



KITSAP COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

614 DIVISION STREET MS-36, PORT ORCHARD WASHINGTON 98366-4682 Louisa Garbo, Director
(360) 337-7181 FAX (360) 337-4925 HOME PAGE - www.kitsapgov.com/dcd/

STAFF REPORT And INFORMATION FOR THE HEARING EXAMINER

Report Date: August 17, 2016

Application Submittal Date: June 27, 2016

Hearing Date: August 25, 2016

Application Complete Date: June 27, 2016

Project: Johanson Accessory Dwelling Unit

This staff report was prepared by Jeff Smith, Senior Planner, Holly Roberts, Planner, Candice Mursell, Engineer 1, and Steve Heacock, Environmental Planner, 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. DSE Staff may change their analysis based upon that new information, and reserves the right to do so.

Project Description:

The request is to receive Conditional Use Permit approval to construct a 900-square foot Accessory Dwelling Unit (ADU). The ADU will be attached to a 972-square foot garage. The ADU will be accessory to an owner occupied 1,809 square foot manufactured-home as the primary dwelling on the subject property.

The applicant is required to demonstrate that the accessory use (dwelling) will be consistent with Kitsap County Code (KCC) Section 17.410.060, Provisions applying to special uses. The applicant is required to demonstrate that the ADU and primary dwelling unit is compatible with the existing the rural character for existing and future permitted land uses in the area, per KCC 17.550. Hearing Examiner Conditional Use Permit. The Review Authority will be the Kitsap County Hearing Examiner consistent with Title 21 of the KCC.

Application Number: 16 02846

Type of Application: Conditional Use Permit

Project Request: Kathleen Johanson, is requesting Conditional Use Permit approval for an Accessory Dwelling Unit on property located in rural North Kitsap County.

Assessor's Account #: 282802-4-009-2003

Applicant:

Kathleen A. Johanson
 7953 NE Pegasus LN
 Kingston, WA 98346

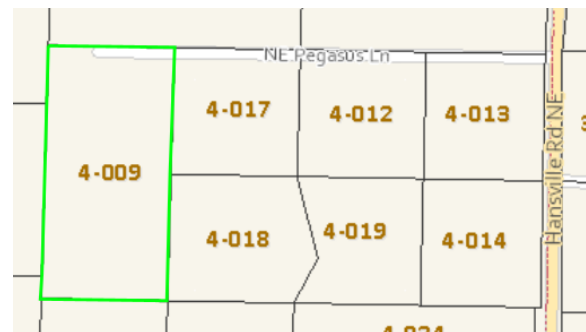
Applicant’s Representative:

Aaron Johanson
 7953 NE Pegasus LN
 Kingston, WA 98346

Owner of Record:

Kathleen Johanson
 7953 NE Pegasus LN
 Kingston, WA 98346

Project Location: The project site is located south of Hansville, on NE Pegasus Ln, within North Kitsap County.



State Environmental Policy Act (SEPA) Status:

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-4), 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 be a determination of Non Significance, Mitigated Impacts, or Significant for an EIS is called a threshold determination. The County gives a separate notice of the threshold determination. 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 Responsible Official signed a Determination of Non-significance on August 5, 2016 and the appeal period ending on August 19, 2016 with the following information (Exhibit 14).

Comments: *The SEPA comment period previously occurred concurrent with the Notice of Application dated July 15, 2016.*

Physical Characteristics:

The subject property is a rectangle shaped, 5.08-acre parcel, situated in North Kitsap County. The project site is located off a private road called NE Pegasus Lane. The private road connects to Hansville Road NE, a County right-of-way. The parcel is 330 feet wide and 660 feet long.

The property is free of mapped critical areas with the exception of the north east corner where there is an Area of Moderate Geologic Hazard (15% to 30% slopes) (Kitsap County Critical Areas Map). The Soil Survey of Kitsap County indicates that soils on site are Poulsbo gravelly sandy loam 0%-6% slopes and Ragnar-Poulsbo complex, 15%-30% slopes. The Poulsbo soil is characterized as being moderately deep, moderately well drained soil located on broad uplands while the Ragnar soils are characterized as glacial till and glacial outwash, also located on broad uplands. The property is largely cleared with well established pastures and lawn. The site has an existing manufactured home, garage, numerous agriculture outbuildings, and associated utilities.

Existing Zoning and Comprehensive Plan Designation:

The subject property has rural residential comprehensive designation and zoned Rural Residential (1 dwelling unit per 5 acres). The intent of the zone is to promote low-density rural development and agricultural activities that are consistent with rural character. It is applied to areas that are relatively unconstrained by environmentally sensitive areas or other significant landscape features. These areas are provided with limited public services.

The following are requirements for the Rural Residential (RR) zone per KCC 17.420.050(A) Rural, Resource, and Urban Residential Zones Density and Dimensions Table:

Minimum Lot Area = 5 acres
Minimum Lot Width = 140 feet
Minimum Lot Depth = 140 feet

Minimum Setbacks = 50 feet front yard
= 20 feet side yard
= 20 feet rear yard

ADU Setbacks

Front 50 feet
Side 5 feet
Rear 5 feet

Shoreline Environment Designation:

Not Applicable

Surrounding Land Use and Zoning:

The parcels in the vicinity of the proposed project are similar size, zoned Rural Wooded and Rural Residential with single-family homes.

Public Utilities and Services:

Water: Private 2-Party Well
Power: Puget Sound Energy
Sewer: Onsite Sewage Disposal System
Police: Kitsap County Sheriff
Fire: North Kitsap Fire & Rescue District
Schools: North Kitsap School District No. 400

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.

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

Kitsap County Code (KCC)

Title 11 Road Standards,

Title 12 Stormwater Drainage

Title 14 Buildings and Construction

Title 17 Zoning, (February 15, 1999/ as amended through November 24, 2014)

- *Chapter 110 Definitions*
- *Chapter 305 Rural Residential Zone*
- *Chapter 381 Allowed Uses*
- *Chapter 382 Density, Dimensions and Design*
- *Chapter 385 Landscaping*
- *Chapter 400 Land Use Review*
- *Chapter 421 Conditional Use Permit*
- *Chapter 435 Off-Street Parking and Loading*
- *Chapter 520 Appeals*
- *Chapter 525 Revocations of Permits or Variances*

Chapter 18.04 State Environmental Policy Act (SEPA)

Title 19 Critical Areas Ordinance,

Title 21 Kitsap County Land Use and Development Procedures

Kitsap County Comprehensive Plan

Adopted December 11, 2006 (Amended December 2012)

The following Kitsap County 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-3 *Permit residential uses in rural areas consistent with the existing and planned rural character of the surrounding area.*

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-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.*

Hearing Examiner Review

The Kitsap County Board of Commissioners has determined that this application requires review and approval of the Kitsap County Hearing Examiner. The Hearing Examiner may approve, deny, or approve the application with conditions. 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 enumerated in KCC Chapter 2.10 Hearing Examiner.

Staff Communication:

<u>Document</u>	<u>Exhibit #</u>	<u>Dated or date stamped</u>
Development Services and Engineering	#11	July 14, 2016
Determination of Non-significance	#14	August 5, 2016
Fire Marshal's Conditions		No Comments
Health District Comments	#5	June 7, 2016

(For all other documents and reports, see the project index to be included into the public record for the Conditional Use Permit.)

Public Comment:

Pursuant to KCC Title 21, Land Use, and Development Procedures, the Department gave proper public notice for the Conditional Use Permit. To date, the Department has not received comments by the public.

Project Analysis and Recommendation:

The following staff comments are based on project review of the site plan and floorplan received in the office on June 27, 2016 (Exhibit 5, 6 and 13).

Transportation Review:

Access to the site is from a proposed driveway on NE Pegasus Lane, a non-County maintained road. Development Services and Engineering has issued preliminary approval dated July 14, 2016 subject to an application for concurrency being submitted at the time of building permit application. (Exhibit 11).

Stormwater Facilities:

The Department has determined the project falls below the threshold for a major new development, pursuant to KCC Title 12.Storm Drainage. The County will review all applicable stormwater information with the Building Permit for the ADU. Development Service and Engineering has reviewed the stormwater proposal for the project and has issued a preliminary approval dated July 14, 2016 (Exhibit 11).

Project Analysis and Recommendation:

The proposed Accessory Dwelling Unit must be reviewed through the following requirements, pursuant to KCC Sections 17.381.040(E) - Zoning Table, and 17.382.060 Provisions for Special Uses. Staff comments are in italics.

KCC Section 17.381.060 Provisions for Special Uses:

The approval of the ADU is regulated pursuant to KCC Section 17.381.060 Provisions for Special Use. This section allows for an additional dwelling unit for providing affordable housing, providing relief with density requirements in the rural zones, and promoting compatibility.

The applicant is requesting Conditional Use Permit approval to construct a 900 square foot 1-bedroom structure with attached 972 square foot attached garage. The ADU will be accessory to the existing 1,809 square foot primary 4-bedroom single-family manufactured home, constructed in 1987. The ADU is subject to the following requirements outlined in 17.381.060(3) to encourage affordable and independent housing for a variety of households. The following standards must be met:

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

Staff Response: *The proposed ADU is not within an Urban Growth Area. ADUs are not permitted outright in the rural zones and, therefore, require approval with a Conditional Use Permit.*

- b. An ADU shall be subject to a Conditional Use Permit in those areas outside an urban growth boundary;

Staff Response: *See above*

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

Staff Comments: *The applicant is seeking an approval for only the ADU. The property is developed with an existing dwelling on the subject property.*

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

Staff Response: *The proposal is consistent with this requirement with the owner residing in the primary unit. To meet the criteria as part of preliminary approval, the applicant will be required to record a Land Use Binder to the title of the property to ensure that the owner will reside in the primary residence or the ADU.*

- 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 Response: *The primary residence's habitable area is approximately 1,809 square feet (according to the floor plans (Exhibit 6)). Fifty percent of its habitable area would be over 900 square feet (1,809 square feet X 50% = 904.5 square feet). The ADU will be limited to 900 square feet of habitable area as determined by exterior measurements defined by KCC17.110.319. The entire ADU will be approximately 900 square feet, according to the floor plans (Exhibit 6).*

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

Staff Response: *The applicant is showing on the site plan that the primary residence and the ADU are 134 feet apart, consistent with the above 150-foot standard.*

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

Staff Response: *The ADU will be conditioned to have a similar architectural design to the primary residence. The applicant is proposing that the primary residence and ADU will have a similar appearance with the same siding, trim and paint color (Exhibit 2). The proposed design for both units incorporates design elements that are consistent with rural character.*

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

Staff Response: *The proposed location of the ADU exceeds the minimum yard setbacks for the Rural Residential zone (front yard setback 180', 126' north side yard, 90' west side yard and 496' south side yard).*

- i. The ADU shall meet the applicable Health District standards for water and sewage disposal;

Staff Response: *The Kitsap Public Health District has approved the Building Site Application confirming the project site has acceptable soils for an on-site sewage disposal system and water supply, dated June 8, 2016 (Exhibit 5).*

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

Staff Comments: *The proposed ADU is proposed as stick-built construction and not a mobile home (Exhibit 2).*

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

Staff Response: *The applicant will use the same driveway access on NE Pegasus Lane for the proposed ADU and the single-family residence.*

Two parking spaces are required for the single-family residence (SFR) and one parking space for the ADU. The SFR and ADU will be consistent with off-street parking requirements (Exhibit 5 & 13).

- l. An ADU is not permitted on the same lot where accessory living quarters (ALQ) exist;

Staff Response: *The applicant is not proposing an ADU on a lot where an ALQ was previously approved.*

Hearing Evaluation of Decision Criteria:

The Hearing Examiner has review authority for this Conditional Use Permit application under KCC, Sections 17.421.020 and 21.04.030. 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.

- 1. The proposal is consistent with the comprehensive plan.
- 2. 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.
- 3. The proposal will not be materially detrimental to 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.

Recommendation:

Based upon the information above, the Department of Community Development recommends that the Hearing Examiner grant approval of the Conditional Use Permit (CUP) request for the Johanson Accessory Dwelling Unit (ADU), subject to the following conditions:

- 1. All required development permits shall be obtained prior to construction and/or occupancy.
- 2. All building permits shall be subject to impact fees pursuant to the Kitsap County Code in effect on the date of a complete building permit application.

3. Any proposed modification (not including cosmetic work such as painting, papering and similar finish work) remodel or expansion of the ADUs building, regardless of whether a building permit is required, shall be reviewed by the Department of Community of 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 size of the ADU must not exceed 50% of the square footage of the habitable area of the primary residence or 900 square feet, whichever is smaller. The building permit construction plans must be consistent with above standard prior to issuance of the Building Permit.
6. 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.
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. The ADU shall use the same side street entrance as the primary residence and shall provide additional off-street parking.
10. 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).
11. 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.
12. The accessory dwelling unit (ADU) cannot be sold separately from the primary residence unless it has legally been segregated onto its own lot.
13. Prior to issuance of a Building Permit, the applicant shall record a Land Use Binder with the Kitsap County Auditor's Office pursuant to KCC Section 17.421.080 Land Use Binder. The Notice of Land Use Binder shall serve both as an acknowledgment of and as 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. The Binder shall be recorded within 30 days of the final land use decision and notification by the Department.
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 KCC. Unless in conflict with the conditions stated above 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 16 02846. 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 become void if no building permit application to build the ADU is accepted as complete, by the Department of Community Development, within three years of the date of the Hearing Examiner's decisions and resolution of any appeals.
18. Any violation of the conditions of approval shall be grounds to initiate revocation of this Conditional Use Permit.
19. The applicant shall adhere to all applicable requirements of the Kitsap Public Health District, including as approved and conditioned by the Building Site Application for the on-site sewage disposal system and providing potable water, dated July 5, 2016.
20. The applicant shall adhere to all applicable requirements of the Kitsap County Fire Marshal's Office.

Development Service and Engineering accepts the concepts contained in this preliminary submittal and requires the following conditions as an element of approval:

TRAFFIC AND ROADS

21. At time of building permit submit an Application for Concurrency Test (KCPW Form 1601) as required by Chapter 20.04, Transportation Concurrency, Kitsap County Code. The KCPW1601 form is how you reserve road capacity for your project.
22. This project creates greater than 2,000 square feet of new or replaced impervious surface area. Therefore at time of building permit submittal Minimum Site Development Requirements 1-5 of KCC 12.18 will need to be addressed.

cc: Kathleen Johanson
Aaron Johanson
Interested Parties: None
Kitsap County Health District, MS-30
Kitsap County Parks & Recreation Dept., MS-6
Kitsap County Development Engineering / Public Works
DCD Staff Planner Jeff Smith
DCD Code Enforcement
Hearing Examiner
Clerk of Hearing Examiner
DCD File
DCD Building Permit File

