

*WHATCOM COUNTY COUNCIL AGENDA BILL**NO. 2001 - 441*

CLEARANCES		Date	Date Received in Council Office	Agenda Date	Assigned To
Orig. Dept.:	County Council	12/10/2001		12/11/2001	Council - Introduction
Division Head:					
Dept. Head:					
Prosecutor:	<i>Dmg</i>	<i>1-11-02</i>			
Budget:					
Executive:					

SUBJECT:

Ordinance, moratorium on conditional/land use permits for transmission lines

ATTACHMENTS

Ordinance

SUMMARY STATEMENT:

Related County Contract #:	Should the Clerk schedule a hearing? (Y/N Y Requested Date: 1/15/2002
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Ordinance imposing a moratorium on applications for conditional and/or land use permits for electrical power transmission lines carrying 115,000 volts, except in those districts classified as industrial.

*RECOMMENDED MOTION (for final action):**COUNCIL ACTION TAKEN:*

2001 - 441 12/11/2001: Introduced
1/15/2002: Amended and adopted 4-2-1, Crawford, Nelson
opposed, McShane abstained, Ord. #2002-002

*Related File Numbers:**Ordinance or Resolution Number (this item only):**ORD.# 2002-002*

SPONSORED BY: Consent
PROPOSED BY: Hoag
INTRODUCED ON: 12/11/2001

ORDINANCE NO. 2002-002

ORDINANCE IMPOSING A MORATORIUM ON APPLICATIONS FOR
CONDITIONAL AND/OR LAND USE PERMITS FOR ELECTRICAL POWER
TRANSMISSION LINES OF 115,000 VOLTS OR LESS, DESIGNED TO CARRY
100 MEGAWATTS OR GREATER LOADS, EXCEPT IN THOSE DISTRICTS
CLASSIFIED AS INDUSTRIAL

WHEREAS, Ordinance 90-124 was passed by the Whatcom County council to place into law the initiative passed by the voters of Whatcom County which restricts electrical power transmission lines of greater than 115,000 volts to lands where permits have already been granted or in those districts classified as industrial; and

WHEREAS, it has been brought to the attention of the Whatcom County Council that power lines of 115,000 volts could be powered with greater amperages than usual, and electrical science demonstrates that greater amperage loads create greater electromagnetic fields, interference and other negative impacts; and

WHEREAS, the public has brought forward concerns to the Whatcom County Council regarding the health, safety, and economic impacts of lines of 115,000 volts which may carry very high amperage loads; and

WHEREAS, there are concerns for public safety and property from the possible location of high power transmission lines in close proximity to people's houses, animals, and barns; and

WHEREAS, some of the concerns include, but are not limited to, falling lines and poles, possible negative health effects from electromagnetic fields created by large amperage loads being carried on undersized lines, stray voltage effects on dairies, and devaluation of property; and

WHEREAS, the Whatcom County Council wishes to review the adequacy of the current code in addressing high power transmission lines in Whatcom County; and

WHEREAS, the Whatcom County Council requires the opportunity to review existing code and regulation to address these health and safety concerns; and

WHEREAS, in the absence of a moratorium, new applications for such high power transmission lines could establish vested rights to locate in neighborhoods and places contrary to the intent of Whatcom County Code and the initiative passed by the people of Whatcom County; and

WHEREAS, the County Council finds that the moratorium imposed by this ordinance is necessary for the protection of the public health, safety, property or peace; and

WHEREAS, the SEPA official issued a Declaration of Non-Significance on February 8, 2001;

NOW, THEREFORE, BE IT ORDAINED BY THE WHATCOM COUNTY COUNCIL that:

Section 1

A. A moratorium is imposed on filing and processing of applications for land use permits for electric power transmission lines of 115,000 volts or less, designed to carry 100 megawatts or greater loads, except in those districts classified as industrial, unless the applications were complete, as provided in the Whatcom County Code, prior to the effective date of this ordinance.

B. As used in this ordinance "Land Use permit" means any permit required from the County for the construction or siting of any facilities necessary for electric power transmission lines of 115,000 volts.

Section 2

The Whatcom County Council finds as a fact and declares that this ordinance is necessary for the immediate preservation of public peace, health, or safety, based on the following: Ordinance 90-124 was passed by the Whatcom County Council to place into law the initiative passed by the voters of Whatcom County which restricts electrical power transmission lines of greater than 115,000 volts to land where permits have already been granted or in those districts classified as industrial. It has been brought to the attention of the Whatcom County Council that power lines of 115,000 volts could be powered with greater amperages than usual. Electrical science demonstrates that greater amperage loads create greater electromagnetic fields, interference and other negative impacts. Greater amperage loads may require greater pole heights and changed locations, creating impacts not envisioned under the current ordinance. The current language of the ordinance addresses only voltage, not amperage. The Whatcom County Council held a public hearing on January 15, 2002, and took public testimony regarding this issue. The Whatcom County Council requires the opportunity to call in expert testimony and review the issue prior to receipt of applications for high amperage 115kv lines.

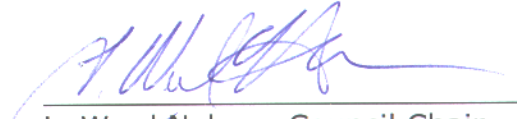
BE IT FINALLY ORDAINED that this ordinance takes effect immediately and shall expire on the 181st day following the date on which this ordinance becomes law.

ADOPTED this 15 day of January, 2002

ATTEST:



Dana Brown-Davis, Clerk of the Council

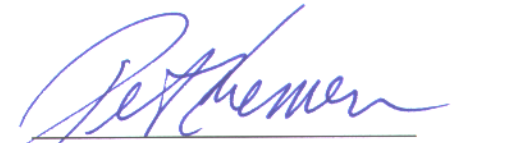
WHATCOM COUNTY COUNCIL
WHATCOM COUNTY


L. Ward Nelson, Council Chair

APPROVED AS TO FORM:

☒ Approved () Denied


Civil Deputy Prosecutor


Pete Kremen, County Executive
Date: _____

**WHATCOM COUNTY
PLANNING & DEVELOPMENT
SERVICES**

5280 Northwest Drive
Bellingham, WA 98226



Hal H. Hart, A.I.C.P.
Director
Roland Middleton, A.I.C.P.
Land Use Division Manager

DETERMINATION OF NONSIGNIFICANCE (DNS)

File: SEP01-00019

Project Description: Adoption of a moratorium on conditional and land use applications for electrical transmission lines carrying loads greater than 115,000 volts and/or 100 megawatts excepting those located within existing high-power transmission line corridors or designated industrial districts.

Proponent: Connie Hoag

Location: Countywide, Whatcom County, WA

Lead Agency: Whatcom County Land Use Division

The lead agency for this proposal has determined that no significant adverse environmental impacts are likely. Pursuant to RCW 43.21C.030(2)(c), an environmental impact statement (EIS), is not required. This decision was made following review of a completed SEPA environmental checklist and other information on file with the lead agency. This information is available to the public on request. There is no comment period associated with this determination.

Responsible Official: John Guenther

Title: Senior Land Use Specialist/SEPA Official

Telephone: (360) 676-6907

Address: 5280 Northwest Drive, Bellingham, WA 98226

Date: 2/8/01

Signature:

A handwritten signature in dark ink, appearing to read "John Guenther", is written over a horizontal line.

An aggrieved agency or person may appeal this determination to the Whatcom County Hearing Examiner. Application for appeal must be filed on a form provided by the Whatcom County Land Use Division located at 5280 Northwest Drive, Bellingham, WA 98226, no later than the end of the business day on 2/26/01.

You should be prepared to make a specific factual objection. Contact Whatcom County Land Use Division for information about the procedures for SEPA appeals.

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**WHATCOM COUNTY
PLANNING AND
DEVELOPMENT SERVICES**

**LAND USE SERVICES
DIVISION**
5280 Northwest Drive
Bellingham, WA 98226

**WHATCOM COUNTY STATE ENVIRONMENTAL POLICY ADMINISTRATION
(SEPA) ENVIRONMENTAL CHECKLIST**

A. BACKGROUND

1. Name of proposed project: Ordinance imposing a moratorium on applications for conditional and/or land use permits for electrical power transmission lines carrying 115,000 volts and loads greater than 100 megawatts, except in existing high-power transmission corridors or those districts classified as industrial. ✓
2. Name of applicant: Dana Brown-Davis, for Councilmember Connie Hoag Telephone: 360-676-6690
3. Address: 311 Grand Avenue Contact: Dana Brown-Davis, Connie Hoag
4. Date checklist prepared: 2-5-01
5. Agency requesting checklist: Planning and Development Services
6. Proposed timing or schedule (including phasing, if applicable): The development of additional zoning text will occur and a proposal of zoning text changes will be submitted to County Council for consideration of adoption. The timeline for text amendments is anticipated to be completed in 180 days from the date of adoption of this moratorium.
7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain. Yes, changes to the zoning ordinance to further limit the development of new high-voltage/ampereage power lines within the County
8. List any environmental information (studies, reports, etc.) you know about that has been prepared, or will be prepared, directly related to this proposal. None known at this time.
9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain. No
10. List any governmental approvals or permits that will be needed for your proposal, if known. Include Federal, State, City, County, and local districts or regional offices. None known for the moratorium.
11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (You may attach a page if this space is not adequate.) The proposal is intended to prohibit the acceptance and processing of any new electrical transmission proposals which would meet or exceed 115,000 volts or 100 megawatts in all areas outside of industrially zoned land and within existing 115,000 volt electrical transmission corridors to allow the county to develop additional regulations regarding siting and development standards for new large scale electrical transmission lines. ✓
12. Location of the Proposal: Countywide.

B. ENVIRONMENTAL ELEMENTS

1. **EARTH**

- a. General description of the site (circle one): Flat, rolling hilly, steep slopes, mountainous, other : Electrical transmission lines can be located across a wide range of terrain.
- b. What is the steepest slope on the site (approximate percent slope)? N/A
- c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland. Electrical transmission lines are sited over a wide range of soil types.
- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe. N/A
- e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill. N/A
- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe. Erosion is possible, associated with right of way development and tower placement.
- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)? N/A
- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any: N/A

2. **AIR**

- a. What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial, wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known. N/A
- b. Are there any off-site sources of emissions or odors that may affect your proposal? If so, generally describe. N/A
- c. Proposed measures to reduce or control emissions or other impacts to air, if any: N/A

3. **WATER**

- a. Surface:
 - 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into. Future electric transmission line locations could be located near lakes, streams etc.
 - 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans. N/A

- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material. N/A
- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known. No
- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan. Again future electric transmission lines could be located within the 100 year flood plain and due to the tendency to route electric transmission lines in rural areas to avoid larger population centers - would probably result in future lines proposing routes that include flood plains.
- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge. No



b. Ground:

- 1) Will ground water be withdrawn, or will water be discharged to ground water? Give general description, purpose, and approximate quantities if known. No
- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals...; agricultural; etc.). Describe the general size of the system, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve. None

c. Water Runoff (including storm water):

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe. N/A
- 2) Could waste materials enter ground or surface waters? If so, generally describe. N/A

d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any: none proposed



4. **PLANTS**

a. Check or circle types of vegetation found on the site: All of the below may be found.

- x deciduous tree: alder, maple, aspen, other
- x evergreen tree: fir, cedar, pine, other
- x shrubs
- x grass
- x wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- x water plants: millfoil, other
- x other types of vegetation

- b. What kind and amount of vegetation will be removed or altered? New electrical transmission lines would require removal of vegetation.
- c. List threatened or endangered species known to be on or near the site. Since new electrical transmission lines could be located nearly anywhere, any number of local threatened or endangered species could be affected.
- d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any: None

5. **ANIMALS**

- a. Circle any birds and animals which have been observed on or near the site or are known to be on or near the site: Countywide proposal - could include all known local species.

birds: raptors, ducks, geese, songbirds, other:
mammals: deer, beaver, other:
fish: salmon, other
amphibians

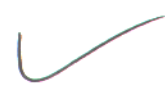
- b. List any threatened or endangered species known to be on or near the site. N/A
- c. Is the site part of a migration route? If so, explain. N/A
- d. Proposed measures to preserve or enhance wildlife, if any: N/A

6. **ENERGY AND NATURAL RESOURCES**

- a. What kind of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc. Natural gas provides the fuel source for most new energy production, electric transmission lines would carry both hydro and natural gas generated electricity.
- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe. N/A
- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any: Efficiency of transmission methods should be incorporated into future zoning requirements.

7. **ENVIRONMENTAL HEALTH**

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe. The proposal in part is intending to evaluate recent developments in best available science regarding the health impacts of electromagnetic fields, stray-voltage and other transmission-related impacts.
- 1) Describe special emergency services that might be required? During power outages due to down power lines, emergency personnel in addition to power company employees are often required to assist in maintaining safety of the general public.



- 2) Proposed measures to reduce or control environmental health hazards, if any: The proposal would incorporate regulations when appropriate that would seek to mitigate environmental and health hazards that result from large-scale electric transmission lines.

b. **Noise**

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)? None
- 2) What types and levels of noise would be created by or associated with the project on a short-term or long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site. None known
- 3) Proposed measures to reduce or control noise impacts, if any: The proposal should consider siting of new electrical transmission lines to minimize the impacts of noise, be it auditory, electrical interference or any other system related noise that is inherent with current electrical transmission technologies.



8. **LAND AND SHORELINE USE**

- a. What is the current use of the site and adjacent properties? N/A
- b. Has the site been used for agriculture? If so, describe. N/A
- c. Describe any structures on the site. N/A
- d. Will any structures be demolished? If so, what? N/A
- e. What is the current zoning classification of the site? N/A
- f. What is the current comprehensive plan designation of the site? N/A
- g. If applicable, what is the current shoreline master program designation of the site? N/A
- h. Has any part of the site been classified as an "environmentally sensitive" area? If so, specify. N/A
- i. Approximately how many people would reside or work in the completed project? N/A
- j. Approximately how many people would the completed project displace? N/A
- k. Proposed measures to avoid or reduce displacement impacts, if any: N/A
- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any: N/A

9. **HOUSING**

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing. none

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing. N/A

c. Proposed measures to reduce or control housing impacts, if any: Encroachment controls could be included in the future proposal to reduce the impact of new residential developments on electrical transmission line corridors.

10. **AESTHETICS**

a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed? Electrical transmission line pole or tower heights are not currently regulated by County Code. Placement and construction materials of poles and towers can have major impacts on viewsheds and aesthetic issues should be considered as part of the proposal.

b. What views in the immediate vicinity would be altered or obstructed? N/A

c. Proposed measures to reduce or control aesthetic impacts, if any: See above.

11. **LIGHT AND GLARE**

a. What types of light or glare will the proposal produce? What time of day would it mainly occur? With the exception of tower lighting required by FAA, most poles and towers provide the greatest impact from glare caused by sun reflecting of metal structures or components.

b. Could light or glare from the finished project be a safety hazard or interfere with views? New electric transmission lines could interfere with views and possibly be a safety hazard under certain lighting conditions.

c. What existing off-site sources of light or glare may affect your proposal? N/A

d. Proposed measures to reduce or control light and glare impacts, if any: The proposal should include construction standards that reduce the reflectivity of the tower/pole structures.

12. **RECREATION**

a. What designated and informal recreational opportunities are in the immediate vicinity? N/A

b. Would the proposed project displace any existing recreational uses? If so, describe. No

c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any: Utility easements provide potential for multi-use recreation opportunities. The proposal should include provisions which require consideration of the potential for recreation opportunities as part of any new proposal.

13. **HISTORIC AND CULTURAL PRESERVATION**

a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe. N/A

- b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site. N/A
- c. Proposed measures to reduce or control impacts, if any: N/A

14. **TRANSPORTATION**

- a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on-site plans, if any. N/A
- b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop? N/A
- c. How many parking spaces would the completed project have? How many would the project eliminate? N/A
- d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private). N/A
- e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe. New electrical transmission corridors could be proposed anywhere in Whatcom County.
- f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur. N/A
- g. Proposed measures to reduce or control transportation impacts, if any: N/A

15. **PUBLIC SERVICES**

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe. N/A
- b. Proposed measures to reduce or control direct impacts on public services, if any. N/A

16. **UTILITIES**

- a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other. N/A
- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed. N/A

C. **SIGNATURE**

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: 

Whatcom County PDS Department

Date Submitted: 2.5.2001

WHATCOM COUNTY ENVIRONMENTAL POLICY ADMINISTRATION

ENVIRONMENTAL CHECKLIST

TO BE COMPLETED BY APPLICANT

EVALUATION FOR
AGENCY USE ONLY

D. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent of the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

The intent of the proposal is to prohibit the acceptance and processing of new electrical transmission lines above 115 KV/100 MW and to develop local regulations to mitigate possible safety and environmental impacts. Among the concerns to be addressed are the affects of Em's and stray-voltage that result from transmission of electrical energy wattage above 100 megawatts.

Proposed measures to avoid or reduce such increases are:

Possible measures would include limiting wattage, providing increased setback requirements from existing residences and requiring enlarged corridors.

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

Specific project proposals that would be regulated by the proposal would also be required to comply with County CAO, Shoreline Management Program, and other development standards. Any future siting of new electrical facilities would include sufficient review to provide protections to the items listed in 2 above.

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

Siting of new electrical facilities would be required to show measures within their proposal to protect and conserve plants, animals, fish and/or marine animals.

3. How would the proposal be likely to deplete energy or natural resources?

The proposal is intended to address how new electrical transmission lines would be regulated. The intent is to provide for predictable routes and, where possible, require new proposals to utilize existing electrical transmission corridors.

Proposed measures to protect or conserve energy and natural resources are:

The proposal should provide encouragement to "optimize" existing corridors and to identified preferred routes or criteria to be used when evaluating new routes that encourages projects that protect or conserve energy and natural resources.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

The proposal will, possibly through the development of siting criteria, guide projects to the extent possible away from those identified areas included in 4 above.

Proposed measures to protect such resources or to avoid or reduce impacts are:

Siting criteria (see comment above)

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

The proposal should establish greater predictability for both individual property owners and electric transmission providers regarding where and why the County would prefer one route over another. Development regulations and Comprehensive Plan policies should incorporate language that provides a concise depiction of what the County prefers regarding electrical transmission line placement.

Proposed measures to avoid or reduce shoreline and land use impacts are:

Incorporated siting criteria which consider impacts on existing land uses and values, and addresses public and private viewsheds.

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

The proposal is intended to provide a clarification on how electrical utilities meet power transmission obligations within Whatcom County. Electrical demand is based on development (existing and future) patterns and rates of consumption. The incorporation of a more clarified method for meeting those electrical demands should provide greater predictability regarding the delivery of adequate power supply to the consumer.

Proposed measures to reduce or respond to such demand(s) are:

The demands are already existing and future demands are determined in part by existing Comprehensive Plan and land use zoning designations. The proposal seeks to further clarify what was initially begun and is now included in the Comprehensive Plan and Title 20 -zoning ordinance. More specific policy and regulatory language will assist in clarify whether a proposal would be acceptable or not acceptable and will greatly assist power providers in developing their proposals.

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

As proposed, this proposal would not conflict with any local, state or federal laws regarding the protection of the environment.