



Hearing Examiner Staff Report and Recommendation

Report Date: 11/1/18
Hearing Date: 11/8/18

Application Submittal Date: March 30, 2018
Application Complete Date: April 26, 2018

Project Name: Sanson Accessory Dwelling Unit
Type of Application: Administrative Conditional Use Permit (ACUP) and Shoreline Substantial Development Permit (SSDP)
Permit Number: 18-01852 (SSDP) and 18-01513 (ACUP)

Project Location

17706 Angeline Ave South NE
Suquamish, WA 98392
Commissioner District #1

Assessor's Account #
4355-002-010-0007

Applicant/Owner of Record
Kerrie & Jeffrey Sanson
6333 Buckskin Lane
Bainbridge Island WA, 98110

Recommendation Summary
Approved subject to conditions listed under section 13 of this report.

VICINITY MAP



1. Background

The applicant proposes to construct a three-car detached garage with 899 square foot accessory dwelling unit above, and a 2,549 square foot single family residence on a vacant, 0.22-acre waterfront parcel located in Suquamish Washington. The proposal also includes associated parking, landscaping and stairs to the beach.

2. Project Request

The applicant requests Administrative Conditional Use Permit (ACUP) and Shoreline Substantial Development Permit (SSDP) approval to construct an Accessory Dwelling Unit (ADU) and associated improvements.

3. SEPA (State Environmental Policy Act)

The State Environmental Policy Act (SEPA), found in Chapter 43.21C RCW (Revised Code of Washington), is a state law that requires the County to conduct an environmental impact review of any action that might have a significant, adverse impact on the environment. The review includes the completion of an Environmental Checklist by the applicant and a review of that checklist by the County. If it is determined that there will be environmental impacts, conditions are imposed upon the applicant to mitigate those impacts below the threshold of “major” environmental impacts. If the impacts cannot be mitigated, an environmental impact statement (EIS) must be prepared. The decision following environmental review, which may result in a Determination of Nonsignificance (DNS), Mitigated DNS, or the necessity for an EIS is called a threshold determination. A separate notice of the threshold determination is given by the County. If it is not appealed, it becomes part of the hearing record as it was issued, since it cannot be changed by the Hearing Examiner.

Pursuant to WAC 197-11-355, the optional DNS process was utilized for this project. The SEPA Comment period previously occurred concurrent with the Notices of Application dated May 1, 2018 for the A-CUP (Exhibit 11) and May 4, 2018 for the SSDP (Exhibit 13). A Determination of Nonsignificance (DNS) was issued on September 21, 2018 (Exhibit 22 for ACUP and Exhibit 21 for SSDP).

The SEPA appeal period expired October 5, 2018. No appeals were filed; therefore, the SEPA determination is final.

4. Physical Characteristics

The subject property is approximately 50 feet wide by 200 feet long located in a residential neighborhood on the Agate Passage shoreline and is currently undeveloped. The site has been cleared and prepped for construction of the single-family residence and garage/accessory dwelling unit buildings. There is an existing vertical concrete bulkhead at the shoreline. The property slopes gently towards Agate Pass, becoming steep with high hazard slopes near the shoreline. Mapped FEMA flood hazard areas are present on the property at the shoreline.

Table 1 - Comprehensive Plan Designation and Zoning

Comprehensive Plan: Limited Area of More Intensive Rural Development (LAMIRD) Zone: Suquamish Village Low Residential (SVLR)	Standard	Proposed
Minimum Density	NA	NA
Maximum Density	NA	NA
Minimum Lot Size	4,500 square feet	10,019 sq. ft.
Maximum Lot Size	NA	
Minimum Lot Width	50 feet	50 feet
Minimum Lot Depth	90 feet	171 feet

Maximum Height	30 feet, max. of 2 habitable floors	24 feet 6.75 inches 2 habitable floors
Maximum Impervious Surface Coverage	40% 10,019 square feet x 40% = 4,008 square feet maximum	3,883 square feet
Maximum Lot Coverage	NA	NA

Applicable footnotes:

None

Table 2 - Setback for Zoning District

	Standard	Proposed
Front (North)	20 feet	20 feet to nearest structure (ADU)
Side (West)	5 feet	5 feet for both the ADU and SFR
Side (East)	5 feet	5 feet for both the ADU and SFR
Rear (South - Shoreline)	5 feet or required environmental setback whichever is greater	55 feet to nearest structure (SFR)

Table 3 - Surrounding Land Use and Zoning

Surrounding Property	Land Use	Zoning
North	Single-Family Homes/Vacant Lots	Suquamish Village Low Residential (SVLR)
South	Agate Pass/shoreline	Suquamish Village Low Residential (SVLR)
East	Single-Family Homes Waterfront Homes	Suquamish Village Low Residential (SVLR)
West	Single-Family Homes Waterfront Homes	Suquamish Village Low Residential (SVLR)

Table 4 - Public Utilities and Services

	Provider
Water	Kitsap PUD #1
Power	Puget Sound Energy
Sewer	Kitsap County Public Works
Police	Kitsap County Sherriff
Fire	North Kitsap Fire & Rescue
School	North Kitsap School District #400

5. Access

The subject property takes direct access from Angeline Avenue South NE, a County maintained public right-of-way.

6. Site Design

Not applicable for single-family residential development.

7. Policies and Regulations Applicable to the Subject Proposal

The Growth Management Act of the State of Washington, RCW 36.70A, requires that the County adopt a Comprehensive Plan, and then implement that plan by adopting development regulations. The development regulations must be consistent with the Comprehensive Plan. The Comprehensive Plan process includes public involvement as required by law, so that those who are impacted by development regulations have an opportunity to help shape the Comprehensive Plan which is then used to prepare development regulations.

Kitsap County Comprehensive Plan, adopted June 30, 2016.

The following Comprehensive Plan goals and policies are most relevant to this application:

Land Use Goals and Policies:

Land Use Goal 13 – Protect Kitsap County’s unique rural character

Land Use Policy 50

Limit the designed 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.

Land Use Policy 51

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

Land Use Policy 53

Outside of the Type III Limited Area of More Intensive Rural Development (LAMIRD), limit development only to that which serves rural residential or resource needs and does not draw population from Urban Growth Areas. This policy is implemented through Comprehensive Plan Land Use designation, zoning designation, and zoning code provisions.

Housing, Human Services Goals and Policies:

Housing and Human Services Goal 2 – Increase affordable housing units and ensure that a broad range of housing types are available.

Housing, Human Services Policy 5

Use regulatory strategies to incentivize and provide flexibility for development of affordable and special needs housing.

Housing, Human Services Policy 7

Adopt regulatory changes to allow non-traditional housing types.

Housing and Human Services Goal 4 – Ensure that all people have fair and equal access to housing and services.

Housing, Human Services Policy 11

Promote fair housing to ensure that all residents of Kitsap County have an equal and fair opportunity to obtain safe and sanitary housing suitable to their needs and financial resources, regardless of race, religion, gender, sexual orientation, age, national origin, family status, income, disability, or other protected class.

Housing, Human Services Policy 12

Identify and remove regulatory barriers and limits access to or the provision of a diverse affordable housing supply.

Housing, Human Services Policy 13

Identify and remove impediments to creating housing for harder to house populations.

Housing, Human Services Policy 14

Disperse affordable housing opportunities throughout the County.

Shoreline Policy 4

Permitted uses and developments should be designed and conducted in a manner that protects the current ecological condition, and prevents or mitigates adverse impacts.

Mitigation measures shall be applied in the following sequence of steps listed in order of priority:

- 1. Avoid the impact altogether by not taking a certain action or parts of an action;*
- 2. Minimize impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts;*
- 3. Rectify the impact by repairing, rehabilitating or restoring the affected environment;*
- 4. Reduce or eliminate the impact over time by preservation and maintenance operations;*
- 5. Compensate for the impact by replacing, enhancing, or providing substitute resources or environments, including utilization of the in-lieu fee process where appropriate; and*
- 6. Monitor the impact and the mitigation projects and take appropriate corrective measures.*

The County’s development regulations are contained within the Kitsap County Code. The following development regulations are most relevant to this application:

Code Reference	Subject
Title 12	Storm Water Drainage
Title 13	Water and Sewers
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 Master Program

8. Documents Consulted in the Analysis

A complete index of exhibits is located in the project file. To date, the index to the record consists of two records, one for each permit. The SSDP (18-01852) consists of 26 Exhibits. The ACUP-ADU (18-01513) consists of 27 Exhibits. Many exhibits will be duplicative.

18-01852 (SSDP)

Exhibit #	Document	Date or date stamped
1	Project Application	04/19/18
2	ADU Narrative	04/19/18
3	Project Photos	04/19/18
4	JARPA	04/19/18
5	Engineered Drainage Report	04/25/18
6	Geotechnical Report	04/25/18
7	Shoreline Habitat Management Report	04/25/18
8	Site Assessment Packet	04/25/18
9	Stormwater Worksheet	04/25/18
10	Submittal Waiver	04/25/18
11	SWPPP Narrative	04/25/18
12	Concurrency Application	04/26/18
13	Notice of Application	05/14/18
14	Step Deficiency Report- Cycle 1	06/20/18
15	Landscape Plans	07/11/18
16	Revised SEPA Checklist	07/11/18
17	Revised Site Plans	07/11/18
18	Step Deficiency Report- Cycle 2	8/27/18
19	Geotechnical Report- Addendum	09/05/18
20	Revised Engineered Drainage Plans	09/07/18
21	SEPA Determination of Nonsignificance	09/21/18

22	Preliminary Conditions Memo- C. Vickery	10/08/18
23	Notice of Public Hearing	10/24/18
24	Certification of Public Notice	10/24/18
25	Staff Report	11/01/18
26	Staff Presentation	11/08/18

18-01513 (ACUP-ADU)

Exhibit #	Document	Date or date stamped
1	Project Application	04/03/18
2	Land Use & Site Development Application	04/03/18
3	Narrative- ADU	04/03/18
4	Water Availability	04/03/18
5	Sewer Availability	04/03/18
6	Concurrency Test- ADU	04/04/18
7	Stormwater Worksheet	04/04/18
8	Site Assessment Packet	04/04/18
9	Engineered Drainage Report	04/04/18
10	Geotechnical Report	04/04/18
11	Notice of Application	05/02/18
12	Building Elevations	05/03/18
13	Floor Plans	05/03/18
14	Floor Plans-ADU	05/03/18
15	Shoreline Habitat Management Plan	05/03/18
16	Step Deficiency Report- Cycle 1	06/20/18
17	Updated SEPA Checklist	07/11/18
18	Revised Site Plans	07/11/18
19	Step Deficiency Report- Cycle 2	8/27/18
20	Revised Engineered Drainage Plans	09/05/18
21	Geotechnical Report- Addendum	09/05/18
22	SEPA Determination of Nonsignificance	09/21/18
23	Preliminary Conditions Memo- C. Vickery	10/08/18
24	Notice of Public Hearing	10/24/18
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9. Public Outreach and Comments

Pursuant to Kitsap County Code (KCC) Title 21, Land Use and Development Procedures, the Department provided proper notice to property owners within a radius of 800 feet of the property which is subject to the development proposal.

To date, the Department has not received any comments on the development proposal.

10. Analysis

a. Planning/Zoning

Land Use and Zoning

An accessory dwelling unit within the Suquamish Village Low Residential (SVLR) zone requires an administrative conditional use permit (ACUP) as specified in KCC Table 17.410.046 Limited areas of more intensive rural development (LAMIRD) zones and use table, subject to footnote 1. Footnote 17.410.050.A.1 indicates an ADU is subject to compliance with Section 17.410.060 Provisions applying to special uses.

