



STAFF REPORT and INFORMATION TO THE HEARING EXAMINER

Report Date: December 21, 2017

Application Submittal Date: October 2, 2017

Hearing Date: December 28, 2017

Application Complete Date: October 2, 2017

Permit Number: 17 04103

Project Name: Harris Accessory Dwelling Unit (ADU)

Type of Application: Conditional Use Permit (CUP)

This staff report was prepared by Katharine Shaffer, Planner 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 to construct an 897-square foot Accessory Dwelling Unit (ADU) subject to 23 conditions outlined at the end of this report. The 2.41 acre parcel is zoned Rural Residential (RR) and located at 21611 Port Gamble Road NE in Poulsbo. The project is served by an on-site septic system and served by a private well.

Project Request:

Mary C. Harris is requesting an approval for a Conditional Use Permit to construct an 897 square foot Accessory Dwelling Unit located at 21611 Port Gamble Road NE in Poulsbo.

Project Location:

21611 Port Gamble Road NE
Poulsbo, WA 98370

Assessor's Account #:

082602-2-027-2001

Applicant/Owner of Record:

Mary C. Harris
21611 Port Gamble Road NE
Poulsbo, WA 98370

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 17, 2017 (Exhibit 11). A Determination of Nonsignificance (DNS) was issued on October 31, 2017 (Exhibit 12). SEPA noted the following information/SEPA mitigation conditions have been imposed and are listed under conditions 23 at the end of this report:

The SEPA appeal period expired November 14, 2017. No appeals were filed; therefore, the SEPA determination is final.

Physical Characteristics:

The 2.41-acre parcel is flat and square shaped. The east side of the property is heavily vegetated providing natural screening to Port Gamble Road NE.

Comprehensive Plan Designation and Zoning:

Rural Protection (RR)

Minimum Lot Size - 5 acres for newly created lots (this is an existing lot)
Minimum Lot Width - 140 feet
Minimum Lot Depth - 140 feet
Maximum Height - 35 feet

Standard Rural Residential Zoning Setbacks

Front - 50 feet
Side - 20 feet (5 feet for accessory structures)
Rear - 20 feet (5 feet for accessory structures)

Surrounding Land Use and Zoning:

The subject property is zoned Rural Residential which allows for one dwelling unit per five acres. The immediate surrounding properties are also zoned Rural Residential. To the northeast, approximately 0.7 of a mile the zoning changes to Rural Protection which allows for one dwelling unit per ten acres. To the south, the zoning remains Rural Residential until the zoning changes to tribal lands approximately 1 mile away from the subject property. It can be concluded that the subject property resides within an area with similar uses and densities.

Public Utilities and Services:

Water: On-site well
Power: Puget Sound Energy
Sewer: On-site septic system
Police: Kitsap County Sheriff
Fire: North Kitsap Fire and Rescue
Schools: North Kitsap School District

Access:

Access to the site is off an existing easement off Port Gamble Road NE, a County maintained, paved road. The easement serves four properties.

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 2016

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

Rural Land Use Goals and Policies

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, 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:

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)

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 21 Exhibits.

Exhibit #	Document	Date
1	Project Application	10/02/17
2	Supplemental Application	10/02/17
3	State Environmental Policy Act (SEPA) Checklist	10/02/17
4	Traffic Concurrency Test	10/02/17
5	Site Plan	10/02/17
6	Stormwater Worksheet	10/02/17
7	Floor Plans – Single Family Residence	10/02/17
8	Floor Plans – Accessory Dwelling Unit	10/02/17
9	Elevation Plans	10/02/17
10	Photos	10/02/17
11	Notice of Application (NOA)	10/10/17
12	SEPA Determination of Nonsignificance	10/31/17
13	Zoning Map	11/28/17
14	Critical Area Map	11/28/17
15	Aquifer Recharge Map	11/28/17
16	Comprehensive Plan Map	11/28/17
17	Aerial Map	11/28/17
18	Assessor Parcel Map	11/28/17
19	Health District Review	12/08/17
20	Staff Report	12/21/17
21	Staff Presentation	12/21/17

Public Comments:

No public comments were received.

Analysis:

Land Use and Zoning Analysis

An accessory dwelling unit within the Rural Residential (RR) zone requires a Conditional Use Permit 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 Kitsap County Code 17.410.060(3) – Provisions applying to special issues; Accessory Dwelling Unit. 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;*

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. Conditional Use Permit 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 the Kitsap County Code.

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 owner of the property, Mary C. Harris, currently resides 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;*

The primary residence's habitable area is approximately 1,836 square feet, according to the floor plans (Exhibit 7). Fifty percent of its habitable area would be over 900 square feet. The ADU would be limited to 900 square feet as determined by exterior measurements. The proposed ADU is 897 square feet according to the floor plans (Exhibit 8) which complies with this code requirement.

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);*

The proposed ADU is approximately 130 feet from the primary residence.

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

The primary residence and ADU are similar in appearance. The buildings both have a composition roof and sheet siding. Condition #7 ensures both structures will be constructed and remain similar in appearance.

- h. All setback requirements for the zone in which the ADU is located shall apply;*
The property is zoned Rural Residential (RR). According to Kitsap County Code 17.420.050(A) Rural, Resource, and Urban Residential Zones Density and Dimensions Table the setbacks are as follows:

Standard RR Zoning Setbacks:

Front: 50 feet

Side: 20 feet; 5 feet for accessory structures

Rear: 20 feet, 5 feet for accessory structures

The proposed ADU has the following setbacks:

Front: 78'

East Side: 214'

West Side: 81'

Rear: 208'

All required setbacks for the ADU are in compliance with Kitsap County Code.

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

The Health District has reviewed and approved the Conditional Use Permit (Exhibit 19). Condition #8 at the end of this report addresses Health District conditions and approvals.

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

The proposed ADU is a stick built structure. No mobile homes or recreational vehicles are present or proposed.

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

The proposed ADU would use the same existing driveway as the primary residence which is off an existing easement off Port Gamble Road NE.

Two parking spaces are required for the single-family residence plus an additional space for the ADU which could be accommodated on the existing driveway.

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

No accessory living quarters are present or proposed on the subject property.

Agency Recommendation

Development Engineering recommends approval of this project with 4 conditions. Environmental Review recommends approval with no conditions. Fire Marshal recommends approval with no conditions. Planning recommends approval of this project with 19 conditions.

Staff Evaluation of Decision Criteria

1. The Hearing Examiner has review authority for this Conditional Use Permit application under KCC, Sections 17.410.010(C) 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.
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.

Recommendation:

Based upon the information above, the Department of Community Development recommends that the Conditional Use Permit request for Farmer Accessory Dwelling Unity be **approved**, subject to the following 23 conditions:

Planning/Zoning

1. All required permits shall be obtained prior to commencement of land clearing, construction and/or occupancy.
2. The accessory dwelling unit 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.
3. Any proposed modification (not including cosmetic work such as painting, papering and similar finish work), remodel or expansion of the accessory dwelling unit 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 shall be permitted on the subject property.

5. The owner of the property must reside in either the primary residence or the accessory dwelling unit and only one of the structures may be rented at any one time.
6. The accessory dwelling unit's habitable area shall not exceed 50% of the primary residence or 900 square feet, whichever is smaller. The ADU is 897 square feet as indicated in Exhibit 8. 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 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 including all outstanding paper work for the well approval.
9. No mobile home or recreational vehicle shall be allowed as an accessory dwelling unit.
10. The accessory dwelling unit 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 is removed and the ALQ or GH complies with all requirements imposed by the Kitsap County Code.
12. A property with a primary residence and an accessory dwelling unit 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 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.
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, 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.
17. The decision set forth herein is based upon representations made and exhibits contained in the project application (17 04103). 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. This Conditional Use Permit 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.
19. Any violation of the conditions of approval shall be grounds to initiate revocation of this Conditional Use Permit.

Traffic and Roads

20. Submit an Application 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.

Stormwater

21. The information provided demonstrates this proposal is a Small Project as defined in Kitsap County Code Title 12, and as such will require a stormwater drainage design as an element of the required Building Permit.
22. Stormwater drainage design and erosion and sedimentation control shall be designed in accordance with Kitsap County Code Title 12 effective at the time the Conditional Use Permit application was deemed complete, October 2, 2017.
23. If the project proposal is modified from that shown on the submitted site plan dated October 2, 2017, Development Services and Engineering will require additional review and potentially new conditions.


Katharine Shaffer, Staff Planner

12-20-17
Date


Scott Diener, Development Services and Engineering Manager

12/20/17
Date

CC: Mary C. Harris
Interested Parties: None
Kitsap County Health District, MS-30
Kitsap County Public Works Dept., MS-26
DCD Staff Planner: Katharine Shaffer
DCD File: 17 04103
DCD Building Permit File 17 04104