



## Notice of Corrected Hearing Examiner Decision

08/04/2022

To: Interested Parties and Parties of Record

RE: Project Name: HAUAN – Accessory Dwelling Unit Above Garage  
Applicant: Travis Hauan  
PO BOX 52  
KINGSTON, WA 98346  
Application: Conditional Use Permit – Accessory Dwelling Unit  
(CUP-ADU)  
Permit Number: 21-04619

The Kitsap County Hearing Examiner has **APPROVED** the land use application for **21-04619 HAUAN – Accessory Dwelling Unit Above Garage – Conditional Use Permit – Accessory Dwelling Unit (CUP-ADU)**, subject to the conditions outlined in this Notice and included Decision.

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

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

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

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

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

CC: Applicant/Owner: Travis & Brigitta Hauan, [travis.hauan@gmail.com](mailto:travis.hauan@gmail.com)  
Health District  
Public Works  
Parks  
Navy  
DSE  
Kitsap Transit

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

**BEFORE THE HEARING EXAMINER  
FOR KITSAP COUNTY**

|   |   |                                      |
|---|---|--------------------------------------|
| In the Matter of the Application of             | ) | No. 21-04619                         |
|   | ) |                                      |
| <b>Travis and Brigitta Hauan</b>                | ) | <b>Hauan Accessory Dwelling Unit</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 the upper floor of a detached garage to be constructed as a 864 square foot accessory dwelling unit, on a 3.56-acre property currently being developed with a single-family residence and associated detached garage structure, located at 25680 Tytler Road NE, in the Poulsbo 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 July 14, 2022, utilizing a hybrid approach allowing for participation in person or through remote access technology. The record was left open until July 21, 2022, to allow any member of the public having difficulty participating at the hearing through remote access technology to provide written comments in lieu of live testimony. No additional comments were submitted, and, accordingly, the record closed on July 21, 2022.

Testimony:

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

Darren Gurnee, County Planner

Exhibits:

The following exhibits were admitted into the record:

1. Project Narrative, received November 1, 2021
2. Site Plan, dated February 13, 2020
3. Floor Plans – ADU, dated December 28, 2020
4. Elevation – ADU, dated December 28, 2020
5. Floor Plan – Single-Family Residence, dated June 24, 2020
6. Elevations – Single-Family Residence, dated June 24, 2020
7. Required Permit Questionnaire – Conditional Use Permit – Accessory Dwelling Unit, received November 1, 2021
8. SEPA Environmental Checklist, dated October 5, 2021

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9. Stormwater Waiver, received November 1, 2021
10. Geotechnical Report, Aspect Consulting, LLC, dated June 12, 2020
11. Wetlands Certification, dated January 2, 2020
12. Health Department Building Site Application, approved March 25, 2020
13. Conditional Use Memorandum, dated January 14, 2022
14. Notice of Application, dated March 30, 2022
15. Determination of Nonsignificance, dated June 29, 2022
16. Notice of Public Hearing, published June 29, 2022
17. Certification of Public Notice, dated July 6, 2022
18. Staff Report, dated July 7, 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. Travis and Brigitta Hauan (Applicant), request a conditional use permit (CUP) to allow the upper floor of a detached garage to be constructed as a 864 square foot accessory dwelling unit. The Applicant has previously received permit approval to develop the 3.56-acre subject property with a 1,914 square foot single-family residence (Permit No. 20-02778) and an associated detached garage structure (Permit No. 20-06231), and these structures and associated improvements are currently being constructed on the site. The property is located at 25680 Tytler Road NE, in the Poulsbo area of unincorporated Kitsap County.<sup>1</sup> *Exhibits 1 through 7; Exhibit 13; Exhibit 18, Staff Report, page 1.*
2. Kitsap County (County) determined that the application was complete on November 8, 2021. On March 30, 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 June 29, 2022, the County published notice of the open record hearing associated with the application in the County's publishing newspaper of record and mailed notice to interested parties and property owners within 800 feet of the site. Notice of the hearing was posted on the property the same day. The County did not

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<sup>1</sup> The property is identified by Kitsap County Assessor's Tax Account No. 262701-3-014-2002. *Exhibit 18, Staff Report, page 1.*

receive any comments on the proposal in response to its notice materials. *Exhibit 14; Exhibit 16; Exhibit 17; Exhibit 18, Staff Report, pages 1 and 6.*

State Environmental Policy Act

3. The County acted as lead agency and analyzed the environmental impacts of the project as required by the State Environmental Policy Act (SEPA), Chapter 43.21C Revised Code of Washington (RCW). The County consolidated notice of the SEPA review and application comment periods under the optional process provided for by Washington Administrative Code (WAC) 197-11-355, with a SEPA comment deadline of April 13, 2022. The County did not receive any comments on the environmental review of the proposal. The County reviewed the Applicant’s environmental checklist and other information on file and determined that the proposal would not have a probable significant adverse impact on the environment. Accordingly, the County issued a Determination of Nonsignificance (DNS) on June 29, 2022, with an appeal deadline of July 13, 2022. The DNS was not appealed. *Exhibit 8; Exhibit 18, Staff Report, page 2.*

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 18, 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 shows that the detached garage structure would comply with these setback requirements. Additionally, ADUs are subject to the special-use provisions of *KCC 17.410.060*. The proposed ADU’s compliance with these special-use provisions is discussed in detail below. *Exhibit 2; Exhibit 7; Exhibit 18, Staff Report, pages 2 and 3.*

Existing Property and Proposed Development

6. The 3.56-acre property generally slopes from the east down to the west. The southern third of the site is being developed with the 1,914 square foot primary dwelling, the detached garage structure, driveway, and a primary and reserve septic drainfield. There is a mapped critical area on the northwestern edge of the site, and a field visit verified a slight ravine on the site. County staff determined, however, that the proposed ADU would not impact and critical areas or associated buffers. Aspect Consulting, LLC, prepared a geologic hazards reconnaissance report for the proposed development, dated June 12, 2020. The report did not identify any evidence of erosion hazards or slope instability that would restrict development of the site and determined that the proposed development would be feasible from a geotechnical standpoint. The proposed ADU would be served by a private well and septic system and would utilize the same solid waste services as the primary single-family residence. The primary residence and ADU would be accessed by a shared driveway connecting to Tytler Road NE. County Development Services and Engineering reviewed and approved the proposal for compliance with traffic and road standards and recommended approval, with conditions. The Kitsap County Public Health District reviewed and approved the proposal without conditions. The Kitsap County Fire Marshal’s Office also reviewed and approved the proposal without conditions. *Exhibits 2 through 7; Exhibits 9 through 13; Exhibit 18, Staff Report, pages 1, 3, 5, 8, and 9.*

### 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 the upper floor of a permitted detached garage structure 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*. 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 proposed 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 residence would measure 1,914 square feet. 50 percent of 1,914 is 957 square feet and, therefore, the ADU would be limited to 900 square feet. The proposed ADU would measure 864 square feet.*
  - f. The ADU shall be located within 150 feet of the primary residence or shall be the conversion of an existing detached structure. *The proposed single-family residence and proposed ADU would be located less than 50 feet apart.*
  - 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 structure and siding would match the aesthetic of the house and garage.*
  - h. All setback requirements for the zone in which the ADU would be located shall apply. *The proposed ADU would meet all setback requirements applicable to the RR zone.*
  - i. The ADU shall meet applicable health district standards for water and sewage. *The application was reviewed and approved by Kitsap County Health District.*
  - 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 single-family residence. The driveway would provide an additional off-street parking space. Exhibit 18, Staff Report, pages 6 and 7.*

#### Testimony

8. 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 noted that the proposed ADU would be located on a 3.56-acre lot that is being developed with a 1,914 primary single-family residence that would be occupied by the Applicant. Mr. Gurnee explained that the County conducts an environmental review of all ADU proposals within rural areas and determined that the current proposal would not have a probable significant adverse impact on the environment. He described the subject property, noting that it generally slopes from the east down to the west and that there is a wetland present on the northwestern edge of the site but stated that the ADU would not encroach into the wetland buffer. Mr. Gurnee explained that access to the property would be provided from Tytler Road NE, a County-maintained road that transitions to a private easement. He detailed how, with conditions, the proposal would be consistent with several goals and policies of the County Comprehensive Plan and would meet all the special-use criteria under KCC 17.410.060.B.3 to allow construction of an ADU on residentially zoned property. *Testimony of Mr. Gurnee.*

#### Staff Recommendation

9. County staff recommends approval of the application, with conditions. *Exhibit 18, Staff Report, pages 10 through 12; Testimony of Mr. Gurnee.*

### **CONCLUSIONS**

#### Jurisdiction

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

#### Criteria for Review

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

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

existing character, appearance, quality or development, and physical characteristics of the subject property and the immediate vicinity.

*KCC 17.550.030.A.*

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

1. Increase requirements in the standards, criteria, or policies established by [the zoning code];
2. Stipulate the exact location as a means of minimizing hazards to life, limb, property damage, erosion, landslides, or traffic;
3. Require structural features or equipment essential to serve the same purpose set forth in Chapter 17.420;
4. Include requirements to improve compatibility with other uses permitted in the same zone, protecting them from nuisance generating features in matters of noise, odors, air pollution, wastes, vibration, traffic, physical hazards, and similar matters. The hearing examiner may not, in connection with action on a conditional use permit, reduce the requirements specified by [the zoning code] as pertaining to any use nor otherwise reduce the requirements of [the zoning code] in matters for which a variance is the remedy provided;
5. Assure that the degree of compatibility with the purpose of [the zoning code] shall be maintained with respect to the particular use on the particular site and in consideration of other existing and potential uses, within the general area in which the use is proposed to be located;
6. Recognize and compensate for variations and degree of technological processes and equipment as related to the factors of noise, smoke, dust, fumes, vibration, odors, and hazard or public need;
7. Require the posting of construction and maintenance bonds or other security sufficient to secure to the county the estimated cost of construction and/or installation and maintenance of required improvements; and
8. Impose any requirement that will protect the public health, safety, and welfare.

*KCC 17.550.030.B.*

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

In addition to the criteria listed above, 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;

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- 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; and
- k. An ADU shall use the same side-street entrance as the primary residence and shall provide additional off-street parking.

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 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 1,914 square foot single-family residence being constructed on the property. The proposed ADU would measure 864 square feet, which is less than the 900 square foot maximum permitted size for an ADU associated with a 1,914 square foot primary residence. The proposed ADU would be sited less than 50 feet apart from the proposed single-family residence and would be designed to have a similar appearance by matching the aesthetic of the primary house and detached garage. The proposed ADU would meet all applicable setback requirements for the RR zone,

utilize the existing driveway serving the single-family residence, and provide an additional off-street parking space. The proposed ADU would be served by an on-site well and an on-site septic system. A mapped wetland is located on the northwestern edge of the site, but the proposed development would not be located within any buffers or building setbacks associated with the critical area. County Development Services and Engineering reviewed and approved the proposal for compliance with traffic and road standards and recommended approval, with conditions that the Hearing Examiner adopts as conditions of conditional use permit approval. The Kitsap County Health District has reviewed and approved the proposal without conditions. The Kitsap County Fire Marshal's Office also 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, 4 – 9.*

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 June 29, 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 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 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 – 9.*

## DECISION

Based on the preceding findings and conclusions, the request for a conditional use permit to allow construction of a 864 square foot detached accessory dwelling unit at 25680 Tytler Road NE is **APPROVED**, subject to the following conditions:<sup>2</sup>

1. All required permits shall be obtained prior to commencement of land clearing, construction, and/or occupancy.

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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.

2. The accessory dwelling unit (ADU) is subject to the payment of impact fees. Impact fees must be paid at time of permit issuance, or if deferred, must be paid prior to final inspection. No certificate of occupancy will be granted until all impact fees are paid.
3. Any proposed modification (not including cosmetic work such as painting, papering, and similar finish work), remodel, or expansion of the accessory dwelling unit building, regardless of whether a building permit is required, shall be reviewed by the Department of Community Development and granted approval prior to such modification, expansion, construction, and/or issuance of a building permit.
4. Only one 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.
6. The ADU 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 864 square feet.
7. The accessory dwelling unit shall be located within 150 feet of the primary residence.
8. The accessory dwelling unit shall be designed to maintain the appearance of the primary residence.
9. This permit shall comply with all Kitsap Public Health District regulations and conditions of approval.
10. No mobile home or recreational vehicle shall be allowed as an accessory dwelling unit.
11. The 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 or guest house is not permitted on the same lot unless the ADU is removed or altered and the accessory living quarters or guest house complies with all requirements imposed by the Kitsap County Code.
13. A property with a primary residence and an accessory dwelling unit cannot be segregated to create two separate legal lots unless it complies with all subdivision, zoning, and density requirements in place at the time of a complete subdivision application.
14. The accessory dwelling unit cannot be sold separately from the primary residence

unless it has legally been segregated onto its own lot.

15. The recipient of any conditional use permit shall file a Notice of Land Use Binder with the County auditor prior to any of the following: initiation of any further site work, issuance of any development/construction permits by the County, or occupancy/use of the subject property or buildings thereon for the use or activity authorized. The Notice of Land Use Binder shall serve both as an acknowledgment of, and agreement to abide by, the terms and conditions of the conditional use permit and as a notice to prospective purchasers of the existence of the permit. The Binder shall be prepared and recorded by the Department at the Applicant's expense.
16. The uses of the subject property are limited to the uses proposed by the Applicant and any other uses will be subject to further review pursuant to the requirements of the Kitsap County Code. Unless in conflict with the conditions stated and/or any regulations, all terms and specifications of the application shall be binding conditions of approval. Approval of this project shall not, and is not, to be construed as approval for more extensive or other utilization of the subject property.
17. The authorization granted herein is subject to all applicable federal, state, and local laws, regulations, and ordinances. Compliance with such laws, regulations, and ordinances is a condition to the approval granted and is a continuing requirement of such approval. By accepting this approval, the Applicant represents that the development and activities allowed will comply with such laws, regulations, and ordinances. If, during the term of the approval granted, the development and activities permitted do not comply with such laws, regulations, or ordinances, the Applicant agrees to promptly bring such development or activities into compliance.
18. The decision set forth herein is based upon representations made and exhibits contained in the project application Permit No. 21-03571. 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. Construction plans and profiles for all roads, storm drainage facilities and

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appurtenances prepared by the developer's engineer shall be submitted to Kitsap County for review and acceptance. No construction shall be started prior to said plan acceptance.

22. Building permits submitted for this development 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.
23. 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 as approved under 21-05231 and 21-02778. Per KCC Title 12, if the project exceeds either of the thresholds noted above, then additional review for stormwater management will be required.
24. If the project proposal is modified from that shown on the submitted site plan accepted for review November 8th, 2021, Development Services and Engineering will require additional review and potentially new conditions.
25. Any violation of the conditions of approval shall be grounds to initiate revocation of this Conditional Use Permit.

Decided this 4<sup>th</sup> day of August 2022.



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ANDREW M. REEVES  
Hearing Examiner  
Sound Law Center