



## Administrative Staff Report

**Report Date:** March 3, 2021

**Application Submittal Date:** May 18, 2020

**Application Complete Date:** May 27, 2020

**Project Name:** Pauly's Paw Spa

**Type of Application:** Type-I Moderate Home Business

**Permit Number:** 20-02030

### Project Location

3785 SW Lake Helena Road  
Port Orchard, WA 98367  
Commissioner District 2

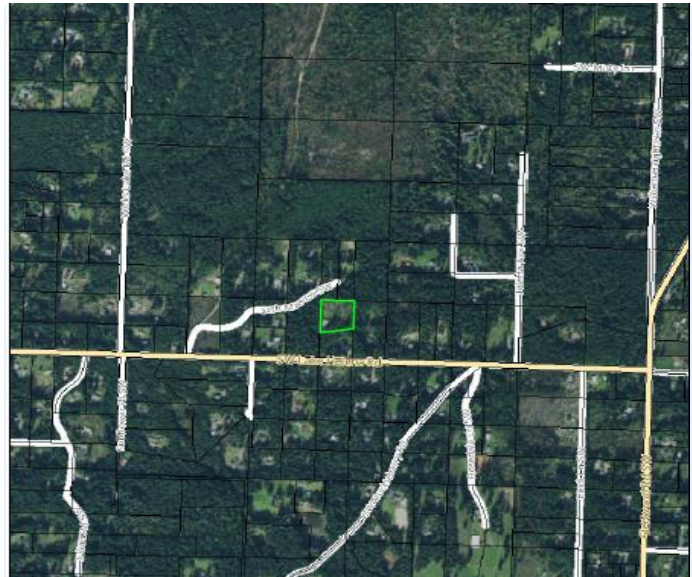
### Assessor's Account #

322301-1-025-2009

### Applicant/Owner of Record

Jeremy Hannaford, Tiffanie Miner  
3785 SW Lake Helena Road  
Port Orchard, WA 98367

### VICINITY MAP



### Decision Summary

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

### 1. Background

The proposal is for a Moderate home business permit for a dog and cat spa and/or a pet grooming facility. The business will include dog and cat grooming, bathing, drying, and clipping hair for dogs and cats. The existing single-family residence is approximately 1,800 square feet(sf) and the proposed square footage is 190 sf accessory structure. Appointments are made by phone, email, or a website and scheduled for one-hour visits by appointment. The hours of operation are Monday 11:00 AM to 6:00 PM, Tuesday 9:00 AM to 4:00 PM, Thursday 9:00 AM to 5:00 PM and Friday 9:00 to 6:00 PM. The business will have two employees, one employee which is a family member and one other additional employee. Except for signage the applicant is not proposing any exterior evidence that the building is used for any other purpose as dwelling and accessory structure. The business will not share access with any neighboring properties.

**2. Project Request**

The applicant seeks approval for a Moderate Home Business Permit for a dog and cat grooming business.

**3. SEPA (State Environmental Policy Act)**

The State Environmental Policy Act (SEPA), found in Chapter 43.21C RCW (Revised Code of Washington), is a state law that requires the County to conduct an environmental impact review of any action that might have a significant, adverse impact on the environment. The review includes the completion of an Environmental Checklist by the applicant and a review of that checklist by the County. If it is determined that there will be environmental impacts, conditions are imposed upon the applicant to mitigate those impacts below the threshold of "major" environmental impacts. If the impacts cannot be mitigated, an environmental impact statement (EIS) must be prepared. The decision following environmental review, which may result in a Determination of Nonsignificance (DNS), Mitigated DNS, or the necessity for an EIS is called a threshold determination. A separate notice of the threshold determination is given by the County. If it is not appealed, it becomes part of the hearing record as it was issued, since it cannot be changed by the Hearing Examiner.

Pursuant to WAC 197-11-800, the proposal falls below the threshold for environmental review.

**4. Physical Characteristics**

The subject property is 2.49 acres, square shaped, with an easement located on the west side of the parcel and access to SW Lake Helena Road. The property includes an existing 1,800 square house with vegetation along the front and a backyard where timber was thinned.

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

Comprehensive Plan: Rural Residential Zone: Rural Residential	Standard	Proposed
Minimum Density	NA	NA
Maximum Density	1 DU per 5 acres	
Minimum Lot Size	5 acres	NA
Maximum Lot Size	NA	NA
Minimum Lot Width	140 ft	NA
Minimum Lot Depth	140 ft	NA
Maximum Height	35 ft	3 stories, <35 ft
Maximum Impervious Surface Coverage	NA	NA
Maximum Lot Coverage	NA	NA

Applicable footnotes: NA

**Table 2 - Setback for Zoning District**

	Standard	Proposed
Front (South)	50 ft	118 ft
Side (West)	20 ft *	7 ft
Side (East)	20 ft*	225 ft
Rear (North)	20 ft*	170 ft

\*5 ft for Accessory Structures for side and rear yards

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

Surrounding Property	Land Use	Zoning
North	Single-Family residence	Rural Residential (RR)
South	Single-family residence	RR
East	Single-family residences	RR
West	Single-family residence	RR

**Table 4 - Public Utilities and Services**

	Provider
Water	Private Well
Power	Puget Sound Energy
Sewer	On-site Septic System
Police	Kitsap County Sheriff
Fire	South Kitsap Fire & Rescue
School	South Kitsap School District #400

**5. Access**

Access is to SW Helena Road, a County maintained road. The nearest cross street is Wicks Lake Road and has a federal functional road classification as a rural collector.

**6. Site Design**

Consistent with Kitsap County Code (KCC) 17.410.060 Provisions for Special Uses the proposed Moderate Home Business for a dog and cat grooming business will be located within an accessory structure. The home business is required to be reviewed for consistency with off-street parking standards and maintain rural residential character. The home business cannot create negative impact per 17.105.110 Obnoxious Things.

**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.

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 21.04	Land Use and Development Procedures

**8. Documents Consulted in the Analysis**

Applicant Submittals

Final Health District Clearance  
Revised Site Plan

Dated or date stamped

May 5, 2020  
September 2, 2020

**9. Public Outreach and Comments**

The Moderate Home Business application is required to be reviewed pursuant to the Type-I review process described in KCC Title 21 and does not require public notice. However The Department has received a formal complaint from Barbara Jansen with concerns with the Home Business on October 3, 2019.

Issue Ref. No.	Summary of Concern (See corresponding responses in the next table)	Comment Letter Exhibit Reference No.
1	Barbara Jansen commented: To whom it may concern; I am a resident of the SW Lake Helena corridor in Kitsap County. Recently I saw a home-based business which is being conducted in a rural residential neighborhood. I have done some research and cannot find any conditional use permits for this business. My concern is that this business, Pauly's Paw Spa, located at 3785 SW Lake Helena Rd., Port Orchard, WA 98367 is going to become a potential problem with regards to traffic, as well as sanitation. My understanding is that being a residential neighborhood, home based businesses are not authorized. This is obviously some type of pet grooming facility, which I do not feel is the appropriate venue for our neighborhood.	10/3/2019 complaint

Issue Ref. No.	Issue	Staff Response
1	Conditional Use Permit is required for the pet grooming business.	Commercial uses (excluding retail) are permitted if ancillary to the residential land per the RR zone. The request for a moderate home business for the spa is reviewed pursuant to KCC 17.410.060 Provisions for Special Uses as a Type I permit. The proposed use is not a commercial kennel operation with overnight boarding of animals requiring a Conditional Use Permit.
2	Concerns with the volume of traffic.	Traffic is expected to be minimal or low, based on the proposed business activity, volume and scheduling. The applicant is estimating approximately 5 customers per day, which would be spread throughout the day. The projected trips should not negatively impact the neighbors and impact the capacity of the local road network which includes the rural collector SW Helena Road.
3	Home Business is required have proper sanitation	Kitsap Public Health District (KPHD) has approved a commercial building clearance for this proposal on May 5, 2020 (Memo #28525). Consistent with the permit the applicant will install hair traps and is using all organic products for which she provided information to the District.
4.	Concerns with rural compatibility and	Based on the project proposal, all business activity is occurring within an accessory structure and parking is on

	impacting neighboring property owners.	site. The use is not expected to adversely impact neighboring residents or keep them from enjoying the peaceful occupancy of their homes.
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## 10. Analysis

### a. Planning/Zoning

A Moderate home business is defined under KCC 17.110.345. Home Business means a commercial or industrial use (excluding retail) conducted within a dwelling, which use is clearly secondary to the use of the dwelling for residential purposes. In addition, KCC 17.410.060.B.1(c) Moderate home business provides other standards and requirements:

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

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

*Staff Response: The nature and extent of the of the expected home business activity for 4 days per week, up to 9 hours per day and will serve approximately 20 clients per week (90 minutes). The business will be conducted within a private 190 sf outbuilding. Therefore, the business use is expected to be incidental and secondary to the residential use.*

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

*Staff Response: The business will be in a 190-sf building accessory to the single-family residence. Client traffic will be relatively low and occur only around appointment times. Based on the proposed use, the business is expected to maintain the residential character and have a low appearance of a business.*

iii. The residence shall be occupied by the owner of the business.

*Staff Response: The resident-owners of the property are also the proprietors of the business, Pauly's Paw Spa.*

iv. The business shall not infringe upon the right of neighboring residents to enjoy the peaceful occupancy of their homes.

*Staff Response: The business is not occupying the residence. Minor home business cannot occupy more than 30% of the primary residence. However, the proposal is for the*

*business to occupy an accessory structure which is considered a moderate home business, which is a permitted use.*

v. No more than five employees (or independent contractors) are allowed.

*Staff response: Based on the project proposal, all business activity is occurring within an accessory structure 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.*

vi. Nonilluminated signs not exceeding four square ft are permitted, subject to a sign permit approved by the director; and

*Staff response: No signs are proposed. If signage is desired in the future, a sign permit is required.*

vii. In order to ensure compatibility with the dominant residential purpose, the director may require:

- (a) Patronage by appointment.
- (b) Additional off-street parking.
- (c) Screening of outside storage
- (d) A conditional use permit (required for engine or vehicle repair or servicing).
- (e) Other reasonable conditions.

*Staff Response: Patronage is by appoint only. The applicant has identified 2 parking spaces for the business located adjacent to the residence, in addition to the up-to-3 parking spaces for single-family residential use. The applicant is expecting approximately 5 customers a day with approximately 90-minute appointments.*

**b. Lighting**

Lighting requirements do not apply to home business projects.

**c. Off-Street Parking**

There are 2 parking spaces for the business and room for up to 3 spaces for the owner. KCC 17.490.030 does not have a standard for home businesses. KCC 17.410.060.B(c) the director may require additional parking was deemed unnecessary.

**Table 5 - Parking Table**

Use Identified in 17.490.030	Standard	Required Spaces	Proposed Spaces/Existing Spaces
Moderate Home Business	Not identified	NA	2 spaces

Total			2
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**d. Signage**

The Moderate Home Business is required to be consistent with KCC 17.510 Sign Code and 17.410. 060 Provisions for Special Uses.

*Staff Response: Signage is not proposed in this application. Home business in a Rural Residential zone is only allowed a 4-square foot on-premise sign or small sign in the window. If your property is accessed by an easement only A-frame/sandwich board sign removed every night would be allowed along the road frontage on SW Helena Road. Consistent with an incidental home business, a second alternative would be a sign attached to the mailbox not to exceed one-square foot.*

**e. Landscaping**

No landscaping is required or warranted because the proposed use will occur entirely within the accessory structure to the single-family residence.

**Table 6 - Landscaping Table**

	Required	Proposed
Required Landscaping (Sq. Ft) 15% of Site	NA	NA
Required Buffer(s) 17.500.025		
North	NA	NA
South	NA	NA
East	NA	NA
West	NA	NA
Street Trees	No	

**f. Frontage Improvements**

None required for a home business.

**g. Design Districts/Requirements**

None required for a home business in a rural zone.

**h. Development Engineering/Stormwater**

No engineering or stormwater concerns.

**i. Environmental**

No environmental concerns.



**j. Access, Traffic and Roads**

Access to the site is from a private easement off SW Lake Helena Road. Traffic is expected to be minimal or low, based on the proposed business activity, volume and scheduling.

**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 standard residential pick-up by Waste Management. No additional review is needed.

**m. Water/Sewer**

A private well and an onsite septic system serves the subject property.

**n. Kitsap Public Health District**

KPHD has an approved commercial building clearance for this proposal, dated 05/05/2020. Consistent with the permit the applicant will install hair traps and is using all organic products which she provided information to the District.

**11. Review Authority**

The Director has review authority for this Moderate Home Business Permit application under KCC, Sections 17.410.060 and 21.04.100. The Kitsap County Commissioners have determined that this application requires review and approval of the Director. The Director may approve, approve with conditions, or deny a Home Business 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 KCC 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.(c), the Department of Community Development approves the Moderate Home Business Permit request for Pauly's Paw Spa be approved, subject to the following 17 conditions:

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

1. The Moderate Home Business Permit for Pauly's Paw Spa is not transferable to any individual, future property owner or location.
2. The Pauly's Paw Spa business use 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, Tiffanie Miner.
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 two (2) employees, including proprietors.
7. A single nonilluminated sign not to exceed four square feet is allowed, subject to a sign permit approved by the director.
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 during the hours of operation Monday 11:00 AM to 6:00 PM, Tuesday 9:00 AM to 4:00 PM, Thursday 9:00 AM to 5:00 PM and Friday 9:00 to 6:00 PM.
11. Two (2) exterior parking spaces shall be provided for the business.
12. 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 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.

13. The decision set forth herein is based upon representations made and exhibits contained in the project application 20-02030. Any changes or deviations in such plan, proposal, or conditions of approval imposed shall be subject to further review and approval of the County and potentially the Hearing Examiner.
14. 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 requirement 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, laws, regulations, or ordinances, the applicant agrees to promptly bring such development or activities into compliance.
15. A building permit is required for occupancy of the accessory structure where the business is located, or any additional structures not yet constructed or placed on site. The building permit may stipulate additional requirements, including life safety or fire safety upgrades.
16. If the County receive complaints or other information that the applicant is not complying with the terms of this approval, the County may, with notice to the applicant and at a reasonable time, enter the applicant's property to inspect for compliance. Any violation of the conditions of approval shall be grounds to initiate revocation of the Minor Home Business Permit as allowed by KCC 21.04.280.

**b. Development Engineering**

None

**c. Environmental**

None

**d. Traffic and Roads**

None

**e. Fire Safety**

None

**f. Solid Waste**

None

**g. Kitsap Public Health District**

17. The applicant shall comply with all applicable KPHD regulations.

**Report prepared by:**



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Jeff Smith, Staff Planner /Project Lead

3/1/2021

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Date

**Report approved by:**



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Scott Diener, Department Manager / Supervisor

3/2/2021

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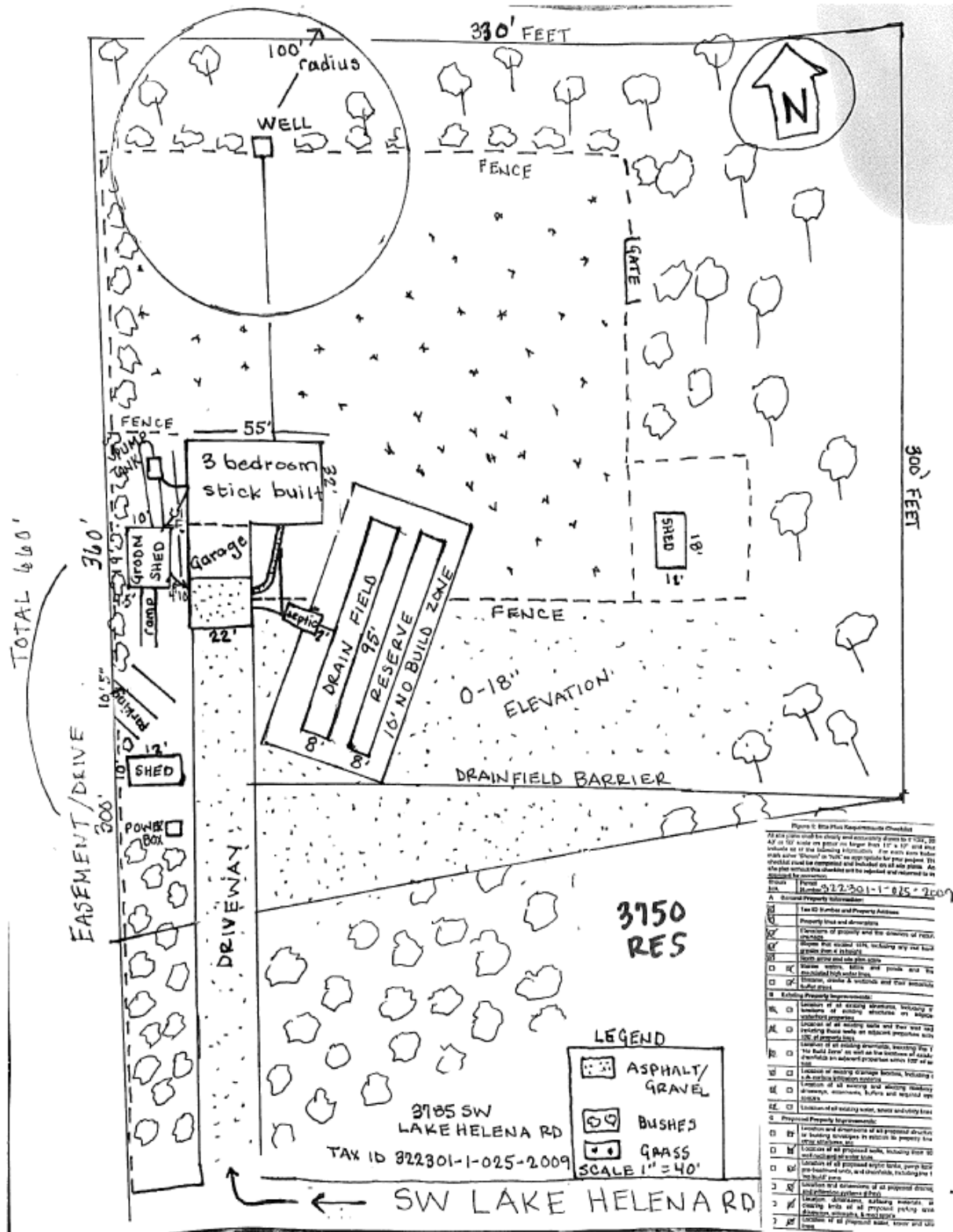
Date

**Attachments:**

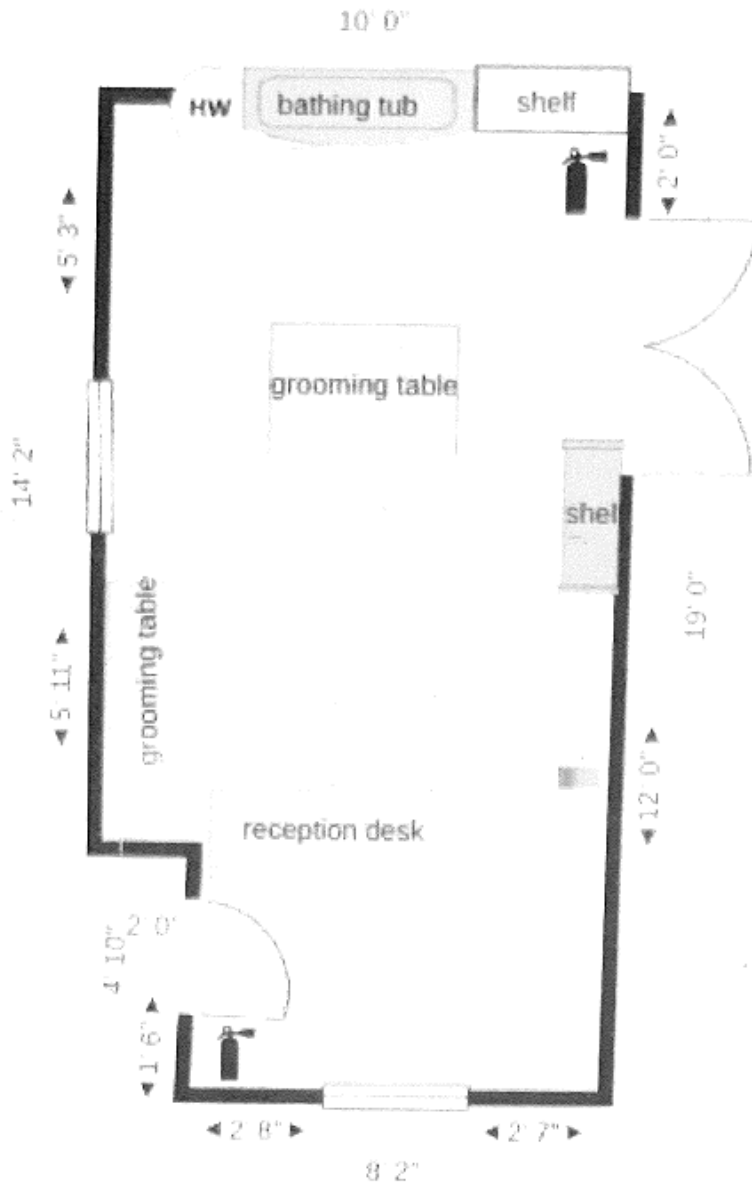
- Attachment A – Site Plan
- Attachment B – Accessory Building Floor Plan
- Attachment C –Front Elevation
- Attachment D – Zoning Map (Required)

CC: Tiffanie Miner, paulyspawspa@gmail.com  
Interested Parties: Barbara Jansen 11941 Sunflower Pl. SW Port Orchard, WA 98367  
Kitsap County Health District, MS-30  
Kitsap County Public Works Dept., MS-26  
DCD Staff Planner: Jeff Smith

**Site Plan**



Accessory Building Floor Plan

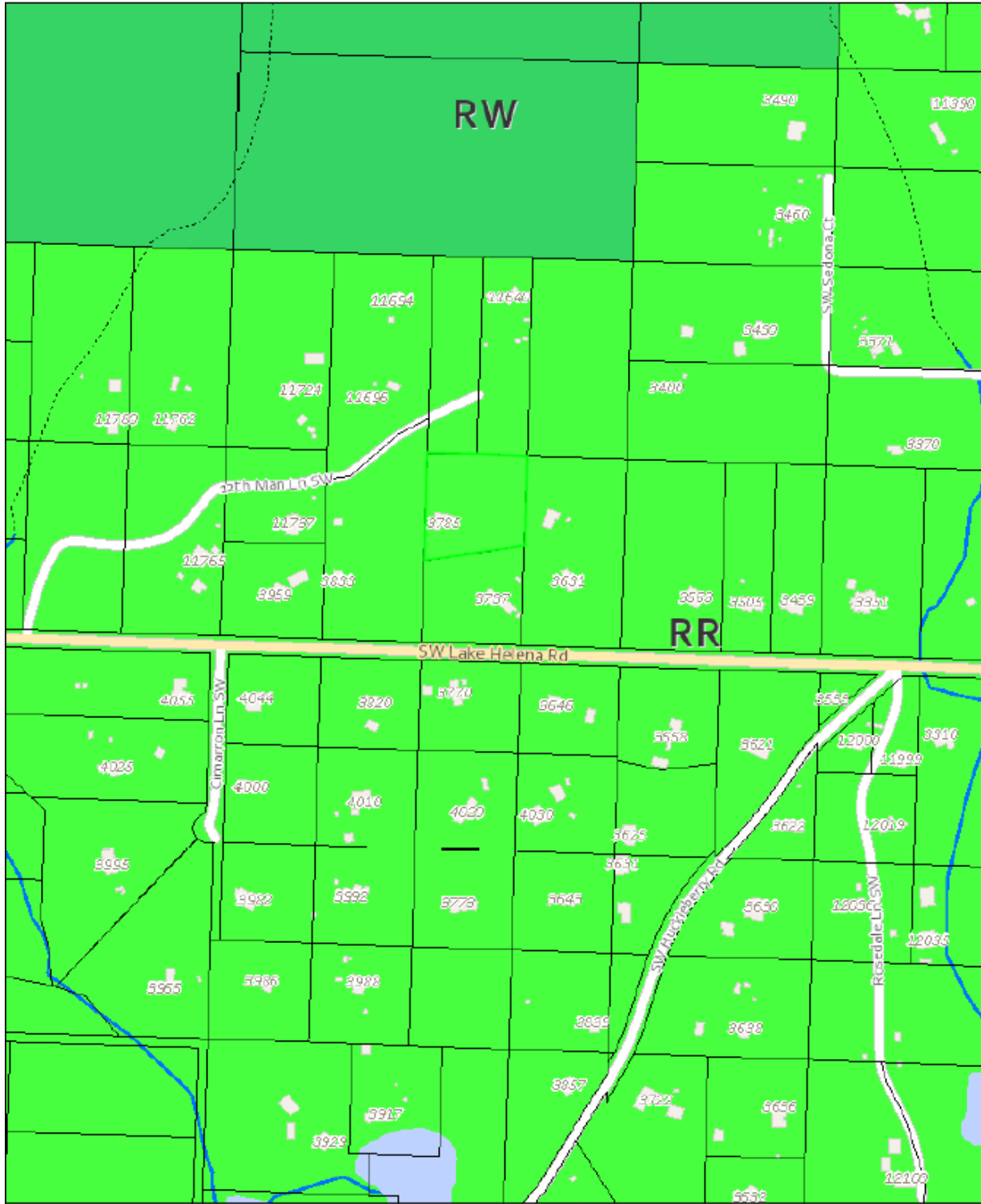


Front Elevation



Zoning Map





Comments: \*\* This map is not a substitute for field survey \*\* Map Scale: 1 inch = 400 feet  
Parcel No: 322301-1-025-009 TaxPayer: HANNAFORD JEREMY A & MINER TIFFANE B Site Address: 3785 SW LAKE HELENA RD  
Kitap Co. Parcel Search Application

