

ISLAND COUNTY HEARING EXAMINER

RE: Site Plan Review)	File No. SPR 169/09
)	
Applicant: Paula Spina)	FINDINGS OF FACT
)	CONCLUSIONS OF LAW
)	AND DECISION

SUMMARY OF APPLICATION AND DECISION

APPLICATION: The Applicants are seeking Site Plan Review Approval for a proposed Rural Event Center on an 11.5 acre parcel zoned Rural and addressed 1056 Crockett Farm Road, Coupeville, Island County, Washington.

DECISION: Site Plan Review Approval is granted subject to conditions.

FINDINGS OF FACT

INTRODUCTION

The following Findings of Fact and Conclusions of Law are based upon consideration of the exhibits admitted herein and evidence presented at the public hearing on June 3, 2010, and continued to June 11, 2010.

I.

PRELIMINARY INFORMATION

Property Owner: Crockett Farm, L.L.C., C/O Paula Spina, P.O. Box 1244, Coupeville, WA 98239

Property Location: 1056 Crockett Farm Road, in the SW ¼ of Section 15, Township 31 North, Range 1 East, W.M.

Applicable Island County Ordinances: Chapter 17.03, Zoning Ordinance; Chapter 17.02, Critical Areas; Chapter 16.15, Site Plan Review Ordinance; Chapter 16.19, Land Use Review Process; Chapter 16.14C, County Environmental Policy; Chapter 11.01, Development Standards; Chapter 11.02, and Clearing and Grading Requirements.

SEPA: A Determination of Non-Significance was issued on March 15, 2010 pursuant to WAC 197-11-355 and ICC 16.19.150.D.

Procedural Requirements:

Decision Type: Type III (Site Plan)

Community Meeting Date: February 15, 2008 and March 11, 2010

Pre-Application Conference Date: November 17, 2005

Notice of Complete Application: July 10, 2009

Notice of Application:

Sign Posted: July 13, 2009

Whidbey News Times: July 22, 2009

Mailed Notice Received: July 17, 2009

Public Comment Period: July 22, 2009 – August 5, 2009

Notice of Hearing in Whidbey News Times/South Whidbey Record: May 19, 2010

Hearing Date: June 3, 2010/6/3/10 and 6/11/10

Exhibit Log:

1. Staff Report
2. Land Development Permit Application; received 6/29/09
3. Application for Site Plan Review; received 6/29/09
4. Application Update Sheet; received 6/29/09
5. Form C—Application Requirements; received 6/29/09
6. C-12: Visual Analysis; received 6/29/09
7. C-15: Lighting Plan (Revised 6-23-09); received 6/29/09
8. C-16: Noise, Etc., Control Plan; received 6/29/09
9. Vicinity Map; received 6/29/09
10. Inorganic Compounds (IOC) Report; received 6/29/09
11. Water Bacteriological Analysis; received 6/29/09
12. Water Facilities Inventory (WFI) Form; received 6/29/09
13. Water Well Report; received 6/29/09
14. Permit to Construct a Sewage Disposal System; received 6/29/09
15. Application to Access to County Road Right of Way; received 6/29/09
16. 11x17 Survey Map depicting Lot 3 & 4 prepared by Bowers Surveying; received 6/29/09
17. Transportation Concurrency Application; received 6/29/09
18. Certificate of Transportation Concurrency, received 6/29/09
19. Building Permit 07-1178; received 6/29/09
20. Notes to architectural drawings of the Crockett Barn; received 6/29/09
21. Schedule B-001; received 6/29/09
22. Historic American Building Survey Walter Crockett Farm, Barn HABS No. WA 246-A; received 6/29/09
23. Environmental Checklist; received 6/29/09
24. Oversize hand drawn Site Map depicting landscaping plan, SEE STAFF FOLDER FOR MAP; date received 6/29/09
25. Request for Comment; date received 6/29/09
26. Pre-Application #936/05 Planning Department Comments from Ryan Morrison to Paula Spina, dated 11/17/05
27. Letter from Andreana Richardson for Andrew Hicks to Paula Spina, RE: Notice of Complete Application; dated 7/10/09
28. Letter from Aaron J. Henderson to Paula Spina, RE: Requirements for Composting Toilets and Temporary Events; date received 7/13/09
29. Review comments from John Bertrand to Andrew Hicks, RE: SPR 169/09—Paula Spina, Site Plan Review; dated 7/24/09
30. Review comments and a copy of Application for Access to County Road Right of Way from John Bertrand to Andrew Hicks, RE: SPR 169/09—Paula Spina, Site Plan Review; dated 7/24/09
31. Historical Review Committee Land Development Review, HRC#038/09; date reviewed 8/4/09

32. Email from Jennifer Meyer to Andrew Hicks, RE: Rural Events Center; date sent 8/4/09
33. Review comments from Aneta Hupfauer to Andrew Hicks, RE: SPR Crockett Farm, LLC-SPR 169/09; dated 8/5/09
34. Email from Jennifer Meyer to Andrew Hicks, RE: Permit #169/09; date sent 8/6/09
35. Emails to/from John Bertrand & Andrew Hicks, RE: Crockett Farms; dates sent 8/19/09
36. Email from Andy Griffin to Andrew Hicks, RE: Crockett Barn SPR 169/09; date sent 8/28/09
37. Letter from Andrew Hicks to Paula Spina, RE: Review Comments; dated 8/31/09
38. Island County Historical Review Committee Land Development Review Application #038/09; dated 10/6/09
39. Email from Justin Craven to Andrew Hicks, RE: SPR-369/09-Spina; date sent 10/19/09
40. Letter from Paula Spina to Aaron Henderson, RE: Req.'s for Composting Toilets; date received 12/29/09
41. Review comments from John Bertrand to Andrew Hicks, RE: Site Plan Review; dated 2/4/10
42. Review comments from Aneta Hupfauer to Andrew Hicks, RE: SPR Crockett Farm, LLC-SPR 169/09; dated 4/23/10
43. Email from Sue Symons to Andrew Hicks & cc: Paula Spina; James Moore, RE Comments: Historic Crockett Barn Rural Events Permit, date sent 7/29/09
44. Zoning 17.03.180, date received 8/3/09
45. Email from James Moore to Andrew Hicks, RE: Crockett Farm Rural Event Center Application; date sent 8/4/09
46. Email from Wilma & Jack Jenkins to Andrew Hicks, RE: Rural Event Center, date sent 8/1/09
47. Comments from Phil & Rita Matthes to Andrew Hicks, RE: Permit application by Paula Spina for Rural Event Center which includes her Crockett Farm Barn, Bed & Breakfast, and eleven acres on Crockett Farm Rd., Coupeville, Washington; date received 8/5/09
48. Email from Mark Preiss to Andrew Hicks, RE: Crockett Barn adaptive use as Rural events Center; date sent 8/5/09
49. Email from Dave & Dianne Binder to Andrew Hicks, RE: Crockett Farm Rural Events Center; date sent 8/5/09
50. Notice of Community Meeting, date received 6/29/09
51. Affidavit of Publication, In the Matter of Public Notice—Crockett Farm CEX 1791; date received 6/29/09
52. Affidavit of Posting the Public Notice Sign; dated 7/13/09
53. Affidavit of Mailing; dated 7/17/09
54. Notice of Application with SEPA; dated 7/22/09
55. Newspaper Ad: Voluntary Community Meeting, dated 3/11/10
56. Affidavit of Mailing, dated 3/15/10
57. Letter from Paula Bradshaw to Paula Spina, RE: SPR 169/09; dated 4/9/10
58. Affidavit of Mailing; dated 4/12/10
59. Email from Paula Bradshaw to Paula Spina, RE: Request for change of hearing date including attachment letter from D. Kelly; date sent 4/19/10
60. Letter from M. Douglas Kelly to Michael Bobbink, RE: Crockett Farm, LLC Application for Rural Event Center; dated 4/19/10
61. Email from Paula Bradshaw to Paula Spina, RE: Memo from the Hearing Examiner including attachment of SPR 169/09 D. Kelly memo; date sent 4/20/10
62. Memo from Michael Bobbink to M. Douglas Kelly & Cc: Island County Planning & Paula Spina; dated 4/20/10
63. Memo from Andrew Hicks to Michael Bobbink & Cc: Doug Kelly, RE: SPR 169/09 Request for continuance of hearing date; dated 4/20/10
64. Email from Paula Spina to Paula Bradshaw, RE: Memo from the Hearing Examiner; dated 4/20/10
65. Letter of Hearing re-schedule from Paula Bradshaw to Paula Spina, RE: SPR 169/09; dated 4/21/10
66. Affidavit of Mailing; dated 4/21/10
67. Email from Andrew Hicks to Paula Spina, RE: Transportation Concurrency; date sent 6/5/09
68. Email from Andrew Hicks to Paula Spina, RE: Transportation Concurrency; date sent 6/8/09
69. Gmail's from Paula Spina regarding capacity specifications for Island County, Washington, date received 6/29/09

70. Email from James Moore to Andrew Hicks, cc Paula Spina, RE: Rural Event Center; date sent 7/7/09
71. Email from James Moore to Andrew Hicks, RE: Rural Event Center; date sent 7/9/09
72. Email from Andrew Hicks to Paula Spina cc John Bertrand, RE: SPR 169/09; date sent 7/24/09
73. Email from Andrew Hicks to Paula Spina, RE: SPR 169/09; date sent 7/29/09
74. Email from James Moore to Andrew Hicks, RE: rural event center; date sent 8/6/09
75. Email from Mark Preiss to Andrew Hicks, RE: Crockett Barn adaptive use as Rural Events Center; date sent 8/6/09
76. Email from Jennifer Meyer to Andrew Hicks, RE: Permit #169/09; date sent 8/6/09
77. Email from James Moore to Claire Pickard, RE: rural event center; date sent 8/10/09
78. Email from Gretchen Luxenberg to James Moore, RE: rural event center; date sent 8/11/09
79. Emails to/from John Bertrand to Andrew Hicks, RE: Crockett Farms; date sent 8/25/09
80. Email from Andy Griffin to Andrew Hicks, RE: Crockett Barn SPR 169/09; date sent 8/28/09
81. Email from Paula Spina to Andrew Hicks, RE: Review Letter; date sent 9/3/09
82. Email from Paula Spina to Andrew Hicks, RE: Review Letter; date sent 9/3/09
83. Email from James Moore to Andrew Hicks, RE: Meeting today; date sent 9/4/09
84. Email from Lyanne Corn to Andrew Hicks, RE: HRC; date sent 9/24/09
85. Email from Justin Craven to Andrew Hicks, RE: SPR 169/09-Spina; date sent 10/19/09
86. Email from James Moore to Andrew Hicks, RE: Crockett farm; date sent 11/6/09
87. Letter from Paula Spina to Andrew Hicks, RE: File: 169/09 SPR—Supplemental Materials and Site Plan; date receive 12/29/09
88. Email from Bobak Talebi to Andrew Hicks, RE: Paula Spina SPR; date sent 2/8/10
89. Situation Report from Paula Spina, date received 2/16/10
90. Email from James Moore to Andrew Hicks, RE: Crockett Barn; date sent 2/16/10
91. Email from Paula Spina to Andrew Hicks, RE: Hearing Room Reservation; date sent 2/17/10
92. Email from Paula Spina to Andrew Hicks, RE: Neighbors & rock culvert; date sent 2/22/10
93. Situation Report from Paula Spina & Lance Loomis, date received 2/24/10
94. Email from James Moore to Andrew Hicks, RE: March 11; date sent 3/3/10
95. Email from Paula Spina to James Moore cc: Andrew Hicks, RE: Boundary; date sent 3/5/10
96. Situation Report from Paula Spina & Lance D. Loomis, date received 3/8/10
97. Email from James Moore to Andrew Hicks, RE: update please; date sent 3/24/10
98. Email from James Moore to Andrew Hicks; Bob Pederson, RE: Barn Destroys Neighborhood with attachment; date sent 3/26/10
99. Email from James Moore to Andrew Hicks; Bob Pederson, RE: New Structure; date sent 3/30/10
100. Letter from Paul Spina to Andrew Hicks, RE: File 169/09 SPR—Supplemental Materials and Site Plan, date received 12/29/09
 - a. Supplemental Site Plan--color; date received 12/29/09
 - b. Supplemental Site Plan—B&W; date received 12/29/09
 - c. Review comments from John Bertrand to Andrew Hicks, RE: Site Plan Review; date received 12/29/09
 - d. Review comments and Application for Access to County Road Right of Way from John Bertrand to Andrew Hicks, RE: Site Plan Review; date received 12/29/09
 - e. Review comments from John Bertrand to Andrew Hicks, RE: Site Plan Review; date received 12/29/09
 - f. Review comments from Aneta Hupfauer to Andrew Hicks, RE: SPR Crockett Farm, LLC-SPR 169/09; date received 12/29/09
 - g. Application for access to county road right of way; date received 12/30/09
101. Ordinance C-94-02 PLG-017-02; approved date of 12/16/02
102. Letter from Paula Bradshaw to Paula Spina with Staff Report, dated 5/21/10
103. Affidavit of mailing Staff Report, dated 5/21/10
104. Response to staff report from Douglas Kelly, dated 5/21/10, rcv'd 5/24/10
105. Affidavit of Publication in the 5/19/10 WNT/SW Record, dated 5/26/10
106. Public comment letter from Sue Cunningham, emailed 5/28/10
107. Additional email public comment from Mary Frawley to Andrew Hicks, dated 6/1/10
108. Email public comment from Mary Frawley to Andrew Hicks, dated 6/1/10
109. Email public comment from Jan Pickard to Andrew Hicks, dated 6/1/10

110. Email public comment from Barbara & David Vaughn to Andrew Hicks, dated 6/1/10
 111. Letter public comment from Jack & Wilma Jenkins to Bob Pederson, dated 5/28/10, received 6/1/10
 112. Letter public comment from Kim & Jack Shepard to Michael Bobbink, dated 6/1/10, received 6/2/10
 113. Letter from Patricia Powell to Andrew Hicks, dated 6/1/10, rcv'd 6/2/10
 114. Email public comment from Molly Hughes to Andrew Hicks, rcv'd 5/28/10
 115. Email public comment from Ferrall & Alix Baker to Andrew Hicks, rcv'd 5/28/10
 116. Email public comment from Jewel F. Czuchta to Andrew Hicks, rcv'd 5/28/10
 117. Email public comment from Michael Mortenson to Andrew Hicks, rcv'd 6/1/10
 118. Email public comment from Barry Rix to Andrew Hicks, rcv'd 6/2/10
 119. Amendment letter from Attorney Doug Kelly to Michael Bobbink to amend exhibit # 104.
 120. Email public comment from Richard L. Castellano to Andrew Hicks, dated 6/2/10
 121. Email public comment from Gretchen Luxenberg to Andrew Hicks, dated 6/2/10
 122. Email public comment from Charles Drummond to Andrew Hicks, dated 6/2/10
 123. Letter from Robert "Bob" Johnson submitted at 6/3/10 hearing
 124. 2 Photos of the event area submitted at 6/3/10 hearing
 125. 2 Photos of the event area submitted at 6/3/10 hearing
 126. 2 Photos of the event area submitted at 6/3/10 hearing
 127. 2 Photos of the event area submitted at 6/3/10 hearing
 128. 2 Photos of the event area submitted at 6/3/10 hearing
 129. Separation document submitted at 6/3/10 hearing
 130. Limited conditions document submitted at 6/3/10 hearing
 131. Letter from Robert Brown submitted at 6/3/10 hearing
 132. Letter with 2 photos submitted by Ann Campbell at 6/3/10 hearing
 133. Letter submitted at 6/3/10 hearing by Rita Matthes
 134. Letter submitted at 6/3/10 hearing by Margie Parker
 135. Illustrative color exhibit submitted at 6/3/10 hearing by James Moore indicating the site radius
 136. Illustrative color exhibit submitted at 6/3/10 hearing by James Moore showing surrounding parcels
- Following the**
- 6/3/10 hearing the following exhibits 137 – 168 were marked in the Hearing Examiner file as individual exhibits. Prior to the hearing they were supplied in the Hearing Examiner file as unmarked supplemental information regarding the public meeting, additional public comments after the comment period, and the additional voluntary community meeting & comments**
137. Committee Meeting Presenters Notes with attached Record of Attendance; date received 6/29/2009
 138. Public comment letter from Lois Edstrom to Andrew Hicks and cc: Michael Bobbink; date received 3/12/10
 139. Public comment letter from Bob Johnson to whom it may concern; dated 3/11/10
 140. Public comment letter from Dave Lassegues to Mr. Pederson; date received 3/11/2010
 141. Public comment letter from Jan Pickard; dated 3/11/2010
 142. Public comment letter from Nate A. Steele; dated 3/11/2010
 143. Public comment letter from Robert and Rosemary Brown to Andrew Hicks, RE: Crockett Barn Rural Events Center Permit; dated 3/11/2010
 144. Public comment email from Kent Williams to Andrew Hicks, RE: Crockett Barn Event Center; date sent 3/11/2010
 145. Public comment email from Ken Pickard to Andrew Hicks, RE: Crockett Barn; date sent 3/11/2010
 146. Public comment email from Ann Campbell to Andrew Hicks, RE: Rural Event Center at Crockett Barn; date sent 3/11/2010
 147. Public comment email from James Moore to Andrew Hicks, RE: Restrictions; date sent 3/11/2010
 148. Public comment email from Robert and Rosemary Brown to Andrew Hicks, RE: event center; date sent 3/11/2010

149. Public comment emails to& from Ken Pickard and Andrew Hicks, RE: Crockett Barn; date sent 3/11/2010
150. Public comment email from James Moore to Andrew Hicks, RE: Property values and amplified sound; date sent 3/11/2010
151. Public comment email from John and Terri Eggers to Andrew Hicks, RE: Rural Event Center for Crockett Barn; date sent 3/11/2010
152. Public comment email from Dave and Dixie Lassegues to Andrew Hicks, RE: Comments re Crockett Barn; date sent 3/12/2010
153. Photo from dining room window of Crockett Farm from Dave Lassegues; no date
154. Public comment letter from Judy Lynn to Helen Price Johnson, Angie Homola and John Dean; dated 3/12/2010
155. Public comment email from Barry Rix to Andrew Hicks, RE: Crockett Barn idea from the sound guy; date sent 3/12/2010
156. Public comment email from Sue Symons to Andrew Hicks, RE: Crockett Barn Rural Events Permit Limitations and Concerns; date sent 3/12/2010
157. Public comment email from Richard V. Anderson to Andrew Hicks, RE: Crockett Barn meeting; date sent 3/12/2010
158. Public comment email from Ann Campbell to Andrew Hicks, RE: Rural Event Center at Crockett Barn; date sent 3/12/2010
159. Public comment email from Sue Symons to Andrew Hicks, RE: Crockett Barn Permit; date sent 3/12/2010
160. Public comment email from Bruce & Kari Fee to Andrew Hicks, RE: Red Barn Road House; date sent 3/12/2010
161. Public comment email from Beverly McQuary to Andrew Hicks, RE: Crockett Farm Event Application; date sent 3/12/2010
162. Public comment email from Norma and Gery Robert to Andrew Hicks, RE: Crockett Barn; date sent 3/12/2010
163. Public comment email from Robert Wilkins and Marianne Burr to Andrew Hicks, RE: Crockett Barn mitigation suggestions; date sent 3/13/2010
164. Email with attachment of conditions request to A Hicks 3-5-10 from Paula Spina to Andrew Hicks, RE: Crockett Farm REC permit application conditions; date sent 3/15/2010
165. Public comment emails to and from Robert Wilkins and Marianne Burr and Andrew Hicks, RE: Crockett Barn mitigation suggestions; date sent 3/15/2010
166. Email with attachment of conditions request to A Hicks 3-5-10 revised from Paula Spina to Andrew Hicks, RE: Revised attachment—forgot a big issue; date sent 3/15/2010
167. 5 sheets of Crockett Farm Community Meeting sign in sheet; dated 3/11/2010
168. 2 11x17 spreadsheets depicting who spoke at the Crockett Farm Community Meeting, their concerns and / or suggestions
169. Public comment letter from Janet Zema to Mr. Bobbink, received 6/7/10
170. Email public comment from Ann Dannhauer to Michael Bobbink c/o Andrew Hicks, dated 6/8/10
171. Public comment letter from Dave Lassegues to Mr. Hearing Examiner, dated 6/7/10, received 6/8/10
172. Color print out of staff power point presentation
173. Email from Paula Spina to Andrew Hicks, dated 6/10/10 with 2 attachments
 - a. Response to staff report as amended June 2, 2010
 - b. Proposed conditions
174. Letter submitted at the 6/11/10 hearing from James Moore
175. Memorandum of Authorities from Doug Kelly supplementing his 5/21/10 memorandum, as submitted at the 6/11/10 hearing
176. Supplemental memo from Doug Kelly submitted at the 6/11/10 hearing
177. Legal Memorandum submitted at the 6/11/10 hearing by David Bricklin
178. 10 photos of the Crockett Farm submitted at the 6/11/10 hearing by Paula Spina
179. Site Plan of Open Space submitted at the 6/11/10 hearing by Paula Spina
180. Site Plan Clarification submitted at the 6/11/10 hearing by Paula Spina

181. Letter from Wilma Jenkins, with 2 photos, a copy of a previous letter submitted to Robert Pederson in the Hearing Examiner file, and proposed conditions
182. Proposed conditions submitted at the 6/11/10 hearing by Mark Preiss
183. Letter read into the record by Lance Loomis from Michael Mortenson at the 6/11/10 hearing
184. Letter read into the record by Lance Loomis from Kim & Jack Shepard at the 6/11/10 hearing
185. Letter read into the record by Lance Loomis from the Whidbey Camano Land Trust at the 6/11/10 hearing
186. Public Works response by John Bertrand submitted at 6/11/10 hearing to letter from Robert Brown (exhibit #131) submitted at 6/3/10 hearing.
187. Letter submitted at the 6/11/10 hearing by Jan Reggiatore

**HEARING TESTIMONY
(from the 6/3/10 hearing)**

Andrew Hicks
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Clinton, WA 98236

James Moore
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Coupeville, WA 98239

Jack Jenkins
1049 Crockett Farm Rd.
Coupeville, WA 98239

Sue Symons
1088 Crockett Farm
Coupeville, WA 98239

Robert Brown
938 Blockhouse Rd.
Coupeville, WA 98239

Ann Campbell
844 Windrose Dr.
Coupeville, WA 98239

Rita Matthes
1087 Crockett Farm Rd.
Coupeville, WA 98239

Ken Pickard
504 Casey Rd.
Coupeville, WA 98239

**HEARING TESTIMONY
(from the 6/11/10 hearing)**

Molly Hughes
1304 NE Parker Rd.
Coupeville, WA 98239

Paula Sherwood
5505 Topaz Ct.
Freeland, WA 98249

Wilma Jenkins
1049 Crockett Farm Rd.
Coupeville, WA 98239

Mark Preiss
404 Meadow Ct.
Coupeville, WA 98239

Ann Wilson
902 NE Center St.
Coupeville, WA 98239

Philip Matthes
1087 Crockett Farm Rd.
Coupeville, WA 98239

Jan Pickard
1075 Burchell Rd.
Coupeville, WA 98239

Janie Cribbs
885 Thistle Patch Lane
Coupeville, WA 98239

Barry Rix
1026 Fawn Run Pl.
Coupeville, WA 98239

Benye Weber
775 Patmore Rd.
Coupeville, WA 98239

Anne Harvey
1075 Burchell Rd.
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II.

The Applicant is proposing to use an existing historical structure, the Crockett Farm Barn, along with a portion of the 11.5 acre parcel the barn is sited on, as a Rural Event Center.

The barn is an 11,686 square foot structure which has been designated as a historic building. Approximately 6,200 square feet of the barn would be used for Event Center events. Approximately 1.15 acres of grass open field north of the barn and abutting Fort Casey Road and Crockett Farm Road would be used as an unimproved parking area for persons attending events. Some events or portions of events will take place outside in the immediate vicinity of the barn.

Most of the 11.5 acre site is open field. In addition to the barn, the parcel contains a 2,815 square foot single-family residence, a 200 square foot well-house, a 256 square foot greenhouse, and a 196 square foot outbuilding. There is an apartment located within the barn.

The area between the barn and the house onsite, south of the barn, contains a few large and mature trees, shrubbery, and is described as the garden area. The Applicant intends to use a portion of this area south of the barn, as well as the area immediately surrounding the barn on the other three sides, as areas accessible to persons attending events onsite.

III.

The site is zoned Rural and is surrounded by parcels also zoned Rural. Crockett Lake lies south of the subject property. The topography of the site is generally flat and slopes downward to the south towards Crockett Lake. To the north of the site, across Fort Casey Road, is a higher area containing a mature evergreen forest.

The parcels in the general vicinity of the subject property are mostly cleared farmlands with open vistas and scattered mature trees and landscaping. Generally these parcels are five acres or greater in size.

The Moore/Symons residence to the south, on the parcel adjacent to the subject site, is down a gentle grade and is the nearest residence to the barn and Event Center area. Three structures on the Moore/Symons property are located less than 500 feet from the barn itself. The house is 417 feet from the barn; the garage 357 feet from the barn; and a shed on the Moore/Symons property is 480 feet from the barn.

The Applicant also owns an adjacent parcel with a residence, used by the Applicant, bordering the northwest portion of the site.

Other than the Moore/Symons residence, there are no homes within 600 feet of the barn, itself.

The closest homes to the barn site are accessed from Crockett Farm Road, a private road which runs within the northwest portion of the subject parcel, past the barn. This private road provides access for homes to the south and to the east of the subject property. The Island County Code requires that access to a Rural Event Center be off of a County road and the Conditions of Approval recommended by staff require that the Rural Event Center site be accessed off of Fort Casey Road, to the west of the intersection of Fort Casey Road and Crockett Farm Road. The Applicants have received an access permit and have constructed an apron off of Fort Casey Road which will access the parking area to be located in the open field area on the northern end of the subject parcel.

The Island County Public Works Department has approved the access after determining that it meets the minimum safety standards. Issues about the safety of the access have been raised by a number of concerned citizens living in the area. However no specific and convincing factual evidence was presented to establish that the approval of the access point by Island County Public Works was in error or endangered public safety.

A few homes in the area currently have an open view of the area proposed as an unimproved parking lot. The closest of these homes is about 750 feet from the parking area. The solid establishment of proposed hedgerows between Crockett Farm Road and the parking area will minimize visibility of the parking area. Since the parking area is to remain as a grass field and will be used a limited number of times during the year, the adverse visual impacts of the parking area on nearby homes will be modest.

The only other potential adverse visual impacts on neighboring property owners would be limited to seeing people on the site in the area of the barn and, potentially, a few times a year, being able to see portions of temporary tents or canopies associated with events.

The area to the southeast of the barn is visually open to a number of residences, all of which are more than 600 feet from this area. This area has been used historically and it is anticipated will continue to be used for occasional outdoor wedding ceremonies. Staff has recommended a hedgerow along this portion of the property in order to block this area from view. The Applicant has objected to a hedgerow planting in this area. The actual visual impacts on the neighboring properties from occasionally being able to see medium sized groups of people in this area just outside the barn are minimal.

As indicated above, there is only one residence within 500 feet of the barn itself. The Site Plan submitted by the Applicant (See Exhibits No. 179 and 180) does show the use of the outside area south of the barn during some events. This could result in people attending events using an area as close as approximately 300 feet from the Moore/Symons residence to the south. The Moore/Symons residence to the south is adequately visually screened from the barn, and from the areas outside of the barn which may be used during events by the Crockett Farmhouse, and by hedgerows, mature vegetation and landscaping, including a number of large trees. The visual impact of the use of the barn and the areas proposed for use outside of the barn, on the Moore/Symons residence to the south, will be minimal. Of somewhat greater concern is the potential impact of events outside the barn and within 300 feet of the Moore/Symons residence in relationship to noise, especially from groups of attendees in the garden area south of the barn. However even this would be about 100-yards from the Moore/Symons residence. Subject to appropriate conditions, including hours of operation, the size of events, the frequency of events, and the application of the noise standards set forth in the Washington Administrative Code (WAC's) and adopted by Island County, noise impacts on the Moore/Symons residence and in its immediate vicinity can be adequately and reasonably mitigated.

Some of the parties suggest that there are no real impacts from the proposed Event Center. However the Event Center as proposed will be located in an open and very quiet rural area. There will be noticeable impacts from the larger events in the form of noise, including noise associated with traffic accessing and leaving the parking area on the site, as well as noise associated with the events and the people who attend the events.

Most of those strongly opposed to the proposed Event Center are close neighbors. However other neighbors in the same area indicated support for the Event Center and testified that they enjoy the events and have not been disturbed by prior events that have taken place on the site. There is little evidence there has been a significant adverse impact from the numerous events that have been held in this area over the last few years. It appears that the current owner has appropriately managed these events and mitigated in a responsible way the inevitable impacts associated with bringing large groups of people into a rural area. It would be unacceptable to have major events at this site on an almost daily basis, year around. However by limiting the number of larger events, and the hours

of these events, a reasonable balance between the interest of the owners and the public in having an Event Center in this historic structure and at this location can be reasonably balanced with the interests of those who live in the general vicinity of the barn.

