



## Notice of Hearing Examiner Decision

01/05/2022

To: Interested Parties and Parties of Record

RE:           Project Name: Harris Accessory Dwelling Unit  
                  Applicant: Terri Harris  
                                16316 Norum Road NE  
                                Poulsbo, WA 98370  
                  Application: Conditional Use Permit  
                  Permit Number: 20-01718

The Kitsap County Hearing Examiner has **APPROVED** the land use application for **Permit # 20-01718 Harris Accessory Dwelling Unit (ADU) – Conditional Use Permit – ADU (CUP-ADU)**, subject to the conditions outlined in this Notice and included Decision.

**THE DECISION OF THE HEARING EXAMINER IS FINAL, UNLESS TIMELY APPEALED, AS PROVIDED UNDER WASHINGTON LAW.**

The applicant is encouraged to review the Kitsap County Office of Hearing Examiner Rules of Procedure found at:

<https://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](mailto:Help@Kitsap1.com) or (360) 337-5777.

CC: Applicant: Terri Harris, [mebluvn23@gmail.com](mailto:mebluvn23@gmail.com)  
Owner: Scott Pickard & Terri Harris, [sepick3@gmail.com](mailto:sepick3@gmail.com)  
DSE  
Parks  
Public Works  
Health District  
Kitsap Transit  
North Kitsap Fire District

North Kitsap School District  
Puget Sound Energy  
Point No Point Treaty Council  
Port Gamble S'Klallam Tribe  
Skokomish Tribe  
Squaxin Island Tribe  
Suquamish Tribe  
Puyallup Tribe  
WA State Dept of Ecology  
WA State Dept of Fish & Wildlife  
WA State Dept of Transportation  
WA State Dept of Transportation-Aviation  
Interested Parties: Jerry & Barbara Cooper, [coopjb@comcast.net](mailto:coopjb@comcast.net); Teresa Starbuck, [Tukwilla@outlook.com](mailto:Tukwilla@outlook.com); S Ward Bushnell, [ward@swbushnell.com](mailto:ward@swbushnell.com)

**BEFORE THE HEARING EXAMINER  
FOR KITSAP COUNTY**

In the Matter of the Application of	)	No. 20-01718
	)	
<b>Scott Pickard and Terri Harris</b>	)	<b>Harris Accessory Dwelling Unit CUP</b>
	)	
	)	
	)	
<u>For Approval of a Conditional Use Permit</u>	)	FINDINGS, CONCLUSIONS, AND DECISION

**SUMMARY OF DECISION**

The request for a conditional use permit to allow construction of an approximately 829 square foot detached accessory dwelling unit at 16316 Norum Road NE 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 December 9, 2021, using remote access technology. The record was left open until December 16, 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 public comments were submitted and, accordingly, the record closed on December 16, 2021.

Testimony:

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

Roxanne Robles, County Senior Planner  
Terri Harris, Applicant

Exhibits:

The following exhibits were admitted into the record:

1. Staff Report, dated December 1, 2021
2. Required Permit Questionnaire – Conditional Use Permit – Accessory Dwelling Unit, received August 24, 2020
3. ADU Exterior Elevations (2 Sheets), dated December 22, 2015, and January 20, 2017
4. Submittal Waiver – SEPA Environmental Checklist, dated May 14, 2020
5. Concurrency Test, received August 24, 2020
6. Kitsap Public Health District Drilled Well Letter, dated April 16, 2019
7. Modified ADU Floor Plan, received August 24, 2020

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8. Revised SEPA Environmental Checklists, received August 24, 2020
9. Kitsap Public Health District, Building Site Application Approval, received August 24, 2020
10. Single-Family Residence Exterior Elevations (2 Sheets), received August 24, 2020
11. Notice of Application, dated September 9, 2020
12. Single-Family Residence Floor Plan, with markups, received March 21, 2021
13. Project Narrative, received March 21, 2021
14. Revised Site Plan, received March 21, 2021
15. Revised ADU Floor Plan, received March 21, 2021
16. Revised Determination of Nonsignificance, dated October 13, 2021
17. Notice of Public Hearing, published November 24, 2021
18. Certification of Public Notice, dated November 24, 2021
19. Staff Presentation
20. Hearing Sign-in Sheet
21. Public Comments:
  - a. Comment from Mary Connor, dated September 16, 2020, with County Staff Response, dated September 16, 2020
  - b. Comments from Barbara and Jerry Cooper, dated September 15 and 22, 2020, with County Staff Responses, dated September 22, 2020
  - c. Comment from S. Ward Bushnell, dated October 2, 2020, with County Staff Response, dated November 17, 2020

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. Scott Pickard and Terri Harris (Applicant) request a Conditional Use Permit (CUP) to allow construction of an approximately 829 square foot detached accessory dwelling unit (ADU) on a 3.44-acre property located at 16316 Norum Road NE.<sup>1</sup> *Exhibit 1, Staff Report, page 1; Exhibit 2; Exhibit 3; Exhibit 7; Exhibits 12 through 15; Testimony of Terri Harris.*
2. Kitsap County (County) determined that the application was complete on August 25, 2020. On September 9, 2020, 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. The County's notice materials stated that written comments on the proposal could be submitted up until

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<sup>1</sup> The property is identified by Kitsap County Assessor's Tax Account No. 4367-005-008-0000. *Exhibit 1, Staff Report, page 1.*

seven days before the date of the open record hearing associated with the application. On November 24, 2021, the County mailed notice of the associated open record hearing to property owners within 800 feet of the site and to interested parties, published notice in the County's publishing newspaper of record, and posted notice on the property. *Exhibit 1, Staff Report, pages 1 and 6; Exhibit 11; Exhibit 17; Exhibit 18; Exhibit 21.*

3. The County received the following comments on the proposal from members of the public in response to its notice materials:
  - Mary Conner inquired about whether the proposed ADU would be connected to public sewer. County staff responded that the project is outside the service area for Kitsap County Public Works sewer connections and that it would be served by an on-site septic system.
  - Barbara and Jerry Cooper inquired about whether the ADU could be used as a short-term rental. County staff responded that ADUs could potentially be used as short-term rental units but may require a conditional use permit for this purpose depending on the number of rooms within the ADU structure.
  - S. Ward Bushnell raised concerns about overflow drainage from the subject property. County staff requested additional information from Mr. Bushnell about his concerns but did not receive any further correspondence.

*Exhibit 1, Staff Report, pages 1 and 6; Exhibit 11; Exhibit 17; Exhibit 18; Exhibit 21.*

#### State Environmental Policy Act

4. 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, with a SEPA comment deadline of September 23, 2020. The County did not receive any comments specific to 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 October 13, 2021, with an appeal deadline of October 27, 2021. The same day, the County published the DNS in the County's publishing newspaper of record. The DNS was not appealed. *Exhibit 1, Staff Report, page 2; Exhibit 8; Exhibit 11; Exhibit 16; Exhibit 18.*

#### Comprehensive Plan and Zoning

5. 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, 4, and 5.*

6. 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 175 feet from the front property line to the west, 68 feet from the side property line to the north, 242 feet from the side property line to the south, and 210 feet from the rear property line to the east. 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, page 3; Exhibit 13; Exhibit 14.*

### Existing Property and Proposed Development

7. The 3.44-acre property is currently developed with a 1,834 square foot, three-bedroom single-family residence, and a 560 square foot barn. The property sits on top of the Lemolo peninsula and is generally flat, with gentle slopes on the west, south, and east sides toward Liberty Bay. No critical areas have been identified on the property. The Applicant proposes to further develop the property with an 829 square foot ADU. The proposed ADU would be located on a grassy area of the property that has been cleared for several decades and, as such, no existing vegetation is proposed to be removed as part of the project. Access to the ADU would be provided by an existing driveway connecting to Norum Road NE at the northwest corner of the site, which also provides access to the existing single-family residence on the property. A second existing driveway connecting to Norum Road NE at the southwest corner of the property would be closed and fenced off. Both structures would be served by an on-site septic system and by an on-site two-party well. The Kitsap County Health District reviewed and approved the proposal without conditions. The Kitsap County Fire Marshal's Office also reviewed and approved the proposal without conditions. *Exhibit 1, Staff Report, pages 1 through 4, and 7 through 10; Exhibit 2; Exhibits 5 through 7; Exhibit 9; Exhibit 10; Exhibits 12 through 15.*
8. The County Development Engineering/Stormwater Department reviewed the proposal, determined that it would be supportable in its approach to civil site development, and recommended conditions addressing stormwater drainage design requirements, which would be reviewed with the building permit application. The County Development Services and Engineering Department reviewed the proposal for compliance with traffic and road standards and has recommended approval with three conditions, which would require the Applicant to submit a Concurrency Test application, to remove the existing access location at the southwest corner of the property, and to obtain a required permit for any work that would be conducted within county rights-of-way. All surrounding properties are developed with single-family residences. *Exhibit 1, Staff Report, pages 7 through 10, and 13; Exhibits 5.*

### Conditional Use Permit

9. 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 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 1,834 square feet. 50 percent of 1,834 is 917 square feet and, therefore, the ADU would be limited to 900 square feet.*
- 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 137 feet apart, satisfying this requirement.*
- g. The ADU shall be designed to maintain the appearance of the primary residence. *The existing single-family residence and ADU would be similar in appearance. Both structures would contain a single story and would have similar siding.*
- 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 without conditions.*
- 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 submitted site plan shows that the proposed ADU would use an existing driveway utilized by the existing single-family residence. The driveway would provide an additional off-street parking space.*
- 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 7 and 8; Exhibit 7; Exhibit 10; Exhibits 12 through 15.*



### Testimony

10. County Senior Planner Roxanne Robles 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. She described the subject property, noting that the 3.44-acre site is within the Lemolo shores area of Poulsbo, in north Kitsap County, and is currently developed with a recently constructed 1,834 square foot single-family residence served by an on-site septic system, which would also serve the proposed ADU. Ms. Robles stated that the property is outside of the shoreline jurisdiction and does not contain any critical areas. She noted that the Applicant's site plan demonstrates that the proposed ADU would comply with all setback requirements of the RR zoning district. Ms. Robles explained that the existing single-family residence measures 1,834 square feet and, therefore, the proposed ADU would be limited to 900 square feet under the special use provision of KCC 17.410.060.B.3.e. She stated that County staff reviewed the proposal and determined that it would comply with the special use provisions under KCC 17.410.060.B.3 to allow construction of an ADU on residentially zoned property, noting that an existing second driveway serving the site would be required to be closed and fenced off. *Testimony of Ms. Robles.*
11. Applicant Terri Harris testified that her brother currently occupies the primary residence on the property and that she would occupy the ADU. She noted that the proposed ADU would measure approximately 829 square feet. Ms. Harris also noted that the existing single-family residence and proposed ADU would be served by a septic system that was recently installed on-site and that both structures would be served by a two-party well. *Testimony of Ms. Harris.*

### Staff Recommendation

12. Ms. Robles testified that County staff recommends approval of the application, with conditions. Ms. Harris testified that she agrees to comply with County staff's recommended conditions. *Exhibit 1, Staff Report, pages 11 through 13; Testimony of Ms. Robles; Testimony of Ms. Harris.*

## **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
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.*

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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.*

#### 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's brother currently resides in the existing 1,834 square foot

single-family residence, and the Applicant would reside in the proposed ADU. The proposed ADU would measure approximately 829 square feet, which is less than the 900 square foot maximum permitted for an ADU associated with a 1,834 square foot primary residence. The proposed ADU would be sited approximately 137 feet from the existing single-family residence and would be designed to maintain the appearance of the single-family residence by having a single story and incorporating the same siding. The proposed ADU would meet all applicable setback requirements for the RR zone, utilize a driveway serving the single-family residence, and provide additional off-street parking space within the driveway. An existing second driveway serving the property would be closed and fenced off. The existing residence and proposed ADU would both be served by an on-site septic system and by a two-party well. The Kitsap County Health District has approved, without conditions, the water and sewer 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, 5 – 12.*

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 received comments on the proposal from several area residents, which did not express opposition to the project but inquired about stormwater drainage, public utility connections, and whether the proposed ADU could be used for short-term rentals. The County provided responses to the submitted comments, which explained that the proposed ADU would be served by an on-site septic system and that the proposed ADU could potentially be used for short-term rentals. With regard to the public comment raising concerns about stormwater drainage, the County requested additional information about the commentor's specific stormwater drainage concerns but did not receive any reply. As conditioned, the Applicant would be required to submit with the building permit application a final stormwater control plan demonstrating compliance with the County stormwater drainage requirements.

In addition, 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 October 13, 2021. That determination was not appealed. The proposed ADU would be consistent with 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 property is outside of the shoreline jurisdiction and does not contain any critical areas. The Kitsap County Health District approved the Applicant's proposed water and septic systems without conditions. The proposed ADU would comply with all setback requirements for the RR zoning district, as well as the specific ADU special use provisions of KCC 17.410.060.B.3, as detailed above in Conclusion 1. 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 – 12.*

### DECISION

Based on the preceding Findings and Conclusions, the request for a conditional use permit to allow construction of an approximately 829 square foot detached accessory dwelling unit at 16316 Norum Road NE is **APPROVED**, subject to the following conditions:<sup>2</sup>

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.
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.
6. 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 832 square feet. Any future expansion of the ADU will 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.

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

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 side street entrance as the primary residence and shall provide one additional off-street parking space.
12. 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.
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, and agreement to abide by, the terms and conditions of the conditional use permit and as a notice to prospective purchasers of the existence of the permit. The Binder shall be prepared and recorded by the Department at the Applicant's expense.
16. The uses of the subject property are limited to the uses proposed by the Applicant and any other uses will be subject to further review pursuant to the requirements of the Kitsap County Code. Unless in conflict with the conditions stated and/or any regulations, all terms and specifications of the application shall be binding conditions of approval. Approval of this project shall not, and is not, to be construed as approval for more extensive or other utilization of the subject property.
17. The authorization granted herein is subject to all applicable federal, state, and local laws, regulations, and ordinances. Compliance with such laws, regulations, and ordinances is a condition to the approvals granted and is a continuing requirement of such approvals. By accepting this/these approvals, the Applicant represents that the development and activities allowed will comply with such laws, regulations, and ordinances. If, during the term of the approval granted, the development and activities

permitted do not comply with such laws, regulations, or ordinances, the Applicant agrees to promptly bring such development or activities into compliance.

18. The decision set forth herein is based upon representations made and exhibits contained in the project application Permit No. 20-01718. 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 the Department of Community Development within four years of the Notice of Decision date or the resolution of any appeals.
20. Any violation of the conditions of approval shall be grounds to initiate revocation of this Conditional Use Permit.
21. Building permits submitted for development of the accessory dwelling unit shall include construction plans and profiles for all roads, driveways, storm drainage facilities, and appurtenances. No construction shall be started prior to said acceptance.
22. 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 Conditional Use Permit application was deemed complete, August 25, 2020. The fees and submittal requirements shall be in accordance with Kitsap County Ordinances in effect at the time of Building Permit Application.
23. At the time of submittal of a building permit for any lot within this plat, soil amendment is required for all disturbed areas not covered by hard surface.
24. If the project proposal is modified from that shown on the submitted site plan accepted for review March 29, 2021, Development Services and Engineering will required additional review and potentially new conditions.
25. At the time of building permit application, submit an Application for Concurrency Test (KCPW Form 1601) as required by Chapter 20.04.030, Transportation Concurrency, of the Kitsap County Code. The KCPW 1601 form reserves road capacity for the project.
26. Prior to requesting final inspection for the accessory dwelling unit building permit, the southerly road approach to Norum Road NE shall be removed and a man-gate installed at its location, as proposed by the Applicant.

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27. 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 building permit process. The need for and scope of bonding will be determined at that time.

DECIDED this 3<sup>rd</sup> day of January 2022.



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ANDREW M. REEVES  
Hearing Examiner  
Sound Law Center