

Hearing Examiner Staff Report and Recommendation

Report Date: November 6, 2019 **Hearing Date:** November 14, 2019 Application Submittal Date: April 22, 2019 Application Complete Date: July 16, 2019

Project Name: Sargeson Cole -CUP ADU Type of Application: Conditional Use Permit Permit Number: 19-01721

Project Location 2003 NE Sawdust Hill Road Poulsbo, WA 98370 Commissioner District #1

Assessor's Account # 012601-2-043-2009 012601-2-043-2108

Applicant/Owner of Record

Mark & Patricia Sargeson-Cole 2003 NE SAWDUST HILL RD POULSBO WA 98370-9128

VICINITY MAP



Recommendation Summary

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

1. Background

The Department of Community Development has reviewed the applicant's Conditional Use Permit (CUP) for Mark and Patricia Cole request to construct a new 560 square foot, 1-story, 2-bedroom Accessory Dwelling Unit (ADU) on their property for a family member. The applicant has permits in for review, Building Permit (BP) 19-01720 to construct the ADU. The existing dwelling is a 1,404-square foot, 2-story, 3-bedroom, 2-bathroom, single-family residence. The Kitsap County Assessor's records indicate the subject property is 6.41 acres in size and zoned Rural Residential (RR). The property is flag shaped with the primary unit located in the south-central area of the property, over 125 feet from the south property line. The ADU will be located 33 feet east of the primary unit approximately 115 feet from the south property line. The front property line is along Sawdust Hill Road with the primary unit setback approximately 320 feet. The existing residence and the proposed ADU meet all minimum building setbacks as required by the RR zone. The primary unit and the ADU will be served by an on-site two party private well and an on-site sewage disposal system.

2. Project Request

The applicant is requesting approval of a Conditional Use Permit to construct a new 560square foot accessary dwelling unit (ADU).

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. A Determination of Nonsignificance (DNS) was issued on October 22, 2019 (Exhibit 18).

Comments

The SEPA Comment period previously occurred concurrent with the Notice of Application dated August 13, 2019 (Exhibit 12). The proposal to construct and accessary dwelling unit will create only moderate impacts.

Conditions

SEPA noted the following information/SEPA mitigation conditions have been imposed and are listed under condition 24 at the end of this report:

1. The project will be conditioned for stormwater controls pursuant to KCC Title 12, critical areas per KCC Title 19 and land use impacts per KCC Title 17 Zoning to mitigate impacts

The SEPA appeal period expired November 5, 2019. No appeals were filed; therefore, the SEPA determination is final.

4. Physical Characteristics

The subject property is on NE Sawdust Hill Road with nearest intersection on Holger Court NE. The parcel is 6.41 acres in size, slopes from the south to the north towards a stream ravine

that contains a non-fish stream. Except for approximately 0.75 acre cleared area around the existing house, the property includes large stands of conifers and deciduous trees to the property lines.

Comprehensive Plan: Rural Residential	Standard	Proposed		
Zone: Rural Residential				
Minimum Density	NA	1-dwelling unit per 6.41		
Maximum Density	1-dwelling unit per 5 acres	acres		
Minimum Lot Size	5 acres	NA		
Maximum Lot Size	NA	NA		
		Special provisions apply to		
		an ADU. Property is an		
		existing legal lot		
Minimum Lot Width	140 feet	NA -existing		
Minimum Lot Depth	140 feet	NA -existing		
Maximum Height	35 feet	3 stories, <35 feet		
Maximum Impervious	NA	NA		
Surface Coverage				
Maximum Lot Coverage	NA	13,361 square feet		
Applicable factuates	•	1		

Table 1 - Comprehensive Plan Designation and Zoning

Applicable footnotes:

Staff Comment: None

Table 2 - Setback for Zoning District

	Standard	Proposed
Front (West)	50 feet	300 feet
Side (North)	20-feet	165-feet
Side (South)	20-feet	115 feet
Rear (East)	20-feet.	250 feet

Table 3 - Surrounding Land Use and Zoning

Surrounding	Land Use	Zoning
Property		
North	Single-family residence	RR
South	Vacant	RR
East	Single-family residences	RR
West	Single-family residence	RR

Table 4 - Public Utilities and Services

Provider

Water	Private Well
Power	Puget Sound Energy
Sewer	Kitsap County
Police	Kitsap County Sherriff
Fire	Poulsbo Fire District 18
School	North Kitsap School District #400

5. Access

Access to the site is from a driveway over 300 feet long from NE Sawdust Hill Road which is county-maintained road and has a Federal Functional Classification as a local access road. The road NE Sawdust Hill Road intersects with Big Valley Road NE to the west and Bond Road NE (State Route 307 to the east).

