



## Hearing Examiner Staff Report and Recommendation

**Report Date:** December 10, 2020  
**Hearing Date:** December 17, 2020

**Application Submittal Date:** June 30, 2020  
**Application Complete Date:** July 13, 2020

**Project Name:** Magnolia Forest Preschool  
**Type of Application:** Conditional Use Permit (CUP)  
**Permit Number:** 20-02837

### Project Location

2558 NW SHERMAN HILL RD  
POULSBO, WA 98370  
Commissioner District 1

### Assessor's Account #

212601-2-011-2003

### Applicant/Owner of Record

KELSEY & STACY MARSHALL  
2588 SHERMAN HILL RD NW  
POULSBO, WA 98370

### Recommendation Summary

Approved subject to conditions listed under section 13 of this report.

### VICINITY MAP



### 1. Background

Kelsey and Stacy Marshall (hereafter *'The Applicants'*) request to allow Magnolia Forest Preschool (hereafter, *'The School'*) to operate from a portion of their private property in Unincorporated Kitsap County. The subject site is within the Rural Residential (RR) zoning designation. *The School* currently operates an outdoor preschool at Kitsap Memorial State Park. According to the submitted Project Narrative (Exhibit 17), *The School* "operates in all weather conditions providing children with a unique opportunity to explore and learn about the natural environment while also learning how to handle risks, solve problems and cooperate with their peers." *The School* has reached capacity at its existing location and 70 families are on a waitlist, necessitating the need to expand.

The proposed use 'forest preschool' is not specifically identified in Kitsap County Code (KCC). When the Department of Community Development (DCD) receives a request for a use that does not appear to at least substantially fit a use in the Zoning table, DCD must perform a 'similar use determination'. In March 2020, the Director issued a 'similar use determination'

for a 'forest preschool' and an outdoor daycare/preschool' (Exhibit 1). DCD Determined the proposed 'forest preschool' to be most similar to 'Private or Public Schools', Use 408 of the Use Table (KCC 17.410.042). If an unspecified use is determined as similar to an existing identified use, the use being considered shall meet all of the code requirements and follow the approval process prescribed for the use.

Per KCC 17.410.042, Public and Private Schools in the RR zone require an approved Conditional Use Permit (CUP), subject to footnote 20.

## **2. Project Request**

*The Applicants* request approval for *The School* to occupy approximately 7.3 acres of forested area of the 15.08-acre subject site (Exhibit 21). The submitted documents indicate that three groups are proposed, each consisting of 18 students. Two morning groups (9:00 am to 1:00 pm) and one afternoon group (1:30 pm to 4:00pm) are proposed. Each group is proposed to consist of 4 teachers and 18 students.

Bernie Kenworthy (Project Representative) confirmed in a telephone conversation on December 10, 2020 that the Applicants agreed to eliminate the second morning session. A total of 18 students and 4 teachers have been eliminated from the project scope. At full group capacity, 8 teachers and 36 students are proposed.

*The School* proposes to utilize an existing looped driveway for access and an existing gravel parking area. Improved road approaches and an expanded parking area are also proposed. Two portable bathroom facilities are proposed (toilet and urinal) and are proposed to be provided and serviced by a private vendor. A commercial portable sink with warm water is also propose for hand washing and other potable water needs. No additional structures are proposed.

## **3. SEPA (State Environmental Policy Act)**

The State Environmental Policy Act (SEPA), found in Chapter 43.21C RCW (Revised Code of Washington), is a state law that requires the County to conduct an environmental impact review of any action that might have a significant, adverse impact on the environment. The review includes the completion of an Environmental Checklist by the applicant and a review of that checklist by the County. If it is determined that there will be environmental impacts, conditions are imposed upon the applicant to mitigate those impacts below the threshold of "major" environmental impacts. If the impacts cannot be mitigated, an environmental impact statement (EIS) must be prepared. The decision following environmental review, which may result in a Determination of Nonsignificance (DNS), Mitigated DNS, or the necessity for an EIS is called a threshold determination. A separate notice of the threshold determination is given by the County. If it is not appealed, it becomes part of the hearing record as it was issued, since it cannot be changed by the Hearing Examiner.

Pursuant to WAC 197-11-355, the optional DNS process was utilized for this project. The SEPA Comment period previously occurred with the Notice of Application dated 07/23/2020 (Exhibit 11). No significant environmental impacts are anticipated. A Determination of Nonsignificance (DNS) was issued on 12/02/2020 (Exhibit 25).

The SEPA appeal period will expire 12/16/2020. If no appeals are filed, the SEPA determination is final.

**4. Physical Characteristics**

The subject site is a 15.08-acre, rectangular shaped parcel. The southerly property line abuts NW Sherman Hill Road, a county-maintained public right-of-way (ROW). The site slopes down gradually from west to east at an approximately 5% grade. The southern half of the lot is cleared and developed with a single-family residence, barn, and farm/agricultural areas. There is an existing looped driveway that extends to two gravel parking areas. The remaining northern half of the parcel remains in a natural, forested state. From the north east corner of the site, a non-fish bearing stream extends south, approximately 434-ft into the site.

**Table 1 - Comprehensive Plan Designation and Zoning**

Comprehensive Plan: Rural Residential Zone: Rural Residential	Standard	Proposed
Minimum Density	NA	NA, site is existing, no change in density proposed
Maximum Density	1 dwelling unit / 5 acres	
Minimum Lot Size	5 acres	NA
Maximum Lot Size	NA	NA
Minimum Lot Width	140 feet	NA
Minimum Lot Depth	140 feet	NA
Maximum Height	35 feet	Portable restroom: 1 story, <35-ft
Maximum Impervious Surface Coverage	NA	NA
Maximum Lot Coverage	NA	NA

**Table 2 - Setback for Zoning District**

	Standard	Proposed
Front (South)	50 feet	Over 400 feet
Side (East)	20-feet; 5 feet for accessory structures	Over 400 feet
Side (West)	20-feet; 5 feet for accessory structures	Over 150 feet

Rear (North)	20-feet; 5 feet for accessory structures	Over 500 feet
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**Table 3 - Surrounding Land Use and Zoning**

Surrounding Property	Land Use	Zoning
North	Open Space and Single-Family Residences	Rural Residential (RR)
South	Public Right-of-Way (ROW) and Single-Family Residences	Rural Residential (RR)
East	Undeveloped and Single-family residences	Rural Residential (RR)
West	Single-family residences	Rural Residential (RR)

**Table 4 - Public Utilities and Services**

	Provider
Water	Public Water
Power	Puget Sound Energy
Sewer	Portable Bathrooms
Police	Kitsap County Sheriff
Fire	North Kitsap Fire & Rescue
School	North Kitsap School District #400

**5. Access**

The site gains access directly off NW Sherman Hill Road, a county-maintained public right-of-way. There are two existing access points along southerly property line which connect to a looped driveway on site. The western leg of the driveway provides access to adjacent properties, via a private easement agreement.

**6. Site Design**

The proposed site design (Exhibit 8) utilizes most of the existing site without modification. The proposed site work is limited to placing a portable bathroom facility on site, expanding the existing gravel parking area for 3 new stalls, and constructing improved road approaches at the existing access points on NW Sherman Hill Road.

**7. Policies and Regulations Applicable to the Subject Proposal**

The Growth Management Act of the State of Washington, RCW 36.70A, requires that the County adopt a Comprehensive Plan, and then implement that plan by adopting development regulations. The development regulations must be consistent with the Comprehensive Plan. The Comprehensive Plan process includes public involvement as required by law, so that those who are impacted by development regulations have an

opportunity to help shape the Comprehensive Plan which is then used to prepare development regulations.

Kitsap County Comprehensive Plan, adopted April 2020.

The following Comprehensive Plan goals and policies are most relevant to this application:

*Land Use Goal 9. Promote food security, food systems, local food production, and public health by encouraging locally based food production, distribution, and choice through urban agriculture, community gardens, farmers markets, and food access initiatives.*

*Land Use Goal 13. Protect Kitsap County's unique rural character.*

*Land Use Policy 50. Limit the designated rural area to low residential densities that can be sustained by minimal infrastructure improvements, cause minimal environmental degradation, and that will not cumulatively create the future necessity or expectation of urban levels of service.*

*Land Use Goal 14. Foster rural businesses and business opportunities on designated commercial and industrial lands in the rural area, while balancing protection of rural character.*

*Economic Development Policy 14. Recognize the importance of excellent schools as method to attract and retain businesses and educate a skilled workforce.*

*Environment Goal 1. Formally treat natural environments, including forest lands, shorelines, freshwater systems, intact ecosystems, and other critical areas, as an essential asset that is planned for, managed, and invested in to meet the needs of current and future generations. – The preschool curriculum is designed to honor the environment and teach the next generation about the importance of environmental stewardship.*

*Environment Policy 5. Support projects that increase air quality, reduce carbon emissions, or reduce climate change impacts.*

*Environment Policy 24. Consider and identify the vital connection between protection of Kitsap County's rural character, environmental essential assets and environmental benefits and economic opportunities.*

The County’s development regulations are contained within the Kitsap County Code. The following development regulations are most relevant to this application:

Code Reference	Subject
Title 12	Storm Water Drainage
Title 13	Water and Sewers
Title 14	Buildings and Construction
Title 17	Zoning
Title 19	Critical Areas Ordinance
Chapter 18.04	State Environmental Policy Act (SEPA)
Chapter 20.04	Transportation Facilities Concurrency Ordinance
Chapter 21.04	Land Use and Development Procedures

**8. Documents Consulted in the Analysis**

A complete index of exhibits is located in the project file. To date, the index to the record consists of Exhibits 1 through 34.

Exhibit #	Document	Dated	Date Received
1	Similar Use Determination	3/5/2020	
2	Owner's Authorization		7/13/2020
3	Concurrency Test		7/13/2020
4	Parking Analysis		7/13/2020
5	Project Narrative		7/13/2020
6	Permit Questionnaire		7/13/2020
7	SEPA Checklist		7/13/2020
8	Site Plan		7/13/2020
9	Stormwater Worksheet		7/13/2020
10	Submittal Waiver		7/13/2020
11	Notice of Application		7/23/2020
12	Communication - Meg Sands (DCD Planner)	8/10/2020	
13	Communication - Washington Department of Children, Youth and Families	9/21/2020	
14	Information Request	9/22/2020	
15	Access Easement		10/8/2020
16	Communication - KPHD		10/8/2020
17	Project Narrative v.2		10/8/2020
18	Queuing/Traffic Analysis		10/8/2020
19	Applicant Response to Info Request		10/8/2020
20	Sight Distance Exhibits		10/8/2020
21	Site Plan v.2		10/8/2020
22	Stormwater Worksheet v.2		10/8/2020
23	Teacher Guidelines		10/8/2020

24	Stormwater Preliminary Condition Memo	12/1/2020	
25	SEPA Determination (DNS)	12/2/2020	
26	Notice of Public Hearing	12/2/2020	
27	Map – Zoning	12/9/2020	
28	Map – Comprehensive Plan	12/9/2020	
29	Map – Aerial 2019	12/9/2020	
30	Map – Critical Areas	12/9/2020	
31	Map – Assessor’s	12/9/2020	
32	Staff Report	12/10/2020	
33	Staff Presentation	12/10/2020	
34	Certification of Public Notice		

### 9. Public Outreach and Comments

A Notice of Application (Exhibit 11) was distributed pursuant to Title 21 land use and development procedures, which provided recipients with project information and an opportunity for public comment. Meg Sands was the initial Planner assigned to the project and confirmed via email that no comments had been received as on 8/10/2020 (Exhibit 12). No comments were received by the Department after 8/10/2020.

### 10. Analysis

#### a. Planning/Zoning

Pursuant to KCC 17.410.042, schools are allowed in the Rural Residential zone with an approved Conditional Use Permit, subject to footnote 20 which states, “Site plans for public schools shall include an area identified and set aside for the future placement of a minimum of four portable classroom units. The area set aside may not be counted towards meeting required landscaping or parking requirements.”

*Staff Comment: The applicant has applied for CUP approval. The proposal is not a public school; therefore, footnote 20 is not applicable.*

Pursuant to KCC 17.550.030, The hearing examiner may approve, approve with conditions, or deny a hearing examiner conditional use permit. Approval or approval with conditions may be granted only when all the following criteria are met:

- a. The proposal is consistent with the Comprehensive Plan;

*Staff Comment: The site is within the Rural Residential Comprehensive Plan Designation. The Comprehensive Plan envisions rural areas and communities to be where “unique historical character, appearance, functions, and pioneering spirits are retained and enhanced, [and where] natural resource activities, such as forestry, agriculture, and mining continue to contribute to the rural character*

*and economics...". Agricultural and Forestry uses are existing on the subject site and are proposed to be retained by the proposal. The proposal provides education opportunities for Kitsap County residents within a forested rural environment, supporting the appreciation of the rural character and functions of the natural environment for future generations. The proposal is also consistent with various goals and policies of the Comprehensive Plan, as detailed in Section 7 of this report.*

- b. The proposal complies with applicable requirements of this title;

*Staff Comment: The proposal meets, or will be conditioned to meet all applicable standards in KCC Title 17, as detailed in Section 10.b-g of this report.*

- c. The proposal will not be materially detrimental to existing or future uses or property in the immediate vicinity; and

*Staff Comment: Preschool activities will be limited to ~7.3 acres of the forested area of the site and will be fully screened from the onsite farm and the neighboring parcels. Surrounding existing uses are residential, agricultural, forest, and open space. The presence of a preschool does not preclude the continuation of existing uses or the implementation of other future, rural uses on the subject property or in the immediate vicinity. A landscaping screening buffer will be required along the front property line, abutting the public street (See Section 10.e). All other perimeters are screened by existing forest vegetation. Staff recommends Condition 11 be approved to ensure no noise, dust, odor or other undesirable impacts affect neighboring properties.*

- d. 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.

*Staff Comment: The proposal is compatible with the existing subject site, as only minimal site improvements are proposed. The existing character, appearance, and physical characteristics of the subject property and immediate vicinity will remain. Specific features incorporated include screening buffers, critical area buffers, access improvements, and parking improvements - detailed in Section 10 of this report. Specific conditions are detailed in Section 13 of this report.*

**b. Lighting**

No exterior lighting is proposed at this time. Staff recommends Condition 4 to ensure all exterior lighting meets the standards in KCC 17.420.030.

**c. Off-Street Parking**

Preschools require 1 off-street parking stall per employee, plus 1 per 6 children. A total of 14 parking stalls are required per KCC 17.490.030 and as identified in Table 5 below.

Pursuant to KCC 17.490.010, parking requirements “shall be used as guidelines when determining permit application requirements and, subject to code within this chapter, may be reasonably increased or decreased by the department depending on the specific need or use”. KCC 17.490.030.A.1 provides further that “the director may authorize a reduction up to twenty-five percent to the amount of required parking if a project proponent demonstrates that, due to the unusual nature of the proposed use, it is reasonable that the parking required by this section exceeds any likely need...”.

*Staff Comment: The applicant is proposing to provide 11 parking stalls. The submitted project narrative (Exhibit 17) provides justification for a 25% reduction. At the end of the looped driveway, staff intends to meet students at their vehicles for pick-up and drop-off. Further, only 18 students and 4 teachers are proposed in each session and sessions do not over-lap. Additionally, the site is over 15 acres and has adequate area for parking in the rare case it is needed. Staff recommends that the 25% parking reduction be approved.*

**Table 5 - Parking Table**

Use Identified in 17.490.030	Standard	Required Spaces	Proposed Spaces/Existing Spaces
Preschool-Kindergarten	1 per employee + 1 per 6 children	8 (1 x 8 employees) + 6 (36 children / 6)	8 existing, 3 new (21% reduction requested)
Total		14	11

**d. Signage**

Signage is not proposed at this time. All signage design and location shall comply with Kitsap County Code (KCC) 17.510 and be reviewed and approved by the Department of Community Development prior to installation. Signage may require a separate permit (Condition 6).

**e. Landscaping**

Per KCC 17.500.027, a solid screening buffer along the perimeters of commercial uses that abut different uses or zones is required and shall consist of:

- a. Three offset rows of evergreen trees planted ten feet on center and ground cover, or
- b. A six-foot screening fence and two offset rows of evergreen trees planted ten feet on center, and ground cover. Magnolia Forest Preschool is a private, commercial operation

KCC 17.500.027 also states, “The director may require different buffer types depending on the proposed use of the site and adjacent zones and/or uses”.

*Staff Comment: Magnolia Forest Preschool is a private, commercial business; therefore, the standard solid screening buffer requirements apply. The applicant does not propose additional landscaping beyond maintaining existing vegetation.*

*The queuing analysis (Exhibit 18) provided was prepared prior to removing the second morning group from the proposal. In eliminating the second morning group, the potential visual impacts from the road as vehicles are queuing is also eliminated. Using the authority granted in KCC 17.500.027, the director will require modified buffers as identified in Table 6 below. A minimum of 25-ft of existing native vegetation is required to be maintained along the boundary of the Magnolia Forest Preschool Activities area identified on the submitted site plan (Exhibit 21). Staff recommends Condition 10 and 11 to ensure compliance.*

**Table 6 - Landscaping Table**

	Required	Proposed
Required Landscaping (Sq. Ft.) 15% of Site	<b>15% of 15.08 acres, or 2.3 acres</b>	<b>~50% of the is currently landscaped or natural vegetation, and will remain.</b>
Required Buffer(s) 17.500.025		
North	None, maintain existing vegetation	None, maintain existing vegetation
South	None, maintain existing vegetation	None, maintain existing vegetation
East	None, maintain existing vegetation	None, maintain existing vegetation
West	None, maintain existing vegetation	None, maintain existing vegetation

Street Trees	None	None
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**f. Frontage Improvements**

No frontage improvements are proposed or required beyond improved site access road approaches.

**g. Design Districts/Requirements**

None

**h. Development Engineering/Stormwater**

Development Services and Engineering reviewed land use proposal and finds that no thresholds are triggered to require stormwater mitigation. These comments are based on a review of the Conditional Use Permit application materials accepted for review July 13, 2020, and resubmitted materials accepted for review October 8, 2020 to Kitsap County Development Services and Engineering.

Development Services and Engineering accepts the concepts contained in this preliminary submittal and requires three conditions as an element of the land use approval (See Section 13.b and 13.d of this report).

**i. Environmental**

Wetlands KCC 19.200

No mapped wetlands exist on this site (Exhibit 30).

Fish and Wildlife Habitat Conservation Areas KCC 19.300

There is a mapped Type N (non-fish bearing) stream on site (Exhibit 30). Kitsap County Code requires a minimum buffer of 50-ft plus additional 15-ft building setback. Staff recommends Conditions 18, 20 and 21 to ensure compliance with KCC 19.300.315.

Geologic Hazardous Areas KCC 19.400

No mapped geologic hazards exist on this site (Exhibit 30).

Frequently Flooded Areas KCC 19.500

No mapped flood hazard areas exist on this site (Exhibit 30).

Critical Aquifer Recharge Areas KCC 19.600

A Category II Critical Aquifer Recharge Area is mapped on site (Exhibit 30). The area is outside of the proposed activity. Further, the proposed use is not identified as a threat to potential groundwater per KCC 19.600.620.

**j. Access, Traffic and Roads**

A queuing analysis was provided (Exhibit 18) showing stacking capacity for 42 vehicles. As previously noted, this analysis was prepared prior to the reduction in project scope. The stacking capacity exceeds the anticipated need for the proposed staggered pick-up and drop-off times. The application was reviewed for impacts to access, traffic and roads by DCD and Public Works Staff. Based on existing volumes, staff finds that the expected operational impacts to Sherman Hill Road are anticipated to be minimal. Staff recommends Condition 22 through 24 to mitigate impacts to Sherman Hill Road.

**k. Fire Safety**

The Kitsap County Fire Marshal's Office reviewed and approved the proposal with no conditions. Any proposed buildings will require a building permit and further review for compliance with fire safety and building code standards (Condition 25).

**l. Solid Waste**

The proposal is permitted to use existing SFR and Farm Refuse containers. No additional review is needed.

**m. Water/Sewer**

Water is provided to the site via a private well. Sewage disposal to the site is via a private on-site septic system. The applicant does not propose, nor will be allowed, to use these facilities for Magnolia Forest Preschool normal operations. Sewage disposal will be managed by a private vendor providing portable bathrooms, serviced regularly. Water is provided in handwashing stations and tanks are required to be filled by an approved public water source (Condition 26).

**n. Kitsap Public Health District**

Kitsap Public Health has reviewed and approved the proposal with one condition (Condition 26).

**o. Department of Children, Youth, and Families**

The Washington State Department of Children, Youth and Families (DCYF) has published Outdoor Preschool Pilot Standards, which provide licensing and guidance for forest schools. Magnolia Forest Preschool does not require state licensing, nor is it required to follow said guidance (RCW 43.216.010); however, due to the unique nature of the proposal, staff contacted DCYF's Outdoor Preschool Pilot Program Specialist, Aliza Yair to review the proposed project narrative and site plan and provide feedback as a subject matter expert.

As a result of these conversations (Exhibit 13), staff finds that the proposal is in general alignment with state guidelines.

### 11. Review Authority

The Hearing Examiner has review authority for this Conditional Use Permit application under KCC, Sections 17.550.020 and 21.04.100. The Hearing Examiner may approve, approve with conditions, or deny a Conditional Use Permit. The Hearing Examiner may also continue the hearing to allow for additional information necessary to make the proper decision. The powers of the Hearing Examiner are at KCC, Chapter 2.10.

### 12. Findings

- a. The proposal is consistent with the Comprehensive Plan;
- b. The proposal complies with applicable requirements of this title;
- c. The proposal will not be materially detrimental to existing or future uses or property in the immediate vicinity; and
- d. 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.

### 13. Recommendation

Based upon the analysis above and the decision criteria found in KCC 17.550.030.A, the Department of Community Development recommends that the (Conditional Use Permit) request for Magnolia Forest Preschool be **approved**, subject to the following **26** conditions:

#### a. Planning/Zoning

1. The uses of the subject property are limited to the uses proposed by the applicant and any other uses will be subject to further review pursuant to the requirements of the Kitsap County Code (KCC). Unless in conflict with the conditions stated and/or any regulations, all terms and specifications of the application shall be binding conditions of approval. Approval of this project shall not, and is not, to be construed as approval for more extensive or other utilization of the subject property.
2. All required permits shall be obtained prior to commencement of land clearing, construction and/or occupancy.
3. The recipient of any conditional use permit shall file a Notice of Land Use Binder with the county auditor prior to any of the following: initiation of any further site work, issuance of any development/construction permits by the county, or occupancy/use of the subject property or buildings thereon for the use or activity authorized. The Notice of Land Use Binder shall serve both as an

acknowledgment of and agreement to abide by the terms and conditions of the conditional use permit and as a notice to prospective purchasers of the existence of the permit. The Binder shall be prepared and recorded by the Department at the applicant's expense.

4. No lighting has been proposed and none shall be allowed without further review and approval by Community Development. All exterior lighting shall be designed to meet the standards outlined in 17.420.030.C.
5. Artificial outdoor lighting shall be arranged so that the lighting is fully recessed or fully shielded from side view and directed downward and away from surrounding properties. No more than one foot-candle of illumination shall leave the property boundary. Lighting shall be the minimum necessary for safety purposes and be compatible with the rural character of the area. Light standards (poles) shall not exceed 20 feet in height.
6. All signage design and location (including exempt signs) shall comply with Kitsap County Code (KCC) 17.510 and be reviewed and approved by the Department of Community Development prior to installation. Signage may require a separate permit.
7. A minimum of 11 off-street parking stalls be provided by the applicant.
8. Student graduation ceremonies and/or gathering/assembly events are required to be held at an off-site location.
9. Unless further reviewed by the Department, existing native vegetation shall be retained on the site except for areas to be cleared for the construction of parking facilities and improved road approaches, as depicted on the proposed site plan (Exhibit 21).
10. A 25-ft native vegetation buffer is required to be maintained along the boundary of the Magnolia Forest Preschool Activities area identified on the submitted site plan (Exhibit 21).
11. There shall be no smoke, dust, odor, vibration or persistent loud or penetrating noise, direct or reflected glare, or heat discernible beyond the encumbered project boundaries that are a result of business activities.
12. This Conditional Use Permit approval shall automatically expire if no development permit application is accepted as complete by the Department of Community Development within four years of the Notice of Decision date or the resolution of any appeals.
13. The decision set forth herein is based upon representations made and exhibits contained in the project application (20-02837). Any change(s) or deviation(s) in such plans, proposals, or conditions of approval imposed shall be subject to further review and approval of the County and potentially the Hearing Examiner.
14. The authorization granted herein is subject to all applicable federal, state, and local laws, regulations, and ordinances. Compliance with such laws, regulations, and ordinances is a condition to the approvals granted and is a continuing

requirement of such approvals. By accepting this/these approvals, the applicant represents that the development and activities allowed will comply with such laws, regulations, and ordinances. If, during the term of the approval granted, the development and activities permitted do not comply with such laws, regulations, or ordinances, the applicant agrees to promptly bring such development or activities into compliance.

15. Any violation of the conditions of approval shall be grounds to initiate revocation of this Conditional Use Permit.

**b. Development Engineering**

16. New and/or replaced hard surfaces do not exceed the 2,000 square foot threshold; nor does the project exceed 7,000 square feet of disturbed area. While a formal plan is not required, the applicant must consider all elements required of a stormwater pollution prevention plan and make allowances for managing erosion and sediment discharge on site. Per KCC Title 12, if the project exceeds either of the thresholds noted above, then additional review for stormwater management will be required.
17. If the project proposal is modified from that shown on the submitted site plan accepted for review October 8, 2020, Development Services and Engineering will require additional review and potentially new conditions.

**c. Environmental**

18. Permit approval subject to chapter 19.300.315 of Kitsap County Code, which states that buffers or setbacks shall remain undisturbed natural vegetation areas except where the buffer can be enhanced to improve its functional attributes. Refuse shall not be placed in buffers.
19. Permit approval subject to no removal of trees or vegetation on the parcel. Please contact Kitsap County Department of Community Development before any clearing (360)337-5777.
20. A 50 – foot native vegetation buffer shall be retained along the perimeter of the stream as depicted on the approved site plan. In addition, a building or impervious surface setback line of 15 feet is required from the edge of the buffer.
21. Prior to occupancy, the common boundary between the stream buffer and the adjacent land shall be permanently identified with critical area buffer signs. A total of 10 Critical Area Ordinance (CAO) signs shall be placed along the designated boundary spaced approximately 50-feet apart, visual from sign to sign. Signs must be attached to existing trees with diameter breast height greater than 4 inches. Alternative methods include 4x4 posts, metal posts or split rail fencing. Signs are provided at issuance and installation of the signs is required prior to final inspection.

**d. Traffic and Roads**

- 22. On-site vehicle queuing shall not impact Sherman Hill Road.
- 23. The existing access and easement approaches at Sherman Hill Road shall be improved to Kitsap County Road Standards Figure 4-2.
- 24. The road approaches shall comply with Figure 4-2 Rural Residential/Major Approach, as shown in the Kitsap County Road Standards as established in Chapter 11.22 of the Kitsap County Code.

**e. Fire Safety**

- 25. A commercial building permit is required for the placement of portable bathrooms.

**f. Kitsap Public Health District**

- 26. An approved public water source must be used to fill hand washing stations. All required permits shall comply with all Kitsap Public Health District regulations and conditions of approval.

**Report prepared by:**



12/10/2020

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Tasha Santos, Staff Planner / Project Lead

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Date

**Report approved by:**



12/10/2020

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Angie Silva, Assistant Director

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Date

**Attachments:**

Attachment A – Site Plan

Attachment B – Zoning Map

CC: Applicant/Owner: KELSEY & STACY MARSHALL [petalandpitchfork@gmail.com](mailto:petalandpitchfork@gmail.com)  
Business Owner: Magnolia Fine Arts PlaySchool [brandyn@magnoliaforestpreschool.com](mailto:brandyn@magnoliaforestpreschool.com)  
Project Rep: AXIS LAND CONSULTING [berni.kenworthy@axislandconsulting.com](mailto:berni.kenworthy@axislandconsulting.com)  
Interested Parties: None  
Kitsap County Health District, MS-30  
Kitsap County Public Works Dept., MS-26  
DCD Staff Planner: Tasha Santos

Site Plan



**Zoning Map**

