

**OAK HARBOR HEARING EXAMINER
APRIL 15, 2025, at 2:00 P.M.**

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

The Hearing Examiner and the public may attend virtually or in-person at City Hall,
Council Chambers.

To participate virtually from your web browser, use the following link:

<https://www.microsoft.com/en-us/microsoft-teams/join-a-meeting>

Meeting ID: 277 462 806 148

Passcode: To6Sq2GA

AGENDA

1. Call to Order

a) Conditional Use Application - Project 2501-0002:

The applicant is proposing to use the property located at 640 E Whidbey Ave
as a childcare center.

2. Adjourn

Exhibit 1
Ms. Ashley's Child Care Center
Conditional Use Permit
Case No. 2501-000.
Staff Report to Hearing Examiner

APPLICATION:

Applicant requests a Conditional Use permit for the use of an existing commercial building and adjacent outdoor play area for a child day care facility. The proposed site is located within the RO zone district, where a child day care requires a Conditional Use permit, per OHMC Section 19.20.1050.

PRELIMINARY INFORMATION:

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

Property Owner: Greenbank Properties LLC, PO Box F, Greenbank, WA 98253

Address of proposal: 640 E. Whidbey Avenue, Oak Harbor, WA 98277

Parcel Number: S7285-00-0C015-2

Comprehensive Plan Designation: High Intensity Residential/Low Intensity Commercial

Zoning Designation: R-O, Residential-Office

Application Presented for Action:

Conditional Use Application - Review Process III

Attachments:

Exhibit 2	Application materials
Exhibit 3	Zoning and Vicinity map
Exhibit 4	Public Noticing Documents
Exhibit 5	Public comment

SITE GEOGRAPHY

The subject building is located between SR 20 and NE Midway Blvd, on the north side of East Whidbey Avenue. An existing commercial building occupies the site, along with associated parking, landscaping, and other site improvements. At the street frontage, typical public improvements of curb, gutter and sidewalk line the public street. The street has recently been resurfaced, and all public utilities are located in the right of way or nearby easements. A curb cut from the street exists at the western portion of the property frontage, sharing an access driveway with the parcel to the west. The driveway leads to two paved parking areas totaling ten parking spaces for the use of the property.

The parcel is generally flat but does slope slightly down from the street to the north. Land uses abutting the site include the following:

	Existing Land Use	Zoning
North:	School track and play field	PF, Public Facilities
South:	Private school	R-O, Residential-Office
East:	Single family residence	R-O, Residential-Office
West:	Medical/dental office	R-O, Residential-Office

BACKGROUND and PROJECT DESCRIPTION:

The proposed facility consists of an approximately 1374-square foot building located on a 0.53 acre parcel of land on the north side of East Whidbey Avenue.

As noted on the application, the building will be remodeled to satisfy the needs of the proposed use, and an outdoor play area added to the rear of the structure, to be fenced per the standards for such facilities set by the State of Washington.

Since the capacity of a child day-care is already outlined by OHMC 19.08.676 as well as WAC 110-300-0354, staff believes it is not necessary to stipulate maximum capacity via the Conditional Use process, but rather by utilizing the various standards found in State Law, Building Code and any other pertinent regulations.

Conditional Use Permit Application

The subject parcel is currently zoned RO. The site’s proposed use as a child day care is listed under OHMC 19.20.1050 as a “Conditional Use.”

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, concluded with a final decision by the Examiner.

Conditional Use Review

According to OHMC 19.67.030, *“No conditional use shall be granted unless it meets the following criteria:”*

- (1) All special conditions for the particular use are met;*

The current Oak Harbor Municipal Code 19.08.676 standard for day care centers is “an establishment for the care and education of children in connection with an outdoor play area having a minimum area of 1,000 square feet plus an additional 50 square feet for each child in excess of eight.” This code section is currently under review by the Planning Commission and City Council to be changed to “an establishment for the care and education of children in compliance with the standards set forth by the State of Washington for such use.”

The applicant is seeking the approval of a Conditional Use permit to allow for the use of the site as a day care facility. The future change noted above to the OHMC puts the standards for capacity on such facilities to be based on state requirements which will be addressed by the Washington State Department of Children, Youth and Families (DCYF).