There are only two parcels sharing property lines with the Crockett Barn parcel in addition to the property to the northeast, owned by and resided on by the Applicant. The parcel to the west is undeveloped. The western property line is approximately 650 feet from the barn. The only other property actually sharing boundaries with the subject property is the L shaped property owned by Moore/Symons which borders the Crockett Barn property on the south and on a portion of the east side. This is the only “adjacent” property with structures less than 500 feet from the Barn area not owned by the Applicant.

IV.

In relationship to the history of the parcel and its use, the Staff Report set forth the following in its Findings of Fact:

- **1855** – Single-family residence was constructed on subject parcel
- **1895** – Crockett barn was constructed on subject parcel
- **July 12, 1984** – Conditional Use Permit (CUP 007/84) was approved to allow commercial real estate activity on subject parcel.
- **June 4, 1985** – Binding Site Plan (BSP 009/85) was approved to remodel the Crockett Farmhouse (SFR) and convert it to a 5-room bed and breakfast.
- **December 1, 1998** – Subject parcel was zoned Rural (R)
- **December 16, 2002** – The Board of Island County Commissioners adopted Ordinance C-94-02/PLG-017-02, which amended Chapter ICC 17.03 by incorporating a definition and standards for Rural Event Centers.
- **May 7, 2003** – Temporary Use Permit (TEM 168/03) was submitted to allow five wedding events, through the summer of 2003, on the subject parcel.
- **September 30, 2003** – The bed and breakfast was closed and the farmhouse reverted back to a private residence.
- **November 17, 2005** - A pre-application conference (PRE 936/05) was held to determine what was required to re-establish a bed and breakfast on the parcel, as well as to establish a Rural Event Center in the barn.
- **December 8, 2007** – Temporary Use Permit (TEM 472/07) was issued to Crockett Farm, LLC/Paula Spina to host the Coupeville Arts Center Christmas Gala on December 8, 2007.
- **February 12, 2008** – Certificate of Zoning Compliance (CZC 053/08) was submitted to Island County for review.
- **February 15, 2008** – A community meeting was held to solicit input about establishing a Rural Event Center on the subject parcel. Seven citizens, other than the Applicant, attended the meeting and all attendees checked a box on the sign-in sheet indicating that they were in support of the proposal.
- **March 4, 2008** – Building Permit #07-1178 was issued to allow construction of an outhouse for composting toilets. Septic permit #106-08 was issued by Island County Public Health for the installation.

- **February 10, 2009** – Temporary Use Permit (TEM 029/09) was submitted to hold fundraiser for the Coupeville Boys and Girls Club on March 14, 2009.
- **May 20, 2009** – CZC 053/08 was denied on the basis that it could not be shown, among other things, that the use of the parcel as a Rural Event Center had not been discontinued for a period of three years or more per ICC 17.03.230. Additionally, there was no evidence that a Rural Event Center use was legally established on the property to begin with. The decision was not appealed.
- **June 29, 2009** – Site Plan Review application (SPR 169/09) was submitted for review under the Type III decision process to establish a Rural Event Center.
- **August 5, 2009** – Temporary Use Permit (TEM 202/09) was approved to hold a Coupeville High School reunion on August 8, 2009.
- **September 9, 2009** – Temporary Use Permit (TEM 067/09) was approved to hold an event for the Coupeville Arts Center on September 12, 2009.
- **October 27, 2009** – Temporary Use Permit (TEM 273/09) was approved to hold an event for Ebey’s Landing National Historic Reserve on November 6, 2009.
- **February 5, 2010** – Temporary Use Permit (TEM 006/10) was approved to hold an event for the Coupeville Lions Club.
- **March 11, 2010** – The Applicant of SPR 169/09 advertised for and held a public meeting to solicit ideas from the community for possible restrictions and limitations that would help mitigate impacts of a Rural Event Center on the subject parcel. Over 60 community members attended this meeting. The Applicant asked that staff mediate the meeting in order to have a neutral entity lead the meeting.
- **March 15, 2010** – A Determination of Non-Significance (DNS) was issued in accordance with the State Environmental Policy Act (SEPA). This environment threshold determination was not appealed.

This finding in regard to the history is supported by the record as a whole and is adopted by the Hearing Examiner as a Finding of Fact herein. This site has been used for events similar to those proposed by the Applicant on an intermittent basis for years.

Staff concluded on March 15, 2010, in a SEPA Determination of Non-significance, that, subject to appropriate Conditions of Approval, the creation of the proposed Event Center for this site would not have significant adverse environmental impacts. There was no appeal of this Determination of Non-significance.

V.

There are no critical areas on site. The parcel is within the Air Installation Compatible Use Zone (AICUZ) 2. The Navy does not object to conditional approval of the Event Center. The parcel is not within Shoreline jurisdiction. There are no known archaeological sites in the immediate vicinity. There are no wetlands or critical areas on the site.

VI.

No Island County agencies have objected to Site Plan Review Approval. All Departments have set forth any required Conditions of Approval. As stated above, Public Works has approved the new road access point onto the site and has determined that it meets the minimum requirements for safety.

VII.

There have been a large number of public comments in writing, through email, at the community meeting, and during the public hearing on this matter, reflecting both support for and objection to the proposed Event Center.

There is strong opposition from twenty-eight residents in the area who signed a petition opposing at least some elements of this application. Concerns raised include the potential traffic hazard from the increased traffic occasioned by events; adverse impacts on surrounding property values; the generation of noise and activity upsetting the peaceful rural environment of the area; undesirable visual impacts; and impacts from noise associated with events.

There is also significant public support for the proposal. Many of the groups and citizens who submitted comments or testified see the Rural Event Center as an important community asset. Numerous events held by charitable, community, and educational organizations have taken place in the barn in the past. The supporters point out that there is no other facility in the general area comparable to the Crockett Barn; that the Crockett Barn is a community asset; that use of the Crockett Barn as a Rural Event Center fosters a feeling of community and provides an economic boost to the general community on Central Whidbey Island.

In addition to a strong statement of support from the Central Whidbey Island Historical Preservation District Advisory Committee, there were statements of support from the Ebey's Landing National Historic Reserve Trust Board, the Boys and Girls Clubs, and the Whidbey Camano Land Trust. The later two are groups that have used the Crockett Barn for fund raising activity. There is a strong feeling among many citizens and non-profit agencies or groups that the proposed use of the Crockett Barn is much more than just a commercial undertaking; but, that in fact, it fosters a strong and healthy community spirit.

Many comments on this application pointed out the cost and work involved in maintaining a historical building and site and strongly favored allowing uses which would provide some income to the owners to help enable them to maintain the structures and site, and thereby protect the cultural heritage of this area of Whidbey Island.

VIII.

The Island County Planning and Community Development Department has done a thorough and time consuming review of this application. Public input was sought by the Department in ways which exceed the minimum requirements for public input on a project proposal. After a thorough and, in the opinion of the Examiner, thoughtful review, Planning has recommended approval of the application subject to numerous conditions and limitations designed to minimize any negative impacts on the surrounding community.

