



Hearing Examiner Staff Report and Recommendation

Report Date: July 6, 2023
Hearing Date: July 13, 2023

Application Submittal Date: June 21, 2022
Application Complete Date: August 2, 2023

Project Name: Venditto – Conditional Use Permit for Accessory Dwelling Unit (CUP-ADU)
Type of Application: Type III CUP-ADU
Permit Number: 22-03076

Project Location

5517 NW Muddy Paws CT
Bremerton, WA 98312
Commissioner District 3

Assessor's Account

312501-4-081-2003

Applicant/Owner of Record

Taylor and Jennifer Venditto
5517 NW Muddy Paws Ct.
Bremerton, WA 98312

VICINITY MAP



Recommendation Summary

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

1. Background

Taylor and Jennifer Venditto (hereafter, “the Applicant”) propose to construct an accessory dwelling unit (ADU). There is a legally existing 2-story, 3,392-square foot primary dwelling with attached garage, permitted under 20-02948. Per Kitsap County Code (KCC) section 17.415.015 B.3.b, an ADU proposed outside of an Urban Growth Area (UGA) boundary requires a Conditional Use Permit (CUP). The project site is located outside of an UGA; therefore, a CUP approval is required.

2. Project Request

Applicant requests approval of a CUP-ADU, to construct a 900 square foot detached ADU with site improvements to include utilities, driveway, and parking area.

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 August 15, 2022. (Exhibit 17). A Determination of Nonsignificance (DNS) was issued on June 16, 2023 (Exhibit 24). SEPA noted the project has been conditioned to follow Kitsap County Title 12 for Stormwater controls listed under conditions at the end of this report.

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

4. Physical Characteristics

The parcel is rectangular in shape and approximately 50% wooded with the remaining portion as lawn and hard surfaces from existing structures and a driveway including off street parking. The GIS parcel map shows no critical areas mapped on site. According to the Kitsap County Assessor, the subject site is 1.0 acre in size. Existing development is located primarily in the easter portion of the parcel and consists of a primary SFR with attached garage and residential landscape. The ADU is proposed to be constructed further west approximately 50 feet to the rear of the existing SFR and will use a shared driveway via N.W. Muddy Paws Ct.

Table 1 - Comprehensive Plan Designation and Zoning

Comprehensive Plan: Rural Residential (RR) Zone: RR	Standard	Proposed
Minimum Density	NA	NA, existing
Maximum Density	1 dwelling unit/5 acres	
Minimum Lot Size	5 acres	NA
Maximum Lot Size	NA	NA
Minimum Lot Width	140*	NA
Minimum Lot Depth	140	NA
Maximum Height	35 feet	1 story, <35 feet
Maximum Impervious Surface Coverage	NA	NA
Maximum Lot Coverage	NA	NA

*Applicable footnote: (42) Any single-family residential lot of record as defined in Chapter [17.110](#) that has a smaller width or lot depth than that required by this title, or is less than one acre, may use that residential zoning classification that most closely corresponds to the dimension or dimensions of the lot of record, for the purpose of establishing setbacks from the property lines.

Table 2 - Setback for Zoning District

	Standard	Proposed
Front (East)	20 feet*	128 feet
Side (North)	5 feet*	40 feet
Side (South)	5 feet*	45 feet
Rear (West)	10 feet*	169 feet

*Applicable footnote: (42)

Table 3 - Surrounding Land Use and Zoning

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

Table 4 - Public Utilities and Services

	Provider
Water	Kitsap PUD #1
Power	Puget Sound Energy
Sewer	On-site Septic
Police	Kitsap County Sheriff
Fire	Central Kitsap Fire & Rescue
School	Central Kitsap District #400

5. Access

The subject site gains access via the existing driveway NW Muddy Paw Ct.

6. Site Design

The ADU will be located approximately 50 feet west of the primary residence.

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 as 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 19	Critical Areas Ordinance
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 28 Exhibits.

Exhibit #	Document	Dated	Date Received
1	STAFF REPORT	07/06/2023	
2	Submission (application)		07/22/2022
3	Site Assessment Planning Packet		07/22/2022
4	Approved Arch Drawings		07/22/2022
5	Water Letter of availability		07/22/2022
6	Existing home plans		07/22/2022
7	Narrative		07/22/2022
8	SWPPP		07/22/2022
9	Notice Incomplete Application Response		07/22/2022
10	Stormwater Infeasibility and BMP Worksheet		07/22/2022
11	ADU Plans	2/19/22	07/22/2022
12	Site Plan		07/22/2022
13	Stormwater Worksheet		07/22/2022
14	SEPA Checklist		07/22/2022
15	Post-Construction Soil Quality/Depth Worksheet		07/22/2022
16	Authorization Form		07/22/2022
17	Notice of Application	08/15/2022	
18	Infiltration Worksheet		03/17/2023

19	Geotechnical Stormwater Letter	03/13/2023	03/17/2023
20	Health District Approved BSA	09/07/2022	03/17/2023
21	Information Request Response		03/17/2023
22	Preliminary Stormwater Conditions Memo	06/05/2023	
23	Geologic Report w/Corrected Letter *from 18-01898 SDAP Grading 3 Permit - Approved 05/07/2019	12/7/2018- 12/18/2018	05/07/2019*
24	SEPA Determination of Non-Significance	06/16/2023	
25	Notice of Public Hearing	06/28/2023	
26	Certification of Public Notice	06/30/2023	
27	Staff Presentation		
28	Hearing Sign In		

9. Public Outreach and Comments

A Notice of Application was distributed pursuant to Title 21 land use and development procedures, which provided recipients with project information and an opportunity for public comment. To date, no public comments have been received.

10. Analysis

a. Planning/Zoning

Per KCC section 17.415.015B. In order to encourage the provision of affordable and independent housing for a variety of households, an ADU may be located in residential zones, subject to the following criteria (italicized). Staff comments are provided below:

- a. An ADU shall be allowed as a permitted use in those areas contained within an urban growth boundary;

Staff Comment: The subject property is not located within the UGA.

- b. An ADU shall be subject to a CUP in those areas outside an urban growth boundary;

Staff Comment: The subject property is located outside of an UGA. This application is a CUP for an ADU.

- c. Only one ADU shall be allowed per lot;

Staff Comment: This application proposes only one ADU. There are no other ADUs present or proposed.

- d. Owner of the property must reside in either the primary residence or the ADU.

Staff Comment: The owner currently resides in the existing SFR.

- e. The ADU 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 is 900 square feet of conditioned area with a 6-foot wide, wrap around unenclosed porch. Assessor data has the primary residence as 3,392 square feet in size with a 640 square foot attached garage. Fifty percent of the conditioned space of the primary residence is 1,696 square feet, therefore, the ADU is limited to 900 square feet (the smaller value).*

- f. The ADU 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 proposed single-family residence and the proposed ADU are approximately 50 feet apart, satisfying this requirement.*

- g. The ADU shall be designed to maintain the appearance of the primary residence.

Staff Comment: *The existing SFR and the proposed 900 square foot ADU shall be similar in appearance and made as a condition of approval at the end of this report. As proposed in the application materials submitted for the ADU, design elements such as siding material, style of elevation and roof pitch match the SFR.*

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

Staff Comment: *The proposal meets all required setbacks for a lot this size, within the Rural Residential (RR) zone.*

- i. 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.*

- j. 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.*

- k. An ADU 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 shows the proposed ADU will use the existing driveway utilized by the single-family residence.*

- I. An ADU is not permitted on the same lot where an accessory living quarter exists.

Staff Comment: There are no present nor proposed accessory living quarters.

b. Lighting

Lighting was not analyzed as part of this proposal.

c. Off-Street Parking

The proposal includes on 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/detached)	Platted property = 2 (0.5 for on street parking during platting)	2	2
Accessory Dwelling Unit (ADU)	1 additional space	1	1
Total		3	3

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
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f. Frontage Improvements

Not applicable; there are no frontage improvement requirements for an ADU. However, there are access requirements that limit access to one road approach off a County road. This is addressed 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 Engineering has reviewed the 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 Drainage Report and Preliminary Engineering Plans accepted for review 07/22/2022, and as revised by additional materials accepted for review 03/17/2023 to Kitsap County Development Engineering.

i. Environmental

This parcel was part of SDAP (18-01898) that included a geotechnical report with setbacks, development, and construction requirements. Building permits for this lot shall provide a copy of this geologic report to review for consistency (EnviroSound, 12/7/18). If building permit is applied for after 12/7/2023, an addendum letter or new report may be required. A Notice to Title may also be required.

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 will use the same solid waste services as the existing single-family residence.

m. Water/Sewer

Silverdale Water District has adequate capital facilities and source to provide water service to the property and water service shall be available subject to the following condition in the Kitsap County Comprehensive Plan: Compliance with the "Comprehensive Land Use Plan" for Kitsap County. Site is outside the service area for KCPW Sewer Utility Division and has an onsite septic system.

n. Kitsap Public Health District

A Building Site Application (BSA) matching this proposal has been submitted to and approved by KPHD.

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.

Staff comment: The proposal supports the intent to increase affordable housing options in Kitsap County while limiting the density in the rural areas to ensure the preservation of those areas.

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.

Staff comment: This proposal meets all the required regulations applicable per KCC and will comply with all future applicable provisions.

3. The proposal is not materially detrimental to existing or future uses or property in the immediate vicinity.

Staff comment: The proposal is consistent with the existing residential use of the property and the surrounding properties.

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.

Staff comment: The design, size, and placement of the proposed ADU effectively utilizes the existing features of the property while complementing the surrounding neighborhood characteristics.

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 CUP-ADU request for Venditto 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. If archaeological resources are uncovered during excavation, developers and property owners must immediately stop work and notify Kitsap County, the Office of Archaeology and Historic Preservation and affected Indian tribes.
3. 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.
4. 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.
5. Only one ADU shall be permitted on the subject property.
6. 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.
7. The ADU's conditioned area shall not exceed 50% of the primary residence or 900 square feet, whichever is smaller. The proposed size of the ADU is 900 square feet (Exhibit 11). 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.
8. The ADU shall be located within 150 feet of the primary residence.
9. The ADU shall be designed to maintain the appearance of the primary residence.
10. This permit shall comply with all Kitsap Public Health District regulations and conditions of approval.
11. No mobile home or recreational vehicle shall be allowed as an ADU.

12. The ADU shall use the same side street entrance as the primary residence and shall provide one additional off-street parking space.
13. An Accessory Living Quarters (ALQ) or Guest House (GH) is not permitted on the same lot unless the ADU is removed and the ALQ or GH complies with all requirements imposed by the KCC.
14. 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.
15. The ADU cannot be sold separately from the primary residence unless it has legally been segregated onto its own lot.
16. 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.
17. 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.
18. 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.
19. 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.

20. 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.
21. Any violation of the conditions of approval shall be grounds to initiate revocation of this CUP.

b. Development Engineering

22. 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.
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 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.
24. 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.

c. Environmental

25. Building permits for this lot shall provide a copy of the geological report conducted by EnviroSound, dated December 7, 2018, to review for consistency. If building permits are applied for after 12/7/2023, an addendum letter or new report may be required, as well as a Notice to Title.
26. Subject to the conditions and mitigation of the Geotech Report provided by EnviroSound, dated December 7, 2018.

d. Traffic and Roads

27. 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.
28. 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

29. None at this time

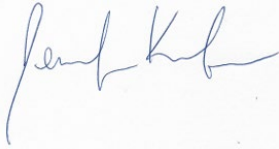
f. Solid Waste

30. None at this time

g. Kitsap Public Health District

31. None at this time

Report prepared by:



June 9, 2023

Jenny Kreifels, Staff Planner / Project Lead

Date

Report approved by:

Katharine Shaffer

June 15, 2023

Katharine Shaffer, Department Supervisor

Date

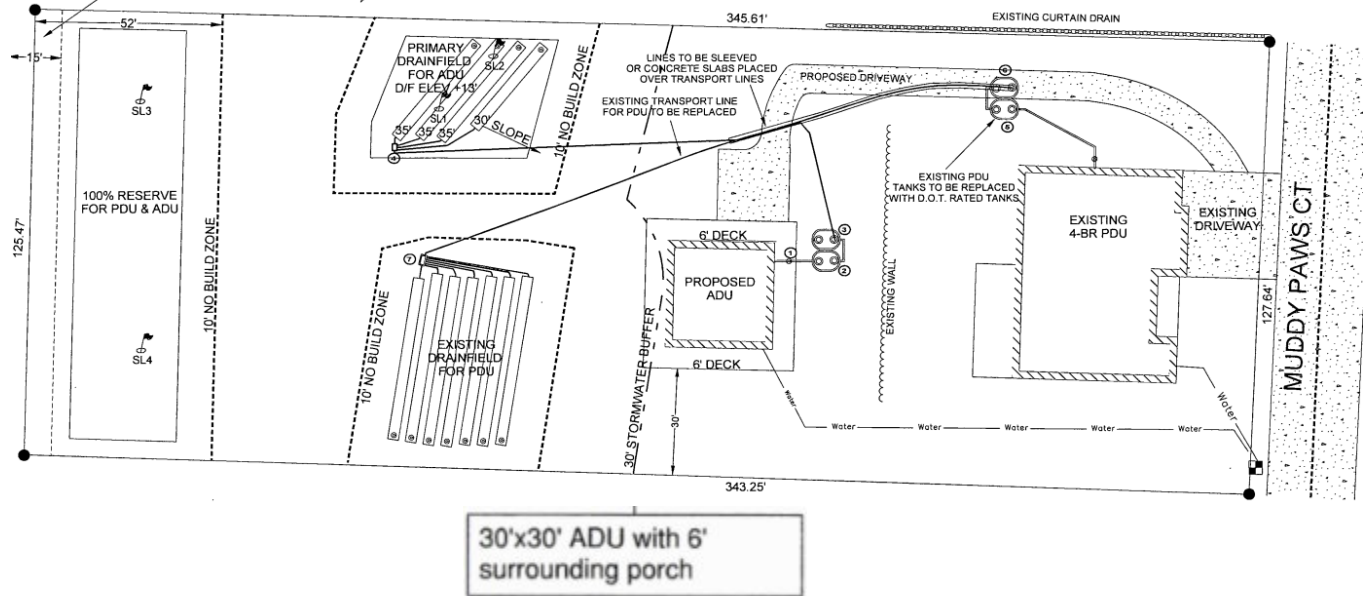
Attachments:

- Attachment A – Site Plan
- Attachment B – Critical Area Map
- Attachment C – Zoning Map
- Attachment D – Assessor Photo
- Attachment E – ADU Floor Plan

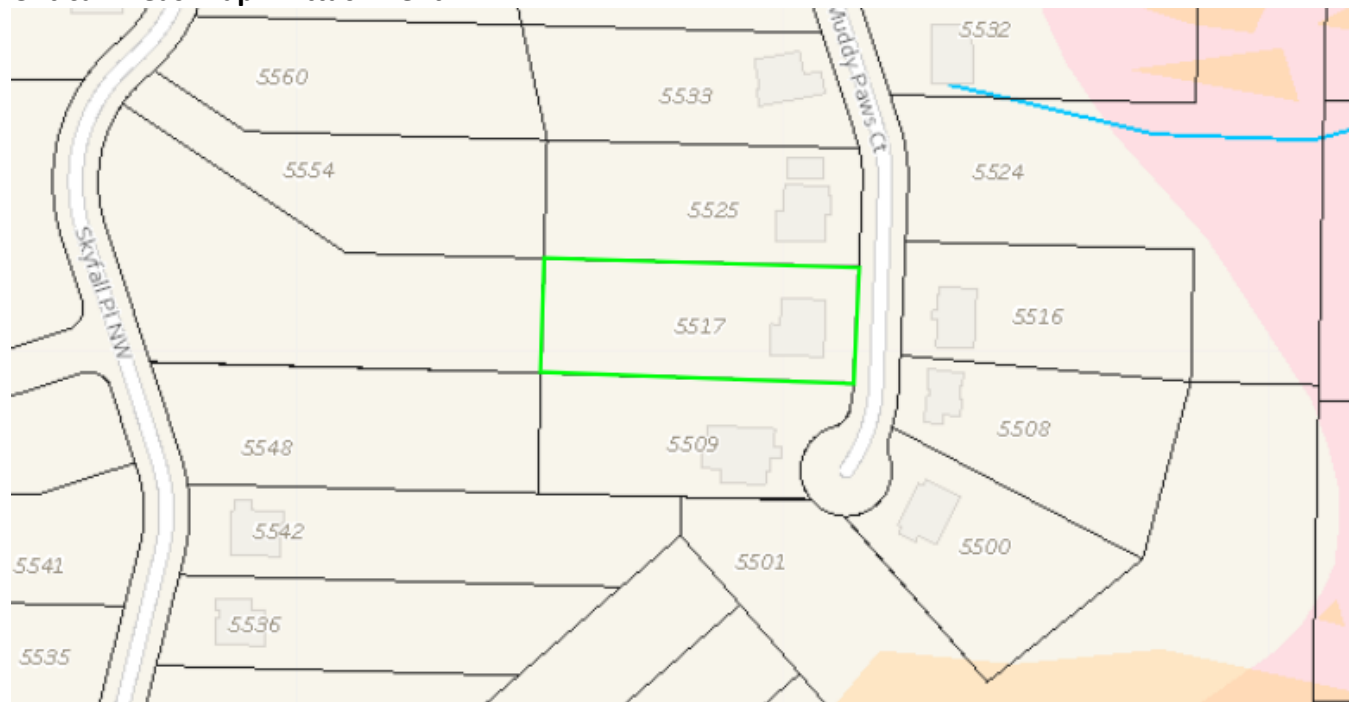
CC: Owners: Taylor and Jennifer Venditto, taylor.venditto@gmail.com
Project Representative: Kurt Russell, acsitemanagement@gmail.com
Envirosound Consulting Geologist: shawn@envirosound.net
Kitsap County Health District, MS-30

Kitsap County Public Works Dept., MS-26
DCD Staff Planner: Jenny Kreifels
DCD Land Use File
DCD Building Permit File

Site Plan

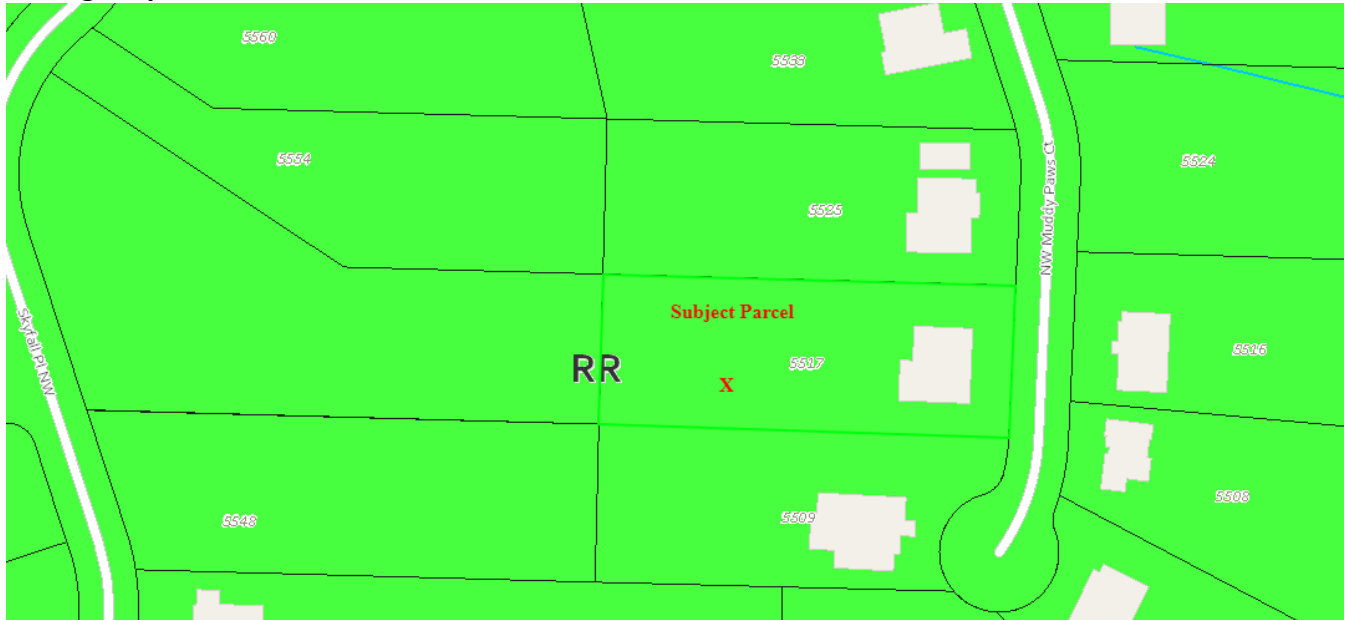


Critical Areas Map – Attachment B

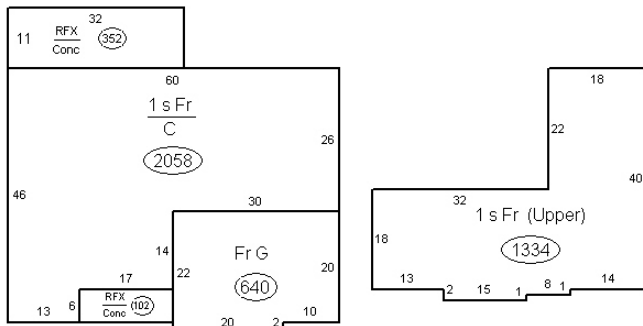


Subject site highlighted in green is mapped ~ 225' from a non-fish bearing stream to the N.E., ~295' from moderate landslide areas, and 310' from moderate erosion areas.

Zoning Map – Attachment C



Assessors Photos/Sketches – Attachment D



ADU Floor Plan – Attachment E

