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SKAGIT COUNTY PLANNING & PERMIT CENTER

FINDINGS OF FACT

HEARING AUTHORITY: SKAGIT COUNTY PLANNING DIRECTOR

APPLICATION NUMBER: PL01-0727

APPLICANT: Vic and Linda Benson

ADDRESS: 19357 Kanako Lane
Mount Vernon, Wa 98273

CONTACT: Bruce Johnson
17536 Allen Road
Bow, WA 98232

PROJECT LOCATION: The proposed project will be located at either 19020 E. Johnson Road, Mount Vernon, WA (Phase 1; the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 17, Township 33, Range 04 E. W.M. Skagit County, WA; or at 19653 Cedardale Road, Mount Vernon (Phase 2); NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 08, Township 33, Range 04 E. W.M. Skagit County, WA

PROJECT DESCRIPTION: Administrative Special Use Permit for a temporary outdoor event (Corn Maze). The event will be held annually from the second week of August through September. The subject properties are zoned Agriculture-NRL which allows temporary outdoor events related agricultural production [SCC 14.16.400(3) (i)] to be reviewed under the administrative process [SCC 14.06.110]

ASSESSOR'S ACCOUNT NUMBER: 330417-2-002-0002, P #16724 (Phase 1); 330408-3-008-0005, P#16540, 330408-3-007-0006, P#16539 (Phase 2).

RECOMMENDATION: The Director hereby **approves** the application for a Special Use permit, subject to the conditions and modifications.

STAFF FINDINGS:

1. The subject properties are zoned Agriculture-NRL and the Comprehensive Plan designates the area as Agriculture-NRL.
2. The application was submitted on September 14, 2001. A letter of incompleteness was issued on September 21, 2001 requesting additional information. All of the request information was received by August 2, 2002 and the department was then able to begin processing the request. Per Section 14.06.100 of the Skagit County Code, the application was deemed complete as of August 30, 2002. A Notice of Development Application was posted on the subject property and published in a newspaper of general circulation September 12, 2002 as required by Section 14.06.150(2) of the Skagit County Code.
3. The application has been reviewed in accordance with the State Environmental Policy Act guidelines (WAC 197-11 and RCW 43.21C). A Determination of Nonsignificance (DNS) was issued on October 10, 2002, becoming effective following the fifteen-day comment period ending October 25, 2002 and 14-day appeal period ending November 8, 2002.
4. The subject property was reviewed with respect to the Skagit County Critical Areas Ordinance Chapter 14.24 of the Skagit County Code. The phase 1 site was reviewed and approved with PL00-0786. The phase 2 site required a site visit due to hydric soils and a Type 4 stream identified in the review map. A very shallow maintained ditch along J. Nelson Road was observed. No further review was required.
5. Both properties are located in an AO (depth 3) Flood Hazard Zone per FIRM Map 530151 0425C dated January 3, 1985. No permanent structures are being proposed for the sites. The property is located within lands designated as natural resource. The applicant shall comply with the provisions of Skagit County Code 14.16.870, Notification of Development Activities on or Adjacent to Designated Natural Resource Lands.
6. Both subject properties are approximately 38.5 acres in size and are located on the east side of Cedardale Road. The "Phase 1" site is vacant and is located south of the intersection of East Johnson Road and Cedardale Road. The "Phase 2" site is located north of the intersection of J. Nelson Road and Cedardale Road with a single family residence located in approximately in the middle of the property. Both parcels are used in crop production typically corn & potatoes, however it is not uncommon for one field to be fallow. Staff notes that the applicant is not the property owner.



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7. The surrounding parcels to the north, south and east are also productive farmlands. Some of the parcels have been developed but the majority is vacant. Interstate 5 is located west of Cedardale Road.
8. The applicant is requesting an Administrative Special Use Permit to allow for a temporary outdoor event (Cornfest). The event will be held annually from the second week of August through September. The "cornfest" will be open from 10 am to dusk Thursday through Sunday except for the occasional concert which will run until 10 p.m. It will consist of an approximate 40 acre corn field which will include 3 or 4 mazes cut into the corn field, a baseball field, concession & picnicking areas, and parking areas. The applicant's intent for the event is to provide a farm experience for urban residents of Northwest Washington as well as activities for local residents of all ages. They hope it will serve as a destination for companies to schedule picnic for employees and for youth groups, Best Self groups and classrooms for field trips. At the end of each season the crop will be harvested and sold for cattle feed.

The ball field will be open for use by Park and Recreation Departments, Little League teams as well as attendees of the Cornfest. To add extra interest, there will be occasional lawn mower and snowmobile races scheduled along with helicopter rides and small concerts. The lawnmower and snowmobile races will be held once during the season at different times. Separate clubs will run these events. The helicopter rides will be managed by a third party. The concerts will also only be held a couple of times during the season and will not be in conjunction with the races. These events along with the concerts will be held on the weekends.

Parking for the activities is located onsite and can accommodate approximately 200-300 cars. The applicant anticipates around 100 cars a day spread out throughout the day. Access to the sites is either from Cedardale Road or the side road that border the property. Sewage will be handled via professionally provided outhouses. Bottled water will be provided. Litter materials are handled by employees on a daily basis. There will be approximately 6 employees working at the site at its busiest times. The structures that are located on the site include a ticket booth, baseball backstop, covered stage for the concerts, portable concessions stands, and portable toilets. All of the structures need to be removed from the site once the event is over.

9. The application was routed to the appropriate county departments/divisions for review. Remarks from those



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departments are as follows: **Public Works**—no comments; **Septic/Water Division**—1) an adequate number of chemical toilets need to be provided to safely serve the crowd capacity for the proposed event. The toilets need to be serviced and maintained so as to prevent a health hazard to the public. 2) Hand washing facilities need to be provided for the public and for food workers working at the event. 3) The source of water for hand washing and food service shall be from an approved public water system and conveyed and stored in clean and approved containers for potable water. 4) Noise from the operation shall comply with 173-60 WAC Maximum Environmental Noise Levels. 5) Food service operation must be permitted by the Skagit County Health Department. **Building**: as long as there are no permanent structures no permits are needed. The Fire Marshal would review any temporary structures.

10. Per SCC 14.16.400 (3) (i) temporary outdoor events related to agricultural production and provided that no permanent structures are constructed can be considered in the Agriculture-NRL as an administrative special use. SCC 14.04.020 defines temporary outdoor event as any musical, cultural, or social outdoors event which occurs less than 1 month out of any 12-month period and which attracts 250 or more people in any 1 day. Staff has interpreted this definition to allow for an event to happen for 30 days (not necessarily consecutive) a year. Skagit County Code Chapter 9.08 Outdoor public musical entertainments, amusements, and assemblies requires a permit be obtained through the Board of County Commissioners when the primary purpose of an event will be the presentation of outdoor, live or recorded musical entertainment and it's believe or reason to believe the event will attract 100 or more persons.

11. Section 14.16.900(2) (v) Special Uses 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 subject properties are used for growing corn and potatoes. According to the applicant, these crops compliment each other as to what each crop takes and places in the ground. The opportunity to rotate crops is very valuable to the agricultural community. At the end of the growing season and the corn maze, the crop will be harvested and sold for cattle feed. The surrounding parcels to the north, south and east are also productive farmlands. Some of the parcels have been developed but the majorities are vacant. The maze does allow for the promotion of agriculture and diversity in farm life by allowing the applicant an opportunity to generate some additional revenue from the land.



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The Comprehensive Plan has conflicting objectives and policies concerning this proposal. **Chapter 5 Natural Resource Conservation Element Objective 7** states "Avoid conflicts between tourism-generating activities and public festivals in agricultural areas by promoting a better understanding of the significance of agriculture within the County". **Policy 5A-7.1** states "Public festivals that are centered on agricultural or wildlife viewing activities that may substantially impact agriculture shall promote ways to reduce those impacts resulting from the public festival. Those impacts include but are not limited to traffic, litter, trespass, sanitation." **Chapter 12 Economic Development Element Visitor Services Goal D** states "Support Skagit County as a visitor destination by preserving and enhancing the unique qualities of both rural areas and urban communities". **Objective 4** states "Promote visitor opportunities that complement the long-term commercial significance of natural resource and critical areas or rural lifestyles of Skagit County residents. Offer opportunities for both isolated and more group oriented visitor experiences. Encourage attractions which would enable Skagit County to capture destination as well as pass-through visitor traffic."

- B. The proposed use complies with the Skagit County Code.**
The subject properties are zoned Agriculture-NRL and are in crop production. SCC 14.16.400 (3) (i) temporary outdoor events related to agricultural production and provided that no permanent structures are constructed can be considered in the Agriculture-NRL as an administrative special use. The application is then reviewed on its own merits.
- 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 standard of SCC 14.16.840.**
The sounds generated by the helicopter, lawnmowers, snowmobiles, concert music and traffic combined have the potential of creating undue noise above that which is common to an agricultural area. However, Interstate 5 which can provide a lot of noise runs just west of the subject properties. The lawnmower and snowmobile races held in an area closest to the freeway will compete with the freeway noise. As noted before these races are held separately from each other. The music for the concerts will probably provide the most sound that will need to be monitored. If the stage is placed facing west the music should be directed toward the freeway area. In actuality any traffic noise will probably be no more than what is typically heard from the freeway.

The potential for air pollution from the cars, snowmobiles, lawnmowers, helicopters is no more than from the tractors and



other farm machinery that work in the fields. All of the parking areas are grassed, so the dust potential is also minimal.

The only odors that will be associated with this proposal will be from the concession areas. Portable toilets will be maintained on a regular basis. No heat or water pollution potential.

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

The proposed use appears to have minimal chance of intrusion of privacy onto the adjacent properties. The parking and concession areas are well marked. Staff working at the maze will also

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

General public health, safety and general welfare should not be affected by the proposed use.

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.

As a result of the proposed activity, there are impacts to the land because approximately 10+ acres of land are taken out of production to accommodate for the parking, baseball fields and concession areas. What is not clear is the impact of having cars parked on the ground. However, the maze site is rotated on a biannual basis which allows the fields to recover and therefore minimize the long term impacts.

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

The proposed project should not conflict with the health and safety of the community.

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.

There are adequate public facilities and services to support the proposed use. As long as parking is maintained on site, the proposed use will not adversely affect public services to the surrounding areas.

DECISION

The Director hereby **approves** the application for an Administrative Special Use permit for a temporary outdoor event related to agricultural production [SCC 14.16.400(3) (i)] (Corn Maze) subject to the conditions and modifications listed below:



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1. The applicant shall obtain all necessary yearly approvals (i.e. health department, fire marshal, etc.)
2. The event will be held annually from the second week of August through September.
3. The "cornfest" will be open from 10 am to dusk (no later than 9 p.m.) Thursday through Sunday. The occasional concert must be finished by 10 p.m.
4. The applicant shall comply with Skagit County Code Chapter 9.08 Outdoor public musical entertainments, amusements, and assemblies.
5. The lawnmower and snowmobile races will be held at different times.
6. Parking for all activities will be located on site. No parking will be allowed on county road right-of-ways.
7. On site septic shall be handled via professionally provided outhouses. An adequate number of chemical toilets need to be provided to safely serve the crowd capacity for the proposed event. The toilets need to be serviced and maintained on a regular basis so as to prevent a health hazard to the public.
8. Hand washing facilities need to be provided for the public and for food workers working at the event. The source of water for hand washing and food service shall be from an approved public water system and conveyed and stored in clean and approved containers for potable water.
9. Noise from the operation shall comply with 173-60 WAC Maximum Environmental Noise Levels.
10. Due to the temporary nature of this event all structures including ticket booth, baseball backstop, covered stage, advertising signs, concessions area will be removed from the site by November 1 of each year.
11. Prior to the start of the 2003 event, the applicant shall comply with the provisions of Skagit County Code 14.16.870, Notification of Development Activities on or Adjacent to Designated Natural Resource Lands. A copy of the recorded document shall be submitted to the Planning and Permit Center to be included in the special use file(PL 01-0727).
12. The County Planning and Permit Center shall be notified by mail referring to file number PL 01-0727 within 30 days after any change in ownership of the parcels or any change of the applicant.
13. Per SCC 14.16.900(2) (d) This special use permit shall be void if the use permitted by the permit has not been established within two (2) years of the date of this order.

The applicant and/or a party of record may appeal the decision of the Administrative Official to the Skagit County Hearing Examiner pursuant to the provisions of SCC Section 14.06.110(7). Every appeal to the Hearing Examiner shall be filed with the Planning &

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Permit Center within fourteen (14) calendar days after the date of the decision.

Linda Kullen (Ger)
Gary Christensen, Interim Director

Marge Swint
Marge Swint, Associate Planner

Date of Preliminary Approval: 1/8/03

Date of Final Approval: 1/22/03



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