



Notice of Administrative Decision

Date: 03/22/2024

To: **Applicant:** 1909 HOLDINGS LLC, 2612 BURWELL ST BREMERTON, WA 98312
Authorized Agent: John Stallings with PROSERPINA INC,
inbox@proserpinaconstruction.com
Tenant: Jonathan King, jonathanking@americanacupuncture.net
Interested Parties and Parties of Record: N/A

RE: **Permit Number:** 22-04472
Project Name: American Acupuncture Minor ACUP Amendment
Type of Application: ADMIN CUP AMEND - Permit Type I

The Kitsap County Department of Community Development has **APPROVED** the land use application for **Permit 22-04472: American Acupuncture Minor ACUP Amendment, subject to the conditions outlined in this Notice and included Staff Report.**

THE DECISION OF THE DEPARTMENT IS FINAL, THERE IS NO APPEAL PERIOD FROM THE DATE OF DECISION PER KITSAP COUNTY CODE 21.04.100.18.

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 by contacting 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.

CC: Kitsap County Health District, MS-30
Kitsap County Public Works Dept., MS-26
DCD Staff Planner: Katharine Shaffer, kshaffer@kitsap.gov
Interested Parties: None



Administrative Staff Report

Report Date: March 14, 2024

Application Submittal Date: September 14, 2022

Application Complete Date: January 24, 2023

Project Name: American Acupuncture Minor ACUP Amendment

Type of Application: Permit Type I

Permit Number: 22-04472

Project Location

11195 Seabeck Highway NW
Seabeck, WA 98380
Commissioner District 3

Assessor's Account

152501-3-034-1005

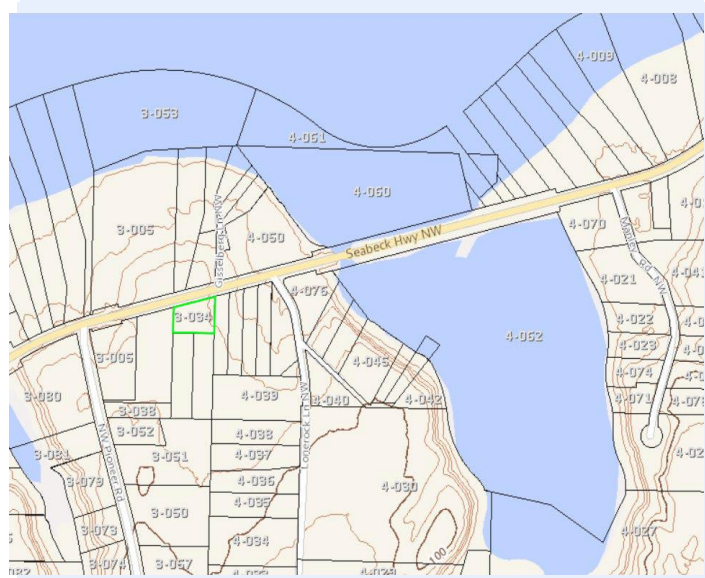
Applicant/Owner of Record

1909 Holdings LLC
2612 Burwell Street
Bremerton, WA 98312

Decision Summary

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

VICINITY MAP



1. Background

1909 Holdings, LLC is requesting a Minor Amendment to the approved Administrative Conditional Use Permit (Permit App # 14-02513 and amendment under # 21-02069) for the removal of retail space within the existing building in exchange for an acupuncture use.

The project was analyzed under KCC 17.540.040 Decision criteria – Administrative Conditional Use Permits (ACUP) and KCC 17.410 allowed uses.

2. Project Request

The applicant requests change of use from a previous ACUP from general retail merchandise stores to clinical services (acupuncture).

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.

The Kitsap County Department of Community Development has determined that the proposal is a minor change that is considered SEPA exempt per WAC 197-11-800 (6) (b). There is no further SEPA action.

4. Physical Characteristics

The property is a 0.6-acre site located at 11195 Seabeck Highway NW, just across the Big Beef creek bridge, on the east side of the road. The existing Building is 1720 square feet in size. There is also an existing small wellhouse on the property serving the mercantile. The site is generally flat, sloping from southwest to northwest.

Table 1 - Comprehensive Plan Designation and Zoning

Comprehensive Plan: Rural Commercial Zone: Rural Commercial	Standard	Proposed
Minimum Density	NA	NA
Maximum Density	NA	
Minimum Lot Size	NA	NA
Maximum Lot Size	NA	NA
Minimum Lot Width	NA	NA
Minimum Lot Depth	NA	NA
Maximum Height	35 feet	NA
Maximum Impervious Surface Coverage	85%	NA
Maximum Lot Coverage	NA	NA

Applicable footnotes: NA

Staff Comment: Subject property is already existing and does not propose a new parcel. Density is not applicable to the project.

Table 2 - Setback for Zoning District

	Standard	Proposed
Front (West)	20 feet	50 feet
Side (North)	50 feet	15 feet (existing commercial building)
Side (South)	50 feet	60 feet (existing)
Rear (East)	50 feet	90 feet

Table 3 - Surrounding Land Use and Zoning

Surrounding Property	Land Use	Zoning
North	Single-family residence	Rural Protection (RP)
South	Single-family residence	RP
East	Single-family residence	RP
West	Single-family residence	RP

Table 4 - Public Utilities and Services

	Provider
Water	Kitsap PUD #1
Power	Puget Sound Energy
Sewer	Kitsap County
Police	Kitsap County Sheriff
Fire	Central Kitsap Fire & Rescue
School	Central Kitsap School District #401

5. Access

The existing access to the subject property is off Seabeck Highway NW.

6. Site Design

The Minor Amendment listed in KCC Table 17.410.044 (Clinic, Use 258) is permitted under review of an ACUP. As such, this is a minor amendment of a previously approved application and therefore requires review per KCC 17.540.040 Decision criteria – Administrative Conditional Use Permits with the Department as the review authority per KCC Title 21. The following factors are required: the minor amendment is reviewed for consistency with KCC sections 17.410.044 Commercial, Industrial, Parks, and Public Facility Zones Use Table, and 17.420 Density, Dimensions and Design.

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:

See Listed Policies under the approved Administrative Conditional Use Permit 14-02513.

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>
Administrative CUP Application Amendment	September 14, 2022
Project Narrative	September 14, 2022
Floor Plan	October 31, 2023
Site Plan	October 31, 2023
Parking Analysis	October 31, 2023

9. Public Outreach and Comments

The Minor Amendment is a Type-I decision and consistent with Title 21 of the Kitsap County Code the County is not required to give public notice to surrounding property owners.

10. Analysis

a. Planning/Zoning

The proposed Minor Amendment with the replacement to “Clinic” is a permitted use, subject to an Administrative Conditional Use Permit, within the RCO zone. The amendment is consistent with the intent of, and code for, the RCO zone.

b. Lighting

The project is required to be consistent with KCC 17.105.110 Obnoxious Things. If security lighting is required it should be directed away from surrounding properties. Not more than one-candle foot of illumination can leave the property boundary. The

development permits will be conditioned for lighting to prevent glare on abutting residential uses.

c. Off-Street Parking

One thousand square feet of the existing 1,400 square foot building is proposed to be used as an acupuncture clinic. The use that closest relates to this in the Kitsap County Parking Table, 17.490.030 is “retail and clinic” which requires 1 space per 200 square feet. Please see Table below:

Table 5 - Parking Table

Use Identified in 17.490.030	Standard	Required Spaces	Proposed Spaces/Existing Spaces
Medical and Dental Office or Clinic	1 space per 200 square feet	1000 square feet, 1 space per 200, or 1000/200	6 spaces
Total		5 spaces	6 spaces

d. Signage

Any new signage will be required to be consistent with KCC 17.510 Sign Code.

e. Landscaping

Because the proposed use is going inside an existing building, no additional landscaping is required.

Table 6 - Landscaping Table

	Required	Proposed
Required Landscaping (Sq. Ft) 15% of Site		
Required Buffer(s) 17.500.025		
North	N/A	N/A
South	N/A	N/A
East	N/A	N/A
West	N/A	N/A
Street Trees	N/A	

f. Frontage Improvements

The project site already includes rural frontage improvements and therefore frontage improvement is not required.

g. Design Districts/Requirements

The subject property is rural in nature and is not located within a design district.

h. Development Engineering/Stormwater

Because the proposed use does not change the existing footprint, the conditions of approval remain unaltered.

i. Environmental

No comments as the work is within an existing footprint.

j. Access, Traffic and Roads

NW Seabeck Highway is designated with a functional classification as major rural arterial. The original project was reviewed for potential impacts to the local road network. The County determined that the project would not create significant adverse impacts above and beyond current thresholds.

k. Fire Safety

A tenant improvement permit will be required and will address any required building code items. Current square footage (approx. 1900 square feet) will not trigger any fire marshal requirements.

l. Solid Waste

Concurrence may be required with Waste Management at time of building permit review.

m. Water/Sewer

The existing building has private water service and has been reviewed by the Kitsap Health District. An operating septic system serves the mercantile use.

n. Kitsap Public Health District

Site plan and activities are approved.

11. Review Authority

The Director has review authority for this Minor Amendment to an 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, 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 17.540.040.A, the Department of Community Development recommends the application be **approved** subject to the following conditions:

a. Planning/Zoning

1. The Minor Amendment will be subject to all conditions of approval per the Director's Administrative Conditional Use Permit (File# 14-02513) for development of the associated Lone Rock mercantile. If there are conflicts between these conditions and the ACUP conditions, the conditions below shall apply.
2. 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 (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 more extensive or other utilization of the subject property.
3. A tenant improvement building permit will be required to change the use from a mercantile to an acupuncture business.
4. This Minor Amendment approval shall automatically become void if no development permit application is accepted as complete by the Department of Community Development within four years of the Notice of Decision date or the resolution of any appeals.

5. 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 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.
6. 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 (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 more extensive or other utilization of the subject property.
7. Artificial outdoor lighting shall be arranged so that the lighting is fully recessed or fully shielded from side view and directed downward and away from surrounding properties. No more than one foot-candle of illumination shall leave the property boundary. Lighting shall be the minimum necessary for safety purposes and be compatible with the rural character of the area. Light standards (poles) shall not exceed 20 feet in height.

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

None

Report prepared by:



March 12, 2024

Katharine Shaffer, Planning Supervisor / Project Lead

Date

Report approved by:



March 14, 2024

Scott Diener, Planning Manager

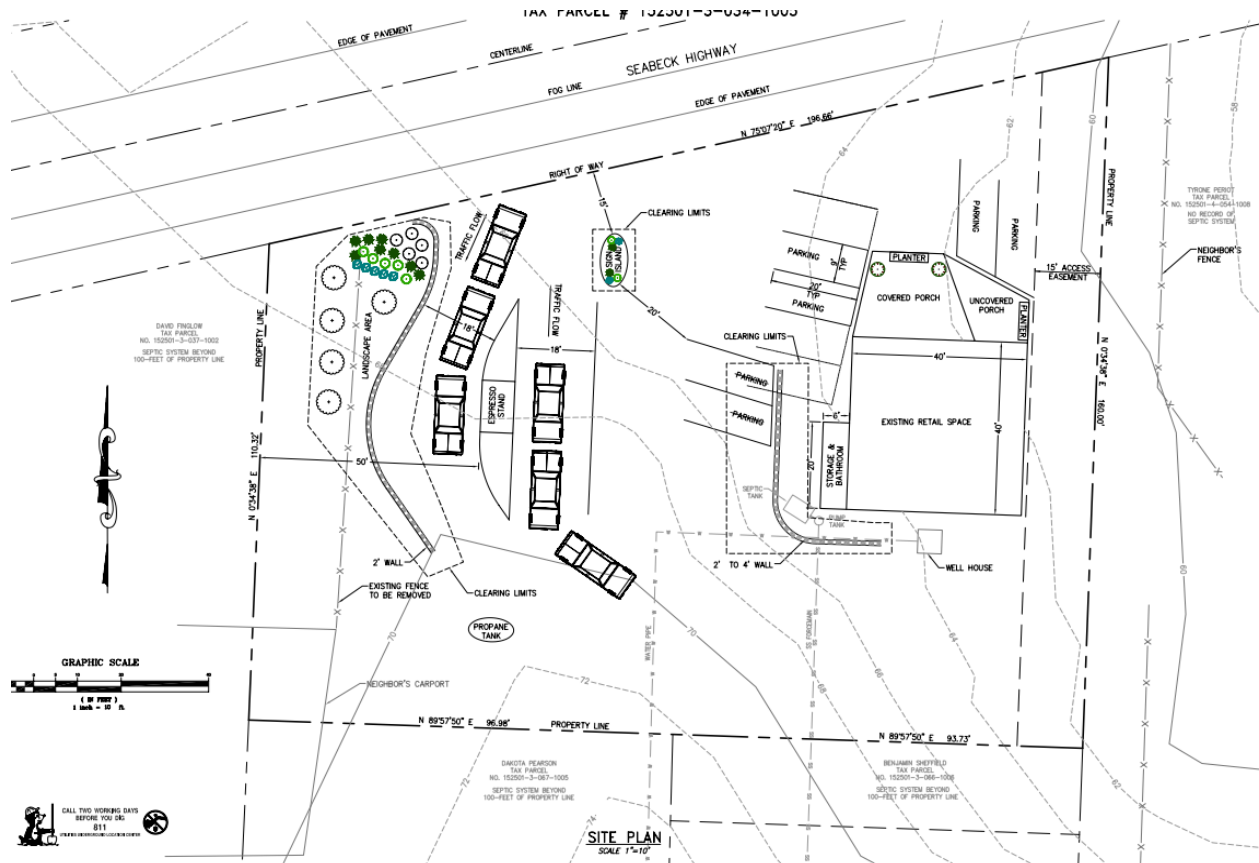
Date

Attachments:

Attachment A – Zoning Map (Required)

CC: Applicant/Owner: 1909 Holdings LLC, inbox@1909holdings.com
Project Representative: John Stallings, inbox@proserpinaconstruction.com
Tenant: Jonathan King, jonathanking@americanacupuncture.net
Interested Parties: N/A
Kitsap County Health District, MS-30
Kitsap County Public Works Dept., MS-26
DCD Staff Planner: Katharine Shaffer

Site Plan



Attachment A

