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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  
PL03-0105

**APPLICANT:** SHAARI KING

**ADDRESS:** 21827 PRAIRIE ROAD  
SEDRO-WOOLLEY, WA. 98284

**CONTACT PERSON:** KIM YEAGER – CHAIRPERSON  
21827 PRAIRIE ROAD  
SEDRO-WOOLLEY, WA. 98284

**PROJECT LOCATION:** Located at 21827 Prairie Road Sedro-Woolley, within a portion of Section 27, Township 36N, Range 4 East W.M. Skagit County, Washington.

**PROJECT DESCRIPTION:** Administrative Special Use request PL03-0105 for the operation of an annual Blue Grass Festival (a Temporary Outdoor Event) on a portion of a 22-acre site on a one time only basis. The project proposal includes a Blue Grass Festival with on-site camping, to be held over the weekend of August 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup>, 2003. The applicant has made arrangements to hold future festival events within the City of Sedro-Woolley City Limits at the Rodeo Grounds site.

**ASSESSOR'S ACCOUNT NUMBER:** 360427-1-002-0009, P50092

**ZONING/ COMPREHENSIVE PLAN:** The proposed event site is to be located on the northern portion of the property within a Rural Resource Natural Resource Lands (RRc) zoning/comprehensive plan designated area. The remainder of the site, the southern portion of the parcel where the parking is proposed to be located, is designated as Agricultural

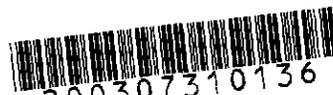
Natural Resource Land (Ag-NRL) as indicated in the Skagit County Comprehensive Plan and associated maps adopted July 24, 2000.

**CORRESPONDENCE:**

1. Letter received on April 4, 2003 from the Law Office of Paul W. Taylor Inc., P.S., 20388 Eric Street, Mount Vernon, WA. 98274. The letter stated opposition to the Administrative Special Use permit request. Mr. Taylor indicated that he is representing Jim and Vickie Koran who reside adjacent to the proposed site along Prairie Road.
2. Letter received on May 23, 2003 from Jim and Vickie Koran, P.O. Box 2552, Stanwood, WA. 98292, in opposition of the proposal.

**STAFF FINDINGS:**

1. The subject property is located in a Rural Resource Natural Resource Land (RRc) and 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, 2003 and is vested under the 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 20, 2003 as required by Section 14.06.150(2) of Skagit County Code. One letter was received during the notice of development public comment period from the Law Office of Paul W. Taylor Inc., P.S., 20388 Eric Street, Mount Vernon, WA. 98274. The letter of opposition was received on April 4, 2003 from Paul Taylor who indicated that he is representing Jim and Vickie Koran who reside adjacent to the proposed site along Prairie Road.
3. The application has been reviewed in accordance with the State Environmental Policy Act guidelines (WAC 197-11 and RCW 43.21C). A Mitigated Determination of Nonsignificance (MDNS) was issued on May 6, 2003, and became effective following a fifteen-day (15) comment period that ended on May 23, 2003 and a fourteen-day (14) appeal period that ended on June 6, 2003. The following conditions were placed on the threshold determination:
  - The applicant shall comply with Northwest Air Pollution Authority requirements.
  - The applicant shall comply with Fire Code Standards. Written confirmation of approval is required from the Fire Marshal's Office for use of the bridge prior to the scheduled date of the event.



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- The applicant shall comply with all relevant provisions of 14.24 of the Skagit County Code (Skagit County Critical Areas Ordinance). Additionally, the proposal shall comply with the following:

-All 100-foot buffers shall be flagged during the entire festival. No activities or storage shall be allowed within these buffers.

-Foot traffic shall be limited to the two designated stream crossings as shown on the site plan.

-Vehicle traffic shall be limited to the one designated stream crossing as shown on the site plan.

-No removal of or damage to native vegetation shall be allowed within the 100-foot buffers.

-No disturbance of soil shall take place within the 100-foot buffers.

- The proposal shall comply with Skagit County Health Department requirements.

As previously noted under "Correspondence," one letter in was received on May 23, 2003, in opposition, during the SEPA comment period from Jim and Vickie Koran, P.O. Box 2552, Stanwood, WA. 98292.

Staff notes that there were no appeals filed on the SEPA threshold determination (MDNS).

4. The subject parcel was reviewed with respect to the Skagit County Critical Areas Ordinance (Chapter 14.24 of the Skagit County Code). Critical Areas staff reviewed the proposal and indicated that a site visit was originally completed with the standard review of Building Permit #BP00-1412 issued for a residential remodel on the parcel.

Further, critical areas staff indicated the following:

"No site assessments will be required for this project, but the following conditions will apply:"

- All 100-foot buffers shall be flagged during the entire festival. No activities or storage shall be allowed within these buffers.
- Foot traffic shall be limited to the two designated stream crossings as shown on the site plan.
- Vehicle traffic shall be limited to the one designated stream crossing as shown on the site plan.
- No removal of or damage to native vegetation shall be allowed within the 100-foot buffers.
- No disturbance of soil shall take place within the 100-foot buffers.

Staff notes that these conditions were listed as required mitigation within the SFPA



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Threshold Determination (MDNS). Staff further notes that since the time of the initial critical areas review, the applicant has revised the proposal to relocate the event parking to the southern portion of the site in an area that is currently pasture. Critical Areas staff review of the revised proposal indicates that there is no problem with the revised parking area; however staff denies any proposed access by vehicles crossing the creek bed from the parking area to the event site on the northern portion of the parcel without an approved site assessment and approved Hydraulic Project Approval (HPA). Critical Areas staff noted that the proposed revised access does not exist as an approved stream crossing. The brush has been cleared across the creek bed with no culvert or bridge for vehicles to cross.

5. The proposed location for the festival is not located within a designated flood hazard area, however portions of the subject property are located within a designated Zone A flood hazard area as identified by FEMA on Flood Insurance Rate Map (FIRM) #530151 0045 C with the effective date of January 3, 1985.
6. The subject parcel is approximately 22 acres in size located off of the north side of Prairie Road, Northwest of the City of Sedro-Woolley, east of Parson Creek Road. The access to the site is off of Prairie Road.

The parcel contains a mixture of open pasture land near Prairie Road (designated as Agricultural-Natural Resource Land) and upland area with both open pasture and heavy vegetation (designated as Rural Resource-Natural Resource Land). The parcel contains an existing residence with existing associated agricultural uses located along Prairie Road. The entire parcel measures approximately 1,338 feet in length along the north and south property lines and approximately 684 feet in width along the east and west property lines. There will be no use of existing water or septic system facilities associated with the proposal. Water is to be provided by Walton Beverage Company, and restroom facilities are to be provided by the Wizard of Ooze.

7. The applicant is requesting an Administrative Special Use Permit for the operation of an annual Blue Grass Festival (a Temporary Outdoor Event) on a portion of a 22-acre site on a one time only basis. The project proposal includes a Blue Grass Festival with on site camping, to be held over the weekend of August 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup>, 2003. The applicant has made arrangements to hold future festival events within the City Limits of Sedro-Woolley at the Rodeo Grounds site. The proposal is to use a portion of the northern most pasture area for the stage and festival event location. This proposed event area is an existing open pasture area surrounded by heavy vegetation on all sides.

Skagit County Code section 14.16.430 (3) (j) states that "Temporary outdoor events related to resource management provided no permanent structures are constructed" are an administrative special use permit that can be considered for approval. Further, Skagit County Code section 14.04.020 defines a Temporary Outdoor Event as "Any musical, cultural, or social outdoors event which occurs



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less than 1 month out of any 12-month period and which attracts 250 or more people in any 1 day.”

8. The majority of the surrounding area is currently rural and agricultural in nature with scattered residential structures, open agricultural fields currently under production, and forested uplands.
9. The application was routed to the Skagit County Health Department and the Planning and Permit Center Health Unit (water resources and septic divisions) for review. In reviewing the application as submitted the Health Unit and Skagit County Health Department submitted the following comments:
  - a. The Health Unit (septic review) stated in writing that “If chemical toilets are provided, then there should be no septic issues to address.”

Staff notes that since the time of the initial review, the applicant has provided documentation (dated April 19, 2003 - Special Events Service Contract) from the Wizard of Ooze (chemical toilet provider) indicating that they will provide the following:

- Fourteen (14) standard chemical toilet units,
- One (1) ADA Restroom,
- Two (2) stand alone sinks,
- Four (4) sanitizer stands,
- One (1) employee will make inspections every four hours and provide service as needed (at least one service daily).

Staff notes that the service agreement states that the units will be on site from July 31, 2003 until August 4, 2003 and that additional units will be held in reserve should the need be required. Staff further notes that the Service Contract was routed to the Health Unit (septic) for comment. The Health Unit (septic) indicated that the sewage needs are being appropriately handled and there were no further concerns.

- b. Water Resources reviewed the proposal and submitted the following comments: “Before final approval can be recommended the following material is required:”
  - Noise and ventilation issues shall comply with state standards, and WAC 173-60 and SCC 14.16.840 shall be complied with as to noise and light issues. Proper ventilation shall not be addressed by open windows or doors, but shall be by an approved method. No vibrations from running or idling equipment shall create a nuisance issue to nearby neighbors.
  - There is no water information available on the above application for P# 50092. Any public use of a water source requires an approved DOH public system. Please contact SCHD (Lorna or Sarah: 360- 336-9380)



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to find out what is required for public use of the present water supply, as indicated by the 2-18-03 letter from Shaari King.

- Surface and ground water quality shall be protected as described in WAC 173-201A and WAC 173-200 for issues pertaining to contamination and vehicle parking for customers.
- No industrial waste may be disposed of in the on-site septic system per SCC 12.05.160-3c.

c. The application was routed to the Skagit County Health Department. The Health Departments comments are as follows:

- Drinking water. If this is provided, it needs to be from an approved source.
- Camping. Sanitary facilities for campers (port-a-potties) need to be provided at a rate of one per ten dependent camping spaces. Independent or fully-contained camping units need not be included in this count. Since this is a temporary event, it is not likely they will know what type of units will be there, so one port-a-potties for every ten expected camping units should be provided.
- Food. If food is provided, a temporary food service permit needs to be obtained from the Skagit County Health Department.

Staff notes that since the time of initial review the applicant has provided a service contract with Walton Beverage Company for all beverages during this event (soft drinks, juices, teas, and all consumable drinking water). There will be no alcohol served or consumed on site during this event. Staff further notes that the applicant has provided a service contract for port-a-potties as noted previously within this staff finding.

10. The application was routed to the Public Works Department for comments. Public Works indicated that there shall be no parking on the County Road.
11. The application was routed to the Fire Marshal's office for review. The Fire Marshal's office indicated that a site visit was conducted and the proposed bridge access was reviewed. The Fire Marshal stated the following: "While we have engineering that rates the structure for HS20 loading, the bridge deck has been damaged and is not now in a condition to be used for emergency vehicle access. This item will need to be addressed." The Fire Marshal further noted that there was rot and damage to the bridge deck that would pose a significant risk to emergency responders as well as people attending a festival. The Fire Marshal stated that "this office will be opposed to approval of any additional permits using this bridge in its current condition. A Building Permit should be obtained so that plans can be checked and approved and inspections conducted on the bridge deck replacement."



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Staff notes that since the time of the initial review and site visit conducted by the Fire Marshal's office, the applicant has revised the proposal to not allow vehicle traffic to cross the bridge. The revised proposal is to provide vehicle parking along the southern portion of the site in an open pasture field area, and only allow foot traffic to cross the creek to the event site. The Fire Marshal reviewed the revised proposal and agreed with the proposed parking location with the following conditions:

- The Fire Marshal's office shall be contacted prior to the event date, within 48 hours of the event, to review the set up of the Fire Lanes in the vicinity of the parking and camping area.
- The Fire Marshal's office shall be contacted prior to the event to inspect the fire extinguisher locations and placement.
- The grass stubble on site shall be cut as low as possible and the grass clippings shall be vacuumed up prior to the event.

Staff notes that with the listed conditions being met, the Fire Marshal's office has no further objections to the proposal.

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, Chapter 12 of the Skagit County Comprehensive Plan adopted July 24, 2000 titled the "Economic Development Element", outlines a section titled "Employment". Goal A of this chapter states: "Create and maintain diverse employment opportunities that meet the changing income needs of Skagit County residents. Also under this Chapter, "objective #1" lists:

A-2: Encourage diverse job options and entrepreneurial opportunities for persons interested in full-time and part-time employment or desiring to own their own business. And,

A-3: Encourage educational opportunities for residents of all ages to develop and upgrade skills required for employment, advancement and entrepreneurship.

Further, staff notes that Goal D, Objective #4 states under this same chapter to "Offer opportunities for both isolated and more group oriented visitor experiences," as well as to "Encourage attractions which would enable Skagit County to capture destination as well as pass-through visitor traffic."



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

This parcel is designated as both Agricultural Natural Resource Land (Ag-NRL) and Rural Resource Natural Resource Land (RRc). Skagit County Code section 14.16.400(3) and 14.16.430 (3)(j) 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. Further, Skagit County Code section 14.04.020 defines a 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."

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 heat, vibration, air and water pollution potential of the proposed project provided the site is maintained. Odors may travel off site from food preparation which would consist of typical camp style meals prepared on approved barbeque grills only. There will be no outdoor fires of any kind allowed. The noise emitted from the site will be instrumental in nature and will include a banjo, acoustic guitar, acoustic bass, fiddle, mandolin and resophonic guitar (dobro). The applicant has indicated that the instruments are not plugged into an amplifier, however they are played into microphones on stage that is run through a sound system which will be operated by Stew Dodge Lights and Sounds.

The applicant has further provided an assessment from Stew Dodge Sound regarding the noise levels emitted during a Blue Grass Festival. Mr. Dodge stated the following: "The PA system will generate a sound pressure level of 80 dBA at the mixing board which is 70 feet straight out from the front of the stage. Based on our experience using this system for outdoor events (Portland Cinco De Mayo Festival/ Stevenson Bluegrass Festival/ Portland Rose Festival Main Stage at Waterfront Park) I would expect the sound pressure level from the stage at the county road to be no more than 65 dBA, or similar to a person talking in normal tones. Generally speaking, you won't be able to tell there is a musical event going on. We also have the means to limit sound to meet any maximum levels as specified by your noise permit. We have done dozens of shows in Portland with rock bands and have never gotten a bad mark from the City of Portland noise officer."

The applicant is proposing a weekend long festival which will include outdoor trailer and tent camping. The noise generated from the proposal will include noise typically associated with those activities. The musical event hours of operation are as follows: Friday August 1, 2003 from 7:00 pm to 11:00 pm,



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Saturday August 2, 2003 from 11:00 am to 10:pm, and Sunday August 3, 2003 from 11:00 am to 4:00 pm.

Staff notes that the proposed location of the stage and musical activities is located in a pasture area that is significantly buffered on all sides by thick vegetation. The proposal is described as being a family oriented event with strict rules regarding participant's behavior. Staff has received a version of the "Rules Sheet" that is to be posted throughout the site as well as given to the event attendees. The rules state the following: No generators permitted between the hours of 11:00 pm and 10:00 am, No trespassing into marked off areas and obey all no trespassing signs, No dumping of wastewater of any kind on or around festival grounds – please use wastewater receptacles provided, No littering – please use garbage cans provided, No smoking in stage or seating area – please use cigarette ashtrays provided, No animals on festival grounds, No fires or fireworks, and No drugs or alcohol - zero tolerance will be enforced. The applicant's rule sheet indicates that violators will be removed and prosecuted.

Staff notes that provided the festival is conducted as proposed in the application and supporting materials, the proposal will not create an undue impact on the performance standards. The proposal shall 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 22 acres in size with the majority of the surrounding parcels being open agricultural fields and forested uplands. Although the parking will be in a lower visible open pasture area, the actual event will be conducted in an upland pasture area that is significantly buffered by existing vegetation. There will be volunteer security that will make sure the rules are obeyed and trespassing does not take place onto adjacent properties, streambeds and all off-limit areas. The 100 foot buffer zones will be staked and roped off with colored tape and signs indicating "No Trespassing." Staff notes that the site is large enough to sustain such a temporary event without the occurrence of unwanted trespass. The applicant has indicated that the site will be clearly marked, and roped off, to identify what areas are accessible and what areas are not. The rules will be clearly posted and the event will be patrolled by volunteer security.

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 the rules are strictly enforced.



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- 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. This is a one time only event on this site. The land is currently uncultivated and planted in pasture grass where the parking will be located and where the entertainment will occur. There are no structures proposed for this operation, aside from a temporary state, 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 a first aid booth set up and staff on site to assist with any health and/or safety concerns.

- 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, aside from a temporary stage, and no public services are required (i.e. water, septic, power, etc.) for this proposal.

### 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). Those conditions are as follows:
  - The applicant shall comply with Northwest Air Pollution Authority requirements.



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- The applicant shall comply with Fire Code Standards. Written confirmation of approval is required from the Fire Marshal's Office for use of the bridge prior to the scheduled date of the event.
- The applicant shall comply with all relevant provisions of 14.24 of the Skagit County Code (Skagit County Critical Areas Ordinance). Additionally, the proposal shall comply with the following.
  - All 100-foot buffers shall be flagged during the entire festival. No activities or storage shall be allowed within these buffers.
  - Foot traffic shall be limited to the two designated stream crossings as shown on the site plan.
  - Vehicle traffic shall be limited to the one designated stream crossing as shown on the site plan.
  - No removal of or damage to native vegetation shall be allowed within the 100-foot buffers.
  - No disturbance of soil shall take place within the 100-foot buffers.
- The proposal shall comply with Skagit County Health Department requirements.

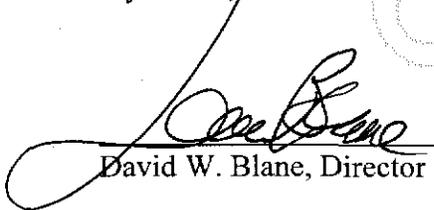
3. Critical Areas staff review of the revised proposal indicates that there is no problem with the revised parking area; however staff denies any proposed access by vehicles crossing the creek bed from the parking area to the event site on the northern portion of the parcel without an approved site assessment and approved Hydraulic Project Approval (HPA).
4. No vehicle traffic shall be allowed to cross the bridge. This condition overrides the verbiage outlined within condition #2 that was outlined as mitigation within the SEPA threshold Determination (MDNS).
5. The Fire Marshal's office shall be contacted prior to the event date, within 48 hours of the event, to review the set up of the Fire Lanes in the vicinity of the parking and camping area.
6. The Fire Marshal's office shall be contacted prior to the event to inspect the fire extinguisher locations and placement.
7. The grass stubble on site shall be cut as low as possible and the grass clippings shall be vacuumed up prior to the event.
8. The event shall be limited to August 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup>, 2003 and to the proposed hours of operation listed within band schedule (Friday August 1, 2003 from 7:00 pm to 11:00 pm, Saturday August 2, 2003 from 11:00 am to 10:pm, and Sunday August 3, 2003 from 11:00 am to 4:00 pm.).
9. Noise and ventilation issues shall comply with state standards, and WAC 173-60 and SCC 14.16.840 shall be complied with as to noise and light issues. Proper ventilation shall not be addressed by open windows or doors, but shall be by an approved method. No



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- vibrations from running or idling equipment shall create a nuisance issue to nearby neighbors.
10. There is no water information available on the above application for P# 50092. Any public use of a water source requires an approved DOH public system. Please contact SCHD (Lorna or Sarah: 360- 336-9380) to find out what is required for public use of the present water supply, *as indicated by the 2-18-03 letter from Shaari King.*
  11. Surface and ground water quality shall be protected as described in WAC 173-201A and WAC 173-200 for issues pertaining to contamination and vehicle parking for customers.
  12. No industrial waste may be disposed of in the on-site septic system per SCC 12.05.160 (3)(c).
  13. Drinking water. If this is provided, it needs to be from an approved source.
  14. Camping. Sanitary facilities for campers (port-a-potties) need to be provided at a rate of one per ten dependent camping spaces. Independent or fully-contained camping units need not be included in this count. Since this is a temporary event, it is not likely they will know what type of units will be there, so one port-a-potties for every ten expected camping units should be provided.
  15. Food. If food is provided, a temporary food service permit needs to be obtained from the Skagit County Health Department.
  16. There shall be no parking on the County road or within the County Right-of-Way.

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.

  
David W. Blane, Director

Date of Preliminary Approval: 7-15-03  
Date of Final Approval: 7-29-03  
Prepared By: BB  
Approved By:



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