

Staff Report Attachment 1

Amendments to 2023 Comprehensive Plan and Development Regulations

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| <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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C23-1 Seawater Intrusion Area Well Drilling Requirements

14.24.380 Seawater intrusion areas.

(1) **Applicability.** This Section applies to wells and applications for building permits; special use permits; shoreline substantial development, variance, and conditional use permits; and land divisions in the following areas:

- (a) Areas within one-half mile of a marine shoreline; and
- (b) The entirety of Guemes, Sinclair, Cypress, and Vendovi Islands.

(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 a hydrogeologist engaged or employed by the County, the elevation of the well must be surveyed by a licensed surveyor; and
 - (D) Depth and chloride levels of surrounding wells;
- (ii) A drilling plan; and
- (iii) Payment of applicable fees.

(b) **For Alternative Water Sources.** An application proposing use of an alternative water source must include the following:

- (i) Documentation of system design consistent with this Section and SCC 12.48.250; and
- (ii) Payment of applicable fees.

(c) **For Land Divisions.** In addition to any applicable requirements above, an application for a land division proposing use of a well must include the following:

- (i) An assessment of the available groundwater, including a report from a demonstration well located so that it will represent the groundwater under the entire land division and with consideration to where other wells will be located in the land division;
- (ii) If the proposed land division is within an area of documented chlorides in excess of 25 ppm, all well locations must be specified and spaced 100 feet or more from any other well, including wells on neighboring properties.

(d) **For Wells in a Sole Source Aquifer Area.** Prior to drilling any new well in an area designated a sole source aquifer area, the information set forth in subsection (2)(a) must be submitted to the Department.

(3) Development Standards for Alternative Water Sources.

(a) Where a known seawater intrusion problem exists, alternative sources of water are encouraged, but must comply with the requirements of SCC 12.48.250.

(b) **Reverse Osmosis (RO) Systems.** Any reverse osmosis (RO) system must be designed to:

- (i) Use seawater collected from the open sea as the water source; and
- (ii) Discharge effluent only to the open sea.

(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 a hydrogeologist engaged or employed by the County.

(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 a hydrogeologist engaged or employed by the County;
- (vii) The time of day when the drawdown measurement was observed;
- (viii) Exact time of pump start and stop;
- (ix) Any changes in pumping rate during the test;

(x) Measurement of water level following pump shutoff until the water level in the well recovers to at least 95 percent of its pre-pumping level, including time of measurement.

(c) **Documentation of Elevation.** Before final inspection, the applicant must submit a land elevation of the well as surveyed by a licensed surveyor.

(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 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 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 |

(Ord. O20160004 § 6 (Att. 6))

C23-2 Qualified Professional Definition

Qualified professional: a person with training and ~~two~~four years of work experience in the applicable field or critical area.

(1) A qualified professional for ~~watereourses, wetlands, and wildlife habitat conservation areas~~ must have a bachelor’s degree or equivalent in biology, ecology, soil science, botany, or related field and relevant professional experience in functional assessment and mitigation techniques in Western Washington or comparable systems.

(2) A qualified professional for watercourses and wildlife habitat conservation areas must have a bachelor's degree or equivalent in wildlife biology, ecology, fisheries, or closely related field and relevant professional experience in functional assessment and mitigation techniques.

~~(32)~~ A qualified professional for preparing geotechnical reports and geotechnical design recommendations must be a professional engineering geologist or civil geotechnical-engineer, licensed in the State of Washington, with relevant professional experience in geotechnical engineering, including experience with landslide evaluation.

~~(43)~~ A qualified professional for critical aquifer recharge areas must be a hydrogeologist, geologist, or professional engineer, licensed in the State of Washington, who has relevant professional experience ~~is trained and qualified to analyze~~ analyzing geologic, hydrologic, and groundwater flow systems.

(4) A qualified professional for stormwater management must be a geologist licensed in the State of Washington or a professional engineer and meet the applicable requirements specified in the Skagit County Stormwater Manual. ~~professional engineer, licensed in the State of Washington, who is trained and qualified to design stormwater facilities.~~

C23-3 OSRSI Allowed Uses Amendment

(3) Permitted Uses.

- (a) Historic sites open to the public.
- (b) Interpretive/information centers and museums.
- (c) Parks that showcase significant historic, archaeological, scientific, cultural and/or unique natural features, unusual landscape features such as cliffs and bluffs or natural processes on wetlands and tidal actions.
- (d) Public open space areas of regional and Statewide importance including County, State and Federal parks, recreational areas, and wildlife management areas, including those that provide linkages between neighborhood and community parks.
- (e) Caretaker dwelling unit for on-site resident park manager accessory to the primary public use.
- (f) Habitat enhancement and/or restoration projects, except mitigation banks as defined by SCC 14.04.020.

(g) Trails or educational enterprises designed to offer special access to natural resource-based and recreational opportunities on lakes, creeks, streams, river corridors, shorelines, and areas with prominent views.

(h) Maintenance, drainage.

(i) Net metering system, solar.

(j) Repair, replacement and maintenance of water lines with an inside diameter of 12 inches or less.

(k) Recycling drop box facility, accessory to a permitted public, institutional, commercial or industrial use.

(l) Cultivation and harvest of forest products or any forest crop, in accordance with the Forest Practices Act and any regulations adopted pursuant thereto.

(4) Administrative Special Uses.

(a) Campgrounds, destination.

(b) Campgrounds, developed.

(c) Campgrounds, primitive.

(d) Expansion of existing major public facilities up to 3,000 square feet.

(e) In remote areas only, such as east of Concrete and on saltwater islands without ferry service, employee housing sufficient to operate the OSRSI operation.

(f) Minor public use.

(g) Minor utility developments.

(h) Outdoor recreation facilities.

(i) Personal wireless services towers, subject to SCC 14.16.720.

(j) Roadside stands not greater than 300 square feet.

(k) Stables/riding clubs.

(l) Temporary events.

- (m) ~~Trails and P~~primary and secondary trailheads.
 - (n) Water diversion structure.
- (5) Hearing Examiner Special Uses.
- (a) Animal preserve.
 - (b) Impoundment.
 - (c) Marinas not greater than 20 slips.
 - (d) Major public use and expansions of existing major public use, 3,000 square feet and greater.
 - (e) Major utility development.
 - (f) Parks, community.
 - (g) Shooting club, outdoor.

C23-4 Master Planned Resort Designation

14.16.900 Special use permit requirements.

- (1) Special Uses.
- (a) Purpose. To provide a means to recognize and approve land uses not specifically identified as allowed uses. A special use permit must demonstrate that the proposed activity will not adversely affect or prevent those uses normally allowed within the respective district.
 - (b) Process/Authority for Special Use Permit.
 - (i) Administrative special uses shall be reviewed as a Level I permit, pursuant to Chapter 14.06 SCC.
 - (ii) Hearing Examiner special uses shall be reviewed as a Level II permit, pursuant to Chapter 14.06 SCC.
 - (iii) The Hearing Examiner shall have authority to order that a special use permit be revoked, suspended, or modified based on a finding that the conditions have not been satisfied by the applicant. The Administrative Official or party of record may request a review by the Hearing Examiner on a special use permit pursuant to a Level II action, pursuant to Chapter 14.06 SCC.

- (iv) The approving authority's decision may be to grant or to deny an application.
- (v) The burden of proof shall be on the applicant to provide evidence in support of the application. The criteria for approval or denial shall include the following:
 - (A) The proposed use will be compatible with existing and planned land use.
 - (B) The proposed use complies with the Skagit County Code.
 - (C) The proposed use will not create undue noise, odor, heat, vibration, air and water pollution impacts on surrounding, existing, or potential dwelling units, based on the performance standards of SCC 14.16.840.
 - (D) The proposed use will not generate intrusions on privacy of surrounding uses.
 - (E) The proposed use will not cause potential adverse effects on the general public health, safety, and welfare.
 - (F) For special uses in Industrial Forest—Natural Resource Lands, Secondary Forest—Natural Resource Lands, Agricultural—Natural Resource Lands, and Rural Resource—Natural Resource Lands, the impacts on long-term natural resource management and production will be minimized.
 - (G) The proposed use is not in conflict with the health and safety of the community.
 - (H) The proposed use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding areas, or conditions can be established to mitigate adverse impacts on such facilities.
 - (I) The proposed use will maintain the character, landscape and lifestyle of the rural area. For new uses, proximity to existing businesses operating via special use permit shall be reviewed and considered for cumulative impacts.
- (c) Approved special uses identifiable through the Department's permit tracking system shall be mapped upon request.
- (d) All special uses, ~~including master planned resorts,~~ shall require a development project be commenced for the entire parcel within 2 years of the permit approval, unless development is phased. For the purposes of this Section, "commenced" shall mean either (1) the use permitted by the permit has been established or (2) a complete building permit has been filed with Planning and Development Services for

the principal building which will allow the use. Upon building permit approval, the principal building shall be completed (i.e., final inspections completed) within 3 years. Those portions of the property, which are not included within the development area and where the above time frames are not met, shall automatically be removed from the special use approval, unless a phasing plan is approved pursuant to Subsections (1)(d)(i) and (iii) of this Section. For purposes of this Subsection, “development area” shall mean all portions of the site needed to meet UDC requirements, such as lot coverage and setbacks.

(i) If an applicant desires to phase development of a special use, a phasing plan shall be submitted and reviewed as part of the special use permit application. When a special use includes a phasing plan, the initial phase shall be commenced and completed within the time frames articulated above, ~~except that for master planned resorts,~~ development in the initial phase must be commenced consistent with the approved phasing plan. Subsequent phases for special uses, ~~except for master planned resorts,~~ shall be commenced and/or constructed within the time frames established in the phasing plan, or within a 6-year period. ~~Subsequent phases for master planned resorts shall be commenced and/or constructed within the time frames established in the approved phasing plan.~~ Otherwise, the special use shall expire for those portions of the property where these requirements are not met.

(ii) Where a special use did not initially include a phasing plan, but prior to the automatic permit reversion an applicant desires the phasing of the operation, a phasing plan may be submitted to the County for consideration. This plan shall be reviewed through a Level II review process and be reviewed for compliance with the special use criteria.

(iii) The time limits established above shall be tolled pending resolution of any appeals, and may be extended by the Board of County Commissioners upon a showing that the applicant is diligently taking actions to obtain necessary permits and approvals to establish the use.

(2) Special Uses with Specific Criteria.

(a) Temporary Manufactured Home—Disabled or Elderly Family Members.

A temporary manufactured home to accommodate the housing needs of disabled or elderly family members, as provided:

(i) Documentation of the need for nearby care is required by a doctor and/or physician.

(b) Temporary Manufactured Home—Accessory to Farm Dwelling Unit. A temporary manufactured home accessory to a farm dwelling unit on property meeting the definition of farmland in RCW 84.34.020 to accommodate agricultural workers and their families employed on the premises, as provided:

- (i) The property must meet the definition of farmland in RCW 84.34.020 (Open Space Taxation).
 - (ii) Demonstrate compliance with the temporary worker standards in Washington State Law including Chapters 19.27, 43.22, 43.70, 49.17 and 70.114A RCW.
 - (iii) Documentation that the nature of the employee's work requires said employee to be immediately available to the job site is required by the farm owner/operator.
- (c) Bed and Breakfast. Bed and breakfast special use permits are subject to the following requirements:
- (i) They are owner-occupied and managed.
 - (ii) Parking is on-site and a minimum of 10 feet away from neighboring residences.
 - (iii) All lighting is directed away from neighboring residences.
 - (iv) It is demonstrated that the impacts will be no more obtrusive than a residence.
 - (v) Five bedrooms or less are available for guest use.
- (d) Outdoor Outfitters Enterprises. Special use permits for outdoor outfitters enterprises shall be subject to the following requirements:
- (i) Temporary lodging may be allowed at temporary primitive campgrounds as regulated in each district, existing lodges/cabins, or approved bed and breakfasts.
 - (ii) No more than 5 self-contained RVs shall be allowed with such enterprises at any one time.
 - (iii) Temporary lodging in a single location shall not exceed 14 days for any 1 individual, group or party.
 - (iv) At least 7 days must pass before registered guests may return for lodging.
 - (v) A site plan showing the location, size, access of proposed primitive campsites, existing lodges/cabins, and RV sites is required to be submitted with the special use application.
- (e) Home-Based Business 2. See SCC 14.16.730.
- (f) Home-Based Business 3. See SCC 14.16.730.
- ~~(g) Master planned resorts pursuant to Chapter 14.20 SCC. Special use permits for master planned resorts are also subject to the following criteria:~~

~~(i) Compliance with the requirements of Chapter 14.20 SCC, Master Planned Resorts; and~~

~~(ii) Consistency with the resort master plan as approved or amended pursuant to Chapter 14.20 SCC, Master Planned Resorts, in conjunction with the master planned resort Comprehensive Plan Land Use Map amendment.~~

C23-5 Fire Marshal Code Amendment

- (6) Nonissuance of Building Permits Outside of a Fire District.
- (a) Within any zoning district, building permits shall not be issued for residential and/or commercial structures that are not determined to be within an official designated boundary of a Skagit County Fire District.
- (b) Exceptions:
- (i) A building permit may be approved if the Administrative Official determines that the building is a necessary component of the resource base of the zone.
 - (ii) A nonresidential, noncommercial building may be approved if for miscellaneous structures necessary to convey utilities, radio transmission, etc. (i.e., radio towers or transmission or water lines).
 - (iii) Outside of a fire district, with the exception of lands zoned Industrial Forest-Natural Resource Lands, a single-family dwelling or accessory building permit may be applied for if it meets all of the following or comparable alternative fire protection requirements as determined by the Fire Marshal:
 - (A) The lot was a lot of record prior to the adoption of interim controls on June 11, 1990.
 - (B) Approved noncombustible roofing materials must be used.
 - (C) Slash abatement within 200 feet of any portion of the exterior of the structure.
 - (D) A safety zone cleared of flammable vegetation 30 feet from any portion of the exterior of the structure on level ground and 100 feet downhill on sloped ground.
 - (E) Building sprinklers installed per National Fire Protection Association 13D (NFPA 13D).
 - (F) Exception: Buildings of 800 square feet or less, which are:
 - (I) Unheated separate accessory structures to a full-time dwelling unit 20 feet from all other buildings; or

(II) A building used as a vacation cabin and not as a full-time residence.

(G) There is availability of 300 gallons of water on-site, 400 feet of 1-inch fire hose ~~with foam applicator~~, and an internal combustion engine powered pump.

(iv) On saltwater islands that do not contain any land designated Natural Resource Lands (NRLs) or Public Open Space of Statewide/Regional Importance (OSRSI), and that are not within a fire district, a single-family dwelling or accessory building permit may be applied for if it meets all of the following or comparable alternative fire protection requirements as determined by the Fire Marshal:

(A) Approved noncombustible roofing materials must be used.

(B) Slash abatement within 200 feet of any portion of the exterior of the structure.

(C) A safety zone cleared of flammable vegetation 30 feet from any portion of the exterior of the structure on level ground and 100 feet downhill on sloped ground.

(D) There is availability of 300 gallons of water on-site, 400 feet of 1-inch fire hose ~~with foam applicator~~, and an internal combustion engine powered pump, or an equivalent system as approved by the Skagit County Fire Marshal.

(E) Building sprinklers installed per National Fire Protection Association 13D (NFPA 13D).

Exceptions from the sprinkling requirement in this Subsection may be provided if:

(I) The lot was a legal lot of record prior to the adoption of interim controls on June 11, 1990; and

(II) The proposed single-family dwelling or accessory building does not exceed 1,500 square feet of heated structure.

C23-6 Temporary Manufactured Homes Title Notice Requirement

14.16.900 Special use permit requirements.

(1) *[No change]*

(2) Special Uses with Specific Criteria.

(a) Temporary Manufactured Home—Disabled or Elderly Family Members. A temporary manufactured home to accommodate the housing needs of disabled or elderly family members, as provided:

(i) Documentation of the need for nearby care is required by a doctor and/or physician.

(ii) Title Notice. The applicant must record a title notice with the County Auditor that contains the following language:

The above-referenced property contains a temporary manufactured home to accommodate the housing needs of disabled or elderly family member. This second temporary dwelling unit was approved by a special use permit pursuant to the Skagit County Code and must be removed from the property when the family member is no longer using the manufactured home.

(b) Temporary Manufactured Home—Accessory to Farm Dwelling Unit. A temporary manufactured home accessory to a farm dwelling unit on property meeting the definition of farmland in RCW 84.34.020 to accommodate agricultural workers and their families employed on the premises, as provided:

(i) The property must meet the definition of farmland in RCW 84.34.020 (Open Space Taxation).

(ii) Demonstrate compliance with the temporary worker standards in Washington State Law including Chapters 19.27, 43.22, 43.70, 49.17 and 70.114A RCW.

(iii) Documentation that the nature of the employee's work requires said employee to be immediately available to the job site is required by the farm owner/operator.

(iv) Title Notice. The applicant must record a title notice with the County Auditor that contains the following language:

The above-referenced property contains a temporary manufactured home to accommodate agricultural workers and their families employed on the premises. This second temporary dwelling unit was approved by a special use permit pursuant to the Skagit County Code and must be removed from the property when the farm employee is no longer using the manufactured home.

(c) – (j) [No Changes]

(3) [No Changes]

C23-7 Flow Sensitive Basin Rules

14.24.340 Aquifer recharge areas impact mitigation

(3) Surface Water Source Limited (SWSL) Stream Mitigation

(e) Samish River Basin. There shall be no density bonus for CaRD developments that relay on groundwater as the water source and where the well is located within ½ mile of the Samish River or Friday Creek.

~~14.24.350 Flow sensitive basins.~~

~~(1) Except as provided in Subsection (2) of this Section, average daily groundwater withdrawals for projects initiated after the effective dates indicated below shall be limited in each flow sensitive basin to the amounts indicated below. The Health Officer, in coordination with the Washington Department of Ecology, shall be responsible for tracking water uses in flow sensitive basins in accordance with Chapter 12.48 SCC.~~

~~(a) Skagit River Basin.~~

~~(i) Flow Sensitive Basins.~~

| Lower Skagit Flow-Sensitive Basins | Groundwater Withdrawal Limit (gallons per day) |
|---|---|
| Alder Creek | 81,430 |
| Anderson/Parker/Sorenson Creeks | 20,034 |
| Careys Creek | 11,633 |
| Carpenter/Fisher Creeks | 11,633 |
| Childs/Tank Creeks | 18,096 |
| Coal Creek | 18,742 |
| Cumberland Creek | 25,851 |
| Day Creek | 131,839 |
| Gilligan Creek | 25,851 |

| Lower Skagit Flow- Sensitive Basins | Groundwater Withdrawal Limit (gallons per day) |
|--|---|
| Hansen Creek | 38,130 |
| Jones Creek | 67,212 |
| Loretta Creek | 11,633 |
| Mannser Creek | 15,511 |
| Morgan Creek | 13,572 |
| Muddy Creek | 28,436 |
| Nookachamps Creek – East Fork | 14,218 |
| Nookachamps Creek – Upper | 12,279 |
| O'Toole Creek | 23,266 |
| Red Cabin Creek | 42,653 |
| Salmon/Stevens Creek | 5,170 |
| Wiseman Creek | 18,095 |

| Upper Skagit Flow- Sensitive Basins | Groundwater Withdrawal Limit (gallons per day) |
|--|---|
| Aldon Creek | 25,851 |
| All Creek | 25,851 |
| Bacon Creek | 25,851 |
| Barr Creek | 25,851 |
| Big Creek | 25,851 |
| Boulder Creek | 25,851 |
| Boyd Creek | 25,851 |
| Clark Creek | 25,851 |

| Upper Skagit Flow-Sensitive Basins | Groundwater Withdrawal Limit (gallons per day) |
|---|---|
| Corkindale Creek | 25,851 |
| Diobsud Creek | 25,851 |
| Everett Creek | 25,851 |
| Finney Creek | 25,851 |
| Flume Creek | 25,851 |
| Grandy Creek | 147,350 |
| Gravel Creek | 25,851 |
| Hilt Creek | 25,851 |
| Hobbit Creek | 25,851 |
| Hlabot Creek | 25,851 |
| Irene Creek | 25,851 |
| Jackman Creek | 25,851 |
| Jordan Creek | 25,851 |
| Mill Creek | 25,851 |
| Miller Creek | 25,851 |
| O'Brian Creek | 25,851 |
| Olson Creek | 25,851 |
| Ossterman Creek | 25,851 |
| Prairie Creek | 25,851 |
| Presentin Creek | 25,851 |
| Rinker Creek | 25,851 |
| Rocky Creek | 25,851 |
| Savage Creek | 25,851 |

| Upper Skagit Flow-Sensitive Basins | Groundwater Withdrawal Limit (gallons per day) |
|---|---|
| Sutter Creek | 25,851 |
| Tenas Creek | 25,851 |
| White Creek | 25,851 |

(ii) ~~Effective Date. Groundwater withdrawals from the flow sensitive basins listed in Subsection (1)(a)(i) of this Section that were established after April 14, 2001, will be debited from the respective groundwater withdrawal limits.~~

~~(b) Samish River Basin. There shall be no density bonus for CaRD developments that rely on groundwater as the water source and where the well is located within 1/2 mile of the Samish River or Friday Creek.~~

~~(c) Stillaguamish River Basin.~~

~~(i) Flow Sensitive Basins.~~

| Flow Sensitive Basin | Groundwater Withdrawal Limit (gallons per day) |
|-------------------------------------|---|
| Stillaguamish River and tributaries | 302,400 |

~~(ii) Effective Date. Groundwater withdrawals from the flow sensitive basins listed in Subsection (1)(c)(i) of this Section that were established after September 26, 2005, will be debited from the respective groundwater withdrawal limits.~~

~~(2) The Administrative Official shall report to the Health Officer the number of new residential connections or the estimated amount of consumptive water use for non residential projects that will be created for each building permit or lot that relies on a groundwater withdrawal in a flow sensitive basin. Groundwater withdrawals shall not be debited from the groundwater withdrawal limits established in Subsection (1) of this Section, where:~~

~~(a) The proposed groundwater withdrawal is exempt from permitting in RCW 90.44.050; and~~

~~(i) The Health Officer, using criteria developed in coordination with the Washington Department of Ecology, determines that the groundwater withdrawal will not adversely impact stream flows deemed critical to salmonids in a flow sensitive basin; or~~

~~(ii) The applicant adopts mitigation measures approved by the Health Officer, using criteria developed in coordination with the Washington Department of Ecology, to prevent the groundwater withdrawal from adversely impacting stream flows deemed critical to salmonids in flow sensitive basins; or~~

~~(b) The proposed groundwater withdrawal is not exempt from permitting in RCW 90.44.050 and the proposed withdrawal for a project is included in a water right permit issued by the Washington Department of Ecology and is covered by a mitigation plan approved by the Washington Department of Ecology; or~~

~~(c) The groundwater withdrawal is from an interruptible source and the applicant provides measures to supply adequate water at all times necessary for the project applied for, subject to the approval of the Health Officer; or~~

~~(d) Groundwater use for projects initiated prior to the effective date of the corresponding flow sensitive basin designated in SCC 14.24.350, by:~~

~~(i) The applicant filing with the Administrative Official a complete application for a building permit pursuant to Chapter 15.04 SCC or for approval of a land division pursuant to Chapter 14.18 SCC prior to the effective date of the corresponding flow sensitive basin groundwater withdrawal limit; or~~

~~(ii) The applicant filing a well log with the Washington Department of Ecology prior to the effective date of the corresponding flow sensitive basin groundwater withdrawal limit indicating the applicant's intent to rely on a groundwater withdrawal that is exempt from permitting in RCW 90.44.050; or~~

~~(iii) The Washington Department of Ecology issuing a water right permit or certificate with a priority date that is earlier than the effective date of the respective flow sensitive basin groundwater withdrawal limit designated in this Section.~~

~~(3) In addition to the provisions for public notice provided under SCC 14.06.150 and notice of decision under SCC 14.06.200, the Administrative Official shall provide electronic notice to the public, by use of the County's official website or otherwise, of all building permit and short subdivision applications and approvals in flow sensitive basins. (Ord. O20080014 (part))~~

~~**14.24.360 Flow sensitive basin water withdrawal mitigation.**~~

~~If a project hydrologically is located within a flow sensitive basin, in addition to conditions imposed by the Health Officer pursuant to Chapter 12.48 SCC, mitigation measures required in SCC 14.24.340 and groundwater withdrawal mitigation measures required by the Washington State Department of Ecology, the total impervious surface area of the project containing the project shall be limited to 20%, unless:~~

~~(1) The applicant implements mitigation measures that collect stormwater runoff from the proposed development, treat that runoff, if necessary to protect groundwater quality, and discharge that collected runoff into a groundwater infiltration system on site, providing that the project is located in an area that the Administrative Official or Health Officer determines is suitable for stormwater infiltration; or~~

~~(2) The project will be served by a public water system the source for which is located hydrologically outside of a flow sensitive basin, and wastewater will be disposed in an approved on-site wastewater treatment system that the Health Officer or Administrative Official determines will provide adequate compensating recharge to the aquifer for the total amount of impervious surface proposed; or~~

~~(3) The applicant demonstrates, through an appropriate hydrogeological characterization, that the placement of the proposed impervious surfaces will not adversely impact stream base flows in the subject tributary basin; or~~

~~(4) The applicant demonstrates that the project is located in an area where groundwater and/or surface water is influenced by tidal fluctuation. (Ord. O20080014 (part))~~

~~**14.24.370 Delineation of flow sensitive basins.**~~

~~The Administrative Official shall produce maps delineating the boundaries of flow sensitive basins, which are hereby incorporated by reference. The Administrative Official shall update maps of flow sensitive basins as provided in SCC 14.24.050 and WAC 173-503-116. (Ord. O20080014 (part))~~

C23-9 Primitive Campground Definition

14.04.020 Definitions

Campground, primitive: a campground with a minimal level of shared amenities, including, ~~at a minimum~~ vault or chemical toilets and garbage service, and which may include running water; does not include any amenities listed in developed campground or destination campground, and which complies with SCC 14.16.945.-

C23-11 General Code Language Clean Up

14.16.340 Bayview Ridge Residential

(5) Density and Dimensional Standards

(c) Setbacks

(i) Primary Structures

(A) Front.

| Front Setback | House | Garage |
|---|--------------|---------------|
| Road classes 09 and 19 (local neighborhood streets) | 20 | 25 |
| Roads other than class 09 <u>and 19</u> | 35 | 40 |

14.22.020 Applicability

(3) Exemptions. The following activities are exempt from the requirements of this Chapter:

- (a) Except as provided in Subsections (3)(b) and (3)(c) of this Section, cumulative land disturbing activity, over a five-year period, totaling:
 - (i) Less than 7,000 square feet within the NPDES permit area; and
 - (ii) Less than 14,000 ~~Fourteen thousand~~ square feet outside the NPDES permit area cumulatively.

14.32.060 Residential Projects outside the NPDES permit area.

(2) Modified Minimum Requirement No. 2, Construction Stormwater Pollution and Protection Plan, is required for all projects.

(a) Minimum Requirement No. 1, Stormwater Site Plan.

(i) The infiltration test for the stormwater site plan may be performed consistent with the simplified procedure provided by the Department.

(e) Minimum Requirement No. 5, On Site Stormwater Management.

(iii) Geotechnical Analysis. A geotechnical analysis must be required when:

(A) Grading or the construction of retention facilities, detention facilities, or other stormwater and drainage facilities is proposed within 200 feet of slopes steeper than 15 percent; or

(B) The Administrative Official deems that the proposed construction poses a potential hazard due to its proximity to a geologically hazardous area or Category I aquifer recharge area.

14.06.100 Determination of completeness.

(3) For applications determined to be incomplete, the Administrative Official or designee shall identify, in writing, the specific requirements or information necessary to constitute a complete application and inform the applicant that the required information must be submitted to the Department within 180 days. If the applicant does not submit all of the required information within the 180-day period, the application shall lapse. The applicant may request in writing an extension of time if the request is made at least 14 days prior to the expiration of the 180-day period. The Administrative Official or designee may grant one or more (although not exceeding three) three-month extensions if the required studies or information warrants additional time. Upon submittal of the additional information, the Administrative Official or designee shall, within 14 days, issue a determination of completeness or identify what additional information is required except for eligible collocation and modification requests for wireless facility services~~personal wireless services facilities~~ which require a response within 10 days of receipt of additional information. An application will not be deemed complete for purposes of vesting until all information requested for a complete application is received by the Department, unless Subsection (4) of this Section applies.

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14.06.210 Timing of decisions.

(1) In general, all development permit decisions shall be issued within 120 days of the date the letter of completeness is issued.

(a) Final decision on preliminary subdivisions and binding site plans shall generally be issued within 90 days from the date the letter of completeness is issued.

(b) Final decisions on final plats and short plats shall generally be issued within 30 days from the date the letter of completeness is issued.

(c) Final decisions on eligible collocation and modification requests for wireless facility services~~personal wireless services facilities~~ must be issued within 60 days of the date a letter of completeness is issued.

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(4) The provisions of this Section notwithstanding, the failure to issue a final decision within the time frames specified shall not be considered an implicit approval or denial of the development permit, nor shall it be reason in and of itself for the County to be liable for damages for failure to meet the specified time frames.

(a) Exception. If the County fails to issue a final decision for an eligible collocation or modification request for a ~~personal wireless services facility~~ wireless facility within 60 days (accounting for any tolling) the application is deemed granted. The approval does not become effective until the applicant notifies the County in writing after the review period has expired that the application has been deemed granted. The County may challenge this determination in a court of competent jurisdiction. (Ord. O20160004 § 6 (Att. 6); Ord. O20110007 Atch. 1 (part); Ord. 17938 Atch. F (part), 2000)

14.16.100 Rural Village Commercial (RVC)

(3) Administrative Special Uses

(g) ~~Wireless facilities~~~~Personal wireless services towers~~, subject to SCC 14.16.720

(5) Dimensional Standards

(c) Maximum height: 40 feet

(i) Height Exemptions. Flagpoles, ham radio antennas, church steeples, water towers, meteorological towers and fire towers are exempt. The height of wireless facilities~~personal wireless services towers~~ is regulated in SCC 14.16.720.

14.16.110 Rural Center (RC)

(3) Administrative Special Uses

(e) ~~Wireless facilities~~~~Personal wireless services towers~~, subject to SCC 14.16.720

(5) Dimensional Standards

(c) Maximum height: 40 feet.

(i) Height Exemptions. Flagpoles, ham radio antennas, church steeples, water towers, meteorological towers, and fire towers are exempt. The height of wireless facilities~~personal wireless services towers~~ is regulated in SCC 14.16.720.

14.16.120 Rural Freeway Service

(3) Administrative Special Uses

(i) ~~Wireless facilities~~~~Personal wireless services towers~~, subject to SCC 14.16.720.

(5) Dimensional Standards

(c) Maximum height: 40 feet.

(i) Height Exemptions. Flagpoles, ham radio antennas, church steeples, water towers, meteorological towers and fire towers are exempt. The height of wireless facilities~~personal wireless services towers~~ is regulated in SCC 14.16.720.

14.16.130 Small Scale Recreation and Tourism (SRT)

(5) Hearing Examiner Special Uses.

(f) Wireless facilities~~Personal wireless services towers~~, subject to SCC 14.16.720.

(6) Dimensional Standards.

(c) Maximum height: 50 feet.

(i) Height Exemptions. Flagpoles, ham radio antennas, church steeples, water towers, meteorological towers and fire towers are exempt. The height of wireless facilities~~personal wireless services towers~~ is regulated in SCC 14.16.720.

14.16.140 Small Scale Business (SSB).

(5) Hearing Examiner Special Uses.

(d) Wireless facilities~~Personal wireless services towers~~, subject to SCC 14.16.720.

(6) Dimensional Standards.

(d) Maximum height: 50 feet.

(i) Height Exemptions. Flagpoles, ham radio antennas, church steeples, water towers, meteorological towers and fire towers are exempt. The height of wireless facilities~~personal wireless services towers~~ is regulated in SCC 14.16.720.

14.16.150 Rural Business (RB)

(3) Administrative Special Uses.

(d) Wireless facilities~~Personal wireless services towers~~, subject to SCC 14.16.720.

(6) Dimensional Standards.

(b) Maximum height: 40 feet.

(i) Height Exemptions. Flagpoles, ham radio antennas, church steeples, water towers, meteorological towers and fire towers are exempt. The height of wireless facilities~~personal wireless services towers~~ is regulated in SCC 14.16.720.

14.16.160 Natural Resource Industrial (NRI).

(4) Administrative Special Uses.

(e) ~~Wireless facilities~~ ~~Personal wireless services towers~~, subject to SCC 14.16.720.

(6) Dimensional Standards.

(e) Maximum height: 50 feet.

(i) Height Exemptions. Flagpoles, ham radio antennas, church steeples, water towers, meteorological towers and fire towers are exempt. The height of wireless facilities ~~personal wireless services towers~~ is regulated in SCC 14.16.720.

14.16.170 Rural Marine Industrial (RMI)

(4) Administrative Special Uses.

(b) ~~Wireless facilities~~ ~~Personal wireless services towers~~, subject to SCC 14.16.720.

(6) Dimensional Standards.

(c) Maximum height: 50 feet.

(i) Height Exemptions. Flagpoles, ham radio antennas, church steeples, water towers, meteorological towers and fire towers are exempt. The height of wireless facilities ~~personal wireless services towers~~ is regulated in SCC 14.16.720.

14.16.180 Bayview Ridge Light Industrial

(4) Administrative Special Uses.

(e) ~~Wireless facilities~~ ~~Personal wireless services towers~~, subject to SCC 14.16.720.

(6) Dimensional Standards.

(b) Maximum height: 50 feet, except within the buffer area to a residential zone (Subsection (7) of this Section), or as limited by the Airport Environs Overlay, SCC 14.16.210, whichever is less.

(i) Height Exemptions. Flagpoles, ham radio antennas, church steeples, water towers, meteorological towers and fire towers are exempt from the maximum height, but shall conform to the applicable Federal Aviation Administration regulations. The height of wireless facilities ~~personal wireless services towers~~ is regulated in SCC 14.16.720.

14.16.190 Bayview Ridge Heavy Industrial (BR-HI).

(4) Administrative Special Uses.

(e) ~~Wireless facilities~~ ~~Personal wireless services towers~~, subject to SCC 14.16.720.

(6) Dimensional Standards.

(b) Maximum height: 50 feet or shall conform to the applicable Federal Aviation Administration regulations concerning height restrictions when located within the Airport Environs Overlay, SCC 14.16.210, whichever is less.

(i) Height Exemptions. Flagpoles, ham radio antennas, church steeples, water towers, meteorological towers and fire towers are exempt from the maximum height, but shall conform to the applicable Federal Aviation Administration regulations. The height of ~~wireless facilities~~~~personal wireless services towers~~ is regulated in SCC 14.16.720.

14.16.195 Urban Reserve Commercial-Industrial (URC-I)

(3) Administrative Special Uses.

(g) ~~Wireless facilities~~~~Personal wireless services towers~~, subject to SCC 14.16.720.

(5) Dimensional Standards.

(c) Maximum height: 40 feet.

(i) Height Exemptions. Flagpoles, ham radio antennas, church steeples, water towers, meteorological towers and fire towers are exempt. The height of ~~wireless facilities~~~~personal wireless services towers~~ is regulated in SCC 14.16.720.

14.16.200 Aviation Related (AVR)

(4) Hearing Examiner Special Uses.

(e) ~~Wireless facilities~~~~Personal wireless services towers~~, subject to SCC 14.16.720.

14.16.300 Rural Intermediate (RI).

(4) Hearing Examiner Special Uses.

(q) ~~Wireless facilities~~~~Personal wireless services towers~~, subject to SCC 14.16.720.

(6) Dimensional Standards.

(b) Maximum height: 40 feet.

(i) Height Exemptions. Flagpoles, ham radio antennas, church steeples, water towers, meteorological towers and fire towers are exempt. The height of ~~wireless facilities~~~~personal wireless services towers~~ is regulated in SCC 14.16.720.

14.16.310 Rural Village Residential

(5) Dimensional Standards.

(b) Maximum height: 40 feet.

(i) Height Exemptions. Flagpoles, ham radio antennas, church steeples, water towers, meteorological towers and fire towers are exempt. The height of wireless facilities~~personal wireless services towers~~ is regulated in SCC 14.16.720.

14.16.320 Rural Reserve

(4) Hearing Examiner Special Uses.

(y) Wireless facilities~~Personal wireless services towers~~, subject to SCC 14.16.720.

(5) Dimensional Standards.

(d) Maximum height: 40 feet.

(i) Height Exemptions. Flagpoles, ham radio antennas, church steeples, water towers, meteorological towers and fire towers are exempt. The height of wireless facilities~~personal wireless services towers~~ is regulated in SCC 14.16.720.

14.16.330 Residential District (R).

(6) Dimensional Requirements.

(d) Maximum height: 40 feet.

(i) Height Exemptions. Flagpoles, ham radio antennas, church steeples, water towers, meteorological towers and fire towers are exempt. The height of wireless facilities~~personal wireless services towers~~ is regulated in SCC 14.16.720.

14.16.340 Bayview Ridge Residential (BR-R)

(5) Density and Dimensional Standards.

(e) Maximum height: 40 feet or shall conform to the applicable Federal Aviation Administration regulations concerning height restrictions pursuant to the Airport Environs Overlay, SCC 14.16.210, whichever is less.

(i) Height Exemptions. Flagpoles, ham radio antennas, church steeples, water towers, meteorological towers and fire towers are exempt from the maximum height, but shall conform to the applicable Federal Aviation Administration regulations. The height of wireless facilities~~personal wireless services towers~~ is regulated in SCC 14.16.720.

14.16.370 Urban Reserve Residential (URR).

(4) Hearing Examiner Special Uses.

(q) Wireless facilities~~Personal wireless services towers~~, subject to SCC 14.16.720.

(5) Dimensional Requirements.

(d) Maximum height: 40 feet.

(i) Height Exemptions. Flagpoles, ham radio antennas, church steeples, water towers, meteorological towers and fire towers are exempt. The height of wireless facilities~~personal wireless services towers~~ is regulated in SCC 14.16.720.

14.16.385 Hamilton Urban Reserve (H-URv)

(4) Hearing Examiner Special Uses.

(h)~~Wireless facilities~~~~Personal wireless services towers~~, subject to SCC 14.16.720.

(5) Dimensional Standards.

(d) Maximum height: 40 feet.

(i) Height Exemptions. Flagpoles, ham radio antennas, church steeples, water towers, meteorological towers and fire towers are exempt. The height of wireless facilities~~personal wireless services towers~~ is regulated in SCC 14.16.720.

14.16.400 Agricultural-Natural Resource Lands (Ag-NRL).

(3) Administrative Special Uses.

(h)~~Wireless facilities~~~~Personal wireless services towers~~, subject to SCC 14.16.720.

(5) Dimensional Standards.

(b) Maximum height: 40 feet.

(i) Height Exemptions. Flagpoles, ham radio antennas, church steeples, water towers, meteorological towers and fire towers are exempt. The height of wireless facilities~~personal wireless services towers~~ is regulated in SCC 14.16.720.

14.16.410 Industrial Forest-Natural Resource Lands (IF-NRL)

(4) Administrative Special Uses.

(e)~~Wireless facilities~~~~Personal wireless services towers~~, subject to SCC 14.16.720.

(6) Dimensional Standards.

(b) Maximum height: 40 feet.

(i) Height Exemptions. Flagpoles, ham radio antennas, church steeples, water towers, meteorological towers and fire towers are exempt. The height of wireless facilities~~personal wireless services towers~~ is regulated in SCC 14.16.720.

14.16.420 Secondary Forest-Natural Resource Lands (SF-NRL)

(3) Administrative Special Uses.

(f)~~Wireless facilities~~~~Personal wireless services towers~~, subject to SCC 14.16.720.

(6) Dimensional Standards.

(b) Maximum height: 40 feet.

(i) Height Exemptions. Flagpoles, ham radio antennas, church steeples, water towers, meteorological towers and fire towers are exempt. The height of wireless facilities~~personal wireless services towers~~ is regulated in SCC 14.16.720.

14.16.420 Secondary Forest-Natural Resource Lands (SF-NRL)

(3) Administrative Special Uses.

(f) Wireless facilities~~Personal wireless services towers~~, subject to SCC 14.16.720.

(5) Dimensional Standards.

(c) Maximum height: 40 feet.

(i) Height Exemptions. Flagpoles, ham radio antennas, church steeples, water towers, meteorological towers and fire towers are exempt. The height of wireless facilities~~personal wireless services towers~~ is regulated in SCC 14.16.720.

14.16.430 Rural Resource (Natural Resource Lands (RRc-NRL)

(3) Administrative Special Uses.

(i) Wireless facilities~~Personal wireless services towers~~, subject to SCC 14.16.720.

(5) Dimensional Standards.

(d) Maximum height: 40 feet.

(i) Height Exemptions. Flagpoles, ham radio antennas, church steeples, water towers, meteorological towers and fire towers are exempt. The height of wireless facilities~~personal wireless services towers~~ is regulated in SCC 14.16.720.

14.16.450 Urban Reserve Public-Open Space (URP-OS)

(3) Administrative Special Uses.

(f) Wireless facilities~~Personal wireless services towers~~, subject to SCC 14.16.720.

(5) Dimensional Standards. The following dimensional requirements shall apply, unless the project receives an urban reserve development permit, pursuant to SCC 14.16.910, in which case the development standards, any design review standards, landscaping, parking, and signage standards from the applicable city code in whose UGA the project is located shall apply.

(c) Maximum height: 40 feet.

(i) Height Exemptions. Flagpoles, ham radio antennas, church steeples, water towers, meteorological towers and fire towers are exempt. The height of wireless facilities~~personal wireless services towers~~ is regulated in SCC 14.16.720.

14.16.500 Public Open Space of Regional/Statewide Importance (OSRSI)

(4) Administrative Special Uses.

(i) ~~Wireless facilities~~ ~~Personal wireless services towers~~, subject to SCC 14.16.720.

(6) Dimensional Standards. No minimum lot size where the proposed development can meet the requirements of the Skagit County Code.

(d) Maximum height: 40 feet.

(i) Height Exemptions. Flagpoles, ham radio antennas, church steeples, water towers, meteorological towers and fire towers are exempt. The height of wireless facilities ~~personal wireless services towers~~ is regulated in SCC 14.16.720.

14.16.810 Setback requirements.

(4) Administrative Reduction of Setbacks. An applicant may request a variance to reduce the standard setbacks per SCC Chapter 14.10. This provision may not be used in locations where 100 percent height of tower setbacks are required per SCC 14.16.720(13)(b) ~~for wireless facility services~~ ~~personal wireless services facilities~~.

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14.16.850 General Provisions

(4) Development of Lots of Record.

(d) In the following zones, if the proposed use for the substandard lot of record is one of the following nonresidential uses and otherwise meets all requirements for the use in the zone, it may be allowed regardless of the determination pursuant to SCC 14.06.045(1)(b):

(i) Rural Village Residential.

(B) Hearing Examiner special uses: cemetery; community club/grange hall; expansion of existing major public uses up to 3,000 square feet; historic sites open to the public; minor public uses; parks, community; wireless facilities ~~personal wireless services towers~~, subject to SCC 14.16.720.

(ii) Rural Intermediate.

(C) Hearing Examiner special uses: cemetery; community club/grange hall; expansion of existing major public uses up to 3,000 square feet; historic sites open to the public; impoundments greater than 1-acre feet in size; minor public uses; outdoor recreational facilities; parks, community; wireless facilities ~~personal wireless services towers~~, subject to SCC 14.16.720.

(iii) Rural Reserve.

(C) Hearing Examiner special uses: animal preserve; cemetery; community club/grange hall; expansion of existing major public uses up to 3,000 square feet; historic sites open to the public; impoundments greater

than 1-acre feet in volume; manure lagoon; minor public uses; natural resources training/research facility; outdoor outfitters enterprises; outdoor recreational facilities; parks, community; ~~wireless facilities~~~~personal wireless services towers~~, subject to SCC 14.16.720.

(iv) Urban Reserve Residential.

(B) Hearing Examiner special uses: cemetery; community club/grange hall; display gardens; historic sites open to the public; parks, community; ~~personal wireless services towers~~~~wireless facilities~~, subject to SCC 14.16.720.

(v) Urban Reserve Commercial-Industrial.

(B) Administrative special uses: expansion of existing major public uses up to 3,000 square feet; minor utility developments; parks, specialized recreational facility; ~~wireless facilities~~~~personal wireless services towers~~ subject to SCC 14.16.720; temporary events; trails and primary and secondary trailheads.

(vi) Urban reserve Public Open Space.

(B) Administrative special uses: natural resources training/research facility, outdoor recreation facilities, ~~wireless facilities~~~~personal wireless services towers~~, subject to SCC 14.16.720, Water diversion structure.

14.18.000 General

(2) Applicability/Exemptions. This Chapter shall apply to all divisions and redivisions of land for the purposes of sale, lease, or other transfer except:

(d) A division for the purpose of leasing land for facilities providing ~~wireless facility services~~~~personal wireless services~~ while used for that purpose.

14.04.020 Definitions

Cell site or site: a tract or parcel of land that contains the ~~wireless facility services~~~~personal wireless service facilities~~, including any antenna, support structure, accessory buildings and parking, and may include other uses associated with and ancillary to ~~wireless facilities~~~~personal wireless services~~.

Mount: the structure or surface upon which personal wireless service facilities are mounted. There are generally 3 types of mounts:

- (1) Building-Mounted. A ~~personal~~ wireless ~~facility services~~~~service facility~~ mount fixed to the roof or side of a building;
- (2) Ground-Mounted. A ~~personal~~ wireless ~~facility service~~~~service facility~~ mount fixed to the ground, such as a tower;

(3) Structure-Mounted. A ~~personal-wireless~~ facility service service facility-fixed to a structure other than a building, such as light standards, utility poles and bridges.

~~**Personal wireless services and personal wireless service facilities:** shall be defined in the same manner as in 47 U.S.C. 332(e)(7)(e), and as they may be amended.~~

Provider: a wireless facility services ~~personal wireless services~~-provider or wireless infrastructure provider and includes any person that owns or operates wireless facilities within or outside of the right-of-way.

Tower: any structure that is designed and constructed primarily for the purpose of supporting 1 or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term encompasses wireless facilities ~~personal wireless service facilities towers,~~ microwave towers, common-carrier towers, cellular telephone towers, personal communications services towers, alternative tower structures, and the like.