



Hearing Examiner Staff Report and Recommendation

Report Date: May 20, 2021
Hearing Date: May 27, 2021

Application Submittal Date: August 19, 2020
Application Complete Date: September 29, 2020

Project Name: LEMOLO GARDEN - Convert Existing Storage Space into Accessory Dwelling Unit (ADU)

Type of Application: Conditional Use Permit (CUP) ADU

Permit Number: 20-03792

Project Location

16600 Lemolo Shore Dr. NE
Poulsbo, WA
Commissioner District 1

Assessor's Account

4368-000-011-0005

Applicant/Owner of Record

Jesse Campbell
16600 Lemolo Shore Dr. NE
Poulsbo, WA

Recommendation Summary

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

VICINITY MAP



1. Background

Jesse Campbell (hereafter, "the Applicant") proposes to convert approximately 730 square feet of an existing storage building into an Accessory Dwelling Unit. 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.

2. Project Request

The Applicant has requested approval for a Conditional Use Permit (CUP) that would allow the conversion of the second story of an existing storage building into an ADU. The proposal includes interior modifications to the second story of the existing structure. Potable water is proposed to be provided by an on-site 2-party well; sanitary sewage disposal is proposed to be provided by a private on-site septic system.

3. SEPA (State Environmental Policy Act)

A Determination of Nonsignificance (DNS) was issued on May 11 , 2021 (Exhibit 12). The SEPA appeal and comment period will expire on May 25, 2021. To date, no comments or appeals have been filed. If no appeals are timely filed, the SEPA decision will become 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 1.45 acres. County right-of-way abuts the property along 3 sides – to the north, east, and south. The site is developed with an existing 1923 square foot single family residence and approximately 720 square foot accessory building. The two structures are connected by an exterior breezeway. Existing site improvements include a private septic system, private well, 500-gallon propane tank, and gravel driveway with four parking stalls.

Table 1 - Comprehensive Plan Designation and Zoning

Comprehensive Plan: Rural Residential (RR) Zone: Rural Residential (RR)	Standard	Proposed
Minimum Density	N/A	N/A - Subject property is an existing lot.
Maximum Density	1 du/5 acres	
Minimum Lot Size	5 acres	
Maximum Lot Size	N/A	
Minimum Lot Width	140-feet	
Minimum Lot Depth	140-feet	
Maximum Height	35-feet	N/A – structure is existing
Maximum Impervious Surface Coverage	N/A	N/A

Maximum Lot Coverage	N/A	N/A
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Table 2 - Setback for Zoning District

	Standard	Proposed
Front (North)	50-feet	48-feet, existing
Side (East) ^[TS1]	50-feet	38-feet, existing
Side (South) ^[TS2]	50-feet	124-feet, existing
Rear ^[TS3] (West)	5-feet for accessory structures	182-feet, existing

Table 3 - Surrounding Land Use and Zoning

Surrounding Property	Land Use	Zoning
North	Right of Way and Single-family residences	Rural Residential (RR)
South	Right of Way and Single-family residences	Rural Residential (RR)
East	Right of Way and Single-family residences	Rural Residential (RR)
West	Single-family residences	Rural Residential (RR)

Table 4 - Public Utilities and Services

	Provider
Water	Private Water
Power	Puget Sound Energy
Sewer	Private Septic
Police	Kitsap County Sherriff
Fire	North Kitsap Fire & Rescue
School	North Kitsap School District

5. Access

The subject site gains via NE Jacobsen RD E, along the northern property line. The ADU is proposed to use the existing driveway and parking area. No new access is proposed.

6. Site Design

See site plan attached to the end of this report. Note all buildings are existing.

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
Title 19	Critical Areas Ordinance
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 through 16.

Exhibit #	Document	Dated	Date Received
1	Concurrency Test		09/28/2020
2	Elevation Photos		09/28/2020
3	Floor Plans (ADU)		09/28/2020
4	Floor Plans (SFR)		09/28/2020
5	KPHD Building Site Application		09/28/2020
6	Permit Questionnaire		09/28/2020
7	Project Narrative		09/28/2020
8	SEPA Checklist		09/28/2020
9	Stormwater Worksheet		09/28/2020
10	Notice of Application		11/03/2020
11	Site Plan		03/17/2021

12	SEPA Determination of Nonsignificance		5/11/2021
13	Notice of Public Hearing		5/12/2021
14	Certification of Public Notice	5/19/21	
15	Staff Report		5/20/2021
16	Staff Presentation		5/26/2021

9. Public Outreach and Comments

A Notice of Application (Exhibit 10) 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: Not applicable. 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 currently resides in the existing single-family residence.

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 existing residence is 1923 square feet (Exhibit 4). Fifty percent of 1923 is 961.5 square feet; therefore, the ADU is limited to 900 square feet (the smaller value). The proposed ADU is 727 square feet, meeting this standard.

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 proposed single-family residence and the proposed accessory dwelling unit are approximately 24 feet apart (Exhibit 11), satisfying this requirement.

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

Staff Comment: The ADU is proposed within an existing structure. The applicant submitted photos, below, showing the two structures are similar in style and color. No exterior modifications are proposed.



Figure 1: SFR on left, ADU on right



Figure 2: ADU in foreground, SFR in background

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

Staff Comment: 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 has submitted building site application for water and sewage disposal, which has been approved by the Kitsap County Health District.

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 same existing access driveway provides access to the existing single-family residence and proposed ADU. No new access is proposed.

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 4).

b. Lighting

Lighting was not analyzed as part of this proposal.

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 for single-family residences 1 additional space for accessory dwelling units.	4	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 designated 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. The proposal does not create any new and/or replaced hard surfaces.

i. Environmental

Kitsap County's Critical Areas Map (Attachment B) shows the site does not contain any known critical areas.

j. Fire Safety

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

k. Solid Waste

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

l. Water/Sewer

The application included a Building Site Application (BSA) indicating potable water is proposed to be provided by converting an existing on-site well to a 2-party system; sanitary sewage disposal is proposed to be provided by a new on-site septic system.

m. Kitsap Public Health District

Kitsap County Health District has reviewed and approved the proposal with 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 the Lemolo Garden ADU be **approved**, subject to the following **19** conditions:

a. Planning/Zoning

1. All required permits shall be obtained prior to commencement of land clearing, 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 900 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 #20-03792. 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. Development Engineering

None

c. Environmental

None

d. Traffic and Roads

None

e. Kitsap Public Health District

None

Report prepared by:



5/20/21

Tasha Santos, Staff Planner / Project Lead

Date

Report approved by:



5/20/21

Scott Diener, DSE Manager

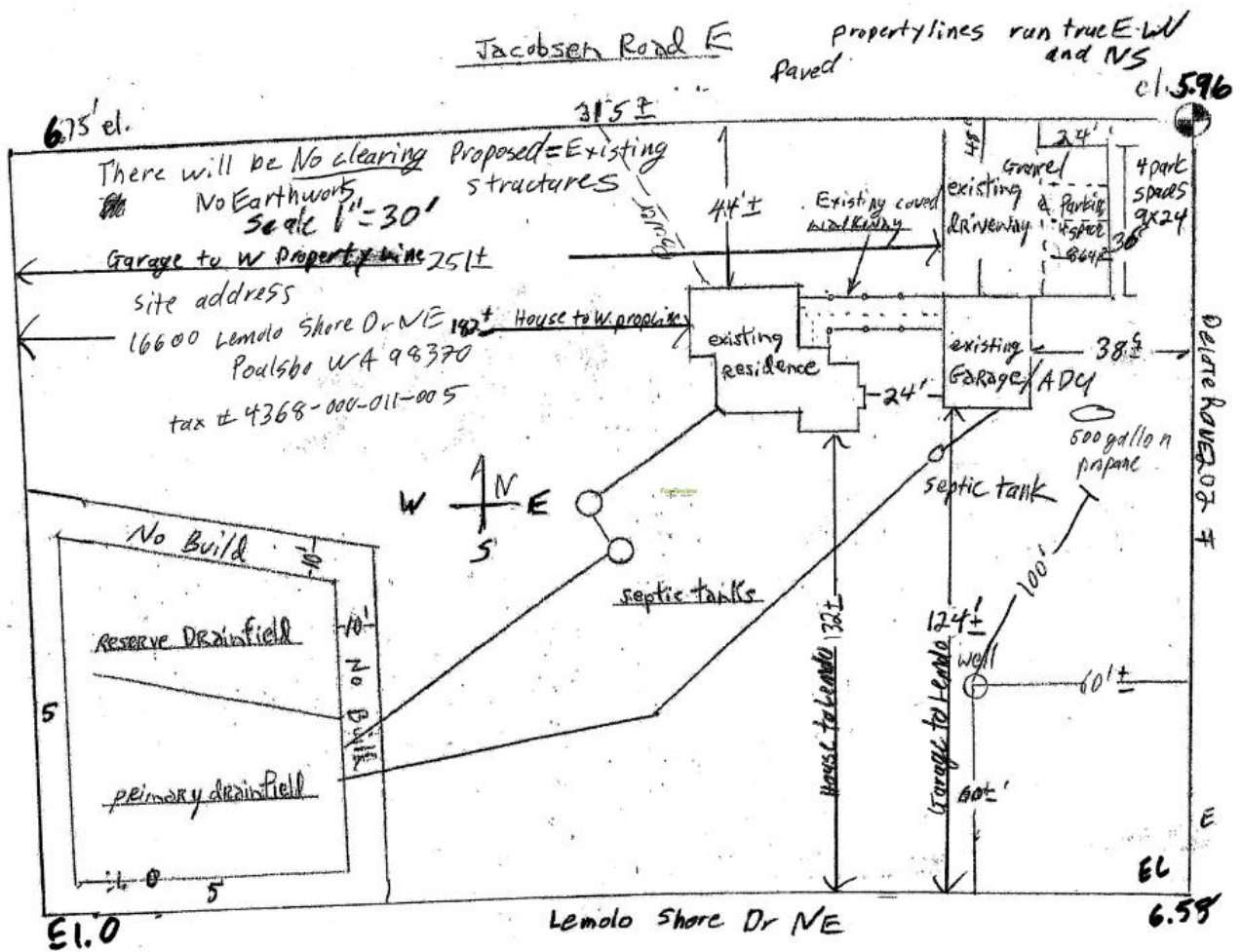
Date

CC: Jesse Campbell wookiewood1@gmail.com
Interested Parties: None
Kitsap County Health District, MS-30
Kitsap County Public Works Dept., MS-26
DCD Staff Planner: Tasha Santos

Attachments:

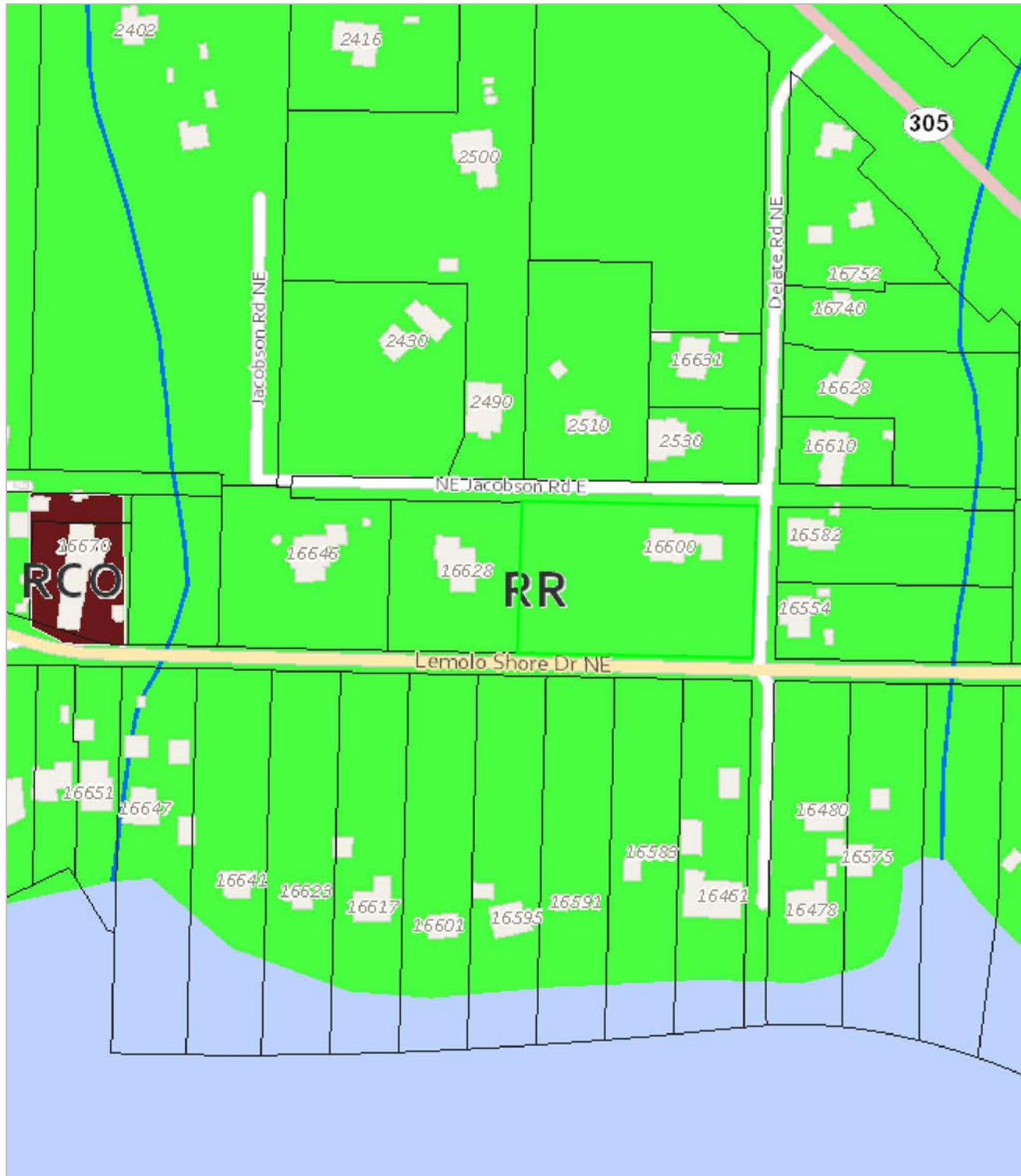
Attachment A – Zoning Map
Attachment B – Critical Areas Map

Site Plan



Map Scale: 1 : 2,400

Printed: Friday, May 21, 2021



** This map is not a substitute for field survey **

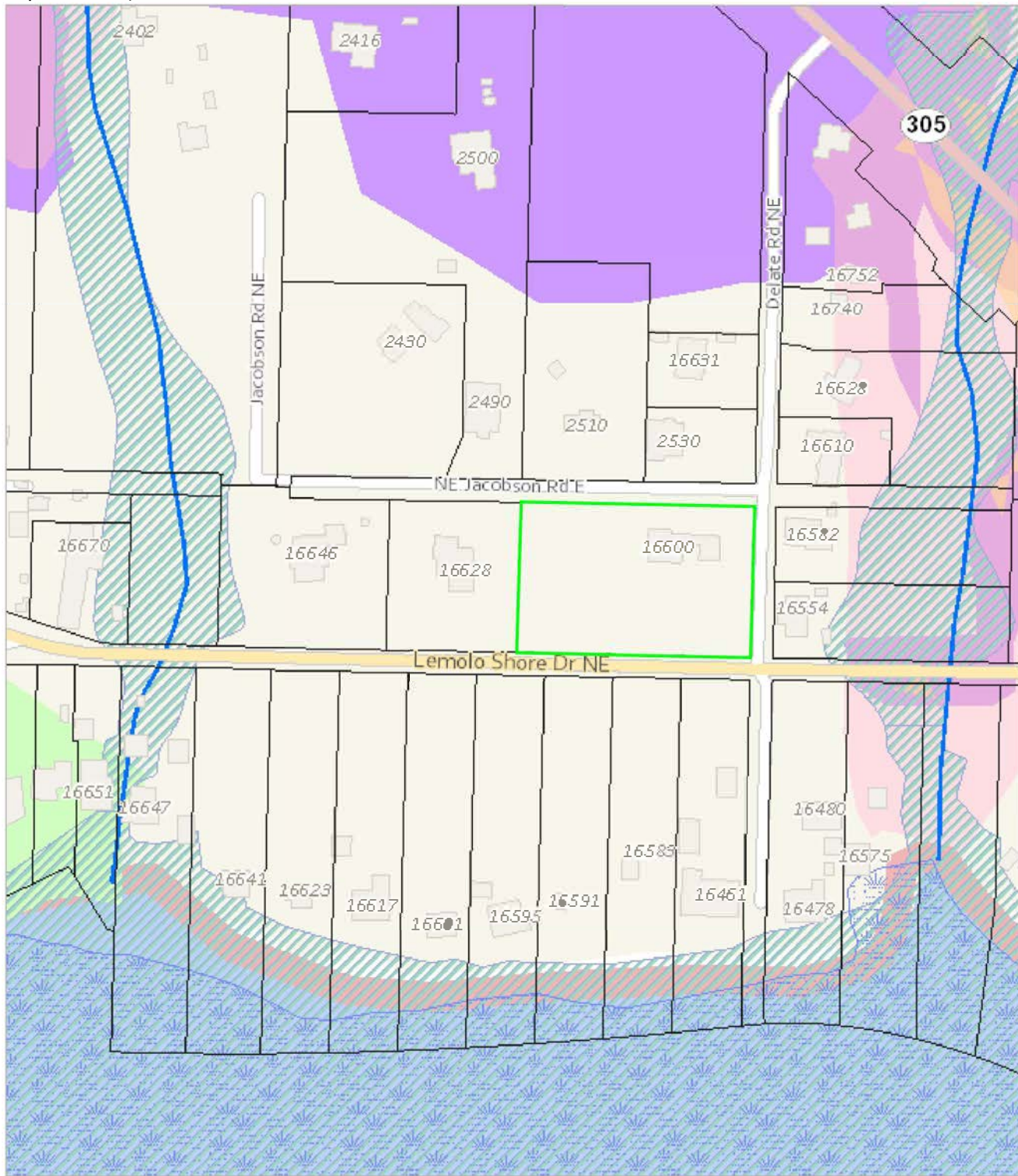


20-03792 Zoning Map



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20-03792 Critical Areas Map

