
HEARING EXAMINER AGENDA

January 5, 2017



OAK HARBOR HEARING EXAMINER
January 5, 2017 at 1:30 P.M.

City Hall Council Chambers
865 SE Barrington Drive
Oak Harbor, WA 98277

AGENDA

- 1. Call to Order**
- 2. MS. ASHLEY'S DAYCARE AND PRESCHOOL CONDITIONAL USE PERMIT – CUP-16-05**
The Hearing Examiner will consider a conditional use permit application submitted by Ms. Ashley Bernales proposing to use 520 SE Pioneer Way as a daycare and preschool in the existing commercial space.
- 4. Adjourn**

STAFF REPORT

Ms. Ashley's Daycare and Preschool

CUP-16-05

**Ms. Ashley's Daycare and Preschool
Case No. CUP-16-05
Staff Report to Hearing Examiner**

APPLICATION:

The applicant proposes to use an existing approximately 1,500 square foot commercial space as a daycare and preschool space. The proposal would accommodate 30 children and 3 staff members. See Attachment 1 for details on the application and Attachments 2 and 3 for orientation maps.

PRELIMINARY INFORMATION:

Applicant: Ashley Bernales, 1304 NE Big Berry Loop, Oak Harbor, WA 98277

Property Owner: Prosperity Investments, 1582 Scenic Heights Road, Oak Harbor, WA 98277

Address of proposal: 520 SE Pioneer Way, Oak Harbor, WA 98277

Parcel Number: R13202-230-1700

Comprehensive Plan Designation: Central Business District

Zoning Designation: CBD, Central Business District

Application Presented for Action:

Conditional Use Application (CUP-16-05) - Review Process III

Attachments:

Attachment 1	Conditional Use Application and Applicant Narrative
Attachment 2	Vicinity and Aerial Map
Attachment 3	Zoning Map
Attachment 4	City Department requirements
Attachment 5	Public Noticing Documents

BACKGROUND and PROJECT DESCRIPTION:

The existing space is currently vacant, but was previously home to the Lincare retail/medical location. The property owner has consented to allow the applicant to pursue a Conditional Use Permit to operate the daycare and preschool in this location. The applicant proposes to occupy the entire building, consisting of about 1,500 square feet. Existing interior rooms would be used for various daytime activities, with a large room designated for up to 20 children and a smaller room for up to 10. Two restrooms exist within the building as well.

Access to the building is available through doors on the north and south sides and a 1,000 square foot play area is proposed to be created by fencing a section of the side yard of the building, which is currently a driveway access to the rear parking area.

The size of the playground area is governed by Washington Annotated Code (WAC) 170-295-2130(c), which requires,

“a minimum of seventy-five usable square feet per child using the play area at any one time. If the

center uses a rotational schedule of outdoor play periods so only a portion of the child population uses the play area at one time, you may reduce correspondingly the child's play area size.”

Using the ratio of 75 square feet per child, the total number for 30 children would be 2,250 square feet. However, the applicant has indicated that the children will be allowed into the play area as smaller groups. The ratio set forth in the above WAC section would thereby limit the number of children allowed in the play area at one time to 13. This will be included as a condition of approval. Maximum occupancy of the building is to be limited to 49 occupants.

These and other standards specific for daycare and preschool businesses are administered by the Washington State Department of Early Learning. The applicant will be required to abide by the standards set forth in Title 170 of the Washington Annotated Code.

There is no requirement for on-site parking for the CBD zone district. Additionally, the OHMC does not set a standard for number of parking spaces required for this type of use. While significant on-street parking is available, the applicant should allow for as much off-street and easily-accessible parking spaces for parents dropping off children. Therefore, parking on the south side of the building should be reserved for customers, with employee parking either on the north side of the building or on the street. As noted in the attached Engineering Department comments (see Attachment 4) from the application, the applicant should be prepared to provide evidence that the access from the north is allowed by easement or other agreement, should the north portion of the building be used for access or parking. Construction of the fencing around the play area will make legal access to the north side impossible otherwise. The fenced area will also need to provide an accessible exit from the building.

Conditional Use Permit Application

The subject parcel is currently zoned Central Business District (CBD). The site’s proposed use is listed under OHMC 19.20.315 *Conditional uses permitted*.

Following OHMC 18.20.250(2)(b), the review of applications for conditional uses are Review Process III actions. Such actions are subject to an open record public hearing before the Oak Harbor Hearing Examiner, followed by a final decision by the Examiner.

SITE GEOGRAPHY

The subject building is located on the north side of SE Pioneer Way between SE City Beach Street and SE Ely Street. Currently developed with a one-story commercial building and small paved parking lot, the parcel slopes downward from north to south. Land uses abutting the site include the following:

	Existing Land Use	Zoning
North:	Residential	CBD, Central Business District
South:	Vacant land	CBD, Central Business District
East:	Commercial	CBD, Central Business District
West:	Residential	CBD, Central Business District

The proposed undertaking is within a Very High Risk area of encountering cultural resources. The property within 60 feet of the site boundary of 45IS45, the site that was

the epicenter of controversy that led the City to be sued by a neighboring tribe for not properly following cultural resource laws (see Attachment 4).

Therefore, the City highly recommends that a professional archaeologist be on-site during ground disturbing activities. If the fence posts can be installed by driving them into the ground (no excavation), then the project can be done using the City's Inadvertent Discovery Plan (IDP), which the applicant is required to review and sign regardless. Attached is the Association of Washington Archaeologists consultant list to assist with finding a professional archaeologist. However, the City only recommend a professional archaeologist, it does not have to be from the AWA list.

SEPA

The proposed project does not meet the threshold for SEPA review.

LEGAL NOTICE:

A Notice of Public Hearing and notice to neighboring property owners were mailed and posted on December 16, 2016. The Notice of Application was advertised on November 23, 2016.

PUBLIC COMMENTS:

The City has received no comment on this application.

CONDITIONAL USE REVIEW

The Oak Harbor Municipal Code 19.67 Conditional Uses, states that a conditional use permit shall be granted if certain criteria are met. The following is an analysis of the conditional use criteria:

1. All special conditions for the particular use are met.

Conditions of approval will be listed with this staff report as submitted by City staff. Applicant will be required to abide by state law regarding the operation of the daycare and preschool. No additional conditions are proposed.

2. It does not have a significant, adverse environmental impact resulting in excessive noise, light and glare or soil erosion on adjacent property.

No negative environmental impacts are expected from the proposed use. The use of the property may generate noise of children playing in the outdoor play area, but should not place undue burden on neighboring properties. Any noise concerns related to activities that may occur on the property shall be addressed by Chapter 6.56 of the Oak Harbor Municipal Code.

3. It is provided with adequate parking.

As noted above, there are no requirements for on-site parking in the CBD zone district. Long term parking is not expected for this use. However, the applicant should ensure that parking spaces on-site are available for parents to drop off children safely. A condition of approval has been included to state that employees shall leave the front (south) parking area open and available for customers.

4. It is served with adequate public streets, public utilities and facilities.

Existing utilities will be sufficient for the proposed use and the use will not constitute an undue burden on any utility or facility. If a building permit is needed for any construction on the site, a Transportation Concurrency application will be required and any associated impact fees will need to be paid by the time of building permit issuance.

5. It otherwise meets the purpose of the district in which it is to be placed.

The listed purpose of the CBD zone district is to “preserve and enhance the unique harbor location of the city’s heritage with the character of the traditional center of social, cultural and retail activity.” This use enhances the traditional city center by both bringing citizens and potential shoppers into the area and exposing the youth of the community to the historical district and its amenities.

6. It meets the goals and policies of the Oak Harbor Comprehensive Plan.

The proposed use will generally bring more people to the historic downtown of Oak Harbor and protect undeveloped land by the re-use of an existing commercial building in a developed urban area. Specifically, the project is also consistent with the following Comprehensive Plan Goals and Policies below.

Land Use Element:

Goal 1.f – Support revitalization efforts of downtown Oak Harbor and other neighborhoods through implementation of adopted plans and programs.

Goal 8 – To ensure that the location, situation, configuration, and relationship of the varied land uses within the UGA are consistent and compatible.

Goal 15 – To establish and maintain sufficient land within the City of Oak Harbor zoned to ensure a wide range of public and quasi-public services to meet community needs.

Goal 19 – To create and maintain a balanced community that mixes residential use and non-residential uses in a way that promotes environmental quality and community aesthetics.

Transportation Element:

Goal 4.c – Encourage land use development patterns that reduce the demand for increased capacity on roadways.

RECOMMENDED ACTION:

Staff recommends that the Hearing Examiner conduct the public hearing and approve CUP-16-02 subject to the following conditions of approval:

1. The project shall be in general conformance with the narrative and application materials submitted by the applicant dated November 15, 2016, as attached in Exhibit 1 and abide by conditions and requirements set forth within this report.

2. Employees of the business shall not park in the front (south) side parking area. Customers should be advised that long-term parking for activities other than dropping off children should take utilize on-street parking to allow for safe and efficient drop-off of children using the on-site parking lot.
3. Building egress is provided through gated areas. Gated or fenced areas shall allow accessible exit to public right-of-way or other designated and approved safe area.
4. Total occupant load not to exceed 49 occupants.
5. Physical improvements to site or structures (including play structures) require building permit application to be submitted for review and approval.
6. Site, facility and elements must be accessible to those with disabilities. Anthropomorphic standards for children may be incorporated with approval from the Building Official.
7. If a building permit is required, Transportation Concurrency will be necessary. A traffic study may be required as part of the application for concurrency. Depending upon trip generation and distribution, a level of service (LOS) analysis may be required as part of the study
8. If not already installed and approved, a backflow prevention device is required to be installed after the domestic water service meter and after any irrigation deduct meter.
9. The proposed fencing shall not interfere with backing maneuvers from the parking stalls. It is suggested to have a minimum offset of 4 feet from the front face of the building to the fence extending from the west side of the building.
10. The applicant must demonstrate that they have the right to cross the adjacent property to the north to access the north parking area.
11. The proposed fencing will block the driveway through the subject property. Ensure that there is not an existing right for the adjacent properties to access SE Pioneer Way through the subject property.
12. The conditional use shall not be transferable to a subsequent user unless specifically authorized by the hearing examiner who finds it appropriate and a permit authorizing the transferability is on record with the Island County auditor.
13. The conditional use permit must be acted on within one year of the date of granting. Otherwise the conditional use permit shall expire and be null and void.
14. The conditional use permit applies only to the property for which the application is made.

Attachment 1

*Conditional Use Application
and
Applicant Narrative*



City of Oak Harbor
Development Services Department
 865 SE Barrington Drive, Oak Harbor, WA 98277
<http://www.oakharbor.org>

Phone: 360-279-4510
 Fax: 360-279-4519

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 CITY OF OAK HARBOR
 Development Services Department

Summary Application

Project Information

Project Name: MS-Ashleys daycare
 Project Address: 520 SE pioneer way
 Description of Work: Add a fence in back and front of buinding
 Assessor Parcel Number(s): Property Id 11034 - geographic ID R13202-230-17a
 Land Area (sq. ft. or acres): 5000 Zoning District: _____
 What is the Project Valuation (best guess, if necessary) \$ _____

Applicant Information

Applicant Name: Ashley Bernales
 Address: 1304 NE Big Berry Loop
 City/State: Oak Harbor WA Zip: 98277 Phone/Fax: 360-679-2402
 Email: ashleybernales@hotmail.com

Applicant's Interest to Property* (check one):
 Owner Owner's Agent Lessee Contractor Licensed Architect Licensed Engineer
 Other (specify) _____

Primary Contact (if other than applicant)
 Name: _____
 Address: _____
 City/State: _____ Zip: _____ Phone/Fax: _____
 Email: _____

Property Owner(s) (if other than applicant)
 Name: Prosperity Investments FLP
 Address: 1502 Scenic heights rd
 City/State: Oak Harbor WA Zip: 98277 Phone/Fax: 360-679-4127
 Email: _____

All Persons/Firms having an ownership interest in the property:

Name: _____ Phone: _____

Name: _____ Phone: _____

Name: _____ Phone: _____

Architect / Engineer:

Name: _____ Address: _____

City/State: _____ Zip: _____ Phone/Fax: _____

Email: _____

Architect / Engineer:

Name: _____ Address: _____

City/State: _____ Zip: _____ Phone/Fax: _____

Email: _____

Contractor:

Name of Business: _____

Contact Person: _____

Address: _____

City/State: _____ Zip: _____ Phone/Fax: _____

Email: _____

WA State Contractors License: _____

City of Oak Harbor Business License: _____

Authorization

I declare under penalty of the perjury laws that the information I have provided on this form/application is true, correct, and complete.

 _____
Applicant Signature* Date

Permit Type (check all that apply)

- Building
 Land Use
 Engineering
 Grading Only
 Land Clearing Only
 Demolition Only
 Residential Construction
 Commercial Construction

Permits Requested (check all that apply)

<input type="checkbox"/> Accessory Dwelling Unit	<input type="checkbox"/> Final Plat	<input type="checkbox"/> SEPA Review
<input type="checkbox"/> Annexation	<input type="checkbox"/> Grading	<input type="checkbox"/> Site Plan
<input type="checkbox"/> Appeal	<input type="checkbox"/> Land Clearing	<input type="checkbox"/> Short Plat
<input type="checkbox"/> Binding Site Plan	<input type="checkbox"/> Lot Combination	<input type="checkbox"/> Shoreline
<input type="checkbox"/> Boundary Line Adjustment	<input type="checkbox"/> Pre-Application	<input type="checkbox"/> Transportation Concurrency
<input type="checkbox"/> Civil Plan Review	<input type="checkbox"/> PRD	<input type="checkbox"/> Variance
<input checked="" type="checkbox"/> Conditional Use	<input type="checkbox"/> Preliminary Plat	<input type="checkbox"/> Zoning Code Text Amendment
<input type="checkbox"/> Other		

Are you requesting to process the applications individually per OHMC 18.20.360(1)?
 Yes No

Project Details (fill in all applicable sections)

Ground Disturbance: Yes No If yes, completes the following questions:

Is disturbance greater than 100 cubic yards? Yes No

Type of equipment to be used _____

Total cubic yards of excavation _____ Total cubic yards of fill _____

Critical Areas:

Does the site contain a critical area as defined in OHMC 20.12.030(2) Yes No Unknown

If yes, please state critical area type(s) _____

Shoreline:

Is construction planned within 200 feet of ordinary high water? Yes No Unknown

Floodplain:

Is the project site/property/or portions of the property within a floodplain? Yes No Unknown

*Documentation demonstrating authorization to sign applications on behalf of the Owner(s) is required.

Stormwater:

Will the completed project result in 2,000 or more square feet of impervious surface? Yes No Unknown

Total replaced new and impervious surface (in sq. ft) _____

What is the stormwater facility type(s) proposed to be used for the project? _____

Project Details (fill in all applicable sections)

Land Clearing: Yes No If yes, complete the following questions:

Percentage of land to be cleared _____ Types of vegetation to be removed _____

Garry Oaks on the property? Yes No Estimated date of clearing _____

Type of equipment to be used _____

Transportation Concurrency:

Licensed Traffic Engineer _____ Phone _____ Email _____

Total length of public streets _____ Total length of private streets _____

Existing property use _____

Land Use Data:

Sq ft of new construction _____ Existing property use _____

Proposed Property Use _____ Housing Type Proposed _____

Proposed Number of Buildings _____ Number of Existing Dwelling Units _____

Number of Proposed Dwelling Units _____ Number of Existing Parking Spaces _____

Number of New Parking Spaces _____ Number of Existing Lots _____

Number of New Lots Proposed _____ Proposed Density _____

*Documentation demonstrating authorization to sign applications on behalf of the Owner(s) is required.

CONTENTS:

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CITY OF OAK HARBOR
Development Services Department

1. APPLICATION
2. NARRATIVE
3. FLOOR PLAN
4. PARCEL INFO FROM ISLAND COUNTY ACCESSOR & TREASURER
5. MAILING LIST
6. MAP

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CITY OF OAK HARBOR
Development Services Department

I am planning on turning the property located at 520 SE Pioneer way into a Childcare Center and Preschool. For this I will need to apply for a conditional use permit.

The building is set up to have a maximum of 30 children and 3 staff members at once if such capacity is needed. The first classroom (Main Room) has 750 sq. ft of usable space which allows for a maximum of 20 kids and 2 staff members. The second classroom has 300 sq. ft of usable space which allows for 7-10 kids with one staff member.

There are two main exits located in the building. One exit is located on the front of the building (Front entrance). Another exit can be found in the back of the building (Outside play area). Each classroom also has two doors that lead out of the room.

Building is measured at 1500 sq. ft, the back area behind the building will be used for an outside play area. Play area has been measured at approximately 1000 sq. ft. We will add a fence to enclose the play area to ensure the children's safety. Front of the building has 4 marked parking spaces. You can fit 5 parking spaces in the back as well. There are 20 public parking spaces located directly across the street for overflow parking. The Children do not come all at the same time so I do not believe we will need to use the overflow parking very often.

All that will need to be added to this building would be a fence (as mentioned above) for the outside play area. As well as a smaller fence for the front entrance to prevent children from running into the road.

The building is ready structurally for what is needed to successfully operate a Childcare center and Preschool.

I believe that opening this facility provides more Childcare opportunities for our hard working families, that is important since our population on the Island continues to grow, which makes the demand for childcare grow exponentially. Also by opening this Childcare center I feel it provides more job opportunities to the community as we possibly expand in the future after setting our roots on Pioneer. Expanding will provide jobs to many contractors, it also gives us the option to hire and train additional staff members that will be necessary if we increase our capacity. I also believe that this facility will bring more potential customers to downtown, whether picking up or dropping off their kids, parents could be enticed to shop at nearby businesses as they are already in the area and have to drive through Pioneer nonetheless to leave the Childcare facility.

I've ran Ms-Ashley's Daycare and Preschool for the past 6 years in my home which is located at 1304 NE Big Berry Loop. My house is in a residential neighborhood, I have never received a noise complaint or had any issues from any of the many families I've served every day since I opened in 2010. I ensure that parents are respectful to our neighbors and the neighborhood around us.

The children will spend the majority of their time inside during the hours of 8:00 AM - 6:00 PM Monday thru Friday with the occasional outside play time when the weather permits during the late morning or early afternoon.

CUP-16-00005

We will be adding a 6 FT high wooden fence along the grass to pavement line on the side of the building that is separating us from the house to the west. We will be also adding a chain link fence that is 4-6 FT high in the front section of the building, which will connect to the wooden fence on the side of the play yard area. We will use a 6 FT high chain link fence connecting to the churches (building to the east) fence along the back area of the building. We will add a roll out gate to the very back preventing cars from driving through driveway.

I will abide by WAC 170-295-2130 We have measured this designated outdoor space at 1528 sq. ft total of usable play space. We will have no more than 20 kids out at one time. We will use a rotational schedule for our outdoor play time and as per that WAC 170-295-2130 (c) **“Contain a minimum of seventy-five usable square feet per child using the play area at any one time. If the center uses a rotational schedule of outdoor play periods so only a portion of the child population uses the play area at one time, you may reduce correspondingly the child's play area size.”**

This is private property and people (other than the renter or authorized personnel) should not be driving through, it is not for public access. We will add the fencing as well as a roll out gate in the very back to prevent people from driving through.

Outside play area will include Toy cars, Balls, and outdoor play toys.
We will not be adding swings or any climbing equipment.

Pictures show the 3 parking spaces up front. 5 parking spaces in the back. Overflow parking on pioneer of 20 parking spaces. We will not have that many cars at once. We do not have the same drop off times for every family

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NOV 15 2016

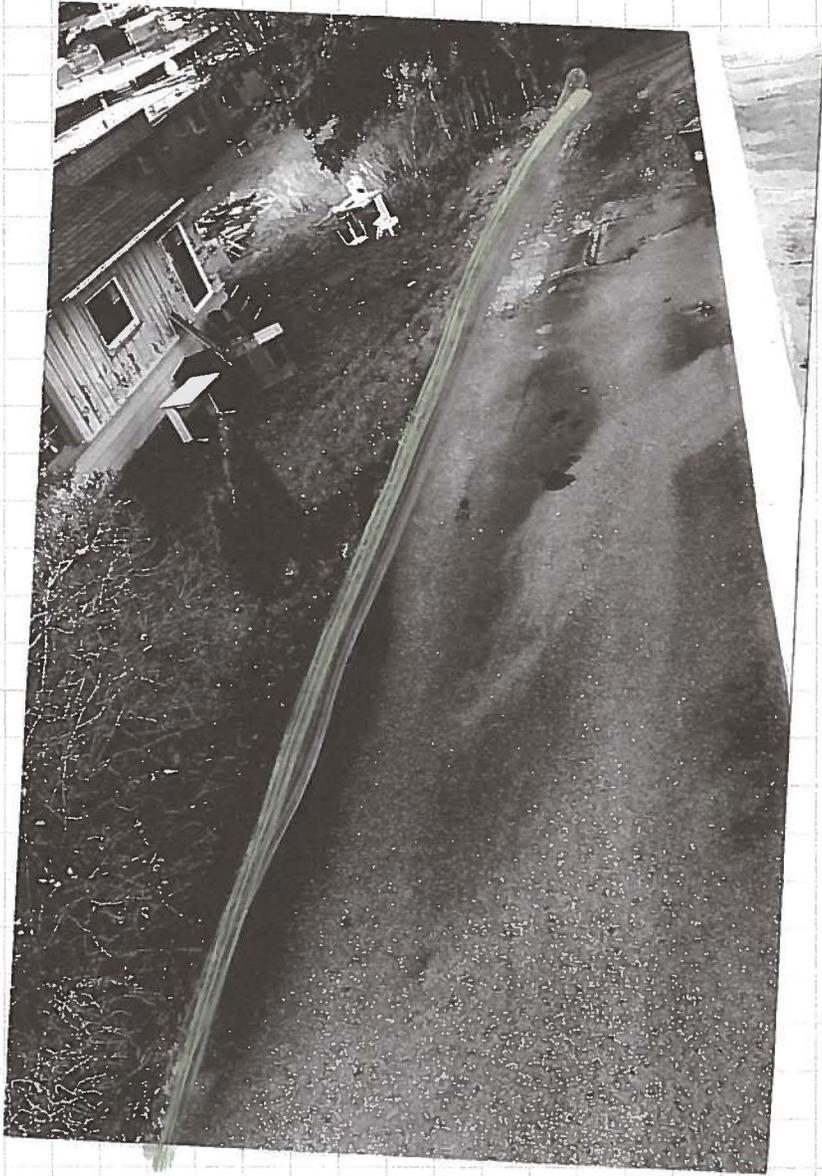
CITY OF OAK HARBOR
Development Services Department



front
 6 foot wooden
 fence along grass
 line.
 4-6 foot chain link
 fence with gate
 in front play area



3 parking spaces
 up front
 20 across the street
 most children do not
 come at the same
 time wont need to
 use pioneer parking
 very often.



side

play space along
building

will have wooden
fence 6 foot

Separating house &
building will prevent
thru traffic. this is a
private drive. will
not be able to
drive through.

will have fence and
landscaping

blocks to help

with safety concerns
while children play.



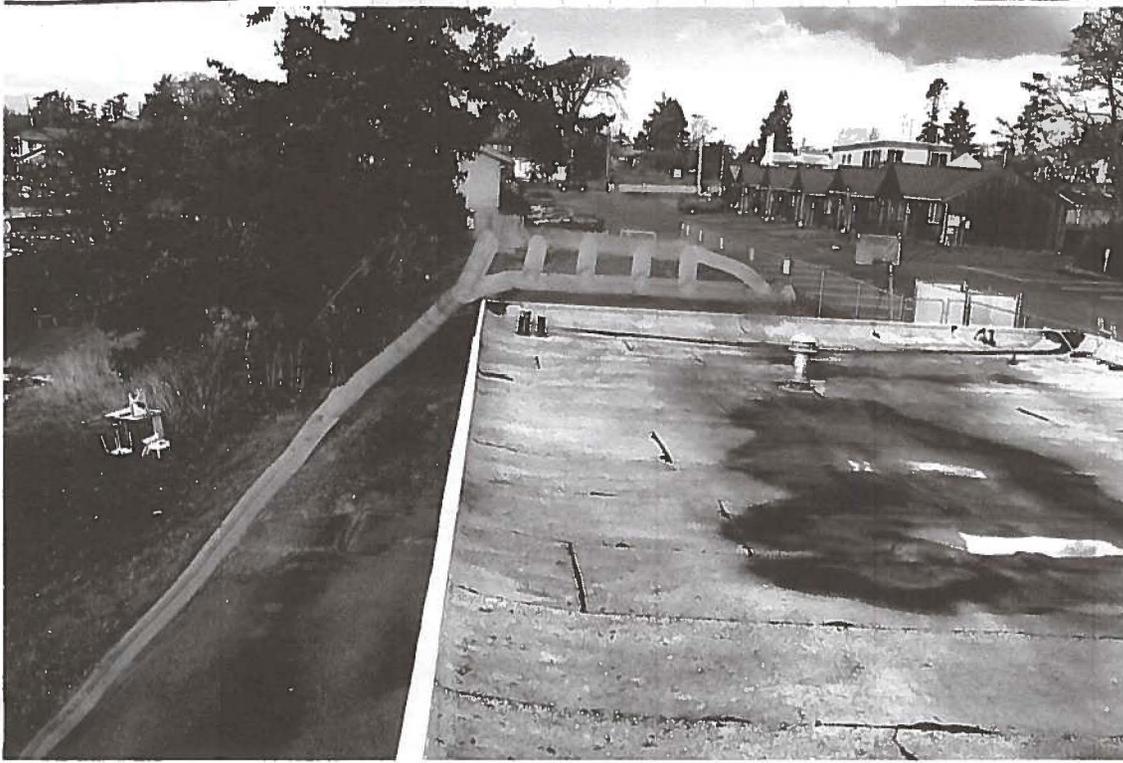
CUP-16-05 Attachment 1

Back area

Will add chain link fence separating parking spaces and play area

garbage will be gone to the dump shortly. cardboard bin will not be there.

NO thru traffic will be able to go thru



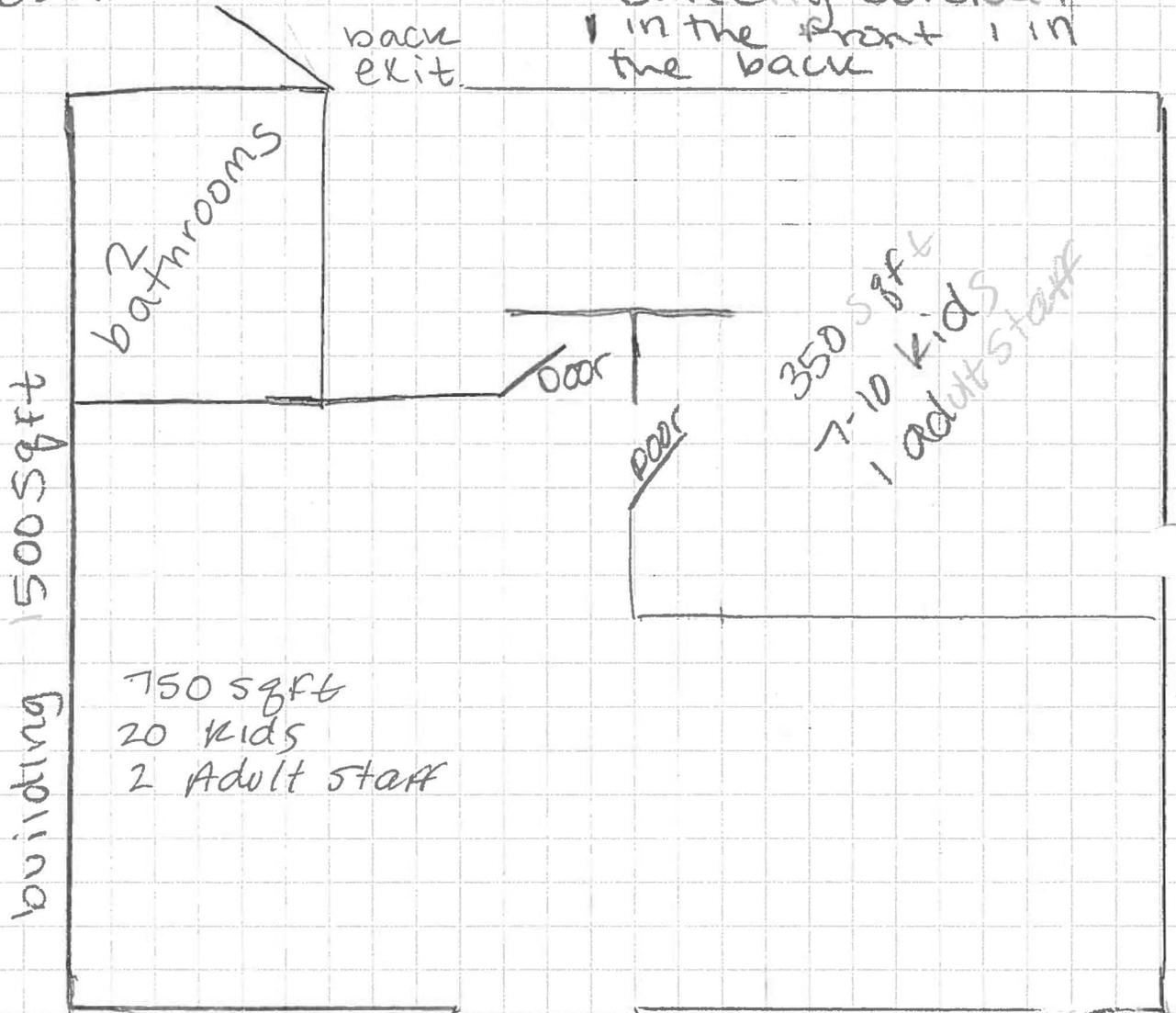
6 foot wooden fence along grass line. Chain link connected to right side chain link fence will add roll away chain link fence/gate will have 5 parking spaces in the back

5 parking spaces in the back

Add fence to outside play area
located in the back up to
1000 sqft

520 SE
pioneer way
oak harbor wa
98277

2 Exits leading
directly outside,
1 in the front 1 in
the back



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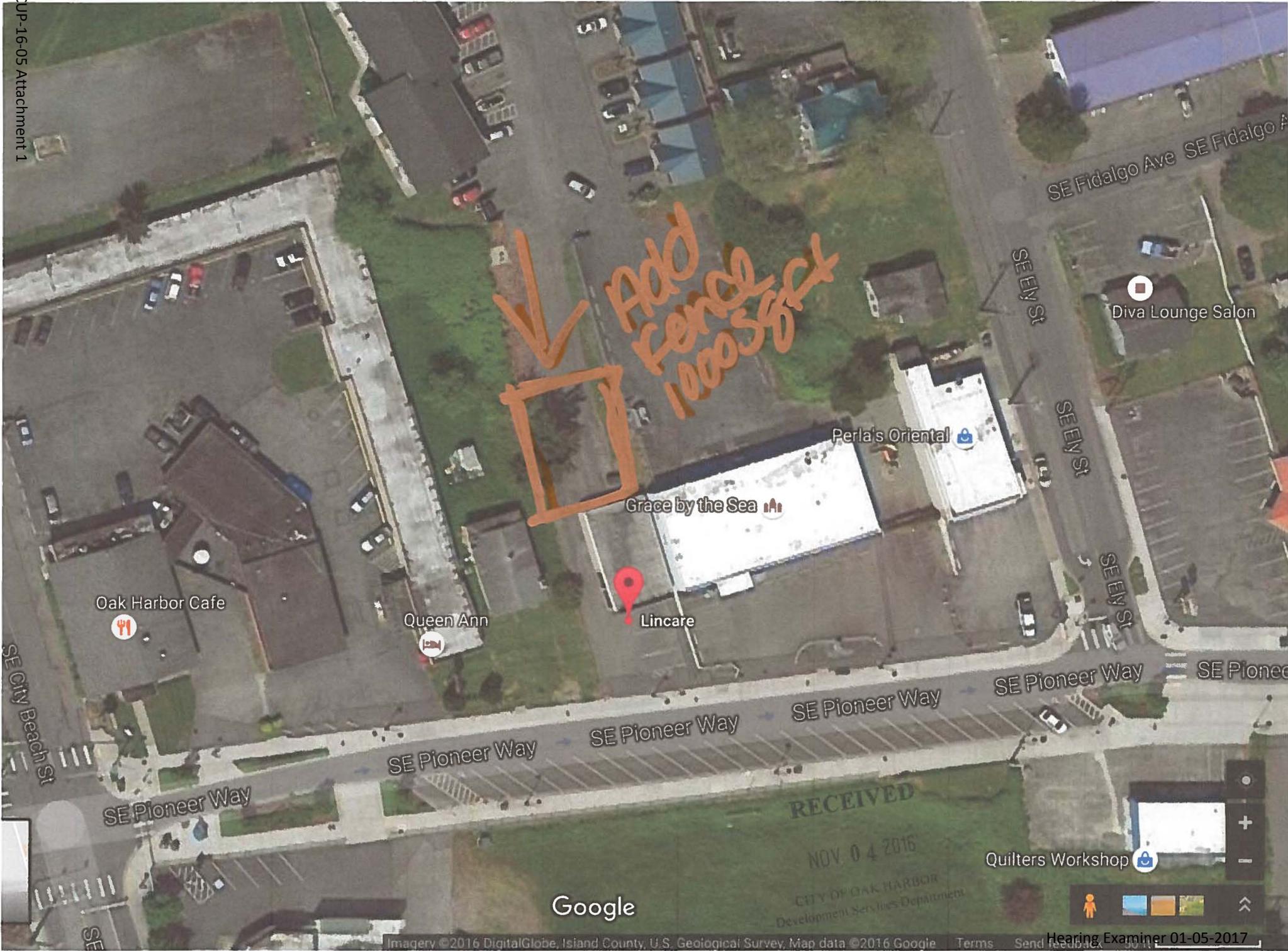
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CITY OF OAK HARBOR
Development Services Department

Add a small
fence in front

Total lot size
5000 sqft.

4 parking spaces
out front
20 Directly across
on pioneer way



Google

List of Owners / Businesses within 300 feet

K & J OAK HARBOR INVESTMENT LLC
(Queen Anne Motel)
450 SE PIONEER WAY
OAK HARBOR, WA 98277

Location – 430 SE Pioneer Way

K & J OAK HARBOR INVESTMENT LLC (little
house)
450 SE PIONEER WAY
OAK HARBOR, WA 98277

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Development Services Department

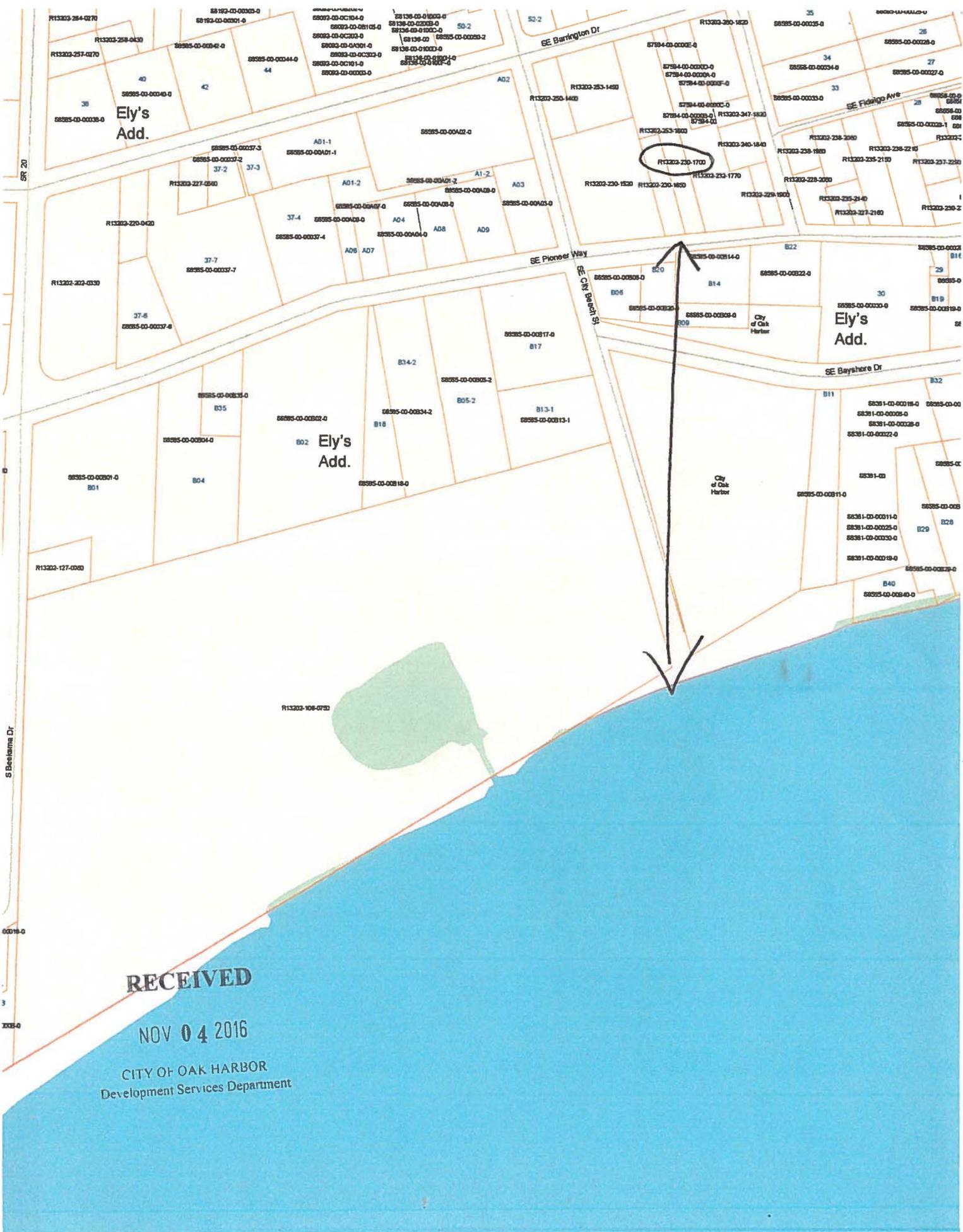
Location – 490 SE Pioneer Way

GRACE BY THE SEA ANGLICAN CHURCH
540 SE PIONEER WAY
OAK HARBOR, WA 98277

Location – 540 SE Pioneer Way

LONG JR TRUSTEE, CHARLES L (Apartments
behind building)
755 MAIN ST
HUNTINGTON BEACH, CA 92648

Location - 455 SE BARRINGTON DR



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CITY OF OAK HARBOR
Development Services Department

Property Search Results > 11034 PROSPERITY INVESTMENTS FLP for Year 2015 - 2016

Property

Account
 Property ID: 11034 Legal Description: 15 SUM DLC:BG 1241.5'W & 203.1'S IP 33'N OF SW CR TAFT DLC N16*W231' N73*E ALG ST 92.7' S16*E238.05' S83*W94.3' M/L TPB EX W/2

Geographic ID: R13202-230-1700 Agent Code:
 Type: Real
 Tax Area: 100 - APPRAISER-OH Schl Dist, in OH Land Use Code 48
 Open Space: N DFL N
 Historic Property: N Remodel Property: N
 Multi-Family Redevelopment: N
 Township: 32 Section: 02
 Range: R1

Location
 Address: 520 SE PIONEER WAY OAK HARBOR, WA 98277 Mapsco:
 Neighborhood: Cycle 1 Map ID: 86
 Neighborhood CD: 1

Owner
 Name: PROSPERITY INVESTMENTS FLP Owner ID: 183052
 Mailing Address: 1582 SCENIC HEIGHTS RD % Ownership: 100.0000000000%
 OAK HARBOR, WA 98277-8415
 Exemptions:

Pay Tax Due

There is currently No Amount Due on this property.

Taxes and Assessment Details

Property Tax Information as of 11/02/2016

Amount Due if Paid on:  **NOTE:** If you plan to submit payment on a future date, make sure you enter the date and click RECALCULATE to obtain the correct total amount due.

Click on "Statement Details" to expand or collapse a tax statement.

Year	Statement ID	First Half Base Amt.	Second Half Base Amt.	Penalty	Interest	Base Paid	Amount Due
▶ Statement Details 2016	568	\$972.51	\$972.43	\$0.00	\$0.00	\$1944.94	\$0.00
▶ Statement Details 2015	645	\$721.04	\$720.97	\$0.00	\$0.00	\$1442.01	\$0.00

Values

(+) Improvement Homesite Value: + \$0
 (+) Improvement Non-Homesite Value: + \$36,365
 (+) Land Homesite Value: + \$0
 (+) Land Non-Homesite Value: + \$138,808
 (+) Curr Use (HS): + \$0 \$0
 (+) Curr Use (NHS): + \$0 \$0

(=) Market Value: = \$175,173
 (-) Productivity Loss: - \$0

(=) Subtotal: = \$175,173
 (+) Senior Appraised Value: + \$0
 (+) Non-Senior Appraised Value: + \$175,173

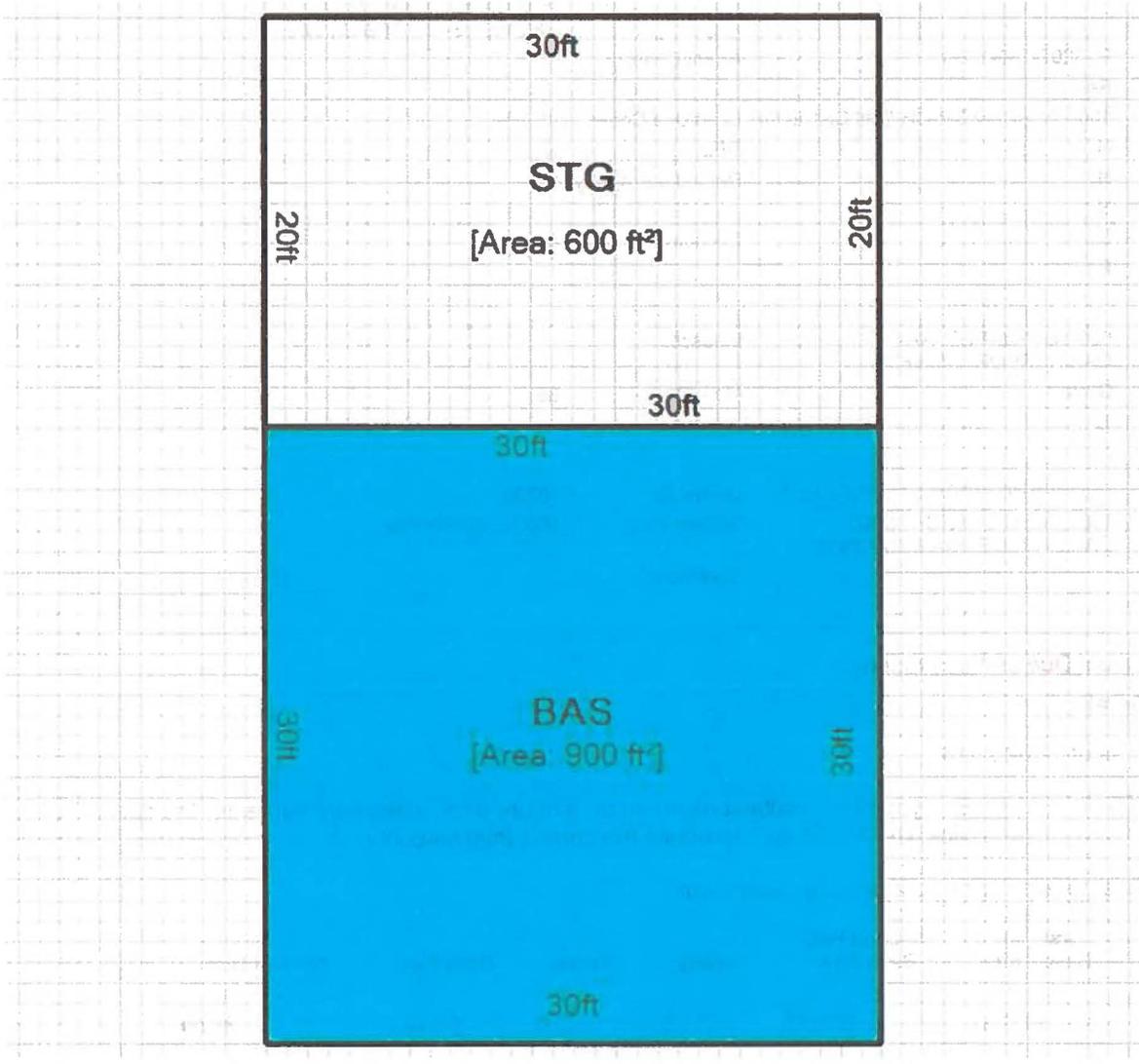
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 CITY OF OAK HARBOR
 Development Services Department

(=) Total Appraised Value:	=	\$175,173
(-) Senior Exemption Loss:	-	\$0
(-) Exemption Loss:	-	\$0
		<hr/>
(=) Taxable Value:	=	\$175,173

Taxing Jurisdiction

Improvement / Building

Sketch



Property Image



Land

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	68	COMMERCIAL RETAIL	0.1148	5000.00	0.00	0.00	\$100,000	\$0
2	68	COMMERCIAL RETAIL	0.1485	6468.00	0.00	0.00	\$38,808	\$0

Roll Value History

Year	Improvements	Land Market	Current Use	Total Appraised	Taxable Value
2017	N/A	N/A	N/A	N/A	N/A
2016	\$33,850	\$138,808	\$0	\$172,658	\$172,658
2015	\$36,365	\$138,808	\$0	\$175,173	\$175,173
2014	\$37,944	\$89,221	\$0	\$127,165	\$127,165
2013	\$39,633	\$89,221	\$0	\$128,854	\$128,854
2012	\$58,074	\$89,221	\$0	\$147,295	\$147,295
2011	\$58,074	\$89,221	\$0	\$147,295	\$147,295
2010	\$67,670	\$89,221	\$0	\$156,891	\$156,891
2009	\$68,880	\$130,735	\$0	\$199,615	\$199,615
2008	\$37,387	\$170,318	\$0	\$207,705	\$207,705
2007	\$71,298	\$206,768	\$0	\$278,066	\$278,066
2006	\$73,717	\$146,905	\$0	\$220,622	\$220,622
2005	\$53,516	\$117,547	\$0	\$171,063	\$171,063
2004	\$50,962	\$117,547	\$0	\$168,509	\$168,509
2003	\$49,655	\$108,029	\$0	\$157,684	\$157,684
2002	\$0	\$138,951	\$0	\$138,951	\$138,951

Deed and Sales History

#	Deed Date	Type	Description	Grantor	Grantee	Volume	Page	Sale Price	Excise Number	Deed Number
1	02/15/2000	W	Warranty & Grant Deed	PITT, RICHARD L	PROSPERITY INVESTMENTS FLP,			\$140,000.00	724	20003755
2	04/01/1979	O	N/A	PI,	PITT, RICHARD L			\$0.00	0	0

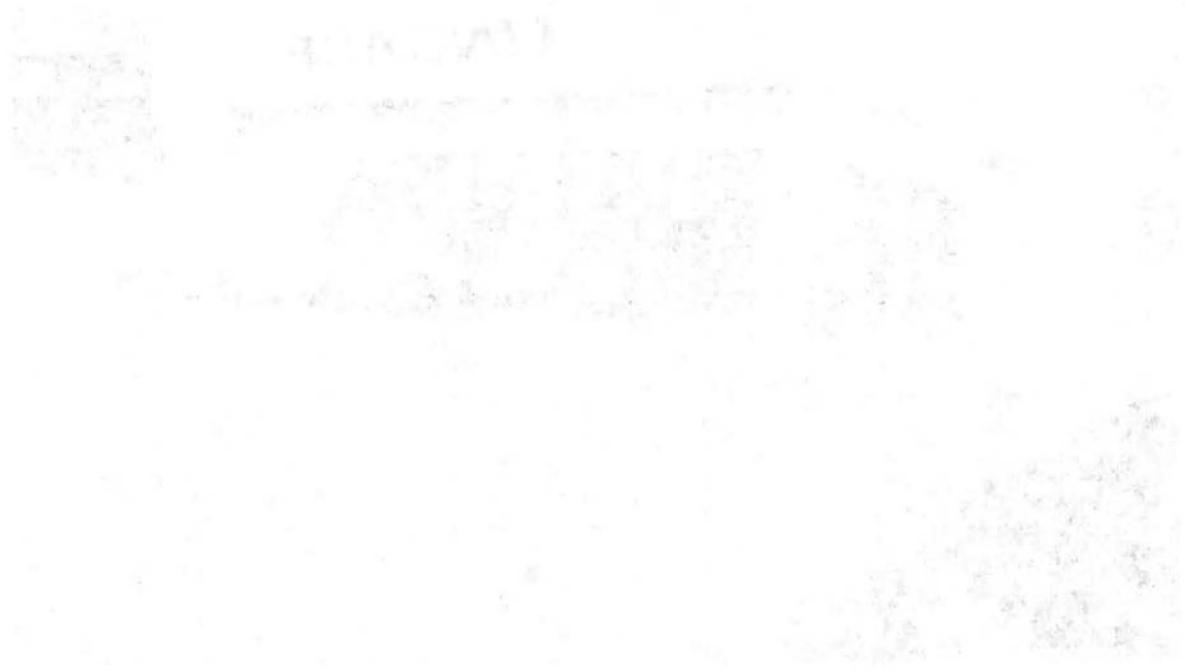
Payout Agreement

No payout information available..

Website version: 9.0.40.29

Database last updated on: 11/2/2016 2:10 AM

© N. Harris Computer Corporation





Development Services
 City Hall:
 865 S.E. Barrington Drive
 Oak Harbor, WA 98277
 (360) 279-4500
 Fax No: (360) 279-4519

Permit #: CUP-16-00005
 Issue date:
 Expire date: 05/03/2017

24 Hours Notice Required for Inspections

Job Address: 520 SE PIONEER WAY
 OAK HARBOR WA 98277

Parcel #: R13202-230-1700
 S7285-00-0B001-2
 S7285-00-0B001-2

Permit Type: Simple Conditional Use
Project:

Description of work: Conditional Use application for the proposed MS - Ashley's Daycare and Preschool in an existing commercial space

Applicant: ASHLEY BERNALES
Address: 1304 NE BIG BERRY LOOP
 OAK HARBOR, WA 98277
Phone: (360) 679-2402

Owner: PROSPERITY INVESTMENTS FLP
Address: 1582 N SCENIC HEIGHTS RD
 OAK HARBOR WA 98277
Phone: (360) 929-7450

Contractor:
Address:

Phone:
License #:

General Information:

Conditional Use Type	NON	Pre-Application Required?	N	Pre-Application Waived?	N
Public Hearing Required?	N	Type of Use:	COM		

Fees:

Conditional Use Permit Fee	780.00
Total Calculated:	780.00
Deposits/Receipts:	0.00
Total Due:	780.00

City of Oak Harbor

NOV 04 2016

PAID
 Finance Department

This permit will remain valid for one year * provided that the work is commenced within 180 days after issuance. This permit will become null and void after 180 days if the approved work has not yet been commenced, or the work is suspended or abandoned for a period of 180 days after the works has commenced. This signed permit will act as a receipt of approval to the above described work detailed in the approved plans and specifications. This permit is subject to all provisions of the local, state or federal laws and ordinances governing this type of work, whether stated herein or not. I hereby certify that I have read and examined this permit and know the same to be true and correct

* Unless a different length of time is specified by the Oak Harbor Municipal Code.

Leo Belen 11/4/16

Applicant Signature _____ Date _____

Issued By: _____ Date _____

Hearing Examiner 01-05-2017

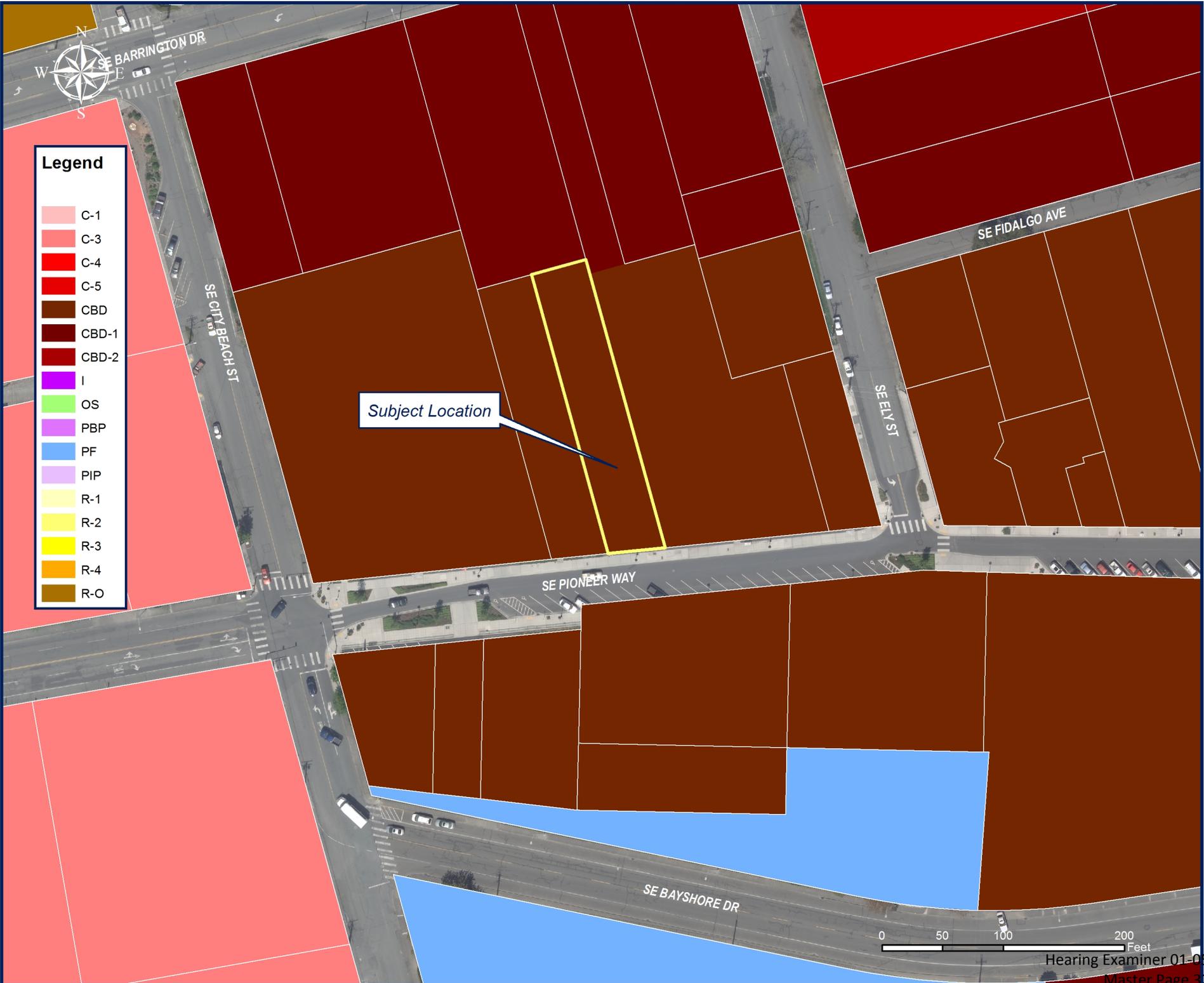
Attachment 2

Vicinity Map



Attachment 3

Zoning Map



Attachment 4

City Department Requirements

APPLICATION REVIEW COMMENTS

Date: November 29, 2016

To: Lisa Bebee, Permit Coordinator

From: Brian Lee, Building Official

Re: **Ms. Ashley's Daycare and Preschool**
Ashley Bernales
Conditional Use Permit **(CUP-16-05)**

To assist in expediting the review of the above entitlement applications associated with the Conditional Use Permit review, the Building Division offers the comments listed below. The comments are applicable to this entitlement application review only. A full review of construction documents will be provided at the time the building permit application for the project is filed.

RECOMMENDED CONDITIONS OF APPROVAL:

1. Egress is provided through gated areas. Gated / fenced areas to allow accessible exit to public right-of-way or other designated and approved safe area.
2. Total occupant load not to exceed 49 occupants.
3. Physical improvements to site or structures (including play structures) require building permit application to be submitted for review and approval.
4. Site, facility and elements must be accessible to those with disabilities. Anthropomorphic standards for children may be incorporated with approval from the Building Official.

END OF BUILDING DIVISION COMMENTS.

Any questions regarding the above should be addressed to Mr. Brian Lee, Building Official, at (360) 279-4517.

Engineering Review Comments For Ms. Ashley's Daycare and Preschool

(Conditional Use)
CUP-16-05

Review comments for Conditional Use Permit submitted 11/4/2016 & 11/16/2016

Engineering

1. If a building permit is required, Transportation Concurrency will be necessary. A traffic study may be required as part of the application for concurrency. Depending upon trip generation and distribution, a level of service (LOS) analysis may be required as part of the study. If a LOS analysis is necessary, the City Engineering Division may provide guidance regarding specific intersections that will need to be examined. OHMC 11.32.030
2. If not already installed and approved, a backflow prevention device is required to be installed after the domestic water service meter and after any irrigation deduct meter. An appropriate device is to be determined after completion and review of a commercial cross connection control questionnaire. The questionnaire is available upon request through the Development Services Department Building Division and Permit Coordinator. OHMC 13.13.120
3. The proposed fencing shall not interfere with backing maneuvers from the parking stalls. It is suggested to have a minimum offset of 4 feet from the front face of the building to the fence extending from the west side of the building.
4. As proposed, it appears that the only means of access to the five parking stalls behind the building is from SE Barrington Drive through the adjacent properties. The applicant must demonstrate that they have the right to cross the adjacent properties for access purposes.
5. The proposed fencing will block the driveway through the subject property. Ensure that there is not an existing right for the adjacent properties to access SE Pioneer Way through the subject property.

Archaeology

Regarding the Ms. Ashley's Daycare and Preschool Conditional Use Permit (CUP-16-05), the proposed undertaking is within a Very High Risk area of encountering cultural resources. The property within 60 feet of the site boundary of 45IS45, the site that was the epicenter of

controversy that led the City to be sued by a neighboring tribe for not properly following cultural resource laws (Figure 1).

Therefore, the City highly recommends that a professional archaeologist be on-site during ground disturbing activities. If the fence posts can be installed by driving them into the ground (no excavation), then the project can be done using the City's Inadvertent Discovery Plan (IDP), which the applicant is required to review and sign regardless. Attached is the Association of Washington Archaeologists consultant list to assist with finding a professional archaeologist. However, the City only recommend a professional archaeologist, it does not have to be from the AWA list.

If the applicant has any questions in regard to archaeology, they may contact Gideon Cauffman, City of Oak Harbor Archaeologist by calling (306) 29-4781 or via email at gcauffman@oakharbor.org.



Figure 1. Map depicting 45IS45 60-ft buffer site boundary on an aerial photograph.

AWA Listed Cultural Resource Firms Close to Oak Harbor, WA

Firm	Location	Point of Contact	Phone Number
ASM	Stanwood, WA	Dave Iverson	360-572-4870
Caldera Archaeology	Bellingham, WA	Camille Mather	360-332-2600
Cascadia Archaeology, LLC	Sedro-Woolley, WA	Stephen Keady	360-661-1161
Drayton Archaeological Research	Bellingham, WA	Garth Baldwin	360-739-3921
Equinox Research Consulting International, Inc. (ERCI)	Mt Vernon, WA	Kelly Bush	360-826-4930
Rosario Archaeology, LLC	Bellingham, WA	Mark Hovezak	360-756-5207
Swinomish Indian Tribal Community	LaConner, WA	Josephine Jefferson	360-466-7352

Attachment 5

*Public Noticing
Documents*

**CERTIFICATION OF MAILING
NOTICE TO ADJACENT PROPERTY OWNERS**

I, Lisa Bebee, certify under penalty of perjury under the laws of the State of Washington, that the following is true and correct:

That on the 22nd day of November, 2016, I deposited in the U.S. mail, postage prepaid, a copy of the Notice to Adjacent Property Owners for Conditional Use CUP-16-00005 a copy of which is attached hereto and by reference made a part hereof) to the following property owners:

(see attached)

Executed this 22nd day of November, 2016 in Oak Harbor, Washington.



(Signature of person mailing)



November 23, 2016

**NOTICE TO ADJACENT PROPERTY OWNERS
NOTICE OF APPLICATION**

APPLICATION: Conditional Use CUP-16-05 Ms. Ashley's Daycare and Preschool

Ms. Ashley Bernales submitted a conditional use permit application proposing to use 520 SE Pioneer Way as a daycare and preschool in the existing commercial space. The application was submitted on November 4, 2016 and additional information of November 16, 2016 by Ms. Ashley Bernales, applicant and determined complete for processing on November 17, 2016. The property location is at 520 SE Pioneer Way. Public comment period will run November 26 through December 12, 2016.

The plans have been circulated to City staff for review and comments. Plans for the proposal are available for review at the City of Oak Harbor's Development Services Department, located in City Hall. For more information, please call (360) 279-4510.

PROJECT LOCATION: Application CUP-16-05 is located at 520 SE Pioneer Way, Oak Harbor, WA.

PUBLIC COMMENT PERIOD: To make written comments on this proposal, please mail or hand deliver specific comments to: City of Oak Harbor, Development Services Department, 865 SE Barrington Drive, Oak Harbor, WA 98277, **no later than 5:00 p.m. on December 12, 2016.** If you have questions regarding this proposal, please contact the Development Services Department at (360) 279-4510, between 8:00 a.m. and 5:00 p.m.

PUBLIC HEARING REQUIRED: This application will be scheduled for a public hearing before the Hearing Examiner. The notice of public hearing will be mailed when the date and time has been established for the hearing.

ENVIRONMENTAL DOCUMENTS AND/OR STUDIES APPLICABLE TO THIS PROJECT: N/A

To receive notification of the decision on this proposal, please send a self-addressed, stamped envelope and request a Notification of Decision for application CUP-16-05 from the City of Oak Harbor, Development Services Department, 865 SE Barrington Drive, Oak Harbor, WA 98277.

**CERTIFICATION OF POSTING
NOTICE OF APPLICATION**

Office of the City Administrator
865 SE Barrington Drive
Oak Harbor, WA 98277

I, Lisa Bebee, hereby certify under penalty of perjury under the laws of the State of Washington, that the following is true and correct:

That on the 22nd day of November 2016, I did post 3 notices (a copy of which is attached hereto and by reference made a part hereof) at the following locations:

- 1&2) Oak Harbor City Hall
 865 SE Barrington Drive
 Oak Harbor, WA 98277

- 3) City Library
 1000 E Regatta Drive
 Oak Harbor, WA 98277

advertising a Notice of Application CUP-16-00005

Executed this 22nd day of November, 2016 in Oak Harbor, Washington.



(Signature of person posting)

AFFIDAVIT OF POSTING

City of Oak Harbor
865 SE Barrington Drive
Oak Harbor, WA 98277

I, Ashley Bernales, hereby certify that I did, on the 22nd day of November, 2016 post 1 notice(s), a copy of which is hereunto attached, marked "Exhibit", and by the reference made a part thereof, at the following location(s):

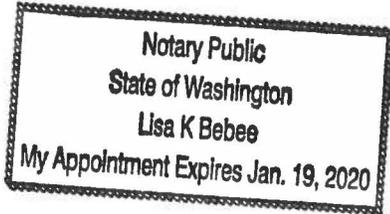
- 1. 520 SE Pioneer Way

advertising a Notice of Application for Conditional Use Application (CUP-16-00005).



(Signature of person posting)

SIGNED AND ATTESTED to before me this 22 day of November, 2016
by Ashley Bernales.



Lisa K Bebee
Notary Public
Print Name Lisa K Bebee
Notary Public in and for the State of
Washington, Oak Harbor City/County
Commission expires Jan 19, 2020



**CERTIFICATION OF MAILING
NOTICE TO ADJACENT PROPERTY OWNERS**

I, Lisa Felix, certify under penalty of perjury under the laws of the State of Washington, that the following is true and correct:

That on the 16th day of December, 2016, I deposited in the U.S. mail, postage prepaid, a copy of the Notice of Public Hearing before the Hearing Examiner for Conditional Use Permit CUP 16-05 to take place on January 5, 2017 (a copy of which is attached hereto and by reference made a part hereof) to the following property owners:

K & J Oak Harbor Investments, LLC
450 SE Pioneer Way
Oak Harbor, WA 98277

Grace by the Sea Anglican Church
540 SE Pioneer Way
Oak Harbor, WA 98277

Long Jr. Trustee, Charles
755 Main St
Huntington Beach, CA 92648

Executed this 16th day of December, 2016, in Oak Harbor, Washington.

Lisa Felix
Administrative Assistant
Development Services Department



December 16, 2016

**NOTICE TO ADJACENT PROPERTY OWNERS OF PUBLIC HEARING
OAK HARBOR HEARING EXAMINER**

You are receiving this notice because you own property within 300 feet of 520 SE Pioneer Way.

Notice is hereby given that a public hearing will be held before the City of Oak Harbor Hearing Examiner in the Council Chambers at City Hall, 865 SE Barrington Drive, Oak Harbor, WA, on **Thursday, January 5, 2017 at 1:30 P.M.**, or as soon thereafter as possible following any preceding items, to consider the following:

MS. ASHLEY'S DAYCARE AND PRESCHOOL CONDITIONAL USE PERMIT – CUP-16-05

The Hearing Examiner will consider a conditional use permit application submitted by Ms. Ashley Bernales proposing to use 520 SE Pioneer Way as a daycare and preschool in the existing commercial space.

Anyone wishing to support or oppose the above item or provide other relevant comments may do so in writing or appear in person before the Hearing Examiner at the time and place of said public hearing. After obtaining public input and considering the matters, the Hearing Examiner may approve or deny the proposed application. As part of the approval, conditions or limitations may be imposed.

The conditional use permit application is available for review at the City of Oak Harbor Development Services Department at City Hall, 865 SE Barrington Drive. For more information, please contact the Permit Coordinator in the Development Services Department at 360-279-4510.

Comments submitted in writing must be received NO LATER THAN 5:00 P.M. on Wednesday, January 4, 2017, and may be submitted via:

Mail to: Development Services Department
 c/o Lisa Felix
 865 SE Barrington Drive
 Oak Harbor, WA 98277

Email to: lfelix@oakharbor.org

All meetings of the Hearing Examiner are open to the public.

Lisa Felix
Administrative Assistant
Development Services Department
lfelix@oakharbor.org



**CERTIFICATION OF NOTIFICATION
OF PUBLIC HEARINGS**

Oak Harbor Hearing Examiner
865 SE Barrington Drive
Oak Harbor, Washington 98277

I, Lisa Felix, am the Development Services Department Administrative Assistant for the City of Oak Harbor. I certify under penalty of perjury under the laws of the State of Washington that:

1. On the 14th day of December, 2016, I provided written notice to the Whidbey News Times Legals (legals@soundpublishing.com), to be published in the paper on the 17th day of December, 2016, of the Public Hearing before the Hearing Examiner, which is scheduled for the 5th day of January, 2017; and
2. On the 16th day of December, 2016, I posted the notice on the City of Oak Harbor website and Channel 10.

Signed this 16th day of December, 2016, at Oak Harbor, Washington.

Lisa Felix
Administrative Assistant
Development Services Department



**CERTIFICATION OF POSTING
PUBLIC HEARING NOTICES**

Oak Harbor Hearing Examiner
865 SE Barrington Drive
Oak Harbor, Washington 98277

I, Lisa Felix, am the Development Services Department Administrative Assistant for the City of Oak Harbor. I certify under penalty of perjury under the laws of the State of Washington that:

On the 16th day of December, 2016, I did post three (3) notices (a copy of which is attached hereto and by reference made a part hereof) at the following locations:

1. Oak Harbor City Hall – Upstairs bulletin board
865 SE Barrington Drive
Oak Harbor, WA 98277
2. Oak Harbor City Hall – Downstairs bulletin board
865 SE Barrington Drive
Oak Harbor, WA 98277
3. Sno-Isle Library – Bulletin board
1000 East Regatta Drive
Oak Harbor, WA 98277

Advertising a public hearing for Conditional Use Permit CUP 16-05 before the Hearing Examiner on the 5th day of 5th January, 2017.

Executed this 16th day of December, 2016, at Oak Harbor, Washington.

Lisa Felix
Administrative Assistant
Development Services Department



**NOTICE OF PUBLIC HEARING BEFORE
HEARING EXAMINER**

HE 01-05-2017

Notice is hereby given that the following public hearing will be held before the City of Oak Harbor Hearing Examiner in the Council Chambers at City Hall, 865 SE Barrington Drive, Oak Harbor, WA, on **Thursday, January 5, 2017 at 1:30 P.M.**, or as soon thereafter as possible following any preceding items, to consider the following items:

MS. ASHLEY'S DAYCARE AND PRESCHOOL CONDITIONAL USE PERMIT – CUP-16-05

The Hearing Examiner will consider a conditional use permit application submitted by Ms. Ashley Bernales proposing to use 520 SE Pioneer Way as a daycare and preschool in the existing commercial space.

Anyone wishing to comment on the above items or provide other relevant information may do so in writing or appear in person before the Hearing Examiner at the time and place of said public hearings. After obtaining public input and considering the matter, the Hearing Examiner may approve or deny the proposed application. As part of the approval, conditions or limitations may be imposed.

For additional information, you may contact the Department of Development Services in City Hall at (360) 279-4512.

All meetings of the Hearing Examiner are open to the public.

Lisa Felix, lfelix@oakharbor.org

Administrative Assistant, Development Services Department

POSTED ON FRIDAY, DECEMBER 16, 2016:

POSTED: City Hall Bulletin Boards

POSTED: www.oakharbor.org

POSTED: Sno-Isle Library Bulletin Board

EMAILED ON WEDNESDAY, DECEMBER 14, 2016: legals@soundpublishing.com

PUBLISHED ON SATURDAY, DECEMBER 17, 2016: Whidbey News Times

REMOVE FRIDAY, JANUARY 6, 2017