



KITSAP COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

614 DIVISION STREET MS-36, PORT ORCHARD WASHINGTON 98366-4682

Larry Keeton, Director

(360) 337-7181 FAX (360) 337-4925 HOME PAGE - www.kitsapgov.com/dcd/

NOTICE OF ADMINISTRATIVE DECISION

December 5, 2008

To: Interested Parties and Parties of Record

RE: Project Name: Evans – Accessory Dwelling Unit
Application: Administrative Conditional Use Permit
File Number: 08 56393 (4390-007-016-0007)

Enclosed is the Administrative Decision issued by the Kitsap County Department of Community Development (DCD) for the above referenced application.

THE DECISION OF THE DEPARTMENT IS FINAL, UNLESS APPEALED TO THE KITSAP COUNTY HEARING EXAMINER BEFORE THE CLOSE OF BUSINESS ON DECEMBER 19, 2008.

Pursuant to the Kitsap County Land Use and Development Procedures, an appeal may be filed objecting to the Department's Decision. An appeal must be made in writing, and received by the Department of Community Development (DCD). At the time of filing the appeal, the appellant shall pay the sum of **five hundred dollars (\$500.00)**. This fee is non-refundable and subject to change. Make check payable to Kitsap County Department of Community Development (DCD).

The written appeal shall be made on, or attached to, an appeal form provided by DCD, and shall contain the following information.

1. The project name, project applicant, application type, and file number designated by the County;
2. The name, address, and signature of each appellant. If multiple parties file a single appeal, the appeal document shall designate, in writing, one party as the contact representative for all contact with the DCD Director and the Office of the Hearing Examiner. All contact between the County and the appellants regarding the appeal, including notices, shall be through this contact representative; and
3. A written statement of the specific aspect(s) of the Decision and/or SEPA determination being appealed, the reasons why each is in error as a matter of fact or law, and the evidence relied upon to prove the error.

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The complete application file will be available for review at the Department of
Community Development, Monday through Friday, except holidays, from 8:15
a.m. to 4:00 p.m.

If you have questions, please contact me at (360) 337-4487 or Dennis Oost at
(360) 337-7181.

Sincerely,



Karen Ashcraft
Clerk of the Hearing Examiner

C Michael J. Evans, PO Box 873, Suquamish, WA 98392
Nate Dowers, PO Box 1219, Poulsbo, WA 98370

Interested Parties:

Jan Christiansen Nalder, 18712 Angeline AVE NE, Suquamish, WA 98392



KITSAP COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

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LARRY KEETON, DIRECTOR

STAFF REPORT and RECOMMENDATION TO THE HEARING EXAMINER

Date: December 4th, 2008

Application Date: July 18, 2008

Project: Evans Accessory Dwelling Unit (ADU)

Proposal Summary:

The proposed project is to designate the 672 square foot second floor storage space above a two car garage as an Accessory Dwelling Unit on the 0.29 acre parcel. There is a single family residence on the property. The ADU will be served by an onsite septic system.

Application Number: 08 56393

Type of Application: Administrative Conditional Use Permit (ACUP)

Project Location:

The 0.29 acre subject parcel is located in Suquamish, North Kitsap County at 18584 Angeline Ave. NE. The parcel is situated in Section 21, Township 26 North, Range 2 East.

Assessor's Account #:

4390-007-016-0007

Owner/Applicant:

Michael J. Evans
18584 Angeline Ave. NE
Suquamish, WA 98392

SEPA (State Environmental Policy Act):

Pursuant to WAC 197-11-355, the optional DNS process was used for this project. The SEPA comment period previously occurred concurrent with the Notice of Application dated July 15, 2008. A Determination of Non-Significance (DNS) was issued November 19, 2008. The deadline for appeals was December 3, 2008. No appeals were filed.

COMMENTS:

The SEPA comment period previously occurred concurrent with the Notice of Application dated September 3, 2008. Comments were received expressing concern with regard to shoreline and habitat impacts from the proposal. While habitat impacts will be moderated

due to the location of the garage between the residence and Angeline Avenue, the proposed conversion to an ADU will result in a moderate increase in traffic and noise associated with the additional living unit.

Physical Characteristics:

The 0.29 acre site is zoned Suquamish Village Residential (SVR). The site contains one single family residence with a two story detached garage and storage space. The eastern property line is the Puget Sound shoreline. There is an approximately 90 feet high bluff that is about 49 feet from the shoreline. The site is served by county sewer system

Comprehensive Plan Designation and Zoning:

The project site is designated and zoned Suquamish Village Residential (SVR).

Minimum Lot Area - 3,600 sq. ft.

