WHATCOM COUNTY COUNCIL AGENDA BILL

NO. 2011-223 C

CLEARANCES

<table>
<thead>
<tr>
<th>Orig. Dept.</th>
<th>Planning &amp; Develop</th>
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<tbody>
<tr>
<td>Date</td>
<td>Date Received in Council Office</td>
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<td>5/8/2012</td>
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<td>5/22/12</td>
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SUBJECT:

Ordinance imposing interim moratorium on applications for WES

ATTACHMENTS

SUMMARY STATEMENT:

<table>
<thead>
<tr>
<th>Related County Contract #</th>
<th>Should the Clerk schedule a hearing? (Y/N)</th>
<th>Requested Date</th>
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<td>Y</td>
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Ordinance imposing an interim moratorium on the acceptance of new applications for Wind Energy Systems (WES) greater than 500 kilowatts, or multiple WES per parcel with a cumulative rated output above 100 kilowatts

RECOMMENDED MOTION (for final action):

COUNCIL ACTION TAKEN

5/08/2012: Introduced
5/22/2012: Council Adopted 7-0
Ord. 2012-021

Related File Numbers:

Ordinance or Resolution Number (this item only):

Ord. 2012-021
ORDINANCE NO. 2012-021

IMPOSING AN INTERIM MORATORIUM ON THE ACCEPTANCE OF NEW APPLICATIONS FOR WIND ENERGY SYSTEMS (WES) GREATER THAN 500 KILOWATTS, OR MULTIPLE WES PER PARCEL WITH A CUMULATIVE RATED OUTPUT ABOVE 100 KILOWATTS

WHEREAS, on October 21, 2008, the Whatcom County Council adopted Ordinance 2008-043, regulating the construction and operation of Wind Energy Systems (WES); and

WHEREAS, these regulations addressed the construction and operation of WES greater than 500 Kilowatts, or multiple WES per parcel with a cumulative rated output above 100 Kilowatts, in certain zones by means of a Conditional Use Permit as specified in Whatcom County Code 20.14.041; and

WHEREAS, the impacts of these large structures were anticipated to be considered through the Conditional Use hearing process as to the uses associated with the applicable zone in which the subject WES was greater than 500 Kilowatts, or multiple WES per parcel with a cumulative rated output above 100 Kilowatts, was being proposed; and

WHEREAS, the requirements for locating a proposed WES greater than 500 Kilowatts, or multiple WES per parcel with a cumulative rated output above 100 Kilowatts, did not specifically address the impacts of a proposed system constructed in allowed zoning where the specific property abuts properties of more dense residential zoning; and

WHEREAS, in 2010 and 2011 the Whatcom County Council adopted interim measures to suspend the acceptance of new applications for Wind Energy Systems (WES) greater than 500 Kilowatts, or multiple WES per parcel with a cumulative rated output above 100 Kilowatts while it drafted new regulations to specifically address the impacts of constructing a WES in allowed zoning where the specific property abuts properties of more dense residential zoning;

WHEREAS, on September 28, 2010, two draft proposals to amend Whatcom County Code 20.14, Wind Energy Systems, were forwarded to the Whatcom County Planning Commission for review; and

WHEREAS, the Planning Commission reviewed both proposals and forwarded its recommendations to the County Council on June 21, 2011; and

WHEREAS, the County Council began its review of the Planning Commission’s recommendations on July 12, 2011, and requires additional time to finalize its work; and

WHEREAS, the Whatcom County SEPA Official has determined that this proposal is exempt from SEPA; and
WHEREAS, the Whatcom County Council makes the following finding of facts:

1. There is merit in considering additional mitigation and/or property boundary setbacks in circumstances of adjacency to zoning boundaries; and

2. A significant number of Whatcom County residents who live in residential areas directly adjacent to properties which are zoned for large-scale WES have presented additional information regarding the negative impacts of nearby WES that was not considered in the passage of Ordinance 2008-043; and

3. This interim ordinance is necessary to prevent future applications for WES greater than 500 Kilowatts, or multiple WES per parcel with a cumulative rated output above 100 Kilowatts, from vesting under current law and thus subverting the purpose of this ordinance; and

WHEREAS, on April 10, 2012, the Whatcom County Council adopted Ordinance 2012-017, an emergency ordinance imposing a 60-day moratorium on the acceptance of new applications for WES; and

WHEREAS, the Ordinance 2012-017 will expire on June 11, 2012; and

WHEREAS, adoption of an interim ordinance is necessary to prevent applications from vesting between June 11, 2012, and the effective date of any future ordinance.

NOW, THEREFORE, BE IT ORDAINED, by the Whatcom County Council that an interim moratorium is hereby imposed on the acceptance of new applications for Wind Energy Systems greater than 500 Kilowatts, or multiple WES per parcel with a cumulative rated output above 100 Kilowatts.

BE IT FURTHER ORDAINED by the Whatcom County Council that this ordinance shall be effective for not longer than six months following its effective date, but may be renewed for one or more six-month periods if subsequent public hearings are held and findings of facts are made prior to each renewal.

ADOPTED this 22nd day of May, 2012.

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Kathy Kershner, Council Chair

Dane Brown-Davis, County Clerk

APPROVED AS TO FORM:

Civil Deputy Prosecutor

Date: 5/29/12

Jack Louws, County Executive