



Notice of Hearing Examiner Decision

06/17/2022

To: Interested Parties and Parties of Record

RE: Project Name: Solomon – Convert Guest House to Accessory Dwelling Unit
 Applicant: Alan D & Clarissa E Solomon
 7603 SE Willock Rd
 Olalla, WA 98359
 Application: Conditional Use Permit (CUP)
 Permit Number: 21-05515

The Kitsap County Hearing Examiner has **APPROVED** the land use application for **Permit #21-05515** Solomon – Convert Guest House to Accessory Dwelling Unit 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, Monday through Thursday, 8:00 AM to 4:00 PM and Friday 9:00 AM to Noon, except holidays. If you wish to view the case file or have other questions, please contact Help@Kitsap1.com or (360) 337-5777.

CC: Owner/Applicant: Alan D & Clarissa E Solomon, twosolomons@gmail.com
Property Manager: TNT Home Builders, tnthomesinc@gmail.com
Designer: SKD Design, SKD@WAVECABLE.COM
Health District
Public Works
Parks
Navy
DCD

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

WA State Dept of Ecology-SEPA Wetland Review

WA State Dept of Transportation

WA State Dept of Transportation-Aviation

Interested Parties: None

**BEFORE THE HEARING EXAMINER
FOR KITSAP COUNTY**

In the Matter of the Application of)	No. 21-05515
)	
Alan & Clarissa Solomon)	Solomon Accessory Dwelling Unit
)	CUP
)	
<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 890 square foot detached accessory dwelling unit, at 7603 SE Willock Road, 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 May 26, 2022, utilizing a hybrid approach allowing for live participation or participation by remote access technology. The record was left open until June 2, 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 June 2, 2022.

Testimony:

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

Darren Gurnee, County Planner
Clarissa Solomon, Applicant

Exhibits:

The following exhibits were admitted into the record:

1. Staff Report, dated May 19, 2022
2. Single Family Residence Floor Plan (5 Sheets), dated November 2020
3. Required Permit Questionnaire – Conditional Use Permit – Accessory Dwelling Unit, received October 21, 2021
4. Stormwater Waiver, received October 21, 2021
5. Water Provisions Waiver, received October 21, 2021
6. Kitsap Public Health District Building Site Application, approved September 2, 2021

Findings, Conclusions, and Decision
Kitsap County Hearing Examiner
Solomon Accessory Dwelling Unit CUP
No. 21-05515

7. ADU Conditional Use Permit Memorandum, dated September 2, 2021
8. Notice of Application, dated April 4, 2022
9. Project Narrative and Permit Questionnaire (Information Request Letter), dated April 8, 2022
10. ADU Elevation, received April 12, 2022
11. Single Family Residence Photograph, received April 12, 2022
12. SEPA Environmental Checklist, dated January 12, 2022
13. Updated Site Plan (2 Sheets), dated April 11, 2022
14. Updated ADU Plans (2 Sheets), received April 27, 2022
15. Kitsap Public Health District Building Site Application, approved April 21, 2022
16. Determination of Nonsignificance, dated May 11, 2022
17. Notice of Public Hearing, published May 11, 2022
18. Certification of Public Notice, dated May 16, 2022
19. Staff Presentation
20. 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. Alan and Clarissa Solomon (Applicant) request a conditional use permit (CUP) to allow construction of an 890 square foot detached accessory dwelling unit (ADU) on a 5.42-acre property that is being developed with a permitted 3,428 square foot single-family residence, detached shop structure, and associated driveway, septic system, and private well. The property is located at 7603 SE Willock Road.¹ *Exhibit 1, Staff Report, pages 1 and 2; Exhibit 2; Exhibit 3; Exhibits 5; Exhibit 6; Exhibit 8; Exhibit 9; Exhibit 17; Exhibit 19.*
2. Kitsap County (County) determined that the application was complete on October 21, 2021. 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 the application. On May 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,

¹ The property is identified by Kitsap County Assessor's Tax Account No. 282302-1-048-2007. *Exhibit 1, Staff Report, page 1.*

and published notice in the County’s publishing newspaper of record. On May 11, 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 18; Exhibit 17; 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 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 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 May 11, 2022, with an appeal deadline of May 25, 2022. The DNS was not appealed. *Exhibit 1, Staff Report, pages 1 and 2; Exhibit 8; Exhibit 12; Exhibit 16; Exhibit 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 is zoned “Rural Residential” (RR). The RR zone “promotes low-density residential development consistent with rural character. It is applied to areas that are relatively unconstrained by environmentally sensitive areas or other significant landscape features. These areas are provided with limited public services.” *KCC 17.130.010*. ADUs are allowed in the RR zone with a conditional use permit. *KCC 17.410.042*. ADUs in the RR zone are required to have front yard setbacks of 50 feet, and side and rear yard setbacks of 5 feet. *KCC 17.420.052*. The Applicant’s site plan demonstrates that the proposed ADU structure would meet the applicable setback requirements. In addition, ADUs are subject to the special use provisions of *KCC 17.410.060*. The proposed ADU’s compliance with these special use provisions is discussed in detail below. *Exhibit 1, Staff Report, pages 2 through 7; Exhibit 3; Exhibit 8; Exhibit 9; Exhibit 17.*

Existing Property and Proposed Development

6. As noted above, the 5.42-acre property is being developed with a 3,428 square foot single-family residence, detached shop structure, and associated driveway, septic drain field, and private well. The site is generally flat and is heavily wooded outside of existing developed areas. There are no mapped critical areas on the subject property. The proposed detached 890 square foot ADU would be located approximately 50 feet from the primary residence. A private driveway would provide access to both the primary residence and the proposed ADU from SE Willock Road. The private well and on-site septic serving the primary residence would also provide service to the ADU. The Kitsap Public Health District (KPHD) reviewed and approved the proposal with no conditions. The Kitsap County Fire Marshal’s Office also reviewed and approved the proposal with no conditions. Properties to the north, south, east, and west, are zoned RR and are developed with single-family residences. *Exhibit 1, Staff Report, pages 1 through 3, 9, and 12; Exhibit 3; Exhibit 6; Exhibit 8; Exhibit 9; Exhibit 15; Exhibit 17.*

Conditional Use Permit

7. The County zoning code makes some uses conditional in certain zoning districts. A *conditional use* is an activity specified by the zoning code “as a principal or accessory use that may be approved or denied based on consistency with specific criteria.” *KCC 17.110.175*. As noted above, the Applicant requests a CUP to construct an ADU, which is listed as a conditional use in the RR zoning district. *KCC 17.410.042*. ADUs in the RR zone are required to satisfy the ADU special use provisions of *KCC 17.410.060*. County staff reviewed the proposal and determined that it would satisfy these provisions. The ADU special use provisions are listed below, together with County staff’s analysis (in italics):
- a. An ADU shall be allowed as a permitted use in those areas contained within an urban growth boundary. *The subject property is not located within an urban growth boundary.*
 - b. An ADU shall be subject to a conditional use permit in those areas outside an urban growth boundary. *The subject property is located outside of the urban growth boundary. The Applicant requests approval of a CUP to allow an ADU.*
 - c. Only one ADU shall be allowed per lot. *The Applicant proposes only one ADU. There are no other ADUs present or proposed on the property.*
 - d. Owner of the property must reside in either the primary residence or the ADU. *The owner would reside in the permitted 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 proposed ADU is 890 square feet. The proposed residence is 3,428 square feet. Fifty percent of 3,428 square feet is 1,714 square feet; therefore the ADU is limited to 900 square feet, the smaller value.*
 - f. The ADU shall be located within 150 feet of the primary residence or shall be the conversion of an existing detached structure. *The single-family residence and proposed ADU would be located less than 50 feet apart, satisfying this requirement.*
 - g. The ADU shall be designed to maintain the appearance of the primary residence. *The proposed single-family residence and proposed ADU would be similar in appearance with regard to style of construction, with the proposed ADU containing siding matching the aesthetic of the primary residence and garage.*
 - h. All setback requirements for the zone in which the ADU would be located shall apply. *The proposed ADU would meet all setbacks required by the Rural Residential zone.*
 - i. The ADU shall meet applicable health district standards for water and sewage. *The ADU would be served by a private well and private on-site septic system. The Kitsap County Health District reviewed and approved the proposed ADU 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 Applicant's site plan shows that the proposed ADU would use the same driveway serving the primary 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 6 and 7.

Testimony

- 8. Kitsap County Planner Darren Gurnee testified generally about the proposal and how it would meet the specific requirements for approval of a conditional use permit to allow construction of an ADU. He described the subject property, noting that the 5.42-acre site is zoned Rural Residential (RR) and slopes west to east at less than 5 percent. Mr. Gurnee discussed setback requirements for accessory structures within the RR zoning district and noted that the proposed ADU would meet the setback requirements. He noted that the ADU structure would be accessory to a permitted 3,428 square foot single-family residence and detached garage. Mr. Gurnee stated that there are no critical areas mapped on the subject property. He explained that GIS data identifying a fish bearing stream on the eastern edge of property is inaccurate and that the proposed development would comply with a 150-foot buffer requirement. Mr. Gurnee stated that the property owner would reside in the proposed single-family residence and that the ADU would be located approximately 50 feet from the primary residence. He noted that SE Willock Road, a County maintained road, would provide direct access to the ADU and that the proposed ADU would be served by a private well, a new septic tank, and the existing drain field serving the existing primary residence. Mr. Gurnee stated that the design, color, materials, and roof pitch of the proposed ADU would be compatible with the aesthetics of the primary residence. He noted that County staff has recommended a condition requiring further design review at the building permit stage to ensure such compatibility. *Testimony of Mr. Gurnee*
- 9. Applicant Clarissa Solomon testified that County staff's presentation was thorough, and she noted that her mother would reside in the ADU. *Testimony of Ms. Solomon.*

