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SPOKANE COUNTY HEARING EXAMINER

CONDITIONAL USE PERMIT FOR A
KENNEL ON 9.75 ACRES IN THE
RURAL TRADITIONAL (RT) ZONE
PURSUANT TO SECTION 14.618.240(13)
OF THE SPOKANE COUNTY ZONING
CODE

**FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND DECISION**

APPLICANT: KATHLEEN BUTCHER
FILE NO. CUW-07-19

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I. SUMMARY OF DECISION

Hearing Matter: Conditional Use Permit for a Kennel on 9.75 acres in the Rural Traditional (RT) Zone pursuant to Section 14.618.240(13) of the Spokane County Zoning Code.

Summary of Decision: Approve application for Conditional Use Permit, subject to *revised* conditions.

II. FINDINGS OF FACT

A. Procedural Matters:

On October 8, 2019, an application was received by Spokane County Building and Planning Department (“Department”) in the above-referenced file for a Conditional Use Permit for a Kennel on 9.75 acres in the Rural Traditional (RT) Zone pursuant to Section 14.618.240(13) of the Spokane County Zoning Code. The application was deemed complete on October 28, 2019.

The subject property address is 3727 N. Brooks Road, approximately ½ mile south of the intersection of W. Bowie/N. Brooks Road, in the NE ¼ of the SE ¼ of Section 01, Township 25 North, Range 40 EWM, Spokane County, Washington. The site is currently referenced as Spokane County Assessor’s Tax Parcel No. 05014.9039.

The applicant is Kathleen Butcher, 3727 North Brooks Road, Medical Lake, Washington 99022.

Pursuant to Spokane County Code (SCZC) Section 13.500, Notice of Application, and SCZC Section 13.700, Notice of Hearing, the following notices were properly prepared, mailed, and posted as noted:

1 Notice of Application – mailed by the Department on October 31, 2019.
2 Certification of Mailing signed by Martha Thornton dated October 31, 2019.

3 Notice of Application – was posted on November 1, 2019, on the property and
4 adjacent to Brooks Road. Affidavit of Posting signed by Kathleen F. Butcher.
dated November 4th, 2019.

5 Notice of Public Hearing – mailed on December 16, 2019 to Friends of the
6 Little Spokane River and Garden City/Mead Neighborhood Coalition.
7 Declaration of Mailing signed by Martha Thornton on December 16, 2019.

8 Notice of Public Hearing – mailed on January 13, 2020, deposited in the
9 United States Post Office to the recorded real property owners and/or
10 taxpayers as shown on the Spokane County Treasurer’s records, dated
11 January 6, 2020, who are identified as owning property within a four hundred
12 foot (400) perimeter of the property owned by, controlled by, or under option of
applicant. Affidavit of Mailing signed by Kathleen Butcher dated January 13,
2020.

13 Notice of Public Hearing – Posted on January 13, 2020 at 3727 North Brooks
14 Road. Affidavit of Posting Signed by Kathleen Butcher dated January 13,
15 2020.

16 Notice of Hearing – published in the Spokesman Review, a recognized legal
17 newspaper for the publication of notices, on January 14, 2020. Affidavit of
Publication by E. Jean Robinson dated January 24, 2020.

18 A Determination of Nonsignificance (DNS) was issued on January 14, 2020,
19 with a comment and appeal period ending on January 28, 2020. The DNS was
20 not appealed.

21 The Hearing Examiner visited and viewed the site and the surrounding area
on January 27, 2020.

22 The Hearing Examiner heard the matter as scheduled at 9:00 a.m. on January
23 29, 2020, in the Commissioner’s Hearing Room, 1026 East Broadway, Spokane,
24 Washington. pursuant to the Spokane County Hearing Examiner Ordinance, codified
25 in SCZC Chapter 1.46; the County Hearing Examiner Rules of Procedure, adopted by
26 County Resolution No. 1996-0294; Chapter 14.406 (Variance) Chapter 14.404
(Conditional Use Permits) and SCZC Section 14.606.240(1).

27 The following persons testified at the hearing, under an oath administered by
28 the Hearing Examiner:

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Tom Vandervert
Building and Planning Department
1026 W. Broadway Avenue
Spokane WA 99260

Kathleen Butcher
3727 N. Brooks Rd
Medical Lake, WA 99022
puppybootcamp@live.com

Sherry Labonte
Sherry.Labonte@gmail.com

Karyn Labonte
508 W. 14th Ave.
Spokane, WA 99204
Karyn.labonte@gmail.com

Marilyn Agape
Marilynagape@gmail.com

Lucinda Handcock
7611 E. Spangle Waverly Rd.
Spangle, Washington 99031

Joan Davis
13602 N. Riverbluff Ln
Spokane, WA 99208

Marilyn Gape
13602 N. Riverbluff Ln.
Spokane, WA 99208
marilynagape@gmail.com

The following exhibits were submitted at the hearing:

Exhibit 1 – Power Point Public Hearing CUW-07-19, submitted by Tom Vandervert (4 pp.).

The Hearing Examiner takes notice of the Spokane County Comprehensive Plan (“Comprehensive Plan”), Spokane County Zoning Code (SCZC), Spokane County Code (SCC), and other applicable development regulations; recent land use decisions for the site and area, including those listed in the Staff Report submitted by the Department.

The record includes the documents in the Building and Planning File No. CUW-07-19 at the time of the hearing, the electronic recording of the hearing by Hearing Examiner staff, Exhibit 1- Power Point Public Hearing CUW-07-19 referenced above, the sign-in sheet for the hearing, and the items taken notice of by the Hearing Examiner.

Having heard testimony from the Department staff, applicant, and members of the public in attendance at the hearing and interested in testifying on the application the hearing adjourned at approximately 10:30 a.m. on Wednesday, January 29, 2020.

1 **B. Description of Site:**

2 The subject site is approximately ½ mile south of the intersection of W.
3 Bowie/N. Brooks Road, in the NE ¼ of the SE ¼ of Section 01, Township 25 North,
4 Range 40 EWM, Spokane County, Washington, Spokane County Parcel # 05014.9039.
5 The address of the site is 3727 N. Brooks Road Medical Lake, Washington. The
6 subject property is approximately 9.75 acres in size and is accessed from North
7 Brooks Road from the east. The site contains an existing single family residence and
8 several outbuildings. The site is generally flat and contains a limited amount of
9 vegetation. Surrounding uses include single-family residences on acreage parcels,
10 rural uses and undeveloped land.

11 Spokane County Critical Areas Maps do not identify Fish and Wildlife
12 Conservation Areas on the subject site.

13 The subject property is located within a Critical Aquifer Recharge Area
14 (CARA) identified as having low susceptibility.

15 **C. Description of Proposed Project:**

16 The applicant requests a Conditional Use Permit for a commercial kennel on
17 the site. The kennel, within which the animals will be housed pursuant to the
18 proposed operation plan is the primary single-family dwelling of the applicant.
19 Outdoor dog runs are located to the west and adjacent to the dwelling. The single-
20 family dwelling/kennel and attached outdoor dog run area is setback approximately
21 450' from the east property line (Brook Road), 700' from the west property line, 50'
22 from the south property line, and 130' from the north property line.

23 Sound proofing at the proposed kennel building is the result of typical
24 residential construction, including thermal insulation, interior drywall and exterior
25 siding. The windows of the structure are standard residential grade glass windows.
26 The outside dog runs are fenced on all sides to provide adequate screening. The
27 application indicates that in addition to the kennel operation, boarding of dogs,
28 training for dogs will also be offered and conducted at the property. At no time will
the facility exceed fifteen (15) adult dogs with an additional undetermined number of
puppies for training. Dogs and puppies will be separated into individual dog runs
within the proposed dog run area to avoid conflict. The applicant does not anticipate
any employees beyond the applicant herself. The applicant is the owner and operator
of the kennel. Dogs/puppies will only be allowed outside between the hours of 6:00
a.m. and 10:00 p.m. Clients visiting the kennel/dwelling are allowed by appointment
only between the hours of 8:00 a.m. to 8:00 p.m. The operation plan indicates that the

1 animal waste will be picked up as it occurs, bagged and placed in waste receptacles to
2 be picked up on a weekly basis.

3 The Site Plan of Record identifies the boundaries of the subject site, the
4 location of the existing residence and outbuildings and attached dog runs.

5 **D. Land Use Designations and Surrounding Conditions for Site and**
6 **Neighboring Land:**

7 This site is designated as Rural Traditional by the Spokane County
8 Comprehensive Plan and is zoned Rural Traditional. Zoning in the North, South and
9 West directions from the site is Rural Traditional with single-family residences and
10 outbuildings on acreage lots. Zoning in the East from the site is Large Tract
11 Agriculture with outbuildings and a residence on acreage.

12 **E. Agency and Public Comments:**

13 Notice of the application in this matter was provided to ten (10) agencies and
14 departments for comment. Response to the application was received from only one of
15 the ten agencies notified. That agency's comments are considered and included in
16 conditions for approval of the requested Conditional Use Permit hereinafter.

17 No written public comments were received regarding the application prior to
18 the hearing. The comment at the hearing was all in favor of the application from
19 customers of the applicant for dog training activities. Although the comments from
20 testimony at the hearing provided a glowing report regarding the applicant's results
21 in training dogs who had presented with a variety of issues to be addressed by
22 training, none of the testimony, other than that of the applicant, addressed the
23 criteria for approval of the conditional use permit.

24 **F. Consistency with Comprehensive Plan and Zoning Regulations:**

25 **Comprehensive Plan:**

26 The subject site is located within the Rural Traditional category of the
27 Spokane County Comprehensive Plan. Rural Traditional areas include large-lot
28 residential uses and resource based industries, including ranching, farming, mining
and forestry operations. Industrial uses will be limited to industries directly related
to and dependent on natural resources. New non-resource-related industry would be
allowed, provided it meets the requirement for a major industrial development
outside the UGA (see policy RL.5.1 and RCW 36.70A.365). Rural-oriented recreation
uses will also play a role in this category. Rural residential clustering is allowed in
this category. Residential density is 1 unit per 10 acres.

1 Goal RL.1 – Provide for rural residential development consistent with traditional
2 rural lifestyles and rural character.

3 Policy RL.1.2 – Designated rural lands shall have low densities which can be
4 sustained by minimal infrastructure improvements such as septic systems,
5 individual wells and rural roads without significantly changing the rural
6 character, degrading the environment or creating the necessity for urban
7 levels of service.

8 The proposed conditional use is intended to exist within the existing structures
9 and fenced areas on the property. No additional density is proposed as a result of the
10 proposed use.

11 Policy RL.1.4 – Nonresidential and accessory uses appropriate for the rural
12 area include farms, forestry, outdoor recreation, education and entertainment,
13 sale of agricultural products produced on-site, home industries and home
14 businesses. New churches and schools in the rural area are encouraged to
15 locate in rural cities or rural activity centers, provided adequate services are
16 available and the extension of urban services is not necessary.

17 The proposed use is a home industry/business and is an activity that can be
18 considered a farm type activity.

19 Goal RL.3 – Provide a level of rural governmental service consistent with
20 maintaining rural character.

21 Policy RL.3.3 – Designated rural lands shall have low densities which can be
22 sustained by minimal infrastructure improvements, such as septic systems,
23 individual wells and rural roads, without altering the rural character,
24 degrading the environment or creating the necessity for urban level of services.

25 The proposed conditional use will not increase the demand on services that are
26 currently available to the subject site.

27 Goal T.2 – Provide transportation system improvements concurrent with new
28 development and consistent with adopted land use and transportation plans.

Policy T.2.2 – Transportation improvements needed to serve new development
shall be in place at the time new development impacts occur. If this is not
feasible, then a financial commitment, consistent with the capital facilities
plan, shall be made to complete the improvement within six years.

There is no evidence that indicates any need for improvements to the
transportation system in the area.

1 Policy T.5.5 – Ensure that the transportation system in the rural areas and
2 resource lands are consistent with their rural/resource character.
3 Improvements should emphasize operations, safety and maintenance.

4 The proposed use does not propose nor require any alteration to the existing
5 transportation systems in the area.

6 Policies of the Rural Traditional category do not directly address the
7 establishment of a Kennel; however, a Kennel is allowed through a Conditional Use
8 Permit in the Rural Traditional (RT) zone and subject to specific approval criteria.

8 **Zoning:**

9 The zoning of the subject site is Rural Traditional (RT). The Rural Traditional
10 (RT) zone includes large-lot residential uses and resource based industries, including
11 ranching, farming and wood lot operations. Industrial uses will be limited to
12 industries directly related to and dependent on natural resources. Rural-oriented
13 recreation uses also play a role in this category. Rural residential clustering is
14 allowed to encourage open space and resource conservation. Surrounding properties
15 are also zoned Rural Traditional (RT).

16 Pursuant to SCZC 14.618.220, Table 618 -1, when approved through a
17 Conditional Use Permit, a kennel is an allowed use in the Rural Traditional zone.

18 “Kennel” is defined as a place where 5 or more cats or dogs are boarded, bred,
19 bought, sold, exhibited or trained for compensation, but not including a pet shop,
20 animal shelter or veterinary clinic/hospital where boarding is incidental to
21 treatment. SCZC Chapter 14.300.

22 Prior to the approval of a Conditional Use Permit, the Hearing Examiner shall
23 find that:

- 24 1) Adequate conditions and restrictions are attached to the development of the
25 property to ensure that the proposed use will be compatible with uses
26 permitted outright in this location; and
- 27 2) The special standards as outlined in the Zoning Code for the underlying
28 zone shall be met. SCZC 14.404.100.

29 The Hearing Examiner may apply a wide variety of restrictions and conditions
30 for a conditional use permit in order to mitigate any adverse impact upon the
31 adjacent properties. SCZC 14.404.100(2).

32 SCZC Section 14.618.240(13 a-j) reads:

33 Kennel (RT, R-5, RCV, UR zones)

1 a. The minimum lot area is 5 acres.

2 The subject property is approximately 10 acres in size, well above the
3 minimum 5 acre requirement.

4 b. The structure(s) housing the animals shall be adequately soundproofed to
5 meet WAC 173-60 as determined by the noise levels during a period of normal
6 operation for the number of animals to be kept.

7 The structure within which dogs will be housed is a residential structure
8 where the applicant lives. The wall construction, of exterior siding, thermal
9 insulation, and drywall is intended to soundproof the structure as required.

10 c. Compliance with noise standards for a commercial noise source as identified
11 by WAC 173-60-040 shall be demonstrated by the applicant.

12 If noise complaints are received, the applicant will need to demonstrate
13 compliance with the noise standards.

14 d. The structure(s) and outside runs or areas housing the animals shall be at
15 least 300 feet from any dwelling other than the dwelling of the owner, and
16 shall be at least 50 feet from any adjacent property.

17 The proposed conditional use is consistent with this requirement.

18 e. Outside runs or areas shall be completely screened from view by sight-
19 obscuring fencing or landscaping or both as determined by the Hearing
20 Examiner to serve as a visual and noise abatement buffer.

21 As conditioned hereinafter, the outside dog runs shall be screened as required,
22 by six (6) foot high “fully sight-obscuring fencing” as defined in SCZC 14.300.100.
23 Screening of any portion of the outdoor dog runs provided by the existing residential
24 structure shall be considered to meet this requirement.

25 f. All animals are to be housed within a structure and no outside boarding of
26 animals is permitted between the hours of 10:00 p.m. and 6:00 a.m.

27 The animals will be housed within the kennel structure (the residential
28 structure) between the hours of 9:00 p.m. and 6:00 a.m.

g. The permit shall be granted for a period not to exceed 2 years. At the end of
such period an inspection shall be made of the premises to determine:

i. compliance with all the conditions of approval.

ii. the advisability of renewing such permit.

The required inspections shall be performed within the 2 year limitation.

1 h. The applicant shall submit adequate information to aid the Hearing
2 Examiner in determining that the above standards are satisfied prior to the
3 public hearing.

4 The required information has been provided and appears in the Building and
5 Planning Department file.

6 i. Those conditions or safeguards as deemed necessary by the Hearing
7 Examiner for the protection and assurance of the health, safety and welfare of
8 the nearby residences.

9 See the conditions of approval hereinafter.

10 j. The use shall be subject to restrictions and conditions, as may be imposed by
11 the Hearing Examiner under chapter 14.404.

12 See the conditions of approval hereinafter.

13 **G. Agency/Public Comments**

14 Agency Comments:

15 Comments received are considered by the Hearing Examiner and are
16 incorporated into the conditions of approval.

17 Responses from the Public:

18 There have been no adverse comments from neighboring property owners.

19 Based on the above findings of fact, the Hearing Examiner enters the
20 following:

21 **III. CONCLUSIONS OF LAW**

- 22 1. Any finding of fact above that is a conclusion of law is deemed a conclusion of law.
- 23 2. Minor revisions should be made to the conditions of approval to ensure proper
24 formatting, clarity, and consistency with the findings of fact above.
- 25 3. The approval of the proposed conditional use, a kennel, is appropriate under SCC
26 1.46.110 (Hearing Examiner Ordinance) and SCZC 14.618.240.
- 27 4. The special standards set forth for the conditional use in the underlying zone of
28 the Zoning Code are met.
5. Adequate conditions and restrictions on the conditional use are adopted
hereinafter, to ensure that the conditional use will be compatible with other
permitted uses in the area, and will not be materially detrimental to the public
health, safety or general welfare.

1 6. Any conclusion of law above that is a finding of fact is deemed a finding of fact.

2 IV. DECISION

3 Based on the Findings of Fact and Conclusions of Law above, the application
4 for a Conditional Use Permit to allow a kennel at the proposed site Rural Traditional
5 zone, is hereby approved, subject to compliance with the conditions of the various
6 agencies specified below.

7 Any conditions of approval of public agencies that have been added or
8 significantly altered by the Examiner are *italicized*. This approval does not waive the
9 applicant's obligation to comply with all other requirements of other public agencies
10 with jurisdiction over land development.

11 H. Conditions of Approval:

12 Spokane County Building and Planning Department:

- 13 1. All conditions imposed by the Hearing Examiner shall be binding on the
14 "Applicant", which term shall include the owner or owners of the property, heirs,
15 assigns and successors.
- 16 2. The proposal shall comply with the Rural Traditional (RT) zone, in particular
17 Section 14.618.240(13) and 14.404.100, and all other applicable provisions of the
18 County Zoning Code, as amended.
- 19 3. The applicant shall develop subject property in strict conformance with the site
20 plan presented to the Hearing Examiner on January 20, 2020. All aspects of the
21 concept and proposal shall be binding on the development, including the proposed
22 use.
- 23 4. Minor alterations or additions to the approved site development plan may be
24 authorized by the Director of the Department of Building and Planning/designee,
25 pursuant to Section 14.504.400 of the County Zoning Code; and are subject to
26 compliance with regulation standards and conditions of approval. Any other
27 modifications must be presented to the Hearing Examiner for review and
28 approval.
5. The applicant shall comply with the requirements of the Spokane Regional
Animal Protection Service for a commercial kennel.
6. The Conditional Use Permit is granted for a period of 2 years from the date of this
decision. At least 30 days prior to such expiration date, the Department of
Building and Planning shall conduct a site inspection and administrative review
of the conditional use permit, to determine whether the kennel is in compliance

1 with the conditions of approval established herein, review any zoning complaint
2 associated with the kennel, and determine whether the permit should be renewed.
3 If the kennel is in compliance with the conditions of approval, the Conditional Use
4 Permit may be renewed for a period not to exceed two (2) years, subject to
5 submittal of the appropriate processing fee. The renewal decision should be made
6 prior to expiration of the conditional use permit.

7 7. The conditional use permit may be suspended or revoked if, after a public hearing
8 that is preceded by notice as specified in Section 14.404.120 of the County Zoning
9 Code as amended, the County Hearing Examiner finds that the applicant failed to
10 comply with conditions or restrictions included in the permit.

