

# Work Session

## 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.



# 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.



# Analysis

The proposal is to amend [SCC 14.16.400\(4\)\(h\)](#) to exclude electrical generation and/or storage as utility developments that can apply for a hearing examiner's special use permit:

(h) Major utility developments, excluding 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.



# Consistency- SCC 14.08

## Comprehensive Plan

- **Vision Statement | Major Themes:** Protect and conserve agriculture, forest and mineral resource lands.
- **Goal 4A Agricultural Resource Lands:** focuses on preserving for long-term commercial farming due to their favorable soils, climate, and location. Skagit County aims to support and enhance its agricultural land base by addressing challenges such as land conversion, conflicts with residential areas, drainage issues, and disruptions to agricultural functions. The policies are designed to maintain agricultural stability and productivity in Skagit County.
- **Guiding Principles:** Protect the agricultural land resource and farming in Skagit County; endeavor to minimize the loss of the resource; mitigate unavoidable losses; and replace lost resources whenever possible.
- **Goal 4A-3:** Promote preservation of agricultural land for agricultural uses, minimize non-farming uses on agricultural lands; and develop incentive programs to promote farming.
- **Goal 4A-4:** Land uses allowed on designated agricultural land shall promote agriculture, agricultural support services, and promote diverse agricultural industries.



# Consistency- SCC 14.08

## Growth Management Act

- **RCW 36.70A.020(8) Natural Resource Industries:** Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation of productive forestlands and productive agricultural lands, and discourage incompatible uses.
- **RCW 36.70A.020 Economic Development:** 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.



# Consistency- SCC 14.08

## Countywide Planning Policies

- **CPP 5.8:** Agriculture, forestry, aquatic resources and mineral extraction shall be encouraged both within and outside of designated resource lands
- **CPP 5.11:** Skagit County shall conserve agriculture, aquaculture, forest and mineral resources for productive use by designating natural resource lands and aquatic resource areas, where the principal and preferred land uses will be long term commercial resource management.
- **CPP 8:** Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation of productive forest lands and productive agricultural lands, and discourage incompatible uses
- **CPP 8.9:** Skagit County shall conserve agricultural, aquatic based, forest and mineral resources for productive use by designating natural resource lands and aquatic resource areas where the principal and preferred land uses will be long-term commercial resource management.





# Recommendation and Next Steps

Information available:

<https://www.skagitcounty.net/PlanningAndPermit/2024AgNRLZone.htm>

Public Comment ends Friday, October 4, 2024 4:30 p.m.

Tuesday, October 8, 2024

Public Hearing to take citizen comments  
Planning Commission Deliberations



# Public Comment

**Option 1:** Email comments are preferred and must be sent to [pdscomments@co.skagit.wa.us](mailto:pdscomments@co.skagit.wa.us) with the proposal name “Major electrical utility developments on Ag-NRL lands” in the subject line. Please include your comments in the body of your email message rather than as attachments.

**Option 2:** Paper comments must be printed on 8½x11 paper and mailed or delivered to:

Planning and Development Services

Comments on “Major electrical utility developments on Ag-NRL lands”

1800 Continental Place

Mount Vernon WA 98273

All comments must be received by Tuesday, October 4, 2024, at 4:30 p.m. and include your full name and mailing address. Comments not meeting these requirements will not be considered.

**Option 3:** You may also comment in person on October 8, 2024, Public Hearing at 6:00 p.m.

