



KITSAP COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

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Jeffrey Rowe, ACTING DIRECTOR

STAFF REPORT and RECOMMENDATION TO THE HEARING EXAMINER

Report Date: 07/20/2016

Application Submittal Date: 05/05/2016

Hearing Date: 07/28/2016

Application Complete Date: 05/10/2016

Project: Hoffman Accessory Dwelling Unit (ADU)

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

Proposal Summary:

The Department of Community Development is recommending approval of the applicant's request for a Conditional Use Permit to legalize an existing 750 foot accessory dwelling unit (ADU) subject to 22 conditions outlined at the end of this report. The 0.67 acre parcel is zoned Rural Residential (RR) and located at 3640 Green Mountain Road NW in Bremerton. The project is served by an on-site septic system and is served by Kitsap Public Utility District.

Application Number: 16 01919

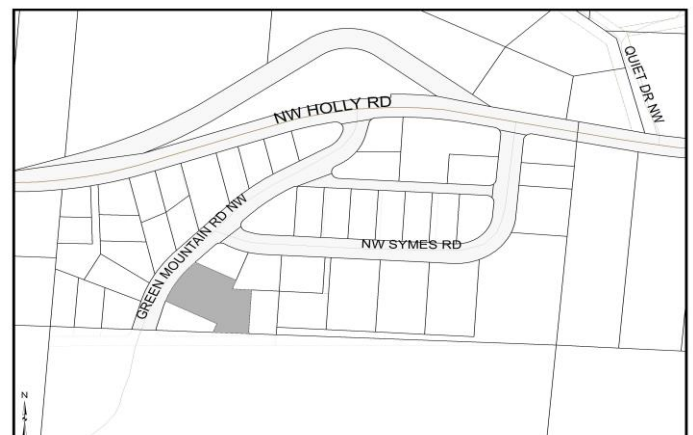
Type of Application: Conditional Use Permit (CUP)

Project Request:

David and Paulette Hoffman are requesting an approval for a Conditional Use Permit to legalize an existing 750 square foot ADU.

Project Location:

The project is in central Kitsap County. The site is addressed as 3640 Green Mountain Road NW (primary single-family residence) and 3638 Green Mountain Road NW (accessory dwelling unit).



Assessor's Account #:

4542-000-014-0407

Applicant/Owner of Record:

David and Paulette Hoffman
3640 Green Mountain Rd NW
Bremerton, WA 98312

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 (Exhibit 3) 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 May 20, 2016 (Exhibit 16). A Determination of Nonsignificance (DNS) was issued on June 14, 2016 (Exhibit 18). SEPA noted the following information/SEPA mitigation conditions have been imposed and are listed under conditions 22 at the end of this report:

The SEPA appeal period expired June 28, 2016. No appeals were filed; therefore, the SEPA determination is final.

Physical Characteristics:

The parcel is approximately 0.67 acres or 29,185 square feet in size. The site is shaped like an irregular rectangle and fairly level with slopes to the west and east of the parcel. The site has mature existing vegetation and trees around the main entrance and front yard of the parcel.

Comprehensive Plan Designation and Zoning:

Rural Residential (RR)

Minimum Lot Area - 5 acres for newly created lots (this is an existing lot)
Minimum Lot Width - 140 feet
Minimum Lot Depth - 140 feet
Maximum Height - 35 feet

Standard RR Zoning Setbacks

Front 50 feet

Side 20 feet, 5 feet for an accessory structure

Rear 20 feet, 5 feet for an accessory structure

Surrounding Land Use and Zoning:

The surrounding areas to the north, east, and west are zoned Rural Residential. South of the parcel is zoned Rural Wooded (RW). Surrounding parcels are predominately developed with single-family residences.



Public Utilities and Services:

Water: Kitsap Public Utility District (PUD)

Power: Puget Sound Energy

Sewer: On-site septic system

Police: Kitsap County Sheriff

Fire: Central Kitsap Fire District #1

Schools: Central Kitsap School District #401

Access:

Access to the site is off of Green Mountain Road NW, a County Maintained, paved road.

Policies and Regulations Applicable to the Subject Proposal:

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

Kitsap County Comprehensive Plan

Adopted December 11, 2006 (Amended December 2012)

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

Rural and Resource Lands

Policy RL-1

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.

Policy RL-2

Provide a variety of densities in the rural areas to make more efficient use of land, maximize the return on public infrastructure investment, and provide for affordable housing opportunities.

Policy RL-3

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

Policy RL-4

Outside of Type III LAMIRDs, limit development only to that which serves rural residential or resource needs and not draw people from UGAs.

Policy RL-14

Provide road and access standards that enable all-weather access for emergency response vehicles while preserving and enhancing rural character.

Policy RL-15

Ensure proper installation, use and maintenance of on-site septic systems.

Housing

Policy HS-6

Ensure that a broad range of housing types are available through innovative planning, efficient and effective administration of land and building codes and financial assistance.

Policy HS-8

Encourage and facilitate development of a variety of housing types, including single-family residential, multi-family, mobile, modular, and manufactured homes. Doublewide mobile, modular and manufactured homes should be considered a single-family dwelling.

Policy HS-9

Encourage innovative land use practices and development standards that will have the effect of minimizing housing costs.

Policy HS-11

Permit and encourage the development of residential accessory dwelling units (mother-in-law apartments) in all residential zones with sufficient public facilities to support such development. Subject accessory dwelling units to development standards and design guidance that facilitates their compatibility with existing neighborhood character.

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

Kitsap County Code (KCC)

- Title 12 Storm Water Drainage
- Title 13 Water and Sewers
- Title 14 Buildings and Construction
- Title 17 Zoning
- Chapter 18.04 State Environmental Policy Act (SEPA)
- Chapter 20.04 Transportation Facilities Concurrency Ordinance
- Chapter 21.04 Land Use and Development Procedures

Documents Consulted in the Analysis:

A complete index of exhibits is located in the project file. To date, the index to the record consists of Exhibits 1-20.

Applicant submittals:

<u>Document</u>	<u>Exhibit #</u>	<u>Dated or date stamped</u>
Project Application	1	May 5, 2016
Supplemental Application	2	May 5, 2016
SEPA Environmental Checklist	3	May 5, 2016
Concurrency Test	4	May 5, 2016
Project Narrative	5	May 5, 2016
Parking Plan	6	April 21, 2016
Lot Plan	7	April 21, 2016
Drainage Documentation and Plan	8	May 5, 2016
Floor Plans	9	May 5, 2016
Health District Septic and Water	10	April 27, 2016
Sewer Availability	11	May 5, 2016
Zoning Map	12	June 28, 2016
Critical Area Map	13	June 28, 2016
Aquifer Recharge Map	14	June 28, 2016
Comprehensive Plan Map	15	June 28, 2016
Notice of Application	16	May 16, 2016
Notice of Public Hearing	17	July 14, 2016
Determination of Nonsignificance	18	June 14, 2016
Picture	19	July 14, 2016
Health District Site Plan	20	April 8, 2016

Public comments:

No public comments were received.

Analysis:

Land Use and Zoning

An accessory dwelling unit within the RR zone requires a Conditional Use Permit as specified in KCC Table 17.381.040(E) Parks, Rural and Resource Zones, subject to footnote 1. Footnote 1 indicates an ADU is subject to compliance with Section 17.381.060 Provisions applying to special uses.

Accessory Dwelling Unit (ADU) Standards

An ADU is required to meet the provisions and requirements outlined in KCC 17.381.060.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 17.381.060.B.3 are listed below (*italics*), with a discussion of the individual standard immediately following:

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

The proposed ADU is not within an urban growth boundary. Therefore, the ADU cannot be permitted in conjunction with a building permit as an outright use. Land use approval is required for this ADU.

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

The subject property is outside an urban growth boundary. As a result, the applicant has applied for and is requesting approval of a conditional use permit as required by the KCC.

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

Only one ADU is proposed for the subject lot.

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

The owners of the property, David and Paulette Hoffman, currently live in the primary residence.

- e. *The ADU shall not exceed fifty percent of the square footage of the habitable area of primary residence or 900 square feet, whichever is smaller.*

The primary residence's habitable area is approximately 2,715 square feet, according to the floor plans (Exhibit 9). Fifty percent of its habitable area would be over 900 square feet. The ADU would be limited to 900 square feet as determined by exterior measurements. The ADU is 750 square feet according to the floor plans (Exhibit 9) which complies with this code requirement.

- f. *The ADU shall be located within 150 feet of the primary residence or shall be the conversion of an existing detached structure (i.e., garage).*

The ADU is located above a garage which is attached to the primary residence.

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

The primary residence and ADU are similar in appearance. The buildings both have a roof with asphalt shingles, cement fiber siding, vinyl windows, and are painted same color.

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

Due to the property's size, 0.67 acres, Kitsap County Code 17.382.110 footnote 42b allows to use the zone that most closely corresponds is Urban Restrictive (UR). Setbacks are as follows:

Standard UR Zoning Setbacks	
Front	20 feet
Side	5 feet
Rear	5 feet

The ADU building is existing (Exhibit 20). The setbacks are as follows:

Front	30 feet
East Side	45 feet
West Side	36 feet
Rear	7 feet

All required setbacks for the ADU are in compliance with the KCC.

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

The Health District recommends approval of the project (Exhibit 10).

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

The proposed ADU is be a stick-built structure.

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

Both the primary residence and the ADU would use the same existing driveway leading to Green Mountain Road NW. The driveway is crushed rocked.

Two parking spaces are required for the single-family residence (SFR) and could be accommodated on the existing driveway. One parking space is required for the ADU. At least one parking space is available in front of the ADU building (Exhibit 6).

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

No accessory living quarters are planned for the SFR and none will be allowed.

Agency Recommendation

Kitsap County Health District recommends approval with no conditions (Exhibit 10). Development Engineering recommends approval of this project with 2 conditions. Environmental Review recommends approval with no conditions. Fire Marshal recommends approval with no conditions. Planning recommends approval of this project with 20 conditions.

Staff Evaluation of Decision Criteria:

1. The Hearing Examiner has review authority for this Conditional Use Permit application under KCC, Sections 17.421.020 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.
2. The proposal is consistent with the comprehensive plan.
3. The proposal complies with or will comply with requirements of Title 17 and complies with or will comply with all of the other applicable provisions of the KCC and all other applicable regulations, including all applicable development standards and design guidelines, through the imposed conditions outlined in this report.
4. The proposal will not be materially detrimental to existing or future uses or property in the immediate vicinity.
5. The proposal is compatible with and incorporates specific features, conditions, or revisions that ensure it responds appropriately to the existing character, appearance, quality or development, and physical characteristics of the subject property and the immediate vicinity.

Recommendation:

Based upon the information above, the Department of Community Development recommends that the Conditional Use Permit (CUP) request for Hoffman ADU be **approved**, subject to the following 22 conditions:

Planning

1. Review the linked Hearing Examiner decision for conditions of approval. The Staff Report conditions below are only recommended conditions to the Hearing Examiner and may not be valid.

2. All required permits shall be obtained prior to commencement of land clearing, construction and/or occupancy.
3. The accessory dwelling unit (ADU) is subject to the payment of impact fees. Impact fees must be paid at time of permit issuance, or if deferred, must be paid prior to final inspection. No certificate of occupancy will be granted until all impact fees are paid.
4. Any proposed modification (not including cosmetic work such as painting, papering and similar finish work), remodel or expansion of the accessory dwelling unit (ADU) building, regardless of whether a building permit is required, shall be reviewed by the Department of Community Development and granted approval prior to such modification, expansion, construction and/or issuance of a building permit.
5. Only one accessory dwelling unit (ADU) shall be permitted on the subject property.
6. The owner of the property must reside in either the primary residence or the accessory dwelling unit (ADU) and only one of the structures may be rented at any one time.
7. The accessory dwelling unit's habitable area shall not exceed 50% of the primary residence or 900 square feet, whichever is smaller. The size of the ADU is 750 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.
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 and agreement to abide by the terms and conditions of the conditional use permit and as a notice to prospective purchasers of the existence of the permit. The Binder shall be prepared by the Department and recorded at the applicant's expense. The applicant shall provide recorded copies of the Binder to the Department immediately after recording. The Binder shall be recorded within 30 days of notification from the Department that the Binder is ready to be recorded.
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 (16 01919). 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 three 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.

Traffic

21. 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.
22. Submit plans for construction of the road approach between the edge of existing pavement and the right-of-way line at all intersections with county rights-of-way. Approaches shall be designed in accordance with the Kitsap County Road Standards as established in Chapter 11.22 of the Kitsap County Code. Existing approaches may need to be improved to meet current standards.

c:David and Paulette Hoffman 3640 Green Mountain Rd NW Bremerton WA 98312
Kitsap County Health District, MS-30
Kitsap County Public Works Dept., MS-26
DCD Staff Planner: Katharine Shaffer
DCD Code Compliance
DCD File (16 01919)
DCD Building Permit File
DCD Development Engineering
DCD Fire Marshal
Hearing Examiner
Clerk of Hearing Examiner

