



Notice of Hearing Examiner Decision

10/12/2021

To: Interested Parties and Parties of Record

RE: Project Name: Nichols-Newby Accessory Dwelling Unit (ADU)
 Applicant: David Nichols and Nicole Newby
 8599 SE Overaa Rd
 Port Orchard, WA
 Application: Conditional Use Permit (CUP)
 Permit Number: 21-03571

The Kitsap County Hearing Examiner has **APPROVED** the land use application for **Permit #21-03571 Nichols-Newby 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://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 of Record: NICHOLS DAVID D & NEWBY NICOLE R,
dave@wileyscollision.com
Project Representative: Puget Sound Construction Services,
joepanzer@aol.com
Health District
Public Works
Parks
Navy
DCD

DSE

Kitsap Transit

South Kitsap Fire District

South Kitsap School District

Bremerton 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. 21-03571
)	
David Nichols and Nicole Newby)	Nichols-Newby Accessory Dwelling Unit
)	
)	
)	
)	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 a 720 square foot detached accessory dwelling unit at 8599 SE Overaa Road 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 September 23, 2021, using remote access technology. The record was left open until September 30, 2021, 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 September 30, 2021.

Testimony:

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

Colin Poff, County Planner
Nicole Newby, Applicant

Exhibits:

The following exhibits were admitted into the record:

1. Residential Building Clearance Application, completed June 18, 2021, with Revision Request Form, dated April 16, 2021, and Parcel Map, dated July 24, 2020
2. Concurrency Test, received July 14, 2021
3. Owner Authorization Form, dated July 7, 2021
4. Elevations, Cross Section, Wall Section – ADU, dated January 2021
5. Foundation Plan – Single-Family Residence, dated September 2019
6. Floor Plan – ADU, dated January 2021
7. Floor Plan – Single-Family Residence, dated September 2019

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8. Post-Construction Soil Quality and Depth Worksheet, received July 14, 2021
9. Site Assessment and Planning Packet, received July 14, 2021
10. Stormwater Infeasibility and Best Management Practices (BMPs) Worksheet, received July 14, 2021
11. Stormwater Pollution Prevention Plan, received July 14, 2021
12. Stormwater Pollution Prevention Plan Drawing, received July 14, 2021
13. Fourteen (14) Site Photographs, received July 14, 2021
14. Required Permit Questionnaire – Conditional Use Permit – Accessory Dwelling Unit, received July 14, 2021
15. SEPA Environmental Checklist, dated June 28, 2021
16. Stormwater Worksheet, received July 14, 2021
17. Notice of Application, dated August 4, 2021
18. Project Narrative, received August 31, 2021
19. Site Plan, dated January 25, 2021
20. Determination of Nonsignificance, dated September 2, 2021
21. Notice of Public Hearing, published September 8, 2021
22. Certification of Public Notice, dated September 2 and 8, 2021
23. Staff Report, dated September 16, 2021
24. Staff Presentation
25. Hearing Sign-in Sheet

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. David Nichols and Nicole Newby (Applicant), request a conditional use permit (CUP) to allow construction of 720 square foot detached accessory dwelling unit (ADU) on a 4.52-acre property developed with a 1,788 square foot single-family residence. The property is located at 8599 SE Overaa Road.¹ *Exhibit 1; Exhibit 4 through 7; Exhibit 13; Exhibit 14; Exhibit 18; Exhibit 19; Exhibit 23, Staff Report, pages 1 through 3.*
2. Kitsap County (County) determined that the application was complete on July 14, 2021. On August 4, 2021, 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 notice to property owners within 800 feet of the site and to reviewing departments and agencies, with a comment deadline of September 23, 2021. On September 8, 2021, the County mailed notice of the associated open record hearing to property owners within 800 feet of the site and to

¹ The property is identified by Kitsap County Assessor’s Tax Account No. 102302-3-039-2004. *Exhibit 23, Staff Report, page 1.*

interested parties, published notice in the County’s publishing newspaper of record, and posted notice on the property. The County did not receive any comments on the proposal in response to its notice materials. *Exhibit 17; Exhibit 21; Exhibit 22; Exhibit 23, Staff Report, pages 1 and 6.*

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. 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 September 2, 2021, with an appeal deadline of September 16, 2021. The DNS was not appealed. *Exhibit 15; Exhibit 17; Exhibit 22; Exhibit 23, Staff Report, page 2.*

Comprehensive Plan and Zoning

4. The property and all surrounding properties are 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, 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 requirements, the proposed ADU structure would be set back approximately 65 feet from the front property line to the south, 125 feet from the side property line to the west, 500 feet from the side property line to the east, and 210 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 19; Exhibit 23, Staff Report, page 2 and 3.*

Existing Property and Proposed Development

6. The 4.52-acre property is wooded and generally flat, with a small portion at the northeast portion of the property containing moderate erosion hazard areas and a stream located to the northeast of the property line. All proposed development would be located on the southwestern portion of the property, over 300 feet from the stream and outside of any critical areas or associated buffers, and would not involve any grading or tree removal. The eastern portion of the property is currently developed with a 1,788 square foot single-family residence, detached garage, stormwater retention pond, and septic drain field. Vehicular access to the property is provided from SE Overaa Road, which abuts the property’s southern boundary. The proposed ADU would be located approximately 88 feet to the southeast of the existing primary residence and would be accessed by the same driveway serving the primary residence. The proposed ADU would be served by an existing private septic system and well that currently serve the existing single-family residence. The Kitsap County Health District reviewed and approved the proposal without conditions. The Applicant would be required to submit documentation of Kitsap County Health District approval with the building permit application. The Kitsap County

Fire Marshal's Office also reviewed and approved the proposal without conditions. *Exhibits 4 through 7; Exhibit 9; Exhibit 14; Exhibit 15; Exhibit 18; Exhibit 19; Exhibit 23, Staff Report, pages 1 through 3, 9, and 10; Testimony of Colin Poff.*

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 Applicant requests 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 currently resides and would continue to reside in the existing single-family residence.*
 - 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 residence is 1,788 square feet. 50 percent of 1,788 is 894 square feet and, therefore, the ADU would be limited to 900 square feet. The exterior of dimensions of the ADU would be 24 feet by 30 feet, for a total area of 720 square feet, in accord with this criterion.*
 - 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 88 feet apart, satisfying this requirement.*
 - g. The ADU shall be designed to maintain the appearance of the primary residence. *The elevations of the existing single-family residence were compared to the elevations of the proposed ADU. Both would be single-story structures with a pitched roof, horizontal siding, and slider windows. The Applicant has stated that both structures would use matching materials, include similar design details, and utilize a similar color scheme of greys, whites, and blues. County staff would*

- review the colors and materials for the proposed ADU with the building permit application.*
- h. All setback requirements for the zone in which the ADU would be located shall apply. *The proposed ADU would meet all setback requirements applicable to the RR zone.*
 - i. The ADU shall meet applicable health district standards for water and sewage. *The application was routed to and approved by Kitsap County Health District. The project would be served by a private well and septic system. Documentation of Kitsap County Health District approval would be required with the building permit application.*
 - j. No mobile homes or recreational vehicles shall be allowed as an ADU. *There are no mobile homes or recreational vehicles present or proposed 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 submitted site plan shows that the proposed ADU would use the same driveway utilized by the single-family residence. Adequate parking is available on-site for the both the single-family residence and the proposed ADU. A 270 square foot area would be created to the west of the ADU, which would easily accommodate the one additional parking space required.*
 - 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 23, Staff Report, pages 6 through 8.*

Testimony

8. 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 noted that the proposed ADU would be located on a 4.52-acre lot that is currently developed with a 1,788 square foot single-family residence and associated improvements. Mr. Poff explained that the County conducts an environmental review of all ADU proposals within rural areas and determined that the current proposal would not have a probable significant adverse impact on the environment. He described the subject property, noting that the eastern portion of the site is heavily wooded and contains moderate erosion hazard areas at the northeast corner, as well as a stream located to the northeast of the property line. Mr. Poff explained that the proposed ADU would be located on the developed and relatively flat western portion of the site, well outside of any critical areas or associated buffers. He noted that access to the existing single-family residence and detached garage is currently provided from a driveway connecting to SE Overaa Road, which would also provide access to the proposed ADU. Mr. Poff detailed how, with conditions, the proposal would be consistent with several goals and policies of the County Comprehensive Plan and would meet all the special-use criteria under KCC

17.410.060.B.3 to allow construction of an ADU on residentially zoned property.
Testimony of Mr. Poff.

9. Applicant Nicole Newby testified that the proposed ADU would be designed to match the existing primary residence and that it would be utilized by her parents. *Testimony of Ms. Newby.*

Staff Recommendation

10. County staff recommends approval of the application, with conditions. Ms. Newby testified that she has reviewed and would have no issue complying with County staff's recommended conditions. *Exhibit 23, Staff Report, pages 10 through 13; Testimony of Ms. Newby.*

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;

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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);

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- 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.*

Conclusion 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 continue to reside in the existing 1,788 square foot single-family residence on the property. The proposed ADU would measure 720 square feet, which is less than the 900 square foot maximum permitted for an ADU associated with a 1,788 square foot primary residence. The proposed ADU would be sited approximately 88 feet from the existing single-family residence and would be designed to maintain the appearance of the single-family residence by incorporating the same elevation, roof pitch, horizontal siding, and slider windows. The Applicant also proposes to incorporate materials and color schemes on the proposed ADU that would match the existing primary structure, which County staff would review at the building permit stage. The proposed ADU would meet all applicable setback requirements for the RR zone, utilize the existing driveway serving the single-family residence and detached garage, and provide additional off-street parking spaces within the driveway. The proposed ADU would be served by an on-site well and an on-site septic system, both of which currently serve the primary residence. The Kitsap County Health District has reviewed and approved the proposal without conditions. Conditions, as detailed below, are necessary to mitigate project impacts and to ensure compliance with applicable statutes, ordinances, and regulations. *Findings 1, 5 – 10.*

2. **With conditions, the proposed project would be 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 September 2, 2021. 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 reviewed and approved the proposal 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 – 10.

DECISION

Based on the preceding findings and conclusions, the request for a conditional use permit to allow construction of a 720 square foot detached accessory dwelling unit at 8599 SE Overaa Road is **APPROVED**, subject to the following conditions:²

1. All required permits shall be obtained prior to commencement of land clearing, construction, and/or occupancy.
2. The accessory dwelling unit (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 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.

² This decision includes conditions designed to mitigate impacts of this proposed project as well as conditions required by the County code.

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 ADU'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 720 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 or altered 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 approval granted and is a continuing requirement of such approval. By accepting this approval, 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. 21-03571. 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. The ADU proposal does not create or disturb over 2,000 square feet of surface area and, therefore, the owner can use splash blocks for storm mitigation (deemed insignificant for overall drainage).
21. At building permit application, submit KCPW Form 1601 for issuance of a concurrency certificate, as required by KCC 20.04.030, Transportation Concurrency.

22. 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 7th day of October 2021.



ANDREW M. REEVES
Hearing Examiner
Sound Law Center