



Notice of Administrative Decision

Date: 08/10/2022

To: SHULZ STEVEN PHILLIP & MINA, steven.shulz@yahoo.com
Terri Schultz of Permit Granted LLC, steven.shulz@yahoo.com

RE: Permit Number: 21-02799
Project Name: SHULZ - E2W Brewing Enhance current brewery operations to include a tasting room and sales of growlers for off-site consumption
Type of Application: Administrative Conditional Use Permit - Agriculture

The Kitsap County Department of Community Development has **APPROVED** the land use application for **Permit #21-02799: SHULZ - E2W Brewing Enhance current brewery operations to include a tasting room and sales of growlers for off-site consumption – Administrative Conditional Use Permit - Agriculture, subject to the conditions outlined in this Notice and included Staff Report.**

THE DECISION OF THE DEPARTMENT IS FINAL, UNLESS TIMELY APPEALED TO THE KITSAP COUNTY HEARING EXAMINER ON OR BEFORE 14 DAYS FROM THE DATE OF DECISION PER KITSAP COUNTY CODE 21.04.290.

The written appeal shall be made on, or attached to, an appeal form found on DCD's website: <https://www.cognitofirms.com/KitsapCounty1/RequiredPermitQuestionnaireAppealObjectionOfAnAdministrativeDecision>.

Please note affected property owners may request a change in valuation for property tax purposes, notwithstanding any program of revaluation. Please contact the Assessor's Office at 360-337-5777 to determine if a change in valuation is applicable due to the issued Decision.

The complete case file is available for review by contacting the Department of Community Development; if you wish to view the case file or have other questions, please contact help@kitsap1.com or (360) 337-5777. Please note DCD is open Monday to Friday from 8:00am to 12:00pm except holidays.

CC: Interested Parties:
None
Kitsap County Health District, MS-30
Kitsap County Public Works Dept., MS-26
Engineer
Surveyor
Parks

Permit # 21-02799,
SHULZ - E2W Brewing Enhance current brewery operations to include a tasting room
and sales of growlers for off-site consumption
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Navy
DSE
Kitsap Transit
South Kitsap Fire District
South Kitsap School District
Puget Sound Energy
Water Purveyor
Sewer Purveyor
Point No Point Treaty Council Suquamish Tribe
Port Gamble S'Klallam Tribe
Squaxin Island Tribe
Puyallup Tribe
WA Dept of Fish & Wildlife
WA Dept of Transportation/Aviation
WA State Dept of Ecology-SEPA
WA State Dept of Ecology-Wetland Review
WA State Dept of Transportation

DCD Staff Planner: DARREN GURNEE
DCD File #21-02799



Administrative Staff Report

Report Date: August 4, 2022

Application Submittal Date: May 18, 2021

Application Complete Date: October 21, 2021

Project Name: Schulz brewery tasting room and growler sales

Type of Application: Administrative Conditional Use Permit - Agritourism

Permit Number: 21-02799

Project Location

12913 Shady Glen Ave SE
Olalla, WA 98359
Commissioner District 2

Assessor's Account

062202-1-003-2007

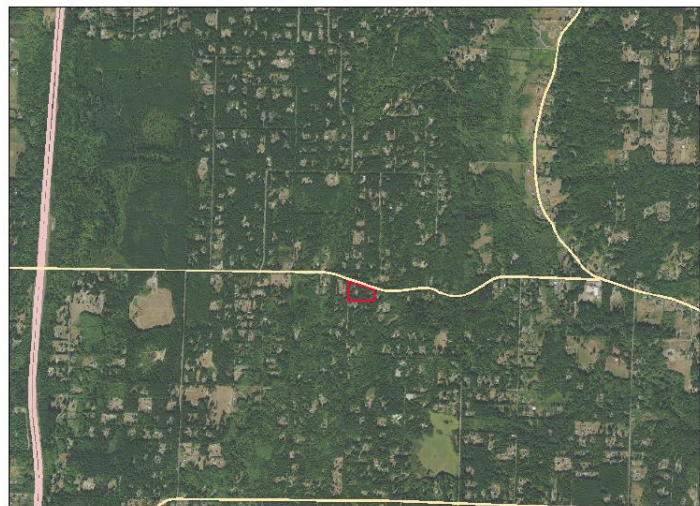
Applicant/Owner of Record

Steven Phillip & Mina Shulz
12913 Shady Glen Ave SE
Olalla, WA 98359

Decision Summary

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

VICINITY MAP



1. Background

E2W Brewery has been operating in Pierce County since 2015, moving operations to the current location in Kitsap County in November 2019. The property is used as a primary residence for the owners of E2W Brewery as well as a brewery operation in the existing shop. A majority (55%) of the property will be utilized for home-based agricultural operations that will include chickens, beehives, a garden, fruit trees, and goats. The property will be fenced and cross-fenced to allow 2-3 goats to graze in the forested area to manage under-growth. Soil disturbance is not anticipated due to the large grazing area and small herd of 2-3 goats. Existing mature, predominantly native landscaping consisting of deciduous trees (alder, maple), evergreen trees (fir, hemlock, alder), and shrubs provide approximately 35' native vegetation between the brewery structure and Shady Glen Ave SE.

