



Administrative Staff Report

Report Date: January 27, 2022

Application Submittal Date: November 02, 2020

Application Complete Date: December 10, 2020

Project Name: HARD HAT WINERY - Tasting Room

Type of Application: Type-II, Administrative Conditional Use Permit

Permit Number: 20-05190

Project Location

27055 State HWY 3 NE
Poulsbo, WA
Commissioner District #1

Assessor's Account

262701-2-023-2003

Applicant/Owner of Record

James Davenport
27055 State HWY 3 NE
Poulsbo, WA 98370-9361

VICINITY MAP



Decision Summary

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

1. Background

The applicants request is to expand and existing building on a 2.71-acre parcel, zoned Rural Residential. The proposal is to construct a 1,130-sf public winery-tasting room containing two restrooms facilities for employees and customers, a sink, and assembly space. Wine is currently produced in an existing adjoining building. A new onsite septic system is proposed to serve the structure and water is proposed to be provided by a well, which is proposed to be upgraded to a Class B system to allow for public use. The property already has access with an existing driveway from State Route 3. The proposal will include six off-street parking spaces. The proposal does not trigger any thresholds to require stormwater quantity or quality controls.

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 July 2, 2021. A Determination of Nonsignificance (DNS) was issued on November 23, 2021.

COMMENTS: The SEPA comment period previously occurred concurrent with the Notice of Application dated October 13, 2021. One comment was received by the Department.

CONDITIONS: The proposal will be conditioned for approval by the Administrative Decision.

The SEPA appeal period expired December 7, 2021. No appeals were filed; therefore, the SEPA determination is final.

4. Physical Characteristics

The subject property is 2.71 acres in size and the property gently slopes from southeast down to the northwest with approximately a 7% slope. Kitsap County imagery shows that the property is heavily vegetated with stands of conifers. The property also contains a split-level 1,674-sf single-family unit, with other buildings such as a 2,400-sf utility building, 600-sf carport and 664-sf attached garage. The lot is less than minimum five acres per the rural zone and is considered a legal lot of record per County requirements.

Table 1 - Comprehensive Plan Designation and Zoning

| | | |
|---|----------|-----------------------|
| Comprehensive Plan: Rural Residential Zone: Rural Residential | Standard | Proposed |
| Minimum Density | NA | 1 dwelling (existing) |

| | | |
|-------------------------------------|------------------------------|--------------------|
| Maximum Density | 1 dwelling units per 5 acres | |
| Minimum Lot Size | 5 acres | 2.71 acres |
| Maximum Lot Size | NA | NA |
| Minimum Lot Width | 140 feet | 346 feet |
| Minimum Lot Depth | 140 feet | 343 feet (average) |
| Maximum Height | 35 feet | <35 feet |
| Maximum Impervious Surface Coverage | 85% | ~9,361 (8 %) |
| Maximum Lot Coverage | NA | NA |

Applicable footnotes: NA

Table 2 - Setback for Zoning District

| | Standard | Proposed |
|--------------|----------|---|
| Front (East) | 50 feet | 114 ft, SFR/attached garage 151ft, utility building 132ft, carport |
| Side (North) | 20 feet | 51 ft, utility building 42 ft, carport |
| Side (South) | 20 feet | 35 ft, SFR/attached garage 200 ft, new winery addition/utility building |
| Rear (West) | 20 feet | 152' SFR & attached garage 136' new winery addition/ utility building |

Table 3 - Surrounding Land Use and Zoning

| Surrounding Property | Land Use | Zoning |
|----------------------|-------------------------|------------------------|
| North | Vacant | 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 | Northwest Water Systems |
| Power | Puget Sound Energy |
| Sewer | Onsite Septic |
| Police | Kitsap County Sheriff |
| Fire | North Kitsap Fire & Rescue |
| School | North Kitsap School District #400 |

5. Access

The winery tasting room will have the same access from State Highway 3 as the existing single-family home. Washington State Department of Transportation (WSDOT) has reviewed the proposed application and approved the request. The State highway has principle arterial functional classification and is maintained by the WSDOT. With approval of the permit the following is to be addressed: the access needs to be widened for two vehicles at one time, it must be determined if the culvert is adequate and required to be leveled, the approach needs to be paved, the radius needs to be consistent with vehicle speed, vegetation needs to be cleared to improve site distance, the approach should slope away from the highway, and mailboxes moved if required because of any of the aforementioned.

