



Staff Report for the Hearing Examiner

Report Date: February 10, 2017

Application Submittal Date: October 17, 2016

Hearing Date: February 23, 2017

Application Complete Date: October 17, 2016

Permit Number: 16 04693

Project Name: Nickell/Uppinghouse Accessory Dwelling Unit (ADU)

Type of Application: Conditional Use Permit (CUP)

This staff report was prepared by Holly Roberts, Planner, Lisa Lewis, Environmental Planner and Candace 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) to place a 719 square foot accessory dwelling unit (ADU) with a 118 square foot covered porch subject to 27 conditions outlined at the end of this report. The 2.82-acre parcel is zoned Rural Residential (RR) and is located at 4001 SW Hunter Road, Port Orchard. The project will be served by on-site septic and a private well.

Project Request:

The applicant requests conditional use permit approval for a 719 square foot ADU with a 118 square foot covered porch on property located in rural South Kitsap County.

Project Location:

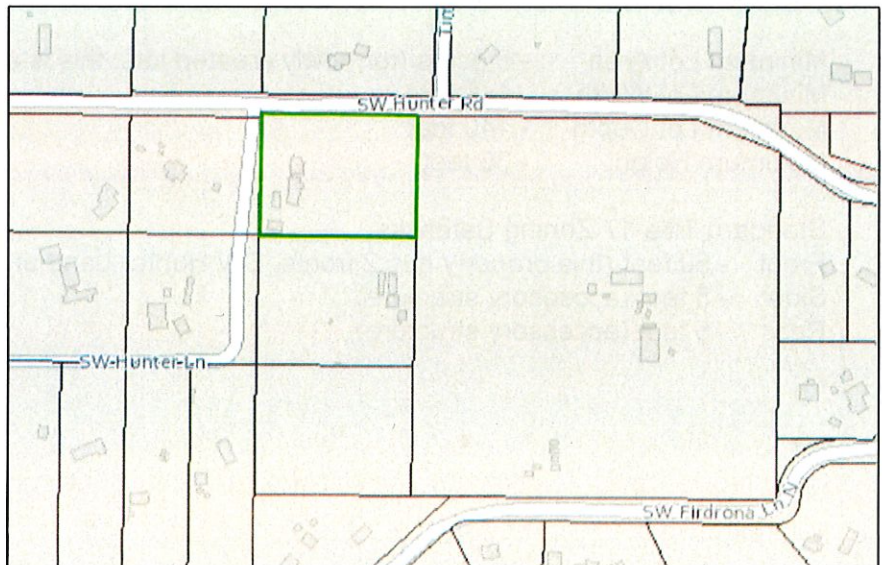
4001 SW Hunter Road
Port Orchard, WA 98367

Assessor's Account #:

082201-1-025-2000

Applicant/Owner of Record:

John W. & Lindsey W. Nickell
4001 SW Hunter RD
Port Orchard WA, 98367



EX. # 26

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 Washington Administrative Code 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 27, 2016 (Exhibit 11). A Determination of Nonsignificance (DNS) was issued on December 13, 2016 (Exhibit 12).

The SEPA appeal period expired December 28, 2016. No appeals were filed; therefore, the SEPA determination is final.

Physical Characteristics:

The 2.82-acre square parcel is currently developed with a 1,782-square foot single-family residence/manufactured home and 900-square foot detached garage. The County critical areas map shows no areas of concern. The entire property lies within a Category I Critical Aquifer Recharge Area (Exhibit 19). The property is relatively flat, sloping slightly west to east (Exhibit 21). Huge Creek is located over 1,000 feet to the east of the subject parcel.

