



**CITY OF PORT ORCHARD**  
**Department of Community Development**  
Office Located at 720 Prospect Street  
Mailing Address: 216 Prospect Street, Port Orchard, WA 98366  
Phone: (360) 874-5533 • [planning@cityofportorchard.us](mailto:planning@cityofportorchard.us)

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**Notice of Decision**

**File Name:** Bethel Heated Self Storage – Major Adjustment

**File Number:** LU18-CUP-01

**Permits Included in Decision:** Conditional Use Permit

**Hearing Date:** April 24, 2018

**Date of Decision:** May 7, 2018

**Decision Received:** May 7, 2018

**Summary of Decision:** The Hearing Examiner has issued a decision of approval, with conditions, for the project.

**SEPA Threshold Determination:** A Determination of Non-Significance (DNS) Addendum was issued for the project and was final on April 9, 2018, pursuant to Washington Administrative Code 197-11-340(2)(a)(v) and Port Orchard Municipal Code Title 20.

**Reconsideration of Decisions:** The hearing examiner may reconsider a Type III decision if a written request for such administrative appeal is filed by a party of record within 14 calendar days of the date of the notice of decision. Grounds for requesting reconsideration shall be limited to the following:

- (i) The decision or conditions of approval are not supported by facts in the record;
- (ii) The decision contains an error of law;
- (iii) There is newly discovered evidence potentially material to the decision which could not reasonably have been produced prior to the open record pre-decision hearing; or
- (iv) The applicant proposes changes to the proposal in response to deficiencies identified in the decision.

Any request for reconsideration shall be mailed to all parties of record on the same day as the request is mailed or delivered to the hearing examiner.

A request for reconsideration shall stop the running of the judicial appeal period on a Type III decision for seven calendar days. During this time period, the hearing examiner shall decide whether reconsideration is appropriate. If the hearing examiner decides to reconsider the decision, the judicial appeal period will be placed on hold until the reconsideration process is complete and a new decision is issued. If the hearing examiner decides to reconsider a decision, all parties of record shall be notified.

The hearing examiner shall, by order, set a schedule for other parties of record to respond in writing to the reconsideration request and shall issue a decision no later than 14 calendar days following the due date for submittal of written responses. A new judicial appeal period shall commence from the date of the hearing examiner's decision on reconsideration.

**Appeals of Decisions:** Appeal of this Type III decision is to the superior court. The petition to appeal must be filed and served on all parties within 21 days of issuance of the land use decision (RCW 36.70C.040). All appeals must clearly state the alleged errors of fact or law and include a specific request for relief.

The complete project permit file is available for review. To review the file, please contact the Department of Community Development:

**By phone:** (360) 874-5533

**By mail:** 216 Prospect Street, Port Orchard WA 98366

**In person:** 720 Prospect Street, Port Orchard WA 98366

**By email:** [planning@cityofportorchard.us](mailto:planning@cityofportorchard.us)

Transmitted to the following parties on this 8<sup>th</sup> day of May, 2018:

- ☒ Property Owner
- ☒ Applicant
- ☒ Interested Parties of Record
- ☒ City Attorney
- ☒ City Director of Community Development
- ☒ City Director of Public Works
- ☒ Lead Planner
- ☒ Kitsap County Assessor's Office
- ☒ South Kitsap Fire & Rescue

Transmitted by:



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Michelle Thomas, Clerk to the Hearing Examiner