



Notice of Hearing Examiner Decision

11/25/2024

To: Interested Parties and Parties of Record

RE: Project Name: Bramer - Conditional Use Permit for Accessory Dwelling Unit
 Applicant: Karen and Will Bramer Fortier
 5300 E Blaisdell LN
 Port Orchard WA 98366
 Application: CUP-ADU
 Permit Number: 23-04801

The Kitsap County Hearing Examiner has **APPROVED** the land use application for **Permit 23-04801: Bramer - 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: Karen and Will Bramer Fortier, 5300 E Blaisdell LN Port Orchard WA 98366
Authorized Agent: Wilfred Fortier, wil.soemesa@gmail.com
Interested Parties:
 Sheryl Coulton, 33coulton@gmail.com
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
West Sound Utility District
Skokomish Tribe
Point No Point Treaty Council
Suquamish Tribe
Port Gamble S'Klallam Tribe
Squaxin Island Tribe
Puyallup Tribe
WA Dept of Archaeological 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-Shoreline Review
WA State Dept of Transportation

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BEFORE THE HEARING EXAMINER FOR KITSAP COUNTY

Phil Olbrechts, Hearing Examiner

RE: Karen and Will Bramer Fortier Accessory Dwelling Unit (CUP – ADU) File No. 23-04801	FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION.

INTRODUCTION

Karen and Will Bramer Fortier request a Conditional Use Permit to convert an existing guest house into a detached Accessory Dwelling Unit (ADU) at 5300 E Blaisdell Lane, Port Orchard. The application is approved subject to conditions.

ORAL TESTIMONY

Izzy Lotz, Associate Kitsap County Staff Planner, summarized the staff report. No other testimony was presented. Will Bramer Fortier, Applicant, thanked Ms. Lotz for her work on the project and was present to answer questions. No one else testified.

EXHIBITS

Exhibits 1-16 listed in the Index to the Record prepared by County staff were admitted during the hearing.

FINDINGS OF FACT

Procedural:

1. Applicants. Karen and Will Bramer Fortier, 5300 E Blaisdell Lane, Port Orchard, WA 98366.

1 2. Hearing. The Hearing Examiner conducted a remote/hybrid hearing on the
2 application at 9:00 am on November 14, 2024.

3 **Substantive:**

4 3. Site/Proposal Description. Karen and Will Bramer Fortier request a
5 Conditional Use Permit to convert an existing guest house into a detached Accessory
6 Dwelling Unit (ADU) at 5300 E Blaisdell Lane, Port Orchard. The proposed ADU will
7 be 756 square feet and located approximately 5 feet from a 2,080-square-foot single-
8 family residence. The proposed ADU will be the only ADU on the subject lot. As
9 conditioned, the owners of the property will reside in the subject property. The
proposed ADU will have the same pitched roof, color and siding as the primary
residence. The Kitsap Public Health District has approved the ADU for sewer and
water service. The proposed ADU will use the same driveway entering the property
that the primary residences uses.

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

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

- 13 a. Off-Street Parking. KCC 17.490.030 requires three (3) parking off-street
14 spaces per single-family residence and one (1) parking space for an ADU. The
15 Applicant proposes four off-street parking spaces as required.
- 16 b. Stormwater. Development Services and Engineering reviewed and accepts the
17 concepts contained in this preliminary submittal and requires the conditions
18 stated in Section 13 of the staff report as an element of the land use approval.
- 19 c. Critical Areas. The subject property is in a moderate geologic erosion hazard
20 area. Submitted in the application was a Geologic Letter prepared by Envirotech
21 Engineering, PLLC dated June 3, 2022. The report concluded that the proposal
22 “From a geotechnical position, it is Envirotech’s opinion that the subject
property and adjacent properties to the proposed development should not be
23 significantly impacted.” The project is conditioned to follow the
24 recommendations of the report. County staff have not identified any other
25 critical areas on the project site except for being within shoreline jurisdiction,
which is subject to a separate review process if applicable.
- d. Access, Traffic, Roads. The proposed ADU will use the same driveway
entering the property that the primary residences uses.
- e. Fire Safety. Kitsap County Building and Fire Safety Division reviewed and the
ADU and found no need for any conditions.
- f. Water/Septic. The Kitsap County Health District approved the site for
additional sewage and water supply.

1 g. Compatibility. The proposal is compatible with surrounding uses. As
2 identified in Finding of Fact No. 4, surrounding uses are all single-family
3 residential. The proposal doesn't involve any exterior alterations to the building
4 footprint and proposed design is similar to the primary residence so no adverse
5 aesthetic impacts are anticipated.

6 CONCLUSIONS OF LAW

7 **Procedural:**

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

10 **Substantive:**

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

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

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

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

21 4. Criterion met. The criterion is met. The proposed ADU provides the ability to
22 create an affordable housing unit which is a goal supported by several policies in the
23 Comprehensive Plan in a manner consistent with the zoning established for the subject
24 property. The proposal is also found consistent with the Comprehensive Plan for the
25 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.

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.

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

16 6. Criterion met. The criterion is met for the reasons identified in Finding of Fact No.
17 5.

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

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

24 DECISION

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

Planning/Zoning

1. All required permits shall be obtained prior to commencement of land clearing, construction and/or occupancy.
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

1 Development and granted approval prior to such modification,
2 expansion, construction and/or issuance of a building permit.

- 3
- 4 4. Only one accessory dwelling unit shall be permitted on the subject
5 property.
- 6 5. The owner of the property must reside in either the primary residence or
7 the accessory dwelling unit and only one of the structures may be rented
8 at any one time.

9 The accessory dwelling unit's (ADU) habitable area shall not exceed
10 50% of the primary residence or 900 square feet, whichever is smaller.
11 The proposed size of the ADU is 756 square feet. Any future expansion
12 of the ADU will require a building permit and would have to comply
13 with all code requirements in place at the time of the new building
14 permit application.

- 15 6. The accessory dwelling unit shall be designed to maintain the
16 appearance of the primary residence.
- 17 7. No mobile home or recreational vehicle shall be allowed as an accessory
18 dwelling unit.
- 19 8. The accessory dwelling unit shall use the same side street entrance as the
20 primary residence and shall provide one additional off-street parking
21 space.
- 22 9. An attached accessory dwelling unit (formerly called accessory living
23 quarters) or guest house is not permitted on the same lot unless the
24 accessory dwelling unit is removed and the ADU-attached or GH
25 complies with all requirements imposed by the Kitsap County Code.
10. 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.
11. The accessory dwelling unit cannot be sold separately from the primary
residence unless it has legally been segregated onto its own lot.
12. 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

1 of and agreement to abide by the terms and conditions of the conditional
2 use permit and as a notice to prospective purchasers of the existence of
3 the permit. The Binder shall be prepared and recorded by the Department
4 at the applicant's expense.

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

12 14. The authorization granted herein is subject to all applicable federal, state,
13 and local laws, regulations, and ordinances. Compliance with such laws,
14 regulations, and ordinances is a condition to the approvals granted and is
15 a continuing requirement of such approvals. By accepting this/these
16 approvals, the applicant represents that the development and activities
17 allowed will comply with such laws, regulations, and ordinances. If,
18 during the term of the approval granted, the development and activities
19 permitted do not comply with such laws, regulations, or ordinances, the
20 applicant agrees to promptly bring such development or activities into
21 compliance.

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

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

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

22 **Development Engineering**

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

19. Stormwater quantity control, quality treatment, and erosion and
sedimentation control, as required for the development, shall be designed

1 in accordance with Kitsap County Code Title 12 effective at the time the
2 Building Permit is deemed fully complete. If development meets the
3 thresholds for engineered drainage design, the submittal documents shall
4 be prepared by a civil engineer licensed in the State of Washington. The
5 fees and submittal requirements shall be in accordance with Kitsap
6 County Ordinances in effect at the time of Building Permit Application.

7
8 20. If the project proposal is modified from that shown on the site plan
9 approved for this permit application, Development Engineering will
10 require additional review and potentially new conditions.

11 **Environmental**

12 21. The project shall follow the recommendations of the submitted in
13 Geologic Letter by Envirotech Engineering, PLLC dated June 3, 2022.

14 **Traffic and Roads**

15 None

16 **Fire Safety**

17 None

18 **Solid Waste**

19 None

20 **Kitsap Public Health District**

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

23 Dated this 25th day of November 2024.

24 *Phil Olbrechts*

25

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.