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Interested Parties: Barbara Schultz, Barbaracschultz@gmail.com
Prosecutor's Office
Assessor's Office
DCD
Kitsap Sun
Health District
Public Works
Parks
DE & PEP
Kitsap Transit
Central Kitsap Fire District
Central Kitsap School District
Puget Sound Energy
Purveyor: Silverdale Water District No. 16
Point No Point Treaty Council
Suquamish Tribe
Port Gamble S'Klallam Tribe
Squaxin Island Tribe
Puyallup Tribe
Skokomish Tribe
WA Dept of Fish & Wildlife
WA Dept of Transportation/Aviation
WA State Dept of Ecology-SEPA
WA State Dept of Ecology-Wetland Review
WA Dept of Archaeological Historic Preservation
WA Dept of Natural Resources
USACE

**KITSAP COUNTY HEARING EXAMINER
FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION**

**Accessory Dwelling Unit Conditional Use Permit
File No. 25-01920 (Kirby)**

March 18, 2026

Findings of Fact

- 1. Project.** Convert existing garage to 676 square foot detached Accessory Dwelling Unit (ADU) on 2.93-acre parcel. The ADU will be 30 feet from the primary residence. The owner will reside in the primary residence, which has 2,052 square feet of habitable space. The ADU will use the same driveway as the primary residence and will be serviced by an on-site septic system.
- 2. Applicant/Property Owner.** Kayla Marie Kirby and Robert Kyle Kirby, 14858 Levin Road NW, Poulsbo, WA 98370-8152
- 3. Location.** 14858 Levin Road NW, Poulsbo, WA 98370.
- 4. Public Notice.** Hearing notice was mailed, published in a paper of general circulation, and the posted 15-days before the hearing, meeting code requirements.¹
- 5. Hearing.** The Hearing Examiner considered the Applicant's request at an open record public hearing on March 12, 2026. At the hearing, the Kitsap County Department of Community Development summarized the project review process and provided details on the project. The Applicant did not appear and no citizens indicated a wish to testify.
- 6. Administrative Record.** Exhibits 1-21 were admitted.
- 7. SEPA.** The Department issued a Determination of Nonsignificance under the State Environmental Policy Act, Ch. 43.21C RCW.² It was not appealed.
- 8. Zoning/Plan Designations.** The site is zoned Rural Protection with a Rural Residential Comprehensive Plan designation.
- 9. Site/Critical Areas/Project Design.** The 2.93-acre site is a rural lot surrounded by residential uses on properties zoned Rural Protection. The site is about half forested, with a north-south oriented ravine and stream bisecting it. The ADU is outside the setback for the seasonal, non-fish bearing stream (100 feet plus 15-foot building setback). The steepest slopes are about 35%. Required yard setbacks range from five feet (for accessory structures) to 50 feet, with 20-529 proposed on all four sides.

¹ KCC 21.04.080; KCC 21.04.210; Exs. 18 and 19.

² Ex. 1 (Staff Report), p. 2; Exs. 14 and 15.

There are three on-site structures: a single-family home, a general-purpose building, and a detached two-story garage. The ADU converts the garage. The ADU will use a pitched gable; metal roof; wood siding; and, double-hung, vertical sliding white vinyl windows. For further compatibility with the primary residence, the ADU will be painted gray/blue with white trim.

10. Utilities and Public Services.

- Water – Silverdale Water District No. 16
- Power - Puget Sound Energy
- Sewer – N/A
- Police – Kitsap County Sheriff
- Fire – Kitsap County Fire District No. 18
- School – Central Kitsap School District No. 401

11. Access. Levin Road NW, a county-maintained road.

12. Staff Report and Conditions. The Staff Report, as revised at hearing, is incorporated as supplemental findings. The conditions ensure code requirements are met. They should be incorporated without substantive revision.

CONCLUSIONS OF LAW

1. Staff Report and Conditions. The Hearing Examiner has jurisdiction over CUP requests to authorize an ADU.³

2. Detached ADU, Criteria. A detached ADU outside the urban growth area, and within a residential zone, must comply with requirements specific to the use, which are:

Only one ADU shall be allowed per lot;

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

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;

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);

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

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

³ KCC 17.550.020, 21.04.100.

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

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

An ADU shall use the same side-street entrance as the primary residence and shall provide additional off-street parking; and

An ADU is not permitted on the same lot where an accessory dwelling unit, attached (ADU-A), exists.⁴

These criteria are met. There will be one ADU with the owner residing in the primary, 2,052 square foot residence. Half the residence is 1,026, so at 676 square feet, the ADU meets the size requirement. The ADU is 30 feet from the residence and is designed to maintain the appearance of the residence by using a similar roof style, siding orientation, color scheme, and windows. The ADU meets setback requirements as well as Kitsap County Health District standards for sewage and water. The ADU will not be a mobile home or RV. The ADU will use the same driveway entering the property as the primary residence and three parking spaces are provided, per KCC 17.490.030.⁵ The ADU specific criteria are met.

3. CUP Criteria. An applicant must demonstrate consistency with these CUP criteria:

The proposal is consistent with the Comprehensive Plan;

The proposal complies with applicable requirements of this title [Title 17];

The proposal will not be materially detrimental to existing or future uses or property in the immediate vicinity; and

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.⁶

These criteria are met. The Staff Report provided detail on Comprehensive Plan policies. The Plan supports residential uses consistent with the existing and planned rural character of the surrounding rural area, while minimizing housing costs and providing for a range of housing types. The ADU does not have significant environmental impacts, does not require urban infrastructure, and is consistent with the surrounding area's rural character. The proposal follows the Comprehensive Plan.

The proposal is conditioned to ensure compliance with Title 17 and other code requirements. No code provision was identified which would not be complied with.

⁴ KCC 17.415.015.B.1-10; KCC 17.410.042.

⁵ Ex. 1 (Staff Report), p. 7, Table 5.

⁶ KCC 17.550.030.A.1-4.

The proposal will not be materially detrimental to existing or future uses or property in the immediate vicinity. All impacts identified have been addressed through project design, additional mitigation, and/or code requirements.

The proposal is compatible with surrounding existing uses. It will be aesthetically compatible with the existing single-family residence. The ADU's small size, existing vegetation, and setbacks which meet or exceed code requirements, ensure it is consistent with the surrounding character, appearance, and quality of development on site and in the immediate vicinity. As conditioned and proposed, the ADU meets all CUP criteria and should be approved.

DECISION

The Hearing Examiner, pursuant to the above Findings of Fact and Conclusions of Law, approves the requested ADU CUP, provided these conditions are met:

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
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.
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.

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.
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.

DECISION entered March 18, 2026

KITSAP COUNTY HEARING EXAMINER

Susan Drummond, Hearing Examiner

Decision Finality. This is Kitsap County's final decision. Absent a timely reconsideration request made within five business days, final decisions must be appealed to superior court within 21 days.⁷ Parties are responsible for determining appeal requirements.

⁷ Kitsap County Hearing Examiner Rules of Procedure 2.12.1; KCC 21.04.080; Ch. 36.70C RCW.