



## Hearing Examiner Staff Report and Recommendation

**Report Date:** July 20, 2023  
**Hearing Date:** July 27, 2023

**Application Submittal Date:** June 15, 2022  
**Application Complete Date:** June 27, 2022

**Project Name:** Raub – Conditional Use Permit (CUP) for Accessory Dwelling Unit (ADU)  
**Type of Application:** Conditional Use Permit – ADU-detached  
**Permit Number:** 22-02956

### Project Location

335 NW Sigurd Hanson Rd.  
Poulsbo, WA 98370  
Commissioner District #1

### Assessor's Account #

102501-4-033-2007

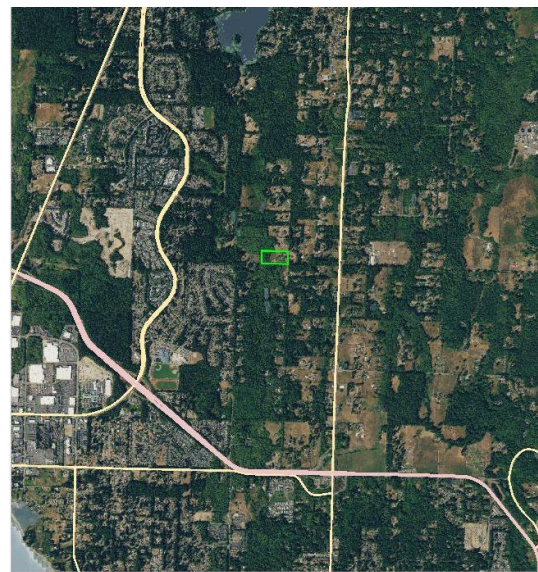
### Applicant/Owner of Record

Ronald C & Margaret E Raub  
6857 NE Eisenhardt Ln.  
Poulsbo, WA 98370

### Recommendation Summary

Approval, subject to conditions listed under Section 13 of this report.

### VICINITY MAP



### 1. Background

A 3,488 square foot primary residence exists on the parcel, occupied by the owner/applicant. Construction of the primary residence resulted in converting the original primary residence into a shop, which is now the proposed space for an 890 sq. foot ADU. The ADU requires a new septic tank and slight enlargement to existing drainfield. The basement and second story would be converted into storage with separate external entrances.

### 2. Project Request

The applicant proposes to establish a 890-square-foot ADU-detached. The ADU-detached meets all applicable provisions applying to special uses per Kitsap County Code (KCC) 17.415.015 as well as criteria for CUP approval per KCC 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 a substantial environmental impact. 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 Non-Significance (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 Department of Community Development (DCD) used an optional DNS process for this project. The SEPA comment period previously occurred concurrent with the Notice of Application dated September 23, 2022 (Exhibit 14). The Department of Community Development issued a Determination of Non-Significance (DNS) on June 20, 2023 (Exhibit 18).

The SEPA appeal period expired July 5, 2023. No appeals were filed; therefore, the SEPA determination is final.

**4. Physical Characteristics**

According to the Kitsap County Assessor, the subject site is 5.06 acres. A primary residence, garage, and the proposed ADU all currently exist on the parcel. The site generally slopes from the east down to a wetland and Barker Creek, a Type F stream on the western edge of the parcel.

**Table 1 - Comprehensive Plan Designation and Zoning**

Comprehensive Plan: Rural Residential Zone: Rural Residential	Standard	Proposed
Minimum Density	N/A	1 dwelling unit/5.06 acres
Maximum Density	1 dwelling unit/5 acres	
Minimum Lot Size	5 acres	5.06 acres , existing
Maximum Lot Size	N/A	5.06 acres , existing
Minimum Lot Width	140 feet	~ 330 feet, existing
Minimum Lot Depth	140 feet	~ 660 feet , existing
Maximum Height	35 feet	< 35 feet
Maximum Impervious Surface Coverage	N/A	N/A
Maximum Lot Coverage	N/A	N/A

