



KITSAP COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

614 DIVISION STREET MS-36, PORT ORCHARD WASHINGTON 98366-4682
(360) 337-7181 FAX (360) 337-4925 HOME PAGE - www.kitsapgov.com/dcd/

Larry Keeton, Director

NOTICE OF ADMINISTRATIVE DECISION REVISED CONDITION #11

November 19, 2008

To: Interested Parties and Parties of Record

RE: Project Name: Swim Spaw Home Business
Application: Moderate Home Business
File Number: 08 58859

Enclosed is the Administrative Decision issued by the Kitsap County Department of Community Development (DCD) for the above referenced application.

THE DECISION OF THE DEPARTMENT IS FINAL, UNLESS APPEALED TO THE KITSAP COUNTY HEARING EXAMINER BEFORE THE CLOSE OF BUSINESS ON DECEMBER 8, 2008. PLEASE NOTE: THE COURTHOUSE WILL BE CLOSED ON NOVEMBER 27 & 28, 2008.

Pursuant to the Kitsap County Land Use and Development Procedures, an appeal may be filed objecting to the Department's Decision. An appeal must be made in writing, and received by the Department of Community Development (DCD). At the time of filing the appeal, the appellant shall pay the sum of **five hundred dollars (\$500.00)**. This fee is non-refundable and subject to change. Make check payable to Kitsap County Department of Community Development (DCD).

The written appeal shall be made on, or attached to, an appeal form provided by DCD, and shall contain the following information.

1. The project name, project applicant, application type, and file number designated by the County;
2. The name, address, and signature of each appellant. If multiple parties file a single appeal, the appeal document shall designate, in writing, one party as the contact representative for all contact with the DCD Director and the Office of the Hearing Examiner. All contact between the County and the appellants regarding the appeal, including notices, shall be through this contact representative; and
3. A written statement of the specific aspect(s) of the Decision and/or SEPA determination being appealed, the reasons why each is in error as a matter of fact or law, and the evidence relied upon to prove the error.

Notice of Administrative Decision –Swim Spaw - Moderate Home Business -
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The complete application file will be available for review at the Department of Community Development, Monday through Friday, except holidays, from 8:15 a.m. to 4:15 p.m.

If you have questions, please contact me at (360) 337-4487 or Meg Sands at (360) 337-7181.

Sincerely,



Karen Ashcraft
Clerk of the Hearing Examiner

C: Janice Hill & Michelle Heins, PO Box 496, Kingston, WA 98346
Michele Heins, 1991 NE Sawdust Hill RD, Poulsbo, WA 98370

Interested Parties:
(None)



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LARRY KEETON, DIRECTOR

REVISED STAFF REPORT and ADMINISTRATIVE DECISION

Decision Date: November 19, 2008 **Application Complete Date:** September 10, 2008

Project: Swim Spaw Home Business

Project Summary:

The applicant requests approval for a Moderate Home Business Permit to operate a swim spa for dogs. The applicant plans to convert two horse stalls, located in their eight horse stall barn, from horse boarding use and install a swim spa for provide warm water swim therapy for dogs. The 4.83-acre project area is composed of two lots; the residence is located at 1991 NE Sawdust Hill Road (lot 044, 2.53 acres) and the business is located at 2001 NE Sawdust Hill Road (lot 045, 2.3 acres) in Poulsbo. Both parcels are zoned Rural Residential (RR). The residence is served by an on-site well and on-site septic system, both located on lot 044. The home business proposes to be served by the existing off-site well, located on the residential lot (lot 044); no septic system is installed for the barn and the Health District is requiring portable restroom facilities.

Decision Summary: Request approved, subject to conditions.

Application Number: 08 58859

Type of Application: Moderate Home Business

Request:

The applicant has applied for a Moderate Home Business Permit to operate a swim spa for dogs to provide warm water swim therapy. The home business hours of operation would be 8:00 AM to 6:00 PM, seven days per week, by appointment only.

Project Location:

Business
2001 NE Sawdust Hill Road

Residence
1991 NE Sawdust Hill Road

Poulsbo, Washington
North Kitsap County

Assessor's Account #:

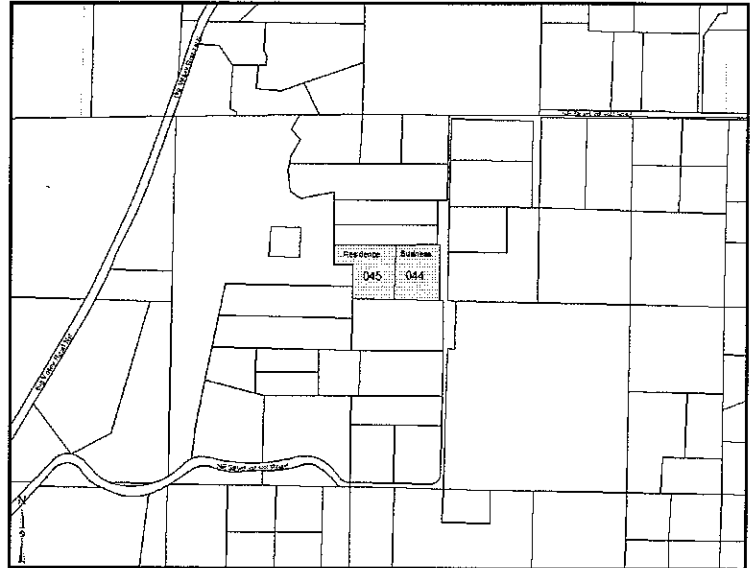
012601-2-044-2008 Business (2.30 acres)
012601-2-045-2007 Residence (2.53 acres)

Applicant:

Janice Hill & Michelle Heins
PO Box 496
Kingston, WA 98346

Owner of Record:

Michelle Heins
1991 NE Sawdust Hill Road
Poulsbo, WA 98370



SEPA Status:

Pursuant to WAC 197-11-800(2), this proposal is SEPA exempt.

Physical Characteristics:

The 4.83 project area is developed with a single-family residence and barn (012601-2-045-2007, 2.53 acres) located on the westerly lot and an eight stall horse barn (012601-2-044-2008, 2.30 acres) located on the easterly lot. The property is relatively flat and generally slopes from the east downward to the west, except in the northeast and northwest corners, which slope to the east and west respectively and the northwest corner is characterized by steep slopes. Both lots have pasture areas and there is typical rural residential vegetation including large trees on the west side of the westerly lot.

Comprehensive Plan Designation and Zoning:

The Comprehensive Plan and Zoning designations are both Rural Residential (RR) for the subject properties.

Base/Maximum Density	1 dwelling unit/5 acres
Minimum Lot Size	5 acres (for newly created lots, this is an existing lot)
Lot Width	140 feet
Lot Depth	140 feet
Maximum Height	35 feet

Minimum Setbacks	= 50 feet - front yard
	= 50 feet (agricultural structures), 20 feet (generally) - side yard
	= 50 feet (agricultural structures), 20 feet (generally) - rear yard

Surrounding Land Use and Zoning:

The immediate surrounding area is zoned RR to the north, east and south and Rural Protection (RP) to the west. The area is generally developed with a single-family residence on acreage lots.

Public Utilities and Services:

Water: private on-site well (012601-2-045-2007)
Power: Puget Sound Energy
Sewer: on-site septic system (012601-2-045-2007)
Police: Kitsap County Sheriff
Fire: Fire Protection District No. 18
Schools: North Kitsap School District #400

Policies and Regulations Applicable to the Subject Proposal:

Kitsap County Comprehensive Plan

Adopted May 7, 1998 (Amended December 11, 2006)

Rural and Resource Lands

Policy RL-7

Allow and encourage home-based cottage-type businesses and industries in the rural areas, if those activities are compatible with the site and surrounding area.

Policy RL-14

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

Economic Development

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.

Kitsap County Code (KCC)

Title 14 Buildings and Construction

Title 17 Zoning

Chapter 20.04 Transportation Facilities Concurrency Ordinance

Chapter 21.04 Land Use and Development Procedures

Documents Consulted in the Analysis:

Applicant submittals:

<u>Document</u>	<u>Dated or date stamped</u>
Home Business Application	September 5, 2008
Residential Building Clearance (Concurrent)	August 12, 2008
Site Plan	No date

Staff communication:

<u>Document</u>	<u>Dated or date stamped</u>
Commercial Building Clearance (Accepted)	August 12, 2008
Development Engineering Memo	November 12, 2008
Health District Memo	September 17, 2008

Analysis:

Land Use and Zoning

The project proposal is for a Moderate Home Business that will operate a swim spa, which will provide warm water swim therapy for dogs. The applicants propose to remove two existing horse stalls (approximately 21 feet by 24 feet) in the eight stall horse barn and convert the area into a therapeutic swim spa for dogs only. They propose to install a pool that is 7.5 feet wide, 14 feet long, and 4.5 feet deep on an existing concrete slab. Only one dog will be in the pool at a time with a swim specialist. All Swim Spaw activities will be by appointment only with no drop-ins allowed, and not to exceed eight appointments per day. Business hours are 8:00 AM to 6:00 PM, seven days per week. There are three business owners, including the property owner.

A Home Business is defined under KCC 17.110.345; "Home business" means a use conducted within a dwelling, which use is clearly secondary to the use of the dwelling for residential purposes. In addition, KCC 17.381.060.B.1.c further defines a Moderate Home Business and provides other standards and requirements:

- c. Moderate home business, as defined below, shall be permitted in all rural residential (including urban reserve residential (URS)) 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;
 - (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;
 - (3) The residence shall be occupied by the owner of the business;
 - (4) The business shall not infringe upon the right of the neighboring residents to enjoy the peaceful occupancy of their homes;
 - (5) No more than five employees (or independent contractors) are allowed;
 - (6) Non-illuminated signs not exceeding four square feet are permitted, subject to a sign permit approved by the director; and
 - (7) In order to ensure compatibility with the dominant residential purpose, the director may require:
 - i. patronage by appointment.
 - ii. additional off-street parking.
 - iii. screening of outside storage.
 - iv. a conditional use permit (engine or vehicle repair or servicing).
 - v. other reasonable conditions.

An employee is defined under KCC 17.110.260; "Employees" means all persons, including proprietors, working on the premises. This home business is limited to five employees including proprietors.

Stormwater

No new impervious area is proposed for the Swim Spaw business. The business will take place in an existing building and the parking area for the business is existing.

Access, Roads and Traffic

Access is via Sawdust Hill Road, a paved county road classified as rural local access.

The proposed business is expected to moderately increase traffic generation to the subject property. The traffic increase is anticipated to be no greater than 20 average daily trips for the business and the maximum number of trips would only apply when there is a full schedule of eight appointments in a day. A Concurrency Certificate, to account for the additional traffic generated, will be required with the building permit.

Off-Street Parking

Two off-street parking spaces are required for the single-family residence per KCC 17.435.030.A.1. The KCC doesn't specify parking requirements for an animal rehabilitation facility. Based on the proposed operation including two employees or swim specialists and one customer using the facility and one customer arriving or departing, a minimum of four parking spaces shall be provided. The site plan depicts at least six parking spaces. It is determined that adequate parking is available for the proposed business.

Landscaping

Adjacent properties to the north, south and west are sufficiently screened by existing on-site vegetation from the proposed business. The property to the east is thickly vegetated along the west property line, resulting in no adverse visual impact.

Signage

Signage is limited to one sign not to exceed four square feet and one "A" board sign not to exceed 24 inches by 30 inches; neither sign may be illuminated.

Agency Recommendations

Kitsap County Health District recommends approval with no conditions. Development Engineering recommends approval of this project with three conditions. Planning recommends approval of this project with 17 conditions.

Findings:

1. The Director has review authority for this Home Business Permit application under the KCC 21.04.030.
2. The proposal is consistent with the comprehensive plan and Moderate Home Business requirements, subject to conditions.

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 proposed development would be harmonious and compatible with existing and future developments within the land use designation and general area, subject to conditions.
5. The proposal will not be materially detrimental to uses or property in the immediate vicinity, subject to conditions.

Decision:

Based upon the above findings, the Moderate Home Business Permit request for the Swim Spaw is approved, subject to the following conditions:

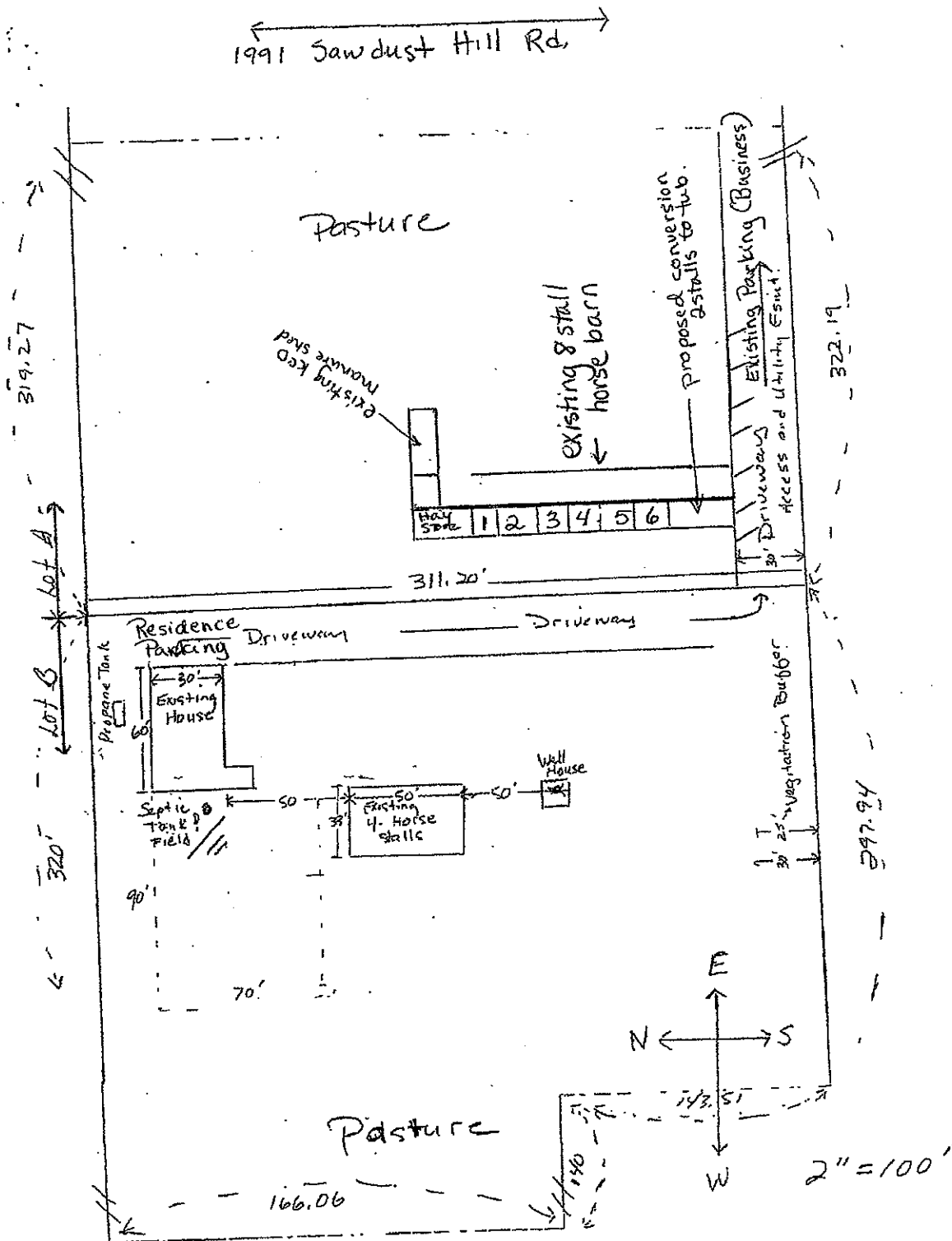
1. The Moderate Home Business Permit for the Swim Spaw is not transferable to any individual, future property owner or location.
2. The Swim Spaw uses shall be incidental and secondary to the dominant residential use.
3. The residential character of the building shall be maintained and the business shall be conducted in such a manner as to moderate any outside appearance of a business.
4. The residence shall be occupied by the owner of the business.
5. The business shall not infringe upon the right of the neighboring residents to enjoy the peaceful occupancy of their homes.
6. No more than five employees (including proprietors and/or independent contractors) are allowed.
7. All business patronage shall be by appointment only.
8. Hours of operation are limited to 8:00 AM to 6:00 PM, seven days per week. Maximum number of appointments per day is limited to eight (8).
9. Signage is limited to one non-illuminated sign not exceeding four square feet and one non-illuminated A-board sign not exceeding 24 inches by 30 inches. The A-board sign shall be placed on and directly in front of premises being advertised, be displayed only during hours the business is open, and it shall not be placed within the road right-of-way. All signage shall comply with *Kitsap County Code* (KCC) 17.445. Signage may be subject to a sign permit.
10. A minimum of four parking spaces shall be provided for the business.

11. Lots A and B of Short Plat 6512, also known by tax account numbers 012601-2-044-2008 and 012601-2-045-2007 respectively, are encumbered by this Moderate Home Business Permit. None of the lots identified above may be sold separately while the Swim Spaw Home Business Permit approval is in effect.
12. A Notice of Land Use Binder shall be filed 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 Moderate Home Business Permit and as a notice to prospective purchasers of the existence of the permit and its non-transferability. Prior to recording the Notice of Land Use Binder, the applicant shall provide a draft to the Department of Community Development (DCD) for review and approval.
13. 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*. Unless in conflict with the conditions stated above 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.
14. This Moderate Home Business Permit approval shall become void if no building permit application is accepted as complete by the Department of Community Development within one year of the date of this decision.
15. The decision set forth herein is based upon representations made and exhibits contained in the file. Any substantial 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.
16. 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 precedent 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.
17. Any violation of the conditions of approval shall be grounds to initiate revocation of this Moderate Home Business Permit.
18. Submit an Application for Concurrency Test (KCPW Form 1601) as required by Chapter 20.04, Transportation Concurrency, of the Kitsap County Code. The KCPW 1601 form is how you reserve road capacity for your project.

19. Submit a Road Approach Permit Application and plans for construction of asphalt concrete accesses 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 Chapter 11.22, Kitsap County Road Standards, of the Kitsap County Code. Existing approaches may need to be improved to meet current standards.
20. Provide at least 150 square feet of exterior recyclable materials storage space for the project.

This Revised Administrative Decision is issued on November 19, 2008. This Decision of the Director of the Kitsap County Department of Community Development may be appealed to the Kitsap County Hearing Examiner pursuant to KCC 21.04.120. Appeals must be filed with the Department of Community Development by the close of business on December 8, 2008.

c: Janice Hill & Michelle Heins; PO Box 496; Kingston, WA 98346
Michelle Heins; 1991 NE Sawdust Hill Road; Poulsbo, WA 98370
Kitsap County Health District, MS-30
Kitsap County Public Works Dept., MS-26
DCD Staff Planner: Meg Sands
DCD Code Enforcement
DCD Planning File (08 58859)
DCD Building Permit File (08 59240)
DCD Development Engineering
DCD Fire Marshal



Site Plan