

DECLARATION OF MAILING

In the Matter of the Application of)
)
Olympic Disposal) CUP2017-00005
)
For a Conditional Use Permit)
_____)

Under penalty of perjury under the laws of the State of Washington I declare that the following is true and correct:

On the 22nd day of May 2017, I forwarded the attached **NOTICE OF DECISION, AND FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION** regarding the above-referenced matter to:

Chris Giraldes
Olympic Disposal
chrisg@wasteconnections.com

Rick Mazzotta
mazz.rick@gmail.com

Signed at Port Angeles, Washington this 22nd day of May 2017.



Tami Breitbach
Clerk to the Hearing Examiner

NOTICE OF DECISION

Clallam County Department of Community Development
223 E. 4th Street, Suite 5, Port Angeles, WA 98362

DATE: May 22, 2017

TO: Parties of Record

FROM: Clallam County Department of Community Development

SUBJ: Notice of Decision on Conditional Use Permit Application No. CUP2017-00005
Olympic Disposal, Applicant

NOTICE IS HEREBY GIVEN THAT, the Clallam County Hearing Examiner has issued the Decision on the above-referenced application.

SEPA Threshold Decision: A Mitigated Determination of Non-Significance (MDNS) was issued on April 6, 2017.

Appeal of Decision: Pursuant to CCC 26.10.650, the decision by the Hearing Examiner is final on the date issued. The decision may be appealed in a manner consistent with State law, including Chapter 36.70C RCW (Revised Code of Washington), Judicial Review of Land Use Decisions.

Request for Reconsideration: A party of record may request reconsideration of the final decision by the Hearing Examiner. A Request for Reconsideration must be received by the Clallam County Department of Community Development within **10 calendar days** from the date of mailing this notice of decision on forms provided by the Department and accompanied by a \$75.00 processing fee pursuant to CCC 5.100. Reconsideration should be granted only when an obvious legal error has occurred or a material factual issue has been overlooked that would change the previous decision. If the request is denied, the previous action shall become final unless appealed. Procedures for reconsideration are found in section 26.10.600 CCC (Clallam County Code).

Project File: The complete project file is available for review or copying between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday, in the Planning Division of the Department of Community Development, 223 East Fourth Street, Suite 5, Port Angeles, WA 98362.

As provided in RCW 36.70B.130, affected property owners may request a change in valuation for property tax purposes. Requests must be made in the office of the County Assessor, 223 East Fourth Street, Port Angeles, WA 98362.

Staff Contact: Donella Clark, Senior Planner (360) 417-2594.

**BEFORE THE HEARING EXAMINER
FOR CLALLAM COUNTY**

In the Matter of the Application of)	No. CUP-2017-00005
)	
)	
Olympic Disposal)	
)	
)	FINDINGS, CONCLUSIONS,
<u>For Approval of a Conditional Use Permit</u>)	AND DECISION

SUMMARY OF DECISION

The request for a conditional use permit to operate a disposal hauling, operation, and maintenance facility within the Carlsborg Industrial Area at 970 Carlsborg Road is **APPROVED**. Conditions are necessary to address specific impacts of the proposal.

SUMMARY OF RECORD

Hearing Date:

The Hearing Examiner held an open record hearing on the request on May 4, 2017. At the hearing, the Hearing Examiner ruled that the record would be left open until May 8, 2017, to allow additional public comment on the proposal.

Testimony:

The following individuals presented testimony under oath at the open record hearing:

Donella Clark, County Senior Planner
Chris Giraldes, Applicant Representative
Chuck Parrish, Property Owner
Theresa Clark West

Exhibits:

The following exhibits were admitted into the record:

1. Staff Report, dated April 27, 2017
2. Conditional Use Permit Application, received March 8, 2017, with aerial photo; two site drawings; and letter from Greg Parrish to Clallam County Department of Community Development, dated February 28, 2017
3. Site Plan, received April 10, 2017
4. Five aerial photos of comparable disposal businesses in the area, undated
5. Environmental Checklist, dated March 10, 2017

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6. Mitigated Determination of Nonsignificance, issued April 6, 2017, with memorandum from Donella Clark, dated April 4, 2017
7. Clallam County Comprehensive Plan sections
8. Email from Sue Waldrip to Donella Clark, dated March 16, 2017
9. Email from Meggan Uecker to Donella Clark, dated March 20, 2017, with email string and recorded easement and legal description
10. Email from Joel Dressel to Donella Clark, dated March 29, 2017, with email string
11. Email from Ray Bradford to Donella Clark, dated March 29, 2017, with email string
12. Email from Steve Jackson to Donella Clarke, dated March 31, 2017, with email string
13. Letter from the Department of Ecology to Donella Clark, dated April 21, 2017
14. Notice Materials:
 - a. Notice of Complete Application, dated March 24, 2017
 - b. Declaration of Mailing, dated April 10, 2017
 - c. Memorandum from Donella Clark to Interested Parties, dated April 10, 2017
 - d. Memorandum from Donella Clark to Interested Parties, dated April 7, 2017
 - e. Declaration of Posting, dated April 19, 2017
 - f. Notice of Application/Public Hearing, undated
 - g. Legal Invoice, *Peninsula Daily News*, dated April 9, 2017, with Affidavit of Publication, dated April 10, 2017
15. Email from Richard Mazzotta to Clallam County Department of Community Development, dated May 2, 2017, with email string
16. Email from Carol Creasey, County Hydrogeologist, dated March 24, 2017
17. Revised Site Map, undated
18. Email from Chris Giraldes, dated May 8, 2017, with email string

The Hearing Examiner enters the following findings and conclusions based upon the testimony and exhibits admitted at the open record hearing:

FINDINGS

Application and Notice

1. Olympic Disposal (Applicant) requests a conditional use permit (CUP) to operate a disposal hauling, operation, and maintenance facility within the Carlsborg Industrial Area, at 970 Carlsborg Road. The Applicant would use the existing office and shop on-site for operations and maintenance, and would park up to 50 vehicles on the eastern portion of the property. Disposal trucks would leave the property between 5 and 7 AM and return between 2 and 5 PM. In the second phase of the proposal, the Applicant would construct a 10,000 square foot maintenance shop. In a third phase of development, the Applicant would construct an 11,250 square foot transload or bailing facility.¹ *Exhibit 1, Staff Report, page 1, Exhibit 2; Exhibit 3.*

¹ The property is identified by tax parcel number 043015-4140125. A legal description of the property is included with the application materials. *Exhibit 2.*

2. Clallam County (County) determined that the application was complete on March 24, 2017. On April 7, 2017, the County mailed notice of the application and associated public hearing to property owners within 300 feet of the subject property, as well as to other property owners within the Carlsborg Industrial Area and applicable departments and government agencies. On April 10, 2017, the County published notice in the *Peninsula Daily News*. On April 19, 2017, the County posted notice at the subject property. As discussed in detail below, the County received several comments from applicable agencies and members of the public in response to its notice materials. *Exhibit 1, Staff Report, page 3; Exhibits 8 through 16; Exhibit 18.*

State Environmental Policy Act

3. The Clallam County Department of Community Development (DCD) acted as lead agency and analyzed the environmental impacts of the project as required by the State Environmental Policy Act (SEPA), Chapter 43.21C Revised Code of Washington (RCW). The County analyzed the Applicant's Environmental Checklist and other available information and determined that, with mitigation measures, the proposal would not have a probable significant adverse impact on the environment. Accordingly, DCD issued a Mitigated Determination of Nonsignificance (MDNS) on April 6, 2017. The MDNS requires that the Applicant submit an engineered stormwater management plan satisfying the requirements of the 2012 Stormwater Management Manual for Western Washington, prior to commencing land disturbing activities; submit a lighting plan to ensure no off-site glare occurs on the street or adjacent properties; ensure that noise generated by the proposal does not exceed maximum environmental noise standards in Chapter 173-60 Washington Administrative Code (WAC); and submit a landscaping plan. No public comments were received on the MDNS and the determination was not appealed. *Exhibit 6.*

Comprehensive Plan, Zoning, and Surrounding Property

4. The 4.45-acre property is located within the Sequim-Dungeness Planning Region as part of the County's Regional Comprehensive Plan and is within the Carlsborg Urban Growth Area (UGA). *Chapter 31.03 Clallam County Code (CCC); Chapter 33.20 CCC.* County staff specifically noted that the Comprehensive Plan encourages industrial and commercial business to locate within UGAs (CCC 31.02.275) and that the business would provide 55 jobs, consistent with the vision of the Carlsborg UGA (CCC 31.03.350(1)). The property is zoned Carlsborg Industrial (CI), which allows for "low nuisance uses." *CCC 33.20.030(6). Exhibit 1, Staff Report, pages 1, 2, and 4.*
5. The property contains an existing office building and maintenance shop, a large open yard for storage of equipment and materials, and several parking areas. The property was previously used as a commercial dog kennel and, most recently, as the location of Primo Construction. The proposed business would repurpose the existing site and would involve parking the fleet of disposal trucks, when they are not hauling waste; maintaining the fleet; and operating the business from within the existing office building. The

property is accessed off Carlsborg Road from two points, although the northern access point was recently torn up as part of the Public Utility District's (PUD) Carlsborg Sewer Project. When reconstructed, company employees would use the northern access point to reach the employee parking lot. The company's fleet of trucks, as well as any customers, would enter and exit the site from the southern access point to avoid impacting residential properties to the north. Surrounding development consists of a mix of residential lots and various businesses. All properties sharing a common property line are zoned Carlsborg Industrial and are within the Carlsborg UGA. The Olympic Discovery Trail runs adjacent to the southern boundary of the property. A small triangular parcel southwest of the site is owned by the Port of Port Angeles and is used as a parking lot for the trail. *Exhibit 1, Staff Report, page 2; Exhibit 2; Exhibit 3.*

6. The property is within a Critical Aquifer Recharge Area (CARA), and, as such, all development would need to satisfy the requirements of Chapter 27.12 CCC, Part 6, which is intended to: (1) provide water quality protection associated with aquifer recharge areas through the regulation of land use activities that pose a potential contaminant threat or could increase the vulnerability of the aquifer; (2) identify, preserve, and protect aquifer recharge areas and prevent degradation of the quality of potable ground water; and (3) recognize the relationship between surface and ground water resources. As noted above, the Applicant would submit an engineered stormwater management plan, prior to commencing operations or land disturbing activities, to ensure that the CARA is not impacted by development. *Exhibit 1, Staff Report, pages 2 and 11; Exhibit 6.*
7. The property is also within zones 5 and 6 of the Airport Overlay District. As required by CCC 33.08.050, the proposed use is not prohibited in the Airport Overlay District, would not require ground storage of flammable substances or more than 6,000 gallons of fuel, would not create electrical interference or emissions that would impact the airport, would not foster an increase in the bird population, and would not be lit in a way that would mimic airport lights. *Exhibit 1, Staff Report, pages 7 and 8.*

Conditional Use Permit

8. Industrial uses, including storage facilities, transfer facilities, and heavy vehicular storage and repair are allowed within the CI zone, with a conditional use permit, if they are adjacent to residential zones or development. *CCC 33.03.010(47); CCC 33.20.040.* Because two residential parcels abut the northwest portion of the property (adjacent to the employee parking lot), a CUP is required. CCC 33.20.040(A) directs that particular attention be paid to ensure adequate buffering and protection against impacts to neighboring residences from sound, objectionable odors, light and glare, and operational or structural issues affecting aesthetics. *Exhibit 1, Staff Report, pages 2 through 5; Exhibit 3.*

9. No immediate construction of buildings would occur on-site in operating the proposed hauling and maintenance facility. Paving and implementation of a stormwater maintenance plan would occur, however, to ensure that groundwater is protected from the infiltration of oils, metals, and other liquids associated with the truck fleet. The fleet of trucks would be parked on the eastern half of the property, which is surrounded by similar commercial or industrial businesses. Repair and maintenance of the fleet would take place inside the existing shop on-site. With future site development, the Applicant would construct a new maintenance facility and, potentially, a transload or bailing facility, but all significant repair and maintenance would continue to occur inside. The Applicant would comply with the County's noise ordinances, Chapter 15.30 CCC, and the only anticipated noise impacts from the proposal would be from the fleet of trucks exiting and entering the site. Trucks would be parked as far from the residential properties as possible and would not use backing alarms during the morning departure from the site. In addition, the fleet of trucks would access the site from the southern access point, as far from the residential properties to the north as possible. No objectionable odors are expected from the proposed use because the disposal trucks would be empty when entering and exiting the site for storage and maintenance. All other site activities (including with the proposed bailing/transload facility) would occur indoors. The additional proposed buildings for the site would be sited to create a buffer between the residences to the north and the area where the truck fleet would be parked when not in use. *Exhibit 1, Staff Report, pages 5 and 6; Exhibit 2; Exhibit 3; Exhibit 17.*
10. An existing landscaping buffer already exists along Carlsborg Road, which abuts the property to the west. The Applicant would prepare and implement a landscape plan prior to site occupancy, including installing additional landscaping along the northern property line, which abuts the residential properties, as well as replacing a wooden fence that was removed during the PUD's sewer line installation project. The Applicant would also install additional landscaping along the southern property line, adjacent to the Olympic Discovery Trail. *Exhibit 1, Staff Report, pages 5 through 7; Exhibit 2; Exhibit 3; Exhibit 17.*
11. The height of the additional proposed buildings for the site would be approximately 32 feet, below the maximum 36-foot height allowed within the CI zone. The Applicant would submit and implement a lighting plan to ensure that lighting within the development area does not create glare or negatively impact adjacent properties. *Exhibit 1, Staff Report, pages 6 and 7.*

Agency and Public Comments

12. The County received several agency comments in response to its notice materials:
 - The County's Environmental Health Division noted that water is currently available to the site through the PUD, that the site would connect to the Carlsborg sewer, and that an existing septic system on-site would be decommissioned.

- The County's Building Division indicated that building permits would be required for the new facilities and that demolition permits would be necessary if any structures are removed.
- The County's Public Works Department stated that it would require an engineered drainage plan for the proposal.
- County Hydrogeologist Carol Creasey noted that the project is within a CARA and that development would need to conform to CCC 27.12.615. She stated that drywells on-site would be prohibited, that all new commercial or industrial uses should remove contaminants prior to their point of entry into surface or groundwater resources using available and reasonable best practices, and that a stormwater maintenance and infiltration system should be maintained.
- Clallam County Fire District #3 stated that it had no concerns with the proposal.
- The Southwest Regional Office of the Washington State Department of Ecology (DOE) stated that, if soil or water contamination is suspected, discovered, or occurs on-site, DOE must be notified. It also noted that erosion control measures must be put in place prior to any clearing, grading, or construction, to ensure that stormwater runoff does not carry pollutants into surface water or stormdrains leading to waters of the state.

Exhibit 1, Staff Report, page 3; Exhibits 8 through 16; Exhibit 18.

13. The County received two written public comments in response to its notice materials, both from area resident Richard Mazzotta. Mr. Mazzotta expressed concerns with groundwater contamination from seepage or fire suppression activities; the impact of offensive smells on neighboring properties; visual impacts, especially glare from nighttime lights; hours of operation for the business; impacts from use of heavy trucks in a residential area; impacts from road deterioration caused by heavy trucks; lines of sight for motorists, pedestrians, and bicyclists, especially with the proximity of the Olympic Discovery Trail; pest control; and impacts from diesel exhaust. *Exhibit 15; Exhibit 18.*
14. Applicant Representative Chris Giraldes responded, in writing, to Mr. Mazzotta's comments. Specifically, he noted that the proposal would comply with all DOE requirements for avoiding groundwater and air pollution and would comply with all requirements of the municipal code, including critical areas ordinances; that all exterior lighting would be downward-facing LED lighting, with deflector shields to prevent light seepage; and that the Applicant's current sites have not received odor complaints. *Exhibit 18.*

Public Testimony

15. County Senior Planner Donella Clark testified generally about the application and explained the proposal. She noted that, initially, because of the neighboring residential parcels, the County had concerns about use of the northern access point for the property but that the Applicant's plans assuaged these concerns. Specifically, Ms. Clark stressed that the vehicle fleet would use the southern access point to enter and exit the property,

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and the fleet would be routed to the truck parking area along the southern boundary of the site to ensure residential properties to the north are not impacted by the fleet's movements. Ms. Clark noted that a stormwater plan would be required for the proposal to ensure that no infiltration of contaminants occurs and that a lighting plan and landscaping plan would be required to mitigate visual impacts. She also recognized that the alignment of the Olympic Discovery Trail has caused some line-of-sight issues with Carlsborg Road but that the trail would soon be better aligned to minimize this problem.
Testimony of Ms. Clark.

