



## KITSAP COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

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Larry Keeton, DIRECTOR

# STAFF REPORT and RECOMMENDATION TO THE HEARING EXAMINER

**Report Date:** April 14, 2008

**Application Complete Date:** January 2, 2008

**Hearing Date:** April 24, 2008

## Project: Mitchell Accessory Dwelling Unit (ADU)

### Project Summary:

Staff is recommending approval of the applicant's request for an Administrative Conditional Use Permit and Shoreline Substantial Development Permit to convert and expand an existing detached garage into an accessory dwelling unit (ADU). The garage is located approximately 100 feet from the ordinary high water mark and the shoreline environmental designation is Semi-Rural. The .46-acre parcel is zoned Suquamish Village Low Residential (SVLR) and located at 17840 Angeline Avenue South in Suquamish. The project will be served by public sewer and water.

**Application Number:** 07 49301 (ACUP) & 07 50895 (SSDP)

**Type of Application:** Administrative Conditional Use Permit (ACUP) and Shoreline Substantial Development Permit (SSDP)

### Request:

The applicant's request is to convert and expand an existing 760 square foot garage into an approximately 900 square foot ADU.

### Project Location:

17840 Angeline Avenue South  
Suquamish, Washington  
North Kitsap County

### Assessor's Account #:

4355-001-015-0004

### Applicant/Owner of Record:

David & Patricia Mitchell  
1825 NW Blue Ridge Drive  
Seattle, WA 98177



**Project Representative:**

Lisa Curtis  
PO Box 13  
Suquamish, WA 98392

**Engineer:**

Dayle Houk  
11704 Two Creeks Road NE  
Bainbridge Island, WA 98110

**State Environmental Policy Act (SEPA) Status:**

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 January 16, 2008. A Mitigated Determination of Nonsignificance (DNS) was issued April 4, 2008 (ACUP File 07 49301, Exhibit 38). The SEPA appeal period expires April 18, 2008.

**Physical Characteristics:**

The .46-acre lot is developed with an approximately 1,950 square foot single-story single-family residence (SFR) and 760 square foot detached 2-car garage with a 380 square foot “daylight” basement. The SFR is located near the northwest end of the property and the road, Angeline Avenue South, on an upper bench and the garage is located shoreward, south of the SFR on a lower bench. There is a short, yet moderately steep, slope between the two structures. From the lower bench, the property gradually slopes down to a low to moderate bank waterfront. The property is planted with typical residential landscaping of trees and shrubs with a grassed lawn bordering the shoreline. The parcel falls within a Priority 2 Bald Eagle Habitat Buffer area.

**Comprehensive Plan Designation and Zoning:**

The Comprehensive Plan and Zoning designations are Suquamish Village Low Residential (SVLR).

Minimum Density	Not applicable
Base/Maximum Density	2 dwelling units per acre
Minimum Lot Size	4,500 square feet
Maximum Lot Size	Not applicable
Lot Width	50 feet
Lot Depth	90 feet
Maximum Height	30 feet, maximum of 2 habitable floors
Maximum Impervious Surface Coverage	40% (17.382.110 footnote A.6)
Maximum Lot Coverage	Not applicable

**Setbacks**

Front 20 feet  
Side 5 feet  
Rear 100 buffer feet from Ordinary High Water Mark (OHWM) plus an additional 15 foot building setback (KCC 19.300.315)

**Shoreline Designation:**

The shoreline environmental designation is Semi-Rural.

**Surrounding Land Use and Zoning:**

The surrounding land use is predominately single-family residences on lots that are less than an acre in size. Old Man House State Park, .90-acres, is located on the southeast corner of Angeline Avenue and McKinstry Street. The zoning in the general vicinity is the same as the subject property – Suquamish Village Low Residential (SVLR).

**Public Utilities and Services:**

Water: Public Utility District (PUD) No. 1 of Kitsap County  
Power: Puget Sound Energy  
Sewer: Kitsap County Public Works  
Police: Kitsap County Sheriff  
Fire: Fire Protection District No.  
Schools: North Kitsap School District

**Access:**

Access to the property is via Angeline Avenue South, a paved county road classified as Urban Local Access.

**Policies and Regulations Applicable to the Subject Proposal:**

*Kitsap County Comprehensive Plan*

Adopted May 7, 1998 (Amended December 11, 2006)

Rural and Resource Lands

Policy RL-1

*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.*

Policy RL-2

*Provide a variety of densities in the rural areas to make more efficient use of land, maximize the return on public infrastructure investment, and provide for affordable housing opportunities.*

Policy RL-3

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

Policy RL-4

*Limit development only to that which serves rural residential or resource needs and not draw people from UGAs.*

Policy RL-13

*Provide road and access standards that enable all-weather access for emergency response vehicles while preserving and enhancing rural character.*

Policy RL-21

*Identify and designate LAMIRDs in the rural area, consistent with the requirements of the GMA.*

Policy RL-31

*Encourage new development within designated LAMIRDs to strengthen the desirable characteristics and the historic character of the village or community. New development should be supported by necessary public facilities and services, and compatible with historic resources and nearby rural or resource uses. Development should be kept compact, promoting pedestrian travel within the designated area.*

Housing

Policy HS-6

*Ensure that a broad range of housing types are available through innovative planning, efficient and effective administration of land and building codes and financial assistance.*

Policy HS-8

*Encourage and facilitate development of a variety of housing types, including single-family residential, multi-family, mobile, modular, and manufactured homes. Doublewide mobile, modular and manufactured homes should be considered a single-family dwelling.*

Policy HS-9

*Encourage innovative land use practices and development standards that will have the effect of minimizing housing costs.*

Policy HS-11

*Permit and encourage the development of residential accessory dwelling units (mother-in-law apartments) in all residential zones with sufficient public facilities to support such development. Subject accessory dwelling units to development standards and design guidance that facilitates their compatibility with existing neighborhood character.*

Shorelines

Shoreline Management Master Program Goals and Policies

Policy SH-1

*Shoreline characteristics such as scenic vistas, estuarine areas, biological wetlands, beaches, and other unique biological functions, valuable natural systems and aesthetic features should be preserved and restored.*

Policy SH-2

*Encourage and support shoreline diversity through planned and coordinated development, which gives preference to water-dependent uses, traditional and historic use patterns, resource values, and environmental protection.*

Policy SH-3

*Uses and activities along shorelines and in the waters of Kitsap County should not have a significant adverse affect on water quality.*

Policy SH-4

*Kitsap County shall safeguard shoreline resources by only allowing development that is compatible with sensitive shoreline areas.*

Policy SH-8

*Land use activities shall be sited and designed to minimize conflicts with and impacts on the shoreline environment.*

*Kitsap County Code (KCC)*

- Title 11 Roads, Highways and Bridges
- 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
- Title 22 Shoreline Management Master Program

**Documents Consulted in the Analysis:**

**ACUP File 07 49301**

**Applicant submittals:**

<u>Document</u>	<u>Exhibit #</u>	<u>Dated or date stamped</u>
ADU Floor Plans & Elevations	21	November 20, 2007
Applicant's Statement of Residency Intent	15	November 20, 2007
Bald Eagle Management Plan	32	March 5, 2008
Condition Use Permit Application	12	November 20, 2007
Elevation Photos - Garage & SFR	31	February 14, 2008
Floor Plans, Elevations, Site Plan	33	February 20 & 27, 2008
SFR Floor Plans & Elevations	23	November 20, 2007
Site Plan	17	November 20, 2007

**Staff and agency communication:**

<u>Document</u>	<u>Exhibit #</u>	<u>Dated or date stamped</u>
Development Engineering Memo	28	February 12, 2008
Determination of Nonsignificance	38	April 4, 2008
Health District Memo	26	January 29, 2008
Suquamish Tribe email	36	March 25, 2008

**SSDP File 07 50895**

**Applicant submittals:**

Shoreline Development Applic. (JARPA)	5	November 20, 2007
Environmental (SEPA) Checklist	6	November 20, 2007

**ACUP File 07 49301 & SSDP File 07 50895**

**Public comments:**

No comments received to date.

**Analysis:**

Accessory Dwelling Unit (ADU) Standards

An ADU is required to meet the provisions and requirements outlined in KCC 17.381.060.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 17.381.060.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 the 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, David and Patricia Mitchell, currently live in Seattle. The Mitchell's plan to sell their home in Seattle and move into the single-family residence (SFR) on the subject property (Exhibit 15). They plan to utilize the ADU for family.

- 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 approximately 1,950 square feet (according to the floor plans (Exhibit 23)). Fifty percent of its habitable area would be over 900 square feet (1,950 square feet X 50% = 975 square feet). The ADU would be limited to 900 square feet as determined by exterior

measurements.

The entire ADU building would be approximately 1,250 square feet, but the ADU will only occupy 871 square feet, which is located on the main floor; the remaining area, 380 square feet, is a daylight basement for storage only according to the floor plans (Exhibits 21 and 33). The main floor is 31 feet 8 inches by 27 feet 6 inches or  $31.67 \text{ feet} \times 27.5 = 870.93$  square feet. The basement is 31 feet 8 inches by 12 feet or  $31.67 \text{ feet} \times 12 \text{ feet} = 380.04$  square feet. Because the basement will be used for storage space only, none of the basement shall be habitable or included in the ADU's habitable area. The ADU's habitable area is the main floor only, which will be approximately 871 square feet. Therefore, the ADU would comply with the size limitation because it would not exceed 900 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 would be located approximately 55 to 60 feet from the primary residence (Exhibit 17).

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

The primary residence and ADU are planned to be similar in appearance. The buildings both have a pitched roof and lap siding. After the remodel of each structure they will both have metal roofs and similar windows. The color of both dwellings is the same and will remain similar or the same color. Therefore, the ADU's planned residential architectural design and building materials would be similar and complementary to the appearance of the primary residence (Exhibits 21, 23, & 31).

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

The proposed ADU building is existing. The front yard setback, along the north property line and Angeline Avenue, is over 140 feet. The side yard setback, along the east property line, is approximately 8 feet to the building wall and 3 feet to the existing stairs and the other side yard, along the west property line, is over 30 feet. The rear yard setback, along the south property line and waterfront, would be over 95 feet to the building wall and approximately 90 feet to the deck (Exhibit 17). All required zoning setbacks 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 recommends approval of the project subject to two conditions (Exhibit 26).

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

The proposed ADU is already a stick-built garage.

- 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 would use the same existing driveway. The driveway is paved.

Two parking spaces are required for the single-family residence (SFR) and could be accommodated on the existing paved driveway. One parking space is required for the ADU. At least one parking space would be available in front of the ADU building on the existing driveway (Exhibit 17).

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

A site inspection of the SFR and proposed ADU building was conducted March 5, 2008, and the structures were found to be consistent with the submitted floor plans (Exhibits 21 & 23). No accessory living quarters were observed within the SFR. No accessory living quarters are planned for the SFR and none will be allowed.

#### Shoreline Management Master Program Standards

Applicable criteria from KCC Title 22, The Shoreline Management Master Program are listed below. Standards from the program are listed in italics, immediately followed by staff discussion.

#### *KCC 22.16.080 Semi-Rural Environment Designation*

- a. *Purpose. The purpose of the semi-rural environment is to promote the utilization of an area by multiple human uses on a scale between that of the rural and urban environments. In conjunction with these uses, however, it is intended that certain aspects of the natural environment be retained.*
- b. *Designation Criteria. The semi-rural environment is an area where the predominant feature is the modification of the environment by the action of man but which still possesses some rural character. The semi-rural environment is distinguished from the urban environment by having primarily moderate residential uses.*

- c. *Management Policies. The following policies should be applied to any permissible uses occurring in the semi-rural environment:*
- (1) *Modifications to the environment should harmonize, whenever possible, with pre-existing natural conditions.*
  - (2) *Development patterns and specific uses and activities should retain significant existing natural features.*
  - (3) *Active recreational facilities should be encouraged.*
  - (4) *To the maximum extent possible, with respect to human utilization, development within shoreline areas should strive to maintain, preserve, or enhance natural shoreline characteristics.*

The existing structure is located shoreward, with a distance to the OHWM ranging from 98 feet to 101.5 feet. The property is currently developed, consisting of a single family residence located on a terrace above and to the north of the existing garage.

The proposed ADU includes the conversion of the existing 760 square foot car garage to a 900 square foot ADU. The proposal also includes remodeling the ADU building exterior and the installation of an on-grade wooden deck measuring 7 feet wide and 34 feet long on the southwest side of the structure and a connected elevated wooden cantilever deck, with the same dimensions, on the waterside. As designed, the elevated deck requires no supporting posts; thus, no direct impacts to the shoreline buffer would occur. After careful consideration, staff concludes these activities are not anticipated to alter natural shoreline characteristics or functions.

*KCC 22.28.230 Residential Development*

3. *Environments and Permit Requirements.*
- b. *Accessory dwelling units, subdivisions and multi-family residential developments are permitted subject to a SSDP in the urban, semi-rural and rural environments. Accessory dwelling units, multi-family residential developments and subdivisions may be permitted subject to a SSDP and CUP in the conservancy environment.*

The proposed ADU occurs in a semi-rural shoreline environment, triggering the requirement for a Shoreline Substantial Development Permit (SSDP). The applicant has applied for an SSDP concurrent with the Conditional Use Permit.

4. *General Regulations.*
- a. *Adequate distance between the ordinary high water mark and residential development shall be maintained to protect water quality, protect natural systems, and insure the integrity of the shoreline environment.*

The existing structure is located shoreward, with a distance to the OHWM ranging from approximately 98 feet to 101.5 feet. The property is currently developed, consisting of a single family residence located on a terrace above and to the north of the existing garage.

The proposed ADU includes the conversion of the existing 760 square foot garage to a 900 square foot ADU. The proposal also includes remodeling the ADU building exterior and installing an on-grade wooden deck measuring 7 feet wide and 34 feet long on the southwest side of the structure and a connected elevated wooden cantilever deck, with the same dimensions, on the waterside.

The proposal would not meet the requirement of a 100 foot buffer and 15 foot building setback; however, the existing structure is a legally established nonconforming structure and the work would not require expansion of the existing footprint shoreward of the existing garage. No new impacts to water quality or the shoreline environment are anticipated from the ADU remodel or the deck installation.

- b. *Residential development shall be consistent with the purpose and intent of the applicable environment designation.*

The proposed ADU is consistent with the intent of the semi-rural shoreline environmental designation. Please refer to the discussion under KCC 22.16.090 above.

- c. *Setback and buffer requirements for residential development shall be based on the minimum criteria set forth within the Critical Areas Ordinance (Title 19 of this code) in addition to the site specific critical areas requirements.*

The proposed ADU is located shoreward within an existing garage footprint, with a distance to the OHWM ranging from approximately 98 feet to 101.5 feet. The existing structure is a legally established nonconforming structure. No expansion shoreward of the existing footprint would occur.

The proposal also includes installation of an on-grade wooden deck measuring 7 feet wide and 34 feet long on the southwest side of the structure and a connected elevated wooden cantilever deck, with the same dimensions, on the waterside. No new impacts to water quality or the shoreline environment are anticipated from the ADU remodel or the deck installation.

- d. *The placement of residential development on property shall be designed so as to make the installation of shore protection structures unnecessary.*

The Mitchell shoreline consists of a sandy low-slope beach armored with an approximately 75 foot long and 18 inch high concrete and timber mixed bulkhead. The nearshore environment shows no evidence of wind and wave erosion. Because there is an existing bulkhead, no new structures would be installed. Repair and maintenance of the existing structure, however, would be allowed under KCC 22.12.010.87(2.b.).

- e. *Sewage disposal and water systems shall be in compliance with state and local health regulations.*

Sewer and water availability letters have been required by the Kitsap County Health District.

- f. *Septic systems shall not occur within one hundred feet of a biological wetland.*

The site relies on sanitary sewer service.

- g. *Surface water drainage shall comply with the Kitsap County Storm Water Management Ordinance (Chapters 12.04 through 12.32 of this code).*

The Development Engineering memo dated February 12, 2008 finds the project acceptable as proposed (ACUP File 07 49301, Exhibit 28).

- h. *Where applicable, the following shall be submitted with permit applications.*

- (1) *All applications shall provide for a silt and erosion control plan during construction;*
- (2) *When applicable, all applications shall include a plan for permanent drainage and erosion control;*
- (3) *When applicable, all applications shall include a geological or geotechnical report pursuant to the Critical Areas Ordinance (Section 19.700.710, Special Reports).*

Due to the proposal to limit the ADU to the existing garage footprint, the above criteria are not applicable.

