



Ordinance No. 190023

Effective Date: August 10, 2020

Date Amended: January 9, 2024

ADMINISTRATIVE RULE

Green Building Certifications List for Low-Carbon Buildings Amendment 1

SUMMARY: The Green Building Certifications List for Low-Carbon Buildings administrative rule specifies the certifications that can be applied for to implement Portland Zoning Code section 33.510.244 Low-Carbon Buildings. The intent of the rule is to encourage property owners and builders to utilize low carbon features in their developments. **Amendment 1 adds ICC-700 National Green Building Standard (NGBS) to the list of approved green building certifications. This amendment is adopted pursuant to 3.B.2 and takes effect immediately, without prior notice, because failure to act would result in serious prejudice. Specifically, any delay would have unnecessary burden on a fully affordable housing development with 60 new units at 60% mfi.**

AUTHORITY: Adopt the Central City 2035 Plan; amend the Comprehensive Plan, Comprehensive Plan Map, Transportation System Plan, Willamette Greenway Plan, Scenic Resources Protection Plan, Zoning Map, and Title 33; authorize adoption of administrative rules; repeal and replace prior Central City plans and documents. (Ordinance; re-adopt Ordinance No. 189000; amend Title 33)

1/9/2024

Donnie Oliveira, Director
Bureau of Planning and Sustainability

Date



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1.0 SCOPE, PURPOSE AND BACKGROUND

These Administrative Rules describe the standards and expectations for a Low Carbon Building as authorized in the Central City Plan District, Chapter 33.510.244 Low-Carbon Buildings.

Buildings are the largest source of carbon emissions in the City of Portland. Constructing and operating buildings consumes natural resources, generates waste and releases pollutants that can harm people and the environment.

Green building certifications reduce the harmful impacts of development by encouraging higher than average performance than buildings constructed to meet code minimums. The code does not require full certification because state law restricts local jurisdictions' ability to require performance that goes beyond the state building code.

2.0 SUBSTANTIVE REQUIREMENTS

New buildings with a net building area of at least 50,000 square feet, and alterations to existing development that increase net building area by at least 50,000 square feet in Central City, must register for at least one of the following APPROVED GREEN BUILDING CERTIFICATIONS with the intent to certify at the corresponding level described below:

- A. The US Green Building Council's *Leadership in Energy and Environmental Design*™ (LEED) at the "Gold" level.
- B. Earth Advantage's *Small Commercial or Earth Advantage Multifamily* at the "Gold" level.
- C. Green Building Initiative's *Green Globes* at the "4 Globes" level.
- D. The Institute for Living Future's *Living Building Challenge* at the "Certified" level.
- E. **ICC-700 National Green Building Standard (NGBS) at the "Gold" level.**

3.0 PROCESS REQUIREMENTS

3.A Submittals

The project applicant must mail via US Postal Service, deliver in person or send an email with the subject line "Low Carbon Buildings - (*insert building address*)," a copy of the official registration documentation by one of the APPROVED GREEN BUILDING CERTIFICATIONS and a written account or check sheet describing the credits that the project intends to pursue to achieve the selected certification to:

Bureau of Planning and Sustainability
c/o Central City Team
1900 SW 4th Avenue, 7100
Portland, OR 97201
Or email: bps@portlandoregon.gov

Within ten (10) business days of receipt, BPS will provide the project applicant with a letter documenting its approval of the submittal that can accompany the permit application to the Bureau of Development Services, or a letter stating what additional steps are needed to receive BPS approval.

3.B Amendments to the *Green Building Certifications List for Low-Carbon Buildings*

The Bureau of Planning and Sustainability (BPS) is the bureau in charge of amending the *Green Building Certifications List for Low-Carbon Buildings* Administrative Rule. The BPS Director, or their delegate, signs the amended administrative rule. BPS will follow the process laid out in this standard operative procedure.

1. BPS will send notice to organizations and community members who provided testimony on adoption of the CC2035 low carbon buildings standard; provided comments on the *Green Building Certifications List for Low-Carbon Buildings* Administrative Rule adoption or past amendments; or whom have requested notice. (BPS will maintain the notice list.) Notice will also be posted on the City's website announcing the public review period.

The public review and comment period will be no less than fifteen business days. Comments will be directed to the BPS director, or their delegate. If staff recommend substantive revisions based on comments, notice of the revised amendments will be sent to organizations or community members, posted to a local newspaper and posted on the BPS website. The public review and comment period on the revised amendments will be no less than fifteen business days. Once the public review and comment period is closed, BPS staff will provide a final recommendation to the BPS director or their designee.

2. Notwithstanding paragraph 1 of this section, an interim rule may be adopted by the Director without prior notice upon a finding that failure to act promptly will result in serious prejudice to the public interest or the interest of the affected parties, including the specific reasons for such prejudice. Any rule adopted pursuant to this paragraph shall be effective for a period of no longer than one year (365 days). Within five business days of the adoption of an interim rule, BPS staff shall send notice of the rule change and invite comments by email from the BPS list of parties interested in Central City 2035.