



## Notice of Hearing Examiner Decision

03/25/2024

To: Interested Parties and Parties of Record

RE:           Project Name: Wolf Dog Daycare  
                  Applicant: McKenzie Wolf  
                                  5307 44<sup>th</sup> Street NW  
                                  Gig Harbor, WA 98335  
                  Application: Conditional Use Permit (CUP)  
                  Permit Number: 22-03160

The Kitsap County Hearing Examiner has **APPROVED** the land use application for **Permit #: 22-03160 Wolf Dog Daycare Conditional Use Permit, subject to the conditions outlined in this Notice and included Decision.**

**THE DECISION OF THE HEARING EXAMINER IS FINAL, UNLESS TIMELY APPEALED, AS PROVIDED UNDER WASHINGTON LAW.**

The applicant is encouraged to review the Kitsap County Office of Hearing Examiner Rules of Procedure found at:

<https://www.kitsap.gov/dcd/HEDocs/HE-Rules-for-Kitsap-County.pdf>.

Please note affected property owners may request a change in valuation for property tax purposes, notwithstanding any program of revaluation. Please contact the Assessor's Office at 360-337-5777 to determine if a change in valuation is applicable due to the issued Decision.

The complete case file is available for review by contacting the Department of Community Development; if you wish to view the case file or have other questions, please contact [help@kitsap1.com](mailto:help@kitsap1.com) or (360) 337-5777.

CC: Applicant: McKenzie Wolf, [mckenzie@wetnosedyapaws.com](mailto:mckenzie@wetnosedyapaws.com);  
[mckenzieleewolf@gmail.com](mailto:mckenzieleewolf@gmail.com)  
Owner: Tracy Rodgers, [tracy@kitsapcountrynursery.com](mailto:tracy@kitsapcountrynursery.com)  
Engineer: Andrew Stephenson, [astephenson@vader.com](mailto:astephenson@vader.com)  
Health District  
Public Works  
Parks Navy DSE  
Kitsap Transit  
Central Kitsap Fire District  
Central 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 (SEPA)  
WA Dept of Transportation (SEPA)  
WA State Dept of Ecology-SEPA  
WA State Dept of Ecology-Wetland/Shoreline Review  
WA State Dept of Natural Resources  
WA State Dept of Health  
Interested Parties: None

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**BEFORE THE HEARING EXAMINER FOR KITSAP COUNTY**

Phil Olbrechts, Hearing Examiner

RE: Wolf Dog Daycare  Conditional Use  File No. 22-03160	<b>FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION.</b>
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**INTRODUCTION**

McKenzie Wolf has applied for a conditional use permit to operate a dog daycare facility at 2075 Seabeck Hwy NW. The application is approved subject to conditions.

**ORAL TESTIMONY**

A computer-generated transcript of the hearing has been prepared to provide an overview of the hearing testimony. The transcript is provided for informational purposes only as Exhibit 21. The transcript is provided for the convenience of the parties and should not be construed as having any probative value to this proceeding. The transcript is only referenced as an exhibit for compatibility with the County record retention system for land use hearings. A recording of the hearing is available from Kitsap County should anyone need an accurate rendition of hearing testimony.

**EXHIBITS**

Exhibits 1-19 listed in the Index to the Record prepared by County staff were admitted during the hearing. A revised staff report was admitted as Exhibit 20.

**FINDINGS OF FACT**

**Procedural:**

1. Applicant. McKenzie Wolf, 5307 44th ST NW, Gig Harbor, WA 98335.
2. Hearing. The Hearing Examiner conducted a remote/hybrid hearing on the application on February 16, 2024.

**Substantive:**

1 3. Site/Proposal Description. McKenzie Wolf has applied for a conditional  
2 use permit to operate a dog daycare facility at 2075 Seabeck Hwy NW. The proposal  
3 will occupy two parcels and a combined area of 2.09 acres of what was formally a retail  
4 garden nursery and landscape company. The nursery buildings will remain and be used  
5 by the proposal. An existing barn will be converted to an indoor play area for the dogs.  
6 There will be some internal six-foot chain link fencing added for the outdoor play areas  
7 with two-foot slopes to prevent jumping out and everything. No new structures other  
8 than the fencing are proposed.

