



Notice of Hearing Examiner Decision

08/24/2023

To: Interested Parties and Parties of Record

RE: Project Name: Raub Accessory Dwelling Unit
 Applicant: Grace Quartson
 335 NW Sigurd Hanson Rd
 Poulsbo, WA 98370
 Application: Conditional Use Permit (CUP-ADU)
 Permit Number: 22-02956

The Kitsap County Hearing Examiner has **APPROVED** the land use application for **Permit #22-02956 Raub Accessory Dwelling Unit – Conditional Use Permit**, 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://kitsapgov.com/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: Owner/Applicant: RAUB RONALD C & MARGARET E & QUARTSON CEPHAS & GRACE, 335sigurdhanson@gmail.com; quartsonfamily@gmail.com
Engineer: Acme Design Inc., INFO@ACMESEPTIC.COM
Other: Arlene Hubbard, 335adu@gmail.com
Health District
Public Works
Parks
Navy
DSE/PEP
Kitsap Transit

Central Kitsap Fire District
Central Kitsap School District
Puget Sound Energy
Water Purveyor
Sewer Purveyor
Point No Point Treaty Council
Suquamish Tribe
Port Gamble S'Klallam Tribe
Squaxin Island Tribe
Puyallup Tribe
WA Dept of Fish & Wildlife
WA Dept of Transportation/Aviation
WA State Dept of Ecology-SEPA
WA State Dept of Ecology-Wetland Review
WA State Dept of Transportation
Interested Parties: None

**BEFORE THE HEARING EXAMINER
FOR KITSAP COUNTY**

In the Matter of the Application of)	No. 22-02956
)	
Ronald & Margaret Raub, et al.)	Raub Accessory Dwelling Unit
)	
)	
<u>For Approval of a Conditional Use Permit</u>)	FINDINGS, CONCLUSIONS, AND DECISION

SUMMARY OF DECISION

The request for a conditional use permit to convert part of the interior of an existing structure into an 890-square-foot, detached accessory dwelling unit (ADU) on a 5.06-acre property developed with a 3,488 square foot primary residence and several appurtenant buildings—at 335 NW Sigurd Hanson Road in the Poulsbo area of unincorporated Kitsap County—is **APPROVED**. Conditions are necessary to address specific impacts of the proposal.

SUMMARY OF RECORD

Hearing Date:

The Hearing Examiner held an open record hearing on the request on July 27, 2023.

Testimony:

The following individual presented testimony under oath at the open record hearing:

Darren Gurnee, County Planner

Exhibits:

The following exhibits were admitted into the record:

1. Staff Report, dated July 20, 2023
2. Application, received June 22, 2022
3. ADU Front Photo, received June 22, 2022
4. ADU North (Side) Photo, received June 22, 2022
5. ADU Site Plan, received June 22, 2022
6. ADU South (Side) Photo, received June 22, 2022
7. ADU West Photo, received June 22, 2022
8. SEPA Environmental Checklist, dated June 6, 2022
9. Stormwater Worksheet, received June 22, 2022
10. Stormwater Pollution Prevention Plan (SWPPP) Narrative, received June 22, 2022
11. Construction Plan, received June 22, 2022
12. DCD Submittal Waiver, received June 22, 2022

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13. Revised Shop to ADU Storage Plan
14. Notice of Application, dated September 23, 2022
15. Septic Design, Health District Review, approved May 8, 2023
16. Response to Information Request, received May 13, 2023
17. Updated Final Wetlands Certificate, dated May 14, 2023
18. SEPA Determination, dated June 20, 2023
19. Notice of Public Hearing, dated July 3, 2023
20. Certification of Public Notice, dated July 17, 2023
21. Staff Presentation
22. Hearing Sign-In
23. Revised Staff Report, dated July 27, 2023

The Hearing Examiner enters the following findings and conclusions based upon the admitted testimony and exhibits:

