

BEFORE THE CHELAN COUNTY HEARINGS EXAMINER

RECEIVED

IN THE MATTER OF  
CUP 20-005  
Krueger/Withrow

)  
JUL 07 2020  
)  
CHELAN COUNTY  
)  
COMMUNITY DEVELOPMENT

FINDINGS OF FACT,  
CONCLUSIONS OF LAW,  
DECISION AND CONDITIONS  
OF APPROVAL

THIS MATTER, having come on for hearing in front of the Chelan County Hearing Examiner on July 1, 2020, the Hearing Examiner having taken evidence hereby submits the following Findings of Fact, Conclusions of Law, Decision and Conditions of Approval as follows:

**FINDINGS OF FACT**

1. An application for a Conditional Use Permit was requested for an indoor dog boarding and daycare facility (kennel) with a fenced outdoor run area. The application proposes to convert an existing shop structure into the indoor boarding facility with (13) indoor sleeping stalls and a small office/reception area.
2. The applicants/owners are Debra Krueger and Lori Withrow, PO Box 1479, Chelan, WA 98816.
3. The subject property is located at 30 Chapman Rd, Manson, WA 98831.
4. The parcel number for the subject property is 28-22-32-680-250.
5. The subject property is located outside of the Chelan Urban Growth Area.
6. The Comprehensive Plan designation and zoning designation for the subject site is Commercial Agricultural Lands (AC).
7. The subject property is currently used as residential. Currently on site, there is an existing residence with carport, a shop, and swimming pool as well as 2 storage sheds.
8. Based on the Assessor's records, the existing residence, carport, and pool have been in existence since 1920. The shop building has been in existence since 1970. The Planning Department staff could not find record of the existing structures being permitted, but are assumed to be legally non-conforming and therefore, legally established.
9. The property to the north is Chapman Road, a county right of way, in agricultural use, and is zoned Commercial Agricultural Lands (AC).
10. The property to the south is Agricultural use and is zoned Commercial Agricultural Lands (AC).
11. The property to the east is Agricultural use and is zoned Commercial Agricultural Lands (AC).
12. The property to the west is Swartout Road, a county right of way, in Agricultural use and zoned Commercial Agricultural Lands (AC).
13. The applicant submitted an Aquifer Recharge Disclosure Form, date stamped February 24, 2020. The proposed project does not require a vulnerability report, pursuant to CCC Chapter 11.82.
14. Pursuant to the Washington State Department of Fish and Wildlife Priority Habitat Species Maps, the subject property does not contain identified habitat. Therefore, the provisions of CCC Chapter 11.78 would not apply.

15. According to the Natural Resources Stream Typing Maps, there is indication of an F-type stream located on the subject property. Therefore, the required riparian buffer for a high intensity use is 200 ft. from OHWM. The Planning Department staff has been coordinating with WA Dept. of Fish and Wildlife and the applicant on this requirement. There is a possibility that the classification of the F-typed stream may be downgraded by WA Dept. of Natural Resources. Therefore, the Hearing Examiner has set as a Condition of Approval that the fenced dog run area is permitted, if the stream is reclassified and the fenced area can be located outside of the riparian buffer.
16. Chelan County GIS map layer does indicate that the subject property is located within a potential geologic hazard area. Therefore, the provisions of CCC Chapter 11.86 would apply to new structures.
17. Based on the National Wetlands Inventory Maps prepared by the US Department of Fish and Wildlife Services, no wetlands are indicated on or adjacent to the subject property. Therefore, the provisions of CCC Chapter 11.80 Wetland Areas Overlay District would not apply.
18. No new construction is proposed. A change of use permit as issued by Chelan County Building Department is required. Commencement of use to occur upon receipt of all required permitting.
19. The primary access for the proposed development would be off of Chapman Road, a county right of way.
20. Domestic water is to be provided by an on-site private well.
21. Chelan County PUD provides electrical services to the subject property.
22. As conditioned, the visual impact is anticipated to be minimal.
23. The applicant must comply with CCC, Chapter 7.35 Noise.
24. The applicant submitted an environmental checklist on February 24, 2020. Pursuant to WAC 197-11 process and RCW 43-21C of the State Environmental Policy Act (SEPA), an environmental review and a threshold determination was completed, and an Optional Determination of Non-significance (DNS) was issued on April 21, 2020. The SEPA Checklist and DNS are included within the file of record and adopted by reference.
25. The Notice of Application was referred to surrounding property owners within 1,000 ft. (excluding 60' of right-of-way), jurisdictional agencies and departments of the County. These agencies and surrounding property owners were notified on March 26, 2020 with comments due April 7, 2020. Agency comments are considered in the staff report and, when appropriate, associated recommended Conditions of Approval. The following is a list of Agencies who received notice and the date comments were received:

Agencies Notified	Response Date	Nature of Comment
Chelan County Fire Marshal	April 9, 2020	The subject property is located within Fire District #5. Alternative fire flow provision would not be necessary
Chelan County Building Official	March 26, 2020	All proposed structures must comply with applicable building codes.
Chelan County Public Works	April 9, 2020	Recommended conditions of approval regarding the drainage, access, and development standards were provided for the project.

Agencies Notified	Response Date	Nature of Comment
Chelan County PUD		No Comment
WA Dept. of Ecology		No Comment
WA Dept. of Archaeology and Historic Preservation		No Comment
Yakama Nation		No Comment
Manson Community Council		No Comment
Lake Chelan Reclamation District		No Comment
Confederated Tribes of Colville	April 13, 2020	No comments or concerns with proposed project.
Chelan County Fire District No.	April 2, 2020	At time of building permit, the need for NFPA 13 Sprinklers would be evaluated.

26. A public comment was received by Keith and Suzanne Nelson on March 30, 2020, with concerns of noise mitigation, waste/excrement disposal, and management of site use.
27. The application materials were submitted on February 24, 2020.
28. A Determination of Completeness was issued on March 24, 2020.
29. The Notice of Application was provided on March 26, 2020.
30. The Notice of Public Hearing was provided on June 19, 2020.
31. The proposed development is located in the Commercial Agricultural Lands (AC) zoning and therefore reviewed under the AC zoning criteria and provisions.
32. Uses appropriate for the Commercial Agricultural Lands (AC) zoning district, identified in the Comprehensive Plan, include agriculture, open space, residential, and forestry. Additional uses may be considered with supplemental provisions. These provisions shall address performance standards, impacts to the surrounding area, and be consistent with the goals and policies of the comprehensive plan. Such uses may include: natural resource support facilities and services, mineral resource activities, intensification of existing small scale recreational or tourist uses that rely upon a rural setting but that do not include A new residential component, intensification of development on lots containing existing isolated nonresidential uses, home occupations, bed and breakfasts, and community facilities.
33. The proposed use is to occur on the same property that includes the primary residence of the property owner. Additionally, the use relies on a location that is not surrounded by dense residential development.
34. The Hearing Examiner finds that the project, as conditioned, is consistent with the goals and policies of the Resource Element within the Chelan County Comprehensive Plan.
35. Chelan County Code, Section 11.93.040, Conditional Use Permit Criteria: A conditional use permit may be approved only if all of the following review criteria and any special criteria listed in this chapter are met:

