



Notice of Administrative Decision

Date: 10/30/2019

To: House 11 Taproom LLC, house11taproom@gmail.com;
Olympic Property Group, jchadwell@orminc.com; tdaley@orminc.com
Interested Parties and Parties of Record

RE: **Permit Number:** 19-02595
Project Name: House #11 Taproom – ACUP
Type of Application: Administrative Conditional Use Permit (ACUP)

The Kitsap County Department of Community Development has **APPROVED** the land use application for **19-02595: House #11 Taproom – ACUP**, **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: Owner: Pope Resources, amiller@orminc.com
Project Representative: Heidi Morgan, peninsulapies@gmail.com
Navy
DSE
Kitsap Transit
Fire District No. 18
Puget Sound Energy
Water Purveyor
Sewer Purveyor

19-02595, House #11 Taproom ACUP
10/30/2019

Point No Point Treaty Council
Suquamish Tribe
Port Gamble S'Klallam Tribe
WA State Dept of Ecology-SEPA
WA State Dept of Transportation
Interested Parties:

None

Kitsap County Health District, MS-30
Kitsap County Public Works Dept., MS-26
DCD Staff Planner: Jeff N. Smith
DCD File 19-02595



Administrative Staff Report

Report Date: October 24, 2019

Application Submittal Date: July 07 2019

Application Complete Date: July 09, 2019

Project Name: Port Gamble HOUSE #11 TAPROOM

Type of Application: Administrative Conditional Use Permit

Permit Number: 19-02595

Project Location

4790 NE STATE HWY 104
POULSBO, WA 98370
Commissioner District #1

Assessor's Account

052702-3-003-2009

Applicant/Owner of Record

Heidi Morgan
32159 Rainier Ave NE
PORT GAMBLE WA, 98364

Decision Summary

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

VICINITY MAP



1. Background

The applicant is proposing interior improvements to an existing house to open a tap room and retail bottle shop showcasing local beers, and unique and international wines of high quality. The food service will be limited and include a locally inspired creative food menu. The proposed use is permitted through Brew Pubs per Kitsap County Code (KCC) 17.410.046 and reviewed through KCC 17.360C Port Gamble Historic Town.

2. Project Request

Heidi Morgan is requesting approval of an Administrative Conditional Use Permit to operate a tap room and retail sales of local beers and wine.

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

October 24, 2019

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 July 29, 2019. A Determination of Nonsignificance (DNS) was issued on October 1, 2019. SEPA noted the following information/SEPA mitigation conditions have been imposed and are listed under conditions 1-15 at the end of this report:

The proposal to convert the existing building will create only moderate impacts. If applicable the project will be conditioned for stormwater controls pursuant to KCC Title 12, critical areas per KCC Title 19 and land use impacts per KCC Title 17 Zoning to mitigate impacts.

The SEPA appeal period expired October 15, 2019. No appeals were filed; therefore, the SEPA determination is final.

4. Physical Characteristics

The subject parcel is 23.75 acres in size containing residential and commercial structures, located on commercial land in the community of the historic town of Port Gamble. The business will occupy a 2,300 square foot, two-story historic structure. The historic house No. 11 was constructed 1918 to 1919 and was inventoried and is on the National Register.

Table 1 - Comprehensive Plan Designation and Zoning

Comprehensive Plan: Limited Area of More Intensive Rural Development (LAMIRD) I Zone: Port Gamble Rural Historic Town Commercial	Standard	Proposed
Minimum Density	N/A	None
Maximum Density	2.5 dwelling units per acre (23.75 acres x 2.5 = 59.37 or 59 maximum units)	

October 24, 2019

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	N/A	N/A
Maximum Lot Coverage	50%	NA

Applicable footnotes: N/A

Staff Comment: NA

Table 2 - Setback for Zoning District

	Standard	Proposed
Front (East)	20 feet	Existing setback 25 feet to private roadway.
Side (North)	Per Title 14	Approximately 35 feet (to existing building)
Side (South)	Per Title 14	Approximately 4-feet (to State Rights-of-way)
Rear (West)	Per Title 14	Approximately 65 feet (existing buildings)

Table 3 - Surrounding Land Use and Zoning

Surrounding Property	Land Use	Zoning
North	Currently developed.	Rural Historic Town Commercial (RHTC)
South	State Highway	Rural Historic Town Residential (RHTR)
East	Single-family residences	RHTC
West	Single-family residences	RHTC

Table 4 - Public Utilities and Services

	Provider
Water	Kitsap PUD #1
Power	Puget Sound Energy
Sewer	Kitsap PUD #1 (LOSS System)
Police	Kitsap County Sherriff
Fire	Poulsbo - Fire District 18
School	North Kitsap School District #400

October 24, 2019

5. Access

The primary site access is from Rainer Avenue NE which has a road classification as a privately maintained local access road. To the rear of existing structure there is a road approach off State Route 104 to an existing gravel lot between the existing structure and a house to the west. The State highway has a functional classification as a principal arterial and is maintained by Washington Department of Transportation (WSDOT).

6. Site Design

The project is required to be reviewed for consistency with requirements in KCC 17.420.030 Design Standards for landscaping, screening, lighting, pedestrian access and off-street parking, etc. In addition, all new development is required to be reviewed pursuant to KCC 17.360C.020 Town Development Objectives. The development standards mainly address exterior improvements. Many of the requirements will not be applicable because the proposal is for only interior improvements.

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:

Land Use Goal 14

Foster rural business and business opportunities on designated commercial and industrial lands in the rural area, while balancing protection of rural character.

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 the 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.

Economic Development Goal 1

October 24, 2019

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.

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	July 2, 2019
Environmental (SEPA) Checklist	July 8, 2019
Site Plan	June 27, 2019
Final Health District Approval	September 17, 2019
Project Narrative	July 2, 2019
 <u>Staff Communication</u>	 <u>Dated</u>
Dev. Services & Engineering Memo	July 30, 2019

9. Public Outreach and Comments

No comments received.

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

October 24, 2019

Issue Ref. No.	Issue	Staff Response
	N/A	

10. Analysis

a. Planning/Zoning

Heidi Morgan, the applicant is requesting land use approval for interior improvements to an existing house to open a tap room and retail bottle shop showcasing local beers, and unique and international wines of high quality. The food service is minor component which will be limited to locally inspired creative food menus. The proposed use is permitted through Brew Pubs per KCC 17.410.046 Zoning Use Table and reviewed through KCC 17.360C Port Gamble Historic Town. However, the change of use for the building is required to be conditionally reviewed through an Administrative Conditional Use Permit and consistent with 17.420.030 Design Standards. The project is required to be consistent with standards for landscaping, screening, density, exterior lighting, vehicular access, parking, and solid waste guidelines. The project was reviewed for the following applicable requirements below.

b. Lighting

New developments generally include illumination of internal roadways for security. If artificial outdoor lighting is necessary, the lighting should be arranged so that light is fully shielded from the side view, directed downward, and away from adjacent single-family residential properties

c. Off-Street Parking

The project is required to provide adequate off-street parking consistent with the standards in KCC Chapter 17.490 Off-street Parking and Loading. Pursuant to KCC 17.490.030 Number of required spaces, the project is required to provide parking for 1 space per 200 square feet of gross floor area for Restaurants/Bars/Taverns. Applicant is proposing eight on street parking spaces; four along the road frontage and another four to the north. Four of the spaces are proposed in an existing gravel area at the rear of the structure and will provide wheel stops.

Staff Comments: The applicant's proposal for parking is consistent with the Off-street Parking and Loading requirements listed in KCC 17.490. The applicant will utilize existing on-street parking along the road frontage and small off-street parking behind the historic House-11.

October 24, 2019

Table 5 - Parking Table

Use Identified in 17.490.030	Standard	Required Spaces	Proposed Spaces/Existing Spaces
Restaurants/Bars/Taverns	1-space per 200 square of gross floor area	(11.5) 12	12
Total		12	12

d. Signage

The applicant is required to apply for sign permits in accordance with KCC Section 17.510 Signs. Typically, commercial use applicants apply for a free-standing monument sign usually along the front. For the Historic Town Commercial zone, the maximum sign height is 8 feet and maximum width is 10 feet.

Staff Comment: Sign Code KCC 17.510.100 lists monument sign standards as the required height 12 feet, with 10-foot maximum width, and no more than 50 square feet per sign face. For the National Historic District designation if signs are proposed, they shall be consistent with KCC 17.360C.030.D Special Provisions-Signs and Lighting for external lighting and TODs and architectural style. Internal illumination and neon lighting are prohibited. The special provisions are more restrictive than 17.510.100 and sign bulk standards most likely do not apply.

e. Landscaping

Land Use proposals are required to be consistent with KCC 17.500 Landscaping with 15% in landscaping. The property is approximately 24 acres with multiple residential and commercial buildings. The parcel includes significant amount of undeveloped open space scattered across the property.

Staff Comment: There is defined front, side and rear yard area inside the existing fence line that is already landscaped. The yard area within the fence line exceeds 15%. The existing vegetation located at the rear of the structure helps provide a functional screen of the parking.

Table 6 - Landscaping Table

	Required	Proposed
Required Landscaping (Sq. Ft) 15% of Site	N/A	N/A
Required Buffer(s)		

October 24, 2019

17.500.025		
North	N/A	N/A
South	Roadside Buffer	Roadside Buffer
East	N/A	N/A
West	N/A	N/A
Street Trees	yes	yes

f. Frontage Improvements

Frontage improvements have already been completed (curb, gutter sidewalk).

g. Design Districts/Requirements

In addition to the project review per the KCC 17.420.030 Design Standards the proposal is required to be reviewed per KCC 17.360C.020 Town Development Objectives (TDO) for the Port Gamble Historic Town. The following objectives ensure the development maintains and enhances essential characteristic of the town:

A. Development Proposal shall be designed in a manner that highlights and enhances the historic nature of the town.

Staff Response: The request is consistent with the above TDO. The request is only proposing interior changes to the historic structure. The nomination to the National Register for the Historic District focused on the exterior of historic resources.

B. New construction, including site design may reflect the evolution of the town, but must retain the existing visually significant sense of historic time and place.

Staff Response: No changes are proposed to the exterior of historic house #11, maintaining historic character.

C. In reviewing development proposals, the county shall consider architectural styles and traditional site design.

Staff Response: The existing architectural style of the house will be maintained.

D. All development in the town shall comply with TDOs.

Staff Response: There are no changes proposed to the town master plan.

E. As provided for the comprehensive plan, a qualified consultant or committee shall provide comments.

Staff Response: Third party review is not required.

October 24, 2019

F. The TDOs and other development standards of this chapter shall be applied to a defined project area.

Staff Response: The project is site specific to house #11.

Development Engineering/Stormwater

Storm drainage will be reviewed at the time of Building Permit submittal.

h. Environmental

Except for the commercial district being located within an aquifer recharge area, there are not any critical areas in the vicinity of House #11.

i. Access, Traffic and Roads

The commercial business is expected to generate only a minor amount of traffic and not expected to impact the local road network.

j. Fire Safety

The Fire Marshal's Office is expected to condition the proposal during Building Permit review.

k. Solid Waste

The applicant will be required to contact Waste Management to determine storage requirements.

l. Water/Sewer

Potable water is provided by Kitsap Public Utility District (KPUD); sanitary sewage disposal is provided by Olympic Resource Management/KPUD.

m. Kitsap Public Health District

The Health District reviewed for water and sewer and recommends approval.

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 Kitsap County Commissioners have determined that this application requires review and approval by the Director. 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 KCC and

October 24, 2019

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.

Staff Comment: The existing architectural style of the house will be maintained consistent with the Port Gamble Historic Town Development Objectives.

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 Administrative Conditional Use Permit request for Port Gamble House 11 Tap Room be **approved**, subject to the following 15 conditions:

a. Planning/Zoning

1. All required permits shall be obtained prior to commencement of land clearing, construction and/or occupancy.
2. This approved land use shall comply with the Port Gamble Rural Historic Town development objectives outlined in 17.360C.
3. Landscaping shall be maintained in conformance with the requirements of KCC 17.500 Landscaping.
4. All signage design and locations (including exempt signs) shall comply with KCC 17.360C.030.D and 17.510 and be reviewed and approved by the Department of Community Development prior to installation. Signage will 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 an 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.

October 24, 2019

The Binder shall be prepared and recorded by the Department at the applicant's expense.

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 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.
7. The decision set forth herein is based upon representations made and exhibits contained in the project application (insert #). 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 three 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.

b. Development Engineering

11. If the project proposal is modified from that shown on the site plan submitted June 27, 2019, Development Services and Engineering will require additional review and potentially new conditions.

c. Traffic and Roads

October 24, 2019

12. Submit an Application for Concurrency Test (KCPW Form 1601) as required by Chapter 20.04.030, Transportation Concurrency, of the Kitsap County Code. The KCPW 1601 form reserves road capacity for the project.


d. Solid Waste

13. The solid waste service provider, Waste Management (360) 674-3166, shall be contacted for information on implementing the service provider's solid waste/recycling storage requirements for the proposed activity. Indicate method of waste disposal on the final plans. Documentation shall be provided by the solid waste/recycling service provider that their requirements for this project have been met. The required information shall be submitted with the commercial building permit application.
14. If using a compactor, liquid wastes generated as a result of compaction must not discharge into the stormwater system per BKCBH Ordinance No. 1996-11, Section IV.2.a.

e. Kitsap Public Health District

15. This permit shall comply with all Kitsap Public Health District regulations and conditions of approval.

Report prepared by:



Jeff Smith, Staff Planner / Project Lead

10/24/2019
Date

Report approved by:



Shawn Alire, Department Manager / Supervisor

10/24/2019
Date

Attachments:

Attachment A – Site Plan

Attachment B – House #11 View

Attachment C – Zoning Map

CC: Heidi Morgan, house11taproom@gmail.com

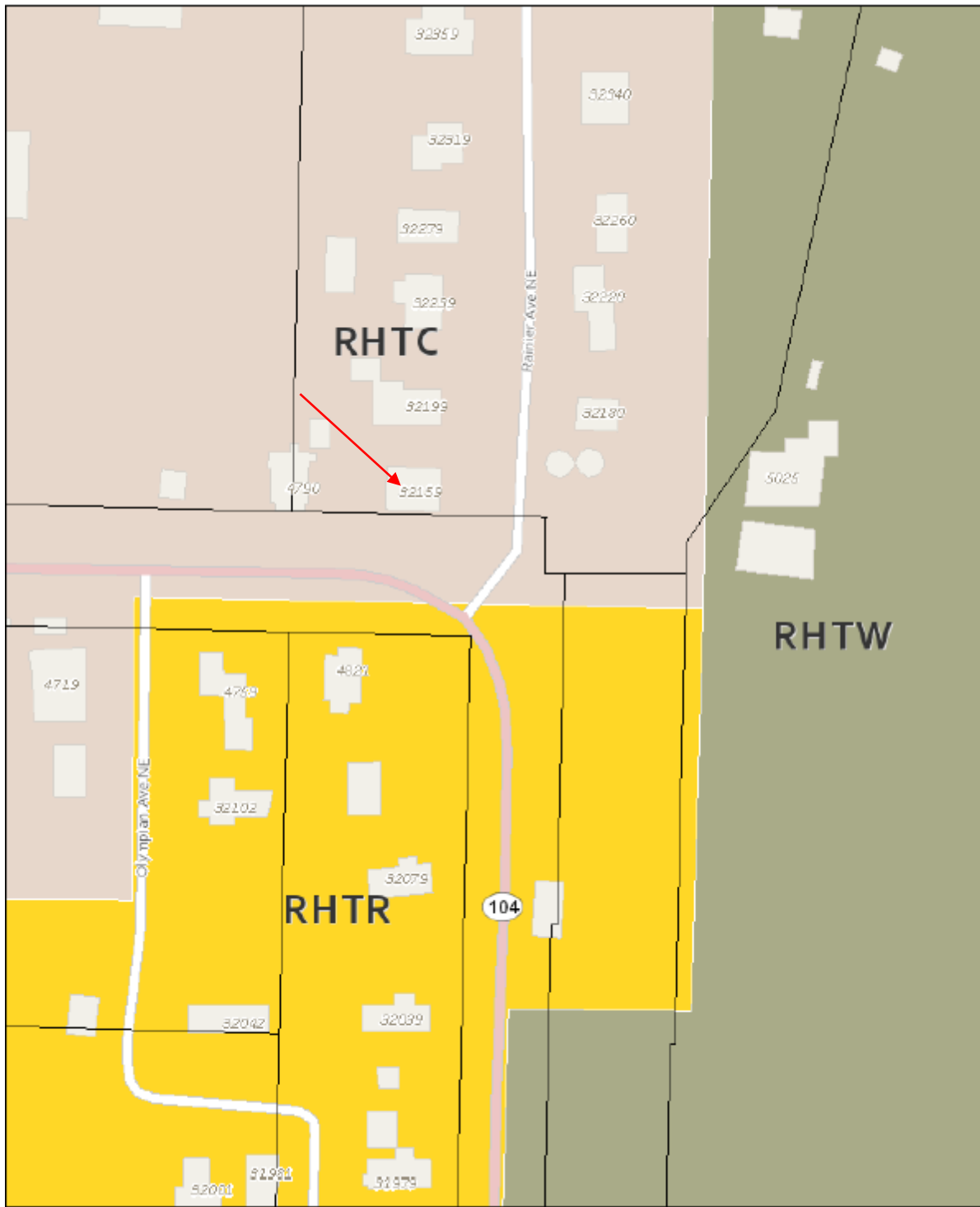
October 24, 2019

Port Gamble House #11



October 24, 2019

Zoning Map



Comments

** This map is not a substitute for field survey ** Map Scale: 1 inch = 100 feet

Knap Co. Parcel Search Application



Printed October 3, 2019