BOARD OF COUNTY COMMISSIONERS
COUNTY OF KITTITAS
STATE OF WASHINGTON

CONDITIONAL USE PERMIT APPROVAL
VALLEY VET CONDITIONAL USE PERMIT (CU-13-00006)

RESOLUTION

NO. 2014- 005

WHEREAS, according to Kittitas County Code Title 15A, relating to Hearings and Title 17.60A Conditional Uses, an open record hearing was held by the Kittitas County Hearing Examiner on November 19, 2013 for the purpose of considering a conditional use permit known as the Valley Vet Conditional Use Permit CU-13-00006 and described as follows:

> *A new veterinary hospital/animal clinic for both equine and small animal patients, which will expand a current animal clinic at the existing site and provide for animal holding kennels in the General Commercial zone within the Ellensburg UGA. The subject property is located approximately 1 mile east of Ellensburg at 2090 Vantage Hwy in a portion of Section 06, T17N, R19E, W.M. in Kittitas County. Assessor's map number 17-19-06020-0002. Proponent: Dr. Mark Hayden D.V.M., land owner.*

WHEREAS, no public testimony was heard as there were no persons of the public present; and,

WHEREAS, due notice of the hearing had been given as required by law, and the necessary inquiry has been made into the public interest to be served by such use; and,

WHEREAS, the Hearing Examiner recommended approval of said proposed conditional use permit; and,

WHEREAS, a closed record public hearing was held by the Board of County Commissioners on December 17, 2013 to consider the Hearing Examiner's recommendation on this matter; and,

WHEREAS, the Kittitas County Board of Commissioners make the following FINDINGS OF FACT and CONCLUSIONS AT LAW concerning said proposed conditional use permit:

1. Dr. Mark Hayden D.V.M., land owner and Jennifer Phang, authorized agent, submitted a conditional use permit application for a new veterinary hospital/animal clinic for both equine and small animal patients, which will expand a current animal clinic at the

existing site. It is also proposed that there will be animal holding kennels. The current zoning of the site is General Commercial. The two proposed uses fall under KCC 17.15.080 (A) animal boarding and (C) hospital, animal or veterinary.

2. The subject property is located approximately 1 mile east of Ellensburg at 2090 Vantage Hwy, in a portion of Section 06, Township 17N., Range 19E., W.M. in Kittitas County, bearing Assessor's map number 17-19-06020-0002.

3. The Kittitas County Comprehensive Plan's Land Use Element designates the subject property as Urban and the zoning for this proposal is General Commercial.

4. A conditional use permit application was submitted to Kittitas County Community Development Services department on Wednesday, September 4, 2013. This application was deemed complete on September 19, 2013. The Notice of Application for the conditional use permit was issued on October 7, 2013. This notice was published in the official county paper of record and was mailed to jurisdictional government agencies, adjacent property owners and other interested parties. The last day to submit written comments was on October 22, 2013.

5. The following agencies provided comments during the comment period: Kittitas County Department of Public Works and City of Ellensburg Public Works Department. Other comments were provided at the pre-application meeting that took place on July 17, 2013. These comments have been included in the index file record and were considered when preparing the recommended conditions for this proposal. No comments from the public were received.

6. Based upon review of the submitted application materials including an environmental checklist, correspondence received during this 15 day comment period and other information on file with Community Development Services, a Mitigated Determination of Non-Significance (MDNS) was issued on October 31, 2013. The appeal period ended on November 15, 2013 at 5:00 p.m. No appeals were filed.

7. The Hearing Examiner hearing was held on November 19, 2013 at 6:00 p.m. No Public comment was received as no person from the public was in attendance. On December 3, 2013 the Kittitas County Hearing Examiner recommended approval of the Valley Vet Conditional Use Permit (CU-13-00006).

8. The Board of County Commissioners conducted a closed record meeting on December 17, 2013 for the purpose of considering the Valley Vet Conditional Use Permit (CU-13-00006). A motion was made and seconded that the conditional use permit be approved subject to one change regarding a scrivener error in the Hearing Examiner's recommended findings of fact #23 (see Exhibit A), the motion carried with a vote of 3-0.

9. The Board of County Commissioners finds that item #23 of the Hearing Examiner's Recommended Findings of Fact document (Exhibit A) contains a scrivener's error. The language "preliminary plat" shall be stricken and replaced with "conditional use permit".

10. The Board of County Commissioners finds that additional conditions **are not** necessary to protect the public's interest.

NOW THEREFORE,

BE IT HEREBY RESOLVED that the Kittitas County Board of Commissioners hereby grants approval of the **Valley Vet Conditional Use Permit (CU-13-00006)** and adopts the Kittitas County Land Use Hearing Examiner's Recommended Findings of Fact, Conclusions of Law, Decision and Conditions of Approval (Exhibit A) with the change stated above and the same hereby is approved with the proposed development configuration (See Exhibit B).

DATED this 7th day of January, 2014 at Ellensburg, Washington.

BOARD OF COUNTY COMMISSIONERS
KITTITAS COUNTY, WASHINGTON

Chairman

Vice Chairman

Commissioner

ATTEST:
CLERK OF THE BOARD

COUNTY COMMISSIONERS SEAL KITTITAS COUNTY WASHINGTON

Julie A Kjorsvik

APPROVED AS TO FORM:

Greg Zempel WSBA #19125

Exhibit "A"

KITTITAS COUNTY
LAND USE HEARING EXAMINER

IN THE MATTER OF	)	**RECOMMENDED FINDINGS OF**
	)	**FACT, CONCLUSIONS OF LAW,**
CU-13-00006	)	**DECISION AND**
Valley Vet	)	**CONDITIONS OF APPROVAL**

THIS MATTER having come on for hearing in front of the Kittitas County Hearing Examiner on November 19, 2013, the Hearing Examiner having taken evidence hereby submits the following Recommended Findings of Fact, Conclusions of Law, Decision and Conditions of Approval as follows:

I. RECOMMENDED FINDINGS OF FACT

1. Dr. Mark Hayden D.V.M., land owner and Jennifer Phang, authorized agent, submitted a conditional use permit application for a new veterinary hospital/animal clinic for both equine and small animal patients, which will expand a current animal clinic at the existing site. It is also proposed that there will be animal holding kennels. The current zoning of the site is General Commercial. The two proposed uses fall under KCC 17.15.080 (A) animal boarding and (C) hospital, animal or veterinary.

2. This proposal is located approximately 1 mile east of Ellensburg at 2090 Vantage Hwy, in a portion of Section 06, Township 17N., Range 19E., W.M. in Kittitas County, bearing Assessor's map number 17-19-06020-0002.

3. Site Information:

Total Property Size:	1.51 acres
Number of Lots:	1; no new lots are being proposed
Domestic Water:	City Ellensburg services (outside utility agreement with city)
Sewage Disposal:	City of Ellensburg services (outside utility agreement with city)
Power/Electricity:	Puget Sound Energy
Fire Protection:	Fire District 2 – KVHR
Irrigation District:	Cascade

4. Site Characteristics:
   - North: Mix of vacant land and residential
   - South: Commercial Business Park
   - East: Mix of vacant land and residential
   - West: Business and residential

5. Site Characteristics: The area is located within the Ellensburg Urban Growth Area where development and growth is projected to occur over the next 20 year period. This property has been used for Dr. Hayden's existing veterinary practice for several years. There are adjacent commercial activities that are compatible with this use.

6. The Comprehensive Plan designation is "Urban."

7. The subject property is zoned "General Commercial," which allows for veterinary clinics and animal boarding as a conditional use.

8. A conditional use permit application was submitted to Kittitas County Community Development Services department on Wednesday, September 4, 2013. This application was deemed complete on September 19, 2013. The Notice of Application for the conditional use permit was issued on October 7, 2013. This notice was published in the official county paper of record and was mailed to jurisdictional government agencies, adjacent property owners and other interested parties. The last day to submit written comments was on October 22, 2013.

9. Based upon review of the submitted application materials including an environmental checklist, correspondence received during this 15 day comment period and other information on file with Community Development Services, a Mitigated Determination of Non-Significance (MDNS) was issued on October 31, 2013. The appeal period ended on November 15, 2013 at 5:00 p.m. No appeals were filed.

10. The proposal is consistent with the goals and policies of the Kittitas County Comprehensive Plan. The following Comprehensive Plan GPOs apply to this proposal: GPO 2.30A, 2.32A, 2.39, 2.43A, and 10.2.

11. Staff conducted an administrative critical area review in accordance with KCC 17A and found a DNR stream type 9 – unknown on site. This stream is also known as Lyle Creek. The proposed activities will take place on the far side of the existing structure and will not be adjacent to Lyle Creek. WDFW letter from Mr. William Myers dated January 18, 2013 has also reached the same conclusion as staff that the creek will not be negatively affected by this proposal.

12. This proposal is consistent with the Kittitas County Zoning Code 17.40. The proposal is compatible with KCC 17.40.020 referring to the uses table in KCC 17.15. Specifically, this is compatible as a conditional use with KCC 17.15.080(A) animal boarding and (C) hospital, animal or veterinary.

13. This proposal is consistent with the Kittitas County Zoning Code for Conditional Uses. The proposed conditional use will be adequately served by rural levels of service. As conditioned, staff finds the proposal is 1) desirable to public convenience, 2) will not be detrimental to public health, safety or welfare, 3) is not economically detrimental to the public, and 4) is adequately serviced by public facilities.

14. This proposal is consistent with the Kittitas County Building Code as conditioned.

15. As conditioned, the proposal is consistent with the provisions of KCC Title 12.

16. The following agencies provided comments during the comment period: Kittitas County Department of Public Works and City of Ellensburg Public Works Department. Other comments were provided at the pre-application meeting that took place on July 17, 2013. These comments have been included in the index file record and were considered when preparing the recommended conditions for this proposal.

17. No comments from the public were received as of the time of staff review and completion of the staff report regarding this proposal.

18. The applicant has entered into an outside utilities extension agreement with the City of Ellensburg. Coordination with the City of Ellensburg shall occur throughout the development and building process for this proposal.

19. SEPA MDNS Condition 9 contains a scrivener error. The sentence "Specific requirements for signage of a produce stand are cited in KCC 17.72.170." shall to be stricken.

20. SEPA MDNS Condition 11 contains a scrivener error. The word "facility" shall be added between the words "this" and "shall."

21. Public and agency comments that were received were considered by the Hearing Examiner in rendering this Decision and forming Conditions of Approval.

22. The entire Planning Staff file was admitted into the record at the public hearing.

23. The Kittitas County Community Development Services recommended approval of this preliminary plat, subject to the recommended conditions of approval.

24. An open record public hearing after due legal notice was held on November 19, 2013.

25. Admitted into the record were the following exhibits:

    25.1 Pre application materials – 7/17/13;
    25.2 KC application fees receipt – 9/4/13;
    25.3 CUP application submittal packet – 9/4/13;
    25.4 Staff review info;
    25.5 Deem Complete Letter – 9/19/13;
    25.6 Affidavit of Posting – 9/23/13;
    25.7 Notice of Application – 10/7/13;
    25.8 Affidavit of Mailing & Publication – Notice of Application – 10/8/13;
    25.9 Comment email and letter from City of Ellensburg – 10/18/13;
    25.10 Kittitas County Road Variance Findings of Fact, Conclusions at Law, and Decision – 9/25/13;
    25.11 Kittitas County DPW Determination of Concurrency Finding – 10/22/13;
    25.12 Kittitas County DPW memorandum – 10/22/13;

25.13 Transmittal of comments letter – 10/23/13;
25.14 SEPA MDNS – 10/31/13;
25.15 Notice of Decision – SEPA MDNS and Public Hearing – 10/31/13;
25.16 Affidavit of published hearing in Daily Record – 10/31/13;
25.17 Hearing Examiner Agenda – Special Meeting – 11/19/13;
25.18 HE Staff Report; and
25.19 Staff powerpoint presentation presented at the November 19th, 2013 open record meeting.

26. Appearing and testifying on behalf of the applicant was Dr. Mark Hayden. Dr. Hayden is the applicant. Dr. Hayden testified that all of the proposed conditions of approval were acceptable. Dr. Hayden testified that the proposed elimination of one of the access points is a good thing for public safety. He also stressed that the main approach was to be widened. He also noted that the public benefit of the extension of city water and sewer onto the property will result in the elimination of the existing septic system and drain field.

27. No member of the public testified at the hearing.

28. The proposal is appropriate in design, character and appearance with the goals and policies for the land use designation in which the proposed use is located.

29. The proposed use will not cause significant adverse impacts on the human or natural environments that cannot be mitigated by conditions of approval.

30. The proposal will be served by adequate facilities including access, fire protection, water, storm water control, and sewage disposal facilities.

31. Conclusion of Law that is more correctly a Finding of Fact is hereby incorporated as such by this reference.

II. RECOMMENDED CONCLUSIONS OF LAW

1. The Hearing Examiner has been granted authority to render this decision.

2. As conditioned, the development meets the goals, policies and implementation recommendations as set forth in the Kittitas County Comprehensive Plan.

3. As conditioned, this proposal is consistent with applicable federal and state laws and regulations.

4. Public use and interest will be served by approval of this proposal.

5. As conditioned, the proposal is consistent with Kittitas County Code Title 17 Zoning, Title 17A Critical Areas, Title 14.04 Building Code, and Title 12 Roads and Bridges.

6. As conditioned, the proposed use is consistent with the intent, purposes and regulations of the Kittitas County Code and Comprehensive Plan.

7. As conditioned, the proposal does conform to the standards specified in Kittitas County Code.

8. As conditioned, the use will comply with all required performance standards as specified in Kittitas County Code.

9. As conditioned the proposed use will not be contrary to the intent or purposes and regulations of the Kittitas County Code or the Comprehensive Plan.

10. As conditioned, this proposal does comply with Comprehensive Plan, the Shoreline Master Program, the zoning code and other land use regulations, and SEPA.

11. Any Finding of Fact that is more correctly a Conclusion of Law is hereby incorporated as such by this reference.

III. RECOMMENDED DECISION

Based on the above recommended Findings of Fact and Conclusions of Law, Application CU-13-00006 is hereby recommended to be **APPROVED** subject to the following recommended Conditions of Approval.

IV. RECOMMENDED CONDITIONS OF APPROVAL

1. All conditions imposed herein shall be binding on the "Applicant," which terms shall include the owner or owners of the property, heirs, assigns and successors.

2. The project shall proceed in substantial conformance with the plans and application materials on file dated September 4, 2013 except as amended by the conditions herein.

3. The applicant is responsible for compliance with all applicable local, state and federal rules and regulations, and must obtain all appropriate permits and approvals.

4. Development shall occur in substantial conformance with the Valley Veterinary Hospital New Construction Site Plan provided on September 4, 2013 to Kittitas County. Any alterations to this site plan shall be reviewed by Kittitas County prior to construction to ensure it still meets the requirements of all applicable regulations.

5. The Hayden BLA (BL-13-00022) shall be completed prior to any ground work or building permits being issued for this proposal.

6. All current and future landowners must comply with the International Fire Code.

7. All development, design and construction shall comply with all Kittitas County Codes and the International Fire and Building Codes.

8. Based on comments received during the public comment period and other information submitted with this project permit application, A SEPA Mitigation Determination of Non-Significance (MDNS) was issued by Community Development Services on October 31, 2013. The following are the mitigation contained within the MDNS and shall be conditions of approval:

8.1.1 The approach into the property shall be constructed and designed to standards within the WSDOT Design manual, current edition, Chapter 1340 and Exhibit 1340-1. The design shall be approved by the county engineer.

8.1.2 Specific issues related to roadway and access construction will be addressed at project civil submittal with the City of Ellensburg and/or Kittitas County.

8.1.3 On-site stormwater management that conforms to the specifications of the most current version of the Stormwater Management Manual for Eastern Washington is required of this development. Stormwater systems shall be designed to store stormwater generated by a 24-hour, 25-year storm event. Stormwater system designs shall be prepared and stamped by a civil engineer licensed in the State of Washington. The stormwater system design shall be presented to Public Works and approved by the County Engineer prior to issuance of a building permit. The stormwater system construction shall be certified by a licensed engineer. The certification is required prior to the issuance of an occupancy permit.

8.1.4 Stormwater and irrigation conveyance systems shall be kept separate.

8.1.5. Specific water and sewer requirements will be addressed at project civil plan submittal with the City of Ellensburg.

8.1.6. An Outside Utilities Agreement, Pre-Annexation Agreement and a Frontage Improvement Deferral with the City of Ellensburg have been executed for this property. All development shall meet the requirements of these agreements and a copy of said agreements shall be submitted to CDS for our record.

8.1.7 A Fire Marshal permit will be required for the hydrant/fire line prior to building construction.

8.1.8 Fire hydrants shall be placed in the proposed development per the City and County Fire Marshal's requirements.

8.1.9. A sign permit will be required from Kittitas County Community Development Services and Building Department pursuant to KCC 17.72. Signs are not allowed within the rights-of-way of any County roads pursuant to KCC 12.50.

9. All outdoor lighting shall be shielded and directed downward to minimize the effect to nearby residential properties.

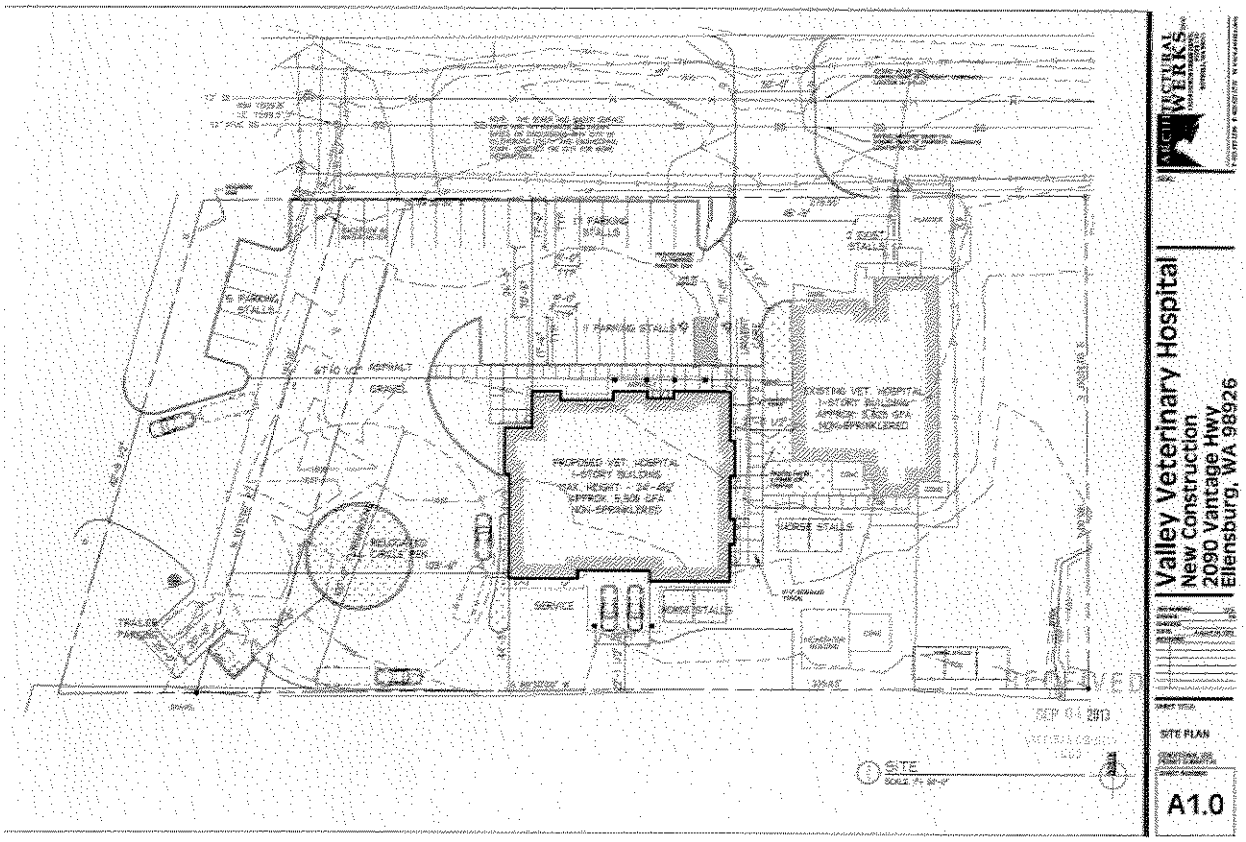
10. Development and construction practices during building of this facility shall only occur between the hours of 7:00 a.m. and 7:00 p.m.

Dated this 3rd day of December, 2013.

KITTITAS COUNTY HEARING EXAMINER

Andrew L. Kottkamp

Exhibit "B"


PROPOSED VET. HOSPITAL
1-STORY BUILDING
MAX. HEIGHT = 26'-6"
APPROX. 5,500 SF±
NON-SPRINKLERED
EXISTING VET. HOSPITAL
1-STORY BUILDING
APPROX. 3,500 SF±
NON-SPRINKLERED
HORSE STALLS
SERVICE
RELOCATED
SEP 04 2013
SITE
Valley Veterinary Hospital
New Construction
2090 Vantage Hwy
Ellensburg, WA 98926
SITE PLAN
A1.0