



Staff Report for the Hearing Examiner

Report Date: May 25, 2017

Application Submittal Date: April 19, 2017

Hearing Date: June 8, 2017

Application Complete Date: April 19, 2017

Permit Number: 17 01522

Project Name: Chaffee Accessory Dwelling Unit (ADU)

Type of Application: Conditional Use Permit (CUP)

This staff report was prepared by Holly Roberts, Planner, Candice Vickery, Engineer 1, and Katharine Shaffer, 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. 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 (DCD) is recommending approval of the applicant's request for a Conditional Use Permit (CUP) to convert an existing 881 square foot single family residence and attached garage into an ADU to allow the construction of a new 3,682 square foot single family residence. The recommendation is subject to 32 conditions outlined at the end of this report. The 3.07-acre parcel is zoned Rural Residential and is located at 24399 Rhododendron LN NW in Poulsbo. The property will be served by an on-site septic system and a private two-party well.

Project Request:

The applicant requests conditional use permit approval to convert an existing single family residence with attached garage into an accessory dwelling unit to allow for the construction of a new single family residence.

Project Location:

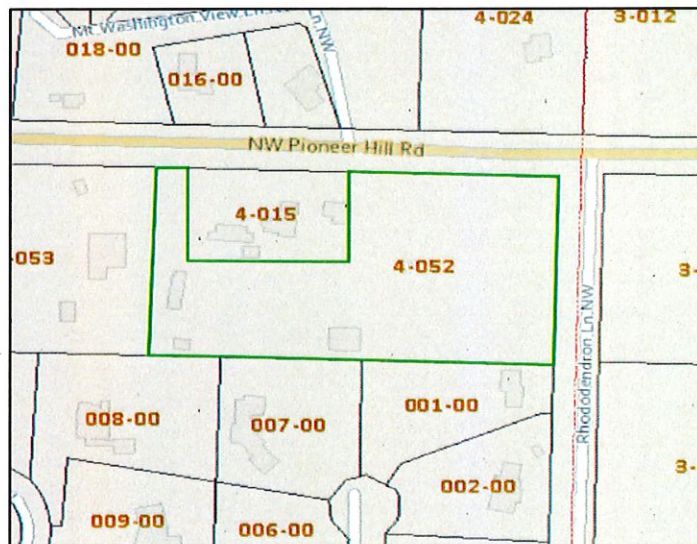
24399 Rhododendron LN NW
Poulsbo, WA 98370

Assessor's Account #:

332701-4-052-2004

Applicant/Owner of Record:

Richard & Cherie Chaffee
24399 Rhododendron LN NW
Poulsbo, WA 98370



SEPA (State Environmental Policy Act):

The State Environmental Policy Act (SEPA), found in Chapter 43.21C RCW (Revised Code of Washington), is a state law that requires the County to conduct an environmental impact review of any action that might have a significant, adverse impact on the environment. The review includes the completion of an Environmental Checklist by the applicant and a review of that checklist by the County. If it is determined that there will be environmental impacts, conditions are imposed upon the applicant to mitigate those impacts below the threshold of "major" environmental impacts. If the impacts cannot be mitigated, an environmental impact statement (EIS) must be prepared. The decision following environmental review, which may result in a Determination of Nonsignificance (DNS), Mitigated DNS, or the necessity for an EIS is called a threshold determination. A separate notice of the threshold determination is given by the County. If it is not appealed, it becomes part of the hearing record as it was issued, since it cannot be changed by the Hearing Examiner.

Pursuant to WAC 197-11-355, the optional DNS process was utilized for this project. The SEPA Comment period previously occurred concurrent with the Notice of Application dated April 26, 2017 (Exhibit 13). A Determination of Nonsignificance (DNS) was issued on May 10, 2017 (Exhibit 14).

The SEPA appeal period expired May 24, 2017. No appeals were filed; therefore, the SEPA determination is final.

