

Interested Parties: None
Prosecutor's Office
Assessor's Office
DCD
Kitsap Sun
Point No Point Treaty Council
Suquamish Tribe
Skokomish Tribe
Port Gamble S'Klallam Tribe
Squaxin Island Tribe
Puyallup Tribe
Dept of Archaeological Historic Preservation
WA Dept of Natural Resources
WA Dept of Fish & Wildlife
WA State Dept of Ecology-SEPA
WA State Dept of Transportation
USACE
Health District
Public Works
Parks
Navy
DE & PEP
Kitsap Transit
Central Kitsap Fire District
Central Kitsap School District
North Kitsap Fire District
North Kitsap School District
South Kitsap Fire District
South Kitsap School District
Bremerton School District
Puget Sound Energy
Washington Water

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

**Accessory Dwelling Unit Conditional Use Permit
File No. 25-04022 (Davidson-Van Horn)**

April 15, 2026

Findings of Fact

- 1. Project.** 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.
- 2. Applicant/Property Owner.** Zachary H Davidson, 11151 Jacobs LN SE, Port Orchard, WA 98367.
- 3. Location.** 11151 Jacobs LN SE, Port Orchard, WA 98367.
- 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 April 9, 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 testify and no citizens indicated a wish to testify.
- 6. Administrative Record.** Exhibits 1-22 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 Residential with a Rural Residential Comprehensive Plan designation.
- 9. Site/Critical Areas/Project Design.** The parcel is a rectangular shape that is sparsely vegetated with trees and shrubs. 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. There are no critical area concerns with this parcel.
- 10. Utilities and Public Services.**
 - Water – Kitsap PUD #1

¹ KCC 21.04.080; KCC 21.04.210; Ex. 19.

² Ex. 1 (Staff Report), p. 2; Ex. 18.

- Power - Puget Sound Energy
- Sewer – Kitsap County
- Police – Kitsap County Sheriff
- Fire – South Kitsap Fire & Rescue
- School – South Kitsap School District #402

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

12. **Staff Report and Conditions.** The Staff Report 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;

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

³ KCC 17.550.020, 21.04.100.

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 residence. 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. The ADU is 77 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 is consistent with 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.

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

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.

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:

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 parkingspace.
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 an 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. 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

DECISION entered April 15, 2026

KITSAP COUNTY HEARING EXAMINER

/s/Ryan Vancil
Ryan Vancil, 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.