



KITSAP COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

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LARRY KEETON, DIRECTOR

STAFF REPORT and RECOMMENDATION TO THE HEARING EXAMINER

Date: March 12, 2009

Application Date: June 11, 2008

Project: Weaver Accessory Dwelling Unit (ADU)

Proposal Summary:

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

The project involves building an Accessory Dwelling Unit of 900 square feet in a wood framed craftsman style with an attached single car carport. This structure will replace an existing carport. The subject parcel is approximately 2 acres in size.

The primary residence on this site is a ranch style home with a finished basement. It is approximately 4402 SF in size.

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 63385

Type of Application: Conditional Use Permit (CUP)

Applicant:

Wilfred and Dorothy Weaver
11765 Olympic View Road NW
Silverdale, WA 98383

Owner:

Same as Applicant

Representative:

Ben Sponsel
4101 Twilight Lane
Anchorage, AK 99516

Engineer:

NA

Project Location:

The project is in central Kitsap County west of Silverdale. The site is addressed as 11761 Olympic View Road NW, which is off of Anderson Hill Road.

Assessor's Account #:

072501-3-010-2001

SEPA (State Environmental Policy Act):

The DNS was issued February 27, 2009 after using the optional DNS process in WAC 197-11-355. There is no further comment period on the DNS. The deadline for appeals was March 13, 2009. No appeals were filed.

COMMENTS:

The SEPA comment period previously occurred concurrent with the Notice of Application dated January 29, 2009. Pursuant to Kitsap County Code Title 19, the applicant has provided a Single Family Wetland Certification Letter confirming that the structure does not encroach on the off-site wetland buffer.

Physical Characteristics:

The Residential zoned parcel is approximately 87,384 SF in size. The site is shaped as a almost square rectangle, is fairly level with slopes to the west and east of the parcel. The site has mature existing vegetation and trees around the main entrance and front yard of the parcel.

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 Accessory structures and 5 feet for lots less than 140 feet wide or less than 1 acre in size)

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

The proposed Accessory Dwelling Unit is subject to the 20 foot front yard setback and 5 foot side and rear yard setbacks.

Surrounding Land Use and Zoning:

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

Public Utilities and Services:

Water: Silverdale Water District
Power: Puget Sound Energy
Sewer: On-site septic system (BSA approved)
Police: Kitsap County Sheriff
Fire: Central Kitsap Fire District
Schools: Central Kitsap School District

Access:

Automobile access to the site is via a long driveway off of Olympic View Road NW, a public 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	December 11, 2008
Site Plan	December 11, 2008
Residential Building Site Application (BSA)	March 4, 2009
Environmental (SEPA) Checklist	November 9, 2008
ADU Floor Plan	February 5, 2009
ADU Building Elevations	February 5, 2009

Staff communication:

<u>Document</u>	<u>Dated or date stamped</u>
Development Engineering Memo	January 26, 2009
SEPA Determination of Non-Significance	February 27, 2009
Kitsap Health District Memo #51008	January 21, 2009

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 and rural 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, Wilfred and Dorothy Weaver, will live in the proposed ADU. Their daughter and son-in-law will live in the main residence.

- 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 over 4000 square feet. Fifty percent of its habitable area is approximately 2000 square feet. The ADU is 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 100 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 and will be painted the same color.

- 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 5 feet. The proposed ADU will be approximately 500 feet from the front yard property line and have a side yard setback of 15 feet. The rear yard setback is also satisfied with 15 feet. All setbacks for the ADU and the primary dwelling are in compliance with the required KCC dimensions.

- 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 memo #203304).

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

No mobile homes or recreational vehicles are proposed as an ADU.

- 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. One parking space is required and provided for the ADU. The property is served by an existing driveway which will be extended to serve the proposed one car carport of the ADU. This requirement 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 without conditions. (Memo dated January 26, 2009).

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 which have been satisfied (Dated January 21, 2009).

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 Weaver 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 Building Site Application (BSA) and Building Clearance (BC) have been satisfied.

All requirements of the Development Engineering and Public Works for this project have been satisfied.

Distribution:

Applicant:

Representative

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