Physical Characteristics:

The 3.07-acre property is rectangular shaped except for an area along the north side which was removed during a short plat amendment to create another lot. The property is currently developed with a 2-car garage with a single family residence above, a separate detached garage and a barn. The property slopes gently from the southeast corner to the northwest corner. The majority of the parcel is cleared of trees and is existing historical pasture area. The entire property lies within a Category I Critical Aquifer Recharge Area. Single-family development is not a threat to the aquifer recharge area and doesn't require any further analysis or reports. No other critical areas exist on-site.

Comprehensive Plan Designation and Zoning:

The Comprehensive Plan designation is Rural Residential (Exhibit 20) and the Zoning is Rural Residential (Exhibit 17).

Base/Maximum Density	Not Applicable
Minimum Lot Area -	5 acres (for newly created lots, this is an existing legal lot)
Minimum Lot Width -	140 feet
Minimum Lot Depth -	140 feet
Maximum Height -	35 feet

Standard Title 17 Zoning Setbacks

Front	- 50 feet
Side	- 20 feet, 5 feet for accessory structures
Rear	- 20 feet, 5 feet for accessory structures

Surrounding Land Use and Zoning:

The surrounding area is also zoned Rural Residential (RR). Parcels in the area are predominately developed with a single-family residence (SFR) on acreage lots or are undeveloped.



Public Utilities and Services:

- Water: Private 2-party well
- Power: Puget Sound Energy
- Sewer: On-site septic
- Police: Kitsap County Sherriff
- Fire: Kitsap County Fire District #18
- Schools: North Kitsap School District #400

Access:

Access to the site is off of Rhododendron LN NW a paved, county maintained 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 June 30, 2016

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

Land Use Goals and Policies:

Land Use Goal 13 – Protect Kitsap County’s unique rural character

Land Use Policy 50

Limit the designed rural area to low residential densities that can be sustained by minimal infrastructure improvements, cause minimal environmental degradation, and that will not cumulatively create the future necessity or expectation of urban levels of service.

Land Use Policy 51

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

Land Use Policy 53

Outside of the Type III Limited Area of More Intensive Rural Development (LAMIRD), limit development only to that which serves rural residential or resource needs and does not draw population from Urban Growth Areas. This policy is implemented through Comprehensive Plan Land Use designation, zoning designation, and zoning code provisions.

Housing, Human Services Goals and Policies:

Housing and Human Services Goal 2 – Increase affordable housing units and ensure that a broad range of housing types are available.

Housing, Human Services Policy 5

Use regulatory strategies to incentivize and provide flexibility for development of affordable and special needs housing.

Housing, Human Services Policy 7

Adopt regulatory changes to allow non-traditional housing types.

Housing and Human Services Goal 4 – Ensure that all people have fair and equal access to housing and services.

Housing, Human Services Policy 11

Promote fair housing to ensure that all residents of Kitsap County have an equal and fair opportunity to obtain safe and sanitary housing suitable to their needs and financial resources, regardless of race, religion, gender, sexual orientation, age, national origin, family status, income, disability, or other protected class.

Housing, Human Services Policy 12

Identify and remove regulatory barriers and limits access to or the provision of a diverse affordable housing supply.

Housing, Human Services Policy 13

Identify and remove impediments to creating housing for harder to house populations.

Housing, Human Services Policy 14
Disperse affordable housing opportunities throughout the County.

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)
- Title 19 Critical Areas Ordinance
- 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 24 Exhibits.

Exhibit #	Document	Date or date stamped
1	Project Application	04/19/17
2	Supplemental Application – Land Use (ADU)	04/19/17
4	State Environmental Policy Act (SEPA) Checklist	04/19/17
5	Site Plan	04/19/17
6	Drainage Plan	04/19/17
7	Floor Plan – SFR	04/19/17
8	Elevations – SFR	04/19/17
9	Floor Plan – ADU	04/19/17
10	Elevations – ADU	04/19/17
11	Elevations – SFR & ADU	04/19/17
12	Health Officer Decision – Building Clearance	04/19/17
14	SEPA Decision – Determination of Non-Significance	05/10/17
16	Photos: ADU	05/23/17

Public Comments:

Staff received general inquiries after the Notice of Application mailing, however there were no comments received.