Comprehensive Plan Designation and Zoning:

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

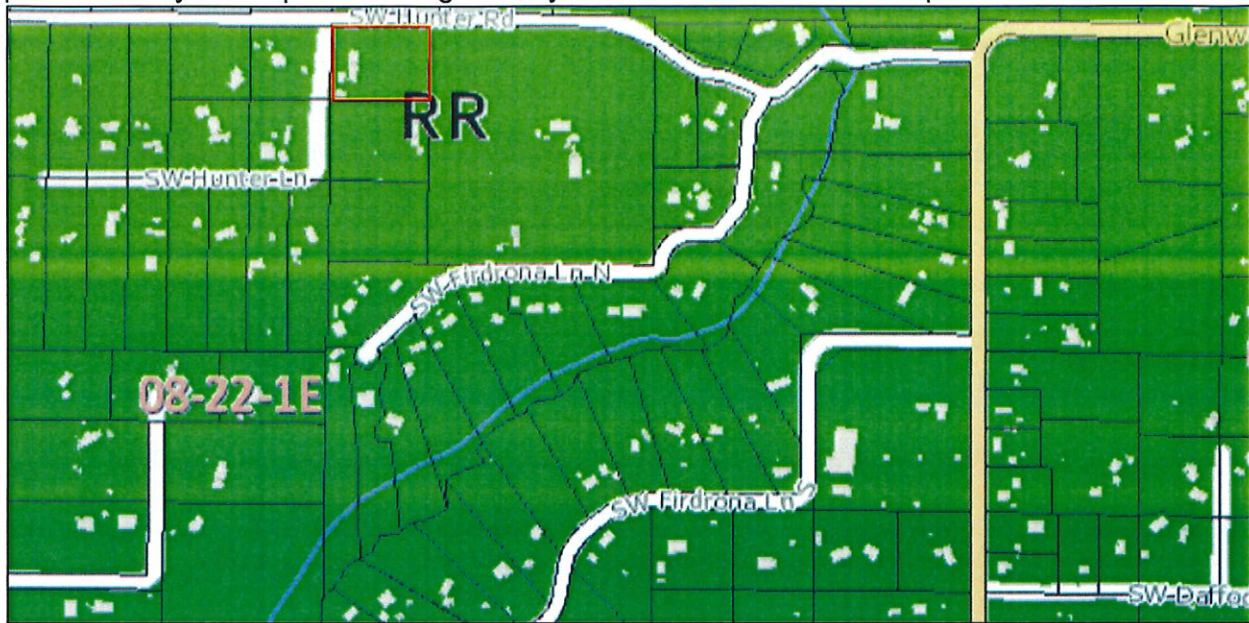
- Minimum Lot Area - 5 acres (for newly created lots, this is an existing lot)
- Minimum Lot Width - 140 feet
- Minimum Lot Depth - 140 feet
- Maximum Height - 35 feet

Standard Title 17 Zoning Setbacks

- Front - 50 feet (this property has 2 fronts, SW Hunter Lane and SW Hunter Road)
- Side - 5 feet (accessory structure)
- Rear - 5 feet (accessory structure)

Surrounding Land Use and Zoning:

The surrounding area is also zoned Rural Residential (RR). Parcels in the area are predominately developed with single family residences or are undeveloped.



Public Utilities and Services:

- Water: Individual well
- Power: Puget Sound Energy
- Sewer: On-site septic system
- Police: Kitsap County Sherriff
- Fire: South Kitsap Fire & Rescue
- Schools: South Kitsap School District #402

Access:

Access to the site is off of SW Hunter Road, 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 26 Exhibits.

Exhibit #	Document	Date or date stamped
1	Project Application	10/17/16
2	Supplemental Application – Accessory Dwelling Unit	10/17/16
3	State Environmental Policy Act (SEPA) Checklist	10/17/16
4	Supplemental Application – Concurrency Test	10/17/16
5	Project Narrative	10/17/16
6	Floor Plan – Existing Single Family Residence	10/17/16
7	Floor Plan – Accessory Dwelling Unit	10/17/16
8	Elevations – Existing Single Family Residence	10/17/16
9	Elevations – Existing Garage	10/17/16
10	Elevations – Accessory Dwelling Unit	10/17/16
13	Site & Drainage Plans	01/17/17
14	Residential Stormwater Worksheet	01/17/17
15	Drainage Report	01/17/17
16	Health Officer Decision	01/23/17

Public Comments:

No public comments have been received to date.

