BEFORE THE HEARING EXAMINER
FOR THURSTON COUNTY

In the Matter of the Application of

Chris Soderstrom and Ursula Pettyjohn

For Approval of a Special Use Permit.

NO. 2005101889 SUPT (Fido’s Farm)

FINDINGS, CONCLUSIONS, AND DECISION

BACKGROUND

In 2005, Chris Soderstrom and Ursula Pettyjohn (Applicants) requested approval of a Special Use Permit (SUPT) to operate a dog kennel and training facility on property located within Thurston County at 9829 Evergreen Valley Road SE, Olympia, Washington. The facility would provide overnight boarding and daycare for up to 40 dogs. In addition to boarding and daycare, the facility would provide dog training activities, including herding, agility, and obedience classes.

An open record hearing on the request was held before the Hearing Examiner for Thurston County on October 3, 2005. The Hearing Examiner allowed the record to remain open for the limited purpose of allowing Thurston County time to evaluate, and submit comments, on the Applicants’ proposed Waste Management Plan. Thurston County’s comments were received and the record was officially closed on October 17, 2006. Following a review of the testimony and exhibits, and based on the criteria established in the Thurston County Code (TCC), on November 8, 2005, the Hearing Examiner issued a decision on the request. The Hearing Examiner concluded that although sufficient evidence was presented to conclude that the use, as proposed, would result in substantial or undue adverse effects on adjacent property and the public welfare, the Applicant might still be able to develop a plan that more adequately addressed and mitigated the neighborhood concerns. The Hearing Examiner remanded the matter to the Thurston County Development Services Department for further review. In the remand request, the Hearing Examiner requested the following issues be addressed:

“1. Dog Training. There is no evidence in the record regarding the proposed class schedule, the number of persons and dogs attending the classes, the number of trainers conducting the classes, and the availability of restroom facilities. This information is significant for the following reasons:
• The dog training classes are a primary source of noise because they are conducted in a parking lot and in a horse barn that is not fully enclosed. With virtually unlimited hours of operation suggested by the Applicants, the noise would create substantial and undue auditory impacts. The dog training business cannot be approved without significant mitigation. Appropriate mitigation may include, but not limited to, limits on the hours of operation or days of operation, relocation of the dog training activities, and/or full enclosure of the dog training areas.

• As presented in the record, the utilities on site might not be adequate to serve the trainers and customers. A memorandum dated September 22, 2005 from the Thurston County Public Health and Social Services Department (Exhibit 1, Attachment f) contains emphatic conditions that there be no non-resident employees associated with the kennel use, that customers come to the site only to drop off and pick up their pets for boarding, and that there be no customer access to on-site restrooms. Thurston County planning staff incorporated these requirements into the recommended conditions of SUPT approval (Exhibit 1, page 7), even though it would be impossible for the Applicants to comply with all of the conditions and still conduct training activities in which the customers participate. The basis for the Health Department memo was an assumption that 40 dogs would be kenneled on site but that no dog training activities would occur on site. Consequently, it does not appear that any analysis has been conducted on the additional impact of dog training activities on utilities and other matters under the Health Department’s jurisdiction.

• Unlimited dog training activities may cause a traffic impact that has not been fully evaluated.

Clarification is needed of the proposed class schedule, the number of trainers, the size of classes, and the availability of restroom facilities/utilities to serve trainers and customers. In addition, the Applicants must develop additional strategies to reduce the auditory impacts of the use. As described above, such strategies may include creative scheduling or facilities modification. Although the Hearing Examiner has authority to condition the use, additional input is needed from the Applicants in order to ensure that any conditions are reasonable and capable of being accomplished. If reasonable conditions cannot mitigate the impacts, the dog training use must be denied.

2. Kennel hours of operation. Clarification is needed as to the hours that customers would be allowed to drop off and pick up their dogs. In addition, clarification is needed as to when the kenneled dogs would be placed indoors for the night, and let out in the morning. This information is significant in determining the neighborhood impact of the kennel portion of the business.

3. Employees. Another obstacle in approving this application is the potential non-resident workers associated with the use. Although the Applicants did not disclose the identity of any employees, there is evidence in the record suggesting that there are individuals in addition to the Applicants that assist with the care and training of the dogs. Whether these individuals are employees, contractors, or volunteers, their regular participation in activities on site
might have an effect on traffic and utilities. In addition, a high number of employees or other workers might suggest a level of business activity that is incompatible with the rural character of the area. Clarification is needed as to the number of workers associated with the use, and the impact such employees may have on traffic, utilities, and neighborhood character.

4. **Cumulative Impact.** A final obstacle is the potential cumulative impact of all of the activities being conducted on site, including sheep herding, poultry farming, dog kenneling, and dog training. This impact should be evaluated on remand.”

The Remand Order stated that if additional information relating to the requested permit was presented to the County, the open record hearing would be reconvened. The County did receive additional information and, on April 3, 2006, the Hearing Examiner for Thurston County reconvened the open record hearing on the matter, as it was remanded.

**Testimony:**
At the *April 3 hearing on remand*, the following individuals presented testimony under oath:

Tony Kantas, Associate Planner  
Arthur Saint, P.E., Roads and Transportation Department  
John Ward, Environmental Health Specialist  
Kris Soderstrom, Applicant  
Ursula Pettyjohn, Applicant  
Tom Bjorgren, Attorney  
Vickie LeAnne Parker, Attorney Representing Margorita Street  
Sheila Emmons  
Margarite Daly  
Dennis Ahlmann  
Vicki Forrester  
Wendy Schoepfer  
Mike Emmons  
Brian Waldrop  
Carol Keesler  
Carol Russo  
Karen Wieandt  
Jason Palen  
Mary McNew  
Sandra Katzen  
Gael Gann  
Mary Briggs  
Kaye N. Larson  
Kathy Bogan  
Jane Hickman  
Mary Roddert  
Dr. Porche SaBIN  
Mr. Russo
Exhibits:
At the April 3 hearing on remand, the following exhibits were admitted as part of the official record:

EXHIBIT 8 October 17, 2006 Memorandum from John Ward, Thurston County Environmental Health, Supplemental Information

EXHIBIT 9 Development Services Department Report in Response to Remand including the following attachments:

Attachment a Notice of Public Hearing of Remand

Attachment b January 12, 2006 letter from Thomas Bjorgen, Attorney

Attachment c January 27, 2006 letter from Thomas Bjorgen, Attorney

Attachment d March 21, 2006 email from Ursula Pettyjohn & Chris Soderstrom

Attachment e March 22, 2006 Revised Memorandum from Thurston County Health Department

Attachment f Comment Letters from the following:

1. Letter from Sue Foster, March 21, 2006
2. Email from Barbara Persson, March 21, 2006
3. Email from Susan Meagher, March 20, 2006
4. Email from Sarah Budde, March 20, 2006
5. Email from Sally & Gerry Gustafson, March 20, 2006
6. Email from Rochelle Rothaus, March 18, 2006
7. Email from Sherri Perkins, March 20, 2006
10. Email and letter from Mary Ann Lindsay, March 22, 2006
11. Email from Sonja Sopher, March 21, 2006
12. Email from Alison Deike, March 21, 2006
13. Email from Dolores Cunha, March 22, 2006
14. Email from Michele Olsen, March 22, 2006
15. Email from Christine True, March 22, 2006
16. Email from Richard Van Horn, March 23, 2006
17. Letter from Roma Lee Smith, March 20, 2006
19. Email from Yvonne Anderson, March 23, 2006

EXHIBIT 10  Memorandum from Tony Kantas

EXHIBIT 11  Comment Letters and Emails from the following:
1. Katherine Jo Gideon, March 29, 2006
2. Linda Perkins, March 29, 2006
3. Dorothy L, Wright, March 29, 2006
5. Mary Rotert, March 29, 2006
7. San & Corrie Jenkins, March 29, 2006
10. Don & Kathy Vogan, March 30, 2006
11. Mary Briggs, March 30, 2006
17. Susan & Tom Shjerven, March 30, 2006
18. Patricia A, Labine, Oyster Bay Farm, March 29, 2006
21. Anne Erickson, March 30, 2006
22. Dianne M, Weaver, March 30, 2006
24. Lin Daugherty, March 24, 2006
26. Jeff Marroni, March 26, 2006
27. Theresa & Jay Witherspoon, March 26, 2006
28. Jim & DeeDee Demille, March 26, 2006
29. Rod & Patricia Matthews, March 25, 2006
30. Linda Smith, March 26, 2006
32. Nate Veranth, March 27, 2006
33. Donna Patrick, March 27, 2006
34. Doug Petro, March 27, 2006
35. Joan DeCoux, March 28, 2006
36. Jeff Marroni, March 26, 2006
37. Martha Kesting, March 26, 2006
38. Linda Smith, March 26, 2006
39. Willow Stockwell, March 26, 2006
40. Trella Hastings, March 28, 2006
41. Liana Johnson, March 28, 2006
42. Carol Hibbard, March 28, 2006
43. Helene Benson, March 29, 2006
44. Lynn Johnson, March 28, 2006
45. Carrie Bashaw, March 28, 2006
46. Michael & Cynthia Roth, March 29, 2006
47. Phil & Sherron Asay, March 26, 2006
48. Linda L, Witham, March 27, 2006
50. Bobby Hickman, March 23, 2006
51. Valorie Perry, March 28, 2006
52. Sue Foster, March 28, 2006
54. Rebecca Petrozzi, March 30, 2006
55. P. A. Carter, March 30, 2006
56. Marguerite Chin, March 30, 2006
57. Stacie Oehlerich, March 31, 2006
59. Elsie L. Rhodes, March 30, 2006
60. DeYonne Swenson & Noel Galyan, March 31, 2006
62. Paul Freidel, March 31, 2006
63. Kathy Sider, March 31, 2006
64. Janya Veranth, March 31, 2006
65. Portia Sabin, March 31, 2006
66. Dana C. Mahar, March 31, 2006
67. Melinda Eden, March 31, 2006
68. Sharon Zier, March 31, 2006
69. Gayle Hickey, March 28, 2006
70. Debora R. Holmes, March 29, 2006
71. Pam Udovich, March 15, 2006
72. Susan E. Johns, March 31, 2006
73. Mary M. Finch, March 31, 2006
74. Tim Markus, March 22, 2006
76. Amy Boatright, March 27, 2006
77. Kristina E. Bergman, March 29, 2006
78. Jennifer Guimaraes, March 29, 2006
80. David Holmes, March 19, 2006
81. Tracee Chamberlain, March 29, 2006
82. K. Neyle and Joe Larson, March 30, 2006
83. Steven L. Chamberlain, March 29, 2006

EXHIBIT 12  Aerial Photo of Surrounding Properties with Supporting Key

EXHIBIT 12a Comment Letters Supporting Exhibit 12

Findings, Conclusions, and Decision
Hearing Examiner of Thurston County
Fido’s Farm, No. 2005101889 SUPT
EXHIBIT 13  Large Aerial Photo of Property

EXHIBIT 14  Excerpts of Comment Letters Submitted by Applicant

EXHIBIT 15  Comment Letters

EXHIBIT 15a List of Comment Letters in Exhibit 15:
1. David W. and Alice M. Elwanger, June 3, 2005
2. Roberta Dunagan, April 16, 2005
3. Bill and Carol Keesler, April 21, 2005
4. Bill and Carol Keesler, March 26, 2006
5. Wendy Annis, March 29, 2006
6. Roberta Dunagan, March 21, 2006
8. Don Shjerven, undated

EXHIBIT 16  Statements of Shooting Incident

EXHIBIT 17  SUPT 08-90 Vicki and Craig Forster Hearing Examiner Decision

EXHIBIT 18  Hi8 Video of Training Activity, Submitted by Applicant

EXHIBIT 19  VHS Video Tape of Fido’s Farm, April 1, 2006

EXHIBIT 20  GeoData Aerial Photo of Site

EXHIBIT 21  Fido’s Farm Preserves Agricultural Lands

EXHIBIT 22  Petition Against a Special Use Permit For Fido’s Farm and Certain Farming Practices

EXHIBIT 23  Pamphlet Titled “Don’t Let Your Pet Pollute”

EXHIBIT 24  Letters From Realtor Linda Golden, undated

EXHIBIT 25  Website Pages of Fido’s Farm

EXHIBIT 26  Color Photos of the Site, submitted by Sheila Emmons

EXHIBIT 27  Comment Emails from the following:
2. Beth Craig, March 30, 2006
3. Michael & Cynthia Roth, March 29, 2006
Upon consideration of the testimony and exhibits submitted at the open record hearing of October 3, 2005 and the April 3, 2006 Hearing on Remand, the Hearing Examiner enters the following Findings and Conclusions:

FINDINGS

1. The Applicants requests approval of a SUPT to operate a dog kennel and training facility at 9829 Evergreen Valley Road SE in Thurston County, Washington.\(^1\) The facility would provide overnight boarding and daycare for up to 40 dogs and training activities, including classes on obedience, herding, and agility.

2. All Findings of Facts provided for in the Hearing Examiner’s November 8, 2005 Remand Order are incorporated into the present decision. Findings from the October 2005 hearing are referenced as “Findings ..., Nov. 2005 FCD.” Findings from the April 2006 hearing are referenced as “Findings ..., Apr. 2006 Remand Hearing.”

3. The subject property is zoned McAllister Geologically Sensitive Area -- One Dwelling Unit per Five Acres (MGSA). Single-family residences and agricultural uses conducted in compliance with an approved farm plan are permitted outright in the MGSA district. Dog kennels housing ten or more dogs are allowed in the MGSA zone upon approval of a SUPT. Finding of Fact No. 2, Nov. 2005 FCD; TCC 20.23.020; TCC 20.54, Table 1.

4. The Thurston County Comprehensive Plan supports home-based businesses in rural areas provided they do not adversely affect the surrounding residential uses, do not result in non-residential clusters or strips, and do not affect resource lands. Thurston County Comprehensive Plan, Chapter 2, Goal 1, Objective A, Policy 4; Finding of Fact No. 3, Nov. 2005 FCD. County Staff determined, as proposed and conditioned, the project was consistent with the Thurston County Comprehensive Plan, the Thurston County Zoning Ordinance, and all other applicable policies and ordinances. Exhibit 1, Staff Report, Page 7. Both the Growth Management Act, RCW 36.70A, and the County’s Comprehensive Plan emphasize the maintenance and enhancement of natural resource based industries, including agricultural (see RCW 36.70A.020; Thurston County Comprehensive Plan, Chapter 3).

5. The Applicants commenced boarding dogs on the subject property in July of 2004, without obtaining County approval. During the summer of 2005 the facility reached its peak usage, with a daily average of 15 to 30 dogs. Dog training activities were also conducted on the site at that time. The Applicants requested the SUPT in response to County code enforcement action that was initiated against the use and the site. With the

\(^1\) Tax Parcel Number 09920008000. Exhibit 1, Staff Report, page 1; Exhibit 1, Attachment b.
instant application, the Applicants seek approval to board up to 40 dogs on site and provide training services. *Finding of Fact No. 4, Nov. 2005 FCD.*

6. The subject property is 82.2 acres in area. The majority of the property consists of wetlands and pastures. The property is used for various agricultural purposes, including raising sheep (maximum 300 head) and poultry. As of October 2005, there were 240 head of sheep on site.

7. Applicant Soderstrom, who resides *on-site*, has five sheepdogs to assist with herding the sheep. Applicant Pettyjohn, who resides *off-site*, has four sheepdogs that are also used for the herding of sheep when Ms. Pettyjohn conducts dog training activities. The Applicants asserted that because the nine sheepdogs are part of the agricultural use of the property, which does not require SUPT approval, they did not include these dogs in the 40 canine proposed through this SUPT application. *Finding of Fact No. 5, Nov. 2005 FCD.* The reasoning for this was the agricultural use of the property, which includes the raising livestock (sheep and poultry) and associated crops for retail/commercial sale. Dogs used for herding of livestock destined for sale are part of this use. However, if Ms. Pettyjohn’s dogs, who assumingly reside off-site with Ms. Pettyjohn, are used during training activities, i.e. to provide examples for students, then, these dogs are not part of the agricultural use of the property. *Id.*

8. The subject property is developed with a single-family residence and eight agricultural buildings. The structures are grouped in the northwest corner of the subject property, near Evergreen Valley Road SE and Valley Green Road. Dog training activities, including agility classes and obedience classes, would be conducted within a 7,200-square-foot horse barn in the eastern portion of the development area, within a small parking lot adjacent to the horse barn, and within a 900-square-foot garage in the central portion of the development area. The only dog training occurring outside of those designated areas would be the sheep dog training (i.e., training dogs to herd sheep), which would occur in any of the pasture areas on site. The dogs would be boarded in a 2,600-square-foot dog kennel barn in the southwest portion of the development area. A fenced, grass dog play yard is on the west and south sides of the dog kennel barn. The play area abuts Valley Green Road. *Finding of Fact No. 6, Nov. 2005 FCD.*

9. In the November 8, 2005 Order, the Hearing Examiner remanded the application for further review of the Applicants’ proposed dog training business. Specifically, the Hearing Examiner noted that information regarding the proposed class schedule, the number of persons and dogs attending the classes, the number of trainers conducting the classes, and the availability of restroom facilities were required in order to make a determination on the Applicants’ SUPT application. This information was needed because evidence had been submitted stating that the dog training classes were the primary source of noise emanating from the subject property. *Conclusions Based on Findings No. 1, Nov. 2005 FCD.*
10. County Staff stated that in order for the business to comply with TCC 20.54.040(3)(a), which addresses substantial or undue adverse effects of this type of use, dog training activities should be limited to the hours of 9:00 am to 5:00 pm Monday to Friday and 10:00 am to 5:00 pm Saturday. No training should occur on Sunday or national holidays. In the alternative, County Staff recommended training activities outside of these time parameters so long as all activities occurred within a sound-proof building. Exhibit 9, Staff Report, Pages 2-3; Testimony of Kantas.

11. In response, the Applicants’ stated that training activities offered by the business include obedience, agility, flyball, rally, tracking, and herding. Training would be conducted through private lessons, semi-private lessons, or classes in which dogs are accompanied by their owner/handler. In addition to regularly offered lessons, the Applicants proposed to have private contractors give private lessons and/or herding clinics. Clinics would occur approximately three times per year and last two to three days, serving a maximum of ten dogs. In addition to these contractor herding clinics, the Applicant would offer “sheep camp.” “Sheep Camp” would be offered once a year and last for approximately five days with a maximum of ten dogs participating. Exhibit 1, Attachment b; Testimony of Pettyjohn.

12. The Applicants argue that most of their customers work during the week and require dog services during evening and/or weekend hours. The Applicants submitted that limiting the dog training to the County Staff recommended hours would curtail their business operation and result in a reduction in clientele. The Applicants proposed the following hours of operation: 8:00 am to 9:30 pm Monday to Friday and 8:00 am to 5:30 pm Saturday/Sunday. The Applicants stated that the proposed schedule represents a significant reduction from their current 6:30 am to 10:00 pm, seven day a week operating schedule discussed at the October 2005 hearing. Exhibit 1, Attachment b; Testimony of Pettyjohn; Finding of Fact No. 10, Nov. 2005 FCD.

13. The Applicants proposed to mitigate potential noise generated from training activities by transferring problem dogs, i.e. dogs with barking problems, to private or semi-private lessons, conducting lessons aimed at problem dogs indoors, prohibiting New Zealand Heading Dog/New Zealand Huntaway dogs, and implementing and enforcing a Bark Reduction Plan (See Exhibit 1, Attachment h; Finding of Fact No. 22, Nov. 2005 FCD). Exhibit 1, Attachment b.

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2TCC 20.54.040(3)(a) provides: Impact. The proposed use shall not result in substantial or undue adverse effects on adjacent property, neighborhood character, natural environment, traffic conditions, parking, public property or facilities, or other matters affecting the public health, safety and welfare. However, if the proposed use is a public facility or utility deemed to be of overriding public benefit, and if measures are taken and conditions imposed to mitigate adverse effects to the extent reasonably possible, the permit may be granted even though the adverse effects may occur.

3 Private lessons would involve one dog, semi-private lessons would involve two dogs, and classes would involve four to ten dogs. All lessons generally involve one owner/handler per dog except for home obedience which involves an average of 1.5 owner/handler per dog. Attachment b.

4 According to the Applicants, this is the one breed of herding dog that was bred to herd by barking. Attachment b.
14. Another concern based on the training activities was centered on the adequacy of utilities, specifically public restrooms and water supply. County Staff stated that if training were to occur within a building, a public restroom would be required which would require the Applicants to construct a new public water system or modify the existing well and design a new septic system. Exhibit 9, Staff Report, Page 3; Exhibit 9, Attachment e; Testimony of Ward. The Applicants conceded that they must comply with applicable standards governing restrooms, septic systems, and water supply and asserted that no more than 15 non-resident dog handlers, observers, and/or instructors would be on the premises at any one time. The Applicants stated that a single occupancy bathroom is located within the horse barn where agility and obedience classes are conducted. At the April 3 hearing, the Applicants stated that they currently do not have the required funds and requested that they be allowed to operate for a period of one year without constructing an approved on-site sewage and public water system. The Applicants proposed that during this interim time they would provide portable restrooms (i.e. Sani-Cans) at a number specified by the County. Exhibit 9, Attachment b; Exhibit 9, Attachment d; Exhibit 10; Testimony of Kantas; Testimony of Pettyjohn.

15. The existing water system is classified as a Group B Public Water System. The Applicant asserted that WAC 246-290 and 246-291 permit a Group B system to serve 25 or more persons per day for fewer than 60 days per year. The Applicants stated that they would like to continue to offer classes five days a week and those classes typically have four to ten dogs participating. If just one class were offered per day, this would amount to 20 to 50 dogs per week, all assumingly accompanied by an owner/handler. The business, according to the Applicants, falls below the Group B threshold. The Applicants concede that if they are to offer additional classes, a Group A system would be required and that they are willing to fulfill the necessary requirement at that time. Exhibit 9, Attachments b and d.

16. The International Building Code, as adopted by TCC 14.20.010, requires a single unisex accessible permanent restroom. County Staff determined that, pursuant to the International Building Code Section 104.10, the building official may grant a modification to the code if strict adherence is impractical and the modification adheres to the intent of the code without lessening health, accessibility, life, safety, or structural requirements of the Code. County Staff modified recommended Condition D (see Exhibit 9, Condition D, page 5) which would allow a one year period requested by the Applicants to construct the required restroom provided that an accessible portable restroom, portable hand washing station, and bottled water was provided. This modification was apparently based on the Applicants limited funds availability. The Applicants accepted and stated they would comply with this modified condition. Exhibit 10, Kantas Memo; Exhibit 31, Post-Hearing Memo.

17. Additional information deemed significant for determining neighborhood impact pertained to the operation of the kennel (boarding and daycare) portion of the business. See Conclusions Based on Findings No. 2; Nov. 2005 FCD. The Applicants

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5 WAC 246-290 addresses public water systems. WAC 246-291 addresses Group B water system.
acknowledged that this function of their business generated noise, but that the noise was generally limited to daytime hours when the dogs were outdoors. The kennel is designed to board a maximum of 40 dogs. The Applicants proposed drop off and pick up hours for dogs boarded overnight of 8:00 am to 5:00 p.m. and for dogs participating in daycare of 7:00 am to 7:30 pm. All dogs, whether boarded or in day care, are let out of their kennels into the outdoor enclosure beginning at 8:00 and brought back in between 4:30 pm and 5:00 pm. Exhibit 9, Attachment b; Finding of Fact No. 18, Nov. 2005 FCD; Exhibit 26, Site Photographs.

18. County Staff determined that the proposed hours of operation 7:00 am to 7:30 pm would comply with standards set forth in TCC 20.54.040 and 20.54.070(19) but only if outdoor kennel activities are limited to 8:00 am to 5:00 pm and the Applicants provided mitigation for visual and noise impacts. County Staff proposed a 50 foot setback from all property lines for the enclosed play area and a 15 foot wide vegetated buffer adjacent to Valley Green Road. The Applicant objected to the setback requirement, stating that the kennel structure is setback 50 feet but conceded that the fencing is 30 feet from the property line. Compliance with County Staff’s condition would require the relocation of the fence. Exhibit 9, Staff Report, Pages 3-4; Finding of Fact Nos. 18-19, Nov. 2005 FCD.

19. In addition to limitations on kennel operation hours, the Applicants proposed additional noise mitigation. Noise would be mitigated by placing an eight foot tall by four foot wide barrier of haylage between the kennel and Valley Green Road and by planting trees in the ‘dog play yard.’ The Applicants stated that they are, as funds allow, in the processing of sound-proofing the kennel by adding insulation and metal siding. The Applicants proposed to use R-60 insulation on the west and south side of the kennel, R-30 insulation on the east, and R-15 insulation on the north. County Staff concurred that these mitigation measures would be adequate but stated that the Applicant should plant trees between the haylage and Valley Green Road in order to lessen visual impacts and further attenuate noise. Exhibit 9, Staff Report, Page 3; Exhibit 9, Attachment b; Exhibit 26, Site Photographs (some depicting haylage); Finding of Fact No. 18, Nov. 2005 FCD; Testimony of Pettyjohn.

20. According to the Applicants’ SUPT application (Exhibit1, Attachment b), the business would have no employees but evidence was received into the record that conflicted with this statement. Finding of Fact No. 12, Nov. 2005 FCD; Conclusions Based on Findings No. 3, Nov. 2005 FCD. The Hearing Examiner determined that the number of non-residential workers, whether employees, contractors, or volunteers, associated with the Applicants’ business would have the potential for impacts on traffic and utilities and, for

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6 TCC 20.54.070(19) provides that kennels housing 11 or more dogs must: kept dogs leashed or if let outside unleashed, confine dogs to fenced enclosure; comply with setback standards of TCC 20.07.030 for animals housed inside a structure; provide visual screening, increased setback, increased lot size and other conditions to address safety, noise and odor factors; and if located within the MGSA district, develop a waste management plan to minimize the risk of groundwater contamination.

7 Haylage is forage (grass silage) that is baled at a higher moisture content than dry hay and then stored in a sealed plastic wrap.
impacting the rural character of the neighborhood. The Applicants, who reside on-site and off-site, stated that they would like to have one or two non-resident employees to add in operation of the business. County Staff recommended that only residents be permitted to work in conjunction with kennel operations, with non-residents permitted to work only in conjunction with training activities. The Applicants request flexibility in both the number of non-resident employees and the functions that they may perform. County Staff determined that a portable restroom would be adequate to serve the proposed number of employees. Exhibit 9, Staff Report, page 4; Exhibit 9, Attachment b; Exhibit 31; Testimony of Kantas; Testimony of Pettyjohn.

21. Access to the site would be from Evergreen Valley Road SE. There are two existing access points from this roadway. Conditions of approval require the widening of these access roadways to comply with emergency vehicle access requirements. Finding of Fact No. 8, Nov. 2005 FCD. Traffic impacts were addressed in the original decision of the Hearing Examiner (see Conclusions Based on Findings Nos. 1 and 3). The Applicant asserted that, due to small class size and/or private/semi-private lessons, traffic generated by the business is minimal. In addition, limiting the number of non-resident employees would limit traffic impacts. Exhibit 9, Attachment b.

22. In the Remand Order, the Hearing Examiner determined that the cumulative impacts of the farm’s operation, including the raising of livestock (sheep, horses, and poultry) and crops (mushrooms and flowers) and the dog kennel and training activities, were not adequately addressed. Conclusions Based on Findings No. 4, Nov. 2005 FCD. The Applicant stated that they maintain approximately 225 head of sheep on the subject property. The sheep are permitted to graze outdoors but are not permitted near any surface water body. The sheep are confined to a covered barn at night, which has concrete flooring layered with wood chips. Waste generated by the sheep either remains in the grazing pasture or is composted on-site. The Applicants sell approximately 40 to 60 sheep per year, with only half of the purchasers coming to the farm to pick up the meat. The Applicant maintains approximately 500 chickens and 80 ducks on the subject property. The chickens are raised only during the summer months. The chickens are housed in mobile pens which are moved over pasture land twice a day so that wastes are distributed at an agronomic rate. The ducks are housed indoors on wood chips but permitted to forage outside for approximately nine hours each day. Wastes generated by the ducks either remains in the foraging area or is composted on-site. The Applicants sell duck eggs but sales are few because they do not advertise. Approximately five days per year, the Applicant sells chickens with approximately ten individuals picking up the chickens. The Applicant boards eight horses. The horses are permitted to graze outdoors during daylight hours but are kept in the barn at night where stalls are layered with wood chips. Wastes generated by the horses either remains in the grazing pasture or is composted on-site. The Applicants estimated that owners/riders of the horses visit the farm no more than ten times per week. Public comment was received in regards to the Applicants’ agricultural activities. Comments generally pertained to the fact that the Applicants were assisting in the goal of preserving agricultural lands within Thurston County or that the agricultural use included the slaughter of animals on the subject property. Exhibit 9, Attachment c; Exhibit 21; Exhibit 22.
23. TCC 20.54.070(19) requires that a kennel operating within the MGSA district prepare a Waste Management Plan. The purpose of the Plan is to minimize the risk of groundwater contamination. Wastes generated by the sheep, horses, and poultry and collected by the Applicants are composted in a facility located just east of the sheep barn. The Applicants submitted a Plan (see Exhibit 1, Attachment i) in which they proposed to compost dog waste and spread the composted waste on pasture land. The Applicants asserted that the on-site compost facility is designed to handle dog waste. The Thurston County Health Department determined that composting of dog feces was permissible so long as compost temperatures reach 140 to 160 degrees for a period of three to four days. Proper composting is required to ensure that pathogens would be significantly reduced and/or rendered non-viable. County Staff concluded that with proper composting, waste would not pose a significant risk to groundwater provided that all composting activities are located a minimum of 100 feet from any well or surface water. Finding of Fact No. 14, Nov. 2005 FCD; Exhibit 8; Exhibit 9, Attachment c and e; Exhibit 23.

24. Substantial public comment was received on the SUPT application (see Exhibit 1, Attachment j, k, l, and m; Exhibit 2; Exhibit 3; Exhibit 9, Attachment f; Exhibit 11; Exhibit 12a; Exhibit 14; Exhibit 15; Exhibit 21; Exhibit 22; Exhibit 24; Exhibit 27, Exhibit 28, Exhibit 29; Finding of Fact Nos. 13, 16, 17, 18, 24, and 25, Nov. 2005 FCD). Testimony of Parker, Emmons, Daly, Ahlmann, Forrester, Schoepfer, Emmons, Waldrop, Keesler, Russo, Wieandt, Palen, McNew, Katzen, Gann, Briggs, Larson, Bogan, Hickman, Roddert, Sabin, Russo, Elder, Hickerman, Ahern, and Oliver. Comments received in support of the Applicants were received from both neighboring property owners and clientele of the business. Comments generally pertained to the benefit the business brings to both the local community and the greater Northwest, the compatibility or consistency the business has with the rural character of the area, the control of barking, and preservation of agricultural land. Comments received in opposition of the Applicants were received primarily from neighboring property owners. Comments generally pertained to noise (constant barking), odors, and impacts on property values, neighborhood character, and groundwater.

