



## Hearing Examiner Staff Report and Recommendation

**Report Date:** September 19, 2024  
**Hearing Date:** September 26, 2024

**Application Submittal Date:** September 12, 2023  
**Application Complete Date:** October 11, 2023

**Project Name:** Griffey – Conditional Use Permit for Accessory Dwelling Unit  
**Type of Application:** Type III CUP-ADU  
**Permit Number:** 23-04397

### Project Location

No Situs Address  
Central Valley Rd and NW Old Orchard  
Way; North Kitsap  
Commissioner District 1

**Assessor's Account #**  
342601-4-010-2005

**Applicant/Owner of Record**  
Ryan Griffey & Katie Briggs  
461 E Coulter Creek Rd  
Belfair, WA 98528

### VICINITY MAP



### Recommendation Summary

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

#### 1. Background

The as-yet undeveloped 6.28-acre parcel is proposed for development of a primary single-family residence, a shop and a detached ADU. The primary residence (24-23-04311) will be 2,600 square feet and the detached ADU will be 600 square feet. The ADU is 95 feet from the SFR. 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 Applicants seek 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 November 20, 2023. A Determination of Nonsignificance (DNS) was issued on March 1, 2024.

The SEPA appeal period expired March 22, 2024. No appeals were filed; therefore, the SEPA determination is final.

**4. Physical Characteristics**

The parcel is square in shape with a handle off the northeast corner and approximately 80% vegetated with a series of trails and roads. Kitsap Parcel Search shows no critical areas. According to the Kitsap County Assessor, the parcel is 6.28 acres. A barn is located on the property on the east property line.

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

Comprehensive Plan: Rural Protection Zone: RP	Standard	Proposed
Minimum Density	NA	1
Maximum Density	1 du/5 acres	
Minimum Lot Size	5 acres	NA
Maximum Lot Size	NA	NA
Minimum Lot Width	NA	NA
Minimum Lot Depth	NA	NA
Maximum Height	35 feet	1 story, <35 feet
Maximum Impervious Surface Coverage	85%	NA
Maximum Lot Coverage	NA	NA

Applicable footnotes: NA

**Table 2 - Setback for Zoning District**

	Standard	Proposed
Front (north)	50 feet	197 feet
Side (west)	20 feet	127 feet
Side (east)	20 feet	276 feet
Rear (south)	20 feet	127 feet

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

Surrounding Property	Land Use	Zoning
North	Single-family residence	Rural Protection (RP)
South	Single-family residence	RP
East	Single-family residence	RP
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	North Kitsap Fire & Rescue
School	North Kitsap School District

**5. Access**

The parcel is accessed from the north, via NW Old Orchard Way.

**6. Site Design**

The parcel is mostly vegetated with minimal landscaping around the buildings. Vehicle access is graded and adequate parking is provided.

**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 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 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 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 the following exhibits:

Exhibit #	Document	Dated	Date Received
1	<b>STAFF REPORT</b>	<b>9/19/24</b>	
2	ADU Floor Plan	7/24/23	10/11/23
3	Permit Questionnaire Form	9/14/23	10/11/23
4	SEPA Checklist	8/29/23	10/11/23
5	SFR Floor Plan	7/12/23	10/11/23
6	Stormwater Worksheet		10/11/23
7	Water Availability Letter	9/12/23	10/11/23
8	Notice of Application	11/20/23	
9	Health District Building Site Application	11/29/23	1/31/24
10	SEPA Determination	3/1/24	
11	Drainage Report	2/26/24	5/2/24
12	Easement Recording	11/17/66	5/2/24
13	Geological Letter	1/15/23	5/2/24
14	Map for Easement		5/2/24
15	Purchase of Easement	11/18/98	5/2/24
16	SDAP Plan Set	2/26/24	5/2/24
17	Soil Quality & Depth Worksheet		5/2/24
18	Stormwater Pollution Prevention Plan	2/26/24	5/2/24
19	Termination of Easement	8/22/14	5/2/24
20	Notice of Public Hearing	9/11/24	
21	Certification of Public Notice	9/16/24	
22	Public Comment – Jim Barnes	9/18/24	
23	Staff Presentation		
24	Hearing Sign In		

**9. Public Outreach and Comments**

The Notice of Application was sent out on November 20, 2023. One comment was received on September 18, 2024.

## 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 is 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 will be 2,600 square feet, fifty percent of which is 1,300 square feet. The ADU will be 600 square feet, which is less than fifty percent of the primary residence.*

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 is located approximately 95 feet from the primary residence, which is less than one hundred fifty feet.*

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 pitch, siding and window hanging.*

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 Protection Zone.*

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

*Staff Comment: KPHD has approved.*

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

*Staff Comment: The ADU is not 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 ADU uses the same access as the primary residence, off NW Old Orchard Way. The ADU is supplied with additional off-street parking.*

10. An ADU is not permitted on the same lot where an accessory dwelling unit, attached (ADU-A), exists.

*Staff Comment: There is no attached ADU on the property.*

**b. Lighting**

Lighting is not analyzed for ADU proposals.

**c. Off-Street Parking**

The property has a graded driveway, vehicle navigation and parking areas, providing the required 4 parking spaces.

**Table 5 - Parking Table**

Use Identified in 17.490.030	Standard	Required Spaces	Proposed Spaces/Existing Spaces
Single-Family (attached or detached)	3 per unit, 1 additional for ADUs	3 + 1 = 4	4
Total	4	4	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
Required Landscaping	NA	NA

(Sq. Ft.) 15% of Site		
Required Buffer(s) 17.500.025		
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 has reviewed the above land use proposal and finds the concept supportable in its approach to civil site development. These comments are based on a review of the Preliminary Drainage Report and Preliminary Engineering Plans accepted for review 1st Cycle Submittals, accepted On 10/11/2023, and as revised by additional materials accepted for review in second and third submittals, accepted On 1/31/2021 and 5/1/2024 to Kitsap County Development Services and Engineering.

Development Services and Engineering accepts the concepts contained in this preliminary submittal and requires the conditions found at the end of this report.

**i. Environmental**

There was a Geological Letter submitted prepared by Envirotech Engineering dated January 15, 2023. The report concludes “it is Envirotech’s opinion that the subject property and adjacent properties to the proposed development should not be significantly impacted.”

**j. Access, Traffic and Roads**

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 SDAP acceptance or Building Permit approval, if a SDAP is not required.

**k. Fire Safety**



Proposed ADU will be accessed directly off an approved fire access road and only two homes will be served. No fire marshal requirements applicable.

**l. Solid Waste**

Prior to SDAP approval, applicant shall provide documentation from the solid waste/recycling service provider that their requirements for this project have been met. Waste Management Northwest can be reached at pnwcmsservices@wm.com or 1-800-592-9995; their website is <http://wmnorthwest.com/kitsap/index.html>

**m. Water/Sewer**

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

**n. Kitsap Public Health District**

KPHD has no comment.

**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 the 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 request be **approved**, subject to the following conditions:

**a. Planning/Zoning**

1. 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.
2. Only one accessory dwelling unit (ADU) shall be permitted on the subject property.
3. 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.
4. 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 600 square feet as indicated in Exhibit 3.
5. 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 (ADU) shall be located within 150 feet of the primary residence.
7. The accessory dwelling unit (ADU) shall be designed to maintain the appearance of the primary residence.
8. No mobile home or recreational vehicle shall be allowed as an accessory dwelling unit (ADU).
9. 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.
10. 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.
11. 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.

12. The decision set forth herein is based upon representations made and exhibits contained in the project application (23-03241). 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.
13. 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.
14. Any violation of the conditions of approval shall be grounds to initiate revocation of this Conditional Use Permit.

**b. Development Engineering**

15. Construction plans and profiles for all roads, storm drainage facilities and appurtenances prepared by the developer's engineer shall be submitted to Kitsap County for review and acceptance. No construction shall be started prior to said plan acceptance.
16. The information provided demonstrates this proposal is a Large Project as defined in Kitsap County Code Title 12 and as such will require a Full Drainage Site Development Activity Permit (SDAP) from Development Engineering.
17. 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 SDAP (or Building Permit if no SDAP required) application is deemed fully complete. 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 Code in effect at the time of SDAP application, or Building Permit if an SDAP is not required.
18. The site plan indicates that greater than 1 acre will be disturbed during construction. This threshold requires a National Pollutant Discharge Elimination System (NPDES) Stormwater Construction permit from the State Department of Ecology. More information about this permit can be found at: <http://www.ecy.wa.gov/programs/wq/stormwater/construction/html> or by calling Josh Klimek at (360) 407-7451, email [joshklimek@ecy.wa.gov](mailto:joshklimek@ecy.wa.gov) This permit is required prior to issuance of the SDAP. Processing time for NPDES permit is a minimum of 37 days.
19. The owner shall be responsible for maintenance of the storm drainage facilities for this development following construction. Before requesting final inspection for the SDAP (or for the Building Permit if an SDAP is not required) for this

development, the person or persons holding title to the subject property for which the storm drainage facilities were required shall record a Declaration of Covenant that guarantees the County that the system will be properly maintained. Wording must be included in the covenant that will allow the County to inspect the system and perform the necessary maintenance in the event the system is not performing properly. This would be done only after notifying the owner and giving him a reasonable time to do the necessary work. Should County forces be required to do the work, the owner will be billed the maximum amount allowed by law.

20. 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**

21. Approval is subject to the conditions of the Geotechnical report associated with this permit and on file at the Department of Community Development.

**d. Traffic and Roads**

22. 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.

**e. Fire Safety**

23. Proposed ADU will be accessed directly off an approved fire access road and only two homes will be served. No fire marshal requirements applicable.

**f. Solid Waste**

No conditions

**g. Kitsap Public Health District**

No conditions

**Report prepared by:**

*Kate Millward*

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Kate Millward, Staff Planner / Project Lead

9-19-24

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Date

**Report approved by:**

*Scott Diener*

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Scott Diener, PEP Division Manager

9-19-24

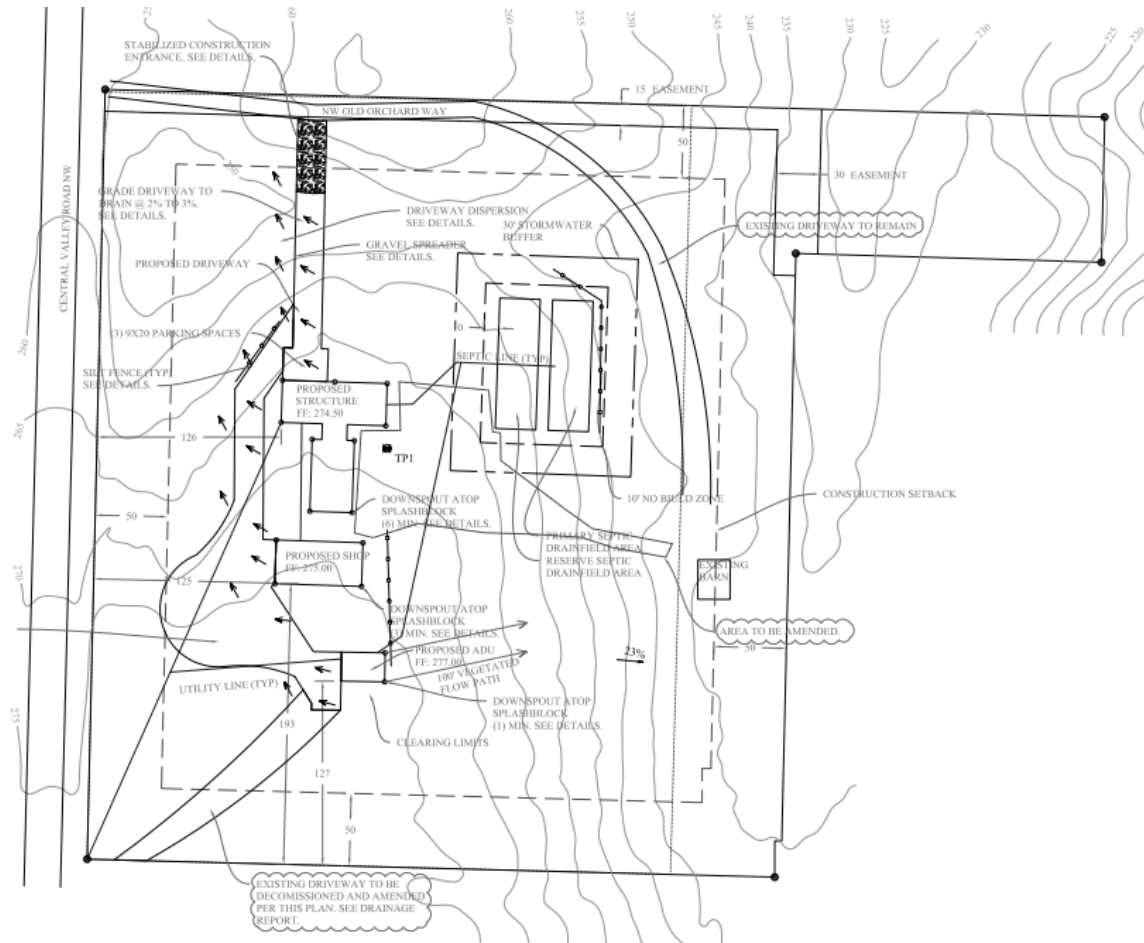
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**Attachments:**

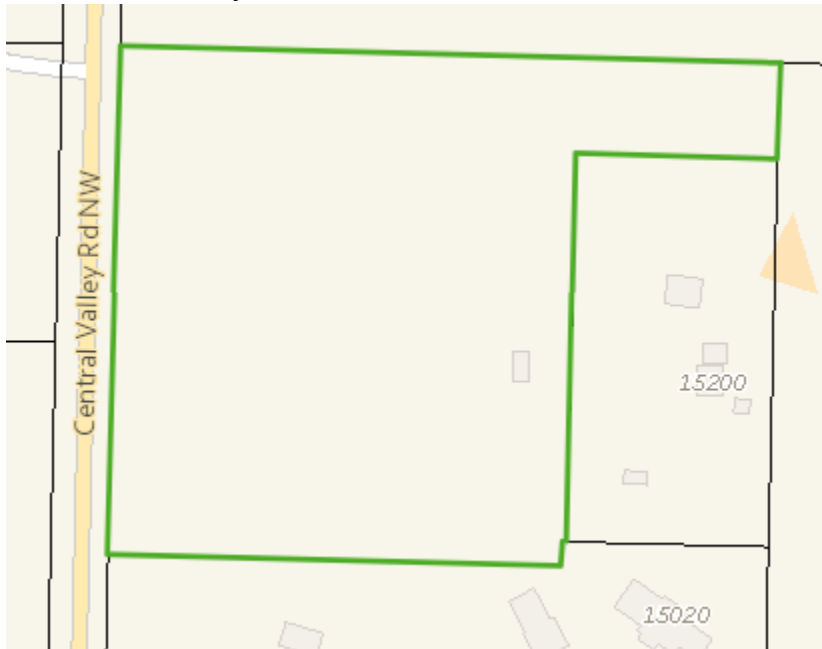
- Attachment A – Site Plan
- Attachment B – Critical Areas Map
- Attachment C – Zoning Map

CC: Ryan & Katie Briggs  
Interested Parties:  
Kitsap County Health District, MS-30  
Kitsap County Public Works Dept., MS-26  
DCD Staff Planner: Kate Millward

**Site Plan**



Critical Areas Map



Zoning Map