Minimum Lot Width - 40 feet

Minimum Lot Depth - 75 feet

Maximum Density - 2 dwelling unit/acres

Minimum Setbacks = 20 feet - front yard

= 5 feet - side yard

= 5 feet - rear yard

Surrounding Land Use and Zoning:

The surrounding parcels in all directions are also zoned Suquamish Village Residential. The eastern boundary is the Puget Sound. The surrounding parcels are predominately developed with single-family residences.

Shoreline Master Plan:

The parcel is within the semi-rural designation of the Shoreline Master Plan Environmental Designation.

Public Utilities and Services:

Water: Kitsap County Public Utility District #1

Power: Puget Sound Energy

Sewer: Kitsap County Public Utility District #1

Police: Kitsap County Sheriff

Fire: Kitsap Fire District No. 1

Schools: North Kitsap School District No. 400

Access:

Automobile access to the site is off of Angeline Avenue NE, a neighborhood road. Public transportation serves the area with stops approximately 350 feet from the project site.

Policies and Regulations Applicable to the Subject Proposal:

Road Standards, Title 11

Stormwater Drainage, Title 12

Kitsap County Zoning Code, Title 17, (February 15, 1999/as amended)

- Chapter 110 Definitions
- Chapter 321 Limited Areas of More Intensive Rural Development (LAMIRD)
- Chapter 381 Allowed Uses table
- Chapter 382 Density and Dimensions table
- Chapter 385 Landscaping
- Chapter 400 Land Use Review
- Chapter 420 Administrative Conditional Use Permits
- Chapter 435 Off-Street Parking and Loading
- Chapter 520 Appeals
- Chapter 525 Revocations of Permits or Variances

State Environmental Policy Act (SEPA) Chapter 18.04

Kitsap County Critical Areas Ordinance, Title 19, (Adopted February 27, 2007)

Transportation Facilities Concurrency Ordinance Chapter 20.04

Land Use and Development Procedures Chapter 21.04

Shoreline Management Master Program Title 22

Kitsap County Comprehensive Plan Adopted May 7, 1998 (Amended June 10, 2002, December 8, 2003 and October 25, 2004)

Rural and Resource Lands

Policy RL-8

Permit residential uses in rural areas consistent with the existing and planned rural character of the area in which they are located.

Housing

Policy HS-9

Accessory Dwelling Units shall be permitted uses in all zones and be subject to applicable development standards including Health District requirements for water and sewage disposal.

Policy HS-16

Encourage the development of a variety of dwelling types and densities in residential neighborhoods.

Documents Consulted in the Analysis:

Applicant submittals:

<u>Document</u>	<u>Dated or date stamped</u>
Administrative Condition Use Permit App.	July 18, 2008
Site Plan	July 18, 2008
Residential Building Site Application (BSA)	August 29, 2008
Environmental (SEPA) Checklist	July 18, 2008
ADU Floor Plan	July 18, 2008
ADU Building Elevations	July 18, 2008

Staff communication:

<u>Document</u>	<u>Dated or date stamped</u>
Development Engineering Memo	August 27, 2008
SEPA Determination of Non-Significance	November 19, 2008
Kitsap Health District Memo	August 19, 2008

Public comments:

A comment was received that expressed concern for the displacement of wildlife and shoreline habitat in the area.

Analysis:

Accessory Dwelling Unit (ADU) Standards

An ADU is required to meet the standards outlined in KCC 17.381.060. B3. This chapter states the purpose of Provisions Applying to Special Uses. One of the special uses under this section is an 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.

Standards from KCC 17.381.060.B3 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 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 an Administrative Conditional Use Permit as required by the 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, Michael and Shelley Evans, currently live in the single family residence. The proposed ADU will provide additional living space and possible source of rental income.

- 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 1349 square feet. Fifty percent of its habitable area is 675 square feet. The ADU would be limited to 675 square feet as determined by exterior measurements. The proposed ADU is 672 square feet and therefore complies with the code.

- 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/garage building is located approximately 15 feet from the primary residence.

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

The primary residence and ADU are planned to be similar in basic architectural style, for example – each will be stick-built, and have pitched roofs. The ADU's architectural design and building materials are similar and complementary to the appearance of the primary residence.

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

The front yard setback required for the ADU is 20 feet, the side and rear yard setbacks are both 5 feet. The front yard setback to the existing structure is approximately 15 feet and has a side yard setback of 5 feet. The rear yard setback is satisfied with approximately 167 feet. The front yard setback for the ADU has been reduced to 15 feet due to the

location of the garage on the adjacent property. That garage has a front yard setback of approximately zero feet. All other setbacks are in compliance with the KCC.

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

The Health District has confirmed that both the proposed water supply and the sewage disposal for the ADU comply with their development regulations (approved BSA #403239).

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

The ADU and the primary dwelling are both stick-built structures.

- 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 would use the same driveway. Two parking spaces are required and provided for the single-family residence in the detached garage. One parking space is required for the ADU. The property is served by an existing driveway which has sufficient room for an additional parking spot for the ADU. This criterion is satisfied.

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

The applicant has stated that no other living quarters are planned for the subject parcel, and is aware that no other living quarters would be allowed by the Kitsap County Code.

Agency Recommendation:

Kitsap County Development Engineering recommends approval of this project with conditions. (Memo dated September 15, 2008).

Kitsap County Health District approved the Building Site Application for the on site sewage system for both dwellings.

A memo from the Health District recommends approval (Dated August 19th, 2008).

Findings:

1. The proposed development/use requires approval of an Administrative Conditional Use Permit within the subject zoning designation of Suquamish

Village Residential (SVR) per the KCC Chapter 17.321A.080, the Rural Sub-Areas Zones Use Table. Chapter 17.381.and the standards of Provisions Applying to Special Uses as set forth in KCC 17.381.060.B3.

2. The proposed development would be harmonious and compatible with existing and future developments within the land use designation and general area.
3. The subject site is physically suitable for the type, density and intensity of the use being proposed.
4. Appropriate provisions have been made for the public health, safety and general welfare for drainage ways, streets or roads, and other public right-of-ways, potable water supply, sanitary waste, and all other elements of community development.
5. The location, size, design and operating characteristics of the proposed development/use would not be detrimental to the public interest, health, safety, or welfare of the County.

Department Recommendation:

Based upon the above findings, the Department recommends that the Administrative Conditional Use Permit (ACUP) application for the Evans Accessory Dwelling Unit (ADU) be **approved**, subject to the following conditions:

Land Use

1. 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.
2. A BSA (Building Site Application) for this project has been approved. Drinking water will be provided by Kitsap County Public Utility District #1.
3. Any proposed modification (not including cosmetic work such as painting, papering and similar finish work), remodel or expansion of the 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.
4. 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.
5. Applicant shall record a Notice to Title with the Kitsap County Auditor, if this ADU is approved. Prior to recording the Notice to Title, the applicant shall provide a draft to the Department of Community Development (DCD) for review and approval. A recorded copy of the approved Notice to Title must be submitted to DCD prior to Certificate of Occupancy issuance of

this ADU. The Notice to Title shall include the following "a" through "j" statements:

- a. This property has received land use approval for an Accessory Dwelling Unit (ADU) and is bound by the conditions of approval as stipulated in the Director's decision, ordered November 5, 2008, Case No.: [TBA], (refer to Conditional Use Permit, DCD File # 08 56393) on file at the Department of Community Development.
 - b. A property with a primary residence and 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 subdivision application.
 - c. The ADU cannot be sold separately from the primary residence unless it has legally been segregated onto its own lot.
 - d. Only one ADU shall be allowed on this lot.
 - e. 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.
 - f. The ADU's habitable area shall not exceed 900 square feet as determined by exterior measurements.
 - g. The ADU shall use the same street entrance from Stavis Bay Road NW as the primary residence.
 - h. Accessory Living Quarters (ALQ) or a Guest House (GH) is not allowed on this lot if the ADU is approved by Kitsap County.
 - i. Any proposed modification (not including cosmetic work such as painting, papering and similar finish work), remodel or expansion of the 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.
 - j. Any violation of the conditions of approval shall be grounds to initiate revocation of this Conditional Use Permit.
6. Any violation of the conditions of approval shall be grounds to initiate revocation of this Conditional Use Permit.

All requirements of the Development Engineering and Public Works for this project shall be adhered to, including the following:

This Administrative Decision is issued on December 5th, 2008. This Decision of the Director of the Kitsap County Department of Community Development may be appealed to the Kitsap County Hearing Examiner pursuant to Section 120 of the *Kitsap County Land Use and Development Procedures Ordinance* (May 18, 1998). Appeals must be filed with the Department of Community Development by the close of business on December 19th, 2008.

Distribution:

Applicant: Michael and Shelley Evans, 18584 Angeline Ave. NE, Suquamish, WA 98392

Interested Parties: Jan Christiansen Nalder, 18712 Angeline. NE, Suquamish WA 98392

Agencies:

Kitsap County Health District, MS-30
Kitsap County Public Works Dept., MS-26
DCD Staff Planner: Dennis Oost
Kitsap County SEPA Coordinator
DCD Development Engineering
Clerk of Hearing Examiner
Suquamish Tribe
Washington Department of Fish and Wildlife
Washington Department of Ecology