9 The use includes 6 employees (3 at a time) and 60 dogs per day. About 50 customers  
10 per day are expected. At a minimum, 75 square feet per dog will be available at all  
11 times. Operating hours will be from 8am- 6pm, 7 days per week. Pick-up and drop-off  
12 are from 8-11am and 3-6pm, respectively, with 2-3 customers at a time. Nine (9)  
13 parking stalls will be provided. Existing vegetation and an existing landscaping  
14 business use also on the parcels will provide screening to adjacent residential uses.  
15 Additional landscape screening will be added along property lines where none or little  
16 currently exists. Existing perimeter fencing will remain, with additional added  
17 internally for the use.

18 The majority of the property is covered by gravel, and five existing structures are  
19 located in the center and include a pole-barn, greenhouse, residential dwelling, a  
20 garage, and a storefront. A small, forested section of the property where a Type F  
21 (“Stream A) is located runs along the southern property line. The stream flows  
22 southerly and western red cedar, big leaf maple, red alder, English ivy, Japanese  
23 knotweed, and English laurel grow along the edges. The topography is highest near the  
24 southwestern property line, north of Stream A, and slopes down in either direction. The  
25 topography steeply slopes down into Stream A in the southwest corner, and the rest of  
the property slopes away from the stream to the northeast. A small culvert is located in  
the southeastern corner of the property under Orange Avenue.

4. Characteristics of the Area. Commercial and single-family residential  
properties are located to the south and undeveloped properties are located to the north  
across from adjoining Seabeck Highway. Orange Drive NW separates the project site  
from parcels to the east, which are either vacant or housing a gas station. A single  
family residence adjoins the property to the west.

5. Adverse Impacts. No significant adverse impacts are anticipated from the  
proposal. Impacts are more directly addressed as follows:

- a. Off-Street Parking. Chapter 17.490 KCC requires nine parking spaces, which  
will be provided by the proposal.
- b. Stormwater. The proposal is conditioned to meet the County’s stormwater  
standards, which will be reviewed during building permit review. The project  
site already has a stormwater system and the only impact to stormwater will be

1 the replacement of some pea gravel with compacted gravel to meet fire access  
2 requirements.

- 3 c. Environmental/Critical Areas. The proposal does not involve any development  
4 activity within critical area buffers and therefore is not found to adversely  
5 impact critical areas. The project site is encumbered by both a Type F stream  
6 and steep slopes. The Type F stream has a 150-foot buffer. The existing  
7 structures and gravel area on the southern half of the property lie within the  
8 150-foot stream buffer. All other activities will occur outside of the stream  
9 buffer. The stream buffer covers approximately half of the property. However,  
10 no critical area impacts are anticipated but because there will be no new  
11 construction or impervious surfaces added and the developed portion of the  
12 property slopes away from the stream.

13 Due to existing slopes associated with the stream that qualify as High Geologic  
14 Hazards under KCC 17.430.050, a Geologic Letter (Exhibit #17) was also  
15 provided and reviewed. It found no “*signs of significant erosion or slope*  
16 *instability*” and recommended only to maintain vegetation on the slope and to  
17 cover any future exposed soils with mulch, straw or other approved Best  
18 Management Practices. No new development activity is proposed within the  
19 40-foot buffer applicable to the steep slopes.

- 20 d. Access, Traffic, Roads. Development Services and Engineering reviewed the  
21 proposal and found the existing access off of Seabeck Highway to be adequate  
22 for the proposal.

- 23 e. Fire Safety. The Kitsap County Fire Marshall’s Office reviewed the proposal.  
24 See Ex. 12, p. 2. The Fire Marshall found that fire access routes to all buildings  
25 were not previously maintained and will need to be replaced to meet compacted  
gravel requirements for fire access and maintained obstruction-free. These areas  
are shown on the revised Civil Plans (Exhibit #18). Emergency Vehicle (EV)  
access to the entrance gate is also conditioned.

- f. Water/Sewer. The property is currently served by a two-party well and is on a  
private septic system. Both are proposed to continue providing services to this  
new use. Kitsap Public Health had no concerns or conditions for this proposal.

- g. Compatibility. The proposal is compatible with surrounding uses. As  
previously noted, no new structures are proposed other than internal fencing.  
The project site is heavily buffered from surrounding uses by extensive  
landscaping. County code requires 15% landscaping and the project site  
exceeds this with 40% landscaping. The project site will also meet landscaping  
standards that require solid screening along residentially zoned properties.  
There is potentially only one residence on an adjoining lot to the west. That  
parcel is residentially zoned and will therefore be shielded by solid landscaping.

- h. Noise. The greatest potential impact to surrounding uses is noise from 60  
barking dogs. However, the proposed use is limited to daytime hours and  
heavily buffered from adjoining uses by landscaping and roads which are  
located on two sides. These factors, along with the County noise ordinance,

1 Chapter 10.28 KCC, are found to adequately mitigate against potential noise  
2 impacts.

3 **CONCLUSIONS OF LAW**

4 **Procedural:**

5 1. Authority of Hearing Examiner. KCC 17.550.030 authorizes the hearing  
6 examiner to issue decisions on applications for conditional use permits.

7 **Substantive:**

8 2. Zoning Designation. The property is currently zoned Rural Commercial  
9 (RCO).

10 3. Review Criteria. KCC 17.410.044 requires a conditional use permit for  
11 kennels in the RCO zone. KCC 17.550.030A governs the criteria for conditional use  
12 permits. Pertinent criteria are quoted below and applied via corresponding conclusions  
of law.

13 **KCC 17.550.030.A:** *The hearing examiner may approve, approve with conditions, or*  
14 *deny a hearing examiner conditional use permit. Approval or approval with conditions*  
*may be granted only when all the following criteria are met:*

15 **KCC 17.550.030.A.1:** *The proposal is consistent with the Comprehensive Plan;*

16 4. Criterion met. The criterion is met for the reasons identified at pages 5-6 of the  
17 staff report. The applicable policies require a balancing of retaining rural character  
18 while fostering rural business opportunities. The heavily landscaped site design and  
use of existing structures furthers these policies.

19 **KCC 17.550.030.A.2:** *The proposal complies with applicable requirements of this*  
20 *title;*

21 5. Criterion met. The criterion is met as demonstrated in Tables 1 and 2 of the staff  
22 report as well as the review and approval from County planning, public works and fire  
protection staff.

23 **KCC 17.550.030.A.3.:** *The proposal will not be materially detrimental to existing or*  
24 *future uses or property in the immediate vicinity; and*

25 6. Criterion met. The criterion is met for the reasons identified in Finding of Fact No.  
5.

1 **KCC 17.550.030.A.4:** *The proposal is compatible with and incorporates specific*  
2 *features, conditions, or revisions that ensure it responds appropriately to the existing*  
3 *character, appearance, quality or development, and physical characteristics of the*  
4 *subject property and the immediate vicinity.*

5 7. Criterion met. The criterion is met for the reasons identified in Finding of Fact No.  
6 5g.

## 7 **DECISION**

8 Based upon the conclusions of law above, the conditional use permit application is  
9 approved subject to the following conditions:

### 10 **Planning/Zoning**

11 1. The uses of the subject property are limited to the uses proposed by the applicant  
12 and any other uses will be subject to further review pursuant to the requirements of the  
13 Kitsap County Code (KCC). Unless in conflict with the conditions stated and/or any  
14 regulations, all terms and specifications of the application shall be binding conditions  
15 of approval. Approval of this project shall not, and is not, to be construed as approval  
16 for more extensive or other utilization of the subject property.

17 2. All required permits shall be obtained prior to commencement of land clearing,  
18 construction and/or occupancy. This includes, at a minimum, a commercial building/  
19 occupancy permit, and may include but is not limited to a Right-of-Way permit from  
20 Kitsap County Public Works, a Sign Permit for changes to the existing sign, or a fence  
21 permit for fences greater than 7-feet in height.

22 3. Any and all signage design and location (including exempt signs) shall comply with  
23 Kitsap County Code (KCC) 17.510, and be reviewed and approved by the Department  
24 of Community Development prior to installation. Signage may require a separate  
25 permit.

1 Dogs will not be housed or kept outside within 35-feet of the side and rear property  
lines. No storage or administration associated with the use will be located within this  
35-foot use setback.

5. With application for the associated building permit, the applicant must verify  
whether the existing pole barn located within the 35-foot use setback will be  
demolished or excluded from the use by Notice to Title. The demolition permit must  
be approved or the Notice to Title recorded prior to final inspection of the building  
permit.

6. This use shall meet the animal welfare requirements in Kitsap County Code  
7.08.040 as well as providing the industry standard of a minimum 75 square feet of  
space per dog.

7. Prior to completion of this permit with the Department of Community  
Development, the Applicant shall satisfy all conditions of a Right of Way Permit  
through the Department of Public Works for any and all work performed in the county  
Right of Way associated with this project. Apart from the Site Development Activity  
Permit (SDAP)/ building permit, the Right of Way permit may require extra work to

1 comply with current Washington State Department of Transportation or Kitsap County  
2 Road Standards. You may contact Kitsap County Public Works, Right of Way  
3 Construction Division at (360) 337-5777 to obtain a Right of Way permit.

4 8. Landscaping shall be installed and maintained in conformance with the  
5 requirements of Kitsap County Code (KCC) 17.500. Landscaping shall be installed and  
6 inspected prior to requesting a final inspection of the associated building permit, or  
7 guaranteed by means of an assignment of funds or bonded in the amount of 150 percent  
8 of the cost of installation.

9 9. The recipient of any conditional use permit shall file a Notice of Land Use Binder  
10 with the county auditor prior to any of the following: initiation of any further site work,  
11 issuance of any development/construction permits by the county, or occupancy/use of  
12 the subject property or buildings thereon for the use or activity authorized. The Notice  
13 of Land Use Binder shall serve both as an acknowledgment of and agreement to abide  
14 by the terms and conditions of the conditional use permit and as a notice to prospective  
15 purchasers of the existence of the permit. The Binder shall be prepared and recorded  
16 by the Department at the applicant's expense.

17 10. This Conditional Use Permit approval shall automatically become void if no  
18 development permit application is accepted as complete by the Department of  
19 Community Development within four years of the Notice of Decision date or the  
20 resolution of any appeals.

21 11. The decision set forth herein is based upon representations made and exhibits  
22 contained in the project application (22-03160). Any change(s) or deviation(s) in such  
23 plans, proposals, or conditions of approval imposed shall be subject to further review  
24 and approval of the County and potentially the Hearing Examiner.

25 12. 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.

13. Any violation of the conditions of approval shall be grounds to initiate revocation  
of this Conditional Use Permit.

### **Development Engineering**

14. Building permits submitted for this development shall include construction plans  
and profiles for all roads, driveways, storm drainage facilities and appurtenances. No  
construction shall be started prior to said plan acceptance.

15. 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 documents shall be prepared by a civil engineer licensed in the State of



1 Washington. The fees and submittal requirements shall be in accordance with Kitsap  
2 County Ordinances in effect at the time of Building Permit Application.

3 16. If the project proposal is modified from that shown on the site plan approved for  
4 his permit application, Development Engineering will require additional review and  
5 potentially new conditions.

6 **Environmental**

7 17. No new structures or impervious surfaces are permitted within the 150-foot Type F  
8 stream buffer or identified erosion hazard areas without additional review and approval.  
9 Depending on the scope of work proposed, an amendment may be required to this  
10 Conditional Use Permit. The project shall follow the recommendations of the Habitat  
11 Management Plan (Ecological Land Services, 10/7/22) and Geological Letter  
12 (GeoResources, 7/28/23).

13 **Traffic and Roads**

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

17 19. Any work within the County right-of-way shall require a Public Works permit and  
18 possibly a maintenance or performance bond. This application to perform work in the  
19 right-of-way shall be submitted as part of the SDAP process, or Building Permit  
20 process, if a SDAP is not required. The need for and scope of bonding will be  
21 determined at that time.

22 **Fire Safety**

23 20. A twenty foot (20') minimum Fire & EVA access road already exists and will be  
24 marked with signs, maintained, and remain obstruction-free by the property owner.

25 21. A lockbox near the existing entrance gate will be provided for Fire & EVA access.  
The lockbox will be produced by an approved make with a quantity of at least two (2)  
keys available, where one (1) will be provided to the Fire & EVA available in the  
marked lockbox.

**Solid Waste**

22 22. With submittal of the commercial building permit application, applicant shall  
23 provide documentation from the solid waste/recycling service provider that their  
24 requirements for this project have been met. Waste Management Northwest can be  
25 reached at pnwcmsservices@wm.com or 1-800-592-9995; their website is  
<http://wmnorthwest.com/kitsap/index.html>.

23 23. Solid Waste enclosures shall be covered and placed on an impervious surface.  
Enclosures shall be directly connected to sewer system, where feasible. If direct  
connection to sewer is infeasible, the enclosure shall be sloped to drain into a dead-end  
sump.

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**Kitsap Public Health District**

24. This permit shall comply with all Kitsap Public Health District regulations and conditions of approval.

Dated this 25<sup>th</sup> day of March 2024.

*Phil Olbrechts*

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Phil Olbrechts,  
Kitsap County Hearing Examiner

**Appeal Right and Valuation Notices**

Pursuant to KCC 21.04.100 and KCC 21.04.110, this conditional use permit decision is a final land use decision of Kitsap County and may be appealed to superior court within 21 days as governed by the Washington State Land Use Petition Act, Chapter 36.70C RCW.

Affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation.