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**SPOKANE COUNTY HEARING EXAMINER**

CONDITIONAL USE PERMIT FOR A  
COMMERCIAL KENNEL IN THE RT  
ZONE PURSUANT TO SCZC SECTION  
14.618.240(13)

APPLICANT: SUE MCCOURY

FILE NO. CUS-04-15

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

**SUMMARY OF DECISION**

**Hearing Matter:** Conditional Use Permit (CUP) for a Kennel on 10 acres in the Rural Traditional (RT) Zone pursuant to Section 14.616.240(13) of the Spokane County Zoning Code (SCZC).

**Summary of Decision:** Approval of permit, subject to *revised* conditions.

**FINDINGS AND CONCLUSIONS**

**A. Procedural Matters:**

An application for a CUP for a dog kennel in the RT zone on a 10-acre site ("site") was submitted to the Spokane County Building and Planning Department ("Department") on December 17, 2015, in the above-referenced file. On December 17, 2015, the Department issued a Determination of Completeness regarding the application.

The address of the proposed commercial kennel is 1801 North Hayford Road, Spokane, Washington, which is generally located west of and adjacent to Hayford Road, approximately 750 feet north of the intersection Deno Road, in the SE ¼ of Section 12, Township 25 North, Range 41 East Willamette Meridian, Spokane County, Washington. The subject property is also referenced as County Assessor's Tax Parcel No. 15124.9011.

The applicant and site owner, Sue McCoury, resides on the site.

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

Notice of Application – mailed by the Department on March 6, 2017. SCC  
13.500.106.

1 Notice of Application – posted at the site on March 6, 2017, by the applicant. SCC  
2 Section 13.500.108.

3 Notice of Hearing – mailed by the Department on March 27, 2019, to Deep Creek  
4 Whitebluff Prairie aka Deep Creek Neighborhood Restoration Council. SCC  
5 13.500.106. See Declaration of Mailing by Martha Thornton dated March 27,  
6 2019.

7 Notice of Hearing – mailed by the applicant on April 8, 2019. SCC 13.700.106. See  
8 applicant’s Affidavit of Mailing dated April 22, 2019.

9 Notice of Hearing – posted by the applicant on April 9, 2019. SCC 13.700.106. See  
10 applicant’s Affidavit of Mailing dated April 22, 2019.

11 Notice of Hearing – published in the Spokesman Review, a recognized legal  
12 newspaper for the publication of notices, on April 9, 2019. See Affidavit of  
13 Publication by Joni Vincent.

14 The Hearing Examiner conducted a site visit on May 15, 2019.

15 On April 24, 2019, the Hearing Examiner conducted a public hearing on the  
16 application pursuant to SCC 13.300.102; SCC 13.700. The Hearing Examiner heard  
17 the application pursuant to the Spokane County Hearing Examiner Ordinance,  
18 codified in SCC Chapter 1.46; the County Hearing Examiner Rules of Procedure,  
19 adopted by County Resolution No. 1996-0294; and Chapter 14.404 (Conditional Use  
20 Permits) and Section 14.618.240(13) of the SCZC.

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

23 Robert Brock	Sue McCoury
Building and Planning Department	1801 North Hayford Road
1026 W. Broadway Avenue	Spokane, WA 99224
Spokane WA 99260	wildwoofkennels@gmail.com

24 The following exhibit was submitted during the hearing by Robert Brock:

- 25 • Exhibit 1: Building and Planning Department Staff Report.

26 The Hearing Examiner takes notice of the Spokane County Comprehensive  
27 Plan (“Comprehensive Plan”), the SCZC, the SCC, other applicable development  
28 regulations, and previous land use decisions for the site and area.

29 The record includes the electronic recording of the public hearing, the  
30 documents in the application file at the time of the hearing, the sign-in sheet for the  
31 hearing, and the items taken notice of by the Hearing Examiner in this decision and  
32 at the hearing.

1 **B. Description of Site:**

2 The subject property is approximately 10 acres in size and is adjacent to  
3 Hayford Road. The site address is 1801 N. Hayford Rd, Spokane, Washington. A  
4 single-family residence, several agricultural storage buildings, and an existing  
5 kennel currently exist on the property. The residence and other buildings on the site  
6 are loosely grouped together at the southwest side of the property set back from  
7 Hayford Road. The topography of the site is generally flat with some slope in the  
8 southwest corner. What appears to be low lying native vegetation exists on the site.  
9 The nearest neighbors to the property are to the east of the site across Hayford Road  
10 and are located more than 700 feet from the proposed kennel structures.

11 The property is located within a Critical Aquifer Recharge Area (CARA)  
12 identified as having both low and moderate susceptibility. There are no mapped  
13 floodplains, wetlands, or geologically hazardous areas associated with the subject  
14 property. The site is located within the MIA 2 Airport Overlay for Fairchild Airforce  
15 Base.

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

17 The applicant is requesting a Conditional Use Permit to allow a kennel with  
18 up to 60 dogs in the current configuration and up to 70 dogs in a future, proposed  
19 configuration. The applicants are seeking permission for a kennel that is currently  
20 in use with the intention of expanding as their ability to accommodate more dogs  
21 increases. The applicants indicate that they raise, train and breed show dogs, but  
22 they do not offer kennel services to the general public. Some boarding of dogs from  
23 customers of the applicants is done and will continue, prior to and in preparation for  
a show and immediately after a show. This temporary boarding allows the  
applicants to prepare the dogs for the upcoming show and for the dog owners to  
return and retrieve the dogs at reasonable hours.

In the current configuration (site plan 1), some of the dogs are housed in  
Building 1, an insulated outbuilding, and the remaining dogs kenneled inside the  
applicants' residence overnight. The proposed future configuration (site plan 2)  
indicates that Building 2 & 3 will be remodeled to include insulated walls and  
ceilings and an additional building, Building 4, will be constructed, with insulated  
walls and ceilings, for the purpose of all of the buildings 1 – 4 being used to kennel  
dogs overnight. The applicant has submitted an Operations Plan (Plan of Record  
dated 2-7-19) which provides a narrative of existing and proposed kennel activity.

1 Site Plan:

2 The applicants have submitted a number of site plan iterations. The site plans  
3 titled Site Plan # 1 and Site Plan # 2 -Proposed Future Plans, both dated February  
4 07, 2019, are the site plans of record for this application. Site Plan 1 depicts existing  
5 conditions and Site Plan 2 depicts proposed future conditions.

6 Historical Information Regarding the Use of the Site as a Kennel:

7 The applicant had an operational kennel at the time of application and applied  
8 at the behest of SCRAPS. The initially submitted site and operations plans did not  
9 show compliance with the kennel standards for the zone, SCZC 14.618.240(13). The  
10 significant problem early on was that the existing and proposed structures were too  
11 close to the south and western property lines and could not demonstrate the required  
12 50-foot setback. The applicant who has an ownership interest in both the parcels to  
13 the west and the south of the site had excavated a site for the proposed new building  
14 (shown as Building 4 in Site Plan 2) without knowledge of the required setbacks.

15 Building and Planning requested revisions to both the operations and site  
16 plans following the Technical Review meeting. Several revisions were submitted  
17 over an extended period of time, but each was deficient in some manner with  
18 demonstrating compliance with SCZC 14.618.240(13). Long periods of time would  
19 pass before the requested revisions were resubmitted. Although the Department has  
20 the ability to void permits for inactivity, it chose not to with the applicant in part due  
21 to their financial situation and their inexperience with land use processes. The  
22 applicant has not asserted that the review authority has delayed processing the  
23 permit.

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

17 The subject property is an unplatted tax parcel of record created by CE-394-01.  
18 Zoning surrounding the site is Rural Traditional zone on all four side of the property.  
19 Uses to the north include single-family residences on rural acreage, vacant acreage,  
20 and an open pit sand and gravel mine. Immediately to the south is rural acreage  
21 while further to the south is the City of Airway Heights, including the Northern  
22 Quest Casino complex and the Spokane Raceway Park. The surrounding rural  
23 acreage does not appear to be farmed or used for agricultural uses. Land uses to the  
east and west of the property are single-family residences on rural acreage and  
vacant rural acreage. The nearest residential structure is directly across Hayford  
Road to the east and is more than 700 feet from the proposed kennel structures.

1 **E. Agency/Public Comments:**

2 A comment was received from a neighboring property owner stating that they  
3 had no objection to the proposed kennel, and expressing a hope that the kennels  
4 would be soundproofed so as to prevent significant noise from the kennels.

5 Comments from agencies, including those from SCRAPS, have been considered  
6 and are incorporated to the extent applicable into the conditions of approval below in  
7 this decision.

8 **F. Consistency with Comprehensive Plan and Zoning:**

9 The proposed kennel structures are located on a site that is within the Rural  
10 Traditional category of the Comprehensive Plan. The Rural Traditional category will  
11 typically include large-lot residential uses and resource based industries, including  
12 ranching, farming, mining, and forestry. Residential density is 1 unit per 10 acres.

13 Policy RL.1.4 of the Rural Land Use chapter states that nonresidential and  
14 accessory uses appropriate for rural areas will include farm, forestry, outdoor  
15 recreation, home industries, and home businesses.

16 The proposed use in this matter, as conditioned herein, is compatible with  
17 appropriate uses in Policy RL.1.4 and amounts to a home industry or home business.

18 Policies RL.1, RL.2, RL.3, and RL.3.3 state that designated rural lands should  
19 have low residential densities that can be sustained by minimal infrastructure  
20 improvements, such as septic systems, individual wells or public water service,  
21 and rural roads; without significantly changing the rural character, degrading  
22 the environment, or creating the necessity for urban levels of service.

23 The property on which the proposed use is intended to be established is  
currently occupied by only one residence and is not proposed at this time for any  
further development beyond the construction of an additional kennel building.

Policies T.2.2 and T5.5 of the Comprehensive Plan recommend that  
transportation improvements to serve new development be in place at time the  
impacts are established, and that the transportation system in rural areas and  
on resource lands be consistent with their rural/resource character and that  
improvements emphasize operations, safety, and maintenance.

The proposed use, creating minimal traffic during random intervals with time  
between, does not incur any demands on the transportation system in the area in  
excess of the system's current capacity.

1 Policies of the Rural Traditional category do not directly address the  
2 establishment of a kennel; however, a kennel is allowed through an approved CUP in  
3 the RT zone subject to specific criteria.

4 The application, as conditioned herein, conforms to the Comprehensive Plan.

5 Zoning Code:

6 The zoning of the subject site is RT. The intent of the Rural Zones  
7 classification is to provide for a traditional rural landscape including residential,  
8 agricultural, and open space uses. Public services will be limited in these areas.  
9 Surrounding properties are also zoned RT.

10 A kennel is an allowed use in the RT zone provided the applicant applies for  
11 and is granted a CUP and demonstrates compliance with the CUP criteria of the  
12 SCZC. Sections 14.404.101 and 14.618.240(13) of the SCZC identify the criteria  
13 governing the approval of a CUP for a kennel.

14 SCZC Section 14.404.100 states that before a CUP is approved, the Hearing  
15 Examiner shall find that:

- 16 1) Adequate conditions and restrictions are attached to the development of the  
17 property to ensure that the proposed use will be compatible with uses  
18 permitted outright in this location; and 2) The special standards as outlined in  
19 the SCZC for the underlying zone shall be met. Section 14.404.100(2) also  
20 authorizes the Hearing Examiner to apply a wide variety of restrictions and  
21 conditions for a CUP to mitigate any adverse impact upon the adjacent  
22 properties.

23 The specific use as conditioned is consistent with the minimum requirements  
of SCZC 14.618.240(13)(a, d, and f). The use as conditioned is consistent with SCZC  
14.618.240(13)(b, c, e, and h). SCZC 14.618.240(13)(g) is addressed in the conditions  
imposed upon the CUP and can thus be met by the proposed use as conditioned.

As more specifically stated below, approval of the CUP shall be conditioned  
upon the applicant installing sound proofing to the enclosed kennel area such that  
the structure meets the requirements of WAC 173-60 regarding noise levels during a  
period of normal operation for the number of animals kept in the kennel area. In the  
event of a complaint from neighboring property owners, the applicants will be  
required to demonstrate compliance with noise standards for a commercial noise  
source as identified by WAC 173-60-040.

1 Further, the yard area where the dogs will be held for play while outside of the  
2 kennel or the applicants' residence, shall be completely screened from view by fully  
3 sight-obscuring fencing as defined in SCZC 14.300.100, on all sides of the yard area.

4 The application, as conditioned herein, is consistent with the purpose and  
5 intent of the RT zone; the standards for a CUP for a kennel in the RT zone; the  
6 general development standards of the RT zone; and the applicable provisions of the  
7 SCZC, the Spokane County Critical Areas Ordinance (CAO), and other applicable  
8 development regulations.

9 As conditioned, the application:

- 10 • Will protect and assure the health, safety, and welfare of nearby residents;
- 11 • Is reasonably compatible with other uses permitted in the RT zone, or in  
12 the location of the proposed use;
- 13 • Satisfies the requirements for issuance of a CUP under SCZC Chapter  
14 14.404;
- 15 • Is generally consistent with the standards found in SCZC Section  
16 14.618.240;
- 17 • Complies with the County Environmental Ordinance and the State  
18 Environmental Policy Act (SEPA);
- 19 • Reasonably mitigates any adverse impacts on adjacent properties resulting  
20 from the conditional use.

21 Approval of the CUP, as conditioned, is appropriate under SCC 1.46.110  
22 (Hearing Examiner Ordinance).

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

### DECISION

Based on the Findings of Fact and Conclusions of Law above, the application  
for a CUP on a 10-acre site in the RT zone, is hereby approved, subject to compliance  
with all of the conditions of the various agencies specified below.

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

Minor revisions should be made to the conditions of approval to ensure proper  
formatting, clarity, and consistency with the findings of fact above.

1 **A. Conditions of Approval:**

2 Spokane County Building and Planning Department:

- 3 1. All conditions imposed by the Hearing Examiner shall be binding on the  
4 "Applicant," which term shall include the owner or owners *and developer* of the  
5 site and their heirs, assigns, and successors.
- 6 2. The proposal shall comply with the RT zone; in particular, SCZC Sections  
7 14.618.240(13) and 14.404.100 and all other applicable provisions of the SCZC,  
8 as amended.
- 9 3. The applicant shall develop subject property in strict conformance with the  
10 Site Plan submitted on February 7, 2019. All aspects of the concept and  
11 proposal shall be binding on the development, including the proposed use.
- 12 4. *Approval of the Conditional Use Permit is contingent upon the boundary line  
13 adjustments that are required to provide the required property line set backs  
14 being completed.*
- 15 5. *The applicant shall ensure that the existing kennel buildings and any newly  
16 constructed kennel buildings are equipped with all necessary soundproofing  
17 materials and equipment for noise abatement, such that the kennel buildings  
18 comply with the maximum permissible noise standards for a commercial source  
19 set forth in Section 173-60-040 of the Washington Administrative Code (WAC),  
20 and the conditions of approval below.*
- 21 6. Minor alterations or additions to the approved site development plan and  
22 operations plan may be authorized by the Director of the Department of  
23 Building and Planning/designee, pursuant to SCZC Section 14.504.400 and are  
subject to compliance with regulation standards and conditions of approval.  
Any other modifications must be presented to the Hearing Examiner for  
review and approval.
7. The applicant shall comply with the requirements of the Spokane Regional  
Animal Protection Service for a commercial kennel. *RCW 16.52.310(1) states  
"a person may not own, possess, control, or otherwise have charge or custody of  
more than fifty (50) dogs with intact sexual organs over the age of six (6)  
months at any time." The applicant shall not be allowed more than fifty (50)  
intact dogs over the age of six (6) months of age at any time. This is to include  
any dogs that may be temporarily staying on her property for training,  
boarding, or show transport.*
8. *In the event of a credible complaint from neighboring property owners  
regarding noise from the proposed kennel facilities, the applicant shall submit*



1            *a written acoustical report prepared by a qualified acoustical/sound consultant*  
2            *to the Department, and shall be placed in the application file for public*  
3            *inspection and copying at such time.*

- 4            9. *The acoustical report referred to in paragraph #7 above shall address the*  
5            *compliance of the kennel facility on the site with the maximum permissible*  
6            *noise standards for a commercial source set forth in WAC Chapter 173-60, as*  
7            *determined by the noise levels during a period of normal operation for the*  
8            *number of animals to be kept, both during the hours of 10:00 p.m. and 6:00*  
9            *a.m., and the hours of 6:00 a.m. to 10:00 p.m. The report shall include any*  
10           *mitigating measures that are needed to ensure that the kennel complies with*  
11           *such noise standards.*
- 12           10. *Dogs shall not be permitted outside of the required fenced areas surrounding*  
13           *the kennel buildings unless on a leash and accompanied by an adult handler.*
- 14           11. *If acoustical report described in paragraph #7 above becomes required, the*  
15           *Department shall promptly review the acoustical report. If the acoustical report*  
16           *indicates that the kennel facility cannot comply with the maximum permissible*  
17           *noise standards for a commercial source set forth in WAC Chapter 173-60, even*  
18           *with the addition of reasonable and achievable mitigation measures by the*  
19           *applicants, the operation of the kennel shall cease and the CUP shall be deemed*  
20           *null and void.*
- 21           12. *If the acoustical report described in paragraph #7 above, or the Department,*  
22           *finds that mitigation measures are needed to make the kennel facility comply*  
23           *with WAC Chapter 173-60, the applicant shall promptly implement the*  
              *mitigation measures. If credible noise complaints are later received from*  
              *neighboring residents regarding the kennel by the Department or SCRAPS, the*  
              *Department may require the applicant to submit a supplemental study*  
              *prepared by a qualified acoustical consultant, measuring the kennel's*  
              *compliance with the maximum permissible noise levels for a commercial source*  
              *set forth in WAC 173-60-040, and require additional mitigating measures, if*  
              *needed, to achieve compliance.*
13. *The applicant shall provide a copy of this decision to the acoustical consultant.*
14. *The yard area indicated on the Site Plan, and any other the dog runs that may*  
              *be built on the property in the future as part of the proposed use, shall be fully*  
              *sight screened on all four sides by fully sight-obscuring fencing or landscaping*  
              *no less than 6 feet high, pursuant to SCZC Section 14.404.100(2c). The sight-*  
              *obscuring fencing shall screen the yard area and/or other dog runs from sight*  
              *from any abutting property to the site of the proposed use.*

- 1 15. *The hours during which dogs are allowed to use the yard area shall be limited*  
2 *to the hours between 6:00 am and 10:00 pm during the summer season and*  
3 *between 8:00 am and 4:00 pm in the winter season.*
- 4 16. In addition to obtaining and remaining compliant with the CUP, the applicant  
5 shall comply with the requirements of SCRAPS for a commercial kennel,  
6 including obtaining a commercial kennel license issued by SCRAPS.
- 7 17. The Conditional Use Permit is granted for a period of 2 years from the date of  
8 this decision. At least 30 days prior to such expiration date, the Department of  
9 Building and Planning shall conduct a site inspection and administrative  
10 review of the conditional use permit, to determine whether the kennel is in  
11 compliance with the conditions of approval established herein, review any  
12 zoning complaint associated with the kennel, and determine whether the  
13 permit should be renewed. If the kennel is in compliance with the conditions  
14 of approval, the Conditional Use Permit may be renewed for a period not to  
15 exceed two (2) years, subject to submittal of the appropriate processing fee.  
16 The renewal decision should be made prior to expiration of the conditional use  
17 permit. Renewal permits are issued by the Department of Building and  
18 Planning, following the payment of a processing fee and an administrative  
19 review.
- 20 18. The CUP may be suspended or revoked if, after a public hearing that is  
21 preceded by notice as specified in SCZC Section 14.404.120 as amended, the  
22 Hearing Examiner finds that the applicant failed to comply with conditions or  
23 restrictions included in the permit.
19. The Building and Planning Department shall prepare and record with the  
Spokane County Auditor a Title Notice noting that the property in question is  
subject to a variety of special conditions imposed as a result of approval of a  
land use action. This Title Notice shall serve as public notice of the conditions  
of approval affecting the property in question. The Title Notice should be  
recorded within the same time frame as allowed for an appeal and shall only  
be released, in full or in part, by the Building and Planning Department. The  
Title Notice shall generally provide as follows:
- “The property currently referenced as Spokane County Assessor’s  
Parcel No. 15124.9011 and described as *[insert legal description]* is  
the subject of a land use action by a Spokane County Hearing  
Examiner on May 16, 2019 imposing a variety of special development  
conditions. File No. CUS-04-15 is available for inspection and copying  
in the Spokane County Building and Planning Department.”

1 20. The applicant shall acquire a Building Permit for any structures constructed  
2 which are greater than 120 square feet.

3 21. Building # 1, depicted on site plan # 1, shall have its ceiling insulated with  
4 sound proofing material.

5 22. The applicant shall file an avigation easement in favor of Fairchild Airforce  
6 Base.

