

6/5/20

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DU-1 FFF

Sponsor: Upthegrove

am

Proposed No.: 2019-0413

1 **AMENDMENT TO STRIKING AMENDMENT S2 TO PROPOSED ORDINANCE 2019-**

2 **0413, VERSION 1**

3 Beginning on page 136, strike lines 2807 through 2808 and insert:

4 "A. 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)
*	Jail						S	S	S	S	S	S	S
*	Jail Farm/Camp	S	S		S	S							
*	Work Release Facility				S19	S19	S	S	S	S	S	S	
*	Public Agency Animal Control Facility		S		S	S					S		P
*	Public Agency Training Facility		S		S3					S3	S3	S3	C4
*	Hydroelectric Generation Facility		C14 S		C14 S	C14 S	C14 S						
*	Non-hydroelectric Generation Facility	C12 S28	C12 S28	C12 S28	C12 S28	C12 S28	C12 S28	C12 S28	C12 S28	C12 S28	C12 S28	C12 S28	C12 S28
*	Renewable Energy	C	C	C	C	C	C	C	C	C	C	C	C

	Generation Facility												
* —	Fossil Fuel Facility												<u>S27</u>
*	Communication Facility (17)	C6c S	P		C6c S	C6c S	C6c S	C6c S	C6c S	P	P	P	P
*	Earth Station	P6b C	P		C6a S	C6a S	C6a S	C6a S	P6b C	P	P	P	P
((13	Oil and Gas Extraction	S	€	P	S	S	S	S	S	S	S	S	€))
*	Energy Resource Recovery Facility		S	S	S	S	S	S	S	S	S	S	S
*	Soil Recycling Facility		S	S	S								C
*	Landfill		S	S	S	S	S	S	S	S	S	S	S
*	Transfer Station			S	S	S	S	S	S	S	S		P
*	Wastewater Treatment Facility				S	S	S	S	S	S	S	S	C
*	Municipal Water Production	S	P13 S	S	S	S	S	S	S	S	S	S	S
*	Airport/Heliport	S7	S7		S	S	S	S	S	S	S	S	S
*	Regional Transit Authority Facility					P25							
*	Rural Public Infrastructure Maintenance Facility				C23								P
*	Transit Bus Base						S	S	S	S	S	S	P
*	Transit Comfort Facility				P26		P26	P26	P26	P26	P26	P26	P26
*	School Bus Base				C5 S20	C5 S	C5 S	C5 S	S	S	S	S	P
7948	Racetrack				S8	S8	S8	S8	S8	S8	S8	S8	S24
*	Regional Motor Sports Facility												P
*	County Fairgrounds				P21								

	Facility				S22								
*	Fairground									S	S		S
8422	Zoo/Wildlife Exhibit(2)		S9		S9	S	S	S		S	S		
7941	Stadium/Arena										S		S
8221- 8222	College/University(1)	P10	P10		P10 C11 S18	P10 C11 S18	P10 C11 S	P10 C11 S	P10 C11 S	P	P	P	P
*	Zoo Animal Breeding Facility	P16	P16		P16								

B. Development conditions."

Beginning on page 143, strike lines 2927 through 2947, and insert:

"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;
- (6) increases in power or water demands; or
- (7) increases in production capacity.

b. Before filing an application with the department, the applicant shall hold a community meeting in accordance with K.C.C. 20.20.035.

c. As part of permit application submittal for new, modified or expanded fossil fuel facilities, the applicant shall submit the following documentation:

22 (1) An inventory of similar existing facilities in King County and neighboring
23 counties, including their locations and capacities;

24 (2) A forecast of the future needs for the facility;

25 (3) An analysis of the potential social and economic impacts and benefits to
26 jurisdictions and local communities receiving or surrounding the facility;

27 (4) An analysis of alternatives to the facility, including location, conservation,
28 demand management and other strategies;

29 (5) An analysis of economic and environmental impacts, including mitigation, of
30 any similar existing facilities and of any new site(s) under consideration as an alternative to
31 expansion of an existing facility;

32 (6) An extensive public involvement strategy which strives to effectively engage a
33 wide range of racial, ethnic, cultural, and socio-economic groups, including communities that are
34 the most impacted; and

35 (7) Considered evaluation of any applicable prior review conducted by a public
36 agency, local government or stakeholder group.

37 d. As part of permit application submittal, a greenhouse gas impact analysis shall be
38 prepared by the applicant for all proposals for new, modified, or expanded fossil fuel facilities.

39 The results of this analysis shall be used to identify and mitigate the impacts of such facilities.

40 e. New, modified or expanded fossil fuel facilities shall:

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

43 (2) not be located within two hundred fifty feet from a regulated wetland or aquatic
44 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.

28.a. Before filing an application with the department, the applicant shall hold a community meeting in accordance with K.C.C. 20.20.035.

b. As part of permit application submittal for non-hydroelectric generation facilities, the applicant shall submit the following documentation:

(1) An inventory of similar existing facilities in King County and neighboring counties, including their locations and capacities;

(2) A report demonstrating that the facility would serve a significant portion of the county, metropolitan region or is part of a statewide or national system;

(3) A forecast of the future needs for the facility;

(4) An analysis of the potential social and economic impacts and benefits to jurisdictions and local communities receiving or surrounding the facility;

(5) An analysis of alternatives to the facility, including location, conservation, demand management and other strategies;

(6) An analysis of economic and environmental impacts, including mitigation, of any similar existing facilities and of any new site(s) under consideration as an alternative to expansion of an existing facility;

(7) An extensive public involvement strategy which strives to effectively engage a wide range of racial, ethnic, cultural, and socio-economic groups, including communities that are the most impacted; and

(8) Considered evaluation of any applicable prior review conducted by a public agency, local government or stakeholder group.

c. As part of permit application submittal, a greenhouse gas impact analysis shall be prepared by the applicant. The results of this analysis shall be used to identify and mitigate the impacts of such facilities."

In Attachment A, on page 61, line 1649, after "**impacts**" strike "**in the siting**"

In Attachment A, on page 61, line 1650, after "**facilities.**" insert "**The Equity Impact Review should take into consideration the potential effects of a new, modified or expanded fossil fuel facility on the health of a population, and how those effects may be different within a population.**"

In Attachment A, on page 61, after line 1664, insert:

"F-344i Local distribution companies that convey fossil fuels in King County shall prepare and submit a greenhouse gas impact analysis when applying for a new utility franchise agreement or an extension or renewal of an existing utility franchise agreement."

In Attachment A, page 86, after line 2369, insert:

"Action 20: Fossil Fuel Facilities Risk Bonds. As part of the 2020 Comprehensive Plan update, policies and regulations related to fossil fuel facilities were adopted. More work is needed to address the potential impacts of fossil fuels and fossil fuel facilities and related uses, on the environment and human health. To accomplish this, this Workplan Action item directs:

93 A. Preparation of a Fossil Fuel Risk Bond evaluation, that will include, at a minimum:

94 1. An economic risk assessment of fossil fuel facilities and related uses, and climate change.

95 The assessment shall include recommended policy language or development regulations
96 that directs an update to this evaluation on a periodic basis when significant new
97 information is available, and shall quantify the expected annualized costs to County
98 finances, the County's economy, and County households over the next fifty years
99 associated with several categories of risks:

100 i. For fossil fuel facilities and related uses, the assessment shall address risks

101 associated with catastrophic explosions of storage and transfer facilities,
102 refineries, oil and gas train derailments, gas pipeline ruptures and explosions,
103 fuel tanker spills and explosions, pollution of air and water, brownfields, and
104 abandoned infrastructure.

105 ii. For climate change, the assessment shall address economic risks associated with
106 changes in the frequency and severity of wildfires, floods, storms, drought,
107 infestations of exotic diseases and pests, and other natural hazards. The
108 assessment shall also address costs associated with the implementation of climate
109 action policies and plans, as well as investing in adaptation measures.

110 2. An evaluation of the adequacy of existing financial assurance mechanisms in reducing
111 the County's economic and financial risks associated with fossil fuel facilities and related
112 uses, and climate change. Title 27A of the King County Code, "Financial Guarantees"
113 already contains mechanisms for obtaining financial assurances before attempting
114 potentially dangerous development activity. However, there is currently no language in
115 Title 27A that requires financial assurances specifically for fossil fuel facilities and related
116 uses. Such measures could include surety and performance bonds, letters of credit, third
117 party trust funds, insurance, corporate guarantees, and others. The evaluation shall
118 compare risk exposure for the County, with the maximum likely coverage of that risk by
119 these mechanisms, and shall include recommendations for additional financial
120 assurances or other measures that need to be adopted to minimize risks.

121 B. Drafting and transmittal of any necessary legislation that establishes or modifies Comprehensive
122 Plan policies and development regulations, that will implement the recommendations of the
123 Fossil Fuel Risk Bond evaluation.

- 124 • Timeline: The Fossil Fuel Risk Bond evaluation and any necessary legislation making
125 Comprehensive Plan and/or King County Code changes shall be transmitted to the Council for
126 consideration by June 30, 2022.

- 127 • Outcomes: The Executive shall file with the Council the Fossil Fuel Risk Bond evaluation and a

proposed ordinance(s) with recommended code and/or policy updates.

- Leads: Office of Performance, Strategy and Budget, Department of Natural Resources and Parks, and Department of Local Services - Permitting Division.

Action 21. Greenhouse Gas Mitigation. As part of the 2020 Comprehensive Plan update, policies and regulations related to fossil fuel facilities and resident and business resiliency to climate change impacts were adopted. However, further work is necessary to reduce climate impacts, by mitigating the greenhouse gas emissions that drive those impacts. Policy E-215 of the Comprehensive Plan requires all projects being evaluated under the State Environmental Policy Act (SEPA) to be evaluated for greenhouse gas emissions, and also allows the County to exercise its substantive authority to mitigate for these emissions, but only after mitigation standards have been adopted by ordinance. In order to establish standards to begin mitigating emissions from development, this Workplan Action item directs:

- A. Updating the county's greenhouse gas emissions worksheet to include best available emissions factors and other data, and to be able to evaluate emissions from a wide range of project types. The worksheet shall, at a minimum, be capable of evaluating induced demand and all scope one and scope two emissions from the construction and use, as well as embodied scope three emissions from construction materials such as cement, asphalt, and steel.
- B. Completion of a study evaluating options for implementing greenhouse gas mitigation from all development projects requiring SEPA review, as allowed in Comprehensive Plan Policy E-215.
- C. Drafting and transmittal of a proposed ordinance(s) that adopts the updated greenhouse gas worksheet and establishes or modifies Comprehensive Plan policies and development regulations to implement standards for greenhouse gas mitigation in accordance with Policy E-215.
- Timeline: The updated greenhouse gas emissions worksheet and the greenhouse gas mitigation study, and a proposed ordinance(s) making Comprehensive Plan and/or King County Code changes shall be transmitted to the Council for consideration by June 30, 2022.
- Outcomes: The Executive shall file with the Council the updated greenhouse gas worksheet, greenhouse gas mitigation study and ordinance(s) with recommended code and/or policy updates.
- Leads: Department of Natural Resources and Parks, and Department of Local Services – Permitting Division."

EFFECT: Modifications the Comprehensive Plan Policies and King County Code development regulations to:

1. Clarify that the proposed KCCP policies also apply to proposals for new, modified, and expanded fossil fuel facilities.

2. **Add additional development conditions for fossil fuel facilities that would require a preapplication community meeting and additional documentation at permit submittal on the public involvement process used by the applicant and on the community benefits and impacts of the proposed facility.**
3. **Add additional development conditions for non-hydroelectric generation facilities that would require a preapplication community meeting and additional documentation at permit submittal on public involvement process used by the applicant and the community benefits and impacts of the proposed facility.**
4. **Clarify that the Equity Impact Review should include consideration of the potential effects of fossil fuel facility on the health of a population.**
5. **Add an additional policy requiring local distribution companies that convey fossil to submit a greenhouse gas analysis for new, extended or renewed franchise agreements.**
6. **Add two Workplan Action Items:**
 - a. **Action 20 would require a Fossil Fuel Risk Bond evaluation.**
 - b. **Action 21 would require an update to the county's greenhouse gas emissions worksheet and a plan to implement mitigation for greenhouse gas emissions for development proposals.**

The amendment would change the policies from striking amendment S2 as follows:

- 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 proposals for 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. The Equity Impact Review should take into consideration the potential effects of a new, modified or expanded fossil fuel facility on the health of a population, and how those effects may be different within a population.