

**BEFORE THE HEARING EXAMINER
FOR ISLAND COUNTY**

In the Matter of the Application of) No. SPR 206/19
)
Bradley and Nancy Thompson) **Dancing Fish Vineyards**
) **Rural Event Center Proposal**
)
)
) FINDINGS, CONCLUSIONS, AND
For Approval of Site Plan Review) DECISION

SUMMARY OF DECISION

The request for site plan review approval to allow for the continued operation of an event venue, as a “Rural Event Center,” on a 6.17-acre property located at 1953 Newman Road, is **APPROVED**. Conditions are necessary to address specific impacts of the proposal.

SUMMARY OF RECORD

Hearing Date:

The Hearing Examiner held an open record hearing on the request on January 24, 2022, using remote access technology.

Testimony:

The following individuals testified under oath at the open record hearing:

Jonathan Lange, Assistant Director, County Planning & Community Development Department
Bradley Thompson, Applicant

Exhibits:

The following exhibits were admitted into the record:

1. Staff Report & Recommendation, dated October 29, 2021, with attachments
2. Revised Application Materials, received December 8, 2020, with attachments
3. Site Data, dated January 7, 2022
4. Agency Comments and Review Letters
5. Correspondence with County Staff
6. Notice Materials

Based upon the admitted testimony and exhibits, the Hearing Examiner enters the following findings and conclusions:

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Dancing Fish Vineyards Site Plan Review
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FINDINGS

Application and Notice

1. Bradley and Nancy Thompson (Applicant) own “Dancing Fish Farm, LLC,” which operates a winery (Dancing Fish Vineyards) and associated event venue on a 6.17-acre parcel located at 1953 Newman Road.¹ The 6.17-acre site is currently developed with a residence, garage, shed, winery, and barn. The barn on the site was previously utilized as an agricultural accessory building, but the Applicant has repurposed it as an event venue. The Applicant has operated the event venue for several years through the grant of temporary use permits, as discussed in detail below. The municipal code has changed, however, such that the event venue may now be permitted outright as a “Rural Event Center,” under Island County Code (ICC) 17.03.035.B and .180.EE. Accordingly, the Applicant now requests site plan review (SPR) approval to allow for the continued operation of the event venue, as a “Rural Event Center” without the need for additional temporary use permits. Approval of the SPR would allow the venue to be used for weddings, receptions, social events, non-profit fundraising events, seminars, art exhibitions, and/or concerts—up to 24 times a year—with a maximum attendance of 100 people per event. *Exhibit 1, Staff Report, pages 1 and 2.*
2. Island County (County) determined that the application was complete on September 26, 2019. On October 14, 2019, the County provided notice of the application by mailing notice to property owners within 300 feet of the subject property, routing notice to reviewing departments and agencies, and publishing notice in the *Whidbey News-Times*. On October 23, 2019, the Applicant posted notice of the application on the subject property. All notice materials provided for a comment deadline of November 6, 2019. On January 12, 2020, the County mailed notice of the open record associated with the proposal to property owners within 300 feet of the property and publishing notice of the hearing in the *Whidbey News-Times*. Notice materials related to the open record hearing explained that written comments on the proposal should be submitted in advance of the hearing commencing on January 24, 2020. *Exhibit 1, Staff Report, page 2; Exhibit 6.*
3. The County did not receive any comments on the proposal from members of the public in response to its notice materials. The County received the following comments from reviewing departments and agencies:
 - Island County Public Health noted that the venue must be served by an approved public water system; food vendors and serving personnel must comply with applicable regulations of Chapter 8.10C ICC (Food Establishments and Food Service Workers); the Applicant must obtain approval of a Solid Waste Management Plan; and the Applicant must appropriately maintain and service any portable bathrooms made available for public use and ensure all such portable

¹ The property is identified by Tax Assessor Parcel No. R22911-235-4330. *Exhibit 1, Staff Report, page 1.* A legal description of the property is included with the application materials. *Exhibit 2.*

- toilets are kept outside of the pollution protection radii required of any wells on-site.
- The County's Plans Examiner/Building Inspector noted that any necessary occupancy and/or conversion permits related to the barn and winery be obtained; all temporary structures (such as tents) used during events receive appropriate permit approvals; all required fire safety measures are complied with, including vegetation management; and minimum plumbing facilities are maintained.
- The County's Public Works Department commented that it has no objection to the proposal so long as: the Applicant maintains the improved access to the site to provide safe and convenient ingress/egress and adequate emergency vehicle access; the Applicant maintains the grass parking area year-round to ensure soils are stabilized during the wet season and adequate fire prevention measures exist during the dry season; and the Applicant appropriately designates the fire lane as a "no parking" area.

Exhibit 1, Staff Report, page 3; Exhibit 4.

State Environmental Policy Act

4. County staff determined that the proposal is categorically exempt from review under the State Environmental Policy Act (SEPA), Chapter 43.21C Revised Code of Washington (RCW), in accord with Washington Administrative Code (WAC) 197-11-800(6)(b) and ICC 16.14C.180 because it involves the use of an existing barn that would not require new construction or other land-disturbing activities. *Exhibit 1, Staff Report, pages 3 and 9.*

Comprehensive Plan and Zoning

5. The County Comprehensive Plan designates the property as "Rural Lands." The purpose of the Rural Lands designation is "to permit land uses that are compatible with the rural character and to preserve open space, agricultural opportunities, recreational opportunities, and the protection of natural resources." The County values its rural character and "seeks to foster land use patterns that support traditional rural lifestyles." *Comprehensive Plan, page 33.* County staff reviewed the proposal and determined that it would be consistent with the Comprehensive Plan. *See Exhibit 1, Staff Report, pages 3 through 6; Comprehensive Plan, page 33; ICC 16.15.010.*
6. The property is zoned Rural (R). The R zone is the principal land use classification for Island County; limitations on density and uses within the R zone are designed to provide for a variety of rural lifestyles and to ensure compatible uses. *ICC 17.03.060.* The municipal code defines a *rural event center* as a

permanently established facility in a rural location and setting that operates on a continuous basis to accommodate the temporary assembly of people for special functions such as reunions, weddings, seminars and

special instruction, ceremonies, receptions, and picnics. The sites take advantage of special rural characteristics such as natural features, historic structures and landscapes, special views, open vistas, or a secluded pastoral locale.

ICC 17.03.040. Rural event centers are allowed in the R zone, as a conditional use with SPR approval, under ICC 17.03.035.B. *Exhibit 1, Staff Report, pages 3 through 9.*

7. ICC 17.03.180.P.3.b provides general guidelines related to non-residential design, landscaping, and screening standards for development in the R zone. County staff reviewed the proposal and determined that it would meet these standards. These guidelines, as relevant to the proposal, are listed below, together with County staff's analysis (in italics):
 - Regional native vegetation should be retained to the extent possible and also used to supplement existing vegetation. *The proposal does not provide for the removal of any native vegetation.*
 - Berms are encouraged if needed to screen non-residential structures and parking lots from adjacent properties or public roads. *County staff conducted a site visit on October 7, 2021, and identified neighboring residences approximately 500 feet away from the proposed parking area. Local topography screens the neighboring residence to the east of the parking area.*
 - 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. *Not applicable. No increase in buffer is required.*
 - Existing regional native vegetation and additional landscaping as needed should screen security fencing visible from public roads. *Not applicable. There is no security fencing proposed.*

Exhibit 1, Staff Report, pages 6 through 7.

Existing Site and Surrounding Development

8. As noted above, the 6.17-acre property is currently developed with a residence, a garage, a metal shed, a winery, and a barn that has been repurposed as an event venue facility. The site abuts Rural zoned parcels with residences to the east and north of the site. As noted above, the Applicant obtained temporary permits to operate the event venue in the past. Specifically:
 - County Policy No. 002-13, revised August 5, 2015, designated a process for obtaining temporary event venue permits allowing for certain venue uses, including "rural event centers," within several zoning districts. The policy established criteria for obtaining a temporary use permit and allowed such permits

- to be renewed annually until such time that the County adopted a permanent amendment to the code addressing such land uses.
- The County initially granted the Applicant a temporary use permit allowing for the rural event center in 2014, consistent with County Policy No. 002-13, and has renewed the permit annually.
- On December 11, 2018, the Board of County Commissioners adopted Ordinance C-127-18, which amended Chapter 17.03 ICC to provide new and amended regulations for special events, rural commercial events, and rural event centers. Under the new amended regulations, rural event center uses are allowed in the Rural zoning district with site plan review approval.

Exhibit 1, Staff Report, pages 1 through 3; Exhibit 2; Exhibit 6.

Site Plan Review

9. The criteria for review adopted by the County Commissioners implements the requirement of Chapter 36.70B RCW to enact the Growth Management Act. In particular, RCW 36.70B.040 mandates that local jurisdictions review proposed developments to ensure consistency with County development regulations, considering the type of land use, the level of development, infrastructure, and the characteristics of development. *RCW 36.70B.040*.
10. ICC 16.15.060 provides general criteria for approval of non-residential conditional uses (such as rural event centers) in the R zone. Except for essential public facilities, no application for a non-residential use in the R zone shall be approved unless a specific finding is made that the proposed conditional use is appropriate in the location for which it is proposed, consistent with the general review criteria of ICC 16.15.060. County staff reviewed the proposal and determined that it would meet all applicable criteria of ICC 16.15.060, noting:
 - Proposed events are limited in number to twenty-four (24) per year. 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. Accordingly, the use would not result in significant adverse environmental impacts that cannot be reasonably mitigated.
 - 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. A Certificate of Transportation Concurrency (No. 100112020) has been issued for the Rural Event Center.
 - A Rural Event Center is permitted as a conditional use (Type III decision) in the Rural zone.
 - The site is physically suitable for the type, density, and intensity of the proposed use. The use of the site for rural events at the proposed intensity has occurred since 2014 without incident or complaint.

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- The subject parcel is surrounded by properties zoned for rural development. 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.
- 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.
- The subject parcel is zoned Rural. Regulations for Rural Agriculture or Commercial Agriculture zones do not apply.

Exhibit 1, Staff Report, pages 4 through 5.

11. ICC 16.15.080 provides specific criteria for SPR approval. County staff reviewed the proposal and determined that it would satisfy these criteria. The criteria are listed below, together with County staff's analysis (in italics):
 - **Open space.** Provide open space in the amount required by chapter 17.03 or chapter 17.06, as applicable. The location, use and design shall meet the following standards: (a) Include critical areas designated and regulated by chapter 17.02B; and (b) Include areas of prime soils identified by NRCS. *The Applicant does not propose any new development on site.*
 - **Site lay-out.** The location of the development, parking, landscape screening and buffers shall meet the requirements of chapter 17.03 or chapter 17.06, as applicable and following standards: (a) Locate development to minimize the amount of disturbance to natural features and landscape; and (b) Development shall be located so as to minimize the amount of agricultural land loss and shall not be located on prime soils. *No new construction or development 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. No farmland is being removed by this project, and the project would retain one acre of arable land in active agricultural use.*
 - **Lighting.** Shall comply with the requirements of chapter 17.03 or chapter 17.06, as applicable. *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*
 - **Building design.** Shall comply with the applicable non-residential design guidelines set forth in chapter 17.03 or chapter 17.06, as applicable, 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. *No new buildings are proposed.*

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- **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. *Public Works reviewed and approved the project narrative, with conditions.*
- **Utility services.** Wherever feasible, electric, telephone, and cable utility lines shall be underground. *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 would be served by a public water system and portable toilets will be provided for event activities.*
- **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. *There is no additional signage proposed. Any future signage must comply with ICC17.03.180.R, and the Applicant would be required to obtain the necessary building permit.*
- **Traffic and circulation.** Shall comply with the requirements of chapter 17.03 or chapter 17.06, as applicable. *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). The internal circulation pattern identified in the site plan is anticipated to be adequate for safe and convenient circulation provided fire lines are unencumbered.*

Exhibit 1, Staff Report, pages 5 through 6.

12. ICC 17.03.180.EE contains additional requirements for SPR approval specific to rural event centers. County staff reviewed the proposal and determined that it would satisfy these requirements. The requirements are listed below, under relevant section headings from the municipal code, together with County staff's analysis (in italics):

Event Facilities, Structures, Site Improvements²

- Only those buildings or areas specifically approved in the site plan may be used as event space. *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 would be confined to areas specifically identified on the site plan.*
- 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. *Structures would comply with the landscape, lighting,*

² ICC 17.03.180.EE.7.

- *signage, site coverage, and nonresidential design, landscape, and screening guidelines set forth in this chapter. No new structures are proposed.*
 - Adequate health facilities shall be approved by the County 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. *Island County Environmental Health reviewed and approved the proposal, with conditions.*

Noise Management³

- In no case shall outdoor sound equipment be allowed within 300 feet of a neighboring residential structure. *The nearest residential structure is approximately 400 feet away.*
- In no case shall the decibel level exceed 60 dBA at the exterior boundaries of the property line of the event location. *Event facilities would be located 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 85 dBA. In no case, shall the decibel level exceed 60 dBA at the exterior boundaries of the property line of the event location. Sound equipment should be confined to the barn on the site plan.*
- In no case shall fireworks be utilized in association with a rural event center or rural commercial event permit. *No fireworks are proposed in this application.*

Rural Event Centers⁴

- A facility for seventy-five (75) people and under is reviewed as a Type II decision. 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. A pre-application meeting was completed as part of converting the former agricultural barn into a rural event center.*
- Structures and grounds, including the parking area, that are used for event activities as part of the facility shall be adequately separated. *The proposal would meet all separation requirements. The parcel is not adjacent to any Rural Residential zoned parcel, and the nearest residential structure is approximately 400 feet away. The local topography would help to minimize impacts to neighboring residential properties, as supported by the continued use as a temporary event center without incident or complaint. The structure identified as*

³ ICC 17.03.180.EE.8.f.

⁴ ICC 17.03.180.EE.12.

- *the “Open Deck” on the landscape plan shall be screened from neighboring parcel R22911-296-4210.*
- All new facilities shall have adequate access from a state highway, county arterial, or county collector. *The proposal meets the criteria for approval of existing access. Previously, the Applicant engaged Davido Consulting Group, Inc. (DCG) to evaluate the section of Newman Road to the state highway for consistency with applicable access standards. The road analysis by DCG 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. Events would be limited to 12 indoor and 12 outdoor events a year that meet the criteria set forth in 17.03.180.EE.12.*
- 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. *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, with conditions.*
- Screening of non-residential uses shall be provided in accordance with section 17.03.180.P. *The proposal would meet the screening requirements of ICC 17.03.180.P.*

Exhibit 1, Staff Report, pages 7 through 11.

Testimony

13. County Planning and Community Development Department Assistant Director Jonathan Lange testified generally about the proposal and whether it would meet the requirements for SPR approval under the County code. He noted that the Applicant previously obtained a temporary use permit in 2014 related to the event venue on-site and renewed the permit annually up to 2019 (when it applied for the present permit). Mr. Lange further explained that Island County updated their event code, and the Applicant complied with applying for site plan review to make it an ongoing event center. He testified that the proposal complies with applicable zoning standards, including those specific to the rural zone in which it is located, and with the specific criteria related to non-residential design and commercial event standards. *Testimony of Mr. Lange.*
14. Applicant Bradley Thompson testified that he received the staff report and had an opportunity to review the recommended conditions of approval. He further testified that he understood the recommended conditions and intends to comply with them. *Testimony of Mr. Thompson.*

Staff Recommendation

15. Mr. Lange testified that County staff recommends approval of the proposal, with conditions. As noted above, Mr. Thompson testified that the Applicant agrees with the

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proposed conditions. *Exhibit 1, Staff Report, pages 3 through 11; Testimony of Mr. Lange; Testimony of Mr. Thompson.*

CONCLUSIONS

Jurisdiction

The Hearing Examiner is granted authority by the County Commissioners to receive and examine available information, conduct public hearings, and prepare a record thereof, and enter decisions on applications for Type III Site Plan Reviews. *ICC 16.13.110.B.4; ICC 16.19.040, Table A and Table B; ICC 16.19.180.*

Criteria for Review

Except for essential public facilities, no application for a non-residential 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 criteria for making this determination are:

- A. The proposed use shall not result in a significant adverse environmental impact that cannot be mitigated by reasonable mitigation measures.
- B. The use will be adequately served by and will not impose an undue burden on any of the improvements, facilities, utilities, or services existing or planned to serve the area.
- 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 regulations, including prescribed development/performance standards and all applicable development standards and design guidelines;
- D. The subject site is physically suitable for the type, density and intensity of the use being proposed;
- E. The location, size, design and operating characteristics of the proposed development/use would not be detrimental to the neighborhood, nor be detrimental to the public interest, health, safety, or welfare of the County in conformance with the standards of this chapter, chapters 17.02B, and 17.03.
- F. The proposed use and its design fulfill the definition of rural character as defined in chapter 17.03.
- 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.

ICC 16.15.060.

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The municipal code also contains criteria for approval of site plan review applications. Specifically:

1. Open space. Provide open space in the amount required by chapter 17.03 or chapter 17.06, as applicable. The location, use and design shall meet the following standards:
 - a. Include critical areas designated and regulated by chapter 17.02B; and
 - b. Include areas of prime soils identified by NRCS.
2. Site lay-out. The location of the development, parking, landscape screening and buffers shall meet the requirements of chapter 17.03 or chapter 17.06, as applicable and following standards:
 - a. Locate development to minimize the amount of disturbance to natural features and landscape;
 - b. Development shall be located so as to minimize the amount of agricultural land loss and shall not be located on prime soils.
3. Lighting. Shall comply with the requirements of chapter 17.03 or chapter 17.06, as applicable.
4. Building design. Shall comply with the applicable non-residential design guidelines set forth in chapter 17.03 or chapter 17.06, as applicable, 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.
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.
6. Utility services. Wherever feasible, electric, telephone, and cable utility lines shall be underground.
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.
8. Traffic and circulation. Shall comply with the requirements of chapter 17.03 or chapter 17.06, as applicable.

ICC 16.15.080.A.

ICC 16.15.080 also provides that no application for site plan review shall be approved unless it meets the requirements of Titles 8, 11, 13, and 17 ICC pertaining to such development. *ICC 16.15.080.A.* ICC 17.03.180.P contains requirements intended to address applicable standards

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for building design, landscaping, and screening in the Rural zone, as detailed above. Moreover, ICC 17.03.180.EE contains requirements that apply to event facilities, structures, and site improvements, as well as noise management, and certain requirements that specifically apply to rural event centers, as detailed above.

The criteria for review adopted by the County Commissioners implements the requirement of Chapter 36.70B RCW to enact the Growth Management Act. In particular, RCW 36.70B.040 mandates that local jurisdictions review proposed developments to ensure consistency with County development regulations, considering the type of land use, the level of development, infrastructure, and the characteristics of development. *RCW 36.70B.040*.

Conclusions Based on Findings

- 1. With conditions, the proposed use would meet the specific criteria for a non-residential conditional use in the Rural zoning district under ICC 16.15.060.** The subject parcel is zoned Rural. A Rural Event Center is allowed as a conditional use (Type III decision) in the Rural zone, per ICC 17.03.035.B. The subject parcel is surrounded by properties zoned for rural development. The use of the site for rural events at the proposed intensity has occurred since 2014 without incident or complaint. The County provided reasonable notice and opportunity to comment on the proposal. The County did not receive any public comments on the proposal in response to its notice materials. Proposed events would be limited in number to twenty-four (24) per year. Attendees would be limited to not more than 100 per event. 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 would provide a limited amount of tourist related commercial activity that would help ensure continued viability of agricultural production in rural areas of the county surrounding Freeland. This proposal would retain open space and proposes no new development, structures, ground disturbance, intensification, or other construction. No clearing or grading is proposed for the use and, accordingly, the County determined that the proposed use would be exempt from SEPA review. The proposed Rural Event Center would not impose burdens on existing utilities, services, or infrastructure. Proposed events would be required to be served by a public water system and portable toilets for event activities. Conditions of approval, as detailed below, are necessary to ensure compliance with the standards for SPR approval. *Findings 1 – 15*.
- 2. With conditions, the proposal would meet the specific criteria for site plan review approval under ICC 16.15.080.** This proposal would retain open space and proposes no new development, structures, ground disturbance, intensification, or other construction. 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. No farmland is being removed by this project and, furthermore, this project keeps one acre of arable land in active agricultural use. All areas of the parcel are

appropriately drained. 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. The Applicant does not propose any new development on site. No new buildings or other construction is proposed. The existing facility 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. There is no additional signage proposed. Any future signage must comply with ICC17.03.180.R, and the Applicant would be required to obtain the necessary building permit. A Transportation Concurrency Certificate (No. 100112021) was approved and access to the venue is proposed via Newman Road. A permit to access County right-of-way was approved for the location (PW14-0185). The internal circulation pattern identified in site plan is anticipated to be adequate for safe and convenient circulation provided fire lines are unencumbered. Conditions, as detailed below, are necessary to ensure compliance with the standards for SPR approval.

Findings 1, 4 – 15.

- 3. With conditions, the proposal would comply with all other code requirements applicable to a rural event center use.** The proposed use is subject to land use standards for rural event centers. County staff reviewed the proposed use for consistency with those standards and concluded it was consistent. The Hearing Examiner concurs with County staff. Event facilities are approximately 200 feet from the nearest exterior property line where ownership changes and are not within 400 feet of any neighboring residential structures. Sound equipment would be confined to the barn on the site plan, and the Applicant does not propose fireworks use. The decibel level of events would not exceed 60 dBA at the exterior boundaries of the property line of the event location. 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. Parking is screened from the road by a fence with seasonal hop growth. Parking is screened from neighboring residences by the local topography. The proposal does not provide for the removal of any native vegetation. Local topography screens the neighboring residence to the east of the parking area and minimizes impacts to neighboring residential properties. The structure identified as the “Open Deck” on the landscape plan would be screened from neighboring parcel R22911-296-4210. No increase in buffer is required and there is no security fencing proposed. 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 would be confined to areas specifically identified on the site plan. Existing structures would comply with landscape, lighting, signage, site coverage, and nonresidential design, landscape, and screening guidelines. Conditions of approval, as detailed below, are necessary to ensure compliance with the standards for SPR approval. *Findings 1 – 15.*

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DECISION

Based on the preceding findings and conclusions, the request for site plan review approval to allow the continued operation of a rural events center, on a 6.17-acre parcel located at 1953 Newman Road, 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 85 dBA. In no case, shall the decibel level exceed 60 dBA 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 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 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 memo, dated August 31, 2021, from Alexandra Plumb, Island County Public Works.

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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 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 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.

DECIDED this 15th day of February 2022.



ANDREW M. REEVES
Hearing Examiner
Sound Law Center