6. Site Design

The property contains an existing 1,404 square foot, 2-story single-family dwelling with a connecting circular driveway between the existing home and the proposed accessory dwelling unit. There is a 33-foot separation between the two residential units. Consistent with site design requirements the applicant is proposing three off-street parking spaces in this 20' x 25' area. Consistent with the rural character there are stands of conifer and deciduous trees scattered across the site. The existing residence and proposed ADU meet all minimum building setbacks, as required under the Rural Residential zone per the Kitsap County Code.

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 Policy 50

Limit the designated 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 designations, zoning designations, and zoning code provisions.

Housing and Human Services Policy 5 Use regulatory strategies to incentivize and provide flexibility for development of affordable and special needs housing.

Housing and Human Services Policy 7 Adopt regulatory changes to allow non-traditional housing types.

Housing and 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 and Human Services Policy 12 Identify and remove regulatory barriers that limits access to or the provision of a diverse affordable housing supply.

Housing and 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:

Code Reference	Subject	
Title 12	Storm Water Drainage	
Title 14	Buildings and Construction	
Title 17	Zoning	
Chapter 18.04	State Environmental Policy Act (SEPA)	
Chapter 20.04	Transportation Facilities Concurrency Ordinance	
Chapter 21.04	Land Use and Development Procedures	

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 Exhibits 1-23.

			Date
Exhibit #	Document	Dated	Received
1	Project Application		05/30/19
2	Project Narrative		05/30/19
3	SEPA Checklist		05/30/19
4	Floor Plans – ADU		05/30/19
5	Floor Plans – Existing SFR		05/30/19
6	Stormwater Worksheet		05/30/19
7	Elevation Plans – ADU		05/30/19
8	Elevation Plans – Existing SFR		05/30/19
9	Concurrency Test		05/30/19
10	Health District Building Site Application		05/30/19
11	Revised Site Plan		07/12/19
12	Notice of Application		08/13/19
13	Stormwater Conditions Memo – Vickery	08/14/19	
14	Customer Response to Information Request		09/25/19
15	Geotechnical Addendum		09/25/19
16	Revised Site Plan		09/25/19
17	WA State Dept. of Fish & Wildlife (WDFW)		09/25/19
	Verification		
18	SEPA Determination of Non-Significance (DNS)	10/22/19	
19	Notice of Public Hearing	10/30/19	
20	Maps	11/04/19	
21	Certification of Public Notice	11/06/19	
22	Staff Report	11/07/19	
23	Staff Presentation	11/14/19	

9. Public Outreach and Comments

Pursuant to KCC Title 21 Land Use and Development Procedures, the Department gave proper public notice for the Conditional Use Permit through the Notice of Application with the notification of property owners located up to 800 feet around the site. After the issuance of the Notice of Application, the Department did not receive written responses from neighbors opposed to the Conditional Use Permit.

Issue	Summary of Concern	Comment
Ref.	(See corresponding responses in the next table)	Letter
No.		Exhibit
		Reference
		No.
	NA	

Issue	Issue	Staff Response
Ref.		
No.		

Analysis

a. Planning/Zoning

An accessory dwelling unit within the RR zone requires a Conditional Use Permit as specified in Kitsap County Code (KCC) 17.410.042(A) Rural, resource, and urban residential zones use table 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, with a staff response 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.

Staff Response: 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 through a Conditional Use Permit is required for this ADU.

b. An ADU shall be subject to a conditional use permit in those areas outside an urban growth boundary.

Staff Response: The subject property is outside an Urban Growth Area. 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.

Staff Response: Only one ADU is proposed for the subject lot. Based on a review of BP 19-03187 for the shop/garage and RV storage building no dwelling unit was indicated. The applicant has submitted a building permit, 19-03193, for the ADU.

d. Owner of the property must reside in either the primary residence or the ADU.

Staff Response: The owners of the property, Mark and Patricia Cole currently live on-site. The ADU will initially be occupied by a family member, Mrs. Cole's elderly mother.

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. Dimensions are determined by exterior measurements.

Staff Response: Through the Building Permit 19-01720 it will be documented that the ADU will be 50% floor area and less 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).

Staff Response: The ADU building is proposed to be located approximately 33 feet from the primary residence based on the application site plan (Exhibits 11 and 16).

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

Staff Response: The primary residence and ADU are planned to be similar in appearance (Craftsman). The primary unit is 2-story and the ADU will be one-story rambler, each have a pitched, composite-shingle roof, horizontal siding, open pane white vinyl windows, and both residences will be painted to match, green body color and tan/white trim (Exhibits 7, and 8 [application, SFR elevation, ADU elevation]).

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

Staff Response: The front yard setback, along the west side property line is over 300 feet. The east rear side yard setback is shown as over 250 feet, and the south side yard setback is over 115 feet. The side yard along the north property line, is over 165 feet (Exhibit 16). 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.

Staff Response: The Health District approved the Building Site Application (BSA) for the ADU (Exhibit11).

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

Staff Response: The applicant has proposed a stick built ADU.

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

Staff Response: The access to the property is only from NE Sawdust Hill Road, a County maintained road.

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

Staff Response: Based on the SFR floor plan the structure does not have accessory living quarters (Exhibit 5).

b. Lighting

Not applicable; there are no lighting requirements for an ADU.

c. Lighting

Analysis

d. Off-Street Parking

Three parking spaces are required for the single-family residence and one additional parking space is required for the ADU. There are at least 3 parking spaces next to the SFR and at least 2 spaces next to the ADU.

Staff Response: At least 1 additional parking spaces, based on the proposed driveway shown on the site plan, will be available next to the ADU.

Use Identified in	Standard	Required Spaces	Proposed	
17.490.030			Spaces/Existing	
			Spaces	
Single-family	3 per unit + 1 per	3 spaces -SFR	3 spaces SFR	
(attached or	ADU	1 space	1 space - ADU	
detached)				
Total		4 spaces	4 spaces	

Table 5 - Parking Table

e. Signage

Not applicable; there is no signage requirement for an ADU, and none is proposed.

f. Landscaping

Not applicable; there are no landscaping requirements for an ADU.

	Required	Proposed
Required	NA	
Landscaping		
(Sq. Ft.)		
15% of Site		
Required		
Buffer(s)		
North		
South		
East		
West		
Street Trees		

g. Frontage Improvements

Not applicable; there are no frontage improvement requirements for an ADU. However, there are access requirements that limit access to one road approach. This is addressed below under the access heading.

h. Design Districts/Requirements

Not applicable; the subject property is not located within a design district.

i. Development Engineering/Stormwater

The information provided demonstrates this proposal is a Small Project as defined in Kitsap County Code Title 12, and as such will require the ADU building permit site plan to demonstrates compliance with Minimum Requirements 1-5.

j. Environmental

The county's geographic information system (GIS) indicates there is a Moderate erosion hazard mapped on most of the parcel. There is a mapped non-fish stream to the east of the parcel that may extend on the parcel based off contours. A Geologic report prepared by Resolve Environmental & Geotechnical, Inc. was submitted to the County and it identified the proposed construction will be an estimated 100 feet from steep slopes but does not further specify if any buffers or setbacks differ from the standard. The top of slope is identified on the site plan and the drain field for the ADU is located beyond the top of slope (Exhibit 15).

Clearing and tree removal has previously occurred on the site, without required permits; this project will be conditioned to account for that previously cleared area.

The recommendation from the Geological report is that consultant should be contacted for inspection and recommendations when footings is being cut. Parcel had been previously cleared. The areas of the previous clearing were approximately .5 to .75 acres. The application identifies that 3,500 board feet was harvested. The consultant recommended that disturbed areas where utilities are installed provide suggested slope mitigation plant in disturbed areas.

k. Access, Traffic and Roads

Access to the site is via an approximately 360-foot long driveway, intersecting NE Sawdust Hill Road for vehicular access. NE Sawdust Hill Road has a federal functional classification as a local access road. A residence is attributed 10 average daily trips (ADT). Traffic is expected to be an additional 10 ADT for the ADU. The driveway and local road network should be able to accommodate the expected traffic generated by the proposed ADU.

I. Fire Safety

Not applicable; the building permit for the ADU will be evaluated to ensure compliance with fire safety requirements in the International Residential Code (IRC) and International Fire Code (IFC).

m. Solid Waste

Waste Management is the local service provider. Solid waste generated by the ADU is expected to be picked up as part of the typical residential garbage collection.

n. Water/Sewer

The property and dwellings will be served by an on-site 2-party well and by on-site septic system.

o. Kitsap Public Health District

Kitsap Public Health District (KPHD) has reviewed the application and recommends approval with one condition.

10. Review Authority

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 KCC, Chapter 2.10.

11. Findings

1. The proposal is consistent with the Comprehensive Plan.

Staff Response: The proposed use is consistent with the Comprehensive Plan and Title 17 Zoning Code. The Comprehensive Plan and the Zoning Code allows for a range of more intensive land use land uses (ADU) in the rural residential zone, which are permitted but conditionally approved.

- 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.

12. Recommendation

Based upon the analysis above and the decision criteria found in KCC 17.550.030.A, the Department of Community Development recommends that the Conditional Use Permit request for Sargeson-Cole Accessary Dwelling Unit be **approved**, subject to the following 27 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 560 square feet (Exhibit 4).
- 7. The accessory dwelling unit (ADU) shall be located within 150 feet of the primary residence.
- 8. The accessory dwelling unit (ADU) shall be designed to maintain the appearance of the primary residence.
- 9. This permit shall comply with all Kitsap Public Health District regulations and conditions of approval.
- 10. No mobile home or recreational vehicle shall be allowed as an accessory dwelling unit (ADU).
- 11. 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.
- 12. 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).
- 13. 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.
- 14. The accessory dwelling unit (ADU) cannot be sold separately from the primary residence unless it has legally been segregated onto its own lot.

- 15. 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 an 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.
- 16. 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.
- 17. 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.
- 18. The decision set forth herein is based upon representations made and exhibits contained in the project application 19-01721 Sargeson Cole ADU CUP. 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.
- 19. This 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.

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

b. Development Engineering

- 21. The information provided demonstrates this proposal is a Small Project as defined in Kitsap County Code Title 12. As such, the application materials submitted for the accessory dwelling unit building permit shall demonstrate compliance with Stormwater Minimum Requirements 1-5 and shall also address the ground disturbance associated with the previous clearing.
- 22. Onsite stormwater management, and erosion and sedimentation control shall be designed in accordance with Kitsap County Code Title 12 effective at the time the Conditional Use Permit application was deemed complete, July 16, 2019.
- 23. If the project proposal is modified from that shown on the submitted site plan dated July 12, 2019, Development Services and Engineering will require additional review and potentially new conditions

c. Environmental

24. The geological consultant requests to be contacted for inspection and recommendations when footings are being cut. The consultant recommends that disturbed areas where utilities are installed provide suggested slope mitigation plants in disturbed areas as listed in the report.

d. Traffic and Roads

- 25. 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.
- 26. 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 building permit. The need for and scope of bonding will be determined at that time.

e. Kitsap Public Health District

27. The applicant shall adhere to all applicable Kitsap Public Health District regulations.

Report prepared by:

Staff Report: 19-01721 Sargeson Cole -CUP ADU November 6, 2019

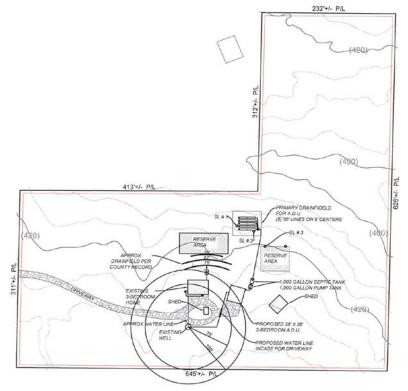
Jeff Smith, Staff Planner / Project Lead Report approved by:

Shawn Alire, Department Manager / Supervisor **Attachments:** Attachment A – Site Plan Attachment B – Enlarged Site Plan Attachment C --Building Elevations Attachment D – Zoning Map <u>11/07/19</u> Date

<u>11/07/19</u> Date

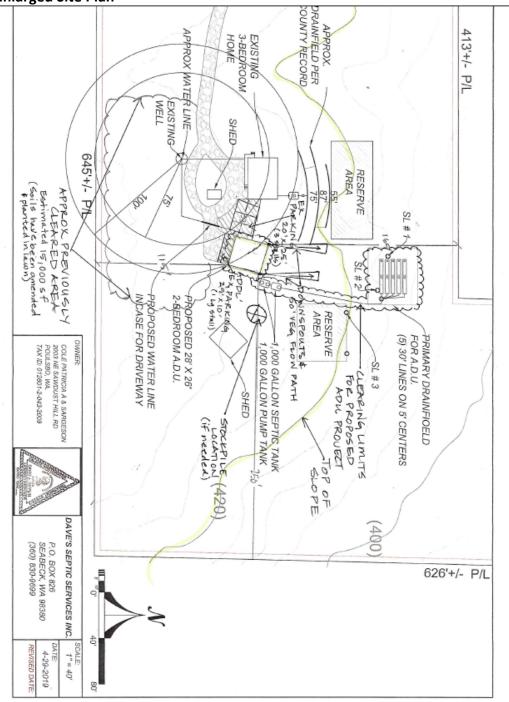
CC: pbzzzt@gmail.com Permitgranted@comcast.net Interested Parties: NA Kitsap County Health District, MS-30 Kitsap County Public Works Dept., MS-26 DCD Staff Planner: Jeff Smith

Site Plan



Staff Report: 19-01721 Sargeson Cole -CUP ADU November 6, 2019

Enlarged Site Plan





Existing and Proposed Building Elevations

Zoning Map