The response to Planning's recommendations has ranged from the position of some of the opponents that a Rural Event Center at this location could not meet the criteria for approval and that no conditions were adequate to mitigate impacts enough to allow approval. On the other extreme, at least some of the persons who commented felt that there were no real impacts from the proposed use and that the limitations suggested by staff, especially those relating to the number and hours of allowed events, were unnecessary and inappropriate.

In response to these widely divergent positions, along with the more moderate positions asking for modification of different conditions in different ways, the Hearing Examiner invited the parties involved to submit their proposed conditions or changes to conditions proposed by staff. The Applicants, the major opponents, and others did submit comments, proposed conditions, and/or proposed changes to conditions recommended by staff.

IX.

Concerns were raised regarding perceived adverse impacts on the property values of surrounding properties if the Center is allowed. Little or no evidence was submitted in support of this claim. However common sense does tell us that it is possible, at least, certain prospective buyers might negatively view the kinds of activity at the proposed Event Center which would be allowed under whatever Conditions of Approval were attached. Common sense also tells us that property values in this area probably are positively impacted by the existence of the historic Crockett Barn and surrounding Crockett Farm, as maintained and kept up by the current owners. To the degree that impacts on property values is a legitimate issue under the Island County Code, the Hearing Examiner concludes that the proposed use of the barn, subject to the Conditions of Approval attached to this Decision, has not been shown to have a significant adverse impact on property values in the vicinity.

X.

The project is within the boundaries of the Ebey's Landing National Historic Reserve.

The agency comments received from the Historical Review Committee and the Ebey's Landing National Historic Reserve Trust Board supported this adaptive reuse of the Crockett Barn as a Rural Event Center, subject to certain conditions proposed to mitigate

the adverse impacts of the use of the Crocket Barn as a Rural Event Center on residents in the area. The Planning Department has incorporated these proposed conditions into their recommended Conditions of Approval.

XI.

The Planning Department analyzed the proposed use in reference to the land use standards applicable under ICC 17.03 and the Site Plan Review Criteria applicable pursuant to ICC 16.15. Each of these sections was discussed in some detail in the Staff Report and staff concluded that the proposal would meet the applicable Approval Criteria subject to staff's proposed conditions. These conditions include additional plantings of hedgerows to further buffer offsite impacts, especially visual impacts; limiting the number of major events and the hours of events in order to mitigate those unavoidable impacts on the nearest residents resulting from the increased traffic, and the use of the barn and surrounding area as an Event Center for groups up to two hundred people.

Staff also included in the Staff Report, starting on page thirteen, portions of documents indicating the legislative intent in establishing and allowing Rural Event Centers as a Conditional Use in the Rural zone.

XII.

Any Conclusion of Law which is deemed a Finding of Fact is hereby adopted as such. Based on the foregoing Findings of Fact, now are entered the following:

CONCLUSIONS OF LAW

I.

Rural Event Centers are allowed as a Conditional Use, pursuant to Site Plan Review Approval, as a Type III Decision. This process includes a community meeting, written staff review and recommendation, a public hearing before the Island County Hearing Examiner, and a final Decision made by the Hearing Examiner. The proposal was reviewed by staff of the Island County Health, Engineering, and Community Development Departments for compliance with Titles 8, 11, 13, and 17, and with Chapter 16.15, 16.14C, and 16.19 of the Island County Code.

Each agency issued Determinations of Consistency according to the requirements of ICC 16.19.120. County agencies set forth required conditions to be met by the Applicant in order to conform to the standards and requirements administered by that Department. The Island County Planning and Community Development Department recommended that the Hearing Examiner grant Preliminary Site Plan Review Approval to the proposal subject to twenty-three conditions. Island County Planning and Community Development concluded that the proposed Event Center could meet all of the requirements for approval as a Rural Event Center if the recommended conditions were complied with.

In general the Hearing Examiner concurs with and adopts the conclusions reached by the Island County Planning and Community Development Department. The Planning Department did a thorough job of reviewing the proposal, of asking for and evaluating all of the public comments, both in support of and opposed to the Event Center, and correctly concluded that an Event Center could be operated on this site in a manner which would be consistent with the Island County Comprehensive Plan and with applicable Island County Ordinances. The Hearing Examiner agrees with this conclusion and, for the most part, will incorporate the Conditions of Approval recommended by staff as part of this final Decision.

II.

The residents living in the general vicinity of the Crockett Barn argue that a Rural Event Center cannot be approved at this location because such approval would be in violation of the minimum requirements for separation between Rural Event Centers and uses and structures on adjacent parcels, as set forth in ICC 17.03.180.T(8)(c). This separation sets forth specific development standards applicable to Rural Event Centers. It applies only to Rural Event Centers and in relevant part, it reads as follows:

8. Rural Event Centers. The design, size, and location of each Rural Event Center will be unique and must be determined on a case by case basis. The review must ensure adequate separation from adjacent uses to minimize potential impacts from factors such as the number of people, the noise, and the traffic; safe access from a major public road; and provision of basic infrastructure to ensure the public's health safety and welfare. A Rural Event Center may be allowed when the following standards and conditions are met:

c) Structures and grounds, including the parking area, that are used as part of the facility shall be adequately separated from all adjacent uses and structures on adjacent parcels as follows:

- (i) For relatively flat, open areas, the separation shall be at least 500 feet;**
- (ii) For proposals adjacent to a Rural Residential RAID, the separation shall be at least 1000 feet; and
- (iii) The minimum separations listed above may be reduced if the Applicant can show that impacts are minimized by factors such as major changes in topography, by areas of solid screening under his control, by particular land forms. [Emphasis added].**

Some opponents of the proposed Event Center argue that the Event Center cannot be approved because it does not meet a "mandatory" 500 foot separation, which they believe is required under Paragraph 8(c)(i). As pointed out in the Findings of Fact, there are three structures on the adjacent parcel owned by Moore/Symons less than 500 feet from the barn and even closer to some of the garden areas south of the barn which may be used by attendees at some events. The topography between the areas proposed for Event Center use and the residential structure on the Moore/Symons property is relatively flat but does slope away from the Event Center area, providing some topographical

separation. The area between the Moore/Symons residence and the Event Center contains areas of solid screening on the Applicant's property, including hedgerows, shrubbery, the farm house, and mature large trees. This screening can be enhanced by the extension of the hedgerows providing additional areas of solid screening, under the Applicant's control, that will minimize the impacts enough to allow reduction of 500-foot separation required for flat and open areas, as allowed by ICC 17.03.180.T(8)(c)(iii).

There are no other parcels with structures or active uses within 500 feet of the area to be used for the Event Center. Allowing Event Center uses in the existing barn and the immediate areas surrounding the barn, subject to the conditions required for this approval, will be consistent with the separation requirements of ICC 17.03.180.T(8)(c).

II.

The Conditions of Approval recommended by staff include limiting the size of events to two hundred people onsite at any given time; limiting the number of events, with twenty-five or more attendees, to thirty event days per year; and limiting the hours of operation from 7:00 a.m. to 10:00 p.m., along with requiring all outdoor activities "cease by dusk." There are opponents of the Rural Event Center that feel, if it is approved, additional limitations on the number of event days and the hours should be imposed. Some supporters of the Event Center, including the Applicant, object to the specific limitations proposed by staff, while accepting that some limitations are appropriate. The limitations proposed by staff are reasonable and are adequate to reasonably mitigate impacts on this Non-Residential Use in a quiet pastoral rural area. The Hearing Examiner sees no reason to change the limits proposed by staff on large events. However the Hearing Examiner concludes that adequate mitigation can take place even if the definition of large events is changed to include only those events with attendance of more than fifty people at any given time, instead of the twenty-five person limit suggested by staff.

Some of the citizens concerned about the impacts of the Rural Event Center on their peace and enjoyment of their property have requested that the Hearing Examiner require that there be at least one weekend a month during which no events are allowed. Since it is reasonably likely that the events will tend to cluster in the summer and on the weekends, the Hearing Examiner agrees that it would be reasonable for the residents to have one, three-day weekend, every month during which no event activity, either large or small, takes place on the property. The Hearing Examiner will include in the Conditions of Approval the requirement that one, three-day weekend, Friday through Sunday, be set aside as a non-event weekend, each month of the year.

III.

The Hearing Examiner agrees with all of the landscaping requirements in the conditions proposed by staff, with one minor exception requested by the Applicant. The Applicant has objected to the requirement for a hedgerow along the edge of Crockett Farm Road, parallel to the barn and extending to an area south of the barn. The purpose of this proposed hedgerow is to screen use of this outdoor area from neighboring properties.

The Applicant indicates that the area is used for wedding ceremonies and that the time and frequency of its use is very limited. The nearest residence with a view of this open area between Crocket Farm Road and the barn is approximately 600 feet away. This is the length of two football fields. The Hearing Examiner does not believe there are significant adverse visual impacts from being able to see a group of people standing in the area adjacent to the barn from a residence located 600 or more feet away. Other than this minor change in the requirement for hedgerows, the Hearing Examiner will incorporate the landscaping requirements set forth in staff's recommendation.

IV.

The Applicant has objected to the condition recommended by staff requiring a minimum lot size of ten acres for the Event Center parcel. The minimum lot size in the Rural zone is five acres and this 11+ acre parcel could be subdivided in the future. The proposed staff condition would require the Applicant to go through the Site Plan Review Approval process, again review establishing the Rural Event Center on a smaller parcel, prior to any subdivision of the parcel.

The development standards for Rural Event Centers allow their location on a parcel smaller than five acres under certain conditions. The general requirement is a parcel of five acres. There is authority to require an area greater than five acres be associated with an Event Center. In this case, the Applicants' parcel is approximately square and all current development is on the western one-half of the parcel. The Applicant is required to leave at least fifty percent of the property dedicated to the Event Center in Open Space. The Conditions of Approval require the Applicant to submit a "to scale" site plan, identifying an Event Center parcel with the required Open Space. It appears the Applicant can meet this requirement by dedicating the western five to six acres to the Event Center use.

Requiring a ten acre minimum parcel in this case does not appear to mitigate any of the actual impacts of the Event Center. Since there is no nexus between mitigation of impacts and the requirement for a minimum ten acre parcel for the Event Center, the Applicant should be allowed to reduce the area required for the Event Center to a minimum necessary to meet the five acre parcel requirement size and the fifty percent Open Space requirement. This would allow the Applicant to divide off five or more acres on the eastern half of the property without an amendment to the site plan, so long as the Open Space requirement is met.

V.

The Applicant is objecting to the condition requiring events end by 10:00 p.m. Others supporting an Event Center have also indicated that they feel a 10:00 p.m. closing is unnecessary and inappropriate.

There are specific noise and light impacts associated with the ending of an event attended by up to two hundred people and with up to one hundred cars leaving the event site. The

major impact would be the noise associated with people leaving the site, including talking, opening and closing of car doors, and the noise associated with vehicles leaving the area. Especially during the summer months, residents in the area would likely be sleeping with windows open and, in what is a generally quiet and pastoral area much of the time, could be reasonably disturbed by the activity associated with the ending of a large event. The requirement that the event terminate by 10:00 p.m., an hour when many people have gone or are going to bed, is a reasonable limitation related to mitigating the noise impacts associated with the operation of the Rural Event Center.

The requirement that the use of the event center meet the noise standards of WAC 173-60-050, adopted by reference by Island County, is mandatory. However, that does not mean that conditions further mitigating noise impacts (below those which meet the WAC standards) are inappropriate, and other reasonable measures to reduce noise impacts should be investigated and incorporated, if available, into the required Noise Management Plan.

VI.

The County Ordinances which apply to the establishment of a Rural Event Center make it clear that the Board of Island County Commissioners concluded that the operation of an Event Center could have significant impacts on other uses, especially residential uses, in the area around the proposed Event Center. The Ordinances specifically authorize and require the Hearing Examiner to appropriately condition, to the degree reasonably possible, the establishment of a Rural Event Center, in order to mitigate and minimize adverse impacts. As a whole, the conditions recommended by the Planning Department achieve this goal.

VII.

The location of an Event Center in the Crockett Barn is consistent with a number of the specific goals of the Island County Comprehensive Plan; it promotes economic and tourist activity in a rural area; and it fosters the use, enjoyment, and preservation of a historic structure within a Historic Reserve.

The Rural zone in Island County is designed to incorporate a wide variety of uses, including both Residential and Non-Residential uses. The Rural zone is more than an area set aside to protect the quiet residential use of the rural area. The purpose of the regulations regarding rural development is to reasonably balance competing uses and to mitigate, where possible, the adverse impacts, while acknowledging that there may be situations in which adverse impacts cannot be mitigated sufficiently to allow approval of proposed Non-Residential uses. The Hearing Examiner concludes that, subject to Conditions of Approval, this proposed Rural Event Center will meet the definition of Rural Character set forth in ICC 17.03.040. The Crockett Barn is an excellent example of providing a traditional visual landscape found in rural areas and communities. The proposal to use the Crockett Barn and adjoining areas as a Rural Event Center is consistent with the type of use for this kind of site envisioned by the Island County

Commissioners. This vision is shown by the definition of Rural Event Center in ICC 17.03.040, which reads as follows:

Rural Event Center: A permanently established facility in a rural location and setting that operates on a continuous basis to accommodate the temporary assembly of people for special functions such as reunions, weddings, seminars and special instruction, ceremonies, receptions, and picnics. **The sites take advantage of special rural characteristics such as natural features, historic structures and landscapes, special views, open vistas, or a secluded pastoral locale. [Emphasis added.]**

An Event Center at the Crockett Barn is an appropriate way to foster a rural based economy allowing work opportunities in the Rural zone in order to foster a healthy rural based economy as called for in the Comprehensive Plan.

The use of a historic structure in this way is anticipated in the Ordinance governing the Ebey's Landing National Historic Reserve, ICC 17.04.080.E(2), which reads as follows:

2. Adaptive reuse of structures is encouraged when historic integrity of structure is maintained.

It is clear that commercial activities in historic structures, including using them as a Rural Event Center, was specifically envisioned by the Board of Island County Commissioners and is reflected in the Comprehensive Plan, the Zoning Ordinance, and the Ordinance establishing Ebey's National Historic Reserve.

The Island County Historical Review Committee has recognized and acknowledged the benefits fostering the protection of historic structures through allowing reasonable economic use and adaptive reuse of the structures.

The Hearing Examiner concludes that, subject to the attached Conditions of Approval, the Rural Event Center proposed for the Crockett Barn meets the requirements of all applicable Island County Ordinances and, specifically, meets the Criteria for Site Plan Review, set forth in ICC 16.15.080; is consistent with the general standards for Non-Residential uses in the Rural zone, set forth in ICC 17.03.180; with the general standards for small scale recreational and tourist uses, set forth in ICC.17.03.180.T, including the standards specific to Rural Event Centers, set forth in subsection 8 of ICC 17.03.180.T.

Subject to the Conditions of Approval recommended in the Staff Report [with certain modifications discussed above], the Hearing Examiner should enter a Decision granting Preliminary Site Plan Review Approval for use of the Crockett Barn and the surrounding areas as a Rural Event Center.

VIII.

Any Finding of Fact deemed to be a Conclusion of Law is hereby adopted as such. Based on the foregoing Findings of Fact and Conclusions of Law, now is entered the following:

DECISION

The Application for Site Plan Review Approval, SPR 169/09, proposing a Rural Event Center on an 11.5-acre parcel, Assessor's Parcel No. R-13115-220-2200, located at 1056 Crockett Farm Road, Coupeville, Washington, is granted, subject to the following conditions:

1. The Event Center uses on the site shall be generally limited to those areas designated on the site plan map, marked as Exhibit No. 180 in the Hearing Examiner file, subject to any modifications required by this Decision. The Applicant shall submit a new site plan map, for signature by the Planning Director and the Hearing Examiner, showing the required Open Space and outdoor areas in which Event Center activities will be allowed. That site plan shall not show any outdoor activities south of the barn building which extend to the south beyond those shown on Exhibit No. 180.
2. Development shall conform to this Site Plan Review Approval; the site plan map approved by the Planning Director and the Hearing Examiner; and these Conditions of Approval, unless they are amended in conformance with Section 16.15.130 ICC. Any changes or expansions to the use of the building or site shall require the review of a Site Plan Amendment that may include, but not be limited to, a new traffic analysis and parking plan.
3. The minimum area of the parcel containing the Rural Event Center shall be five acres; shall include fifty percent open space; and shall meet the requirements for limitations on impervious surfaces, etc., set forth in the Code; and shall include the entire western portion of the property.
4. The Applicant shall comply with all conditions of Island County Public Works, as specified in the memorandum dated February 4, 2010, from John Bertrand, unless modified by Island County Public Works.
5. The Applicant shall comply with all conditions of Island County Public Health, as specified in the memorandum, dated April 23, 2010, from Aneta Hupfauer, unless modified by Island County Public Health.
6. The Applicant is required to obtain all required building permits prior to operation of the Rural Event Center, including approval of a change in occupancy.
7. A new site plan shall be submitted to Island County to address the following items prior to any events on the site:
 - a. Show the designated 50% Open Space in compliance with ICC 17.03.180.S.
 - b. Show all hedgerows required by the Conditions of Approval recommended by staff, except for the additional hedgerow staff requested be installed to the southeast of the lower barn area. If determined appropriate by staff after consultation, and especially in view of the Hearing Examiner's willingness to allow subdivision of the parcel in the future without Site Plan Review, the hedgerow located to the west of the septic line shown on Exhibit No. 100a, the

supplemental site plan submitted December 26, 2009, should be extended to the north to the existing septic drainfield as shown on that exhibit.

8. All required hedgerows must be planted prior to the approval of a Certificate of Occupancy.
9. None of the hedgerows, which are required as part of this approval to provide screening, may be allowed to grow beyond a height that is necessary to provide the required screen. The intent of this condition is to preserve scenic views of the historic barn, the prairie, and water to the extent possible.
10. All landscaping, existing screening, and hedgerows must be maintained in a manner sufficient to provide visual screening, and dead or dying plants are to be replaced.
11. All parking related to the Event Center shall be located in designated parking areas. Sufficient area for the parking of 100 cars shall be shown on the site plan.
12. Vehicles may not use Crockett Farm Road in conjunction with the Rural Event Center. All vehicles coming or leaving an event must access directly onto Fort Casey Road, directly from the approved access point of Access Permit #APW09-0266. The conditions of this access permit must be met at all times.
13. The maximum number of event guests shall not exceed 200 at any given time during the event.
14. Hours of operation for the Rural Event Center will be from 7:00 a.m. to 10:00 p.m. All outdoor activities must cease within 30 minutes of sunset.
15. The Rural Event Center is limited to 30 event days per year. Events with 50 or fewer attendees shall not be counted toward this limitation. Additionally, a cleanup detail that comes to the site the day following an event shall not be counted toward the number of event days per year. One three-day weekend period, Friday through Sunday, of each month shall be completely event free.

The landowner is responsible for keeping an accurate log of all events that are held in a given year. This log must include attendance numbers and the duration of each event. A copy of the log shall be provided to the Planning Department upon request. Additionally, a copy of the log shall be submitted by the landowner to the Planning Department by the end of each year so that a copy may be placed in the permit file.

Failure to provide an accurate log by the end of each year or upon request of the Department shall constitute a violation of this permit and formal enforcement action may ensue. Enforcement action may include revocation of this Site Plan Review Permit, fines, pursuant to ICC 17.03.260, or both.

16. Live amplified entertainment is prohibited outdoors. The noise requirements of the Washington State Administrative Code must be complied with. The Applicant shall submit a Noise Management Plan, as required by ICC 17.03.180.T.8.m.vi to Planning for approval.

17. As recommended by the Historic Review Committee (Exhibit #38), tents, canopies, and tarps are allowed only in the current garden (as shown on the site plan), with the exception that one may be allowed north of the barn. A canopy located outside of the garden areas must be 10-ft x10-ft, or smaller, and must be of earth tone color. All temporary tents or canopies must be promptly removed at the end of the event.
18. A disclosure shall be provided to every event holder which states:
Please be advised that the Crockett Farm is located in the vicinity of the United States Naval Outlying Field. Relatively low-level flights are occasionally conducted over or near the premises. While it is uncommon for Navy flight training to occur on weekends, it is permitted and could happen.
Including this disclosure in a rental agreement, which must be signed, is required in order to prove that the disclosure was provided.
19. Prior to any clearing, filling, excavating, or grading in any quantities on steep slopes, and any accumulative filling or excavation exceeding five hundred (500) cubic yards, the Applicant shall obtain a Clearing and Grading Permit from Island County. Prior to any timber harvest or removal, the Applicant shall obtain any required Forest Practice Permits from the Washington State Department of Natural Resources.
20. Future installation and extension of power to the site shall be underground.
21. Prior to occupancy of the building and Final Inspection, all onsite and offsite improvements required as a condition of SPR Approval shall be completed, OR, at the discretion of the Board of County Commissioners by recommendation of the Planning Director and County Engineer, shall be bonded.
22. The above requirements are subject to change if any other information provided by the Applicants or their authorized representative proves inaccurate.

Entered this 30th day of June, 2010, pursuant to authority granted under the laws of the State of Washington and Island County.

MICHAEL BOBBINK
Island County Hearing Examiner

APPEAL PROCESS: Type III Decisions, Site Plan Review

This decision of the Hearing Examiner shall be a final and conclusive decision unless within fourteen (14) days following the mailing of such decision a written statement of appeal is filed with the Island County Board of Commissioners by the Applicant, a Department of the County, or Party of Record, who is also an Aggrieved Person. Said statement shall set forth any alleged errors and/or the basis for appeal and shall be accompanied by a fee pursuant to the fee schedule adopted by the Board; provided that such appeal fee shall not be charged to a Department of the County or to other than the first appellant ICC 16.13.100.B; ICC 16.19.190.