



## Notice of Hearing Examiner Decision

05/19/2022

To: Interested Parties and Parties of Record

RE: Project Name: Heppenstall – Install Manufactured Home for  
Accessory Dwelling Unit (ADU)  
Applicant: Scott Heppenstall  
611 SE Parsons Green Ct.  
Port Orchard, WA 98367  
Application: Conditional Use Permit (CUP)  
Permit Number: 21-01733

The Kitsap County Hearing Examiner has **APPROVED** the land use application for **Permit #21-01733: Heppenstall – Install Manufactured Home for Accessory Dwelling Unit (ADU) – Conditional Use Permit, subject to the conditions outlined in this Notice and included Decision.**

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

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

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

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

The complete case file is available for review at the Department of Community Development, Monday through Thursday, 8:00 AM to 4:00 PM and Friday 9:00 AM to 1:00 PM, except holidays. If you wish to view the case file or have other questions, please contact [Help@Kitsap1.com](mailto:Help@Kitsap1.com) or (360) 337-5777.

CC: Owner/Applicant: HEPPENSTALL SCOTT M & KYLE ANN,  
[hepp527@hotmail.com](mailto:hepp527@hotmail.com)  
Health District  
Public Works  
Parks  
Navy  
DSE

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

**BEFORE THE HEARING EXAMINER  
FOR KITSAP COUNTY**

In the Matter of the Application of	)	No. 21-01733
	)	
<b>Scott Heppenstall</b>	)	<b>Heppenstall Accessory Dwelling Unit</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 the conversion of an existing 874 square foot manufactured home currently serving as a special care unit, to be utilized as an accessory dwelling unit, at 11300 Helena Trail SW, in the Port Orchard area of unincorporated Kitsap County, is **APPROVED**. Conditions are necessary to address specific impacts of the proposal.

**SUMMARY OF RECORD**

Hearing Date:

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

Testimony:

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

Jeff Smith, County Planner  
Scott Heppenstall, Applicant

Exhibits:

The following exhibits were admitted into the record:

1. Staff Report, dated April 21, 2022
2. ADU Elevation Example Photograph, received April 23, 2021
3. ADU floor plan, received April 23, 2021
4. Site Photograph – Existing Barn Structure, received April 23, 2021
5. Concurrency Test, received April 23, 2021
6. Site Photograph – Detached Garage Structure, received April 23, 2021

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7. Project Narrative, received April 23, 2021
8. Required Permit Questionnaire, received April 23, 2021
9. SEPA Environmental Checklist, dated March 25, 2021
10. Three (3) Site Photographs – Single-Family Residence Front, Rear, and Side Elevations, received April 23, 2021
11. Single-Family Residence Floor Plan, dated March 25, 2021
12. Stormwater Worksheet, received April 23, 2021
13. Notice of Application, dated June 11, 2021
14. Memorandum from Taylor Brown, P.E., to Jennifer Lawrence, dated September 25, 2021
15. Site Plan with corrected setbacks, dated January 12, 2022
16. SEPA Determination of Nonsignificance, dated April 11, 2022
17. Notice of Public Hearing, dated April 13, 2022
18. Staff Presentation
19. Hearing Sign-in Sheet
20. Certification of Public Notice, dated April 25, 2022

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

## **FINDINGS**

### Application and Notice

1. Scott Heppenstall (Applicant) requests a conditional use permit (CUP) to allow an existing 874 square foot manufactured home that is currently used as a special care unit to be utilized as an accessory dwelling unit (ADU), on a 2.37-acre property currently developed with a 2,226 square foot single-family residence and associated driveway and septic system, as well as several associated outbuildings, including a barn structure and a detached garage. The existing special care manufactured home was installed on the property in accordance with provisions of the Kitsap County Code (KCC) allowing for special care manufactured homes with a temporary use permit. *KCC 17.105.090; KCC 17.410.042*. A portion of the existing barn would be removed to allow for an extension of the driveway to provide access to, and parking for, the proposed ADU. The existing detached garage would remain. The property is located at 11300 Helena Trail SW, in the Port Orchard area of incorporated Kitsap County.<sup>1</sup> *Exhibit 1, Staff Report, page 1; Exhibits 2 through 8; Exhibit 15.*
2. Kitsap County (County) determined that the application was complete on May 5, 2021. On June 11, 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 or emailing notice to property

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<sup>1</sup> The property is identified by Kitsap County Assessor's Tax Account No. 4747-000-023-0003. *Exhibit 1, Staff Report, page 1.*

owners within 800 feet of the site and to reviewing departments and agencies. The County's notice materials stated that written comments on the proposal could be submitted up until seven days before the date of the open record hearing associated with the application. On April 11, 2022, the County mailed notice of the associated open record hearing to property owners within 800 feet of the site and to interested parties and published notice in the County's publishing newspaper of record. On April 13, 2022, notice of the hearing was posted on the subject property. The County did not receive any comments on the proposal in response to its notice materials. *Exhibit 1, Staff Report, pages 1 and 6; Exhibit 13; Exhibit 17; Exhibit 19; Exhibit 20.*

#### State Environmental Policy Act

3. The County acted as lead agency and analyzed the environmental impacts of the project as required by the State Environmental Policy Act (SEPA), Chapter 43.21C Revised Code of Washington (RCW). The County consolidated notice of the SEPA review comment period with the notice of application under the optional process provided for by Washington Administrative Code (WAC) 197-11-355, with a SEPA comment deadline of June 25, 2021. 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 April 11, 2022, with an appeal deadline of April 25, 2022. The DNS was not appealed. *Exhibit 1, Staff Report, page 2; Exhibit 9; Exhibit 16; Exhibit 20.*

#### 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 designed rural area to low residential densities that can be sustained by minimal infrastructure improvements, 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]
- Disperse affordable housing opportunities throughout the County. [Housing, Human Services Policy 14]

*Exhibit 1, Staff Report, pages 3 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*. County Planner Jeff Smith explained at the hearing that the 2.37-acre property is legally nonconforming with the RR zone’s current requirement for a minimum five-acre lot size. *KCC 17.420.052*. ADUs are allowed in the RR zone with a conditional use permit. *KCC 17.410.042*. ADUs in the RR zone are required to have front yard setbacks of 50 feet, and side and rear yard setbacks of 5 feet. *KCC 17.420.052*. In accordance with these requirements, the existing special care manufactured home proposed to be utilized as an ADU is set back approximately 115 feet from the front property line to the east, 145 feet from the side property line to the north, 20 feet from the side property line to the south, and 360 feet from the rear property line to the west. Additionally, ADUs are subject to the special-use provisions of *KCC 17.410.060.B.3*. The proposed ADU’s compliance with these special-use provisions is discussed in detail below. *Exhibit 1, Staff Report, pages 2, 3, 6, and 7; Exhibit 7; Exhibit 15; Testimony of Mr. Smith.*

#### Existing Property and Proposed Development

6. As noted above, the 2.37-acre property is currently developed with a 2,226 square foot single-family residence, an 874 square foot special care manufactured home proposed to be utilized as an ADU, a driveway that would be extended to provide access and parking for the proposed ADU, a septic system, and several associated outbuildings, including a barn structure and a detached garage. The western portion of the property is adjacent to a fish-bearing stream located within a ravine that is classified as a moderate erosion hazard

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area with moderate slopes. The existing development on the property, and the proposed improvements associated with converting the special care unit to an ADU are located outside of the buffers and setbacks associated with the critical areas. The manufactured home proposed to be utilized as an ADU is located approximately 146 feet from the existing primary residence and would be accessed from an extension of the existing driveway connecting to Helena Trail SW. Parking spaces would be provided next to the primary residence and the proposed ADU in accordance with the off-street parking requirements of KCC 17.490.030. The proposed ADU would be served by an on-site sewage septic system. County staff indicates that the Kitsap County Health District reviewed and approved the proposal. Water service would be provided by Washington Water Service. The ADU building permit would be evaluated to ensure compliance with fire safety requirements.

Properties to the north, south, and east of the subject property are developed with single-family residences. Property to the west is developed with the YMCA of Pierce County Camp. *Exhibit 1, Staff Report, pages 1 through 3, and 8 through 10; Exhibit 8; Exhibit 9; Exhibit 12; Exhibit 15.*

#### 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 establish an existing special care manufactured home as 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.B.3*. 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 would continue to reside in the existing single-family residence on the property.*
  - e. The ADU shall not exceed 50 percent of the square footage of the habitable area of the primary residence or 900 square feet, whichever is smaller. Dimensions are determined by exterior measurements. *The existing single-family residence is*

2,226 square feet. 50 percent of the home is 1,113 square feet, and, therefore, the ADU would be limited to 900 square feet (the smaller value). The proposed ADU would be 874 square feet, satisfying this requirement.

- f. The ADU shall be located within 150 feet of the primary residence or shall be the conversion of an existing detached structure. *The existing single-family residence and special care unit proposed to be utilized as an ADU are located approximately 146 feet apart, satisfying this requirement.*
- g. The ADU shall be designed to maintain the appearance of the primary residence. *The single-family residence and the ADU would be similar in appearance. The ADU and primary dwelling would have similar siding, windows, roofing, and paint.*
- h. All setback requirements for the zone in which the ADU would be located shall apply. *The proposed ADU would meet all setbacks required by the Rural Residential zone.*
- i. The ADU shall meet applicable health district standards for water and sewage disposal. *Kitsap Public Health District reviewed and approved the building site application on May 11, 2021.*
- j. No mobile homes or recreational vehicles shall be allowed as an ADU. *The Applicant proposes to utilize an existing manufactured home on the property as an ADU. Manufactured homes are not classified as a mobile home if manufactured after 1976.*
- k. An ADU shall use the same side street entrance as the primary residence and shall provide additional off-street parking. *The property has one access point from Helena Trail SW. The ADU and primary residence would have parking and would use the same existing access.*
- l. An ADU is not permitted on the same lot where an accessory living quarters exists. *There are no present or proposed accessory living quarters.*

*Exhibit 1, Staff Report, pages 6 through 8.*

#### Testimony

- 8. County Planner Jeff Smith testified generally about the proposal and how it would meet the specific requirements for approval of a conditional use permit to allow an existing manufactured home on the property to be utilized as an ADU. He explained that several lots in the area, including the subject lot, are legally nonconforming with the current minimum five-acre lot size requirement for the RR zoning district. Mr. Smith noted that the 874 square foot existing manufactured home proposed to be utilized as an ADU was allowed to be installed on the property as a special care unit through the County's temporary use permit process. He described how the proposed ADU would be designed to maintain the appearance of the primary residence. Mr. Smith also detailed how the proposed ADU would satisfy all special-use provisions of KCC 17.410.060.B.3. He noted that none of the existing outbuildings on the property, including the barn structure

and detached garage, are currently being used, or would be used, as an ADU. *Testimony of Mr. Smith.*

9. Applicant Scott Heppenstall testified that he agrees with County staff's analysis of the CUP request, as detailed in the staff report and Mr. Smith's testimony. *Testimony of Mr. Heppenstall.*

#### Staff Recommendation

10. Mr. Smith testified that County staff recommends approval of the application, with conditions. Mr. Heppenstall testified that he understands and would comply with County staff's recommended conditions. *Exhibit 1, Staff Report, pages 10 through 12; Testimony of Mr. Smith; Testimony of Mr. Heppenstall.*

### **CONCLUSIONS**

#### Jurisdiction

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

#### Criteria for Review

The Hearing Examiner may approve, approve with conditions, or deny a conditional use permit. Approval or approval with conditions may be granted by the Hearing Examiner only when all the following criteria are met:

1. The proposal is consistent with the Comprehensive Plan;
2. The proposal complies with applicable requirements of [the zoning code];
3. The proposal will not be materially detrimental to existing or future uses or property in the immediate vicinity; and
4. The proposal is compatible with and incorporates specific features, conditions, or revisions that ensure it responds appropriately to the existing character, appearance, quality or development, and physical characteristics of the subject property and the immediate vicinity.

*KCC 17.550.030.A.*

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

1. Increase requirements in the standards, criteria, or policies established by [the zoning code];
2. Stipulate the exact location as a means of minimizing hazards to life, limb, property damage, erosion, landslides, or traffic;
3. Require structural features or equipment essential to serve the same purpose set forth in Chapter 17.420;

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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 existing special care manufactured home proposed as an ADU is 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 requests a CUP for 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 2,226 square foot single-family residence on the property. The manufactured home measures 874 square feet, which is less than the 900 square foot maximum permitted for an ADU associated with a 2,226 square foot primary residence. The existing manufactured home proposed as an ADU is sited approximately 146 feet from the existing single-family residence and would maintain the appearance of the single-family residence by incorporating similar siding, windows, roofing, and paint. The proposed ADU would meet all applicable setback requirements for the RR zone and would utilize the existing driveway serving the single-family residence, which would be extended to provide access to and parking for the ADU. Washington Water Service would provide water to both units. The Kitsap County Health District has reviewed and approved the proposal. Conditions, as detailed below, are necessary to mitigate project impacts and to ensure compliance with applicable statutes, ordinances, and regulations. *Findings 1 – 10.*
  
2. **With conditions, the proposed project would meet the criteria for CUP approval under KCC 17.550.030.A.** The County provided reasonable notice and opportunity to

comment on the proposal. The County did not receive any comments on the proposal in response to its notice materials. The County analyzed the environmental impacts of the proposal, determined that the proposed use would not have a probable significant adverse impact on the environment, and issued a Determination of Nonsignificance on April 11, 2022, which 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 Public Health District reviewed and approved the proposal. 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 an existing 874 square foot manufactured home currently serving as a special care unit to be utilized as an accessory dwelling unit to an existing 2,226 single-family residence, located at 11300 Helena Trail SW, in the Port Orchard area of unincorporated Kitsap County, 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 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 (ADU) 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 ADU shall be permitted on the subject property.

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

5. The owner of the property must reside in either the primary residence or the ADU and only one of the structures may be rented at any one time.
6. The ADU's habitable area shall not exceed 50% of the primary residence or 900 sf, whichever is smaller. The proposed size of the ADU is 874 square feet (Exhibit 8).
7. The ADU shall be located within 150 feet of the primary residence.
8. The ADU 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 ADU.
11. The ADU 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 (ALQ) or guest house (GH) is not permitted on the same lot unless the ADU is removed or converted and the ALQ or GH complies with all requirements imposed by the Kitsap County Code (KCC).
13. A property with a primary residence and an accessory dwelling unit ADU 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 ADU cannot be sold separately from the primary residence unless it has legally been segregated onto its own lot.
15. The recipient of any conditional use permit shall file a Notice of Land Use Binder with the County auditor prior to any of the following: initiation of any further site work, issuance of any development/construction permits by the County, or occupancy/use of the subject property or buildings thereon for the use or activity authorized. The Notice of Land Use Binder shall serve both as an acknowledgment of an agreement to abide by the terms and conditions of the conditional use permit and as a notice to prospective purchasers of the existence of the permit. The Binder shall be prepared and recorded by the Department at the Applicant's expense.
16. The uses of the subject property are limited to the uses proposed by the Applicant and any other uses will be subject to further review pursuant to the requirements of the

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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. This decision is based upon representations made and exhibits contained in the project application 21-01773 Heppenstall ADU CUP. 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. 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.
22. If the project proposal is modified from that shown on the submitted site plan accepted for review November 3, 2021, Development Services and Engineering will require additional review and potentially new conditions.
23. Subject to the conditions of the Geotechnical report associated with this permit and on file at the Department of Community Development.
24. A non-clearing native vegetation buffer shall be maintained from the toe of the slope to

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25 feet beyond the top of the slope as depicted on the approved site plan. In addition, a building or impervious surface setback line of 15 feet is required from the edge of the buffer.

25. The Applicant shall comply with all applicable Kitsap Public Health District requirements.

DECIDED this 19<sup>th</sup> day of May 2022.



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ANDREW M. REEVES  
Hearing Examiner  
Sound Law Center