



Staff Report for the Hearing Examiner

Report Date: January 31, 2017

Application Submittal Date: November 30, 2016

Hearing Date: February 9, 2017

Application Complete Date: November 30, 2016

Permit Number: 16 05318

Project Name: Olmsted Accessory Dwelling Unit

Type of Application: Conditional Use Permit (CUP)

This staff report was prepared by Holly Roberts, Planner, Katharine Shaffer, Planner, and Jenifer Lawrence, Engineer 1, based on information available up until the time the report was prepared. New information relevant to review of this application may become available prior to the hearing or at the hearing. Staff may wish to change their analysis based upon that new information, and reserves the right to do so.

Proposal Summary:

The Department of Community Development is recommending approval of the applicant's request for a conditional use permit (CUP) to construct an 898 square foot accessory dwelling unit (ADU) and attached 528 square foot garage subject to 24 conditions outlined at the end of this report. The 4.70-acre parcel is zoned Rural Protection (RP) and is located at 8710 Sesame Street SW in Silverdale. The project will be served by on-site septic and a private two-party well.

Project Request:

The applicant requests conditional use permit approval to construct an 898 square foot ADU and attached 528 square foot garage.

Project Location:

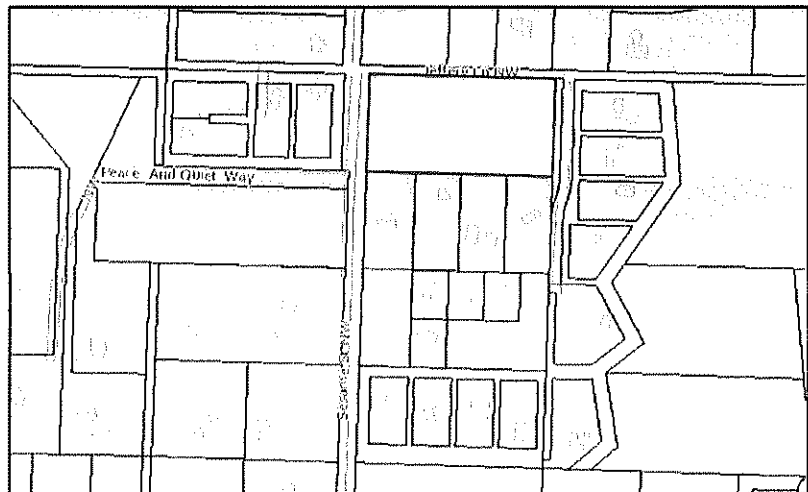
8710 Sesame ST NW
Silverdale, WA 98383

Assessor's Account #:

232501-4-002-1001

Applicant/Owner of Record:

Matthew & Serena L Olmsted
PO Box 1005
Silverdale, WA 98383



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 Notice of Application dated December 9, 2016 (Exhibit 13). A Determination of Nonsignificance (DNS) was issued on January 4, 2017 (Exhibit 16).

The SEPA appeal period expired December 26, 2016. No appeals were filed; therefore, the SEPA determination is final.

Physical Characteristics:

The 4.70-acre rectangular parcel is currently being developed with a 2,932-square foot single-family residence (SFR) and 604-square foot attached 2-car garage, construction is occurring under building permit 16 04110. The County critical areas map show potential wetlands on the northwest corner of the property, however a Single Family Wetland Certification submitted with the permit verified that no wetlands are present on-site or on adjacent properties (Exhibit 4). The entire property lies within a Category I Critical Aquifer Recharge Area (Exhibit 21). Outside the developed area, the property is forested with a mix of coniferous and deciduous trees. The property is relatively flat, with slight rolling topography (Exhibit 20). Anderson Creek is approximately 580 feet to the east.

Comprehensive Plan Designation and Zoning:

The Comprehensive Plan designation is Rural (Exhibit 22) and the Zoning designation is Rural Protection (RP), (Exhibit 19).

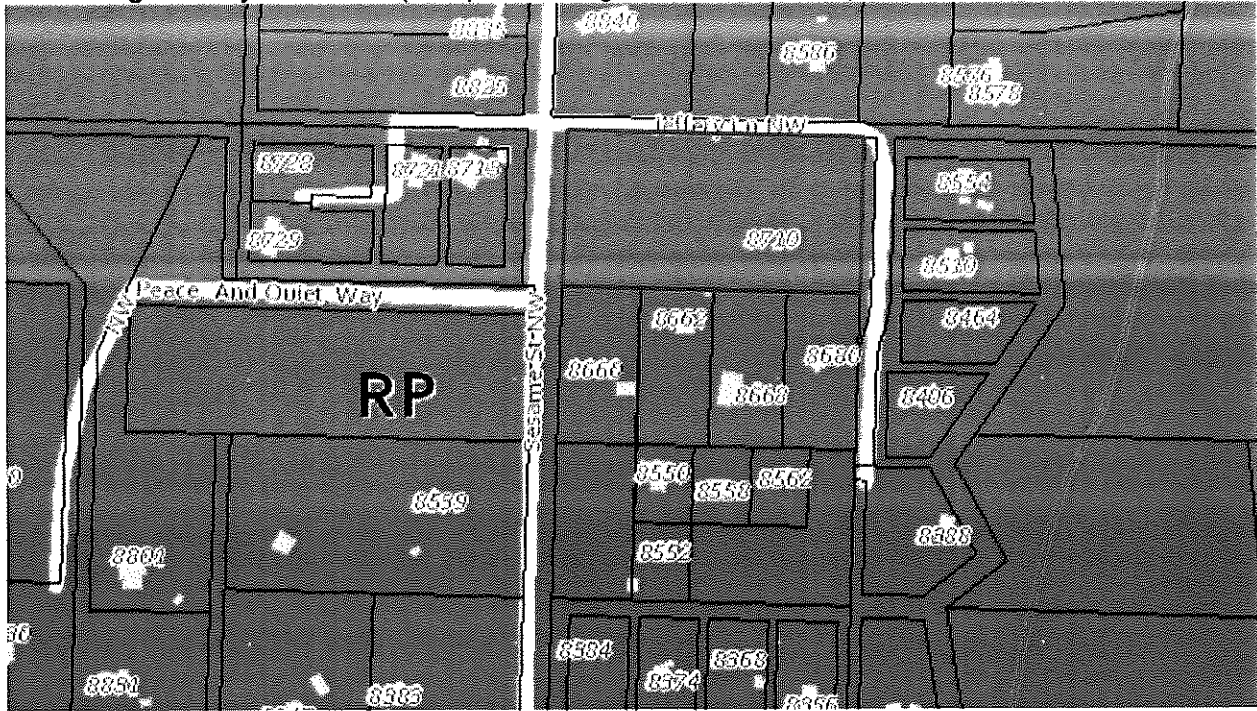
Base/Maximum Density -	Not applicable
Minimum Lot Size -	10 acres (for newly created lots, this is an existing legal lot)
Minimum Lot Width -	140 feet
Minimum Lot Depth -	140 feet
Maximum Height -	35 feet

Standard Title 17 Zoning Setbacks

Front	- 50 Feet (this property has 2 fronts, Sesame St. NW and Jeffery Lane NW)
Side	- 5 Feet (accessory structure)
Rear	- 5 Feet (accessory structure)

Surrounding Land Use and Zoning:

The surrounding area is also zoned RP. Parcels in the area are predominately developed with a single-family residence (SFR) on acreage lots or undeveloped.



Public Utilities and Services:

- Water: Private 2-party well
- Power: Puget Sound Energy
- Sewer: On-site septic system
- Police: Kitsap County Sheriff
- Fire: Central Kitsap Fire & Rescue
- Schools: Central Kitsap School District 401

Access:

Access to the site is off of Sesame Street NW, a County maintained, paved road.

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.

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

Kitsap County Code (KCC)

- 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

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 25 Exhibits.

Exhibit #	Document	Date or date stamped
1	Project Application	11/30/16
2	Supplemental Application	11/30/16
3	State Environmental Protection Act (SEPA) Checklist	11/30/16
4	Single Family Wetland Certification	11/30/16
5	Concurrency Test	11/30/16
6	Project Narrative	11/30/16
7	Parking Analysis 1	11/30/16
8	Parking Analysis 2	11/30/16
9	Site Plan	11/30/16
10	Floor Plan & Elevations – Single Family Residence	11/30/16
11	Floor Plan & Elevations – Accessory Dwelling Unit	11/30/16
12	Health Officer Decision: BSA –Re-Design	11/30/16

Public Comments:

Staff did receive comment from Steven Maxwell, a property owner located within the required noticing area. Mr. Maxwell was concerned with potential development on a lot directly adjacent to his property which contains mapped wetlands. The subject property is east of the Maxwell property, and does not directly abut Mr. Maxwell's property. There are no wetlands on the subject property (Exhibit 4). Mr. Maxwell was included as an Interested Party to the application.

No other comments were received at the time the Staff Report was prepared.

Analysis:

Land Use and Zoning

An accessory dwelling unit within the Rural Protection (RP) zone requires a conditional use permit (CUP) as specified in KCC Table 17.410.040 (A) Rural, Resource and Urban Residential

Zones, subject to footnote 1. Footnote 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:

- 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 a 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, Matthew and Serena Olmsted, will live in the Single Family Residence (SFR) which is currently under construction. They plan to continue to occupy the SFR after construction of the ADU (Exhibit 2).

- 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 2,932 square feet according to the floor plan (Exhibit 10). Fifty percent of its habitable area is over 900 square feet (2,932 square feet X 50% = 1,466 square feet). The ADU would be limited to 900 square feet as determined by exterior measurements. The entire ADU building is proposed at 1,529 square feet according to the floor plans; habitable area is 898 square feet, the front porch is 103 square feet and the attached two car garage is 528 square feet (Exhibit 11). The garage shall be used as garage space only and not converted to habitable area unless this CUP is revised through the proper permitting process. In no case shall the habitable area of the ADU be greater than 900 square feet.

- 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 60 feet from the primary residence (Exhibit 9).

- 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, lap wood siding, and vinyl windows. The base color will be of similar shades, one slightly darker than the other with matching trim. The ADU's planned residential architectural design and building materials would be similar and complementary to the appearance of the primary residence (Exhibit 6)

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

The proposed ADU building will be required to comply with the standard RP setbacks. The subject property has 2 fronts – Sesame Street NW along the west property line, and Jeffery Lane NW along the north property line, and 2 sides, the south property line and east property line. The ADU shall be a minimum of 50 feet at the closest point to the west and north property lines. The front yard setback, along the west property line and Sesame Street NW, scales out at 550 feet+/-; the front yard setback along Jeffery Lane NW is delineated at 80 feet. The ADU shall be a minimum of 5 feet at the closest point to the east and south property lines. The side yard setback, along the south property line, scales over 230 feet and the other side yard, along the east property line is shown at 60 feet (Exhibit 9). All required zoning setbacks as delineated for the 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 approved the CUP application with no conditions, however the Building Site Application (BSA) for the ADU was approved with one condition stating that the existing outhouse must be removed prior to permit approval (Exhibit 12). This condition is included in this report as condition 9.

- 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.*

Both the primary residence and the ADU would use the same proposed driveway. The driveway is gravel.

Two parking spaces are required for the single-family residence (SFR) which will be located on the paved parking apron in front of the SFR's garage. One additional parking space is required for the ADU. The ADU parking space will be located in front the ADU's garage (Exhibit 6).

1. *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 10).

Critical Areas

According to Kitsap County geographic information system (GIS) data, there is a potential wetland on the western portion of the subject property (Exhibit 20), however a Single Family Wetland Certification (Exhibit 4) states that no wetlands were identified onsite or adjacent to the site.

The GIS data also indicates that the entire site lies within a Category I Critical Aquifer Recharge Area (Exhibit 21). Single-family development is not a threat and doesn't require any further analysis or reports within this recharge area designation.

