



KITSAP COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

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Larry Keeton, DIRECTOR

STAFF REPORT

RECOMMENDATION TO THE HEARING EXAMINER

Date: February 7, 2008

Application Date: December 11, 2006

Project: Erlands Point Montessori School

LIS #: 07 48263

Type of Application: Conditional Use Permit

Request:

William and Jennifer Bailey, the applicants, are requesting approval of a Conditional Use Permit to develop a Montessori School in a Rural Residential (RR) zone. The existing one-story residential structure will house a Preschool/Kindergarten.

Decision Summary: Recommend Approval, subject to conditions.

Project Location:

4249 Dyes Inlet Road NW, Bremerton, WA 98312.

Assessor's Account #: 052401-1-061-2006

Applicant and Owner:

William and Jennifer Bailey
8018 Tieton Place, NW
Silverdale, WA 98383

State Environmental Policy Act (SEPA) Status:

Pursuant to WAC 197-11-355, a Determination of Non-significance was signed by the Responsible Official January 17th, 2008.

Comments:

The SEPA comment period previously occurred concurrent with the Notice of Application dated December 11, 2007. Multiple public comments were received, including but not limited to concerns with regard to traffic circulation and safety impacts on Dyes Inlet Road and the abutting easement road.

Increased traffic will occur during child drop off and pick up times. Traffic volumes are not anticipated to require “level of service” mitigation under the Kitsap County Road Standards (KCC Title 11) and the Kitsap County Comprehensive Plan. However, the applicant has proposed vegetation management and installation of a traffic mirror in order to improve site distance at the driveway intersection with the abutting easement. Moderate noise impacts may occur to the surrounding vicinity, primarily during the four proposed drop off and pick up times between the hours of 9 A.M. and 3 P.M.

Physical Characteristics:

The subject property is approximately .63 acres with a 1040 square foot single family residence with associated garage and large yard. The site is fairly flat at approximately 25 feet above sea level. The yard and lawn is landscaped and maintained. The closest point to Dyes Inlet is approximately 700 feet to the west.

Existing Zoning and Comprehensive Plan Designation:

The subject property has a Rural Residential designation and is zoned Rural Residential (4 to 9 dwelling units per acre).

The proposed school is a conditional use in the Rural Residential zone (RR).

The lot requirements for the zone are as follows:

Minimum Lot Area = 5 acres
Minimum Lot Width = 140 feet
Minimum Lot Depth = 140-feet

Minimum Setbacks = 50 feet front yard
= 20 feet side yard (5 feet for accessory structures)
= 20 feet rear yard (5 feet for accessory structures)

Surrounding Land Use and Zoning:

The surrounding property in all directions is also zoned Rural Residential (RR). It is primarily developed with single family detached houses. The proposed parcel is at the end of a public road that splits in many directions into private driveways and access easements.

Public Utilities and Services:

Water: Erlands Point Water District
Power: Puget Sound Energy
Sewer: Onsite Septic system
Police: Kitsap County Sheriff
Fire: Central Kitsap Fire and Rescue

Schools: Central Kitsap School District

Transportation:

The site receives access from Dyes Inlet Road NW, a neighborhood road, which intersects Kitty Hawk Drive NW, another neighborhood road, approximately 775 feet to the south. There is easy access to Chico Way, a Major Arterial, and State Highway 3. Kitsap Transit route #14, West Dyes Inlet Limited, stops approximately 2,000 feet away at the intersection of Kitty Hawk Drive NW and Erlands Point Road NW.

Off-Street Parking:

The proposal is providing parking for 8 vehicles. Allowances are being made for a maximum of 20 students. KCC 17.435.030D Places of Public Assembly, Preschool nursery, Kindergarten, day care – One per three children. The project satisfies the required parking ratio.

