

DRAFT KING COUNTY SEPA CLIMATE CHANGE ORDINANCE

4/30/2008

1 Section 1. Findings.

2 A. Climate change in the Pacific Northwest is projected to result in increased average
3 annual temperatures, significantly increased summer temperatures, increased winter precipitation
4 falling as rain, significant decreases in mountain snowpack, more intense precipitation events,
5 sea-level rise, and changes in the timing and magnitude of stream flows.

6 B. Climate change impacts are expected to increase flood and erosion hazards, affect
7 water supplies for drinking water, salmon, hydropower and irrigation, increase wildfire risks,
8 exacerbate public health risks from respiratory problems due to increased smog and
9 temperatures, and negatively affect the diversity and abundance of wildlife and their habitats.

10 C. In 2007 the United Nations' Intergovernmental Panel on Climate Change found that
11 "warming of the climate system is unequivocal... and most of the observed increase in global
12 average temperatures since the mid-20th century is very likely due to the observed increase in
13 anthropogenic (*human-caused*) greenhouse gas concentrations (*primarily carbon dioxide*)".

14 D. There is a growing scientific consensus that global temperature increases of more
15 than two degrees Celsius above pre-industrial levels would lead to devastating impacts.

16 E. Findings from the United Nations' Intergovernmental Panel on Climate Change
17 indicate that limiting temperature increase to two degrees Celsius will require the stabilization of
18 atmospheric carbon dioxide concentrations to between four hundred fifty and four hundred
19 seventy-five parts per million.

20 F. Leading scientists have projected that stabilization of atmospheric carbon dioxide
21 emissions to avoid temperature increases greater than two degrees Celsius will require a

22 reduction of greenhouse gas emissions to approximately eighty percent below current levels by
23 the year 2050.

24 G. In October 2006 the council adopted Motion 12362 relating to county efforts to
25 reduce greenhouse gas emissions and prepare for climate change impacts. Motion 12362 and
26 Executive Orders PUT 7-5 through 7-8 called for development of a King County Climate
27 Change Mitigation and Preparedness Plan. The executive transmitted the 2007 King County
28 Climate Plan in February of 2007 and the 2007 King County Climate Report in February 2008.

29 H. Motion 12362 and Executive Order PUT 7-8 direct the county to review and update
30 policies related to air quality, climate and land use to reduce greenhouse gas emissions and to
31 address the impacts of climate change,.

32 I. The King County Climate Plan and Climate Report and the Executive Proposed King
33 County Comprehensive Plan 2008 Update include policy goals of reducing King County's
34 greenhouse gas emissions and collaborating with local governments in the region to reduce
35 overall emissions to eighty percent below 2007 levels by the year 2050. Specific actions include:

- 36 1. continued implementation of "Smart Growth" policies to focus new urban
37 development within urban growth areas and along transit corridors,
- 38 2. proposed updates to transportation policies and regulations supporting walkable
39 communities,
- 40 3. continued development of energy co-generation projects at the Cedar Hills landfill and
41 wastewater treatment plants,
- 42 4. increasing use of hybrid vehicles and alternative fuels,
- 43 5. proposed changes in regulations extending and expanding the use of green building
44 standards in county-owned buildings and facilities, and

45 6. public outreach and education.

46 J. The United States Supreme Court in Massachusetts v. EPA determined that the federal
47 clean air act applies to greenhouse gas emissions and that the federal environmental protection
48 agency has authority to regulate greenhouse gas emissions as a pollutant under the federal clean
49 air act.

50 K. The Washington State Environmental Policy Act (SEPA), RCW Chapter 43.21C,
51 includes the prevention or elimination of damage to the environment and the biosphere as one of
52 its purposes. SEPA requires proponents of major actions that will have a probable, significant
53 impact on the environment to prepare an environmental impact statement that analyzes those
54 probable adverse impacts that are significant.

55 L. Washington State Department of Ecology rules require proponents of major actions
56 subject to SEPA to complete a checklist that address the impact of the proposal on the
57 environment. The SEPA checklist specifically includes a requirement to analyze the impacts of
58 emissions of the proposal on air quality, including climate.

59 M. The King County Executive has promulgated Executive Order PUT 7-10 that
60 requires King County, when it is the lead agency under SEPA, to require the project proponent to
61 disclose the greenhouse gas emissions resulting from the proposal. Greenhouse gas emissions
62 associated with development come from multiple sources including the extraction, processing,
63 transportation, construction and disposal of building materials, landscape disturbance, and
64 energy and transportation demands created by the development after it is completed.

65 N. The Executive Proposed King County Comprehensive Plan 2008 Update includes a
66 policy that allows King County to exercise its substantive authority under SEPA to condition or
67 deny actions based on their greenhouse gas emissions.

68 O. In December 2007, Washington's Departments of Ecology and Community, Trade
69 and Economic Development, in conjunction with the Center for Climate Strategies, released
70 official greenhouse gas emissions estimates for 1990 through 2020. Under a "business as usual"
71 scenario that assumes no change in public policies or citizen behavior, but includes expected
72 growth in population, employment, business activity, and the built environment, these
73 projections forecast statewide emissions through 2020.

74 P. The Washington State Legislature in 2008 passed and the governor enacted into law
75 House Bill 2815 which establishes statewide targets for greenhouse gas reductions. These
76 targets are to reduce annual greenhouse emissions to 1990 levels in 2020, to twenty-five percent
77 below 1990 levels in 2035, and to do its part to reach global climate stabilization by reducing
78 emissions to fifty percent below 1990 levels in 2050. King County's goal is consistent with the
79 State goal: to do its part to help achieve global climate stabilization by mid century.

80 Q. Washington's forecasted average greenhouse gas emissions for 2010 and 2011 are
81 one hundred and four million metric tons of carbon dioxide equivalent (MMTCO₂e).
82 Washington's estimated greenhouse gas emissions for 1990 are estimated to be fifteen percent
83 below the forecasted average emissions for 2010 and 2011.

84 R. Most structures and developments constructed in 2010 and 2011 will still be in use in
85 2020 and will be contributing to greenhouse gas emissions through energy and transportation
86 related emissions. Requiring these new developments to reduce greenhouse gas emissions by
87 fifteen percent below average emissions in 2010 and 2011 will ensure that these new
88 developments are equitably contributing towards achieving King County's and Washington
89 State's climate stabilization goals.

90 S. In addition to reducing greenhouse gas emissions, the incorporation of green and
91 sustainable practices into the design, construction and operation of development projects reduces
92 other types of pollution, reduces the use of natural resources, reduces energy and other operating
93 costs, enhances asset value, optimizes performance and creates healthier and more appealing
94 environments for building occupants. In general, strategies that reduce greenhouse gas emissions
95 are also good for the occupants, including situating housing near transit, and making the
96 communities more walkable.

97 T. The burden of reducing greenhouse gas emissions cannot be placed solely on new
98 development. All sectors of the economy and types of development activity will need to take
99 action to reduce emissions in accordance with the state goal while at the same time
100 accommodating projected population and employment growth.

101 U. In developing requirements and procedures for SEPA review and mitigation of
102 greenhouse gas emissions, King County should strive to minimize the burden on applicants by
103 providing technical assistance as available and relying on existing programs that have
104 demonstrated greenhouse gas mitigation benefits.

105 V. King County should apply the principles of impact avoidance, sometimes referred to
106 as mitigation sequencing, to reducing greenhouse gas emissions to ensure that preference is
107 given first to measures that will avoid emissions, then to measures that will reduce emissions,
108 and only then to measures that compensate for emissions through off-sets or similar provisions.

109 NEW SECTION. Section 2. A new section is hereby added to K.C.C. chapter 20.44 to
110 read as follows:

111 A. An action, as defined under the state environmental policy act, shall be deemed by
112 King County to not have a significant, adverse impact on the environment with respect to

113 greenhouse gas emissions and climate if the proponent demonstrates to satisfaction of the
114 department of development and environmental services that the action will result in greenhouse
115 gas emissions that are at least fifteen percent below the average emissions that category of
116 development is estimated to generate under a business as usual scenario.

117 B. The estimates of average greenhouse gas emissions and greenhouse gas emission
118 reductions required by subsection A of this section shall be made using King County approved
119 methodology.

120 C. The department shall consider the location of a proposed action as a contributing or
121 mitigating factor in greenhouse gas emissions after the average emissions for the action are
122 estimated.

123 NEW SECTION. Section 3. A new section is hereby added to K.C.C. chapter 20.44 to
124 read as follows:

125 In order to achieve the fifteen percent reduction in greenhouse gas emissions set forth in
126 subsection 2.A, of this ordinance, the proponent of an action shall incorporate into the proposed
127 action quantifiable measures to reduce greenhouse gas emissions. Measures that the proponent
128 of an action may consider include, but are not limited to:

129 A. Construction measures that will result in reduced energy consumption, such as
130 compliance with Built Green™ standards of the Master Builders Association of King and
131 Snohomish Counties or the United States Green Building Council's LEED® Green Building
132 Rating System, use of efficient lighting and lighting control systems and use of efficient heating
133 and cooling systems;

134 B. Measures in the construction process that result in lower greenhouse gas emissions,
135 such as the use of low or no-emission construction vehicles, steel and concrete using

136 manufacturing process that result in lower greenhouse gas emissions, reuse and recycling of
137 building materials and demolition waste;

138 C. Incorporation of renewable energy measures, such as building location and design and
139 use of solar and wind power systems;

140 D. Building in urban areas at higher densities and in mixed-use development and
141 implementing measures designed to reduce total vehicle miles traveled, such as transit oriented
142 developments, bicycle paths and pedestrian walkways, grid road system layout, promotion of
143 ride-sharing and other transportation demand management strategies that reduce vehicle miles
144 traveled and locating near commercial and retail centers;

145 E. Inclusion of water conservation and efficiency measures, such as water-efficient
146 irrigation systems and devices, water efficient building designs, including reuse of greywater,
147 and use of water-efficient fixtures and appliances;

148 F. Protection of open space, agricultural or forest lands;

149 G. The use of greenhouse gas emissions offsets; and

150 H. The purchase of development rights from rural properties that are transferred to urban
151 properties pursuant to the provisions of K.C.C. Chapter 21A.37 that results in a reduction of
152 vehicle miles traveled.

153 NEW SECTION. Section 4. A new section is hereby added to K.C.C. chapter 20.44 to
154 read as follows:

155 A. The department of development and environmental services, by public rule, shall:

156 1. Adopt standards for evaluating and quantifying greenhouse gas emissions for actions
157 governed by section 2 of this ordinance and the greenhouse gas emission reductions that result
158 from measures proposed by applicants to reduce greenhouse gas emissions;

159 2. Identify measures to be included on a green list that when implemented under
160 specified conditions have been determined by the department to meet the requirement of
161 subsection section 2.A of this ordinance; and

162 3. Standards for when and how offsets may be purchased and applied to meet the
163 requirements of section 2.A of this ordinance. At a minimum, the standards shall require the
164 consideration of opportunities to avoid or reduce greenhouse emissions before the consideration
165 of offsets.

166 B. The department shall assist proponents of actions governed by section 2 of this
167 ordinance. The assistance should include forms and software that enable proponents of actions
168 to estimate greenhouse gas emissions and the reduction in emissions that result from
169 implementing measures identified by the department under A.2 of this section.

170 NEW SECTION. Section 5. A new section is hereby added to K.C.C. chapter 20.20 to
171 read as follows:

172 King County may provide incentives for applicants who propose projects that meet green
173 building or low impact development standards. The incentives may include, but are not limited
174 to, free technical assistance, cost sharing and fee discounts, permit processing assistance and
175 priority processing for development proposals that are estimated to achieve at least a thirty
176 percent reduction in greenhouse gas emissions over a business as usual development.

177 NEW SECTION. Section 6. The department of development and environmental services
178 in consultation with the department of natural resources and parks shall report to the county
179 council not later than March 31, 2011 on the requirements of this ordinance. The report shall
180 include:

181 A. By project type, the number, number of dwellings units, square footage, disturbance
182 area, and other relevant factors, estimated average greenhouse gas emissions, measures selected
183 to reduce greenhouse gas emissions, and estimated reductions in greenhouse gas emissions that
184 resulted from the measures selected; and

185 B. A comparison of the greenhouse gas reductions achieved by activities subject to
186 section 2 of this ordinance with greenhouse gas reductions achieved by other segments of the
187 economy in King County, the success of King County in achieving the goal of reducing
188 greenhouse gas emissions in the region to 1990 levels by 2020, and any recommendations for
189 changes in the target established in subsection 2.A of this ordinance.

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