



## Hearing Examiner Staff Report and Recommendation

**Report Date:** February 17, 2021  
**Hearing Date:** February 25, 2021

**Application Submittal Date:** 09/11/2020  
**Application Complete Date:** 10/02/2020

**Project Name:** Parker ADU  
**Type of Application:** Conditional Use Permit – Accessory Dwelling Unit  
**Permit Number:** 20-02613

**Project Location**  
14688 Crescent Valley Rd SE  
Olalla, WA 98359  
Commissioner District 2 (South)

**Assessor's Account #**  
092202-1-019-2006

**Applicant/Owner of Record**  
Ken Parker  
14798 Crescent Valley Rd SE  
Olalla WA, 98358

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

### VICINITY MAP



### 1. Background

Ken Parker (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, zoned Rural Residential and therefore, CUP approval is required.

Permits associated with this permit include a Building Permit for the ADU (20-02612), a Site Development Activity Permit (20-03495), and a Building Permit for a Single-Family Home (20-02520). These permits are pending review and approval of this CUP.

The property is 1.88-acres in size and is currently undeveloped.

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**2. Project Request**

The proposal is for a Conditional Use Permit (CUP) to allow the new construction of an 831 square-foot detached Accessory Dwelling Unit (ADU). The ADU will be located on a 1.88-acre undeveloped lot. The applicant is also proposing to build a new single-family home under a separate permit (permit # 20-02520).

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

**3. SEPA (State Environmental Policy Act)**

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

**4. Physical Characteristics**

According to the Kitsap County Assessor, the subject site is 1.88 acres. The site is currently undeveloped, heavily wooded and relatively flat. According to the Kitsap County maps, the property is within a Category II Critical Aquifer Recharge Area). No other critical areas are present on the site.

**Table 1 - Comprehensive Plan Designation and Zoning**

Comprehensive Plan: Rural Residential Zone: Rural Residential (RR)	Standard	Proposed
Minimum Density	N/A	N/A - Subject property is an existing lot.
Maximum Density	1 dwelling unit/5 acres	
Minimum Lot Size	5 acres	N/A
Maximum Lot Size	NA	N/A
Minimum Lot Width	140 feet	N/A
Minimum Lot Depth	140 feet	N/A
Maximum Height	35 feet	18.5' (one-story)
Maximum Impervious Surface Coverage	N/A	N/A
Maximum Lot Coverage	N/A	N/A

Applicable footnotes: None

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

**Table 2 - Setback for Zoning District**

	Standard	Proposed
Front (South)	50-feet	181-feet
Side (West)	20-feet 5-feet for accessory structures	98-feet
Side (East)	20-feet 5-feet for accessory structures	30-feet
Rear (North)	20-feet 5-feet for accessory structures	128-feet

Applicable footnotes: None

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

**Table 3 - Surrounding Land Use and Zoning**

Surrounding Property	Land Use	Zoning
North	Single-family residences	Rural Residential (RR)
South	Single-family residences/ Undeveloped land	Rural Residential (RR)
East	Single-family residences	Rural Residential (RR)
West	Single-family residences	Rural Residential (RR)

\*See Attachment A – Zoning Map

**Table 4 - Public Utilities and Services**

	Provider
Water	Onsite system
Power	Puget Sound Energy
Sewer	Onsite septic system
Police	Kitsap County Sherriff
Fire	South Kitsap Fire & Rescue
School	South Kitsap School District

