



Notice of Hearing Examiner Decision

10/14/2024

To: Interested Parties and Parties of Record

RE: Project Name: GRIFFEY - Conditional Use Permit for Accessory Dwelling Unit
 Applicant: Ryan Griffey & Katie Briggs
 461 E COULTER CREEK RD
 BELFAIR, WA 98528
 Application: Conditional Use Permit – Accessory Dwelling Unit
 Permit Number: 23-04397

The Kitsap County Hearing Examiner has **APPROVED** the land use application for **Permit 23-04397: GRIFFEY - Conditional Use Permit for Accessory Dwelling Unit, 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: Applicant/Owner: Ryan Griffey & Katie Briggs; rgriffey65@msn.com,
katiekbriggs@gmail.com
Interested Parties:
 Jim Barnes, thebarn@net-nw.com
Prosecutor's Office
Assessor's Office
DCD
Kitsap Sun
Health District

Public Works
Parks
Navy
DSE
Kitsap Transit
North Kitsap Fire District
North Kitsap School District
Puget Sound Energy
Water Purveyor – Silverdale Water District
Sewer Purveyor – KPUD1
Point No Point Treaty Council
Suquamish Tribe
Port Gamble S'Klallam Tribe
Squaxin Island Tribe
Puyallup Tribe
Skokomish Tribe
Department of Archaeological and Historic Preservation
WA Dept of Natural Resources
WA Dept of Fish & Wildlife
WA Dept of Transportation/Aviation
WA State Dept of Ecology-SEPA
WA State Dept of Ecology-Wetland Review
WA State Dept of Transportation

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BEFORE THE HEARING EXAMINER FOR KITSAP COUNTY

Phil Olbrechts, Hearing Examiner

RE: Ryan Griffey and Katie Briggs Accessory Dwelling Unit (CUP – ADU) File No. 23-04397	FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION.

INTRODUCTION

Ryan Griffey and Katie Briggs request a Conditional Use Permit to construct a detached Accessory Dwelling Unit (ADU) at Kitsap County Parcel No. 342601-4-010-2005. The application is approved subject to conditions.

ORAL TESTIMONY

Kate Millward, Kitsap County Staff Planner, summarized the staff report. No other testimony was presented.

EXHIBITS

Exhibits 1-24 listed in the Index to the Record prepared by County staff were admitted during the hearing. A September 26, 2024 revised staff report was also admitted into the record.

FINDINGS OF FACT

Procedural:

1. Applicants. Ryan Griffey & Katie Briggs 461 E Coulter Creek Rd Belfair, WA 98528.
2. Hearing. The Hearing Examiner conducted a remote/hybrid hearing on the application at 9:00 am on September 26, 2024.

Substantive:

1 3. Site/Proposal Description. Ryan Griffey and Katie Briggs request
2 a Conditional Use Permit to construct a detached Accessory Dwelling Unit (ADU)
3 at Kitsap County Parcel No. 342601-4-010-2005. The proposed ADU will be 600
4 square feet and approximately 95 feet from a 2,600-square-foot single-family
5 residence that has not yet been built. The proposed ADU will be the only ADU on
6 subject lot. As conditioned, the owners of the property will reside in the subject
7 property. The ADU is designed to maintain the appearance of the primary
8 residence, using similar roof pitch, siding and window hanging. The Kitsap County
9 Health District approved the site for septic and water supply. As shown in the
10 project site plan, Ex. 25, the proposed ADU will use the same driveway entering the
11 property that the primary residences uses.

12 4. Characteristics of the Area. The subject property is bordered on all sides by
13 large heavily wooded lots zoned RR or RP developed with single-family homes.

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

16 a. Off-Street Parking. KCC 17.49.030 requires three (3) parking off-street spaces
17 per single-family residence and one (1) parking space for an ADU. The
18 Applicant proposes four off-street parking spaces as required.

19 b. Stormwater. Development Engineering has reviewed the land use proposal and
20 finds the concept supportable in its approach to civil site development. These
21 comments are based on a review of the Preliminary Drainage Report and
22 Preliminary Engineering Plans accepted for review 1st Cycle Submittals,
23 accepted On 10/11/2023, and as revised by additional materials accepted for
24 review in second and third submittals, accepted On 1

25 c. Critical Areas. Kitsap Parcel Search shows no critical areas.

d. Access, Traffic, Roads. The ADU uses the same access as the primary
residence via a driveway that connects to NW Old Orchard Way.

e. Fire Safety. Kitsap County staff found no fire marshal requirements applicable.

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

g. Compatibility. The proposal is compatible with surrounding uses. As
identified in Finding of Fact No. 4, surrounding uses are all heavily wooded
residential on large lots. The proposed ADU will also be surrounded by
numerous trees on all sides as shown in the aerial photograph of the revised
staff report. With the emphasis on similar architectural features, the increase in
density is not likely to make a significant aesthetic difference to surrounding
neighbors.

CONCLUSIONS OF LAW

Procedural:

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

Substantive:

2. Zoning Designation. The property is currently zoned Rural Residential (RR).

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

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

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

4. Criterion met. The criterion is met. The proposed ADU provides the ability to create an affordable housing unit which is a goal supported by several policies in the Comprehensive Plan in a manner consistent with the zoning established for the subject 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 4 and 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 suggests any outstanding compliance issues. More detailed compliance will be required during the building and civil permit review.

The primary issue of zoning compliance is adherence to KCC 17.415.015B, which adopts standards tailored to detached ADUs outside urban growth areas. Pursuant to those standards, only one ADU is allowed per lot, the owner of the property must reside in the primary residence or the ADU, the ADU shall not exceed 50% of the habitable area of the primary residence, the ADU shall be located within 150 feet of the primary residence unless involving a conversion of an existing structure such as that proposed,

1 the ADU shall be designed to maintain the appearance of the primary residence, all
2 setback requirements shall be met, all health district standards shall be met, ADUs may
3 not be mobile homes or recreational vehicles, and the ADU shall use the same access
4 as the primary residence and shall provide an additional parking space. The conditions
of approval recommended by staff require conformance to all of these standards. The
proposed design and site characteristics further establish conformance as detailed in
Findings of Fact No. 3 and 5.

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

7 6. Criterion met. The criterion is met for the reasons identified in Finding of Fact No.
8 5.

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

13 7. Criterion met. The criterion is met for the reasons identified in Finding of Fact No.
14 5g and via its required conformance to the ADU standards of KCC 17.415.015B.

15 **DECISION**

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

18 a. Planning/Zoning

- 19 1. Any proposed modification (not including cosmetic work such as painting,
20 papering and similar finish work), remodel or expansion of the accessory
21 dwelling unit (ADU) building, regardless of whether a building permit is
22 required, shall be reviewed by the Department of Community Development and
23 granted approval prior to such modification, expansion, construction and/or
24 issuance of a building permit.
- 25 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.

- 1 6. The accessory dwelling unit (ADU) shall be located within 150 feet of the
2 primary residence.
- 3 7. The accessory dwelling unit (ADU) shall be designed to maintain the
4 appearance of the primary residence.
- 5 8. No mobile home or recreational vehicle shall be allowed as an accessory
6 dwelling unit (ADU).
- 7 9. The recipient of any conditional use permit shall file a Notice of Land Use
8 Binder with the county auditor prior to any of the following: initiation of any
9 further site work, issuance of any development/construction permits by the
10 county, or occupancy/use of the subject property or buildings thereon for the use
11 or activity authorized. The Notice of Land Use Binder shall serve both as an
12 acknowledgment of and agreement to abide by the terms and conditions of the
13 conditional use permit and as a notice to prospective purchasers of the existence
14 of the permit. The Binder shall be prepared and recorded by the Department at
15 the applicant's expense.
- 16 10. The uses of the subject property are limited to the uses proposed by the
17 applicant and any other uses will be subject to further review pursuant to the
18 requirements of the Kitsap County Code. Unless in conflict with the conditions
19 stated and/or any regulations, all terms and specifications of the application
20 shall be binding conditions of approval. Approval of this project shall not, and is
21 not, to be construed as approval for more extensive or other utilization of the
22 subject property.
- 23 11. The authorization granted herein is subject to all applicable federal, state, and
24 local laws, regulations, and ordinances. Compliance with such laws, regulations,
25 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 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 or 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.

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Dated this 10th day of October 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.