



Staff Report and Decision

Project Name Valero Main Terminal
PRJ2006-01854/PSR2006-00058

Report Date February 16, 2007

Proposal Construction of one 120,000 barrel (5,040,000 gallon) above-ground methanol storage tank and two 60,000 barrel (2,520,000 gallon) above-ground ethanol storage tanks. The methanol tank is to be constructed first. The ethanol tanks will be constructed at some future date.

Location East side of the southerly terminus of 26th Avenue Extension. Tax Lot 059115-010 located in the SW Quarter of Section 21, Township 2N, Range 1E of the Willamette Meridian

Contact Nichole Coulter
CH2M HILL
2020 S.W. Fourth Ave.
Portland OR 97201
(503) 872-4803

Applicant Tony Habersetzer
Support Terminals Operating Partnership, L.P.
dba Valero L.P.
2565 N.W. Harborside Dr.
Vancouver WA 98660
(360) 772-5034

Property Owner Port of Vancouver
3103 N.W. Lower River Rd.
Vancouver WA 98660
(360) 693-3611

Staff Decision Approval with conditions as indicated at the conclusion of this report.

Staff Jon Wagner, Senior Planner/Case Manager
Debi Davis-Turman, Engineering Technician II, Water
Aaron A. Odegard, Civil Engineer, Sewer
Mike Swanson, Civil Engineer, Surface Water
Matt Edwards, Civil Engineer, Transportation
Terri Elioff, Sr. Engineering Technician, Transportation
Chad Lawry, Fire Code Plans Examiner
Sree Thirunagari, Lead Building Plans Examiner

BACKGROUND

Project Summary/Key Issues

The application is for the initial construction of one 120,000-barrel methanol storage tank and the future construction of two 60,000-barrel ethanol storage tanks. The site is located within a heavy industrial area. The major issues relate to fire and building code issues.

General Site Information	
Zoning District	IH
Adjacent Zoning Designation	IH in all directions
Comprehensive Plan Designation	Industrial
Parcel Size	4.27 acres
Adjacent Land Uses	Industrial/port activities
Access Roads	6th Avenue Extension and NW Harborside Drive
Existing Vegetation	None, except grasses along the 26th Avenue embankment
Existing Structures	None. Currently graveled and used for storage of tanks etc
Topography	Generally flat except along 26th Avenue embankment
Habitats of Local Importance	No mapping indicators
Fish and Wildlife Conservation Areas	No mapping indicators
Frequently Flooded Areas	No mapping indicators
Geologic Hazards	Seismic hazard, liquefaction and ground shaking amplification
Wetlands	No mapping indicators
Shorelands	No mapping indicators
Archaeology	Priority Level A
Drainage Basin	Vancouver South Slope
Wellhead Protection	No mapping indicators
Soils	Pilchuck fine sand, 0%-8% slope (PhB), Newberg silt loam, 3%-8% slope (NbB)
Park Impact Fee District	1
School Impact Fee District	Vancouver
Impacted Schools	Not applicable
Traffic Impact Fee District	Vancouver
Transportation Analysis Zone	26
Sewer District	Vancouver
Water District	Vancouver
Fire Service	Vancouver
Neighborhood Association	Fruit Valley

Procedural History		
Activity	Case #	Date
Annexation history	Ordinance M-1478	02/04/1974
Pre-application conference	PAC2006-00124	07/13/2006
Application submitted	PSR2006-00058	10/25/2006
Application determined fully complete	PSR2006-00058	11/21/2006
Date of vesting		07/13/2006
Notice of application and notice of public hearing	PSR2006-00058	12/07/2006
SEPA determination: DNS. Dept of Ecology assumed lead agency status. State comment period ended on 12/22/2006	SEP2006-00092	12/07/2006
Archaeology	ARC2006-00062	10/25/2006
Critical Areas	CAP2006-00031	10/25/2006
Traffic Concurrency	CON2006-00138	10/25/2006
Engineering Review	ENG2006-00174	10/25/2006
Deadline for issuing decision	Based on DOE SEPA decision	

APPLICABLE REGULATIONS

Vancouver Municipal Code

VMC Chapters 11.80 Street Standards; 11.90 Transportation; 11.95 Transportation Concurrency; 14.04 Water and Sewer Use Regulations; 14.16 Water and Sewer Service Connections; 14.24 Erosion Control; 14.25 Stormwater Control; 16.04.160 Water Supply and Fire Hydrants; 16.04.150 Fire Apparatus Access; 16.04.170 through 16.04.210 Fire Protection Systems; 16.04.010 Premises Identification; 20.210 Decision-Making Procedures; 20.915 Impact Fees; 20.770 Tree Conservation; 20.440 Industrial Districts; 20.925 Landscaping and Open Storage; 20.945 Parking and Loading; and 20.790 State Environmental Policy Act Regulations.

