



Rafe Wysham
Director

KITSAP COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

To enable the development of quality, affordable, structurally safe and environmentally sound communities.

Notice of Hearing Examiner Decision

2/282025

To: Interested Parties and Parties of Record

RE: Project Name: SCHAFFER - Convert Accessory Structure to ADU
Applicant: Dean and Patricia Shafer
PO Box 882
Manchester, WA 98353
Application: CUP-ADU
Permit Number: 24-01514

The Kitsap County Hearing Examiner has **APPROVED** the land use application for **Permit #: SCHAFFER - Convert Accessory Structure to ADU – Conditional Use Permit Accessory Dwelling Unit (CUP-ADU)**, subject to the conditions outlined in this Notice and included Decision.

THE DECISION OF THE HEARING EXAMINER IS FINAL, UNLESS TIMELY APPEALED, AS PROVIDED UNDER WASHINGTON LAW.

The applicant is encouraged to review the Kitsap County Office of Hearing Examiner Rules of Procedure found at:

<https://www.kitsap.gov/dcd/HEDocs/HE-Rules-for-Kitsap-County.pdf>.

Please note affected property owners may request a change in valuation for property tax purposes, notwithstanding any program of revaluation. Please contact the Assessor's Office at 360-337-5777 to determine if a change in valuation is applicable due to the issued Decision.

The complete case file is available for review by contacting the Department of Community Development; if you wish to view the case file or have other questions, please contact help@kitsap1.com or (360) 337-5777.

CC:

Applicant/Owner: Dean and Patricia Shafer, zulu2106@wavecable.com

Authorized Agent(s): Kathy Cloninger, kcloni9999@msn.com; James Baudrand, jbaudrand@wavecable.com

Interested Parties:

None

619 Division Street MS-36 Port Orchard, WA 98366-4682
(360) 337-5777 | www.kitsap.gov/dcd

Prosecutor's Office
Assessor's Office
DCD
Kitsap Sun
Health District
Public Works
Parks
Navy
DSE
Kitsap Transit
South Kitsap Fire District
South Kitsap School District
Bremerton School District
Puget Sound Energy
Water Purveyor – Manchester Water District
Sewer Purveyor
Point No Point Treaty Council
Skokomish Tribe
Suquamish Tribe
Port Gamble S'Klallam Tribe
Squaxin Island Tribe
Puyallup Tribe
WA Dept of Fish & Wildlife
WA State Dept of Ecology-SEPA
Dept of Archaeological Historic Preservation

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

BEFORE THE HEARING EXAMINER FOR KITSAP COUNTY

Phil Olbrechts, Hearing Examiner

RE: Patricia & Dean Schafer Accessory Dwelling Unit (CUP – ADU) File No. 24-01514	FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION.
--	--

INTRODUCTION

Patricia & Dean Schafer request a Conditional Use Permit to convert an existing barn into a 780sf detached Accessory Dwelling Unit (ADU) at 2000 Yukon Harbor Rd SE. The application is approved subject to conditions.

ORAL TESTIMONY

A computer-generated transcript of the hearing has been prepared to provide an overview of the hearing testimony. The transcript is provided for informational purposes only as Appendix A.

EXHIBITS

Exhibits 1-17 listed in the Index to the Record prepared by County staff were admitted during the hearing.

FINDINGS OF FACT

Procedural:

1. Applicants. Patricia & Dean Schafer PO Box 882, Manchester, WA 98353.
2. Hearing. The Hearing Examiner conducted a remote/hybrid hearing on the application at 9:00 am on February 13, 2025.

Substantive:

1 3. Site/Proposal Description. Patricia & Dean Schafer request a Conditional
2 Use Permit to convert an existing barn into a 780sf detached Accessory Dwelling Unit
3 (ADU) at 2000 Yukon Harbor Rd SE. The ADU will be located approximately 100
4 feet from the primary residence where it will be accessed using the existing driveway.
5 The project site is located outside of a UGA. The ADU is designed to maintain the
6 appearance of the primary residence, using similar roof style, siding, orientation of
siding, color scheme and windows. The Kitsap Public Health District has approved the
ADU for water and sewage disposal. The ADU uses the same access as the primary
residence, off Yukon Harbor Rd SE.

7 4. Characteristics of the Area. The subject property is bordered on all sides by
8 lots that are developed with single-family residences.

9 5. Adverse Impacts. No significant adverse impacts are anticipated from the
10 proposal. Impacts are more directly addressed as follows:

- 11 a. Off-Street Parking. KCC 17.490.030 requires three (3) off-street parking spaces
12 per single-family residence and one (1) parking space for an ADU. The
Applicant proposes four off-street parking spaces as required.
- 13 b. Stormwater. Development Services and Engineering reviewed and accepts the
14 concepts contained in this preliminary submittal and requires the conditions
stated in Section 13 of the staff report as an element of the land use approval.
- 15 c. Critical Areas. There are no critical areas associated with the subject parcel
16 except a landslide hazard area. The Applicant had a geological report prepared
17 to investigate whether the project site is encumbered by a landslide hazard area.
18 The report, Ex. 4 by Envirotech Engineering, dated September 16, 2023
concludes "*it is Envirotech's opinion that the proposed development is not
subjected to or cause adverse impacts to a landslide hazard area or its
associated buffer or setbacks.*"
- 19 d. Access, Traffic, Roads. The proposed ADU will use the same driveway entering
20 the property that the primary residences uses.
- 21 e. Fire Safety. Kitsap County Building and Fire Safety Division reviewed and the
22 ADU and found no need for any conditions.
- 23 f. Water/Septic. The Kitsap County Health District approved the site for
24 additional sewage and water supply.
- 25 g. Compatibility. The proposal is compatible with surrounding uses. As identified
in Finding of Fact No. 4, surrounding uses are all single-family residential. The
proposed design is similar to the primary residence so no adverse aesthetic
impacts are anticipated.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CONCLUSIONS OF LAW

Procedural:

1. Authority of Hearing Examiner. KCC 17.550.030 authorizes the hearing examiner to issue decisions on applications for conditional use permits.

Substantive:

2. Zoning Designation. The property is currently zoned Rural Residential (RR).

3. Review Criteria. KCC 17.410.042 requires a conditional use permit for detached ADUs in the RR zone. KCC 17.550.030A governs the criteria for conditional use permits. Pertinent criteria are quoted below and applied via corresponding conclusions of law.

KCC 17.550.030.A: *The hearing examiner may approve, approve with conditions, or deny a hearing examiner conditional use permit. Approval or approval with conditions may be granted only when all the following criteria are met:*

KCC 17.550.030.A.1: *The proposal is consistent with the Comprehensive Plan;*

4. Criterion met. The criterion is met. The proposed ADU provides the ability to create an affordable housing unit which is a goal supported by several policies in the Comprehensive Plan in a manner consistent with the zoning established for the subject property. The proposal is also found consistent with the Comprehensive Plan for the reasons identified in Section 7 of the staff report (Exhibit 1).

KCC 17.550.030.A.2: *The proposal complies with applicable requirements of this title;*

5. Criterion met. The criterion is met. The proposal conforms to the County's zoning code as detailed in Section 4 and 10 of the staff report (Exhibit 1). Staff planning and public works staff have reviewed the proposal to ensure conformance to the County's zoning code for this level of review. The results of that work have been implemented in detailed conditions of approval, adopted by this decision. Nothing in the record suggests any outstanding compliance issues. More detailed compliance will be required during the building and civil permit review.

The primary issue of zoning compliance is adherence to KCC 17.415.015B, which adopts standards tailored to detached ADUs outside urban growth areas. Pursuant to those standards, only one ADU is allowed per lot, the owner of the property must reside in the primary residence or the ADU, the ADU shall not exceed 50% of the habitable

1 area of the primary residence, the ADU shall be located within 150 feet of the primary
2 residence unless involving a conversion of an existing structure such as that proposed,
3 the ADU shall be designed to maintain the appearance of the primary residence, all
4 setback requirements shall be met, all health district standards shall be met, ADUs may
5 not be mobile homes or recreational vehicles, and the ADU shall use the same access
6 as the primary residence and shall provide an additional parking space. The conditions
7 of approval recommended by staff require conformance to all of these standards. The
8 proposed design and site characteristics further establish conformance as detailed in
9 Findings of Fact No. 3 and 5.

6 **KCC 17.550.030.A.3.:** *The proposal will not be materially detrimental to existing or
7 future uses or property in the immediate vicinity; and*

8 6. Criterion met. The criterion is met for the reasons identified in Finding of Fact No.
9 5.

10 **KCC 17.550.030.A.4:** *The proposal is compatible with and incorporates specific
11 features, conditions, or revisions that ensure it responds appropriately to the existing
12 character, appearance, quality or development, and physical characteristics of the
13 subject property and the immediate vicinity.*

14 7. Criterion met. The criterion is met for the reasons identified in Finding of Fact No.
15 5g and via its required conformance to the ADU standards of KCC 17.415.015B.

14 **DECISION**

15 Based upon the conclusions of law above, the conditional use permit application is
16 approved subject to the following conditions:

17 a. Planning/Zoning

18 1. Any proposed modification (not including cosmetic work such as painting,
19 papering and similar finish work), remodel or expansion of the accessory dwelling unit
20 (ADU) building, regardless of whether a building permit is required, shall be reviewed
21 by the Department of Community Development and granted approval prior to such
22 modification, expansion, construction and/or issuance of a building permit.

23 2. Only one accessory dwelling unit (ADU) shall be permitted on the subject property.

24 3. The owner of the property must reside in either the primary residence or the
25 accessory dwelling unit (ADU) and only one of the structures may be rented at any one
time.

4. The accessory dwelling unit (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 780 square feet.

1 5. Any future expansion of the ADU will require a building permit and would have to
2 comply with all code requirements in place at the time of the new building permit
3 application.

4 6. The accessory dwelling unit (ADU) shall be located within 150 feet of the primary
5 residence.

6 7. The accessory dwelling unit (ADU) shall be designed to maintain the appearance
7 of the primary residence.

8 8. No mobile home or recreational vehicle shall be allowed as an accessory dwelling
9 unit (ADU).

10 9. The recipient of any conditional use permit shall file a Notice of Land Use Binder
11 with the county auditor prior to any of the following: initiation of any further site work,
12 issuance of any development/construction permits by the county, or occupancy/use of
13 the subject property or buildings thereon for the use or activity authorized. The Notice
14 of Land Use Binder shall serve both as an acknowledgment of and agreement to abide
15 by the terms and conditions of the conditional use permit and as a notice to prospective
16 purchasers of the existence of the permit. The Binder shall be prepared and recorded
17 by the Department at the applicant's expense.

18 10. The uses of the subject property are limited to the uses proposed by the applicant
19 and any other uses will be subject to further review pursuant to the requirements of the
20 Kitsap County Code (KCC). Unless in conflict with the conditions stated and/or any
21 regulations, all terms and specifications of the application shall be binding conditions
22 of approval. Approval of this project shall not, and is not, to be construed as approval
23 for more extensive or other utilization of the subject property.

24 11. The authorization granted herein is subject to all applicable federal, state, and local
25 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.

12. The decision set forth herein is based upon representations made and exhibits
contained in the project application (23-03241). 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.

1 13. This Conditional Use Permit approval shall automatically become void if no
2 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.

3 14. Any violation of the conditions of approval shall be grounds to initiate revocation
4 of this Conditional Use Permit.

5 b. Development Engineering

6 15. Building permits submitted for this development shall include construction plans
7 and profiles for all roads, driveways, storm drainage facilities and appurtenances. No
construction shall be started prior to said plan acceptance.

8 16. Stormwater quantity control, quality treatment, and erosion and sedimentation
9 control, as required for the development, shall be designed in accordance with Kitsap
10 County Code Title 12 effective at the time the Building Permit is deemed fully
11 complete. If development meets the thresholds for engineered drainage design, the
12 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.

13 17. If the project proposal is modified from that shown on the site plan approved for
14 this permit application, Development Engineering will require additional review and
potentially new conditions.

15 c. Environmental

16 No conditions

17 d. Traffic and Roads

18 18. 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.

19 e. Fire Safety

20 No conditions

21 f. Solid Waste

22 No conditions

23 g. Kitsap Public Health District

24 No conditions

Dated this 28th day of February 2025.



Phil Olbrechts,
Kitsap County Hearing Examiner

Appeal Right and Valuation Notices

Pursuant to KCC 21.04.100 and KCC 21.04.110, this conditional use permit decision is a final land use decision of Kitsap County and may be appealed to superior court within 21 days as governed by the Washington State Land Use Petition Act, Chapter 36.70C RCW.

Affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Appendix A

February 28, 2025 Hearing Transcript

Schafer Conditional Use

Note: This is a computer-generated transcript provided for informational purposes only. The reader should not take this document as 100% accurate or take offense at errors created by the limitations of the programming in transcribing speech. For those in need of an accurate rendition of the hearing testimony, a hearing recording can be acquired from Kitsap County.

Speaker 1:

Alright, item D is the Schafer application for an accessory dwelling unit and our planner on that today is Mr. Or Ms. Millar. This is file number 24 dash 0 15 4. Same format. Ms. Millard goes first, applicant second public then makes their comments and we go back to Ms. Millard and applicant gets final word. So let me put that up on the screen. Yeah, okay. Share the exhibits at this point.

(37:06):

Let's see. And Ms. Jones, am I sharing the Shafer or excuse? Oops.

Speaker 5 (37:10):

Yes, we can see the for one. Okay,

Speaker 1 (37:12):

Good. Alright. So yeah, very similar set of exhibits to the other three we had today. We composed the staff report, floor elevations, the geo technical assessment site plans, environmental review, site plan, stormwater review, and the notices involved. Anyone have any objections over entry of these documents or need to see them? If you do click on the virtual hand at the bottom of your screen, not seeing any, will go ahead and admit exhibits one through 17 And Ms. Millard, I'll go ahead then and square you in. Just raise your right hand. Do you swear affirm to tell the truth nothing but the truth this proceeding?

Speaker 5 (37:47):

Yes.

Speaker 1 (37:48):

Okay, great. Go ahead.

Speaker 9 (37:56):

Great. Good morning for the record. My name is Kate Millward and I'm a planner with Kitsap DCD. Today I'm presenting a request for approval to a conditional use permit for an accessory dwelling unit to convert an existing accessory structure to a DU. The application was deemed complete on June 5th,

2024. 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. The department received no public comments pursuant to WAC 1 90 11. The Department of Community Development used an optional DNS process for this project. The CPA comment period previously occurred concurrent with the notice of application dated June 28th, 2024. The Department of Community Development issued a determination of non-significant on August 13th, 2024. The CIPA appeal period ended August 27th, 2024. No appeals were filed, therefore the CIPA determination is final according to the Kitsap County assessor. Subject parcel 3 3 2 4 0 2 dash one. That 0 1 4 is 1.21 acres and address 2000 Yukon Harbor Road Southeast in Port Orchard, Washington, 9 8 3 6 6 in South Kitsap Commissioner District two, the aerial photo shows single family homes and accessory structures consistent with the development found in the rural residential zone. The proposed A DU is consistent with the properties in the vicinity.

[\(39:44\)](#):

The parcel labeled subject site is zoned rural residential and adjacent parcels surrounding the site are also zoned rural. Residential to the east is a road known as Yukon Harbor Road Southeast that provides access to this parcel. The proposal is to convert an existing accessory structure into a 780 square foot A DU. The subject site is mapped with moderate erosion hazard and the applicant has provided a geologic report to address the hazard. The project has been conditioned to follow the recommendations of that report. The site plan for the proposal shows access from Yukon Harbor Road Southeast along an existing driveway to be shared by both dwellings. The site plan shows four parking spaces that will meet parking standards for the single family residence and the A DU the A DU will be 100 feet from the existing single family residence. The applicant's floor plan shows the existing principal dwelling is 1,680 square feet. Therefore the maximum size allowed for the A DU is 840 square feet. The floor plan also helps determine that there are no accessory dwelling units within or attached to the primary.

[\(40:58\)](#):

Here's a front and rear elevation of the existing single family residence. That's the elevation. And then the floor plan for the A DU demonstrates the size at 887 square feet. There's also an UNCONDITION breezeway and I'm sorry, there's not an unconditioned breezeway. The A DU is eight seven square feet and here are the elevations that are proposed for the A DU And to the left you see to the left, you see the front and rear, I'm sorry to the left. You see the side and to the right you see the front and rear. The proposal is conditioned to comply with the following requirements for KCC, title 17 4 15 5 B. There are no other accessory dwelling units or accessory living quarters on the property. The owner will reside in the primary residence. 50 of the primary residence is 1650% of the primary residence. Allows a maximum habitable area of 840 square feet and the proposed A DU is 780 square feet.

[\(42:17\)](#):

Sorry, I misspoke. The dimensions are determined by interior measurements. The A DU is within a hundred feet away from the primary residence. The A DU will have similar appearance to the primary residence. The A DU meets all required setbacks for the rural residential zone. All health standards for water and sewer have been met and approved. The proposed A DU is not an RV or a mobile home. The A DU will use the existing driveway off Yukon Road, Southeast Yukon Harbor Road Southeast and the project will be conditioned for any applicable stormwater controls pursuant to KCC. Title 22. Staff finds the proposal meets the special unit, special use criteria in K CCC 17.4 15 0 5 B and recommends approval as conditioned. Thank you.

Speaker 1 [\(43:12\)](#):

Alright, thanks Ms. Ward. Alright, let's move on to applicant comments. Is the applicant present? Want to say anything?

Speaker 2 ([43:22](#)):

The applicant is not present and I don't see any speakers online.

Speaker 1 ([43:26](#)):

Okay, well I guess at this point I can go ahead. Well I'll just, anyone out there want to say anything on this project? Alright, no takers. I'll go ahead. Close the hearing then. And yeah, like all the rest, real straightforward meets the code so no problem approving it. We'll get that out in a couple of weeks. So thank you all for participating today and enjoy the rest of the day. We're done.