Applicable footnotes:

**Table 2 - Setback for Zoning District**

	Standard	Proposed
Front (East)	50 feet	~ 143 feet to the ADU
Side (North)	20 feet; 5 feet for accessory structures	~ 43 feet to the ADU
Side (South)	20 feet; 5 feet for accessory structures	~ 264 feet to the ADU
Rear (West)	20 feet; 5 feet for accessory structures  Defer to environmental 150 feet + 15 foot building setback from Barker Creek, or 110 ft vegetative buffer + 15 foot building setback to the wetlands.	~ 149 feet to the ADU

**Table 3 - Surrounding Land Use and Zoning**

Surrounding Property	Land Use	Zoning
North	Single-family residence	Rural Residential (RR)
South	Single-family residence	Rural Residential (RR)
East	Single-family residence	Rural Residential (RR)
West	Single-family residence	Rural Residential (RR)

**Table 4 - Public Utilities and Services**

	Provider
Water	Private Well
Power	Puget Sound Energy
Sewer	Private Septic System
Police	Kitsap County Sheriff
Fire	Central Kitsap Fire & Rescue
School	Central Kitsap School District No. 401

**5. Access**

Sigurd Hanson Road, a combination of private and County-maintained right of way, provides direct access to the project site.

**6. Site Design**

See attached site plan. The front setback is established based on legal access to the parcel from Sigurd Hanson Road to the north. The ADU-detached meets the zoning district setback criteria shown in Table 2 - Setback for zoning district.

## **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 amended in 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 KCC. 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 19	Critical Areas Ordinance
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 1-15.

Exhibit #	Document	Dated	Date Received
1	<b>STAFF REPORT</b>	<b>07/20/2023</b>	
2	Application Submission Form	06/15/2022	06/22/2022
3	ADU Front Photo		06/22/2022
4	ADU North Side Photo		06/22/2022
5	ADU Site Plan		06/22/2022
6	ADU South Side Photo		06/22/2022
7	ADU West Side Photo		06/22/2022
8	SEPA Checklist	06/06/2022	06/22/2022
9	Stormwater Worksheet		06/22/2022
10	SWPPP Narrative		06/22/2022

11	Construction Plan		06/22/2022
12	DCD Submittal Waiver		06/22/2022
13	Revised Shop to ADU Storage Plan		06/22/2022
14	Notice of Application	09/20/2022	
15	Septic Design – Health District Approved	05/05/2023	05/13/2023
16	Response to Information Request		05/13/2023
17	Updated Final Wetlands Certificate		05/13/2023
18	SEPA Determination	06/20/2023	
19	Notice of Public Hearing	07/03/2023	
20	Certification of Public Notice	07/17/2023	
21	Staff Presentation		
22	Hearing Sign In		

## 9. Public Outreach and Comments

A Notice of Application (Exhibit 14) was distributed pursuant to KCC Title 21 land use and development procedures, which provided recipients with project information and an opportunity for public comment. The Department did not receive comments.

## 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 (*italicized*):

- a. Only one ADU-detached shall be allowed per lot;  
*Staff Comment: This application proposes only one ADU-detached. There are no other ADU-detached present or proposed.*
- b. Owner of the property must reside in either the primary residence or the ADU-detached.  
*Staff Comment: The owner will reside in the proposed single-family residence.*
- c. The ADU-detached shall not exceed fifty percent of the square footage of the habitable area of primary residence or nine hundred square feet, whichever is smaller. Dimensions are determined by exterior measurements.  
*Staff Comment: The proposed ADU-detached is 890 square feet. The proposed residence is 3,488 square feet. Fifty percent of 3,488 square feet is 1,744 square feet; therefore, the ADU-detached is limited to 900 square feet (the smaller value).*

- d. The ADU-D shall be located within one hundred fifty feet of the primary residence or shall be the conversion of an existing detached structure (i.e., garage).  
*Staff Comment: The single-family residence and the proposed ADU-detached are approximately 89 feet apart, satisfying this requirement.*
- e. The ADU-detached shall be designed to maintain the appearance of the primary residence.  
*Staff Comment: The ADU-detached structure was the original primary residence on the parcel and still exists on the project site as a storage space (Exhibit 11, Exhibit 13). The primary residence and ADU-structure share similar features such as gabled roof, window treatments, siding, and general appearance.*
- f. All setback requirements for the zone in which the ADU-detached is located shall apply;  
*Staff Comment: All setbacks required by the Rural Residential zone are met for the proposed ADU-detached. Please see Table 2 – Setback for Zoning District.*
- g. The ADU-detached shall meet the applicable health district standards for water and sewage disposal;  
*Staff Comment: The Kitsap County Health District reviewed and approved the ADU-detached (Exhibit 15).*
- h. No mobile homes or recreational vehicles shall be allowed as an ADU-detached;  
*Staff Comment: There are no mobile homes or recreational vehicles present on the subject property or proposed in this application. Conditions of approval shall not allow the applicant to locate either on the property, nor shall other existing accessory structures convert to guest houses or additional ADU's.*
- i. An ADU-detached shall use the same side street entrance as the primary residence and shall provide additional off-street parking; and  
*Staff Comment: The submitted site plan (Exhibit 15) shows the proposed ADU-detached will use the existing driveway used by the single-family residence. The proposal includes a dedicated parking space for the ADU-detached and overflow parking to serve both the residence and ADU-detached.*
- j. An ADU-detached is not permitted on the same lot where an Accessory Dwelling Unit – Attached exists.  
*Staff Comment: There are no existing nor proposed ADU-attached. Please see the single-family residence floor plan (Exhibit 11).*

**b. Lighting**

Lighting was not analyzed as part of this proposal.

**c. Off-Street Parking**

The existing driveway provides enough room for at least 4 parking spaces that will serve the primary residence and proposed ADU-detached.

**Table 5 - Parking Table**

Use Identified in 17.490.030	Standard	Required Spaces	Proposed Spaces/Existing Spaces
Single-Family (attached or detached)	<p>During subdivision, 2 per unit + 0.5 per unit on street or set aside; for historical lots or lots with no standing requirement, 3 per unit.</p> <p>1 additional space for accessory dwelling units.</p> <p>Garages are not calculated towards any parking requirement.</p>	4 spaces of 9 ft by 20 ft = 720 sf of driveway space or dedicated parking area.	~ 4,370 sf. of driveway or dedicated parking area.
Total		4	At least 4.

**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)	NA	NA
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-detached. However, there are access requirements that limit access to one road approach off a County road. This is addressed below under the access heading.

**g. Design Districts/Requirements**

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

**h. Development Engineering/Stormwater**

Development Services and Engineering reviewed the land use proposal and finds the concept supportable in its approach to civil site development. Development Services and Engineering accepts the concepts contained in this preliminary submittal, with conditions (Section 13 of this report).

**i. Environmental**

The request is for approval of a CUP to build an 890-square-foot ADU-detached. A wetland and Barker Creek, a Type F stream, exist on the western edges of the parcel. Past aerial photos indicate the presence of wetlands in shallow depressions with canary grasses. However, the single family wetland certification confirmed actual location of wetlands through test pit analysis. The single family wetland certification (Exhibit 17) identifies the required vegetative buffers consistent with Title 19 Critical Areas Ordinance.

**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 of this report).

**k. Fire Safety**

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

**l. Solid Waste**

The proposed ADU-detached will use the same solid waste services as the single-family residence.

**m. Water/Sewer**

The application includes an approved Building Site Application that shows approval for water and sewer from Kitsap County’s Health Department (Exhibit 15). Potable water will be provided by a Kitsap PUD; sanitary sewage disposal shall 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 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 KCC 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 DCD recommends an **approval** of the CUP request to construct an 890-square-foot ADU-detached, subject to the following conditions:

Review the linked Hearing Examiner decision for conditions of approval. The Staff Report conditions below are only recommended conditions to the Hearing Examiner and may not be valid.

**a. Planning/Zoning**

1. Review the linked Hearing Examiner decision for conditions of approval. The Staff Report conditions below are only recommended conditions to the Hearing Examiner and may not be valid.
2. All required permits shall be obtained prior to commencement of land clearing, construction and/or occupancy.

3. 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.
4. 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.
5. Only one accessory dwelling unit (ADU) shall be permitted on the subject property.
6. The owner of the property 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.
7. The accessory dwelling unit's (ADU) habitable area shall not exceed 50% of the primary residence or 890 square feet, whichever is smaller. The proposed size of the ADU is 890 square feet (as indicated in Exhibit 3).
8. 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.
9. The accessory dwelling unit (ADU) shall be located within 150 feet of the primary residence.
10. The accessory dwelling unit (ADU) shall be designed to maintain the appearance of the primary residence.
11. This permit shall comply with all Kitsap Public Health District regulations and conditions of approval.
12. No mobile home or recreational vehicle shall be allowed as an accessory dwelling unit (ADU).
13. 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.
14. An accessory dwelling unit - attached (ADU-A) or guest house (GH) is not permitted on the same lot unless the accessory dwelling unit - detached (ADU-D) is removed and the ADU-A or GH complies with all requirements imposed by the Kitsap County Code (KCC).
15. 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.
16. The accessory dwelling unit (ADU) cannot be sold separately from the primary residence unless it has legally been segregated onto its own lot.
17. 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.

18. 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.
19. 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.
20. The decision set forth herein is based upon representations made and exhibits contained in the project application (22-02956). 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.
21. 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.
22. Any violation of the conditions of approval shall be grounds to initiate revocation of this Conditional Use Permit.
23. 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 this permit application was 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.
24. Any project that includes off site improvements that create additional hard surface such as lane widening, sidewalk or shoulder installation or intersection channelization shall provide stormwater mitigation in accordance with Kitsap

County Code Title 12 effective at the time this permit application was deemed fully complete.

- 25. If the project proposal is modified from that shown on the site plan approved for this permit application, Development Services and Engineering will require additional review and potentially new conditions.
- 26. At building permit application, submit Kitsap County Public Works Form 1601 for issuance of a concurrency certificate, as required by Kitsap County Code 20.04.030, Transportation Concurrency.
- 27. 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.
- 28. Required Minimum Zoning Setbacks: Rural Protection
  - a. FRONT (South): 50 ft min
  - b. Side: 20 ft min, 5 ft min for accessory structures
  - c. Side: 20 ft min, 5 ft min for accessory structures
  - d. Rear: 20 ft min, 5 ft min for accessory structures, defer to environmental. 150 ft vegetative buffer + 15 foot building setback, or 110 ft vegetative buffer + 15 foot building setback to the wetlands.

**b. Fire Safety**  
N/A.

**c. Solid Waste**  
N/A.

**d. Kitsap Public Health District**  
N/A.

**Report prepared by:**



\_\_\_\_\_  
Darren Gurnee, Staff Planner / Project Lead 7/20/2023  
Date

**Report approved by:**

*Katharine Shaffer*

\_\_\_\_\_  
Katharine Shaffer, Planning Supervisor 7/20/2023  
Date

**Attachments:**

Attachment A – Site Plan

Attachment B – Kitsap County Zoning Map

Attachment C – Kitsap County Critical Areas Map

CC: Applicant/Owner email

Engineer or Project Representative email

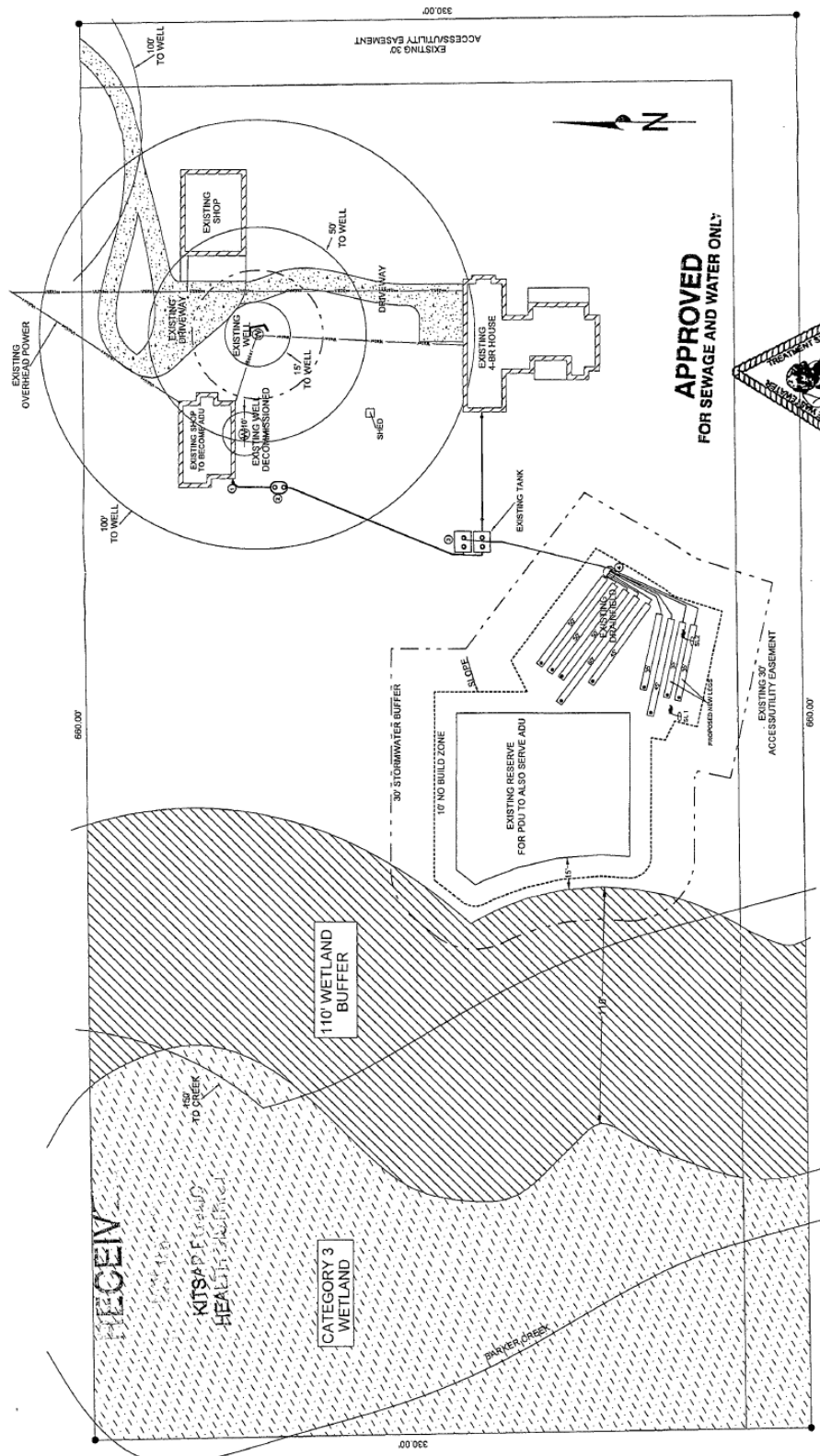
Interested Parties:

Kitsap County Health District, MS-30

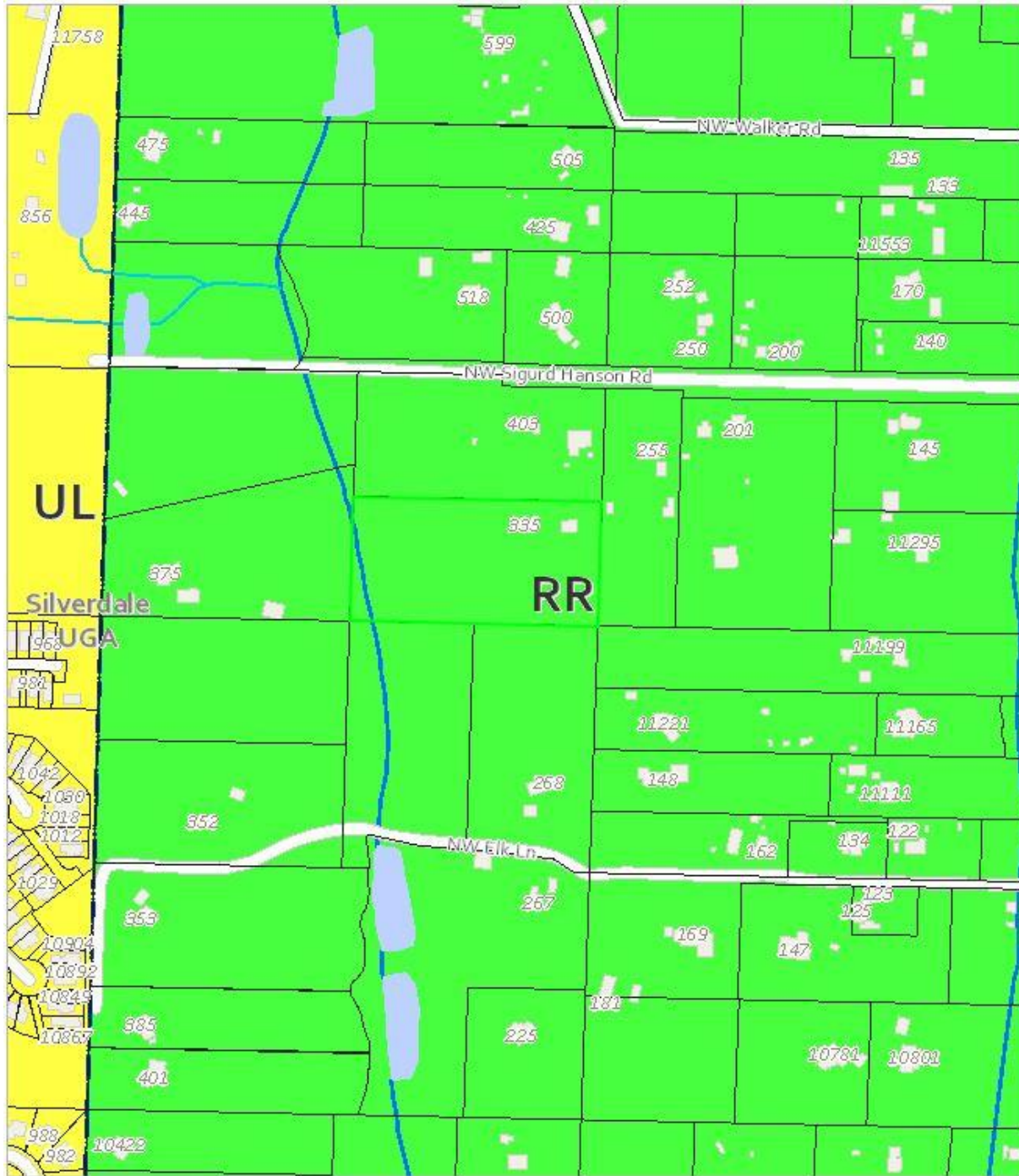
Kitsap County Public Works Dept., MS-26

DCD Staff Planner: Darren Gurnee

Attachment A - Site Plan



**Attachment B – Kitsap County Zoning Map**



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

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