



## Notice of Hearing Examiner Decision

07/14/2023

To: Interested Parties and Parties of Record

RE:           Project Name: Sidekick Dog Training Facility  
                  Applicant: Amanda Brothers & Michael Boyd  
                                  13470 Bethel Burley Road SE  
                                  Port Orchard, WA 98367  
                  Application: Conditional Use Permit  
                  Permit Number: 22-03669

The Kitsap County Hearing Examiner has **APPROVED** the land use application for **Permit #22-03669 Sidekick Dog Training Facility – Conditional Use Permit (CUP)**, 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://kitsapgov.com/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/Owner of Record: Amanda Brothers, [amanda@sidekickdogtraining.com](mailto:amanda@sidekickdogtraining.com);  
and Michael Boyd, [pipelinep@comcast.net](mailto:pipelinep@comcast.net)  
Health District  
Public Works  
Parks  
Navy  
DE & PEP  
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](mailto:suzeorr@gmail.com); Mechelle Collins, [mechelle4@juno.com](mailto:mechelle4@juno.com); David Brown, [david@ddavidbrown.com](mailto:david@ddavidbrown.com); Phillip Haack, [phaack@salesforce.com](mailto:phaack@salesforce.com)

**BEFORE THE HEARING EXAMINER  
FOR KITSAP COUNTY**

|   |   |   |
|---|---|---|
| In the Matter of the Application of             | ) | No. 22-03669                              |
|   | ) |   |
| <b>Amanda Brothers and Michael Boyd</b>         | ) | <b>Sidekick Dog Training Facility CUP</b> |
|   | ) |   |
|   | ) |   |
| <u>For Approval of a Conditional Use Permit</u> | ) | FINDINGS, CONCLUSIONS,<br>AND DECISION    |

**SUMMARY OF DECISION**

The request for a conditional use permit to operate a dog training facility in an existing 2,736 square foot accessory structure associated with a single-family residence, on a 1.92-acre property located at 13470 Bethel Burley Road, is **APPROVED**. Conditions are necessary to address specific impacts of the proposal.

**SUMMARY OF RECORD**

Hearing Date:

The Hearing Examiner held an open record hearing on the request on June 8, 2023. The record was left open until June 22, 2023, to allow any member of the public having difficulty participating at the hearing through remote access to provide written comments in lieu of live testimony. No additional comments from members of the public were submitted and, accordingly, the record closed on June 22, 2023.

Testimony:

The following individual presented testimony under oath at the open record hearing:

Jennifer Kreifels, County Planner  
Amanda Walston, County Clerk  
Amanda Brothers, Applicant  
Phillip Haack

Exhibits:

The following exhibits were admitted into the record:

1. Staff Report, dated June 1, 2023
2. Site Plan, received June 30, 2022
3. Application, dated July 25, 2022, with Concurrency Test and Parking Analysis Worksheet
4. Project Narrative, received August 15, 2022
5. Site Photographs (6 Photographs), received August 15, 2022

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6. SEPA Environmental Checklist, dated June 28, 2022
7. Water Availability Waiver, received August 15, 2022
8. Stormwater Worksheet, dated July 25, 2022
9. Notice of Application, dated September 19, 2022
10. Stormwater Conditions Memorandum, dated October 7, 2022
11. Inspection Record Card (No. 49165), dated November 16, 1990
12. Information Request Checklist, dated January 24, 2023
13. Health District Officer Decision, dated February 10, 2023, with Commercial Building Clearance Application, submitted February 10, 2023, and Business Plan Narrative, dated February 8, 2023
14. Parking Narrative, dated February 10, 2023
15. Parking Site Map, dated February 10, 2023
16. Preliminary Landscaping Narrative, dated February 10, 2023
17. Lighting Plan Narrative, dated February 10, 2023
18. Signs Plan Narrative, dated February 10, 2023
19. Determination of Nonsignificance, dated May 3, 2023
20. Email Thread between Applicant and County Staff, dated May 2, 2023, to May 11, 2023
21. Landscape Site Plan, dated February 10, 2023,
22. Floor Plan, dated February 10, 2023
23. Notice of Public Hearing, dated May 24, 2023
24. Certification of Public Notice, dated May 31, 2023
25. Staff Presentation
26. Hearing Sign-In
27. Comment from Phillip Haack, dated June 6, 2023, with Attachments
28. Comment from Phillip Haack, dated June 8, 2023, with Attachments

The Hearing Examiner enters the following findings and conclusions based upon the testimony and exhibits admitted at the open record hearing:

## **FINDINGS**

### Application and Notice

1. Amanda Brothers and Michael Boyd (Applicant) request a conditional use permit (CUP) to allow operate a dog training facility on an approximately 1.92-acre property. The property is currently developed with a 1,188 square foot manufactured home, a garden shed, a well house, and a 2,736 square foot detached accessory structure. The Applicant resides in the single-family residence. The Applicant would use the existing accessory structure for indoor group classes and training workshops for dogs. The property is served by an on-site well and existing on-site septic system. Customers would utilize an ADA-accessible portable toilet on the property. Parking would be provided on-site. Access to the property is provided by Bethel Burley Road SE. The property is located at

13470 Bethel Burley Road.<sup>1</sup> *Exhibit 1, Staff Report, pages 1 through 4, 6, and 7; Exhibits 2 through 5; Exhibits 12 through 18; Exhibit 21; Exhibit 22.*

2. Kitsap County (County) determined that the application was complete on August 19, 2022. On September 19, 2022, the County provided notice of the application consistent with the requirements of Kitsap County Code (KCC) 21.04.210 by publishing notice in the publishing newspaper of record and by mailing or emailing notice to property owners within 800 feet of the site and to reviewing departments and agencies. The County’s notice materials stated that written comments on the proposal could be submitted up until seven days before the date of the open record hearing associated with the application. On May 24, 2023, the County mailed notice of the open record hearing associated with the application to interested parties and property owners within 800 feet of the site, published notice in the publishing newspaper of record, and posted notice on the property. The County received two comments on the proposal from one member of the public in response to its notice materials. Phillip Haack expressed concerns about noise pollution, the hours of operation, increased traffic, and the compatibility of the proposed use with the surrounding area. Mr. Haack also raised concerns that the Applicant’s business was previously the subject of noise complaints at a different facility location. *Exhibit 1, Staff Report, pages 1 and 6; Exhibit 9; Exhibit 23; Exhibit 24; Exhibit 27; Exhibit 28.*

#### State Environmental Policy Act

3. The County acted as lead agency and analyzed the environmental impacts of the project as required by the State Environmental Policy Act (SEPA), Chapter 43.21C Revised Code of Washington (RCW). The County consolidated notice of the SEPA review and application comment periods under the optional process provided for by Washington Administrative Code (WAC) 197-11-355. The County reviewed the Applicant’s environmental checklist and other information on file and determined that the proposal would not have a probable significant adverse impact on the environment. Accordingly, the County issued a Determination of Nonsignificance (DNS) on May 5, 2023, with an appeal deadline of May 17, 2023. The DNS was not appealed. *Exhibit 1, Staff Report, pages 1 and 2; Exhibit 6; Exhibit 19.*

#### Comprehensive Plan and Zoning

4. The property is designated “Rural Residential” by the County Comprehensive Plan. County staff identified the following Comprehensive Plan policies as relevant to the proposal:
  - 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 50]

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<sup>1</sup> The property is identified by Kitsap County Assessor’s Tax Account No. 022201-1-038-2001. *Exhibit 1, Staff Report, page 1.*

- Permit residential uses in rural areas consistent with the planned rural character of the surrounding area. [Land Use Policy 51]
- All 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. [Land Use Policy 59]

*Exhibit 1, Staff Report, pages 2, 4, and 5.*

5. The subject property is zoned “Rural Residential” (RR). Properties to the north, south, and west are also zoned RR. The property to the east is zoned “Rural Protection” (RP). The RR zone “promotes low-density residential development and agricultural activities that are consistent with rural character. It is applied to areas that are relatively unconstrained by environmentally sensitive areas or other significant landscape features. These areas are provided with limited public services.” *KCC 17.130.010*. Dog training facilities are not specifically enumerated as a use in *KCC 17.410.042*. County staff determined that the proposed use would be most similar to a kennel<sup>2</sup> or pet day-care. Kennels and pet day cares are allowed in the RR zone with a conditional use permit. *KCC 17.410.042*.

Accessory structures in the RR zone are required to have front yard setbacks of 50 feet, and side and rear yard setbacks of 5 feet. *KCC 17.420.052*. Kennel and pet day care facilities located in the RR zoning district are required to have front yard setbacks of 50 feet, and side and rear yard setbacks of 50 feet. *KCC 17.415.295.B*. As noted above, the proposed use would utilize an existing 2,736 square foot detached accessory structure. The existing structure is located 130 feet from the front property line to the east, 161 feet from the side property line to the north, 41 feet from the side property line to the south, and 145 feet from the rear property line to the west. County staff indicate that, because the structure is existing and was permitted to expand in 1990, the structure is legal nonconforming with regard to the 50-foot south side setback requirement in *KCC 17.415.295.B*. *Exhibit 1, Staff Report, pages 2, 3, 6, and 7; Exhibit 11*.

#### Existing Property, Critical Areas, and Proposed Development

6. The rectangular property is currently developed with an 1,188 square foot manufactured single-family residence, garden shed, well house, and a 2,736 square foot detached accessory structure. Berms extend along the entirety of the south and north property lines and are covered with trees and bushes. The eastern property line has a similar berm that extends along the entire boundary line except for where the entrance to the driveway is located. The western third of the property is bordered by trees and bushes. Immediately west of the accessory structure is a dense patch of blackberries and Scotch broom. The

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<sup>2</sup> *Kennel* means “any place or entity where five or more cats or dogs are boarded for the primary purpose of compensation, or where pets are housed for resale, such as pet shops, but not including a veterinary hospital where boarding is incidental to treatment.” *KCC 17.110.375*.

property does not contain any critical areas. The property is mapped as a moderate seismic hazard, but no reports are required per Chapter 19.400 KCC. Properties to the north, south, and west are developed with single-family residences. Directly east of the property is an arterial right-of-way. *Exhibit 1, Staff Report, pages 2, 3, 7, and 9; Exhibit 16.*

7. As noted above, the Applicant would utilize the existing detached accessory structure for the proposed dog training facility. The structure is a single-story building on a concrete slab with an open floor plan and a few partial dividing walls to separate the space. The Applicant is not proposing any structural changes or expansion of the existing building. The Applicant is proposing to hold 12 one-hour classes and five three-hour classes per week, with two to three dogs at a time. The Applicant would also hold all-day workshops one to two times a month. Hours of operation would be between 9:00 AM and 8:00 PM. The proposed use would not include retail, boarding, or pet day care. There would not be any outdoor storage associated with the proposed use. *Exhibit 1, Staff Report, pages 1, 4, and 6; Exhibit 4.*

#### Conditional Use Permit

8. As noted above, the proposal requires a conditional use permit to operate in the RR zoning district. County staff analyzed the proposal and determined that it would comply with the criteria for a conditional use permit under KCC 17.550.030.A. Specifically, County staff determined:
  - The proposal is consistent with the Comprehensive Plan.
  - The proposal complies or would comply with requirements of Title 17 KCC and complies with or would 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 of approval.
  - 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.
  - The proposal supports the intent to allow or conditionally allow home-based cottage-type businesses and industries in rural areas that do not negatively affect rural level of service or rural character. County staff finds no evidence that the proposal would be materially detrimental to existing or future uses or property, in the immediate vicinity. The proposal would 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 Applicant notes that they would promote and maintain compatibility as it relates to requirements of the conditional

use permit review criteria. As proposed and conditioned, both new and existing structures for the dog training facility use would be brought into compliance, which is necessary to mitigate or minimize any potential impacts.

