



Notice of Hearing Examiner Decision

10/13/2022

To: Interested Parties and Parties of Record

RE: Project Name: Strum Accessory Dwelling Unit (ADU)
 Applicant: Robert Strum
 23347 Aldo Road NW
 Poulsbo, WA 98370
 Application: Conditional Use Permit (CUP-ADU)
 Permit Number: #21-03237

The Kitsap County Hearing Examiner has **APPROVED** the land use application for **Permit #21-03237 Strum Accessory Dwelling Unit – Conditional Use Permit (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 or (360) 337-5777.

CC: Owner: Robert & Marianne Strum, bobstrum@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
Interested Parties: None

**BEFORE THE HEARING EXAMINER
FOR KITSAP COUNTY**

In the Matter of the Application of)	No. 21-03237
)	
Robert and Marianne Strum)	Strum Accessory Dwelling Unit
)	
)	
)	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 a 580 square foot guest house into an accessory dwelling unit, on a 1.66-acre property located at 23347 Aldo Rd NW, 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 September 22, 2022, utilizing a hybrid approach allowing for participation in person or through remote access technology. The record was left open until September 29, 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 September 29, 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. Staff Report, dated September 15, 2022
2. ADU Plans, dated May 1, 2006
3. Concurrency Test, received August 17, 2021
4. Health Department Building Site Application, dated July 30, 2021
5. Health Department Water Availability, dated July 30, 2021
6. Permit Questionnaire, dated June 8, 2021
7. Project Narrative, dated July 19, 2021
8. SEPA Environmental Checklist, dated July 16, 2021

*Findings, Conclusions, and Decision
Kitsap County Hearing Examiner
Strum Accessory Dwelling Unit CUP
No. 21-03237*

9. SFR Elevations, received August 17, 2021
10. SFR Floor Plan, dated August 31, 2000
11. Stormwater Pollution Prevention Plan, received August 17, 2021
12. Notice of Application, dated January 28, 2022
13. ADU Elevations, received June 8, 2022
14. Geotechnical Report, Mud Bay Geotechnical Services, LLC, dated May 27, 2022
15. Site Plan, dated June 22, 2000
16. SEPA Determination, dated August 25, 2022
17. Notice of Public Hearing, dated August 25, 2022
18. Certification of Public Notice, dated September 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. Robert and Marianne Strum (Applicant) request a conditional use permit (CUP) to allow for conversion of a 580 square foot guest house, constructed in 2006, into an accessory dwelling unit (ADU). The existing structure proposed to be converted into an ADU is located on a 1.66-acre property developed with a 3,107 square foot single-family residence and associated garage, driveway, and septic system. The property is located at 23347 Aldo Rd NW, in the Poulsbo area of unincorporated Kitsap County.¹ *Exhibit 1, Staff Report, page 1; Exhibit 2; Exhibit 6; Exhibit 7; Exhibit 9; Exhibit 10; Exhibit 13; Exhibit 15.*
2. Kitsap County (County) determined that the application was complete on August 8, 2021. On January 28, 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 September 7, 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 the property the same

¹ The property is identified by Kitsap County Assessor's Tax Account No. 042601-2-078-2004. *Exhibit 1, Staff Report, page 1.*

day. 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 12; Exhibit 17; Exhibit 18.*

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 February 11, 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 August 23, 2022, with an appeal deadline of September 8, 2022. The DNS was not appealed. *Exhibit 1, Staff Report, page 2; Exhibit 8; Exhibit 16.*

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 2, 4, and 5.

5. The subject property and all surrounding properties are zoned “Rural Residential” (RR). The RR zone “promotes low-density residential development consistent with rural character. It is applied to areas that are relatively unconstrained by environmentally sensitive areas or other significant landscape features. These areas are provided with limited public services.” *KCC 17.130.010*. Detached ADUs are allowed in the RR zone with a conditional use permit. *KCC 17.410.042*. ADUs in the RR zone are 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 existing structure proposed to be converted to an ADU 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 1, Staff Report, pages 2, 3, and 14; Exhibit 4; Exhibit 15.*

Existing Property and Proposed Development

6. The 1.66-acre property gently slopes from the east down to the west. There is a steep drop 13 feet south of the home towards the shoreline to the west. The eastern third of the site is developed with a 3,107 square foot primary residence, an existing structure that is proposed to be converted to an ADU, a garage, a driveway, and a primary and reserve septic drainfield. The proposed ADU would be served by a private well and septic system. The ADU would be directly accessed by Aldo Road NW, which is a combination of a County-maintained road that transitions to a private easement. Mud Bay Geotechnical Services, LLC, prepared a geologic hazards reconnaissance report for the proposed development, dated May 27, 2022. The report indicated a possibility of moderate erosion potential. The report confirmed that the change of use for the existing structure to an ADU would not pose a threat to the health, safety, and welfare of the property owners or the public. County Development Services and Engineering reviewed and approved the proposal with conditions that have been incorporated into County staff’s recommended conditions of approval. The Kitsap County Fire Marshal’s Office also reviewed and approved the proposal with conditions that have been incorporated into County staff’s recommended conditions of approval. The Kitsap

County Public Health District reviewed and approved the proposal without conditions. *Exhibit 1, Staff Report, pages 1, 2, 8, and 9; Exhibits 2 through 6; Exhibit 14.*

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 convert an existing 580 square foot guest house into a detached 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 a detached 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 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 single-family residence measures 3,107 square feet. 50 percent of 3,107 is 1,554 square feet and, therefore, the ADU would be limited to 900 square feet. The proposed ADU would measure 580 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 single-family residence and structure proposed to be converted to an ADU are less than 32 feet apart.*
- g. The ADU shall be designed to maintain the appearance of the primary residence. *The single-family residence and existing structure proposed to be converted to an ADU are similar in appearance. The structure and siding of the proposed ADU match the aesthetic of the existing 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 1, 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 the conversion of an existing guest house into an ADU. He noted that the 1.66-acre subject property is developed with a single-family residence and the 580 square foot guest house, which is proposed to be converted to an ADU. Mr. Gurnee explained that the existing primary dwelling, garage, and guest house were constructed in 2006, and that the guest house connects to the garage but not to the primary residence itself. He explained that, because the Applicant is requesting only a change of use for the existing structure, there would be no additional construction associated with the proposal. He described the subject property, noting that it gently slopes from the east down to the west. Mr. Gurnee stated that proposal would comply with the setback requirements applicable to the RR zone. He explained that access to the property would be provided from Aldo Road NW, which is a County-maintained road that transitions to a private easement. Mr. Gurnee also detailed how, with conditions, the proposal would be consistent with several goals and policies of the County Comprehensive Plan and would satisfy all special-use criteria under KCC 17.410.060.B.3 to allow a detached ADU on residentially zoned property.
Testimony of Mr. Gurnee

Staff Recommendation

- 9. County staff recommends approval of the application, with conditions. *Exhibit 1, 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;
- 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

*Findings, Conclusions, and Decision
Kitsap County Hearing Examiner
Strum Accessory Dwelling Unit CUP
No. 21-03237*

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 maintain 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 3,107 square foot single-family residence on the property. The existing structure proposed to be converted to an ADU measures 580 square feet, which is less than the 900 square foot maximum permitted size for an ADU associated with a 3,107 square foot primary residence. The structure proposed to be converted to an ADU is sited less than 50 feet apart from the single-family residence and has a similar appearance to the existing single-family residence and 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 a private well and an on-site septic system. The proposed ADU would not pose a threat to the health, safety, and welfare of the property owners or the public. The Kitsap County Fire Marshal's Office and County Development Services and Engineering reviewed and approved the proposal with conditions that the Hearing Examiner adopts as conditions of conditional use permit approval. The Kitsap County Health District 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 August 23, 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 for the conversion of a 580 square foot guest house into a detached accessory dwelling unit, on a 1.66-acre property, located at 23347 Aldo Rd NW, in the Poulsbo area of unincorporated Kitsap County is **APPROVED**, subject to the following conditions:²

1. All required permits shall be obtained prior to commencement of land clearing, construction, and/or occupancy.
2. The accessory dwelling unit (ADU) is subject to the payment of impact fees. Impact fees must be paid at time of permit issuance, or if deferred, must be paid prior to final inspection. No certificate of occupancy will be granted until all impact fees are paid.
3. Any proposed modification (not including cosmetic work such as painting, papering, and similar finish work), remodel, or expansion of the accessory dwelling unit building, regardless of whether a building permit is required, shall be reviewed by the Department of Community Development and granted approval prior to such modification, expansion, construction, and/or issuance of a building permit.
4. Only one ADU shall be permitted on the subject property.
5. 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 580 square feet.
6. The accessory dwelling unit shall be located within 150 feet of the primary residence.
7. The accessory dwelling unit 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 accessory dwelling unit.
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 or altered and the accessory living quarters or guest house complies with all requirements imposed by the Kitsap County Code.

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

12. 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.
13. The accessory dwelling unit 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 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.
17. 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.
18. This Conditional Use Permit approval shall automatically become void if no

*Findings, Conclusions, and Decision
Kitsap County Hearing Examiner
Strum Accessory Dwelling Unit CUP
No. 21-03237*

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 owner shall be responsible for maintenance of the storm drainage facilities for this development following construction. Before (requesting final building inspection/recording the final plat/binding site plan) for this development, the person or persons holding title to the subject property for which the storm drainage facilities were required shall record a Declaration of Covenant that guarantees the County that the system will be properly maintained. Wording must be included in the covenant that will allow the County to inspect the system and perform the necessary maintenance in the event the system is not performing properly. This would be done only after notifying the owner and giving him a reasonable time to do the necessary work. Should County forces be required to do the work, the owner will be billed the maximum amount allowed by law.
21. At building permit application, submit KCPW Form 1601 for issuance of a concurrency certificate, as required by KCC Section 20.04.030, Transportation Concurrency.
22. Work within the county right-of-way requires a permit to perform work in the right-of-way from the Kitsap County Department of Public Works.
23. Permitting is subject to the conditions of the Geotechnical report associated with this permit and on file at the Department of Community Development.
24. Prior to final permit approval the Applicant shall:
 - 1) Submit documentation of road construction meeting access requirements per code;
 - 2) Improve access to meet current code; or
 - 3) Equip the residence and accessory dwelling unit with an automatic fire sprinkler system. Automatic sprinkler system will require a separate permit.
25. Access roads shall comply with the following:
 - Unobstructed width of 20 feet and height of 13 feet 6 inches.
 - Access shall be designed and maintained to support a 60,000 pound fire apparatus and be provided with an all weather driving surface.
 - Inside turning radii shall be a minimum of 25 feet.
 - Dead end access roads exceeding 150 feet in length shall be provided with an

- approved turnaround.
Roads shall not be more than 12% grade.

DECIDED this 13th day of October 2022.



ANDREW M. REEVES
Hearing Examiner
Sound Law Center