7 23. *The CUP shall comply with the CAO.*

8 Spokane County Public Works:

9 Prior to release of a building permit or use of property as proposed:

- 10 1. A parking plan and traffic circulation plan shall be submitted and accepted by  
11 the Spokane County Engineer ("County Engineer"). The design, location, and  
12 arrangement of parking stalls shall be in accordance with standard  
13 engineering practices. Paving or surfacing as approved by the County  
14 Engineer will be required for any portion of the project that is to be occupied or  
15 traveled by vehicles.
- 16 2. Roadway standards, typical roadway sections, and drainage plan requirements  
17 are found in Resolution No. 2017-1076 as amended and are applicable to this  
18 proposal.
- 19 3. Applicant shall sign "Spokane County Notice to the Public Number 6" which  
20 specifies the following:

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

If an RID is proposed for improvement of the road(s) described below, said  
owner(s) and successor(s) further agree: (1) that the improvements or

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

15 It is further acknowledged and agreed that at such time as a RID is created or  
16 any County Road improvement project is authorized by Spokane County, the  
17 improvements required shall be at the sole expense of the owner(s) of property  
18 within the RID or served by the improvements without any monetary  
19 participation by Spokane County.

20 The RID waiver contained in this agreement shall expire after ten (10) years  
21 from the date of execution below. This provision is applicable to Hayford  
22 Road.”

- 23 4. *No construction work is to be performed within the existing or proposed public right-of-way until a permit has been issued by the County Engineer. All work is subject to inspection and approval by the County Engineer.*
5. Approach Permits are required for any access to the Spokane County road system.
6. The applicant is advised that there may exist utilities either underground or overhead affecting the applicant's property, including property to be dedicated or set aside for future acquisition. Spokane County will assume no financial obligation for adjustments or relocations regarding these utilities. The applicant should contact the applicable utilities regarding responsibility for adjustment or relocation costs and make arrangements for any necessary work.

1 7. The Spokane County Engineer has reviewed this project for transportation  
2 concurrency and has determined that it is exempt under Spokane County  
Code, Section 13.650.104 (2) (c).

3 Spokane Regional Health District:

4 1. Solid waste materials from the kennel area and from any areas where the dogs  
5 are kept indoors, shall comply with the SRHD's "Solid Waste Handling  
6 Standards" Section 1.06.300(2)(h-j) On Site Storage, Collection and  
Transportation Standards for Solid Waste as now written or hereafter  
amended.

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

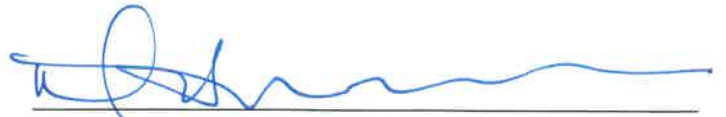
9 i. On-site storage and disposal of solid wastes from animal  
10 kennels, shelters, or stables shall conform to the standards of this  
11 Section and Sections 1.06.300 and 1.06.420, as applicable.

12 j. Animal wastes shall not be collected, deposited, or allowed to  
13 remain in any place to the prejudice of other persons as described in  
RCW 7.48.140(1).

14 2. Regarding the wash-down wastewater from cleaning the pen areas, there are  
15 no SRHD permits required for its disposal. Please refer to the WSDOE for this  
16 generated wastewater disposal. The kennel should be operated and  
maintained in a manner so as not to create a nuisance.

17 DATED this 16<sup>th</sup> day of May, 2019

18 SPOKANE COUNTY HEARING EXAMINER

19 

20 DAVID W. HUBERT

21 **NOTICE OF FINAL DECISION AND NOTICE OF RIGHT TO APPEAL**

22 Pursuant to SCC Chapter 1.46 (Hearing Examiner), the decision of the  
23 Hearing Examiner on an application for a CUP is final and conclusive unless within  
twenty-one (21) calendar days from the issuance of the Examiner's decision, a party

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with standing files a land use petition in Superior Court pursuant to Chapter 36.70C RCW.

Pursuant to RCW Chapter 36.70C, the date of issuance of the Hearing Examiner's decision is three (3) days after it is mailed, counting to the next business day when the last day for mailing falls on a weekend or holiday.

On May 16, 2018, a copy of this decision will be mailed by certified mail and by first class mail to the Applicant, and by first class mail to other parties of record. The date of issuance of the Hearing Examiner's decision is May 21, 2019.

**THE LAST DAY FOR APPEAL OF THIS DECISION TO SUPERIOR COURT BY LAND USE PETITION IS JUNE 11, 2019.**

The complete record in this matter, including this decision, is on file during the appeal period with the Office of the Hearing Examiner, Third Floor, Public Works Building, 1026 W. Broadway Avenue, Spokane, Washington, 99260-0245, (509) 477-7490. The file may be inspected Monday through Friday of each week, except holidays, between the hours of 8:00 a.m. and 4:30 p.m. Copies of the documents in the record will be made available at the cost set by Spokane County.

Pursuant to RCW 36.70B.130, affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation.