



KITSAP COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

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LARRY KEETON, DIRECTOR

STAFF REPORT and RECOMMENDATION TO THE HEARING EXAMINER

Date: September 15, 2008

Application Date: June 11, 2008

Project: Tonge Accessory Dwelling Unit (ADU)

Proposal Summary:

The proposed project is to construct a 2-bedroom, 900 square foot Accessory Dwelling Unit on the 5.16 acre parcel. There is a single family residence with an attached garage on the property. The ADU will be served by an onsite septic system.

Application Number: 08 54143

Type of Application: Conditional Use Permit (CUP)

Project Location:

The 5.16 acre subject parcel is located in Seabeck, Central Kitsap County at 8661 Stavis Bay Road NW. The parcel is situated in Section 19, Township 25 North, Range 1 West.

Assessor's Account #:

192501-3-033-1002

Owner/Applicant:

Carl & Wendy Tonge
8661 Stavis Bay Rd NW
Seabeck, WA 98380

SEPA (State Environmental Policy Act):

Pursuant to WAC 197-11-355, the optional DNS process was used for this project. A Determination of Non-Significance (DNS) was issued September 8, 2008. The deadline for appeals was July 29, 2008. No appeals were filed.

COMMENTS:

The SEPA comment period previously occurred concurrent with the Notice of Application dated July 15, 2008. The parcel includes a seasonal drainage area, and will be conditioned pursuant to KCC Title 19 (Critical Areas) where applicable.

Physical Characteristics:

The 5.16 acre site is zoned Rural Residential (RR). The site contains one single family residence and an attached garage. The proposal is to construct a 2-bedroom, 900 square foot accessory dwelling unit adjacent to the SFR. The parcel is located in a Moderate Hazard Area. The site is served by an onsite septic system.

Comprehensive Plan Designation and Zoning:

Rural Residential (RR)

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 Density - 1 dwelling unit/5 acres (Special provisions apply for an accessory dwelling unit subject to Kitsap County Code (KCC) 17.381.060.B3 Provisions applying to special uses).

Minimum Setbacks = 50 feet - front yard (20 feet for lots less than 140 feet wide or less than 1 acre in size)

= 20 feet - side yard (5 feet for lots less than 140 feet wide or less than 1 acre in size)

= 20 feet - rear yard (5 feet for lots less than 140 feet wide or less than 1 acre in size)

Surrounding Land Use and Zoning:

The surrounding areas to the west, north and east are zoned Rural Residential and the parcels to the south are zoned Rural Wooded (RW). These parcels are predominately developed with single-family residences on acreage and are, therefore, far apart.

Public Utilities and Services:

Water: Kitsap Public Utility District #1

Power: Puget Sound Energy

Sewer: On-site septic system (BSA approved)

Police: Kitsap County Sheriff

Fire: Kitsap Fire District No. 1

Schools: North Kitsap School District No. 401

Access:

Automobile access to the site is through an easement off of Stavis Bay Road NW, a neighborhood road. There is no public transportation in the area.

Policies and Regulations Applicable to the Subject Proposal:

Road Standards, Title 11

Stormwater Drainage, Title 12

Kitsap County Zoning Code, Title 17, (February 15, 1999/as amended)

- Chapter 110 Definitions
- Chapter 310 Rural Residential Zone
- Chapter 381 Allowed Uses table
- Chapter 382 Density and Dimensions table
- Chapter 385 Landscaping
- Chapter 400 Land Use Review
- Chapter 421 Hearing Examiner Conditional Use Permits
- Chapter 435 Off-Street Parking and Loading
- Chapter 520 Appeals
- Chapter 525 Revocations of Permits or Variances

State Environmental Policy Act (SEPA) Chapter 18.04

Kitsap County Critical Areas Ordinance, Title 19, (Adopted February 27, 2007)

Transportation Facilities Concurrency Ordinance Chapter 20.04

Land Use and Development Procedures Chapter 21.04

Kitsap County Comprehensive Plan Adopted May 7, 1998 (Amended June 10, 2002, December 8, 2003 and October 25, 2004)

Rural and Resource Lands

Policy RL-8

Permit residential uses in rural areas consistent with the existing and planned rural character of the area in which they are located.

Policy RL-9

The designated rural area should have low residential densities which can be sustained by minimal infrastructure improvements, cause minimal environmental degradation, which will not cumulatively create the future necessity or expectation of urban levels of service.

Housing

Policy HS-9

Accessory Dwelling Units shall be permitted uses in all zones and be subject to applicable development standards including Health District requirements for water and sewage disposal.

Policy HS-16

Encourage the development of a variety of dwelling types and densities in residential neighborhoods.

Documents Consulted in the Analysis:

Applicant submittals:

<u>Document</u>	<u>Dated or date stamped</u>
Condition Use Permit Application	June 11, 2008
Site Plan	June 11, 2008
Residential Building Site Application (BSA)	June 11, 2008
Environmental (SEPA) Checklist	June 11, 2008
ADU Floor Plan	June 11, 2008
ADU Building Elevations	June 11, 2008

Staff communication:

<u>Document</u>	<u>Dated or date stamped</u>
Development Engineering Memo	August 27, 2008
SEPA Determination of Non-Significance	September 08, 2008
Kitsap Health District Memo	July 14, 2008

Public comments:

No public comments were received.

Analysis:

Accessory Dwelling Unit (ADU) Standards

An ADU is required to meet the standards outlined in KCC 17.381.060. B3. This chapter states the purpose of Provisions Applying to Special Uses. One of the special uses under this section is an 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.

Standards from KCC 17.381.060.B3 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 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, Carl and Wendy Tonge, currently live in the single family residence. The proposed ADU will provide living space for their aging parent.

- 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 2065 square feet. Fifty percent of its habitable area is 1033 square feet. The ADU would be limited to 900 square feet as determined by exterior measurements. The proposed ADU is 900 square feet and therefore complies with the code.

- 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 130 feet from the primary residence.

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

The primary residence and ADU are planned to be similar in basic architectural style, for example – each will be stick-built, and have pitched roofs. The ADU's architectural design and building materials are similar and complementary to the appearance of the primary residence.

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

The front yard setback required for the ADU is 50 feet, the side and rear yard setbacks are both 20 feet. The proposed ADU will be approximately 268 feet from the access road easement and have a side yard setback of 20 feet. The rear yard setback is satisfied with approximately 80 feet. All setbacks for the ADU and the primary dwelling 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 confirmed that both the proposed water supply and the sewage disposal for the ADU comply with their development regulations (approved BSA #403239).

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

The ADU and the primary dwelling are both stick-built structures.

- 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 driveway. Two parking spaces are required and provided for the single-family residence in the attached garage. One parking space is required for the ADU. The property is served by an existing driveway which will be extended to serve the proposed two car garage of the ADU. This criteria is satisfied.

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

The applicant has stated that no other living quarters are planned for the subject parcel, and is aware that no other living quarters would be allowed by the Code.

Agency Recommendation

Kitsap County Development Engineering recommends approval of this project with conditions. (Memo dated August 27, 2008).

Kitsap County Health District approved the Building Site Application for the on site sewage system for both dwellings (BSA# 403239).

A memo from the Health District recommends approval (Dated July 14, 2008).

Findings:

1. The proposed development/use requires approval of a Conditional Use Permit within the subject zoning designation of Rural Residential (RR) per the KCC Chapter 17.310.020, the Parks, Rural, and Resource Zones Use Table. Chapter 17.381 and the standards of Provisions Applying to Special Uses as set forth in KCC 17.381.060.B3.
2. The proposed development would be harmonious and compatible with existing and future developments within the land use designation and general area.

3. The subject site is physically suitable for the type, density and intensity of the use being proposed.
4. Appropriate provisions have been made for the public health, safety and general welfare for drainage ways, streets or roads, and other public right-of-ways, potable water supply, sanitary waste, and all other elements of community development.
5. The location, size, design and operating characteristics of the proposed development/use would not be detrimental to the public interest, health, safety, or welfare of the County.

Department Recommendation:

Based upon the above findings, the Department recommends that the Conditional Use Permit (CUP) application for the Tonge Accessory Dwelling Unit (ADU) be **approved**, subject to the following conditions:

Land Use

1. All building permits shall be subject to impact fees pursuant to the *Kitsap County Code* in effect on the date of a complete building permit application.
2. A BSA (Building Site Application #403239) for this project has been approved. Drinking water will be provided by an approved two party private well. Continuing operation and maintenance is required for the on-site septic system.
3. 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.
4. 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.
5. Applicant shall record a Notice to Title with the Kitsap County Auditor, if this ADU is approved. Prior to recording the Notice to Title, the applicant shall provide a draft to the Department of Community Development (DCD) for review and approval. A recorded copy of the approved Notice to Title must be submitted to DCD prior to Certificate of Occupancy issuance of this ADU. The Notice to Title shall include the following "a" through "j" statements:
 - a. This property has received land use approval for an Accessory Dwelling Unit (ADU) and is bound by the conditions of approval

as stipulated in the Hearing Examiner's decision, ordered _____, Case No.: [TBA], (refer to Conditional Use Permit, DCD File # 08 54143) on file at the Department of Community Development.

- b. A property with a primary residence and 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 subdivision application.
 - c. The ADU cannot be sold separately from the primary residence unless it has legally been segregated onto its own lot.
 - d. Only one ADU shall be allowed on this lot.
 - e. 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.
 - f. The ADU's habitable area shall not exceed 900 square feet as determined by exterior measurements.
 - g. The ADU shall use the same street entrance from Stavis Bay Road NW as the primary residence.
 - h. Accessory Living Quarters (ALQ) or a Guest House (GH) is not allowed on this lot if the ADU is approved by Kitsap County.
 - i. 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.
 - j. Any violation of the conditions of approval shall be grounds to initiate revocation of this Conditional Use Permit.
6. Any violation of the conditions of approval shall be grounds to initiate revocation of this Conditional Use Permit.

All requirements of the Development Engineering and Public Works for this project shall be adhered to, including the following:

STORMWATER

All minor developments creating greater than 2,000 square feet of new impervious surface and major developments creating less than 10,000 square feet of new impervious surface shall:

7. Implement either individual downspout infiltration or roof downspout dispersion per the *Kitsap County Stormwater Design Manual* to the maximum extent possible; or
7. Discharge to a regional water quantity control facility designed to receive the developed site runoff.
8. Should the proposal be modified from that shown on the July 8, 2008 submitted site plan, please forward to Development Engineering for review.

Distribution:

Applicant: Carl & Wendy Tonge, 8661 Stavis Bay Rd NW, Seabeck, WA 98380

Interested Parties: Chris Clark, cclark@wgclark.com

Agencies:

Kitsap County Health District, MS-30
Kitsap County Public Works Dept., MS-26
DCD Staff Planner: Jonathan Pavy
Kitsap County SEPA Coordinator
DCD Development Engineering
Clerk of Hearing Examiner
Suquamish Tribe
Washington Department of Fish and Wildlife
Washington Department of Ecology