



KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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"Building Partnerships – Building Communities"

STAFF REPORT

Valley Vet Conditional Use Permit

TO: Kittitas County Hearing Examiner
FROM: Kittitas County Community Development Services Staff
RE: Valley Vet Conditional Use Permit (CU-13-00006)
DATE: November 19, 2013 (Hearing Date)

I. GENERAL INFORMATION

Requested Action: 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.

Location: 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.

II. 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

Site Characteristics:

North: Mix of vacant land and residential

South: Commercial Business Park

East: Mix of vacant land and residential

West: Business and residential

Access: The site is accessed from the Vantage Highway approximately 1,400 feet east of the N. Pfenning Road intersection.

Zoning and Development Standards: The subject property is located within City of Ellensburg's Urban Growth Area and has a General Commercial zoning designation. The general purpose and intent of the General Commercial zone is to provide consistency for existing business districts in the unincorporated areas where a wide range of shops and services are available. The General Commercial zone allows for a vast array of permitted and conditional uses, this project is being proposed under KCC 17.15.080 (A) animal boarding and (C) hospital, animal or veterinary.

Conditional Uses: This application is consistent with KCC 17.60A. There are a number of requirements that must be met; these are addressed under Project Analysis below. The Board of Adjustment was dissolved as part of the 2012 Annual Docket process through Ordinance No. 2012-009. Conditional use permits are now required to have

a public hearing before the Hearing Examiner for a recommendation and then a closed record hearing before the Board of County Commissioners, where the BOCC will make the final decision on the conditional use permit.

III. ADMINISTRATIVE REVIEW

Notice of Application: 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.

IV. COMPREHENSIVE PLAN

The Kittitas County Comprehensive Plan designates the subject property as Urban. Kittitas County has established the following goals and policies to guide activities within the urban lands. These goals and policies were developed in response to identified needs within the county, and support the County Wide Planning Policies:

GPO 2.30A – Consideration for all future development should be the adaptability of a proposal to both public and private utilities such as municipal water and sewer systems.

GPO 2.32A – Encourage and accommodate future expansion of utilities and roadways in a logical manner for new development in urban growth areas. Expansion of utilities and roadways shall not be made exclusively to accommodate new development outside of urban growth areas.

GPO 2.39 – Kittitas County will act to preserve the viability and integrity of existing business districts within the incorporated and unincorporated County.

GPO 2.43A – Designate sufficient available land for specialized commercial uses that are by their nature compatible with residential, agricultural, recreational, and other general land use types.

GPO 10.2 – Support the retention and expansion of existing local businesses/industries and recruitment of new business/industries in order to maintain a strong job and wage base.

V. ENVIRONMENTAL REVIEW

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.

VI. AGENCY AND PUBLIC COMMENTS

Applicable agencies, adjacent property owners, and interested parties have been given the opportunity to review this proposal. All comments have been included as Exhibits in the Hearing Examiner packet.

VII. PROJECT ANALYSIS

In review of this proposal it is important to consider the goals and policies of the comprehensive plan, applicable county code, public and agency comments, any identified environmental concerns and state and federal requirements. Identified below is planning staff's analysis and consistency review for the subject application.

Consistency with the Comprehensive Plan:

The proposal is consistent with the goals and policies of the Kittitas County Comprehensive Plan. As referenced above in Section IV of this staff report, the following Comprehensive Plan GPOs apply to this proposal: GPO 2.30A, 2.32A, 2.39, 2.43A, and 10.2.

Consistency with the provisions of KCC 17A, Critical Areas:

Staff has conducted an administrative critical area review in accordance with KCC 17A and found a DNR stream type 9 – unknown onsite. 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.

Consistency with the provision of KCC 17.40, General Commercial zoning:

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.

Consistency with the provisions of KCC 17.60A, Conditional Uses:

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.

- A) *The proposed use is essential or desirable to the public convenience and not detrimental or injurious to the public health, peace, or safety or to the character of the surrounding neighborhood.*

Applicant response: The proposed veterinary clinic will provide a safe facility to attend to the medical needs of equine and small animals in a state of the art environment that is beneficial for both clients and patients within the community. The continued use of the site for a veterinary hospital is not detrimental or injurious to the public health, peace or safety of the immediate neighborhood and will not in any way change its current character.

Staff response: Staff agrees that the expansion of the current veterinary clinic will not be detrimental or injurious to the public health, peace, or safety or to the character of the surrounding neighborhood. This expansion will provide a service to the community that is essential and desirable to our citizens.

- B) *The proposed use at the proposed location will not be unreasonably detrimental to the economic welfare of the county and that it will not create excessive public cost for facilities and services by finding that (1) it will be adequately serviced by existing facilities such as highways, roads, police and fire protection, irrigation and drainage structures, refuse disposal, water and sewers, an schools; or (2) that the applicant shall provide such facilities; or*

Applicant response: The location of the proposed new veterinary structure on the same lot as the existing veterinary clinic will minimize public cost. The extension of the existing public sewer & water lines proposed as a part of this proposal will provide access to these services for adjoining east property owners, and reduce the impacts of the current private septic system, while reducing the demands for access to the current public well system that serves the site.

Staff response: This proposal will be extending and connecting to the City of Ellensburg water and sewer lines. Connection to City services is a benefit to the public health, safety and welfare. One of the existing access driveways from Vantage Highway will be eliminated by this project, increasing the public safety. Fire hydrants will be installed per the requirements of the County Fire Marshal and City of

Ellensburg.

- C) *Demonstrate that the proposed use will be of sufficient economic benefit to offset additional public costs or economic detriment.*

Applicant response: The proposed project will allow the existing veterinary practice to continue to grow and serve the surrounding population, adding additional tax income from increased revenue and property values. The proposed practice expansion will as well necessitate the hiring of new part time and full time staff from within the community.

The proposed / existing site also provides easy access for clients without disruption to other commercial uses, and the deletion of one of the current direct access points to the Vantage Highway will as well contribute to a safer vehicular transportation system.

Staff response: One of the goals of the Kittitas County Comprehensive Plan is to retain, support and encourage the expansion of existing businesses. The Valley Vet Conditional Use Permit application is supporting this goal. Additionally, the subject property is located within the City of Ellensburg's Urban Growth Area which is where growth and development is intended to occur over a 20 year period. The expansion of a local business is an economic benefit to the community and will not be a detriment.

Consistency with the provisions of the KCC Title 14.04, Building Code:

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

Consistency with the provisions of KCC Title 12, Roads and Bridges:

As conditioned, the proposal is consistent with the provisions of KCC Title 12. A road variance request was submitted to Kittitas County on August 22, 2013. The variance was requested for a second access located off of an adjoining, existing access point and was approved on September 25th, 2013. Please see index file #10

Agency Comments:

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.

Public Comments:

No comments from the public have been received regarding this proposal.

VIII. RECOMMENDATION

As conditioned below, staff finds that the application is not detrimental to the general public health, safety or welfare and meets the basic intent and criteria associated with Title 12, Title 14.04, Title 17.40, Title 17.60A, & Title 17A of the Kittitas County Code and the Kittitas County Comprehensive Plan. Staff recommends approval of the Valley Vet Conditional Use Permit application, subject to the following findings of fact and conditions:

Staff 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. 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. As referenced above in Section IV of this staff report, the following Comprehensive Plan GPOs apply to this proposal: GPO 2.30A, 2.32A, 2.39, 2.43A, and 10.2.

11. Staff has 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.”

Staff Conclusions:

1. As conditioned, the development meets the goals, policies and implementation recommendations as set forth in the Kittitas County Comprehensive Plan.
2. As conditioned, this proposal is consistent with applicable federal and state laws and regulations.
3. Public use and interest will be served by approval of this proposal.
4. 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.

Recommended Conditions of Approval:

1. 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.
2. The applicant is responsible for compliance with all applicable local, state and federal rules and regulations, and must obtain all appropriate permits and approvals.

3. 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.
4. The Hayden BLA (BL-13-00022) shall be completed prior to any ground work or building permits being issued for this proposal.
5. All current and future landowners must comply with the International Fire Code.
6. All development, design and construction shall comply with all Kittitas County Codes and the International Fire and Building Codes.
7. 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:

Transportation

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.
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.
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.
4. Stormwater and irrigation conveyance systems shall be kept separate.

Water & Sewer

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

Utilities

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.

Fire & Life Safety

7. A Fire Marshal permit will be required for the hydrant/fire line prior to building construction.
8. Fire hydrants shall be placed in the proposed development per the City and County Fire Marshal's requirements.

Light & Aesthetics

9. A sign permit will be required from Kittitas County Community Development Services and Building Department pursuant to KCC 17.72. ~~Specific requirements for signage of a produce stand are cited in KCC 17.72.170.~~ Signs are not allowed within the rights-of-way of any County roads pursuant to KCC 12.50.
10. All outdoor lighting shall be shielded and directed downward to minimize the effect to nearby residential properties.

Noise

11. 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.