

Commercial Kennels

What is a Kennel?

Kennels are divided into two categories – Private and Commercial.

A private kennel is defined as any premises where:

- Between five (5) and nine (9) dogs over six (6) months of age are kept; and,
- Boarding, training and shows are not allowed; and,
- There are two (2) or fewer litters in any twelve (12) month period.

A commercial kennel means **any** of the following:

- Any premises used to conduct a commercial business involving the buying, selling, breeding for sale, letting for hire, boarding or training of dogs;
- Any premises at which ten (10) or more adult dogs are kept for any purpose, including animal shelters, but excluding animal hospitals or clinics where animals are kept only for treatment by licensed veterinarians;
- Any premises where offspring puppies or adult dogs are sold to commercial outlets or are sold for research or experimental purposes;
- Any premises where offspring from three (3) or more litters in a twelve (12) month period are sold or traded, exchanged or bartered for a valuable consideration or joint ownership purpose; or,

- Any premises used as the location for the training of dogs for obedience, hunting, protection, etc. (if the address is different from the office address), or the premises are used as a combination office/training location, except if the training site is property belonging to a recognized school district, municipal body or not-for-profit organization.

Animal boarding facilities and animal day use facilities are not considered kennels and are separately regulated in Clark County.

Where are commercial kennels allowed?

Commercial kennels are allowed within the following **Rural** Zones:

- Forest (FR-40 & FR-80)
- Agriculture (AG-20)
- Rural Residential (R-5, R-10, R-20)
- Rural Center Residential (RC-1 & RC-2.5)
- Rural Commercial (CR-1 & CR-2)
- Urban Reserve (UR-10, UR-20, UR-40)

Commercial kennels are also allowed within the following **Urban** Zones:

- Commercial (C-3 & GC)
- Industrial (ML & MH)
- Business Park (BP)
- Office Campus (OC)

Commercial kennels are **not** allowed in the Urban Residential zones, the Neighborhood Commercial zone, or the Agriculture/Wildlife zone.

Revised 3/8/12



Community Development
1300 Franklin Street, Vancouver, Washington
Phone: (360) 397-2375 Fax: (360) 397-2011
www.clark.wa.gov/development



For an alternate format, contact the Clark County ADA Compliance Office.
Phone: (360)397-2322
Relay: 711 or (800) 833-6384
E-mail: ADA@clark.wa.gov

Is a permit or license required for a kennel?

Operators of commercial kennels in the rural area are required to obtain approval of a Type II kennel review application.

In the Urban Area, commercial kennels are subject to specific review processes depending on their proposed location, as follows:

- In the Community Commercial (C-3) zone, a commercial kennel in an enclosed building requires approval of a Conditional Use Permit. No outdoor facilities are allowed.
- In the General Commercial (GC) zone, a commercial kennel including an outdoor activity area requires approval of a Conditional Use Permit. A commercial kennel with no outdoor facilities may be approved through a Type II Site Plan Review.
- In the Light Industrial (ML), Heavy Industrial (MH), Business Park (BP), and Office Campus (OC) zones, a commercial kennel with or without outdoor facilities may be approved through a Type II Site Plan Review.

NOTE: A different and separate license issued by Clark County Animal Protection and Control is also required for all commercial kennels in Clark County. Call (360) 397-2375 ext. 2489 for information.

What standards apply to the approval and operation of a kennel?

Commercial kennels, where allowed in the rural zones, are subject to the following:

- a. In the rural area, structures housing dogs shall be setback a minimum of fifty (50) feet from all property lines.

- (1) If the structure is sufficiently enclosed at all times to mitigate noise impacts to abutting

properties, no landscaping buffer is required outside the structure.

- (2) If the structure is not sufficiently enclosed at all times to mitigate noise impacts to abutting properties, an L3 landscaped buffer (see detail standard on page 7) is required between the structure and abutting properties; provided that if the structure is over one hundred twenty-five (125) feet to any property line, no landscaped buffer is required.

- b. Outdoor runs and outdoor exercise areas shall be screened from abutting properties as follows:

- (1) Runs and exercise areas less than fifty (50) feet to any property line shall provide a ten (10) foot wide L4 landscaped buffer (see detail standard on page 7) between the run or exercise area and the property line.
- (2) Runs and exercise areas between fifty (50) feet and one hundred twenty-five (125) feet to any property line shall provide an L3 landscaped buffer between the run or exercise area and the property line.
- (3) Landscaping may be placed immediately outside the run or exercise area, or may be placed along the perimeter of the site, provided all portions of the run or exercise area are screened from view of abutting properties.

- c. The responsible official may reduce or waive the need for the setbacks and/or screening requirements above when circumstances such as topography, existing dense vegetation that is likely to remain, or distance from neighbors

clearly make such mitigation unnecessary.

- d. Dogs shall be kept in an enclosed soundproof structure between the hours of 10:00 p.m and 7:00 a.m.
- e. Noise levels are subject to the maximum allowable environmental noise levels in Chapter 173-60 WAC.
- f. Kennels shall not cause external effects such as increased lighting or glare on nearby properties, or odors that are readily detectable at any point beyond the property line of the facility.
- g. All kennels shall comply with the requirements in Titles 8 (Animals), 14 (Building), 15 (Fire), and 24 (Public Health).
- h. Commercial kennels shall be reviewed using a Type II process as specified in Clark County Code (CCC) Section 40.510.020, demonstrating that the proposal complies with all applicable development and performance criteria.
- i. Minimum lot size is five acres. Parcels that are less than five acres may be combined if abutting and under the same ownership to meet the five acre minimum requirement. Commercial kennels that have been in operation since April 15, 2011 may be approved on less than five acres provided that a fully complete application is submitted by August 15, 2013. If setback requirements cannot be met, the responsible official may impose additional conditions to mitigate impacts.
- j. In addition to describing the scope of the kennel operation, the narrative shall specifically address how the proposal will meet noise standards, the provision of adequate parking, and

shall include a plan for dog waste disposal and runoff.

- k. Parking shall meet the requirements in CCC 40.340.010, except that parking areas need not be paved as required in CCC 40.340.010.A.8.
- l. One (1) sign of 16 square feet or less is allowed. A separate sign permit is not needed if included with the kennel application.
- m. Applications for kennels on a private road shall include evidence that safety and maintenance impacts are adequately mitigated. Impacts to be addressed shall include, but are not limited to: dust, noise, trip generation, road safety, and maintenance. Evidence of mitigation of impacts on the private road may be through a neighbors agreement provided at the time of application. For purposes of the agreement, 'neighbors' shall include all who are entitled to use the private road.
- n. Applications for commercial kennels shall include all items in CCC Table 40.510.050-1 lines 1-9.a. In addition, a scaled site plan showing the name and width of any road frontage, dimensioned property lines, the location of buildings, dog runs, outdoor exercise areas, driveways, parking areas, landscaping, distances to the closest off-site residences, and environmental features including watercourses, wetlands, and geo-hazard areas. Additional information may be required on a site-specific basis to determine whether the application meets or can meet the code requirements.

Commercial kennels in the urban area. The following standards and provisions shall

apply to commercial kennels in the C-3, GC, ML, MH, BP and OC zones:

- a. Setbacks for structures and allowed outdoor runs and exercise areas for commercial kennels requiring a conditional use permit are determined by the conditional use criteria in CCC 40.520.030.G.2. Setbacks for indoor commercial kennel facilities not subject to conditional use requirements are determined by the applicable landscaping buffers in CCC 40.320.010.
- b. Outdoor dog runs and exercise areas are prohibited within one hundred twenty-five (125) feet of residential zoning districts.
- c. At a minimum, noise levels are subject to the maximum allowable environmental noise levels in Chapter 173-60 WAC. Kennels requiring a conditional use permit may be subject to lower noise levels.
- d. Kennels shall not cause external effects such as increased lighting or glare on nearby properties, or odors that are readily detectable at any point beyond the property line of the facility.
- e. Site plan review subject to CCC 40.520.040 is required.
- f. In addition to describing the scope of the kennel operation, the narrative shall specifically address how the proposal will meet noise standards, the provision of adequate parking, and shall include a plan for dog waste disposal and runoff.

Is a pre-application conference required?

A pre-application conference is **not** required for a proposed commercial kennel to be located in the **rural** area.

A pre-application conference **is** required before submitting an application for a commercial kennel in any of the **urban** zones where they are allowed. The requirement for a conference may be waived if the responsible official determines that the proposal is relatively simple. A waiver requires the applicant to submit a completed Pre-Application Review Waiver Request Form and fee.

What is the application process?

The applicant must submit a completed and signed application form (see the last two pages of this handout) along with the application fees listed below, and all of the items listed below under *Submittal Requirements*.

The application packet must be submitted in person at the Clark County Permit Center, 1300 Franklin Street, Vancouver. The Permit Center is open Monday through Friday, 8 a.m. to noon, and Wednesday afternoon until 4 p.m.

What if I didn't submit all of the required information?

The county conducts two application checks to ensure that applications are complete before staff begins their development review process. Prior to accepting your application, the Permit Center staff will conduct a **Counter Complete** review of your submittal package. This initial review ensures that all main listed within the submittal requirement lists have been submitted before accepting your application (see attached submittal requirements).

Once your application is accepted, the original submittal package is routed to our review staff. Staff conducts a second completeness check, known as the **Fully Complete** review. This more detailed review ensures that all required items have been submitted. As an example, does the Site Plan include the location and

dimensions of all structures, outside storage areas, and activity areas?

If required items are missing from your original submittal, you will receive a letter of **Not Fully Complete** with a list of the missing items. If you have not submitted the requested information within 30 days of this written request, staff will return your application and refund the application fee, less the processing costs incurred to date.

If **all** of the submittal requirements have been met, the applicant will be directed to submit five additional copies that contain the revisions and additional information that may have been required to be Fully Complete. Once all Fully Complete copies have been received, you will receive a **Fully Complete** determination letter and be vested on the date you submitted the Fully Complete application.

What kind of public notice is provided?

A public notice describing the proposal will be mailed to owners of property located within a 500' radius of the project (for rural commercial kennels), or a 300' radius of the project (in urban areas), the area neighborhood association representative, and to the applicant. This notice is mailed within 14 calendar days from the Fully Complete date.

The notice will invite written comments to be submitted within 15 calendar days of the date of the notice. Copies of any written comments received in a timely manner will be sent to the applicant. The applicant may submit a written response to the comments received within 14 days from the date the comments are mailed to the applicant.

Who makes the decision and when will it be made?

For a Type II review, a decision by the county will be mailed to the applicant within 78 days of a Fully Complete determination.

When is a Conditional Use Permit required?

A Conditional Use Permit is required **only** for a commercial kennel located within the Neighborhood Commercial (C-3) zone, **or** for a commercial kennel in General Commercial (GC) zone that has outdoor facilities.

What is the conditional use review process?

If a kennel requires a Conditional Use Permit (CUP), it is subject to a Type II-A review process, which requires the applicant to hold a neighborhood meeting prior to submitting the CUP application. The Type II-A is an administrative review including a public notice; however, a Type III (public hearing) process may be required if requested by any party within 21 days from the date the public comment period began, or as determined by the Community Development director. The applicant may also elect to apply directly for a Type III conditional use review, in which case the neighborhood meeting is not required.

The Type III process requires a public hearing before the county Hearings Examiner. In making the decision, the review authority must determine whether the conditional use proposal meets the requirements of the applicable sections of the Clark County Code. This decision is made after reviewing the proposal and considering testimony from the public. The review authority will approve, approve with conditions, or deny the application.

In the Type II-A process, staff will issue the decision in a report containing findings of fact and conditions of approval. This decision may be appealed to the Hearings Examiner by the applicant or any party of record. The Hearings Examiner will hear an appeal in a public hearing.

In the Type III process, the Hearings Examiner will issue the decision in a written Final Order after considering staff's recommendation, the applicant's testimony, and testimony from the public. The Hearings Examiner's decision may be appealed to Superior Court of Clark County.

See our *Appeals* handout for more information.

This handout is not a substitute for county code. For more detailed information, please refer to Clark County Code Section 40.260.110 Kennels.

L3 Screening Standards

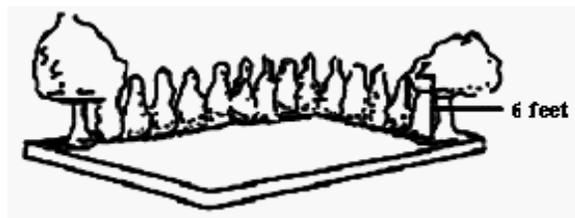
Intent. The L3 standard provides physical and visual separation between uses or development principally using screening. It is used where such separation is warranted by a proposed development, notwithstanding loss of direct views.

Required Materials. The L3 standard requires enough high shrubs to form a screen six feet high and 95 percent opaque year around. In addition, one tree is required per 30 lineal feet of landscaped area or as appropriate to provide a tree canopy over the landscaped area.

Groundcover plants must fully cover the remainder of the landscaped area. A six foot high wall or fence that complies with an F1 or F2 standard (see Figure 40.320.010-6 and Figure 40.320.010-7 below) with or without a berm may be substituted for shrubs, but the trees and groundcover plants are still required.

When applied along street lot lines, the screen or wall is to be placed along the interior side of the landscaped area (see Figure 40.320.010-3 below).

**Figure 40.320.010-3
L3 - High Screen Landscaping**



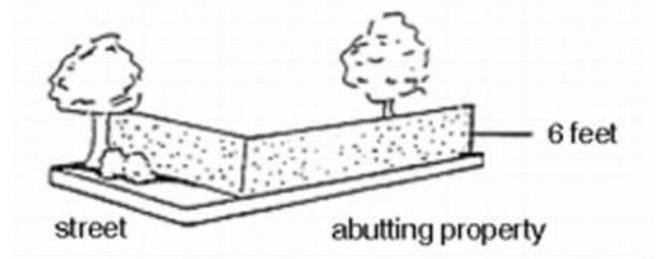
L4 Screening Standards

Intent. The L4 standard is used where extensive screening of visual and noise impacts is needed to protect abutting

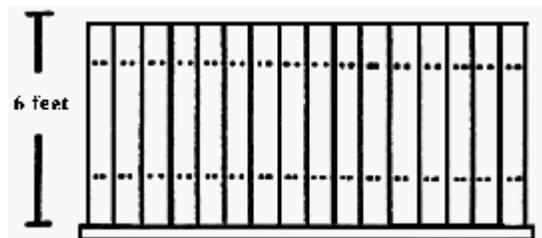
sensitive uses and/or there is little space for separation between uses.

Required Materials. The L4 standard requires a six (6) foot high wall that complies with the F2 standard (Figure 40.320.010-7). When abutting another property, the wall shall abut the property line. When abutting a street or road right-of-way, the wall shall be on the interior side of the landscaped area. One (1) tree is required per thirty (30) lineal feet of wall or as appropriate to provide a tree canopy over the landscaped area. In addition, four (4) high shrubs are required per thirty (30) lineal feet of wall. Groundcover plants must fully cover the remainder of the landscaped area (see Figure 40.320.010-4 below).

