



# Skagit County Planning & Development Services

DALE PERNULA, AICP *Director*

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## Staff Report

From: Dale Pernula, AICP, Director  
Re: Airport Environs Overlay Code & Map Update  
Date: September 4, 2014

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### Background

Skagit Regional Airport, owned and operated by the Port of Skagit, has two runways and a small terminal at the center of the Bayview Ridge Subarea and supports commercial and general aviation. The airport is a major economic driver for Skagit County. The growth of industry around the airport has created over 1,000 manufacturing jobs for Skagit County. Complete information on the airport may be obtained in the Skagit Regional Airport Master Plan Update 2007.

To protect the airport and harmonize land uses around it, the County commissioned a Skagit Regional Airport Land Use Compatibility Study by Reid Middleton in April 2000. The intent of the study was to offer guidance regarding compatible land use development and the preservation of the utility of the Skagit Regional Airport. The three issues of concern and the objectives were:

- **Height Hazards.** To avoid development of land use conditions, which, by posing hazards to navigation, can increase the risk of an accident
- **Noise.** To minimize the number of people exposed to frequent and/or high levels of airport noise
- **Safety.** To minimize the risks associated with potential aircraft accidents to both people and property on the ground and enhance the survival of aircraft occupants

The compatibility study resulted in the County's adoption of an Airport Environs Overlay (AEO) zone. This overlay promotes land uses compatible with the airport and prohibits certain uses. Prohibited uses include those within which the occupants cannot move quickly out of nursing homes, most above-ground storage of flammable materials or other hazardous substances, and mobile home parks. Almost all of the Bayview Ridge Subarea lies within the Airport Environs Overlay, which also extends beyond the subarea.

The AEO zone employs several strategies to minimize the risks associated with potential aircraft accidents, including:

- Density limitations on the maximum number of dwellings, size of dwellings, or structures in areas close to the airport.
- Open space requirements to enhance safety for the occupants of an aircraft forced to make an emergency landing away from a runway.
- Avoiding certain critical types of land uses, particularly schools, hospitals, and other uses in which the mobility of occupants is effectively limited.

In January 2014, the **Port of Skagit adopted Resolution 14-01** to request that the County adopt a new AEO map and update regulations to be consistent with the 2011 WSDOT Airport and Compatible Land-Use Program Guidebook, and adopt additional industrial land use designations between the airport and existing residential development. On March 18, 2014, the Board directed the Department by motion to prepare a plan to reconfigure the Bayview Ridge Subarea to implement the Port of Skagit's recommended changes to the Airport Environs Overlay, move industrial zoning to the eastern portion of the subarea, reduce the residential zoning, and shrink the urban growth area boundary. Skagit County worked with the Port of Skagit to prepare this AEO update proposal, which fulfills part of the Board's directive.

## Summary

This legislative proposal to amend the Airport Environs Overlay code and adopt updated AEO maps would reorganize and rewrite the AEO code for clarity and for consistency with the 2011 WSDOT Airport and Compatible Land-Use Program Guidebook.

Because the proposal makes significant organizational changes to the existing code, the formal proposal is to completely readopt the section as a clean copy and does not show tracked changes. For ease of review, however, this staff report includes a computer-generated comparison between the two documents as Attachment B.

The proposed changes are summarized below:

- "Policies" that weren't really policies are relabeled as "background" and background statements are divided from actual policy text. Both are made more concise.
- Airport "Safety" Zones are retitled Airport "Compatibility" Zones for accuracy.
- An "Applicability" section is added to clearly define scope. Minor or incidental uses is exempted. The exemption for temporary structures is removed.

- New schools are prohibited in ACZ 6 and throughout the AEO. Expansion of Bayview Elementary is explicitly allowed.
- The table of zone-specific restrictions is moved into the appropriate place in the code text and restructured to only be *additional* zone-specific restrictions. Previously it was not clear whether the table imposed additional restrictions on uses or supplanted the list of allowed uses.
- The requirement to install airport navigation markers is removed as unnecessary.
- New sections are added to regulate exhaust plumes, require stormwater management consistent with the WSDOT Airport Stormwater Guidance Manual, and require any solar panels to be constructed with anti-reflective coatings to prevent glare.
- New requirement to allow 10 days for the Port of Skagit to comment on development applications.
- Consolidation of separate requirements for aviation easements, title notices, and waivers into a single subsection. Example documents that require recording will be included as attachments to the adopting ordinance. Development in all zones now requires an aviation easement.
- The complete text of the title notice is removed from the code. That notice and the other forms (that are not currently included in the text) will be included as attachments in the ordinance. The adopted forms will be available on the Department website.
- Each of the AEO maps is updated, including the boundary of the overlay and the compatibility zones. The map included as Attachment A to this memo shows the differences between the existing AEO and the proposed Airport Compatibility Zones.

## **Analysis**

The most substantial change in this proposal is the significant expansion of Airport Compatibility Zones 2 and 4. The expansion of ACZ 4 would significantly reduce the potential for urban levels of residential development within the Bayview Ridge Subarea, which is consistent with the changes proposed separately for the Bayview Ridge Subarea Plan.

New schools are prohibited anywhere within the overlay. This significant change in the law may not have a significant effect, however, because Burlington-Edison School District has indicated it does not intend to build a school anywhere within the overlay, and the proposal to amend the Bayview Ridge Subarea Plan dramatically reduces the residential population of Bayview Ridge and thus the need for a new school.

## **Recommendation**

Planning & Development Services has prepared this proposed revision to the AEO code and maps following the direction of the Board of County Commissioners to update the AEO consistent with the WSDOT 2011 guidance. PDS recommends approval.

## Consistency

GMA requires the Comprehensive Plan and each of its components (such as the Bayview Ridge Subarea Plan) to be internally consistent. Additionally, development regulations must be consistent with the Comprehensive Plan. The Department has developed this proposal concurrent with proposed revisions to the Bayview Ridge Subarea Plan and Bayview Ridge development regulations, each of which are consistent with each other. Notably, the proposal for the Bayview Ridge Subarea Plan update removes the AEO maps from the Subarea Plan so that those maps will be contained only within the AEO ordinance and can be updated as the development regulations that they are.

This proposal is consistent with and supported by the following Comprehensive Plan policies within the (existing) Bayview Ridge Subarea Plan:

- Policy 2A-1.5. Discourage uses that conflict with the continued operation of the Skagit Regional Airport, as identified in the Skagit Regional Airport Master Plan, through the Airport Environs Overlay (AEO) development standards.
- Policy 2C 2.1 Require that building height and scale reflect the character of the area and ensure safe airport operations.
- Goal 11A. Ensure continued use of Skagit Regional Airport, recognizing its role as a major force for economic development countywide.
- Policy 11A 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 11A 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.

## Process

As a legislative land use proposal, the County follows the process outlined in **Skagit County Code Chapter 14.08**, which includes a written public comment period, public hearing before the Planning Commission, recommendation by the Planning Commission, and then final decision by the Board of County Commissioners.

### **General Aviation Airport Consultation**

Consistent with RCW 36.70.547, Skagit County has filed this staff report and the proposal with the Department of Transportation Aviation Division and held a formal consultation meeting with owners and managers, private airport operators, general aviation pilots, ports, and the Aviation Division on June 18, 2014. The transcript of that meeting is available at [www.skagitcounty.net/bayviewridge](http://www.skagitcounty.net/bayviewridge).

## **Public Notices**

Skagit County issued the following public notices related to this proposal:

- Postcard mailed on June 2, 2014, to 900 residences within the subarea and up to 300 feet outside the subarea notifying them of the Community Meeting to be held on June 26, 2014, from 6 – 8 p.m. at the Bay View School.
- Email notice to PDS listserv on June 13, 2014, regarding the workshop on June 26, 2014.
- Airport consultation packet emailed to airport owners, managers, private airport operators, general aviation pilots, ports, and WSDOT Aviation Division on June 5, 2014
- Airport consultation meeting on June 18, 2014.
- Legal notice in the Skagit Valley Herald on September 4, 2014.
- Email notification to PDS listserv and email press release on September 4, 2014, announcing publication of this proposal.
- Postcard notice sent to residences within subarea and AEO notifying them of availability or proposal and opportunities for comment (to be mailed September 9, 2014)

## **SEPA Threshold Determination**




Skagit County has issued Addendum #4 to the Final Environmental Impact Statement for the Bayview Ridge Subarea Plan issued in February 2004, which included analysis of the Airport Environs Overlay. This addendum adds further information to the analysis contained in the FEIS and provides additional environmental information on the impacts from this proposal, but does not substantially change the analysis of significant impacts and alternatives in the FEIS.

## **How to Comment and More Information**

For more information, including comment deadlines and public hearing dates, please see the Notice of Availability on the project webpage at [www.skagitcounty.net/aeo](http://www.skagitcounty.net/aeo).

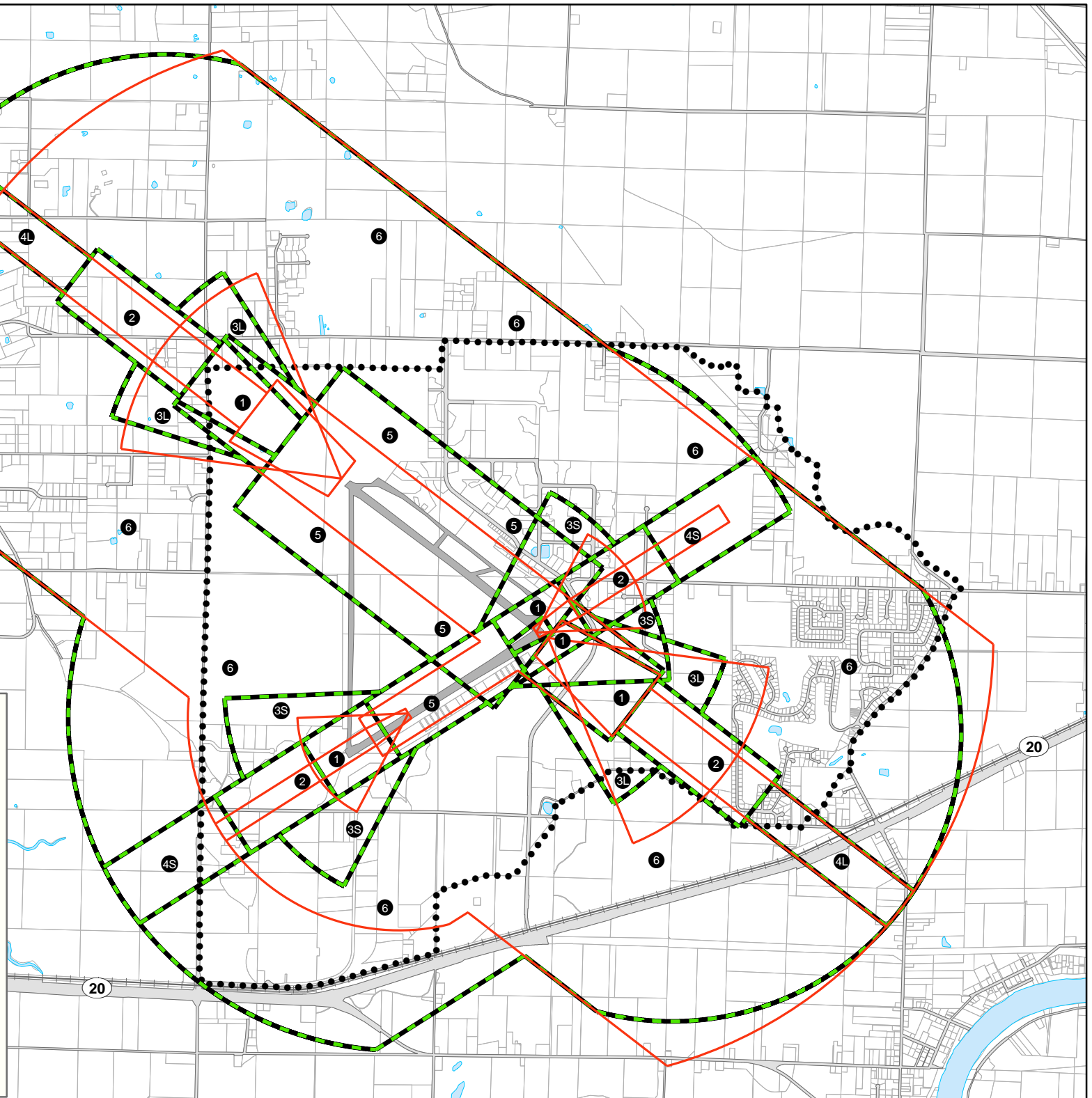
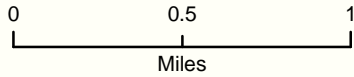
**Attachment A — Map of Existing and Proposed AEO Zones**

# Bayview Ridge UGA Airport Environs Zones

-  Proposed Airport Compatibility Zones
-  Adopted Airport Safety Zones
-  Urban Growth Area Boundary



August 25, 2014



**Attachment B — Comparison of Proposal to Existing Code**



NB: this comparison from existing code was automatically generated and may contain errors.

## SCC 14.16.210 Airport Environs Overlay (AEO)

### ~~(1) — Policies.~~

~~(2) — It is the declared policy of this County to protect the long-term viability of the Skagit Regional Airport~~

### (1) Overview.

#### (a) Background.

~~(a) Skagit Regional Airport is an essential public facility as designated in the Skagit County Comprehensive Plan (1997, 2000), and to promote land uses compatible with the airport within the airport's designated environs. It is the further intent of this County to provide to the residents of this County proper notification of the County's recognition and support, through this Section, of the airport's long-term operation.~~

~~(i) The Skagit Regional Airport provides an important transportation service to the region, and is a vital asset to facilitate economic growth in the County. The airport~~

~~(b)(ii) Skagit Regional Airport has been operated for general aviation and commercial purposes by local municipal governments since the 1950s when it was acquired from the Federal federal government. The Port of Skagit County has owned and operated the airport since 1965 and asserts that it has obtained aviation easements by prescription over property surrounding the Skagit Regional Airport.~~

~~(c)(iii) The State Growth Management Act law requires the County to protect public use airports from incompatible land uses through comprehensive planning and development regulations (RCW 36.70.547 and 36.70A.510).~~

~~(d)(iv) TheIn 1999, the Washington State Department of Transportation, (WSDOT), Aviation Division has, adopted Airports and Compatible Land Use (1999) guidelines, which provide that provided technical information and policy recommendations regarding airport land use compatibility. Skagit County used this that document, together with information from the California State Department of Transportation (CALTRANS) Airport Landuse Land Use Planning Handbook (1993), and information specific to the Skagit Regional Airport, to prepare the Skagit Regional Airport Land Use Compatibility Study (May, 2000). This County study) that was the basis for the first version of this Airport Environs Overlay code. In 2011, WSDOT issued an updated Airports and Compatible Land Use Guidebook. The 2011 guidance recommends safety additional compatibility criteria and identifies within six Airport Accident Safety zones. Compatibility Zones surrounding the airport.~~

### ~~(3) — Purposes.~~

~~(v) Where airport operations exist side-by-side with other development, or where low-flying air traffic over-fliesoverflies other development, airport operations are frequently the subject of nuisance complaints and on occasion, As a result, some airports have been forced to cease or curtail operations.~~

~~Such nuisance complaints are to the detriment of this As an essential public facility and the reduction of service resulting from nuisance complaints could limit the usefulness of this essential public facility. Such complaints could reduce or curtail service at the essential public facility and that, reduction or curtailment of service is also at Skagit Regional Airport is~~ contrary to the public interest and the requirements of the Growth Management Act. ~~It~~

(b) Policy. The policy of Skagit County is to:

(i) protect the long-term viability of Skagit Regional Airport; and

(ii) promote land uses compatible with the airport within the airport's designated environs.

(c) Purpose. The purpose and intent of this Section is to reduce:

(a)(i) Reduce any loss of airport operations by limiting and defining the circumstances under which the Skagit Regional Airport may be considered a nuisance.

~~(b) An additional purpose of this Section is to promote land uses compatible with the airport within the airport's designated environs. Require title notices and to protect public health, safety, and general welfare within the aforementioned airport environs.~~

~~(c)(ii) An additional purpose of this Section is to promote a good neighbor policy between the airport and other aviation easements that recognize that property owners by advising purchasers and users of property within Airport Safety Zones 1 through 6 as identified in the Skagit Regional Airport Land Use Compatibility Study (May, 2000) of the inherent proximity to the airport is subject to overflight effects associated with purchase of a residence, business, or land. These overflight effects may include, but are not limited to, e.g. noise, exhaust fumes, illumination, smoke, vibration, and loss of quiet enjoyment due to aircraft overflights associated with landing and taking off ("overflight effects"). It is intended that through mandatory disclosures, purchasers and users will better understand the impact of living or owning a business near the Skagit Regional Airport, and will be prepared to accept attendant conditions as the natural result of their location.~~

~~(d) An additional purpose of this Section is to establish an avigational easement that recognizes that overflight effects will arise from airport operations:~~

~~(iii) Determination. Help property purchasers and users understand the impact of living or owning a business near Skagit Regional Airport, and the conditions associated with their location.~~

~~(iv) Protect public health, safety, and general welfare within the airport environs.~~

(2) Applicability.

(a) Designation of Airport Environs.

~~(4)(i) For purposes of this Section, the airport environs is that geographic area affected by the airport and defined based on the basis of factors including, but not limited to, aircraft noise, aircraft flight patterns, airport safety zones, local circulation patterns, and area development plans. The boundaries of the~~

~~airport environs are depicted, and is based on the Skagit County WSDOT 2011 Airport Environs Overlay map and include Airport Safety Zones 1 through 6. Maps portraying the airport environs and noise contours shall be on file for public inspection in the office of the Port of Skagit County and Skagit County Planning and Development Services. Compatible Land-Use Program Guidebook's airport compatibility zones.~~

~~(5) — Application of Airport Environs Review.~~

~~(ii) The boundaries of the Airport Environs Overlay (“AEO”) zone and the six Airport Compatibility Zones (“ACZ”) are depicted on the adopted Skagit County Airport Environs Overlay map available at Skagit County Planning and Development Services and on the County website.~~

~~(b) Generally. This section applies to any of the following that lies wholly or partially within the airport environs:~~

~~(i) New buildings, structures, subdivisions, binding site plans, and/or land uses and their associated permits/or approvals;~~

~~(ii) Outdoor activities involving human use or assembly, including but not limited to:~~

~~(A) open storage areas, roofed or unroofed, separate or adjoining another structure; and~~

~~(B) parks, playgrounds, and playing fields.~~

~~(iii) Vegetation.~~

~~(c) Exemptions, which lie within the AEO, shall be subject to the provisions. The following uses are exempt from the requirements of this section:~~

~~(i) Any object that will be shielded by existing structures of a permanent and substantial nature or by natural terrain or topographic features of equal or greater height, and will be located in an area of existing development where the shielded structure will not adversely affect safety in air navigation;~~

~~(ii) Any air navigation facility, airport visual approach or landing aid, aircraft arresting device, or meteorological device meeting FAA-approved siting criteria, the location and height of which are fixed by its functional purpose;~~

~~(iii) Any construction or alteration for which notice is required by any other FAA regulation.~~

~~(iv) Any antenna structure of 20 feet or less in height, except one that would increase the height of another antenna structure.~~

~~(v) Other uses as determined by the Administrative Official to be minor or incidental and within the intent or objective of these regulations.~~

~~(a)(d) Existing Uses. Uses lawfully existing on the effective date of the ordinance adopting this Section are not required to change operations to comply with these regulations but may not be changed as to result in a greater degree of nonconformity with respect to these regulations, except that existing schools are allowed to expand.~~

(3) Compatibility requirements.

~~(i)(a) Prohibited Uses.~~ The following land uses ~~shall be~~ prohibited in all airport ~~safety compatibility~~ zones:

~~(A)(i) Hospitals; Public and institutional uses, including hospitals,~~ nursing homes; ~~outdoor, K-12 schools,~~ stadiums, and ~~any other similar land uses, as may be determined by the Administrative Official, for which the significant common element is the relative inability of use where~~ the people occupying the space ~~have limited ability~~ to move out of harm's way in a safe and rapid manner.

~~(B)(ii) Above-ground~~Aboveground bulk storage of flammable or hazardous materials ~~which~~that are not incidental to the permitted use.

~~(C)(iii) Manufactured home parks.~~

~~(ii) — The following uses shall be allowed in Zone 6 and prohibited in Zones 1 through 5: K-12 schools and churches.~~

~~(b) All development within the AEO which impedes the contours shown on the AEO FAA Permit Contours Map shall be required to apply for a permit from the Federal Aviation Administration using Form 7460-1 (Notice of Proposed Construction or Alteration) or its successor. In other cases Skagit County shall assist the applicant in reviewing Federal Aviation Administration (FAA) Form 7460-1 (Notice of Proposed Construction or Alteration), or its successor, to determine if notice to the FAA is required. The purpose of said Notice of Proposed Construction or Alteration is to minimize land uses and activities that create obstructions as defined by Section 77.23 of the Federal Aviation Regulations [Doc. No. 10183, 36 FR 5970, Apr. 1, 1971].~~Additional compatibility-zone-specific restrictions. To protect the safety of both pilots and people on the ground in the event of an airplane crash, uses within the Airport Compatibility Zones are subject to the restrictions shown in the following table in addition to the restrictions imposed by the applicable zoning districts. Required open space must be maintained as vegetation not more than four feet in height, mowed lawn, or pavement.

<u>ACZ</u>	<u>Additional Use Restrictions</u>	<u>Max Building Size</u>	<u>Required Open Space</u>
<u>1</u>	<u>No new structures or uses allowed (except aviation-related Port uses).</u>	<u>n/a</u>	<u>100%, except airport structures</u>
<u>2</u>	<u>No multi-family dwellings, accessory dwelling units, temporary manufactured homes, day care, co-housing, churches, or bed and breakfasts allowed.</u>	<u>13,000 sq ft and max one building per acre, except aircraft hangars.</u>	<u>30%</u>
<u>3S</u>	<u>n/a</u>	<u>13,000 sq ft and max one building per acre, except aircraft hangars.</u>	<u>15%</u>

<u>ACZ</u>	<u>Additional Use Restrictions</u>	<u>Max Building Size</u>	<u>Required Open Space</u>
<u>3L</u>	<u>No accessory dwelling units, temporary manufactured homes, co-housing, or bed and breakfasts allowed.</u>	<u>13,000 sq ft and max one building per acre, except aircraft hangars.</u>	<u>15%</u>
<u>4S</u>	<u>n/a</u>	<u>100,000 sq ft</u>	<u>10%</u>
<u>4L</u>	<u>n/a</u>	<u>100,000 sq ft</u>	<u>10%</u>
<u>5</u>	<u>n/a</u>	<u>30,000 sq ft</u>	<u>30%</u>
<u>6</u>	<u>Public and institutional uses (including churches) may not exceed a density of 100 people/acre.</u>	<u>n/a</u>	<u>10%</u>

(c) Other Compatibility Requirements.

(i) Trees. The owner of any tree that grows tall enough to impede the height restriction contours as depicted on the AEO Building Heights Restriction map must permit the maintenance or removal of the tree by the Port of Skagit to prevent hazards to air navigation.

(ii) Exhaust plumes.

(A) Background. 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. The FAA is currently developing guidance on the hazard of thermal plumes surrounding airports. Australian aviation authorities have studied exhaust plumes near airports and determined that gusts in excess of 4.3 m/s present a hazard to aviation.

(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 rise equation or equivalent source testing.

(ii) When results indicate that a vertical exhaust plume will exceed 4.3 m/s velocity at the height of the corresponding height restriction contour as depicted on the AEO Building Heights Restriction map, the project proponent must evaluate mitigating design measures in consultation with the County and Port of Skagit.

(iii) Stormwater management features, including stormwater detention or retention ponds, must be designed in accordance with the WSDOT Airport Stormwater Guidance Manual, except that mandatory provisions of SCC Chapter 14.32 control over conflicting provisions of the WSDOT manual.

(iv) Solar panels.

(A) Solar panels can have varying degrees of reflectivity depending on the type of solar technology used. Reflectivity can cause glint and glare to pilots, which can cause a brief loss of vision constituting a hazard to air navigation.

(B) Solar panels must be constructed with an anti-reflective layer to reduce glare.

(d) Height.

(i) Background.

~~(iii)~~ (A) Obstructions as defined by Section 77.23 of the Federal Aviation Regulations ("FAR") may create electrical interference with navigational signals or radio communication between the airport and aircraft; make it difficult for pilots to distinguish between airport lights and others; result in glare in the eyes of pilots using the airport; impair visibility in the vicinity of the airport; create turbulence in the vicinity of the airport; create bird strike hazards; or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

~~(b) Outdoor Activities. All activities, which are to occur in unenclosed space involving human use or assembly, which lie wholly or in part within the airport environs, shall be subject to the provisions of this Section. Such activities include, but are not limited to:~~

~~(i) Open storage areas, roofed or unroofed, separate or adjoining another structure; and~~

~~(ii) Parks, playgrounds and playing fields.~~

(A) The purpose of aeronautical review is to determine whether the proposed construction or alteration creates a hazard to air navigation, to allow the Federal Aviation Administration ("FAA") to make recommendations to avoid or minimize new hazards to air navigation, and to allow the FAA to notify the aviation community of any project that would affect the navigable airspace (FAR 77.5).

~~(6) Exemptions. The provisions of this Section shall not be deemed applicable to the following when allowed in the underlying zone:~~

~~(a) Existing Uses. Uses existing on the effective date of the ordinance adopting this Section shall not be required to change operations to comply with these regulations. However, any use shall not be so changed as to result in a greater degree of nonconformity with respect to these regulations.~~

~~(b) Temporary Uses. Within Airport Safety Zone 6, temporary uses including, but not limited to, circus, carnival or other outdoor entertainment events and religious assemblies as long as the period of operation does not exceed 5 days.~~

~~(c) Temporary Structures. Temporary buildings and structures, so long as such uses and associated structures are constructed or erected as incidental to a development, do not involve any significant investment, are solely used for the designated purpose and remain for a maximum of 1 year.~~

~~(d) Other Uses. As determined by the Administrative Official to be minor or incidental and within the intent or objective of these regulations.~~

~~(7) — Height (Airport Safety Zones 1 through 6).~~

~~(a) Obstructions as defined by Section 77.23 of the Federal Aviation Regulations [Doc. No. 10183, 36 FR 5970, Apr. 1, 1971] have the potential for endangering the lives and property of users of the Skagit Regional Airport and property or occupants of land in its vicinity. An obstruction may affect existing and future instrument approach minimums of Skagit Regional Airport. An obstruction may reduce the size of areas available for the landing, takeoff and maneuvering of aircraft thus tending to destroy or impair the utility of the Skagit Regional Airport and the public investment therein.~~

~~(b) Prior to permit approval, the applicant of any development within the AEO which impedes the contours shown on the AEO Plan FAA Permit Contours Map shall be required to demonstrate that application has been made for a permit from the Federal Aviation Administration using Form 7460-1 (Notice of Proposed Construction or Alteration) or its successor.~~

~~(c)(A) All development within the AEO as depicted on the AEO Building Heights Restriction Contours Map shall not impede the airspace above [shows contours that describe](#) an imaginary plane; as such plane is defined by Section 77.25 of the Federal Aviation Regulations [Doc. No. 10183, 36 FR 5970, Apr. 1, 1971; 36 FR 6741, Apr. 8, 1971]. Said plane is depicted on the AEO Building Heights Restriction Contours Map minus the underlying ground elevations.~~

~~(8) — Avigation Easement Required (Airport Safety Zones 1 through 6). In Airport Safety Zone 2, a notice, acknowledgement and waiver shall be signed in lieu of the following document. No permit of any type, including subdivisions and binding site plans, shall be issued for any development or activity on non-Port of Skagit County property subject to this Section until the Port of Skagit County is provided an avigation easement permitting the right of flight in the airspace above the subject property. Such easement shall be recorded on the title of the subject property. Said easement shall be substantially in the form set forth in Ordinance O20060007, or in the form that has been approved by the Port of Skagit County and recorded prior to the adoption of these development regulations, and shall include complete exhibits.~~

~~(9) — Notice and Acknowledgement to Purchasers Required (Airport Safety Zones 1 through 6). In Airport Safety Zone 2, a notice, acknowledgement and waiver shall be signed in lieu of the following document. No permit of any type shall be issued for any development or activity on non-Port of Skagit County property subject to this Section, including subdivisions and binding site plan approvals, until the proponent executes and records with Skagit County the following notice and acknowledgement running with the land in the chain of title for the subject property:~~

NOTICE AND ACKNOWLEDGEMENT  
AIRPORT AND AIRCRAFT OPERATIONS AND NOISE DISCLOSURE  
SKAGIT REGIONAL AIRPORT ENVIRONS

Permit Number: \_\_\_\_\_

Property Legal Description:

\_\_\_\_\_  
\_\_\_\_\_

Property Address/Location:

\_\_\_\_\_

\*\*\*\*\*

NOTICE

The above referenced property is located within the Airport Environs Overlay Zone and is included in a mapped airport impacted area in the vicinity of the Skagit Regional Airport (and depicted in Exhibits A, B & C, attached hereto). Skagit Regional Airport has been identified in the Skagit County Comprehensive Plan as an Essential Public Facility pursuant to Chapter 36.70A RCW (Washington Growth Management Act). 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. The Port of Skagit County, which owns and operates Skagit Regional Airport, claims to have acquired through prescriptive aviation easements the right to operate Skagit Regional Airport with the attendant impacts of low-flying aircraft over, near and upon those properties identified in Exhibit A attached hereto.

The Skagit Regional Airport is an aviation facility and is depicted on the maps attached as Exhibits A, B and C. The property subject to this notice will routinely experience the effects of low-flying aircraft. As a result, the subject property will experience aircraft noise, exhaust fumes, vibration, glare and invasion of quiet enjoyment resulting from propeller-driven and jet aircraft. The airport noise contours for the immediate vicinity of the Skagit Regional Airport have been identified for the then-existing 1994-1995 traffic volumes (Exhibit "B") and those forecast for the year 2013 (Exhibit "C"). The contours and the level of noise received by properties in the vicinity of Skagit Regional Airport will change in the future and impacts to property occupants may increase.

More specific information regarding airport operation and aircraft noise can be obtained by calling the Port of Skagit County, Skagit Regional Airport, Operations Office at (360) 757-0011.

This notice conveys actual and constructive knowledge to any person or entity acquiring or obtaining a real property interest or right of occupancy in or on the subject property.

ACKNOWLEDGEMENT



I, \_\_\_\_\_, the owner of the referenced property, hereby acknowledge that I have read and understand the NOTICE provided above. I understand that this NOTICE AND ACKNOWLEDGEMENT will be recorded with the Skagit County Auditor.

The Auditor will convey notice of its contents to all persons or entities acquiring or obtaining an interest or right to occupancy in or on the subject property. I have freely executed this ACKNOWLEDGEMENT as a condition of approval for permit/subdivision/binding site plan application number \_\_\_\_\_, as required by SCC 14.16.210(6).

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

By \_\_\_\_\_

Owner

By \_\_\_\_\_

Owner

\_\_\_\_\_

Printed Name

\_\_\_\_\_

Printed Name

(A) ~~The AEO FAA Aeronautical Review Map shows contours that indicate when a building height triggers FAA review.~~

(ii) Requirements.

(A) Development may not impede the contours shown on the AEO Building Heights Restriction Contours Map.

(B) Development that impedes the contours shown on the AEO FAA Aeronautical Review Map must submit a Notice of Proposed Construction or Alteration (FAA Form 7460-1 or its successor) to the FAA at least 45 days before the proposed start date of the proposed construction or alteration.

(4) Port of Skagit review.

The Department must provide an opportunity for the Port of Skagit to review and comment for any development application. The Department must wait at least ten days for the Port's comments before approving the application. This paragraph gives no authority to the Port of Skagit to require changes to the application.

(5) Required Avigation Easement and Title Notice.

(a) The Department may not issue any permit on property other than that owned by the Port of Skagit unless the documents indicated below are recorded in the chain of title for the underlying property:

(i) in ACZ 1 and 3-6:

(A) an avigation easement in favor of the Port of Skagit; and

(B) a notice and acknowledgement of airport and aircraft operations.

(ii) in ACZ 2:

(A) an avigation easement in favor of the Port of Skagit; and

(B) a notice and acknowledgement of airport and aircraft operations and a waiver of claims.

(b) The required recordings must be in forms substantially similar to that attached to Ordinance [this ordinance number] and must include complete exhibits. Forms for this purpose are available from the Department.

~~Acknowledgement for Individual Grantor}~~

~~(Acknowledgement for Corporate Grantor)~~

~~(10) — Airport Safety (Zones 1 through 6). In an effort to protect the safety of pilots and people on the ground in the event of an airplane crash, the requirements shown in the following Table 1 are imposed within Airport Safety Zones 1 through 6.~~

~~(11) — Open space located in Airport Safety Zones 1 through 5 shall be maintained as pavement, mowed lawn or vegetation not more than four feet in height, except that trees may be used as landscaping adjacent to buildings or other areas not specifically included as required open space. In all other Airport Safety Zones or locations outside the Airport Safety Zones, landscaping plans shall include trees.~~

~~(12) — Marking and Lighting. The owner of any existing nonconforming structure or tree shall permit the removal, or installation, operation and maintenance hereon, of such markers and lights as shall be deemed necessary by the Port of Skagit County to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated and maintained at the expense of the landowner.~~

~~Table 1~~

<del>SAFETY ZONE</del>	<del>LANDS WITHIN THE BAYVIEW RIDGE URBAN GROWTH AREA<sup>+</sup></del>	<del>LANDS OUTSIDE THE BAYVIEW RIDGE URBAN GROWTH AREA</del>	<del>OPEN SPACE</del>
<del>4</del>	<del>No new structures or uses permitted (except aviation-related Port uses)</del>	<del>Not applicable</del>	<del>All land shall be in open space, except airport structures.</del>
<del>2</del>	<del>Use limited to warehousing, light</del>	<del>One detached single-family dwelling unit</del>	<del>30% open space</del>

	<p><del>industrial allowed with no air emissions that obscure visibility; maximum <u>building size</u> footprint is 13,000 square feet limited to one per acre, except <u>aircraft hangars</u>.</del></p>	<p><del>provided expanded notice and acknowledgement is required.<sup>2</sup> <u>Residential accessory uses</u> may be allowed if uninhabited. No <u>accessory dwelling units</u>, <u>temporary manufactured homes</u>, <u>family day care providers</u>, <u>co-housing</u>, schools, churches, or <u>bed and breakfasts</u> shall be allowed. Existing <u>structures</u> and <u>uses</u> permitted to be replaced.</del></p>	
3S	<p><del>Use limited to warehousing, light industrial allowed with no air emissions that obscure visibility; maximum <u>building size</u> footprint is 13,000 square feet limited to one per acre, except <u>aircraft hangars</u>.</del></p>	<p>Not applicable</p>	<p><u>15% open space</u></p>
3L	<p><del>Existing residences and <u>residential lots</u> allowed to be replaced, built and/or created per the residential standards in the BR-R <u>zone</u>. Other <u>use</u> limited to warehousing, light industrial allowed with no air emissions that obscure visibility; maximum <u>structure size</u> footprint is 13,000 square feet limited to one per acre, except <u>aircraft hangars</u>.</del></p>	<p><del>New residential <u>land divisions</u> not to exceed 1 <u>dwelling unit</u>/5 acres.</del></p>	<p><u>15% open space</u></p>
4S	<p><del>Existing residences and <u>residential lots</u> allowed to be replaced, built and/or created; provided, that newly created <u>residential lots</u> are to be based on a 1 <u>dwelling unit</u> per 2 acre density. Industrial <u>development</u> allowed with a maximum <u>structure size</u> of 100,000 square feet with no air emissions that obscure visibility.</del></p>	<p>Not applicable.</p>	<p><u>10% open space</u></p>
4L	<p><del>Existing residences and <u>residential lots</u> allowed to be replaced, built and/or created per the residential</del></p>	<p><del>New residential <u>land divisions</u> not to exceed 1 <u>dwelling unit</u>/5 acres.</del></p>	<p><u>10% open space</u></p>

	standards in the <u>BR-R zone</u> . Industrial <u>development</u> allowed with a maximum <u>structure</u> size of 100,000 square feet with no air emissions that obscure visibility.		
5	<u>Use</u> limited to warehousing, light industrial allowed with no air emissions that obscure visibility; maximum <u>building</u> size 30,000 square feet limited to one per acre, except <u>aircraft hangars</u> .	Not applicable.	30% <u>open space</u>
6	Existing residences and <u>residential lots</u> allowed to be replaced, built and/or created per the residential standards in the <u>BR-R zone</u> . For churches and schools (public and private), the density of the facility shall not exceed 100 people/acre and the proposed <u>site</u> shall include or abut a permanent <u>open space</u> area. Industrial <u>development</u> allowed with no air emissions that obscure visibility to the extent that it creates a safety hazard to aircraft. <u>Community Center development</u> allowed for public facilities and services with a maximum <u>building footprint</u> of 15,000 square feet and <u>commercial buildings</u> with a maximum <u>structure</u> size of 15,000 square feet. Schools locating within the <u>Community Center zoning district</u> shall be exempt from the 15,000-square-foot maximum size limit.	New residential <u>land divisions</u> not to exceed these land <u>use</u> densities as prescribed by the Skagit <u>County Comprehensive Plan</u> and this Chapter. Expansion of Bayview Elementary School is allowed.	10% <u>open space</u> . For schools and churches: at least 25% of the proposed <u>site</u> will be permanent <u>open space</u> , playfields, or other active recreation areas.
<p><sup>1</sup>Based on the <u>application</u> of the International <u>Building Codes</u> and the <u>SCC</u> zoning code parking requirements, these limitations fully comply with the recommended industrial density limitations expressed in employees per acre in the Skagit Regional <u>Airport Land Use Compatibility Study</u>. <u>Building size</u> may increase or decrease as long as the overall ratio of <u>building size</u> to acreage remains the same.</p> <p><sup>2</sup>A notice, acknowledgement and waiver <u>airport</u> and aircraft operations and noise disclosure must be notarized and</p>			

~~recorded prior to allowing construction of new residential structures. The notice, acknowledgement and waiver includes a waiver of claims against the Port of Skagit County and Skagit County for injury or property damage due to aviation related incidents in recognition that residential uses are not recommended in Safety Zone 2 in the Skagit Regional Airport Land Use Compatibility Study (May 2000).~~