16. Ms. Clark also explained that, through a technical problem, the County's website incorrectly stated that the open record hearing on the project would occur at 11 AM, not at 3 PM, but that all other notice materials related to the proposal correctly stated the hearing time. Because Mr. Mazzotta showed up at 11 AM for the hearing but could not return in the afternoon, the County agreed it would be appropriate to leave the record open for him to provide any additional comments he had planned on testifying to or submitting at the hearing. Those additional comments are incorporated in Finding 13.
Exhibit 18; Testimony of Ms. Clark.
17. Mr. Giraldes testified that, were the Applicant to build a bailing or transloading facility on-site as part of development, operation of the bailer would occur indoors and would not impact adjacent properties. He explained that trucks within the fleet would be assigned to specific stalls, and the Applicant would ensure that any fluid leaks from the fleet would be immediately addressed. Mr. Giraldes noted that the Applicant operates several similar sites in the region and that he is unaware of any complaints they have received related to noise, odor, or lighting, or any pollution-related problems. He also explained that the Applicant would employ professional drivers who would ensure that traffic impacts in the area would be minimized. Mr. Giraldes testified that standard hours of operation for the business on-site would be from 7 AM to 6 PM, although disposal trucks would leave the site between 5 and 7 AM. All major fleet repairs would occur during daytime hours. Mr. Giraldes also stressed that the site would not be used for waste storage—just storage and maintenance of the waste disposal fleet—and that the Applicant would perform pest control on-site year round. He noted that, through implementation of the required SEPA mitigation measures, and compliance with all DOE and municipal code requirements, the concerns raised by Mr. Mazzotta would be adequately addressed. *Testimony of Mr. Giraldes.*
18. Property owner Chuck Parrish testified that the parcel owned by the Port of Port Angeles has been used as a parking lot, and for access to the project site, for at least 16 years. He explained that he is working to acquire the parcel from the Port, but the process has not yet been completed. Mr. Parrish also stated that he owns one of the residential properties that abut the project site to the north and that he has no concerns about the proposal.
Testimony of Mr. Parrish.

19. Area resident Theresa Park West testified that she lives just up the street from the proposal and provides holistic treatment at her property. She explained that she is not opposed to the proposal or to additional development within the UGA but wants to ensure that growth is pursued in a sensible manner, especially that noise, traffic, and odor concerns are adequately addressed. In response to Ms. West's comments, Mr. Giraldes stressed that the site would have fewer odor impacts than a nearby marijuana production facility and that several measures would be taken to ensure that noise and traffic impacts are appropriately mitigated. *Testimony of Ms. West; Testimony of Mr. Giraldes.*

Staff Recommendation

20. Ms. Clark testified that County staff recommends approval of the conditional use permit, with conditions. The conditions would require that the truck fleet use only the existing southern access point for the site; that applicable portions of the site be paved prior to the fleet being parked on-site and that an engineered drainage plan be submitted and approved; that all mitigation requirements of the MDNS be implemented; that trucks be parked as far from the residential properties as possible and that no backing alarms be used during morning departures from the site; that a landscaping plan be submitted and approved providing minimum required visual buffers for the residential properties to the north and along the boundary abutting the Olympic Discovery Trail to the south; that permits be obtained prior to construction of additional buildings; that the property be connected to the municipal sewer; that the project comply with requirements for the Airport Overlay District; and that the use be fully developed within six years. Mr. Giraldes testified that the Applicant understand and agrees with the County's proposed conditions. *Exhibit 1, Staff Report, pages 10 through 12; Testimony of Ms. Clark; Testimony of Mr. Giraldes.*

CONCLUSIONS

Jurisdiction

The Hearing Examiner has jurisdiction to hear and decide conditional use permit applications. The Hearing Examiner may approve, approve with conditions, or deny a conditional use permit application based on the decision criteria, staff report, public comments, and discussion of the issues. *CCC 26.04.060(2)(b); CCC 33.27.040(2).*

Criteria for Review

Under CCC 33.27.040(1), the Hearing Examiner may approve a Conditional Use Permit when all of the following criteria are met:

- a. The proposed action is consistent with the spirit and intent of the Clallam County Comprehensive Plan.
- b. The proposed action is consistent with the [zoning code].
- c. The proposed action is consistent with land uses within the zoning district in which it is located and in the vicinity of the subject property.

- d. The proposed action will have no unreasonable adverse impact on the surrounding land uses [that] cannot be mitigated through the application of reasonable conditions.

Under CCC 33.27.040(2), the Hearing Examiner may attach reasonable conditions to any permit approval as may be necessary to ensure that development will comply with the criteria for approval. Such conditions may include, but are not limited to, the following:

Construction sequence and timing, operation and maintenance, duration of use, removal of development upon termination of use, compliance with approved engineering plans and specifications, off-street parking, setbacks, special screening, lighting, site access, site size, road dedications, signing, structure height, siting of structures and improvements, strategies to minimize adverse environmental impacts as specified in the environmental analysis required by the County Environmental Policy Code, Chapter 27.01 CCC.

CCC 33.27.040(2).

The criteria for review adopted by the Clallam County Board of Commissioners are designed to implement the requirement of Chapter 36.70B RCW to enact the Growth Management Act. In particular, RCW 36.70B.040 mandates that local jurisdictions review proposed development to ensure consistency with County development regulations, considering the type of land use, the level of development, infrastructure, and the characteristics of development. *RCW 36.70B.040.*

Conclusions Based on Findings

1. **The proposal would be consistent with the spirit and intent of the Clallam County Comprehensive Plan.** The Applicant seeks a conditional use permit to repurpose an existing site for the operation and maintenance of a waste disposal hauling company. The expansion would involve the addition of a 10,000 square foot maintenance shop and construction of an 11,250 square foot transload or bailing facility. The use would be consistent with the Comprehensive Plan designation of the property, CI, which encourages a mix of land uses. The Comprehensive Plan also encourages industrial and commercial businesses to locate within UGAs, and the proposal would be located within the Carlsborg UGA. The business would also provide 55 jobs, consistent with the vision of the Carlsborg Industrial Area. Except for the two times of day when the truck fleet would leave and return to the site, all other on-site uses would be low-intensity and would consist of parking, indoor fleet maintenance, and operation of the existing business. *Findings 1, 4 – 11, 14 – 20.*
2. **With conditions, the proposal would be consistent with the Clallam County zoning code.** Industrial uses, including storage facilities, transfer facilities, and heavy vehicular storage and repair, are allowed within the CI zone, with a conditional use permit, if they

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are adjacent to residential zones or development. Particular attention would be paid to ensure adequate buffering and protection from sound, objectionable odors, light and glare, and aesthetic impacts to neighboring residences. Conditions are necessary to ensure that the truck fleet use only the existing southern access point for the site; that applicable portions of the site be paved prior to the fleet being parked on-site and that an engineered drainage plan be submitted and approved; that all mitigation requirements of the MDNS be implemented; that trucks be parked as far from the residential properties as possible and that no backing alarms be used during morning departures from the site; that a landscaping plan be submitted and approved providing minimum required visual buffers for the residential properties to the north and along the boundary abutting the Olympic Discovery Trail to the south; that permits be obtained prior to construction of additional buildings; that the property be connected to the municipal sewer; that the project comply with requirements for the Airport Overlay District; and that the use be fully developed within six years of project approval. *Findings 1, 4 – 20.*

3. **With conditions, the proposal would be consistent with land uses permitted within the Carlsborg Industrial zone and with other land uses in the vicinity of the subject property.** The proposed use would be located on a 4.55-acre site within the Carlsborg Industrial Area. Low nuisance uses are allowed in the CI zone, and the Applicant would ensure that impacts from noise, sound, and odor are adequately addressed. The Applicant has operated similar facilities on other sites in the region without nuisance or pollution-related complaints. In addition, through implementation of mitigation requirements, the Applicant would ensure the proposal does not pollute area groundwater or air. Adjacent properties in the area are also zoned CI and many have similar commercial or industrial uses. As noted in Conclusion 2, conditions are necessary to ensure the proposal does not adversely impact the two residential properties to the north or the Olympic Discovery Trail to the south. Landscape buffers, in particular, would ensure that visual and noise impacts to these properties are adequately addressed. *Findings 1, 4 – 12, 15 – 20.*

4. **The proposal would not have unreasonable adverse impacts on the surrounding land uses that could not be mitigated through the application of reasonable conditions.** The County provided reasonable notice of the application and determined that, with mitigation measures, the proposal would not have a probable significant adverse impact on the environment. The County's SEPA determination was not appealed. The proposal would not have unreasonable impacts on surrounding land uses, especially because the Applicant would implement landscape, lighting, and stormwater mitigation plans prior to occupying and commencing business on-site. Conditions are necessary to ensure that the truck fleet use only the existing southern access point for the site; that applicable portions of the site be paved prior to the fleet being parked on-site and that an engineered drainage plan be submitted and approved; that all mitigation requirements of the MDNS be implemented; that trucks be parked as far from the residential properties as possible and that no backing alarms be used during morning departures from the site; that a landscaping plan be submitted and approved providing

minimum required visual buffers for the residential properties to the north and along the boundary abutting the Olympic Discovery Trail to the south; that permits be obtained prior to construction of additional buildings; that the property be connected to the municipal sewer; that the project comply with requirements for the Airport Overlay District; and that the use be fully developed within six years. *Findings 1 – 20.*

DECISION

Based on the preceding findings and conclusions, the request for a conditional use permit to operate a disposal hauling, operation, and maintenance facility within the Carlsborg Industrial Area at 970 Carlsborg Road is **APPROVED**, with the following conditions:

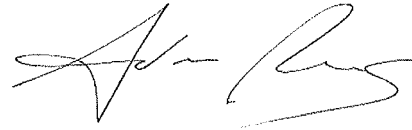
1. Approval is limited to the use of the existing office and shop for operations and maintenance of Murrey's Olympic Disposal Hauling, parking up to 50 vehicles, addition of a 10,000 square foot maintenance shop, and construction of an approximate 11,250 square foot transload or bailing facility. The Applicant shall submit a new site plan for approval prior to construction in order to accommodate access along the south of the property.
2. Access to and from the site by the trucks and the drivers employed shall be limited to the existing southern access point. The northern access to the site may be utilized for office staff parking only.
3. The site shall be asphalted prior to the parking of trucks and a drainage plan submitted and approved.
4. Per the Mitigated Determination of Nonsignificance, issued April 6, 2017, the Applicant shall submit for review and approval to Clallam County an engineered stormwater management plan (SMP) that meets the minimum requirements of the 2012 Stormwater Management Manual for Western Washington prior to commencing land disturbing activities and construction of site improvements. The SMP shall employ runoff quality control best management practices to remove and treat potential contaminants from outdoor vehicle, truck and equipment parking prior to stormwater discharge into surface or groundwater sources.
5. Per the Mitigated Determination of Nonsignificance, issued April 6, 2017, a lighting plan shall be submitted and approved prior to the issuance of any building permit to ensure no off-site glare to the street or adjacent properties. All outdoor lighting shall be directed downward and shielded to prevent glare and light trespass onto neighboring properties and roads. The lighting plan shall be prepared by a qualified professional and note the location, type, and intensity of lighting. It shall also demonstrate how location, type, and mitigation measures (i.e., shielding) will prevent glare and light trespass. The approved plan must be implemented and any significant changes to the number of lighting fixtures,

location, and intensity will require an updated lighting plan to be approved by Clallam County.

6. Per the Mitigated Determination of Nonsignificance, issued April 6, 2017, noise generated by the proposal shall not exceed the WA State Department of Ecology's rules on maximum environmental noise, in Chapter 173-60 Washington Administrative Code (WAC).
7. The trucks on site shall be parked as far from the residential properties as possible and no backing alarms shall be used during the morning departure from the site.
8. A landscaping plan shall be submitted and approved in accordance with Chapter 33.53 CCC and CCC 33.20.060, which shall address a minimum 10-foot visual screen and include construction of a wooden fence between the site and the residences to the north.
9. Per the Mitigated Determination of Nonsignificance, issued April 6, 2017, the landscaping plan shall meet the minimum standard of a visual buffer in accordance with Chapter 33.53 CCC and CCC 33.20.060 along the Olympic Discovery Trail.
10. Construction of the proposed buildings will require commercial building permits and plan review. The building shall meet the requirements of the County Fire Protection Ordinance, Chapter 21.02 CCC, and requirements for the Washington State Energy Code and Accessibility Standards.
11. The property shall be connected to the sewer prior to occupancy of the property. A decommissioning permit for the existing septic system is required through the Environmental Health Division.
12. The site may not utilize ground storage of a flammable substance or fuel of more than 6000 gallons in accordance with the Airport Overly protection standard, CCC 33.08.050(5).
13. Any signage or changes to existing signage must comply with the requirements of CCC 33.57.040.
14. This CUP approval shall cease effectiveness if the use is not completely developed and operational within six years of the date of issuance. The Hearing Examiner may extend the approval for one additional year. Not later than forty-five days prior to the termination of the initial approval period, the Applicant shall submit a written request for extension to the Administrator. If the Applicant has not requested an extension by the termination date, effectiveness of the conditional use permit shall be invalid and further development of the project shall immediately cease. If the conditional use is properly

constructed in the allocated time, the conditional use permit is valid throughout the lifetime of the project.

Decided this 22nd day of May 2017.



Andrew M. Reeves
Hearing Examiner
Sound Law Center