**Figure 40.320.010-4
L4 - High Wall Landscaping**



**Figure 40.320.010-7
F2 - Totally Sight Obscuring Fence**



Submittal Requirements

The following checklist identifies information to be included with the application.

All items with an underlined space (i.e., ____) must be submitted before the application will be considered **Counter Complete**.

All items with a check box must be submitted before the application will be determined **Fully Complete**. All bulleted items must be submitted, as applicable, but are not a Fully Complete requirement.

At the time of application, only one copy of the main submittal with original signatures, shall be submitted and bound by a jumbo clip or rubber band. One copy of any special studies, such as wetland, floodplain, etc., shall also be submitted but bound separately.

1. ___ **Cover sheet and table of contents**

Each submittal packet shall contain a cover sheet that contains the project name and applicant's name, address, email address, and phone number. A table of contents, tabs and/or dividers to provide assistance in locating the various requirements shall follow the cover sheet.

2. ___ **Application form**

The application form shall be completed and original signed in ink by the applicant.

3. ___ **Application fee**

The required fee shall accompany the application. The check is to be made payable to Clark County Community Development.

4. ___ **Pre-Application Conference Report** (if applicable)

A copy of the Pre-Application Conference Report must be submitted for a commercial kennel in the urban area.

5. ___ **Developer's GIS packet**

A copy of the Developer's GIS Packet shall be submitted with the application. Applicants have the option of requesting their GIS Developer's Packet in PDF format on a CD or posted to one of our FTP sites. To order Developer's Packets, please contact GIS at (360) 397-2391 ext. 4082 or themapstore@clark.wa.gov.

6. ___ **Site plan**

A site plan, drawn to scale, must be submitted that identifies the following:

- Location (i.e., distances from property line to structures) and dimensions of all structures, and outside activity areas
- The name and width of any road frontage, dimensioned property lines, the location of buildings, dog runs, outdoor exercise areas, driveways, parking areas, landscaping, distances to the closest off-site residences, environmental features including watercourses, wetlands, and geo-hazard areas
- Location of existing vegetation to remain, to include species, width and height
- Location of existing berms, fences and/or walls to remain
- Location, species, width and height of proposed vegetation
- Location, width and height of proposed berms, walls and fences

7. ___ Written narrative

A written narrative must be submitted to include the following:

- A description of the kennel business, including activity levels, size of outdoor facilities, how the proposal will meet noise standards, the provision of adequate parking, include a plan for dog waste disposal and runoff, number of employees (if any), number of daily customers and deliveries, etc.
- How the proposed kennel meets each of the applicable criteria in Clark County Code Section 40.260.110.
- How the issues identified in the Pre-application Conference Report are addressed.

8. ___ History evidence (if applicable)

Applicants for existing commercial kennels that have been established on a site of less than five acres must submit documentation proving that the kennel was established on the site prior to April 15, 2011.

- Acceptable documentation may consist of, but is not limited to, one or more items such as:
 - Dated business receipts showing types of service or goods provided
 - Statements or records from utilities, such as power, water or gas, which indicate the date and type of use
 - Income tax records
 - Dated listings in telephone, business or Polk directories
 - Records of the County Assessor
 - Building, land use or development permits
 - Dated photographs, newspaper clippings, and other relevant documentation
 - Notarized affidavits from neighbors or persons who have observed the use over the required period of time may assist in substantiating its presence but shall not be the primary document upon which a determination is based

9. ___ Submittal copies

- One copy of the main submittal, bound by a jumbo clip or rubber band, one with original signatures
- One copy of any special studies (e.g., wetland, floodplain, etc) bound separately

After the application is fully complete, the new copies must contain revisions and any additional information required in the fully complete review. The copies must be bound using jumbo clips, stapled or spiral bound. The applicant must select Option A or B below and proceed as follows:

Option A

Submit a CD in PDF format, with a copy of the fully complete application. Any special studies shall also be included on the CD. The CD application shall be organized as follows:

- The application submittal shall be organized in the same order as the fully complete application table of contents, with a separate PDF document for each separate item.
- The PDF document must be organized into separate files. Each PDF file must be labeled with a number followed by a name, for example:
 1. Cover Sheet and Table of Contents
 2. Application form
 3. Application fee
 4. etc.

If submitting by CD, you will also need to include three full-size sets of paper plans.

Option B

Submit five additional individually bound paper copies of the fully complete application, except any special studies as identified within the Pre-Application Conference Report.

We are also requesting that an electronic copy of the land division/site plan be submitted by email to: angie.merrill@clark.wa.gov

The applicant will also be required to submit additional individually bound copies of any special studies as identified below.

Copies of any special studies as identified within the Pre-Application Report as following:

- One original and three copies - Traffic Study and Road Modification requests
- One original and two copies of all other special studies or permits to include: Critical Aquifer Recharge Areas (CARA), floodplain, geo-hazard, habitat, shoreline, stormwater, erosion control plan, and wetland
- Two reduced copies on 11” x 17” for all sheets larger than 11” x 17”

Fee schedule

The following fees are required to be paid when the application is submitted.

If your kennel requires a Conditional Use Permit, refer to the *Conditional Use Permit* handout for the applicable fees.

Type II Review

Planning	\$2,696
Issuance	\$53
 Plus, if private road access	 \$532
 Engineering deposit	 \$200
Issuance	\$53
Engineering will bill at an hourly rate which must be fully paid before application is approved or finalized.	
 SEPA review, if applicable	 \$1,528
Issuance	\$53
 Fire Marshal review, if applicable	 \$434

Development Application

Project name:		
Type(s) of application (see reverse side):		
Description of proposal:		
Applicant name:		Address:
E-mail address:	Phone and fax:	
Property owner name (list multiple owners on a separate sheet):		Address:
E-mail address:	Phone and fax:	
Contact person name (list if not same as applicant):		Address:
E-mail address:	Phone and fax:	
Project site information:		Comp plan designation:
Site address:		
Cross street:	Zoning:	Parcel numbers:
Overlay zones:	Legal:	Acreage of original parcels:
Township:	Range:	1/4 of section:

Authorization

The undersigned hereby certifies that this application has been made with the consent of the lawful property owner(s) and that all information submitted with this application is complete and correct. False statements, errors, and/or omissions may be sufficient cause for denial of the request. This application gives consent to the county to enter the properties listed above.

Applicant's signature

Date

Property owner or authorized
representative's signature

Date

For staff use only	Case number:		Work order number:	
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Revised 6/14/12



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Application types

If you have any questions regarding the type of application being requested, our Permit Technicians will be happy to assist you.

- Annual Review
- Appeal
- Boundary Line Adjustment and Lot Reconfiguration
- Conditional Use

Environmental/Critical Areas

- Critical Aquifer Recharge Area (CARA)
- Columbia River Gorge
- Forestry + (Moratorium Waiver, Moratorium Removal, Class I, Class IVG or COHP)
- Floodplain
- Geological
- Habitat
- Habitat Monitoring
- Historic
- SEPA
- Shoreline
- Wetland
- Wetland Monitoring

Land Division

- Binding Site Plan
- Final Plat
- Plat Alteration
- Short Plat (___ Infill)
- Subdivision (___ Infill)

Miscellaneous

- Addressing
- Accessory Dwelling
- Covenant Release
- Home Business
- Legal Lot Determination and Innocent Purchasers Determination
- Non-Conforming Use Determination
- Sewer Waiver
- Shooting Range
- Sign

Planning Director Review

- Post Decision
- Pre-Application Conference
- Pre-Application Waiver
- Public Interest Exception
- Similar Use
- Temporary Use
- Planned Unit Develop/Master Plan
- Road Modification
- Site Plan
- Variance
- Zone Change