Rafe Wysham
DIRECTOR

KitsapCounty

COMMUNITY DEVELOPMENT

Notice of Hearing Examiner Decision

11/13/2026

To: Interested Parties and Parties of Record

RE:

Project Name:	Sunflower Farm Event Venue
Applicant:	Sunflower Farms, LLC Bill Miller PO Box 95 Olalla, WA 98359-0095
Application:	Conditional Use Permit
Permit Number:	22-00530

The Kitsap County Hearing Examiner has **APPROVED** the land use application for **22-00530: Sunflower Farms – CUP**, **subject to the conditions outlined in this Notice and included Decision.**

THE DECISION OF THE HEARING EXAMINER IS FINAL, UNLESS TIMELY APPEALED, AS PROVIDED UNDER WASHINGTON LAW.

The applicant is encouraged to review the Kitsap County Office of Hearing Examiner Rules of Procedure found at https://www.kitsap.gov/dcd/HEDocs/HE-Rules-for-Kitsap-County.pdf.

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.

CC:
Applicant/Owner: William Miller, bill@sunflowerfarmsvenue.org
Project Representative: William Palmer, wpconslts@telebyte.net
Interested Parties:
Linda and Michael Murnane, murnane@centurytel.net
Kay Browning, 4087 SE Burley Olalla Rd OLALLA, WA 98359
Charles Senn, chalresenn@gmail.com

Jasmine Blas, jazmine.ablas@gmail.com
Leah Browning, hello@sageandsoulphotography.com
Beth Javens, beth.javens@visitkitsap.com
Kimberly Senn, kimberlys850@gmail.com
Cassandra Bengtson, cassandrabengtson@gmail.com
Crystal McHahon, mc4evr1@gmail.com
Sheila Tallman, gharborsi@gmail.com
Mary Vance, vance52@hotmail.com
Lisa Fryer, lisaevance@hotmail.com
DCD Staff Planner: Stephen Heacock
DCD Attorney: Neil Wachter, NRWachter@kitsap.gov
Applicant Attorney: Reuben Schutz, rschutz@gth-law.com
Assessor's Office: assessor@kitsap.gov
DCD Director: Rafe Wysham, Rwysham@kitsap.gov
DCD Assistant Director: Tina Rice, trice@kitsap.gov
DCD Assistant Director: Cecilia Olsen, colsen@kitsap.gov
Kitsap Sun, sunnews@kitsapsun.com
Health District
Public Works
Parks
Navy
DSE
Kitsap Transit
South Kitsap Fire District
South Kitsap School District
Puget Sound Energy
Point No Point Treaty Council
Suquamish Tribe
Port Gamble S'Klallam Tribe
Squaxin Island Tribe
Puyallup Tribe
WA Dept of Fish & Wildlife
WA State Dept of Ecology-SEPA
WA State Dept of Ecology-Wetland Review

BEFORE THE HEARING EXAMINER FOR KITSAP COUNTY

Phil Olbrechts, Hearing Examiner

RE: Sunflower Farm Event Venue Conditional Use and SEPA Appeal File No. 22-00530	**CORRECTED[1] FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION.**

INTRODUCTION

Bill Miller on behalf of Sunflower Farms, LLC has applied for a conditional use permit (CUP) to operate an event venue at his property located at 12912 Shady Glen Ave, SE Olalla, WA 98359. Review of Mr. Miller's CUP application has been consolidated with his appeal of the associated Mitigated Determination of Non-significance (MDNS). The CUP application is approved subject to conditions. The MDNS appeal is granted in part by revising and adding mitigation measures.

County staff recommended conditions 9, 10 and 11 have been modified or replaced and Conditions No. 34 and 35 have been added to the staff recommendations by the Examiner. No other staff recommended conditions have been altered.

The agreed upon MDNS and CUP noise mitigation measures between Mr. Miller and the County are adopted by this decision. Those conditions authorize outdoor amplification. That outdoor amplification will be limited to a monthly 10-day blackout period. During those 10 days indoor amplification will be allowed. Mr. Miller will be allowed to reapply for a conditional use permit authorizing a shorter blackout period in two years. The purpose of the reapplication/amendment would be to establish that the ten-day blackout period is unnecessary for code compliance based upon the impacts of Sunflower's two years of operation or other changed circumstances.

[1] The original 22-00530 Final Decision listed the admitted Foundational exhibits as F1-F60. The Final Decision inadvertently left out F61. F61 is composed of several letters of support for the Millers as competent and responsible business owners. The business community support for the Millers had been fully considered in the Final Decision and was a significant factor in creating an opportunity for the Millers to establish a lack of impacts after two years of operation via a CUP reapplication. Other than renumbering the footnotes, changing page numbers and adding F61 to the exhibit lists, this correction makes no changes to the Final Decision.

The Miller application involves a very challenging balancing of Mr. Miller's business use entitlements verses the entitlements to peace and tranquility inherent in "rural character" as strongly protected in the County's comprehensive plan. The record establishes the unfortunate reality that operations of event venues are a zero-sum game – event venues succeed at the direct expense of the peace and tranquility of their neighbors. The record and past hearing examiner decisions also establish that maximum sound levels set by the County's noise ordinance are insufficient by themselves to maintain rural character. The ten-day black out rule serves as a reasonable balancing of impacts of the economics of event venue operations verses peaceful enjoyment by surrounding neighbors.

ORAL TESTIMONY

A Zoom computer-generated transcript of the hearing has been prepared to provide an overview of the hearing testimony. The transcript is provided for informational purposes only as CUP Exhibit 31[2]. Since the transcript is computer generated, it is not 100% accurate. A copy of the recording is available from the County's planning department should anyone need to make an accurate transcription. References to transcript pages are identified as "Tr. x."

EXHIBITS

Exhibits F1-F61 listed in the Index to the Record Foundational (F) Record prepared by hearing examiner clerk were entered into the record during the hearing. In addition. Exhibits 1-30[3] listed in the Index to Record (CUP) were also admitted into the record during the hearing. Mr. Miller and County October 28, 2026 closing arguments are also admitted into the record.

FINDINGS OF FACT

Procedural:

1. Applicant. Bill Miller on behalf of Sunflower Farms, LLC, PO Box 95, Olalla, WA 98359-0095.

2. Hearing. The Hearing Examiner conducted a virtual hearing on the application on September 10 and 11, 2026. The record was left open for Mr. Miller

[2] The transcript is designated as an "exhibit" only because designating it as an appendix is not compatible with the County's filing system. The transcript just serves as an informational tool to identify the location of testimony in the hearing recording and does not otherwise serve as admitted evidence itself.

[3] The last version of the CUP Index to Record included an Exhibit 31 and 32. Those two exhibits were not admitted into the record during the hearing.

and the County to work out SEPA mitigation measures and provide SEPA closing argument through October 28, 2026.

Substantive:

3. Site/Proposal Description. Bill Miller on behalf of Sunflower Farms, LLC has applied for a conditional use permit to operate an event venue business at his property located at 12912 Shady Glen Ave, SE Olalla, WA 98359.

The event venue business will host weddings, community gatherings, family reunions, and other events to accommodate, as conditioned, up to 150 attendees. The facility provides 59 on-site parking spaces via a year-round gravel parking and seasonal grass lawn parking. A barn, chapel, and groom's quarters are included in this proposal. Larger events would occur during the summer and smaller events in the winter. No event timing schedule has been proposed by Mr. Miller, except that events would cease at 10PM.

The subject site is 2.9 acres in size. The site is relatively flat, with a sloped feature in the northwest corner that slopes down to the west approximately 35 ft. The slope is comprised of mature tree canopy covering the western fifth of the site. Native vegetation is surrounding the site, approximately 30 to 40 ft in width around the property perimeter.

4. Characteristics of the Area. The surrounding area is zoned Rural Residential. It is developed with single-family homes on rural sized lots that are each several acres in size from very roughly 2 to five acres. See Ex. 26, p. 14.

5. Adverse Impacts. All adverse impacts have been mitigated to the maximum extent reasonably practicable. Impacts are individually addressed as follows:

A. Noise. As conditioned by this decision, the noise impacts of the proposal have been mitigated to the maximum extent reasonably practicable. Major noise factual issues are individually addressed as follows:

a. Noise Ordinance. The proposal has been sufficiently mitigated to assure conformance to the maximum noise levels set by the County's noise ordinance, Chapter 10.28 KCC.

The County and Mr. Miller went through several rounds of noise studies subject to peer review to eventually come upon agreement to a set of noise mitigation measures. Those measures are found to likely assure conformance to the maximum decibel levels permitted by Chapter 10.28 KCC. As required by the County, Mr. Miller had a noise study prepared by Roma Environmental (Roma). Kitsap County hired a third-party contractor, Catalyst Environmental Solutions (Catalyst), to review the

study. Catalyst could not concur with Roma's noise mitigation findings. In turn, Roma did not completely concur with Catalyst's findings and prepared an amended report was prepared. Catalyst prepared a final review and recommended conditions for the project. It appears that the County may have inadvertently failed to give Mr. Miller the final report from Catalyst. Construing the lack of Mr. Miller's response to the final Catalyst report as an inability to agree upon mitigation for outdoor amplification, the County's final recommendation was to prohibit outdoor amplification.

At the hearing it became apparent that Mr. Miller was willing to resolve his noise expert's differences with those of Catalyst and would have done so if he had received the final report sufficiently in advance of the hearing. Catalyst objections to the Mr. Miller's noise analysis were primarily based upon the noise modelling assumptions were not sufficiently conservative. The Catalyst noise expert, Ms. Voget, testified that given enough time the points of disagreement in the noise reports could be worked out. Tr. 157.

Given how close Mr. Miller and the County were to reaching agreement, the Examiner left the record open for the parties to arrive at agreeable standards. The parties ultimately did produce a detailed set of noise level mitigation standards that provide strong assurance that noise decibel standards will be met. Most persuasive, the standards include installation of a "limiter" that automatically shuts the music off if it reaches specified levels. Further, third party monitoring is required to assure that the noise walls and other mitigation requirements result in conformance to required sound levels. With adoption of these standards, the proposal is found to be adequately mitigated to conform to the maximum decibel levels imposed by Chapter 10.28 KCC.

b. Mixed Site Specific Impact. Surrounding neighbors have had mixed reactions to prior venue activities at the project site.

The Sunflower proposal presents a unique opportunity to assess potential impacts because it has been operating as a venue for several years. The specifics of Sunflower's past activities are unclear. The only information on past activities comes from neighborhood comments about how the event activities affected them. The Senns commented that Sunflower had been holding events such as weddings at the project site for "years," with some extending beyond 10:00 pm at night. Beyond this information, the record is unclear as to why events were being held without a conditional use permit or the frequency of such occurrences.

Written and oral testimony was presented by six neighbors living within a few hundred feet of the project site and two others with ownership interests in such property. Only two neighbors identified that the noise of the past event activity adversely affected them. The Senns, living across SE Burley

Olalla Road, submitted several comment letters identifying that the noise from the events was intolerable and that they couldn't stay outside during the events. CUP 10, F17. Bridget Browning, living 350 feet from the project site, testified that the music and cheering were "really loud" and that the noise was obnoxious. Tr. 94.

Three other neighbors commented that they had concerns about noise generated by the proposal. *See* Vance, Frye and Bengston comments and letters. Ex. F60, Tr. 86 (Bengston). Ms. Bengston testified that she was particularly concerned because the noise could trigger PTSD in her veteran husband. Tr. 86. It is telling from the comments of these three individuals that none of them found it necessary to comment about the noise impacts of prior event activities. This despite the fact the activities had been going on for years as noted by the Senns. If the past events had been a major noise imposition, one would expect that the neighbors would point that out.

Finally there were three nearby property owners who commented that the noise of the past events wasn't a problem. Teal Tipton, who lives directly across Shady Glen, testified that he never had any issues and that at least during one event he couldn't hear anything from within his home. Tr. 90. Chris Thomsan stated he owns property near the project site and hasn't encountered any noise problems. Tr. 87. However, Mr. Senn testified Mr. Thomson doesn't live at the nearby home, that it's an adult family home owned by Mr. Thomson. Tr. 92. Jerid Henrickson, whose family owns property directly south (unclear if adjoining), testified that he too has no problem with the noise. Tr. 89-90. However, Mr. Henrickson doesn't appear to reside at that location. The property appears to be owned by his parents and his experience may only be limited to one venue event. Id.

c. Negative Overall Significant Impact; Blackout Dates. County staff have established a negative significant noise impact on a county-wide basis from rural venue event businesses. Hearing examiner decisions and County ordinances have developed blackout periods for event venue activities to balance the rural character entitlements of rural residents with the business use entitlements of rural business owners. The 10-day blackout rule is found to be a reasonable means of mitigating against the noise impacts of venue events.