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, John and Lindsey Nickell, live in the single family residence/manufactured home. They will continue living in the SFR after the installation of the ADU. Mrs. Nickell's mother will reside in the ADU.

- 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 primary residence's habitable area is 1,782 square feet according to Kitsap County Assessor data. Fifty percent of its habitable area is 896 square feet (1,782 square feet X 50% = 896 square feet). The ADU would be limited to 896 square feet as determined by exterior measurements. The entire ADU building is proposed at 837 square feet according to the floor plans; habitable area is 719 square feet and the front porch is 118 square feet (Exhibit 7). In no case shall the habitable area of the ADU be greater than 896 square feet.

- 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 75 feet from the primary residence (Exhibit 13).

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

The primary residence and ADU will be similar in appearance. Both buildings are manufactured homes and are constructed of similar materials. The ADU will be painted with a grey/green base color, charcoal trim and a charcoal black roofing.

- 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 subject property has 2 fronts – SW Hunter Lane along the west property line, and SW Hunter Road along the north property line, and 2 sides, the south property line and east property line. The ADU shall be a minimum of 50 feet at the closest point to the west and north property lines. The front yard setback, along the west property line and SW Hunter Lane is delineated at 50 feet; the front yard setback along SW Hunter Road is delineated at 273 feet. The ADU shall be a minimum of 5 feet at the closest point to the east and south property lines. The side yard setback, along the south property line is delineated at 20 feet and the other side yard, along the east property line is shown at 289 feet (Exhibit 13). All required zoning setbacks as delineated for the ADU are in compliance with the KCC.

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

The Health District has approved the CUP application with no conditions. They've noted that a well will be drilled when the CUP is approved (Exhibit 16).

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

The proposed ADU is a manufactured home.

- 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.

Two parking spaces are required for the single-family residence (SFR) and one additional parking space is required for the ADU. There is ample room for parking.

- l. 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 6).

Critical Areas

According to Kitsap County geographic information system (GIS) data, there are no critical areas on-site. Additionally, Kitsap County Environmental Planner Lisa Lewis reviewed the application and found no critical area concerns.

Stormwater

Development Services and Engineering has reviewed the request for CUP approval and accepts the concepts contained in the preliminary submittal. Stormwater and traffic conditions 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 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 the Nickell/Uppinghouse Accessory Dwelling Unit be **approved**, subject to the following 27 conditions:

Planning/Zoning

1. All required permits shall be obtained prior to commencement of land clearing, construction and/or occupancy.
2. An approved and issued building permit is required to place the proposed 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.
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 719 square feet with a covered porch of 118 square feet as indicated in Exhibit 7. Any future expansion of the ADU shall require a minor revision to this conditional use permit and a new building permit.
8. The accessory dwelling unit (ADU) shall be designed to maintain the appearance of the primary residence.
9. The accessory dwelling unit (ADU) shall meet the applicable health district standards for water and sewage disposal.
10. No mobile home or recreational vehicle shall be allowed as an accessory dwelling unit (ADU).
11. The portion of the required 25' native vegetation buffer located where the "existing drive (to be abandoned)" off of SW Hunter Lane is noted, shall be replanted in accordance with the revised site plan dated December 15, 2016 (Exhibit 13). Access shall be from SW Hunter Road only.
12. 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.
13. 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).
14. 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.
15. The accessory dwelling unit (ADU) cannot be sold separately from the primary residence unless it has legally been segregated onto its own lot.
16. 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.

17. 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.
18. 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.
19. The decision set forth herein is based upon representations made and exhibits contained in the project application 16 04693. 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.
20. 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.
21. Any violation of the conditions of approval shall be grounds to initiate revocation of this conditional use permit.

Development Engineering

22. At building permit application, submit KCPW Form 1601 for issuance of a concurrency certificate, as required by KCC Section 20.04.030, Transportation Concurrency.
23. 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 17, 2016. The fees and submittal requirements shall be in accordance with Kitsap County Ordinances in effect at the time of building permit application.
24. Stormwater mitigation of the impervious surfaces shall be addressed via basic dispersion as proposed by the applicant. Roof downspouts shall discharge via splash blocks; the dispersal system will simulate sheet flow conditions to the downstream vegetation on-site.
25. The proposal includes removal of an existing driveway approaching SW Hunter Lane. In addition to the buffer restoration, prior to requesting a Final Inspection on the required building permit, the driveway area outside of the buffer shall be scarified and restored to a natural condition.

26. If the project proposal is modified from that shown on the submitted site plan dated January 17, 2017, Development Services and Engineering will require additional review and potentially new conditions.

Fire

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

Attachments:

Appendix A – Site Plan (Exhibit 13)


Holly Roberts, Staff Planner

2/10/2017
Date

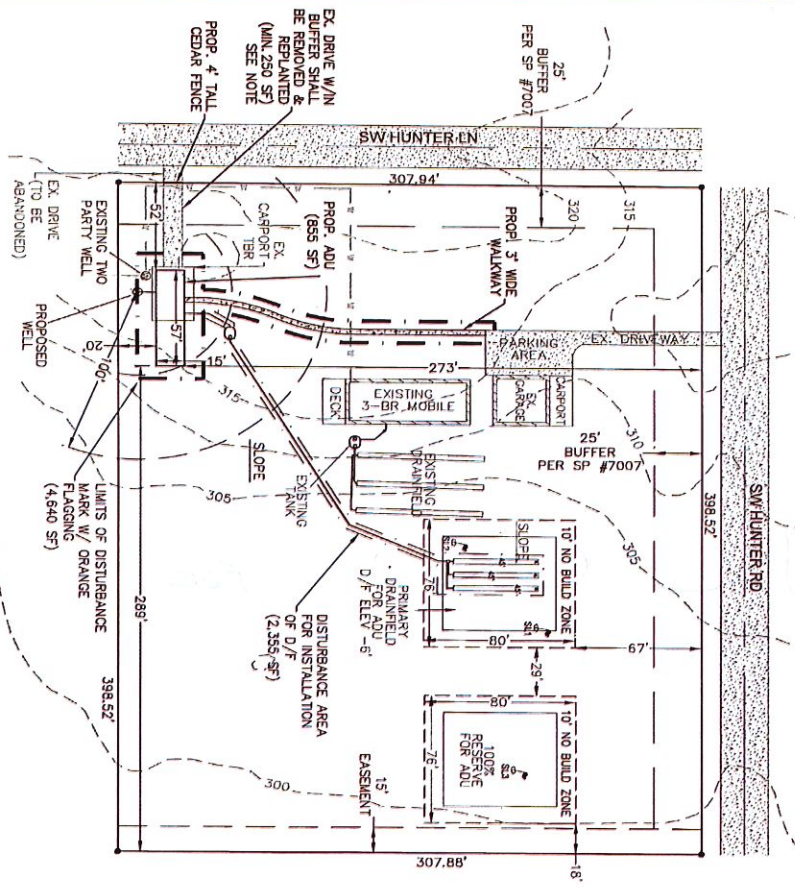

Scott Diener, Development Services and Engineering Manager

FOR

2/10/17
Date

CC: John & Lindsey Nickell
Interested Parties: N/A
Kitsap County Health District, MS-30
Kitsap County Public Works Dept., MS-26
DCD Staff Planner: Holly Roberts
DCD File 16 04693

SECTION 08, TOWNSHIP 22, RANGE 1 E, W.M.



GRADING QUANTITIES:
 CUT = 39 C.Y.
 FILL = 35 C.Y.

EXISTING SOIL & VEGETATION NOTE:
 THE SOIL ANALYSIS FOR THIS PROJECT FOUND THE EXISTING SOILS SANDY LOAM. THE SITE PLAN IDENTIFIES THE AREAS OF DISTURBANCE CURRENTLY CONTAINS AN EXISTING CARPORT.



