

April 3, 2006

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**

400 Yesler Way, Room 404
Seattle, Washington 98104
Telephone (206) 296-4660
Facsimile (206) 296-1654

REPORT AND DECISION

SUBJECT: Department of Development and Environmental Services File No. **L04CU031**

ALL PETS GO TO HEAVEN, LLC
Conditional Use Appeal

Location: 35022 Southeast Fall City Snoqualmie Road

Appellant: All Pets Go To Heaven, LLC
represented by **Scott M. Missall**, Attorney at Law
Short Cressman & Burgess PLLC
999 Third Avenue, Suite 3000
Seattle, Washington 98104-4088
Telephone: (206) 682-3333
Facsimile: (206) 340-8856

King County: Department of Development and Environmental Services,
represented by **Matthew Caskey and Barbara Heavey**
900 Oakesdale Avenue Southwest
Renton, Washington 98055
Telephone: (206) 296-7198, (206) 296-7222
Facsimile: (206) 296-7051

SUMMARY OF DECISION/RECOMMENDATION:

Department's Preliminary Recommendation:	Deny appeal
Department's Final Recommendation:	Deny appeal
Examiner's Decision:	Granted in part, denied in part

EXAMINER PROCEEDINGS:

Hearing Opened:	March 14, 2006
Hearing Closed:	March 14, 2006

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

FINDINGS, CONCLUSIONS & DECISION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS OF FACT:

1. On December 29, 2004, All Pets Go To Heaven, LLC filed a conditional use permit application with King County Department of Development and Environmental Services concerning property located at 35022 Southeast Fall City Snoqualmie Road. The property is a 4.36 acre parcel located in the RA 10 zone approximately one mile east of Fall City. The property contains a historic farm house, an indoor swimming pool and various outbuildings. It looks across Southeast Fall City Snoqualmie Road (SR 202) south to the Snoqualmie River and a golf course. It is bordered by larger rural properties both to the east and west. The closest residence is approximately 100 feet north of the site and is visually separated from the All Pets property by a row of trees. A creek along the property's western boundary is also contained in a wooded area. The property is visible from SR 202 but not from any adjoining residences.
2. The Applicant's proposal is for an eclectic assemblage of business uses generally related to pet services and dogs specifically. The scope of proposed uses has evolved since the December 2004 application and appears to be still in flux. The current focus is a pet cemetery and a pet therapy pool supported by on-site sales of related products, internet and telephone sales of general pet supplies, and finally an espresso stand and a vaguely defined commercial catering operation.
3. DDES on November 10, 2005 issued a conditional use permit for All Pets Go To Heaven. The proposed pet cemetery and the existing pet therapy pool were treated as constituting the primary conditional use permit proposals, with the espresso operation regarded as a home industry and telephone and internet sales of pet supplies as a home occupation. The Applicant filed a timely appeal of the DDES permit decision seeking revision or deletion of certain of the permit conditions.
4. KCC 21A.02.090B provides for *de novo* hearing examiner review of the DDES conditional use permit decision. In general, this review will focus upon the issues raised within the appeal statement, but jurisdiction also exists to deal with the overall permit to the extent that the hearing record demonstrates incorrect determinations were made or subsidiary issues need to be resolved relating to the contested appeal issues.
5. Some of the initial appeal issues have been resolved. DDES has agreed that proposed on-site sales of flowers qualify as an agricultural products retail activity under KCC 21A.08.070 and that the 100 foot setback from adjacent residential properties required for cemetery structures does not apply to the property frontage along SR 202. The road right-of-way is deemed unclassified for zoning purposes. This leaves for resolution questions concerning whether the proposed "wall of honor" must meet a 100 foot setback from the western property line and a bevy of issues involving the location and extent of the coffee shop business. These latter issues also require consideration of the status of the proposed commercial kitchen. Although one of the anticipated purposes for the commercial kitchen is to cater special parties and events, the Appellant and DDES agree that these events themselves will be reviewed separately under the temporary use standards contained in KCC Chapter 21A.32.
6. DDES has concluded that the proposed "wall of honor" is a cemetery structure required to be set back 100 feet from adjacent residential property lines. Exhibit no. 11 is an excerpt from the Appellant's revised project description submitted May 3, 2005. Under the heading "Wall of Honor" the following description has been provided:

“The wall of honor will be a stone structure that will serve as a monument to our pets of service. The wall will contain plaques with pet’s name, etched picture (optional), date of birth and death and a 2 line inscription. Cremains can be interred either in the urn ossuary or individually underneath a paved stone. The paved stone will also contain pet information.

“The basic plaque and cremains in the ossuary will be offered no charge as a community service. Additional services such as etched pictures and/or the individual cremain burial will be offered for an additional charge.

“The path along the wall will have a bench or two for rest and reflecting on this part of life which most take for granted. There will be flower plantings around the structure which will be of simple slump faced blocks to soften the façade.

“Schools will be invited for educational trips. Viewing the wall with the credits for canines on it and the historic homestead along with its own tiny graveyard of the people who settled in this area will be a valuable and interesting educational experience.

Group Tours will be done on an appointment basis . . .”

In addition, a September 1, 2005 letter from the Appellant’s attorney, Scott Missall, to DDES providing “the final description of the project and scope of All Pets application” specified the following:

“ • Pet cemetery (includes wall of honor, pawsoleum, remembrance wall, rainbow bridge, burial grounds, reading therapy services, and sales of pet caskets and urns).”

7. In view of the foregoing it was at least moderately surprising to find Mr. Missall arguing in his February 14, 2006 summary judgment motion that the “Wall has no relation to the pet cemetery use” and the “Wall of Honor will not store the dead or any remains”. These assertions are in direct contradiction to both exhibit no. 11, Appellant’s revised project submittal, and Mr. Missall’s own “final description of the project.”
8. The espresso business proposed for the site has also proven to be a slippery and malleable concept. Although a permanent shed is ultimately proposed, the espresso business currently operates out of a small travel trailer parked in the driveway in the northwest quadrant of the property. The Appellant would like to move it to a recently constructed pad located further south set back about 80 feet from SR 202. The DDES conditions do not permit this location because it encourages drive-up sales from off-site customers. The DDES conditions also prohibit the provision of seating at the espresso stand, and staff is reluctant to accommodate the Appellant’s desire to have coffee sales operations in multiple locations.
9. It is also unclear how the espresso use is to be characterized for regulatory purposes and exactly what relationship is expected to exist between the espresso sales operation and the proposed commercial kitchen. Prior review has assumed that the espresso business qualifies for siting on the property as a home industry, but more recent discussion has suggested that it might instead qualify as an accessory use associated with the pet business. Deciding whether the espresso operation is an accessory use or a home industry would seem to be critical to the determination of how much independent existence it is entitled to have and what location, facilities and square footage requirements apply to it.

10. Although the Appellant has made a game effort to characterize the espresso operation as strictly incidental to the on-site pet related businesses, it is beyond dispute that her intent is to attract off-site customers unrelated to the pet operations. The pad location out near the highway and away from the pet spa makes no real sense except in terms of its accessibility to passing traffic, and the level of coffee sales expected to be generated by the pet business clientele alone would not be enough to make the coffee enterprise profitable. It is also clear, as argued by staff, that the publicity and advertising promoting the espresso stand represent it as a stand-alone business. Finally, it is of some practical concern that the DDES permit conditions limiting espresso operations to on-site pet business customers, whatever their regulatory merit, are most likely unenforceable unless DDES is willing to constantly monitor the site. While Code Enforcement Officer Brenda Wood, who has been recently engaged in regulating activities on the property, might be willing to accept an assignment surveiling the All Pets espresso stand on a round-the-clock basis, it seems doubtful that her supervisor would regard this detail as an optimal deployment of her time.
11. If the espresso operation is to qualify as a home industry it needs to meet the requirements of KCC 21A.30.090. In addition, KCC 21A.08.030A indicates that home industries are conditionally permitted accessory uses, which pursuant to KCC 21A.08.020D mandates that conditional use permit criteria also apply. Among the home industry standards are a provision that “the home industry shall not exceed 50% of the floor area of the dwelling unit” and a requirement that “sales shall be limited to items produced on site”. The Department has concluded that coffee sales involve on-site production and we will gladly defer to its expertise on this question. The November 10, 2005 conditional use permit decision estimated that 50% of the dwelling unit floor area was approximately 1,375 square feet, but we take note that the County Assessor’s records document a smaller figure.
12. Both the home industry standards stated at KCC 21A.30.090H and the conditional use criteria enumerated at KCC 21A.44.040 reference the need to determine that a proposed use satisfies various neighborhood compatibility criteria. DDES in its November 10, 2005 decision relied upon a rather broad reading of these compatibility requirements in imposing conditions on the espresso stand that limit its location and force it to be restricted to pet business customers. At the top of page 9 of the November decision DDES staff stated its belief that “the applicant’s original request for a drive-up espresso stand (with an estimated 400 vehicle trips per day) would be an intensive commercial use that is not compatible with the rural character of neighboring parcels and the southeastern Fall City community.” The same opinion was reiterated within conclusion no. 1 at the bottom of the page. In making its assessment the Department emphasized that along the stretch of SR 202 running from Fall City up to Snoqualmie Falls no other roadside businesses are encountered.
13. Southeast Fall City Snoqualmie Road (SR 202) is a state highway, and as such the Washington Department of Transportation exercises primary jurisdiction over approving driveway access to the roadway. Both DDES and the Appellant have testified that WSDOT approved an access permit for the All Pets driveway and did not attach any special conditions or requirements thereto. The county Department of Transportation has also issued a traffic concurrency certificate to All Pets but this certificate only covers the pet cemetery use. Based on the assumption that no drive-up espresso sales to passerby customers unrelated to the pet business would occur, no traffic impact analysis for the proposal was required.

