



Hearing Examiner Staff Report and Recommendation

Report Date: June 1, 2023
Hearing Date: June 8, 2023

Application Submittal Date: July 25, 2022
Application Complete Date: August 19, 2022

Project Name: Sidekick Dog Training Facility
Type of Application: Conditional Use Permit (CUP)
Permit Number: 22-03669

Project Location

13470 Bethel Burley Rd.
Port Orchard, WA 98367
Commissioner District 2

Assessor's Account

022201-1-038-2001

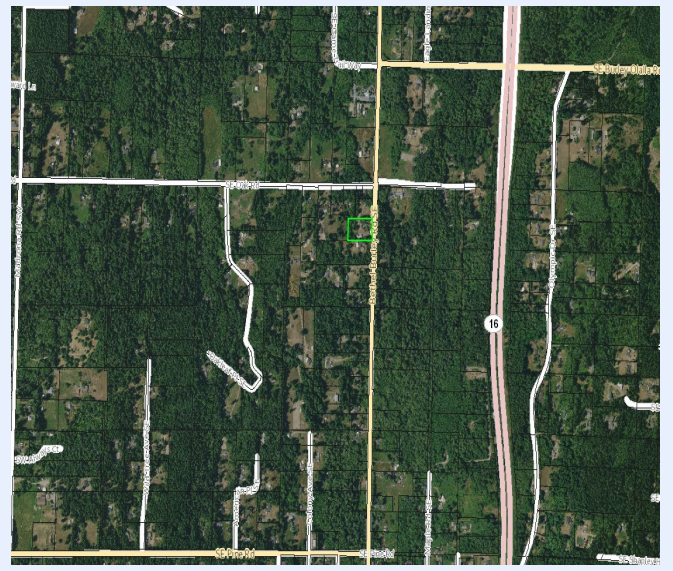
Applicant/Owner of Record

Amanda Brothers & Michael Boyd
13470 BETHEL BURLEY RD SE
PORT ORCHARD, WA 98367

Recommendation Summary

Approved subject to conditions listed under section 13 of this report.

VICINITY MAP



1. Background

Applicant, Amanda Brothers, has submitted an application to relocate a dog training facility, from her current place of business to her residential home. The application proposes to provide indoor group classes and training workshops for dogs within an existing pole building.

2. Project Request

Applicant requests approval of a Conditional Use Permit (CUP), to allow a dog training facility located on a single-family residence (SFR) property in South Kitsap County. Access is via Bethel Burley Rd SE with on-site parking only.

3. 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 19, 2022 (Exhibit). A Determination of Nonsignificance (DNS) was issued on May 3, 2023.

The SEPA appeal period expired May 17, 2023. No appeals were filed; therefore, the SEPA determination is final.

4. Physical Characteristics

The Assessors data shows the parcel is approximately 1.92 acres or 83,635 square feet in size. The parcel is rectangular in shape and has an existing 1,188 square foot manufactured home, garden shed, well house, and a 2,736 square foot detached accessory structure; all for residential use.

Table 1 - Comprehensive Plan Designation and Zoning

Comprehensive Plan: Rural Residential (RR) Zone: RR	Standard	Proposed
Minimum Density	NA	NA There is one (1) legally existing dwelling unit. No additional dwelling units are proposed.
Maximum Density	1 dwelling unit/5 acres	
Minimum Lot Size	5 acres	NA
Maximum Lot Size	NA	NA
Minimum Lot Width	140	NA
Minimum Lot Depth	140	NA
Maximum Height	35 feet	17 feet* (< 35')
Maximum Impervious Surface Coverage	NA	NA
Maximum Lot Coverage	NA	NA

**Standards for height apply to newly constructed buildings. The indoor training facility is already existing.*

Table 2 - Setback for Zoning District

	Standard	Proposed
Front (East)	50 feet	130 feet *
Side (North)	20-feet for principal structure 5-feet for accessory structures **50-feet for Kennel/Pet day-care in RR zones.	161 feet *
Side (South)	20-feet for principal structure 5-feet for accessory structure **50-feet for Kennel/Pet day-care in RR zones.	41-feet *
Rear (West)	20-feet for principal structure 5-feet for accessory structures **50-feet for Kennel/Pet day-care in RR zones.	145 feet *

*Existing detached accessory structure proposed for indoor dog training facility.

** KCC17.415.295. B.

Table 3 - Surrounding Land Use and Zoning

Surrounding Property	Land Use	Zoning
North	Single Family Residence (SFR)	Rural Residential (RR)
South	Single Family Residence (SFR)	RR
East	Arterial ROW / SFR beyond	Rural Protection (RP)
West	Single Family Residence (SFR)	RR

Table 4 - Public Utilities and Services

	Provider
Water	Kitsap PUD #1
Power	Puget Sound Energy
Sewer	Onsite Septic
Police	Kitsap County Sheriff
Fire	South Kitsap Fire & Rescue
School	South Kitsap School District #400

5. Access

Existing access will be shared with the principal residence, and directly from Bethel Burley Rd. S.E.

6. Site Design

Design standards are reviewed for conformance and conditioned in KCC17.420.030(D), and includes screening of equipment, storage, and refuse areas s 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. Locate service areas, outdoor storage areas and other intrusive site features away from neighboring properties to reduce conflicts with adjacent uses.

There are no roof-mounted air conditioning or heating equipment proposed in this application. 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. 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.

An accessible (ADA), portable toilet will be available onsite for customers who will be at the facility for relatively short periods of time. The site is heavily vegetated with trees and shrubs, as well as a berm on all sides, reducing visibility to neighboring properties. A commercial building permit will be required for a Certificate of Occupancy. The subject property is not within a design district.

7. 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 30, 2016, and as amended in 2019.

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:

Code Reference	Subject
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

8. 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 26 Exhibits.

Exhibit #	Document	Dated	Date Received
1	STAFF REPORT	06/01/2023	
2	Site Plan		08/15/2022
3	Application	07/25/2023	08/15/2022
4	Project Narrative		08/15/2022
5	Photos		08/15/2022
6	SEPA Checklist	06/28/2022	08/15/2022
7	Water Availability Waiver		08/15/2022
8	Stormwater Worksheet	07/25/2022	08/15/2022
9	Notice of Application	09/19/2022	
10	Stormwater Conditions Memo	10/07/2022	
11	Staff File Request - 49165	10/18/1990	11/21/22
12	Information Request	01/24/2023	
13	Health District Approval	02/10/2023	02/15/2023
14	Parking Narrative	02/10/2023	02/15/2023
15	Parking Site Map	02/10/2023	02/15/2023
16	Landscape Narrative	02/10/2023	02/15/2023
17	Lighting Narrative	02/10/2023	02/15/2023
18	Signage Narrative	02/10/2023	02/15/2023
19	SEPA Determination of Non-Significance (DNS)	05/03/2023	
20	Communications – Email w/Staff & Applicant	05/11/2023	
21	Solid Waste/Refuse area, Vegetation, Berms		05/16/2023

	Drawing		
22	Combined Floor, Lighting/Walkway, Parking Drawing		05/16/2023
23	Notice of Public Hearing	05/24/2023	
24	Certification of Public Notice	05/31/2023	
25	Staff Presentation		
26	Hearing Sign In		

9. Public Outreach and Comments

Pursuant to Kitsap County Code Title 21, Land Use, and Development Procedures, the Department gave proper public notice for the CUP. To date, the Department has received no public comments.

10. Analysis

a. Planning/Zoning

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.

The applicant is proposing to hold twelve, one (1) hour classes per week, for dogs and their owners, as well as 3-hour sessions, five times per week, with 2-3 dogs at a time. All day workshops are proposed one to two times a month. The hours of operation will be Monday-Sunday between 9am-8:00pm. The applicant is not proposing any structural changes or expansion of the existing pole building. There is no retail, boarding or doggy daycare proposed and is added as a condition of approval in this report.

Dog training facilities are not specifically enumerated in Kitsap County Code Use Table 17.410.040(A). Staff chose the most similar use in Table 17.410.042.274 – Kennels or Pet Day-Cares, which are a permitted land use but are a conditionally approved activity in the Rural Residential Zone pursuant to KCC 17.410.040(A). The intent of the CUP process is for land use with special characteristics that may not 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.

A permit was approved for expansion to the existing pole building in 1990, making the 2,736 square foot residential accessory structure legal and permitted.

KCC17.415.295. (B) requires that “all buildings and activities shall be set back a minimum of fifty feet from a side or rear lot line if in the rural residential (RR) zoning. The existing building is 41-feet from the south property line(side). However, Kitsap County 17.570.040 Nonconforming structure states “when, before the effective date of the adoption or

amendment of the applicable regulation, a lawful structure existed that would not be permitted by the regulations thereafter imposed by this title, or amendments thereof, the structure may be continued so long as it remains otherwise lawful and shall be deemed a nonconforming structure.” Because the structure was existing then expanded and permitted in 1990, it is legal nonconforming to the 50’ setback regulation of 17.415.295.B. In addition, the activities of the training facility will take place inside the existing pole building and screened from neighbors.

The proposed activity will use existing access directly to a county right-of-way and traffic congestion on local residential streets. The applicant will maintain the heavily treed buffer to comply with landscaping standards. A berm is also present along the entire perimeter apart from the driveway and a portion of the southeast property line. The thick vegetation and significant berms will address potential impacts. Staff will condition the permit to avoid impacts posing excessive traffic generation, noise, light or other circumstances materially detrimental to any adjacent (existing or future) residential development. Below is a larger aerial of the property that shows the vegetated buffer.

b. 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. The project will be conditioned accordingly.

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 should not exceed one candle foot of light nor leave the property line pursuant to KCC Section 17.105.110.

c. Off-Street Parking

The project is required to provide adequate off-street parking consistent with the standards in KCC 17.490 Off-street Parking and Loading. Pursuant to KCC 17.490.030 Number of required spaces KCC Chapter 17.490 does not have a parking standard for a dog training facility, therefore, staff determined the “most like” use would be “Retail Stores”, which requires 1 parking space per 400 square feet. The minimum requirement for the existing 2,736 square foot building proposed to host the training sessions is 7 off-street parking spaces. The application states the existing parking area will accommodate 7 new spaces (excerpt below) in addition to three for the existing SFR.

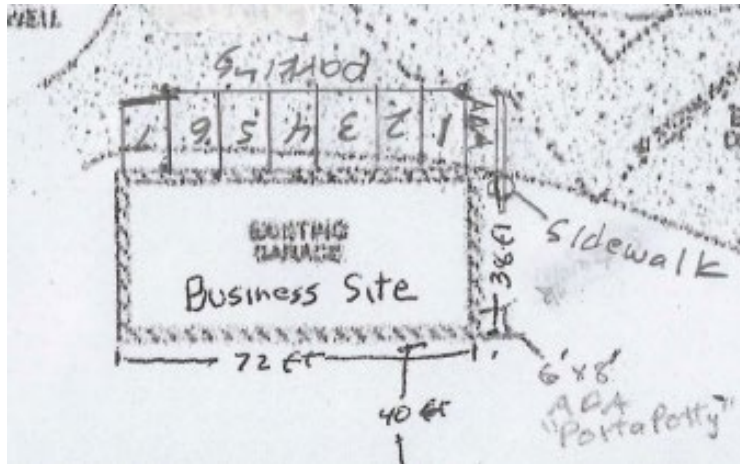


Table 5 - Parking Table

Use Identified in 17.490.030	Standard	Required Spaces	Proposed Spaces/Existing Spaces
Retail stores generating relatively little automobile traffic (e.g., appliance, furniture, hardware and repair stores)	1 per 400 sf. of gross floor area	7	7 In addition to 3 required spaces for the existing principal dwelling
Total			7 + 3 = 10

d. Signage

All signage shall be permitted according to KCC Section 17.510. The application notes there are no plans for exterior signage. The applicant will install exit signs, fire extinguisher signs, directional signs, and address markings as required.

Signs providing business information such as the days and hours of operation, addressing, and directional wayfinding to meet safety and security needs for driveways, walkways, and parking areas can be exempt from permitting if meeting requirements and standards per 17.510.050 Exempt Signs.

e. Landscaping

The development must comply with Chapter 17.500 regarding landscaping standards. The nearly 2-acre site is heavily treed with abundant vegetation. The applicants plan on maintaining the existing, well-established landscaping with the removal of any blackberry and scotch broom invasives, to promote growth of the native vegetation. Retaining the 25-foot vegetated perimeter buffer will mitigate noise impacts and preserve the visual aesthetics of the rural character in the vicinity. Berms exist along the much of the east,

south and northern portions of the property boundaries and will provide additional screening to reduce noise and visibility.

Table 6 - Landscaping Table

	Required	Proposed
Required Landscaping (Sq. Ft.) 15% of Site	25-foot vegetation buffer/ Berm	The site is approximately 50% vegetation cover/existing buffer and berm
Required Buffer(s) 17.500.025		
North	25-foot vegetation buffer/Berm	25-foot vegetation buffer/Berm
South	25-foot vegetation buffer/Mostly Berm	25-foot vegetation buffer/Berm
East	Roadside & 25-foot vegetation buffer/Some Berm	Roadside & 25-foot vegetation buffer
West	25-foot vegetation buffer/Berm	25-foot vegetation buffer/Berm
Street Trees	NA	NA

f. Frontage Improvements

No frontage improvements are required or proposed as part of this application.

g. Design Districts/Requirements

This project is not within a Design District.

h. Development Engineering/Stormwater

Development Services and Engineering reviewed proposal and finds the concept supportable in its approach to civil site development. Review was based on the Preliminary Drainage Report and Preliminary Engineering Plans accepted for review August 15, 2022, to Kitsap County Development Services and Engineering.

Development Services and Engineering accepts the concepts contained in this preliminary submittal and requires the conditions included at the end of this report, as an element of the land use approval.

i. Environmental

There are no critical area concerns. The site is mapped as moderate seismic hazard, but 19.400 does not require any reports, and there are no new buildings or ground-disturbing activities proposed. SEPA review is on-going regarding noise, lighting, etc. The DNS was distributed with the NOA and discussed in the preceding section 3.

j. Access, Traffic and Roads

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.
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 proposed use receives direct vehicular access from Bethel Burley Rd. S.E. Staff does not anticipate an increase in pedestrian traffic to the site, related to the dog training facility. Measures to avoid pedestrian vehicle conflict, such as lighting, directional signs, and a reasonable sight distance for guests entering the building from the parking area, or if arriving by foot There shall be adequate area for visitors to park on site.

Traffic Concurrency: no change to Peak PM trips in TAZ 246. Already accounted for in permit 22-03790. Valid for 5 years.

k. Fire Safety

Fire approved the CUP without comments and reviewed with the commercial building permit for fire requirements.

l. Solid Waste

The applicant is proposing indoor training sessions for dogs. The application states that all animal waste will be immediately double bagged and disposed into a facility refuse container. The development must comply with the guidelines set forth in the Kitsap County Comprehensive Solid Waste Plan to dispose of refuse and animal wastes appropriately as a condition of approval.

m. Water/Sewer

Potable water is proposed to be provided by an on-site well; sanitary sewage disposal is proposed to be provided by an existing on-site septic system.

n. Kitsap Public Health District

A commercial building clearance, matching this proposal, was approved by KPHD.

11. Review Authority

The Hearing Examiner has review authority for this Conditional Use Permit application under KCC, Sections 17.550.020 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.

12. Findings

1. The proposal is consistent with the Comprehensive Plan.
2. The proposal complies or will comply with requirements of KCC Title 17 and complies with or will comply with all of the other applicable provisions of Kitsap County Code and all other applicable regulations, including all applicable development standards and design guidelines, through the imposed conditions outlined in this report.
3. The proposal is not materially detrimental to existing or future uses or property in the immediate vicinity.
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.

Staff comment: The proposal supports the intent to 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. Staff finds no evidence that the proposal will be materially detrimental to existing or future uses or property, in the immediate vicinity. The proposal will maintain the rural character and aesthetics.

Existing berms and landscaping/vegetative screening is necessary to lessen any adverse impacts of the project to any neighboring properties. Per the submitted narratives/responses to the review criteria, the applicants note they will promote and maintain compatibility as it relates to requirements of the Conditional Use review criteria. As proposed and conditioned, both new and existing structures for a dog training facility use, will be brought into compliance, which is necessary to mitigate or minimize any potential impacts.

13. Recommendation

Based upon the analysis above and the decision criteria found in KCC 17.550.030.A, the Department of Community Development recommends that the CUP request for Sidekick Dog Training be **approved**, subject to the following 19 conditions:

a. 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. A commercial building permit for a Certificate of Occupancy is required and reviewed by Fire division.
4. Lighting standard should not exceed one candle foot of light nor leave the property line pursuant to KCC Section 17.105.110.
5. Landscaping shall be installed and/or 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.
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 four 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 22-03669. 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 9AM-8:00PM.
14. The proposal is reviewed and approved only as an indoor activity and only for dog training use. Any change in activities or use, including future outdoor uses, doggy daycare, boarding of animals, (whether allowed in the zone) will require an amendment to the CUP and the SEPA.
15. Retail is not proposed as part of the CUP request, nor an allowed use in RR zoning.
16. The development must comply with the guidelines set forth in the Kitsap County Comprehensive Solid Waste Plan to dispose of refuse and animal wastes appropriately as a condition of approval.

Development Engineering

17. New and/or replaced hard surfaces do not exceed the 2,000 square foot threshold; nor does the project exceed 7,000 square feet of disturbed area. While a formal plan is not required, the applicant must consider all elements required of a stormwater pollution prevention plan and make allowances for managing erosion and sediment discharge on site. Per KCC Title 12, if the project exceeds either of the thresholds noted above, then additional review for stormwater management will be required.
18. If the project proposal is modified from that shown on the site plan approved for this permit application, Development Services and Engineering will require additional review and potentially new conditions.

Traffic and Roads

19. At building permit application, submit Kitsap County Public Works Form 1601 for issuance of a concurrency certificate, as required by Kitsap County Code 20.04.030, Transportation Concurrency.

Report prepared by:



Jenny Kreifels, Staff Planner / Project Lead

May 16, 2023

Date

Report approved by:

Katharine Shaffer

Katharine Shaffer, Department Supervisor

May 18, 2023

Date

Attachments:

- Attachment A – Site Plan
- Attachment B – Floor Plan
- Attachment C – Critical Areas Map
- Attachment D – Zoning Map
- Attachment E – County Aerial 2021

CC:

Applicant: AMANDA K BROTHERS, amanda@sidekickdogtraining.com
Owners: Amanda Brothers and Michael & Pamela Boyd
Health District
Public Works
Parks
Navy
DSE
Kitsap Transit
South Kitsap Fire District
South Kitsap School District
Puget Sound Energy
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

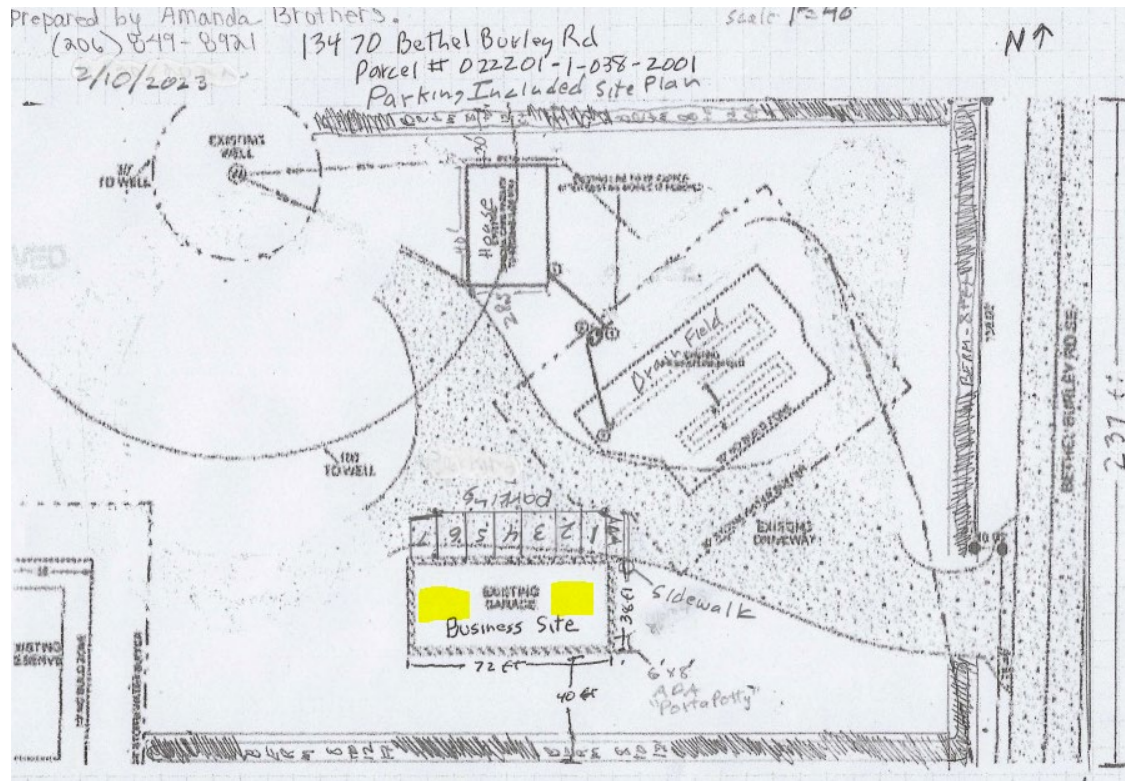
WA State Dept of Ecology-SEPA

WA State Dept of Ecology-Wetland Review

WA State Dept of Transportation

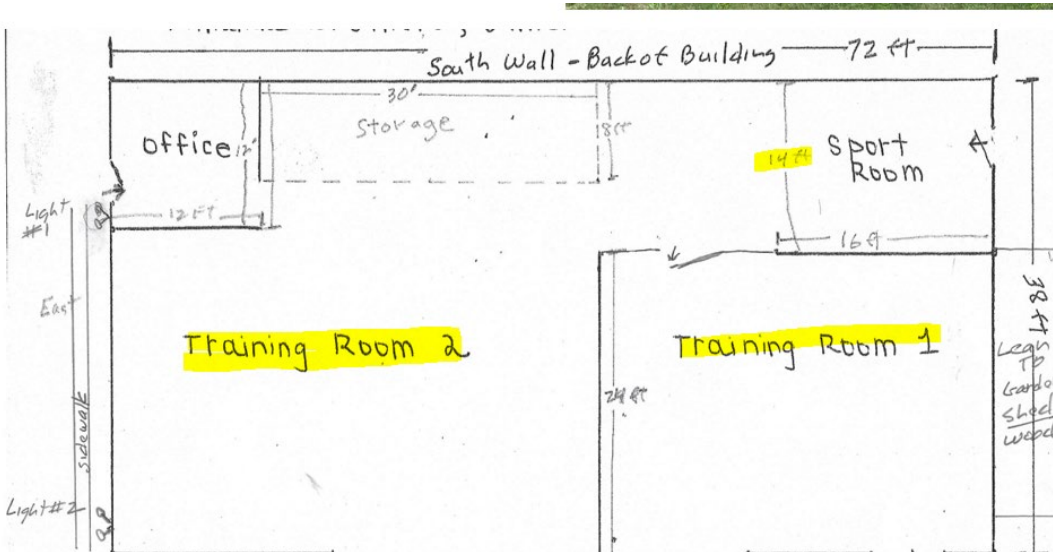
Interested Parties: Susan Orr, suzeorr@gmail.com; Mechelle Collins,
mechelle4@juno.com; David Brown, david@ddavidbrown.com

Site Plan



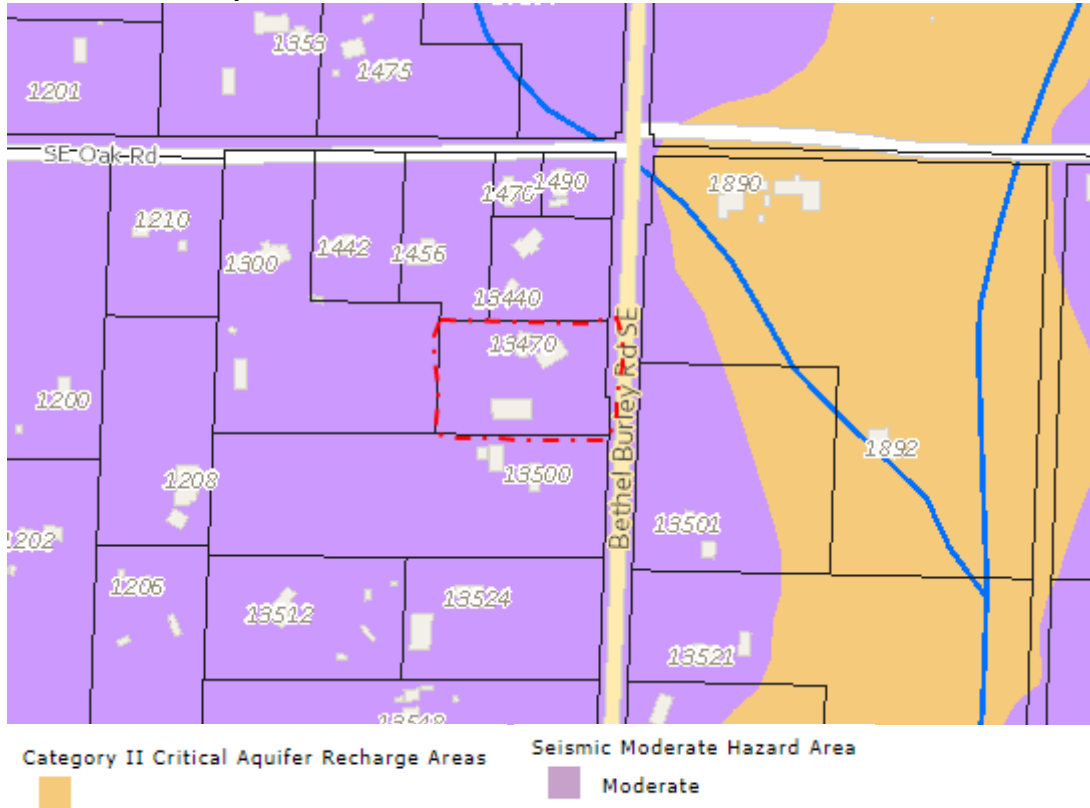
Yellow highlighted area indicates approximate location for proposed indoor training sessions.

Floor Plan

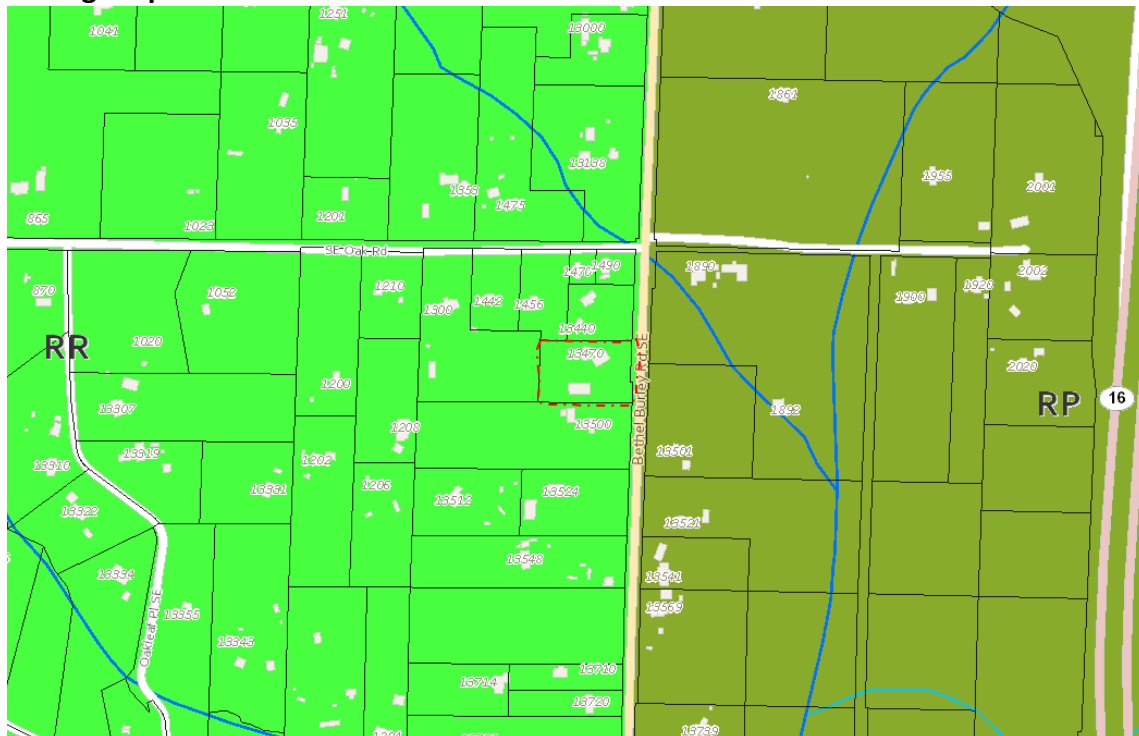


Yellow highlighted indicates proposed indoor training rooms.

Critical Areas Map



Zoning Map



County Aerial Map 2021

