



## Notice of Hearing Examiner Decision

06/03/2022

To: Interested Parties and Parties of Record

RE:           Project Name: Laymance – Accessory Dwelling Unit (ADU)  
                  Applicant: MARJORIE LAYMANCE  
                                  3605 SALMONBERRY DR SE  
                                  PORT ORCHARD, WA 98366-1617  
                  Application: Conditional Use Permit (CUP)  
                  Permit Number: 21-02736

The Kitsap County Hearing Examiner has **APPROVED** the land use application for **Permit #21-02736 Laymance 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://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](mailto:Help@Kitsap1.com) or (360) 337-5777.

CC:   Owner/Applicant: Marjorie Laymance, [skylarker04@gmail.com](mailto:skylarker04@gmail.com)  
      Authorized Agent: Jeff Coombe with JCM PROPERTY MANAGEMENT LLC,  
      [jeff@jcmpm.com](mailto:jeff@jcmpm.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. 21-02736
	)	
<b>Jeff Coombe, on behalf of</b>	)	<b>Laymance Accessory Dwelling Unit CUP</b>
<b>Marjorie Laymance</b>	)	
	)	
	)	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 for the conversion of an existing detached garage structure into a 558 square foot accessory dwelling unit, on a 3.33-acre property developed with a 1,152 square foot manufactured home, located at 3605 Salmonberry Drive SE, 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 May 12, 2022, using remote access technology. The record was left open until May 19, 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 19, 2022.

Testimony:

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

Colin Poff, County Planner  
Jeff Coombe, Applicant Representative

Exhibits:

The following exhibits were admitted into the record:

1. Staff Report, dated May 5, 2022
2. Submittal Waiver, dated May 29, 2021
3. Site Plan with Wetlands, dated October 25, 2021
4. Single-Family Residence Floor Plan, received December 21, 2021
5. Single-Family Residence and Accessory Dwelling Unit Elevations, received December 21, 2021
6. SEPA Environmental Checklist, dated May 19, 2021
7. Required Permit Questionnaire – Conditional Use Permit – Accessory Dwelling Unit,

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- received December 27, 2021
8. Owner Authorization Form, dated May 6, 2021
  9. Concurrency Test, received December 27, 2021
  10. ADU Floor Plan, received December 27, 2021
  11. Kitsap Public Health District Building Clearance Exemption, approved May 26, 2021
  12. Building Site Application Letter, dated December 6, 2021
  13. Notice of Application, dated January 11, 2022
  14. SEPA Determination of Nonsignificance, dated February 4, 2022
  15. Revised Site Plan, dated March 10, 2022
  16. Revised Project Narrative, dated March 15, 2022
  17. Information Request Response, dated March 15, 2022
  18. Notice of Public Hearing, published April 27, 2022
  19. Certification of Public Notice, dated May 4, 2022
  20. Staff Presentation, received May 12, 2022
  21. Hearing Sign-In Sheet, received May 12, 2022
  22. Public Comments:
    - a. Comment from Mary Holland, dated January 24, 2022
    - b. Comment from Susan Hayes, dated January 27, 2022
    - c. Comment from Trudy Valdez, dated January 27, 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. Jeff Coombe, on behalf of Marjorie Laymance (Applicant), requests a conditional use permit (CUP) to convert an existing detached garage into a 558 square foot accessory dwelling unit (ADU). The existing structure proposed to be converted to an ADU is on a 3.33-acre property that is currently developed with a 1,152 square foot manufactured home. The property is located at 3605 Salmonberry Drive SE.<sup>1</sup> *Exhibit 1, Staff Report, pages 1 and 2; Exhibits 2 through 5; Exhibit 7; Exhibit 8; Exhibit 10; Exhibits 15 through 17.*
2. Kitsap County (County) determined that the application was complete on December 29, 2021. On January 11, 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

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<sup>1</sup> The property is identified by Kitsap County Assessor's Tax Account No. 4829-000-008-0003. *Exhibit 9; Exhibit 12.*

the application. On April 27, 2022, the County provided notice of the open record hearing associated with the application by publishing notice in the County's publishing newspaper of record and by mailing notice to interested parties and to property owners within 800 feet of the site. Notice of the hearing was posted on-site the same day. The Applicant posted notice of the hearing on-site on April 27, 2022. *Exhibit 1, Staff Report, pages 1 and 6; Exhibit 13; Exhibit 18; Exhibit 19.*

3. The County received three comments on the proposal from neighboring property owners in response to its notice materials, all of which generally expressed support for the proposal. Specifically:
  - Mary Holland did not raise any specific concerns about the proposed use, but she noted that the County's permitting fees for the proposal appear excessive in light of a housing shortage in the county and because the proposal would not change the footprint of any existing buildings.
  - Susan Hayes noted that the proposed use would provide an affordable housing option and would not negatively impact the community.
  - Trudy Valdez noted that the proposed ADU would be unobtrusive and would not cause any traffic or drainage issues.

*Exhibit 22.*

#### State Environmental Policy Act

4. The County acted as lead agency and analyzed the environmental impacts of the project as required by the State Environmental Policy Act (SEPA), Chapter 43.21C Revised Code of Washington (RCW). The County consolidated notice of the SEPA review and application comment periods under the optional process provided for by Washington Administrative Code (WAC) 197-11-355, with a SEPA comment deadline of January 25, 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 February 4, 2022, with an appeal deadline of February 18, 2022. The DNS was not appealed. *Exhibit 1, Staff Report, page 2; Exhibit 6; Exhibit 13; Exhibit 14.*

#### Comprehensive Plan and Zoning

5. The property and all surrounding properties are designated "Rural Protection" 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]

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- 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.*

6. The subject property and all surrounding properties are zoned “Rural Protection” (RP). The RP zone “promotes low-density rural development and agricultural activities that are consistent with rural character and protects environmental features such as significant visual, historical and natural features, wildlife corridors, steep slopes, wetlands, streams and adjacent critical areas.” *KCC 17.140.010*. ADUs are allowed in the RP zone with a conditional use permit. *KCC 17.410.042*. ADUs in the RP 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 detached structure proposed to be converted to an ADU is set back approximately 60 feet from the front property line to the west, approximately 10 feet from the side property line to the south, approximately 150 feet from the side property line to the north, and approximately 315 feet from the rear property line to the east. 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 and 3; Exhibit 3; Exhibit 7; Exhibit 15.*

### Existing Property and Proposed Development

7. The 3.33-acre site is developed with a 1,152 square foot primary residence and associated driveway and septic drain field. The Revised Site Plan depicts a Critical Area containing a wetland in the rear undeveloped portion of the site. This Critical Area, would not be impacted by the proposed conversion of the existing garage to an ADU. Access to both the primary residence and the proposed ADU is provided from an existing driveway connecting to Salmonberry Drive SE. The ADU would be served by an on-site private well and septic system currently serving the primary residence. The Kitsap County Health District reviewed and approved the proposal without conditions. The Applicant would be required to submit documentation of Kitsap County Health District approval with the building permit application. The Kitsap County Fire Marshal's Office also reviewed and approved the proposal without conditions. The Applicant would convert the interior of the existing detached garage for the proposed ADU use but would not modify the exterior of the existing structure. The existing structure is sited approximately 35 feet from, and is similar in appearance to, the primary residence. Both structures have a pitched roof, horizontal siding, and slider windows. *Exhibit 1, Staff Report, pages 1 through 9; Exhibit 3; Exhibit 5; Exhibit 7; Exhibits 10 through 12; Exhibits 15 through 17.*

### Conditional Use Permit

8. 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 convert an existing detached garage into an ADU, a conditional use in the RP zoning district. *KCC 17.410.042*. ADUs in the RP zone are required to satisfy the ADU special-use provisions of *KCC 17.410.060.B.3*. *Exhibit 1, Staff Report, pages 6 through 10.*
9. 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 the urban growth boundary.*
  - b. An ADU shall be subject to a conditional use permit in those areas outside an urban growth boundary. *The subject property is located outside of the urban growth boundary. The Applicant requests approval of a CUP to allow an ADU.*
  - c. Only one ADU shall be allowed per lot. *The Applicant proposes only one ADU. There are no other ADUs present or proposed on the property.*

- d. Owner of the property must reside in either the primary residence or the ADU. *The owner currently resides and will continue to reside in the existing single-family residence.*
  - e. The ADU shall not exceed 50 percent of the square footage of the habitable area of the primary residence or 900 square feet, whichever is smaller. Dimensions are determined by exterior measurements. *The existing residence is 1,152 square feet. 50 percent of 1,152 is 576 square feet and, therefore, the ADU would be limited to 576 square feet. Although the existing garage structure is 720 square feet, it contains an 80 square foot separate storage area, and the proposed ADU would include only 558 square feet of habitable space.*
  - 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 primary residence and the existing detached structure proposed to be converted to an ADU are approximately 35 feet apart, satisfying this requirement.*
  - g. The ADU shall be designed to maintain the appearance of the primary residence. *The ADU would be within an existing detached garage and the exterior is not proposed to be changed. The primary residence and the ADU are similar in appearance; both are one story structures with a pitched roof, horizontal siding, and slider windows.*
  - h. All setback requirements for the zone in which the ADU would be located shall apply. *The ADU meets all setback requirements of the RP zone.*
  - i. The ADU shall meet applicable health district standards for water and sewage. *The application was routed to Kitsap County Health District for review and was approved. The project would be served by a private well and private septic system.*
  - j. No mobile homes or recreational vehicles shall be allowed as an ADU. *There are no mobile homes or recreational vehicles present or proposed on the subject property.*
  - k. An ADU shall use the same side street entrance as the primary residence and shall provide additional off-street parking. *The submitted site plan shows that the proposed ADU would use the existing driveway utilized by the primary residence. Adequate parking is available on-site for the primary residence and the ADU.*
  - l. An ADU is not permitted on the same lot where accessory living quarters exist. *There are no present or proposed accessory living quarters on the property.*
- Exhibit 1, Staff Report, pages 6 through 10.*

#### Testimony

- 10. County Planner Colin Poff testified generally about the proposal and how it would meet the specific requirements for approval of a conditional use permit to allow an existing detached garage structure to be converted to an ADU. He stated that the ADU would be located on a 3.33-acre lot that has an existing manufactured home. Mr. Poff explained that there are critical areas consisting of wetlands at the rear of the site, which he stressed



would not be impacted by the proposal. He noted that all adjacent land uses consist of single-family residences. Mr. Poff stated that the proposal would not require any special environmental reports and that only interior modifications of the existing structure are proposed. He explained how the proposed ADU would meet all applicable CUP criteria and would comply with the County's ADU special use provisions. Mr. Poff noted that the County received three comments on the proposal from neighboring property owners, all of which expressed support for the proposal. *Testimony of Mr. Poff.*

11. Applicant Representative Jeff Coombe testified that he agrees with County staff's analysis of the proposal as expressed in the staff report and Mr. Poff's testimony. *Testimony of Mr. Coombe.*

#### Staff Recommendation

12. County staff recommends approval of the application, with conditions. Mr. Coombe testified that the Applicant understands and would comply with County staff's recommended conditions. *Exhibit 1, Staff Report, pages 6 through 14; Testimony of Mr. Coombe.*

### **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];

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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.

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- 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 KCC 17.410.060.B.3.** The proposed ADU would be located within the Rural Protection (RP) zoning district, outside the boundary of an urban growth area, and would therefore be allowed with a conditional use permit. The Applicant proposes to create only one ADU, and there are no separate ADUs, accessory living quarters, mobile homes, or recreational vehicles currently located, or proposed to be located, on the property. The Applicant would continue to reside in the existing 1,152 square foot manufactured home on the property. The living area of the proposed ADU would measure 558 square feet, which is less than the 576 square foot maximum permitted for an ADU associated with a 1,152 square foot primary residence. The proposed ADU would be sited approximately 35 feet from the existing single-family residence and is similar in appearance to the primary residence. The pitched roof is the same, and both structures have horizontal siding and slider windows. The proposed ADU would meet all applicable setback requirements for the RP zone. The ADU would be served by a private well and private septic system currently serving the primary residence. The ADU would use the existing driveway that also serves the primary residence. The Kitsap County Health District has reviewed and approved the proposal without conditions. Conditions, as detailed below, are necessary to mitigate project impacts and to ensure compliance with applicable statutes, ordinances, and regulations. *Findings 1, 5 – 12.*

2. **With conditions, the proposed project would be meet the criteria for CUP approval under KCC 17.550.030.A.** The County provided reasonable notice and opportunity to comment on the proposal. The County received three comments on the proposal from neighboring property owners that were all in support of the proposed use. 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, 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 Health District reviewed and approved the proposal without conditions. As conditioned, the proposed ADU would comply with all applicable provisions of the County zoning code, including setback requirements for the RP zone and the specific ADU special-use provisions of KCC 17.410.060.B.3. The project's compliance with these special-use provisions ensure that the project would not be materially detrimental to other uses or property in the vicinity and would be compatible with the existing character of the subject property and property in the vicinity. Conditions, as detailed below, are necessary to mitigate project impacts and to ensure compliance with relevant federal, state, and local statutes, ordinances, and regulations. *Findings 1 – 12.*

### **DECISION**

Based on the preceding findings and conclusions, the request for a conditional use permit to allow for the conversion of an existing detached garage structure into a 558 square foot accessory dwelling unit, on a 3.33-acre property developed with a 1,152 square foot manufactured home, located at 3605 Salmonberry Drive SE, is **APPROVED**, subject to the following conditions:<sup>2</sup>

1. All required permits shall be obtained prior to commencement of land clearing, tree removal, 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 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.

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

4. Only one ADU shall be permitted on the subject property.
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. 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 558 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.
6. The ADU shall be located within 150 feet of the primary residence.
7. The ADU shall be designed to maintain the appearance of the primary residence.
8. This permit shall comply with all Kitsap Public Health District regulations and conditions of approval.
9. No mobile home or recreational vehicle shall be allowed as an ADU.
10. The ADU shall use the same side street entrance as the primary residence and shall provide one additional off-street parking space.
11. An accessory living quarters or guest house is not permitted on the same lot unless the ADU is removed and the accessory living quarters or guest house complies with all requirements imposed by the Kitsap County Code.
12. A property with a primary residence and an 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.
13. The ADU cannot be sold separately from the primary residence unless it has legally been segregated onto its own lot.
14. The recipient of any conditional use permit shall file a Notice of Land Use Binder with the county auditor prior to any of the following: initiation of any further site work, issuance of any development/construction permits by the county, or occupancy/use of the subject property or buildings thereon for the use or activity authorized. The Notice of Land Use Binder shall serve both as an acknowledgment of, and agreement to abide by, the terms and conditions of the conditional use permit, and as a notice to prospective purchasers of the existence of the permit. The Binder shall be prepared and recorded by the Department at the Applicant's expense.

15. The uses of the subject property are limited to the uses proposed by the Applicant and any other uses will be subject to further review pursuant to the requirements of the Kitsap County Code. Unless in conflict with the conditions stated and/or any regulations, all terms and specifications of the application shall be binding conditions of approval. Approval of this project shall not, and is not, to be construed as approval for more extensive or other utilization of the subject property.
16. The authorization granted herein is subject to all applicable federal, state, and local laws, regulations, and ordinances. Compliance with such laws, regulations, and ordinances is a condition to the 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.
17. The decision set forth herein is based upon representations made and exhibits contained in the project application Permit #21-02736. Any change(s) or deviation(s) in such plans, proposals, or conditions of approval imposed shall be subject to further review and approval of the County and potentially the Hearing Examiner.
18. This Conditional Use Permit approval shall automatically become void if no development permit application is accepted as complete by the Department of Community Development within four years of the Notice of Decision date or the resolution of any appeals.
19. Any violation of the conditions of approval shall be grounds to initiate revocation of this Conditional Use Permit.
20. The project proposes no ground disturbance. Should additional ground disturbance or development activity occur, a single-family wetland certification or delineation may be required.
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. Although 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 Title 12 KCC, if the project exceeds either of the thresholds noted above, then additional review for stormwater management will be required.

22. At building permit application, submit KCPW Form 1601 for issuance of a concurrency certificate, as required by KCC Section 20.04.030, Transportation Concurrency.

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



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ANDREW M. REEVES  
Hearing Examiner  
Sound Law Center