



Hearing Examiner Staff Report and Recommendation

Report Date: March 3, 2020
Hearing Date: March 12, 2020

Application Submittal Date: March 26, 2019
Application Complete Date: May 20, 2019

Project Name: Farm Kitchen
Type of Application: Conditional Use Permit (CUP)
Permit Number: 19-01275

Project Location

24309 Port Gamble Road NE
Poulsbo, WA 98370
North Kitsap County
Commissioner District 1

Assessor's Account

322702-3-025-2000

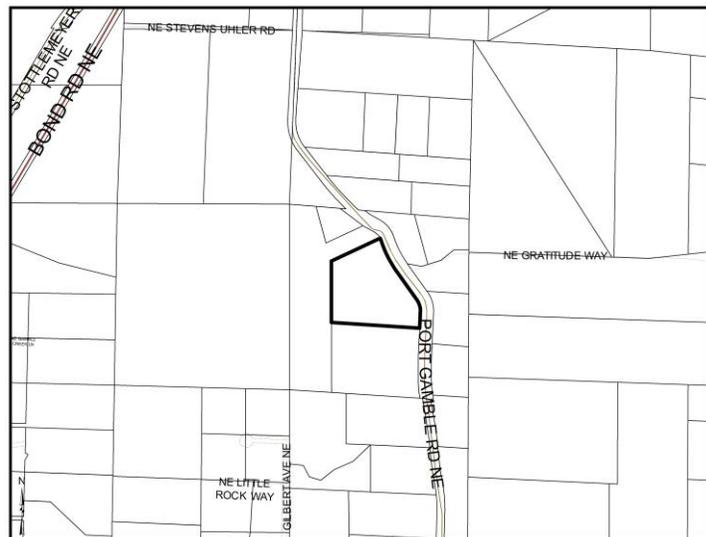
Applicant/Owner of Record

Hollis Fay
24311 Port Gamble Road NE
Poulsbo, WA 98370

Recommendation Summary

Approved subject to 36 conditions listed under section 13 of this report.

VICINITY MAP



1. Background

The Department of Community Development has reviewed the applicant's Conditional Use Permit (CUP) to operate a commercial kitchen also known as (aka) a commissary kitchen, event facility for typically weddings, celebrations and/or meetings for families, community groups or businesses, and vacation rental of the existing single-family residence (SFR). According to the Assessor's records, the subject property is within the Open Space-Agriculture taxation program, developed with a 2,683 square foot single-family residence (SFR) built in 1976, a 1,062 square foot carport built in 1976 and an 800 square foot carport with no year identified, a 3,652 square foot general purpose building built in 1970 and a 1,728 square foot general purpose building built in 2013 (Exhibit 26). There are several other accessory buildings on the subject property. The 7.50 acre parcel is zoned Rural Residential (RR) and located at 24309 Port Gamble Road NE in Poulsbo. The property is served by an on-site well that is a public water system and on-site septic system.

2. Project Request

The applicant is requesting a Conditional Use Permit (CUP) to establish a commercial kitchen for use by small businesses to rent on an hourly basis for food production and also establish and operate an event center that includes but is not limited to weddings, food-related classes, family and business celebrations, business and community events, which utilizes the commercial kitchen and other events that do not use the commercial kitchen such as community/club meetings, business meetings and non-food related classes. The applicant also is requesting to establish a vacation rental for the existing SFR. Use of the facility may occur year-round, seven days a week, by appointment only.

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 May 31, 2019 (Exhibit 13). A Determination of Nonsignificance (DNS) was issued on February 7, 2020 (Exhibit 24). SEPA noted the proposal will be conditioned for Stormwater Control per Kitsap County Code Title 12.

The SEPA appeal period expired February 21, 2020. No appeals were filed; therefore, the SEPA determination is final.

4. Physical Characteristics

The 7.5-acre parcel has been utilized as a working organic farm by the current owner for over 20 years. There are several market garden areas and a fruit orchard. The property is developed with a single-family residence and multiple accessory buildings. The main barn is used as a commercial kitchen. The 'new' or 'hay' barn built in 2014 is used for agricultural purposes and storage. Several other small buildings are proposed to be utilized to support event activities. There is typical residential landscaping outside of the developed and farmed areas, and over a 100-foot mixed deciduous and evergreen forested area along the north property line. The southern half of the property is relatively flat, the property slopes down

towards the north and west. There is a small sliver of Geologic Critical Areas mapped as moderate Erosion Hazard Area along a majority of the west property line (Exhibit 29). The entire property is located over Category II Critical Aquifer Recharge Areas (Exhibit 28).

Table 1 - Comprehensive Plan Designation and Zoning

Comprehensive Plan: Rural Residential Zone: Rural Residential (RR)	Standard	Proposed
Minimum Density	Not Applicable (NA)	NA, no new dwelling units proposed
Maximum Density	1 dwelling unit (DU)/5 acres	
Minimum Lot Size	5 acres for newly created lots	Property is an existing legal lot, 7.50 acres
Maximum Lot Size	NA	NA
Minimum Lot Width	140 feet	NA, existing over 500 feet
Minimum Lot Depth	140 feet	NA, existing over 500 feet
Maximum Height	35 feet	Existing 2 stories, <35 feet
Maximum Impervious Surface Coverage	NA	Estimated < 15%
Maximum Lot Coverage	NA	NA, no new buildings and no expansion of existing buildings

Applicable footnotes: none

Table 2 - Setback for Zoning District

	Standard	Proposed
Front (East)	50 feet	NA, existing buildings over 100 feet
Side (North)	20-feet, 5 feet for accessory structure	NA, existing buildings over 200 feet
Side (South)	20-feet, 5 feet for accessory structure	NA, existing buildings over 50 feet
Rear (West)	20-feet, 5 feet for accessory structure	NA, existing buildings over 100 feet

Applicable footnotes: Footnote 29 "One-hundred-foot setback required for single-family buildings abutting FRL or RW zones".

Staff Comment: The subject property does not abut a FLR or RW zone and no new buildings are proposed.

Table 3 - Surrounding Land Use and Zoning

Surrounding Property	Land Use	Zoning
North	Undeveloped and single-family residences	Rural Residential (RR)
South	Single-family residences	Rural Residential (RR)
East	Single-family residences	Rural Residential (RR)
West	Undeveloped and single-family residences	Rural Residential (RR)

Table 4 - Public Utilities and Services

	Provider
Water	Public Water/On-site well, Big O'Fayfull
Power	Puget Sound Energy
Sewer	On-site septic system
Police	Kitsap County Sheriff
Fire	North Kitsap Fire & Rescue #10
School	North Kitsap School District #400

5. Access

Access to the site is from Port Gamble Road NE, a paved county-maintained road classified as rural local access.

6. Site Design

The site is an existing working organic farm. The property is developed with a SFR, 2 'barn' buildings, and multiple accessory buildings. Parking is located on the south half of the property, with a majority near the access drive and main barn building that houses the commercial kitchen and where events will take place. There is exterior lighting of buildings and walkways as well as parking areas for safety and security. There is also selective lighting to illuminate vegetation features. There is an approximately 21 square foot Farm Kitchen sign adjacent to the access drive from Port Gamble Road.

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 13

Protect Kitsap County's unique rural character.

Land Use Policy 50

Limit the designated rural area to low residential densities that can be sustained by minimal infrastructure improvements, cause minimal environmental degradation, and that will not cumulatively create the future necessity or expectation of urban levels of service.

Land Use Policy 51

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

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.

Land Use Policy 58

Encourage business growth in existing LAMIRDs (Limited Area of More Intensive Rural Development) while limiting business growth outside of LAMIRDs so as to not impact the 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 with 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 72

Develop regulations that permit appropriate farm-related activities secondary to primary farm operations in Rural Wooded, Rural Protection and Rural Residential zoning districts. This includes, but is not limited to, farm infrastructure buildings, commercial activities in conjunction with adding value to products grown on the farm (on-farm processing, community kitchens), farm stands and sales, and other essential farm support activities.

Land Use Goal 17

Develop and maintain adequate rural and urban facilities and services that support local agriculture.

Land Use Policy 88

Consider and identify current and potential economic opportunities and benefits to agriculture and agriculture-related businesses for the enjoyment of residents and visitors.

Economic Development Goal 1

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 land uses that will encourage economic activity capable of providing living-wage jobs and reasonably scaled to the needs of the community.

Economic Development Goal 5

Support the local food economy.

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 34

Support retail sales and local food economy by encouraging locally based food production, distribution, and choice through the support of community gardens, school gardens, farm-to-school programs, farmers or public markets, and other small-scale, collaborative initiatives.

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.

Housing and Human Services Goal 2

Increase affordable housing units and ensure that a broad range of housing types are available.

Housing, Human Svcs Policy 7

Adopt regulatory changes to allow non-traditional housing types.

Housing, Human Svcs Policy 14

Disperse affordable housing opportunities throughout the County.

Parks Goal 1

Provide regional parks, and open space to meet active and passive regional recreational needs, as well as the needs of wildlife.

Parks Policy 9

Identify new and preserve existing open space in rural areas.

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 14	Buildings and Construction
Title 17	Zoning
Chapter 18.04	State Environmental Policy Act (SEPA)
Title 19	Critical Areas Ordinance
Chapter 20.04	Transportation Facilities Concurrency Ordinance
Chapter 21.04	Land Use and Development Procedures

8. Documents Consulted in the Analysis

A complete index of exhibits is located in the project file. To date, the index to the record consists of Exhibits 1-32.

Exhibit #	Document	Dated	Date Accepted
1	Application: CUP		05.20.2019
22	Building Clearance - Commercial		01.24.2020
3	Building Elevations		05.20.2019

4	Concurrency		05.20.2019
14	Floor Plan: Main Barn - revised		10.09.2019
19	Floor Plan: Summer Events Seating		10.09.2019
20	Floor Plan: Winter Events Seating		10.09.2019
5	Landscape Plan and Photos		05.20.2019
23	Lighting Narrative Email	02.06.2020	
15	Narrative Addendum		10.09.2019
9	Narrative		05.20.2019
7	Parking Analysis Worksheet		05.20.2019
8	Parking Narrative		05.20.2019
16	Parking Plan		10.09.2019
10	SEPA Environmental Checklist		05.20.2019
17	Site Plan - revised		10.09.2019
21	Stormwater Conditions Memo	11.27.2019	
12	Stormwater Worksheet		05.20.2019
2	Water Availability Letter		05.20.2019

9. Public Outreach and Comments

No written comments received as of 03.02.2020.

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

Issue Ref. No.	Issue	Staff Response

10. Analysis

a. Planning/Zoning

The applicant/owner has proposed to use the property as a commercial kitchen aka commissary kitchen based on Health District regulations, an event facility, and vacation rental of the SFR. All proposed uses are proposed seven days a week by appointment only. No general retail sales are proposed. The main barn building, and surrounding patio and garden areas are proposed to be used in 3 different ways:

1. Small local businesses who rent commercial kitchen space for hourly use that may occur daily, weekly or monthly to produce finished food products.

2. Event activities that use the kitchen for food service associated with the venue use.
3. Event activities that do not use the commercial kitchen space.

Commercial Kitchen

The applicant/owner obtained a Home Business permit in 1999 under LU-65 Sitka Kitchen Day and Night Farm to operate the commercial kitchen. The commercial kitchen has been in operation since that time, but the name has changed to Farm Kitchen. Farm Kitchen Bakery operates in this kitchen but there are no retail sales from the subject property. However, due to the proposed expanded hours of operation and proposed use of the kitchen facilities for event-related uses the home business permit is not sufficient and would not be valid. A home business permit is only valid to the individual party that obtained it and is not transferable. A CUP runs with the land and confers to a new property owner as long as conditions of approval are met. The Home Business permit will automatically be rescinded upon approval of this CUP.

The kitchen is rented by small food businesses, local food producers and farmers making value-added food products that are sold off-site. The number of people utilizing the kitchen at any given time is limited by the space size, resources available and applicant/owner to 5 people; typical use is by 1 to 3 people per day. The kitchen is rented on an hourly basis that may be for daily, weekly or monthly use. Use is proposed seven days a week; proposed hours of operation are 6:00 am to 9:30 pm.

The kitchen may also be used for on-site events. Caterers or other licensed food professionals may use the kitchen to prepare event food and beverage service. Typically, events are weddings, family celebrations, or community group or business celebrations. Other events that use the kitchen to prepare food and beverage service include classes, retreats, or events that focus on food and agriculture, farm-to-table, and related locally based food production. Refer to the event facility information below for possible activities, attendance limitations and hours of operation.

Event Facility

Main Barn

The main barn and surrounding patio and garden areas may be utilized for events. Events may or may not use the commercial kitchen. The primary event is weddings. However, many different types of events may take place including but not limited to family celebrations, community group or business celebrations, classes, retreats, or events that focus on food and agriculture, farm-to-table, and related locally based food production. Use of the facility for indoor events exclusively has an occupancy limitation of 85 individuals based on review of the building by the Fire Marshal. From April through September the facility utilizes outdoor space and has a greater occupancy capacity. To ensure compatibility with the surrounding rural area, the

maximum number of people utilizing the venue for an outdoor event is limited to 150. The maximum number is limited to all participants, attendees, guests, officials, vendors and other service providers. Furthermore, the facility is limited to 60 days per calendar year that has an attendance of 25 people or more based on the Health District regulations for the Group B public water system. If the owner wishes to upgrade the water system in the future to allow for more than 60 events per year that exceeds the 25 attendance limitation, they will need to apply to revise this CUP application and conditions of approval. Event use is proposed seven days a week; proposed hours of operation are:

Monday through Thursday:	7:30 am to 10:30 pm
Friday and Saturday:	8:00 am to 11:00 pm
Sunday:	8:00 am to 10:00 pm

To ensure rural compatibility with the predominate residential use, to ensure the proposed activities will not adversely impact the right of area residents to enjoy the peaceful occupancy of their homes and to establish reasonable hours of operation, the county is limiting the facility to 1 event per day and to the following hours for an event:

Monday through Thursday:	7:30 am to 9:00 pm
Friday and Saturday:	8:00 am to 10:00 pm
Sunday:	8:00 am to 8:00 pm

There are other buildings on the property that will not be used for any assembly activities, but the one's listed below may be used to support event activities.

Hay Barn

The 'new barn' or 'hay barn' built in 2014 is primarily for agricultural use, however, it is also used for storage of items that may be used for events.

Cabin

The 'groom's cabin' is a one room building with no plumbing and a dorm-size refrigerator. The cabin may be used as a dressing room by the wedding party prior to wedding ceremonies.

Garbage Shed

This building houses the garbage and recycling bins that may be used for all associated commercial kitchen, event facility and vacation rental activities on the property.

Well Building and Well Tank House

These buildings support the on-site public water system that serves the property and associated activities.

Other accessory buildings

The hay storage shed, tool storage shed and tack room are for personal use of the property owner according to the application. These 3 buildings may be used for storage only for CUP associated activities should the need arise in the future.

Vacation Rental of SFR

The existing 3-bedroom SFR is proposed to be used for short-term rentals of less than 30 days on a year-round basis. The SFR is expected to be rented by visitors to the area for family events, attendance at local parties or weddings, and tourism. Typical rentals would be for 2 nights but could be longer. The proposed use of the existing SFR as a vacation rental is acceptable. The applicant also outlined rental of the SFR for greater than 30 days, but the county does not regulate that use.

KCC 17.410.042 Use 108 Bed and breakfast house or vacation rental indicates at KCC 17.410.050(A) footnote 34 that 'Bed and breakfast houses or vacation rentals with one to four rooms require an administrative conditional use permit; bed and breakfast houses with five or more rooms require a hearing examiner conditional use permit. Bed and breakfast houses serving meals to patrons other than overnight guests require a hearing examiner conditional use permit'. Although KCC indicates only an ACUP would be required for this element, it is appropriate and reasonable to cover the vacation rental as an element of this CUP and not require a separate permit.

b. Lighting

There is lighting on the exterior of the main barn and lighting to provide illumination along walkways. There is large patio area that has a seasonal canopy over it during May through September. The patio area is lighted within the canopy. Other buildings and walkways have exterior lighting and parking areas have lighting for safety and security. There is also selective lighting to illuminate vegetation features (Exhibit 23).

c. Off-Street Parking

Kitsap County Code 17.490 Off-Street Parking and Loading doesn't specify the number of parking spaces for a commercial kitchen, event facility or vacation rental. In this particular case it is most appropriate to evaluate the various uses and the likely occupant load of a vehicle for any use. The greatest need is based on the event facility as it has the greatest maximum number of people coming to the site.

The commercial kitchen space is 1,212 square feet, located in the main barn. Based on the maximum number of 5 people using the space at one time and assuming each drove to the site which is not likely, no more than 10 parking spaces would be needed if during transition time 2 groups were on-site at the same time. There is sufficient parking available to serve this use.

The event facility proposal is for a maximum of 175 guests for an outdoor event. It shall be noted that the maximum number is limited to 150 by the county and includes all participants, attendees, guests, officials, vendors and other service providers. The number of participants is limited due to available parking and to ensure rural compatibility with the surrounding area. There are 65 parking spaces available. The majority of parking spaces are near the access entrance and adjacent to the main barn (Exhibit 16). The county is using a ratio of 2 individuals per vehicle with the expectation that there will be some participants, vendors and service providers that travel solo to the site and some limited number of vehicles that may have more than 2 occupants, but the majority would be no more than 2. Based on 150 participants the required number of parking spaces would be 75 and the site only has 65 parking spaces resulting in a deficit of 10 parking spaces. The applicant has noted that events that will exceed 100 participants often use shuttles and other ride sharing services to help get participants to the site. The subject property is very rural and the availability of these services is more limited than in urban areas. The existing 65 parking spaces is expected to be adequate to serve an outdoor event for a maximum attendance of 150 based on the 65 existing parking spaces and potential additional utilization of shuttles and/or ride sharing services such as Uber or Lyft. All parking shall occur on-site and no parking is allowed on Port Gamble Road NE or any public rights-of-way.

Table 5 - Parking Table

Use Identified in 17.490.030	Standard	Required Spaces	Proposed Spaces/Existing Spaces
Commercial kitchen, event facility and vacation rental are not identified uses	NA	1 parking space per 2 event participants, maximum participants 150	65 spaces
Total		75 spaces	65 spaces

d. Signage

There is an existing 5.33 feet by 4 feet or 21.32 square foot Farm Kitchen 'agricultural and farm stand arm sign' at the entrance to the property. The overall height is 8.5 feet. This sign is not a conditionally exempt sign due to its size and overall height;

therefore, a sign permit is required. There is no county record of a sign permit so one will be required.

e. Landscaping

Significantly over 15% of the property is landscaped; approximately 85% of the property is landscaped when parking areas are excluded. There are several market garden areas and a fruit orchard; the area is less than 50% of the parcel. There is typical residential landscaping outside of the developed and farmed areas, and over a 100-foot mixed deciduous and evergreen forested area along the north property line.

Table 6 - Landscaping Table

	Required	Proposed
Required Landscaping (Sq. Ft.) 15% of Site	7.5 acres X 15% = 1.125 acres	Existing landscaping over 6 acres
Required Buffer(s) 17.500.027		
North	NA, existing working farm	Existing Solid Screening Buffer
South	NA, existing working farm	Existing market garden areas and lawn area, cluster of evergreen trees in southwest corner
East	NA, existing working farm	Existing trees in northeast corner and near the access point, grasses/shrubs in central area, market garden areas in southeast corner
West	NA, existing working farm	Existing trees, shrubs and grasses
Street Trees	NA, existing working farm	None

f. Frontage Improvements

The only frontage improvement required is to improve the existing access point to meet current standards for a commercial road approach.

g. Design Districts/Requirements

Not applicable; the subject property is not located within a design district.

h. Development Engineering/Stormwater

All buildings are existing, and any stormwater requirements would have been reviewed as part of the building permit application for that structure. The parking areas are proposed on existing hard surface areas that are typically gravel, and on

grassy areas near the access to the property. This project proposal falls below the threshold requiring any stormwater quantity or water quality controls or mitigation.

i. Environmental

There is a small sliver of Geologic Critical Areas mapped as moderate Erosion Hazard Area along a majority of the west property line. The entire property is located over a Category II Critical Aquifer Recharge Areas (Exhibit 28). The existing and proposed uses, commercial kitchen, event facility and vacation rental, are not identified as "activities with potential threat to groundwater" at KCC 19.600.620; therefore, a hydrogeological report is not needed for this project. Furthermore, this project will be conditioned to prohibit any "activities with potential threat to groundwater" without additional review and approval by the Kitsap County Department of Community Development.

j. Access, Traffic and Roads

Access to the site is from Port Gamble Road NE, a paved county-maintained road classified as rural local access.

The project has been evaluated and determined to generate over 10 average daily trips (ADT) for the commercial kitchen and 88 ADT for an event with a maximum attendance of 175. Events are assumed to have 2 occupants per vehicle. The commercial kitchen and events are expected to typically occur during non-peak hours. The county road can handle the expected traffic to be generated by the proposed activities. No traffic mitigation is required.

It has been noted that the property owner is responsible for maintenance of any landscaping or structures within the existing and proposed right-of-way. Maintenance includes mowing of lawn areas.

k. Fire Safety

Fire apparatus access roads are required. Places of assembly require a fire code permit. Canopies greater than 400 square feet and tents require a fire code permit.

l. Solid Waste

Waste Management has evaluated the proposal and has provided an email indicating the location provides adequate access for waste management vehicles and is approved for garage and recycling service (Exhibit 18).

The Department of Community Development has conditioned the project that if a compactor is used that liquid wastes are not allowed to discharge into the stormwater system.

m. Water/Sewer

An on-site Group B well that is classified as a public water system and an on-site septic system serve the subject property.

n. Kitsap Public Health District

The Kitsap Public Health District has reviewed the application and approved it with a condition that limits the number of events to 60 per calendar year that serve more than 25 people due to the Group B well, public water system. If the owner wishes to have over 60 events serving more than 25 people, it will require upgrading to a Group A public water system.

11. Review Authority

The Hearing Examiner has review authority for this Conditional Use Permit application under KCC, Sections 17.550.020 and 21.04.100. The Kitsap County Commissioners have determined that this application requires review and approval of the Hearing Examiner. The Hearing Examiner may approve, approve with conditions, or deny a Conditional Use Permit. The Hearing Examiner may also continue the hearing to allow for additional information necessary to make the proper decision. The powers of the Hearing Examiner are at KCC, Chapter 2.10.

12. Findings

1. The proposal is consistent with the Comprehensive Plan.
2. The proposal complies or will comply with requirements of KCC Title 17 and complies with or will comply with all of the other applicable provisions of Kitsap County Code and all other applicable regulations, including all applicable development standards and design guidelines, through the imposed conditions outlined in this report.
3. The proposal is not materially detrimental to existing or future uses or property in the immediate vicinity.
4. The proposal is compatible with and incorporates specific features, conditions, or revisions that ensure it responds appropriately to the existing character, appearance, quality or development, and physical characteristics of the subject property and the immediate vicinity.

