

Public Hearing and Planning Commission Deliberation Proposed Code Amendment SCC 14.16.400(4)(h)



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2024 Amendments re Utilities on Ag-NRL zones—DRAFT

Plain text = existing code with no changes
~~Strikethrough~~ = existing code to be deleted
Underlined = new code to be added
~~Double-Strikethrough~~ = existing code moved to another location
Double Underline = existing code moved from another location
Italics = 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*



Background

SCC 14.040.020 defines three kinds of utility developments:

Utility development: includes, but is not limited to, facilities and services that generate, transport, process, or store water, sewage, solid waste, electrical energy, communications and pipelines for fuel, oil, natural gas, and petroleum products. A utility development is one of the following types:

- (1) Minor utility development: an unmanned utility development designed to serve a small local community that would be considered a normal utility service for the area.
- (2) Major utility development: a utility development that is not a minor utility development or a major regional utility development.
- (3) Major regional utility development: a utility development that is designed to serve a region.



Background

Administrative Official Interpretations (AOI)

Administrative Official has issued three Administrative Official Interpretations on how to properly define electrical utility developments.

- AOI 2024-02 (Cloudbreak: solar electricity generation facility).
- AOI 2023-02 (Sounder: battery energy storage system).
- AOI 2023-01 (Goldeneye: battery energy storage system).

Each AOI has concluded the contemplated development would be defined as a major utility development.



Background

The Board of Skagit County Commissioners adopted Ordinance #O202400073

- An Interim Ordinance Declaring an Emergency and Adopting a Moratorium on the Acceptance of Permit Applications for Major Utility Development Projects Involving the Electrical Energy Generation or Storage on Skagit County Agricultural (Ag-NRL) Lands.
- The moratorium lasts for six months but may be extended by the Board if necessary.

<https://www.skagitcounty.net/Departments/CountyCommissioners/>



Consistency- SCC 14.08

- . Comprehensive Plan
- . RCW 36.70A, Growth Management Act
- . Countywide Planning Policies



Public Comment

Six (6) comments received were in support of adopting the proposed amendment, expressing opposition to allowing battery storage and other industrial or utility developments on Ag-NRL lands, emphasizing the importance of preserving farmland for food production.

One (1) comment received opposed the proposed amendment, requesting clarity on definitions related to electric utility development and expressing concern about the impact of restricting electric generation and storage in agricultural zones on climate goals and utility operations.



Recommendation

The Department recommends adoption of the proposal.

