



Notice of Hearing Examiner Decision

05/16/2024

To: Interested Parties and Parties of Record

RE: Project Name: Ford Conditional Use Permit – Accessory Dwelling Unit (CUP-ADU)
 Applicant: Samuel & Cindy Fletcher
 PO Box 354
 Seabeck, WA 98380-0354
 Application: Conditional Use Permit
 Permit Number: 21-06066

The Kitsap County Hearing Examiner has **APPROVED** the land use application for **Permit #21-06066 Ford Conditional Use Permit – Accessory Dwelling Unit (CUP-ADU), subject to the conditions outlined in this Notice and included Decision.**

THE DECISION OF THE HEARING EXAMINER IS FINAL, UNLESS TIMELY APPEALED, AS PROVIDED UNDER WASHINGTON LAW.

The applicant is encouraged to review the Kitsap County Office of Hearing Examiner Rules of Procedure found at:

<https://www.kitsap.gov/dcd/HEDocs/HE-Rules-for-Kitsap-County.pdf>.

Please note affected property owners may request a change in valuation for property tax purposes, notwithstanding any program of revaluation. Please contact the Assessor's Office at 360-337-5777 to determine if a change in valuation is applicable due to the issued Decision.

The complete case file is available for review by contacting the Department of Community Development; if you wish to view the case file or have other questions, please contact help@kitsap1.com or (360) 337-5777.

CC: Owner/Applicant: Samuel & Cindy Fletcher, samcinfletch@gmail.com
 Authorized Agent: Kathy Cloninger, kcloni9999@msn.com
 Contractor: Tim Meyer, Tim.Meyer@comcast.net
 Health District
 Public Works
 DSE
 Central Kitsap Fire District
 Central Kitsap School District
 Puget Sound Energy

Water Purveyor- PUBLIC UTILITY DIST NO 1
Sewer Purveyor- PUBLIC UTILITY DIST NO 1
Point No Point Treaty Council
Suquamish Tribe
Port Gamble S'Klallam Tribe
Squaxin Island Tribe
Puyallup Tribe
WA Dept of Fish & Wildlife
WA State Dept of Ecology-SEPA
WA State Dept of Ecology-Wetland Review
Interested Parties: None

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BEFORE THE HEARING EXAMINER FOR KITSAP COUNTY

Phil Olbrechts, Hearing Examiner

RE: Ford Conditional Use Accessory Dwelling Unit (CUP – ADU) File No. 21-06066	FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION.
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INTRODUCTION

The applicants, Samuel and Cindy Fletcher, request a Conditional Use Permit for a detached Accessory Dwelling Unit (ADU) on property located at 13665 West Raven Lane. The application is approved subject to conditions.

ORAL TESTIMONY

Darren Gurnee, Kitsap County Senior Planner, summarized the staff report.

The Applicant, Samuel Fletcher, testified that he and his wife purchased the subject property 15 years ago to build a home of tree house design, which ultimately led to the elevated home design of the current residence. Now that Mr. Fletcher finds it more difficult to navigate the stairs, he needs the ground level structure of the proposed primary residence. The ADU will be used by his kids and grandkids.

EXHIBITS

Exhibits 1-19 listed in the Index to the Record prepared by County staff were admitted during the hearing.

FINDINGS OF FACT

Procedural:

1. Applicant. Samuel & Cindy Fletcher, 13665 West Raven Lane, Bremerton, WA 98380
2. Hearing. The Hearing Examiner conducted a remote/hybrid hearing on the application at 9:30 am on April 25, 2025.

1 **Substantive:**

2 3. Site/Proposal Description. The applicants, Samuel and Cindy Fletcher,
3 request a Conditional Use Permit for a detached Accessory Dwelling Unit (ADU) on
4 property located at 13665 West Raven Lane. The Fletchers propose to convert an
5 existing 864 square foot residence on the project site to the ADU and construct a new
6 1,760 square foot primary residence. According to the Kitsap County Assessor, the
7 subject site is 2.51 acres in area. The ADU will be the only ADU on the parcel and
8 will be located 150 feet from the primary residence. The submitted site plan (Exhibit
9 12) shows the proposed single-family residence and the Detached ADU using the
10 existing driveway. The proposal includes enough space for required parking in the
11 driveway and general parking areas.

12 4. Characteristics of the Area. The subject property is bordered on all sides by
13 Rural Residential zoned parcels that are developed with single-family homes or are
14 vacant.

15 5. Adverse Impacts. No significant adverse impacts are anticipated from the
16 proposal. Impacts are more directly addressed as follows:

- 17 a. Off-Street Parking. KCC 17.49.030 requires three (3) parking off-street spaces
18 per single-family residence and one (1) parking space for an ADU. The
19 proposal includes 4,500 square feet of parking area, which staff has found
20 sufficient to accommodate the required 4x9 foot parking spaces.
- 21 b. Stormwater. Development Engineering has reviewed the land use proposal and
22 finds the concept supportable in its approach to civil site development. The
23 comments are based on a review of the preliminary drainage plan.
- 24 c. Environmental/Critical Areas. The project site does not include any critical
25 areas.
- 26 d. Access, Traffic, Roads. Development Services and Engineering reviewed the
27 proposal for compliance with traffic and road standards and recommended
28 approval with conditions.
- 29 e. Fire Safety. The Kitsap County Fire Marshall's Office reviewed and approved
30 the proposal.
- 31 f. Solid Waste. The proposed ADU will use the same solid waste services as the
32 existing single-family residence.
- 33 g. Water/Sewer. The Kitsap Health District approved the permit site plan,
34 consistent with an approved site plan previously recorded with Kitsap County's
35 Health Department. Potable water will be provided by a well; sanitary sewage
disposal shall be provided by an on-site septic system.

1 h. Compatibility. The proposal is compatible with surrounding uses. As
2 identified in Finding of Fact No. 4, surrounding uses are all vacant or
3 residential. The proposed ADU is also centrally located on a large lot in a
4 heavily wooded area where the proposed increase in density is unlikely to be
5 noticeable to neighboring properties. Staff testified that the primary residence
6 architectural design will be consistent with the lap siding of the existing
7 residence that will be converted to the ADU.

8 CONCLUSIONS OF LAW

9 **Procedural:**

10 1. Authority of Hearing Examiner. KCC 17.550.030 authorizes the hearing
11 examiner to issue decisions on applications for conditional use permits.

12 **Substantive:**

13 2. Zoning Designation. The property is currently zoned Rural Residential.

14 3. Review Criteria. KCC 17.410.042 requires a conditional use permit for
15 detached ADUs in the RR zone. KCC 17.550.030A governs the criteria for conditional
16 use permit. Pertinent criteria are quoted below and applied via corresponding
17 conclusions of law.

18 **KCC 17.550.030.A:** *The hearing examiner may approve, approve with conditions, or*
19 *deny a hearing examiner conditional use permit. Approval or approval with conditions*
20 *may be granted only when all the following criteria are met:*

21 **KCC 17.550.030.A.1:** *The proposal is consistent with the Comprehensive Plan;*

22 4. Criterion met. The criterion is met. The proposed ADU provides the ability to
23 create an affordable housing unit which is a goal supported by several policies in the
24 Comprehensive Plan in a manner consistent with the zoning established for the subject
25 property. The proposal is also found consistent with the Comprehensive Plan for the
reasons identified in Section 7 of the staff report (Exhibit 1).

KCC 17.550.030.A.2: *The proposal complies with applicable requirements of this*
title;

5. Criterion met. The criterion is met. The proposal conforms to the County's zoning
code as detailed in Section 10 of the staff report (Exhibit 1). Staff planning and public
works staff have reviewed the proposal to ensure conformance to the County's zoning
code for this level of review. The results of that work have been implemented in
detailed conditions of approval, adopted by this decision. Nothing in the record

1 suggests any outstanding compliance issues. More detailed compliance will be
2 required during the building and civil permit review.

3 The primary issue of zoning compliance is adherence to KCC 17.415.015B, which
4 adopts standards tailored to detached ADUs outside urban growth areas. Pursuant to
5 those standards, only one ADU is allowed per lot, the owner of the property must reside
6 in the primary residence or the ADU, the ADU shall not exceed 50% of the habitable
7 area of the primary residence, the ADU shall be located within 150 feet of the primary
8 residence, the ADU shall be designed to maintain the appearance of the primary
9 residence, all setback requirements shall be met, all health district standards shall be
10 met, ADUs may not be mobile homes or recreational vehicles, and the ADU shall use
11 the same access as the primary residence and shall provide an additional parking space.
12 The conditions of approval recommended by staff require conformance to all of these
13 standards. The proposed design and site characteristics further establish conformance
14 as detailed in Findings of Fact No. 3 and 5.

15 **KCC 17.550.030.A.3.:** *The proposal will not be materially detrimental to existing or
16 future uses or property in the immediate vicinity; and*

17 6. Criterion met. The criterion is met for the reasons identified in Section 12 of the
18 staff report (Exhibit 1) and Finding of Fact No. 5.

19 **KCC 17.550.030.A.4:** *The proposal is compatible with and incorporates specific
20 features, conditions, or revisions that ensure it responds appropriately to the existing
21 character, appearance, quality or development, and physical characteristics of the
22 subject property and the immediate vicinity.*

23 7. Criterion met. The criterion is met for the reasons identified in Finding of Fact No.
24 5h and via its required conformance to KCC 17.415.015B.

25 **DECISION**

Based upon the conclusions of law above, the conditional use permit application is
approved subject to the following conditions:

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.

- 1 4. Any proposed modification (not including cosmetic work such as painting,
2 papering and similar finish work), remodel or expansion of the accessory
3 dwelling unit (ADU) building, regardless of whether a building permit is
4 granted approval prior to such modification, expansion, construction and/or
5 issuance of a building permit.
- 6 5. Only one accessory dwelling unit (ADU) shall be permitted on the subject
7 property.
- 8 6. The owner of the property must reside in either the primary residence or the
9 accessory dwelling unit (ADU) and only one of the structures may be rented at
10 any one time.
- 11 7. The accessory dwelling unit's (ADU) habitable area shall not exceed 50% of the
12 primary residence or 880 square feet, whichever is smaller. The proposed size of
13 the ADU is 880 square feet (as indicated in Exhibit 3).
- 14 8. Any future expansion of the ADU will require a building permit and would have
15 to comply with all code requirements in place at the time of the new building
16 permit application.
- 17 9. The accessory dwelling unit (ADU) shall be located within 150 feet of the
18 primary residence.
- 19 10. The accessory dwelling unit (ADU) shall be designed to maintain the appearance
20 of the primary residence.
- 21 11. This permit shall comply with all Kitsap Public Health District regulations and
22 conditions of approval.
- 23 12. No mobile home or recreational vehicle shall be allowed as an accessory dwelling
24 unit (ADU).
- 25 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.

- 1 18. The uses of the subject property are limited to the uses proposed by the applicant
2 and any other uses will be subject to further review pursuant to the requirements
3 of the Kitsap County Code (KCC). Unless in conflict with the conditions stated
4 and/or any regulations, all terms and specifications of the application shall be
5 binding conditions of approval. Approval of this project shall not, and is not, to
6 be construed as approval for more extensive or other utilization of the subject
7 property.
- 8 19. The authorization granted herein is subject to all applicable federal, state, and
9 local laws, regulations, and ordinances. Compliance with such laws, regulations,
10 and ordinances is a condition to the approvals granted and is a continuing
11 requirement of such approvals. By accepting this/these approvals, the applicant
12 represents that the development and activities allowed will comply with such
13 laws, regulations, and ordinances. If, during the term of the approval granted, the
14 development and activities permitted do not comply with such laws, regulations,
15 or ordinances, the applicant agrees to promptly bring such development or
16 activities into compliance.
- 17 20. The decision set forth herein is based upon representations made and exhibits
18 contained in the project application (21-06066). Any change(s) or deviation(s) in
19 such plans, proposals, or conditions of approval imposed shall be subject to
20 further review and approval of the County and potentially the Hearing Examiner.
- 21 21. This Conditional Use Permit approval shall automatically become void if no
22 development permit application is accepted as complete by the Department of
23 Community Development within four years of the Notice of Decision date or the
24 resolution of any appeals.
- 25 22. Any violation of the conditions of approval shall be grounds to initiate revocation
of this Conditional Use Permit.
- 26 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.
- 27 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.
- 28 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.
- 29 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.
- 30 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

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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

Fire Safety
N/A.

Solid Waste
N/A.

Kitsap Public Health District
N/A.

Dated this 16th day of May 2024.

Phil Olbrechts

Phil Olbrechts,
Kitsap County Hearing Examiner

Appeal Right and Valuation Notices

Pursuant to KCC 21.04.100 and KCC 21.04.110, this conditional use permit decision is a final land use decision of Kitsap County and may be appealed to superior court within 21 days as governed by the Washington State Land Use Petition Act, Chapter 36.70C RCW.

Affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation.