



Hearing Examiner
Staff Report and Recommendation

Report Date: March 21, 2019
Hearing Date: March 28, 2019

Application Submittal Date: November 6, 2018
Application Complete Date: November 7, 2018

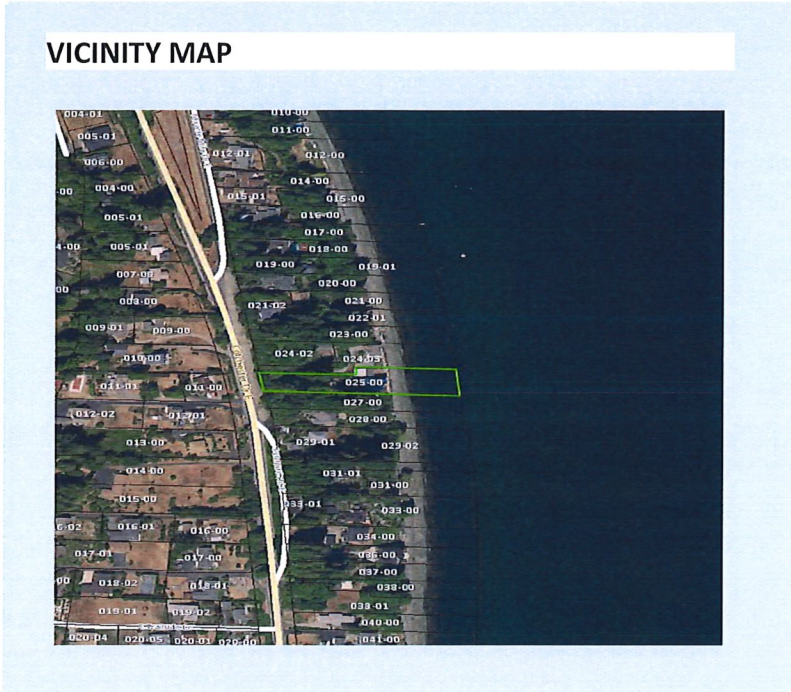
Project Name: Costello Accessory Dwelling Unit
Type of Application: Conditional Use Permit (CUP) and Shoreline Substantial Development Permit (SSDP)
Permit Number: 18-05258 (CUP) and 18-05283 (SSDP)

Project Location
1525 Colchester Drive East
Port Orchard, WA 98366
Commissioner District 2

Assessor's Account #
4516-001-025-0008

Applicant/Owner of Record
Carol A Costello Trustee
3109 N Inglewood Street
Arlington, VA 22207

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



1. Background

The Department of Community Development is recommending approval of Carol and Edward Costello's proposal for an Accessory Dwelling Unit (ADU) located at 1525 Colchester Drive East in South Kitsap. This property is located on the shoreline.

2. Project Request

The applicant requests to remodel and expand an existing garage and replace it with an 898 square foot ADU. The property is zoned Manchester Village Low Residential (MVLRL) which requires a Conditional Use Permit for an ADU per Kitsap County Code 17.410.046. Kitsap County Code 22.200.100.5 states: "shorelands adjacent to these water bodies, typically within two hundred feet of the ordinary high-water mark" are under the jurisdiction of the Shoreline Master Program. The proposed ADU is approximately 140' from ordinary high-water mark. Kitsap County Code 22.600.170.3.c requires a Shoreline Substantial

Development Permit (SSDP) for proposed ADUs. The two permits were received and reviewed concurrently.

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 Notice of Application dated November 21, 2018 (Exhibit 21). A Determination of Nonsignificance (DNS) was issued on February 20, 2019 (Exhibit 28). SEPA noted the following information/SEPA mitigation conditions have been imposed and are listed under conditions 35 at the end of this report:

The SEPA appeal period expired March 6, 2018. No appeals were filed; therefore, the SEPA determination is final.

4. Physical Characteristics

The subject parcel is rectangle shaped and is narrower on the western portion of the property and widens as it approaches Puget Sound to the east. The property slopes from the eastern portion down to the shoreline at about 30% throughout the parcel.

Table 1 - Comprehensive Plan Designation and Zoning

Comprehensive Plan: Limited Areas of More Intense Rural Development - Type 1 Zone: Manchester Village Low Residential (MVLRL)	Standard	Proposed
Minimum Density	None	Existing Single-Family Residence
Maximum Density	2	
Minimum Lot Size	21,780 square feet	Existing Lot

Maximum Lot Size	None	Existing Lot
Minimum Lot Width	60	Existing Lot
Minimum Lot Depth	60	Existing Lot
Maximum Height	28 feet	Proposal conditioned for 28' height limit. See Condition 19.
Maximum Impervious Surface Coverage	40% for residential properties greater than or equal to 0.51 acres	After proposed project, parcel will have 31%.
Maximum Lot Coverage	None	Existing Lot

Applicable footnotes:

17.120.060.A.14: Within the view protection overlay, the maximum height for buildings and new vegetation shall be twenty-eight feet. Height shall be measured from the average elevation of the property's buildable area to the structure's highest point. Kitsap County will not enforce vegetation height standards. Buildable area is considered all portions of the property except wetlands and/or geologically hazardous areas. Properties within the view protection overlay zone may build or have new vegetation as high as thirty-five feet under the following circumstances:

- a. There is no existing view of downtown Seattle, the Cascade Mountains, Mt. Rainier or the Puget Sound from the subject property or any adjacent property; or
- b. The owners of all adjacent properties approve the building height prior to building permit issuance; or
- c. It can be explicitly shown that the structure will not cause the blockage of existing views from any of the adjacent properties.

Staff Comment: The project is conditioned to adhere to the height limitations of the zone. Please see Condition 19.

Table 2 - Setback for Zoning District

	Standard	Proposed
Front (West)	20 feet	ADU: ~164'
Side (North)	5 feet	ADU: 5'
Side (South)	5 feet	ADU: 40'
Rear (East)	Shoreline Designation: Shoreline Residential, Standard 85' buffer from ordinary high-water mark plus a 15' building setback	ADU: 140' from ordinary high-water mark

Table 3 - Surrounding Land Use and Zoning

Surrounding Property	Land Use	Zoning
North	Single-family residence	Manchester Village Low Residential (MVLRL)
South	Single-family residence	Manchester Village Low Residential (MVLRL)
East	Single-family residence	Manchester Village Low Residential (MVLRL)
West	Single-family residence	Manchester Village Low Residential (MVLRL)

Table 4 - Public Utilities and Services

	Provider
Water	Manchester Water District #11
Power	Puget Sound Energy
Sewer	Kitsap County
Police	Kitsap County Sherriff
Fire	South Kitsap Fire and Rescue
School	South Kitsap School District #402

5. Access

The subject property has direct access off Colchester Drive East which is a County-maintained public right-of-way.

6. Site Design

Not applicable for 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	Building 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
Title 22	Shoreline Master Program

8. Documents Consulted in the Analysis

A complete index of exhibits is in the project file. To date, the index to the record consists of 32 exhibits.

ITEM NO.	DOC. TYPE/SUBJECT	DATED	DATE REC'D.
1	ADU Project Application		11/02/19
2	ADU Project Narrative		11/02/19
3	Water Availability		11/02/19
4	Sewer Availability		11/02/19
5	Concurrency Test		11/02/19
6	ADU Site Plan		11/02/19
7	Single-Family Residence Elevations		11/02/19
8	ADU Elevations		11/02/19
9	ADU Floor Plan		11/02/19
10	SFR Floor Plan		11/02/19
11	State Environmental Policy Act (SEPA) Checklist		11/02/19
12	Stormwater Worksheet		11/02/19
13	Site Assessment Packet		11/02/19
14	Stormwater Infeasibility Worksheet		11/02/19
15	Engineered Drainage Report		11/02/19
16	SSDP Project Narrative		11/02/19
17	SSDP Project Application		11/05/19
18	JARPA (Joint Aquatic Resource Permit Application)		11/05/19
19	SSDP Site Plans		11/05/19
20	Revised SEPA Checklist		11/05/19
21	Notice of Application	11/21/19	
22	Candy's Memo	1/11/19	
23	ADU Information Request sent to applicant	1/18/19	
24	SSDP Information Request sent to applicant	1/23/19	
25	Letter Response to Information Request - Email from Palmer	2/11/19	
26	Trust Excerpts	2/11/19	
27	Driveway Easement Document	2/11/19	
28	Determination of Non-Significance (SEPA) Decision	2/20/19	
29	Notice of Public Hearing	3/13/19	
30	Certification of Public Notice	3/21/19	
31	Staff Report	3/21/19	
32	Staff Presentation: Power Point		

9. Public Outreach and Comments

Pursuant to Kitsap County Code, Title 21, Land Use Development and Procedures, the Department provided proper notice to property owners within a radius of 800 feet of the subject property. Staff received two inquiries after the Notice of Application was sent out. No formal comments were made.

10. Analysis

a. Planning/Zoning

A proposed ADU within the Manchester Village Low Residential (MVLRL) zone requires a Conditional Use Permit as specified in KCC Table 17.410.046, "Limited Areas of More Intensive Rural Development (LAMIRD)." Kitsap County Code Footnote 17.410.050.A.1 indicates an ADU is subject to compliance with Section 17.410.060, "Provisions Applying to Special Uses." These provisions are listed and analyzed below.

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.

Staff Comment: 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. An approved 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 Comment: 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.

- c. Only one ADU shall be allowed per lot.

Staff Comment: Only one ADU is proposed for the subject lot.

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

Staff Comment: According to the Kitsap County Assessor's records, the property is owned by Carol Costello Trustee. The applicant provided the trust documents (Exhibit 26). The property is owned by a revocable trust. Carole Castello, or her spouse, as the Grantor and Trustee, is considered the owner of the property for the purposes of this requirements.

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.

Staff Comment: The existing single-family residence is 3,443 square feet which would allow for an accessory dwelling until up to 900 square feet. The proposed ADU is 898 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 Comment: The proposed accessory dwelling unit will replace an existing garage located approximately 100' from the existing single-family residence.

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

Staff Comment: Exhibits 7 and 8 show the elevations of the existing single-family residence and the proposed ADU. The proposed ADU will be similar in appearance. It will have the same siding, a metal roof, and a deck like that of the primary, single-family residence.

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

Staff Comment: All the setbacks requirements for the MVL zone and shoreline are met:

	Standard	Proposed
<i>Front (West)</i>	<i>20 feet</i>	<i>ADU: ~164'</i>
<i>Side (North)</i>	<i>5 feet</i>	<i>ADU: 5'</i>
<i>Side (South)</i>	<i>5 feet</i>	<i>ADU: 40'</i>
<i>Rear (East)</i>	<i>Shoreline Designation: Shoreline Residential, Standard 85' buffer from ordinary high-water mark plus a 15' building setback</i>	<i>ADU: 140' from ordinary high-water mark</i>

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

Staff Comment: The Health District has approved the conditional use permit application. Please see Condition 35.

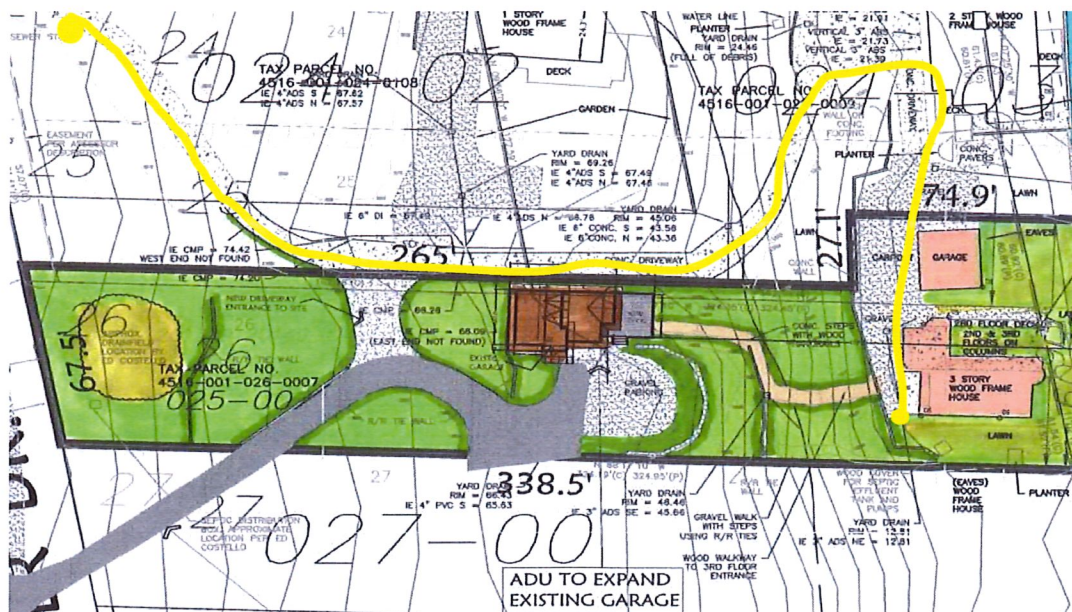
j. No mobile homes or recreational vehicles shall be allowed as an ADU.

Staff Comment: 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.

Staff Comment: The existing single-family residence accesses the property through the two parcels to the north, 1541 and 1545 Colchester Drive East. Both parcels are owned by the applicant. The existing driveway is highlighted in yellow in site plan below. The applicant proposes to add an entrance from the existing driveway for the ADU. This would satisfy this requirement.

The driveway to the south (shown in gray) serves as access to the southern property - 1495 Colchester Drive East. The applicant provided the easement (Exhibit 27). Typically, it would be required the driveway to the south be closed so that the ADU and the single-family residence would have to use the same side-street entrance. Because 1495 Colchester Drive East could not access their property with the southern driveway closed, it will remain open.



Parking: An existing gravel driveway to the south of the proposed ADU will accommodate two additional spaces. Only one additional space is required for the ADU. Please see Table 5 for all parking requirements.

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

Staff Comment: Based on the SFR floor plan the structure does not have accessory living quarters (Exhibit 10).

b. Lighting

Not applicable for 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 plus ADU	Historical lots or lots with no standing requirement, 3 per unit plus 1 additional space for ADUs	3 +1 =4	3 existing and 2 proposed
Total		4	5

d. Signage

Not applicable for residential development.

e. Landscaping

Not applicable for residential development.

Table 6 - Landscaping Table

	Required	Proposed
Required Landscaping (Sq. Ft.) 15% of Site	N/A	N/A
Required Buffer(s)		
North	N/A	N/A
South	N/A	N/A
East	N/A	N/A

West	N/A	N/A
Street Trees	N/A	N/A

f. Frontage Improvements
 Not applicable for residential development.

g. Design Districts/Requirements
 Not applicable for residential development.

h. Development Engineering/Stormwater
 Not applicable for residential development.

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 proposed ADU is located landward of the an existing 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. The project is

conditioned so that placement of the proposed ADU will not require expansion of the existing concrete bulkhead. Please see Condition 32.

22.400.110 Mitigation

Staff Comment: The proposed ADU is located outside of the 85-foot shoreline buffer and requires no mitigation.

22.400.115 Critical Areas

Staff Comment: The site is mapped in Kitsap County GIS as a 'High Geologic Hazard Area', as defined in Kitsap County Code 19.400. The project has been conditioned to have geologic documentation submitted with the building permit application. Please see Condition 31. There is a FEMA AE Flood Zone located near the shore of the subject parcel. The proposed ADU is not located in the flood zone and will not be required to meet FEMA standards in Kitsap County Code Title 15 Flood Hazard Areas.

22.400.120 Vegetation Conservation Buffers

Staff Comment: This parcel has a Shoreline Designation of 'Shoreline Residential', which requires a Standard Buffer of 85 feet. The proposed ADU is located approximately 140 feet from ordinary-high water, which well exceeds the minimum shoreline buffer.

22.400.130 Historic, Archeological, Cultural, Scientific and Educational Resources

Staff Comment: There were no cultural resources concerns with the subject property.

22.400.135 View Blockage

Staff Comment: 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

Staff Comment: 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). Once staff has received the Notice of Decision from the Kitsap County Hearing Examiner, the application materials will be sent to the Department of Ecology.

22.600.170 Residential Development

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.

Staff Comment: Because the proposal is within 200' of the shoreline, it falls under the jurisdiction of the Shoreline Master Program. The applicant has submitted a SSDP as required by Kitsap County Code 22.600.170.3.c.

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. Ordinary-high water mark is measured from the existing bulkhead. Structures meeting the standard buffer are adhering 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. Kitsap County sanitary sewer is available for the project. Applicant needs to submit an "Application to Construct Sanitary Sewer" to KCPW Sewer Utility Division. Please see Conditions 25 and 26.

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. The project is also conditioned to not requirement the expansion of the existing bulkhead due to this proposed ADU. Please See Condition 32.

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.

Staff Comment: 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 and approved by staff with conditions. Please see Conditions 20-28 that have been placed on the project. Exhibit 22 address stormwater review and conditions.

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.

Staff Comment: The subject property does have a FEMA AE Flood Zone on the eastern side of the parcel. However, the proposed ADU will not be located within the flood zone.

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.

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 ordinary-high water mark.

Staff Comment: Lot area has been calculated using only those lands landward of the ordinary-high water mark. The ordinary-high water mark is considered the existing bulkhead.

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 reviewed the proposal with no conditions. Additional review will occur under associated building permits.

l. Solid Waste

Review for solid waste as not required. Typical residential solid waste services apply.

m. Water/Sewer

A water availability letter (Exhibit 3) was provided from the Manchester Water District for water availability. The applicant has applied to connect to Kitsap County Sewer. The project is conditioned to submit a complete set of sewer plans, and specifications designed in accordance with Kitsap County Public Works - Sewer Utility Division Standards and Regulations. Please see Condition 25 and 26.

n. Kitsap Public Health District

Kitsap County Health Department reviewed and approved the proposal. The project is conditioned to follow all the requirements of the Kitsap County Health Department. Please see Condition 35.

11. 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.

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 17.550.030.A, the Department of Community Development recommends that the Costello ADU request for Conditional Use Permit and Shoreline Substantial Development Permit be approved, subject to the following 35 conditions:

a. Planning/Zoning

1. All required permits shall be obtained prior to commencement of land clearing, construction and/or occupancy.
2. The 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 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 ADU shall be permitted on the subject property.
5. The owner of the property must reside in either the primary residence or the ADU and only one of the structures may be rented at any one time.
6. The ADU's 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 (Exhibit 9). Any future expansion of the ADU will require a building permit and would have to comply with all code requirements in place at the time of the new building permit application.
7. The ADU shall be designed to maintain the appearance of the primary residence.
8. No mobile home or recreational vehicle shall be allowed as an ADU.
9. An accessory living quarters (ALQ) or guest house (GH) is not permitted on the same lot unless the ADU is removed and the ALQ or GH complies with all requirements imposed by the Kitsap County Code.
10. The ADU shall use the same side street entrance as the primary residence and shall provide one additional off-street parking space.

11. A property with a primary residence and an 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 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. 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 (18-05258 and 18-05283). 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 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 Conditional Use Permit.
19. Proposed ADU shall be limited to the height restrictions (28') of the Manchester Village Low Residential zone.

b. Development Engineering

20. 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.
21. The information provided demonstrates this proposal is a Small Project as defined in Kitsap County Code Title 12; the required level of drainage review is Simplified Drainage Review-Engineered. This level of drainage review takes place through the building permit application and review process.
22. Stormwater quantity control, quality treatment, 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, November 7, 2018. The submittal documents shall be prepared by a civil engineer licensed in the State of Washington. The fees and submittal requirements shall be in accordance with Kitsap County Ordinances in effect at the time of building permit application.
23. The Washington State Department of Fish and Wildlife may require a Hydraulic Project Approval for the work required at the proposed outfall.
24. If the project proposal is modified from that shown on the submitted site plan dated October 31, 2018, Development Services and Engineering will require additional review and potentially new conditions.

25. Kitsap County sanitary sewer is available for the project. Applicant needs to submit an "Application to Construct Sanitary Sewer" to KCPW Sewer Utility Division.
26. Kitsap County sanitary sewer is available for the project. Applicant needs to submit a complete set of sewer plans, and specifications designed in accordance with Kitsap County Public Works - Sewer Utility Division Standards and Regulations.
27. If this project includes the construction of rock walls or other retaining facilities that either exceed four feet in height or sustain a surcharge. A separate building permit with an engineered design is required for such walls. This note shall be placed on the face of the final construction drawings.
28. Rock and retaining walls shall meet all applicable setback requirements of Kitsap County Stormwater Design Manual, Vol. II, Chapter 9.

c. Environmental

29. This project shall comply with all requirements of Kitsap County Code Title 22, Shoreline Master Program.
30. At the time of building permit review, staff will analyze the clearing limits for nesting areas for pacific flyway birds.
31. Geologic documentation per Kitsap County Code 19.400.435 will be required with the building permit to address slope stability.
32. The placement of residential development on the property shall be located to make installation of a shore protection structure unnecessary.

d. Traffic and Roads

33. 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.
34. 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. Fire Safety

None. Conditions may be applied under the associated building permit.

f. Solid Waste

None.

g. Kitsap Public Health District

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

Report prepared by:



Katharine Shaffer, Planner

3.21.19
Date

Report approved by:



Shawn Alire, Development Services and Engineering Supervisor

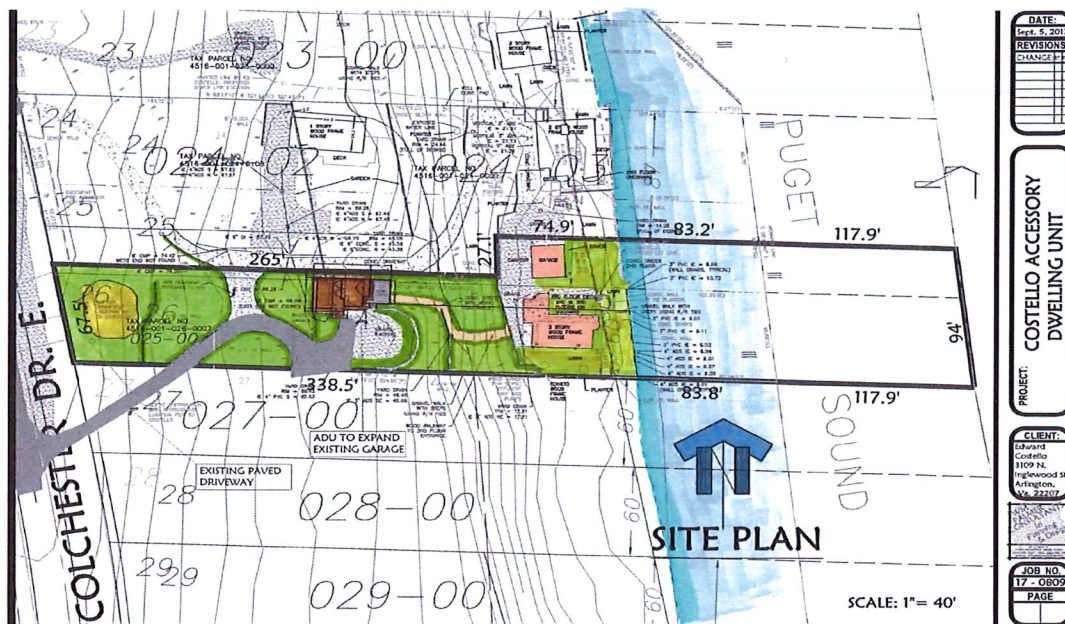
3.21.19
Date

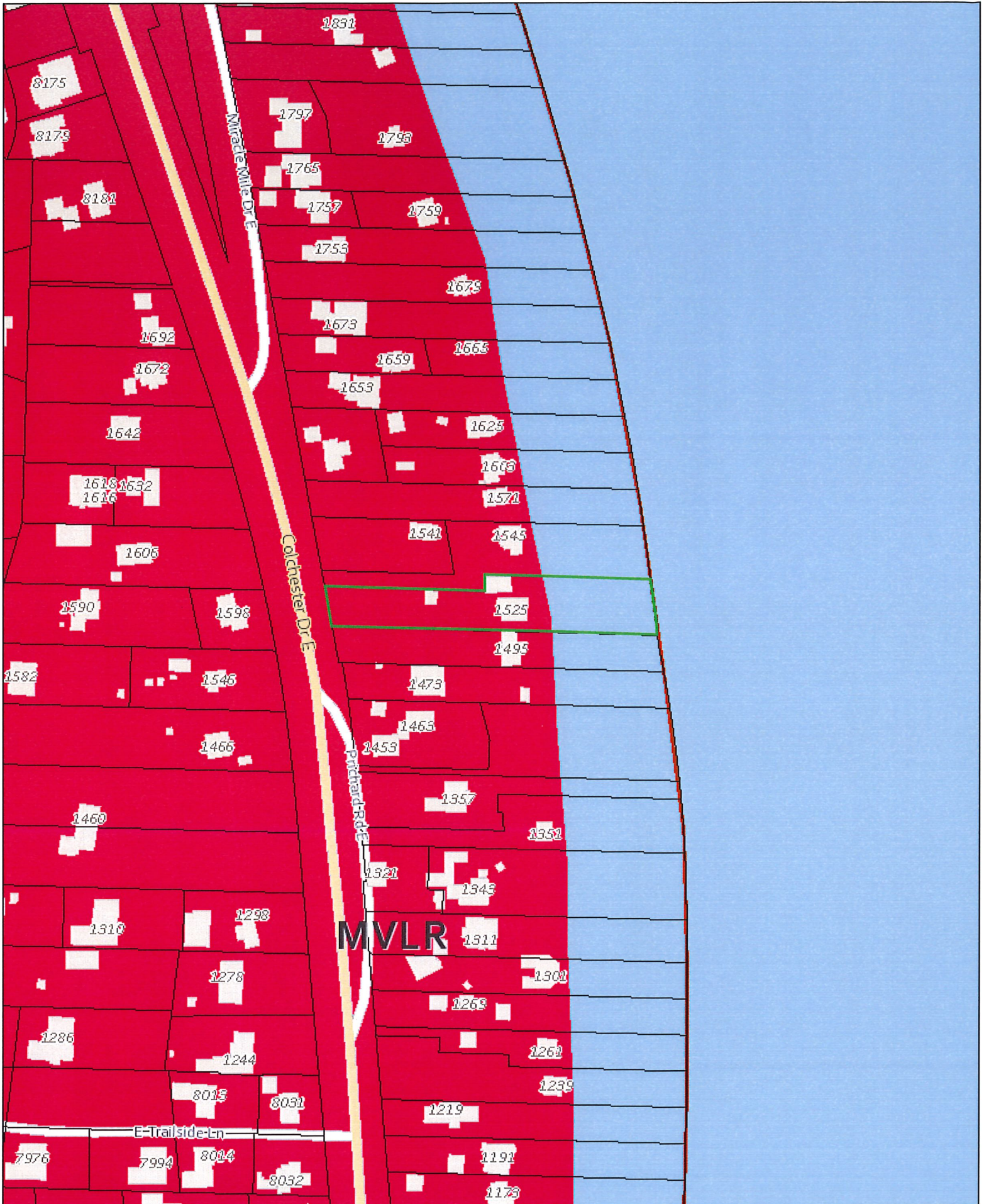
Attachments:

Attachment A - Zoning Map

CC: Applicant/Owner email: Edward and Carol Costello, edwardcostello@comcast.net
Engineer or Project Representative email: William Palmer, wpconslts@telebyte.net
Interested Parties: None
Kitsap County Health District, MS-30
Staff Planner: Katharine Shaffer

Site Plan





Comments

Parcel No: 4516-001-025-0008 TaxPayer: COSTELLO CAROLA TRUSTEE Site Address: 1525 COLCHESTER DR E

** This map is not a substitute for field survey ** Map Scale: 1 inch = 200 feet

Kitsap Co. Parcel Search Application

