

ISLAND COUNTY HEARING EXAMINER

RE: SPR 153/09 Noble) File No. SPR 153/09
Applicant: David Noble) FINDINGS OF FACT
) CONCLUSIONS OF LAW
) AND DECISION

SUMMARY OF APPLICATION AND DECISION

APPLICATION: The applicant requests Site Plan Approval to use 4,452 square feet of a 7,580 square foot existing barn for a Rural Event Center on a 10 acre parcel zoned Rural. The proposed Rural Event Center would allow no more than 200 guests at any event. The subject parcel also contains a 2,815 square foot single-family residence, a 200 square foot well house, a 256 square foot greenhouse, a 196 square foot outbuilding, as well as an apartment in the barn. 100 parking spaces are proposed, primarily along the southern property line and throughout the driveway in forested areas. The Rural Event Center would operate from 7:00 a.m. to 10:00 p.m., with a limit of 52 events per year.

DECISION: The Island County Hearing Examiner grants Site Plan Approval to SPR 153/09

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 March 4, 2010.

I.

PRELIMINARY INFORMATION

Applicant: David Noble

Property Location: 6051 Coles Road, in the NE 1/4 of Section 21, Township 29 North, Range 3 East W.M., Assessor’s Parcel R32921-426-3830.

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.

SEPA: A Determination of Non-Significance was issued on February 1, 2010 pursuant to WAC 197-11-355 and ICC 16.19.150.D.

Publication: July 15, 2009 – Application, February 20, 2010 – Hearing

Mailing of Notice to Applicant: February 1, 2010

Sign Posted: July 15, 2009

Mailing of Staff Report: February 22, 2010

Date of Application: July 2, 2009

Hearing Date: March 4, 2010

Exhibit Log:

1. Staff Report
2. Final SEPA Threshold Determination, dated 2/1/2010
 - a. Letter of SEPA determination and scheduled hearing from Kyla Walters to David Noble, dated 2/1/2010
3. Master Land Development Permit Application, received 6/18/2009
4. Application for Site Plan Review, received 6/17/2009
5. Project description, received 6/18/2009
6. Legal description of proposed parcel, received 6/18/2009
7. Water availability verification form, 6/18/2009
8. Accurate Plot Plan Drawn to Scale, received 6/18/2009
9. Certificate of Transportation Concurrency, received 6/18/2009
10. Letter for public meeting from Dave and Dawn Noble, received 6/18/2009
11. Copy of published Legal Notice for public meeting, received 6/18/2009
12. Aerial map showing North and South views, received 6/18/2009
13. Map of East and South Elevations, received 6/18/2009
14. Map of West and North Elevations, received 6/18/2009
15. Environmental Checklist, received 6/18/2009
16. Letter for new information submitted to Kyla Walters from David Noble, received 11/24/09
17. New Information submitted, Signage of Fireseed Catering, received 11/24/2009
18. New Information submitted, Lighting requirements, received 11/24/2009
19. New Information submitted, Site Plan, received 11/24/2009
20. Site Data, dated 6/18/2009
21. Letter of Notice of Complete Application to David Noble from Andreana Richardson, dated 7/2/2009
22. Letter to Kyla Walters from Aneta Hupfauer, dated 7/13/2009
23. Letter to Kyla Walters from Bill Poss, dated 7/20/2009
24. Email to Kyla Walters from Justin Craven, dated 10/6/2009
25. Letter of Review Comments to David Noble from Kyla Walters, dated 10/27/2009
26. Memorandum to Bill Poss and Aneta Hupfauer from Kyla Walters, dated 12/3/2009
27. Letter to Kyla Walters from Bill Poss, dated 12/4/2009
28. Letter to Kyla Walters from Aneta Hupfauer, dated 12/8/2009
29. Letter to Kyla Walters from The Bowers, received 6/18/2009

30. Letter to Kyla Walters fro Glenn H. Jones, received 1/4/2010
31. Property owners within 300 ft of parcel, received 6/18/2009
32. Affidavit of Posting the Public Notice Sign, received 7/8/2010
33. Affidavit of Mailing to contact person, David Noble, dated 7/10/2009
34. Affidavit of Mailing to property owners within 300 ft of parcel, dated 7/10/2009
35. Island County Notice of Application with SEPA, dated 7/15/2009
36. Affidavit of Publication, received 7/16/2009
37. Letter from the Office of the Hearing Examiner with attached staff report and notice of hearing date and copy of exhibit list for use at the hearing, dated 2/22/10
38. Affidavit of mailing items in exhibit number 37, dated 2/22/10
39. Memorandum to David Noble from Kyla Walters, dated 6/5/2009
40. Email to David Noble from Kyla Walters, dated 6/8/2009
41. Email to David Noble, Keith Higman and Kyla Walters from Larry Kwarsick, dated 6/8/2009
42. Email to Kyla Walters from Andy Griffin, dated 6/19/2009
43. Email to Kyla Walters from David Noble, dated 8/11/2009
44. Email to David Noble from Kyla Walters, dated 8/17/2009
45. Email to David Noble from Kyla Walters, dated 10/5/2009
46. Email to David Noble from Kyla Walters, dated 11/16/2009
47. Email to David Noble from Kyla Walters, dated 12/2/2009
48. Email to David Noble from Kyla Walters, dated 12/10/2009
49. Email to David Noble from Kyla Walters, dated 1/20/2010
50. Affidavit of Publication for 3/4/10 Hearing Examiner hearing, dated 2/23/10
51. Updated Site Plan submitted at the public hearing.

HEARING TESTIMONY

Kyla Walters
Island County Planning & Community Development
P.O. Box 5000
Coupeville, WA 98239

David Noble
6051 Coles Rd.
Langley, WA 98260

Paula Spina
1025 Crockett Lake Rd.
Coupeville, WA 98239

Robert H. Pederson
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II.

There were no public comments indicating concern about or opposition to this application. The applicant explained the history of the use. The applicant indicated that the factual findings set forth in the Staff Report were accurate and that the applicant had no objection to the conditions of approval requested by staff. The findings of fact set forth in the staff report are supported by the record as a whole and are hereby adopted as findings of fact herein by this reference. A copy of the staff report is attached hereto and incorporated herein by this reference.

The applicant submitted an updated site plan (exhibit # 51), which meets the requirements of recommended condition # 8. This is the site plan being approved by this decision.

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 Conclusions of Law set forth in the attached staff report are hereby adopted as Conclusions of Law herein by this reference. The requested Site plan Approval requested by the Applicant should be granted by the Hearing Examiner subject to the Conditions of Approval recommended in the attached Staff Report.

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 Approval to SPR 153/09 subject to the following Conditions of Approval:

1. The uses on the site shall be limited to the existing single-family residence with accessory buildings, and a Rural Event Center to be housed in a 4,452 square foot portion of a 7,580 square foot barn, outdoor event area, and parking area as shown on the site plan exhibit # 51 in the Hearing Examiner file.
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 Island County Public Works as specified in the memorandum dated July 20, 2009 from Bill Poss.
4. Compliance with all conditions of the Island County Public Health as specified in the memorandum dated July 13, 2009 from Aneta Hupfauer.
5. Compliance with all conditions of Critical Areas as specified in the Email dated October 6, 2009 from Justin Craven.
6. The applicant is required to obtain all required building permits prior to operation of the Rural Event Center, including a sign permit.
7. If at any time the owner of parcel R32921-375-3280 wishes to have the parking area screened from view, the applicant will need to submit a plan to Island County to show compliance with ICC 17.03.180.T for screening, and will be subject to the applicable fee for this request.
8. A new site plan shall be submitted to Island County to address the following items prior to any events on the site:
 - a. A revised parking plan showing not more than 100 parking spaces in compliance with ICC 17.03.180.T.
 - b. Show the designated 50% Open Space in compliance with ICC 17.03.180.S.
9. Parking shall be provided at a rate of 1 space for every 2 guests, with a maximum of 100 spaces.
10. The maximum number of guests allowed at any event will be determined by the number of parking spaces provided. The maximum number of guests shall not exceed 200.
11. 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 by dusk.
12. The Rural Event Center is limited to 52 events per year.
13. All landscaping and screening must be maintained, and any dead or dying vegetation should be replanted.
14. Live amplified entertainment is prohibited outdoors.
15. 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 Practices permit from Washington Department of Natural Resources.
16. Future installation and extension of power to the site shall be underground.
17. Prior to occupancy of the building and Final Inspection, all on-site and off-site 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.
18. The above requirements are subject to change if any other information provided by the applicant or their authorized representative proves inaccurate.

Entered this 9th day of March, 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 PLANNING & COMMUNITY DEVELOPMENT STAFF REPORT

SITE PLAN REVIEW

Summary

Application No: SPR 153/09

Applicant: David Noble

Assessor's Parcel Number: R32921-426-3830

Abbreviated Application Description: Proposal is for a Rural Event Center on a partially forested 10 acre parcel zoned Rural.

Recommendation: Approve with conditions.

Property Owner: David & Dawn Noble, 6051 Coles Road, Langley, WA 98260

Property Location: 6051 Coles Road, in the NE 1/4 of Section 21, Township 29 North, Range 3 East W.M., Assessor's Parcel R32921-426-3830.

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: A Determination of Non-Significance was issued on February 1, 2010 pursuant to WAC 197-11-355 and ICC 16.19.150.D.

Procedural Requirements:

Decision Type: Type III (Site Plan)

Community Meeting Date: May 4, 2009

Pre-Application Conference Date: May 28, 2009

Notice of Complete Application: July 2, 2009

Notice of Application:

 Sign Posted: July 15, 2009

 South Whidbey Record: July 15, 2009

 Mailed Notice Received: July 8, 2009

Public Comment Period: July 15 – July 29, 2009

Notice of Hearing in South Whidbey Record: February 20, 2010

Hearing Date: March 4, 2010

**ISLAND COUNTY PLANNING & COMMUNITY DEVELOPMENT
STAFF REPORT**

**Site Plan Review
Proposal, Findings, Analysis,
Conclusions and Recommendations**

Application No: SPR 153/09

Applicant: David Noble

Assessor's Parcel Number: R32921-426-3830

Proposal

The subject proposal is for Site Plan Approval to use 4,452 square feet of a 7,580 square foot existing barn for a Rural Event Center on a 10 acre parcel zoned Rural. The proposed Rural Event Center would allow no more than 200 guests at any event. The subject parcel also contains a 2,815 square foot single-family residence, a 200 square foot well house, a 256 square foot greenhouse, a 196 square foot outbuilding, as well as an apartment in the barn. 71 parking spaces are proposed, primarily along the southern property line and throughout the driveway in forested areas. The Rural Event Center would operate from 7:00 a.m. to 10:00 p.m., with a limit of 52 events per year.

Findings and Analysis

1. **Project and Parcel History.** The subject parcel was created through an unregulated segregation on March 3, 1998. A pre-application conference was held with the applicants on May 28, 2009. Per ICC 17.03.060.B.2, a community meeting is required, and was held on May 4, 2009. The applicants submitted a Site Plan Review application for the project on June 18, 2009. The application was accepted as complete on July 2, 2009, and had a public comment period from July 15, 2009 through July 29, 2009. No public comments were received. A review letter dated October 27, 2009, was sent to the applicant, informing him that additional information was needed to reach a decision. The letter included comments from the Public Works and Public Health departments, and Critical Areas. New information was received from the applicant on November 24, 2009.

The landowner has also been working closely with the Building Department to bring the existing barn up to Code, and has applied for Building Permits 09-0291, 09-0562, and 09-0926.

2. **Violation History.** Shortly after the pre-application meeting, staff was informed that the Rural Event Center had already been in operation since 2003 as Fireseed Catering. At this time, the landowners were notified that they were in violation of Island County Code for operating a Rural Event Center without an approved site plan (see attached memorandum from Kyla Walters to David Noble, dated June 5, 2009). It was determined that Fireseed Catering could continue to hold events while going through the Site Plan application process, provided they meet applicable building Code standards for occupancy, obtain approved Transportation Concurrence, submit a Site Plan Review application, and apply for a Temporary Use permit for each event while the Site Plan Review application was being processed.

Temporary Use permits were originally approved until September 5, 2009 to provide the applicant a 3 month window to continue operating events that had already been scheduled. It was determined that this was an adequate amount of time for the review of a Site Plan Review application. This date was later extended to December 5, 2009 (see Email from Kyla Walters to David Noble, dated August 17, 2009) as staff was unable to review the application due to the current staffing situation and volume of permits. It was determined that the applicant had been actively working towards completion of the Site Plan Review, and through no fault of his own it was not complete. A third extension was granted to extend the ability to obtain one Temporary Use permit for all events to be held until the date of the Hearing for this application (see Email from Kyla Walters to David Noble, dated January 20, 2010). The Hearing is scheduled for March 4, 2010.

3. Site Description.

- a. Location. Located at 6051 Coles Road, in the NE 1/4 of Section 21, Township 29 North, Range 3 East W.M., Assessor's Parcel R32921-426-3830.
- b. Size and Condition. The subject parcel is rectangular, measuring approximately 1,440 feet from east to west and approximately 340 feet from north to south. The site is currently developed with a single-family residence, barn, well house, greenhouse, and log outbuilding. An access point exists off Coles Road with a gravel driveway and parking area already established. The western portion of the property is forested and provides a screen of the use from Coles Road, and the eastern portion of the property is cleared. The parcel contains a portion of Miller Lake. All structures are in the middle of the parcel.
- c. Zoning/Type of Land Use Permitted: The subject parcel is zoned Rural (R). Permitted Uses in the Rural zone include single-family residences and accessory uses. Conditional Uses include Small-Scale Recreation and Tourist Uses, such as Rural Event Centers.
- d. Access. The subject parcel gains access onto Coles Road, which is a local access County road bordering the western lot line. Access is gained via Access Permit APW09-0114.
- e. Surrounding Zoning and Development. To the north, east, and south is Rural zoning. Parcels zoned Rural Forest are to the west, across Coles Road. The bordering Rural zoned parcels are developed with single-family residences, and the Rural Forest zoned parcel appears to be undeveloped.
- f. Natural Features. There is a wetland on the eastern portion of the property (Miller Lake), and a stream approximately 200 feet south, on the adjacent parcel. Proposed uses are outside of any buffer areas from the wetland and stream. 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 Keystone loamy sand (Kc) with 5 to 15% slopes, and Mukilteo peat (Mb) with 0 to 2% slopes. The FEMA flood zone designation is X (areas of minimal flooding).
- g. Accident Potential and/or Noise Zone. The parcel is not within an AICUZ Accident Potential or Noise Zone.
- h. Shoreline: The project does not lie within shoreline jurisdiction.

- i. Archaeological Sites. According to maps provided by the State Office of Archaeology and Historic Preservation, the project is not within the vicinity of cultural resources.
 - j. Historic Sites. The project is not within the boundaries of a Historic District.
4. Land Use Controls
- a. Chapter 17.03 Island County Code.
 - i) Section 17.03, Rural Zone. The subject site is zoned Rural (R) and subject to the regulations listed in ICC 17.03.060.
 - ii) ICC Section 17.03.180, Land Use Standards.
 - (1) Subsection 17.03.180.P, Standards for Non-Residential Design, Landscape, and Screening Guidelines.
 - (a) Structures on the parcel meet the design guidelines for building design.
 - (b) The parcel meets the requirements for landscaping.
 - (c) A majority of the parcel where events will be held is forested, and provides an adequate screen from neighboring parcels. The parking area is not proposed to be screened, per request by the neighbor to the south. See letter from Glenn H. Jones, received by Island County on January 4, 2010.
 - (2) Subsection 17.03.180.Q, Parking. The plan shows 71 parking spaces located on the south property line and partially into the woods toward the west property line. Pursuant to ICC 17.03.180.Q.2, Rural Event Centers are an Unspecified Use, as there is no specific mention of the number of spaces required. However, ICC 17.03.180.T does address parking for Rural Event Centers, and is addressed below in Subsection 17.03.180.T.8, Rural Event Centers.
 - (3) Subsection 17.03.180.R, Signs and Lighting.
 - (a) Signs. No new signage is proposed as part of this application. One existing sign is located at the entrance to the property at Coles Road, measuring approximately 2.3 square feet in size. This sign meets the requirements of 17.03.180.R, but does not have a permit. Applicant will need to obtain a building permit for the existing sign.
 - (b) Lighting. No new lighting is proposed as part of this application. Currently, there is a lantern along the driveway, path lights leading from the barn to the parking area, and post lights near the barn and parking area. All outdoor lighting meets the standards set forth in ICC 17.03.180.R.
 - (4) Subsection 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, including all existing structures, is 11,047 square feet of building coverage, which is 2.5 percent of the gross site area. The maximum Impervious Surface Ratio in the Rural zone is twenty-five (25) percent for parcels five (5) acres or less in size.

