



Hearing Examiner Staff Report and Recommendation

Report Date: February 9, 2024
Hearing Date: February 16, 2024

Application Submittal Date: April 3, 2023
Application Complete Date: May 26, 2023

Project Name: Ford – Conditional Use Permit Accessory Dwelling Unit
Type of Application: CUP-ADU
Permit Number: 23-01631

Project Location

1965 NE Sipes Ln
Bremerton, WA 98311
Commissioner District 3

Assessor's Account

242501-2-029-2001

Applicant/Owner of Record

Tye and Nicole Ford
1965 NE Sipes LN
Bremerton, WA 98311

Recommendation Summary

Approved subject to conditions.

VICINITY MAP



1. Background

Tye and Nicole Ford, (hereafter, “the Applicant”) propose to construct an 844-square-foot detached accessory dwelling unit (ADU) at 1965 NE Spies Lane. The subject property is zoned Rural Residential (RR). Per Kitsap County Code (KCC) section 17.415.015.B, an ADU, detached proposed outside of an Urban Growth Area (UGA) boundary requires a Conditional Use Permit (CUP). The project is located outside of an UGA; therefore, a CUP approval is required.

2. Project Request

The Applicant requests approval of a CUP to construct an 844-square-foot ADU. Existing on the subject property is a 2,435 square foot single-family residence. The ADU will use the same driveway as the existing single-family residence, and access the parcel from the North of the parcel which connects to NE Sipes LN. The ADU will have similar materials as the primary dwelling. The onsite septic system will serve the ADU and primary unit. A new Kitsap Public Utility District and new Puget Sound Energy meter will provide water and power to the new proposed dwelling unit. The proposed ADU meets all applicable code provisions applying to special uses per KCC section 17.415.015 and for CUP approval per KCC section 17.550.030.A.

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 10/13/2023, (Exhibit 11). A Determination of Nonsignificance (DNS) was issued on 01/29/2024, (Exhibit 15).

The SEPA appeal period expired on 02/12/2024. No appeals were filed; therefore, the SEPA determination is final.

4. Physical Characteristics

According to the Kitsap County Assessor, the subject site is 5.02 acres. The NE portion of the site is developed with primary dwelling, attached garage and driveway. The septic, primary and reserve, is South of the proposed development. Potable water is proposed to be provided by North Perry Ave Water District; sanitary sewage disposal is proposed to be provided by an individual on-site septic system. Adequate vehicular access is proposed via private driveway intersecting NE Sipes LB. There are critical areas on the parcel: moderate erosion hazard, moderate landslide hazard, seismic hazard, and a wetland near the SW corner. All have been addressed in the submittals and meet code. The project is conditioned that required building permits meet the provisions of Kitsap County Code Title 12.

Table 1 - Comprehensive Plan Designation and Zoning

Comprehensive Plan: Zone: Rural Residential	Standard	Proposed
Minimum Density	NA	1
Maximum Density	1 dwelling unit/5 acres	
Minimum Lot Size	5 acres	5.02 acres
Maximum Lot Size	NA	NA

Minimum Lot Width	140'	~662'
Minimum Lot Depth	140'	~332'
Maximum Height	35'	~25', 2 stories
Maximum Impervious Surface Coverage	NA	NA
Maximum Lot Coverage	NA	NA

Table 2 - Setback for Zoning District

	Standard	Proposed
Front (North)	50 feet	~172 feet
Side (West)	20-feet, 5-feet for accessory structure	~440 feet
Side (East)	20-feet, 5-feet for accessory structure	~183 feet
Rear (South)	20 feet, 5-feet for accessory structure	~125 feet

Table 3 - Surrounding Land Use and Zoning

Surrounding Property	Land Use	Zoning
North	Currently undeveloped and Single-family residence.	Rural Residential (RR)
South	Single-family residence.	Rural Residential (RR)
East	Single-family residences and MH Real Property.	Rural Residential (RR)
West	Undeveloped Land.	Rural Residential (RR)

Table 4 - Public Utilities and Services

	Provider
Water	North Perry Ave Water District
Power	Puget Sound Energy
Sewer	On Site Septic
Police	Kitsap County Sheriff
Fire	Central Kitsap Fire & Rescue
School	Central Kitsap School District No 401

5. Access

Access from the North of the parcel off of NE Sipes LN, via an easement.

6. Site Design

Site design is evaluated under the “Planning Analysis” under Section 10.

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, and 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
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

A complete index of exhibits is located in the project file. To date, the index to the record consists of Exhibits 19.

Exhibit #	Document	Dated	Date Received / Accepted
1	Staff Report	02/09/2024	

2	Site Plan		05/26/2023
3	Permit Questionnaire Form		05/26/2023
4	ADU Floor Plan		05/26/2023
5	SFR Floor Plan		05/26/2023
6	Health District Building Site Application (BSA)		05/26/2023
7	Water Availability Letter		05/26/2023
8	Stormwater Worksheet		05/26/2023
9	Stormwater Pollution Prevention Plan (SWPPP)		05/26/2023
10	Stormwater Conditions Memo	08/10/2023	
11	Notice of Application	10/13/2023	
12	Geotechnical Report		10/25/23
13	Revised CUP Site Plan		10/25/23
14	Revised SEPA Checklist		12/01/2023
15	Corrected SEPA Determination	01/29/2024	
16	Notice of Public Hearing	02/01/2024	
17	Certification of Public Notice	02/08/2024	
18	Staff Presentation		
19	Hearing Sign In		

9. Public Outreach and Comments

Kitsap County prepared a notice of application consistent with Kitsap County Code Kitsap County Code 21.04 published on October 13, 2023. Kitsap County received no public comment on this project.

10. Analysis

a. Planning/Zoning

Per KCC section 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. Staff comments are provided below:

1. Only one ADU shall be allowed per lot;

Staff Comment: The proposed project is for one ADU.

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

Staff Comment: The property owner will reside in either the primary or ADU. The permit will be conditioned as such.

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: This application proposes an 844 square foot ADU. The residence is 2,435 square feet. Fifty percent of 2,435 square feet is 1,217.5 square feet. The ADU is limited to 900 square feet (the smaller value).

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 ~73' from the primary residence.

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

Staff Comment: The proposed ADU will be similar in design to the primary residence. The proposed ADU has the same roof pitch as the existing single-family residence. Condition #8 requires the ADU to maintain the similar appearance.

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

Staff Comment: The parcel is zoned Rural Residential (RR). All setbacks required in this zone are met for the proposed ADU. See Table 2 Setback for Zoning District

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

Staff Comment: The Kitsap County Health District reviewed and approved the ADU. Please see Exhibit 6.

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

Staff Comment: There are no mobile homes or recreational vehicles present on the subject property or proposed in this application.

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 proposed ADU will use the same side-street access. Additional off-street parking requirement is met. Please see Table 5.

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

Staff Comment: There are no other ADUs on this parcel, existing or proposed.

b. Lighting

Lighting was not analyzed as part of this proposal.

c. Off-Street Parking

The proposal includes more than one additional parking space for the ADU.

Table 5 - Parking Table

Use Identified in 17.490.030	Standard	Required Spaces	Proposed Spaces/Existing Spaces
Single-Family (attached or detached)	For historical lots or lots with no standing requirement, 3 per unit. 1 additional space for ADUs		5 SFR 2 ADU
Total	4	4	7

d. Signage

No signage is proposed or required.

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	NA	NA
Required Buffer(s) 17.500.025		
North	NA	NA
South	NA	NA
East	NA	NA
West	NA	NA
Street Trees	NA	NA

f. Frontage Improvements

Not applicable; there are no frontage improvement requirements for an ADU.

g. Design Districts/Requirements

Not applicable; the subject property is not located within a design district.

h. Development Engineering/Stormwater

Development Engineering has reviewed the above land use proposal and finds the concept supportable in its approach to civil site development. These comments are based on a review of the preliminary submittal accepted for review May 26, 2023, to Kitsap County Development Engineering. Please see Conditions 21-23.

i. Environmental

There is a mapped moderate erosion hazard on the parcel, which has been addressed in the submitted Geological Assessment report from Envirotech Engineering dated March 18th 2018, and addendum letter from Envirotech Engineering dated March 10, 2023.

The mapped wetland in the SW corner of the parcel is 370' from the proposed ADU project and will not be impacted by this project.

j. Access, Traffic and Roads

Development Services and Engineering reviewed the proposal for compliance with traffic and road standards and recommended approval, with conditions (Section 13).

k. Fire Safety

The Kitsap County Fire Marshal'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 the North Perry Avenue Water District; sanitary sewage disposal is proposed to be provided by an on-site septic system.

n. Kitsap Public Health District

Kitsap County Health District as reviewed and approved the proposal with no conditions.

