



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

3/13/2026

To: Interested Parties and Parties of Record

RE: Project Name: Glenn - Conditional Use for Accessory Dwelling Unit, Shoreline Conditional Use Permit, Shoreline Substantial Development Permit
Applicant: James & Tamera Glenn
22654 Jefferson Point Rd NE
Kingston, WA 98346
Application: CUP-ADU, CUP-SHORELINE, SSDP
Permit Number: 24-03301, 25-01632, 25-03338

The Kitsap County Hearing Examiner has **APPROVED** the land use application for **Permit 24-03301: Glenn - Conditional Use for Accessory Dwelling Unit (CUP-ADU)**, **Permit 25-01632: Glenn - Shoreline Conditional Use Permit (CUP-SHORELINE)**, and **Permit 25-03338: Glenn – Shoreline Substantial Development Permit (SSDP)** 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: James & Tammera Glenn, teglenn@comcast.net
Authorized Agent: Charles Ritter, designworkshop@rocketmail.com; Lainie Ritter, lainie.ritter@yahoo.com
Biologist: BGE Environmental LLC, bgerobbbyn@comcast.net
Engineer: Envirotech Engineering PLLC, envirotech@geotechnicalinfo.com; Map Ltd, PO BOX 720 SILVERDALE, WA 98383
Interested Parties: Matthew Evinger - Dept of Ecology Shoreline, Matthew.Evinger@ecy.wa.gov

Prosecutor's Office
Assessor's Office
DCD
Kitsap Sun
Point No Point Treaty Council
Suquamish Tribe
Skokomish Tribe
Port Gamble S'Klallam Tribe
Squaxin Island Tribe
Puyallup Tribe
Dept of Archaeological Historic Preservation
WA Dept of Natural Resources
WA Dept of Fish & Wildlife
WA State Dept of Ecology-SEPA
WA State Dept of Transportation
Health District
Public Works
Parks
Navy
DE & PEP
Kitsap Transit
North Kitsap Fire District
North Kitsap School District
Puget Sound Energy
Water: PUBLIC UTILITY DIST NO 1
WA Dept of Transportation/Aviation
WA State Dept of Ecology-Wetland Review
WA State Dept of Ecology-Shoreline Review

1 **BEFORE THE HEARING EXAMINER FOR KITSAP COUNTY**

2 Phil Olbrechts, Hearing Examiner

3

4 RE: Glenn Accessory Dwelling Unit

5 Accessory Dwelling Unit (CUP – ADU) 24-03301

6 Shoreline Substantial Development Permit 25-03338

7 Shoreline Conditional Use Permit 25-01632

8

9

10

RE: Glenn Accessory Dwelling Unit Accessory Dwelling Unit (CUP – ADU) 24-03301 Shoreline Substantial Development Permit 25-03338 Shoreline Conditional Use Permit 25-01632	FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION
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11 **INTRODUCTION**

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13 The Applicants James and Tammera Glenn request a Conditional Use Permit (CUP), a Shoreline Substantial Development Permit (SSDP) and a Shoreline Conditional Use Permit (SCUP) to construct a two-story, 864 sf detached Accessory Dwelling Unit (ADU) and carport on a 1.21-acre parcel at 22654 Jefferson Point Road NE in Kingston, WA. The applications are approved subject to conditions.

14

15

16 **ORAL TESTIMONY**

17 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.

18

19

20 **EXHIBITS**

21 Exhibits 1-28 listed in the Index to the Record prepared by County staff were admitted during the hearing.

22

23

24 **FINDINGS OF FACT**

25 **Procedural:**

CUP-ADU, SSDP, SCUP

p. 1

Findings, Conclusions and Decision

1 1. Applicant. James and Tammera Glenn, 22654 Jefferson Point Road
2 NE, Kingston, WA 98346.

3 2. Hearing. The Hearing Examiner conducted a remote/hybrid hearing on the
4 application at 9:00 am on February 26, 2026.

5 **Substantive:**

6 3. Site/Proposal Description. The Applicants request a Conditional Use
7 Permit, Shoreline Substantial Development Permit and a Shoreline Conditional Use
8 Permit to construct a 864sf detached Accessory Dwelling Unit (ADU) at their home
9 located at 22654 Jefferson Point Road, Kingston. The parcel is currently developed
10 with a 2,286 square foot single-family residence, detached carport, and hard shoreline
11 stabilization (bulkhead) in 1962, and a shed in 2023. The subject site is 1.21 acres and
12 is roughly rectangular. The property fronts Puget Sound and is encumbered by erosion
13 and landslide hazard area as well as wetlands related to the shoreline and is a FEMA
14 flood hazard area. The floodplain and wetlands are waterward of the Ordinary High
15 Water Mark (OHWM) of Puget Sound.

16 The ADU will replace an existing carport with a two-story carport and ADU. There are
17 no other ADUs on the subject property. The proposed ADU represents 38% of the size
18 of the primary residence. The project will not increase the amount of impervious
19 surface on site. The project site is located outside of a UGA.

20 The ADU will use the same entrance as noted on the Site Plan (Ex. 22). Conditions of
21 approval will require the ADU design to maintain the appearance of the primary
22 residence and to meet the remaining requirements of KCC 17.415.015.

23 Kitsap PUD #1 provides potable water. An existing septic system provides sanitary
24 sewage disposal. An easement to Jefferson Point Road provides direct access to the
25 project site. The stormwater quantity and quality control connect to an existing drainage
26 conveyance to the ordinary high-water mark. The approved septic design increases the
27 maximum number of bedrooms allowed between both structures to four bedrooms. A
28 condition of approval will require the project to comply with all Kitsap Public Health
29 District regulations.

30 4. Characteristics of the Area. Properties to the north, south and west are
31 zoned rural residential. Properties to the north and south are developed with single-
32 family residences. The property to the west is vacant. To the east is Puget Sound.

33 5. Adverse Impacts. No significant adverse impacts are anticipated from the
34 proposal. The County issued an optional SEPA Determination of Non-Significant
35 Impact (DNS) which was not appealed. Impacts are more directly addressed as follows:

1 A. Off-Street Parking. KCC 17.490.030 requires three off-street parking spaces,
2 two for the single-family residence and one parking space for an ADU. The
Applicant proposes three off-street parking spaces as required.

3 B. Stormwater. As conditioned, the project will be developed in a manner
4 consistent with the control of pollution and will prevent damage to the natural
environment from stormwater.

5 Kitsap County has adopted the Department of Ecology Stormwater
6 Management Manual for Western Washington (SWMMWW). See KCC 12.04
7 – 12.32. The Manual effectively mitigates against stormwater impacts by
8 requiring that the project limit off-project site flows to those generated from the
9 project site in a vacant, forested condition. Stringent water quality standards are
also imposed, requiring that the water quality be treated with all known,
available and reasonable methods of prevention, control and treatment. See
RCW 90.52.040 and RCW 90.48.010.

10
11 To establish conformance to the County’s stringent drainage control standards,
12 the Applicants have provided a Drainage Report (Ex. 5), an Engineered
13 Drainage and Temporary Erosion and Sediment Control Plan (TESC) (Ex. 6),
14 a Geologic Report (Ex. 7), a Health District Building Site Application (Ex. 8),
15 a Stormwater Worksheet (Ex. 9), and a Stormwater Pollution and Prevention
16 Plan (SWPPP) Narrative (EX. 10). The County also provided a Stormwater
17 Conditions Memo (Ex. 20). The County’s Development Engineering staff
reviewed the preliminary drainage report and the preliminary engineering plans
and found them compliant with the County’s stormwater standards. The
conditions of approval of this decision include those conditions County staff
found necessary for stormwater compliance.

18 C. Flood Hazard. No impacts to or from the floodplain are anticipated. The
19 waterward portion of the project is in the flood hazard area. No portion of the
20 proposed project will be in the FEMA floodplain (Ex. 1, Page 18). All portions
of the proposed project will be at least one foot freeboard above the floodplain.

21 D. Critical Areas. No impacts to critical areas are anticipated. There are no critical
22 areas on or adjacent to the location of the proposed accessory dwelling unit.
23 The property fronts Puget Sound and is encumbered by erosion and landslide
hazard area as well as wetlands related to the shoreline and is within a FEMA
flood hazard area.

24 The floodplain and wetlands are waterward of the Ordinary High Water Mark
25 (OHWM) of Puget Sound (Ex. 1, Page 18). No vegetative conservation buffers
apply. A condition of approval will ensure the enhancement of the wetlands

1 and near shore environment requiring by the removal of debris from the
2 bulkhead

3 The proposed new ADU will be located outside of the wetland and shoreline
4 buffer, though portions will be within the 15-foot building setback from the
5 shoreline buffer (Ex. 1, Page 10). Four mature native rhododendrons and a
6 shrubby dogwood will be removed to facilitate construction. The staff have
7 imposed a 0.5:1 replacement ratio as mitigation. As noted above in Finding of
8 Fact No. 5B Stormwater, the Applicant will also achieve no net loss of
9 ecological functions by planting four Northline Serviceberry along the
10 bulkhead landing.

11 The Geologic Report states the proposed development is not within the
12 landslide hazard area or its buffer and that no further geotechnical studies are
13 required (Ex. 7). The Applicant submitted an Engineered Drainage and
14 Temporary Erosion and Sediment Control Plan (Ex. 6) which will ensure that
15 no stormwater contamination from the construction occurs and that erosion
16 issues are managed. The subject ADU is not adjacent to or impacted by the
17 erosion hazard area at the OHWM.

18 E. No Net Loss of Ecological Function. The project as designed and conditioned
19 will result in no net loss of ecological functions in the shoreline environment.
20 The Applicant provided a No Net Loss report (Ex. 15). No new impervious
21 surface is proposed. The 2-story ADU and carport will replace an existing
22 carport while maintaining the same impervious footprint as existing and
23 utilizing the existing access and driveway. The increase in size is only 13sf of
24 roof overhang, lateral to the structure. As noted above in Finding of Fact No. 5
25 B, the project will manage stormwater through both the existing piped
infrastructure and through mitigation plantings with native vegetation. The
ADU will be located outside of critical areas and shoreline buffers (Finding of
Fact. No. 5C and 5D). A condition of approval will require the Applicant to
maintain buffers in their undisturbed natural vegetation areas except where the
buffer can be enhanced to improve its functional attributes. As noted in the No
Net Loss Report, the removal of the existing four trees adjacent to the project
site is mainly aesthetic when viewed from the shoreline. The Applicant will
provide new, native plantings at a 0.5:1 ratio to increase the vegetative
complexity of the near shore environment and provide screening for the new
construction. With the new plantings and stormwater treatment, the project will
achieve no net loss of ecological function. The project is conditioned to comply
with the No Net Loss Report.

