Consistency With State and Local Government Regulations

Bonneville Power Administration
Schultz-Hanford Area Transmission Line Project

Prepared for:

Bonneville Power Administration
905 NE 11th Avenue
Portland, Oregon 97232

Prepared By:

Parsons Brinckerhoff Quade & Douglas
400 SW Sixth Avenue, Suite 802
Portland, Oregon 97204

Revised January 9, 2002

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The Schultz-Hanford Area Transmission Line Project crosses Kittitas, Yakima, Grant, and Benton Counties in central Washington. The facilities could be located in a number of zoning districts within these jurisdictions.

1.1 State

No conflicts with state land use plans or programs are anticipated. BPA would work with state agency representatives to minimize conflicts between proposed activities and land use plans, and would strive to meet or exceed the substantive standards and policies of the following regulations.

1.1.1 State Environmental Policy Act

The state of Washington has adopted a State Environmental Policy Act (SEPA), which is intended to ensure that environmental values are considered during decision-making by state and local agencies. The objectives and requirements of SEPA are similar to those of NEPA.

All action alternatives for the transmission line would cross land owned by Washington Department of Natural Resources. To grant BPA an easement or sell the right-of-way across state property, DNR would have to document compliance with SEPA. The sale or easement grant would constitute an "action" under SEPA (Washington Administrative Code [WAC] 197-11-704(2)(ii). SEPA allows the use of NEPA documents to meet SEPA requirements (WAC197-11-610). DNR may adopt the NEPA EIS prepared for the project or prepare separate documents in accordance with their SEPA regulations.

1.1.2 Growth Management Act (GMA)

The Growth Management Act of 1990 (GMA, RCW 36.70A) requires all cities and counties to plan for future growth while protecting natural resources (Washington Department of Ecology, 1994). All jurisdictions must classify and designate natural resource lands (e.g., agricultural and forest land) and critical areas (e.g., wetlands, fish and wildlife habitat, aquifer recharge areas). These jurisdictions must also adopt development regulations such as zoning ordinances to protect these critical areas.

In addition to the requirements, Washington's fastest growing cities and counties must adopt development regulations to conserve natural resource lands. These jurisdictions must establish Urban Growth Areas that can accommodate the increase in population expected to occur over the next 20 years. Comprehensive plans and development regulations consistent with these plans must also be adopted.

As a federal agency, BPA is exempt from obtaining permits to impact critical areas. Designated critical areas, however, would be identified and mitigation for these impacts would be developed to be consistent with the applicable county's critical area ordinance.

1.1.3 Shoreline Management Act (SMA)

The goal of Washington's Shoreline Management Act of 1971 (SMA, 173-16 WAC) is "to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines" (Washington Department of Ecology, 2001). Cities and counties are the primary regulators but the state has authority to review local programs and permit decisions. The State's authority is housed in the Department of Ecology. Under the SMA, each city and county adopts a shoreline master program that is based on state guidelines but tailored to the specific geographic, economic, and environmental needs of the community. Master programs provide policies and regulations addressing shoreline use and protection as well as a permit system for administering the program.

The project would cross one river, two creeks, and one lake that are designated as shorelines of the state: the Columbia River in Kittitas, Grant, and Benton Counties; Naneum Creek in Kittitas County; and Nunnally Lake and Lower Crab Creek in Grant County.

Final structure locations will not be determined until the detailed design stage of project development. During design, designated shorelines would be identified and mitigation for these crossings would be developed. Where possible, BPA would locate structures outside of the shoreline jurisdictional area. BPA would take the following measures, when practicable, to assure consistency with each counties' Shoreline Master Programs.

- Location of structures within the identified shoreline would be avoided if possible. If locations within the shoreline area could not be avoided, BPA would consult with the appropriate state and local agencies to determine the best placement of the transmission structure.
- Transmission line structures would be located in water bodies only if there were no reasonable alternative. (Placing structures in water bodies is not anticipated).
- Disturbed land would be restored as closely as possible to pre-project contours and replanted with an appropriate native seed mix. However, there may be locations where site topography would require near-bank disruption. A restoration and monitoring plan would be prepared before disturbing shoreline areas.
- Appropriate erosion control measures would be implemented.

1.1.4 Hydraulic Project Approval (HPA)

The goal of the Hydraulic Project Approval (Chapter 75.20 RCW, Chapter 220-110 WAC) is to protect fish in waters of the state. The WDFW must approve any form of work that uses, diverts, obstructs, or changes the natural flow or bed of any fresh water or saltwater of the state. Access roads crossing streams would be the only direct impact to fish, since BPA would try to avoid placing structures in streams, wetlands or floodplains.

BPA would obtain a hydraulic project approval. Waters of the state where fish would be impacted would be identified and mitigation for these impacts would be developed to be consistent with the hydraulic project approval requirements.

1.1.5 Forest Practices Act

The Washington Forest Practices Act and Forest Practices Rules and Regulations are the state's principal means of regulating activities on nonfederal forestlands. While not applicable to federal agencies, state and local agencies must demonstrate compliance in the management of their land, including decisions to sell or lease that land. Because the project would cross land owned by DNR, that agency would need to demonstrate compliance with the state Forest Practices Act.

The Forest Practices Rules and Regulations are administered and enforced by DNR. The rules and regulations set standards to address several issues, including reforestation, clearcut size, watershed analysis procedures, road design, riparian area buffers, wetland protection, and protection of threatened and endangered species. The Forest Practices Rules and Regulations apply to all forestlands in the project area.

Conversion of forestland is a Class IV forest practice (RCW 79.09.050). Forest practices under Class IV are not exempt from SEPA requirements. Applications for Class IV forest practices must be submitted to and approved by DNR prior to conducting the activity (RCW 79.09.050). Failure to state that any land covered by the application will be converted to another use would result in a six-year moratorium on development of the land (RCW 76.09.060).

The Forest Practices Act also sets forth rules for road construction and maintenance (WAC 222-24), and the Washington Forest Practices Board (WFPB) Manual contains guidelines for forest roads, including best management practices (BMPs), road maintenance and abandonment plans, and recommended tools.

1.1.6 Noxious Weed Control

County Noxious Weed Control Boards coordinate weed detection and control activities that emphasize the prevention of invasion by noxious weeds, eradication when possible, and containment of established species. County weed boards work locally to control weeds on state-owned and private lands. To accomplish this, counties adopt a County Weed List each year, which is divided into Classes A-C (similar to the state list) and based on the degree of threat they pose to that county. Counties also maintain Education Lists that include weeds not included in Class A-C, but for which the Weed Board will assist landowners with control efforts.

Federal law refers to weeds as "undesirable species" that may include a broader range of species than state-listed weed species (Federal Noxious Weed Act, 1986, P.L. 93-629, Section 15). On federal lands, land management agencies designate personnel to address the problems presented by weed species. In the proposed study area, personnel from county weed boards and federal land management agencies serve on joint task forces to address weed control in a concerted way, in an effort to coordinate efforts and share information.

BPA conducts weed surveys before construction to determine whether any weed mitigation needs to be conducted prior to construction and also to identify preventative measures that can be taken to minimize the risk of spreading or introducing weeds as a result of construction activities. BPA also conducts weed surveys after construction to assess whether any further weed mitigation measures are necessary.

1.2 Counties

Alternatives would be located in Kittitas, Grant, Benton, and Yakima counties in central Washington State. There are no incorporated cities or towns crossed by the alternatives. Table 5.5-7, *Zoning Designations Crossed by the Alternatives in Each County*, identifies zoning designations by county.

Table 5.5-7
Zoning Designations Crossed by the Alternatives in Each County

	Counties			
	Kittitas	**Grant**	**Benton**	**Yakima**
Zoning Designations	Forest and Range	Rural Light Industrial	Unclassified	Agricultural
	Agricultural-20	Rural Remote	GMA Agricultural	
		Rural Residential 3		
		Open Space Conservation		
		Agricultural		
		Public Open Space		

BPA would work with county planners to minimize conflicts between proposed activities and county land use plans by striving, as much as possible, to meet or exceed the substantive standards and policies of the county zoning ordinances and comprehensive plans.

1.2.1 Kittitas County

Zoning Ordinance

According to the Kittitas County Zoning Ordinance, an electrical transmission line is considered a "special utility" if it exceeds 115 kV. The proposal is a 500-kV transmission line and would, therefore, be considered a special utility. Special utilities are allowed as conditional uses in all zoning districts and typically require the approval of a Zoning Conditional Use Permit by the Kittitas County Board of Adjustment. Section 17.61.030 of the zoning ordinance identifies seven (A-G) approval criteria that must be addressed by an applicant for a Conditional Use Permit application. A proposed 500-kV transmission line, or special utility, would be consistent with the zoning ordinance as long as an applicant could show that the proposal meets the applicable review criteria.

Comprehensive Plan

None of the review criteria identified in Section 17.61.030 of the zoning ordinance specifically require an applicant to address how the proposal is consistent with the Kittitas County Comprehensive Plan. However, since the Kittitas County Comprehensive Plan

responds to and implements the planning goals of the Washington State GMA, and guides land-use decisions throughout the county, it would be expected that a Zoning Conditional Use Permit would not be approved if it were determined that the proposed use was inconsistent with this plan.

All of the alternatives (Segments A, B, and C) in Kittitas County are located on lands identified in the comprehensive plan as rural multiple use and the Yakima Training Center. Lands mapped as rural multiple use are combined with a number of other lands (rural residential, non-designated agricultural, forest multiple use, and public recreation lands) and identified as Rural Lands in Chapter 8 of the comprehensive plan. In addition, Chapter 6 of the plan relates to utilities in general without distinguishing between utilities and special utilities. Each chapter outlines a number of goals, policies, and objectives relevant to rural lands and utilities. Project consistency with the applicable goals, policies and objectives is addressed below. There are no goals, policies, or objectives related to the management or development of the YTC in the Kittitas County Comprehensive Plan.

The applicable goals, policies, and objectives identified in Chapter 6, Utilities, and Chapter 8, Rural Lands, are as follows:

GPO 6.7 *Decisions made by Kittitas County regarding utility facilities will be made in a manner consistent with and complementary to regional demands and resources.*

GPO 6.18 *Decisions made regarding utility facilities should be consistent with and complementary to regional demand and resources and should reinforce an interconnected regional distribution network.*

GPO 6.21 *Avoid, where possible, routing major electric transmission lines above 55 kV through urban areas.*

GPO 6.32 *Electric and natural gas transmission and distribution facilities may be sited within and through areas of Kittitas County both inside and outside of municipal boundaries, UGAs, UGNs, Master Planned Resorts, and Fully Contained Communities, including to and through rural areas of Kittitas County.*

GPO 8.2B (This GPO is a repeat of GPO 6.32 from Chapter 6.)

All of the alternatives would be consistent with the Kittitas County Comprehensive Plan. The new transmission line would become part of BPA's regional power grid serving the entire Northwest region. It would not cross through urban areas of Kittitas County. Although the alternatives would convert some rural lands to a utility facility, according to the comprehensive plan GPO 6.32 and 8.2B electrical transmission facilities may be sited through the rural areas of Kittitas County. In addition, implementation of **Best Management Practices (BMPs)** and mitigation measures to protect the natural and built environment, adjacent land uses, and any cultural resources identified would help ensure consistency with the County comprehensive plan.

1.2.2 Grant County

Zoning Ordinance

According to the Grant County Zoning Ordinance, an electrical transmission line is considered a "minor utility" if it is less than 115 kV and it is considered a "major utility" if it exceeds 115 kV. According to the ordinance, major utility developments are designed to serve a broader community or regional area. The new 500-kV transmission line would become part of the Pacific Northwest power grid, thus meeting the intent of major utility developments in Grant County.

According to Tables 4 and 5 in Chapter 24.03 of the Grant County Zoning Ordinance, a major utility is allowed as a conditional use in two of the six identified zoning designations through which Alternatives 1, 2, and 1A pass, Rural Light Industrial and Agricultural. As a result, approval of a Type III Conditional Use Permit from the Grant County Board of Adjustment would typically be necessary in order to establish the use. Section 25.08.060 of the zoning ordinance identifies ten approval criteria that must be addressed in a Conditional Use Permit application. A proposed 500-kV transmission line, or special utility, would be consistent with the zoning ordinance as long as an applicant could show that the proposal meets the applicable review criteria.

The same tables indicate that a major utility is a prohibited use in the remaining four zones, Rural Residential 3, Rural Remote, Open Space Conservation, and Public Open Space. Minor utilities are, however, allowed in these zones as discretionary uses. The existing transmission lines, which a portion of three alternatives parallel, were constructed prior to the most recent adoption of the Grant County Zoning Ordinance in October 2000. The prior zoning ordinance did not distinguish between major and minor transmission lines. As a result, any new transmission lines in excess of 115 kV through these zones would be considered an "illegal use" as defined by the zoning ordinance (E. Harrell, pers. comm., 2001).

Comprehensive Plan

The Grant County Zoning Ordinance implements the goals and policies of the Grant County Comprehensive Plan by transferring into regulations and ordinances all or any part of the general objectives and intent of the comprehensive plan. Thus, if a proposed use were inconsistent with the intent of the zoning ordinance it would also be inconsistent with the comprehensive plan. As discussed above, the proposed 500-kV transmission line would be inconsistent with the zoning ordinance if located in four of the six zoning designations through which the alternatives would cross. As a result, the transmission line would also be inconsistent with the comprehensive plan in those locations.

In the remaining two zones a Type III Conditional Use Permit would typically be required to build a new transmission line. The two zones, Rural Light Industrial and Agricultural, are part of the land use categories Rural Lands, more specifically rural activity centers, and Resource Lands, respectively. One of the criteria for approval of a Conditional Use Permit states that the proposed use must be consistent with the purposes and regulations of the Grant County Comprehensive Plan. Typically, to satisfy this criterion, and ultimately gain approval of the

conditional use permit, consistency with the goals and policies of the Land Use Element, including the Rural Lands sub-element and the Resource Lands sub-element, (Chapter 5) as well as the Utilities Element (Chapter 10) would need to be shown.

The applicable goals and policies identified in Chapter 5, Land Use Element, and Chapter 10, Utilities Element, are as follows:

> *Goal RU-3: Promote the continuation and enhancement of the existing rural activity centers in order to preserve their multi-use function to the rural community of Grant County.*
>
> *Goal RE-2: Mitigate conflicts between agricultural and non-agricultural land uses in designated agricultural resource lands.*
>
> *Goal U-1: Necessary energy and communication facilities and services should be available to support current and future developments.*
>
> *Goal U-2: Negative impacts associated with the siting, development, and operation of utility services and facilities on adjacent properties, significant cultural resources, and the natural environment should be minimized.*

BPA has determined that the proposed 500-kV transmission line is a necessary addition to the Northwest power grid to ensure enough power is available to support existing and future developments in the region. The project, including structures and possible access roads, would convert some rural and resource lands to a utility facility. However, the facility would not preclude or severely inhibit agricultural or other land uses from occurring on the lands adjacent to the towers or the right-of-way. In addition, negative impacts associated with siting the transmission line will be minimized through the use of BMPs and mitigation measures (See Chapter 4, *Environmental Consequences*) to protect the natural and developed environment, adjacent land uses, and any cultural resources identified. Thus, the project would be consistent with the Grant County Comprehensive Plan in those areas were the proposed use would typically require a Type III Conditional Use permit.

1.2.3 Benton County

<u>Zoning Ordinance</u>

The all of the alternatives would cross one of two different zoning districts in Benton County, Unclassified and GMA Agricultural. The Benton County Zoning Ordinance, Title 11, does not specifically address utility transmission lines but historically they are considered permitted uses in all zoning designations regardless of the voltage. This is not expected to change for the proposed new transmission line (T. Marden, pers. comm. 2001).

The new Wautoma Substation would be constructed on land zoned GMA Agricultural. According to the Benton County Zoning Ordinance Section 11.18.050 states that *"Public or quasi-public buildings and yards and utility buildings, such as: pumping stations, fire stations, substations and…"* are allowable uses in this zoning district; no land use reviews would be required to locate the new substation.

Comprehensive Plan

All alternatives in Benton County are located on lands identified in the Benton County Comprehensive Plan as either the Hanford Reservation or GMA Agricultural and zoned according to the Benton County Zoning Ordinance as Unclassified and GMA Agricultural.

Although the project would convert some agricultural land to a utility use, transmission lines and a utility substation are allowable uses in the GMA Agricultural and the Unclassified zoning districts. As allowable uses, they do not require the approval of a Benton County land use review and, therefore, would be consistent with the intent of the zoning ordinance.

Since the zoning ordinance implements and must be consistent with the Benton County Comprehensive Plan, a proposed use that is consistent with the zoning ordinance would also be consistent with the comprehensive plan. Thus, the proposed transmission line and substation facilities would be consistent with the Benton County Comprehensive Plan. To further ensure consistency with the comprehensive plan, BMPs and mitigation measures to protect the natural and developed environment, adjacent land uses, and any cultural resources identified would be implemented. (See Chapter 4, *Environmental Consequences*.)

1.2.4 Yakima County

Zoning Ordinance

After exiting the Yakima Training Center, Alternative 3 (Segment C), the only alternative located in Yakima County, would cross a portion of land that has a County zoning district designation of Agricultural. According to Section 15.08.630 of the Yakima County Zoning Ordinance, Title 15, a 500-kV transmission line would be considered a "utility service" since it is not a local transmission or collection line.

In the Agricultural zone, a utility service would typically require a Type II Administrative Review if the SEPA threshold for transmission lines is exceeded. According WAC 197-11-800 Section 24.c, a transmission line with an associated voltage of more than 55-kV is not exempt from the Washington State SEPA regulations. As a result, in the Agricultural zone of Yakima County a proposed 500-kV line would typically require the approval of a Type II Administrative Review from the Yakima County Planning Director in order for the use to be established. Section 15.12.040 of the zoning ordinance identifies the conditions of approval for Type II applications. A proposed 500-kV transmission line, or utility service, would be consistent with the zoning ordinance as long as an applicant could show that the proposal meets the applicable review criteria.

Comprehensive Plan

One of the criteria for approval of a Type II Administrative Review in Yakima County states that the proposed use must *"achieve and further the intent, goals, objectives, and policies of the comprehensive plan and this title" (Yakima County, 2000, Zoning Ord.)*. Thus, to establish a transmission line in the Agricultural zoning district, an application would need to show how the proposal is consistent with the Yakima County Comprehensive Plan; Plan 2015.

Alternative 3 (Segment C) in Yakima County is located on lands identified in the comprehensive plan as Agricultural Resource Areas, which is a sub-element of the Economic Resource Lands. The intent of the Agricultural Resource Areas is to *"…preserve, stabilize, and enhance the primary agricultural land base which is being used for, or offers the greatest potential for, continued production of agricultural products and harvesting" (Yakima County, 1998, Plan 2015)*. To do this a number of goals and policies have been identified in the comprehensive plan relating to the Agricultural Resource Areas. The comprehensive plan also includes a number of goals and policies related to utilities. While the plan does identify several goals and policies only a few are applicable to the proposed transmission line. The applicable goals and policies of the Land Use and Utilities sections of Plan 2015, Volume 1 are as follows:

> *Goal LU-ER-AG 1: Maintain and enhance productive agricultural lands and discourage uses that are incompatible with farming activities.*
>
> *Goal UT 17: Promote the delivery of electrical services, on demand, within the County consistent with utility's public service obligations.*
>
> *Policy UT 17.2: When new, expanded or upgraded transmission is required, use of existing corridors should be evaluated first. Yakima County should facilitate appropriate corridor sharing among different utility types and owners.*

There are no existing transmission line corridors for the new line to parallel. As a result, a new corridor would be required through the Agricultural Resource Area. A new transmission corridor, including structures and access roads, would convert some agricultural lands to a utility facility. However, the facility would not preclude or severely inhibit agricultural practices from occurring on the lands adjacent to the structures or the right-of-way. In addition, BMPs and mitigation measures to protect the natural and developed environment, adjacent land uses, and any cultural resources identified would be implemented. Thus, the project would be consistent with the Yakima County comprehensive plan. (See Chapter 4, *Environmental Consequences*.)

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