



Staff Report for the Hearing Examiner

Report Date: March 23, 2017

Application Submittal Date: April 11, 2016

Hearing Date: March 30, 2017

Application Complete Date: April 11, 2016

Permit Number: 16 01455

Project Name: Olalla Valley Winery and Vineyard

Type of Application: Conditional Use Permit (CUP)

This staff report was prepared by Meg Sands, Planner, Candy Vickery, Engineer 1, Katharine Shaffer and Steve Heacock, Environmental Planners, and David Lynam, Fire Marshal, based on information available up until the time the report was prepared. New information relevant to review of this application may become available prior to the hearing or at the hearing. Staff may wish to change their analysis based upon that new information, and reserves the right to do so.

Proposal Summary:

The Department of Community Development is recommending approval, subject to 31 conditions, of the applicants' request for a Conditional Use Permit to legally establish the existing Olalla Valley Winery tasting room as of the date of vesting and to establish a venue for outdoor weddings, public and private events, musical and arts and crafts functions, and charity functions. The property will continue to be used as a vineyard and winery, which is a permitted agriculture use.

The existing winery and tasting room operates May through October, Thursday through Saturday, noon to 6:00 PM and Sunday, 1:00 PM to 5:00 PM; November through April by appointment only.

Outdoor events will occur June, July, August and September only, from noon to 9:00 PM, for up to a maximum of 100 guests. Indoor events may occur year round, from noon to 9:00 PM, for up to a maximum of 35 people.

The 5.98 acre parcel is zoned Rural Protection (RP) and located at 13176 Olalla Valley Road SE in Olalla. The site and project is currently served by an on-site septic and a private well, but is required to establish a public water system.

Project Request:

The applicant is requesting a Conditional Use Permit for the existing Olalla Valley Winery tasting room and for events. The events aspect may include indoor public events such as musical, arts and crafts, and charity functions and private events such as birthday, anniversary, etc., primarily on weekends throughout the year. They also plan to hold 2 to 4 weddings and/or outdoor events per month on the weekends during June, July, August and September. Outdoor events will run from noon to 9:00 PM. The tasting room will operate: May through October: Thursday – Saturday noon to 6:00 PM, Sunday 1:00 PM – 5:00 PM and November through April: by appointment only. Indoor events are proposed to take place in the existing winery building with up to 35 guests. Temporary tent structures may be used for outdoor events. Outdoor events will accommodate up to a maximum of 100 guests.

Project Location:

13176 Olalla Valley Road
 Olalla, Washington
 South Kitsap County
 Commissioner District 2

Assessor's Account #:

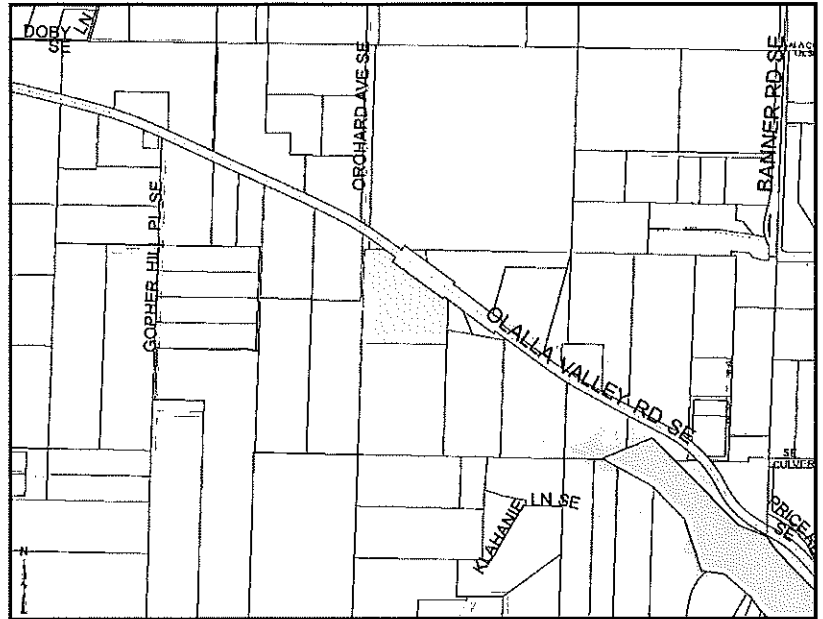
042202-1-007-2005

Applicant/Owner of Record:

Stuart Chisholm and Mary Ellen Houston
 13176 Olalla Valley Road SE
 Olalla, WA 98359

Project Representative:

William M. Palmer
 W.M. Palmer Consultants
 PO Box 6
 Port Orchard, WA 98366

**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 (Exhibit 6), 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 the Washington Administrative Code (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 April 21, 2016 (Exhibit 10). A Determination of Nonsignificance (DNS) was issued March 8, 2017 (Exhibit 25). SEPA noted the following comments: "The SEPA comment period previously occurred concurrent with the Notice of Application dated April 21, 2017. No Public comments were received, however, the applicant and representative have provided significant feedback to staff which may not be supported by Kitsap County code. Although these changes are not addressed in the site plan, there are environmental features and associated buffers on site where expansions will not be permissible, including for future structures, parking areas, and required public restrooms, including portable facilities".

SEPA conditions are as follows:

1. The proposal will be conditioned for wetland, stream and slope buffers per KCC Title 19.200, 19.300, and 19.400. Encroachment of new facilities into these existing buffer areas (beyond areas of existing clearings), are not permissible without further review by County staff.
2. The proposal will be conditioned for Stormwater control per KCC Title 12.

3. The applicant is required to have Kitsap Public Health District and Washington State Department of Health approval prior to CUP approval.

The SEPA conditions have been imposed and are listed respectively under conditions 7, 8, 9, 2, 3, 4, 11.

The SEPA appeal period expired March 22, 2017. No appeals were filed; therefore, the SEPA determination is final.

Physical Characteristics:

The irregular shaped 5.98 acres is developed with a single-family residence (SFR) near the south central portion of the property, a winery building with tasting room just north of the SFR, a barn/garage to the northwest of the SFR and barn and a shed to the east of the winery building (Exhibits 35 and 37). The parcel slopes downward from the north, northwest towards the south, southeast. The property gradually slopes on the northwestern half of the property (Exhibit 33). The property is screened along a majority of the north property line or along Olalla Valley Road, and the east and south property lines by a mix of deciduous and coniferous trees, with the majority of trees being deciduous (Exhibit 35).

A large portion of the site was previously converted to pasture, which a large portion has since been planted with typical residential vegetation near the SFR and vineyard plantings in the northwest corner. Additional grape plantings are planned to the south of the drainfield and the west side of the proposed grass parking area. There is also a small vineyard area to the east, southeast of the SFR and winery building.

Comprehensive Plan Designation and Zoning:

The Comprehensive Plan designation is Rural Protection (RP, Exhibit 28) and the Zoning designation is also RP (Exhibit 29).

Base/Maximum Density	not applicable
Minimum Lot Size	10 acres (for newly created lots, this is an existing legal lot)
Lot Width	140 feet
Lot Depth	140 feet
Maximum Height	35 feet

Standard Zoning Setbacks

Front	50 feet
Side	20 feet, 5 feet for an accessory structure, 50 feet for an agricultural structure
Rear	20 feet, 5 feet for an accessory structure, 50 feet for an agricultural structure

Setbacks for proposed event use (refer to Kitsap County Code 17.381.050 footnote 12)

Front	50 feet
Side	50 feet
Rear	50 feet

Surrounding Land Use and Zoning:

The surrounding area is zoned RP. Parcels in the area are predominately developed with a single-family residence (SFR) on acreage lots or undeveloped.



Zoning Map

Public Utilities and Services:

Water: onsite well
 Power: Puget Sound Energy
 Sewer: onsite septic system
 Police: Kitsap County Sheriff
 Fire: Fire Protection District No. 7
 Schools: South Kitsap School District #402

Policies and Regulations Applicable to the Subject Proposal:

The Growth Management Act of the State of Washington, Revised Code 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 December 11, 2006 (Amended December 2012)

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

Land Use
Policy LU-138

Require in development regulations site design that minimizes impervious surfaces, limits grading, and protects areas of undisturbed soils and vegetation in order to decrease stormwater runoff and hydrologic changes and maintain rural character. Minimize and mitigate for impervious surfaces and loss of natural vegetative cover.

Policy LU-139

Require that all sites meeting the definition of a major development as defined in KCC section 12.08.010 provide permanent facilities for the treatment of water runoff quality and quantity control through the application of BMPs. Encourage monitoring of larger-scale development projects and roads to assess their impacts to surface water quality.

Policy LU-140

Require individuals and groups responsible for operation and maintenance of stormwater facilities to operate and maintain their facilities in accordance with the requirements of Title 12 of the KCC, Stormwater Management Ordinance and Design Manual.

Policy LU-142

Maintain wetland hydrology and provide stormwater treatment prior to discharge into wetlands.

Policy LU-148

Encourage LID practices to reduce the need for stormwater facilities and maximize groundwater resources. Monitor the effectiveness of LID techniques when they are implemented as stormwater control BMPs.

Rural and Resource Lands

Policy RL-4

Outside of the Type III LAMIRDs, limit development only to that which serves rural residential or resource needs and not draw people from UGAs.

Policy RL-8

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, per Kitsap County Code 21.08. Such commercial and industrial uses must be consistent with GMA and Comprehensive Plan requirements for rural areas, preserve Kitsap County's rural character, and shall not allow urban-type uses or services.

Policy RL-14

Provide road and access standards that enable all-weather access for emergency response vehicles while preserving and enhancing rural character.

Policy RL-15

Ensure proper installation, use and maintenance of on-site septic systems.

Policy RL-66

Recognize that Kitsap County currently has no lands specifically designated and zoned for long-term commercially significant agricultural use.

Policy RL-67

Encourage and allow farming and agricultural activities in the designated rural areas of the County and consider them an important rural activity.

Policy RL-80

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.

Policy RL-82

Permit all agricultural uses as defined 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.

Policy RL-87

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.

Natural Systems

Policy NS-19

Protect marine and fresh surface water resources by ensuring that development, including rights-of-way, in critical areas is consistent with the CAO, Shoreline Management Master Program, and other applicable local regulations.

Policy NS-21

Require native vegetation buffers along streams and wetlands to protect the functions and values of those surface waters.

Policy NS-22

Strive to achieve no net loss of wetland function in the short term, and a measurable gain of wetland function in the long term, in the following manner: Avoid direct impacts on wetlands and buffers; minimize direct impacts to wetlands and buffers; and mitigate impacts through creation, restoration, or enhancement of wetlands or buffers.

Policy NS-40

Require vegetative buffers along surface waters to protect fish and wildlife habitat. Larger or enhanced buffer areas may be required to adequately protect priority fish and wildlife species. Buffer enhancement, restoration, and/or mitigation shall be required where buffers have been degraded or removed during new development.

Policy NS-42

Encourage developers to protect continuous corridors of native vegetation wherever possible, to disturb as little natural vegetation as feasible, and to enhance or restore wildlife habitat by transplanting or planting native vegetation in the developed landscape.

Economic Development

Policy ED-1

Balance business and industrial development with environmental protection and the provision of recreational open space.

Policy ED-5

Encourage business diversification to reduce dependence on government spending, commuter jobs outside of the county, and to minimize cyclical unemployment.

Policy ED-16

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.

Policy ED-24

Protect surrounding residential uses from significant impacts from increased commercial and industrial development.

Transportation**Policy T-25**

Maintain roadway/intersection site distance standards. Eliminate site obstructions such as utility poles, signs, parked vehicles and vegetation where site distance standards are not met.

Policy T-101

Implement access standards for all roadway types.

Policy T-103

Maintain rural design standards that enhance strong rural characteristics while providing adequate safety.

Policy T-104

Retain native vegetation as a priority.

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

Kitsap County Code (KCC)

Title 11	Roads, Highways and Bridges
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)
Title 19	Critical Areas Ordinance
Chapter 20.04	Transportation Facilities Concurrency Ordinance
Chapter 21.04	Land Use and Development Procedures

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 – 41.

Exhibit #	Document	Date or date stamped
8	Building Elevations	April 11, 2016
3	Condition Use Permit Application	April 11, 2016
6	Environmental (SEPA) Checklist	April 11, 2016
9	Floor Plans	April 11, 2016
27	Health District Email	March 16, 2017
37	Landscape Plan (revised)	March 20, 2017

Exhibit #	Document	Date or date stamped
5	Parking Narrative	April 11, 2016
5	Project Narrative	April 11, 2016
37	Site Plan (revised)	March 20, 2017
22	WA State Dept. of Health Email	February 17, 2017
14	Wetland Certification – Single-Family	August 25, 2016

Public Comments:

No comments received to date.

Analysis:**Land Use, Planning and Zoning**

The applicants' request is to legally establish the existing Olalla Valley Winery tasting room as of the date the Conditional Use Permit application vested and to establish a venue for outdoor weddings, public and private events, musical and arts and crafts functions, and charity functions.

The winery associated tasting room, weddings, events and functions are not a stated use at Kitsap County Code (KCC) 17.381 Allowed Uses, but they are most similar to and have impacts similar to a private recreational facility and/or club, civic or social use outlined in the code, which both require a Conditional Use Permit.

The vineyards and winery are classified as agricultural uses under the definition at KCC 17.110.050, which states " 'Agricultural uses' means the use of the land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, wholesale nurseries, floriculture, viticulture and wineries, apiaries, and animal and poultry husbandry, and the necessary accessory uses; provided, however, that the operation of any such accessory use shall be incidental to that of normal agricultural activities, and provided further, that the above uses shall not include slaughter houses and meat packing or commercial feed-lots". Agricultural uses are permitted in the RP zone.

The events aspect may include indoor public events such as musical, arts and crafts, and charity functions and private events such as birthday, anniversary, etc., primarily on weekends throughout the year. They also plan to hold 2 to 4 weddings and/or outdoor events per month on the weekends during June, July, August and September. Outdoor events will run from noon to 9:00 PM. The tasting room will operate: May through October, Thursday – Saturday, noon to 6:00 PM and Sunday 1:00 PM – 5:00 PM, and November through April, by appointment only. Indoor events are proposed to take place in the existing winery building with up to 35 guests. Temporary tent structures may be used for outdoor events. Outdoor events will accommodate up to a maximum of 100 guests. To help protect the rural residential character of the general area, the project has been condition to comply with the specifications outlined above and listed in their application.

Setbacks

All buildings and activities, including parking, are required to be set back 50 feet from a side or rear lot line based on the underlying zone of the subject property per Kitsap County Code 17.381.050 footnote 12, which states "All buildings and activities shall be set back a minimum of fifty feet in FRL, MRO, RW, RP, RR, RCO, RI or parks zones and thirty-five feet in all other zones from a side or rear lot line. All such uses shall access directly to a county right-of-way determined to be adequate by the county engineer, and be able to provide access without causing traffic congestion on local residential streets. Any such use shall not be materially detrimental to any

adjacent (existing or future) residential development due to excessive traffic generation, noise, light or other circumstances. The director may increase setback, buffer and landscaping standards or impose other conditions to address potential impacts”.

It appears from the site plan and identified location of activity this requirement will be met except for 1 parking space in the southerly grass parking area, and the project has been conditioned to comply with the 50-foot setback requirement. A Site Development Activity Permit (SDAP) will be required for this project and will be addressed below. The parking will need to comply with the setback requirement and be shown correctly on the approved SDAP, which will become the official site plan of record.

Critical Areas

A Type F or fish-bearing stream is located along the north property line of the eastern half of the parcel and a Category IV wetland is located in the southwest corner. The stream requires a 150-foot buffer and the wetland requires a 40-foot buffer, and both require a 15-foot building or impervious surface setback from the buffer line.

New proposed parking spaces are located outside the required critical areas buffers, but 6 parking spaces are located within the required 15-foot building or impervious surface setback. There are 4 parking spaces located in the impervious surface setback for the wetland. Kitsap County Code 19.200.220 Footnote F states: “minor structural or impervious surface intrusions into the areas of the setback may be permitted if the department determines that such intrusions will not adversely impact the wetland.” However, environmental staff does not recommend reducing the impervious service setback in this instance because parking closer to the wetland will have an adverse impact to the wetland. This permit has been conditioned to submit a Critical Area Buffer Reduction application with the required associated minor engineered SDAP.

There are 2 parking spaces located in the impervious surface setback for the fish-bearing stream on the eastern portion of the property. However, there is already an existing driveway impacting the stream buffer and the impervious surface setback. A Critical Area Buffer Reduction will not be required for the stream. This is not the case for the wetland buffer and impervious setback.

International Building Code (IBC) and International Fire Code (IFC)

Fire Flow

The existing winery building falls below the threshold requiring fire flow.

Permits

A fire code permit is required for a tent over 400 square feet.

Any event held in excess of 35 people cannot utilize the tasting room or winery building unless an additional bathroom is provided in compliance with the IBC and Health District regulations.

Restrooms

The use of portable toilets for wedding venues shall not exceed six months without at least a six month break between use periods.

Water

Public water is required for this project, but has not yet been approved by Washington State Department of Health (DOH, Exhibit 22). The Kitsap Public Health District (KPHD) noted on their decision document (Exhibit 27): Well Site Inspection Memo #320984 approved for expansion from private well to Group A TNC (transient non-community). The applicant has been working for nearly

a year to comply with all requirements to convert from a private well to a public water system. Wine tasting activities may continue to occur, subject to the 35 occupancy limit established by the single bathroom limitation and the International Building Code (IBC). When an additional bathroom is added to the tasting room/winery building, in compliance with all IBC and IFC (International Fire Code) requirements, the occupancy limit would be set at no more than 50 due to the KPHD limitations and could be further limited based on the IBC and IFC.

No food service preparation or cleaning may occur on the property for events. Off-site caterers only for events other than wine tasting. The wine tasting room is allowed to serve ready-to-eat food items that have been produced in a licensed facility, such as pre-cut hard cheeses, fruit (except melons), and vegetables. Single serve glasses must be used for wine tasting until Public Water is approved.

Sewage Treatment

A Commercial Building Clearance has been approved by the Kitsap Public Health District (Exhibit 27). Based on the additional drainfield added in 2008, the tasting room has sewage capacity for 50 people maximum. Any events held on the property are limited to 50 people if the tasting room bathroom is utilized. However, the tasting room in the winery building is limited to a maximum of 35 people for any events currently due to building code limitations. The 35 people occupancy limit cannot be exceeded without obtaining a commercial building permit and complying with all relevant IBC requirements.

Events held on the property in excess of 50 people require the use of portable toilets. Any event held in excess of 35 people cannot utilize the tasting room or winery building unless an additional bathroom is provided in compliance with the IBC, and any bathroom use (not portable toilets) in excess of 50 people also requires approval of the Health District, which may require a new Building Site Application (BSA) and expansion of the existing drainfield.

Stormwater

An additional approximately 12,000 square feet of new impervious surface area has been proposed for new parking areas to create 37 new grass parking spaces. This does not exceed thresholds to require a Major Site Development Activity Permit, however, this impervious surface area has been calculated from scaling the site plan provided. The project is conditioned that if the actual new impervious surface area exceeds the threshold of 5% of the total parcel area, a Major Site Development Activity Permit (SDAP) is required.

Due to the location of the parking areas and their proximity to the wetland in the southwest corner of the site, and the stream crossing the northeasterly portion of the site, a minor engineered Site Development Activity Permit is required to be submitted within 90 days of the Hearing Examiner Decision. The Site Development Activity Permit shall provide design for water quality feature(s) to capture and treat all runoff from the parking areas. The project is vested to the 2010 version of Title 12 Stormwater Code and Design Manual.

Solid Waste

The application materials state that the property is not currently served by Waste Management, nor is there any plan for Waste Management to serve the property. As a result, the owners are responsible for the removal of all solid waste and recyclables from the site and for transport of all solid waste and recyclables to a facility established to receive them. "All solid waste and recyclables" includes that produced by the wine-making process, that produced by the events, and household solid waste.

Access and Roads

Access to the project is via Olalla Valley Road SE, a paved county road classified as a rural major collector. Driveway access is existing for the site; however, the approach may need to be improved to meet current standards. The project will be conditioned to comply with sight distance standards required in the Kitsap County Road Standards.

Traffic

This project is anticipated to have a minor traffic impact for most planned events and general operation of the tasting room, which would be for a maximum of 35 people, and less than a moderate traffic impact for weddings and other events for up to a maximum of 100 people.

Parking

The County has determined 45 parking spaces are required to accommodate the maximum number of 100 people at an event. This is a ratio of 2.2 people per vehicle. Based on available parking outlined by the applicant of approximately 48 parking spaces (Exhibit 5, page 4 of 4, item 8), the County's determination is in line with the applicant's expected need. The project narrative indicates that the private graveled driveway and entry area can accommodate additional vehicles, providing approximately 14 additional spaces. The applicant was requested to delineate the available spaces, but has chosen not to comply with this request (Exhibits 23 and 37). Depending on the configuration of stacked parked vehicles, adequate access of emergency fire vehicles could be adversely impacted and firefighting capabilities would not have the required access to within 150 feet to all points of the winery building. The project has been conditioned to maintain adequate fire apparatus access during any events.

Based on the revised site plan submitted March 20, 2017, the grass parking has been reconfigured into 2 areas with 10 spaces in the northerly area and 27 spaces in the southerly area for a total of 37 new grass parking spaces proposed. However, as covered in detail above under the Critical Areas heading, 6 proposed spaces are located within the required impervious surface setback, however the 2 spaces located in the northerly area would not have a negative impact to the stream because of the already existing impact created by the driveway and 4 spaces would have a negative impact to the wetland. They were previously given the option to relocate the parking spaces to another area or obtain a critical areas buffer reduction as indicated in Exhibit 15, which they have chosen to not comply with as outlined in Exhibit 17.

Furthermore, 1 grass parking space located in the southerly area is located within 50 feet of the west side property line and is not permitted per KCC 17.381.050 footnote 12.

A total of 5 parking spaces will need to be relocated unless the applicant applies for and is granted a critical areas buffer reduction. Assuming the buffer reduction is granted, only 1 grass parking space will need to be relocated to comply with the 50-foot side yard setback.

The SDAP shall show the planned parking configuration for 45 spaces, including the necessary parking spaces located on the existing gravel area. All parking spaces shall comply with required zoning and impervious surface setbacks. In addition, fire apparatus access requirements shall be met.

Landscaping

A minimum of 15% of the site is required to be landscaped (KCC 17.385.025). Well over 75% of the property is landscaped. The property is attractively landscaped and the proposed outdoor event area is functionally screened from adjacent properties through a combination of vegetation and buildings.

Signage

Signage for the site was approved under Sign Permit 09 73855, which was for a 4-foot by 6-foot or 24 square foot monument sign located on the east side of the site entrance to the property. There is also an arm sign located on the west side of the site entrance, approximately 2 feet by 3 feet or 6 square feet, and 6 feet high, which does not require a permit (Exhibit 39).

Agency Recommendation

Development Services and Engineering recommends approval of this project with 23 conditions, of that Development Engineering has 6 conditions (Exhibit 26), Environmental Review has 3 conditions, and Planning/Zoning has 14 conditions. Fire Marshal recommends approval with 4 conditions. Kitsap Public Health District recommends approval with 4 conditions (Exhibit 27).

Staff Evaluation of Decision Criteria

1. The Hearing Examiner has review authority for this Conditional Use Permit application under KCC, Sections 17.421.020 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.
2. The proposal is consistent with the comprehensive plan.
3. The proposal complies with or will comply with requirements of Title 17 and complies with or will comply with all of the other applicable provisions of the KCC and all other applicable regulations, including all applicable development standards and design guidelines, through the imposed conditions outlined in this report.
4. The proposal will not be materially detrimental to existing or future uses or property in the immediate vicinity.
5. 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.

Recommendation:

Based upon the information above, the Department of Community Development recommends that the Conditional Use Permit (CUP) request for Olalla Valley Winery and Vineyard be approved, subject to the following 31 conditions:

Development Services and Engineering**Development Engineering****Solid Waste**

1. The owners shall be responsible for removal of all solid waste and recyclables from the site and for transport of all solid waste and recyclables to a facility established to receive them. "All solid waste and recyclables" includes that produced by the wine-making process, that produced by the events, and household solid waste.

Stormwater

2. A minor engineered Site Development Activity Permit shall be submitted within 90 days of the Hearing Examiner Decision. The Site Development Activity Permit shall provide design for water quality feature(s) to capture and treat all runoff from the parking areas in compliance with the 2010 version of Title 12 Stormwater Code and Design Manual.
3. If the actual new impervious surface area exceeds the threshold of 5% of the total parcel area, a Major Site Development Activity Permit (SDAP) shall be required.
4. If the project proposal is modified from that shown on the submitted site plan dated March 20, 2017, Development Services and Engineering shall require additional review and potentially new conditions.

Traffic and Roads

5. 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.
6. Access shall be designed to Kitsap County Road Standards, Figure 4-1. The Site Development Activity Permit application shall include the access design and sight distance calculations at the intersection of the driveway with Olalla Valley Road SE. Existing approaches may need to be improved to meet current standards.

Environmental Review

7. A 40-foot native vegetation buffer shall be maintained along the delineated wetland boundary as depicted on the revised site plan.
8. Permit approval subject to chapter 19.300.315 of Kitsap County Code, which states that buffers or setbacks shall remain undisturbed natural vegetation areas except where the buffer can be enhanced to improve its functional attributes. Refuse shall not be placed in buffers.
9. The Critical Area Buffer Reduction shall be submitted within 90 days with the associated Site Development Activity Permit to reduce the wetland buffer.

Planning/Zoning

10. All required permits shall be obtained prior to commencement of land clearing, construction and/or occupancy.
11. This permit shall comply with all Kitsap Public Health regulations and conditions of approval.
12. Winery/Tasting Room activities shall be limited to: May through October, Thursday through Saturday, noon to 6:00 PM and Sunday, 1:00 PM to 5:00 PM. November through April – by appointment only.
13. Events may occur seven days per week and shall be limited between the hours of 9:00 AM to 9:00 PM. Indoor events may occur year round. Outdoor events, including weddings, shall be limited to June, July, August and September.

14. The Site Development Activity Permit shall show the planned parking configuration for 45 spaces, including the necessary parking spaces located on the existing gravel area. All parking spaces shall comply with required zoning and impervious surface setbacks. In addition, fire apparatus access requirements shall be met. The approved Site Development Activity Permit shall become the official site plan of record.
15. The grass parking areas shall be striped, temporary striping shall be acceptable, prior to each scheduled event.
16. All events shall comply with the noise regulations at Kitsap County Code Title 10, specifically Chapter 10.28 Noise.
17. 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 the rural character of the area. Light standards (poles) shall not exceed 20 feet in height.
18. 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 and agreement to abide by the terms and conditions of the 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.
19. 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.
20. 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.
21. The decision set forth herein is based upon representations made and exhibits contained in the project application 16 01455. 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.
22. 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 90 days of the Notice of Decision date or the resolution of any appeals.

- 23. Any violation of the conditions of approval shall be grounds to initiate revocation of this Conditional Use Permit.

Fire Marshal

- 24. The use of portable toilets for wedding venues and events shall not exceed six months without at least a six month break between use periods.
- 25. Wedding venues and events that exceed 35 people shall be entirely separate from the existing winery / wine tasting business. No portions of the existing winery / tasting buildings shall be used for any purpose for wedding or other events that exceed 35 people. This limitation supersedes the Health District conditions 28 and 29 below.
- 26. Fire apparatus access for the winery / tasting buildings shall be maintained during wedding venues and other events.
- 27. Tents having an area of more than 400 square feet shall require a separate fire code permit.

Health District

- 28. Any events held on the property shall be limited to 50 people if the tasting room bathroom is utilized. Refer to condition 25 above for further limitations.
- 29. Events held on the property in excess of 50 people shall require the use of portable toilets. Refer to conditions 24 and 25 above for further limitations.
- 30. Additional land use requirements that impact the septic or water use shall require additional Health District applications and review.
- 31. No food service preparation or cleaning shall occur on the property for events. Off-site caterers only for events other than wine tasting. The wine tasting room shall be allowed to serve ready-to-eat food items that have been produced in a licensed facility, such as pre-cut hard cheeses, fruit (except melons), and vegetables. Single serve glasses shall be used for wine tasting until Public Water is approved.

Attachments:

Appendix A – Site Plan - Revised (Exhibit 37)



Meg Sands, Staff Planner

23 MARCH 2017
Date



Scott Diener, Development Services and Engineering Manager

3.23.17
Date

C: Applicant/Owner: Stuart Chisholm and Mary Ellen Houston, stucsr@gmail.com
Project Representative: William Palmer, wpconslts@telebyte.net
Interested Parties: None identified to date
Kitsap County Health District, MS-30
Kitsap County Public Works Dept., MS-26
Washington State Department of Health, Jocelyne Gray, jocelyne.gray@doh.wa.gov
DCD Staff Planner: Meg Sands
DCD Code Compliance
DCD File 16 01455
DCD Building Permit File

Appendix A
Site Plan - Revised (Exhibit 37)

16 01455

