



Notice of Administrative Decision

Date: 2/3/2022

To: 1909 Holdings, LLC, inbox@1909holdings.com
John Stallings, inbox@proserpinaconstruction.com
Interested Parties and Parties of Record

RE: **Permit Number:** 21-02069
Project Name: Lone Rock Mercantile Minor ACUP Revision
Type of Application: Conditional Use Permit - Minor Revision

The Kitsap County Department of Community Development has **APPROVED** the land use application for **Permit 21-02069: Lone Rock Mercantile Minor ACUP Revision – Conditional Use Permit - Minor Revision**, subject to the conditions outlined in this Notice and included Staff Report.

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

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

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

The complete case file is available for review at the Department of Community Development; if you wish to view the case file or have other questions, please contact help@kitsap1.com or (360) 337-5777. Please note DCD is open Monday to Thursday from 8:00am to 4:00pm and on Friday from 9:00am to 1:00pm except holidays.

CC: Interested Parties:
None
Kitsap County Health District, MS-30
Kitsap County Public Works Dept., MS-26
DCD Staff Planner: Steve Heacock



Administrative Staff Report

Report Date: January 27, 2022

Application Submittal Date: April 11, 2021

Application Complete Date: April 14, 2021

Project Name: Lone Rock Mercantile Minor ACUP Revision

Type of Application: Permit Type-I

Permit Number: 21-02069

Project Location

11195 Seabeck Hwy NW

Seabeck, WA 98380

Commissioner District #3

Assessor's Account

152501-3-034-1005

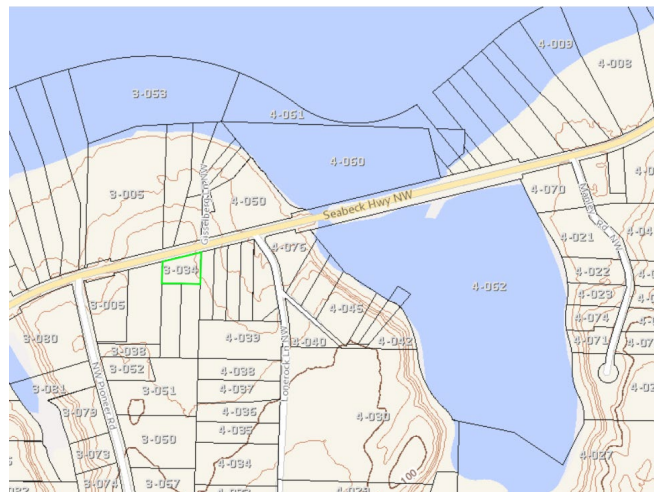
Applicant/Owner of Record

1909 Holdings, LLC

2610 Burwell St.

Bremerton, WA 98312

VICINITY MAP



Decision Summary

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

1. Background

1909 Holdings, LLC, under the project name Lone Rock Mercantile, is requesting a Minor Revision to the approved Administrative Conditional Use Permit (File# 14-02513) for redevelopment of the property to allow a previously analyzed espresso stand, inclusive of the existing operation, parking/vehicle trips and impervious surfaces, consistent with KCC 17.540.040, Revisions of Administrative Conditional Use Permits (ACUP). The ACUP approval was for building renovations and operation of the facility as a mercantile, feed store and delicatessen, with 8 off-street parking spaces (see attachment C). An espresso stand was denied at time of this submittal as it was not supported in the use table and code due to a zoning designation error for the property, which has since been rectified. The proposal is for a minor revision to allow the espresso stand operation, as it was an allowed use in the RCO zone and is still considered an allowed use, subject to approval of an ACUP. As the activity had been reviewed and accepted, but denied only due to the zoning designation anomaly, the revision has been considered and is being rectified through this minor ACUP revision. The reviewed

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revision will include access into the property for a 180-square foot expansion of building area. Landscaping improvements, signage, and queueing path, are all proposed to guide patrons to and through the proposed espresso stand.

2. Project Request

Lone Rock Mercantile is requesting approval of a Minor Administrative Conditional Use Permit (ACUP) Revision to the preliminary approved ACUP for the development of the mercantile property for a drive through espresso stand, consistent with KCC 17.540.040. The espresso stand operation is an allowed use, subject to approval of an ACUP. The espresso stand was denied in the 2014 ACUP due only to an anomaly of the underlying zoning of the property. At the time the property had two zoning designations. The building was zoned Rural Commercial (RCO) and the land was zoned Rural Protection (RP). This has since been rectified by Kitsap County and now the entire parcel is zoned RCO. Per the historical Notice of Administrative Decision, the espresso stand was denied because it would be in the RP zoned area of the property. It further stated that it was not feasible to relocate in the RCO zoned area as that space was already occupied by a structure. Per the zoning use at the time, the ACUP was finalized and the proposed espresso stand was subject to footnotes 12, 58 and 72 at KCC 17.382.070 and 17.382.110 (now KCC 17.410.44 and 17.410.050 respectively). The proposed espresso stand met the requirements of these footnotes then and does so now; these requirements have not changed and the plan as submitted meets these requirements. As the proposed espresso stand continues to adhere to the original documents submitted with the ACUP and as the land use requirements have not changed, and as the espresso stand was denied due to a zoning anomaly, this revision request is re-considered through a Minor ACUP Revision.

The revision will include access into the property to a 180 square foot expansion of the mercantile building area, approximately a 2% increase in use. Landscaping improvements, signage, queueing path, and driveway directional signage are all proposed to guide patrons to and through the proposed espresso stand lanes.

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.

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The Kitsap County Department of Community Development has determined that the proposal is a minor change that is considered SEPA exempt per WAC 197-11-800 (6) (b). There is no further SEPA action. If you have questions regarding this decision, please contact Environmental Planner Steve Heacock at sheacock@co.kitsap.wa.us, or by phone at (360) 337-5777.

4. Physical Characteristics

The property is a 0.6-acre site located at 11195 Seabeck Highway NW, just across the Big Beef creek bridge, on the east side of the road. The existing Building is 1720 square feet in size. There is also an existing small well house on the property serving the mercantile. The site is generally flat, sloping from southwest to northwest. Approximately 20% of the site is buildings, 40% is gravel driveway and parking and 40% is vegetated generally with grasses and weeds.

Table 1 - Comprehensive Plan Designation and Zoning

Comprehensive Plan: Rural Commercial Zone: Rural Commercial	Standard	Proposed
Minimum Density	NA	NA
Maximum Density	NA	
Minimum Lot Size	NA	NA
Maximum Lot Size	NA	NA
Minimum Lot Width	NA	NA
Minimum Lot Depth	NA	NA
Maximum Height	35 feet	~14 feet
Maximum Impervious Surface Coverage	85%	60%
Maximum Lot Coverage	85%	60%

Applicable footnotes: NA

Staff Comment: Density is not applicable to the project; however, the project is consistent with maximum lot coverage.

Table 2 - Setback for Zoning District

	Standard	Proposed
Front (West)	20 feet	50 feet
Side (North)	50 feet	15 feet (existing commercial building)
Side (South)	50 feet	60 feet (existing carport)
Rear (East)	50 feet	90 feet

Table 3 - Surrounding Land Use and Zoning

Surrounding Property	Land Use	Zoning
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North	single-family residence	Rural Protection (RP)
South	single-family residence	Rural Protection (RP)
East	single-family residences	Rural Protection (RP)
West	single-family residences	Rural Protection (RP)

Table 4 - Public Utilities and Services

	Provider
Water	Private well
Power	Puget Sound Energy
Sewer	Private on-site septic
Police	Kitsap County Sherriff
Fire	Central Kitsap Fire & Rescue
School	Central Kitsap School District #401

5. Access

The existing access to the mercantile parking and planned espresso drive-through is off of Seabeck Highway NW.

6. Site Design

The Minor Revision listed in KCC Table 17.410.044 (Espresso stand - Use 238) is permitted under review of an ACUP. As such, this is a minor amendment of a previously reviewed application and therefore requires review per KCC 17.540.040 Minor Revision of the Administrative Conditional Use Permit with the Department as the review authority per KCC Title 21. Pursuant to KCC 17.410.044 the RCO zone provides for espresso stand uses in a commercial setting. The following factors are required: the minor revision is reviewed for consistency with KCC sections 17.420.054 Allowed Uses, 17.420.030 Design Standards, and 17.420 Density, Dimensions and Design. Additionally, Espresso Stands, Use 238 is subject to footnote KCC 17.410.050.A.58, which prescribes drive aisle/stacking lane requirements, surfacing, anchorage of structure, and restroom requirements; these shall be noted in Conditions of Approval.

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:

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See Listed Policies under the approved Conditional Use Permit 16-0551

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

Code Reference	Subject
Title 12	Storm Water Drainage
Title 13	Water and Sewers
Title 14	Buildings and Construction
Title 17	Zoning
Chapter 18.04	State Environmental Policy Act (SEPA)
Chapter 20.04	Transportation Facilities Concurrency Ordinance
Chapter 21.04	Land Use and Development Procedures

8. Documents Consulted in the Analysis

<u>Applicant Submittals</u>	<u>Dated or date stamped</u>
Administrative CUP Application	April 11, 2021
Environmental (SEPA) Checklist	April 11, 2021
Revised Site Plan	April 23, 2021
Project Narrative	April 11, 2021
<u>Staff Communication</u>	<u>Dated</u>
Dev. Services & Engineering Memo	August 03, 2021
SEPA Review	December 22, 2021

9. Public Outreach and Comments

The Minor Revision is a Type-I decision and consistent with Title 21 of the Kitsap County Code the County is not required to give public notice to surrounding property owners.

Issue Ref. No.	Summary of Concern (See corresponding responses in the next table)	Comment Letter Exhibit Reference No.
	NA	

Issue Ref. No.	Issue	Staff Response
	NA	

10. Analysis

a. Planning/Zoning

The proposed Minor Revision with the addition of an espresso stand is a permitted use, subject to an Administrative Conditional Use Permit, within the RCO zone. The addition is an ancillary use to the existing mercantile. The addition was reviewed for constituency with the intent of the RCO zone compatibility with the residential setting. The following are planning review categories in KCC 17.410.044 Design Standards. Consistent with the

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design standards, the site plan demonstrates consistency with the requirement to reduce adjacent residential impacts.

b. Lighting

The project is required to be consistent with KCC 17.105.110 Obnoxious Things. If security lighting is required it should be directed away from surrounding properties. Not more than one-candle foot of illumination can leave the property boundary. The development permits will be conditioned for lighting to prevent glare on abutting residential uses.

c. Off-Street Parking

The associated mercantile requires 4 parking spaces and 1 parking space is required for the espresso stand. The application is to be reviewed for consistency with KCC 17.490 Off-Street Parking and Loading. The applicant is not proposing off-street parking as there is no available on-street areas that are not part of the existing County Right of Way. As the uses only require 5 spaces and the applicant is proposing 8 spaces, the criteria are acceptable.

Table 5 - Parking Table

Use Identified in 17.490.030	Standard	Required Spaces	Proposed Spaces/Existing Spaces
(1720-sf mercantile)	1 per 400 sf gross floor area	4	8/6
(180-sf espresso)	1 per 400 sf gross floor area	1	8/6
Total:		5	8 spaces

d. Signage

Signage is proposed to be comprised of a 3-panel, 10-foot by 2-foot wooden sign with direct-illuminated sign lights. Any new signage is will be required to be consistent with KCC 17.510 Sign Code.

e. Landscaping

The project is required to be reviewed for consistency with KCC 17.500 Landscaping. The Landscaping Plan is required to show how all disturbed areas to be landscaped, buildings and structures and off-street parking area. Landscaping was calculated based on total site area. The preliminary landscaping plan is consistent with Code by showing existing/proposed landscaping with roadside/setback landscaping along NW Seabeck Highway.

Table 6 - Landscaping Table

	Required	Proposed

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Required Landscaping (Sq. Ft) 15% of Site	15% (3920-sf)	18% (4,500 sf)
Required Buffer(s) 17.500.025		
North	Setback Buffer	NA, existing building
South	Separation Buffer	Separation Buffer
East	Separation Buffer	Separation Buffer
West	Roadside and setback Buffer	Roadside and Separation Buffer
Street Trees	No	NA

f. Frontage Improvements

The project was reviewed for potential pedestrian and vehicular traffic impacts. The project site already includes rural frontage improvements and therefore frontage improvement is not required.

g. Design Districts/Requirements

The subject property is rural in nature and is not located within a design district, which are typically for urban projects.

h. Development Engineering/Stormwater

Development Services and Engineering has reviewed the above land use proposal and finds the concept supportable in its approach to civil site development. There are no stormwater, traffic or solid waste requirements for the proposal, as reviewed on August 3, 2021 by Kitsap County Development Services and Engineering.

i. Environmental

No comments.

j. Access, Traffic and Roads

NW Seabeck Highway is designated with a functional classification as major rural arterial. The original project was reviewed for potential impacts to the local road network. The County determined that the project would not create significant adverse impacts above and beyond current thresholds.

k. Fire Safety

Fire does not have comments currently. Any comments will be noted during Building Permit review with the occupancy review of the espresso stand.

l. Solid Waste

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Concurrence may be required with Waste Management at time of building permit review.

m. Water/Sewer

The existing building has private water service and has been reviewed by the Kitsap Health District. An operating septic system serves the mercantile use.

n. Kitsap Public Health District

Site Plan and activities are approved.

11. Review Authority

The Director has review authority for this Minor Revision to the Lone Rock Mercantile Administrative Conditional Use Permit application under KCC, Sections 17.540.040 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 and 050.A, the Department of Community Development recommends that the (Permit Type-I) request for Lone Rock Mercantile Minor Revision be **approved**, subject to the following conditions:

a. Planning/Zoning

1. The Minor Revision will be subject to all conditions of approval per the Director's Administrative Conditional Use Permit (File# 14-02513) for development of the associated Lone Rock mercantile. If there are conflicts between these conditions and the ACUP conditions, the conditions below shall apply.

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2. All required permits shall be approved prior to the commencement of land clearing construction and/or occupancy.
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 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.
4. Per the footnote at KCC 17.410.050.A.58, espresso stands are subject to additional on-site conditions that address drive aisle/stacking lane requirements, surfacing, anchorage of structure, and restroom requirements. The proposed espresso stand shall meet these conditions.
5. Landscaping shall be installed and maintained in conformance with the requirements of KCC 17.500. Landscaping shall be installed and inspected prior to requesting a final inspection or guaranteed by means of an assignment of funds or bonded in the amount of 150-percent of the cost of installation.
6. The applicant shall update the Planting Plan from the original permit submittal. As there is no required Site Development Activity Permit, the planting plan will be reviewed with the associated commercial building application.
7. Any and all signage design and location (including exempt signs) shall comply with KCC 17.510 and be reviewed and approved by the Department of Community Development prior to installation. Signage requires a separate permit.
8. This Minor Revision 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.
9. The authorization granted herein is subject to all applicable federal, state, and local laws, regulations, and ordinances. Compliance with such laws, regulations, and ordinances is a condition to the approvals granted and is a continuing requirement of such approvals. By accepting this/these approvals, the applicant represents that the development and activities allowed will comply with such laws, regulations, and ordinances. If, during the term of the approval granted, the development and activities permitted do not comply with such laws, regulations, or ordinances, the applicant agrees to promptly bring such development or activities into compliance.

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10. 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.

b. Development Engineering

None

c. Environmental

None

d. Traffic and Roads

None

e. Fire Safety

None

f. Solid Waste

None

g. OTHER

11. Construction of rock walls or other retaining facilities that exceed four feet in height shall require a building permit. Condition is revised for clarity; Revised Condition: This project includes the construction of rock walls or other retaining facilities that either exceed four feet in height or sustain a surcharge. A separate building permit with an engineered design is required for such walls. This note shall be placed on the face of the final construction drawings.

12. Rock and retaining walls shall meet all applicable setback requirements of KCSDM 4.7.5. Condition remains and is unchanged.

h. Kitsap Public Health District

None

Report prepared by:



Steve Heacock, Staff Planner / Project Lead

1/27/2022
Date

January 27, 2022

Report approved by:



Scott Diener, Department Manager

1/27/2022

Date

Attachments:

Attachment A – Site Plan, dated 04/11/21

Attachment D – Zoning Map

CC: John Stallings: inbox@proserpinaconstruction.com
1909 Holdings: inbox@1909holdings.com
Interested Parties: NA
Kitsap County Health District, MS-30
Kitsap County Public Works Dept., MS-26
DCD Staff Planner: Steve Heacock

