

ISLAND COUNTY HEARING EXAMINER

RE: Site Plan Review)	File No. 317-13 SPR
)	
Applicant: Kelly and Richard Russo)	FINDINGS OF FACT
)	CONCLUSIONS OF LAW
)	AND DECISION

SUMMARY OF APPLICATION AND DECISION

APPLICATION: The Applicants are seeking Site Plan Review for a Type III Rural Event Center in order to hold outdoor weddings at Whidbey Wayfarer Farm, located on the southeast corner of Doc Savage Drive and Bayview Road.

Approval would allow wedding events with up to 120 guests at each event.

DECISION: The requested Rural Event Center Permit for outdoor weddings is approved, subject to Conditions of Approval.

FINDINGS OF FACT

INTRODUCTION

The following Findings of Fact and Conclusions of Law are based upon consideration of the exhibits admitted herein and evidence presented at the public hearing on June 5, 2014.

I.

PRELIMINARY INFORMATION

Applicant: Kelly and Richard Russo

Property Location: Southeast corner of Doc Savage Drive and Bayview Road, addressed as 5491 Bayview Road, Langley, WA 98249

Assessor's Parcel No. R32908-150-0320

Zone Designation: Rural [R]

Allowable Density: One Dwelling Unit per Five Acres [1DU/5AC]

Parcel Size: 4.29 acres total

Applicable Ordinances, Statutes and Regulations:

Rural [R] – ICC 17.03.060

Site Plan Approval – ICC 16.15

Land Use Standards – ICC 17.03.180 P, Q, R, and S

Small Scale Recreation and Tourist Uses – ICC 17.02.180.T

Public Health/ Sanitation

Public Works/Engineering

Building

Sign Posted: November 18, 2013

Date of Notice of Complete Application: November 4, 2013

Hearing Date: June 5, 2014

Exhibit Log:

Tab 1

1. Staff Report

Tab 2 – Site Data

2. Request for Comment and Site data, dated 10/28/13
3. Pre-application packet held on 6/13/13
 - a. Event Schedule from Kelly Russo to Virginia Shaddy and Tess Cooper dated 5/21/13
 - b. Pre-application Planning Department Comments from Nick Whipple, dated 6/13/13
 - c. Comments from Tamara Patterson, dated 6/3/13
 - d. Comments from John Bertrand, dated 6/12/13
 - e. Comments from Aneta Hupfauer, dated 6/13/13

Tab 3 – Community Meeting

4. Mailing list of property owners within 300 feet radius of site.
5. Affidavit of Posting the community meeting Sign, received 10/28/13
6. Sign in sheet from community meeting held 8/19/13, received 10/28/13
7. Minutes from the community meeting, received 10/28/13

Tab 4 - Application

8. Land Development Permit Application, received 10/28/13
9. Field Indicator Worksheets dated 10/7/13, received 10/28/13
10. Copy of Short Plat dated 12/6/99, received 10/28/13
11. Landscaping planned additions, received 10/28/13
12. Property Site Plan, received 10/28/13
13. Application for Site Plan Review, received 10/28/13
14. Copy of Application for Access to County Road Right of Way, received 10/28/13
15. E-mail from Sarah Bellin, Manager for Vistaire Water System, LLC, dated 10/9/13, received 10/28/13
16. Copy of Transportation Concurrency Application, received 10/28/13
17. Proposal Letter from Richard and Kelly Russo dated 10/8/13, received 10/28/13

Island County Hearing Examiner

File No. 317/13 SPR

Page 2 of 23

18. Google Map, received 10/28/13
19. Assessor map, received 10/28/13
20. Assessor's Property Details, dated 5/20/13, received 10/28/13
21. Certificate of Transportation Concurrency packet, dated 10/16/13, received 10/28/13

Tab 5 – Review Letters and Comments

22. Review letter from Nick Whipple to Richard and Kelly Russo with attachments, dated 1/3/14
 - a. Memorandum from John Bertrand, dated 11/19/13
 - b. Memorandum from Aneta Hupfauer, dated 12/23/13
 - c. Memorandum from Tamara Patterson, dated 12/2/13
 - d. E-mail from Jamie Hartley, dated 10/10/13

Additional Information Received

23. Response letter from Kelly and Rich Russo, dated 1/24/14, received 1/28/14
 - a. Proposed hedging materials, received 1/28/14
 - b. Site Plan, received 1/28/14
 - c. Photographs Corresponding to site plan, received 1/28/14
24. Letter from Quin Clements to John Bertrand re: existing drainage on the property, dated 1/29/14, received 1/29/14
25. Memorandum from Nick Whipple to John Bertrand re: anew information received, dated 1/29/14
26. Memorandum from John Bertrand to Michelle Pezley dated 2/7/14
27. Revised site plan received 5/6/14

Tab 6 – Notices

28. Incomplete notice of application prior to submittal, no date
29. Routing Sheet, dated 10/28/13
30. Notice of Complete Application, dated 11/4/13
31. Legal Notice to Whidbey News Times, no date
32. Affidavit of posting, no date
33. Copy of mailing labels to neighbors within 300 feet of property, 11/7/13
34. Signed Affidavit of posting, dated 11/18/13
35. Notice of Hearing, dated 5/1/14
36. Legal notice to Whidbey News-Times sent on 5/16/14.

Tab 7 – Public Comments

37. Letter from Dan Morgan to Nick Whipple re: support of the proposal, dated 11/20/13
38. Letter from Erica Delaney to Island County re: support of the proposal, dated 11/21/13
39. Letter from Marc Esterly to Nick Whipple re: support for the approval of proposal, dated 11/22/14
40. Letter from Debbie Tasoff to Nick Whipple re: support of the proposal, dated 11/25/13
41. Letter from Paul and Sonja Ringsrud to Nick Whipple re: comments on past experience with events on property, dated 11/25/13
42. Letter from Robert Gabelein to Nick Whipple re: approval support for proposal, dated 11/25/13
43. Letter from Nathan Buck and Karyle Kramer to Nick Whipple re: their concerns and negative impacts on the community, dated 11/26/13
44. Letter from Zachary Wolfram to Nick Whipple re: request to deny proposal, dated 11/27/13
45. Letter from Vincent and Tyla Nattress to Nick Whipple re: support for proposal, dated 11/26/13
46. E-mail from Chelsea Greene to Nick Whipple re: support for proposal, dated 11/27/13
47. Letter from Lindsey Newman to Nick Whipple re: support for proposal, dated 11/24/13
48. Letter from Jim Hyde and Mary Jane Miller to Nick Whipple re: opposition to the proposal and negative impacts, dated 11/26/13

49. E-mail from Amanda and Doug Spalding to Nick Whipple re: support for proposal, dated 11/27/13
50. E-mail from Sarah Birger to Nick Whipple re: concerns and impacts of proposal, dated 11/27/13
51. Letter from Joyce Peterson to Nick Whipple re: support of proposal, dated 12/2/13
52. Revised site plan and 5 pictures submitted by Kelly and Richard Russo, 6/5/14
53. E-mail from Nancy Parra to Michelle Pezley to support Richard and Kelly Russo's proposal, dated 6/4/14 received 6/5/14.

HEARING TESTIMONY

Michelle Pezley
Island County Planning & Community Development
PO Box 5000
Coupeville, WA 98239

Richard Russo
5491 Bayview Rd.
Langley, WA 98260

Kelly Russo
5491 Bayview Rd.
Langley, WA 98260

Paula Spina
1025/1056 Crockett Farm Rd.
Coupeville, WA 98239

Erica Delaney
2320 Bayview Place
Everett, WA

Gillian Brathie
2868 Doc Savage Dr.
Langley, WA 98260

Vincent Nattress
5574 Bayview Rd.
Langley, WA 98260

Marc Esterly
2544 Soundview
Langley, WA 98260

Nathan Buck
5482 Bayview Rd.
Langley, WA 98260

Mary Jane Miller
2693 Xanadu
Langley, WA 98260

Tyla Natress
5574 Bayview Rd.
Langley, WA 98260

Zachary Wolfram
5490 Bayview Rd.
Langley, WA 98260

Jan Clark
5170 Bayview Rd.
Langley, WA 98260

Sonja Ringsrud
2949 Doc Savage Dr.
Langley, WA 98260

II.

