



# Kitsap County Department of Community Development

## Hearing Examiner Staff Report and Recommendation

**Report Date:** 5/16/2024  
**Hearing Date:** 5/23/2024

**Application Submittal Date:** 2/2/2022  
**Application Complete Date:** 6/24/2022

**Project Name:**

Hunsung LLC- Conditional Use Permit (CUP) to allow gas station/mini mart  
Type of Application: Type III  
Permit Number: 22-00463

**Project Location:**

5310 SE MILE HILL DR  
PORT ORCHARD, WA 98366  
Commissioner District 2

**Assessor's Account #:**

322402-2-003-2001

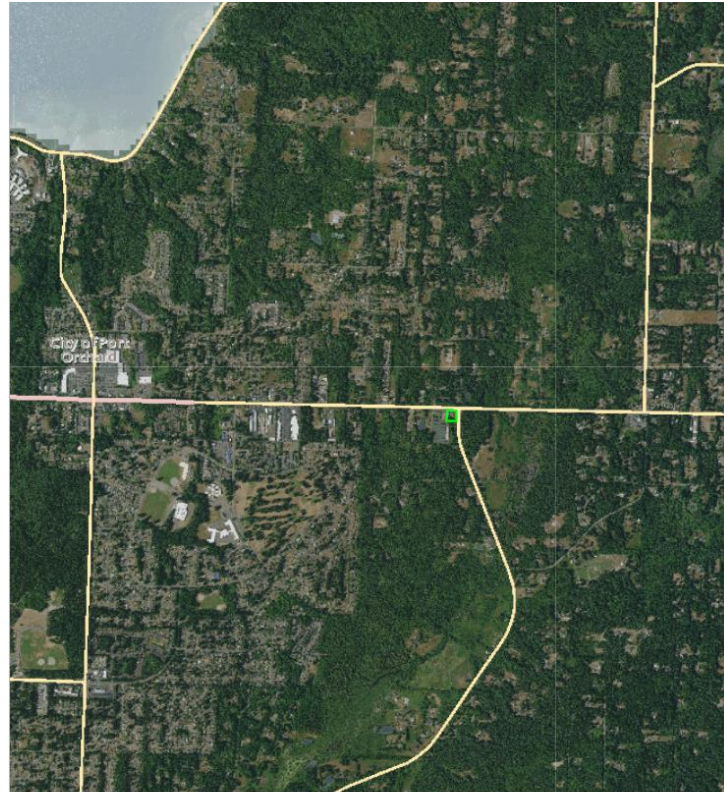
**Applicant/Owner of Record:**

HUNGSUNG LLC  
12422 58TH AVE NW  
GIG HARBOR, WA 98332

**Recommendation Summary:**

Approved subject to conditions listed under section 13 of this report.

Vicinity Map:



### 1. Background

A 1,650 square foot (sf) convenience store was constructed on the 36,155 sf parcel in 1962 according to the Kitsap County Assessor's office. Approximately 11,000 sf of paving was installed in 1987. The original store closed in 2000 to address leaking fuel tanks. Cleanup of the parcel occurred after the store closed which included removing the contaminated soil, fuel tanks, two multiple fuel pump dispensers (MPD), and fuel pump canopy. The property owner installed a monitoring well to ensure no further contamination after this clean-up occurred.

The property owner then procured building permit approval in 2016 to remodel the remaining convenience store by reactivating the walk-in cooler and installing a new roof, ADA compliant

Staff Report: Permit 22-00463 Hunsung LLC- CUP to allow gas station/mini mart

Date: 5/16/2024

restrooms, counters, sinks, electrical, and revised entrance to improve functionality. The permit also identified an installation of the following:

- a 2,000 gallon stormwater holding tank with sensing to prompt pumping of said tank.
- new fuel tanks.
- a new fuel island expanded from the original two MPD to four MPD.

The building permit expired, rendering the project subject to establishing a new use on the project site. Existing Kitsap County Code (KCC) Section 17.410.044 requires a Conditional Use Permit (CUP) to establish a fueling station with a convenience store in the Rural Commercial zoning designation. The current proposal reduces the convenience store square footage to 1,441 sf from the original 1,650 sf. The amount of impervious surface would remain the same, 22,319 sf or 38% of the project site.

## **2. Project Request:**

The applicant is requesting approval of an Administrative Conditional Use Permit (ACUP), a land use permit, to re-establish categorical use 230 Fuel or charging station, with convenience store in the Rural Commercial zoning designation.

## **3. SEPA (State Environmental Policy Act):**

The State Environmental Policy Act (SEPA), found in Chapter 43.21C RCW (Revised Code of Washington), is a state law that requires the County to conduct an environmental impact review of any action that might have a significant, adverse impact on the environment. The review includes the completion of an Environmental Checklist by the applicant and a review of that checklist by the County. If it is determined that there will be environmental impacts, conditions are imposed upon the applicant to mitigate those impacts below the threshold of “major” environmental impacts. If the impacts cannot be mitigated, an environmental impact statement (EIS) must be prepared. The decision following environmental review, which may result in a Determination of Nonsignificance (DNS), Mitigated DNS, or the necessity for an EIS is called a threshold determination. A separate notice of the threshold determination is given by the County. If it is not appealed, it becomes part of the hearing record as it was issued, since it cannot be changed by the Hearing Examiner.

Pursuant to WAC 197-11-355, the optional DNS process was utilized for this project. The SEPA Comment period previously occurred concurrent with the Notice of Application dated 9/23/2022 (Exhibit 11). A Determination of Nonsignificance (DNS) was issued on 5/8/2024 (Exhibit 19). SEPA noted the following information/SEPA mitigation conditions have been imposed and are listed at the end of this report:

The SEPA appeal period expired 5/22/2024. As of the date of this report, no appeals are filed. Should the Department receive no appeals by 5/22/2024 the SEPA determination will be final by the date of the public hearing.

## **4. Physical Characteristics:**

Staff Report: Permit 22-00463 Hunsung LLC- CUP to allow gas station/mini mart

Date: 5/16/2024

The 0.83 acre parcel is ~ 182 feet wide and ~ 200 feet deep, relatively flat, vegetated with grasses and shrubs on the northern portion, and vegetated with trees on the southern portion. No critical areas exist on the parcel.

**Table 1 – Adjacent Land Use and Zoning Designations**

Surrounding Property	Current Land Use	Zoning Designation
North	Misc. Services, Medical Clinics	Rural Commercial (RCO)
South	Single-family residence	Rural Commercial (RCO)
East	Park	Park (P)
West	Warehousing and Storage Facility	Rural Commercial (RCO) and Rural Industrial (RI)

**Table 2 – Density, Dimensions, and Design (KCC 17.420)**

Standard	Standards	Proposed
Land Use Designation: Rural Commercial Zoning Designation: Rural Commercial (RCO)	RCO (12)	
Min. density (du/acre) (57)	N/A	N/A
Max. density (du/acre)	0 (19)	2
Min. lot size	N/A	N/A
Max. lot size	N/A	N/A
Min. lot width (feet)	N/A	~ 200 feet
Min. lot depth (feet)	N/A	~ 182 feet
Max. height (feet) (37)(40)(50)	35	~ 18 feet
Max. impervious surface coverage	85%	~ 62%
Max. lot coverage	N/A	N/A
<b>Setbacks (34)(35)(48)</b>		
Min. front (feet) (29)(41)(42) (43)(46)	20 (26)	5 feet
Max. front (feet) (41)(42)(43)	N/A	N/A
Min. side (feet)	20, 50 when abutting residential zone (26)	5 feet (11)
Min. rear (feet) (29)(42)(43)	20, 50 when abutting residential zone (26)	

Applicable footnotes:

12. Not Applicable.

19. Not Applicable.

Staff Report: Permit 22-00463 Hunsung LLC- CUP to allow gas station/mini mart

Date: 5/15/2024

26. Not Applicable.

29. Not Applicable.

34. Development abutting a street for which a standard has been established by the Kitsap County arterial plan shall provide a special setback from the centerline of said street or a distance adequate to accommodate one-half of the right-of-way standard established by the arterial plans for the street. The building setback required by the underlying zone shall be in addition to the special setback and shall be measured from the edge of the special setback line. The special setback area shall be treated as additional required yard area and reserved for future street widening purposes.

35. Not Applicable.

37. Not Applicable.

40. Height limitations set forth elsewhere in this title shall not apply to the following: barns, silos, or other farm buildings and structures, provided they are not less than fifty feet from every lot line; chimneys, spires on places of worship, belfries, cupolas, domes, smokestacks, flagpoles, grain elevators, cooling towers, solar energy systems, monuments, fire house towers, masts, aerials, elevator shafts, and other similar projections; and outdoor theater screens, provided said screens contain no advertising matter other than the name of the theater. The proponent seeking exception to the height limitation shall certify that the object being considered under this provision will not shade an existing solar energy system which, by the determination of the director, contributes substantially to the space- or water-heating requirements of a building.

41. Not Applicable.

42. The following exceptions apply to historic lots:

a. Building setback lines that do not meet the requirements of this title but were legally established prior to the adoption of this title shall be considered the building line for alterations, remodels, and accessory structures on the lot or parcel; providing, that no structure or portion of such addition may further project beyond the established building line.

b. Any single-family residential lot of record as defined in Chapter 17.110 that has a smaller width or lot depth than that required by this title, or is less than one acre, may use that residential zoning classification that most closely corresponds to the dimension or dimensions of the lot of record, for the purpose of establishing setbacks from the property lines.

43. Any structure otherwise permitted under this section may be placed on a lot or parcel within a required yard area if the director finds that such a location is necessary because existing sewer systems or roadways make compliance with the yard area requirements of this title impossible without substantial changes to the site.

46. Not Applicable.

50. Not Applicable.

57. Not Applicable.

*Staff Comment: The project will reconstruct and restore existing structures and driving surfaces. The Department must process the permit as if establishing a new categorical use at on the project site since the land use discontinued in the early 2000's. The structures meet the setback requirements for the zoning designation. Furthermore, footnote 43 provides the ability to use the existing configuration of the site.*

**Table 3 – Public Utilities and Services**

Surrounding Property	Current Land Use
Water	West Sound Utility District
Power	Puget Sound Energy
Sewer	Septic
Police	Kitsap County Sheriff
Fire	South Kitsap Fire & Rescue
School	South Kitsap School District .402

**5. Access:**

Mile Hill Drive and Long Lake Road, county maintained rights-of-way, provide direct access to the project site.

**6. Site Design:**

The site design includes a rehabilitated fueling island and canopy, convenience store, drive aisles, and parking on the northern half of the site (see Site Plan). The existing septic system is located on the southern portion of the site. Vegetative buffers surround the site except for the ingress and egress points.

**7. 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.

Kitsap County Comprehensive Plan, adopted June 30, 2016 with annual updates through April 2020. The following Comprehensive Plan goals and policies are most relevant to this application:

*Land Use Goal 14*

*Foster rural business and business opportunities on designated commercial and industrial lands in the rural area, while balancing protection of rural character.*

*Land Use Policy 53*

*Outside of the Type III Limited Area of More Intensive Rural Development (LAMIRD), limit development only to that which serves rural residential or resource needs and does not draw population from Urban Growth Areas. This policy is implemented through Comprehensive Plan Land Use designation, zoning designation, and zoning code provisions.*

Date: 5/16/2024

*Land Use Policy 57*

*Unlimited expansion of commercial and industrial uses in the rural areas is not appropriate. Accordingly, only limited new commercial and industrial uses will be permitted in the rural areas. Such commercial and industrial uses must be consistent with the Growth Management Act and Comprehensive Plan requirements for rural areas, preserve Kitsap County’s rural character, and shall not allow urban-type uses or services.*

*Economic Development Goal 1*

*Promote a healthy and divers economy that provides for a strong and diverse tax base, encourages business formation, retention, and expansion; creates industrial and professional business and employment opportunities to attract new business to the County.*

*Economic Development Policy 3*

*Provide a diverse mix and appropriate range of commercial, industrial and business and uses that will encourage economic activity capable of providing living-wage jobs and reasonably scaled to the needs of the community.*

The County’s development regulations are contained within the Kitsap County Code. The following development regulations are most relevant to this application:

Code Reference	Subject
Title 12	Storm Water Drainage
Title 13	Water and Sewers
Title 14	Buildings and Construction
Title 17	Zoning
Chapter 18.04	State Environmental Policy Act (SEPA)
Title 19	Critical Areas Ordinance
Chapter 20.04	Transportation Facilities Concurrency Ordinance
Chapter 21.04	Land Use and Development Procedures

**8. Documents Consulted in the Analysis:**

A complete index of exhibits is located in the project file. To date, the index to the record consists of:

Exhibit #	Document	Dated	Date Received / Accepted
<b>1</b>	<b>STAFF REPORT</b>	<b>05/16/2024</b>	
2	SEPA Checklist	12/30/2021	06/21/2022
3	Water Availability Letter	08/17/2016	06/21/2022
4	Authorization Form	10/27/2021	06/21/2022
5	Project Narrative		06/21/2022

6	Stormwater Worksheet		06/21/2022
7	Remodel Plan Set	10/25/2017	06/21/2022
8	Building Clearance Permit (2016)	08/17/2016	06/21/2022
9	SEPA Attachment – WA State Remedial Investigation – Preliminary Planning Assessment (RI-PPA) Report	07/26/2021	06/21/2022
10	Application Submission Form	06/03/2022	06/21/2022
11	Notice of Application	09/23/2022	
12	Public Comment – Lorca	09/29/2022	
13	Suquamish Tribe Comment – Malcom	09/29/2022	
14	Response to Information Request		04/26/2023
15	SEPA Checklist – Resubmitted	12/30/2021	04/26/2023
16	Response / Compliance with Chapter 17.500		11/14/2023
17	Site Plan Revised		11/14/2023
18	Response to Information Request – 2 <sup>nd</sup>		11/14/2023
19	SEPA Determination	05/08/2024	
20	Notice of Public Hearing	05/08/2024	
21	Certification of Public Notice	05/15/2024	
22	Staff Presentation		
23	Hearing Sign In		

**9. Public Outreach and Comments:**

The Department received two written comments (see exhibits 12 and 13) for the project as summarized below.

The project may result in chemical spills in a Critical Aquifer Recharge area and exists near a fish bearing stream.

*Staff Comment: The Department conditioned the project to provide a hydrogeological study that includes design-based mitigation measures and spill containment strategies. This study will address any potential impacts to the aquifer, downstream effects of stormwater, and identify strategies to address fuel leaks should they occur on the project site.*

**10. Analysis:**

a. Planning/Zoning

17.570.020 Nonconforming uses of land.

Where a lawful use of land exists that is not allowed under current regulations, but was allowed when the use was initially established, that use may be continued so long as it remains otherwise lawful, and shall be deemed a nonconforming use.

A. Unless specifically stated elsewhere in this title, if a nonconforming use not involving a structure has been changed to a conforming use, or if the nonconforming use ceases for a period of twenty-four months or more, said use shall be considered

Date: 5/16/2024

abandoned, and said premises shall thereafter be used only for uses permitted under the provisions in the zone in which it is located.

*Staff Comment: The fueling station and convenience store ceased/discontinued operations in the early 2000's, over the 24 month time threshold, and is now considered abandoned. Kitsap County adopted new regulations since that time, now KCC Section 17.410.052 requires a conditional use permit to establish the categorical use.*

17.550.030 Decision criteria – Conditional use permit.

A. The hearing examiner may approve, approve with conditions, or deny a hearing examiner conditional use permit. Approval or approval with conditions may be granted only when all the following criteria are met:

1. The proposal is consistent with the Comprehensive Plan;

*Applicant Response: Prior use has firmly established the precedent for commercial use suitability. The proposal makes only modifications to the existing building, which was and is designed to function as a convenience store. It is noteworthy that there is asphalt pavement between the existing store and the driving lanes of SE Mile Hill Drive. Such pavement has been there for more than 20-years. The two ingress/egress entrances to the property have been in use for more than 50-years – a further testimony to the suitability of the property for its continued use as a convenience store site with fuel dispensing.*

*As long as people drive vehicles there will be a need for places to dispense fuel. This station has a long history providing convenience goods and selling gas and oil. Because of a fuel tank leakage issue that was addressed 10-12 years ago, the site had to be cleaned up and it was. That meant the station was closed. Now that the site pollution problems have been addressed it is possible to now open the station again. The Comprehensive Plan from 1998 – 2016 classified the site as Commercial. Then in mid-2016 the plan designation changed to Rural Commercial. The Plan and Zoning are the same permitting a number of commercial uses to include convenience stores with fuel dispensing. Thus, the proposal to remodel and re-open the store and install a new fuel island is consistent with the Comprehensive Plan.*

*Staff Comment: The project meets the intent and requirements of the Rural Commercial zoning designation by providing small scale commercial retail and service land uses that incorporate design requirements for the site.*

2. The proposal complies with applicable requirements of this title;

*Staff Comment: Based on the project design and conditions of approval for the permit the project will comply with all applicable requirements of Kitsap County Code.*

3. The proposal will not be materially detrimental to existing or future uses or property in the immediate vicinity; and

*Applicant Response: The Comprehensive Plan classifies the surrounding area as rural. However, there is a difference between an artificial plan designation and evident facts in*



Date: 5/16/2024

*the environment. In this instance the convenience store site is bounded on two-sides by arterial roads, SE Mile Hill Drive and Long Lake Road. On the west is commercial development, a fence business and surrounding that a mini storage facility. The remaining south side is rural residential. Within the site with respect to the south boundary there is 85-feet of "green space" populated with trees, shrubs and grass. Because of the long history of this site's use for a convenience store with gas pumps, it is the pivotal point of commercial development around which other uses have gravitated. For example, this store predates the fence business, and the mini storage facility. Its south "green space" has provided a visual and physical buffer for the few abutting properties that have residential uses. On the north side of SE Mile Hill Drive there is a 40-year-old "office park," and north of that an equestrian facility. On the east side of Long Lake Road, there is an open space park facility that once-up-on-a-time was a 80-acre farm. Consequently, this use, which actually involves remodeling the existing store structure and installing a new fuel island facility with canopy is "materially a necessary and historically significant land use." See also, the project narrative.*

*Staff Comment: The proposal must comply with Kitsap County Codes regarding setbacks, impervious surfaces, landscaping, and other design features. The Rural Commercial zoning designation allows small retail and service commercial land uses that won't be materially detrimental to parcels in the 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.

*Applicant Response: Already mentioned, is the "green space" portion of the site that provides an adequate buffer to properties on the south. New landscaping will be added to the west 10-feet of the property, which abut commercial development. A fence already exists along the property line and the new plantings will be on the inside of that. Along the north and east sides of the property where the existing asphalt is found, planter boxes will be installed to provide landscaping not otherwise feasible. No new improvements are required for in entrances and exits to the property. Since the portion of the site utilized for the store and fueling functions is either asphalt, concrete or gravel, no additional site area will be converted to impervious surface area.*

*Staff Comment: The structures, impervious surfaces, and landscaping all reflect the general character of existing rural commercial land uses on the parcel and in the vicinity.*

KCC Section 17.290.010 Purpose.

The intent and function of the rural commercial zone is to permit the location of small-scale commercial retail businesses and personal services which serve a limited service area and rural population outside established UGAs. The rural commercial zone permits small-scale retail, sales and services located along county roads on small parcels that serve the immediate rural residential population. Rural businesses, which serve the

Date: 5/16/2024

immediate rural population, may be located at crossroads of county roads, state routes, and major arterials.

*Staff Comment: The project includes small scale retail and fueling services consistent with the purpose of the Rural Commercial zoning designation.*

The project must comply with KCC Section 17.420.030 Design standards.

- A. In addition to other standards and requirements imposed by this title, all uses except single-family detached dwellings, duplexes and uses located in the RW, FRL, or MRO zones shall comply with the provisions stated herein. Should a conflict arise between the requirements of this section and other requirements of this title, the most restrictive shall apply.
- B. Landscaping, Building Height, Buffering and Screening.
  - 1. The development must comply with Chapter 17.500 regarding landscaping standards.
  - 2. The director may require increased landscaping, screening and setbacks to minimize conflicts and improve compatibility with adjacent uses.
  - 3. The director may reduce landscaping, screening, and setback requirements:
    - a. Where the nature of established development on adjacent parcels partially or fully provides the screening and buffering which otherwise would be required;
    - b. Where the density of the proposed development is less than that permitted by the zone; or
    - c. Where topographical or other site conditions provide natural screening and buffering.
  - 4. A reduction in landscaping/screening requirements may be approved by the director in conjunction with a joint landscape screening proposal submitted by adjacent landowners for their combined boundaries or for an integrated project located within two or more zones.
- C. Exterior Lighting. In all zones, artificial outdoor lighting shall be arranged so that light is directed away from adjoining properties and so that no more than one foot candle of illumination leaves the property boundaries.

*Staff Comment: The project will provide landscaping and separation buffers as required by Kitsap County Code (KCC). The applicant requested reduced buffers under the auspices that adjacent land uses and zones don't warrant the required partial screening buffers. However, the adjacent land uses which include storage units, single family residence, medical offices, and a park are not similar to a fuel station with a convenience store. This requires at minimum a Partial Screening buffer. The project is not integrated with projects on adjacent parcels, nor the applicant submit agreements between with adjacent property owners to achieve a Partial Screening buffer.*

*The previously existing paved areas (see site plan) reduces the front and side setbacks to less than 20 feet. In this circumstance the Department recommends the addition of a sight obscuring fence on the West and South edges pursuant to KCC Section 17.500.027*

Date: 5/16/2024

*A.2.d. if the site cannot achieve the intent of KCC Section 17.500.027 through vegetation alone.*

The project must comply with KCC Section 17.415.220 Fuel or charging stations.

A. When abutting the Suquamish village residential (SVR) zone or Suquamish village low residential (SVLR) zone, this use requires a conditional use permit.

*Staff Comment: Not applicable. The project is not located in Suquamish.*

B. Use prohibited in the Waaga Way Town Center area (see the Silverdale Design Standards located in Chapter 17.700, Appendix C3).

*Staff Comment: Not applicable. The project is not located in Silverdale.*

C. Use must take access from state route in the Gorst urban growth area. Auto uses with underground storage tanks (such as gas stations) shall not be located in the Gorst Creek floodplain.

*Staff Comment: Not applicable. The project is not located in Gorst.*

D. Fueling or charging stations, with or without convenience store, shall locate on a parcel at least ten thousand square feet in size.

*Staff Comment: The parcel is 36,155 sf which meets this requirement.*

E. Pump islands shall be located a minimum of twenty feet from a property line. However, a canopy or roof structure over a pump island may encroach up to ten feet within this distance. Additionally, the cashier location shall provide direct visual access to the pump islands and the vehicles parked adjacent to the islands.

*Staff Comment: The project locates the pump islands over 20 feet from the front parcel line. Shelving on the west wall, behind the cashier station, shall not impede views of the pump stations and vehicles served by said stations.*

F. The maximum number of points of ingress/egress to any one street shall be two.

*Staff Comment: The proposal includes one ingress/egress to:*

- *Mile Hill Drive.*
- *Long Lake Road.*

G. There shall be a minimum distance of thirty feet between curb cuts along a street frontage.

*Staff Comment: Not applicable. No curb cuts exist. The project is located outside an Urban Growth Area where sidewalks don't exist nor are required as part of the project.*

H. The width of a driveway may not exceed forty feet at the sidewalk intersection.

*Staff Comment: Not applicable. The project is located outside an Urban Growth Area where sidewalks don't exist nor are required as part of the project.*

Date: 5/16/2024

I. A sight-obscuring fence or wall, not less than five feet nor more than six feet in height, shall be provided between the service station and abutting property in any residential zone.

*Staff Comment: Not applicable, within and adjacent to Rural Commercial and Rural Industrial zoning designations.*

J. All lighting shall be of such illumination, direction, and color as not to create a nuisance in adjoining property or a traffic hazard. Under-canopy lighting shall be recessed.

K. When a convenience store, restaurant, or other commercial use is located in conjunction with the service or gas station, a pedestrian walkway from the primary sidewalk and pumping area shall be provided. The walkway shall be clearly delineated and may be painted.

*Staff Comment: Not applicable. The project is located outside an Urban Growth Area where sidewalks don't exist nor are required as part of the project.*

L. Sale of merchandise shall be conducted within a building, except for items used for the maintenance and servicing of automotive vehicles.

*Staff Comment: A condition of approval (see Section 13) restricts the sale of merchandise consistent with this code requirements.*

M. No automotive repairs other than incidental minor repairs or battery or tire changing shall be allowed.

*Staff Comment: A condition of approval (see Section 13) addresses this code requirement.*

N. The station shall not directly abut a residential zone.

*Staff Comment: Not applicable, within and adjacent to Rural Commercial and Rural Industrial zoning designations.*

O. All lighting shall be of such illumination, direction, and color as not to create a nuisance on adjoining property or a traffic hazard.

*Staff Comment: A condition of approval for the project requires downcast lighting that doesn't exceed more than one candle foot of illumination leaving the project site.*

b. Lighting

KCC Section 17.420.030 C. Exterior Lighting. In all zones, artificial outdoor lighting shall be arranged so that light is directed away from adjoining properties and so that no more than one foot candle of illumination leaves the property boundaries.

*Staff Comment: The Department conditioned the permit to reflect the requirements of KCC Section 17.420.030 C.*

c. Off-Street Parking

Use Identified in 17.490.030	Standard	Number of Spaces Required	Number of Spaces Provided
Retail and personal service establishments generating Heavy automobile traffic (e.g., department, drug, and auto parts stores, fitness centers, supermarkets, ice cream parlors, bakeries and beauty and barber shops)	1 space per 200 square feet of gross floor area	1,441 sf / 1 space 200 sf = 6 spaces required	7 spaces and 4 spaces adjacent to the fueling pumps

*Staff Comment: The project provides meets the parking requirements established in KCC Section 17.490.030.*

d. Signage

*Staff Comment: The project proposes a monument sign at the Mile Hill Drive and Long Lake Road intersection, as depicted on the site plan. The Department conditioned the project to comply with KCC Section 17.510 and acquire a separate sign permit.*

e. Landscaping

KCC 17.420 and 17.500 require 15 % landscaping. Native vegetation buffers do not count towards landscaping and must be shown on the site plan (see KCC section 17.500.020 G).

*Staff Comment: Impervious surface percentage will remain at 62%. The remaining 38% includes native vegetation and landscaping. The Department conditioned the project to comply with KCC Chapter 17.500 which requires 15% landscaping. This will be reflected in the SDAP landscaping plan.*

KCC Section 17.500.027

The director may require different buffer types depending on the proposed use of the site and adjacent zones and/or uses. Vegetation-based LID BMPs may be utilized within buffers as long as the primary purpose of the landscaping or screening buffer is not compromised. These types of buffers shall include:

- A. Partial Screening Buffer. This type of landscaping is intended to provide partial visual separation of uses from streets and between compatible uses in order to soften the appearance of parking areas and building elevations.
  - 1. Roadside and Setback Area Buffer. Required along existing or planned roads and side and rear property lines within urban growth areas. The planting area shall encompass the required front setback area, and areas adjacent to side and rear property lines.

2. Separation Buffer. This type of landscaping is intended to create a visual separation that may be less than one hundred percent sight-obscuring between compatible land uses or zones.

Required along the perimeters of multifamily residential, commercial, industrial and public facility development which abut like zones or uses.

- a. Evergreen trees or a combination of approximately sixty percent evergreen and forty percent deciduous trees;
- b. Large shrubs planted between trees;
- c. Ground covers as required;
- d. A sight-obscuring fence may be required, if determined necessary by the department, to reduce site-specific adverse impacts to adjacent land uses.

Landscape Buffers	Required	Proposed
North	Separation Buffer	Separation Buffer
South	Separation Buffer	Separation Buffer
East	Roadside and Setback Buffer	Roadside and Setback Buffer
West	Separation Buffer	Separation Buffer
Street Trees		

*Staff Comment: The project will provide landscaping and separation buffers as required by Kitsap County Code (KCC). The applicant requested reduced buffers under the auspices that adjacent land uses and zones don't warrant the required partial screening buffers. However, the adjacent land uses which include storage units, single family residence, medical offices, and a park are not similar to a fuel station with a convenience store. This requires at minimum a Partial Screening buffer. The project is not integrated with projects on adjacent parcels, nor the applicant submit agreements between with adjacent property owners to achieve a Partial Screening buffer.*

*The previously existing paved areas (see site plan) reduces the front and side setbacks to less than 20 feet. In this circumstance the Department recommends the addition of a sight obscuring fence on the West and South edges pursuant to KCC Section 17.500.027 A.2.d. if the site cannot achieve the intent of KCC Section 17.500.027 through vegetation alone.*

*The project requires a detailed plant schedule with spacing, and implementation notes submitted with the Site Development Activity Permit (SDAP). All installations must comply with KCC Section 17.500.030 Installation and maintenance.*

- f. Frontage Improvements

*Staff Comment: The project is conditioned to provide frontage improvements if reconstruction over the next three years exceeds 50% of the value. The non-motorized*

Date: 5/16/2024

*trail plan indicates a bicycle route passing by the site. Frontage improvements, if required, must include bicycle lanes for the non-motorized trail route.*

g. Design Districts/Requirements

*Staff Comment: Design Districts/Requirements don't exist on the project site.*

h. Development Engineering/Stormwater

*Staff Comment: The Department reviewed the project and supports the proposal concepts. However, the project requires a Site Development Activity Permit (SDAP) which requires compliance with Kitsap County Code (KCC), state laws, and federal laws. Compliance with these requirements will address engineering and stormwater issues.*

i. Environmental

19.600.615 Development standards.

B. Category II Critical Aquifer Recharge Areas.

1. Land uses identified in Table 19.600.620 that are proposed in a Category II aquifer recharge area may be required to submit a hydrogeological report (see Chapter 19.700, Special Reports), as determined in subsection (B)(2) of this section. The scope of the report shall be based on site-specific conditions.

2. The need for a hydrogeological report will be determined by the department, the health district and the affected water purveyor when the proposed land use or activity may impact groundwater and surface water quality and quantity. Based on the results of the report, controls, mitigation, and/or other requirements will be established as a condition of approval.

*Staff Comment: 19.600.620 C.1 – C.4 identifies fueling stations, car repair, or petrochemical sales as potential impacts to Critical Aquifer Recharge areas. The project site exists with a CARA II. Therefore, the Department conditioned the project to provide a hydrogeological study as part of the Site Development Activity Permit (SDAP). This will include a report, controls, mitigation, and spill response requirements prior to development activity commencing on the site.*

*The project will install new fuel tanks that complies with Department of Ecology and Environmental Protection Agency standards. This includes spill reaction plans to address these concerns.*

j. Access, Traffic, and Roads

*Staff Comment: The project proposes to use existing ingress/egress access points from the past use as a fueling station and convenience store.*

k. Fire Safety

*Staff Comment: The project is conditioned to comply with all fire and safety codes.*

l. Solid Waste

Date: 5/16/2024

*Staff Comment: The project is conditioned to comply with solid waste design standards and approvals from appropriate agencies. A Site Development Activity Permit (SDAP) will provide additional design details.*

m. Water/Sewer

*Staff Comment: Public water and a commercial septic system already serve the project site for the proposed use.*

n. Kitsap Public Health District

*Staff Comment: The commercial building clearance submitted to Kitsap Health District must be approved prior to occupancy. Kitsap Public Health District does not have jurisdiction over the grease trap.*

*A Food Service Establishment Permit may be required even if food is not prepared inside the store. Please contact the Food & Living Environment Program at Kitsap Public Health for more information.*

*No closed or abandoned landfills exist within 1000 feet of this parcel.*

**11. Review Authority:**

The Hearing Examiner has review authority for this Conditional Use Permit application under KCC, Sections 17.550.020 and 21.04.100. 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.

**12. Findings:**

1. The proposal is consistent with the Comprehensive Plan.
2. The proposal complies or will comply with requirements of KCC Title 17 and complies with or will comply with all of the other applicable provisions of Kitsap County Code and all other applicable regulations, including all applicable development standards and design guidelines, through the imposed conditions outlined in this report.
3. The proposal is not materially detrimental to existing or future 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.

**13. Recommendation:**

Based upon the analysis above and the decision criteria found in KCC 17.550.030.A, the Department of Community Development recommends that the request to construct a fueling station with a convenience store, Hunsung LLC CUP be approved, subject to the following conditions:



A. Planning/Zoning

1. Review the linked Hearing Examiner decision for conditions of approval. The Staff Report conditions below are only recommended conditions to the Hearing Examiner and may not be valid.
2. The uses of the subject property are limited to the uses proposed by the applicant and any other uses will be subject to further review pursuant to the requirements of the Kitsap County Code (KCC). Unless in conflict with the conditions stated and/or any regulations, all terms and specifications of the application shall be binding conditions of approval. Approval of this project shall not, and is not, to be construed as approval for more extensive or other utilization of the subject property.
3. All required permits shall be obtained prior to commencement of land clearing, construction and/or occupancy.
4. Landscaping shall be installed and maintained in conformance with the requirements of Kitsap County Code (KCC) 17.500. Landscaping shall be installed and inspected prior to requesting a final inspection, or guaranteed by means of an assignment of funds or bonded in the amount of 150 percent of the cost of installation.
5. The previously existing paved areas reduces the front and side setbacks to less than 20 feet. In this circumstance the Department recommends the addition of a sight obscuring fence on the West and South parcel edges pursuant to KCC Section 17.500.027 A.2.d. if the site cannot achieve the intent of KCC Section 17.500.027 through vegetation alone.
6. Any and all signage design and location (including exempt signs) shall comply with Kitsap County Code (KCC) 17.510, and be reviewed and approved by the Department of Community Development prior to installation. Signage may require a separate permit.
7. The recipient of any conditional use permit shall file a Notice of Land Use Binder with the county auditor prior to any of the following: initiation of any further site work, issuance of any development/construction permits by the county, or occupancy/use of the subject property or buildings thereon for the use or activity authorized. The Notice of Land Use Binder shall serve both as an acknowledgment of and agreement to abide by the terms and conditions of the conditional use permit and as a notice to prospective purchasers of the existence of the permit. The Binder shall be prepared and recorded by the Department at the applicant's expense.
8. This Conditional Use Permit approval shall automatically become void if no development permit application is accepted as complete by the Department of Community Development within four years of the Notice of Decision date or the resolution of any appeals.
9. The decision set forth herein is based upon representations made and exhibits contained in the project application (22-00463). Any change(s) or deviation(s) in such plans, proposals, or conditions of approval imposed shall be subject to further review and approval of the County and potentially the Hearing Examiner.
10. The authorization granted herein is subject to all applicable federal, state, and local laws, regulations, and ordinances. Compliance with such laws, regulations, and ordinances is a condition to the approvals granted and is a continuing requirement of such approvals. By accepting this/these approvals, the applicant represents that the

Date: 5/16/2024

development and activities allowed will comply with such laws, regulations, and ordinances. If, during the term of the approval granted, the development and activities permitted do not comply with such laws, regulations, or ordinances, the applicant agrees to promptly bring such development or activities into compliance.

11. Any violation of the conditions of approval shall be grounds to initiate revocation of this Conditional Use Permit.
  12. This permit shall comply with all Kitsap Public Health District regulations and conditions of approval.
  13. Required Minimum Zoning Setbacks-  
Minimum Front (North and East) : 20  
Minimum Rear: 20
- B. Development Engineering
14. The information provided demonstrates this proposal is a Full Drainage Review as defined in Kitsap County Code Title 12 and will require a Site Development Activity Permit (SDAP) from Development Services and Engineering.
  15. Stormwater quantity control, quality treatment, and erosion and sedimentation control shall be designed in accordance with Kitsap County Code Title 12 effective at the time the CUP application was deemed fully complete, (June 24, 2022). The submittal documents shall be prepared by a civil engineer licensed in the State of Washington. The fees and submittal requirements shall be in accordance with Kitsap County Code in effect at the time of SDAP application.
  16. Any project that includes off site improvements that create additional hard surface such as lane widening, sidewalk or shoulder installation or intersection channelization will be required to provide stormwater mitigation in accordance with Kitsap County Code Title 12 effective at the time the CUP application was deemed fully complete, (June 24, 2022).
  17. The design of the infiltration facilities shall be in accordance with Vol. II, Ch. 5.4 of the Kitsap County Stormwater Design Manual.
  18. 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.
  19. Immediately after excavation of the proposed infiltration facilities, the Project Engineer shall provide an inspection(s) to verify that the actual soil conditions encountered meet the design assumptions. The Project Engineer shall submit the inspection report(s), properly stamped and sealed to Development Services and Engineering.
  20. This project includes the construction of a detention vault, which requires a building permit issued by the Department of Community Development. A Structural Engineer, registered in the State of Washington, shall design the vault and prepare the construction drawings. In addition, a geotechnical engineering analysis is required. 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.

Date: 5/16/2024

21. The owner shall be responsible for maintenance of the storm drainage facilities for this development following construction. Before (requesting final building inspection/recording the final plat/binding site plan) 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.

C. Environmental

22. The project requires hydrogeological study as part of the Site Development Activity Permit (SDAP). This will include a report, controls, mitigation, and spill response requirements prior to development activity commencing on the site.
23. The applicant must complete all additional investigations, permits, and required clean up prior to obtaining a certificate of occupancy.

The Remedial Investigation (RI) - Preliminary Planning Assessment (PPA) Report pursuant to Independent Remedial Action concluded that the interim actions did not result in meeting cleanup standards at the site. Data shows that petroleum contaminated groundwater (PCGW) partially extends beneath the east-adjacent Howe Farm County Park, which consists of a historical farm that has been converted to public park use, as well as undeveloped wooded areas and wetlands. The extent of the PCGW related to this sensitive ecosystem has not been fully delineated (critical data gap).

The report also identifies next steps. These next steps include a focused feasibility study that integrates the vapor assessments, written documentation of the stakeholder communication "good faith" effort, and documented property specific No Further Action (NFA) indicating an agreement to exclude off-property contamination as part of the Site closure or engage in Site cleanup to protect human health and the environment, regarding the use of the public Howe Farm County Park and the sensitive wetland ecosystem located southeast of the Site.

D. Traffic and Roads

24. At building permit application, submit KCPW Form 1601 for issuance of a concurrency certificate, as required by KCC Section 20.04.030, Transportation Concurrency.
25. Private driveway approaches to existing County roads shall be reviewed and approved by Development Engineering.
26. Construction of handicap access facilities within existing or proposed County right-of-way shall conform to the requirements of the Americans with Disabilities Act.
27. The approach to (SE Mile Hill Drive) and (Long Lake Road SE) shall be designed in accordance with Kitsap County Road Standards and WSDOT Design Manual Figure 920-

Date: 5/16/2024

5, with a minimum return radii of 35 feet. The approach grade shall not exceed 5% from the flow line to twenty feet beyond the right-of-way line. Note the design vehicle on the final plans.

28. Provide wheelchair ramps on both sides of the site approach. Include on the plan set curb ramp details that meet the requirements of the Americans with Disabilities Act.
29. Any required sidewalk shall be constructed prior to roadway paving. This note shall appear on the face of the final construction drawings.
30. The developer's engineer shall certify that there is adequate entering sight distance at the intersection of (SE Mile Hill Drive) and (Long Lake Road SE). 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.
31. Work within the county right-of-way requires a permit to perform work in the right-of-way from the Kitsap County Department of Public Works.
32. Frontage improvements may be required if remodel exceeds 50% of the assessed value of the structure in any 3 year period per KCRS Section 1.7. Woods Road and Mile Hill Road are both designated bike routes. Woods Road frontage would consist of 12 foot travel lane and 8-foot paved shoulders. Mile Hill would consist of 11-foot exclusive turn lane, 5-foot bike lane with 6-foot sidewalk or 8-foot paved shoulder if sidewalk is removed.

Site access shall be per Kitsap County Road Standards.

33. Exterior accessible route, parking, and signage shall meet the 2018 IBC Chapter 11 and ICC A117.

E. Fire Safety

34. Do to the fuel dispensing hazard fire flow is required in the about of 1,500 gpm at 20 psi. At time of building plan submittal a fire flow letter from the water district indicated fire flow of 1500 gpm at 20psi is available.

F. Solid Waste

35. Contact Waste Management at (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.
36. 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

Date: 5/16/2024

drawings attached to the civil plans. Provided area must accommodate a minimum 6-yard dumpster.

37. Provide at least 150 square feet of exterior recyclable materials storage space for the project. Describe collection containers and show their locations, method for securing the enclosure gates in an open position and pad dimensions 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.
38. If using a compactor, liquid wastes generated as a result of compaction must not discharge into the stormwater system per KPHB 2010-1, Solid Waste Regulations.

G. Kitsap Public Health District

39. This permit shall comply with all Kitsap Public Health District regulations and conditions of approval.

**Report prepared by:**



---

Darren Gurnee, Senior Planner and Project Lead

5/15/2024

Date

**Report approved by:**



---

Katharine Shaffer, Planning Supervisor

5/15/2024

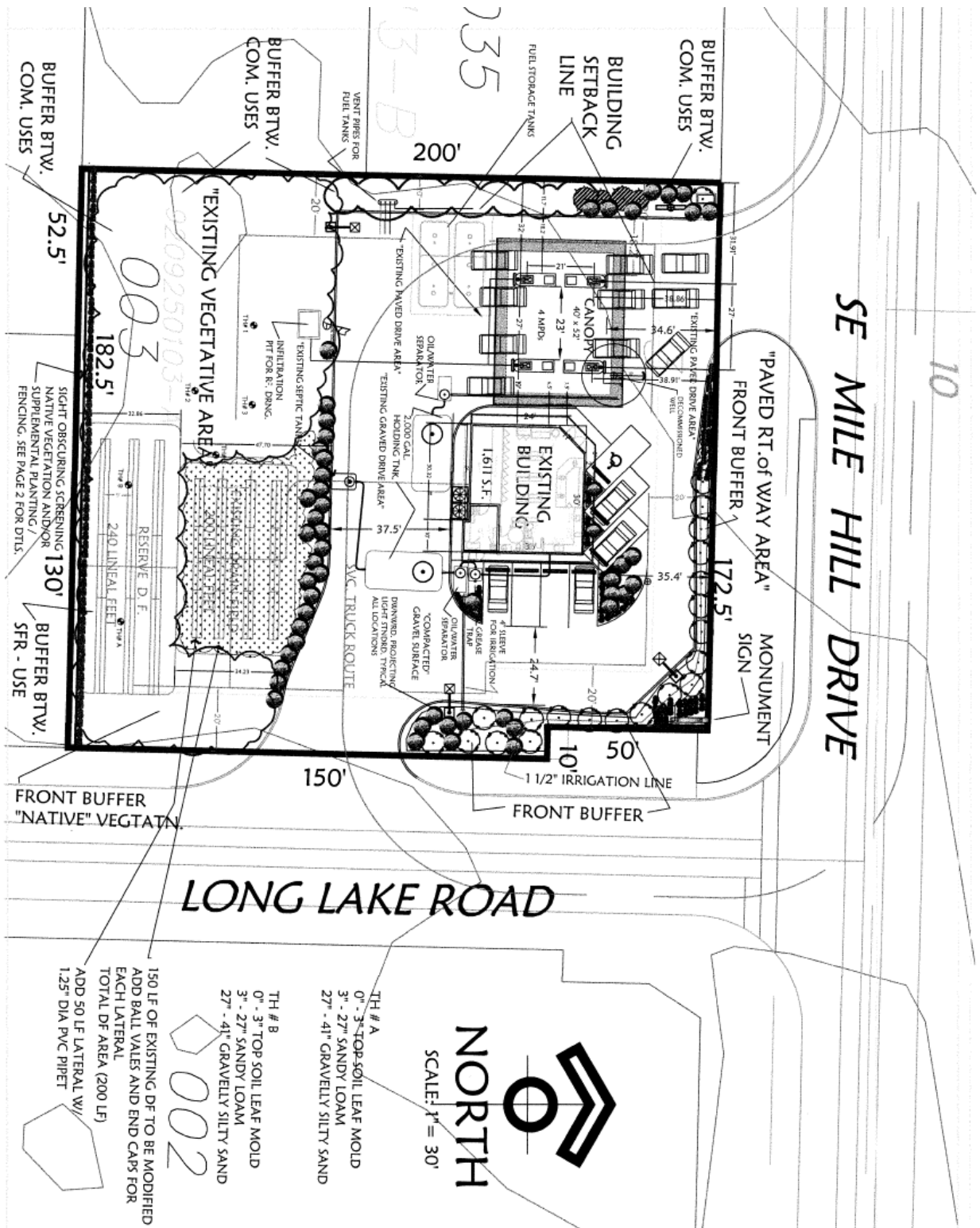
Date

Attachment A: Site Plan

Attachment B: Zoning Map

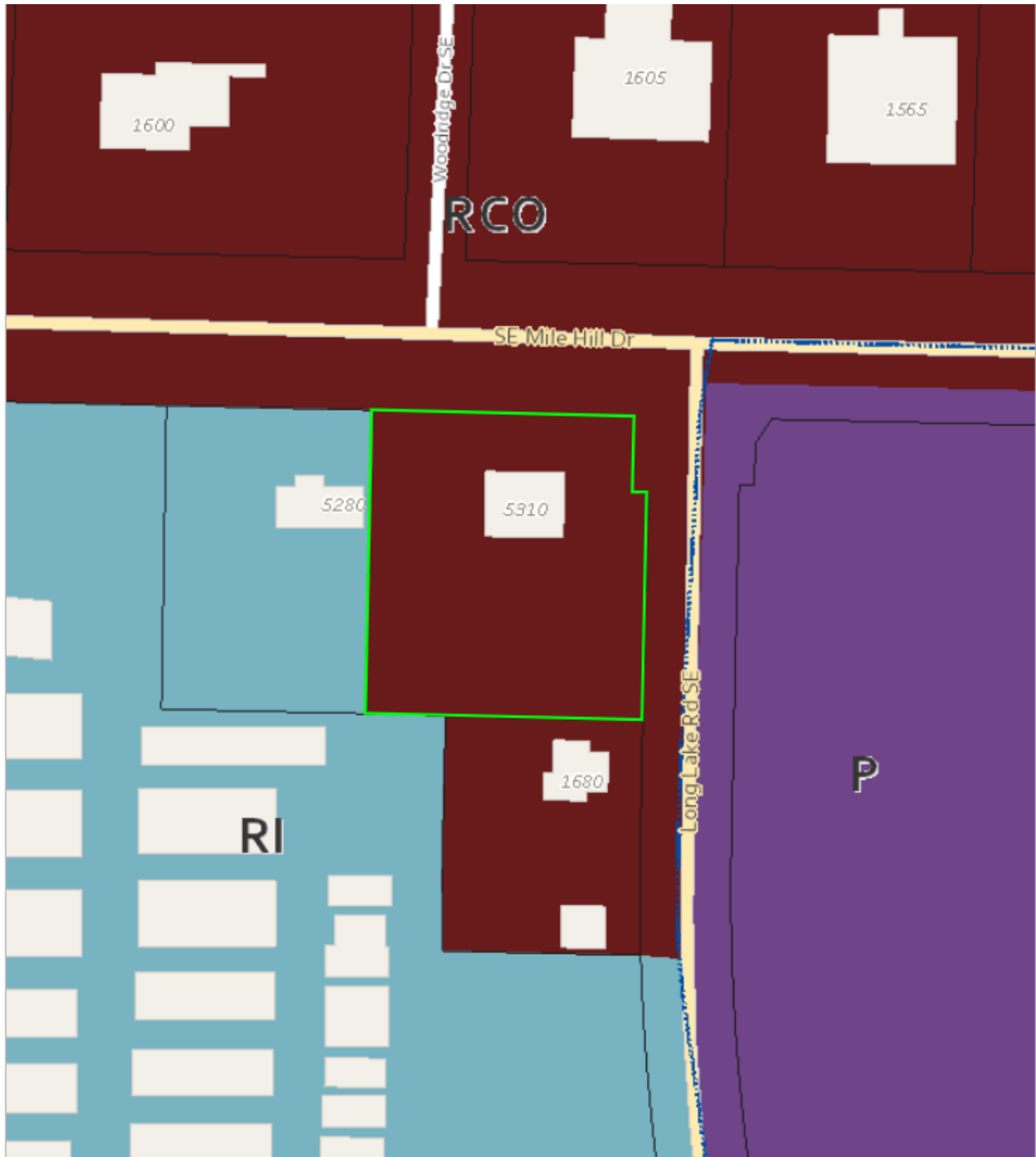
Attachment C: Aerial Imagery

Attachment D: Critical Areas Map



Date: 5/16/2024

Attachment B: Zoning Map



\*\* This map is not a substitute for field survey \*\*

0 50 100ft

Staff Report: Permit 22-00463 Hunsung LLC- CUP to allow gas station/mini mart  
Date: 5/16/2024

Attachment C: Aerial Imagery



\*\* This map is not a substitute for field survey \*\*

0 50 100ft



Staff Report: Permit 22-00463 Hunsung LLC- CUP to allow gas station/mini mart

Date: 5/16/2024

Attachment D: Critical Areas Map

