



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

Ordinance 19402

Proposed No. 2021-0321.3

Sponsors Dembowski and Balducci

1 AN ORDINANCE relating to green building and
 2 sustainable development practices; modifying performance,
 3 budgeting and reporting requirements for capital projects
 4 and leases and modifying the roles and responsibilities of
 5 King County departments in implementing the green
 6 building program; amending Ordinance 12045, Section 17,
 7 as amended, and K.C.C. 4.56.180, Ordinance 17929,
 8 Section 20, as amended, and K.C.C. 4A.100.070,
 9 Ordinance 620, Section 4 (part), as amended, and K.C.C.
 10 4A.100.100, Ordinance 16147, Section 2, as amended, and
 11 K.C.C. 18.17.010 and Ordinance 17166, Section 2, as
 12 amended, and K.C.C. 18.50.010, adding new sections to
 13 K.C.C. chapter 18.17 and repealing Ordinance 16147,
 14 Section 3, as amended, and K.C.C. 18.17.020.

15 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

16 **SECTION 1. Findings:**

17 A. Green building and sustainable development practices support the goals of
 18 King County-adopted plans and laws, including, but not limited to, growth management,
 19 economic development, historic preservation, fiscal responsibility, environmental
 20 protection, access to public transportation, social equity, stewardship of resource lands,

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21 climate change initiatives, efficient energy and other natural resource uses, preserving
22 fish and wildlife habitat, reducing and creating resources from wastes and protecting and
23 improving public health.

24 B. King County has shown leadership in establishing climate, equity and
25 preparedness goals through the completion of its 2020 Strategic Climate Action Plan.
26 The plan sets commitments that advance King County's leadership in equitable climate
27 solutions, create opportunities for all residents, reduce climate risks and protect the
28 natural environment for everyone who lives here today and for those who follow us. The
29 built environment plays a significant role in greenhouse gas emissions and energy
30 consumption. Green building has made significant contributions to reducing energy and
31 the consumption of materials, both of which are key goal areas of the 2020 Strategic
32 Climate Action Plan. It can also be a vehicle in practice to integrate equity and social
33 justice opportunities, reduce water use, source sustainable materials, improve stormwater
34 management and improve habitat restoration.

35 C. For many in our region, King County is a great place to live, learn, work and
36 play. At the same time, the county has deep and persistent inequities, especially by race
37 and place, that in many cases are getting worse and threaten our collective prosperity.
38 King County's green building program has included equity and social justice as an
39 important factor for successful sustainable development. It is essential to achieve a triple
40 bottom line in sustainability by addressing equitable community access, environmental
41 excellence and fiscal responsibility. King County has developed a menu of equity and
42 social justice strategies that can be integrated in capital projects that also support the

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43 county's fair and just principle established in K.C.C. chapter 2.10. These strategies are
44 applicable to all capital projects, regardless of which green building rating system is used.

45 D. Incorporating green building and sustainable development practices into the
46 design, construction and operation of capital projects can reduce greenhouse gas
47 emissions, pollution, use of natural resources and energy and other operating costs, and
48 enhance asset value, optimize performance and promote cultural sustainability by
49 preserving historic resources and improve the region's quality of life.

50 E. Executive Order FES 9-3, signed October 25, 2001, established a green
51 building policy for all King County buildings, renovations and remodel projects. It was
52 added to the King County Code by Ordinance 15118 and has been updated in 2008 and
53 2013, each time progressing in green building standards. By continuing and building on
54 the green building regulations in the current ordinance, the county will further its
55 sustainability goals.

56 F. Green building rating systems, such as LEED, Living Building Challenge,
57 Salmon Safe, Built Green, Evergreen Sustainable Development Standard, Envision,
58 Passive House, Greenroads and SITES, have improved sustainability performance in the
59 building industry. All of these rating systems are recognized locally, nationally and for
60 some internationally for sustainable performance in project design and construction.
61 They have also been developed by all segments of the building industry and continuously
62 peer reviewed.

63 G. Data from the United States Green Building Council show that buildings that
64 use the LEED rating system cost on average zero to two percent more to build, but that
65 LEED buildings have reported almost twenty percent lower maintenance costs than

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66 typical commercial buildings, and green building retrofits typically decrease operation
67 costs by almost ten percent in one year. The Department of Energy reviewed twenty-two
68 LEED-certified buildings managed by the General Services Administration and found
69 that CO2 emissions were thirty-four percent lower, the buildings consumed twenty-five
70 percent less energy and eleven percent less water and diverted more than eighty million
71 tons of waste from landfills.

72 H. King County has a longstanding track record in successfully utilizing
73 industry-recognized green building rating systems. Two dozen King County facilities
74 have achieved LEED certification or are in the process of achieving certification, with
75 four projects achieving Platinum level certification. Several trail projects are pursuing or
76 have achieved Salmon Safe certification and the parks and recreation division is pursuing
77 programmatic certification for the overall King County parks system. Currently, thirteen
78 King County-owned or partially funded projects are pursuing Zero Energy, CORE, Petal
79 or Living Building Challenge certification, moving the county toward carbon-neutral
80 development projects. The Parks North Utility Maintenance Shop achieved Zero Energy
81 certification and is performing better than projected, saving utility costs and providing
82 power to adjacent park amenities. Four county projects have pursued Envision
83 certification, including the wastewater treatment division's Georgetown Wet Weather
84 Treatment Plant that achieved Platinum level certification.

85 I. King County has shown its commitment to incorporating green building and
86 sustainable development practices in a variety of capital projects. The King County
87 Sustainable Infrastructure Scorecard was created by the King County green building team
88 and county divisions for capital projects where LEED certification is not applicable.

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89 Those capital projects include, but are not limited to, bus passenger shelters, trails, park
90 facilities, restroom facilities, pump stations, parking garages, roads, sidewalks, bridges,
91 flood control improvements, conveyance lines and rehabilitation of designated landmarks
92 or properties that are eligible for landmark designation. In 2020, county departments
93 reported close to four hundred capital projects using the Sustainable Infrastructure
94 Scorecard.

95 J. King County develops, owns and operates many facilities that require ongoing
96 operation and maintenance. Ensuring that these facilities are designed, operated and
97 maintained using green building and sustainable development practices reduces operating
98 and maintenance costs, conserves energy, reduces greenhouse gas emissions and
99 improves indoor air quality.

100 K. Ensuring that public money is expended in the most beneficial way
101 necessitates careful consideration and accounting of the costs of construction, operations
102 and maintenance of all county facilities. County capital projects will utilize existing
103 capital project management manuals that have established standardized implementation
104 processes along with budget protocols and reporting mechanisms to ensure fiscal
105 stewardship is practiced. A streamlined practice will allow for clarity and efficiency to
106 project teams, so that time and resources can be better spent on achieving performance,
107 public infrastructure and services.

108 L. Green building practices help reduce carbon, water, energy and waste. The
109 United States Department of Energy reviewed twenty-two LEED-certified buildings
110 managed by the General Services Administration and saw that carbon dioxide emissions
111 were thirty-four percent lower, that twenty-five percent less energy and eleven percent

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112 less water was consumed and that more than eighty million tons of waste was diverted
113 from landfills.

114 M. Green building and sustainable development practices support the King
115 County Strategic Plan goal of a healthy environment by reducing countywide greenhouse
116 gas emissions by fifty percent by 2030 by requiring that capital projects be designed
117 using green building rating systems that reduce use of energy, water, material and other
118 resources, which in turn reduces operational and embodied greenhouse gas emissions.

119 N. Green building and sustainable development policies are included throughout
120 the King County Comprehensive Plan.

121 O. Construction and demolition diversion and other waste management practices
122 serve to meet King County's goal to achieve zero waste of resources. The goal is to
123 eliminate the disposal of materials with economic value by 2030, through a combination
124 of efforts in the following order of priority, which is referenced in both the King County
125 Comprehensive Plan and King County Comprehensive Solid Waste Management Plan:

- 126 1. Waste prevention and reuse;
- 127 2. Product stewardship, recycling and composting; and
- 128 3. Beneficial use.

129 P. Green building and sustainable development practices relate to many existing
130 county policies, plans and programs, such as sustainable purchasing, stormwater
131 management, clean water, forest plan, salmon recovery, land conservation initiative,
132 public health and the clean water health habitat strategic plan. Implementing green
133 building and sustainable development practices can be a vehicle to support these by
134 contributing to achieving long-term objectives.

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135 SECTION 2. Ordinance 12045, Section 17, as amended, and K.C.C. 4.56.180 are
136 hereby amended to read as follows:

137 A. The county may lease real property for a term of years and upon such terms
138 and conditions as may be deemed in the best interests of the public and the county. A
139 lease shall not be for a longer term in any one instance than ten years, except as follows:

140 1. If the county determines it to be in the best interest of the county, real
141 property necessary to the support or expansion of an adjacent facility may be leased to
142 the lessee of the adjacent facility for a term to expire simultaneously with the term of the
1431 lease of the adjacent facility, but not to exceed thirty-five years;

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145 2. If the county determines it to be in the best interest of the county, if the
146 property to be leased is improved or is to be improved and the value of the improvement
147 is or will be at least equal to the value of the property to be leased, the county may lease
148 the property for a term not to exceed thirty-five years;

149 3. If the property to be leased is to be used for public recreation and police
150 training purposes, for parks and recreation purposes, for a hospital or a medical training
151 and research facility, for a childcare facility to be improved with full or partial funding
152 from a government-sponsored childcare bonus program, for the county's own use in
153 accordance with a lease or leaseback arrangement entered into under K.C.C. 4.56.160.E.,
154 for major airport, industrial, office or other commercial purposes or transit-oriented
155 development, requiring extensive improvements or by a nonprofit organization for a

156 facility in which the nonprofit organization will provide some or all of the social and
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157 health services as listed in RCW 43.83D.120, the county may lease the property for a _____

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158 term equal to the estimated useful life of the improvements, but not to exceed fifty years;
159 unless the property is leased to a public housing authority or nonprofit organization in
160 accordance with RCW 36.34.135, in which case the term may extend to seventy-five
161 years; and

162 4. Leases entered into under K.C.C. 4.56.160.D. may extend for the period of
163 years necessary to amortize the special purpose funds, not to exceed twenty-five years.

164 B. The lessee shall not improve or alter the leased property in any manner
165 without the prior written consent of the county, but shall, before making improvements or
166 alterations, submit plans and designs for the improvement or alteration to the county for
167 approval. If the plans and designs are disapproved, the improvements or alterations shall
168 be made only with such changes as may be required by the county. Unless otherwise
169 stipulated, all improvements or alterations erected or made on the leased property shall,
170 on expiration or sooner termination of the lease, belong to the county without
171 compensation to the lessee, but the county shall have the option, to be exercised on
172 expiration or sooner termination of this lease, to require the lessee to remove any or all of
173 the improvements or alterations. If the lessee fails substantially to make the
174 improvements or alterations required by the lease, the lease shall be terminated and all
175 rentals paid shall be forfeited to the county. All green building requirements in K.C.C.
176 chapter 18.17, except the annual reporting requirements in section 10.B of this ordinance,
177 shall apply to all new, renewed or extended leases of county-owned property that go into
178 effect after the effective date of this ordinance. The requirements shall be included in
179 lease agreements managed by the department of executive services, facilities

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180 management division. The department of local services, permitting division, may review
181 for compliance with the requirements during review of building permit applications.

182 C. Except for lease or leaseback arrangements entered into under K.C.C.
183 4.56.160.E., any lease made for a period longer than five years shall contain provisions
184 requiring the lessee to permit the rents to be adjusted and fixed by the county every five
185 years, but any lease may provide for more frequent readjustments. If the lease permits
186 the county to adjust the rent, the county shall give the lessee written notice of the adjusted
187 rent, in accordance with the terms of the lease. The rent as adjusted shall take effect
188 thirty days after the date of the notice unless the lessee, within thirty days following the
189 receipt of the notice from the county, gives the county written notice of the lessee's
190 rejection of the adjusted rent. If the lessee and the county cannot agree upon the rental
191 readjustment, the rent shall be adjusted by arbitration. For arbitration, the lessee and the
192 county shall each select one disinterested arbitrator and the two selected arbitrators shall
193 select a third. If the two arbitrators have not selected a third arbitrator within thirty days
194 after the selection of the last selected of the two, either the lessee or the county shall
195 apply to the presiding judge of the superior court for King County for the appointment of
196 a third arbitrator. Each arbitrator must be a member of the American Institute of Real
197 Estate Appraisers, the Society of Real Estate Appraisers or other appraisal society or
198 association having equivalent ethical and professional standards. If a licensing
199 requirement for real estate appraisers is imposed by any legislative body, each arbitrator
200 shall also be so licensed. The three arbitrators shall determine a fair rent for the premises
201 based upon the fair market rental value of the property, as defined in K.C.C. 4.56.010.
202 The decision of a majority of the arbitrators shall bind both the lessee and the county. At

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203 the conclusion of the arbitration, the arbitrators shall submit written reports to the lessee
204 and the county. The cost of the arbitration shall be divided equally between the lessee
205 and the county.

206 D. Except as provided in K.C.C. 4.56.150.D. and E. and 4.56.160.D., the rent of
207 all leases of county real property shall be based upon fair market rental value, as defined
208 in K.C.C. 4.56.010.

209 E. No lease shall be assigned or subleased without the assignment or sublease
210 being first authorized by the county in writing. All leases, when drawn, shall contain this
211 provision.

212 F. Notwithstanding the other provisions of this chapter and following such
213 procedures as may be determined appropriate by the council, the executive may enter into
214 long-term master leases of county property under which developers: would develop the
215 property into office and other space required or approved by the county; would lease
216 some of space back to the county and may lease space unneeded by the county to private
217 or public entities for private or public uses as approved by the county council; and would
218 convey all leasehold improvements to the county at the expiration or termination of the
219 master leases. A master lease shall be subject to approval by the council.

220 SECTION 3. Ordinance 17929, Section 20, as amended, and K.C.C. 4A.100.070
221 are hereby amended to read as follows:

222 A.1. Any departments or agencies, except the council, with unanticipated
223 expenditures shall submit to the executive a statement of unanticipated expenditures. The
224 statement shall specify any request for supplemental appropriation by program, project,
225 object of expenditure or any combination thereof. The executive shall review the

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226 requests in accordance with the department's or agency's work plan and determine
227 whether to submit a supplemental appropriation request.

228 2. If during the fiscal period the executive determines that revenues will be less
229 than the expenditure amounts included in the appropriations ordinance, the executive
230 shall revise the expenditures of departments or agencies funded from those revenue
231 sources to prevent the making of expenditures in excess of revenues. If the executive
232 determines that the fund has unrestricted reserves, the executive may use these reserves to
233 avoid making expenditure reductions; however, the use of reserves may not reduce the
234 fund balances below target reserve amounts. If the use of reserves exceeds five percent
235 of the total appropriation, the council shall be notified in the quarterly management and
236 budget report. An expenditure shall not be made from any portion of an appropriation
237 that has been assigned to a reserve status except as provided in this section.

238 B. All unexpended appropriations in noncapital appropriation ordinances lapse at
239 the end of the fiscal period.

240 C. The executive may transfer appropriation authority from an emergent need
241 contingency project to support a cost increase for a capital project in the same fund in
242 accordance with the procedures in K.C.C. 4A.100.080.

243 D.1. Except as provided in this subsection, an agency shall not expend or contract
244 to expend any money in excess of amounts appropriated. A contract made in violation of
245 this subsection is null and void. An officer, agent or employee of the county knowingly
246 responsible for such a contract is personally liable to anyone, including the county,
247 damaged by the officer, agent or employee's action.

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248 2. An agency may contract to expend money in excess of existing
249 appropriations when:

250 a. the contract commits the county to expend funds beyond the biennium and
251 the contract includes a cancellation clause that provides:

252 (1) the contract may be unilaterally terminated by the county for lack of
253 appropriation; and

254 (2) the costs associated with such a termination, if any, shall not exceed the
255 appropriation for the biennium in which termination occurs;

256 b. the contract commits the county to expend funds beyond the biennium and
257 the council, at the request of the executive, adopts an ordinance permitting the county to
258 enter into the contract;

259 c. the contract implements a grant awarded to the county before the
260 appropriation of grant funds, including appropriations that must be made in future years,
261 if the council has received prior notice of the grant application and if either of the
262 following conditions are met: all of the funds to be appropriated under the contract will
263 be from the granting agency; or all financial obligations of the county under the contract
264 are subject to appropriation; or

265 d. the contract is an emergency contract as authorized by K.C.C. 2.93.080.

266 3. In accordance with Section 495 of the King County Charter, real property
267 shall not be leased to the county for more than one year unless it is included in a capital
268 budget appropriation ordinance.

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269 4.a. Any lease or license for the possession or use of real property by the county
270 with a term, including any potential options, extensions or renewals, longer than five
271 years must be approved by the council before execution by the executive.

272 b. Any decision to extend a lease or license for the possession or use of real
273 property by the county beyond a cumulative total of five years, whether memorialized
274 through an option, extension, amendment, or new lease or license, must be approved by
275 the council before execution by the executive.

276 c. Any lease or license for the possession or use of real property by the county
277 that requires more than fifty thousand dollars in tenant improvement or other alterations
278 to the real property for the benefit of the county must be approved by the council before
279 execution by the executive.

280 d. Any lease or license for the possession or use of real property by the county
281 shall comply with the requirements of section 8.C. of this ordinance.

282 5. Any lease or license or extension of a lease or license for the possession or
283 use of real property by the county entered into for the purpose of implementing the Puget
284 Sound emergency radio network project as described in Ordinance 17993 and approved
285 by the voters at the election held on April 28, 2015, may commit the county to expend
286 funds in excess of amounts appropriated, and may be executed by the executive without
287 council approval.

288 E. A capital project budget and phases of a capital project shall be prepared by
289 the user agency. The capital project shall be managed by the implementing agency.

290 F. Ongoing review of capital projects for which moneys have been appropriated
291 shall be coordinated by the office of performance, strategy and budget or its successor.

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292 For capital projects involving more than one agency, representatives from the agencies
293 shall consult with the office of performance, strategy and budget or its successor. The
294 office of performance, strategy and budget shall review capital projects for compliance
295 with scope, budget and schedule.

296 SECTION 4. Ordinance 620, Section 4 (part), as amended, and K.C.C.

297 4A.100.100 are hereby amended to read as follows:

298 A. The following reports shall be prepared:

299 1. A comprehensive annual financial report. The executive shall annually
300 prepare and publish a comprehensive financial report covering all funds and financial
301 transactions of the county during the preceding fiscal period;

302 2. Internal county audit reports. The county auditor shall periodically prepare
303 and publish the results of examinations performed by the county auditor's office of the
304 effectiveness, efficiency and equity of the operation of county agencies. The examination
305 report and any departmental response to the audit shall be made available by the county
306 auditor, either electronically or in print formats, and by posting on the Internet;

307 3. State audit report. The examination report of the county's financial affairs
308 and transactions issued annually by the Office of the State Auditor and the county
309 response to the audit shall be made available to the State Auditor annually, either
310 electronically or in print formats, and by posting on the Internet; and

311 4. Quarterly budget management reports.

312 a. The executive shall submit to the council a report detailing the results of
313 actual revenue collections and expenditures for each fund. The report shall:

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314 (1) present current financial plans for operating and capital funds that have
315 gone through the office of performance, strategy and budget((?))'s financial monitoring
316 process, as described in the current comprehensive financial management policies
317 adopted by council motion during the current quarter, including actual expenditures and
318 revenues;

319 (2) identify significant variances in revenue and expenditure estimates for the
320 general fund;

321 (3) list any transfer of emergent need contingency expenditure authority that
322 would increase the total budget of a capital project, identifying those increases that are
323 greater than fifteen percent;

324 (4) list any transfer of grant contingency expenditure authority;

325 (5) list any capital budget appropriations that have lapsed because the project
326 has been completed, abandoned, or because no encumbrance or expenditure has been
327 made for three years;

328 (6) report scope, schedule and budget status for capital projects that has a
329 baseline with total estimated cost greater than one million dollars;

330 (7) summarize the risks included in the risk assessment register for baselined
331 risk monitored projects in the design phase, the acquisition phase and the implementation
332 phase, summarize change orders and amendments, explain change orders and
333 amendments that have the cumulative potential to carry the project over project baseline
334 and summarize the results of the latest earned value analysis;

335 (8) list all new donations to the department of public health of two thousand
336 dollars or more, as described in K.C.C. 2.35A.200, including the name of the person

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337 making the donation, the amount of the donation, and the public health purpose for which
338 it is intended to be expended. In any case where the donation originates from social
339 media activity such as crowdsourcing, the list shall include the name of the person
340 sponsoring this activity; ~~((and))~~

341 (9) report on all incremental changes to sections and attachments to the
342 biennial budget appropriations ordinance made during the quarter, including the
343 ordinance numbers making the changes; and

344 (10) report on waivers to the regulations of K.C.C. chapter 18.17, in
345 compliance with section 9 of this ordinance.

346 b. The report shall be electronically filed with the clerk of the council, who
347 shall retain an electronic copy and provide an electronic copy to all councilmembers and
348 the lead staff of the budget and fiscal management committee, or its successor, no later
349 than June 1 for the first quarterly report, September 1 for the second quarterly report,
350 December 1 for the third quarterly report and March 1 for the fourth quarterly report.
351 The director of performance, strategy and budget shall also be responsible for posting the
352 report on the Internet.

353 B. The King County project control officer is requested to report annually on the
354 process used to ensure that all departments and divisions adhere to King County's
355 construction management policies and procedures, the compliance rate for following the
356 county~~((s))~~'s construction management policies and procedures and the steps being taken
357 to increase compliance with King County's construction management policies and
358 procedures. Additionally, the report shall summarize all findings in regards to any
359 changes in a contract's scope, schedule or budget. The King County project control

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360 officer shall electronically file the report by June 1 of each calendar year with the clerk of
361 the council, who shall retain an electronic copy and provide an electronic copy to all
362 councilmembers, the lead staff for the budget and fiscal management committee or its
363 successor and the county auditor's office.

364 SECTION 5. Ordinance 16147, Section 2, as amended, and K.C.C. 18.17.010 are
365 hereby amended to read as follows:

366 A. "Alternative green building rating system" means a third-party green building
367 certification other than LEED or the King County Sustainable Infrastructure Scorecard.
368 The following are accepted alternative green building rating systems, but the executive
369 may also accept certification through other rating systems as appropriate:

370 1. Built Green Four-Star, Built Green Five-Star or Built Green Emerald Star, or
371 any combination thereof;

372 2. Envision;

373 3. Evergreen Sustainable Development Standard;

374 4. Fitwel;

375 5. Greenroads;

376 6. Living Building Challenge;

377 7. Passive House;

378 8. Salmon Safe;

379 9. SITES; and

380 10. WELL.

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381 B. "Built Green Four-Star," "Built Green Five-Star" and "Built Green Emerald
382 Star" mean a third-party residential green building certification, developed and
383 administered by the Master Builders Association of King and Snohomish Counties.

384 C. "Capital project" ((refers to a project with a scope that includes one or more of
385 the following elements: acquisition of a site or acquisition of an existing structure, or
386 both; program or site master planning; environmental analysis; design; construction;
387 major equipment acquisition; reconstruction; demolition; or major alteration of a capital
388 asset. A capital project shall include: a project program plan; scope; budget by task; and
389 schedule)) means capital project as defined in K.C.C. 4A.10.100.

390 ((B. "County green building team" or)) D. "Energy Star" means the energy
391 certification rating system developed by the United States Environmental Protection
392 Agency that focuses on energy efficiency.

393 E. "Envision" means a voluntary sustainable infrastructure rating system
394 administered by the Institute for Sustainable Infrastructure and developed by the Harvard
395 University Graduate School of Design, American Public Works Association, American
396 Society of Civil Engineers and the American Council of Engineering Companies for
397 assessing sustainability and resilience in infrastructure.

398 F. "Equity" means equity as defined in K.C.C. 2.10.210.

399 G. "Equity and social justice credits" means credits awarded through the
400 Sustainable Infrastructure Scorecard for actions that identify and account for equity and
401 social justice practices and outcomes throughout the capital project development
402 lifecycle. The credits recognize project team efforts to advance process, distributional
403 and cross-generational equity.

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404 H. "Evergreen Sustainable Development Standard" means a sustainable building
405 program for affordable housing projects that receive housing trust funds, administered by
406 the Washington state Department of Commerce according to RCW 39.35D.080.

407 I. "Facility" means all or any portion of buildings, structures, infrastructure, sites,
408 complexes, equipment, utilities and conveyance lines.

409 J. "Fitwel" means a third-party green building rating system administered by the
410 Center for Active Design that provides a standard that supports health-promoting
411 strategies in the built environment.

412 K. "((g))Green building team" means a group that includes representatives from
413 county agencies with capital project or building management staff including, but not
414 limited to, the Metro transit department, the department of natural resources and parks,
415 the department of executive services, the department of local services, permitting and
416 road services divisions, the department of public health, the historic preservation program
417 and the department of community and human services. The members represent staff with
418 expertise in project management, construction management, architecture, landscape
419 architecture, environmental planning, design, engineering, historic preservation and
420 resource conservation, public health, building energy systems, building management,
421 budget analysis, equity and social justice, procurement and other skills as needed. The
422 green building team provides assistance and helps to disseminate information to project
423 managers in all county agencies.

424 ~~(((C. "Facility" means all or any portion of buildings, structures, infrastructure,~~
425 ~~sites, complexes, equipment, utilities and conveyance lines.~~

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426 ~~D.)~~ L. "Greenroads" means the third-party green building rating system
427 administered by the Greenroads International nonprofit organization to measure and
428 manage sustainability on transportation projects.

429 M. "GreenTools program" means the support team located within the solid waste
430 division of the department of natural resources and parks that provides green building
431 technical assistance to county divisions, cities and the general public within ~~((King))~~ the
432 county.

433 ~~((E.))~~ N. "Integrative ~~((design))~~ process" means an approach to project design
434 that seeks to achieve high performance on a wide variety of well-defined environmental
435 and social goals while staying within budgetary and scheduling constraints. It relies on a
436 multidisciplinary and collaborative team whose members make decisions together based
437 on a shared vision and a holistic understanding of the project. It is an iterative process
438 that follows the design through the entire project life, from predesign through operation.

439 ~~((F.))~~ O. "Leadership in Energy and Environmental Design" or "LEED" means a
440 voluntary, consensus-based national standard for developing high performance,
441 sustainable buildings, created by the United States Green Building Council.

442 ~~((G.))~~ P. "LEED-eligible building" means any new construction or major remodel
443 or renovation capital project ~~((larger than five))~~ with one thousand gross square feet or
444 more of new, remodeled or renovated floor area that is occupied or conditioned ~~((space))~~
445 and that meets the minimum program requirements for LEED certifications.

446 ~~((H.))~~ Q. "Living Building Challenge" means a voluntary green building rating
447 system administered by the International Living Future Institute. The certification
448 options are Full Living, Petal, CORE, Zero Energy and Zero Carbon.

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449 R. "Major remodel or renovation" means work that demolishes space down to the
450 shell structure and rebuilds it with new interior walls, ceilings, floor coverings and
451 systems, when the work affects more than twenty-five percent of a (~~LEED-eligible~~)
452 building's square footage and the affected space is (~~at least five~~) one thousand square
453 feet or larger.

454 (~~(F.)~~) S. "Minor remodel or renovation" means any type of remodel or renovation
455 that does not qualify as a major remodel or renovation.

456 (~~(J.)~~) T. "New construction" means a new building or structure.

457 (~~(K.)~~) "Present value" means the value on a given date of a future payment or
458 series of future payments, discounted to reflect the time value of money and other factors
459 such as investment risk.

460 ~~(L.)~~) U. "Passive House" means a voluntary passive building energy standard
461 certification program through either the PHIUS+ certification administered by Passive
462 House Institute United States or the Passive House certification administered by Passive
463 House Institute.

464 V. "Regional code collaboration" means interested jurisdictions across the Puget
465 Sound region working together to develop building, energy, fire, residential, plumbing,
466 mechanical and zoning codes supporting the advancement of green building practices.

467 W. "Retrocommissioning" (~~(is)~~) means a detailed, systematic process for
468 investigating an existing building's operations and identifying ways to improve
469 performance. The primary focus is to identify operational improvements to obtain
470 comfort and energy savings.

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471 ~~((M.))~~ X. "Salmon Safe" means a voluntary peer-reviewed certification program,
472 linking site development land management practices with the protection of agricultural
473 and urban watersheds, founded by the Stewardship Partners.

474 Y. "SITES" means a voluntary sustainability-focused framework program
475 administered by the Sustainable SITES Initiative and developed by the American Society
476 of Landscape Architects, the Lady Bird Johnson Wildflower Center and the United States
477 Botanical Garden.

478 Z. "Social justice" means social justice as defined in K.C.C. 2.10.210.

479 AA. "Strategic Climate Action Plan" means the King County Strategic Climate
480 Action Plan adopted by Motion 15866, or any subsequent Strategic Climate Action Plan
481 developed under K.C.C. chapter 18.25 and adopted by the council.

482 BB. "Sustainable development practices" are also known as green building and
483 means whole system approaches to the design, construction and operation of buildings
484 and infrastructure that help to mitigate the negative environmental, economic, health and
485 social impacts of construction, demolition, operation and renovation while maximizing
486 the facilities' positive fiscal, environmental, health and functional contribution.

487 Sustainable development practices recognize the relationship between natural and built
488 environments and seek to minimize the use of energy, water and other natural resources
489 while providing maximum benefits and contribution to service levels to the system and
490 the connecting infrastructures.

491 ~~((N. "Sustainable infrastructure" means those infrastructures and facilities that are~~
492 ~~designed, constructed and operated to optimize fiscal, environmental and functional~~
493 ~~performance for the lifecycle of the facility. Sustainable performance of infrastructure~~

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494 shall be determined through an integrated assessment, one that accounts for fiscal,
495 environmental and functional costs and benefits, over the life of the facility.

496 ~~Θ.)~~ CC. "Sustainable Infrastructure Scorecard" ~~((is))~~ means ~~a((n alternative))~~
497 green building and sustainable development rating system developed by the ~~((county))~~
498 green building team ~~((as required by K.C.C. 18.17.020.E. The Sustainable Infrastructure~~
499 ~~Scorecard was developed))~~ for capital projects that are not eligible for the LEED rating
500 system.

501 DD. "Transit-oriented development" means a capital project on King County-
502 owned property that includes the development of housing, commercial space, services, or
503 job opportunities in direct proximity to frequent public transportation and that is wholly
504 or partially planned or wholly or partially financed by the Metro transit department.

505 EE. "WELL" means a third-party green building rating system administered by
506 the International WELL Building Institute's collaboration with Green Business
507 Certification, Inc.

508 SECTION 6. Ordinance 16147, Section 3, as amended, and K.C.C. 18.17.020 are
509 each hereby repealed.

510 NEW SECTION. SECTION 7. There is hereby added to K.C.C. chapter 18.17 a
511 new section to read as follows:

512 A. The policy intent of this chapter is to ensure that the planning, design,
513 construction, remodeling, renovation, historic preservation, maintenance, operation and
514 decommissioning of any King County-owned, lease-to-own or financed capital project is
515 consistent with the latest green building and sustainable development practices.

516 B. The policy intent is to improve energy efficiency, reduce greenhouse gas

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517 emissions, advance equity and social justice, reduce waste, reduce water use, increase
518 sustainable materials use, improve sites and improve stormwater management.

519 C. This chapter applies to all King County-owned or lease-to-own capital
520 projects, excluding projects that have already completed thirty percent of the design
521 phase by the effective date of this ordinance.

522 D. This chapter also applies to certain housing projects partly or totally financed
523 by King County that are required by law to follow statewide green building standards.

524 NEW SECTION. SECTION 8. There is hereby added to K.C.C. chapter 18.17 a
525 new section to read as follows:

526 A. Capital projects shall be subject to the following applicable green building
527 standards and corresponding requirements; capital projects shall register with the
528 applicable third-party rating system and achieve the appropriate certification. Small,
529 related capital projects that are part of a program may be certified as a program rather
530 than at the individual-project level:

531 1. Affordable housing capital projects subject to RCW 39.35D.080 that receive
532 moneys from the King County Department of Community and Human Services or that
533 are part of transit-oriented development shall achieve either Evergreen Sustainable
534 Development Standard requirements or an applicable alternative green building rating
535 system certification, or both;

536 2. Buildings owned or lease-to-own by King County, excluding those to which
537 subsection A.1. of this section applies, shall achieve certification levels as follows:

538 a. New construction of a LEED-eligible building shall achieve either LEED
539 platinum certification or the Living Building Challenge certification, or both; and

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540 b. A major remodel or renovation of a LEED-eligible building shall achieve
541 either LEED gold certification or the Living Building Challenge certification, or both;
542 and

543 3. Capital projects owned or lease-to-own by King County that are not subject
544 to subsection A.1. or 2. of this section shall either achieve a platinum rating according to
545 a King County or division-specific Sustainable Infrastructure Scorecard or achieve
546 certification through an applicable alternative green building rating system, or both.

547 B. All capital projects to which subsection A. of this section applies:

548 1. Shall meet King County Surface Water Design Manual requirements,
549 regardless of jurisdiction location. If a project is located in a jurisdiction where the
550 surface water design manual standards and requirements are different than King
551 County's, the project shall implement the more stringent requirement;

552 2. Shall achieve a minimum diversion rate of eighty percent for construction and
553 demolition materials, achieve an eighty-five percent diversion rate beginning in 2025 and
554 shall achieve zero waste of resources with economic value beginning in 2030;

555 3. Shall achieve applicable King County equity and social justice credits for
556 capital projects regardless of the rating system used; and

557 4. Should use the practice of integrative process to maximize green building,
558 sustainable development, community benefit and financial investment opportunities over
559 the life of the asset.

560 C.1. For leases by a King County agency for King County operations at non-
561 King-County-owned facilities, the agency shall seek to incorporate the latest green
562 building and sustainable development practices in the county-occupied space.

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563 2. For new leases of King County-employee-occupied-space of longer than five
564 years, including lease-to-own projects, King County shall lease buildings that are
565 certified through the LEED rating system at silver level or higher, are Energy Star
566 Certified or are certified through an alternative green building rating system, but only
567 when those ratings are consistent with the operational needs of the function. Buildings
568 that do not meet these standards can be leased by the county if plans and financing are in
569 place at the time of signing that will enable the building to meet this standard within
570 twenty-four months of lease signing.

571 D. As part of the county's green building program, the county shall preserve and
572 restore the historic landmarks and properties eligible for landmark designation that are
573 owned by the county, except in cases where a certificate of appropriateness is granted by
574 the King County landmarks commission.

575 NEW SECTION. SECTION 9. There is hereby added to K.C.C. chapter 18.17 a
576 new section to read as follows:

577 A. Implementing agencies for capital projects subject to section 8.A. of this
578 ordinance shall comply with the requirements in this chapter while balancing fiscal
579 stewardship, community investment and environmental excellence over the life of the
580 asset.

581 B.1. The implementing agency for a capital project may apply to the executive or
582 designee for a waiver to some or all of this chapter if, in the agency's judgement,
583 compliance is not possible, the costs of compliance are unreasonable or the costs of
584 compliance do not generate sufficient fiscal, operational, environmental and social

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585 benefits to justify the costs. The implementing agency should apply for a waiver at or
586 before thirty-percent design.

587 2. When reviewing applications for waivers, the executive or designee may
588 consider:

589 a. the costs and benefits of full compliance over the life of the asset, including
590 environmental and equity benefits;

591 b. whether it is possible for the project to comply; and

592 c. the degree to which the project will take steps in lieu of full compliance to:

593 (1) mitigate and avoid negative environmental impacts;

594 (2) reduce greenhouse gas emissions; and

595 (3) address inequities in the distribution of resources and access to a healthy
596 build and natural environment.

597 3. If the executive or designee grants a waiver to a requirement in this chapter,
598 the executive shall transmit in the quarterly budget management report required by
599 K.C.C. 4A.100.100 a list of projects receiving the waiver, the reasons for the waiver and
600 any actions the implementing agency will take to meet the policy intent of the chapter
601 within reasonable costs.

602 C. Capital projects involving designated landmarks or properties that are eligible
603 for landmark designation shall seek to maximize green building strategies appropriate to
604 the project. However, in addition to the process described in subsection B. of this
605 section, the King County landmarks commission or King County historic preservation
606 officer may also waive some or all of the requirements of this chapter for these capital

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607 projects upon issuing findings that strict compliance would adversely affect the historic
608 character of the resource in question or there are no feasible alternatives for preservation.

609 NEW SECTION. SECTION 10. There is hereby added to K.C.C. chapter 18.17
610 a new section to read as follows:

611 A. The executive shall report on the progress of implementing this chapter as part
612 of the biennial environmental sustainability report, in accordance with K.C.C. 18.50.010.

613 The biennial environmental sustainability report shall report on the following criteria:

614 1. Percentage of King County-owned capital projects achieving a platinum
615 certification level using the LEED rating system, Sustainable Infrastructure Scorecard
616 rating system or equivalent certification level through an alternative green building rating
617 system;

618 2. Percent and tonnage of construction and demolition materials diversion from
619 landfills; and

620 3. Performance for projects with contracted utility rebates including greenhouse
621 gas emissions performance.

622 B. Except for capital projects subject to subsection C. of this section, the capital
623 project manager for each project to which this chapter applies shall report the following
624 information to the green building team; small, related projects that are certified as a
625 program may report as a program:

626 1. By January 31 following each year a project is active, an annual green
627 building report capturing sustainability and green building efforts;

628 2. At thirty-percent design phase completion:

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629 a. a Sustainable Infrastructure Scorecard, LEED or alternative green building
630 rating system checklist. The checklist shall document which rating system and
631 certification level the project is planned to achieve;

632 b. a construction and demolition material diversion plan; and

633 c. a list of the equity and social justice credits the project will pursue; and

634 3. At project completion:

635 a. an updated LEED, Sustainable Infrastructure Scorecard or alternative green
636 building rating system checklist. The checklist shall document which rating system
637 points and certification level the project actually achieved;

638 b. a construction and demolition material diversion report; and

639 c. a list of the equity and social justice credits the project implemented.

640 C. By January 31 of each year, designees from the department of community and
641 human services shall provide the green building team with the Evergreen Sustainable
642 Development Standard checklist for each housing project subject to section 8.A.1. of this
643 ordinance that was awarded funding in the previous year.

644 NEW SECTION. SECTION 11. There is hereby added to K.C.C. chapter 18.17
645 a new section to read as follows:

646 To help achieve a standard level of green building operations in existing
647 buildings, the green building team shall develop a set of both mandatory and
648 recommended green building operational guidelines for divisions to incorporate into their
649 facility operations procedures. The development shall be in coordination with divisions
650 that have capital project or building management staff and the GreenTools technical
651 support team. Each division shall identify priorities for incorporating new green

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652 operations and maintenance practices in its line of business. The guidelines shall provide
653 direction on the use of green practices in minor remodels and renovations, water and
654 energy conservation, waste reduction and recycling expectations, sustainable material
655 procurement, green cleaning standards and retrocommissioning to improve a facility's
656 operating performance. County divisions shall have flexibility to select standards most
657 applicable to their line of business, either King County's green operations and
658 maintenance guidelines handbook or an existing third-party standard.

659 NEW SECTION. SECTION 12. There is hereby added to K.C.C. chapter 18.17
660 a new section to read as follows:

661 A. The green building team shall coordinate and share information about the use
662 of sustainable development practices countywide and, with assistance from the
663 GreenTools program, develop tools and training for project managers to implement this
664 chapter. The green building team's duties include:

- 665 1. Helping to assess regionally appropriate green building and sustainable
666 development practices;
- 667 2. Developing regionally appropriate building and facility design standards and
668 guidelines;
- 669 3. Developing tools and procedures for assessing life-cycle fiscal,
670 environmental and functional costs and benefits;
- 671 4. Convening and facilitating sustainable development planning and charrette
672 workshops;
- 673 5. Evaluating performance of projects and facilities, including conducting post
674 occupancy surveys, energy and water use audits and evaluating benefits realized; and

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675 6. Tracking and reporting progress on implementation of green building and
676 sustainable development practices.

677 B. Each division with capital project, operations and maintenance, building
678 management, permitting or housing staff shall designate one or more green building team
679 member. The green building team member shall regularly attend meetings and actively
680 participate in disseminating sustainable development practices information back to the
681 respective division. Green building team members may also receive specialized training
682 in green building design and should be encouraged to achieve green building professional
683 credentials.

684 C. The green building team shall assist with formation of an interagency review
685 committee with members from permitting agencies, including the department of public
686 health, water and land resources division of the department of natural resources and
687 parks, department of local services and the green building team, to facilitate review of
688 projects that involve multiple green building systems and to facilitate approval of
689 buildings using high performance rating systems or features.

690 NEW SECTION. SECTION 13. There is hereby added to K.C.C. chapter 18.17
691 a new section to read as follows:

692 The GreenTools program shall provide technical support for the green building
693 team and to cities and the general public as appropriate. Technical support should
694 include, but not be limited to:

695 A. Training on LEED and other green building and sustainable development
696 certifications and technologies;

697 B. Research;

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698 C. Project review;

699 D. Assisting with budget analysis; and

700 E. Convening groups to develop strategies and policies relating to green
701 buildings and sustainable development practices.

702 NEW SECTION. SECTION 14. There is hereby added to K.C.C. chapter 18.17
703 a new section to read as follows:

704 To increase green building practices on a community-wide level, King County
705 shall amend King County ordinances and implement strategies that increase sustainable
706 development, awareness, certification and innovation in green building, informed by the
707 priority actions and targets of the King County Strategic Climate Action Plan. Efforts
708 shall include, but not be limited to, the following:

709 A. The department of local services, permitting division, shall develop
710 educational materials on sustainable practices and techniques for green building and site
711 development, such as the green building handbook. The educational materials shall apply
712 to new construction, additions, remodels and renovation projects in unincorporated King
713 County, and shall be developed and provided in such a way that all county residents have
714 access to the information. The permitting division shall also develop guidance materials
715 and coordinate training that informs county staff on how to review and inspect green
716 building techniques throughout the development review process;

717 B. The department of public health, the water and land resources division of the
718 department of natural resources and parks and the department of local services,
719 permitting division, shall ensure that all staff who review and inspect development
720 permits receive training in green building and high-performance rating systems, such as

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721 Built Green Emerald Star, LEED Platinum and the International Living Future Institute's
722 Living Building Challenge certifications;

723 C. The department of local services, permitting division, shall participate in the
724 regional code collaboration to develop and unify building codes throughout jurisdictions
725 in the Puget Sound region that promote green building and supports shared economic
726 growth and sustainability. The county shall promote amendments developed by the
727 regional code collaboration for inclusion in the Washington State Energy Code.

728 Amendments developed by the regional code collaboration shall be adopted, when
729 appropriate, in the county's building and construction codes, with initial emphasis on
730 minimum recycling requirements for construction and demolition projects;

731 D. The county, in partnership with other public and private entities, shall provide
732 assistance to increase the development of green affordable housing, green building
733 certifications, efficiency upgrades in existing buildings and stronger state and local
734 standards for new and existing buildings;

735 E. The department of local services, permitting division, shall research and, as
736 viable, propose additional King County zoning and building ordinances, policies,
737 incentives and programs to support the advancement of countywide green building
738 efforts; and

739 F. The procurement services section of the department of executive services
740 shall, where possible and appropriate, include green building requirements in capital
741 design and construction contracts, bid documents and technical specifications. The
742 project manager responsible for the capital project shall collaborate with procurement
743 services section staff to determine where green building requirements are possible and

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744 appropriate. As applicable, requests for proposals and qualifications should include a list
745 or description of green building rating system certification experience. Procurement
746 documents that relate to construction or capital projects shall cite this chapter.

747 SECTION 15. Ordinance 17166, Section 2, as amended, and K.C.C. 18.50.010
748 are hereby amended as follows:

749 The executive shall transmit by June 30 of every other year a progress report on
750 the county's major environmental sustainability programs intended to reduce energy use,
751 climate emissions, and resource use, and prepare for the impacts of climate change, as
752 required in subsections A., B. and C. of this section. The report shall also describe the
753 progress made throughout the region on developing of green jobs as defined in K.C.C.
754 18.25.010. In those years in which the update to the strategic climate action plan as
755 required in K.C.C. 18.25.010 is transmitted, the information required by the report shall
756 be included in the update to the strategic climate action plan. In all other years, the report
757 shall also describe the progress made throughout the region on developing of green jobs
758 as defined in K.C.C. 18.25.010. The executive shall ~~((transmit the report to council and
759 filed in the form of a paper original and an electronic copy))~~ electronically file the report
760 with the clerk of the council, who shall retain ~~((the original))~~ an electronic copy and
761 provide an electronic copy to all councilmembers, the council chief of staff and the lead
762 staff for the transportation, economy and environment committee, or its successor. The
763 report shall be structured in a way that links actual performance to established goals and
764 indicators and can inform policy choices, program priorities and investments in capital
765 projects. The report should address the following:

766 A. Greenhouse gas emissions reductions, including:

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- 767 1. Progress towards achieving the overarching greenhouse gas emissions
768 reduction targets for both county government operations and the county as a whole;
- 769 2. Progress against targets and measures and updates on the implementation of
770 strategies and priority actions in five goal areas for the strategic climate action plan:
771 transportation and land use; building and facilities energy; green building; consumption
772 and materials management, including the environmental purchasing program; and
773 forestry and agriculture; and
- 774 3. A summary of major expenses associated with the climate impacts research,
775 community-scale emissions inventories, climate change community engagement, and
776 climate change and energy efficiency partnerships with businesses and cities;
- 777 B. An update on implementation of climate preparedness strategies and priority
778 actions recommended in the current strategic climate action plan;
- 779 C. An update on the strategies and priority actions identified in the green jobs
780 strategy as required by K.C.C. 18.25.010;
- 781 D. An update on the actions taken to achieve sustainable and resilient
782 communities as required by K.C.C. 18.25.010;
- 783 E. Beginning in 2021, an update on the implementation of the jump start
784 transportation electrification strategy required in K.C.C. 18.22.010. The update shall
785 include a report on the Metro transit department's zero-emission fleet goal
786 implementation, updating the implementation report to include modified or new
787 milestones; strategies to accelerate implementation and interim milestones, strategic
788 climate action plan modelling and goals, information technology advances and reporting
789 on K.C.C. 28.94.085.B. The update shall also include any analysis completed in

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790 selecting the public charging infrastructure provided in King County-owned facilities and
791 describe how the needs of a variety of different types of electric vehicles, including light
792 electric vehicles, were considered in the analysis;

793 F. An update on ~~((F))~~the green building program, as required in ~~((K.C.C.~~
794 ~~18.17.020.M.1.))~~ section 10.A. of this ordinance; and

795 G. The program to fund city projects to reduce energy demand, as required in
796 Ordinance 18663, Section 3.

797 SECTION 15. Severability. If any provision of this ordinance or its application

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798 to any person or circumstance is held invalid, the remainder of the ordinance or the
799 application of the provision to other persons or circumstances is not affected.

Ordinance 19402 was introduced on 9/7/2021 and passed as amended by the Metropolitan King County Council on 3/1/2022, by the following vote:


Yes: 9 - Balducci, Dembowski, Dunn, Kohl-Welles, Perry, McDermott, Upthegrove, von Reichbauer and Zahilay

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

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7E1C273CE9994B6...
Claudia Balducci, Chair

ATTEST:

DocuSigned by:

8DE1BB375AD3422...
Melani Pedroza, Clerk of the Council

APPROVED this _____ day of 3/9/2022, _____.

DocuSigned by:

4FBCAB8196AE4C6...
Dow Constantine, County Executive

Attachments: None

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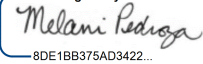
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Required hardware and software

Operating Systems:	Windows® 2000, Windows® XP, Windows Vista®; Mac OS® X
Browsers:	Final release versions of Internet Explorer® 6.0 or above (Windows only); Mozilla Firefox 2.0 or above (Windows and Mac); Safari™ 3.0 or above (Mac only)
PDF Reader:	Acrobat® or similar software may be required to view and print PDF files
Screen Resolution:	800 x 600 minimum

Enabled Security Settings:	Allow per session cookies
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