



## **KITSAP COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT**

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# **STAFF REPORT and RECOMMENDATION TO THE HEARING EXAMINER**

**Report Date:** November 20, 2007      **Application Complete Date:** August 13, 2007  
**Hearing Date:** January 10th, 2007

## **Project: Danford Accessory Dwelling Unit (ADU)**

### **Project Summary:**

Staff is recommending approval of the applicant's request for a Conditional Use Permit to reclassify a former single family residence as an accessory dwelling unit (ADU). The applicant recently constructed a new 2496 square feet SFR and would like to use the former 896 square feet SFR as a rental unit or living space for family members.

**Application Number:** 07 46312

**Type of Application:** Conditional Use Permit (CUP)

### **Request:**

The applicant proposes to reclassify an 896 square feet residence as an Accessory Dwelling Unit. The landowner recently built a new 2496 square feet residence on the same 4.8 acre property.

### **Project Location:**

David and Leada Danford  
15138 Hite Center Road  
Seabeck, WA 98380

### **Assessor's Account #:**

062401-4-053-1001

### **Applicant & Owner of Record:**

David and Leada Danford  
15138 Hite Center Road  
Seabeck, WA 98380

### **Project Representative:**

NA

**SEPA Status:**

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 October 22, 2007.

**Physical Characteristics:**

The 4.8-acre subject parcel is located just north of the intersection of NW Hite Center Road and Seabeck Holly Road NW in Seabeck. The site is fairly level, partially forested and has a newly constructed primary residence.

**Comprehensive Plan Designation and Zoning:**

Rural Residential (RR)

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

Maximum Density 1 dwelling unit/5 acres (Special provisions apply for an accessory dwelling unit subject to Kitsap County Code (KCC) 17.430.020.N)

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

**Surrounding Land Use and Zoning:**

The surrounding area to the east, west and south is zoned RR and predominately developed with single-family residences on acreage lots. To the north, the zoning is Rural Wooded (RW).

**Public Utilities and Services:**

Water: Private well  
Power: Public Utility District No. 1  
Sewer: On-site septic system  
Police: Kitsap County Sheriff  
Fire: Kitsap Fire Protection District  
Schools: Kitsap School District (401)

**Access:**

Access to the site is via an access and utility easement at the southwestern edge of the property.

**Policies and Regulations Applicable to the Subject Proposal:**

*Kitsap County Comprehensive Plan*  
Adopted December 11, 2006

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.*

Policy RL-9

*The designated rural area should have low residential densities which can be sustained by minimal infrastructure improvements, cause minimal environmental degradation, which will not cumulatively create the future necessity or expectation of urban levels of service.*

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.*

Kitsap County Code (KCC)

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

**Documents Consulted in the Analysis:**

**Applicant submittals:**

<u>Document</u>	<u>Exhibit #</u>	<u>Dated or date stamped</u>
Site Plan and Landscape Plan	1	no date
Condition Use Permit Application	7	August 13, 2007
Application for Concurrency Test	14	August 13, 2007
<u>Document</u>	<u>Exhibit #</u>	<u>Dated or date stamped</u>
Environmental (SEPA) Checklist	17	August 13, 2007
Septic Plan	16	August 13, 2007

**Staff communication:**

<u>Document</u>	<u>Exhibit #</u>	<u>Dated or date stamped</u>
Development Engineering Memo	23	11/21/07
Determination of Non-significance	24	12/17/07

**Public comments:**

No comments received to date.

**Analysis:**

Accessory Dwelling Unit (ADU) Standards

An ADU is required to meet the standards outlined in KCC 17.381.060.3 Chapter KCC 17.381.060 states the purpose of Provisions Applying to Special Uses as *In addition to other standards and requirements imposed by this title, all uses included in this section shall comply with the provisions stated herein. Should a conflict arise between the requirements of this section and other requirements of this title, the most restrictive shall apply.* 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 17.381.060.3 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 ADU is not within an urban growth boundary. 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 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, David and Leada Danford, currently live in the newly constructed single-family residence. They plan to continue living in the SFR and using the proposed ADU as a rental unit or living space for family members.

- 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 2496 square feet according to the floor plans (Exhibit xx). Fifty percent of its habitable area is 1248 square feet ( $2496 \times 50\% = 1248$ ). The ADU would be limited to 900 square feet as determined by exterior measurements. The ADU would comply with the size limitation because it proposed to be less than 900 square feet.

The ADU has an approximately 896 square foot (32 feet by 28 feet) building footprint.

- 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 is located approximately 100 feet from the primary residence (Exhibit 1 and 16).

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

The ADU's architectural design and building materials are similar and complementary (including siding, roof style and composition, and vinyl windows), 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 is over 200 feet. The rear yard setback is well over 300 feet. The overall width of the lot is approximately 330 feet. This is more than the minimum lot dimension for the Rural Residential zone at 140 feet. Therefore, the minimum side yard setback is 20 feet. All required setbacks for the ADU would be in compliance with the KCC.