- 35.1 All criteria required for a specific use by this chapter can be satisfied.
- 35.2 Criteria for animal boarding facility/kennel use have been addressed below.
- 35.3 Based on review of the application materials submitted, the criteria for a animal boarding facility/kennel could be satisfied.
- 36. The design standards of the zoning district within which the lot is located, critical area regulations, and all other applicable development standards and regulations can be met.
  - 36.1 The subject property is located in the Commercial Agricultural Lands (AC zoning). The AC zoning district allows for animal boarding facility/kennel use as a Conditional Use.
  - 36.2 The proposed use is to occur in an existing building. Therefore no new structure construction is proposed. Pursuant to CCC Chapter 11.97, a structure rendered nonconforming may be continued or maintained so long as subject to the conditions of said chapter. The proposed use is nonconforming due to its proximity to the right of way and stream, being as the footprint of the structure is not being extended or enlarged resulting in an increase of the nonconformity, the structure may be utilized for the proposed development.
  - 36.3 As previously addressed, the subject property does contain an F-typed stream which requires a 200 ft. setback for high intensity uses. With the proposed development, a fenced dog run area is proposed adjacent to the existing building and within the riparian buffer of the F-typed stream.
  - 36.4 Planning Department staff has been coordinating with WA Dept. of Fish and Wildlife and the applicant on this requirement. There is a possibility that the classification of the F-typed stream may be downgraded by WA Dept. of Natural Resources. Therefore, staff recommended as a Condition of Approval, that the fenced dog run area may be permitted, if the stream is reclassified and the fenced area could be located outside of the riparian buffer.
  - 36.5 As conditioned, the proposed development would meet applicable zoning and critical areas regulations.
- 37. Compatibility with the adjacent uses and the protection of the character of the surrounding area.
  - 37.1 The proposed development is in a fairly isolated location. Upon site visit by staff on June 15, 2020, the closest residence is located adjacent to the southeast property line, more than 1,000 ft. from the proposed development. Based on the location of the existing building and vegetation, as well as proposed vegetation, the likelihood of nuisance noise would not be anticipated, so long as applicable conditions are satisfied.
  - 37.2 As conditioned, the proposed development would be compatible with the character of the surrounding area.
- 38. Detrimental impacts on the natural environment and productive use of surrounding natural resource lands can be mitigated or avoided.
  - 38.1 As previously stated, the subject property does contain an F-type stream. Additionally, the subject property is located in and adjacent to Commercial Agricultural Lands, a protected resource.
  - 38.2 The subject property currently does not contain active agriculture in the form of orchard, but does contain other agricultural activities, including: horse pasture and gardening. Therefore, the overall use of the subject property would not be changing.

- 38.3 As conditioned, the use will not be detrimental to the natural environment or the productive use of resource lands.
39. No conditional use permit shall be issued without a written finding that: a) After adequate opportunity for review and comment, all providers of water, sewage disposal, schools, and fire/police protection serving the development have issued a letter that adequate capacity exists or arrangements have been made to provide adequate services for the development: b) No county facilities will be reduced below adopted levels of service as a result of the development
- 39.1 Chelan County provided a Notice of Application to all providers. Received comments were considered by the Hearing Examiner and are included in the file of record.
- 39.2 Through the process of public and agency noticing, opportunity for review and comments were provided for the proposed development. As conditioned, the proposed development would not result in county facilities reduced below adopted levels of service
40. The proposed use shall not result in undue adverse impacts affecting the public health, safety and welfare.
- 40.1 With application, a plan for removing the waste/excrement was provided.
- 40.2 As conditioned, the proposed development is not anticipated to result in an adverse impact on public health, safety and welfare.
41. Adequate provisions have been provided for roads, ingress and egress, stormwater, parking and loading, domestic and irrigation water, sanitary facilities, power, fire protection, and other necessary facilities, improvements or services consistent with the requirements of Titles 11 and 15 of the Chelan County Code.
- 41.1 Roads, ingress and egress: The subject property fronts and access off of Chapman Road, a county right-of-way, a commercial driveway approach as issued by Chelan County Public Works would be required with development.
- 41.2 Stormwater: The applicant shall comply with CCC Chapter 13.18 for stormwater drainage.
- 41.3 Parking and Loading: Off-street parking must comply with CCC Section 11.93.130 regarding off-street parking.
- 41.4 Domestic and Irrigation Water: Domestic water is provided by an on-site private well.
- 41.5 Sanitary Facilities: Does not apply to application.
- 41.6 Power: Power is provided by Chelan County PUD.
- 41.7 Fire Protection: The proposed development is located Chelan County Fire District #5 and alternative fire flow provisions are not necessary.
- 41.8 All necessary facilities, improvements and services are consistent or could be conditioned per the requirements of Titles 11, 13 and 15 of the Chelan County Code.
42. Noise, light, heat, steam, erosion, water quality, glare, odors, air pollution, smoke, wastes, dust, vibration, electrical disturbance, physical hazards and related impacts on adjacent properties and to the vicinity can be mitigated or avoided.
- 42.1 Based on the application materials, the applicant has indicated that operations on the subject property would not impact adjacent properties in the vicinity with noise, light, heat, steam, erosion, water quality, glare, odors, air pollution, smoke, wastes, dust, vibration, electrical disturbance, physical hazards, or any other related impacts.