The Appellant’s property is located on the outside of a gentle curve along SR 202 with no obvious sight distance problems. Assuming westbound morning commuter traffic would be the primary source of drive-by sales, right turns in and out of the property would not require crossing

opposing traffic. Conversely, morning traffic traveling east would need to make left turns in and out of the site across the opposing lane flow.

CONCLUSIONS:

1. DDES was correct in determining the Appellant's proposed "wall of honor" was a pet cemetery structure subject to the 100 foot setback requirement from adjacent residential property lines. The Appellant's project description in exhibit no. 11 and her attorney's later letter together unambiguously described the "wall of honor" as part of the pet cemetery and a location where cremated pet remains might be deposited. Although these representations alone are sufficient to dispose of the issue, it is also clear that no other applicable use categories more adequately describe the "wall of honor". It is not a fence within the zoning code definition because its purpose is neither to enclose space nor to separate lots; it is rather a memorial structure which is intended to be an attraction for cemetery business customers and to tour groups as well.

Moreover, if the "wall of honor" is not a cemetery structure then it is most likely prohibited under the zoning code. The general format established by KCC Chapter 21A.08 is that unless a use is specifically permitted or can be analogized to a listed permitted use, such use is prohibited. According to our investigation no plausible reference is made in the zoning code use tables to memorial structures except in the context of a cemetery, columbarium or mausoleum. The conclusion is therefore inescapable that the "wall of honor" is a cemetery structure that must meet the 100 foot setback from adjoining residential lot lines. But we also note that since DDES now agrees that cemetery structures need only maintain a 30 foot setback from SR 202, this revised interpretation has the effect of freeing up considerable space in the southeast quadrant of the property where the "wall of honor" easily could be situated.

2. The parties' discussion of legal issues contains speculation as to whether the espresso stand or the proposed commercial kitchen, or both, might properly be regarded as uses accessory either to the pet cemetery or the dog treatment spa. This speculation appears to be based on older zoning code concepts which created an essentially open-ended category of accessory uses. The Title 21A zoning code, however, employs a restricted concept of accessory uses that rejects the open-ended approach. KCC 21A.06.015, 020 and .025 define three types of accessory uses which are "subordinate and incidental to" certain types of primary uses. These three types comprise specified residential, resource and commercial/industrial accessory uses.
3. Looking at the use tables contained in KCC Chapter 21A.08 we find that some use categories authorize accessory uses to occur while others do not, and in those cases where accessory uses are allowed the acceptable type is designated. Thus for the residential land uses stated at KCC 21A.08.030A permitted accessory uses are denoted as those residential accessory uses elaborated at KCC 21A.06.020, home occupations and home industries. Turning next to the table at KCC 21A.08.060A listing government/business land use services, the accessory uses authorized therein are commercial/industrial accessory uses generally and helistops specifically. Finally, in the tables provided at KCC 21A.08.090A for resource land uses the accessory uses permitted therein are resource accessory uses only. In short, for the eight categories of land uses described within KCC Chapter 21A.08, only three categories list accessory uses as being permitted, the permissible types of accessory uses are explicitly circumscribed and the remaining five categories do not allow accessory uses at all.
4. The critical point is that neither KCC 21A.08.050A, the general services land use table which includes cemeteries and various pet facilities, nor KCC 21A.08.070A, retail land uses, which includes agricultural product sales and eating and drinking places, make provision for accessory

uses. Since all of the proposed primary activities on the All Pets site are either general service or retail land uses, the fact that neither category authorizes accessory uses of any kind means that the parties' speculation about qualifying either the espresso stand or the kitchen as accessory uses lacks the requisite underlying regulatory basis.

5. As a result, if the espresso stand is to qualify as permitted in the RA zone, it must meet the requirements stated at KCC 21A.30.090 for a home industry and as well the conditional use criteria stated at KCC 21A.44.040. Since the home industry standards deal primarily with area, location and neighborhood compatibility requirements, a preliminary question is how, if at all, a home industry proposal relates to the use tables stated within KCC Chapter 21A.08. In other words, do the various use restrictions stated in Chapter 21A.08 apply to home industries, or are home industries exempt altogether from these requirements so long as size, location and compatibility standards are met?
6. Although the zoning code does not provide explicit guidance on this question, our conclusion is that, being subject to conditional use standards, an approved home industry cannot include a use that is prohibited outright by KCC Chapter 21A.08 for the zoning district. But if the use is permitted at all within the zone, then it may be approved as a home industry subject to home industry review standards in lieu of the specific restrictions stated within KCC Chapter 21A.08. As it applies to the All Pets context, a crematorium, for example, is prohibited in the RA zone under all scenarios and therefore cannot gain approval through the back door as a home industry. But since espresso stands and commercial kitchens are allowed conditionally by KCC 21A.08.070A as eating and drinking places, if such activities can qualify as a home industry they do not additionally need to comply with other KCC Chapter 21A.08 restrictions. If KCC Chapter 21.08 requirements were also applied, then a small home industry would be forced to undergo a more restrictive review than would the same activity on a larger scale proposed simply as a conditional use.
7. In the instant case, then, neither the espresso business nor the commercial kitchen can be approved as stand-alone conditional uses or as code-designated accessory uses. Therefore these two related activities can only be justified as a single home industry proposal that meets collectively the standards stated at KCC 21A.030.090 and KCC 21A.44.040. Such a home industry proposal can be approved as an eating and drinking place even though it may not comply with KCC Chapter 21A.08 limitations requiring such facilities to be subordinate to a winery or a brewery and the espresso stand to exclude drive-through sales. But qualifying as a single home industry also means that the espresso stand and the proposed commercial kitchen must be regarded as a unified entity the totality of which must not exceed the limits stated at KCC 21A.30.090.
8. To approach the matter differently, the questions of whether the espresso stand should be located away from SR 202, whether drive-up sales must be discouraged, whether seating restrictions need to be imposed and whether multiple coffee sales locations are unacceptable are required to be evaluated solely in terms of compliance with the home industry and conditional use permit review standards. As noted previously, staff has addressed these issues primarily from the standpoint of a compatibility analysis, and the critical question becomes whether staff's compatibility analysis is consistent with the standards actually articulated at KCC 21A.30.090H and KCC 21A.44.040.
9. The compatibility standards stated at KCC 21A.30.090H mandate limiting the type and size of equipment to items that will be compatible with the surrounding neighborhood, providing setbacks or screening as necessary to protect adjacent residential properties, specifying hours of

operation, and limiting outdoor lighting. In terms of neighborhood compatibility issues the undisputed evidence is that All Pets' preferred espresso stand location near SR 202 will not be visible from any neighborhood residences. The fact that it will be visible from the south does not raise any compatibility concerns because south of SR 202 there is only the river and golf course fairways. In like manner, the existence of drive-up sales activity or outside seating would have no adverse effect on adjacent residential properties.

10. The compatibility standards for a conditional use permit stated at KCC 21A.44.040 include primarily design and location requirements intended to protect the permitted development or use of neighboring properties and to avoid neighborhood traffic or circulation problems. Here, too, in terms of visibility the same analysis applies. The espresso stand, although visible from SR 202, will not impact neighboring residential properties. And nothing in the record suggests that there will be a traffic circulation problem caused by drive-up espresso sales. The State Department of Transportation has issued an access permit to SR 202 for All Pets at this location. On the other hand, the traffic analysis done by the county for All Pets assumed minimal drive-up traffic to the espresso stand, and staff should be availed an opportunity to reconsider the proposal's traffic impacts based on a more realistic assumptions. Since for the most part morning peak hour sales to drive-up customers will intercept traffic that is on the road anyway, the key review issues are likely to be more related to turning movements than to an appreciable increase in overall traffic volumes.
11. The DDES compatibility analysis appears to have gone astray in undertaking to review the use itself in terms of an abstract standard of rural compatibility derived from Comprehensive Plan policies. Comprehensive plan policies in the State of Washington are not deemed regulatory requirements, and they can be relied upon within the permit review process only to clarify otherwise vague code terms. In the present instance the code is clear. If the use itself is permitted by KCC Chapter 21A.08, for regulatory purposes it is considered to be compatible with the neighborhood. It is only its implementation and presentation in a specific context that is subject to compatibility review.
12. One suspects that staff's analytical error originates with an overly broad reading of KCC 21A.44.040A, which requires an applicant to demonstrate that the "conditional use is designed in a manner which is compatible with the character and appearance of an existing or proposed development in the vicinity of the subject property." The key word that seems to have been neglected is "development". The proposed conditional use is not required to be in harmony with some abstract concept of pristine rural character but only in harmony with the development that actually occurs in its immediate vicinity. Since there is no residential development to be impacted within the immediate vicinity of the All Pets property, this application is not afflicted with major compatibility issues. We would also note parenthetically that even if compliance with some abstract concept of rural character were to be required, small roadside businesses have always been common in the Rural Area and cannot be accurately characterized as out of harmony with rural character as it traditionally has existed.
13. Turning to the remainder of the home industry standards, we have previously noted that for regulatory purposes both the coffee business and the proposed commercial kitchen need to be regarded as a single "eating and drinking place" home industry subject collectively to the home industry regulatory requirements. This means that all of the coffee shop and kitchen activities in their various permutations and locations need to total no more than 50% of the dwelling unit floor area. We previously observed that some conflict exists between the DDES report's reference to dwelling unit floor area and the Assessor's records, and the permit conditions will require that the floor area determination be revisited.

14. It also needs to be observed that the definition of home industry provided at KCC 21A.06.605 characterizes it as “a limited scale. . . activity. . . which occurs in a dwelling unit or residential accessory building, or in a barn or other resource accessory building.” The area and employment restrictions contained at KCC 21A.30.090 by their terms implement the limited scale requirement, but it appears that coffee sales out of a travel trailer does not meet the structural standard stated in the definition. With the permitted location issue now being resolved, a condition will be imposed requiring the travel trailer to be phased out by the end of the year and an appropriate accessory building constructed or utilized. Finally, nothing in the zoning code requires the multiple coffee locations prohibition and seating restrictions proposed by the DDES conditions, and as previously noted they are not necessary to assure neighborhood compatibility.
15. This conditional appeal decision is a *de novo* proceeding pursuant to KCC 21A.02.090B. Accordingly, the findings, conclusions and conditions of approval may be modified to conform to the evidence of record and the appropriate application thereto of legal standards, notwithstanding that such analysis and requirements may extend beyond the specific issues raised by the appeal. As conditioned below, the pet cemetery and pet therapy elements of the Appellant’s proposal will comply with the conditional use permit standards stated at KCC 21A.44.040, and the coffee sales and commercial kitchen operations will meet the requirements for a home industry.

DECISION:

The appeal is GRANTED in part and DENIED in part.

ORDER:

The conditional use permit application is granted subject to the following conditions:

1. Development shall be generally in accordance with the CUP application and the revised site plan received September 28, 2005, except as otherwise provided herein.
2. A building permit (for change of use and cemetery structure additions) shall be issued within four (4) years of the transmittal date of this appeal decision. Otherwise, this conditional use approval shall become null and void.
3. At the time of building permit application the proposal shall be subject to a detailed drainage and structural review for compliance with the King County Storm Water Design Manual, International Building Code, traffic and fire requirements. A traffic impact assessment and an entering sight distance analysis for the access driveway may be required for vehicle traffic generated by the home industry espresso and food sales activities.
4. The following special conditions shall apply to the operation of the home industry espresso coffee and food catering business:
 - A. The total area devoted to the espresso sales and food catering home industry use shall not exceed 50% of the floor area of the dwelling unit, as reviewed and approved by DDES. Outside seating areas adjacent to food or beverage services shall be computed as part of the home industry use.
 - B. The existing Silver Streak espresso sales trailer does not qualify as a home industry structure and shall be phased out no later than December 31, 2006.

- C. Consistent with KCC 21A.20.080A, only one non-illuminated wall sign not exceeding six square feet in area shall be permitted for the home industry use.
 - D. Future buildings or structures to be used for the operation of the espresso and food catering business shall adhere to a minimum setback of 30 feet from all exterior property lines.
 - E. Ten feet of Type I landscaping shall be required along those portions of the business that are visible from SR 202 and neighboring parcels.
 - F. The espresso coffee drinks and food catering business shall at all times fully comply with KCC 21A.30.090, home industry. Sales shall be limited to items produced on-site.
5. The following special conditions shall apply to the existing dog training and pet warm water therapy pool:
- A. On site sales of pet supplies and products shall be limited to those products exclusively for the training and rehabilitation of injured dogs.
 - B. Spa and therapeutic treatment (massages, warm water therapy, acupuncture, general spa activities, etc.) services shall be allowed for pets only.
 - C. Spa activities shall at all times comply with the health regulations of the State of Washington and King County.
 - D. Any on site advertising of the dog training and pet warm water therapy pool business shall fully comply with King County Chapter KCC 21A.20, Development Standards – Signs.
6. The following special conditions shall apply to the proposed pet cemetery:
- A. All pet cemetery structures (including the “wall of honor”) shall be set back a minimum of 100 feet from all exterior boundaries adjoining residential properties. For purposes of this requirement SR 202 is considered an unclassified property.
 - B. On-site cremation of animals is not allowed.
 - C. On-site sales of pet burial products (urns, ossuaries, caskets, etc.) shall be allowed only for the patrons of the pet cemetery operation.
 - D. Scattering remains and the burial of non-cremated animal carcasses shall not be allowed within the Class 2 stream and 50-foot Class 2 sensitive area stream buffer located along the southeastern edge of the subject parcel.
 - E. Any on site advertising for the pet cemetery business shall comply with King County Chapter KCC 21A.20 Development Standards – Signs.
7. The following special conditions shall apply to home occupation sales of pet supplies:
- A. Selling of general pet supplies is allowed as home occupation and shall at all times comply with KCC 21A.30.080 herein.

- B. Sales are limited to mail order, internet, and telephone sales for off-site delivery of products. No drive up sales are permitted.
- 8. The site shall be operated at all times in compliance with the conditions contained herein and only for approved uses. Failure to maintain compliance with said conditions may be cause for King County DDES to institute a code enforcement action and/or revocation of issued permits and authorizations as provided by KCC 21A.50.040.
- 9. Daily hours for all businesses shall be 6:00 a.m. – 10:00 p.m.
- 10. All exterior lighting shall be directed so that lights will not reflect onto neighboring parcels and vehicles traveling along SR 202.

ORDERED this 3rd day of April, 2006.

Stafford L. Smith
King County Hearing Examiner

TRANSMITTED this 3rd day of April, 2006, to the following parties and interested persons of record:

Liz Ashby
500 - 108th Ave. NE, #2200
Bellevue WA 98004

Tom Blikre
5309 - 156th Dr. NE
Redmond WA 98052

Kit B. Bowerman
13812 NE 16th
Bellevue WA 98052

Kristy Briggs
10527 SE 27th St.
Bellevue WA 98004

Anthony J. Choppa
OSC Vocational Systems, Inc.
10132 NE 185th
Bothell WA 98011

Leslie C. Clark
Short Cressman & Burgess PLLC
999 Third Ave., Ste. 3000
Seattle WA 98104

Tom R. Covello
35730 SE 49th St.
Fall City WA 98024

Robert H. Davis
35130 Fall City-Snoq. Rd.
Fall City WA 98024

Tina Ellenbogen
P.O. Box 1744
Bothell WA 98041

Lawrence & Christina Everett
P.O. Box 33
Snoqualmie Pass WA 98065

Cathy Gallagher
P.O. Box 669
Snoqualmie WA 98065

Merrilee P. Gomez
37011 SE 54th Pl.
Fall City WA 98024

George & Jean Haffner
PO Box 399
Fall City WA 98024

Cindy Harsfall
366 Dungeness Meadows
Sequim WA 98382

P. Hidaka
P.O. Box 58
Redmond WA 98073

Lawrence F. Brown, Jr.
P.O. Box 940
Fall City WA 98024

Christine Laing
17122 NE 160th Ct.
Woodinville WA 98072

Karen MacMillan
31807 SE 48th St.
Fall City WA 98024

Renee Marquardt
3617 - 96th Ave. NE
Kirkland WA 98033

Mary McKenzie
10047 Main St.
Bellevue WA 98004

Scott Missall
999 - 3rd Ave., Ste. 3000
Seattle WA 98104

Paul Rasmussen
34722 SE Fall City Snoq. Rd.
Fall City WA 98024

Teri Sahn
35022 SE Fall City-Snoq. Rd.
Fall City WA 98024

Lisa S. Schaffer
P.O. Box 357
North Bend WA 98045

Rob & Julie Steil
34920 SE Fall City-Snoq. Rd.
Fall City WA 98024

Carol Stowers
123 - 214th Ave. NE
Sammamish WA 98074

Carol Swindaman
16390 NE 87th St.
Redmond WA 98052

Lisa K. Wakida
6215 - 108th Pl. NE
Kirkland WA 98033

Terri Weronko
32020 SE 40th St.
Fall City WA 98024

Gloria M. Worland
30251 Gamble Pl. NE
Kingston WA 98346

Matt Caskey
DDES/LUSD
MS OAK-DE-0100

Lisa Dinsmore
DDES/LUSD
MS OAK-DE-0100

Shirley Goll
DDES/LUSD
MS OAK-DE-0100

Barbara Heavey
DDES/LUSD
MS OAK-DE-0100

Mark Mitchell
DDES/LUSD
MS OAK-DE-0100

NOTICE OF RIGHT TO APPEAL

Pursuant to Chapter 20.24, King County Code, the King County Council has directed that the Examiner make the final decision on behalf of the County regarding code enforcement appeals. The Examiner's decision shall be final and conclusive unless proceedings for review of the decision are properly commenced in Superior Court within twenty-one (21) days of issuance of the Examiner's decision. (The Land Use Petition Act defines the date on which a land use decision is issued by the Hearing Examiner as three days after a written decision is mailed.)

MINUTES OF THE MARCH 14, 2006, PUBLIC HEARING ON DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. L04CU031.

Stafford L. Smith was the Hearing Examiner in this matter. Participating in the hearing were Matthew Caskey, Barbara Heavey and Brenda Wood, representing the Department; Scott M. Missall representing the Appellant, and Teri Sahn.

The following Exhibits were offered and entered into the record:

- Exhibit No. 1 DDES report to the Hearing Examiner
- Exhibit No. 2 DDES Report and Decision dated November 10, 2005
- Exhibit No. 3 Site Plan stamped Revision received September 2, 2005 with handwritten conditions dated November 10, 2005
- Exhibit No. 4 Notice of appeal received November 28, 2005
- Exhibit No. 5 Statement of appeal received December 5, 2005
- Exhibit No. 6 Conditional Use Permit (CUP): Application for L04CU031 received December 29, 2005
- Exhibit No. 7 Notice of application (Type 2) for L04CU031
- Exhibit No. 8 Snoqualmie Valley Chamber Connection newsletter dated January 2006
- Exhibit No. 9 GIS zoning map for L04CU031
- Exhibit No. 10 Heavenly Spa & Holistic Healing Center updated revised project description received May 3, 2005, page 7 and illustration of wall of honor
- Exhibit No. 11 DDES main project file for L04CU031
- Exhibit No. 12 Enlarged site plan