



Notice of Administrative Decision

Date: 08/29/2018

To: Melissa Kittrell, Melissa_kittrell@yahoo.com
Interested Parties and Parties of Record

RE: Permit Number: 18-00331
Project Name: Bushel & Barrel Ciderhouse Tasting Room
Type of Application: Administrative Conditional Use Permit – Agriculture (AG-ACUP)

THE DECISION OF THE DEPARTMENT IS FINAL, UNLESS 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/AppealObjectionOfAnAdministrativeDecision>.

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/Applicant: Melissa Kittrell, Melissa_kittrell@yahoo.com
Berkey Engineering, cliff@berkey.biz
Tri-State Engineering Inc., terry@tse-aep.com
Interested Parties: None
Kitsap County Health District, MS-30
Kitsap County Public Works Dept., MS-26
North Kitsap Fire District
Puget Sound Energy
Point No Point Treaty Council
Suquamish Tribe
Port Gamble S'Klallam Tribe
Squaxin Island Tribe
Puyallup Tribe
WA Dept of Fish & Wildlife
WA State Dept of Ecology - SEPA
DCD Staff Planner: Kathlene Barnhart



Administrative Staff Report

Report Date: July 31, 2018

Application Submittal Date: 1/24/2018

Application Complete Date: 2/14/2018

Project Name: Bushel & Barrel Ciderhouse Tasting Room

Type of Application: Agriculture- Administrative Conditional Use Permit

Permit Number: 18-00331

Project Location

201 NW Beaver Ridge Lane
Poulsbo, WA 98370
Commissioner District #1 (North)

Assessor's Account

342701-4-006-2000

Applicant/Owner of Record

Melissa Kittrel
130 NW Beaver Ridge Ln
Poulsbo, WA 98370

Recommendation Summary

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

VICINITY MAP



1. Background

The proposal is to operate a cider tasting room, accessory to an offsite farm. Bushel & Barrel Ciderhouse is subsidiary of Beaver Bend Farm LLC, which is located on a non-contiguous farm property approximately 0.25 miles away at 130 NW Beaver Ridge Lane. The tasting room will be 1,080 square feet, with 6 parking spaces and portable restrooms. Operating hours are limited to 10am-6pm every-other Saturday-Sunday, and plans for about 25 patrons each weekend for 35 weeks out of the year.

2. Project Request

The project is requesting an Agriculture -Administrative Conditional Use Permit to operate a tasting room, as provided in KCC 17.455.060(H).

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 Non-significance (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 02/21/2018. A Determination of Non-significance (DNS) was issued on 07/3/2018.

The SEPA appeal period expired 07/17/2018. No appeals were filed; therefore, the SEPA determination is final.

4. Physical Characteristics

The site is generally flat, with a small moderate slope (approx. 20%) immediately to the west of the proposed parking area. There are no on-site wetlands, streams, floodplains, or associated buffers. The parcel is primarily grass and pasture, with some alder, maple, and fir interspersed. There is an existing single family residential structure on the site and two existing access points off NW Beaver Ridge Lane. The driveways are not connected and only the eastern access will be used for the tasting room.

Table 1 - Comprehensive Plan Designation and Zoning

Comprehensive Plan: Rural Protection Zone: Rural Protection	Standard	Proposed
Minimum Density	NA	NA
Maximum Density	NA	
Minimum Lot Size	10 acres	2.13 acres
Maximum Lot Size	NA	NA
Minimum Lot Width	140 feet	458 feet
Minimum Lot Depth	140 feet	200 feet
Maximum Height	35 feet	15 feet (plus cupola; <35 feet)
Maximum Impervious Surface Coverage	NA	NA
Maximum Lot Coverage	NA	NA

Staff Comment: Existing non-conforming lot is not proposed for sub-division; therefore the minimum lot size is not applicable to this approval.

