



KITSAP COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

619 DIVISION STREET MS-36, PORT ORCHARD WASHINGTON 98366-4682 Larry Keeton, Director
(360) 337-5777 FAX (360) 337-4415 HOME PAGE - www.kitsapgov.com/dcd/



NOTICE OF ADMINISTRATIVE DECISION

August 29, 2014

To: Interested Parties and Parties of Record

RE: Project Name: Evans - Accessory Dwelling Unit
Application: Conditional Use Permit
File Number: 14 02004

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 SEPTEMBER 12, 2014 PLEASE NOTE: THE DEPARTMENT OF COMMUNITY DEVELOPMENT IS OPEN MONDAY THROUGH THURSDAY FROM 9:00 A.M. TO 4:00 P.M. AND FRIDAY FROM 9:00 A.M. TO 1:00 P.M.

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

**Notice of Administrative Decision – EVANS ADU – CONDITIONAL USE PERMIT
(CUP)**

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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.

The complete application file will be available for review at the Department of Community Development, Monday through Thursday from 9:00 A.M. to 4:00 P.M. and Fridays from 9:00 A.M. to 1:00 P.M., except holidays. You may make an appointment by calling Karen Ashcraft at (360) 337-4487.

If you have questions, please contact Karen Ashcraft at (360) 337-4487 or Meg Sands at (360) 337-5777.

Sincerely,



Constance Blackburn
Clerk of the Hearing Examiner

C: Dennis & Kay Evans, 6440 NE Twin Spits Road Hansville, WA 98340
dennis@centrealtech.com
Richard Prine, 30050 Scenic Drive NE Poulsbo, WA 98370
rprinearchitect@gmail.com

Interested Parties:
(None)



KITSAP COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

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

STAFF REPORT and ADMINISTRATIVE REVISION DECISION TO CONDITIONAL USE PERMIT

Decision Date: August 28, 2014

Application Complete Date: June 06, 2014

Project: Evans Accessory Dwelling Unit (ADU)

Project Summary: The Department of Community Development approves the applicant's minor proposed revision request to locate the accessory dwelling unit (ADU) on the second floor of an existing two-story, approximately 1,500 square foot detached garage. The applicant is not requesting any change to conditions; however, Hearing Examiner Conditions 4, 11 and 18 require modification as a result of the minor revision, but only to accurately reflect the change in location of the ADU and to rescind the original recorded binder and replace it with the binder for CUP Revision 14 02004.

The original proposal was to locate a 900 square foot ADU on the main floor of the existing garage and 550 square foot hobby room on the second floor. The Hearing Examiner approved the original request with 22 conditions; the Notice of Decision was issued March 13, 2014 for Conditional Use Permit 13 03386.

The current proposal is to expand the second floor to add 290 square feet for a bedroom. The resultant second floor ADU will be 840 square feet (existing area 550 square feet + bedroom 290 square feet = 840 square feet); the main floor will remain in its existing condition as garage space. All other elements of the original request and compliance with Kitsap County Code 17.381.606(B)(3) still apply.

The 2.43-acre shoreline parcel is zoned Rural Residential (RR) and located at 6440 NE Twins Spits Road in Hansville. The shoreline designation is Semi-Rural. The existing garage to be converted into an ADU is located outside the 200-foot shoreline jurisdiction. The project will be served by on-site septic and public water.

Decision Summary: Request approved, subject to 22 conditions.

Application Number: 14 02004

Type of Application: Conditional Use Permit Revision - Minor

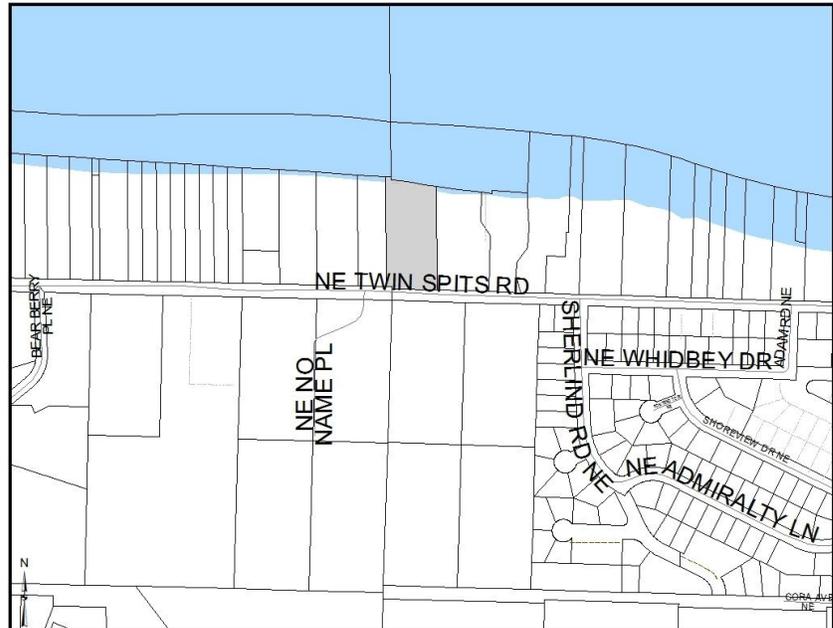
Revision Request: The applicant’s proposed revision is to locate the ADU on the second floor of the garage rather than on the first floor as approved by the Hearing Examiner with conditions. The proposal is to expand the second floor to add 290 square feet for a bedroom. The resultant second floor ADU will be 840 square feet; existing area 550 square feet + bedroom 290 square feet = 840 square feet. The first floor is proposed to remain in its current state as existing garage space.

Project Location:
 6440 NE Twin Spits Road
 Hansville, Washington
 North Kitsap County

Assessor's Account #:
 162802-2-024-2002

Applicant/Owner of Record:
 Dennis Evans
 6440 NE Twin Spits Road
 Hansville, WA 98340

Architect:
 Richard Prine
 30050 Scenic Drive NE
 Poulsbo, WA 98370



SEPA Status:
 The proposed revision to the Conditional Use Permit falls within the original threshold SEPA determination, which was a Determination of Nonsignificance (DNS) issued November 20, 2013. The SEPA appeal period expired December 4, 2013. No appeals were filed; therefore, the SEPA determination is final.

Documents Consulted in the Analysis:

Applicant submittals:

<u>Document</u>	<u>Exhibit #</u>	<u>Dated or date stamped</u>
CUP Revision Application	7	June 6, 2014
Floor Plan – Revised	4A	June 6, 2014

Staff communication:

<u>Document</u>	<u>Exhibit #</u>	<u>Dated or date stamped</u>
Development Engineering Memo	10	July 7, 2014
Health District Email	9	July 3, 2014

Analysis:

Land Use and Zoning

An accessory dwelling unit within the RR zone requires a Conditional Use Permit as specified in KCC Table 17.381.040(E) Parks, Rural and Resource Zones, subject to

footnote 1. Footnote 1 indicates an ADU is subject to compliance with Section 17.381.060 Provisions applying to special uses; KCC 17.381.060(B)(3) outlines the standards specific to an ADU. The applicant received the required approval, under the Notice of Decision issued March 13, 2014, for CUP 13 03386, as required by code. The only change in the original analysis is to ADU standard e; the change is related to the location of the ADU, which changed from the first floor to the second floor. The size of the ADU has been reduced to 840 square feet; originally the ADU was approved at 900 square feet.

- 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 4,251 square feet according to the floor plans (Exhibit 4A). Fifty percent of its habitable area would be over 900 square feet (4,251 square feet X 50% = 2,125 square feet). Therefore, the ADU would be limited to 900 square feet as determined by exterior measurements. The entire existing ADU building is approximately 1,500 square feet according to the floor plans (Exhibit 4). The main floor is 960 square feet, which is proposed to remain garage area, and 120 square feet of attached covered storage; there will be no interior access between the garage and the ADU. The ADU is proposed to only be 840 square feet. The second floor is currently approximately 550 square feet and is proposed to be expanded by 290 square feet to add a bedroom; 550 square feet + 290 square feet = 840 square feet. The ADU's habitable area is the second floor only. The main floor shall not be converted to any habitable space.

All other analysis of standards outlined in CUP 13 03386 apply without change. The proposed CUP Revision for the Evans ADU complies with all code requirements.

Agency Recommendations

Development Engineering recommends approval of this project with 2 conditions (Exhibit 10). Development Services recommends approval with 20 conditions. Fire Marshal recommends approval with no conditions. Kitsap County Health District recommends approval with no conditions (Exhibit 9).

Revision of Hearing Examiner's Conditional Use Permits:

KCC 17.421.040 Revision of hearing examiner conditional use permits.

A. Revision of a hearing examiner conditional use permit or conditions of permit approval is permitted as follows:

1. Minor Revisions. Minor revisions may be permitted by the department. No revision in points of vehicular access to the property shall be approved without prior written

concurrence of the director of the department of public works. Minor revisions shall be processed as a Type I application.

A “minor” revision means any proposed change which does not involve substantial alteration of the character of the prior approval, including dimensional or gross floor area increases of less than ten percent.

Staff Comment:

The Department of Community Development has determined the proposed relocation of the ADU from the main floor to the second floor of the existing garage building falls within the definition of a minor revision and shall be processed and permitted by the department. All conditions of approval issued by the Hearing Examiner still apply except conditions 4, 11 and 18 require modification as a result of the minor revision, but only to accurately reflect the change in location of the ADU and to rescind the original recorded binder and replace it with the binder for CUP Revision 14 02004.

Findings of the Hearing Examiner and Department of Community Development:

The findings of the Hearing Examiner still substantially apply except those that describe the ADU being located on the main floor rather than the second floor and the overall size of the ADU, as a result of the proposed revision. Therefore, the Hearing Examiner’s findings are applicable, are considered modified as appropriate to address the proposed revision and incorporated into this decision.

Minor Revision Decision:

The Department of Community Development reviewed the requested revision in accordance with KCC 17.421.040 and approves the request to relocate the ADU from the first floor to the second floor of the existing garage building, subject to all of the Hearing Examiner’s original conditions of approval except for modifications to conditions 4, 11 and 18. The original conditions and modified conditions 4, 11, and 18 are incorporated below.

Administrative Minor Revision Conditions:

Development Engineering

1. At time of building permit submit an Application for Concurrency Test (KCPW Form 1601) as required by Chapter 20.04, Transportation Concurrency, of the Kitsap County Code. The KCPW 1601 form is how you reserve road capacity for your project.
2. Submit a Road Approach Permit Application at time of building permit and plans for construction of asphalt concrete accesses 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 Chapter 11.22, Kitsap County Road Standards, of the Kitsap County Code. Existing approaches may need to be improved to meet current standards.

Development Services

3. There shall be no interior connection between the main floor and the second floor of the accessory dwelling unit (ADU) building.
4. A second dwelling unit is prohibited on the main floor of the building in which the ADU is located.
5. All required permits shall be obtained prior to commencement of land clearing, construction and/or occupancy.
6. An approved and issued building permit is required to convert the existing garage into a legal ADU.
7. 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.
8. 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.
9. Only one ADU shall be permitted on the subject property.
10. 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.
11. The ADU is limited in size to that proposed by the applicant in Exhibit 4A and no greater than 900 square feet.
12. The ADU shall be designed to maintain the appearance of the primary residence.
13. The ADU shall meet the applicable health district standards for water and sewage disposal.
14. No mobile home or recreational vehicle shall be allowed as an ADU.
15. The ADU shall use the same side street entrance as the primary residence and shall provide additional off-street parking.
16. An ADU is not permitted on the same lot where an accessory living quarters exists.
17. All buildings shall be subject to an annual inspection to ensure compliance

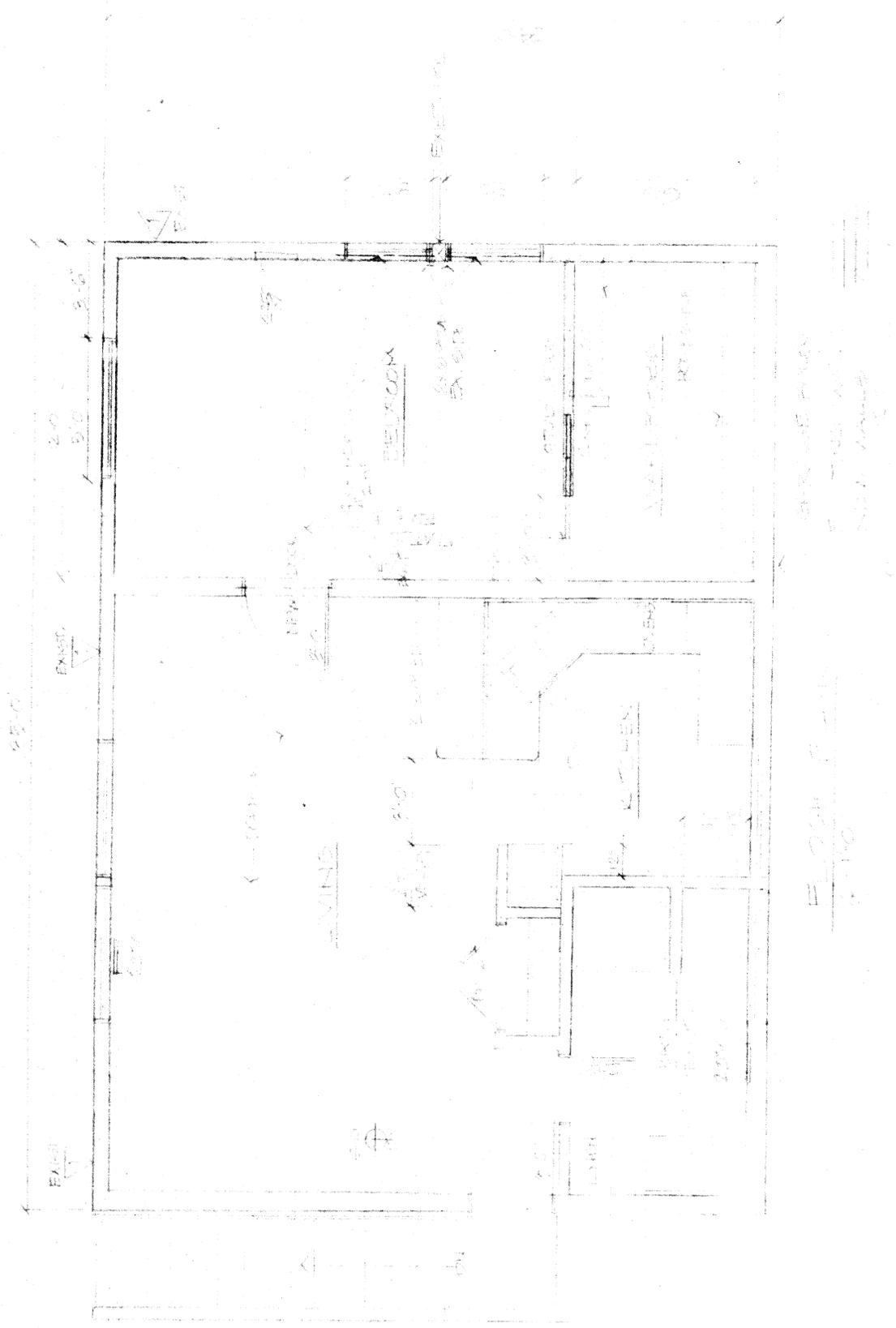
with all conditions. The Department of Community Development shall provide 24 hours notice prior to inspection, except for any filed complaint.

18. 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 by the Department and recorded at the applicant's expense. The applicant shall provide recorded copies of the Binder to the Department. The Binder shall be recorded within 30 days of the final land use decision and notification by the Department. The Binder under Auditor's File Number (AFN) 201405280140 for Conditional Use Permit (CUP) 13 03386 is hereby rescinded and replaced by the Binder for CUP Minor Revision 14 02004.
 19. 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 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.
 20. This Conditional Use Permit approval shall become void if no building permit application to convert the designated garage into an ADU is accepted as complete, by the Department of Community Development, within three years of the Notice of Hearing Examiner Decision date and resolution of any appeals.
 21. Any violation of the conditions of approval shall be grounds to initiate revocation of this Conditional Use Permit.
- Health District
22. This permit shall comply with all Kitsap Public Health District regulations and conditions of approval.

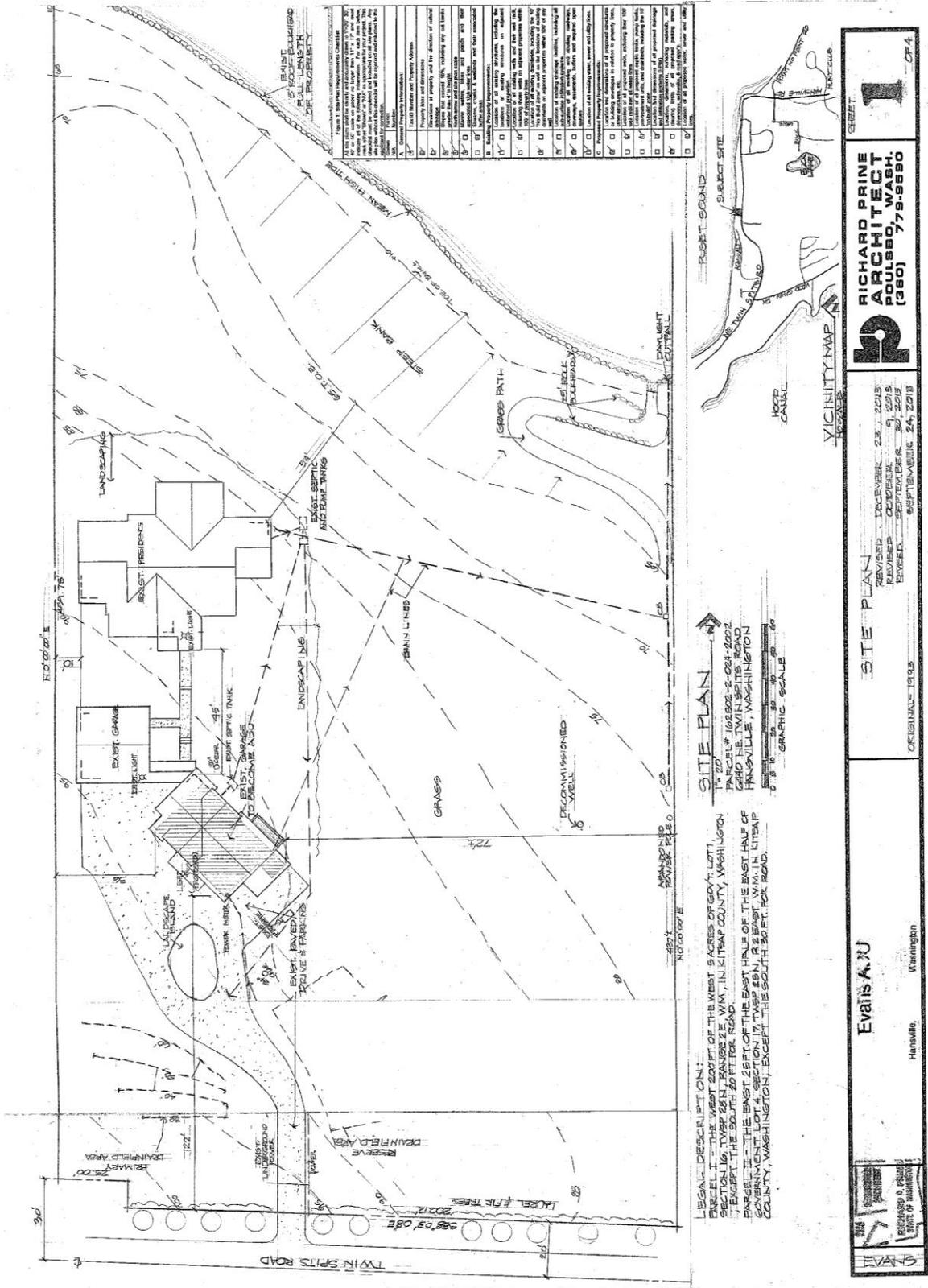
This Administrative Decision is issued on August 29, 2014. This Decision of the Director of the Kitsap County Department of Community Development may be appealed to the Kitsap County Hearing Examiner pursuant to KCC 21.04.290. Appeals must be filed with the Department of Community Development by the close of business on September 12, 2014.

c: Dennis Evans; dennis@centrealtech.com
Richard Prine; rprinearchitect@gmail.com
Kitsap County Health District, MS-30
Kitsap County Public Works Dept., MS-26
DCD Staff Planner: Meg Sands
DCD Code Compliance
DCD File 13 03386 & 14 02004
DCD Building Permit File 14 01579
DCD Development Engineering
DCD Fire Marshal

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ADU Floor Plan – Revised (Exhibit 4A)



Site Plan (Exhibit 4A)