Stormwater

Development Services and Engineering has reviewed the request for CUP approval and accepts the concepts contained in the preliminary submittal. They require that the applicant submit an Application for Concurrency Test at the time of building permit application, see condition 24.

Agency Recommendation

All reviewing entities recommend approval of the proposed project and any required conditions are stipulated at the end of this report.

Staff Evaluation of Decision Criteria

1. The Hearing Examiner has review authority for this conditional use permit application under KCC, Sections 17.550.020 and 21.04.100. The Kitsap County Commissioners have determined that this application requires review and approval of the Hearing Examiner. 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 located in KCC, Chapter 2.10.
2. The proposal is consistent with the comprehensive plan.
3. The proposal complies with or will comply with requirements of Title 17 and complies with or will comply with all of the other applicable provisions of the KCC and all other applicable regulations, including all applicable development standards and design guidelines, through the imposed conditions outlined in this report.

4. The proposal will not be materially detrimental to existing or future uses or property in the immediate vicinity.
5. 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.

Recommendation:

Based upon the information above, the Department of Community Development recommends that the conditional use permit request for Olmsted Accessory Dwelling Unit be **approved**, subject to the following 24 conditions:

Planning/Zoning

1. All required permits shall be obtained prior to commencement of land clearing, construction and/or occupancy.
2. An approved and issued building permit is required to construct the proposed accessory dwelling unit (ADU).
3. 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.
4. 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.
5. Only one accessory dwelling unit (ADU) shall be permitted on the subject property.
6. 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.
7. 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 898 square feet as indicated in Exhibit 11. Any future expansion of the ADU shall require a minor revision to this conditional use permit and a new building permit.
8. The accessory dwelling unit (ADU) shall be designed to maintain the appearance of the primary residence.
9. The accessory dwelling unit (ADU) shall meet the applicable health district standards for water and sewage disposal, including removal of the existing

- outhouse as conditioned in the Building Site Application Re-Design approval, memo number 321324.
10. No mobile home or recreational vehicle shall be allowed as an accessory dwelling unit (ADU).
 11. The construction entrance at Jeffrey Lane NW shall be abandoned prior to occupancy of the ADU.
 12. The "existing cabin to be removed" noted on the site plan (Exhibit 9) shall be removed prior to occupancy of the ADU.
 13. 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.
 14. 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).
 15. 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.
 16. The accessory dwelling unit (ADU) cannot be sold separately from the primary residence unless it has legally been segregated onto its own lot.
 17. 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 by the Department and recorded at the applicant's expense. The applicant shall provide recorded copies of the Binder to the Department immediately after recording. The Binder shall be recorded within 30 days of notification from the Department that the Binder is ready to be recorded.
 18. 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.
 19. 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.

20. The decision set forth herein is based upon representations made and exhibits contained in the project application 16 05318. 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.
21. This conditional use permit (CUP) approval shall automatically become void if no development permit application is accepted as complete by the Department of Community Development within three years of the Notice of Decision date or the resolution of any appeals.
22. Any violation of the conditions of approval shall be grounds to initiate revocation of this conditional use permit.

Stormwater

23. New and/or replaced hard surfaces do not appear to exceed 2,000 square feet. Per KCC Title 12, if the project exceeds the threshold noted above, then additional review for stormwater management will be required at the time of building permit.

Traffic and Roads

24. At building permit application, submit KCPW Form 1601 for issuance of a concurrency certificate, as required by KCC Section 20.04.030, Transportation Concurrency.


Attachments:

Appendix A – Site Plan (Exhibit 9)



Holly Roberts, Staff Planner

1/31/2017
Date



Scott Diener, Development Services and Engineering Manager

1.31.17
Date

CC: Matthew & Serena Olmsted
Interested Parties:
Steve Maxwell
Kitsap County Health District, MS-30

Kitsap County Public Works Dept., MS-26
DCD Staff Planner: Holly Roberts
DCD File 16 05138

