

**BEFORE THE SKAGIT COUNTY HEARING EXAMINER**

**FINDINGS, CONCLUSIONS AND DECISION**

**Applicants:** Kenneth and Dellene Peterson  
6819 SR 9  
Sedro Woolley, WA 98284

**File No:** PL05-0221

**Request:** Special Use Permit (Home Based Business)

**Location:** 6819 SR 9, within a portion of Sec 6, T35N, R5E, W.M.

**Land Use Designation:** Rural Reserve

**Summary of Proposal:** To operate a pet boarding, grooming and training business within a former dairy barn as a home based business. Sound abatement construction techniques will be used to refit the barn for this new use. The business will be expanded in phases.

**Public Hearing:** After reviewing the report of Planning and Development Services, the Hearing Examiner conducted a public hearing on July 27, 2005.

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

## FINDINGS OF FACT

1. Kenneth and Dellene Peterson (applicants) seek to run a pet boarding, grooming and training business in a barn adjacent to their home.
2. The business will be located at 6819 SR 9, Lot 1 of the short plat approved under file # PL04-0308, situated within a portion of Sec. 6, T35N, R5E, W.M. The zoning of the property is Rural Reserve.
3. The parcel is on a former dairy and encompasses a residence, garage, and barn on a 1.76 acre parcel. The Parcel Number is P38517.
4. The request is for a Special Use Permit for a Home Based Business 2. The business will be managed by the immediate family, but in 3-5 years the applicants plan to expand the grooming business with up to 3 additional employees.
5. The project description was provided by Dellene Peterson. She wrote:

Grooming boarding and training is clearly incidental and secondary to the [residential] use of the property, as my hobby and passion is to show and raise dogs for the A.K.C. dog shows. Grooming, boarding and training is extra income to help pay for my hobby. My husband is a full time Diesel mechanic and has his own sharpening business that he does at the dog shows. He will help with the boarding business in the evening and weekends.

5. The grooming hours will be Monday through Thursday from 7:00 a.m. to 7:00 p.m. Training (handling, obedience, agility, etc.) will typically take place in the evenings from 7:00 p.m. to 9:00 p.m., Monday through Thursday. Boarding facilities will be used seven days a week.

6. The applicants will pursue the following phasing schedule for development of the business:

- 1<sup>st</sup> year – Grooming, 20 boarding runs, and training area.
- 2<sup>nd</sup> year – 30 more boarding runs.
- 4<sup>th</sup> year – 30 more boarding runs.
- 5<sup>th</sup> year – 20 final boarding runs.

Ultimately there would be the capacity for boarding 100 pets. All of the activities – grooming, boarding and training will take place within the barn.

7. Most likely the pets involved will be dogs, although consideration has been given to boarding some cats.

8. Access to the property is off of Trinity Lane which intersects with SR 9. Adjacent to the barn is a parking area measuring 70' x 90'. The driveway and parking area will be paved. Parking will be needed for drop off and pick up of pets, for grooming services, and for attending training classes. The space appears to be adequate.

9. Initially up to 10 pets per day may be groomed. This operation will be expanded within 3 to 5 years to as many as 12 to 14 pets per day. Two groomers will eventually be hired to handle the increase. A third employee (bather/ kennel helper/ receptionist) may also be added.

10. The classes could be attended by 10 to 15 people and their dogs. During the first year there will probably be no more than one or two classes a week. At full development there will be no more than two classes a day. If more than one class is scheduled during a day there will be at least a half hour between classes.

11. Grooming appointments will be 30 minutes apart and class times will be set with at least 45 minute intervals to minimize traffic. Drop off and pick up times for boarded pets will be between 8 a.m. and 10 a.m. and 5 p.m. and 7 p.m. daily. At full development, it is estimated that 5 to 10 pets will be dropped off or picked up daily.

9. The applicants estimate that traffic will generally amount to one vehicle every 30 minutes during the day for grooming, sporadic visits for dropping off and picking up pets, and brief influxes for classes.

10. There is no indication that the anticipated traffic cannot readily be handled by the existing road system or that congestion will be caused that will result in delays in traffic movement. Public Works expressed no concerns over the sight distance at SR 9.

11. The barn was formerly a loafing shed. The remodeling necessary will be extensive. The structure will be enclosed and divided into three areas: one for the boarding runs and grooming facilities; a second constituting open space for the training classes; and a third to be devoted to the owners' personal storage needs (not part of the home based business). The barn will be reconstructed using sound abatement techniques adequate to comply with the maximum environmental noise standards of Chapter 173-60 WAC. Staggered studs and sound absorbent batting will be used. The ceiling will be lowered. Heating and ventilation will be added.

12. Except for transfers to and from the barn, the animals will be kept indoors at all times. The inside training area will be used during the day to allow boarding dogs to exercise and play. A system of cameras and an intercom sound system will allow the dogs to be remotely monitored, so that the owners can react to barking dogs.

13. The nearest neighbor is to the south of the barn about 175 feet away. The neighboring houses in other directions are 300 feet to the west, 5 acres away to the north and 8 acres away to the east.

14. The barn will be made accessible for the handicapped. Bathroom facilities will be installed, served by a septic system located behind the barn. Animal wastes will not be introduced into the septic system unless express permission to do so is obtained. Most likely animal wastes will be separately bagged and removed.

15. There will be no outside storage or other exterior indication of the home occupation, with the possible exception of a small non-illuminated sign.

16. The application was deemed complete on May 18, 2005. A Notice of Development was posted, mailed and published as required. Due notice was provided for the public hearing.

17. A Determination of Non-Significance (DNS) under the State Environmental Policy Act was issued on June 13, 2005. The DNS was not appealed.

18. Critical areas review was completed with the approval of PL04-0308 (short plat). The proposal will not encroach into any critical area.

19. The comments of consulted agencies and departments are reflected as conditions of approval.

20. Three letters of concern were received. Three neighbors also testified. All were primarily concerned with noise. The applicants believe that with the construction techniques they intend to use they will be able to prevent noise inside the barn from being heard outside. Barking that can be heard in the vicinity should be limited to that which occurs in transferring animals from cars to the barn. This will be occasional and limited to one or two dogs.

20. The applicants noted that fencing to be installed will make the facility secure so that there is little risk of animals escaping to other properties.

21. One witness expressed worries about possible impacts to his well located downhill to the south. The applicants noted that they will not use the septic system to dispose of materials that are not readily accommodated by it. They pointed out that their drainfield drains to the east toward a wetland.

22. One letter advised that the property is subject to restrictive covenants that would prevent any ongoing nuisance such as excessive dog barking. The County is not a party to such covenants and does not enforce them. But such enforcement is an option of other parties to the covenants.

23. Part of the problem in the neighborhood appears to be with dogs maintained on the applicants' premises now before any sound-proofing has been installed.

24. The applicants introduced correspondence from the former owner of an enclosed kennel who stated he maintained a grooming and boarding business with a license for 160 animals for about 40 years adjacent to a mobile home park and an apartment complex and had no complaints. They also introduced letters from patrons of the Grooming Palace in Sedro Woolley. This business, run by Dellene Peterson, has no problems with noise.

25. 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.

2. The requirements of SEPA have been met.

3. The proposal is for a Home Based Business 2. Under SCC 14.16.320(4)(o), a Home Based Business 2 is permitted in the Rural Reserve zone with a Hearing Examiner Special Use Permit.

4. Unless there is compelling evidence to the contrary, it is presumed that applicants will comply with conditions of approval. There is no such evidence here.

5. SCC 14.16.900(3)(e) sets forth special criteria for a Home Based Business 2 Permit, as follows:

- a. Is carried out by a member or members of a family residing in the dwelling and may include up to three (3) additional employees;
- b. Is clearly incidental and secondary to the use of the property for dwelling purposes;
- c. The business activity may be conducted in other than the dwelling;
- d. Has no outside storage nor other exterior indication of the home occupation or variation from the residential character of the property with the exception of one (1) sign not to exceed four (4) square feet, provide such sign shall not be illuminated;
- e. Does not create a level of electrical interference, line voltage fluctuation, noise, vibration, smoke, dust, odors, heat, glare, traffic

and other environmental impacts beyond that which is common to a residential area;

f. Does not create a level of parking demand beyond that which is normal to a residential area;

g. May have clients come to the site;

6. Under the facts, the proposal, as conditioned, will meet the above criteria.

7. The general criteria for Special Use Permit approval are set forth at SCC 14.16.900(2)(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 14.16.840.

(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 and services and will not adversely affect public services to the surrounding areas, or conditions can be established to mitigate adverse impacts on such facilities.

8. The Staff Report analyzes the application against these criteria and concludes that, as conditioned, it 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.

9. The compatibility of the proposed business with the neighborhood is dependent on how well the applicants are able to control noise. The County stated that they will visit the property with a sound meter to determine compliance with applicable standards. If the business proves to be too noisy, it will be obliged to cease operations at the proposed site.

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

## **CONDITIONS**

1. The applicants shall operate the business substantially as described in the application materials.

2. Animals shall not be boarded, groomed or trained on the site until the completion of all facilities needed for such operations, including the enclosure and sound proofing of the barn.

3. The applicants shall obtain any other applicable permits before the start of business. A building permit will be required for the change of use. The building shall comply with the Washington Energy Code if heated. The building must comply with handicapped access requirements in public areas, including the parking lot.

4. The applicants shall comply with Chapter 173-60 WAC and SCC 14.16.840 with respect to noise. Sound abatement construction techniques to minimize noise will be required in the remodeling of the barn.

5. If after operations commence, the applicants are unable to comply with applicable noise standards, the business shall cease.

6. Prior to permit approval, the access off of Trinity Lane shall comply with Skagit County Road Standards for a 90 degree intersection (+ or – 15 degrees).

7. An approved septic permit will be required for plumbing installed in the barn. Dog or other animal wastes will be addressed separately from the normal septic approval. Health Department approval shall be specifically required for any use of the septic system for animal wastes.

8. A six-foot high solid wood fence shall be installed around the front of the barn to provide privacy and keep pets from leaving the property should they escape from the enclosure of the kennel inside the barn. In addition, a wire fence shall be installed and maintained along the remainder of the property lines for the same purpose.

9. A public water PUD billing copy or current letter of approval from the PUD shall be required. The well on Lot #1 was approved under file #PL04-0308 for non-

potable use only. Unless public water approval of this well is obtained, there shall be no public contact with this water source.

10. Approval of the Special Use herein does not support a future land division.

11. A hydrogeo report is required per SCC 14.24.320. SCC 14.24.340(3)(c) will need to be addressed. Depending on locations of nearby or on-property wells and upon review of the submitted well data, additional information may be requested before approval by the Skagit County Hydrogeologist.

12. Non-residential employees shall be limited to three (3).

13. One (1) non-illuminated sign not to exceed four (4) square feet will be allowed on site.

14. Prior to issuance of the Special Use Permit, the applicants shall pay all review fees. Additional review may require additional fees.

15. The Special Use Permit shall be void if not started with two (2) years of the date of this order, and if abandoned for a period of one (1) year.

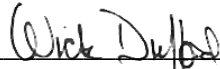
16. The development of the business shall meet the requirements of the five (5) year phasing schedule. The business is not permitted to board more than 100 pets. When business grows beyond the criteria established by this Special Use Permit and the applicable regulations, the business shall relocate to a zoning classification which permits the activity.

17. Planning and Development Services shall be notified within 30 days after any transfer of the property.

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

### **DECISION**

The requested Special Use Permit for a Home Based Business 2 is approved, subject to the conditions set forth above.

  
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Wick Dufford, Hearing Examiner

Date of Action: September 13, 2005

Date Transmitted to Applicant: September 13, 2005



## **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.