The general impacts of venue event businesses such as Sunflower are most clearly identified in the passage of KCC 17.415.195. Adoption of that ordinance shows that the County Commissioners found numerous performance standards necessary to mitigate event business impacts. Most notably, KCC 17.415.195 imposes monthly ten-day blackout periods for event facilities, limits the number of persons who can attend such facilities, limits the hours of operation and requires noise assessments for "certain" events, such as those using amplified sound.

The ten-day blackout period required by KCC 17.415.195B2 serves as a legislative end point to the scattered practice of past hearing examiner decisions to impose blackout periods of varying lengths for event facilities. In response to an Examiner request to produce past examiner decisions addressing event facilities, the County submitted five Examiner CUP decisions for event facilities dated from 2013-2022[4]. Each decision imposed different types of blackout dates. Two decisions imposed no closures (2015 and 2021), one required one weekend a month (2020), another one closure every other Sunday (2013), and one 50% of consecutive dates every month (2022).

County staff relied upon the CUP conditions from the Examiner decisions above and neighbor complaints to formulate the ten-day blackout period and other mitigation measures imposed by KCC 17415.195B2. Scott Diener, the County's planning manager and SEPA responsible official, testified that the ten-day blackout period was designed to provide for a balance of uses in rural areas:

> *"...the neighbors want to enjoy the opportunities and the weather at the same time that Sunflower would like to be performing. But we felt like 10 days actually is not completely balanced, it actually weights in the applicant's favor a bit. So, 10 days out of the month gives them 20 days, they get 2 weekends, perhaps even 3, depending on the month"*

Tr. 76.

Mr. Diener testified that "*we have a lot of experience*" with event venue businesses. He added that there were several event venue businesses in the vicinity of the project site. Tr. 77. He identified that noise was by far one of the biggest complaints the County gets by volume. Id.

Darren Gurney, the County's environmental planning supervisor, further elaborated upon how event venue standards such as the ten-day blackout rule were formulated:

> *so I do want to point out that when we developed the code for the [event] facility, it was actually using past hearing examiner decisions on multiple permits, not just one permit, but it's what we learned over decades of experience in processing these permits and processing complaints for these types of venues. I*

[4] Judicial notice is taken of the CUP decisions. The CUP decisions are Farm Kitchen (19-01275), Kingston House (14-01839), Red Cedar Farm (11-0102982), Shutz (21-02799) and Kipperberg (21-04111).

could go into a lot more detail on the code update process, but I can hold off.

Tr. 115

The problems with other event venues were personally highlighted in the comments from Linda Murnane. Ms. Murnane lives about 350 feet from Olalla winery event venue, which she identifies as including a stage. She testified that weddings were so loud she couldn't hold a conversation while they were held. Tr. 192. From her testimony it appears that she believed the event host to be violating county noise standards and/or permit conditions. She was unable to illicit any enforcement assistance from the County. She had been advised by the prosecuting attorney's office that there was insufficient evidence to prosecute.

Balanced against the noise reduction effectuated by the 10-day blackout rule is the economic impact it has on event business owners. Mr. Miller testified that the 10-day blackout condition would cut his business opportunities in half and reduce his revenues by half. Tr. 130. The record doesn't include any other information on the economic impact of the 10-day rule other than testimony from another event venue business owner, Ms. Newby. Ms. Newby identified that the ten-day blackout rule for her outdoor venue "*wouldn't pencil out when it came to the investment of building the venue*." Tr. 184. Beyond this testimony, the record is silent as to the impacts to the feasibility of Mr. Miller's business. Other than Ms. Newby's comments regarding feasibility impacts to exclusively outdoor event venues, there is no evidence in the record showing that the 10-day rule would render Sunflower operations infeasible.

The evidence produced by the County for the 10-day blackout rule isn't any more detailed than summarized in this finding. From the evidence produced it is clear that noise from event venues is a significant and recurring problem that isn't fully addressed by the County's noise standards. Decibel levels alone are not sufficient to preserve the tranquility of what residents expect from rural character. It's not entirely clear from the record how similar the Sunflower business plan is to the other venues that have been causing noise problems in Kitsap County. Ms. Murnane's reference to a "stage" in the Olalla facilities suggests that at least that facility may involve larger and noisier events that would typically be hosted at the Sunflower facility. However, given the experience of event venues by the County's planning staff and their overall expertise as planners, their findings as to the necessity for the ten-day rule are found determinative in assessing necessary and fair mitigation of the project's impacts.

d. Two-Year Review. Although the County has made a solid prima facie case that in general event venues should be subject to a 10-day blackout period,

there is some evidence that suggests the Millers' business may still not be problematical. Given the burden that the ten-day blackout will place upon Mr. Miller's business, Mr. Miller should be given a chance to establish that Sunflower will not create noise and traffic problems for its neighbors. That opportunity is provided via a two-year review authorized by this decision.

There are two factors that weigh in favor of Mr. Miller qualifying as a somewhat exceptional applicant that don't necessitate the 10-day rule. First are the numerous support letters that testify to the Mr. Miller's commitment to conducting a quality business that serves the interests of the Kitsap County community. Second are the detailed conditions resulting from the thorough noise assessments of the project. Most significant, the noise limiter and field verification required[5] of the proposal have not been required of the other five projects addressed in the examiner decision identified above. The limiter in particular should prevent noise exceedances without having to trigger code enforcement.

The significance of the unique noise mitigation measures is heightened by gaps in the record. Specifically, it's unknown if most of the noise complaints identified by the County are associated with venues that fail to meet noise decibel standards. Ms. Murnane's testimony about the Olalla venue suggests that for that venue, the noise problems may at least in part come from exceeding maximum allowed noise levels. As previously noted, the unique noise mitigation conditions of the project will make it difficult for Sunflower to exceed allowed noise levels. It would be instructive in a two-year review to see how successful the noise mitigation measures are in reducing impacts to neighbors. It's within the realm of possibility that those measures could eliminate the need for blackout periods or at least compel a short period.

To help establish that Sunflower will not create impacts similar to other event venue businesses, Mr. Miller offered that he would be willing to go through a six- or twelve-month examiner review to show that his facilities were operating correctly. Tr. 144. Such an additional review would provide the Millers with a fair opportunity to establish that they will responsibly operate their business. Unfortunately, a second hearing would arguably violate the one hearing rule imposed by RCW 36.70B.060(2)[6]. However, KCC 17.415.195B3 provides a mechanism for this additional review. That code section allows the Examiner to decrease the length of the blackout

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[5] The conditions of approval in the five decisions don't appear to expressly require limiters and monitoring. It's possible that subsequent noise studies required for some of those CUPs may have included limiter and monitoring.

[6] RCW 36.70B.060(2) mandates that local governments such as Kitsap County establish a permitting system that provides for "*no more than one open record hearing and one closed record review*."

period[7]. Taking advantage of that flexibility, a condition of approval authorizes Mr. Miller to reapply for a conditional use permit after two years of operation proposing a reduced blackout period. The reapplication shall be considered a new proposal due to the proposed difference in the blackout period. The examiner in that review shall consider the impacts of the Millers' two years of operations on whether to decrease the 10-day blackout period[8].

e. Indoor Amplification. Indoor amplification will be allowed during the 10-day blackout.

Indoor amplification clearly has less impact than outdoor use. This was recognized in the conditions initially recommended by the County, which limited amplified sound to indoors. County staff testified that they understood indoor amplification would reduce sound levels to neighbors. Tr. 116. The County's noise expert, Ms. Voget, testified that allowing indoor amplification during the 10-day blackout would serve as a good compromise in the Mr. Miller's interests. Tr. 150. However, as testified by the Mr. Miller's sound expert, Ms. Stromberg, factors such as leaving the windows open and the sound rating of the building walls will affect the actual noise levels reaching the neighbors. Tr. 175.

Mr. Miller testified that he didn't see indoor amplification as helpful since his events work best outdoors. He noted that interior temperatures may be too high during the summer. Tr. 130. Of course, he could install air conditioning if temperature is the only obstacle to successful indoor events. Further, Mr. Miller ultimately did request authorization for indoor activities in their written closing if the 10-day blackout is imposed. See Applicant Post Hearing Brief, FN 41.

Although the evidence suggests that indoor amplification will be significantly less than outdoor amplification, as suggested by Ms. Stromberg the noise levels are subject to a range of different factors. To account for such variability, the performance and monitoring standards of agreed upon Conditions 9 and 10 shall apply to indoor amplified events as well.

B. Lighting. The proposal will not create any significant lighting impacts. The proposal is conditioned to comply with KCC 17.105.110, which limits light spillage to one foot candle outside property boundaries. KCC 17.105.110 also

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[7] Specifically, KCC 17.415195B3 authorizes the hearing examiner to "*increase or decrease the number and frequency of events to reduce the potential impacts to neighbors*."

[8] Hearing examiners have authority to impose conditions affecting future permit review via *King Cnty. Dep't of Dev. & Env't Servs. v. King Cnty*., 167 Wash. App. 561, 574, 273 P.3d 490, 497 (2012), rev'd, 177 Wash. 2d 636, 305 P.3d 240 (2013).

requires that all lighting be shielded and directed downward away from adjoining properties and that glare not be materially deleterious to surrounding properties, people or uses. Reference in KCC 17.105.110 is also made to KCC 17.420.030C, which provides specific light fixture design standards. Finally, as shown in the project site plan, Ex. 26, p 6, the entire perimeter of the project site is surrounded by several feet of densely spaced trees. This buffering should further reduce light spillage to adjoining properties. A site-obscuring fence is required as a condition of approval at the northern property line to reduce headlight glare from the parking area that would likely impact neighbors.

C. Parking. The proposal provides for adequate parking. The facility provides 59 on-site parking spaces via a year-round gravel parking and seasonally grass lawn parking. The KCC doesn't require any specific parking amount for the most applicable use category, "clubs/lodges." Instead, it requires that spaces be sufficient to meet the combined requirements of the uses being conducted. The 59 spaces provided for the proposal is found sufficient by County staff based upon vehicle occupancy estimates of an average of three persons per vehicle for a total of 177 guests, patrons and catering staff. The estimate of three persons per vehicle appears high but is uncontested and is apparently found accurate by County planning staff. The 177 total guests/patrons/catering exceeds the 150 guest cap imposed by the conditions of approval.

D. Landscaping/Aesthetics. The proposal will not create any significant aesthetic impacts. The aesthetics of the site are adequately addressed by landscaping requirements designed to address aesthetic impacts as well as the extensive perimeter trees at the project site. The project provides more than 15% landscaping as required by 17.500.025. A solid fence is also required at the northern property line.

E. Stormwater. The proposal will not create any significant stormwater impacts.

Mr. Miller has submitted a stormwater Technical Memorandum, CUP Ex. 15. Development Services and Engineering reviewed the analysis and found it supportable in its approach to civil site development. Runoff from the building roof and concrete sidewalk will be dispersed into existing vegetative dispersion areas and downstream drainage patterns are not altered. Stormwater will be treated via infiltration trenches adjacent to the roadways. The calculated 0.016 cfs increase in developed site 100-yr peak runoff from proposed improvements will have negligible impact on existing downstream drainage patterns.

Further review will occur during civil permit and building permit review. Several conditions of approval require conformance to KCC stormwater standards. During civil review, the proposal will be made to comply with the Kitsap County Stormwater Design Manual. The Manual also imposes stringent water quality treatment and flow control standards adopted pursuant to state requirements that such standards be based upon all known, available and

reasonable methods of prevention, control and treatment. See RCW 90.52.040 and RCW 90.48.010.

F. Critical Areas. The only critical areas on site found by County planning staff is a moderate erosion hazard on the western portion of the site, outside the developed and proposed developed areas.

G. Access, Traffic, Roads. The proposal will not create any significant transportation impacts. No service road, spur track, or hard stand is proposed; the existing entrance driveway from Shady Glen will convey all proposed event traffic. A condition of approval requires Mr. Miller to apply for concurrency review, which assures adequacy of county roads under county level of service standards. County public works have reviewed the proposal and found no need for any off-site mitigation. Although comment letters pointed out that not all access roads are fully developed, no deficiencies in County road standards for which Mr. Miller could legally be made responsible to remedy are identified in the record.

