

40.200.090 SUSTAINABLE COMMUNITIES PILOT PROGRAM

A. Purpose.

The purpose of this section is to establish a pilot program for sustainable development projects. The goal of the program is to encourage the development of buildings and communities that incorporate benchmarks of the Living Building Challenge by allowing departures from code requirements that might otherwise discourage or prevent such buildings from being built.

B. Applicability.

1. Eligible projects. Within urban areas, residential, commercial and mixed use projects with a legal lot of record are eligible to apply. Within rural areas, only residential projects with a legal lot of record are eligible.
2. Enrollment period. The enrollment period for projects undertaken pursuant to this section is limited to five years (5) from the effective date of this ordinance or when six (6) projects have successfully qualified, whichever comes first.

C. Definitions.

For purposes of this section, the following definitions shall apply:

<u>Living Building Challenge</u>	<u>The Living Building Challenge is a performance-based rating system developed by the International Living Building Institute to recognize developments that achieve an advanced level of sustainability. Version 2.0 of the Living Building Challenge, published April 2010 which is adopted and incorporated herein, has twenty (20) required imperatives related to site, water, energy, health, materials, equity and beauty. Projects are certified as "Living Buildings" if they prove they are meeting all of the program requirements after twelve (12) months of continued operations and full occupancy.</u>
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D. Development Standards.

1. Minimum standards. Projects built pursuant to this section meet a minimum of 12 imperatives of the Living Building Challenge including the following:
 - a. Imperative 05 Water modified as total building water usage, subtracting harvested rainwater, is twenty-five percent (25%) or less of the average water usage for a comparable building not in the Pilot Program, based on Clark Public Utility estimates or other baseline approved by the responsible official that would provide a comparable estimate; and
 - b. Imperative 06 Ecological Water Flow

- c. Imperative 07 Energy modified as total building energy usage, subtracting energy generated on site, is twenty-five percent (25%) or less of the average energy usage for a comparable building not in the Pilot Program, based on the Energy Information Administration's 2003 Commercial Buildings Energy Use Survey, Energy Information Administration's 2005 Residential Energy Consumption Survey, or other baseline approved by the responsible official that would provide a comparable estimate;
- d. Imperative 20 Inspiration + Education
- 2. Components of the project that are included in order to comply with the minimum standards of this program shall remain for five (5) years from project completion.

E. Approval Process.

- 1. In order to qualify for the Sustainable Communities Pilot Program, the applicant shall submit a building permit that is consistent with all conditions of the land use permit process. The applicant shall also submit a plan demonstrating how their project meets the requirements of this section, including an overall design concept, proposed energy balance, proposed water balance, and descriptions of innovative systems. In addition, an applicant shall include a description of how the project serves as a model for testing code improvements to stimulate and encourage Living Buildings in the county.
- 2. Departures from the requirements of this title for Pilot Program projects may be allowed if the applicant demonstrates that the departure would not adversely affect the public health, safety or welfare, and that the departure would result in a development that better meets the goals of the Living Building Challenge or the sustainability benchmarks in Section 40.200.090(D)(1). In making recommendations for departures, the responsible official shall consider the extent to which the anticipated environmental performance of the building would be substantially compromised without the departures.

Specifically, departures from the following code sections may be applicable:

<u>24.17.010(2)</u>	<u>Onsite Septic Systems</u>
<u>40.210.020 (D)</u>	<u>Rural Cluster Development</u>
<u>40.220.020-3</u>	<u>Minimum Setbacks</u>
<u>40.340.010-4</u>	<u>Minimum Required Parking</u>
<u>40.340.010(4)(a)</u>	<u>Location of Parking Facilities</u>
<u>40.350.030(4)(b)(2)</u>	<u>Driveways</u>
<u>40.350.030(B)(12)(b)</u>	<u>Turnaround Design</u>
<u>40.370.010(C)</u>	<u>Connection to Public Sewer</u>
<u>40.370.010(C)(1)– 3)</u>	<u>Sewer Waiver Requirements</u>
<u>40.370.020(C)(2)</u>	<u>Connection to Public Water</u>
<u>40.370.020(C)(2)(a)</u>	<u>Conditions Required for Not Connecting to</u>

<u>– (2)(c)</u>	<u>Water</u>
<u>40.385.020</u>	<u>Standards – Stormwater Control</u>

3. An eligible project shall qualify for the Pilot Program upon determination by the responsible official that a complete application has been submitted that meets the requirements in Section 40.200.090(E).
4. No later than two (2) years after issuance of a final Certificate of Occupancy for the project, or such later date as may be allowed by the responsible official for good cause, the owner shall meet with the responsible official to demonstrate how the project has met the standards in Section 40.200.090(D)(1).
5. Additional requirements may be established by the responsible official to qualify for incentives.

14.05.100 Sustainable Communities Pilot Program

Applicable provisions of this title shall be applied to the Sustainable Communities Pilot Program outlined in Section 40.200.090.

15.12.060 Sustainable Communities Pilot Program

Applicable provisions of this title shall be applied to the Sustainable Communities Pilot Program outlined in Section 40.200.090.

24.17.310 Sustainable Communities Pilot Program

Applicable provisions of this title shall be applied to the Sustainable Communities Pilot Program outlined in Section 40.200.090.