



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: ROLOFF - Conditional Use Permit for
Accessory Dwelling Unit
Applicant: Steven & Candyce Roloff
8516 Orchard Ave SE
Port Orchard, WA 98367
Application: CUP-ADU
Permit Number: 24-01376

The Kitsap County Hearing Examiner has **APPROVED** the land use application for **Permit 24-01376: ROLOFF - 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: Steven and Candyce Roloff, stevenroloff@gmail.com

Interested Parties:

None

Prosecutor's Office

Assessor's Office

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

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
Skokomish 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 Transportation

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BEFORE THE HEARING EXAMINER FOR KITSAP COUNTY

Phil Olbrechts, Hearing Examiner

RE: Steven and Candy Roloff Accessory Dwelling Unit (CUP – ADU) File No. 24-01376	FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION.
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INTRODUCTION

Steven and Candy Roloff request a Conditional Use Permit to convert an existing single-family residence into a detached 887sf detached Accessory Dwelling Unit (ADU) at 8516 Orchard Ave SE. 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 1-16 listed in the Index to the Record prepared by County staff were admitted during the hearing.

FINDINGS OF FACT

Procedural:

1. Applicants. Steven A and Candyce D Roloff 8516 Orchard Ave SE Port Orchard, WA 98367.
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. Steven and Candy Roloff request a Conditional
2 Use Permit to convert an existing single-family residence into a detached 887sf
3 detached Accessory Dwelling Unit (ADU) at 8516 Orchard Ave SE. The ADU will be
4 located approximately 128 feet from the primary residence where it will be accessed
5 using the existing driveway. The project site is located outside of a UGA. The ADU
6 will reflect the appearance of the primary residence by having the same siding and
7 roofing material. The Kitsap Public Health District has approved the site for additional
8 sewage and water supply. The ADU will use the same entrance as noted on the Site
9 Plan.

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

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

- 14 a. Off-Street Parking. KCC 17.490.030 requires three (3) off-street parking spaces
15 per single-family residence and one (1) parking space for an ADU. The
16 Applicant proposes four off-street parking spaces as required.
- 17 b. Stormwater. Development Services and Engineering reviewed and accepts the
18 concepts contained in this preliminary submittal and requires the conditions
19 stated in Section 13 of the staff report as an element of the land use approval.
- 20 c. Critical Areas. The site is within the buffer for two streams, one in the southwest
21 corner, and one in the southeast corner. The proposal is outside of the stream
22 buffer for both streams. The site is mapped with moderate erosion hazards, the
23 applicant has provided a geologic report to address this hazard. The project is
24 conditioned to follow the recommendations of the report
- 25 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.
- g. Compatibility. The proposal is compatible with surrounding uses. As identified
in Finding of Fact No. 4, surrounding uses are all single-family residential. The
proposed design is similar to the primary residence so no adverse aesthetic
impacts are anticipated.

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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 RR 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

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 or 900 square feet, whichever is smaller. The proposed size of the ADU is 887 square feet. 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.
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 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

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

3 14. The uses of the subject property are limited to the uses proposed by the
4 applicant and any other uses will be subject to further review pursuant to
5 the requirements of the Kitsap County Code. Unless in conflict with the
6 conditions stated and/or any regulations, all terms and specifications of
7 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.

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

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

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

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

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.

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20. 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.

21. 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

22. Project shall follow the recommendations of the Geologic Report prepared by Geo Resources Engineering dated March 9, 2023.

d. Traffic and Roads

23. At building permit application, submit Kitsap County Public Works Form 1601 for issuance of a concurrency certificate, as required by Kitsap County Code 20.04.030, Transportation Concurrency.

e. Fire Safety

None

f. Solid Waste

None

g. Kitsap Public Health District

24. 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

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

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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.

Appendix A

February 28, 2025 Hearing Transcript

Roloff 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 1 ([00:08](#)):

Alright, fantastic. For the record, it's February 13th, 2025, 9:00 AM I'm Phil over Casap County Hearing Examiner holding four hearings this morning. All on conditional use permit applications for accessory dwelling units. The hearing format will be the same for all four. We'll start off with a presentation from staff, then applicant can make comments if they want, not required. If you're an applicant out there, don't feel compelled to say anything if you don't want to. After that we'll move on to public comments, if any. Then back to staff to respond to any questions and complete the record. Applicant gets final word, I get 10 business days to issue a final decision. Not too complicated, pretty straightforward. So the first item on the agenda today is the roll off application for a conditional use permit application. That's final number 24 dash 0 1 3 7 6. And at this point I just want to ask, is anyone present for this application other than staff? Is the applicant here or any members of the public?

Speaker 2 ([01:11](#)):

The applicant is here today.

Speaker 1 ([01:12](#)):

Okay.

Speaker 2 ([01:12](#)):

And it looked like mayor might be somebody online as well. I just saw a raised hand.

Speaker 1 ([01:17](#)):

Okay. Alright then I'll go over the exhibit list real quick. Let me share my screen. There we go. Alright. By state law, I'm not allowed to speak to the applicant's staff or anybody about these projects. All the information I get is the information that's going to be admitted into the record today and so far that's composed of the staff report and the exhibits that were prepared to support the staff recommendation. I'm sharing screen right now on what those exhibits were. That who's our planner on this one by the way?

Speaker 2 ([01:51](#)):

Izzy Lots.

Speaker 1 ([01:52](#)):

Oh, Ms. Lots put together the exhibits for this. She has a total of 16 composed of the staff report itself. Some geotechnical analysis, environmental review to determine if any environmental impact statement has to be made or something of that nature. We have elevations and floor plans, site plan, and those are pretty much the major documents, the one through 16. Just at this point when I ask if anyone needs to see any of these documents or has any objection to their entry in the record, if you do just hit on the virtual hand at the bottom of your screen, not hearing or seeing any takers. I'll admit one through 16 Ms. Lots, I'll swear you in at this point. Great. Just raise your right hand. You've been through this before. Do you swear affirm tell the truth, nothing but the truth in this proceeding?

Speaker 3 (02:42):

I do.

Speaker 1 (02:42):

Okay, great. Go ahead.

Speaker 3 (02:55):

Good morning. Thank you Examiner Re. So for the record, my name is Izzy Lots and an associate planner with Kits County Department of Community Development. Today I'm representing a request for approval of a conditional use permit for an accessory dwelling unit to convert an existing single family residence into an accessory dwelling unit. The application was deemed complete on April 27th, 2024. The notice of application was distributed pursuant to Title 21, land 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 19711355. The Department of Community Development used an optional determination of non-significant process for this project. The CIPA comment period was occurred concurrent with the notice of application dated May 17th, 2024. The Department of Community Development issued a determination of non-significant on December 11th, 2024. The CIPA appeal period ended on October 17th, 2024. No appeals were filed, therefore the CIPA determination is final according to the Kitsap County assessor. Subject parcel 21232 dash two dash 02204 is a 9.5 acre in size. Parcel addressed is 85116 Orchard Avenue Southeast Port Orchard, Washington in South Kitsap Commissioner District two. The aerial photo shows single family homes and accessory structures consistent with the development found in the rural residential zone. The proposed accessory dwelling unit is consistent with other properties in the vicinity.

(04:53):

The parcel labeled subject site in blue is zoned dual residential adjacent properties surrounding the site are also zoned dual residential to the east as a road known as Orchard Avenue Southeast that provides access. The proposal is to convert the existing single family residence into an 887 square foot accessory dwelling unit and to construct a new 2,816 square foot single family residence for critical areas. The subject site is mapped with moderate erosion hazards. The applicant has provided a geologic report to address this hazard. The project has been conditioned to follow the recommendations of that report. The applicant identified two streams showing on the critical area maps that are mapped incorrectly located in the southeast and southwest corners of the parcel. These streams are identified as type N streams and would require a 50 foot buffer plus a 15 foot building setback. All activity is outside of the buffers and setbacks required for that feature.

(06:05):

The site plan for the proposal shows access from Orchard Avenue Southeast along an existing driveway shared by both dwellings. The site plan shows four spaces that will meet parking standards for the single

family residence and the accessory dwelling unit. And the accessory dwelling unit will be 128 feet from the proposed single family residence. The applicant's floor plan shows the principal dwelling that is proposed at 2,816 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 attached or within the primary residence.

[\(06:52\)](#):

Here are some conceptual drawings of the proposed single family residence. You'll see all views available there. The floor plan for the accessory dwelling unit demonstrates its size at 887 square feet. There's also an uncondition breezeway and storage room that is 132 feet square feet. Here are the views for the proposed accessory dwelling units. To the left you'll see the front view to the east and north and in the right you see the west and the south. The proposal is conditioned to comply with the following requirements in Kitsap County Code 17.4 1 5 0 1 5 B as in boy as amended in June, 2022. Number one, there are no other accessory dwelling units or accessory living quarters on the property. Two, the owner will reside in the primary residence. Three 50% of the primary residence is 1,408 square feet. Therefore, the maximum allowable size of the habitable area of the A DU is 900 square feet.

[\(08:08\)](#):

The proposed A DU is 887 square feet. Dimensions are determined by interior measurements four. The A DU is within 128 feet away from the primary residence. Five. The A DU will have a similar appearance to the primary residence. Six. The A DU meets all required setbacks for the rule residential zone seven. All health standards in water and sewer have been met and approved. Eight. The proposed A DU is not a RV or mobile home nine. The A DU will use an existing driveway off Orchard Avenue Southeast and 10 the project will be conditioned for any applicable stormwater controls pursuant to Kits County code Title 12. The department claims this approval with special use criteria 17.4 1 5 0 1 5 B as in Bravo and recommends approval as conditioned. This concludes the staff presentation.

Speaker 1 [\(09:09\)](#):

Okay, thanks Ms. Lots. Alright, this point, does the applicant's want to say anything?

Speaker 2 [\(09:16\)](#):

Yes, he's on his way out.

Speaker 1 [\(09:17\)](#):

Okay, great. Alright sir, let me swear in. Just raise your right hand if you could. Do you swear affirm tell the truth, nothing but the truth in this proceeding?

Speaker 4 [\(09:31\)](#):

Yes sir.

Speaker 1 [\(09:32\)](#):

Okay, great. Go ahead.

Speaker 4 [\(09:34\)](#):

Alright, well thank you first of all for your time and considering this permit, this permit will greatly impact my family's living conditions. As you can see, 887 square foot house for a family of five is rather small, so this would be a great improvement for my current living situation with my family. In addition,

it'll also help the community, as I'm sure you're well aware, the report on the city of Bremerton and Kitsap County Affordable housing recommendation from March, 2020 knows that there's an additional 25,000 housing units needed by 2036. This would be one of them, just a tiny drop in the bucket, but it does help. This additional housing unit is one mile away from a Kit South Transit Park and Ride that has routed bus service as well as worker, driver bus service. So it will as well be available for public transit use, which will not impact traffic negatively by approving this permit. Like I said, you would be greatly improving my living situation as well as being a positive impact on the community. Thank you.

Speaker 1 ([10:40](#)):

Okay, thanks Mr. Roloff. Appreciate your comments. Alright, let's any public comment out there, if anyone out there wants to add a comment, just click on your virtual hand and Ms. Jones. Oh, let's see. Oh, we do have a couple attendees there and I see we have a John Murray would like to say something. You want to put 'em up, Ms. Jones?

Speaker 2 ([10:58](#)):

Yeah, let's go for it.

Speaker 1 ([11:00](#)):

Okay. Alright. Mr. Murray, welcome to the hearing. Let me swear in real quick and just raise your right hand or you swear affirm to tell the truth, nothing but the truth in this proceeding.

Speaker 4 ([11:11](#)):

I do.

Speaker 1 ([11:11](#)):

Okay, great. Go ahead.

Speaker 4 ([11:14](#)):

Yeah, I'm just, as a neighbor and a member of the community, I'm just excited for them to get started on their project and that's really all I wanted to add.

Speaker 1 ([11:21](#)):

Okay, great. Thank you. Appreciate your comments. Alright, and anyone else out there want to say anything on this one? Okay, no takers. I think I can just wrap up the hearing at this point. So we'll go ahead and adjourn it and yeah, very easy approval. I think we'll get that decision out in the next couple weeks and it's great to get a little more living space there, Mr. Roloff. And hopefully you can start working on your building permanent applications and all that real quick. So thanks for participating today on that one. And let's move on to the next item on the agenda, which, let's see which, hold on a second here. Oh, I lost my agenda. Where was that? What's the next one on the agenda, Ms. Jones?