



Notice of Administrative Decision

Date: 09/15/2023

To: **LESLIE & JOSEPH NEWMAN**, leslienewman007@gmail.com
Newman Construction, joenewman1001@gmail.com
Interested Parties and Parties of Record

RE: **Permit Number:** 23-01237
Project Name: Newman - Accessory Dwelling Unit
Type of Application: ADMIN CUP - ADU

The Kitsap County Department of Community Development has **APPROVED** the land use application for **Permit 23-01237: Newman - Accessory Dwelling Unit – ADMIN CUP - ADU**, **subject to the conditions outlined in this Notice and included Staff Report.**

THE DECISION OF THE DEPARTMENT IS FINAL, UNLESS TIMELY APPEALED TO THE KITSAP COUNTY HEARING EXAMINER ON OR BEFORE 14 DAYS FROM THE DATE OF DECISION PER KITSAP COUNTY CODE 21.04.290.

The written appeal shall be made on, or attached to, an appeal form titled: *'Appeal/Objection of an Administrative Decision'* found on DCD's website, through the Online Permit Application Portal: <https://app.oncamino.com/kitsapcounty/login>.

Please note affected property owners may request a change in valuation for property tax purposes, notwithstanding any program of revaluation. Please contact the Assessor's Office at 360-337-5777 to determine if a change in valuation is applicable due to the issued Decision.

The complete case file is available for review by contacting the Department of Community Development; if you wish to view the case file or have other questions, please contact help@kitsap1.com or (360) 337-5777.

CC: Designer: Scott Boyer, boyerscott1@gmail.com
Kitsap County Health District, MS-30
Kitsap County Public Works Dept., MS-26
DCD Staff Planner: Izzy Lotz
Interested Parties: None
Navy
DSE
Kitsap Transit
South Kitsap Fire District
South Kitsap School District
Puget Sound Energy
Water Purveyor

Permit 23-01237, Newman - Accessory Dwelling Unit
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Sewer Purveyor
Point No Point Treaty Council
Suquamish Tribe
Port Gamble S'Klallam Tribe
Squaxin Island Tribe
Puyallup Tribe
WA Dept of Fish & Wildlife
WA State Dept of Ecology-SEPA



Administrative Staff Report

Report Date: 9/11/23

Application Submittal Date: 3/06/2023

Application Complete Date: 4/10/2023

Project Name: Newman - Conditional Use Permit Accessory Dwelling Unit

Type of Application: Admin CUP – ADU

Permit Number: Permit # 23-01237

Project Location

1672 Colchester DR E
Port Orchard, WA 98366
Commissioner District #2

Assessor's Account

4516-003-007-0006

Applicant/Owner of Record

Leslie and Joseph Newman
PO Box 615
Manchester, WA 98353

Decision Summary

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

VICINITY MAP



1. Background

Leslie and Joseph Newman have applied for an Administrative Conditional Use permit to allow for the construction of a 762.5 square foot accessory dwelling unit over a 1,560 square foot garage at 1672 Colchester Dr E in Port Orchard. The property is developed with a 1,525 square foot single family residence.

2. Project Request

The request is for the approval of an Administrative Conditional Use Permit for an Accessory Dwelling Unit (ADU). Kitsap County Code 17.410.046.102 requires an Administrative Conditional Use Permit for detached ADUs.

3. SEPA (State Environmental Policy Act)

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

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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.

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 MM DD, YYYY. A Determination of Nonsignificance (DNS) was issued on August 16, 2023. SEPA noted the following information/SEPA mitigation conditions have been imposed and are listed under conditions at the end of this report:

The SEPA appeal period expired August 30, 2023. No appeals were filed; therefore, the SEPA determination is final.

4. Physical Characteristics

The property is rectangle shaped with an angled front property line and is approximately 95’ wide and 312’ long.

Table 1 - Comprehensive Plan Designation and Zoning

Comprehensive Plan: Limited Area of More Intense Rural Standard Proposed Development (LAMIRD) Zone: Manchester Village Low Residential (MVLR)	Standard	Proposed
Minimum Density	N/A	Previously created lot
Maximum Density	2 per acre	
Minimum Lot Size	21,780 square feet	N/A
Maximum Lot Size	N/A	N/A
Minimum Lot Width	60 feet	N/A
Minimum Lot Depth	60 feet	N/A
Maximum Height	35 feet	2 stories, <35 feet
Maximum Impervious Surface Coverage	40%	20.76%
Maximum Lot Coverage	NA	NA

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Table 2 - Setback for Zoning District

	Standard	Proposed
Front (East)	20 feet	~135 feet
Side (North)	5 feet	~7 feet
Side (South)	5 feet	~32 feet
Rear (West)	5 feet	~127 feet

Table 3 - Surrounding Land Use and Zoning

Surrounding Property	Land Use	Zoning
North	Single-family residence	Manchester Village Low Residential (MVLRL)
South	Single-family residence	Manchester Village Low Residential (MVLRL)
East	Single-family residence	Manchester Village Low Residential (MVLRL)
West	Single-family residence	Manchester Village Low Residential (MVLRL)

Table 4 - Public Utilities and Services

	Provider
Water	Manchester Water District #11
Power	Puget Sound Energy
Sewer	Kitsap County
Police	Kitsap County Sheriff
Fire	South Kitsap Fire & Rescue
School	South Kitsap School District

5. Access

Access to the property is off Colchester Dr E which is a County maintained road. The proposed accessory dwelling unit will from the same point as the existing single-family residence.

6. Site Design

Site design is analyzed under Section 10 of this report.

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

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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 (amended in 2018 and 2020).

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

Land Use Goals and Policies

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.

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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
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

<u>Applicant Submittals</u>	<u>Dated or date stamped</u>
Administrative CUP Application	March 17, 2023
Environmental (SEPA) Checklist	February 26, 2023
Accessory Dwelling Unit Construction Plans	February 2, 2023
Site Plan	February 2, 2023
Existing Home Floor Plan	February 8, 2023
Sewer Connection Permit	September 22, 2022
Drainage Report	January 31, 2023
Stormwater Worksheet	March 20, 2023
Stormwater Pollution Prevention Plan Narrative	March 20, 2023
Building Site Application for Water and Sewer	March 20, 2023
Assessor’s Office Primary Home Analysis	July 27, 2023

<u>Staff Communication</u>	<u>Dated</u>
Dev. Services & Engineering Memo	June 23, 2023

9. Public Outreach and Comments

The Notice of Application was sent out on April 20, 2023. No comments were received.

10. Analysis

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a. Planning/Zoning

17.415.015.B. In order to encourage the provision of affordable housing, an accessory dwelling unit (ADU), detached, located outside an urban growth area shall meet the following criteria:

1. Only one ADU shall be allowed per lot;

Staff Comment: Only one ADU is proposed.

2. Owner of the property must reside in either the primary residence or the ADU;

Staff Comment: Owner resides on the property.

3. The ADU shall not exceed fifty percent of the square footage of the habitable area of the primary residence or nine hundred square feet, whichever is smaller. Dimensions are determined by interior measurements;

Staff Comment: According to the Kitsap County Assessor's Office the existing single-family residence is 1,531 square feet. The proposed ADU is 762.5 square feet, which is less than 49.8% of the habitable area of the single-family residence.

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

Staff Comment: The proposed ADU is located approximately 25' from the primary residence.

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

Staff Comment: The construction maintains the appearance of the primary residence.

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

Staff Comment: ADU is meeting all setback requirements for the zone.

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

Staff Comment: The ADU has received approval for water and sewage from the Kitsap Health District.

8. No mobile homes or recreational vehicles shall be allowed as an ADU;

Staff Comment: ADU proposed is not a mobile home or recreational vehicle.

9. An ADU shall use the same side-street entrance as the primary residence and shall provide additional off-street parking; and

Staff Comment: The property is accessed off Colchester Drive E. The existing single-family residence and proposed accessory dwelling unit will use the existing driveway.

10. An ADU is not permitted on the same lot where an accessory dwelling unit, attached (ADU-A), exists.

Staff Comment: No attached ADU exists on this lot.

b. Lighting

Lighting elements are not evaluated or required for this project.

c. Off-Street Parking

Please see below.

Table 5 - Parking Table

Use Identified in 17.490.030	Standard	Required Spaces	Proposed Spaces/Existing Spaces
3 for the single-family residence 1 for the ADU	3 for the single-family residence 1 for the ADU	3+1 =4	Standard parking space 9x20 Parking is more than 720 square feet

d. Signage

Signage is not evaluated or required for this project.

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	Landscaping not required.	N/A

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Required Buffer(s) 17.500.025	N/A	N/A
North	N/A	N/A
South	N/A	N/A
East	N/A	N/A
West	N/A	N/A
Street Trees	N/A	N/A

f. Frontage Improvements

Frontage improvements were not a requirement of this project.

g. Design Districts/Requirements

The subject property is not located within a design district.

h. Development Engineering/Stormwater

Development Engineering has reviewed the land use proposal and finds the concept supportable in its approach to civil site development. Comments are based on a review of the preliminary site plan and Level 1 Downstream Analysis accepted for review April 10, 2023 to Kitsap County Development Engineering.

i. Environmental

There are no environmental concerns or conditions for this proposal as the nearest critical area is ~300 feet from proposed ADU site.

j. Access, Traffic and Roads

Development Services and Engineering reviewed the proposal for compliance with traffic and road standards and recommended approval.

k. Fire Safety

The Kitsap County Fire Marshall’s Office reviewed and approved the proposal.

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. Potable water will be provided by a private well; sanitary sewage disposal is proposed to be provided by sewer.

n. Kitsap Public Health District

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The Kitsap County Health District reviewed and approved the proposal.

11. Review Authority

The Director has review authority for this Administrative Conditional Use Permit application under KCC, Sections 17.540.020 and 21.04.100. The Kitsap County Commissioners have determined that this application requires review and approval of the Director. The Director may approve, approve with conditions, or deny an Administrative Conditional Use Permit.

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. Decision

Based upon the analysis above and the decision criteria found in KCC 17.540.040.A, the Department of Community Development recommends that the Administrative Conditional Use Permit request for Newman – Administrative Conditional Use Permit Accessory Dwelling Unit be **approved**, subject to the following 25 conditions:

a. Planning/Zoning

1. All required permits shall be obtained prior to commencement of land clearing, construction and/or occupancy.
2. The 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 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. Only one ADU shall be permitted on the subject property.
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. The accessory dwelling unit's ADU habitable area shall not exceed 50% of the primary residence or 900 square feet, whichever is smaller. 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 ADU shall be located within 150 feet of the primary residence.
7. The ADU 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 ADU.
10. The ADU shall use the same side street entrance as the primary residence and shall provide one additional off-street parking space.
11. An attached accessory dwelling unit (A-ADU) or guest house (GH) is not permitted on the same lot unless the ADU is removed and the A-ADU or GH complies with all requirements imposed by the Kitsap County Code.
12. A property with a primary residence and an 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 a complete subdivision application.
13. The ADU 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. 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 Administrative Conditional Use Permit.

b. Development Engineering

20. The information provided demonstrates this proposal is a Small Project as defined in Kitsap County Code Title 12. Building permit application materials shall include a drainage design demonstrating compliance with Minimum Requirements #1-5, as outlined in the Kitsap County Stormwater Design Manual.
21. Stormwater quantity control, quality treatment, and erosion and

sedimentation control, as required for the development, shall be designed in accordance with Kitsap County Code Title 12. If development meets the thresholds for engineered drainage design, 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 Building Permit Application.

22. If the project proposal is modified from that shown on the site plan approved for this permit application, Development Engineering will require additional review and potentially new conditions.

c. Environmental

No Conditions

d. Traffic and Roads

23. 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, or Building Permit process, if a SDAP is not required. The need for and scope of bonding will be determined at that time.

e. Fire Safety

24. Based on the information provided, the road that accesses your property does not comply with the requirements for fire access. When fire access is not initially provided, it can be improved to comply, or a residential sprinkler system can be installed (to mitigate access).

Fire access roads shall comply with all the following:

1. Unobstructed width of 20 feet and height of 13 feet 6 inches.
2. Shall be designed and maintained to support a 60,000-pound fire apparatus and be provided with an all-weather driving surface.
3. Inside turning radiuses shall be a minimum of 25 feet
4. Dead end access roads exceeding 150 feet in length shall be provided with an approved turnaround.
5. Any portion of the access shall not exceed 12% grade.

At time of construction please perform one of the following:

- Submit documentation showing the current road construction meets fire access requirements per code.
- Include documentation to show that you will improve the access to meet current code.
- Or indicate on the building plans that the residence will be provided with an

automatic sprinkler system.

f. Solid Waste

No Conditions

g. Kitsap Public Health District

No Conditions

h. Sewer

25. KCPW Sewer Utility Division requires the grease removal system to comply with the current Uniform Plumbing Code if any plumbing work is done.

Report prepared by:

Izzy Lotz
Izzy Lotz / Project Lead

9/6/23
Date

Report approved by:

Katharine Shaffer
Katharine Shaffer/ Supervisor

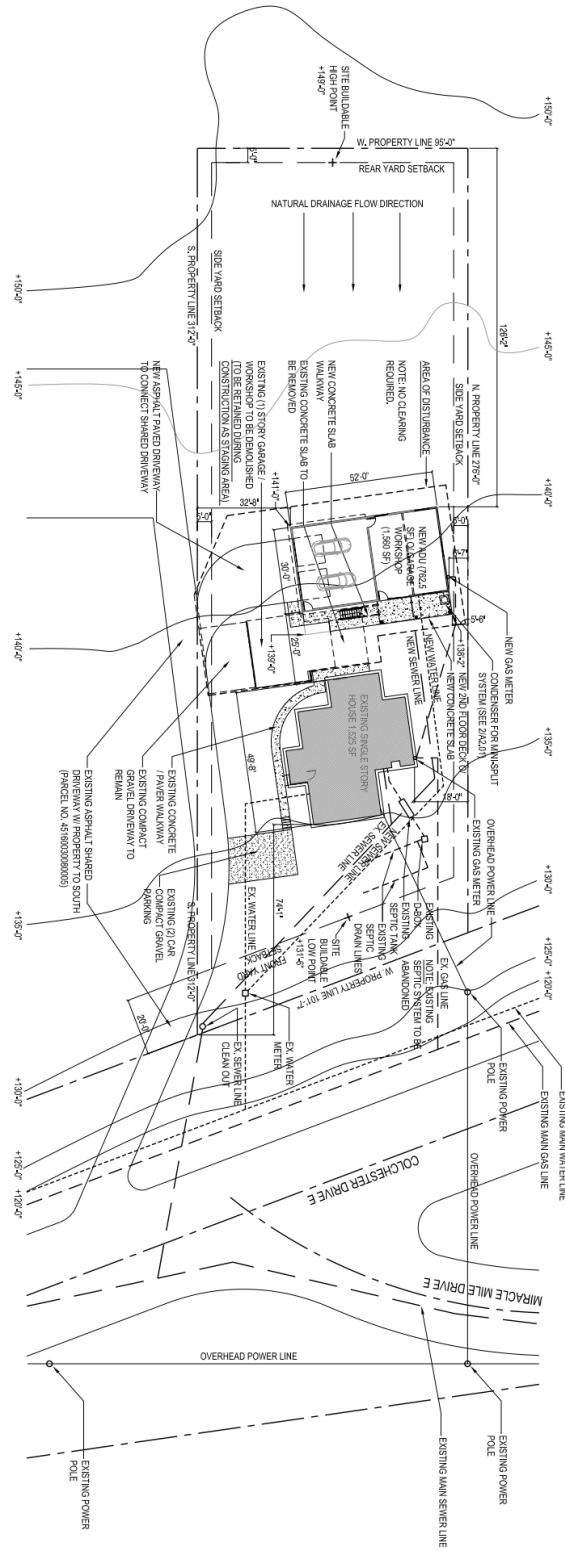
9-7-23
Date

Attachments:

- Attachment A – Site Plan
- Attachment B – Critical Area Map
- Attachment C – Zoning Map (Required)

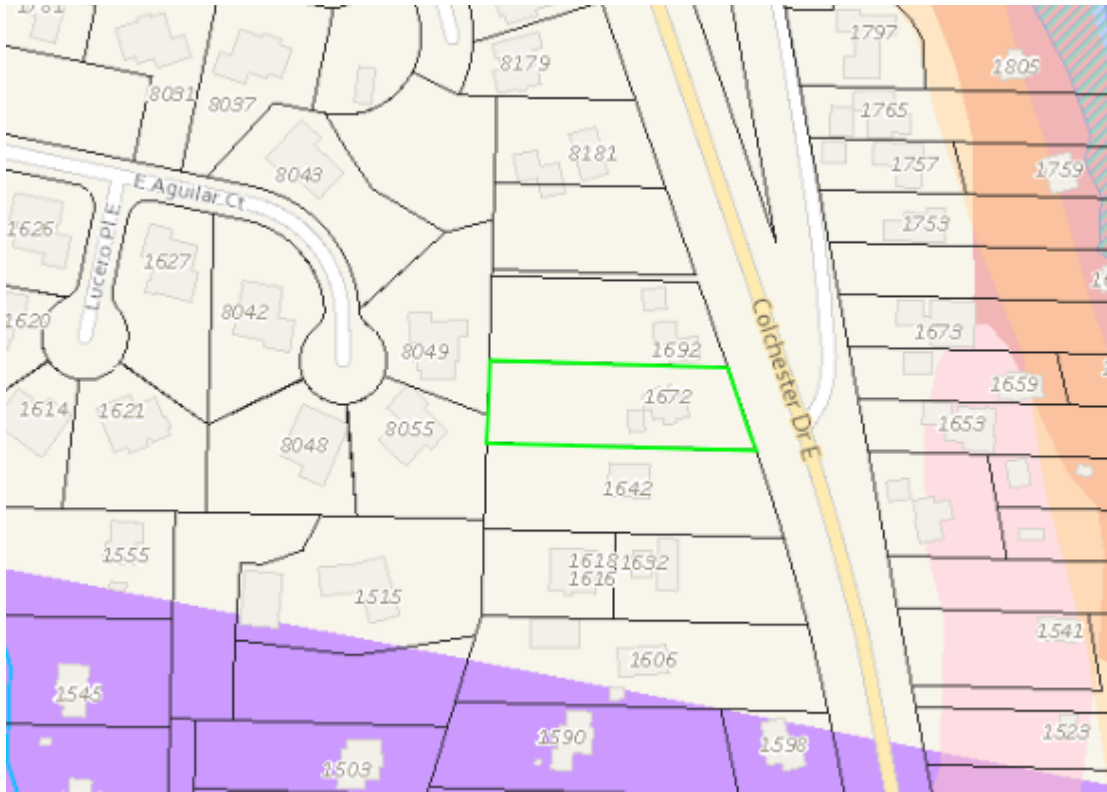
CC: Leslie & Joseph Newman, leslienewman007@gmail.com
Newman Construction, joenewman1001@gmail.com
Scott Boyer, boyerscott1@gmail.com
Interested Parties: N/A
Kitsap County Health District, MS-30
Kitsap County Public Works Dept., MS-26
DCD Staff Planner: Izzy Lotz

Site Plan



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Critical Area Map



Zoning Map