- 42.3 The planting of noise buffer vegetation is proposed with application.
- 42.4 Based on the above facts, noise, light, heat, steam, erosion, water quality, glare, odors, air pollution, smoke, wastes, dust, vibration, electrical disturbance, physical hazards and related impacts on adjacent properties can be avoided or mitigated as conditioned.
- 43. The granting of the proposed conditional use permit is consistent and compatible with the intent, goals, objectives and policies of the comprehensive plan, and any implementing regulation.
  - 43.1 The proposed dog boarding facility development would be consistent with the goals and policies of the Resource Element of the Comprehensive Plan.
  - 43.2 The project is consistent with the Chelan County Comprehensive Plan.
- 44. Chelan County Code, Section 11.93.130: Animal Boarding Facilities: The following minimum conditions shall apply to animal boarding facilities:
  - 44.1 All kennels, or any other animal boarding facilities, riding academies and stables that exceed the livestock densities set forth in Section 11.88.030 shall be located not less than one hundred feet from any property line. (CCC 11.93.130(1)).
    - 44.1.1 The Hearing Examiner begins the discussion of this particular mitigation requirement to state that the requirements set forth in 11.93.130 are minimum conditions to apply to animal boarding facilities in order to mitigate the offsite impacts.
    - 44.1.2 This provision states that “all kennels . . . shall be located not less than 100 ft. from any property line.” The Hearing Examiner finds that kennels, being specifically referenced to in this provision, “are separate and distinct from any other animal boarding facilities, riding academies and stables that exceed livestock densities.”
    - 44.1.3 Pursuant to CCC 11.98.045, “kennel” means “a lot or building in which four or more dogs, cats, or animals at least four months of age, are kept commercially for board, propagation, training or sale.” Accordingly, a kennel may be a building or may be an outside lot. See also CCC 11.93.130(4).
    - 44.1.4 The Hearing Examiner finds that the requirement in CCC 11.93.130(1) restricting kennels to be located not less than 100 ft. from any property line, is to mitigate off-site impacts, primarily noise and odors.
    - 44.1.5 The applicant has stated that all boarding will occur indoors and that any time that dogs are to be outside, they will be accompanied by one of the owners or their staff, and that barking will be controlled by returning the barking animal to the indoor facility.
    - 44.1.6 The applicant indicated that there would be no outdoor boarding of the dogs.
    - 44.1.7 The Hearing Examiner finds that pursuant to CCC 11.93.130(4), discussed below, that the applicant is required to provide indoor sleeping quarters to minimize nighttime noise impacts to surrounding properties.
    - 44.1.8 The Hearing Examiner finds that odors from dog feces can be controlled by daily pickup and by placing it in an enclosed container with regular off-site disposal in a lawful area.
    - 44.1.9 Accordingly, because a kennel can be indoor or outdoor, the Hearing Examiner believes that 11.93.130(1), as relates to kennels, is specifically targeted to

outdoor kennels, and not indoor kennels. However, an administrative interpretation on this issue may be helpful for future applicants.

- 44.1.10 Because the applicant is proposing an indoor boarding facility, and will have strict controls on outdoor noise, will modify the dog's indoor sleeping quarters to minimize nighttime noise impacts to surrounding property owners, and finally will be required to have daily pick-up of dog waste and storage in enclosed containers and regular (at least weekly) removal from the site, that the impacts of the kennels on neighboring property owners can be controlled to a greater extent than can be controlled by an outdoor boarding facility.
- 44.1.11 The proposed application is for dog boarding of up to (13) dogs.
- 44.2 The applicant shall provide parking and loading spaces designed to minimize traffic hazards and congestion. (CCC 11.93.130(2)).
  - 44.2.1 Based on comments from Chelan County Public Works, the applicant would be required to submit for a commercial driveway approach. The proposed parking area would also require approval for the location, type of surface materials, and number of parking spaces prior to commencement of activities.
  - 44.2.2 Pursuant to CCC Section 11.90.060 for off-street parking requirements, the closest related use to a dog boarding facility would be personal and professional services as outlined in the table of CCC 11.90-3, 1 space per 300 square feet of floor area of the commercial use would be required.
  - 44.2.3 The proposed boarding facility structure is approximately 1,560 sq. ft. with 1,040 sq. ft. being used for the boarding facility use. Therefore, 4 parking spaces are required.  
 $(1,040 \text{ sq. ft.} / 300 \text{ sq. ft.} = 3.4 - \text{rounded up to 4 total spaces})$
  - 44.4.4 As conditioned, the proposed use would meet the required number of parking spaces and would be designed to minimize traffic hazards.
- 44.3. The applicant shall show that odor, dust, noise, and drainage shall not constitute a nuisance, hazard or health problem to adjoining property or uses. (CCC 11.93.130(3)).
  - 44.3.1 Based on the application materials, fencing and natural barriers are proposed to be placed around the boarding facility to alleviate potential noise pollution.
  - 44.3.2 The dog run area would consist of grass, wood chips, and/or other natural materials as a way to promote sanitary conditions and minimizing dust and pest breeding. The waste anticipated would be removed daily and would not be accumulated on-site.
  - 44.3.3 As conditioned, the proposed development would not result in a nuisance or health hazard to surrounding properties.
  - 44.3.4 The Hearing Examiner has set additional conditions to mitigate noise and odor impacts.
- 44.4 For kennels, indoor sleeping quarters shall be provided to minimize nighttime noise impacts to surrounding properties. (CCC 11.93.130(4)).
  - 44.4.1 Based on the application materials, the primary boarding facility would be located indoors with the outdoor area being used supplementary.

- 44.4.2 The applicant shall modify the indoor sleeping quarters so that noise impacts comply with the Washington Administrative Code requirements, as well as the Chelan County Code, regarding noise leaving the property. The Hearing Examiner understands that currently the nearest residential property is 1,000 feet away, but this might not always be the case. All noise impacts must comply with the Washington Administrative Code and the Chelan County Code.
- 44.4.3 As conditioned, the development would include only indoor sleeping quarters.
- 44.5 Any animal boarding facility will require submission of a conceptual master development plan to be reviewed by the Chelan County department of building/fire safety and planning for compliance with adopted standards and reviewed by the Chelan County public works department for compliance with county road standards. (CCC 11.93.130(5).
  - 44.5.1 Prior to the commencement of the proposed development, a change of use permit, as issued by Chelan County Building Department, would be required.
  - 44.5.2 At time of change of use permit, approval for parking and stormwater would be reviewed by Chelan County Public Works. The Chelan County Fire Marshal's approval of the development would also be required.
  - 44.5.3 As conditioned, the proposed development would be required to be reviewed and approved for compliance with the adopted standards.
- 44.6. The hearing examiner may require greater setbacks, screening, buffering or additional conditions to mitigate any adverse impacts. (CCC 11.93.130(6).
  - 44.6.1 The Hearing Examiner has set additional conditions related to noise and odors to minimize impacts to surrounding properties.
- 50. An open record public hearing after due legal notice was held using Zoom video conferencing on July 1, 2020.
- 51. Appearing and testifying on behalf of the applicants were Deb Krueger and Lori Withrow. Ms. Krueger and Ms. Withrow are co-owners of the property and are the applicants. They have dog boarding experience. They indicated there would be no new construction. They indicated there would be no outdoor boarding of any of the animals, and that any time the animals were outside, they would be accompanied by either the applicants or paid staff. Dogs barking outside would be taken care of by returning them indoors, or to make other arrangements so that the dogs could be outside and not barking. They indicated that all of the proposed conditions of approval were acceptable.
- 52. No member of the public testified at the hearing.
- 53. The Chelan County Hearing Examiner considered all evidence within the record in rendering this decision.
- 54. Any Conclusion of Law that is more correctly a Finding of Fact is incorporated herein as such by this reference.

## **CONCLUSIONS OF LAW**

1. The Hearing Examiner has authority to render this Decision.
2. Based on review of the application materials submitted, the criteria for a animal boarding facility/kennel could be satisfied.



