



# ISLAND COUNTY PLANNING & COMMUNITY DEVELOPMENT

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## STAFF REPORT & DECISION SITE PLAN REVIEW– TYPE III SPR 206/19 – DANCING FISH VINEYARDS RURAL EVENT CENTER

### I – PROJECT SUMMARY

The applicants, Bradley & Nancy Thompson, are proposing a Rural Event Center for Dancing Fish Vineyards. The venue will be the site for weddings, receptions, social events, fundraising non-profit events, seminars, and musical and art events up to twenty four (24) times a year with a maximum attendance of 100 people per event. The applicant was approved for temporary event venue permit, at this location, under Policy 028-14 in 2014 and renewed that permit annually until 2019 when Ordinance C-127-18 was adopted.

### II – PERMIT DATA

<b>Permit Type</b>	SPR (Site Plan Approval)
<b>Permit Number</b>	SPR 206/19
<b>Date of Complete Application</b>	September 26, 2019
<b>Decision</b>	Approved with Conditions
<b>Applicant/Owner</b>	Bradley & Nancy Thompson
<b>Public Comment Period</b>	October 23, 2019 – November 6, 2019

### III – SITE DATA

<b>Address</b>	1953 Newman Road
<b>Location</b>	Freeland, WA 98249
<b>Parcel Number(s)</b>	R22911-235-4330
<b>Site Area(s)</b>	6.17± Acres
<b>Zone Designation</b>	Rural (R)
<b>Critical Areas</b>	Steep slope

### IV – STAFF CONTACTS

<b>Department</b>	<b>Name</b>	<b>Phone</b>	<b>Email</b>
<b>Planning</b>	John Lanier	360-678-7811	<a href="mailto:j.lanier@islandcountywa.gov">j.lanier@islandcountywa.gov</a>
<b>Building</b>	Tamra Patterson	360-678-7808	<a href="mailto:tamrap@islandcountywa.gov">tamrap@islandcountywa.gov</a>
<b>Public Health</b>	Clea Barenburg	360-678-7267	<a href="mailto:cbarenburg@islandcountywa.gov">cbarenburg@islandcountywa.gov</a>
<b>Public Works</b>	Alexandra Plumb	360-678-7812	<a href="mailto:al.plumb@islandcountywa.gov">al.plumb@islandcountywa.gov</a>
<b>Critical Areas</b>	Shawn Morris	360-678-7817	<a href="mailto:s.morris@islandcountywa.gov">s.morris@islandcountywa.gov</a>

## **V – REGULATORY COMPLIANCE**

<b>Regulatory Requirement</b>	<b>Complies (Y/N)</b>	<b>Comments</b>
Site Plan Review (SPR) – ICC 16.15	Yes	Project complies with SPR approval criteria
Land Use Review – ICC 16.19	Yes	Project has been processed in accordance with ICC 16.19
Rural (R) Zone – ICC 17.03.060	Yes	Rural Event Center is a Conditional Use in the Rural Zone
Non-Residential Design, Landscaping, and Screening- ICC 17.03.180 P	Yes	Project will comply with Conditions of Approval
Rural Commercial Event – 17.03.180.EE	Yes	Project will comply with Conditions of Approval
Building/Plans Examiner	Yes	Approved with comments. See attached memorandum
Public Health	Yes	Approved with comments. See attached memorandum
Public Works	Yes	Approved with comments. See attached memorandum
SEPA	N/A	Exempt – no new construction or ground disturbance is proposed

## **VI – FINDINGS**

### **1. BACKGROUND**

Dancing Fish Farm, LLC was permitted as an event venue in 2014 under Policy No. 002-13 and SPR 187/14, has operated an event venue for five years and has renewed annually in accordance with the requirements of Policy 002-13. On December 11, 2018, the Board of County Commissioners adopted Ordinance C-127-18 amending Chapter 17.03 ICC and providing new and amended regulations for special events, rural commercial events, and rural event centers. New regulations adopted under Ordinance C-127-18 provide a transition process for current Temporary Event Venue Permit (TEVP) holders approved under Policy No. 002/13 (Revised August 5, 2015) to come into full compliance with new regulations.

Brad and Nancy Thompson are seeking a permanent zoning entitlement to replace the temporary use permit. The site abuts Rural zoned parcels with residences to the east and north of the site. The subject site is currently utilized as a winery with a residence, a garage, a metal shed, a winery, and a barn that has been utilized as an agricultural accessory building. The barn has been repurposed as an event facility.

Only major issues, errors in the development proposal, and justification for conditions of approval are discussed below. Staff finds that all other aspects of the proposed development comply with applicable laws, rules, codes, and requirements.

## **2. PROJECT SITE AND DESCRIPTION**

- A. The project site consists of one parcel; R22911-215-4330 (6.17± acres), located on Newman Road northwest of Freeland.
- B. The subject parcel is currently developed with a residence, a garage, a metal shed, a winery, and a barn.

## **3. RURAL ZONING - ICC 17.03.060**

- A. The subject parcel is zoned Rural (R). A Rural Event Center is a conditional use in this zone.
- B. Rural Event Centers are subject to the conditional regulations provided in 17.03.180.EE.

## **4. LAND USE REVIEW PROCESS - ICC 16.19**

### **ICC 16.19.080 Acceptance of Applications**

**Finding:** The applicant submitted the present application on June 10, 2019 and the application was deemed complete on September 26, 2019.

**ICC 16.19.140** *Notice of application shall be provided to the public for all land use permit and applications requiring Type I, II and III decisions.*

**Finding:** A Notice of Application was published on October 23, 2019 and an Affidavit of Posting was submitted on November 4, 2019.

### **ICC 16.19.140.B - Public Comment Period**

*The public comment period of fourteen (14) days shall be provided, except as otherwise provided in Chapter 90.58 RCW.*

**Finding:** The public comment period was October 23, 2019 – November 6, 2019 as required by Island County Code (ICC 16.19.140.B). Island County received no public comments during the public comment period and none were received during the permit review.

### **ICC 16.19.150 – SEPA Compliance**

**Finding:** This proposal is exempt from SEPA per Island County regulations ICC 16.14C.180. No new development, ground disturbance, or intensification is proposed as part of the project.

## **5. CRITERIA FOR APPROVAL - ICC 16.15**

### **ICC 16.15.040 – Application Requirements**

In accordance with the provisions of Island County Code (16.15.010 & 16.15.020) this application is subject to the provisions of Island County's Site Plan Review standards. No application for Site Plan Review shall be approved unless it meets the requirements of this section. No development

pursuant to an approved Site Plan shall be undertaken unless it meets the requirements of Titles 8, 11, 13 and 17 ICC pertaining to such development.

## **6. CONDITIONS OF APPROVAL for Non-Residential uses in the R, RR, RA, RF, and CA zones- ICC 16.15**

### **16.15.060 - Conditions of approval for NR uses.**

*Except for essential public facilities, no application for a NR use in the rural, rural residential, rural agriculture, rural forest or commercial agriculture zones shall be approved unless a specific finding is made that the proposed conditional use is appropriate in the location for which it is proposed.*

*The finding shall be based on the following criteria:*

*A. The proposed use shall not result in a significant adverse environmental impact that cannot be mitigated by reasonable mitigation measures.*

**Finding:** Proposed events are limited in number to twenty-four (24). Attendees shall be limited to not more than 100 per event. The applicant will introduce no new development. No clearing or grading is proposed for the use.

*B. The use will be adequately served by and will not impose undue burden on any of the improvements, facilities, utilities, or services existing or planned to serve the area.*

**Finding:** The proposed Rural Event Center will not impose burdens on existing utilities, services or infrastructure. Proposed events will be required to be served by a public water system and portable toilets for event activities. Certificate of Transportation Concurrency No. 100112020 has been issued for the Rural Event Center superseding the previous Certificate of Transportation Concurrency No. 30082013.

*C. The proposed development /use is one conditionally permitted within the subject zone and complies with all of the applicable provisions of this chapter and all other applicable development standards and design guidelines.*

**Finding:** A Rural Event Center is a conditional use (Type III decision) in the Rural zone per ICC 17.03.180 – see criteria for review below.

*D. The subject site is physically suitable for the type, density and intensity of the use being proposed.*

**Finding:** The subject parcel is surrounded by properties zoned rural. The repurposing of the former agricultural barn for the purpose of limited events has not introduced a level of commercial activity incompatible with existing surrounding uses. The proposed use provides a limited amount of tourist related commercial activity that helps ensure continued viability of agricultural production in rural areas of the county surrounding Freeland.

*E. The location, size, design and operating characteristics of the proposed development/use would not be detrimental to the public interest, health, safety, or welfare of the county in conformance with the standards of this chapter, chapters 17.02, 17.02A, 17.02B, and 17.03.*

**Finding:** The use of the site for rural events at the proposed intensity has occurred since 2014 without incident or complaint.

F. *The proposed use and its design fulfill the definition of rural character as defined in chapter 17.03.*

**Finding:** This proposal will retain open space and proposes no new structures. Existing structures include a residence, a garage, a metal shed, a winery, and a barn that has been utilized as an agricultural accessory building. The barn has been repurposed as an event facility. This project proposes no new construction.

G. *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.*

**Finding:** The subject parcel is zoned Rural. Regulations for Rural Agriculture or Commercial Agriculture zones do not apply.

## 7. 16.15.080 – Criteria for approval

1. **Open Space:** *Provide open space in the amount required by Chapter 17.03 ICC. The location, use and design shall meet the following standards:*  
(a) *Include critical areas designated and regulated by Chapter 17.02 ICC; and*  
(b) *Include areas of prime soils identified by NCRS.*

**Finding:** The applicant does not propose any new development on site.

2. **Site Lay-Out:** *The location of the development, parking, landscape screening and buffers shall meet the requirements of Chapter 17.03 ICC and the following standards:*

- (a) *Locate development to minimize the amount of disturbance to natural features and landscape;*

**Finding:** No new construction is proposed. Proposed event activities are approximately 400 feet from the nearest residential structure minimizing impacts to surrounding properties and providing activities primarily in an existing structure.

- (b) *Development shall be located so as to minimize the amount of agricultural land loss and shall not be located on prime soils.*

**Finding:** No new development is proposed. There are currently no prime soils on the project site. Indianola loamy sand, 3 to 15 percent slopes, and Indianola-Uselessbay complex, 5 to 30 percent slopes, both exist on site. The former being prime farmland if irrigated, and the latter being a Farmland of State Importance. All areas of the parcel are somewhat excessively drained. No farmland is being removed by this project, and furthermore this project keeps one acre of arable land in active agricultural use.

3. **Lighting:** *Shall comply with the requirements of Chapter 17.03 ICC. Signs and outdoor lighting standards for non-residential uses are contained in ICC 17.03.180(R).*

**Finding:** There is no proposed additional lighting for this project. Existing lights are downcast with the exception of one emergency light for the parking area that is on an automatic shutoff timer set for one hour.

4. **Building Design:** Shall comply with the applicable non-residential design guidelines set forth in Chapter 17.03 ICC, except that for Essential Public Facilities the Approving Authority may waive design requirements as determined by the Approving Authority to be necessary and appropriate to the type and location of the Essential Public Facility.

**Finding:** No new buildings are proposed.

5. **Surface Water Drainage:** Shall meet the requirements of chapter 11.03 and special attention shall be given to proper site surface drainage so that site drainage will enhance groundwater recharge and not adversely affect downstream properties and the site.

**Finding:** Public Works reviewed and approved the project narrative. See conditions provided in memo dated August 31, 2021 from Alexandra Plumb, Island County Public Works.

6. **Utility Services:** Wherever feasible, electric, telephone, and cable utility lines shall be underground.

**Finding:** The existing use has existing electric, telephone, and water utility lines and infrastructure. The proposed development does not generate any greater need for utility services. Proposed events will be served by a public water system and portable toilets will be provided for event activities.

7. **Advertising features:** The size, location, design, color, texture, lighting, and materials of all exterior signs and outdoor advertising structures or features shall be harmonious with the design of proposed and existing buildings and structures and surrounding properties and shall comply with the requirements of chapter 17.03 or chapter 17.06, as applicable.

**Finding:** There is no additional signage proposed. Any future signage must comply with ICC17.03.180.R and the applicant will be required to obtain the necessary building permit.

8. **Traffic and Circulation:** Shall comply with the requirements of chapter 17.03 or chapter 17.06, as applicable.

**Finding:** A Transportation Concurrency Certificate (No. 100112021) was approved, Access to the venue is proposed via Newman Road. A permit to access county Right of Way was approved for the location (PW14-0185). Internal circulation pattern identified in site plan is anticipated to be adequate for safe and convenient circulation provided fire lines are unencumbered. Please see conditions provided in memo dated August 31, 2021 from Alexandra Plumb, Island County Public Works.

