



## Hearing Examiner Staff Report and Recommendation

**Report Date:** 8/18/2022  
**Hearing Date:** 08/25/2022

**Application Submittal Date:** 08/20/2020  
**Application Complete Date:** 10/08/2020

**Project Name:** Kipperberg Event Venue and Accessory Dwelling Unit  
**Type of Application:** Type III – Conditional Use Permit; Shoreline Conditional Use Permit; Accessory Dwelling Unit; Shoreline Substantial Development Permit  
**Permit Number:** 21-04111 (CUP); 21-03049 (ADU); 21-02413 (SCUP); 21-00036 (SSDP)

### Project Location

11967 Luna Vista Ave SE,  
Olalla, WA  
Commissioner District 2 (South)

### Assessor's Account #

342302-2-055-2007 – venue, ADU  
342302-2-049-2006 – parking

### Applicant/Owner of Record

Marilyn Kipperberg  
PO Box 547  
Olalla, WA 98359-0547

### VICINITY MAP



### Recommendation Summary

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

#### 1. Background

The proposal is for all necessary permits to operate the “Edgewater” wedding and event venue and occupy an after-the-fact ADU. The venue was previously permitted through an after-the-fact Conditional Use Permit (CUP) in 2014, however the CUP was revoked by the Hearing Examiner in December 2018.

The original CUP had 27 conditions of approval, which the applicant was unable to adequately satisfy prior to the revocation.

The proposal is also located in the Rural Conservancy Shoreline Designation. A Shoreline Conditional Use Permit (SCUP) and Shoreline Substantial Development Permit (SSDP) are required. The CUP and SCUP are processed as a Type III decisions per KCC 21.04. Under the SMP adopted June 28, 2021, the SSDP is now considered a Type II application; however, DCD

is combining all applications before the Hearing Examiner in order to complete the higher order CUP and SCUP use permissions (KCC 21.040.180).

## **2. Project Request**

This proposal is to operate a primarily outdoor wedding and event venue for both ceremonies and receptions. Indoor areas are used primarily for a dressing area, incidental activities and a warming kitchen. Parking is proposed to be provided on a separate parcel (parcel # 342302-2-049-2006) to the west. Guests will be shuttled down from the parking area to the home. In addition, the proposal includes a CUP application to allow occupancy of an existing 860-sf one-bedroom ADU, located above an existing garage to the west of the primary home.

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

A SEPA Mitigated Determination of Non-Significance (MDNS) was issued on May 19, 2022 under KCC 18.04 State Environmental Policy Act. This was withdrawn and a REVISED MDNS was issued on August 4, 2022. MDNS mitigation measures are incorporated into this approval as follows:

### Water:

1. A grass parking lot is proposed on the upland parcel. A drainage plan demonstrating compliance with KCC Title 12 and the Kitsap County Stormwater Design Manual will be required.

### Noise:

2. Noise must meet the County noise ordinance per KCC 10.28. The applicant expects noise from the project to include: "Music, singing, and normal noises associated with events. These would be weekend occurrences between 8 AM and 9 PM." (SEPA Environmental Checklist pg 7). Neighbors have complained about noise from applicant's events, and the county has received many recent noise complaints about similar event venues in Rural Residential zones. 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. Compliance with these standards is a condition of this MDNS and corresponding permits.

3. If sound amplification is proposed to be used, noise monitoring at weddings and events shall first be performed by a qualified third-party approved by the Department of Community Development (DCD) to ensure ongoing compliance with KCC 10.28 Noise. The qualified and approved third-party must monitor noise levels at the first event following permit issuance, and at the first event where amplified sound is used, and thereafter as requested by DCD, or the permittee. The third-party contractor must report the results of the monitoring to DCD. As the permit applicant, the responsibility for providing this information lies with the permittee and their successors and will be provided at their expense regardless of whether it is the permittee or DCD that requests the monitoring for a particular event. SEPA mitigation measures may include monitoring the impact and taking corrective measures. WAC 197-11-

768(6). If the noise analysis or noise monitoring reports indicate noise levels exceeding the standards in KCC 10.28.040 or 10.28.145, all weddings and events must cease until DCD finds sufficient noise mitigation is in place. Such mitigation may include, but not be limited to, no longer allowing amplified sound.

4. To accommodate the proposal while also protecting rural character, use compatibilities and balanced uses, as described in the Kitsap County 2016 Comprehensive Plan as updated April 2020, there shall be no weddings or events for a minimum of 50% consecutive days in any one month. See Comprehensive Plan narrative pages 1-11 to 1-13, Land Use Goals 13 and 14, Land Use policies 57 to 59, and Economic Development Policy 21.

Land Use:

5. The Hearing Examiner may increase or decrease the number of days per month, and hours of operation allowed for outdoor events to reduce the potential impact to neighbors and the adjacent park users, and to prevent the conditional use from becoming incompatible with the Rural Residential character of the zone. KCC 17.550.030 Decision Criteria – Conditional Use Permit.

Transportation:

6. Weddings or events are expected to occur primarily on weekends and are expected to result in 60-100 trips per event. Construction of a Road Approach to the parking area parcel will be required, which must be constructed in compliance with County Road Standards and permitting requirements.

Light:

7. Lighting shall be shielded and directed downward to minimize the effect on nearby current and future residential properties and other uses in the area. Not more than one foot candle of illumination may leave the property boundaries. KCC 17.105.110 Obnoxious Things.

**4. Physical Characteristics**

The event venue site is 5.87 acres in size. The event venue site is defined with a single-family residence and detached garage set in the eastern half of the parcel. Remaining area within the parcel is undeveloped with Luna Vista Ave SE traversing along the northern reach. The residential frontage is defined as yard, to coastal dune, to shoreline. Existing uses within the dune include a fire pit, small arbor, golf driving tee and a single path access.

An adjacent level, undeveloped, and generally cleared lot to the northwest, 2.47 acres in size, will be used for parking and shuttling. Access to the parking is via Luna Vista Ave SE.

**Table 1 - Comprehensive Plan Designation and Zoning**

Comprehensive Plan: Rural Residential Zone:	Standard	Proposed
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Rural Residential (RR)		
Minimum Density	N/A	N/A - Subject property is an existing lot.
Maximum Density	1 dwelling unit/5 acres	
Minimum Lot Size	5 acres	N/A
Maximum Lot Size	NA	N/A
Minimum Lot Width	140 feet	N/A
Minimum Lot Depth	140 feet	N/A
Maximum Height	35 feet	N/A
Maximum Impervious Surface Coverage	N/A	N/A
Maximum Lot Coverage	N/A	N/A

Applicable footnotes: None

*Staff Comment:* The proposal meets applicable standards noted above for the RR zone.

**Table 2 - Setback for Zoning District**

	Standard	Proposed
Front (West)	50 feet	N/A; all use and structures are existing.
Side (North and South)	20 feet 5 feet for accessory structures	N/A; all use and structures are existing.
Rear (East)	85 feet Per SMP Shoreline Environment	See Section 10.i

Applicable footnotes: None

*Staff Comment:* None

**Table 3 - Surrounding Land Use and Zoning**

Surrounding Property	Land Use	Zoning
North	Vacant Parcel; Single-family residences	Rural Residential (RR)
South	County Park	Park (P)
East	Puget Sound/Colvos Passage	N/A
West	Single-family residences	Rural Residential (RR)

**Table 4 - Public Utilities and Services**

	Provider
Water	Onsite system
Power	Puget Sound Energy
Sewer	Onsite system
Police	Kitsap County Sherriff

Fire	South Kitsap Fire & Rescue
School	South Kitsap School District #401

**5. Access**

The starting point for the access is west of the site at Luna Vista Avenue SE. The driveway traverses east down two switchbacks. Overall, the driveway drops 310 feet in elevation over approximately 2600 feet. The adjacent parking and shuttling lot is accessed from near the terminus of Luna Vista Avenue SE.

**6. Site Design**

The principal site is developed with a single-family home and detached garage with an office and proposed ADU above. The adjacent parcel to the northwest is proposed to be used as parking/shuttling associated with events. The parking/shuttling lot is undeveloped, level, and generally cleared of vegetation.

**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 and amended April 27, 2020.

As one of the criteria for approval of a Conditional Use Permit, additional analysis of consistency with the Comprehensive Plan is included in Section 10 of this report.

The purpose of the Rural Residential zone is discussed in KCC 17.130.010 Rural Residential:  
This zone promotes low-density residential development and agricultural activities that are consistent with rural character. It is applied to areas that are relatively unconstrained by environmentally sensitive areas or other significant landscape features. These areas are provided with limited public services.

The following Comprehensive Plan narrative is most relevant to this application, and can be found in Chapter 1 *Land Use*, under *Land Use Guiding Directives* beginning on page 1-11: Comprehensive Plan narrative pages 1-11 to 1-13

Page 1-11, 2<sup>nd</sup> para: The goals and policies recognize the County residents' desire for healthy urban areas that are the region's centers for diverse employment, housing opportunities, educational opportunities for K-12, technical training and college level instruction, and civic and cultural activities. The goals and policies also recognize that rural

areas and communities have unique historical characters, appearances, and functions that should be retained and enhanced. Natural resource activities, such as forestry, agriculture, and mining continue to contribute to the rural character and economy, and are also guided by goals and policies in this chapter. (emphasis provided)

Page 1-12, 4<sup>th</sup> and 5<sup>th</sup> para: The Growth Management Act provides that, “Counties shall include a rural element including lands that are not designated for urban growth, agriculture, forest or mineral resources. The rural element shall permit appropriate land uses that are compatible with the rural character of such lands and provide for a variety of rural densities and uses and may also provide for clustering, density transfer, design guidelines, conservation easements and other innovative techniques that will accommodate appropriate rural uses not characterized by urban growth” (RCW 36.70A.070(5)). (emphasis provided)

While managing growth, Kitsap County recognizes that the rural character of County is the primary reason many residents decide to make their homes here. Defining this character is an important step in preserving it. Kitsap County’s rural area consists of differing natural features, landscape types and land uses. Rural land uses consist of both dispersed and clustered residential developments, farms, wooded lots, and small and moderate-scale commercial and industrial uses that serve rural residents as their primary client. Rural landscapes encompass the full range of natural features, including forested expanses, pastures, cropland, rolling meadows, ridge lines and valley walls, distant vistas, streams and lakes, shorelines and other sensitive areas. (emphasis provided)

Page 1-13, 2<sup>nd</sup> para: 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. The elements of rural character also include the dynamic natural systems abundant in Kitsap County which can be vulnerable to human and natural change. (emphasis provided)

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

***Land Use***

*Land Use Goal 13: Protect Kitsap County’s unique rural character.*

*Land Use Policy 50: Limit the designed rural area to low residential densities that can be sustained by minimal infrastructure improvements, cause minimal environmental degradation, and that will not cumulatively create the future necessity or expectation of urban levels of service.*

*Land Use Policy 51*

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

*Land Use Policy 57. Unlimited expansion of commercial and industrial uses in the rural areas is not appropriate. Accordingly, only limited new commercial and industrial uses will be permitted in the rural areas. Such commercial and industrial uses must be consistent with Growth Management Act and Comprehensive Plan requirements for rural areas, preserve Kitsap County's rural character, and shall not allow urban-type uses or services.*

*Land Use Policy 58. Encourage business growth in existing LAMIRDs while limiting business growth outside of LAMIRDs so as to not impact the rural character.*

*Land Use Policy 59: Allow or conditionally allow home-based cottage-type businesses and industries in the rural areas that do not negatively affect rural level of service or rural character.*

**Economic Development**

*Economic Development Policy 21: Consider and identify the vital connection between protection of Kitsap County's rural character, environmental assets and environmental benefits and economic opportunities.*

**Environment**

*Environment Policy 18: Compensatory mitigation shall be the last option of resort in mitigation sequencing, following documentation of avoidance and minimization of any impact to the natural environment that triggers compensatory mitigation. Replacement of altered or displaced natural environments (including critical areas and buffers) must be mitigated either on-site, within the watershed, or service area as defined through an approved mitigation bank or in-lieu fee program.*

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
Title 19	Critical Areas
Title 22	Shoreline Master Program
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**

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

Exhibit #	Document	Dated	Date Received
1	Staff Report	8/18/2022	
2	Garage ADU Floor Plans	3/20/19	08/16/2021
3	House Floor Plans	3/20/19	08/16/2021
4	House Elevations	3/20/19	08/16/2021
5	Authorization Form	2/15/19	08/16/2021
6	Garage ADU Elevations	3/20/19	08/16/2021
7	BSA	2/8/19	08/16/2021
8	Concurrency	3/25/19	08/16/2021
9	Garage Structural Report	3/8/19	08/16/2021
10	Parking Lease Agreement	2/3/21	08/16/2021
11	Letter from Geologist	3/2/18	08/16/2021
12	Permit Questionnaire	-	08/16/2021
13	Small Site Plans Site and Package	7/20/21	08/16/2021
14	Submittal Waiver	7/24/21	08/16/2021
15	Notice of Application	10/07/2021	
16	Public Comments Received		10/20/21 and 10/26/21
17	Habitat Management Plan (REVISED)	3/17/19	3/16/22
18	CUP Project Narrative (REVISED)	3/1/22	3/16/22
19	JARPA (REVISED)	3/10/22	3/16/22
20	Parking Analysis Worksheet (REVISED)	3/10/22	3/16/22
21	SEPA Checklist (REVISED)	3/10/22	3/16/22
22	Site Plan (REVISED)	3/11/22	3/16/22
23	Response to RFI	3/10/22	3/16/22
24	House Plans with Labels (1st and 2nd floor)	3/8/22	3/16/22
25	Stormwater Worksheet Parking Area	3/10/22	3/16/22
26	Updated Legal Description	3/9/22	3/16/22
27	SEPA MDNS (REVISED)	8/4/22	
28	Notice of Public Hearing	8/10/2022	
29	Certification of Public Notice	8/17/2022	-
30	Staff Presentation		
31	Hearing Sign In Sheet		

**9. Public Outreach and Comments**

A Notice of Application was distributed pursuant to Title 21 land use and development procedures, which provided recipients with project information and an opportunity for public comment. A summary of comments received is included below.

