



Notice of Hearing Examiner Decision

02/11/2022

To: Interested Parties and Parties of Record

RE: Project Name: Nail Conversion from Special Care Unit to Accessory Dwelling Unit (ADU)
Applicant: Orville Nail, Jr. and Kristin Nail
2155 Opdal Road East
Port Orchard, WA 98366
Application: Conditional Use Permit (CUP)
Permit Number: 21-04571

The Kitsap County Hearing Examiner has **APPROVED** the land use application for **Permit #21-04571 Nail Conversion from Special Care Unit to Accessory Dwelling Unit (ADU) – Conditional Use Permit**, subject to the conditions outlined in this Notice and included Decision.

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

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

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

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

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

CC: Applicant/Owner: Kristin & Orville Nail, 2155 Opdal Rd, Port Orchard, WA 98366
Authorized Agent: Orville Nail, kristinnail@gmail.com; David Bannon, bannoneng1@comcast.net
Health District
Public Works
Parks Navy
DSE

Kitsap Transit
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 Dept of Transportation/Aviation
WA State Dept of Ecology-SEPA
WA State Dept of Ecology-Wetland Review
WA State Dept of Transportation
Interested Parties: None

**BEFORE THE HEARING EXAMINER
FOR KITSAP COUNTY**

In the Matter of the Application of)	No. 21-04571
)	
Orville Nail, Jr. and Kristin Nail)	Nail Accessory Dwelling Unit CUP
)	
)	
)	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 896 square foot manufactured home, currently serving as a special care unit, into a detached Accessory Dwelling Unit (ADU), on a 0.81-acre residential property at 2155 Opdal Road East, 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 January 27, 2022, using remote access technology. The record was left open until February 3, 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 February 3, 2022.

Testimony:

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

Roxanne Robles, County Senior Planner
Dean Nail, Applicant Representative

Exhibits:

The following exhibits were admitted into the record:

1. Staff Report, dated January 20, 2022
2. Required Permit Questionnaire – Conditional Use Permit – Accessory Dwelling Unit, received September 13, 2021
3. Site Plan, dated May 25, 2021
4. Project Narrative, dated May 25, 2021
5. ADU Elevation Drawings, dated May 25, 2021
6. Septic Design Documents, received September 13, 2021

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7. SEPA Environmental Checklist, dated August 19, 2021
8. Notice of Application, dated October 15, 2021
9. SEPA Determination of Nonsignificance, issued December 22, 2021
10. Notice of Public Hearing, published January 12, 2022
11. Certification of Public Notice, dated December 12 and January 12 and 18, 2022
12. Staff Presentation
13. 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. Orville Nail, Jr. and Kristin Nail (Applicant) request a conditional use permit (CUP) to allow for the conversion of an existing 896 square foot manufactured home, currently serving as a special care unit, into a detached Accessory Dwelling Unit (ADU) on a 0.81-acre residential property at 2155 Opdal Road East.¹ *Exhibit 1, Staff Report, page 1; Exhibit 2; Exhibit 3; Exhibit 4.*
2. Kitsap County (County) determined that the application was complete on September 17, 2021. On October 15, 2021, the County provided notice of the application consistent with the requirements of Kitsap County Code (KCC) 21.04.210 by mailing notice to property owners within 800 feet of the site and to reviewing departments and agencies and by publishing notice in the County's publishing newspaper of record, with a comment deadline of January 20, 2022. On January 12, 2022, the County provided notice of the open record hearing associated with the application by mailing notice to property owners within 800 feet of the site and to interested parties and by publishing notice in the County's publishing newspaper of record. Notice of the hearing was posted on the property on January 18, 2022. 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 8; Exhibit 11.*

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. The County did not receive any comments

¹ The property is identified by Kitsap County Assessor's Tax Account No. 202402-1-035-2009. *Exhibit 1, Staff Report, page 1.*

concerning 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 used a Determination of Nonsignificance (DNS) on December 22, 2021, with an appeal deadline of January 5, 2022. The same day, the County published the DNS in the County's publishing newspaper of record. The DNS was not appealed. *Exhibit 1, Staff Report, page 2; Exhibit 7; Exhibit 9; Exhibit 11.*

Comprehensive Plan and Zoning

4. The property is designated "Rural Residential" by the County Comprehensive Plan. County staff identified the following Comprehensive Plan policies as relevant to the proposal:

- Limit the designated rural area to low residential densities that can be sustained by minimal infrastructure improvements, that cause minimal environmental degradation, and that will not cumulatively create the future necessity or expectation of urban levels of service. [Land Use Policy 50]
- Permit residential uses in rural areas consistent with the planned rural character of the surrounding area. [Land Use Policy 51]
- Outside of the Type III Limited Area of More Intensive Rural Development (LAMIRD), limit development only to that which serves rural residential or resource needs and does not draw population from Urban Growth Areas. This policy is implemented through Comprehensive Plan Land Use designations, zoning designations, and zoning code provisions. [Land Use Policy 53]
- Use regulatory strategies to incentivize and provide flexibility for development of affordable and special needs housing. [Housing, Human Services Policy 5]
- Adopt regulatory changes to allow non-traditional housing types. [Housing, Human Services Policy 7]
- Promote fair housing to ensure that all residents of Kitsap County have an equal and fair opportunity to obtain safe and sanitary housing suitable to their needs and financial resources, regardless of race, religion, gender, sexual orientation, age, national origin, family status, income, disability, or other protected class. [Housing, Human Services Policy 11]
- Identify and remove regulatory barriers and limits access to or the provision of a diverse affordable housing supply. [Housing, Human Services Policy 12]
- Identify and remove impediments to creating housing for harder to house populations. [Housing, Human Services Policy 13]

- Disperse affordable housing opportunities throughout the County.
[Housing, Human Services Policy 14]
Exhibit 1, Staff Report, pages 4 and 5.

5. The subject property 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*. 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 existing structure is currently set back 68 feet from the front property line to the west, 141 feet from the side property line to the north, 5 feet from the side property line to the south, and 87 feet from the rear property line to the east, in accord with the setback requirements for its conversion to an ADU use. 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 and 3; Exhibit 2.*

Existing Property and Proposed Development

6. The 896 square foot manufactured home to be converted to an ADU was built in 1978 along the southern property line and currently serves as a special care unit. The central portion of the 0.81-acre site is developed with an existing two-story 2,198 square foot primary residential dwelling that was constructed in 1985. The northeastern portion of the site is developed with an existing 2,568 square foot detached garage. An existing well and septic system currently serve the property. The proposed ADU would utilize the existing well connection, and a new septic drainfield would be installed to serve the proposed ADU. The Kitsap County Health District reviewed and approved the proposal without conditions. There are no mapped critical areas on-site. Access to the property is provided from two existing driveways connecting to Opdal Road East, a county-maintained road. The southern driveway would be restored with landscaping, and a fence would be constructed to prevent access to the property from this location. The northern driveway would provide access to both the primary dwelling and the proposed ADU, and would provide an additional off-street parking space for the ADU. *Exhibit 1, Staff Report, pages 1 through 4, 8, and 10; Exhibit 3; Exhibit 6.*

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 allow for the conversion of

an existing 896 square foot manufactured home currently serving as a special care unit 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 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 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 2,198 square feet and 50 percent of 2,198 is 1,099 square feet; therefore, the ADU is limited to 900 square feet. The proposed ADU is 896 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 existing single-family residence and the existing special care unit proposed for conversion to an accessory dwelling unit are approximately 53 feet apart, satisfying this requirement.*
- g. The ADU shall be designed to maintain the appearance of the primary residence. *The single-family residence and the proposed 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 routed to and approved by Kitsap County Health District without conditions.*
- j. No mobile homes or recreational vehicles shall be allowed as an ADU. *There are no mobile homes or recreational vehicles present on the subject property or proposed in this application.*
- 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 an existing driveway utilized by the single-family*

residence. The driveway would provide an additional off-street parking space. The southern driveway would be landscaped to match the rest of the site and fenced off to prevent access.

1. An ADU is not permitted on the same lot where accessory living quarters exist. *There are no present or proposed accessory living quarters. Exhibit 1, Staff Report, pages 6 through 8.*

Testimony

8. County Senior Planner Roxanne Robles 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 manufactured home currently serving as a special care unit into an ADU. She described the subject site and building characteristics, surrounding parcel characteristics, and how public notice requirements were met. She noted that there were no mapped critical areas on-site, and that there were no environmental concerns because the structure is pre-existing. She explained the ADU would be served by an existing well and noted that a new septic drainfield would be installed to accommodate the ADU. She stated that the Kitsap County Health District had no comments on the proposed ADU because it involves a pre-existing structure. *Testimony of Ms. Robles.*
9. Applicant Representative Dean Nail testified that he was concerned about one of County staff's recommended conditions requiring that the shoulder, ditch, and ground surface within the right of way be restored to match existing right-of-way conditions. He noted that there currently is no ditch located where the southerly road access would be removed, and that the property slopes downhill from the road. *Testimony of Mr. Nail.*
10. In response to Mr. Nail's testimony, Ms. Robles explained that the intent of the condition is to require the Applicant to match existing road conditions, to ensure no disruption of stormwater conveyance arising from the change of use, and to create no additional detrimental drainage conditions. She added that an inspector would visit the site to verify satisfaction of the condition. *Testimony of Ms. Robles.*

Staff Recommendation

11. County staff recommends approval of the application, with conditions. Following Ms. Robles's clarification in response to the Applicant's concerns regarding County staff's recommended conditions, Mr. Nail testified that he understood the intent of the condition and would be able to match existing road conditions as the condition contemplates. *Exhibit 1, Staff Report, pages 10 through 13; Testimony of Ms. Robles; Testimony of Mr. Nail.*

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.

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

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

The criteria for review adopted by the Kitsap County Board of Commissioners are designed to implement the requirement of Chapter 36.70B RCW to enact the Growth Management Act. In particular, RCW 36.70B.040 mandates that local jurisdictions review proposed development to

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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 convert an existing manufactured home (currently serving as a special care unit) into a detached ADU, and there are no other ADUs, accessory living quarters, mobile homes, or recreational vehicles currently located or proposed to be located on the property. The Applicant would continue to reside in the existing 2,198 square foot single-family residence on the property. The proposed ADU would measure 896 square feet, which is less than the 900 square foot maximum permitted for an ADU associated with a 2,198 square foot primary residence. The proposed ADU would be sited approximately 53 feet from the existing single-family residence and is designed in harmony with the appearance of the single-family residence because the existing structure and siding match the aesthetic of the existing house and garage. The proposed ADU would meet all applicable setback requirements for the RR zone, utilize the existing northern driveway serving the single-family residence, and provide one additional off-street parking space. The proposed ADU would be served by an on-site well and septic system, both of which currently serve the primary residence. The Kitsap County Health District has approved, without conditions, the water and sewer systems proposed for the project. Conditions, as detailed below, are necessary to mitigate project impacts and to ensure compliance with applicable statutes, ordinances, and regulations. *Findings 1, 4 – 8, 10, 11.*
- 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 December 22, 2021. That determination was not appealed. The proposed ADU would be consistent with the County Comprehensive Plan policies that permit low-density residential uses in rural areas and generally encourage diverse, affordable housing options suitable to meet the needs of county residents. The Kitsap County Health District approved the proposed water and septic systems 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 – 11.*

DECISION

Based on the preceding findings and conclusions, the request for a conditional use permit to allow for the conversion of an existing 896 square foot manufactured home currently serving as a special care unit into a detached Accessory Dwelling Unit (ADU) on a 0.81-acre residential property at 2155 Opdal Road East 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 accessory dwelling unit shall be permitted on the subject property.
5. The owner of the property must reside in either the primary residence or the accessory dwelling unit and only one of the structures may be rented at any one time. The accessory dwelling unit's habitable area shall not exceed 50 percent of the primary residence or 900 square feet, whichever is smaller. The existing size of the ADU is 896 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 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.

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

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 accessory dwelling unit 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 accessory dwelling unit is removed and the ALQ or GH complies with all requirements imposed by the Kitsap 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 approvals granted and is a continuing requirement of

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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 #21-04571. 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. Building permits submitted for development of this project 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.
21. Stormwater quantity control, quality treatment, and erosion and sedimentation control, as required for the project development, shall be designed in accordance with Kitsap County Code Title 12 effective at the time the Conditional Use Permit application was deemed complete, September 17, 2021. The fees and submittal requirements shall be in accordance with Kitsap County Ordinances in effect at the time of Building Permit Application.
22. If the project proposal is modified from that shown on the submitted site plan accepted for review on September 13, 2021, Development Services and Engineering will require additional review and potentially new conditions.
23. The existing southerly road approach shall be removed, and the shoulder, ditch, and ground surface within the right of way shall be restored to match existing right-of-way conditions. This condition will be verified by inspection associated with required building permit.

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24. Any work within the County right of way shall require a Public Works permit and possibly a maintenance or performance bond. This application to perform work in the right of way shall be submitted as part of the building permit. The need for and scope of bonding will be determined at that time.

DECIDED this 10th day of February 2022.



ANDREW M. REEVES
Hearing Examiner
Sound Law Center