

Appendix A

December 19, 2024 Hearing Transcript

Caldwell Accessory Dwelling Unit Conditional Use Permit

File No. 24-0246

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Speaker 1 ([00:02](#)):

Perfect. Alright, for the record, it is December 19th, 2024, 9:00 AM I'm Phil Olbrechts, hearing examiner for Kitsap County holding a hearing this morning on a conditional use promote application for an accessory dwelling unit file number 24 dash 0 24 26. So I guess Ms. Lewis, you're the staff lead on this one, is that correct? Yes. Okay, perfect. And is the applicant there present today or anybody else or is it just staff today?

Speaker 3 ([00:30](#)):

A representative present.

Speaker 1 ([00:31](#)):

Okay. Okay. Well let's deal with the exhibit list then real quick. Let me share screen on that and we go. Okay, so by state law I'm only allowed to consider evidence that's put in the record. I'm not allowed to talk to staff about the project or review any documents that were not admitted into evidence. Ms. Lewis has put together an exhibit list of documents that she would like considered for the final decision and I'm sharing a screen which identifies what those documents are composed of the staff report, health district building site application, environmental review, stormwater worksheet, some submission forms, water availability letter, the public notices for the projects and floor plans, site plan, the environmental determination that an environmental impact statement is not necessary, more notices, and then the staff presentation of PowerPoint for today. At this point just want to ask if anyone has any objection or problems with or needs to see any of those documents, exhibits one through 16. If you're participating virtually, just click on your virtual hand and we'll recognize you. Otherwise, if you're in the meeting room, just wave your hand and Ms. Jones will recognize you. So not hearing or seeing any takers, I'll go ahead and admit exhibits one through 16 and Ms. Lewis, at this point I'll swear you in. Just raise your right hand. Do you swear or affirm to tell the truth, nothing but the truth in this proceeding? Okay, great. Go ahead.

Speaker 2 ([02:01](#)):

There you go.

Speaker 3 ([02:03](#)):

Good morning and thank you Examiner Ulbrich. For the record. My name is Aaron Lewis and I am a planner with Kitsap County DCD. Today I'm presenting a request for approval to a conditional use permit for an accessory dwelling unit to construct a detached A DU. Do I have my slides up yet?

Speaker 2 ([02:22](#)):

Okay, thanks.

Speaker 3 ([02:32](#)):

Here we go. The application was deemed complete on June 18th, 2024. A notice of application was distributed pursuant to Title 21, land use and development procedures, which provided recipients with the project information and opportunity for public comment. No public comments were received by the department pursuant to WAC 1 97 dash 11 dash 3 55. The Department of Community Development used an optional DNS process for this project. The CIPA comment previously occurred concurrent with the notice of application dated August 1st, 2024. The Department of Community Development issued a determination of non-significant on October 24th, 2024. The CPA appeal ended November 7th, 2024. No appeals were filed, therefore the CIPA determination is final According to the Kitsap County assessor. Subject parcel 2 9 2 402 dash 3 0 2 1 2 0 2 is one acre in size addressed as 51 50 Southeast FO Road, port Orchard, Washington 9 8 3 6 6 is in South Kitsap and in Commissioner District two. The aerial photo here shows single family homes and accessory structures consistent with development found in the rural residential zone. The proposed A DU is consistent with properties in the vicinity.

([04:03](#)):

The parcel labeled subject site in red is zoned rural residential adjacent properties surrounding the site to the west, south, and east are also zoned rural residential to the north is Southeast Phos Road. The proposal is to construct a new 836 square foot detached accessory dwelling unit. The subject site has no mapped critical areas and is relatively flat. There are no critical area ordinance concerns. The site plan for the proposal shows access from southeast FO road with the existing two driveways being reduced to one and connected at the interior of the parcel with the gravel surface. The decommissioned driveway access will have a permanent fence extended to comply with code requirements. The site plan shows parking in three marked spaces plus the existing garage to meet parking standards for the SFR and the A DU applicant floor plan shows the existing principal dwelling is 2076 square feet. Therefore the maximum size allowed for the A DU is 900 square feet. The floor plan also helps us determine that there are no accessory dwelling units within or attached to the primary structure. This photo shows the existing single family residence and here are some conceptual renderings demonstrating elevation and design of the proposed A DU. Here we're seeing the front and rear elevations and here are the left and right elevations.

([05:40](#)):

The floor plan for the A DU demonstrates the size is 836 square feet. The proposal is conditioned to comply with the following requirements of Kitsap County Code Title 17 point B as amended June of 2022. There are no other accessory dwelling units or accessory living orders on the property. The owner will reside in the primary residence. 50% of the primary residence is 1038 square feet. Therefore the maximum allowed habitable area is 900 square feet. The proposed A DU is 836 square feet. Dimensions are determined by interior measurements. The A DU is approximately 100 feet away from the primary structure. The A DU will have similar appearance of the primary residence. The A DU meets all required setbacks for the rural residential zone. All health standards for water and sewer have been met and approved. The proposed A DU is not an RV or mobile home. The A DU will use the existing driveway off Southeast FO Road and the project will be conditioned for any applicable stormwater controls pursuant

to Kitsap County Code. Title 12 staff finds the proposal meets special use criteria in Kitsap County code 17.45 B and recommends approval as conditioned.

Speaker 1 ([07:04](#)):

Okay, great. Thanks Ms. Lewis for your testimony. At this point, let's move on to the applicant's if they want to say anything. I'm told the applicant's agent is there not required and no big deal if you choose not to, but now's the chance.

Speaker 4 ([07:19](#)):

Yes.

Speaker 1 ([07:20](#)):

Okay, great. And ma'am, I'll just need your name for the record, how to spell it and then I'll swear you in.

Speaker 5 ([07:29](#)):

My name is Candace Vickery, C-A-N-D-A-C-E-V-I-C-K-E-R-Y.

Speaker 1 ([07:37](#)):

Okay, Ms. Vickery, please raise your right hand. I'll swear your hand. Do you swear or affirm to tell the truth nothing but the truth in this proceeding?

Speaker 5 ([07:43](#)):

Yes I do.

Speaker 1 ([07:44](#)):

Oh, great. Go ahead.

Speaker 5 ([07:47](#)):

Thank you for hearing this matter today and thank you Ms. Lewis for the concise staff report. I have read the staff report and the property owners as well have read it and we agree with the findings therein and the proposed conditions with the exception of one condition, we would like to propose some revised language to condition number 21. I have here the current condition language and our proposed language. I'd like to enter as an exhibit.

Speaker 1 ([08:26](#)):

Okay, we'll make that. Let's see here. Computer's a little slow today. We'll make that exhibit 17. Any objections out there for exhibit 17 or anyone need to see it? Okay, again, if you're participating virtually just click on the virtual hand at the bottom of your screen if you want to see the document or have objections. Alright, hearing, seeing none, we'll go ahead and admit the revised condition as Exhibit 17.

Speaker 5 ([08:51](#)):

Okay, thank you. So our concern with condition 21. Well I will just read the current condition and speak to it. Currently, condition 21 reads stormwater quantity control, quality treatment and erosion and sedimentation control shall be designed in accordance with Kitsap County Code Title 12 effective at the

time the SDAP or building permit, if no SDAP is required, application is deemed fully complete, the submittal document shall be prepared by civil engineer licensed in the state of Washington. The fees and submittal requirements shall be in accordance with Kitsap County code in effect at the time of SDAP application or building permit. If an SDAP is not required, our concern with this condition has to do with the sentence the submittal document shall be prepared by a civil engineer licensed in the state of Washington. The proposal as presented and as to be followed in the subsequent building permit does not meet the requirements to require civil engineer preparation of those stormwater documents. So we would propose condition 21 to read as follows, stormwater quantity control, quality treatment and erosion and sedimentation control as required for the development shall be designed in accordance with Kitsap County Code Title 12 effective at the time the building permit is deemed fully complete. If development meets the thresholds for engineered drainage design, the submittal document shall be prepared by a civil engineer license in the state of Washington. The fees and submittal requirements shall be in accordance with Kitsap County ordinances in effect at the time of building permit application.

(10:57):

Other than that, we agree with everything else in the staff report and thanks staff for their work on this project.

Speaker 1 (11:05):

Okay. Thanks for your comments and I'll allow Ms. Lewis to respond to the county position on that revision when we get back to staff comment at the end of the hearing. So, okay, thank you.

Speaker 5 (11:16):

Any questions for me?

Speaker 1 (11:17):

Nope. No. Very straightforward. Thank you. Alright. Okay, Ms. Jones, anyone else in the hearing room want to testify at this point? If someone in the hearing room wants to testify, just wave your hand. Ms. Jones will recognize you.

Speaker 4 (11:28):

Yes, sorry, we do come on up.

Speaker 6 (11:39):

My name is Lori Williams and I own the house at 9 29 Baby Doll Road.

Speaker 1 (11:44):

Okay, Ms. Wellings, let me swear in, just raise your right hand. Do you swear Affirm tell the truth, nothing but the truth in this proceeding?

Speaker 6 (11:50):

Yes, I do.

Speaker 1 (11:50):

Okay, great. Go ahead.

Speaker 6 ([11:52](#)):

So I own the house on Baby Doll Road and we have an easement that goes and I'm assuming, and I don't know all the details of this project, but I'm assuming that they're wanting to use the easement to access their property. Well, my concern with that is there's already so much traffic that goes by there because there's houses behind there that are using that easement and it gets really busy and I would just prefer not to have more people using that. Right. It goes right by the bedroom window and it gets pretty noisy.

Speaker 1 ([12:30](#)):

Okay.

Speaker 6 ([12:32](#)):

If they have access on their home property, I don't know why they can't use that access instead of increasing the traffic going by my house.

Speaker 1 ([12:40](#)):

Okay. Okay. Got

Speaker 6 ([12:42](#)):

It. So that's my concern.

Speaker 1 ([12:43](#)):

Okay, sounds good. And certainly if the applicant can respond to that one, they get final word at the end of the hearing, we'll give them a chance to address that.

Speaker 6 ([12:51](#)):

Okay, thank you.

Speaker 1 ([12:52](#)):

All right, thanks Ms. Williams. Anybody else? Ms. Jones? In the hearing room?

Speaker 4 ([12:57](#)):

Not in the hearing room.

Speaker 1 ([12:58](#)):

Okay, so we got a couple virtual attendees there. If either of the people attending virtually want to participate, click on the raise hand button, the bottom of your screen and it doesn't look like we have any takers there. Oh, let's see. Oh maybe we do.

Speaker 4 ([13:15](#)):

It's like there's one.

Speaker 1 ([13:16](#)):

Okay, I'll

Speaker 4 ([13:17](#)):

Go ahead and allow 'em to talk.

Speaker 1 ([13:19](#)):

Alright, Jesse, are you there? Have to unmute yourself. There we go. Okay, good morning. Oh, just so you know, your video isn't on and there's no problem with that, just in case you weren't aware it's not on, but that's fine. Let me swear you in real quick, just raise your right hand. Do you swear or affirm to tell the truth, nothing but the truth in this proceeding?

Speaker 7 ([13:40](#)):

Yes, I do.

Speaker 1 ([13:41](#)):

And sir, what's your name for the record?

Speaker 7 ([13:43](#)):

Jesse Caldwell.

Speaker 1 ([13:45](#)):

Okay. Alright, go ahead Mr. Caldwell.

Speaker 7 ([13:47](#)):

Yes, I was just speaking to the lady who owns the house on Fox Road. I'm wondering where she's getting the idea where we would be using the easement. We already have a driveway from the property going on to crossroad, so the easement is way at the back of the property and we are not requested access to that easement.

Speaker 1 ([14:13](#)):

Okay. Okay. So Mr. Col, you're saying yeah, it's just not part of your appliance to use that for this accessory dwelling unit then?

Speaker 7 ([14:21](#)):

Correct.

Speaker 1 ([14:21](#)):

Yeah. Okay. Sounds good. Anything else Mr. Caldwell?

Speaker 7 ([14:24](#)):

No, that's it.

Speaker 1 ([14:25](#)):

Okay, great. Alright, anyone else at this point want to say something? Again, if you're participating virtually, just click your virtual hand and in case someone is participating virtually and they can't figure

out how to be heard today, just go ahead and email ms. Well, Ms. Jones, who should they email if they want?

Speaker 4 ([14:44](#)):

They can email me and for the record, my email is lrjones@kids.gov.

Speaker 1 ([14:50](#)):

Okay. And it's only, again, if you can't for some technical reason, are unable to participate today, you couldn't figure out how to get your comments and your internet wasn't working, something of that nature, just go ahead and email Ms. Jones by 5:00 PM tomorrow, identify that you couldn't participate because of technical reasons and then you can go ahead and make your comments. And if any emails do come in by five tomorrow, I'll give staff and the applicant a couple days to respond to that. With that, let's go back to, excuse me, Ms. Lewis. Go back to Ms. Lewis and I know there's a request for revisions to the condition. I'm just curious to hear the county position on that. Ms. Diner, do you want, let me swear in, just raise your right hand. Do you swear affirm to tell the truth, nothing but the truth in this proceeding?

Speaker 8 ([15:36](#)):

I do.

Speaker 1 ([15:36](#)):

Okay, great. Go ahead.

Speaker 8 ([15:38](#)):

So for the record, Darren Gurney, I am planning supervisor here at Keap County addressing a couple of the questions that were received.

Speaker 2 ([15:46](#)):

Okay.

Speaker 8 ([15:46](#)):

So with regards to the request to change the condition of approval, the primary focus for that condition is that if civil engineering is required, it needs to be prepared by a professional civil engineer. So we are comfortable with language changes that identify if thresholds are met that require that engineering, it is prepared by that entity. We are okay with that kind of language as the conditions to speak to the access easement portion, the staff report clearly identifies that access is provided off of Phos Road with no intent to go through and access easement to the rear. I believe that covers the comments that we have received today.

Speaker 1 ([16:30](#)):

Okay, great. Thank you Mr. Gurney. Appreciate your clarification on that. Thank you. And finally, applicant gets final word, again, not necessarily required if the applicant wants to put in a final word, now is the chance Ms. Jones does the,

Speaker 4 ([16:45](#)):

She's coming up.

Speaker 1 ([16:45](#)):

Okay,

Speaker 5 ([16:51](#)):

Thank you. I just want to join in on clarifying that the easement reference by Ms. Williams will not be used for this project. They will have direct access to Southeast Foster Road.

Speaker 1 ([17:04](#)):

Okay. And I mean does the easement, is there a road connection to the property through the easement? Is that even there at all or do you know?

Speaker 5 ([17:14](#)):

Not to my knowledge.

Speaker 1 ([17:16](#)):

Okay. Okay. Yeah, I think I have a site plan. I can look at that myself. Okay, great. Alright, well thank you for your comments. Yeah, I'll go ahead and close the hearing and yeah, as with just about all of the Kitsap County applications for accessory dwelling units, they're very straightforward. I mean the county conditions and requirements are very precise and once you've met them, there isn't much room to come up with any decision but approval. So of course I'll be giving out that approval or issuing that approval within the next couple of weeks most likely. So thanks all for participating and happy holidays and we're adjourned for this morning.