



Notice of Administrative Decision

Date: 06/10/2021

To: Michael Vineyard with VINEYARD CONSULTING ENGINEER, vineyardm@wavecable.com
GEMMER ERWIN, egemmer@wavecable.com

RE: Permit Number: 20-04579
Project Name: EVERGREEN TRUST - GREMMER - Home Business Permit
Type of Application: HOME BUSINESS

The Kitsap County Department of Community Development has **APPROVED** the land use application for 20-04579: **EVERGREEN TRUST - GREMMER - Home Business Permit – 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.cognitofrms.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: KIM SHADBOLT
DCD File # 20-04579



Administrative Staff Report

Report Date: June 4, 2021

Application Submittal Date: May 18, 2020

Application Complete Date: May 27, 2020

Project Name: Evergreen Trust

Type of Application: Type-I Moderate Home Business

Permit Number: 20-04579

Project Location

9875 Central Valley RD NE
Silverdale, WA 98383

Assessor's Account #

152501-4-023-2004

Applicant/Owner of Record

Erwin Gemmer
9875 Central Valley Rd NE
Silverdale, WA 98383

VICINITY MAP



Decision Summary

Approved subject to 17 conditions listed under section 13 of this report.

1. Background

The proposal is for a Moderate Home Business permit for a part time professional office. Dr. Gemmer is a Board-Certified Functional Neurologist (NIS) as well as a chiropractor.

A NIS practitioner has a specialty certification to evaluate various problems with the body and make recommendations to clients to resolve those problems. A NIS practice is unlike a medical or chiropractic practice in that there is no diagnosis, lab work, x-rays. Instead, a NIS practitioner is more of a lifestyle coach, wellness coach and nutritionist consultant.

Patronage will be by appointment only. The applicant indicates he will see between 10-14 client per week, 3 per day on average. Any chiropractic work performed on clients will continue to be performed at his office located in Silverdale.

The existing single-family residence is approximately 3,800 square feet (sf).

The accessory structure main floor is 52 x 39 sf or a total of =2028 sf. The first floor contains a 900 square foot Accessory Dwelling Unit, per Conditional Use Permit #13-03681. The main

floor hobby space will allocate approximately 800 square feet for use as the neurological professional office, the remaining area is used for the garage and storage space. The second floor has approximately 1750 sf dedicated to personal storage.

Business hours are Monday – Friday 8AM to 4PM by appointment only.

2. Project Request

The applicant seeks approval for a Moderate Home Business Permit for a professional neurological home office.

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 2.80 acres, rectangular shaped, with direct access from Central Valley Rd. The property includes a single-family home & detached accessory building.

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 feet	NA
Minimum Lot Depth	140 feet	NA
Maximum Height	35 feet	3 stories, <35 feet

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 feet	
Side (West)	20 feet *	
Side (East)	20 feet*	
Rear (North)	20 feet*	

*5 feet for Accessory Structures for side and rear yards

Table 3 - Surrounding Land Use and Zoning

Surrounding Property	Land Use	Zoning
North	Veteran of Foreign Wars	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	Central Kitsap Fire & Rescue
School	Central Kitsap School District #401

5. Access

Access is to the site is from Central Valley Rd NE, a County-maintained collector road.

6. Site Design

Consistent with Kitsap County Code (KCC) 17.410.060 Provisions for Special Uses the proposed Moderate Home Business as a professional office 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 KCC 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 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

<u>Applicant Submittals</u>	<u>Dated or date stamped</u>
Final Health District Approval	June 6, 2019
Project Narrative	December 7, 2020

<u>Staff Communication</u>	<u>Dated</u>
NA	

9. Public Outreach and Comments

The Moderate Home Business application is required to be review pursuant to the Type-I review process described in KCC Title 21 and does not require public notice.

--	--	--

10. Analysis

a. Planning/Zoning

A Moderate Home Business is defined is defined under KCC 17.110.345. Home Business means a commercial or industrial use (excluding retail) conducted with in 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 is for 5 days per week, and will serve approximately 10-14 clients per week, or approximately 3 clients daily by appointment only. The business will be conducted within a private 800 sf area of an 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 an 800-sf area of an outbuilding 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, Erwin Gemmer, NIS practitioner.

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

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.