Staff Recommendation

- 10. Mr. Gurnee testified that County staff recommends approval of the CUP, with conditions. Ms. Solomon testified that she understands and would comply with County staff's recommended conditions. *Exhibit 1, Staff Report, pages 1, 6, 7, and 9 through 12; Testimony of Mr. Gurnee; Testimony of Ms. Solomon.*

CONCLUSIONS

Jurisdiction

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

Criteria for Review

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

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

KCC 17.550.030.A.

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

1. Increase requirements in the standards, criteria, or policies established by [the zoning code];
2. Stipulate the exact location as a means of minimizing hazards to life, limb, property damage, erosion, landslides, or traffic;
3. Require structural features or equipment essential to serve the same purpose set forth in Chapter 17.420;
4. Include requirements to improve compatibility with other uses permitted in the same zone, protecting them from nuisance generating features in matters of noise, odors, air pollution, wastes, vibration, traffic, physical hazards, and similar matters. The hearing examiner may not, in connection with action on a conditional use permit, reduce the requirements specified by [the zoning code] as pertaining to any use nor otherwise reduce the requirements of [the zoning code] in matters for which a variance is the remedy provided;
5. Assure that the degree of compatibility with the purpose of [the zoning code] shall be maintained with respect to the particular use on the particular site and in consideration of other existing and potential uses, within the general area in which the use is proposed to be located;

6. Recognize and compensate for variations and degree of technological processes and equipment as related to the factors of noise, smoke, dust, fumes, vibration, odors, and hazard or public need;
7. Require the posting of construction and maintenance bonds or other security sufficient to secure to the county the estimated cost of construction and/or installation and maintenance of required improvements; and
8. Impose any requirement that will protect the public health, safety, and welfare.

KCC 17.550.030.B.

“If the approval criteria are not met or conditions cannot be imposed to ensure compliance with the approval criteria, the conditional use permit shall be denied.” *KCC 17.550.030.C.*

In addition to the criteria listed above, ADUs are subject to the following special use provisions of KCC 17.410.060.B.3:

- a. An ADU shall be allowed as a permitted use in those areas contained within an urban growth boundary;
- b. An ADU shall be subject to a conditional use permit in those areas outside an urban growth boundary;
- c. Only one ADU shall be allowed per lot;
- d. Owner of the property must reside in either the primary residence or the ADU;
- e. The ADU shall not exceed fifty percent of the square footage of the habitable area of primary residence or nine hundred square feet, whichever is smaller. Dimensions are determined by exterior measurements.
- f. The ADU shall be located within one hundred fifty feet of the primary residence or shall be the conversion of an existing detached structure (e.g., garage);
- g. The ADU shall be designed to maintain the appearance of the primary residence;
- h. All setback requirements for the zone in which the ADU is located shall apply;
- i. The ADU shall meet the applicable health district standards for water and sewage disposal;
- j. No mobile homes or recreational vehicles shall be allowed as an ADU;
- k. An ADU shall use the same side-street entrance as the primary residence and shall provide additional off-street parking; and
- l. An ADU is not permitted on the same lot where an accessory living quarters exists.

The criteria for review adopted by the Kitsap County Board of Commissioners are designed to implement the requirement of Chapter 36.70B RCW to enact the Growth Management Act. In particular, RCW 36.70B.040 mandates that local jurisdictions review proposed development to ensure consistency with County development regulations, considering the type of land use, the level of development, infrastructure, and the characteristics of development. *RCW 36.70B.040(1)*.

Conclusions Based on Findings

- 1. With conditions, the proposed ADU would be consistent with the special use provisions of KCC 17.410.060.B.3.** The proposed ADU would be located within the Rural Residential (RR) zoning district, outside the boundary of an urban growth area, and would therefore be allowed with a conditional use permit. The Applicant proposes to construct only one ADU, and there are no other ADUs, accessory living quarters, mobile homes, or recreational vehicles currently located or proposed to be located on the property. The Applicant would reside in the primary 3,428 square foot single-family residence located on the property. The proposed ADU would measure 890 square feet, which is less than the 900 square foot maximum allowed for an ADU associated with a 3,428 square foot primary residence. The proposed ADU would be sited approximately 50 feet from the existing single-family residence and would be designed to maintain the appearance of the single-family residence by incorporating the same design, siding, and color. The proposed ADU would meet all applicable setback requirements for the RR zone, and would utilize the driveway serving the single-family residence. Adequate parking is available on-site for the ADU and the existing single-family residence. The proposed ADU would be served by the on-site septic system and private well that serve the primary residence. The Kitsap County Health District has approved, without conditions, the water and septic systems proposed for the project. Conditions, as detailed below, are necessary to mitigate project impacts and to ensure compliance with applicable statutes, ordinances, and regulations. *Findings 1, 5 – 10*.
- 2. With conditions, the proposed project would be meet the criteria for CUP approval under KCC 17.550.030.A.** The County provided reasonable notice and opportunity to comment on the proposal. The County did not receive any comments on the proposal in response to its notice materials. The County analyzed the environmental impacts of the proposal, determined that the proposed use would not have a probable significant adverse impact on the environment, and issued a Determination of Non-significance on May 11, 2022. That determination was not appealed. The proposed ADU would be consistent with the County Comprehensive Plan policies that permit low-density residential uses in rural areas and generally encourage diverse, affordable housing options suitable to meet the needs of county residents. The Kitsap County Health District approved the Applicant's proposed water and septic systems without conditions. The Kitsap County Fire Marshal's Office also reviewed and approved the proposal with no conditions. As

conditioned, the proposed ADU would comply with all applicable provisions of the County zoning code, including setback requirements for the RR zone and the specific ADU special use provisions of KCC 17.410.060.B.3. The project's compliance with these special use provisions would ensure that the project would not be materially detrimental to other uses or property in the vicinity and would be compatible with the existing character of the subject property and property in the vicinity. Conditions, as detailed below, are necessary to mitigate project impacts and to ensure compliance with relevant federal, state, and local statutes, ordinances, and regulations. *Findings 1 – 10.*

DECISION

Based on the preceding findings and conclusions, the request for a conditional use permit to allow construction of an 890 square foot detached accessory dwelling unit, at 7603 SE Willock Road, is **APPROVED**, subject to the following conditions:²

1. All required permits shall be obtained prior to commencement of land clearing, tree clearing, construction, and/or occupancy.
2. The accessory dwelling unit is subject to the payment of impact fees. Impact fees must be paid at time of permit issuance, or if deferred, must be paid prior to final inspection. No certificate of occupancy will be granted until all impact fees are paid.
3. Any proposed modification (not including cosmetic work such as painting, papering, 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 accessory dwelling unit's habitable area shall not exceed 50 percent of the primary residence or 900 square feet, whichever is smaller. The proposed size of the ADU is 890 square feet. Any future expansion of the ADU would require a building permit and would have to comply with all code requirements in place at the time of the new building permit application.
7. The accessory dwelling unit shall be located within 150 feet of the primary residence.

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

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. Building permits submitted shall include construction plans and profiles for all roads, driveways, storm drainage facilities, and appurtenances. No construction shall be started prior to said plan acceptance.
16. Stormwater quantity control, quality treatment, and erosion and sedimentation control shall be designed in accordance with Kitsap County Code Title 12 effective at the time the Conditional Use Permit application was deemed complete, October 28, 2021. If the development meets the thresholds for engineered drainage design, the submittal documents shall be prepared by a civil engineer licensed in the State of Washington. The fees and submittal requirements shall be in accordance with Kitsap County Ordinances in effect at the time of Building Permit Application.
17. If the project proposal is modified from that shown on the submitted site plan accepted for review October 21, 2021, Development Services and Engineering will require additional review and potentially new conditions.
18. 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.

19. At the time of building permit application, submit plans for construction of the road approach between the edge of existing pavement and the right-of-way line at all intersections with County rights-of way. Approaches shall be designed in accordance with the Kitsap County Road Standards as established in Chapter 11.22 of the Kitsap County Code. Existing approaches may need to be improved to meet current standards.
20. 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.
21. 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 of Community Development 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 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.
23. 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.

24. The decision set forth herein is based upon representations made and exhibits contained in the project application No. 21-05515. 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.
25. 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.
26. Any violation of the conditions of approval shall be grounds to initiate revocation of this Conditional Use Permit.

Decided this 17th day of June 2022.



ANDREW M. REEVES
Hearing Examiner
Sound Law Center