



Administrative Staff Report

Report Date: 11/16/21

Application Submittal Date: 2/23/21

Application Complete Date: 4/28/21

Project Name: Camp-Olsten - Business land use permit for moderate home business

Type of Application: Type II Moderate Home Business, Administrative Conditional Use Permit

Permit Number: 21-01116

Project Location

5780 SE Lake Valley Rd
Port Orchard, WA
Commissioner District #2

Assessor's Account

082302-1-009-2008

Applicant/Owner of Record

Joel Camp & Nancy Olsten
5780 SE Lake Valley Rd
Port Orchard, WA 98367-8022

Decision Summary

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

VICINITY MAP



1. Background

Applicant proposes to operate a private school that assists homeschool families and provides tutoring on the site to serve no more than 10 children a day, Monday through Friday, 9:30-2:30, by appointment only. The school will be operated in an existing 900 square foot outbuilding. The property is zoned Rural Protection (RP).

2. Project Request

Applicant requests a moderate home business approval, Level II Review.

3. SEPA (State Environmental Policy Act)

Pursuant to WAC 197-11-800(6)(b), the proposal for a home business (home occupation) is exempt from SEPA review.

4. Physical Characteristics

The property is approximately 20 acres in size and is rectangular. More than three quarters of the property is wooded, and Curley Creek crosses the property running generally southwest from about the midpoint of the north property line to the southwest corner. There are hydric soils associated with the creek as well high erosion soils on the east portion of the property. The home, associated outbuildings, and structure for the proposed project are all located on approximately 2.5 acres in the northwest corner of the property, closest to SE Lake Valley Road. The structures are all screened by existing trees on both the west and north property lines. The 1674 square foot home was built in 1937, a detached garage of 864 square feet was built in 2007, and the general purpose building proposed to be used for the school was built in 2017 and is 900 total square feet.

Table 1 - Comprehensive Plan Designation and Zoning

Comprehensive Plan: Rural Protection Zone: Rural Protection	Standard	Proposed
Minimum Density	NA	NA. Request is not for a land division
Maximum Density	1 du/10 acres	
Minimum Lot Size	10 acres	NA
Maximum Lot Size	NA	NA
Minimum Lot Width	140	NA
Minimum Lot Depth	140	NA
Maximum Height	35 feet	NA
Maximum Impervious Surface Coverage	NA	NA
Maximum Lot Coverage	NA	NA

Applicable footnotes: None

Staff Comment: No building permit is being requested as part of this application.

Table 2 - Setback for Zoning District

	Standard	Proposed
Front (West)	50 feet	Existing
Side (North)	20 feet, 5 feet for accessory structures	Existing
Side (South)	20 feet, 5 feet for accessory structures	Existing
Rear (East)	20 feet, 5 feet for accessory structures	Existing

Table 3 - Surrounding Land Use and Zoning

Surrounding Property	Land Use	Zoning
North	Single-family residence	Rural Protection (RP)
South	Single-family residence	Rural Protection (RP)
East	Single-family residence	Rural Protection (RP)
West	Residential and agricultural	Rural Protection (RP)

Table 4 - Public Utilities and Services

	Provider
Water	Well
Power	Puget Sound Energy
Sewer	Septic
Police	Kitsap County Sheriff
Fire	South Kitsap Fire & Rescue
School	South Kitsap School District #402

5. Access

Site takes access via the northwest corner of the property where SE Lake Valley Road curves from north to south. SE Lake Valley Road is a county-maintained local road.

6. Site Design

The school will be in the outbuilding and the existing driveway has sufficient parking for the proposed use as well as the residential use.

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.

Land Use Policy 59

Allow or conditionally allow home-based cottage-type businesses and industries in the rural areas that do not negatively affect rural level of service or rural character.

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.

Economic Development Policy 14

Recognize the importance of excellent schools as a method to attract and retain businesses and educate a skilled workforce.

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

Code Reference	Subject
Title 12	Storm Water Drainage
Title 13	Water and Sewers
Title 14	Buildings and Construction
Title 17	Zoning
Chapter 18.04	State Environmental Policy Act (SEPA)
Chapter 20.04	Transportation Facilities Concurrency Ordinance
Chapter 21.04	Land Use and Development Procedures

8. Documents Consulted in the Analysis

Applicant Submittals

Stormwater Worksheet

Site Plan w/ Driveway and Parking

Dated or date stamped

February 24, 2021

February 24, 2021

Required Permit Questionnaire	February 24, 2021
Parking Analysis Worksheet	February 24, 2021
HD Onsite Sewage System Permit	February 24, 2021
Concurrency Test	February 24, 2021
Building Plans	February 24, 2021
Business Impact on Neighborhood	April 23, 2021
Building Clearance	April 23, 2021

<u>Staff Communication</u>	<u>Dated</u>
None	

9. Public Outreach and Comments

The Notice of Application was published 9-20-2021. No comments were received.

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

A home business within the Rural Protection (RP) zone requires an Administrative Conditional Use Permit as specified in Kitsap County Code (KCC) Table 17.410.042.128, subject to footnotes 1 and 53. Footnote 1 indicates a home business is subject to compliance with Section 17.410.060 provisions applying to special uses. Footnote 53 further details the home businesses are subject to requirements of Section 17.410.060 (B).

Moderate home businesses are required to meet the provisions in KCC 17.410.060 B.1. c.

Moderate home businesses, as defined below, shall be permitted in [RW](#), [RP](#), and [RR](#) zones subject to approval by the director. Said approval is not transferable to any individual, future property owner or location:

1. Business uses shall be incidental and secondary to the dominant residential use;

Staff comment: The dominant use of the property is the single-family residence.

2. The residential character of the building shall be maintained, and the business shall be conducted in such a manner as to moderate any outside appearance of a business;

Staff comment: The structure resembles a residential outbuilding and all business activities will be conducted within this structure. No outdoor storage or outdoor activities are proposed.

3. The residence shall be occupied by the owner of the business;

Staff comment: The owner of the business will reside in the single-family residence.

4. The business shall not infringe upon the rights of the neighboring residents to enjoy the peaceful occupancy of their homes;

Staff comment: Based on the project proposal, all business activity is occurring within the existing outbuilding and parking is on site. The use is not expected to adversely impact neighboring residents to keep them from enjoying the peaceful occupancy of their homes. The site is well screened.

5. No more than five employees (or independent contractors), are allowed:

Staff comment: One owner of the business (Nancy Olsten) lives on-site in the single-family home and two other employees will work on-site.

6. Nonilluminated signs not exceeding four square feet not exceeding four square feet, subject to a sign permit.

Staff comment: A sandwich board sign is proposed. A sign permit is required.

7. No outside storage is allowed.

Staff comment: No outside storage is proposed.

8. In order to assure compatibility with the dominant residential purpose, the director may require,
 - a. Patronage by appointment
 - b. Additional off-street parking
 - c. Other reasonable conditions

Staff comment: Patronage is by appointment only. The applicant has identified 6 parking spaces, 3 for the single-family residence and 3 for the business.

b. Lighting

Lighting was not analyzed as part of this proposal. Lighting must be consistent with Kitsap County code 17.420.

c. Off-Street Parking

There are 3 parking spaces for the residence and 3 parking spaces for the business. Kitsap County Code does not have a standard for home businesses. Kitsap County Code 17.410.060.B. specifics the director may require additional off-street parking. However, after review of the application, additional parking was deemed unnecessary.

Table 5 - Parking Table

Use Identified in 17.490.030	Standard	Required Spaces	Proposed Spaces/Existing Spaces
		NA	
Total			

d. Signage

Sandwich board sign is proposed. A sign permit that meets requirements identified in KCC 17.410.060.B.1.c.vi is required.

e. Landscaping

No landscaping is required. Sufficient existing vegetation to screen site.

Table 6 - Landscaping Table

	Required	Proposed
Required Landscaping (Sq. Ft) 15% of Site	NA	
Required Buffer(s) 17.500.025		
North		
South		
East		
West		
Street Trees		

f. Frontage Improvements

NA

g. Design Districts/Requirements

NA; the property is not located within a design district.

h. Development Engineering/Stormwater

None

i. Environmental

While there is a creek on site, the proposed use is situated away from the creek and there are no environmental concerns for the use.

j. Access, Traffic and Roads

Access is via SE Lake Valley Road. Traffic should be minimal, with appointment based scheduling and small numbers of students.

k. Fire Safety

The proposal was reviewed and approved by the Fire Marshal's office.

l. Solid Waste

Solid waste disposal will be handled through residential pick-up. No additional review is needed.

m. Water/Sewer

An on-site septic system and well serves the property. Per Kitsap Public Health District,

n. Kitsap Public Health District

The business can not exceed twenty-five or more people per day for more than sixty days per year. If the business exceeds these numbers a Group B water system will need to be developed. Clearance given April 7, 2021.

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 Director may approve, approve with conditions, or deny an Administrative Conditional Use Permit.

12. Findings

1. The proposal is consistent with the Comprehensive Plan.
2. The proposal complies or will comply with requirements of KCC Title 17 and complies with or will comply with all 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. Decision

Based upon the analysis above and the decision criteria found in KCC 17.410.060.B.1.c, the Department of Community Development recommends that the Moderate Home Business request for The Learning Center be **approved**, subject to the following conditions:

a. Planning/Zoning

1. The Moderate Home Business for The Learning Center is not transferable to any individual, future property owner or location.
2. The Learning Center use shall be incidental and secondary to the dominant residential use.
3. All business activity, including parking, shall be contained on the subject parcel;
4. The residential character of the building shall be maintained, and the business shall be conducted in such a manner as to moderate any outside appearance of a business.
5. The business shall not infringe upon the right of the neighboring residents to enjoy the peaceful occupancy of their homes.
6. The business is limited to no more than five (5) employees, including proprietors.
7. A single nonilluminated sign not to exceed four square feet is allowed, subject to a sign permit.
8. No outside storage is allowed.
9. All business patronage shall be by appointment only.
10. Business hours are limited to those proposed by the applicant, Nancy Olsten, Monday through Friday 9:30 AM to 2:30 PM.
11. The uses of the subject property are limited to the uses proposed by the applicant; any other uses will be subject to 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 the extensive use or other utilization of the subject property.
12. The decision set forth herein is based upon representation made and exhibits contained in the project application # 21-01116. Any changes or deviations in such

plan, proposal, or conditions of approval imposed shall be subject to further review and approval by the County.

13. 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 continuing requirements of the development 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, the applicant agrees to promptly bring such development or activities into compliance.

14. Any violation of the conditions of approval shall be grounds to initiate revocation of this minor home business permit. DCD shall have the right to reasonably enter the grounds to ensure conditions of the approval are being met.

b. Development Engineering

NA

c. Environmental

NA

d. Traffic and Roads

NA

e. Fire Safety

NA

f. Solid Waste

NA

g. Kitsap Public Health District

1. The business cannot exceed twenty-five or more people per day for more than sixty days per year. If the business exceeds these numbers a Group B water system will need to be developed.

Report prepared by:

Mark Corcoran

11/15/2021

Staff Planner

Date

Report approved by:



11/15/2021

Scott Diener, Manager, DSE

Date

Attachments:

Attachment A – Zoning Map (Required)

CC:

Applicant/Owner: Nancy Olsten/CAMP JOEL E & OLSTEN NANCY M; nolsten@gmail.com

Interested Parties:

Kitsap County Health District, MS-30

Kitsap County Public Works Dept.,

MS-26 DCD Staff Planner

Site Plan

