

**SAN JUAN COUNTY
HEARING EXAMINER**

FINDINGS, CONCLUSIONS AND DECISION

Applicants: Robert Robertson
P.O. Box 2831
Friday Harbor, WA 98250

File No: HE41-08 (08CU009)

Request: Conditional Use Permit (CUP) S.J.C. COMMUNITY

Parcel No: 352924011 SEP 17 2008

Location: 2349 Wold Road
San Juan Island DEVELOPMENT & PLANNING

Summary of Proposal: Applicants request authorization to conduct a dog grooming business within a 900 square foot shop currently under construction.

Land Use Designation: Rural Farm Forest (RFF)

Public Hearing: After reviewing the report of the Community Development and Planning Department a public hearing was held on September 3, 2008.

Applicable Policies and Regulations: SJCC 18.80.100(D) CUP Criteria
SJCC 18.40.050 Animal Kennels and Shelter

Decision: The application is approved subject to conditions.

Findings of Fact

1. The applicants are the owners of a 5.5 acre property located on the west side of San Juan Island at the corner of two county roads. There is a single family residence and several outbuildings on the site. Applicants do not live on-site.
2. The surrounding area is mostly rural and residential in nature. Mr. and Mrs. Robertson are currently building a 2,400 square foot barn and a 900 square foot shop. The barn is located within 100 feet of the property line and thus is not available to be used for the proposed dog grooming business. Both the barn and the shop are located outside of a Class III wetland pond on the property.
3. The applicants wish to operate a dog grooming business involving approximately three to ten dogs per day. The dog owners will bring the animals to the site and leave with the animals the same day. No overnight housing for the dogs will be provided. The business will generate approximately ten round trips per day at a maximum. After grooming, the dogs will remain inside the shop in portable kennels to stay clean until picked up by the owners. Mrs. Robertson will do the actual grooming and intends to work no longer than 8:00 a.m. to 3:00 p.m. on any given day.
4. Because the shop building is still in progress, Mr. Robertson intends to install more insulation to assist in noise suppression.
5. It is only because the applicants do not live on the property that a CUP is needed. While dog grooming is a subset of animal shelters and kennels, the grooming business is appropriate in the RFF land use designation. The evidence submitted on behalf of many of the neighbors would indicate that a kennel business would not be appropriate with the RFF designation.
6. There does not appear to be any significant cumulative impacts sufficient to provide adverse effects from the dog grooming (as opposed to dog kenneling) business.
7. The Public Works department has determined that the proposal meets road concurrency standards.
8. There is no airport nor airfield adjacent to the property.
9. There is a slight addition to impervious surfaces but the amount still remains within the 15% maximum allowed. The proposal meets the other standards imposed by SJCC 18.60.
10. A revised septic system design was submitted to the County Department of Health and Community Services. The new design was changed to meet concerns about animal waste and wash water waste.

11. A cooler with bottled water will be provided for customers and employees.
12. Most of the concerns expressed by neighbors who were opposed to the permit related to noise issues and the potential for the CUP to evolve into an authorization for a kennel business. It is not legally possible to prohibit a kennel application from ever being filed, but the Robertsons have indicated they have no interest in anything other than grooming.
13. A Determination of Non-Significance was issued on July 23, 2008. No comments were received.
14. Notice of public hearing was published July 23, 2008, and again on August 20, 2008. The site was posted on July 25, 2008. Mailing occurred July 25, 2008 and a re-mailing occurred July 28, 2008. The public comment period was extended to September 10, 2008. No comments were received subsequent to the September 3, 2008 hearing.
15. The staff report is incorporated herein by reference as though fully set forth. The analysis and factual statements contained in the staff report are adopted as a finding herein.
16. Any conclusion herein which may be deemed a finding is hereby adopted as such.

Conclusions of Law

1. The Hearing Examiner has jurisdiction over the persons and subject matter of this proceeding.
2. The proposal complies with the requirements of the State Environmental Policy Act.
3. Proper notice was given in compliance with local and state requirements.
4. Properly conditioned, the proposal meets the criteria for issuance of a CUP.
5. Any finding herein which may be deemed a conclusion is hereby adopted as such.

Conditions

1. The business shall be strictly limited to dog grooming. No expansion to kenneling or boarding of the animals is allowed. No more than ten dogs per day shall be brought to the site. The dogs shall leave the same day as arrival. All

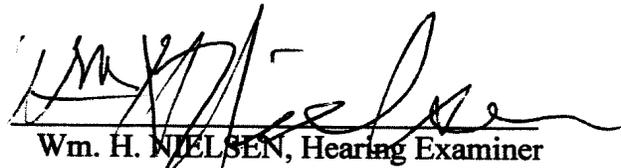
animals brought to the site shall be kept inside except for the brief period of time of transfer between car to shop or shop to car. Hours of operation shall not exceed 8:00 a.m. to 5:00 p.m. five days per week. The requirements and standards of SJCC 18.40.050 apply.

2. Animals shall be kept in single, clean structures. The structures in which the animals are kept shall be located at least 100 feet from property lines.
3. There shall be no boarding or overnight accommodation of the dogs.
4. The shop shall be insulated for noise in addition to insulation for energy conservation.
5. Approval of the revised septic system design must be made by the Department of Health. The installation of the approved system must be complete prior to operating the dog grooming business.
6. A cooler with bottled water shall be provided at the shop entrance for customers and/or employees.
7. No more than one sign is allowed. The sign cannot be larger than two square feet. The sign cannot be internally illuminated nor made of a reflective material.
8. No use shall be made of equipment or material which produces unreasonable vibration, noise, dust, smoke, odor, or electrical interference, to the detriment of any adjoining property. The noise standards applicable to a commercial establishment shall apply to the business. The kennel noise exemption found in the County's nuisance statute shall not apply to the issuance of this CUP.
9. Failure to comply with any terms or conditions of this permit may result in its revocation.

Decision

The CUP is approved subject to the conditions set forth above.

DONE this 17th day of September, 2008.


Wm. H. NIELSEN, Hearing Examiner

Appeal

Any appeal of this decision shall be to Superior Court pursuant to the Land Use Petition Act, Chapter 36.70 RCW, within 21 days of the issuance of the decision. See Home Rule Charter, Section 3.70.