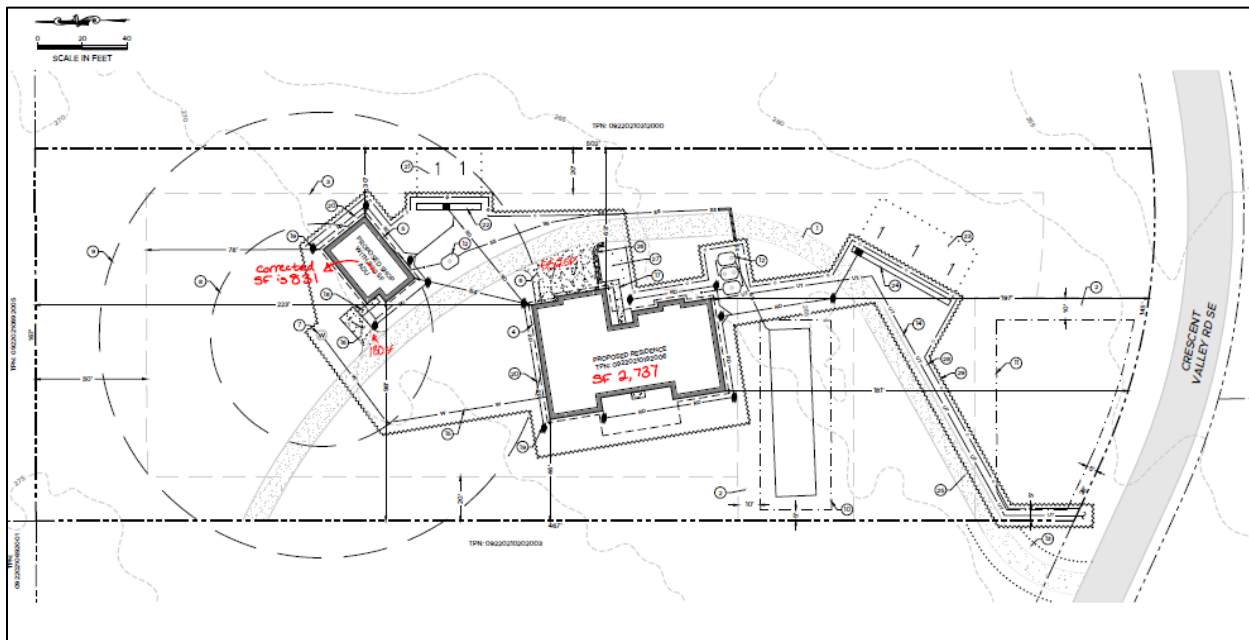
## 5. Access

The site will be accessed via a private driveway from Crescent Valley Rd SE, which enters through the neighboring property to the west with a 20-foot access easement. The proposed ADU and Single-Family home will use the same access.

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### 6. Site Design

The submitted site plan shows a proposed 2,737 square-foot home and the proposed 831 square-foot detached Accessory Dwelling Unit, as well as proposed associated septic system, well, driveway, and stormwater facilities. The image below shows the proposed site plan.



### 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 and amended April 27, 2020

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

#### *Land Use Policy 50*

*Limit the designed rural area to low residential densities that can be sustained by minimal infrastructure improvements, cause minimal environmental degradation, and*

*that will not cumulatively create the future necessity or expectation of urban levels of service.*

*Land Use Policy 51*

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

*Land Use Policy 53*

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

*Housing, Human Services Policy 5*

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

*Housing, Human Services Policy 7*

*Adopt regulatory changes to allow non-traditional housing types.*

*Housing, Human Services Policy 11*

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

*Housing, Human Services Policy 12*

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

*Housing, Human Services Policy 13*

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

*Housing, Human Services Policy 14*

*Disperse affordable housing opportunities throughout the County.*

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

Code Reference	Subject
Title 12	Storm Water Drainage

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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 1-26.

Exhibit #	Document	Dated	Date Accepted
1	Permit Questionnaire		10/2/2020
2	Project Narrative		10/2/2020
3	ADU Plans Revised		10/2/2020
4	Authorization Form		10/2/2020
5	Concurrency Test		10/2/2020
6	Drainage Report		10/2/2020
7	Engineered Drainage Plans		10/2/2020
8	Geologic Assessment (Geo Letter)		10/2/2020
9	Health District Approved BSA		10/2/2020
10	Parker Easement		10/2/2020
11	Post-Construction Soil Quality/Depth Worksheet		10/2/2020
12	Residential Stormwater Worksheet		10/2/2020
13	SEPA Checklist		10/2/2020
14	SFR Construction Plans		10/2/2020
15	Site Plan		10/2/2020
16	Title 21 Submittal Waiver		10/2/2020
17	Notice of Complete	10/5/2020	
18	Notice of Application	12/22/2020	
19	SEPA Determination of Non-Significance	1/6/2021	
20	Notice of Public Hearing	2/10/2021	
21	Stormwater Memo	2/10/2021	
22	2019 Aerial Map	2/18/2021	
23	Zoning Map	2/18/2021	
24	Staff Report	2/18/2021	
25	Certification of Public Notice	2/18/2021	
26	Staff Presentation	2/25/2021	

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**9. Public Outreach and Comments**

A Notice of Application (Exhibit 18) 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.

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

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

**10. Analysis**

**a. Planning/Zoning**

Per KCC 17. 410.060.B.3, in order to encourage the provision of affordable and independent housing for a variety of households, an accessory dwelling unit may be located in residential zones, subject to the following criteria (*italicized*). Staff comments are provided below:

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

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

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

Staff Comment: The subject property is located outside of the urban growth boundary. This application is a Conditional Use Permit for an Accessory Dwelling Unit.

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

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

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

Staff Comment: The owner intends to reside in the proposed single-family residence. A conditional of approval #5 has been added with this requirement.

*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 proposed single-family residence is 2,737 square feet. 50 percent of 2,737 is 1,368 square feet; therefore, the ADU is limited to 900 square feet (the smaller value). The exterior dimensions of the ADU are 24-feet by 36 feet, or a total of 864 square feet. Excluding the covered entry, the ADU is 831 square feet, meeting the size criteria.

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

Staff Comment: Per the submitted site plan, the proposed single-family residence and the proposed accessory dwelling unit are approximately 54 feet apart, satisfying this requirement.

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

Staff Comment: The elevations of the single-family residence were compared to the elevations of the proposed ADU. (see exhibit 3 and 14) There are many architectural similarities between the structures. Both utilize shake style cement siding and horizontal lap siding, a wall band, white wood trim and a pitched roof. The proposed ADU is generally similar to the compatible to the properties in this area. Building materials and colors will be reviewed again at the time of building permit. Condition of approval #7 ensures the appearance of the ADU remain similar to that of the primary dwelling.

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

Staff Comment: All setbacks and dimensional standards required by the Rural Residential zone are met for the proposed ADU. Please see Table 2.

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



Staff Comment: The application was routed to Kitsap County Health District. The Building Site Application submitted to the Health District was approved on 5/18/2020 for onsite sewage and on 7/16/2020 for onsite water supply.

*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 15) shows the proposed ADU will use the same driveway that will also serve the single-family residence. The driveway is in a shared access easement from Crescent Valley Road SE. The site plan shows one additional 9'X20' (180 square-foot) parking space adjacent to the ADU, in addition to three spaces provided by the proposed primary 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 14).

**b. Lighting**

Lighting was not analyzed as part of this proposal.

**c. Off-Street Parking**

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

**Table 5 - Parking Table**

Use Identified in 17.490.030	Standard	Required Spaces	Proposed Spaces/Existing Spaces
Single-Family (attached or detached)	3 spaces	3	3 proposed.
ADU	1 additional space for ADU	1	1 proposed
Total	4	4	4

**d. Signage**

No signage is proposed or required.

**e. Landscaping**

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

**Table 6 - Landscaping Table**

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

**f. Frontage Improvements**

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

**g. Design Districts/Requirements**

The subject property is not within a design district.

**h. Development Engineering/Stormwater**

Development Services and Engineering has reviewed land use proposal and finds the concept supportable in its approach to civil site development. Development Services and Engineering accepts the concepts contained in this preliminary submittal and requires 7 conditions (Exhibit 21, Conditions 20-26).

**i. Environmental**

The proposal is within a Category II Critical Aquifer Recharge Area (CARA) and is an allowed use. The proposed ADU is not in the vicinity of any other mapped critical areas and no special environmental reports were required. A SEPA DNS was issued for the project and no comments were received.

**j. Access, Traffic and Roads**

Development Services and Engineering has reviewed the proposal for compliance with traffic and road standards and has recommended approval, with three conditions (Condition 27-29).

**k. Fire Safety**

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

**l. Solid Waste**

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

**m. Water/Sewer**

The application included an approved Building Site Application that shows approval for water and sewer from Kitsap County's Health Department, Exhibit 9. Potable water is proposed to be provided by an on-site well; sanitary sewage disposal is proposed to be provided by an on-site septic system, serving both the single-family residence and the accessory dwelling unit.

**n. Kitsap Public Health District**

Kitsap County Health District as reviewed and approved the proposal with no conditions at this time.

**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 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 located KCC, Chapter 2.10.

**12. Findings**

1. The proposal is consistent with the Comprehensive Plan.
2. The proposal complies or will comply with requirements of KCC Title 17 and complies with or will comply with all of the other applicable provisions of Kitsap County Code and all other applicable regulations, including all applicable development standards and design guidelines, through the imposed conditions outlined in this report.
3. The proposal is not materially detrimental to existing or future uses or property in the immediate vicinity.

4. The proposal is compatible with and incorporates specific features, conditions, or revisions that ensure it responds appropriately to the existing character, appearance, quality or development, and physical characteristics of the subject property and the immediate vicinity.

### 13. Recommendation

Based upon the analysis above and the decision criteria found in KCC 17.550.030.A, the Department of Community Development recommends that the Conditional Use Permit - ADU request for Parker ADU be **approved**, subject to the following 29 conditions:

#### a. Planning/Zoning

1. All required permits shall be obtained prior to commencement of land clearing, tree removal, construction and/or occupancy.
2. 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.
3. 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.
4. Only one accessory dwelling unit shall be permitted on the subject property.
5. The owner of the property must reside in either the primary residence or the accessory dwelling unit and only one of the structures may be rented at any one time. The accessory dwelling unit's habitable area shall not exceed 50% of the primary residence or 900 square feet, whichever is smaller. The proposed size of the ADU is 864 square feet. 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.
6. The accessory dwelling unit shall be located within 150 feet of the primary residence.
7. The accessory dwelling unit shall be designed to maintain the appearance of the primary residence.
8. This permit shall comply with all Kitsap Public Health District regulations and conditions of approval.
9. No mobile home or recreational vehicle shall be allowed as an accessory dwelling unit.
10. The accessory dwelling unit shall use the same side street entrance as the primary residence and shall provide one additional off-street parking space.

11. 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.
12. 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.
13. The accessory dwelling unit cannot be sold separately from the primary residence unless it has legally been segregated onto its own lot.
14. 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.
15. 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.
16. 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.
17. The decision set forth herein is based upon representations made and exhibits contained in the project application Permit #20-02613. 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.
18. 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.

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

**b. Environmental**

None at this time.

**c. Development Engineering**

20. 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.
21. The information provided demonstrates this proposal is a Large Project as defined in Kitsap County Code Title 12, and as such will require a Full Drainage Review Site Development Activity Permit (SDAP-SFR) from Development Services and Engineering that depicts a storm drainage design meeting Minimum Requirements #1-9.
22. 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, October 5, 2020. 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 Ordinances in effect at the time of SDAP application.
23. The on-site driveway providing access to the property was apparently constructed as a haul road for a previous Timber Harvest operation; that permit was conditioned for the removal of the haul road after completion of harvest operations. For this reason, the on-site driveway is not considered existing hard surface area. The Site Development Activity Permit shall account for this hard surface area as new/replaced hard surface area, and shall provide on-site stormwater management facilities for the entire length of the driveway.
24. The Site Development Activity Permit application materials shall include a recorded easement document, granting this property easement rights over the portion of the driveway that is on the westerly-adjointing property.
25. The owner shall be responsible for maintenance of the storm drainage facilities for this development following construction. Before issuance of Occupancy Permits for this development, the person or persons holding title to the subject property for which the storm drainage facilities were required shall record a Declaration of Covenant that guarantees the County that the system will be properly maintained. Wording must be included in the covenant that will allow the County to inspect the system and perform the necessary maintenance in the event the system is not performing properly. This would be done only after

notifying the owner and giving him a reasonable time to do the necessary work. Should County forces be required to do the work, the owner will be billed the maximum amount allowed by law.

