

ISLAND COUNTY HEARING EXAMINER

RE: SITE PLAN REVIEW)	File No. SPR 281/09
Applicant: Wendy Dion)	FINDINGS OF FACT
)	CONCLUSIONS OF LAW
)	AND DECISION
)	

SUMMARY OF APPLICATION AND DECISION

APPLICATION: The Applicant is requesting Site Plan Review to conditionally permit an existing unpermitted Home Industry yoga lodge with detached sauna and a 4-unit Bed and Breakfast on a 5-acre Rural zoned site. The yoga lodge and Bed and Breakfast are currently located within an approximately 2,233-square foot structure, which has never received Site Plan Approval. In addition to acquiring the required permits for this facility, the Applicants are also proposing to construct an approximately 1,650-square foot single-family residence. The site contains two wetlands, a small portion of a seasonal stream, and steep slopes.

DECISION: The Island County Hearing Examiner grants Site Plan Review Approval for the proposed Yoga Lodge and 4-unit Bed and Breakfast, subject to Conditions of Approval.

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 October 7, 2010.

I.

PRELIMINARY INFORMATION

Applicant: Wendy Dion

Property Location: 3475 Christie Rd, Greenbank, WA 98253. Located in the SW 1/4 of Section 17, Township, 30, Range 2, W.M. Assessor's Parcel # R23017-185-1720.

Applicable Ordinances, Statutes and Regulations: Chapter 17.03, Zoning Ordinance; Chapter 17.02, Critical Areas, Chapter 16.15, Site Plan Review Ordinance; Chapter 16.19, Land Use Review Process, and Chapter 16.14C, County Environmental Policy.

Publication: September 22, 2010 in the Whidbey News Times and South Whidbey Record

Mailing of Notice to Applicant: August 26, 2010

Sign Posted: November 18, 2010

Mailing of Staff Report: September 24, 2010

Date of Application: November 13, 2009

Hearing Date: October 7, 2010

Exhibit Log:

1. Staff Report
2. General Purpose of Project, Features and Pertinent Matters, Specific Uses, Necessary or Proposed Restrictions & Phasing Schedule; date received 10/30/09
3. Visual Analysis, site plan, & 8 color photos; date received 10/30/09
4. Plan to Limit and/or Control Impacts to Adjacent Parcels; date received 10/30/09
5. 8'5"x11" B&W Site Plan; date received 10/30/09
6. Site Registration; date received 10/30/09
7. Master Land Development Permit 281/09; date received 10/19/09
8. Form C: Application for Site Plan Review; date received 10/19/09
9. Form A: Application for Variance; date received 10/19/09
10. General Purpose of Project, Features and Pertinent Matters, Specific Uses, Necessary or Proposed Restrictions & Phasing Schedule; date received 10/19/09
11. Visual Analysis; date received 10/19/09
12. Letter from Jeff Ninnemann of Earthworks Environmental, Inc to Dan Walker; RE: Wetland assessment and partial delineation for Island County Parcel R23017-185-1750, located in Greenbank, Washington; date received 10/19/09
13. Letter from James Guzman of Earthworks Environmental, Inc to Dan Walker; RE: Wetland assessment and partial delineation for Island County Parcel R23017-185-1750, located in Greenbank, Washington; date received 10/19/09
14. Letter from Wendy Dion to Carol Riddell, Lem Riddell; RE: Application for a Type III land use project at 3475 Christie Road: Required Notice; date received 10/19/09
15. Quarter Section map; date received 10/19/09
16. Letter of Review from Aneta Hupfauer, Public Health to Richard Rhydes; RE: PRE Dion-PRE 913/09; date received 10/19/09
17. Letter of Review from Vin Sherman, Public Health, to Wendy Dion; RE: Well Site Inspection Limited Group B Water System; date received 10/19/09
18. Kitchen Plan; date received 10/19/09
19. Map & Directions to Yoga Lodge; date received 10/19/09
20. Application for Access to County Road Right of Way, APW 03-0322; date received 10/19/09
21. Washington State Department of Natural Resources Forest Practice Informal Conference Note, ICN#132010; date received 10/19/09
22. Certificate of Transportation Concurrency; date received 10/19/09
23. Exterior Finish 11x17 Plan depicting roof, walls & trim & decks; date received 10/19/09

24. West, East, North & South Elevations of Dion Residence; date received 10/19/09
25. 11x17 B&W Site Plan; date received 10/19/09
26. Clearing & Grading, Lighting & Sign Plan; date received 10/19/09
27. New Information Submitted: Preliminary Layout of Septic tanks, drainfield & reserve; date received 8/4/10
28. New Information Submitted: 11x17 B& W Site Plan; date received 8/4/10
29. Request for Comment; date received 10/19/09
 - a. Account Summary Snapshot
 - b. Zoning Sheet
 - c. Land, Building & Forest Practice permits from Microsoft Access database
 - d. Quarter section map
 - e. ArcExplorer 2.0 critical areas map
30. Pre-Application Planning Department Comments from Bobak Talebi to Richard Rhydes; dated 8/13/09
31. Email from Justin Craven to Bobak Talebi; RE: PRE 913/09; date sent 8/13/09
32. Letter of Review from Aneta Hupfauer, Public Health, to Richard Rhydes; dated 8/13/09
33. Letter of Review from Bill Poss, Public Works, to Bobak Talebi; dated 8/13/09
34. Letter of Review from Tamra Patterson, Building Department, to Kyla Walters; dated 8/19/09
35. Letter of Review from Bill Poss, Public Works, to Bobak Talegi; dated 11/18/09
36. Letter of Review from Tamra Patterson, Building Department to Bobak Talebi; dated 11/20/09
37. Letter of Review from Aneta Hupfauer, Public Health; dated 12/7/09
38. Email from Justin Craven to Bobak Talebi & cc: yoga@whidbey.net; RE: SPR 281/09; date sent 1/4/10
39. Review Comments from Brandon Sweeza to Wendy Dion; dated 7/9/10
40. Letter of Review from Bill Poss, Public Works, to Brandon Sweeza; RE: Site Plan Review-Addition of a SFR on property with existing Bed and Breakfast Inn and Yoga Studio; dated 8/6/10
41. Email from Justin Craven to Brandon Sweeza RE 281/09 SPR; date sent 8/16/10
42. Public Comment Letter from Robert Lem Riddell to Island County Community Development Division; date received 12/09/09
43. Notice of Incomplete Application from Andreana Richardson for Bobak Talebi; dated 10/27/09
44. Notice of Complete Application from Andreana Richardson for Bobak Talebi; dated 11/13/09
45. Affidavit of Mailing the Public Notice Sign to Richard Rhydes; date notarized 11/20/09
46. Affidavit of Mailing the Public Notice Sign to Parties of Record and/or Property Owners within 300 feet of parcel; date notarized 11/20/09
47. Affidavit of Posting the Public Notice Sign; dated received 11/20/09
48. Notice of Application; date of Notice of Application 11/25/09
49. Affidavit of Publication In the Matter of Notice of Application: 281/09 SPR; date received 11/30/09
50. Affidavit of Mailing the Notification of Hearing date to Richard Rhydes, Wendy Dion & Robert Lem Riddell; date notarized 8/26/10
51. Letter of Notification of Hearing Date from Paula Bradshaw to Richard Rhydes & cc Wendy Dion, Robert Riddell & Planning & Community Development; dated 8/26/10
52. Email from Justin Craven to Bobak Talebi; date sent 8/13/09
53. Email correspondence between Brandon Sweeza, Aneta Hupfauer, Wendy Dion & Daniel Walker; date sent 6/22/10

54. Email correspondence between Brandon Sweezea, Vin Sherman, Aneta Hupfauer, Brigitte Juras, Wendy Dion & Daniel Walker; dates sent 6/22/10-6/23/10
55. Email correspondence between Brandon Sweezea, Vin Sherman, Aneta Hupfauer, Justin Craven, Wendy Dion & Daniel Walker; dates sent 6/22/10-6/23/10
56. Email correspondence between Brandon Sweezea, Tamra Patterson, Justin Craven, Wendy Dion & Daniel Walker; dates sent 7/12/10-7/20/10
57. Letter from Paula Bradshaw to Richard Rhydes, Arch, accompanying the staff report, dated 9/24/10
58. Affidavit of mailing staff report, dated 9/24/10
59. Affidavit of publication, dated 9/29/10

HEARING TESTIMONY

Wendy Dion
3475 Christie Rd
Greenbank, WA 98253

Daniel Horsell
793 Ellwood Dr.
Greenbank, WA 98253

Brandon Sweezea, Associate Planner
Island County Community Development Division
P.O. Box 5000
Coupeville, WA 98239

II.

There was one written comment from a member of the public submitted in response to the Notice of Application. The written comment opposed the granting of permits for the Yoga Center and Bed and Breakfast. The citizen comment stated his belief that these were illegal in the Rural zone and expressed his concerns regarding traffic and dust on the rural road which will be used to access the proposed development.

III.

Island County Planning and Community Development has recommended Site Plan Review Approval for the proposed project. Staff set forth their Findings of Fact and Conclusions of Law in a Staff Report, dated September 21, 2010, and admitted into the record as Revised Exhibit No. 1.

The Findings of Fact set forth in the Staff Report are supported by the record as a whole. The Staff Report is attached hereto and incorporated herein by this reference. The Factual Findings set forth in the Staff Report are adopted by the Hearing Examiner as Findings of Fact herein.

IV.

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.

The overall development project will include a Yoga Lodge, a four-unit Bed and Breakfast facility, and a single-family residence. The single-family residence is a permitted use in the Rural zone. Staff has concluded that the Yoga Lodge is a type of Specialized Instruction use listed under the Home Occupation Section of ICC 17.03.180K. Since the use will occupy a structure exceeding 800-square feet, the proposal was reviewed as a more intensive use under the Home Industry Standards contained in ICC 17.03.180J. Staff has concluded that, subject to Conditions of Approval, the Yoga Lodge portion of the proposal meets the Standards for approval as a Home Industry. The Hearing Examiner concurs in this conclusion.

A Bed and Breakfast with six rooms or less is regulated under ICC 17.03.180.B. Staff has concluded, and the Hearing Examiner concurs, that the proposed Bed and Breakfast within the existing structure and, subject to the recommended Conditions of Approval, meets all of the standards for a Bed and Breakfast in the Rural zone.

II.

Staff also reviewed the construction of a residence on the property. Single-family residential uses are permitted and do not require Site Plan Review Approval. Staff did review the single-family residence in relationship to the proposed Yoga Center and Bed and Breakfast and concluded that, subject to Conditions of Approval, the components are compatible with each other and will be compatible with the surrounding neighborhood.

III.

The proposal has been reviewed by Island County Health, Engineering, and Community Development. All of these agencies have concluded that, subject to the conditions they recommended, the proposed development will comply with the Titles of the Island County Code administered by each department.

IV.

Subject to the recommended Conditions of Approval set forth in the attached Staff Report, the proposed Site Plan Review will be consistent with Island County Critical Areas Regulations, Island County Zoning Regulations, and Site Plan Review Criteria.

Site Plan Review Approval should be granted for the proposed use, subject to the nineteen Conditions of Approval set forth in the attached Staff Report.

V.

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 Island County Hearing Examiner hereby grants Site Plan Review Approval to Wendy Dion for the proposed development of a Yoga Lodge and a 4-unit Bed and Breakfast on Assessor's Parcel No. R23017-185-1720, located at 3475 Christie Road, Greenbank, Washington 98253, subject to the following Conditions of Approval:

1. The Uses on the site shall be limited to a Yoga Lodge with detached sauna, 4-Bedroom Bed and Breakfast, and a single family residence as shown on the site plan map.
2. All development shall be in conformance with the approved Site Plan Review and 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 will include but not be limited to a new traffic analysis and parking plan.
3. Compliance with all conditions of the Island County Engineering Division as specified in the memorandum dated August 6, 2010 from Bill Poss.
4. Compliance with all conditions of the Island County Public Health as specified in the memorandum December 7, 2009 from Aneta Hupfauer.
5. Compliance with all conditions of the Island County Building Department as specified in the memorandum dated November 20, 2009 from Tamra Patterson.
6. Compliance with all conditions recommended by Justin Craven, Island County Critical Areas Planner, as specified in his memorandum dated September 23, 2010.
7. Prior to final building permit issuance for the single family residence, all building permits must first be submitted for the existing sauna. The sauna is also required to be relocated, as shown on the approved site plan map, so that it adheres to the 50' foot setback required for Home Industry uses.
8. Pursuant to ICC 17.03.180.J *Home Industry* - the property owner shall sign an agreement that:
 - i) Acknowledges the requirements of ICC 17.03.180.J; and

- ii) Agrees that the Home Industry will be discontinued or brought into strict conformance with the requirements of this Section upon notification from the Director of any violation of this Section.
 - iii) The owner(s) of a Home Industry shall certify compliance with conditions of approval.
 - iv) When the business no longer complies with the criteria established above and the conditions included in any approval, the business shall relocate to a zoning classification which would permit the activity. Such conditions shall be recorded by the owner against the title of the property with the Island county Auditor.
9. The regulated Category D "Native Plant" wetland and its associated buffer as shown hereon shall be maintained in its natural, undisturbed state unless otherwise authorized by Island County. Any alteration to regulated wetlands, streams or their buffers is prohibited, including removal of trees, brush or other vegetation; construction of accesses, bridges or trails; installation of utilities, including wells and septic systems and their lines; and any excavation, clearing, or fill.
 10. The owner(s) of the Yoga Instruction Facility, and any future owner(s), shall be full time resident(s) on the lot.
 11. Hours of operation for the Yoga Instruction Home Industry will be between 8:00 am to 8:00 pm. The landowners may establish the hours of operation as they see fit as long as they are between this specified time frame.
 12. The Home Industry and Bed & Breakfast shall not employ more than a total of five(5) full-time employees who reside off the subject property and either work on-site or report to work on-site.
 13. The Bed and Breakfast facility shall be registered with the Island County Health Department to assure Health Department standards are met.
 14. Service of meals for the Bead and Breakfast shall be limited to registered guests only.
 15. In accordance with WAC 173-60-040, the Home Industry shall not cause or permit noise to intrude into the property of another person in which noise exceeds the maximum permissible environmental noise level of 55 dBA.
 16. Prior to any clearing, filling, excavating, or grading in any quantities on steep slopes, and any accumulative filling and/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 Practices permit from Washington Department of Natural Resources.
 17. Future installation and extension of power to the site shall be underground.
 18. All outdoor lighting must meet the outdoor lighting standards specified in ICC17.03.180.R.6.

19. Prior to installation of any signs, a detailed Sign Plan and building permit application for the sign shall be submitted for review. Colors should be made to match colors in the proposed building.

Entered this 20th day of October 2010, pursuant to authority granted under the laws of the State of Washington and Island County.

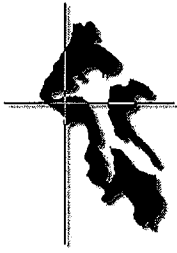


MICHAEL BOBBINK
Island County Hearing Examiner

APPEAL PROCESS:

SPR

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.



ISLAND COUNTY PLANNING & COMMUNITY DEVELOPMENT

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ISLAND COUNTY COMMUNITY DEVELOPMENT DIVISION STAFF RECOMMENDATION SITE PLAN REVIEW

Application No: SPR #281/09

Applicant: Wendy Dion

Assessor's Parcel Number: R23017-185-1720

Recommendation Prepared: September 21, 2010

Abbreviated Application Description: Site Plan Review to permit an existing unpermitted Home Industry yoga lodge with a 4-unit Bed and Breakfast and a new single-family residence on a 5 acre Rural zoned site. The yoga lodge and bed and breakfast facility uses are currently located within an approximately 2,233 sq. ft. structure, which has never received site plan approval. In addition to acquiring the required permits for this facility, the applicants are also proposing to construct an approximately 1,650 sq. ft. single-family residence. The site contains two wetlands, a small portion of a seasonal stream, and steep slopes.