13. Recommendation

Based upon the analysis above and the decision criteria found in KCC 17.550.030.A, the Department of Community Development recommends that the Conditional Use Permit request for Farm Kitchen be **approved**, subject to the following 36 conditions:

a. Planning/Zoning

1. All required permits shall be obtained prior to commencement of any proposed uses or activities.
2. This permit shall comply with all Kitsap Public Health District regulations and conditions of approval.
3. Artificial outdoor lighting shall be arranged so that the lighting is fully recessed or fully shielded from side view and directed downward and away from surrounding properties. No more than one foot-candle of illumination shall leave the property boundary. Lighting shall be the minimum necessary for safety purposes and be compatible with surrounding properties. Light standards (poles) shall not exceed 20 feet in height.
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. A sign permit for the existing Farm Kitchen sign shall be applied for within 30 days of the Notice of Decision.
6. Use of the commercial kitchen may occur year-round, seven days a week, by appointment only.
7. The use of the commercial kitchen is limited to 5 people at the same time.
8. Commercial kitchen hours of operation: 6:00 am to 9:30 pm.
9. No events shall occur the last full weekend of each month, including Friday, Saturday and Sunday.
10. The event facility shall be limited to 1 event per day.
11. All event activities shall occur between the hours of operation specified below, and all noise, music, amplified sound, and sound-related equipment shall be turned off or stop at the end time specified. All participants shall be off the property no later than 1 hour after the last time specified. Event facility hours of operation:

Monday through Thursday:	7:30 am to 9:00 pm
Friday and Saturday:	8:00 am to 10:00 pm
Sunday:	8:00 am to 8:00 pm
12. Maximum occupancy for indoor events shall be limited to 85.
13. Maximum number of event participants per outdoor event, includes but is not limited to participants, attendees, guests, officials, vendors and other service providers, shall be limited to 150.
14. Sixty-five (65) parking spaces shall be provided on the subject property as indicated on the parking plan (Exhibit 16).
15. Unmarked parking areas shall be striped, temporary striping shall be acceptable, prior to each scheduled event.
16. No parking is allowed on Port Gamble Road NE or any public rights-of-way.

17. No outside storage is allowed for the commercial kitchen, event facility and/or vacation rental uses.
18. All events shall comply with the noise regulations at Kitsap County Code Title 10, specifically Chapter 10.28 Noise.
19. All events shall comply with the Washington State Liquor and Cannabis Board regarding any permits required for the serving of alcohol
20. 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.
21. The recipient of any 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.
22. 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.
23. The decision set forth herein is based upon representations made and exhibits contained in the project application #19-01275 Farm Kitchen CUP. 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.
24. 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.

25. This 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.
26. Any violation of the conditions of approval shall be grounds to initiate revocation of this Conditional Use Permit.

b. Development Engineering

27. If the project proposal is modified from that shown on the submitted site plan dated October 1, 2019, Development Services and Engineering will require additional review and potentially new conditions.

c. Environmental

28. No uses that are identified as "activities with potential threat to groundwater" at Kitsap County Code 19.600.620 shall occur prior to amending or revising this Conditional Use Permit.

d. Traffic and Roads

29. 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.
30. The property owners shall be responsible for maintenance of all landscaping within the existing and proposed right-of-way including any structures other than roadway, storm drainage facilities, and traffic signage. Maintenance shall include, but not be limited to, mowing of lawn areas.
31. Submit plans for construction of the road approach between the edge of existing pavement and the right-of-way line at all intersections with county rights-of-way. Approaches shall be designed in accordance with the Kitsap County Road Standards as established in Chapter 11.22 of the Kitsap County Code. The existing approach shall be improved to meet current standards for a Commercial Road Approach: 20-foot width at the throat; 35-foot radii on each side where it meets the existing road.

e. Fire Safety

32. Fire apparatus access roads shall be constructed and maintained. Any proposed revision to these roads shall be submitted to, reviewed and approved by the Kitsap County Fire Marshal's Office. All fire apparatus access roads shall comply with International Fire Code (IFC) 503 as amended by Kitsap County.
33. Fire apparatus access roads shall comply with the following:
 - a. Unobstructed width of 20 feet and height of 13 feet 6 inches.
 - b. Shall be designed and maintained to support a 60,000 pound fire apparatus and be provided with an all-weather driving surface.

- c. Dead end access roads exceeding 150 feet in length shall be provided with an approved turnaround.
 - d. Inside turning radius for commercial projects shall be a minimum of 35 feet.
 - e. 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.
 - f. Road shall not be more than 12% grade.
34. Prior to establishing the event facility, submit a Fire Code Permit: Places of Assembly.
35. Prior to installing the canopy over the patio or setting up a tent, submit a Fire Code Permit: Temporary Membrane Structure (Tent).

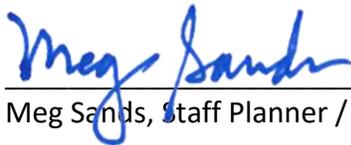
f. Solid Waste

36. 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.

g. Kitsap Public Health District

37. Events shall be limited to 60 events per calendar year that serve more than 25 people. If over 60 events per year are planned, the Group B well shall be upgraded to a Group A public water system.

Report prepared by:



Meg Sands, Staff Planner / Project Lead

3 March 2020

Date

Report approved by:



Shawn Alire, Department Manager / Supervisor

03/03/2020

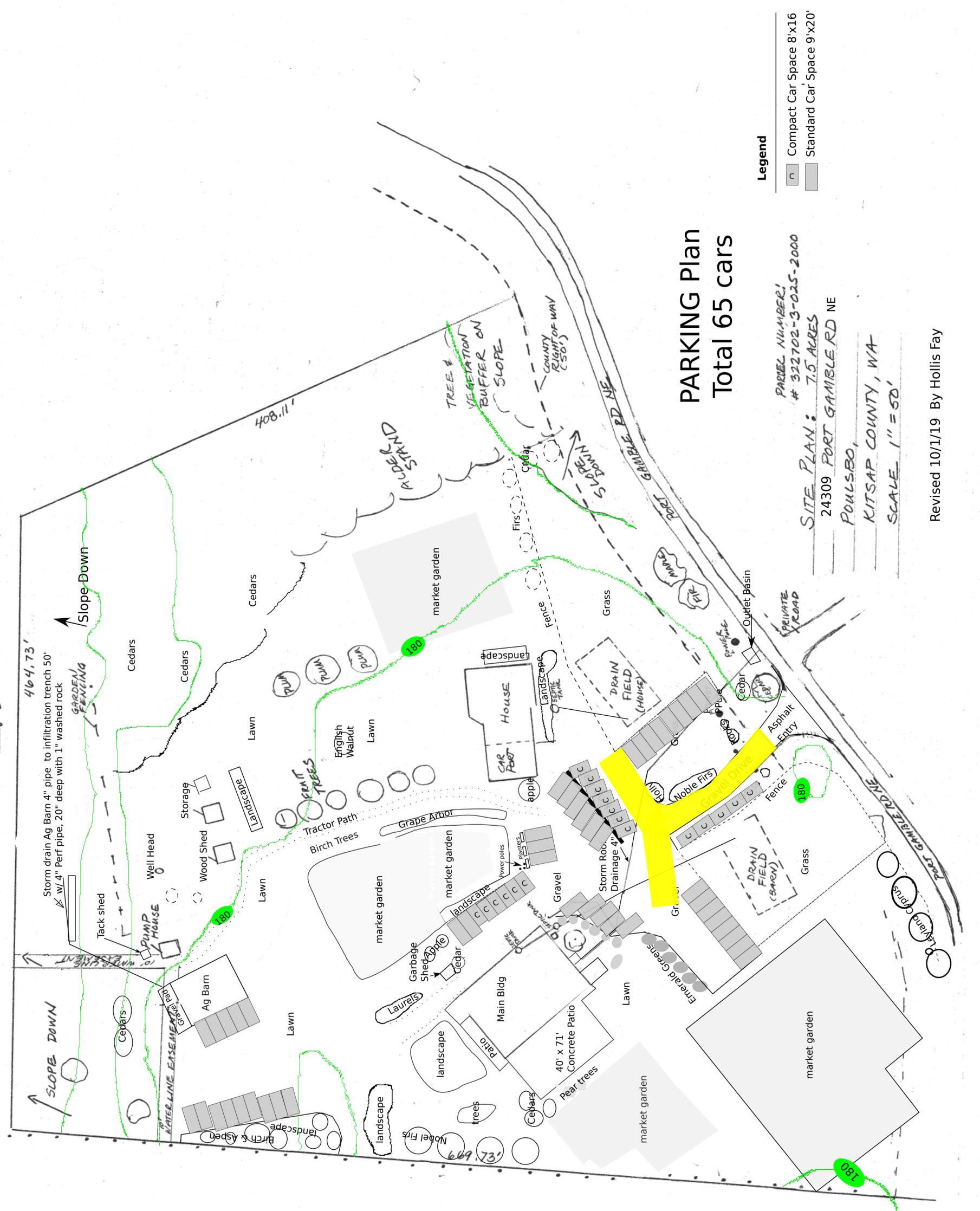
Date

Attachments:

Attachment A – Parking Plan

Attachment B – Zoning Map

CC: Hollis Fay, hollis@farmkitchen.com
Interested Parties: none to date 03.02.2020
Kitsap County Health District, MS-30
Kitsap County Public Works Dept., MS-26
DCD Staff Planner: Meg Sands



Legend

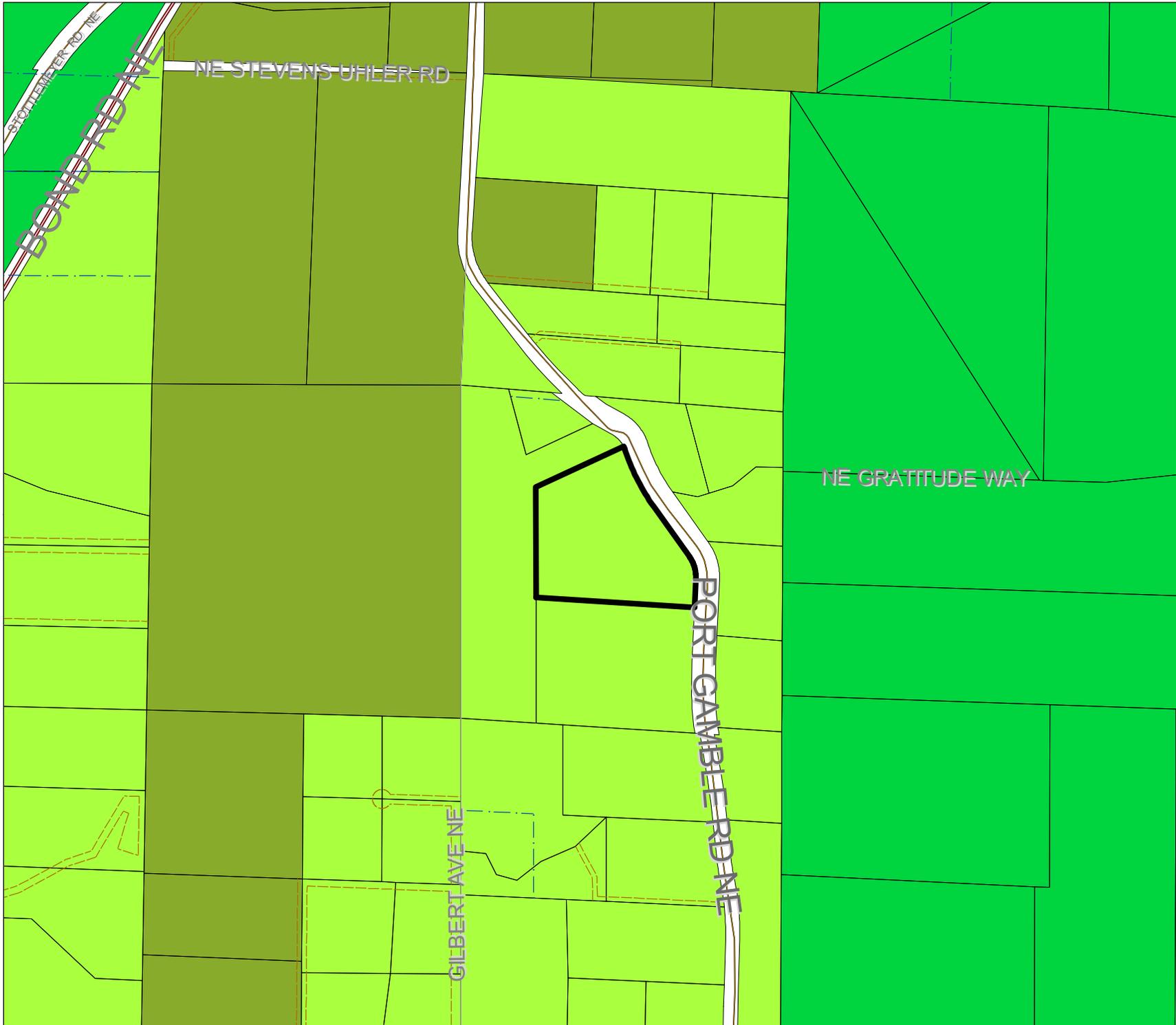
-  Compact Car Space 8'x16'
-  Standard Car Space 9'x20'

PARKING Plan
Total 65 cars

PARTIAL NUMBER!
 # 322702-3-025-2000
 SITE PLAN: 7.5 ACRES
 24309 PORT GAMBLE RD NE
 POUALSO,
 KITSAP COUNTY, WA
 SCALE 1" = 50'

Revised 10/1/19 By Hollis Fay

ATTACHMENT B - 19-01275 Farm Kitchen - Zoning



- Subject Parcel(s)
- Real Property Tax Accounts
- Easement
- Plat-Line
- State Highway
- Collector / Arterial
- PLSS Section Township Range
- RR - Rural Residential (1 DU/5 Ac)
- RP - Rural Protection (1 DU/10 Ac)
- RW - Rural Wooded (1 DU/20 Ac)



This map was created from existing map sources, not from field surveys. Determination of fitness for use lies with the user, as does the responsibility for understanding the accuracy and limitations of this map and data.

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