The minimum Open Space requirement is fifty (50) percent of the gross site area. The application clearly meets this requirement, but as the location of some of the parking spaces needs to be relocated, staff requests that a new parking plan be submitted to this department which will also address where the area of Open Space is located.

- (b) Setbacks. The setbacks for the Rural zone are detailed in the table below. All existing structures meet setback requirements. Any future structures must adhere to all setback requirements.

	Front (Coles Road)	Side	Rear
Rural (existing lot)	20 feet	5 feet	5 feet

(5) Subsection 17.03.180.T.2, Small-Scale Recreation and Tourist Uses.

- a) A Site Plan is approved pursuant to Chapter 16.15 ICC;
- b) Unless a larger Tract size is specified above, minimum lot size shall be five (5) acres, except for Rural Event Centers as specified in subsection 8 below; except smaller Existing legally established lots with direct access to a State highway may also be used for Tourist or Recreation Uses;
The parcel is 10 acres and meets this requirement.
- c) Only those Buildings or areas specifically approved by the County may be used in the conduct of the business;
- d) Parking shall be contained on-site and provided in conformance with this section;
- e) All activities shall be screened for the view of adjacent residential Uses and setback from all property lines at least fifty (50) feet;

The existing barn was constructed in 1990, and the parcel was created in 1993, before the current Island County Zoning Code was adopted in 1998. In 1990, the barn met the setback requirements for side yards. This 8 foot setback does not meet the current requirements. Staff does not believe it is reasonable to have the landowner move the barn or abandon the use for events when the intent of the restriction is to soften impacts of “activities”, especially since the barn would shelter activities from view and dampen noise. In addition, the barn meets the building design regulations and the Comprehensive Plan goal of preserving rural character. Furthermore, this section of Code seems to address parcels created after 1998, as side yard setbacks changed at that time from 5 feet for existing parcels to 50 feet for new parcels. This parcel and its structures meet the setback requirements of ICC 17.03.180.S for an existing lot in the Rural zone and, therefore, complies with code.

Outdoor activities are located in the outdoor event area, which is more than 50 feet away from all property lines.

The submitted parking plan shows parking spaces along the southern property line, with sparse vegetation to screen this area. The neighbor to the south has requested that the parking area not be fully screened. Mr. Jones owns two parcels to the south. The proposed parking lot also does not meet the 50 foot setback. As the neighbor does not wish for the parking lot to be fully screened, he probably does not object to the location of the parking lot. If at any time the owner of parcel R32921-375-3280 wishes to have the parking area screened from view, the applicant will need to submit a plan to Island County to show compliance with ICC 17.03.180.T for screening.

- f) All Small-Scale Recreation or Tourist Uses shall take primary access, in order of priority, off a County arterial, County Collector Road Highway, or State Highway;

The subject parcel gains access from Coles Road, a public local access road. Staff has determined that a public local access road is suitable to serve small-scale recreation and tourist uses. This interpretation is based upon staff's recommendation to the Hearing Examiner for SPR 320/07, which was approved to access Lewis Lane, which is a public local access road. This application was also subject to the access requirements listed in ICC 17.03.180.T. An interpretation was made by former Planning Director Jeff Tate after a conversation with former Planning Director Larry Kwarsick (see Email dated October 19, 2007). It was determined that when this section of Code was written, traffic concurrency was not used evaluate the impacts onto public or private local access roads. As concurrency is now reviewed for public local access roads, this restriction should not apply. This decision was upheld in the Hearing Examiner's decision, dated April 23, 2008.

- g) Structures shall comply with the landscape, lighting, signage, site coverage, and Non-Residential design, landscape, and screening guidelines set forth in this section; and
- h) For any Small-Scale Recreation or Tourist Use, the County shall impose such reasonable conditions as are found necessary to ensure that the activity or Use does not disrupt the character of any surrounding Permitted Uses.

(6) Subsection 17.03.180.T.8, Rural Event Centers.

- (a) 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.

The Rural Event Center will utilize the existing barn for indoor events, the lawn south of the single-family residence for outdoor events, and parking area for the proposed uses on this property. The majority of the parcel where events will be taking place is forested, as well as neighboring parcels, and the above separation requirements do not apply to this parcel.

All events taking place in the barn will be screened from neighboring parcels as the barn itself provides a screen from neighboring structures and uses. It is surrounded by forested land and is 8 feet from the northern property line. The barn is approximately 122 feet from the garage and 190 feet from the single-family residence on parcel R32921-455-4100 to the north. Although there is not a solid screen between the barn and parcel to the north, staff has determined that the barn meets building design regulations and is not subject to this section of Code. ICC 17.03.180.P requires compliance with either building design or a full screen of the structure from adjacent parcels. The existing barn meets the requirements of building design, and staff concludes that ICC 17.03.180.T does not intend to require the screening of buildings which meet building design, but only to reinforce the requirements of ICC 17.03.180.P. The intent of this requirement is to preserve the rural character of Island County, which can be accomplished with appropriate building design.

Outdoor events will be held on the lawn south of the single-family residence, which is in the center of the parcel where forested land and other vegetation screen this area from the view of neighboring parcels. For access between the barn and outdoor event area, a 6 foot privacy fence and landscaping provide an adequate screen.

The remaining activity for the Rural Event Center will take place in the parking lot. As noted in 5(e) above, this area is not screened.

- (b) It is likely that the total area that will be used as a Rural Event Center will probably be relatively small; however, the required size of the parcel for each Rural Event Center shall be determined by the following factors:
- (i) The number, location, size, and width of the contiguous parcels in the ownership and/or control of the applicant; and
 - (ii) The location, size, and width of surrounding parcels that are zoned RA, CA, or RF. Future development, especially of residences, in these zones will be limited. Also, the area in these zones may serve to separate and

buffer existing or future residences from potential impacts of the activities at the Rural Event Center. A small parcel such as 2.5 acres may be adequate if buffered by areas of these zones.

The subject parcel is 10 acres, and has adequate area for a Rural Event Center.

- (c) All structures and grounds that will be used as part of the activities for a Rural Event Center, including the parking, shall be designated on the site plan and limited to those areas.
- (d) The use may be indoor and/or outdoor. Temporary structures, tents and tarps may be used.
- (e) A formally constructed parking lot with a gravel and/or asphalt surface shall be completely screened from views from roads and adjacent properties. A field that is used for parking but surfaced with plant materials or planting blocks shall be buffered with some plant materials. No off-street parking or loading area shall be permitted within fifty (50) feet of a side or rear property.

The submitted parking plan shows parking spaces along the southern property line, with sparse vegetation to screen this area. The proposed parking does not meet the 50 foot setback, Parking shall be provided at a rate of one space for every 2 guests. See section 5(e) under Land Use Controls above.

The applicant has proposed 71 parking spaces on the plot plan, which allows for a maximum of 142 guests. The applicant has expressed an interest in providing as many parking spaces as possible to plan for future growth, and will submit a revised parking plan. It appears that the parking area will meet the requirements of ICC 17.03.180.T. Upon SPR approval, the applicant will need to submit a revised parking plan that must be approved prior to final occupancy. The total number of parking spaces may not exceed 100.

- (f) Adequate health facilities shall be provided. This includes, water, waste disposal, and solid waste disposal. The site shall be cleared of all debris at the end of each event.
- (g) Structures used as part of the Rural Event Center shall comply with building code regulations, the ADA rules, the WA State Handicap Code, fire separation and exiting requirements, and life/safety guidelines.
- (h) Sleeping accommodations are allowed only in conjunction with an approved Bed & Breakfast Inn or Country Inn.
- (i) A Rural Event Center located on the same site with an approved farmhouse style restaurant may be able to share the kitchen and the rest room facilities; however, the restaurant use may not use the Rural Event Center facilities for an expanded food service area.

- (j) The review of a proposed Rural Event Center will determine limitations and conditions that would be necessary to protect the surrounding neighborhood from the impacts of the use. The following factors are some that shall be included:
- (i) The size of the parcel;
This 10 acre parcel is adequate in size and configuration for this type of Use.
 - (ii) The required separation between the use and adjacent uses;
The applicant is required to submit a new parking plan, showing compliance with the required 50 foot setback from the adjacent parcel. All other uses on the property are adequately separated from adjacent uses.
 - (iii) The total number of people that may attend an event at a facility, except the number shall not exceed 200 people;
The number of guests permitted for any event will not exceed 2 guests per 1 parking space provided on-site, with a maximum of 200 guests.
 - (iv) The duration of functions allowed a specific facility, including the maximum number of days and the hours of operation that shall be allowed shall be specified in the site plan;
The Rural Event Center is approved to operate between 7:00 a.m. and 10:00 p.m. pursuant to WAC 173-60-040. No more than 52 events may be held per year (the equivalent of one event per week).
 - (v) Set times when all outdoor activities must cease and all indoor activities may cease;
Outdoor activities must cease at dusk, and indoor activities must cease no later than 10:00 p.m.
 - (vi) A plan for noise management shall be established;
Live amplified entertainment is prohibited outdoors.
 - (vii) The location and size of the required parking area. Also, a plan for traffic management shall be established. The Island County Sheriff's Department, the State Patrol or WSDOT may require traffic control for events of a certain size. If so, the traffic control shall be arranged by the applicant; and
The landowner shall coordinate with the Island County Sheriff's Department, State Patrol, or WSDOT to determine if traffic control will be required for any event.
 - (viii) The location, size, and type of any required screening and buffering anywhere on the site.

Screening must be maintained to be consistent with the approved plot plan, as well as ICC 17.03.180.P and 17.03.180.T. If at any time the site is not in compliance with these sections of Code and/or the plot plan, the use may be temporarily suspended until compliance is achieved at the discretion of the Planning Director; or if compliance is not achieved, the site plan will be deemed null and void.

- b. ICC Chapter 17.02, Critical Areas. The subject parcel contains a wetland on the eastern portion of the property, known as Miller Lake. There is also a stream approximately 200 feet south of the subject property. Neither buffer from the wetland or stream affect the proposed use of the subject parcel.
- c. ICC Chapter 16.15, Site Plan Review. A site plan for a Conditional Use in the Rural zone must meet the following criteria listed in ICC Section 16.15.080 and discussed in the following list:
 - i) Subsection 16.15.060, Conditions of Approval for NR Uses in the R, RR, RA, RF, and CA zones.
 - (1) The proposed use shall not result in significant adverse environmental impact that cannot be mitigated by reasonable mitigation measures.
 - (2) The use will be adequately served by and will not impose an undue burden on any of the improvements, facilities, utilities, or services existing or planned to serve the area.
 - (3) The proposed use is one conditionally permitted within the subject zone and complies with all of the applicable provisions of the Ordinance and all other applicable regulations, including prescribed development/performance standards and all applicable development standards and design guidelines;
 - (4) The subject site is physically suitable for the type, density and intensity of the use being proposed;
 - (5) The location, size, design and operating characteristics of the proposed use would not be detrimental to the neighborhood, nor be detrimental to the public interest, health, safety, or welfare of the County in conformance with the standards of this Chapter, Chapter 17.02 ICC, and Chapter 17.03 ICC.
 - (6) The proposed use and its design fulfill the definition of rural character as defined in Chapter 17.03 ICC.
 - (7) Proposals within the Rural Agriculture or Commercial Agriculture Zones shall not be located on prime agricultural soils or interfere with agricultural use of the land.
 - ii) Subsection 16.15.080, Criteria for Approval.
 - (1) Open Space. Pursuant to ICC 17.03.180.S, fifty (50) percent of the gross site area shall remain Open Space. The applicant shall submit a plan showing compliance with parking standards as well as showing the designated 50% Open Space.

- (2) Site Lay-Out. The location of the development and landscape screening and buffers meet the requirements of Chapter 17.03.
 - (3) Lighting. The proposed lighting plan meets the requirements of ICC 17.03.180.R.
 - (4) Building Design. As proposed, all structures included in this proposal meet the requirements of Building Design per ICC 17.03.180.P.
 - (5) Surface Water Drainage. The Engineering Division of Public Works has accepted the drainage information as satisfactory to meet requirements for approval.
 - (6) Utility Services. Any new utility services are should be placed underground when feasible.
 - (7) Advertising Features. The existing sign meets the requirements of ICC 17.03.180.R.
 - (8) Traffic and Circulation. The proposal complies with the traffic and circulation requirements of Chapter 17.03 ICC.
- d. Shoreline Designation. Not applicable to this parcel.
 - e. SEPA. SEPA was required as the proposed parking lot exceeded the threshold of 20 vehicles. A Determination of Non-Significance was issued by Island County on February 1, 2010.
 - f. Agency Comments.
 - a. Island County Public Health. Public Health has no objection to site plan approval as stated in the attached memorandums from Aneta Hupfauer dated July 13, 2009 and December 8, 2009.
 - b. Island County Public Works. Public Works has no objection to site plan approval as stated in the attached memorandums from Bill Poss dated July 20, 2009 and December 4, 2009.
 - c. Island County Building Division. The Building Division did not provide comments for this application. The applicant is required to obtain all required building permits prior to operation of the Rural Event Center.
 - d. Island County Critical Areas. The Critical Areas planner has no objection to site plan approval as stated in the attached Email from Justin Craven, dated October 6, 2009.
 - g. Public Comments. No public comments were received, but two people requested to be a Party of Record for this application.

Conclusions

1. The staff of 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 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 operation of a Rural Event Center on a 10 acre parcel zoned Rural. No other uses or possible future expansions were evaluated for consistency with Island County Code, 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 recommendations described below are adopted as conditions of approval.
3. Compliance with the conditions of Public Health, Public Works, and Critical Areas should be made conditions of approval.

Recommendation

Based on the foregoing Findings, Analysis and Conclusions, the Community Development Division recommends that Site Plan Review application number SPR 153/09, submitted by David Noble on Parcel R32921-426-3830, be approved with the following conditions:

1. The uses on the site shall be limited to the existing single-family residence with accessory buildings, and a Rural Event Center to be housed in a 4,452 square foot portion of a 7,580 square foot barn, outdoor event area, and parking area as shown on the site plan.
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 Island County Public Works as specified in the memorandum dated July 20, 2009 from Bill Poss.
4. Compliance with all conditions of the Island County Public Health as specified in the memorandum dated July 13, 2009 from Aneta Hupfauer.
5. Compliance with all conditions of Critical Areas as specified in the Email dated October 6, 2009 from Justin Craven.
6. The applicant is required to obtain all required building permits prior to operation of the Rural Event Center, including a sign permit.
7. If at any time the owner of parcel R32921-375-3280 wishes to have the parking area screened from view, the applicant will need to submit a plan to Island County to show compliance with ICC 17.03.180.T for screening, and will be subject to the applicable fee for this request.
8. A new site plan shall be submitted to Island County to address the following items prior to any events on the site:
 - a. A revised parking plan showing not more than 100 parking spaces in compliance with ICC 17.03.180.T.
 - b. Show the designated 50% Open Space in compliance with ICC 17.03.180.S.
9. Parking shall be provided at a rate of 1 space for every 2 guests, with a maximum of 100 spaces.

10. The maximum number of guests allowed at any event will be determined by the number of parking spaces provided. The maximum number of guests shall not exceed 200.
11. 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 by dusk.
12. The Rural Event Center is limited to 52 events per year.
13. All landscaping and screening must be maintained, and any dead or dying vegetation should be replanted.
14. Live amplified entertainment is prohibited outdoors.
15. 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 Practices permit from Washington Department of Natural Resources.
16. Future installation and extension of power to the site shall be underground.
17. Prior to occupancy of the building and Final Inspection, all on-site and off-site 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.
18. The above requirements are subject to change if any other information provided by the applicant or their authorized representative proves inaccurate.

This staff report and recommendation was prepared by:

Kyla Walters, Assistant Planner
Date

enc:

Memorandum from Public Works dated July 20, 2009 and December 4, 2009
Memorandum from Public Health dated July 13, 2009 and December 8, 2009
Email from Critical Areas dated October 6, 2009
Memorandum from Kyla Walters to David Noble dated June 5, 2009
Email from Kyla Walters to David Noble dated August 17, 2009
Email from Kyla Walters to David Noble dated January 20, 2010
Email from Larry Kwarsick to Jeff Tate dated October 19, 2007
Letter from Glenn H. Jones to Kyla Walters received January 4, 2010
Site Plan

cc: Michael Bobbink, Hearing Examiner
David Noble, Applicant
Gary Kohlwes, Party of Record
Paula Spina, Party of Record
Aneta Hupfauer, Island County Public Health
Bill Poss, Island County Public Works
File SPR 153/09