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

vi. Nonilluminated signs not exceeding four square feet 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 appointment only. The applicant has identified 3 parking spaces for the business located immediately east of the south corner of the building where the entry to the office is located. The applicant is expecting approximately 3 customers a day.

b. Lighting

Lighting requirements do not apply to home business projects.

c. Off-Street Parking

There are 3 parking spaces for the business and room for up to 4 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	3 spaces
Total			6

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. A home business in a Rural Residential zone is only allowed a 4 square foot on-premise sign or small sign in the window.

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	NA	

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

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 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 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 recommends that the Moderate Home Business Permit request for Evergreen Trust Gemmer Neurological Office be approved, subject to the following 16 conditions:

a. Planning/Zoning

1. The Moderate Home Business Permit for Gemmer Neurological Office is not transferable to any individual, future property owner or location.
2. The 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, Erwin Gemmer.
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 for the hours of operation, Monday – Friday 8AM to 4PM.
11. Three (3) 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 20-04579. 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 for occupancy will be required prior to occupancy. 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 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:

Kim Shadbolt

Name, Staff Planner / Project Lead

June 4, 2021

Date

Report approved by:

Staff Report: 20-04579 Evergreen Trust Home Business

June 4, 2021



June 4, 2021

Name, DSE Manager

Date

Attachments:

Attachment A – Site Plan

Attachment B – Floor Plan

CC: Kitsap County Health District, MS-30
Kitsap County Public Works Dept., MS-26
DCD Staff Planner: Kim Shadbolt

Site Plan

Floor Plan

Staff Report: 20-04579 Evergreen Trust Home Business

June 4, 2021

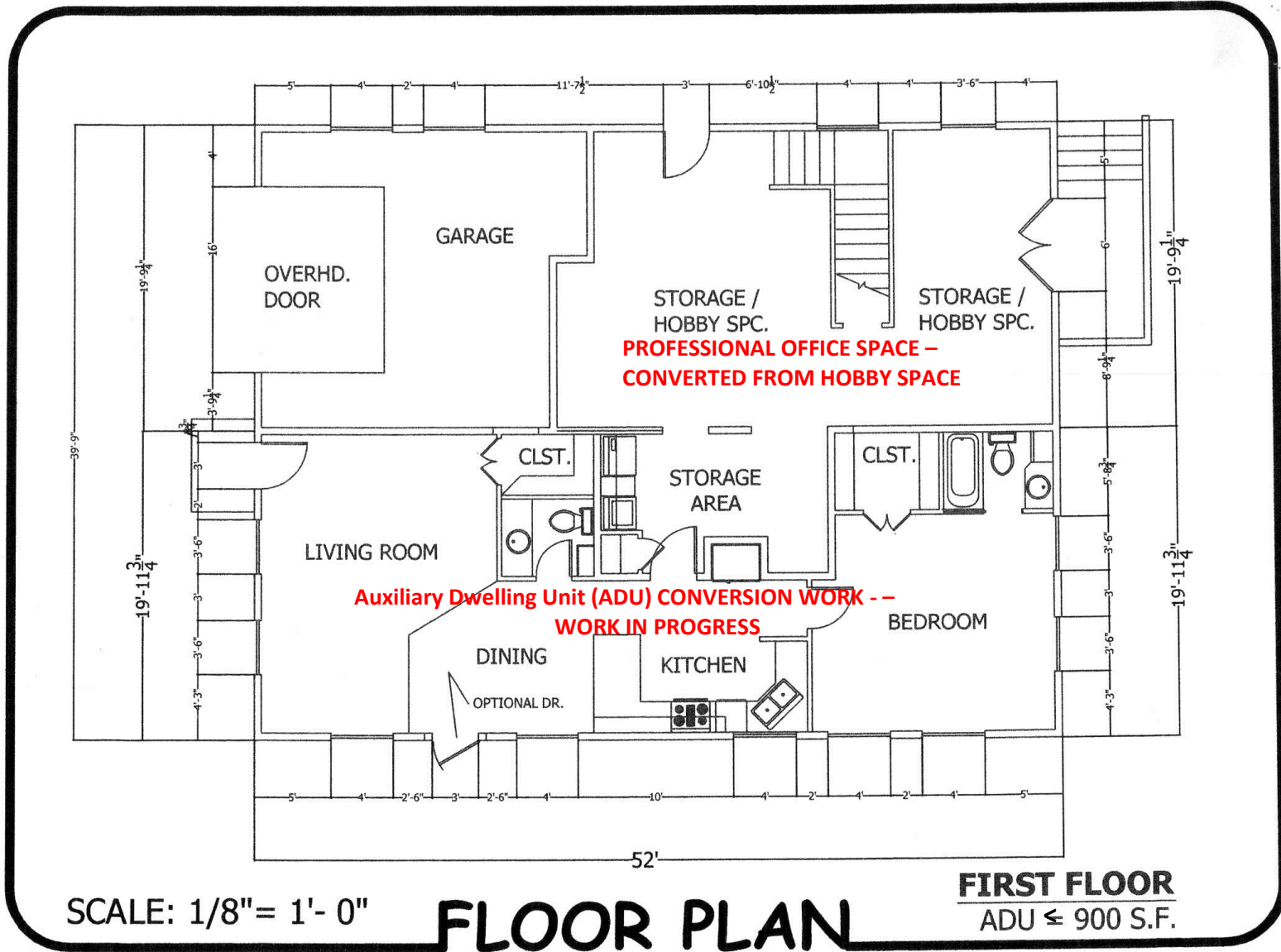
|

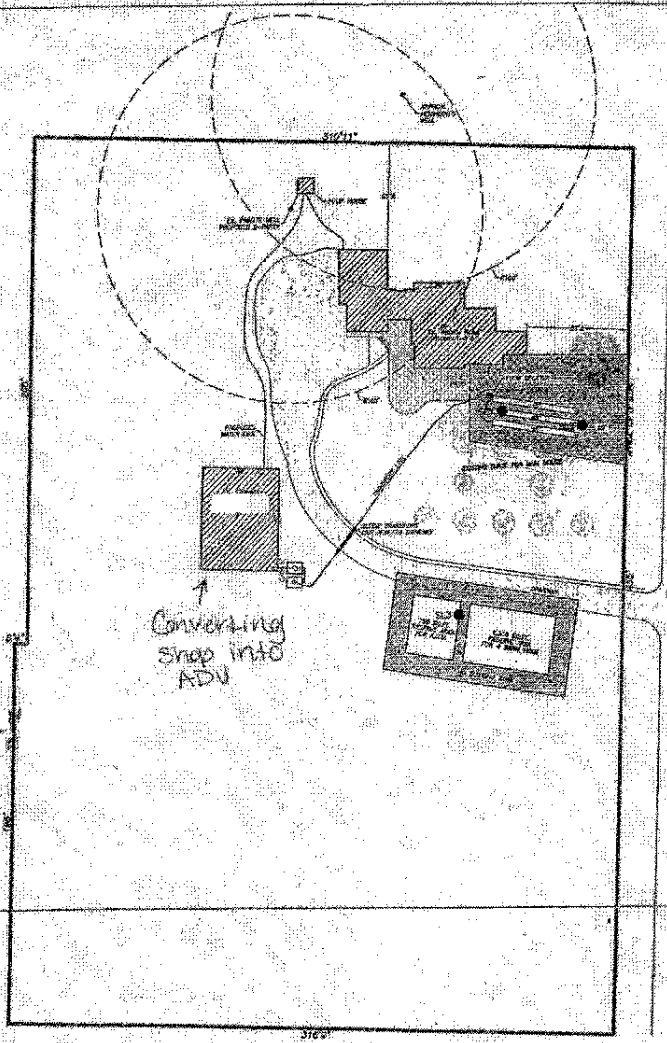
Commented [KS1]:

MAIN FLOOR SPACE ALLOCATION:
Professional Office Space – approx.. 800 ft²
ADU Space - less than 900 ft²
Garage Space - approx.. 400 ft² Remainder - storage

OUT BUILDING ON PARCEL 152501-4-023-2004

THIS BUILDING HAS A SEPARATE ADDRESS
9875 Central Valley Rd.





RECEIVED

JAN - 13 2004
 KITSAP PUBLIC HEALTH DISTRICT



APPROVED
 FOR SEWAGE AND WATER ONLY

GRAPHIC SCALE



(IN FEET)
 1 inch = 60 ft.
 FOR GRAPH ABOVE, IN 1/8" IN LENGTH
 ADJUST SCALE ACCORDINGLY

SEPTIC SYSTEM DESIGN FOR:

TAX NO. 152501-4-023-2004

SCALE:

REVISIONS	DATE	BY

Kitsap Public Health District