



## Staff Report for the Hearing Examiner

Report Date: March 13, 2017

Application Submittal Date: October 24, 2016

Hearing Date: March 23, 2017

Application Complete Date: October 24, 2016

**Permit Number:** 16 04788

**Project Name:** Martin – Accessory Dwelling Unit (ADU)

**Type of Application:** Conditional Use Permit (CUP)

*This staff report was prepared by Holly Roberts, Planner, Katharine Shaffer, Environmental Planner, and Candice Vickery, Engineer 1, based on information available up until the time the report was prepared. New information relevant to review of this application may become available prior to the hearing or at the hearing. Staff may wish to change their analysis based upon that new information, and reserves the right to do so.*

### Proposal Summary:

The Department of Community Development is recommending approval of the applicant's request for a Conditional Use Permit (CUP). The CUP will allow the applicant to convert an existing 898 square foot single family residence with an attached 2,810 square foot garage into an accessory dwelling unit (ADU). The applicant will then construct a new 2,436 square foot single family residence with attached 749 square foot garage and 474 square foot unheated bonus/storage room. The approval would be subject to 25 conditions outlined at the end of this report. The 4.81-acre parcel is zoned Rural Residential (RR) and is located at 11894 Willamette Meridian Road NW in Silverdale. The project will be served by on-site septic and public water.

### Project Request:

The applicant requests conditional use permit approval to convert an existing 898 square foot single family residence with attached 2,808 square foot garage into an accessory dwelling unit to allow for the construction of a new 2,436 square foot single family residence with attached 749 square foot garage and 474 square foot unheated bonus/storage room.

### Project Location:

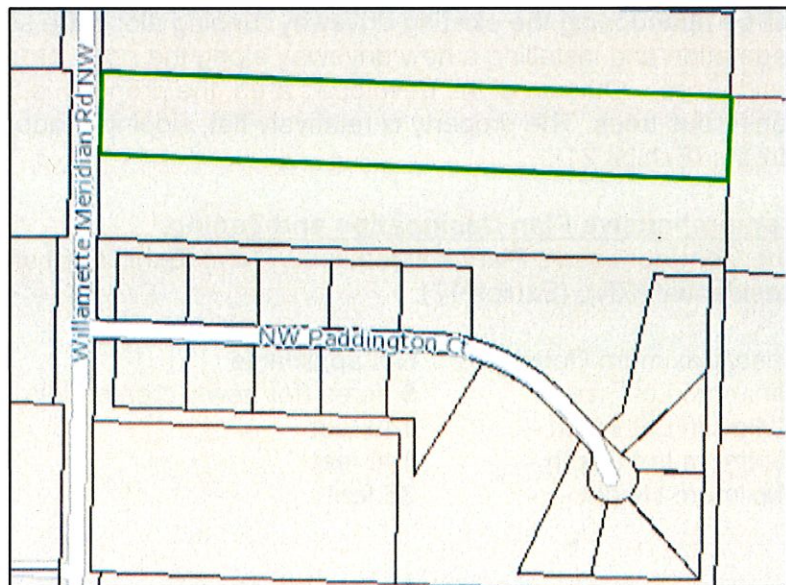
11894 Willamette Meridian RD NW  
Silverdale, WA 98383

### Assessor's Account #:

072501-3-041-2004

### Applicant/Owner of Record:

Jeffrey & Renee Martin  
11894 Willamette Meridian RD NW  
Silverdale, WA 98383



**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 October 25, 2016 (Exhibit 9). A Determination of Nonsignificance (DNS) was issued on December 8, 2016 (Exhibit 11).

The SEPA appeal period expired November 8, 2016. No appeals were filed; therefore, the SEPA determination is final.

**Physical Characteristics:**

The 4.81-acre rectangular parcel is currently developed with an 898 square foot single-family residence (SFR) and 2,808 square foot attached 4-car garage. The applicant has also applied for a building permit (16 05744) to construct a new single family residence (SFR). The county critical areas map shows potential wetlands on the eastern portion of the property as well as a non-fish bearing stream. Environmental Planner, Katharine Shaffer, reviewed the proposal and determined that the location of the proposed SFR exceeds all buffer and setback requirements. The ADU is an existing structure and was reviewed for critical areas compliance at the time of building permit. The eastern portion of the property also lies within a Category II Critical Aquifer Recharge Area (Exhibit 19).

The location of the proposed SFR is already cleared of trees and is grassy lawn. The applicant will be abandoning the existing driveway running along the south property line, restoring it with vegetation and installing a new driveway along the north property line to better serve both residences. Outside of the developed area, the property is forested with predominantly coniferous trees. The property is relatively flat, sloping gradually from west to east towards the stream (Exhibit 21).

**Comprehensive Plan Designation and Zoning:**

The Comprehensive Plan designation is Rural (Exhibit 20) and the Zoning designation is Rural Residential (RR), (Exhibit 17).

Base/Maximum Density -	Not applicable
Minimum Lot Size -	5 acres (for newly created lots, this is an existing legal lot)
Minimum Lot Width -	140 feet
Minimum Lot Depth -	140 feet
Maximum Height -	35 feet

**Standard Zoning Setbacks**

- Front - 50-feet
- Side - 5-feet (accessory structure)
- Rear - 5-feet (accessory structure)

**Surrounding Land Use and Zoning:**

The surrounding area is also zoned RR. Parcels in the area are predominately developed with a single-family residence (SFR) on acreage lots or undeveloped.



**Public Utilities and Services:**

- Water: Silverdale Water
- Power: Puget Sound Energy
- Sewer: On-site septic system
- Police: Kitsap County Sheriff
- Fire: Central Kitsap Fire & Rescue
- Schools: Central Kitsap # 401

**Access:**

Access to the site is off of Willamette Meridian Road NW, a county maintained, paved road.

**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 Goals and Policies:**

Land Use Goal 13 – Protect Kitsap County's unique rural character.

Land Use Policy 50

*Limit the designed rural area to low residential densities that can be sustained by minimal infrastructure improvements, cause minimal environmental degradation, and that will not cumulatively create the future necessity or expectation of urban levels of service.*

Land Use Policy 51

*Permit residential uses in rural areas consistent with the planned rural character of the surrounding area.*

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 and Human Services Goal 2 – Increase affordable housing units and ensure that a broad range of housing types are available.

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 and Human Services Goal 4 – Ensure that all people have fair and equal access to housing and services.

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:

**Kitsap County Code (KCC)**

- 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)
- Title 19 Critical Areas Ordinance
- Chapter 20.04 Transportation Facilities Concurrency Ordinance
- Chapter 21.04 Land Use and Development Procedures

**Documents Consulted in the Analysis:**

A complete index of exhibits is located in the project file. To date, the index to the record consists of Exhibits 23.

Exhibit #	Document	Date or date stamped
1	Project Application	10/24/16
2	Supplemental Application – Land Use	10/24/16
3	Supplemental Application – Concurrency	10/24/16
4	State Environmental Protection Act Checklist	10/24/16
5	Single Family Residence Elevations, Plans (Floor, Foundation, Roof) and Cross-sections	10/24/16
6	Accessory Dwelling Unit Elevations and Floor Plans	10/24/16
8	Photo – Accessory Dwelling Unit Elevations	
10	Public Comment – Email from James Routt	11/12/16
13	Health Officer Decision – Land Use	01/19/17
14	Site Plan	01/20/17
15	Health Officer Decision – Building Clearance	02/08/17
16	Public Comment – Email from Andrew Cole	02/27/17

**Public Comments:**

Staff received public comment from two neighboring property owners. James Routt commented regarding the stream and buffers and was concerned that the applicant had been dumping land waste on the west side of the stream. Mr. Routt also expressed concern over the applicants business, Kitsap Excavation, being operated out of the site.

Staff visited the site on December 13, 2016. There was no evidence that land debris had been dumped on-site or in the stream buffer. Staff noted two piles of logs that appeared to have been there for some time. According to the applicant, these trees are from the original land clearing activity that occurred prior to construction of the existing residence and garage.

Staff noted a dump-truck parked on-site next to the existing garage. Per Kitsap County Code 17.410.050.A.18, one piece of heavy equipment is allowed on-site without conditional use permit approval for a contractor’s storage yard. The applicant was made aware of this requirement.

Andrew Cole commented and had concerns regarding noise associated with the land clearing and construction activities occurring on-site. Construction activities are exempt from Kitsap County Code 10.28.050, however the applicant must still comply with the noise code before 7:00 AM and after 10:00 PM. The applicant was informed of these requirements and has agreed to comply.

### **Analysis:**

#### Land Use and Zoning

An accessory dwelling unit within the Rural Residential (RR) zone requires a Conditional Use Permit (CUP) as specified in KCC Table 17.410.040 (A) Rural, Resource and Urban Residential Zones, subject to footnote 1. Footnote 1 indicates an ADU is subject to compliance with Section 17.410.060 Provisions applying to special uses.

#### Accessory Dwelling Unit (ADU) Standards

An ADU is required to meet the provisions and requirements outlined in KCC 17.410.060(B)(3) – Provisions applying to special uses; 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. Criteria from KCC 17.410.060(B)(3) are listed below (*italics*), with a discussion of the individual standard immediately following:

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

The proposed ADU is not within an urban growth boundary. Therefore, the ADU cannot be permitted in conjunction with a building permit as an outright use. Land use approval is required for this ADU.

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

The subject property is outside an urban growth boundary. As a result, the applicant has applied for and is requesting approval of a conditional use permit as required by Kitsap County Code (KCC).

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

Only one ADU is proposed for the subject lot.

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

The owners of the property, Jeffrey and Renee Martin, currently live in the Single Family Residence (SFR) which is being converted to an ADU. They will move into the proposed SFR upon its completion.

- e. *The ADU shall not exceed fifty percent of the square footage of the habitable area of primary residence or 900 square feet, whichever is smaller.*

The proposed primary residence's habitable area is 2,436 square feet according to the floor plan (Exhibit 5). Fifty percent of its habitable area is over 900 square feet (2,436 square feet X 50% = 1,218 square feet). The ADU would be limited to 900 square feet as determined by exterior measurements. The entire ADU/garage building is 3,708 square feet. The habitable area is 898 square feet (field verified by DCD inspector), and the 4-car garage is 2,810 square feet (field verified by DCD inspector). The garage shall be used as garage space only and shall not converted to habitable area.

- f. *The ADU shall be located within 150 feet of the primary residence or shall be the conversion of an existing detached structure (i.e., garage).*

The ADU building will be located approximately 86 feet from the primary residence (Exhibit 14).

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

The primary residence and ADU will be similar in appearance. All materials, construction style and exterior colors will match (Exhibit 2).

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

The proposed ADU building will be required to comply with the standard RR setbacks. The ADU shall be a minimum of 50 feet at the closest point to the west property line (front). The front yard setback, along the west property line scales out at 450 feet+/- . The ADU shall be a minimum of 5 feet at the closest point to the east, north and south property lines. The side yard setback, along the south property line, scales 45 feet +/- and the other side yard, along the north property line, is shown at 35 feet +/- (Exhibit 14). The rear setback to the east property line scales at over 800 feet. All required zoning setbacks as delineated for the ADU are in compliance with KCC.

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

The Health District has approved the CUP application (Exhibit 13).

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

The proposed ADU will be a stick-built structure.

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

Both the primary residence and the ADU will use the same proposed driveway. The driveway is gravel.

Two parking spaces are required for the single-family residence (SFR) which will be located on the parking apron in front of the SFR's

garage. One additional parking space is required for the ADU. The ADU parking space will be located in front the garage attached to the ADU (Exhibit 14).

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

Based on the SFR floor plan the structure does not have accessory living quarters (Exhibit 5).

#### Critical Areas

According to Kitsap County geographic information system (GIS) data, there is a potential wetland on the eastern portion of the subject property (Exhibit 18), however the Environmental Planner has determined that the existing setback to the ADU exceeds all buffer requirements. No further reports or reviews are necessary.

The GIS data also indicates that the eastern portion of the site lies within a Category II Critical Aquifer Recharge Area (Exhibit 19). Single-family development is not a threat and doesn't require any further analysis or reports within this recharge area designation.

#### Stormwater

Development Services and Engineering has reviewed the request for CUP approval and accepts the concepts contained in the preliminary submittal. They have imposed 4 conditions of approval which are included at the end of this report.

#### **Agency Recommendation**

All reviewing entities recommend approval of the proposed project and any required conditions are stipulated at the end of this report.

#### **Staff Evaluation of Decision Criteria**

1. 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 located in KCC, Chapter 2.10.
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 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.

**Recommendation:**

Based upon the information above, the Department of Community Development recommends that the conditional use permit request for Martin Accessory Dwelling Unit be **approved**, subject to the following 25 conditions:

**Planning/Zoning**

1. All required permits shall be obtained prior to commencement of land clearing, construction and/or occupancy.
2. An approved, issued and finalized building permit is required to convert the existing single family residence to an accessory dwelling unit (ADU).
3. The accessory dwelling unit (ADU) is subject to the payment of impact fees. Impact fees must be paid at time of 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.
4. 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. At no time shall the ADU be more than 900 square feet.
5. Only one accessory dwelling unit (ADU) shall be permitted on the subject property.
6. The owner of the property must reside in either the primary residence or the accessory dwelling unit (ADU) and only one of the structures may be rented at any one time.
7. The accessory dwelling unit's (ADU) habitable area shall not exceed 50% of the primary residence or 900 square feet, whichever is smaller. The proposed size of the ADU is 898 square feet as field verified by DCD inspector. No future expansion of the ADU shall be allowed.
8. The accessory dwelling unit (ADU) shall be designed to maintain the appearance of the primary residence.
9. This permit shall comply with all Kitsap Public Health District regulations and conditions of approval. A connection inspection will be required prior to requesting a final building permit inspection.
10. No mobile home or recreational vehicle shall be allowed as an accessory dwelling unit (ADU).
11. 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.
12. 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).
  13. 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.
  14. The accessory dwelling unit (ADU) cannot be sold separately from the primary residence unless it has legally been segregated onto its own lot.
  15. 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 acknowledgment of and 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 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.
  16. 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 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.
  17. 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.
  18. The decision set forth herein is based upon representations made and exhibits contained in the project application 16 4788. 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.
  19. This conditional use permit (CUP) approval shall automatically become void if no

development permit application 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.

20. Any violation of the conditions of approval shall be grounds to initiate revocation of this conditional use permit.

#### **Stormwater**

21. This project creates greater than 2,000 square feet of new or replaced impervious surface area. Therefore, at the time of building permit submittal, Minimum Site Development Requirements 1 – 5 of Kitsap County Code 12.18 will need to be addressed.
22. The applicant has placed a gravel pad around the existing garage; this results in new impervious surface area that would require a Site Development Activity Permit. The applicant has indicated that he would rather remove a portion of the gravel pad. Prior to approval of the SFR building permit and the ADU building permit, the applicant shall revise the site plan to reflect the removal of at least 450 square feet of the gravel pad. Removal of the gravel shall be completed prior to final inspection of the Accessory Dwelling Unit building permit or the single family permit whichever comes first. To satisfy this requirement, the applicant shall remove at least 450 square feet of the gravel pad, scarify the surface, and plant the area with lawn and/or landscaping. An inspection will be conducted to verify this has occurred.

#### **Traffic and Roads**

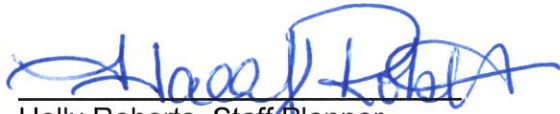
23. At building permit application, submit KCPW Form 1601 for issuance of a concurrency certificate, as required by KCC Section 20.04.030, Transportation Concurrency.
24. Submit plans for construction of the road approach between the edge of existing pavement and the right-of-way line at all intersections 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.

#### **Fire**

25. The minimum fire flow requirements for one and two family dwellings shall be 500 gallons per minute for thirty (30) minutes.

**Attachments:**

Appendix A – Site Plan (Exhibit 14)



Holly Roberts, Staff Planner

3/13/2017

Date



Scott Diener, Development Services and Engineering Manager

3/13/17

Date

CC: Jeffrey & Renee Martin, [gotsand2004@gmail.com](mailto:gotsand2004@gmail.com)  
Interested Parties:  
James Routt, [papashado@gmail.com](mailto:papashado@gmail.com)  
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Kitsap County Health District, MS-30  
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DCD Staff Planner: Holly Roberts  
DCD File 16 04788

