



Legislation Text

File #: 2021-0321, **Version:** 3

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

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Findings:

A. Green building and sustainable development practices support the goals of King County-adopted plans and laws, including, but not limited to, growth management, economic development, historic preservation, fiscal responsibility, environmental protection, access to public transportation, social equity, stewardship of resource lands, climate change initiatives, efficient energy and other natural resource uses, preserving fish and wildlife habitat, reducing and creating resources from wastes and protecting and improving public health.

B. King County has shown leadership in establishing climate, equity and preparedness goals through the completion of its 2020 Strategic Climate Action Plan. The plan sets commitments that advance King

County's leadership in equitable climate solutions, create opportunities for all residents, reduce climate risks and protect the natural environment for everyone who lives here today and for those who follow us. The built environment plays a significant role in greenhouse gas emissions and energy consumption. Green building has made significant contributions to reducing energy and the consumption of materials, both of which are key goal areas of the 2020 Strategic Climate Action Plan. It can also be a vehicle in practice to integrate equity and social justice opportunities, reduce water use, source sustainable materials, improve stormwater management and improve habitat restoration.

C. For many in our region, King County is a great place to live, learn, work and play. At the same time, the county has deep and persistent inequities, especially by race and place, that in many cases are getting worse and threaten our collective prosperity. King County's green building program has included equity and social justice as an important factor for successful sustainable development. It is essential to achieve a triple bottom line in sustainability by addressing equitable community access, environmental excellence and fiscal responsibility. King County has developed a menu of equity and social justice strategies that can be integrated in capital projects that also support the county's fair and just principle established in K.C.C. chapter 2.10. These strategies are applicable to all capital projects, regardless of which green building rating system is used.

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

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

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

G. Data from the United States Green Building Council show that buildings that use the LEED rating system cost on average zero to two percent more to build, but that LEED buildings have reported almost twenty percent lower maintenance costs than typical commercial buildings, and green building retrofits typically decrease operation costs by almost ten percent in one year. The Department of Energy reviewed twenty-two LEED-certified buildings managed by the General Services Administration and found that CO2 emissions were thirty-four percent lower, the buildings consumed twenty-five percent less energy and eleven percent less water and diverted more than eighty million tons of waste from landfills.

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

I. King County has shown its commitment to incorporating green building and sustainable development

practices in a variety of capital projects. The King County Sustainable Infrastructure Scorecard was created by the King County green building team and county divisions for capital projects where LEED certification is not applicable. Those capital projects include, but are not limited to, bus passenger shelters, trails, park facilities, restroom facilities, pump stations, parking garages, roads, sidewalks, bridges, flood control improvements, conveyance lines and rehabilitation of designated landmarks or properties that are eligible for landmark designation. In 2020, county departments reported close to four hundred capital projects using the Sustainable Infrastructure Scorecard.

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

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

L. Green building practices help reduce carbon, water, energy and waste. The United States Department of Energy reviewed twenty-two LEED-certified buildings managed by the General Services Administration and saw that carbon dioxide emissions were thirty-four percent lower, that twenty-five percent less energy and eleven percent less water was consumed and that more than eighty million tons of waste was diverted from landfills.

M. Green building and sustainable development practices support the King County Strategic Plan goal of a healthy environment by reducing countywide greenhouse gas emissions by fifty percent by 2030 by

requiring that capital projects be designed using green building rating systems that reduce use of energy, water, material and other resources, which in turn reduces operational and embodied greenhouse gas emissions.

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

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

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

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

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

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

1. If the county determines it to be in the best interest of the county, real property necessary to the support or expansion of an adjacent facility may be leased to the lessee of the adjacent facility for a term to

expire simultaneously with the term of the lease of the adjacent facility, but not to exceed thirty-five years;

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

3. If the property to be leased is to be used for public recreation and police training purposes, for parks and recreation purposes, for a hospital or a medical training and research facility, for a childcare facility to be improved with full or partial funding from a government-sponsored childcare bonus program, for the county's own use in accordance with a lease or leaseback arrangement entered into under K.C.C. 4.56.160.E., for major airport, industrial, office or other commercial purposes or transit-oriented development, requiring extensive improvements or by a nonprofit organization for a facility in which the nonprofit organization will provide some or all of the social and health services as listed in RCW 43.83D.120, the county may lease the property for a term equal to the estimated useful life of the improvements, but not to exceed fifty years; unless the property is leased to a public housing authority or nonprofit organization in accordance with RCW 36.34.135, in which case the term may extend to seventy-five years; and

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

B. The lessee shall not improve or alter the leased property in any manner without the prior written consent of the county, but shall, before making improvements or alterations, submit plans and designs for the improvement or alteration to the county for approval. If the plans and designs are disapproved, the improvements or alterations shall be made only with such changes as may be required by the county. Unless otherwise stipulated, all improvements or alterations erected or made on the leased property shall, on expiration or sooner termination of the lease, belong to the county without compensation to the lessee, but the county shall have the option, to be exercised on expiration or sooner termination of this lease, to require the lessee to

remove any or all of the improvements or alterations. If the lessee fails substantially to make the improvements or alterations required by the lease, the lease shall be terminated and all rentals paid shall be forfeited to the county. All green building requirements in K.C.C. chapter 18.17, except the annual reporting requirements in section 10.B of this ordinance, shall apply to all new, renewed or extended leases of county-owned property that go into effect after the effective date of this ordinance. The requirements shall be included in lease agreements managed by the department of executive services, facilities management division. The department of local services, permitting division, may review for compliance with the requirements during review of building permit applications.

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

of a majority of the arbitrators shall bind both the lessee and the county. At the conclusion of the arbitration, the arbitrators shall submit written reports to the lessee and the county. The cost of the arbitration shall be divided equally between the lessee and the county.

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

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

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

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

A.1. Any departments or agencies, except the council, with unanticipated expenditures shall submit to the executive a statement of unanticipated expenditures. The statement shall specify any request for supplemental appropriation by program, project, object of expenditure or any combination thereof. The executive shall review the requests in accordance with the department's or agency's work plan and determine whether to submit a supplemental appropriation request.

2. If during the fiscal period the executive determines that revenues will be less than the expenditure amounts included in the appropriations ordinance, the executive shall revise the expenditures of departments or agencies funded from those revenue sources to prevent the making of expenditures in excess of revenues. If the

executive determines that the fund has unrestricted reserves, the executive may use these reserves to avoid making expenditure reductions; however, the use of reserves may not reduce the fund balances below target reserve amounts. If the use of reserves exceeds five percent of the total appropriation, the council shall be notified in the quarterly management and budget report. An expenditure shall not be made from any portion of an appropriation that has been assigned to a reserve status except as provided in this section.

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

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

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

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

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

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

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

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

c. the contract implements a grant awarded to the county before the appropriation of grant funds, including appropriations that must be made in future years, if the council has received prior notice of the grant

application and if either of the following conditions are met: all of the funds to be appropriated under the contract will be from the granting agency; or all financial obligations of the county under the contract are subject to appropriation; or

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

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

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

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

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

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

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

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

F. Ongoing review of capital projects for which moneys have been appropriated shall be coordinated by the office of performance, strategy and budget or its successor. For capital projects involving more than one agency, representatives from the agencies shall consult with the office of performance, strategy and budget or its successor. The office of performance, strategy and budget shall review capital projects for compliance with scope, budget and schedule.

SECTION 4. Ordinance 620, Section 4 (part), as amended, and K.C.C. 4A.100.100 are hereby amended to read as follows:

A. The following reports shall be prepared:

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

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

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

4. Quarterly budget management reports.

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

(1) present current financial plans for operating and capital funds that have gone through the office of performance, strategy and budget((²))'s financial monitoring process, as described in the current comprehensive financial management policies adopted by council motion during the current quarter, including

actual expenditures and revenues;

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

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

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

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

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

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

(8) list all new donations to the department of public health of two thousand dollars or more, as described in K.C.C. 2.35A.200, including the name of the person making the donation, the amount of the donation, and the public health purpose for which it is intended to be expended. In any case where the donation originates from social media activity such as crowdsourcing, the list shall include the name of the person sponsoring this activity; ~~((and))~~

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

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

b. The report shall be electronically filed with the clerk of the council, who shall retain an electronic copy and provide an electronic copy to all councilmembers and the lead staff of the budget and fiscal

management committee, or its successor, no later than June 1 for the first quarterly report, September 1 for the second quarterly report, December 1 for the third quarterly report and March 1 for the fourth quarterly report. The director of performance, strategy and budget shall also be responsible for posting the report on the Internet.

B. The King County project control officer is requested to report annually on the process used to ensure that all departments and divisions adhere to King County's construction management policies and procedures, the compliance rate for following the county's construction management policies and procedures and the steps being taken to increase compliance with King County's construction management policies and procedures. Additionally, the report shall summarize all findings in regards to any changes in a contract's scope, schedule or budget. The King County project control officer shall electronically file the report by June 1 of each calendar year with the clerk of the council, who shall retain an electronic copy and provide an electronic copy to all councilmembers, the lead staff for the budget and fiscal management committee or its successor and the county auditor's office.

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

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

1. Built Green Four-Star, Built Green Five-Star or Built Green Emerald Star, or any combination thereof;
2. Envision;
3. Evergreen Sustainable Development Standard;
4. Fitwel;
5. Greenroads;

6. Living Building Challenge;

7. Passive House;

8. Salmon Safe;

9. SITES; and

10. WELL.

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

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

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

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

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

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

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

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

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

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

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

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

M. "GreenTools program" means the support team located within the solid waste division of the department of natural resources and parks that provides green building technical assistance to county divisions,

cities and the general public within ~~((King))~~ the county.

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

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

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

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

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

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

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

~~((K.))~~ "~~Present value~~" means ~~the value on a given date of a future payment or series of future payments,~~

~~discounted to reflect the time value of money and other factors such as investment risk.~~

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

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

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

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

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

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

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

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

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

~~((N. "Sustainable infrastructure" means those infrastructures and facilities that are designed, constructed and operated to optimize fiscal, environmental and functional performance for the lifecycle of the facility. Sustainable performance of infrastructure shall be determined through an integrated assessment, one that accounts for fiscal, environmental and functional costs and benefits, over the life of the facility.~~

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

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

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

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

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

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

B. The policy intent is to improve energy efficiency, reduce greenhouse gas emissions, advance equity and social justice, reduce waste, reduce water use, increase sustainable materials use, improve sites and improve stormwater management.

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

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

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

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

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

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

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

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

3. Capital projects owned or lease-to-own by King County that are not subject to subsection A.1. or 2.

of this section shall either achieve a platinum rating according to a King County or division-specific Sustainable Infrastructure Scorecard or achieve certification through an applicable alternative green building rating system, or both.

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

1. Shall meet King County Surface Water Design Manual requirements, regardless of jurisdiction location. If a project is located in a jurisdiction where the surface water design manual standards and requirements are different than King County's, the project shall implement the more stringent requirement;
2. Shall achieve a minimum diversion rate of eighty percent for construction and demolition materials, achieve an eighty-five percent diversion rate beginning in 2025 and shall achieve zero waste of resources with economic value beginning in 2030;
3. Shall achieve applicable King County equity and social justice credits for capital projects regardless of the rating system used; and
4. Should use the practice of integrative process to maximize green building, sustainable development, community benefit and financial investment opportunities over the life of the asset.

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

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

D. As part of the county's green building program, the county shall preserve and restore the historic

landmarks and properties eligible for landmark designation that are owned by the county, except in cases where a certificate of appropriateness is granted by the King County landmarks commission.

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

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

B.1. The implementing agency for a capital project may apply to the executive or designee for a waiver to some or all of this chapter if, in the agency's judgement, compliance is not possible, the costs of compliance are unreasonable or the costs of compliance do not generate sufficient fiscal, operational, environmental and social benefits to justify the costs. The implementing agency should apply for a waiver at or before thirty-percent design.

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

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

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

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

(1) mitigate and avoid negative environmental impacts;

(2) reduce greenhouse gas emissions; and

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

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

intent of the chapter within reasonable costs.

C. Capital projects involving designated landmarks or properties that are eligible for landmark designation shall seek to maximize green building strategies appropriate to the project. However, in addition to the process described in subsection B. of this section, the King County landmarks commission or King County historic preservation officer may also waive some or all of the requirements of this chapter for these capital projects upon issuing findings that strict compliance would adversely affect the historic character of the resource in question or there are no feasible alternatives for preservation.

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

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

1. Percentage of King County-owned capital projects achieving a platinum certification level using the LEED rating system, Sustainable Infrastructure Scorecard rating system or equivalent certification level through an alternative green building rating system;
2. Percent and tonnage of construction and demolition materials diversion from landfills; and
3. Performance for projects with contracted utility rebates including greenhouse gas emissions performance.

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

1. By January 31 following each year a project is active, an annual green building report capturing sustainability and green building efforts;
2. At thirty-percent design phase completion:

- a. a Sustainable Infrastructure Scorecard, LEED or alternative green building rating system checklist.

The checklist shall document which rating system and certification level the project is planned to achieve;

- b. a construction and demolition material diversion plan; and
- c. a list of the equity and social justice credits the project will pursue; and

3. At project completion:

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

- b. a construction and demolition material diversion report; and
- c. a list of the equity and social justice credits the project implemented.

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

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

To help achieve a standard level of green building operations in existing buildings, the green building team shall develop a set of both mandatory and recommended green building operational guidelines for divisions to incorporate into their facility operations procedures. The development shall be in coordination with divisions that have capital project or building management staff and the GreenTools technical support team. Each division shall identify priorities for incorporating new green operations and maintenance practices in its line of business. The guidelines shall provide direction on the use of green practices in minor remodels and renovations, water and energy conservation, waste reduction and recycling expectations, sustainable material procurement, green cleaning standards and retrocommissioning to improve a facility's operating performance. County divisions shall have flexibility to select standards most applicable to their line of

business, either King County's green operations and maintenance guidelines handbook or an existing third-party standard.

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

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

1. Helping to assess regionally appropriate green building and sustainable development practices;
2. Developing regionally appropriate building and facility design standards and guidelines;
3. Developing tools and procedures for assessing life-cycle fiscal, environmental and functional costs and benefits;
4. Convening and facilitating sustainable development planning and charrette workshops;
5. Evaluating performance of projects and facilities, including conducting post occupancy surveys, energy and water use audits and evaluating benefits realized; and
6. Tracking and reporting progress on implementation of green building and sustainable development practices.

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

C. The green building team shall assist with formation of an interagency review committee with members from permitting agencies, including the department of public health, water and land resources division of the department of natural resources and parks, department of local services and the green building

team, to facilitate review of projects that involve multiple green building systems and to facilitate approval of buildings using high performance rating systems or features.

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

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

- A. Training on LEED and other green building and sustainable development certifications and technologies;
- B. Research;
- C. Project review;
- D. Assisting with budget analysis; and
- E. Convening groups to develop strategies and policies relating to green buildings and sustainable development practices.

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

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

- A. The department of local services, permitting division, shall develop educational materials on sustainable practices and techniques for green building and site development, such as the green building handbook. The educational materials shall apply to new construction, additions, remodels and renovation projects in unincorporated King County, and shall be developed and provided in such a way that all county residents have access to the information. The permitting division shall also develop guidance materials and

coordinate training that informs county staff on how to review and inspect green building techniques throughout the development review process;

B. The department of public health, the water and land resources division of the department of natural resources and parks and the department of local services, permitting division, shall ensure that all staff who review and inspect development permits receive training in green building and high-performance rating systems, such as Built Green Emerald Star, LEED Platinum and the International Living Future Institute's Living Building Challenge certifications;

C. The department of local services, permitting division, shall participate in the regional code collaboration to develop and unify building codes throughout jurisdictions in the Puget Sound region that promote green building and supports shared economic growth and sustainability. The county shall promote amendments developed by the regional code collaboration for inclusion in the Washington State Energy Code. Amendments developed by the regional code collaboration shall be adopted, when appropriate, in the county's building and construction codes, with initial emphasis on minimum recycling requirements for construction and demolition projects;

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

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

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

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

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

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

A. Greenhouse gas emissions reductions, including:

1. Progress towards achieving the overarching greenhouse gas emissions reduction targets for both county government operations and the county as a whole;
2. Progress against targets and measures and updates on the implementation of strategies and priority actions in five goal areas for the strategic climate action plan: transportation and land use; building and

facilities energy; green building; consumption and materials management, including the environmental purchasing program; and forestry and agriculture; and

3. A summary of major expenses associated with the climate impacts research, community-scale emissions inventories, climate change community engagement, and climate change and energy efficiency partnerships with businesses and cities;

B. An update on implementation of climate preparedness strategies and priority actions recommended in the current strategic climate action plan;

C. An update on the strategies and priority actions identified in the green jobs strategy as required by K.C.C. 18.25.010;

D. An update on the actions taken to achieve sustainable and resilient communities as required by K.C.C. 18.25.010;

E. Beginning in 2021, an update on the implementation of the jump start transportation electrification strategy required in K.C.C. 18.22.010. The update shall include a report on the Metro transit department's zero-emission fleet goal implementation, updating the implementation report to include modified or new milestones; strategies to accelerate implementation and interim milestones, strategic climate action plan modelling and goals, information technology advances and reporting on K.C.C. 28.94.085.B. The update shall also include any analysis completed in selecting the public charging infrastructure provided in King County-owned facilities and describe how the needs of a variety of different types of electric vehicles, including light electric vehicles, were considered in the analysis;

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

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

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

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