



KITSAP COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

614 DIVISION STREET MS-36, PORT ORCHARD WASHINGTON 98366-4682

CINDY BAKER, DIRECTOR

(360) 337-7181 FAX (360) 337-4925 HOME PAGE - www.kitsapgov.com/dcd/

NOTICE OF ADMINISTRATIVE DECISION

June 22, 2005

To: Interested Parties and Parties of Record

RE: Project Name: Pettit Oil Fueling Facility - KLS
Application: Administrative Site Plan Review
File Number: LIS#04 19427 (292702-1-017-2009)

Enclosed is the Administrative Decision issued by the Kitsap County Department of Community Development (DCD) for the above referenced application.

THE DECISION OF THE DEPARTMENT IS FINAL, UNLESS APPEALED TO THE KITSAP COUNTY HEARING EXAMINER BEFORE THE CLOSE OF BUSINESS ON JULY 7, 2005. PLEASE NOTE: THE COURTHOUSE WILL BE CLOSED ON JULY 4, 2005.

Pursuant to the Kitsap County Land Use and Development Procedures, an appeal may be filed objecting to the Department's Decision. An appeal must be made in writing, and received by the Department of Community Development (DCD). At the time of filing the appeal, the appellant shall pay the sum of two hundred dollars (\$200.00). This fee is non-refundable and subject to change. Make check payable to Kitsap County Department of Community Development (DCD).

The written appeal shall be made on, or attached to, an appeal form provided by DCD, and shall contain the following information.

1. The project name, project applicant, application type, and file number designated by the County;
2. The name, address, and signature of each appellant. If multiple parties file a single appeal, the appeal document shall designate, in writing, one party as the contact representative for all contact with the DCD Director and the Office of the Hearing Examiner. All contact between the County and the appellants regarding the appeal, including notices, shall be through this contact representative; and
3. A written statement of the specific aspect(s) of the Decision and/or SEPA determination being appealed, the reasons why each is in error as a matter of fact or law, and the evidence relied upon to prove the error.

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The complete application file will be available for review at the Department of Community Development, Monday through Friday, except holidays, from 8:15 a.m. to 4:00 p.m.

If you have questions, please contact me at (360) 337-4487 or Jeff Smith at (360) 337-7022.

Sincerely,

Karen Ashcraft
Clerk of the Examiner

CC:

Ralph Bauman, Pettit Oil Company, 638 Marine DR, Port Angeles, WA 98363 2200
Mark Kuhlman, Team4 Engineering, 5819 NE Minder RD, Poulsbo, WA 98370
Tom Waggoner, PO Box 169, Kingston, WA 98346

Interested Parties:

Rebecca & Jason Parker, 26781 Border WY NE, Kingston, WA 98346
Willadee E Martin, 26898 Firwood RD NE, Kingston, WA 98346
Martin B Sebren, KCPUD#1, PO Box 1989, Poulsbo, WA 98370
David Pedersen & Lisa Luke, PO Box 895, Kingston, WA 98346



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STAFF REPORT

ADMINISTRATIVE DECISION

Date: June 22, 2005

Application Date: January 5, 2005

Project: Pettit Oil Fueling Facility - KLS

Type of Application: Site Plan Review

Request:

Ralph Bauman of Pettit Oil is requesting approval to construct an unmanned card lock self-serve fueling facility within the Kingston Lumber Supply (KLS). The fueling facility is to be located on one of two lease areas proposed to serve the industrial park and other heavy equipment operators, or owners of agricultural vehicles in North Kitsap County.

Project Location:

The subject property is located northwest of the intersection of Bond Road and State Highway-104 within the Port Gamble community (Striebels Corner).

Assessor's Account #: 292702-1-017-2009

Applicant:

Ralph Bauman
Pettit Oil Company
638 Marine Drive
Port Angles, WA 98363-2200

Project Representative:

Mark Kuhlman
Team 4 Engineering
5819 NE Minder Road
Poulsbo, WA 98370

Owner of Record:

Tom Waggoner
P.O. Box 169
Kingston, WA 98346

State Environmental Policy Act (SEPA) Status:

Pursuant to WAC 197-11-340, the Responsible Official signed a Mitigated Determination of Nonsignificance (MDNS) on May 27, 2005.

SEPA Comments: The proposal will result in moderate adverse impacts from site development activity, increased traffic to and from the site, and increased impermeable surfaces. The proposed development is required to adhere to all fire safety, stormwater and environmental regulations in the Kitsap County Code (KCC), Title 14, 12 and 19 respectively to mitigate potential impacts. The project falls within a Category II Aquifer Recharge Area of

Concern due to the highly permeable soils located above a shallow principal aquifer, as outlined in KCC Chapter 19.600 Critical Aquifer Recharge Areas. The Fire Marshal's Office lists four conditions to address fire safety, dated February 22, 2005. Stormwater impacts will be mitigated by conditions of the March 18, 2005 memorandum from Kitsap County Development Engineering. Based on the review by Kitsap Public Utility District (KPUD) the local water purveyor and the Kitsap County Health District pursuant to Chapter 19.600, the Health District has issued a letter dated March 4, 2005 with following additional mitigation measures that will be required to reduce susceptibility to ground water contamination: 1) Monitoring wells need to be installed prior to final project approval. 2) A Spill Pollution Control and Counter Measures the plan should be submitted based upon monitoring and approved prior to final project approval. 3) Grading of tank pit for single point drainage. 4) All drainage under the Canopy where spills can occur should drain to a closed system. 5) Automated systems must function at all times and not be bypassed. 6) KPUD shall receive notice of any changes in standard operations and ownership. 7) The property owner will be responsible for any additional water-quality sampling and monitoring requirements that DOH may require as a result.

Background:

The total area for the industrial park is 11.62 acres, approved in January of 2000 through an administrative Site Plan Review for a phased development (File LU-99). Kingston West Industrial Park (KWIP) is 5.86 acres and KLS is 5.85 acres. In 2001, a Binding Site Plan Review was approved creating seven lots in 2001 (File LU-7650). Through the Binding Site Plan for KWIP, approximately 580,000 square feet was approved for industrial development.

To date the development includes McKinley Electric, A-1 Flooring, Paint Smith and Hood Canal Brewery. The above land use decision established a majority of the site plan characteristics for the industrial operation that includes hardscape, stormwater and landscaping. Pettit Oil Fueling Station will occupy one of two approved lease areas located within the KLS development area.

Physical Characteristics:

The undeveloped lease area is approximately .80 of an acre in size, irregularly shaped and located north of the lumber facility. The project site is south of an existing landscape berm and is northwest of an existing commercial driveway approach on to State Highway 104. The project site is proposed to be located across the driveway from the proposed project for Bowman Propane. The Soil Survey of Kitsap County classifies the site as having Indianola loamy sand, 0 to 6-percent slopes. This soil Type is moderately deep, formed by glacial outwash, somewhat excessively drained and generally located on broad uplands.

Comprehensive Plan Designation and Existing Zoning:

The project site is within the KLS area and adjacent to KWIP which are designated and zoned Industrial (I). Pursuant to KCC Section 17.370.010 the purpose of the zone is to provide sites for activities for processing and fabrication, storage and wholesale trade. These facilities require accessibility to major transportation corridors that include highways.

Minimum Lot Area = None
Minimum Lot Width = None
Minimum Lot Depth = None

Minimum Setbacks = 20-feet front yard
= 0-feet side yard
= 0-feet minimum rear yard

Surrounding Land Use and Zoning:

Except for the north side, the Kingston West Industrial Park is surrounded on three sides with Industrial zoned land that includes mini-storage to the west and on the south are several light-manufacturing businesses.

