

From: [PDS comments](#)
To: [Debra L. Nicholson](#)
Subject: FW: Additional Comments on the 2013 Bay View Ridge Comp Plan Amendment
Date: Thursday, October 09, 2014 11:52:00 AM

From Dept Email

From: Ellen Bynum [mailto:skye@cnw.com]
Sent: Thursday, October 09, 2014 11:32 AM
To: PDS comments
Cc: FOSC Office
Subject: Additional Comments on the 2013 Bay View Ridge Comp Plan Amendment

Dear Planning Commissioners -

Thank you for listening to the various citizens testify about the changes proposed for the BVR (stand-alone) UGA plan.

Here are a few additional point for your consideration in making your decision on the proposed changes.

In the testimony I presented I urged the Commissioners to review the requirements of UGAs (and cities and counties in relationship to UGAs) in the GMA and the Skagit Comprehensive Plan. A review of the Abenroth final decision and order may also be helpful in making your decision. GMHB decision are on line in the Digest. Exxamples from the case rulings are attached below.

To our knowledge there are no petroleum, water, sewer lines (existing and planned) mapped on the plan. While we might expect there to be no sewer lines as the area is in rural Skagit County, the citing of "available" sewer lines from Burlington does not guarantee that the UGA can automatically use those lines. There is a long history of the WWGMHB denying extension of sewer service outside of UGAs as a way to preserve rural counties and prevent urban development in inappropriate areas. Capital Facilities Plans should show how a county plans to serve its entire UGA and these plans should not be speculative, whether funding is currently in place or planned for the future.

There is no aviation overlay extending to the northeast runway, which we understand is not a main runway but is in use. The FAA's concern is air traffic over residential areas, not light industrial. If the plan is to be accurate and represent the current and future use of the UGA.

We understand that the county uses (and may be required to use) the following map as a planning tool and reference. The map is not entirely accurate and we want to be certain that the inaccuracies are not adopted wholesale. The map has been submitted in at least two prior hearings since 2003 and is entitled: **The Functional Classification of Public Roads authored by US DOT. Supplement 200399 approval date 12/30/2003. Anacortes Urban area approval date 0630-2003. MV Urbanized area approval date 0722-2003.** The map appears to be accurate for Anacortes but not for the rest of the county. For an example the map shows the entire Riverbend area, parts of south and southeast Mount Vernon and some areas of agricultural bottom land as urbanized areas. Another example inaccuracy is designating residential roads as having capacity for truck traffic. An example is the east part of Ovenell Rd. If this is the map that is being used to determine current use we urge you to

find a way to correct its inaccuracies. A reason for the inaccuracies may be that the county adopted or was required to use the map for its transportation planning and adopted it in order to receive various Federal funds.

Lastly, the criteria for excluding certain parcels from the UGA was unclear to us. Whether all or a portion of the proposed excluded land is ever developed as residential is certainly something that you must consider due to the Port and FAA restrictions. However, excluding certain lands solely because of the safety restrictions does not make sense if the lands might provide other amenities within the UGA such as open space, parks, community garden space, etc. and still comply with the safety regulations. In addition, exclusion of only one landowner appeared to be randomly determined and not well justified. Please review the original designation of all parcels as originally proposed and consider if the requested changes are defensible.

Thank you for the opportunity to comment and should you have questions or need additional information please do not hesitate to contact us.

Ellen

SAMPLE RULINGS FROM GMHB DIGEST ON UGAS -

- The Board has long held that these two requirements [RCW 36.70A.070(3)(b) and 36.70A.110(3)] read together obligate counties and cities to include in the comprehensive plan's capital facilities element the proposed locations, capacities, and funding for the 20-year planning period covered by the comprehensive plan. *Skagit County Growthwatch v. Skagit County*, Case No. 07-2-0002, FDO at 17 (Aug. 6, 2007)
- [A] comprehensive plan should either contain the relevant information from non-county owned capital facilities or reference the information clearly so that it is accessible to the public. *Skagit County Growthwatch v. Skagit County*, Case No. 07-2-0002, FDO at 20 (Aug. 6, 2007)
- [T]here must be a capital facilities funding plan for both Bayview Ridge and the County as a whole to cover the 6-year period from the date of the establishment of the Bayview Ridge UGA so that both plans are consistent. The absence of such a CIP fails to comply with RCW 36.70A.070(3)(d). *Skagit County Growthwatch v. Skagit County*, Case No. 07-2-0002, FDO at 27 (Aug. 6, 2007)
- In addressing Skagit County's 11-year effort to establish a non-municipal Urban Growth Area (UGA), the Board noted how difficult it is to establish a non-municipal UGA especially in regards to providing urban services to the UGA when relying on multiple non-County owned service providers. The Board addressed the capital facilities for the UGA including parks, fire, school, and sewer service. *Abernoth, et al and Skagit County Growthwatch, et al v. Skagit County*, Coordinated Case Nos. 97-2-0060c and 07-2-0002, Compliance Order (Dec. 23, 2008).
- [T]he Board finds the GMA does not require the County to provide urban services immediately to the entire UGA or prohibit the County from providing reasonable options for development in the UGA before they arrive. Nevertheless, these options [such as sewer connection standards, concurrency requirements, zoning regulations, and existing land use

patterns] must be provided consistent with GMA requirements and goals.
Abernorth, et al v. Skagit County, Coordinated Case Nos. 97-2-0060c and
07-2-0002, Compliance Order, at 23 (Dec. 23, 2008).

Ellen Bynum, Executive Director

Friends of Skagit County

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friends@fidalgo.net

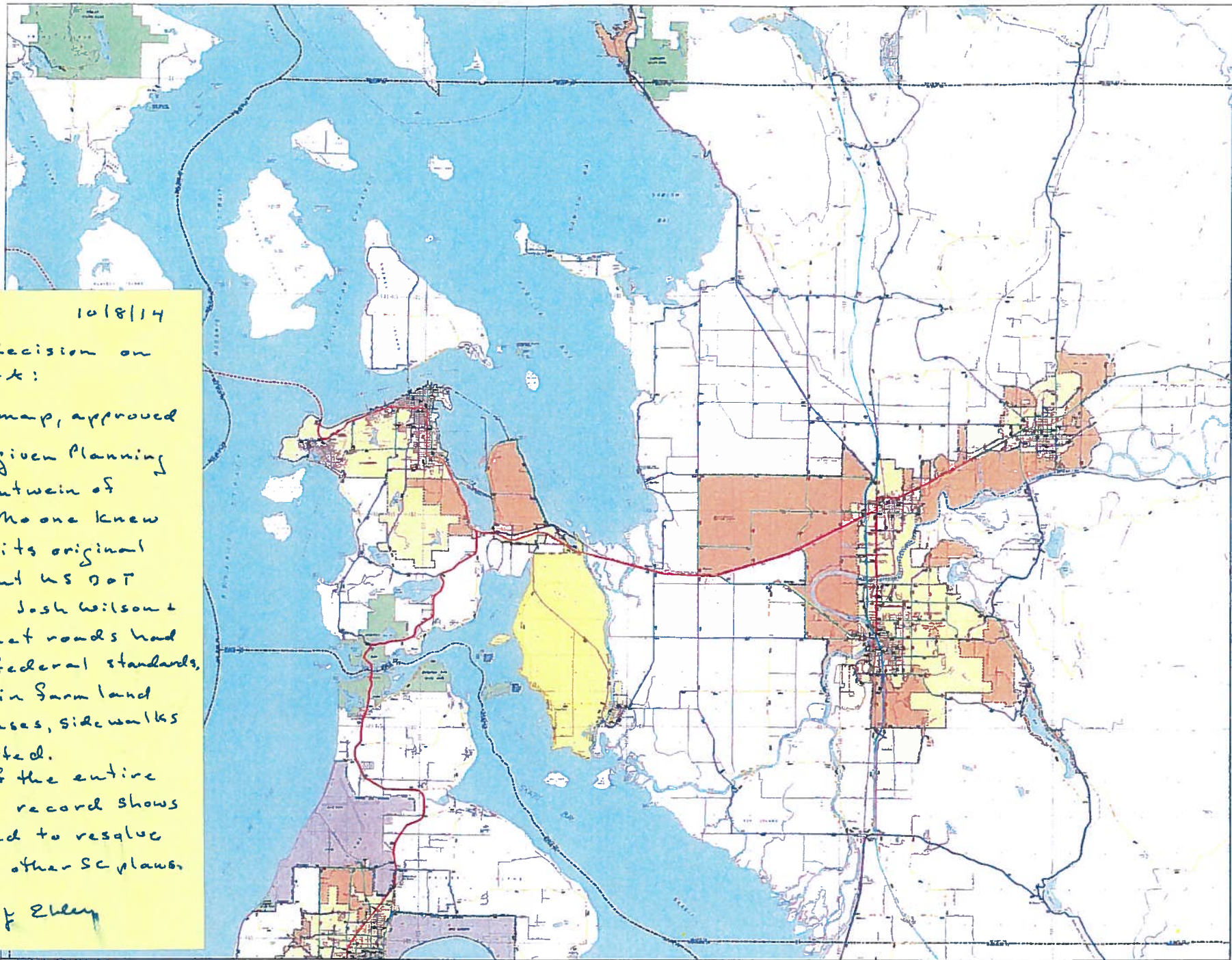
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10/8/14

For the PC decision on Bay View Lake:

This Federal map, approved 12/30/03, was given Planning by Ann Marie Gutwein of Public Works. No one knew who or where its original source was, but WS DOT told her that Josh Wilson + Farm-to-Market roads had to be built to Federal standards, where zoning in farm land prohibited houses, sidewalks could be omitted.

A review of the entire Bay View Plan record shows how SC worked to resolve this map with other SC plans.

c.f. Ebeling

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CLASSIFICATION UPDATE
SUPPLEMENT NO: 200389
APPROVAL DATE: 12-30-2003
ANACORTES URBAN AREA
APPROVAL DATE: 06-30-2002
MOUNT VERNON URBANIZED AREA
APPROVAL DATE: 07-22-2000

Functional Classification
of public roads

MANAGEMENT AREA DIVISIONS OF TRANSPORTATION
Design Planning and Programming Division

Project is prepared with the
U.S. Department of Transportation
National Highway Administration

UNIMPROVED ROAD
UNIMPROVED URBAN ROAD
UNIMPROVED URBANIZED ROAD

FUNCTIONAL CLASSIFICATION

URBAN ROAD
MAJOR ROAD
PRIMARY ROAD
SECONDARY ROAD
TERMINAL ROAD

CLASSIFIED ROUTE
ROAD UNDER CONSTRUCTION
OR PROPOSED

From: [LoriAnderson](#) on behalf of [Planning & Development Services](#)
To: [Debra L. Nicholson](#)
Subject: FW: Proposed bay view ridge subarea plan
Date: Thursday, October 09, 2014 4:24:02 PM

From Dept Email

From: Patrick Fraser [mailto:patso2k@aol.com]
Sent: Thursday, October 09, 2014 3:48 PM
To: Planning & Development Services
Subject: Fwd: Proposed bay view ridge subarea plan

Sent from my iPhone

Begin forwarded message:

From: pat Fraser <patso2k@aol.com>
Date: October 9, 2014 at 3:39:34 PM PDT
To: "pdscommelnts@co.skagit.wa.us" <pdscommelnts@co.skagit.wa.us>
Subject: Proposed bay view ridge subarea plan

From Patrick and Linda Fraser

We have a 55 acre parcel on the NE Corner of the ports property. Your plan calls for this to be light industrial or rural reserve. We are against this as in the next year or two we will probably dividing this property among our families. There are presently 11 properties on View Ridge Drive which is abutted to our property. This is a beautiful area for single family rural housing. We do not want 10 acre lots as this is a waste of good land. 5 or 2.5 would be preferable. 1 acre on view ridge and on the. Josh Wilson road would be a good use of land also. All utilities are here. We want flexibility for its use when the time comes.

Thank you,

Patrick Fraser
Sent from my iPad

LARRY R. JENSEN and RAY A. JENSEN
15356 PRODUCE LANE
MOUNT VERNON WA. 98233

360-770-5133 cell

SKAGIT COUNTY COMMISSIONERS
PLANNING COMMISSION
PLANNING AND PERMIT CENTER

October 7, 2014

Dear Commissioners,

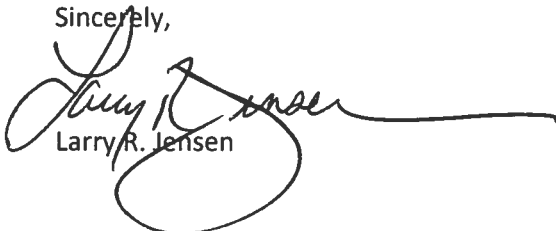
RE: JENSEN LANE PROPERTY / BAYVIEW RIDGE PLAN

I am writing and speaking tonight because I believe the plan to approve the Bay View Ridge plan as proposed in November of last year, which would include my families parcel in the planned UGA. It should go forward as planned. (not as amended or down zoned)

Here are the bullet points of why it should go forth:

1. The plan was formulated over approx. 16 years with the intent to go forward.
2. The commissioners repeatedly voted to fund the investigation through studies and staff time.
3. The parties whose land have been subject to the plan have been tied up in limbo of regulations for the entire time making it nearly impossible to develop and any change to go back would be a down zone and to not go forth would be robbing them of their property rights for the past 16 years without compensation.
4. The properties have access to utilities, the city of Burlington has brought out sewer to the base of the hill with capacity to handle the developmetn, the PUD has installed a major water line in Josh Wilson Road, there is adequate power available to service the needs.
5. The property is close to major roads like Highway 20 and I-5.
6. The property is above the flood plain.
7. The property offers great views to the residences.
8. The property owner (Jensen) offered a site for the school outside the environs.
9. The land will eventually be needed for development so why have to start the process over again at some later date when the time and expense has been spent.
10. It is a desired area and the homes will be preferred.
11. It keeps the homes off the farm land and out of the flood plain.
12. There is little danger form aircraft or why would the DOT proposed 15 DU /acre as an option within the environs.
13. There has been improvements in the drainage system to handle run off.

Sincerely,


Larry R. Jensen

From: [Dale Jenkins](#)
To: [PDS comments](#)
Subject: bayview ridge subarea
Date: Sunday, September 14, 2014 12:08:31 PM

First It should be pointed out that Bay View are two separate words.

All of Bay View hill should be developed in one way or another. The land is excellent to build on and is not very suitable for agriculture. I would not like it form a personal selfish position because if would interfere with my lifestyle, but from a practical position I think it is correct.

There is far too much bureaucratic intervention as what can be done on private property and if regulation was relieved much more would be accomplished with development.

From: [Kim Smith Johnson](#)
To: [PDS comments](#)
Subject: Bayview Ridge developement
Date: Thursday, October 09, 2014 3:29:49 PM

Skagit County Planning and Development Services,

Again, I'd ask you add my name to those who have been against this high density development plan from the very, very beginning. My reasons for opposition have never changed.

"Bayview Ridge" has only been in existence since the current landowners thought this massive project up in order to maximize land inheritance. Building dwellings at 4 to 6 homes per acre (and a possible 5000 souls) next to a working, growing airport is a recipe for disaster to our county and we all know it.

With no spot for proper shopping, gas stations, churches, day care centers and most of all schools, makes for a soul-less "city". Fire Houses and sewer alone, along side a noisy, growing airport, do not a city make.

With the federal changes since 9-11, not as much anticipated growth, neighboring towns wanting their share of growth (with threatened lawsuits) and those in charge seeing county opportunities a stand-alone, protected airport provides, it's silly we are even entertaining this type of city density development in this particular part of our county.

Please listen to the reasonable and sensible arguments of federal, state and local airport experts, school district officials, and those who call this part of unincorporated Skagit County home. Take the advice and recommended measures to protect the airport and surrounding area. We are not a city, nor do we want to become one.

Thank you for your time.

Kimberlee S. Johnson
16837 Peterson Rd
Burlington, WA 98233

From: [Thomas Johnson](#)
To: [PDS comments](#)
Subject: Comment on proposed Bayview Ridge Subarea amendments
Date: Tuesday, October 07, 2014 9:56:25 PM

My name is Thomas Johnson, and I live at 16837 Peterson Road in the Bayview Ridge Subarea. Thanks for the opportunity to comment via email-- I was actually in attendance at the October 7th meeting of the planning commission, but I don't speak well in public.

I fully support the proposed amendments, particularly the removal of the bulk of the BV-R from the UGA. I think the UGA-density housing was a very bad idea that didn't match existing housing, couldn't be supported by schools, and now simply isn't needed. The whole idea of a separate "liveable, walkable community" was a fantasy that simply wasn't going to work for many reasons, most of them due to the proximity of the airport.

At the public meeting, I heard proponents of the higher density housing say that we've been working on this so long and spent so much money and effort that we shouldn't stop now. I say it's never too late to stop and change a bad plan, no matter how much money's been spent. The focus should always be on getting it right, and I think the proposed amendments go a long way toward getting it right.

I heard proponents of the higher density housing say that the one large parcel of land shouldn't be left out of the UGA, that "one family should not be left out". I don't think it's the job of the planning commission to ensure that all of the stakeholders in the subarea maximize the revenue potential of their land. I think it's the job of the planning commission to ensure that land use makes sense in the context of everything around it.

I heard proponents of the higher density housing say "what has changed?" A lot has changed. The expected population increases didn't happen. Local municipalities have expressed desires to accommodate population growth. Schools can't be sited within the subarea. WSDOT guidelines changed.

Thank you for proposing amendments to the plan that make sense.

From: [Thomas Johnson](#)
To: [PDS comments](#)
Subject: Bayview Ridge Subarea Plan Amendments
Date: Thursday, October 09, 2014 3:22:20 PM

My name is Thomas Johnson, and I live at 16837 Peterson Road. I commented previously, but additional thoughts came to mind. During the recent Planning Commission meeting, some of the proponents of the larger UGA with its included BV-R high density housing spoke of how their land had been in the family for over a hundred years and how their forefathers originally desired to have residences on the hill. Why their opinions should carry additional weight just because their families have held the land longer is beyond me, but I do agree somewhat with their grandpa's desired legacy. Rather than take the current owners' word that grandpa wanted 4-6 homes per acre on his land, how about we look around and see how he actually divided it when he was alive. I am the fortunate owner of one of his original divided lots along the north side of Peterson road, and they are all right around an acre. Some a little more, some less. I wouldn't have a problem at all with housing going in at this density through the remainder of the acreage. It would be in keeping with the nature and character of what's existing.

Somebody declared that lower density residences couldn't legally hook up to the sewer, and that septic systems don't work on the hill. Well, all the homes along Peterson Road were on septic systems for years before the sewer came along and the residents were railroaded into hooking up to it. If it's illegal to hook up to sewer in lower densities, how did I (or the original owner of my property) get away with it? How about the homes along Sunrise Lane and Michael Place? Where does their poo go? All these consultants and lawyers are just throwing down every stumbling block they can think of in order to maximize their clients' revenue potential, at everybody else's expense. Thanks for your consideration.

Comments to Skagit Planning Commission BVR UGA
October 9, 2014

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Is this the way we now develop property in Skagit County? We start out with a good plan, rewrite it 5 or 6 times, spend millions of dollars of taxpayers dollars and 10s of thousands of dollars of our money which the present LLC owners can ill afford, set up all of the infrastructure, and then Planning decides after nearly 18 years that they've changed their mind. I'm not talking about the change of some residential zoning to Industrial, I am obviously concerned about what has happened to the Knutzen LLC hill property. The Port of Skagit County has said, our property is not suited for Industrial so it's best use is probably residential. Has anything changed. I thought most of us in the Skagit Valley understood that we should save the farmland and build homes on the hill ground. Apparently not.

The Knutzen property is the only large parcel, 60 acres, zoned BVR Residential, that has been deleted from the BVR UGA. It is surrounded by residential on 3 sides, and farmland on the north. It is ideal view property and the goal of our parents, was to maintain a view for all new residents. We would like to develop to continue that goal. About ¼ of the property is outside the Airport environs Zone 6, the remainder about 45 acres is inside Zone 6. It is all located inside the present UGA boundary. See enclosed Maps pages 1 & 2

In 1997, Dad, Roger, and I went to Seattle to talk with the then WSDOT Aviation Division manager of planning: Theresa Smith. Our purpose was to inquire as to what Residential development WSDOT would recommend to prevent encroachment of Skagit Regional Airport. After the first Subarea plan was submitted for WSDOT's review, Skagit County received a letter from Ms Smith Praising our 2000 Subarea plan as "a model example of exceptional planning". She sent the plan to FAA Headquarters in Washington DC, who shared the plan with FAA regional offices across the country as a "model example of airport planning." What has changed since that time? Very little. The Growth management act was in place. CALTRAN's Aviation study, well written and thoroughly researched remains the "gold standard of Airport planning". WSDOT references and copied much of CALTRAN's 2002 Handbook. The Skagit Regional Master plan indicates 4 to 6 homes per acre in Zone 6 as compatible, and the accident rate has remained about the same with 1.8 fatalities per year of people on the

ground being hit by aircraft in the entire United States. One year 2 fishermen died in a boat after an aircraft hit a power line, it fell into the water and electrocuted the fishermen. I don't mean to make light of this incident, I want make people aware that fatalities from an aircraft accident are extremely rare and it doesn't matter where you are. Anyone who advocates a rural density for our property, based on accidents just isn't aware of the facts.

Two years later we received another letter from John Shambaugh, Senior Planner at WSDOT Aviation Division stating essentially the same thing as Ms Smith. Mr Shambaugh's letter referred to the 2002 Subarea plan. Both of these letters are enclosed.

There are many documents, written on Planning near Airports. I have studied all that I have been able to find. They all seem to say much the same thing about planning near Airports.

1. Each airport has a different set of conditions, and as a result, no plan fits all circumstances.

2. Residential development in zone 6 should be low density (Less than 9 units per acre, or FAA 4 d/u per acre) as opposed to high density.

3. The Airport owners or operators, and the local city or county planners bear the ultimate responsibility for responsible planning.

So how does it happen that we have come to this position. Planning states that the reason for the changes are the school issue, and the fact that we cannot comply with Growth Management with the present WSDOT Guidelines. We have a school board letter indicating they do not want to hold the BVR UGA plan up because of a school. There are also several other options available, but apparently none are acceptable

Now to the WSDOT Aviation's Guidebook of Jan 2011. As a career pilot, 11 years in the Air Force and 27 years as an Airline pilot. I consider it a poorly "copied" document. Unfortunately our planning dept considered it as a regulatory as opposed to an advisory document. The one page that seemed to cause so much confusion to the issue is Page F 1. It states in zone 6 within the UGA "promote high density and intensity mixed use development (15 or more dwelling units per acre)", I don't believe anyone would like to see 900 homes on our 60 acres. Yet 2 pages later, Page F3 under Urban Development

Single family dwelling up to 12 d/u per acre is recommended. Same property, same location relative to the Airport, but strangely different recommendations. I don't know of any other document of the many I've read that recommends this kind of density. Carter Timmerman, the author of the Guidebook has no aviation experience. His boss is a helicopter pilot could not understand the 15 d/u per acre either. He apparently was not up to speed on what was in his Guidebook. Marian & I spoke with them in their office a couple of months ago, but Carter was unwilling to make any changes. His comment was "people who live in apartments tend to complain less." When we as citizens have so much at stake, is it too much to ask to have competent people running our lives? .

It's hard for me to believe that the School issue or WSDOT's Handbook are justification for changing the BVR UGA. Is there something else in play? It appears that the School issue has been resolved. As foolish as the WSDOT plan is about 15 or more du/acre, it probably satisfies the GMA guidelines, it just doesn't make sense.

Does the County want to transfer population allocations to Sedro Woolley's or some other GMA. Do they not want to spend \$4,000,000 for a park on Bayview Ridge as projected on page 4 & 15 of the Bayview Ridge Fiscal Impact Analysis Oct 2013. I don't know what kind of a park they are planning, but I think we could come up with very acceptable park for considerably less money. Is it the Envision Skagit 2060 "study" that recommends making Burlington & Mt Vernon one city?? What the plan failed to mention is that Bay View Ridge is large enough to accommodate both Industrial and Residential and the infrastructure is already in place contrary to the what the Envision states. BayView Ridge includes about 15,000 acres, Skagit Regional Airport is 1840 acres.

We do not want to develop our property without sewer service. The gravity flow sewer line serving the East side of Bay View Ridge has been on the drawing board for over 50 years. About 5 years ago Burlington constructed a Pump Station on Peterson Rd at the base of Bayview Ridge in anticipation of the completion of the BVR UGA That pump station and Burlington's sewer system now has the capacity to serve the entire Bayview Ridge according to Burlington's Planning Dept. Was that money wasted? We are told that we cannot connect to sewer unless we are inside a UGA. If we are outside the UGA, anyone developing beyond our property, will need to install almost a mile of sewer line through our property which we cannot use.

Does that make sense. Ecology is now testing water quality in Padilla Bay, and found problems similar to Samish Bay. The South Spur ditch which serves our property, flows into Joe Leary slough, which flows into Padilla Bay. The proposed sewer line closely parallels this ditch system, and would at least prevent human waste from flowing into Padilla Bay. The rim of Bayview Ridge between the Jensen Property and Padilla Bay, is all view property, outside the Airport Environs, and is ready to be developed as needed.

A new fire station was built near the airport about 10 years ago in anticipation of a large residential increase in the UGA. They now have trouble finding Volunteers and funding. PUD water has been available since the first group of homes were built on the parcel in the early 1960's. Burlington's sewers were available shortly after development, but in order for us to use that system we would need to install private pumps. It would surely be less expensive and make more sense to use a gravity system along the base of the hill, which is ready to be built.

Dike district 14 has just completed a project with County help to upgrade and increase the capacity of the Joe Leary slough system in anticipation of the completion of the BVR UGA. The cost was over ¼ Million. Was that money also wasted?

Every one of the documents listed in the Bibliography which follows indicate that since every Airport has different challenges to limit "encroachment" and promote "compatibility" the final authority must be the "local Airport owners or operators and the local city or county planners." The FAA document ACRP Airport Cooperative Research Program Page 1.145 goes even farther and says "It should be noted that some of these approaches to land use compatibility are more appropriate for use by airport related staff than local planners and elected officials." It also states in the same paragraph "if an entry level community planner who has no experience with airport compatibility planning reviews this document, it is hoped that they would read about airport master plans, wildlife management plans and noise abatement measures right along specific tools that a community would traditionally have available to them." We in Skagit County should feel fortunate that Skagit Regional Airport has an Outstanding Master Plan. It answers all of the questions our local planners would face concerning encroachment and compatibility including residential density, see page 1-46. 4 to 6 du/acre in zone 6. It also shows that noise contours above 55 decibels

are all within airport property and will not be a problem far into the future. The FAA requirements are far less stringent and suggest that only noise levels above 65 decibels are a problem. Remember both of the last documents I referred to are FAA approved documents, and as such “carry a lot of weight.” Instead, our local planners tended to ignore these documents and considered the WSDOT Aviation Division Plan the ultimate authority. The staff of Skagit Regional Airport was the lead agency in developing the Planned Unit Development for the BVR UGA, which was rejected. On at least 2 occasions with a County Commissioner present, I was asked by planning to have the Port of Skagit County clarify their position on residential development and density. That is not my job. If the county planners were unsure of what the Ports letters said, they should have gone directly to the port to clarify their position. In my experience with Airport staff, they have been more than helpful to make the BVR UGA work for everyone. That’s what “Compatibility” means.

The easiest and only way to be fair to all parties, and finish this project by the end of the year, is to keep the BVR UGA Boundaries and Zoning of the Knutzen property as BVR Residential, as it has been for the last 10 or 12 years. Lets not delay this process any longer

Thank You



Bill Knutzen

Property owner inside the BVR UGA

Attachments:

Several to save you time and effort.

Bibliography: (I have studied them all)

Skagit Regional Airport Master Plan Update 1995 & 2007

CALTRAN: California Airport Land Use Planning Handbook 2002 & 2011
& ALUC California’s Airport Land Use Commission

BVR UGA Subarea Plan 2000, 2002, 2004, 2008 & revisions

Bayview Ridge PUD and Development Standards, Apr 16 2013

ACRP: Airport Cooperative Research Program Report 27 (FAA)

WSDOT: Airport & Compatible Land Use Program (2011)

PSRC: Puget Sound Airport Compatible Use program

FAA: Airport & Local Land Use Planning Process

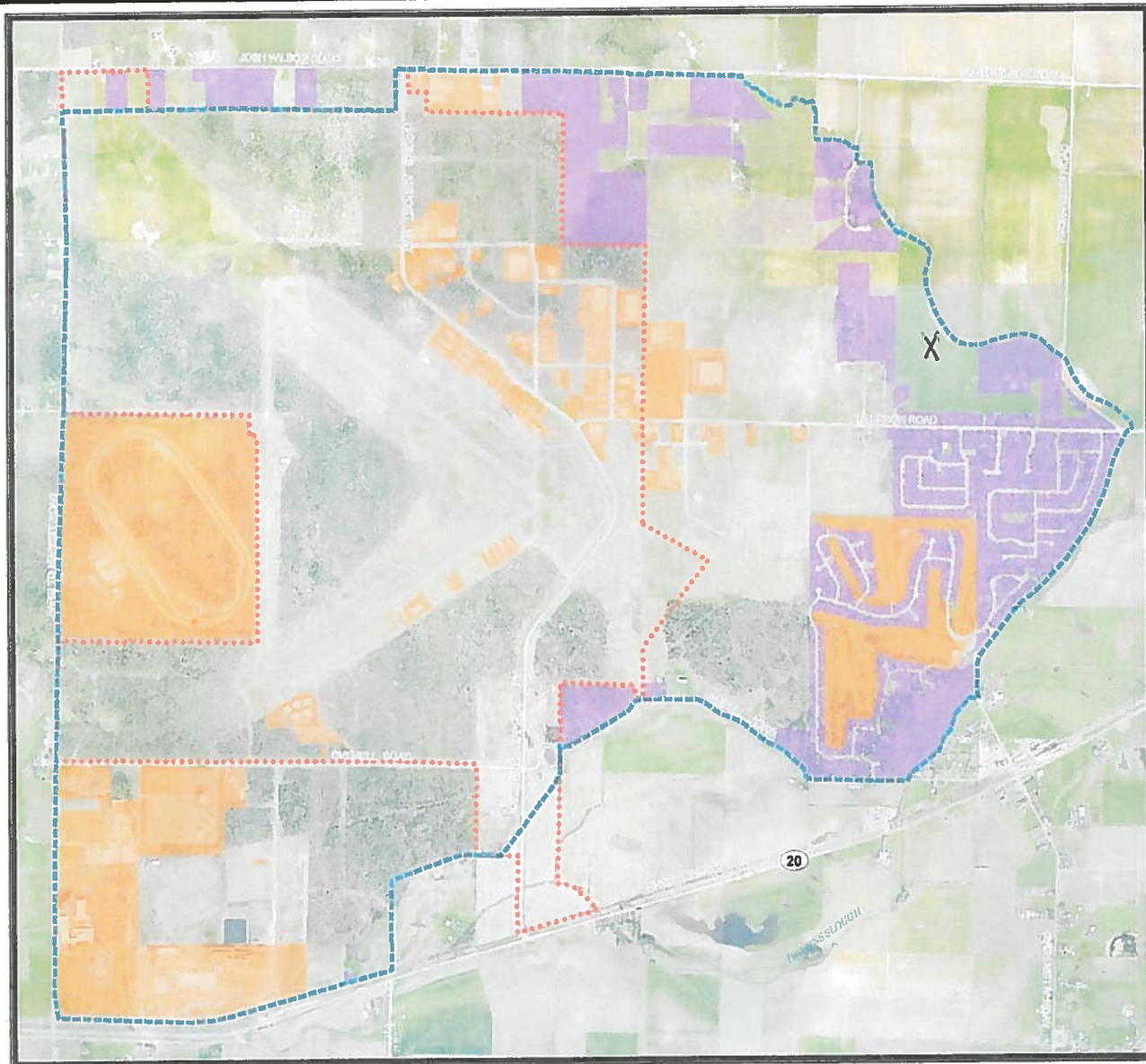
FAA Advisory Circular (AC) 150/5190-4A Dec 1987 Noise Req only

Many other documents including all published by Skagit County Planning Affecting BVR UGA over many years. Communications from previous WSDOT planners, Port of Skagit County, FAA documents, GMA compliance, Skagit County and Washington Code etc. They are all in a stack at my home if you need them. Most of them are available online.







P-1

PRE



LEGEND

-  Adopted Urban Growth Area Boundary
 -  Port of Skagit County Boundary
 -  Commercial Developed Parcels*
 -  Residential Developed Parcels*
- * Status based on land use not zoning

Aerial Photo 2007

X KURTZ
PROPERTY

August 1, 2008



BAYVIEW RIDGE SUBAREA PLAN

Existing Development

Figure 3

8-2



**Washington State
Department of Transportation**

Sid Morrison
Secretary of Transportation

Aviation Division

King County Int'l Airport / Boeing Field
8900 East Marginal Way South
Seattle WA 98108-4024

(206) 764-4131 / 1-800-552-0666
Fax (206) 764-4001

March 7, 2001

**RECEIVED
Skagit County**

MAR 09 2001

Planning/Permit Ctr

Mr. Gary R. Christensen, AICP
Assistant Director
Community Planning
Skagit County Planning and Permit Center
200 West Washington Street
Mount Vernon, WA 98273

Dear Gary:

Thank you for the opportunity to comment on the draft **Bayview Ridge Urban Growth Area, 2000 Subarea Plan and Development Regulations** dated December 13, 2000. We commend the County for your exemplary efforts in developing a plan that reflects the attributes of Skagit County, particularly the Bayview Ridge area.

In 1996, the Washington State Legislature passed Substitute Senate Bill 6422, General Aviation Facilities – Protection From Incompatible Land Uses. The law amended the Growth Management Act requiring all cities and counties which plan under the Act to protect airports from incompatible land uses through comprehensive planning and ordinances (RCW 36.70A.510.) As well, the law calls for a technical assistance program offered by the Washington State Department of Transportation (WSDOT) Aviation Division and the review of comprehensive plans and development regulations.

The role of the WSDOT Aviation Division through the Airport Land Use Compatibility Program is to provide the best available information and research to land use decision makers, and to advocate for the preservation of Washington State's public use airports as airports are defined as essential public facilities. The goal of the Airport Land Use Compatibility Program is to encourage a balance between infrastructure preservation and quality of life.

In review of the **Bayview Ridge Urban Growth Area Subarea Plan**, we find the plan achieves the balance between airport preservation and community identity.

- We especially like the Chapter 11, **Essential Public Facilities**, which recognizes the Skagit Regional Airport an essential public facility. The Skagit Regional Airport is a significant public use facility that provides an essential public role for the Washington State Aviation System Plan.

Mr. Gary R. Christensen
March 7, 2001
Page Two

- We commend the County for the Skagit Regional Airport Land Use Compatibility Study, May 2000. The WSDOT Aviation Division supports the development of an airport overlay that allows for appropriate uses to minimize impacts to and from the airport.
- We especially like 14.16.210, Airport Environs Overlay in the Bayview Ridge Development Regulations. The development regulation addresses the critical provisions relating to land use compatibility: aircraft noise, aircraft flight patterns and airport safety.

We offer the following comments on the Subarea Plan and Development Regulations.

- Bayview Ridge Development Code, Page 15, Section 5, Height. We recommend delineation of height hazards as contained in 14 CFR FAR Part 77, Civil Aviation Imaginary Surfaces. In addition, we request clarification on Paragraph b in Section 5 as the Federal Aviation Administration does not have permitting authority and assess impacts based on all users of airspace equally. It appears the intent of the paragraph is to avoid hazards to safe air navigation. We recommend a delineation of 14 CFR Part 77.
- On Page 17 of the Bayview Ridge Development Code, Section 8, Table I. To assist you, we sought examples of implementation for open space requirements on centerline approach to the airport. For reference, Kittitas County includes an open space requirement in their Airport Overlay for Bowers Field. The County found the required centerline alignment for open space difficult to implement. As an alternative, the Kittitas County overlay recommends open space on centerline in the regulations. Should you find implementation challenges, we suggest an approach similar to Kittitas County with the recommendation for open space on centerline for the Bayview Ridge for the open space requirements.

The WSDOT Aviation Division finds the Bayview Ridge Urban Growth Area 2000 Subarea Plan and Development Regulations to be exemplary and a model example of exceptional planning. The Federal Aviation Administration (FAA) Headquarters in Washington, DC also shares this feeling as I shared a copy of the draft Subarea Plan with Ashraf Jan, project manager for the new FAA Airport Land Use Compatible Program. Mr. Jan is sharing your work in his briefings on the new program with the FAA Regional Offices across the country as a model example. Congratulations on a job well done.

Mr. Gary R. Christensen
March 7, 2001
Page Three

I look forward to providing formal comment on the Bayview Ridge Urban Growth Area
2000 Subarea Plan and Development Regulations during the public comment period.

Sincerely,

A handwritten signature in cursive script that reads "Theresa Smith".

Theresa Smith
Manager, Aviation Planning

Cc: Heather Ballash, Growth Management Division, Washington State Office of
Community Development
Jerry Heller, Port of Skagit County
Chuck Epperson, WSDOT Northwest Region



**Washington State
Department of Transportation**

Douglas B. MacDonald
Secretary of Transportation

Aviation Division
3704 172nd Street, Suite K2
P.O. Box 3367
Arlington, Washington 98223-3367
360-651-6300 / Fax 360-651-6319
TTY: 1-800-833-6388
www.wsdot.wa.gov

May 20, 2003

Gary R. Christenson, AICP, Director



Planning & Permit Center
200 West Washington Street
Mount Vernon, WA 98273



MAY 23 2003



RE: Skagit County Bayview Sub-Area Plan 60-day Review

Dear Mr. Gary R. Christensen:

Thank you for the opportunity to review and comment on the Skagit County Bayview Ridge Sub-area Plan, development standards and environmental documents. The Citizen Advisory Committee, Port of Skagit County, City of Burlington and public have done an exemplary job in providing goals, objectives and standards within the plan that when used together will protect the airport as an essential public facility and balance the needs of the community with Bayview Airport.

We are encouraged by the variety and depth of policies, land use compatibility guidelines, and layout of the future land use map provided in the Bayview Sub-area plan. These components should protect the airport from incompatible development and enhance economic development opportunities in Skagit County. The integration of land use compatibility objectives and standards will limit encroachment of inappropriate land use conversions, unchecked residential density, and special use functions such as schools and medical centers within the Airport Accident Safety Zones. The plan also presents clear policy guidelines and standards that address height obstructions to navigable airspace, controls high people intensity/concentrations and promotes increased open space in key areas adjacent to the airport. Together these policy objectives and standards will reduce risk and promote public health and safety for people on the ground and in the air.

Thank you again, for the opportunity to comment on proposed amendments to the sub-area plan. The WSDOT Aviation Division fully supports Skagit County in their efforts to implement RCW 36.70A.510 and 36.70A.200. Once you have adopted the plan, please send our agency a copy. If you have any questions and we can be of service, please call us anytime.

Sincerely,

John Shambaugh
Senior Planner

Cc. Doug Peters, Growth Management Division, Office of Community Development
Mary Vargas, Federal Aviation Administration

FAN

V. Airport and Local Land Use Planning Processes

Division provide technical assistance to the GA airports in their respective states to implement Airport Impact Zones as a land use compatibility tool. The specific areas, both on and off airport property, that are included in the impact zones are based on aircraft incident investigation data provided by the National Transportation Safety Board (NTSB).

Exhibit V-6, Airport Impact Zones, defines the dimensions and locations of each zone. Airport Impact Zones would be added or modified based on individual airport conditions and future development projections. Typical Airport Impact Zones include:

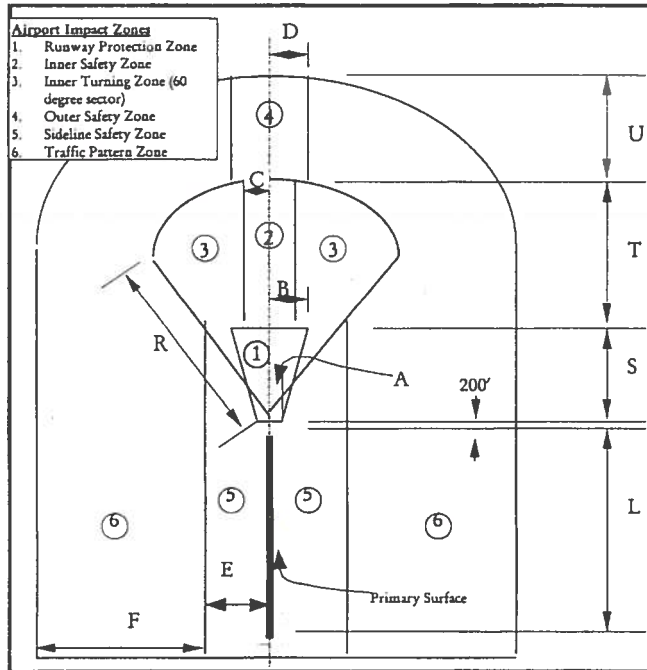
- Airport Impact Zone 1 – Runway Protection Zone
- Airport Impact Zone 2 – Inner Safety Zone
- Airport Impact Zone 3 – Inner Turning Zone (60-degree sector)
- Airport Impact Zone 4 – Outer Safety Zone
- Airport Impact Zone 5 – Sideline Safety Zone
- Airport Impact Zone 6 – Traffic Pattern Zone

The local land use planner, the airport representative, and in some cases, an aviation consulting firm or state aviation personnel, should work together to identify the Airport Impact Zones and establish the appropriate zoning. In locations where the Airport Impact Zones are within multiple jurisdictions, representatives from each jurisdiction would be involved in the planning and implementation process. Appropriate land use zoning would be established to ensure compatibility of land uses and development densities around the airport. Zoning also would control the construction of tall structures in the airport's airspace, electronic interference with the airport's navigation aids, and wildlife attractants around the airport.

Recommended land uses and densities of land development are different depending on the particular Airport Impact Zone. For example, the recommended land use in Zones 1, 2 and 5 would prohibit residential development and allow low-density (less than five people per acre) industrial development. Recommended land uses in Zones 3 and 4 would range from zero to low-density residential development and industrial development ranging from 25 to 40 people per acre. Recommended land uses in Airport Impact Zone 6 would allow low-

density residential development and industrial development accommodating fewer than 100 people per acre.

Airport Impact Zones



Airport Impact Zone Dimension (in Feet)

Dimension	Runway Length Category (L)		
	Runway less than 4,000	Runway 4,000 to 5,999	Runway 6,000 or more
A	125	250	500
B	225	505	875
C	225	500	500
D	225	500	500
E	500	1,000	1,000
F	4,000	5,000	5,000
R (60° Sector)	2,500	4,500	5,000
S	1,000	1,700	2,500
T	1,500	2,800	2,500
U	2,500	3,000	5,000

Data Source: NTSB accident investigations 1984-1991.

Illustration Source: Hodges and Shurt, Institute of Transportation Studies,

	Average Number/Year	% of Category	% of All Accidents
Accidents Involving Objects on the Ground (1982-1989) ^a			
Type of Object Involved			
Residences	8.1	1.4	0.3
Other Buildings	9.9	1.7	0.4
Fences/Walls	88.0	15.1	3.2
Poles/Towers	26.4	4.5	1.0
Wires	108.3	18.6	3.9
Trees	242.5	41.7	8.8
Other Objects	98.3	16.9	3.6
Total - All Objects	581.4	100.0	21.2
All Accident Types	2,742.0		100.0
Accidents Involving Buildings and Residences (1964-1982) ^b			
Phase of Flight			
On-Ground	9.1	30.8	0.20
Traffic Pattern	17.8	60.1	0.40
In-Flight	2.7	9.1	0.06
Total	29.6	100.0	0.66
Type of Injuries On-Board or On-Ground			
Fatal	3.7	12.5	0.08
Serious	4.4	14.9	0.10
Minor/None	21.5	72.6	0.48
Total	29.6	100.0	0.66
Type of Injuries to People On-Ground			
Fatal	0.5	27.8	0.011
Serious	0.6	33.3	0.013
Minor/None	0.7	38.9	0.016
Total	1.8	100.0	0.040
All Accident Types (1964-1982)	4,510.0		100.0
Type of Injury			
Fatal	1.8	28.7	
Serious	1.3	20.5	
Minor/None	3.3	50.8	
Total	6.4	100.0	

Source: ^a NTSB, Annual Review of Aircraft Accident Data—General Aviation, 1982-1989
^b Aircraft Owners and Pilots Association (1985)

TABLE E8

Accidents Involving Objects or People on the Ground



Port of Skagit

June 2, 2014

Kenneth A. Dahlstedt, Commissioner
Sharon D. Dillon, Commissioner
Ron Wesen, Commissioner
Skagit County Board of Commissioners
1800 Continental Place
Mount Vernon, WA 98273

Re: Bayview Ridge

Dear Commissioners,

The port commission has been asked by property owners in the Bayview Ridge area to clarify our opinion regarding residential development on certain view properties in Bayview Ridge urban growth area.

First, we want to make it clear that it is our continued request that the county adopt the most current Washington State Department of Transportation Aviation Division Safety Overlay Zones. We believe that those zones are appropriate to protect the future utility and development of Skagit Regional Airport. Second, we believe that industrial development on Bayview Ridge is appropriate and compatible with the port's mission of good jobs for the Skagit Valley into the future. We further understand the county will be reallocating some of our existing industrially zoned land in the NW quadrant and in the SE quadrant (Van Pelt) to accommodate industrial uses east of port property. We support this reallocation. However, we respectfully request the property losing the industrial zoning be changed to aviation related zoning. Both of these areas are extremely important to the future build out of Skagit Regional Airport. Third, certain properties along the north side of Bayview Ridge are inappropriate for industrial or agricultural purposes. Therefore, the most logical use of these properties is residential.

We encourage Skagit County to analyze those properties unsuitable for agricultural or industrial development and find an appropriate level of residential use compatible with

Skagit Regional Airport

La Conner Marina

Bayview Business Park

Skagit Advantage

June 2, 2014
Skagit County Board of Commissioners
Page two

Skagit Regional Airport. We encourage the county work with WSDOT and the affected property owners to find a solution that works for all parties.

Yours truly,



Steven Omdal



William Shuler



Kevin Ware



TABLE 1-21: AIRPORT SAFETY ZONE

<i>Land Use and Densities</i>	<i>Open Space Requirements</i>	<i>Representative Land Uses</i>
Zone 1- Runway Protection Zone		
Residential: None	Maintain all undeveloped land in open space	Agricultural operations Tree farm (8 ft height restrictions)
Non-Residential: 5 to 10 people/acre		
Notes: 1. FAA and WSDOT encourage airport sponsor to acquire RPZ. 2. FAA suggests use of property as golf course but such use may not comply with suggested densities.		
Zone 2 – Inner Safety Zone		
Residential: None	50% open space within a 500-foot-wide strip along the extended runway centerline; 25% to 30% open space overall.	Light industrial uses Mini-storage Parking lots
Non-Residential: 5 to 40 people/acre		
Notes: 1. During site development process, shift all structures away from the runway centerline.		
Zone 3 – Inner Turning Zone		
Residential: 2 acres/DU to 10 acres/DU	15% to 20%	Light industrial uses Mini-storage Parking lots
Non-Residential: 25 to 60 people/acre		
Notes: 1. During site development process, shift all structures away from the runway centerline.		
Zone 4 –Outer Safety Zone		
Residential: 2 acres/DU to 5 acres/DU	25% to 30% open space within a 500-foot-wide strip along the extended runway centerline; 10% to 15% open space overall.	Small neighborhood shopping center Small office building
Non-Residential: 40 to 100 people/acre		
Notes: 1. During site development process, shift all structures away from the runway end.		
Zone 5 –Sideline Safety Zone		
Residential: Not Applicable, under Port of Skagit County ownership	25% to 30% open space adjacent to the runway ends and RPZ.	All aviation related land uses are considered acceptable.
Non-Residential: 40 to 60 people/acre		
Zone 6 –Traffic Pattern Zone		
Residential: Urban Areas: 4 to 6 DU/acre or higher with master planned developments Rural Areas: 2.5 acres/DU to 5 acres/DU	10% to 15% open space or an open useable area every ¼ to 1/2 mile.	Industrial uses Small restaurant Neighborhood shopping center Small office building Residential subdivisions
Non-Residential: 100 to 150 people/acre		

Table F-1

Maximum Residential Density						
Compatibility Zones	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6
Maximum Residential Density						
	Average Number of Dwelling Units Per Gross Acre					
Agricultural (farmland/forest)	0	Maintain current comprehensive plan designation and zoning designation				
Rural (outside an urban growth boundary)	0	1 d.u. per 10 acres	1 d.u. per 10 acres ^A	1 d.u. per 5 acres ^A	1 d.u. per 10 acres ^A	1 d.u. per 5 acres
Urban (within the urban growth boundary)	0	0	B	C	B	C
Maximum Intensities for Nonresidential Uses (Commercial, Industrial, Offices, and Activities)						
	Average Number of People Units Per Gross Acre					
Agricultural (farmland/forest)	1-5 ^E	D, E	D, E	D, E	D, F	D
Rural (outside an urban growth boundary)	1-5 ^E	10-25 ^E	10-25 ^E	40-60 ^E	100-150 ^E	100-150 ^G
Urban (within the urban growth boundary)	1-5 ^E	50-75 ^E	80-120 ^E	100-150 ^E	100-150 ^E	No Limit ^G

Notes:

- A Cluster to preserve open space to maintain open approach corridor at and near runway ends.
- B Infill development up to average of surrounding residential area is allowed, but is appropriate only if nonresidential uses are not feasible
- C Promote high density and intensity mixed use development (15 or more d.u. per acre)
- D Maintain current comprehensive plan designation and zoning designation.
- E Special Function Land uses should be prohibited.
- F 50-100 people per acre allowed if on airport and aviation-related.
- G Special Function Land uses should be avoided.

Table F-2
Airport Land Use Matrix

	Compatibility Zones					
	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6
A. Resource Operations						
1. Agricultural (Commercial)						
Agriculture, horticulture, general farming (crops only, not feedlots and stockyards)	P	P	P	P	P	P
Agricultural building	L	L	P	P	P	P
Agricultural chemical sales/storage	X	L	P	P	P	P
Agricultural Housing/Farm labor	X	X	L	P	L	P
Agricultural housing/farm labor	X	X	L	P	L	P
Agricultural market	X	X	P	P	X	P
Agricultural related industries	X	L	P	P	P	P
Animal husbandry	X	L	L	L	X	P
Agricultural feeding operation or stockyards	X	X	X	X	X	X
Agriculture or food processing facility	X	L	P	P	L	P
Livestock auction	X	X	X	L	X	P
Fairgrounds	X	X	X	X	X	P
Floriculture, aquaculture	X	L	P	P	P	P
Fruit bin sales/storage	X	L	P	P	P	P
2. Forest (Commercial)						
General forest silver culture	L	L	P	P	P	P
Forest product processing	X	L	P	P	P	P
3. Mining/Refining/Offsite Hazardous Waste Treatment						
Asphalt paving and roofing materials, rock crushing	X	X	L	L	L	P
Mining including sand and gravel pits	X	L	L	L	X	P
Stockpiling of earthen materials	X	L	L	L	X	P
B. Rural Development						
1. Rural Residential						
Single-family dwelling (large lot, 5 acres or greater*)	X	L	L	P	X	P
Single-family dwelling, rural centers	X	X	L	L	X	L
Residential Cluster Development, 40% open	X	X	LSC	X	X	P
Multi-family dwelling	X	X	X	X	X	P
Temporary farm housing	X	X	P	P	L	P

Chart Symbols

- **“L” Limited** – Uses or activities that may be compatible with airport operations depending on their location, size, bulk, height, density and intensity of use.
- **“LSC” Limited Special Conditions** – Development should be moved away from the extended runway centerline. Open space should be devoted to areas that experience elevated risk.
- **“P” permitted** – Uses or activities that should be permitted, however, these activities should be reviewed to ensure that they will not create height hazard obstructions, smoke, glare, electronic, wildlife attractants, or other airspace hazards.
- **“X” Prohibited** – uses or activities that should not be constructed near the airport.

All uses or activities identified herein are subject to intensity and density limitations set forth in Table F-1. Particular attention should be given to developments that when located in combination with other permitted or limited activities may create cumulative impacts on airport operations. All uses should be reviewed to ensure that they will not create airspace hazards.

	Compatibility Zones					
	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6
2. Rural Centers						
Single-family dwelling; up to 12 dwelling units/acre	X	X	L	L	X	L
Two - Four family dwelling (duplex) (*)	X	X	X	X	X	L
Multi-family dwelling; 12-20 units/acre	X	X	L	X	X	P
21+ units/acre	X	X	P	P	X	P
Agriculture/forest/mineral resources or industry (see item A)						
Community services (see item D2)						
Retail and commercial service (see items D4 & D5)						
Industrial/manufacturing (see item D4s & D5)						
C. Education Facilities						
1. Education Facilities						
Junior or community college	X	X	L	L	L	P
Schools, K-12 elementary, middle, senior high	X	X	X	X	X	X
Business school	X	L	L	L	L	P
Vocational schools	X	L	L	L	L	P
D. Urban Development						
1. Residential						
Single-family dwelling; up to 12 dwelling units/acre	X	X	X	X	X	L
Two - four-family dwelling (duplex)(*)	X	X	X	X	X	L
Multi-family dwelling(*): 15 or more	X	X	LSC	X	X	P
Mixed-use office/commercial/residential use	X	X	P	P	X	P
Residential development cluster 40% > open space	X	X	L	L	X	L
Residential infill	X	X	L	L	L	P
Mobile home parks	X	X	L	L	X	L
Boarding house	X	X	L	L	L	L
Retirement homes	X	X	X	X	X	L

Chart Symbols

- **“L” Limited** – Uses or activities that may be compatible with airport operations depending on their location, size, bulk, height, density and intensity of use.
- **“LSC” Limited Special Conditions** – Development should be moved away from the extended runway centerline. Open space should be devoted to areas that experience elevated risk.
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DEPARTMENT OF TRANSPORTATION

California Airport Land Use Planning Handbook



State of California
Department of Transportation

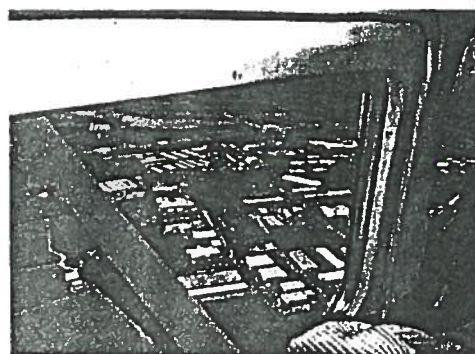
Division of Aeronautics



October 2011

Nature of Risk

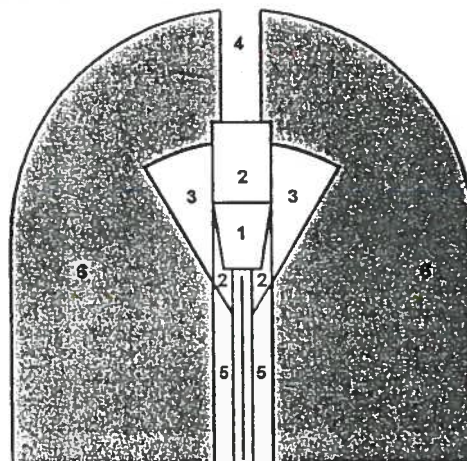
- Normal Maneuvers
 - Aircraft within a regular traffic pattern and pattern entry routes
- Altitude
 - Ranging from 1,000 to 1,500 feet above runway
- Common Accident Types
 - Arrival: Pattern accidents in proximity of airport
 - Departure: Emergency landings
- Risk Level
 - Low
 - Percentage of near-runway accidents in this zone: 18% - 29% (percentage is high because of large area encompassed)



IN TRAFFIC PATTERN

Basic Compatibility Policies

- Normally Allow
 - Residential uses (however, noise and overflight impacts should be considered where ambient noise levels are low)
- Limit
 - Children's schools, large day care centers, hospitals, and nursing homes
 - Processing and storage of bulk quantities of highly hazardous materials
- Avoid
 - Outdoor stadiums and similar uses with very high intensities
- Prohibit
 - None



Refer to Chapter 3 for dimensions.

	Maximum Residential Densities	Maximum Nonresidential Intensities	Maximum Single Acre
	Average number of dwelling units per gross acre	Average number of people per gross acre	4x the Average number of people per gross acre
Rural	No Limit – See Note A	150 – 200	600 – 800
Suburban	No Limit – See Note A	200 – 300	800 – 1,200
Urban	No Limit – See Note A	No Limit – See Note B	No Limit – See Note B
Dense Urban	No Limit – See Note A	No Limit – See Note B	No Limit – See Note B

Note A: Noise and overflight should be considered.

Note B: Large stadiums and similar uses should be avoided.

FIGURE 4G

Safety Zone 6 – Traffic Pattern Zone



Port of Skagit

June 2, 2014

Handout from Roger Knutzen following his testimony at the public hearing

Kenneth A. Dahlstedt, Commissioner
Sharon D. Dillon, Commissioner
Ron Wesen, Commissioner
Skagit County Board of Commissioners
1800 Continental Place
Mount Vernon, WA 98273

Re: Bayview Ridge

Dear Commissioners,

The port commission has been asked by property owners in the Bayview Ridge area to clarify our opinion regarding residential development on certain view properties in Bayview Ridge urban growth area.

First, we want to make it clear that it is our continued request that the county adopt the most current Washington State Department of Transportation Aviation Division Safety Overlay Zones. We believe that those zones are appropriate to protect the future utility and development of Skagit Regional Airport. Second, we believe that industrial development on Bayview Ridge is appropriate and compatible with the port's mission of good jobs for the Skagit Valley into the future. We further understand the county will be reallocating some of our existing industrially zoned land in the NW quadrant and in the SE quadrant (Van Pelt) to accommodate industrial uses east of port property. We support this reallocation. However, we respectfully request the property losing the industrial zoning be changed to aviation related zoning. Both of these areas are extremely important to the future build out of Skagit Regional Airport. Third, certain properties along the north side of Bayview Ridge are inappropriate for industrial or agricultural purposes. Therefore, the most logical use of these properties is residential.

We encourage Skagit County to analyze those properties unsuitable for agricultural or industrial development and find an appropriate level of residential use compatible with

Skagit Regional Airport

La Conner Marina

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Skagit Advantage

June 2, 2014
Skagit County Board of Commissioners
Page two

Skagit Regional Airport. We encourage the county work with WSDOT and the affected property owners to find a solution that works for all parties.

Yours truly,



Steven Omdal



William Shuler



Kevin Ware



June 16, 2014

RE: Knutzen LLC Property at Bayview Ridge
Access to Sanitary Sewer

Bill Knutzen
11790 Avon Allen Road
Burlington WA 98233

Dear Knutzen LLC:

Attached for your information is a portion of the City of Burlington Sanitary Sewer system map showing the area located at the northeast entrance to the Bayview Ridge Urban Growth Area. As the map indicates, the property in question is located in the existing Service Area Boundary.

There are likely two options for extending sewer service to the area, depending on the site elevation relative to the existing sewer lines. There is capacity in the line along Peterson Road (shown in black), and there is the potential to construct a gravity line along the base of the hill (shown in green), with either option connecting to the new pump station #8 on Peterson Road. The sewer system is designed to handle either residential or industrial development in the area.

If you need additional information, please let us know and we will set up a meeting with the Sewer Department to discuss the details. To contact the Sewer Department directly, call Don Erickson at 757-4085.

Sincerely,

Margaret Fleek
Planning Director

Planning & Permit Center

833 S. Spruce Street • Burlington, WA 98233
Phone (360) 735-9309 • Fax (360) 735-9309 • planning@ci.burlington.wa.us

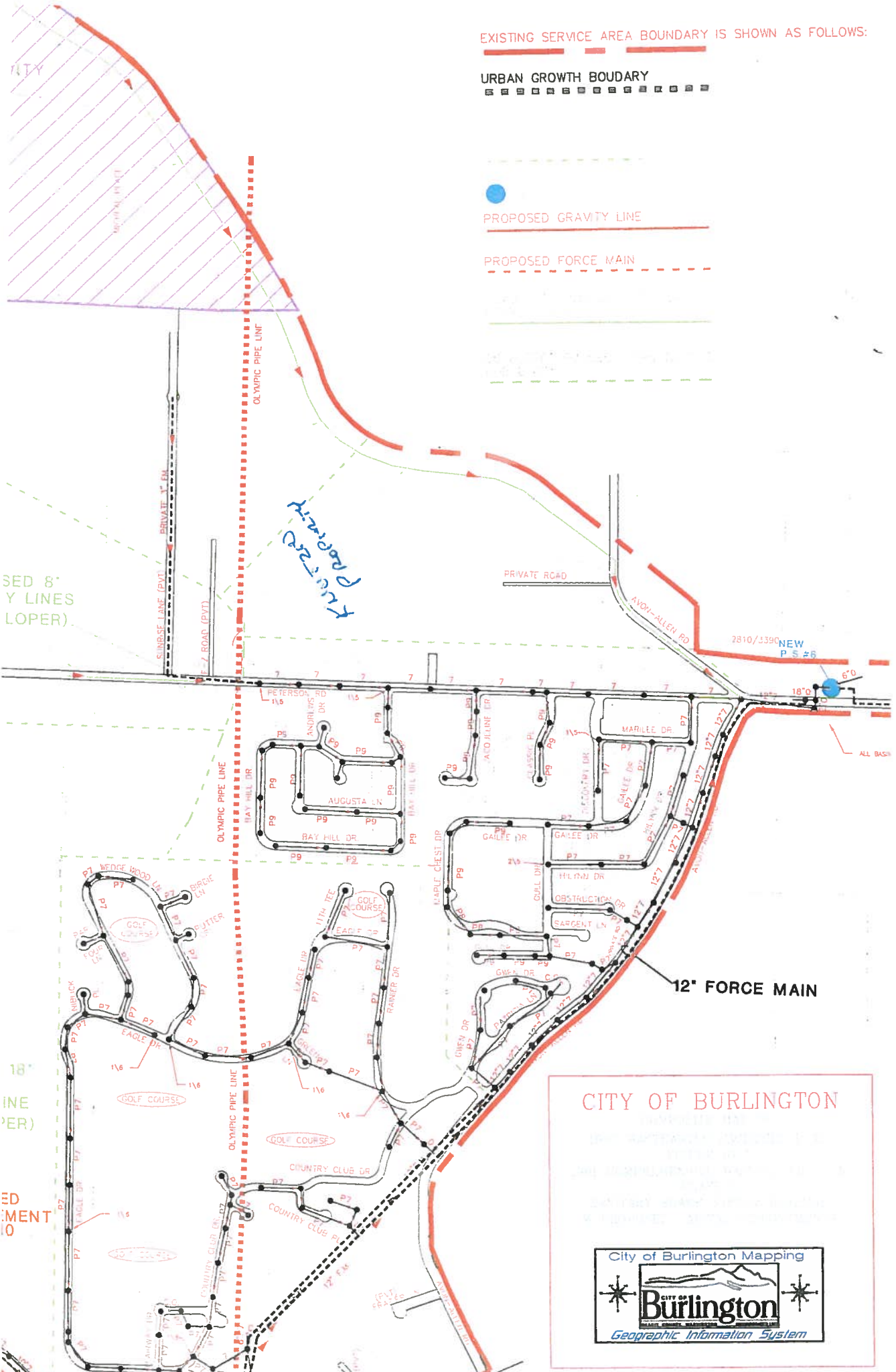
EXISTING SERVICE AREA BOUNDARY IS SHOWN AS FOLLOWS:

URBAN GROWTH BOUDARY



PROPOSED GRAVITY LINE

PROPOSED FORCE MAIN



CITY OF BURLINGTON





LAND SURVEYING / LAND-USE CONSULTATION

RECEIVED
OCT 08 2014
SKAGIT COUNTY
PDS

October 8, 2014

Skagit County Planning Commission
1800 Continental Place
Mount Vernon WA 98273

Re: Bayview Ridge Sub-area Plan

Dear Planning Commission Members:

Thank you for the opportunity to speak at last night's public comment period for the above-referenced project.

After completing my remarks, I decided that the issue under discussion is too complex and important to not respond with additional written comments.

My most important concern is the proposed elimination of a substantial portion of the UGA boundary and with it a significant loss of the residentially zoned property.

We are very fortunate to have the Bayview area within the Skagit County Comprehensive Plan, it has been reviewed and studied for many years and the final boundary, as it stands right now, is something that the planning commission should be strongly supporting and seriously questioning the proposed changes.

Obviously there are safety issues with respect to the airport environs and the land use; these have been addressed in the past with densities that meet the current recommendations. Based upon my review of the guidelines there are a lot of conflicting charts and tables. If the densities need to be re-worked, let's focus on those efforts, not the total elimination of portions of the UGA. As I said last night, once you eliminate the UGA I seriously doubt you will ever get it back, a very scary reality.

I would suggest that you take a look at the eastern portion of the Bayview Ridge and play with the densities. The UGA simply needs to have an average density of 4 units per acre (urban density). This can be achieved by utilizing various levels of density 2/acre, 3/acre, 4/acre, 5/acre, 6/acre, etc. Additionally, the increased density can be linked to the proposed Transfer of Development Rights (TDR) Ordinance that is being proposed.

By using the TDR ordinance, both higher densities can be achieved in appropriate "receiving" acres and additional conservation of resource lands can be created in "sending" acres, a win-win for the County.

The Bayview Ridge area is unique and ready for development, the infrastructure is in place, the utilities are available; it is out of the flood plain, does not impact resource lands and is appropriate for both industrial and residential development.

LISSER & ASSOCIATES, PLLC

320 Milwaukee Street / P.O. Box 1109 / Mount Vernon, WA 98273 / (360) 419-7442 / Fax: (360) 419-0581 / Email: bruce@lisser.com

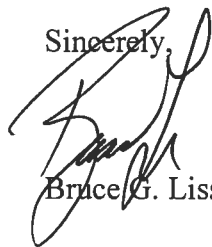
The recent closing of the Skagit Basin with respect to drilling wells for residential or commercial use has had a huge negative impact on the residents of the County. The impact additionally has impacted the treasury of the County due to the lowering of the assessments on land that no longer have building rights. Add the loss of the tax revenue due to the removal of homes on tribal reservation land and now think of the impact of removing additional residential land that could and should be developed in the Bayview Ridge UGA.

Please keep the UGA boundary as it is and if you need to re-work the density inside it, direct the planning staff to do so.

On a final note, please re-think the language dealing with the Loading Areas 14.16.180(7)(a). As mentioned yesterday, the literal implication of the language would force a building to be setback 250' from the property line. The language should be reworked to something like – any portion of a building that is used for truck loading operations or maneuvering operations should be located in an area that is 250' feet from areas zoned for residential use inclusive of the building area if the loading and truck maneuvering area is on the building side opposite the residential property line (include a detail drawing). This area may be relocated if determined by the Planning Department that appropriate measures (building placement, landscaping, fencing or a combination thereof) are designed to properly mitigate the impact.

Thank you for your serious and thoughtful review of the proposal, I hope you appreciate the possible negative consequences of changing the boundary of the UGA.

Sincerely,



Bruce G. Lisser, P.L.S.

BGL/mm

RESUME
BRUCE G. LISSER, P.L.S.

QUALIFICATIONS: I have been employed in the Land Surveying Profession in excess of 35 years, having had employment opportunities in both the public and private sectors. My Professional Land Surveying license was obtained in 1985.

EDUCATION: 1977 Graduate Washington State University
Bachelor Science, Forestry Management

EMPLOYMENT:

1977 - 1978	Washington State Department of Natural Resources Responsible for three person survey party
1979 - 1987	Don Semrau & Associates, Mount Vernon, WA Party Chief for two person survey party responsible for all aspects of land, topographic and construction surveys
1988 - 1999	Semrau & Lisser, Mount Vernon, WA Partner
1999 - Current	Lisser & Associates, PLLC, Mount Vernon, WA Manager/Owner

EXPERIENCE & RESPONSIBILITIES:

- Boundary Surveying
- Preparation of land descriptions
- Research, calculations and layout of survey projects
- Topographical surveying
- Construction surveying
- Contract administration
- Project scheduling and implementation
- Client representation at city and county hearings
- Land use planning and implementation through platting

PROFESSIONAL & COMMUNITY AFFILIATIONS:

- Land Surveyors Association of Washington
- American Congress of Surveying and Mapping
- Rotary Club of Skagit
- Public Hospital District No. 1, Commissioner
- Museum of Northwest Art, Past Trustee
- Skagit Valley Hospital Foundation, Past Trustee
- Washington State Hospital Association, Chair
- Governance Committee

From: [Tim Rosenhan](#)
To: [PDS comments](#)
Subject: 2014 Amendments to Comprehensive Plan, Bayview Ridge Subarea
Date: Wednesday, October 08, 2014 4:48:07 PM

Dear Planning Commissioners,

I support the proposed changes to the Bayview Ridge Subarea Plan near Skagit Regional Airport. These changes would eliminate the proposed new town next to the airport, reduce the amount of allowed new residences, and increase the amount of industrially zoned land. These changes are consistent with GMA requirements, including RCW 36.70.547 that asks the County to "discourage the siting of incompatible uses adjacent to such general aviation airport."

According to the *WSDOT Airports and Compatible Land Use Guidebook*, January 2011, non-rural residential development under the flight pattern of the airport (Zone 6) is considered "generally incompatible" with the airport. Numerous examples of how residential areas sited near airports that have resulted in protracted litigation and political conflict are present in our region, including at Sea-Tac International Airport, Paine Field, OLF Coupeville, and the Anacortes Airport.

At the June 18th Formal Consultation, WSDOT Aviation Division Planner Carter Timmerman testified that he supported the new BVR plan as being consistent with State Aviation land use policy recommendations. The Port of Skagit also testified at that meeting in support of the new BVR Subarea Plan.

Aside from considerations of airport compatibility, the proposed BVR Subarea Plan is consistent with GMA goals of directing new population growth into existing urban areas and preserving rural housing densities outside of urban growth areas. The new town at BVR was originally conceived in the 1990's as a way of accommodating projected new population growth in Skagit County. At the time, some of the cities here balked at accepting their allocations of the expected robust population growth. That situation has changed dramatically. With the GMA mandated update to the Comprehensive Plan underway, our local cities have expressed a willingness to accept the new lower population allocations from OFM. The City of Sedro-Woolley has gone so far to pass a resolution that states their opposition to the new town concept at BVR and also expresses a willingness to accept population in their city.

Whatever need for a new town and population center at Bayview Ridge that may have existed once has certainly evaporated now. Furthermore, that earlier concept was predicated on building a complete "livable, walkable community" with schools, parks, stores, and institutional support as mandated by the GMA for new urban areas. The Burlington School District has formally declared that they no longer are interested in siting a new school at BVR under the WSDOT flight zones.

The County is correct to propose that the UGA be pulled back to the edge of the proposed Light Industrial zoning, and that the area to the Northeast of BVR on the slope outside of the UGA be zoned Rural Reserve. This density allowing a maximum of 1 dwelling unit per 5 acres is an acceptable designation under GMA and under WSDOT Aviation guidelines. Of course, moving the UGA back to the NE would require establishing urban densities in the residential zoning, but to do so would simply create a housing subdivision without the complete services contemplated in the original new town plan, and thus would in fact be at odds with the GMA.

Thank you for your efforts. The new BVR Subarea Plan is well thought out and should be approved.

Cheers,

Tim

Tim Rosenhan
10479 Wallen Road

Bow WA 98232
(425) 330-9992 (mobile)

RECEIVED

OCT 07 2014

SKAGIT COUNTY
PDS

Jonathan K. Sitkin
ATTORNEY

e) jsitkin@chmelik.com

October 6, 2014

SENT VIA U.S. MAIL

Dale Pernula
Director
Planning & Development Services
1800 Continental Place
Mount Vernon, WA 98273

RE: Bayview Ridge Proposed Development Regulations for Light Industrial

**Our Clients: John Bouslog, Bouslog Investments L.L.C., and JBK
Investments L.L.C. ("Bouslog")**

Dear Dale:

We appreciate the proactive approach you and Ryan Walters have taken to address our questions and concerns related to the proposed changes to the existing Bayview Ridge-Light Industrial ("BR-LI") development regulations. From our discussion, it appears that there are resolutions to the topics. The remainder of this letter outlines those topics and potential solutions that we discussed and have conceptual agreement upon.

- 1) SCC 14.16.180 (7)(a). Page 6. As we discussed, requiring a two hundred fifty foot (250') setback of loading and maneuvering areas from a residential zone has an unintended consequence of forcing out smaller less intensive light industrial uses, uses that the light industrial zone is intended for, and may be more compatible adjacent to residential areas.

The provision should allow for the loading and maneuvering areas to be within two hundred fifty foot (250') of a residential area when the building is located between the adjacent residential zone and the loading or maneuvering area. If applied without modification, approximately fifty-four (54) acres of light industrial land will be lost to the County land supply.

We have prepared a lot layout example to demonstrate how this two hundred fifty foot (250') setback loading and maneuvering setback affects smaller industrial. See attached. We understand that you will be looking to refine the language to address the concerns raised.

Below is additional language to address the concern. We would suggest the inclusion of a lot layout in the zoning text to avoid later confusion.

(7) Buffering Between Industrial and Residential Zone Land....

1500 Railroad Avenue
Bellingham, WA 98225

pl 360.671.1796

fi 360.671.3781

www.chmelik.com

- (a) Loading Areas. Truck Loading operations and maneuvering areas may not be located within 250 feet of areas zoned Bayview Ridge-Residential, unless the loading and maneuvering area is located on the opposite side of a building from the Bayview Ridge-Residential zone.

For your information, we have reviewed both Whatcom County and Snohomish County light industrial regulations, and have found no similar requirements. In Whatcom County, a setback of fifty feet (50') is required. Whatcom County Code 20.66.550. In Snohomish County, a setback of fifty feet (50') is required. Snohomish County Code 30.23.030(1)-Table. Of interesting note is that in Snohomish County, requires that when a residential development locates adjacent to existing industrial development, the residential development must provide a ten foot (10') wide landscaped buffer.

- 2) SCC 14.16.180(2)(a). Page 2. We raised a concern related to potential confusion related to this language. We understand that the intention is that the three (3) listed uses (i-iii) are to be allowed only along Peterson Road. We would agree with this provision and interpretation. The concern was that the introductory sentence as written it could be misinterpreted to mean that these are the only three (3) uses allowed to abut Peterson Road, which is not your intent as explained to us. Our suggested language revision is to the introduction sentence of sub-section SCC 14.16.180(2(a):

(2) Permitted Uses.

- (a) The following uses are only allowed when they abut Peterson Road:

- 3) SCC 14.16.180 (2). Page 4. As we discussed, since Bayview Ridge is an Urban Growth Area, limitation on the size of the water and sewer line for the purposes of maintenance, repair, replace, and installation should not be limited as to size. Already there is a number of publicly and privately installed water and/or sewer lines exist in excess of eight inches (8"). The restriction on size may be appropriate in rural areas, but not an urban area.¹ As we discussed at Bayview Ridge, water and sewer lines should be allowed to be installed, maintained, repaired, and replaced without regard to line size. This language issue arises in nearly all of the permitted use sections of the particular zoning districts at Bayview Ridge. We would suggest the following revised language to provide that the operation and maintenance of these water and sewer lines are an allowed use and facility:

(2) Permitted Uses

- (aa) Installation, repair, replacement, maintenance and operation of water and sewer lines and related facilities.

¹ It is noted that fire flow requirements for rural and agricultural uses may require water line in excess of 8".

- 4) SCC 14.16.180(3)(e), (4)(d), and (5)(c). Pages 4-5. As we discussed, our clients have concerns with solid waste handling facilities in the light industrial zones. Solid waste handling facilities and transfer stations are appropriate for heavy industrial zones, not the light industrial zone. The following language should be added to SCC 14.16.180(3)(e), (4)(d), and (5)(c), at a minimum.

(e) Outdoor storage of processed and unprocessed natural materials, waste materials or other similar materials used in conjunction with a permitted, accessory or special use provided the same in quantities that total less than 500 cubic yards. However, solid waste or recycling handling and/or transfer stations of any size are prohibited, including temporary storage of solid waste.

- 5) SCC 14.16.215. (3)(iii). Page 8-9. We understand that the requirement to install a trail in lieu of a paved sidewalk would occur only if it is located within a County right of way that exists or is dedicated to the County, not within private property with the later. We understand that you will be reviewing this with the Public Works Department.

- 6) Page 8-9. SCC 14.16.215. (3)(iv). We questioned the appropriateness of these extensive street standards for small singular retail establishment along Peterson Road. With the elimination of the Bayview Ridge- Community Center designation, and the Bayview Ridge-Residential Zone, development of a commercial center is highly unlikely. In time, there could be singular commercial development. Requiring a small landscaped median, short distance bike lanes, would likely be cost prohibitive for small retail stores, and would likely be far too disruptive to the traveling public. We understand that you will be reviewing this issue. We would suggest the elimination of this requirement, unless a commercial center development was to be proposed, although we see a commercial center development as high unlikely given the elimination of Bayview Ridge-Residential.

Thank you for your efforts and time in this process. Please include this letter in the public comments to the Planning Commission.

Sincerely,

CHMELIK SITKIN & DAVIS P.S.



Jonathan K. Sitkin

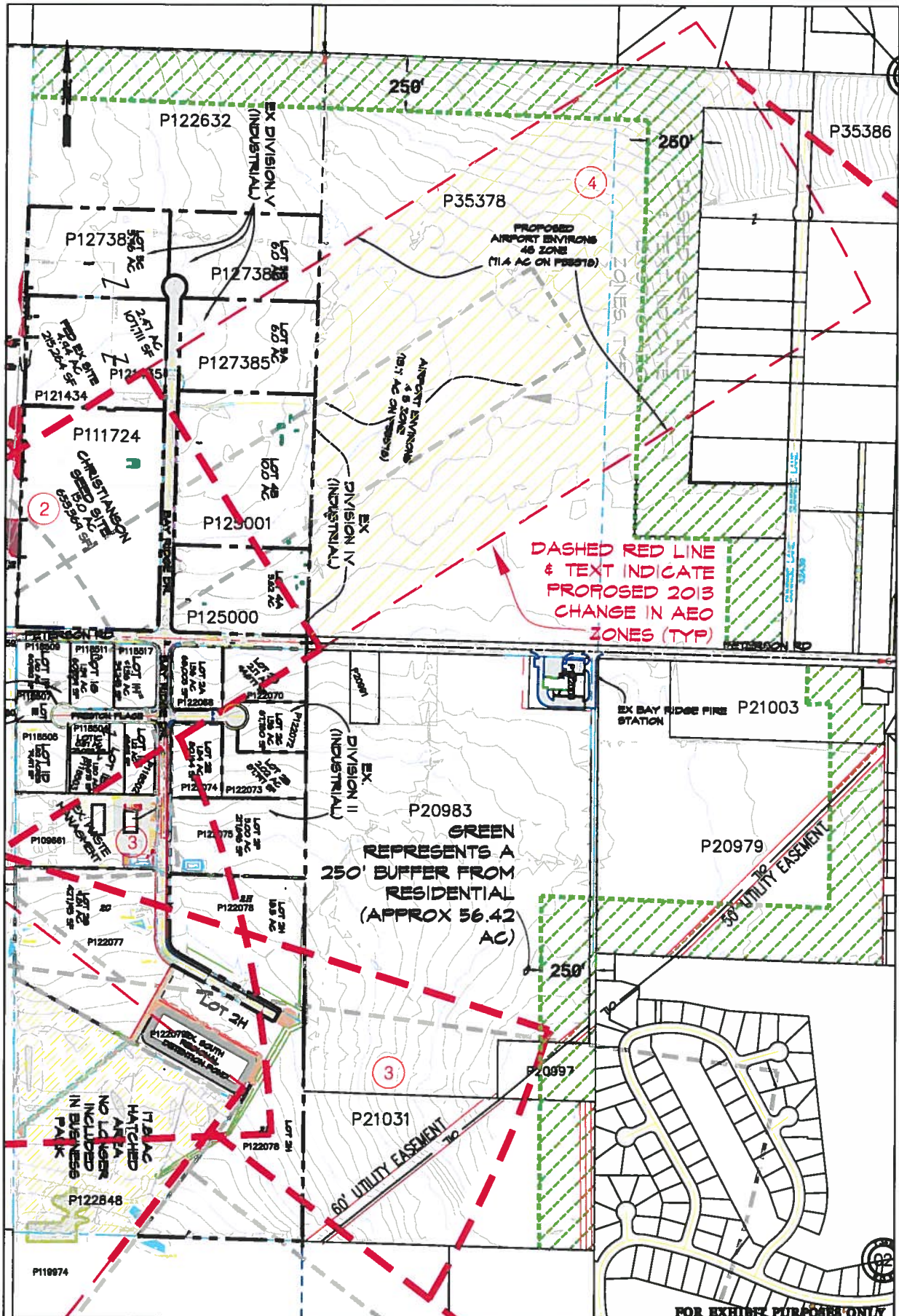
JKS/gms

Encl.

cc: Client

Skagit Planning Commission, c/o Skagit County Planning Department

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Ravnik & Associates
 CIVIL ENGINEERING & PLANNING
 101 WEST 14TH ST
 SUITE 200
 PHILADELPHIA, PA 19104
 PH: (215) 763-2200 FAX: (215) 763-2205

SHEET DESCRIPTION:
PROJECT EXHIBIT

SCALE: 1"=400'
 DRAWN BY: GAR
 CHECKED BY:
 DATE: 10.08.14

SHEET TITLE:
**BAY RIDGE
 BUSINESS PARK**

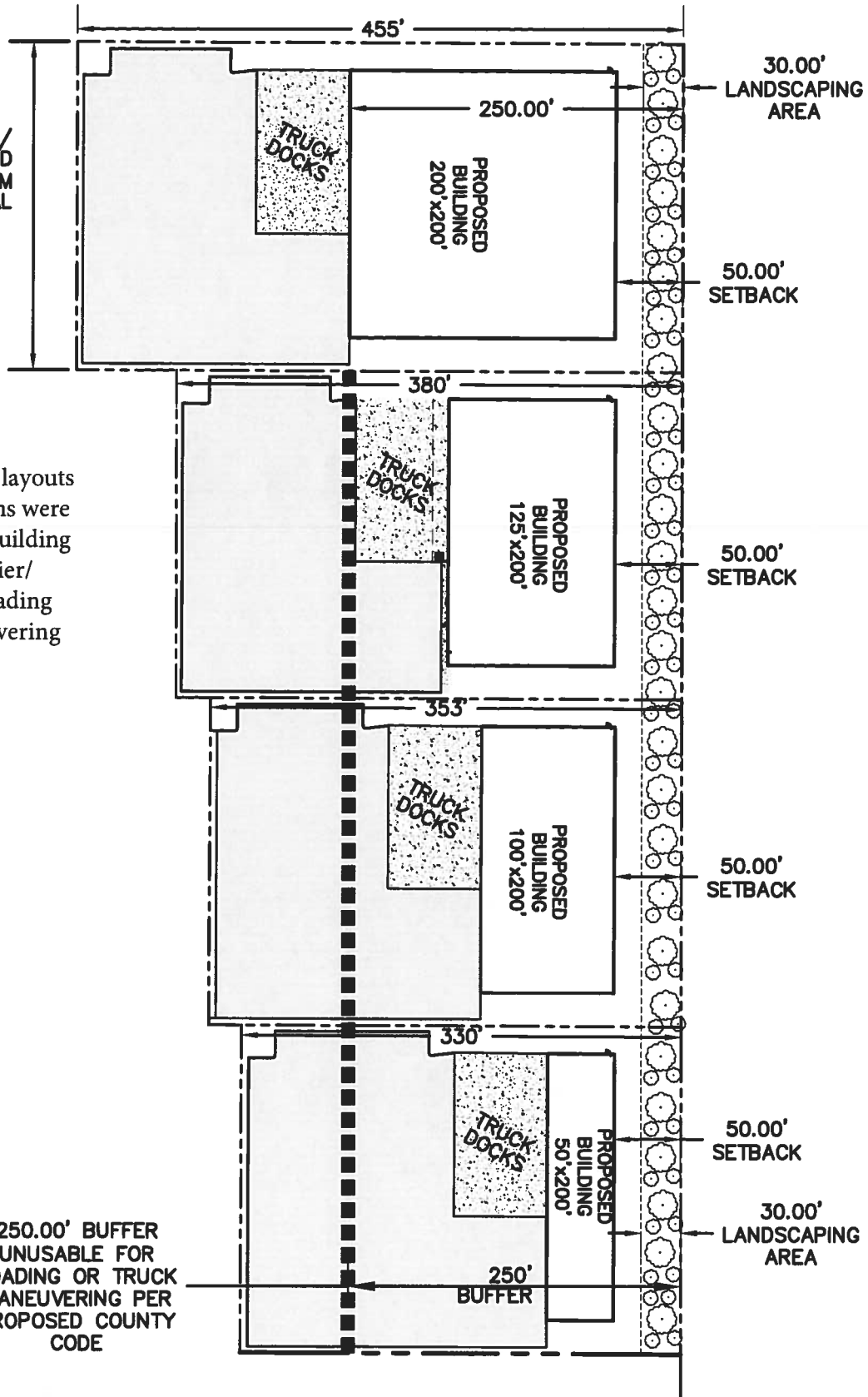
DRAWING NO. 10.08.14-08-BAYLOW
 JOB NO. 01027
 SHEET NO.

FOR EXHIBIT PURPOSES ONLY

EXAMPLE OF SITE W/
COUNTY PROPOSED
250' BUFFER FROM
RESIDENTIAL

Alternative layouts
if regulations were
to allow a building
to be a barrier/
buffer to loading
and maneuvering
areas

250.00' BUFFER
UNUSABLE FOR
LOADING OR TRUCK
MANEUVERING PER
PROPOSED COUNTY
CODE



Ravnik & Associates, Inc.
CIVIL ENGINEERING & LAND-USE PLANNING
1633 LINDAMOOD LANE/P.O. BOX 361
BURLINGTON, WA 98233
PH: (360) 707-2048 FAX: (360) 707-2216

SHEET DESCRIPTION:

LOT LAYOUT EXAMPLE

SCALE: 1"=120'

DRAWN BY: HLN

JOB NO. 01027

DATE: 10.08.14

From: sonedas@frontier.com
To: [PDS comments](#)
Subject: Bayview Ridge rezone
Date: Thursday, October 09, 2014 4:27:00 PM
Attachments: [County Commissioners.docx](#)

I spoke to the Commissioners about the proposed Bayview Ridge rezone and I would like to include my comments as part of the record.
Thanks, Lisa Soneda
12079 Bayhill Drive, Burlington

Dear Commissioners,

My name is Lisa Soneda. I live in the Bayhill Village Development, which abuts the proposed Bayview Ridge Development. My husband and I have attended several meetings about this development over the years and were surprised at the relative rapidity at which it has been scrapped because of issues beyond the county's control and converted into a light industrial zone. Our neighborhood directly abuts the proposed "Flex Area", designated now as light industrial and I am wondering what restrictions the Commission has put in place to protect the quality of life, and health of the residents who suddenly find themselves living directly next to an industrial area. Will there be buffer zone? Will there be restrictions of the hours of activities, the types of chemicals use, the noise allowed, and size of buildings. This is not so much a case of "Not in My Backyard" but this should not happen in anyone's backyards, and surely not to homeowners who have been long established in their homes.

The good news is there may be an option acceptable to all parties. In the previous plan there had been provision put in place in the "Flex Area" to provide for as much as 25 acres for a Community Zone. Among the uses that the county allowed for in this area were a Community park. Currently the approximately 600 homes and the families that live in them no access to a community park with a dedicated playground. The closest one is 6.2 miles away, hardly the definition of a neighborhood playground, and not conducive to getting our kids active. We are fortunate to have an incredible trails systems near us, but no way to access the trails system on bike or walking without literally risking your life and the lives of your children, because

of the lack of sidewalks or adequate shoulders between the end of the sidewalk on Peterson and the start of trail system on Higgens Airport Road.

I am asking the County to put into consideration returning the Flex area back to a Community zone, as has been the plan for the previous decade and creating a community park that would join into the port trail systems, allowing a buffer between existing homes and new businesses, and providing new opportunities for our families to get healthy and to enjoy our beautiful county.

I have an example of how this might be done on a budget. In Kennewick, WA, where we previously lived, the community came together to raise funds and then used community volunteers to build a project called the Playground of Dreams. However this project on Bayview Ridge would be completed I believe providing a park for the community is a possible and doable thing and of which you, as stewards of our community, would be very proud.