



Hearing Examiner Staff Report and Recommendation

Report Date: 3/5/2026
Hearing Date: 3/12/2026

Application Submittal Date: 05/23/2025
Application Complete Date: 08/08/2025

Project Name: KIRBY - Conditional Use Permit for Accessory Dwelling Unit
Type of Application: CUP-ADU
Permit Number: 25-01920

Project Location

14858 LEVIN RD NW
Poulsbo, WA 98370
Commissioner District 1

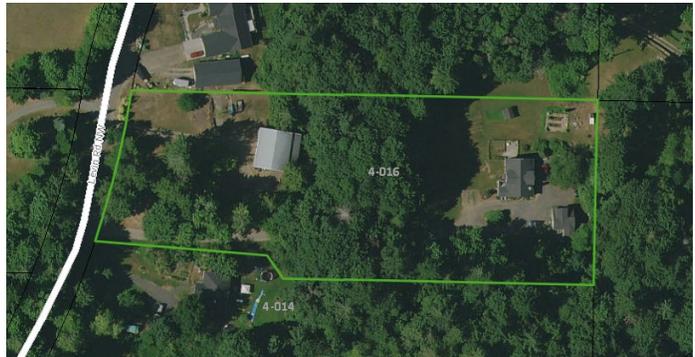
VICINITY MAP (2021 image)

Assessor's Account

332601-4-016-2000

Applicant/Owner of Record

Kayla Marie Kirby & Robert Kyle Kirby
14858 Levin RD NW
Poulsbo, WA 98370-8152



Recommendation Summary

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

1. Background

Conditional Use Permit to convert an existing garage to a 676 square foot detached Accessory Dwelling Unit (ADU) on a 2.93-acre parcel in the Rural Protection zone. The proposed ADU will be 30 feet from the primary residence. The primary residence has 2,052 square feet of habitable space, wherein the owner shall reside. The ADU will use the same driveway as the primary residence and will be serviced by an on-site septic system. The proposed ADU will be a conversion of an existing stick-built, two-story garage, with a pitched gable, metal roof, wood siding, double-hung, vertical sliding white vinyl windows, and painted gray/blue with white trim. The design elements are all in keeping with the primary residence.

2. Project Request

The applicant seeks approval for a Conditional Use Permit (CUP) to allow the construction of 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 August 20, 2025. A Determination of Nonsignificance (DNS) was issued on October 1, 2025.

The SEPA appeal period expired October 15, 2025. No appeals were filed; therefore, the SEPA determination is final.

4. Physical Characteristics

The parcel is a 2.93-acre irregularly shaped polygon, approximately 50% forested, with a north-south oriented ravine and stream bisecting the parcel. The steepest slopes on the property are approximately 35%.

Table 1 - Comprehensive Plan Designation and Zoning

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

Table 2 - Setback for Zoning District

	Standard	Proposed
Front (West)	50 feet	529 feet
Side (North)	20 feet; 5 feet for accessory structures	133 feet
Side (South)	20 feet; 5 feet for accessory structures	51 feet
Rear (East)	20 feet; 5 feet for accessory structures	20 feet

Table 3 - Surrounding Land Use and Zoning

Surrounding Property	Land Use	Zoning
North	Single-family residence	Rural Protection (RP)
South	Single-family residence	Rural Protection (RP)
East	Common area for the South Liberty Bay neighborhood (Northfield Plat)	Rural Protection (RP)
West	Single-family residence	Rural Protection (RP)

Table 4 - Public Utilities and Services

	Provider
Water	Silverdale Water District No. 16
Power	Puget Sound Energy
Sewer	NA
Police	Kitsap County Sheriff
Fire	Kitsap County Fire District No. 18
School	Central Kitsap School District No. 401

5. Access

The site is accessed from the west off of Levin RD NW, a county-maintained road.

6. Site Design

The parcel is 50% forested with a ravine running north-south through the center of the property. There are three structures on the property, a single-family home, a general-purpose building and a detached garage. There is a grass lawn and garden space surrounding the single-family home and a grass, brush, and dirt open space around the general-purpose building.

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 April 1, 2025.

The following Comprehensive Plan goals and policies are most relevant to this application:

Land Use Policy 17.1.

Permit residential uses in rural areas in a variety of rural lot sizes consistent with the rural character of the surrounding area

Land Use Policy 17.4.

Accommodate appropriate rural uses not characterized by urban growth.

Environment Policy 1.1. *Manage development to protect habitats and ecological processes.*

Environment Policy 6.2. *Employ Best Management Practices to protect the long-term integrity of the natural environment, adjacent land uses, and the productivity of resource lands.*

Housing Policy 3.1.

Develop regulatory strategies to incentivize and provide flexibility for the development of affordable and supportive housing, especially housing that is affordable to households making less than 80 percent of the Area Median Income.

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:

Exhibit #	Document	Dated	Date Received / Accepted
1	Staff Report	3/5/2026	
2	Proposed ADU Elevations		5/23/2025
3	ADU Building Plans	5/14/2024	5/23/2025
4	SFR Elevations		5/23/2025
5	SFR Floor Plan		5/23/2025
6	Stormwater Waiver		5/23/2025
7	Permit Submission	5/23/2025	5/23/2025
8	Water Availability Letter	11/17/2023	5/23/2025
9	Applicant Response to Notice of Incomplete		8/5/2025
10	Project Narrative		8/5/2025
11	Stormwater Worksheet		8/5/2025
12	Single Family Wetland Certification	7/22/2025	8/5/2025
13	Notice of Application	8/20/2025	
14	SEPA Checklist	9/4/2025	9/18/2025
15	SEPA Determination	10/1/2025	
16	Site Plan	2/5/2026	2/9/2026
17	Development Engineering Memorandum	2/13/2026	
18	Notice of Public Hearing	2/25/2026	
19	Certification of Public Notice	3/2/2026	
20	Staff Presentation		
21	Hearing Sign In		

9. Public Outreach and Comments

The Notice of Application was sent out on August 20, 2025. No comments were received by the department.

10. Analysis

a. Planning/Zoning

Kitsap County Code 17.415.015.B: In order to encourage the provision of affordable housing, an accessory dwelling unit (ADU), detached, located outside an urban growth area shall meet the following criteria:

1. Only one ADU shall be allowed per lot;

Staff Comment: Only one ADU will be 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 2,052 square feet, fifty percent of which is 1,026 square feet. The ADU will be 676 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 will be located approximately 30 feet from the primary residence. The distance meets this requirement.

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

Staff Comment: The ADU is designed to maintain the appearance of the primary residence, using similar roof style, 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 Residential Zone.

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

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

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

Staff Comment: The ADU will not be 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 proposed ADU will use the same driveway entering the property that the primary residence uses.

In addition, parking for the ADU and primary residence meet the requirements of Kitsap County Code 17.490.030 which requires 3 total spaces. Please see Table 5.

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

Staff Comment: No other ADUs are present or proposed.

b. Lighting

Lighting is not analyzed for ADU proposals

c. Off-Street Parking

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

Table 5 - Parking Table

Use Identified in 17.490.030	Standard	Required Spaces	Proposed Spaces/Existing Spaces
Accessory Dwelling Unit (ADU)	During subdivision, 2 per unit on site + 0.5 per unit on street or set aside; for historical lots or lots with no standing requirement, 2 per unit.	2+1=3 spaces Space size 8 ft x 20 ft = 160 sf number of required spaces * space size = 480 sf	Greater than 5,000 square feet of available parking space.
Total		3 spaces or 480 sf	exceeds 480 sf

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	NA	NA
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 08/07/2025, and as revised by additional materials accepted for review 09/18/2025 and 01/27/2026 to Kitsap County Development Engineering.

i. Environmental

The subject parcel has a seasonal non-fish bearing stream that runs north to south in the middle of the parcel. The project area is outside of the 100' buffer plus 15' building setback. Conditions of approval require signage to indicate the stream buffer location.

j. Access, Traffic and Roads

Traffic reviewed and approved the ADU with no conditions.

k. Fire Safety

An automatic fire suppression system is required to mitigate fire department access requirements.

l. Solid Waste

Solid Waste reviewed and approved the ADU with no conditions.

m. Water/Sewer

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

n. Kitsap Public Health District

Solid waste was not reviewed as part of this proposal.