H. Fire Safety. The proposal doesn't implicate any fire safety concerns. The proposal will be served by Central Kitsap Fire & Rescue. The Fire Marshall's office reviewed the proposal and recommended conditions adopted by this decision.

I. Utilities. The proposal will be served by adequate utilities. Potable water is provided by a private well. Sewer is provided by Kitsap County Power will be supplied by Puget Sound Energy. The proposal has already been operating as an event venue with no deficiencies in utility service identified in the record.

J. Compatibility. The proposal is compatible with surrounding uses with the understanding that noise is regulated to the extent that event venue businesses can feasibly be operated within the RR zone. Any additional restrictions hazards making any such proposed business infeasible, which would thereby effectively repeal and render meaningless the authorization for such uses in the RR zone as a conditional use. Given this regulatory context, the noise generated by the proposal outside of the 10-day blackout period will have to be found acceptable and compatible with surrounding residential use.

CONCLUSIONS OF LAW

Procedural:

1. Authority of Hearing Examiner. KCC 17.550.030 authorizes the hearing examiner to issue decisions on applications for CUPs. SEPA appeals are consolidated with the CUP as required by KCC 21.04.190A and WAC 197-11-680.

Substantive:

2. Zoning Designation. The property is currently zoned Rural Residential.

3. Vesting. The proposal vested to regulations upon the filing of a complete CUP application as outlined in KCC 21.04.150A. The application was found technically complete on March 18, 2022. The proposal is thus not subject to the County's event venue business regulations, KCC 17.415.195. Those regulations were adopted after vesting, on March 28, 2022.

Mr. Miller's closing brief focuses heavily upon the position that the 10-day blackout rule adopted by KCC 17.415.195B2 cannot be applied to the project because the CUP application vested to regulations that preceded its adoption. However, KCC 17.415.195B2 is not being applied to the project. Rather, the County staff determination that a ten-day blackout is necessary to mitigate noise impacts is applied to the proposal for the reasons identified in Finding of Fact No. 5c. The development standards that are vested to the proposal do not specify any blackout dates. Blackout dates are a form of mitigation that County hearing examiners have applied on several occasions under the vested CUP standards that apply to the project. The need for the ten-day length of the blackout date is supported by the experience and findings of staff that were used to recommend to the Commissioner that it be adopted as KCC 17.415.195B2. The fact that the most persuasive evidence in the record on blackout length also happens to have influenced the adoption of KCC 17.415.195B2 doesn't make it any less probative on illuminating what blackout length is necessary to meet vested CUP standards.

SEPA Review

4. SEPA Review Criteria. The primary criteria for assessing the validity of the SEPA threshold absent reliance upon WAC 197-11-158 is whether the proposal has a probable significant environmental impact. *See* WAC 197-11-330(1)(b). WAC 197-11-782 defines "probable" as follows:

> *'Probable' means likely or reasonably likely to occur, as in 'a reasonable probability of more than a moderate effect on the quality of the environment' (see WAC 197-11-794). Probable is used to distinguish likely impacts from those that merely have a possibility of occurring, but are remote or speculative. This is not meant as a strict statistical probability test.*

If such impacts are created, conditions will have to be added to the DNS to reduce impacts so there are no probable significant adverse environmental impacts. In the alternative, an environmental impact statement would be required for the project. In assessing the validity of a DNS, the determination made by the City's SEPA responsible official shall be entitled to substantial weight. WAC 197-11-680(3)(a)(viii).

5. SEPA Deference. The proposal is subject to two separate deference standards. The findings of this decision are based upon both.

In assessing the validity of a DNS, the determination made by the City's SEPA responsible official shall be entitled to substantial weight. WAC 197-11-680(3)(a)(viii). The basis of the ten-day blackout rule is in part based upon this deference. Finding an appropriate balance between residential enjoyment and economic feasibility within the context of setting blackout periods is well within the expertise of the SEPA responsible official. Those types of trade-offs are within the planning expertise of County planning staff with years of experience in addressing rural noise complaints and working with permitting conditions and assisting in the adoption of legislative standards designed to mitigate those impacts and preserve rural character.

Mr. Miller's closing brief identifies another deference standard, specifically that any deference given to County interpretation of County standards must be based upon a matter of preexisting policy that was part of a pattern of past enforcement. *Ellensburg Cement Products, Inc. v. Kittitas County*, 179 Wn.2d 737, 753 (2014). The Ellensburg holding was targeted at the interpretation of ambiguous ordinances, not factual findings under SEPA. Nonetheless, it does play a role in the application of blackout mitigation to the proposal. Under both the "probable significant adverse impact" standard of SEPA and the compatibility and detrimental impacts of the CUP criteria it can be argued that the County's noise ordinance, Chapter 10.28 KCC, sets the sole and acceptable levels of noise impacts. However, past CUP hearing examiner decisions on the issue as detailed in Finding of Fact No. 5c have on multiple occasions imposed blackout dates despite the applicability of Chapter 10.28 KCC. Deference is given to the staff position that blackout dates may serve as additional mitigation for noise impacts.

6. SEPA Policies. The SEPA mitigation measures are based upon SEPA policies.

The primary contested issues of the SEPA appeal are based upon the mitigation measures addressing noise. Accordingly, this analysis is based upon those noise mitigation measures.

KCC 18.04.200.C3 requires SEPA mitigation to be based upon adopted SEPA policies. KCC 18.04.200D1 adopts the County's Comprehensive Plan as one of its SEPA policies. The policies of the Comprehensive Plan that protect rural character provide the SEPA policy basis for the noise mitigation measures of the MDNS.

The Comprehensive Plan is replete with policies and goals designed to protect rural character as identified in Pages 8 through 10 of the CUP staff report, Ex. F59. A comprehensive plan narrative identifies what rural character means as follows:

> *For County residents, the term rural also defines a philosophy of living and a quality of life. This quality of life includes* ***a sense of quiet****, community and a* ***slower pace of life****. Rural characteristics include the abundance of trees, access*

to recreation, views of water and mountains, and a quiet, unregimented atmosphere.

