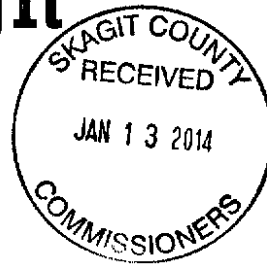




Port of Skagit



Attn:
3C's
Tim Holloran
PDS

Email:
T. Holloran
D. Pernula
R. Walters
J. Dorikin

January 10, 2014

Mr. Tim Holloran
County Administrator
Skagit County
1800 Continental Place, Suite 100
Mount Vernon, WA 98273

Re: Bayview Ridge

Dear Mr. Holloran,

On behalf of the Port of Skagit Commission, please find enclosed a copy of Resolution No. 14-01. This is a resolution endorsing airport protection measures, encouraging Skagit County to consider areas of the Bayview Ridge UGA for additional industrial development, and expressing continued support for an urban growth area surrounding Skagit Regional Airport.

Further, my commission also requests Skagit County work collaboratively with the cities and the ports to find a method to optimize the designation of industrial lands throughout the county and equitably share the benefits.

We respectfully request the Skagit County Commission review this resolution and implement the recommended measures. We thank you for your consideration.

Yours truly,

Patricia H. Botsford-Martin
Executive Director

PHBM/ksh
Enc.

RESOLUTION NO. 14-01

A RESOLUTION OF THE PORT OF SKAGIT COUNTY ENDORSING AIRPORT PROTECTION MEASURES, ENCOURAGING SKAGIT COUNTY TO CONSIDER AREAS OF THE BAYVIEW RIDGE UGA FOR ADDITIONAL INDUSTRIAL DEVELOPMENT, AND EXPRESSING CONTINUED SUPPORT FOR AN URBAN GROWTH AREA SURROUNDING SKAGIT REGIONAL AIRPORT.

- A. **WHEREAS**, the Port of Skagit County (Port) is owner and operator of the Skagit Regional Airport (Airport), a general aviation airport located in the Bayview Ridge Subarea; and
- B. **WHEREAS**, Skagit Regional Airport is classified as a "Regional Service Airport" by the Washington State Department of Transportation (WSDOT), which is defined as serving the general aviation needs of multiple communities and accommodating high aviation activity levels, including business jets and air cargo (FedEx) aircraft; and
- C. **WHEREAS**, the 2012 Aviation Economic Impact Study completed by WSDOT found that Skagit Regional Airport supports more than 500 aviation-related jobs and the generation of an estimated \$86,000,000 annually in regional economic output; and
- D. **WHEREAS**, Skagit Regional Airport is designated as an "Essential Public Facility" pursuant to the Washington Growth Management Act (GMA) in the Skagit County Comprehensive Plan; and
- E. **WHEREAS**, in 1997, Skagit County adopted a comprehensive plan which included Skagit Regional Airport and the Port's industrial park and its adjacent land as part of the Bayview Ridge Urban Growth Area (UGA) under the GMA; and
- F. **WHEREAS**, in 1998, in its Final Decision and Order filed in the matter of *Abenroth v. Skagit County*, Cause No. 97-2-0060c, the Washington State Growth Management Hearings Board (GMHB), stated that:

The Port of Skagit County's master plan portion of the UGA (at Bayview Ridge) is in compliance with the [Growth Management] Act. The Port's analysis showed that its land is well planned for, and will be efficiently served, and will provide for industrial uses compatible with the airport [and that] [t]he County has the responsibility to preclude development that conflicts with airport operations. Designation of a large residential component within an airport UGA does not comply with RCW 36.78.510.
- G. **WHEREAS**, Skagit County adopted the Bayview Ridge Subarea Plan (Subarea Plan) in 2006 setting forth the parameters for an expanded Bayview Ridge UGA and subsequently amended the Subarea Plan in 2008 and 2013; and

- H. **WHEREAS**, the Port of Skagit County acted as a stakeholder and partner in the development of the Subarea Plan; and
- I. **WHEREAS**, the Port, the City of Burlington, several nearby land owners and Skagit County cooperatively developed the *Skagit Regional Airport Land Use Compatibility Study* (Land Use Compatibility Study), which was completed under guidance provided by WSDOT in the publication *Airports and Compatible Land Use* (February 1999); and
- J. **WHEREAS**, Development Mitigation Measures (DMMs) were proposed in the Final Environmental Impact Statement for the Subarea Plan dated February 2004 (FEIS), and, based on substantial evidence establishing that inconsistent residential development in the vicinity of airports has a direct negative impact on the operations and viability of airports, the Subarea Plan included the DMMs as follows:
1. The use of aviation easements.
 2. Publication, recordation, and incorporation of WSDOT overlay zone and Federal Aviation Administration (FAA) noise contour maps.
 3. Notices disclosing and acknowledging airport operations and aircraft overflights and the effects thereof executed by development permit applicants.
 4. The Port has asserted prescriptive rights to an aviation easement and the Port's continuing assertion of prescriptive aviation easements upon and over properties within the Skagit County UDC Airport Environs Overlay Zone (Skagit County Code Section 14.16.210); and
- K. **WHEREAS**, Skagit County subsequently incorporated the recommendations of the Land Use Compatibility Study and the FEIS DMMs set forth in Recital J above, into the adopted Subarea Plan and the development regulations found in Section 14.16.210 of Skagit County Code, the Airport Environs Overlay Zone (AEO); and
- L. **WHEREAS**, in Resolution 04-03, the Port Commission endorsed a series of proposed development Alternatives considered in the FEIS, which included elements of both Urban Development-Residential and Urban Development-Industrial, provided that any adopted Alternative include implementation of the DMMs and recommendations of the Land Use Compatibility Study to ensure compatibility with Skagit Regional Airport; and
- M. **WHEREAS**, since 1996 the Port participated in establishment of a UGA on Bayview Ridge in order to ensure airport protection and to enable urban services, including urban level fire service and the provision of sanitary sewer, to the airport and Bayview Business Park, and these concerns continue to be important to the long-term vitality of the airport and business park; and

- N. **WHEREAS**, since the 1998 GMHB decision, it has been apparent that to allow urban density residential development on Bayview Ridge would require the adoption of a planned unit development (PUD) ordinance and development regulations tailored for the Bayview Ridge UGA; and
- O. **WHEREAS**, for the past 17 years, it has proved impossible to adopt development regulations which would allow urban level residential development on Bayview Ridge despite the efforts of the property owners and Skagit County, and the Port's facilitation of a recent coordinated attempt to agree on a PUD ordinance; and
- P. **WHEREAS**, after a very prolonged and thorough planning effort, which proved to be unsuccessful and used significant time and resources of both the taxpayers and the private parties involved, it is now clear that the adoption of PUD regulations and the development of additional urban level residential densities on Bayview Ridge is probably not achievable; and
- Q. **WHEREAS**, it is neither in the best interest of the Port nor does it promote the economic wellbeing of the citizens of Skagit County to invest further time and energy in what has become a futile endeavor to adopt a PUD ordinance; and
- R. **WHEREAS**, the Port has determined that it is time to consider an appropriate alternate use of the undeveloped property within the Bayview Ridge UGA which will take advantage of the public investment in infrastructure and lead to economic opportunities for the community; and
- S. **WHEREAS**, the Port Commission finds that the property currently designated Bayview Ridge Residential (BR-R) located east of Skagit Regional Airport and west of existing high-density housing:
1. benefits from its designation as a non-municipal UGA,
 2. has existing sanitary sewer infrastructure,
 3. has an industrial-quantity water supply,
 4. has access to full utilities,
 5. has access to high speed fiber optic data transmission lines,
 6. has a fire station that provides an urban level of fire protection services,
 7. is adjacent to and includes transportation infrastructure,
 8. adjoins industrial property at the Port of Skagit, and
 9. is adjacent to Skagit Regional Airport; and
- T. **WHEREAS**, based on the findings set forth in Recital S, the highest and best use of the property currently designated BR-R located east of Skagit Regional Airport and west of existing high-density housing is probably industrial; and


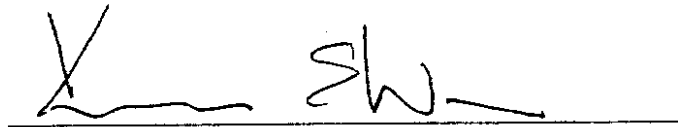
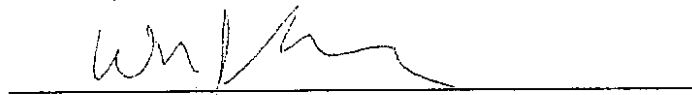
- U. **WHEREAS**, any new designation of land on Bayview Ridge for industrial use should not diminish the allocation of industrial land to any other UGA; and
- V. **WHEREAS**, consistent with GMA, the Skagit County AEO code states the following policy: *It is the policy of Skagit County to support the continued use of Skagit Regional Airport, including its future accommodation of both increased aircraft traffic and utilization of aircraft of the class, size and category as are now or may hereafter be operationally compatible with the Skagit Regional Airport;* and
- W. **WHEREAS**, in 2011, WSDOT released an update to the document *Airports and Compatible Land Use Guidebook*, which includes updated recommendations for safety zone dimensions based on accident statistic data provided in the *California Airport Land Use Planning Handbook* (2002); and
- X. **WHEREAS**, in 2012, the Port completed a project that resulted in the shifting of Runway 04-22, a distance of 680 feet along the longitudinal axis toward the southwest; and
- Y. **WHEREAS**, in 2007, the Port Commission adopted an Airport Master Plan that included a reserve area for the future lengthening of Runway 11-29 toward the northwest to better accommodate newer, quieter and longer range business aircraft and the FAA has designated a future 1,500-foot runway extension in the National Airspace Systems Resources (NASR) database; and
- Z. **WHEREAS**, the updated WSDOT safety zone guidance in combination with the Port's recent change to the location of Runway 04-22 and the Port's future plans to lengthen Runway 11-29, have resulted in a condition in which the current AEO safety zones do not adequately protect airport facilities as they are now or may be in the future; and
- AA. **WHEREAS**, the updated WSDOT compatibility guidance indicates that: (1) industrial land uses are generally more compatible with the airport than residential uses, (2) any new residential developments within runway approach zones (Safety Zones 2 and 4) would be incompatible with the airport, and (3) any new special land uses involving vulnerable populations including children, elderly, and infirmed should be located outside the airport Safety Zone 6 (aircraft traffic zone); and
- BB. **WHEREAS**, since establishment of the AEO code by Skagit County, additional guidance on airport compatibility issues has been developed by the FAA and WSDOT concerning reflective solar panels, stormwater facilities, and thermal plumes near airports, and these compatibility issues are not currently addressed in the AEO code;

NOW, THEREFORE BE IT RESOLVED THAT:

1. The Port Commission is dedicated to: (1) maintaining Skagit Regional Airport as a public airport for the benefit and use of the public as required by the original quit claim deed from the United States of America dated April 2, 1958, and (2) abiding by the assurances the Port gave as conditions precedent for receipt of FAA and WSDOT grant funding for airport infrastructure and (3) protecting this vitally important public asset and the \$16 million of federal and state grant funds that has been invested in the airport over the last ten years alone.
2. The Port Commission is committed to public safety and endorses the safety zone dimensions recommended by WSDOT in the Airports and Compatible Land Use Guidebook and therefore urges Skagit County to complete an update to the AEO to adopt the most current WSDOT-recommended safety overlay zone dimensions and to amend the language of the code to: (1) bring it current with FAA and WSDOT guidance on airport compatibility issues and (2) to provide the necessary protection of the airport to ensure its future vitality.
3. The Port Commission respectfully suggests that Skagit County review land use within the Bayview Ridge UGA and, where appropriate, adopt additional industrial land use designations for land in the UGA between Skagit Regional Airport and existing urban density residential development on Bayview Ridge.
4. The Port Commission reaffirms the Port's support for a non-municipal UGA on Bayview Ridge as it: (a) supports and enables regulations protecting Skagit Regional Airport; (b) enables the continued existence of urban-level services needed to support the airport, Bayview Business Park, and further business and job opportunities in the Bayview Ridge UGA; and (c) improves the potential for additional public recreational trail development on and near Port property.
5. Staff is hereby instructed to work collaboratively with Skagit County and other municipalities to carry out the intent of this resolution.
6. To the extent that any findings or statements contained herein are in conflict or are inconsistent with Resolution No. 04-03, said Resolution No. 04-03 is superseded and replaced hereby.

ADOPTED by the commission of the Port of Skagit County at a duly convened meeting thereof held this 10th day of January 2014, and duly authenticated by the signatures affixed hereto

PORT OF SKAGIT COUNTY

A handwritten signature in dark ink, appearing to be "D. A. C.", written over a horizontal line.A handwritten signature in dark ink, appearing to be "L. S. W.", written over a horizontal line.A handwritten signature in dark ink, appearing to be "W. H. K.", written over a horizontal line.