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Skagit County Planning and Permit Center



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**SKAGIT COUNTY PLANNING AND PERMIT CENTER
FINDINGS OF FACT**

HEARING AUTHORITY: SKAGIT COUNTY PLANNING DIRECTOR

APPLICATION NUMBER: ADMINISTRATIVE SPECIAL USE REQUEST
PL02-0098

APPLICANT: JESSE NORTON

ADDRESS: 804 HANFORD
BREMERTON, WA. 98310

PROJECT LOCATION: Located at 15312 State Route 536, Mount Vernon, within a portion of Section 15, Township 34N, Range 3 East W.M. Skagit County, Washington.

PROJECT DESCRIPTION: Administrative Special Use request PL02-0098 for an annual festival permit (temporary outdoor event permit) to give helicopter rides from a private field during the tulip festival and tulip field blooming/viewing time of the year.

ASSESSOR'S ACCOUNT NUMBER: 340315-2-003-0200, P117916

ZONING/ COMPREHENSIVE PLAN: The proposed project is located within an Agricultural Natural Resource Lands (Ag-NRL) zoning/comprehensive plan designated area as indicated in the Skagit County Comprehensive Plan and associated maps adopted July 24, 2000.

STAFF FINDINGS:

1. The subject property is located in a Agricultural Natural Resource Land (Ag-NRL) zoning/comprehensive plan designated area as indicated in the Skagit County Comprehensive Plan and associated maps as adopted July 24, 2000. The application was determined to be complete on March 18, 2002 and is vested under the Comprehensive Plan and zoning regulations in effect at that time.
2. Per Section 14.06.100 of the Skagit County Code, a letter of completeness was issued. A Notice of Development Application was posted on the subject property and published in a newspaper of general circulation on March 3, 2002 as required by Section 14.06.150(2) of Skagit County Code. No public comments or concerns were received.
3. The application has been reviewed in accordance with the State Environmental Policy Act guidelines (WAC 197-11 and RCW 43.21C).). The optional DNS process was utilized with this project as per WAC 197-11-355 and Skagit County Code 14.12 and the SEPA comment period was combined with the Notice of Development comment period which ended on April 5, 2002. A Mitigated Determination of Nonsignificance (MDNS) was issued on April 11, 2002, and became effective following a fourteen-day (14) appeal period that ended on April 25, 2002. The following conditions were placed on the threshold determination:
 - Activities on the site shall comply with Skagit County Code 14.16.840 in regards to noise and light and state regulations WAC 173-60 for Maximum Environmental Noise Levels.
 - The applicant shall comply with Northwest Air Pollution Authority requirements.
 - Water quality standards for surface waters of the State of Washington in WAC 173-201A and Water Quality Standards for Ground Waters of the State of Washington WAC 173-200, shall be complied with.
 - The described spill prevention materials, as mentioned in the SEPA checklist, shall be required to be on site at all times.
4. The subject parcel was reviewed with respect to the Skagit County Critical Areas Ordinance 14.24 of the Skagit County Code. Critical Areas staff recommended approval without conditions.
5. The subject property is located within a designated A7 flood hazard area as identified by FEMA on Flood Insurance Rate Map (FIRM) #530151 0250 C with the effective date of January 3, 1985.
6. The subject parcel is approximately 19 acres in size located off of the south side of Memorial Highway (SR 536) and access to the site is off of Memorial Highway (SR 536).



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The parcel is currently open acreage planted in established pasture grass. There is an existing residence on site located approximately 240 feet off of Memorial Highway, to the east of the open pasture area to be utilized by this proposal. The entire parcel measures approximately 1,300 feet in length along the east and west property lines and approximately 750 feet in width along the north and south property lines. There will be no water or septic system usage associated with the proposal.

7. The applicant is requesting an Administrative Special Use Permit for an annual festival permit to give helicopter rides from a private field during the tulip festival and tulip field blooming /viewing time of the year (typically April and May). The applicant is requesting approval to offer helicopter rides to the public for the purpose of viewing the blooming tulip fields during the spring blooming period. The proposal is to use a portion of the private pasture area for the take-off and landing area, an area of approximately 4,800 square feet (60 foot by 80 foot square area) and an additional 80 foot by 150 square foot roped off and secured area for parking. Skagit County Code section 14.16.400 (3) (i) states that "Temporary outdoor events related to agricultural production and provided that no permanent structures are constructed" as an administrative special use permit that can be considered for approval.
8. The majority of the surrounding area is currently agricultural in nature with scattered residential structures and open agricultural fields currently under production.
9. The application was routed to the Health Unit for review. In reviewing the application as submitted the Health Unit indicated that there "doesn't appear to be any need for an on-site sewage system". No concerns were noted from Skagit County Planning and Permit Center Environmental Health unit.
10. The application was routed to the Public Works Department for comments. Public Works indicated that "the applicant should obtain an access permit from WSDOT (State Department of Transportation)".
11. The application was routed to the Water Resources Division of the Skagit County Planning and Permit Center for review. Water Resources comments were as follows:
 - 1) "Activities on the site shall comply with SCC as regards noise and light, SCC 14.16.840, and state regulations WAC 173-60 for Maximum Environmental Noise Levels; 2) Water quality standards for Surface waters of the State of Washington in WAC 173-201A and Water Quality Standards for Ground Waters of the State of Washington WAC 173-200, shall be complied with; 3) The described spill prevention materials, as mentioned in the SEPA checklist, shall be required to be on site at all times."



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12. Skagit County Special Use Permit Criteria. Section 14.16.900 (2) Special Use Permit Requirements of the Skagit County Code indicates that certain items will be reviewed when approving or denying Special Use permits. Those items are as follows:

- A. The proposed use will be compatible with existing and planned land use and comply with the Comprehensive Plan.

The Skagit County Comprehensive Plan does not specifically provide policies that either support or oppose the proposed project. However, the existing land use in this area, during this time of the year (March – June), is made up of agricultural and tourism. The tulip blooming time of year brings a lot of people to Skagit Valley. The applicants' proposal will be compatible with the existing land use in that the tourists that are already in the area will be able to view the greater expanse of the fields from the air as opposed to driving the various county roads to view one field at a time.

- B. The proposed use complies with the Skagit County Code.

This parcel is designated as Agricultural Natural Resource Land (Ag-NRL). Skagit County Code section 14.16.400(3) lists "Temporary outdoor events related to agricultural production and provided that no permanent structures are constructed" as a use requiring an approved administrative special use permit.

- C. The proposed use will not create undue noise, odor, heat, vibration, air and water pollution impacts on surrounding, existing, or potential dwelling units, based on the performance standards of SCC 14.16.840.

There will be no odors, heat, vibration, air and water pollution potential of the proposed project provided the site is maintained and fuel spill prevention is in place. In regards to noise, the helicopter is an F28F Enstrom with a three bladed rotor system and is equipped with a muffler to keep the noise signature as low as possible. The proposal will be in compliance with the performance standards outlined within SCC 14.16.840.

- D. The proposed use will not generate intrusions on privacy of surrounding uses.

This project appears to have a minimal chance of intrusion of privacy onto adjacent properties. The parcel is approximately 19 acres in size with the majority of the surrounding parcels being open agricultural fields. The existing resident on site owns the parcel and has no concerns, and the parcel directly to the north (north side of Memorial Highway) is an existing turf and bulb farm (Lefeber) who have also submitted no concerns with the proposal. The proposal will be limited to operating for 45 days out of each given year between March 1st and June 15th and will not be a permanent ongoing daily operation. Access to the



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site, as well as parking, will not generate intrusions on surrounding uses due to the locations of surrounding existing access location to other sites. Traffic will not be increased based on the proposal because the intent is to draw from the existing tourist traffic that is already in the area to view the tulip fields.

- E. Potential effects regarding the general public health, safety, and general welfare.

There will be no negative effects on the neighborhood, region, general public health, safety, or welfare as a result of this project provided the site is maintained and spill prevention measures are kept in place. The parking area will be roped off and separated from the proposed landing and take off area and there will be assistance on site to escort the passengers to and from the helicopter as well as to offer instruction during the registration for the flight.

- F. For special uses in Industrial Forest NRL, Secondary Forest NRL, Agricultural NRL, and Rural Resource NRL, the impacts on long-term natural resource management and production will be minimized.

There will be no impacts on natural resource management or production as a result of the proposed project. The land is currently uncultivated and planted in pasture grass. There are no structures proposed for this operation and the land will still be able to be cultivated and planted at any time in the future.

- G. The proposed use is not in conflict with the health and safety of the community.

The proposed use will not create a conflict with the health and safety of the community provided all local, state and federal regulations are complied with. There will be staff on site to assist with safety concerns as well as to help assist with the fueling of the helicopter and registration of the passengers.

- H. The proposed use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding areas, or conditions can be established to mitigate adverse impacts on such facilities.

The proposal will be supported by adequate facilities and will not adversely affect public services to the surrounding areas. There will be no structure constructed and no public services are required (i.e. water, septic, power, etc.) for this proposal.



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DECISION

The Director hereby **approves** the application for a Special Use Permit, subject to the conditions and modifications listed below:

1. The applicant shall obtain all necessary land use approvals.
2. The applicant shall comply with the conditions outlined within the SEPA threshold determination (MDNS).
3. The proposal shall be limited to operating for 45 days out of each given year between March 1st and June 15th.

The applicant and/or party of record may appeal the decision of the Administrative Official to the Skagit County Hearing Examiner pursuant to the provisions of Section 14.06. Every appeal to the Hearing Examiner shall be filed with the Planning and Permit Center within fourteen (14) calendar days after the date of the decision.



Brandon Black, Associate Planner
FOR Tom Karsh, Director

Date of Preliminary Approval: 4-15-02
Date of Final Approval:
Prepared By: BB
Approved By:



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