*Exhibit 1, Staff Report, page 11.*

#### *Services and Utilities*

9. Potable water would be provided by an on-site well. The property is served by an existing on-site septic system. The County Public Health District approved the use of the on-site sewage system on February 10, 2023. The Applicant would provide an ADA-accessible portable toilet on-site for customers. All animal waste would be immediately double bagged and disposed into a facility refuse container. The proposed development would be required to comply with the guidelines set forth in the County Comprehensive Solid Waste Plan. Power would be provided by Puget Sound Energy. Fire services would be provided by South Kitsap Fire and Rescue. *Exhibit 1, Staff Report, pages 3, 4, and 10; Exhibit 4; Exhibit 13.*

#### *Traffic, Access, and Parking*

10. Dog training facilities do not have a specific parking standard under Chapter 17.490 KCC. County staff determined that the most similar use would be “retail stores generating relatively little automobile traffic (e.g., appliance, furniture, hardware and repair stores),” which require one parking space per 400 square feet. *KCC 17.490.030.* The 2,736 square foot facility would require seven off-street parking spaces. The Applicant would provide seven parking spaces on-site, including one ADA-accessible parking space with appropriate signage. The parking area would run parallel to the north wall of the training facility structure. Each slot would be nine feet by 20 feet and striped. The ADA-accessible space would be located immediately west of the walkway leading to the eastern entrance of the building and would have the required 96-inch unloading area next to the space.

Vehicular access to the property is provided directly from Bethel Burley Road. Pedestrian access would also be accommodated on-site from the public right-of-way and throughout the site to minimize potential conflicts between pedestrian and vehicular circulation. County staff determined that an increase in pedestrian traffic to the property is not anticipated. County staff also determined that there would be no change to PM peak hour trips and that traffic concurrency had already been accounted for through an earlier permitting process associated with the site. No frontage improvements are required for the proposed use. *Exhibit 1, Staff Report, pages 7 through 10; Exhibit 14; Exhibit 15.*

#### *Landscaping and Screening*

11. The proposed development is required to comply with landscape requirements under Chapter 17.500 KCC. A minimum of 15 percent of the total site area must be landscaped



in all cases where landscaping is required. *KCC 17.500.025*. Approximately 50 percent of the subject property is covered with vegetation. The Applicant would retain existing mature vegetation that is located around the entire perimeter of the property except where the driveway connects to Bethel Burley Road on the eastern side of the property. Vegetation includes fir, apple, and deciduous trees. The existing vegetated areas offer at least 25 feet of buffer along each property line. Berms also extend along the north, south, and eastern boundary lines, except to accommodate the driveway on the eastern property line. As noted above, the western third of the property is vegetated by trees and bushes. The Applicant would remove an invasive blackberry and Scotch broom patch located directly west of the accessory structure. *Exhibit 1, Staff Report, pages 8 and 9; Exhibit 2; Exhibit 16; Exhibit 21.*

#### *Stormwater*

12. As noted above, the proposed development would not include any construction or site work. The existing structure that would be utilized as the dog training facility does not have any running water and ADA-accessible portable toilet located in the southeast corner would be utilized by customers. County Development Services and Engineering provided a memorandum on October 7, 2022. The memorandum states that the Department determined that the proposal is supportable in its approach to civil site development. The Department provided conditions, which have been incorporated into the recommended conditions of approval for the proposal. *Exhibit 1, Staff Report, page 9; Exhibit 10.*

#### *Lighting and Signage*

13. No exterior signage is proposed. The Applicant would install exit, fire extinguisher, and directional signs as required. The Applicant proposes to install exterior floodlights at three locations. Artificial lighting must 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. *KCC 17.105.110*. The Applicant indicates that the lights would only be visible from outside the property when looking down the driveway from the entrance and that the nearest light is located approximately 150 feet from the entrance. *Exhibit 1, Staff Report, pages 7 and 8; Exhibit 17; Exhibit 18; Exhibit 21; Exhibit 22.*

#### Testimony

14. County Planner Jennifer Kreifels testified generally about the proposal and how, with conditions, it would comply with the Comprehensive plan, applicable zoning provisions, and the criteria for a conditional use permit. She explained that dog training facilities are not enumerated in the County code's use table, but that the proposed use would be similar to a kennel or pet day care, which are uses permitted in the Rural Residential zoning district with a conditional use permit. She noted that hobby kennels are permitted outright in the Rural Residential zone. She commented that the proposal was reviewed and conditioned for indoor training activities only. She stated that the property

previously contained a second dwelling unit that has been removed. Ms. Kreifels explained that the property contains a moderate seismic hazard but that the proposal does not trigger any code requirements because no new construction or site development is proposed. She noted that a 25-foot vegetation buffer and 12-foot berm extends around the entire perimeter of the property, except where the driveway connects to Bethel Burley Road. She also stated that the Applicant proposes to install some outdoor lighting but that it would be shielded from adjacent properties.

In response to testimony from a member of the public, Ms. Kreifels clarified that the Applicant was not the owner of a facility that had its conditional use permit revoked because of noise pollution. She also stated that the proposed use would be subject to noise pollution code requirements. *Testimony of Ms. Kreifels.*

15. Applicant Amanda Brothers testified that she is the sole proprietor of the business proposed to be relocated to her property. She stated that she has operated the business since 2006 in different parts of Washington State. She noted that the property would have signs advising owners to pick up after their dogs inside and outside the proposed facility. She stated that she had never offered boarding and that she understood that type of business would require an additional permit. Ms. Brothers explained that part of her dog training was ensuring that dogs do not bark in a nuisance way and that excessively barking dogs would be excused to utilize a training model other than the group class environment she offers. She noted that the training facility would operate during normal daytime hours.

In response to testimony from a member of the public, Ms. Brothers clarified that she had never had a conditional use permit. She also stated there were methods from neighbors to contact her regarding issues with the dog training facility should they come up. *Testimony of Ms. Brothers.*

16. Phillip Haack testified that he resides on a property several parcels down from the subject property. He expressed concerns about noise pollution from barking dogs. He requested additional information about how noise impacts and infractions could be addressed. Mr. Haack also expressed concerns that the Applicant had previously sought a conditional use permit for a dog training facility that had been denied because of noise pollution. He also raised concerns about the property's proximity to Burley Creek and Little Bear Creek. *Testimony of Mr. Haack.*

17. Michael Boyd expressed support for the proposal, noting that noise pollution from dogs barking would be spaced out in classes over several days. *Testimony of Mr. Boyd.*

18. County Clerk Amanda Walston explained that interested parties would be mailed or emailed a copy of the Hearing Examiner’s decision and that notice of the decision and the full decision would be posted on the County’s website. *Testimony of Ms. Walston.*

Staff Recommendation

19. Ms. Kreifels testified that County staff recommends approval of the conditional use permit application, with conditions. Ms. Brothers testified that she understands and would comply with County staff’s recommended conditions. *Exhibit 1, Staff Report, pages 11 through 13; Testimony of Ms. Kreifels; Testimony of Ms. Brothers.*

**CONCLUSIONS**

Jurisdiction

The Hearing Examiner has jurisdiction to hear and decide requests for a conditional use permit. *KCC 2.10.070; 17.550.020.*

Criteria for Review

The Hearing Examiner may approve, approve with conditions, or deny a conditional use permit. Approval or approval with conditions may be granted by the Hearing Examiner only when all the following criteria are met:

1. The proposal is consistent with the Comprehensive Plan;
2. The proposal complies with applicable requirements of [the zoning code];
3. The proposal will not be materially detrimental to existing or future uses or property in the immediate vicinity; and
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.

*KCC 17.550.030.A.*

As a condition of CUP approval, the Hearing Examiner may:

1. Increase requirements in the standards, criteria, or policies established by [the zoning code];
2. Stipulate the exact location as a means of minimizing hazards to life, limb, property damage, erosion, landslides, or traffic;
3. Require structural features or equipment essential to serve the same purpose set forth in Chapter 17.420;
4. Include requirements to improve compatibility with other uses permitted in the same zone, protecting them from nuisance generating features in matters of noise, odors, air pollution, wastes, vibration, traffic, physical hazards, and similar matters. The hearing examiner may not, in

connection with action on a conditional use permit, reduce the requirements specified by [the zoning code] as pertaining to any use nor otherwise reduce the requirements of [the zoning code] in matters for which a variance is the remedy provided;

5. Assure that the degree of compatibility with the purpose of [the zoning code] shall be maintained with respect to the particular use on the particular site and in consideration of other existing and potential uses, within the general area in which the use is proposed to be located;
6. Recognize and compensate for variations and degree of technological processes and equipment as related to the factors of noise, smoke, dust, fumes, vibration, odors, and hazard or public need;
7. Require the posting of construction and maintenance bonds or other security sufficient to secure to the county the estimated cost of construction and/or installation and maintenance of required improvements; and
8. Impose any requirement that will protect the public health, safety, and welfare.

*KCC 17.550.030.B.*

“If the approval criteria are not met or conditions cannot be imposed to ensure compliance with the approval criteria, the conditional use permit shall be denied.” *KCC 17.550.030.C.*

The criteria for review adopted by the Kitsap County Board of Commissioners are designed to implement the requirement of Chapter 36.70B RCW to enact the Growth Management Act. In particular, RCW 36.70B.040 mandates that local jurisdictions review proposed development to ensure consistency with County development regulations, considering the type of land use, the level of development, infrastructure, and the characteristics of development. *RCW 36.70B.040.*

#### Conclusion Based on Findings

1. **The proposal would be consistent with the Comprehensive Plan.** The property is designated “Rural Residential” by the County Comprehensive Plan. The proposed development would be consistent with several goals and policies of the County Comprehensive Plan related to limiting the designated rural area to low residential densities that can be sustained by minimal infrastructure improvements, cause minimal environmental degradation, and would not cumulatively create the future necessity or expectation of urban levels of service; permitting residential uses in rural areas consistent with the planned rural character of the surrounding area; and, conditionally allowing home-based cottage-type businesses and industries in the rural areas that do not negatively affect rural level of service or rural character. *Findings 4 and 8.*
2. **With conditions, the proposal would comply with all applicable requirements of the zoning code.** The property is located in the Rural Residential zoning district. Dog

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training facilities are not enumerated in the County code use tables, but County staff determined that the proposed use would be similar to a kennel or pet day care facility, which are permitted in the Rural Residential zone with a conditional use permit. Kennel and pet day care facilities located in the RR zoning district are required to have front, side, and rear yard setbacks of 50 feet. *KCC 17.415.295.B*. The proposed use would utilize an existing detached accessory structure associated with a single-family residence. The existing structure complies with the setback requirements except for the side setback from the south property line, which is 41 feet. County staff indicate that, because the structure is existing and was permitted to expand in 1990, the structure is legally nonconforming with regard to the 50-foot side setback regulation in *KCC 17.415.295.B*.

The proposal would comply with all other applicable zoning requirements under Title 17 KCC. County staff determined that the proposed use would be most similar use to “retail stores generating relatively little automobile” traffic, which require one parking space per 400 square feet. *KCC 17.490.030*. The Applicant would provide the seven parking spaces, including one ADA-accessible parking space, required for a 2,736 square foot facility. All signage must comply with the applicable requirements of Chapter 17.510 KCC. The Applicant is not proposing to install any signage. Lighting must 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. *KCC 17.105.110*. The Applicant proposes to install exterior lighting at three locations and has indicated that the lights would only be visible from outside the property when looking down the driveway from the entrance and that the nearest light would be located approximately 150 feet from the entrance. The proposed development is required to comply with landscape requirements under Chapter 17.500 KCC. The Applicant is proposing to retain existing landscaping that covers approximately 50 percent of the subject property, including 25-foot buffers around the entire perimeter of the property. County Development Services and Engineering reviewed the proposal and determined that, with conditions, the proposed stormwater system is supportable in its approach to civil site development, noting that the proposed development does not include any additional construction or site work. Conditions are necessary, as detailed below, to ensure the proposal complies with all zoning requirements. *Findings 1, 5, 8 – 19*.

- 3. With conditions, the proposal would not be materially detrimental to existing or future uses in the immediate vicinity.** The County provided reasonable notice and opportunity to comment on the proposal. The County received comments on the proposal from one member of the public, who expressed concerns about noise pollution, increased traffic, the hours of operation, and the compatibility of the proposed use with the surrounding area. Noise pollution would be distributed throughout the week and limited to daytime hours. The Applicant is proposing to hold 12 one-hour classes and five three-hour classes per week, with two to three dogs at a time. The Applicant would also hold all-day workshops one to two times a month. Training activities would take place

indoors in an existing structure. Hours of operation would be between 9:00 AM and 8:00 PM. The Applicant does not propose any overnight boarding and has indicated that one purpose of the training offered is to prevent nuisance barking. As noted in Conclusion 2, 25-foot buffers consisting of existing mature vegetation would run along the entirety of the property, except for where the driveway is located. Twelve-foot berms also run along the perimeter of most of the property, providing additional screening of the proposed use from surrounding properties.

Access to the property would be provided directly from Bethel Burley Road. Pedestrian traffic to the property would be minimal. The property is served by an on-site well and an existing on-site septic system. The County Public Health District has approved the use of the on-site septic. The Applicant would provide an ADA-accessible portable toilet on-site for customers. All animal waste would be immediately double bagged and disposed into a facility refuse container. Fire services would be provided by South Kitsap Fire and Rescue. As noted in Conclusion 2, the proposed development provides adequate off-street parking and complies with landscaping, lighting, signage, and stormwater requirements.

The County analyzed the environmental impacts of the proposal and determined that the proposed use would not have a probable significant adverse impact on the environment. The County issues a DNS for the proposal, which was not appealed.

Conditions, as detailed below, are necessary to mitigate project impacts and to ensure compliance with relevant federal, state, and local statutes, ordinances, and regulations. *Findings 1 – 19.*

4. **With conditions, the proposal would be 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.** The proposed development would utilize an existing 2,736 square foot detached accessory structure associated with a single-family residence. Surrounding properties are also developed with single-family residences. The Applicant does not propose any site development or alterations or expansion to the existing structure. The Applicant would install an ADA-accessible portable toilet in the existing structure. Access to the property would be provided by Bethel Burley Road via an existing driveway that is shared with the single-family residence.

As detailed in Conclusions 2 and 3, existing vegetative screening would be maintained. Conditions, as detailed below, are necessary to mitigate project impacts and to ensure compliance with relevant federal, state, and local statutes, ordinances, and regulations. *Findings 1, 6 – 19.*

## DECISION

Based on the preceding findings and conclusions, the request for a conditional use permit to operate a dog training facility in an existing 2,736 square foot accessory structure associated with a single-family residence, on a 1.92-acre property located at 13470 Bethel Burley Road, is **APPROVED**, subject to the following conditions:

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 KCC, Dog Barking.
13. Hours of operation shall be limited to 9:00 AM-8:00 PM.
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.
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.
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.

DECIDED this 14<sup>th</sup> day of July 2023.



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ANDREW M. REEVES  
Hearing Examiner  
Kitsap County