Table 2 - Setback for Zoning District

Click or tap here to enter text.	Standard	Proposed
Front (North)	50 feet	65 feet (Proposed tasting room) 35 feet (proposed parking area)
Side (East)	20 feet	186-feet (proposed tasting room)
Side (West)	20 feet	183 feet (proposed parking area) 243-feet (proposed tasting room)
Rear (South)	10 feet	105 feet (proposed tasting room and parking area)

Table 3 - Surrounding Land Use and Zoning

Surrounding Property	Land Use	Zoning
North	Repair services / commercial coffee stand	Rural Industrial (RI)
South	Single-family residence	Rural Protection (RP)
East	Undeveloped	Rural Protection (RP)
West	State Route 3 / Single-family residence	State Right of Way / Rural Residential (RR)

Table 4 - Public Utilities and Services

	Provider
Water	Private Well
Power	Puget Sound Energy
Sewer	Portables (1 standard; 1 ADA)
Police	Kitsap County Sherriff

Fire	North Kitsap Fire & Rescue
School	North Kitsap School District #400

5. Access

Access to the tasting room will be from an existing gravel driveway off Beaver Ridge Lane, a private road off of State Highway 3.

6. Site Design

No commercial landscape plan was required for the rural structure/pole barn. All disturbed areas are to be revegetated and the landscaping, as is, will be maintained or enhanced. The access is an existing 16-foot wide gravel driveway, approaching from the north of the parcel off Beaver Ridge Lane. Parking will include 6 regular and 1 ADA stalls over an existing gravel pad to the west of the driveway. A portion of the driveway will be within the building setback, as allowed. Two Sani-cans (1 regular; 1 ADA) will be located north of the parking area. The 1,080-square foot, single-story tasting room will be located to the east of the driveway, 65 feet south of the north property line. Water for the structure will be provided from an existing well located 106 feet to the northeast of the tasting room structure. Power will be provided by Puget Sound Energy, connecting at the northeast end of the structure. An existing single-family residence is located at the southwest end of the parcel and will maintain a separate access driveway from the north of the parcel off Beaver Ridge Lane.

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 9

Promote food security, food systems, local food production, and public health by encouraging locally based food production, distribution, and choice through urban agriculture, community gardens, markets, and food access initiatives.

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 63

Foster agriculture opportunities by promoting flexibility in development regulations.

Land Use Policy 66

Allow agricultural activities and practices from cultivation to harvest as well as on-farm value-added processing within the Rural Wooded, Rural Protection and Rural Residential zoning districts or the Farming Focus Areas identified in the Agricultural Strategic Plan and Inventory.

Land Use Policy 67

Permit all agricultural uses as defined KCC 17.110.050 and agricultural activities as defined in Revised Code of Washington 7.48.310 in the Rural Wooded, Rural Protection and Rural Residential zoning districts.

Economic Development Goal 5

Support the local food economy

Economic Development Policy 30

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

Economic Development Policy 35

Support economic development opportunities related to local urban and rural agriculture. Assess and plan for community-supported agriculture programs, local food processing, wholesaling, and distribution facilities to connect local agriculture to markets such as retailers, restaurants, schools, hospitals, and other institutions.

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	February 6, 2018
Environmental (SEPA) Checklist	February 6, 2018
Wetland Delineation	February 6, 2018 (Revised May 21, 2018)

Site Plan	February 6, 2018 (Revised May 21, 2018)
Final Health District Approval	February 6, 2018
Project Narrative	February 6, 2018
Landscape Plan	February 6, 2018 (Revised June 10, 2018)
Abbreviated Drainage Plans	February 6, 2018
Stormwater Worksheet	February 6, 2018 (Revised May 21, 2018)
SWPPP Drawings	February 6, 2018
Solid Waste Documentation	February 6, 2018
Parking Analysis	February 6, 2018
Traffic Analysis	February 6, 2018
Agreement-Alcohol Limitations	February 6, 2018

<u>Staff Communication</u>	<u>Dated</u>
Dev. Services & Engineering Memo	July 2, 2018

9. Public Outreach and Comments

No public comments were received on the project.

10. Analysis

a. Planning/Zoning

The proposed use is a permissible agricultural accessory use in the Rural Protection (RP) zone (KCC 17.455.020), subject to approval through an Administrative Conditional Use Permit (KCC 17.455.060(H)).

17.455.060(H)

(1) A tasting room under this chapter may be allowed in conjunction with a winery, brewery, or distillery licensed by the Washington State Liquor and Cannabis Board subject to an administrative conditional use permit (ACUP). As part of the ACUP applications shall include:

a. A site plan review with a fee established by county resolution

A site plan has been provided, reviewed and approved.

b. A traffic management plan;

A traffic impact analysis was provided and determined Not Applicable / Not Required.

c. 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;

The subject property does not have direct access from a Kitsap County maintained right of way.

d. A written agreement to not serve products in serving glassware, cups, or containers greater than a four-ounce capacity;

This documentation was submitted with the application. Bushel and Barrel Ciderhouse is a licensed and bonded winery through the Federal Alcohol, Tobacco and Tax Trade Bureau, as well as fully licensed through the Washington State Liquor Control Board, and held accountable to the requirements within those licenses and legally binding agreements. They have agreed in writing with this application that tastings of cider will only be served in a container that holds 4 ounces or less. There are additional conditions in section #13 below.

(2) Structures and equipment related to the operations of a winery, brewery, cidery, or distillery shall comply with Titles 14 and 17 and are not exempted from building permits; and

The proposed tasting room will require a Kitsap County building permit, as it will not be used exclusively for the storage of livestock, feed, and/or farm implements and is over 864 square feet in size (17.455.080(B)).

(3) Retail sales are directly related to the facility, such as sales of wine, beer, cider, or spirits and related merchandise.

Agreement has been provided in writing with this application that all retail sales are directly related to the winery, such as sales of wine, cider, and related merchandise.

b. Lighting

All lights and equipment will be turned off during non-business hours and energy efficient lighting will be used. No external lighting is proposed.

c. Off-Street Parking

The submitted Parking Agreement and Narrative stated that 5 parking spaces will be provided, but the Parking Analysis worksheet indicates that 7 parking spaces are to be provided.

According to the Parking Analysis worksheet, the number of parking spaces were being calculated for a winery/brewery (1 per 800 sq. ft.). Since the primary use will be as a tasting room, the category is best suited to Restaurants/Bars/Taverns under 5,000 sq. ft., which require 1 parking spot per 200 square feet of gross floor area. At 1,100 sq. ft., the minimum number of parking spots would be 5.5 (rounded up to 6).

The proposed parking lot is 60 feet wide. Kitsap County Code 17.490 requires a 9-foot minimum stall width, resulting in a proposed parking lot which would provide for 6 parking stalls. The plans now account for the required 6 parking stalls.

Table 5 - Parking Table

Use Identified in 17.490.030	Standard	Required Spaces	Proposed Spaces/Existing Spaces
Restaurants/Bars/Taverns	If under 5,000 square feet of gross floor area – 1 per 200 square feet of gross floor area; If 5,000 or more square feet of gross floor area – 20 plus 1 per each additional 200 square feet of gross floor area	6 (1,100 square feet / 200 square feet= 6 stalls)	6
Total		6	6

d. Signage

No signs are proposed at this time. Any future signs will need to meet the development standards applicable at the time of request.

e. Landscaping

A partial screening buffer landscape plan is provided, with the intent 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. The north and west property lines are adjacent to streets, with the west property line over 180 feet from the proposed parking area. The south property line borders a compatible Rural Protection residential use. No additional landscaping requirements were placed for this southern property line as the structure and parking are over 100 feet from the adjacent parcel and the lots both have existing vegetation and an existing fence. Existing shrubs and deciduous trees will be retained, especially along the front and east property lines. Enhancement with native vegetation as shown on the landscape plan is required, and additional enhancement is also allowed as desired. A screening fence will be constructed around the portables, with landscaped planters added in front within the front building setback.

Future development of the site includes planting of orchard trees in support of the existing off-site farm and this on-site tasting room. Such trees will provide further screening from adjacent uses. Requiring larger screening trees at this time may hinder this future use as described by the proponent and is not necessary.

Table 6 - Landscaping Table

	Required	Proposed
Required Landscaping (Sq. Ft) 15% of Site	N/A	N/A
Required Buffer(s) 17.500.025		
North	Partial Screening Buffer	Partial Screening Buffer-Existing Vegetation and Enhanced Shrubs
South	N/A	N/A
East	N/A	Partial Screening Buffer-Existing Vegetation
West	Partial Screening Buffer	Partial Screening Buffer- Existing Vegetation
Street Trees	No	No

f. Frontage Improvements

Not applicable.

g. Design Districts/Requirements

Not applicable.

h. Development Engineering/Stormwater

Based on the Preliminary Drainage Plans (stamped 2/14/18), the concepts are supportable in its approach to civil site development, with the conditions supplied below in section #13.

i. Environmental

Based on review of topography, aerial imagery of the existing vegetation, and proximity to a previously identified off-site wetland, additional information was requested during review regarding potential on-site wetlands. This Revised Wetland Delineation was provided and reviewed. No wetlands or buffers are located on the subject parcel.

A short, moderate slope is located immediately west of the parking area. There are no setback requirements in Kitsap County Code, Title 19 for parking lots from Moderate Geologic Hazard Areas. The proposed structure is located

approximately 65 feet from the top of this slope, exceeding the minimum 40-foot building setback in Kitsap County Code 19.400.

j. Access, Traffic and Roads

Access to the tasting room will be from an existing gravel driveway off Beaver Ridge Lane, a private road off State Highway 3. There is an additional existing access for the single-family residence, west of the access for the tasting room. No access or parking will be provided to the tasting room from the residential access. Conditions are provided below in section #13.

k. Fire Safety

This land use proposal has been reviewed and approved by the Kitsap County Fire Marshal's Office. Additional review and conditions for approval will occur under the required building permit.

l. Solid Waste

This proposal does not include plans for on-site disposal of solid waste. The proponents have determined that any waste (paper cups, etc.) would be minimal and will be taken off-site for disposal from the associated Beaver Bend Farm. Conditions are provided below in section #13.

m. Water/Sewer

Per the submitted Kitsap Public Health Building Clearance Approval, the tasting room has been approved for use of portable toilets only. Conditions are provided below in section #13.

n. Kitsap Public Health District

See Water/Sewer above and associated conditions below.

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 of 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 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. Future use of the property is intended to include addition of orchard trees to support the overall agricultural use proposed on the subject property and the associated Beaver Bend Farm.

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. Recommendation

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 Bushel & Barrel Ciderhouse be **approved**, subject to the following 16 conditions:

a. Planning/Zoning

1. All required permits shall be obtained prior to commencement of land clearing, construction and/or occupancy. The tasting room structure will require a Kitsap County Building permit. Additional permits may be required for future heating or plumbing needs.

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 Kitsap County Code (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.

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

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.

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 (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 (18-00331). 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.

b. Development Engineering

11. The information provided demonstrates this proposal is a Small Project as defined in Kitsap County Code Title 12, and as such, at the time of building permit application, will require compliance with Kitsap County Code Title 12, Stormwater Drainage.

12. Stormwater quantity control, quality treatment, and erosion and sedimentation control shall be designed in accordance with Kitsap County Code Title 12 effective at the time the Agricultural Administrative Conditional Use Permit application was deemed complete, February 14, 2018.

13. If the project proposal is modified from that shown on the submitted site plan dated February 14, 2018, Development Services and Engineering will require additional review and potentially new conditions.

c. Environmental

Not applicable.

d. Traffic and Roads

14. 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.

e. Fire Safety

Not applicable.

f. Solid Waste

15. 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 building permit application.

g. Kitsap Public Health

16. The proposal in not to be hooked into the property private well. The tasting room shall use disposable cups and serving wear only. no discharge allowed into existing septic system.

Report prepared by:



Name, Staff Planner / Project Lead

7/31/18

Date

Report approved by:



Name, Department Manager / Supervisor

7/31/18

Date

Attachments:

Attachment A- Zoning Map

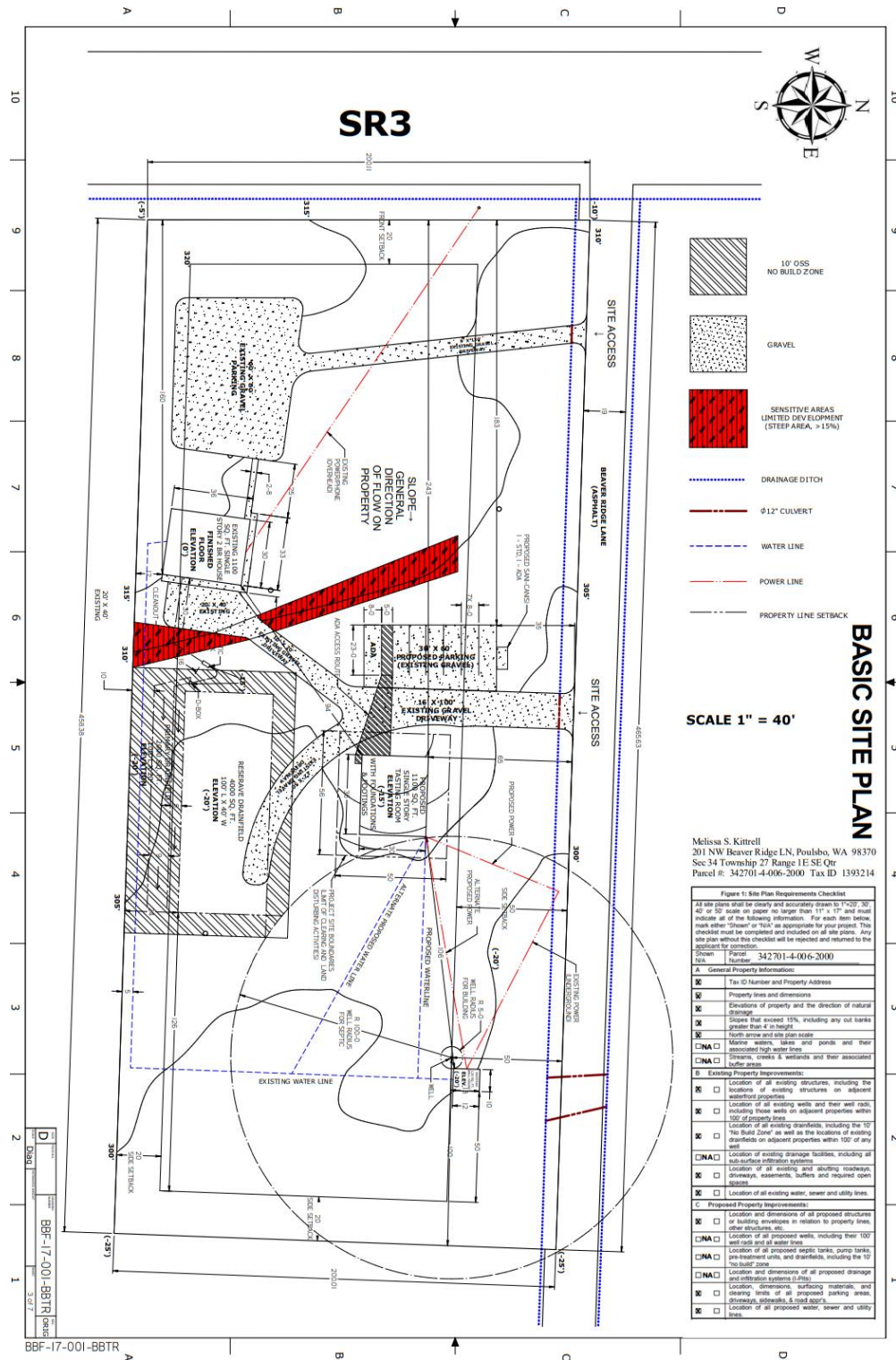
CC: Applicant/Owner: Melissa Kittrell, melissa_kittrell@yahoo.com
Engineer: Berkey Engineering, cliff@berkey.biz
Engineer: Tri State Engineering Inc., terry@tse-aep.com

Kitsap County Health District, MS-30

Kitsap County Public Works Dept., MS-26

DCD Staff Planner: Candace Vickery, cvickery@co.kitsap.wa.us

Site Plan



Attachment A: Zoning Map

18-00331 (A-CUP) Bushel & Barrel Ciderhouse Tasting Room



ZONING

- Subject Parcel: Rural Protection**
- North: Rural Industrial**
- East: Rural Protection**
- South: Rural Protection**
- West: Rural Residential (State Highway)**