



Hearing Examiner Staff Report and Recommendation

Report Date: December 3, 2020
Hearing Date: December 10, 2020

Application Submittal Date: May 26, 2020
Application Complete Date: June 27, 2020

Project Name: COMBS – Accessory Dwelling Unit (Conversion of Existing Single-Family Residence)

Type of Application: CUP-ADU

Permit Number: 20-02161

Project Location

13500 OLYMPIC DR SE
OLALLA, WA 98359
Commissioner District 2

Assessor's Account

012201-2-012-2000

Applicant/Owner of Record

COMBS CHARLIE R & STEPHANIE
13500 OLYMPIC DR SE
OLALLA, WA 98359-9415

Recommendation Summary

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

VICINITY MAP



1. Background

Charlie Combs (hereafter, “the Applicant”) proposes to construct a detached Accessory Dwelling Unit (ADU). Per KCC 17.410.060.B.3.b, ADUs proposed outside of the urban growth boundary (UGA) shall be subject to a conditional use permit (CUP). The subject site is located outside of the UGA; therefore, CUP approval is required.

The structure that is the subject of this CUP application is an existing single-family residence (SFR) and primary structure on the parcel. The application is to convert this structure to an ADU. A new primary residence is currently under construction (permit 20-02010).

2. Project Request

The Applicant has requested approval for a Conditional Use Permit (CUP) that would allow the conversion of an existing single-family residence into an Accessory Dwelling Unit (ADU). The property will be served by an onsite septic system and private well. An expanded

driveway and parking area are proposed to serve the ADU.

3. SEPA (State Environmental Policy Act)

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 July 8, 2020 (Exhibit 20). A Determination of Nonsignificance (DNS) was issued on November 25, 2020 (Exhibit 22). No SEPA comments were received and no additional mitigation is required through SEPA substantive authority. The SEPA appeal period will expire on December 09, 2020. If no appeals are filed, the SEPA determination is final.

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.

4. Physical Characteristics

According to the Kitsap County Assessor, the subject site is 4.41 acres. The site topography can be divided into two areas: the eastern half is relatively flat, and the western half slopes gradually down toward the west at an approximately 22% grade. An existing SFR was approved and constructed under Kitsap County permit 15-00622 and received an approved final inspection on January 7, 2018 (Exhibit 32). This structure is proposed to be converted to an ADU. A new single-family residence was approved under Kitsap County Permit 20-02010 (Exhibit 21) and is currently under construction. The site is surrounded by rural, residential properties, with Olympic Drive SE directly to the east (Exhibit 25). A driveway off Olympic Drive provides the primary access to the site. A limited geological reconnaissance report was completed by Resolve Environmental and Geotechnical (Exhibit 10). The report noted, "Only a few large and medium diameter conifers, deciduous trees, and common shrubberies occupied the terrain and properties to the south and west of the subject site. Mostly landscaped areas with grasses and planted shrubs covered the adjacent land around the site".

Table 1 - Comprehensive Plan Designation and Zoning

Comprehensive Plan: Rural Protection (RP) Zone: Rural Protection (RP)	Standard	Proposed
Minimum Density	N/A	N/A - ADUs do not count toward density.
Maximum Density	1 dwelling unit/10 acres	
Minimum Lot Size	10 acres	N/A - Subject property is an existing lot.
Maximum Lot Size	NA	
Minimum Lot Width	140 feet	
Minimum Lot Depth	140 feet	
Maximum Height	35 feet	N/A – Structure is existing, under 35 feet
Maximum Impervious Surface Coverage	NA	NA
Maximum Lot Coverage	NA	NA

Table 2 - Setback for Zoning District

	Standard	Proposed
Front (East)	50 feet	>200 feet
Side (North)	5 feet for accessory structures	25 feet
Side (South)	5-feet for accessory structures	>250 feet
Rear (West)	20-feet 5-feet for accessory structures	>250 feet

Table 3 - Surrounding Land Use and Zoning

Surrounding Property	Land Use	Zoning
North	Single-family residences and Undeveloped Land	Rural Protection (RP)
South	Single-family residences	Rural Protection (RP)
East	Public Right-of-Way (ROW) and Single-family residences	Rural Protection (RP)
West	Washington State Route 16 (SR 16)	Rural Protection (RP)

Table 4 - Public Utilities and Services

	Provider
Water	Private Well
Power	Puget Sound Energy
Sewer	Private Septic
Police	Kitsap County Sherriff
Fire	South Kitsap Fire & Rescue
School	South Kitsap School District #402

5. Access

Access to the site is existing off Olympic Drive Southeast, a County maintained local road. No new access is proposed

6. Site Design

The submitted site plan (Exhibit 24) shows the existing and proposed structures are generally located on the eastern, flat portion of the parcel. Two parking areas are provided. The septic system serving both properties is located near the center of the site and the proposed storm water facilities are located south of the new single-family residence. The sloped area in the western portion of the property is proposed to remain undisturbed with existing landscaping and vegetation.

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 Goals and Policies

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 1-33.

Exhibit #	Document	Dated	Date Received
1	Permit Questionnaire		6/19/2020
2	ADU Elevations		6/19/2020
3	ADU Floor Plans		6/19/2020
4	Concurrency Test		6/19/2020
5	Submittal Waiver		6/19/2020
6	Health District Building Clearance Application		6/19/2020
7	Project Narrative		6/19/2020
8	SEPA Checklist		6/19/2020
9	SFR Elevations & Floor Plans		6/19/2020
10	Geologic Assessment		6/19/2020
11	Site Assessment Planning Packet		6/19/2020
12	SWPPP Narrative		6/19/2020
13	SWPPP Drawing		6/19/2020
14	Stormwater worksheet		6/19/2020
15	Post-Construction Soil Quality/Depth Worksheet		6/19/2020
16	Stormwater BMP List		6/19/2020
17	Engineer Waiver		6/19/2020
18	Stormwater Memo	6/19/2020	
19	Notice of Complete	6/29/2020	
20	Notice of Application	7/8/2020	
21	20-02010 Issued Permit	8/8/2020	
22	SEPA Determination of Non-Significance	11/25/2020	
23	Notice of Public Hearing	11/25/2020	
24	Site Plan	12/1/2020	
25	Zoning Map	12/1/2020	
26	Critical Area Map	12/1/2020	
27	Aquifer Recharge Area Map	12/1/2020	
28	Comprehensive Plan Map	12/1/2020	
29	2019 Aerial Map	12/1/2020	
30	Assessor Map	12/1/2020	

31	Staff Report	12/3/2020	
32	Permit 15-00622 Inspection Report	12/3/2020	
33	Staff Presentation	12/9/2020	

9. Public Outreach and Comments

A Notice of Application (Exhibit 20) was distributed pursuant to Title 21 land use and development procedures, which provided recipients with project information and an opportunity for public comment. No comments were received by the department.

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 will reside in the single-family residence, currently under construction (permit 20-02010). Approval of an accessory dwelling unit is dependent upon the existence of a primary use. Applicant shall complete construction of the primary residence and obtain a final inspection prior to final inspection of the ADU (Conditions 1 and 22).

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 new proposed residence includes 2,264 square feet of habitable space (Exhibit 9). 50 percent of 2,264 is 1,132 square feet; therefore, the ADU is limited to 900 square feet (the smaller value). The proposed ADU is 884 square feet, using exterior measurements, satisfying this requirement (Exhibit 3).

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: The submitted site plan (Exhibit 24) shows the proposed single-family residence and the proposed accessory dwelling unit are approximately 70 feet apart, satisfying this requirement.

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

Staff Comment: The single-family residence and the ADU are similar in appearance. The applicant stated in their project narrative (Exhibit 7), "Both [structures] will have Hardi-style siding, contrasting whiteboard trim, composite roofing, and have similar roof slopes integrated into the design. Both [structures] are in a traditional modern style with like materials and will have matching color schemes. Integration of shed style roof dormers on the SFR will match the shed style roof on the ADU". The submitted elevations (Exhibit 2 and 9) confirm these statements.

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

Staff Comment: Per KCC 17.420.052, the Rural Residential zone requires 50-ft front yard and 5-ft side and rear yard setbacks for accessory structures. All setbacks required by the Rural Protection 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 and KPHD approved the application. Additionally, the proposed ADU's septic system was reviewed and approved when the structure was constructed in 2015.

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 24) shows the proposed ADU will use the existing driveway that serves the single-family residence. The driveway will provide an adequate off-street parking for both the ADU and new single-family residence.

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 9).

b. Lighting

Lighting was not analyzed as part of this proposal. All exterior lighting is subject to the standards in KCC 17.420.030.C.

c. Off-Street Parking

Table 5 - Parking Table

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

g. Design Districts/Requirements

The subject site is not within a Kitsap County design district or sub area plan. Single Family development is exempt from the design requirements outlined in KCC 17.420.030.

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. Development Services and Engineering accepts the concepts contained in this preliminary submittal and requires two conditions (Exhibit 18, Conditions 22 and 23).

i. Environmental

The site is within a mapped geologic hazard area (Exhibit 26); however, the structure is existing and environmental compliance was reviewed under the associated building permit. No alterations to the structure are proposed. No further environmental review is needed.

j. Access, Traffic and Roads

The structure is existing and no modifications to access or roads are proposed or required. Development Services and Engineering has reviewed the proposal for compliance with traffic and road standards and has recommended approval.

k. Fire Safety

The structure is existing and no modifications that would affect fire safety are proposed. 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

Potable water is proposed to be provided by a private shared 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. The septic designs and water sources for the ADU and new single-family residence were both reviewed by and approved by KPHD through the associated building permits (15-00622 and 20-02010).

n. Kitsap Public Health District

Kitsap County Health District as 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. 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 Conditional Use Permit request for Combs ADU be **approved**, subject to the following 23 conditions:

a. Planning/Zoning

1. The applicant must obtain an approved final inspection for the associated single-family residence (permit 20-02010) prior to scheduling the final inspection for the ADU.
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 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 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 and only one of the structures may be rented at any one time.
7. The accessory dwelling unit's (ADU) habitable area shall not exceed 50% of the primary residence or 900 square feet, whichever is smaller. The existing size of the ADU is 884 square feet. 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 shall be located within 150 feet of the primary residence.
9. The accessory dwelling unit shall be designed to maintain the appearance of the primary residence.
10. This permit shall comply with all Kitsap Public Health District regulations and conditions of approval.
11. No mobile home or recreational vehicle shall be allowed as an accessory dwelling unit.

12. The accessory dwelling unit shall use the same side street entrance as the primary residence and shall provide one additional off-street parking space.
13. 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.
14. 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.
15. The accessory dwelling unit cannot be sold separately from the primary residence unless it has legally been segregated onto its own lot.
16. 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.
17. 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.
18. 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.
19. The decision set forth herein is based upon representations made and exhibits contained in the project application Permit #20-02161. 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.
20. 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.

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

b. Development Engineering

22. Approval of an accessory dwelling unit is dependent upon the existence of a primary use. Applicant shall complete construction of the primary residence, as permitted under Single Family Residential permit #20-02010 and shall comply with all conditions imposed with that permit.

23. If the project proposal is modified from that shown on the submitted site plan accepted for review June 24, 2020, Development Services and Engineering will require additional review and potentially new conditions.

Report prepared by:



12/2/2020

Tasha Santos, Staff Planner / Project Lead

Date

Report approved by:



12/2/2020

Shawn Alire, Department Supervisor

Date

CC: Charlie Combs wogboyrift@hotmail.com
Interested Parties: None
Kitsap County Health District, MS-30
Kitsap County Public Works Dept., MS-26
DCD Staff Planner: Tasha Santos lsantos@co.kitsap.wa.us

Site Plan

Charlie Combs
13500 Olympic Drive SE
Olalla, WA
Parcel# 012201-2-012-2000

Site plan
in Addition
to ORIGINAL
Site Plan