11. Review Authority

The Hearing Examiner has review authority for this Conditional Use Permit application under KCC, Sections 17.550.020 and 21.04.100. The Kitsap County Commissioners have determined that this application requires review and approval of the Hearing Examiner. The Hearing Examiner may approve, approve with conditions, or deny a Conditional Use Permit. The Hearing Examiner may also continue the hearing to allow for additional information necessary to make the proper decision. The powers of the Hearing Examiner are at KCC, Chapter 2.10.

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. Recommendation

Based upon the analysis above and the decision criteria found in KCC 17.550.030.A, the Department of Community Development recommends that the Conditional Use Permit request for the Ford ADU be **approved**, subject to the following 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 ADU building, regardless of whether a building permit is required, shall be reviewed by the DCD 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.
6. The ADU's habitable area shall not exceed 50% of the primary residence or 900 square feet, whichever is smaller. The proposed size of the ADU is 844 square feet (Exhibit 2). 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 ADU shall be located within 150 feet of the primary residence.
8. The ADU shall be designed to maintain the appearance of the primary residence.
9. This permit shall comply with all Kitsap Public Health District regulations and conditions of approval.
10. No mobile home or recreational vehicle shall be allowed as an ADU.
11. The ADU shall use the same side street entrance as the primary residence and shall provide one additional off-street parking space.
12. 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.
13. 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.
14. The ADU cannot be sold separately from the primary residence unless it has legally been segregated onto its own lot.
15. The recipient of any CUP 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 CUP and as a notice to prospective purchasers of the existence of the permit. The Binder shall be prepared and recorded by the DCD at the applicant's expense.
16. 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 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.

17. 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.
18. 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.
19. This CUP approval shall automatically become void if no development permit application is accepted as complete by the DCD within four years of the Notice of Decision date or the resolution of any appeals.
20. Any violation of the conditions of approval shall be grounds to initiate revocation of this CUP.

b. Development Engineering

21. Building permits submitted for this development shall include construction plans and profiles for all roads, driveways, storm drainage facilities and appurtenances. No construction shall be started prior to said plan acceptance.
22. New and/or replaced hard surfaces do not exceed the 2,000 square foot threshold; nor does the project exceed 7,000 square feet of disturbed area. While a formal plan is not required, the applicant must consider all elements required of a stormwater pollution prevention plan and make allowances for managing erosion and sediment discharge on site. Per KCC Title 12, if the project exceeds either of the thresholds noted above, then additional review for stormwater management will be required.
23. 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

24. Project shall follow the recommendations of the Geologic Report prepared by EnivronTech Engineering dated May 18, 2018 and the addendum dated March 10, 2023.

d. Traffic and Roads

25. 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

NA

f. Solid Waste

NA

g. Kitsap Public Health District

NA

Report prepared by:



Joshua Bennett, Staff Planner / Project Lead

02/08/2024

Date

Report approved by:



Katharine Shaffer, Planning Supervisor

02/08/2024

Date

Attachments:

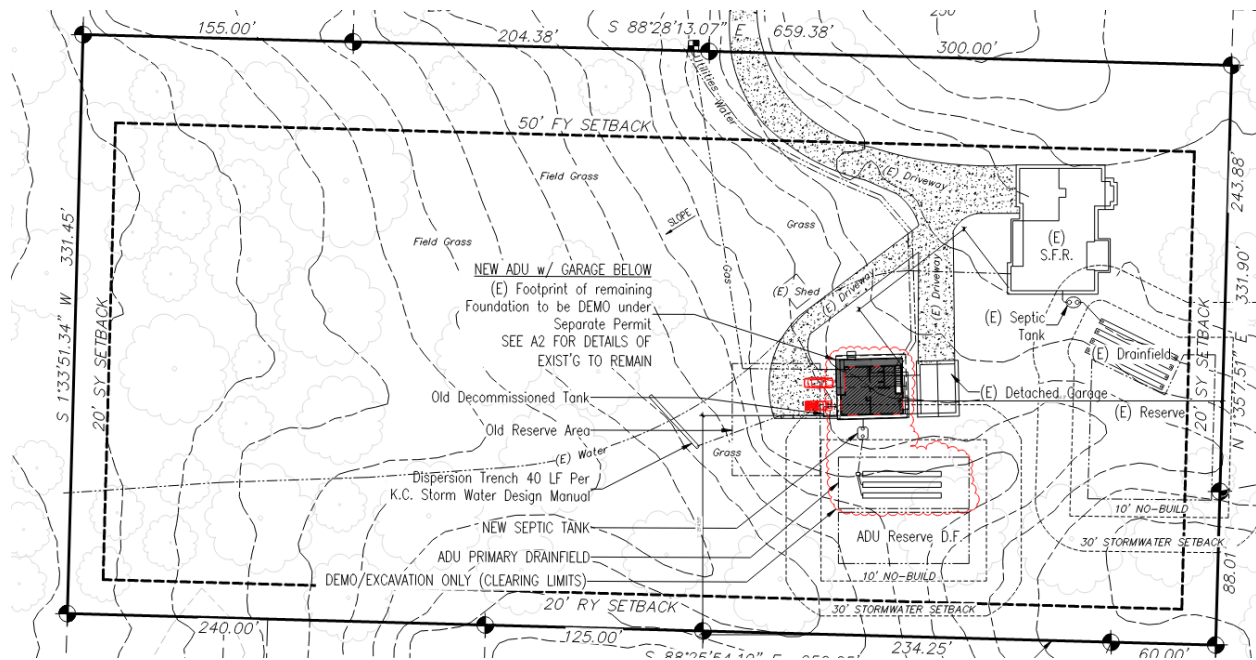
Attachment A – Site Plan

Attachment B – Critical Area Map, Parcel Search

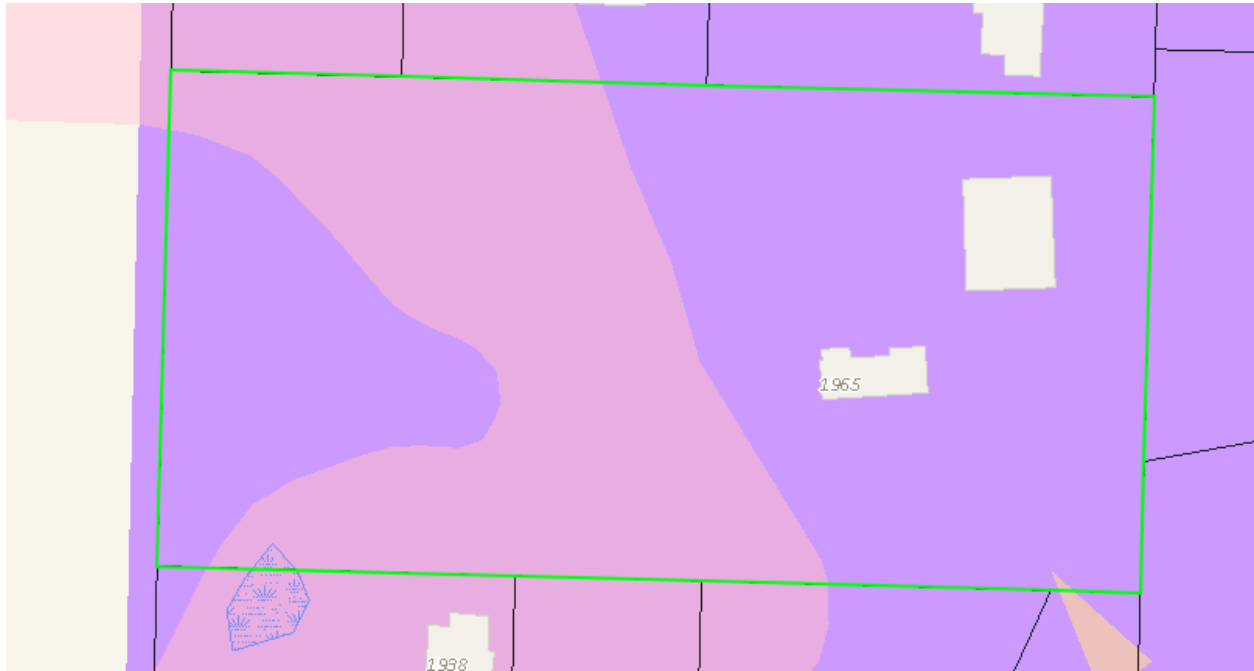
Attachment C – Zoning Map

CC: Applicant/Owner: Tye and Nicole Ford, buellcrazy01@gmail.com
Authorized Agent: Charles Ritter, designworkshop@rocketmail.com
Interested Parties: N/A
Kitsap County Health District, MS-30
Kitsap County Public Works Dept., MS-26
DCD Staff Planner: Joshua Bennett

Site Plan



Critical Area Map



Zoning Map