#### Agency Recommendations

Kitsap County Health District recommends approval with two conditions (Exhibit 26). Development Engineering recommends approval of this project with no conditions (Exhibit 28). Environmental Review and Planning recommend approval with 20 conditions.

**Findings:**

1. The Hearing Examiner has review authority for this Administrative Conditional Use Permit application and Shoreline Substantial Development Permit application under the KCC 17.420.020.D, 21.04.030 and 22.08.070.
2. The proposal is consistent with the comprehensive plan.
3. The proposal complies with or will comply with requirements of Title 17 and Title 22 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 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 above findings, it is recommended that the Administrative Conditional Use Permit (CUP) and Shoreline Substantial Development Permit (SSDP) request for the Mitchell Accessory Dwelling Unit (ADU) be approved, subject to the following conditions:

Health District

All requirements of Kitsap County Health District shall be met, including but not limited to:

Prior to ADU building permit issuance the following is required:

1. A Building Clearance for Sewered properties is required to be applied for at the Health District.
2. There is a record on file of an onsite septic system being on this property from 1968. It is connected to sewer now. A copy of a tank abandonment form and a pump receipt from a licensed septic pumper is required.

Environmental Review and Planning

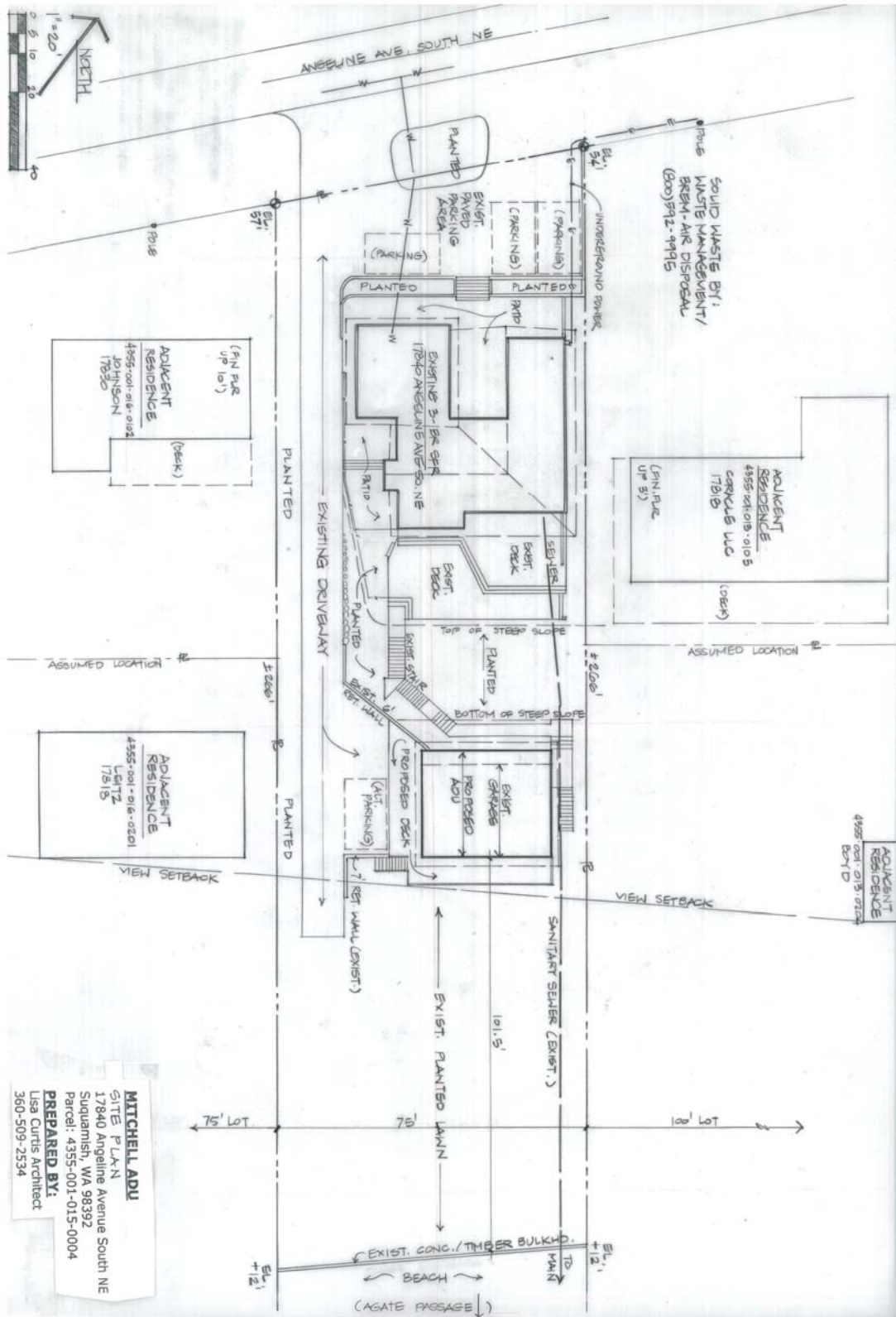
All requirements of the Kitsap County Environmental Review and Planning Divisions shall be met, including but not limited to:

3. All required permits shall be obtained prior to construction and/or occupancy.

4. An approved and issued building permit is required to convert the existing garage into an ADU.
5. An archaeological assessment and excavation of auger probes in areas where new porch and foundation footings are proposed and adjacent to an existing slab foundation that would be removed shall be required.
6. The auger probes shall be excavated to the maximum depth of proposed construction excavation. A professional archaeologist shall monitor subsurface construction excavation.
7. All construction work shall stop if the professional archaeologist identifies archaeological deposits and/or human remains. If archaeological deposits are identified in any auger probe, the landowner shall consult with the Suquamish Tribe to develop alternative construction plans and/or mitigation measures.
8. All building permits shall be subject to impact fees pursuant to the *Kitsap County Code* (KCC) in effect on the date of a complete building permit application.
9. Any proposed modification (not including cosmetic work such as painting, papering and similar finish work), remodel or expansion of the 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.
10. Only one ADU shall be permitted on the subject property.
11. The owner of the property must reside in either the primary residence or the ADU and only one of the structures may be rented at any one time.
12. The ADU is limited in size to that proposed by the applicant in Exhibits 21 & 33.
13. The ADU shall be designed to maintain the appearance of the primary residence.
14. The ADU shall meet the applicable health district standards for water and sewage disposal.
15. No mobile home or recreational vehicle shall be allowed as an ADU.

16. The ADU shall use the same side street entrance as the primary residence and shall provide one additional off-street parking space.
17. An ADU is not permitted on the same lot where an accessory living quarters exists.
18. The entire building in which the ADU is located shall be subject to an annual inspection to ensure compliance with all conditions. The Department of Community Development shall provide 24 hours notice prior to inspection, except for any filed complaint.
19. The recipient of a conditional use permit shall file a land use permit 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 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.
20. 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*. Unless in conflict with the conditions stated above 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.
21. This Conditional Use Permit approval shall become void if no building permit application to convert the garage into an ADU is accepted as complete, by the Department of Community Development, within three years of the date of the Hearing Examiner's decision.
22. Any violation of the conditions of approval shall be grounds to initiate revocation of this Conditional Use Permit and Shoreline Substantial Permit.

c: David & Patricia Mitchell; 1825 NW Blue Ridge Drive; Seattle, WA 98177  
Lisa Curtis; PO Box 13; Suquamish, WA 98392  
Dayle Houk; 11704 Two Creeks Road NE; Bainbridge Island, WA 98110  
Interested Parties: None identified to date  
Kitsap County Health District, MS-30  
Kitsap County Public Works Dept., MS-26  
DCD Staff Planners: Meg Sands & Lisa Lewis  
DCD Code Enforcement  
DCD Files (07 49301 & 07 50895)  
DCD Building Permit File  
DCD Development Engineering  
DCD Fire Marshal  
Hearing Examiner  
Clerk of Hearing Examiner  
Alison O'Sullivan; Suquamish Tribe; PO Box 498; Suquamish, WA 98392-0498  
Dennis E. Lewarch, THPO; Suquamish Tribe; PO Box 498; Suquamish, WA 98392-0498



Mitchell ADU - Site Plan (Exhibit 17)