

An Ordinance Adopting SCC 14.16.400(4)(h); Regarding Major Electrical Utility Developments on Ag-NRL Zone Land Amendment

WHEREAS, the Board of Skagit County Commissioners has adopted the Skagit County Comprehensive Plan and Title 14, the Unified Development Code, for all unincorporated areas of Skagit County under the Washington Growth Management Act, RCW 36.70A (the “GMA”); and

WHEREAS, Chapter 14.16 of the Skagit County Code, the Skagit County Zoning Code, contains regulations that are intended to carry out the goals and policies of the Skagit County Comprehensive Plan; and

WHEREAS, SCC 14.16.400, classifies, designates, and regulates the development of land zoned Agricultural—Natural Resource Lands (Ag-NRL); and

WHEREAS, the district is composed mainly of low flat land with highly productive soil and is the very essence of the County’s farming heritage and character; and

WHEREAS, the primary purpose of the Ag-NRL zoning district is to provide land for continued farming activities, to conserve agricultural land, and to reaffirm agricultural use, activities and operations. Non-agricultural uses are generally allowed only as accessory to the primary use of the land for agricultural purposes.

WHEREAS, Skagit County has declared that natural resource lands, including agricultural lands, are a cornerstone of our community’s economy, culture, and history, and as such, farmland protection and enhancement is of paramount importance to Skagit County and its citizens; and

WHEREAS, our protection of Skagit County farmland from competing uses is required by state law, see RCW 36.70A.020(8) and RCW 36.70A.177; and

WHEREAS, the Washington Supreme Court recently emphasized counties’ obligation to protect and enhance agricultural land over the long term:

Agricultural land that is specifically designated must be maintained and enhanced for potential future use under the GMA, even if the land is not being used for agricultural production currently. The GMA requirement ensures the land is preserved for future agricultural uses.

King County v. Friends of Sammamish Valley, 556 P.3d 132, 148 (2024); and

WHEREAS, the Board of Skagit County Commissioners has consistently and unanimously declared that development unrelated to agriculture is to be discouraged on Lands zoned Ag-NRL; and

WHEREAS, such electrical energy generation and storage facilities are not intended to service or support Skagit agricultural activity, but rather is a form of industrial development projects intended to participate in the larger electrical grid, ultimately to support continued industrial, commercial, and residential growth in the region; and

WHEREAS, Skagit County has reasonable fear that access to Skagit County Ag-NRL lands for industrial electrical energy generation and storage activity will interfere with and jeopardize our long-term protection of Skagit County's farmland and farming economy; and

WHEREAS, on October 8, 2024, the Planning Commission recommended approval of the Amendment to SCC 14.16.400(4)(h) to exclude electrical generation and/or storage facilities from the major utility developments permitted with a hearing examiner special use permit on Ag-NRL zoned land; and

Now Therefore Be It Ordained by the Board of County Commissioners:

Section 1. The proposed Amendment to SCC 14.16.400(4)(h); Regarding Major Electrical Utility Developments on Ag-NRL Zone Land, is approved as shown on the redline code changes (**Attachment 1**).

Section 2. This ordinance shall take effect immediately upon passage by the Board of County Commissioners.

PASSED this 4 day of November, 2024.



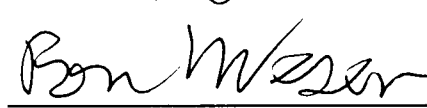
BOARD OF COUNTY COMMISSIONERS
SKAGIT COUNTY, WASHINGTON



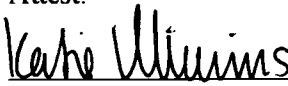
Peter Browning, Chair




Lisa Janicki, Commissioner




Ron Wesen, Commissioner

Attest:


Katie Williams
Clerk of the Board

Approved as to Form:


Civil Deputy Prosecuting Attorney

Approved as to Content:


Department Head

2024 Amendments re Utilities on Ag-NRL zones—DRAFT

Plain text = existing code with no changes
Strikethrough = existing code to be deleted
<u>Underlined</u> = new code to be added
Double Strikethrough = existing code moved to another location
<u>Double Underline</u> = existing code moved from another location
<i>Italics</i> = Instructions for code reviser/reviewer

Markup DRAFT August 26, 2024

Chapter 14.16 Zoning

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

(1) – (3) *No change*

(4) Hearing Examiner Special Uses.

(a) – (g) *No change*

(h) Major utility developments, not including those involving the generation and/or storage of electricity, where there is no other viable parcel or non-agricultural designated land to serve the affected area. Analysis of alternatives to the development of the utility in the natural resource land must be provided.

(i) – (o) *No change*

(5) – (7) *No change*