Issue Ref. No.	Summary of Concern (See corresponding responses in the next table)	Comment Letter Exhibit Reference No.
1.	<i>Hoffsommer comment (10/20/22):</i> A comment was received from the neighbor located to the north, parcel # 342302-2-021-2008. The owners wish to build a home on this parcel, but are concerned with traffic caused on weekends, impacts to quality of life and property value, and safety hazards to children.	#26
2.	<i>Timberline Legal Service comment (10/26/22):</i> Timberline Legal Service submitted a letter on behalf of the property owner to the south of the proposal’s parking area, parcel # 342302-2-054-2008. The letter states that the owner purchased the property in June 2021 and did not know about the wedding venue. After multiple events, the owner decided he no longer wished to live there, however, he has not been able to sell the property. The letter discusses potential legal action if the weddings continue in this form and are not mitigated.	#26

Issue Ref. No.	Staff Response
1.	The concerns of neighbors regarding these various impacts are noted and included in the County’s review. Conditions of Approval are applied where necessary to mitigate anticipated impacts as they relate to compatibility in a rural residential area.
2.	The County Fire Marshall responded directly to the neighbor’s real estate agent, letting them know that recent use of this parking lot for events as shown and described in this was in violation of the revoked Conditional Use permit. The property has been sold since this comment was submitted. Conditions of approval for the parking lot are required regarding drainage, lot aggregation with the primary parcel, and parking lot screening. <i>Note: As of the date of this report, DCD understands the property has been sold, but DCD has not validated this.</i>

**10. Analysis**

**a. Planning/Zoning**

The proposal requires a Conditional Use Permit (CUP) to operate in a Rural Residential area. The criteria for CUP approval are as follows, per KCC 17.550.030(A):

1. The proposal is consistent with the Comprehensive Plan;
2. The proposal complies with applicable requirements of this title;
3. The proposal will not be materially detrimental to existing or future uses or property in the immediate vicinity; and
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.

The analysis provided below, as well as Comprehensive Plan Policies provided in Section 7 of this report, are used to determine if the proposal, as conditioned, meet the CUP criteria for approval. *Additionally, the SSDP and SCUP are addressed in Section i and conditions of approval below.*

#### **Events in Rural Areas**

This use requires a Conditional Use Permit in rural areas. The criteria for approval for a CUP ensure consistency with the Comprehensive Plan. Relevant Comprehensive Plan Goals and Policies are listed in Section 7 above and several reference rural character. Rural compatibility is a paramount concern when considering event venues.

The Comprehensive Plan on page 1-11 states: *The goals and policies also recognize that rural areas and communities have unique historical characters, appearances, and functions that should be retained and enhanced.*

On page 1-12 the Plan states: *The rural element shall permit appropriate land uses that are compatible with the rural character of such lands and provide for a variety of rural densities and uses and may also provide for... other innovative techniques that will accommodate appropriate rural uses not characterized by urban growth.* Further the plan on this page notes: *While managing growth, Kitsap County recognizes that the rural character of County is the primary reason many residents decide to make their homes here. Defining this character is an important step in preserving it. Kitsap County's rural area consists of differing natural features, landscape types and land uses. Rural land uses consist of both dispersed and clustered residential developments, farms, wooded lots, and small and moderate-scale commercial and industrial uses that serve rural residents as their primary client.*

The Plan also further refines character on page 1-13 noting: *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. The elements of rural character also include the dynamic natural systems abundant in Kitsap County which can be vulnerable to human and natural change.*

The property has few adjacent residential neighbors. However, impacts to the vicinity can occur due to noise (discussed below), parking, traffic, and others. The property also abuts Anderson Point Park to the south, a popular County-owned white sand beach, and Park users have the right to expect a rural park setting and experience that is not substantially impacted by adjacent uses. The County allows a limited amount of “non-residential” uses of Rural Residential property, however, at the same time it is assumed that Rural Residential zoning should be primarily residential use and other non-residential events are secondary to this.

To address the Comp Plan and its relevant goals and policies, DCD is requesting that at least 50% of consecutive days in any one month will not include wedding or event activities. Assuming events typically take place in the summer, and assuming a four-month season, without limitation there would be 17 or 18 weekends each year where events with up to 165 guests, vendors and contractors could occur. This “exclusionary period” allows predictability of knowing when events occur for neighbors and park users, and coincides with the same time of year that neighbors and park users are most likely to use and enjoy their outdoor space, general peace and quiet. Limiting the events to essentially one-half of each month balances the interests of the applicant with the interests of neighbors and park users and furthers compatibility of uses so that there is reliably and predictably at least one block of time each month for typical rural enjoyment. With the “50% schedule” no one can argue that the commercial use overshadows the residential or park uses.

It is important to note that if the Hearing Examiner agrees to this condition, it would not impact the applicant’s property for other potential uses during the “venue downtime,” such as short-term vacation rentals (eg, VRBO, Airbnb).

The applicant discusses hours of operation in the provided narrative. They state that weddings typically occur between the hours of 10am and 9pm. Time is required for “take down” after a wedding, which may be postponed to the following morning.

### **Noise**

Kitsap County has a noise ordinance (KCC 10.28) which, for the zones in this area, limits noise to 55 decibels at lot line boundaries and prohibits noise from audio equipment that can be “clearly heard by a person of normal hearing at a distance of

fifty feet or more from the source of the sound” (KCC 10.28.040.a and 10.28.145.5, respectively). An understanding of the sound level of 55 decibels (anecdotally compared to the hum of a refrigerator, a coffee percolator, an electric toothbrush) makes it difficult to manage an event venue’s amplified systems, particularly on compact venue sites or sites where the noise generation is near a property line or next to water. In Kitsap County, noise enforcement has historically been challenging, especially for rural sites. The site being considered under this proposal is also adjacent to Colvos Passage and it is also commonly understood that noise travels well over water. Currently, the bulk of complaints that DCD receives regarding event venues is due to noise. The applicant has stated that they will monitor noise to ensure compliance with the noise ordinance as well as ensure that amplified music is reduced during “quiet hours after 9pm.” Because measuring noise and enforcement of noise levels are both difficult, and because the applicant has not demonstrated how noise would decisively or irrefutably be managed, noise has been further addressed and restricted through SEPA mitigation measures as described in Section 3 of this report.

**Accessory Dwelling Unit Criteria**

Per KCC 17. 410.060.B.3, in order to encourage the provision of affordable and independent housing for a variety of households, an accessory dwelling unit may be located in residential zones, subject to the following criteria. Staff comments are provided and italicized below:

- a. An ADU shall be allowed as a permitted use in those areas contained within an urban growth boundary;

*Staff Comment: The subject property is not located within the urban growth boundary.*

- b. An ADU shall be subject to a conditional use permit in those areas outside an urban growth boundary;

*Staff Comment: The subject property is located outside of the urban growth boundary. This application is a Conditional Use Permit for an Accessory Dwelling Unit.*

- c. Only one ADU shall be allowed per lot;

*Staff Comment: This application proposes only one ADU. Additionally, the second one-half of the space above the garage, currently used as an office, shall become permitted jointly with the ADU. A condition of approval #25 requires that the building permit application shall show decommissioning of the kitchen stove and the 240 voltage in the office space.*

- d. Owner of the property must reside in either the primary residence or the ADU.

*Staff Comment: The owner intends to reside in the proposed single-family residence. A condition of approval has been added with the requirement that the owner reside in either the primary residence or the ADU.*

- e. The ADU shall not exceed fifty percent of the square footage of the habitable area of primary residence or nine hundred square feet, whichever is smaller. Dimensions are determined by exterior measurements.

*Staff Comment: The proposed single-family residence is 4,195 square feet. Fifty percent of 4,195 sf is 2,097 sf; therefore, the ADU is limited to 900 sf (the smaller value). The ADU is two stories with a total floor area of 860 sf, meeting the size criteria.*

- f. The ADU shall be located within one hundred fifty feet of the primary residence or shall be the conversion of an existing detached structure (i.e., garage).

*Staff Comment: Per the submitted site plan, the proposed single-family residence and the proposed accessory dwelling unit are less than 15 feet apart, satisfying this requirement.*

- g. The ADU shall be designed to maintain the appearance of the primary residence.

*Staff Comment: The elevations of the single-family residence were compared to the elevations of the proposed ADU. There are many architectural similarities between the structures. Both utilize similar brick at the base of the structure, horizontal siding, and a pitched roof. Building materials will be reviewed again at the time of building permit. A condition of approval has been added ensures the appearance of the ADU remain similar to that of the primary dwelling.*

- h. All setback requirements for the zone in which the ADU is located shall apply;

*Staff Comment: All setbacks and dimensional standards required by the Rural Residential zone are met for the proposed ADU. See Table 2.*

- i. The ADU shall meet the applicable health district standards for water and sewage disposal;

*Staff Comment: The application was reviewed by Kitsap Public Health District. The structures have approval for water and sewage disposal.*

- j. No mobile homes or recreational vehicles shall be allowed as an ADU;

*Staff Comment: There are no mobile homes or recreational vehicles present on the subject property or proposed in this application.*

k. An ADU shall use the same side street entrance as the primary residence and shall provide additional off-street parking; and

*Staff Comment: The submitted site plan shows the proposed ADU will use the same driveway that will serve the single-family residence. Adequate parking is available adjacent to both the primary home and ADU.*

l. An ADU is not permitted on the same lot where an accessory living quarters exists.

*Staff Comment: There are no present or proposed accessory living quarters as shown in the submitted single-family residence floor plan.*

**b. Lighting**

Lighting was not analyzed as part of this proposal. Lighting shall be consistent with KCC 17.105.110, requiring lighting to be directed away from adjoining properties.

**c. Off-Street Parking**

Per KCC 17.490.030, a single-family dwelling requires 3 parking spaces and an ADU requires one additional space. The proposal provides adequate parking for these uses per the table below.

As shown on the site plan, a grass parking area is provided upland of the event venue on a separate parcel. This parking area will include 50-55 spaces. There are no parking standards for ratio of stalls to attendees and staff for event venues in rural areas within Kitsap County Code. The applicant submitted parking analysis stating that based on experience with previous weddings, it can be expected that one parking stall can accommodate, on average, 3 guests. The parking area includes 50-55 spaces which would accommodate approximately 150-165 guests, vendors and contractors. The County reviewed this assumption and compared to other event venues and like uses and found that this parking standard was supportable. Parking provided is summarized in the table below.

**Table 5 - Parking Table**

Use Identified in 17.490.030	Standard	Required Spaces	Proposed Spaces/Existing Spaces
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Single-Family (attached or detached)	3 for single-family home	3	3 proposed
Accessory Dwelling Unit	1	1	1 proposed
Event Venue	N/A: Based on parking analysis	1 space per 3 attendees	50-55, accommodating up to 165 attendees

The applicant has proposed an offsite but adjacent parcel for venue parking and shuttling (northwestern parcel, 342302-2-049-2006). DCD believes the proposed use of the undeveloped lot, using plain interpretation principles, is prohibited under the zoning Use Table at KCC 17.410.042 Use 276 'Off-street private parking facility'. DCD observes that the parcel must be aggregated with the primary parcel to be considered an on-site use accessory to the event venue and will be conditioning approval of the venue for a Declaration of Aggregation or similar irreversible execution.

Per Short Plat 6205, recorded in Vol. 10 of Short Plats, Pg. 151, the same parcel also has reserve septic drainfield easements located in the NE corner of the proposed parking area, which at some point in the future may be viable and may be used for a third undeveloped parcel, 342302-2-050-2002, directly east, also owned by the applicant. The easterly parcel is relatively steep down to the shoreline and if developed will likely require substantial geo-technical engineering and use of the "parking parcel" for the drainfield easement (as well as perhaps for parking). DCD has a concern about driving on and compacting the drainfield and the potential future septic arrangement. The applicant will need to modify, move, or eliminate the easement via a Short Plat alteration, or modify the parking arrangement to protect the reserve drainfield, both of which shall also consider that DCD is requesting the irreversible aggregation of the parking parcel (Short Plat Lot A) to the event venue parcel.

**d. Signage**

No commercial signage is proposed or required, and any signage must be consistent with KCC 17.510 Signage.

The WA Dept of Ecology (ECY) is requiring signage, less than four sf per County code, that allows public access and recreational use of the shoreline in front of the applicant's property (discussed more in Section i). This sign shall be sited on the common property line between the applicant's property and the Park property, ideally slightly above ordinary high-water line, where there is a trail or pathway between the two properties, or otherwise where it is advisable.

Any existing applicant signage outside of the applicant's property shall be removed.

**e. Landscaping**

Per KCC 17.500.010, single-family lots are exempt from landscaping requirements.

**f. Frontage Improvements**

No frontage improvements are required or proposed as part of this application.

**g. Design Districts/Requirements**

The subject property is not within a design district.

**h. Development Engineering/Stormwater**

Development Services and Engineering has reviewed the land use proposal and finds the concept supportable in its approach to civil site development, as conditioned.

**i. Environmental**

The shoreline applications are vested to the Shoreline Master Program adopted in 2014 (Ordinance 519-2014). The SSDP is currently considered a Type II application, but is remaining consolidated with the higher order CUP and SCUP approvals.

Shoreline The site is within the Rural Conservancy shoreline environment. The use is considered "Commercial Non-Water-Oriented" in the Shoreline Master Program, and operation of The Edgewater House requires a Shoreline Conditional Use Permit (SCUP) and an evaluation of general policies for consistency with the management policy and character of the shoreline environment. The Commercial development also requires consistency with KCC 22.600.130.

**KCC 22.600.105.B Use and Modification Matrix**

The matrix calls out the use as Commercial Non-Water Oriented use, and intersecting with the Rural Conservancy designations shows "X6". Footnote 6 reads "See commercial development (Section 22.600.130) for allowances with a CUP."

**KCC 22.600.130.B Commercial Development**

1. Commercial development shall result in no net loss of shoreline ecological functions or have significant adverse impact to other shoreline uses, resources and values provided for in RCW 90.58.020, such as navigation, recreation and public access.

*Staff Comment: No new development is proposed. A habitat management plan was submitted demonstrating no net loss. Dune grass within the shoreline buffer that has been removed over time will need to be replanted as a condition of approval of this permit.*

2. Commercial developments shall be permitted on the shoreline in descending order of preference. The applicant shall demonstrate that a more preferred use is not feasible when proposing a less preferred use. a. Water-dependent uses; b. Water-related uses; c. Water-enjoyment uses; d. Non-water-oriented uses that include substantial opportunities for public access and subject to a CUP.

*Staff Comment: The use was once an event venue which is considered non-water-oriented, which requires a CUP. Signage indicating public access to the shoreline will be required.*

3. Commercial development shall not significantly impact views from upland properties, public roadways, or from the water.

*Staff Comment: No views will be impacted.*

4. The design and scale of a commercial development shall be compatible with the shoreline environment. The following criteria will be used to assess compatibility:
  - a. Building materials.
  - b. Site coverage.
  - c. Height.
  - d. Density.
  - e. Lighting, signage, and landscaping.
  - f. Public access.
  - g. Visual assessment.

*Staff Comment: The design of the development predominantly single-family residential, which is an allowed and common use in the shoreline designation.*

5. The county shall consider public access and ecological restoration as potential mitigation of impacts to shoreline resources and values for all water-related or water-dependent commercial development, unless such improvements are demonstrated to be infeasible or inappropriate. Public access shall be provided consistent with Section 22.400.145. In-kind mitigation shall be determined infeasible prior to utilizing out-of-kind mitigation.

*Staff Comment: No new development is proposed. A habitat management plan was submitted demonstrating no net loss. Dune grass within the shoreline buffer that has been removed over time will need to be replanted as a condition of approval of this permit. Signage indicating public access to the shoreline will be required.*

6. Non-water-dependent commercial uses shall not be allowed over water except in existing structures or in the limited instances where they are auxiliary to and necessary in support of water-dependent uses.

*Staff Comment: Not applicable.*

7. Parking shall be located upland of the commercial use and designed to minimize adverse visual impacts to the shoreline. Over-water parking is prohibited.

*Staff Comment: Parking is provided upland of the event venue at the top of bluff, well outside of the shoreline jurisdiction.*

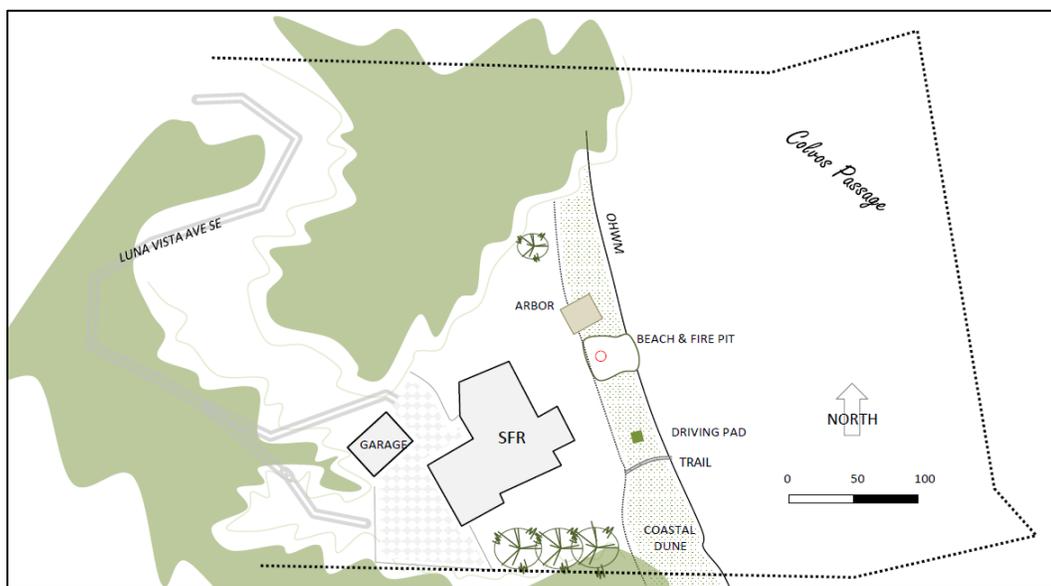
8. Non-water-oriented commercial uses are prohibited unless:

- a. The use is on land designated commercial by the Kitsap County Comprehensive Plan and existing on the effective date of this program;
- b. The use is on land designated commercial by the Kitsap County Comprehensive Plan and is physically separated from the shoreline by another property or public right-of-way;
- c. The use is part of a mixed-use project that includes water-dependent uses and provides a significant public benefit with respect to the Act's objectives, such as providing ecological restoration and public access. Water-dependent components of the project and ecological restoration and access shall be improved prior to occupancy;
- d. The use is on a site where navigability is severely limited and the use would provide a significant public benefit with respect to the Act's objectives, such as providing public access and ecological restoration.

Non-water-oriented commercial uses meeting these criteria must obtain a CUP.

*Staff Comment: The primary use of this parcel remains single-family residential. This application is for a CUP to reestablish the event/wedding use of this parcel as it was used prior to revocation of its previous CUP permit in 2018. There is no new development proposed, and this CUP will require removal of minor structures within the shoreline buffer, reestablishment of shoreline vegetation, and increased public access.*

Habitat Management Plan A Habitat Management Plan (HMP) was provided by BGE Environmental, which evaluated the proposal as it relates to priority habitat species, shoreline function, and natural vegetation. The report finds that no change to the value and function of tidal, shoreline and upland complexes are anticipated. Based on its findings, the HMP includes recommendations for stewardship of the property and adherence to these recommendations is required per condition of approval #44.



DCD notes, based on aerial imagery and conversation with the applicant, the gradual supplantation of coastal dune grass with a golf tee/driving pad, a trellis and pad, and a fire pit. DCD cannot find record of a request for nor authorization for the dune grass replacement, nor has the applicant been able to demonstrate authorization. Presumably, this would have been submitted in a timeframe around the home construction which shows completion in 2002 per Assessor's records.

Nonetheless, a September 17, 2021 email from DSE Manager Scott Diener to the applicant's consultant, Cc'ing the applicant, property owner and County reps, which summarized a meeting with the above attendees, the issue was addressed and coastal dune grass will need replanting:

***Shoreline Variance***

*Thank you for notifying us that the updated Narrative labeled "Kipperberg-CUP-Project Narrative-Update-7-20-2021" which was transmitted to us on 8/16 identifies the removal of the trellis and golf tee. The narrative had not been reviewed as the permits were not in review yet. DCD was waiting on a response to our 6/11/21 email regarding whether the trellis, deck, golf tee, and fire pit were to remain, and a shoreline variance would be needed. On Thursday, September 9, 2021, you confirmed via email the trellis and golfing tee will be removed, however the fire pit will remain. However, on September 14, 2021 at a meeting with Jeff Rimack and Angie Silva, Ms. Kipperberg noted that all development in the buffer including the fire pit will be removed. This was intended to avoid the need for a Shoreline Variance permit. As Director Rimack stated to Ms. Kipperberg, if the trellis, deck, golf tee, and fire pit are all removed no shoreline variance will be needed. **Replanting of the trellis, deck, golf tee, and fire pit areas will be a condition of approval as mentioned in my September 8 email.***

*While this topic will be addressed further in the return comments after a full review by staff including need for revised site plans, please note that there is inconsistencies in your submittal regarding the removal of the development in the buffer that will need to be addressed. Also, while the single-family residence and separate garage was constructed in 2001-2002 timeframe according to Assessor records, you assert the platforms and fire pit were approved with the permits. Yet, other than your written responses, you provide no evidence or adequate documentation to validate this claim. Publicly available online 2005 imagery on the County's parcel search does not support your statements. But it appears in 2009 the fire pit was located in the shoreline buffer and in 2012 the deck/trellis was added (see below).*

**2005 Imagery**



**2009 Imagery**



**2012 Imagery**



As a result, the coastal dune grass that currently hosts a fire pit, golf tee/driving pad, and trellis and pad will need to be replanted and the amenities removed upon Hearing Examiner approval of the event venue.

Commercial non-water-oriented uses are not allowed in the Rural Conservancy Shoreline Designation unless public access and recreation is allowed. To support the proposal a “public access sign” is required. The exact sign language is to be determined after approval.

Geological Hazards Areas of the site are mapped as erosion hazard or landslide hazard areas, particularly near the ADU and to the west of the home where a driveway access comes down a steep slope. A letter was provided by a licensed Geologist, Allen L. Hart, who provides the opinion that geological or geotechnical studies are not necessary for site usage being considered.

**j. Access, Traffic and Roads**

No comments at this time.

**k. Fire Safety**

No comments at this time. See conditions of approval.

**l. Solid Waste**

No comments at this time

**m. Water/Sewer**

Potable water is proposed to be provided by an on-site well; sanitary sewage disposal is proposed to be provided by an on-site septic system.

**n. Kitsap Public Health District**

No comments at this time.

**11. Review Authority**

The Hearing Examiner has review authority for Type III applications as noted under KCC 21.04.100. The Hearing Examiner may approve, approve with conditions, remand, or deny Type III applications. The Hearing Examiner may also continue the hearing to allow for additional information necessary to make the proper decision. The powers of the Hearing Examiner are at KCC Chapter 2.10.

This project includes a Type II Shoreline Substantial Development Permit (SSDP) and following Hearing Examiner Approval this project will be filed with the Department of Ecology. Once the Decision is made, the proposal is forwarded to the Washington Department of Ecology pursuant to WAC 173-27-130, for final approval, approval with conditions, or denial. No approval shall be considered final until it has been acted upon by Ecology (KCC 22.500.100.B).

This project includes a Type III Shoreline Conditional Use Permit (SCUP) and following Hearing Examiner Approval this project will be filed with the Department of Ecology. Once the Decision is made, the proposal is forwarded to the Washington Department of Ecology pursuant to WAC 173-27-200, for final approval, approval with conditions, or denial. No approval shall be considered final until it has been acted upon by Ecology (KCC 22.500.100.D).

**12. Findings**

1. With appropriate conditions, the proposal is consistent with the Comprehensive Plan.
2. The proposal complies or will comply with requirements of KCC Titles 12, 17, 18, 21 and 22 and complies with or will comply with all of the other applicable provisions of Kitsap County Code and all other applicable regulations, including all applicable development standards and design guidelines, through the imposed conditions outlined in this report.
3. The proposal is not materially detrimental to existing or future uses or property in the immediate vicinity.
4. The proposal is compatible with and incorporates specific features, conditions, or revisions that ensure it responds appropriately to the existing character, appearance, quality or development, and physical characteristics of the subject property and the

immediate vicinity.

5. The proposal satisfies criteria for a Shoreline Conditional Use Permit found in KCC 22.500.100.D for the proposed use.
6. The proposal satisfies criteria for an Accessory Dwelling Unit found in KCC 17.410.060.B.3.

### **13. Recommendation**

Based upon the analysis above and the decision criteria found in KCC 22.500.100 (Shoreline Conditional Use Permit) and KCC 17.410.060.B.3 (ADU), and all other applicable zoning and shoreline regulations, the Department of Community Development recommends that the Kipperberg Event Venue, Accessory Dwelling Unit, Shoreline Conditional Use Permit and Shoreline Substantial Development Permit be **approved**, subject to the following conditions:

#### **a. Planning/Zoning**

1. Any violation of the conditions of approval shall be grounds to initiate revocation of this Conditional Use Permit.
2. All required permits shall be obtained prior to commencement of land clearing, construction and/or occupancy.
3. 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.
4. The decision set forth herein is based upon representations made and exhibits contained in the project application Permit #'s 21-04111 (CUP), 21-03049 (ADU), 21-02413 (SCUP) and 21-00036 (SSDP). 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 project evaluation does not contemplate events that are drive-in/drive out, or which would be subject to regular public entrance/exiting (eg, crafts fair, bazaar, pop-up markets). If these types of events are to be considered, a subsequent application may be needed, which may be a Type II or Type III application depending on scope and code in effect at time of application, and additional conditions may be assigned.
6. There shall be no more than one event per day; each day shall be considered its

- own event, regardless if the event occurs over multiple days.
7. For the lifetime of the event venue approval, a minimum of 50% consecutive days of each month shall be free of events, which must begin with the same Friday each month (e.g., first or third Friday) to give neighbors and Anderson Park users reliability and predictability of events. The applicant must submit the preferred schedule as part of the permit application. Upon CUP approval, the applicant shall provide notice to neighbors within 800' of the exterior property lines, with a copy to DCD, of the event-free period chosen in perpetuity. The Notice shall include the contact information for the event manager who is available at all times during events.
  8. The hours of operation shall be from 8 am until 9 pm (8 pm on Sundays). From 9 pm to 10 pm (or 8 pm to 10 pm on Sundays), the event shall cease operation and begin its equipment tear-down and disperse the attendees, including contractors and vendors.
  9. Overnight accommodation for event venue participants are allowed, but shall not be permitted until the structure(s) on-site are specifically permitted by DCD's Building and Fire Safety division. The applicant must advise DCD when they wish to initiate overnight accommodations in advance of that first event. See Fire Safety conditions below.
  10. A commercial kitchen is authorized, but shall not be permitted until specifically permitted by DCD's Building and Fire Safety division. The applicant must advise DCD when they wish to use a commercial kitchen in advance of that first event. See Fire Safety conditions below.
  11. No amplified sound may be used on the premises. If an amplified system is to be used, it shall be first evaluated through a noise analysis as required by the SEPA mitigation measures referenced in Section 3 of this report.
  12. DCD accepts the applicants parking ratio of 3 event participants per vehicle for purposes of gaging attendance. Parking for up to 55 spaces shall be provided on the northwesterly parcel. The spaces shall be inclusive of spaces for vendors and contractors (eg, caterers, bar staff, musicians, photographers).
  13. Because the principal or primary use of an "Off-Site Parking Lot" is not permitted in the Rural Residential zone, the currently undeveloped lot will have to be aggregated with the primary use occurring at the main (event venue) parcel. This will need to occur through a lot aggregation recordation or a Declaration of Aggregation, and shall be completed prior to approval of Site Development Activity Permit (SDAP).
  14. Use of parcel 342302-2-049-2006 for parking impacts the future viability of the parcel as a residential lot as shown on Short Plat 6205 recorded in Vol. 10 of Short Plats, Pg 151. Until easements are extinguished via a Short Plat Alteration or the parking arrangement is modified, the parking/shuttle lot (parcel 342302-2-049-2006) is subject to Conditions of approval of Short Plat 6205.
  15. 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.

16. Parking shall be striped to ensure adequate parking. Temporary striping is acceptable.
17. The applicant shall post rules at the entrance to the parking lot advising the proximity of the nearby residence and for attendees to be considerate of noise. The sign shall note the parking lot design and prohibit parking in the ROW or offsite. The sign shall encourage departure of attendees as soon as possible after returning to the parking lot.
18. The parking area shall be adequately screened from view by the adjacent residential parcel to the south/southwest. A sight-obscuring fence, wall or vegetation shall be installed prior to events in 2023.
19. Any existing applicant signage outside of the applicant's property shall be removed (eg, on Park property).
20. Dust management for driving surfaces may be needed for unpaved driveways.
21. A sight-obscuring fence, capable of 100% reduction of headlight glare, is required along the southern boundary of the parking area. Sight-obscuring irrigated vegetation that is capable of 100% headlight glare reduction may also be proposed.
22. Approval of this application does not restrict the applicant's ability to use the property for short-term vacation rentals (eg, VRBO, Airbnb). Short-term rental authorization will be required to be consistent with County codes in effect at the time of proposed use.
23. Approval of this event venue shall allow DCD to conduct inspections during event hours of operations.
24. The recipient of any conditional use permit shall file a Notice of Land Use Binder with the county auditor prior to any of the following: initiation of any further site work, issuance of any development/construction permits by the county, or occupancy/use of the subject property or buildings thereon for the use or activity authorized. The Notice of Land Use Binder shall serve both as an acknowledgment of and agreement to abide by the terms and conditions of the conditional use permit and as a notice to prospective purchasers of the existence of the permit. The Binder shall be prepared and recorded by the Department at the applicant's expense.

**b. Accessory Dwelling Unit**

25. Only one accessory dwelling unit is allowed on the property. The second one-half of the space above the garage, currently used as an office, shall become permitted jointly with the ADU, and the building permit application shall show decommissioning of the kitchen stove and the 240 voltage in the office space.
26. The accessory dwelling unit (ADU) is subject to the payment of impact fees. Impact fees must be paid at time of permit issuance, or if deferred, must be paid prior to final inspection. No certificate of occupancy will be granted until all impact fees are paid.
27. Any proposed modification (not including cosmetic work such as painting,

papering and similar finish work), remodel or expansion of the accessory dwelling unit building, regardless of whether a building permit is required, shall be reviewed by the Department of Community Development and granted approval prior to such modification, expansion, construction and/or issuance of a building permit.

28. Only one accessory dwelling unit shall be permitted on the subject property.
29. The owner of the property must reside in either the primary residence or the accessory dwelling unit and only one of the structures may be rented at any one time. The accessory dwelling unit's habitable area shall not exceed 50% of the primary residence or 900 square feet, whichever is smaller. The proposed size of the ADU is 860 square feet. Any future expansion of the ADU will require a building permit and would have to comply with all code requirements in place at the time of the new building permit application.
30. The accessory dwelling unit shall be located within 150 feet of the primary residence.
31. The accessory dwelling unit shall be designed to maintain the appearance of the primary residence.
32. This permit shall comply with all Kitsap Public Health District regulations and conditions of approval.
33. No mobile home or recreational vehicle shall be allowed as an accessory dwelling unit.
34. The accessory dwelling unit shall use the same side street entrance as the primary residence and shall provide one additional off-street parking space.
35. An accessory living quarters or guest house is not permitted on the same lot unless the accessory dwelling unit is removed and the ALQ or GH complies with all requirements imposed by the Kitsap County Code.
36. A property with a primary residence and an accessory dwelling unit cannot be segregated to create two separate legal lots unless it complies with all subdivision, zoning and density requirements in place at the time of a complete subdivision application.
37. The accessory dwelling unit cannot be sold separately from the primary residence unless it has legally been segregated onto its own lot.
38. The uses of the subject property are limited to the uses proposed by the applicant and any other uses will be subject to further review pursuant to the requirements of the Kitsap County Code. 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.
39. This Conditional Use Permit approval shall automatically become void if no development permit application is accepted as complete by the Department of Community Development within four years of the Notice of Decision date or the resolution of any appeals.

**c. Development Engineering**

40. An engineered Site Development Activity Permit (SDAP) shall be submitted within 90 days of the Hearing Examiner Decision. The project narrative and site plan identify that the vehicle maneuvering area is a gravel surface and grass field. This area is subject to vehicular use and is considered a pollution generating hard surface (PGIS or PGHS). The proposed PGHS is located outside of census-defined urban areas and results in ten thousand square feet or more of proposed hard surface area, therefore it meets the threshold for an SDAP.
41. The SDAP shall provide design for water quality feature(s) to capture and treat all runoff from the parking areas. Design and construction of the drive isle and parking lot shall be done in accordance with the most up-to-date Kitsap Stormwater Design Manual and Title 12. Pedestrian connectivity and safety awareness is encouraged in design.
42. The SDAP shall show the planned parking configuration for 50-55 parking spaces. All parking spaces must comply with required zoning and impervious surface setbacks. In addition, fire apparatus access requirements shall be met.
43. All parking spaces shall be configured outside the existing reserve drain field easement that lies on parcel 342302-2-049-2006 and benefits parcel 342302-2-050-2005, per Short Plat 6205, recorded in Vol. 10 of Short Plats, Pg. 151. The SDAP shall show that the reserve drain field easement is not subject to vehicular traffic as vehicular traffic will compact this easement area. Alternatively, the applicant shall submit a Short Plat Alteration establishing a new reserve drain field easement (protected from parking), or another legally accepted method. This consideration must be made in mind with the lot aggregation requirement noted in Conditions 13 and 14 above.

**d. Environmental**

44. Adhere to and implement all recommendations for stewardship of the shoreline provided within the Habitat Management Plan (HMP) provided by BGE Environmental.
45. Areas of native vegetation and dune grass within the shoreline buffer that have been removed shall be reestablished to their previous condition. These areas include the current location of the golf driving tee pad, firepit and the wedding arbor/pad. Removal of these features shall occur immediately, replanting shall occur within 6 months, and reestablishment of these areas shall be approved within one year of this permit. Replanting shall be done in accordance with recommendations and oversight from a qualified biologist regarding plantings and monitoring.
46. As a commercial use on the shoreline, the Department of Ecology will require a sign to be installed that states the public is allowed access and recreational use of the shoreline in front of the applicant's property. The sign shall be less than four sf per County code. This sign shall be sited on the common property line

between the applicant's property and the Park property, ideally slightly above ordinary high-water line, where there is a trail or pathway between the two properties, or elsewhere where advisable.

47. For any new development or use, an 85-foot native vegetation buffer must be maintained landward of Ordinary High Water, as depicted on the approved site plan. In addition, a building or impervious surface setback line of 15 feet is required from the edge of the buffer. No native vegetation may be removed within the shoreline buffer.

**e. Traffic and Roads**

48. No parking overflow is allowed, and parking in the Right of Way of Luna Vista Avenue is prohibited.

**f. Fire Safety**

49. The conditional use permit authorizing use of any portion of buildings on the property for any purpose subject to this application shall not be in effect until the applicant applies for and obtains building and fire code permits required for the intended use for all portions of the buildings, obtains approvals for all required inspections and obtains the certificate(s) of occupancy for the intended use.
50. The conditional use permit authorizing use of any portion of buildings or the venue site for any purpose subject to this application shall not be in effect until the fire apparatus access and fire flow requirements of the current edition of the fire code are met as approved by the fire marshal. The fire marshal may approve automatic fire sprinkler systems installed throughout all portions of all buildings on the venue site, identify locations where additional access road improvements shall be made, and turnouts or turnarounds shall be installed as an alternative, in whole or in part to the access and fire flow requirements. Should road improvements or installation of turnouts and turnarounds require a Site Development Activity Permit (SDAP) the applicant shall obtain the SDAP, complete construction and obtain final approval prior to use of the site for any venue.
51. The indicated parking area shall be designed, constructed, and approved by the fire marshal in accordance with the Wildland Urban Interface Code (WUIC) and National Fire Protection Association Standard (NFPA) 1040 prior to use of the site for parking vehicles. If site work at the intended parking area requires a SDAP, such permit shall be obtained, completed, and approved in addition to the approval of the fire marshal prior to using the location for parking.
52. Any future construction, change in use, or expansion of use of any portion of the buildings subject to this application—including but not limited to overnight accommodations, and addition of a commercial kitchen—shall occur in compliance with the provisions of Title 14 of the Kitsap County Code and may require building or other permits, and may alter the classification of the

building requiring additional fire alarms, fire sprinkler systems, access, or other requirements. Approval of this conditional use permit application does not approve such future use without first obtaining all required permits and approvals.

53. An emergency response plan prepared in accordance with the requirements of the fire code and approved by the fire marshal is required prior to using any portion of any of the buildings at the venue property for assembly purposes. No portion of any building shall be used for assembly purposes without approval of the emergency plan by the fire marshal.
54. Prior to holding weddings or another activity authorized subject to this application all court and enforcement actions, judgements or orders shall be satisfied.
55. Applicant shall at all times conduct venues in accordance with the provisions of the applicable building, fire and accessibility codes.
56. Applicant shall apply for, obtain, and gain approval for fire code operational or any other permits that may be required to meet the needs of a specific venue.
57. Event attendance using buildings on the site shall be limited based on the maximum occupant load established for the building.

**g. Solid Waste**

58. The application materials state that the property is not currently served by Waste Management. As a result, the owners are responsible for the removal of all solid waste and recyclables from the site and the transport of all solid waste and recyclables to a facility established by them.

**h. Kitsap Public Health District**

59. None at this time.

**Report prepared by:**



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Colin Poff / Project Lead

August 17, 2022  
Date

**Report approved by:**



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Scott Diener, DSE Manager

August 17, 2022  
Date

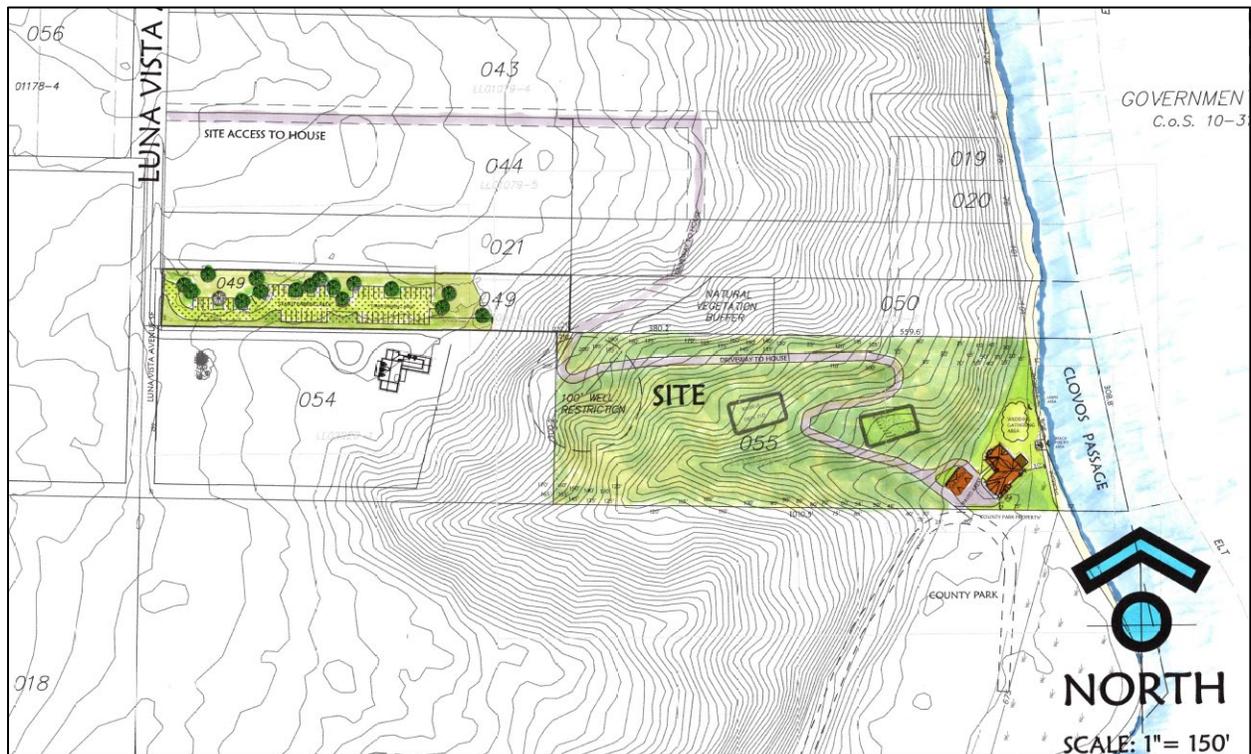
**Attachments:**

Attachment A – Zoning Map

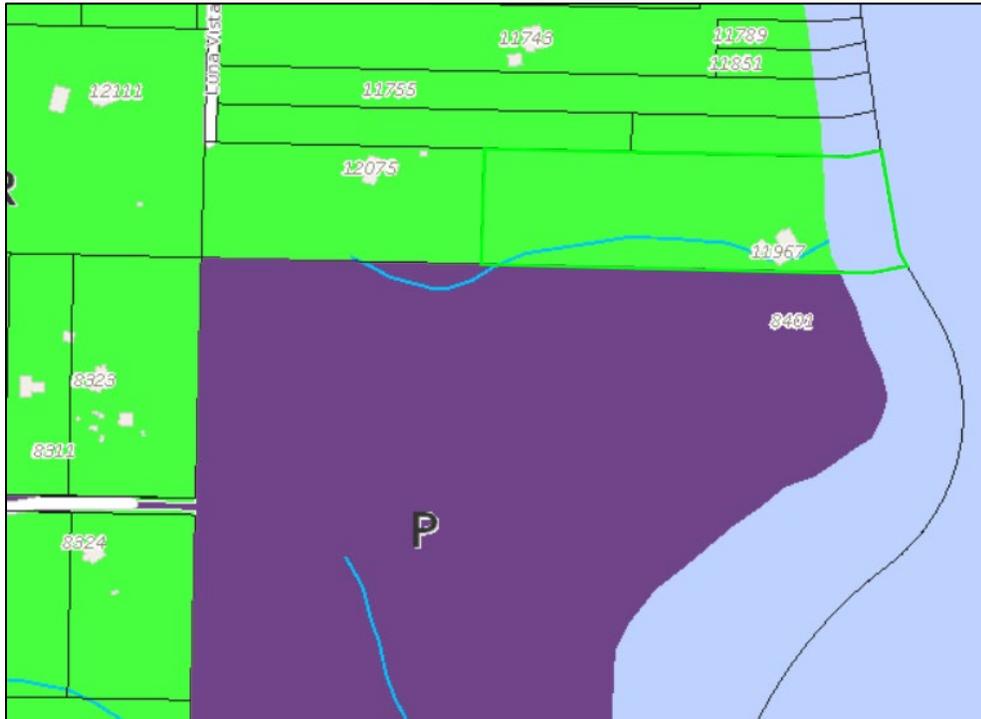
Attachment B – Critical Areas Map

CC: Owner/Applicant: Marilyn Kipperberg: [kipperberg@gmail.com](mailto:kipperberg@gmail.com)  
Authorized Agents: William Palmer, [wpconslts@telebyte.net](mailto:wpconslts@telebyte.net); Kings Homes, Inc.  
[josiah@kingshomesinc.com](mailto:josiah@kingshomesinc.com)  
BGE Environmental: [robbyn@bgeenvironmental.com](mailto:robbyn@bgeenvironmental.com)  
Interested Parties: Timothy & Krista Hoffsommer, [kristahoffsommer@gmail.com](mailto:kristahoffsommer@gmail.com); Linda Murnane, [murnane@centurytel.net](mailto:murnane@centurytel.net)  
Kitsap County Health District, MS-30  
Kitsap County Public Works Dept., MS-26  
DCD Staff Planner: Colin Poff

**Site Plan**



**Attachment A – Zoning Map**



**Attachment B – Critical Areas Map**

