



# Comprehensive Plan Policy or Development Regulation Amendment Suggestion

Planning & Development Services · 1800 Continental Place · Mount Vernon WA 98273  
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Per RCW 36.70A.470(2), this form is intended for use by any interested person, including applicants, citizens, hearing examiners, and staff of other agencies, to suggest amendments to Skagit County's Comprehensive Plan policies or its development regulations, which are contained in Skagit County Code Title 14. Please do not combine multiple unrelated Comprehensive Plan policy or development regulation amendments on a single form. This form is for policy or development regulation amendments; use the Comprehensive Plan Map Amendment Request form for changes to the land use/zoning map.

## Submitted By

Name \_\_\_\_\_ Organization \_\_\_\_\_  
Address \_\_\_\_\_ City, State \_\_\_\_\_ Zip \_\_\_\_\_  
Email \_\_\_\_\_ Phone \_\_\_\_\_

## Proposal Description

Please answer all of the questions below that are applicable to your suggestion.

1. Describe your proposed amendment.
2. Describe the reasons your proposed amendment is needed or important.
3. If you are suggesting revision to a particular section of the Comprehensive Plan, please identify which section(s):
4. If you are suggesting revision to the Comprehensive Plan, would the revision create inconsistencies with existing sections of the Comprehensive Plan? If so, please list those sections:
5. If you are suggesting revision to the Comprehensive Plan, would the revision require corresponding amendments to the County's development regulations?
6. If you are suggesting revision to a particular section of Skagit County Code Title 14, please identify which section(s).
7. If you are suggesting this development regulation amendment as a result of a particular project or permit application, please identify which project or application:
8. If you are suggesting specific language as part of your amendment, please attach that specific language. Specific language is not required.

9. *Describe why existing Comprehensive Plan policies should not continue to be in effect or why they no longer apply.*
  
10. *Describe how the amendment complies with the Comprehensive Plan's community vision statements, goals, objectives, and policy directives.*
  
11. *Describe the anticipated impacts to be caused by the change, including geographic area affected and issues presented.*
  
12. *Describe how adopted functional plans and Capital Facilities Plans support the change.*
  
13. *Describe any public review of the request that has already occurred.*

## Notices

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**Fees.** No fees are required for a policy or code change suggestion, per Skagit County Fee Schedule, SCC 14.08.030(3).

**Docketing.** SCC Chapter 14.08 governs the process for docketing of Comprehensive Plan amendments; suggestions for changes to the development regulations are docketed following the same process. Docketing of a suggestion is procedural only and does not constitute a decision by the Board of County Commissioners as to whether the amendment will ultimately be approved. Amendments are usually concluded by the end of the year following the request. State law generally prohibits the County from amending its Comprehensive Plan more than once per year.

**Submission deadline.** Suggestions must be received by the last business day of July for docketing. Suggestions received after that date will not be considered until the following year's docket.

**How to Submit.** Submit your suggestion via email (preferred) to [pdscomments@co.skagit.wa.us](mailto:pdscomments@co.skagit.wa.us) or to Planning & Development Services at the address above.

**Port of Skagit**  
**2023 Comprehensive Plan Policy / Development Regulation Amendment Request**  
**July 31, 2023**

**1. Describe your proposed amendment.**

The Port of Skagit proposes updates to the Airport Environs Overlay Skagit County Code 14.16.210 to improve awareness of Skagit Regional Airport and address airport compatibility of future development in the vicinity of the airport.

Specifically, the Port proposes the following updates:

1. The Port proposes a new section 14.16.210 (6) be added to Skagit County Code as follows:

**14.16.210 (6) Disclosure.**

- (1) Upon transfer of real property by sale, exchange, gift, real estate contract, lease with an option to purchase, any other option to purchase, ground lease coupled with improvements, or any other means, the buyer must record with the County Auditor a statement containing the language set forth in Subsection (2) of this Section in conjunction with the deed conveying the real property when the real property is located within the Airport Environs Overlay district, as set forth in SCC 14.16.210.
- (2) The following shall constitute the disclosure required by this Section:

This property may be located within the Airport Environs Overlay (AEO) Zone, which is a geographic area affected by the Skagit Regional Airport. The Skagit Regional Airport is an essential public facility as designated in the Skagit County Comprehensive Plan and provides important transportation services to the region, and it is a vital asset to facilitate economic growth in Skagit County. 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 is now or may hereafter be operationally compatible with the Skagit Regional Airport. Reduction or curtailment of services at the Skagit Regional Airport is contrary to the public interest and the requirements of the Washington State Growth Management Act, Chapter 36.70A RCW. The Skagit Regional Airport has been operated for general aviation and commercial purposes since the 1950s. The Port of Skagit has owned and operated the Skagit Regional Airport since 1965 and asserts that it has obtained aviation easements by prescription over property surrounding the Skagit Regional Airport.

This property is located in proximity to the Skagit Regional Airport and is subject to overflight effects that may be incompatible with certain uses, such as residential occupancy. These overflight effects include, without limitation: noise, exhaust fumes, illumination, glare, smoke, vibration, and loss of quiet enjoyment due to propeller-driven and jet aircraft overflights associated with aircraft landing and taking off from the Skagit Regional Airport. There is a risk that an aircraft could accidentally crash into this property causing property damage, personal injury, and/or death to persons on this property from the impact, fire, or explosion of an aircraft. Occupants of this property should be prepared to accept such incompatibilities, inconveniences, or discomfort from airport operations.

This notice conveys actual and constructive knowledge to any person or entity acquiring, obtaining, leasing, or holding real property interest or right of occupancy in or on this property. Skagit County Code may have required, or may require in the future, as part of a development permit that the owner of this property execute a Notice Acknowledgement, a Notice Acknowledgement and Waiver, and/or an Avigation Easement. More specific information regarding airport operation and its potential impact on this property can be obtained by calling the Port of Skagit County, Skagit Regional Airport, Operations Office.

Currently, Skagit County Code 14.16.210 requires title notices, specifically avigation easement, etc. be recorded for subject properties at the time of permit application or other alteration. The Port proposes that a separate Airport Environs Overlay disclosure be recorded whenever property is transferred. The proposed title disclosure is an airport protection tool recognized by the WSDOT 2011 Airport and Compatible Land-Use Program Guidebook.

2. The Port proposes updates to SCC 14.16.210 (3)(c) as follows:

(ii) Exhaust Plumes.

(A) Background. The FAA has determined thermal exhaust plumes can disrupt flight in the vicinity of an airport. The effect can vary greatly depending on several factors: local winds, ambient temperatures, stratification of the atmosphere, size, height, and number of the stack(s) emitting the plume(s), proximity to airport and flight paths, temperature and vertical speed of the effluent, and the size and speed of aircraft. Visibility may be reduced and hinder a pilot's ability to navigate if smoke, steam or fog is produced. Heated exhaust plumes can originate from any number of sources, including but not limited to chimneys, elevated smoke stacks at power generating stations, boilers, smelters, combustion sources, and flares created by an instantaneous release from a pressurized gas system. When exhaust plumes have significant vertical exit velocities, they may cause damage to an aircraft airframe, or upset an aircraft when flying at low levels, such as during approach, landing, and take off operations.

(B) Requirement.

(I) Any proposal that includes construction or alteration of a significant exhaust-producing element must provide to the County and Port of Skagit an assessment of the vertical velocity of the exiting exhaust using a recognized plume or equivalent source testing, as well as project plan details including, but not limited to, stack size, number, and height as well as temperature so an assessment of the size and severity of the plumes may be completed using an FAA-recognized plume analyzer.

(II) When results indicate that a vertical exhaust plume have potential to interfere with safe control of aircraft, the project proponent must evaluate mitigating design measures in consultation with the County and Port of Skagit.

(v) Electronic Interference.

(A) Background. Electronic interference can affect navigational aids used by pilots during takeoff and landing. Interference can be direct interference with the navigation signal (i.e. transmitting locally on a frequency that is close to the NAVAID frequency or a harmonic of that frequency) or indirect interference (through adverse reflections, blocking of the signal by structures, or some interfering activity at a location).

(B) Requirement. Any proposal that includes potential for electronic interference with aircraft communications shall provide project details to the Port for evaluation.

**2. Describe the reasons your proposed amendment is needed or important.**

Skagit Regional Airport is an essential public facility as designated in the Skagit County Comprehensive Plan, serving as a transportation asset and economic engine. It is the stated policy of Skagit County to (1) protect the long-term viability of Skagit Regional Airport, and (2) promote land uses compatible with the airport within the airport's designated environs.

Importance of the proposed amendments are addressed in turn below:

1. The Port proposes to require an aviation disclosure notice be recorded at the time of property transfer for two reasons: to protect the long-range operation of Skagit Regional Airport and to provide transparency for property owners within the Airport Environs regarding possible aviation impacts. An important means of protecting the Airport's future is increasing public awareness and understanding of the facility, its importance, and potential aviation impacts on nearby properties. One method recognized by WSDOT Aviation of increasing awareness is through an aviation disclosure notice that is recorded with the County Auditor.

From the Skagit County Comprehensive Plan Introduction: "Planning, land use regulations and zoning protect individual and community rights in the following ways...by providing predictability that enhances the value of private property". Acknowledgment of the proximity of the airport and possible impacts from aviation activity is essential in providing predictability to current and potential property owners regarding the value and possible use of their property.

2. The Port's proposed updates to SCC 14.16.210 (3)(c) are important to reduce potential for incompatible land uses being introduced in the vicinity of Skagit Regional Airport. The FAA Airport Advisory Circular 150-5190 (4) (b) and WSDOT Airport and Compatible Land-Use Program Guidebook provide guidance regarding land use planning around airports.

**3 -6. If you are suggesting revision to a particular section of the Comprehensive Plan, please identify which section(s), if the revision would create inconsistencies with existing sections of the Comprehensive Plan, if the revision would require corresponding amendments to the County's development regulations. If you are suggesting revision to a particular section of Skagit County Code Title 14, please identify which section(s).**

The Port of Skagit requests amendments to Skagit County Code 14.16.210 as described above and does not anticipate the proposed amendments will create any inconsistency with the Comprehensive Plan.

**10. Describe how the amendment complies with the Comprehensive Plan's community vision statements, goals, objectives, and policy directives.**

Skagit County Comprehensive Plan Policy 8A-13.4 states, "In the vicinity of the Skagit Regional Airport, review development proposals to avoid future conflicts and the foreclosure of opportunities for future airport expansion."

Skagit County Bayview Ridge Subarea Plan also includes the following goals and policies, which are furthered by the Port's proposed changes:

- Policy 2A-1.1 Develop regulations for Bayview Ridge Heavy Industrial and Light Industrial zones that provide areas for industrial development compatible with Skagit Regional Airport and adjacent residential use, and are largely devoid of nuisance factors, hazards, or exceptional demands on public facilities.
- Policy 2A-1.2 Discourage uses that conflict with the continued operation of the Skagit Regional Airport, as identified in the Skagit Regional Airport Master Plan and the WSDOT 2011 Airport and Compatible Land-Use Program Guidebook, through the Airport Environs Overlay (AEO).

- Goal 3B Ensure continued use of Skagit Regional Airport, recognizing its role as a major force for economic development countywide.
  - Objective 3B-1 Support the Port of Skagit in its efforts to provide airport facilities and services for all users in a manner that maximizes safety, efficiency, and opportunity for use.
  - Policy 3B-1.1 Maintain and ensure the continued preservation and utility of the Skagit Regional Airport during its expected future growth as identified in the Skagit Regional Airport Master Plan.
  - Policy 3B-1.2 Work with the Port of Skagit to adopt development standards that allow development of the airport consistent with the approved Master Plan while providing for a high-quality business and industrial development
  - Policy 3B-1.5 Clearly identify any required land use constraints necessary to protect the long term viability of the airports in all Bayview Ridge development standards.

***11. Describe the impacts anticipated to be caused by the change, including geographic area affected and issues presented.***

The proposed amendments will impact properties located within the Airport Environs Overlay boundaries.

Adoption of the amendment will result in recording of one additional document, Airport Environs Overlay Disclosure Notice, by property buyer at the time of transfer of any property within the AEO boundaries. Recording fees would be paid by property buyer and are currently \$203.50/first page and \$1.00 for each additional page, see Skagit County Auditor Recording Fee Schedule effective July 23, 2023.

***12. Describe how adopted functional plans and Capital Facilities Plans support the change.***

See above for excerpted language from the Bayview Ridge Subarea that supports the proposed changes.

***13. Describe any public review of the request that has already occurred.***

In a regular open public meeting of the Port of Skagit Board of Commissioners on July 11, 2023, the Port Commissioners approved application to Skagit County for the proposed amendment to include an AEO disclosure notice requirement in County Code.