APPLICATION: Gary & Carol Jensen are requesting Site Plan Approval for the proposed
development and use of an outdoor paintball field on a forested 6.5 acre portion of a 38.3 acre parcel
zoned Rural Agriculture.

DECISION: Site Plan 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 April 17, 2008.

I.

PRELIMINARY INFORMATION

Applicant: Gary and Carol Jensen

Property Location: Located to the north of the intersection of Connors Rd. and Camano Hill Rd., in the
SE 1/4 of Section 11, Township, 31 North, Range 2 East, W.M. Assessor’s Parcel # R23111-204-3360.

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 March 18, 2008 pursuant to WAC 197-11-
355 and ICC 16.19.150.D.

Publication: April 1, 2008, Stanwood Camano News
Mailing of Notice to Applicant: March 24, 2008

Sign Posted: December 11, 2007

Mailing of Staff Report: April 4, 2008

Date of Application: November 20, 2007

Hearing Date: April 17, 2008

Exhibit Log:

1. Staff Report
2. Cover letter outline, received 7/20/07
3. Land Development Permit Application, received 7/20/07
4. Form C: Application for Site Plan Review, received 7/20/07
5. Hand drawn maps
6. Series of 12 photographs of site, received 7/20/07
7. Environmental Checklist, received 7/20/07
8. Assessor’s Property Account View, received 7/20/07
9. Material Safety Data Sheet, received 7/20/07
10. Material Safety Data Sheet, received 7/20/07
11. Material Safety Data Sheet, received 7/20/07
12. Quarter Section Map
13. Parcel Data Sheet
14. Access Land Use Permit screenprint
15. Parcel Summary Report
16. Account Summary Snapshot
17. Account Land Snapshot
18. Account Structure Snapshot
19. Permits Snapshot
20. Zoning Map
21. ArcExplorer Critical Areas Map with zoom in & legends
22. Island County P&CD Routing sheet identifying Pre-Ap needed
23. Notice of Incomplete Application letter from Monica Felici to Dale Burt, dated 8/3/07
24. Pre-Application Conference application dated 8/31/07
25. Hand drawn map
26. Hand drawn map B
27. Pre-App Notification from Cindy White Island County P&CD to Dale Burt, dated 9/14/07
28. Request for comment dated 9/14/07
29. Letter from Dale Burt to Andrew Hicks, dated 9/17/07
30. Notification of Community meeting, dated 8/22/07, received 9/17/07
31. Proof of Signage, received 9/17/07
32. Community Meeting Sign in Sheet, received 9/17/07
33. Community Meeting pamphlet, dated 9/10/07, received 9/17/07
34. Email from Justin Craven to Andrew Hicks, dated 10/04/07
35. Pre-App Sign In Sheet, dated 10/11/07
36. Pre-App Planning Department Comments, dated 10/11/07
37. Letter from John Bertrand to Andrew Hicks, dated 10/11/07
38. Letter from Aneta Hupfauer to Dale Burt, dated 10/11/07
39. Email from Dale Burt to Andrew Hicks, dated 10/22/07
40. Email from Dale Burt to Andrew Hicks, dated 10/22/07
41. Letter from Connie Bowers to Dale Burt, dated 11/08/07, with attached exhibits 41 & 42
42. Certificate of Transportation Concurrency
43. Certificate of Transportation Concurrency Attachment A
44. Email from Dale Burt to Andrew Hicks, dated 11/13/07
45. Email from Dale Burt to Andrew Hicks, dated 11/28/07
46. Request for Comment, dated 11/30/07
47. Notice of Complete Application, dated 11/30/07
48. Island County Notice of Application with SEPA
49. Names & Addresses of Property Owners within a 300’ Radius of Site
50. Affidavit of Mailing, dated 12/7/07 – Dale Burt
51. Affidavit of Mailing, dated 12/7/07 – Owner & property owners within 300’
52. Letter from Tamra Patterson, Plans Examiner to Ginger Burgess, dated 12/11/07
53. Letter from John Bertrand to Andrew Hicks, dated 12/26/07
54. Affidavit of Posting Public Notice Sign, dated 12/26/07, received 12/28/07
55. Letter from Keith Higman, Health Department to Andrew Hicks, dated 1/4/08
56. Review Comments letter from Andrew Hicks to Dale Burt, dated 1/7/08
57. Email from Dale Burt to Andrew Hicks, dated 1/29/08 & replies
58. Email from Andrew Hicks to Dale Burt & reply dated 2/12/08
59. Letter from Dale Burt to Andrew Hicks, received 2/21/08 with attached Exhibit # 61
60. Hand drawn map, (noise analysis map) received 2/21/08
61. Hand drawn map, (detailed property map) received 2/21/08
62. Email from Dale Burt to Andrew Hicks, dated 2/27/08
63. Email from John Bertrand to Dale Burt, dated 2/28/08
64. Letter from Aneta Hupfauer to Andrew Hicks, dated 2/28/08
65. Email from Dale Burt to Andrew Hicks, dated 3/14/08
66. Email from Chris Luerkens to Andrew Hicks, dated 3/18/08
67. Final SEPA Threshold Determination, dated 3/18/08
68. Affidavit of Mailing, dated 3/18/08
69. Letter from Paula Bradshaw, Office of the Hearing Examiner to Dale Burt, dated 3/24/08
70. Large Map
71. Affidavit of Mailing Hearing Notice, dated 3/26/08
72. Affidavit of Mailing Staff report, dated 4/4/08
73. Letter from Paula Bradshaw to Dale Burt with attached Staff Report, dated 4/4/08
74. Affidavit of Publication, dated 4/1/08, rcv’d 4/4/08
II.
The applicants are seeking Site Plan Approval for the development and operation of an outdoor paintball field on a forested portion of a 38.3 acre parcel zoned Rural Agriculture. This proposal has been reviewed by Island County Planning & Community Development. Island County Planning & Community Development has recommended approval of the proposed use in a Staff Report admitted as Exhibit No. 1 in the Hearing Examiner file. The applicant has indicated that the factual matters set forth in the Staff Report are accurate and that the applicant has no objection to any of the conditions of approval requested by the Planning Department. There was no public comment on this matter and no public testimony at the public hearing. The Hearing Examiner hereby adopts the Findings of Fact set forth in the Staff Report by this reference. A copy of the Staff Report is attached hereto and incorporated herein.

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.

Through Zoning Code Interpretation ZCI 212/07 the Planning Department has concluded that paintball facilities are allowed as a conditional use in the Rural Agricultural Zone subject to processing as a Type III Conditional Use. This proposal was processed as a Type III Conditional Use with a public hearing before the Hearing Examiner and a decision by the Hearing Examiner based on the record.

II.

Subject to the conditions of approval recommended by the Planning Department in the Staff Report, the Hearing Examiner concludes that the proposal is consistent with the requirements for Site Plan Approval and with other applicable requirements and development regulations contained within the Island County Code. The Hearing Examiner adopts the conclusions reached by the Planning Department and should approve the proposal subject to the conditions set forth in the 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 320/07, allowing the creation and operation of an outdoor paintball field on a forested 6.5 acre portion of Assessor’s Parcel No. R23111-204-3360, located at 520 South Connors Rd., Camano Island, Washington, subject to the following conditions of approval:

1. The Uses on the site shall be limited to an outdoor paintball facility as shown on the site plan map. 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.

2. Compliance with all conditions of the Island County Engineering Division as specified in the memorandum dated December 26, 2007 from John Bertrand.

3. All temporary structures shall be situated on the leased portion of the subject parcel so that they are screened by the existing vegetation as much as possible. Any portion of a temporary structure that is visible from adjacent properties shall be painted natural, earth-tone colors that will blend in with the existing vegetation.

4. The posts that the twelve (12) foot tall netting will hang from must be of a natural earth-tone color (i.e. dark brown, dark green, etc.). If the posts are to be painted, the color must first be approved by the Planning and Community Development Department. The netting material must be either black or dark green.

5. If it is determined at any time in the future that the vegetation along the western and southern boundary of the leased area does not adequately prevent paintballs from crossing property lines, the Planning and Community Development Department may require that the twelve (12) foot tall netting be extended to those boundaries.

6. Prior to the placement of any temporary structures on the site, a building permit must first be approved by Island County for each structure.

7. Prior to the installation of the twelve (12) foot netting, a building permit must first be approved by Island County.

8. Hours of operation for the outdoor paintball facility will be between 8:00 am to 8:00 pm. The applicants may establish the hours of operation as they see fit as long as they fall between this specified time frame.

9. The area designated as Open Space on the site plan map shall remain in it pasture/agricultural Use. No structures may be placed in the designated Open Space area.

10. If ten (10) or more parking spaces are to be provided, the parking facility must meet the standards of section 17.03.180.Q.4 ICC. Among other requirements, the parking lot would need to be surfaced, graded, and drained.
11. In accordance with WAC 173-60-040, the paintball field use 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.

12. Warning and trespass signs advising of the facility operation shall be placed on the perimeter of the leased portion of the subject parcel at intervals no greater than fifty (50) feet.

13. The applicant must provide an approved means of sewage disposal during hours of public use. Because of the intermittent use of the paintball field, chemical toilets provided by and maintained by the Island County Health Department licensed vendor may be used.

14. Should the uses of the property expand requiring on-site employees, permanent drinking water and sewage disposal utilities may be required.

Entered this 23rd day of April, 2008, 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 COMMUNITY DEVELOPMENT DIVISION
STAFF REPORT
Site Plan Review
Proposal, Findings, Analysis,
Conclusions and Recommendations

SUMMARY

Application No: SPR #320/07
Applicant: Gary & Carol Jensen
Assessor’s Parcel Number: R23111-204-3360

Abbreviated Application Description: Proposal is for an outdoor paintball field on a forested 6.5 acre portion of a 38.3 acre parcel zoned Rural Agriculture.

Recommendation: Approve the requested Use with conditions.

Property Owner: Gary & Carol Jensen, 520 S. Connors Rd., Camano Island, WA 98282.

Property Location: Located to the north of the intersection of Connors Rd. and Camano Hill Rd., in the SE 1/4 of Section 11, Township, 31 North, Range 2 East, W.M. Assessor’s Parcel # R23111-204-3360.

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 March 18, 2008 pursuant to WAC 197-11-355 and ICC 16.19.150.D.

Procedural Requirements:
Decision Type: Type III (Site Plan)
Community Meeting Date: September 10, 2007
Pre-Application Conference Date: October 11, 2007
Notice of Complete Application: November 30, 2007
Notice of Application:
   Sign Posted: December 11, 2007
   Stanwood/Camano News: December 11, 2007
   Mailed Notice: December 7, 2007
Public Comment Period: December 11 to December 21, 2007

Hearing Date: April 17, 2008
Proposal: The proposal is for an outdoor paintball field on a forested portion of a Rural Agriculture zoned parcel. The portion of the parcel to be leased to Mad Dawg Paintball is approximately 6.5 acres. The total parcel size is 38.3 acres. The area to be used by Mad Dawg Paintball was part of a former tree farm and the trees have since matured to create a dense forest setting. The proposal includes various movable structures to be place in the interior of the paintball field to be used as “bunkers”. Twelve foot tall safety netting will be hung along the eastern and northern portion of the field to prevent projectiles from going into the parking area and crossing property lines.

Findings

1. Project and Parcel History. A Zoning Code Interpretation (ZCI 212/07) application was submitted to the Island County Planning and Community Development Department on May 18, 2007 to determine whether an outdoor paintball facility could be permitted in the Rural Agriculture zone. The ZCI determined that outdoor paintball facilities could be permitted through a Type III Site Plan Review (SPR) in any zone where Gun Club & Shooting Ranges are listed as a Conditional Use.

On May 18, 2007 the applicant submitted a SPR application for the outdoor paintball facility. During this submittal, application fees were collected for a Type II SPR. Additionally, the application was determined to be incomplete by staff because there was no documentation that a Community Meeting had been held and no Pre-Application Conference had been held.

A Community Meeting was held by the applicants at Four Springs Preserve on September 10, 2007. A Pre-Application Conference (PRE 932/07) was held with the applicants on October 11, 2007. Subsequently the additional fees for a Type III SPR application were submitted and SPR 320/07 was determined to be complete. A Notice of Complete Application was sent to the applicants on November 30, 2007.
2. Site Description.
   a. Location. Located to the north of the intersection of Connors Rd. and Camano Hill Rd., in the SE 1/4 of Section 11, Township, 31 North, Range 2 East, W.M. Assessor’s Parcel # R2311-204-3360.
   
b. Access. The parcel has been approved for access for commercial uses from Lewis Lane through access permit APC A-20680.
   
c. Size and Condition. The parcel is 38.3 acres and is 1,300 ft. long by 1,300 ft. wide. The leased portion of the property is approximately 6.5 acres and 713 ft. long by 419 ft. wide.

   The site to be used for the paintball field is predominately covered by Douglas fir, pine, and hemlock trees. The understory within the leased portion is cleared except along the periphery where the crown of the trees begins within a foot off of the ground.

   d. Surrounding Development. Surrounding parcels to the north and west are also zoned Rural Agriculture while surrounding parcels to the east and south are zoned Rural. The parcel directly to the north is owned by Island County and utilized as Four Springs Preserve. Surrounding development is predominately residential and/or agricultural in nature. The closest residence to the proposal site is approximately 680 ft. as measured by the applicant and shown on the vicinity map provided.

   e. Natural Features. A regulated wetland is shown on the Island County Critical Areas Map and believed to exist on the southwest portion of the parcel. However, the leased area is located well outside of any associated buffer. 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 Alderwood gravelly sandy loam (Ae) with 5 to 15% slopes, and Alderwood gravelly sandy loam (Af) with 15 to 30% slopes. The FEMA flood zone designation is X-Areas of Minimal Flooding.

   f. Noise Zone. The parcel is not within an AICUZ noise 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.

3. Land Use Controls
   a. Chapter 17.03 Island County Code.
      i) Section 17.03.090, Rural Agriculture Zone. The subject site is zoned Rural Agriculture (RA) and subject to the regulations listed in ICC 17.03.090.

      ii) ICC Section 17.03.180. Land Use Standards.
(1) **Subsection 17.03.180.A ICC General Standards for Nonresidential Uses in the Rural, Rural Residential, Rural Forest, Rural Agriculture and Commercial Agriculture Zones.** All nonresidential Uses in the Rural Agriculture zone must comply with the standards listed in this section.

(2) **Subsection 17.03.180.P ICC Standards for Non-Residential Design, Landscape, and Screening Guidelines.** Uses in the Rural Agriculture zone are subject to specific standards for Building Design, Landscaping and Screening. In the Rural Agriculture 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.

(3) **Subsection 17.03.180.Q ICC Parking.** The plan shows an approximate 31,000 square foot parking area that is approximately 125 ft. wide by 250 ft. long. Pursuant to ICC 17.03.180.Q., small scale recreational uses are unspecified and do not have any minimum parking requirements. In the case of a Use not specifically mentioned in this section, the Planning Director shall establish the minimum number of spaces for off-street parking facilities.

(4) **Subsection 17.03.180.R ICC, Signs and Lighting.**
   
   (a) **Signs.** No advertising 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 specific lighting proposal was included with this application. All outdoor lighting must meet the Lighting Standards set forth in ICC 17.03.180.R and be approved through the Planning and Community Development Department.

(5) **Subsection 17.03.180.S ICC, Site Coverage and Setbacks.**

   (a) **Site Coverage.** Pursuant to this section, site coverage ratios are based on a percentage of Gross Site Area. The maximum building coverage in the Rural Agriculture zone is ten (10) percent of the gross site area and the maximum impervious surface ratio is twenty-five (25) percent of the gross site area. The proposal does not include any permanent structures. The temporary bunkers will not create more than 29,000 sq. ft. of impervious surfaces. Therefore, the proposal will meet both the maximum building coverage requirement and the maximum impervious surface ratio.

   The minimum Open Space ratio for the Rural Agriculture zone is fifty (50) percent of the gross site area. The proposal provides 13.5 acres to be designated as Open Space which exceeds this requirement.
(b) **Setbacks.** The setbacks for the Rural Agriculture zone are detailed in the table below. All proposed structures meet setback requirements.

<table>
<thead>
<tr>
<th>Rural Agriculture (existing lot)</th>
<th>Front (Lewis Lane)</th>
<th>Side</th>
<th>Rear</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>20 feet</td>
<td>5 feet</td>
<td>5 feet</td>
</tr>
</tbody>
</table>

(6) **Subsection 17.03.180.T ICC, Small-Scale Recreation and Tourist Uses.** This section of code establishes general criteria and requirements for all Small-Scale Recreation and Tourist Uses as well as specific standards for Gun Clubs and Shooting Ranges. Through ZCI 212/07, paintball facilities have been determined to fall into the Small-Scale Recreation and Tourist Uses and specifically they must meet the standards for Gun Clubs and Shooting Ranges.

4. **SEPA.** A Determination of Non-Significance was issued on March 18, 2008 pursuant to WAC 197-11-355 and ICC 16.19.150.D.

5. **Agency Comments.**
   a. **Island County Health Department.** The Health Department has no objection to site plan approval as stated in a memorandum from Aneta Hupfauer dated February 28, 2008. (attached).

   b. **Island County Engineering Division.** Comments and requirements for Public Works are provided in a memorandum from John Bertrand dated February 28, 2008. (attached).

6. **Public Comments.** No public comments were received regarding this Site Plan Review application for an outdoor paintball facility.

**Analysis**

1. Section 17.03.090 ICC regulates the Rural Agriculture zone and lists specific Uses that are either Permitted or Conditional for the zone. Paintball facilities are not listed as either a Permitted Use or a Conditional Use. However, a Zoning Code Interpretation (ZCI 212/07) determined that outdoor paintball facilities could be permitted as a Type III Conditional Use in the Rural Agriculture zone.

2. Pursuant to section 17.03.180.T ICC, there are general requirements for all Small-Scale Recreation and Tourist Uses as well as specific requirements for Outdoor Shooting Ranges. While ZCI 212/7 established that a paintball facility must meet both the general requirements and the specific requirements, it acknowledges that there is a definite distinction between a paintball facility and a Gun Club/Shooting Range. In the Analysis section of the staff report for ZCI 212/07, it is stated that:

   …An outdoor paintball field operates similarly to a Gun Club and Shooting Range. Both involve the discharge of firearms/airguns and allow for members who do not live on the property to utilize the land for assembly and club events. It is acknowledged that they are not exactly the same which will require consideration of potential impacts and appropriate conditions through the SPR process…
And:

...Through the SPR process additional consideration will be given to differences between a Gun Club/Shooting Range and an outdoor paintball field and appropriate conditions explored.

These statements are important to consider because there are a couple requirements listed in section 17.03.180.T.6 ICC for Outdoor Shooting Ranges that staff believes could not apply to an outdoor paintball field. The first such requirement is (b) which states: The National Rifle Association’s Range Manual shall be consulted and used in the development and operation of ranges; as well as the safety recommendations for outdoor shooting ranges. While safety is of utmost importance, there are distinct differences between modern firearms and paintball guns which make strict adherence to this requirement unreasonable. On the one hand, the NRA’s Range Manual is intended to give guidance on the design of outdoor shooting ranges for high-powered rifles, which by nature, are lethal. On the other hand, paintball guns are designed to be shot at people and are non-lethal by nature. Additionally, shooting ranges are designed so that all participants are shooting in the same direction and paintball fields are designed with the understanding that paintballs will be shot in all different directions. For these reasons, it would be impossible to design a functional paintball field using the NRA’s Range Manual.

The other requirement that is listed for Outdoor Shooting Ranges that staff believes should not apply to an outdoor paintball field is (d) which states: The shooting areas shall be surrounded by an eight (8) foot high noise barrier in the form of an earth berm or wall, or be located in a minimal eight (8) foot deep depression. Typically, Outdoor Shooting Ranges play host for a wide variety of modern firearms, ranging from .22 caliber plinkers to .50 caliber military rifles. This results in a wide range of sound which could be expected to exceed noise standards if nothing is done to reduce the sound. Conversely, paintball guns are powered by Carbon Dioxide instead of gunpowder and produce significantly less noise than firearms. For this proposal, the applicant has provided sound measurements for the loudest gun to be used in the paintball field (see Noise Map attached). The Noise Map indicates that the sound produced by the paintball guns will not exceed the noise emissions standards as established by WAC 173-60-040 (attached).

