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

**HEARING AUTHORITY:** SKAGIT COUNTY PLANNING AND PERMIT  
CENTER ADMINISTRATIVE OFFICIAL

**APPLICATION NUMBER:** ADMINISTRATIVE SPECIAL USE REQUEST  
PL03-0807

**APPLICANT:** SKAGIT ART ASSOCIATION  
C/O LARRY BROOKS

**ADDRESS:** P.O. BOX 176  
MOUNT VERNON, WA. 98273

**PROJECT LOCATION:** Located at 15379 State Route 536, Mount Vernon, within a  
portion of Section 10, Township 34N, Range 3 East W.M. situated within Skagit County,  
Washington.

**PROJECT DESCRIPTION:** Administrative Special Use request PL03-0807 to hold art  
shows at C & V Farms during the Skagit Valley Tulip Festival.

**ASSESSOR'S ACCOUNT NUMBER:** 340310-3-010-0007, P21354

**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, and as thereafter amended.

**DEPARTMENTAL 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, and as thereafter amended. The application was determined to be complete on November 18, 2003.
2. Per Section 14.06.100 of the Skagit County Code (SCC), a letter of completeness was issued. A Notice of Development Application was posted on the subject property, mailed to the adjacent property owners within 300 feet of the property ownership, and published in a newspaper of general circulation on November 20, 2003 as required by SCC 14.06.150(2). 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). A Determination of Non-Significance (DNS) was published on December 11, 2003 and became effective following a fifteen-day (15) comment period that ended on December 26, 2003 and a fourteen-day (14) appeal period that ended on January 9, 2004. There were no conditions placed on the threshold determination.
4. The subject parcel was reviewed with respect to the Skagit County Critical Areas Ordinance, SCC 14.24. Critical Areas staff stated the following: "Standard critical area review is not required for this activity under SCC 14.24.100(4). Activity will take place in existing structure, use existing parking and not increase effluent." 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 27 acres in size located off of the north side of Memorial Highway (SR 536) and access to the site is off of Memorial Highway (SR 536).

The parcel is the current site of C and V Farms, formerly know as Lefeber Bulb Farm. The proposal is to use a portion of one of the existing buildings (building B) to hold the Skagit Art Association "Art in a Pickle Barn" show.

7. The applicant is requesting an Administrative Special Use Permit for an annual festival permit to hold the Skagit Art Association "Art in a Pickle Barn" show on a yearly basis during the month of April with the setup and removal of the display



stands taking place the week prior to and following the official show. The proposal is to utilize approximately 6,000 square feet of an existing 15,000 square foot existing agricultural structure for the yearly show. SCC 14.16.400 (3) (i) states that "Temporary outdoor events related to agricultural production and provided that no permanent structures are constructed" require an approved administrative special use permit prior to the start of operation. SCC 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." The department is considering this proposal as a temporary outdoor event related to agricultural production due to the historic operation of the event at a different location. The art show takes place only during the Tulip Festival time frame and the displays depict art that is primarily associated with tulips and Skagit valley agricultural settings.

The applicant has submitted the following project description with the application to further outline the proposal:

"Skagit Art Association, a non-profit organization which provides scholarships to art students annually at Skagit Valley College, uses volunteer artists from within the membership to work the show. Each volunteer will work a four (4) hour shift, along with three other volunteers, for a maximum of five (5) times during the art shows duration during Tulip Festival time. All exhibiting members work as volunteers the week before the show in order to set it up, and the week following the show to return the exhibition space to its original condition, and return for occupancy by the owner of the property."

"The art show and sale, known for the last sixteen (16) years as "ART IN A PICKLE BARN", will officially operate concurrently with the Skagit Valley Tulip Festival, usually the month of April each year, with setup and removal of display stands the week prior and following the official show. The show has opening hours daily from 10 AM to 6PM, except for the reception which is held by invitation. The reception is the evening prior to official opening date, or the first Friday evening after April 1., and is from 6 PM to 9 PM. Again volunteer members from the Skagit Art Association provide refreshments and act as hosts and hostesses. The art show remains open daily for the Tulip Festival's duration, and provided \$2,000 in art scholarships in year 2003 to two (2) students at Skagit Valley College to continue their education in art."

"The building in which Skagit Art Association will hold the art show is rented from C & V Farms, and was formerly part of the Lefeber Bulb farm. It can physically be identified by a large metal sculptured daffodil which stands next to a green building, which previously was a retail outlet store for the bulb farm. Skagit Art Association uses a removable four (4) foot by eight (8) foot wooden sign announcing "ART IN A PICKLE BARN" and month of APRIL. A canvas covered free standing walkway will be erected from the edge of the parking lot to



the side entrance on the south westerly corner of the building. This is a concrete slab, and the area along the covered walkway will provide direct parking and access for disabled into the show. No additions or deletions to the existing building will be done by Skagit Art Association. Part of our members work duty, is to constantly monitor the surrounding grounds for undesirable items which may be left by viewers. This is done at least once in each four (4) hour shift.”

“The existing parking lot is graveled, leveled, and packed, and well maintained by the property owners. It provides parking for forty (40) or more automobiles at any one time, and is approximately one hundred feet (100) wide, and three hundred feet (300) in length, with a forty (40) foot egress/exit from or to SR 536, formerly known as Memorial highway. These were all in place and used when Lefeber Bulb Co. had a retail sales store, and the metal building was used for the grading of bulbs. The metal building with cement floor where the art show will take place, is presently used for storage of various vehicles which the property owners will remove during the show, and return after the show. There is adequate space for bus traffic to park and turn around. Seldom, if ever, has Skagit Art Association had more than 250 people at a time viewing the show, due in large part by the natural coming and going flow of viewers. Some stay ten (10) minutes, others may be an hour. Thus the turn over is constant. Numerous bicyclists, tour busses and automobiles are modes of transportation during the festival, and with this parking area, we are able to accommodate them all. In year 2003, total retail sales exceeded \$60,000.”

“Since Skagit Art Association is renting the open floor space in Building B at C and V Farms, 15379 SR536, Mount Vernon, WA only one (1) temporary, removable display wall down the center- length of the building will be utilized. All other artist display areas will have that artists personal freestanding exhibition standards. Each artist will have an assigned floor area three feet (3) by ten feet (10) in which to set up his/her display. The temporary, removable display wall will be raised up, using pre-existing twelve foot (12) by eight foot (8) sections which may be readily assembled and dismantled for storage. These walls were used in our previous locations and are assembled using wood screws so that the rented floor space can be returned to its original open Floor plan state for the owners usage.”

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 Skagit County Fire Marshal’s office for review. The Fire Marshal indicated that the proposed use and the change to the building occupancy shall comply with the Uniform Fire Code (UFC) and Uniform Building Code (UBC). The Fire Marshal further indicated that any plan review or



approvals that will be required may take time to review. Typical review time for building permits can be between four to six (4-6) weeks. There will also be inspections required, so it would be in the applicants' best interest to submit any building permit plans at the earliest point.

10. The application was routed to the Health Unit for review. In reviewing the application as submitted the Health Unit indicated that there are no concerns with the proposal provided that chemical toilets are used as identified within the application. No concerns were noted from Skagit County Planning and Permit Center Environmental Health unit.
11. The application was routed to the Public Works Department for comments. Public Works had no concerns with the proposal.
12. 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) "Operation of equipment and daily operations shall comply with Maximum Environmental Noise Levels Chapter 173-60 WAC and address noise and vibration limitations, and Skagit County Code 14.16.840 for light and noise conditions. This includes ventilation for safety, heating and cooling of any office and storage/garage/preparation buildings, as well as operation of daily and industrial uses. 2) Washington State WAC 173-201A and 173-200 shall be complied with, as required to address surface water quality issues and ground water issues. Best management practices shall be utilized to prevent interference and/or degradation from point, non-point or conditions which could lead to degradation of water quality. 3) PUD has been indicated for water use for the building in the attached application. Please supply a current letter of availability or a copy of the PUD billing for that building. 4) Please supply the Skagit County Health Department (Greg Geleynse) with the pumping/maintenance contract from the supplier of the Port-a-Potties."
13. Skagit County Special Use Permit Criteria. SCC 14.16.900 (2) Special Use Permit Requirements 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 activities. The tulip blooming time of year brings a lot of people to Skagit Valley. The applicant's proposal will be compatible with the existing land



use in that the tourists that are already in the area will be able to continue to view the Art Association works on display, but will be viewing the displays at a different location from the previous years.

The applicant stated the following in regards to the compliance with the comprehensive plan and the existing and planned land use:

"The proposed use by the Skagit Art Association, a non profit organization, is for holding an Art Show and Sale in conjunction with the Skagit Valley Tulip Festival for advancing the appreciation and knowledge of Fine Art to the general public; awareness of the number of fine artists in our locale; availability to purchase reasonably priced Fine Art; and supplying art scholarships for students at our local Skagit Valley College. In year 2003, Skagit Art Association supplied \$2,000 which went to three students that were selected by the Art Department Head, at Skagit Valley College. The present site at 15379 SR536, Mount Vernon, Wa., has in the past been part of a retail/wholesale bulb operation by Lefeber Bulb Co. and has recently been purchased by C&V Farms, which was previously known as Lefeber Turf. The sporadic operation of an Art Show does not detract from the use of the building as it is presently being used as a storage building. The owners of the property are cooperative in moving the stored vehicles out, and back in at a later date, to accommodate for the Art Show to be held in the building. No permanent structural or esthetic change will be made to the facility."

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

This parcel is designated as Agricultural Natural Resource Land (Ag-NRL). SCC 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.

The applicant has stated that "By securing a special usage permit, Skagit Art Association should be in compliance with code."

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. The use will not create impacts on the surrounding, existing or potential dwelling units. The proposal will be in compliance with the performance standards outlined within SCC 14.16.840.

The applicant has supplied the following narrative in response to the performance standards:



“No undue noise, odor, heat, vibration, air and water pollution will impact surrounding, or potential dwelling units, as the building being used is part of a large pre-established commercial bulb endeavor, and no permanent structural changes will occur either internally or externally, and the Art Show does not lend itself in any manner to anything that increases undue noise, odor, heat, vibration air or water pollution. Skagit Art Association will utilize only electricity, telephone and port-a-potties. Electricity and Telephone are already available at the building site, and port-a-potties are let out on contract for the duration of the festival, with contractual agreement for maintenance and servicing, including a hand wash facility.”

“No extra traffic will be created on SR536 highway, because the Tulip Festival Traffic is already utilizing this highway. Vehicle traffic on SR536 will be alerted by orange warning cones and A frame sandwich boards announcing an Art Show ahead, turn signs, and entrance and exit signs. Cautionary signs will be used for traffic merging onto SR536 from the parking lot driveway. There should be no increase in noise or odors, or generated heat since the mainstream of traffic utilize SR536 regardless if there is an art show in operation or not. The Art Show will not increase the traffic load on the highway, rather utilize the traffic that is already on the highway. The Art Show does not increase any noise decibels in and of itself. Like wise, for odors and heat, as there is nothing associated with the Art Show which could create odors and heat. Nothing is used in the Art Show to create emissions into the atmosphere. All paintings are dry and properly framed, and any demonstrations which an artist does results in that artist taking his/her materials used for the demonstrations home. No heavy equipment of any kind will be employed as we are renting a pre-existing building and its floor space only, and will be doing no excavation, remodeling or building on the premises, thereby not creating any vibrations to adjacent properties. Vehicle traffic will be the only vibration that will occur, and that was a constant factor with the previous usage of this property, as it was used for daffodil and tulip bulb sizing and grading, and retail /wholesale sales. No chemicals, waste oils, solvents or fuels will be stored either during the art show or after the art show by Skagit Art Association.”

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 structure and parking area currently exists and the surrounding area is primarily agricultural fields with scattered residential structures. Access to the site, as well as parking, will not generate intrusions on surrounding uses due to the locations of surrounding existing access locations 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.



The applicant submitted the following narrative in regards to intrusions on privacy:

“The facility is an existing established part of a previous commercial retail/wholesale sales and farming operation, nothing new is being added that will cause any intrusion on privacy of surrounding uses. The entrance to the parking lot; the parking lot; the building itself have been in use at least the past 40 years, and nothing new is being added to, or deleted from, them. The site will remain in its present well maintained condition. The parking lot is situated on the southern edge of the site, adjacent to SR536, separated by a barrow pit, and on the north by property buildings, one of which is Building B, where Skagit Art Association will hold its Art In A Pickle Barn Show. To the east is a row of thick shrubs and trees, plus posted no trespassing signs. Also a graveled driveway runs along the eastern side of the property, which is utilized solely by the property owners. The patrons are Tulip Festival viewers, and will be there to view the art show before immediately leaving in their vehicles to continue viewing other events of the Tulip Festival. No cause for trespassing on adjacent property is anticipated, or foreseen.”

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.

The applicant has submitted the following narrative in regards to the effects on the public health, safety and welfare:

“Regarding Public Health, Skagit Art Association contracts with a port a potty company for toilets, a disabled facility, and hand washing facility with soap, water and towels. They are contracted to pump the toilets twice weekly, and on call as needed. There is a private toilet and septic system on the premises, however Skagit Art Association has entered into an agreement with the property owners that it shall not be used, and that we shall contract with a commercial port a potty company. Last year we utilized ‘Honey Bucket’, and we have also in past years utilized ‘Waste Management’. We do contract to the lowest and best bid.”

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 buildings and parking area currently exist.





The applicant submitted the following narrative in regards to natural resource management and production impacts:

“This permit is solely for the purpose of holding an art show during Skagit Valley Tulip Festival in a building that was previously used for agricultural oriented purposes. However, that company has sold out to someone else who utilizes the building for storage, and has agreed that for duration of the Festival will allow us use of Building B to hold the Art In A Pickle Barn art show, which has been in existence for the past 16 years, and has become a recognizable event in the Festival by tourists who come annually to the valley for this event. Numerous artists reflect the attributes of the valley, as well as surrounding areas. No change will occur to any structure on the premises by Skagit Art Association. We are only asking for the permission to hold an established show in an agricultural setting where the festival tourists have come to expect the art show to be held after 16 years.”

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.

The applicant has supplied a narrative stating the following:

“Skagit Art Association contracts for supply and maintaining port-a-potties and hand washing facilities, thus there is not conflict with the health, safety and general welfare of the public. No food or liquids will be made available for sale to the public by Skagit Art Association.”

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.

The applicant supplied the following narrative statement:

“This site is a prior commercial, retail/wholesale agricultural group of buildings already serviced by Puget Sound Energy, Verizon Telephone and PUD for water. No other utilities will be added, other than an internal telephone connection for our usage for a charge card terminal head. The load demands on these services will be considerably lower than their previous use demanded.”





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 proposed use and the change to the building occupancy shall comply with the Uniform Fire Code (UFC) and Uniform Building Code (UBC).
3. Operation of equipment and daily operations shall comply with Maximum Environmental Noise Levels Chapter 173-60 WAC and address noise and vibration limitations, and SCC 14.16.840 for light and noise conditions. This includes ventilation for safety, heating and cooling of any office and storage/garage/preparation buildings, as well as operation of daily and industrial uses.
4. Washington State WAC 173-201A and 173-200 shall be complied with, as required to address surface water quality issues and ground water issues. Best management practices shall be utilized to prevent interference and/or degradation from point, non-point or conditions which could lead to degradation of water quality.
5. The proposal shall be limited to operating for 45 days out of each given year between March 1st and June 15<sup>th</sup>.

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 SCC 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

  
Brent Morrow, Senior Planner  
*On behalf of*  
Gary Christensen, AICP, Administrative Official  
Assistant Director of Planning

Date of Preliminary Approval: 2-9-04  
Date of Final Approval: 2-23-04  
Prepared By: BB

