



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: LITTEN - Conditional Use for Accessory Dwelling Unit
 Applicant: Bret and Kirstie Litten
 25992 Rolling Hills PI NE
 Poulsbo, WA 98370
 Application: CUP-ADU
 Permit Number: 24-02167

The Kitsap County Hearing Examiner has **APPROVED** the land use application for **Permit 24-02167: LITTEN - Conditional Use 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: Bret and Kirstie Litten, bretlitten@yahoo.com
 Architect: Hi Line Homes, appoulsbo@hilinehomes.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
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Kitsap Transit
North Kitsap Fire District
North Kitsap School District
Puget Sound Energy
Water/Sewer Purveyor: KPUD 1
Point No Point Treaty Council
Suquamish Tribe
Skokomish Tribe
Port Gamble S'Klallam Tribe
Squaxin Island Tribe
Puyallup Tribe
Department of Archaeological Historic Preservation
WA Dept of Fish & Wildlife
WA Dept of Natural Resources
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: Kirstie & Bret Litten Accessory Dwelling Unit (CUP – ADU) File No. 24-02167	FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION.
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INTRODUCTION

Kirstie & Bret Litten request a Conditional Use Permit to construct a 875sf detached Accessory Dwelling Unit (ADU) at 25992 Rolling Hills Pl NE. The application is approved subject to conditions.

ORAL TESTIMONY

Kate Millward, Staff Planner, summarized the staff report. No other comments were made during the hearing.

EXHIBITS

Exhibits 1-19 listed in the staff report were admitted during the hearing.

FINDINGS OF FACT

Procedural:

1. Applicants. Kirstie & Bret Litten, 25992 Rolling Hills Pl NE, Poulsbo, WA 98370.
2. Hearing. The Hearing Examiner conducted a remote/hybrid hearing on the application at 9:00 am on February 27, 2025.

Substantive:

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2 3. Site/Proposal Description. Kristie & Bret Litten request a Conditional Use
3 Permit to construct a 875sf detached Accessory Dwelling Unit (ADU) on a 2.88-acre
4 lot located at 25992 Rolling Hills Pl NE. The lot is currently developed with a 2,278
5 square foot primary residence. The ADU will be located approximately 77 feet from
6 the primary residence where it will be accessed using the existing driveway. The project
7 site is located outside of a UGA. The ADU is designed to maintain the appearance of
8 the primary residence using similar roof style, siding, orientation of siding, color
9 scheme, and windows. The Kitsap Public Health District has approved the ADU for
10 water and sewage disposal.

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

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

- 15 a. Off-Street Parking. KCC 17.490.030 requires three (3) off-street parking spaces
16 per single-family residence and one (1) parking space for an ADU. The project
17 site has sufficient parking area to accommodate four parking spaces.
- 18 b. Stormwater. Development Services and Engineering reviewed and accepts the
19 concepts contained in this preliminary submittal and requires the conditions
20 stated in Section 13 of the staff report as an element of the land use approval.
- 21 c. Critical Areas. The applicant submitted both a wetland certification, Ex. 11,
22 and a geotechnical report, Ex. 3, to establish to the satisfaction of planning staff
23 that the proposal conforms to the County's critical areas ordinance and those
24 has no impacts on such environmental resources. The two reports showed that
25 the proposed development would not be located within any critical areas or their
associated buffers.
- d. Access, Traffic, Roads. The proposed ADU will use the same driveway entering
the property that the primary residences uses.
- e. Water/Septic. The Kitsap County Health District approved the site for
additional sewage and water supply.
- f. Compatibility. The proposal is compatible with surrounding uses. As identified
in Finding of Fact No. 4, surrounding uses are all large heavily wooded lots.
It's unclear what type of uses are on those surrounding lots but the added
dwelling will likely not be visible or have any impacts on those adjoining uses
given the buffering provided by the extensive vegetation and the large size of
the lots.

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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

1 those standards, only one ADU is allowed per lot, the owner of the property must reside
2 in the primary residence or the ADU, the ADU shall not exceed 50% of the habitable
3 area of the primary residence, the ADU shall be located within 150 feet of the primary
4 residence unless involving a conversion of an existing structure such as that proposed,
5 the ADU shall be designed to maintain the appearance of the primary residence, all
6 setback requirements shall be met, all health district standards shall be met, ADUs may
7 not be mobile homes or recreational vehicles, and the ADU shall use the same access
8 as the primary residence and shall provide an additional parking space. The conditions
9 of approval recommended by staff require conformance to all of these standards. The
10 proposed design and site characteristics further establish conformance as detailed in
11 Findings of Fact No. 3 and 5.

