



Hearing Examiner Staff Report and Recommendation

Report Date: February 6, 2025
Hearing Date: February 13, 2025

Application Submittal Date: March 27, 2024
Application Complete Date: June 5, 2024

Project Name: Schafer – Conditional Use Permit for Accessory Dwelling Unit
Type of Application: Type III CUP-ADU
Permit Number: 24-01514

Project Location

2000 Yukon Harbor Rd SE
Port Orchard, WA 98366
Commissioner District 2

Assessor's Account

332402-1-014-2009

Applicant/Owner of Record

Patricia & Dean Schafer
PO Box 882
Manchester, WA 98353

VICINITY MAP



Recommendation Summary

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

1. Background

The 1.21-acre property has a single-family residence (1,680 SF), a barn, detached garage and carport. The project proposes to convert the barn to a 780 SF ADU. The ADU is 100 feet from the SFR. 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 a UGA; therefore, a CUP approval is required.

2. Project Request

The applicants seek approval for a Conditional Use Permit (CUP) to allow the conversion of an existing accessory structure to a detached ADU.

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 June 28, 2024. A Determination of Nonsignificance (DNS) was issued on August 13, 2024.

The SEPA appeal period expired August 27, 2024. No appeals were filed; therefore, the SEPA determination is final.

4. Physical Characteristics

The parcel is rectangle in shape and approximately 25% vegetated with trees; the remainder is buildings, paving and lawn. Kitsap Parcel Search shows moderate erosion hazard on the western half. According to the Kitsap County Assessor, the parcel is 1.21 acres and developed as single-family residence.

Table 1 - Comprehensive Plan Designation and Zoning

Comprehensive Plan: Rural Residential Zone:	Standard	Proposed
Minimum Density	NA	1
Maximum Density	1 du/5 acres	
Minimum Lot Size	5 acres	NA
Maximum Lot Size	NA	NA
Minimum Lot Width	NA	NA
Minimum Lot Depth	NA	NA
Maximum Height	35 feet	1 story, <35 feet
Maximum Impervious Surface Coverage	85%	NA
Maximum Lot Coverage	NA	NA

Applicable footnotes: NA

Table 2 - Setback for Zoning District

	Standard	Proposed
Front (east)	50 feet	285 feet
Side (north)	20 feet	42 feet
Side (south)	20 feet	54 feet

Rear (west)	20 feet	255 feet
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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	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

The parcel is accessed from the east, via Yukon Harbor Rd SE.

6. Site Design

The west third of the parcel is treed, with buildings arranged in the center third of the parcel and lawn for the remaining east third.

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 located in the project file. To date, the index to the record consists of the following exhibits:

Exhibit #	Document	Dated	Date Received
1	STAFF REPORT	2/6/2025	
2	ADU Floor Plan & Elevations	12/07/2023	5/31/2024
3	Authorization Form	4/25/2023	5/31/2024
4	Geological Assessment	9/16/2023	5/31/2024
5	Permit Questionnaire Form	3/27/2024	5/31/2024
6	Revised Site Plan	12/07/2023	
7	Second Authorization Form	9/16/2024	5/31/2024
8	SEPA Checklist	2/29/2024	5/31/2024
9	SFR Floor Plan & Elevations	3/12/2024	5/31/2024
10	Site Plan	12/07/2023	5/31/2024
11	Stormwater Worksheet		5/31/2024
12	Notice of Application	6/28/2024	
13	SEPA Determination	8/13/2024	
14	Notice of Public Hearing	1/29/2025	
15	Certification of Public Notice	2/04/2025	
16	Staff Presentation		
17	Hearing Sign In		

9. Public Outreach and Comments

The Notice of Application was sent out on June 28, 2024. No comments were received.

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 developed on this lot.

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

Staff Comment: The property owner 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 primary residence is 1,680 square feet, fifty percent of which is 840 square feet. The ADU will be 780 square feet, which is less than fifty percent of the primary residence.

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 ADU is located approximately 100 feet from the primary residence, which is less than one hundred fifty feet.

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

Staff Comment: The ADU is designed to maintain the appearance of the primary residence, using similar roof style, siding, orientation of siding, color scheme and windows.

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

Staff Comment: The primary and accessory structures meet the setback requirements for the Rural Protection Zone.

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

Staff Comment: KPHD has approved.

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

Staff Comment: The ADU is not a mobile home nor a 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 ADU uses the same access as the primary residence, off Yukon Harbor Rd SE. The ADU is supplied with additional off-street parking.

10. An ADU is not permitted on the same lot where an accessory dwelling unit, attached (ADU-A), exists.

Staff Comment: There is no attached ADU on the property.

b. Lighting

Lighting is not analyzed for ADU proposals.

c. Off-Street Parking

The property has graded driveway, vehicle navigation and parking areas, providing the required 4 parking spaces.

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, 1 additional for ADUs	3 + 1 = 4	4
Total	4	4	4

d. Signage

Signage is not analyzed for this permit.

e. Landscaping

Landscaping is not analyzed for this permit.

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

f. Frontage Improvements

Frontage improvements are not required for this permit.

g. Design Districts/Requirements

No design/district requirements apply to this permit.

h. Development Engineering/Stormwater

Development Engineering has reviewed the above 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 05/31/24 to Kitsap County Development Engineering.

Development Engineering accepts the concepts contained in this preliminary submittal and requires the following conditions as an element of the land use approval:

1. 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.
2. 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.
3. If the project proposal is modified from that shown on the site plan approved for this permit application, Development Engineering will require additional review and potentially new conditions.

i. Environmental

Geological report 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."

j. Access, Traffic and Roads

No comment at this time.

k. Fire Safety

No comment at this time.

l. Solid Waste

No comment at this time.

m. Water/Sewer

Site is outside the service area for KCPW Sewer Utility Division.

n. Kitsap Public Health District

No comment at this time.

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.
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 found in KCC 17.550.030.A, the Department of Community Development recommends that the CUP request for Schafer – Conditional Use Permit for Accessory Dwelling Unit (CUP-ADU) be **approved**, subject to the following conditions:

a. Planning/Zoning

1. 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.

2. Only one accessory dwelling unit (ADU) shall be permitted on the subject property.
3. 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.
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.
5. 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.
6. The accessory dwelling unit (ADU) shall be located within 150 feet of the primary residence.
7. The accessory dwelling unit (ADU) 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 (ADU).
9. 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.
10. 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.
11. 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.

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.
13. 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.
14. Any violation of the conditions of approval shall be grounds to initiate revocation of this Conditional Use Permit.

b. Development Engineering

15. 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.
16. 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.
17. If the project proposal is modified from that shown on the site plan approved for this permit application, Development Engineering will require additional review and potentially new conditions.

c. Environmental

No conditions

d. Traffic and Roads

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.

e. Fire Safety

No conditions

f. Solid Waste

No conditions

g. Kitsap Public Health District

No conditions

Report prepared by:

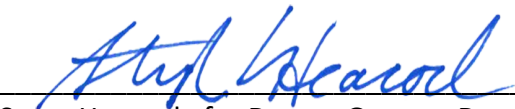


Kate Millward, Staff Planner / Project Lead

2/6/25

Date

Report approved by:



Steve Heacock, for Darren Gurnee, Department Supervisor

2/6/25

Date

Attachments:

Attachment A – Site Plan

Attachment B – Critical Areas

Attachment C – Zoning Map

CC:

Applicant/Owner: Dean & Patricia Schafer, zulu2106@wavecable.com

Authorized Agents: James Baudrand, jbaudrand@wavecable.com, Kathy Cloninger, kcloni9999@msn.com

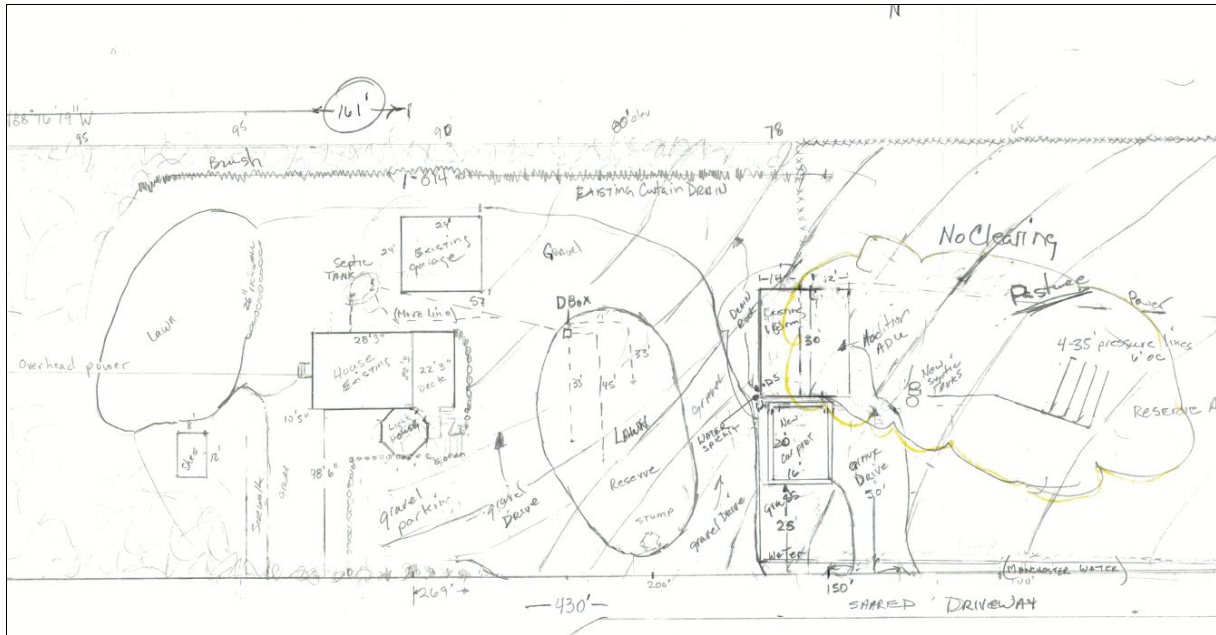
Interested Parties: None

Kitsap County Health District, MS-30

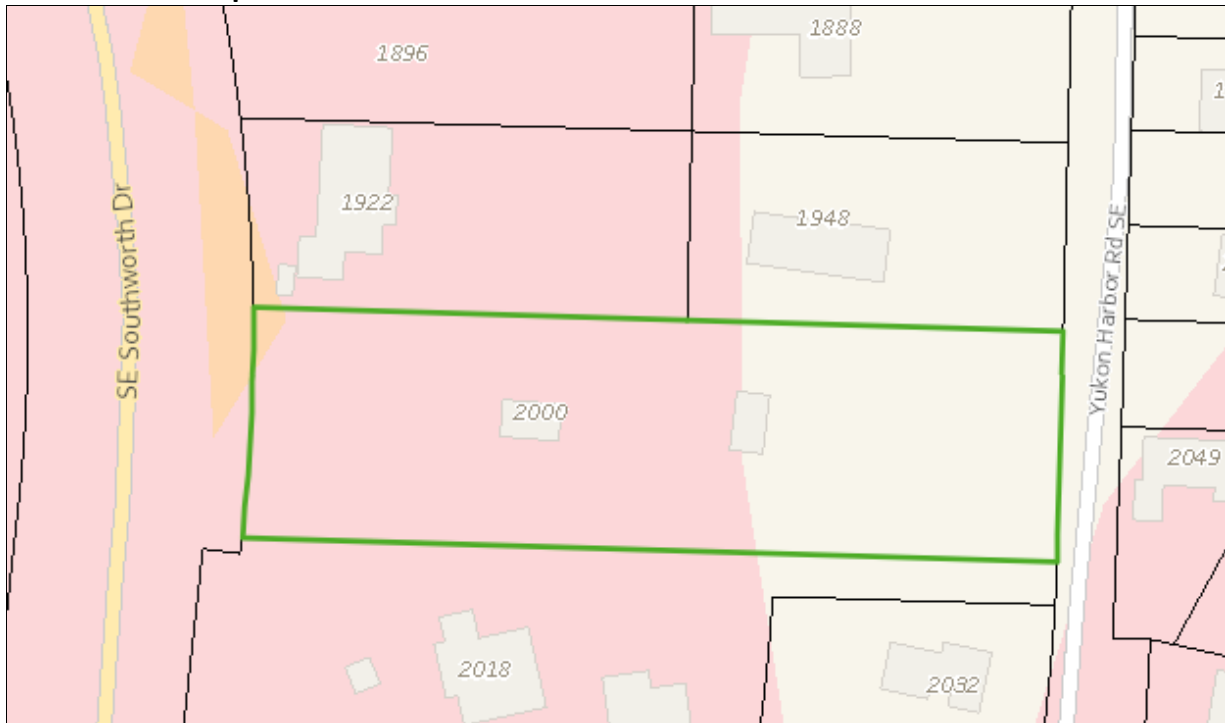
Kitsap County Public Works Dept., MS-26

DCD Staff Planner: Kate Millward

Site Plan



Critical Areas Map



Zoning Map