3. As conditioned, the proposed development would meet applicable zoning and critical areas regulations.
4. As conditioned, the proposed development would be compatible with the character of the surrounding area.
5. As conditioned, the use will not be detrimental to the natural environment or the productive use of resource lands.
6. Through the process of public and agency noticing, opportunity for review and comments were provided for the proposed development. As conditioned, the proposed development would not result in county facilities reduced below adopted levels of service.
7. As conditioned, the proposed development is not anticipated to result in an adverse impact on public health, safety and welfare.
8. All necessary facilities, improvements and services are consistent or could be conditioned per the requirements of Titles 11, 13 and 15 of the Chelan County Code.
9. Based on the above facts, noise, light, heat, steam, erosion, water quality, glare, odors, air pollution, smoke, wastes, dust, vibration, electrical disturbance, physical hazards and related impacts on adjacent properties can be avoided or mitigated as conditioned.
10. The project is consistent with the Chelan County Comprehensive Plan.
11. Any Finding of Fact that is more correctly a Conclusion of Law is incorporated herein as such by this reference.

## **DECISION**

Based upon the above noted Findings and Fact and Conclusions, Conditional Use CUP 20-005 is hereby **APPROVED**, subject to the following Conditions of Approval.

## **CONDITIONS OF APPROVAL**

All conditions imposed by this decision shall be binding on the applicant, which includes the owner or owners of the properties, heirs, assigns, and successors.

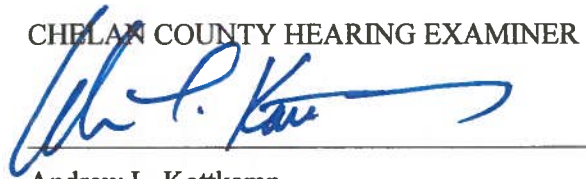
1. Pursuant to CCC Section 11.93.080, the granting of a conditional use permit and the conditions set forth runs with the land. Compliance with the conditional use permit is the responsibility of the current owner of the property, whether that is the applicant or a successor.
2. Pursuant to CCC Section 11.93.040(10), the final Conditional Use Permit shall be in conformance with the submitted application of record, including site plans date stamped February 24, 2020 and June 15, 2020 or as amended by this decision.
  - 2.1. Pending the potential of reclassification of the F-typed stream on site, the fenced dog run area may be permitted, if the fenced area can be located outside of the riparian buffer.
  - 2.2. If it is later determined that the fenced dog run area as proposed could not be located outside of the riparian area then an alternative area shall be permitted.
3. Pursuant to CCC Section 11.93.130(2), 4 total parking spaces shall be provided.
  - 3.1. The applicant shall be required to show the dimensions and type of materials proposed for the parking area(s). Prior to commencement of activities, the applicant shall provide Chelan County Public Works with a parking area, type of surface material proposed for the parking lot, number of parking spaces, and general parking schematic of the proposed area.

4. Pursuant to CCC Section 11.93.130(3), the dog run area shall be covered in grass, wood chips, and/or other natural materials to minimize dust and pest breeding.
  - 4.1. Pet waste shall be removed daily from the outdoor area and shall not be accumulated on-site.
5. Pursuant to CCC Section 11.93.130(4), indoor sleeping quarters shall be utilized to minimize nighttime noise impacts to surrounding properties.
6. Pursuant to the requirements of the International Building Code, International Fire Code, and CCC Section 11.93.1230(5), a Chelan County change of use permit shall be required for the proposed indoor boarding facility.
  - 6.1. If the proposed dog run fence exceeds an overall height of 7 ft., a building permit shall be required.
  - 6.2. Pursuant to CCC Section 15.30.340 the applicant shall be required to construct the access approaches to meet a commercial driveway approach (Standard Detail PW-26). The applicant shall be required to obtain a Chelan County Public Works Approach permit prior to constructing the commercial driveway approach. The approach apron shall be paved.
    - 6.2.1. The access point off of Swartout Road, closest to Chapman Road, shall be removed and a permit shall be obtained for the remaining access points left in place. The county may allow a secondary access if requirements of the code are met.
  - 6.3. Pursuant to CCC Section 15.30.825, monumentation shall be required to be placed on Swartout Road and Chapman Road if not already monumented.
  - 6.4. Pursuant to CCC Section 10.20.410(2), addressing shall be assigned prior to issuance of building permit.
  - 6.5. Pursuant to CCC Title 13, the need for stormwater and drainage shall be reviewed and approved by Chelan County Public Works. If a drainage system is required, the applicant shall show any easements in accordance with the approved drainage plan.
7. Pursuant to CCC Section 15.30.330, the applicant shall have only (1) access point to the County Road System. Pursuant to RCW 36.75.130, all access points to the County Road System shall have an approved approach permit from the County. The access point off of Swartout Road.
8. Pursuant to CCC Section 11.88.080, security lights or any exterior lighting shall be low-intensity, non-flashing and designed to project toward the property or shall be shielded to keep light from directly projecting over property lines.
9. Pursuant to RCW 27.53.020, if the applicant or their agents discover previously unknown historic or archaeological remains/artifacts while conducting the development activities authorized by this application, the applicant/ agent shall immediately notify the appropriate tribal and state representatives and the Chelan County Department of Community Development of the finding for local, state and tribal coordination. If any Native American grave sites or archaeological resources are discovered or excavated, work shall stop immediately.
10. Pursuant to Chelan County Code Section 11.93.110, a conditional use permit shall become void if not acted upon, including but not limited to submitting a building permit or the placement of all infrastructure, within three years after approval or such other time period as established by the hearing examiner. The applicant may request a one-year extension, to be reviewed administratively, if the applicant submits a written request with community development thirty days prior to expiration.

11. Pursuant to Chelan County Code Section 11.93.120, action of the Hearing Examiner is final, unless appealed pursuant to the judicial appeal provisions of Title 14 of the Chelan County Code.
12. Pursuant to CCC 11.93.130, all boarding of the animals shall take place indoors (indoor sleeping facilities). The applicants shall be required to modify the indoor boarding facility, as necessary, in order to minimize noise leaving the building so as to comply with the Washington Administrative Code (WAC 173-60) and the Chelan County Code.
13. Pursuant to CCC 11.93.130, all dog waste shall be picked up daily and stored in an enclosed container and removed from the site to a lawful disposal area as necessary, but no less than once per week.
14. Pursuant to CCC 11.93.130, upon receiving complaints regarding the operation of this facility as relates to noise and/or odors, staff may refer this matter back to the Hearing Examiner to conduct an additional open record public hearing to determine whether or not the current conditions of approval are adequate, or whether they need to be modified or new conditions of approval added.

Approved this 7<sup>th</sup> day of July, 2020.

CHELAN COUNTY HEARING EXAMINER



Andrew L. Kottkamp

**Anyone aggrieved by this decision has twenty-one (21) days from the issuance of this decision, to file an appeal with Chelan County Superior Court, as provided for under the Judicial Review of Land Use Decisions, RCW 36.70C.040(3). The date of issuance is defined by RCW 36.70C.040 (4)(a) as “(t)hree days after a written decision is mailed by the local jurisdiction or, if not mailed, the date on which the local jurisdiction provides notice that a written decision is publicly available” or if this section does not apply, then pursuant to RCW 36.70C.040(3) (c) “...the date the decision is entered into the public record.” Anyone considering an appeal of this decision should seek legal advice.**

**Chelan County Code Section 1.61.130 provides that any aggrieved party or agency may make a written request for reconsideration by the Hearing Examiner within ten (10) days of the filing of the written record of decision. The request for reconsideration shall be submitted to the Community Development Department. Reconsideration of the decision is wholly within the discretion of the Hearing Examiner. If the Hearing Examiner chooses to reconsider, the Hearing Examiner may take such further action deemed proper and may render revised decision within five (5) days after the date of filing of the request for reconsideration. A request for reconsideration is not a prerequisite to filing an appeal under Section 1.61.160.**

The complete case file, including findings, conclusions, and conditions of approval (if any) is available for inspection during the open office hours at Chelan County Department of Community Development. Their address is 316 Washington Street, Suite 301, Wenatchee, WA 98801. Their telephone number is (509) 667-6225.