



Notice of Administrative Decision

Date: 11/23/2021

To: Nancy Olsten, nolsten@gmail.com
Interested Parties and Parties of Record

RE: Permit Number: 21-01116
Project Name: Camp-Olsten - Business land use permit for moderate home business
Type of Application: HOME BUSINESS

The Kitsap County Department of Community Development has **APPROVED** the land use application for **Permit 21-01116: Camp-Olsten - Business land use permit for moderate home business – HOME BUSINESS**, subject to the conditions outlined in this Notice and included Staff Report.

THE DECISION OF THE DEPARTMENT IS FINAL, UNLESS TIMELY 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/RequiredPermitQuestionnaireAppealObjectionOfAnAdministrativeDecision>.

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 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
DCD Staff Planner: Scott Diener

Owner: CAMP JOEL E & OLSTEN NANCY M, nolsten@gmail.com
Parks
Navy

Permit 21-01116: Camp-Olsten - Business land use permit for moderate home business
11/23/2021

DCD, DSE
Kitsap Transit
South Kitsap Fire District
South Kitsap School District
Puget Sound Energy
Point No Point Treaty Council
Suquamish Tribe
Port Gamble S'Klallam Tribe
Squaxin Island Tribe
Puyallup Tribe



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

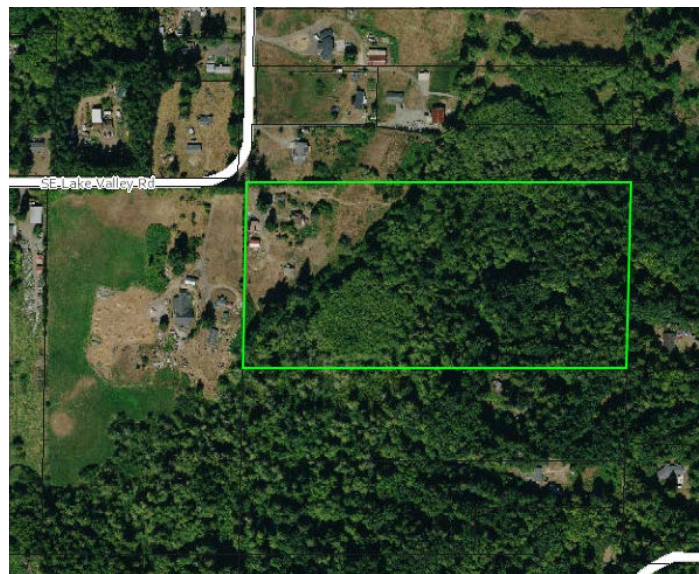
Applicant/Owner of Record

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

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