Recommendation: Approve the requested uses with conditions.

Property Owner: Wendy Dion, 3475 Christie Rd, Greenbank, WA 98253.

Property Location: 3475 Christie Rd, Greenbank, WA 98253. Located in the SW 1/4 of Section 17, Township, 30, Range 2, W.M. Assessor's Parcel # R23017-185-1720.

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, and Chapter 16.14C, County Environmental Policy.

SEPA: The project is exempt from SEPA pursuant to WAC 197-11-800, the proposed development is under 30,000 sq/ft and less than 20 dwelling units.

Procedural Requirements:

Decision Type:	Type III (Site Plan)
Community Meeting Date:	September 3, 2009 <u>August 13, 2009</u>
Pre-Application Conference Date:	August 27, 2009
Notice of Complete Application:	November 25, 2009 <u>November 13, 2009</u>
Notice of Application:	
Sign Posted:	November 13, 2009 <u>November 18, 2009</u>
Whidbey News Times/Record:	November 25, 2009
Mailed Notice:	November 11, 2009
Public Comment Period:	November 25, 2009 – December 9, 2009
Notice of Hearing:	August 26, 2010

Hearing Date: October 7, 2010

ISLAND COUNTY COMMUNITY DEVELOPMENT DIVISION

STAFF REPORT

Site Plan Review

**Proposal, Findings, Analysis, Conclusions
and Recommendations**

Findings

Site Description

- a. Access. The parcel gains access off of Christie Road APW3-0322.
- b. Size and Condition. The approximately 5 acre parcel, 330' ft by 660' ft, slopes downward from east to west. A large Category D Native Plant wetland system is located in the eastern quarter of the property and runs north to south. The proposed development is located within the middle portion of the parcel. This portion contains densely forested areas as well as an open lawn area. The western most quarter of the property is contains steep slopes, from 40% to 70%.

An approximately 2,233 sq/ft structure single family residence exists on the property. A small sauna structure is located at the south central edge of the property 5 feet from the setback. The sauna does not have a building permit and is required to receive one pursuant to the Island County Building Department.

- c. Surrounding Development. The property is bordered to the north by a Park zoned parcel that is connected by a large Rural Forest zoned grouping of parcels. Adjacent parcels on the east, west, and south are zoned Rural. All other surrounding development is residential and/or agricultural in nature.
- d. Prior Land Use Applications. Two Preapplication conferences and one SEPA application were listed on file with the subject parcel
 - i) **190/95 ENV** proposed a yoga retreat lodge and Bed & Breakfast. The application was withdrawn on June 12, 1995.
- e. Natural Features. A Category D Native Plant wetland has been determined to exist on the northwest portion of the parcel. A wetland report was submitted by Earthworks Environmental, Inc for the eastern half of the property on July 6, 2009 and amended on July 28, 2009 after the discovery of an outlet. "Wetland A" was determined as having the following buffers based on the Land Use Intensity category:
 - (1) Low Intensity = 75' ft wetland buffer
 - (2) Medium Intensity = 110' ft wetland buffer
 - (3) High Intensity = 150' ft wetland buffer

A second wetland was noted in the report west of the western portion of the property however, the new proposed Home Industry structure is proposed to be more than 300' feet away this feature. A stream was noted on eastern portion of the property however is located further than 85' feet away from any of the proposed development. No endangered plants or animals were found or are known to exist on the subject site. According to the

USDA Soil Survey for Island County - 1958, the predominant soil type found on this parcel is Whidbey gravelly sandy loam (Wc) with 15 to 30% slopes, and Norma silt loam (Nc) with 0 to 2% slopes. The FEMA flood zone designation is X-Areas of Minimal Flooding.

