



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

3/19/2025

To: Interested Parties and Parties of Record

RE: Project Name: BROWN - Conditional Use Permit for
Accessory Dwelling Unit
Applicant: Bryce & Heather Brown
7602 SW Ridgeline Dr
Port Orchard, WA 98367
Application: CUP-ADU
Permit Number: 24-03313

The Kitsap County Hearing Examiner has **APPROVED** the land use application for **Permit 24-03313: BROWN - 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: Bryce & Heather Brown,
bryceandheatherbrown@gmail.com
Architect: Jeffrey DeRoulet with Architects Northwest,
Jeffrey@Architectsnw.com
Interested Parties:
None

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

Prosecutor's Office
Assessor's Office
DCD
Kitsap Sun
Health District
Public Works
Parks
Navy
DSE
Kitsap Transit
South Kitsap Fire District
South 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
Sewer Purveyor: KPUD 1
Water Purveyor: KPUD 1
WA Dept of Archaeological Historic Preservation
WA Dept of Natural Resources
WA Dept of Fish & Wildlife
WA State Dept of Transportation
WA Dept of Transportation/Aviation
WA State Dept of Ecology-SEPA
WA State Dept of Ecology-Wetland Review

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BEFORE THE HEARING EXAMINER FOR KITSAP COUNTY

Phil Olbrechts, Hearing Examiner

RE: Bryce and Heather Brown Accessory Dwelling Unit (CUP – ADU) File No. 24-03313	FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION.
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INTRODUCTION

Bryce D Brown and Heather M Brown request a Conditional Use Permit to construct a 900sf detached Accessory Dwelling Unit (ADU) at 7602 SW Ridgeline Dr. The application is approved subject to conditions.

ORAL TESTIMONY

Izzy Lotz, Associate Planner, summarized the staff report. No other comments were made during the hearing.

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. Bryce D Brown and Heather M Brown 11204 Wicks Lake Rd SW, Port Orchard, WA 98367.
2. Hearing. The Hearing Examiner conducted a remote/hybrid hearing on the application at 9:00 am on February 27, 2025.

1 **Substantive:**

2 3. Site/Proposal Description. Bryce D Brown and Heather M Brown request
3 a Conditional Use Permit to construct a 900sf detached Accessory Dwelling Unit
4 (ADU) on a 19.92-acre lot located at 7602 SW Ridgeline Dr. The ADU will be located
5 approximately 140 feet from the primary residence where it will be accessed using the
6 existing driveway. The project site is located outside of a UGA. The ADU is designed
7 to maintain the appearance of the primary residence, using the same pitched roof, roof
material and siding.. The Kitsap Public Health District has approved the ADU for water
and sewage disposal. The ADU uses the same driveway entering the property that the
primary residences uses.

8 4. Characteristics of the Area. The subject property is bordered on all sides by
9 large wooded lots.

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

- 12 a. Off-Street Parking. KCC 17.490.030 requires three (3) off-street parking spaces
13 per single-family residence and one (1) parking space for an ADU. The project
site has sufficient parking area to accommodate four parking spaces.
- 14 b. Stormwater. Development Services and Engineering reviewed and accepts the
15 concepts contained in this preliminary submittal and requires the conditions
stated in Section 13 of the staff report as an element of the land use approval.
- 16 c. Critical Areas. The project site has critical areas but the proposed development
17 is located outside of all critical area buffers as required by the County's critical
area regulations. The subject parcel has a seasonal non-fish bearing stream that
18 runs north to south on the western portion of the parcel. The project area is
outside of the required 50' buffer plus 15' building setback. There is a high
19 erosion hazard mapped on the east parcel line, the proposal is over 500' from
the mapped hazard.
- 20 d. Access, Traffic, Roads. The proposed ADU will use the same driveway entering
the property that the primary residences uses.
- 21 e. Fire Safety. Kitsap County Building and Fire Safety Division reviewed and the
22 ADU and found no need for any conditions.
- 23 f. Water/Septic. The Kitsap County Health District approved the site for
additional sewage and water supply.
- 24 g. Compatibility. The proposal is compatible with surrounding uses. As identified
25 in Finding of Fact No. 4, surrounding uses are all large heavily wooded lots.

1 It's unclear what type of uses are on those surrounding lots but the added
2 dwelling will likely not be visible or have any impacts on those adjoining uses
3 given the buffering provided by the extensive vegetation and the large size of
4 the lots.

5 CONCLUSIONS OF LAW

6 **Procedural:**

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

9 **Substantive:**

10 2. Zoning Designation. The property is currently zoned Rural Wooded (RW).

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

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

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

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

24 **KCC 17.550.030.A.2:** *The proposal complies with applicable requirements of this
25 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.

1 The primary issue of zoning compliance is adherence to KCC 17.415.015B, which
2 adopts standards tailored to detached ADUs outside urban growth areas. Pursuant to
3 those standards, only one ADU is allowed per lot, the owner of the property must reside
4 in the primary residence or the ADU, the ADU shall not exceed 50% of the habitable
5 area of the primary residence, the ADU shall be located within 150 feet of the primary
6 residence unless involving a conversion of an existing structure such as that proposed,
7 the ADU shall be designed to maintain the appearance of the primary residence, all
8 setback requirements shall be met, all health district standards shall be met, ADUs may
9 not be mobile homes or recreational vehicles, and the ADU shall use the same access
10 as the primary residence and shall provide an additional parking space. The conditions
11 of approval recommended by staff require conformance to all of these standards. The
12 proposed design and site characteristics further establish conformance as detailed in
13 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 of land clearing,
24 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.

1 3. Any proposed modification (not including cosmetic work such as painting,
2 papering and similar finish work), remodel or expansion of the accessory dwelling unit
3 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 4. Only one accessory dwelling unit shall be permitted on the subject property.

5 5. The owner of the property must reside in either the primary residence or the
6 accessory dwelling unit and only one of the structures may be rented at any one time.

7 The accessory dwelling unit's (ADU) habitable area shall not exceed 50% of the
8 primary residence or 900 square feet, whichever is smaller. The proposed size of the
9 ADU is 900 square feet.

10 6. The accessory dwelling unit shall be designed to maintain the appearance of the
11 primary residence.

12 7. No mobile home or recreational vehicle shall be allowed as an accessory dwelling
13 unit.

14 8. The accessory dwelling unit shall use the same side street entrance as the primary
15 residence and shall provide one additional off-street parking space.

16 9. An attached accessory dwelling unit (formerly called accessory living quarters) or
17 guest house is not permitted on the same lot unless the accessory dwelling unit is
18 removed and the ADU-attached or GH complies with all requirements imposed by the
19 Kitsap County Code.

20 10. A property with a primary residence and an accessory dwelling unit cannot be
21 segregated to create two separate legal lots unless it complies with all subdivision,
22 zoning and density requirements in place at the time of a complete subdivision
23 application.

24 11. The accessory dwelling unit cannot be sold separately from the primary residence
25 unless it has legally been segregated onto its own lot.

12 12. The recipient of any conditional use permit shall file a Notice of Land Use Binder
13 with the county auditor prior to any of the following: initiation of any further site work,
14 issuance of any development/construction permits by the county, or occupancy/use of
15 the subject property or buildings thereon for the use or activity authorized. The Notice
16 of Land Use Binder shall serve both as an acknowledgment of and agreement to abide
17 by the terms and conditions of the conditional use permit and as a notice to prospective
18 purchasers of the existence of the permit. The Binder shall be prepared and recorded
19 by the Department at the applicant's expense.

20 13. The uses of the subject property are limited to the uses proposed by the applicant
21 and any other uses will be subject to further review pursuant to the requirements of the
22 Kitsap County Code. Unless in conflict with the conditions stated and/or any
23

1 regulations, all terms and specifications of the application shall be binding conditions
2 of approval. Approval of this project shall not, and is not, to be construed as approval
3 for more extensive or other utilization of the subject property.

4 14. The authorization granted herein is subject to all applicable federal, state, and local
5 laws, regulations, and ordinances. Compliance with such laws, regulations, and
6 ordinances is a condition to the approvals granted and is a continuing requirement of
7 such approvals. By accepting this/these approvals, the applicant represents that the
8 development and activities allowed will comply with such laws, regulations, and
9 ordinances. If, during the term of the approval granted, the development and activities
10 permitted do not comply with such laws, regulations, or ordinances, the applicant
11 agrees to promptly bring such development or activities into compliance.

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

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

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

22 18. Building permits submitted for this development shall include construction plans
23 and profiles for all roads, driveways, storm drainage facilities and appurtenances. No
24 construction shall be started prior to said plan acceptance.

25 b. Development Engineering

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.

20. 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.

c. Environmental

None

d. Traffic and Roads

None

1 e. Fire Safety
None

2 f. Solid Waste
None

3 g. Kitsap Public Health District

4 21. This permit shall comply with all Kitsap Public Health District regulations and
5 conditions of approval.

6 Dated this 17th day of March 2025.

7 

8 Phil Olbrechts,
Kitsap County Hearing Examiner

9
10 **Appeal Right and Valuation Notices**

11 Pursuant to KCC 21.04.100 and KCC 21.04.110, this conditional use permit decision is
12 a final land use decision of Kitsap County and may be appealed to superior court within
13 21 days as governed by the Washington State Land Use Petition Act, Chapter 36.70C
RCW.

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