



Notice of Administrative Decision

Date: 11/06/2024

To: SMITH ELAINE PETERS STOTSENBERG TRUSTEE, stotse@aol.com
Jay Freeland, jay@alyricllc.com
Interested Parties and Parties of Record

RE: **Permit Number:** 24-00436
Project Name: SMITH - Administrative Conditional Use Permit for Accessory Dwelling Unit
Type of Application: ADMIN CUP - ADU

The Kitsap County Department of Community Development has **APPROVED** the land use application for **24-00436: SMITH - Administrative Conditional Use Permit for 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: Kitsap County Health District, MS-30
Kitsap County Public Works Dept., MS-26
DCD Staff Planner: Izzy Lotz
Interested Parties: None
Parks
Navy
DSE
Kitsap Transit
South Kitsap Fire District
South Kitsap School District
Puget Sound Energy

24-00436, Smith ADMIN CUP-ADU
11/06/2024

Water Purveyor - Manchester District
Sewer Purveyor - PUBLIC UTILITY DIST NO 1
Point No Point Treaty Council
Suquamish Tribe
Port Gamble S'Klallam Tribe
Squaxin Island Tribe
Skokomish Tribe
Puyallup Tribe
WA Dept of Fish & Wildlife
WA Dept of Transportation/Aviation
WA State Dept of Ecology-SEPA
WA State Dept of Ecology-Wetland Review
WA State Dept of Transportation
Dept of Archaeological Historic Preservation
WA Dept of Natural Resources



Administrative Staff Report

Report Date: October 31st, 2024

Application Submittal Date: January 25th, 2024

Application Complete Date: February 16th, 2024

Project Name: Smith- Administrative Conditional Use Permit for an Accessory Dwelling Unit

Type of Application: ADMIN CUP - ADU

Permit Number: 24-00436

Project Location

7235 E Collins Rd.

Port Orchard, WA 98366

Commissioner District #2

Assessor's Account

4567-012-021-0007

Applicant/Owner of Record

Elaine Peters Stotsenberg Smith

Trustee

9882 SE Cornell Rd.

PORT ORCHARD, WA 98366-8955

Decision Summary

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

VICINITY MAP



1. Background

Application proposes to convert of an existing detached garage into a 672 square foot accessory dwelling unit (ADU). The property is developed with a 2,188 square foot single family residence. The ADU will be located 24 feet from the primary residence.

2. Project Request

The applicant, Elaine Peters Stotsenberg Smith, seeks approval for an Administrative Conditional Use Permit (ACUP) to allow the conversion of an existing structure into a detached ADU. Kitsap County Code (KCC) Section 17.410.046.100 requires an ACUP for a detached ADU in the Manchester Village Residential zone.

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 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 June 21, 2024. A Determination of Nonsignificance (DNS) was issued on October 1, 2024.

The SEPA appeal period expired October 15, 2024. No appeals were filed; therefore, the SEPA determination is final.

4. Physical Characteristics

The rectangular parcel is relatively flat with a slight slope from the west down to the east and primarily covered in grass.

Table 1 - Comprehensive Plan Designation and Zoning

Comprehensive Plan: Limited Area of More Intensive Rural Development (LAMIRD) Zone: Manchester Village Residential (MVR)	Standard	Proposed
Minimum Density	N/A	Previously created lot
Maximum Density	4 per acre	
Minimum Lot Size	10,890 square feet	N/A
Maximum Lot Size	NA	N/A
Minimum Lot Width	60 feet	N/A
Minimum Lot Depth	60 feet	N/A
Maximum Height	35 feet	N/A
Maximum Impervious Surface Coverage	50%	N/A
Maximum Lot Coverage	N/A	N/A

Applicable footnotes: Lot is already existing. No newly created lots within this proposal.

Table 2 - Setback for Zoning District

	Standard	Proposed
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Front: South	20 feet	Existing Structure, 105 feet
Side: East	5 feet	Existing Structure, 6 feet
Side: Front West	10 feet	Existing Structure, 28 feet
Rear: North	5 feet	Existing Structure, 5 feet

Table 3 - Surrounding Land Use and Zoning

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

Table 4 - Public Utilities and Services

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

5. Access

East Collins Road, a County maintained road, provides direct access to the parcel. The proposed accessory dwelling unit will access 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 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.

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	January 31, 2024
Environmental (SEPA) Checklist	May 16, 2024
Site Plan	May 16, 2024
SFR House Plans	January 31, 2024
ADU Plans	January 31, 2024

9. Public Outreach and Comments

A NOA was sent out on June 21, 2024. No comments were received.

10. Analysis

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: The owner of the property is a trust. The trustee of the trust, Elaine Peters Stotsenberg Smith will reside in the Accessory Dwelling Unit.

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 2,188 square feet. The proposed ADU is 672 square feet, which is less than 50% of the habitable area of the primary 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: This ADU is the conversion of an existing detached structure and is 24' from the existing single-family residence.

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

Staff Comment: The ADU will have the same roof pitch, roof materials, siding and materials.

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

Staff Comment: ADU is an existing structure 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 proposal has been approved by the Health District for water and sanitation.

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 E Collins Road. The existing single-family residence and proposed accessory dwelling unit will use the existing driveway. ADU enters from E Collins. A condition of approval requires removal of vehicular access from California Avenue.

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 720 square feet

d. Signage

There is no signage proposed with this project.

e. Landscaping

Landscaping elements are not evaluated or required for this project.

Table 6 - Landscaping Table

	Required	Proposed
Required Landscaping (Sq. Ft) 15% of Site	Landscaping not required.	N/A
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 Services and Engineering reviewed and accepts the concepts contained in this preliminary submittal and requires the conditions stated in Section 13 as an element of the land use approval.

i. Environmental

The parcel is mapped in a moderate seismic hazard area. The project is to convert an already permitted garage, no changes to footprint are proposed. The project has been conditioned to require a geologic assessment at the time of building permit review.

j. Access, Traffic and Roads

Development Services and Engineering performed a traffic review of the project and added no conditions to the project.

k. Fire Safety

Kitsap County Fire Marshal's Office has reviewed the project and approved with one conditions.

l. Solid Waste

Solid Waste review was not required for this permit.

m. Water/Sewer

The parcel is connected to public water and is served by sewer.

n. Kitsap Public Health District

The proposal was approved by the Health District.

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 Smith- Conditional Use Permit for an 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 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's trust must reside in either the primary residence or the accessory dwelling unit (ADU) and only one of the structures may be rented at any one time.
6. The accessory dwelling unit's (ADU) habitable area shall not exceed 50% of the primary residence or 900 square feet, whichever is smaller. The proposed size of the ADU is 672 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.
7. The accessory dwelling unit (ADU) shall be located within 150 feet of the primary residence.
 8. The accessory dwelling unit (ADU) shall be designed to maintain the appearance of the primary residence.
 9. No mobile home or recreational vehicle shall be allowed as an accessory dwelling unit (ADU).
 10. The accessory dwelling unit (ADU) shall use the same side street entrance as the primary residence and shall provide one additional off-street parking space. Prior to final occupancy the applicant shall remove the vehicular access from California Avenue through installation of a fence, permanent vegetation, or removal of the parking area in front of the garage.
 11. An attached accessory dwelling unit (formerly called accessory living quarters) or guest house is not permitted on the same lot unless the accessory dwelling unit is removed and the ADU-attached or GH complies with all requirements imposed by the Kitsap County Code.
 12. A property with a primary residence and an accessory dwelling unit (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 accessory dwelling unit (ADU) cannot be sold separately from the primary residence unless it has legally been segregated onto its own lot.
 14. The recipient of any administrative 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 administrative 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 (KCC). 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 Administrative 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.
20. The project exists within a moderate seismic hazard area. Conversion of the garage requires an occupancy permit to demonstrate compliance with Kitsap County Code Title 14.

b. Development Engineering

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 effective at the time the Building Permit is deemed fully complete. 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.

c. Environmental

22. The project exists within a moderate seismic hazard area. Conversion of the garage requires an occupancy permit to demonstrate compliance with Kitsap County Code Title 14.

23. Geologic Assessment shall be required with the building permit

d. Traffic and Roads

None

e. Fire Safety

24. This application proposes development in a high fire hazard Wildland / Urban Interface / Intermix zone. Additional requirements for fire resistive building construction, driveway or other fire apparatus access, and creation of defensible spaces may be assessed at the time of building permit application.

f. Solid Waste

None

g. Kitsap Public Health District

25. This permit shall comply with all Kitsap Public Health District regulations and conditions of approval.

Report prepared by:

Izzy Lotz

10/16/2024

Izzy Lotz / Project Lead

Date

Report approved by:



10/22/2024

Darren Gurnee , Current Planning Supervisor

Date

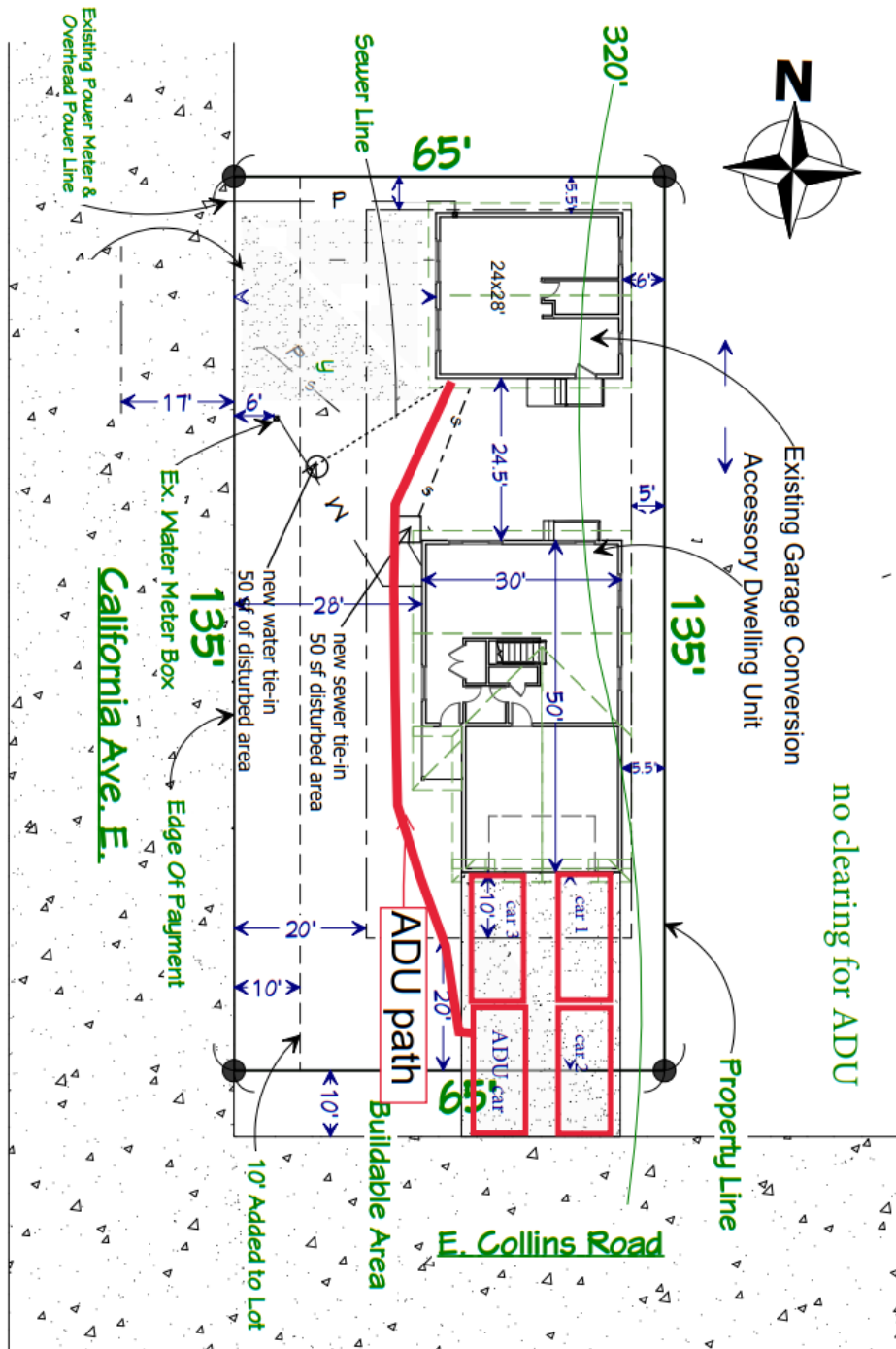
Attachments:

Attachment A: Zoning Map

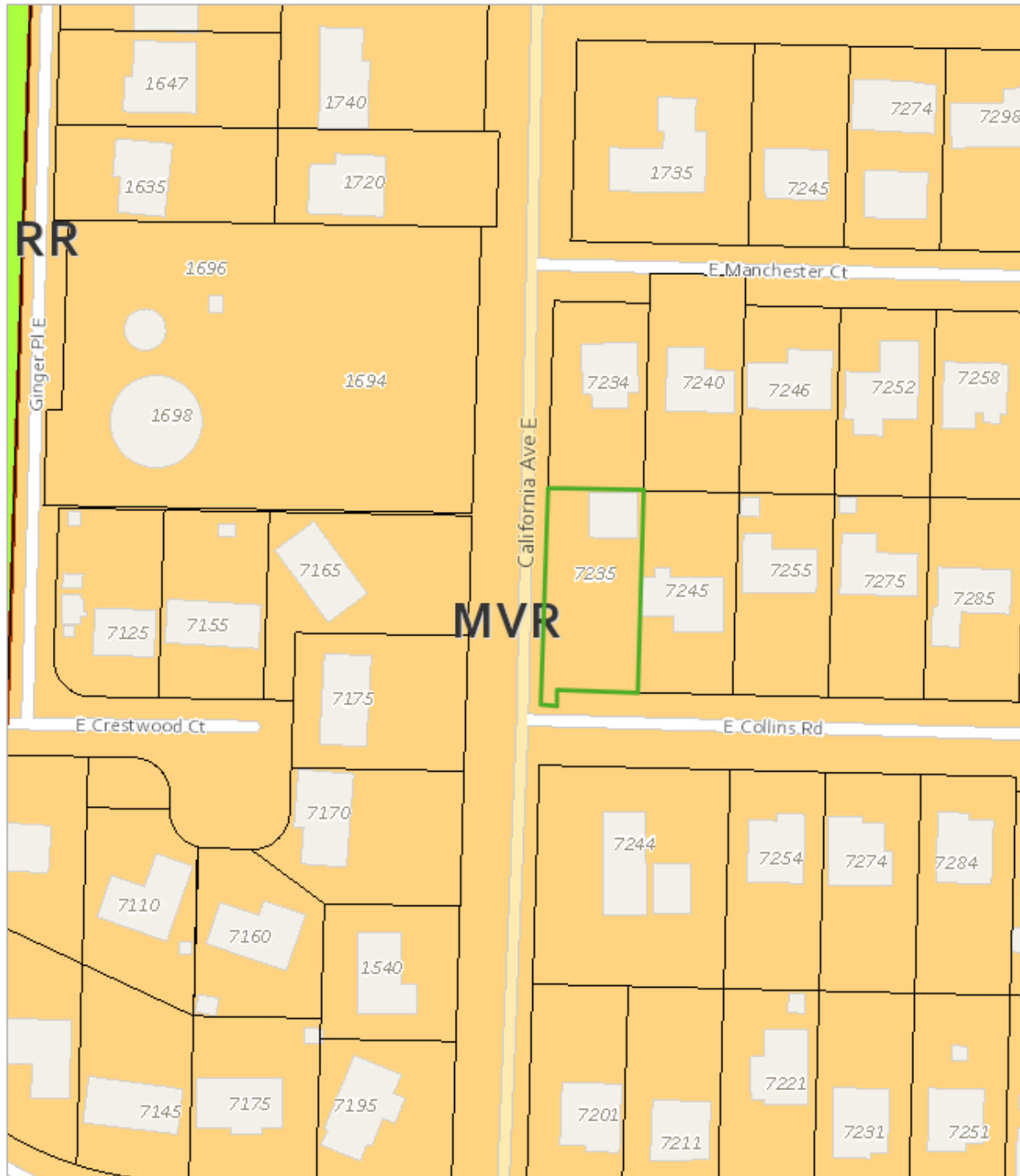
Attachment B: Critical Areas Map

CC: Applicant/Owner: SMITH ELAINE PETERS STOTSENBERG TRUSTEE, stotse@aol.com
Project Representative: Jay Freeland, jay@alyricllc.com
Interested Parties: None
Kitsap County Health District, MS-30
Kitsap County Public Works Dept., MS-26
DCD Staff Planner: Izzy Lotz

Site Plan



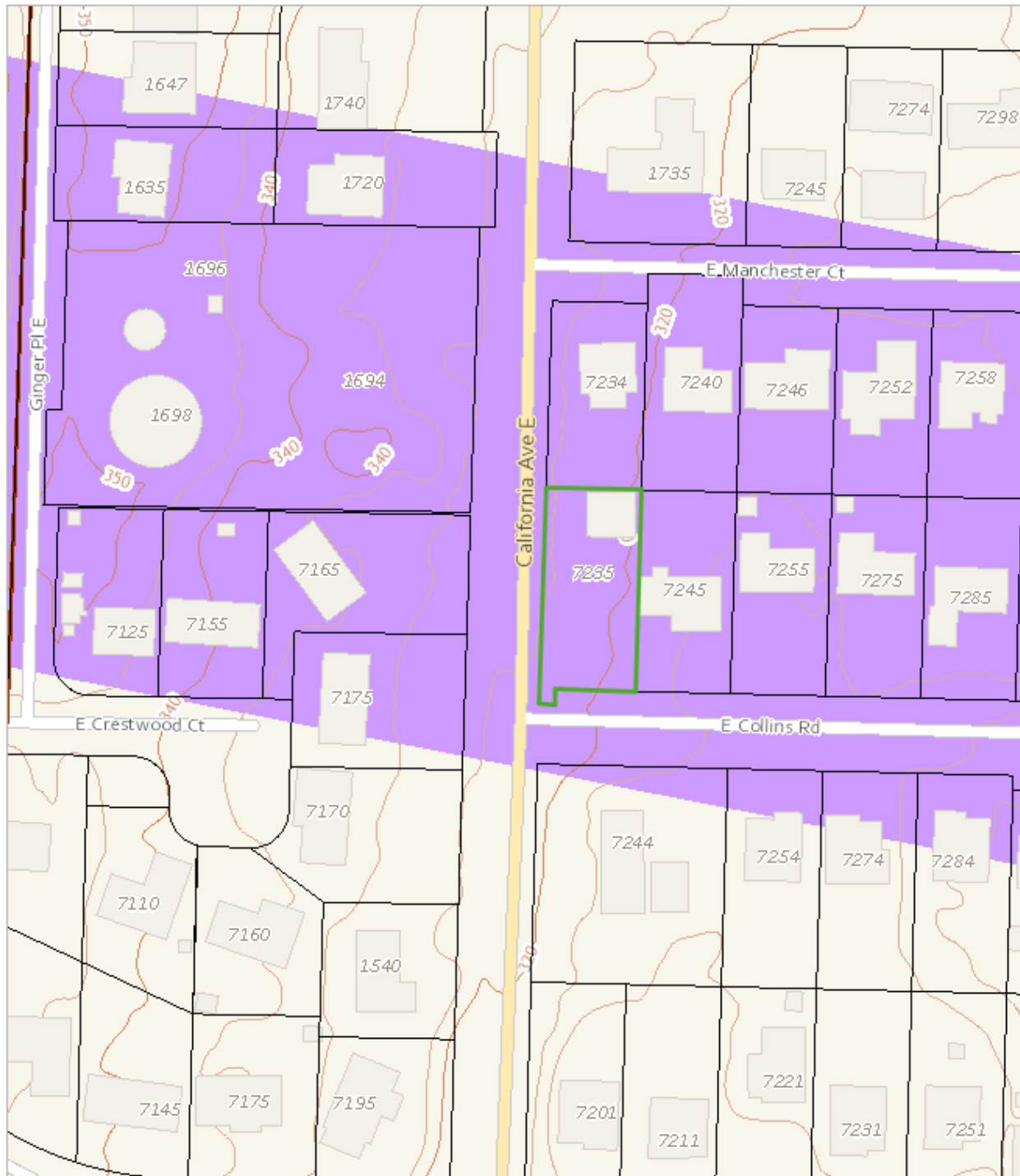
Attachment A: Zoning Map



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

100 ft

Attachment B: Critical Areas Map



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

100 ft