Analysis:

Land Use and Zoning

An accessory dwelling unit within the rural residential zone requires a conditional use permit as specified in KCC Table 17.410.040 (A) Rural, Resource and Urban Residential Zones, subject to footnote 1. Footnote 1 indicates an ADU is subject to compliance with Section 17.410.060 Provisions applying to special uses.

Accessory Dwelling Unit (ADU) Standards

An ADU is required to meet the provisions and requirements outlined in KCC 17.410.060(B)(3) – Provisions applying to special uses; Accessory Dwelling Unit (ADU). In order to encourage the provision of affordable and independent housing for a variety of households, an accessory dwelling unit may be located in residential zones. Criteria from KCC 17.410.060(B)(3) are listed below (*italics*), with a discussion of the individual standard immediately following:

- 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 Kitsap County Code (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, Richard and Cherie Chaffee, currently live in what will become the ADU. They will live in the single family residence, which is currently under construction (permit 16 04532), when it is complete (Exhibit 2).

- 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 3,682 square feet according to the floor plan (Exhibit 7). Fifty percent of its habitable area is over 900 square feet (3,682 square feet X 50% = 1,841 square feet). The ADU will be limited to 900 square feet. The entire ADU building is 1,889 square feet according to the floor plans; habitable area is 881 square feet and the garage is 1,008 square feet (Exhibit 9). The garage shall be used as garage space only and not converted to habitable area unless this CUP is revised through the proper permitting process. In no case shall the habitable area of the ADU be greater than 900 square feet.

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

The ADU building will be located approximately 10 feet from the primary residence (Exhibit 5).

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

The primary residence and ADU were designed together by the same designer. They will have similar roof types and materials and similar siding and windows. The same color scheme will be used on both buildings (Exhibit 2).

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

The existing ADU building was required to comply with the standard rural residential setbacks at the time of building permit. The subject property has 2 front yards – NW Pioneer Hill Road along the north property line, and Rhododendron Lane NW along the east property line, and 2 side yards, the south property line and west property line. The ADU shall be a minimum of 50 feet at the closest point to the north and east property lines. The front yard setback, along the north property line and NW Pioneer Hill Road, scales out at 115 feet +/-; the front yard setback along the east property line and Rhododendron Lane NW scales out at 55 feet +/- . The ADU shall be a minimum of 5 feet at the closest point to the west and south property lines. The side yard setback, along the south property line, scales out at 130 feet +/- and the other side yard, along the east property line, scales out at 455 feet +/- (Exhibit 5). All required zoning setbacks as delineated for the ADU are in compliance with Kitsap County Code (KCC).

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

The Health District has approved the CUP application with no conditions (Exhibit 12).

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

The proposed ADU is 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 will use the same proposed driveway.

Two parking spaces are required for the single family residence (SFR) and one additional parking space is required for the ADU. There is adequate parking in front of the existing garage to accommodate both units (Exhibit 5).

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

Based on the SFR floor plan the structure does not have accessory living quarters (Exhibit 7). The basement of the new SFR was labeled "Fun Room" and includes a sink, bathroom and refrigerator. To ensure compliance with code requirements for ADU's, the building permit for the new SFR (16 04532) was conditioned as follows:

- "... no 220v electrical outlets or provisions for cooking shall be allowed in the "lower floor" (walk-out basement) of this structure."
- "No Accessory Living Quarters are proposed or authorized."

Critical Areas

According to Kitsap County geographic information system (GIS) data, there are no critical areas on-site.

The GIS data does indicate that the entire property lies within a Category I Critical Aquifer Recharge Area (Exhibit 19). Single-family development is not a listed as an activity with a potential threat to groundwater and therefore doesn't require any further analysis or reports.

Stormwater

Development Services and Engineering has reviewed the request for CUP approval and accepts the concepts contained in the preliminary submittal. Recommended conditions of approval are included at the end of this report.

Agency Recommendation

All reviewing entities recommend approval of the proposed project and any required conditions are stipulated at the end of this report.

Staff Evaluation of Decision Criteria

1. 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 located in 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 request for the Chaffee Accessory Dwelling Unit be **approved**, subject to the following 32 conditions:

Planning/Zoning

1. All required permits shall be obtained prior to commencement of land clearing, construction and/or occupancy.
2. An approved and issued building permit is required to convert the existing single family residence into an accessory dwelling unit (ADU).
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 (ADU) habitable area shall not exceed 50% of the primary residence or 900 square feet, whichever is smaller. The proposed size of the ADU is 881 square feet as indicated in Exhibit 9. Any future expansion of the ADU shall require a minor revision to this conditional use permit and a new building permit.
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. Upon approval of this application a Land Use Binder will be recorded by The Department of Community Development. Recording fees are at the applicant's expense. This Binder will include information directing the Public to the land use decision and conditions contained therein. The Binder shall not be removed or extinguished without the approval of the Kitsap county Department of Community Development.
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 17 01522. 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 (CUP) 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.

20. Any violation of the conditions of approval shall be grounds to initiate revocation of this conditional use permit.

Development Engineering

21. Construction plans and profiles for all roads, storm drainage facilities and appurtenances prepared by the developer's engineer shall be submitted to Kitsap County for review and acceptance. No construction shall be started prior to said plan acceptance.

Stormwater

22. The information provided demonstrates this proposal is a Large Project as defined in Kitsap County Code Title 12 and will require a Full Drainage Review Site Development Activity Permit (SDAP) from Development Services and Engineering.
23. Stormwater quantity control, quality treatment, and erosion and sedimentation control shall be designed in accordance with Kitsap County Code Title 12 effective at the time the Conditional Use Permit application was deemed complete, April 19, 2017. The submittal documents shall be prepared by a civil engineer licensed in the State of Washington. The fees and submittal requirements shall be in accordance with Kitsap County Code in effect at the time of SDAP application.
24. The Washington State Department of Ecology (Ecology) may require registration of the infiltration trench as a Underground Injection Control (UIC) well in accordance with the Underground Injection Control Program (Chapter 173-218 WAC). The applicant shall contact Ecology to determine if the facility is regulated under the UIC program.
25. The design of the infiltration facilities shall be in accordance with Vol. II, Ch. 5.4 of the Kitsap County Stormwater Design Manual.
26. The infiltration facilities shall remain off line until the drainage areas are stabilized and the water quality treatment facility is adequately established. In addition, retention ponds shall not be utilized as temporary erosion and sedimentation control ponds.
27. During the construction of the proposed infiltration facilities, the Project Engineer shall provide an inspection to verify that the facilities are installed in accordance with the design documents and that actual soil conditions encountered meet the design assumptions. The Project Engineer shall submit the inspection report properly stamped and sealed with a professional engineer's stamp to Development Services and Engineering.
28. The owner shall be responsible for maintenance of the storm drainage facilities for this development following construction. Before issuance of Occupancy Permits for this project, the property owner shall submit a Maintenance Covenant, recorded with the Kitsap County Auditor, for maintenance of private storm drainage facilities located on the project site, which gives Kitsap County the right to inspect the facilities and guarantees the County that the facilities will

be properly maintained.

29. If the project proposal is modified from that shown on the submitted site plan dated April 19, 2017, Development Services and Engineering will require additional review and potentially new conditions.

Traffic and Roads

30. At building permit application, submit KCPW Form 1601 for issuance of a concurrency certificate, as required by KCC Section 20.04.030, Transportation Concurrency.
31. 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.
32. Any work within the County right-of-way shall require a Public Works permit and possibly a maintenance or performance bond. This application to perform work in the right-of-way shall be submitted as part of the SDAP process. The need for and scope of bonding will be determined at that time.

Attachments:

Appendix A – Site Plan (Exhibit 5)



Holly Roberts, Staff Planner

5/25/17
Date



Scott Diener, Development Services and Engineering Manager

5/25/17
Date

CC: Applicant/Owner, Richard & Cherie Chaffee cherief@johnlscott.com
Interested Parties: Charles & Marcia Baltzell sumnerb@hotmail.com
Ward Carol Larada Trustee lariward@earthlink.net
Kitsap County Health District, MS-30
Kitsap County Public Works Dept., MS-26
DCD Staff Planner: Holly Roberts
DCD File 17 01522