Comp Plan, p. 1-13. (emphasis added).

The "*sense of quiet*" is precisely why the County has had to deal with so many noise complaints from persons living near event venue businesses. With or without meeting the decibel levels imposed by Chapter 10.28 KCC, having to listen to multiple hours of on-going parties every Friday and Saturday night understandably rankles those how have moved to the country to enjoy serene summer evenings in their back porches. Such noise may not be as annoying as gravel pit operations, but they are still the antithesis of the rural character that many persons have sought to enjoy in the rural countryside of Washington State counties.

7. Vagueness. The most challenging part of applying the ten-day blackout rule is that noise impacts to residents beyond decibel levels are not quantifiable. The County's blackout rule is solely based upon subjective experiences that rural character has been lost. This concern implicates the constitutional void for vagueness standard. The SEPA policy and CUP criteria basis for imposing the blackout rule is not found to be unconstitutionally vague.

The seminal case on the void for vagueness doctrine is *Anderson v. Issaquah*, 70 Wn. App. 64, 75 (1993). The *Anderson* decision involved a city design standards ordinance that required project design to be "*harmonious*" and "*compatible*" with surrounding development and that the design be "*interesting*." The *Anderson* court ruled that, as applied to the permit applicant of that case, those terms "*do not give effective or meaningful guidance to local decision makers and as such the standards were unconstitutionally vague*." As referenced by the *Anderson* court, "*a statute which either forbids or requires the doing of an act in terms so vague that men [and women] of common intelligence must necessarily guess at its meaning and differ as to its application, violates the first essential of due process of law*." 70 Wn. App. at 76.

As identified in Finding of Fact No. 5b, past operations at the Sunflower site have drawn mixed reactions with surrounding neighbors. Some found the noise acceptable, others did not. In this regard one could argue that persons of common intelligence could disagree as to whether blackout event venues such as Sunflower disrupt rural character. However, a more precise inquiry should be whether those who find the noise objectionable and contrary to rural character are reasonable in that reaction. Given the scenario of having to listen to on-going parties every Friday and Saturday night during the dry periods of the year, one would be hard pressed to characterize such a reaction and perception is unreasonable. The fact that the County receives several complaints from other event venue businesses as documented in Finding of Fact 5c shows that event business noise affects numerous people, all from event businesses subject to the decibel standards of Chapter 10.28 KCC. It is reasonable to conclude that without blackout dates, many rural residents will reasonably believe they have been deprived of rural character. Some residents may be unaffected by venue events, but the fact that

many others are reasonably adversely affected qualifies the noise impacts as adverse and hence subject to mitigation under both SEPA and CUP standards.

8. MDNS Upheld as Modified. With added revisions and conditions identified in Finding of Fact No. 5, the proposal will not create any probable significant adverse impacts for the reasons identified in Finding of Fact No. 5. As such, the MDNS as modified is found to conform to the requirements of the State Environmental Policy Act and associated SEPA regulations.

Conditional Use

9. Review Criteria. KCC 17.410.042 requires a conditional use permit for clubs in the RR zone[9]. KCC 17.550.030A sets the criteria for conditional use permit approval. Applicable criteria are quoted below in italics with associated conclusions of law.

KCC 17.550.030(A)(1): *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;

10. Criterion met. The criterion is met. As conditioned and mitigated by this decision, the proposal is consistent with the policies of the comprehensive plan for the reasons identified in Conclusion of Law No. 6 and pages 4 and 8-10 of the staff report, Ex. F59.

KCC 17.550.030(A)(2): *The proposal complies with applicable requirements of this title;*

11. Criterion met. The criterion is met for the reasons identified in Page 6 of the staff report. Staff planning and public works staff have reviewed the proposal to ensure conformance to the County's zoning code for this level of review. The results of that work have been implemented in detailed conditions of approval, adopted by this decision. Nothing in the record suggests any outstanding compliance issues. More detailed compliance will be required during building and civil permit review.

KCC 17.550.030(A)(3): *The proposal will not be materially detrimental to existing or future uses or property in the immediate vicinity; and*

[9] The current version of KCC 17.410.042 requires an administrative conditional use permit for the project. The vested version of KCC 17.410.042 was not available to the Examiner so it's unclear if an examiner conditional use permit was required under the vested regulations. The staff report identifies doesn't limit the conditional use permit to an administrative conditional use permit.

12. Criterion met. As conditioned and mitigated by this decision, the criterion is met for the reasons identified in Finding of Fact No. 5.

KCC 17.550.030(A)(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. Criterion met. As conditioned and mitigated by this decision, the criterion is met for the reasons identified in Finding of Fact No. 5.

DECISION

Based upon the conclusions of law above, the conditional use permit application and SEPA MDNS are approved and upheld subject to the following conditions and revisions:

a. Planning/Zoning

1. All required permits shall be obtained prior to commencement of land clearing, construction and/or occupancy.
2. The approval is to operate a wedding venue and event center (under the vested 2016 T Zoning use of 'Club') on the subject property. No other use is authorized and other proposed uses 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 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.
3. 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, and permitting if necessary, 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.
4. The decision set forth herein is based upon representations made and exhibits contained in the project application (22-00530). 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.
5. 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 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.

6. Any violation of the conditions of approval shall be grounds to initiate revocation of Conditional Use Permit approval.

7. DCD staff shall have rights to access the site during subsequent permit application reviews and during operating hours to check on compliance, including during public or private events.

8. 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, including events or assembly events. The Notice of Land Use Binder shall serve both as an acknowledgment of an 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.

9. Noise from all event operations, including amplified sound, unamplified music, crowd noise, and vehicle activity, shall comply with 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 at all points within the receiving properties of adjacent parcels, measured as specified in KCC 10.28.130, and shall not exceed the standards in KCC 10.28.145 for Public Disturbance Noises. Prior to any amplified sound or equipment being used on the outdoor portions of the premises or broadcast outdoors the Applicant shall implement the following mitigation and performance measures:

a. An eight-foot barrier with a sound transmission class (STC) rating of at least 32 shall be constructed at the top of the existing slope at the edge of the patio area as shown in Figure 5 of the February 13, 2026 Noise Impact Analysis from Roma Environmental (Roma NIA). The barrier shall be continuous, free of gaps, and have a minimum surface density of 4 pounds per square foot.
b. A six-foot barrier with a STC rating of at least 32 shall be constructed along the southern edge of the activity area as shown in Figure 5 of the Roma NIA. The barrier shall be continuous, free of gaps, and have a minimum surface density of 4 pounds per square foot.
c. Sound levels shall not exceed 76 dBA Leq (1-hour) at the control point (Receptor 5 at a height of 5 feet as shown in Figure 5 of the Roma NIA) or a lower final limiter setting established through the post-opening field verification monitoring. Sound levels at the control point shall be controlled by the noise limiter required below.
d. The effectiveness of the barriers and the noise limiter setting shall be field tested by a qualified acoustical professional during the post-opening field verification monitoring described below, with a Type 1 or Type 2 sound level meter. The noise limiter setting and calibration shall be verified by a qualified acoustical professional at least once a year using a Type 1 or Type 2 sound level meter.

e. Both required sound barriers shall reach from ground level to the prescribed height with no cracks or holes. The sound barriers shall be maintained in continuous condition without gaps, openings, or deterioration that could reduce acoustic performance. Damaged or deteriorated barrier material shall be repaired or replaced prior to the next event. Barrier design and construction shall be certified by a qualified acoustical professional prior to any outdoor amplified sound.

f. Outdoor amplified sound shall be limited to the number, placement, orientation, and maximum height assumed in the Roma NIA (two speakers on the west side of the dance floor as shown on Figure 5, with speaker centers no higher than 3 feet above grade, speakers aimed east toward the eight-foot barrier, and no speaker closer than 10 feet to the southeast corner of the barn). No additional speakers, subwoofers, or amplified sound in other outdoor areas, including the ceremony area, shall be used unless a revised noise analysis demonstrating compliance is submitted to and approved by DCD.

g. All outdoor amplified sound, including music, public address systems, microphones, and any equipment supplied by vendors or performers, shall be routed through a noise limiter device capable of restricting maximum output levels consistent with the Roma NIA assumptions. The noise limiter shall be professionally configured so that amplified sound levels cannot exceed the maximum allowable level associated with compliance at the property line. Prior to the first event with outdoor amplified sound, a qualified acoustical professional shall set the limiter so that sound levels at the control point do not exceed 76 dBA Leq (1-hour). The limiter microphone shall be located at the control point, or the limiter shall be calibrated so that its setting corresponds to the sound level at the control point. Based on the results of the post-opening field verification monitoring, the qualified acoustical professional shall establish the final limiter setting as the level that achieves compliance with KCC 10.28.040 at all property lines, not to exceed 76 dBA Leq (1-hour) at the control point, and shall document the final setting in a report submitted to DCD. The Applicant shall make all reasonable efforts to locate and implement a record-keeping device (or log) that will document (a) instances of the limiter being activated and (b) the sound-levels at the location of the limiter at the time of each instance of being activated. The limiter shall be secured to prevent tampering or adjustment by DJs, performers, or event staff. Any modification to limiter settings shall require review by a qualified acoustical professional and written notice to DCD prior to the next event. Unamplified instruments that cannot be controlled by the limiter, such as acoustic drum kits or brass instruments, shall not be used outdoors.

h. All DJs and sound contractors shall be pre-screened and educated on the site and sound requirements prior to any event that they may be working. Contracts with clients, DJs, performers, and sound contractors shall include the noise requirements of these conditions, and the operator shall be responsible for compliance by all vendors.

i. Field verification monitoring by an independent, qualified acoustical professional approved by DCD and paid for by the Applicant shall be conducted

during the first two events with outdoor amplified sound. If neither of the first two events is representative of the maximum number of guests, monitoring shall also be conducted at the first event attended by the maximum number of guests, to confirm that actual operations perform consistent with modeled conditions. Monitoring shall be conducted with a Type 1 or Type 2 sound level meter at the control point, at the property lines nearest Receptors 1, 2, 3, and 6 of the Roma NIA, and shall cover the full period of guest arrival and guest departure. Each monitoring report shall: (a) report the 1-hour Leq, L25, L8, L2.5, and Lmax, at each location; (b) record wind speed and direction, temperature, humidity, and event attendance; (c) document the make, model, and number of loudspeakers and any subwoofers, speaker mounting height and aiming, gain and limiter settings, and the limiter make, model, microphone location, and settings; and (d) include the underlying time-history data and calibration records, including drift values. A report shall be submitted to DCD within 14 days of each monitored event. If this monitoring shows exceedances of the applicable noise standards under KCC 10.28, outdoor amplified sound shall be suspended, and the Applicant shall submit a corrective-action plan to DCD within 30 days, and shall implement it upon DCD approval, which shall not be unreasonably withheld and shall be provided within seven days of submittal to DCD. Corrective actions may include lowering the allowed noise level at the control point by controlling the volume at the mixing board with the limiter, relocating or reorienting speakers, or additional barriers. Outdoor amplified sound may resume once DCD confirms the corrective measures are in place. Follow-up monitoring shall be conducted by a qualified acoustical profession to verify compliance, and the data will be shared with DCD.

j. Event attendance shall not exceed 150 people, consistent with the assumptions of the Roma NIA.

k. The operator shall designate an on-site point of contact for noise complaints, available by phone during all events, and shall provide the contact information to adjacent property owners and to Kitsap County. Upon receipt of a complaint, the designated contact shall promptly investigate conditions at the site and implement corrective action as necessary if noise exceeds the standards of this permit, which may include reducing amplification levels, reorienting speakers, pausing or ending amplified sound, or controlling crowd noise. A written complaint log shall be maintained documenting the date and time of the complaint, complainant location if provided, observed sound levels if measured, actions taken, and resolution, and shall be made available to the County upon request. Repeated verified complaints may trigger additional monitoring or corrective measures at the Applicant's expense.

l. Any change to the sound barriers, speaker configuration, attendance, or hours of operation shall require a revised noise analysis demonstrating compliance with KCC 10.28.040, submitted to and approved by DCD prior to implementation.

10. All events, including the serving of food and alcohol and all amplified sound, must end by 9:00 pm. The period from 9:00 pm to 10:00 pm is reserved for attendees to leave

the site. Events shall be limited to one per day except that there is no limit on indoor unamplified events. Event staff and vendors may complete event shutdown and cleanup between 10:00 pm and 10:30 pm provided all noise standards under KCC10.28 for nighttime noise are met. Vendor breakdown shall not include amplified sound or the use of power tools.

