



Notice of Hearing Examiner Decision

05/19/2022

To: Interested Parties and Parties of Record

RE: Project Name: Krum – Accessory Dwelling Unit (ADU)
 Applicant: Scott Heppenstall
 611 SE Parsons Green Ct.
 Port Orchard, WA 98367
 Application: Conditional Use Permit (CUP)
 Permit Number: 21-06138

The Kitsap County Hearing Examiner has **APPROVED** the land use application for **Permit #21-06138: Krum — Accessory Dwelling Unit (ADU) – 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://spf.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 at the Department of Community Development, Monday through Thursday, 8:00 AM to 4:00 PM and Friday 9:00 AM to 1:00 PM, except holidays. If you wish to view the case file or have other questions, please contact Help@Kitsap1.com or (360) 337-5777.

CC: Applicant/Owner: Richard and Kathleen Krum, krum813@gmail.com
Authorized Agent: Naomi Polen, rcpconstr@msn.com
DSE
Health District
Public Works
Parks
Navy
DSE
South Kitsap Fire District

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

**BEFORE THE HEARING EXAMINER
FOR KITSAP COUNTY**

In the Matter of the Application of)	No. 21-06138
)	
RCP Construction Services, LLC, on)	Krum Accessory Dwelling Unit
behalf of Richard and Kathleen Krum)	
)	
)	
)	FINDINGS, CONCLUSIONS,
<u>For Approval of a Conditional Use Permit</u>)	AND DECISION

SUMMARY OF DECISION

The request for a conditional use permit to allow construction of an 884 square foot detached accessory dwelling unit at 1447 SW Pine Road, in the Port Orchard area of unincorporated Kitsap County, is **APPROVED**. Conditions are necessary to mitigate specific impacts of the proposal.

SUMMARY OF RECORD

Hearing Date:

The Hearing Examiner held an open record hearing on the request on April 28, 2022, using remote access technology. The record was left open until May 5, 2022, to allow any member of the public having difficulty connecting to the remote hearing to submit written comments in lieu of live testimony. No additional comments were submitted, and, accordingly, the record closed on May 5, 2022.

Testimony:

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

Colin Poff, County Planner
Robin Polen, Applicant Representative
Richard Krum, Applicant

Exhibits:

The following exhibits were admitted into the record:

1. Staff Report, dated April 21, 2022
2. Kitsap Public Health District Building Site Application, approved October 14, 2021
3. Concurrency Test, received December 15, 2021
4. Agent Authorization Form, dated July 13, 2021
5. Single Family Residence Photograph – Front View, received December 15, 2021
6. Site Plan, dated April 14, 2021

*Findings, Conclusions, and Decision
Kitsap County Hearing Examiner
Krum Accessory Dwelling Unit CUP
No. 21-06138*

7. Site Composite Map, revised April 30, 2021
8. Site Photograph - North toward ADU, received December 15, 2021
9. Site Photograph - Northwest Corner of Site, received December 15, 2021
10. Site Photograph - Northwest Corner from ADU, received December 15, 2021
11. SEPA Environmental Checklist, dated October 12, 2021
12. Stormwater Pollution Prevention Plan Map, revised April 30, 2021
13. Stormwater Worksheet, received December 15, 2021
14. Revised Notice of Application, dated January 4, 2022
15. SEPA Determination of Nonsignificance, dated January 21, 2022
16. Revised ADU Construction Plans (5 Sheets), dated April 9, 2021
17. Information Request Checklist, dated February 23, 2022
18. Notice of Public Hearing, published April 13, 2022
19. Staff Presentation
20. Hearing Sign-In
21. Certification of Public Notice, dated April 25, 2022

The Hearing Examiner enters the following findings and conclusions based upon the testimony and exhibits admitted at the open record hearing:

FINDINGS

Application and Notice

1. RCP Construction Services, LLC, on behalf of Richard and Kathleen Krum (Applicant), requests a conditional use permit (CUP) to allow construction of an 884 square foot detached accessory dwelling unit (ADU) on a 5.04-acre property that is currently developed with a 2,764 square foot single-family residence, an associated driveway, a septic drain field, and a private well. The property is located at 1447 SW Pine Road, in the Port Orchard area of unincorporated Kitsap County.¹ *Exhibit 1, Staff Report, pages 1 and 2; Exhibit 2; Exhibit 4; Exhibits 5 through 10; Exhibit 16.*
2. Kitsap County determined that the application was complete on December 23, 2021. On January 4, 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 April 11, 2022, the County mailed notice of the associated open record hearing to property owners within 800 feet of the site and to interested parties and published notice in the County's publishing newspaper of record. On April 13, 2022,

¹ The property is identified by Kitsap County Assessor's Tax Account No. 032201-3-054-2005. *Exhibit 1, Staff Report, page 1.*

notice of the hearing was posted on the subject property. The County did not receive any comments on the proposal in response to its notice materials. *Exhibit 1, Staff Report, pages 1 and 6; Exhibit 14; Exhibit 18; Exhibit 21.*

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 comment period with the notice of application under the optional process provided for by Washington Administrative Code (WAC) 197-11-355, with a SEPA comment deadline of January 18, 2022. The County did not receive any comments on the environmental review of the proposal. 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 January 21, 2022, with an appeal deadline of February 4, 2022. The DNS was not appealed. *Exhibit 1, Staff Report, page 2; Exhibit 11; Exhibit 14; Exhibit 15; Exhibit 21.*

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 1, Staff Report, pages 2 through 5.

5. The subject property is 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 accordance with these requirements, the proposed ADU structure would be set back more than 300 feet from the front property line to the south, approximately 37 feet from the side property line to the west, approximately 229 feet from the side property line to the east, and approximately 255 feet from the rear property line to the north. Additionally, ADUs are subject to the special use provisions of *KCC 17.410.060*. The proposed ADU’s compliance with these special use provisions is discussed in detail below. *Exhibit 1, Staff Report, pages 2 and 3; Exhibit 6; Exhibit 16.*

Existing Property and Proposed Development

6. The 5.04-acre property is currently developed with a 2,764 square foot single-family residence, associated driveway, septic drain field, and private well. The site is generally flat and is heavily wooded outside of existing developed areas. There are no mapped critical areas on the subject property or in the immediate vicinity. The Applicant proposes the construction of a detached 884 square foot ADU that would be located approximately 40 feet from the existing primary residence. An existing private driveway providing access to the existing primary residence from SW Pine Road would be extended to provide access to the proposed ADU.

Applicant Richard Krum testified at the hearing that his family originally considered an expansion to the existing primary residence to provide additional living space but instead decided to construct an ADU after the Kitsap Public Health District (KPHD) indicated that an expanded residence would not be adequately served by the existing septic system. He explained that KPHD later approved the proposal to serve the proposed ADU with an existing well serving the primary residence and with a new septic tank and an expansion

of the existing drain field serving the primary residence. The Kitsap County Fire Marshal's Office reviewed and approved the proposal with no conditions. Properties to the north, east, and west, are zoned RR and are developed with single-family residences. Property to the south, across SW Pine Road, is zoned RR/Mineral Resource Overlay and is used for sand and gravel resources. *Exhibit 1, Staff Report, pages 1 through 3, 7 through 9, and 12; Exhibit 2; Exhibits 5 through 10; Exhibit 16; Testimony of Mr. Krum.*

Conditional Use Permit

7. 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 Applicants request a CUP to construct an ADU, which is listed as a conditional use in the RR zoning district. *KCC 17.410.042*. ADUs in the RR zone are required to satisfy the ADU special use provisions of *KCC 17.410.060*. County staff reviewed the proposal and determined that it would satisfy these provisions. The ADU special use provisions are listed below, together with County staff's analysis (in italics):
- a. An ADU shall be allowed as a permitted use in those areas contained within an urban growth boundary. *The subject property is not located within an urban growth boundary.*
 - b. An ADU shall be subject to a conditional use permit in those areas outside an urban growth boundary. *The subject property is located outside of the urban growth boundary. The Applicant requests approval of a CUP to allow an ADU.*
 - c. Only one ADU shall be allowed per lot. *The Applicant proposes only one ADU. There are no other ADUs present or proposed on the property.*
 - d. Owner of the property must reside in either the primary residence or the ADU. *The owner resides and would continue to reside in the existing single-family residence on the property.*
 - e. 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 exterior measurements. *The existing single-family residence is 2,764 square feet. 50 percent of the home is 1,382 square feet and, therefore, the ADU would be limited to 900 square feet (the smaller value). The proposed ADE would be 884 square feet, satisfying this requirement.*
 - f. The ADU shall be located within 150 feet of the primary residence or shall be the conversion of an existing detached structure. *The existing single-family residence and proposed ADU would be located approximately 40 feet apart, satisfying this requirement.*
 - g. The ADU shall be designed to maintain the appearance of the primary residence. *The proposed ADU and existing single-family residence would be similar in appearance with regard to style of construction, roof pitch, composite shingles, horizontal siding, and window trim.*

- h. All setback requirements for the zone in which the ADU would be located shall apply. *The proposed ADU would meet all setbacks required by the Rural Residential zone.*
 - i. The ADU shall meet applicable health district standards for water and sewage. *The Kitsap County Health District reviewed and approved the proposed ADU without conditions. The ADU would be served by a private well and private on-site septic system.*
 - j. 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.*
 - k. 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 existing driveway that serves the single-family residence, which would be extended to the ADU. Adequate parking is available on-site for the ADU and the existing single-family residence.*
 - l. An ADU is not permitted on the same lot where accessory living quarters exist. *There are no present or proposed accessory living quarters.*
- Exhibit 1, Staff Report, pages 6 through 8.*

Testimony

- 8. Kitsap County Planner Colin Poff testified generally about the proposal and how it would meet the specific requirements for approval of a conditional use permit to allow construction of an ADU. He described the subject property, noting that the 5.04-acre site is currently developed with a 2,764 square foot single-family residence, is heavily wooded, and is relatively flat. Mr. Poff noted that there are no critical areas mapped on the subject property or in the immediate vicinity. He stated that the property owner would continue to reside in the single-family residence and that the ADU would be located approximately 40 feet from the primary residence.

Mr. Poff explained that the existing driveway would be extended to the north to provide access to the ADU. He noted that the proposed 884 square foot ADU would be served by a private well, a new septic tank, and the existing drain field serving the existing primary residence. Mr. Poff stated that the design, color, materials, and roof pitch of the proposed ADU would be compatible with the aesthetics of the existing primary residence and noted that County staff has recommended a condition requiring further design review at the building permit stage to ensure such compatibility. He explained that County staff reviewed the proposal and determined that, with conditions, it would be consistent with the special use provisions under KCC 17.410.060.B.3 to allow construction of an ADU on residentially zoned property. *Testimony of Mr. Poff.*

9. Applicant Representative Robin Polen, of RCP Construction Services, LLC, testified that the ADU would be served by a new septic tank and the existing drain field serving the single-family residence, which would be expanded to accommodate the new septic system serving the ADU. He explained how the proposed ADU would be designed to match the aesthetics of the existing primary residence. *Testimony of Mr. Polen.*
10. Applicant Richard Krum testified that his mother would reside in the ADU. He noted that his family had originally considered an expansion of the existing residence to provide additional living space for his mother but decided instead to construct an ADU because an expanded residence would not be adequately served by the existing septic tank. He explained that the proposed ADU would be served by a new septic system and would share an existing drain field, which would be extended. *Testimony of Mr. Krum.*

Staff Recommendation

11. Mr. Poff testified that County staff recommends approval of the CUP, with conditions. Mr. Krum testified that he understands and would comply with County staff's recommended conditions. *Exhibit 1, Staff Report, pages 9 through 12; Testimony of Mr. Poff; Testimony of Mr. Krum.*

CONCLUSIONS

Jurisdiction

The Hearing Examiner has jurisdiction to hear and decide requests for a conditional use permit. *KCC 2.10.070; KCC 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
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 17.410.060.B.3:

- a. An ADU shall be allowed as a permitted use in those areas contained within an urban growth boundary;
- b. An ADU shall be subject to a conditional use permit in those areas outside an urban growth boundary;
- c. Only one ADU shall be allowed per lot;
- d. Owner of the property must reside in either the primary residence or the ADU;

- e. The ADU shall not exceed fifty percent of the square footage of the habitable area of primary residence or nine hundred square feet, whichever is smaller. Dimensions are determined by exterior measurements.
- f. 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);
- g. The ADU shall be designed to maintain the appearance of the primary residence;
- h. All setback requirements for the zone in which the ADU is located shall apply;
- i. The ADU shall meet the applicable health district standards for water and sewage disposal;
- j. No mobile homes or recreational vehicles shall be allowed as an ADU;
- k. An ADU shall use the same side-street entrance as the primary residence and shall provide additional off-street parking; and
- l. An ADU is not permitted on the same lot where an accessory living quarters 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(1)*.

Conclusions Based on Findings

1. **With conditions, the proposed ADU would be consistent with the special use provisions of KCC 17.410.060.B.3.** 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, and there are no other ADUs, accessory living quarters, mobile homes, or recreational vehicles currently located or proposed to be located on the property. The Applicant would reside in the existing 2,764 square foot single-family residence located on the property. The proposed ADU would measure 884 square feet, which is less than the 900 square foot maximum allowed for an ADU associated with a 2,764 square foot primary residence. The proposed ADU would be sited approximately 40 feet from the existing single-family residence and would be designed to maintain the appearance of the single-family residence by incorporating the same roof pitch, composite shingles, horizontal siding, and window trim. The proposed ADU would meet all applicable setback requirements for the RR zone, and would utilize the driveway serving the single-family residence, which would be extended to reach the ADU. Adequate parking is available on-site for the ADU and the existing single-family

residence. The proposed ADU would be served by a new septic tank, an existing drain field that would be expanded, and by an existing private well. The Kitsap County Health District has approved, without conditions, the water and septic systems proposed for the project. Conditions, as detailed below, are necessary to mitigate project impacts and to ensure compliance with applicable statutes, ordinances, and regulations. *Findings 1 – 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 did not receive any comments on the proposal 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 on January 21, 2022. That determination 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 Kitsap County Health District approved the Applicant’s proposed water and septic systems without conditions. 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 17.410.060.B.3. 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 allow construction of an 884 square foot detached accessory dwelling unit at 1447 SW Pine Road, in the Port Orchard area of unincorporated Kitsap County, is **APPROVED**, subject to the following conditions:²

1. All required permits shall be obtained prior to commencement of land clearing, tree 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,

² This decision includes conditions designed to mitigate impacts of this proposed project and to meet requirements of the County code.

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. 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. The accessory dwelling unit's habitable area shall not exceed 50 percent of the primary residence or 900 square feet, whichever is smaller. The proposed size of the ADU is 884 square feet. Any future expansion of the ADU would require a building permit and would have to comply with all code requirements in place at the time of the new building permit application.
6. The accessory dwelling unit shall be located within 150 feet of the primary residence.
7. The accessory dwelling unit shall be designed to maintain the appearance of the primary residence.
8. This permit shall comply with all Kitsap Public Health District regulations and conditions of approval.
9. No mobile home or recreational vehicle shall be allowed as an accessory dwelling unit.
10. The accessory dwelling unit shall use the same side street entrance as the primary residence and shall provide one additional off-street parking space.
11. An accessory living quarters or guest house is not permitted on the same lot unless the accessory dwelling unit is removed and the accessory living quarters or guest house complies with all requirements imposed by the Kitsap County Code.
12. 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.
13. The accessory dwelling unit cannot be sold separately from the primary residence unless it has legally been segregated onto its own lot.
14. 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.

15. 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.
16. 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.
17. The decision set forth herein is based upon representations made and exhibits contained in the project application Permit No. 21-06138. 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.
18. This Conditional Use Permit 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.
19. Any violation of the conditions of approval shall be grounds to initiate revocation of this Conditional Use Permit.
20. If the project proposal is modified from that shown on the submitted site plan accepted for review on December 23, 2021, Development Services and Engineering will require additional review and potentially new conditions.

*Findings, Conclusions, and Decision
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21. Work within the county right-of-way requires a permit to perform work in the right-of-way from the Kitsap County Department of Public Works.

DECIDED this 19th day of May 2022.



ANDREW M. REEVES
Hearing Examiner
Sound Law Center