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# FORMING AN ECODISTRICT

**CHALLENGES AND OPPORTUNITIES**

JILL R. LONG, LANE POWELL PC

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# Forming an ECODistrict

## Challenges and opportunities

JILL R. LONG

The movement behind ECODistricts is gaining momentum. Around the country and, most notably, in the Pacific Northwest, civic leaders, sustainability experts and leading-edge property developers are exploring the concept of ECODistricts. ECODistricts take the most successful elements of sustainable practices in the environmental, social and economic fields, and combine them into a single neighborhood to achieve a new level of sustainability.

Often referring to these ideas as the “triple bottom line,” pioneers in this field call for accountability in these new eco-friendly neighborhoods by measuring a reduction in the impact on the environment, the return for the local economy and social returns.

Inherent in the ECODistrict conversation is the question of what type of legal framework will work best to unite multiple property

owners and create an ECODistrict. Although ECODistricts have been considered in a variety of settings, from existing residential neighborhoods to new-construction commercial developments, it is clear there will probably be multiple property owners involved who must decide how they will govern themselves and change human

behavior within the ECODistrict boundaries to meet the triple bottom line.

### GOVERNANCE

In an existing residential community, a group of like-minded neighbors may decide they want to form an ECODistrict. The Portland + Oregon Sustainability Institute (“POSI”) is planning for just that scenario. At POSI, local stakeholders are volunteering their time to create guidance documents on forming an ECODistrict that will be made available to any group of neighbors interested in forming one. The documents will contemplate a number of questions, including how a group of neighbors will govern themselves if they choose to form an ECODistrict.

Not unlike a neighborhood association, neighbors forming an ECODistrict will probably meet regularly, vote on issues and lead the neighborhood as

a whole. However, unlike a neighborhood association (that in most states is authorized by state statute), an ECODistrict may have to organize on its own and create a structure out of the available legal framework.

Early on, an ECODistrict will face the question of how it wants to govern itself. Will it be a nonprofit corporation, a limited liability

company or a cooperative corporation? The best legal framework will likely depend on each group’s existing circumstances and purpose. For example, a group that wants to add dedicated green streets and a community compost program will need a different legal framework than a group that has greater aspirations to install a district heating and cooling system. Regardless of the end goal, the legal framework should be flexible. It must recognize that not all neighbors may wish to join an ECODistrict and that the goals of an ECODistrict may change over time.

### CHANGING HUMAN BEHAVIOR

Commercial building owners who desire to reduce the environmental impact of their property are often faced with the challenge of how to encourage certain types of human behavior. For instance, a building owner may start an initiative to reduce energy consumption during off-hours by encouraging building tenants to turn off all computers and lights in the evening. But, how does the building owner ensure that each individual tenant will do so?

Even individuals with the best intentions can easily forget a simple task such as turning off the lights. Although each ECODistrict will create its own goals and ways to measure the triple bottom line, clearly all measures of the triple bottom line will include some amount of human behavior.

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**The environmental success of an ECODistrict will be dependent on changes in behavior.**

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For example, the environmental success of an ECODistrict will be dependent on changes in behavior. Simple human choices such as when to walk versus drive to the grocery store will change the environmental impact of a neighborhood. Further, the success of the social bottom line will depend almost entirely on human behavior. Will a group of neighbors choose to use the neighborhood park as a gathering place to foster community, or will they remain stuck in older routines?

The proponents of ECODistricts deeply believe that human behavior can be changed. With the right mix of social, economic and environmental opportunities, the ECODistrict will provide the optimal situation for this change.

*Long last wrote about ECODistricts in our August 2009 issue.*



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## ECODistrict

### LEED-ND (Neighborhood Development)

Green construction and technology promotes energy- and water-efficient building with smaller "ecological footprints" that are also healthier places to live. The LEED Green Building Rating System requires buildings to be more efficient in their use of resources, but also limits the exposure to volatile organic compounds (VOCs) from carpets, paints and adhesives. Long-term goals for the district include monitoring and measurement systems that facilitate the development of a carbon-neutral neighborhood. Images courtesy of GBD Architects.



VIEW OF 5TH AVENUE / STATE STREET



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