Public Works Publications

General Requirements & Details for Water Main Construction
 General Requirements & Details for Sewer Main Construction

Other

Manual on Uniform Traffic Control Devices

AGENCY AND PUBLIC COMMENT

Agency and public comments are listed below. The proposed project has been reviewed and recommendations made in light of these comments.

ANALYSIS

Major Issues

Staff reviewed the proposal for compliance with applicable regulations, code criteria and standards in order to determine whether all potential impacts will be mitigated by the requirements of the code. Staff's recommendation reflects review of agency and public comments received during the comment period and knowledge gained from a site visit.

Only the major issues, errors in the development proposal and/or justification for any conditions of approval are discussed below. Staff finds that all other aspects of this proposed development comply with the applicable code requirements and require no discussion in this report.

Building code review is not performed during pre-application or site plan review. Filing of building permit application with required fees and review materials is required for a building code review.

FINDINGS

Land Use

20.210 Decision-Making Procedures

Finding: This application is reviewed as a Type II per Table 20.210-1.

20.440 Industrial Districts

Finding: This proposal use fits within the definition of warehouse and freight movement. Per Table 20.440.030-1, warehouse and freight movement uses are allowed outright in the IH zone.

20.440.040 Development Standards

Finding: A comparison of the development standards for the IH zone as contained in Table 20.440.040-1 and those indicated on the application are shown in the table below:

STANDARD	IH	Proposed
Minimum Lot Size	None	4.27 acres
Maximum Lot Coverage	100%	18%
Minimum Lot Width	None	350 +/- feet
Minimum Lot Depth	None	550 +/- feet
Minimum Setbacks		
Any yard abutting residential zoning district	100' ¹	Not applicable
Any yard across the street from a residential zoning district	50' ¹	Not applicable
Any yard abutting or across the street from other than a residential zoning district	Same as abutting zoning district	Not applicable

If abutting other industrial zoning district		
-- Front	25'	Not indicated
-- Side	0	Not indicated
-- Rear	0	Not indicated
Maximum Height	None	48 feet (see footnote 2)
Minimum Landscaping Requirement (percentage of total net area)	0%	None indicated

¹Parking setback allowed is 25'.

Environmental

20.710 Archaeological Resource Protection

Finding: An archaeological predetermination was prepared by Robin McClintock of CH2M HILL dated August 8, 2006. This report was reviewed by the city's contract archaeologist, Jo Reese, and was recommended for approval on December 27, 2006. Staff approved the predetermination on January 2, 2007.

20.740 Critical Areas Protection

The following section describes how the application meets applicable approval criteria and performance standards of the Critical Areas Ordinance.

20.740.130 Geologic Hazards

A. Designation

2. Seismic hazard areas include liquefaction or dynamic settlement, ground shaking amplification, and fault rupture hazard areas.
 - a. Liquefaction or dynamic settlement. The following are designated liquefaction or dynamic settlement hazard areas:
 - (1) Areas with low to moderate, moderate to high, or high liquefaction susceptibility or peat deposits as indicted on the Alternative Liquefaction Susceptibility Map of Clark County, Washington, based on Swanson's Groundwater Model by Stephan P. Palmer, Sammantha L. Magsino, James L. Poelstra, and Rebecca A. Niggerman, September 2004, as revised or superseded.
 - b. Ground shaking amplification. The following are designated ground shaking amplification hazard areas:

Site classes C to D, D to E, E and F as indicated on the Site Class Map of Clark County, Washington, by Stephan P. Palmer, Sammantha L. Magsino, James L. Poelstra, and Rebecca A. Niggerman.

Finding: A seismic site hazard Report was prepared by CH2M HILL and signed by Paul A. Davis, a professional engineer registered in the State of Washington. The findings outlined in the report indicate that because of the approximately 15 feet of non-liquefaction soils that will underlie the tank, there will be maximum settlement of 2 to 5 inches.

Analyses for lateral spreading potential were performed. Considering the analysis confirms that some liquefaction is predicted, it is also estimated that some lateral spreading could occur. The amount of spreading is estimated to range between 15 to 22 inches. To counteract this potential

the report recommends over-excavation and installation of a biaxial geogrid followed by a minimum of three feet of foundation rock.

20.740.060 Approval Criteria:

Any activity subject to this chapter, unless otherwise provided for in this chapter, shall be reviewed and approved, approved with conditions, or denied based on the proposal's ability to comply with all of the following criteria. The City may condition the proposed activity as necessary to mitigate impacts to critical areas and their buffers and to conform to the standards required by this chapter. Activities shall protect the functions of the critical areas and buffers on the site.

- A. Avoid Impacts. The Applicant shall first seek to avoid all impacts that degrade the functions and values of a critical area. This may necessitate redesign of the proposal.

The entire site is within a liquefaction zone; therefore, it cannot be avoided.

Staff response: Staff agrees to the extent that the tank could be located elsewhere; however, design considerations can mitigate all liquefaction concerns.

- B. Minimize Impacts. Where avoidance is not feasible, the applicant shall minimize the impact of the activity and mitigate to the extent necessary to achieve the activity's purpose and the purpose of this ordinance. The applicant shall seek to minimize the fragmentation of the resource to the greatest extent possible.

Staff response: See A above.

- C. Compensatory Mitigation. The applicant shall compensate for unavoidable impacts by replacing each of the affected functions to the extent feasible. The compensatory mitigation shall be designed to achieve the functions as soon as practicable. Compensatory mitigation shall be in-kind and on-site, when feasible, and sufficient to maintain the functions of the critical area, and to prevent risk from a hazard posed by a critical area to a development or by a development to a critical area.

Staff response: N/A

- D. No Net Loss. The proposal protects the critical area functions and values and results in no net loss of critical area functions and values.

Staff response: N/A

- E. Consistency with General Purposes. The proposal is consistent with the general purposes of this Chapter and does not pose a significant threat to public health, safety, or welfare on or off the development site.

Staff response: N/A

- F. Performance Standards. The applicant must demonstrate that the use, activity, and structure(s) cannot feasibly be located outside the geologic hazard area or buffer given the

physical limitations of the site; and during construction and for the anticipated life of the proposed development:

- Will not increase the geological hazard beyond predevelopment conditions; and
- Will not adversely impact other critical areas; and
- Are designed so that the hazard to the proposed project is eliminated or mitigated to a level equal to or less than pre-development conditions; and
- The risk to life and safety is minimal or eliminated; and
- Are certified by a qualified professional as safe as designed and under anticipated conditions.

Staff response: Staff has reviewed the report and the performance standards have been met.

20.770 Tree Conservation

Finding: The site is currently covered by impervious surfaces. Therefore, no additional trees will be required.

20.790 SEPA

Finding: Under the provisions of WAC 197-11-938(9) for proposals to construct facilities on a single site designed for or capable of storing a total of one million or more gallons of any liquid fuel not under the jurisdiction of Washington State Energy Facility Site Evaluation Council (EFSEC), the lead agency shall be the department of ecology. DOE issued a notice of application and request for comments on December 7, 2006. The comment period ended on December 22, 2006. The Department of Ecology issued a Determination of Nonsignificance on February 8, 2007, (Exhibit 8) and the appeal period ends on February 23, 2007.

Additional Development Standards

20.915 Impact Fees

Finding: The proposal does not contain any residential development; therefore, no school or park impact fees are required.

For Transportation Impact Fees, refer to the transportation/concurrency section of this report.

20.925 Landscaping

Finding: Per Table 20.925.030-1, the minimum required landscaping in the IH zone is zero percent. No landscaping is proposed.

20.945 Parking and Loading

Finding: The application does not indicate any new or expanded habitable areas. Therefore, no additional parking is required.

20.960 Signs

Finding: No signs are proposed at this time.

20.970 Solid Waste Disposal and Recycling

Finding: No changes to the waste disposal and recycling service to the site are required by the proposal.

20.985 Vision Clearance

Finding: The application indicates the minimum vision clearance standards can be met. **As part of the final site plan approval, the applicant shall indicate the vision clearance areas.**

11.95 Transportation Concurrency Management

Transportation Concurrency

Finding: The project is located within the following Transportation Analysis Zone (TAZ) and adopted Transportation Management Zone (TMZ).

Corridor Name	Corridor Limit	Number of PM Peak Trips to Corridor	TAZ
Fourth Plain Blvd	Port to I-5	3	#6

The site generated trips will be distributed to the following TMZs within which the project is not located:

Corridor Name	Corridor Limit	Number of PM Peak Trips to Corridor	TAZ
Fourth Plain Blvd	I-5 to Stapleton	1	26
Mill Plain Blvd	I-5 to Andresen Road	1	

Traffic Impact Fee Area	Impact Fee/Trip	Mill Plain Overlay Fee/Trip	Average Daily Trips	Traffic Impact Adjustment	Total Traffic Impact Fee
Vancouver	\$139	N/A	70	<i>x</i> .85	\$8,271

11.90 Transportation Street Standards – Development Regulations

Finding: The site will take primary access on to Northwest Harborside Drive, a private industrial road located within the Port of Vancouver. Access to the port site is through a gated entrance, staffed by port personnel at the south end of the 26th Street extension from SR 501 (Lower River Road). The applicant has met or exceeded City of Vancouver standards for Northwest Harbor Drive as shown on the preliminary civil engineering plans.

Achieving acceptable LOS

Finding: The scope of the project resulted in fewer than 10 peak hour trips being generated. Therefore, per VMC 11.95 the applicant was not required to perform level of service analysis.

The applicant shall pay the model run and maintenance fees totaling \$150 for the modeling of the following transportation corridors:

- **Mill Plain Boulevard (I-5 to Andresen) model fee is \$30.**
- **Fourth Plain Boulevard (Port to I-5) model fee is \$90.**
- **Fourth Plain Boulevard (I-5 to Stapleton) model fee is \$30.**

The applicant shall pay the total Transportation Impact Fee (TIF) due of \$8,271 for the Vancouver sub-area.

The applicant shall comply with VMC 11.95 and City Ordinances M-3354, M-3538, M-3536 and M-3537 requirements.

To permanently vest the trips for the project, a certificate of occupancy shall be obtained within 30 months from the issuance date of the certificate of concurrency, or obtain an approved developer's agreement with the City. Otherwise, the certificate of concurrency for the proposed project shall expire 30 months from the issuance date of the certificate per amended VMC 11.95.120, adopted on February 20, 2001, by the City Council.

14.04 Water

Findings: The site is within the City of Vancouver water service area. However, the applicant is not connecting to City water. Rather the project will connect to the Port of Vancouver's private water system.

City as-built records (WB1549) shows an existing 10" DI City of Vancouver water main running along the south side of the railroad tracks in an easement near this site. There is one existing City of Vancouver fire hydrant near the site. City fire hydrant testing records dated June 15, 2006, for that same hydrant shows a static pressure of 85 psi, and 1,165 gpm at the residual pressure of 73 psi and 2,901gpm of fire flow at 20 psi.

Preliminary Utility Plans were submitted and reviewed for water under case number ENG2006-00174. The fire protection system for this site will be private. Per the following e-mail, fire protection water will be provided by the Port of Vancouver. No additional requirements from the city are necessary.

E-mail message from Curt Bagnall (Curt.Bagnall@CH2M.com)

Testing done by the Port of its fire water system indicate that there is adequate pressure and flow for the Port system to serve the new tank area fire water system. We are updating our drawings to reflect this. Doug Mitchell can answer questions you might have (503-872-4735). Because this is different than what was shown on the Building Permit application and the Fire Permit application, I want to make you explicitly aware of this change. The City of Vancouver Land Use Review process Staff Report may get issued next week, based on taking service from the City of Vancouver water system. I am hopeful that this change will not cause any problems with the issuance of the Land Use Review or the Building Permit. If it does, we will need to keep our drawings as showing connection to the City and then once the permit is issued, ask for a change to the Port system.

