



KITSAP COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

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LARRY KEETON, DIRECTOR

STAFF REPORT and RECOMMENDATION TO THE HEARING EXAMINER

Report Date: April 9, 2009

Application Complete Date: March 9, 2009

Hearing Date: April 23, 2009

Project: McCall Accessory Dwelling Unit (ADU)

Proposal Summary:

The applicant proposes to develop an accessory dwelling unit of a maximum 900 square feet on a 1.54- acre site in South Kitsap County. The applicant's existing dwelling is a 2360 square foot two-story house which uses an on-site septic system for wastewater treatment and the Manchester Water District for domestic water supply. The applicant would install a separate septic system for the ADU.

Application Number: 09 66679

Type of Application: Conditional Use Permit (CUP)

Project Location:

The subject 1.54-acre parcel is located in South Kitsap County at 4446 Banner Road SE, which is on the west side of Banner Road approximately 1400 feet north of the intersection with Sedgwick Road. Its map location is Section 3, Township 23 North, and Range 2E, of the Willamette Meridian.

Assessor's Account #:

032302-3-016-2000

Owner/Applicant:

James and Frona McCall
4521 South "J" Street
Tacoma WA 98418

SEPA (State Environmental Policy Act):

Pursuant to WAC 197-11-340(2) a Determination of Nonsignificance (DNS) was issued March 26, 2009. The deadline for appeals is April 17, 2009. No appeals were filed by the date of this staff report. Any appeals filed by the deadline would be heard at the public hearing.

Physical Characteristics:

The 1.54 acre parcel is approximately rectangular-shaped and measures 470 feet by 145 feet with the long axis running east and west. The parcel has a gently rolling terrain, with a high point of 310 feet on the southeast boundary and a low point of 290 feet on the west boundary. The parcel is occupied by a 2489 square-foot, two-story, single family residence and an 800 square-foot storage building. The remainder of the parcel is covered by lawns, with a mix of trees and shrubs typical of a rural residential parcel. The existing residence is setback from Banner Road approximately 140 feet, and the ADU would be located behind (or west of) the house and completely screened from passers-by on Banner Road

Comprehensive Plan Designation and Zoning:

Rural Protection (RP)

Minimum Lot Area 10 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/10 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 - side yard

= 20 feet - rear yard

Surrounding Land Use and Zoning:

The surrounding properties are developed with single-family residences on all sides of the parcel. They are zoned Rural Protection on the west side of Banner Road and Rural Residential (one dwelling per 5 acres) on the east side.

Public Utilities and Services:

Water: Manchester Water District

Power: Puget Sound Energy

Sewer: On-site septic system (BSA approved)

Police: Kitsap County Sheriff

Fire: Kitsap Fire and Rescue No. 7

Schools: South Kitsap School District No. 402

Access:

Automobile access to the site is via Banner Road. There is no public transportation on Banner Road. The closest bus transportation is at the Harper Church Park and Ride Lot on Sedgwick Road which is 1.75 miles from the subject parcel. The bus route that

serves the park and ride lot is the Southworth Shuttle, which accesses Port Orchard, Manchester, and the Fauntleroy/Southworth Ferry.

Policies and Regulations Applicable to the Subject Proposal:

Kitsap County Comprehensive Plan

Adopted February 15, 1999 (Amended June 10, 2002, December 8, 2003 and October 25, 2004, and the 10-year Comprehensive Plan Update, December 2006)

Rural and Resource Lands

Policy RL-3:

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

Housing

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-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.

Kitsap County Code (KCC) (Supplement #15 adopted December 23, 2008)

Chapter 17.381.060.B3 Zoning - Provisions for Special Uses.

Chapter 18.04 State Environmental Policy Act (SEPA)

Chapter 21.04 Land Use and Development Procedures

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 how the subject proposal meets 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.

- 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 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, James and Frona McCall currently live in Tacoma. Their son's family lives in the primary dwelling of the subject parcel. The applicants will reside in the ADU after it is constructed.

- 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 has 2125 square feet of livable space according to the Kitsap County Assessor's Records. Fifty percent of its habitable area is 1062.5 square feet. The ADU would therefore be limited to 900 square feet as determined by exterior measurements.

- 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 is located approximately 30 feet from the primary residence, and therefore meets this requirement.

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

The primary residence and the proposed ADU have a similar basic architectural style, for example – each would be of a wood frame construction, each would have a pitched roof, and each would have wood or faux-wood siding. The ADU's building materials are similar to the appearance of the primary residence.

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

Based on the requirements of the Rural Protection Zone the required front yard setback is 50 feet. The proposed location of the ADU is more than 150 feet from the road frontage. The

required side yards are 20 feet and the ADU is proposed to be located 30 feet from the south side yard and 85 feet from the north side yard. The required rear yard is 20 feet and the ADU is proposed to be at least 240 feet from the rear (west) yard. All setbacks for the location of the proposed 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 issued a Building Site Application #202896 for the proposed sewage disposal system for the ADU. The review of the water supply was in progress at the writing of this staff report.

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

The primary dwelling is a "stick-built" wood frame structure and the proposed ADU would also be a "stick-built" wood frame structure. The ADU is, therefore, neither a mobile home, nor a recreational vehicle.

- 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 for the single-family residence and could be accommodated on the site. One parking space is required for the ADU. The applicant's site plan shows at least one parking space for the ADU.

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

The Department has confirmed that there is no other accessory living quarters on the subject parcel, and the applicant is aware that conditions of approval would prohibit other living quarters.

Documents Consulted in the Analysis:

Applicant submittals:

<u>Document</u>	<u>Dated or date stamped</u>
Conditional Use Permit Application	February 18, 2009
Site Plan	March 3, 2009
Residential Building Site Application (BSA)	October 23, 2008
Environmental (SEPA) Checklist	February 18, 2009
Project Profile	March 3, 2009
ADU Floor Plan	February 27, 2009
ADU Building Elevations	February 27, 2009
Binding Water Letter – Manchester WD	February 29, 2009

Staff communication:

<u>Document</u>	<u>Dated or date stamped</u>
Complete Letter	March 9, 2009
NOA	March 30, 2009
Development Engineering Memo	March 23, 2009
SEPA Determination of Nonsignificance	March 26, 2009
Kitsap Health District Memo	March 20, 2009
Public Notice Posting	April 7, 2009

Public comments:

No comments from the public were received by staff by April 9, 2009. Any comments received after this date would be reported at the public hearing.

Agency Recommendations:

Kitsap County Development Engineering recommends approval of this ADU with conditions, as listed below. (Memo dated March 23, 2009).

A memo from the Kitsap County Health District, dated March 20, 2009, represents the status of the Health District review as of that date. Kitsap County Health District has received the Building Site Application for the on-site sewage system for both dwellings. The on-site sewage system design has been approved.

Conclusions:

1. The proposal is consistent with the Comprehensive Plan. The subject property is located within the Rural Protection (RP) zoning. The RP zone is intended to recognize rural areas that have been committed or developed for rural residences on larger lots. The Comprehensive Plan policies support the development of Accessory Dwelling Units with conditions.
2. With conditions, the proposal would comply with KCC Title 17 requirements. The ADU requires approval of a Conditional Use Permit (CUP) within the subject zoning designation of Rural Protection (RP) per the KCC Chapter 17.381.020, the Parks, Rural, and Resource Zones Use Table. The applicant has submitted a complete application for the CUP. Proper notice was completed for the application and no negative comments were received from the public or reviewing agencies prior to the distribution of this staff report. The proposed ADU must meet all standards for ADU as set forth in KCC 17.381.060.B3. Provisions Applying to Special Uses. Based on the analysis above, the proposal meets all provisions required for the ADU.
3. The proposal would not be materially detrimental to uses or property in the immediate vicinity. The applicant is removing one 800 square foot storage building that is in relatively poor condition and constructing a new 900 square foot single story dwelling in the same location. The Health Department has determined that the on-site sewage system as designed will protect groundwater from contamination. The proposal is for a relatively small dwelling and the addition of two residents in the area would not impact the community in any significant way.

4. The proposal would be compatible with and incorporates specific features, conditions, or revisions that ensure that it responds appropriately to the existing character, appearance, quality or development, and physical characteristics of the subject property and the immediate vicinity.

Department Recommendation:

Based upon the above findings, the Department recommends that the Conditional Use Permit (CUP) application for the McCall 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. The applicant shall be issued a Building Site Application approval from the Kitsap County Health District before construction can start on the proposed ADU.
3. Any proposed modification (not including cosmetic work such as painting, papering and similar finish work), remodel or expansion of the ADU structure, 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 shall reside in either the primary residence or the ADU and only one of the structures may be rented at any one time.
5. 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.
6. The ADU cannot be sold separately from the primary residence unless it has legally been segregated onto its own lot.
7. Only one ADU shall be allowed on this lot.
8. The ADU's habitable area shall not exceed 900 square feet as determined by exterior measurements.
9. The ADU shall use the same street entrance from Banner Road as the primary residence.
10. Accessory Living Quarters (ALQ) or a Guest House (GH) will not be allowed on this lot if the ADU is approved by Kitsap County.

11. Applicant shall record a Land Use Binder (similar to a Notice to Title) with the Kitsap County Auditor, if this ADU is approved. Prior to recording the Binder the applicant shall provide a draft to the Department of Community Development (DCD) for review and approval. A recorded copy of the approved Binder must be submitted to DCD prior to Certificate of Occupancy issuance of this ADU. The Binder 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 # 09 66679) 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 Banner Road 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.

12. 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.

13. Any violation of the conditions of approval shall be grounds to initiate revocation of this Conditional Use Permit.

Distribution:

Applicant:

James and Frona McCall
4521 South "J" Street
Tacoma WA 98418

Interested Parties: none to date

Agencies:

Kitsap County Health District, Nathan Holburn, MS-30
Kitsap County Development Engineering, MS-26
DCD Staff Planner: Rick McNicholas
Kitsap County SEPA Coordinator
Clerk of Hearing Examiner
Kitsap County Building Official
Suquamish Tribe
Washington Department of Fish and Wildlife
Washington Department of Ecology