



December 13, 2024

Energy Facility Site Evaluation Council ("EFSEC")  
621 Woodland Square Loop SE  
Lacey WA 98503-3172  
comments@EFSEC.wa.gov  
(360) 664-1345

**RE: Comment Regarding Draft Land Use Consistency Order, Goldeneye Energy Storage LLC**

Skagitonians to Preserve Farmland **disputes** that the proposed site of the Goldeneye project is consistent and compliant with local provisions, contrary to the draft order. All proposed project parcels of the Goldeneye BESS are zoned as Agricultural - Natural Resource Lands.

**Current Skagit County code excludes a special use pathway for major utility developments for energy storage on Agricultural - Natural Resource Lands.**

On November 4, 2024, SCC 14.16.400(4)(h) was amended by the Board of Skagit County Commissioners to exclude major utility developments involving the generation and/or storage of electricity from special use permits on Agricultural - Natural Resource Lands. SCC 14.16.400(4)(h) is referenced repeatedly in the draft order (page 7 items 30 & 31, page 9 item 7). These are references to outdated code.

On page 4, item 17 of EFSEC's draft order, it is stated "EFSEC considers whether the pertinent local land use provisions "prohibit" the site "expressly or by operation clearly, convincingly and unequivocally." The amended code SCC 14.16.400(4)(h) clearly, convincingly, and unequivocally excludes major utility developments involving the generation and/or storage of electricity from the special use permit pathway on Agricultural - Natural Resource Lands.

**Proponents of the Goldeneye project have erroneously cited the Administrative Official Interpretation (AOI) 2023-01 as confirmation of land-use consistency and compliance with county code.**

In the press release "Skagit County Commissioners Oppose Goldeneye BESS Project" released on August 28, 2024, they state:



*In early 2023, Goldfinch Energy Storage requested Skagit County Planning & Development Services issue an administrative official interpretation (AOI), determining whether the proposed Goldeneye BESS project would be defined as a "major utility development" or "major regional utility development." AOI 2023-01 was issued on February 1, 2023, and declared the proposed project to be a "major utility development" because it was determined the project lacked regionality as the energy stored would ostensibly only be used to supplement power grid needs within Skagit County, the project is of relatively small scale, and the project would not have large impacts compared to other major regional utility developments. Since then, Goldfinch Energy Storage has used AOI 2023-01 to argue the proposed Goldeneye project is allegedly consistent with Skagit County land use regulation.*

*In considering the AOI, Skagit County Planning & Development Services staff did not evaluate whether the proposed project was consistent with land use regulation. The Board of County Commissioners does not believe the proposed Goldeneye project is consistent with Skagit County's land use code, plans and regulations and AOI 2023-01 does not constitute Skagit County's consent or approval of the Goldeneye project.*

**The Goldeneye project does not meet the general criteria for a special use permit.**

Furthermore, the draft order on page 7 continuing on page 8, item 31, notes the applicant bears the burden of proof to show the major utility development meets the general criteria for approval of a special use permit, provided under SCC 14.16.900(1)(b)(v). The major utility development does not meet either A or B as shown below.

(A) The proposed use will be compatible with existing and planned land use. | **The Goldeneye project is not compatible with existing and planned use of Agricultural-Natural Resource Lands.**

(B) The proposed use complies with the Skagit County Code | **Due to amendment of SCC 14.16.400(4)(h) the Goldeneye project does not comply with Skagit County Code.**

**Protection of Skagit County farmland from competing uses is required by state law.**

The Washington Supreme Court, in *King County v. Friends of Sammamish Valley*, stated:



*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.*

**Eight acres of lithium-ion batteries do not belong on Agricultural - Natural Resource Land.**

Superseding the values, land ordinances, and local government in the name of green energy projects gives green energy an unnecessarily negative reputation in Skagit County. There are more appropriate sites for these facilities than Agricultural - Natural Resource Land.

Special use permit application from NextEra Energy to develop a BESS near the Port of Skagit (Skagit County public hearing scheduled Dec 20, 2024) is proposed on property zoned as Bayview Ridge Heavy Industrial in the Bayview Ridge Urban Growth Area.

**Siting proposed projects on land with the appropriate zoning allows Skagit County to consider modernizing energy infrastructure without permanently degrading valued agricultural land.**

Through its land use code and comprehensive planning process, and with the hard-earned dollars of its residents, Skagit County has worked for decades to prevent development on farmland. Fast-tracking a siting decision that conflicts with county code and the unanimous objection of local government is unnecessary.

**The proposed site of the Goldeneye BESS Project, on Agricultural - Natural Resource Land, is not consistent with land use ordinances under Skagit County Code, and we respectfully request that EFSEC find the same.**

Sincerely,

**SKAGITONIANS TO PRESERVE FARMLAND**

A handwritten signature in blue ink that reads "Kim Good Rubenstein".

Kim Good Rubenstein  
Chair

A handwritten signature in blue ink that reads "Lora Claus".

Lora Claus  
Executive Director