



Notice of Hearing Examiner Decision

08/19/2022

To: Interested Parties and Parties of Record

RE: Project Name: Pedersen – Conditional Use Permit to construct a 483 square-foot Accessory Dwelling Unit

Applicant: Anna & Matthew Pedersen
20710 Kitsap St NE
Indianola, WA 98342

Application: Conditional Use Permit
Permit Number: 22-00537

The Kitsap County Hearing Examiner has **APPROVED** the land use application for **Permit #22-00537 Pedersen – Conditional Use Permit to construct a 483 square-foot Accessory Dwelling Unit – Conditional Use Permit (CUP)**, subject to the conditions outlined in this Notice and included Decision.

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

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

<https://kitsapgov.com/dcd/HEDocs/HE-Rules-for-Kitsap-County.pdf>

Please note affected property owners may request a change in valuation for property tax purposes, notwithstanding any program of revaluation. Please contact the Assessor's Office at 360-337-5777 to determine if a change in valuation is applicable due to the issued Decision.

The complete case file is available for review by contacting the Department of Community Development; if you wish to view the case file or have other questions, please contact help@kitsap1.com or (360) 337-5777. Please note DCD is open Monday to Friday from 8:00am to 12:00pm except holidays.

CC: Applicant/Owner: PEDERSEN ANNA J & MATTHEW D &, pedermd@live.com
Project Representative: Lainie Ritter, lainie.ritter@yahoo.com
Designer: Charles Ritter with DESIGN WORKSHOP, designworkshop@rocketmail.com
Geologist: Envirotech Engineering, rob@geotechnicalinfo.com
Health District

Public Works
Parks
Navy
DSE
Kitsap Transit
North Kitsap Fire District
North Kitsap School District
Puget Sound Energy
Water Purveyor
Sewer Purveyor
Point No Point Treaty Council
Suquamish Tribe
Port Gamble S'Klallam Tribe
Squaxin Island Tribe
Puyallup Tribe
WA Dept of Fish & Wildlife
WA State Dept of Ecology-SEPA
WA State Dept of Transportation
Interested Parties: None

**BEFORE THE HEARING EXAMINER
FOR KITSAP COUNTY**

In the Matter of the Application of)	No. 22-00537
)	
Anna and Matthew Pedersen)	Pedersen Accessory Dwelling Unit CUP
)	
)	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 483 square foot accessory dwelling unit that would be attached to a new 264 square foot detached garage structure, on a 0.34-acre property developed with a 972 square foot single-family residence and an existing detached garage that would be replaced with the new garage structure in the same footprint, at 20710 Kitsap Street NE, in the Indianola 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 July 28, 2022, utilizing a hybrid approach allowing for participation in person or through remote access technology. The record was left open until August 4, 2022, to allow any member of the public having difficulty participating at the hearing through remote access to provide written comments in lieu of live testimony. No additional public comments were submitted, and accordingly, the record closed on August 4, 2022.

Testimony:

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

Carla Lundgren, County Planner

Exhibits:

The following exhibits were admitted into the record:

1. Staff Report, dated July 6, 2022
2. Site Plan, received February 7, 2022
3. Project Narrative, dated January 21, 2022
4. Authorization Form, dated July 27, 2021
5. ADU Construction Plans with Single-Family Residence Photographs (6 Sheets), received February 22, 2022
6. Kitsap Public Health District Building Site Application, approved May 18, 2021
7. Binding Water Availability Letter, received February 7, 2022

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8. Stormwater Worksheet, received February 7, 2022
9. Downstream Drainage Analysis Report, Envirotech Engineering, dated December 9, 2021
10. Stormwater Pollution Prevention Plan, received February 7, 2022
11. Kitsap Conservation District Agreement, received February 7, 2022
12. Rain Garden Program Agreement, received February 7, 2022
13. Rain Garden Planting Plan, received February 7, 2022
14. Revised Submission Form, received March 7, 2022
15. SEPA Environmental Checklist, dated March 4, 2022
16. Notice of Application, dated April 4, 2022
17. Determination of Nonsignificance, dated June 2, 2022
18. Notice of Public Hearing, published July 13, 2022
19. Certification of Public Notice, dated July 19, 2022
20. Floor Plan – Single-Family Residence, undated
21. Staff Presentation
22. 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. Anna and Matthew Pedersen (Applicant) request a conditional use permit (CUP) to allow construction of a 483 square foot accessory dwelling unit. The proposed ADU structure would be attached to a new 264 square foot detached garage structure that would be constructed within the same footprint as an existing detached garage structure that would be demolished. The 0.34-acre property is currently developed with an existing 972 square foot single-family residence, the detached garage structure that would be removed, and associated improvements that include a septic system and paved driveway. The property is located at 20710 Kitsap Street NE, in the Indianola area of unincorporated Kitsap County.¹ *Exhibit 1, Staff Report, pages 1 and 2; Exhibits 2 through 6; Exhibit 20.*
2. Kitsap County (County) determined that the application was complete on March 8, 2022. On April 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

¹ The property is identified by Kitsap County Assessor's Tax Account No. 4360-013-001-0008. *Exhibit 1 Staff Report, page 1.*

the application. On July 13, 2022, 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. The County did not receive any comments on the proposal in response to its notice materials. *Exhibit 1, Staff Report, page 1; Exhibit 16; Exhibit 18; Exhibit 19.*

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, with a SEPA comment deadline of April 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 June 2, 2022, with an appeal deadline of June 17, 2022. The DNS was not appealed. *Exhibit 1, Staff Report, page 2; Exhibits 15 through 17.*

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 4 and 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*. Detached ADUs are allowed in the RR zone with a conditional use permit. *KCC 17.410.042*. ADUs in the RR zone are generally required to have front yard setbacks of 50 feet, and side and rear yard setbacks of 5 feet. *KCC 17.420.052*. Under *KCC 17.420.060.A.42.b*, however, any single-family residential lot of record that has a smaller lot width or depth than required by the zoning code, or is less than one acre, may use the residential zoning classification that most closely corresponds to the lot dimensions for the purpose of establishing required setbacks from property lines. The subject property measures 0.34 acres and has a lot width of 82 feet, which is less than the minimum 140-foot lot width requirement of for the RR zoning district. County staff determined that the dimensions of the lot most closely correspond with the lot dimensions associated with properties in the Urban Restricted (UR) zone and, therefore, the setback requirements of the UR zone should apply. Structures in the UR zone are required to have front yard setbacks of 20 feet, side setbacks of 5 feet, and rear yard setbacks of 10 feet. In accord with these setback requirements, the proposed ADU structure would be set back 46 feet from the front property line to the west, 46 feet from the side property line to the north, 96 feet from the side property line to the south, and 20 feet from the rear property line to the east. Additionally, the proposed ADU is subject to the special use provisions of former *KCC 17.410.060*.² The proposed ADU’s compliance with these special use provisions is discussed in detail below. *Exhibit 1, Staff Report, pages 2 and 3; Exhibit 2.*

² *KCC 17.410.060* was recently repealed by Section 184 of Ordinance 611 (2022). County Planner Carla Lundgren explained at the hearing, however, that the application was deemed complete prior to this repeal, and, therefore, the project vests to the former version of the code that included *KCC 17.410.060*.
Testimony of Ms. Lundgren.

Existing Property and Proposed Development

6. The central portion of the 0.34-acre property is currently developed with an existing 972 square foot single-family residence, the detached garage structure that would be removed, and a paved driveway that provides vehicular access to the site from Kitsap Street NE, which borders the property to the west. The southeastern portion of the site is developed with an existing primary septic drainfield, and the northwestern portion of the site is developed with an existing septic reserve drainfield. The proposed ADU would utilize the same septic system serving the existing single-family residence, and potable water to the property would be provided by municipal water services. The Kitsap County Health District reviewed and approved the proposal without conditions. The Kitsap County Fire Marshal's Office reviewed and approved the proposal with the condition that the ADU be equipped with an automatic fire sprinkler system to satisfy access and safety requirements. There are no mapped critical areas on the site. *Exhibit 1, Staff Report, pages 1, 2, 3, and 10; Exhibit 2; Exhibit 3; Exhibits 5 through 7.*

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 a detached ADU, which is listed as a conditional use in the RR zoning district. *KCC 17.410.042*. As noted above, the proposed ADU is required to satisfy the ADU special use provisions of former *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.*
 - 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 972 square feet. 50 percent of 972 is 486 square feet. The proposed ADU would measure 483 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 proposed single-family residence and proposed ADU would be located approximately 11 feet apart, satisfying this requirement.*
 - g. The ADU shall be designed to maintain the appearance of the primary residence. *The single-family residence and ADU would be similar in appearance. The structure and siding of the ADU would match the aesthetic of the existing house.*
 - h. All setback requirements for the zone in which the ADU would be located shall apply. *The parcel does not meet the minimum lot size for the Rural Residential zone, and, therefore, the Urban Restricted zone setback requirements shall be used, consistent with KCC 17.420.060.A.42.b. The proposed ADU would meet all setbacks required by the Urban Restricted zone.*
 - i. The ADU shall meet applicable health district standards for water and sewage. *The Kitsap County Health District reviewed and approved the ADU.*
 - 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 that would be utilized by the 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.*

Testimony

- 8. County Planner Carla Lundgren 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 site is in the Rural Residential zone and that the development would be consistent with the zone and properties within the vicinity. Ms. Lundgren stated that the subject parcel does not meet the minimum lot width requirements of the RR zone and that the dimensions of the lot are most comparable to lots within the UR zone. She explained that the setback requirements of the UR zone would therefore apply to the subject parcel and that the proposed ADU would meet these setback requirements. Ms. Lundgren noted that County staff reviewed the proposal and determined that it would be consistent with the ADU special use provisions of former KCC 17.410.060.B.3. *Testimony of Ms. Lundgren.*

Staff Recommendation

- 9. County staff recommends approval of the application, with conditions. *Exhibit 1, Staff Report, pages 12 through 13.*

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.*

In addition to the criteria listed above, the proposed ADU is subject to the following special use provisions of former 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.*

Conclusion Based on Findings

- 1. With conditions, the proposed ADU would be consistent with the special use provisions of former 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 972 square foot single-family residence. The proposed ADU would measure 483 square feet, which is less than the 486 square foot maximum permitted for an ADU associated with a 972 square foot primary residence. The proposed ADU would be sited approximately 11 feet from the existing single-family residence and would be designed to maintain the appearance of the single-family residence by incorporating the same structural elements and siding. The subject property does not meet the minimum lot width requirements for the RR zone and would be subject to the UR zone setback requirements. The proposed ADU would meet the applicable setback requirements of the UR zone. The proposed ADU would utilize a driveway serving the single-family residence, and an additional off-street parking space would be provided. The proposed ADU would use the existing onsite septic system, and potable water would be provided by municipal water services. The Kitsap County Health District approved the proposal, without conditions. The Kitsap County Fire Marshal's Office approved the proposal with the condition that the ADU be equipped with an automatic fire sprinkler system to satisfy access and safety requirements. Conditions, as detailed below, are necessary to mitigate project impacts and to ensure compliance with applicable statutes, ordinances, and regulations. *Findings 1, 4 – 9.*
- 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 June 2, 2022. That determination was not appealed. The property has no mapped critical areas. 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 proposal, without conditions. As conditioned, the proposed ADU would comply with all applicable provisions of the County zoning code, including setback requirements for the Urban Restricted zone and the specific ADU special use provisions of former 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 – 9.*

DECISION

Based on the preceding Findings and Conclusions, the request for a conditional use permit to allow construction of a 483 square foot accessory dwelling unit that would be attached to a new 264 square foot detached garage structure, on a 0.34-acre property at 20710 Kitsap Street NE, in the Indianola area of unincorporated Kitsap County, is **APPROVED**, subject to the following conditions:³

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 483 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.

³ This decision includes conditions designed to mitigate impacts of this proposed project as well as conditions required by the County code.

7. The accessory dwelling unit shall be located within 150 feet of the primary residence.
8. The accessory dwelling unit shall be designed to maintain the appearance of the primary residence.
9. This permit shall comply with all Kitsap Public Health District regulations and conditions of approval.
10. No mobile home or recreational vehicle shall be allowed as an accessory dwelling unit.
11. The accessory dwelling unit shall use the same 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. Required building permits shall include construction plans and profiles for all new or revised roads, driveways, storm drainage facilities and appurtenances. No construction shall be started prior to said plan acceptance.
16. New and/or replaced hard surfaces do not exceed the 2,000 square-foot threshold; nor does the project exceed 7,000 square feet of disturbed area. While a formal plan is not required, the Applicant must consider all elements required of a stormwater pollution prevention plan and make allowances for managing erosion and sediment discharge on site. Per KCC Title 12, if the project exceeds either of the thresholds noted above, then additional review for stormwater management will be required via subsequent permit application.
17. The design of the infiltration facilities shall be in accordance with Vol. II, Ch. 5.4 of the Kitsap County Stormwater Design Manual.
18. If the project proposal is modified from that shown on the submitted site plan accepted

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for review February 07, 2022, Development Services and Engineering will require additional review and potentially new conditions.

19. At the time of building permit application, submit an Application for Concurrency Test (KCPW Form 1601) as required by KCC 20.04.030 Transportation Concurrency. The KCPW 1601 form reserves road capacity for the project.
20. Any work within the County right-of-way shall require a Public Works permit and possible a maintenance or performance bond. This application to perform work in the right-of-way shall be submitted as part of the SDAP process (or building permit if no SDAP is required). The need for and scope of bonding will be determined at that time.
21. The recipient of any CUP 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 CUP and as a notice to prospective purchasers of the existence of the permit. The Binder shall be prepared and recorded by the DCD at the Applicant's expense.
22. 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 KCC. 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.
23. The authorization granted herein is subject to all applicable deferral, 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.
24. The decision set forth herein is based upon representations made and exhibits contained in the project application. Any change(s) or deviation(s) in such plans, proposals, or conditions of approval imposed shall be subject to further review and approval of the County and potentially the Hearing Examiner.

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25. This CUP approval shall automatically become void if no development permit application is accepted as complete by the DCD within four years of the Notice of Decision date or the resolution of any appeals.
26. Any violation of the conditions of approval shall be grounds to initiate revocation of this CUP.

DECIDED this 18th day of August 2022.

A handwritten signature in black ink, appearing to read "Andrew M. Reeves". The signature is written in a cursive style with a vertical line to its left.

Andrew M. Reeves
Hearing Examiner
Sound Law Center