



## Hearing Examiner Staff Report and Recommendation

**Report Date:** November 7<sup>th</sup>, 2024      **Application Submittal Date:** September 28<sup>th</sup>, 2023  
**Hearing Date:** November 14<sup>th</sup>, 2024      **Application Complete Date:** October 23<sup>rd</sup>, 2023

**Project Name:** Macy - Accessory Dwelling Unit  
**Type of Application:** Conditional Use Permit  
**Permit Number:** 23-01234

### Project Location

6877 Schweitzer PL SW  
Port Orchard, WA 98367  
Commissioner District #2

### Assessor's Account #

162301-1-014-2002

### Applicant/Owner of Record

Ira Jay-Fritch & Erin Macy-Fritch & Janice E  
Macy  
8951 Watson Pl NE  
Bremerton, WA 98311

### VICINITY MAP



### Recommendation Summary

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

#### 1. Background

Application proposes to construct an accessory dwelling unit (ADU) on a 4.99-acre lot zoned Rural Protection. The proposed ADU will be 884 square feet and approximately 58 feet from the 3,212-square-foot existing single-family residence. The ADU will be served by PSE for power and a septic drain field.

#### 2. Project Request

The applicants, Ira Jay-Fritch, Erin Macy-Fritch and Janice E Macy, seek approval for a Conditional Use Permit (CUP) to allow the construction of a detached ADU. Kitsap County Code 17.410.042.100 requires a CUP for a detached ADU in the Rural Protection 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 September 5, 2024. A Determination of Nonsignificance (DNS) was issued on October 3, 2024.

The SEPA appeal period expired October 17, 2024. No appeals were filed; therefore, the SEPA determination is final.

**4. Physical Characteristics**

The rectangle-shaped parcel is relatively flat with a slight slope to the east of the parcel. The parcel is mapped with hydric soils, two wetlands were determined to be on site. Wetland A was determined to be a category II wetland requiring a 110’ buffer. Wetland B was determined to be a category IV wetland requiring a 40’ buffer. The proposal is outside of the determined buffers.

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

Comprehensive Plan: Rural Residential Zone: Rural Protection	Standard	Proposed
Minimum Density	N/A	N/A
Maximum Density	1 dwelling unit per 10 acres	
Minimum Lot Size	10 acres	N/A
Maximum Lot Size	N/A	N/A
Minimum Lot Width	140 feet	N/A
Minimum Lot Depth	140 feet	N/A
Maximum Height	35 feet	N/A
Maximum Impervious Surface Coverage	N/A	N/A
Maximum Lot Coverage	N/A	N/A

*Staff Comment:* Lot is already existing. No newly created lots within this proposal.

**Table 2 - Setback for Zoning District**

	Standard	Proposed
Front (West)	50 feet	148 feet
Side (North)	5 feet for Accessory Structures	40 feet
Side (South)	5 feet for Accessory Structures	267 feet
Rear (East)	5 feet for Accessory Structures	473 feet

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

Surrounding Property	Land Use	Zoning
North	Single Family Residence	Rural Protection
South	Single-Family Residence	Rural Protection
East	City	City
West	Single-Family Residence	Rural Protection

**Table 4 - Public Utilities and Services**

	Provider
Water	Kitsap PUD #1
Power	Puget Sound Energy
Sewer	Kitsap County
Police	Kitsap County Sheriff
Fire	South Kitsap Fire & Rescue
School	South Kitsap School District

**5. Access**

Schweitzer PL SW, a privately-maintained road provides adequate vehicle access.

**6. Site Design**

ADU site design will be analyzed under Section 10.a 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 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 in the project file. To date, the index to the record consists of 15 exhibits.

Exhibit #	Document	Dated	Date Received / Accepted
1	<b>STAFF REPORT</b>		
2	ADU Floor Plan	1/9/23	7/3/23
3	Permit Questionnaire Form	3/17/23	7/3/23
4	SFR Floor Plan	5/18/19	7/3/23
5	Drainage Report	1/6/23	4/19/24
6	Stormwater Worksheet		4/19/24
7	Wetland Delineation	2/15/24	4/19/24
8	SEPA Checklist	7/11/24	7/24/24
9	Site Plan	7/17/24	7/24/24
10	Notice of Application	9/5/24	
11	SEPA Determination	10/3/24	
12	Notice of Public Hearing	10/30/24	
13	Certification of Public Notice	11/1/24	
14	Staff Presentation		
15	Hearing Sign In		

**9. Public Outreach and Comments**

The Notice of Application was sent out on September 05, 2024. No comments were received by the department.

## 10. Analysis

### a. Planning/Zoning

Kitsap County Code 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 and there are no existing ADUs on the subject property.*

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

*Staff Comment: The owners of the property, Ira Jay-Fritch and Erin Macy-Fritch and Janice E Macy will reside in the primary residence.*

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: The proposed ADU is 884 square feet and the existing primary residence has 3,212 habitable square feet. The size of the existing primary residence allows for a 900-square-foot ADU. The proposed ADU is 884 square feet and meets this requirement.*

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 proposed to be 58 feet from the primary residence. The distance meets this requirement.*

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

*Staff Comment: The proposed ADU will have the same pitched roof, roof material and siding.*

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

*Staff Comment: The setbacks are being met.*

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

*Staff Comment: The Kitsap County Health District approved the site for additional sewage and water supply.*

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

*Staff Comment: The proposed ADU is stick-built and 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 proposed ADU will use the same driveway entering the property that the primary residences uses. In addition, parking for the ADU and primary residences meet the requirements of Kitsap County Code 17.490.030 which requires 4 total spaces. 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: No other ADUs are present or proposed.*

**b. Lighting**

Lighting is not analyzed for ADU proposals.

**c. Off-Street Parking**

The parking requirement is met. Please see Table 5 below.

**Table 5 - Parking Table**

Use Identified in 17.490.030	Standard	Required Spaces	Proposed Spaces/Existing Spaces
Single-Family (attached or detached)	3 per unit (for existing primary residence)  1 additional space for accessory dwelling units	3+1 = 4	4 spaces – the area near the single-family residences and the proposed ADU exceed 720 square feet required for 4 parking spaces.
Total			4

**d. Signage**

No signage was proposed in this application.

**e. Landscaping**

Landscaping is not analyzed for ADUs.

**Table 6 - Landscaping Table**

	Required	Proposed
Required Landscaping (Sq. Ft.) 15% of Site	N/A	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 are no required for this proposal.

**g. Design Districts/Requirements**

The subject property is not 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 subject parcel was determined to have two wetlands on the parcel. Based off the Wetland Delineation report by Crater Land Use Consulting dated February 15, 2024, Wetland A was determined to be a category II wetland requiring a 110’ buffer. Wetland B was determined to be a category IV wetland requiring a 40’ buffer. The proposal is outside of the determined buffers. The project has been conditioned for the buffer requirements. See Exhibit 7.

**j. Access, Traffic and Roads**

Traffic reviewed and approved the ADU with no conditions.

**k. Fire Safety**



Kitsap County Building and Fire Safety Division reviewed and approved the ADU with conditions.

**l. Solid Waste**

Solid waste was not reviewed as part of this proposal.

**m. Water/Sewer**

Water and Septic were approved by the Kitsap County Health District.

**n. Kitsap Public Health District**

Water and septic were approved by the Kitsap County Health District.

## **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 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 discussed in Section 12, the Department of Community Development recommends **approval** 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 accessory dwelling unit 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 must reside in either the primary residence or the accessory dwelling unit 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 884 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 shall be designed to maintain the appearance of the primary residence.
8. No mobile home or recreational vehicle shall be allowed as an accessory dwelling unit.
9. The accessory dwelling unit shall use the same side street entrance as the primary residence and shall provide one additional off-street parking space.
10. 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.
11. A property with a primary residence and an accessory dwelling unit 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.

12. The accessory dwelling unit cannot be sold separately from the primary residence unless it has legally been segregated onto its own lot.
13. 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.
14. 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. 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.
15. 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.
16. 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.
17. 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.

18. Any violation of the conditions of approval shall be grounds to initiate revocation of this Conditional Use Permit.
19. 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.

**b. Development Engineering**

20. 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.
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. A Wetland A 110 – foot native vegetation buffer & Wetland B 40 – foot native vegetation buffer shall be retained along the perimeter of the WETLANDS as depicted on the approved site plan and in accordance with the Wetland Report by CRATER LAND USE CONSULTING, dated February 15, 2024. In addition, a building or impervious surface setback line of 15 feet is required from the edge of the buffer. Buffers or setbacks shall remain undisturbed natural vegetation areas except where the buffer can be enhanced to improve its functional attributes. Refuse shall not be placed in buffers.

**d. Traffic and Roads**

23. None

**e. Fire Safety**

24. Due to Schweitzer PI SW not meeting fire access requirements the proposed ADU will require an automatic fire sprinkler system.

**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:**

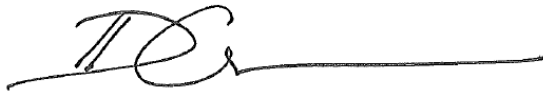
*Izzy Lotz*

09/19/2024

\_\_\_\_\_  
Izzy Lotz, Associate Planner/ Project Lead

\_\_\_\_\_  
Date

**Report approved by:**



11/6/2024

\_\_\_\_\_  
Darren Gurnee, Current Planning Supervisor

\_\_\_\_\_  
Date

**Attachments:**

Attachment A – Site Plan

Attachment B – Zoning Map

CC: Applicant/Owner email: Ira Jay-Fritch & Erin Macy-Fritch & Janice E Macy,  
erin\_macy@icloud.com

Authorized Agent: Juli Sullivan with KITSAP PERMITS, Authorized Agent,  
juli@kitsappermits.com

Other: Aly O'Brien, aly@kitsappermits.com

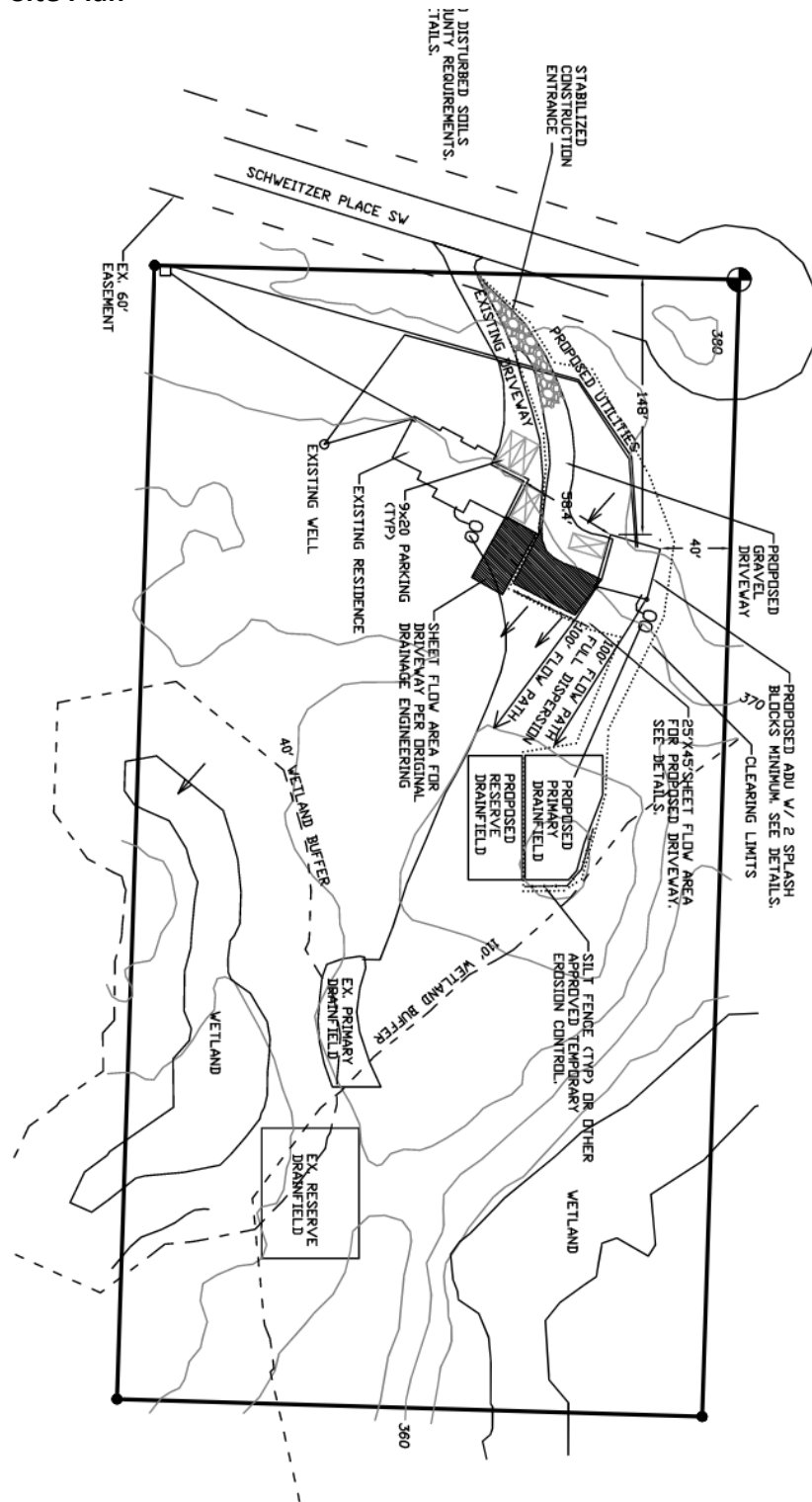
Interested Parties:

Kitsap County Health District, MS-30

Kitsap County Public Works Dept., MS-26

DCD Staff Planner: Izzy Lotz

Attachment A  
Site Plan



**Attachment B**

**Zoning Map**



**Attachment C**

**Critical Areas Map**

