## STAFF REPORT

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| **Agenda Item:** | 5 | **Name:** | Andy Micklow |
| **Proposed No**.: | 2019-0164 | **Date:** | July 2, 2019 |

**SUBJECT**

Proposed Ordinance 2019-0164 would extend a current moratorium prohibiting the establishment of new or expansion of existing major fossil fuel facilities.

**SUMMARY**

The Council adopted Ordinance 18866 in January 2019 prohibiting the establishment of new or expansion of existing major fossil fuel facilities in King County. Proposed Ordinance 2019-0164 would extend the moratorium until six-months from the effective date of the ordinance. The Executive continues work on an integrated Moratorium Study and 2020 Comprehensive Plan update with anticipated transmittal to the Council by the end of September 2019.

**BACKGROUND**

In January 2019, the council adopted Ordinance 18866. This ordinance established a six-month moratorium prohibiting the establishment of new or expansion of existing major fossil fuel facilities and directing the Executive to produce a detailed study to address the issues and circumstances necessitating the moratorium. This moratorium was adopted pursuant to the Shoreline Management Act, RCW 90.58.590, and the Washington state Growth Management Act, RCW 36.70A.390. The required public hearing was held on March 13, 2019. Findings adopted in this ordinance cite the impact of greenhouse gas emissions and fossil fuels, as a major source of carbon dioxide, on the earth's climate and the potential public health and ecological risks that could result from new major fossil fuel facilities.

Ordinance 18866 directed the Executive to study major fossil fuel facilities and:

* Review use classifications for major fossil fuel facilities and evaluate whether the classifications are consistent with state laws and adequately address the impacts and concerns identified in the findings of fact;
* Review literature on the community impacts of major fossil fuel facilities and efforts by other local governments to limit the impacts of this use type;
* Propose any necessary amendments to development regulations, permitting processes, environmental policies, the Comprehensive Plan, and the shoreline master program;
* Review and recommend any necessary changes to performance and maintenance guarantee procedures;
* Evaluate the economic and employment opportunities created from the shift to renewable energy sources; and
* Evaluate county-owned and operated fossil fuel facilities for potential health impacts.

As a requirement of Ordinance 18866, the Executive transmitted a letter in May 2019 (attached) that provides an update on the current status of the "detailed study to address the issues and circumstances necessitating the moratorium."[[1]](#footnote-1) The status letter states that Executive staff are making steady progress on the integrated work on the Moratorium Study and 2020 Comprehensive Plan update. The letter recommends renewing the moratorium for an additional six months to align with the 2020 Comprehensive Plan update process.

**ANALYSIS**

The current moratorium expires on July 28, 2019. RCW 90.58.590 and RCW 36.70A.390 authorize local governments to renew a moratorium, subject to certain criteria including public hearing and adopting findings of fact.

Proposed Ordinance 2019-0164 would extend the moratorium for an additional six months, through January 2020. It is anticipated that the 2020 Executive Recommended Comprehensive Plan and integrated work on the Moratorium Study will be transmitted to the Council by the last business day of September 2019 which is after the current major fossil fuel facilities moratorium expires.

**ATTACHMENTS**

1. Proposed Ordinance 2019-0164
2. Executive Status Letter - Fossil Fuel Moratorium

1. Ordinance 18866 [↑](#footnote-ref-1)