

# Benton County Planning Department

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**BENTON COUNTY BOARD OF ADJUSTMENT  
REGULAR HEARING – April 4, 2013 - 7 P.M.  
PLANNING ANNEX – 1002 DUDLEY AVENUE  
PROSSER, WA 99350**

**THESE MINUTES ARE A SUMMARY OF THE BOARD OF ADJUSTMENT HEARING AND NOT A VERBATIM TRANSCRIPT**

**CALL TO ORDER**

**PRESENT:** Bob Page  
Aimee Bergeson  
Brent Chigbrow

**ABSENT:** Dean Burows

**STAFF PRESENT:** Clark A. Posey, Senior Planner  
Donna Hutchinson, Recorder

**APPROVAL OF MINUTES**

**MOTION**

It was moved by Bob Page and seconded by Aimee Bergeson to approve the minutes as written. The motion passed with all members present voting in favor.

**CONSENT AGENDA**

**MOTION**

It was moved by Bob Page and seconded by Aimee Bergeson to approve the consent agenda as presented. The motion passed with all members present voting in favor.

**NEW BUSINESS:**

**CONDITIONAL USE PERMIT – CUP 13-05** - The applicant is requesting a conditional use permit for the operation of a commercial kennel/boarding facility for up to 40 dogs and a few cats. The written date of completion on this action was March 12, 2013. The site is located at 1556 Dallas Road – Benton City on Lot 2 of Short Plat 1980 in Section 31, Township 9 North, Range 28 East, W.M. Applicants: Ed McClellan and Kaye Scantlin – 2917 W 19<sup>th</sup> Avenue #110 Kennewick, WA 99337 and 118 N Yelm Kennewick, WA 99336. 99337.

Clark Posey, Planning Staff, read to the Board ex parte issue questions and those wishing to testify during the hearing were sworn in

The public portion of the hearing was opened and Clark Posey, Senior Planner gave a summary of the project and entered the exhibits BOAM 1.1-1.11, BOAR 1.1-1.8 and BOAH 1.1 & 1.2 into the record. He also noted that exhibits BOAH 1.1 and 1.2 were being submitted to the Board of Adjustment members tonight as they had been received after the staff memo was sent out.

**Applicant Testimony:** Ed McClellan & Kaye Scantlin, 2917 W. 19<sup>th</sup> Avenue #110, Kennewick stated that they would be living on the site and that there would be no retail sales of products.

Mr. McClellan stated that they would use the existing shop/office area mostly on weekends at the beginning. He stated that those using their services would have to have an appointment to come onto site to leave their dogs. He stated that they would take all types of dogs.

Brent Chigbrow, BOA Chairperson asked how they would control barking? Mr. McClellan stated that most of the dogs would be outside during the day and that they would be putting them into groups by age and temperament. He noted that they would be inside during feeding and sleeping times only. He asked if the boarding area was sound proofed on the inside. The applicant noted he had a discussion regarding that with the neighbor, Ms. McNabb and that they had discussed putting up a brick wall to help deaden the sound.

Brent Chigbrow asked the applicant if he had read the conditions of approval. The applicant replied that they would have agility areas and would control the barking. Brent Chigbrow asked what the square footage of the building was. Mr. McClellan noted that it was about 1200 square feet with an attached office area and that it was already heated, air conditioned and sheet rocked.

Brent Chigbrow asked about fencing on the property. The applicant indicated that the property was already fenced but that it was not adequate and that they planned on putting up a black chain link fence probably 6 feet high with barbed wire at the top. Mr. Chigbrow asked about runs for the dogs.

Mr. Chigbrow asked what the applicant planned to do about outdoor runs for the dogs. The applicant stated that they would be dividing up areas for dog runs. He noted that they had gone to the neighbors and talked to them about the project but could not get on several properties due to gates and dogs.

Bob Page asked if they would have individual runs to separate dogs. The applicant stated that they would have individual kennels inside for all dogs and that outside they would have group areas and individual areas for those customers that don't want their animals mixed with others. He also stated that there would be no breeding of animals.

Brent Chigbrow asked how they would dispose of the waste. The applicant stated that they had been told they could bag it and dispose of it in their garbage can. He noted that the turnout area for the dogs would be graveled for easy picked up of waste.

Bob Page asked if someone would be on site when the dogs were there? The applicant noted that when dogs are there, someone would be on site at all times.

Brent Chigbrow noted that one of the conditions of approval was that a site obscuring fence such as a chain link fence with slats be put up. Mr. McClellan stated that they intended to do that in the building and in the turnout areas but not in the frontage of the property. The applicant stated that he had read and agreed with the conditions of approval.

**Proponent testimony:** Claudia Moffet, 2917 W. 19th, #110, Kennewick, stated that she was a licensed dog groomer and also dealt with animal behavior. She noted that there would always be someone on site when there are dogs.

**Opponent Testimony:** Eric Van Zandt, 65205 E. Solar PR NE, Benton City WA 99320 stated that this site was very visible from their property. He pointed out his property on the aerial map. He stated that when and if they sold their property that this project may make it difficult to sell. He stated that some of his concerns were keeping the kennels clean, and keeping the noise of barking dogs down. He stated that he was assuming it was a stick built structure with a concrete floor so that they could wash everything down to keep it clean. He stated that this sounds like a good idea, but can't see how two working people would be able to take care of that many dogs. He stated that his parcel was on the prevailing wind side and the smell and noise would blow towards his property.

Nick Koontz, 1546, N. Dallas Rd., Benton City, WA, stated that he was concerned with heavy traffic on the road as there are horses, motorcycles, foot traffic on the canal road. He noted that there was frequent gunfire in the area and that twenty trains day and night come through and that would cause the dogs to bark. He also noted that he was worried about the resale of his residence. He asked if there could be future expansion for kennel area and could they apply for more dogs if this is successful? Brent Chigbrow stated that if they were approved it would be for a certain amount of dog and that they would have to go through this process again in order to expand their business.

**Applicant Rebuttal:** Ed McClellan, 2917 W. 19<sup>th</sup> Avenue #110, Kennewick, in his rebuttal noted that there were no covenants on this parcel as far as he know. He stated that the building was heated and air conditioned and that it was a 2½ car garage, with an office space. He noted that there would be sealing the concrete to help with the smell if the dogs do go on the cement. He noted that the expansion area on the site plan is for the future if they were successful. He stated that they would have music inside the kennel to calm the dogs and there would be an intercom system so that they would be able to hear the noise inside the building from within the residence.

Bob Page asked about his site plan and noted that they did not show individual dog runs or the areas to be fenced in. He stated that he would like to see a map with that information on it and also showing a map showing how the kennels would be laid out within the building. He then read condition # 13 and stated that was why he wanted a updated site plan showing that information. The applicant noted that there would be separations between the kennels and that the kennels would be placed along the walls.

The public portion of the hearing was closed and discussion among the Board members was held.

Bob Page stated that he wanted to see a layout of the proposed kennel locations within the building. Brent Chigbrow stated that they would have to be good sized to house larger dogs. Bob Page noted that the kennels would need to be as big as the biggest animal they would house. He asked if all the kennels would be that size. The Planner stated that was correct. Bob Page also noted that there was nothing specific on the site plan regarding individual dog runs. Brent Chigbrow noted that there were turn out areas on the site plan, two large turnout areas one in the front and one on the side.

Bob Page stated that this was a commercial type kennel and that they would get animals all month long in the summer when people travel. The Board needs a site plan showing the individual runs and kennels.

The applicant stated that the turnout areas would be divided out into runs.

Bob Page stated that there should be two or three unannounced site visits during the year by County Staff and that the Code Enforcement would handle any complaints.

Brent Chigbrow stated that if they met the conditions of approval he did not see a problem with approving the application and that the only item concerning him was the number of dogs he wanted. Mr. Chigbrow stated the he would like to see a maximum of 15 dogs.

The Findings of Fact were then completed.

**MOTION**

Bob Page moved and Aimee Bergeson seconded a motion that CUP 13-05 be approved with conditions; with condition No. 4 being amended to limit the number of dogs to 15, that the Code Enforcement officer conduct several site visits a year, that the applicant submit a new site plan showing kennel placement inside and outside and also individual dog runs, and that if this purchase does not take place, this approval would become null and void. He also stated that there would be no breeding of dogs or retail sales allowed in conjunction with this Conditional Use Permit and that the chairman, in conjunction with the Secretary of the Board of Adjustment, prepare and adopt written findings and conclusions reflecting the Board's Approval with Conditions as noted above for signature by the Chairperson of the Board of Adjustment.

The motion passed with all members in attendance voting in favor of the motion.

There being no further business before the Board of Adjustment the meeting was adjourned at 8:25 p.m.

  
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BRENT CHIGBROW, CHAIRPERSON DATE