



Hearing Examiner Staff Report and Recommendation

Report Date: April 16, 2020
Hearing Date: April 23, 2020

Application Submittal Date: July 25, 2019
Application Complete Date: October 22, 2019

Project Name: Sultan Accessory Dwelling Unit (ADU)
Type of Application: Conditional Use Permit (CUP)
Permit Number: 19-03399

Project Location

11936 NE Apple Tree Point Lane
Kingston, WA 98346
North Kitsap County
Commissioner District 1

Assessor's Account #
242702-2-004-2007

Applicant/Owner of Record

Applicant
Tanya Sultan
PO Box 435
Kingston, WA 98346

Owner
Nels and Tanya Sultan
PO Box 435
Kingston, WA 98346

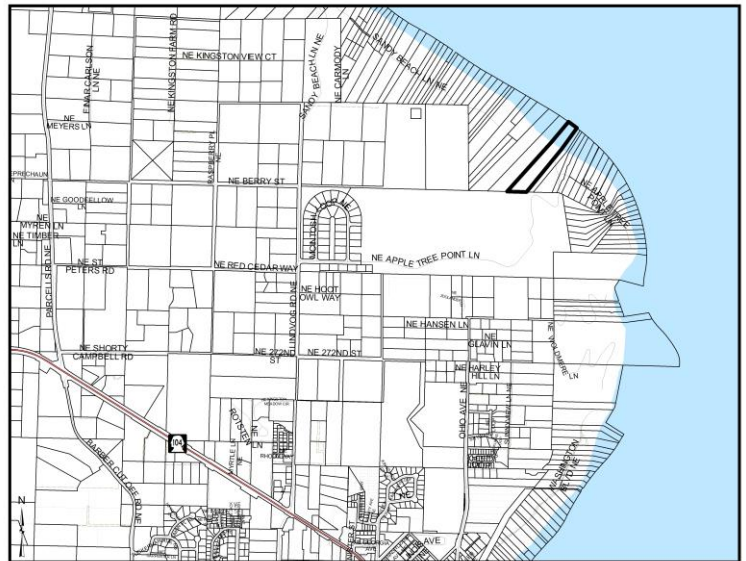
Recommendation Summary

Approved/Denied subject to 26 conditions listed under section 13 of this report.

1. Background

The Department of Community Development has reviewed the applicant's Conditional Use Permit (CUP) application to convert an existing 1-story 836 square foot guest house built in 1958 into an accessory dwelling unit (ADU). According to the Assessor's records, the subject property is developed with 2 single-family residences (SFR), the building noted above and a 2-story, 2,400 square foot SFR, first floor and second floor are both 1,200 square feet, and a 216 square foot attached garage built in 2011. The 4.54-acre waterfront parcel is zoned Rural Residential (RR) and located at 11936 NE Apple Tree Point Lane in Kingston (Exhibit 31).

VICINITY MAP



The newer SFR was a replacement SFR built under Building Permit 07 45098 and received final inspection approval 06.10.2013. The property is served by on public water from Kitsap Public Utility District #1 and an on-site septic system.

2. Project Request

The Conditional Use Permit is a request to convert an existing 1-story 836 square foot guest house into an ADU.

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 October 29, 2019 (Exhibit 17). A Determination of Nonsignificance (DNS) was issued on March 23, 2020 (Exhibit 30). SEPA noted the proposal will be conditioned for Stormwater Control per Kitsap County Code Title 12, Zoning per Kitsap County Code Title 17, and for Critical Areas per Kitsap County Code Title 19.

The SEPA appeal period expired April 6, 2020. No appeals were filed; therefore, the SEPA determination is final.

4. Physical Characteristics

The 4.54-acre shoreline parcel is developed with a SFR and guesthouse. Development is on the north quarter of the property. The south three-quarters is thickly wooded with a mix of evergreen and deciduous trees. There is typical residential landscaping in the area of development. The property slopes from the south downward to the shoreline to the north. There are significant critical areas covering most of the property. The shoreline designation is Rural Conservancy (Exhibits 23, 24, 26 and 28). There is a type Ns-stream or non-fish bearing seasonal stream along the southeast edge of the property (DFW email, Exhibit 14). Geologic hazards cover a majority of the property, including Landslide Hazard Area, Erosion Hazard Area and Seismic Moderate Hazard Area. Critical aquifers cover the south three-quarters of

the property; Category I Critical Aquifer Recharge Area covers only a small portion of the southwest corner and Category II Critical Aquifer Recharge Area covers the remaining area. There is designated flood zone at the shoreline (Exhibits 26 and 27).

Table 1 - Comprehensive Plan Designation and Zoning

Comprehensive Plan: Rural Residential Zone: Rural Residential (RR)	Standard	Proposed
Minimum Density	Not Applicable (NA)	NA
Maximum Density	1 dwelling unit (DU)/5 acres	
Minimum Lot Size	5 acres for newly created lots	Property is an existing legal lot, 4.54 acres
Maximum Lot Size	NA	NA
Minimum Lot Width	140 feet	NA, existing, over 750 feet
Minimum Lot Depth	140 feet	NA, existing, over 190 feet
Maximum Height	35 feet	Existing, 1-story, <35 feet
Maximum Impervious Surface Coverage	NA	Not calculated
Maximum Lot Coverage	NA	Not calculated

Applicable footnotes: none

Table 2 - Setback for Zoning District

	Standard	Proposed
Front (East)	50 feet	Existing, approx. 25 feet
Side (West)	20-feet, 5 feet for accessory structure, ADU = 5 feet	Existing, over 120 feet
Side (South)	20-feet, 5 feet for accessory structure, ADU = 5 feet	Existing, over 600 feet
Rear (North, shoreline)	20-feet, 5 feet for accessory structure, ADU = 5 feet NA: shoreline requirements are governed by critical area buffer and setback requirements not zoning setbacks	Existing, over 200 feet from Ordinary High Water Mark

Applicable footnotes: Footnote 29 "One-hundred-foot setback required for single-family buildings abutting FRL or RW zones".

Staff Comment: The subject property does not abut a FLR or RW zone.

Table 3 - Surrounding Land Use and Zoning

Surrounding Property	Land Use	Zoning
North	shoreline	NA
South	Undeveloped, 95 acre parcel	Rural Residential (RR)
East	Single-family residences	RR
West	Undeveloped	RR

Table 4 - Public Utilities and Services

	Provider
Water	Kitsap PUD #1
Power	Puget Sound Energy
Sewer	On-site septic system
Police	Kitsap County Sheriff
Fire	North Kitsap Fire & Rescue #10
School	North Kitsap School District #400

5. Access

Access to the site is via NE Apple Tree Point Lane, a portion is paved county maintained road classified as rural local access and direct access is from a private easement.

6. Site Design

The acreage parcel is developed with an existing guest house built in 1958 and an SFR built in 2011. The guest house is proposed to be converted into an ADU. There is room for 4 parking spaces next to the proposed ADU building. The area of development is landscaped with typical residential landscaping and the south three-quarters of the property is forested.

7. Policies and Regulations Applicable to the Subject Proposal

The Growth Management Act of the State of Washington, RCW 36.70A, requires that the County adopt a Comprehensive Plan, and then implement that plan by adopting development regulations. The development regulations must be consistent with the Comprehensive Plan. The Comprehensive Plan process includes public involvement as required by law, so that those who are impacted by development regulations have an opportunity to help shape the Comprehensive Plan which is then used to prepare development regulations.

Kitsap County Comprehensive Plan, adopted June 30, 2016

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

Land Use Goal 13

Protect Kitsap County's unique rural character.

Land Use Policy 50

Limit the designated 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 designations, zoning designations, and zoning code provisions.

Housing and Human Services Goal 2

Increase affordable housing units and ensure that a broad range of housing types are available.

Housing, Human Svcs Policy 5

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

Housing, Human Svcs 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 Svcs 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 Svcs Policy 12

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

Housing, Human Svcs 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	Storm Water 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 located in the project file. To date, the index to the record consists of Exhibits 1-33.

Exhibit #	Document	Dated	Date Received
2	Concurrency Test		07.30.2019
15	CUP - ADU Application		10.11.2019
	Drainage & SWPPP		10.08.2019
3	Elevations - ADU		07.30.2019
4	Elevations - SFR		07.30.2019
5	Floor Plans - ADU		07.30.2019
6	Floor Plans - SFR		07.30.2019
8	Health District Building Clearance (BC)		07.30.2019
12	Narrative		10.08.2019
7	Site Plan		07.30.2019
30	State Environmental Policy Act (SEPA) Checklist		10.08.2019
22	Stormwater Memo	12.13.2019	
9	Stormwater Worksheet		07.30.2019
14	WDFW Email		10.08.2019
10	Water Availability Letter		07.30.2019

9. Public Outreach and Comments

1. Frey email 11.04.2019 submitted a copy of:
 - a. Road Use Maintenance Agreement
 - b. Bylaws of the Apple Tree Point Lane Road Use and Maintenance Agreement
 - c. Notice to Title for Limited Bedroom Capacity

- d. Apple Tree Cove Lane Road Use Maintenance Agreement
- e. Letter outlining owners concerns about the additional traffic created by the addition of the proposed ADU and pro rata costs for maintenance and repair of the road. The letter asserts the Sultans are delinquent in payment of said costs.
- 2. Frey email 11.04.2019 comments about application: Health District limitation, rental of guest house, renters trespassing on private property, delinquent on payment of road maintenance costs, increased traffic due to ADU, pro rata share not being paid.
- 3. Gustafson email 11.06.2019: owner not paying their pro rata share, not current on payment of road maintenance costs, road not designed to accommodate additional traffic generated by ADU.
- 4. Manson email 11.11.2019: request for property line survey, request for setback confirmation.

Issue Ref. No.	Summary of Concern (See corresponding responses in the next table)	Comment Letter Exhibit Reference No.
1	Additional traffic generated by the proposed ADU on a long, steep narrow, private road.	18, 19, 20
2	Pro rata share of road maintenance costs for the additional dwelling unit.	18
3	The applicant, Sultans, are delinquent on their road maintenance fees.	18, 19, 20
4	Health District Notice to Title for Limited bedroom capacity and the detached guest house is not permitted to be used as a rental, accessory dwelling unit (ADU) or have kitchen facilities.	18, 19
5	Sultan guests/renters trespassing on private property.	19
6	Possible structure encroachment and compliance with setbacks.	21

Issue Ref. No.	Issue	Staff Response
1	Additional traffic	Public Works indicated no change to ADT for the ADU. An ADU is attributed the same number of average daily trips (ADT), 10 trips per day, the same as a SFR. No documentation has been received from a licensed engineer indicating the private road cannot safely accommodate an additional 10 ADT.
2	Pro rata share of road maintenance costs	This is a civil issue and outside of the Department's authority to establish or determine the required pro rata costs or specify those requirements on the Title. If the

		parties to the road maintenance agreement determine the existing document is not clear regarding the pro rata share they can choose to amend the document subject to their bylaws.
3	Delinquent payment of road maintenance costs	This is a civil issue and outside of the Department's authority to require payment prior to granting approval of the CUP.
4	No rental, ADU or kitchen facilities	This Notice to Title was required by the Health District because the structure was specified as a 'guesthouse' at the time. The appropriate Building Clearance was filed with the Health District and they approved the request for an ADU. The Health District terminated the Notice to Title in November 2019; refer to Auditor's File Number 201911250059.
5	Trespassing on private property	This is an issue to be addressed by law enforcement.
6	Encroachment and setbacks	The structure is existing, is not near the referenced property line and complies with zoning setbacks from said line.

10. Analysis

a. Planning/Zoning

An accessory dwelling unit within the RR zone requires a Conditional Use Permit as specified in Kitsap County Code (KCC) 17.410.042(A) Rural, resource, and urban residential zones use table 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, with a staff response 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.

Staff Response: 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.

Staff Response: 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 KCC.

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

Staff Response: Only one ADU is proposed for the subject lot. The applicant will be required to submit a building permit to convert the existing guest house built in 1958 into an ADU.

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

Staff Response: The owners of the property, Nels and Tanya Sultan, reside in the existing single-family residence and plan to continue living in the SFR after the guest house is converted into the ADU. Currently, Nels Sultan is temporarily working and living in Virginia and Tanya Sultan is back visiting her husband. Due to the current Covid-19 stay at home orders, Ms. Sultan is staying in Virginia for an undetermined amount of time. Based on a phone conversation 03.26.2020 with Ms. Sultan, after conversion of the guest house into the ADU, she hasn't determined how the ADU will be used or by who. However, only one of the dwellings may be rented at any given time.

- 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. Dimensions are determined by exterior measurements.

Staff Response: According to the Assessor's records, the existing one-story guest house to be converted into the ADU was built in 1958; the first floor is 836 square feet (Exhibit 31). The applicant's ADU floor plan is consistent with the Assessor's records (Exhibit 5). The Assessor's records indicate the primary residence was built in 2011; first floor is 1,200 square feet and the second floor is also 1,200 square feet for a total habitable area of 2,400 square feet. Their floor plan also shows a 160 square foot enclosed front porch (EFP). The applicant's SFR floor plan is essentially consistent with the Assessor's records. The only difference is the applicant's floor plan indicates a greenhouse rather than the EFP (Exhibits 6 and 31). Based on the SFRs total habitable area of 2,400 square feet, the ADU is limited to 900 square feet. The existing 836 square foot guest house to be converted into an ADU will be in compliance with the size requirement.

- 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).

Staff Response: The ADU building on the site plan scales less than 40 feet from the primary residence (Exhibit 7). The applicant indicated the ADU is 65 feet from the primary residence (Exhibits 11, 12 and 15). The proposed ADU is in compliance with the distance requirement.

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

Staff Response: The primary residence and ADU are similar in appearance. Both buildings have a pitched roof, horizontal siding, open pane windows with white frames, and both residences are painted a light color and have white/grey trim, the SFR is yellow and the ADU is white (Exhibits 3 and 4).

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

Staff Response: The ADU will be the conversion of an existing detached structure that was originally an SFR built in 1958. The building is nonconforming to current zoning setbacks for the front setback only, which is generally where access is to the property, refer to KCC 17.110.435 Lot line, front. Access is from the east property line and the ADU is setback approximately 25 feet from the east property line rather than the required 50 feet. Typically, a front setback doesn't touch a rear. The waterfront or shoreline is the rear setback, refer to KCC 17.110.440 Lot line, rear. If the front were to be determined based on the location of the rear and not touching the rear, the front would be the south property line and the proposed ADU would be conforming to all current zoning setback requirements as the east property line would be treated as a side, which only requires a 5-foot setback for an accessory structure. It is reasonable and appropriate to allow the conversion from its current status as a guest house to an ADU as it will not create new setback impacts because the structure has been there for over 60 years.

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

Staff Response: The Health District approved the Building Clearance Exemption - Residential for the ADU with no conditions on 07.18.2019 (refer to Health Officer Decision, Memo #28155, Exhibit 8).

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

Staff Response: The existing guest house to be converted into an ADU is stick-built; it is not a mobile home or recreational vehicle.

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

Staff Response: Both the ADU and primary residence will use the same existing gravel driveway. There is only one access location to the subject property.

There is area available for 4 parking spaces next to the ADU, which complies with the 3 spaces required for the SFR and 1 for the ADU.

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

Staff Response: Based on the SFR floor plan the structure does not have accessory living quarters (Exhibit 6).

b. Lighting

Not applicable; there are no lighting requirements for an ADU.

c. Off-Street Parking

Three parking spaces are required for the single-family residence and one additional parking space is required for the ADU. There are 4 parking spaces available next to the ADU.

Table 5 - Parking Table

Use Identified in 17.490.030	Standard	Required Spaces	Proposed Spaces/Existing Spaces
Single-Family (attached or detached)	3 per dwelling unit + 1 per ADU	3 spaces - SFR 1 space - ADU	3 spaces - SFR 1 space - ADU
Total		4 spaces	4 spaces

d. Signage

Not applicable; there is no signage requirements for an ADU, and none is proposed.

e. Landscaping

Not applicable; there are no landscaping requirements for an ADU. However, the south three-quarters of the property is thickly wooded.

Table 6 - Landscaping Table

	Required	Proposed

Required Landscaping (Sq. Ft.) 15% of Site	NA	
Required Buffer(s)		
North		
South		
East		
West		
Street Trees		

f. Frontage Improvements

Not applicable; there are no frontage improvement requirements for an ADU. However, there are access requirements that limit access to one road approach and only one is provided.

g. Design Districts/Requirements

Not applicable; the subject property is not located within a design district.

h. Development Engineering/Stormwater

The existing guest house was constructed in 1958 and pre-dates Kitsap County's first stormwater ordinance; the building utilizes an existing infiltration pit for roof run-off. The project will be conditioned for standard erosion and sedimentation control measures for any construction activities.

i. Environmental

Although there are significant critical areas covering most of the property, the structure is existing and there will be no new environmental impacts by converting the guest house into an ADU (Exhibit 26). The shoreline designation is Rural Conservancy (Exhibit 28) and there is designated flood zone at the shoreline. There is a type Ns-stream or non-fish bearing seasonal stream along the southeast edge of the property. The existing guest house is 28 feet away from the stream Ordinary High Water Mark (OHWM) and is 215 feet from the marine shoreline OHWM (Exhibit 14). Geologic hazards cover a majority of the property, including Landslide Hazard Area, Erosion Hazard Area and Seismic Moderate Hazard Area. Critical aquifers cover the south three-quarters of the property; Category I Critical Aquifer Recharge Area covers only a small portion of the southwest corner and Category II Critical Aquifer Recharge Area covers the remaining area (Exhibit 27). The proposed residential use is not identified as "activities with potential threat to groundwater" at KCC 19.600.620; therefore, a hydrogeological report is not needed for this project. However, this project will be conditioned to prohibit any "activities with potential threat to

groundwater" without additional review and approval by the Kitsap County Department of Community Development.

j. Access, Traffic and Roads

Access to the site is via NE Apple Tree Point Lane, a portion is paved county maintained road classified as rural local access and direct access is from a private easement. There is only one driveway providing access to the ADU and SFR.

A residence is attributed 10 average daily trips (ADT). Traffic is expected to be an additional 10 ADT for the ADU. The NE Apple Tree Point Lane is expected to be able to accommodate the traffic generated by the proposed ADU.

k. Fire Safety

Not applicable; the building permit to convert the existing guest house into the ADU will be evaluated to ensure compliance with fire safety requirements in the International Residential Code (IRC) and International Fire Code (IFC).

l. Solid Waste

Waste Management is the local service provider. Solid waste generated by the ADU is expected to be picked up as part of the typical residential garbage collection.

m. Water/Sewer

The SFR and ADU will be served by a single public water connection provided by the Kitsap Public Utility District #1. The connection is for one lot only and may not be used to serve additional lots or be used to guarantee water service to more than an equivalent residential unit if the lot is subdivided (Exhibit 10). Both dwellings will be served by the on-site septic system.

n. Kitsap Public Health District

Kitsap Public Health District has reviewed the application and noted they have an approved Building Clearance exemption for this application. Refer to Health Officer Decision, Memo #28155, Exhibit 8.

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 that the Conditional Use Permit request for Sultan Accessory Dwelling Unit (ADU) be **approved**, subject to the following 26 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 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 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.
6. The accessory dwelling unit's (ADU) habitable area shall not exceed 50% of the

primary residence or 900 square feet, whichever is smaller. The primary residence is 2,400 square feet as indicated in Exhibit 6. The existing size of the ADU is 836 square feet as indicated in Exhibit 5. 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 located within 150 feet of the primary residence.
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.
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 and recorded by the Department at the applicant's expense.
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 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.
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 19-03399. 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 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.
20. Any violation of the conditions of approval shall be grounds to initiate revocation of this Conditional Use Permit.
21. The applicant shall submit a building permit to convert the existing guest house into an accessory dwelling unit (ADU).

b. Development Engineering

22. Erosion and sedimentation control measures shall be installed as necessary in accordance with Kitsap County Code Title 12 effective at the time the Conditional Use Permit application was deemed complete, October 11, 2019. Any required erosion and sedimentation control measures installed shall remain in place through the construction period
23. If the project proposal is modified from that shown on the submitted site plan dated October 8, 2019, Development Services and Engineering will require additional review and potentially new conditions.

c. Environmental

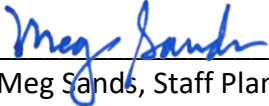
24. Any future changes to the footprint, or addition of square footage or decks will require further review and permitting. This may include the need for a Geotechnical Report and other special reports with building permit submittal.
25. No uses that are identified as "activities with potential threat to groundwater" at Kitsap County Code 19.600.620 shall occur prior to obtaining the required approval from the Department of Community Development and/or the Hearing Examiner.

d. Traffic and Roads

26. Any work within the County right-of-way shall require a Public Works permit

and possibly a maintenance or performance bond. If work occurs within County right-of-way, this application to perform work in the right-of-way shall be submitted as a stand-alone permit.

Report prepared by:



Meg Sands, Staff Planner / Project Lead

16 April 2020
Date

Report approved by:



Shawn Alire, Department Supervisor

04/16/2020
Date

Attachments:

- Attachment A – Building Elevation: ADU
- Attachment B – Building Elevation: SFR
- Attachment C – Floor Plan: ADU
- Attachment D – Floor Plan: SFR
- Attachment E – Zoning Map

CC: Tanya Sultan, oceantanya@gmail.com
Interested Parties:
John Barlow, john@jbarlow.net
Sara Frey, mountaire1@yahoo.com
Ruthanne Gustafson, rsgus@outlook.com
Scott Manson, scottmanson357@gmail.com
Kitsap County Health District, MS-30
Kitsap County Public Works Dept., MS-26
DCD Staff Planner: Meg Sands





11936

ADU SW



ADU NW



ADU NE





SER NE



SER SE



SFR SE

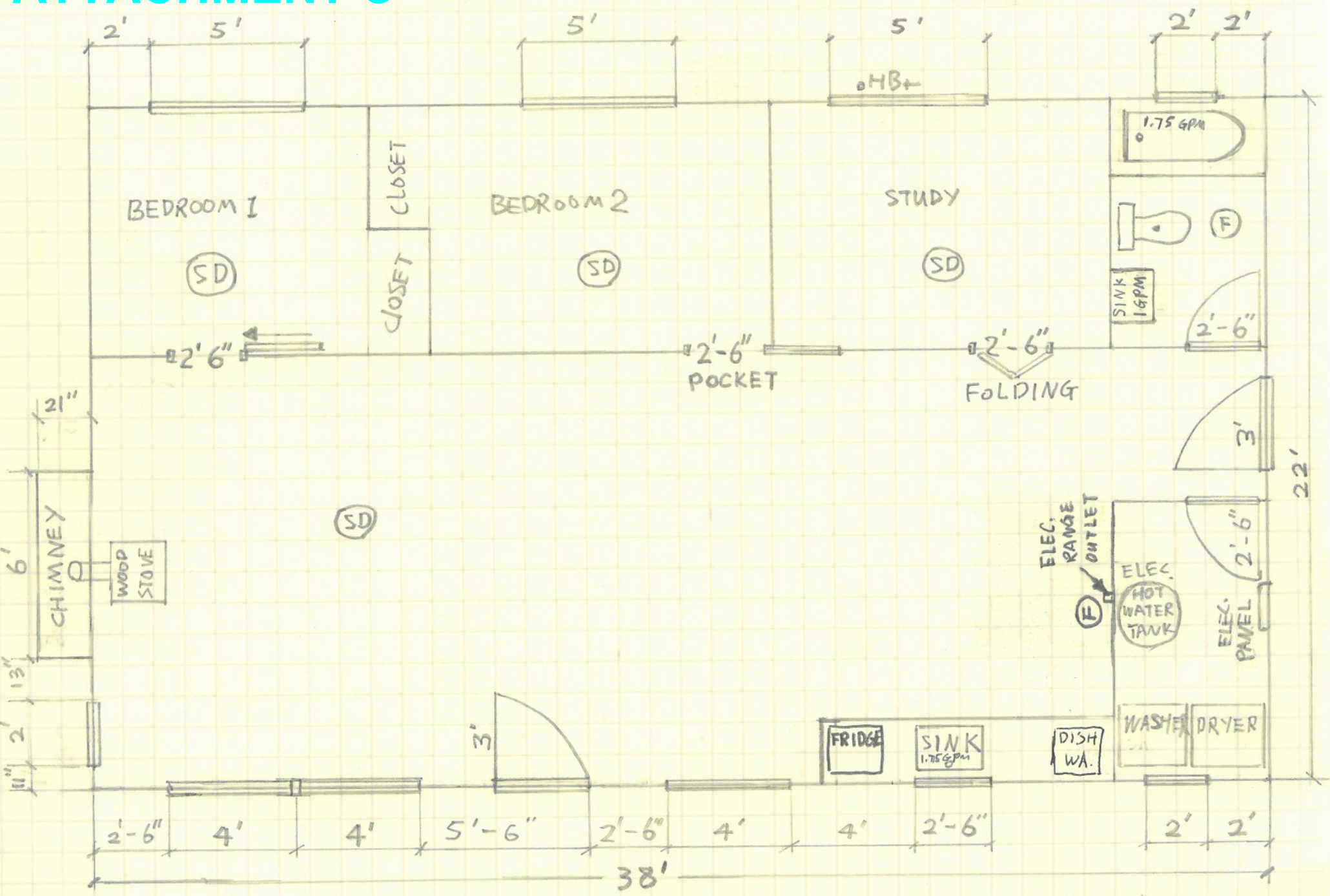


SFR SW

ATTACHMENT C

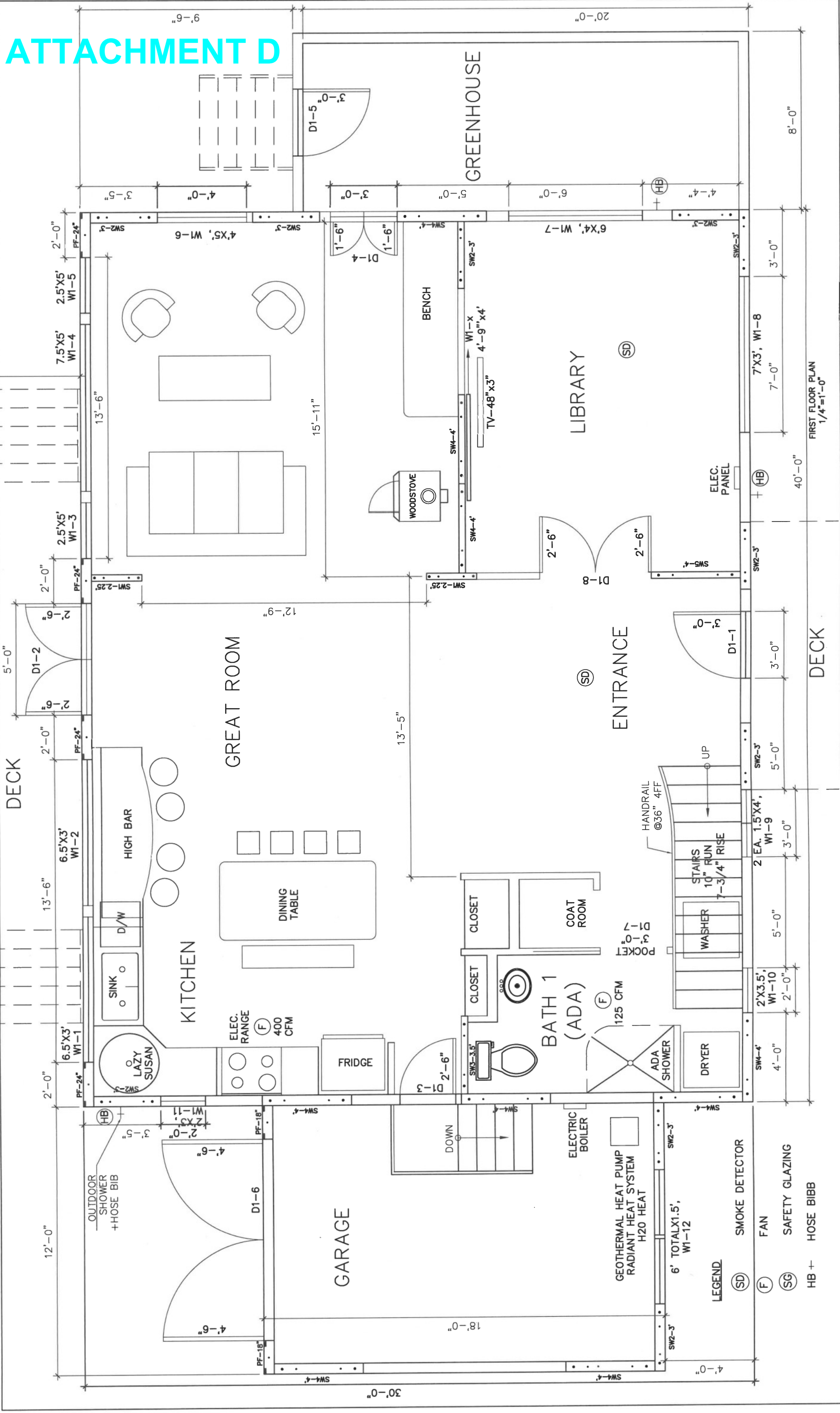
TAX ID # 242702-2-004-2007
LOCATION 11936 NE Apple Tree Point Lane, Kingston

Tanya Sultan - July 14, 2019



ADU FLOOR PLAN $\frac{1}{4}'' = 1'-0''$ HB+ HOSE BIBB (F) FAN (SD) SMOKE DETECTOR

ATTACHMENT D



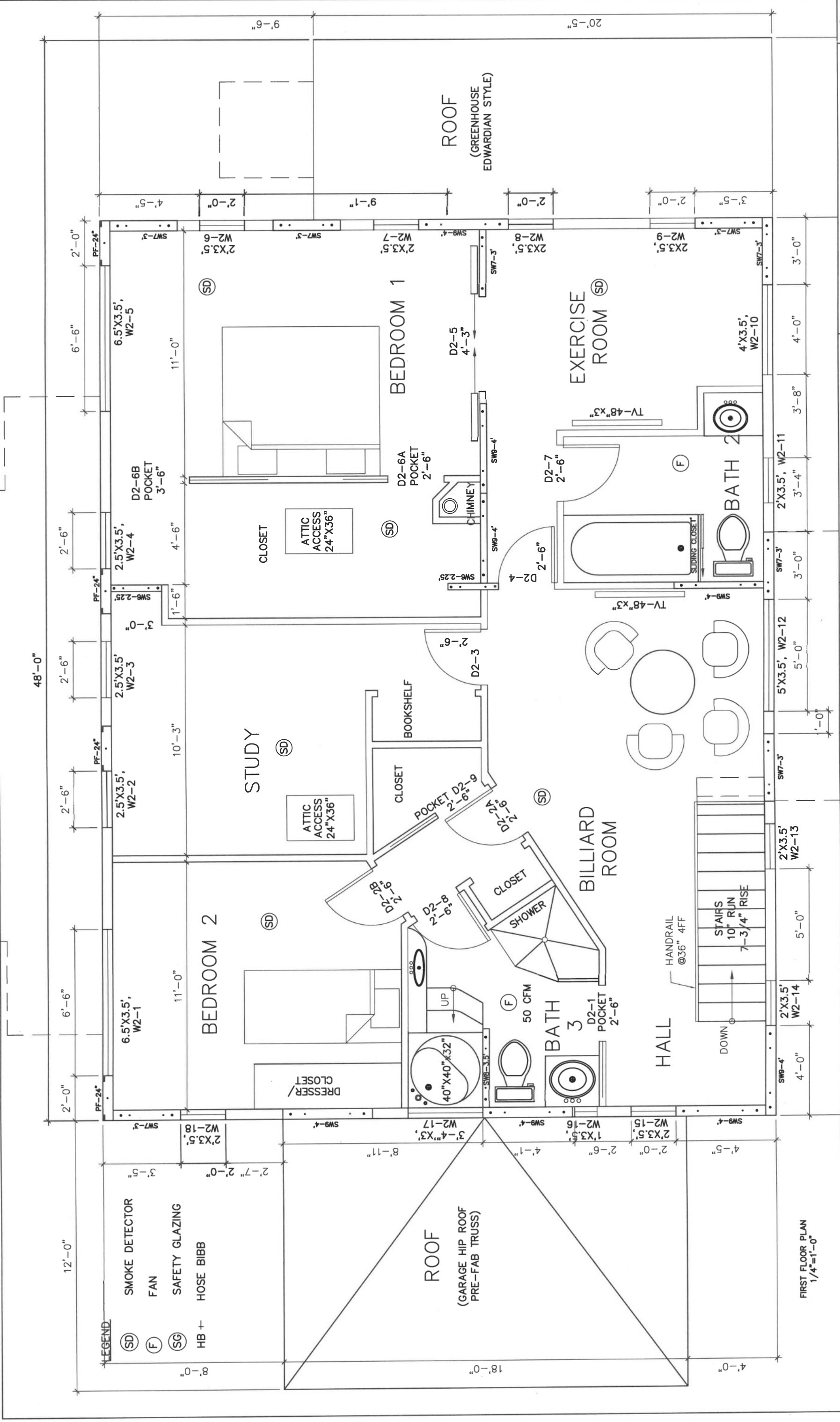
SULTAN RESIDENCE
KINGSTON, WASHINGTON

Nels & Tanya Sultan
TAX ID # 242702-2-004-2007
LOCATION 11936 NE Apple Tree Point Lane, Kingston

ADU Application by
Tanya Sultan - July 14, 2019

FIRST FLOOR PLAN
1/4"=1'-0"

SFR FIRST FLOOR



ADU Application by
Tanya Sultan - July 14, 2019

TAX ID # 242702-2-004-2007
LOCATION 11936 NE Apple Tree Point Lane, Kingston

Nels & Tanya Sultan
SULTAN RESIDENCE
KINGSTON, WASHINGTON

SFR SECOND FLOOR

Zoning Designations
RR - Rural Residential (1 DU/5 Ac)

ATTACHMENT E

- Subject Parcel(s)
- Real Property Tax Accounts
- Street Center Lines
- Easement
- Plat-Line

This map was created from existing map sources, not from field surveys. Determination of fitness for use with the map is the responsibility of the user for understanding the accuracy and limitations of this map and data.

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Kitsap County Department of Community Development
614 Division Street, MS-36
Port Orchard, Washington 98366
VOICE (360) 337-5777 *
<https://www.kitsapgov.com>