11. Hours of operation are limited to 8:00AM to 10:00PM. The applicant must provide DCD with a reliable and predictable monthly schedule identifying the same ten consecutive days each month, including two full weekends (Friday through Sunday) when events are limited to in-door amplified or non-amplified events. Events shall be clearly posted on the Sunflower Farms event center website and made available to all adjacent neighbors. If any indoor events are amplified, they shall be subject to Conditions 9c, g, h, i and k. Outdoor noise monitoring for indoor amplified events shall be done with any doors or windows open if they are opened during the indoor event. Indoor events as identified in this condition authorized for the 10-day blackout shall not include any outdoor areas for the gathering of guests except for smoking areas.

12. Any and all signage design and location (including exempt signs) shall comply with KCC 17.510 and, as therefore applicable, be reviewed and approved by the Department of Community Development prior to installation. Signage may require a separate permit.

13. 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% of the cost of installation.

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

15. Parking will need to be prepared for fire apparatus access, as well as being fire-wise in its design and maintenance. Additional comments are provided with Fire Safety conditions below.

16. Ingress and egress from the project site shall be limited to Shady Glenn Avenue.

17. 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.

18. This permit shall comply with all Kitsap Public Health District regulations and conditions of approval. Additionally, the applicant must provide bottled water. Portable toilets with washing/sanitary stations must be provided at each public event, including during staff setup and teardown/closure.

b. Development Engineering

GENERAL

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

STORMWATER

20. The information provided demonstrates this proposal is a Large Project as defined in Kitsap County Code Title 12, and as such will require a Full Drainage Site Development Activity Permit (SDAP) from Development Services and Engineering.

21. 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 this permit application was deemed fully complete. 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 or Building Permit if an SDAP is not required.

22. The owner shall be responsible for maintenance of the storm drainage facilities for this development following construction. Before requesting final inspection for the SDAP (or for the Building Permit if an SDAP is not required) for this development, the person or persons holding title to the subject property for which the storm drainage facilities were required shall record a Declaration of Covenant that guarantees the County that the system will be properly maintained. Wording must be included in the covenant that will allow the County to inspect the system and perform the necessary maintenance in the event the system is not performing properly. This would be done only after notifying the owner and giving him a reasonable time to do the necessary work. Should County forces be required to do the work, the owner will be billed the maximum amount allowed by law.

23. If the project proposal is modified from that shown on the site plan approved for this permit application, Development Engineering will require additional review and potentially new conditions.

c. Environmental

24. Due to the presence of a moderate erosion hazard, a geological assessment may be required at time of SDAP submittal related to the planned parking and roadway drive isle.

d. Traffic and Roads

25. Any work within the County right-of-way shall require a Public Works permit and possibly a maintenance or performance bond. This application to perform work in the right-of-way shall be submitted as part of the SDAP process, or Building Permit process, if an SDAP is not required. The need for and scope of bonding will be determined at that time.

e. Fire Safety

26. No building or portion thereof on the parcel subject to this application may be used in support of a wedding venue or any purpose other than that assigned at the time of its original construction until such use is found to be in compliance with the permitting, approval and other requirements of Kitsap County Code Title 14 Building and Fire Code and new certificates of occupancy are issued for the new intended use(s).

27. Buildings, facilities and their associated sites, including parking areas approved for uses and activities by this application, are required to be accessible for people with physical disabilities. In addition to any other requirement of Kitsap County Code

buildings, facilities and sites subject to this application shall comply with the accessibility provisions of the building code prior to commencing any new use.

28. Approved Fire apparatus access roads are required for buildings and parking areas proposed for use under this application. Access as indicated on page 2 of 3 of the site plan submitted with the application with latest revision date of 10/16/26 provides access consistent with the requirements of the fire code. Prior to commencing uses or activities approved by this application, applicant shall submit written verification from the engineer of record that routes indicated on the plan can support the weight of fire apparatus. No use of the area indicated as "Grass Parking Area" may be used for parking of vehicles unless such area has grass or other vegetation cut close to the ground and all debris removed from the area prior to the parking of vehicles.

29. Submitted documents identify an area for "Groom's Quarters Proposed". Future construction of such quarters or any other buildings shall require compliance with the permitting and approval requirements of Title 14. In addition to any other enforcement remedy or action, violation of these conditions or any other provision of Title 14 are grounds for revocation of this conditional use permit.

f. Solid Waste

30. Prior to SDAP approval, applicant shall provide documentation from the solid waste/recycling service provider that their requirements for this project have been met. Waste Management Northwest can be reached at pnwcmservices@wm.com or 1-800-592-9995; their website is http://wmnorthwest.com/kitsap/index.html

31. The SDAP submittal shall show solid waste dumpster location, method for securing the enclosure gates in an open position and pad sizes on the civil plans submitted for approval. Details of the enclosure, including interior dimensions, building materials and lighting must be included with the civil plans prior to final approval. These details may be architectural drawings attached to the civil plans. Provided area must accommodate a minimum 6-yard dumpster.

32. The SDAP submittal shall show at least 150 square ft 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.

g. Kitsap Public Health District

33. There is an approved building clearance for this project. All food must be catered and no dishwashing can occur on site. The use of portable toilets will be required as part of this proposal.

h. Hearing Examiner

34. The Applicant may apply for a modified CUP after two years of operation to propose that its blackout period be reduced. In that application, KCC 17.415.195B3 (if still similarly worded to the section in effect as of the date of this decision) shall be construed as authorizing a reduction in blackout days if the Applicant can establish via its two years of operations or other change of circumstance that the blackout days required by Condition No. 11 are not necessary to comply with code standards applicable at the time of re-application.

35. Condition No. 5 of the MDNS shall be replaced with Conditions 9-11 of the above.

Dated this 12th day of November, 2026.

Phil Olbrechts

Phil Olbrechts,
Kitsap County Hearing Examiner

Appeal Right and Valuation Notices

Pursuant to KCC 21.04.100 and KCC 21.04.110, this conditional use permit decision is a final land use decision of Kitsap County and may be appealed to superior court within 21 days as governed by the Washington State Land Use Petition Act, Chapter 36.70C RCW.

Affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation.