



Administrative Staff Report

Report Date: May 15, 2024

Application Submittal Date: December 28, 2023

Application Complete Date: February 7, 2023

Project Name: Telve Di Sopra Winery/Vineyard

Type of Application: Administrative Conditional Use Permit (ACUP)

Permit Number: 22-06206

Project Location

37348 Hansville Road NE
Hansville, WA 98340
Commissioner District 1

Assessor's Account

4275-000-001-1007

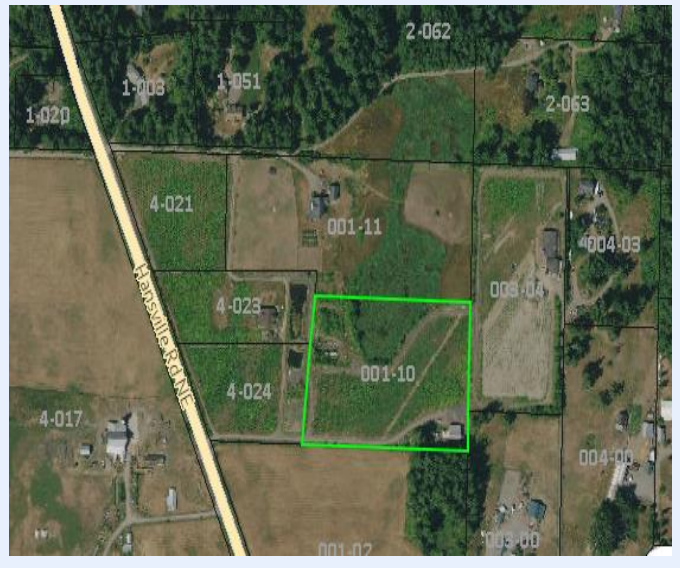
Applicant/Owner of Record

Darrin Garrett
22987 Seatter Road NE
Kingston, WA 98346

Decision Summary

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

VICINITY MAP



1. Background

The applicant's request is to expand an existing building on a 5.00-acre parcel, zoned Rural Residential. The proposal is to build a 240' addition and patio area to an existing building to allow for a public winery-tasting room. The project contains one restroom facility for employees and customers. The property already has access with an existing driveway from Hansville Road NE. The proposal will include five off-street parking spaces including one ADA parking spot. Wine is currently produced in the existing building.

2. Project Request

The applicant is requesting approval to operate a winery tasting room on property designated rural, consistent with KCC 17.455.060 as Agricultural Accessory Use or Agritourism.

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 June 5, 2023. A Determination of Nonsignificance (DNS) was issued on April 30, 2024.

The SEPA appeal period expired May 14, 2024. No appeals were filed; therefore, the SEPA determination is final.

4. Physical Characteristics

Property is square shaped and cleared. There is a wetland in the central portion of the property.

Table 1 - Comprehensive Plan Designation and Zoning

| Comprehensive Plan: Rural Residential Zone: Rural Residential | Standard | Proposed |
|---|--------------------------|---------------------|
| Minimum Density | N/A | 140 |
| Maximum Density | 1 dwelling units/5 acres | |
| Minimum Lot Size | 5 acres | 5 acres |
| Maximum Lot Size | NA | NA |
| Minimum Lot Width | NA | NA |
| Minimum Lot Depth | 140 feet | NA |
| Maximum Height | 35 feet | 3 stories, <35 feet |
| Maximum Impervious Surface Coverage | 85% | Under 85% |
| Maximum Lot Coverage | NA | NA |

Applicable footnotes: N/A

Staff Comment: Property is already existing and does not propose a subdivision within this proposal.

Table 2 - Setback for Zoning District

| | Standard | Proposed |
|--|----------|----------|
|--|----------|----------|

| | | |
|--------------|--|-----------|
| Front (West) | 50 feet | ~480 feet |
| Side (North) | 20 feet; 5 feet for accessory structures | ~315 feet |
| Side (South) | 20 feet; 5 feet for accessory structures | ~30 feet |
| Rear (East) | 20 feet; 5 feet for accessory structures | ~32 feet |

Table 3 - Surrounding Land Use and Zoning

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

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

Access to the winery is off Hansville Highway and goes through a property to the west which is also owned by the applicant.

6. Site Design

A vineyard exists on most of the site. The proposed tasting room is at the southeast portion of the property. There is natural screening from existing trees from the south. A screening fence is proposed on the eastern portion of the property to screen from single-family residences.

7. Policies and Regulations Applicable to the Subject Proposal

The Growth Management Act of the State of Washington, RCW 36.70A, requires that the County adopt a Comprehensive Plan, and then implement that plan by adopting development regulations. The development regulations must be consistent with the Comprehensive Plan. The Comprehensive Plan process includes public involvement as required by law, so that those who are impacted by development regulations have an opportunity to help shape the Comprehensive Plan which is then used to prepare development regulations.

Kitsap County Comprehensive Plan, adopted June 30, 2016 amended in 2018, and amended in 2020.

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

Rural Lands Goals and Policies

Land Use Policy 51

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

Land Use Policy 54

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

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

Economic Development

Economic Development Policy 29.

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

Economic Development Policy 30.

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

Economic Development Policy 31.

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

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

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

8. Documents Consulted in the Analysis

| <u>Applicant Submittals</u> | <u>Dated or date stamped</u> |
|----------------------------------|------------------------------|
| Administrative CUP Application | December 28, 2023 |
| Project Narrative | December 28, 2023 |
| Environmental (SEPA) Checklist | December 28, 2023 |
| Site Plan (Revised) | February 12, 2024 |
| Final Health District Approval | December 18, 2023 |
| Wetland Report | December 28, 2023 |
| | |
| <u>Staff Communication</u> | <u>Dated</u> |
| Dev. Services & Engineering Memo | June 16, 2023 |

9. Public Outreach and Comments

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

10. Analysis

a. Planning/Zoning

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

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

KCC 17.455.060 Agricultural, Accessory Use or Agritourism.

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

1. A tasting room is an allowed use in conjunction with a winery, brewery, cidery, or distillery as defined in KCC 17.455.060 subject or licensed by the Washington State Liquor and Cannabis Board subject to and Administrative Conditional Use Permit approval.

a. A site plan review with a fee established by county resolution;
Staff Comments: See the attached to application 22-06206.

b. A traffic management plan

Staff Comments: Access is from a driveway off Hansville Highway that is owned by the applicant. All traffic would remain on site between the two common owned property.

- c. Except as included in a town master plan approved pursuant to section 17.360C.030, a parcel(s) without direct access to a Kitsap County maintained right-of-way shall require the farm owner to obtain written consent by a majority of the owners of an easement used to access the farm. A notice to title for each owner of the easement shall be required and submittal of the associated fee established by county resolution;

Staff Comments: The property owner has legal access to and from Hansville Highway without encroaching on neighboring property. The town master plan element of the above does not apply to this application.

- d. A written agreement to not serve products in serving glassware, cups, or containers greater than a four-ounce capacity except when included in a town master plan approved pursuant to KCC Section 17.360C.030, glassware with larger capacity may be served with a conditional use permit;

Staff Comments: For the serving of alcohol, the business shall strictly comply with the Washington State Liquor and Cannabis Board, Federal Tax and Trade Bureau (TTB), to include Food Handlers requirements, Washington MAST permit, handled by the State and local Health District. KCC requires a brewery tasting room (defined in code) to limit consumption for sampling only and is not considered to be a drinking establishment (also defined in code).

The application is conditioned to provide a signed written agreement for the tasting room and its serving limitations for commercial building Permit #22-00237R2.

2. Structures and equipment related to the operations of a winery, brewery, cidery or distillery shall comply with KCC Titles 14 and 17 and are not exempt from building permits.

Staff Comments: Project is conditioned to obtain all required permitting.

3. Retail sales are directly related to the facility and related merchandise.

Staff Comments: The applicant shall comply with this requirement.

b. Lighting

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

c. Off-Street Parking

KCC 17.490 Off-street Parking and Loading requires a new project to provide adequate off-street parking onsite. This parking prevents impacts to surrounding property owners and addresses safety issues on adjacent roadways. KCC Section 17.490.030 lists a specific parking ration for wineries and breweries. When calculating the required number of spaces, any fractional parking spaces are required to be rounded up to the nearest whole number.

The applicant will be limited to the number of spaces provided onsite. The project is consistent with off-street parking standards in KCC 17.490.

Table 5 - Parking Table

| Use Identified in 17.490.030 | Standard | Required Spaces | Proposed Spaces/Existing Spaces |
|------------------------------|---|--|---------------------------------|
| Winery/Brewery | 1 per 800 square feet of gross floor area | 240 square feet addition + 640 square feet existing = 880 feet | 5 spaces (1 ADA) |
| Total | | 1 | 5 |

d. Signage

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

e. Landscaping

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

17.500.027 Buffer types – When required. The director may require different buffer types depending on the proposed use of the site and adjacent zones and/or uses. Vegetation-based Low Impact Development Best Management Practices may be utilized within buffers as long as the primary purpose of the landscaping or screening buffer is not compromised. These types of buffers shall include:

A. Partial Screening Buffer. This type of landscaping is intended to provide partial visual separation of uses from streets and between compatible uses in order to soften the appearance of parking areas and building elevations.

2. Separation Buffer. This type of landscaping is intended to create a visual separation that may be less than one hundred percent sight-obscuring between compatible land uses or zones.

Staff Comments: Consistent with rural character, the property shall maintain a partial screening of existing landscaping on site to limit potential noise and light impacts on surrounding property owners. The project is conditioned to install a sight obscuring fence on the eastern portion of the site. The proposed tasting room is also at a lower grade than the surrounding properties providing a further natural barrier to impacts.

Table 6 - Landscaping Table

| | Required | Proposed |
|---|-------------------|-------------------|
| Required Landscaping (Sq. Ft) 15% of Site | | |
| Required Buffer(s) 17.500.025 | | |
| North | Separation Buffer | N/A |
| South | Separation Buffer | Separation Buffer |
| East | Separation Buffer | Separation Buffer |
| West | Separation Buffer | N/A |
| Street Trees | No | |

f. Frontage Improvements

Frontage improvements are not required for this proposal.

g. Design Districts/Requirements

Project is not located within a Design District.

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 site plan accepted for review February 7, 2023 to Kitsap County Development Engineering.

i. Environmental

There was a submitted Wetland Report prepared by Ecological Land Services dated October 3, 2022 that identified a category 3 wetland requiring a 60' buffer and a 15' building setback. All proposed activity is outside of the buffer. Project will be conditioned to follow the recommendations of the report and for signs.

j. Access, Traffic and Roads

Traffic was reviewed and approved by DCD staff.

k. Fire Safety

Kitsap County's Fire Marshal's Office reviewed and approved the proposal.

l. Solid Waste

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

m. Water/Sewer

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

n. Kitsap Public Health District

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

11. Review Authority

The Director has review authority for this Administrative Conditional Use Permit application under KCC Titles 17 and 21. 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, DCD recommends that the ACUP 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. This permit shall comply with all Kitsap Public Health District regulations and conditions of approval.
3. 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. This include a 6' site obscuring fence on the eastern portion of the property.
4. Any and all signage design and location (including exempt signs) shall comply with KCC 17.510, and be reviewed and approved by the Department of Community Development prior to installation. Signage may require a separate permit.
5. 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. See Condition 11 for consideration in combining Notice to Title requirements.
6. The uses of the subject property are limited to the uses proposed by the applicant and any other uses will be subject to further review pursuant to the requirements of the KCC. Unless in conflict with the conditions stated and/or any regulations, all terms and specifications of the application shall be binding conditions of approval. Approval of this project shall not, and is not, to be construed as approval for more extensive or other utilization of the subject property.
7. The decision set forth herein is based upon representations made and exhibits contained in the project application 22-06206. 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.
8. 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.

9. 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.
10. Any violation of the conditions of approval shall be grounds to initiate revocation of this Administrative Conditional Use Permit.
11. Products shall not be served in serving glassware, cups, or containers greater than a four-ounce capacity pursuant to KCC Section 17.360C.030. The applicant shall provide a written agreement with application 22-00237R2, which shall be recorded as a Notice to Title at the applicant's expense. The applicant may choose to combine this with the Notice to Title discussed under Condition 5.
12. The project shall comply with KCC Chapter 17.455 'Agriculture Code' to qualify as an accessory agricultural use. The parcel shall meet the definition of a farm wherein a majority of the net developable acreage is managed for primary agriculture uses. Failure to maintain the status as a farm may result in revocation of the permit.
13. If the applicant intends to provide amplified music or other amplified entertainment, they shall first apply for a SEPA determination with DCD. A noise analysis may be required and third-party review may be required at the applicant's expense. The applicant is encouraged to consult with DCD in advance if they desire amplified music or entertainment.

b. Development Engineering

14. 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.
15. If the project proposal is modified from that shown on the site plan approved for this permit application, Development Services and Engineering will require additional review and potentially new conditions.

c. Environmental

16. Permit approval subject to chapter 19.300.315 of Kitsap County Code, which states that buffers or setbacks shall remain undisturbed natural vegetation areas except where the buffer can be enhanced to improve its functional attributes. Refuse shall not be placed in buffers.

17. A 60-foot native vegetation buffer must be maintained along the delineated wetland boundary as depicted on the approved site per the submitted wetland report prepared by Ecological Land Services dated October 3, 2022. In addition, a building or impervious surface setback line of 15 feet is required from the edge of the buffer.

18. Prior to occupancy, the common boundary between the wetland buffer and the adjacent land shall be permanently identified with critical area buffer signs. A total of 10 Critical Area Ordinance (CAO) signs shall be placed along the designated boundary spaced approximately 50-feet apart, visual from sign to sign. Signs must be attached to existing trees with diameter breast height greater than 4 inches. Alternative methods include 4x4 posts, metal posts or split rail fencing.

Signs are provided at issuance and installation of the signs is required prior to final inspection and Certificate of Occupancy (CO).

d. Traffic and Roads

N/A

e. Fire Safety

N/A

f. Solid Waste

N/A

g. Kitsap Public Health District

N/A

Report prepared by:



5/10/24

Katharine Shaffer, Planning Supervisor/ Project Lead

Date

Report approved by:



5/12/24

Scott Diener, Planning Manager

Date

Attachments:

CC: Applicant/Owner email: Darrin Garrett, dgarrett@telve-di-sopra-vineyard.com
Kitsap County Health District, MS-30
Kitsap County Public Works Dept., MS-26
DCD Staff Planner: Katharine Shaffer

Attachment A (Zoning Map):



Site Plan

