



Kitsap County Hearing Examiner

COUNTY COURTHOUSE, 614 DIVISION STREET MS-36
http://www.kitsapgov.com/dcd/lu_env/he/
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NOTICE OF HEARING EXAMINER DECISION

November 12, 2008

To: Interested Parties and Parties of Record

RE: Project Name: **Six – Conditional Use Permit**
Applicant: **Brian E. Six**
10419 Cardon Place SW
Port Orchard, WA 98367
South Kitsap County, Commissioner District #2
Application: **Conditional Use Permit**
Case Number: **081023 – 077 (5398-000-006-0003) LIS#08 57497**

Enclosed is the Decision issued by the Kitsap County Hearing Examiner in the above-referenced matter.

THE DECISION OF THE HEARING EXAMINER IS FINAL, UNLESS APPEALED TO THE KITSAP COUNTY BOARD OF COMMISSIONERS, AS PROVIDED BY SECTION 120 OF THE KITSAP COUNTY LAND USE AND DEVELOPMENT PROCEDURES. ANY APPEAL MUST BE FILED ON OR BEFORE THE CLOSE OF BUSINESS ON NOVEMBER 26, 2008.

Pursuant to the Kitsap County Land Use and Development Procedures, (KCC 21.04.120) an appeal may be filed objecting to the Hearing Examiner's Decision. An appeal must be made in writing, and filed with both the Department of Community Development (DCD) and the Board of County Commissioners (BCC) offices. At the time of filing the appeal, the appellant shall pay the sum of **five hundred dollars (\$500.00)**. This fee is non-refundable and subject to change. Make check payable to Kitsap County Department of Community Development (DCD).

The written appeal shall be made on or attached to an appeal form provided by DCD, and shall contain the following information.

1. The project name, project applicant, application type, and case number designated by the County:
2. The name, address, and signature of each appellant. If multiple parties file a single appeal, the appeal document shall designate, in writing, one party as the contract representative for all contact with the DCD Director and BCC. All contact between the County and the appellants regarding the appeal, including notices, shall be through this contact representative; and

**NOTICE OF HEARING EXAMINER DECISION – SIX - CONDITIONAL USE PERMIT –
ACCESSORY DWELLING UNIT**

November 12, 2008

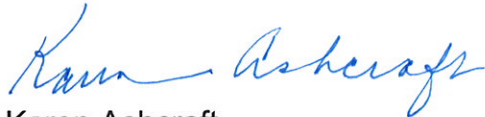
Page 2

3. A written statement of the specific aspects(s) of the Decision and/or SEPA determination being appealed, the reasons why each is in error as a matter of fact or law, and the evidence relied upon to prove the error.

The complete case file will be available for review at the Department of Community Development, Monday through Friday, except holidays, 8:15 a.m. to 4:00 p.m.

If you have questions, please contact me at (360) 337-4487. If you have procedural questions regarding the appeal hearing before the Board of County Commissioners, please contact the Clerk of the Board at (360) 337-7146.

Sincerely,



Karen Ashcraft
Clerk of the Examiner

Enclosure

Interested Parties:

Bruce Quaintance, 10810 Ridge Rim Trail SE, Port Orchard, WA 98367

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KITSAP COUNTY DEPT. OF
COMMUNITY DEVELOPMENT

**BEFORE THE HEARING EXAMINER
FOR KITSAP COUNTY**

In the Matter of the Application of)	No. 081023-077
)	
Brian E. Six)	
)	
For Approval of a Conditional Use Permit)	FINDINGS, CONCLUSIONS,
<u>To Construct an Accessory Dwelling Unit</u>)	AND DECISION

SUMMARY OF DECISION

The request for a Conditional Use Permit to construct an Accessory Dwelling Unit on property located at 10417 Cardon Place SW, in Port Orchard, Washington, is **APPROVED**, subject to conditions.

SUMMARY OF RECORD

Request:

Brian E. Six requests a Conditional Use Permit to construct an Accessory Dwelling Unit on property located at 10417 Cardon Place SW, in Port Orchard, Washington.

Hearing Date:

The Hearing Examiner held an open record hearing on the request on October 23, 2008.

Testimony:

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

Jeff Smith, County Planner
 Brian E. Six, Applicant

Exhibits:

The following exhibits were admitted into the record:

1. Revised Site Plan - Single-Family Residence
2. Building Site Application KCHD, dated May 22, 2008
3. Site Plan, dated May 23, 2008
4. Binding Water Availability Letter KCHD, dated July 22, 2008
5. Request to Waive Pre-Application Meeting, dated August 8, 2008
6. Conditional Use Permit Application, dated August 8, 2008
7. Environmental (SEPA) Checklist, dated August 11, 2008

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8. KCPW Application for Concurrency Test, rec'd August 15, 2008
9. Project Narrative, rec'd August 15, 2008
10. Elevation of Accessory Dwelling Unit with Site Plan, rec'd August 15, 2008
11. Notice of Complete Application, dated August 27, 2008
12. Memorandum from Nathan D. Holburn, dated September 2, 2008
13. Memorandum from Shawn Alire DE, dated September 9, 2008
14. Kitsap County Assessor's Parcel Details, undated
15. GIS Zoning Map, dated September 11, 2008
16. GIS Building Limitations Map, dated September 11, 2008
17. GIS Critical Areas Aerial Map, dated September 11, 2008
18. Notice of Application, dated September 16, 2008
19. Affidavit of Mailing Notice of Application, dated September 16, 2008
20. Letter from Bruce Quaintance, dated September 25, 2008
21. Determination of Non-significance, dated October 1, 2008
22. KC Assessor's Parcel Map, undated
23. Signature Page of Auditor's Recording with Map, dated March 19, 2002
24. Notice of Public Hearing, dated October 7, 2008
25. Affidavit of Mailing – NPH, dated October 7, 2008
26. County Staff Report, dated October 14, 2008
27. Affidavit of Posting, dated October 8, 2008
28. Affidavit of Publication, dated October 8, 2008
29. Six ADU Conditional Use Permit Power Point Presentation, dated October 23, 2008

The Hearing Examiner enters the following Findings and Conclusions based upon the testimony and exhibits admitted at the open record hearing:

FINDINGS

1. Brian E. Six (Applicant) requests a Conditional Use Permit (CUP) to construct an Accessory Dwelling Unit (ADU) property located at 10417 Cardon Place SW, in Port Orchard, Washington.¹ *Exhibit 6.*
2. Kitsap County (County) determined the CUP application was complete on August 27, 2008. *Exhibit 11.* On September 16, 2008, the County mailed the notice of application to all property owners within 400 feet of the subject property. *Exhibit 18; Exhibit 19.* On October 7, 2008, the County mailed notice of the associated open record hearing to all property owners within 400 feet of the subject property. *Exhibit 24; Exhibit 25.* On October 8, 2008, the County published notice of the hearing in the *Port Orchard Independent* and posted notice of the hearing on the subject property. *Exhibit 27; Exhibit 28.*

¹ The subject property is identified by Tax Assessor's Parcel Number 5398-000-006-0003. A legal description of the subject property is included with the application. *Exhibit 6.*

3. The County acted as lead agency and analyzed the environmental impact of the CUP proposal as required by the State Environmental Policy Act (SEPA), Chapter 43.21C Revised Code of Washington (RCW). The County determined that the proposal would not have a probable significant adverse impact on the environment and issued a Determination of Non-Significance (DNS) on October 1, 2008. The DNS was not appealed prior to the expiration of the appeal period on October 15, 2008. *Exhibit 21; Exhibit 26, Staff Report, page 1.*
4. The subject property is designated Rural Residential (RR) by the County Comprehensive Plan (Comprehensive Plan). The RR designation is intended to allow low-density residential development consistent with rural character, and primarily focuses on single-family dwellings. This designation is applied to areas that are relatively unconstrained by environmentally sensitive areas or other significant landscape features, and also recognizes areas that are already committed to a pattern of smaller rural lots. *Kitsap County Comprehensive Plan, Land Use Element, Figure 2-2 Comprehensive Land Use Plan Map; Kitsap County Comprehensive Plan, Chapter 3, Rural and Resource Lands, pages 3-4 (December 2006).*
5. The Rural Residential designation is implemented by the Rural Residential zone, which promotes low-density residential development consistent with rural character. The zone is applied to areas that are relatively unconstrained by environmentally sensitive areas or other significant landscape features, with a maximum development density of 1 dwelling unit per 5 acres. Comprehensive Plan Goals RL-2 and RL-3 provide for a variety of densities in rural area to make more efficient use of land, maximize the return on public infrastructure investment, and provide affordable housing opportunities; and permit residential uses in rural areas consistent with the existing and planned rural character of the surrounding area. *Kitsap County Comprehensive Plan, Chapter 3, Rural and Resource Lands, pages 3-5 – 3-6 (December 2006).*
6. The subject property is located within the County's Rural Residential (RR) zoning district. The district is intended to recognize rural areas which have been committed or developed for rural residential uses on smaller lots. These areas are provided with limited public services. Lots within the RR zoning district must be a minimum 5-acres in size. *Kitsap County Code (KCC) 17.310.010; KCC 17.382.100; Exhibit 26, Staff Report, page 2.*
7. An ADU may be located in residential zoning districts, subject to KCC 17.381.060.B.3 CUP criteria. *KCC Table 17.381.040(E); KCC 17.381.060.B.3. KCC 17.381.060.B.3.b* requires that an applicant obtain a CUP for an ADU in an area outside an urban growth boundary. *KCC 17.381.060.B.3.b. Jeff Smith, County Planner, testified that the proposed ADU would be located outside an urban growth boundary. Testimony of Mr. Smith.*

8. KCC 17.381.060.B.3 CUP criteria provide that an ADU may be allowed outside an urban growth boundary with a CUP, as long as only one ADU is allowed per lot; the owner of the property must reside in either the primary residence or the ADU; the ADU shall not exceed 50-percent of the square footage of the habitable area of primary residence or 900-square feet, whichever is smaller; the ADU shall be located within 150-feet of the primary residence or shall be the conversion of an existing detached structure; the ADU shall be designed to maintain the appearance of the primary residence; all setback requirements for the zone in which the ADU is located shall apply; the ADU shall meet the applicable health district standards for water and sewage disposal; no mobile homes or recreational vehicles shall be allowed as an ADU; an ADU shall use the same side street entrance as the primary residence and shall provide additional off-street parking; and an ADU is not permitted on the same lot where an accessory living quarters exists. *KCC 17.381.060.B.3.*
9. The subject property is 0.79-acres in size, and currently contains a single-family residence with attached garage. A driveway extends east from Cardon Place to the existing garage. The existing residence contains 1,136-square feet of living space. The CUP would allow construction of a 1,000-square foot ADU, including 560-square feet of living space and 440-square feet of garage space. A 12-foot wide driveway resembling wagon wheel ruts would extend east from the existing driveway on the subject property to the proposed ADU, which would be located in the east portion of the subject property. An existing shed in the northeast corner of the property would be removed prior to construction of the proposed ADU. Mr. Smith testified that the Applicant would occupy the existing residence, and the Applicant's mother would occupy the proposed ADU. According to project plans submitted by the Applicant, the proposed ADU would be detached from the existing residence. Mr. Smith testified that the ADU would be constructed approximately 139-feet from the existing residence. *Exhibit 3; Exhibit 6; Exhibit 9; Exhibit 26, Staff Report, pages 1-2; Testimony of Mr. Smith.*
10. Bruce Quaintance, a resident of 10810 Ridge Rim Trail SE, Port Orchard, Washington, wrote a letter objecting to the proposed ADU. He objected to the proposed ADU as urban development in a rural setting, objected to construction of a wagon wheel-style driveway to access the ADU from the main residence driveway, and inquired whether use of the proposed ADU would constitute a nuisance or result in vandalism to his property. Mr. Quaintance did not testify at the open record hearing on the application. The Applicant testified that Mr. Quaintance and he discussed Mr. Quaintance's objections and reached an agreement resolving Mr. Quaintance's concerns outside the hearing. *Exhibit 20; Testimony of Mr. Six.*
11. Property surrounding the subject property in all directions is located within the RR zoning district, and contains single-family residences. Mr. Smith testified that no other ADUs are located in the area surrounding the subject property. Some lots surrounding

the subject property are smaller than the minimum lot size permitted within the RR zone, and are lots of record in accord with KCC 17.110.450.² Mr. Smith testified that the subject property is also a lot of record in accord with KCC 17.110.450, as the lot does not meet minimum lot size requirements of the RR zoning district but was a legally-created lot prior to adoption of the current Kitsap County zoning code and the Kitsap County Comprehensive Plan. *Exhibit 26, Staff Report, page 2; Testimony of Mr. Smith.*

12. According to the project narrative submitted by the Applicant, the proposed ADU would be constructed to resemble the existing residence on the subject property. The proposed ADU would be of single-story ranch style construction with all wood materials and composition roof, similar to the existing residence. Mr. Smith testified that the ADU would have a design similar to the existing residence and consistent with the character of structures in the area. The proposed ADU would be located approximately 20-feet south of the north property boundary, and approximately 45-feet west of the east property boundary. Mr. Smith testified that as proposed, the ADU would meet all setback requirements of the RR zoning district. *Exhibit 3; Exhibit 9; Exhibit 26, Staff Report, page 5; Testimony of Mr. Smith.*
13. The proposed ADU would be served by an on-site septic system. Mr. Smith testified that the Kitsap County Health District (District) approved on-site sewerage disposal for the proposed ADU. According to proposed conditions of CUP approval submitted by the District, the District approved a building site application for on site sewage disposal on July 25, 2008. Washington Water Service would provide water service to the subject property, and Puget Sound Energy would provide electrical service. Kitsap County Sheriff would provide police services, and South Kitsap Fire and Rescue would provide fire services. *Exhibit 3; Exhibit 12; Exhibit 26, Staff Report, page 2; Testimony of Mr. Smith.*
14. Upon review of the proposed ADU according to KCC 17.421.030 CUP review criteria, County staff recommended approval of the CUP request with sixteen conditions of approval. Proposed conditions are designed to mitigate impacts of the proposal and include conditions required by Kitsap County Code. Proposed conditions address building modification review and approval; construction permits; owner residence requirements; Land Use Binder permit and requirements; impact fees; uses of the subject property; CUP revocation; onsite sewage disposal and permit; stormwater requirements; and traffic and road approach permits requirements. The Applicant testified that he has read, understands, and agrees with the conditions of CUP approval proposed by the

² KCC 17.110.450 provides “lot of record” means a lot which was created in accordance with the laws and regulations in effect at the time it was created and is shown on the records of the county assessor or county auditor. *KCC 17.110.450.* Unless otherwise stated in KCC Title 17, if a lot of record, which was legally created as of May 10, 1999, is smaller in total square footage than that required within the zone, or if the dimensions of the lot are less than that required within the zone, said lot may be occupied by any use allowed within that zone subject to all other requirements of the zone. *KCC 17.382.110.A.39.*

County with no objections to the conditions or criteria for review identified by County staff as applicable to the CUP application. *Exhibit 26, Staff Report, pages 6-9; Testimony of Mr. Six.*

CONCLUSIONS

Jurisdiction

The Kitsap County Hearing Examiner is authorized to hear and decide conditional use permit requests. *Kitsap County Code (KCC) 2.10.070; KCC 17.421.020.A; KCC Table 21.04.030.*

Criteria for Review

The hearing examiner may approve, approve with conditions, or deny a hearing examiner conditional use permit. Approval or approval with conditions may be granted 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 this title;
3. The proposal will not be materially detrimental to 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.

As a condition of approval, the hearing examiner may:

1. Increase requirements in the standards, criteria, or policies established by this title;
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 17.382;
4. Include requirements to improve parity 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 this title as pertaining to any use nor otherwise reduce the requirements of this title in matters for which a variance is the remedy provided;

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5. Assure that the degree of compatibility with the purpose of this title 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.

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 17.421.030.

Conclusion Based on Findings

1. **The proposal is consistent with the Comprehensive Plan.** The proposed ADU would provide for additional residential development on the subject property consistent with the Rural Residential designation of the property, making more efficient use of the subject property. Though the subject property is developed at a density greater than the maximum development density for the Rural Residential designation, the subject property was platted prior to the adoption of the County Comprehensive Plan and is a legal lot of record in accord with KCC 17.110.450. *Findings 1, 4, 5, 8, 10.*
2. **With conditions, the proposal would comply with KCC Title 17 requirements.** The County gave adequate notice of the proposal and opportunity to comment. An ADU may be located in residential zoning districts such as the Rural Residential zoning district with a CUP. Though the lot is smaller than the minimum lot size and is developed at a density greater than the maximum development density for the Rural Residential zoning classification, the property was platted prior to the adopt of the County zoning code and is a legal lot of record in accord with KCC 17.110.450. KCC 17.382.110.A.39 provides that a lot of record created as of May 10, 1999 may be occupied by any use allowed within the RR zoning district, if the lot is smaller in total square footage than the minimum lot size required within the district. The proposed ADU would comply with KCC 17.381.060.B.3 requirements for an ADU located outside an urban growth area. Conditions of approval are necessary to ensure that building modification review and approval; construction permits; owner residence requirements; Land Use Binder permit

and requirements; impact fees; uses of the subject property; CUP revocation; onsite sewage disposal and permit; stormwater requirements; and traffic and road approach permits requirements are addressed. *Findings 1, 2, 5 – 14.*

3. **With conditions, the proposal would not be materially detrimental to uses or property in the immediate vicinity.** The County determined that the proposal would not have a probable significant adverse impact on the environment, and issued a Determination of Nonsignificance on October 1, 2008. Property surrounding the subject property contains single-family residences, and includes lots that are also lots of record in accord with KCC 17.110.450. The proposed ADU would be served by an on-site septic system. The Kitsap County Health District approved on-site sewerage disposal for the proposed ADU. The proposed ADU would also be served by Washington Water Service, Puget Sound Energy, the Kitsap County Sheriff, and South Kitsap Fire and Rescue. The concerns of Mr. Quaintance, a neighboring property owner, were resolved outside the hearing through discussions between the Applicant and Mr. Quaintance. Conditions of approval are necessary to ensure that impact fees; uses of the subject property; onsite sewage disposal and permit; stormwater requirements; and traffic and road approach permits requirements are addressed. *Findings 1, 3, 10, 11, 13, 14.*

4. **With conditions, the proposal would be 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.** The proposed ADU would be constructed to resemble the existing residence on the subject property. The proposed ADU would be of single-story ranch style construction with all wood materials and composition roof, similar to the existing residence. Mr. Smith testified that the ADU would have a design similar to the existing residence and consistent with the character of structures in the area. The proposed ADU would be served by an on-site septic system. Conditions of approval are necessary to ensure that uses of the subject property; onsite sewage disposal and permit; stormwater requirements; and traffic and road approach permits requirements are addressed. *Findings 1, 12 - 14.*

DECISION

Based upon the preceding Findings and Conclusion, the request for a Conditional Use Permit to construct an Accessory Dwelling Unit on property located at 10417 Cardon Place SW, in Port Orchard, Washington is **APPROVED**, subject to the following conditions:³

1. Any proposed modification (not including cosmetic work such as painting, papering, and similar finish work) remodel or expansion of the ADUs 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.

³ This decision includes conditions designed to mitigate impacts of this proposed project as well as conditions required by County Code.

2. The size of the ADU must not exceed 50% of the square footage of the habitable area of the primary residence or 900 square feet, which is smaller. The building permit construction plans must be consistent with above standard prior to issuance of the Building Permit.
3. 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.
4. Prior to issuance of a Building Permit, the applicant shall record a Land Use Binder with the Kitsap County Auditor's Office pursuant to KCC Section 17.421.080 Land Use Binder Required. If conditions are not adhered to, contrary to the Land Use Permit Binder, the Conditional Use Permit may be rescinded and the County may require that the facility be removed at the owner's expense.
5. Prior to recording the Binder, the applicant shall provide a draft of the notice with proper signatures to the Department of Community Development (DCD) for review and approval. The Binder shall include the following:
 - a. This property has received land use approval for the Accessory Dwelling Unit (ADU) and is bound by the conditions of approval as stipulated in the Hearing Examiner's decision, dated _____, Case No.: 081023-077, (refer to Conditional Use Permit, DCD File # 08 57497) on file at DCD.
 - b. A property with a primary residence and an ADU cannot be segregated to create two separate legal lots unless it complies with all subdivision, zoning, and density requirements in place at the time of subdivision application.
 - c. The ADU cannot be sold separately from the primary residence unless it has legally been segregated onto its own lot.
 - d. Only one ADU shall be allowed on this lot.
 - e. 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.
 - f. The ADUs habitable area shall not exceed 50% of the square footage of the habitable area of the primary residence, or 900 square feet, whichever is smaller.
 - g. The ADU shall use the same access from Cardon Place SW as the primary residence.
 - h. Accessory Living Quarters (ALQ) or a guest house (GH) is not allowed on this lot unless the ADU is removed and the ALQ or GH complies with all requirements imposed by County regulations.
 - i. Any proposed modification (not including cosmetic work such as painting, papering, and similar finish work) remodel or expansion of the ADUs 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.
 - j. Any violation of the conditions of approval shall be grounds to initiate due process and be processed for revocation of the Conditional Use Permit.
6. All building permits on these lots will be subject to County impact fees pursuant to the Kitsap County Code.

7. 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 KCC. Unless in conflict with the conditions stated above and/or any regulations, the 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.
8. Any violation of the conditions of approval shall be grounds to initiate revocation of this Conditional Use Permit.
9. Land use approval is limited to the uses proposed by the Application on the recommended site plan and the SEPA Environmental Determination dated October 1, 2008. Any modification or expansion of the project will be subject to further land use review pursuant to the requirements of the appropriate sections of the Kitsap County Code.

The Applicant shall adhere to all applicable requirements of the Kitsap County Health District and has the following conditions:

10. A Building Site Application for the Onsite Sewage Disposal (BSA) has been approved by the Health District for this project on 7/25/2008.
11. A Sewage Permit is in will call Memo #93738.

Development Engineering accepts the concepts contained in this preliminary submittal and requires the following conditions as an element of the land use approval:

STORMWATER

12. This project falls below the thresholds for a "major development". It does not appear that an engineering review for stormwater issues is required. Please submit a site plan that contains the items listed on the attached abbreviated plan checklist.
"Major development" means any new development or redevelopment activity that:
 - a. For site within a census defined urban area or an urban growth area includes the creation or cumulative addition of five thousand square feet or greater of impervious surface area from the pre-development conditions; or
 - b. For sites outside census defined urban areas or an urban growth areas includes the creation or cumulative addition of impervious surface that results in 5.0% or greater of the development site being covered in impervious surface or the creation or cumulative addition of ten thousand square feet of impervious surface from the pre-development conditions, whichever is greater; or
 - c. Includes land disturbing activity or one acre or greater; or
 - d. Includes grading involving the movement of five thousand cubic yards or more of material.

Should you alter your project in such a way to meet the "major development" definition above, please submit a new site plan so that we may update this memorandum.
13. All minor developments creating greater than 2,000 square feet of new impervious surface and major developments creating less than 10,000 square feet of new impervious surface shall:

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- a. Implement either individual downspout infiltration or roof downspout dispersion per the *Kitsap County Stormwater Design Manual* to the maximum extent possible; or
 - b. Discharge to a regional water quantity control facility designed to receive the developed site runoff.
14. Should the proposal be modified from that shown on the August 28, 2008 submitted site plan, please forward to Development Engineering for review.

TRAFFIC/ROADS

15. Submit an application for Concurrency Test (KCPW Form 1601) as required by Chapter 20.04, Transportation Concurrency, of the Kitsap County Code. The KCPW 1601 Form is how you reserve road capacity for your project.
16. Submit a Road Approach Permit Application and plans for construction of road approach between the edge of existing pavement and the right-of-way line at all intersections with county rights-of-way. Approaches shall be designed in accordance with the Kitsap County Road Standards as established in Chapter 11.22 of the Kitsap County Code. Please denote the design vehicle on the plan set. Existing approaches may need to be improved to meet current standards.

Decided this 3^d day of November 2008.



KIMBERLY A. ALLEN
Kitsap County Hearing Examiner

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KITSAP COUNTY DEPT. OF
COMMUNITY DEVELOPMENT