Public Utilities and Public Services:

Water: KPUD No.1
Power: Puget Sound Energy
Sewer: N/A
Police: Kitsap County Sheriff
Fire: Fire Protection District No. 10
Schools: North Kitsap School District No. 400

Transportation:

The KLS site fronts SR-104 that is classified as a principle arterial and has access to SR-307, which is classified as minor arterial through the KWIP. The State has jurisdiction for road access, which was reviewed the original land use proposal and evaluated affect on the State system. Conditions of approval for traffic were included in the original Site Plan approval for projected trips on and off the site.

Off-Street Parking and Loading:

The fuel station includes two (2) fuel pump islands with four (4) pumps underneath the canopy area. Except for one space provided for maintenance staff, all off-street parking will be contained around the fuel pump area. The land use is limited to the fuel station and is not anticipated to generate additional off-street parking beyond the intended use.

Environmental Review:

As defined in KCC Chapter 19.600, Critical Aquifer Recharge Areas, County resource maps show the subject property over an area with a shallow principal aquifer and within a 10-year travel zone for a well to the south on Ritter Road NE, owned by the Kitsap Public Utility District (KPUD). Two principal aquifers were identified within the project vicinity, identified as a perched aquifer and the deeper Port Gamble Aquifer. The groundwater flow direction within the Port Gamble South Aquifer is northwest and discharges into Port Gamble Bay.

Stormwater:

The project is considered to be a major new development, and the civil engineer is required to submit an engineered storm drainage plan with a Site Development Activity Permit. Approximately 44% of the site will be in imperious surfaces, which includes roof and pavement area. The development is expected to use infiltration facilities for stormwater runoff. Development Engineering and the Health District have reviewed the storm drainage designs and is requiring that all drainage under the canopy where spills could occur should

drain to a closed system. Development Engineering has issued a memorandum dated March 18, 2005 with conditions of approval to mitigate stormwater impacts.

Policies and Regulations Applicable to the Subject Proposal:

Kitsap County Code

Road Standards, Title 11

Stormwater, Title 12

Kitsap County Zoning Ordinance (February 15, 1999)

Chapter 110 Definitions

Chapter 370 Industrial Zone

Chapter 400 Land Use Review

Chapter 410 Site Plan Review

Chapter 430 Off-Street Parking and Loading

Chapter 445 Signs

Section 520 Appeals

Section 525 Revocations of Permits or Variances

Kitsap County Land Use and Development Procedures Ordinance (May 18, 1998)

Kitsap County Comprehensive Plan (May 7, 1998)

The following policies from the Comprehensive Plan apply towards the development proposal.

LU-22 Encourage new industrial activities to locate in the areas most conducive to industrial development; e.g., few or no natural limitations to development, reasonable accessibility to major streets and highways, available services and facilities.

LU-23 Industrial park developments may be allowed in all industrial designations and shall include a landscaped setback, berms, walls or other structures to adequately buffer the industrial activities from adjacent residential land uses.

LU-24 The outside storage of equipment or materials within industrial parks shall only be allowed when screened from adjacent properties or public roadways.

Project Analysis:

The commercial fueling site will be located on one of the lease areas that will include fuel pumps, canopy (26' x 28'), control building and two-underground storage fuel tanks. One tank will contain 12,000 gallons of diesel, and the other tank to be 8,000 gallons with two fuel grades.

The facility will not serve the general public but commercial operators. The proposed fueling facility will be unmanned, open 24- hours a day year-around, and will be visited daily by delivery personnel.

The fueling operation is a permitted use within the Industrial zone and the County is required to review the project for consistency with KCC Section 17.410 Site Plan Review. As required by Title 21, KCC, proper public notice was given on the proposed project.

The administrative Site Plan Review Application was reviewed against the requirements in KCC Section 17.410.040(B) Site Plan Review - Standards. The following standards are summarized below.

- A. All uses shall be conducted within a completely enclosed structure.
This standard is applied towards commercial structures and activities to reduce potential visual impacts. This standard does not apply due to the nature of the land use for fueling vehicles.
- B. Criteria addresses roof mounted air conditioning equipment.
This section of the code requires that all roof mounted mechanical equipment to not be visible from the street or abutting lots as feasible. The applicant's proposal does not include outside mechanical equipment. The monitoring equipment will most likely be included within the control building.
- C. Service areas, outdoor service areas and other intrusive site features.
The applicant is not proposing any outside storage areas and is unlikely due to the nature of the fueling operation.
- D. Providing for trash receptacles and screening.
The applicant will be required to comply with all County Solidwaste standards and review will be coordinated through Site Development Activity Permit and Building Permit processes. The applicant has included a trash enclosure on the site plan.
- E. Pedestrian access and design.
This standard is not applicable, the facility will be unmanned and the project is oriented towards the driving public.
- F. Standards for access to roadways.
This standard does not apply; the driveway approach was approved through a previous land use decision that established the driveway location.
- G. Signs permitted according to KCC Section 17.445.
The Applicant will be required to comply with sign requirement in the above Section of the Code. Pursuant to Section KCC17.445.070, (G) Prohibitions – Service stations/businesses with canopies, no advertising or signage is permitted on the spandrels or on canopy. If signage is required beyond the space provided on the monument sign, staff recommends signage on the control building.
- H. Off-street parking and loading per KCC Section 17.435.
See off-street parking comments above.
- I. 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 above section. The applicant is including additional lawn area approximately 15,682 square feet beyond the approved landscaping provided for

Kingston Lumber Supply. If feasible, it is recommended a few trees and shrubs be added to break-up the lawn area.

Chapter 19.600 Critical Aquifer Recharge Areas

The project is located within a Category II Aquifer Recharge Area of Concern as defined by the Comprehensive Plan and Title 19, critical area regulations. A Hydrogeologic Report was prepared pursuant to KCC Table-5, KCC Chapter 19.600 and KCC Chapter 19.700 Special Reports. The report reviews the site conditions and recommends mitigation measures to reduce the susceptibility to groundwater contamination from the proposed land use. The County coordinated review with the local water purveyor and the Health District pursuant to KCC Section 19.600.615.C.2 Development Standards. The Health District and the Water District submitted letters with conditions of approval for groundwater protection on March 4, 2005 and March 3, 2005 respectively.

The applicant’s consultant estimates that in the worst-case spill scenario that the perched aquifer would reduce the downward movement into deeper aquifers. In addition, the project will exceed Environmental Protection Agency and Washington State Department of Ecology requirements and include alarms, automatic shut off valves for filling tanks and vehicles, automatic line leak detection and other safety measures. A recommendation was made to drill a monitoring well to confirm the presence of the perched aquifer located beneath the project site.

- County Health District: A letter dated March 4, 2005 recommends approval with conditions.
- County Development Engineering/
Public Works: A memorandum dated March 18, 2005 recommends approval, subject to conditions, from the Engineering, Stormwater, Traffic/Transportation, Wastewater, and Solid Waste Divisions.
- County Fire Prevention Bureau: Specific requirements are noted on the stamped copy dated February 22, 2005 of the site plan.
- Public Input: Rebecca & Jason Parker, 26781 Border Way NE, Kingston, WA 98346, Willadee E. Martin, 26898 Firwood Rd., Kingston, David Pedersen & Lisa Luke P.O. Box 895, Kingston, Martin Sebren, KPUD, P.O. Box 1989, Poulsbo, 98370

Site Plan Review Findings:

Staff has reviewed the proposed Site Plan Review application against the requirements in Sections 17.410 and 19.600 of the Kitsap County Code and found the project consistent. The following are findings for the Pettit Oil Fueling Station:

1. The proposed development/use is one permitted within the subject zoning designations and complies with all of the applicable provisions of this title and all other applicable regulations, including prescribed development/performance standards and design guidelines.

2. The proposed development would be harmonious and compatible with existing and future developments within the land use designation and general area.
3. The subject site is physically suitable for the type, density and intensity of the use being proposed.
4. Appropriate provisions have been made for the public health, safety and general welfare for open spaces, drainage ways, streets or roads, alleys and other public right-of-ways, transit stops, potable water supply, sanitary waste, parks and recreation, playgrounds, schools and all other relevant facts, including: sidewalks or other planning features that ensure safe walking conditions for students who walk to and from school.
5. The location, size, design and operating characteristics of the proposed development/use would not be detrimental to the public interest, health, safety, or welfare of the County.

Decision:

Based upon the above findings, the Site Plan Review request for Pettit Oil Fueling Station is **approved**, subject to the following conditions:

1. Site Plan/Civil Construction Plan Review.
2. Land use approval is limited to the uses proposed by the applicant. Any modifications to 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 SEPA WAC 197-11-350, a MDNS was issued with conditions. The applicant shall follow conditions to mitigate impacts to groundwater based on the review of the Health District, KPUD and agreed upon by the applicant.
4. Parking lot and control building security lighting cannot exceed one (1) candle at the property lines consistent with KCC Sections 17.435 Off-street Parking and Loading and 17.455.110 Obnoxious Things.
5. Pursuant to KCC 21.04, land use approval is valid for a period of up to three (3) years from the decision date during which all final approval must be made.

Kitsap County Health District considers this project to be a viable project based upon the supporting information contained in the above referenced report with the following conditions/considerations to assure protection for the critical aquifer:

6. Monitoring wells need to be installed prior to final project approval to determine site hydraulic gradient and conditions to appropriately establish a monitoring program to protect groundwater resources. This local investigation should ideally be completed in specific phases:
 - a. One well should initially be installed to determine depth to first water and ideally thickness of saturated sediment above the silt layer believed to lie beneath the site. This well would likely be completed to the silt layer but should probably not exceed 100-feet bgs. Should

- this boring show unsaturated sediments to this depth, additional monitoring wells would not be installed. If the silt layer is not encountered it should be assumed the aquifer is unconfined.
- b. Two additional wells should be installed at appropriate locations to first water to determine hydraulic gradient and if sited properly could be utilized as monitoring locations for the facility.
 7. Based upon the information gathered a monitoring plan and an SPCC plan should be submitted, reviewed, and approved prior to final project approval. It is acknowledged that an SPCC plan is not typically required for a facility this size but is recommended to provide additional detail and documentation of methods proposed to assure protection of the aquifer.
 8. Consideration should be made for a tertiary layer of protection to the aquifer by grading the tank pit and trenches to a single low point, lining them prior to installing gravel base. A monitoring port could be put at that low point to detect leaks in the system.
 9. Currently the project appears to propose an open system for stormwater/drainage under the canopy to go to an oil water separator, then to a settling pond prior to an infiltration gallery. All drainage under the canopy where spills could occur from filling operations should drain to a closed system.
 10. All other applicable requirements for Kitsap County Health District shall be adhered to for this project.

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

11. Fuel dispensing is covered under Chapter 22 and the storage and Chapter 34 of the International Fire Code covers use of flammable liquids.
12. Fire apparatus 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.
13. A Kitsap County Unified Hazardous Materials Plan (KCUHMP) may be required for the project due to the amount of hazardous materials in the business. A complete listing of each hazardous material, Material Safety Data Sheets, quantities of each material to be used and stored, and a description of the operation will be required at the time of building permit application. An electronic version is available of the KCUHMP at www.kitsapgov.com/dcd/fm.
14. A separate Fire Code Permit will be required to maintain, store, use or handle materials, or to conduct processes, which produce conditions hazardous to life or property.

The requirements of Development Engineering and Public Works shall be met, including the following:

15. Construction plans and profiles for all roads, storm drainage facilities and appurtenances prepared by the developer's engineer shall be submitted to Kitsap County for review and acceptance. No construction shall be started prior to said plan acceptance.

STORMWATER

16. The information provided demonstrates this proposal is a *Major Development* as defined in Kitsap County Code Title 12, and as such will require a Site Development Activity Permit (SDAP) from Development Engineering.
17. Stormwater quantity control, quality treatment, and erosion and sedimentation control shall be designed in accordance with Kitsap County Code Title 12 or as amended at the time of SDAP application. A civil engineer licensed in the State of Washington shall prepare the submittal documents. The fees and submittal requirements shall be in accordance with Kitsap County Ordinances in effect at the time of SDAP application.
18. The design of the infiltration facilities will be according to Section 5.3.5 of the Kitsap County Stormwater Design Manual. Soils exploration shall be performed at the proposed location of the facilities before final design to determine the infiltration rate and depth to seasonal high ground water table and/or impermeable layer. The soil report shall include Particle-Size Analysis performed by ASTM Test Method D-422-63, soil log elevation, and location. The storage volume of the facility shall be adjusted to reflect the true infiltration rates with a safety factor of two applied. A Soils Engineer shall prepare the above information.
19. The infiltration facilities shall remain off line until the drainage areas are stabilized and the water quality treatment facility is adequately established. In addition, retention ponds shall not be utilized as temporary erosion and sedimentation control ponds.
20. During the construction of the proposed infiltration facilities, the Project Engineer shall provide an inspection to verify that the facilities are installed in accordance with the design documents and that actual soil conditions encountered meet the design assumptions. The Project Engineer shall submit the inspection report properly stamped and sealed with a professional engineers stamp to Development Engineering.
21. All retention facilities shall be a minimum of 200 feet from any slope steeper than 30%. This distance may be reduced based on a geotechnical engineering report. That analysis will be prepared by a Civil Engineer licensed in the State of Washington, knowledgeable in the practice of soils engineering and mechanics. The analysis will address the effects of groundwater infiltration, seepage, potential slip planes, and changes in soil bearing strength. The proposed facilities will be designed following the recommendations of the geotechnical analysis.
22. The owner shall be responsible for maintenance of the storm drainage facilities for this development following construction. Before issuance of Occupancy Permits for this development, 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.

23. A dead-end sump is required for surface drainage of the fuel island. The fuel island will not be allowed to connect to the infiltration system.

SOLIDWASTE

24. Contact 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. Provide documentation from the solid waste/recycling service provider that their requirements for this project have been met.
25. Show solid waste dumpster location, method for securing the enclosure gates in an open position and pad sizes on the civil plans submitted for approval. Details of the enclosure, including interior dimensions, building materials and lighting must be included with the civil plans prior to final approval. These details may be architectural drawings attached to the civil plans. Provided area must accommodate a minimum 6-yard dumpster.

This Administrative Decision issued on June 22, 2005. This Decision of the Director of the Kitsap County Department of Community Development may be appealed to the Kitsap County Hearing Examiner pursuant to Section 120 of the *Kitsap County Land Use and Development Procedures Ordinance* (May 18, 1998). Appeals must be filed with the Department of Community Development by the close of business on JULY 7, 2005. PLEASE NOTE: THE COURTHOUSE WILL BE CLOSED ON JULY 4, 2005.

cc: Ralph Bauman, Pettit Oil Company, 638 Marine Dr, Port Angeles, WA 98363
Team 4 Engineering, 5819 NE Minder Rd, Poulsbo, WA 98370
Tom Waggoner, P.O. Box 169, Kingston, WA 98346
Aspect Consulting, 179 Madrone Lane north, Bainbridge, Island, WA 98110
Interested Parties: Rebecca & Jason Parker, 26781 Border Way NE, Kingston, WA 98346, Willadee E. Martin, 26898 Firwood Rd., Kingston, David Pedersen & Lisa Luke P.O. Box 895, Kingston, Martin Sebren, KPUD, P.O. Box 1989, Poulsbo, 98370
Bremerton-Kitsap County Health District, MS-30
Kitsap County Parks & Recreation Dept., Joseph Coppo, MS-6
Kitsap County Development Engineering / Public Works
DCD Staff Planner Jeff Smith
DCD Code Enforcement
DCD Silverdale Annex
Clerk of Hearing Examiner
DCD File
DCD Building Permit File