F. Access, Traffic, Roads. The proposed ADU will use the same driveway entering
the property that the primary residences uses. The County Traffic division
reviewed and approved the ADU proposal with no requested conditions of

1 approval. The Applicant will be required to obtain a County right of way permit
2 for any work in the right of way.

3 G. Fire Safety. Kitsap County Building and Fire Safety Division reviewed and the
4 ADU and found no need for any conditions.

5 H. Water/Septic. As conditioned, there will be adequate water and septic services
6 to serve the project. No adverse impacts to utilities are anticipated. Kitsap PUD
7 #1 provides potable water. The Applicant has obtained a water availability letter
8 from the PUD (Ex. 11). An existing septic system provides sanitary sewage
9 disposal. Kitsap Public Health District approved the septic design to increase
10 the maximum number of bedrooms allowed between both structures to four
11 bedrooms. A condition of approval will require the project to comply with all
12 Kitsap Public Health District regulations.

13 I. Compatibility. The proposal is compatible with surrounding uses. As identified
14 in Finding of Fact No. 4, surrounding uses are all single-family residential. The
15 proposed design is similar to the primary residence so no adverse aesthetic
16 impacts are anticipated.

17 CONCLUSIONS OF LAW

18 **Procedural:**

19 1. Authority of Hearing Examiner. KCC 17.550.030 authorizes the hearing
20 examiner to issue decisions on applications for zoning conditional use permits. KCC
21 21.04.100.9 and KCC 22.500.100.D.2 classify shoreline conditional use permit as a
22 Type III process. As outlined in KCC 21.04.110, the Type III process authorizes the
23 hearing examiner to issue a final land use decision for the County after holding a public
24 hearing. The shoreline substantial development permit is a Type II review process
25 (KCC 21.04.100.12). All three decisions, the ADU-CUP, the SSDP and the SCUP have
been consolidated for review as authorized by KCC 21.04.180.A and KCC
22.500.100.A.3.

26 **Substantive:**

27 2. Zoning Designation. The property is currently zoned Rural Residential
28 (RR). The shoreline designation is Conservancy.

29 3. Review Criteria. KCC 17.410.042 requires a conditional use permit for
30 detached ADUs in the RR zone. KCC 17.550.030A governs the criteria for conditional
31 use permits.

32 The proposed ADU is located within 200 feet of the Puget Sound shoreline and is thus
33 subject to the standards of the County's shoreline master program. The proposal

1 necessitates a shoreline substantial development permit because it qualifies as
2 substantial development within the shoreline jurisdiction. See KCC 22.500.100.B.1.
3 KCC 22.150.605 defines substantial development as any development that exceed a
fair market value of \$7,047.00. The proposal exceeds this value. KCC 22.500.100.B.3
sets the criteria for approval of shoreline substantial development permits.

4 A SCUP is required for ADUs in the rural conservancy shoreline designation. See
5 KCC 22.600.105. KCC 22.500.100.D.3 sets the criteria for approval of a shoreline
conditional use permit.

6 Pertinent criteria are quoted below and applied via corresponding conclusions of law.

7 **Accessory Dwelling Unit - Conditional Use Permit**

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

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

12 4. Criterion met. The criterion is met. The proposed ADU provides the ability to
13 create an affordable housing unit which is a goal supported by several policies in the
14 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).

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

17 5. Criterion met. The criterion is met. The proposal conforms to the County's zoning
18 code as detailed in Section 4 and 10 of the staff report (Exhibit 1). Staff planning and
19 public works 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
20 detailed conditions of approval, adopted by this decision. Nothing in the record
21 suggests any outstanding compliance issues. More detailed compliance will be required
during the building and civil permit review.

22 The primary issue of zoning compliance is adherence to KCC 17.415.015.B, which
23 adopts standards tailored to detached ADUs outside urban growth areas. Pursuant to
24 those standards, only one ADU is allowed per lot, the owner of the property must reside
25 in the primary residence or the ADU, the ADU shall not exceed 50% of the habitable
area of the primary residence, the ADU shall be located within 150 feet of the primary
residence unless involving a conversion of an existing structure such as that proposed,
the ADU shall be designed to maintain the appearance of the primary residence, all
setback requirements shall be met, all health district standards shall be met, ADUs may

1 not be mobile homes or recreational vehicles, and the ADU shall use the same access
2 as the primary residence and shall provide an additional parking space. The conditions
3 of approval recommended by staff require conformance to all of these standards. The
4 proposed design and site characteristics further establish conformance as detailed in
5 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.

16 **Shoreline Substantial Development Permit**

17 KCC 22.500.100.B.3 sets the criteria for SSDPs, providing that an SSDP be granted
18 only when “*the applicant can demonstrate that the proposed development is consistent
19 with the policies and procedures of the Act [Shoreline Management Act] and this
20 program, as well as criteria in WAC 173-27-150.*” As pertinent, WAC 173-27-150
21 requires conformance to the use regulations of the County’s shoreline master program
22 in addition to its policies.

23 8. The proposal is found to comply with all applicable SSDP criteria. It is
24 found to comply with SMP policies for the reasons identified in Section 10i of the staff
25 report. It’s found to comply with general SMP regulations for the reasons identified at
Pages 9-12 of the staff report and Finding No. 5 of this decision. This type of use is
subject to the specific “residential” SMP use regulations of KCC 22.600.170.B. Those
standards are quoted below and applied in corresponding conclusions of law.

26 **KCC 22.600.170.B Development Standards**

27 1. *All new residential development, including subdivision of land, shall be designed,
28 configured and developed in a manner that ensures no net loss of shoreline ecological
29 function.*

30 9. Criterion met. As described in Finding of Fact No. 5, as designed and
conditioned, the project will result in no net loss to the shoreline ecological functions.
Though there are many critical areas on the subject property, the location for the ADU

1 is outside of wetlands and shoreline buffers, is outside of the floodplain and is not
2 subject to landslide hazard or erosion areas (Finding of Fact No. 5D). As conditioned
3 with native plantings and debris clean up, shoreline ecological functions should be
enhanced. Stormwater measures ensure no pollution or scouring will occur (Finding of
Fact No. 5B and Ex. 6 and 10).

4 2. *All sewage disposal and water systems shall comply with state and local health
5 regulations including but not limited to Kitsap County board of health Ordinance
2008A-01 for on-site sewage requirements.*

6 10. Criterion met. As conditioned and described in Finding of Fact No. 5H, the
7 project will comply with all local and state health regulations and all conditions of
8 approval from Kitsap County PUD #1 and the Kitsap County Public Health District.

9 3. *New and remodeled residential development and new subdivisions shall be
10 designed, located and constructed so that structural improvements, including bluff
walls and other stabilization structures, are not required to protect such structures and
uses.*

11 11. Criterion met. The project will replace an existing carport structure with a
12 new 2-story accessory dwelling unit and carport in the same location and general
13 footprint. No new bluff walls or other stabilization structures are required to protect the
new structure.

14 4. *New over-water residences, including floating homes, are prohibited. Where such
15 homes were permitted or legally established prior to January 1, 2011, they shall be
16 reasonably accommodated to allow improvements associated with life safety matters,
property rights and considered a conforming use.*

17 12. Not applicable. No new overwater structures are proposed.

18 5. *Stormwater quality and quantity measures for residential development must comply
19 with current codes.*

20 13. Criterion met. As conditioned and described in Finding of Fact No. 5B, the
21 project will comply with current stormwater codes.

22 6. *Flood hazard reduction measures for residential development shall comply with
23 Chapter 19.500, as incorporated here by Section 22.400.115 (Critical areas), and
24 Section 22.400.150 (Flood hazard reduction measures) and shall be designed to
prevent net loss of shoreline ecological functions.*

25 14. Criterion met. As described in Finding of Fact No. 5C, no impacts to or
from the Flood Hazard area are anticipated as all proposed development is above the
floodplain (Ex. 7)

1 7. *New multi-unit residential development, including the subdivision of land for five*
2 *or more parcels, shall provide for joint or community and/or public access, except*
3 *where demonstrated to be infeasible due to any of the following: ...*

4 15. Not applicable. The proposal is not a multi-unit residential development.

5 8. *In cases where on-site access is infeasible, alternate methods of providing public*
6 *access shall be considered, such as off-site improvements.*

7 16. Not applicable. The property has access to Jefferson Point Road via an
8 easement. The primary and accessory dwelling will share the existing entrance.

9 9. *Lot area shall be calculated using only those lands landward of the OHWM.*

10 17. Not applicable. The new structure will not result in the creation of any new
11 lots. The lot coverage will not change as the new structure replaces an existing structure
12 and will not expand the use waterward.

13 10. *Single-family residential uses are a priority use only when developed in a manner*
14 *consistent with control of pollution and prevention of damage to the natural*
15 *environment.*

16 18. Criterion met. As conditioned, the project will be developed in a manner
17 consistent with the control of pollution and will prevent damage to the natural
18 environment. Sources of potential pollution are the septic system, driveway and
19 stormwater runoff. As described in Finding of Fact No. 5H, the septic system has been
20 approved by the Kitsap County Health Department to accommodate the new
21 development. A condition of approval will require the Applicant to satisfy all PUD and
22 Health Department requirements. The existing driveway will serve the new ADU and
23 no new impervious surfaces are proposed. As described in Finding of Fact No. 5B, the
24 Applicant has achieved no net loss of ecological functions both through the
25 infrastructure design and, in response to the Department of Ecology, through mitigation
plantings. A condition of approval will require the Applicant to comply with the No
Net Loss Report (Ex. 16).

Shoreline Conditional Use Permit

KCC 22.500.100.D.3: *Shoreline CUPs shall be granted only after the applicant can
demonstrate compliance with WAC 173-27-160 and this section as follows:*

a. *That the proposed use is consistent with the policies of RCW 90.58.020 and this
program;*

19. Criterion met. The project as conditioned is consistent with the policies of RCW 90.58.020. No alterations to the shoreline itself are anticipated. The project will provide a long-term benefit by supplying additional housing opportunities, an important goal of the County's Comprehensive Plan while also providing no net loss of ecological functions (Finding of Fact No. 5E). The project has been designed to fit within the existing impervious surface. As described in Finding of Fact No. 5B the stormwater and landscaping have been planned to eliminate the potential for erosion or pollution entering the shoreline environment. There is no existing public use of the shoreline and no new access is proposed.

b. That the proposed use will not interfere with the normal public use of public shorelines and does not conflict with existing water-dependent uses;

20. Criterion met. The proposed accessory dwelling unit replaces an existing structure in the same footprint landward of the shoreline buffer. No new public use of the shorelines is proposed.

c. That the proposed use of the site and design of the project are compatible with other authorized uses within the area and with uses planned for the area under the Comprehensive Plan and this program;

21. Criterion 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). The proposal is found to comply with all applicable SMP criteria. It is found to comply with SMP policies for the reasons identified in Section 10i of the staff report. It is found to comply with general SMP regulations for the reasons identified at Pages 9-12 of the staff report and Finding No. 5 of this decision.

d. That the proposed use will not result in significant adverse effects or a net loss to the shoreline ecosystem functions in which it is to be located;

22. Criterion met. As described in Finding of Fact No. 5, as designed and conditioned, the project will result in no net loss to the shoreline ecological functions. Though there are many critical areas on the subject property, the location for the ADU is outside of wetlands and shoreline buffers, is outside of the floodplain and is not subject to landslide hazard or erosion areas (Finding of Fact No. 5D). As conditioned with native plantings and debris clean up, shoreline ecological functions should be enhanced. Stormwater measures ensure no pollution or scouring will occur (Finding of Fact No. 5B and Ex. 6 and 10).

e. That the public interest suffers no substantial detrimental effect;

1 23. Criterion met. No substantial detrimental effect on the public interest is
2 anticipated. As noted in Finding of Fact No. 5D, no impacts to critical areas are
3 anticipated. The project as conditioned will result in no net loss of ecological function
4 (Finding of Fact No. 5E). The project is compatible with the surrounding uses as
5 described in Finding of Fact No. 5I. As conditioned, the proposal is compatible with
6 and incorporates specific features, conditions, or revisions that ensure it responds
7 appropriately to the existing character, appearance, quality or development, and
8 physical characteristics of the subject property and the immediate vicinity.

9 *f. That consideration has been given to the cumulative impact of additional requests
10 for like actions in the area and shall not result in substantial adverse effects or net loss
11 of shoreline ecosystem functions. For example, if CUPs were granted for other
12 developments in the area where similar circumstances exist, the total of the conditional
13 uses shall also remain consistent with the use preference policies and shall not produce
14 substantial adverse impacts to the shoreline environment. Consideration shall be
15 demonstrated through preparation of a cumulative impacts report, if requested, that
16 substantially conforms to the applicable provisions of Chapter 22.700 (Special
17 Reports);*

18 24. Criterion met. As conditioned, no cumulative impacts are anticipated. The
19 project as designed replaces an existing carport with a 2-story carport and ADU in the
20 same location while preserving the existing quantity of impervious surface. Conditions
21 of approval govern the size, location and features of the ADU to ensure that it conforms
22 to code and is compatible with the surrounding uses. Any other ADU so conditioned
23 will remain consistent with the use preferences of the County and will not produce
24 adverse impacts to the shoreline environment. As noted in Finding of Fact No. 5E, there
25 will be no net loss to ecological functions.

*g. Other uses which are not classified or set forth in this program may be authorized
as conditional uses provided the applicant can demonstrate consistency with the
requirements of this section and the requirements for conditional uses contained in the
master program;*

25. Not applicable. The accessory dwelling use is permitted via a conditional use
permit.

*h. Uses which are specifically prohibited by this master program may not be
authorized pursuant to this section.*

26. Not applicable. The accessory dwelling use is permitted via a conditional use
permit.

DECISION

1 Based upon the conclusions of law above, the conditional use permit application,
2 shoreline substantial development permit and shoreline conditional use permit are
3 approved subject to the following conditions:

3 **Planning/Zoning**

4 1. KCC 17.105.110 ‘Obnoxious things.’ In all zones, except as provided for
5 elsewhere in this title, no use shall produce noise, smoke, dirt, dust, odor, vibration,
6 heat, glare, toxic gas or radiation which is materially deleterious to surrounding
7 people, properties or uses. Lighting is to be shielded and directed downward and
8 away from adjoining properties in accordance with Section 17.420.030(C). Not
9 more than one foot candle of illumination may leave the property boundaries.

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

10 3. The accessory dwelling unit (ADU) is subject to the payment of impact fees.
11 Impact fees must be paid at time of permit issuance, or if deferred, must be paid
12 prior to final inspection. No certificate of occupancy will be granted until all impact
13 fees are paid.

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

17 5. Only one accessory dwelling unit (ADU) shall be permitted on the subject
18 property.

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

21 7. The accessory dwelling unit's (ADU) habitable area shall not exceed 50%
22 of the primary residence (1,143 square feet) or 900 square feet, whichever is
23 smaller. The proposed size of the ADU is 864 square feet.

23 8. The accessory dwelling unit (ADU) shall be located within 150 feet of the
24 primary residence.

24 9. The accessory dwelling unit (ADU) shall be designed to maintain the
25 appearance of the primary residence.

1 10. No mobile home or recreational vehicle shall be allowed as an accessory
2 dwelling unit (ADU).

3 11. The accessory dwelling unit (ADU) shall use the same side street entrance
4 as the primary residence and shall provide one additional off-street parking space.

5 12. An accessory living quarters (ALQ) or guest house (GH) is not permitted
6 on the same lot unless the accessory dwelling unit (ADU) is removed and the ALQ
or GH complies with all requirements imposed by the Kitsap County Code (KCC).