25. Neighboring property owner Sheila Emmons submitted a video and audio recording of the Applicants’ business. Exhibits 28 and 29. The recordings were a visual and an audio track of the subject property. According to Ms. Emmons, the audible barking is emanating from the Applicants’ operation. The Applicants asserted that Ms. Emmons provoked the barking by approaching the kennel, blowing an airhorn, and/or firing a gun and, they submitted a listing of persons who alleged that they heard and/or saw “the neighbors to the west of the property repeatedly blasted an airhorn and/or shout profanity and/or shoot a gun towards Fido’s Farm’s property.” Exhibit 16. The Applicants further objected to the use of the CDs, arguing that there is no confirmation that the barking is actually from the Applicants’ operation nor can the recording be accepted as accurate renditions of actual conditions. Exhibit 31, Applicants’ Post-Hearing Brief.
26. A petition against the issuance of a SUPT for Fido’s Farm and certain farming practices was submitted by residents and homeowners of Evergreen Valley. Exhibit 22. The signers sought denial of the SUPT due to potential groundwater contamination by composted dog waste, boarding and daycare activities, noise impacting the peace and tranquility of the valley, one-site slaughtering of sheep and chickens raised on the property, and odors generated by farming, including the raising of mushrooms. The Applicant counters this petition by their submittal of Exhibits 12 and 12a. Exhibit 12 is an aerial map which depicts the location of 48 property owners who were contacted in regards to the Applicants’ SUPT application. According to the Applicant, of the 48 property owners contacted only four objected to the proposal. Exhibit 31, Applicants’ Post-Hearing Brief. The Hearing Examiner does note that the “questionnaire” posed to neighboring residences by the Applicants addressed solely the issue of barking and not whether the respondent approved of the operation itself.8 (See Exhibit 12a).

27. The County determined that the proposal is exempt from State Environmental Policy Act (SEPA) review based on the exemptions set forth in TCC 17.09.055.9 Finding of Fact No. 27, Nov. 2005 FCD.

28. Notice of the Remand Hearing was published in The Olympian on March 24, 2006. Exhibit 1, Staff Report, Attachment a.

CONCLUSIONS

Jurisdiction:
The Hearing Examiner is granted jurisdiction to hear and decide applications for Special Use Permits pursuant to Chapter 36.70 of the Revised Code of Washington and Section 20.54.015 of the Thurston County Code.

Criteria for Review:
The Hearing Examiner may approve an application for a Special Use Permit only if the specific standards set forth in TCC 20.54.070(19) and the following general standards set forth in TCC 20.54.040 are satisfied:

1. Plans, Regulations, Laws. The proposed use at the specified location shall comply with the Thurston County Comprehensive Plan and all applicable federal, state, regional, and Thurston County laws or plans.

2. Underlying Zoning District. The proposed use shall comply with the general purposes and intent of the applicable zoning district regulations and subarea plans. Open space, lot, setback and bulk requirements shall be no less than that specified for the zoning district in which the proposed use is located unless specifically provided otherwise in this chapter.

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8 Exhibit 12a posed the following: “Have you heard barking from Fido’s Farm that has bothered you? If yes: How frequently? How long does the barking last? When was the last time you heard problem barking?”

9 TCC 17.09.055(C) exempts commercial structures up to 8,000 square feet gross floor area.
3. **Location.** No application for a special use shall be approved unless a specific finding is made that the proposed special use is appropriate in the location for which it is proposed. This finding shall be based on the following criteria:

   a. **Impact.** The proposed use shall not result in substantial or undue adverse effects on adjacent property, neighborhood character, natural environment, traffic conditions, parking, public property or facilities, or other matters affecting the public health, safety and welfare. However, if the proposed use is a public facility or utility deemed to be of overriding public benefit, and if measures are taken and conditions imposed to mitigate adverse effects to the extent reasonably possible, the permit may be granted even though the adverse effects may occur.

   b. **Services.** The use will be adequately served by and will not impose an undue burden on any of the improvements, facilities, utilities, or services existing or planned to serve the area.

The use-specific standards applicable to kennels housing eleven or more dogs are as follows:

   a. If dogs are kept or let outside unleashed, they shall be kept in a fenced enclosure.

   b. The setback standards in Section 20.07.030 for animals housed inside a structure shall apply.

   c. Visual screening, increased setback, increased lot size and other conditions may be required by the approval authority taking into account safety, noise and odor factors.

   d. Kennels within the McAllister geologically sensitive area district shall be subject to a waste management plan approved by the hearing examiner which minimizes the risk of groundwater contamination.

**Conclusions Based on Findings:**

1. **With conditions of approval, the proposed use at the specified location would comply with all applicable federal, state, regional, and Thurston County laws or plans.** Based on County Staff review and the supporting documentation and testimony, the proposed dog boarding and training facility, as conditioned, is consistent with the Thurston County Comprehensive Plan, Thurston County Zoning Ordinance, and all other policies and ordinances. A single-family residence, associated outbuildings, and agricultural uses are permitted uses within the MSGA zone. A dog kennel is a permitted use upon approval of a SUPT. Thurston County’s Comprehensive Plan: allows home-based businesses within the rural area provided that there are no adverse affects on the surrounding residences; encourages development of facilities which promote or expand tourism within the County; and emphasizes the maintenance and enhancement of agricultural-based industries. The stated conditions of approval would require Applicant to adhere to waste and farm management plans. Applicable provisions of the zoning code – setbacks, parking, signage,
lighting, landscaping, and screening – have all been analyzed and conditions of approval ensure compliance. Nov. 2005 FCD Findings of Fact Nos. 2, 3, 4, 8, 9, 14, 15, 19, 20, 21, 22, 27, 28; Apr. 2006 Remand Hearing Findings of Fact Nos. 3, 4, 5, 14, 15, 18, 20, 21, 22, 23, 24, 25, 26, and 28.

2. **With conditions of approval, the proposed use would comply with the general purposes and intent of the applicable zoning district regulations and subarea plans.** The primary intent of the MGSA zoning district is to provide for residential, commercial, and agricultural uses of a type and density which will minimize potential for contamination or significant loss in recharge capacity of a vulnerable groundwater aquifer and potable water source of great importance to the general public. Applicant’s proposal is one of rural character and ensures a large percentage of acreage will be retained as open space. The proposal conforms to the general purpose and intent of the MGSA zone. Applicant’s proposal will not create demand for urban level services and adequate protects sensitive environmental areas and agricultural lands. Nov. 2005 FCD Findings of Fact Nos. 1, 2, 4, 5, 6, 7, 13, 14, 15, 19, 20, 24, 25, and 26; Apr. 2006 Remand Hearing Findings of Fact Nos. 1, 3, 5, 6, 9, 13, 14, 15, 16, 18, 19, 20, 21, 23, 24, 25, 26, and 28.

3. **With conditions of approval, the proposed special use is appropriate in the location for which it is proposed.** Applicant has proposed development of dog boarding and training facility within a rural area. Development of the proposal would occur on approximately an 82-acre site and, as conditioned, would maintain and protect the rural character of the surrounding area. Nov. 2005 FCD Findings of Fact Nos. 3, 5, 6, and 7; Apr. 2006 Remand Hearing, 3, 4, 6, 7, and 8.

   a. **With conditions of approval, the proposed use would not result in substantial or undue adverse effects on adjacent property, neighborhood character, natural environment, traffic conditions, parking, public property or facilities, or other matters affecting the public health, safety and welfare.** There would be no substantial or undue adverse effects on surrounding properties that could not be adequately mitigated. The Applicant would be required to improve the private access road for emergency vehicle access. Parking would be adequate to serve the proposal, as defined, and there would be no off-site parking effects from the project. Landscaping, setbacks, and the use of haylage would screen the proposed project from neighboring properties and buffer noise and odors generated by the operation of the facility. Compliance with the Waste Management Plan and an approved Farm Plan would ensure that animal waste generated would not impact groundwater resources and those agricultural activities would not adversely impact the area. Nov. 2005 FCD Findings of Fact Nos. 7, 8, 9, 10, 11, 12, 13, 14, 15, 19, 20, 21, 22, 25, 26, and 27; Apr. 2006 Remand Hearing Findings of Fact Nos. 6, 7,8, 10, 11, 12, 13, 14, 15, 17, 18, 1, 20, 21, 22, 23, and 27.

   b. **The use would be adequately served by and would not impose an undue burden on any of the improvements, facilities, utilities, or services existing or planned to serve the area.** The proposed project is currently served by a Group B water system and an on-site septic system. Conditions of approval require the Applicant to upgrade these systems to adequately serve the facility’s intended customer volume. No public utility
services would be burden by the proposal. The Applicant would widen the private access road to improve emergency vehicle access. Nov. 2005 FCD, Findings of Fact Nos. 8, 9, 14, and 15; Apr. 2006 Remand Hearing, Findings of Fact Nos. 9, 14, 15, 16, 21, and 23.

4. **Special approval criteria set forth in TCC 20.54.070(19) has been satisfied.** Applicant’s property ownership totals approximately 82 acres, all of which are considered as part of the SUPT. Conditions of approval require the Applicant to provide at a fenced enclosure for unleashed dogs, a 50 foot setback, landscaping, and haylage to provide visual, noise, and odor screening, and a Waste Management Plan and Farm Plan. Nov. 2005 FCD, Findings of Fact Nos. 13, 14, 19, 20, 21, 22, and 23; Apr. 2006 Remand Hearing, Findings of Fact Nos. 13, 18, 19, and 23.

**DECISION**

To reach this determination, the Hearing Examiner reviewed all evidence, written and oral, submitted into the record of the Soderstrom/Pettyjohn (Fido’s Farm) hearings conducted on October 3, 2005 and April 3, 2006. Based upon the Findings and Conclusions stated in the November 8, 2005 Remand Order and those stated above, the request for approval of a Special Use Permit to operate a dog kennel and training facility at 9829 Evergreen Valley Road SE is **APPROVED, subject to the following conditions:**

A. As required by TCC 20.54.070(15)(b)(ii), there shall be no more than two non-resident employees on-site engaged in the dog boarding, daycare, and training activities of the business. The term “employee” shall include employees, independent contractors, and volunteers.

B. There shall be no dog grooming services offered to the public.

C. All kennels, dog runs, or dog play areas shall be located a minimum of 100 feet from any wells or surface waters.

D. Boarding services customers shall come to the site only to drop off and pick up their animals for boarding. Boarding and daycare services customer access shall be limited to potential portable restrooms placed at the site. In design of a permanent restroom facility, the Applicant shall include all clientele – boarding, daycare, and training activities – which determining the size of the restroom facility required.

E. Based on review by Thurston County, the Applicant shall construct an approved public water system, on-site sewage system, and a single unisex accessible, permanent restroom. The restroom shall be located within the indoor training facility. The public water supply for the restroom must receive final approval from the Thurston County Department of Health – Drinking Water Program and the on-site sewage system for the restroom must receive final approval from the Thurston County Department of Health – On-site Sewage

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10 Affected property owners may request a change in valuation for property tax purposes.
Program. The water system, on-site septic system, and restroom shall be installed and the permit final inspection approved by Thurston County within one year from the date of issuance of the Hearing Examiner’s decision on the SUPT. The Agricultural-Commercial Training Building may be used for a period of no greater than one year from the date of the issuance of the Hearing Examiner’s approval of the SUP so long as an accessible portable restroom, portable hand washing station, and bottled water is provided on-site until the restroom, water system, and septic system are completed. A permit is required from the Thurston County Health Department for the septic and water systems. A building permit is required from the Thurston County Building Department for the installation of the permanent restroom. A building permit shall be obtained for the conversion of the training building to an Agricultural Commercial Building per TCC 14.46. THIS CONDITION DOES NOT CREATE A VESTED RIGHT FOR THE APPLICANT TO OPERATE THE INTERIM (PORTABLE) RESTROOM FACILITY INDEFINITELY. FAILURE TO COMPLY WITH THE TERMS OF THIS CONDITION WILL RESULT IN THE IMMEDIATE REVOCATION OF THE SUPT.

F. Wastes from dogs boarded or involved in daycare shall be collected, bagged, and taken to the County landfill, or composted in an approved manner by Thurston County. Any composting activities shall be located a minimum of 100-feet from any wells or surface waters. The Applicants shall monitor the on-site compost facility to insure that the compost reaches temperatures to significantly reduce and/or render pathogens non-viable. Monitoring records shall be made available to Thurston County upon request. In order to limit the amount of waste being composting, wastes from dogs participating in training activities (obedience, agility, herding, etc.) shall be collected, bagged, and removed from the subject property by the owner/handler of the dog. The owner/handler shall properly dispose of the waste off-site. If the owner/handler fails to remove the waste, the Applicants shall be responsible for removal of the waste from the subject property and properly disposing of it off-site. FAILURE TO ADHERE TO THE TERMS OF THIS CONDITION WILL RESULT IN THE IMMEDIATE REVOCATION OF THE SUPT.

G. All parking of customer and/or employee vehicles shall be on-site. There shall be no off-site parking on adjacent roadways. There shall be no parking or access allowed over the existing drainfield area or over the future primary or reserve drainfield areas for the public restrooms to be located in the training barn. FAILURE TO ADHERE TO THE TERMS OF THIS CONDITION WILL RESULT IN THE IMMEDIATE REVOCATION OF THE SUPT.

H. A building permit shall be obtained for all sound proof improvements to the kennel and training structures. Sound proofing improvements shall be completed within one year from the issuance of the Hearing Examiner’s decision.

I. All lighting shall be designed and function in a manner, which shields direct light from adjoining streets and properties.
J. The Applicant shall submit a landscape plan to Development Services for review and approval. The landscape plan shall be submitted within 30 days of issuance of the Hearing Examiner’s decision in this matter. The landscape plan shall depict a vegetated buffer a minimum of 15-feet in width along the property line of Valley Green Road and encumber the length of the kennel facility (structure and play yard), as well as 20 feet to the north and south of this area. Trees utilized in this area shall be at least four feet high at the time of planting and planted in three rows on center, so that the landscaping will provide a year-round dense screen between the kennel facility and Valley Green Road. Haylage shall be incorporated into the landscape plan with the landscaping providing a screen between Valley Green Road and the haylage. The landscaping and the haylage shall be installed within 30 days of Thurston County Development Services’ approval of the landscape plan.

K. There shall be no more than 40 dogs at the facility at one time. The total numbers of permitted dogs at the facility shall include boarded dogs and daycare dogs. Dogs participating in training activities shall not be included in this number unless they are boarded overnight at the facility. Up to ten dogs utilized solely for the everyday operation of the agricultural uses (i.e. herding of the resident sheep) of the facility shall not be included in the total permitted dogs, but, any dogs in excess of ten shall be included in the total number of permitted dogs.

L. If dogs are kept or let outside unleashed, they shall be kept in a fenced enclosure setback at least 50-feet from all property lines. Use of the fenced, outdoor enclosure shall be limited to the hours of 8:00 am to 5:00 pm.

M. Dog training activities shall be limited to 9:00 a.m. to 5:00 p.m. on weekdays and 10:00 a.m. to 4:00 p.m. on Saturdays and Sundays. No training shall occur on national holidays. If training should occur beyond the hours of operation noted above, than all such training activities shall occur within the confines a sound-proof building.

N. Herding events are limited to threes times per year, involving a maximum of 10 dogs, and lasting no longer than three days. During herding events, there shall be no overnight camping permitted on the subject property. If dogs participating in herding events are boarded on-site, these dogs shall count towards the total number of permitted dogs.

O. A “Sheep Camp” may be conducted once a year, involving a maximum of 10 dogs, and lasting no longer than five days. During Sheep Camp, there shall be no overnight camping permitted on the subject property. If dogs participating in Sheep Camp are boarded on-site, these dogs shall count towards the total number of permitted dogs. The Applicant shall submit a Parking Plan to Thurston County Development Services 14 days prior to the first day of Sheep Camp. The purpose of the Parking Plan shall be to ensure that all of the participants are parking on-site.

P. The Applicant shall implement and comply with an approved Bark Reduction Plan (Exhibit 1, Attachment h).
Q. In accordance with TCC 20.23.020(2), the Applicant shall submit a Farm Plan developed in conformance with U.S. Soil Conservation Service guidelines and the provisions of the Report to the Thurston County Board of Health on Best Management Practices for the Use of Pesticides and Fertilizers in the McAllister Springs GSA to Thurston County Development Review for review and approval. The farm plan shall be submitted within 60 days of the issuance of the Hearing Examiner’s decision in this matter. **Because the Farm Plan may address water and sewage issues, FAILURE TO ADHERE TO THE TERMS OF THIS CONDITION WILL RESULT IN THE IMMEDIATE REVOCATION OF THE SUPT.**

R. A Road Encroachment Permit is required. The Applicant shall secure the permit from the Roads Development Review Section prior to any construction within the county right-of-way, including improvements to the roadway shoulders, ditches, and installation of culverts. The permit shall be applied for and paid prior to the pre-construction conference.

N. No vehicles shall be permitted to back onto EVERGREEN VALLEY ROAD SE. All parking and maneuvering areas shall be constructed with an all-weather driving surface designed to support the imposed loads of fire apparatus. At a minimum, the structural section found in Appendix 6-A of the Thurston County Road Standards shall be used. Signage of this condition is required.

O. The required parking and maneuvering areas shall be surfaced with lattice block pavement, asphalt concrete, Portland cement concrete, or compacted crushed surfacing top course as required by TCC Chapter 20.44.

P. To satisfy emergency access requirements, the internal roadway shall be a minimum of 20 feet in width and within 150 feet of the furthest exterior point on any building. This road shall be constructed prior to construction of any building associated to the kennel. An approved turnaround is required to be constructed at the end of the road. The turnaround may be a loop road, hammerhead, or cul-de-sac. All corners or curves shall have a minimum 25-foot inside radius. Dimensions for hammerheads and cul-de-sacs can be found in Appendix 6-G of the Road Standards. The current loop driveway must be widened to 20 feet in width to meet these standards.

Q. Thurston County records indicate no deeded right-of-way for VALLEY GREEN DRIVE SE. In order to meet the requirements of Appendix 6-C of the 1999 Thurston County Road Standards, a 30-foot of right of way is required. The Applicants’ legal representative or surveyor shall prepare a Quit Claim Deed describing the necessary right-of-way being a 30-foot strip of land, for a total of 30-feet of right-of-way lying east of and abutting the existing right-of-way centerline of VALLEY GREEN DRIVE SE.

R. Thurston County records indicate that there is No-Deeded right-of-way for EVERGREEN VALLEY RD SE. In order to meet the requirements of Appendix 6-C of the 1999 Thurston County Road Standards, 30-feet of right of way is required. The Applicants’ legal representative or surveyor shall prepare a Quit Claim Deed describing
the necessary right-of-way being a 30-foot strip of land, for a total of 30-feet of right-of-way lying South of and abutting the existing right-of-way centerline of EVERGREEN VALLEY GREEN DRIVE SE.

S. As required by TCC 20.23.030(7), the Applicant shall dedicate a minimum of ten percent of the total acreage of the subject property to open space per the standards of TCC 20.32.

T. All development on the site shall be in compliance with the approved site plan. Any expansion or alteration of this use will require approval of a new or amended Special Use Permit. The Development Services Department will determine if any proposed amendment is substantial enough to require Hearing Examiner approval.

U. If the Applicant fails to meet any required deadlines, the SUPT shall be revoked until compliance with the conditions and any necessary approval.

V. If the activities permitted under the SUPT are conducted in a manner which is inconsistent with the conditions of approval, is detrimental to the public health, safety, or welfare, and adversely affects the rural residential qualities of adjacent properties, the Development Services Director may, in writing, suspend or revoke the permit as provided by TCC 20.60.050(4).

Decided this 10th day of May 2006

Driscoll & Hunter
Hearing Examiners for Thurston County
By:

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James M. Driscoll