- f. Noise & APZ Zones. The parcel is not within an AICUZ noise or APZ zone.
- g. Archaeological Sites. According to the maps provided by the State Office of Archaeology and Historic Preservation, the project is not located on an archaeological site.
- h. Historic Sites. The project is not within the boundaries of a historic district.

Land Use Controls

Chapter 17.03 Island County Code

- a. ICC Section 17.03.060 - Rural Zone. The subject site and all surrounding parcels to the south, east and west are zone Rural (R). The adjacent parcel to the north and subject to the regulations listed in ICC 17.03.060.
- b. ICC Section 17.03.180 - Land Use Standards.
 - (1) ICC 17.03.180.A - Standards for Non-Residential Design, Landscape, and Screening Guidelines. Uses in the Rural zone are subject to specific standards for Building Design, Landscaping and Screening. In the Rural zone, the applicant has the option of complying fully with building design standards or totally screening the development from the view of adjacent properties and shoreline and roadway vistas.
 - (2) ICC 17.03.180.Q – Parking. The plan shows three separate areas for parking, with a total of thirteen (13) parking stalls, situated at the entrance and end of the gravel driveway used to access the property from Christie Road. Pursuant to ICC 17.03.180.Q(o) the required parking required is the sum of the requirements for the various uses.
 - The 792 sq/ft Yoga lodge is consistent with a business or professional office requiring 1 space for every 250 sq/ft of gross floor area:
4 parking spaces required.
 - Four (4) Room Bed & Breakfast Inns require 2 spaces plus 1 space for each room:
6 parking spaces required.
 - A Single family residence requires 2 spaces for each dwelling unit:
2 parking spaces required.The project requires a total of 12 parking spaces for which the applicants are proposing 13 total spaces, thereby fulfilling County parking requirements.
 - (3) ICC 17.03.180.R - Signs and Lighting.

- (a) Signs. No signs have been proposed as part of this application. All signs that may be added to the site at a later date must meet the signage requirements of ICC 17.03.180.R and require a building permit.
- (b) Lighting. No lighting plan was submitted with the application and no new lighting is being proposed. Any existing and future lights must comply with all standards listed in ICC 17.03.180.R.6. Given the nature and impact of the proposed use, staff believes that no further conditions relating to lighting should be placed on the permit.

(4) ICC 17.03.180.S - Site Coverage and Setbacks

- (a) Site Coverage. The maximum building coverage in the Rural zone is ten (10) percent of the gross site area. The proposal includes 3,733 square feet of building coverage which is approximately one (2) percent of the gross site area. The maximum Impervious Surface Ratio in the Rural zone is ten (10) percent for parcels greater than five (5) acres in size. The proposal includes 10,488 square feet of impervious surface which is also roughly 4.8 percent of the gross site area.
- (b) Open Space. Pursuant to ICC 17.03.180.S, fifty (50) percent of the gross site area shall remain Open Space. The applicant's Open Space site plan is enclosed and shows compliance with the designated 50% Open Space.
- (c) Setbacks.
 - (i) The setbacks for the Rural zone are detailed in the table below. All proposed residential structures meet setback requirements.

	Front (Western property line from Christie Rd.)	Side	Rear
Rural (existing lot)	20 feet	5 feet	5 feet

- (ii) Setbacks required under ICC 17.03.180.K.2(n) for all nonresidential structures from all property lines is fifty (50) feet, and may be increased to minimize specific impacts.

2. Shoreline Designation. Not applicable. The project is not located within the Shoreline Jurisdiction.
3. SEPA. The proposal was found to be exempt from SEPA pursuant to WAC 197-11-800 as a minor construction.
4. Agency Comments.
 - a. Island County Health Department. Comments and requirements for the Health Department are provided in a memorandum from Aneta Hupfauer dated December 7, 2009.
 - b. Island County Engineering Division. Comments and requirements for Public Works are provided in a memorandum from Bill Poss dated August 6, 2010.