7 13. A property with a primary residence and an accessory dwelling unit (ADU)
8 cannot be segregated to create two separate legal lots unless it complies with all
9 subdivision, zoning and density requirements in place at the time of a complete
subdivision application.

10 14. The accessory dwelling unit (ADU) cannot be sold separately from the
11 primary residence unless it has legally been segregated onto its own lot.

12 **Development Engineering**

13 15. Stormwater quantity control, quality treatment, and erosion and
14 sedimentation control, as required for the development, shall be designed in
15 accordance with Kitsap County Code Title 12 effective at the time the Building
16 Permit is deemed fully complete. If development meets the thresholds for
17 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 the
Building Permit Application.

18 16. The owner shall be responsible for maintenance of the storm drainage
19 facilities for this development following construction. Before requesting final
20 inspection for the SDAP (or for the Building Permit if an SDAP is not required) for
21 this development, the person or persons holding title to the subject property for
22 which the storm drainage facilities were required shall record a Declaration of
23 Covenant that guarantees the County that the system will be properly maintained.
24 Wording must be included in the covenant that will allow the County to inspect the
25 system and perform the necessary maintenance in the event the system is not
performing properly. This would be done only after notifying the owner and giving
him a reasonable time to do the necessary work. Should County forces be required
to do the work, the owner will be billed the maximum amount allowed by law.

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.

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Environmental

18. Buffers shall remain undisturbed natural vegetation areas except where the buffer can be enhanced to improve its functional attributes. Buffers shall be maintained along the perimeter of fish and wildlife habitat conservation areas, as listed in Table 19.300.315. Refuse, fill, yard waste or other debris shall not be placed in buffers unless otherwise allowed through an approved buffer reduction or variance of this chapter.

19. 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. Uncovered sites shall require a site inspection by a professional archaeologist in coordination with the affected tribe(s). Tribal historic preservation officers shall be provided with the opportunity to evaluate and comment on cultural resources evaluations conducted by a professional archaeologist.

20. Prior to occupancy, the applicant shall remove tires and building debris from the shoreline native vegetation buffer.

21. The project must comply with the No Net Loss report authored by BGE Environmental LLC on 1/30/2025, revised on 8/25/2025, and the supplemental letter drafted 12/9/2025 (Ex. 16).

Traffic and Roads

22. 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.

Fire Safety

23. ADU is under 5,000 sq ft and access only serves 2 dwellings, thus there are no requirements from the Fire Marshal.

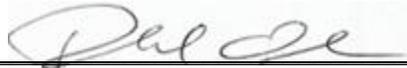
Solid Waste

Not reviewed for these permits.

1 **Kitsap Public Health District**

2 24. This permit shall comply with all Kitsap Public Health District regulations
3 and conditions of approval.

4 Dated this 12th day of March 2026.

5 

6 Phil Olbrechts
7 Kitsap County Hearing Examiner

8 **Appeal Right and Valuation Notices**

9 Pursuant to KCC 21.04.100 and KCC 21.04.110, this conditional use permit decision is
10 a final land use decision of Kitsap County and may be appealed to superior court within
11 21 days as governed by the Washington State Land Use Petition Act, Chapter 36.70C
12 RCW. The SCUP is subject to approval by the Washington State Department of
Ecology. The SCUP and SSDP are appealable to the Washington State Shoreline
Hearings Board as regulated by Chapter 90.58 RCW.

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

Appendix A

February 26, 2026 Hearing Transcript

Glenn ADU-CUP, SSDP, SCUP

File No. 24-03301 (CUP-ADU), 25-01632 (SCUP), 25-03338 (SSDP)

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. A recording of the hearing is available at the Kitsap County Department of Planning should anyone need an accurate rendition of the hearing testimony.

Examiner Olbrechts (00:00):

February 26, 2026, 9:00 AM. I'm Phil Olbrechts hearing examiner for Kitsap County. Today, holding a hearing on some applications for an accessory dwelling unit, specifically a conditional use permit, a shoreline conditional use permit, and a shoreline substantial development permit. This is for file numbers 24-03301, 25-01632 and 25-03338. The hearing format, we'll start off the presentation from staff. Looks like Ms. O'Connor is raring to go there, so we'll let her give us an overview of the project at the beginning. After that, then we'll move on to the applicants if they want to say anything. And the applicants, you don't have to say anything if you don't want to, but that'll be your opportunity. After that, then we'll move on to public comments and at least virtually doesn't look like we have many members of the public out there. And Ms. Jones, you're shaking her head. It looks like nobody in the meeting room either.

(00:57):

That's always good for the applicant. Yeah. So that's good news for the applicant. After the public portion, we'll go back to Ms. O'Connor to answer any questions that might have been asked, and that's her chance to provide rebuttal evidence if she finds that necessary. Then applicant gets final word. They also get a chance to provide rebuttal testimony as well as a matter of due process. And I have 10 business days to issue a decision. The shoreline conditional use permit, that is a final decision has to be made by Department of Ecology, actually. That's not going to be finalized by the county has to go there, but the other two permits will be subject to final decision from my end. So that's kind of the overall process there. By state law, I'm only allowed to consider evidence that's put in the record today. That way we're all on a level playing field and everyone knows what information was considered for that final decision.

(01:48):

I didn't get to talk to staff about this project or the applicant or anybody or read about in the papers. Everything I know is going to be from the staff report and exhibits that were submitted in the record today. And Ms. O'Connor has her staff report and recommendation for approval is based on a lot of documentation. This is pretty common for these kind of permits. I'm going to share my screen real quick. And you should be seeing right now as the exhibit list that Ms. Jones put together. We've got a total of 28 documents. These are available online to anyone who needs to see them. And it's just a really brief overview composed of the staff reports. And we had the concurrency analysis, which deals with transportation, drainage, geotechnical, or I should say geological issues, stormwater review, and then the site plans, the floor plans or landscaping plans.

(02:37):

And as is very important for these shoreline permits, there was a no net loss report, which assesses the impacts to the environmental resources of the shoreline. The only public comment we got was from the Department of Ecology, and we got some notice documents, that kind of thing. So a total of 28 documents at this point. Just want to ask if anybody needs to see any of those documents or has any objection to the entry in the record. If you're participating virtually, just click on the raise hand button at the bottom of your screen. And if you're in the meeting room, just wave your hand and Ms. Jones will recognize you. So no takers, right, Ms. Jones. So I'll go ahead and admit Exhibits one through 28, and I'll stop sharing my screen. And Ms. O'Connor, let me swear you in at this point. Just raise your right hand.

[\(03:17\)](#):

Do you swear or affirm to tell the truth, nothing but the truth in this proceeding? I do. Okay, great. Go ahead.

Senior Planner O'Connor [\(03:32\)](#):

Okay. Hello. Good morning. My name is Amanda O'Connor, and I am a senior planner representing the Kitsap County Department of Community Development. As part of this review, this is a proposal that we believe will help provide additional housing options for Kitsap County and furthers the county goal of encouraging the provision of affordable housing. One moment. Trying to forward this slide. I apologize. There we go. All right. So the proposal today is to replace a carport built in 1962 with a two-story structure on a 1.21 acre parcel located in the rule Conservancy Shoreline jurisdiction. The structure includes a new carport and an 864 square foot accessory dwelling unit or ADU, as I'll refer to it moving forward, with a deck above the new carport. The proposal will not increase the amount of impervious surfaces on the site.

[\(04:33\)](#):

The applicants are James D and Tamara E. Glenn. The permits were deemed complete at varying times due to the variation of times of each submittal. Shoreline jurisdiction of a rule conservancy requires a conditional use permit for ADUs, which is where we have our shoreline conditional use permit. The rule residential zoning requires a conditional use permit for a detached ADU, which is where we get our CUP, conditional use permit for the ADU. As this project is substantial development within the shoreline and does not meet exemption criteria, SSDP was required. It was determined that the permits could be reviewed simultaneously. As such, a combined notice of application was distributed pursuant to Title 21 land use and development procedures, which provided recipients with project information and opportunity for public comment.

[\(05:22\)](#):

And pursuant to WAC 1971135, the Department of Community Development used an optional DNS process for this project. Ultimately, the project was determined to be SEPA exempt. No appeals were filed. Therefore, the SEPA determination is final. Public comment did come as mentioned from the Department of Ecology with requests for more robust analysis of Kitsap County Code 22500 100 with outlines that the requirements for conditional use permit on the shoreline and further discussion of mitigation sequencing management policies within the rural conservancy shoreline designation and mitigation planting plant selection of a cultivar rather than native. This was addressed in the response prepared by the applicant's biologist in their submittal accepted January 9th, 2026. I believe that's exhibit 23. And this will also be discussed at different points in the presentation. After review, staff found the biologist's response to sufficiently address the comment.

[\(06:33\)](#):

This provides an overview of the location of the site in Kingston, just south of the Kingston Ferry in Northern Kitsap. Again, the parcel is just over 1.2 acres and a shoreline parcel largely covered with lawn and a viburnum hedge running along the southern property line and the Puget Sound on its eastern border. The property owners constructed a 2,286 square foot single family residence, detached carport and hard shoreline stabilization or bulkhead in 1962. A shed was constructed in 2023. Kitsap PUD1 provides potable water and existing septic provides sanitary soot disposal on site. An easement to Jefferson Point Road provides direct access to the project site and the parcel contains mapped critical areas that I'll go over on the next slide. The stormwater quantity and quality control connects to an existing drainage conveyance to the ordinary high watermark.

[\(07:42\):](#)

Again, the site does contain critical areas. We have the open water there, shoreline associated wetlands, erosion hazards, landslide hazards, and FEMA flood hazard. A number of relevant code sections that were applied during the review of the proposal. The proposed ADU is designed to meet all the criteria of 17415015, which outlines the requirements for an accessory dwelling unit located outside an urban growth area. In meeting with criteria set forth in 22400105, which is proposed development, the proposed project will not need future shoreline stabilization and has been located landward to minimize the need for additional shoreline stabilization. The proposed ADU is sufficiently set back to not affect existing shoreline stabilization and the proposed plantings of native shrubs will enhance shoreline function.

[\(08:44\):](#)

In regards to 2240115 critical areas, the proposed project is outside the 130 foot shoreline buffer, therefore does not require additional vegetation conservation buffers. However, some work will occur within the 15-foot building set back to the buffer with the removal of four mature native rhododendron entrance and a shrubby dogwood. This impact occurs outside the standard buffer and thus 0.5 to one mitigation ratio applies. The applicant proposes to achieve no net loss by planting for north line service barrier along the bulkhead landing. This mitigation planting meets the intent of the code by enhancing native vegetation within the buffer. The permit is also conditioned to require removal of debris from the bulkhead.