The Applicants, Richard and Kelly Russo, are the owners of a 4.29 acre parcel, zoned Rural Five Acre, and located at the intersection of Bayview Road and Doc Savage Drive, addressed as 5491 Bayview Road, Langley, Washington. The Russo's have been conducting weddings on their property for a few years. In 2013, Island County Planning and Community Development received a complaint from a citizen living more than 1,000-feet from the property. The complaint did not include concern about noise. Island County Planning investigated the complaint and determined that the Russo's were operating a Rural Event Center on the property, for the purpose of conducting weddings during the summer months, without the required Site Plan Approval.

The Russo's were issued a Temporary Use Permit to conduct weddings in 2013. In the summer of 2013, between June 29 and September 21, the Russo's conducted 18 wedding events, with guests numbering from 45 to 75.

In response to the complaint, the Russo's submitted an application for Site Plan Approval for an Event Center on the property. They originally proposed events no larger than 75 persons on the property. This proposal would have required an Administrative Site Plan Review process and a determination by the

Planning Department. Ultimately, the Russo's applied for an Event Center with up to 120 guests, which is processed as a Type III Application requiring a community hearing and a public hearing before the Island County Hearing Examiner.

The required community hearing was conducted, and the proposal was reviewed by Planning, the Island County Health Department, Island County Public Works, the Island County Building Department, and the Critical Areas Specialist.

All Island County Agencies with jurisdiction have indicated no objection to the requested permit, subject to proposed Conditions of Approval.

III.

A proper Notice of Application was given and Written Notice to Property Owners within 300-feet of the boundaries of the Russo parcel was mailed.

Planning received a total of 15 written public comments. Four of the comment letters opposed the application and 11 supported the application.

At the public hearing, 11 members of the public testified. Three indicated strong opposition to the permit proposal and eight supported the proposal.

Island County Planning and Community Development has recommended approval of the Type III Site Plan Application, subject to Conditions of Approval.

There are 12 properties located within 300-feet of the boundaries of the Russo's property. Four of the property owners responded to the requests for comment. Two of these property owners were opposed to the proposal, citing mainly concerns about noise and traffic and two of the property owners responded supporting the proposal and indicating little or no impact from events

on the Applicants' property. Seven of the property owners given notice did not comment on the application, which can be reasonably interpreted as indicating that they had no significant concerns about the proposal.

IV.

The Hearing Examiner has carefully reviewed the Site Plan proposed, attached to the Staff Report as attachment A. The Hearing Examiner has also identified on Google the location of the property and the location of the neighbors, both supporting and opposing the application.

The Wayfarer property is an attractive and well-maintained property, consisting of open fields, significant treed areas, three buildings which are used in conjunction with the wedding events, the proposed parking areas, and the family residence.

The proposed access to the property is off Bayview Road, a major arterial. Bayview Road runs between SR 525 and Langley. It is a high traffic road, with a 45 mile per hour speed limit in the area of the Applicants' property. Bayview Road is located on the west end of the property.

The Applicants propose 60 parking spots on the property. These are spread throughout the property, with 20 spots located on the west end of the property, setback at least 50-feet from Bayview Road. A full visual barrier of hedge is proposed between the parking area and Bayview Road and should provide an adequate visual separation of the parking area and site from properties to the west within a couple of years.

Another 20 parking spots are proposed on the north side of the driveway between the driveway and Doc Savage Road. These will also be setback at least 50-feet from the parking line and separated from Doc Savage Road by a solid English laurel hedge. The additional approximately 20 parking spaces are

located on the northeastern and eastern portions of the property. All parking will be setback at least 50- feet from the property boundaries and will be protected by landscaping which will provide an excellent visual buffer of parking areas once it is established.

The original landscaping plan includes additional laurel hedge plantings along the southern property lines. The southern property line is currently buffered by a long row of poplar trees planted in close proximity to each other. The Applicants have requested that no additional landscaping be required along the southern boundary, north of the western parking areas. Pictures provided by the Applicants indicate that the poplar trees provide an excellent visual barrier during the summer months. The property owner to the south has not indicated any concern about the proposal, or concerns about activities that have taken place on the property in the past. The Hearing Examiner concludes that additional hedging along the southern property is not necessary to meet the landscaping requirements and should not be required.

V.

The Applicants propose to use three existing buildings onsite in conjunction with the wedding events. The largest of these buildings, Building No. 3 on the site plan, is located approximately 200-feet from the nearest residence. The other two existing buildings, which are used by the bride and groom to prepare for the wedding ceremony, are located approximately 400-feet and 500-feet from the nearest residence. The only new building proposed is a restroom facility required by the Island County Building Department.

VI.

There are no critical areas on the site. There is a pond in the southwest corner of the adjacent property to the south. Critical Areas staff believes that the pond is manmade and is probably not a regulated critical area. Even if the pond

were a regulated critical area, no new development is proposed within the area which would be included as a buffer. Since there are no critical areas onsite and no development proposed within the buffer of a critical area, this proposal raises no critical area issues.

VII.

Four parties concerned about the proposal raised concerns about traffic and noise.

The record indicates that Bayview Road is heavily traveled and is itself the source of significant traffic noise, especially on weekends. Island County Public Works has reviewed the proposal and indicated that Bayview Road is adequate to handle any existing increase in traffic along Bayview Road resulting from the proposal. Bayview Road is a major arterial. Rural Event Centers are required to access off a major arterial when available and appropriate and the proposal complies with this requirement. There is no evidence of sight-distance issues regarding the use of the driveway. There is no evidence in the record that there are any unmitigated traffic issues resulting from this proposal.

Planning Department Staff has concluded that Bayview Road itself, as a source of a large amount of ambient noise, is appropriate justification to reduce the otherwise required 500-foot separation between areas of the parcel used for Event Center purposes and nearby residences.

The record also indicates that there is significant other ambient noise in the area, including events in the general vicinity using amplified music and the location of the airport in the general vicinity of this property.

Overall, it is fair to say that the base ambient noise level in the area is moderately high. This cannot be characterized as a quiet and isolated rural area.

VIII.

Noise is the major concern resulting from use of this property as proposed. All of the four parties which objected to the proposal have emphasized adverse noise impacts as their main concern. While it should be noted that there were no noise complaints regarding this facility until after the Notice of Application was mailed to owners within 300-feet and published, the record does establish that at least a couple of the nearby property owners, located on the west side of Bayview Road, do experience significant noise from the site at various times during at least some of the wedding events. All four of the parties complaining about noise live on the west side of Bayview Road and at least two of them live less than 500-feet from the parking area and assembly building located on the western portion of the parcel. Another comment about noise indicated that at one event last year noise did get out of hand and that noise should be carefully managed. Another commenter who lives significantly further away from the site also indicated being extremely disturbed by noise from events on this site. Counteracting that comment is comment from another property owner living much closer but along the same line from the Event Center property who indicated little noise impact and no concern about events.

More than one member of the public commented that they enjoyed the wedding events in their area and felt that they added a positive, vibrant impact to their neighborhood. At least a handful of neighbors living within 500 feet of the property supported the proposal. They indicated either no noticeable noise impacts or no problem with the music and celebration that took place during wedding events.

It seems clear from this record that different individuals react to what is essentially the same noise impact in a much different way than others. However, it does seem that there are at least a couple parties who experience enough increase in noise from events on this site to disturb them personally. It is also

clear that increasing the number of people attending events, as proposed, will, to some degree, increase the amount of noise emanating from the property.

The Applicant has proposed some steps to minimize noise impacts offsite. These include additional vegetation plantings and the banning of live amplified bands from performing onsite. The Applicants are requesting to use amplified music from a sound system that they will control during the events. However, they have agreed that any live music will be acoustical instruments only. The Applicants also propose that music and announcements will be limited to afternoon and evening hours, generally starting after 2 p.m.

Additionally, the Applicants are involved in providing a carpooling and shuttling service to limit the number of guests on the road and parking onsite.

It is not clear how effective these noise attenuation proposals will be. There is no evidence in the record as to the effectiveness of vegetation in minimizing offsite sound impacts. The main way to control offsite impacts is to control volume of the amplified music and to impress on guests, both before and during the event, the appropriateness and necessity of limiting noise impacts so that the venue remains available for beautiful outside oriented rural wedding events.

Other than the Noise Standards set forth in the Washington Administrative Code, there are no specific standards for noise in the Island County Code or elsewhere to determine acceptable noise limits. Conditions of Approval will require full compliance with the Residential Property Noise Standards set forth in the Washington Administrative Code.

Taking into account the limited number of event days per year, the existing ambient noise in the area, and what appears to be an honest dedication

to keeping noise under control, the Hearing Examiner concludes that noise can be mitigated to a level that is reasonable and acceptable.

IX.

The public comments and testimony in support of the proposal emphasized either the positive impacts to the community experienced by some of the nearby neighbors, and/or the economic benefits to the larger community.

About half of the comments in favor of the proposal were from those extolling the economic benefits. A number of these persons benefited personally by being employed by or providing services to the Wayfarer. A number of them also lived in the general vicinity of this property.

Others were just neighbors who enjoyed the wedding events or, at least, did not feel adversely impacted by them.

It is clear from the record that the Wayfarer provides significant economic benefit to the southern Whidbey Island community. Some members of the community are hired by the Applicant, in conjunction with the business. Others provide services, such as catering. The record indicates that the Applicants take good advantage of locally provided goods and services. The wedding events also bring a significant number of people to the island who spend one or more nights using local bed and breakfast facilities, vacation rentals or inns, as well as providing customers for local restaurants, businesses, especially in and around Langley. Strong support for the proposal came from the Langley Chamber of Commerce. It is fair to say that the major economic engine for the Langley area is tourism and visitors generated by business like the Applicants.

X.

The Applicant has proposed a limit of 48 events a year. However, at this time, the Applicants have 18 events scheduled for this year and had a total of 18 events last year.

This year's events include 12 Saturday weddings, five Sunday weddings, and one Friday wedding. There will be six times between June and September where there are back-to-back events. The rest of the time, only one event a week is scheduled for the 2014 season.

XI.

A careful review of the record indicates that both Staff from Island County Planning and Community Development and Staff from other Island County Agencies with jurisdiction have carefully reviewed and conditioned the proposal.

The Findings of Fact reached by Staff are set forth in the Staff Report, Exhibit No. 1 in the Hearing Examiner file. Except insofar as these Findings may conflict directly with a Finding of Fact reached by the Hearing Examiner above, the Findings of Fact set forth in the Staff Report are adopted as Findings of Fact herein through this reference. A copy of the Staff Report and its attachments are attached hereto.

XII.

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

CONCLUSIONS OF LAW

I.

Approval of a Rural Event Center for more than 75 persons at an event requires Type III Site Plan Review Approval and a hearing before the Island County Hearing Examiner. This matter has been processed as a Type III

Application. The required Community Meeting has been held. Proper notices have been given. A hearing was conducted before the Island County Hearing Examiner.

II.

Site Plan Approval for a Rural Event Center requires compliance with Site Plan Approval Criteria found in ICC 16.15.060. Staff reviewed the proposal's consistency with these Criteria for Approval of a Non-Residential Use in the Rural zone and concluded the proposal, subject to Conditions of Approval, is consistent with these criteria.

The Hearing Examiner has reviewed the Site Plan Approval Criteria of ICC 16.15.060 in view of the record established in this matter and concurs with Staff's conclusion. Subject to Conditions of Approval, the proposed Rural Event Center is consistent with the Site Plan Review Criteria for Non-Residential Uses in the Rural zone.

The Hearing Examiner acknowledges that there will be some adverse noise impacts on a few nearby residences. However, subject to the Noise Mitigation Plan of the Applicants, consistency with the noise requirements of the Washington Administrative Code, the Hearing Examiner concludes that the occasional, adverse noise impacts will not unreasonably disturb the neighborhood or be detrimental to the public interest. A determination of what is in the public interest requires a balancing of the limited undesirable impacts of this proposal on a few, with the positive economic benefits to the neighborhood and surrounding general community, as well as to Island County as a whole.

As required, the use proposed, subject to Conditions, will be consistent with the definition of Rural Character found in ICC 17.03.040. It will assist in maintaining an attractive positive rural visual landscape, traditional rural lifestyles, rural based economies, and opportunities to both live and work in rural areas.

III.

Rural Event Centers are allowed in the Rural zone, subject to Site Plan Review Approval.

In addition to compliance with Criteria for Non-Residential Uses in the Rural zone found in ICC 16.15.060, Staff has concluded that the proposal is also consistent with the General Site Plan Review Criteria of ICC 16.15.080.

The Hearing Examiner has reviewed these General Site Plan Review Criteria and concurs in Staff's specific findings and conclusions that the proposal as conditioned is consistent with these criteria.

IV.

As required, the development has been reviewed with the applicable Land Use Standards, including Non-Residential Design, Landscaping and Screening Guidelines; Parking, Access and Circulation; Signs and Outdoor Lighting; and Site Coverage and Setbacks.

The Hearing Examiner has reviewed these criteria and, based on the record as a whole, concurs with Staff's conclusion that subject to Conditions of Approval, the proposal is consistent with these applicable Land Use Standards.

V.

There are specific Land Use Standards applicable to Rural Event Centers, which are classified as a Small Scale Recreation and Tourist Use, found in ICC 17.03.180.T [see pages 8 and 9 of the Staff Report] and Staff concluded that, subject to Conditions of Approval, the proposal is consistent with these requirements.

The requirements make it clear that the design, size, and location of each Rural Event Center will be unique and must be determined on a case by case

basis. There is no minimum lot size requirement for a Rural Event Center on a legal nonconforming lot. The Land Use Standards make it clear that a parcel as small as 2.5 acres may be adequate if appropriately buffered.

The Hearing Examiner has concluded, after careful review of all the Land Use Standards for Rural Event Centers set forth in ICC 17.03.180.T.8, that this proposal is consistent with these requirements, subject to the required Conditions of Approval.

Potential adverse impacts on a limited number of residents on the west side of Bayview Road raise the only significant issue in regard to approving the proposed Rural Event Center. The Standards include the following language:

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

- c) Structures and grounds, including the parking area, that are used as part of the facility shall be adequately separated from all adjacent uses and structures on adjacent parcels as follows:
 - (i) For relatively flat, open areas, the separation shall be at least 500 feet;
 - (ii) For proposals adjacent to a Rural Residential RAID, the separation shall be at least 1000 feet; and
 - (iii) The minimum separations listed above may be reduced if the applicant can show that impacts are minimized by factors such as major changes in topography, by areas of solid screening under his control, by particular land forms.

As can be seen from the above, the Standards generally require a separation of at least 500 feet between areas used as part of the Event Center facility and nearby residences. In this case, there is limited parking within approximately 100 feet of the nearest residence and a building used for assembly purposes is located approximately 200 feet from the nearest residence. The owner of that residence is strongly opposed to this proposal based on noise impacts. A significant reduction in the 500 foot separation is required in order to approve this proposal. Most of the outdoor activities will take place 300 feet to 400 feet from the nearest residence. Significant fast growing hedging plants are proposed between Bayview Road and the portions of the site used for wedding events. Noise impacts can be further minimized through the careful and disciplined use and control of the audio system by the Event Coordinator and adequate education and active control of guests' behavior during events. Additionally, noise impacts are mitigated to a degree by other ambient noise sources, including the major arterial separating the site from the properties west of Bayview Road.

Additional authority to modify the separation requirements set forth above is found in ICC 16.15.080. Taking into account the totality of circumstances, the Hearing Examiner concludes that it is appropriate to reduce the normally required 500 foot separation between areas used as part of an Event Center and the one or two residences located within 500 feet which are impacted by noise, for the reasons set forth in the Findings of Fact and Conclusions of Law. A reduction is necessary to allow this valuable community use to continue. Since the Hearing Examiner has concluded that, based on other noise in the area, specific steps that will be under taken by the Applicants to minimize noise impacts, the limited number of events and hours during events when noise will be a problem, supports a conclusion that the Event Center can be operated in a manner which does not unreasonably or excessively disturb neighboring property owners as a result of noise. An appropriate balancing of the limited adverse

impacts with the positive impacts to the neighborhood and to the community supports approval of the proposal subject to conditions.

VI.

All of the affected properties, including the Applicants' property, are located in the Rural zone. The term Rural Zone is defined in ICC 17.03.040, as follows:

Rural Zone: The principal zone of Island County providing a variety of living and working opportunities, uses and rural lifestyles at a variety of densities.

This definition, when read together with the definition of Rural Character, and the Purpose Section of the Zoning Ordinance, ICC 17.03.020, make it clear that the Rural zone is designed for both economic use and residential use, and that rural character is more than just the provision of quiet residential lifestyle attributes. Since the Rural zone encompasses virtually all of Whidbey Island outside of the cities of Langley and Oak Harbor, persons living in the Rural zone can expect to have, and to have to live with "... a variety of living and working opportunities, uses, and rural lifestyles"

VII.

This application raises similar issues as those raised in the Crockett Farm Application, SPR 169/09 and APP 132/10.

On June 30, 2010, the Island County Hearing Examiner approved SPR 169/09 and granted approval for a proposal from Paula Spina to use the Crockett Farm as a Rural Event Center, subject to Conditions.

At the public hearing, the Crockett Farm Rural Event Center Proposal received virtually no support from any of the neighbors in the general vicinity. Ultimately, the Hearing Examiner approved the proposal. This approval included

a reduction in the 500 foot separation between the areas of the Crockett Farm used for the Event Center and nearby residences.

Paula Spina appealed the Hearing Examiner's Decision to the Island County Board of Commissioners. After their review of the record and discussion, the Board determined it appropriate to amend the Hearing Examiner's Decision to remove a number of Conditions of Approval placed on the proposal by the Hearing Examiner to address noise impacts to the surrounding neighborhood. In doing so, the Board acknowledged that there were noise impacts on neighboring properties; however, the Board determined that a number of Conditions of Approval established by the Hearing Examiner should be modified or removed.

The Hearing Examiner has a responsibility to make future Decisions consistent with the direction given by the Board in their Decisions on Appeal where their Decision is the Final Decision in the matter. The Spina matter was not appealed to Superior Court and the Decision of the Board was the Final Decision.

In general, the Board upheld the Hearing Examiner's Decision, including allowing an Event Center with less than 500 feet of separation from the nearest residence.

However, the Board did make a number of changes in the Conditions of Approval. All of these changes modified the Conditions in a manner which favored a broader use of the Event Center by the Applicant.

For example, the Board removed a Hearing Examiner Condition, which required one three-day weekend free of events each month; extended the operations on weekends from 10 p.m. to 11 p.m.; removed a requirement that there be no live amplified music outdoors; removed the requirement that the

Applicant submit a Noise Management Plan; increased the number of major events allowed per year from 30 to 40; and defined major events as those exceeding 75 persons, instead of those exceeding 50 persons in attendance.

The Hearing Examiner realizes that every Event Center Application must be decided individually, based on its special circumstances. The Hearing Examiner reads the Board's Decision in Spina as supporting the proposition that neighboring property owners are required to put up with noise impacts in order to facilitate the operation of Rural Event Centers and the economic and rural working lifestyle benefits that such centers provide.

In this case, the Hearing Examiner concludes that the application of operational controls of music by the Applicants and a requirement that the noise levels of the Washington Administrative Code and noise limitations of State and local law are adequate to allow the request for up to 48 events, not to exceed 120 guests, on a yearly basis.

VIII.

The Application for Site Plan Review Approval to operate a Rural Event Center on the Applicants' property, addressed as 5491 Bayview Road, Langley, Washington, should be approved, subject to conditions.

IX.

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 requested Rural Event Center Permit for Richard and Kelly Russo, Whidbey Wayfarer Farm, 5491 Bayview Road, Langley, Washington, Assessor's Parcel No. 32908-150-0320, is approved, subject to the following Conditions of Approval:

General Conditions

1. Site development activities approved by this Decision shall be in substantial conformance to the site plan submitted on May 6, 2014 (Attachment A to the Staff Report).
2. Deviation from the approved plans must be reviewed and approved through a formal Site Plan Amendment process. Further, if the use changes, a new Site Plan Review and/or additional requirements may apply.
3. The Rural Event Center is limited to the structures and grounds that are shown in Attachment A to the Staff Report, Site Plan, submitted on May 6, 2014, identified for the Rural Event Center use. The Applicants are allowed to use temporary structures, tents, and tarps for the Rural Event Center as needed, as regulated by the Building Department.
4. The Applicants must adhere to all conditions and requirements outlined in the memorandum from Island County Public Health (See Attachment C to the Staff Report).
5. The Applicants must adhere to all conditions and requirements outlined in the memorandum from Island County Building Department (See Attachment D to the Staff Report).
6. The Applicants must adhere to all conditions and requirements outlined in the memorandum from Island County Public Works (See Attachment E to the Staff Report).
7. All development activities on and use of the subject parcel shall be in compliance with all applicable Washington State Laws and Island County Codes.
8. 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.
9. No live amplified music is allowed on the property. The Applicant shall manage noise in a manner which is consistent with ICC 9.60 and the Washington Administrative Code, WAC 173-60-040 Noise Standards.
10. All events must cease by 10:00 p.m. to make sure that any yelling, shouting, hooting, whistling, singing, social gatherings, as well as use of the audio equipment, or band sessions, have ended as required by ICC 9.60.030.A. The Applicants shall also follow the Noise Management Plan (See Attachment B to the Staff Report).
11. Dead or dying landscaping and buffering plantings must be replaced immediately or, if in winter, within the next planting season per ICC 17.03.180.P.3.b(vi).

12. Per the application request, no more than 48 events per year are allowed. No more than 120 guests are allowed at any given event.

Prior to Building Permit

1. Site Plan Approval does not guarantee the issuance of a building permit. The Applicant shall submit an application and applicable fees for building permits under a separate application, required for any building or construction activity on the subject property.
2. Prior to building the entrance sign, the property owner shall obtain a sign permit meeting the requirements outlined in ICC 17.03.180.R.

Prior to Site Development

3. Public Health and the Building Department require public bathrooms in the long term for the Rural Event Center. The bathrooms will need to be installed and functional before any events may take place in 2015. The Applicants are allowed to use temporary structures, tents, and tarps for the Rural Event Center as regulated by the Building Department and Public Health.

Prior to Occupancy

4. Lighting fixtures must be a full cut-off design that is shielded, hooded, and oriented in such a way as to not be visible past the property boundaries.
5. Connections to all water, septic, and storm drainage facilities must be inspected and approved by the governing agency. All site improvements, including: access, parking areas, and landscaping shall be installed and inspected by County staff.

Expiration of Site Plan Approval

6. This approval is valid for a period of five (5) years. The building permits for development of the site shall be obtained pursuant thereto being utilized within five years after the effective date of Site Plan Approval per ICC 16.15.160.

Entered this 27th day of June 2014, pursuant to authority granted under the laws of the State of Washington and Island County.

Michael Bobbink

MICHAEL BOBBINK
Island County Hearing Examiner

IX – APPEALS

Decisions of the Examiner on Type III applications shall be final and conclusive unless within fourteen (14) days following mailing of such decision a written statement of appeal is filed with the Board 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. The appeal of a Type III decision shall be a Closed Record Appeal, heard by the Board of Island County Commissioners.



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 6th Street, P. O. Box 5000, Coupeville, WA 98239-5000
Internet Home Page: <http://www.islandcounty.net/planning/>

STAFF REPORT & RECOMMENDATION TYPE III SITE PLAN REVIEW – SPR 317/13 KELLY AND RICHARD RUSSO –WHIDBEY WAYFARER FARM

I – PROJECT SUMMARY

Kelly and Richard Russo request a site plan review for a Type III Rural Event to hold weddings at Whidbey Wayfarer Farm. The property is located on the southeast corner of Doc Savage Drive and Bayview Road.

In April 2013, the County received a code violation complaint that the property owners were holding weddings on their property. The code complaint was not from a neighbor within 1,000 feet from the property, nor was the complaint about noise. The Code Enforcement Planner found that the code violation was valid and provided options to the property owners to comply with County Code. The options were to either stop holding events or apply to gain approval for a Rural Event Center. The property owners chose to move forward with the permitting process for a Rural Event Center.

In June 2013, the County issued a Temporary Use Permit for Wayfarer Farm allowing 18 weddings in 2013. The Russos attended two pre-application conferences with staff on June 13, 2013 and September 26, 2013.

Kelly and Richard Russo propose to have no more than 120 guests at each event, which requires a Type III review. As part of the pre-requirements for a Type III review, the Russos conducted a community meeting on August 19, 2013 at Deer Lagoon Grange Hall in Langley.

II – PERMIT DATA

Permit Type	Site Plan Review Revision, Type III
Permit Number	SPR 317/13
Date of Complete Application	10/28/13
Decision	Approved, with Conditions
Applicant/Owner	Richard and Kelly Russo
Agent	na

III – SITE DATA

Address	5491 Bayview Road, Langley, WA 98249
Parcel Number(s)	R32908-150-0320

Parcel Area(s)	4.29 acres total
Zone Designation	Rural (R)
Allowable Density	1DU/ 5AC
Critical Areas/Overlays	none

IV – STAFF CONTACTS

Department	Name	Phone	Email
Planning	Michelle Pezley	360-678-7817	m.pezley@co.island.wa.us
Public Health	Aneta Hupfauer	360-678-7995	AnetaH@co.island.wa.us
Public Works	John Bertrand	360-678-7812	JohnB@co.island.wa.us
Building	Tamra Patterson	360-678-7806	tamrap@co.island.wa.us

V – REGULATORY COMPLIANCE

Regulatory Requirement	Complies (Y/N)	Comments
A. Rural (R)- ICC 17.03.060	Yes	Meets all applicable criteria
B. Site Plan Approval – ICC 16.15	Yes	Complies with all regulations
C. Land Use Standards – ICC 17.03.180 P., Q., R., & S.	Yes	Project may comply, with conditions
D. Small Scale Recreation and Tourist Uses- ICC 17.02.180.T	Yes	Project may comply, with conditions
Public Health/Sanitation	Yes	Approved, with conditions
Public Works/Engineering	Yes	Approved, with conditions
Building	Yes	Approved, with conditions

VI – PUBLIC COMMENTS

Island County received fourteen public comments during the public comment period of November 13 to November 27. The County received one additional comment after the comment period closed. 11 of the comments were in support of the application and four were in opposition.

The following themes were raised by those who were in support of the applicant:

- Increase local economy
- Noise volume less than the street dances from the south
- Good neighbors

The following issues were raised, staff response follows:

Increased Traffic: Bayview Road is classified as a Major Arterial. Public Works reviewed the proposal and traffic volumes during the review of the access permit for the proposed use.

Parking will be Seen: 17.03.180.Q and 17.03.180.T.8 requires the parking to be screened from public view. The site plan shows additional landscaping proposed along Bayview Road and Doc Savage Drive.

Septic System: The Building Department is requiring the applicants to install water closets for the events. Public Health reviews septic systems and ensure that the ground and size of the new system are adequate and meets the State and County requirements.

Noise is an Issue: Noise is a concern for properties west of Bayview Drive. As indicated in the applicants' minutes from the Community Meeting held on August 19, 2013, the venue will not allow amplified music on the property (See Condition 9). ICC 9.60.030.A.4, 6, and 7 limits noise to end at 10 p.m. The events must end by 10:00 p.m. to make sure that any yelling, shouting, hooting, whistling, singing, and social gatherings, as well as the use of audio equipment, or band sessions, end as outlined in ICC 9.60.030.A. (See Condition 10)

VII – FINDINGS

A. Rural (R) Zone (ICC 17.03.060)

1. The project site is zoned "Rural" (R)
2. Small-scale tourist use is an allowed use or conditional use per ICC 17.03.180. ICC 17.03.180.T.8.a states, "A facility for 75 people and under is reviewed as a Type II Decision. A facility for more than 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." Applicants propose a facility for 120 people, which is a Type III Decision.
3. Minimum lot size of five acres. The lot is 4.29 acres.
4. Setbacks for the project are five feet minimum on the side and rear and thirty feet minimum in the front. (ICC 17.03.180.S). The proposal complies with the setback requirements. The closest building is forty feet from the northern property line.
5. Maximum height is three stories not to exceed 35 feet (ICC 17.03.120.F). The applicants propose to only use the one story buildings on site.

The project is subject to site plan review per ICC 17.03.060.B

B. Site Plan Approval – ICC 16.15

ICC 16.15.040 Application Requirements

Finding: The applicant submitted the application on October 28, 2013. Nick Whipple, Assistant Planner, deemed the application complete on October 28, 2013.

ICC 16.15.060 Conditions of Approval for NR Uses in the R, RR, RA, RF, and CA Zones

Findings:

- A. The applicants are not proposing to use an existing farm for a Rural Event Center. The applicants propose one new building for restrooms as required by the Building Department.

The applicants are not required by ICC 17.180.T.8.g or Public Works to pave the parking. The use proposed by the applicants will not result in any significant environmental impacts that cannot be mitigated by reasonable mitigation measures.

- B. Island County finds that the proposal use as proposed and conditioned by applicable development standards may be adequately served by (and will not impose an undue burden on) any of the services, improvements, facilities, or utilities that serve the area surrounding the project site. The materials submitted with the application indicate that the project will be served by on-site septic and water systems, with improvements as proposed.
- C. As previously discussed, a Rural Event Center is a permitted and conditional use within the Rural Zoning District. The findings of fact and conditions of approval associated with this decision demonstrate and ensure compliance with all applicable development standards and design guidelines. The development standards of 17.03.180 identify conditions that must be met for this use in the Rural Zoning District.
- D. The subject site is physically suitable for the type, density, and intensity of the use being proposed. Last year, the applicants were granted temporary use of the parcel for 18 events. The site plan submitted by the applicant (received May 6, 2014) contains 60 parking spaces, landscaping details, on site circulation and building placement.
- E. The project proposed by the applicant must be designed so as not to be detrimental to the public interest, health, safety, or welfare and not to have a significant detrimental impact on the surrounding neighborhood. As previously noted, the Island County Public Health Department reviewed the proposal and determined that it complies with all applicable rules, laws, regulations, and policies pertaining to public health. Island County Department of Public Works determined that the proposal will not result in traffic or safety impacts in the surrounding area, given compliance with development standards required by the code and those as conditioned in this land use recommendation. A commercial access permit was issued for the access off of Bayview Drive.

The Land Use Standards in ICC 17.03.180 details development standards which must be met for a Rural Event Center use in a Rural Zoning District. This decision reviews the application as presented in light of those standards and cites them as conditions of approval.

The county received a noise violation complaint that did not address noise from a neighbor within 1,000 feet of the property. There were four neighbors who submitted public comments about the noise. Since then, the applicants planted more landscaping along Bayview Road to help reduce the noise. In their submittal they stated that they would not allow amplified music on the property. (See Condition 9)

The County concludes potential adverse impacts to the surrounding area can be mitigated from the proposed project.

- F. The proposal is generally consistent with Island County's adopted definition of "Rural Character," provided that the development standards identified in this report are implemented to mitigate any potential adverse impacts to the surrounding rural area and nearby properties. In its developed configuration, the project site will be landscaped along the parcel lines to screen the grassy parking area. The applicants propose landscaping that is found within other

residential rural areas. Allowing the Rural Event Center on the property will not substantially change the visual effect of the surrounding area.

- G. A Rural Event Center allows the property owners to live and work in the rural area. The proposal is not within a Rural Agriculture or Commercial Agricultural Zone; therefore, this criterion does not apply.

16.15.070 Decision Making Authority

In approving an application for a Nonresidential conditional use in the R, RR, RA, RF, or CA Zones, including home industries, the decision-making authority may impose conditions to protect the rural character surrounding the proposed use and to preserve the purpose of the underlying zone. Any such conditions shall be supported by a written finding and have a direct nexus to and be limited to those specific actions necessary to protect the rural character for any specific project. These conditions may include, but are not limited to, the following:

D. Limiting the hours and days of operation.

Finding: ICC 9.60.030.A.4, 6, and 7 limits noise to end at 10:00 p.m. The events must end no later than 10:00 p.m. to make sure that any yelling, shouting, hooting, whistling, singing, and social gatherings, as well as the use of audio equipment, or band session, have ended as outlined in ICC 9.60.030.A. (See Condition10)

ICC 16.15.080 Criteria for Approval

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.

Finding: Public Works provided review of Titles 11 and 13 and findings are found in Attachment C. Public Health reviewed the proposal to meet Title 8 and conclusions are found in Attachment E. The Findings of Fact for Title 17 are within this report.

1. Open Space

Finding: ICC 17.03.180.S requires 20 percent of the site to remain in open space. The site consists of 25,690 square feet of area for parking lots and circulation, and 8,718 square feet of buildings. The remaining 152,464.4 square feet (3.5 acres) will be left as landscaping. The applicant proposes 81% of the site to remain as landscaping and/or open space.

2. Site Lay-Out

Finding: The applicant proposes to develop 19% of the property. The property is not classified as agricultural land. The applicant meets the site lay-out criteria.

3. Lighting:

Finding: The applicant did not submit a lighting plan. The pictures submitted from the applicant show that the outdoor weddings are lit with stringed lights. Lighting fixtures must be a full cut-off

design that is shielded, hooded, and oriented in such a way as to not be visible past the property boundaries. (See Condition 15)

4. Building Design:

Finding: Each building meet the design standards listed in ICC 17.03.180.P which are discussed in further detail below in Section C of this report.

5. Surface Water Drainage:

Finding: Surface Water Drainage for the bathrooms will be reviewed during the building permit submittal.

6. Utility Services:

Finding: No above ground utilities are identified in the plans.

7. Advertising Features:

Finding: The applicants do not propose a sign. There is a metal sculpture of a heart at the entrance of the driveway. Any other signs or outdoor advertising structures shall comply with the requirements of ICC 17.03. (See Condition 13)

8. Traffic and Circulation:

Finding: Parking, traffic, and circulation will be reviewed in the next section below (ICC 17.03.180.P)

ICC 16.15.160 Expiration of Site Plan Approval

Finding: The applicant did not propose the project to be phased; therefore, phasing is not approved for this project. The site plan review for development of the site to enhance the use expires five years after approval. (See Condition 17)

C. Land Use Standards – ICC 17.03.180 P., Q., R., & S.

1. ICC 17.03.180.P Non-Residential Design, Landscaping, and Screening Guidelines

ICC 17.03.180.P.1: Building Design in the R zone:

Finding: Each existing building on the site was designed for a small-scale farm. The buildings are white or light colors, clustered together in an L shape on the property. Each building is one to two stories. The site is screened from public and adjoining private right-of-ways. The buildings meet the building design criteria.

ICC 17.03.180.P.3: Landscaping and Screening in R zone:

Finding: The applicant proposes additional landscaping around the perimeter of the property which will screen the parking and buildings from neighbors and roads. The landscaping meets the goals of screening and buffering. The applicants do not propose to remove existing landscaping but add additional landscaping for screening and buffering. The applicants are not proposing security fencing. Landscaping Maintenance is required per ICC 17.03.180.P.3.b(vi). Dead or dying vegetation must be replaced immediately or if in winter, within the next planting season. (See Condition 11)

ICC 17.03.180.P.5: Screening:

Finding: The applicant proposes an English Laurel hedge along Doc Savage Drive, Bayview Road, and the southern property line. The applicant proposes to keep existing landscaping along the east borders for screening, and open space.

2. ICC 17.03.180.Q Parking, Access and Circulation

ICC 17.03.180.Q.2.

Finding: Minimum parking requirements are outlined in 17.03.180.T for Rural Event Center.

ICC 17.03.180.Q.4 Standards

Finding: The applicant proposes a parking facility for more than 10 vehicles. Public Works approved the parking lot. Public Works allows parking lots to remain planted in grass with the condition that they are maintained during the summer months. The applicant also submitted an approved access permit from Public Works. The site plan shows the parking spaces will be 9 feet in width and 162 square feet total.

ICC 17.03.180.Q.7 Access and Circulation

Finding: Access and circulation was approved by Public Works. Public Works found that the access proposed will meet the county standards for the proposed traffic count of the development. The one-way parking lot will reduce conflict between pedestrian and vehicular circulation.

3. ICC 17.03.180.R Signs and Outdoor Lighting

Finding: The applicants are not proposing a sign for the farm.

4. ICC 17.03.180.S Site Coverage and Setbacks

Finding: The proposed restrooms and location of existing structures meet the setbacks of 30 feet from Bayview Road, 20 feet from Doc Savage Drive, and five feet from side and rear property lines. ICC 17.03.180.T requires 50 foot setbacks from all property lines.

D. Small Scale Recreation and Tourist Uses - ICC 17.02.180.T

ICC 17.02.180.T.1

Finding: Rural Event Centers are classified as a small scale recreation and tourist use.

ICC 17.02.180.T.2

Finding: The applicants applied for site plan review. The minimum lot size for a Small Scale Recreation and Tourist Use is five acres with the exemption of Rural Event Centers. The applicants are proposing on-site parking. All buildings and activities proposed will meet the 50 foot setback. The main access for the Rural Event Center is off of Bayview Road, a major arterial. As address above, the buildings and landscaping meet the guidelines in ICC 17.03.

ICC 17.02.180.T.8.a.

Finding: The applicants propose a Rural Event Center for 120 people. The applicants met the pre-application requirements as outlined in ICC 16.15 for a Type III Decision, meeting with staff for two pre-application conferences. The applicants held a Community Meeting on August 19, 2013 at Deer Lagoon Grange Hall in Langley.

ICC 17.02.180.T.8.b.

Finding: A Rural Event Center is allowed within the Rural Zoning District.

ICC 17.02.180.T.8.c.

Finding: Building #3 is two hundred feet away from the neighbor to the west directly across Bayview Drive. The two properties are gently sloped away from Bayview Drive. The area also has a major arterial running through it as well as landscaping buffering the two properties.

The site is 1000 feet from the nearest Rural Residential RAID to the north.

ICC 17.02.180.T.8.d.

Finding: A Rural Event Center may be allowed on lots smaller than five acres, since they will not be using the entire lot. The Russos own the 4.29 acre which is 330 feet by 600 feet. The surrounding properties are zoned Rural. The Rural Event Center will not affect the agricultural or rural forest on the island.

ICC 17.02.180.T.8.e and f.

Finding: The Rural Event Center is limited to the structures and grounds that are shown in Exhibit 26, Site Plan submitted on May 6, 2014, which is indicated for the Rural Event Center use. The applicants are allowed to use temporary structures, tents, and tarps for the Rural Event Center as regulated by the Building Department. (See Condition 3 and 14)

ICC 17.02.180.T.8.g and h.

Finding: The applicants propose events for no more than 120 people. The applicants proposed 60 parking spaces, meeting the 1 space per 2 guest requirement. The applicants propose parking areas to remain as grass and be buffered by additional landscaping screening the parked cars from Bayview Road and Doc Savage Drive.

ICC 17.02.180.T.8.i, j, and k

Finding: Public Health and Building Department staff reviewed the proposal and provided conditions to make sure the Rural Event Center meets all requirements for building, fire, ADA, and public health. (See Conditions 4-6)

ICC 17.02.180.T.8.k and l

Finding: The applicants are not proposing a Bed and Breakfast Inn, Country Inn or kitchen facilities. K and L do not apply.

ICC 17.02.180.T.8.m

Finding: The applicants provided a noise management plan as shown in Exhibit 23. The applicants propose to have a site coordinator/property manager designated to monitor noise during each event. The applicants propose additional landscaping to shield noise and encourage guests to come on a shuttle to reduce the traffic to the site. According to the County's noise ordinance (ICC 9.60.030.A.4, 6, and 7) all yelling, shouting, hooting, whistling, singing or social gatherings, as well as the use of audio equipment, or band sessions, must cease by 10:00 p.m. (See Condition 10)

VII – Recommendation

Based upon the above review, Island County concludes that the proposed modifications to SPR 317/13 are consistent with all applicable zoning, land use and environmental regulations and hereby makes the recommendation to approve Site Plan Review application SPR 317/13 subject to the following conditions of approval:

VIII – CONDITIONS OF APPROVAL

General Conditions:

1. Site development activities approved by this decision shall be in substantial conformance to the site plan set submitted on May 6, 2014 (Attachment A)
2. Deviation from the approved plans must be reviewed and approved through a formal site plan amendment process. Further, if the use of the approved structure changes, site plan review and additional requirements may apply.
3. The Rural Event Center is limited to the structures and grounds that are shown in Attachment A, Site Plan, submitted on May 6, 2014 which is indicated for the Rural Event Center use. The applicants are allowed to use temporary structures, tents, and tarps for the Rural Event Center as needed as regulated by the Building Department.
4. The applicants must adhere to all conditions and requirements outlined in the attached memorandum from Island County Public Health (See Attachment C).

5. The applicants must adhere to all conditions and requirements outlined in the attached memorandum from Island County Building Department (See Attachment D).
6. The applicants must adhere to all conditions and requirements outlined in the attached memorandum from Island County Public Works (See Attachment E).
7. All development activities on and use of the subject parcel shall be in compliance with all applicable Washington State laws and Island County codes.
8. The conditions of approval identified in this report are subject to change if any information provided by the applicant or their authorized representative is found to be inaccurate.
9. No amplified music is allowed on the property.
10. All events must cease by 10:00 p.m. to make sure that any yelling, shouting, hooting, whistling, singing, social gatherings, as well as use of the audio equipment, or band sessions, have ended as required by ICC 9.60.030.A. The applicants shall also follow the Noise Management Plan (See Attachment B)
11. Dead or dying vegetation must be replaced immediately, or if in winter, within the next planting season per ICC 17.03.180.P.3.b(vi).

Prior to Building Permit:

12. Site plan approval does not guarantee the issuance of a building permit. The applicant shall submit an application and applicable fees for building permits under a separate application, required for any building or construction activity on the subject property.
13. Prior to building the entrance sign, the property owner shall obtain a sign permit meeting the requirements outlined in ICC 17.03.180.R.

Prior to Site Development

14. Public Health and the Building Department require public bathrooms in the long term for the Rural Event Center. The bathrooms will need to be installed and functional before any events may take place in 2015. The applicants are allowed to use temporary structures, tents, and tarps for the Rural Event Center as regulated by the Building Department and Public Health.

Prior to Occupancy

15. Lighting fixtures must be a full cut-off design that is shielded, hooded, and oriented in such a way as to not be visible past the property boundaries.
16. Connections to all water, septic, and storm drainage facilities must be inspected and approved by the governing agency. All site improvements, including: access, parking areas, and landscaping shall be installed and inspected by County staff.

Expiration of Site Plan Approval

17. This approval is valid for a period of five (5) years. The building permits for development of the site shall be obtained pursuant thereto being utilized within five years after the effective date of site plan approval per ICC 16.15.160.

IX – APPEALS

Decisions of the Examiner on Type III applications shall be final and conclusive unless within fourteen (14) days following mailing of such decision a written statement of appeal is filed with the board 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. The appeal of a Type III decision shall be a Closed Record Appeal.

SIGNED THIS 22nd DAY OF MAY, 2014

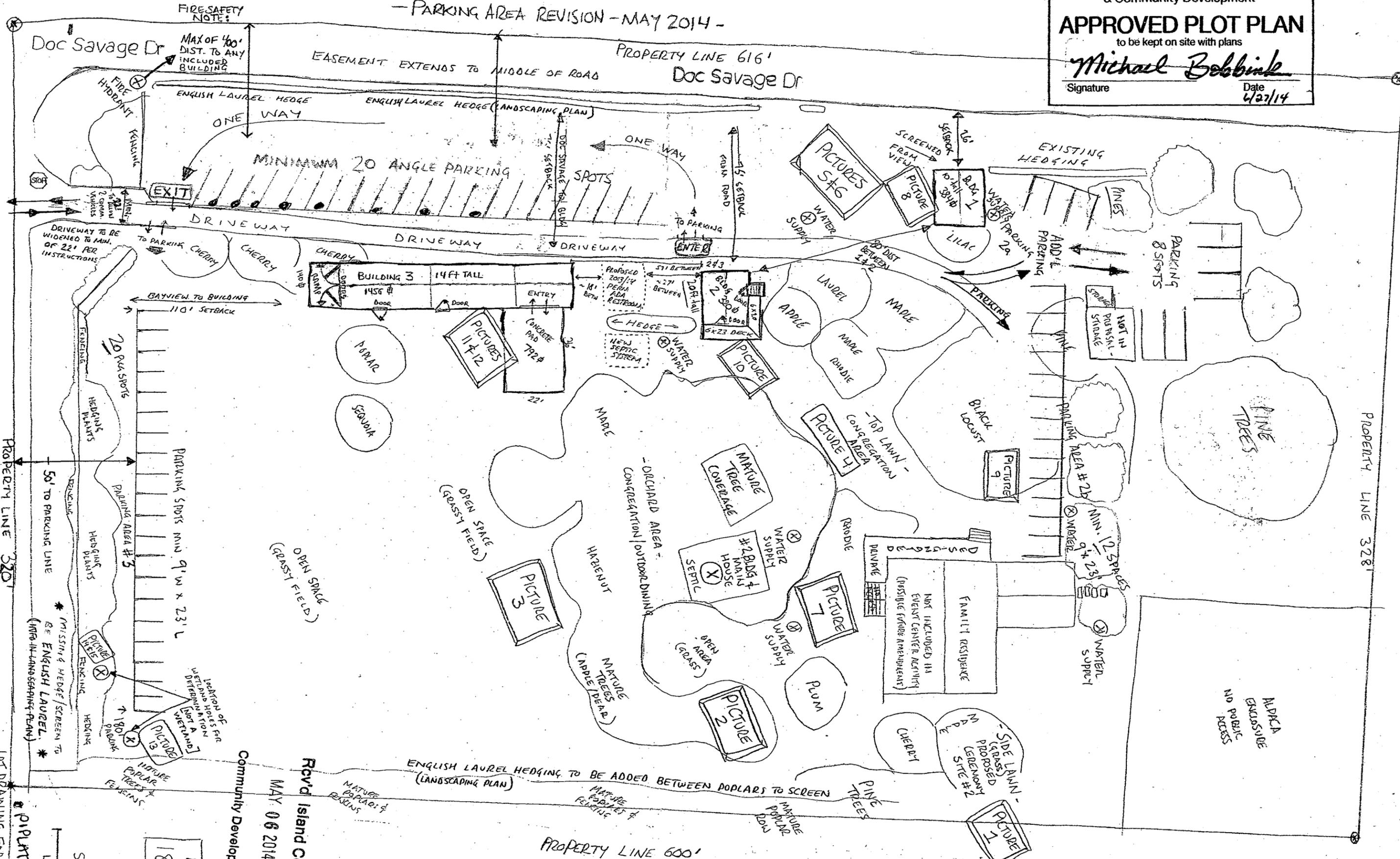
Michelle K Pezley

Michelle Pezley, Associate Planner

Attachments:

- A- Site Plan Dated 5/6/14
- B- Noise management Plan
- C- Memorandum from Aneta Hupfauer, dated 12/23/13
- D- Memorandum from Tamra Patterson, Dated 12/2/13
- E- Memorandum from John Bertrand dated 2/7/14

- PARKING AREA REVISION - MAY 2014 -



4.29 AC
 186872 sq ft

SCALE
 1 INCH = 40 FEET

Community Development
 Rev'd Island County
 MAY 06 2014

LOT DRAWING FOR
 TYPE III RUDALEVANT CENTER
 WAYFARED FARMS
 5191 BAYVIEW RD
 LANGLEY, WA 98260
 PARCEL R3290R - 50 - 037A

poplars or as a complete unbroken line closer to the fence (approx 200 plants w 24" centering) to screen views from south neighbors. Please see attached landscape plan for visual design and locations of proposed plantings.

Noise management plan:

The Wayfarer will be primarily a wedding venue in the Summer months between June and September, with hours of operation from 7am to 10pm. However, the majority of guests would not be present until afternoon hours. All indoor and outdoor activities will conclude at 10pm. The guest count for any one event shall not exceed 120 people and the total days of operation will be no more than 48.

Methods of noise attenuation to protect the surrounding neighborhood shall include:

1. Site coordinator/property manager will exercise strict volume control over music &/or announcements and regular patrols of the outer property limits will be conducted to assess noise levels during events.

2. Music &/or announcements will be limited to only afternoon and evening hours (typically after ceremony, with the average start time of 2pm or later)

3. Screening with plant materials shall be installed along north, west, and south property lines. The proposed English laurel will grow annually from 1 to 3 feet in height and width to eventually form a continuous hedge which can help to limit noise travel. Any damaged or dead plants will be replaced immediately as required.

4. Carpooling and shuttle service is strongly encouraged for Wayfarer events. The shuttle service is elected in at least two-thirds of events and results in a more limited amount of guests on the roads and serves to decrease impact to the environment, the property, and the surrounding neighborhood.

4. Building, Tamra Patterson

Permits to change the usage of the 3 existing buildings in the proposal to "assembly" use are being completed as of this writing. Also, a 4th permit application for the construction of a permanent restroom building has been completed along with architectural plans to be turned in simultaneously. Appointment for submission is anticipated in February 2014.

Sincere thanks to all Planners and Staff involved,



Kelly & Rich Russo - The Wayfarer

5491 Bayview Road, Langley, WA 98260

Rcv'd Island County

JAN 28 2014

Community Development

Attachment B



ISLAND COUNTY PUBLIC HEALTH

P.O. Box 5000
Coupeville, WA 98239
www.islandcounty.net/health

TO: Nick Whipple, Planning & Community Development

FROM: Aneta Hupfauer, Land Use Coordinator AH

DATE: December 20, 2013

RE: SPR Russo - SPR 317/13
Parcel No. R32908-150-0320

RECEIVED

DEC 23 2013

IslCoCommDev

After reviewing the referenced proposal, this office offers the following:

1. The applicant is proposing to operate a rural event center on the referenced parcel.
2. The center will be served by the Vistaire water system and permanent restroom facilities.
3. There is an existing residence located on the referenced parcel. The residence is served by the Vistaire water system and an on-site sewage disposal system (As-built #420-01).
4. Site Registration #SR2013-270 has been filed with this office. Soil log data indicate the referenced parcel is generally capable of supporting an on-site sewage disposal system for a rural event center.
5. Documentation indicating that the Vistaire water system is willing to serve the proposal has been received in this office.

This office has no objection to the approval of the referenced proposal, conditioned on the following:

1. A permit for a sewage disposal system must be issued by Island County Public Health to serve the proposed rural event center and permanent restroom facilities must be installed prior to beginning of Rural Event Center operation.
2. On-site food preparation is not allowed unless appropriate Food Establishment Permit has been issued by Island County Public Health.

The above comments are preliminary and 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 360-678-7995 or AnetaH@co.island.wa.us.

/ah

Cc: file

Attachment C

Environmental Health
PO Box 5000, Coupeville, WA 98239-5000 (1 NE 6th Street)
From N. Whidbey 360.679.7350 From S. Whidbey 360.321.5111 x 7350
1-800-629-4522 x 7350 FAX 360-679-7300



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 6th Street, P. O. Box 5000, Coupeville, WA 98239-5000
Internet Home Page: <http://www.islandcounty.net/planning/>

December 2, 2013

TO: Nick Whipple

FROM: Tamra Patterson, Plans Examiner/Building Insp.

SUBJECT: 317/13 PRE, Kelly and Richard Russo
Rural Event Center for 120 people
Parcel #R32908-150-0320

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

1. A building permit is required for each building to have a change of use to an Assembly type use. These building permits are to be issued prior to the work being completed.
2. For Assembly uses with up to 120 people, per the 2012 IBC chapter 29, two water closets for women and two water closets for men are required. One of each is to be Accessible facilities per the ICC/ANSI A117.1-2009. Also, one lavatory for women and one lavatory for men are required. Counters, floors, grab bars, etc., are to meet the ICC/ANSI A117.1-2009.
3. Provide fire extinguisher within 50 feet of all ignition sources.
4. If there is any additional platform or stage constructed a building permit may 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 2012 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 2012 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.

Note: Per 2012 IFC section 3103.8, Access, location, and parking.

- 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...

6. Per 2012 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.

Please feel free to contact me at (360) 678-7806, or email tamrap@co.island.wa.us, if you have any questions regarding these comments.



ISLAND COUNTY PUBLIC WORKS
ROADS DIVISION

P.O. BOX 5000, COUPEVILLE, WA 98239
(360) 679-7331

William E. Oakes, P. E., Public Works Director/County Engineer
Connie W. Bowers, P.E., Assistant County Engineer

February 7, 2014

TO: Michelle Pezley

FROM: John Bertrand, Development Coordinator 

SUBJECT: SPR 317/13 – Russo Rural Event Center
Site Plan Review
Parcel No. R32908-150-0320

Public Works has reviewed the information submitted for the above referenced application, for consistency with our development standards, and has No Objection to approval of Site Plan Review SPR 317/13, provided that the following conditions are met:

- The applicants shall obtain an “Application To Perform Work In the County Right Of Way” before conducting any activities within the county ROW.
- Should the proposed usage change for any of the existing structures already located onsite, the applicant shall submit a new Traffic Concurrency Application and Traffic Report addressing that proposed usage change.
- The applicants have also now indicated that they will be able to have a 500-foot long hose lay from the fire hydrant located near the northwest corner of their site to all of the building faces on their site. However, prior to Final Building Occupancy for the site’s rural events center facility, the applicants shall submit a stamped as-built plan or a letter of certification by a qualified engineer certifying the installation and operation of any additional fire protection facilities, if any, that were required and/or installed for all of their rural events facility structures.
- The site’s internal access roadway and parking area are already completed, but shall require a site inspection approval prior to Final Building Occupancy for the site’s rural events center facility. **Because a lot of their parking lot areas are now grass-covered, they will need to have the ability to fight a grass fire that could get started in such types of parking lot areas from sparks during the dry summer months.**
- Prior to Final Building Occupancy for the site’s rural events center facility, the applicants shall submit a revised Site Plan, as applicable, indicating any changes that have occurred during site development.
- No site clearing and grading activities will be required at this time. However, should any such activities need to occur at the site in the future, all temporary ESC measures shall be in place, and a temporary ESC measures & facilities installation inspection will then be required by Island County Public Works. Please call Public Works 1 to 2 days before needing that site inspection.
- Traffic control signage and/or a channelization plan (stop signs, stop lines, stenciled “STOP” lettering, etc.), whether shown in the information packet submitted or not, shall be installed for the site’s internal private access road/driveway at its sole intersection with Bayview Road.

Attachment E

- Prior to Final Building Occupancy of all the structures at the site, Public Works typically requires final drainage review. However, based on the Drainage Review Letter received from Davido Consulting Group noting that the site has no visible drainage problems or concerns, final drainage review shall not be required for this particular site.
- Continued splash-blocking of the downspouts for this site's multiple structures, and dispersal of stormwater runoff generated from them is an acceptable method for attenuating/mitigating the stormwater runoff generated for the historic structures located on this acreage. However, there is always a possibility that they will not completely address the need for meeting the rate and volume control requirements for the proposed development. Should such a situation occur, the applicants shall submit any further evaluation and modifications needed during construction of the project to Public Works for review and approval prior to installation of the proposed change(s).
- The applicants assume full liability for their rural events center's drainage system or lack thereof. Island County Public Works accepts no responsibility for the design and construction of any drainage systems installed, and further assumes no liability for the safety and performance of such drainage system(s) on this parcel, or any impacts to any other adjoining or downstream parcels.
- Final Building Occupancy shall not be granted for this facility until all work, including installation of any drainage systems required, and all erosion-control measures needed have been completed in accordance with the approved Drainage Review Letter from Davido Consulting Group, and any required Site Plan revisions have been submitted.

Please feel free to call me at extension 7812 or e-mail me at johnb@co.island.wa.us if you have any questions regarding the above comments.