



## Notice of Administrative Decision

**Date:** June 4, 2018

**To:** Joel Hanson and Emily Swain, [joelhanson87@yahoo.com](mailto:joelhanson87@yahoo.com)  
Interested Parties and Parties of Record

**RE:** **Permit Number:** 17-04460  
**Project Name:** John's Auto-Body Shop  
**Type of Application:** Administrative Conditional Use Permit

**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](mailto: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:** Interested Parties:  
None  
Kitsap County Health District, MS-30  
Kitsap County Public Works Dept., MS-26  
Navy  
DSE  
Kitsap Transit  
North Kitsap Fire District  
North Kitsap School District  
Puget Sound Energy  
City Planning Director  
Point No Point Treaty Council  
Suquamish Tribe  
Port Gamble S'Klallam Tribe

17-04460 John's Auto-Body Shop ACUP  
06/04/2018

WA Dept of Fish & Wildlife  
WA State Dept of Ecology-SEPA  
WA State Dept of Transportation  
Puget Sound Clean Air Agency  
DCD Staff Planner: Holly Roberts



## **Administrative Staff Report**

Report Date: May 30, 2018

Application Submittal Date: October 25, 2017

Application Complete Date: October 25, 2017

**Project Name:** John's Auto Body

**Type of Application:** Administrative Conditional Use Permit (ACUP)

**Permit Number:** 17-04460

### **Project Location**

5795 NE Minder Road

Poulsbo, WA 98370

Commissioner District #1

### **Assessor's Account #**

292702-1-031-2001

### **Applicant/Owner of Record**

Joel Hanson

Emily Swain

PO Box 2914

Poulsbo, WA 98370

### **VICINITY MAP**



### **1. Background**

The applicant proposes to relocate an existing auto body shop to an existing, developed property within an industrial park in north Kitsap County. The proposal will utilize the existing 7,908 square foot building for office space, auto body shop, spray booth, and a paint storage room. The applicant will install a pre-manufactured spray booth with associated ventilation, filters and hazardous waste disposal under separate permitting. No vehicle servicing or mechanical work will occur on-site.

### **2. Project Request**

The applicant is requesting Administrative Conditional Use Permit (ACUP) approval to operate an auto body shop with associated office, paint booth and parking on the subject property.

### **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 record as it was issued, since it cannot be changed by the Director.

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 November 6, 2017. A Determination of Nonsignificance (DNS) was issued on May 15, 2018. SEPA noted the following information/SEPA mitigation conditions have been imposed and are listed at the end of this report:

The proposal will be conditioned for Stormwater Control per Kitsap County Code Title 12 and for Critical Areas per Kitsap County Code Title 19.

The SEPA appeal period expired May 29, 2018. No appeals were filed; therefore, the SEPA determination is final.

**4. Physical Characteristics**

The subject property is 1.23-acres in size and is triangular shaped. It slopes gradually from the northeast to the southwest. There are no mapped critical areas on the property. The entire property falls within a Category 1 Critical Aquifer Recharge Area. The property is developed with an approximately 7,908 square foot building, access road and associated parking. A native vegetation screening buffer along the north property line is well vegetated and provides adequate screening from Bond Road NE. A smaller less vegetated buffer along the south property line, and south of the easement road exists and provides adequate screening to the rurally zoned property to the south. Enhancement of this southerly buffer is not deemed necessary as it contains a mix of mature evergreen trees and native shrubs and brush. Additionally, the property to the south is zoned Rural Wooded and is actively used for timber harvest and is not developed with any residential structures.

**Table 1 - Comprehensive Plan Designation and Zoning**

Comprehensive Plan: Limited Area of More Intensive Rural Development (LAMIRD) Zone: Rural Employment Center (REC)	Standard	Proposed
Minimum Density	NA	NA
Maximum Density	NA	

Minimum Lot Size	NA	NA
Maximum Lot Size	NA	NA
Minimum Lot Width	NA	NA
Minimum Lot Depth	NA	NA
Maximum Height	35 feet	Existing Building
Maximum Impervious Surface Coverage	85%	Approximately 51% existing. No new proposed
Maximum Lot Coverage	NA	NA

Applicable footnotes: None.

**Table 2 - Setback for Zoning District**

	Standard	Proposed
Front (North and West)	20 feet	Approximately 70 feet (existing)
Side (East)	10 feet, 20 when abutting residential (does not abut residential)	Approximately 18 feet (existing)
Side (South)	10 feet, 20 when abutting residential (does not abut residential)	Approximately 60 feet (existing)
Rear (None)	NA when a lot has multiple front yards	NA

**Table 3 - Surrounding Land Use and Zoning**

Surrounding Property	Land Use	Zoning
North	Industrial Park	Rural Employment Center (REC)
South	Forest Land	Rural Wooded (RW)
East	Industrial Park	Rural Employment Center (REC)
West	Industrial Park Large single-family parcels	Rural Employment Center (REC) Rural Residential (RR)

**Table 4 - Public Utilities and Services**

	Provider
Water	Kitsap PUD #1
Power	Puget Sound Energy
Sewer	On-Site Septic
Police	Kitsap County Sherriff
Fire	North Kitsap Fire & Rescue
School	North Kitsap School District #400

**5. Access**

The property accesses from a private 30-foot ingress/egress and utility easement that serves the existing industrial park. Access to the private easement is from Minder Road NE, a County maintained road.

**6. Site Design**

The property is currently developed with a 7,908 square-foot industrial building that was previously used for a concrete business. The site has existing landscaping and parking areas. No site work is proposed or required. All work is interior and includes the installation of a paint booth.

**7. Policies and Regulations Applicable to the Subject Proposal**

The Growth Management Act of the State of Washington, RCW 36.70A, requires that the County adopt a Comprehensive Plan, and then implement that plan by adopting development regulations. The development regulations must be consistent with the Comprehensive Plan. The Comprehensive Plan process includes public involvement as required by law, so that those who are impacted by development regulations have an opportunity to help shape the Comprehensive Plan which is then used to prepare development regulations.

Kitsap County Comprehensive Plan, adopted June 30, 2016

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

*Land Use Goal 14*

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

*Land Use Policy 57*

*Unlimited expansion of commercial and industrial uses in the rural areas is not appropriate. Accordingly, only limited new commercial and industrial uses will be permitted in the rural areas. Such commercial and industrial uses must be consistent with the Growth Management Act and Comprehensive Plan requirements for rural areas, preserve Kitsap County's rural character, and shall not allow urban-type uses or services.*

*Economic Development Goal 1*

*Promote a healthy and diverse economy that provides for a strong and diverse tax base, encourages business formation, retention, and expansion; creates industrial and professional business and employment opportunities to attract new business to the County.*

*Economic Development Policy 3*

Provide a diverse mix and appropriate range of commercial, industrial and business and uses that will encourage economic activity capable of providing living-wage jobs and reasonably scaled to the needs of the community.

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

Code Reference	Subject
Title 12	Storm Water Drainage
Title 13	Water and Sewers
Title 14	Buildings and Construction
Title 17	Zoning
Chapter 18.04	State Environmental Policy Act (SEPA)
Chapter 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**

**Applicant submittals**

<u>Document</u>	<u>Dated or date stamped</u>
Administrative CUP Application	October 25, 2017
Supplemental Application	October 25, 2017
Environmental (SEPA) Checklist	October 25, 2017
Hydrogeologic Report	April 17, 2018
Site Plan	October 25, 2017
Project Narrative	October 25, 2017

**9. Public Outreach and Comments**

This application was noticed pursuant to Kitsap County Code, Chapter 21.04. Property notice was distributed to property owners within an 800-foot radius of the subject property. No comments were received.

**10. Analysis**

**a. Planning/Zoning**

This proposal was reviewed as an automobile repair and car wash requiring an Administrative Conditional Use Permit in the Rural Employment Center (REC) zone. The Development was specifically reviewed for consistency with requirements in Kitsap County Code Title 17 "Zoning" (Chapter 17.360E Rural Employment Center and 12 Trees Employment Center Zones, Chapter 17.410.040(C) Allowed Uses, 17.420.030 Design Standards, 17.420.050(C) Limited Areas of More Intensive Rural Development (LAMIRD) Density and Dimensions Table, and Chapter 17.540 Administrative Conditional Use Permit).

Kitsap County Code 17.360E Rural Employment Center Purpose

The rural employment center (REC) and 12 Trees employment center (TTEC) zones provide for isolated areas of industrial and commercial type uses in the rural areas of Kitsap County. The REC and TTEC are not required to principally serve the existing and projected rural population, but rather to promote the rural economy by providing and creating jobs close to home. This zone encompasses a Type III limited area of more intensive rural development, and shall protect Kitsap County's rural character, by containing and limiting rural development. Development within this zone must not conflict with surrounding uses, and must assure visual compatibility with the surrounding area. The methods for achieving such purpose are by providing for buffers and limiting the size and height to be appropriate for the rural areas.

17.360E.030 Special provisions

- A. Landscaping. It is recognized that buffers have value in providing a consistent screening between uses, intensities and zones which may otherwise conflict. Buffers shall only be required along the exterior boundary of the rural employment center and 12 Trees center zones.

Staff Response:

*There is an existing 40-foot buffer along the north property line where the property boundary abuts Bond Road NE. The existing buffer is adequate and provides consistent screening.*

1. For new development where existing approved screening buffers abut the subject lot, the director shall apply an appropriate screening buffer width of no less than twenty-five feet and no greater than fifty feet, depending on the proposed project or site impacts, such as traffic generation, light, noise, glare, odor, dust, and visual impact, adjacent to residential development. To the extent feasible, the director shall maintain consistent buffer widths throughout the development.

Staff Response:

*No existing approved screening buffers abut the subject lot, therefore this requirement is not applicable.*

2. For new development where there are not existing approved screening buffers abutting the subject lot, the director shall apply an appropriate screening buffer width of no less than twenty-five feet and no greater than fifty feet, depending on the proposed project or site impacts, such as traffic, light, noise, glare, odor, dust, and visual impact, adjacent to residential development.

Staff Response:

*Pursuant to KCC 17.360.E.030.A buffers shall only be required along the exterior boundary of the rural employment center zone. A 40-foot landscaping buffer exists and shall be maintained along the north property line abutting Bond Road NE (see condition*



11). A 20-foot wide buffer exists and shall be maintained along the south property line (see condition 12). The buffer is reduced from 25 feet to 20 feet as an existing developed access and utility easement prevents the buffer from being increased. The east and west property lines abut other REC zoned properties, therefore no additional buffers are required.

3. All legally created existing businesses, upon the date of adoption, within the REC and TTEC boundaries, are exempt from complying with the above.

Staff Response:

The business did not exist at this location prior to the adoption of Title 17, therefore this code provision does not apply.

**b. Lighting**

Kitsap County Code 17.420.030.C requires that artificial outdoor lighting shall be arranged so that light is directed away from adjoining properties and so that no more than one foot candle of illumination leaves the property boundaries.

Staff Response:

The building and any associated lighting are existing. The project has been conditioned to comply with this requirement (see condition 10).

**c. Off-Street Parking**

**Table 5 - Parking Table**

Use Identified in 17.490.030	Standard	Required Spaces	Proposed Spaces/Existing Spaces
Shops and stores for service or repair of automobiles	1 per 600 square feet of gross floor area	(7,908/600)	15 existing parking spaces
Total		13.18 or 14 spaces	15

**d. Signage**

Signs shall comply with Kitsap County Code 17.510. Signs require separate permitting (see condition 3).

**e. Landscaping**

**Table 6 - Landscaping Table**

	Required	Proposed
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Required Landscaping (Sq. Ft) 15% of Site	Total Site – 53,579 x 15% 8,036.85 square feet	27,443 (existing)
Required Buffer(s) 17.500.025		
North	Roadside and Setback Buffer	Roadside and Setback Buffer
South	Solid Screening Buffer	Solid Screening Buffer
East	None Required	NA
West	Roadside and Setback Buffer	Roadside and Setback Buffer
Street Trees	None Required	NA

**f. Frontage Improvements**

None Required. This project is not a subdivision, nor is it located with an Urban Growth Area, nor within a Design District that would require frontage improvements.

**g. Design Districts/Requirements**

Not Applicable. The subject property is not located within a Design District.

**h. Development Engineering/Stormwater**

Development Services and Engineering has reviewed the above land use proposal and finds the concept supportable in its approach to civil site development. These comments are based on a review of the Administrative Conditional Use Permit application materials stamped received October 25, 2017, to Kitsap County Development Services and Engineering; and on additional information stamped received April 17, 2018.

**i. Environmental**

Kitsap County Environmental review staff have reviewed this project and determined that with mitigating measures, no environmental impacts are created in approving this project. The property lies within a Category I Critical Aquifer Recharge Area. A Hydrogeologic Report was required as part of the review process. The report addresses concerns regarding possible contamination. Solvents are to be collected and taken off-site. There are no floor drains in the paint booth and air vents will filter and collect solids. Best management practices are to be adhered to as outlined in the report (see conditions 15 - 18).

**j. Access, Traffic and Roads**

Access to the site is existing and taken generally from NE Minder Road a County maintained road. There is a 30-foot wide access and utility easement located along the

south property line which provides access to the subject property as well as other lots within the industrial park.

Public works has reviewed for traffic concurrency and has not noted any additional requirements for approval of this project.

**k. Fire Safety**

The Kitsap County Fire Marshal's Office has completed review of the proposed project. The submitted building plans indicate that the existing building is sprinklered. Based on the submitted documentation, access and fire flow requirements are met. Additional permits are required for the installation of the spray booth and for occupancy of the existing structure (see conditions 20 & 21).

**l. Solid Waste**

Provisions for solid waste disposal are required. The project has been conditioned for compliance with Waste Management's requirements for solid waste disposal (see condition 22).

**m. Water/Sewer**

The subject property is currently served by public water and on-site septic.

**n. Kitsap Public Health District**

Kitsap Public Health has reviewed this application for compliance with applicable Health District regulations. The Health District has conditioned the project to not allow industrial wastewater to be discharged into the septic system. Sampling is required (see condition 24).

**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 Department 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.

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 **approval** of the Administrative Conditional Use Permit (ACUP) request for John's Auto Body, subject to the following 24 conditions:

#### **a. Planning/Zoning**

1. All required permits shall be obtained prior to commencement of land clearing, construction and/or occupancy.
2. Landscaping shall be maintained in conformance with the requirements of Kitsap County Code (KCC) 17.500.
3. 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.
4. 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.
5. 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.

6. The decision set forth herein is based upon representations made and exhibits contained in the project application 17-04460. 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.
  7. 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.
  8. 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.
  9. Any violation of the conditions of approval shall be grounds to initiate revocation of this Administrative Conditional Use Permit.
  10. 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.
  11. The existing 40-foot wide landscaping buffer along the north property line as depicted on the site plan date stamped October 2, 2017 shall be maintained in accordance with Kitsap County Code 17.500.
  12. The existing 20-foot wide landscaping buffer along the north property line as depicted on the site plan date stamped October 2, 2017 shall be maintained in accordance with Kitsap County Code 17.500.
- b. Development Engineering**
13. The owner shall follow the stormwater system maintenance inspection and cleaning recommendations contained in the Maintenance Certification, prepared by A-1 Services, Inc., dated April 13, 2018.
  14. If the project proposal is modified from that shown on the submitted site plan

dated April 17, 2018, Development Services and Engineering will require additional review and potentially new conditions.

**c. Environmental**

15. No vehicle servicing or mechanical work shall be performed on-site. No storage of engine oil, transmission fluid, gasoline, etc. is proposed or authorized.
16. The paint storage room shall include measures to contain spills and include proper ventilation. There shall be no floor drains in the paint storage room.
17. The paint spray booth shall include measures for airflow circulation and filtration that includes collection of excess paint. There shall be no floor drains in the paint spray booth.
18. Best Management Practices (BMP's) outlined in the Hydrogeologic Report by Robinson Noble dated February 28, 2018, including proper storage of all paints, solvents, ect. in the spill-contained storage room and regular replacement of spray room filters as needed shall be followed and adhered to.

**d. Traffic and Roads**

19. Any work within the County right-of-way shall require a Public Works permit and possibly a maintenance or performance bond. This application to perform work in the right-of-way shall be submitted as part of the building permit process. The need for and scope of bonding will be determined at that time.

**e. Fire Safety**

20. A Commercial Building Permit is required prior to commencing any work or occupancy.
21. A separate fire permit is required for the installation of the paint booth.

**f. Solid Waste**

22. The solid waste service provider, Waste Management (360) 674-3166, shall be contacted for information on implementing the service provider's solid waste/recycling storage requirements for the proposed activity. Indicate method of waste disposal on the final plans. Documentation shall be provided by the solid waste/recycling service provider that their requirements for this project have been met. The required information shall be submitted with the commercial building permit application.

**g. Kitsap Public Health District**

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


24. No industrial wastewater to be discharged in the septic system. Sampling will be required to ensure no industrial wastewater is being discharged.

**Report prepared by:**

  
\_\_\_\_\_  
Holly Roberts, Staff Planner / Project Lead

May 30, 2018  
Date

**Report approved by:**

  
\_\_\_\_\_  
Shawn Alire, DSE Supervisor

May 30, 2018  
Date

**Attachments:**

Attachment A – Zoning Map

CC: Applicant/Owner Joel Hanson & Emily Swain, joelhanson87@yahoo.com  
Interested Parties: None  
Kitsap County Health District, MS-30  
Kitsap County Public Works Dept., MS-26  
DCD Staff Planner: Holly Roberts

Attachment A

