



Administrative Staff Report

Report Date: March 8, 2023

Application Submittal Date: June 24, 2022

Application Complete Date: August 11, 2022

Project Name: Iggy's Alive and Cultured Kombucha Brewery

Type of Application: Administrative Conditional Use Permit (ACUP)

Permit Number: 22-02937

Project Location

10900 NE State Highway 104

Kingston, WA 98346

Commissioner District #1

Assessor's Account

262702-1-085-2009

Applicant/Owner of Record

Kingston Mill LLC

3546 W Marginal Way SW,

Seattle, WA 98106

Decision Summary

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

VICINITY MAP



1. Background

Application proposes a change of use of an existing structure on an approximate 2.86-acre parcel. The existing development consists of two commercial buildings, an existing sewer system, a storm drainage system, and associated landscaping and parking. The structure was previously used by Kingston Lumber for siding manufacturing and storage. Potable water is provided by Kitsap Public Utility District #1; sanitary sewage disposal is provided by Kitsap County Public Works.

2. Project Request

The project requests approval of an ACUP to allow for production of craft-fermented food and beverages. The property is zoned Commercial and Kitsap County Code 17.410.044 Commercial, Industrial, Parks, and Public Facility Zones Use Table requires an ACUP for food and beverage production in the commercial zone.

The existing building is 4,372 square feet including the mezzanine. As part of the project, the mezzanine area will be enlarged slightly so the final area will be 4,506 square feet. The proposed project does not include an addition or change the existing building footprint. Approximately 1,513 square feet of the building will be used for food and beverage production area. The remainder of the building space will be primarily ingredient and product storage including some refrigerated space. No food or beverages are proposed to be served onsite.

3. SEPA (State Environmental Policy Act)

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

Pursuant to WAC 197-11-355, the optional DNS process was utilized for this project. The SEPA Comment period previously occurred concurrent with the Notice of Application dated August 11, 2023. A Determination of Nonsignificance (DNS) was issued on February 21, 2023.

The SEPA appeal period expired March 7, 2023. No appeals were filed; therefore, the SEPA determination is final.

4. Physical Characteristics

The subject property is irregular rectangle shaped and developed with two existing buildings and associated parking lot.

Table 1 - Comprehensive Plan Designation and Zoning

Comprehensive Plan: Urban High Intensity Commercial Zone: Commercial	Standard	Proposed
Minimum Density	10	N/A No residential uses proposed
Maximum Density	30	
Minimum Lot Size	NA	NA

Maximum Lot Size	NA	NA
Minimum Lot Width	NA	NA
Minimum Lot Depth	NA	NA
Maximum Height	35 feet	<35 feet
Maximum Impervious Surface Coverage	85%	82% (2.35 developed of 2.86)
Maximum Lot Coverage	NA	NA

Applicable footnotes:

KCC 17.410.044 Footnote 5: The Design Standards for the Community of Kingston sets forth policies and regulations for properties within the downtown area of Kingston. All development within this area must be consistent with these standards in Chapter 17.700, Appendix C1.

Staff Comment: The application includes a design narrative. The project is also conditioned to follow the design standards. See Condition 9.

Table 2 - Setback for Zoning District

	Standard	Proposed
Front: South	20 feet	127 feet
Side: East	10 feet	27 feet from one portion of the eastern property line and 10 feet from the other portion. The subject property is irregular shaped.
Side: West	10 feet	260 feet
Rear: North	10 feet	43 feet

Table 3 - Surrounding Land Use and Zoning

Surrounding Property	Land Use	Zoning
North	Single-family residence	Commercial
South	Commercial – general warehouse	Commercial
East	Commercial – shopping center	Commercial
West	Commercial – financial institution	Commercial

Table 4 - Public Utilities and Services

	Provider

Water	Kitsap PUD #1
Power	Puget Sound Energy
Sewer	Kitsap County
Police	Kitsap County Sheriff
Fire	North Kitsap Fire & Rescue
School	North Kitsap School District #400

5. Access

The site is accessed directly off Highway 104.

6. Site Design

Prior to this proposed project, Site Development Activity Permit (SDAP) 18-03848 was reviewed for this site for landscaping and frontage improvements. The SDAP was approved on April 24, 2019. This proposed project does not need to include landscaping and frontage improvements.

The subject property is within the Kingston Design Standards. The project is conditioned to follow the design standards.

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

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

Economic Development Goal 1

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

Economic Development Policy 3

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

Economic Development Goal 5. Support the local food economy.

Economic Development Policy 29. Expand the county’s capacity to produce, process, distribute and access local foods.

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

Code Reference	Subject
Title 12	Storm Water Drainage
Title 13	Water and Sewers
Title 14	Buildings and Construction
Title 17	Zoning
Chapter 18.04	State Environmental Policy Act (SEPA)
Chapter 21.04	Land Use and Development Procedures

8. Documents Consulted in the Analysis

<u>Applicant Submittals</u>	<u>Dated or date stamped</u>
Administrative CUP Application	June 24, 2022
Environmental (SEPA) Checklist	June 24, 2022
Site Plan	June 24, 2022
Notice of Application	August 11, 2022
Email from Ecology	August 31, 2022
Kingston Design Standard Narrative	January 23, 2023
SEPA DNS	February 21, 2023
 <u>Staff Communication</u>	 <u>Dated</u>
Dev. Services & Engineering Memo	February 10, 2023

9. Public Outreach and Comments

A Notice of Application was distributed to outside agencies and neighbors within 400 feet of the proposed project. There was one interested party. A comment was received from the Department of Ecology that stated, “The SEPA Checklist reports that diesel contamination has been identified on the property proposed for redevelopment at levels below Model Toxic Control Act (MTCA) cleanup standards. Besides indicating that the contaminated area is capped by asphalt, little additional information is provided. Ecology would like to receive additional information about the nature and extent of this contamination. We suggest reporting available contamination-related information and/or future sampling results via Ecology’s web form. Ecology’s Cleanup of Small Spills to Soil Focus Sheet may provide some useful information about how our agency addresses spills, particularly sites in which MTCA cleanup levels are exceeded.”

The following reports were provided from the applicant to the Department of Ecology:

1. Phase I ESA, 10900 NE SR 104, Kingston, WA. Adapt Engineering, Seattle, WA. November 18, 2016.
2. Supplemental Phase II Screen, 10900 NE SR 104, Kingston, WA. Adapt Engineering, Seattle, WA. March 8, 2017.

The project file includes an email from the Department of Ecology stating all of their requirements were met.

10. Analysis

a. Planning/Zoning

The project has been reviewed for planning and zoning elements and is approved pending conditions.

b. Lighting

Condition 10 address lighting. Artificial outdoor lighting shall be arranged so that the lighting is fully recessed or fully shielded from side view and directed downward and away from surrounding properties. No more than one foot-candle of illumination shall leave the property boundary. Lighting shall be the minimum necessary for safety purposes and be compatible with surrounding properties.

c. Off-Street Parking

The site, including an existing gym in the same complex, has 56 parking spaces.

Table 5 - Parking Table

Use Identified in 17.490.030	Standard	Required Spaces	Proposed Spaces/Existing Spaces
Manufacturing, Research, Testing, Processing and Assembly Facilities	1 per 1,000 square feet	5 4,506 square feet divided by 1,000 = 4.5, then rounded to 5.	56 spaces on site; shared with the existing gym. Combined uses required 46 spaces. Parking requirements exceeded.
Total		5	56 existing spaces

d. Signage

Any and all signage design and location (including exempt signs) shall comply with Kitsap County Code (KCC) 17.510, and be reviewed and approved by the Department of Community Development prior to installation. Signage may require a separate permit. See Condition 2.

e. Landscaping

Prior to this proposed project, SDAP 18-03848 was reviewed for this site for landscaping and frontage improvements. The SDAP was approved on April 24, 2019. The landscaping

and frontage improvements have been installed and is now in the bond maintenance phase. This proposed project is not required to address landscaping and frontage improvements.

Table 6 - Landscaping Table

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

f. Frontage Improvements

SDAP 18-03848 installed frontage improvements. This project is not required to address frontage improvements.

g. Design Districts/Requirements

The application includes a design narrative detailing how the project will meet the Kingston Design Standards. Condition 9 requires the project to follow the Kingston Design Standards.

h. Development Engineering/Stormwater

Development Engineering has reviewed the above land use proposal and finds the concept supportable in its approach to civil site development. These comments are based on a review of the Preliminary Drainage Report and Preliminary Engineering Plans accepted for review June 24, 2022, and as revised by additional materials accepted for review January 30, 2023 to Kitsap County Development Services and Engineering.

Development Engineering accepts the concepts contained in this preliminary submittal and requires three conditions as an element of the land use approval.

i. Environmental

The site does not have any critical areas.

j. Access, Traffic and Roads

Traffic was reviewed and approved with no conditions.

k. Fire Safety

Kitsap County Deputy Fire Marshal reviewed and approved the project with no conditions.

l. Solid Waste

Solid Waste was reviewed and approved with 1 condition. See Condition 13.

m. Water/Sewer

Kitsap County Public Works reviewed the project for water and sewer and approved the newcomer assessment that was provided in the application.

n. Kitsap Public Health District

The Kitsap County Health District reviewed the project and approved.

11. Review Authority

The Director has review authority for this Administrative Conditional Use Permit application under KCC, Sections 17.540.020 and 21.04.100. The Director may approve, approve with conditions, or deny an Administrative Conditional Use Permit.

12. Findings

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

13. Decision

Based upon the analysis above and the decision criteria found in KCC 17.540.040.A, the Department of Community Development recommends that the project be **approved**, subject to the following conditions:

a. Planning/Zoning

1. All required permits shall be obtained prior to commencement of land clearing, construction and/or occupancy.
2. Any and all signage design and location (including exempt signs) shall comply with Kitsap County Code (KCC) 17.510, and be reviewed and approved by the Department of Community Development prior to installation. Signage may require a separate permit.
3. The recipient of any administrative conditional use permit shall file a Notice of Land Use Binder with the county auditor prior to any of the following: initiation of any further site work, issuance of any development/construction permits by the county, or occupancy/use of the subject property or buildings thereon for the use or activity authorized. The Notice of Land Use Binder shall serve both as an acknowledgment of and agreement to abide by the terms and conditions of the administrative conditional use permit and as a notice to prospective purchasers of the existence of the permit. The Binder shall be prepared and recorded by the Department at the applicant's expense.
4. The uses of the subject property are limited to the uses proposed by the applicant and any other uses will be subject to further review pursuant to the requirements of the Kitsap County Code (KCC). Unless in conflict with the conditions stated and/or any regulations, all terms and specifications of the application shall be binding conditions of approval. Approval of this project shall not, and is not, to be construed as approval for more extensive or other utilization of the subject property.
5. The decision set forth herein is based upon representations made and exhibits contained in the project application (22-02937). 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.
6. 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.
7. This Administrative 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.

8. Any violation of the conditions of approval shall be grounds to initiate revocation of this Administrative Conditional Use Permit.
9. The project shall follow the Kingston Design Standards as noted in the project application narrative.
10. Artificial outdoor lighting shall be arranged so that the lighting is fully recessed or fully shielded from side view and directed downward and away from surrounding properties. No more than one foot-candle of illumination shall leave the property boundary. Lighting shall be the minimum necessary for safety purposes and be compatible with surrounding properties.
11. Kitsap County currently serves sanitary sewer service to the property. Any changes to the service will require approval from Kitsap County Public Works - Sewer Utility Division.

b. Development Engineering

12. New and/or replaced hard surfaces do not exceed the 2,000 square foot threshold; nor does the project exceed 7,000 square feet of disturbed area. While a formal plan is not required, the applicant must consider all elements required of a stormwater pollution prevention plan and make allowances for managing erosion and sediment discharge on site. Per KCC Title 12, if the project exceeds either of the thresholds noted above, then additional review for stormwater management will be required.
13. 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

No conditions

d. Traffic and Roads

No conditions

e. Fire Safety

No conditions

f. Solid Waste

14. With submittal of the commercial building permit application, the applicant shall

Attachment A – Zoning Map