2. Project Request

E2W Brewing is requesting an Accessory Agricultural Use Administrative Conditional Use Permit to expand operations to include a tasting room and sales of growlers for off-site consumption per Kitsap County Code (KCC) 17.455.060(H)). The existing brewery shop has room for tasting customers and available parking. An ADA-compliant portable restroom will be provided for customer's use, along with hand sanitizer. There is no construction or soil disturbance needed or anticipated as part of this project.

Hours of operating will be Thursday-Sunday 11:00 am to 8:00 pm. Access to the property exists off Shade Glen Ave SE, and traffic impact is expected to be minimal with an estimated 12-22 trips per day during operating hours.

Brewery operations:

- Beer is brewed in four 110-gallon fermentation tanks by direct propane fired burners.
- Currently, three to four batches are brewed monthly, with 31 gallons per batch. E2W anticipates the volume to increase to 100 gallons in the coming months.
- Between each batch, the brew tanks and brewing equipment, such as hoses, pumps, and boil kettles, are cleaned with 185-degree water and a scrubbing pad. There are two brewers who wash their hands as part of the brewing process. Rinse water will be disposed of utilizing a 1200-gallon septic holding tank as submitted under a Building Site Application on August 27, 2021.
- E2W Brewery will be using single-use plastic cups for serving tastings.
- Growlers are supplied by a growler supply company. They are sanitized on-site using 5-star chemicals called "Star San".
- Growlers are exchange only. E2W cleans exchanged growlers with 185-degree water and sanitizes with "Star San" before redistributing.

Waste Disposal:

The amount of waste to be generated by the brewery operation is minimal. E2W Brewery will utilize existing waste disposal service provided by Waste Management.

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 October 22, 2021. A Determination of Nonsignificance (DNS) was issued on June 30, 2022. SEPA noted the following SEPA mitigation conditions have been imposed and are listed in section 13 of this report:

1. KCC requirements will mitigate the project for traffic, stormwater, and critical area impacts.
2. The project shall comply with KCC Chapter 17.455 ‘Agriculture Code’ to qualify as an accessory agricultural use. The parcel shall meet the definition of a farm wherein a majority of the net developable acreage is managed for primary agriculture uses. Failure to maintain the status as a farm may result in revocation of the permit.

The SEPA appeal period expired July 14, 2022. No appeals were filed; therefore, the SEPA determination is final.

4. Physical Characteristics

According to the Kitsap County Assessor, the subject site is 5.29 acres. The site is relatively flat with mature tree canopy covering a majority of the site. Aerial imagery (see Attachment B) and critical areas maps (see Attachment C) from the Kitsap County Geographic Information Systems (GIS) show no critical areas on or near the site.

Table 1 - Comprehensive Plan Designation and Zoning

Comprehensive Plan: Rural Residential Zone: Rural Residential	Standard	Proposed
Minimum Density	N/A	1 dwelling unit
Maximum Density	1 dwelling unit/5 acres	
Minimum Lot Size	5 acres	5.29 acres, existing
Maximum Lot Size	N/A	5.29 acres, existing
Minimum Lot Width	140 feet	280 feet, existing
Minimum Lot Depth	140 feet	600 feet, existing
Maximum Height	35 feet	35 feet
Maximum Impervious Surface Coverage	N/A	N/A
Maximum Lot Coverage	N/A	N/A

Applicable footnotes:

Table 2 - Setback for Zoning District

	Standard	Proposed
Front (North, West)	50 feet	~ 35 feet (North) ~ 5 feet (West)
Side	20 feet; 5 feet for accessory structures	NA
Side	20 feet; 5 feet for accessory structures	NA
Rear (South, East)	20 feet; 5 feet for accessory structures	~ 110 feet (South) ~ 60 feet (East)

Applicable footnotes:

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.

Table 3 - Surrounding Land Use and Zoning

Surrounding Property	Land Use	Zoning
North	Single-family residence	Rural Residential (RR)
South	Single-family residence	Rural Residential (RR)
East	Single-family residence	Rural Residential (RR)
West	Single-family residence	Rural Residential (RR)

Table 4 - Public Utilities and Services

	Provider
Water	Private Well
Power	Puget Sound Energy
Sewer	Kitsap County
Police	Kitsap County Sheriff
Fire	North Kitsap Fire & Rescue
School	South Kitsap School District #402

5. Access

Shady Glenn Avenue, a privately-maintained combination of right of way and access easement, provides direct access to the project site that will serve the brewery and tasting room. Southeast Burley Olalla Road, a County maintained right of way, provides direct access to an accessory dwelling unit on the site which will not be used to serve the brewery or tasting room. Internal vehicular circulation to connect the two driveways is not proposed as part of this project.

6. Site Design

See Attachment A – Site Plan. A primary dwelling unit, permitted in 1996, and septic fields exist on the southwestern portion of the site. An accessory dwelling unit, detached, exists on the westernmost portion of the property with a separate drainfield.

A brewing operation exists on the northwestern portion of the property. This is also the location for the proposed tasting room. An existing 35-foot vegetation buffer provides a visual barrier from the proposed use to the surrounding streets and adjacent properties. No additional landscaping or fencing would be needed to screen the use from surrounding property.

The front setback is established based on legal access to the parcel from both Shady Glenn Avenue to the west and Burley Olalla Road to the north. A 15-foot access and utilities easement exists on westernmost parcel line, adjacent to Shady Glenn Avenue. The front setback is measured from this access easement line. Multiple accessory structures and the brewery exist within the front setback on the western and northern edges of the property for which both KCC Chapter 17.570 'Nonconforming uses, structures, and use of structures' and KCC Section 17.420.050 A.42.a apply.

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.

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, amended in 2018, and amended in 2020.

The following Comprehensive Plan goals and policies are most relevant to this application:

*Rural Lands Goals and Policies
Land Use Policy 51*

Permit residential uses in rural areas consistent with the planned rural character of the surrounding area.

Land Use Policy 54

In accordance with RCW 36.70A070(5)(c):

- *Preserve rural character of the County, emphasis controlling rural development.*
- *Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development in the rural area,*
- *Protect critical areas, as provided in RCW 36.70A.060, surface water and groundwater resources, and*
- *Protect against conflicts with the use of agricultural, forest, and mineral resource lands designated under RCW 36.70A.170.*

Economic Development

Economic Development Policy 29.

Expand the county’s capacity to produce, process, distribute and access local foods.

Economic Development Policy 30.

Support, including Agro-tourism and value-added programs that will stimulate economic growth.

Economic Development Policy 31.

Strengthen the rural and urban economies through organizational partnerships that support food system education.

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)
Chapter 20.04	Transportation Facilities Concurrency Ordinance
Chapter 21.04	Land Use and Development Procedures

8. Documents Consulted in the Analysis

<u>Applicant Submittals</u>	<u>Dated or date stamped</u>
Administrative CUP Application	May 19, 2021
Environmental (SEPA) Checklist	June 27, 2022
Site Plan	June 27, 2022
Project Narrative	June 17, 2022
Final Health District Approval - Well	May 19, 2021
Final Health District Approval - Septic	September 22, 2021

Tasting Room Agreement	March 21, 2022
Business License	March 21, 2022
Concurrency Test	May 19, 2021
Elevations	September 22, 2021
Floorplan	May 19, 2021
Parking Analysis	May 19, 2021
Stormwater Pollution Prevention Plan	May 19, 2021
Stormwater Worksheet	May 19, 2021

<u>Staff Communication</u>	<u>Dated</u>
Dev. Services & Engineering Memo	May 18, 2022
Letter to Applicant	May 18, 2022

9. Public Outreach and Comments

Pursuant to KCC Title 21, Land Use, and Development Procedures, the Department gave proper public notice within 800 ft around the subject property for the Administrative Conditional Use Permit. The Department did not receive public comment.

Issue Ref. No.	Summary of Concern (See corresponding responses in the next table)	Comment Letter Exhibit Reference No.
N/A	No comments received.	

Issue Ref. No.	Issue	Staff Response
N/A		

10. Analysis

a. Planning/Zoning

Kitsap County reviewed the proposal for consistency with zoning requirements in KCC 17.420.030 Design Standards, 17.540 Administrative Conditional Use Permit, and 17.455 Agricultural Code.

In addition to agritourism requirements, the project is reviewed for consistency with KCC 17.420.030 Design Standards. The most applicable will be off-street parking, landscaping to provide screening to help reduce noise and light, and proper solid waste handling.

KCC 17.455.060 Agricultural, Accessory Use or Agritourism.

KCC allows accessory agricultural uses or agritourism uses on a farm where a primary agricultural use exists and is allowed. The accessory agricultural or agritourism use shall operate so as to not interfere with the primary agricultural use and shall not significantly interfere with the rural character of an area.

1. A tasting room is an allowed use in conjunction with a winery, brewery, cidery, or distillery as defined in KCC 17.455.060 subject or licensed by the Washington State Liquor and Cannabis Board subject to and Administrative Conditional Use Permit approval.
 - a. A site plan review with a fee established by county resolution;
Staff Comments: See the attached to application 21-02799.
 - b. A traffic management plan
Staff Comments: Access is from a County right of way. Kitsap County Public Works is responsible for traffic management on the road and has approved access for the proposed land use.
 - c. Except as included in a town master plan approved pursuant to section 17.360C.030, a parcel(s) without direct access to a Kitsap County maintained right-of-way shall require the farm owner to obtain written consent by a majority of the owners of an easement used to access the farm. A notice to title for each owner of the easement shall be required and submittal of the associated fee established by county resolution;
Staff Comments: The property owner has legal access to and from Shady Glenn Avenue, without encroaching on neighboring property. The facility and parking area are setback over 60 feet from the closest parcel line. The town master plan element of the above does not apply to this application.
 - d. A written agreement to not serve products in serving glassware, cups, or containers greater than a four-ounce capacity except when included in a town master plan approved pursuant to KCC Section 17.360C.030, glassware with larger capacity may be served with a conditional use permit;
Staff Comments: For the serving of alcohol, the business shall strictly comply with the Washington State Liquor and Cannabis Board, Federal Tax and Trade Bureau (TTB), to include Food Handlers requirements, Washington MAST permit, handled by the State and local Health District. KCC requires a brewery tasting room (defined in code) to limit consumption for sampling only and is not considered to be a drinking establishment (also defined in code). The applicant has provided the required written tasting room agreement with the County, dated February 8, 2022, which limits the wine tasting to 4-oz. plastic cups (see Attachment D).
2. Structures and equipment related to the operations of a winery, brewery, cidery or distillery shall comply with KCC Title 14 and 17 and are not exempt from building permits.
Staff Comments: The applicant shall obtain all required permits.
3. Retail sales are directly related to the facility and related merchandise.

Staff Comments: The applicant shall comply with this requirement.

KCC 17.455.060.I Assembly Events. Assembly as defined in this chapter are allowed on the farm.

1. The event(s) must be incidental and secondary to a primary agricultural use and may be subject to an assembly permit pursuant to Title 14;

2. All operations comply with Title 10, Peace, Safety and Morals;

Staff Comments: The September 16, 2021 SEPA Checklist, provided by the applicant, identifies noise as “Occasional traffic and talking noise (sic) during the following Hours of Operation: Thursday thru Sunday: 11 am to 8pm” and does not identify amplified noise. No amplified sound or amplified equipment may be used on the premises. The project is required to be consistent with KCC 10.28 Noise. The tasting room cannot create excessive noise, light and/or glare, cause negative impacts to the neighborhood, nor prevent adjacent property owners from enjoying their property rights.

3. A parcel(s) without direct access to a Kitsap County maintained right-of-way shall require the farm owner to obtain written consent by a majority of the owners of an easement used to access the farm. A notice to title for each owner of the easement shall be required and submittal of a fee established by county resolution;

Staff Comments: A condition of approval shall require the farm owner to acquire consent from a majority of the owners of the access and utility easement from Shady Glenn Avenue.

4. Attendance shall not exceed two hundred persons at any given time. A venue where the attendance will exceed two hundred persons may be allowed subject to an Administrative Conditional Use Permit (ACUP);

Staff Comments: If events are planned, the scale of the events will be limited to the amount of off-street parking to be provided onsite. The current application is not seeking greater than 200 persons, nor is this proposed.

5. Up to eight assembly events per calendar year are allowed; provided, that:

a. Not more than one event can occur per twelve days;

b. A permit is obtained after a site plan review and submittal of a fee established by county resolution;

c. Access, egress, and parking facilities must be clearly identified on site. Adjacent properties can be used for parking if:

i. A written agreement between the assembly event location owner and the owner of the parcel used for parking is provided; and

ii. The off-site parking is included in the site plan review.

Staff Comments: The applicant shall comply with all above standards for assembly events, frequency of events, and the required amount of off-street parking. This requires providing a site plan review specifically for assembly events, the site plan review for a tasting room does not qualify for this requirement. The applicant will need to be aware of this separate and additional requirement.

d. Written notification shall be provided to the owner of any parcel immediately adjacent to the farm either six weeks prior to each event, or four weeks prior to

the first event of the year where such notice is provided with a calendar indicating the date of future events. Noticing shall include the event, hours of the event, and contact information for the event manager that is available at all times during the event;

Staff Comments: The applicant shall provide written notification to adjacent property owners.

6. Nine or more assembly events may be allowed subject to an administrative conditional use permit (ACUP). As included in a town master plan approved pursuant to KCC Section 17.360C.030, sixteen or more events may be allowed with each occurring no less than six days apart with a conditional use permit. Kitsap County staff may restrict the number of events or timing of events during the permit process;
Staff Comments: A venue where the attendance will exceed two hundred persons may be allowed subject to an approved ACUP. The current application is not seeking greater than 200 persons, nor is this proposed;
7. Each scheduled assembly event shall be considered a separate assembly event from any that preceded or came after;
Staff Comments: The applicant shall comply with this requirement.
8. The duration of an assembly event or activity shall not exceed forty-eight consecutive hours including set-up and clean-up;
Staff Comments: The applicant shall comply with this requirement.
9. Sanitation and solid waste shall conform to Kitsap Public Health District requirements;
Staff Comments: The brewery facility shall have a standalone septic system approved by the Kitsap County Public Health District.
10. Land use approvals for events or activities are transferable with the land. Occupancy and assembly permits are not transferable.

b. Lighting

If any lighting is on site, it is required to be consistent with KCC 17.105.110. Lighting shall be directed down away from adjoining property owners to prevent glare.

c. Off-Street Parking

KCC 17.490 Off-street Parking and Loading requires a new project to provide adequate off-street parking onsite. This parking prevents impacts to surrounding property owners and addresses safety issues on adjacent roadways. KCC Section 17.490.030 lists a specific parking ration for wineries and breweries. The brewery business will capture a percentage of the drive-by trips on Burley Olalla Road and/or planned customer destination trips. When calculating the required number of spaces, any fractional parking spaces are required to be rounded up to the nearest whole number.

The applicant will be limited to the number of spaces provided onsite. When the applicant conducts special events as allowed by the KCC 17.455, the applicant will be required to submit a revision to the site plan to show the location and configuration of

the parking, including overflow parking, onsite, at one space per 3 attendees. The project is consistent with off-street parking standards in KCC 17.490.

Table 5 - Parking Table

Use Identified in 17.490.030	Standard	Required Spaces	Proposed Spaces/Existing Spaces
Winery/Brewery	1 per 800 sf of gross floor area	Brewery square footage 2,400 sf =3	3
Total		3	3

d. Signage

If signage is desired, the applicant shall apply for sign permits in accordance with KCC Section 17.510.060 L. under the Agricultural and Farm Stand Signage Program:

1. Up to four off-premises A-frame signs shall be allowed within the Kitsap County right-of-way, sizing to be consistent with subsection (A) of this section, with the seller’s name and contact info on back. A-frame signs in the ROW:
 - a. An A-frame sign shall not impede public vehicular, bicycle, or pedestrian circulation.
 - b. Attachments, including balloons, shall not be placed on signs.
 - c. Signs shall maintain a two-hundred-foot setback when approaching an intersection or a yellow and black county warning sign.
 - d. Symbols and directional arrows shall be used as the first order of preference in sign design to minimize wording and enhance safety and legibility.
 - e. Wire or metal stakes shall not be utilized to secure signs within the county right-of-way. Where anchoring is utilized to stabilize signs within the Kitsap County right-of-way, sandbags shall be used.
2. A farm stand sign is exempt provided the sign does not exceed six square feet.
3. A farm identification sign may be a permanent arm sign located on the premises, on or adjacent to an easement road leading to the farm, as allowed with written consent from all easement owners. The arm sign shall conform to sign detail sheet, arm sign, requirements.

The sign code section above applies to the brewery tasting room. The code intends to maintain rural character in and around the rural zones by limiting signage types and sizes.

e. Landscaping

The following is the project review is for consistency with landscaping requirements to address rural character and compatibility.

17.500.027 Buffer types – When required. 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.

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 and consist of:

- 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.

Staff Comments: Consistent with rural character, the property shall maintain a partial screening buffer of 25 feet to limit potential noise and light impacts on surrounding property owners.

Table 6 - Landscaping Table

	Required	Proposed
Required Landscaping (Sq. Ft) 15% of Site		
Required Buffer(s) 17.500.025		
North	Separation buffer	Separation buffer
South	Separation buffer	Separation buffer
East	Separation buffer	Separation buffer
West	Separation buffer	Separation buffer
Street Trees	N/A	

f. Frontage Improvements

N/A.

g. Design Districts/Requirements

N/A.

h. Development Engineering/Stormwater

The Development and Engineering Services division reviewed the proposal and approved with conditions of approval listed in Section 13, that a site development activity permit is acquired for improvements to the right of way.

i. Environmental

Kitsap County resource maps do not show steep slopes, wetlands or streams. The brewery tasting room or primary agricultural activities require additional environmental review.

j. Access, Traffic and Roads

Prior to completion of this permit with the Department of Community Development, the Applicant shall satisfy all conditions of a right of way Permit through the Department of Public Works for any and all work performed in the county right of way associated with this project. Apart from the Site Development Activity Permit (SDAP), the right of way permit may require extra work to comply with current Washington State Department of Transportation or Kitsap County Road Standards. Bring Shady Glen Avenue approach to Burley Olalla Road up to current Kitsap County Road Standards. Approach shall be paved a minimum of 20 feet or to right of way per Kitsap County Road Standards Figure 4-2.

k. Fire Safety

The Fire Marshall's office reviewed the proposal and approved with conditions of approval listed in Section 13.

l. Solid Waste

The project shall coordinate with Waste Management for solid waste handling.

m. Water/Sewer

The tasting room is consistent with the requirements for providing potable water and onsite sewage disposal via approval from the Kitsap Health District.

n. Kitsap Public Health District

The Kitsap Health District has reviewed and approved the proposal for water availability and onsite sewage disposal. The water system/well is updated and the Health District is the review authority.

11. Review Authority

The Director has review authority for this Administrative Conditional Use Permit application under KCC 17.540.020 and 21.04.100. The Kitsap County Commissioners have determined that this application requires review and approval of the Director. The Director may approve, approve with conditions, or deny an Administrative Conditional Use Permit.

12. Findings

1. The proposal is consistent with the Comprehensive Plan.
2. The proposal will comply with requirements of KCC Title 17 and will comply with all of the other applicable provisions of KCC and all other applicable regulations, including all applicable development standards and design guidelines, through the imposed conditions outlined in this report.
3. The proposal 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. Decision

Based upon the analysis above and the decision criteria found in KCC 17.540.040.A, the Department of Community Development recommends that the Accessory Agricultural Administrative Conditional Use Permit request for Schulz Brewery tasting room be **approved**, subject to the following conditions:

a. Planning/Zoning

1. All required permits shall be obtained prior to commencement of land clearing, construction and/or occupancy.
2. Failure to maintain the status as a farm may result in revocation of the permit.
3. Any violation of the conditions of approval shall be grounds to initiate revocation of this Administrative Conditional Use Permit.
4. This permit shall comply with all Kitsap Public Health District regulations and conditions of approval.
5. Any and all signage design and location (including exempt signs) shall comply with KCC 17.510, and be reviewed and approved by the Department of Community Development prior to installation. Signage may require a separate permit.

6. The recipient of any Administrative 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, including events or assembly events. The Notice of Land Use Binder shall serve both as an acknowledgment of and agreement to abide by the terms and conditions of the Administrative 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.
7. 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 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.
8. The decision set forth herein is based upon representations made and exhibits contained in the project application (21-02799). 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.
9. 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 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.
10. Products shall not be served in serving glassware, cups, or containers greater than a four-ounce capacity pursuant to KCC Section 17.360C.030.
11. The hours of operating will be Thursday-Sunday 11:00 am to 8:00 pm. Attendees shall be off premises no later than 9 pm.
12. Landscaping shall be installed and maintained in conformance with the requirements of 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.
13. The applicant shall submit an Application for Concurrency Test (KCPW Form 1601) as required by KCC Chapter 20.04.030, Transportation Concurrency, of the KCC. The KCPW 1601 form reserves road capacity for the project.
14. The approval is to operate a tasting room on the subject property per KCC 17.455.060 Agricultural Accessory Use or Agritourism. No other use is authorized, except as allowed outright in KCC 17.455 Agriculture Code. Any other use, including, but not limited to, a drinking establishment, wedding events, musical

- concerts, birthday/family/reunion events, farm stays, and ag schools, will require additional application and review by DCD. If special events are planned, the applicant shall submit a revision to the site plan showing the location of overflow parking and traffic circulation onsite. Depending on the proposal or type/number of events, an application to amend/revise the ACUP or a Conditional Use Permit application may be needed. Events are considered events whether they are free, for compensation, public, or private. Events will require parking at a ratio of 1 space per 3 attendees and support staff.
15. The project must comply with KCC Chapter 17.455 'Agriculture Code' to qualify as an accessory agricultural use. The parcel must meet the definition of a farm wherein a majority of the net developable acreage is managed for primary agriculture uses. Failure to maintain the status as a farm may result in revocation of the permit. Per the applicant, goat grazing areas will be established on-site and must occur within 1 year.
 16. DCD staff shall have rights to access to the business during operating hours to check on compliance, including for public or private events.
 17. Noise must meet the County noise ordinance per KCC 10.28, and specifically, noise levels shall not exceed the standards in KCC 10.28.040 for Maximum Permissible Environmental Noise Levels and shall not exceed the standards in KCC 10.28.145 for Public Disturbance Noises. No amplified sound or equipment may be used on the premises. If an amplified system is to be considered, it shall be first evaluated through a modification to the land use approval and SEPA Addendum, professional noise analysis, and mitigation. DCD reserves the right, per code, to hire a third-party professional to review any noise analysis. No amplified system may be used until mitigation has first been accepted, permitted, and installed. DCD considers an amplified system one that uses a microphone or a system whereby sound volume is increased by any means, including but not limited to electronic means. If DCD receives on-going complaints about noise, and the complaints are investigated and found to be valid, DCD may require, at the applicant's expense, noise analysis or monitoring, as well as subsequent evaluation as described above. Continued noise violation may result in revocation of approval or previously-permitted activity.
 18. Prior to operating the tasting room and selling growlers, and within 90 days of the date of approval of this application, the applicant shall provide the county with an agreement that provides consent from a majority of the owners of the access and utility easement on Shady Glenn Avenue to allow use of the easement for the brewery and tasting room. If events or event assemblies are proposed, subsequent majority approval will be required as well.
 19. Parking will need to be prepared with consideration of fire apparatus, as well as being fire-wise in its design and maintenance. Additional comments are provided with Fire Safety conditions below.
 20. Assembly events, if proposed, shall require additional regulation, subject to KCC 17.455.060.I, including, but not limited to: frequency limits and noticing to

neighbors; site plan and SEPA Checklist review; access, egress and parking review; and duration.

21. A sight-obscuring fence, capable of 100% reduction of headlight glare, is required along the boundary of the parking area. Sight-obscuring irrigated vegetation that is capable of 100% headlight glare reduction may also be proposed.

b. Development Engineering

22. Work within County right of way requires a Site Development Activity Permit from the Department of Community Development.
23. The parking lot may require an SDAP. The project narrative and site plan identify that the vehicle maneuvering area is a mix of gravel surface and grass field. Gravel and grass are not considered to be a dustless, all-weather surfaces. Design and construction of the drive isle and parking lot shall be done in accordance with the Kitsap Stormwater Design Manual. Pedestrian connectivity and safety awareness is encouraged in design.

c. Environmental

N/A.

d. Traffic and Roads

24. Bring Shady Glen Avenue approach to Burley Olalla Road up to current Kitsap County Road Standards. Approach shall be paved a minimum of 20 feet or to ROW per Kitsap County Road Standards Figure 4-2.
25. Prior to completion of this permit with the Department of Community Development, the Applicant shall satisfy all conditions of a Right-of-Way Permit through the Department of Public Works for any and all work performed in the county Right-of-Way associated with this project. Apart from the Site Development Activity Permit (SDAP), the Right of Way permit may require extra work to comply with current Washington State Department of Transportation or Kitsap County Road Standards. You may contact Kitsap County Public Works, Right-of-Way Division at (360) 337-5777 to obtain a Right-of-Way permit.
26. No parking overflow parking is allowed in the right of ways of Shady Glen Avenue and Burley Olalla Road.

e. Fire Safety

27. Access must be designed and constructed per Kitsap County road standards or professionally engineered.

Fire apparatus access roads are required and must be maintained in accordance with IFC 503 Amended by KCC. Any proposed revision to these roads must be submitted to, reviewed and approved by the Kitsap County Fire Marshal's Office. Access roads shall comply with the following:

- Unobstructed width of 20 feet and height of 13 feet 6 inches.

- The road shall be designed and maintained to support a 60,000 pound fire apparatus and be provided with an all weather driving surface.
- Dead end access roads exceeding 150 feet in length shall be provided with an approved turnaround.
- Inside turning radii shall be a minimum of 35 feet
- Access roads shall extend to within 150 feet of all portions of the exterior walls of the first story of the structure as measured by an approved route around the exterior of the structure or facility.
- The road shall not be more than 12% grade.

Fire flow is required for structures 3,600 square feet or larger. Subsequent building permits may be required. Fire alarm and fire suppression will be required if the use accommodates more than 100 occupants or fire area is above 5000 square feet for A2 occupancies.

f. Solid Waste

28. Prior to issuance of future building permits, provide documentation from the solid waste/recycling service provider that their requirements for this project have been met.

g. Kitsap Public Health District

N/A.

Report prepared by:



Darren Gurnee, Staff Planner

8/2/2022

Date

Report approved by:



Scott Diener, Planning Manager

8/3/2022

Date

Attachments:

