



Planning & Development Services

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Memorandum

To: Skagit Board of County Commissioners
From: Jenn Rogers, Long Range Planner, and Sarah Ruether, Long Range Planning Manager
Re: PDS Department Recommendation to the Planning Commission
Date: January 12, 2023

Background

The Washington State Growth Management Act (GMA) allows the County to amend its Comprehensive Plan and land use/zoning map once per year, with a few exceptions, through an annual docket process. The Skagit Board of County Commissioners (Board) established the 2022 Docket by resolution #20220119 based on petitions received by the last business day in July 2021. The Board of County Commissioners then voted to add two additional petitions to the 2022 Docket on October 10, 2022, by Resolution #20220192.

Skagit County Planning & Development Services (PDS) analyzed the docketed proposals under the State Environmental Policy Act (SEPA) for consistency with the existing comprehensive plan, the adopted land use/zoning map, and the unified development regulations. A full proposal was released for public review and comment on October 20, 2022. A public hearing was held with the Skagit County Planning Commission on November 8, 2022, and supplemental staff reports were provided to give a synopsis of public comments and answer Planning Commission questions.

This memo is provided in advance of the January 17, 2023, Board of County Commissioners meeting to discuss the Planning Commission recommendations for the 2022 Docket. This memo provides additional analysis and recommendations from staff with the December 27, 2022, Planning Commission transmittal memo.

Summary of Planning Commission's Recorded Motion

The Planning Commission recorded motion was approved on December 13, 2022. The recorded motion will be presented to the Board on January 17, 2023. The various staff reports,

memos, public noticing documents, and public comments are available to view on the County's project webpage at the following address: <http://www.skagitcounty.net/2022CPA>.

Planning and Development Services (PDS) Department Recommendation

PDS staff provided recommendations in staff reports to the Planning Commission. These were provided in the [October 20, 2022, Staff Report](#)¹ and supported in supplemental staff reports. The department is supportive of each of the Planning Commission's recommendations, but staff do have additional analysis of C22-1, Wind Turbine Use Amendment.

C22-1 Wind Turbine Use Amendment

The wind turbine use amendment petition requests addition of regulations for wind turbines in Skagit County development code. Wind turbines are currently an allowed use and defined in the code; however, no zone in the code lists wind turbines as a permitted use. An Administrative Official Interpretation (AOI) was released in July 2008 which changed the designation of wind turbines from a special use to an accessory use, which reduced the permitting cost for applicants. After the AOI was released, the code was not changed to list wind turbines as an accessory use in any zone. The intent of this petition to the 2022 Docket is to clarify regulations for wind turbines and ensure the process for permitting a turbine is clear for applicants. The recommendation from the Planning Commission to reject the petition would not disallow wind turbines in Skagit County code. Wind turbines will remain an allowed accessory use, but without the necessary code language to ensure safety and standard regulations are clear for applicants.

The Planning Commission had concerns with the code presented by PDS staff during work sessions in October and November. Some Planning Commissioners were supportive of wind turbines, but thought the code should be more restrictive on size of turbines and which zones would allow them. Other Commissioners were opposed to the use of wind turbines because of the potential dangers to neighbors and local wildlife from noise and vibration as well as the disruption of view corridors. The Planning Commission then discussed if wind turbines are needed in Skagit County as there is little wind to power the turbines and Washington state has a plethora of clean energy available from electricity produced from dams.

Below are staff responses to concerns from the Planning Commission on the wind turbine proposal.

¹ https://www.skagitcounty.net/PlanningAndPermit/Documents/2022CPA/StaffReport_2022docket_PC_Final.pdf

1. The allowed engine size for turbines is too large.

Staff have proposed a 30-kilowatt (kW) engine size limit for wind turbines in Skagit County. Whatcom County only requires a building permit for wind turbines with an engine size of 100kW or less. The 2013 Small Wind Energy Systems study conducted by Graham-Bunting Associates states, “Power ratings for turbines serving individual homes are typically 1kW to 20kW.” The Department recommended a 30kW engine size to ensure that if properties with *multiple* structures to power, such as a farm, the wind turbine would have the capacity to generate sufficient power. With a turbine installed for net metering purposes, if the turbine generates more power than needed, the excess power is banked by Puget Sound Energy for the property owner to use for future utility needs.

Wind turbines permitted in Skagit County since 2008 have been approximately 35-55 feet tall with 2.4kW engines. Below are photos of two turbines installed in the Big Lake and Lake Cavanaugh communities. Property owners acquiring a building permit to construct a wind turbine are required to submit their application for a SEPA review. The SEPA process includes a 15-day comment period and an opportunity to appeal the SEPA designation. Requiring a SEPA review ensures the public can provide comment on where the wind turbine is sited, particularly if the turbine could block a view corridor, or other general safety and environmental protection measures the applicant has proposed.



2. Wind turbines should not be allowed in all zones.

Staff have not limited wind turbines by zone, but the turbines must meet other requirements which will limit the areas where they may be installed. Wind turbines

must meet the required setbacks from property lines (1.2 times the height of the turbine, including the blades), be limited to one per lot of record, and be accessory to an existing structure. Wind turbines can be used for residential, agriculture, and commercial purposes and by not limiting wind turbines to certain zones, any property which can meet the required safety standards can utilize wind power.

3. Wind turbines are a health hazard for neighbors and local wildlife.

The proposed regulations state wind turbines are limited to sound levels of 55 decibels, consistent with Washington state standards. Studies of wind farms have found some negative health effects associated with noise such as trouble sleeping, headaches, and annoyance. These studies were conducted with neighbors of properties with large wind turbines and wind farm installations. The proposed size for turbines in Skagit County are limited to ensure usage is compatible with residential or small commercial and agricultural uses, while also reducing noise levels for neighbors. Ensuring correct siting of turbines with appropriate setbacks can also lower noise levels for nearby homes.

As mentioned in previous staff reports, a critical areas review will be required for any application for a wind turbine. Part of this review will ensure the siting of the turbine is not located in a known wildlife habitat or a common flight path for migratory birds. If further consultation is needed, a wildlife biologist can be used to provide recommendations for mitigation.

4. There isn't a need for wind turbines in Skagit County due to low wind and other opportunities for clean energy.

A majority of Skagit County receives its power from Puget Sound Energy. A portion of the electricity from PSE is hydroelectric power from dams on rivers throughout the state and wind farms in eastern and central Washington, but PSE also uses electricity produced from coal and natural gas.² While hydroelectric power is a cleaner power source than coal or other non-renewable sources, the availability of wind power for net metering purposes will allow for some residents of Skagit County to offset their power needs from the electrical grid. This can provide an economic benefit for the customer, if they are able to bank excess power for future needs, and could reduce our community's reliance on the electrical grid while making the property owner more resilient during times of crisis. Wind power is a renewable energy resource and is not associated with emitting pollutants into the air during usage. Using renewable energy sources is a goal within both the Growth Management Act and the Skagit County Comprehensive Plan,

² <https://www.pse.com/en/pages/energy-supply/electric-supply>

which states renewable energy sources should be encouraged as well as conserving energy resources and minimizing air pollution.

Skagit County does not experience high wind as often as other regions in the state and wind resources can be limited in areas with geographic boundaries such as hills, trees, and other structures. Areas which are flatter have a better ability to capture wind such as on the shorelines. If the area is not conducive for capturing wind, the installation of a wind turbine may not be financial feasible for the property owner.

Options for Board Action

The Department will present this memo to the Board on Tuesday, January 17, 2023. Based on the feedback from the Board, an ordinance will be drafted for deliberations at a future date. If the Board considers changing the proposed code language, a public hearing might be necessary to allow for additional community input. The BoCC is authorized by SCC 14.08.090 to take the following actions to address the Docket:

1. Adopt the petition as proposed by the department.
2. Adopt the proposal with modifications. Per SCC 14.08.090(2)(b)(i-v), substantial changes to any of the proposals shall require an additional opportunity for public review prior to final action.
3. Decline to adopt the proposal.
4. Remand the issue(s) to the Department or the Planning Commission for additional work, study, review, or refinement.
5. Defer action on the docketed proposal.

The Department supports adopting the petition as proposed by staff.