- c. Building. Comments and requirements for the Building Department are provided in a memorandum from Tamra Patterson dated November 20, 2009.
- d. Critical Areas. Comments and requirements for the Critical Areas are provided in a memorandum from Justin Craven dated September 22, 2010.
- e. Public Comments. One (1) public comment was received objecting to the proposed project. The letter indicated that too much traffic would be generated from the proposal on Christie Road. Traffic concurrency was issued by Public Works for the proposal and Home Industries are a conditional use in the Rural zone.

Analysis

The analysis is broken into three section to address each proposed use: Yoga Lodge, Four (4) Room Bed and Breakfast, and a Single Family Residence.

Yoga Lodge: Home Industry

A yoga lodge is considered Class of Specialized Instruction found under the Home Occupation section of ICC 17.03.180.K, however, because the use exceeds the 800 sq/ft threshold held for Home Occupations, required under ICC 17.03.180.J.2(c), the proposal was reviewed as more intensive use under the Home Industry standards contained in ICC 17.03.180.J. Planning found that the proposed yoga lodge with the recommended conditions of approval meets all standards listed in ICC 17.03.180.J.2(a-n) as required for Home Industries.

Pursuant to the Home Industry standard listed in ICC 17.03.180.J.2(o), the proposed use shall comply with the Non-Residential Rural design, landscape, open space, screening, buffering, signage, parking, and lighting standards set forth in 17.03.180 ICC. In the Rural zone, the applicant has the option of complying fully with building design standards **or** totally screening the development from the view of adjacent properties and shoreline and roadway vistas. In this case, the existing buildings that will be used for the Home Industry are already screened from view by existing retained vegetation. Additionally, the natural terrain of the parcel, coupled with the existing forested area surrounding the Home Industry provides a significant amount of screening from adjacent parcels and roadways.

The applicants will be allowed to hire up to five (5) full-time non-family member employees who reside off the subject property. More than five full time employees are prohibited.

An existing sauna building was noted on the property and is not considered to be a legal structure as it does not have an associated building permit. The applicants have indicated that the sauna will be used by customers of the Yoga Lodge. At this point, the building permit review is complete and Building Department staff has indicated that they are awaiting approval for the site plan review in order to proceed. The applicants have agreed to the condition that the sauna will need be relocated, so as not to be within the 50 ft setback, as a condition of approval.

Four Room Bed & Breakfast

In addition to the Yoga lodge, the applicants are proposing a four (4) room Bed & Breakfast within the same existing structure. Bed & Breakfasts with six (6) rooms or less are regulated

under ICC 17.03.180.B. Planning found that the proposed Bed & Breakfast within the existing structure and subject to the recommended conditions of approval meets all standards listed in ICC 17.03.180.B as required for Bed and Breakfasts.

Single Family Residence

The landowners are proposing to construct a new 1,650 sq/ft single family residence that will be located 200 feet from the existing structure housing the Bed & Breakfast and Yoga lodge. Pursuant to 17.03.060 ICC, single family dwellings are listed as Permitted Uses and do not require site plan approval. However, staff appreciates the ability to review the full scope of development to ensure that all components will be compatible. The applicants will still be responsible for obtaining the appropriate building permits from the Island County Building Department prior to construction of the new single family residence.

Conclusions

1. Island County Health, Engineering, and Community Development evaluated the proposed project for compliance with Titles 11, 8, 13, and 17 and with Chapters 16.15, 16.14C, and 16.19 of the Island County Code according to the Type III Decision Process. Other county and/or state agencies were consulted as appropriate. Each agency issued Determinations of Consistency according to ICC 16.19.120. The use that was evaluated was limited to the Yoga facility w/ sauna, four (4) room Bed & Breakfast, and the single family residence on the subject parcel. No other uses or possible future expansions were evaluated for consistency with Island County Codes, plans or policies.
2. The proposed Site Plan will be consistent with the criteria for approval listed in ICC 17.02 (Critical Areas), ICC 17.03 (Zoning), and ICC 16.15 (Site Plan Review) if the conditions described throughout the Recommendation sections of this staff report are adopted as conditions of approval.
3. Compliance with the conditions required by Public Works, Public Health, Building, and Critical Areas should be made as conditions of approval.

