

Title 18
ENVIRONMENTAL SUSTAINABILITY PROGRAMS
(formerly ENERGY MANAGEMENT)

UPDATED: December 4, 2023

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18.17.010 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

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" means capital project as defined in K.C.C. 4A.10.100.

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. "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.

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 the county.

N. "Integrative 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.

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.

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

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 building's square footage and the affected space is one thousand square feet or larger.

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

T. "New construction" means a new building or structure.

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" 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.

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.

CC. "Sustainable Infrastructure Scorecard" means a green building and

sustainable development rating system developed by the green building team 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. (Ord. 19402 § 5, 2022; Ord. 18791 § 137, 2018; Ord. 18777 § 32, 2018; Ord. 17709 § 2, 2013; Ord. 17420 § 75, 2012; Ord. 16147 § 2, 2008. Formerly K.C.C. 2.95.005).

***** **18.17.025 Policy intent - applicability.**

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 March 21, 2022.

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. (Ord. 19402 § 7, 2022).

18.17.030 Support - management - grant requirements.

A. The department of natural resources and parks shall continue the green building grant program established to provide incentives to the private sector, nonprofit organizations and suburban cities to adopt green building and sustainable development practices.

B. Grant funding shall be supported by the solid waste division, the water and land resources division and the wastewater treatment division. Other county department and divisions may also participate in the grant program. Grant funding shall be identified annually, consistent with approved funding of each division's annual budget.

C. Grant funds shall be managed by the GreenTools program in cooperation with the wastewater treatment and water and land resources divisions.

D. Green building grant funding may go to residential or commercial projects that meet a discrete set of eligibility requirements, are in the service area of the division providing the grant funding and are selected in a competitive award process. Grant projects must provide educational opportunities to the public to increase the awareness and benefits of green building and sustainable development in King County. (Ord. 16147 § 4, 2008. Formerly K.C.C. 2.95.025).

18.17.040 Lighting purchases - energy-efficient-outdoor light pollution reduction.

A. King County shall purchase the most cost-effective and energy-efficient lighting feasible and seek available financial incentives from appropriate entities, including but not limited to utilities.

B. All lighting purchases for the county for which there is a federal efficiency standard established in 10 CFR Sec. 430.32 (2009) shall meet or exceed those energy efficiency standards to the maximum extent feasible. The department director or designee

shall make the determination as to whether it is feasible to meet these standards. In making a determination concerning the feasibility of installing lighting that complies with the federal efficiency standards, the department director or designee shall consider:

1. The life-cycle cost effectiveness of the lighting
2. The compatibility of the lighting with existing equipment;
3. Whether use of the lighting could result in interference with productivity or safety, and
4. The aesthetics relating to the use of the lighting.

C. Any new outdoor lighting installed on a county facility, that has output greater than one thousand eight hundred lumens must be fully shielded, except as exempted in subsection E. of this section. For the purposes of this section, "fully shielded" means the outdoor lighting fixture is one in which all light rays are projected below a horizontal plane running through the lowest point on the fixture where light is emitted.

D. Beginning July 1, 2015, all replacement lighting with output greater than one thousand eight hundred lumens on county facilities must be fully shielded, except as exempted in subsection E. of this section.

E. An action for reducing light pollution shall not be implemented if it is determined by the department director or designee that the action will reduce lighting deemed necessary for public safety. Further, the following lighting categories are exempted from this section:

1. Temporary lighting for construction projects;
2. Temporary emergency lighting used by police, fire departments or other emergency services;
3. Hazard warning lights required by federal law and regulatory agencies;
4. Seasonal and decorative lighting displays that use multiple low wattage bulbs;
5. Navigation lights used for marine and aviation safety;
6. Historical buildings that meet the requirements of RCW 19.27.120
7. Road lighting if shielded lighting is in conflict with state or federal requirements;
8. Ball field lights, but only if the department of natural resources and parks has taken steps to minimize glare and light trespass; and
9. Exit signs, lighting for stairs and ramps. (Ord. 16769 1, 2010. Formerly K.C.C. 2.95.035).

18.17.050 Standards and requirements for capital projects, leases - county-owned historic landmarks and properties preservation and restoration.

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. (Ord. 19402 § 8, 2022).

18.17.060 Requirements for implementing agencies for capital projects, capital projects involving landmark-designation-eligible landmarks or properties.

A. Implementing agencies for capital projects subject to K.C.C. 18.17.050.A. 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. (Ord. 19402 § 9, 2022).

18.17.070 Biennial report on progress of implementing chapter - reports by capital project managers - annual provision of Evergreen Sustainable Development Standards by department of community and human services.

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 K.C.C. 18.17.050.A.1. that was awarded funding in the previous year. (Ord. 19402 § 10, 2022).

18.17.080 Operational guidelines - development by green building team. 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. (Ord. 19402 § 11, 2022).

18.17.090 Green building team duties - designation of green building team members by divisions - interagency review committee.

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. (Ord. 19402 § 12, 2022).

18.17.100 Technical support by GreenTools program. 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. (Ord. 19402 § 13, 2022).

18.17.110 Ordinances and strategies to increase sustainable development, awareness, certification and innovation in green building. 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. (Ord. 19402 § 14, 2022).

18.19 COMMERCIAL PROPERTY ASSESSED CLEAN ENERGY AND RESILIENCY FINANCING PROGRAM

Sections:

- 18.19.010 Definitions.
- 18.19.020 Program established - requirements - voluntary assessments - liens - recording - collection of payments, enforcement of delinquencies, foreclosure - compliance with chapter 36.165 RCW - appeals - reports.
- 18.19.030 Written consent from lien, mortgage, or security interest holder - written consent from affordable housing covenants, restrictions or regulatory agreements holders - fee when executive or designee acts as program administrator.
- 18.19.040 Restrictions on King County.
- 18.19.050 Members of council, executive, and county employees not personally liable.

18.19.010 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

A. "Assessment" means the voluntary agreement of a property owner to allow the county to place an annual assessment on the owner's property to repay financing.

B. "Capital provider" means any private entity or the entity's designee, successor or assign, that makes or provides financing under this chapter.

C. "C-PACER Program Guidebook" means a comprehensive document that designates the applicable region for the program and establishes guidelines, specifications and processes and contains standard application forms and other documents consistent with the administration of the program.

D. "Eligible property" means privately owned commercial, industrial or agricultural real property or multifamily residential real property with five or more dwelling units. "Eligible property" may be owned by any type of business, corporation, individual or nonprofit organization permitted by state law.

E. "Financing" means an investment from a capital provider to a property owner to finance or refinance a qualified project.

F. "Financing agreement" means the contract under which a property owner agrees to repay a capital provider for financing including, but not limited to, details of any finance charges, fees, debt servicing, accrual of interest, accrual of penalties and any terms relating to treatment of prepayment and partial payment of the financing.

G. "Fossil fuel" means fossil fuels as defined in K.C.C. 21.A.06.532C.

H. "Lien" means the lien recorded at the county on the eligible property to secure the voluntary annual assessment, which remains on the property until paid in full.

I. "Program" means a commercial property assessed clean energy and resiliency program established under this chapter.

J. "Program administrator" means the party designated by the county to administer the program.

K. "Project application" means an application submitted to the county to demonstrate that a proposed project qualifies for financing and for a lien.

L. "Qualified improvement" means a permanent improvement affixed to real property. "Qualified improvement" includes at least one of the following:

1. An energy-efficiency improvement, which means it decreases electricity consumption or demand or reduces greenhouse gas emissions through the use of

efficiency technologies, products or activities that reduce or support the reduction of electricity consumption, or that it allows for the reduction in electricity demand. Energy efficiency improvements shall not include the installation, maintenance or repair of equipment that burns fossil fuels;

2. An electrification improvement, which means it eliminates the combustion of fossil fuels through the electrification of space or water heating;

3. Electric vehicle charging infrastructure, which means it supports the electrification of the transportation sector and the reduction of greenhouse gas emissions;

4. A renewable energy improvement, which means it supports the production of a clean, renewable resource as defined in RCW 19.405.020(34), including, but not limited to a product, device or interacting group of products or devices on the customer's side of the meter that generates electricity, provides thermal energy or regulates temperature;

5. A water conservation improvement, which means it decreases water consumption or demand through the use of efficiency technologies, products or activities that reduce or support the reduction of water consumption, or allow for the reduction in demand, or reduces or eliminates lead from water that might be used for drinking or cooking through the use of technologies, products, or activities that address safe drinking water; and

6. A resilience improvement, which means it increases building or community resilience, including but not limited to seismic retrofits, flood mitigation, stormwater management, fire detection and suppression, wildfire and wind resistance, energy storage and microgrids that reduce public risk and emergency response.

M. "Qualified project" means a project approved by the program administrator, involving the installation or modification of a qualified improvement, including new construction or the adaptive reuse of eligible property with a qualified improvement. (Ord. 19360 § 2, 2021).

18.19.020 Program established - requirements - voluntary assessments - liens - recording - collection of payments, enforcement of delinquencies, foreclosure - compliance with chapter 36.165 RCW - appeals - reports.

A. The executive shall establish a commercial property assessed clean energy and resiliency program, commonly known as a C-PACER program, available in the entire jurisdiction of King County, including both unincorporated and incorporated areas. The program shall allow owners of agricultural, commercial and industrial properties and of multifamily residential properties with five or more dwelling units, to obtain low-cost, long-term financing for qualified improvements from private capital providers. Qualified projects must be located wholly within the jurisdiction of King County.

B. The executive shall establish the program substantially in the form of Attachment A to Ordinance 19449*, the King County C-PACER Program Guide.

C. The qualifying improvements will be repaid through a voluntary assessment on the property, secured by a county lien, and assigned to a capital provider for all the administrative aspects of billing, collecting, and enforcing the lien.

D. The county shall have no obligation to prosecute the foreclosure of a C-PACER lien on behalf of the capital provider, and the capital provider, by being a party to the assessment agreement, accepting an assignment of a C-PACER lien in accordance with the assignment of the notice of assessment and assessment agreement, shall be responsible for the collection payments and enforcement of any delinquencies. The capital provider may foreclose the C-PACER lien at any time after one year from the date of delinquency of an assessment payment in the same manner as a mortgage lien under chapter 61.12 RCW except that a sale of the property shall not discharge or in any manner affect the priority of the C-PACER lien with respect to installments not yet due and payable at the time of sale, and no deficiency judgment may be sought by the capital provider with

respect to any unpaid assessment at the time of sale. The participation of the county sheriff in any such a foreclosure action shall not be deemed a violation of or inconsistent with RCW 36.165.110 and K.C.C. 18.19.040.

E. In accordance with RCW 36.165.030, the program must begin accepting applications and approving applications no later than six months after December 10, 2021.

F. In accordance with RCW 36.165.050, the executive or designee shall record each lien in the real property records of the county. The recording must include:

1. The legal description of the eligible property;
2. The assessor's parcel number of the property;
3. The grantor's name, which must be the same as the property owner on the assessment agreement;
4. The grantee's name, which must be King County;
5. The date on which the lien was created;
6. The principal amount of the lien;
7. The terms and length of the lien; and
8. A copy of the voluntary assessment agreement between the county and the property owner.

G. The executive shall also record the assignment of the lien from the county to the appropriate capital provider.

H. The executive shall ensure that the program complies with chapter 36.165 RCW.

I. Denial of an application may be appealed to the office of the hearing examiner by filing an appeal with the hearing examiner. K.C.C. 20.22.080.B. through G. shall govern the appeal process. The examiner shall issue a final decision in accordance with K.C.C. 20.22.040. The examiner may adopt reasonable rules or regulations for conducting its business. The executive or designee shall make the rules freely accessible to the public. The fee for filing an appeal under this subsection shall be the same as required by K.C.C. 4A.780.010. The fee shall be paid at the time the appeal statement is delivered and is not refundable.

J.1. The executive shall provide a report two years after beginning to accept applications, and every two years following. The report shall include:

- a. the number of project applications received and processed;
- b. the total value of project applications received and processed; and
- c. the estimated energy and water savings and renewable energy deployed from projects, and the number of resiliency measures financed.

2. The executive should electronically file the report required by this section with the clerk of the council, who shall retain an electronic copy and provide an electronic copy to all councilmembers. (Ord. 19449 § 2, 2022; Ord. 19360 § 3, 2021).

***Available in the King County Archives.**

18.19.030 Written consent from lien, mortgage, or security interest holder - written consent from affordable housing covenants, restrictions or regulatory agreements holders - fee when executive or designee acts as program administrator.

A. Before a capital provider may enter into a financing agreement to provide financing of a qualified project to the owner of record of any eligible property, the capital provider must receive written consent from any holder of a lien, mortgage, or security interest in the real property that the property may participate in the program and that the lien will take precedence over all other liens except for a lien for taxes as described in RCW 36.165.060.

B. Before a capital provider may enter into a financing agreement to provide financing of a qualified project to the owner of record of any multifamily residential real property with five or more dwelling units, the program administrator must also receive written consent from any and all holders of affordable housing covenants, restrictions or regulatory agreements in the real property that the property may participate in the program and that the lien will take precedence over all other liens except for a lien for taxes as described in RCW 36.165.060.

C. The executive or designee may impose a fee equal to one percent of the total cost of the qualified project or fifteen thousand dollars, whichever is less, when acting as the program administrator. (Ord. 19360 § 4, 2021).

18.19.040 Restrictions on King County. King County, in conjunction with the program, may not:

A. Make the issuance of a permit, license, or other authorization from the county to a person who owns property in the region contingent on the person entering into a written contract to repay the financing of a qualified project under chapter 36.165 RCW;

B. Compel a person who owns property in the region to enter into a written contract to repay the financing of a qualified project under chapter 36.165 RCW; or

C. Enforce any privately financed debt by a capital provider under this chapter or use public moneys to support or repay any loan between a capital provider and property owner. (Ord. 19360 § 5, 2021).

18.19.050 Members of council, executive, and county employees not personally liable. The members of the council, the executive, and county employees are not personally liable as a result of exercising any rights or responsibilities conveyed by chapter 36.165 RCW and this chapter. (Ord. 19360 § 6, 2021).

18.20 SUSTAINABLE PURCHASE POLICY **(Formerly ENVIRONMENTALLY PREFERABLE PRODUCT PROCUREMENT POLICY)**

Sections:

18.20.010	Purpose.
18.20.015	Definitions.
18.20.020	Policies.
18.20.025	Evaluation of independent third-party standards – establishment of minimum standards.
18.20.070	Responsibilities of departments.
18.20.080	Solid waste division responsibilities.
18.20.090	Procurement and payables section responsibilities.
18.20.100	Exemptions.

18.20.010 Purpose. The purpose of this chapter is to ensure that King County agencies purchase sustainable goods and services whenever they meet the price and performance requirements of the county and advance the goals and priority actions of the King County Strategic Climate Action Plan, Green Building Ordinance and Equity and Social Justice Strategic Plan. (Ord. 19540 § 14, 2022: Ord. 18750 § 1, 2018: Ord. 14811 § 26, 2003: Ord. 9240 § 1, 1989. Formerly K.C.C. 10.16.010).

18.20.015 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

A. "Federal guidance" means the United States Environmental Protection

Agency's comprehensive purchasing guidelines authorized by Congress under section 6002 of the Resource Conservation and Recovery Act, 42 U.S.C. 6962, as amended, and guidelines for performance standards and ecolabels.

B. "Social cost of carbon" means expected economic costs created from net changes in agricultural productivity, human health, property damage from increased flood risk, and the value of ecosystem services caused by carbon emissions and climate change.

C. "Sustainable goods and services" for the purposes of this chapter, "goods" shall have the same meaning as "intangible personal property" as defined in K.C.C. chapter 2.93, such that "goods" include materials, products, supplies, or equipment supplied by a contractor and "services" shall have the same meanings as "services," "technical services" and "professional services" as defined in K.C.C. chapter 2.93, such that "services" include labor, work, analysis, or similar activities supplied by a contractor to accomplish a specific scope of work. To be "sustainable," the good or service must also provide environmental, social, and economic benefits while protecting public health and environment over the entire life cycle of the good or service, from the extraction of raw materials through final disposal.

D. "Sustainable purchasing" means procuring sustainable goods and services in a manner that integrate fiscal responsibility, social equity and community and environmental stewardship.

E. "Total life-cycle cost" means the comprehensive accounting of the total cost of ownership, including initial costs, energy and operational costs, longevity and efficacy of service, and disposal costs. (Ord. 18750 § 2, 2018).

18.20.020 Policies.

A. In accordance with this chapter, departments shall purchase sustainable goods and services whenever they meet price, performance and availability requirements.

B. Departments shall implement sustainable purchasing by including in their procurement planning process, for all goods and services purchased in accordance with K.C.C. chapter 2.93, consideration of the factors and strategies in subsections C. through F. of this section as either performance or responsibility criteria and adherence with subsection G. of this section.

C. Environmental factors to be considered when purchasing goods and services include, but are not limited to:

1. Recycled content;
2. Pollutant releases;
3. Toxicity, especially the use of persistent, bioaccumulative and toxic chemicals;
4. Waste generation;
5. Greenhouse gas emissions, which also factors in the location and transportation of goods;
6. Energy and water consumption;
7. Depletion or degradation of natural resources;
8. Impacts on biodiversity and habitat;
9. Social cost of carbon and
10. Use of local businesses.

D. Social equity factors to be considered when purchasing goods and services include, but are not limited to:

1. Human health impacts;
 2. Fair wage, also known as living wage, in accordance with K.C.C. chapter 3.18;
- and
3. Use of small contractors and suppliers, in accordance with K.C.C. chapter 2.97.

E. Fiscal factors to be considered when purchasing goods and services include, but are not limited to:

1. Use reduction;
2. Product or material performance, quality, durability and repairability;
3. Life-cycle cost assessment; lowest total life-cycle cost;
4. Leveraging buying power;
5. Impact on county staff time and labor; and
6. Long-term financial or other market changes.

F. Departments shall promote and encourage strategies to reduce consumption, thus lessening the impact on landfills, resource depletion, impact on human health and greenhouse gas emissions. The strategies may include, but are not limited to:

1. Procuring goods delivered in minimal packaging;
2. Reducing the procurement of goods that contain and perpetuate the use of toxics;
3. Procuring goods that are durable, long-lasting, reusable, recyclable, repairable, remanufactured or refurbished or that otherwise create less waste; and
4. Any one or more of manufacturer, vendor and municipal take-back programs.

G. In those contracts for which a department utilized sustainable purchasing, the county shall require its selected goods or services contractor or consultant to use sustainable goods and services and minimize waste whenever practicable in the fulfillment of the contract. (Ord. 18750 § 3, 2018; Ord. 15912 § 29, 2007; Ord. 14811 § 27, 2003; Ord. 9240 § 2, 1989. Formerly K.C.C. 10.16.020).

18.20.025 Evaluation of independent third-party standards – establishment of minimum standards.

A. Departments are required to evaluate the use of independent, third-party environmental good or service label standards when applicable when writing specifications for or procuring goods or services, to ensure that they are sustainable, so long as the labels:

1. Were developed and awarded by an impartial third-party;
2. Were developed in a public, transparent, and broad stakeholder process; and
3. Satisfy the standards for certification developed by the International Organization of Standards or other recognized standards-setting or accreditation organizations.

B. The procurement and payables section of the finance and business operations division, in consultation with departments, shall establish minimum environmental standards for goods and services in accordance with Strategic Climate Action Plan goals, measures and targets, federal guidance, third-party certified environmental standards and best practices. (Ord. 18750 § 4, 2018).

18.20.070 Responsibilities of departments. All departments are responsible for:

A. Assigning appropriate personnel to evaluate opportunities for buying sustainable goods and services reflected in federal guidance or communicated by the procurement and payables section of the finance and business operations division through its sustainable purchasing implementation guidance document, other tools and training for departments;

B. Purchasing sustainable goods and services whenever practicable and as required or recommended by the sustainable purchasing implementation guidance document;

C. Working with the procurement and payables section of the finance and business operations division to set appropriate environmental standards and certifications for various goods categories, conducting sustainable purchasing training, including encouraging employee attendance at internal and external trainings related to sustainable purchasing;

D. Ensuring internal policies and procedures provide for the implementation of this chapter;

E. Encouraging pilot testing for sustainable goods and services; and

F. Ensuring contractors and consultants use and supply sustainable goods and services and minimize waste whenever practicable. (Ord. 18750 § 6, 2018: Ord. 17074 § 3, 2011: Ord. 15912 § 32, 2007: Ord. 14811 § 32, 2003: Ord. 9240 § 16, 1989. Formerly K.C.C. 10.16.160).

18.20.080 Solid waste division responsibilities. The solid waste division is responsible for:

A. Providing information and technical assistance to external agencies, such as local governments, schools, colleges and other public and private organizations to increase their purchase of sustainable goods and services; and

B. Assisting the procurement and payables section of the finance and business operations division in fulfilling its responsibilities under this chapter as related to recycled materials and products, waste reduction, green building, toxics reduction and recycling. (Ord. 18750 § 7, 2018: Ord. 17166 § 12, 2011: Ord. 17074 § 4, 2011: Ord. 15912 § 33, 2007: Ord. 9240 § 17, 1989. Formerly K.C.C. 10.16.170).

18.20.090 Procurement and payables section responsibilities. The procurement and payables section of the finance and business operations division is responsible for:

A. Assigning appropriate personnel to fulfill the requirements of this policy;

B. Assisting agencies in developing sustainable purchasing specifications and integrating these requirements into contracting practices;

C. Developing and maintaining an implementation guidance document, training and other tools to assist agencies in specifying and buying sustainable goods and services;

D. Researching opportunities for procurement of sustainable goods and services by communicating these to appropriate county departments for evaluation and purchase through the implementation guidance document, website and training;

E. Establishing minimum environmental standards for goods and services and setting priorities in accordance with Strategic Climate Action Plan goals, measures and targets, state and federal guidance, third-party certified environmental standards and best practices;

F. Providing education and training to agencies to support implementation of this chapter; and

G. Collecting purchase data, preparing information and providing staff support as necessary for the preparation of the report required in K.C.C. 18.50.010. (Ord. 18750 § 8, 2018: Ord. 17166 § 14, 2011: Ord. 17085 § 4, 2011: Ord. 14811 § 35, 2003: Ord. 9240 § 18, 1989. Formerly K.C.C. 10.16.180).

18.20.100 Exemptions. Nothing in this chapter shall be construed as requiring a department or contractor to procure products that do not perform adequately for their intended end use or are not available at a reasonable price in a reasonable period of time. (Ord. 9240 § 19, 1989. Formerly K.C.C. 10.16.190).

18.22 ELECTRIC VEHICLES FOR COUNTY

Sections:

18.22.010 Electric vehicles – duties of departments and divisions – evaluation – implementation – duties, reports and encouraged actions.

18.22.010 Electric vehicles – duties of departments and divisions – evaluation – implementation – duties, reports and encouraged actions.

A. The executive shall implement a "jump start" vehicle electrification strategy that seeks to accelerate the adoption of electric vehicles by the Metro transit department, by other county agencies and by residents. The strategy shall include goals and actions across county agencies. The following King County vehicle electrification goals are established:

1. A one-hundred-percent zero-emission revenue bus fleet by 2035;
2. A sixty-seven-percent zero-emission ADA paratransit fleet by 2030;
3. A one-hundred-percent zero-emission rideshare fleet by 2030;
4. Installation of one hundred twenty-five chargers at King County-owned park and rides by 2030;
5. Fifty percent of light-duty vehicles are transitioned to electric by 2025 and one hundred percent by 2030;
6. Fifty percent of medium-duty vehicles are transitioned to electric by 2028 and one hundred percent by 2033;
7. Fifty percent of heavy-duty vehicles are transitioned to electric vehicles by 2038 and one hundred percent by 2043; and
8. Installation of one hundred fifty chargers by 2030 in county facilities.

B. The department of executive services shall:

1. Require that all new light-duty vehicles purchased are electric, unless the customer agency can demonstrate that there are no feasible alternatives that meet business needs and support delivery of county services;
2. To accelerate the electrification of the county fleet, the department of executive services shall develop an electric vehicle infrastructure analysis and implementation plan for King County facilities that supports the fleet electrification goals in subsection A.5. through 7 of this section. The study shall outline the necessary infrastructure development, financial investment, financing options, policy changes and technical resources needed to support accelerated vehicle electrification. The electric vehicle infrastructure plan shall be developed in consultation with Puget Sound Energy and Seattle City Light. The executive must file the plan by September 14, 2020, in the form of a paper original and an electronic copy with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers, the council chief of staff and the lead staff for the mobility and environment committee or its successor; and
3. Work with county agencies managing medium- and heavy-duty vehicles to seek grant funding and collaborate with utilities and manufacturers to pilot use of medium and heavy-duty electric vehicles in support of achieving electrification of fifty percent of the medium-duty fleet by 2028 and fifty percent of the heavy-duty fleet by 2038.

C. The parks and recreation division shall increase the number of electric vehicle chargers at King County-operated parks with the goal of siting electric vehicle chargers at King County-operated parks to support electrification of county fleet vehicles and increase public access in areas with limited access to electric vehicle chargers.

D. When evaluating public charging infrastructure needs, the executive shall consider the charging infrastructure required for a range of electric vehicles, including light electric vehicles, such as electric bikes, scooters or other battery-powered vehicles, used for transporting people from one place to another. The executive shall monitor trends in electric vehicle adoption and develop consistent policies and practices for public electric charging at King County facilities.

E. The executive shall implement this section and K.C.C. 18.50.010 consistent with Ordinance 16804, Section 3, relating to the development and use of electric vehicle charging stations at King County facilities and consistent with K.C.C. 4A.700.700.

F.1. To support the goals in subsections A. through E. of this section, King County,

including the Metro transit department and the department of executive services shall engage with stakeholders, such as the King County climate and equity community taskforce. Stakeholder engagement will support efforts of local jurisdictions, regional governments, employers, charging infrastructure companies, utilities and environmental and climate justice groups accelerate the adoption of electric vehicles while ensuring the equitable distribution of benefits of electric vehicles and promoting equitable access to mobility that prioritizes shared mobility solutions. King County will also participate in regional forums to support and continue to advocate for funding and enabling legislation.

2. The executive shall transmit a report on options to require, incentivize or otherwise ensure electric vehicle charging infrastructure in new multifamily construction and other development proposals that include expansion of parking areas in the unincorporated area and an ordinance that would establish requirements to ensure that new parking areas are designed to include some amount of electric vehicle charging infrastructure to account for increased use of electric vehicles in the future. The report and ordinance shall be developed in consultation with stakeholder groups, including representatives of the building and electric vehicle industries and utilities. The executive must transmit the report and recommendations by September 14, 2020, in the form of a paper original and an electronic copy with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers, the council chief of staff and the lead staff for the local services committee or its successor.

3. The executive shall transmit to the council revisions to the King County Code that facilitate the electrification of county fleets.

4. The executive shall partner with utilities and community organizations on a pilot program to facilitate access to electric vehicles and electric vehicle infrastructure, including shared mobility services, by low-income residents of King County.

5. The executive shall develop policies to encourage the adoption of electric vehicles by transportation network companies.

6. The executive shall work with cities within King County to share best practices and policies for encouraging the adoption of electric vehicles for their fleet and by residents.

7. The executive is encouraged to submit appropriations to the county council that will allow for installation of charging infrastructure for public use where legally permissible at park and locations, county parks with reasonable access to electricity and other county facilities used by the public. The executive, in coordination with utilities, is also encouraged to submit appropriations to the county council that also include incentive programs, to support the installation of at-home charging infrastructure in single and multifamily homes, including affordable housing projects where the department of community and human services has investment, with priority for funding given to providing charging infrastructure to low-income households. (Ord. 19052 § 2, 2020).

18.25 STRATEGIC CLIMATE ACTION PLAN

Sections:

18.25.010 Strategic climate action plan – development – updates - reports.

18.25.010 Strategic climate action plan – development – updates – reports.

A.1. The county developed a strategic climate action plan in 2012 to establish long-term targets and guide actions within county services and operations to reduce greenhouse gas emissions and adapt to a changing climate. In accordance with this chapter, the executive updates the strategic climate action plan. Each update to the strategic climate action plan shall be developed with an environmental justice framework in partnership with those communities disproportionately impacted by climate change and in a manner

consistent with Ordinance 16948, which establishes the county's fair and just principle. The strategic climate action plan shall include the following:

a. the identification of specific goals, strategies, measures, targets and priority actions for county services and operations to reduce emissions consistent with the countywide goal of reducing greenhouse gas emissions twenty-five percent by 2020, fifty percent by 2030 and eighty percent by 2050, compared to a 2007 baseline. The strategic climate action plan should address five goal areas for reducing greenhouse gas emissions: transportation and land use; building and facilities energy; green building; consumption and materials management, including the environmental purchasing program; and forestry and agriculture. Each goal area shall address environmental justice and ensure that the strategies promote an equitable distribution of any environmental benefit. The strategic climate action plan should establish explicit and, whenever possible, quantifiable connections between the overarching climate goals and specific strategies and actions;

b.(1) a green jobs strategy. For purposes of this subsection A., a "green job" means one that generates an income large enough to support a household in King County and provides a benefit to the environment. The intent of the green jobs strategy is to encourage the development of green jobs along the career spectrum.

(2) the green jobs strategy shall be developed in consultation with members of the King County climate and equity community taskforce identified in subsection A.1.b.(2)(f) of this section, labor and workforce development organizations directed in subsection A.7. of this section, and representatives of an environmental justice and climate equity organization, education, business, building managers, utilities, scientists with knowledge of the latest research on strategies to reduce emissions, tribes, local governments and regional groups such as the King County-Cities Climate Collaboration and the Puget Sound Regional Council, and shall include:

(a) specific actions King County and its partners can take to increase the number of green jobs and apprenticeships throughout the region, including jobs in energy efficiency, renewable energy, green vehicles and carbon sequestration, and King County administrative, executive, policy and technical jobs;

(b) a proposal for and budget to develop a green job pipeline that focuses especially on communities that have historically been underserved, and is informed by recommendations of the climate and equity community task force;

(c) identification of the industry sectors and job types with high-demand green jobs in King County;

(d) actions King County can take to develop the green energy skills of King County's own workforce, such as collaboration on development of apprenticeship and pre-apprenticeship programs in sectors including energy efficiency, electrification, electric vehicle maintenance, the maintenance of electric vehicle infrastructure and carbon sequestration technologies; and

(e) an initial green jobs strategy in the 2020 Strategic Climate Action Plan update, with findings and recommendations along with recommended next steps for refining the green jobs strategy as part of plan implementation, biennial budgets and future plan updates; and

(f) a community-driven strategy to achieve sustainable and resilient communities. In order to achieve a community driven strategy, the executive shall convene and partner with the King County climate and equity community task force to develop the sustainable and resilient community strategy. The King County climate and equity community task force shall be a racially and ethnically diverse group representing various communities in King County that are on the frontline of climate change. The task force shall develop goals and guide priority areas for climate action based on community values and concerns. The sustainable and resilient community strategy shall:

i. identify how climate change will impact communities of color, low-income

communities and those disproportionately impacted by climate change;

ii. identify opportunities to take actions to address those impacts that could include increasing the number of affordable housing units, developing pathways to green jobs, preventing neighborhood displacement, increasing access to green spaces, providing access to zero emissions mobility options, improving food security, reducing pollution and addressing health disparities; and

iii. based on assessment of climate impacts and extreme weather events like heat waves on vulnerable communities, make recommendations for preparedness strategies and actions to include in county emergency response plans, the flood hazard management plan and the regional hazard mitigation plan;

c. the current assessment of climate change impacts in King County and identification of goals, strategies, measures, targets and priority actions within county services and county operations to address climate change impacts. Each goal and strategy shall address environmental justice and ensure that the strategies promote an equitable distribution of any environmental benefit;

d. performance measures and related targets for both operational emissions and implementation of priority strategies, including the green job strategy, that advance the strategic climate action plan and provide for assessment of progress relative to overarching climate goals at the community scale; and

e. an assessment of cost effectiveness for key county services and operations building on the pilot cost effectiveness assessment in the 2015 strategic climate action plan update.

2. Consistent with the county's strategic planning cycle, updates will occur at least every five years, unless more frequent updates are needed to respond to changing information about emissions sources, performance relative to targets, new technologies, or a changing regulatory context. The executive shall transmit updates to the strategic climate action plan to the council for adoption by motion.

3. In developing future updates to the strategic climate action plan, the executive shall continue to review climate change-related plans being developed by other municipalities, including the city of Seattle's climate action plan, and identify opportunities and strengthen recommendations for partnership with cities, businesses and nonprofit organizations to advance actions to reduce greenhouse gas emissions and prepare for climate change impacts.

4. The council recognizes that science related to climate change and successful climate solutions is evolving, and each update to the strategic climate action plan should build upon and refine the strategies, activities and performance targets in accordance with best available science, practices and progress toward emissions reductions targets.

5. Future updates shall include the requirements of subsection A.1. of this section.

6. Progress in achieving strategic climate action plan performance measure targets and accomplishment of priority actions identified in subsection A.1. of this section, as well as findings outlining recommendations for changes in policies, priorities and capital investments, shall be reported and transmitted to council biennially. The progress report shall be included as part of the report required in K.C.C. 18.50.010.

7. The executive shall convene a strategic climate action plan labor advisory council or seek input from county labor and workforce development organizations, including the Martin Luther King, Jr. County Labor Council of Washington, the Seattle Building and Construction Trades Council and the Workforce Development Council of Seattle-King County, on recommendations for policies, programs and partnerships to strengthen pathways to local green jobs and to provide guidance on each update.

B. Future updates to climate-related objectives and strategies should be informed by the strategic climate action plan.

C. The executive must transmit the legislation and reports required to be submitted by this section in the form of a paper original and an electronic copy with the clerk of the council, who shall retain the original 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. (Ord. 19540 § 15, 2022: Ord. 19041 § 1, 2019: Ord. 18392 § 1, 2016: Ord. 17270 § 2, 2012).

18.30 COMPOST PROCUREMENT AND USE

Sections:

- 18.30.010 Definition - "compost."
- 18.30.020 Consideration and planning for use of compost - exceptions - prioritization of certain companies - annual reports to solid waste division.
- 18.30.030 Solid waste division responsibilities - technical assistance, educational outreach, reporting of organic material diverted.
- 18.30.040 Solid waste division responsibilities - biennial report to Washington state Department of Ecology.
- 18.30.050 Business operations division responsibilities - collaboration with departments - assist solid waste division's reporting.

18.30.010 Definition - "compost." For the purposes of this chapter, unless the context clearly requires otherwise, "compost" means a product created with "composted material" as defined in RCW 70A.205.015(3). "Compost" includes, but is not limited to, one hundred percent finished compost or blends that include compost as a primary ingredient. Mulch is "compost" if it contains a minimum of sixty percent composted material. Bark is not "compost." (Ord. 19552 § 2, 2022)

18.30.020 Consideration and planning for use of compost - exceptions - prioritization of certain companies - annual reports to solid waste division.

A. Before issuance of a solicitation for bids or proposals in accordance with K.C.C. chapter 2.93, departments shall consider whether compost can be utilized in a county project as required in RCW 43.19A.120. In the event that a department identifies that compost can be utilized, that department shall purchase compost for use in the county project.

B. Departments shall plan for the use of compost in any of the following categories that are applicable to the departments' operations and project types:

1. Landscaping projects;
2. Construction and postconstruction soil amendments;
3. Applications to prevent erosion, filter stormwater runoff, promote vegetative growth, or improve the stability and longevity of roadways in accordance with K.C.C. Title 9; and
4. Low-impact development and green infrastructure either to filter pollutants or to keep water onsite, or both, in accordance with K.C.C. Title 9.

C. Notwithstanding subsections A. and B. of this section, departments are not required to use compost products if:

1. Compost products are not available within a reasonable time or distance from the project;
2. Compost products that are available do not comply with existing purchasing standards;
3. Compost products that are available do not comply with federal, state or local health, quality and safety standards; or
4. Compost purchase prices are not reasonable or competitive.

D. Departments shall give priority to purchasing compost products from companies that:

1. Produce compost products locally;
2. Are certified by the US Composting Council or an equivalent nationally recognized organization; and
3. Produce compost products that are derived from municipal solid waste compost programs and meet quality standards comparable to standards adopted by the Washington state Department of Transportation or adopted by rule by the Washington state Department of Ecology.

E. Departments that use compost shall report the following information to the solid waste division by each December 15:

1. The volume and cost of compost purchased by the department in that year; and
 2. The source or sources of the compost purchased by the department in that year.
- (Ord. 19552 § 3, 2022)

18.30.030 Solid waste division responsibilities - technical assistance, educational outreach, reporting of organic material diverted. The solid waste division is responsible for:

- A. Providing technical assistance and education regarding the use of compost to King County departments and staff;
- B. Conducting educational outreach to inform residents and businesses about the value of compost and how King County uses compost in its operations each year; and
- C. Reporting the total estimated tons of organic material diverted from the King County waste stream because of compost use under this chapter. (Ord. 19552 § 4, 2022)

18.30.040 Solid waste division responsibilities - technical assistance, educational outreach, reporting of organic material diverted. The solid waste division is responsible for compiling and submitting the report required by RCW 43.19A.150 to the Washington state Department of Ecology by December 31, 2024, and each December 31 of even-numbered years thereafter, with the following information:

- A. The total tons of organic material diverted from the King County waste stream throughout the year;
- B. The volume and cost of compost purchased in that reporting period by the county; and
- C. The source or sources of the compost purchased by the county under this chapter in that reporting period. (Ord. 19552 § 5, 2022)

18.30.050 Business operations division responsibilities - collaboration with departments - assist solid waste division's reporting. The finance and business operations division is responsible for:

- A. Collaborating with departments to utilize specifications for compost products in the use of sourcing and executing contracts for compost products; and
- B. Assisting the solid waste division in annual reporting by providing information about compost contracts. (Ord. 19552 § 6, 2022)

18.35 FOREST CARBON PROGRAM

Sections:

- | | |
|-----------|--|
| 18.35.010 | Definitions. |
| 18.35.020 | Program requirements - reporting. |
| 18.35.030 | Exception for council authorization of individual sales or transfers of carbon credits - requirements. |

18.35.010 Definitions.

A. "Additional" means a carbon project creates greenhouse gas reductions or removals over and above those that would have arisen in the absence of a given activity and does not result from actions required by law or regulation.

B. "Carbon credit" means the reduction, avoidance, or sequestration of one metric ton of carbon dioxide equivalent.

C.1. "Carbon project" means a set of actions, measures, and outcomes specified in the applied protocol or methodology that results in additional greenhouse gas reductions or removals. Carbon projects are limited to the following:

a. Projects in the forestry sector, such as avoided forest conversion, improved forest management, afforestation, or reforestation;

b. Projects in the agricultural sector, such as avoided grassland conversion or improved agricultural land management;

c. Other projects that reduce or remove greenhouse gas emissions using elements of the natural environment, such as the preservation, enhancement, or improved management of wetlands, grasslands, or other terrestrial or aquatic ecosystems.

2. "Carbon project" does not include projects that reduce or remove greenhouse gas emissions associated with waste management processes, through artificial carbon capture and storage technologies, or through shifts to renewable energy or different fuel sources.

D. "Forest carbon program" means the program administered within the water and land resources division of the department of natural resources and parks that manages the processes by which carbon credits are created, verified, held, and sold or transferred.

E. "Protocol or methodology" means a specific set of criteria and procedures used to create a specific type of carbon project, quantify greenhouse gas emission reductions or removals, and monitor the project.

F. "Retirement" or "retire" means the permanent removal of an issued carbon credit from circulation. Once a carbon credit is retired, it can no longer be sold or transferred.

G. "Verified carbon credits" are those carbon credits that have undergone an independent third-party assessment of greenhouse gas emission reductions or removals that have occurred as a result of the carbon project. (Ord. 19671 § 2, 2023).

18.35.020 Program requirements - reporting.

A. The forest carbon program shall create verified carbon credits through development of one or more carbon projects. Each carbon project shall follow the selected carbon crediting program or greenhouse gas registry's established protocol or methodology.

B. The department of natural resources and parks shall establish and maintain a system for tracking carbon credits that clearly shows the quantity and date of carbon credits issued to a carbon project and any sale, transfer, or retirement of carbon credits, including the name and contact information of the recipient or recipients of the carbon credits.

C.1. At the start of each verification of carbon credits, and before the sale or transfer of carbon credits from the carbon project, the executive shall transmit to the council a forest carbon credit approval report and a proposed motion approving the report. The report shall provide details on the carbon project, including but not limited to:

a. its location;

b. the type of project as described in K.C.C. 18.35.020..C.1.;

c. the protocol or methodology used to verify the carbon credits; and

d. the number of verified credits created.

2. The report may include information on multiple carbon projects.

3. The executive shall electronically file the report and the proposed motion required by this section with the clerk of the council. The clerk shall retain 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.

4. Carbon credits from projects described in the report shall not be sold or transferred until a motion accepting a report is passed.

D. The department of natural resources and parks, subject to the requirements of this chapter and K.C.C. 4.56.250, may sell or otherwise transfer carbon credits to any public or private party through the forest carbon program. Sales or transfers may be done directly with the buyer or recipient, or may occur through an intermediary, such as a broker or retailer.

E. Any credits that are sold or transferred externally shall not be used to meet the county's operational targets or commitments.

F. The department of natural resources and parks shall establish prices for carbon credits. Factors used to set the price may include, but shall not be limited to:

1. Local, state, national, or international carbon credit prices;
2. Demand for carbon credits;
3. The cost to create the carbon credits; and
4. Willingness to pay among potential buyers of the carbon credits.

G. The executive shall transmit by December 31, 2025, and every two years thereafter, a forest carbon credit sales summary report. The report shall provide information on carbon credits sold or transferred in the previous two years, including but not limited to:

1. The total revenue gained from carbon credit sales in the two-year period;
2. For each carbon project, the number of carbon credits sold or transferred, as well as the number of unsold carbon credits remaining;
3. Information on each carbon credit sale or transfer, including:
 - a. all of the project-specific information listed in subsection C.1. of this section;
 - b. the purchaser;
 - c. the purchase price per carbon credit;
 - d. the documentation of the factors used by the department of natural resources and parks to establish the sale price;
 - e. the number of credits sold; and
 - f. whether the sale or transfer agreement was subject to council approval, or was executed under one of the exceptions in K.C.C. 18.35.030;
4. A breakdown of the percentage of carbon credit revenues that have been used in each of the three authorized expenditure categories in K.C.C. 4A.200.455.E.4.; and
5. If known, the specific projects or programs that carbon credit revenues have funded. (Ord. 19671 § 3, 2023).

18.35.030 Exception for council authorization of individual sales or transfers of carbon credits - requirements. After the council has passed a motion approving a forest carbon credit approval report in accordance with K.C.C. 18.35.040.C., council authorization of individual sales or transfers of carbon credits included on an approved carbon credit approval report is not required if:

A. The sale or transfer is executed using an agreement approved by the council; or
B. The sale or transfer is executed using an agreement provided by an intermediary or a buyer and meets the following minimum requirements:

1. The sale price of the carbon credits reflects fair market value, as established and documented by department of natural resources and parks at the time of sale and using the pricing factors in K.C.C. 18.35.040.F.;
2. The agreement requires that the department of natural resources and parks has final approval of the specific entity to which carbon credits are being sold or transferred; and

3. In advance of execution, the agreement has been approved as to form by the prosecuting attorney's office. (Ord. 19671 § 4, 2023).

18.50 REPORTING

Sections:

18.50.010 Biennial report.

18.50.010 Biennial report. 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 electronically file the report with the clerk of the council, who shall retain 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 the green building program, as required in K.C.C. 18.17.070.A.;
and

G. The program to fund city projects to reduce energy demand, as required in Ordinance 18663, Section 3. (Ord. 19402 § 15, 2022: Ord. 19052 § 3, 2020: Ord. 19041 § 2, 2019: Ord. 18663 § 4, 2018: Ord. 18392 § 2, 2016: Ord. 17270 § 3, 2012: Ord. 17166 § 2, 2011).'