



Hearing Examiner Staff Report and Recommendation

Report Date: April 18, 2024
Hearing Date: April 25, 2024

Application Submittal Date: December 3, 2021
Application Complete Date: February 27, 2023

Project Name: Fletcher – Conditional Use Permit (CUP) for Accessory Dwelling Unit (ADU)
Type of Application: Conditional Use Permit – Detached ADU
Permit Number: 21-06066

Project Location

13665 W Raven LN
Bremerton, WA 98312
Commissioner District #3

Assessor's Account

202401-2-029-1008

Applicant/Owner of Record

Samuel & Cindy Fletcher
13665 West Raven Lane
Bremerton, WA 98380

Recommendation Summary

Approval, subject to conditions listed under Section 13 of this report.

VICINITY MAP



1. Background

The owner purchased a 2.5 acre parcel off Gold Creek Road (subsequently renamed W Raven Lane). The parcel included a previously cleared building site for a main home, on which the applicant constructed a small (864 square foot) primary Single Family Residence (SFR) in 2016, referred to as the treehouse. This development installed a two party well, a 4 bedroom gravity-fed septic, and double power pedestals in anticipation of constructing a larger main residence and transitioning the tree house into a detached Accessory Dwelling Unit (ADU). The applicant intends to live in the primary SFR while other family members live in the detached ADU.

Lake Tahuya, to the north, includes a Rural Conservancy designation that appears to extend a few feet onto the parcel. However, the shoreline edge exists over 220 feet away and therefore does not extend onto the parcel. Furthermore, multiple functional buffer breaks exist between the subject parcel and the wetlands associated with the lake. No impacts to the lake or shoreline jurisdiction will occur as a result of this project.

2. Project Request

The applicant proposes to convert an 864-square-foot primary single-family residence into an Detached ADU via the construction of a new 1,760 sf single family residence on the southwest portion of the parcel. The Detached ADU meets all applicable provisions applying to special uses per Kitsap County Code (KCC) 17.415.015 as well as criteria for CUP approval per KCC 17.550.030.A.

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 a substantial environmental impact. 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 Non-Significance (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 Department of Community Development (DCD) used an optional DNS process for this project. The SEPA comment period previously occurred concurrent with the Notice of Application dated 10/3/2023 (Exhibit 13). The Department of Community Development issued a Determination of Non-Significance (DNS) on 1/29/2024 (Exhibit 15).

The SEPA appeal period expired 2/12/2024. No appeals were filed; therefore, the SEPA determination is final.

4. Physical Characteristics

According to the Kitsap County Assessor, the subject site is 2.51 acres. A primary residence currently exists on the parcel. The site generally slopes from the southwest down to the northeast to lake Tahuya, which is north of the parcel.

Lake Tahuya, to the north, includes a Rural Conservancy designation that appears to extend a few feet onto the parcel. However, the shoreline edge exists over 220 feet away with multiple functional buffer breaks between the subject parcel and the wetlands associated with the lake.

Table 1 - Comprehensive Plan Designation and Zoning

Comprehensive Plan: Rural Residential	Standard	Proposed
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Zone: Rural Residential		
Minimum Density	N/A	1 dwelling unit/2.51 acres
Maximum Density	1 dwelling unit/5 acres	
Minimum Lot Size	5 acres	2.51 acres , existing
Maximum Lot Size	N/A	2.51 acres , existing
Minimum Lot Width	140 feet	~ 344 feet, existing
Minimum Lot Depth	140 feet	~ 332 feet , existing
Maximum Height	35 feet	< 35 feet
Maximum Impervious Surface Coverage	N/A	N/A
Maximum Lot Coverage	N/A	N/A

Applicable footnotes:

Table 2 - Setback for Zoning District

	Standard	Proposed
Front (North)	50 feet	~ 289 feet to the new SFR
Side (East)	20 feet; 5 feet for accessory structures	~ 306 feet to the new SFR
Side (West)	20 feet; 5 feet for accessory structures	~ 26 feet to the new SFR
Rear (South)	20 feet; 5 feet for accessory structures	~ 22 feet to the new SFR

Table 3 - Surrounding Land Use and Zoning

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

Table 4 - Public Utilities and Services

	Provider
Water	Private Well
Power	Puget Sound Energy
Sewer	Private Septic System
Police	Kitsap County Sheriff
Fire	Central Kitsap Fire & Rescue
School	Central Kitsap School District No. 401

5. Access

Gold Creek Road West, a county maintained right of way, provides direct access to West Raven Lane, a private easement, provides direct access to the project site.

6. Site Design

See attached site plan. The front setback is established based on legal access to the parcel from West Raven Lane to the north. The proposed single family residence and detached ADU meet the zoning district setback criteria shown in Table 2 - Setback for zoning district. The parcel map indicates a parcel with a Rural Wooded (RW) zoning designation to the south. KCC Section 17.420.060 A.29 requires a 100 foot setback from such zoning designation. However, a boundary line adjustment recorded with the Kitsap County Auditor shows a 2 foot section of Rural Residential (RR) zoning designation parcel between the project site and the Rural Wooded (RW) zoning designation (Exhibit 8). Therefore, the 100 foot zoning setback requirement doesn't apply to this parcel since it is not immediately adjacent to the Rural Wooded parcel to the south.

7. Policies and Regulations Applicable to the Subject Proposal

The Growth Management Act of the State of Washington, RCW 36.70A, requires that the County adopt a Comprehensive Plan, and then implement that plan by adopting development regulations. The development regulations must be consistent with the Comprehensive Plan. The Comprehensive Plan process includes public involvement as required by law, so that those who are impacted by development regulations have an opportunity to help shape the Comprehensive Plan which is then used to prepare development regulations.

Kitsap County Comprehensive Plan, adopted June 30, 2016, amended in 2018, and amended in 2020.

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

Land Use Goals and Policies

Land Use Policy 50

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

Land Use Policy 51

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

Land Use Policy 53

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

Housing, Human Services Goals and Policies

Housing, Human Services Policy 5

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

Housing, Human Services Policy 7

Adopt regulatory changes to allow non-traditional housing types.

Housing, Human Services Policy 11

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

Housing, Human Services Policy 12

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

Housing, Human Services Policy 13

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

Housing, Human Services Policy 14

Disperse affordable housing opportunities throughout the County.

The County’s development regulations are contained within KCC. 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 19	Critical Areas Ordinance
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

Title 22	Shoreline Management Program
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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 1-19.

Exhibit #	Document	Dated	Date Received
1	STAFF REPORT	4/18/2024	
2	Project Application	12/03/2021	12/15/2021
3	Project Narrative		12/15/2021
4	Concurrency Test		12/15/2021
5	Treehouse Construction Info (Energy Code Worksheet)	08/23/2016	12/15/2021
6	Treehouse Floorplan and Measurement	11/24/2021	12/15/2021
7	Treehouse Photos		12/15/2021
8	Boundary Line Adjustment (BLA) #202212270053	12/27/2022	03/01/2023
9	Existing Structure Floorplan	11/24/2021	07/28/2023
10	House Plans Questions Answered	04/26/2023	07/28/2023
11	Requested Information for CUP	07/18/2023	07/28/2023
12	Updated Fletcher Site Plan	02/03/2023	07/28/2023
13	Notice of Application	10/03/2023	
14	SEPA Checklist	01/04/2024	01/05/2024
15	SEPA Determination	01/29/2024	01/29/2024
16	Notice of Public Hearing	04/10/2024	
17	Certification of Public Notice	04/15/2024	
18	Staff Presentation		
19	Hearing Sign In		

9. Public Outreach and Comments

The Department distributed a Notice of Application (Exhibit 13) pursuant to KCC Title 21 land use and development procedures, which provided recipients with project information and an opportunity for public comment. The Department did not receive comments.

10. Analysis

a. Planning/Zoning

Per KCC section 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: Staff comments are provided below (*italicized*):

- a. Only one Detached ADU shall be allowed per lot;

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

- b. Owner of the property must reside in either the primary residence or the Detached ADU.

Staff Comment: The owner will reside in the proposed single-family residence.

- c. The Detached 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 proposed Detached ADU is 864 square feet. The proposed residence is 1,760 square feet. Fifty percent of 1,760 square feet is 880 square feet; therefore, the Detached ADU is limited to 880 square feet (the smaller value).

- d. The ADU-D 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: The single-family residence and the proposed Detached ADU are approximately 150 feet apart, satisfying this requirement.

- e. The Detached ADU shall be designed to maintain the appearance of the primary residence.

Staff Comment: The Detached ADU structure was the original primary residence on the parcel and still exists on the project site (Exhibit 12). The primary residence and ADU-structure share similar features such as the siding style, angled roof, window treatments, and general appearance.

- f. All setback requirements for the zone in which the Detached ADU is located shall apply;

Staff Comment: All setbacks required by the Rural Residential zone are met for the proposed Detached ADU. Please see Table 2 – Setback for Zoning District.

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

Staff Comment: The Kitsap County Health District reviewed and approved the Detached ADU site plan.

- h. No mobile homes or recreational vehicles shall be allowed as an Detached ADU;

Staff Comment: There are no mobile homes or recreational vehicles present on the subject property or proposed in this application. Conditions of approval shall not allow the applicant to locate either on the property, nor shall other existing accessory structures convert to guest houses or additional ADU's.

- i. An Detached 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 12) shows the proposed single family residence and the Detached ADU using the existing driveway. The proposal includes enough space for parking in the driveway and general parking areas.

- j. An Detached ADU is not permitted on the same lot where an Accessory Dwelling Unit – Attached exists.

Staff Comment: There are no existing nor proposed attached ADUs. Please see the proposed single-family residence (Exhibit 10) and existing ADU floor plans (Exhibit 9).

b. Lighting

Lighting was not analyzed as part of this proposal.

c. Off-Street Parking

The existing driveway provides enough room for at least 4 parking spaces that will serve the primary residence and proposed Detached ADU.

Table 5 - Parking Table

Use Identified in 17.490.030	Standard	Required Spaces	Proposed Spaces/Existing Spaces
Single-Family (attached or detached)	During subdivision, 2 per unit + 0.5 per unit on street or set aside; for historical lots or lots with no standing requirement, 3 per unit. 1 additional space for accessory dwelling units.	4 spaces of 9 ft by 20 ft = 720 sf of driveway space or dedicated parking area.	~ 4,500 sf. of driveway or dedicated parking area.

	Garages are not calculated towards any parking requirement.		
Total		4	At least 4.

d. Signage

No signage is proposed or required.

e. Landscaping

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

Table 6 - Landscaping Table

	Required	Proposed
Required Landscaping (Sq. Ft.) 15% of Site	NA	NA
Required Buffer(s)	NA	NA
North	NA	NA
South	NA	NA
East	NA	NA
West	NA	NA
Street Trees	NA	NA

f. Frontage Improvements

Not applicable; there are no frontage improvement requirements for a Detached ADU. However, there are access requirements that limit access to one road approach off a County road. This is addressed below under the access heading.

g. Design Districts/Requirements

Not applicable; the subject property is not located within a design district.

h. Development Engineering/Stormwater

Development Services and Engineering reviewed the 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, with conditions (Section 13 of this report).

i. Environmental

The request is for approval of a CUP to build an 864-square-foot Detached ADU. The proposed new construction does not impact critical areas.

j. Access, Traffic and Roads

Development Services and Engineering reviewed the proposal for compliance with traffic and road standards and recommended approval, with conditions (Section 13 of this report).

k. Fire Safety

The Kitsap County Fire Marshall's Office reviewed and approved the proposal.

l. Solid Waste

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

m. Water/Sewer

The Kitsap Health District approved the permit site plan, consistent with an approved site plan previously recorded with Kitsap County's Health Department. Potable water will be provided by a well; sanitary sewage disposal shall be provided by an on-site septic system.

n. Kitsap Public Health District

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

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 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 KCC 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 DCD recommends an **approval** of the CUP request to construct a 1,760-square-foot single family residence and convert the existing 864-square-foot structure into a detached ADU, subject to the following conditions:

Review the linked Hearing Examiner decision for conditions of approval. The Staff Report conditions below are only recommended conditions to the Hearing Examiner and may not be valid.

a. Planning/Zoning

1. Review the linked Hearing Examiner decision for conditions of approval. The Staff Report conditions below are only recommended conditions to the Hearing Examiner and may not be valid.
2. All required permits shall be obtained prior to commencement of land clearing, construction and/or occupancy.
3. 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.
4. 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.
5. Only one accessory dwelling unit (ADU) shall be permitted on the subject property.
6. 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.
7. The accessory dwelling unit's (ADU) habitable area shall not exceed 50% of the primary residence or 880 square feet, whichever is smaller. The proposed size of the ADU is 880 square feet (as indicated in Exhibit 3).
8. 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.
9. The accessory dwelling unit (ADU) shall be located within 150 feet of the primary residence.
10. The accessory dwelling unit (ADU) shall be designed to maintain the appearance of the primary residence.

11. This permit shall comply with all Kitsap Public Health District regulations and conditions of approval.
12. No mobile home or recreational vehicle shall be allowed as an accessory dwelling unit (ADU).
13. 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.
14. An accessory dwelling unit - attached (ADU-A) or guest house (GH) is not permitted on the same lot unless the accessory dwelling unit - detached (ADU-D) is removed and the ADU-A or GH complies with all requirements imposed by the Kitsap County Code (KCC).
15. 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.
16. The accessory dwelling unit (ADU) cannot be sold separately from the primary residence unless it has legally been segregated onto its own lot.
17. 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.
18. 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.
19. 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.
20. The decision set forth herein is based upon representations made and exhibits contained in the project application (21-06066). 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.

21. 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.
22. Any violation of the conditions of approval shall be grounds to initiate revocation of this Conditional Use Permit.
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 Services and Engineering will require additional review and potentially new conditions.
26. At building permit application, submit Kitsap County Public Works Form 1601 for issuance of a concurrency certificate, as required by Kitsap County Code 20.04.030, Transportation Concurrency.
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 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.
28. Required Minimum Zoning Setbacks: Rural Residential
 - a. FRONT (North): 50 ft min
 - b. Side: 20 ft min, 5 ft min for accessory structures
 - c. Side: 20 ft min, 5 ft min for accessory structures
 - d. Rear: 20 ft min, 5 ft min for accessory structures

b. Fire Safety

N/A.

c. Solid Waste

N/A.

d. Kitsap Public Health District

N/A.

Report prepared by:



Darren Gurnee, Staff Planner / Project Lead 4/18/2024
Date

Report approved by:



Katharine Shaffer, Planning Supervisor 4/18/2024
Date

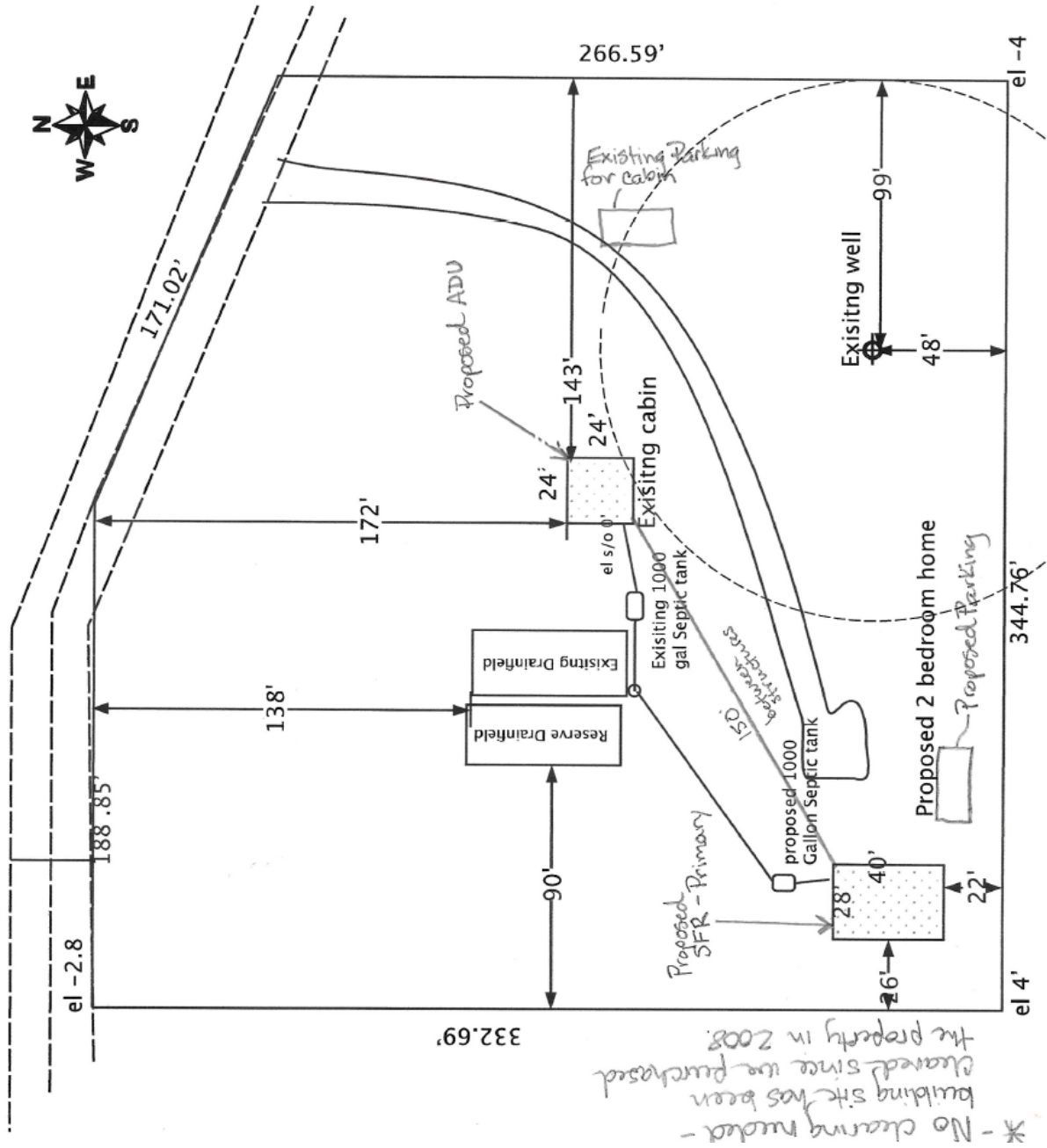
Attachments:

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

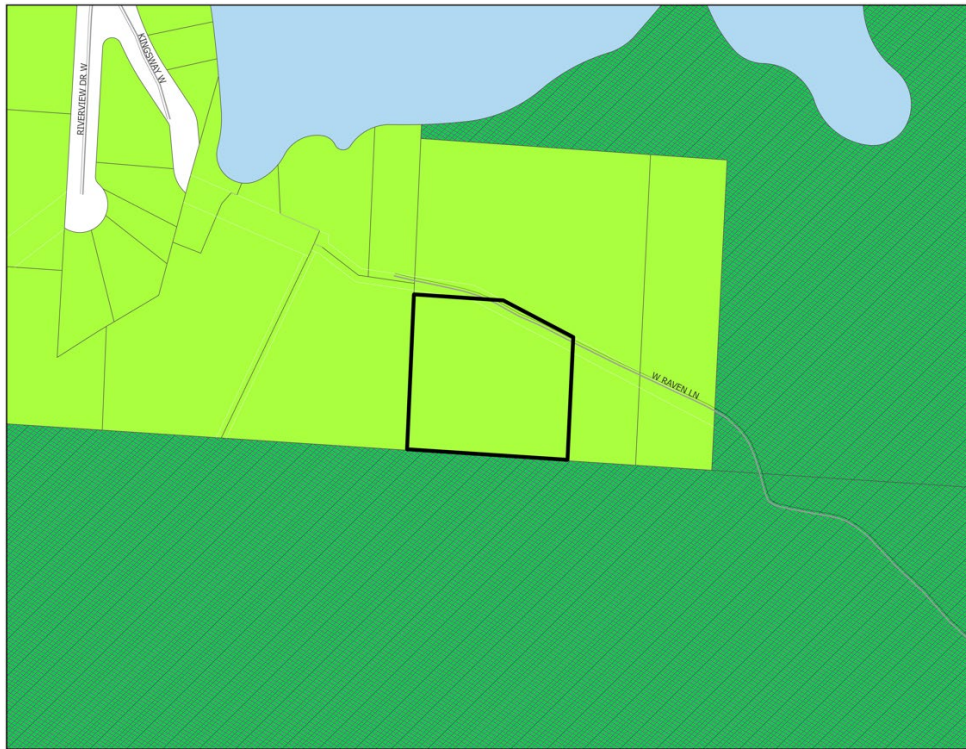
- CC: Applicant/Owner email
Engineer or Project Representative email
Interested Parties:
Kitsap County Health District, MS-30
Kitsap County Public Works Dept., MS-26
DCD Staff Planner: Darren Gurnee

Attachment A - Site Plan

County Stamp	Designer Starpp	Designer Info: Jim Zimny APD 7178 Windflower Pl NW Seabeck, WA 98380 APDdesigns@icloud.com	Applicant Info: Sam Fletcher 13665 W Rayert Ln Bremerton, WA 98312	Date: 2/2/23	Page	Scale 1" = 50'
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Attachment B – Kitsap County Zoning Map



Attachment C – Kitsap County Critical Areas Map

