

**SAN JUAN COUNTY
HEARING EXAMINER**

FINDINGS, CONCLUSIONS AND DECISION

Applicants: Orcas Day Care Association
PO Box 1476
Eastsound, WA 98245

Agent: Teri Williams
P.O. Box 1001
Eastsound, WA 98245

File No: HE37-08 (08CU012)

Request: Conditional Use Permit/Variance

Parcel No: 271155042

Location: North Beach Road
Orcas Island

Summary of Proposal: A request to expand the day care facility by 2,236 square feet.

Land Use Designation: Eastsound Residential 4/acre

Public Hearing: After reviewing the report of the Community Development and Planning Department a public hearing was held on August 6, 2008.

Applicable Policies and Regulations: SJCC 16.40.210 Daycare Facilities
SJCC 18.80.100 Conditional Use Permits
SJCC 16.55 Eastsound Subarea Plan

Decision: The application is approved subject to conditions.

S.J.C. COMMUNITY
AUG 28 2008
DEVELOPMENT & PLANNING

Findings of Fact

1. A daycare facility has been established on the site since 1991. The daycare facility has 10 vehicle parking spaces. No changes to signs are proposed. The neighborhood is largely residential.
2. The daycare facility is connected to Eastsound Water Users Association and Eastsound Sewer District.
3. The additional 2,236 square feet is to provide space and separation for infants and toddlers as well as a small meeting room and storage/office room. There will be six employees and possibly up to 60 children located at the facility. Adequate parking is provided by the 10 existing parking spaces. Exterior lighting requirements, landscaping, open space and other Eastsound Plan requirements are found in SJCC 16.55.300 and have been shown to be adequately provided.
4. The Comprehensive Plan and Eastsound Plan designate the area as a mixed use district and daycare facility is an allowed use. With the additional square footage the character of the site would not substantially change nor would there be any significant adverse impacts.
5. The area is served by existing emergency services and standard utility services. There is no evidence of any significant increase in traffic from this proposal. The area does not lie in an airport overlay district nor is it adjacent to the airport.
6. A Determination of Non-Significance was issued on July 2, 2008. No comments were received.
7. Notice of public hearing was published July 2, 2008, and mailed and posted on July 9, 2008.
8. The staff report is incorporated herein by reference as though fully set forth. The analysis and factual statements contained in the staff report are adopted as a finding herein.
9. Any conclusion herein which may be deemed a finding is hereby adopted as such.

Conclusions of Law

1. The Hearing Examiner has jurisdiction over the persons and subject matter of this proceeding.
2. The proposal complies with the requirements of the State Environmental Policy Act.

3. Proper notice was given in compliance with local and state requirements.
4. Properly conditioned, the proposal complies with the requirements of the Comprehensive Plan and SJCC.
5. Any finding herein which may be deemed a conclusion is hereby adopted as such.

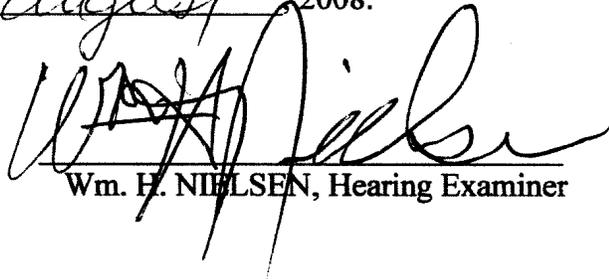
Conditions

1. The proposal will be in compliance with the site plan submitted at the August 6, 2008 hearing and admitted as Ex. 2.
2. Prior to the issuance of a building permit the standards and requirements of the Eastsound Subarea Plan for parking, landscaping, lighting, open space and signs shall be met.

Decision

The conditional use permit to expand the existing daycare facility by 2,236 square feet is approved subject to the conditions set forth above.

DONE this 28th day of August 2008.



Wm. H. NILSEN, Hearing Examiner

Appeal

Any appeal of this decision shall be to Superior Court pursuant to the Land Use Petition Act, Chapter 36.70 RCW, within 21 days of the issuance of the decision. See Home Rule Charter, Section 3.70.