



KITSAP COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

614 DIVISION STREET MS-36, PORT ORCHARD WASHINGTON 98366-4682
(360) 337-7181 FAX (360) 337-4925 HOME PAGE - www.kitsapgov.com/dcd/

Larry Keeton, Director

NOTICE OF ADMINISTRATIVE DECISION

October 8, 2009

To: Parties of Record

RE: Project Name: Smith Wind Turbine
Application: Building Permit Application
File Number: LIS#09 73973

Enclosed is the Administrative Decision issued by the Kitsap County Department of Community Development (DCD) for the above referenced application.

THE DECISION OF THE DEPARTMENT IS FINAL, UNLESS APPEALED TO THE KITSAP COUNTY HEARING EXAMINER BEFORE THE CLOSE OF BUSINESS ON OCTOBER 26, 2009.

Pursuant to the Kitsap County Land Use and Development Procedures, an appeal may be filed objecting to the Department's Decision. An appeal must be made in writing, and received by the Department of Community Development (DCD). At the time of filing the appeal, the appellant shall pay the sum of **five hundred dollars (\$500.00)**. This fee is non-refundable and subject to change. Make check payable to Kitsap County Department of Community Development (DCD).

The written appeal shall be made on, or attached to, an appeal form provided by DCD, and shall contain the following information.

1. The project name, project applicant, application type, and file number designated by the County;
2. The name, address, and signature of each appellant. If multiple parties file a single appeal, the appeal document shall designate, in writing, one party as the contact representative for all contact with the DCD Director and the Office of the Hearing Examiner. All contact between the County and the appellants regarding the appeal, including notices, shall be through this contact representative; and
3. A written statement of the specific aspect(s) of the Decision and/or SEPA determination being appealed, the reasons why each is in error

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as a matter of fact or law, and the evidence relied upon to prove the error.

The complete application file will be available for review at the Department of Community Development, **Monday through Thursday, except holidays, from 10:00 a.m. to 3:45 p.m. by appointment only.** You may make an appointment by calling me at (360) 337-4487.

If you have questions, please contact me at (360) 337-4487 or Jeff Smith at (360) 337-5777.

Sincerely,



Karen Ashcraft
Clerk of the Examiner

C: George and Theresa Smith, 12515 NE Marine View Drive, Kingston, WA
98346

Interested Parties:
(None)



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Larry Keeton, Director

October 7, 2009

George and Theresa Smith
12515NE Marine View Drive
Kingston, WA 98346

RE: Permit #: 09 73973, Request to install a Skystream 3.7 Wind Turbine

Dear George and Theresa:

This letter is in response to your letter dated August 21, 2009, for the Department to reconsider the previous Director's Interpretation, issued on July 28, 2009. The request is for installation of a Skystream 3.7 wind turbine supported by a 45-foot high monopole with rotator diameter of 12 feet for the purpose of supplementing your electrical power consumption. The subject property is 0.60 of an acre in size, and located at 12421 NE Paul Drive, in Kingston.

Kitsap County expects to update the development regulations to include wind turbines in 2010. Until then, the County relies on the Director's Interpretation to review uses not "specifically" listed in the County Code, pursuant to the Kitsap County Code (KCC) Section 21.04.010 Purpose-Applicability-General Process Administrative Code Interpretation, and per KCC Section 17.100.040 Allowed Uses. You state that the wind turbine will be an accessory to your existing home on the adjoining property, located on NE Marine View Drive. As you know, residential wind turbines are considered an accessory use that is commonly associated with, but subordinate to any principle use or structure, consistent with the definition per KCC 17.110.030 Accessory Use or Structure.

More specifically, the adjoining vacant property is a separate legal residential lot. Therefore, the proposed wind turbine still would not meet the Code definition of an accessory use and the County cannot support the Building Permit application as proposed.

Please check with the Department of Community Development in mid-2010 to understand where we are with respect to code development for residential wind turbines. You can access our website at http://www.kitsapgov.com/dcd/community_plan/community_plan.htm.

If you have questions, please contact me at (360) 337-5777, extension 3373.

Sincerely,

Jeff Smith
Senior Planner

JS:

Cc: Kingston Electric
Permit Manager
Director