## **8. NON-RESIDENTIAL DESIGN, LANDSCAPING & SCREENING (ICC 17.03.180.P)**

The following is intended to address the standards contained in ICC 17.03.180.P for Building Design, Landscaping and Screening in the Rural Zone:

**Landscaping, buffering, and screening in the R, RR, RA, RF, and CA Zones (ICC 17.03.180.P.3 (b)):**

i.) *Regional native vegetation should be retained to the extent possible and also used to supplement existing vegetation.*

**Finding:** The proposal does not provide for the removal of any native vegetation.

ii.) *Berms are encouraged if needed to screen non-residential structures and parking lots from adjacent properties or public roads.*

**Finding:** A site visit conducted by staff on October 7, 2021 resulted in identification of neighboring residences approximately 500 feet away from the proposed parking area. Local topography screens the neighboring residence to the east of the parking area. Please see proposed parking screening in the landscape page of the Approved Plot Plan dated October 29, 2021.

ii. *Buffers adjacent to public roads and/or overhead utilities shall be increased in size to ensure that the buffer width is maintained where the right-of-way of the adjoining public roadway is less than the standard specified in chapter 11.01 and when either the public agency does not purchase the additional right-of-way or the applicant does not dedicate the additional right-of-way in conformance with chapter 11.01.*

**Finding:** Not applicable. No increase in buffer is required.

iii. *Existing regional native vegetation and additional landscaping as needed should screen security fencing visible from public roads.*

**Finding:** Not applicable. There is no security fencing proposed.

## **9. ICC17.03.180.EE.7 – Event Facilities, Structures, Site Improvements.**

a. *Only those buildings or areas specifically approved in the site plan may be used as event space.*

**Finding:** The barn on the Approved Plot Plan has been identified for event activity. Additional outdoor event areas have also been clearly identified on the site plan. Activities shall be confined to areas specifically identified on the site plan.

b. *Structures used for events shall comply with building code regulations, the ADA rules, the WA State Handicap Code, fire separation and exiting requirements, and life/safety guidelines.*

**Finding:** See conditions, recommendations, and requirements noted in the attached memo dated October 24, 2019 from Tamra Patterson, Island County Assistant Building Official, and memo dated July 11, 2019 from Bill Poss, Island County Public Works.

Structures shall comply with the landscape, lighting, signage, site coverage, and non-residential design, landscape, and screening guidelines set forth in this chapter.

**Finding:** No new structures proposed.

c. *Adequate health facilities shall be approved by the IC Department of Public Health in accordance with title VIII and attendance shall be limited to capacity approved. This includes*

*water, waste disposal, and solid waste disposal. The site shall be cleared of all debris at the end of each event.*

**Finding:** See conditions, recommendations, and requirements noted in the attached memo dated February 25, 2020 from Clea Barenburg, Island County Public/Environmental Health.

## **10. ICC 17.03.180.EE.8 Noise Management**

Noise management plan minimum requirements.

*i. In no case shall outdoor sound equipment be allowed within 300 feet of a neighboring residential structure.*

**Finding:** The nearest residential structure is approximately 400 feet away.

*ii. In no case, shall the decibel level exceed 60dBA at the exterior boundaries of the property line of the event location.*

**Finding:** Event facilities are approximately 200 feet from the nearest exterior property line where ownership changes. As a general rule the sound level drops 6 dB with each doubling of distance. Appropriate levels of sound at the source should not exceed 85db. In no case, shall the decibel level exceed 60dBA at the exterior boundaries of the property line of the event location. Sound equipment should be confined to the barn on the site plan.

*iii. In no case shall fireworks be utilized in association with a rural event center or rural commercial event permit.*

**Finding:** No fireworks are proposed in this application.

## **11. ICC 17.03.180.EE.12 Rural event centers.**

**a.** *A facility for more than seventy-five (75) people shall be reviewed as a Type III decision and shall meet the requirements for a community meeting. All applications are subject to the requirement for a pre-application conference.*

Applicant submitted notice and minutes from a community meeting held August 28, 2019 at 7PM. Pre-application meeting 001/13 was completed as part of converting the former agricultural barn into a rural event center.

**c. Minimum separation.** *Structures and grounds, including the parking area, that are used for event activities as part of the facility shall be adequately separated in accordance with the following:*

**Finding.** Applicant meets all separation requirements. Parcel is not adjacent to any Rural Residential zoned parcel nearest residential structure is approximately 400 feet away. Local topography minimizes impacts to neighboring residential properties. This is supported by the continued use as a temporary event center without incident or complaint. The structure identified as the "Open Deck" on the landscape plan shall be screened from neighboring parcel R22911-296-4210.

**e. Access.** *All new facilities shall have adequate access from a state highway, county arterial, or county collector.*

**Finding:** Applicant meets the criteria for approval of existing access. Previously, applicant engaged Davido Consulting Group, Inc. (DCG) to evaluate the section of Newman Road to the state highway for consistency with the standards noted above. The road analysis by DCG Inc was reviewed by the County Engineer and was determined to meet the requirements for local road access as noted in ICC 17.03.180.EE.12, subsection e.ii. Events will be limited to 12 indoor and 12 outdoor events a year that meet the criteria set forth in 17.03.180.EE.12.

*c. **Parking.** Parking, access, and circulation shall be provided in accordance with standards set forth in section 17.03.180.Q and shall be clearly identified and delineated on the site plan.*

**Finding.** The existing parking areas are primarily compacted gravel surfaces and grass surfaces that appear well drained, stable, and suitable for the intended limited seasonal use purpose. Access, parking, and internal circulation have been reviewed and approved by Public Works. See conditions, recommendations, and requirements noted in the attached memo dated August 31, 2021 from Alexandra Plumb, Island County Public Works.

**d. Screening.**

*i. General screening. Screening of non-residential uses shall be provided in accordance with section 17.03.180.P. non-residential design, landscape, and screening guidelines. See below.*

*ii. Parking screening required. All facility parking areas shall be screened from view from adjacent residential property in accordance with the requirements set forth in section 17.03.180.P.3. If a full visual screen (wall or fence) is utilized, it must include continuous landscaping screening components (including both shrubs and trees) consistent with the provisions of section 17.03.180.P.3. provided on the exterior side where it is visible to the neighboring property.*

*iii. Where parking facilities are located 1,500 feet or more from the nearest residential structure or where topographic features such as hills, valleys, berms, ridges, or nonresidential structures are present between parking areas and residential structures, the Planning Director may waive required parking screening.*

**Finding:** A site visit conducted by staff on October 7, 2021 resulted in identification of neighboring residences approximately 400 feet away. Parking is screened from the road by a fence with seasonal hop growth. Parking is screened from neighboring residences by the local topography.

## **VII - SEPA THRESHOLD DETERMINATION**

Pursuant to WAC 197-11-800, Island County has determined that this proposal is exempt from the requirements of SEPA.

## **VIII – DECISION**

Based upon the above review, Island County Planning and Community Development concludes that the proposed application SPR 206/19 for a Rural Event Center is approved subject to the following conditions.

1. Only those buildings or areas specifically identified in the Approved Plot Plan, dated October, 29 2021, may be used as event space.
2. This decision shall not be construed to authorize work, development, construction, or other site modifications in excess of that which is specifically authorized by this decision. Excavation and site disturbing activities shall be strictly limited to the minimum necessary to accomplish the work authorized in this decision. Additional work to the above-mentioned parcel or modification of this decision will require a new and separate permitting process.
3. The applicant shall be limited to twenty four (24) events annually.
4. The applicant shall conform to the approved Noise Management Plan, dated December 8, 2020, and Noise Management BMPs. Noise amplification and sound equipment shall be confined to the location designated in the Noise Management Plan. Appropriate levels of sound at the source should not exceed 85db. In no case, shall the decibel level exceed 60dBA at the exterior boundaries of the property line of the event location.
5. The applicant shall be limited to not more than 100 guests per event.
6. The applicant shall be restricted from the use of fireworks in association with events.
7. "Open Deck" identified on Landscape Plan shall be screened from neighboring parcel R22911-296-4210.
8. The applicant must adhere to the conditions, recommendations, and requirements noted in the attached memo, dated October 24, 2019 from Tamra Patterson, Island County Building.
9. The applicant must adhere to the conditions, recommendations, and requirements noted in the attached memo, dated February 25, 2020 from Clea Barenburg, Island County Public/Environmental Health.
10. The applicant must adhere to the conditions, recommendations, and requirements noted in the attached memo, dated August 31, 2021 from Alexandra Plumb, Island County Public Works.
11. Applicant shall obtain a sign permit for any new signage to meet the requirements outlined in ICC 17.03.180.R.
12. The entirety of the attached document, Island County Inadvertent Discovery Plan, is hereby adopted into this decision by reference. All terms of this adopted document constitute Conditions of Approval for this decision. Compliance with all applicable laws pertaining to archaeological resources (RCW 27.53, 27.44 and WAC 25-48) and human remains (RCW 68.50) is required. Failure to comply with the terms of this adopted attached document, Island County Inadvertent Discovery Plan, could constitute a misdemeanor and possible civil penalties and/or constitute a Class C Felony.

13. The conditions of approval identified in this decision are subject to change if any information provided by the applicant or their authorized representative is found to be inaccurate.

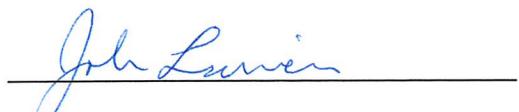
## **IX – EXPIRATION OF SITE PLAN APPROVAL**

Applicant is advised that per ICC 16.15.160 Site Plan Approvals do expire. Any Building permits obtained pursuant to this Site Plan Approval must be utilized within five (5) years after the effective date of this Site Plan approval. If the permit or permits are not used or construction work is not initiated within this time and carried on diligently in accordance with the conditions imposed by the County pursuant to Site Plan approval, the Site Plan shall become null and void and any approval, permit, or conditions granted thereby shall be deemed to have lapsed.

## **X – APPEALS**

Final decisions of the hearing examiner on a Type III decision shall be a final land use decision. Such final decision may be appealed as provided by state law, to either the Superior Court or to an appropriate administrative agency, if applicable. Such Type III decisions include, but are not limited to Site plan review for conditional uses classified as Type III decisions in chapters 17.03 and 16.19.

SIGNED THIS 29 DAY OF OCTOBER, 2021

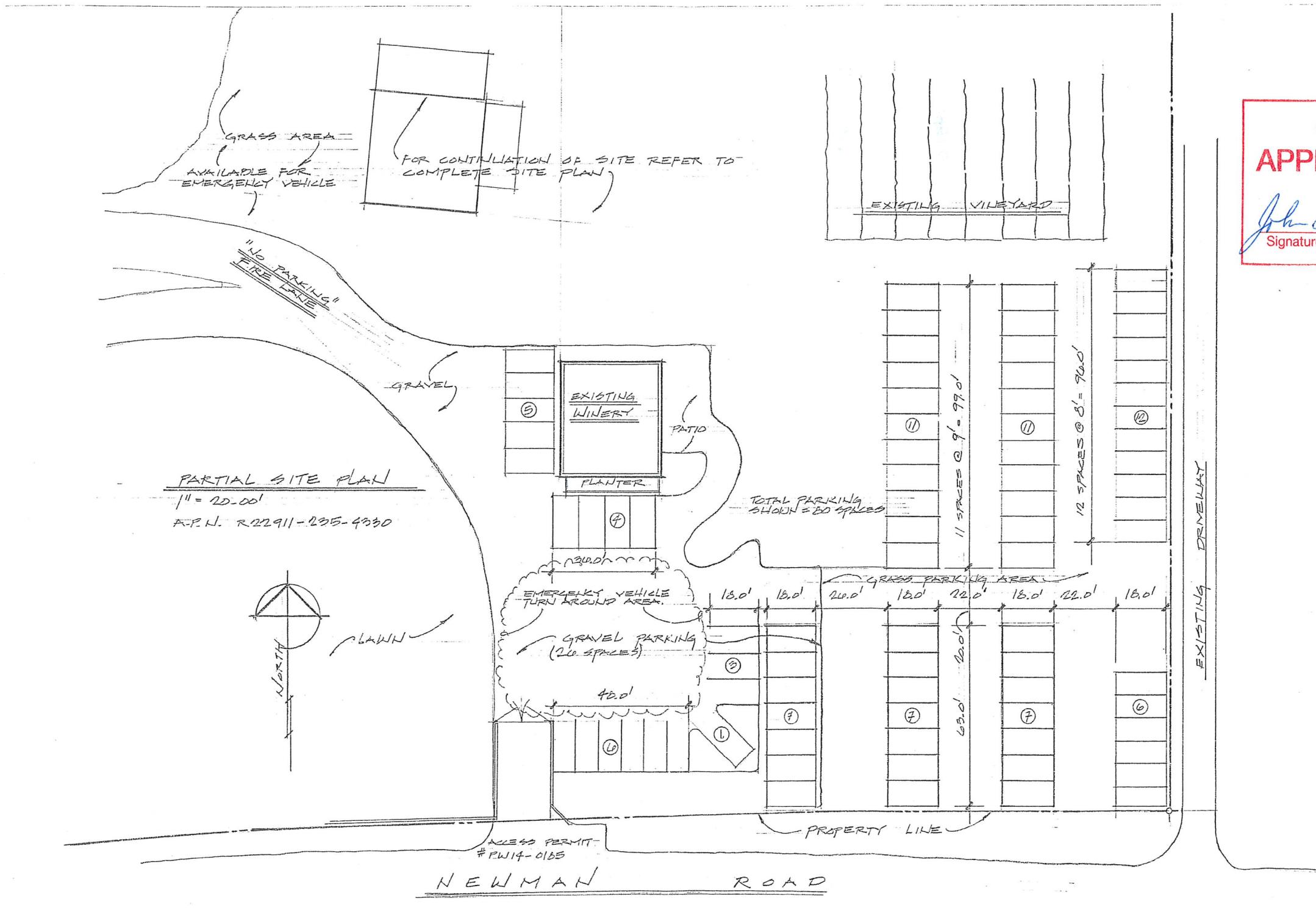


John Lanier, Associate Long Range Planner

Attachments:

1. Approved Plot Plan dated October 29, 2021
  - a. Page 1 Site Plan
  - b. Page 2 Parking Plan
  - c. Page 3 Landscape Plan
2. Approved Noise Management Plan, dated December 8, 2020, and BMPs
3. Memo dated October 24, 2019 from Tamra Patterson, Island County Building
4. Memo dated February 25, 2020 from Clea Barenburg, Island County Public/Environmental Health
5. Memo dated August 31, 2021 from Alexandra Plumb, Island County Public Works
6. Island County Inadvertent Discovery Plan



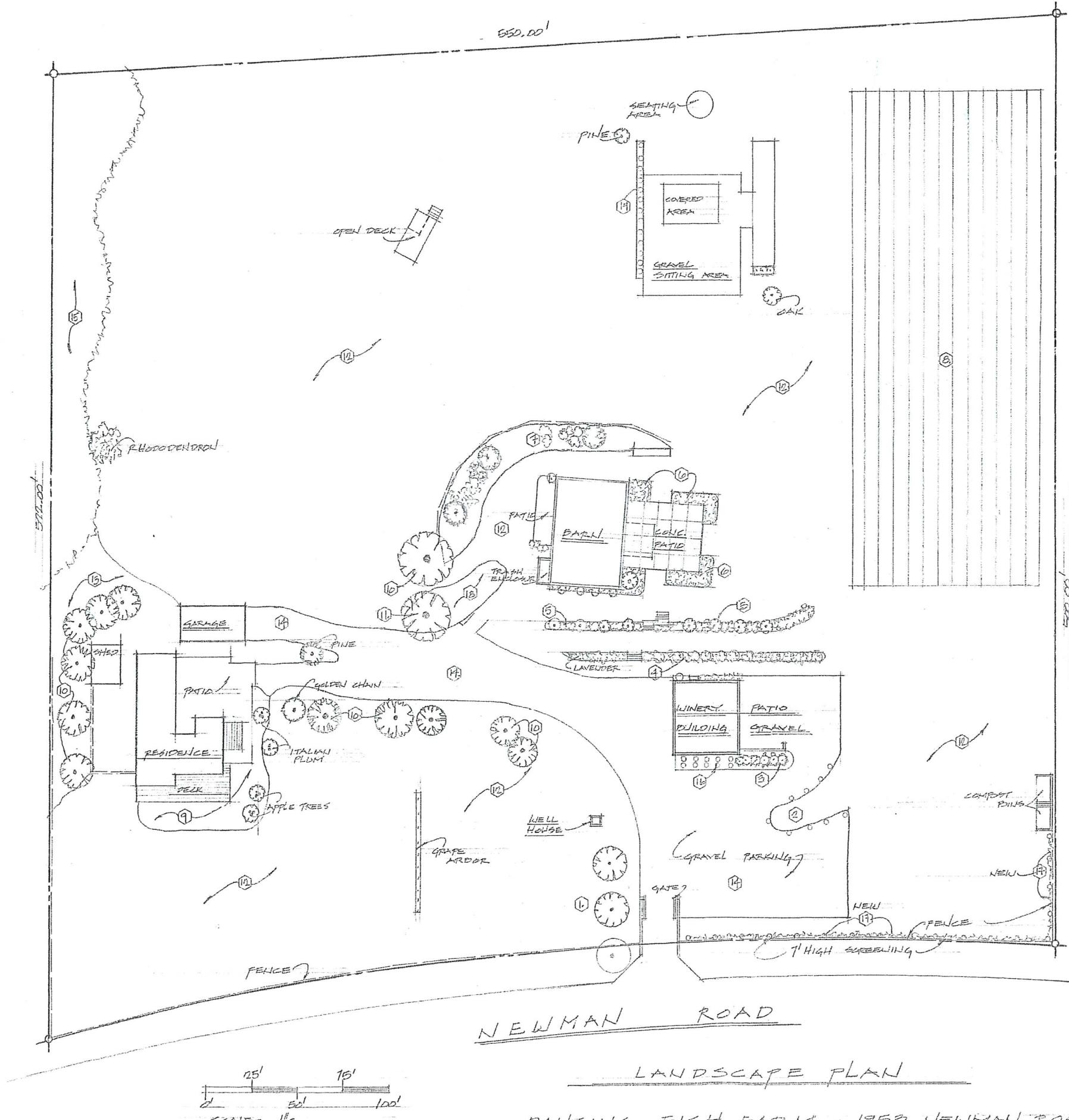


DANCING FISH FARM  
1953 NEWMAN ROAD  
FREE LAND, WA. 98241

1" = 48.00'

## PARKING PLAN

CDN 79



NUMBER	WIDTH or SIZE	DIAMETER OF PLANTING	SPACING
1.	Entrance Front Yard	White Bark trees 18' diam.	30.00'+/- o.c.
2.	Parking Area at Winery	Grass/ Moveable Planting Pots	7.0'+/- o.c.
3.	Front of Winery 5.0'	Tall Ornamental Grass	3.0' o.c.
4.	North of Winery 4.0'	Evergreen Plants 2.0' diam.	3.0' o.c.
5.	North of Winery 4.0'	Evergreen Plants 3.0' diam. W/ 6.0' diam. Trees	6.0' o.c. 12.0' o.c.
6.	4 Areas East of Barn at Patio Edge Planting Areas 8.0' Wide+/-	Various small plants, Lavender.	2.5' o.c. +/- Varies
7.	Size Varies 0' to 15.0' wide	Various Evergreen and deciduous Plants	3.0'- 6.0' o.c.
8.	Vineyard 115.0'x 270.0'+/-	Grape Arbor Vines	8.0' o.c. Rows 4.0' o.c. Plants
9.	Residence Planters	15.0' Wide Various plantings	2.0' to 7.0' o.c.
10.	Where Shown	Fir Tree 36" diam. Or larger	**
11.	Where Shown	Cedar Tree 48" diam. +/-	**
12.	Lawn	Grass	**
13.	Grasses Wild	Grasses	**
14.	Gravel or Paving as shown	Gravel or Concrete	**
15.	Natural Wooded and Brush Area	Native Trees and Vegetation	As shown
16.	Vegetable Garden	Tomatoes Replanted Yearly	4.0' o.c.
*** 17.	Parking Screen South East Newman Road and East Private Drive Property Line. New Plantings Not installed	Olympic Hopps Vines	15.0' o.c.
18.	Planting Areas	Various Plants	Varies
19.	West of Covered Sitting Area North Side of Property	2.0' Wide Planter w/ various plantings	5.0' o.c. +/-

Note: \*\*\* All planting areas and plants are existing except item #17 to be installed after final approval.  
\*\* Not Applicable.

Completion Date: 06/05/2020



## Noise Management Plan Addendum

### Noise Management Plan Application

A Noise Management Plan and will be required when sound equipment is utilized indoors and the facility is within 500 feet of a Rural Residential RAID or where outdoor events, with or without sound equipment, are anticipated. Outdoor events include events where bay doors and retractable sliding doors are open. The applicant must demonstrate compliance with the minimum requirements provided below.

- i. In no case shall outdoor sound equipment be allowed within 300 feet of a neighboring residential structure.
- ii. In no case, shall the decibel level exceed 60dBA at the exterior boundaries of the property line of the event location.
- iii. In no case, shall fireworks be utilized in association with a rural event center or rural commercial event permit.

It is highly recommended that, where residences are in close proximity, that an acoustical professional is consulted in determining appropriate sound attenuation measures.

The Noise Management Plan must include the following minimum information and should reference applicable Best Management Practices attached. Please attach additional pages if needed.

1. Number of attendees anticipated (Max. event) 100
2. Approximate # of annual events 12 Inside 12 Outside 12
2. Expected sources of sound during event (guests, sound equipment anticipated, parking, other noise producing devices) GUEST VOICES, CARS ARRIVING AND DEPARTING, SOUND EQUIPMENT
3. A description of the type of sound equipment including maximum sound levels proposed. Location of all sound equipment, stages, speakers, etc, should be identified on site plan. LEVELS DJ EQUIPMENT LIMITED TO BARN SOUND LEVELS INSIDE BARN NOT TO EXCEED 85DB OR 70DB ON BARN PATIO. AT NO TIME WILL DB EXCEED 60 DB AT PROPERTY LINE
4. Will sound equipment, not provided at the venue, be utilized to include sound equipment utilized by DJs or bands? LEVELS

Yes  No

5. Identify steps that will be taken to minimize the risk of nuisance (see best management practices below).

ALL MUSICIANS ARE INSTRUCTED TO FOLLOW A POSTED NOISE MITIGATION PLAN.  
OUR SITE MANAGER WILL PERFORM  
DB LEVEL CHECKS AND MUSIC WILL BE ADJUSTED OR DISCONTINUED TO  
MAINTAIN NOISE REQUIREMENTS  
INDOOR SPEAKERS WILL BE DIRECTED AWAY FROM ALL OPEN WINDOWS  
DANCING FISH FARMS OWN  
LEVEL METERING  
EQUIPMENT

6. How will you monitor acoustic levels at the event?

## Noise Management Plan Addendum

7. Measures and provisions to be taken to avoid exceeding maximum decibel levels at the exterior property lines. This may include but is not limited to:
  - Berms, and
  - Fences or walls which include continuous landscaping screening components (including both shrubs and trees) consistent with the provisions of section 17.03.180. P.3., provided on the exterior side where it is visible to the neighboring property
8. How complaints received before, during, and after the event will be addressed.

PROPERTY HAS LANDSCAPE, VINEYARD AND LARGE ESTABLISHED NATIVE TREES WHICH ACT AS NOISE BUFFER  
3/4 ACRE VINEYARD EAST OF BARN PATIO SERVES TO SIGNIFICANTLY ABSORB SOUND AS DOES THE SURROUNDING BARN LANDSCAPE.

COMPLAINTS WILL BE IMMEDIATELY ADDRESSED BY OUR EVENT SITE MANAGER AND REMEDIED.

### NOISE MANAGEMENT PLAN BEST MANAGEMENT PRACTICES

Source	Possible Effects on Impact	Mitigation
Inside music noise, films etc.	Hours and no. of events	Specify hours and consider how often
	Doors and Windows	Keep closed at all or certain times/self- closers Keep retractable and bay doors closed
	Vents	Acoustic baffles
	Building design and construction	Sound insulation improvement and lobbies
	Location of speakers	Away from doors/windows, avoid party walls
	Bass control	Limit
Outside Music	Hours	Limit
	Direction of Speakers	Point away from neighboring residents
	Location of Speakers	As far away from residents as possible and in no case closer than 300 feet from nearest residence
	Bass control	Limit
Smoking shelters, external seating and eating areas	Location	Site away from noise sensitive locations, no music Designated smoking areas away from neighboring residential property.
	Tables and chairs	Provide rubber feet to chairs and tables when located on a hard surface. Don't collect tables/chairs from outside late at night
Customers and Car Parks	Leaving customers	No car stereo rule.
		No entry policy after specified "late" Hour. Re-entry policy for smoking.



## ISLAND COUNTY PLANNING & COMMUNITY DEVELOPMENT

PHONE: (360) 679-7339 ■ from Camano (360) 629-4522, Ext. 7339 ■ from S. Whidbey (360) 321-5111, Ext. 7339 FAX: (360) 679-7306 ■ 1 NE 6<sup>th</sup> Street, P. O. Box 5000, Coupeville, WA 98239-5000  
Internet Home Page: <http://www.islandcountywa.gov/planning>

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December 31, 2020

TO: Meredith Penny

FROM: Tamra Patterson, Plans Examiner/Building Insp.

SUBJECT: Revised Comments

Application #: 206/19 SPR, Bradley and Nancy Thompson

Contact: Bradley Thompson

Project Description: Convert to Rural Commercial Event Venue

Parcel #: R22911-235-4330

TP

The building department has reviewed the package information submitted and has no objections with the following conditions:

1. Per Island County Building Permit records, permit 14-0009 permitted the addition and repair to the barn with a note stating *"for possible future use as Rural Event Center. Not approved for that use yet."* Please also note the "winery tasting" label at the barn on the plot plan is not permitted as winery tasting at this time. The current occupancy of this structure is "U". Prior to the use of this structure during rural events, a conversion-building permit will be required to establish the structure as an "A" occupancy. This is a Commercial Building permit, submitted by appointment. Please contact the duty Planner at (360) 679-7339 to schedule when you are ready to submit this application.
2. A "Temporary Uses" permit per the fire code is required *if any tents that require a permit that are to be used during events* (see #4 below). This can be applied for and processed at the Planning and Community Development department. The total cost of this permit is \$154.50.
3. Provide fire extinguisher within 50 feet of all ignition sources.
4. If there is any additional platform or stage constructed a building permit might be required. It is the applicant or owners' responsibility to verify with the building department if permits are required. Provide a minimum of one fire extinguisher at the stage.
5. If there are temporary tents or other membrane structures, they are required to meet the 2015 IBC section 3103 Temporary Structures. It is the applicant or owners' responsibility to verify with the building department if permits are required and which codes apply.

**Note:** Per 2015 IFC 3103.2 Approval required. Tents and membrane structures having an area in excess of 400 square feet shall not be erected, operated or maintained for any purpose without first obtaining a permit and approval from the fire code official.

Exception #2 Tents open on all sides which comply with *all* of the following:

- Individual tents having a maximum size of 700 square feet.
- The aggregate area of multiple tents placed side by side without a fire break clearance of 12 feet, not exceeding 700 square feet total.
- A minimum clearance of 12 feet to all structures and other tents.

**Please Note:** Per 2015 IFC section 3103.8, Access, location, and parking for temporary tents and membrane structures shall be in accordance with this section.

- 3103.8.1 Access. Fire apparatus access roads shall be provided in accordance with the Section 503.
- 3103.8.2 Location. Tents or membrane structures shall not be located within 20 feet of lot lines, buildings, other tents or membrane structures, parked vehicles or internal combustion engines... (See code for entire section.)

6. Per 2015 IFC 304.1.2 Vegetation. Weeds, grass, vines or other growth that is capable of being ignited and endangering property, shall be cut down and removed by the owner or occupant of the premises. If applicable, cut down vegetation in parking areas.
7. See the 2015 IBC section 2902.1 for the minimum plumbing fixtures required based on occupants.

Please feel free to contact me at (360) 678-7806, or email [tamrap@islandcountywa.gov](mailto:tamrap@islandcountywa.gov) , if you have any questions regarding these comments.



## ISLAND COUNTY PUBLIC HEALTH

### Environmental Health

PO Box 5000  
Coupeville, WA 98239  
P: 360.679.7350 F: 360.679.7390

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TO: Michelle Pezley, Planning & Community Development

FROM: Clea Barenburg, Land Use Coordinator

DATE: February 25, 2020

RE: SPR 206/19 – Thompson/Dancing Fish  
Parcel No. R22911-235-4330

After reviewing the new information for the proposal this office has no objections to the approval of the referenced proposal conditioned upon the following:

1. The proposal must be served by an approved public water system, for questions contact Island County Public Health Drinking Water Quality Specialist Aneta Hupfauer (360-678-7995 or [AnetaH@co.island.wa.us](mailto:AnetaH@co.island.wa.us)).
2. All food vendors/food preparing and serving personnel must comply with ICC 8.10C – Food Establishments and Food Service Workers Regulations. A Food Service Establishment permit may be required. Please contact Food Protection Program Coordinator (Chanelle Lopez 360-678-8276), in this office for assistance.
3. A Solid Waste Management Plan should be followed.
4. Portable bathrooms that are provided for public use must be serviced after every event by a licensed professional. Keep portable toilets outside of the pollution radius of all wells.

The above comments are subject to change as additional information is received about the proposal. If you have any questions regarding the above comments, please feel free to contact me at 360-7267 or [c.barenburg@islandcountywa.gov](mailto:c.barenburg@islandcountywa.gov)

/cb

Cc: file



ISLAND COUNTY PUBLIC WORKS  
ROADS DIVISION  
P.O. BOX 5000, COUPEVILLE, WA 98239  
(360) 679-7331

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William E. Oakes, P.E., Director/County Engineer  
Ed Sewester, P.E., Asst. County Engineer

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August 31, 2021

TO: Meredith Penny, Planning and Community Development  
FROM: Alexandra Plumb, Public Works Development Coordinator  
  
SUBJECT: Site Plan Review 206-19  
Bradley and Nancy Thompson  
Proposed Rural Event Center  
Parcel No. R22911-235-4330

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Public Works has made a site visit and reviewed information submitted for the subject application and provides the following comments:

A. Entry Permits (ICC 12.12)

Access to the facilities is via existing driveway onto Newman Road (a public local County road). Previously approved is a Commercial Permit to Access County Right of Way (PW14-0185) that approved the existing location for the commercial uses. The site plan has now been corrected to reflect Access Permit No. PW14-0185.

B. Transportation Concurrency (ICC 11.04)

A Rural Event facility is not a Permitted Use in the Rural Zoning Designation which is therefore not exempt from Concurrency review per ICC 11.04.050.A.2.a.

We understand the proposal is being reviewed under ICC 17.03.180.EE.12: Rural event centers. Per subsection b: *Rural event centers are allowed in the Rural (R), Rural Forest (RF), and Rural Agriculture (RA) zoning districts as conditional uses*

Therefore, Transportation Concurrency review is required as noted in ICC 17.03.180.EE.12.e.ii.3.

A previously issued Transportation Concurrency Certificate No. 30082013 was provided with the subject Site Plan Review application. However, said Certificate was for a "winery and tasting room". A new Certificate of Transportation Concurrency has now been issued for the Rural Event Center under Certificate No. 100112020.

C. Land Development Standards (ICC 11.01)

We understand the proposal is being reviewed under ICC 17.03.180.EE.12: Rural Event Center.

Per subsection e.i: *All new facilities shall have adequate access from a state highway, county arterial, or county collector. Primary access, in order of priority, shall be off a state highway (subject to the requirements of RCW 47.50, and WAC 468-52-040), county*

*arterial, or county collector. A county local road may be approved by the county engineer. Newman Road is a County local road. Therefore, pursuant to subsection e.ii:*

*When considering approval of county roads, the county engineer shall determine if the following standards have been met for the section of county road from the proposed facility to the state highway:*

- (1) That the county road, at a minimum, meets design standards for a twenty-five (25) mph fire lane per Appendix D of the International Fire Code. If the use warrants, at the discretion of the county engineer, the county road could be required to meet design standards for a twenty-five (25) mph collector road;*
- (2) That the road can safely manage the number of trips generated by the introduction of the new proposed use in a manner that ensures the continued safe and convenient use of the road; and*
- (3) That a transportation concurrency review and approved certificate be obtained as needed per [chapter 11.04](#).*

Previously applicant engaged Davido Consulting Group, Inc. (DCG) to evaluate the section of Newman Road to the state highway for consistency with the standards noted above. The road analysis by DCG Inc was reviewed by the County Engineer and was determined to meet the requirements for local road access as noted in ICC 17.03.180.EE.12, subsection e.ii.

Internal circulation shall be consistent with the standards noted in ICC 17.03.180.EE.12, subsection f:

*i Parking, access, and circulation shall be provided in accordance with standards set forth in section 17.03.180.Q. and shall be clearly identified and delineated on the site plan.*

*ii. Reinforced turf may be provided as an alternative parking surface subject to the approval of the county engineer*

Per referenced ICC 17.03.180.Q, subsection 4.a: *The parking facility shall be surfaced, graded and drained so as to dispose of surface water to the satisfaction of the county engineer, and shall be maintained in good condition, repair and free of weeds, dust, trash, and debris.*

There is an existing access driveway and a limited parking that is gravel surface and adjacent additional overflow grass parking area. An updated site plan was submitted that delineates the number of parking spaces, locations and surfaces of the parking areas. The applicant should note that grass parking areas are not typically appropriate for wet season uses. However, the applicant has provided a narrative that describes that gravel parking spaces are considered adequate for smaller year-round events.

In the instance that additional parking is required during the wet season care shall be taken to ensure that grass is properly maintained year-round and that soils are stabilized during the wet season.

A revised site plan was provided that appropriately delineates an emergency vehicle turnaround and fire lane. The fire lane shall be appropriately marked on-site as a “no parking” area.

**D. Stormwater and Surface Water Ordinance(ICC 11.03)**

No new impervious surfaces are currently proposed under the subject application. Therefore, no stormwater management controls are required other than to maintain existing drainage systems and avoid creating new drainage pathways, concentrated flows or increasing stormwater runoff.

**E. Clearing and Grading Ordinance (ICC 11.02)**

Per ICC 11.02. A Clearing and Grading permit will be required for the following:

- a. Accumulative filling and/or excavation exceeding 500 cubic yards.
- b. Clearing, filling, or excavation, in any quantities, within 200 feet of a regulated shoreline area, on steep slopes as defined herein, or within a geologically hazardous area, as herein defined, in wetlands or their associated buffers, or into or next to any body of water, including streams or their associated buffers, or any other critical areas, as herein defined.
- c. Class IV forest practice permits, Class IV platted forest practice permits, and conversion option harvest plans and their associated forest practices permit.
- d. Clearing to bare earth if greater than two (2) acres in size.

No clearing or grading appears to be required or currently proposed for the proposed site use. A Clearing and Grading Permit is not required unless grading exceeds 500 cumulative cubic yards, or 2 acres cleared to bare earth or any activity within critical areas or buffers.

**F. Fire Flow Requirements (ICC 13.03A.100)**

There are no new structures are proposed or approved under this permit.

As described in ICC 13.03A.100(5)(b), commercial and multifamily residential structures that include multiple structures with an aggregate area of 4,000 square feet or greater, comprised of individual structures with a floor area of less than 4,000 square feet, the Island County Building Official may apply the following:

- a. Where individual structures have a fifty-foot or greater separation between exposures and from existing and potential structures on adjacent lots, they may be considered separate structures with no fire flow requirement.
- b. Where individual structures have a separation between exposures and from existing and potential structures on adjacent lots of fifty (50) feet or less, but more than ten (10) feet, NFPA 1142 may be used to determine fire flows.

c. Where individual structures have separations between exposures of ten (10) feet or less, they will be considered as one (1) structure for fire flow purposes, provided that structures separated by a four-hour fire resistive area separation wall with no openings, and in compliance with the provisions of the Uniform Building Code, may be considered as separate structures, and may provide fire flows as in NFPA 1142; and further provided that structures protected by an approved sprinkler system and separated by a fire-resistive area separation wall, in compliance with the provisions of the Uniform Building Code, may be considered as separate structures and may provide fire flows as in NFPA 1142.

Public Works will defer to the Building Official to determine if fire flow is required.

Given the above, Public Works has no objection to permit approval provided:

1. The applicant shall maintain the improved access to provide safe and convenient ingress/egress and adequate emergency vehicle ingress/egress.
2. The applicant shall maintain the grass parking area year-round to ensure that soils are stabilized during the wet season and adequate fire prevention is maintained during the dry season.
3. The fire lane shall be appropriately designated as a “no parking” area.

Please feel free to call me at 360 678-7812 or e-mail me at [al.plumb@islandcountywa.gov](mailto:al.plumb@islandcountywa.gov) if you have any questions regarding the above comments.

# ***Island County Inadvertent Discovery Plan***

In the event that any ground-disturbing activities or other project activities related to this development or in any future development uncover protected cultural material (e.g., bones, shell, antler, horn or stone tools), the following actions will be taken:

1. When an unanticipated discovery of protected cultural material (see definitions below) occurs, the property owner or contractor will completely secure the location and contact:
  - a) The property owner and project manager;
  - b) A professional archaeologist;
  - c) The Department of Archaeology and Historic Preservation (DAHP) (Stephanie Jolivette, 360-586-3088, 360-628-2755 cell);
  - d) The Swinomish Indian Tribal Community (Larry Campbell, 360-840-4127);
  - e) The Tulalip Tribes (Hank Gobin, 360-716-2636 and Richard Young, 360-716-4635);
  - g) Scott Schuyler, Upper Skagit Tribe (360-854-7090, cell 360-630-3680),
  - h) Jackie Ferry, Archaeologist, Samish Tribe (360-293-6404 x215),
  - i) and John Harvey, Stillaguamish Tribe (360-652-7362) and
  - j) Island County Health Department (Mel Thom, 360-387-3443 x226).
2. If the discovery is human remains, the property owner or contractor will stop work in and adjacent to the discovery, completely secure the work area by moving the land-altering equipment to a reasonable distance, and will immediately contact:
  - a) The property owner and project manager;
  - b) The Island County Sheriff's Department (360-629-4523 x7310)
  - c) and the Island County Coroner, Robert Bishop (360-679-7358) to determine if the remains are forensic in nature;
  - d) If the remains are not forensic in nature the Department of Archaeology and Historic Preservation (DAHP) (Stephanie Jolivette 360-586-3088 and Guy Tasa 360-586-3534); will take the lead on determining the appropriate method of treatment for the remains and will consult with the affected tribes;
  - e) A professional archaeologist; and
  - f) Island County Planning and Community Development Department (Kyla Walters, 360-678-7869).

Cultural material that may be protected by law could include but not be limited to:

1. Buried layers of black soil with layers of shell, charcoal, and fish and mammal bones (Figure 1).
2. Buried cobbles that may indicate a hearth feature;
3. Non-natural sediment or stone deposits that may be related to activity areas of people;
4. Stone, bone, shell, horn, or antler tools that may include projectile points (arrowheads),
5. scrapers, cutting tools, wood working wedges or axes, and grinding stones (Figures 2 and 3);
6. Stone tools or stone flakes (Figures 2 and 3);
7. Perennially damp areas may have preservation conditions that allow for remnants of wood and other plant fibers; in these locations there may be remains including fragments of basketry, weaving, wood tools, or carved pieces; and
8. Human remains.



Figure 1: Shell Middens



Figure 2: Examples of stone and bone tools.



Figure 3: Examples of stone flakes.