



## KITSAP COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

619 DIVISION STREET MS-36, PORT ORCHARD WASHINGTON 98366-4682 Larry Keeton, Director  
(360) 337-5777 FAX (360) 337-4415 HOME PAGE - [www.kitsapgov.com/dcd/](http://www.kitsapgov.com/dcd/)



### NOTICE OF ADMINISTRATIVE DECISION

April 23, 2015

To: Interested Parties and Parties of Record  
RE: Project Name: Valena's Custom Cakery  
Application: Administrative Conditional Use Permit  
Permit Number: 15 00347

Enclosed is the Administrative Decision issued by the Kitsap County Department of Community Development (DCD) for the above referenced application.

**THE DECISION OF THE DEPARTMENT IS FINAL, UNLESS APPEALED TO THE KITSAP COUNTY HEARING EXAMINER ON OR BEFORE 14 BUSINESS DAYS FROM THE DATE OF DECISION. PLEASE NOTE: THE DEPARTMENT OF COMMUNITY DEVELOPMENT IS OPEN MONDAY TO THURSDAY FROM 8:00 A.M. TO 4:00 P.M. AND ON FRIDAY FROM 9:00 A.M. TO 1:00 P.M. EXCEPT HOLIDAYS.**

Pursuant to the Kitsap County Land Use and Development Procedures, an appeal may be filed objecting to the Department's Decision. An appeal must be made in writing, and received by the Department of Community Development (DCD). At the time of filing the appeal, the appellant shall pay the sum of **five hundred dollars (\$500.00)**. This fee is non-refundable and subject to change. Make check payable to Kitsap County Department of Community Development (DCD).

The written appeal shall be made on, or attached to, an appeal form provided by DCD, and shall contain the following information:

The project name, project applicant, application type, and file number designated by the County;

1. The name, address, and signature of each appellant. If multiple parties file a single appeal, the appeal document shall designate, in writing, one party as the contact representative for all contact with the DCD Director and the Office of the Hearing Examiner. All contact between the County and the appellants regarding the appeal, including notices, shall be through this contact representative; and
2. A written statement of the specific aspect(s) of the Decision and/or SEPA determination being appealed, the reasons why each is in error as a matter of fact or law, and show the evidence relied upon to prove the error.

The complete case file is available for review at the Department of Community Development, Monday through Thursday, 8:00 AM to 4:30 PM and Friday 9:00 AM to 1:00 PM, except holidays. If you wish to view the case file or have other questions, please contact Constance Blackburn at [cblackburn@co.kitsap.wa.us](mailto:cblackburn@co.kitsap.wa.us) or (360) 337-5777.

Cc Applicant and/or Rep:

Marilyn and Dale Oien: [oiencon@msn.com](mailto:oiencon@msn.com)

Heather Fizer: [valenascakes@gmail.com](mailto:valenascakes@gmail.com)

Cc Interested Parties:

None



## KITSAP COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

614 DIVISION STREET MS-36, PORT ORCHARD WASHINGTON 98366-4682  
(360) 337-5777 FAX (360) 337-4925 HOME PAGE - [www.kitsapgov.com](http://www.kitsapgov.com)

LARRY KEETON, DIRECTOR

# STAFF REPORT and ADMINISTRATIVE DECISION

**Decision Date:** April 23, 2015

**Application Complete Date:** January 29, 2015

## Project: Valenas Custom Cakery

### Project Summary:

The Department of Community Development approves the request to establish a consultation business that sells custom cake design and baked goods, and a small retail bakery and coffee shop. The business is proposed to operate Tuesday through Saturday, 8:00 AM to 4:00 PM. The project will be served by public water and public sewer provided respectively by Manchester Water District and Kitsap County Public Works – Sewer Utility Division. The .18 acre parcel is developed with a 3,780 square feet commercial building that includes the Manchester Pub, separate storage space, and Valenas Customer Cakery will occupy approximately 738 square feet of the building. The property is zoned Manchester Village Commercial (MVC) and located on the west side of Colchester Drive at 2350 Colchester Drive in Manchester.

**Decision Summary:** Request approved, subject to conditions.

**Application Number:** 15 00347

**Type of Application:** Administrative Conditional Use Permit

### Project Request:

The applicant has proposed a consultation business that sells custom cake design and baked goods, and a retail bakery and coffee shop. The business will occupy approximately 738 square feet. The business is proposed to operate Tuesday through Saturday, 8:00 AM to 4:00 PM.

### Project Location:

2350 Colchester Drive E  
Manchester, Washington  
South Kitsap County

**Assessor's Account #:**  
222402-3-003-2001



**Applicant:**

Heather Fizer  
2398 Alaska Avenue E  
Port Orchard, WA 98366

**Owner of Record:**

Dale and Marilyn Oien  
PO Box 249  
Seabeck, WA 98380

**SEPA Status:**

This project is SEPA exempt under Kitsap County Code (KCC) 18.04 State Environmental Policy Act. The Valenas Custom Cakery ACUP is exempt at KCC 18.04.090 and WAC 197-11-800(1)(b)(iv) because the business will occupy an existing building with no change to the square footage and all parking is existing with no change.

**Physical Characteristics:**

According to the Assessor's records, the parcel is .18 acres, developed with 3,780 square feet commercial building built in 1946 as a tavern/bar and currently designated as "other retail trade" building. A majority of the building is occupied by the Manchester Pub, approximately 810 square feet is designated storage, and Valenas Customer Cakery will occupy approximately 738 square feet of the building. The building and parking occupy nearly the entire parcel with some very limited landscaping.

**Comprehensive Plan and Zoning Designations:**

The Comprehensive Plan designation is Manchester Limited Area of More Intensive Rural Development (LAMIRD, Type I) and the Zoning designation is Manchester Village Commercial (MVC)

**Zoning Standards**

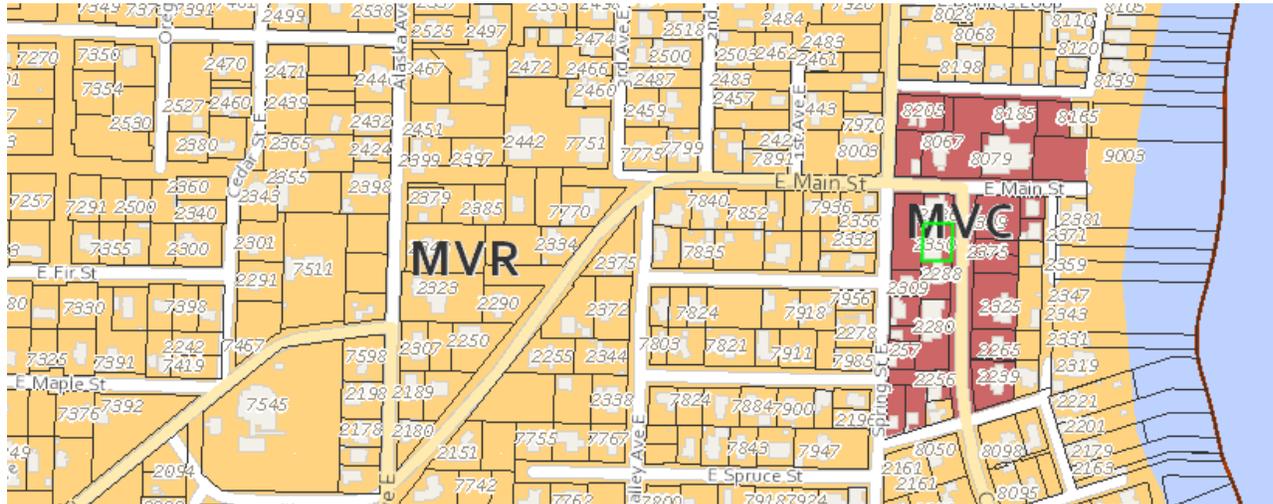
Minimum Density	0 dwelling units/acre
Base/Maximum Density	5 dwelling units/acre
Minimum Lot Size	Not Applicable
Maximum Lot Size	Not Applicable
Lot Width	Not Applicable
Lot Depth	Not Applicable
Maximum Height	28 feet
Maximum Impervious Surface Coverage	50% (this is an existing developed lot)
Maximum Lot Coverage	Not Applicable

**Setbacks**

Front Not Applicable  
Side Not Applicable  
Rear Not Applicable

**Surrounding Land Use and Zoning:**

The subject property is surrounded by MVC zoning and in the general vicinity beyond that zone is Manchester Village Residential (MVR). The MVC zone is characterized by various commercial uses including retail, restaurant and office. The MVR zone is predominately developed with a single-family residence on an urban size lot (less than a half acre).



Zoning Map

**Public Utilities and Services:**

- Water: Manchester Water District
- Power: Puget Sound Energy
- Sewer: Kitsap County Public Works
- Police: Kitsap County Sheriff
- Fire: Fire Protection District No. 7
- Schools: South Kitsap School District #402

**Policies and Regulations Applicable to the Subject Proposal:**

*Kitsap County Comprehensive Plan*  
Adopted December 11, 2006 (Amended December 2012)

The following Comprehensive Plan goals and policies are most relevant to this application:

Rural and Resource Lands  
Policy RL-32

Allow new or expanded commercial and industrial activities within designated LAMIRDs, as appropriate for limited and contained growth, infill, and redevelopment.

Economic Development  
Policy ED-5

*Encourage business diversification to reduce dependence on government spending, commuter jobs outside of the county, and to minimize cyclical unemployment.*

Policy ED-16

*Provide a diverse mix and appropriate range of commercial, industrial and business land uses that will encourage economic activity capable of providing living-wage jobs and reasonably scaled to the needs of the community.*

Policy ED-19

Commercial and industrial development in rural areas may locate in designated rural villages and communities if utilities and other services permit, to provide employment, shopping, services and housing opportunities and to reinforce the health of these communities and convenience for rural residents.

Policy ED-24

*Protect surrounding residential uses from significant impacts from increased commercial and industrial development.*

*Kitsap County Code (KCC)*

Title 11 Roads, Highways and Bridges

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

**Documents Consulted in the Analysis:**

**Applicant submittals:**

<u>Document</u>	<u>Dated or date stamped</u>
Administrative CUP Application	January 29, 2015
Environmental (SEPA) Checklist	January 29, 2015
Floor Plan	January 29, 2015
Landscape Plan	January 29, 2015
Site Photos	January 29, 2015
Site Plan	January 29, 2015

**Staff communication:**

<u>Document</u>	<u>Dated or date stamped</u>
Health District Email	April 15, 2015

**Public comments:**

No comments received to date.

**Analysis:**

Land Use and Zoning

The proposed business is to provide consultant services for custom cake design and finished baked cake goods, and a retail bakery and coffee shop. There will be a small seating area for customers of the bakery and coffee shop, less than 180 square feet based on the floor plan.

The business will occupy approximately 738 square feet of an existing building that also contains the Manchester Pub and a separate suite that is currently designated as storage on the site plan.

In KCC Allowed Uses Table 17.381.040(D), the proposed use would be classified as General retail merchandise stores – less than 4,000 square feet for the consultation and finished cake goods portion of the business and Restaurants for the bakery and coffee shop portion, both of which require an Administrative Conditional Use Permit (ACUP). All activities in the MVC zone are subject to footnote 50.

Footnote 50 states: “*The 2007 Manchester Community Plan, Appendix A – Manchester Design Standards, sets forth policies and regulations for properties within the Manchester Village commercial (MVC) district. All development within the MVC district must be consistent with these standards.*”

Staff response: This is an existing developed site and the proposal is to establish a new business in the existing building. There is no proposed change to the building footprint, building exterior or site and any minor changes do not require design review. As a result, no design review or compliance with the design standards or guidelines of the *Manchester Community Plan* is applicable to this project request.

Critical Areas

There are no known critical areas on the subject parcel or nearby that have any impact to this project request.

Water

The project will be served by Manchester Water District.

Sewage Treatment

Kitsap County Public Works currently provides sanitary sewer service to the property. Based on the proposed business, the applicant will be required to add a grease removal device.

Access and Roads

Access to the site is via Colchester Drive E., a paved county road classified as urban minor arterial.

Traffic

The proposed project’s expected average daily trip generation (ADT) is 45 based on the business having 2 employees.

### Parking

Based on the applicant's proposal for a consultant business for custom cake design and the retail sales of the related finished baked cake goods, and a bakery and coffee shop, KCC 17.435.030 requires 1 parking space per 400 square feet of gross floor area for a retail store generating relatively little automobile traffic, which most closely aligns with the consultant and retail sales of the associated baked cake goods aspect of the business and 1 parking space per 200 square feet of gross floor area for restaurants/bars/taverns, which most closely aligns with the bakery/coffee shop portion of the business. The business will occupy approximately 738 square feet of gross floor area. If the business were solely evaluated as a retail store generating relatively little automobile traffic, the maximum number of parking spaces required would be 2 (738 square feet ÷ 400 square feet = 1.85 or 2 spaces). If the business were solely evaluated as a restaurant/bar/tavern, the maximum number of parking spaces required would be 4 (738 square feet ÷ 200 square feet = 3.69 or 4 spaces). This business is a hybrid of the two with a majority of area associated with the consultation business rather than the bakery/coffee shop. The parcel has 9 parking spaces. Parking currently would be shared with the Manchester Pub, but the majority of parking needs for the pub are in the evening and not during the hours Valenas will operate. Parking for the proposed project is deemed adequate.

### Landscaping

This is an existing developed site that is nearly all impervious surface - the building and 9 parking spaces. There is no opportunity to improve road frontage landscaping because it is not reasonable or appropriate to eliminate any existing parking spaces for this site. The applicant may choose to add hanging baskets and/or potted landscaping to improve the building façade. However, there is no reasonable way for this existing site to comply with the typical 15% required landscaping and it is not appropriate to deny this application request based on non-compliance with KCC 17.385 Landscaping.

### Lighting

No lighting has been proposed. Any new lighting shall be the minimum necessary for safety and security purposes and be compatible with surrounding properties.

### Signage

No signage has been proposed. However, based on exterior photos submitted for the record, a wall sign has been posted on the building in violation of KCC 17.446.030. A sign permit is required for this sign. The applicant will need to apply for a sign permit within 14 days of the decision or remove the sign until a sign permit is issued for the wall sign. Signage will have to comply with KCC 17.446 Signs.

### Agency Recommendations

Development Services and Engineering recommends approval with 11 conditions. Kitsap County Public Works – Sewer Utility Division recommends approval with one condition. Kitsap County Health District recommends approval with one condition.

### **Findings:**

1. The Director has review authority for this Administrative Conditional Use Permit application under the KCC, Sections 17.420.020 and 21.04.100.

2. The proposal is consistent with the comprehensive plan.
3. The proposal complies with or will comply with requirements of Title 17 and complies with or will comply with all of the other applicable provisions of the KCC and all other applicable regulations, including all applicable development standards and design guidelines, through the imposed conditions outlined in this report.
4. The proposal will not be materially detrimental to existing or future uses or property in the immediate vicinity.
5. 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.

**Decision:**

Based upon the above findings, the Administrative Conditional Use Permit request for Valenas Custom Cakery is approved, subject to the following 13 conditions:

Development Services and Engineering

Planning/Zoning

1. All required permits shall be obtained prior to commencement of land clearing, construction and/or occupancy.
2. This permit shall comply with all Kitsap Public Health District regulations and conditions of approval.
3. Any and all signage design and location (including exempt signs) shall comply with Kitsap County Code (KCC) 17.446, and be reviewed and approved by the Department of Community Development prior to installation. Signage may require a separate permit.
4. The applicant shall apply for a sign permit within 14 days of the issued decision date to legalize the existing posted wall sign for the subject business. The sign shall comply with Kitsap County Code (KCC) 17.446 or be removed.
5. 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 surrounding properties.
6. The recipient of any administrative conditional use permit shall file a Notice of Land Use Binder with the county auditor prior to any of the following: initiation of any further

site work, issuance of any development/construction permits by the county, or occupancy/use of the subject property or buildings thereon for the use or activity authorized. The Notice of Land Use Binder shall serve both as an acknowledgment of and agreement to abide by the terms and conditions of the administrative conditional use permit and as a notice to prospective purchasers of the existence of the permit. The Binder shall be prepared by the Department and recorded at the applicant's expense. The applicant shall provide recorded copies of the Binder to the Department immediately after recording. The Binder shall be recorded within 30 days of notification from the Department that the Binder is ready to be recorded.

7. This Administrative Conditional Use Permit shall automatically become void if no commercial building permit application to establish Valenas Custom Cakery is accepted as complete by the Department of Community Development within three years of the Notice of Decision date or the resolution of any appeals.
8. 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 Administrative Conditional Use Permit 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.
9. 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.
10. The decision set forth herein is based upon representations made and exhibits contained in the project application file 15 00347. Any change(s) or deviation(s) in such plans, proposals, or conditions of approval imposed shall be subject to further review and approval of the County and potentially the Hearing Examiner.
11. Any violation of the conditions of approval shall be grounds to initiate revocation of this Administrative Conditional Use Permit.

#### Public Works – Sewer Utility Division

12. The applicant shall install a grease removal device, to be approved by KCPW - Sewer Utility Division, prior to occupancy.

Health District

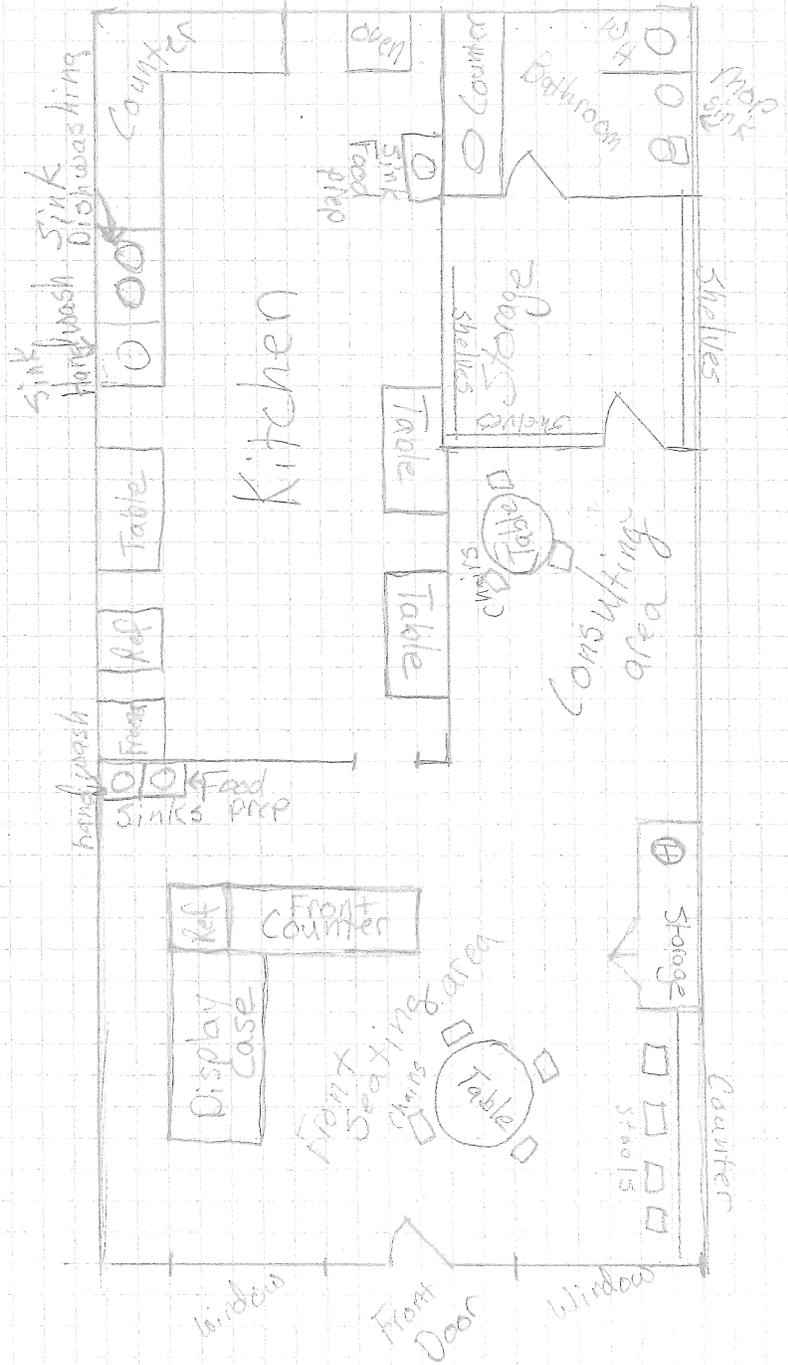
13. The property shall be served by Manchester Water District and Kitsap County Public Works sewer.

c: Heather Fizer; valenascakes@gmail.com  
Dale and Marilyn Oien; oiencon@msn.com  
Interested Parties: None identified to date  
Kitsap County Health District, MS-30  
Kitsap County Public Works Dept., MS-26  
DCD Staff Planner: Meg Sands  
DCD Code Compliance  
DCD File 15 00347  
DCD Building Permit File  
DCD Development Engineering  
DCD Fire Marshal

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Scale 1/4" = 1 ft. Proposed plan



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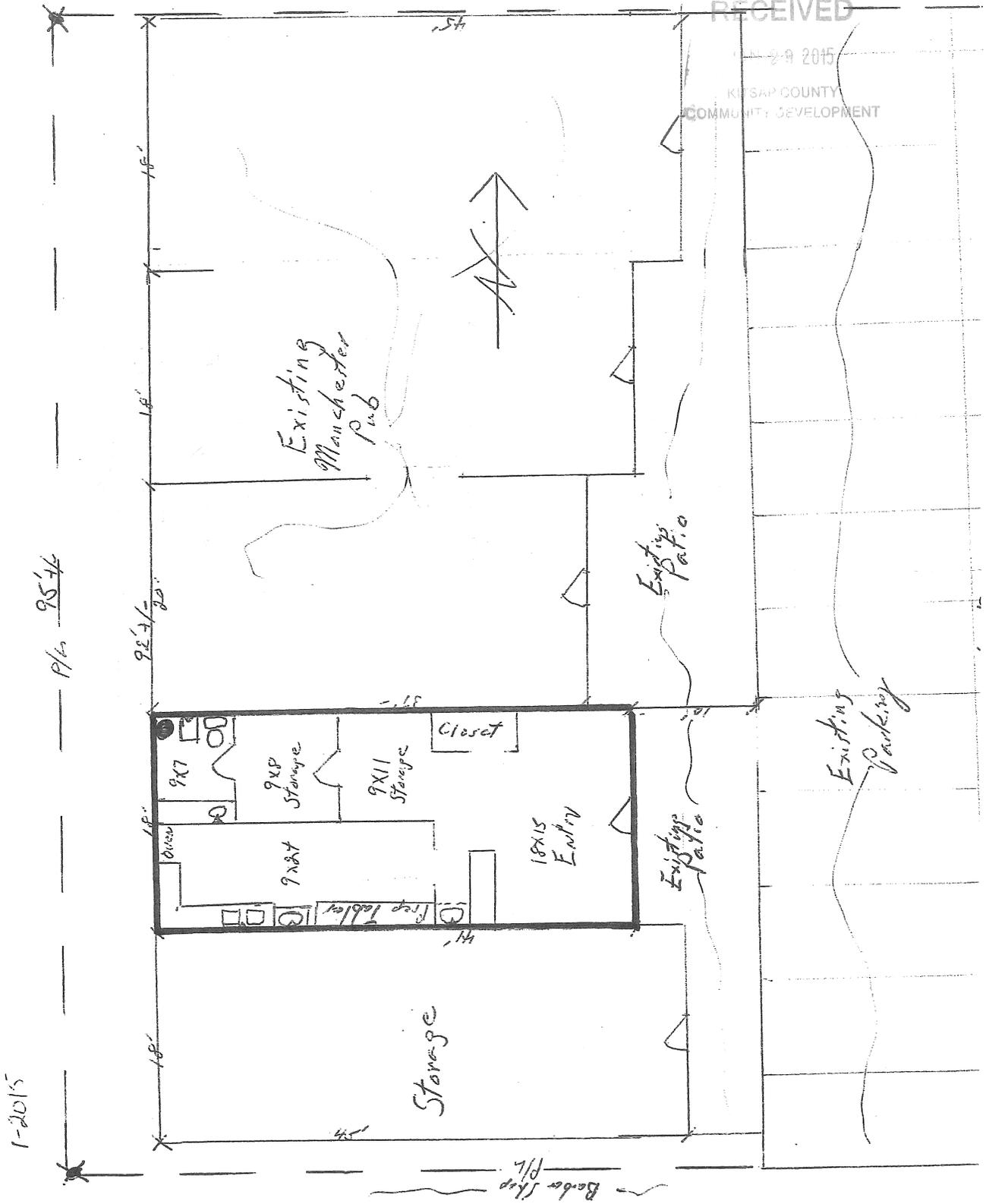
Floor Plan

15 00347

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2-9 2015

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Site Plan