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

14 6. Criterion met. The criterion is met for the reasons identified in Finding of Fact No.
15 5.

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

20 7. Criterion met. The criterion is met for the reasons identified in Finding of Fact No.
21 5f and via its required conformance to the ADU standards of KCC 17.415.015B.

22 DECISION

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

25 **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,

1 shall be reviewed by the Department of Community Development and
2 granted approval prior to such modification, expansion, construction and/or
3 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
7 one time.
- 8 6. The accessory dwelling unit's habitable area shall not exceed 50% of the
9 primary residence or 900 square feet, whichever is smaller.
- 10 7. Any future expansion of the accessory dwelling unit will require a building
11 permit and would have to comply with all code requirements in place at the
12 time of the new building permit application.
- 13 8. The accessory dwelling unit shall be located within 150 feet of the primary
14 residence.
- 15 9. The accessory dwelling unit shall be designed to maintain the appearance of
16 the primary residence.
- 17 10. No mobile home or recreational vehicle shall be allowed as an accessory
18 dwelling unit.
- 19 11. The accessory dwelling unit shall use the same side street entrance as the
20 primary residence and shall provide one additional off-street parking space.
- 21 12. An accessory living quarters (ALQ) or guest house (GH) is not permitted on
22 the same lot unless the accessory dwelling unit is removed and the ALQ or
23 GH complies with all requirements imposed by the Kitsap County Code.
- 24 13. A property with a primary residence and an accessory dwelling unit cannot
25 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.
14. The accessory dwelling unit cannot be sold separately from the primary
residence unless it has legally been segregated onto its own lot.
15. 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 an agreement to abide by the terms and conditions
of the conditional use permit and as a notice to prospective purchasers of the
existence of the permit. The Binder shall be prepared and recorded by the
Department at the applicant's expense.
16. The uses of the subject property are limited to the uses proposed by the
applicant and any other uses will be subject to further review pursuant to the
requirements of the Kitsap County Code. Unless in conflict with the
conditions stated and/or any regulations, all terms and specifications of the
application shall be binding conditions of approval. Approval of this project

1 shall not, and is not, to be construed as approval for more extensive or other
2 utilization of the subject property.

- 3 17. The authorization granted herein is subject to all applicable federal, state,
4 and local laws, regulations, and ordinances. Compliance with such laws,
5 regulations, and ordinances is a condition to the approvals granted and is a
6 continuing requirement of such approvals. By accepting this/these approvals,
7 the applicant represents that the development and activities allowed will
8 comply with such laws, regulations, and ordinances. If, during the term of
9 the approval granted, the development and activities permitted do not
10 comply with such laws, regulations, or ordinances, the applicant agrees to
11 promptly bring such development or activities into compliance.
- 12 18. 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
14 plans, proposals, or conditions of approval imposed shall be subject to
15 further review and approval of the County and potentially the Hearing
16 Examiner.
- 17 19. This Conditional Use Permit approval shall automatically become void if no
18 development permit application is accepted as complete by the Department
19 of Community Development within four years of the Notice of Decision date
20 or the resolution of any appeals.
- 21 20. Any violation of the conditions of approval shall be grounds to initiate
22 revocation of this Conditional Use Permit.

23 **Development Engineering**

- 24 21. Building permits submitted for this development shall include construction
25 plans and profiles for all roads, driveways, storm drainage facilities and
appurtenances. No construction shall be started prior to said plan acceptance.
- 21 22. Stormwater quantity control, quality treatment, and erosion and
22 sedimentation control, as required for the development, shall be designed in
23 accordance with Kitsap County Code Title 12 effective at the time the
24 Building Permit is deemed fully complete. If development meets the
25 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.
- 21 23. If the project proposal is modified from that shown on the site plan approved
22 for this permit application, Development Engineering will require additional
23 review and potentially new conditions.
- 24 24. This project includes the construction of rock walls or other retaining
25 facilities that either exceed four feet in height or sustain a surcharge. A
separate building permit with an engineered design is required for such walls.
This note shall be placed on the face of the final construction drawings.

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25. Rock and retaining walls shall meet all applicable setback requirements of Vol. II, Chapter 9 of the Kitsap County Stormwater Drainage Manual.

Environmental

26. The development shall be subject to the conditions of the geologic assessment associated with this permit and on file at the Department of Community Development.

Traffic and Roads

No conditions

Fire Safety

27. A fire sprinkler system is required for the development of this project to be installed in the ADU.

Solid Waste

No conditions

Kitsap Public Health District

No conditions

Dated this 17th day of March 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 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.