6. Site Design

The proposal was reviewed for consistency with zoning requirements in KCC 17.420.030 Design Standards, 17.540 Administrative Conditional Use Permit, and 17.455 Agricultural Code. The Department is required to make findings for the following requirements.

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

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> |
|----------------------------------|------------------------------|
| Permit Questionnaire | August 14, 2017 |
| Environmental (SEPA) Checklist | November 03, 2020 |
| Site Plan | November 25, 2020 |
| Final Health District Approval | January 13, 2021 |
| Project Narrative | November 03, 2020 |
| | |
| <u>Staff Communication</u> | <u>Dated</u> |
| Dev. Services & Engineering Memo | July 09, 2020 |

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

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

b. Lighting

If lighting is required for the tasting room, the lighting is required to be consistent with KCC 17.105.110. Lighting is required to be directed down away from adjoining property owners to prevent glare.

c. Off-Street Parking

New projects are required to be review for consistency KCC 17490 Off-street Parking and Loading. The intent is to confirm that adequate off-street parking is provided onsite to prevent impacts to surrounding property owners and safety issues on adjacent roadways. KCC 17.490.030 lists a specific standard below for wineries and breweries. The winery business appears to involve capturing a percentage of the drive-by trips on State Highway 3 and/or planned customer destination trips. When calculating the required number of spaces, any fractional parking spaces are required to be rounded up to the nearest whole number.

Staff Comments: The applicant will be limited to the number of spaces provided onsite. When the applicant conducts special events as allowed by the Chapter KCC 17.455, the applicant will be required to submit a revision to the site plan to show the location and configuration the of overflow parking 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 sf of gross floor area | Winery square footage 3,520 sf =5 | 6 |
| Total | | 5 | 6 |

d. Signage

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

1. Up to four off-premises A-frame signs shall be allowed within the Kitsap County right-of-way, sizing to be consistent with subsection (A) of this section, with the seller's name and contact info on back. A-frame signs in the ROW:

- a. An A-frame sign shall not impede public vehicular, bicycle, or pedestrian circulation.

- b. Attachments, including balloons, shall not be placed on signs.
 - c. Signs shall maintain a two-hundred-foot setback when approaching an intersection or a yellow and black county warning sign.
 - d. Symbols and directional arrows shall be used as the first order of preference in sign design to minimize wording and enhance safety and legibility.
 - e. Wire or metal stakes shall not be utilized to secure signs within the county right-of-way. Where anchoring is utilized to stabilize signs within the Kitsap County right-of-way, sandbags shall be used.
2. A farm stand sign is exempt provided the sign does not exceed six square feet.
 3. A farm identification sign may be a permanent arm sign located on the premises, on or adjacent to an easement road leading to the farm, as allowed with written consent from all easement owners. The arm sign shall conform to sign detail sheet, arm sign, requirements.

Staff Comments: The sign code section above is applicable to the winery tasting room. The intent of the code is to maintain rural character in and around the rural zones by limiting signage types and sizes.

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 LID BMPs 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.

1. Roadside and Setback Area Buffer. Required along existing or planned roads and side and rear property lines within urban growth areas. The planting area shall encompass the required front setback area, and areas adjacent to side and rear property lines, and consist of:

a. Evergreen and/or deciduous trees;

Applicant Response: This property (greater than 118,000 sq. ft.) consists of 80% evergreen and deciduous trees.

b. Evergreen shrubs planted to screen parking areas, in an amount and configuration to screen parked cars;

Applicant Response: All-natural vegetation surrounding winery area is natural and will be allowed to grow without constant grooming. Vegetation will be managed and monitored to maintain the safety of the public.

c. Ground covers as required;

- d. Bioretention and other drainage features, only when in a configuration that preserves the integrity of the roadside and setback area planting; and
Applicant Response: The bioretention system is in place as a requirement of the 2400-sf structure. WSDOT have culverts in place to handle the retention issues of the Highway.
- e. Existing vegetation, where feasible and appropriate.

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.

Applicant Response: N/A

Staff Comments: *Consistent with the rural character, separation buffers will be encouraged to be maintained around the perimeter to limit potential impacts of noise and light impacts on surrounding property owners*

Table 6 - Landscaping Table

| | Required | Proposed |
|---|-----------------------------|-----------------------------|
| Required Landscaping (Sq. Ft) 15% of Site | NA | NA |
| Required Buffer(s) 17.500.025 | | |
| North | Separation Buffer | Separation Buffer |
| South | Separation Buffer | Separation Buffer |
| East | Roadside and Setback Buffer | Roadside and Setback Buffer |
| West | Separation Buffer | Separation Buffer |
| Street Trees | No | No |

f. Frontage Improvements

NA

g. Design Districts/Requirements

NA

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. Comments made are based on a review of the Administrative Conditional Use Permit application accepted for review December 7, 2020. The proposal does not trigger any thresholds to require stormwater quantity or quality controls. Building permits submitted for this development require compliance with KCC Title 12 Stormwater Drainage.

i. Environmental

Kitsap County resource maps do not show steep slopes, wetlands or streams. However, the property is located within a 1 to 5-year wellhead travel zone with a Category 1 Critical Aquifer Recharge Area, pursuant to KCC 19.600.620 Activities with a Potential Threat to Groundwater quality. The proposed land use will not require a hydrogeological report.

j. Access, Traffic and Roads

Development is limited to one ingress/egress per 300 lineal feet along a public arterial. Small parcels that provide less than 200 feet of road frontage shall be limited to one parking lane and exit.

Staff Comments: The applicant will be using the existing approved access off the State highway.

k. Fire Safety

The Fire Marshall's office reviewed the proposal and conditioned the project to maintain fire apparatus access for emergency response.

l. Solid Waste

The project was conditioned to coordinate with Waste Management on solid waste handling during the Building Permit review process.

m. Water/Sewer

The tasting room is consistent with the requirements for providing potable water and onsite sewage disposable.

n. Kitsap Public Health District

The 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.

Land Use and Zoning Analysis:

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, then landscaping to provide screening to help reduce noise and light and proper solid waste handling.

KCC 17.455.060 Agricultural, accessory use or agritourism.

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

KCC 17.455.060.H Wineries, Breweries, Cideries and Distilleries

Pursuant to KCC 17.455.060 and accessory agricultural use of agritourism is allowed as an accessory agricultural use on a farm where a primary agricultural use exists.

1. A tasting room is an allowed use in conjunction with a winery, brewery, cidery, or distillery as defined in KCC 17.455 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;

Applicant Response: See the attached to application 20-05190

- b. A traffic management plan

Staff Comments: *Access is from a State Highway. WSDOT is responsible for traffic management on the highway and has approved access for the proposed land use.*

- 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;

Applicant Response: The property owner has legal access to and from Highway 3, without encroaching on neighboring property and easement free. The facility has greater than 150 feet setback from the access and parking area designated.

Staff Comments: *The Department concurs with the statement.*

- 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 Section 17.360C.030, glassware with larger capacity may be served with a conditional use permit;

Applicant Response: For the serving of alcohol, the business will be in the strict and in compliance to 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.

Staff Comments: *As required by Kitsap County Code, a winery tasting room (defined in code) is limited to consumption for sampling and is not considered to be a drinking establishment (also defined in code). The applicant has provided the required written tasting room agreement with the County, dated December 27, 2021, which limits the wine tasting to 4-oz. plastic cups (see Attachment D).*

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

Applicant Response: The applicant is in the process of obtaining all required permits.

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

Staff Comments: The applicant has agreed to this requirement.

KCC 17.455.060.I Assembly Events. Assembly as defined in this chapter are allowed on the farm.

1. The event(s) must be incidental and secondary to a primary agricultural use and may be subject to an assembly permit pursuant to Title 14;

2. All operations comply with Title 10, Peace, Safety and Morals;

Staff Comments: *No amplified sound or amplified equipment may be used on the premises. The project is required to be consistent with KCC 10.28 Noise. The tasting room cannot create excessive noise, light and/or glare, cause negative impacts to the neighborhood, nor prevent adjacent property owners from enjoying their property rights.*

3. 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 a fee established by county resolution;

Staff Comments: *Access is from the State Highway and is consistent with this requirement.*

4. Attendance shall not exceed two hundred persons at any given time. A venue where the attendance will exceed two hundred persons may be allowed subject to an administrative conditional use permit (ACUP);

Staff Comments: *If events are planned, the scale of the events will be limited to the amount of off-street parking to be provided onsite.*

5. Up to eight assembly events per calendar year are allowed; provided, that:

a. Not more than one event can occur per twelve days;

b. A permit is obtained after a site plan review and submittal of a fee established by county resolution;

c. Access, egress, and parking facilities must be clearly identified on site. Adjacent properties can be used for parking if:

i. A written agreement between the assembly event location owner and the owner of the parcel used for parking is provided; and

ii. The off-site parking is included in the site plan review.