Attachment A – Site Plan

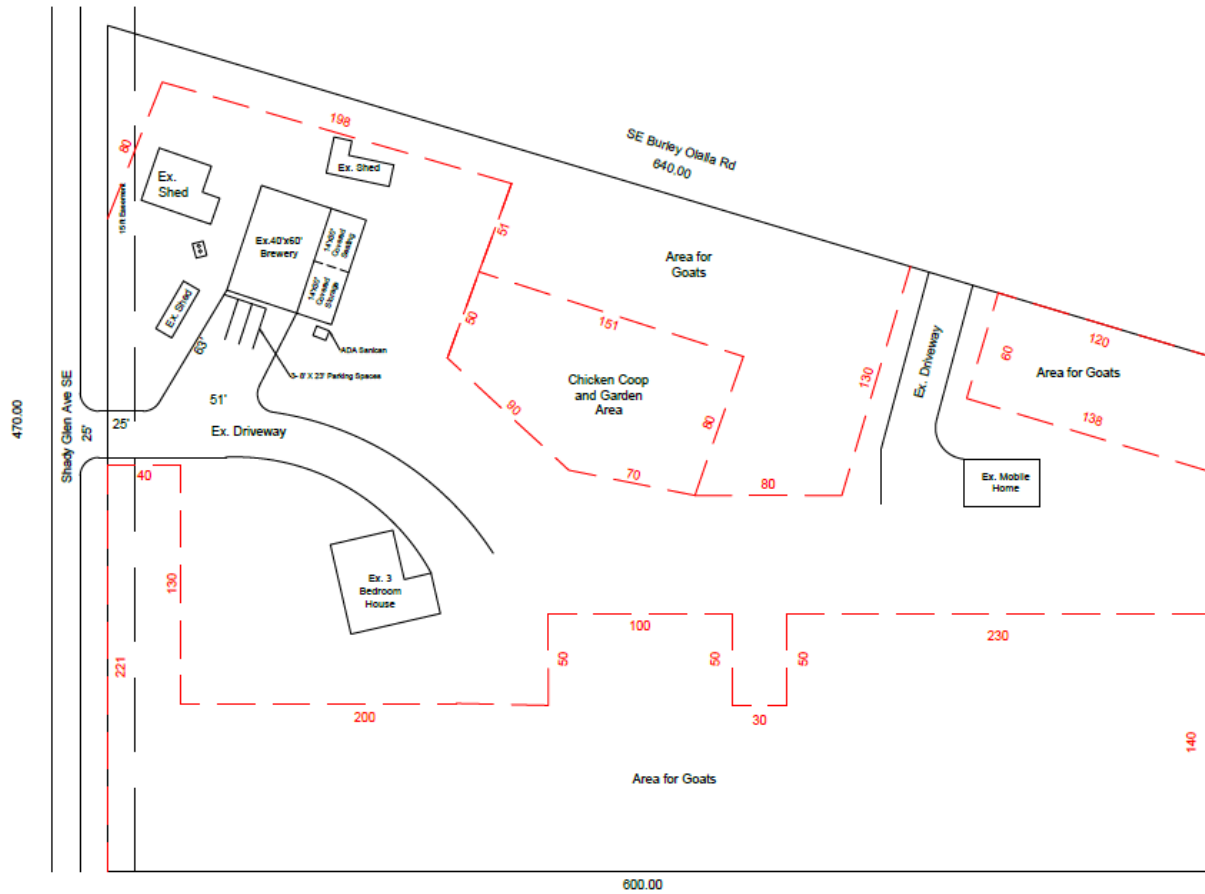
Attachment B – 2020 Aerial Imagery

Attachment C – Critical Areas Map

Attachment D – Zoning Map

CC: Applicant/Owner: STEVEN PHILLIP & MINA SHULZ, steven.shulz@yahoo.com
Project Representative: Terri Schultz of Permit Granted LLC, info@permitgranted.com
Kitsap County Health District, MS-30
Kitsap County Public Works Dept., MS-26
DCD Staff Planner: Darren Gurnee, dgurnee@kitsap.gov
Interested Parties: None

Attachment A: Site Plan



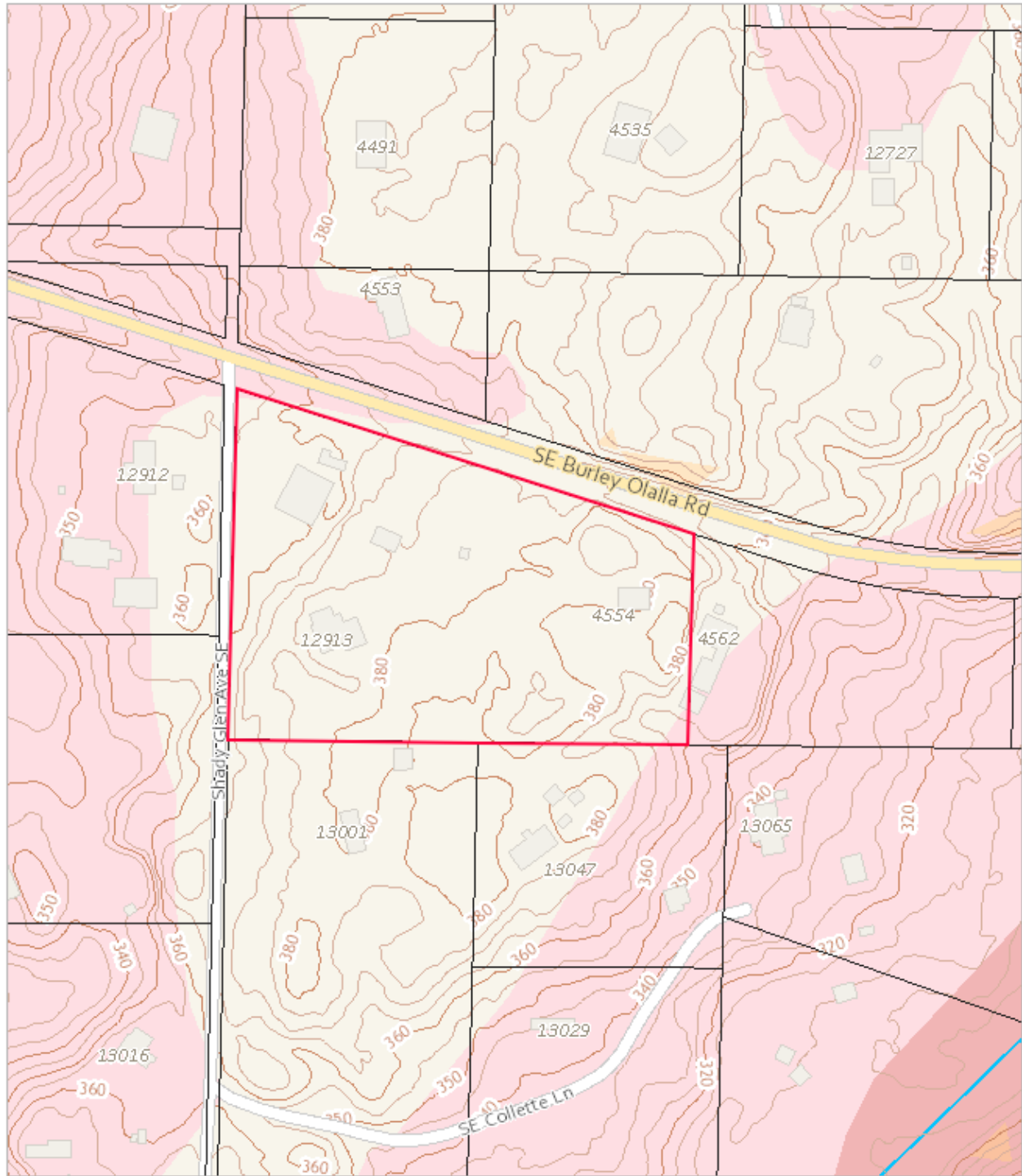
Attachment B: 2020 Aerial Imagery



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

0 100 200ft

Attachment C: Critical Areas Map



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



Attachment D: Zoning Map



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

0 100 200ft