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

The Health District recommends approval and has accepted the design and layout of the septic system (Exhibit 16). The private well on the property will become a 2 party shared well. There are no drain fields in or near the 100 foot radius of the well head.

- 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 driveway. The driveway is unpaved leading to the proposed ADU and SFR. One parking space is required for the ADU. Two parking spaces are provided in the attached two car garage of the proposed ADU.

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

No accessory living quarters are on the property.

Agency Recommendations

Development Engineering recommends approval of this project without condition. (exhibit 23).

**Findings:**

1. The Hearing Examiner has review authority for this Conditional Use Permit application under the KCC 21.04.030 and 17.420.020.
2. The proposed development/use requires approval of a Conditional Use Permit within the subject zoning designation of Rural Residential (RR) per the KCC 17.310.020 and Rural Use Table 17.320.020 and meets or will meet through imposed conditions the standards of Site Plan Review as set forth in Chapter 17.410, the standards of Conditional Use Permits as set forth in Chapter 17.420, and the standards of Provisions Applying to Special Uses as set forth in Chapter 17.430, and complies with or will comply with all of the other applicable provisions of the KCC and all other applicable regulations, including prescribed development/performance standards and all applicable development standards and design guidelines through the imposed conditions outlined in this report.
3. The proposed development would be harmonious and compatible with existing and future developments within the land use designation and general area.
4. The subject site is physically suitable for the type, density and intensity of the use being proposed.
5. 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 relevant facts.
6. 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.

**Recommendation:**

Based upon the above findings, it is recommended that the Conditional Use Permit (CUP) request for the Danford Accessory Dwelling Unit (ADU) be approved, subject to the following conditions:

Health District

All applicable Kitsap County Health District regulations shall be adhered to, including but not limited to:

1. The Onsite Sewage Program's portion is approved for the septic system design.

Development Engineering

All requirements of Kitsap County Development Engineering have been met.

Land Use

2. 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.
3. Impact fees shall apply to the ADU.
4. The entire building in which the ADU is located shall be subject to an annual inspection to ensure compliance with all conditions. The Department of Community Development shall provide 24 hours notice prior to inspection, except for any filed complaint.
5. 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.
6. Applicant shall record a Notice to Title with the Kitsap County Auditor, if this ADU is approved. Prior to recording the Notice to Title, 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 building permit issuance of this ADU. The Notice to Title shall include the following:
  - 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 Hearing Examiner's decision, ordered \_\_\_\_\_, Case No.: \_\_\_\_\_, (refer to Conditional Use Permit, DCD File # 06 36501) 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. Or, no more than 50% of the square footage of the main residence.
  - g. The ADU shall use the same side street entrance as the primary residence, NW Hite Center Road.
  - h. Accessory Living Quarters (ALQ) or a Guest House (GH) is not allowed on this lot unless the ADU is removed and the ALQ or GH complies with all requirements imposed by County regulations.
  - 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. The entire building in which the ADU is located shall be subject to annual inspections to ensure compliance with all conditions. The Department of Community Development shall provide 24 hours notice prior to inspection, except for any filed complaint.
  - k. Any violation of the conditions of approval shall be grounds to initiate revocation of this Conditional Use Permit.
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 KCC. Unless in conflict with the conditions stated above and/or any regulations, all terms and specifications of the application shall be binding conditions of approval. Approval of this project shall not, and is not, to be construed as approval for more extensive or other utilization of the subject property.

16. There shall be no occupancy of the ADU or structure the ADU is located within until final building permit approval for the required ADU building permit has been granted.
17. The floor plans of the ADU and associated building provided with the required new building permit shall accurately depict existing and/or required conditions of approval.
18. The required building permit for the ADU and associated building shall be applied for within 30 days of the Hearing Examiner's final order.
19. The required building permit for the ADU and associated building shall be issued within 3 months of the Hearing Examiner's final order.
20. The required building permit for the ADU and associated building shall receive final inspection and permit approval and a Certificate of Occupancy within 6 months of issuance.
21. Failure to comply with any condition of approval shall be grounds to initiate revocation of this Conditional Use Permit.

c: David and Leada Danford, 15138 Hite Center Road, Seabeck WA 98380  
Interested Parties: none  
Kitsap County Health District, MS-30  
Kitsap County Public Works Dept., MS-26  
Kitsap County Parks & Recreation Dept., MS-6  
DCD Staff Planner: Dennis Oost  
DCD Code Enforcement  
DCD File (07 46312)  
DCD Building Permit File  
DCD Development Engineering, MS-26  
DCD Fire Marshal  
Hearing Examiner  
Clerk of Hearing Examiner