



Hearing Examiner Staff Report and Recommendation

Report Date: 03/20/26
Hearing Date: 04/09/26

Application Submittal Date: 10/21/25
Application Complete Date: 12/23/25

Project Name: DAVIDSON-VAN HORN - Conditional Use Permit for an Accessory Dwelling Unit (2x6)

Type of Application: CUP-ADU

Permit Number: 25-04022

Project Location

11151 Jacobs LN SE
Port Orchard, WA 98367
Commissioner District 2

Assessor's Account

302302-4-050-2002

Applicant/Owner of Record

Zachary H Davidson
11151 Jacobs LN SE
Port Orchard, WA 98367

Recommendation Summary

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

VICINITY MAP



1. Background

The applicant proposes to build an 886 square foot detached Accessory Dwelling Unit (ADU) on a 2.17-acre parcel in the Rural Residential zone. The proposed ADU will be 77 feet from the primary residence. Per Kitsap County Code (KCC) section 17.415.015 B.3.b, a detached ADU proposed outside of an Urban Growth Area (UGA) boundary requires a Conditional Use Permit (CUP). The project site is located outside of a UGA; therefore, a CUP approval is required.

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 01/06/2026. A Determination of Nonsignificance (DNS) was issued on 01/20/26.

The SEPA appeal period expired MM DD, YYYY. No appeals were filed; therefore, the SEPA determination is final.

4. Physical Characteristics

The parcel is a rectangular shape that is sparsely vegetated with trees and shrubs.

Table 1 - Comprehensive Plan Designation and Zoning

Comprehensive Plan: Rural Residential Zone: Rural Residential	Standard	Proposed
Minimum Density	NA	1DU
Maximum Density	1 DU/5 Ac	
Minimum Lot Size	5 acres	NA
Maximum Lot Size	NA	NA
Minimum Lot Width	140 feet	NA
Minimum Lot Depth	140 feet	NA
Maximum Height	35 feet	1 story, <35 feet
Maximum Impervious Surface Coverage	NA	~984 square feet
Maximum Lot Coverage	NA	NA

Table 2 - Setback for Zoning District

	Standard	Proposed
Front (South)	50 feet	118 feet

Side (East)	20 feet, 5 feet for accessory structure	29 feet
Side (West)	20 feet, 5 feet for accessory structure	276 feet
Rear (North)	20 feet, 5 feet for accessory structure	117 feet

Table 3 - Surrounding Land Use and Zoning

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

Table 4 - Public Utilities and Services

	Provider
Water	Kitsap PUD #1
Power	Puget Sound Energy
Sewer	Kitsap County
Police	Kitsap County Sheriff
Fire	South Kitsap Fire & Rescue
School	South Kitsap School District #402

5. Access

The site is accessed from the south via Jacobs Ln SE, a county-maintained road.

6. Site Design

The parcel is mostly open, with areas of grass and dirt, and a permitter of trees. Minimal clearing and landscaping are proposed. The existing primary dwelling unit is located in the center of the parcel. There is a 168 square foot shed in approximately the northwest corner of the parcel.

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 15.4. Maintain consistency with Countywide Planning Policies regarding growth targeting.

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.

Housing Policy 6.1. Promote fair housing to ensure that all residents of Kitsap County have an equal and fair opportunity to obtain safe and healthy 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 Policy 6.3. Encourage affordable housing opportunities to be distributed throughout the County, prioritizing opportunities in historically marginalized communities and areas with a concentration of 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
1	Staff Report		
	SitePlan With Drainage Plan_12-8-25_Hovde.pdf	12/08/25	12/09/25
	SitePlan_10-1-25_Hovde.pdf	10/01/25	10/24/25
	StormwaterWorksheet_8-28-25_Hovde.pdf	08/28/25	10/24/25
	WaterAvailabilityLetter_8-28-25_Hovde.pdf	08/28/25	10/24/25
	SUBMISSION-2025-3927.pdf	10/23/25	10/24/25
	SEPA Environmental Checklist_12-8-25_Hovde.pdf	12/08/25	12/09/25
	SEPA ChecklistWaiver_8-28-25_Hovde.pdf	08/28/25	10/24/25
	Project Narrative_12-8-25_Hovde.pdf	12/08/25	12/09/25
	PrimaryHomeElevations_8-28-25_Hovde.pdf	08/28/25	10/24/25
	Elevations_8-28-25_Hovde.pdf	08/28/25	10/24/25
	PrimaryHome FloorPlan_10-3-25_Hovde.pdf	10/03/25	10/24/25
	Floorplan_8-28-25_Hovde.pdf	08/28/25	10/24/25
	Authorization Form_6-16-2025_Hovde.pdf	06/16/25	12/09/25
	ApprovedHealthApproval_8-28-25_Hovde.pdf	08/28/25	10/24/25

9. Public Outreach and Comments

The Notice of Application was sent out on January 6, 2026. 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 2,704 square feet, fifty percent of which is 1,352 square feet. The ADU will be 886 square feet, which is less than fifty percent of the primary residence and less than 900 square feet.

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 77 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)	<p>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.</p> <p>1 additional space for accessory dwelling units or accessory living quarters.</p> <p>1 garage space may count toward this requirement for multiple car garages.</p>	3 + 1 = 4	4
Total			4

d. Signage

Signage is not analyzed for this permit.

e. Landscaping

Landscaping is not analyzed for this permit.

Table 6 - Landscaping Table

	Required	Proposed
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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 Services and Engineering reviewed and accepts the concepts contained in this preliminary submittal and requires the conditions stated in Section 13 as an element of the land use approval.

i. Environmental

There are no critical area concerns with this parcel.

j. Access, Traffic and Roads

Traffic reviewed and approved the ADU with conditions stated in Section 13.

k. Fire Safety

Kitsap County Building and Fire Safety Division reviewed and approved the ADU with no conditions.

l. Solid Waste

No solid waste requirements apply to this permit.

m. Water/Sewer

Property is outside the service area for KCPW Sewer Utility Division.

n. Kitsap Public Health District

Water and Septic were approved by the Kitsap County Health District.

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 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 request for Davidson-Van Horn - Conditional Use Permit for an 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 886 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 25-04022. 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.
- b. Development Engineering**
22. 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.
 23. 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.

24. 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.

c. Environmental

No Conditions

d. Traffic and Roads

25. The Site Development Activity Permit (or Building Permit, if an SDAP is not required) shall include plans for construction of the road approach between the edge of existing pavement and the right-of-way line at all intersections with county or state rights-of-way. Approaches to county rights of way shall be designed in accordance with the Kitsap County Road Standards as established in Chapter 11.22 of the Kitsap County Code. Approaches to state rights of way shall be designed in accordance with current WSDOT standards. Existing approaches may need to be improved to meet current standards.
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.

e. Fire Safety

No Conditions

f. Solid Waste

No Conditions

g. Kitsap Public Health District

No Conditions

Report prepared by:

Jason R. Walsh

03/20/26

Jason Robert Walsh, Staff Planner / Project Lead

Date

Report approved by:

DC

3/20/2026

Darren Gurnee, Current Planning Supervisor

Date

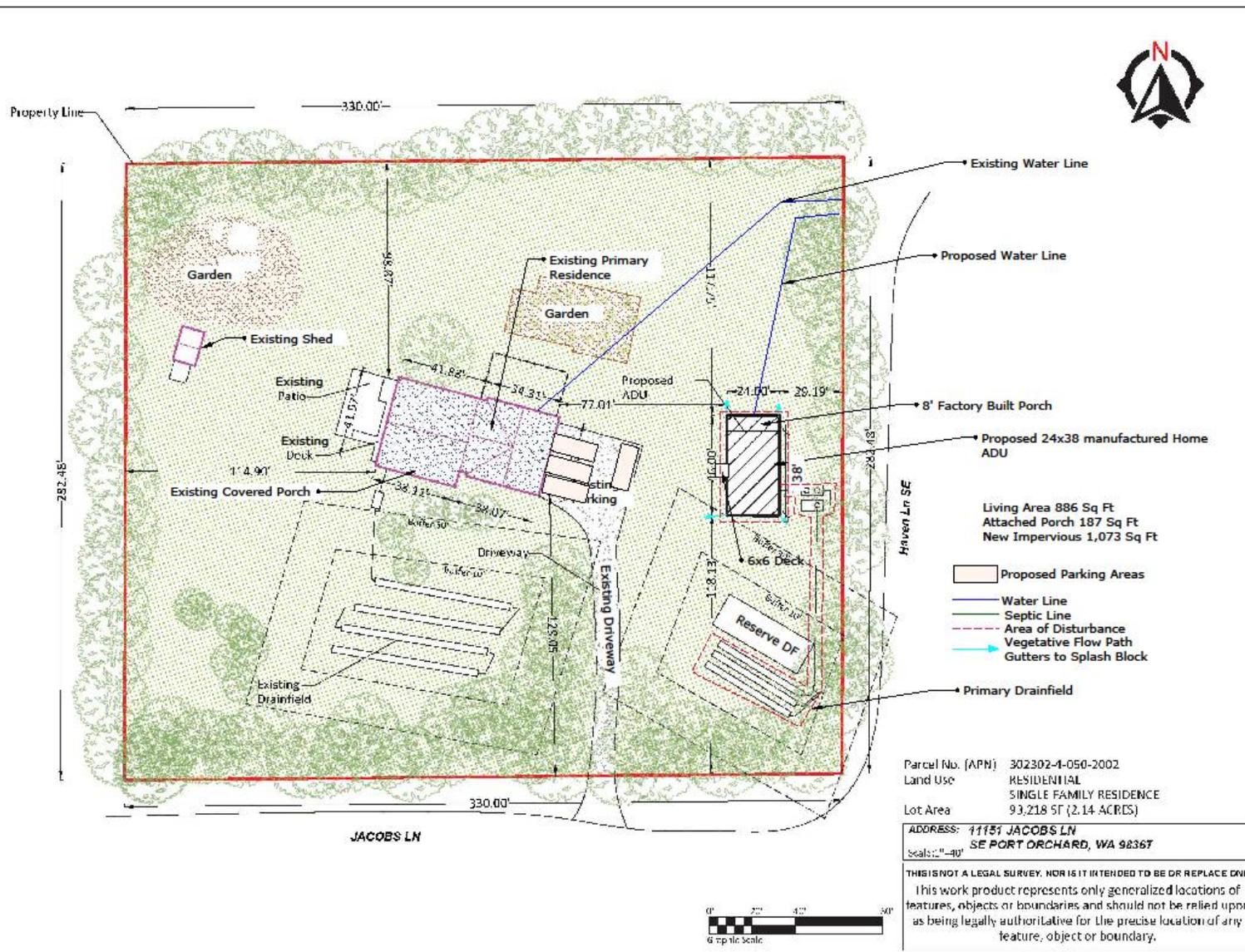
Attachments:

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

CC: Applicant/Owner email: Zachary H. Davidson; zacharyhdavidson@gmail.com
Project Representative email: Jason Campbell; jason@futurehomestacoma.com
Tiara Sablan with FUTURE HOMES; tiara@futurehomesamerica.com
Kitsap County Health District, MS-30
Kitsap County Public Works Dept., MS-26
DCD Staff Planner: Jason Robert Walsh
Current Planning Supervisor: Darren Gurnee



Site Plan



Critical Area Map



Zoning Map

