off-street parking spaces and a second access to Bethel Road SE.

PROJECT LOCATION:

The site is located at 3947 Bethel Road SE, Port Orchard, directly south of the Safeway/Office Depot complex in the Port Orchard Urban Growth Area in South Kitsap.

SUMMARY OF DECISION:

Request granted, subject to conditions.

PUBLIC HEARING:

After reviewing Department of Community Development Staff Report and examining available information on file with the application, the Examiner conducted a public hearing on the request as follows:

The hearing was conducted in the chambers of the Kitsap County Board of Commissioners on May 25, 2010.

Parties wishing to testify were sworn in by the Examiner.

The following Exhibits were submitted and made a part of the record as follows:

ITEM NO.	DOC. TYPE/SUBJECT	DATED	DATE REC'D.
1	Staff Report for Bethel Center	8/19/94	N/A
2	Bethel Center – Mitigation Plan for Wetland Impact from KCS	3/13/95	No Rec'd Date
3	Wetland Delineation ReportGH	8/2/99	6/18/01
4	Department of the Army Wetlands Report	9/20/99	4/16/01
5	Site Plan	4/12/01	4/16/01
6	Project Narrative	No Date	4/16/01
7	Pre-application Meeting Request	4/16/01	4/16/01
8	Letter Scheduling Pre-application Meeting	4/17/01	N/A
9	GIS Building Limitations Map	4/17/01	N/A
10	E-mail from Mary Ann Huntington to John Quatermass, DCD	4/17/01	4/17/01
11	BKCHDept Pre-Application Checklist	4/26/01	4/27/01
12	Assessor's Map	No Date	N/A
13	E-mail from Jeff Smith, DCD to rdehler@Pacland.com	No Date	No Rec'd Date
14	Memo from Larry Kilmer, KC DE	5/3/01	No Rec'd Date
15	Memo from Shawn Shepherd, KC FD 7	5/30/01	No Rec'd Date
16	Memo from Jeannie Vaughn, Deputy Fire Marshal	5/31/01	N/A

ITEM NO.	DOC. TYPE/SUBJECT	DATED	DATE REC'D.
17	Pre-application Written Summary	5/31/01	N/A
18	Traffic Impact Analysis for Port Orchard Wal-Mart Expansion	6/6/01	6/18/01
19	Site Plan Review Application	6/7/01	6/18/01
20	Revised Site Plan with Fire Truck Access Exhibit	6/13/01	6/18/01
21	KCPW Application for Concurrency Test	6/15/01	6/18/01
22	Letter from John McCullough, Attorney	6/15/01	6/18/01
23	Preliminary Stormwater Management Report	6/15/01	6/18/01
24	SEPA Checklist & Supplemental Materials	6/15/01	6/18/01
25	Letter of Transmittal to Jeannie Vaughn, Deputy Fire Marshal	6/15/01	6/18/01
26	Letter from Jeff Smith, KC DCD to John C. McCullough, Attorney for Wal-Mart	6/21/01	N/A
27	Article from Kitsap Business Journal	6/30/01	No Rec'd Date
28	Response Letter from John C McCullough, Attorney Wal-Mart	7/3/01	7/3/01
29	E-mail from Kelly Robinson, KC DCD to Commissioner Endressen	7/6/01	N/A
30	E-mail from Commissioner Angel to Jeff Smith, KC DCD	7/11/01	7/11/01
31	Memo from Jean Carr, Susan Graham, The Shea Group to Jeff Smith, KC DCD	7/12/01	No Rec'd Date
32	Memo from Jeff Smith, KC DCD with attachment to Kelly Robinson, Rick Kimball & Shelley Kneip	7/24/01	N/A
33	Letter from Jeff Smith, KC DCD to John C McCullough, Attorney for Wal-Mart	7/25/01	N/A
34	Donna Ahrens – Interested Party	7/10/01	N/A
35	Letter from Paul Festag, UFCW	7/23/01	7/23/01
36	Notice of Complete Application	8/9/01	N/A
37	Addresses Adjacent Property Owners	8/14/01	N/A
38	Notice of Application	8/14/01	N/A
39	Affidavit of Mailing – Notice of Application	8/14/01	N/A
40	Affidavit of Mailing – Notice of Application	8/14/01	N/A
41	Letter from Tim Hawkinson	8/16/01	8/20/01
42	E-mail from MaryAnn Huntington	8/16/01	8/16/01
43	E-mail from Jon Brand	8/17/01	8/17/01

ITEM NO.	DOC. TYPE/SUBJECT	DATED	DATE REC'D.
44	Letter from LouAnn Quast	8/17/01	8/20/01
45	Traffic Impact Analysis for Port Orchard Wal-Mart Expansion –Addition	6/6/01	8/17/01
46	Memo from KC Fire District #7	8/23/01	8/24/01
47	Letter to from Jeff Smith to Lou Ann Quast	8/31/01	N/A
48	Letter from Jeff Smith to Tim Hawkinson	9/4/01	N/A
49	Letter from Dave Tucker, PE DE	9/11/01	N/A
49 A	Memo from Jeannie Vaughn, Deputy Fire Marshal	9/12/01	N/A
50	Larry Anderson, NW Retail – Interested Party	9/25/01	9/25/01
51	E-mail from James & Tracy DeLucia	10/1/01	10/1/01
52	Revised Preliminary Stormwater Management Report	10/1/01	10/5/01
53	Letter from Rhonda Dehler	10/2/01	10/2/01
54	Photo – Wal-Mart Super Center – Louisville, KY	10/3/01	10/3/01
55	Fax from Rhonda Dehler	10/4/01	10/4/01
56	Letter from Jeff Smith	10/9/01	N/A
57	Letter from Commission Endresen, to John D Morgan	10/10/01	10/11/01
58	Letter from Commissioner Endresen to Thomas G Gary	10/10/01	10/11/01
59	Letter from Commissioner Endresen to Lyn Hofland	10/10/01	10/11/01
60	Letter from Commissioner Endresen to Paul Festag	10/10/01	10/11/01
61	Letter from Jeff Smith	10/12/01	N/A
62	Zoning Map	No Date	N/A
63	Letter from Susan Gehring	11/4/01	11/6/01
64	Letter from Dave Tucker	11/5/01	N/A
65	Fax to Jim T., Pacific Land Design – Bethel RD Corridor Plan Approval	No Date	N/A
66	Revised Site Plan	No Date	1/22/02
67& 67A	Transportation Impact Analysis Addendum with Evaluation of Trip Generation Characteristics of Various Developments in Oregon	12/01	1/22/02
68	Environmental Noise Impact Assessment Report	12/01	1/22/02
69	Revised Preliminary Stormwater Management Report	1/4/02	1/22/02
70	Preliminary Elevation Plans	1/23/02	No Rec'd Date
71	Memo from Jeff Smith to Development Engineering	1/24/02	N/A

ITEM NO.	DOC. TYPE/SUBJECT	DATED	DATE REC'D.
72	Photos of Building Materials	3/26/02	N/A
73	Original Wetland Study for Bethel Center by KCS – Gary Kucinski	3/4/94	No Rec'd Date
74	Letter from Commissioner Chris Endresen, KC to Sharon A Peterson	9/21/01	9/24/01
75	Letter from Dave Tucker, PE DCD	10/2/01	N/A
76	Fax from The Shea Group	3/14/02	3/14/03
77	Memo from Jack McCullough	3/15/02	No Rec'd Date
78	Letter of Transmittal from Rhonda Dehler to Jeannie Vaughn, KC Fire Marshal's Office	4/18/02	4/19/02
79	E-mail from Mary Ann Huntington	4/22/02	4/22/02
80	Letter from Larry Kilmer, PE	4/24/02	N/A
81	E-mail from Rhonda Dehler, Pacific Land Design	4/26/02	4/26/02
82	Stormwater Management Report	5/24/02	No Rec'd Date
83	Letter from Rhonda Dehler, Pacific Land Design	5/31/02	No Rec'd Date
84	Memo from Jeff Smith to Mark Grimm, DCD	6/12/02	N/A
85	Letter from John C McCullough	6/19/02	No Rec'd Date
86	Letter from Vanessa Bussiere, KCHD	6/28/02	7/15/02
87	Letter from Rhonda Dehler, Pacific Land Design	7/1/02	7/3/03
88	Letter from Dick J Bower, DCD	7/22/02	N/A
89	Letter from Larry Kilmer, PE to Daniel J Towslee	8/1/02	N/A
90	Letter from Jeff Smith, DCD to John C McCullough	8/16/02	N/A
91	Letter from Shelley Kneip, Deputy Prosecutor to John C McCullough	8/19/02	8/21/02
92	Letter from Rhonda Dehler, PE	9/19/02	9/20/02
93	Revised Building Elevation	9/18/02	9/20/02
94	Letter from JoAnn Vidinhar, DCD – Signage	9/27/02	N/A
95	Letter from Jim Towslee, PacLand with attachment	10/4/02	10/7/02
96	Revised Site Plan	10/4/02	10/7/02
97	The Sun Web Site	10/15/02	N/A
98	Memo from Jeannie Vaughn, Deputy Fire Marshal	10/24/02	N/A
99	E-mail from Jim Towslee to Jeff Smith	11/18/02	11/18/02
100	Letter from John C McCullough with attachments	12/16/02	12/17/02

ITEM NO.	DOC. TYPE/SUBJECT	DATED	DATE REC'D.
101	Memo from Jack McCullough to Dave Smith/Dave Tucker	1/10/03	No Rec'd Date
102	Letter from Jeff Smith to John C McCullough	1/17/03	N/A
103	Letter from Paul Festag, UFCW Union Local 381	2/7/03	2/10/03
104	Wal-Mart UBC Exhibit	2/25/03	No Rec'd Date
105	Revised Site Plan	3/7/03	3/26/03
106	Letter from Jim Barnard, DE	3/21/03	N/A
107	Letter from Jack McCullough with attachments	3/25/03	3/26/03
108	Port Orchard Wal-Mart Expansion Berm Exhibit	No Date	3/26/03
109	Letter of Transmittal	4/30/03	5/1/03
110	Environmental Noise Impact Assessment from Albert G Duble, Acoustical Engineer	3/20/03	5/1/03
111	Revised Stormwater Management Report from PacLand	5/9/03	5/12/03
112	Fax Memo from Ben Spencer	5/13/03	5/13/03
113	Letter of Transmittal	5/14/03	5/15/03
114	Revised Landscape Plan	5/14/03	5/15/03
115	Notice of Complete Application	5/28/03	N/A
116	Memo from Ben Spencer, PacLand	6/24/03	6/25/03
117	Memo from Jeannie Vaughn, Deputy Fire Marshal	6/25/03	N/A
118	Memo from Jack McCullough, Attorney	6/26/03	No Rec'd Stamp
119	Fax from Bill Edwards	6/27/03	6/27/03
120	Mitigated Determination of Non-Significance –SEPA	7/1/03	7/1/03
121	Memo from Bill Edwards	7/1/03	N/A
122	Notice of Public Hearing	7/9/03	N/A
123	E-Mail from Larry Kilmer (Development Engineering) RE: Agenda for Meeting	2/25/03	No Rec'd Date
124	Memorandum from Eric Baker RE: Noise Impact Assessment	4/29/03	N/A
125	Affidavit of Mailing – Notice of Public Hearing	7/9/03	N/A
126	Affidavit of Posting	7/9/03	N/A
127	E-Mail from Tom Wiggins (Health District) RE: Health District Review	7/17/03	No Rec'd Date
128	Fax from Jack McCullough RE: Termination of the	7/16/03	7/16/03

ITEM NO.	DOC. TYPE/SUBJECT	DATED	DATE REC'D.
	"North PUD"		
129	Staff Report	7/18/03	N/A
130	Request for Release of Copyright Materials & Letters to Copyright Holders	7/15/03	7/15/03
131	Affidavit of Mailing - Request for Copyright Materials	7/16/03	N/A
132	Fax from Tracy & James Delucia RE: Concerns	7/22/03	7/22/03
133	Fax from Bill & Mary Ann Huntington RE: Letters of Concern from Heidi Midgette, Bob Kushlan, and Mr. & Mrs. Rodriguez,	7/22/03	7/22/03
134	Letter to Kitsap County Commissioners & Hearing Examiner from Paul & Flora Phinney RE: Support of Wal-Mart Expansion	7/23/03	7/24/03
135	Fax from The Colborn Family RE: Opposition to Wal-Mart Expansion	7/24/03	7/24/03
136	Notice of Public Hearing (Agenda)	N/A	N/A
137	Affidavit of Mailing - Notice of Public Hearing (Agenda)	7/29/03	N/A
138	Hearing Examiner's Decision - Bethel Center	8/20/94	8/14/03
139	KC Board of County Commissioners' Decision - Bethel Center	12/20/94	8/14/03
140	Overview of the Section at Back of Store - Jim Townsley	No Date	8/14/03
141	Summary of JGL Acoustics Inc., Comments of Port Orchard Wal-Mart	8/13/03	8/14/03
142	Photos (4) from Mary Ann Huntington	No Date	8/14/03
143	Letters (8) from concerned citizens from Mary Ann Huntington	8/13/03	8/14/03
144	Court Cases (3) from Ryan Vancil	8/14/03	8/14/03
145	Letter from Brad Pottz	7/18/03	8/14/03
146	Light Standard from Jack McCullough	No Date	8/14/03
147	Rainier Plaza Noise Study from Jack McCullough	3/29/93	8/14/03
148	Noise Calculation from Albert G Duble, Acoustical Engineer	No Date	8/14/03
149	Letter from Ryan Vancil	8/13/03	8/14/03
150	Letter from Lou Ann Quast	8/12/03	8/14/03
151	Fax from Shirley Milwade	8/14/03	8/14/03
152	Memo from Rick Kimball, Manager Environmental	8/21/03	8/21/03

ITEM NO.	DOC. TYPE/SUBJECT	DATED	DATE REC'D.
	Review		
	Wal-Mart MDNS Appeal		
153	Mitigated Determination of Non-Significance (Same as Site Plan Review Exhibit #120)	7/1/03	N/A
154	Appeal of SEPA Determination	7/18/03	7/18/03
155	Fax Transmittal from Bricklin, Newman & Dold RE: Motion for Continuance	7/22/03	7/22/03
156	Fax Transmittal from Jack McCullough RE: Applicants Agreement for Continuance	7/23/03	7/23/03
157	Original Motion for Continuance	7/22/03	7/24/03
158	Faxed Request from Appellants Attorney for Site Visit to be Conducted by Hearing Examiner	8/13/03	8/13/03
159	Fax from Huntingtons	8/19/03	8/19/03
160	Memo from Rick Kimball, DCD	9/17/03	N/A
161	Hearing Examiner's Decision	10/3/03	10/8/03
162	Request for Clarification from Jack McCullough	10/22/03	10/22/03
163	Appeal of Hearing Examiner's Decision from Mary Ann & William H Huntington	10/23/03	10/23/03
164	Appeal from Wal-Mart Stores, Incorporated	10/23/03	10/23/03
165	Request to KC Board of Commissioners' Hearing Date	11/10/03	11/10/03
166	Published Notice of Public Hearing – BOCC	11/25/03	11/26/03
167	Motion for Continuance & Request for Oral Argument from Ryan Vancil	12/1/03	12/2/03
168	Letter from Ryan Vancil	12/3/04	12/5/04
169	Letter from Ryan Vancil	12/4/03	12/5/03
170	Brief from Ryan Vancil	1/26/04	1/27/04
171	KC Board of County Commissioners Decisions	3/18/04	3/18/04
172	Memo from Stephen K Causseaux, Hearing Examiner Re: Remand from KCBOCC	4/1/04	4/1/04
173	Memo from Ryan P Vancil	4/15/04	4/15/04
174	Letter from John McCullough	4/15/04	4/15/04
175	Attachment to John McCullough Letter	4/16/04	4/16/04
176	Memo from Stephen K Causseaux, Hearing Examiner	5/11/04	5/13/04
177	Letter from Ryan Vancil	5/28/04	6/1/04
178	Letter from Stephen K Causseaux, Hearing Examiner	6/2/04	6/2/04

ITEM NO.	DOC. TYPE/SUBJECT	DATED	DATE REC'D.
179	Sound Analysis for Wal-Mart from Pacland	11/15/04	12/1/04
180	Notice of Change of Address from Ryan Vancil	11/30/04	12/2/04
181	KC Code Violation	12/9/04	N/A
182	E-mail from John McCullough	1/21/05	1/21/05
183	Proposal for Proving Third Party Review Services	1/26/05	1/31/05
184	Letter of Transmittal	1/27/05	1/28/05
185	Site Lighting Plan	2/26/04	1.28/05
186	Alliance Acoustical Consultants, Inc.	1/27/05	1/31/05
187	Fax from Ryan P Vancil,	6/23/05	6/23/05
188	Draft Third-Party Review of the BRC Acoustical Study Environalysis, LLC	6/05	6/27/05
189	Letter from Ryan P Vancil	7/15/05	7/18/05
190	Benya Lighting Report – Ryan Vancil	9/8/05	9/9/05
191*	Third Party Review BRC Acoustical Study	9/05	9/21/05
192	Exterior Painting Maintenance	10/10/05	10/14/05
193	E-mail from Ryan Vancil	1/17/06	1/17/06
194	Letter from John C McCullough - Attachment	2/15/06	2/16/06
195	Letter from Jeff Smith – Attachment	7/31/06	N/A
196	Letter from Ryan Vancil – Attachment	2/21/06	2/22/06
197	Letter from Ryan Vancil – Attachment	5/8/06	5/9/06
198	Notice of Withdrawal & Substitution of Attorneys	5/11/06	5/12/06
199	Notice of Unavailability of Counsel	5/12/06	5/12/06
200	Letter from John C McCullough – Sound Analysis Report	1/10/07	1/12/07
201	Notice of Change of Address – Ryan Vancil	3/12/07	3/16/07
202	Comments on BRC Noise from Environalysis	4/12/07	8/27/07
203	E-mail from Jeff Smith with Attachment	11/28/07	11/28/07
204	E-mail from Jeff Smith	7/12/07	7/12/07
205	Letter from James R Benya – Benya Lighting Design	7/15/07	No Rec'd Date
206	Letter from Ryan Vancil with Attachments	7/16/07	7/18/07
207	Revised Sound Analysis Addendum	7/25/08	5/14/09
208	Re-Issued Stormwater Management Report	8/5/08	5/14/09
209	Revised Memo from Courney Kaylor, McCullough Hill, PS	5/13/09	5/14/09

ITEM NO.	DOC. TYPE/SUBJECT	DATED	DATE REC'D.
210	Addendum to Environmental Checklist Attachments	5/13/09	5/14/09
211	Revised Landscape Plan	5/13/09	5/14/09
212	Grading Plan – See Revised	5/14/09	5/14/09
213	Site Plan – See Revised	5/14/09	5/14/09
214	Notice of Unavailability – Ryan Vancil	7/29/09	7/30/09
215	Revised Site Plan	8/20/09	8/20/09
216	Memo from Shawn Alire DE	9/14/09	N/A
217	E-mail from Jeff Smith	9/22/09	9/22/09
218	Revised Sign & Elevation Plan	6/4/09	8/20/09
219	Revised Grading Plan	8/20/09	8/20/09
220	Notice of Unavailability – Ryan Vancil	9/22/09	9/23/09
221	Comments on BRC 's Noise Report of 7/25/08 – Environalysis	9/24/09	9/28/09
222	E-mail from Jeff Smith to Ryan Vancil	9/28/09	9/28/09
223	Letter from Courtney A Kaylor, McCullough Hill, PS	11/6/09	11/6/09
224	Settlement Agreement	11/21/09	11/21/09
225	Stipulation & Order of Dismissal of All Claims – Ryan Vancil for Huntingtons	1/11/10	1/19/10
226	E-mail from Dustin Posten, Pacland with Attachments	2/16/10	2/16/10
227	Schematic Site Plan	12/14/09	No Rec'd Date
228	E-mail from Dustin Posten with attachment	3/2/10	3/2/10
229	Response from Jeff Smith & Dave Greetham on Remand	2/23/10	N/A
230	Notice of Public Hearing	5/11/10	N/A
231	Affidavit of Mailing – NPH	5/11/10	N/A
232	Affidavit of Posting	5/12/10	N/A
233	Power Point Presentation	5/25/10	5/25/10
*234	Memo from Shawn Alire DE	5/25/10	5/25/10
*235	Conclusions for Wal-Mart from Courney Kaylor	5/25/10	5/25/10
*236	Jeff Chambers PE, Resume	5/25/10	5/25/10
*237	Current Site Plan	5/25/10	5/25/10
*238	Site Plan Exhibit #105	5/25/10	5/25/10
*239	Landscaping Plan	5/25/10	5/25/10
*240	Lighting Plan	5/25/10	5/25/10
*241	Recommended Sound Barrier 7-1	5/25/10	5/25/10

ITEM NO.	DOC. TYPE/SUBJECT	DATED	DATE REC'D.
*242	Recommended Rooftop Barriers 7-2	5/25/10	5/25/10
*243	Site Section Exhibit A	5/25/10	5/25/10
*244	Daniel C Bruck Ph.D. Resume	5/25/10	5/25/10
*245	Tim Manzella, Resume	5/25/10	5/25/10
*246	Elevation Plan	5/25/10	5/25/10
*247	Letter from Cynthia Nunley	5/24/10	5/25/10

JEFF SMITH appeared, presented the Department of Community Development Staff Report, and submitted Exhibits 1-233. Wal-Mart received PUD approval in 1996 with no noise mitigation requirements. Staff has reviewed the most recent noise study and photometric analysis and agrees that the mitigation proposals will protect adjoining residences. The site is located within the HTC zone classification and a major part of the expansion is on the southern parcel. The site contains hydric soils but the applicant has obtained a waiver from the Corps of Engineers. The traffic impacts are addressed through the Bethel Corridor Plan. The existing store contains 103,485 square feet. On June 18, 2001, the applicant submitted an initial application and the Hearing Examiner issued a decision approving site plan review on October 3, 2003, but remanded the matter back to the environmental official for further consideration of noise impacts. Both parties appealed the Examiner's decision to the Kitsap County Board of Commissioners and on March 18, 2004, the Board remanded the matter to the Examiner for consideration of ten issues. Staff has reviewed all of the noise issues pursuant to Title 10 of the Kitsap County Code. The County retained Mr. Carl Bloom as a noise consultant to review the applicant's sound analysis. The applicant now proposes a new store frontage with differing colors, a modulation of the façade, and additional plantings. The rear of the store will have a retaining wall that varies between three and fourteen feet in height as well as an eight foot high sound wall above the retaining wall to mitigate noise. The applicant has also agreed to eliminate night deliveries and restrict the hours of operation of the parking lot sweeper. Other mitigating measures are proposed as well. The applicant will reduce the height of the light standards to 25 feet and will attach lights to the rear of the store building. All lighting is in compliance with the code. The applicant and the appellants entered a settlement agreement that adopts the mitigating measures set forth in the noise study. Staff recommends changes to conditions of approval and notes that the sound analysis was reviewed by their third party reviewer. Staff agrees with the settlement agreement.

DAVID GREETHAM, environmental official, appeared and testified that WAC 197-11-350 allows changes to a proposal and is the route the applicant took. He adopted an addendum to the MDNS, which the SEPA handbook approves if the changes create no additional significant impacts. He followed the procedure in WAC 197-11-625.

SHAWN ALIRE, development engineer, appeared and testified that the October 9, 2003, decision required a commercial connector road and they are proposing a new condition

requiring Wal-Mart to pay its proportionate share of the connector road to Salmonberry Road. The proportionate share equals 25% and Wal-Mart wanted a hard figure. He therefore recommends striking proposed condition 4B and insert the figure \$93,724.86 as the proportionate share for the road. He then introduced the condition as Exhibit 234.

COURTNEY KAYLOR, attorney at law representing Wal-Mart, appeared and testified that the parties have worked hard on the remand issues and that the scope of this hearing is limited to those ten issues identified by the Board. Most of the conditions relate to noise, and they have addressed many of the impacts by reducing the size of the store. They have reached a settlement with the neighboring property owner. County staff and the prosecuting attorney reviewed and approved the settlement agreement, but the County is not a party thereto. She agrees with the conditions in the staff report and the condition in Exhibit 234 as presented by Mr. Alire. The changes to conditions are found in Exhibit 235. The applicant and residents have successfully addressed all remand issues.

JEFF CHAMBERS, professional engineer from PACLand, appeared and introduced his resume, the most recent site plan, a photometric plan, and landscape plan. They reduced the size of the store from the proposed 210,000 square feet to 188,000 square feet. They originally proposed excavating to the property line but will now utilize a retaining wall and an eight foot sound wall for noise mitigation. They will also utilize quieter mechanical equipment, restrict night deliveries and sweeping hours, and change the cross-access location from the front of the store. They have enhanced the landscaping on the property and staff has agreed with their plan. They are better able to place landscaping on the south side of the store. The lighting standards will measure 25 feet in height on the sides of the store. While they have increased the number of standards, they have reduced the height. They will utilize the 25 foot standards in the north and south parking lots and will install two lights at the rear of the store. He then introduced Exhibits 240-243.

DANIEL BRUCK appeared and testified that he was retained to prepare a noise analysis for the reduced store size. Without mitigation the noise generated by the store would exceed both night and day limits due to usage by trucks, refrigeration equipment, and sweeper equipment. With the mitigating measures, all of the noise will comply with code limits. They conducted noise measurements as shown on Figure 7-1. They measured the noise at the property line for all equipment and also used computer modeling to include elevations. They developed mitigation to control the noise to within allowable limits. The eight foot high noise barrier has to block line of sight between noise emitting equipment and receivers. The wall will prevent vision between trucks and equipment and at the same time protect views of the Olympic Mountains enjoyed by residents. Figure 7-2 shows the barriers around the equipment. They will also install quieter condenser units and sound absorbing material within the compressor housing. They will not allow deliveries at night, which is a key part of the mitigation. They have also reduced the size of the store. The noise levels are shown on Table 7-1 on page 18 of the analysis. They are within the range of the existing sound levels and in some case less.

TOM MANZELLA, architect, appeared and introduced Exhibits 244 and 245. His role is

designer and project manager. He developed the roof-top sound barriers and other mitigation as recommended by BRC. They reduced the store footprint by 21% and moved it away from the residences. The design is consistent with the Bethel Corridor Plan and the updated store plan is consistent with the 2003 proposal. The color and texture are similar, and the materials the same. The materials and colors are specified in the Corridor Plan. The changes include lowering of the scale of the entry. The 2003 plan had large pilasters and they have reduced those to a human scale. The windows now have awnings and differing colors mark each side of the entry. They have provided more pedestrian amenities along the front of the store to include bollards and benches. They are providing more landscaping in the planters and architectural lighting in the front. They are providing a new material (trespa) along the front walls, and have utilized a curvilinear form for the front of the building which is a positive improvement.

RYAN VANCIL, attorney at law representing appellants Mary Ann and William H. Huntington, appeared and testified that they stand by the settlement agreement. A neighbor faxed a letter to him but he does not represent the neighbor. The Examiner admitted the letter as Exhibit 246. The conditions of approval look good but the south side of the store is not shown and he questioned whether a condition covers the compressor design at that location. He noted that the north side of the turnaround area is planned for garbage and pallet storage. He believes this is good mitigation and requested that those uses remain as shown. He recommended that the verbage "during project construction" be eliminated from Condition 1E. He also desires native plantings between the wall and the fence on the east property line. However, Wal-Mart doesn't need to tear up the existing plants in order to install new ones.

MR. SMITH reappeared and discussed the driveway configuration. Home Depot, through the Corps of Engineers, obtained approval to fill wetlands and move the store 80 feet to the west. Such affected the road location. Concerning vegetation, the applicant will remove all invasive species and install low lying vegetation to protect views.

MS. KAYLOR reappeared and testified that the compressors on the south side of the building are addressed on page 24 of the noise report.

MR. VANCIL responded by stating that such was acceptable.

MR. CHAMBERS reappeared and testified that he agrees with Mr. Vancil regarding the pallets and garbage located behind the store. However, the compactors are located next to the docks and are self contained units that compress garbage. Two, 25 foot tall, light standards must illuminate each truck dock for safety reasons in addition to the wall mounts.

No one spoke further in this matter and so the Examiner took the request under advisement.

NOTE: A complete record of this hearing is available in the office of Kitsap County Department of Community Development.

FINDINGS, CONCLUSIONS AND DECISION:

FINDINGS:

1. The Hearing Examiner has previously viewed the site, admitted documentary evidence into the record, heard testimony, and taken this matter under advisement.
2. Appropriate notice was provided pursuant to the Kitsap County Code.
3. Pursuant to WAC 197-11-340, the Responsible Official signed a Mitigated Determination of Nonsignificance on July 1, 2003.
4. The Examiner conducted a public hearing on August 14, 2003, to consider the applicant's (Wal-Mart Stores, Inc.) request for site plan approval to expand its existing 103,485 square foot retail store by 105,551 square feet to house a grocery component. The hearing also considered an appeal of the Kitsap County Environmental Official's (EO) decision to issue a threshold mitigated determination of non-significance (MDNS) for the project. Environmental appellants included Mary Ann and William H. Huntington and seven others. By Report and Decision dated October 3, 2003, the Examiner granted the applicant's request for site plan review but returned the MDNS to the EO for further review of the noise generated by the store expansion.
5. Both Wal-Mart and Mary Ann and William H. Huntington appealed the Examiner's decision to the Kitsap County Board of Commissioners. The Board heard the appeals on January 26, 2004, and issued a decision on March 18, 2004, remanding the matter to the Hearing Examiner "to review, clarify and amend his decision in accordance with the directions outlined above". The Board identified ten separate issues in its remand. Subsequent to the Board's decision the appellants and Wal-Mart worked together with the EO and with staff of the Kitsap County Department of Community Development (DCD) to address all of the Board's issues. As a result, the applicant and the appellants entered into a "Settlement Agreement" and a "Stipulation and Order of Dismissal of All Claims". DCD staff and the EO have reviewed said documents and agree with their contents.
6. Because of the time period since the previous hearing and to allow provision of testimony and Exhibits to address the Board's issues, the Examiner convened a remand hearing on Tuesday, May 25, 2010. The subsequent findings, conclusions, and decision are based upon the Exhibits and testimony introduced at said hearing.
7. A comparison of the previously proposed site plan with the present site plan shows that the applicant has substantially reduced the size of the expansion and has increased the project's setback from the abutting single family residential homes to the east. The previous plan proposed grading in close proximity to the east property line and retention of an existing screening fence. The current site plan shows a significant setback from the service areas of the store (including truck access) to the

residential parcels. Customer circulation has improved as the applicant has relocated the southern extension of Cathie Avenue S.E. from directly in front of the Wal-Mart store. The road now extends along the north and west perimeters of the front (main) parking lot and the west perimeter of the south parking lot to the Home Depot site. In addition, a new access road from Bethel Road extends along the south side of the storm water retention pond, through an intersection with the Cathie Road extension to the front and south Wal-Mart parking lots. Wal-Mart will pay its proportionate share cost of extending Cathie Avenue to Salmonberry Road to the south. The size of the proposed expansion reduces from 105,551 square feet to approximately 85,310 square feet. In addition, the total number of parking spaces reduces from approximately 1,031 to 865.

8. The applicant prepared a Sound Analysis/Noise Study for the store, and appellants' experts reviewed and commented on the said analysis. DCD engaged Carl Bloom, a noise expert, for the purpose of providing a third party peer review of the analysis. The study and comments thereon resulted in the preparation of a Sound Analysis Addendum (Exhibit 207) that appellants and the applicant incorporated into their Settlement Agreement. Noise mitigation measures include the installation of quieter condenser models for the store refrigeration; installation of acoustically absorptive treatment in compressor houses; restriction of deliveries and parking lot sweeping to the daytime hours of 7 a.m. to 10 p.m.; construction of an eight foot high, sound barrier wall of concrete or masonry east of the proposed retaining wall on the east (rear) side of the store; and screening of roof mounted heating, ventilation, and air conditioning systems (HVAC) units and refrigeration units. The required screening is shown on Figure 7-2 of the Sound Analysis Addendum (Exhibit 207). Upon installation of recommended sound mitigation measures, all store operations to include truck operations, mechanical equipment, and parking lot traffic will comply with allowable noise levels set forth in the Kitsap County Code (KCC).
9. The applicant also submitted a photometric analysis and incorporated lighting mitigating measures to reduce the potential threat of light impacts on abutting residences. The applicant reduced the height of light standards on the north and south sides of the store to 25 feet or less and will replace all service light standards at the rear of the store with wall pack lights. However, two, 25 foot tall standards are necessary to provide safety illumination for the truck wells. The lighting plan (Exhibit 238) shows that no more than one candle foot will leave the property line, which is consistent with code standards.
10. In its Remand Decision dated March 18, 2004, the Board required the Examiner to "to review, reconsider, and reissue his decision clarifying" ten separate issues. Findings on each issue are made hereinafter.
 - A. Issue (a) refers to Finding of Fact No. 21(C) in the Examiner's original decision, and the site plan review standard set forth in KCC 17.10.040(B)(3). Said standard requires location of service areas, outdoor storage areas, and

other intrusive features away from neighboring properties to reduce impacts. As the Board correctly noted, the site plan shows trash compactors, truck delivery areas, and recycling bins on the east side of the store facing single family residential homes. The Board requested clarification as to how the store expansion complies with said standard. In response the Examiner notes that all nine standards set forth in KCC 17.410.040(B) use the word "shall" with the exception of standard (B)(3) which in pertinent part reads:

Locate service areas, outdoor storage areas and other intrusive site features away from neighboring properties to reduce conflicts with adjacent uses...

Standard (B)(3) does not use the term "shall" and does not define the term "away from neighboring properties". As found above, the Wal-Mart facility will maintain a substantial setback from the east property line, and an eight foot high, sound wall will separate the homes from the store service areas. Furthermore, an illustration on page LU-7 of the Bethel Road Corridor Development Plan shows the "major tenant" building in a shopping center located as far from Bethel Road as possible, and the "loading truck access" area located at the rear of the building and not visible from the road. The present site plan complies with both Standard (B)(3) and with the Corridor Plan. The applicant will provide a significant setback (substantially greater than required by the KCC) from parcels to the east as well as separation by an eight foot tall, sound wall and vegetation. The applicant will also locate the "loading truck access" at the rear of the store. The proposal thus locates intrusive site features "away from" abutting residential parcels in compliance with Standard (B)(3), and behind the store as encouraged by the Corridor Plan.

- B. Issue (b) refers to Finding of Fact No. 27 that finds residents have experienced significant adverse noise impacts from the operation of the present Wal-Mart store. The Board desired a clarification as to how the expanded store would generate less noise if the existing store is not in compliance. The previously approved Wal-Mart store did not include noise mitigation requirements. As set forth above, the expanded store will include numerous noise mitigation measures that will apply to the entire redeveloped store. Such measures should significantly reduce noise impacts of both the present store and the redeveloped store. DCD's third party noise reviewer supports the mitigating measures.

- C. Issue (c) addresses Finding of Fact No. 28 wherein the Examiner found the appellants' acoustical expert more credible than the applicant's expert. The Board requested clarification of the applicant's proposed mitigating measures of restricting night-time deliveries and turning off equipment on refrigeration trucks and how such measures would mitigate noise impacts on neighboring

residents. Finding 28 noted that the applicant proposed mitigating measures, but also noted that the applicant "did not indicate how it could enforce said measures". The Examiner did not accept Wal-Mart's proposed mitigation measures and remanded the matter to the environmental official for further consideration to include a requirement that the applicant pay for the cost of the third party peer review and a monitoring program. The applicant, the appellants, and DCD have agreed upon a package of mitigating measures that will reduce noise impacts and ensure that the expanded store will meet KCC noise standards.

- D. Issue (d) notes that Finding of Fact No. 29 states that even if noise from the site were in compliance with the Kitsap County noise ordinance, it would still create a probable significant adverse environmental impact on adjacent neighbors. The Board expressed concern that Finding 29 conflicts with Findings 4 and 30. Finding 4 is an introductory finding that provides readers of the Report and Decision with a synopsis of the final decision. Finding 30 is sequential to Finding 29 and discusses the response of the EO to noise issues and his proposed additional mitigating measures. Even though finding the MDNS inadequate, the Examiner did not believe it necessary for Wal-Mart to prepare a full Environmental Impact Statement (EIS) to address one specific issue, i.e. noise. Noise issues require experts to properly resolve.
- E. Issue (e) also addresses Finding of Fact No. 30 and its statement that the EO imposed additional mitigation measures to address noise impacts. The Board notes that the Examiner found that if said mitigation measures were "properly implemented", they would mitigate the noise impacts. The Board requested clarification on the implementation of the proposed mitigation measures and their monitoring. Consistent with the requirements of the original decision, the applicant, appellants, and DCD through its independent expert approved a new noise study and addendum that clarifies the mitigation of noise impacts and requires monitoring of noise impacts.
- F. Issue (f) addresses Finding of Fact No. 31 and specifically the findings made on the second and fifth criteria for site plan approval as set forth in KCC 17.410.040(D). The second and fifth criteria require a finding that the development would be harmonious and compatible with existing and future development within the general area; and that the location, size, design, and operating characteristics of the expanded Wal-Mart store would not detrimentally impact the public interest, health, safety, or welfare of the County. Finding No. 31 is based upon the previous findings in the report and decision that address noise, light, traffic, and other impacts of the expanded Wal-Mart store. As set forth in the findings, the previous application complied with site plan review standards, the Bethel Road Corridor Development Plan, and DCD approved traffic mitigation measures. Finding

No. 31 was also based upon compliance with noise mitigation measures that the EO would have imposed following additional studies.

- G. Issue (g) refers to Conclusion No. 2 of the original decision wherein the Examiner determined the project consistent with the Kitsap County Comprehensive Plan. The Examiner also determined that the project met all criteria set forth in the Kitsap County Code and all criteria set forth in the Bethel Road Corridor Development Plan. The original decision addressed comprehensive plan compliance in Finding 16, the Bethel Road Corridor Development Plan in Finding 19, and various KCC criteria in other findings. The proposed reduction of the amount of store expansion and mitigation measures improve consistency with comprehensive plan policies LU-15 and LU-17 of the Land Use Element.
- H. Issue (h) addresses Conclusion No. 3 that returned the MDNS to the EO for imposition of additional mitigation measures. Those measures included a requirement that the applicant pay for an independent noise expert of DCD's choosing; increased the monitoring period from six months to at least one year; and imposed further noise mitigating measures as determined by the monitoring. The Board requested clarification of who would pay for the noise monitoring and how that would be determined. The Board also desired that the Examiner extend the monitoring period to more than one year and consider restricting all night-time operations behind the store. In response, the applicant must pay for the monitoring and the EO has extended the monitoring period from six months to one year. Conclusion 3 also provides the framework to not only extend the monitoring period, but also to add mitigation measures if maximum noise levels are exceeded. Thus, if the project is not in compliance with the noise ordinance at the end of the one year monitoring period, said period could extend for an additional period. The provision of noise mitigation measures to buffer the east property line and a restriction of noise generating activities provides an appropriate restriction on night-time operations.
- I. Issue (i) refers to Condition 4(1)(F)(d) that requires roof top equipment to receive noise control hardware to meet the "DOE noise regulations". The Board requested clarification as to the proper standard for measuring noise, and whether such measurement should occur only on the property line or anywhere on the receiving property. Chapter 10.28 KCC sets forth a process for evaluating maximum noise levels. Said Chapter requires measurements at the property boundary at either ground level or at a higher elevation to determine compliance with noise standards. The Sound Analysis Addendum (Exhibit 207) establishes that the mitigation measures ensure that the roof top equipment and all other noise producing activities will meet the requirements of Chapter 10.28 KCC.

- J. Issue (j) refers to Condition 5 that requires the lowering of light standards at the rear of the building to a maximum of 25 feet. The Board requested clarification on how the lowering of the standards would mitigate light impacts and satisfy the requirements KCC 17.455.110. Said section provides in part:

In all zones,... no use shall produce... glare... which is materially deleterious to surrounding people, properties or uses. Lighting is to be directed away from adjoining properties. Not more than one foot candle of illumination may leave the property boundaries.

As set forth in Finding 27, residents at the original hearing submitted evidence showing impacts from 40 foot high, light standards. Residents also expressed concern that new light standards substantially closer to the property line would exacerbate lighting impacts. The Examiner therefore required reduction of the light standards at the rear of the building to a maximum height of 25 feet. Following the remand, the applicant performed a photometric analysis and agreed to reduce the height of light standards on the north and south sides of the store to 25 feet or less and to also install wall-pack lights at the rear of the store. However, the applicant needs to also install two, 25 foot tall standards to provide illumination for the truck wells. Such will assure that no more than one foot candle of illumination will leave the property boundaries. Appellants and staff agree with the applicant's lighting proposal.

11. Even though not required as part of the remand decision, Wal-Mart has made significant changes to the front of the building as shown on Exhibit 245. The changes feature more pedestrian amenities, more landscaping, differing colors and textures, and a more user friendly entrance. Architectural features include a curvilinear treatment, awnings over windows, and trespa siding. Such brings the building into better compliance with the Bethel Corridor Plan land use standards as set forth on pages LU-2 and LU-3 of the Corridor Plan. Such standards include modulation of building facades, Pacific Northwest style elements, and the location and style of signs. Northwest style elements include natural building materials, dormers, pitched roofs, wood columns, overhanging eaves, and muted colors.

CONCLUSIONS:

1. The Hearing Examiner has jurisdiction to consider and decide the issues presented herein.
2. Based on the proposed mitigation measures, the project revisions, and the Settlement Agreement, expansion of the Wal-Mart store will result in no significant noise impacts from the existing store or the expansion thereof. The photometric map shows that no significant light impacts will occur to off-site properties based upon the reduced height of the light standards and the type of fixtures used at the

rear of the store.

DECISION:

The revised site plan (Exhibit 237) is hereby approved subject to the following additional and revised conditions:

1. Additional SEPA mitigating measures are as follows:
 - A. The proposed store expansion shall be limited to 85,310 square feet of new store area.
 - B. Off-street parking shall be limited to 865 spaces.
 - C. A three to 14-foot tall retaining wall with an 8-foot tall sound wall constructed above shall be installed to the east of the expanded store, as depicted on the revised site plan.
 - D. Delivery and unloading of freight shall be limited to the hours of between 7:00 AM and 10:00 PM.
 - E. Quiet condensers with a low noise rating and noise screens of rooftop HVAC units shall be installed.
 - F. The light standards on the north and south sides of the store shall not exceed a maximum height of 25 feet.
 - G. Wall pack lights shall be installed instead of light standards at the rear of the store; provided, however, that the applicant may install two, 25 foot high, light standards for the purpose of illuminating the truck wells.
 - H. Noise monitoring shall occur for up to one year. The monitoring period may be extended for an additional six months, as determined by Kitsap County DCD staff, upon review of the first year monitoring.
 - I. Pallets shall be stored in the Bale/Pallet/Recycling Area located north of the truck turn-around and east of the store, as depicted on the revised site plan.
 - J. The compressors and compressor houses shall comply with the specifications stated in the Sound Analysis Addendum, July 25, 2008, at pages 7-8 (Exhibit #207). Specifically, (1) quiet condenser models shall be used (Heatcraft BNQ or equivalent, providing no more than 52 dBA at 50 feet); and (2) acoustically absorptive treatment of the compressor houses shall be provided, consisting of a two-inch thick application of a cementitious spray-on finish such as Pyrock Acoustement, available from Pyrock, Inc., or equivalent, having a Noise Reduction Coefficient (NRC) of 0.85 or higher, applied to all solid wall surfaces facing the equipment and as lining to intake hoods.
2. Conclusion No. 3 is hereby amended by requiring noise monitoring for a minimum of one year by an independent noise consultant. A minimum of

six site visits must be made within the one-year period, and the results of such site visits sent to Department of Community Development, to the applicant, and to other affected parties. (See Condition No. 4 (1)(F)(d) for store compliance with County noise standards and corrective action).

3. The following additions and changes to conditions in the original decision are hereby made as follows:

Land use approval is limited to the uses proposed by the applicant on the revised site plan dated August 20, 2009, (Exhibit 237). Any modifications or expansion of the project will be subject to further review pursuant to the applicable Kitsap County Code.

- 4.1 Final approval is subject to review of elements of the Site Plan Review, to include the following:

- F. The Final Landscape Plan shall include additional noise mitigation measures. The applicant will recommend types of trees and/or shrubs to the County that do not exceed a height of 15 feet at maturity that provide functional screening. Any required landscaping along the east property line shall be low growing at the request of the neighboring properties.

- 4.3 A. Sewerage is to be provided by West Sound Utility District.

- B. Water is to be provided by West Sound Utility District.

- 4.4 The requirements of Development Engineering and Kitsap County Public Works shall be met to include the following:

- V. The applicant shall pay \$93,724.86 dollars toward the cost to design and construct the commercial connector road from the south property line of Home Depot to SE Salmonberry Road prior to finaling the SDAP. Alternatively, Wal-Mart and Home Depot may develop an agreement to satisfy this condition without county participation in financing or construction.

- A.A. Contact the Waste Management at (1-800-592-9995) for information on implementing the solid waste/recycling storage requirements influenced by the service provider (e.g. dumpster size and location) for the project. Pay particular attention to the access requirements of the collection trucks. Provide documentation from the solid waste/recycling service provider that their requirements for this project have been met.

4. The conditions of approval in the original decision as modified above remain effective.

ORDERED this 24th day of June 2010.



STEPHEN K. CAUSSEAU, JR.
Hearing Examiner

TRANSMITTED this day of June 2010, to the following:

APPLICANT: Wal-Mart Stores, Inc.
2001 S.E. 10th Street
Bentonville, AR 72716

PROJECT REPRESENTATIVE: John McCullough
Courtney Kaylor
McCullough Hill, PS
701 Fifth Avenue Suite 7220
Seattle, WA 98104

PROJECT ENGINEER: Jeff Chambers, PACLAND
1505 Westlake Avenue North, Suite 305
Seattle, WA 98109

OTHERS:

See Attached Roster

Kitsap County Board of Commissioners
Kitsap County Department of Community Development
Kitsap County Department of Public Works
Kitsap County Prosecutor – Civil Division
Kitsap County Fair and Parks Division
Bremerton-Kitsap County Health Department
The Sun Newspaper

The Decision of the Hearing Examiner is final unless appealed as provided under Washington law and by Kitsap County Code 21.04.120 of the Kitsap County Land Use and Development Procedures.

RECEIVED

JUN 28 2010

KITSAP COUNTY DEPT. OF
COMMUNITY DEVELOPMENT