FINDINGS

Application and Notice

1. Arlene Hubbard, on behalf of Ronald and Margaret Raub and Grace and Cephas Quartson (Applicant), request a conditional use permit (CUP) to convert 890 square feet of an existing structure—what previously served as the primary single-family residence on the property—into a detached accessory dwelling unit (ADU), on a 5.06-acre property now developed with a 3,488-square foot single-family home, with several (detached) outbuildings and other structures. The remainder of the existing, two-story structure (i.e., the former primary residence) wherein the ADU would be located would remain and/or be converted to non-habitable/un-conditioned storage space. The Applicant would also expand the existing septic system and drainfield serving the property to accommodate the ADU. The property is located at 335 NW Sigurd Hanson Road in the Poulsbo area of unincorporated Kitsap County.¹ *Exhibits 2 through 7; Exhibit 11; Exhibit 12; Exhibit 23, Revised Staff Report, pages 1 through 9.*
2. Kitsap County (County) determined that the application was complete on June 27, 2022. On September 23, 2022, the County provided notice of the application consistent with the requirements of Kitsap County Code (KCC) 21.04.210 by publishing notice in the County’s publishing newspaper of record and by mailing or emailing notice to property owners within 800 feet of the site and to reviewing departments and agencies. The County’s notice materials stated that written comments on the proposal could be submitted up until seven days before the date of the open record hearing associated with the application. On July 12, 2023, the County mailed notice of the open record hearing associated with the application to interested parties and property owners within 800 feet of the site, published notice in the County’s publishing newspaper of record, and posted

¹ The property is identified by Kitsap County Assessor’s Tax Account No. 102501-4-033-2007. *Exhibit 23, Revised Staff Report, page 1.*

notice on the property. The County did not receive any comments in response to the provided notice materials. *Exhibit 2; Exhibit 14; Exhibit 20; Exhibit 21; Exhibit 23, Revised Staff Report, pages 4 through 7.*

State Environmental Policy Act

3. The County acted as lead agency and analyzed the environmental impacts of the project as required by the State Environmental Policy Act (SEPA), Chapter 43.21C Revised Code of Washington (RCW). The County consolidated notice of the SEPA review and application comment periods under the optional process provided for by Washington Administrative Code (WAC) 197-11-355. No comments specific to SEPA were received. The County reviewed the Applicant's environmental checklist and other information on file and determined that the proposal would not have a probable significant adverse impact on the environment. Accordingly, the County issued a Determination of Nonsignificance (DNS) on June 20, 2023, with an appeal deadline of July 5, 2023. The DNS was not appealed. *Exhibit 8; Exhibit 18; Exhibit 21; Exhibit 23, Revised Staff Report, pages 1 and 2.*

Comprehensive Plan and Zoning

4. The property is designated "Rural Residential" by the County Comprehensive Plan. County staff identified the following Comprehensive Plan policies as relevant to the proposal:
 - Limit the designated rural area to low residential densities that can be sustained by minimal infrastructure improvements, that cause minimal environmental degradation, and that will not cumulatively create the future necessity or expectation of urban levels of service. [Land Use Policy 50]
 - Permit residential uses in rural areas consistent with the planned rural character of the surrounding area. [Land Use Policy 51]
 - Outside of the Type III Limited Area of More Intensive Rural Development (LAMIRD), limit development only to that which serves rural residential or resource needs and does not draw population from Urban Growth Areas. This policy is implemented through Comprehensive Plan Land Use designations, zoning designations, and zoning code provisions. [Land Use Policy 53]
 - Use regulatory strategies to incentivize and provide flexibility for development of affordable and special needs housing. [Housing, Human Services Policy 5]
 - Adopt regulatory changes to allow non-traditional housing types. [Housing, Human Services Policy 7]
 - Promote fair housing to ensure that all residents of Kitsap County have an equal and fair opportunity to obtain safe and sanitary housing suitable to their needs and financial resources, regardless of race, religion, gender,

sexual orientation, age, national origin, family status, income, disability, or other protected class. [Housing, Human Services Policy 11]

- Identify and remove regulatory barriers and limits access to or the provision of a diverse affordable housing supply. [Housing, Human Services Policy 12]
- Identify and remove impediments to creating housing for harder to house populations. [Housing, Human Services Policy 13]
- Disperse affordable housing opportunities throughout the County. [Housing, Human Services Policy 14]

Exhibit 23, Revised Staff Report, pages 2 through 5.

5. The subject property and all surrounding properties are zoned “Rural Residential” (RR). The RR zone “promotes low-density residential development consistent with rural character. It is applied to areas that are relatively unconstrained by environmentally sensitive areas or other significant landscape features. These areas are provided with limited public services.” *KCC 17.130.010*. ADUs are allowed in the RR zone with a conditional use permit. *KCC 17.410.042*. ADUs in the RR zone are required to have front yard setbacks of 50 feet, and side and rear yard setbacks of 5 feet. *KCC 17.420.052*. In accord with these setback requirements, the proposed ADU would be set back approximately 143 feet from the front property line to the east, 43 feet from the side property line to the north, 264 feet from the side property line to the south, and 149 feet from the rear property line to the west. Additionally, detached ADUs located outside an urban growth area (UGA) are subject to the special use provisions of *KCC 17.415.015*. The proposed ADU’s compliance with these special use provisions is discussed in detail below. *Exhibit 23, Revised Staff Report, pages 1 through 3.*

Existing Property, Critical Areas, and Proposed Development

6. As noted above, the 5.06-acre property is currently developed with an existing 3,488 square-foot single-family residence and several other structures, including a former residence that would ‘house’ the new ADU. The property generally slopes from the east down to a wetland and Barker Creek, a fish-bearing (Type F) stream, that encumber the western edge of the property. County Planner Darren Gurnee testified that, during the iterative project review process, County staff worked with the Applicant to ensure that no development—including, in particular, the expanded septic drainfield—would impact these critical areas or their required buffers. To that end, the Applicant revised its site plans and obtained updated approval from the Kitsap County Health District concerning its septic system plans, and provided a Single-Family Wetland Certification for the property. Mr. Gurnee testified that, ultimately, County staff concurred with the Applicant’s assessment of the critical areas and determined that the proposal would not impact these areas or their associated buffers. *Exhibit 2; Exhibit 12; Exhibit 13; Exhibit 15; Exhibit 16; Exhibit 17; Exhibit 21; Exhibit 23, Revised Staff Report, pages 3 and 4; Testimony of Mr. Gurnee.*

7. The proposed ADU would be located approximately 89 feet from the primary residence. Access to the ADU would be provided by a shared driveway, which connects to 335 NW Sigurd Hanson Road. One additional parking space would be provided for the ADU, such that four parking spaces would be available to serve the residence and ADU, consistent with municipal code requirements. As noted above, sewer services would be provided by an on-site septic system that is being enlarged to accommodate the proposal. Water would be provided by an on-site well.

The Kitsap County Public Health District reviewed and approved the proposal. The Kitsap County Fire Marshal's Office reviewed and approved the proposal without required conditions. County Development Services and Engineering reviewed the proposal, including revised project plans submitted by the Applicant, and approved it with conditions relating to stormwater management and general site development, noting that the proposal is supportable in its approach to civil site development. *Exhibit 2; Exhibit 3; Exhibit 9; Exhibit 13; Exhibit 21; Exhibit 23, Revised Staff Report, pages 1 through 8.*

Conditional Use Permit

8. The County zoning code makes some uses conditional in certain zoning districts. A *conditional use* is an activity specified by the zoning code "as a principal or accessory use that may be approved or denied based on consistency with specific criteria." *KCC 17.110.175.*

As noted above, the Applicant requests a CUP to convert part of an existing structure on-site as a habitable 890-square-foot ADU (with the remaining area used for storage), which is listed as a conditional use in the Rural Residential zoning district. *KCC 17.410.042.* County staff reviewed the proposal and determined that it would satisfy the criteria for a CUP under *KCC 17.550.030.A*, noting:

- The proposal supports the intent to increase affordable housing options in Kitsap County while limiting the density in the rural areas to ensure the preservation of those areas.
- The proposal complies with requirements of *KCC Title 17* and complies with or will comply with all future applicable provisions of the Kitsap County Code.
- The proposal is consistent with the existing residential use of the property and the surrounding properties.
- The design, size, and placement of the proposed ADU effectively utilizes the existing features of the property while complementing the surrounding neighborhood characteristics.

Exhibit 23, Revised Staff Report, pages 9 and 10.

9. ADUs in the RR zone are required to satisfy the ADU special use provisions of KCC 17.415.015.B. The ADU special use provisions are listed below, together with County staff's analysis (in italics):
- Only one ADU shall be allowed per lot. *Only one ADU-detached is proposed and there are no existing ADUs on the subject property.*
 - The owner of the property must reside in either the primary residence or the ADU. *The owner will reside in the existing single-family residence.*
 - The ADU shall not exceed 50 percent of the square footage of the habitable area of the primary residence or 900 square feet, whichever is smaller. Dimensions are determined by interior measurements. *The proposed ADU-detached would have 890 square feet of habitable space. The existing primary residence is 3,488 square feet. Fifty percent of the conditioned primary residence is 1,744 square feet. Accordingly, the ADU is limited to 900 square feet. The proposed ADU is limited to 900 square feet, meeting the sizing requirement.*
 - The ADU shall be located within 150 feet of the primary residence or shall be the conversion of an existing detached structure. *The proposed ADU is approximately 89 feet from the primary residence.*
 - The ADU shall be designed to maintain the appearance of the primary residence. *The proposed ADU-detached structure was originally the primary residence on the parcel and still exists on the project site as storage space. The primary residence and ADU structure share similar features such as gabled roof, window treatments, siding, and general appearance.*
 - All setback requirements for the zone in which the ADU would be located shall apply. *The proposed development meets all required setbacks for a lot this size located within the RR zoning district.*
 - The ADU shall meet applicable health district standards for water and sewage disposal. *The Kitsap County Health District reviewed and approved the ADU.*
 - No mobile homes or recreational vehicles shall be allowed as an ADU. *There are no mobile homes or recreational vehicles present on the subject property or proposed in the application. Conditions of approval shall not allow the Applicant to locate either on the property, nor shall other existing accessory structures be converted to guest houses or additional ADUs.*

- An ADU shall use the same side street entrance as the primary residence and shall provide additional off-street parking. *The proposed ADU would use the same driveway utilized by the single-family residence.*
 - An ADU is not permitted on the same lot where another accessory dwelling unit, including attached ADU (ADU-A), exists. *There are no present or proposed accessory living quarters or attached ADUs.*
- Exhibit 1, Staff Report, pages 5 through 8.*

Testimony

10. County Planner Darren Gurnee testified generally about the proposal and how it would meet the specific requirements for approval of a conditional use permit to allow conversion of part of the “former” primary residence on the property as an ADU. He noted that the proposed ADU would be located on a lot that is developed with an existing (newer) single-family residence that the Applicant would continue to occupy.

As noted above, Mr. Gurnee provided additional detail about onsite critical areas that impact the western edge of the property but confirmed that the Applicant’s plans have been altered to ensure that no detrimental impacts occur to critical areas or their required buffers. Mr. Gurnee stressed that the circumstances present here are somewhat unique—i.e., converting a former primary residence into an ADU in light of development of a newer, much larger primary residence—but that County staff believes an ADU is allowable under code requirements and that appropriate conditions will ensure that the site does not end up having two functional ‘primary’ residences without going through a short plat. Mr. Gurnee noted that the proposed development would be consistent with surrounding development, which consists of single-family residences with accessory structures. Finally, Mr. Gurnee noted that all health standards for water and sewer have been met and approved by Kitsap Health District. *Testimony of Mr. Gurnee.*

Staff Recommendation

11. Mr. Gurnee testified that County staff recommend approval of the conditional use permit application, with conditions. *Exhibit 23, Revised Staff Report, pages 10 through 13; Testimony of Mr. Gurnee.*

CONCLUSIONS

Jurisdiction

The Hearing Examiner has jurisdiction to hear and decide requests for a conditional use permit. *KCC 2.10.070; 17.550.020.*

Criteria for Review

The Hearing Examiner may approve, approve with conditions, or deny a conditional use permit.

Approval or approval with conditions may be granted by the Hearing Examiner only when all the following criteria are met:

1. The proposal is consistent with the Comprehensive Plan;
2. The proposal complies with applicable requirements of [the zoning code];
3. The proposal will not be materially detrimental to existing or future uses or property in the immediate vicinity; and
4. 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.

KCC 17.550.030.A.

As a condition of CUP approval, the Hearing Examiner may:

1. Increase requirements in the standards, criteria, or policies established by [the zoning code];
2. Stipulate the exact location as a means of minimizing hazards to life, limb, property damage, erosion, landslides, or traffic;
3. Require structural features or equipment essential to serve the same purpose set forth in Chapter 17.420;
4. Include requirements to improve compatibility with other uses permitted in the same zone, protecting them from nuisance generating features in matters of noise, odors, air pollution, wastes, vibration, traffic, physical hazards, and similar matters. The hearing examiner may not, in connection with action on a conditional use permit, reduce the requirements specified by [the zoning code] as pertaining to any use nor otherwise reduce the requirements of [the zoning code] in matters for which a variance is the remedy provided;
5. Assure that the degree of compatibility with the purpose of [the zoning code] shall be maintained with respect to the particular use on the particular site and in consideration of other existing and potential uses, within the general area in which the use is proposed to be located;
6. Recognize and compensate for variations and degree of technological processes and equipment as related to the factors of noise, smoke, dust, fumes, vibration, odors, and hazard or public need;
7. Require the posting of construction and maintenance bonds or other security sufficient to secure to the county the estimated cost of construction and/or installation and maintenance of required improvements; and

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8. Impose any requirement that will protect the public health, safety, and welfare.

KCC 17.550.030.B.

“If the approval criteria are not met or conditions cannot be imposed to ensure compliance with the approval criteria, the conditional use permit shall be denied.” *KCC 17.550.030.C.*

In addition to the criteria listed above, ADUs are subject to the following special use provisions of KCC 17.415.015.B:

1. Only one ADU shall be allowed per lot;
2. Owner of the property must reside in either the primary residence or the ADU;
3. 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;
4. 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);
5. The ADU shall be designed to maintain the appearance of the primary residence;
6. All setback requirements for the zone in which the ADU is located shall apply;
7. The ADU shall meet the applicable health district standards for water and sewage disposal;
8. No mobile homes or recreational vehicles shall be allowed as an ADU;
9. An ADU shall use the same side-street entrance as the primary residence and shall provide additional off-street parking; and
10. An ADU is not permitted on the same lot where an accessory dwelling unit, attached (ADU-A), exists.

The criteria for review adopted by the Kitsap County Board of Commissioners are designed to implement the requirement of Chapter 36.70B RCW to enact the Growth Management Act. In particular, RCW 36.70B.040 mandates that local jurisdictions review proposed development to ensure consistency with County development regulations, considering the type of land use, the level of development, infrastructure, and the characteristics of development. *RCW 36.70B.040.*

Conclusion Based on Findings

1. **With conditions, the proposed ADU would be consistent with the special use provisions of KCC 17.415.015.B.** The proposed ADU would be located within the Rural Residential (RR) zoning district, outside the boundary of an urban growth area, and would therefore be allowed with a conditional use permit. The Applicant proposes to “construct” only one ADU—through conversion of part of an existing residential structure on the property—and there are no other ADUs, accessory living quarters, mobile homes, or recreational vehicles currently located or proposed to be located on the

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property. The Applicant would reside in the primary residence on the property. The proposed ADU would measure 890 square feet in terms of habitable/conditioned space, which is the maximum permitted for an ADU associated with a 3,488 square foot primary residence. The proposed ADU would be sited approximately 89 feet from the single-family residence and maintains the appearance of the single-family residence. The proposed ADU would meet all applicable setback requirements for the RR zone.

The ADU would be accessed by the driveway serving the single-family residence, which would provide the additional parking space required for the ADU. The proposed ADU would be served by the existing on-site septic system, which is being enlarged to serve the proposal. County staff confirmed that the increased septic drainfield would not detrimentally impact on-site critical areas or buffers (nor would other aspects of the project).

Conditions, as detailed below, are necessary to mitigate project impacts and to ensure compliance with applicable statutes, ordinances, and regulations. *Findings 1, 4 – 11.*

- 2. With conditions, the proposed project would meet the criteria for CUP approval under KCC 17.550.030.A.** The County provided reasonable notice and opportunity to comment on the proposal. The County received no public comments in response to its notice materials. The County analyzed the environmental impacts of the proposal, determined that the proposed use would not have a probable significant adverse impact on the environment, and issued a Determination of Nonsignificance. The DNS was not appealed.

The proposed ADU would be consistent with the County Comprehensive Plan policies that permit low-density residential uses in rural areas and generally encourage diverse, affordable housing options suitable to meet the needs of county residents. The proposed ADU would be served by the existing on-site septic system and County staff confirmed that water and fire flow service are available to serve the ADU. As conditioned, the proposed ADU would comply with all applicable provisions of the County zoning code, including setback requirements for the RR zone and the specific ADU special use provisions of KCC 17.415.015.B. The project's compliance with these special use provisions would ensure that the project would not be materially detrimental to other uses or property in the vicinity and would be compatible with the existing character of the subject property and property in the vicinity.

Conditions, as detailed below, are necessary to mitigate project impacts and to ensure compliance with relevant federal, state, and local statutes, ordinances, and regulations. *Findings 1 – 11.*

DECISION

Based on the preceding findings and conclusions, the request for a conditional use permit to convert part of an existing structure into an 890-square-foot, detached accessory dwelling unit, on a 5.06-acre property developed with a 3,488 square foot primary residence and several appurtenant buildings, on property at 335 NW Sigurd Hanson Road in the Poulsbo area of unincorporated Kitsap County, is **APPROVED**, subject to the following conditions:

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 Development and granted approval prior to such modification, expansion, construction and/or issuance of a building permit.
4. 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.
5. The ADU's habitable (i.e., conditioned) area shall not exceed 50 percent of the primary residence or 900 square feet, whichever is smaller. The proposed size of the ADU is 890 square feet.
6. Any future expansion of the ADU shall 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 located within 150 feet of the primary residence.
8. The accessory dwelling unit 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 accessory dwelling unit.
11. The accessory dwelling unit shall use the same street entrance as the primary residence (i.e., driveway) and shall provide one additional off-street parking space.
12. Only one accessory dwelling unit shall be permitted on the subject property. An accessory dwelling unit-attached (ADU-A) or guest house (GH) is not permitted on the same lot unless the ADU-D is removed and the ADU-A or GH complies with all requirements imposed by the Kitsap County Code. Specifically, the Applicant shall ensure that the primary residence does not provide facilities within it that would constitute an ADU-A and, further, that the proposed ADU does not exceed allowable requirements for an ADU-D.
13. 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.
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 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. 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 Conditional Use Permit approval shall automatically become void if no development permit application is accepted as complete by DCD 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 Conditional Use Permit.
21. 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.

22. Any project that includes off-site improvements that create additional hard surfaces such as lane widening, sidewalk or shoulder installation or intersection channelization, shall provide stormwater mitigation in accordance with Kitsap County Code Title 12 effective at the time the permit application was deemed complete.
23. If the project proposal is modified from that shown on the site plan approved for this permit application, Development Services and Engineering will require additional review and may impose additional conditions upon site development.
24. The Applicant shall, 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.

25. 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.

DECIDED this 24th day of August 2023.



ANDREW M. REEVES
Hearing Examiner
Kitsap County