EXISTING FEATURES NOTE:
 NO TOPOGRAPHIC SURVEY HAS BEEN PREPARED FOR THIS SITE. CONTOURS ARE BASED ON INFORMATION AVAILABLE ON THE KITSAP COUNTY WEBSITE. ALL EXISTING INFORMATION SHOWN IS BASED ON THE SITE PLAN PROVIDED BY A/CME DESIGN CO.

NOTE:
 BOUNDARY SURVEY HAS BEEN PREPARED FOR THIS PROJECT. PROPERTY DIMENSIONS ARE APPROXIMATE AND HAVE BEEN PROVIDED BY OTHER CONSULTANTS.

BUFFER RESTORATION:
 CONTRACTOR TO REMOVE EXISTING DRIVE WITHIN BUFFER ON THE WEST SIDE OF PROPERTY. SOILS TO BE AMENDED PER SHEET 4.

A MINIMUM OF TWO TREES AND FIVE SHRUBS SHALL BE PLANTED SPACED AS RECOMMENDED BY LANDSCAPER. MINIMUM HEIGHT AT TIME OF PLANTING SHOULD BE 6 FEET TALL FOR TREES AND 2-GALLONS FOR SHRUBS. PROPERTY OWNER WILL WORK WITH LOCAL NURSERY TO DETERMINE EXACT NATIVE EVERGREEN AND SHRUBS FROM THE PLANT LIST BELOW.

- TREE LIST:**
 Douglas Fir
 Hemlock
 Serviceberry
 Inshore Cedar
 Indian Plum
 Log-sage
 Native Red-tan
 Medrone
- SHRUBS LIST: (SHOULD REACH A MIN. MATURE HEIGHT OF 5-6 FEET)**
 Native Rhododendron
 Wild Rose (Rosa nutkana)
 Ocean Spray
 Evergreen Huckleberry
 Highbush
 Pacific Wax Myrtle



LEGAL DESCRIPTION

0827E
 LOT 4 SHORT PLAT NO. 7007 RECORDED IN VOLUME 13 PAGE 104 OF SHORT PLATS. AUDITOR'S FILE NOS. 96021.30310/0311, BEING A PORTION OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER, SECTION 8, TOWNSHIP 22 NORTH, RANGE 1 EAST, W.M., KITSAP COUNTY, WASHINGTON, TOGETHER WITH EASEMENTS AS DEPICTED ON THE SHORT PLAT.

SITE DATA

SITE ADDRESS: 4001 SW HUNTER RD
 PORT ORCHARD, WA 98347
 TAX ACCOUNT NUMBER: 092201-1-025-2000
 PARCEL AREA: 2.82 AC

OWNER/APPLICANT

JOHN & LINDSEY NICKELL
 4001 SW HUNTER RD
 PORT ORCHARD, WA 98347

CONTACT

INDIGO ENTERPRISES
 PETER KRENZKE
 206.501.6379
 F: 425.427.8687

CIVIL ENGINEER

OMEGA ENGINEERING, INC.
 JOSEPH SLEBY, PE
 2707 WETMORE AVE.
 EVERETT, WA 98201
 425.387.3920
 F: 425.259.1958

DRAWING INDEX

- 1) COVER/EX. CONDITIONS MAP & PRELIM. SITE LAYOUT
- 2) STORMWATER SITE PLAN SWPPP
- 3) SOIL MANAGEMENT PLAN
- 4) CALL 48 HOURS BEFORE YOU DIG 811

OMEGA ENGINEERING, INC.
 2707 Wetmore Avenue
 Everett, WA 98201
 (425.387.3920) (425.259.1958)

DATE	12/15/16	JOB NO.	16-0906	SCALE	1" = 60'	SHEET	1 OF 4
EX. MAP & PRELIM. SITE LAYOUT UPPINGHOUSE ADU							

PFN: