



CITY OF EDMONDS

121 5th Avenue North, Edmonds WA 98020

Phone: 425.771.0220 • Fax: 425.771.0221 • Web: www.edmondswa.gov

DEVELOPMENT SERVICES DEPARTMENT • PLANNING DIVISION

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BEFORE THE HEARING EXAMINER FOR THE CITY OF EDMONDS

Phil Olbrechts, Hearing Examiner

RE: Bridge Animal Referral Center Conditional Use (PLN20150068)	FINDINGS OF FACT, CONCLUSIONS OF LAW AND RECOMENDATION
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INTRODUCTION

The applicant requests a conditional use permit to operate a 24 hour veterinary clinic that specializes in cancer specialty care in an existing building located at 8401 Main Street. The application is approved subject to conditions.

TESTIMONY

Jen Machuga, City of Edmonds Associate Planner, summarized the staff report. In response to letters received after issuance of the staff report, Ms. Machuga noted that concerns related to noise, use of the outdoor dog area, light, signage and use of hazardous materials. Ms. Machuga noted that the City has noise standards that will limit noise levels and that the applicant is using a contractor familiar with noise attenuation techniques to ensure that measures are taken to reduce noise impacts. Dogs using the outdoor area will be accompanied by a person to ensure they are not too loud. The City's design lighting standards require that light be directed onto the project site to avoid unnecessary light impacts and brightness levels are also regulated. The applicant has indicated that there are state standards applicable to the handling of hazardous waste that the applicant will follow. Signage is subject to sign code regulations. In response to questions from the examiner about adding conditions to address noise impacts via structural features, Ms. Machuga noted that probably wasn't necessary since specific design features are premature at this stage but a

1 condition could be added to require that dogs be accompanied by clinic staff to the
2 outdoor areas during night hours.

3 Dr. Tripp testified that the purpose of her clinic will be to provide comprehensive
4 cancer care similar to area clinics in Seattle in order to provide the highest level
5 technology to Edmonds residents. Hers is a highly regulated industry, including the
6 use and disposal of drugs used for chemotherapy and sharps. There are many steps
7 involved in using chemotherapy drugs. The outdoor area is not a dog park. It will be
8 a small green space that will be used as a potty zone. Only 20% of the animals will
9 stay overnight. At no time will dogs remain outside. Dr. Tripp does not operate a
10 kennel. Outdoor dogs will be accompanied by their owner or an employee. As to
11 interior noise, part of the standard of care is to sedate animals that are in distress.
12 Structural features that will be used to reduce noise include a type of sheet rock called
13 quiet rock that reduces noise, especially around exam rooms and the overnight rooms.
14 The front of the building will be where the ICU will be located. Existing bathrooms
15 will remain in the back, serving as a sound buffer to surrounding residential uses.
16 The building is already well sound proofed. Kennels will not be placed next to the
17 café so that tenant space won't be disrupted. Dr. Tripp has lived in Edmonds her
18 entire life. In response to examiner questions, Dr. Tripp noted that if the building
19 were maxed out on hospital patients that would be 30-40 patients. The majority of
20 patients won't be barking because they're not feeling well.

21 Robert Larson, neighbor and president of the neighborhood association, noted that
22 owners have expressed concern over cars making noise at project site as well as
23 barking dogs.

24 Richard Wilson, Development Services of America, project site owner, said he's been
25 with the organization for 30 years and he's been involved with the property since
1986. It started as a grocery store in the 1960s. After a grocery store, it was an
exercise facility and has gone through a few other use iterations. Several athletic
clubs have since inquired about using the facility as a fitness center, but it's been
subject to a non-compete agreement for that type of use. He believe Dr. Tripp has
proposed a very viable use that is positive for the neighborhood.

Dave Meglemre testified that the proposed use is perfect for the site. The issues of
concern for the neighbors have been adequately addressed. The fact that the facility
will be staffed for 24 hours is very positive since that will keep kids and drug addicts
away from the street corner.

EXHIBITS

Exhibit 1 Staff Report dated February 4, 2016 w/ 18 attachments (listed on page
10 of the staff report).

Exhibit 2 Email from Julie Harvey dated February 5, 2016.

- 1 Exhibit 3 Letter from Kimberly Karrick received 2/8/16.
- 2 Exhibit 4 Letter from Bryan Karrick received 2/8/16.
- 3 Exhibit 5 Letter from Elizabeth Marks received 2/9/16.
- 4 Exhibit 6 Email from Shirley Vanderbilt received 2/9/16.
- 5 Exhibit 7 Email from Duane Hodges received 2/10/16.
- 6 Exhibit 8 Email from Applicant, received 2/10/16.
- 7 Exhibit 9 Letter from Howard and Judy Chermark received 2/11/16.
- 8 Exhibit 10 Letter from Heather Burns received 2/11/16.
- 9 Exhibit 11 Letter from Andrew Leckie received 2/11/16.
- 10 Exhibit 12 2/16/16 Sound attenuation measures proposed by Sarah Thompson.
- 11 Exhibit 13 2/18/16 Response from City to Thompson sound attenuation measures.

FINDINGS OF FACT

Procedural:

- 15 1. Applicant. Dr. Chelsea Tripp.
- 16 2. Hearing. A hearing was conducted on the subject application on February
- 17 11, 2016 at 3:00 pm in the Council Chambers of the Edmonds Public Safety
- 18 Complex. The hearing was left open through February 16, 2016 for the applicant to
- 19 provide a menu of construction options that could be used to reduce noise impacts
- 20 and staff was given until February 19, 2016 to identify whether the options
- 21 reasonably identified construction measures that could be taken to reduce noise
- 22 impacts.

Substantive:

- 22 3. Site and Proposal Description. The applicant requests a conditional use permit to
- 23 operate a 24 hour veterinary clinic that specializes in cancer specialty care in an
- 24 existing building located at 8401 Main Street. The tenant space for the clinic will be
- 25 approximately 16,375 square feet. The remaining portion of the building, which is
- approximately 1,200 square feet, is currently occupied by a coffee shop (Café Ladro)
- and no changes are proposed to that portion of the building under the subject
- application (Attachment 7).

1 4. Characteristics of the Area. The surrounding area is primarily developed single-
2 family residential, with some BN zoned property to the north. Adjoining uses are
buffered by an existing forested area which varies between about 50 feet and 200 feet
in width (Attachment 3, cover sheet).

3 5. Adverse Impacts of Proposed Use. As conditioned, there are no significant
4 adverse impacts associated with the proposal. The applicant's sensitivity to the
5 concerns of neighbors and willingness to incorporate measures that will reduce noise
and associated impacts is very much appreciated and likely helped foster an overall
6 positive public hearing. Pertinent impacts are individually addressed as follows:

7 A. Noise. Barking dogs would likely be the greatest impact generated by the
8 proposal during overnight hours. The City's noise standards set a level of
9 what should be considered reasonable decibel levels that should not be altered
10 by the adoption of differing decibel levels in the conditional use process.
11 However, multiple dogs continuously barking within the decibel levels
12 authorized by the City's noise standards can still be reasonably found to
13 disrupt the quiet enjoyment of surrounding properties. Many of the measures
14 suggested by the applicant in Ex. 13 will serve to significantly reduce
potential noise impacts to surrounding neighbors and for that reason have
been incorporated into the conditions of approval. With the addition of those
mitigation measures and the operation of the City's noise ordinance, it is
determined that the proposal will not create significant adverse noise impacts
to surrounding properties.

15 B. Lighting, Hazardous Waste, Signage. As testified by Ms. Machuga, lighting,
16 hazardous waste and signage are all regulated by city code or state standards.
There is no evidence in the record to suggest that additional restrictions are
necessary to further reduce impacts.

17 C. Critical Areas. Since the proposal is to occupy an existing building with no
18 significant exterior alterations, no impacts to critical areas (if any exist near or
19 at the project site) are anticipated. As noted in the staff report, if future
development involves any ground disturbing activities then at that time
impacts to critical areas will be assessed and mitigated as necessary.

20 D. Traffic. The proposal will not generate any significant amount of traffic that
21 exceeds the capacity of local roads. The staff report determines that traffic
22 impacts will be minimal since the proposal overnight hours will be for
emergency treatment only and the project site abuts Main Street and 84th Ave
23 W. Given staff's expertise on traffic impacts and the absence of any evidence
contrary to staff's findings, it is determined that the proposal will not create
any significant adverse traffic impacts.

24 E. Compatibility. The surrounding neighborhood is a combination of residential
25 and commercial development. Given that the conditional use application is
limited to overnight use and that the proposed use is in an existing building,
the relevant inquiring on compatibility is limited to whether the noise, light
and traffic generated by the proposal is compatible with surrounding uses.

1 There are no other potential impacts associated with overnight use. As
2 previously determined, as conditioned the proposal does not create significant
3 noise, light or traffic impacts so it is determined that the proposed overnight
4 use is compatible with surrounding uses.

5 **CONCLUSIONS OF LAW**

6 **Procedural:**

7 1. Authority of Hearing Examiner. ECDC 20.01.003 provides that the
8 Hearing Examiner will hold a hearing and issue a final decision on conditional use
9 permit application.

10 **Substantive:**

11 2. Zoning Designations. Neighborhood Business (NB).

12 3. Permit Review Criteria. A conditional use permit is required for the
13 project because businesses operating in the BN zone between the hours of 11:00 p.m.
14 and 6:00 a.m. require a conditional use permit according to ECDC 16.45.010.C.3.
15 Conditional use permit criteria are governed by ECDC 20.05.010. All applicable
16 criteria are quoted in italics below and applied through corresponding conclusions of
17 law.

18 **ECDC 20.050.010:** *No conditional use permit may be approved unless all of the
19 findings in this section can be made.*

20 A. *That the proposal is consistent with the comprehensive plan.*

21 4. The proposal is consistent with the comprehensive plan as determined in
22 Section IX of the staff report, adopted by this reference as if set forth in full.

23 **ECDC 20.05.010(B):** *Zoning Ordinance. That the proposed use, and its location, is
24 consistent with the purposes of the zoning ordinance and the purposes of the zone
25 district in which the use is to be located, and that the proposed use will meet all
applicable requirements of the zoning ordinance.*

5. The criterion is met for the reasons identified in the staff report analysis of
the criterion as well as Section X of the staff report, adopted by this reference as if set
forth in full.

ECDC 20.05.010(C): *Not Detrimental. That the use, as approved or conditionally
approved, will not be significantly detrimental to the public health, safety and welfare,
and to nearby private property or improvements unless the use is a public necessity.*

1 6. The criterion is met because the proposal will not create any significant
2 adverse impacts to surrounding properties or to anyone else as determined in Finding
of Fact No. 5.

3 **ECDC 20.05.010(D):** *Transferability. The hearing examiner shall determine whether*
4 *the conditional use permit shall run with the land or shall be personal. If it runs with*
5 *the land and the hearing examiner finds it in the public interest, the hearing examiner*
6 *may require that it be recorded in the form of a covenant with the Snohomish County*
auditor. The hearing examiner may also determine whether the conditional use permit
may or may not be used by a subsequent user of the same property.

7 7. The conditional use permit shall run with the land for uses similar to that
8 proposed by the applicant. With the conditions of approval the building design will be
9 ideally suited to veterinary clinic use and there is no reason for subsequent clinic
applicants to go through a re-evaluation of clinic impacts.

10 DECISION

11 The conditional use permit is approved subject to the following conditions:

- 12 1. The sound attenuation measures identified in Ex. 13, Parts 1 and 2, shall be
13 incorporated into a sound attenuation building design plan integrated into
14 construction drawings. The plan shall be completed by the applicant and
15 approved by staff prior to the issuance of any building permits for tenancy
16 improvements and/or occupancy by the applicant. Staff approval of the building
17 design plan shall be contingent upon a determination that the applicant has
reduced noise impacts to the maximum extent practicable through reasonable
design measures.
- 18 2. No patients will be allowed in the outdoor area without staff or owner supervision
19 and no more than three patients will in the outdoor area unless extraordinary
20 circumstances necessitate a larger number. Clinic staff will attend to any patients
that are becoming excessively vocal outside.
- 21 3. Between the hours of 11:00 pm and 6:00 am, the clinic will only be open to the
22 public for emergency and associated services only.
- 23 4. The applicant must apply for and obtain all necessary building permits. This
24 application is subject to the applicable requirements in the Edmonds Community
Development Code. It is the responsibility of the applicant to ensure compliance
25 with the various provisions contained in the ordinances.
5. The applicant is responsible for seeking and obtaining all required local, state

and/or federal permits or approvals applicable to the proposal.

6. The conditional use permit shall be transferable to subsequent property owners for a 24-hour veterinary hospital.

Dated this 4th day of March, 2015.



Phil A. Olbrechts

City of Edmonds Hearing Examiner

Appeal Right and Valuation Notices

This land use decision is final and subject to closed record appeal to the City Council as authorized by ECDC 20.01.003. Appeals must be filed within 14 days of the issuance of this decision as required by ECDC 20.07.004(B). Reconsideration may be requested within 10 calendar days of issuance of this decision as required by ECDC 20.06.010.

Affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation.