



Rafe Wysham
Director

KITSAP COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

To enable the development of quality, affordable, structurally safe and environmentally sound communities.

Notice of Hearing Examiner Decision

2/28/2025

To: Interested Parties and Parties of Record

RE: Project Name: LAMBERT - Conditional Use Permit for
Accessory Dwelling Unit
Applicant: Joshua and April Lambert
19251 E State Route 106
Belfair, WA 98528
Application: CUP-ADU
Permit Number: 24-00206

The Kitsap County Hearing Examiner has **APPROVED** the land use application for **Permit 24-00206: LAMBERT - Conditional Use Permit for 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:

Applicant/Owner: Joshua & April Lambert, touchofstyle02@msn.com

Engineer: Michael Biggs, mikebiggs@wa-eng.net

Interested Parties:

None

Prosecutor's Office

619 Division Street MS-36 Port Orchard, WA 98366-4682
(360) 337-5777 | www.kitsap.gov/dcd

Assessor's Office
DCD
Kitsap Sun
Health District
Public Works
Parks
Navy
DSE
Kitsap Transit
Central Kitsap Fire District
North Kitsap School District
Puget Sound Energy
Point No Point Treaty Council
Suquamish Tribe
Port Gamble S'Klallam Tribe
Squaxin Island Tribe
Puyallup Tribe
Skokomish Tribe
PUBLIC UTILITY DIST NO 1
WA Dept of Fish & Wildlife
WA Dept of Transportation/Aviation
WA Dept of Archaeological Historic Preservation
WA Dept of Natural Resources
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: Joshua and April Lambert Accessory Dwelling Unit (CUP – ADU) File No. 24-00206	FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION.
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INTRODUCTION

Joshua and April Lambert request a Conditional Use Permit to construct a detached 900sf detached Accessory Dwelling Unit (ADU) at 13545 Central Valley Rd NE. The application is approved subject to conditions.

ORAL TESTIMONY

A computer-generated transcript of the hearing has been prepared to provide an overview of the hearing testimony. The transcript is provided for informational purposes only as Appendix A.

EXHIBITS

Exhibits 1-15 listed in the Index to the Record prepared by County staff were admitted during the hearing.

FINDINGS OF FACT

Procedural:

1. Applicants. Joshua V and April D Lambert 19251 E State Route 106 Belfair, WA 98528
2. Hearing. The Hearing Examiner conducted a remote/hybrid hearing on the application at 9:00 am on February 13, 2025.

Substantive:

1 3. Site/Proposal Description. Joshua and April Lambert request a Conditional
2 Use Permit to construct a detached 900sf detached Accessory Dwelling Unit (ADU) at
3 13545 Central Valley Rd NE. The ADU will be located approximately 140 feet from
4 the primary residence where it will be accessed using the existing driveway. The project
5 site is located outside of a UGA. The ADU will reflect the appearance of the primary
6 residence with the same roof material and siding. The Kitsap Public Health District
7 has approved the site for additional sewage and water supply.. The ADU will use the
8 same driveway as the primary residence.

6 4. Characteristics of the Area. The subject property is bordered on all sides by
7 lots that are developed with single-family residences.

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

10 a. Off-Street Parking. KCC 17.490.030 requires three (3) off-street parking spaces
11 per single-family residence and one (1) parking space for an ADU. The
12 Applicant proposes four off-street parking spaces as required.

12 b. Stormwater. Development Services and Engineering reviewed and accepts the
13 concepts contained in this preliminary submittal and requires the conditions
14 stated in Section 13 of the staff report as an element of the land use approval.

14 c. Critical Areas. There are no critical areas associated with the subject parcel.

15 d. Access, Traffic, Roads. The proposed ADU will use the same driveway entering
16 the property that the primary residences uses.

16 e. Fire Safety. Kitsap County Building and Fire Safety Division reviewed and the
17 ADU and found no need for any conditions.

18 f. Water/Septic. The Kitsap County Health District approved the site for
19 additional sewage and water supply.

19 g. Compatibility. The proposal is compatible with surrounding uses. As identified
20 in Finding of Fact No. 4, surrounding uses are all single-family residential. The
21 proposed design is similar to the primary residence so no adverse aesthetic
22 impacts are anticipated.

1 **CONCLUSIONS OF LAW**

2 **Procedural:**

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

5 **Substantive:**

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

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

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

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

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

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

23 5. Criterion met. The criterion is met. The proposal conforms to the County’s zoning
24 code as detailed in Section 4 and 10 of the staff report (Exhibit 1). Staff planning and
25 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

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

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

11 6. Criterion met. The criterion is met for the reasons identified in Finding of Fact No.
12 5.

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

17 7. Criterion met. The criterion is met for the reasons identified in Finding of Fact No.
18 5g and via its required conformance to the ADU standards of KCC 17.415.015B.

19 DECISION

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

22 a. Planning/Zoning

- 23 1. All required permits shall be obtained prior to commencement
24 of land clearing, construction and/or occupancy.
- 25 2. The accessory dwelling unit 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 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.

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4. Only one accessory dwelling unit 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 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 1,434 square feet or 900 square feet, whichever is smaller. The proposed size of the ADU is 900 square feet.
7. The accessory dwelling unit 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.
9. The accessory dwelling unit shall use the same side street entrance as the primary residence and shall provide one additional off-street parking space.
10. An attached accessory dwelling unit (formerly called accessory living quarters) or guest house is not permitted on the same lot unless the accessory dwelling unit is removed and the ADU-attached or GH complies with all requirements imposed by the Kitsap County Code.
11. A property with a primary residence and an accessory dwelling unit 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.
12. The accessory dwelling unit cannot be sold separately from the primary residence unless it has legally been segregated onto its own lot.
13. 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

1 permits by the county, or occupancy/use of the subject
2 property or buildings thereon for the use or activity
3 authorized. The Notice of Land Use Binder shall serve
4 both as an acknowledgment of and agreement to abide
5 by the terms and conditions of the conditional use
6 permit and as a notice to prospective purchasers of the
7 existence of the permit. The Binder shall be prepared
8 and recorded by the Department at the applicant's
9 expense.

10 14. The uses of the subject property are limited to the uses
11 proposed by the applicant and any other uses will be subject to
12 further review pursuant to the requirements of the Kitsap
13 County Code. Unless in conflict with the conditions stated
14 and/or any regulations, all terms and specifications of the
15 application shall be binding conditions of approval. Approval of
16 this project shall not, and is not, to be construed as approval for
17 more extensive or other utilization of the subject property.

18 15. The authorization granted herein is subject to all applicable
19 federal, state, and local laws, regulations, and ordinances.
20 Compliance with such laws, regulations, and ordinances is a
21 condition to the approvals granted and is a continuing
22 requirement of such approvals. By accepting this/these
23 approvals, the applicant represents that the development and
24 activities allowed will comply with such laws, regulations, and
25 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.

16 16. The decision set forth herein is based upon representations
17 made and exhibits contained in the project application. Any
18 change(s) or deviation(s) in such plans, proposals, or
19 conditions of approval imposed shall be subject to further
20 review and approval of the County and potentially the Hearing
21 Examiner.

22 17. This Conditional Use Permit approval shall automatically
23 become void if no development permit application is accepted
24 as complete by the Department of Community Development
25 within four years of the Notice of Decision date or the
resolution of any appeals.

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18. Any violation of the conditions of approval shall be grounds to initiate revocation of this Conditional Use Permit.

19. 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.

b. Development Engineering

20. 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.

21. 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.

22. 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 this permit application was 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.

23. The design of the infiltration facilities shall be in accordance with Vol. II, Ch. 5 of the Kitsap County Stormwater Design Manual.

24. 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

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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.

25. 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
None


d. Traffic and Roads
None

e. Fire Safety
26. This application proposes development in a high fire hazard Wildland / Urban Interface / Intermix zone. Additional requirements for fire resistive building construction, driveway or other fire apparatus access, and creation of defensible spaces may be assessed at the time of building permit application.

f. Solid Waste
None

g. Kitsap Public Health District
27. This permit shall comply with all Kitsap Public Health District regulations and conditions of approval.

Dated this 28th day of February 2025.



Phil Olbrechts,
Kitsap County Hearing Examiner

Appeal Right and Valuation Notices

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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.

Exhibit 21

February 28, 2025 Hearing Transcript

Lambert Conditional Use

Note: This is a computer-generated transcript provided for informational purposes only. The reader should not take this document as 100% accurate or take offense at errors created by the limitations of the programming in transcribing speech. For those in need of an accurate rendition of the hearing testimony, a hearing recording can be acquired from Kitsap County.

Speaker 2 ([12:02](#)):

The next one, agenda item B is the Lamber

Speaker 1 ([12:05](#)):

U Lamb. Okay, so that would be filed number 24 dash 0 0 2 0 6. And Ms. Lots again is the planner on this one. Same format as last time staff, then applicant makes comments, then public, then back to staff and applicant and Ms. Lots, I guess I'll swear you in again. Do you swear affirm tell the truth, nothing but the truth in this proceeding?

Speaker 3 ([12:25](#)):

I do.

Speaker 1 ([12:26](#)):

Okay, great. And Ms. Jones, do we have anyone, let's see. Any members of the public left anymore for this one or, let's see,

Speaker 2 ([12:33](#)):

I don't see any in the room. I'm just like not online.

Speaker 1 ([12:36](#)):

Okay. Alright, well I'll go through the exhibits real quick. Here, let me, oh, why is that doing that? It's weird, huh? It looks like I just put up, I just downloaded the staff report, not the index. Ms. Jones, can you put up the index of the record for this one?

Speaker 5 ([12:57](#)):

Yes,

Speaker 1 ([12:58](#)):

Just

Speaker 5 ([12:58](#)):

One second. Thank you. Should see it momentarily.

Speaker 1 ([13:39](#)):

Oh great. Thank you. That's odd. Well maybe, let me see if I can get mine here down

Speaker 6 ([14:38](#)):

Just

Speaker 5 ([14:39](#)):

A few. Yeah, sorry, just a few seconds. It should pop

Speaker 1 ([14:41](#)):

Out.

Speaker 2 ([14:52](#)):

Okay, lemme share my screen so you can see it. Can you see

Speaker 1 ([14:59](#)):

It now? It's coming up. Yeah, there. It's alright. Perfect. Okay. I like the last one miss lot's put together about, let's see, 15 documents there. Lemme get my glasses out. A little small screen for me. Oh, there we go. Okay. Which is composed of the staff report floor plan elevations a drainage plan in this case health department documentation, the environmental review to determine if an environmental impact statement is necessary and stormwater work and site plans and public notice documents. Total of 15 documents. Does anyone need to see any of those documents or have any objection in their entry? Again, if you do, just click on the virtual hand at the bottom of your screen, not seeing any takers. We'll go ahead and admit exhibits one through 15. So Ms. Lots, go ahead on this one then

Speaker 3 ([16:01](#)):

Morning. Thank you. Today I'm presenting a request for the approval of the conditional use permit for an accessory dwelling unit to construct a new accessory dwelling unit. The application was deemed complete on August 22nd, 2024. A noted of application was distributed pursuant to Title 21 lane use and development procedures, which provided recipients with project information and an opportunity for public comment. No public comments were received by the department pursuant to WAC 1 97 dash 11 dash 3 55. The Department of Community Development used an optional determination of non-significant process for this project. The CPA comment period previously occurred concurrent with the notice of application dated September 5th, 2024. The Department of Community Development issued a determination of non-significant on January 7th, 2025. The CIPA appeal period ended on January 21st, 2024. No appeals were filed, therefore the CPA determination is final according to the Kitsap County assessor. Subject parcel 0 3 2 5 0 1 dash four dash 0 1 5 dash 2 0 0 8 is a 4.77 acre in size.

([17:23](#)):

Parcel addressed is 1 3 5 4 5 Central Valley Road, Northeast SBO, Washington 9 8 3 7 0 in North Kitsap Commissioner District one. The aerial photo shows single family homes and accessory structures consistent with development found in the rural residential zone. The proposed accessory billing unit is consistent with properties within the subject site. Labeled here in blue is zone pool residential adjacent properties surrounding the parcel law. Also zone pool residential to the east is a county road known as Central Valley Road Northeast that provides access. The proposal is to construct a 900 square foot accessory dwelling unit with an attached 320 foot square foot garage per critical areas. This parcel is

relatively flat and has no mapped critical areas regarding the site plan where the project shows access from Central Valley Road Northeast along an existing driveway to be shared by both dwellings. The site plan shows space for four parking spaces and will meet parking standards for both the single family residence and the accessory dwelling unit. The proposed accessory dwelling unit is going to be 140 feet from the proposed single family residence.

[\(18:54\)](#):

The applicant's floor plan for the under construction principal dwelling is 2,867 square feet. Therefore, the maximum allowed size for the accessory dwelling unit is 900 square feet. The floor plan also helps determine there are no accessory dwelling units within or attached to the primary. Here we'll see conceptual drawings of the proposed single family residence. Front is above and rear is below and here we'll see the right and left elevations. The floor plan for the accessory dwelling unit demonstrates the area is 900 square feet. There is also a garage that is 324 square feet. It should be mentioned in 17.11 0.319. The definition of habitable area means the entire area of a dwelling unit or living quarters used for living, sleeping, eating, and or cooking storage areas and garages are excluded from calculations of habitable area.

[\(20:02\)](#):

Here we see conceptual renderings of the proposed accessory dwelling units. To the left, you see the front view and the right, the rear view and the right elevation and left elevation. The proposal is conditioned to comply with the following requirements of Kitsap County Code Title 17 4 15 0 5 B as in Bravo as amended in June, 2024 or 2022. Sorry about that. Number one, there are no accessory dwelling units or accessory living quarters on the property. Number two, the owner will reside in the primary residence. Number three 50% of the habitable area of the primary residence is thousand 433 square feet. Therefore, the maximum line size of habitable area for the accessory dwelling unit is 900 square feet and the proposed accessory dwelling unit is 900 square feet. For the accessory dwelling unit is within 140 feet away from the primary structure. Number five, the A DU will have a similar appearance to the primary residence. Six. The A DU meets all required setbacks for the rural residential zone. Seven. All health standards for water and sewer have been approved and met. Eight. The proposed A DU is not an RV recreational vehicle or mobile home. Number nine, the A DU will use the existing driveway off Central Valley Road Northeast and 10. The project will be conditioned for any applicable stormwater controls pursuant to kit at county code Title 12.

[\(21:40\)](#):

Staff finds a proposal meets criteria and Kitsap County code 17 4 15 0 5 B as in Bravo and recommends approval as condition.

Speaker 1 [\(21:50\)](#):

Great, thanks Ms. Lots. Okay, let's move on to the applicant. At this point, does the applicant want to add anything? I

Speaker 2 [\(21:59\)](#):

Do not believe the applicant is here in the room and then you don't see them online.

Speaker 1 [\(22:03\)](#):

Okay. Alright. Moving on to public comments. Anyone from the public want to say anything? If you do, just click on the virtual hand at the bottom of your screen, not seeing any takers there either. So I'll go ahead and close up the hearing. And again, yeah, these ADUs are pretty straightforward so that should

be an approval as well in the next couple of weeks. So thank you Ms. Lots for all your input on those too. I guess moving on to the next one is the Frazier application and I believe Ms. Lewis is the staff planner on that one. Same format as last time. First Ms. Lewis, then applicant, then public, then backs, and Ms. Lewis and applicant gets final work. 10 business days. Let me pull up the Frazier index here. Let's see. And now my computer's acting a little slow. Come on.