

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned to:
Originator:	Brenner	2/22/2010		2/23/2010	Council
Division Head:					
Dept. Head:					
Prosecutor:					
Purchasing/Budget:					
Executive:					

TITLE OF DOCUMENT:

Emergency ordinance-moratorium on new applications for 500K+ wind energy systems

ATTACHMENTS:

SEPA review required? () **Yes** () **NO** **Should Clerk schedule a hearing ?** () **Yes** () **NO**
SEPA review completed? () **Yes** () **NO** **Requested Date:**

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE: *(If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)*

This ordinance will place a moratorium on the acceptance of new applications for Wind Energy Systems greater than 500 Kilowatts, or multiple Wind Energy Systems per parcel with a cumulative rated output above 100 Kilowatts, unless the applications was complete, as provided by Whatcom County Code, prior to the effective date of this ordinance. This ordinance will take effect immediately and shall remain in effect for 60 days unless repealed or extended.

COMMITTEE ACTION:

COUNCIL ACTION:

2/23/2010: Council Adopted 6-1 Mann opposed
Ord. 2010-015

Related County Contract #:

Related File Numbers:

Ordinance or Resolution

Number: Ord. 2010-015

Please Note: *Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County's website at: www.co.whatcom.wa.us/council.*

ORDINANCE NO. 2010-015
(EMERGENCY ORDINANCE)

IMPOSING A 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, AND DECLARING AN EMERGENCY

WHEREAS, on October 21, 2008, the Whatcom County Council adopted Ordinance 2008-043 regulating the construction and operation 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 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 a more dense residential zoning; and

WHEREAS, there is merit in considering additional mitigation and/or property boundary setbacks in circumstances of adjacency to zoning boundaries; and

WHEREAS, it is necessary to have this ordinance take effect immediately in order 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, the Whatcom County Charter limits an emergency ordinance not to exceed 60 days from the effective date of adoption;

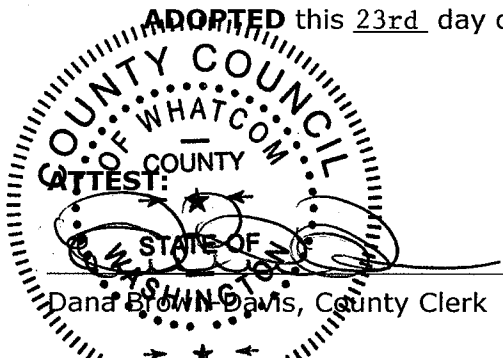
WHEREAS, the Whatcom County Council is required to hold a public hearing on this issue within 60 days of the adoption of this ordinance; and

WHEREAS, the Whatcom County Council finds the emergency moratorium imposed by this ordinance is necessary for the protection of public health, safety, property, or peace.

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that an emergency 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, unless the applications were complete, as provided by Whatcom County Code, prior to the effective date of this ordinance.

BE IT FURTHER ORDAINED that this emergency ordinance shall take effect immediately and shall expire 60 days from this date, unless repealed or extended beforehand.

ADOPTED this 23rd day of February, 2010.



Dana Brown Davis, County Clerk

APPROVED AS TO FORM:

Karen A. Trapes
Civil Deputy Prosecutor

**WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON**

Sam Crawford
Sam Crawford, Council Chair

Approved Denied

Pete Kremen
Pete Kremen, County Executive
Date: 2-24-10