

12/4/16

Amend to Amend A-1 –
Workplan #13

cmj

Sponsor: Lambert

Proposed No.: 2016-0155

**AMENDMENT TO AMENDMENT A-1 TO ATTACHMENT A TO PROPOSED
ORDINANCE 2016-0155, VERSION 2**

In Amendment A-1, on page 18, at the beginning of line 342, after "Water Availability and Permitting Study to address these and related issues." insert "This study will analyze methods to accommodate current zoning given possible water availability issues and will look at innovative ways to accommodate future development in any areas with insufficient water by using mitigation measures (e.g. water banks)."

EFFECT: Amends Amendment 1 by adding text to Workplan Action #13 (related to Water Availability) to include accommodating future development under current zoning. The amendment would change the policy from Amendment 1 as follows (strikethrough formatting is included for illustrative purposes only):

Action 13: Water Availability and Permitting Study. The recent Washington State Supreme Court decision in *Whatcom County v. Western Washington Growth Management Hearings Board (aka, Hirst)* held that counties have a responsibility under the Growth Management Act to make determinations of water availability through the Comprehensive Plan and facilitate establishing water adequacy by permit applicants before issuance of development permits. *Hirst* also ruled that counties cannot defer to the State to make these determinations. This case overruled a court of appeals decision which supported deference to the State. The Supreme Court ruling will require the County to develop a system for review of water availability in King County, with a particular focus on future development that would use permit exempt wells as their source of potable water. This system will be implemented through amendments to the King County Comprehensive Plan and development regulations. The County will engage in a Water Availability and Permitting Study to address these and related issues. This study will analyze methods to accommodate current zoning given possible water availability issues and will look at innovative ways to accommodate future development in any areas with insufficient water by using mitigation measures (e.g. water banks). This study will not include analysis of current water availability.

- 27 • *Timeline:* Eighteen month process. Initial report will be transmitted to the Council by December 1,
28 2017; final report, with necessary amendments, will be transmitted to the Council by July 1, 2018.
29 This report may inform the scope of work for the next major Comprehensive Plan update.
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- 31 • *Outcomes:* Modifications, as needed, to the Comprehensive Plan, King County Code and County
32 practices related to ensuring availability of water within the Comprehensive Plan and determining
33 the adequacy of water during the development permit process.
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- 35 • *Leads:* Performance, Strategy and Budget. Work with the Department of Permitting and
36 Environmental Review, Department of Natural Resources and Parks, Department of Public
37 Health, Prosecuting Attorney's Office, and King County Council. Involvement of state agencies,
38 public and non-governmental organizations.