

2020 King County Comprehensive Plan Update  
Amendment Concept – For inclusion in Public Hearing Notice

COUNCILMEMBER: Upthegrove

**Problem Statement/Issue:** The Councilmember is interested in amending the proposed fossil fuel and fossil fuel facility regulations to include additional criteria and analysis in the development review of fossil fuel facilities and related uses.

**Property Information:**

- N/A – This amendment concept would apply countywide to fossil fuel facilities

**Background Information:** Striking Amendment S1 includes the following policies and development regulations related to fossil fuels and fossil fuel facilities:

- In the Comprehensive Plan, the following policies are proposed related to fossil fuel facilities:
  - F-344d King County land use policies, development regulations, and permitting and environmental review processes related to fossil fuel facilities shall be designed to:
    - a. protect public health, safety, and welfare;
    - b. mitigate and prepare for disasters;
    - c. protect and preserve natural systems;
    - d. manage impacts on public services and infrastructure; and
    - e. reduce impacts of climate change.
  - F-344e King County shall thoroughly review the full scope of potential impacts of proposals for new, modified, or expanded fossil fuel facilities. Fossil fuel facilities include commercial facilities used primarily to receive, store, refine, process, transfer, wholesale trade, or transport fossil fuels, such as but not limited to bulk terminals, bulk storage facilities, bulk refining, and bulk handling facilities.
  - F-344f When reviewing proposals for new, modified or expanded fossil fuel facilities, King County shall require comprehensive environmental assessment, and early and continuous public notice and comment opportunities. King County shall only approve new, modified, or expanded facilities when:
    - a. The proposed facility can confine or mitigate all operational impacts;
    - b. The facility can adequately mitigate conflicts with adjacent land uses;
    - c. The full scope of environmental impacts, including life cycle greenhouse gas emissions and public health, have been evaluated and appropriately conditioned or mitigated as necessary, consistent with the County's substantive State Environmental Policy Act authority;
    - d. The applicant must comply with applicable federal and state regulations, including the Clean Water Act, Clean Air Act, and Endangered Species Act;
    - e. The applicant has demonstrated early, meaningful, and robust consultation with the public, surrounding property owners, and with Indian tribes to assess impacts to treaty-protected cultural and fisheries resources; and
    - f. Risks to public health and public safety can be mitigated.
  - F-344g Results from the King County Equity Impact Review Tool shall be used as an important consideration to identify and mitigate impacts in the siting of new, modified, or expanded fossil fuel facilities.
  - F-344h King County shall establish a periodic review process for fossil fuel facilities. The periodic review shall be a part of King County's ongoing enforcement and inspections of fossil fuel facilities, and to assure compliance with applicable conditions, mitigations, and the most up-to-

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date safety and public health standards. The periodic review process should, subject to applicable law:

- a. Provide opportunities for public review and comment;
- b. Evaluate whether the facility is in compliance with current federal, state, and County regulations and implementation of industry-standard best management practices; and
- c. Allow King County to modify, add or remove permit conditions to address new circumstances and/or unanticipated fossil fuel facility-generated impacts.

- In the permitted uses table, fossil fuel facilities are proposed to be a special use, subject to condition 27.

Regional land uses.

P-Permitted Use C-Conditional Use S-Special Use		RESOURCE			R U R A L	RESIDENTIAL			COMMERCIAL/INDUSTRIAL				
SIC#	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12-48	NB	CB	RB	O	I (15)
*	Hydroelectric Generation Facility		C14 S		C14 S	C14 S	C14 S						
*	Non-hydroelectric Generation Facility	C12 S	C12 S	C12 S	C12 S	C12 S	C12 S	C12 S	C12 S	C12 S	C12 S	C12 S	P12 S
*	<u>Renewable Energy Generation Facility</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
*	<u>Fossil Fuel Facility</u>												S27
((13	<u>Oil and Gas Extraction</u>	S	C	P	S	S	S	S	S	S	S	S	C))
*	Energy Resource Recovery Facility		S	S	S	S	S	S	S	S	S	S	S

12. Limited to ~~((co-generation facilities for on-site use only))~~ gas extraction as an accessory use to a waste management process, such as wastewater treatment, landfill waste management, livestock manure and composting processes.

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27.a. Required for all new, modified or expanded fossil fuel facilities. Modification or expansion includes, but is not limited to:

- (1) new uses or fuel types within existing facilities;
- (2) changes to the type of refining, manufacturing or processing;
- (3) changes in the methods or volumes of storage or transport of raw materials or processed products;
- (4) changes in the location of the facilities on-site;
- (5) replacement of existing facilities;

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(6) increases in power or water demands; or

(7) increases in production capacity; and

b. Facilities shall:

(1) not be located within one thousand feet from any schools, medical care facilities, or places of assembly that have occupancies of greater than one thousand persons;

(2) not be located within two hundred fifty feet from a regulated wetland or aquatic area, except when a larger buffer is required under K.C.C. chapter 21A.24, the buffer in K.C.C. chapter 21A.24 shall apply;

(3) maintain an interior setback of at least two hundred feet;

(4) store fossil fuels completely within enclosed structures, tanks or similar facilities; and

(5) be accessed directly to and from an arterial roadway.

- Fossil fuel facilities are proposed to be defined in the zoning code as follows:

Fossil fuel facility: a commercial facility used primarily to receive, store, refine, process, transfer, wholesale trade or transport fossil fuels, such as, but not limited to, bulk terminals, bulk storage facilities, bulk refining and bulk handling facilities. Fossil fuel facilities do not include: individual storage facilities of up to thirty thousand gallons and total cumulative facilities per site of sixty thousand gallons for the purposes of retail or direct-to-consumer sales, facilities or activities for local consumption; noncommercial facilities, such as storage for educational, scientific or governmental use; or uses preempted by federal rule or law.

- Non-hydroelectric generation facilities are proposed to be defined in the zoning code as follows:

Non-hydro((-)electric generation facility: an establishment for the generation of electricity by nuclear reaction, burning fossil fuels((+)) or other electricity generation methods, excluding renewable energy.

**AMENDMENT CONCEPT:** Amend the proposed fossil fuel regulations in one or more of the following ways:

1. Add language to the proposed development conditions that would require non-hydroelectric generation facilities to meet the criteria of an essential public facility and to use an essential facility siting process.
2. Add language to the proposed development conditions that would require new, modified, or expanded fossil fuel facilities to use the County's essential facility siting process.
3. Add additional language to proposed Policy F-344f so that the policy criteria would apply to modified or expanded facilities in addition to new fossil fuel facilities.
4. Amend proposed Policy F-344g to require the use of a health impact assessment, either in addition to or in place of the Equity Impact Review Tool, when considering proposal for new, modified, and expanded fossil fuels facilities.
5. Add a policy that calls for the findings from greenhouse gas assessments and health impact assessments to be considered when renewing utility franchise agreements for local distribution companies that convey fossil fuel.
6. Add a work plan item to do an evaluation of Fossil Fuel Risk Bonds.