14.04 Sanitary Sewer

Findings: There is a pair of existing public pressure sewers traversing the northeast corner of the parcel. The sewers reside in a public sewer easement.

The project's streamlined application was first reviewed by staff in November 2006 under case number ENG2006-00174. The application did not request any connections to sanitary sewer. Public sewer construction is not required and any connections to sanitary are not allowed.

Redlines and comments returned to the applicant noted the existing sewers and easement and called for protection measures. Plans submitted for additional review in December showed the existing pressure sewers traversing the site. Additional redlines and comments were returned to the applicant with the final version of this staff report.

Prior to civil plan approval, locate and show the existing public sanitary sewers and their easement that traverse the site. Specifically call-out protection measures to be taken during construction of the containment wall and the gravel road.

During construction, contact the city's operations division at 696-8177 at least 48 hours prior to construction. Protect existing sanitary sewers from all damage during construction.

14.24 Erosion Control/14.25 Stormwater

Finding: The applicant has elected to follow a streamlined review process and has already submitted full civil plans for review. The plans have been reviewed twice and are near approval status. Only minor revisions are required at this time. The project has met the requirements of the stormwater and erosion control ordinances and no conditions are needed at this time.

Title 16 Fire

Title 16 of the Vancouver Municipal Code contains adopted and modified codes and standards. The standards include review for fire protection systems, minimum emergency vehicle access, fire hydrant spacing, water supply for fire protection, and special uses and processes. In order to be approved, the proposal must meet the following requirements of Title 16 Fire: 16.04.160 Water Supply and Fire Hydrants, 16.04.150 Fire Apparatus Access, 16.04.170 – 16.04.210 Fire Protection Systems and 16.04.010 which adopts the 2003 International Fire Codes with state and local amendments including but not limited to premises identification.

16.04.160 Water Supply and Fire Hydrants (IFC 508)

Finding: The available fire flow in the area will be adequate. Multiple new fire hydrants are required for this project and will be part of a private fire hydrant system.

Fire hydrant locations will be approved through the civil redline review process.

Prior to placing any new tanks in service, approved fire hydrants and water supply for fire protection shall be installed and maintained.

16.04.150 Fire Apparatus Access (IFC 503)

Finding: The proposed fire apparatus access will be adequate.

Prior to placing any new tanks in service, fire apparatus access for emergency response shall be installed and maintained clear for emergency access.

16.04.170 – 16.04.210 Fire Protection Systems (IFC Chapter 9)

Findings: Semi-fixed fire protection is required and will be reviewed under a separate permit.

The applicant has agreed to the following:

Prior to placing any new tanks into service, required fire protection systems shall be installed and approved under a separate permit.

Prior to placing any new tanks into service, the Vancouver Fire Department shall be provided with the training and equipment recommended in the Vancouver, Washington,

Fire Operations Impact Study dated Sept. 6, 2006, and as specified in a letter from the Fire Chief.

16.04.010 Fire Code (IFC 505)

Finding: The existing addresses and premises identification signage is adequate.

All other fire code issues will be reviewed under the commercial and fire protection system permits.

DECISION

Approval subject to the conditions listed below.

CONDITIONS OF APPROVAL

Prior to Final Site Plan Approval

1. Submit four (4) sets of complete site plans revised as indicated for final signatures. Site plan sets shall include the following: site plan, landscape/tree plan, grading/tree protection/erosion control plan, lighting plan, and architectural elevations.

Prior to Civil Plan Approval

2. The applicant shall pay the model run and maintenance fees totaling \$150 for the modeling of the following transportation corridors:
 - Mill Plain Boulevard (I-5 to Andresen) model fee is \$30.
 - Fourth Plain Boulevard (Port to I-5) model fee is \$90.
 - Fourth Plain Boulevard (I-5 to Stapleton) model fee is \$30.
3. Locate and show the existing public sanitary sewers and their easement that traverse the site. Specifically callout protection measures to be taken during construction of the containment wall and the gravel road.

Prior to Issuance of any Building/Development Permits

4. The applicant shall pay the total Transportation Impact Fee due of \$8,271 for the Vancouver sub-area.

Prior to Placing Any New Tanks in Service

5. Approved fire hydrants and water supply for fire protection shall be installed and maintained.
6. Fire apparatus access for emergency response shall be installed and maintained clear for emergency access.
7. Required fire protection systems shall be installed and approved under a separate permit.
8. The Vancouver Fire Department shall be provided with the training and equipment recommended in the Vancouver, Washington, Fire Operations Impact Study dated Sept. 6, 2006, and as specified in a letter from the Fire Chief.

During Construction

9. Contact the city's operations division at 696-8177 at least 48 hours prior to construction. Protect existing sanitary sewers from all damage during construction.

Prior to Issuance of Certificate of Occupancy

10. The applicant shall comply with VMC 11.95 and City Ordinances M-3354, M-3538, M-3536 and M-3537 requirements.
11. To permanently vest the trips for the project, a certificate of occupancy shall be obtained within 30 months from the issuance date of the certificate of concurrency, or obtain an approved developer's agreement with the City. Otherwise, the certificate of concurrency for the proposed project shall expire 30 months from the issuance date of the certificate per amended VMC 11.95.120, adopted on February 20, 2001, by the City Council.

PERMIT EXPIRATION

Under the provisions of 20.270.030(C), site plan review approval shall be effective for a period of 5 years from the date of approval. The site plan review approval shall expire if:

1. Substantial construction of the approved plan has not begun within a 5-year period; or
2. Construction on the site is a departure from the approved plan.

The Planning Official may grant an extension of the approval period not to exceed 1 year by means of a Type I procedure, pursuant to Section 20.210.040 VMC, provided that:

1. No changes are made to the original site plan as approved by the Planning Official;
2. There have been no changes to the applicable Comprehensive Plan policies and ordinance provisions on which the approval was based; and
3. The applicant has demonstrated a good faith effort to proceed with the activity.

EXHIBITS

1. Vicinity/Zoning Map
2. Reduced Plans
3. Site Plan Review Application and Narrative
4. Industrial Information Form
5. Clark County Health Department letter dated December 21, 2006
6. City Notice of Application and Optional SEPA Determination dated December 7, 2006
7. Department of Ecology SEPA Notice of Application dated December 7, 2006
8. Department of Ecology SEPA Determination dated February 8, 2007
9. Certificate of Concurrency and attachments dated January 10, 2007
10. Request for Certificate of Concurrency from Craig Grandstrom, PE, CH2M HILL, dated October 24, 2006
11. Traffic Impact Analysis prepared by CH2M HILL dated November 2006***
12. Critical Areas Permit Application dated October 23, 2006
13. Critical Areas Seismic Site Hazard Report dated October 2006 ***
14. Valero LP Main Terminal Expansion – Stormwater Narrative, prepared by CH2M HILL dated October 24, 2006***

*** Because of the large size of the exhibit, it is not attached to this report but is available for viewing at Development Review Services, Second Floor of Citizens Service Center, 1313 Main Street, Vancouver, 8 a.m. to 5 p.m., Monday through Friday, except 9 a.m. Wednesday.

APPEAL

Requests to appeal this decision must be made in writing within 14 calendar days after the date this decision is mailed. The letter of appeal shall state the case number designated by the City, the name of the applicant, name and signature of each petitioner, a statement showing that each petitioner is entitled to file the appeal under VMC Chapter 20.210, the specific aspect(s) of the decision and/or SEPA issue being appealed, the reasons each aspect is in error as a matter of fact or law, and the evidence relied on to prove the error. A substantive appeal of the SEPA determination must be filed in conjunction with and within the limitation period applicable to an available administrative appeal of the applicable permit or approval (VMC 20.790.640 D).

A fee of \$1,000 must accompany the appeal. However, if the aggrieved party is a recognized neighborhood association, the fee assessed is \$75. Submit the appeal request and fee to Development Review Services, either at the Customer Service Counter, first floor of the Citizens Service Center, 1313 Main Street, or to P O Box 1995, Vancouver WA 98668-1995.

For more information on the appeal process, refer to Vancouver Municipal Code 20.210.130 or contact Development Review Services at (360) 696-8005.

Report Prepared By
Jon Wagner, Senior Planner

Date

Chad Eiken, Manager
Planning Review Team

Date