

**BEFORE THE SKAGIT COUNTY HEARING EXAMINER**

**FINDINGS, CONCLUSIONS AND DECISION**

**Applicant:** Marcie A. Dillard  
24917 Stonewood Drive  
Mount Vernon, WA 98274

**File No:** PL08-0474

**Request:** Special Use Permit

**Location:** 24917 Stonewood Dr., off Highway 9 in the Big Lake area.  
The property is Tract 23 of Survey #809880, within a  
portion of the NE1/4SE1/4 Sec. 6, T33N, R5E, W.M.

**Parcel No:** P17967

**Land Use Designation:** Rural Reserve (RRv)

**Summary of Proposal:** To operate Big Lake Family Pet Boarding Center, a kennel for the  
boarding of dogs and cats. The kennel pre-existed the adoption  
of current kennel regulations.

**Public Hearing:** After reviewing the report of Planning and Development Services,  
the Hearing Examiner conducted a public hearing on October 28,  
2009.

**Decision:** The application is approved, subject to conditions.

## **FINDINGS OF FACT**

1. Marcie A. Dillard seeks a Special Use Permit to operate the Big Lake Family Pet Boarding Center, a kennel for the boarding of cats and dogs. This is an unpermitted kennel that existed prior to the adoption of the current kennel regulations. It is being processed as allowed in Ordinance #020080004.

2. The facility is located at 24917 Stonewood Drive, the applicant's residence. The Parcel number is P17967, described as Tract 23 of Survey #809880, within a portion of NE1/4 SE1/4 Sec. 6, T33N, R5E, W.M. The property is at the end of Stonewood Drive which is located off of Highway 9 in the Big Lake area.

3. The property is zoned Rural Reserve (RRv). It is approximately five (5) acres in size and is basically rectangular in shape. The property measures about 327 feet along the north and south (side) property lines, and 666 feet along the east (rear) and west (front) property lines. The developed portion of the property is basically flat. Trees surround the perimeter.

4. Adjacent properties to the north, west and south are similar sized lots developed with single family homes. The property to the east is an undeveloped 40-acre parcel that is heavily forested.

5. The property has an existing residence, a dog boarding building and a cat boarding building -- all on flat ground in the eastern half of the property. The property is accessed via a gravel driveway at the end of Stonewood Drive on the south border. The driveway runs north and loops at the end by the residence and kennel buildings. Adequate parking is available.

6. The applicant's site plan shows the dog kennel building south of the residence, approximately 280 feet north of Stonewood Drive, 200 feet from the west property line and 100 feet from the east property line. This building was formerly used for storage. The cat boarding building is also a former storage structure. It is located a short distance north of the residence. The property is served by an on-site septic system and a private well.

7. The dog kennel is a 16' x 32' structure with a total of 10 units. It is heated by electricity. Six kennels are for larger dogs (over 20 lbs) and four are for smaller dogs (20 lbs or less). Each large dog unit has a 4' x 5' concrete-floored indoor area and a 12-foot outdoor covered run with dirt or cedar chips on the ground. The small dog units have linoleum floors and somewhat smaller indoor and outdoor areas. The large and small dogs have separate fenced grassy outside play yards. The fencing is buried to prevent the dogs from digging out.

8. The small dogs are separated from the large ones in order to reduce the stress level for the smaller breeds. The highest number of dogs the operation has ever had at once is 14. The average is four to six dogs on site. The kennel is located in an area where drainage from the pads

and slabs and runway washdown water will be absorbed on the applicant's property and will not affect surface or ground water.

9. The cat boarding operation is smaller and usually involves taking the cat of a family that has left a dog. The cat building is just 10' x12' with windows, cat beds and shelves on the walls for the cats to lay on. There is electric heating. Often the cat building is empty, but at times one or two are boarded.

10. The applicant is the only employee of the operation. The kennel is open to the public for drop-offs and pick-ups between 10 a.m. and 12 p.m. and from 5 p.m. to 7 p.m. This limits the traffic and its stress on the animals.

11. Because of the remote locale and the limited amount of activity, the dogs are not often disturbed and the potential for noise that bothers neighbors is small. The applicant plays music in the kennel building to keep the dogs quiet and calm. The natural vegetation around the site helps to buffer noise. The kennel is 500 feet from the nearest neighbor.

12. The small dog area is mopped and cleaned with a bleach solution. The large dog area can be hosed down. The chips are sprayed with a bleach solution, and replaced at least monthly (more often if needed). Kennel waste is picked up daily and disposed of by double bagging and putting it in garbage containers. The applicant provided a copy of an invoice from Waste Management verifying that the operation has service.

13. Because of the thick vegetation around the site, no additional landscaping is needed to shield the kennel operation from outside view.

14. The applicant presented an Exercise Plan. The dogs have ample area to run and play. They are taken into the play yard twice a day and allowed to play with other dogs as safety permits. Play periods are supervised. Any dog that cannot play with others is let out alone.

15. If an emergency were to require evacuation of the kennel, the applicant states that the dogs would be let out into the play yard, then leashed and moved into the on-site garage.

16. The County adopted comprehensive regulations governing kennels in 2008. Permits are now required for most kennels. However, under the adopting Ordinance, kennels that existed prior to July 2, 2007 are exempt from requirements for minimum acreage, minimum setbacks, and fencing between kennels and property lines. The subject operation is such a pre-existing kennel.

17. Notice of the instant application, mailing and posting were carried out as required by law. A Mitigated Determination of Non-Significance (MDNS) was issued on July 28, 2009, under the State Environmental Policy Act (SEPA). The appeal period ended on August 28, 2009. There were no appeals.

18. The following conditions were placed in the MDNS:

- Solid waste shall be at a minimum double bagged and placed in metal receptacles on premises to be disposed of on a weekly schedule, either picked up by Waste Management, Inc., another solid waste handler or taken to a solid waste transfer station.
- The bagged waste shall weigh no more than 10 pounds each.
- The receptacle(s) shall be covered and insect and rodent proofed.
- As an alternative, an approved agriculture waste plan or an approved onsite septic system used exclusively for the containment of the animal waste may be used. The septic system must be monitored and maintained at a maximum of every six (6) months.
- The applicant shall comply with SCC 14.16.840 Performance Standards.

19. The application was routed to various County departments for review. Their comments are reflected in conditions of approval. Because no new structures, improvements or land clearing were proposed, no critical areas review was required.

20. SCC 14.16.900(2)(i) contains specific criteria for kennels being reviewed for Special Use Permits. The subject operation is exempt from the first two paragraphs of this subsection. The applicable requirements include rules on parking, lighting, waste disposal, prevention of escapement, night-time containment, emergency evacuation, and exercise. By reference the provisions of Chapter 7.02 SCC must also be met. The latter chapter sets forth both environmental and operational requirements, to insure humane treatment of animals as well as human health. Under the facts found above, the Examiner determines that the subject facility and operation, as conditioned below, meets all of these criteria and requirements.

21. In addition, the application must be consistent with the general criteria for Special Use Permit issuance. These are set forth in SCC 14.16.900(1)(b)(v), as follows:

- A. The proposed use will be compatible with existing and planned land use and comply with the Comprehensive Plan.
- B. The proposed use complies with the Skagit County Code.
- C. The proposed use will not create undue noise, odor, heat, vibration, air and water pollution impacts on surrounding, existing, or potential dwelling units, based on the performance standards of SCC 14.15.840.
- D. The proposed use will not generate intrusions on privacy of surrounding uses.

E. Potential effects regarding the general public health, safety, and general welfare.

F. For special uses in . . . [natural resource lands], the impacts on long-term natural resource management and production will be minimized.

G. The proposed use is not in conflict with the health and safety of the community.

H. The proposed use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding areas, or conditions can be established to mitigate adverse impacts on such facilities.

22. The Staff Report analyzes the application in light of the above criteria and finds that, as conditioned, the operation will be consistent with them. The Hearing Examiner concurs with this analysis and adopts the same. The Staff Report is by this reference incorporated herein as though fully set forth.

23. The only public comment received was a letter from a neighbor who endorsed the operation. No members of the public testified at the hearing.

24. Any conclusion herein which may be deemed a finding is hereby adopted as such.

### **CONCLUSIONS OF LAW**

1. The Hearing Examiner has jurisdiction over the persons and the subject matter of this proceeding. SCC 14.06.050(1)(b).

2. The requirements of SEPA have been met.

3. A Hearing Examiner special Use Permit is required for a "boarding kennel" in a Rural Reserve zoning district. SCC 14.06.320(4)(n)(i).

4. The subject kennel is a "boarding kennel" as defined by SCC 14.04.020. The operation meets the special criteria for a boarding kennel. SCC 14.16.900(2)(i)(x).

5. The operation, as conditioned, will meet all of the applicable criteria for kennels under SCC 14.16.900(2)(i), including the provisions of Chapter 7.02 SCC. In particular, adequate provisions have been made for the humane treatment of the dogs and the protection of human health.

6. Any conclusion herein which may be deemed a finding is hereby adopted as such.

### CONDITIONS

1. The operation shall be conducted as described in the application materials, except as the same may be modified by these conditions.

2. The applicant shall comply with all conditions of the MDNS, issued July 28, 2009. (See Finding 18).

3. The applicant shall comply with the provisions of SCC 14.16.870, Notification of Development Activities on or Adjacent to Designated Natural Resource Lands.

4. The kennel shall adhere to all requirements listed in Chapter 7.02 SCC and all applicable requirements of SCC 14.16.900(2)(i).

5. The applicant shall comply with the following General Kennel Waste Handling Requirements:

- Kennels need to be cleaned at regular intervals to prevent accumulation of manure that attract flies and rodents. It is recommended that the kennels receive daily cleaning.
- The collected manure needs to be double bagged (heavy duty plastic) with little or no air space in amounts of no more than about 10 pounds. Dispose of the bags with either the household garbage service or self-haul to a Skagit County solid waste handling facility. The double bagged manure (as with household garbage) needs to be stored in durable rodent and fly proof containers with tight fitting lids. The waste needs to be disposed of on a frequency that does not create a nuisance or odors.
- Kennels should be located in areas where drainage from the pads, slabs and runway wash down will be absorbed on the applicant's property and will not affect surface or ground water. Wells should be located 100 feet from kennel drainage areas.
- No more water than is necessary to clean the pads should be used. If the down gradient drainage area is limited in size or the depth of soil limited or the permeability slow it is recommended a high pressure sprayer be used to limit the amount of water used to perform wash down.
- Storage or treatment in a holding tank or on-site sewage (OSS) disposal system separate from the residential system may be used with special

review and permission by the Public Health Department. An OSS must be designed or approved by a Licensed Designer or Engineer, monitored on a frequency determined by the Health Department and pumped as needed.

6. The applicant shall comply with all applicable State and County regulations, including but not limited to Chapters 173-210A and 200 WAC (water quality), Chapter 172-60 WAC (noise) and SCC 14.16.840 (performance standards for noise, vibration and light).

7. The applicant shall provide written confirmation to Public Works within 30 days of the approval of this permit that an emergency vehicle pullout in the midpoint area of the driveway has been completed.

8. Planning and Development Services (PDS) shall be notified by letter within 30 days after any change in ownership of the parcel. The letter shall reference permit number PL08-0474.

9. Per SCC 14.16.900(3), the applicant shall comply with the annual certification process, acknowledging in writing compliance with the original permit approval including any conditions.

10. All planning related fees, including recording of the decision, must be paid within 30 days of receipt of the invoice.

11. If the operation ceases for a period of one year, the permit shall be void.

12. Per SCC 14.16.900(2)(i)(xiv), this permit may be rescinded if it is discovered that the applicant has been convicted of animal cruelty as defined in Chapter 16.52 RCW.

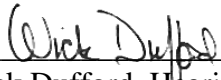
13. Per SCC 14.16.900(2)(i)(xv), PDS may rescind this permit if the operation is found in violation of any of the provisions of Chapter 7.02 SCC.

14. Failure to comply with any of the conditions herein may result in permit revocation.

**DECISION**

The requested Special Use Permit is approved, subject to the conditions set forth above.

**DONE** this 30th day of November, 2009.

  
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Wick Dufford, Hearing Examiner

**RECONSIDERATION/APPEAL**

As provided in SCC 14.06.180, a request for reconsideration may be filed with Planning and Development Services within 10 days after the date of this decision. As provided in SCC 14.06.120(9), the decision may be appealed to the Board of County Commissioners by filing a written Notice of Appeal with Planning and Development Services within 14 days after the date of the decision, or decision on reconsideration, if applicable.