Recommendation

Based on the foregoing Findings, Analysis and Conclusions, the Community Development Division recommends that Site Plan Review application number SPR 281/09, submitted by Wendy Dion on Parcel R23017-185-1720, be approved with the following conditions:

1. The Uses on the site shall be limited to a Yoga Lodge with detached sauna, 4-Bedroom Bed and Breakfast, and a single family residence as shown on the site plan map.
2. All development shall be in conformance with the approved Site Plan Review and 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 will include but not be limited to a new traffic analysis and parking plan.

3. Compliance with all conditions of the Island County Engineering Division as specified in the memorandum dated August 6, 2010 from Bill Poss.
4. Compliance with all conditions of the Island County Public Health as specified in the memorandum December 7, 2009 from Aneta Hupfauer.
5. Compliance with all conditions of the Island County Building Department as specified in the memorandum dated November 20, 2009 from Tamra Patterson.
6. Compliance with all conditions recommended by Justin Craven, Island County Critical Areas Planner, as specified in his memorandum dated September 23, 2010.
7. Prior to final building permit issuance for the single family residence, all building permits must first be ~~issued~~ submitted for the existing sauna. The sauna is also required to be relocated, as shown on the approved site plan map, so that it adheres to the 50' foot setback required for Home Industry uses.
8. Pursuant to ICC 17.03.180.J *Home Industry* - the property owner shall sign an agreement that:
 - i) Acknowledges the requirements of ICC 17.03.180.J; and
 - ii) Agrees that the Home Industry will be discontinued or brought into strict conformance with the requirements of this Section upon notification from the Director of any violation of this Section.
 - iii) The owner(s) of a Home Industry shall certify compliance with conditions of approval.
 - iv) When the business no longer complies with the criteria established above and the conditions included in any approval, the business shall relocate to a zoning classification which would permit the activity. Such conditions shall be recorded by the owner against the title of the property with the Island county Auditor.
9. The regulated Category D "Native Plant" wetland and its associated buffer as shown hereon shall be maintained in its natural, undisturbed state unless otherwise authorized by Island County. Any alteration to regulated wetlands, streams or their buffers is prohibited, including removal of trees, brush or other vegetation; construction of accesses, bridges or trails; installation of utilities, including wells and septic systems and their lines; and any excavation, clearing, or fill.
10. The owner(s) of the Yoga Instruction Facility, and any future owner(s), shall be full time resident(s) on the lot.
11. Hours of operation for the Yoga Instruction Home Industry will be between 8:00 am to 7:00 ~~8:00~~ pm. The landowners may establish the hours of operation as they see fit as long as they are between this specified time frame.
12. The Home Industry and Bed & Breakfast shall not employ more than a total of five(5) full-time employees who reside off the subject property and either work on-site or report to work on-site.

13. The Bed and Breakfast facility shall be registered with the Island County Health Department to assure Health Department standards are met.
14. Service of meals for the Bed and Breakfast shall be limited to registered guests only.
15. In accordance with WAC 173-60-040, the Home Industry shall not cause or permit noise to intrude into the property of another person in which noise exceeds the maximum permissible environmental noise level of 55 dBA.
16. Prior to any clearing, filling, excavating, or grading in any quantities on steep slopes, and any accumulative filling and/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 Practices permit from Washington Department of Natural Resources.
17. Future installation and extension of power to the site shall be underground.
18. All outdoor lighting must meet the outdoor lighting standards specified in ICC17.03.180.R.6.
19. Prior to installation of any signs, a detailed Sign Plan and building permit application for the sign shall be submitted for review. Colors should be made to match colors in the proposed building.

Revised Recommendation Signed this _____ day of _____, 2010.

By: _____
Brandon Sweeza, Associate Planner for:
Robert Pederson, Planning Director, AICP

cc: Michael Bobbink, Hearing Examiner
Health, Engineering, Building, and Critical Areas
File SPR 281/09