11 8. The Building and Planning Department shall prepare and record with the
12 Spokane County Auditor a Title Notice noting that the property in question is
13 subject to a variety of special conditions imposed as a result of approval of a land
14 use action. This Title Notice shall serve as public notice of the conditions of
15 approval affecting the property in question. The Title Notice should be recorded
16 within the same time frame as allowed for an appeal and shall only be released, in
17 full or in part, by the Building and Planning Department. The Title Notice shall
18 generally provide as follows:

19 “*[Insert legal description here]* is the subject of a land use action by a Spokane
20 County Hearing Examiner on *[insert date of decision here]*, imposing a variety
21 of special development conditions. File No. CUW-07-19 is available for
22 inspection and copying in the Spokane County Building and Planning
23 Department.”

24 9. The Conditional Use Permit shall comply with the Spokane County Critical Areas
25 Ordinance, as amended.

26 10. *Pursuant to SCZC 14.618.240(13)(e), the outside dog runs shall be screened by six
27 (6) foot high “fully sight-obscuring fencing” as defined in SCZC 14.300.100. If the
28 side or rear wall of the residential structure is located where a portion of the fully
sight-screening fencing is required (by this decision) at the dog runs, then the
existing residential structure shall be considered to meet this requirement.*

11. *If noise complaints are received relative to the proposed kennel or its operation, the
applicant shall demonstrate compliance with the maximum permissible noise
standards for a commercial source set forth in Section 173-60-040 of the
Washington Administrative Code (WAC), and the additional conditions of
approval as follows:*

- 1 a. *The applicant shall submit a written acoustical report prepared by a*
2 *qualified acoustical/sound consultant to the Department, and the report*
3 *shall be placed in the application file for public inspection and copying at*
4 *such time.*
- 5 b. *The acoustical report shall address the compliance of the kennel facility*
6 *on the site with the maximum permissible noise standards for a*
7 *commercial source set forth in WAC Chapter 173-60, as determined by*
8 *the noise levels during a period of normal operation for the number of*
9 *animals to be kept, both between the hours 9:00 p.m. and 7:00 a.m., and*
10 *the hours of 7:00 a.m. to 9:00 p.m. The report shall include any*
11 *mitigating measures that are needed to ensure that the kennel complies*
12 *with such noise standards.*
- 13 c. *If the acoustical report, or the Department, finds that mitigation*
14 *measures are needed to make the kennel facility comply with WAC*
15 *Chapter 173-60, the applicant shall promptly implement the mitigation*
16 *measures. If credible noise complaints are later received from*
17 *neighboring residents regarding the kennel by the Department or the*
18 *Spokane County Regional Animal Protection Services (SCRAPS), the*
19 *Department may require the applicant to submit a supplemental study*
20 *prepared by a qualified acoustical consultant, measuring the kennel's*
21 *compliance with the maximum permissible noise levels for a commercial*
22 *source set forth in WAC 173-60-040, and require additional mitigating*
23 *measures, if needed, to achieve compliance.*
- 24 d. *The Department shall promptly review the acoustical report. If the*
25 *acoustical report indicates that the kennel facility cannot comply with the*
26 *maximum permissible noise standards for a commercial source set forth*
27 *in WAC Chapter 173-60, even with the addition of reasonable and*
28 *achievable mitigation measures by the applicants, the operation of the*
kennel shall cease and the CUP shall be deemed null and void.
- e. *The applicant shall provide a copy of this decision to the acoustical consultant.*

Spokane County Public Works:

The Spokane County Public Works has reviewed the above referenced application. The following "Conditions of Approval" are submitted to the Spokane County Department of Building and Planning for inclusion in the "Findings of Fact, Conclusions and Order/Decision " should the request be approved.

- 1 1. The traffic information submitted with this proposal will not adversely impact the
2 traffic system and does not require further improvements.
- 3 2. Approach Permits are required for any access to the Spokane County road system.
- 4 3. No construction work is to be performed within the existing or proposed public
5 right-of-way until a permit has been issued by the County Engineer. All work is
6 subject to inspection and approval by the County Engineer
- 7 4. Applicant shall sign "Spokane County Notice to the Public Number 6" which
8 specifies the following:

9 The owner(s) or successor(s) in interest agree that in consideration of
10 Mutual Benefits now or to be hereafter derived, do for themselves, their heirs,
11 grantees, assigns and successor(s) in interest, do hereby request and authorize
12 Spokane County to include the above described property in a Road
13 Improvement District (RID) and to support the formation of a Road
14 Improvement District for improvement of the road(s) described below by
15 requesting and authorizing Spokane County to place their name(s) on a
16 petition for the formation of a Road Improvement District pursuant to RCW
17 36.88.050, or by requesting and authorizing Spokane County to cast their
18 ballot in favor of a RID being formed under the resolution method pursuant to
19 RCW 36.88.030, and/or by not filing a protest against the formation of a RID
20 being formed under the alternative resolution method provided for in RCW
21 36.88.065 and Chapter 35.43 RCW.

22 If a RID is proposed for improvement of the road(s) described below, said
23 owner(s) and successor(s) further agree: (1) that the improvements or
24 construction contemplated within the proposed RID are feasible, and (2) that
25 the benefits to be derived from the formation of the RID by the property
26 included therein, together with the amount of any County participation,
27 exceeds the cost and expense of formation of the RID, and (3) that the
28 property within the proposed RID is sufficiently developed; provided
themselves, their heirs, grantees, assigns and successor(s) shall retain the
right, as authorized under RCW 36.88.090, to object to any assessment(s) on
the property as a result of the improvements called for in conjunction with the
formation of a RID by either the petition or resolution method under Chapter
36.88 RCW and to appeal to the Superior Court the decision of the Board of
County Commissioners confirming the final assessment roll; provided further,
it is recognized that actual assessments may vary from assessment estimates
as long as they do not exceed a figure equal to the increased true and fair value
improvement(s) add(s) to the property.

1 It is further acknowledged and agreed that at such time as a RID is created
2 or any County Road Improvement project is authorized by Spokane County,
3 the improvements required shall be at the sole expense of the owner(s) of
4 property within the RID or served by the improvements without any monetary
participation by Spokane County.

5 The RID waiver contained in this agreement shall expire after ten (10)
6 years from the date of execution below. This provision is applicable to Malloy
Prairie Road.

- 7 5. The proposal is located within a Critical Aquifer Recharge Areas (CARA) of LOW
8 susceptibility to groundwater contamination under the Spokane County Critical
9 Areas Ordinance (as amended by BOCC Resolution No. 8-0609). The Critical
10 Areas Ordinance protects aquifers used for potable water and requires compliance
with the Spokane Regional Stormwater Manual (SRSW).

11 The SRSW requires development to treat stormwater runoff from pollutant-
12 generating impervious surfaces (PGIS) including vehicular traveled ways, parking
13 areas, equipment storage areas, and certain roofs. Basic treatment is required for
14 the affected runoff from any commercial/industrial use with a CARA of moderate
15 or high susceptibility including a well-head protection “circle”, or at any location
16 whenever underground injection such as from drywells is involved. High-traffic
17 and high-oil source pavement areas require staged treatment. Most current
18 commercial roofing material and rooftop HVAC and electro-mechanical equipment
19 are considered non-PGIS, but there are exceptions. Where critical materials
handling is involved, additional spill-control and containment methods are needed
to keep these hazardous materials isolated from the stormwater disposal and
potential discharge into the ground.

20 Spokane Regional Health District:

21 *The Spokane Regional Health District's Solid Waste Handling Standards*
22 *address the disposal of wastes from animals in the following ways:*

23 Chapter 173-350-300 WAC: On-Site Storage, Collection and Transportation
24 Standards for Solid Waste

25 *h. Disposal of wastes from household pets may be by burial, to the sanitary sewer*
26 *system if acceptable to the sewer operating entity, into a tied bag for collection as*
garbage, or by other methods as approved by the District.

27 *i. On-site storage and disposal of solid wastes from animal kennels, shelters, or*
28 *stables shall conform to the standards of Chapter 173-350-300 WAC, as applicable.*