Applicant Response: Not required, plenty of overflow parking available onsite.

Staff Comments: *The applicant's response does not address key provisions above but will be required to comply with all above standards for assembly events, frequency of events, and the required amount of off-street parking.*

d. Written notification shall be provided to the owner of any parcel immediately adjacent to the farm either six weeks prior to each event, or four weeks prior to the first event of the year where such notice is provided with a calendar indicating the date of future events. Noticing shall include the event, hours of the event, and

contact information for the event manager that is available at all times during the event;

Applicant Response: The applicant has agreed to provide written notification to adjacent property owners.

6. Nine or more assembly events may be allowed subject to an administrative conditional use permit (ACUP). As included in a town master plan approved pursuant to Section 17.360C.030, sixteen or more events may be allowed with each occurring no less than six days apart with a conditional use permit. Kitsap County staff may restrict the number of events or timing of events during the permit process;

Applicant Response: No large events are anticipated, but if an event does become evident, Hard Hat Winery shall and will consider and evaluate all requirements to plan events that will be safe to the customers and event operations.

Staff Comments: *The applicant's response does not address event frequency (instead it addresses 'large events'). However, a venue where the attendance will exceed two hundred persons may be allowed subject to amendment (revision) of the approved ACUP;*

7. Each scheduled assembly event shall be considered a separate assembly event from any that preceded or came after;

Applicant Response: The applicant has agreed to this requirement.

8. The duration of an assembly event or activity shall not exceed forty-eight consecutive hours including set-up and clean-up;

Applicant Response: The applicant has agreed to this requirement.

9. Sanitation and solid waste shall conform to Kitsap Public Health District requirements;

Applicant Response: Hard Hat Winery facility will have a standalone septic system approved by the Kitsap County Public Health District.

10. Land use approvals for events or activities are transferable with the land.

Occupancy and assembly permits are not transferable.

Applicant Response: Understand

11. Review Authority

The Director has review authority for this Administrative Conditional Use Permit application under KCC 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.

Staff Comments: The proposed use is not inconsistent with the Kitsap County Comprehensive Plan, and KCC 17.455 Agricultural Code.

2. The proposal complies or will comply with requirements of KCC Title 17 and complies with or will comply with all 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 ACUP for Hard Hat Winery Tasting Room 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. 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.
3. All signage design and location (including exempt signs) shall comply with County code. KCC 17.455.060.L speaks to signs allowed under the agriculture program. The signs allowed under this section are then subject to individual permitting and review standards under KCC 17.510 *Sign Code* and must be approved by DCD prior to installation.
4. The approval is to operate a winery tasting room on the subject property per KCC 17.455.060 *Agricultural Accessory Use or Agritourism*. No other use is authorized, except as allowed outright in KCC 17.455 *Agriculture Code*. Any other use, including, but not limited to, a drinking establishment, wedding events, musical concerts, birthday/family/reunion events, farm stays, and ag schools, may require additional application and review by DCD. If special events are planned, the applicant shall submit a revision to the site plan showing the location of overflow parking and

- traffic circulation onsite. Depending on the proposal or type/number of events, an application to amend/revise the ACUP or a Conditional Use Permit application may be needed. Events are considered events whether they are free, for compensation, public, or private.
5. "Assembly event" is defined as *a use or activity where a group of persons gather to participate in a commercial or marketed event or activity including, but not limited to, entertainment, equestrian events, recreational or celebratory events or activities, conventions, retreats, or weddings.* Assembly events are regulated by KCC 17.455.060.I, which regulates frequency of events, size of events by attendees, and more. Any assembly event shall be permitted in accordance with this code. The initial permitting threshold for events is based on the number of events, whereby eight or less events are subject to different requirements than nine or more. The applicant is encouraged to contact DCD if there are any questions about assembly events.
 6. Per the applicant, grapes will be planted on-site after construction of the tasting room. Planting must occur within 1 year.
 7. DCD staff shall have rights to access to the business during operating hours to check on compliance, including for public or private events.
 8. No amplified sound or equipment may be used on the premises. If an amplified system is to be considered, it shall be first evaluated through a modification to the land use approval and SEPA Addendum, professional noise analysis, and mitigation. DCD reserves the right, per code, to hire a third-party professional to review any noise analysis. No amplified system may be used until mitigation has been accepted, permitted, and installed. DCD considers an amplified system one that uses a microphone or a system whereby sound volume is increased by any means, including but not limited to electronic means. If DCD receives on-going complaints about noise, and the complaints are investigated and found to be valid, DCD may require, at the applicant's expense, noise analysis or monitoring, as well as subsequent evaluation as described above.
 9. 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. The Binder shall be prepared and recorded by the Department at the applicant's expense.

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 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.
11. The decision set forth herein is based upon representations made and exhibits contained in the project application. 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.
12. 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.
13. 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.
14. Any violation of the conditions of approval shall be grounds to initiate revocation of this ACUP under KCC 17.600 *Revocation of Permits or Variances*. The applicant shall be given reasonable opportunity to cure violations prior to proceeding to revocation.

b. Development Engineering

15. Building permits submitted for development associated with this use shall include construction plans and profiles for all roads, driveways, storm drainage facilities and appurtenances. No construction shall be started prior to said plan acceptance Condition
16. Stormwater quantity control, quality treatment, and erosion and sedimentation control, as required for the development, shall be designed in accordance with Kitsap County Code Title 12 effective at the time the ACUP application was deemed complete, December 10, 2020. The fees and submittal requirements shall be in accordance with Kitsap County Code in effect at the time of building permit application.

17. If the project proposal is modified from that shown on the submitted site plan accepted for review December 7, 2020, Development Services and Engineering will require additional review and potentially new conditions.

c. Environmental

18. This permit shall comply with all applicable Kitsap County critical area regulations and conditions of approval.

d. Traffic and Roads

19. 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.

20. Prior to issuance of the required building permit, provide documentation from Washington State Department of Transportation (WSDOT) that their requirements for improvement of the existing road approach have been met and any permits required by WSDOT have been completed.

e. Fire Safety

21. Fire apparatus access roads are required and must be maintained in accordance with IFC 503 Amended by Kitsap County Code. Any proposed revision to these roads must be submitted to, reviewed and approved by the Kitsap County Fire Marshal's Office. Access roads shall comply with the following:

- Unobstructed width of 20 feet and height of 13 feet 6 inches.
- Shall be designed and maintained to support a 60,000-pound fire apparatus and be provided with an all-weather driving surface.
- Dead end access roads exceeding 150 feet in length shall be provided with an approved turnaround.
- Inside turning radius shall be a minimum of 35 feet.
- Access roads shall extend to within 150 feet of all portions of the exterior walls of the first story of the structure as measured by an approved route around the exterior of the structure or facility.
- Road shall not be more than 12% grade.

22. An approved fire alarm is required for commercial buildings in excess of 4000 sf.

23. Fire flow is required should the building exceed 3600 sf.

f. Solid Waste

24. Prior to issuance of the required building permit, provide documentation from the solid waste/recycling service provider that their requirements for this project have

been met.

g. Kitsap Public Health District

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

Report prepared by:



Jeff Smith, Staff Planner / Project Lead

January 27, 2022

Date

Report approved by:



Scott Diener, Department Manager / Supervisor

January 27, 2022

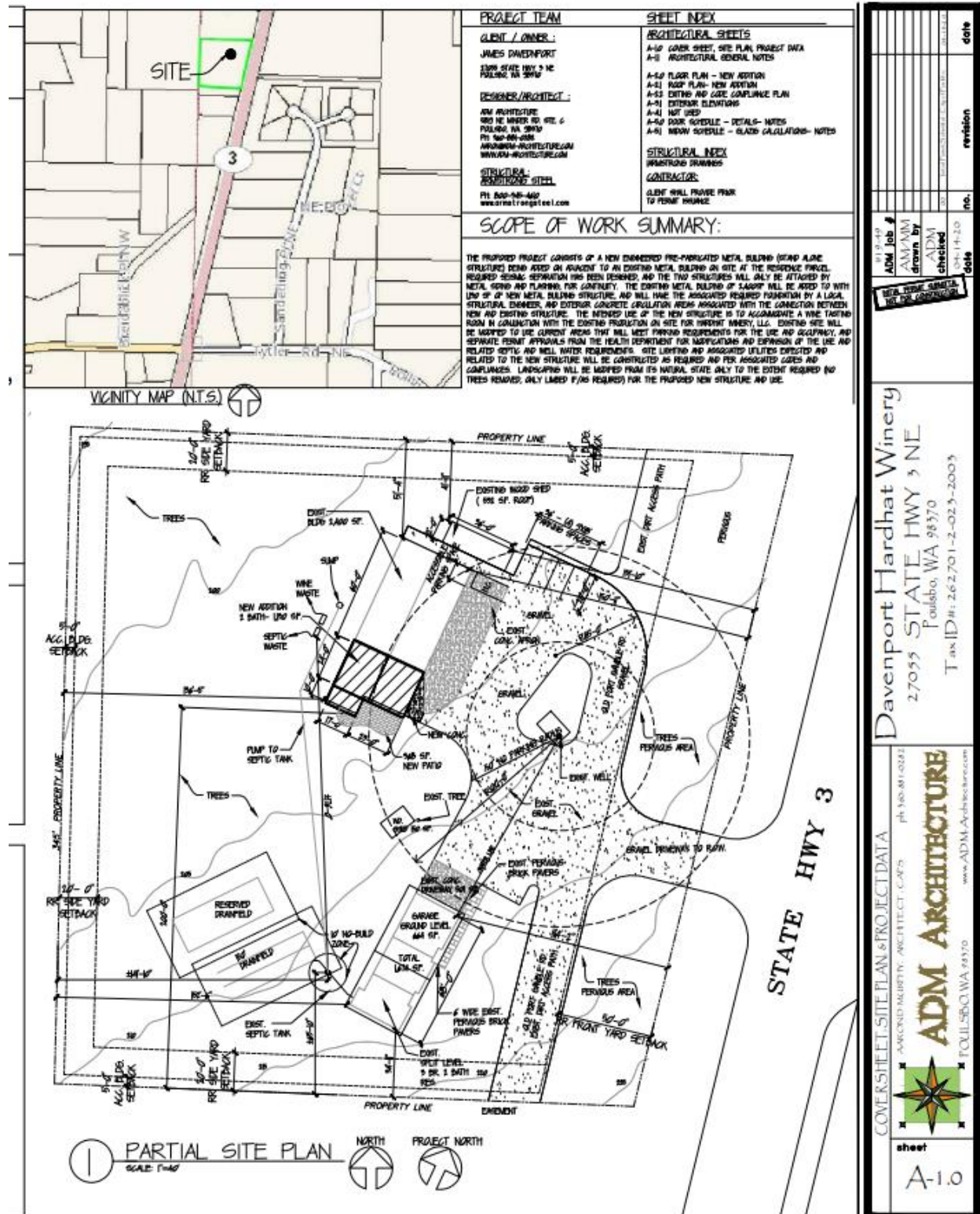
Date

Attachments:

- Attachment A – Site Plan
- Attachment B – Floor Plan
- Attachment C – Zoning Map
- Attachment D – Winetasting Agreement, 4-oz cups

CC: Applicant/Owner: DAVENPORT JAMES & COLETTE, jim@hardhatwinery.com
ADM Architecture, aaron@adm-architecture.com
Interested Parties: None
Kitsap County Public Health District, MS-30
Kitsap County Public Works Dept, MS-26
DCD Staff Planner: Jeff N. Smith

Site Plan



| PROJECT TEAM | SHEET INDEX |
|--|--|
| CLIENT / OWNER: JAMES DAVENPORT 27055 STATE HWY 3 NE FOULDS, WA 98707 | ARCHITECTURAL SHEETS A-1.0 COVER SHEET, SITE PLAN, PROJECT DATA A-1.1 ARCHITECTURAL GENERAL NOTES A-1.2 FLOOR PLAN - NEW ADDITION A-1.3 ROOF PLAN - NEW ADDITION A-1.4 EXISTING AND CARE COMPLIANCE PLAN A-1.5 EXTERIOR ELEVATIONS A-1.6 NOT USED A-1.7 DOOR SCHEDULE - DETAILS - NOTES A-1.8 WINDOW SCHEDULE - GLASS CALCULATIONS - NOTES |
| DESIGNER/ARCHITECT: ADM ARCHITECTURE 5800 NE HENDERSON RD. STE. 4 FOULDS, WA 98707 PH: 509-881-0242 WWW.ADM-ARCHITECTURE.COM | STRUCTURAL INDEX FOUNDATION DRAWINGS |
| STRUCTURAL: ADAMSON STEEL PH: 509-881-4468 www.adamsonsteel.com | CONTRACTOR: ALLEN WILL PROVIDE PERMITS TO PERFORM WORK. |

SCOPE OF WORK SUMMARY:

THE PROPOSED PROJECT CONSISTS OF A NEW ENGINEERED PRE-PREGATED METAL BUILDING (STEAD ALONG STRUCTURE) BEING ADDED ON ADJACENT TO AN EXISTING METAL BUILDING ON SITE AT THE RESERVE FENCE. REQUIRED SEPTIC SEPARATION HAS BEEN DESIGNED, AND THE TWO STRUCTURES WILL ONLY BE ATTACHED BY METAL SIDING AND PLUMBING FOR CONTINUITY. THE EXISTING METAL BUILDING OF 3,800 SF WILL BE ADDED TO WITH 170 SF OF NEW METAL BUILDING STRUCTURE, AND WILL HAVE THE ASSOCIATED REQUIRED FOUNDATION BY A LOCAL STRUCTURAL ENGINEER, AND EXTERIOR CONCRETE CIRCULATION AREAS ASSOCIATED WITH THE CONNECTION BETWEEN NEW AND EXISTING STRUCTURE. THE INTENDED USE OF THE NEW STRUCTURE IS TO ACCOMMODATE A WINE TASTING ROOM IN CONNECTION WITH THE EXISTING PRODUCTION ON SITE FOR HARDSHAT WINERY, LLC. EXISTING SITE WILL BE MODIFIED TO THE CURRENT ZONING THAT WILL MEET PERMITS REQUIREMENTS FOR THE USE AND OCCUPANCY, AND SEPARATE PERMIT APPROVALS FROM THE HEALTH DEPARTMENT FOR MODIFICATIONS AND EXPANSION OF THE USE AND RELATED SEPTIC AND WELL WATER REQUIREMENTS. SITE LIGHTING AND ASSOCIATED UTILITIES EXISTING AND RELATED TO THE NEW STRUCTURE WILL BE CONSTRUCTED AS REQUIRED AND PER ASSOCIATED CODES AND COMPLIANCES. LANDSCAPING WILL BE MODIFIED FROM ITS NATURAL STATE ONLY TO THE EXTENT REQUIRED (NO TREES REMOVED, ONLY LABELED TREES REMOVED) FOR THE PROPOSED NEW STRUCTURE AND USE.

| DATE | NO. | REVISION | DATE |
|------|-----|----------|------|
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ADM JOB # ADM/ADM drawn by ADM checked by ADM DATE: 1/19/20

Davenport Hardhat Winery
 27055 STATE HWY 3 NE
 Foulso, WA 98770
 T ax ID#: 262.701-2-02.3-2003

ADM ARCHITECTURE
 5800 NE HENDERSON RD. STE. 4
 FOULDS, WA 98707
 PH: 509-881-0242
 WWW.ADM-ARCHITECTURE.COM

COVER SHEET, SITE PLAN & PROJECT DATA
 sheet A-1.0

Zoning Map



Wine Tasting Agreement, 4-oz cups



KITSAP COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

AGREEMENT TO LIMIT ALCOHOL SERVINGS TO FOUR OUNCES
PURSUANT TO KCC 17.455.060

KCC 17.455.060.H.1.d allows for wineries, breweries, cideries, and distilleries as an accessory agricultural use so long as alcohol not served in glassware, cups, or containers with greater than a four-ounce capacity.

Hardhat Winery applied to open a wine tasting room at 27055 State Hwy 3 NE, Poulsbo, WA, tax parcel 262701-2-023-2003 under permit application 20-05190 as an accessory agricultural use. Accordingly, applicant/owner James Davenport agrees that no person will serve alcohol to the public at the winery tasting room or anywhere else on the property at 27055 State Hwy 3 NE, Poulsbo, WA, tax parcel 262701-2-023-2003 in glassware, cups, or containers with greater than a four-ounce capacity.

Violation of this agreement and associated condition to the permit approval may result in revocation of the permit as allowed by KCC chapter 17.600 *Revocation of Permits or Variances*.

I certify and represent that I have the legal authority to sign this agreement as owner of the property and project.

James M. Davenport
Signature

12/27/21
Date

JAMES DAVENPORT
Print Name

PROPERTY OWNER
Title