Policies and Regulations Applicable to the Subject Proposal:

Road Standards, Title 11

Stormwater Drainage, Title 12

Kitsap County Zoning Code, Title 17, (February 15, 1999/as amended)

- Chapter 110 Definitions
- Chapter 310 Rural Residential Zone
- Chapter 381 Allowed Uses table
- Chapter 382 Density and Dimensions table
- Chapter 385 Landscaping
- Chapter 400 Land Use Review
- Chapter 421 Hearing Examiner Conditional Use Permits
- Chapter 435 Off-Street Parking and Loading
- Chapter 445 Signs
- Chapter 520 Appeals
- Chapter 525 Revocations of Permits or Variances

Kitsap County Critical Areas Ordinance, Title 19, (Adopted February 27, 2007)

Kitsap County Comprehensive Plan (December 6, 2006)

Analysis:

The project is to convert a single story, 1040 square feet single-family residence into a preschool/kindergarten. Hours of operation are from 9 am to 3 pm, broken up into two shifts. There are a total of 20 expected students.

The preschool/kindergarten, AKA Day-care center, is a conditional use activity in Rural Residential zones pursuant to the Kitsap County Code 17.381.040.E. subject to footnote # 14. Preschool/kindergarten is required to be reviewed through a Hearing Examiner Conditional Use Permit pursuant to KCC 17.381.010.C. The intent of the Conditional

Use Permit process is for land uses with special characteristics that may not generally be appropriate within a zoning designation, but be permitted subject to review by the hearing examiner to establish conditions to protect public health, safety and welfare.

The application must be reviewed for consistency with KCC Section 17.382.030 Design Standards to see if the applicant has demonstrated the proposed activity is physically suitable for the site, harmonious and compatible with existing and future permitted land uses in the area. The applicant submitted the Conditional Use Permit for the Erlands Point Montessori School December 11, 2007 [Exhibit-16] and the County issued a Notice of Complete Application on December 11, 2007 [Exhibit-11].

HE-Conditional Use Permit Review

The Erlands Point Montessori School facility must meet the following requirements of Section 17.382.030 Design Standards:

Building Height, Buffering and Screening Modification

The director may increase or decrease landscaping, screening and setbacks to minimize conflicts. The project will maintain an appearance of a single-family home, which is permitted in the zone. *The single family house is visible from Dyes Inlet Road. The access street is a dead end street with minimum accessibility for the general public, the proponent will be fencing the property with a 4' solid wood fence which is consistent with screening requirements.*

Exterior Lighting

If artificial outdoor lighting is necessary, the lighting should be arranged so that light is fully shielded from the side view and directed downward and away from adjacent residential properties. *Due to the project location, any artificial lighting should not impact adjacent residential development or create glare for the traveling public.*

Screening of equipment, storage, and refuse areas

1. The roof-mounted HVAC equipment shall not be visible from abutting lots or roadways. *Roof mounted HVAC equipment is not proposed with this project and is not applicable to the preschool/kindergarten.*
2. Locate service areas, outdoor storage areas and intrusive features away from neighboring properties. *The existing features and character of the SFR will remain intact in relation with this project, and proposed additional landscaping and four foot fence will effectively screen the project from the general public's view.*
3. The proposed project will be required to comply with all county solid waste standards and provide concurrence from Waste Management prior to issuance of certificate of occupancy. *The proposed project is an existing single-family residence and will be required to comply with all County solid waste standards.*

Access and Circulation

4. Safe pedestrian access and handicap access shall be required on-site from public rights-of-way to minimize pedestrian and vehicular conflicts. *The project receives direct access from Dyes Inlet Road NW via its own driveway. Drop off and pick up times will experience a marked increase in traffic and wait times. Compliance with ADA requirements will be a condition of occupancy.*

5. 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 project will use an access to the SFR from Dyes Inlet Road NW which will exit onto an access easement parallel to the driveway.*

Signs permitted according to KCC Section 17.445.

The applicant is required to apply for sign permits in accordance KCC Section 17.445 Signs. *Pursuant to this Section, the project will be allowed up to 90 square feet of signage area per building face, single design and not to exceed 200 square feet per site. No signage is proposed.*

Off-street parking and loading per KCC Section 17.435.

Addressed in parking above. This has been satisfied.

Landscaping provided per KCC Section 17.385.

The KCC requires that a minimum of 15% of the total site area be landscaped to the standards in the listed section. *The existing landscaping is consistent with KCC.*

Use Table Footnote #14 Criteria:

Daycare centers shall have a minimum site size of ten thousand square feet and shall provide and thereafter maintain outdoor play areas with a minimum area of seventy square feet per child of total capacity. A site obscuring fence of at least four feet in height shall be provided, separating the play area from abutting lots. Adequate off-street parking and loading space shall be provided.

Applicant has yard area of at least 1500 square feet that does not include septic field area.

A four foot fence is proposed around the perimeter of the property.

Parking is addressed above, and has shown to be adequate.

Public Comments:

The County issued a Notice of Application with an Optional Determination of Nonsignificance consistent with KCC Title 21. To date, the County has received

numerous comments from the public. Public agency comments and interested party comments are noted:

- County Development Engineering A memorandum dated July 17, 2007 stipulates conditions of approval.
- County Fire Marshal: A memorandum dated July 17, 2007 stipulates conditions of approval.
- County Health District: A pre-application checklist dated July 16, 2007 stipulates conditions of approval.
- Public Input: Received approximately 10 issue related comments from approx. 34 adjacent property owners all of which voiced their opposition to the proposed pre-school/kindergarten on various counts. The letters and comments are in the record and are summarized below.

Most of the property owners are concerned that the size of Dyes Inlet Road NW is not adequate to handle the increased traffic that will take place four times per day. The limited sight distance to enter the roadway and congestion make this situation considerably hazardous. Since this street is a dead end street all vehicles will be required to turn around in a very confined area. The advent of this school will definitely change the character of the neighborhood from a quite peaceful rural atmosphere to a noisy, traffic jammed easement. People who work shift will find it hard to sleep during the day from the additional traffic and doors slamming four times per day (drop offs and pickups). Concerns were also raised on whether the septic system can handle the increased volume, and also on the demand of the local water supply. The lack of parking was another one of the talking points.

Findings:

Staff has reviewed the Conditional Use Permit application against the requirements in the Kitsap County Code and found the project consistent. The following are findings for the Erlands Point Montessori School Conditional Use Permit:

1. The proposed development/use is one permitted within the subject zoning designations and complies with all of the applicable provisions of this Ordinance and all other applicable regulations, including prescribed development/performance standards and all applicable development standards and design guidelines.
The project meets all requirements.
2. The proposed development would be harmonious and compatible with existing and future developments within the land use designation and general area.

Surrounding parcels are zoned RR and are developed with single family residences. This proposal will retain the appearance of a single family residence. The proposed use is a more intense land use with regard to traffic ADTs and site activity. Accommodations for the increased vehicles have been shown to comply with KCC requirements and Development Engineering. Through mitigation, this proposal is shown to be compatible and harmonious with all surrounding land uses.

3. The subject site is physically suitable for the type, density and intensity of the use being proposed.
The site is large enough to accommodate the required site features for the use proposed.
4. Appropriate provisions have been made for the public health, safety and general welfare for open spaces, drainage ways, streets or roads, alleys and other public right-of-ways, transit stops, potable water supply, sanitary waste, parks and recreation, playgrounds, schools and all other relevant facts, including: sidewalks or other planning features that ensure safe walking conditions for students who walk to and from school.
All of the applicable provisions have been accommodated.
5. The location, size, design and operating characteristics of the proposed development/use would not be detrimental to the public interest, health, safety, or welfare of the County.
The proposed use will introduce moderate traffic changes to the neighborhood. The proposal has shown that required provisions which will help with compatibility will be installed.

Recommendation:

Based upon the above findings, it is recommended that the Conditional Use Permit request for Erlands Point Montessori School be **approved**, subject to the following conditions:

1. The applicant is to install landscaping around the public perimeter of the lot, inside the fence prior to Final Certificate of Occupancy of the buildings. If landscaping cannot be installed at that time, it can be bonded for 150% of the cost of materials and labor.
2. Artificial outdoor lighting shall be arranged so that light is directed away from adjoining properties and so that no more than candle foot of illumination leaves the property boundaries.
3. Land use approval is limited to the uses proposed by the applicant. Any modifications or expansion of the project will be subject to further review pursuant

to the requirements of the appropriate sections of the Kitsap County Code.

4. Comply with Site Plan/Building Permit Review requirements.
5. Pursuant to KCC 21.04, land use approval is valid for a period of up to three (3) years from the decision date.

All requirements of the Development Engineering and Public Works for this project shall be adhered to, including the following:

TRAFFIC AND ROADS

6. 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.
7. Submit an Application for Concurrency Test (KCPW Form 1601) as required by Chapter 20.04, Transportation Concurrency, of the Kitsap County Code. The KCPW 1601 form is how you reserve road capacity for your project.

WASTEWATER

8. Kitsap County sanitary sewer is not requested.

SOLID WASTE

9. 4. Contact the solid waster service provider Waste Management @ (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 ~35ft).

OTHER

10. If more than 12 months have transpired between the date of this memorandum and the submission of any document, please check with us to ensure that the codes have not changed in a manner that would require different information.

The Fire Marshal's Office has reviewed the above project and recommended approval. All requirements of the Fire Marshal's Office for this project shall be adhered to. (exhibit #9)

11. A fire alarm and sprinkler system is not required as long as the occupancy load does not exceed 50 or more. The occupancy load includes any personnel, regardless of age, that are contained within the room.

12. Egress access shall be directly to a ground level exit.

13. Fire drills shall be required in accordance with IFC 408.3.
14. Fire safety and evacuation plan is required per IFC 404.2 prior to occupancy.
15. Interior finishes need to meet the flame spread requirements of IFC 803.
16. An approved water supply or alternative capable of supplying the required fire flow or fire protection shall be provided upon the premise. A letter from the local water purveyor attesting to the available fire flow is required prior to occupancy being granted.
17. The approved fire department access must be provided and maintained.
18. Addressing and placement of the address sign and size of sign must be in accordance with Kitsap County Ordinance 16.60.090.
19. Occupancy is subject to annual fire code compliance inspections.
20. A minimum 2A10B:C fire extinguisher must be provided and maintained. Mount at a height of between 6" above the floor and no higher than four feet to top of extinguisher. Extinguisher will be verified during occupancy inspection.
21. Contact the building department for any potential ADA requirements.

Cc:

Kitsap County Health District, MS-30
Kitsap County Parks & Recreation Dept., MS-6
Kitsap County Development Engineering / Public Works
DCD Staff Planner Dennis Oost
DCD Code Enforcement
Hearing Examiner
Clerk of Hearing Examiner
DCD File
DCD Building Permit File
Interested Parties:
Amy Campbell, 4396 Dyes Inlet Rd NW, Bremerton, WA 98312
Sandy Cain, 4118 Dyes Inlet Rd NW, Bremerton, WA 98312
Peggy Youngstrom, PO Box 4953 Bremerton, WA 98312
Fred, Penny & Amanda Graeff, 4036 Dyes Inlet Rd NW, Bremerton, WA 98312
Mark & Shirley Mahoney, 4446 Dyes Inlet Rd NW, Bremerton, WA 98312
Scott & Bette Dickson, 4450 Dyes Inlet Rd NW, Bremerton, WA 98312
Ken Rathbar, 4322 Dyes Inlet Rd NW, Bremerton, WA 98312
Calvery Baptist Church, Pastor Art Sinski, 4042 Kitty Hawk Dr. NW, Bremerton, WA 98312
Stacy Miron, 4386 Dyes Inlet Rd NW, Bremerton, WA 98312

Rick Courson, Cedar Bay Homes, Inc. 16300 Scandia Rd, Poulsbo, WA
98370

Kathy Bringle, 3757 NW Linden Ln, Bremerton, WA 98312