

City of Colville

ZONING BOARD OF ADJUSTMENT

February 20, 2008

1:30 p.m. – City Hall

MINUTES

The Colville Zoning Board of Adjustment met on Wednesday, February 20, 2008 in the Council Room at City Hall. Chairman Chris Montgomery called the meeting to order at 1:40 p.m. with a quorum present.

MEMBERS PRESENT: Diana Raines, George Tate, Saundra Wilma and Chris Montgomery. MEMBERS ABSENT: Ned Swanson. STAFF PRESENT: Director of Building & Planning Jim Lapinski, Assistant Planner Melinda Lee, Building Official Robert Cleaver, Water/Sewer Superintendent Dennis Ferguson, and City Engineer Brent Rasmussen. OTHERS PRESENT: Gale Bevington, Ron Rehn, Debbie Rogers, Bill Rogers, and Mark Beardslee. RECORDING SECRETARY: Susan Davis.

MINUTES OF PREVIOUS MEETING

The minutes of the previous meeting of September 6, 2007 had been distributed to each member prior to the meeting. Saundra Wilma moved that the minutes be approved as written. Diana Raines seconded. Roll Call: Saundra Wilma – yes; Chris Montgomery – yes; Diana Raines – yes; George Tate – yes. Motion carried (4-0).

PUBLIC HEARING

Subject: Conditional Use Permit Application #1-08
Applicant: OMS, Inc. for Northeast Washington Medical Group
Location: 143 Garden Homes Drive
Request: Application to allow for the construction of a new dialysis center in the R-1 (Single Family Residential) District, pursuant to Chapter 17.84 of the Colville Zoning Ordinance

Chairman Chris Montgomery convened the scheduled public hearing to consider a request for a conditional use permit by OMS, Inc. for the Northeast Washington Medical Group. Mr. Montgomery reviewed the subject and outlined the hearing procedure. He asked if any of the Board members had an interest in the matter being heard which would be in conflict with the appearance of fairness requirements. Chris Montgomery and Saundra Wilma advised that they receive services at the present Garden Homes Clinic but have no personal interest in the proposed dialysis center. Diana Raines indicated that she is currently employed by the Northeast Washington Medical Group Pharmacy but has no personal interest in the proposal. There were no objections to any of the Board members participating in the hearing process. None of the Board members had engaged in communications with either proponents or opponents outside the hearing on the issue to be heard. The Chairman opened the public hearing and requested the staff report.

Assistant Planner Melinda Lee presented the staff report, which had been distributed to each Board member and the applicant prior to the meeting (copy on file). Copies of the staff report were available to the public. Ms. Lee explained that Gale Bevington, OMS, Inc., representing the Northeast Washington Medical Group, submitted an application for a conditional use permit to allow for the construction of a new kidney dialysis center located at 143 Garden Homes Drive.

ZONING BOARD OF ADJUSTMENT

February 20, 2008

Page 2

As outlined in the staff report, Melinda advised that the property is located in the R-1 (Single Family Residential) District. The proposed use is a medical clinic, which is conditionally allowed in this district. The site currently has a two-story, 10,325 sq. ft. medical office building. The new center will be a one-story building, approximately 6,730 sq. ft. in size, and will be located on the eastern portion of the lot. Surrounding land uses are residential to the south, east and west, with the Fort Colville School to the northwest.

Melinda confirmed that the proposed project will be able to meet all of the minimum standards and setbacks for the R-1 District. As stated in the report, compliance with specific provisions governing conditional uses can be achieved. It was noted the proposed expansion will employ approximately 10 staff members. The facility will provide a critical medical service which is currently not available to our region.

An environmental checklist was completed and submitted, pursuant to WAC 197-11. A Determination of Non-Significance was issued on February 7, 2008.

As stated in the staff report, public notification was provided as required by the Colville Zoning Ordinance. No public comments were received relative to the proposal.

Based on the conditional use criteria outlined in Chapter 17.84 of the Zoning Ordinance, Ms. Lee presented the following findings and conclusions for Board consideration.

Findings of Fact:

1. The project is consistent with the City of Colville Comprehensive Plan and meets the requirements and intent of the Colville Zoning Ordinance, including the type of land use, and the density/intensity of the development, and the protection of critical areas, if applicable.

The Goals and Policies in the Land Use Element of the Comprehensive Plan (Section II.G) state that we should "Create a balanced community that mixes residential and economic uses in a way that maintains the environmental quality and the beauty of the area" and "Continue Colville's role as a service, retail, governmental, medical, and educational center." This is a 2.52-acre parcel that is compatible with the rural nature of the area. Medical facilities provide an essential service to our community and surrounding region. They are conditionally allowed within residential districts. One of the goals in the Transportation Element (page V-1) states "The transportation plan should encourage the livability of the community by providing alternative transportation modes and minimizing noise pollution and traffic congestion." The expansion of the roadway and development of sidewalks will provide room for alternative means of mobility and improve traffic circulation. There is an existing creek identified north of this site that is uphill and located within a culvert. It was determined that it would not be adversely impacted by this project.

The project meets this criterion.

2. The project will not be unduly detrimental to the use of properties in the project vicinity.

The property currently houses a medical office building. The surrounding properties are rural residential lots, with the Fort Colville School adjacent to the north boundary. There is ample room onsite to provide

ZONING BOARD OF ADJUSTMENT

February 20, 2008

Page 3

sufficient parking, proper traffic circulation, and patient drop off/pick up at the main entrance. The hours of operation are expected to be 8:00 a.m. to 5:00 p.m., five days a week. The applicant has proposed to provide landscape barriers between this use and the adjoining residential use, as needed. There are no known concerns from adjoining property owners regarding the existing medical office or the proposed expansion. The project will be required to install lighting in such a manner that it will not have any off-site impact.

This project may be accommodated on this site without creating any undue impact on the surrounding properties, provided the applicant complies with the conditions of approval in this request.

3. The project makes adequate provision for access and circulation, water supply, storm drainage, sanitary sewage disposal, emergency services and environmental protection.

The proposal includes two means of ingress/egress on the property. This will encourage proper traffic flow and circulation along Garden Homes Drive and within the property boundaries. The applicant has projected the vehicle traffic to increase by approximately 56 trips per day. This property is serviced by the City of Colville for water, sewer, and emergency services. The storm water drainage may be mitigated with the construction of drainage swales on the property. The medical facility will be required to comply with all applicable regulations relating to the disposal of hazardous wastes.

The project meets this criterion.

4. The project adequately mitigates impact identified through the SEPA review process, if applicable.

The City of Colville reviewed the proposed project for adverse environmental impacts on January 16, 2008. A Notice of Application and SEPA Review was issued January 18, 2008. The comment due date was February 6, 2008, and no comments were received regarding this proposal.

Appropriate mitigations have been identified through the SEPA review process and incorporated within the conditions of approval.

5. The project is beneficial to the public health, safety and welfare and is in the public interest.

The proposal would provide critical medical services for residents in our region. Currently, local patients receiving dialysis are required to regularly commute to Spokane for treatment.

The project meets this criterion.

Melinda Lee advised that staff concludes that the applicant has satisfied the conditional use criteria and therefore recommends approval of the request subject to conditions. She reviewed the conditions as outlined in the staff report.

At this time, Chairman Montgomery asked for questions from the Board.

Chris Montgomery pointed out that suggested finding #2 states that the project will be required to install lighting in such a manner that it will not have any off-site impact. He felt this requirement should be addressed in the conditions of approval.

ZONING BOARD OF ADJUSTMENT

February 20, 2008

Page 4

George Tate requested clarification regarding the proposed setbacks for the project. Melinda advised that the setback from the east property line is proposed to be 17'-5" and 21'-8" from the north property line. The minimum setback from the east property line is 5' and 15' from the north property line.

Sandra Wilma referenced the existing creek as noted in finding #1 on Page 4 of the staff report. She didn't feel that the creek had been adequately addressed in the SEPA checklist. Ms. Wilma expressed a concern that the creek could be impacted by the storm water drainage as a result of the proposed project. Melinda explained that members of the Technical Review Committee reviewed the proposal and determined that the creek is physically located uphill from the subject site and is culverted, which is why it was not identified as a body of water that would be affected by this project.

There were no communications or petitions to be presented relative to the issue being heard.

At this time, Ron Rehn, CEO of the Northeast Washington Medical Group, 1200 E. Columbia Avenue, clarified that the subject property is owned by Columbia Associates of Colville, LLC. He explained that a for-profit organization will be leasing the new center and confirmed that OMS, Inc. is making application for the conditional use permit.

Gale Bevington, OMS Architects, 319 W. 8th, Spokane, WA responded to questions from the Board regarding proposed storm water drainage. She pointed out that the site plan identifies surface area on the site that could be used for drainage swales. All building surface and parking lots will be drained to the swales. Ron Rehn noted the largest area that can be used for storage of storm water is at the southwest corner of the property. Mr. Montgomery questioned if it would be possible to show the proposed direction of the drainage on the revised site plan. Ms. Bevington advised that the drainage will be engineered to show that it will drain to the southwest. Elevations were not available at this time. In response to a question from George Tate regarding where any overflow from the swales would go, Ron Rehn felt it would depend on the design of the swale. Robert Cleaver, Building Official, provided additional clarification regarding storm water drainage. He stated the applicant will be required to submit a storm water drainage plan to the City Engineer that must comply with the Eastern Washington Storm Water Management Manual. The Manual states that there will be no increased flow off of the site beyond what is already there. The City Engineer will have to review and approve the drainage plan prior to the issuance of permits.

Diana Raines asked if it is possible to include new trees adjacent to the street and in back of a future sidewalk to mitigate the removal of the trees in the right-of-way and any impacts on the adjacent residential use to the east. Ron Rehn appeared favorable to considering trees in the landscape plan. Melinda Lee suggested that some reference could be made in the conditions regarding mitigation for the removed trees, and noted the landscape standards contained in the Zoning Ordinance would require trees for the parking areas.

Mr. Montgomery asked if the two access points to the site would accommodate two-way traffic. Mr. Rehn suggested that consideration could be given to a one-way drive on the easternmost driveway for circulation through the proposed drop-off area. Mr. Rehn stated the driveway on the west is and will likely remain a two-way access.

In response to a question, staff confirmed that there will be two (2) additional ADA parking spaces in addition to the three (3) existing spaces.

ZONING BOARD OF ADJUSTMENT

February 20, 2008

Page 5

Ms. Raines observed that snow is currently being stored where the proposed building will go and questioned where the snow will be stored in the future. Mr. Rehn commented that in the future the snow will probably need to be removed from the site.

Mr. Tate asked if the site would be fenced with a perimeter fence. Ron Rehn confirmed that there is an existing fence between the adjacent school and the subject site. No additional fencing is proposed.

Chairman Montgomery asked for comments from the audience. There were no comments. Board and staff discussion followed regarding the suggested conditions of approval.

In regards to concerns expressed in earlier discussion, Chris Montgomery suggested that the conditions of approval be modified to include; the submittal of a storm water drainage plan, including elevations, showing no off-site drainage to the north or west; a requirement that lighting be shown on the final site plan, as well as landscaping that shows a buffer on the east side of the project site to ensure that the adjacent residential use is adequately protected.

Sandra Wilma felt reference should be made to Critical Areas, Policy 1.4, of the Comprehensive Plan, which states, "Control storm water runoff and protect streams and wetlands from pollution by erosion, dumping, farm animals, and other pollutants." Director of Building & Planning Jim Lapinski pointed out that the Comprehensive Plan is implemented by other City ordinances. He suggested if Policy 1.4 is referenced in a condition that language be added to state, "...and/or any other City ordinances" to ensure project mitigation and consistency with development regulations. Mr. Lapinski confirmed for the record that the environmental checklist was submitted to the Department of Ecology and other agencies with jurisdiction and no comments were received.

Mark Beardslee, Century 21, 612 S. Main, Colville, WA stated it was his understanding that the City has established minimum buffers from identified wetlands. It was his observation that there are no identified wetlands adjacent to the subject site that would violate any required buffers.

Brent Rasmussen, City Engineer, presented an enlarged aerial photo of Exhibit IV for information (copy on file). He confirmed that the storm water drainage issues will be considered upon submittal of a storm water drainage plan, which must be reviewed and approved prior to permit issuance. Documentation from a hydraulic engineer is required demonstrating that they can accommodate the storm water on-site.

The Chairman closed the public testimony portion of the hearing and opened it to Board discussion and voting.

Chris Montgomery moved that the Board approve Conditional Use Permit #1-08 based on the findings of fact as stated in the staff report and subject to the following conditions of approval, as modified:

CONDITIONS OF APPROVAL

- 1) The project shall be required to develop a minimum of 73 off-street parking spaces to accommodate the existing use and proposed expansion sufficient ADA parking will be included at the determination of the Building Official.

ZONING BOARD OF ADJUSTMENT

February 20, 2008

Page 6

- 2) The sewer main along Garden Homes Drive shall be extended from Swede Anderson Road to Witham Road, as approved by the City Water and Sewer Superintendent and the City Engineer.
- 3) The fire hydrant within the proposed parking lot expansion will need to be relocated, as approved by the City Water and Sewer Superintendent.
- 4) The north side of Garden Homes Drive shall be redeveloped to a width of 22 feet north of the centerline, with curbs, gutters, buffer area, and sidewalk, as required by Chapter 16.16 of the Colville Land Division Ordinance, for collector status roadways, and as approved by the City Engineer.
- 5) Landscaping shall be provided within the parking areas and as buffering at property boundaries adjacent to residential uses to the east and south (to mitigate for removed trees), as required in Chapter 17.64.100 and Chapter 17.72.070 of the Colville Zoning Ordinance, and as approved by the Building and Planning Department.
- 6) A storm water drainage plan shall be provided showing the storm water drainage to be in compliance with Comprehensive Plan Policy 1.4 and/or any other City ordinances. The storm water drainage must establish no off-site drainage to the north or west.
- 7) Elevations shall be shown on the final site plan in compliance with Comprehensive Plan Policy 1.4 and/or any other City ordinances. The elevations must establish no off-site drainage to the north or west.
- 8) Directional lighting shall be provided on the revised site plan in particular addressing the issue of lighting impact on the neighbors to the east. All lighting is to be shown on the revised site plan.
- 9) A final site plan shall be submitted to the Building and Planning Department that demonstrates compliance with the following: The site of the relocated fire hydrant, as stated in Condition 3; the design of the north side of Garden Homes Drive, as stated in Condition 4; the landscape plan as stated in Condition 5; the storm water drainage plan, as stated in Condition 6; the elevations as stated in Condition 7; the directional lighting, as stated in Condition 8; and compliance with all other applicable standards and conditions, prior to issuance of permits.
- 10) This conditional use approval shall expire March 15, 2009, unless a building permit has been issued and substantial construction has taken place or the use has commenced. A written request for up to one (1) year extension may be approved by the Administrative Official if the Administrative Official finds the facts on which the Conditional Use Permit was approved have not changed substantially.
- 11) If the use authorized under a conditional use permit ceases or is interrupted for six (6) consecutive months or more, then a new conditional use permit will be required.

Saundra Wilma seconded. Roll Call: Saundra Wilma – yes; Chris Montgomery – yes; Diana Raines – yes, George Tate – yes. Motion carried (4-0).

At the Board's request, staff will provide the members with a copy of the revised site plan, when available.

ZONING BOARD OF ADJUSTMENT

February 20, 2008

Page 7

COMMUNICATIONS & PUBLIC PRESENTATIONS: None.

OLD BUSINESS: There was no Old Business to be presented.

NEW BUSINESS: There was no New Business to be presented.

REPORTS: None.

ADJOURNMENT

George Tate moved and Diana Raines seconded the motion to adjourn. There were no objections and the meeting was adjourned at 2:50 p.m.