



KITSAP COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

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Larry Keeton, Director

STAFF REPORT

INFORMATION FOR THE HEARING EXAMINER

Report Date: March 21, 2011

Application Submittal Date: August 3, 2007

Hearing Date: April 14, 2011

Application Complete Date: February 14, 2008

Project: Williams Wood Waste Recycling Facility

This staff report was prepared by Jeff Smith, Shawn Alire, Dave Greetham, and Steve Heacock, based on information available up until the time the report was prepared. New information relevant to review of this application may become available prior to the hearing or at the hearing. Staff may wish to change their analysis based upon that new information, and reserves the right to do so.

Project Description:

The request is for the operation of a wood waste recycling facility, which will process wood material consisting of organic yard waste, land clearing waste and brush for grinding to create landscape mulch. The long-term plan is planning to add two full-time employees and to construct a 1,000 square foot caretakers quarters. The applicant is processing construction waste, clean scrap wood lumber, and pallets that are not painted. The existing out building is proposed to be replaced with a larger engineered metal framed steel structure used for equipment repair, storage and process painted and treated wood. Stan Palmer, contractor for Kitsap County Public Works and received Site Development Activity Permit approval for disposing of 35,000 cubic yards of material on the subject property for the Headworks project at the abutting Central Kitsap Treatment Plant (SDAP File # 10 88078). The grading permit was processed as the first phase through a phased environmental review on the property. Corrections and final inspections are required before closing out the permit. Pursuant to Kitsap County Code (KCC) 17.381.040.E Parks, Rural and Resource Zones, top soil production and stump grinding operations are reviewed through a Conditional Use Permit and must be consistent with development regulations in Footnote #22 for contractor storage yards. The Review Authority is the Kitsap County Hearing Examiner consistent with Title 21 of the Kitsap County Code (KCC). The project proposal must not be materially detrimental to residential uses in the vicinity (e.g. noise and dust), physically suitable for the site and compatible with the residential setting.

Application Number: 03 08528

Hearing Case Number: 110414-007

Type of Application: Hearing Examiner Conditional Use Permit

Project Request: Request is for Conditional Use Permit approval for a Top soil production, Stump grinding facility.

Assessor's Account #: 122501-2-076-2007

Applicant:

Mark Williams
1383 NE Paulson Road
Poulsbo, WA 98370

Engineer:

ADA Engineering
PO Box 847
Poulsbo, WA 98370

Owner of Record

David Williams
14892 Sandy Hook Road NE
Poulsbo, WA 98370

State Environmental Policy Act (SEPA) Status:

Pursuant to WAC 197-11-340, the Responsible Official signed a Mitigated Determination of Nonsignificance on, March 24, 2011 with the following information. The appeal period ended on April 7, 2011.

Comments:

The SEPA comment period previously occurred concurrent with the Notice of Application dated February 19, 2008.

Existing regulations that will mitigate project impacts include but are not limited to:

- KCC Title 12 (Stormwater)
- KCC Title 17 (Zoning), including: KCC 17.381.050, footnote 21 related to contractor storage yard requirements; footnote 22 regulating Top soil production, Stump grinding and composting; and KCC 17.455.110, defining limits on noise, vibration, dirt, dust and odor.
- KCC Title 19 (Critical Areas). A Habitat Management Plan was previously approved to allow reshaping and restoration of the degraded wetland buffer, as a component of an approved Site Development Activity Permit (see Phase One SEPA determination issued May 27, 2010).
- Kitsap County Health District regulations for solid waste handling pursuant to WAC 173-350-040, relating to pile management.
- Kitsap County Fire Marshal conditions of approval for fire apparatus access to the site, and monitoring of static piles pursuant to the International Fire Code (IFC).

Pursuant to SEPA substantive authority at KCC 18.04.200 (B) and (D. 3, 5, 6 and 15), SEPA mitigation measures are required to mitigate noise impacts from the proposed facility and to ensure continued protection of on-site wetland functions. Applicable Comprehensive Plan goals and policies include: Chapter 3 (Rural Lands), Goal 1 (Retain

Rural character outside of designated urban areas); Goal 2 (Encourage development standards that help preserve the County's rural character); associated policies RL-4 and RL-7 (relating to land uses in rural lands); Chapter 4 (Natural Systems), Section 4.2.3, policies NS 21 (wetland buffers); and NS 22 (wetland functions).

MITIGATION MEASURES:

1. Noise mitigation shall be implemented as recommended in the revised noise mitigation plan prepared by Carl Bloom, dated April 7, 2010. Specific measures include but are not limited to berm or sound wall construction, and location of the stump grinding equipment at an excavated elevation below existing grade. The extent and type of grinding machinery shall be limited to that analyzed in the noise study.
2. An "as-built" noise mitigation report shall be submitted by the noise consultant prior to final Site Development Activity (SDAP) approval.
3. If non-compliance with KCC 10.28 (Kitsap County Noise Ordinance) is demonstrated following permit approval, the applicant shall hire a professional noise consultant to prepare an alternative plan that ensures compliance with County Code. Such plan shall be submitted for DCD review and approval, and implemented within 45 days of County review.
4. No filling, grading or clearing activities shall occur within the newly established wetland buffer as described in the May 2010 Habitat Management Plan prepared by C3 Habitat Corp and approved in the field by Kitsap County, Suquamish Tribe and Washington Department of Fish and Wildlife staff. (Note: The approved Habitat Management Plan includes a 10-year plant installation and monitoring element under the responsibility of the fill contractor.)
5. A split rail fence shall be installed along the wetland buffer boundary. Wetland signage shall be installed at minimum 100-foot intervals along the fence (signs available from Kitsap County DCD).
6. A natural vegetation buffer shall be installed on the perimeter of the proposed work area abutting residential uses. Any plantings proposed within the limits of the wetland buffer for such purpose shall be limited to native vegetation and coordinated with the wetland consultant responsible for wetland buffer maintenance and monitoring. A final landscape plan shall be submitted for DCD review and approval prior to final SDAP.
7. The grinding operation shall be limited to normal weekday hours (between 7 AM to 5 PM). No grinding activities shall occur on weekends. Delivery of materials shall be limited to Monday through Saturday, 7AM to 5 PM.

Project Location: The subject property is located at 12139 Brownsville Highway, Poulsbo, North Kitsap County.

Physical Characteristics:

The subject property is zoned Rural Residential (1-dwelling unit per 5 acres) vacant with no primary structures for the zone, irregular shaped, 8.99 acres in size. The property fronts Brownsville Highway NE, and is located east of the community of

Silverdale in North Kitsap County. A large ditch that borders the eastern property boundary and the eastern portion of the southern boundary. The project area slopes down to the east toward a Category-III wetland requiring 80-feet of natural vegetation buffer and an additional 15-foot building/construction setback. The ditched stream requires a 150 feet of buffer with an associated 15-foot setback. In the area the stream and wetland buffers overlap, the greater of the two buffers is required.

The northeastern portion of the parcel has been cleared of vegetation. There is an existing old 40' x 60' metal shed, cement slab, and gravel driveway to access the property. Heavy equipment to operate the grinder, several vehicles, and storage container are stored on the uplands of the property. The eastern portion of the property is used for agricultural uses, such as livestock grazing. The wetland is comprised of hardhack located up to the new toe of the slope. Red alder, scotch broom, blackberry, and a few Douglas fir near the northwest corner dominate the uplands. The current and proposed work area is limited to the berm along the north property line, to top of slope along the east side of the uplands, and south to the stand alders [Exhibit 8].

Comprehensive Plan Designation and Existing Zoning:

The Comprehensive Plan designation and zoning for the subject property, designated public facility, is zoned Rural Residential (1 dwelling per 5 acres). The intent of the zone is to promote low-density residential development consistent with rural character. It is applied to areas that are mostly applied to areas that are relatively unconstrained by environmental sensitive areas or other significant landscape features. These areas are provided with limited public services (Exhibit 37).

The following are development standards for the Rural Residential (RR) zone:

Maximum Density = 1 dwelling per 5 acres

Minimum Lot Width = 140 feet

Maximum Lot Depth = 140 feet

Maximum Height = 35 feet

Minimum Setbacks = 50-feet front yard

= 20-feet side yard

= 20-feet rear yard

Surrounding Land Use and Zoning:

The property abuts the Central Kitsap Sewer Treatment Plant on the west side of the property. In the vicinity, there are large parcels that include critical areas with very few single-family homes zoned Rural Residential (Exhibit 38). The nearest

single-family home is approximately 340 feet north of Brownsville Highway NE. The nearest home is approximately .24 of mile away across an open field to the south.

Public Utilities and Services:

Water: North Perry Road Water District
Power: Puget Sound Energy
Sewer: N/A
Police: Kitsap County Sheriff
Fire: Central Kitsap Fire District
Schools: North Kitsap School; District #400

Policies and Regulations Applicable to the Subject Proposal:

The Growth Management Act of the State of Washington, RCW 36.70A, requires that the County adopt a Comprehensive Plan, and then implement that plan by adopting development regulations. The development regulations must be consistent with the Comprehensive Plan. The Comprehensive Plan process includes public involvement as required by law, so that those who are impacted by development regulations have an opportunity to help shape the Comprehensive Plan, which is then used to prepare development regulations.

The following provisions are goals and policies of the Comprehensive Plan addressing the land use element:

Goal 1 Retain the rural character of the County outside of designated urban areas.

Policy RL-4 Limit development only to that which serves rural residential or resource needs and not draw people from UGAs.

Goal 2 Encourage development standards that help preserve the County's rural character.

Policy RL-7 Allow and encourage home bases cottage type businesses and industries in the rural area, if those activities are compatible with the site and surrounding area.

Goal 3 Maintain appropriate levels of service for public services and facilities in rural areas.

Policy RL-13 Provide access standards that enable all-weather access for emergency response vehicles while enhancing the rural character.

Policy RL-14 Ensure proper installation, use, and maintenance of on-site septic systems
Goal 4 Protect water quality...

Goal 1 Protect public safety and health...

Policy NS-2 Delineate hydric soils on a wetlands map and ensure development on these soils is in accordance with wetlands policies and regulations.

4.2.3 Surface Water Resources

Policy NS-21 Require native vegetation buffers along streams and wetlands to protect the functions and values of those surface waters.

Policy NS-22 Strive to achieve no net loss of wetland function in the short term, and a measurable gain of wetland function in the long term, in the following manner “...avoid, minimize and mitigate...”

Kitsap County Code (KCC)

Peace, Safety and Morals, Title 10

Chapter 10.28 Noise,

Road Standards, Title 11

Stormwater Drainage, Title 12

Zoning, Title 17, (February 15, 1999/ as amended)

- Chapter 110 Definitions
- Chapter 310 Rural Residential Zone
- Chapter 382 Density, Dimensions and Design
- Chapter 385 Landscaping
- Chapter 400 Land Use Review
- Chapter 420 Conditional Use Permit – Hearing Examiner
- Chapter 435 Off-Street Parking and Loading
- Chapter 520 Appeals
- Chapter 525 Revocations of Permits or Variances

KCC, State Environmental Policy Act, Chapter 18.04

Kitsap County Critical Areas Ordinance, Title 19, (Adopted May 7, 1998 and as amended December 2005)

Kitsap County Land Use and Development Procedures Title 21, (May 18, 1998 and as amended)

Kitsap County Comprehensive Plan (May 7, 1998 and as amended)

Public Comments:

The County, pursuant to KCC Title 21, Land Use, and Development Procedures, gave proper public notice. The Department to date has received public comments from one neighbor, Daniel Robinson at 12530 Brownsville Highway, across from the project site. The neighbor did not have concerns with the land use in the residential zone, but how the wood processing facility was operated at the site. Mr. Robinson had concerns with the facility impacting his family by creating excessive noise, dust, aesthetics, and hours of operation during the weekend.

Hearing Examiner Review

The Kitsap County Board of Commissioners has determined that this application requires review and approval of the Kitsap County Hearing Examiner. The Hearing Examiner may approve, approve the application with conditions, or deny. The Hearing Examiner may also continue the hearing to allow for additional information necessary to

make the proper decision. The powers of the Hearing Examiner are enumerated in KCC Chapter 2.10 Hearing Examiner.

Staff Communication:

<u>Document</u>	<u>Exhibit #</u>	<u>Dated or date stamped</u>
Development Engineering Memo	82	March 18, 2011
Mitigated Determination of Nonsignificance	77	March 24, 2011
Fire Marshal Conditions	74	May 5, 2010
Health District Memo	24	September 9 2010

Project Analysis and Recommendation:

The following comments are based on project review of the revised site plan, dated April 6, 2010 Conditional Use Permit (Exhibit: 91):

Transportation Review:

The subject property receives access from Brownsville Highway NE that is classified as rural minor arterial. The applicant anticipates that general traffic associated with the project will continue to be large and small trucks hauling debris top soils or mulch. Prior to the noise study, the hours of operation are from 7:00 AM to 5:00 PM Monday through Friday, and Saturdays 8:00 AM to 3:00 PM. The trucks loaded with miscellaneous woody debris from general and material from construction sites. Traffic is intermittent to and from the site, and the County anticipates that the current operation of the facility will not impact the local road network. The County's only traffic concern is that the project requires approved commercial approach. Development Engineering has reviewed the project proposal and has issued conditions of preliminary approval consistent with KCC Title 11, Road Standards, dated March 18, 2011 (Exhibit 82).

