

## NOTICE OF DECISION

### BEFORE THE SKAGIT COUNTY HEARING EXAMINER

- Applicant:** Fun, Fur, Paws Inc.  
c/o Bruce Lisser  
P. O. Box 1109  
Mount Vernon, WA 98273
- Request:** Special Use Permit (PL15-0300)
- Location:** 22352 Stargate Place, north of Bolson Road, northwest of Tyeer Road, within a portion of SE1/4NE1/4 Sec. 28, T33N, R4E, W.M.
- Land Use Designation:** Rural Reserve (RRv)
- Summary of Proposal:** Change of use of an existing horse arena to a dog agility, training, and kennel facility, together with use as a dog show event facility under a Temporary Events Permit. Overnight camping sites will be provided to owners/trainers and their dogs in connection with dog shows.
- SEPA Compliance:** Determination of Non-Significance (DNS), issued August 4, 2015. No appeals.
- Public Hearing:** November 4, 2015. Testimony by staff, applicant, and six members of the public. Planning and Development Services (PDS) recommended approval.
- Decision/Date:** The application is approved, subject to conditions. November 18, 2015.
- Reconsideration/Appeal:** Reconsideration may be requested by filing with PDS within 10 days of this decision. Appeal is to the Board of County Commissioners by filing with PDS within 14 days of this decision or decision on reconsideration, if applicable.
- Online Text:** The entire decision can be viewed at:  
[www.skagitcounty.net/hearing](http://www.skagitcounty.net/hearing) examiner

## **FINDINGS OF FACT**

1. Fun Fur Paws, Inc. (Applicant) seeks a Special Use Permit to authorize the use of an existing arena for a dog agility and training facility, and for a dog show event facility.
2. The site is 7.5 acres, consisting of two lots (Lots 1 & 2, Short Plat 99-0004), located at 225352 Stargate Place, north of Bulson Road and northwest of Tyee Road. The property is within a portion of the SE1/4NE1/4 Sec. 28, T33N, R4E, W.M. The Parcel numbers are P116408 and P116406. The zoning is Rural Reserve (RRv)
3. The site is located in a rural setting. Surrounding uses are residential, forestry and agricultural. There is a residence on the site. Otherwise, the closest resident is situated over 500 feet to the east.
4. The site is generally flat with a 2-3% slope. There is a small hill in the northeast corner of the property. On the west side of the property is a 127' x 240' (30,480 square feet) structure formerly used as a commercial horse arena. Adjacent to the arena are 15 overnight RV parking spaces. Regular parking stalls are provided around the arena and opposite the RV spaces. Nearby are three fenced pens for off-leash dog use.
5. The site also contains outdoor restrooms, a well, a pumphouse and significant space planted in grass. In the northwesterly corner is a fenced drainage pond in an open grassy space designated as a Protected Critical Area (PCA). The property is accessed at the southwest by a 60' wide easement (Stargate Place) which extends to the site from Bulson Road. Adjacent to the site on the northeast is a single-family residence.
6. A major portion of the property, including the arena, parking areas and driveway, is in impervious surface. Run off from the development is directed north into the existing stormwater pond under a previously approved drainage plan.
7. An approved septic system on the site handles sewage needs, except for large events when chemical toilets are brought in. The waste generated at RV's is required to be self-contained. There is no RV sewage dump station on the property, so RV campers are obliged to take their waste offsite for disposal. Dog waste is double bagged and placed in designated dog waste receptacles. Trash is collected and taken to the Skagit County Transfer Station.
8. The activities for which Special Use permission is sought use existing buildings and infrastructure. No new structures are presently proposed. The present permit application is essentially for a change of use.
9. The arena was built in 1993 and subsequently used as a commercial horse arena under Special Use Permit 94-010. Drainage facilities were installed and a well was drilled. Water for the use now proposed will be provided by a new well restricted to withdrawals at previous levels (below 5,000 gallons per day). The old well will be decommissioned. Use of water from the new well will not be allowed for overnight RV camping.

10. The proposed dog training facility will provide dog training lessons during the week from Monday through Friday from 12 noon to 9 pm. No dogs will be boarded overnight in the arena, but some will be kept overnight by their owners or trainers in their RVs. From one to six people will participate in each lesson with approximately 20-25 lesson participants each day. Most lessons will take place within the arena, but some will take place outside within a fenced area in nice weather.

11. Dog show events will typically run 1 to 3 days on weekends (Friday, Saturday, Sunday). Setup for these events will occur the night before, or the morning of the event no earlier than 6:30 a.m. The show events will start no earlier than 8 a.m. A day's events will conclude no later than 9 a.m. Typically, however, the events will be over by 3-5 p.m. At the shows, the number of dogs on site at one time will range from 40-50 for the smaller events to 80-90 for the larger shows. When dogs are not participating in an event, they will be crated, either in the horse stalls or in their owner's or trainer's vehicles.

12. Within the arena is a designated "grooming area" for use of owners/trainers. A professional groomer may be brought in at a future date. There is also a small area in the arena for the sale of dog treats, toys and grooming supplies. These associated uses are considered to be included within the overall "kennel" category.

13. The definition of "kennel" at SCC 14.04.020 contains subcategories, including "day-use kennel" and "overnight boarding kennel." The proposed activities do not fit exactly within either of these categories, as defined, but partake of features of both. PDS, using its administrative power to interpret uses has decided that the activities proposed most closely fit the "overnight boarding kennel" category. This definitional effort was probably unnecessary, since both subcategories are included as activities allowed by Special Use Permit within the Rural Reserve zone.

14. Also allowed in the zone by Special Use Permit are "temporary events." The show events fit within the definition of this term, but such activities are subject to limitations set forth at SCC 14.16.900(2)(h). The principal applicable restriction is that such events may occur on no more than 24 calendar days per year. This restriction has been included as a condition of approval.

15. There was no evidence that noise from the activities on site is a problem. Dogs will bark, but since the majority of activities are contained within the arena, outdoor noise is minimal. The project is relatively isolated from residential uses on adjoining parcels.

16. The application was deemed complete on July 13, 2015 and notice thereof was properly posted, mailed and published. The application was reviewed under the State Environmental Policy Act (SEPA) and a Determination of Non-Significance (DNS) was issued and published on August 6, 2015. No appeals of the DNS were submitted.

17. The application was circulated to various County departments. None had objections. Their comments are included as conditions of approval.

18. During the processing of this application, well over 50 letters of support for the proposal were received. A high level of support was also evident from the public testimony received at the hearing. "Dog Agility" training is an activity that has gained wide acceptance and, according to the evidence here, is hugely enjoyed by the people who are involved. The owner-operators of Fun Fur Paws were repeatedly praised for the quality of their facility, their attention to detail, their responsiveness to suggestions, and their courtesy. The atmosphere is clearly a welcoming one.

19. There were a few negative comments. Some questioned the provisions made for drainage and expressed worries about the effect of the new well. These issues were extensively reviewed by Staff. With the conditions imposed, the Examiner finds no basis in these comments for disapproving the facilities proposed.

20. The major concern of commenters involved traffic. There is no evidence that past use of these facilities has resulted in any accidents. Public Works visited the site and found that existing access meets standards. However, it is clear that off-site conditions at the confluence of Bulson, Tyee and Starbird Roads are viewed by some local residents as problematic. Suggestions were made for putting up stop signs. Public works should be requested to review the situation and take such steps as may be needed to improve safety.

20. The Staff reviewed the application in light of applicable special use approval criteria and found that, as conditioned, the proposal meets the criteria. 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.

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

## **CONCLUSIONS OF LAW**

1. The Hearing Examiner has jurisdiction over this proceeding. SCC 14.06.050(1)(a) and (b); SCC 14.06.060.

2. The requirements of SEPA have been met.

3. The project is allowed as a Special Use in the Rural Reserve zone. SCC 14.16.320 (3) (e), (l), SCC 14.16.320 (4)(n).

4. The project is consistent with the general criteria for approval of a Special Use Permit. SCC 14.16.9001)(b)(v), and with the specific criteria for approval of kennels. SCC 14.16.900(2) (h) and (i)

5. The nature of activities at the site makes the submittal of an exercise plan unnecessary.

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

### **CONDITIONS**

1. The activities shall be carried out as described in the application materials, except as may be modified by these conditions.

2. The applicant shall obtain all other required approvals and shall abide by the conditions of same.

3. The applicant shall comply with all relevant state and local regulations.

4. The applicant shall obtain approval from the Department of Ecology for the new Group B well prior to the next scheduled temporary event to be held at the facility.

5. The existing well located on the property shall be decommissioned. Documentation of the decommissioning shall be submitted to the Skagit County Health Department.

6. The location of the nearest recreational vehicle (RV) sewage dump station must be conspicuously posted at the entrance to the designated camping area.

7. Dog waste shall be double bagged and placed in designated dog waste trash receptacles. Trash levels shall be monitored carefully and, when needed, trash shall be collected and taken to the Skagit County transfer station.

8. If food vendors will be on site, permits from the Skagit County Health Department may be required.

9. The existing septic system shall be inspected annually by a licensed O&M provider.

10. The emergency vehicle access system installed on the gate entering the driveway shall be approved by the Fire Marshal and Fire District prior to the next planned event on site.

11. No more than 24 Temporary Events may be held on site per calendar year.

12. No more than 150 dogs shall be permitted for overnight accommodation.

13. Parking for all events shall be fully contained on the subject property and shall not include any use of any road right-of-way.

14. All lighting shall be directed away from neighboring residences or businesses.

15. Any modification of the arena, past or proposed, shall require a building permit application, if not previously permitted and approved.

16. A copy of this permit decision shall be submitted with any building permit applications associated with the Special Use Permit

17. Except as specifically excused herein, the applicant shall comply with the requirements of SCC 14.16.900(2) pertaining the Kennels. No exercise plan need be submitted.

18. All outstanding planning review fees shall be paid in full prior to submittal of any building permit application.

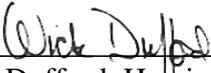
19. Skagit County Planning and Development Services shall be notified of any change of ownership within 30 days of the change.

20. Failure to comply with any permit condition may result in permit revocation.

### **DECISION**

The requested Special Use Permit (PL15-0300) is approved, subject to the conditions set forth above.

**DONE**, this 18<sup>th</sup> day of November, 2015.

  
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Wick Dufford, Hearing Examiner

Transmitted to applicant and parties of record, November 18, 2015

See Notice of Decision, page 1, for appeal information.