Accessory Dwelling Unit (ADU) Standards

An ADU is required to meet the provisions and requirements outlined in KCC 17.410.060(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 17.410.060(B)(3) are listed below (*italics*), with a discussion of the individual standard immediately following or listed in a the ADU Table:

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 an administrative conditional use permit as required by Kitsap County Code (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, Kerrie and Jeffrey Sanson, will live in the Single-Family Residence (SFR) which is also proposed on the subject property (Exhibit 18 for ACUP and Exhibit 17 SSDP).

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.

See ADU Table below.

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).

See ADU Table below.

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. Both buildings will have a pitched, composite-shingle roof, Hardi-Plank fiber cement siding, and cedar facia. The ADU's planned residential architectural design and building materials will be similar and complementary to the appearance of the primary residence (Exhibit 3 for ACUP).

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

Setbacks for the proposed single-family residence and accessory dwelling unit are addressed and analyzed in Table 2.

i. The ADU shall meet the applicable health district standards for water and sewage disposal.

The Health District has approved the administrative conditional use permit application with no conditions.

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

The proposed ADU will be a stick-built structure.

k. An ADU shall use the same side street entrance as the primary residence and shall provide additional off-street parking.

See ADU Table and Parking Table.

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

Based on the SFR floor plan the structure does not have accessory living quarters (Exhibit 13 for ACUP).

ADU Table:

	Standard	Proposed/Existing
Distance from Primary Dwelling	Maximum 150 feet or the conversion of an existing structure	17 feet
Habitable Area of Primary		2,549 square feet
Maximum Allowable Size of ADU	50% of habitable area of the primary or 900 square feet whichever is smaller $2,549 \times 50\% = 1,274.5$ square feet or 900 square feet max	899 square feet
Side Street Entrance	Must use same entrance as primary dwelling	Same as SFR

b. Lighting

Not applicable for single-family residential development.

c. Off-Street Parking

Table 5 - Parking Table

Use Identified in 17.490.030	Standard	Required Spaces	Proposed Spaces/Existing Spaces
Single Family Residential	3 for historical lots	3	3
Accessory Dwelling Unit	1 per ADU	1	1
Total		4	4

d. Signage

Not applicable for single-family residential development.

e. Landscaping

Not applicable for single-family residential development.

f. Frontage Improvements

Not applicable for single-family residential development.

g. Design Districts/Requirements

Not applicable for this single-family residential development.

h. Development Engineering/Stormwater

Development Services and Engineering has reviewed this proposal and finds the concept supportable in its approach to civil site development. These comments are based on a review of the Preliminary Drainage Report (Exhibit 9 for ACUP and Exhibit 5 for SSDP) and Preliminary

Drainage Plans (Exhibit 20 for ACUP and SSDP) stamped March 30, 2018, and as revised by resubmittal received July 10, 2018 to Kitsap County Development Services and Engineering. Development Services and Engineering accepts the concepts contained in this preliminary submittal and requires the conditions below as an element of the land use approval.

i. Environmental

22.400.105 General Regulations- Proposed Development

(A) Location

1. New development shall be located and designed to avoid or, if that is not possible, to minimize the need for new and maintenance dredging.
2. New development shall be located and designed to avoid the need for future shoreline stabilization for the life of the structure. Likewise, any new development which causes significant impacts to adjacent or down-current properties shall not be allowed.
3. New development on lots constrained by depth, topography or critical areas shall be located to minimize, to the extent feasible, the need for shoreline stabilization.
4. New development on steep slopes or bluffs shall be set back sufficiently to ensure that shoreline stabilization is unlikely to be necessary during the life of the structure, as demonstrated by a geotechnical analysis.
5. Subdivision shall be planned to avoid the need for shoreline stabilization for newly created lots, utilizing geotechnical analysis where applicable.
6. Non-water-oriented facilities and accessory structures, except for preferred shoreline uses, such as single-family residences and single family residential appurtenances when consistent with buffer provisions in 22.400 of this program, must be located landward of buffers and adjacent water-oriented uses, or outside shoreline jurisdiction, unless no other location is feasible.

Staff comment: The Accessory Dwelling Unit is located landward of the new Single-Family Residence and outside of the 85-foot shoreline buffer for the Shoreline Residential designation. The site has an existing concrete bulkhead that will remain and has been reviewed by a geotechnical engineer for top of slope building setbacks (Exhibits 10 and 21 for ACUP and Exhibits 6 and 19 for SSDP)).

22.400.110 Mitigation

The ADU is located outside of the 85-foot shoreline buffer. Stormwater runoff is engineered to be connected with the system reviewed and approved with the Single-Family Residence. No additional mitigation is proposed for this project.

22.400.115 Critical Areas

The site is mapped in Kitsap County GIS as a 'High Geologic Hazard Area', as defined in Kitsap County Code 19.400. This classification required the submittal of a Geotechnical Report, which has been provided. The report (and addendum) concluded that the proposed Single-Family Residence and ADU are sufficiently set-back from the top of the slope and that

drainage as proposed will not increase or create a landslide or erosion hazard. No other critical areas apply to this proposal.

22.400.120 Vegetation Conservation Buffers

This parcel has a Shoreline Environment Designation of 'Shoreline Residential', which requires a Standard Buffer of 85 feet. The proposed ADU is located approximately 132 feet from Ordinary High Water, which well exceeds the minimum Shoreline Buffer.

22.400.130 Historic, Archeological, Cultural, Scientific and Educational Resources

This project is located on the Suquamish Tribe reservation and in proximity to known cultural sites and resources. This ACUP and SSDP will be conditioned similar to the other related permits to notify the Suquamish Tribe prior to the start of construction to monitor for archeological findings.

22.400.135 View Blockage

There are no view blockage concerns for this project. The single-family residence is waterward of the proposed ADU and meets the view blockage standards in this section.

22.400.140 Bulk and Dimension Standards

The proposed structure meets the criteria under this code.

22.500.100(B) Substantial Development Permit

1. The Act provides that no substantial development shall be undertaken on the shorelines of the state without first obtaining a substantial development permit (SDP).
2. An SDP shall be classified as a Type III permit under Chapter 21.04.
3. An SDP shall be granted only when the applicant can demonstrate that the proposed development is consistent with the policies and procedures of the Act and this program, as well as criteria in WAC 173-27-150.
4. The Act provides a limited number of exceptions to the definition of substantial development. Those exceptions are contained in RCW 90.58.030 and in the section below, and do not require an SDP. Whether or not a development constitutes a substantial development, all development must comply with the requirements contained in the Act and this program and may require other permits or approvals under this master program. Permits may be issued with limitations or conditions to assure consistency with the Act and this program.
5. All applications for shoreline substantial development permits or permit revisions shall be submitted to the Department of Ecology upon a final decision by local government pursuant to WAC 173-27-130. "Final decision by local government" shall mean the order of ruling, whether it be an approval or denial, that is established after all local administrative appeals related to the permit have concluded or the opportunity to initiate such appeals has lapsed.

Staff Comment:

This proposal is consistent with the policies and procedures of the Shoreline Management Act and the Kitsap County Shoreline Master Program (KCC Title 22).

22.600.170 Residential Development

A. Environment Designations Permit Requirements. Where residential development is proposed in the following designations, the identified permit requirements shall apply.

1. Natural:
 - a. CUP for primary single-family residences and subdivisions.
 - b. Prohibited for multifamily units and accessory dwelling units.
2. Rural conservancy and urban conservancy:
 - a. Primary single-family residences are exempt pursuant to criteria in Section 22.500.100(C).
 - b. SDP if exemption criteria not met.
 - c. CUP for multifamily units, accessory dwelling units and subdivisions.
3. Shoreline residential and high intensity:
 - a. Primary single-family residences are exempt pursuant to criteria in Section 22.500.100(C);
 - b. SDP if exemption criteria not met.
 - c. SDP for multifamily units, accessory dwelling units, and subdivisions.
4. Aquatic: prohibited.

Staff Comment:

The proposal is within the shoreline residential designation, which requires a Shoreline Substantial Development Permit for an accessory dwelling unit.

B. Development Standards.

1. All new residential development, including subdivision of land, shall be designed, configured and developed in a manner that ensures no net loss of shoreline ecological function.

Staff Comment:

The proposed ADU is located landward of the standard 85-foot shoreline buffer for the Shoreline Residential designation, as measured from Ordinary High Water.

Structures meeting the standard buffer are considered to be meeting this development standard.

2. All sewage disposal and water systems shall be in compliance with state and local health regulations including but not limited to Kitsap County board of health Ordinance 2008A-01 for on-site sewage requirements.

Staff Comment:

The proposal has been reviewed and approved by Kitsap County Public Works Sewer.

3. New and remodeled residential development and new subdivisions shall be designed, located and constructed so that structural improvements, including bluff walls and other stabilization structures, are not required to protect such structures and uses.

Staff Comment:

This site has an existing concrete shoreline bulkhead which will not be altered with this proposal.

4. New over-water residences, including floating homes, are prohibited. Where such homes exist as of the adoption date of this program, they shall be reasonably accommodated to allow improvements associated with life safety matters and property rights.

Not applicable.

5. Stormwater quality and quantity measures for residential development must comply with current codes.

Staff Comment:

This proposal has been reviewed under Kitsap County Title 12. See Stormwater analysis and conditions for details.

6. Flood hazard reduction measures for residential development shall comply with Chapter 19.500, as incorporated here by Section 22.400.115 (Critical areas), and Section 22.400.150 (Flood hazard reduction measures) of this program and shall be designed to prevent net loss of shoreline ecological functions.

7. New multi-unit residential development, including the subdivision of land for five or more parcels, shall provide for joint or community and/or public access, except where demonstrated to be infeasible due to any of the following:

- a. Incompatible uses;
- b. Safety;
- c. Security;
- d. Impact to the shoreline environment;
- e. Constitutional or other legal limitations that may be applicable.

8. In cases where on-site access is infeasible, alternate methods of providing public access shall be considered, such as off-site improvements.

Staff Comment:

Not applicable to this proposal.

9. Lot area shall be calculated using only those lands landward of the OHWM.

Staff Comment:

Lot area has been calculated using only those lands landward of the OHWM.

10. Single-family residential uses are a priority use only when developed in a manner consistent with control of pollution and prevention of damage to the natural environment.

Staff Comment:

This proposal has demonstrated compliance with all applicable Kitsap County Code requirements, including Title 12-Stormwater, Title 19-Critical Areas Ordinance, and Title 22-Shoreline Master Program.

j. Access, Traffic and Roads

The proposal has been reviewed and approved for compliance with access, traffic and roads requirements by Kitsap County Department of Community Development and Kitsap County Public Works.

k. Fire Safety

The Kitsap County Fire Marshal's office has reviewed the proposal and has no concerns at this time. Additional review will occur under the associated building permits.

l. Solid Waste

Review was not required. Typical residential solid waste service applies.

m. Water/Sewer

A Binding Water Availability Letter has been provided by Kitsap PUD #1 for water availability and the project will be served by Kitsap County Public Works Sewer.

n. Kitsap Public Health District

Kitsap Public Health District has approved a sewer building clearance for this project.

11. Review Authority

The Director has review authority for this administrative conditional use permit application under KCC, Sections 17.540.020 and 21.04.100. The Kitsap County Commissioners have determined that this application requires review and approval of the Director, however pursuant to KCC 21.04.180, the applicant may choose to consolidate review for all project permit applications related to the same proposal. The approval process and time frame of the highest numbered permit type represented among the consolidated permits is used. In this instance, the project requires a shoreline substantial development permit (SSDP). KCC 21.04.100 classifies an SSDP as a Type III permit and therefore, the Hearing Examiner is the review authority for this permit. The Hearing Examiner may approve, approve with conditions, or deny a Conditional Use Permit. The Hearing Examiner may also continue the hearing to allow for additional information necessary to make the proper decision. The powers of the Hearing Examiner are at KCC, Chapter 2.10.

12. Findings

1. The proposal is consistent with the Comprehensive Plan.

2. The proposal complies or will comply with requirements of KCC Title 17 and complies with or will comply with all of the other applicable provisions of Kitsap County Code and all other applicable regulations, including all applicable development standards and design guidelines, through the imposed conditions outlined in this report.
3. The proposal is not materially detrimental to existing or future uses or property in the immediate vicinity.
4. 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.

13. Recommendation

Based upon the analysis above and the decision criteria found in KCC 17.540.040 and KCC 22.500, the Department of Community Development recommends that the Administrative Conditional Use Permit and the Shoreline Substantial Development Permit request for the Sanson Accessory Dwelling Unit be **approved**, subject to the following **31** conditions:

a. Planning/Zoning

1. All required permits shall be obtained prior to commencement of land clearing, construction and/or occupancy.
2. The accessory dwelling unit (ADU) is subject to the payment of impact fees. Impact fees must be paid at time of permit issuance, or if deferred, must be paid prior to final inspection. No certificate of occupancy will be granted until all impact fees are paid.
3. Any proposed modification (not including cosmetic work such as painting, papering and similar finish work), remodel or expansion of the accessory dwelling unit (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. Only one accessory dwelling unit (ADU) shall be permitted on the subject property.
5. The owner of the property must reside in either the primary residence or the accessory dwelling unit (ADU) and only one of the structures may be rented at any one time.

6. The accessory dwelling unit's (ADU) habitable area shall not exceed 50% of the primary residence or 900 square feet, whichever is smaller. The proposed size of the ADU is 899 square feet as indicated in Exhibit 14 of the ACUP-ADU (18-01513).
7. The accessory dwelling unit (ADU) shall be designed to maintain the appearance of the primary residence.
8. No mobile home or recreational vehicle shall be allowed as an accessory dwelling unit (ADU).
9. The accessory dwelling unit (ADU) shall use the same side street entrance as the primary residence and shall provide one additional off-street parking space.
10. An accessory living quarters (ALQ) or guest house (GH) is not permitted on the same lot unless the accessory dwelling unit (ADU) is removed and the ALQ or GH complies with all requirements imposed by the Kitsap County Code (KCC).
11. A property with a primary residence and an accessory dwelling unit (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 a complete subdivision application.
12. The accessory dwelling unit (ADU) cannot be sold separately from the primary residence unless it has legally been segregated onto its own lot.
13. The recipient of any conditional use permit shall file a Notice of Land Use 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 Notice of Land Use 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. The Binder shall be prepared and recorded by the Department at the applicant's expense.
14. 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 (KCC). Unless in conflict with the conditions stated 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.

15. The authorization granted herein is subject to all applicable federal, state, and local laws, regulations, and ordinances. Compliance with such laws, regulations, and ordinances is a condition to the approvals granted and is a continuing requirement of such approvals. By accepting this/these approvals, the applicant represents that the development and activities allowed will comply with such laws, regulations, and ordinances. If, during the term of the approval granted, the development and activities permitted do not comply with such laws, regulations, or ordinances, the applicant agrees to promptly bring such development or activities into compliance.
16. The decision set forth herein is based upon representations made and exhibits contained in the project application 18-01513. Any change(s) or deviation(s) in such plans, proposals, or conditions of approval imposed shall be subject to further review and approval of the County and potentially the Hearing Examiner.
17. This Administrative Conditional Use Permit approval shall automatically become void if no development permit application is accepted as complete by the Department of Community Development within four years of the Notice of Decision date or the resolution of any appeals.
18. Any violation of the conditions of approval shall be grounds to initiate revocation of this Administrative Conditional Use Permit.

b. Development Engineering

19. Construction plans and profiles for all roads, storm drainage facilities and appurtenances prepared by the developer's engineer shall be submitted to Kitsap County for review and acceptance. No construction shall be started prior to said plan acceptance.
20. The information provided demonstrates this proposal is a Small Project as defined in Kitsap County Code Title 12, and as such will require on-site stormwater management, designed by a civil engineer licensed in the State of Washington and demonstrating compliance with Minimum Requirements #1-5 as outlined in the Kitsap County Stormwater Design Manual. The on-site stormwater management design shall be submitted as part of the required building permit(s).
21. Onsite stormwater management, and erosion and sedimentation control shall be designed in accordance with Kitsap County Code Title 12 effective at the time the Administrative Conditional Use Permit application was deemed complete, April

26, 2018. The submittal documents shall be prepared by a civil engineer licensed in the State of Washington, and submitted with the required building permit. The fees and submittal requirements shall be in accordance with Kitsap County Ordinances in effect at the time of building permit application.

22. The Washington State Department of Fish and Wildlife may require a Hydraulic Project Approval for the work required at the proposed outfall.
23. If the project proposal is modified from that shown on the submitted Preliminary Drainage Plans dated September 5, 2018, Development Services and Engineering will require additional review and potentially new conditions.
24. Owner must obtain a sewer permit from KCPW Sewer Utility Division prior to commencing work on the new sewer connection.

c. Environmental

25. The A-CUP (18-01513) approval is conditioned for approval of the associated Shoreline Substantial Development Permit (SSDP)(18-01852).
26. This project shall comply with the Geotechnical Report (Perrone Consulting; 8/4/15) and Addendum Letter (EnviroSound Consultants; 4/18/17).
27. The Suquamish Tribe shall be notified of the start of construction to monitor for archaeological findings. Contact Dennis Lewarch, Tribal Historic Preservation Officer, Suquamish Tribe. Dlewarch@suquamish.nsn.us.

d. Traffic and Roads

28. Submit an Application for Concurrency Test (KCPW Form 1601) as required by Chapter 20.04.030, Transportation Concurrency, of the Kitsap county Code. The KCPW 1601 form reserves road capacity for the project.
29. Submit plans for construction of the road approach between the edge of the existing pavement and the right-of-way lines at all intersections with county rights-of-way. Approaches shall be designed in accordance with the Kitsap County Code. Existing approaches may need to be improved to meet current standards.
30. Any work within the County right-of-way shall require a Public Works permit and possibly a maintenance or performance bond. This application to perform work in the right-of-way shall be submitted as part of the SDAP process (or building permit if no SDAP is required). The need for and scope of bonding will be determined at that time.

e. Fire Safety

None with under these preliminary proposals. Conditions may be applied under the associated building permit.

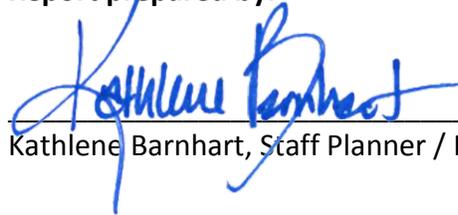
f. Solid Waste

None.

g. Kitsap Public Health District

31. This permit shall comply with all Kitsap Public Health District regulations and conditions of approval.

Report prepared by:



Kathlene Barnhart, Staff Planner / Project Lead

10/29/18
Date

Report approved by:



Shawn Alire, Supervisor

10/29/18
Date

Attachments:

Attachment A – Zoning Map

Attachment B – Shoreline Designation Map

CC: Applicant/Owner: Jeff and Kerrie Sanson- kksanson@aol.com; kerriesanson@gmail.com
Architect/Proj. Rep.: Roger Katz Architects c/o Daniel Dennon-dakotadesign@msn.com
Kitsap County Health District, MS-30
Kitsap County Public Works Dept., MS-26
DCD Staff Planner: Candace Vickery- cvickery@co.kitsap.wa.us

Attachment B: Shoreline Designation Map (Shoreline Residential)

