



Hearing Examiner Staff Report and Recommendation

Report Date: September 20, 2018
Hearing Date: September 27, 2018

Application Submittal Date: May 14, 2018
Application Complete Date: June 12, 2018

Project Name: Huddleston Accessory Dwelling Unit
Type of Application: Conditional Use Permit
Permit Number: 18-01967

Project Location

1151 NW Darling Road
Bremerton, WA 98311
Commissioner District #3

Assessor's Account

4419-000-002-0401

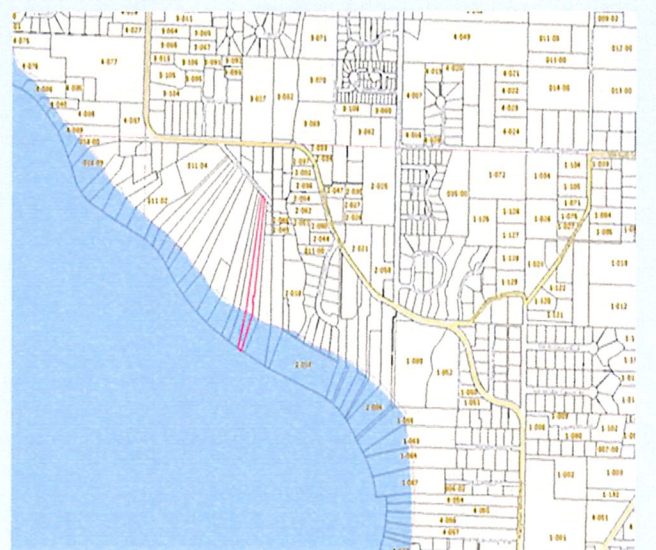
Applicant/Owner of Record

Dionne and Thomas Huddleston
1151 NW Darling Road
Bremerton, WA 98311

Recommendation Summary

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

VICINITY MAP



1. Background

Dionne and Thomas Huddleston have applied for a Conditional Use Permit to allow for an 894 square foot accessory dwelling unit at 1151 NW Darling Road. The proposed accessory dwelling unit is the second story above a garage.

The subject property is zoned Rural Residential and outside of the urban growth boundary. Kitsap County Code 17.410.060.B.3.b requires a conditional use permit for accessory dwelling units outside of the urban growth boundary.

Presently, the property is vacant. In addition to this application, the applicants have applied for a building permit, #18-01470, to construct a 2,374 square foot single family residence. A single-family residence is permitted in the zone and only requires a building permit.

1151 NW Darling Road is a shoreline property that abuts Dyes Inlet. Kitsap County Code 22.200.100.A.5 defines the Shoreline Jurisdiction as "Shorelands adjacent to these water

bodies, typically within two hundred feet of the ordinary high water mark (OHWM)." The proposed accessory dwelling unit is located approximately 202' from ordinary high-water mark. Because the proposed accessory dwelling unit is located outside the 200' shoreline buffer, no shoreline permit was required with this application.

2. Project Request

The applicant requests approval for a Conditional Use Permit for an 894 square foot Accessory Dwelling Unit.

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 197-11-355, the optional DNS process was utilized for this project. The SEPA Comment period previously occurred concurrent with the Notice of Application dated June 26, 2018 (Exhibit 15). A Determination of Nonsignificance (DNS) was issued on August 23, 2018 (Exhibit 18). SEPA noted the following information/SEPA mitigation conditions have been imposed and are listed under conditions 28 at the end of this report:

The SEPA appeal period expired September 6, 2018. No appeals were filed; therefore, the SEPA determination is final.

4. Physical Characteristics

The subject property is a shoreline property that is very long and narrow. From NW Darling Road to the shoreline is approximately 920'. At NW Darling Road the property is very narrow, approximately 45' and slightly widens towards the shore.

Table 1 - Comprehensive Plan Designation and Zoning

Comprehensive Plan: Zone: Rural Residential	Standard	Proposed
Minimum Density	N/A Per Table 17.420.052	Two Dwelling Units: One Single Family Residence
Maximum Density	N/A Per 17.420.052	and one ADU

Minimum Lot Size	5 acres	N/A
Maximum Lot Size	N/A Per 17.420.052	N/A
Minimum Lot Width	140 feet	
Minimum Lot Depth	140 feet	N/A
Maximum Height	35 feet	N/A
Maximum Impervious Surface Coverage	N/A Per 17.420.052	
Maximum Lot Coverage	N/A Per 17.420.052	

Applicable footnotes:

17.420.060.4: If a single lot of record, legally created as of April 19, 1999, is smaller in total square footage than that required under this chapter, or if the dimensions of the lot are less than required, said lot may be occupied by any reasonable use allowed within the zone subject to all other requirements of this chapter. If there are contiguous lots of record held in common ownership, each of the lots legally created as of April 19, 1999, and one or more of the lots is smaller in total square footage than required by this chapter, or the dimensions of one or more of them are less than required, said lots shall be combined to meet the minimum lot requirements for size and dimensions

Staff Comment: Subject parcel is less than 140' wide. Because of the above-mentioned footnote, Urban Restrictive setbacks can be applied. Please see Table 2 below.

Table 2 - Setback for Zoning District

Urban Restrictive to ADU	Standard	Proposed
Front: North	20 feet	~700 feet
Side: East	5 feet	26 feet
Side	5 feet	5 feet
Rear: South (Shoreline) Shoreline Designation: Shoreline Residential	85' from ordinary high-water mark	~200' from ordinary high-water mark (bulkhead) to ADU

Table 3 - Surrounding Land Use and Zoning

Surrounding Property	Land Use	Zoning
North	Single-family residence	Rural Residential (RR)
South	Dyes Inlet	Salt Water Body
East	Single-family residence	Rural Residential (RR)
West	Single-family residence	Rural Residential (RR)

Table 4 - Public Utilities and Services

	Provider
Water	Kitsap PUD #1

Land Use Policy 53

Outside of the Type III Limited Area of More Intensive Rural Development (LAMIRD), limit development only to that which serves rural residential or resource needs and does not draw population from Urban Growth Areas. This policy is implemented through Comprehensive Plan Land Use designation, zoning designation, and zoning code provisions.

Housing, Human Services Goals and Policies

Housing, Human Services Policy 5

Use regulatory strategies to incentivize and provide flexibility for development of affordable and special needs housing.

Housing, Human Services Policy 7

Adopt regulatory changes to allow non-traditional housing types.

Housing, Human Services Policy 11

Promote fair housing to ensure that all residents of Kitsap County have an equal and fair opportunity to obtain safe and sanitary housing suitable to their needs and financial resources, regardless of race, religion, gender, sexual orientation, age, national origin, family status, income, disability, or other protected class.

Housing, Human Services Policy 12

Identify and remove regulatory barriers and limits access to or the provision of a diverse affordable housing supply.

Housing, Human Services Policy 13

Identify and remove impediments to creating housing for harder to house populations.

Housing, Human Services Policy 14

Disperse affordable housing opportunities throughout the County.

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	Stormwater Drainage
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

A complete index of exhibits is in the project file. To date, the index to the record consists of Exhibits 28.

Exhibit Number	Document	Date Received	Dated
1	SEPA Environmental Checklist	04/24/18	
2	Geotechnical Report	04/24/18	
3	No-Net Loss Report	04/24/18	
4	Stormwater Packet	04/24/18	
5	Traffic Concurrency Application	04/24/18	
6	Project Application	05/04/18	
7	Floor Plans – ADU	05/04/18	
8	Floor Plans – SFR	05/14/18	
9	Project Narrative	05/17/18	
10	Site Plans	06/12/18	
11	Building Elevations – ADU	06/12/18	
12	Building Elevations – SFR	06/12/18	
13	Health District Documentation	06/12/18	
14	Easement	06/12/18	
15	Notice of Application		06/26/18
16	Engineered Drainage Report	08/09/18	
17	Engineered Drainage Plan	08/10/18	
18	SEPA Determination of Non-Significance (DNS)		08/23/18
19	Map – Zoning		09/07/18
20	Map – Critical Areas		09/07/18
21	Map – Aquifer Recharge		09/07/18
22	Map – Comprehensive Plan		09/07/18
23	Map – Shoreline Designation		09/07/18
24	Map – Aerial		09/07/18
25	Map – Assessor Parcel		09/07/18
26	Notice of Public Hearing		09/12/18
27	Certification of Public Notice		09/12/18
27	Staff Report		
28	Staff Presentation		

9. Public Outreach and Comments

No public comments were received.

10. Analysis

a. Planning/Zoning

17. 410.060.B.3. Accessory Dwelling Unit (ADU). In order to encourage the provision of affordable and independent housing for a variety of households, an accessory dwelling unit may be located in residential zones, subject to the following criteria:

- a. An ADU shall be allowed as a permitted use in those areas contained within an urban growth boundary;

Staff Comment: The subject property is not located within the urban growth boundary.

- b. An ADU shall be subject to a conditional use permit in those areas outside an urban growth boundary;

Staff Comment: The subject property is located outside of the urban growth boundary. This application is a Conditional Use Permit for an Accessory Dwelling Unit.

- c. Only one ADU shall be allowed per lot;

Staff Comment: This application proposes only one ADU. There are no other ADUs present or proposed.

- d. Owner of the property must reside in either the primary residence or the ADU;

Staff Comment: The property owner plans to reside in the primary residence.

- e. The ADU shall not exceed fifty percent of the square footage of the habitable area of primary residence or nine hundred square feet, whichever is smaller. Dimensions are determined by exterior measurements;

Staff Comment: The proposed single-family residence has a habitable area of 2,374 square feet. 50% of the habitable area of the proposed single-family residence is 1,187 square feet. Hence, the accessory dwelling unit is limited to 900 square feet. The proposed accessory dwelling unit has a habitable area of 894 which meets this requirement. The accessory dwelling unit is the second story of a garage. The first floor, a 942 square foot garage, does not count toward the habitable area calculations because it not heated space.

- f. The ADU shall be located within one hundred fifty feet of the primary residence or shall be the conversion of an existing detached structure (i.e., garage);

Staff Comment: The proposed single-family residence and the proposed accessory dwelling unit are approximately 67 feet apart satisfying this requirement.

- g. The ADU shall be designed to maintain the appearance of the primary residence;

Staff Comment: The ADU's building materials will be identical to the single family residence: a concrete foundation, a mixture of light brown stained tongue and groove cedar siding and grey concrete siding panels, a dark brown standing seam metal 12:1 single pitch roof, brown fiberglass frame windows.

h. All setback requirements for the zone in which the ADU is located shall apply;

Staff Comment: All setbacks are met for the proposed accessory dwelling unit. Kitsap County Code 17.420.060.4 allows the subject property to use urban restrictive zoning setbacks. These setbacks are met. The proposed accessory dwelling unit also meets the shoreline setback. Please see Table 2 for exact measurements of setbacks.

i. The ADU shall meet the applicable health district standards for water and sewage disposal;

Staff Comment: The application was routed to Kitsap County Health District and approved. Condition 8 addresses Health District concerns.

j. No mobile homes or recreational vehicles shall be allowed as an ADU;

Staff Comment: The subject property is a stick-built structure. It is not a mobile home or recreational vehicle. There are no mobile homes or recreational vehicles present on the subject property or proposed in this application.

k. An ADU shall use the same side street entrance as the primary residence and shall provide additional off-street parking; and

Staff Comment: The property is accessed off NW Darling Road. The proposed single-family residence and the proposed accessory dwelling unit will use an existing shared easement (Exhibit 14) with the neighboring property, 1145 NW Darling Rd.

There are four parking spots proposed. Two spots are proposed in front of the accessory dwelling unit and two proposed in front of the single-family residence. Please see Table 5 below.

l. An ADU is not permitted on the same lot where an accessory living quarters exists.

Staff Comment: Exhibit 8 shows the floor plans of the proposed single-family residence and no accessory living quarters are proposed.

b. Lighting

Lighting standards are not applicable to this application.

c. Off-Street Parking

Proposal meets the requirements for parking. Please see table below:

Table 5 - Parking Table

Use Identified in 17.490.030	Standard	Required Spaces	Proposed Spaces/Existing Spaces
Single-Family (attached or detached)	3 per unit and 1 additional space for accessory dwelling units or accessory living quarters.	3+1=4	4 proposed. Exhibit 10 shows parking in front of and behind the ADU and in front of the single-family residence.

d. Signage

The application proposes no signage.

e. Landscaping

Landscaping requirements do not apply to this application.

Table 6 - Landscaping Table

	Required	Proposed
Required Landscaping (Sq. Ft) 15% of Site	Not applicable	Not applicable
Required Buffer(s) 17.500.025	Not applicable	Not applicable
North	Not applicable	Not applicable
South	Not applicable	Not applicable
East	Not applicable	Not applicable
West	Not applicable	Not applicable
Street Trees	Not applicable	Not applicable

f. Frontage Improvements

This project does not require frontage improvements.

g. Design Districts/Requirements

The subject property is not within a design district.

h. Development Engineering/Stormwater

Development Services and Engineering has reviewed the Conditional Use Permit application and finds the concept supportable in its approach to civil site development. The review was based on a review of the Preliminary Drainage Report and Preliminary Engineering Plans stamped received June 12, 2018, and as revised by resubmitted plans received August 10, 2018 to Kitsap County Development Services and Engineering. Please see Conditions 20-24.

i. Environmental

The subject property has moderate to high geologic hazards - slopes greater than 15%. There was a Geologic Slope Assessment (Exhibit 2) dated March 16, 2018 prepared by EnviroSound. The report concluded the single-family residence, not the ADU, will be 28' from top of slope. The report further explained that the building setback for the single-family residence "can be reduced with no significant impact on the overall stability of the slope due to the relative stable nature of the slope and the daylight basement will embed the structure into more stable soils." The building permit for the single-family residence will be conditioned to follow the recommendations of the report. The report does not apply to the accessory dwelling unit as it was not located within the geologically hazardous area.

The subject property has an existing bulkhead. Kitsap County Code 22.600.160.C.1.q states that "new structures shall be designed and located so no new bulkheading or armoring of the shoreline is necessary." Condition 25 addresses this requirement. The existing bulkhead can be repaired or replaced in the same footprint, if needed, but it cannot expand.

j. Access, Traffic and Roads

Department of Community Development staff reviewed the project and approved. Three conditions were placed on the project. Please see Conditions 26-28.

k. Fire Safety

Fire sprinklers are not required because the proposed structures do not exceed 5,000 square feet. Fire flow is also not required because the structures do not exceed 3,600 square feet.

l. Solid Waste

Typical single-family waste management methods apply to this parcel. No additional conditions are added regarding solid waste.

m. Water/Sewer

The subject property has been approved by the Kitsap County Health Department for sewage and water. Please see Exhibit 13.

n. Kitsap Public Health District

Kitsap County Health Department staff has reviewed and approved the proposal. Condition 8 refers to Health District concerns.

11. Review Authority

The Hearing Examiner has review authority for this Conditional Use Permit application under KCC, Sections 17.550.020 and 21.04.100. The Kitsap County Commissioners have determined that this application requires review and approval of the Hearing Examiner. The Hearing Examiner may approve, approve with conditions, or deny a Conditional Use Permit. The Hearing

Examiner may also continue the hearing to allow for additional information necessary to make the proper decision. The powers of the Hearing Examiner are at KCC, Chapter 2.10.

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. Recommendation

Based upon the analysis above and the decision criteria found in KCC 17.550.030.A, the Department of Community Development recommends the Conditional Use Permit for the Huddleston ADU be approved subject to the following 28 conditions:

a. Planning/Zoning

1. All required permits shall be obtained prior to commencement of land clearing, construction and/or occupancy.
2. The accessory dwelling unit (ADU) is subject to the payment of impact fees. Impact fees must be paid at time of building permit issuance, or if deferred, must be paid prior to final inspection. No certificate of occupancy will be granted until all impact fees are paid.
3. Any proposed modification (not including cosmetic work such as painting, papering and similar finish work), remodel or expansion of the accessory dwelling unit (ADU) building, regardless of whether a building permit is required, shall be reviewed by the Department of Community Development and granted approval prior to such modification, expansion, construction and/or issuance of a building permit.
4. Only one accessory dwelling unit (ADU) shall be permitted on the subject property.
5. The owner of the property must reduce in either the primary residence or the accessory dwelling unit (ADU) and only one of structures may be rented at any one time.

6. The accessory dwelling units (ADU) habitable area shall now exceed 50% of the primary residence or 900 square feet, whichever is smaller. The proposed size of the ADU is 894 square foot (Exhibit 7). Any future expansion of the ADU will require a building permit and would have to comply with all code requirements in place at the time of the new building permit application.
7. The accessory dwelling unit (ADU) shall be designed to maintain the appearance of the primary residence.
8. This permit shall comply with all Kitsap Public Health District regulations and conditions of approval.
9. No mobile home or recreational vehicle shall be allowed as an accessory dwelling unit (ADU).
10. The accessory dwelling unit (ADU) shall use the same side street entrance as the primary residence and shall provide one additional off-street parking space.
11. An accessory living quarters (ALQ) or guest house (GH) is not permitted on the same lot unless the accessory dwelling unit (ADU) is removed and the ALQ or GH complies with all requirements imposed by the Kitsap County Code (KCC).
12. A property with a primary residence and an accessory dwelling unit (ADU) cannot be segregated to create two separate legal lots unless it complies with all subdivision, zoning and density requirements in place at the time of a complete subdivision application.
13. The accessory dwelling unit (ADU) cannot be sold separately from the primary residence unless it has legally been segregated onto its own lot.
14. The recipient of any 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 acknowledgement of an agreement to abide by the terms and conditions of the conditional use permit and as a notice to prospective purchasers of the existence of the permit. The Binder shall be prepared and recorded by the Department at the applicant's expense.
15. 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.
16. The authorization granted herein is subject to all applicable federal, states, 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.

17. The decision set forth herein is based upon representations made and exhibits contained in the project application (Permit #18-01967). 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.
18. The Conditional Use Permit 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.
19. Any violation of the conditions of approval shall be grounds to initiate revocation of this Conditional Use Permit.

b. Development Engineering

20. Construction plans and profiles for all roads, storm drainage facilities and appurtenances prepared by the developer's engineer shall be submitted to Kitsap County for review and acceptance. No construction shall be started prior to said plan acceptance.
21. The information provided demonstrates this proposal is a Large Project as defined in Kitsap County Code Title 12, and as such will require a Site Development Activity Permit (SDAP), that demonstrates a stormwater design meeting Minimum Requirements #1-9, from Development Services and Engineering.
22. Stormwater quantity control, quality treatment, and erosion and sedimentation control shall be designed in accordance with Kitsap County Code Title 12 effective at the time of the Conditional Use Permit application was deemed complete, June 14, 2018. The submittal documents shall be prepared by a civil engineer licensed in the State of Washington. The fees and submittal requirements shall be in accordance with Kitsap County Ordinances in effect at the time of SDAP application.
23. The Washington State Department of Fish and Wildlife may require a Hydraulic Project Approval for the work required at the proposed outfall. If the project proposal is modified from that shown on the submitted site plan dated August 10, 2018, Development Services and Engineering will require additional review and potentially new conditions.
24. If the project proposal is modified from that shown on the submitted site plan dated August 10, 2018, Development Services and Engineering will require additional review and potentially new conditions.

c. Environmental

25. The placement of residential development on the property shall be located to make the installation of shore protection structure or expansion of existing shore protection structure unnecessary.

d. Traffic and Roads

26. At time of building permit apply for Concurrency Test (KCPW Form 1601) as required by Chapter 20.04.030, Transportation Concurrency, of the Kitsap County Code. The KCPW 1601 form reserves road capacity for the project.
27. Submit plans for construction of the road approach between the edge of the existing pavement and the right-of-way line at all intersections with county rights-of-way. Approaches shall be designed in accordance with the Kitsap County Road Standards as established in Chapter 11.22 of the Kitsap County Code. Existing approaches may need to be improved to meet current standards.
28. Any work within the County right-of-way shall require a Public Works permit and possibly a maintenance or performance bond. This application to perform work in the right-of-way shall be submitted as part of the SDAP process. The need for and scope of bonding will be determined at that time.

Report prepared by:



Katharine Shaffer, Staff Planner / Project Lead

9.18.18
Date

Report approved by:



Shawn Aire, Development Services Engineering Supervisor

9.18.18
Date

Attachments:

Attachment – Zoning Map

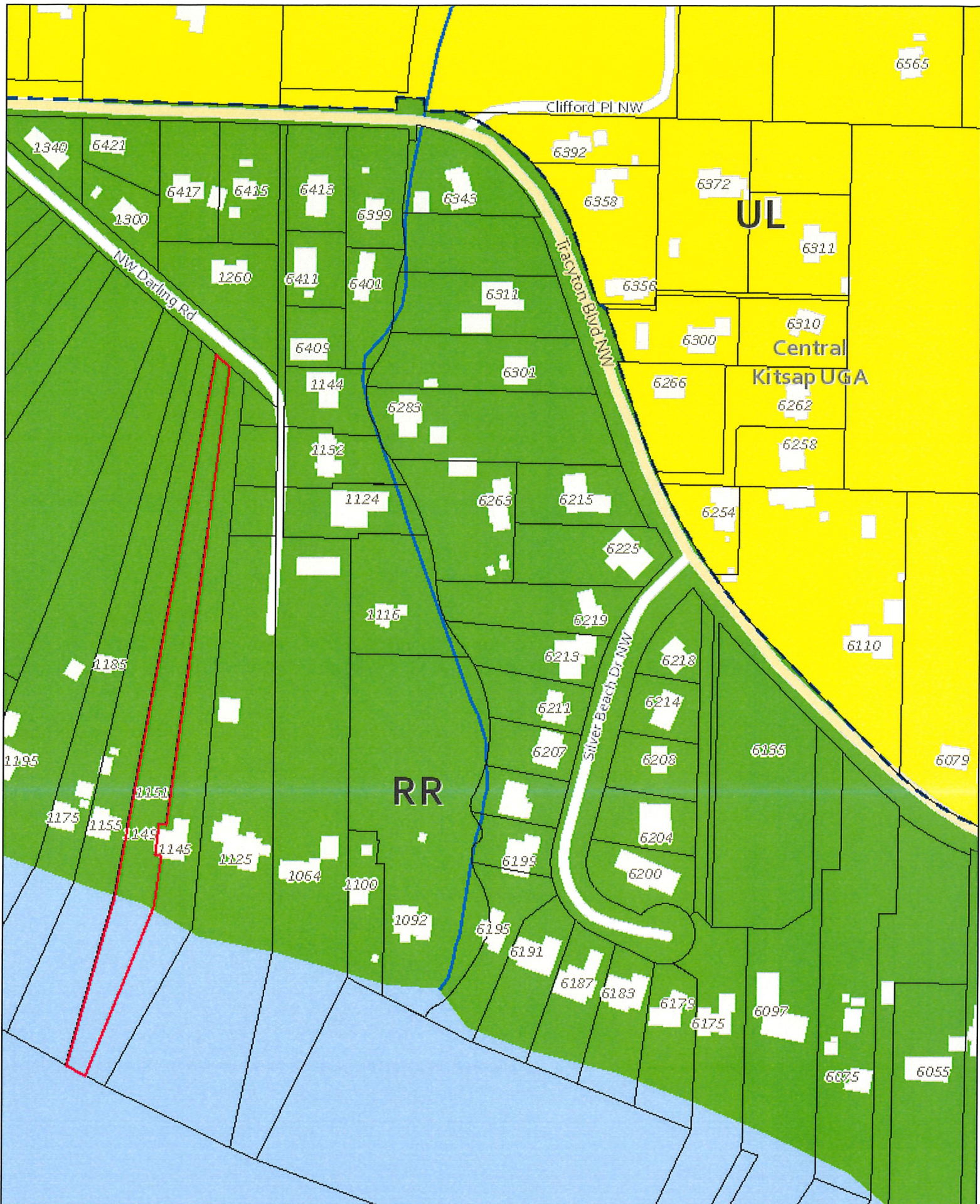
CC: Dionne and Thomas Huddleston, dpadilla25@gmail.com
Indigo Architects, jebt@beingindigo.com
BGE Environmental LLC, bgerobbbyn@comcast.net
Interested Parties: None

Staff Report: 18-01967 Huddleston ADU
September 27, 2018

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Kitsap County Health District, MS-30
Kitsap County Public Works Dept., MS-26

Site Plan



Comments

Parcel No: 4419-000-002-0401 TaxPayer: HUDDLESTON THOMAS A & Site Address: MULTIPLE ADDRESSES ON FILE

** This map is not a substitute for field survey ** Map Scale: 1 inch = 200 feet

Kitsap Co. Parcel Search Application



Printed September 6, 20