



Administrative Staff Report

Report Date: 4/1/2022 **Application**

Application Submittal Date: 11-17-2020

Complete Date: 3/04/21

Project Name: Martinez Home Business – Dark Depths Armory

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

Permit Number: 20-05436

Project Location

17408 Hallman RD NW
Poulsbo, WA

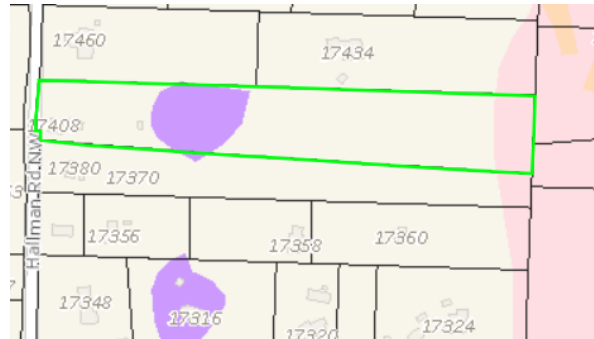
Assessor's Account

272601-2-055-2004

Applicant/Owner of Record

Reynaldo & Kenda Martinez
17408 Hallman Rd NW
Poulsbo, WA 98370

VICINITY



Decision Summary

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

1. Background

Applicant proposes to operate a part time Type 1 firearm dealer and /or gunsmith (firearm repair) business from his single-family residence. The business will provide administrative transfer of firearms from retailers to customers. No changes are proposed to the residence and the business will utilize 255 sf of the 1020 sf single family residence. The property is zoned Rural Residential (RR).

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 5.58 acres in size and is rectangular in size. More than three

quarters of the property is wooded. The home and associated outbuildings are located on the west portion of the property, closest to Hallman Road NW. The 1020 sf home was built in 1946 and a detached garage of 576 sf was built in 1946.

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 Residential (RR) |
| South | Single-family residence | Rural Residential (RR) |
| East | Single-family residence | Rural Residential (RR) |
| West | Single-family residence | Rural Residential (RR) |

Table 4 - Public Utilities and Services

| | Provider |
|--------|-----------------------------------|
| Water | Well |
| Power | Puget Sound Energy |
| Sewer | Septic |
| Police | Kitsap County Sheriff |
| Fire | North Kitsap Fire & Rescue |
| School | North Kitsap School District #400 |

5. Access

Site takes access via the west side of the property from Hallman Rd, a county-maintained local road.

6. Site Design

The business will take place within the existing single-family residence and the existing driveway is sufficient for 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

| <u>Applicant Submittals</u> | <u>Dated or date stamped</u> |
|-----------------------------------|------------------------------|
| Site Plan w/ Driveway and Parking | December 4, 2020 |
| Required Permit Questionnaire | November 20, 2020 |
| Parking Analysis Worksheet | December 4, 2020 |
| HD Onsite Sewage System Permit | December 4, 2020 |
| Concurrency Test | December 1, 2020 |
| Building Clearance | December 4, 2020 |

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

9. Public Outreach and Comments

NA

The Notice of Application was published 3-5-21. No comments we 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 Residential (RR) 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 business is conducted within single family residential building 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 residence 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.

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

Staff comment: One owner of the business (Reynaldo Martinez) lives on-site in the single-family home and no employees are proposed.

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

Staff comment: No signage is proposed.

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 4 parking spaces, 3 for the single-family residence and 1 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 1 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

No signs are proposed. A sign permit that meets requirements identified in KCC 17.410.060.B.1.c.vii is required if proposed.

e. Landscaping

No landscaping is required.

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

There are no environmental concerns for the use.

j. Access, Traffic and Roads

Access is via Hallman Road NW. Traffic should be minimal with appointment-based 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 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

KPHD has an approved commercial exemption for this proposal. Clearance given December 2, 2020.

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 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 Dark Depths Armory be **approved**, subject to the following conditions:

1. The Moderate Home Business for Dark Depths Armory is not transferable to any individual, future property owner or location.
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 business shall not infringe upon the right of the neighboring residents to enjoy the peaceful occupancy of their homes.
4. The business is limited to no more than five (5) employees, including proprietors.
5. A single nonilluminated sign not to exceed four square feet is allowed, subject to a sign permit.
6. No outside storage is allowed.
7. All business patronage shall be by appointment only.
8. Business hours are limited to those proposed by the applicant, Reynaldo Martinez, Tuesday and Thursday from 5:00pm to 8:00 pm.
9. 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.
10. The decision set forth herein is based upon representation made and exhibits contained in the project application. Any changes or deviations in such plan, proposal, or conditions of approval imposed shall be subject to further review and approval by the County.
11. 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.
12. Any violation of the conditions of approval shall be grounds to initiate revocation of this moderate home business permit. DCD shall have the right to reasonably enter the grounds to ensure conditions of the approval are being met.

a. Development Engineering

NA

b. Environmental

NA

c. Traffic and Roads

NA

d. Fire Safety

NA

e. Solid Waste

NA

f. Kitsap Public Health District

NA

Report prepared by:

Kim Shadbolt

3-23-2022

Staff Planner

Date

Report approved by:

Scott Diener

3-27-2022

Scott Diener, Manager, DSE

Date

Attachments:

Attachment A – Zoning Map

CC: Applicant/Owner email: Nd3martinez@gmail.com
Interested Parties: NA
Kitsap County Health District, MS-30
Kitsap County Public Works Dept., MS-26
DCD Staff Planner: Kim Shadbolt

Site Plan

