

AGENDA ITEM SUMMARY

DATE: 1/23/2012

DEPARTMENT: Legal

DEPT. HEAD SIGNATURE: \_\_\_\_\_

SUBJECT:

Park Ordinance Amendment

**AUTHORITY:**  ID Code \_\_\_\_\_  IAR \_\_\_\_\_  City Ordinance/Code \_\_\_\_\_  
(IF APPLICABLE)

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

I have been asked by Mayor Haemmerle to draft an ordinance which would prohibit the use, consumption and possession of tobacco, alcohol, wine and beer at city parks which are heavily used by minors. The attached ordinance would prohibit the use and possession of tobacco, and the consumption and possession of liquor, beer and wine by any person, regardless of age, at Jimmy's Garden and the Skate Park. The definitions of Tobacco Product, Liquor, Beer and Wine are based on definitions found in the Idaho Code.

Ned

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS

Case # \_\_\_\_\_  
Budget Line Item # \_\_\_\_\_ YTD Line Item Balance \$ \_\_\_\_\_  
Estimated Hours Spent to Date: \_\_\_\_\_ Estimated Completion Date: \_\_\_\_\_  
Staff Contact: \_\_\_\_\_ Phone # \_\_\_\_\_  
Comments: \_\_\_\_\_

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IF APPLICABLE)

____ City Attorney	____ Clerk / Finance Director	____ Engineer	____ Building
____ Library	____ Planning	____ Fire Dept.	_____
____ Safety Committee	____ P & Z Commission	____ Police	_____
____ Streets	____ Public Works, Parks	____ Mayor	_____

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

Discuss this proposed ordinance. If acceptable, with or without revisions, a public hearing at a later date will consider the proposed ordinance.

FOLLOW-UP REMARKS:

1/23/2012 - Council indicated they would like to review this ordinance in a Public Hearing format. Forward from NB to PH on February 6, 2012. Same documents.

HAILEY ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, BY AMENDING SECTION 12.12.010 OF THE HAILEY MUNICIPAL CODE, TO ADD DEFINITIONS FOR BEER, JIMMY'S GARDEN, LIQUOR, TOBACCO PRODUCT AND WINE; AMENDING SECTION 12.12.060 OF THE HAILEY MUNICIPAL CODE TO PROHIBIT SMOKING, CHEWING OR INGESTION OF TOBACCO AT THE SKATE PARK FACILITY AND JIMMY'S GARDEN; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

WHEREAS, the Mayor and the City Council of the City of Hailey have adopted Chapter 12.12 of the Hailey Municipal Code to regulate the use of City Parks and Trails; and

WHEREAS, in order to promote the health, safety and welfare of minors at parks frequently used by minors, the Mayor and the City Council of the City of Hailey desire to prohibit smoking, chewing and ingestion of tobacco products, and the consumption or possession of liquor, beer and wine by any person, regardless of age, at the Skate Park Facility and Jimmy's Garden.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HAILEY, IDAHO, AS FOLLOWS:**

**Section 1.** Section 12.12.010 of the Hailey Municipal Code is hereby amended by the addition of underlined language and by the deletion of the stricken language as follows:

12.12.010 Definitions. For purposes of this Chapter 12.12, the following words and phrases shall apply as defined herein:

"Beer" shall mean any beverage obtained by the alcoholic fermentation of an infusion or decoction of barley, malt and/or other ingredients in drinkable water.

"City Parks" shall mean those parcels of land that are owned or managed by the City of Hailey and are held for public use or as open or green space, including, but not limited to city parks and hillside parcels.

"City Trails" shall mean those parcels of land that are owned or managed by the City of Hailey and are held for non-motorized public use as trails and rights-of-way.

"First Come, First Served Basis" shall mean that procedure whereby requests for parks use permits received first during the calendar year shall have priority over applications received later. All park use permit applications received during the same business day shall be considered to have been received at the same time.

"In-Line Skates" shall mean footwear containing three or more axles mounted in a straight line extending generally from or behind the heel of the footwear to or in front of the toe of the footwear with a single wheel attached to each axle.

“Jimmy’s Garden” shall mean that City Park located adjacent to the intersection of Croy Street and Second Avenue, Hailey, Idaho.

“Liquor” shall mean (a) alcohol which means the product of distillation of any fermented liquor, rectified once or more than once, whatever may be the origin thereof, or synthetic ethyl alcohol; (b) spirits which means any beverage containing alcohol obtained by distillation mixed with drinkable water and other substances in solution, including, among other things, brandy, rum, whiskey and gin; and (c) any liquid or solid, patented or not, containing alcohol, spirits, and susceptible of being consumed by a human being, for beverage purposes, and containing more than four percent (4%) of alcohol by weight.

“Organized Private Event” shall mean a planned private event involving use of one of the City Parks in a manner which will preclude the use of that park, or a portion thereof, by persons other than those participating in such planned event. An Organized Private Event is generally by invitation only and not taking place as a fundraiser.

“Organized Public Event” shall mean a planned public event involving use of one of City Parks in a manner which will preclude the use of that park, or a portion thereof, by persons other than those participating in such planned event. An Organized Public Event is generally open to the general public and/or is taking place as a fundraiser.

“Railroad Right-of-Way” shall mean that certain real property lying within the legal city limits of the city, legally described in attached Exhibit “A.”

“Roller Skates” shall mean footwear containing two axles with two wheels attached to each axle.

“Skate Park Facility” shall mean that City Park located adjacent to the intersection of Airport Way and Highway 75, Hailey, Idaho, and used for Skateboarding, Roller Skating and In-Line Skating.

“Skateboard” shall mean a short board-like object that has two axles attached to the bottom of the board-like object with two wheels attached to each axle and the user rides or stands upon the board-like object.

“Tobacco Product” shall mean any substance that contains tobacco including, but not limited to, cigarettes, cigars, pipes, snuff, smoking tobacco, tobacco papers, or smokeless tobacco.

“Wine” shall mean any alcoholic beverage containing not more than sixteen percent (16%) alcohol by volume obtained by the fermentation of the natural sugar content of fruits or other agricultural products containing sugar whether or not other ingredients are added, and those beverages that are designated or labeled, pursuant to the federal alcohol administration act, as “sherry,” “madeira” or “port,” which contain more than sixteen percent (16%) alcohol by volume, but do not exceed twenty-one percent (21%) alcohol by volume.

**Section 2.** Section 12.12.060 of the Hailey Municipal Code is amended by the addition of the underlined language, as follows:

12.12.060. Permitted and Prohibited Uses of City Parks and Public Pathways.

A. Except as otherwise provided, City Parks and Trails shall only be used by pedestrians, equestrians, bicycle riders, cross-country skiers and snowshoers, and for all other non-motorized recreational uses. Licensed motorized vehicles are permitted on designated roadways and parking areas within City Parks.

B. Except as otherwise provided, motorized vehicles, including without limitation, automobiles, motorcycles, trail bikes, mopeds, motorized bicycles and motorized scooters, shall not be permitted on City Parks and Trails. Motorized vehicles are permitted for construction of improvements or maintenance of the City Parks and Trails.

C. Smoking, chewing, ingestion or possession of a Tobacco Product, and the consumption or possession of any Liquor, Beer or Wine, by any person, regardless of age, at the Skate Park Facility or Jimmy's Garden is prohibited.

**Section 3.** Severability Clause. If any section, paragraph, sentence or provision hereof or the application thereof to any particular circumstances shall ever be held invalid or unenforceable, such holding shall not affect the remainder hereof, which shall continue in full force and effect and applicable to all circumstances to which it may validly apply.

**Section 4.** Repealer Clause. All Ordinances or Resolutions or parts thereof in conflict herewith are hereby repealed and rescinded.

**Section 5.** Effective Date. This Ordinance shall be in full force and effect after its passage, approval and publication according to law.

**PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL AND APPROVED  
BY THE MAYOR THIS \_\_\_ DAY OF \_\_\_\_\_, 2012.**

\_\_\_\_\_  
Fritz X. Haemmerle, Mayor

Attest:

\_\_\_\_\_  
Mary Cone, City Clerk

Publish: Idaho Mountain Express \_\_\_\_\_, 2012

AGENDA ITEM SUMMARY

DATE: 1/23/2012

DEPARTMENT: Legal

DEPT. HEAD SIGNATURE: \_\_\_\_\_

SUBJECT:

Run-Off Election Ordinance

**AUTHORITY:**  ID Code \_\_\_\_\_  IAR \_\_\_\_\_  City Ordinance/Code \_\_\_\_\_  
(IF APPLICABLE)

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

Immediately before the last municipal election, Hailey revised our ordinances to make them consistent with the new election law. Under the new election law, the county is now in charge of and responsible for the costs of conducting municipal elections. However, if a city has a run-off election, the law provides that a city is responsible for the costs of a run-off election. The City Clerk attempted to obtain an estimate of the cost to conduct a run-off election, if one would have been necessary for the contested council seat. The City Clerk believes the cost of a run-off election would be approximately \$5000; considerably more than the \$1,500 budgeted for election expenses. Staff believes it is appropriate to consider eliminating run-off elections for financial reasons. There are other valid debatable reasons to conduct or not conduct run-off elections.

Our present ordinance only requires a run-off election if a candidate for council did not receive 50% or more of the vote. Our present ordinance does not require a run-off election for mayor.

Ned

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS

Casele # \_\_\_\_\_  
Budget Line Item # \_\_\_\_\_ YTD Line Item Balance \$ \_\_\_\_\_  
Estimated Hours Spent to Date: \_\_\_\_\_ Estimated Completion Date: \_\_\_\_\_  
Staff Contact: \_\_\_\_\_ Phone # \_\_\_\_\_  
Comments: \_\_\_\_\_

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IF APPLICABLE)

____ City Attorney	____ Clerk / Finance Director	____ Engineer	____ Building
____ Library	____ Planning	____ Fire Dept.	_____
____ Safety Committee	____ P & Z Commission	____ Police	_____
____ Streets	____ Public Works, Parks	____ Mayor	_____

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

Discuss this proposed ordinance. If acceptable, with or without revisions, a public hearing at a later date will consider the proposed ordinance.

FOLLOW-UP REMARKS:

1/23/2012 - Council wants to review this proposed ordinance in Public Hearing format. Forward from NB to PH on February 6, 2012. Same documents.

HAILEY ORDINANCE NO. \_\_\_\_

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, BY REPEALING SECTION 2.20.020 OF THE HAILEY MUNICIPAL CODE TO DELETE RUNOFF ELECTIONS FOR CITY COUNCIL MEMBERS; BY PROVIDING FOR A SEVERABILITY CLAUSE; BY PROVIDING FOR A REPEALER CLAUSE; AND BY PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

WHEREAS, the City of Hailey has adopted ordinances providing for election procedures for municipal elections;

WHEREAS, effective January 1, 2011, Idaho law was amended to provide that the county administer all elections within the county including municipal elections and that if there was a runoff election in a municipality, a municipality was responsible for the costs of the runoff election; and

WHEREAS, the Mayor and the City Council find that the repeal of the runoff elections for city council members is consistent with the present requirements for mayoral elections which do not require runoff elections and will reduce election expenses in future years, without jeopardizing the integrity of the electoral process.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HAILEY, IDAHO, AS FOLLOWS:

**Section 1.** Chapter 2.20 of the Hailey Municipal Code is amended by the repeal of Section 2.20.020.

**Section 2.** Severability Clause. If any section, paragraph, sentence or provision hereof or the application thereof to any particular circumstances shall ever be held invalid or unenforceable, such holding shall not affect the remainder hereof, which shall continue in full force and effect and applicable to all circumstances to which it may validly apply.

**Section 3.** Repealer Clause. All Ordinances or Resolutions or parts thereof in conflict herewith are hereby repealed and rescinded.

**Section 4.** Effective Date. This Ordinance shall be in full force and effect after its passage, approval and publication according to law.

**PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL AND APPROVED BY THE MAYOR THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2012.**

\_\_\_\_\_  
Fritz X. Haemmerle, Mayor

Attest:

\_\_\_\_\_  
Mary Cone, City Clerk

Publish: Idaho Mountain Express \_\_\_\_\_, 2012



AGENDA ITEM SUMMARY

DATE: 02/06/12

DEPARTMENT: Sustainability

DEPT. HEAD SIGNATURE: MF

SUBJECT: Build Better Program

AUTHORITY:  ID Code \_\_\_\_\_  IAR \_\_\_\_\_  City Ordinance/Code \_\_\_\_\_  
(IF APPLICABLE)

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED: The Build Better Program (BBP) was originally proposed as a mandatory program by staff, but was later adopted as a voluntary program in January 2011, with review required by the Council and Mayor in January 2012, prior to the program becoming mandatory.

See staff report and applicable attachments for more information.

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS: Caselle # \_\_\_\_\_  
Budget Line Item # \_\_\_\_\_ YTD Line Item Balance \$ \_\_\_\_\_  
Estimated Hours Spent to Date: \_\_\_\_\_ Estimated Completion Date: \_\_\_\_\_  
Staff Contact: \_\_\_\_\_ Phone # \_\_\_\_\_  
Comments: \_\_\_\_\_

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IF APPLICABLE)

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> City Administrator       | <input type="checkbox"/> Library             | <input type="checkbox"/> Benefits Committee |
| <input checked="" type="checkbox"/> City Attorney | <input type="checkbox"/> Mayor               | <input type="checkbox"/> Streets            |
| <input type="checkbox"/> City Clerk               | <input type="checkbox"/> Planning            | <input type="checkbox"/> Treasurer          |
| <input type="checkbox"/> Building                 | <input type="checkbox"/> Police              | _____                                       |
| <input type="checkbox"/> Engineer                 | <input type="checkbox"/> Public Works, Parks | _____                                       |
| <input type="checkbox"/> Fire Dept.               | <input type="checkbox"/> P & Z Commission    | _____                                       |

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

If needed, request more information from staff to be presented at a future meeting date.

If the Council is clear on their desired direction and no further information is needed, they should direct staff to either: 1) amend the ordinance to allow the continuation of the BBP as a voluntary program, with no future review for mandatory, 2) amend the ordinance to allow the continuation of the BBP as a voluntary program, with a follow-up review to consider mandatory on January 1, 2013, or 3) amend the ordinance to propose that BBP become mandatory.

ADMINISTRATIVE COMMENTS/APPROVAL:

City Administrator \_\_\_\_\_ Dept. Head Attend Meeting (circle one) Yes No

ACTION OF THE CITY COUNCIL:

Date \_\_\_\_\_

City Clerk \_\_\_\_\_

FOLLOW-UP:

\*Ord./Res./Agrmt./Order Originals: Record  
Copies (all info.): \_\_\_\_\_  
Instrument # \_\_\_\_\_

\*Additional/Exceptional Originals to: \_\_\_\_\_  
Copies (AIS only)

## MEMORANDUM

**TO:** Mayor and City Council

**FROM:** Mariel Platt, Sustainability Coordinator

**RE:** BBP – Discussion on whether to proceed with ordinance amendments to make the program mandatory or to continue it as voluntary.

**DATE:** February 6, 2012

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The Build Better Program (BBP) was originally proposed as a mandatory program by staff, but was later adopted as a voluntary program in January 2011, with review required by the Council and Mayor in January 2012, prior to the program becoming mandatory (attached is a fact sheet outlining the originally proposed BBP). During this one year voluntary period there were a number of occurrences and are a number of ongoing activities that the Council can evaluate, to determine whether the BBP should be made mandatory. I have met with a number of individuals and have some feedback from the following occurrences, which may help provide some information:

1. One Hailey building permit applicant has committed to participating in the program. To date this building is not complete; however, the city can glean a limited amount of information from this project and the experience of the applicant to help guide the Council in their decision.
2. Blaine County adopted a similar mandatory program in May 2011 and has processed a number of applications that have complied with the County's new requirements, which provides Hailey with valuable information
3. The Community Audit and Retrofit Rebate Program (CARRP) commenced in August 2010 and have given Hailey residents and other residents in the valley, first hand experience with home energy analyses (energy audits) as well as greater awareness of building energy efficiency in general.
4. The City of Ketchum will be considering a mandatory above-code building program for residential on February 21, 2012, with hearings on their commercial code to begin following a decision on the residential code.

Each of these occurrences is further elaborated on below.

### 1. Hailey BBP Participant

There has been only participant of the voluntary BBP. His project's foundation is complete, but framing has not started. Blake anticipates completion at the end of summer/beginning of fall. Due to the incomplete status of the project, the amount of information that can be gleaned from participant regarding his experience with the BBP is minimal; he has just begun the construction of the building. His general comments regarding the BBP is that he feels 1) "baby steps" are appropriate and he would like to see Hailey, Ketchum, and County codes as unified as possible and 2) greater financial incentives should be available to help off-set costs. He was particularly interested in seeing DIF reduced or deferred as an offered incentive. The participant is already receiving a 50% reduction in building permit and review fees,

which is currently allowed for residential, new construction only, when participating in the BBP. The rationale behind this reduction is that a 3<sup>rd</sup> party HERS (Home Energy Rating System) rater is now modeling the plans and submitting a HERS score with the building permit plans to verify proposed energy efficiency and energy code compliance and conducting the field verification and post construction HERS scores to verify compliance. The building department's time conducting energy code compliance at permit review and during field inspections has been estimated at half of the total review and inspection time.

## 2. Blaine County's Experience with a Mandatory Code

Bill Dyer, the County's Building Official, has been implementing the County's Buildsmart regulations for the past 8 months (since May 2011). Since that date, 95 building permits have been issued. Of these 95, only 14 have fallen under the parameters of Buildsmart, due to the numerous exemptions that the County has established as part of their code. (The exemptions offered are the same as Hailey's proposed code; however, the County's code requires additions over 300 sq. ft. to comply; whereas staff has proposed that additions fewer than 500 sq. ft. be exempt in Hailey's BBP). Bill has found that there is additional time required when processing building permits, to explain to the public what the new requirements are. He said there are a number of projects that are exempt from Buildsmart, but the owners and/or builders are choosing to go forward with the testing protocol provided by a HERS rater to verify whole house air sealing with a blower door test (this is the same testing used in Hailey's BBP) and to identify what the project's HERS score is. A permit for a new single family residence has elected to pursue the National Green Building Standard's (NGBS) emerald target, in-lieu of the Buildsmart requirements. Similarly, Hailey's program allows homes certified under NGBS to also receive an exemption from the BBP. Overall, Bill has indicated that there have been no major issues with the new code and no changes have been deemed necessary since Buildsmart's adoption.

Attached is a brochure outlining Buildsmart. Buildsmart does include a prescriptive pathway for homes 2,500 sq. ft. or smaller. A prescriptive pathway eliminates the need for a 3<sup>rd</sup> party HERS rater and involves the Building Dept. to the degree they are currently involved in reviews and inspections.

In addition to speaking with Bill Dyer, I have also met with John Reuter, a local HERS rater. He has worked as the 3<sup>rd</sup> party verify for seven (7) projects that fell under the Buildsmart program requirements. He has found that a number of County projects easily achieve the requirement. However, a few have not, especially the larger projects, such as a 7,000 sq. ft. home that requires a HERS score of 48 due to the County's requirements for larger homes. In explaining Hailey's program to John, he expressed to me that he is a builder's advocate and is choosing not to advocate mandatory programs; however, he felt, based on the projects he has worked on that 10% better than the current code (BBP energy requirement), was not difficult or expensive to achieve.

## 3. CARRP

Thirty-four (34) applicants have received a CARRP rebate in Hailey, for a total of approximately \$40,000 spent by CARRP (30% rebate) and \$93,333 by CARRP applicants to cover the required match (70%), for a total of \$133,333 spent. This means that 34 home owners have received a certified energy audit and have made at least one improvement to their building, based on the auditor's recommendations. In addition to Hailey there are seven (7) other jurisdictions participating in CARRP. When the program is over in fall 2013, there will be a total of approximately \$833,000 spent throughout the valley, due CARRP. In talking

with some energy rates, suppliers, and contractors, this program has helped generate business. A worthy effort considering that the building and construction industry has been one of the sectors hit the hardest by the economic downturn.

Community outreach and education has continued over this time and has recently been revitalized in Hailey by the Hailey Community Climate Challenge (HCCC). The HCCC provides another \$80,000 to continue providing rebates through the Save-A-Watt program for certified energy audits and retrofits to businesses and residents in Hailey. HCCC provides three community workshops on building energy efficiency each year, for the next two years. Save-A-Watt and the workshops associated with the HCCC began last month.

The surveys collected from CARRP applicants following each applicant's request for a rebate and anecdotal information collected during each applicant's final application submittal meeting, has indicated that the program and knowledge imparted on the applicant has been useful and informative.

#### 4. City of Ketchum's Proposed Mandatory Code

Ketchum is proposing NGBS for their mandatory residential code and will receive Council review on February 21, 2012 during a public hearing. NGBS is similar to LEED; it addresses indoor air quality, waste management, energy efficiency, water conservation, etc. NGBS is an allowable exemption of Hailey's proposed BBP. LEED is an exemption in both Hailey and Ketchum's proposed code and the County's mandatory code. Ketchum will be reviewing a mandatory commercial code, following a decision on the residential code. Ketchum's proposed code offers a prescriptive and performance path; however even the prescriptive path requires a blower door test to identify air leaks in the building and verify quality construction. Ketchum staff working on the proposed code has stated that in the public workshops, NGBS has been well received by the community. Ketchum staff estimate a 2-6% upfront cost increase and stated that NGBS is easier to achieve, cheaper to certify, and costs approximately 1/3 of the total cost when compared to LEED. Ketchum's code addresses remodels, additions and new construction, similarly to Hailey's proposed code and the County's mandatory code. However, Ketchum's proposed code, like the County's also requires additions over 300 sq. ft. to comply, whereas Hailey staff has recommended additions under 500 sq. ft. be exempt from the BBP.

#### RECOMMENDATION

Prior to staff executing the formal noticing requirements and drafting an ordinance, it is recommended that Council request additional information, as needed, to make an informed decision on whether to continue the BBP as a voluntary program or as a mandatory program.

Additional information may include, but is not limited to, the following:

1. A comparison chart, analyzing Ketchum and Hailey's proposed and Blaine County's mandatory codes.
2. Information on Ketchum's decision and potential new mandatory code, as it becomes available.

If the Council is clear on their desired direction and does not feel like they need more information, they should direct staff to either: 1) amend the ordinance to allow the continuation of the BBP as a voluntary program, with no future review for mandatory, 2) amend the ordinance to allow the continuation of the BBP as a voluntary program, with a follow-up review to consider mandatory on January 1, 2013, or 3)

amend the ordinance to propose that BBP become mandatory.

If the Council wishes to discuss a mandatory ordinance further, staff recommends adding a prescriptive compliance path to the original ordinance. A prescriptive path eliminates the HERS rater and establishes minimums or maximums for energy related equipment, construction, materials, and appliances, such as requiring a minimum energy efficiency rating on heating equipment or windows. This will make the program more unified with Blaine County and Ketchum's proposed code and will address the majority of the architect's concerns that were voiced during past public hearings on this topic. These concerns primarily centered on their disapproval of requiring a HERS rater to verify the design and construction of the building. Allowing this pathway has proved meaningful to the architects in the community that voiced strong opposition to Hailey's proposed program during the original review in fall 2010.

## Ordinance Fact Sheet

### City of Hailey's Sustainable Building Committee's Recommendation

October 2010

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The Committee's recommendation was created for a number of reasons and serves multiple purposes:

1. It addresses energy and water conservation in a manner that keeps costs to a minimum for the applicant and the city.
2. It is a step towards planning for greater energy security and independence, and guards against the financial impacts of future energy price volatility.
3. Buildings use the most energy of any sector in the US - more than the transportation sector - therefore; it makes sense to focus on sources of usage that are greatest.
4. Current building practices are legal minimums established by the State - greater energy efficiency can be obtained.
5. Our local climate requires lots of energy during the winter— this translates to higher energy costs and provides an opportunity to substantially increase efficiencies and savings.
6. The average life span of a building is 75 years. The status of energy prices and availability could change within 75 years, especially considering the potential impacts of climate change and future policies aimed at curtailing emissions associated with climate change.
7. Future building code requirements and federal legislation may require our community to rapidly improve building practices; being ahead of the curve will help Hailey adjust.
8. It focuses on new construction to take advantage of opportunities to ensure a better future building stock and existing structures to address the most energy inefficient buildings that will likely make up the majority of the building stock for decades.
9. It ensures that buildings are built in a manner that considers energy efficiency for future occupants of buildings, so occupants aren't left paying high energy and heating costs.

#### 1. What type of building activity would fall under the recommendation?

Applicable new construction, addition, and alteration projects for both commercial and residential buildings within the City of Hailey would fall under the recommendation.

#### 2. Are there any exemptions?

Yes. In addition to the exemptions listed in Section 101.4 of the 2009 IECC, the following new projects are exempt:

- Windows.
- Bathroom remodel projects limited to the replacement of fixtures and cabinets.
- Kitchen remodel projects limited to the replacement of cabinets, counter tops, plumbing fixtures, and appliances.
- Electrical work associated with permits issued only for electrical work
- Plumbing associated with permits issued only for plumbing.
- Replacement of HVAC appliances associated with permits issued only for appliance replacement.

- Reroofs.
- Additions less than 500 square feet of conditioned floor area.
- Alterations that do not affect the integrity of the building envelope.
- Alterations that do not require a building permit.
- Tenant and ADA improvements required by the Building Department.
- Structures listed on the National Historic Register.
- USGBC's LEED for Homes certification level and NAHB's National Green Building Program Bronze level.
- USGBC's LEED for New Construction (commercial) certification level, so long as the energy efficiency points meet or exceed 10% above the 2009 IECC.

### **3. How will the energy efficiency increases apply to additions?**

RESIDENTIAL: If an addition is 500 square feet of conditioned space or more, a RESNET accredited HERS rater would conduct a Certified HERS audit of the entire building associated with the addition. Energy efficiency of the addition would be verified by a RES-CHECK energy analysis, which would project a 10% more energy efficient design compared to the 2009 IECC.

COMMERCIAL: An energy audit would be conducted by a licensed engineer on the entire building associated with the addition. Energy efficiency would be verified by a Com-Check energy analysis, which would project a 10% more energy efficient design compared to the 2009 IECC.

### **4. How will the energy efficiency increases apply to new construction?**

RESIDENTIAL: (Homes achieving Northwest Energy Star Version 3.0 would be exempt from the energy efficiency requirements.) Energy efficiency would be verified by a RESNET accredited HERS rater using REMRATE software. Applicants would submit an initial HERS index score based on the proposed design with a building permit application. Prior to receiving a certificate of occupancy, a final HERS index score would be submitted to the Building Department, verifying that both project is 10% more energy efficient compared to the 2009 IECC.

COMMERCIAL: Buildings less than 10,000 square feet of conditioned space would verify energy efficiency using a Com-Check energy analysis, which would project a 10% more energy efficient design compared to the 2009 IECC. Buildings 10,000 square feet or larger would verify energy efficiency using an energy model, which would project a 10% more energy efficient design compared to the 2009 IECC.

### **5. How will the energy efficiency increases apply to alterations?**

RESIDENTIAL: All alterations that require a building permit and affect the building envelope, and which are not listed as an exemption above, would conduct a Certified HERS audit by a RESNET accredited HERS rater of the entire building associated with the alteration. A RES-CHECK energy analysis would be submitted to the Building Department verifying that the alteration exceeds the energy efficiency requirements of the 2009 IECC by 10%.

COMMERCIAL: If not listed in one of the exemptions above, an energy audit would be conducted by a licensed engineer on the entire building associated with the addition. A Com-check energy analysis

would be submitted to the Building Department verifying that the alteration exceeds the energy efficiency requirements of the 2009 IECC by 10%.

**6. Are there any additional requirements, beyond energy efficiency increases and what are they?**

New residential and commercial construction would address water conservation, indoor air, construction waste, durability and assurance in the following ways:

1. Water Conservation. All faucets, showerheads, and toilets installed in a building for domestic use and restroom facilities, would use 20% less water than standard fixtures or certified by EPA's Water Sense Program, which use at least 20% less water than standard fixtures. Water Sense labels or equivalent documentation would be submitted to the Building Department or provided during final inspection for verification.
2. Indoor Air. 2009 IMC would be met to ensure proper ventilation.
3. Construction Waste. In addition to waste receptacles, bins for cardboard and clean wood waste would be provided and sorted accordingly on-site and will be verified by the Building Department during regularly scheduled inspections.
4. Durability and Assurance. Installation specifications and details would be shown on the plans submitted for a Building Permit.

New residential construction and residential additions of 500 square feet of conditioned space or greater would provide the number of points specified by the points equation. Points are accumulated based on the total square feet of conditioned space and the number of bedrooms of the addition or new construction project. Points can be obtained for a variety of sustainable building activities such as efficient heating appliances, low-VOC paints, pre-wired solar, the use of advanced framing techniques, increased insulation values, etc.

Visit: <http://www.haileycityhall.org/GreenBuildingandPlanningAdvisoryCommittee.asp> for more detailed information. In addition, you can call 788-9815, ext. 24, or email [Marisel.platt@haileycityhall.org](mailto:Marisel.platt@haileycityhall.org) for questions and comments.

# HERS Sliding Scale for New Construction

SQ. FT. of Home is less than:	Required HERS Score	SQ. FT. of Home is less than:	Required HERS Score
0	70	8,400	41
2,600	70	8,600	40
2,800	69	8,800	39
3,000	68	9,000	38
3,200	67	9,200	37
3,400	66	9,400	36
3,600	65	9,600	35
3,800	64	9,800	34
4,000	63	10,000	33
4,200	62	10,200	32
4,400	61	10,400	31
4,600	60	10,600	30
4,800	59	11,100	29
5,000	58	11,600	28
5,200	57	12,100	27
5,400	56	12,600	26
5,600	55	13,100	25
5,800	54	13,600	24
6,000	53	14,100	23
6,200	52	14,600	22
6,400	51	15,100	21
6,600	50	15,600	20
6,800	49	16,100	19
7,000	48	16,600	18
7,200	47	17,100	17
7,400	46	17,600	16
7,600	45	18,100	15
7,800	44	18,600	14
8,000	43	19,100	13
8,200	42	19,600	12
Greater than 20,000	41		

## Tier 1 EnergyStar Improvements for Additions

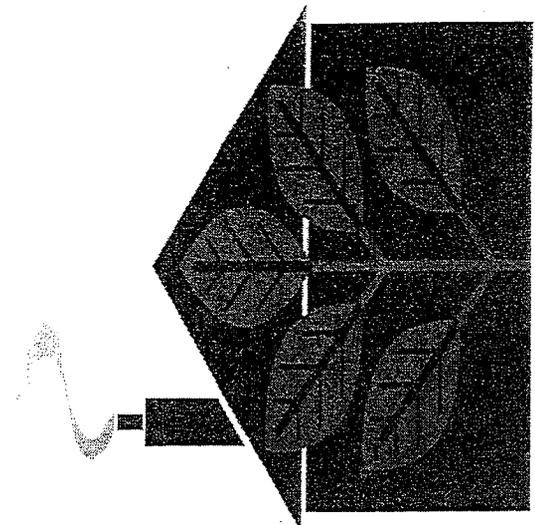
- **Attic Insulation**—R-48 minimum
- **Wall Insulation**—Insulate to the greatest extent possible depending on construction.
- **Floor Insulation**—R30 minimum in joist cavities or create a conditioned crawl space.
- **Duct sealing**—Seal supply and return ducts to the extent possible to achieve 50 percent reduction in air leakage through the duct system. If this is not possible, the system must be improved to achieve a leakage rate equal to or less than 10 percent of the conditioned floor area.
- **Building envelope sealing**—Using a blower door, the building envelope must be evaluated for leakage at penetrations. Seal leakage as penetrations to achieve as low a leakage rate as is feasible, down to the minimum ventilation level of 0.35 natural air changes per hour for the home.



# BUILDSMART REGULATIONS

## General Overview

### May 2011



Call Blaine County Building Services or go to our website for more details; 208-788-5573  
[www.blainecounty.org](http://www.blainecounty.org)



**New Construction**

- 1) Performance Option
  - Homes will be required to meet the energy performance goals as outlined in Table 405.3(1)(see back of brochure). The scale is based on home size. The RESNET's Home Energy Rating System (HERS) shall be the tool to identify compliance. A third party, one that is not directly a part of the project team, must conduct the HERS Rating.
- 2) Prescriptive Option
  - Available to homes 2500 sq. ft. or smaller;
  - Homes must be built to 2009 IECC prescriptive requirements and also include the following: 1) 90% AFUE furnace 2) .62 EF water heater 2) Air sealing structure to a minimum of 5 ACH @ 50 Pa.
- 3) Alternative Option
  - Leadership Energy and Environmental Design (LEED) or National Green Building Standard (NGBS) certified homes are not subject to the HERS sliding scale performance requirements.

- Standard Additions (301 sq. ft. or larger)** are required to improve the existing home by one of the following two options:
- 1) Performance Option
    - Prior to construction, the home is evaluated and receives a HERS score. After the addition, the home must improve the HERS score by 30 points or bring the pre-addition score up to a HERS 100.
  - 1) Prescriptive Option
    - Install Tier I Energy Star improvements (see back of brochure)

**Remodels (25% or more of structure's exterior or interior membrane is re-moved)**

- Professional energy audit conducted by a certified energy auditor must be submitted prior to building permit issuance.
  - No improvements to existing structure are required.
- Renovation (Less than 25% of structure's exterior or interior membrane is re-moved)**
- Self conducted energy audit packet, provided by building department, must be submitted prior to building permit issuance.

**Exterior Energy Usage**

(Heated drives, pools > 200 sq. ft, spas > 64 sq.ft) requires a permit and is subject to the following rules beyond the 2009 IECC.

- Exterior energy consumption must be offset by 50% through the on-site installation of renewable energy sources. The energy efficient technology of ground source heat pumps is also permitted for supplemental on-site energy.
- Energy consumption that is not offset on-site is required to pay an in-lieu fee prior to building permit issuance.

**Submittal Changes**

- Equipment sizing calculations, in accordance with ACCA Manual J, S, and D, shall be submitted prior to subfloor inspection.
- ResCheck analysis can only be used for remodels, renovations, and additions less than 301 sq. ft.
- Blower door tests, conducted by an independent third-party, are required for all permits that evaluate air sealing.