According to the application materials, the business will likely be open in July to August 2025, by which time the proposed change to the OHMC should be approved. A condition of approval requires that the applicant meet the standard in effect at that time. Further conditions of approval

of this CUP will address the use itself, while the DCYF will determine total number of students permitted based on their standards according to WAC 110-300-0354.

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

There will be little in the way of physical changes to the site other than an outdoor play area located at the rear of the building. The existing urban neighborhood will accommodate the proposed use with no undue impacts to the environment. Any dirt work on the outdoor play area will be minor. The use will be required to comply with all applicable standards of the OHMC.

(3) It is provided with adequate parking;

The use will be required to comply with the standards of OHMC 19.44. Per the minimum standards listed in OHMC 19.44.100, a day care center is not listed with a specific number of parking spaces, therefore the applicant is required to provide a parking plan to show the number of spaces needed and a drop-off plan for parents.

The applicant should note, however, that the gravel portion of the lot is not an approved parking area. If overflow should become a regular occurrence where parking is forced into unpaved areas, the applicant may be required to mitigate this by either paving the parking area to the standards of OHMC 19.44 or making other changes to operation of the business to reduce parking demand.

Additionally, public comment from the business located to the west of the site has expressed concern that parking be adequately labeled to ensure that parking is not spilling into their property and interfering with customers of that business.

(4) It is served with adequate public streets, public utilities and facilities;

Public utilities are available to serve the site and vehicular access is provided from SE Bayshore Drive.

(5) It otherwise meets the purpose of the district in which it is to be placed;

The designated purpose of the RO district is to provide for areas appropriate for professional and administrative offices. It is intended that such districts shall buffer residential districts and the development standards are such that office uses should be compatible with residential districts.

The proposed conditional use is compatible with other uses in the area, including a variety of commercial office uses and residential uses. There are a number of routes to the location that will help disperse traffic and should not adversely impact adjacent properties with conformity to the OHMC.

(6) It meets the goals and policies of the Oak Harbor comprehensive plan. (Ord. 1555 § 27, 2009).

The expansion of the proposed use will fit into the existing neighborhood as noted above and is consistent with the Oak Harbor Comprehensive Plan Goals and Policies below.

Goal 1 – *Promote a healthy mix of uses:*

This use is well integrated into an existing mixed-use neighborhood and provides a needed service in the area.

Goal 2 – Encourage land use patterns that promote health and safety:

This use provides a service in close proximity to where many people live.

Result of Conditional Use Permit Approval

If the Conditional Use Permit is approved, the applicant may move forward with any permitting necessary to construct interior improvements and exterior changes to meet the standards for day care uses per State standards.

Conclusion

Staff has reviewed the application against the Conditional Use Permit standards and has determined that the application meets the specific criteria of OHMC 19.67 and that the impacts of the use will either be minimal or easily mitigated.

SEPA

No SEPA review is required for this application.

LEGAL NOTICE

A Notice of Application and notice to neighboring property owners were mailed and posted on February 13, 2025 and advertised on February 19, 2025. The Notice of Public Hearing for the Conditional Use Permit was mailed and posted on March 26, 2025 and advertised on March 29, 2025. See Exhibit 4.

PUBLIC COMMENTS

The city received one public comment on this application. See Exhibit 5.

RECOMMENDED ACTION

Staff recommends that the Hearing Examiner conduct the public hearing and approve this Conditional Use application for a child day care center, subject to the following conditions of approval:

1. The child day care center be limited to the number of children based on the standard found in OHMC 19.08.676 at the time of business operation. Should the standard change during the subsequent operation of the business, the capacity shall follow the new requirement.
2. Any physical expansion to the facility or increase in number of students, not based on formulas found in local or state regulations, shall be subject to a revised conditional use permit. The applicant shall notify city staff of any proposed expansion to determine the proper process for approval.
3. Customers be notified of parking locations on paved areas adjacent to the business and that parking at the adjacent office is not permitted.
4. That all requirements for building and fire codes be met for the building prior to occupancy.
5. That all State licensing requirements be met prior to commencement of the day care facility.

6. The conditional use permit applies only to the property for which the application is made.

My Name is Ashley Bernales I currently own Ms-Ashleys Preschool located on Pioneer way. I have rented out 640 E Whidbey Ave. and I would like to open a toddler center (daycare) that will be called Ms Asheys Daycare. My goal is to have 3 separate class rooms. Each classroom should be able to have 7 kids. (Classroom one up to 14) Depending on licensing, teacher child ratio.

We will be adding a chain link fence behind the building and adding play bark for our outdoor area. There is 5 total parking spaces next to the building as well as 10 parking spaces behind the building. Our hours as of now will be from 8:00am-5:00pm. With that being said parents schedules will vary in that time frame so parking shouldn't be an issue as families will. Be coming at different times. . We have reached out to the christian school in case of overflow parking is needed as well. We haven't gotten a call back yet. We will Have one staff member per class. There are 3 bathrooms located at this site. A commercial kitchen that was already approved by the city and up to code. The only major thing that needs to be done for us t submit for licensing is the fencing for the outside play area.

- 1) Cover sheet
- 2) General Application Form
- 3) Proposed plan will be In the narrative
- 4) Narrative
- 5) Legal Description
- 6) Environmental Review (SEPA)
- 7) Critical Areas Identification Form
- 8) Mailing addresses

My Name is Ashley Bernales. I currently Own and Operate Ms Ashleys Preschool located at 520 SE Pioneer way. I have rented 640 E Whidbey Ave. In hopes of opening a Toddler Daycare Center. It will be called "Ms Ashley's Daycare" Having been doing this for 14 years I can see just how beneficial this would be for our community. We have such a need for more quality caring Daycares. We are looking forward to expanding into the community.

Our hours will be from 8:00am - 5:00pm. Monday thru Friday. We are hoping to have 3 classrooms. They will range between the ages of 12 months - 3 years old. Each classroom Will have up to 7 kids. With one Teacher per class. Total of 3-4 Teachers and a Director. (Myself)

We have a total of 5 parking spots next to and in front of the Building. That will be for staff parking. Behind the building is 6 parking spaces with 6 more that can fit in front of them on the gravel area. Thats a total of 12 parking spaces. With families having differing schedules this would make pick up and drop off times different. I feel this will be adequate parking. The parking will be for Quick dropping off and pick ups only.

We will be needing to add a fence for an outside play area. As of now we will be utilizing the Grassy area right behind the Building. We will be adding Play bark and a chain link fenced with privacy slats. Eventually we may extend out to the grassy area behind the parking lot. But as of now thats not the route we will be going. The space behind the building is adequate space required by Licensing guidelines of 75 sqft per child. (Each class will have separate outside play time)

We are hoping to open up as soon as we can. Once we get the Conditional use permit and Occupancy permit then we can Submit for licensing. That would put us at opening around July or August 2025 time frame.

Thank you for your time
Sincerely
Ashley Bernales
1304 NE Big Berry Loop
Oak Harbor Wa 98277
360-320-4118
ashleybernales@hotmail.com



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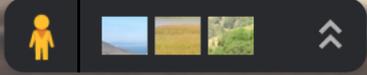


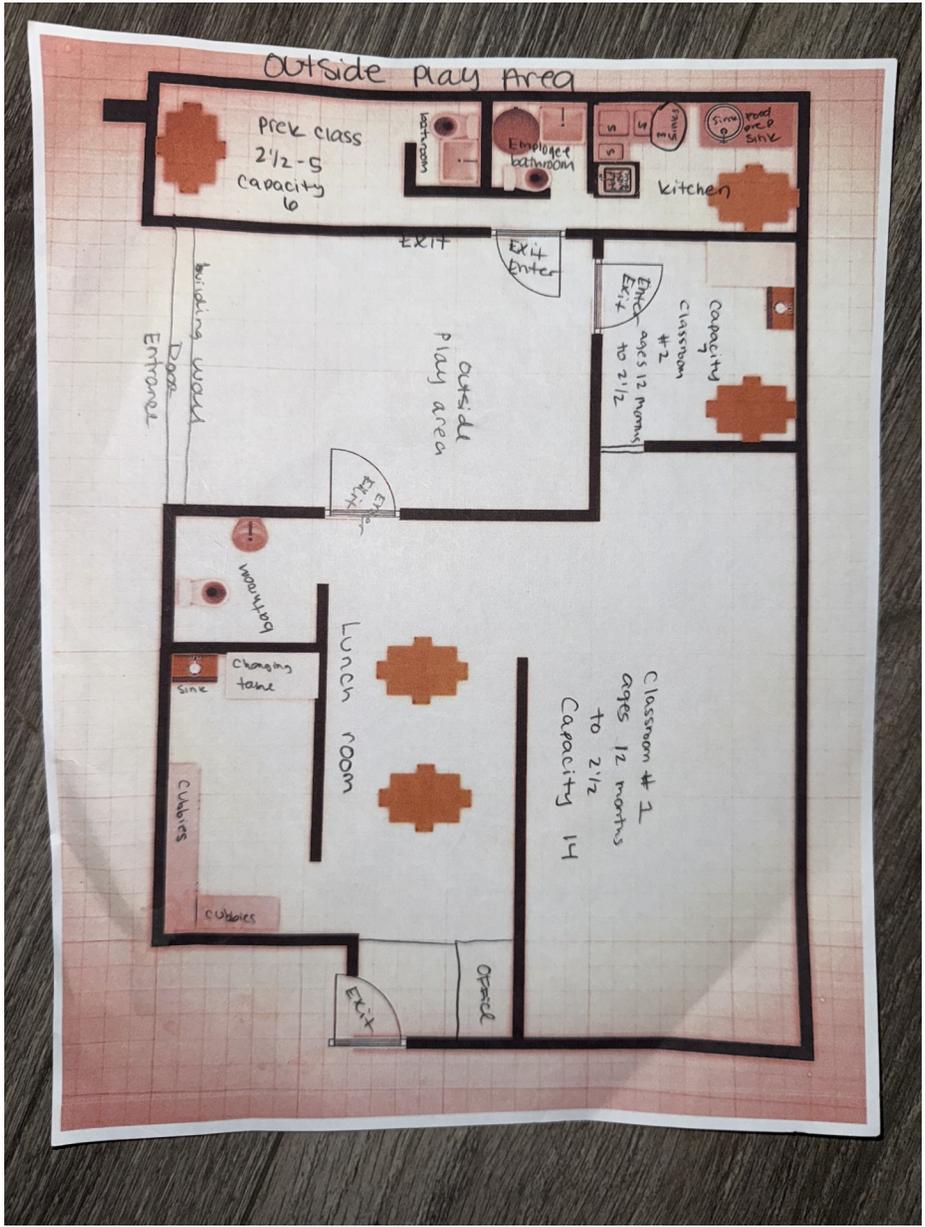
Oak Harbor



Layers

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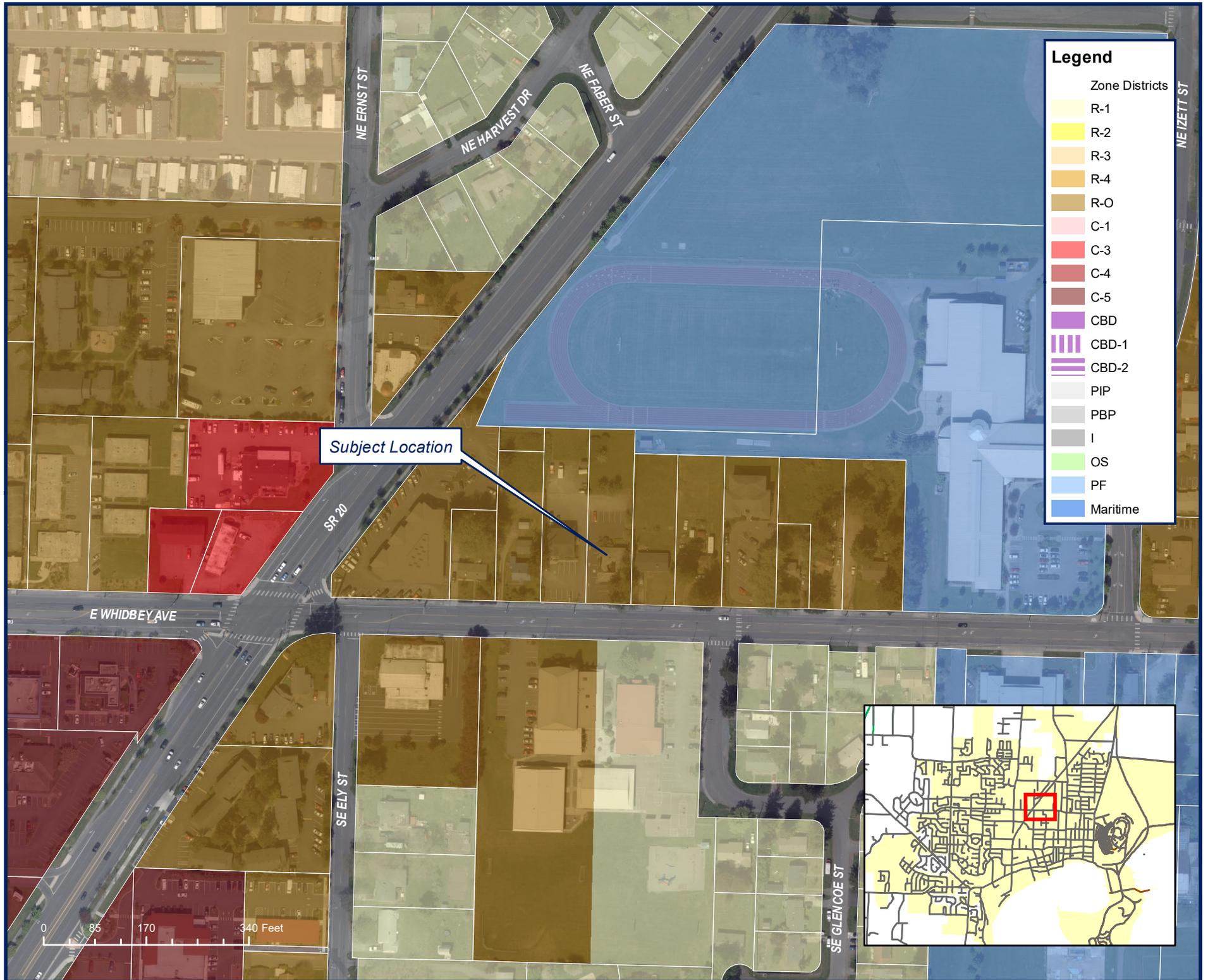
Parking, Pick Up and Drop off procedures

We have 6 marked spaces behind the building with room for 6 more in front of them on the gravel area. We will be marking them off with parking bumpers so they can see the separate parking spaces. So there will be a total of 12 parking spaces in the back parking area. We also have 2 parking spaces in the front of the building and 3 directly on the side of the building.

Parents will have varied drop off and pick up times. We will be open from 8:00am - 5:00pm and there will be differing schedules for families. Parents will park. Bring their child inside. drop off their child into their designated classroom. Check them in and leave. Parking shouldn't exceed more than 5 minutes per family.



Exhibit 3 - Zoning and Vicinity Map





NOTICE OF APPLICATION

Ms Ashley's Daycare

APPLICATION: Conditional Use 2501-0002

Ms Ashley's Daycare submitted a Conditional Use application and associated documents for the opening of a childcare center.

PROJECT LOCATION: The property location is 640 E Whidbey Ave, S7285-00-0C015-2.

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.

DETERMINATION OF COMPLETENESS: The above application was submitted on Monday, February 3, 2025 by Ms Ashley's Daycare for Greenbank Properties, LLC & PO Box F, property owners. The application has been determined complete for processing on Wednesday, February 12, 2025.

APPLICABLE REGULATIONS AND REVIEW CRITERIA: The above application will be reviewed for compliance with the Oak Harbor Comprehensive Plan (June 2016 and Nov. 2014), Municipal Code. This may not be a comprehensive list of the applicable regulations and review criteria against which this application will be reviewed.

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

PUBLIC COMMENT PERIOD: 2-19-2025 through 3-04-2025

If you have questions regarding this application, please contact the Development Services Department at (360) 279-4510, between 8:00 a.m. and 4:30 p.m., Monday thru Friday.

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 4:30 p.m. on 3-04-2025.**

To receive notification of the decision on this proposal, please include your email and send your request to the City of Oak Harbor, Development Services Department, 865 SE Barrington Drive, Oak Harbor, WA 98277. Please include the following: Notice of Decision for application 2501-0002.

Patti O'Mahony
Permit Coordinator

Published: Whidbey News Times
Dated: 2-19-2025

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 14 day of February, 2025 post ___ 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. 640 E Whidbey Ave	S7285-00-0C015-2
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advertising a Notice of Application for Conditional Use (2501-0002) for the proposed Ms Ashley's Daycare.



(Signature of person posting)

SIGNED AND ATTESTED to before me this 14 day of February, 2025
by Ashley Bernales



Notary Public
Print Name Patti O'Mahony
Notary Public in and for the State of Island
Washington, Oak Harbor City/County
Commission expires 5-24-28

Reference Only Parcel

SAMURAI INVESTORS
41 NE MIDWAY BLVD SUITE 101
OAK HARBOR WA 98277

KENNETH & ELEANOR MANNIE MARK
&
NANCY THEUNE
BOX 889
OAK HARBOR WA 98277

KENNETH & ELEANOR MANNIE MARK
&
NANCY THEUNE
BOX 889
OAK HARBOR WA 98277

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OAK HARBOR WA 98277

KENNETH & ELEANOR MANNIE MARK
&
NANCY THEUNE
BOX 889
OAK HARBOR WA 98277

COHEN ET AL, JACOB & CASCADE
PLACE CONDO ASSN
PO BOX 889
OAK HARBOR WA 98277

KENNETH & ELEANOR MANNIE MARK
&
NANCY THEUNE
BOX 889
OAK HARBOR WA 98277

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OAK HARBOR WA 98277

KENNETH & ELEANOR MANNIE MARK
&
NANCY THEUNE
BOX 889
OAK HARBOR WA 98277

WILLIAMS, DALE F & SUSAN L
WILLIAMS
2724 222ND AVE SE
SAMMAMISH WA 98075

WILLIAMS, DALE F & SUSAN L
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2724 222ND AVE SE
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WILLIAMS
2724 222ND AVE SE
SAMMAMISH WA 98075

LAM HOLDINGS II, LLC
2403 NW 201ST LN
SHORELINE WA 98177

LAM HOLDINGS II, LLC
2403 NW 201ST LN
SHORELINE WA 98177

LAM HOLDINGS II, LLC
2403 NW 201ST LN
SHORELINE WA 98177

LAM HOLDINGS II, LLC
2403 NW 201ST LN
SHORELINE WA 98177

SAMURAI INVESTORS
41 NE MIDWAY BLVD SUITE 101
OAK HARBOR WA 98277

RENNINGER, PHILLIP
614 NE 4TH ST
COUPEVILLE WA 98239

SAMURAI INVESTORS
41 NE MIDWAY BLVD SUITE 101
OAK HARBOR WA 98277

SAMURAI INVESTORS
41 NE MIDWAY BLVD SUITE 101
OAK HARBOR WA 98277

HESS, STEPHEN A & JULIE R HESS
312 N 23RD ST
MOUNT VERNON WA 98273

ADAMS, CURTIS MD & TERESA A
ADAMS
520 E WHIDBEY AVE SUITE 106
OAK HARBOR WA 98277

RENNINGER, PHILLIP
614 NE 6TH ST
COUPEVILLE WA 98239

SAMURAI INVESTORS
41 NE MIDWAY BLVD SUITE 101
OAK HARBOR WA 98277

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OAK HARBOR WA 98277

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SAMURAI INVESTORS
41 NE MIDWAY BLVD SUITE 101
OAK HARBOR WA 98277

OAK HARBOR SCHOOL
200 SE MIDWAY BLVD
OAK HARBOR WA 98277

WFD, LLC
PO BOX 279
OAK HARBOR WA 98277

HOWIT, MICHAEL S
1630 CARMEL CIR E
UPLAND CA 91784

CAMACHO, JESUS D
670 E WHIDBEY AVE
OAK HARBOR WA 98277

BETTNER, DONALD EUGENE &
ANGELINA LIAVE BETTNER
998 RIDGEWAY DR
OAK HARBOR WA 98277

RUBY SMILES LLC
620 E WHIDBEY AVE
OAK HARBOR WA 98277

GREENBANK PROPERTIES, LLC & PO
BOX F
GREENBANK WA 98253

GRAYHAWK PARTNERS, LLC
1849 WEST BEACH RD
OAK HARBOR WA 98277

OAK HARBOR SCHOOL DIST #201
1250 MIDWAY
OAK HARBOR WA 98277

T&CM 540 E WHIDBEY AVE, LLC
PO BOX 572
OAK HARBOR WA 98277

BLUE SKY PROPERTIES & STORAGE
LLC
438 SEA BREEZE WAY
OAK HARBOR WA 98277

LLC & C/O WINDERMERE PROPERTY
MANAGEMENT
32785 SR 20, STE 4
OAK HARBOR WA 98277

BOYS & GIRLS CLUB OF SNOHOMISH
COUNTY & ATTN ACCOUNTS PAYABLE
8223 BROADWAY STE 100
EVERETT WA 98203

OAK HARBOR CHRISTIAN SCHOOL
675 E WHIDBEY AVE
OAK HARBOR WA 98277

PENNINGTON, VIRGINIA & NORMAN
PENNINGTON
137 FAIR WAY
CHELAN WA 98816

DUSTMAN, SEAN & HEATHER A
DUSTMAN
29112 SR 20 #A
OAK HARBOR WA 98277

CLEMONS, KAYLA A & CHRISTOPHER
G CLEMONS
38 SE GLENCOE ST
OAK HARBOR WA 98277

MORALES, GUILLERMO J & ALYSSA R.
STRATTON
46 SE GLENCOE ST
OAK HARBOR WA 98277



**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 640 E. Whidbey Avenue.

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 on Tuesday, April 15, 2025, at 2:00 PM. This will be both a physical meeting location and a virtual meeting. The hearing examiner, staff, and the public may attend virtually or in-person at City Hall, Council Chambers. The hearing may be viewed live via YouTube at www.youtube.com/cityof oak harbor. The hearing examiner will consider the following item:

Conditional Use Application 2501-0002: The applicant is proposing to use the property located at 640 E Whidbey Ave as a childcare center.

Anyone wishing to comment on the above item or provide other relevant information may appear in person before the Hearing Examiner at the time and place of said public hearing. Information on how to provide public comments virtually will be provided on the hearing agenda. After obtaining public input and considering the matter, the Hearing Examiner may approve or deny the proposed application. As part of any approval, conditions or limitations may be imposed.

The associated applications are 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.

Sarah Heller
Sr. Administrative Assistant, Development Services
sheller@oakharbor.org



**NOTICE OF PUBLIC HEARING BEFORE
HEARING EXAMINER**

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Sarah Heller, sheller@oakharbor.org
Senior Administrative Assistant - Development Services

POSTED ON FRIDAY, MARCH 28, 2025

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EMAILED ON WEDNESDAY, MARCH 26, 2025: legals@soundpublishing.com

PUBLISHED ON SATURDAY, MARCH 29, 2025: Whidbey News Times

REMOVE 4/16/2025

From: noreply@civicplus.com
To: [planning](#)
Subject: Online Form Submission #61300 for Ms Ashley's Daycare Conditional Use Permit Comments
Date: Friday, February 21, 2025 7:18:35 AM

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Ms Ashley's Daycare Conditional Use Permit Comments

Project Details

NOTICE OF APPLICATION

640 E Whidbey Ave, S7285-00-0C015-2

APPLICATION:

Conditional Use 2501-0002

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Name	Yanina Chambi
Email Address	info@islandfamilydentistry.com
Address	620 E Whidbey Ave
City	Oak Harbor
State	Wa
Zip Code	98221

Phone Number

3606797227

Comment

We are excited to have the daycare but are worried about parking. We want to make sure that clients to do park in out patient parking or behind our building where employees park. We already have limited space. Our only ask is they provide signage that states where daycare parking is.

The colors of the American flag are Red, White, and ...

blue

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