



Planning & Development Services

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Memorandum

To: Skagit Board of County Commissioners

From: Jenn Rogers, Long Range Planner

Re: Planning Commission's Recorded Motion on the 2022 Planning Docket

Date: December 27, 2022

Summary

Planning and Development Services (PDS) is providing this memorandum in advance of the January 17, 2023, meeting of the Board of Commissioners on the 2022 Comprehensive Plan, Map, and Development Regulation amendments (Planning Docket). This memo serves as a formal transmittal of the Planning Commission Recorded Motion within two weeks of signature. Appendix 1 contains the Planning Commission Recorded Motion and Appendix 2 includes the red line code amendments.

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 based on petitions received by the last business day in July of 2021. A public hearing was held on May 24, 2022, to receive comment on each petition followed by the creation of the docket by resolution, #20220119, on June 14, 2022. The Board of County Commissioners then amended the 2022 Docket by Resolution #R20220192 on October 10, 2022, adding two additional petitions to the docket.

Skagit County Planning & Development Services (PDS) analyzed the docketed proposals under the State Environmental Policy Act (SEPA) and 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. Supplemental staff reports were provided to give a synopsis of public comments and to answer Planning Commission questions.

The Planning Commission recorded motion (Appendix 1) was approved on December 13, 2022. The recorded motion includes recommendations for the Board's consideration. 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>. This memo serves as a formal transmittal of the Planning Commission recommendation within two weeks of signature.

Public Notice and Participation

On October 20, 2022, the Staff Report for the 2022 Docket of Proposed Policy, Code, and Map Amendments was published to the County website. The public notice opened the comment period, noticed the public hearing, and provided the environmental (SEPA) determinations.

Notice was published in the Skagit Valley Herald on October 20, 2022, the PDS email distribution list, SEPA distribution list, and posted to the PDS and legal notice webpage. Notice was also sent to landowners within 300 feet of the proposed rezone (LR22-01).

On November 8, 2022, the Planning Commission held a public hearing on the 2022 Docket as authorized by Skagit County Code (SCC) 14.08.080. The hearing was attended by the full Planning Commission and testimony was provided by petition applicants as well as the public. A total of 21 participants spoke on the docket. A full transcript of the meeting can be found on the [Planning Commission Agenda and Archive page](#).¹

A total of 87 comments were submitted during the comment period, October 20, 2022, to November 10, 2022. Written and verbal comments can be found as [Appendix 1](#)² of the November 17, 2022, Supplemental Staff Report.

Summary of Planning Commission's Recorded Motion

The Planning Commission heard testimony to amend the comprehensive plan, the land use/zoning map, and development regulations during a public hearing on November 8, 2022. On December 13, 2022, the Planning Commission deliberated on the docket proposals. The recorded motion (Appendix 1) was approved on December 13, 2022. The motion carried 7-0-0-2 (two members being absent). Appendix 1 is the Recorded Motion from the Planning Commission recommending the Board adopt, deny, or defer the proposed amendments. Code, map, and policy amendments can be found in Appendix 2.

The Planning Commission recommended the following petitions for **approval**:

¹ <https://www.skagitcounty.net/Departments/PlanningCommission/PCminutes.htm>

² <https://www.skagitcounty.net/PlanningAndPermit/Documents/2022CPA/2022%20Docket%20PC%20Public%20Comments%20Compiled.pdf>

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- LR22-01 Small Scale Recreation and Tourism Rezone: rezone four parcels, a total of 69.02 acres, from Rural Reserve to Small Scale Recreation and Tourism.
 - C22-2 Critical Areas Ordinance Correction: correct a reference in Skagit County Code 14.24.080(4)(c)(vi).
 - C22-3 Guemes Island Overlay Side Setback Amendment: change the side setback requirements within the Guemes Island Overlay to keep the setbacks more consistent with other zones in the County.
 - C22-4 Economic Development Plan Amendment: add a new goal to the Economic Development Chapter (Chapter 11) of the Skagit County Comprehensive Plan to ensure public facilities are eligible for state economic development grants.
 - C22-5 Seawater Intrusion Areas Amendment: change the requirement for a County Hydrogeologist to review proposed new wells in a seawater intrusion area to instead allow for a licensed hydrogeologist employed or engaged with the County to perform the review.

The Planning Commission recommended the following petitions for **denial**:

- C22-1 Wind Turbine Use Amendment: add wind turbines as an allowed accessory use in the code for net metering purposes only.

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](#)³ and supported in supplemental staff reports. Generally, the department is supportive of the recommendations in the Planning Commission recorded motion, however, more discussion may be needed on the Wind Turbine Amendment (C22-1). An additional memorandum with options for C22-1 will be provided for the Board prior to the January 17, 2022, work session.

³ https://www.skagitcounty.net/PlanningAndPermit/Documents/2022CPA/StaffReport_2022docket_PC_Final.pdf

Requested Board Action

The Department will present the Planning Commission Recorded Motion and this memo to the Board on Monday, January 17, 2023. Amendments can be found in Appendix 2. The BoCC is authorized by SCC 14.08.090 to take the following actions to address the docket:

1. Adopt the docketed proposals.
2. Adopt the docketed proposals 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 any of the docketed proposals.
4. Defer the proposal to the next docket or remand the issue(s) to the Department or the Planning Commission for additional work, study, review, or refinement.

Following this meeting, PDS will prepare an ordinance for Board deliberation on the 2022 Planning Docket.

Attachments:

Appendix 1, Planning Commission Recorded Motion, 2022 Docket of Proposed Policy, Code, and Map Amendments
Appendix 2, Amendments to 2022 Comprehensive Plan and Development Regulations



Skagit County Planning Commission

www.skagitcounty.net/planningcommission

Chair Tim Raschko **Vice Chair** Tammy Candler
Members Vincent Henley, Amy Hughes, Jennifer Hutchison, Mark Knutzen, Kathy Mitchell,
Martha Rose, Joe Woodmansee

Tuesday, December 13, 2022

Skagit County Planning Commission's Recorded Motion regarding 2022 Docket of Comprehensive Plan, Map, and Development Code Amendments

Proposal publication date: October 20, 2022

Proposal name: 2022 Docket of Comprehensive Plan, Map, and
Development Code Amendments

Documents available at: www.skagitcounty.net/2022CPA

Public hearing body: Skagit County Planning Commission

Public hearing date: Tuesday, November 8, 2022 at 6:00 p.m.

Written comment deadline: Thursday, November 10, 2022 at 4:30 p.m.

PC deliberations: December 13, 2022

On June 14, 2022, the Skagit County Board of Commissioners deliberated on the proposals for the 2022 docket, including public comments received, and passed Resolution #R20220119 including five petitions in the 2022 Docket.

Petition LR22-05, Agricultural Accessory Use Amendment, was rescinded by the applicant on July 29, 2022.

The Board of County Commissioners then amended the 2022 Docket by Resolution #R20220192 on October 10, 2022, to add two additional petitions to the docket.

The Planning Commission held work sessions on the docket on June 28th, August 9th, and October 28th, 2022, prior to the public hearing.

On October 20, 2022, the Planning and Development Services Department published a Notice of Availability (including SEPA determination of non-significance and notice of written comment period and public hearing) and staff report, and transmitted a 60-day Notice of Intent to Adopt to the Department of Commerce.

The staff report published on October 20, 2022, and supplemental staff reports contain additional findings related to process, public notice, and department recommendations.

The public comment period was open from October 20, 2022, until November 10, 2022, in which the County received 87 comments.

All written comments and hearing testimony were provided to the Planning Commission in a supplemental staff report dated November 17, 2022.

On November 22, 2022, a work session with the Planning Commission was held to discuss the public comments.

Planning Commission deliberated on the docket on December 13, 2022.

After considering the written and spoken comments and considering the record before it, the Planning Commission enters the following findings of fact, reasons for action, and recommendations to the Board of County Commissioners.

Recommendations, Findings of Fact and Reasons for Action

LR22-01: Small Scale Recreation and Tourism Rezone

1. The Planning Commission recommends that the Board of County Commissioners **approve** the zoning map amendment to rezone the Bertelsen Farms property from Rural Reserve to Small Scale Recreation and Tourism.

Findings of fact and reasons for action:

- a. The County has specific steps to the process for applying for a rezone and the proponents have met those steps, including the applicant's provision of site plans as part of the rezone application.
- b. Skagit County Code 14.16.130 Small Scale Recreation and Tourism, addresses code for SSRT in detail. The proposal is in the Rural Reserve zone, not Ag-NRL, so it is not affecting farmland, as is or with the change to SSRT zone. The proposal will not cause a reduction or loss of farmable soils.
- c. Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, promote the retention and expansion of existing businesses and recruitment of new businesses, recognize regional differences impacting economic development opportunities, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities.

- d. Tourism, recreation and land preservation shall be promoted provided they do not conflict with the long-term commercial significance of natural resources and critical areas or rural life styles.
- e. Agriculture, forestry, aquatic resources and mineral extraction shall be encouraged both within and outside of designated resource lands.
- f. Page 63 of the Comprehensive Plan states, “two other types of commercial LAMIRDS – Small Scale Recreation and Tourism uses, and isolated small scale businesses may allow new development provided that development is contained and consistent with the surrounding rural character. Small scale recreation and tourism zone is a type two LAMIRD.”
- g. Page 64 of the Comprehensive Plan states, “the rural reserve designation covers those portions of the rural area that were not already developed at higher densities in 1990.”
- h. Page 66 of the Comprehensive Plan states, “small scale recreation and tourism designation is intended to foster economic development and diversification that is recreational or tourist related that relies on rural location and setting and that incorporates the scenic and natural features of the land. The SRT designation is consistent with the type of LAMIRD authorized by RCW 36.70A.075 (d)(ii).”
- i. The location is directly off the I-5 Starbird interchange, allowing ingress and egress without disturbing neighbors, which is also an advantageous location for commercial and tourism uses.
- j. The proposal is beneficial to the community to add more activities as well as bringing in our neighboring communities to visit Skagit County.

Commission Vote	Support	Oppose	Absent	Abstain
Tim Raschko, Chair	x			
Tammy Candler, Vice Chair			x	
Kathy Mitchell	x			
Vince Henley	x			
Mark Knutzen	x			
Amy Hughes	x			
Martha Rose			x	
Joe Woodmansee	x			
Jennifer Hutchison	x			
Total	7	0	2	0

C22-1 Wind Turbine Use Amendment

1. The Planning Commission recommends that the Board of County Commissioners **deny** the wind turbine use amendment.

Findings of fact and reasons for action:

- a. The public when given a chance to comment on the proposal was uniformly against it.
- b. The director had made an Administrative Official Interpretation in 2008 about this use, the public did not have input on the decision. In 2013, the Department went to a grant study and the public did not have input on the study.
- c. The industry guidelines that have been issued to local governments have been eye opening, they provide recommendations for code writing for wind turbines for local governments. The proposals for wind turbines should not be one size fits all. The needs in Skagit County are different than Whatcom County and other places.
- d. The proposal is too focused on certain types of wind turbines without discussion of how other types of turbines could better fit residential zones in the County. There needs to be more research into the size and types of wind turbines allowed in Skagit County as well as the zones where they are allowed.
- e. The proposal to allow wind turbines in all zones is too inclusive. There are few uses which are allowed in all zones in Skagit County.
- f. The proposal as stated allows for a maximum installation size for wind energy systems that is too large.
- g. The downsides for wind turbines are not being thoroughly mitigated for. Noise and resonance can have negative effects on humans and wildlife nearby.

Commission Vote	Support	Oppose	Absent	Abstain
Tim Raschko, Chair	x			
Tammy Candler, Vice Chair			x	
Kathy Mitchell	x			
Vince Henley	x			
Mark Knutzen	x			
Amy Hughes	x			
Martha Rose			x	
Joe Woodmansee	x			
Jennifer Hutchison	x			
Total	7	0	2	0

C22-2 Critical Areas Ordinance Correction

1. The Planning Commission recommends to the Board of County Commissioners to **approve** the critical areas ordinance correction amendment.

Findings of fact and reasons for action:

- a. The proposal is necessary for clarity of the code.

Commission Vote	Support	Oppose	Absent	Abstain
Tim Raschko, Chair	x			
Tammy Candler, Vice Chair			x	
Kathy Mitchell	x			
Vince Henley	x			
Mark Knutzen	x			
Amy Hughes	x			
Martha Rose	x			
Joe Woodmansee			x	
Jennifer Hutchison	x			
Total	7	0	2	0

C22-3 Guemes Island Overlay Side Setback Amendment

1. The Planning Commission recommends that the Board of County Commissioners **approve** the request to amend the side setback and building envelope requirements within the Guemes Island Overlay.

Findings of fact and reasons for action:

- a. The side setback requirements have proved to be unnecessarily impractical and onerous for homeowners and PDS staff after six years of implementation.
- b. The current building envelope requirements disproportionately and negatively impacts narrow lots and older homes by minimizing improvements for second story livable space, restricting upstairs views, and reducing comparative home values.
- c. The proposal meets Skagit County consistency review with Skagit County Code 14.08.
- d. The proposal is consistent with Comprehensive Plan Goal 2A-8, "Work to simplify the permitting process for landowners and developers in the unincorporated portions of the urban growth areas and to allow flexibility of the construction of their homes without impacts to critical areas, view sheds, and other scenic amenities."
- e. The proposal is consistent with Comprehensive Plan Policy 3A-3.3, "Standards and plans for structures, roads and utility systems, and other public services and facilities, shall be consistent with rural densities and uses. Such facilities and services shall be designed, constructed, and provided to minimize the alteration of landscape and the impacts to rural residents and community character to preserve natural systems, to protect critical areas, to protect important land features such as, ridgelines, to retain historic and cultural structures/landscapes and scenic amenities."
- f. The current height restrictions have forced residents to occupy living space in the flood plain. This proposal will provide property owners the flexibility to plan for and use decks, gardens, open space, more freely with consideration for property obstacles such as boulders, trees, and mature growth onsite.
- g. The change in the code will not have an impact on the seawater intrusion issues on Guemes Island.

h. Rural character will still be maintained.

Commission Vote	Support	Oppose	Absent	Abstain
Tim Raschko, Chair	x			
Tammy Candler, Vice Chair			x	
Kathy Mitchell	x			
Vince Henley	x			
Mark Knutzen	x			
Amy Hughes	x			
Martha Rose			x	
Joe Woodmansee	x			
Jennifer Hutchison	x			
Total	7	0	2	0

C22-4 Economic Development Plan Amendment

1. The Planning Commission recommends to the Board of County Commissioners to **approve** the request to amend the Comprehensive Plan Economic Development Plan chapter.

Findings of fact and reasons for action:

- a. The proposal ensures state funds are available to eligible recipients in Skagit County.

Commission Vote	Support	Oppose	Absent	Abstain
Tim Raschko, Chair	x			
Tammy Candler, Vice Chair			x	
Kathy Mitchell	x			
Vince Henley	x			
Mark Knutzen	x			
Amy Hughes	x			
Martha Rose			x	
Joe Woodmansee	x			
Jennifer Hutchison	x			
Total	7	0	2	0

C22-5 Seawater Intrusion Areas Amendment

1. The Planning Commission recommends that the Board of County Commissioners - **approve** the request to amend language for seawater intrusion areas.

Findings of fact and reasons for action:

- a. The proposal will ensure the County can engage with a contracted hydrogeologist to perform reviews of wells in documented seawater intrusion areas if the resources are not available on staff.


Commission Vote	Support	Oppose	Absent	Abstain
Tim Raschko, Chair	x			
Tammy Candler, Vice Chair			x	
Kathy Mitchell	x			
Vince Henley	x			
Mark Knutzen	x			
Amy Hughes	x			
Martha Rose			x	
Joe Woodmansee	x			
Jennifer Hutchison	x			
Total	7	0	2	0

The Planning Commission recommends that the Board of County Commissioners adopt the 2022 Docket of Comprehensive Plan, Map, and Development Code Amendments as recommended.

This recorded motion **approved** on this 13th day of December, 2022.

Commission Vote	Support	Oppose	Absent	Abstain
Tim Raschko, Chair	x			
Tammy Candler, Vice Chair			x	
Kathy Mitchell	x			
Vince Henley	x			
Mark Knutzen	x			
Amy Hughes	x			
Martha Rose			x	
Joe Woodmansee	x			
Jennifer Hutchison	x			
Total	7	0	2	0

SKAGIT COUNTY PLANNING COMMISSION
SKAGIT COUNTY, WASHINGTON



Tim Raschko, Chair

12-27-22
Date



Jack Moore, Secretary

12-27-22
Date

Staff Report Attachment 1
Amendments to 2022 Comprehensive Plan and Development Regulations

<p><u>Key to changes:</u></p> <p>Plain text = existing writing with no changes</p> <p>Strikethrough = existing writing to be deleted</p> <p><u>Underlined</u> = new writing to be added</p> <p>Double Strikethrough = existing writing moved to another location</p> <p><u>Double Underline</u> = existing writing moved from another location</p> <p><i>Italics</i> = instructions to writing reviser</p>
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C22-01 Wind Turbine Use Amendment

14.04.020 Definitions

[Small Wind Energy Systems \(SWES\): a wind turbine with a nameplate capacity rating of up to 30kW along with tower, supporting members and necessary electrical components. Small wind energy systems may be either “net metering system” as defined in this chapter or off grid systems.](#)

Wind Turbine: the components of a wind generating system that convert the energy of wind into electrical power including the blades, generator and tail.

Tower: any structure that is designed and constructed primarily for the purpose of supporting 1 or more antennas, or the vertical structure that supports generator, rotor blades and tail assembly and/or equipment utilized to gather and assess wind energy resource data. Tower types include ~~ing~~ self-supporting lattice towers, guy towers, or monopole towers. The term encompasses personal wireless service facilities towers, microwave towers, common-carrier towers, cellular telephone towers, personal communications services towers, alternative tower structures, and the like.

Total Height: the total height of the small wind energy system inclusive of the tower, turbine and highest arc of the rotor blades.

Rotor: a system of airfoils or blades that rotates around an axis or hub.

Rotor Diameter: the diameter of the circle described by the outer tip of the rotating rotor blades.

Generator nameplate capacity: the maximum rated output of electrical power production of a generator under specified conditions designated by the manufacturer on a nameplate that is attached to the generator.

14.XX Small Wind Energy Systems

Sections

<u>14.XX.010</u>	<u>Purpose</u>
<u>14.XX.020</u>	<u>Applicability</u>
<u>14.XX.030</u>	<u>Regulatory Framework</u>
<u>14.XX.040</u>	<u>General requirements for SWES</u>
<u>14.XX.050</u>	<u>Safety</u>
<u>14.XX.060</u>	<u>Abandonment, insurance, and decommissioning for SWES</u>
<u>14.XX.070</u>	<u>Federal, state and local requirements</u>

14.XX.010 Purpose

(1) The purpose of this chapter is to regulate the installation and operation of small wind energy systems in Skagit County for private landowners, subject to reasonable restrictions.

14.XX.020 Applicability

(1) The requirements set forth in this chapter shall govern the siting of small wind energy systems used to generate mechanical or electrical energy to perform work, and which may be connected to the utility grid pursuant to Chapter 80.60 RCW, Net Metering of Electricity, and serve as an independent source of energy, or serve as part of a hybrid system.

(2) The requirements of this chapter shall apply to all small wind energy systems (SWES) proposed after the effective date of the ordinance codified in this chapter. Any SWES for which a required permit has been properly issued prior to the effective date of the ordinance codified in this chapter shall not be required to meet the requirements of this chapter, provided, however, that any such pre-existing SWES that is not producing energy for a continuous period of 12 months shall meet the requirements of this

chapter prior to recommencing production of energy. No modification that increases the height of the system or increases the system output more than 25 percent shall be allowed without full compliance with this chapter.

14.XX.030 Regulatory Framework

(1) Permits and Zoning.

<u>System Type</u>	<u>Required Permit</u>	<u>Zones</u>
<u>SWES Tower</u>	<u>Outright Permitted</u>	<u>All</u>

(2) SWES towers are required to be in compliance with but not limited to SCC Title 15 Buildings and Construction, and acquire the necessary permits.

(3) Accessory Use. A SWES is an accessory use to an existing structure. Any SWES that is constructed or installed in accordance with the provisions of this chapter shall not be deemed to constitute the expansion of a nonconforming use or structure. There may not be more than one SWES per lot of record.

14.XX.040 General Requirements for SWES

(1) Visual Appearance – Lighting – Power Lines

(a) Wind turbines must be painted a nonreflective, nonobtrusive color such as the manufacturer's default color option or a color that conforms to the environment and architecture of the community, unless FAA standards require otherwise. The administrative official may require a photo of the SWES of the same model as that proposed in the landowner's application, adjacent to a building or some other object illustrating scale (e.g., manufacturer's photo).

(b) At SWES sites, the design of the buildings and related structures will, to the extent reasonably possible, use materials, colors, textures, screening, and landscaping that will blend the SWES to the natural setting and the existing environment.

(c) No SWES will be artificially lighted, except to the extent required by the FAA or other applicable authority.

(d) No SWES will be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the wind turbine.

(e) Electrical controls, control wiring and power lines will be wireless or underground, except where SWES wiring is brought together for connection to the transmission or distribution network adjacent to that network, and except that in the Ag-NRL zone the minimum installation depth for electrical controls, control wiring and power lines is 36" and not over 47" inches below finish grade.

(f) For all SWES, the manufacturer's engineer or other qualified engineer shall be licensed in Washington state and certify that the turbine connection, foundation, and tower design of the SWES meets engineering standards, given local design criteria per SCC Title 15.

(g) All SWES electrical systems will comply with requirements per the Washington State Department of Labor and Industries and the current adopted edition of the National Electrical Code when and where applicable.

(i) All SWES will meet requirements per the applicable sections of SCC 14.32 for erosion control and stormwater management.

(j) Violation of any part of this chapter of the code will be subject to the provisions of SCC 14.44.

(2) Setback Requirements. The following setback requirements will apply to all SWES towers, unless the underlying zone has more restrictive setbacks. All setbacks are measured from the property lines of the property on which the project is located.

(a) Setbacks Table

<u>System Size</u>	<u>Setback Requirement</u>
<u>Up to and including 30kW</u>	<u>1.2 times total height</u>

(b) A reduction in setbacks may be approved if appropriate easements from neighboring property owners or appropriate mitigation acceptable to neighboring property owners is approved by the administrative official and recorded against the applicable deeds(s).

(c) Communication and Electrical Lines. Each SWES will be setback from the nearest above-ground public or private nonparticipating utility a distance no less than 1.2 times its tower height, determined from the existing power line or telephone pole.

(d) Setbacks will be measured to the outer edge of the base of the SWES structure tower. Guy cables and other accessory support structures may be located within setback areas.

(3) Height Limitations. The total height of a SWES may not exceed 100 feet.

(4) SWES Sound Levels. Audible sound may not exceed the limits set forth by Chapter 173-60 WAC (55 dBA).

14.XX.050 Safety

(1) General provisions for SWES.

(a) Wind turbine towers may not have step bolts or a ladder readily accessible to the public and must be a minimum height of 15 feet above ground level.

(b) All electrical equipment must be safely and appropriately enclosed from unintentional access.

(c) Appropriate warning signage (e.g. electrical hazards) must be placed on or near towers and electrical equipment.

(d) Any SWES found to be unsafe by the building official must be repaired or decommissioned and removed by the landowner and/or project owner to meet federal, state, and local safety standards, according to the regulatory authority of the building official and applicable provisions per SCC Title 15.

(2) Blade Tip Height

(a) The blade tip of any SWES with a cumulative rated output up to and including 30 kW must, at its lowest point, have ground clearance of no less than 30 feet, as measured at the lowest point of the arc of the blades.

(3) Over-Speed Controls

(a) All SWES shall be equipped with over-speed controls to limit rotation of blades to speed below the designed limits of the system. No changes or alterations from the certified design shall be permitted unless accompanied by a licensed professional engineer's statement of certification.

14.XX.060 Decommissioning for SWES

(1) Abandonment. Absent notice of a proposed date of decommissioning, SWES projects will be considered abandoned when the project fails to operate for more than one year without the written approval of the director or designee.

(2) Removal Requirements. When a SWES is scheduled to be decommissioned, the project owner/property owner must notify the county by certified mail of the proposed date of discontinued operations and plans for removal. Within 120 days of receipt of notice of abandonment or within 120 days of providing notice of termination of operations, the owner of the SWES must:

(a) Remove all wind turbines, above-ground improvements, and outdoor storage.

(b) Remove all hazardous material from the property and dispose of the hazardous materials in accordance with federal, state, and local law.

(c) In addition to removing the wind turbine generator, the owner must restore the site by planting native or other approved vegetation to minimize erosion.

14.XX.070 Federal, state, and local requirements

(1) SWES must comply with all current adopted Skagit County codes and ordinances.

(2) SWES must comply with regulations of the Federal Aviation Administration (FAA), along with requirements within SCC 14.16.210.

(3) All SWES electrical systems will comply with requirements per the Washington State Department of Labor and Industries and the current adopted edition of the National Electric Code (NEC) when and where applicable.

(4) All SWES with the intention to tie to their respective utility provider's grid system must meet the requirements of Chapter 80.60 RCW, Net Metering of Electricity.

C22-2 Critical Areas Ordinance Correction

14.24.080(4)

(4) Determination That Critical Areas Are Present or Affected. If the Administrative Official determines that critical area indicators are present within 200 feet of the proposed activity or within a distance otherwise specified in this Chapter, then the Administrative Official shall note this determination in the application file and the applicant shall be required to provide the critical areas site assessment specified in this Chapter. Development of a site assessment may precede a County site visit; provided, that no disturbance of vegetation or land surface occurs prior to County authorization. If the applicant chooses, the site assessment may be limited to 300 feet surrounding a proposed development only if there are no other activities occurring or proposed on the remainder of the parcel which are in conflict with this Chapter. If the applicant, together with assistance from the Administrative Official, cannot obtain permission for access to properties within 300 feet of the project area, then the site assessment may also be limited accordingly. The site assessment shall be completed as follows:

- (a) The site assessment shall be prepared by a qualified professional for the type of critical area or areas involved and shall contain the information specified for each type of critical area. The qualified professional may consult with the Administrative Official prior to or during preparation of the site assessment to obtain County approval of modifications to the contents of the site assessment.
- (b) The site assessment shall use scientifically valid methods and studies in the analysis of critical areas data and field reconnaissance and reference the source of science used.
- (c) The site assessment shall include:
 - (i) Project description that includes a detailed narrative describing the project, its relationship to the critical area and its potential impact to the critical area; and
 - (ii) A copy of the site plan for the project proposal including a map to scale depicting critical areas, buffers, the development proposal, and any areas to be cleared; and
 - (iii) Identification and characterization of all critical areas and buffers adjacent to the proposed project area; and
 - (iv) An assessment of the probable cumulative impacts to critical areas resulting from development of the site and the proposed development; and
 - (v) A description of the proposed stormwater management plan for the development and consideration of impacts to drainage alterations; and
 - (vi) A description of efforts made to apply mitigation sequencing pursuant to Subsection ~~(6)(b)~~ (5)(b) of this Section; and

C22-3 Guemes Island Overlay Side Setback Amendment

14.16.360 Guemes Island Overlay

(7) Dimensional Standards.

(a) Setbacks.

(i) Front Setback for Fences. Fences that are less than 50 percent opaque and more than three feet tall must be set back at least 10 feet.

(ii) Side. Each side setback must be at least eight feet. ~~The total of both side setbacks must be at least 30 feet, or 30 percent of the lot width at its widest point, whichever is less.~~

(b) Maximum Height.

(i) Structures. The actual height of the structure from base flood elevation may not exceed ~~12-30 feet, at the side setback. The actual height of the structure from base flood elevation may increase by one foot for each foot inside the required side setback, up to a maximum actual structure height of 30 feet. (Ord. O20160004 § 6 (Att. 6))~~

C22-5 Seawater Intrusion Areas Amendment

14.24.380 Seawater Intrusion Areas

(2) Application Requirements.

(a) For Wells. An application proposing use of a well must include all of the following, which must be submitted for review prior to drilling any new well:

(i) A site plan, including:

(A) A dedicated inland well site location;

(B) Estimated depth of proposed well;

(C) An estimated land elevation of the well, except that if the well is within 250 feet of the shoreline, or if determined by ~~the County Hydrogeologist~~ a hydrogeologist engaged or employed by the County, the elevation of the well must be surveyed by a licensed surveyor;

(4) Development Standards for Wells.

(a) Generally. For both existing and new wells, a well driller must:

(i) Install a wellhead source meter;

(ii) Install a sounding tube to allow water level measurements;

(iii) Set the maximum pumping rate consistent with Table 14.24.380-1;

(iv) Conduct a pump test under the supervision of a licensed well driller or licensed hydrogeologist, consistent with the following:

(A) Use the conservative maximum pumping rate defined in Table 14.24.380-1, or if the well driller proposes to use more than the maximum pumping rate in Table 14.24.380-1, include a hydrogeological assessment (including pump tests) using observation wells;

(B) Pump a minimum of 350 gallons from the formation during the test;

(C) Continue the pump test for at least four hours after water level stabilization has occurred, or for the timespan determined by ~~the County Hydrogeologist~~ a hydrogeologist engaged or employed by the County, whichever is longer.

(b) Documentation of Installation. The well driller must submit the following after the pump test:

(i) Well ID;

(ii) Proof of the sounding tube installation;

(iii) The maximum pumping rate set;

(iv) A record of the static water level depth prior to starting the pump test;

(v) Pumping rates during the pump test;

(vi) Drawdown measurements recorded throughout the pumping test in intervals as approved by ~~the County Hydrogeologist~~ a hydrogeologist engaged or employed by the County;

(d) Maximum Pumping Rates.

(i) The maximum pumping rate for wells must be set consistent with the following table.

(ii) A maximum pumping rate other than that in the table may be set if approved by ~~the County Hydrogeologist~~ a hydrogeologist engaged or employed by the County.

Table 14.24.380-1. Maximum pumping rates.

Location	Chloride level		
	0—24 ppm	25—99 ppm	100— 250* ppm
less than 1/2 mile from the coast for areas in (1)(a)	as determined or approved by the County hydrogeologist a hydrogeologist engaged or employed by the County		
less than 1/2 mile from the coast for islands in (1)(b)	3 gpm	2 gpm	1 gpm
greater than 1/2 mile from the coast for islands in (1)(b)	3 gpm	3 gpm	3 gpm