



## Notice of Administrative Decision

**Date:** 01/15/2025

**To:** **Applicant:** Allen, Aimee, [aimee@harbormontessori.org](mailto:aimee@harbormontessori.org)  
**Owner: Applicant:** Allen, Aimee, [aimee@harbormontessori.org](mailto:aimee@harbormontessori.org) ; WEAVER THERAN C III & ANNETTE M TRUSTEES

**RE: Permit Number:** 23-02251  
**Project Name:** Harbor Montessori School at Creekside, previously known as Montessori Farmhouse School  
**Type of Application:** CUP REV MINOR

The Kitsap County Department of Community Development has **APPROVED** the land use application for **23-02251 Harbor Montessori School CUP REV MINOR**, **subject to the conditions outlined in this Notice and included Staff Report.**

**THE DECISION OF THE DEPARTMENT IS FINAL, UNLESS TIMELY APPEALED TO THE KITSAP COUNTY HEARING EXAMINER ON OR BEFORE 14 DAYS FROM THE DATE OF DECISION PER KITSAP COUNTY CODE 21.04.290.**

The written appeal shall be made on, or attached to, an appeal form titled: '*Appeal/Objection of an Administrative Decision*' found on DCD's website, through the Online Permit Application Portal: <https://app.oncamino.com/kitsapcounty/login>.

Please note affected property owners may request a change in valuation for property tax purposes, notwithstanding any program of revaluation. Please contact the Assessor's Office at 360-337-5777 to determine if a change in valuation is applicable due to the issued Decision.

The complete case file is available for review by contacting the Department of Community Development; if you wish to view the case file or have other questions, please contact [help@kitsap1.com](mailto:help@kitsap1.com) or (360) 337-5777.

**CC:** Kitsap County Health District, MS-30  
Kitsap County Public Works Dept., MS-26  
DCD Staff Planner: Jenny Kreifels, [jkreifels@kitsap.gov](mailto:jkreifels@kitsap.gov)  
Interested Parties: per original CUP (06-39894)  
LaRene cayo, 13870 Bethel-Burley Road SE Port Orchard, WA 98367;  
Jon & DeAnn Moore, 13569 Bethel-Burley Road SE Port Orchard WA 98367;  
Andy & Laurie Peterson, PO Box 1 12 Burley WA 98322, [burleyent@aol.com](mailto:burleyent@aol.com);  
Kathleen Rooks, 13501 Bethel-Burley Road SE Port Orchard, WA 98367



## **Administrative Staff Report**

**Report Date:** 01/09/2025

**Application Submittal Date:** 5/7/2023

**Application Complete Date:** 5/7/2023

**Project Name:** Harbor Montessori School at Creekside, previously known as Montessori Farmhouse School

**Type of Application:** Conditional Use Permit (CUP)-Minor Amendment-Type I

**Permit Number:** 23-02251

### **Project Location**

13521 Bethel Burley Rd. S.E.  
Port Orchard, WA 98367  
Commissioner District 2

### **Assessor's Account #**

4859-001-008-0004

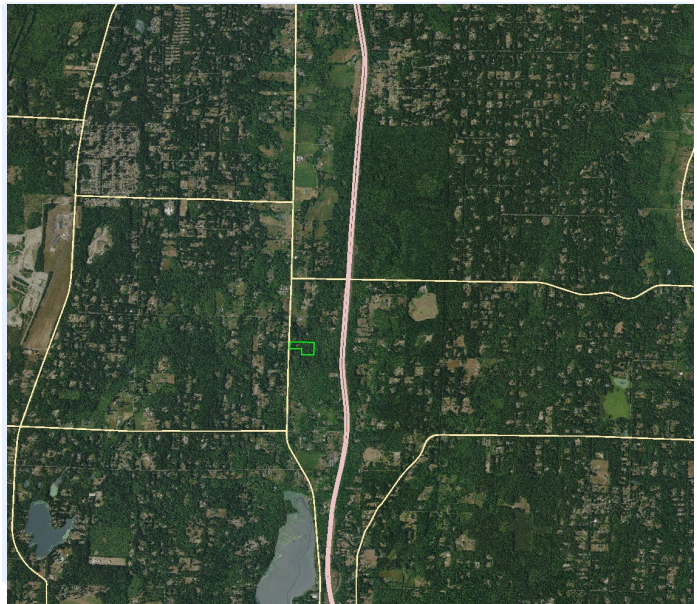
### **Applicant/Owner of Record**

Aimee Allen  
4107 92<sup>nd</sup> Ave. N.W.  
Gig Harbor, WA 98335

### **Decision Summary**

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

### **VICINITY MAP**



### **1. Background**

Under Kitsap County Code (KCC) 21.04.265 C. If an applicant submits an application for a minor amendment to an approved permit or decision, the application shall be reviewed under the vested rules of the original project permit application. Current proposal is for an increase in occupancy from 34 to 40 children and 1 additional employee, exceeding 10 percent and requires a Minor Revision to a Conditional Use Permit, previously approved by the Hearing Examiner and Department of Development (DCD) after reviewing it against 2006 Kitsap County Codes and Kitsap County ordinance 367-2006.

### **2. Project Request**

Applicant requests a minor revision to the approved Conditional Use Permit (CUP) File 06-39894, in order to increase capacity greater than 10 percent.

**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 Responsible Official issued a Mitigated Determination of Nonsignificance, dated December 12, 2008. The SEPA comment period previously occurred concurrent with the Notice of Application dated June 24, 2008. The appeal period expired December 26, 2008. No appeals were filed.

**4. Physical Characteristics**

The L-shaped 6.34-acre lot is developed with a single-family residence and detached building used for the school. The property generally slopes from the west downward to the east. Bear Creek and Bethel-Burley Creek, both type F (fish-bearing) streams, bisect the property running north to south with associated Category II wetlands that occupy the eastern half of the property. The site is forested with deciduous and coniferous trees on the eastern half with thick understory and there are conifers along the west (front) of the property.

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

Comprehensive Plan: Rural Protection (RR) Zone: RR	Standard	Proposed
Minimum Density	NA	NA
Maximum Density	NA	
Minimum Lot Size	10 acres	NA
Maximum Lot Size	NA	NA
Minimum Lot Width	140	NA
Minimum Lot Depth	140	NA
Maximum Height	35 feet	NA
Maximum Impervious Surface Coverage	NA	NA
Maximum Lot Coverage	NA	NA

Applicable footnotes: NA

*Staff Comment:* In the vicinity of the subject property, properties on the east side of Bethel-Burley Road are zoned Rural Protection and on the west side they are zoned Rural Residential (RR, Exhibit 10). Properties are predominately developed with single-family residences (SFR) on acreage lots. The majority of lots are smaller than the subject property.

**Table 2 - Setback for Zoning District**

	Standard	Proposed
Front (West)	50 feet	130 feet (existing) 224 feet (existing)
Side (North)	20-foot	132 feet (existing) 113 feet (existing)
Side (South)	20-foot	35 feet (existing) 57 feet (existing)
Rear (East)	20 feet	650 feet (existing) 580 feet (existing)

**Table 3 - Surrounding Land Use and Zoning**

Surrounding Property	Land Use	Zoning
North	Single-family residence (SFR)	Rural Protection (RP)
South	SFR/ Undeveloped	RP
East	Undeveloped	RP
West	SFR	Rural Residential (RR)

**Table 4 - Public Utilities and Services**

	Provider
Water	Kitsap PUD #1
Power	Puget Sound Energy
Sewer	Kitsap County
Police	Kitsap County Sheriff
Fire	South Kitsap Fire & Rescue
School	South Kitsap School District #402

**5. Access**

Access to the site is via Bethel-Burley Road, a paved county road classified as a rural major collector.

**6. Site Design**

A minimum of 15% of the site is required to be landscaped (KCC 17.500.025). Well over 50% of the property is landscaped. A 25-foot to 50-foot rural character buffer shall be provided around the perimeter to the greatest extent possible (KCC 17.500.027, 1 7.382.030.B). A

majority of the subject property provides at least a 50-foot rural character buffer and except for a couple of minor locations along the access and northerly driveway and shed and along the south property line in the vicinity of the house, there is a 25-foot buffer around the perimeter.

No new lighting is proposed, and existing lighting is typical of residential property. All lighting is required to be directed away from adjoining properties and so that no more than one-foot candle of illumination leaves the property boundaries.

#### 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 May 7, 1998 (Amended December 11, 2006)

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

##### Rural and Resource Lands

Policy RL-7: Allow and encourage home-based cottage-type businesses and industries in the rural areas, if those activities are compatible with the site and surrounding area.

Policy RL-14: Ensure proper installation, use and maintenance of on-site septic systems.

##### Surface Water Resources

Policy NS-19: Protect marine and fresh surface water resources by ensuring that development, including rights-of-way, in critical areas is consistent with the CAO, Shoreline Management Master Program, and other applicable local regulations.

Policy NS-21: Require native vegetation buffers along streams and wetlands to protect the functions and values of those surface waters.

Policy NS-42: Encourage developers to protect continuous corridors of native vegetation wherever possible, to disturb as little natural vegetation as feasible, and to enhance or restore wildlife habitat by transplanting or planting native vegetation in the developed landscape.

Policy NS-54: Minimize impacts to fish and wildlife species when siting trail systems through habitat conservation areas.

Economic Development

Policy ED-I: Balance business and industrial development with environmental protection and the provision of recreational open space.

Policy ED-5: Encourage business diversification to reduce dependence on government spending, commuter jobs outside of the county, and to minimize cyclical unemployment.

Policy ED-16: Provide a diverse mix and appropriate range of commercial, industrial and business land uses that will encourage economic activity capable of providing living-wage jobs and reasonably scaled to the needs of the community.

Policy ED-24: Protect surrounding residential uses from significant impacts from increased commercial and industrial development.

Transportation

Policy T-25: Maintain roadway /intersection site distance standards. Eliminate site obstructions such as utility poles, signs, parked vehicles and vegetation where site distance standards are not met.

Policy T-103: Maintain rural design standards that enhance strong rural characteristics while providing adequate safety.

Policy T-104: Retain native vegetation as a priority.

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
Chapter 18.04	State Environmental Policy Act (SEPA)
Chapter 19	Critical Areas Ordinance (CAO)
Chapter 20.04	Transportation Facilities Concurrency Ordinance
Chapter 21.04	Land Use and Development Procedures

**8. Documents Consulted in the Analysis**

<u>Applicant Submittals</u>	<u>Dated or date stamped</u>
Certificate of Occupancy	May 6, 2010
Submission Application	May 23, 2023
Project Narrative	May 23, 2023
Washington Dept. License	March 29, 2022

Washington State Patrol Fire Marshall Insp.	August 27, 2015
Outdoor Play Photos	March 21, 2024
Project Narrative (2 <sup>nd</sup> Cycle)	March 21, 2024
Floor Plan	March 21, 2024
Site Plan	May 6, 2023
Site Plan Inset	May 6, 2023
Split Rail Fencing & CAO sign photos (2)	March 21, 2024
Trail Aerial Drawing	March 21, 2024
Road Approach Access Sign (Warning Sign)	August 17, 2017
Washington State Dept. of Health (WFI)	May 5, 2024
Change of Ownership (Notes)	August 16, 2024
Historical Documents for CUP approval	June 26, 2023
Decision Documents PDR (received 10/4/24)	December 12, 2008

## 9. Public Outreach and Comments

Type 1 permits do not require noticing. No public comments were received.

## 10. Analysis

### a. Planning/Zoning

A day-care center is subject to footnote 14 in KCC 17.381.050.A, which stipulates Day-care 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-five 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.

There is a 10,000 square foot minimum lot size standard which is met. The subject site is 6.39-acres in size and greatly exceeds the requirement and provides an outdoor play area and trails.

Based on the maximum capacity of 40 children, the outdoor play area shall be at least 3,000 square feet (40 children X 75 square feet/child = 3,000 ft.). The existing fenced outdoor play area is approximately 18,000 sf. (260 feet X 80 feet or 20,800 sf fenced area — 50 feet X 50 feet or 2,500 sf house within fenced area = 18,300 sf. play area), which exceeds the required area by over 10,000 sf.

There is a fenced play area surrounded by see-through chain-linked fencing, six feet in height, and a four feet high picket fence with a gap spacing of approximately two inches between pickets. The only area where the fenced play area is actually abutting another lot is along the south property line. The fence area along the south property line will need to be modified to comply with the site-obscuring requirement. There are several options available to the applicants', including inserting vertical slats in the chain-linked fence, building a solid board fence and/or planting vegetation to provide

a complete site-obscuring view to the play area. The west property line is along Bethel-Burley Road, which provides adequate separation for properties across the road to the west; the area to the north and east of the fenced area is internal to the subject property and does not adversely impact the parcel to the north, which is over 100 feet away, or the property to the east, which is over 500 feet away.

Schools are subject to footnote 20 in KCC 17.381.050.A, which stipulates 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. The Montessori Farmhouse School is a private school, and therefore, is not subject to this provision.

The request was reviewed for consistency with KCC Section 17.382, Design Standards to see if the applicant has demonstrated the activity is physically suitable for the site, harmonious and compatible with existing and future permitted land use in the area. Review included compliance under KCC Chapters 17.550 and 21.04 and for the intent of the Rural Protection zone, as well as previous land use conditions of approval found in the historical land use documents below.

History

June 16, 2008	NOA
December 12, 2008,	MDNS
January 28, 2009,	CUP 06-39894
February 26, 2009,	HE Denied Decision
March 3, 2009,	Notice of HE Decision
August 8, 2009,	HE Decision
August 12, 2009,	Notice of HE Remand
October 9, 2009,	BOCC Decision
December 17, 2009,	Land Use Binder

Harbor Montessori School purchased Farmhouse Montessori in July 2023 and would like to increase the student capacity on campus from 34 to 40 children ages 2-15, within two (2) existing buildings. The proposal includes adding one (1) additional employee for a total of five (5). School hours of operation are 8:30 a.m. to 3:00 p.m. and includes day care hours from 7:00 a.m. to 6:00 p.m.

The Commercial Tenant Change Permit 23-03788 indicates that the Fire Marshal's office will support the proposed occupant load increase. Permit 23-03788 is pending completion of this permit 23-02251 Minor CUP revision. All other conditions in the Hearing Examiner Remand Decision remain unchanged. The water facilities inventory (WFI) allows for up to 45 users for 20 days per month.

**b. Lighting**



In all zones, artificial outdoor lighting shall be arranged so that light is directed away from adjoining properties and so that no more than one foot candle of illumination leaves the property boundaries. The project will be conditioned accordingly.

The adjacent properties should not be significantly impacted by glare if lighting is directed down. The applicant may attach lights to the building exterior. If security lighting is proposed, the standard should not exceed one candle foot of light nor leave the property line pursuant to KCC Section 17.105.110.

**c. Off-Street Parking**

Off-street parking for preschool nursery, kindergarten and day-care requires one parking space per six children (KCC 17.490.030). The proposed maximum number of children is 40. There will be 5 employees; therefore 12 parking spaces are required (1 parking space/6 children X 40 children total capacity = 6.7 or 7 parking spaces). No parking shall be designated or allowed within the 50-foot front yard setback (KCC 17.500.027). The site plan shows approximately 20 parking spaces available on site which is adequate area on-site for the required parking,

**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	5 employees plus 7 additional (40/6)	~20
Total		12	20

**d. Signage**

Currently there is a warning sign at the exit advising drivers of limited sight distance. All signage, including exit signs, fire extinguisher signs, directional signs, and address markings as required, shall be permitted according to KCC Section 17.510. A condition is added at the end of this report to maintain vegetation for site distance visibility.

In the past, the applicant had an "A" board sign placed at the driveway. If the "A" board sign will continue to be utilized, the entire "A" board shall not exceed 24 inches by 30 inches and not be illuminated, previously approved per Kitsap County Code (KCC) 17.445, in effect at the time of a complete sign application.

A sign permit will be required for any new signage unless it qualifies as an exempt sign. Signs providing business information such as the days and hours of operation, addressing, and directional wayfinding to meet safety and security needs for driveways,

walkways, and parking areas can be exempt from permitting if meeting requirements and standards per 17.510.050 Exempt Signs.

**e. Landscaping**

A minimum of 15% of the site is required to be landscaped (KCC 17.385.025). Well over 50% of the property is landscaped. A 25-foot to 50-foot rural character buffer shall be provided around the perimeter to the greatest extent possible (KCC 17.382.030.B).

A majority of the subject property provides at least a 50-foot rural character buffer and except for a couple of minor locations along the access and northerly driveway and shed and along the south property line in the vicinity of the house, there is a 25-foot buffer around the perimeter.

**Table 6 - Landscaping Table**

	Required	Proposed
Required Landscaping (Sq. Ft) 15% of Site		
Required Buffer(s) 17.500.025		
North	Native Vegetation Buffer (NVB)	Existing NVB
South	NVB	Existing NVB
East	NVB	Existing NVB
West	NVB (Driveway access)	Existing NVB
Street Trees	NA	

**f. Frontage Improvements**

There are no additional frontage improvement requirements.

**g. Design Districts/Requirements**

This project is not within a Design District.

**h. Development Engineering/Stormwater**

Proposal is to increase occupancy load. There is no proposed construction, therefore no stormwater concerns, nor development engineering conditions necessary.

**i. Environmental Critical Areas**

Bear Creek and Bethel-Burley Creek, both type F (fish-bearing) streams, bisect the property running north to south with associated wetlands that occupy the eastern half of the property. The wetland is a Category II, which requires a 1 10-foot buffer. Pursuant to

KCC 19.300.315.A.4, the applicant requested a 50 percent reduction to the normally required 150-foot vegetation buffer adjacent to the type F stream. The required buffer is met within the subject property boundaries. Currently, Type F streams require a 150-foot buffer. The site complies with the current buffer requirement along Bethel-Burley Creek, but not along Bear Creek. As a result, the applicant submitted a Critical Areas Buffer Reduction application (08 52072) for Bear Creek to reduce the required buffer to 75 feet.

The building for the school was constructed legally under Building Permit 24391 and exceeded the typical policy recommended stream buffer setback of 25 feet at the time the building was permitted in 1983. The implementation of the current 150-foot buffer would fully encroach into the existing footprint of the building and deck, thus depriving the school of the use of the building for classroom activities. There is also evidence in the field that the stream location has shifted over time. site plan in figure is what was processed for the Critical Area Buffer Reduction (CABR) under permit 08-52072. The trail was already constructed and is a loop in the woods, across the creek. Wood chips as the base, not rock, as I recall. County staff performed a site visit to the property and walked the trail allowed for educational purposes.

The 50 percent buffer reduction request was approved, with the following Habitat Management Plan (HMP) conditions to minimize impacts to the stream. Current planning staff requested public records. The search confirmed prior approval of the HMP under permit 08-52072.

1. A split rail fence with buffer signage shall be installed and/or maintained along the perimeter of the minimum 75-foot stream buffer. There is an added condition of approval at the end of this report that buffer signs are required to be placed at 50-foot intervals and attached to the rail fence. Buffer signs are available from the Department of Community Development.
2. A stream buffer enhancement plan shall be submitted for Kitsap County review and approval.
3. Stormwater from impervious surfaces shall not be discharged directly to the stream. Adjacent to the streams and associated wetlands is an interpretive nature trail developed by the school, which provides educational experiences to the attending students. This existing trail is developed, and meets the criteria for approval, per Kitsap County Code 19.200.225.G and 19.300.315 1. Trails and Trail-Related Facilities.

**j. Access, Traffic and Roads**

Pedestrian access shall be accommodated on-site from the public right-of-way, and throughout the site to minimize potential conflicts between pedestrian and vehicular circulation.

Developments shall be limited to one ingress/egress per three hundred lineal feet along a public arterial. Small parcels that provide less than two hundred fifty feet of road frontage shall be limited to one parking lot entrance lane and one exit lane.

**k. Fire Safety**

A site visit was conducted to determine if the occupant load could be increased. The school contains two separate buildings. A combination of occupant loads for both structures will support an increase to 45.

Fire approved the CUP without comments and reviewed with the commercial building permit for fire requirements

**l. Solid Waste**

The development must comply with the guidelines set forth in the Kitsap County Comprehensive Solid Waste Plan to dispose of refuse and animal wastes appropriately as a condition of approval.

**m. Water/Sewer**

Site is outside the service area for KCPW Sewer Utility Division.

**n. Kitsap Public Health District**

No comments at this time.

**11. Review Authority**

The Director has review authority for this Minor Revision to a Conditional Use Permit application under vested KCC Sections 17.421.020, 21.04.030, and 17.421.020, as well as current KCC Sections 17.550 and 21.04.175 Revisions to project permit applications. The Kitsap County Commissioners have determined that this application requires review and approval of the Director. The Director may approve, approve with conditions, or deny a Conditional Use Permit.

**12. Findings**

1. The proposal is consistent with the Comprehensive Plan.
2. The proposal complies or will comply with requirements of KCC Title 17 and complies with or will comply with all of the other applicable provisions of Kitsap County Code and all other applicable regulations, including all applicable development standards and design guidelines, through the imposed conditions outlined in this report.
3. The proposal is not materially detrimental to existing or future uses or property in the immediate vicinity.

4. The proposal is compatible with and incorporates specific features, conditions, or revisions that ensure it responds appropriately to the existing character, appearance, quality or development, and physical characteristics of the subject property and the immediate vicinity.

*Staff Comments:* The proposal supports the intent to administratively allow with conditions, a home-based cottage-type businesses and industries in the rural areas that do not negatively affect rural level of service or rural character. Staff finds no evidence that the proposal will be materially detrimental to existing or future uses or property, in the immediate vicinity. The proposal will maintain the rural character and aesthetics.

### 13. Decision

Based upon the analysis above and the decision criteria found in KCC 21.04, KCC 21.04.175 and KCC 21.04.100, Department of Community Development recommends that the Minor Revision to a Conditional Use Permit request for Harbor Montessori School be **approved**, subject to the following conditions:

#### a. Planning/Zoning

1. The recipient of any conditional use permit shall file a 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 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 reviewed and approved by the Department of Community Development prior to recording.
2. All required permits shall be obtained prior to construction and/or occupancy.
3. Previously approved signage, including exit signs, fire extinguisher signs, directional signs, address markings as required, the A-board and the warning sign at the exit advising drivers of limited sight distance, shall be compatible with the rural character of the area and shall not be illuminated. The A-board shall not exceed 24 inches by 30 inches and shall be placed on and directly in front of premises being advertised, be displayed only during hours the school/day-care center is open, and not be placed within the road right-of-way.
4. All future signage shall comply with Kitsap County Code (KCC) 17.510 in effect at the time of a complete sign application, unless it qualifies as an exempt sign.
5. The school and day-care center combined are limited to a maximum of 40 children.

6. The day-care center's hours of operation are limited to Monday through Friday, 7:00 AM to 6:00 PM; the school's hours of operation are limited to Monday through Friday, 8:30 AM to 3:00 PM.
7. Two work party events are permitted each calendar year, limited to Saturday from 9:00 AM to 5:00 PM.
8. A minimum of 14 parking spaces shall be provided on-site. No parking is permitted within the required 50-foot front yard setback.
9. A 25-foot to 50-foot rural character buffer shall be provided around the perimeter to the greatest extent possible. Minimal enhancement along a portion of the south and north property lines, in the vicinity of adjacent residential development will be required.
10. 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 adjoining properties. No more than one foot candle of illumination shall leave the project property boundaries.
11. 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 KCC. Unless in conflict with the conditions stated above 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.
12. Any violation of the conditions of approval shall be grounds to initiate revocation of this Conditional Use Permit.
13. 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.

**b. Development Engineering**

14. None at this time.

**c. Environmental**

15. Per the approved critical area buffer reduction, Little Bear Creek Permit #08 52072.

- A split rail fence with buffer signage shall be installed and/or maintained along the perimeter of the minimum 75-foot stream buffer. There is an added condition of approval at the end of this report that buffer signs are required to be placed at 50-foot intervals and attached to the rail fence. Buffer signs are available from the Department of Community Development.
- A stream buffer enhancement plan shall be submitted for Kitsap County review and approval.
- Stormwater from impervious surfaces shall not be discharged directly to the stream.

16. Adjacent to the streams and associated wetlands is an interpretive nature trail developed by the school, which provides educational experiences to the attending students. This existing trail is developed, and meets the criteria for approval, per Kitsap County Code 19.200.225.G and 19.300.315 1. Trails and Trail-Related Facilities.

17. Trails and trail-related facilities, such as benches and viewing platforms within stream corridors and wetlands, or their associated buffers, shall comply with the following standards:

- a. Trails and related facilities shall, to the extent feasible, be placed on existing road grades, utility corridors, or any other previously disturbed areas.
- b. Trails and related facilities shall be planned to minimize removal of trees, soil disturbance and existing hydrological characteristics, shrubs, snags and important wildlife habitat.
- c. Viewing platforms, interpretive centers, benches, and access to them, shall be designed and located to minimize disturbance of wildlife habitat and/or critical characteristics of the affected area.
- d. Trails and related facilities shall generally be located outside required buffers. Where trails are permitted within buffers they shall be located in the outer portion of the buffer and a minimum of 25 feet from the stream edge and a minimum of 30 feet from the wetland edge, except where crossings or viewing areas have been approved.
- e. Trails shall generally be limited to pedestrian use unless other more intensive uses, such as bike or horse trails have been specifically allowed and mitigation has been provided. Trail width shall not exceed five feet unless there is a demonstrated need, subject to review and approval by the department.
- f. Trails shall be constructed with pervious materials unless otherwise approved by the department.

**d. Traffic and Roads**

18. A warning sign shall continue to be placed on-site at the driveway exit to advise drivers of the limited sight distance.

**e. Fire Safety**

19. None at this time.

**f. Solid Waste**

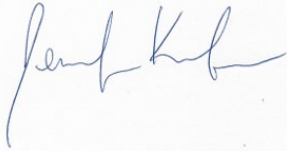
20. Contact the solid waste service provider Waste Management at (360) 6743166 for information on implementing the solid waste/recycling storage requirements influenced by the service provider (e.g. dumpster size and location) for the project. Pay particular attention to the access requirements of collection trucks (minimum turning radius is -35 feet).

21. Provide at least 150 square feet of exterior recyclable materials storage space for the project.

**g. Kitsap Public Health District**

22. This project will require an update of the Washington State Department of Health Water Facility Inventory (WFI) to reflect the increase in the number of students using the water system.

**Report prepared by:**



\_\_\_\_\_  
Jenny Kreifels, Staff Planner

January 6, 2025

Date

**Report approved by:**



\_\_\_\_\_  
Darren Gurnee, Planning Department Supervisor

1/6/2025

Date

**Attachments:**

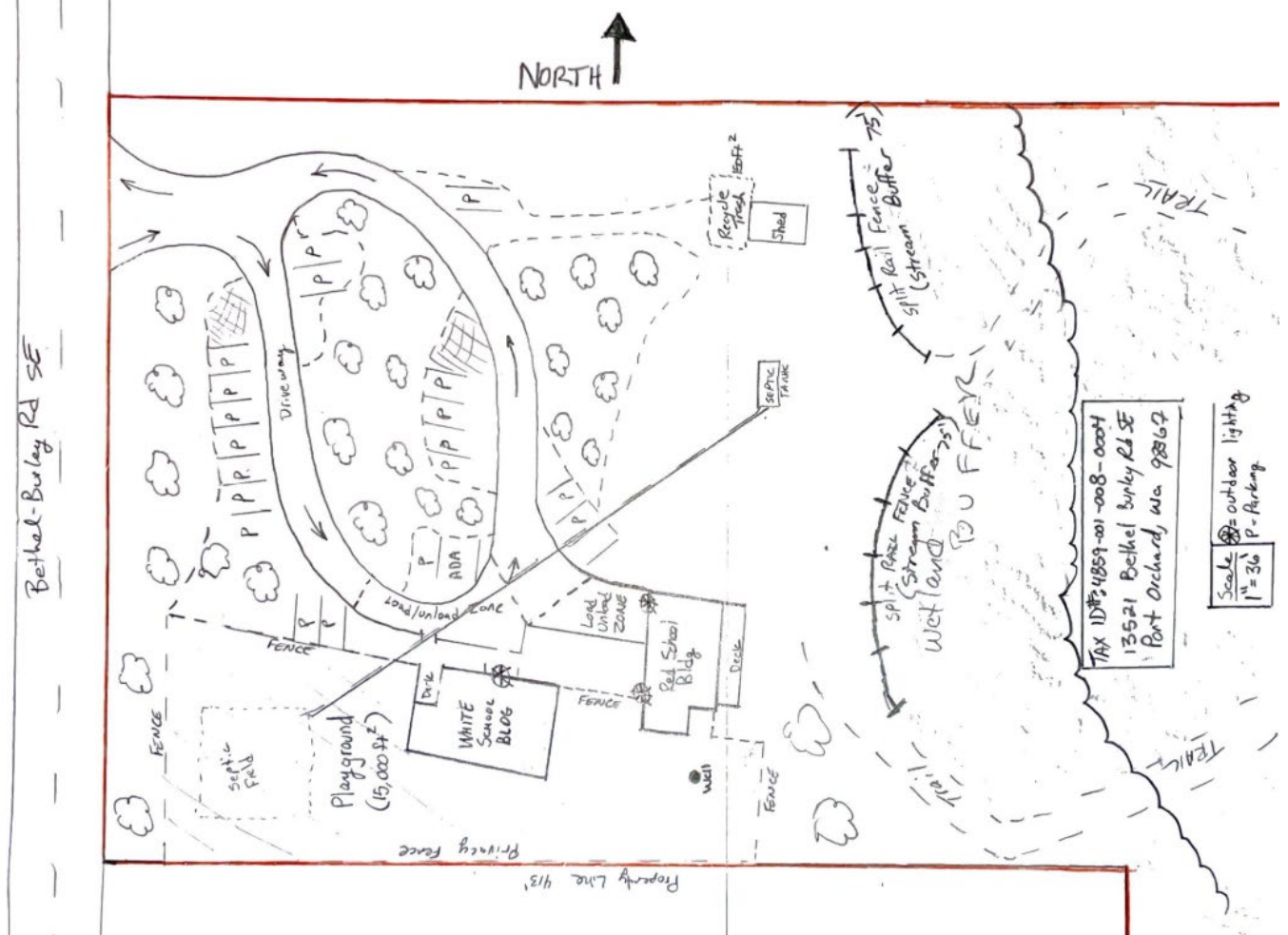
Attachment A – Site Plan



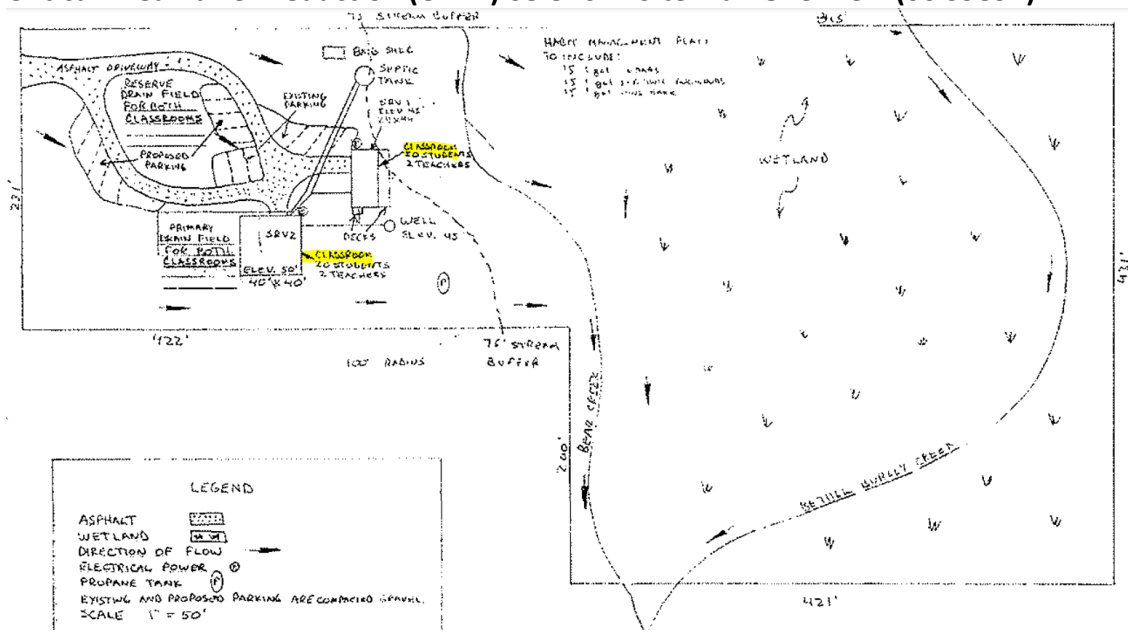
Attachment B – Critical Areas Map  
Attachment C – Zoning Map

CC: Owner/Applicant: Aimee Allen, [aimee@harbormontessori.org](mailto:aimee@harbormontessori.org)  
Interested Parties per original CUP (06 39894)  
LaRene cayo; 13870 Bethel-Burley Road SE; Port Orchard, WA 98367  
Jon & DeAnn Moore; 13569 Bethel-Burley Road SE; Port Orchard, WA 98367  
Andy & Laurie Peterson; PO Box 1 12; Burley, WA 98322; burleyent@aol.com  
Kathleen Rooks; 13501 Bethel-Burley Road SE; Port Orchard, WA 98367  
Kitsap County Health District, MS-30  
Kitsap County Public Works Dept., MS-26  
DCD Fire Marshal  
DCD Staff Planner: Jenny Kreifels

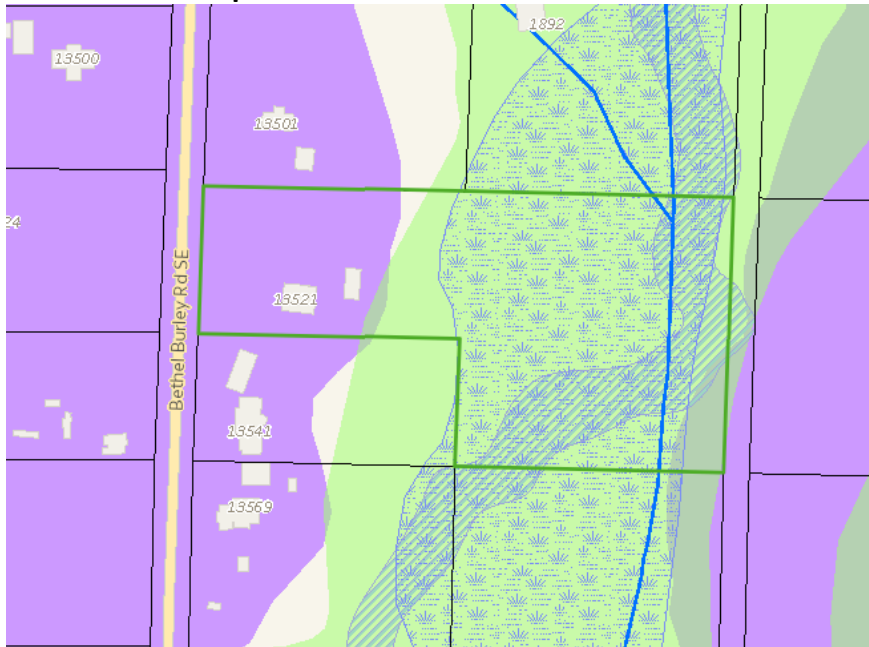
Site Plan Inset



Critical Area Buffer Reduction (CABR) 08-52072 Site Plan Overview (06 39894)



**Critical Areas Map**



**Zoning Map**