[\(09:47\):](#)

Okay. And then lastly, for this slide, when reviewing against 224140 bulk and dimensional standards, in the rural conservancy designation, lot size and setbacks are regulated by Title 17. Buffer is regulated by Title 22 and impervious areas regulated by 2240125 and the maximum building height is 35 feet in the rural residential zone. The development of this ADU meets all of those code sections. In regards to 22500-100B, provides the criteria for what a shoreline substantial development permit is and how it is to be reviewed. This was followed and a condition of approval to stop excavation or construction and notify the appropriate agency or tribes if cultural significant artifacts are discovered. 22500 100 addresses the criteria for the shoreline conditional use permit, which was applied to ADUs in the Rural Conservancy Shoreline designation and requiring it for the specific use. 22,400, 120, and 22, 200125 are both addressed as the project is outside the 130 foot vegetation conservation buffer and north line service berry shrubs will be planted along the bulkhead landing.

[\(11:16\):](#)

The addition of this native vegetation ensures no net loss of shoreline ecological function and is furthered by the condition of approval to remove debris from the bulkhead. As such, we recommend approval for all three permits as conditioned. Thank you.

Examiner Olbrechts ([11:35](#)):

All right, perfect. So you said that shoreline conditional use permit is required because it's an ADU in that shoreline designation. Is that what triggered it? Correct. Oh, okay. All right. And then also, I don't know, do you know, is the applicant's no net loss consultant present today? Do you know?

Senior Planner O'Connor ([11:55](#)):

Liliana, I haven't seen who's-

Clerk Jones ([11:56](#)):

There is no one online or

Examiner Olbrechts ([11:58](#)):

In

Clerk Jones ([11:58](#)):

The hearing room, no. Oh,

Examiner Olbrechts ([12:00](#)):

Okay. Well, let me ask you real quick, and I've had some people take the position that you don't need to do no net loss unless you're in a shoreline buffer, and there's just a little language in their no net loss report, which kind of suggests possibly that that's the decision they took because it's page 22 of the no net loss report says, "All project impacts are within the 15 foot building setback." I mean, did they make that determination because they didn't believe no net loss applied outside of the buffers or was it simply because, from what I recall, the only impacts are the removal of some plants within the building setback? Was that the reason why they said that? Do you know?

Senior Planner O'Connor ([12:40](#)):

I believe that they were trying to account for all impacts, especially with the rural conservancy jurisdiction requiring maintained shoreline ecological function. So having that no net loss speaks to any perceived impacts to include those within the construction setback. So it's away from the buffer, the 130 foot buffer.

Examiner Olbrechts ([13:09](#)):

Okay. Okay. And also the Department of Ecology, one of their comments was to push this home further back under mitigation sequence, under the avoidance criteria. And I think the biologist's response was simply that there's no need to push it back further because all impacts are accounted for. I mean, is there room to push it further back? It looks like there was on the site plan.

Senior Planner O'Connor ([13:36](#)):

To push it further towards the driveway? I don't remember there being too much play as they're also trying to stay within the footprint of the existing structure. Obviously there's an slightly enhanced footprint there.

Examiner Olbrechts ([13:57](#)):

Okay. Yeah, because I mean, I know there's some drain fields out landward of it, but it looked like even from the drain fields in the house, there was still some wiggle room, but yeah, it doesn't ...

Senior Planner O'Connor ([14:14](#)):

Did he freeze?

Examiner Olbrechts ([14:16](#)):

Make a huge difference anyway. Okay. Sounds good. Staff report. You did cut out. Let's move on to the applicants. Oh, sorry.

Senior Planner O'Connor ([14:22](#)):

You did cut out for a moment. So if you asked any question, I'm sorry I didn't hear you.

Examiner Olbrechts ([14:25](#)):

Yeah, no more question. Yeah, that's odd. Yeah, it's the first time I got a message saying unstable network connection. So we're a little off today, I guess. But no, no more questions. Let's move on to applicant comments, if any.

Clerk Jones ([14:40](#)):

We do not have the applicants online nor in the hearing room.

Examiner Olbrechts ([14:43](#)):

Okay. What about public?

Clerk Jones ([14:45](#)):

We have no members of the public online or in the hearing room.

Examiner Olbrechts ([14:48](#)):

Oh, that's too easy. I need one of your big appeals again, Ms. Jones, but-

Clerk Jones ([14:52](#)):

If it makes you feel better, we have a leak somewhere in the building, so that's exciting.

Examiner Olbrechts ([14:57](#)):

Wow. Okay. I'll get you out of here as soon as I can. So anyway, thanks all for participating today. I can go ahead and close the hearing. It looks like a pretty straightforward approval. I mean, all the criteria met pretty soundly here, I think, from what I've seen so far. So we'll get that decision out within the next couple of weeks. As I mentioned, as I'm sure planning staff knows the Department of College still has to approve the conditional use permit at least, but the other two, at least I can get the final decision and make a recommendation for approval on the DOE permit. So anyway, thanks all for participating today and we're adjourned. Have a great rest of the day.

Clerk Jones ([15:32](#)):

Thank you, hearing examiner.