26. If the project proposal is modified from that shown on the submitted site plan accepted for review October 2, 2020, Development Services and Engineering will require additional review and potentially new conditions.

**d. Traffic and Roads**

27. 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.
28. The Site Development Activity Permit shall include 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.
29. 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.

**e. Fire Safety**

None at this time.

**f. Solid Waste**

None at this time.

**g. Kitsap Public Health District**

None at this time.

**Report prepared by:**



\_\_\_\_\_  
Colin Poff, Staff Planner / Project Lead

2/16/2021

Date

**Report approved by:**



\_\_\_\_\_  
Scott Diener, Department Manager / Supervisor

2/17/2021

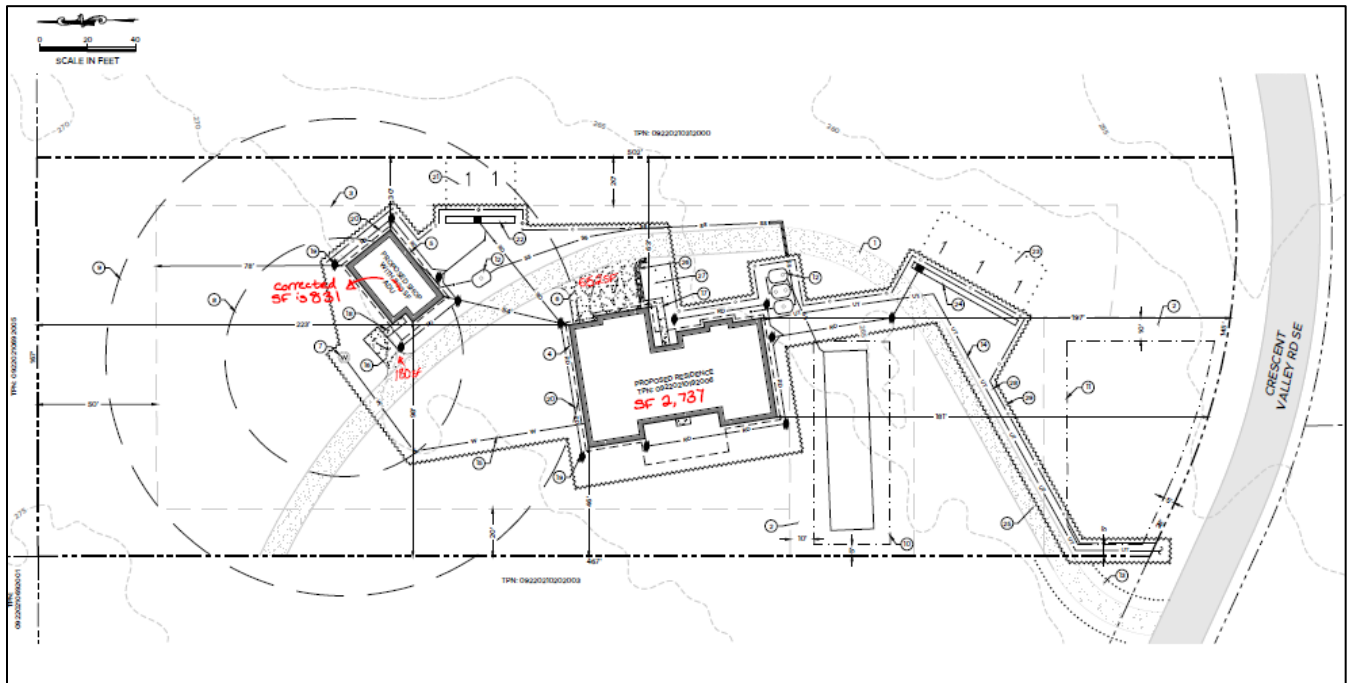
Date

**Attachments:**

Attachment A – Zoning Map

CC: Ken Parker: ken@kendeb.org  
Landman Development Consulting Services, LLC: fjordan@land2home.com  
Interested Parties: N/A  
Kitsap County Health District, MS-30  
Kitsap County Public Works Dept., MS-26  
DCD Staff Planner: Colin Poff

**Site Plan**





Attachment A – Zoning Map

