



KITSAP COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

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LARRY KEETON, DIRECTOR

STAFF REPORT and RECOMMENDATION TO THE HEARING EXAMINER

Date: January 27, 2009

Application Date: June 11, 2008

Project: Chang Accessory Dwelling Unit (ADU)

Proposal Summary:

The proposed development is zoned Rural Residential (RR). Contiguous surrounding properties are also zoned RR. This project is being reviewed as a Conditional Use Permit.

The project involves adding a kitchen to an existing permitted Detached Garage/Guest House making it an ADU. The ADU is approximately 500 SF of livable space.

The Review Authority will be Kitsap County Hearing Examiner, consistent with Title 21 and Title 17.421 of the Kitsap County Code (KCC). The County will review the application for consistency with the requirements of KCC Section 17.381.060 number 3, Accessory Dwelling Unit.

Application Number: 08 57445

Type of Application: Conditional Use Permit (CUP)

Applicant:

Lowell & Phyllis Chang
2 & 3F Monarch House II
501-503 Hennessy Road
Causeway Bay, Hong Kong

Owner:

Same as Applicant

Representative:

Tom Cheney
Cutler Anderson Architects
135 Parfitt Way SW
Bainbridge Island, Washington 98110

Engineer:

Dave Martin
7939 Beachwood Ave. NE
Poulsbo, WA 98370

Project Location:

The Residential zoned parcel is approximately 217,800 SF in size. The site is shaped as a long rectangle that has a slope from the rear of the parcel down to the shoreline. The site has existing vegetation and trees around the main residence and garage.

Assessor's Account #:

282701-4-013-2009

Owner/Applicant:

Lowell & Phyllis Chang
2 & 3F Monarch House II
501-503 Hennessy Road
Causeway Bay, Hong Kong

SEPA (State Environmental Policy Act):

Pursuant to WAC 197-11-340(2), a DNS was issued for this project on January 12, 2009. The deadline for appeals was January 26, 2009. No appeals were filed.

COMMENTS:

The previous SEPA determination issued on November 19, 2008 inadvertently referred to a draft Notice of Application that had not yet been issued. As such, this determination is reissued to allow a new 14 day comment and appeal period. Physical property improvements will be limited to the addition of a kitchen to a permitted garage/guesthouse; no exterior work is proposed.

Physical Characteristics:

The Residential zoned parcel is approximately 217,800 SF in size. The site is shaped as a long rectangle that has a slope from the rear of the parcel down to the shoreline. The site has existing vegetation and trees around the main residence and garage. Average grade on the upland area of the parcel is about 5%; along the shoreline the bluff is fairly steep.

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 south, north and east are zoned Rural Residential. The Hood Canal is located to the west. Surrounding parcels are predominately developed with single-family residences on acreage.

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 via the end of Canyon 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; October 25, 2004 and December 11, 2006)

Applicable Comprehensive Plan Policies

Rural and Resource Lands

Policy RL-1

Limit the designated rural area to low residential densities which 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-3

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

Housing

Policy HS-11

Permit and encourage the development of residential accessory dwelling units (mother-in-law apartments) in all 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.

Documents Consulted in the Analysis:

Applicant submittals:

<u>Document</u>	<u>Dated or date stamped</u>
Condition Use Permit Application	August 8, 2008
Site Plan	August 8, 2008
Residential Building Site Application (BSA)	August 8, 2008
Environmental (SEPA) Checklist	August 8, 2008
ADU Floor Plan	August 8, 2008
ADU Building Elevations	August 8, 2008

Staff communication:

<u>Document</u>	<u>Dated or date stamped</u>
Development Engineering Memo	September 8, 2008
SEPA Determination of Non-Significance	January 12, 2009
Kitsap Health District Memo #50953	October 10, 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, Lowell & Phyllis Chang, will live in the single family residence. The proposed ADU will provide living space and the ability to prepare meals for their friends and family that will be visiting.

- 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 3703 square feet. Fifty percent of its habitable area is 1851.5 square feet. The ADU would be limited to 900 square feet as determined by exterior measurements. The proposed ADU is 500 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 48 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 cohesive in basic architectural style, for example – both main residence and associated garage/ADU have the same architectural style, material and detail.

- 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 940 feet from the front yard property line and have side yard setbacks of 45 and 85 feet. The rear yard setback is satisfied with approximately 200 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 #202162).

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

The ADU and the primary dwelling are both architectural designed contemporary 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 detached 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 requirement is satisfied.

- 1. 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 September 8, 2008).

Kitsap County Health District approved the Building Site Application for the on site sewage system for both dwellings.

A memo from the Health District recommends approval with comments and conditions (Dated October 10, 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 Chang 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. 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.
3. 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.
4. 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 57445) 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 Canyon 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.
5. Any violation of the conditions of approval shall be grounds to initiate revocation of this Conditional Use Permit.

Health District

- 6. A Building Site Application – ALT for an accessory dwelling unit (ADU) has been approved by the Health District for this project on 5/27/2008.
- 7. A Sewage Disposal Permit for the ADU Memo: 202346 Has received conditional approval to cover on 6/25/2008. The following items need to be completed for final occupancy. 1) Need to inspect connection from ADU to tanks – No foundation present now 2) Need certification setup and M&M (Monitoring and maintenance) contract. 3) Needs letter from designer for drainfield reconfiguration.

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

STORMWATER

- 8. Site Development Activity Permit (SDAP) 05 26427 shall be finalized before land use is approved.

TRAFFIC AND ROADS

9. Submit an Application for Concurrency Test (KCPW Form 1601) as required by Chapter 20.04, Transportation Concurrency, of the Kitsap County Code. The KCPW 1601 form is how you reserve road capacity for your project.

10. Submit a Road Approach Permit Application and plans for construction of asphalt concrete accesses between the edge of existing pavement and the right-of-way line at all intersections with county rights-of-way. Approaches shall be designed in accordance with Chapter 11.22, Kitsap County Road Standards, of the Kitsap County Code. Please denote the design vehicle on the plan set. Existing approaches may need to be improved to meet current standards.

Distribution:

Applicant: Lowell & Phyllis Chang, 2 & 3F Monarch House II, 501-503 Hennessy Road, Causeway Bay, Hong Kong

Representative Tom Cheney, Cutler Anderson Architects, 135 Parfitt Way SW, Bainbridge Island, WA 98110
Dave Martin, 7939 Beachwood Avenue NE, Poulsbo, WA 98370

Interested Parties:

(None)

Agencies:

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