



## **KITSAP COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT**

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Larry Keeton, Director

# **STAFF REPORT**

## **ADMINISTRATIVE DECISION**

**Date:** January 6, 2009

**Application Date:** May 23, 2008

### **Project:** Oregon Avenue Child Care Facility

**Type of Application:** Administrative Conditional Use Permit

**Permit #:**08 53787

**Request:**

The request to convert a single-family residence to a commercial child care facility for up to 40 children and 9 employees. The proposal will include off-street parking and loading from NE Oregon Avenue. The existing residence is a one-story 2,262 square foot single-family home.

**Project Location:**

The subject property is located at 11026 NE Oregon Avenue, Kingston, North Kitsap County, Commissioner District #1.

**Assessor's Account #:** 4340-003-003-0002 & 4340-003-002-0003

**Applicant & Owner of Record:**

Rick Lanning  
PO Box 1688  
Kingston, WA 98346

**State Environmental Policy Act (SEPA) Status:**

Pursuant to WAC 197-11-340, a Mitigated Determination of Nonsignificance was signed by the Responsible Official on December 12, 2008.

COMMENTS/MITIGATION MEASURES:

The SEPA comment period previously occurred concurrent with the Notice of Application dated June 23, 2008. Traffic volumes are not anticipated to require "level of service" mitigation under the Kitsap County Comprehensive Plan Capital Facilities Element. Pursuant to KCC 18.04.200 (SEPA Substantive Authority) and KCC 17.382 (Conditional Use Permits), the project will be conditioned for compatibility with surrounding land uses. The following mitigation measures shall

be required, as specified in the agreement received by Kitsap County on November 26, 2008, between Diane L. Hooper and Starlina Brady:

1. Parking shall be reconfigured such that parking for staff and clients will be on the south side of the property. Staff shall park closest to the common property line to minimize further parking impacts.
2. A six foot wooden privacy fence shall be erected between the tax parcels that are the subject of the agreement.
3. Children’s play structures shall be sited on the east side of 11026 Oregon Avenue in order to minimize impacts to the Hooper property.

**Physical Characteristics:**

The subject property is square shaped and approximately 0.45 of an acre in size located in the Village Green neighborhood. The property is located west of West First Street and fronts on NE Oregon Avenue half way between NE West Kingston Road and NE State Highway 104. Residential homes with the same zoning abut the property on the east and north sides.

**Comprehensive Plan Designation and Existing Zoning:**

The subject property is designated urban and zoned Urban Village Commercial. The subject property and all other properties in the vicinity are designated Urban Village Commercial. *The purpose of the zone is to provide for convenient pedestrian, bicycle, and vehicular access between residences and compatible mix of small-scale commercial uses and mixed-density housing, which are typically multi-story buildings.*

Minimum Lot Area = None

Minimum Density = 10-dwelling units/acre  
Maximum Density = 18-dwelling units/acre

Minimum Setbacks = Front yard - None  
= Side yard - None  
= Rear yard - None

**Surrounding Land Use and Zoning:**

The surrounding properties are Urban Village Commercial and approximately five single-family homes abut the subject property.

**Public Utilities and Public Services:**

Water: Kitsap Public Utility District  
Power: Puget Sound Energy  
Sewer: Kitsap County  
Police: Kitsap County Sheriff

Fire: Fire Protection District No. 10  
Schools: North Kitsap School District #400

**Transportation:**

The child care facility will receive access from Oregon Avenue which is classified as a local access road. The applicant will be required to improve the road frontage to include curb, gutter.

**Off-Street Parking and Loading:**

The hours of operation will be Monday through Friday from 7:00 AM to 6:00 PM. The current site plan includes 10 off-street parking spaces on the east side of the property. As per the site plan dated June 3, 2008, the applicant is to provide 6 spaces for 18 children with an off-street parking standard of one space per three children. The applicant is actually proposing a maximum of nine employees for 40 children to receive childcare. About 13 spaces will be required to be provided, unless it determined the standard exceeds the actual demand.

Pursuant to the MDNS, the off-street parking and loading area will be moved to the front of the building to limit impacts on abutting property located at 11062 NE Oregon Street and maximize use of the site. The relocation of the parking and loading will be reviewed through the Building Permit for consistency with KCC Chapter 17.435 Off-street Parking and Loading.

**Policies and Regulations Applicable to the Subject Proposal:**

*Kitsap County Code*

1) *Road Standards, Title 11*

2) *Stormwater Drainage, Title 12*

3) *Zoning, Title 17 (February 15, 1999/as amended)*

- Chapter 110 Definitions
- Chapter 353 Urban Village Center Zone
- Chapter 381 Allowed Uses
- Chapter 382 Density, Dimensions and Design
- Chapter 385 Landscaping
- Chapter 400 Land Use Review
- Chapter 420 Administrative Conditional Use Permit
- Chapter 435 Off-Street Parking and Loading
- Chapter 520 Appeals
- Chapter 525 Revocations of Permits or Variances

4) *Kitsap County Land Use and Development Procedures Ordinance (May 18, 1998/as amended)*

5) *Kitsap County Land Use and Development Procedures, Title 21*

6) *Kitsap County Comprehensive Plan (May 7, 1998/as amended)*

The following policies from the Comprehensive Plan apply towards the development proposal.

Policy LU-75 Provide development standards that allow for attractive, integrated, mixed use development within planned commercial centers to provide affordable housing and reduce auto trips.

7) Kingston Subarea Plan, December 21, 2005

Policy 2.2 Implement the Urban Village Center (UVC) to accommodate a central gathering site.

Policy 5.1 Preserve the small town character of Kingston's Commercial areas by enforcing the adopted design standards for commercial development.

8) *Design Standards for the Community of Kingston, dated December 8, 2003*

**Project Analysis:**

Administrative Conditional Use Permit Review

Pursuant to KCC Urban Center Zones Use Table 17.381.040.B Day Care Centers are a permitted use to be reviewed through KCC Chapter 17.420 Administrative Conditional Use Permit. The Oregon Avenue Child Care Facility needs to be consistent with the requirements in Section 17.382.030 Design Standards, 17.382.070 dimension table, and design guidelines in Article 2 Commercial, and Mixed Use Building Design (KCC Section 17.354.070-140) and Footnote #30 the Design Standards for the Community of Kingston. Staff comments are in italics.

Requirements for Minimum Project Area and Outdoor Play Areas:

Pursuant to footnote #14 the project is required to have a minimum site size of 10,000 square feet and provide an outdoor play area with a minimum of 75 square feet per child and a site obscuring fence a minimum of four feet in height. *The project site is approximately 19,600 square feet and providing over the minimum requirement of 3,000 square feet of play area for up to 40 children. The applicant has agreed to erect a six-foot site obscuring fence around the property to mitigate noise and visual impacts.*

Requirement for Mixed-use Development:

*Consistent with the intent of the mixed use Village Commercial zone, the project is less than 25,000 square feet with a project gross commercial floor area of 2,262 square feet.*

Building Height, Buffering and Screening Modification

The director may increase or decrease landscaping, screening and setbacks to minimize conflicts with adjacent uses. *The daycare center will produce minor impacts on adjacent uses and will be mitigated through buffering and/or screening, pursuant to the MDNS, dated December 12, 2008.*

Exterior Lighting

If artificial outdoor lighting is necessary, the lighting should be arranged so that light is not fully shielded from the side view and directed downward and away from adjacent residential properties.

Screening of equipment, storage, and refuse areas

1. The roof-mounted HVAC equipment shall not be visible from abutting lots or roadways. *The applicant is required to adhere to this requirement through the Building Permit review process. See screening comments above.*
2. Locate service areas, outdoor storage areas and other intrusive site features away from neighboring properties to reduce conflicts with adjacent uses. *The applicant is not proposing outdoor storage areas with the development.*
3. The proposed project will be required to comply with all county solid waste standards and provide concurrence from Waste Management as part of the Site Development Activity Permit process. *The development will not create significant amount of solid waste but only produce small commercial levels.*

Access and Circulation

1. Safe pedestrian access and handicap access shall be required on-site from public rights-of-way to minimize pedestrian and vehicular conflicts. *The project is consistent with this requirement by providing pedestrian connections to the roadway.*
2. Development is limited to one ingress /egress per 300-lineal feet along a public arterial. Small parcels that provide less than 200 feet of road frontage shall be limited to one parking lane and exit. *The above requirement is not applicable. The proposal is to use a driveway access off a local access road for parking and loading.*

Signs permitted according to KCC Chapter 17.445.

If signs are proposed, the applicant is required to apply for a sign permits in accordance KCC Section 17.445 Signs. *There is no commercial signage proposed at this time. The signage will be reviewed consistency with the above Chapter and the Design Standards for the community of Kingston.*

Off-street parking and loading per KCC Chapter 17.435.

*See comments above for project off-street parking and loading.*

Landscaping provided per KCC Chapter 17.385.

The KCC requires that a minimum of 15% of the total site area be landscaped to the standards in the listed section. *A landscape plan and irrigation plan will be required with the Building Permit approval.*

The following are the most applicable to the Standards for the Community of Kingston

within the Urban Village Centers (UVC) zone:

Architectural/Building Design

It is encouraged through the Design Standards for Kingston to maintain the old town character maritime community through architectural design to promote compatibility and diversity. This is accomplished through strengthening the architectural identity; encourage enhancement and preservation of land or buildings unique, scenic, or historically significant.

*The applicant is only making minor changes to the exterior to the existing residential structure and will be consistent with the residential character in the neighborhood.*

1. Landscape Design

To provide visual relief, the design standards require that internal parking lot landscaping be provided from a range of 15 to 35 square feet depending on the number of parking spaces, and provide a tree for every six parking spaces.

*The existing and proposed project site plan falls below the threshold of 15 parking spaces for requiring internal parking lot landscaping.*

2. Signage

The goal of the design standards and the requirements for the UVC zone is to display information in a manner that is visually attractive and compatible with downtown Kingston. See above.

**Public Comments:**

The County, pursuant to KCC Title 21, Land Use, and Development Procedures, gave proper public notice. The Department received comments from an adjacent neighbor to the north of the project. Comments include the day care center will be one of two in the vicinity of their property, concerns with up to 40 kids making noise and the neighbor works the night shift and sleeps during the day. Diane Hooper agreed to new parking configuration.

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|---------------------------------|--|
| County Health District:         | A letter dated October 8, 2008 recommends approval with conditions.  |
| County Development Engineering/ | A memorandum dated September 4, 2008 recommends approval, subject to conditions.   |
| County Fire Prevention Bureau:  | Specific requirements are noted on the stamped copy dated June 12, 2008 of the site plan.  |
| Public Input:                   | Vaclav and Marie Beran, 26175 West 1 <sup>st</sup> Street NE, Kingston, WA 98346, Diane Hopper, PO Box 11708, Bainbridge Island, WA 98110. |

**Site Plan Review Findings:**

Staff has reviewed the Oregon Avenue Childcare Facility Administrative Conditional Use Permit application against the requirements in KCC 17.382.030 Design Standards and satisfies the criteria set forth in KCC Section 17.420.040(A). Findings on each criterion are hereby made as follows:

1. As found above the proposal is consistent with the Industrial designation of the comprehensive plan.
2. The proposal complies with applicable requirements of Title 17 KCC, assuming compliance with conditions of approval.
3. The UVC zone for a childcare center will not be materially detrimental to uses or property in the immediate vicinity which includes significant industrial uses.
4. The proposal is compatible with and incorporates specific features, conditions, or revisions that ensure it responds appropriately to the existing character, appearance, quality or development, and physical characteristics of the subject property and the immediate vicinity.

**Decision:**

Based upon the above findings, the Oregon Avenue Childcare Facility Administrative Conditional Use Permit is **approved**, subject to the following conditions:

1. Site Plan/Building Permit Review by Kitsap County.
2. Final Landscape Plan shall meet the minimum Code requirements including, plant schedule with sizes, spacing irrigation, and treatment of landscape beds consistent with Section 17.385 Landscaping.
3. The applicant is to install landscaping prior to Final Certificate of Occupancy of the buildings. If this cannot be installed at that time, the landscaping can be bonded for 150% of the cost of materials and labor.
4. The applicant should include preliminarily approved building elevations that incorporate those components outlined in the Chapter IV Architectural/Building Design from Design Standards for the Community of Kingston when applying for Building Permits.
5. Land use approval is limited to the uses proposed by the applicant on the recommended site plan and the SEPA Environmental Checklist dated May 23, 2008 and as conditioned in the SEPA Determination dated December 12, 2008. Any modifications or expansion of the project will be subject to further environmental and or land use review pursuant to the requirements of the appropriate sections of the

KCC. The following mitigation measures shall be required, as specified in the agreement received by Kitsap County on November 26, 2008, between Diane L. Hooper and Starlina Brady:

- A. Parking shall be reconfigured such that parking for staff and clients will be on the south side of the property. Staff shall park closest to the common property line to minimize further parking impacts.
  - B. A six foot wooden privacy fence shall be erected between the tax parcels that are the subject of the agreement.
  - C. Children’s play structures shall be sited on the east side of 11026 Oregon Avenue in order to minimize impacts to the Hooper property.
6. Pursuant to 21.04 KCC, land use approval is valid for a period of up to three (3) years from the decision date.
7. Prior to issuance of a Building Permit, the applicant shall record a Land Use Permit Binder with the Kitsap County Auditor’s Office pursuant to KCC Section 17.420.090 Land Use Binder Required. If conditions are not adhered to, contrary to the Land Use Permit Binder, the Administrative Conditional Use Permit may be rescinded and the County may require that the facility be removed at the owner’s expense.

The applicant shall adhere to all applicable requirements of the Kitsap County Health District.

8. The Public Utility District No.1 of Kitsap County currently provides water to this site.
9. Kitsap County Public Works currently provides sewer to this site.
10. If New Construction is proposed, a Building Clearance for Sewered Property is required.

The applicant shall adhere to all applicable requirements of the Kitsap County Fire Marshal’s Office for fire, life, and safety, including the following:

11. An automatic fire suppression system will be required for this project (IFC 903.2.5).
12. A manual fire alarm system and supervision of the automatic fire suppression system will be required for this project (IFC 907.2.6).

Development Engineering accepts the concepts contained in this preliminary submittal and requires the following conditions as an element of the land use approval:

TRAFFIC AND ROADS

13. Submit a Road Approach Permit Application and plans for construction of asphalt

concrete accesses between the edge of existing pavement and the right-of-way line at all intersections with county rights-of-way. Approaches shall be designed in accordance with Chapter 11.22, Kitsap County Road Standards, of the Kitsap County Code. Existing approaches may need to be improved to meet current standards.

14. Any work within the County right-of-way will require a permit to perform work on County right-of-way and possibly a maintenance or performance bond. This application must be submitted as part of the SDAP process (or building permit if no SDAP is required). The need for and scope of bonding will be determined at that time.
15. Curb, gutter, and sidewalk shall be constructed along the entire property frontage of NE Oregon Ave.

SOLID WASTE

16. Contact the solid waste service provider Waste Management at (360) 674-3166 for information on implementing the solid waste/recycling storage requirements influenced by the service provider (e.g. dumpster size and location) for the project. Pay particular attention to the access requirements of collection trucks (min turning radius is ~35 ft).
17. Provide at least 150 square feet of exterior recyclable materials storage space for the project.

**\*(Site Plan Attach)**

**This Administrative Decision issued on January 7, 2009. This Decision of the Director of the Kitsap County Department of Community Development may be appealed to the Kitsap County Hearing Examiner pursuant to Section 120 of the *Kitsap County Land Use and Development Procedures Ordinance (May 18, 1998)*. Appeals must be filed with the Department of Community Development by the close of business on JANUARY 22, 2009.**

cc: Rick Lanning, PO Box 1688, Kingston, WA 98346  
Interested Parties: Vaclav and Marie Beran, PO Box 395, Kingston, WA 98346,  
Diane Hooper PO Box 11708, Bainbridge Island, WA 98110  
Kitsap County Health District, MS-30  
Kitsap County Parks & Recreation Dept., MS-6  
Kitsap County Development Engineering / Public Works  
DCD Staff Planner Jeff Smith  
DCD Code Enforcement  
Clerk of Hearing Examiner

DCD File  
DCD Building Permit File

