



## Hearing Examiner Staff Report and Recommendation

**Report Date:** July 15, 2021  
**Hearing Date:** July 22, 2021

**Application Submittal Date:** 01/16/2021  
**Application Complete Date:** 02/05/2021

**Project Name:** Winsworth ADU  
**Type of Application:** Conditional Use Permit – Accessory Dwelling Unit  
**Permit Number:** 21-00224

### Project Location

4420 SE Nelson Rd.  
Olalla, WA  
Commissioner District 2 (south)

### Assessor's Account #

072202-1-009-2000

### Applicant/Owner of Record

Donita and Jonathan Winsworth  
4420 SE Nelson Rd.  
Olalla, WA

### Recommendation Summary

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

### VICINITY MAP



### 1. Background

Donita and Jonathan Winsworth (hereafter, “the Applicant”) propose to construct a detached Accessory Dwelling Unit (ADU). Per KCC 17.410.060.B.3.b, ADUs proposed outside of the urban growth boundary (UGA) shall be subject to a conditional use permit (CUP). The subject site is located outside of the UGA, zoned Rural Residential and therefore, CUP approval is required. The property is 2.34 acres in size and is currently developed with a single-family home.

### 2. Project Request

The proposal is for a Conditional Use Permit (CUP) to allow the construction of a new 676 square foot Accessory Dwelling Unit (ADU).

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The property will receive water from a private well and will use onsite septic. The ADU meets all applicable provisions applying to special uses per KCC 17.410.060 as well as criteria for CUP approval per KCC 17.550.030.A.

**3. SEPA (State Environmental Policy Act)**

The County used the optional DNS process allowed under WAC 197.11.355. The SEPA comment period was combined with the Notice of Application issued on March 25, 2021. Two comments were received and are summarized in section of this report. A SEPA DNS was issued on July 2 2021 followed by a 14-day appeal period. No appeals were filed.

**4. Physical Characteristics**

According to the Kitsap County Assessor, the subject site is 2.34 acres. The site is currently developed with a 1,362 square foot single family home and associated driveway and septic drain field. The home uses a shared well for water. The site is a wooded property that generally flat with small portions of moderate slopes. Portions of the site are within a mapped moderate erosion hazard area.

**Table 1 - Comprehensive Plan Designation and Zoning**

Comprehensive Plan: Rural Residential Zone: Rural Residential (RR)	Standard	Proposed
Minimum Density	N/A	N/A - Subject property is an existing lot.
Maximum Density	1 dwelling unit/5 acres	
Minimum Lot Size	5 acres	N/A
Maximum Lot Size	NA	N/A
Minimum Lot Width	140 feet	N/A
Minimum Lot Depth	140 feet	N/A
Maximum Height	35-feet	1 story structure
Maximum Impervious Surface Coverage	N/A	N/A
Maximum Lot Coverage	N/A	N/A

Applicable footnotes: None

*Staff Comment:* The proposal meets applicable standards for the RR zone.

**Table 2 - Setback for Zoning District**

	Standard	Proposed
Front (north)	50 feet standard	152 feet
Side (west)	20 feet; 5 feet for accessory structures	37 feet

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Side (east)	20 feet; 5 feet for accessory structures	Approx. 100 feet
Rear (south)	20 feet; 5 feet for accessory structures	400+ feet

Applicable footnotes: None

Staff Comment: *The ADU meets all dimensional requirements of the RR zone.*

**Table 3 - Surrounding Land Use and Zoning**

Surrounding Property	Land Use	Zoning
North	Single-family residences	Rural Residential (RR)
South	Single-family residences	Rural Residential (RR)
East	Vacant; Single-family residences	Rural Residential (RR)
West	Single-family residences	Rural Residential (RR)

\*See Attachment A – Zoning Map

**Table 4 - Public Utilities and Services**

	Provider
Water	Private Well
Power	Puget Sound Energy
Sewer	Onsite Septic System
Police	Kitsap County Sherriff
Fire	South Kitsap Fire & Rescue
School	South Kitsap School District

**5. Access**

The site will be accessed from the north via SE Nelson Road. The proposed ADU will use the same private driveway as the existing home via a 30-foot-wide access and utility easement.

**6. Site Design**

The submitted site plan shows the existing 1,362 square foot primary residence and existing drainfield. The plan also shoes the proposed ADU and proposed new well (there is an existing shared well on adjacent southern property.)

**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

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Comprehensive Plan. The Comprehensive Plan process includes public involvement as required by law, so that those who are impacted by development regulations have an opportunity to help shape the Comprehensive Plan which is then used to prepare development regulations.

Kitsap County Comprehensive Plan, adopted June 30, 2016 and amended April 27, 2020.

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

*Land Use Policy 50*

*Limit the designed rural area to low residential densities that can be sustained by minimal infrastructure improvements, cause minimal environmental degradation, and that will not cumulatively create the future necessity or expectation of urban levels of service.*

*Land Use Policy 51*

*Permit residential uses in rural areas consistent with the planned rural character of the surrounding area.*

*Land Use Policy 53*

*Outside of the Type III Limited Area of More Intensive Rural Development (LAMIRD), limit development only to that which serves rural residential or resource needs and does not draw population from Urban Growth Areas. This policy is implemented through Comprehensive Plan Land Use designation, zoning designation, and zoning code provisions.*

*Housing, Human Services Policy 5*

*Use regulatory strategies to incentivize and provide flexibility for development of affordable and special needs housing.*

*Housing, Human Services Policy 7*

*Adopt regulatory changes to allow non-traditional housing types.*

*Housing, Human Services Policy 11*

*Promote fair housing to ensure that all residents of Kitsap County have an equal and fair opportunity to obtain safe and sanitary housing suitable to their needs and financial resources, regardless of race, religion, gender, sexual orientation, age, national origin, family status, income, disability, or other protected class.*

*Housing, Human Services Policy 12*

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*Identify and remove regulatory barriers and limits access to or the provision of a diverse affordable housing supply.*

*Housing, Human Services Policy 13*

*Identify and remove impediments to creating housing for harder to house populations.*

*Housing, Human Services Policy 14*

*Disperse affordable housing opportunities throughout the County.*

The County’s development regulations are contained within the Kitsap County Code.

The following development regulations are most relevant to this application:

Code Reference	Subject
Title 12	Storm Water Drainage
Title 13	Water and Sewers
Title 14	Buildings and Construction
Title 17	Zoning
Chapter 18.04	State Environmental Policy Act (SEPA)
Chapter 20.04	Transportation Facilities Concurrency Ordinance
Chapter 21.04	Land Use and Development Procedures

**8. Documents Consulted in the Analysis**

A complete index of exhibits is located in the project file. To date, the index to the record consists of Exhibits 1-26.

Exhibit #	Document	Dated	Date Accepted
1	Permit Questionnaire		02/04/2021
2	Authorization Form		02/04/2021
3	ADU Project Narrative		02/04/2021
4	SEPA Environmental Checklist		02/04/2021
5	Site Plan		02/04/2021
6	ADU Plans and Elevations		02/04/2021
7	Existing SFR Elevations		02/04/2021
8	SFR Floor Plan		02/04/2021
9	Stormwater Worksheet		02/04/2021
10	Concurrency Test		02/04/2021
11	Building Site Application		02/04/2021
12	Dispersal Trench Details		02/04/2021
13	SWPP Narrative		02/04/2021
14	Geological Letter		02/04/2021
15	Notice of Application	03/25/2021	
16	SEPA Determination	07/01/2021	

17	Notice of Public Hearing	07/07/2021	
18	Certification of Public Notice	7/15/2021	
19	Staff Report	7/15/2021	
20	Staff Presentation		

### 9. Public Outreach and Comments

A Notice of Application (Exhibit 15) was distributed pursuant to Title 21 land use and development procedures, which provided recipients with project information and an opportunity for public comment. Two comments were received. One comment was in general support of the application and the other comment requested clarification on the ADU floor plan and access. Staff responded with this information.

### 10. Analysis

#### a. Planning/Zoning

Per KCC 17. 410.060.B.3, in order to encourage the provision of affordable and independent housing for a variety of households, an accessory dwelling unit may be located in residential zones, subject to the following criteria (*italicized*). Staff comments are provided below:

*a. An ADU shall be allowed as a permitted use in those areas contained within an urban growth boundary;*

Staff Comment: The subject property is not located within the urban growth boundary.

*b. An ADU shall be subject to a conditional use permit in those areas outside an urban growth boundary;*

Staff Comment: The subject property is located outside of the urban growth boundary. This application is a Conditional Use Permit for an Accessory Dwelling Unit.

*c. Only one ADU shall be allowed per lot;*

Staff Comment: This application proposes only one ADU. There are no other ADUs present or proposed.

*d. Owner of the property must reside in either the primary residence or the ADU.*

Staff Comment: The owner resides and will continue to reside in the single-family residence. A conditional of approval #5 has been added with this requirement.

*e. The ADU shall not exceed fifty percent of the square footage of the habitable area of primary residence or nine hundred square feet, whichever is smaller. Dimensions are determined by exterior measurements.*

Staff Comment: The existing single-family residence is 1,362 square feet. 50 percent of the home is 681 square feet; therefore, the ADU is limited to 681 square feet (the smaller value). The exterior dimensions of the ADU are 26' by 26', totaling 676 square feet and meeting this criteria.

*f. The ADU shall be located within one hundred fifty feet of the primary residence or shall be the conversion of an existing detached structure (i.e., garage).*

Staff Comment: Per the submitted site plan, the proposed single-family residence and the proposed accessory dwelling unit are approximately 139 feet apart, satisfying this requirement.

*g. The ADU shall be designed to maintain the appearance of the primary residence.*

Staff Comment: The elevations of the single-family residence were compared to the elevations of the proposed ADU (see exhibit 6 and 7). Both are one story structures with a pitched roof. Both structures include gable roof lines, and slider windows. While the existing home uses vertical siding and the ADU proposes horizontal siding, the two structures propose a similar color scheme; the ADU will use a cream base color with tan trim. A condition of approval has been added for colors and materials to be reviewed again at the time of building permit.

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

Staff Comment: The proposed ADU was reviewed against the dimensional standards of the RR zone. Please see Table 2.

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

Staff Comment: The application was routed to Kitsap County Health District for review and was approved. The project will be served for by a private well and private septic. Documentation of health approval will be required with building permit.

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

Staff Comment: There are no mobile homes or recreational vehicles present on the subject property or proposed in this application.

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

Staff Comment: The submitted site plan (Exhibit 5) shows the proposed ADU will use the same driveway that will also serve the single-family residence. Adequate parking is available onsite for the home as well as ADU. An existing gravel area is adjacent to the south of the ADU which will easily accommodate the one additional parking space that is required. See Table 5 below for the parking analysis.

*l. An ADU is not permitted on the same lot where an accessory living quarters exists.*

Staff Comment: There are no present or proposed accessory living quarters. Please see the single-family residence floor plan (Exhibit 8).

**b. Lighting**

Lighting was not analyzed as part of this proposal.

**c. Off-Street Parking**

Per KCC 17.490.030, a single-family dwelling requires 3 parking spaces plus one additional for Accessory Dwelling Units. The proposal provides adequate parking per the table below.

**Table 5 - Parking Table**

Use Identified in 17.490.030	Standard	Required Spaces	Proposed Spaces/Existing Spaces
Single-Family (attached or detached)	3 spaces	3	3 existing
ADU	1 additional space for ADU	1	1 existing
Total	4	4	4

**d. Signage**

No signage is proposed or required.

**e. Landscaping**

Per KCC 17.500.010, single-family lots are exempt from landscaping requirements.

**f. Frontage Improvements**

No frontage improvements are required or proposed as part of this application.



**g. Design Districts/Requirements**

The subject property is not within a design district.

**h. Development Engineering/Stormwater**

Development Services and Engineering has reviewed land use proposal and finds the concept supportable in its approach to civil site development. Development Services and Engineering accepts the concepts contained in this preliminary submittal and added conditions of approval #20-27.

**i. Environmental**

The site is relatively flat with small areas of more moderate slopes. Portions of the site are mapped as a moderate erosion hazard area. A Geological Letter prepared by Envirotech Engineering, PLLC and dated August 8, 2020 was submitted and supports development of the ADU in this area. The building permit will be conditioned to follow any recommendations or conditions of the Geological Letter, if applicable.

A SEPA DNS was issued for the project (exhibit 4).

**j. Access, Traffic and Roads**

Development Services and Engineering has reviewed the proposal for compliance with traffic and road standards and has recommended approval, with conditions.

**k. Fire Safety**

The Kitsap County Fire Marshall's Office reviewed and approved the proposal with no conditions at this time.

**l. Solid Waste**

The proposed ADU will use the same solid waste services as the existing single-family residence.

**m. Water/Sewer**

The property will receive water and sewer service from West Sound Utility District. The Kitsap County Health District approved a sewer building clearance for this project.

**n. Kitsap Public Health District**

Kitsap County Health District as reviewed and approved the proposal with no conditions at this time.

**11. Review Authority**

The Hearing Examiner has review authority for this Conditional Use Permit application under KCC, Sections 17.550.020 and 21.04.100. The 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 located 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 Conditional Use Permit - ADU request for Winsworth ADU be **approved**, subject to the following conditions:

### a. Planning/Zoning

1. All required permits shall be obtained prior to commencement of land clearing, tree removal, 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 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 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 and only one of the structures may be rented at any

one time. The accessory dwelling unit's 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.

6. The accessory dwelling unit shall be located within 150 feet of the primary residence.
7. The accessory dwelling unit shall be designed to maintain the appearance of the primary residence.
8. This permit shall comply with all Kitsap Public Health District regulations and conditions of approval.
9. No mobile home or recreational vehicle shall be allowed as an accessory dwelling unit.
10. The accessory dwelling unit shall use the same side street entrance as the primary residence and shall provide one additional off-street parking space.
11. An accessory living quarters or guest house is not permitted on the same lot unless the accessory dwelling unit is removed and the ALQ or GH complies with all requirements imposed by the Kitsap County Code.
12. A property with a primary residence and an accessory dwelling unit 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.
13. The accessory dwelling unit cannot be sold separately from the primary residence unless it has legally been segregated onto its own lot.
14. 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.
15. 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. 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.
16. 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.

17. The decision set forth herein is based upon representations made and exhibits contained in the project application Permit #21-00224. 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.
18. 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.
19. Any violation of the conditions of approval shall be grounds to initiate revocation of this Conditional Use Permit.

**b. Environmental**

None at this time.

**c. Development Engineering**

20. Building permits submitted for the accessory dwelling unit 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.
21. The information provided demonstrates this proposal is a Small Project as defined in Kitsap County Code Title 12 that will create greater than 2,000 square feet of new hard surface area, and as such will require a building permit application that demonstrates on-site stormwater management meeting Minimum Requirements #1-5, as outlined in the Kitsap County Stormwater Design Manual.
22. Stormwater quantity control, quality treatment, and erosion and sedimentation control shall be designed in accordance with Kitsap County Code Title 12 effective at the time the Conditional Use Permit application was deemed complete, February 9, 2021.
23. If the project proposal is modified from that shown on the submitted site plan accepted for review February 4, 2021, Development Services and Engineering will require additional review and potentially new conditions.

**d. Traffic and Roads**

24. Submit an Application for Concurrency Test (KCPW Form 1601) as required by Chapter 20.04.030, Transportation Concurrency, of the Kitsap County Code. The KCPW 1601 form reserves road capacity for the project.
25. All rights of access for adjoining properties currently in existence shall be preserved. Any amendment to the existing easement rights of adjoining property owners shall be properly executed and recorded prior to issuance of the required building permit.
26. Submit plans for construction of the road approach between the edge of existing pavement and the right-of-way line at all intersections with county rights-of-way. Approaches shall be designed in accordance with the Kitsap County Road Standards as established in Chapter 11.22 of the Kitsap County Code. Existing approaches may need to be improved to meet current standards.
27. 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 building permit. The need for and scope of bonding will be determined at that time.

**e. Fire Safety**

None at this time.

**f. Solid Waste**

None at this time.

**g. Kitsap Public Health District**

None at this time.

**Report prepared by:**



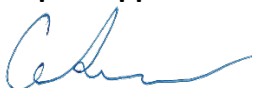
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Colin Poff, Staff Planner / Project Lead

07/15/2021

Date

**Report approved by:**



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Angie Silva, Assistant Director

07/15/2021

Date

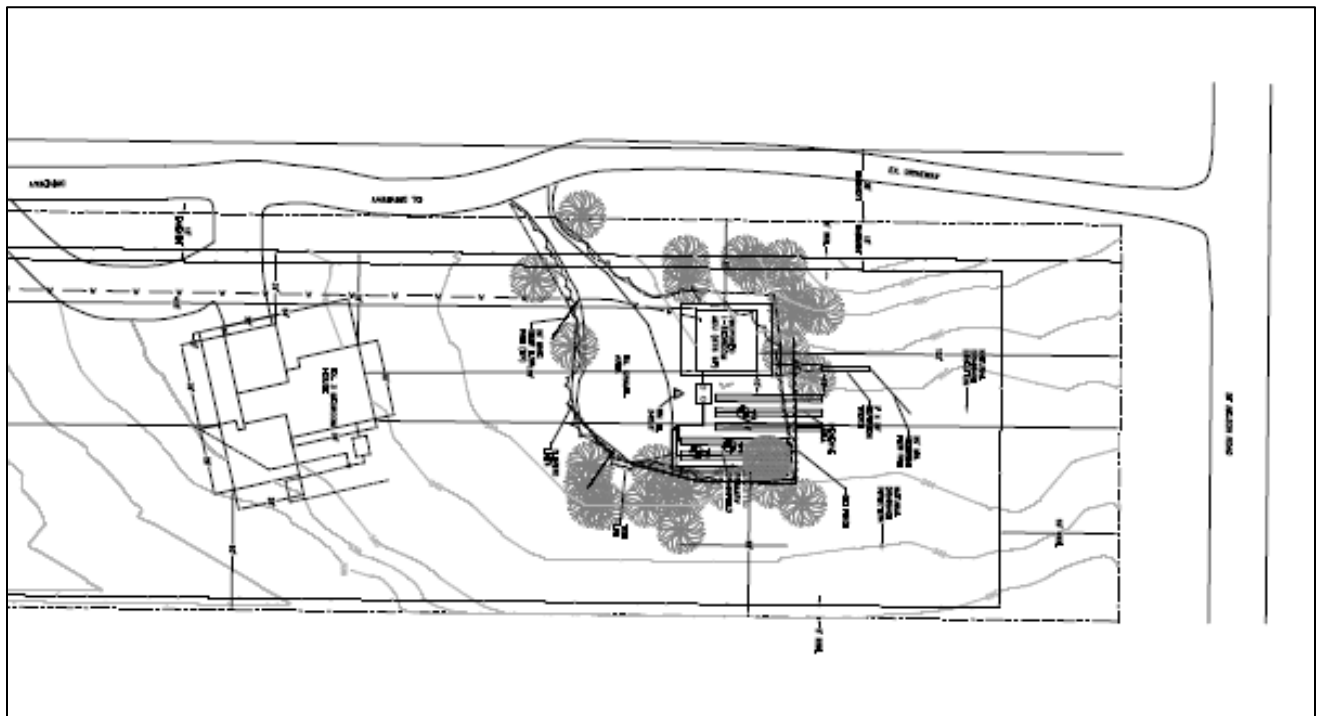
**Attachments:**

Attachment A – Zoning Map

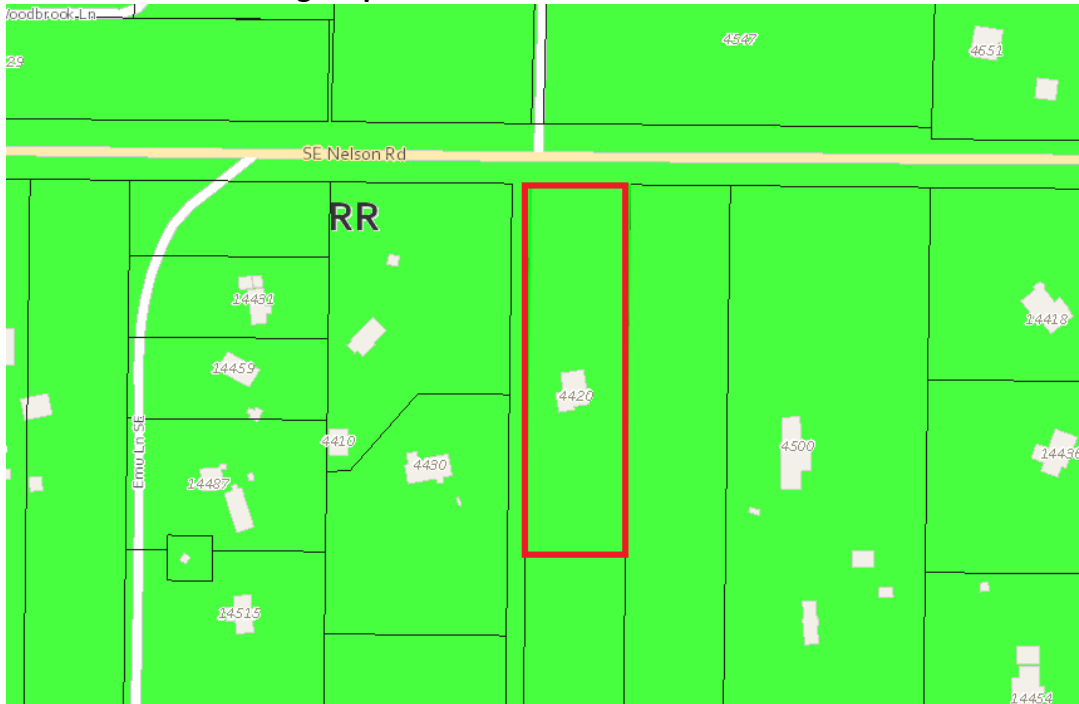
Attachment B – Critical Areas Map

CC: Applicant: Donita and Jonathan Winsworth  
Project Representative: Kathryn Jerkovich: [kjerkovich@harborstonellc.com](mailto:kjerkovich@harborstonellc.com)  
Interested Parties: N/A  
Kitsap County Health District, MS-30  
Kitsap County Public Works Dept., MS-26  
DCD Staff Planner: Colin Poff

**Site Plan**



**Attachment A – Zoning Map**



**Attachment B – Critical Areas Map**