Stormwater Facilities:

After the application for the Conditional Use Permit Storm was submitted, the contractor for the expansion of the abutting sewer treatment plant coordinated with the applicant to dispose of 35,000 yards of material on the project site for the wood processing facility. Through the Site Development Activity Permit (SDAP), the contractor was only responsible for correctly showing the revised wetland boundaries and designing the temporary silt and erosion control ponds. The applicant has not prepared preliminary storm drainage plan for the new site conditions, which is typically required prior to public hearing.

Following preliminary land use approval, a Site Development Activity Permit (SDAP) will be required prior to the continued operation of the operation of the tops soil facility. The project proposal is considered a major new development and requires a SDAP. Stormwater quantity control, quality treatment, and erosion and sedimentation control will be required to be designed in accordance with KCC Title 12, effective at the time the Conditional Use Permit application was deemed complete (January 14, 2008). This project site is located within a Critical Drainage area, as defined in KCC Title 12.28.020. The SDAP is required to be prepared by a

Civil Engineer licensed in the State of Washington. Development Engineering has reviewed the project proposal and has issued conditions of preliminary approval consistent with KCC Title 12, Road Standards, dated March 18, 2011(Exhibit 82).

Code Enforcement

The project was previously under code enforcement action with the Department. The applicant has been working with the County to find the best site with minimum amount of potential impacts for several years. The County added provisions to the KCC Title 17 to allow stump-grinding, soil-combining, and composting to address the applicant's land use activity. The applicant has been working with the County submitting the noise report and berming to reduce impact on adjacent residential properties.

Kitsap County Health District Solid Waste

The Kitsap County Health District pursuant to RCW 70.95.305 and WAC 173-350-310 for materials recovery facilities regulates the grinding operation. The applicant is only permitted as an exempt facility, and limited to source separated recyclable material (i.e. woody debris) (Exhibits 28, 3 red alder, scotch broom, blackberry, and a few Douglas fir near the northwest corner 2, 42, 52 and 90). To maintain an exempt status, the applicant will need to transport 50% of the material store in piles off-site. Any top soil handling and grinding of painted and/or treated wood will require permitting by the Health District (Exhibit 90). Per KCC 17.381.050, Footnotes #22 specifically address stump grinding and soil combining operation as a permitted use. The Department of Community Development will support the processing of other types material handling as long as the materials being processed are ancillary to the top soil production, stump grinding, consistent with KCC Title 17. Otherwise, the material handling could be considered to be beyond what is permitted within the zone that is considered an industrial use and may need to be re-located to an Industrial zoned land.

Conditional Use Permit Review

Pursuant to KCC Table 17.381.040,(E) Rural and Resource Zones, for proposed top soil production, stump grinding facilities required a Hearing Conditional Use Permit, subject to criteria in KCC Chapter 17.421 Hearing Examiner Conditional Use Permit. The following are applicable regulations stump grinding operation:

The following are footnotes from KCC 17.381.050 Footnotes specifically address stump grinding and soil combining operation:

Footnote # 22, Top soil production, Stump grinding, in rural protection and rural residential zones must meet the following requirements:

a.) The subject property(ies) must be one hundred thousand square feet or greater in size;

Staff Comments: *The property is 387,684 square feet exceeding 100,000 square foot requirement.*

b.) The use must take direct access from a county-maintained right-of way;

Staff Comments: *The project receives access from Brownsville Highway NE, a County maintained road consistent with the requirement.*

c.) A fifty-foot natural vegetation buffer must be maintained around the perimeter of the property(ies) to provide adequate screening of the use from neighboring properties;

Staff Comments: *The property does not include a 50-foot perimeter screening. The applicant's proposal is augment the existing screening with a 15-foot high berm along the county road and moving the screening buffer out of the wetland to planting trees on the new configured slope will help screen the grinder site. The uses in the screening buffer will be limited to maintain the intended function.*

d.) The subject property(ies) must be adjacent to an industrial zone or a complementary public facility such as a sewage treatment plant or solid waste facility;

Staff Comments: *The subject property is abutting the Central Kitsap Treatment Plant on the west side of the property. The plant generates significant amount of truck traffic, odor, and noise. The top soil operation is less intensive than the county sewage facility.*

e.) The proposed use must mitigate noise, odor, dust and light impacts from the project; and

Staff Comments: *The following Chapter of the Kitsap County Code sets limits on the amount of noise from the source on the receiving properties. A noise study was prepared consistent with the chapter below by the applicant to address the County's and the neighbor's concerns.*

Chapter 10.48 Noise: Consistent with the above requirement, the project will be required to be consistent with noise requirements in KCC Section 10.48 Noise. Mitigating features should be shown on the Final Site Plan through the SDAP and for the Building Permit (e.g. walls, berms, fencing, etc) to protect rural residential property owners to the north, east and south.

It was determined the applicant would need to hire a noise consultant to prepare a noise study to address noise impacts and proposed methods to mitigate consistent KCC 10.28 Noise. At the Technical Review meeting, staff conveyed the concerns to the applicant, and conducted a site visit while the tub grinder was in operation in order to conduct noise measurements. Staff took noise measurements from multiple locations and received high reading. The applicant proceeded to submit a revised noise mitigation proposal incorporating noise berms and an excavated pad to reduce line-of-sight access to the grinding equipment and noise from the operation in general (Exhibit 72). Noise sources include a diesel-powered wood grinder, an excavator used to load the grinder, small crawler tractor used to move piles, and noise trucks that deliver woody debris. The grinder generates significantly more noise than other

sources.

The above chapter regulates noise by determining the maximum permissible environmental noise levels by type of environmental designation for noise abatement zone (EDNA) at the property line. The proposed use is classified as a Class C EDNA that will allow a daytime noise level up to 60 dBA adjacent to a residential property. The noise consultant took noise measurements at three locations for the project and found one of the three exceeded the daytime noise requirement. The consultant examined several noise abatement measures that include the following:

1. An earthen berm 24 feet at the base and ten feet starting on the south side of the entrance road, extending southward within the 50-foot wide vegetated buffer then angling westward and stopping at the edge of the wetland.
2. A concrete wall lying between the waste wood grinder and Brownsville Highway NE, 50-foot in length and 15 feet high aligned approximately east-west. The grinder would be located close to the wall breaking the line of site.

The consultant found that despite mitigation measures, the processing of wood waste during nighttime hours or on weekends would generate noise levels exceeding the nighttime standard of 50 dBA.

Staff Comments: *As conditioned by the MDNS, the noise mitigation proposed by the noise consultant should mitigate noise impacts created by the diesel tube grinder on the abutting residential zone if implemented consistent with the plan.*

17.455.110 Obnoxious things. In all zones, except as provided for elsewhere in this title, no use shall produce noise, smoke, dirt, dust, odor, vibration, heat, glare, toxic gas or radiation 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.

Dust Mitigation: *Staff has observed that the grinder can produce a significant amount of dust is created during dry weather conditions when stumps include clumps of soil and rock stumps. A plan for dust control should be in place to help mitigate impacts to the neighborhood consistent with the above section, KCC 17.455.110 Obnoxious Things.*

f.) The use must meet all other requirements of this title.

Footnote #21. Outdoor contractor's storage yards accessory to a primary residence shall be limited to not more than ten heavy vehicles or heavy construction equipment. The use shall be contained outside of required setbacks within a contained yard or storage building. The storage yard and/or building shall be screened from adjacent properties with a screening buffer a minimum of twenty-five feet in width and capable of

providing functional screening of the use. Minimum lot size shall be one hundred thousand square feet.

Staff Comments: *The operational requirements are similar for the Top soil production and stump grinding are similar to requirements for contractor's storage yard. As proposed, the applicant will be consistent with the buffering and the number heavy vehicles or construction equipment.*

The Williams Wood Recycling Facility must meet the following applicable requirements in Section 17.382.030 Design Standards. Staff comments are in italics:

Building Height, Buffering and Screening Modification

The director may increase or decrease landscaping, screening and setbacks to minimize conflicts.

Staff Comments: *The applicant has included areas for landscaping to be planted on the site plan consistent with the intent of required screening top soil operation, stump grinding per KCC 17.380.050 Footnote #22.*

Road buffering: Consistent with the Industrial zone KCC 17.370, a 50-foot screening buffer along the roadway is required.

Staff Comments: *See buffer discussion above.*

Exterior Lighting

If artificial outdoor lighting is necessary, the lighting should be arranged so that light is fully shielded from the side view and directed downward and away from adjacent rural residential properties.

Staff Comments: *The project lighting is not included with the preliminary land use review, but if applicable the information should be required to included at Building Permit review consistent with KCC 17.455.110 Obnoxious Things.*

Screening of equipment, storage, and refuse areas

1. The roof-mounted HVAC equipment shall not be visible from abutting lots or roadways.

Staff Comments: *The requirement is not applicable.*

2. Locate service areas, outdoor storage areas, and intrusive features away from neighboring properties.

Staff Comments: *The proposal includes outdoor storage areas and off-street parking. Outside storage areas are required per the use. The intent is that the berm and landscaping along the perimeter/slope of the wetland will provide a functional screen of the work area.*

3. The project will be required to comply with all county solid waste standards and provide concurrence from Waste Management as part of the Site Development Activity Permit process.

