

DCD
Kitsap Sun
Point No Point Treaty Council
Suquamish Tribe
Skokomish Tribe
Port Gamble S'Klallam Tribe
Squaxin Island Tribe
Puyallup Tribe
Dept of Archaeological Historic Preservation
WA Dept of Natural Resources
WA Dept of Fish & Wildlife
WA State Dept of Ecology-SEPA
WA State Dept of Transportation
USACE
Health District
Public Works
Parks
Navy
DE & PEP
Kitsap Transit
Central Kitsap Fire District
Central Kitsap School District
North Kitsap Fire District
North Kitsap School District
Puget Sound Energy
Water Purveyor PUD 1
Sewer Purveyor PUBLIC UTILITY DIST NO 1
Cascade Natural Gas
WA Department of Health

**KITSAP COUNTY HEARING EXAMINER
FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION**

**Accessory Dwelling Unit Conditional Use Permit
File No. 26-00445 (Klingman)**

June 25, 2026

Findings of Fact

- 1. Project.** Convert portion of second floor of existing accessory building to 900 square foot detached Accessory Dwelling Unit (ADU) on 5.42-acre parcel. The ADU will be about 125 feet from the primary residence, which has 2,550 square feet of habitable space. The ADU will use on-site septic and has the same driveway as the primary residence.
- 2. Applicant/Property Owner.** Shawn and Elaine Klingman, 7167 NE Buck Road, Hansville, WA 98340. Parcel No. 162802-4-096-2001.
- 3. Location.** 7167 NE Buck Lake Road, Hansville, WA, 98340. Parcel #162802-4-096-2001.
- 4. Public Notice.** Hearing notice was mailed, published in a paper of general circulation, and the posted 15-days before the hearing, meeting code requirements.¹
- 5. Hearing.** The Hearing Examiner considered the Applicant's request at an open record public hearing on June 25, 2026. At the hearing, the Kitsap County Department of Community Development, through Planner Keith Hafner, summarized the project review process and provided details on the project. No citizens indicated a wish to testify.
- 6. Administrative Record.** Exhibits 1-18 were admitted.
- 7. SEPA.** The Department issued a Determination of Nonsignificance under the State Environmental Policy Act, Ch. 43.21C RCW.² It was not appealed.
- 8. Zoning/Comprehensive Plan.** The site is zoned and designated Rural Residential.
- 9. Site/Critical Areas/Project Design.** The site is 5.42 acres. A relatively level plateau is on the west, where the home and ADU are. The site's center contains a forested ravine with a seasonal stream, running north to south. On the northern border, a swale runs east to west. The ADU is within an existing structure, so additional critical areas review was not required.

¹ KCC 21.04.080; KCC 21.04.210; Exs. 11 and 15.

² Ex. 1 (Staff Report), p. 2; Exs. 13 and 14.

10. Utilities and Public Services.

- Water – Kitsap PUD #1
- Power - Puget Sound Energy
- Sewer – On-Site Septic
- Police – Kitsap County Sheriff
- Fire – North Kitsap Fire & Rescue
- School – North Kitsap School District No. 400

11. Access. The site is accessed from a county-maintained road, NE Buck Lake Road.

12. Staff Report and Conditions. The Staff Report is incorporated as supplemental findings. The proposed conditions ensure code requirements are met. They should be incorporated without substantive revision.

CONCLUSIONS OF LAW

1. Staff Report and Conditions. The Hearing Examiner has jurisdiction over CUP requests to authorize an ADU.³

2. Detached ADU, Criteria. A detached ADU outside the urban growth area must comply with these use specific requirements:

Only one ADU shall be allowed per lot;

Owner of the property must reside in either the primary residence or the ADU;

The ADU shall not exceed fifty percent of the square footage of the habitable area of the primary residence or nine hundred square feet, whichever is smaller. Dimensions are determined by interior measurements;

The ADU shall be located within one hundred fifty feet of the primary residence or shall be the conversion of an existing detached structure (e.g., garage);

The ADU shall be designed to maintain the appearance of the primary residence;

All setback requirements for the zone in which the ADU is located shall apply;

The ADU shall meet the applicable health district standards for water and sewage disposal;

No mobile homes or recreational vehicles shall be allowed as an ADU;

³ KCC 17.550.020, 21.04.100.

An ADU shall use the same side-street entrance as the primary residence and shall provide additional off-street parking; and

An ADU is not permitted on the same lot where an accessory dwelling unit, attached (ADU-A), exists.⁴

These criteria are met. There will be one ADU with the owner residing in the primary, 2,550 square foot residence. Half residence size is 1,275, so at 900 square feet, the ADU meets the size requirement. The ADU will be 125 feet from the primary residence. To maintain the appearance of the primary residence, the ADU is using a similar pitched roof, roofing materials, window style, and siding.⁵ The ADU meets setback requirements and Kitsap County Health District standards for sewage and water. The ADU will not be a mobile home or RV. The ADU will use the same driveway entering the property as the primary residence and four parking spaces are provided, per KCC 17.490.030.⁶ The ADU specific criteria are met.

3. CUP Criteria. An applicant must demonstrate ADU consistency with the CUP criteria:

The proposal is consistent with the Comprehensive Plan;

The proposal complies with applicable requirements of this title [Title 17];

The proposal will not be materially detrimental to existing or future uses or property in the immediate vicinity; and

The proposal is compatible with and incorporates specific features, conditions, or revisions that ensure it responds appropriately to the existing character, appearance, quality or development, and physical characteristics of the subject property and the immediate vicinity.⁷

These criteria are met. Per the Comprehensive Plan,⁸ the project provides a residential use which is consistent with the existing and planned rural character of the surrounding rural area, consistent with minimizing housing costs and providing a range of housing types. The ADU does not have significant environmental impacts, does not require urban infrastructure, and is consistent with the surrounding area's rural character. The proposal is consistent with the Comprehensive Plan.

The ADU is conditioned to ensure compliance with Title 17 and other code requirements. No code provision was identified which would not be complied with.

⁴ KCC 17.415.015.B.1-10; KCC 17.410.042.

⁵ Ex. 1 (Staff Report), p. 6.

⁶ Ex. 1 (Staff Report), p. 7, Table 5.

⁷ KCC 17.550.030.A.1-4.

⁸ Ex. 1 (Staff Report), p. 4.

The ADU will not be materially detrimental to existing or future uses or property in the immediate vicinity. Impacts have been addressed through project design, additional mitigation, and/or code requirements.

The proposal is compatible with surrounding existing uses. It will be aesthetically compatible with the existing single-family residence. The ADU's small size, existing vegetation, and setbacks which meet or exceed code requirements, ensure it is consistent with the surrounding character, appearance, and quality of development on site and in the immediate vicinity. As conditioned and proposed, the ADU meets all CUP criteria and should be approved.

DECISION

The Hearing Examiner, pursuant to the above Findings of Fact and Conclusions of Law, approves the requested ADU CUP, provided these conditions are met:

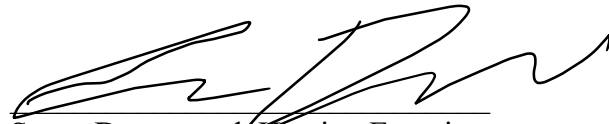
1. All required permits shall be obtained prior to commencement of land clearing, construction and/or occupancy.
2. The ADU is subject to the payment of impact fees. Impact fees must be paid at time of permit issuance, or if deferred, must be paid prior to final inspection. No certificate of occupancy 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 ADU 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. Only one ADU shall be permitted on the subject property.
5. The owner of the property must reside in either the primary residence or the ADU and only one of the structures may be rented at any one time.
6. The ADU's habitable area shall not exceed 50% of the primary residence or 900 sq ft, whichever is smaller. The proposed size of the ADU is 900 sq ft.
7. The ADU shall be located within 150 ft of the primary residence or meet the exception in this requirement for conversion of existing structure under KCC17.415.015(B)(4).
8. The ADU shall be designed to maintain the appearance of the primary residence.
9. This permit shall comply with all Kitsap Public Health District regulations and conditions of approval.
10. No mobile home or recreational vehicle shall be allowed as an ADU.

11. The ADU shall use the same side street entrance as the primary residence and shall provide one additional off-street parking space.
12. An accessory living quarters (ALQ) or guest house (GH) is not permitted on the same lot unless the ADU is removed and the ALQ or GH complies with all requirements imposed by the Kitsap County Code.
13. A property with a primary residence and an ADU 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.
14. The ADU 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 and 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 shall not, and is not, to be construed as approval for more extensive or other utilization of the subject property.
17. The authorization granted herein is subject to all applicable federal, state, and local laws, regulations, and ordinances. Compliance with such laws, regulations, and ordinances is a condition to the approvals granted and is a continuing requirement of such approvals. By accepting this/these approvals, the applicant represents that the development and activities allowed will comply with such laws, regulations, and 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.
18. The decision set forth herein is based upon representations made and exhibits contained in the project application 26-00445. Any change(s) or deviation(s) in such plans, proposals, or conditions of approval imposed shall be subject to further review and approval of the County and potentially the Hearing Examiner.

19. This CUP approval shall automatically become void if no development permit application is accepted as complete by the Department of Community Development within four years of the Notice of Decision date or the resolution of any appeals.
20. Any violation of the conditions of approval shall be grounds to initiate revocation of this CUP.
21. Issuance of this permit certifies that the applicant has read and examined this application and knows the same to be true and correct. All provisions of Laws and Ordinances governing this type of work will be complied with whether specified herein or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other state/local law regulating construction or the performance of construction.
22. Required Minimum Zoning Setbacks –
 - a. Minimum Front: 50 feet (West property line)
 - b. Minimum Side: 20 feet; 5 feet for accessory structures
 - c. Minimum Side: 20 feet; 5 feet for accessory structures
 - d. Minimum Rear: 20 feet; 5 feet for accessory structures
23. 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.
24. Any work within the County right-of-way shall require a Public Works permit and possibly a maintenance or performance bond. This application to perform work in the right-of-way shall be submitted as part of the SDAP process, or Building Permit process, if a SDAP is not required. The need for and scope of bonding will be determined at that time.
25. An automatic fire suppression system is required to mitigate fire department access requirements.

DECISION entered June 25, 2026

KITSAP COUNTY HEARING EXAMINER



Susan Drummond, Hearing Examiner

Decision Finality. This is Kitsap County's final decision. Absent a reconsideration request filed within five business days, final decisions must be appealed to superior court within 21 days.⁹ Parties are responsible for determining appeal requirements.

⁹ Kitsap County Hearing Examiner Rules of Procedure 2.12.1; KCC 21.04.080; Ch. 36.70C RCW.