



Staff Report for the Hearing Examiner

Report Date: January 19, 2016

Application Submittal Date: September 26, 2016

Hearing Date: January 26, 2016

Application Complete Date: September 26, 2016

Permit Number: 16 04352

Project Name: KARE – Kitsap Animal Rescue and Education Dog Training Facility

Type of Application: Conditional Use Permit (CUP)

This staff report was prepared by Katharine Shaffer, Planner, based on information available up until the time the report was prepared. New information relevant to review of this application may become available prior to the hearing or at the hearing. Staff may wish to change their analysis based upon that new information, and reserves the right to do so.

Proposal Summary:

The request is to receive Conditional Use Permit (CUP) approval to operate a dog training facility within an existing 1,152 square foot pole building. The applicant is proposing to hold four to six weekly classes with a maximum of eight students and their dogs. The classes will be held Monday-Friday between 9am-8:30pm. All day workshops are proposed one to two times per month on Saturday and Sunday between 9am-4pm. The applicant is not proposing any structural changes or expansion of the existing pole building.

Project Request:

Dianne Canafax and John Albright are requesting Conditional Use Permit approval to allow a dog training facility located on their property in North Kitsap County.

Project Location:

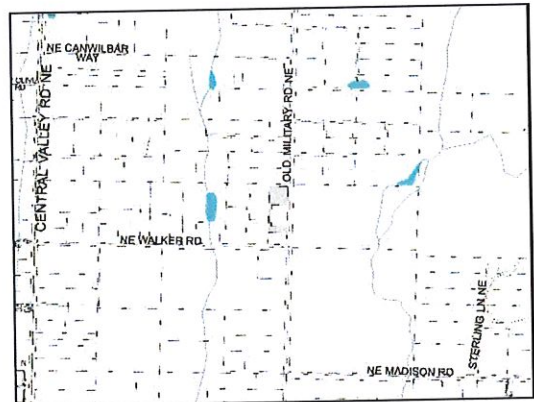
11755 Old Military RD NE
Poulsbo WA 98370

Assessor's Account #:

112501-3-034-2007

Applicant/Owner of Record:

John Albright and Viki Canafax
12774 NW Seaside Way
Seabeck, WA 98380



SEPA (State Environmental Policy Act):

The State Environmental Policy Act (SEPA), found in Chapter 43.21C RCW (Revised Code of Washington), is a state law that requires the County to conduct an environmental impact review of any action that might have a significant, adverse impact on the environment. The review includes the completion of an Environmental Checklist by the applicant and a review of that checklist by the County. If it is determined that there will be environmental impacts, conditions are imposed upon the applicant to mitigate those impacts below the threshold of "major" environmental impacts. If the impacts cannot be mitigated, an environmental impact statement (EIS) must be prepared. The decision following environmental review, which may result in a

Determination of Nonsignificance (DNS), Mitigated DNS, or the necessity for an EIS is called a threshold determination. A separate notice of the threshold determination is given by the County. If it is not appealed, it becomes part of the hearing record as it was issued, since it cannot be changed by the Hearing Examiner.

Pursuant to WAC 197-11-355, the optional DNS process was utilized for this project. The SEPA Comment period previously occurred concurrent with the Notice of Application dated September 28, 2016 (Exhibit 13). A Determination of Nonsignificance (DNS) was issued on November 30, 2016 (Exhibit 18).

The SEPA appeal period expired December 14, 2016. No appeals were filed; therefore, the SEPA determination is final.

Physical Characteristics:

The parcel is approximately 1.33 acres or 57,935 square feet. The parcel is shaped irregularly – a square shape on the northern portion connected to a rectangle piece by a narrow segment approximately 215 feet long and 28 feet wide. In between the square portion and the rectangle portion is a single-family residence also owned by the applicant.

Comprehensive Plan Designation and Zoning:

Rural Residential (RR)

Minimum Lot Area - 5 acres
Minimum Lot Width - 140 feet
Minimum Lot Depth - 140 feet
Maximum Height - 35 feet

Standard Rural Residential Zoning Setbacks

Front - 50 feet
Side - 20 feet
Rear - 20 feet

Surrounding Land Use and Zoning:

The surrounding areas are also zoned Rural Residential. The parcels in the vicinity of the proposed project are similar or a larger size, are zoned Rural Residential with single-family homes, out buildings, and agricultural issues. To the east approximately one mile away, the zoning changes to Urban Low. To the west, Rural Residential zoning continues for slightly over a mile until Puget Sound.

Public Utilities and Services:

Water: Private Well
Power: Puget Sound Energy
Sewer: Septic
Police: Kitsap County Sheriff
Fire: Central Kitsap Fire District
Schools: Central Kitsap School District

Access:

Access to the site is off of Old Military Road NE a County maintained road.

Policies and Regulations Applicable to the Subject Proposal:

The Growth Management Act of the State of Washington, RCW 36.70A, requires that the County adopt a Comprehensive Plan, and then implement that plan by adopting development regulations. The development regulations must be consistent with the Comprehensive Plan. The Comprehensive Plan process includes public involvement as required by law, so that those who are impacted by development regulations have an opportunity to help shape the Comprehensive Plan which is then used to prepare development regulations.

Kitsap County Comprehensive Plan
Adopted June 2016

The following Comprehensive Plan goals and policies are most relevant to this application:

Rural and Resource Lands

Land Use Policy 50. *Limit the designated rural area to low residential densities that can be sustained by minimal infrastructure improvements, cause minimal environmental degradation, and that will not cumulatively create the future necessity or expectation of urban levels of service.*

Land Use Policy 51. *Permit residential uses in rural areas consistent with the planned rural character of the surrounding area.*

Land Use Policy 59. *Allow or conditionally allow home-based cottage-type businesses and industries in the rural areas that do not negatively affect rural level of service or rural character.*

The County's development regulations are contained within the Kitsap County Code. The following development regulations are most relevant to this application:

Kitsap County Code (KCC)

- Title 12 Storm Water Drainage
- Title 13 Water and Sewers
- Title 14 Buildings and Construction
- Title 17 Zoning

- Chapter 18.04 State Environmental Policy Act (SEPA)
- Chapter 20.04 Transportation Facilities Concurrency Ordinance
- Chapter 21.04 Land Use and Development Procedures

Documents Consulted in the Analysis:

A complete index of exhibits is located in the project file. To date, the index to the record consists of Exhibits 28.

Exhibit #	Document	Date or date stamped
1	Project Application	09/26/2016
2	Supplemental Application	09/26/2016
3	State Environmental Policy Act (SEPA) Checklist	09/26/2016

4	Supplemental Application – Concurrency Test	09/26/2016
5	Project Narrative	09/26/2016
6	Site Plan	09/26/2016
7	Landscape Plan	09/26/2016
8	Stormwater Pollution Prevention Plan (SWPP)	09/26/2016
9	Floor Plan	09/26/2016
10	Building Elevations	09/26/2016
11	Health District Building Site Application – Concurrent Review	09/26/2016
12	Water Availability	09/26/2016
13	Notice of Application	10/05/2016
14	Health Officer Decision	10/07/2016
15	Public Comment – Dan Seacrist	10/15/2016
16	Public Comment – Becky Siegrist	10/19/2016
17	Memo from Development Services and Engineering	10/31/2016
18	SEPA Determination of Non-Significance	11/30/2016
19	Applicant Response to Public Comment from Dan Seacrist	01/04/2017
20	Applicant Response to Public Comment from Becky Siegrist	01/04/2017
21	Zoning Map	01/10/2017
22	Critical Area Map	01/10/2017
23	Aquifer Recharge Map	01/10/2017
24	Comprehensive Plan Map	01/10/2017
25	Aerial Map	01/10/2017
26	Assessor Parcel Map	01/10/2017
27	Certification of Public Notice	01/11/2017
28	Staff Report	01/19/2017

Public Comments:

Pursuant to Kitsap County Code Title 21, Land Use, and Development Procedures, the Department gave proper public notice for the Conditional Use Permit. To date, the Department has received comments from the following neighbors.

Neighbors, Dan Seacrist and Becky Siegrist had questions regarding the project and concerns regarding the noise level from barking dogs (Exhibits 15 and 16). The applicant responded to the inquiries and concerns in Exhibits 19 and 20.

Issues raised by the public comments received to date have been reviewed by staff and have been addressed in the analysis below.

Analysis:

Land Use and Zoning Analysis

Dog training facilities are not specifically enumerated in Kitsap County Code Use Table 17.410.040(A). Staff used the most like use – Kennels or Pet Day-Cares which are permitted land use, but conditionally approved activity in the Rural Residential Zone pursuant to KCC 17.410.040(A). The intent of the Conditional Use Permit process is for land use with special characteristics that may not be generally be appropriate within the zoning district, but may be permitted subject to review by the hearing examiner to established conditions to protect health, safety, and welfare.

The application must be reviewed for consistency with KCC Section 17.420.030 Design Standards to see if the applicant has demonstrated the activity is physically suitable for the site, harmonious and compatible with existing and future permitted land use in the area.

B. Landscaping, Building Height, Buffering and Screening

The development must comply with Chapter 17.500 regarding landscaping standards

Staff Comment: The property is screened on the northern and western portion of the property but the screening trees are on the neighboring parcel. Staff conditioned the permit to provide screening in accordance with 17.500.027.B (Condition 4) on the subject parcel. The applicant is proposing landscaping improvements on the east boundary north of the driveway which include two offset rows of Douglas Fir trees with groundcover. The application also proposes a rhododendron shrub south of the proposed dog training building to screen the storage of garbage and recycling bins. Hydroseed with permanent seeding is proposed for the small area that will be exposed by the driveway widening.

The subject property exceeds the 15% minimum landscaping requirements of Chapter 17.500.

C. Exterior Lighting

In all zones, artificial outdoor lighting shall be arranged so that light is directed away from adjoining properties and so that no more than one foot candle of illumination leaves the property boundaries.

Staff Comment: The adjacent properties should not be significantly impacted by glare if lighting is directed down. The applicant may attach lights to the building exterior, if security lighting is proposed, the standard is not more than one candle foot of light can leave the property line pursuant to KCC Section 17.105.110.

D. Screening of Equipment, Storage, and Refuse Areas.

1. *All roof-mounted air conditioning or heating equipment, vents, ducts, or other equipment shall not be visible from any abutting lot, or any public street or right-of-way as feasible.*

Staff Comment: No roof-mounted air conditioning or heating equipment is proposed in this application.

2. *Locate service areas, outdoor storage areas and other intrusive site features away from neighboring properties to reduce conflicts with adjacent uses.*

Staff Comment: The existing features and character of the site will remain intact in relation to this project. The applicant is not proposing outdoor storage areas that would impact the residential neighbors.

3. *Every parcel with a structure shall have a trash receptacle on the premises. The trash receptacle shall comply with adopted public works standards and be of sufficient size to accommodate the trash generated.*

Staff Comment: The applicant is proposing garbage and recycling containers south of the training building and will be screened with a rhododendron shrub. The application

states that all animal waste will be immediately bagged and disposed into a facility refuse.

E. Access and Circulation.

1. *Pedestrian access shall be accommodated on-site from the public right-of-way, and throughout the site to minimize potential conflicts between pedestrian and vehicular circulation.*

Staff Comment: The proposed use receives direct vehicular access from Old Military Road NE. Staff does not anticipate an increase in pedestrian traffic to the site related to the training facility. There should be adequate area for visitors to park on site.

2. *Developments shall be limited to one ingress/egress per three hundred lineal feet along a public arterial. Small parcels that provide less than two hundred fifty feet of road frontage shall be limited to one parking lot entrance lane and one exit lane.*

Staff Comment: The applicant is proposing access from an existing driveway approach, and the standard is not applicable.

F. Off-Street Parking.

The development must comply with the off-street parking requirements prescribed by Chapter 17.490.

Staff Comment: KCC Chapter 17.490 does not have a parking standard for a dog training facility. Staff determined the "most like" use would be "Retail and Personal Services" which requires 1 parking space per 200 square feet. The pole building which will host the training sessions is 1,152 square feet requiring 6 spaces. The application states the existing parking area will be widened to accommodate 10 parking spaces, exceeding the requirement.

G. *Solid Waste. The development must comply with the guidelines set forth in the Kitsap County Comprehensive Solid Waste Plan.*

Staff Comment: The application is consistent with the Kitsap County Comprehensive Solid Waste Plan.

Signs Permitted According to KCC Section 17.510

The applicant is required to apply for sign permits in accordance with KCC Section 17.510 Sign Code

Staff Comment: If signage is proposed, staff recommends signage to be consistent with Moderate Home Business requirements so signage is compatible with the neighborhood's rural residential character. Signs are required to be nonilluminated, not exceeding four square feet which will be subject to sign permit approval.

Agency Recommendation

Development Services and Engineering recommends approval of this project with 4 conditions. Environmental review recommends approval with no conditions. Fire Marshal recommends approval with no conditions. Planning recommends approval of this project with 13 conditions. Kitsap County Health District recommends approval with 1 condition.

Staff Evaluation of Decision Criteria

1. The Hearing Examiner has review authority for this Conditional Use Permit application under Kitsap County Code (KCC), Sections 17.410.010(C) and 21.04.100. The Kitsap County Commissioners have determined that this application requires review and approval of the Hearing Examiner. The Hearing Examiner may approve, approve with conditions or deny a Conditional Use Permit. The Hearing Examiner may also continue the hearing to allow for additional information necessary to make the proper decision. The powers of the Hearing Examiner are at KCC, Chapter 2.10.
2. The proposal is consistent with the comprehensive plan.
3. The proposal complies with or will comply with requirements of Title 17 and complies with or will comply with all of the other applicable provisions of the KCC and all other applicable regulations, including all applicable development standards and design guidelines, through the imposed conditions outlined in this report.
4. The proposal will not be materially detrimental to existing or future uses or property in the immediate vicinity.
5. 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.

Recommendation:

Based upon the information above, the Department of Community Development recommends that the Conditional Use Permit request for KARE – Kitsap Animal Rescue and Education Dog Training Facility be **approved**, subject to the following 18 conditions:

Planning/Zoning

1. 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 (KCC). 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.
2. All required permits shall be obtained prior to commencement of land clearing, construction and/or occupancy.
3. Landscaping shall be installed and maintained in conformance with the requirements of Kitsap County Code (KCC) 17.500. Landscaping shall be installed and inspected prior to requesting a final inspection, or guaranteed by means of an assignment of funds or bonded in the amount of 150 percent of the cost of installation.
4. An updated landscaping plan shall be submitted with the building permit showing a screening buffer in accordance with Kitsap County Code 17.500.027.B on the subject property not the neighboring parcel.
5. The applicant owns the adjacent property to the south, containing a single-family residence. At the time the applicant sells either property, a screen buffer must be placed on the subject property in accordance with Kitsap County Code 17.500.027.B.

6. Any and all signage design and location (including exempt signs) shall comply with Kitsap County Code (KCC) 17.510, and be reviewed and approved by the Department of Community Development prior to installation. Signage may require a separate permit.
7. 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 by the Department and recorded at the applicant's expense. The applicant shall provide recorded copies of the Binder to the Department immediately after recording. The Binder shall be recorded within 30 days of notification from the Department that the Binder is ready to be recorded.
8. 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 three years of the Notice of Decision date or the resolution of any appeals.
9. The decision set forth herein is based upon representations made and exhibits contained in the project application (insert 16 04352). 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.
10. 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 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.
11. Any violation of the conditions of approval shall be grounds to initiate revocation of this Conditional Use Permit.
12. Activity must comply with Chapter 7.14.030 Dog Barking.
13. Hours of operation shall be limited to Monday-Friday 9AM-8:30PM and Saturday and Sunday 9AM-4PM.

Development Services and Engineering

14. If the project proposal is modified from that shown on the submitted site plan dated September 16, 2016, Development Services and Engineering will require additional review and potentially new conditions.

Traffic and Roads

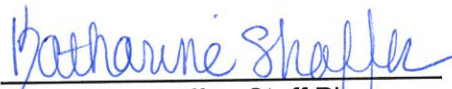
15. Submit an Application for Concurrency Test (KCPW Form 1601) as required by Chapter

20.04.030, Transportation Concurrency, of the Kitsap County Code. The KCPW 1601 form reserves road capacity for the project.

16. Submit a Road Approach permit application, showing plans for construction of the 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. Existing approaches may need to be improved to meet current standards.
17. The developer's engineer shall certify that there is adequate entering sight distance at the intersection of the site access and Old Military Road NE. Such certification shall note the minimum required sight distance, the actual sight distance provided, and a sight distance diagram showing the intersection geometry drawn to scale, topographic and landscaping features, and the sight triangle. The sight distance shall meet the requirements of the Kitsap County Road Standards. The certification shall also note necessary measures to correct and maintain the minimum sight triangle. The required information shall be submitted with the Road Approach permit application.

Health District

18. A septic design has been submitted and received preliminary approval for the septic system only. The proposal included the facility being served by a private water system. However, public water is required. The applicant must submit a coordinated Water System Plan Review application with fees to the Health District to determine if Public Water is available.


Katharine Shaffer, Staff Planner

Jan 18, 2017
Date


Scott Diener, Development Services and Engineering Manager

1.18.17
Date

CC: Applicant/Owner: Dianne Canafax and John Albright
Interested Parties:
Dan Seacrist
Becky Siegrist
Kitsap County Health District, MS-30
Kitsap County Public Works Dept., MS-26
DCD Staff Planner: Katharine Shaffer
DCD File (16 04352)