Staff Comments: *It is not anticipated that the applicant will generate refuse due the*

nature of the land use and require a solid waste enclosure.

Access and Circulation

1. Safe pedestrian access and handicap access shall be required on-site from public rights-of-way to minimize pedestrian and vehicular conflicts.

Staff Comments: *Except for deliveries of woody debris, the project site is closed to the public and no sidewalks are required.*

2. Development is limited to one ingress /egress per 300-lineal feet along a public arterial. Small parcels that provide less than 200 feet of road frontage shall be limited to one parking lane and exit.

Staff Comments: *The project will only utilize an existing access on the NE Brownsville Highway. See comments above regarding road approach improvements by Development Engineering.*

Signs permitted according to KCC Section 17.445.

The applicant is required to apply for sign permits in accordance KCC Section 17.445 Signs. In addition, the applicant is required to apply for separate permits for signage and adhere to sign requirements in the Silverdale Design Standards.

Staff Comments: *The applicant has not proposed or applied for sign permits.*

Off-street parking and loading per KCC Section 17.435.

Staff Comments: *KCC 17.435 specifically notes numerous land uses and the parking requirements for land use applications. The Top soil production, Stump grinding is not a classified use in the above section. There is little demand for off-street parking. If parking is required, there is sufficient room on the site for off-street parking and loading.*

Landscaping provided per KCC Section 17.385.

The KCC requires that a minimum of 15% of the total site area be landscaped to the standards in the titled section.

Staff Comments: *The application indicates that the project exceeds the minimum 15% requirement. The project site includes a significant amount of natural landscaping (i.e. wetland and wetland buffer). The intent is to include landscaping on and around the berm along the north property line and along the east side of the work area above the wetland. The landscaping shall be installed and maintain consistent with the above section to provide a functional screen of the facility.*

Staff Evaluation of Decision Criteria:

The Hearing Examiner has review authority for this Conditional Use Permit application under KCC, Sections 17.421.020 and 21.04.030. The Kitsap County Commissioners have determined that this application requires review and approval of the Hearing Examiner. The Hearing Examiner may approve, approve with conditions, or deny a

Conditional Use Permit. The Hearing Examiner may also continue the hearing to allow for additional information necessary to make the proper decision. The powers of the Hearing Examiner are at KCC, Chapter 2.10.

1. The proposal is consistent with the comprehensive plan.
2. The proposal complies with or will comply with requirements of Title 17 and complies with or will comply with all of the other applicable provisions of the KCC and all other applicable regulations, including all applicable development standards and design guidelines, through the imposed conditions outlined in this report.
3. The proposal will not be materially detrimental to uses or property in the immediate vicinity.
4. The proposal is compatible with and incorporates specific features, conditions, or revisions that ensure it responds appropriately to the existing character, appearance, quality or development, and physical characteristics of the subject property and the immediate vicinity.

Staff Evaluation of the Decision Criteria

1. The Hearing Examiner has review authority for this Conditional Use Permit application pursuant to KCC Sections 17.421.020 and 21.04.030.
2. As found above the proposal is consistent with the comprehensive plan.
3. The proposal complies with applicable requirements of Title 17 KCC, assuming compliance with conditions of approval.
4. The top soil production, stump grinding facility will not be materially detrimentally impact uses or property in the immediate vicinity, which includes other significant commercial uses.
5. The proposal is compatible with and incorporated specific features, conditions, or revisions that ensure it responds appropriately to the existing character, appearance, quality or development, and physical characteristics of the subject property and the immediate vicinity.

Recommendation:

Based upon the above information, the Department recommended that the Conditional Use Permit request for the Williams Wood Waste Recycling be **approved**, subject to the following conditions:

1. The project will be reviewed through a Site Development Activity Permit by Kitsap County.

2. Land use approval is limited to the uses proposed by the applicant. Any modifications or expansion of the project will be subject to further review pursuant to the requirements of the appropriate sections of the Kitsap County Code.
3. Pursuant to 21.04 KCC, land use approval is valid for a period of up to three (3) years from the decision date.
4. Prior to issuance of a Building Permit, the applicant shall record a Land Use Permit Binder with the Kitsap County Auditor's Office pursuant to KCC Section 17.421.080 Land Use Binder Required. If conditions are not adhered to, contrary to the Land Use Permit Binder, the Conditional Use Permit may be rescinded and the County may require that the facility be removed at the owner's expense.

Land use approval is limited to the uses proposed by the applicant on the recommended site plan and the SEPA Environmental Determination dated August 5, 2009. Any modifications or expansion of the project will be subject to further review pursuant to the requirements of the appropriate sections of the Kitsap County Code. The following SEPA mitigation measures are required pursuant to SEPA Substantive Authority at KCC 18.04.200(D).

5. Noise mitigation shall be implemented as recommended in the revised noise mitigation plan prepared by Carl Bloom, dated April 7, 2010. Specific measures include but are not limited to berm or sound wall construction, and location of the stump grinding equipment at an excavated elevation below existing grade. The extent and type of grinding machinery shall be limited to that analyzed in the noise study.
6. An "as-built" noise mitigation report shall be submitted by the noise consultant prior to final Site Development Activity (SDAP) approval.
7. If non-compliance with KCC 10.28 (Kitsap County Noise Ordinance) is demonstrated following permit approval, the applicant shall hire a professional noise consultant to prepare an alternative plan that ensures compliance with County Code. Such plan shall be submitted for DCD review and approval, and implemented within 45 days of County review.
8. No filling, grading or clearing activities shall occur within the newly established wetland buffer as described in the May 2010 Habitat Management Plan prepared by C3 Habitat Corp and approved in the field by Kitsap County, Suquamish Tribe and Washington Department of Fish and Wildlife staff. (Note: the approved Habitat Management Plan includes a 10-year plant installation and monitoring element under the responsibility of the fill contractor.)
9. A split rail fence shall be installed along the wetland buffer boundary. Wetland signage shall be installed at minimum 100-foot intervals along the fence (signs available from Kitsap County DCD).

10. A natural vegetation buffer shall be installed on the perimeter of the proposed work area abutting residential uses. Any plantings proposed within the limits of the wetland buffer for such purpose shall be limited to native vegetation and coordinated with the wetland consultant responsible for wetland buffer maintenance and monitoring. A final landscape plan shall be submitted for DCD review and approval prior to final SDAP.
11. The grinding operation shall be limited to normal weekday hours (between 7 AM to 5 PM). No grinding activities shall occur on weekends. Delivery of materials shall be limited to Monday through Saturday, 7AM to 5 PM.
12. As identified on the site plan, the wetland, wetland buffers, and screening buffers shall be placed in a "native growth vegetation protection easement", pursuant to KCC 17.385.20.E.2 to run in perpetuity with the top soil production and stump grinding operation for the property owner to maintaining vegetation.

The applicant shall adhere to all applicable requirements of the Kitsap County Health District.

13. A portable port a potty type toilet is approved for limited to one employee use. A contract for servicing must be maintained.
14. No buildings on site are proposed at this time (future caretaker quarters will require an approved Building Site Application at the time of Building Permit submittal).
15. Meet all applicable conditions of approval required by the Kitsap County Solid Waste Division letter; dated March 15, 2010 (Exhibit 90) Approval is untreated and unpainted wood only. Reference letter dated December 20, 2008 by Dave Zollweg (Exhibit 28) and letter from the applicant dated January 10, 2008 for further information.
16. The project is located within the North Perry Road Water District service area.
17. North Perry Road Water District services area.

The applicant shall adhere to all applicable requirements of the Kitsap County Fire Marshal's Office, including the following:

18. A Fire Code Permit-Operational for the LP propane tank will be required for this project.

Emergency Fire Department Access

19. a) Fire department access roads shall have a minimum unobstructed width of 20 feet with an inside turning radius of 35 feet and outside radius of 55 feet. The grade of the fire department access road shall not exceed 12%.

20. b) Fire department access roads shall be provided when any portion of the facility or any portion of an exterior wall of the first story of the building is located more than 150 feet from fire apparatus access as measured by an approved route around the exterior of the building or facility.
21. c) Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all weather driving capabilities. IFC 503.2.3.
22. d) Provide a fire apparatus access turn around. Dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus.
23. An access plan must be submitted in accordance with IFC 1903.7.
24. Storage site shall be level and on solid ground or other all-weather surface. Sites shall be thoroughly cleaned before transferring wood products to the site.
25. Piles shall not exceed 25 feet in height, 150 feet in width and 250 feet in length. Piles shall be separated from adjacent piles by approved fire apparatus access roads. The storage, accumulation, and handling of combustible materials and control of vegetation shall comply with Chapter 3 of the IFC.
26. Static piles shall be monitored by an approved means to measure temperatures within the static piles. Internal pile temperatures shall be monitored and recorded weekly. Records shall be kept on file at the facility and made available for inspection. An operational plan indicating procedures and schedules for the inspection, monitoring and restricting of excessive internal temperatures in static piles shall be submitted to the fire code official for review and approval. Approved material handling equipment shall be available for moving wood chips, logged material, wood fines, and raw product during fire fighting operations. The owner or operator shall develop a plan for monitoring, controlling and extinguishing spot fires and submit the plan to the fire code official for review and approval. Portable fire extinguishers with a minimum rating of 4A60BC shall be provided on all vehicles and equipment operating on piles and at all processing equipment.

The applicant shall adhere to all applicable requirements of the Kitsap county Development Engineering, including the following:

STORMWATER

27. Following land use approval, a Site Development Activity Permit (SDAP) will be required prior to construction activities. Stormwater quantity control, quality treatment, and erosion and sedimentation control shall be designed in accordance with **KCC Title 12** effective at the time the Conditional Use Permit application was deemed complete (January 14, 2008). This project is located within a Critical

Drainage area as defined in KCC Chapter 12.28.020. SDAPs shall be prepared by a Civil Engineer licensed in the State of Washington.

28. If any work is to be done below the ordinary high water mark, a Hydraulic Project Approval (HPA) permit may be required from the Washington Department of Fish and Wildlife. Information regarding HPA's can be found at <http://www.wa.gov/wdfw/hab/hpapage.htm> or by calling the Office of Regulatory Assistance at (360) 407-7037. This permit is required prior to issuance of the SDAP.
29. The owner shall be responsible for maintenance of the storm drainage facilities for this development following construction. Before finaling the SDAP, the person or persons holding title to the subject property for which the storm drainage facilities were required shall record a Declaration of Covenant that guarantees the County that the system will be properly maintained. Wording must be included in the covenant that will allow the County to inspect the system and perform the necessary maintenance in the event the system is not performing properly. This would be done only after notifying the owner and giving him a reasonable time to do the necessary work. Should County forces be required to do the work, the owner will be billed the maximum amount allowed by law.
30. Kitsap County will not be responsible for any damage to any private roads, tracts, and/or easement areas that may occur during routine maintenance activities and that in Kitsap County's judgment occur, in whole or in part, because of any construction materials or techniques, or any maintenance materials or techniques. This includes, but is not limited to, damage to pavement or vegetated areas caused by maintenance trucks.
31. The impervious area per lot accounted for in the overall drainage facilities installed shall be indicated on the face of the approved construction drawings. Additional impervious surfaces created beyond the amount accounted for in the overall drainage facilities shall be mitigated in accordance with Kitsap County Code Title 12.

TRAFFIC AND ROADS

32. At Building Permit application, submit (KCPW Form 1601) for issuance of a Concurrency Certificate, as required by KCC Section 20.04.030 Transportation Concurrency.
33. Submit plans for construction of the road approach between the edge of existing pavement and the right-of-way line at all intersections with county rights-of-way. Approaches shall be designed in accordance with the Kitsap County Road Standards as established in Chapter 11.22 of the KCC. Existing approaches may need to be improved to meet current standards.
34. Any work within the County right-of-way will require a permit to perform work on County right-of-way and possibly a maintenance or performance bond.
35. The developer's engineer shall certify that there is adequate entering sight distance at the site access and Brownsville Highway NE. Such certification shall note the

minimum required sight distance, the actual sight distance provided, and a sight distance diagram showing the intersection geometry drawn to scale, topographic and landscaping features, and the sight triangle. The sight distance shall meet the requirements of the Kitsap County Road Standards. The certification shall also note necessary measures to correct and maintain the minimum sight triangle.

SOLID WASTE

36. Contact the solid waste service provider Waste Management @ (360) 674-3166 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 collection trucks (min turning radius is ~35 ft).
37. Provide at least 150 square feet of exterior recyclable materials storage space for the project.
38. If using a compactor, liquid wastes generated as a result of compaction must not discharge into the stormwater system per BKCBH Ordinance No. 1996-11, Section IV.2.a.
39. Should the proposal be modified from that shown on the April 7, 2010 submitted site plan, please forward to Development Engineering for review.

cc: Mark Williams, 1383 NE Paulson Road, Poulsbo, WA 98370
ADA Engineering, PO Box 847, Poulsbo, WA 98370
David Williams, 14892 Sandy Hook Road NE, Poulsbo, WA 98370
Interested Parties: Daniel Robinson at 12530 Brownsville Highway, Poulsbo, WA 98370
Kitsap County Health District, MS-30
Kitsap County Parks & Recreation Dept., MS-6
Kitsap County Development Engineering / Public Works
DCD Staff Planner Jeff Smith
DCD Code Enforcement
Hearing Examiner
Clerk of Hearing Examiner
DCD File
DCD Building Permit File

