



Hearing Examiner Staff Report and Recommendation

Report Date: January 20, 2021
Hearing Date: January 28, 2021

Application Submittal Date: 09/11/2020
Application Complete Date: 09/24/2020

Project Name: Wideman ADU
Type of Application: Conditional Use Permit – Accessory Dwelling Unit
Permit Number: 20-04188

Project Location

15348 Bay Ridge Drive NW
Poulsbo, WA 98370
Commissioner District 3 (Central)

Assessor's Account

332601-1-032-2006

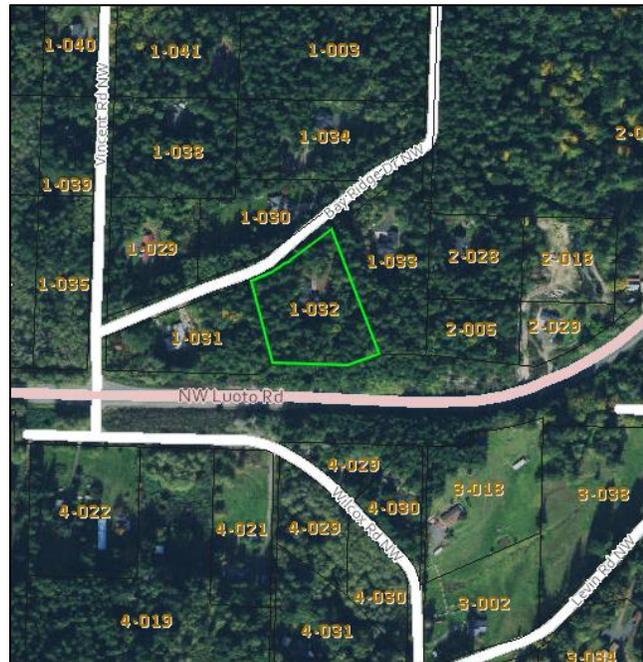
Applicant/Owner of Record

David T Wideman
2021 NW Mhyre Rd Suite 215
Silverdale, WA 98383

Recommendation Summary

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

VICINITY MAP



1. Background

David Wideman (hereafter, “the Applicant”) proposes a detached Accessory Dwelling Unit (ADU). Per KCC 17.410.060.B.3.b, ADUs proposed outside of the urban growth area (UGA) boundaries shall be subject to a conditional use permit (CUP). The subject site is located outside of the UGA, zoned Rural Residential and therefore, CUP approval is required.

A building permit was previously issued for this accessory structure under permit number 20-01912. At that time, the approval was for a two-story accessory barn with an upper story office, craft room, bathroom, and kitchenette. This ADU permit is required to convert part of the space to a dwelling unit.

A single-family home exists on the lot which was constructed in 2014 (Building Permit 14-01827).

January 20, 2021

2. Project Request

The proposal is for a Conditional Use Permit (CUP) to allow the conversion of 843 square feet of the second story of a permitted accessory structure to an Accessory Dwelling Unit. This would include the conversion of the home office to a bedroom, craft room to a living area, and a kitchenette to a full kitchen.

The property will receive water and wastewater service from approved onsite systems. The ADU meets all applicable provisions applying to special uses per KCC 17.410.060 as well as criteria for CUP approval per KCC 17.550.030.A.

3. SEPA (State Environmental Policy Act)

The County used the optional DNS process allowed under WAC 197.11.355. The SEPA comment period was combined with the Revised Notice of Application issued on December 22, 2020. No comments were received. A SEPA DNS was issued on January 6, 2021 followed by a 14-day appeal period. No appeals were filed.

4. Physical Characteristics

According to the Kitsap County Assessor, the subject site is 2.75 acres. The site is partially developed with a single-family residence (approved under Kitsap County Permit 14-01827), and an associated driveway, well and septic system. The site is heavily wooded and slopes moderately from the existing home to the SW of the site. According to the Kitsap County maps, the property is within a Category II Critical Aquifer Recharge Area. No other critical areas are present on the site.

Table 1 - Comprehensive Plan Designation and Zoning

Comprehensive Plan: Rural Residential Zone: Rural Residential (RR)	Standard	Proposed
Minimum Density	N/A	N/A - Subject property is an existing lot with an existing single-family residence.
Maximum Density	1 dwelling unit/5 acres	
Minimum Lot Size	5 acres	N/A
Maximum Lot Size	NA	N/A
Minimum Lot Width	140 feet	N/A
Minimum Lot Depth	140 feet	N/A
Maximum Height	35 feet	27'
Maximum Impervious Surface Coverage	N/A	N/A
Maximum Lot Coverage	N/A	N/A

Applicable footnotes: None

Staff Comment: The proposal meets applicable standards for the RR zone.

Table 2 - Setback for Zoning District

	Standard	Proposed
Front (North)	50-feet	Approx. 127-feet
Side (West)	20-feet 5-feet for accessory structures	Approx. 224-feet
Side (East)	20-feet 5-feet for accessory structures *This property includes a 25-foot native vegetation buffer	41.5-feet (inclusive of 25-foot vegetation buffer)
Rear (South)	20-feet 5-feet for accessory structures	Approx. 248-feet

Applicable footnotes: None

Staff Comment: The proposal meets applicable standards for the RR zone.

Table 3 - Surrounding Land Use and Zoning

Surrounding Property	Land Use	Zoning
North	Single-family residences	Rural Residential (RR)
South	Single-family residences	Rural Protection (RP)
East	Single-family residences	Rural Residential (RR)
West	Single-family residences	Rural Residential (RR)

Table 4 - Public Utilities and Services

	Provider
Water	Onsite system
Power	Puget Sound Energy
Sewer	Onsite septic system
Police	Kitsap County Sheriff
Fire	Central Kitsap Fire & Rescue
School	Central Kitsap School District #401

5. Access

The site is accessed via an existing private driveway from Bay Ridge Drive NW. The proposed ADU will use the same access.

6. Site Design

A site plan has been submitted that shows an existing 2,235 square-foot home, the approved detached structure to be converted, associated septic system, drain field and well.

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 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 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, 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:

Code Reference	Subject
Title 12	Storm Water Drainage
Title 13	Water and Sewers
Title 14	Buildings and Construction
Title 17	Zoning
Chapter 18.04	State Environmental Policy Act (SEPA)
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.

Exhibit #	Document	Dated	Date Received
1	Permit Questionnaire		9/23/20
2	HD Building Site Application		9/23/20
3	SEPA Checklist		9/23/20
4	ADU Elevations and Floor Plans		9/23/20
5	Existing Primary Residence Plans		9/23/20
6	Primary Residence Photos		9/23/20

7	Vicinity Map		9/23/20
8	Project Narrative		9/23/20
9	Site Plan (Original – Health District)		9/23/20
10	Site Plan (Revised)		9/23/20
11	Submittal Waivers (Stormwater, Drainage, Tech Reports)		9/23/20
12	Notice of Complete Application	09/30/20	
13	Notice of Application	10/07/20	
14	Notice of Application (REVISED)	12/22/20	
15	SEPA Determination of Non-Significance (DNS)	01/06/21	
16	Notice of Public Hearing	01/13/21	
17	ADU Photos	1/14/21	
18	Zoning Map	1/14/21	
19	Critical Area Map	1/14/21	
20	Aerial Map	1/14/21	
21	Staff Report	1/21/21	
22	Certification of Public Notice	1/21/21	
23	Staff Presentation	1/28/21	

9. Public Outreach and Comments

A Notice of Application (Exhibit 13) was distributed pursuant to Title 21 land use and development procedures, which provided recipients with project information and an opportunity for public comment. A Revised Notice of Application (Exhibit 14) was issued in order to utilize the optional SEPA DNS process with an additional opportunity for comment. No comments were received by the department.

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

Issue Ref. No.	Issue	Staff Response
N/A		N/A

10. Analysis

a. Planning/Zoning

Per KCC 17.410.060.B.3, 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, subject to the following criteria (*italicized*). Staff comments are provided below:

a. An ADU shall be allowed as a permitted use in those areas contained within an urban growth boundary;

Staff Comment: The subject property is not located within the urban growth boundary.

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 located outside of the urban growth boundary. This application is a Conditional Use Permit for an Accessory Dwelling Unit.

c. Only one ADU shall be allowed per lot;

Staff Comment: This application proposes only one ADU. There are no other ADUs present or proposed.

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

Staff Comment: The owner currently resides in the existing single-family residence.

e. The ADU shall not exceed fifty percent of the square footage of the habitable area of primary residence or nine hundred square feet, whichever is smaller. Dimensions are determined by exterior measurements.

Staff Comment: The existing residence is 2,235 square feet. 50 percent of 2190 is 1095 square feet; therefore, the ADU is limited to 900 square feet (the smaller value).

To meet this requirement, the exterior measurements of the building are used. The exterior measurements are 36-feet by 24-feet, or a total of 864 square feet, meeting this criteria. The applicant submitted a floor plan showing the area converted for use of the ADU will be less than 900 square feet. A condition of approval is added that requires the ADU is limited to 900 square feet.

f. The ADU shall be located within one hundred fifty feet of the primary residence or shall be the conversion of an existing detached structure (i.e., garage).

Staff Comment: Per the submitted revised site plan, the proposed single-family residence and the proposed accessory dwelling unit are approximately 69 feet apart, satisfying this requirement.

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

Staff Comment: The ADU will be within a detached structure that has already been approved through a building permit (20-01912). The detached ADU was recently constructed, and photos were submitted in January with photos of the structure (see Exhibit 17). There are some differences in appearance between the detached structure and primary unit. Please see Exhibit 6 and 17. The ADU is within a barn-like structure and has vertical wood siding while the home has horizontal composite siding. The paint color will be red with white trim while the home is light brown with dark trim. However, the barn-type structure which includes the ADU is generally in the ranch-style character of this large property. The ADU also utilizes some similar characteristics, including pitched/gable roofs, composite shingles and white vinyl windows. Lastly, the front elevation of the ADU resembles some architectural features of the primary home.

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

Staff Comment: All setbacks required by the Rural Residential zone are met for the proposed accessory dwelling unit. Please see Table 2.

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

Staff Comment: The application was routed to Kitsap County Health District. The Building Site Application submitted to the Health District on February 13, 2020 was approved for water and onsite sewage.

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

Staff Comment: There are no mobile homes or recreational vehicles present on the subject property or proposed in this application.

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

Staff Comment: The submitted site plan (Exhibit 10) shows the proposed ADU will use the existing driveway that serves the single-family residence. An additional 14X22 concrete parking area is provided adjacent to the new ADU structure.

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

Staff Comment: There are no present or proposed accessory living quarters. Please see the single-family residence floor plan (Exhibit 5).

b. Lighting

Lighting was not analyzed as part of this proposal.

c. Off-Street Parking

Per KCC 17.490.030, a single-family dwelling requires 3 parking spaces plus one additional for Accessory Dwelling Units. The proposal provides adequate parking per the table below.

Table 5 - Parking Table

Use Identified in 17.490.030	Standard	Required Spaces	Proposed Spaces/Existing Spaces
Single-Family (attached or detached)	3 for single-family home and 1 additional space for accessory dwelling units.	4	4 proposed
Total	4	4	4

d. Signage

No signage is proposed or required.

e. Landscaping

Per KCC 17.500.010, single-family lots are exempt from landscaping requirements.

Table 6 - Landscaping Table

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

f. Frontage Improvements

No frontage improvements are required or proposed as part of this application.

g. Design Districts/Requirements

The subject property is not within a design district.

h. Development Engineering/Stormwater

Development Services and Engineering has reviewed land use proposal and finds the concept supportable in its approach to civil site development. All stormwater review took place with building permit (20-01912).

i. Environmental

The proposed ADU is not in the vicinity of any mapped critical areas and no special environmental reports were required. The absence of critical areas was also reviewed and confirmed at the time of the associated building permit. The applicant submitted a narrative confirming that a change in topography in the south of the site is due to an old logging road and does not indicate a seasonal stream.

j. Access, Traffic and Roads

Development Services and Engineering has reviewed the proposal for compliance with traffic and road standards and has recommended approval, with no conditions (all traffic review took place with associated building permit 20-01912).

k. Fire Safety

The Kitsap County Fire Marshall's Office reviewed and approved the proposal with no conditions.

l. Solid Waste

The proposed ADU will use the same solid waste services as the existing single-family residence.

m. Water/Sewer

The application included an approved Building Site Application that shows approval for water and sewer from Kitsap County's Health Department, Exhibit 2. Potable water is proposed to be provided by an on-site well; sanitary sewage disposal is proposed to be provided by an on-site septic system, serving both the single-family residence and the accessory dwelling unit.

n. Kitsap Public Health District

Kitsap County Health District has reviewed and approved the proposal with no conditions.

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. Kitsap County has 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 Conditional Use Permit - ADU request for Wideman ADU be **approved**, subject to the following 18 conditions:

a. Planning/Zoning

1. 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.
2. Any proposed modification (not including cosmetic work such as painting, papering and similar finish work), remodel or expansion of the accessory dwelling unit 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.

3. Only one accessory dwelling unit shall be permitted on the subject property.
4. The owner of the property must reside in either the primary residence or the accessory dwelling unit and only one of the structures may be rented at any one time. The accessory dwelling unit'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 864 square feet, as measured by the exterior measurements (Exhibit 4). 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.
5. The accessory dwelling unit shall be located within 150 feet of the primary residence.
6. The accessory dwelling unit shall be designed to maintain the appearance of the primary residence.
7. This permit shall comply with all Kitsap Public Health District regulations and conditions of approval.
8. No mobile home or recreational vehicle shall be allowed as an accessory dwelling unit.
9. The accessory dwelling unit shall use the same side street entrance as the primary residence and shall provide one additional off-street parking space.
10. An accessory living quarters or guest house is not permitted on the same lot unless the accessory dwelling unit is removed and the ALQ or GH complies with all requirements imposed by the Kitsap County Code.
11. A property with a primary residence and an accessory dwelling unit cannot be segregated to create two separate legal lots unless it complies with all subdivision, zoning and density requirements in place at the time of a complete subdivision application.
12. The accessory dwelling unit 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 Permit #20-04188. 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.

b. Development Engineering

None at this time

c. Environmental

None at this time

d. Traffic and Roads

None at this time

e. Fire Safety

None at this time

f. Solid Waste

None at this time

g. Kitsap Public Health District

None at this time

Report prepared by:



Name, Staff Planner / Project Lead

01/20/2021

Date

Report approved by:



Name, Department Manager / Supervisor

01/20/2021

Date

Attachments:

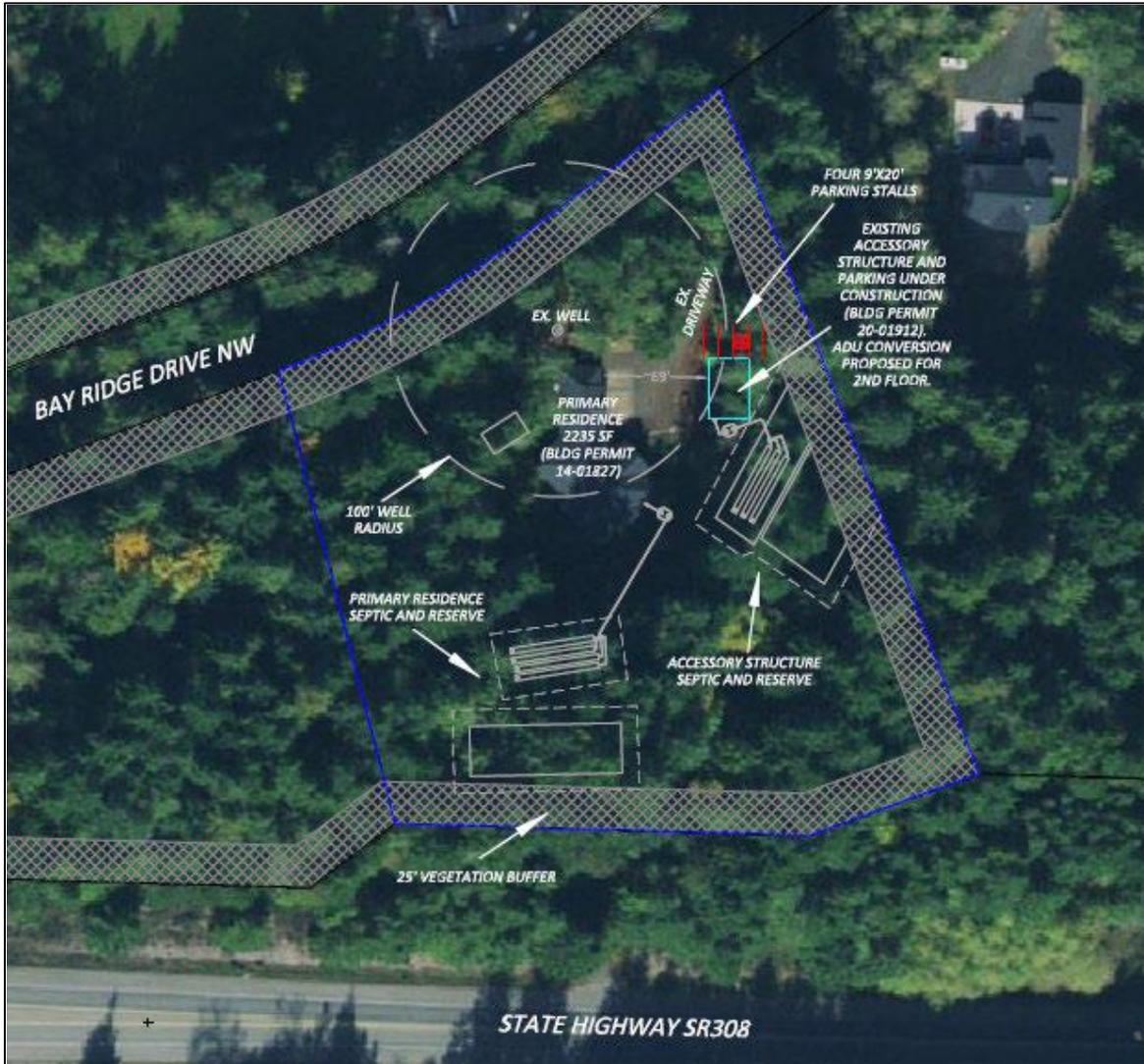
Attachment A – Site Plan

Attachment B – Zoning Map

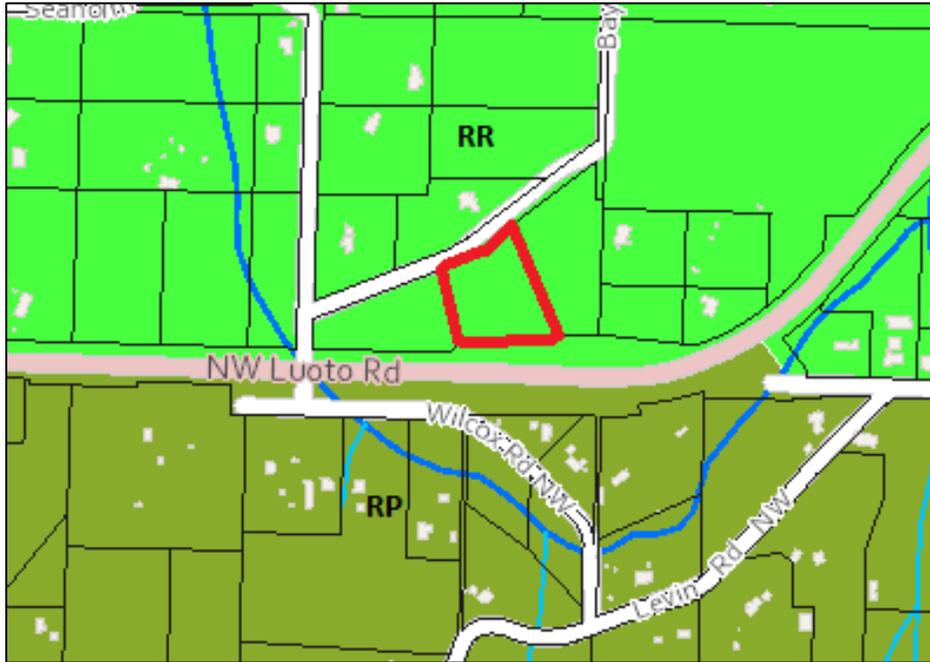
Attachment C – Critical Areas Map

CC: Applicant/Owner: David T Wideman: builder@1bigsky.com
Axis Land Consulting: berni.kenworthy@axislandconsulting.com
Interested Parties: N/A
Kitsap County Health District, MS-30
Kitsap County Public Works Dept., MS-26
DCD Staff Planner: Colin Poff

Attachment A – Site Plan



Attachment B – Zoning Map



Attachment C – Critical Areas Map