3. Pursuant to section 17.03.180.T.6 one requirement for Outdoor Shooting Ranges reads: Shall be located, designed, constructed and operated to prevent the likelihood of discharge of ammunition beyond the boundaries of the parcel where they occur. In order to meet this requirement, the applicant has proposed to install twelve (12) foot high safety netting along the north property boundary and the eastern portion of the leased area. The netting has a tight enough mesh to prevent paintballs from passing through. Along the west property boundary and the southern portion of the leased areas there are thick stands of trees and brush that will adequately prevent paintballs from passing through. The final requirement for Outdoor Ranges, as listed in section 17.03.180.T.6 is: Warning and trespass signs advising of the range operation shall be placed on the perimeter of the property at intervals no greater than fifty (50) feet.
While no signs have been proposed as part of this application, this requirement can be conditioned as part of this site plan approval.

4. In addition to the specific requirements for Outdoor Shooting Ranges section 17.03.180.T also provides general standards for all Small-Scale Recreation and Tourist Uses. One of the general standards reads: 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 road to be used as access for this proposal is Lewis Lane, which is a public road that is classified as a Local Access road. It would appear that the restriction cited above precludes the outdoor paintball facility from being served access by a Local Access road because Local Access roads are not included in the list of road classifications. In order to determine the purpose and intent of the access restriction, the Director contacted a former Director of the Planning Department, who was involved in creating the language for this section of Island County Code (see attached e-mail from Jeff Tate to Andrew Hicks, dated October 19, 2007). The former Director revealed that the intent of limiting access to County arterials, County Collectors, and State Highways, was due to the fact that at that time the Transportation Concurrency requirements only pertained to impacts to Arterial roads and State Highways. However, upon contacting the Traffic Engineer with the Island County Public Works Department (see e-mail from Connie Bowers to Andrew Hicks dated October 24, 2007) it was determined that a Transportation Concurrency study is now required for the proposed Use, even though it is to be accessed by a Local Access road. Lewis Lane currently serves access to Four Springs Preserve, which is owned by Island County and is, for all intents and purposes, a Rural Event Center which is also a Small-Scale Recreation and Tourist Use.

5. Section 17.03.180.A ICC establishes general standards for nonresidential Uses in the Rural, Rural Residential, Rural Forest, Rural Agriculture and Commercial Agriculture zones. It appears that the proposed Use can easily meet all requirements listed in this section. The only requirement listed in this section that may actually affect this proposal is requirement #12, which reads: Noise emissions shall not exceed levels as established by WAC 173-60-040. More restrictive standards may be established for specific NR uses in the Rural, Rural Residential, Rural Agriculture, Rural Forest, or Commercial Agriculture Zones. The applicant has provided a Noise Analysis Map that gives noise measurements (in decibels) produced by the loudest sort of paintball gun to be used on the site. The Noise Analysis suggests that the requirements listed in WAC 173-60-040 will be met without needing to install berms or walls.

6. Section 17.03.180.P ICC establishes requirements for non-residential design, landscape and screening guidelines. In the Rural Agriculture zone, the applicant has the option of complying fully with building design standards or totally screening the development from the view of adjacent properties. For this proposal, the applicant is not proposing any new permanent buildings. However, the application does propose several temporary structures that will be used as bunkers and hiding spots for the paintball games. These structures are all proposed to be situated in the middle of the forested area and, for the most part, should not be visible from neighboring parcels or...
roadways. There is one bunker, labeled “Castle” on the site plan, that may be partially visible from the abutting parcel to the north. Therefore, any portion of any of the temporary structures that is visible from neighboring parcels should be painted a natural color that allows it to blend in with the natural vegetation. After visiting the site, staff has determined that the vegetation along the outside of the leased area should completely screen the proposed use from all neighboring properties and roadways.

7. Section 17.03.180.Q ICC establishes requirements for parking, access, and circulation. Gun Clubs and Shooting Ranges are not specifically listed as Uses with minimum parking requirements. The section states that: In the case of a Use not specifically mentioned in this section, the Planning Director shall establish the minimum number of spaces for off-street parking facilities. Through discussions with the applicant about how many people will be using the field at any given time, this department has determined that the minimum number of parking stalls should be nine (9) standard size (minimum 9 feet wide) spaces.

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 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 an outdoor paintball facility that will be conducted on a 6.5 acre forested portion on the subject parcel. No other uses or possible future expansions were evaluated for consistency with Island County Codes, plans or policies.

2. Due to the fact that a test for Transportation Concurrency is now required by the Public Works Department for Uses which are accessed by Local Access roads, the restriction listed in section 17.03.180.T.2.f, and all similar restrictions listed in Chapter 17.03 ICC, should include the Local Access road classification as the lowest priority for serving such Uses.

3. Two of the specific standards, (b) and (d), listed for Outdoor Shooting Ranges in section 17.03.180.T.6 ICC cannot be expected to apply to outdoor paintball fields because of distinct differences in the nature of recreational paintball shooting from the recreational shooting of firearms. All other standards listed in section 17.03.180.T.6 ICC can and should be applied to paintball Uses.

4. 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.

5. Compliance with the Engineering Division of Public Works 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 311/07, submitted by Mad Dawg Paintball for Parcel R23111-204-3360, be approved with the following conditions:

15. The Uses on the site shall be limited to an outdoor paintball facility as shown on the site plan map. 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.

16. Compliance with all conditions of the Island County Engineering Division as specified in the memorandum dated December 26, 2007 from John Bertrand.

17. All temporary structures shall be situated on the leased portion of the subject parcel so that they are screened by the existing vegetation as much as possible. Any portion of a temporary structure that is visible from adjacent properties shall be painted natural, earth-tone colors that will blend in with the existing vegetation.

18. The posts that the twelve (12) foot tall netting will hang from must be of a natural earth-tone color (i.e. dark brown, dark green, etc.). If the posts are to be painted, the color must first be approved by the Planning and Community Development Department. The netting material must be either black or dark green.

19. If it is determined at any time in the future that the vegetation along the western and southern boundary of the leased area does not adequately prevent paintballs from crossing property lines, the Planning and Community Development Department may require that the twelve (12) foot tall netting be extended to those boundaries.

20. Prior to the placement of any temporary structures on the site, a building permit must first be approved by Island County for each structure.

21. Prior to the installation of the twelve (12) foot netting, a building permit must first be approved by Island County.

22. Hours of operation for the outdoor paintball facility will be between 8:00 am to 8:00 pm. The applicants may establish the hours of operation as they see fit as long as they fall between this specified time frame.

23. The area designated as Open Space on the site plan map shall remain in it pasture/agricultural Use. No structures may be placed in the designated Open Space area.

24. If ten (10) or more parking spaces are to be provided, the parking facility must meet the standards of section 17.03.180.Q.4 ICC. Among other requirements, the parking lot would need to be surfaced, graded, and drained.
25. In accordance with WAC 173-60-040, the paintball field use 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.

26. Warning and trespass signs advising of the facility operation shall be placed on the perimeter of the leased portion of the subject parcel at intervals no greater than fifty (50) feet.

27. The applicant must provide an approved means of sewage disposal during hours of public use. Because of the intermittent use of the paintball field, chemical toilets provided by and maintained by the Island County Health Department licensed vendor may be used.

28. Should the uses of the property expand requiring on-site employees, permanent drinking water and sewage disposal utilities may be required.

Enc:  Memorandum from Aneta Hupfauer dated February 28, 2008
      Memorandum from John Bertrand dated February 28, 2008
      Memorandum from John Bertrand dated December 26, 2007
      Memorandum from Tamra Patterson dated December 11, 2007
      e-mail from Jeff Tate to Andrew Hicks dated October 19, 2007
      e-mail from Connie Bowers to Andrew Hicks dated October 24, 2007
      Detailed Property Map (Site Plan)
      Noise Analysis Map
      WAC 173-60-040 Noise Standards
      ZCI 212/07 Staff Report