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-ADU request for KIRBY - Conditional Use Permit for Accessory Dwelling Unit be **approved**, subject to the following conditions:

a. Planning/Zoning

1. All required permits shall be obtained prior to commencement of land clearing, construction and/or occupancy.

2. The accessory dwelling unit (ADU) is subject to the payment of impact fees. Impact fees must be paid at time of permit issuance, or if deferred, must be paid prior to final inspection. No certificate of occupancy will be granted until all impact fees are paid.
3. Any proposed modification (not including cosmetic work such as painting, papering and similar finish work), remodel or expansion of the accessory dwelling unit (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.
4. Only one accessory dwelling unit (ADU) shall be permitted on the subject property.
5. The owner of the property must reside in either the primary residence or the accessory dwelling unit (ADU) and only one of the structures may be rented at any one time.
6. The accessory dwelling unit's (ADU) habitable area shall not exceed 50% of the primary residence or 900 square feet, whichever is smaller. The proposed size of the ADU is 676 square feet. Any future expansion of the ADU will require a building permit and would have to comply with all code requirements in place at the time of the new building permit application.
7. The accessory dwelling unit (ADU) shall be located within 150 feet of the primary residence.
8. The accessory dwelling unit (ADU) shall be designed to maintain the appearance of the primary residence.
9. This permit shall comply with all Kitsap Public Health District regulations and conditions of approval.
10. No mobile home or recreational vehicle shall be allowed as an accessory dwelling unit (ADU).
11. 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.
12. An accessory living quarters (ALQ) or guest house (GH) is not permitted 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).
13. A property with a primary residence and an accessory dwelling unit (ADU) cannot be segregated to create two separate legal lots unless it complies with all subdivision, zoning and density requirements in place at the time of a complete subdivision application.
14. The accessory dwelling unit (ADU) cannot be sold separately from the primary residence unless it has legally been segregated onto its own lot.
15. 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.

16. 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.
17. 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.
18. The decision set forth herein is based upon representations made and exhibits contained in the project application 25-01920. 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.
19. 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.
20. Any violation of the conditions of approval shall be grounds to initiate revocation of this Conditional Use Permit.
21. Issuance of this permit certifies that the applicant has read and examined this application and knows the same to be true and correct. All provisions of Laws and Ordinances governing this type of work will be complied with whether specified herein or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other state/local law regulating construction or the performance of construction.
22. Required Minimum Zoning Setbacks –
 - a. Minimum Front: 50 ft (western property line)
 - b. Minimum Side: 20 feet; 5 feet for accessory structures
 - c. Minimum Side: 20 feet; 5 feet for accessory structures
 - d. Minimum Rear: 20 feet; 5 feet for accessory structures

b. Development Engineering

General

23. 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.

Stormwater

24. 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.
25. 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.
26. 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.

c. Environmental

27. Permit approval subject to no removal of trees or vegetation on the parcel. Please contact Kitsap County Department of Community Development before any clearing (360) 337-5777.
28. Permit approval subject to conditions in the Hearing's Examiner Decision. If the project proposal is modified from that shown on the site plan approved for this permit application, DCD will require additional review and potentially new conditions.
29. A 100-foot native vegetation buffer shall be retained along the perimeter of the stream as depicted on the approved site plan. In addition, a building or impervious surface setback line of 15 feet is required from the edge of the buffer.
30. There shall be no clearing of vegetation or grading in the buffer area, as is depicted on the approved site plan. Prior to any clearing or development, please contact Development Services and Engineering Environmental staff at (360) 337-5777 to confirm buffer boundaries.
31. The common boundary between the STREAM buffer and the adjacent land shall be permanently identified with critical area buffer signs. A total of 5 signs shall be placed along the designated boundary spaced approximately 50 feet

apart, visual from sign to sign. Signs must be attached to existing trees with diameter breast height greater than 4 inches. Alternative methods include 4x4 posts, metal posts or split rail fencing.

d. Traffic and Roads

32. 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.

e. Fire Safety

No conditions

f. Solid Waste

No conditions

g. Kitsap Public Health District

No conditions

Report prepared by:

Jason R. Walsh

Jason Robert Walsh, Staff Planner / Project Lead

02/20/26

Date

Report approved by:

Darren Gurnee

Darren Gurnee, Current Planning Supervisor
Date

3/5/2026

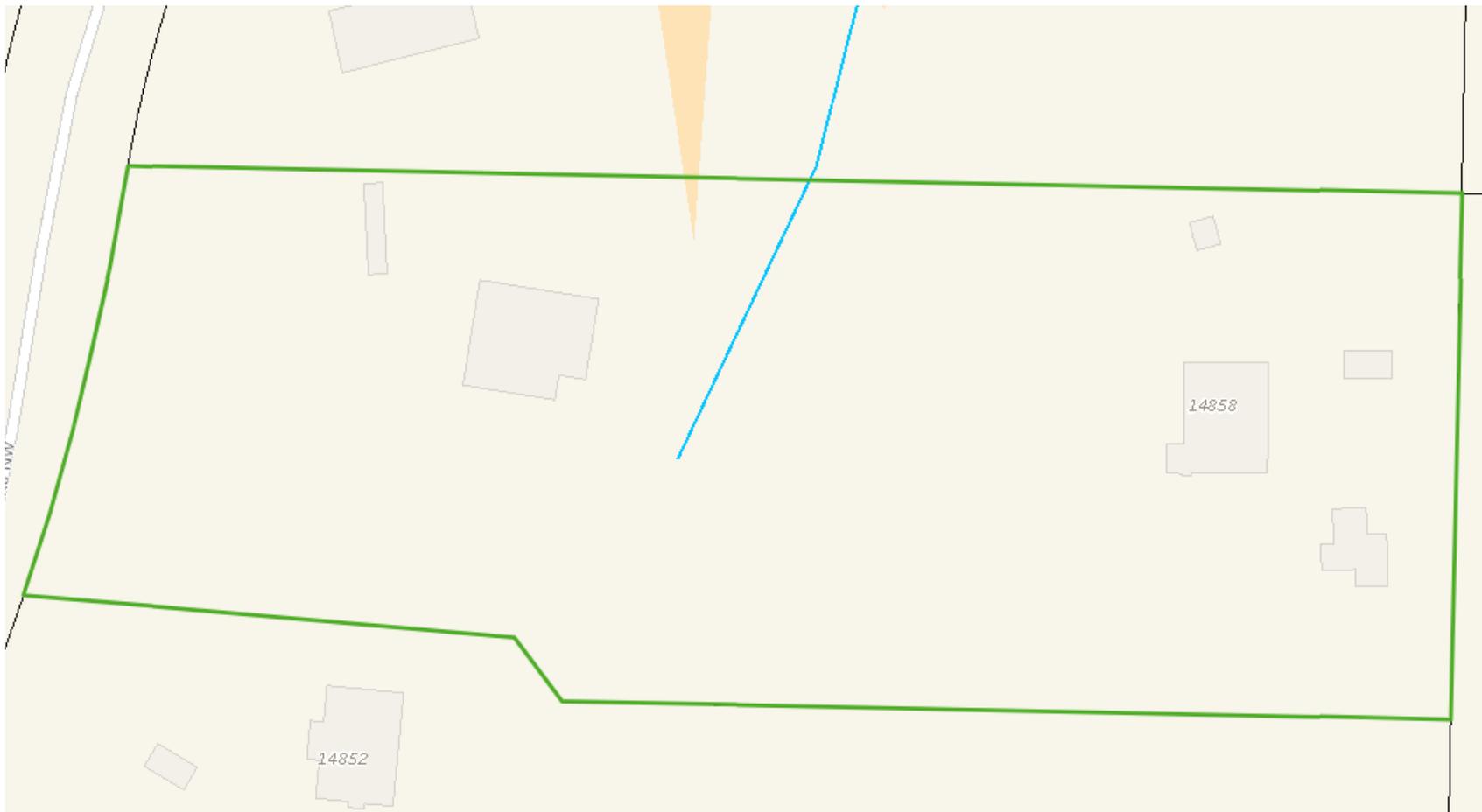
Attachments:

- Attachment A – Site Plan
- Attachment B – Critical Areas Map
- Attachment C – Zoning Map

CC:

Owner/Applicant: Robert Kyle & Kayla Marie Kirby Trustees, robert@onhandmarketing.com
Architect: C.T. Lin & Associated Architects, kyle.redzinak@linarchitect.net
Project Representative: Kurt Russell, acsitemanagement@gmail.com
Interested Parties: Barbara Schultz, Barbaracschultz@gmail.com
Kitsap County Health District, MS-30
Kitsap County Public Works Dept., MS-26
DCD Staff Planner: Jason Robert Walsh

Attachment B - Critical Areas Map



Attachment C - Zoning Map

