

AGENDA ITEM SUMMARY

DATE: 4-7-14

DEPARTMENT: Legal

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

SUBJECT:

Ordinance No. 1145 (Wastewater Fee Ordinance Amendment)

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

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

A third reading of Ordinance No. 1145 is scheduled for April 7, 2014. After the second reading, the Clerk's Office suggested a revision to the ordinance. Ordinance No. 1145 was designed to allow individuals to use an alternative rate if the individuals have a separate irrigation service or moved to a new location within Hailey. The alternative rate is based on actual useage to determine the metered wastewater rate instead of waiting until the end of a winter season to determine actual useage. The Clerk's Office has suggested that an owner or a tenant ask for relief under Ordinance No. 1145. There is a concern that our software system does not have the automated capability to track the individuals who would be eligible for the alternative rate. So, it has been suggested that Ordinance No. 1145 add language showing that an owner or tenant would have to request the alternative rate in writing. This approach would better ensure a uniform treatment. If the mayor and council agree, then I would suggest that we do not conduct a third reading of Ordinance No. 1145, but instead submit the ordinance at our next meeting in a public hearing and start the process anew.

Ned

**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)

___ 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:

Make a motion to conduct a third reading of Ordinance No. 1145 by title only and authorize the mayor to sign Ordinance No. 1145, OR make a motion to submit a revised ordinance for consideration at the next available meeting.

FOLLOW-UP REMARKS:



AGENDA ITEM SUMMARY

DATE: 3-3-14

DEPARTMENT: Legal

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

SUBJECT:

Fee Ordinance Amendment

*ord. # 1146*

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

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

The Community Development Director would like to revise or create the following three fees:

- A fee for a Floodplain Development Permit that has no substantial impact. Instead of a \$400 fee for such a permit, the fee would be reduced to \$75 provided the work would not have a substantial impact on the floodplain.
- A fee for a permanent sign permit. The fee would increase from \$30 to \$50.
- A fee for a portable sign permit renewal. The fee would decrease from \$50 to \$20.

Ned

**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)

____ 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:

Conduct a public hearing and if satisfactory, make a motion to adopt Ordinance \_\_\_\_ conduct a first reading of the ordinance.

FOLLOW-UP REMARKS:

*3/3 - adopted ord. no. 1146 & conducted 1<sup>st</sup> reading*  
*3/11 - 2<sup>nd</sup> reading*  
*4/7 - 3<sup>rd</sup> reading*

HAILEY ORDINANCE NO. 1196

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING HAILEY ORDINANCE NO. 1032 ESTABLISHING A REVISED FEE SCHEDULE THAT ADDS A NEW FEE FOR APPLICATIONS FOR FLOODPLAIN DEVELOPMENT PERMITS OF PROJECTS WITH NO SUBSTANTIAL IMPACT AND THAT REVISES THE FEE FOR A PERMANENT SIGN PERMIT AND FOR A PORTABLE SIGN PERMIT RENEWAL; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

WHEREAS, the Hailey City Council has adopted Ordinance No. 1032 setting forth fees for all development related applications;

WHEREAS, the Hailey City Council seeks to establish fees that are appropriate for the nature of the application, are equitable to the applicant, and cover administrative costs required to process the application;

WHEREAS, the City Council has determined that it is necessary for the City to set forth a new fee charged in connection with the submission and handling of a Floodplain Development Permit that has no substantial impact and to revise the fees for a permanent sign permit and for a portable sign permit renewal;

WHEREAS, the Hailey City Council finds that the fees adopted by this Ordinance are reasonably related to and do not exceed the actual cost of the service provided by the City; and

WHEREAS, new fees or fee increases above 5% have been duly noticed and discussed in a public hearing pursuant to Idaho Code Section 63-1311A.

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

SECTION 1. The Fee Schedule attached as Exhibit "A" to Hailey Ordinance No. 1032 is hereby amended by the deletion of the stricken language and by the addition of the underlined language, as shown on attached Exhibit "A."

SECTION 2. Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 3. All Ordinances or parts thereof in conflict herewith are hereby repealed and rescinded.

SECTION 4. This Ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL AND APPROVED BY  
THE MAYOR THIS 6 DAY OF August, 2014

ATTEST:

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

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

Publish: Idaho Mountain Express \_\_\_\_\_, 2014

"EXHIBIT A" TO ORDINANCE NO. \_\_\_\_\_ - FEE SCHEDULE\*  
 HAILEY ZONING AND SUBDIVISION FEE SCHEDULE

Annexation	\$1250 + \$15/developable acre** + additional fees for services rendered (including but not limited to fees for City Attorney, City Engineer, and Staff) to be negotiated before application is certified as complete
Appeal	\$255
Child Care Conditional Use	\$50
Comprehensive Plan Amendment	\$400
Conditional Use Permit	\$400
Design Review	\$450 + \$25/1000 gross square feet
Design Review – Single Family Dwelling or Accessory Structure or Duplex in Townsite Overlay	\$250
Design Review – Accessory (not associated with a residential Principle Use)	\$250
Design Review - Modifications to Projects that have Received Design Review Approval (determined by the Administrator not to be minor)	\$50
Design Review - No Substantial Impact	\$75
Design Review - Recommendation for Exemption	\$30
Fence Permit	\$30
Floodplain Development Permit	\$400
Floodplain Development Permit- No Substantial Impact	\$75
Lot Line Shift	\$240
Miscellaneous	\$55
Pre-application Meeting	\$50/hour/department head for meetings and/or phone calls exceeding 1 hour
PUD (in addition to other app)	\$500 + additional fees for services rendered by City Attorney (development agreement)
Rezone	\$400 + additional fees for services rendered by City Attorney, associated with a development agreement)
<u>Permanent</u> Sign Permit	<del>\$30</del> <u>\$50</u>
Portable Sign Permit	\$30
<u>Portable Sign</u> : <u>Renewal Fee</u> and inspection fee for portable sign in ROW	<del>\$50</del> <u>\$20</u>
Sign: Inspection fee for <u>permanent</u> or <u>portable</u> sign. in ROW	\$50

Short Plat Subdivision	\$300/lot, subplot, or unit; not to exceed \$1200
Subdivision	\$1,250 + \$55/lot, subplot, or unit + additional fees for services rendered by City Attorney (development agreement)
Subdivision Ordinance and Zoning Ordinance Text Amendment	\$400
Vacation	\$400
Variance	\$350
Wireless Permit	\$350
Wireless Master Development Plan	\$250
Wireless Conditional Use Permit	\$600
Wireless Annual Renewal	\$60
In Lieu Parking Contribution	\$9,975 / space
<p>*All Fees: Plus actual cost of noticing (newspaper and/or mail), recording fees, and all other direct costs, not including staff time except where otherwise provided.</p> <p>** Developable acre: lying below 25% slope line and not within proposed park/green space</p>	



AGENDA ITEM SUMMARY

DATE: 3-3-2014

DEPARTMENT:

CDD

DEPT. HEAD SIGNATURE: MA

**SUBJECT:** Consideration of a City of Hailey initiated text amendment to Title 15 of the Hailey Municipal Code, the Building Ordinance, by amending chapter 15.08 and subsections within. Amendments include a re-roof fee, fireplace fee, Build Better Program modifications, definitions, and specifics for requirements within. *Ord. # 1147*

**AUTHORITY:**  ID Code       IAR \_\_\_\_\_       City Ordinance/Code Title 15, HMC  
(IF APPLICABLE)

**BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:**

Below is a summary of the proposed revisions:

**Build Better Program**

1. Amend sections of the ordinance that were applicable during the voluntary period of the ordinance but are now unnecessary with the ordinance mandated for all new construction. In particular:
  - a. Change the building permit fee discount from 50% to 8% for projects that elect the Performance Path. This is based on analysis done by the Department of Building Safety on the amount of time saved during the review and inspection period when a builder elects the Performance Path (HERS Rater). Since the ordinance was mandated for all new construction, we have had no builders choose the Performance Path.
  - b. Eliminate the option for deferral of payment of the Building Permit until after the project receives the Certificate of Occupancy. This was an incentive when the program was voluntary
2. Add/Revise two fees as follows:
  - a. The current Re-roof Fee is based on valuation, however it requires the same amount of time to inspect an expensive roof as it does an inexpensive roof. The amended fee would be \$75.00, which is in line with our other building inspection fees per project.
  - b. Addition of a Fireplace Installation for Solid Fuel Burners Fee. The proposed language is as follows:
    - i. Fireplace Installation for Solid Fuel Burners Fee. Fee shall be \$75 per fireplace installation for solid fuel burners and shall be due at the time the application is due.
3. Increase minimum square footage for a building permit from 120 square feet to 200 square feet.
  - a. This amendment is in line with the 2012 IBC, which exempts all structures less than 200 square feet from the requirements of the Building Code.

In compliance with Idaho Code 39-4109-(5), proper notice was sent to all entities that require notice according to Idaho Code 39-4109 (5). Notice was sent out on December 13, 2013.

**FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS:**

**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 checked="" 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:**

Adopt Ordinance 1147 to revise sections of Title 15 of the Hailey Municipal Code, the Building Ordinance, by amending chapter 15.08 and subsections within. Amendments include a re-roof fee, fireplace fee, Build Better Program modifications, definitions, and specifics for requirements within.

**ACTION OF THE CITY COUNCIL**

Date : 3/3 - adopted ord #1147 - conducted 1<sup>st</sup> Reading  
3/17 - 2<sup>nd</sup> Reading -  
City Clerk 4/7 - 3<sup>rd</sup> Reading & Summary

**FOLLOW-UP:**

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

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

HAILEY ORDINANCE NO. 1147

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING CHAPTER 15.08 OF THE HAILEY MUNICIPAL CODE BY AMENDING SUBSECTION 15.08.012(A) TO EXEMPT QUALIFYING MODULAR BUILDINGS AND MANUFACTURED HOMES FROM THE PROVISIONS OF THE BUILD BETTER PROGRAM, AMENDING SUBSECTION 15.08.012(C) TO INCREASE THE CONDITIONED SPACE SIZE OF NEW COMMERCIAL CONSTRUCTION FROM 10,000 TO 20,000 SQUARE FEET BEFORE ENERGY EFFICIENCY VERIFICATION IS REQUIRED, AMENDING SUBSECTION 15.08.012(D) TO QUANTIFY WATER CONSERVATION STANDARDS, AMENDING SUBSECTION 15.08.012(E)(5) TO CLARIFY THE ALLOCATION OF POINTS FOR ENERGY EFFICIENCY, AMENDING SUBSECTION 15.08.012(E)(8) TO ALLOW SUSTAINABLE FORESTRY INITIATIVE PRODUCTS TO BE USED AS SUSTAINABLE PRODUCTS; AMENDING SUBSECTION 15.08.020(E) TO PROVIDE A REDUCTION IN BUILDING PERMIT FEES FOR NEW RESIDENTIAL CONSTRUCTION IF CONSTRUCTED IN ACCORDANCE WITH THE BUILD BETTER PROGRAM AND WHEN USING A RESNET CERTIFIED HERS RATER; AMENDING SUBSECTION 15.08.020(H) TO DELETE THE KETCHUM BUILDING OFFICIAL FROM THE BOARD OF APPEALS; ADDING A NEW SUBSECTION 15.08.020(Y) TO REVISE PLUMBING FIXTURE REQUIREMENTS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, Idaho Code § 39-4116 allows the City of Hailey to amend the International Building Code, the International Residential Code and the International Energy Conservation Code (“Codes”) to reflect local conditions, provided the amendments provide an equivalent level of protection; and

WHEREAS, good cause exists for an amendment to the Codes and that such an amendment is reasonably necessary;

WHEREAS, the City of Hailey has conducted a public hearing to consider such amendments after notice was provided in accordance with Idaho Code § 39-4116 and Chapter 9, Title 50, Idaho Code; and

WHEREAS, the City Council of the City of Hailey have determined that certain amendments and modifications to the Code will promote the public health, safety and welfare of the citizens of and visitors to the City of Hailey, Idaho;

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

**Section 1.** Section 15.08.012(A) of the Hailey Municipal Code is hereby amended by the deletion of the stricken language and the addition of the underlined language, as follows:

A. Applicability. This Section 15.08.012 is a supplement to the other adopted International Codes and is not intended to be used as independent construction regulations or to abridge or supersede safety, health or environmental requirements under other applicable codes or ordinances. All commercial and residential New Construction, Additions and Alterations shall comply with the standards of Section 15.08.012, unless otherwise stated herein.

1. Referenced Codes and Standards. It is the expressed intent of this section to require higher minimum standards relating to Building performance than the corresponding minimum standards set by the referenced codes and standards, and in such cases, the higher minimum standards of this section shall take precedence.

2. Other Laws and Codes. The provisions of this chapter shall not be deemed to nullify any provisions of local, state or federal laws and codes.

3. Residential New Construction Exemptions. U.S. Green Building Council's Leadership in Energy and Environmental Design for Homes certification level or National Association of Home Builder's Green Building Program bronze level project are exempt from the Build Better Program requirements. Either exemption must verify that the project is 10% more energy efficient than the IECC, using a HERS Index or the alternative method described in Section C.1.a.ii. of this Ordinance. The exemptions listed above must show intent to meet the requirements at the Building Permit review stage through plans and an initial HERS score based on the proposed design. Prior to receiving a certificate of occupancy, copies of all program documentation and a final HERS score shall be submitted to the Building Department.

4. Commercial New Construction Exemptions. U.S. Green Building Council's Leadership in Energy and Environmental Design for New Construction minimum certification level projects are exempt from the Build Better Program requirements, provided the applicant verifies that the project meets the minimum energy efficiency requirements for Commercial Buildings, as identified in Section 15.08.012.C.2.a of the Hailey Municipal Code. The applicant must identify the intent to meet U.S. Green Building Council's Leadership in Energy and Environmental Design for New Construction certification level, at a minimum, at the Building Permit review stage with an indication on the plans and with a written narrative what Leadership in Energy and Environmental Design points will be achieved. Prior to receiving a certificate of occupancy, copies of all program documentation shall be submitted to the Building Department.

5. Exemptions for Commercial and Residential Alterations and Additions. In addition to the exemptions listed in Section 101.4 of the IECC, the following projects are exempt from Section 15.08.012:

- a. Window, glass-only replacements of the same size and location.
- b. Bathroom remodel projects limited to the replacement of fixtures and cabinets.
- c. Kitchen remodel projects limited to the replacement of cabinets, counter tops, plumbing fixtures, and appliances.
- d. Electrical work associated with permits issued only for electrical work
- e. Plumbing associated with permits issued only for plumbing.

- f. Replacement of HVAC appliances associated with permits issued only for appliance replacement.
- g. Reroofs.
- h. Additions less than 500 square feet of Conditioned Floor Area.
- i. New Construction or Additions of any size that do not include any Conditioned Floor Area.
- j. Alterations that do not affect the integrity of the Building Envelope.
- k. Alterations that do not require a Building Permit.
- l. Tenant and ADA improvements required by the Building Department.
- m. Structures listed on the National Historic Register.
- n. Modular Buildings built offsite and inspected by the Idaho Department of Building Safety with the official insignia affixed to the modular building.
- o. Manufactured Home built offsite and inspected by the Idaho Department of Building Safety with the official insignia affixed to the manufactured home.

Any commercial or residential alteration or addition which is not otherwise exempt shall comply with the requirements of Section 15.08.012 to the greatest extent possible, unless the Administrators find that compliance with all or part of the provisions of Section 15.08.012 would a) create an undue hardship on the applicant and b) not materially advance the goal of this ordinance to conserve energy, water and other natural resources.

**Section 2.** Section 15.08.012(C) of the Hailey Municipal Code is hereby amended by the deletion of the stricken language and the addition of the underlined language, as follows:

C. Energy Efficiency. All commercial and residential New Construction and Additions shall comply with the IECC, and shall increase energy efficiency 10% beyond the IECC requirements.

1. Residential Energy Efficiency. Energy Efficiency shall be 10% greater than the IECC requirements for New Construction, Additions, and Alterations with Conditioned Space, 500 square feet or greater.

a. New Construction. Energy efficiency shall be verified by a RESNET Certified HERS Rater using a REM/RATE™ Energy Analysis and IECC Section 405 criteria, unless specified herein. Applicants shall 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 shall be submitted to the Building Department, verifying that both project is 10% more energy efficient compared to the IECC.

i) New residential construction certified under the current ENERGY STAR Northwest Program is exempt from Section 15.08.012.C.1, providing the Building plans and the constructed building are certified ENERGY STAR Northwest.

ii) New residential construction is not required to be verified by a HERS Rater if ~~they install~~ a 90% AFUE furnace or equivalent system is

installed, a 0.62 EF water heater or equivalent system is installed, all lights are LED or CFL, and air sealing tests verify 5 air exchanges per hour at 50 Pascals.

b. Additions. A RESNET Certified HERS Rater shall conduct a Certified HERS Audit of the entire Building associated with the Addition, unless a previous Certified HERS Audit has been conducted and submitted to the Building Department within the last 5 years. The energy efficiency of the Addition itself shall be verified by a REScheck Energy Analysis. Applicants shall submit a REScheck Energy Analysis based on the proposed design with a Building Permit application. Prior to receiving a certificate of occupancy, the specifications of the REScheck Energy Analysis will be verified by the Building Department during routine inspections. The REScheck Energy Analysis shall project a 10% more energy efficient design compared to the IECC.

c. Alterations. A REScheck Energy Analysis shall be submitted to the Building Department verifying that the Alteration exceeds the energy efficiency requirements of the IECC by 10% or by calculating the energy efficiency rating of a specific component that affects energy efficiency associated with the alteration. For example: the IECC requires a U-factor of 0.35 for a new window installation. A new window that is 10% more efficient would have a U-factor of 0.315 (or 0.32 rounded up) or better.

2. Commercial Energy Efficiency.

a. New Construction. Buildings less than ~~10,000~~ 20,000 square feet of Conditioned Space shall verify energy efficiency using a COMcheck Energy Analysis and Buildings ~~10,000~~ 20,000 square feet or larger shall verify energy efficiency using an energy model.

i) Buildings under ~~10,000~~20,000 square feet of Conditioned Space. Applicants shall submit a COMcheck Energy Analysis based on the proposed design with a Building Permit application. Prior to receiving a certificate of occupancy, the specifications of the COMcheck Energy Analysis will be verified by the Building Department during routine inspections. The COMcheck Energy Analysis shall project a 10% more energy efficient design compared to the IECC.

ii) Buildings ~~10,000~~20,000 square feet of Conditioned Space or larger shall be energy modeled by a licensed engineer using Building Department Approved energy modeling software. Approved software includes, but is not limited to, the most recently published version of the following: eQuest, Trace, Carrier HAP, and EnergyPlus. The model shall verify that amount of energy used is 10% more energy efficient compared to the IECC and shall be submitted to the Building Department with the Building Permit application. Prior to receiving a certificate of occupancy, the specifications of the energy model will be verified by the Building Department during routine inspections.

b. Additions. An energy audit shall be conducted by an Idaho licensed engineer on the entire Building associated with the Addition, unless an energy audit by an Idaho licensed engineer has been conducted and submitted to the Building Department within the last 5 years. Energy efficiency shall be verified by a COMcheck Energy Analysis or modeled in accordance with Section 5.08.012,C,2,a,ii. if the addition is greater than ~~10,000~~20,000 square feet of Conditioned Space or larger. Applicants shall submit a COMcheck Energy Analysis based on the proposed design with a Building

Permit application. Prior to receiving a certificate of occupancy, the specifications of the COMcheck Energy Analysis will be verified by the Building Department during routine inspections. The COMcheck Energy Analysis shall project a 10% more energy efficient design compared to the IECC.

c. Alterations. A COMcheck Energy Analysis shall be submitted to the Building Department verifying that the Alteration exceeds the energy efficiency requirements of the IECC by 10% or by calculating the energy efficiency rating of a specific component that affects energy efficiency associated with the alteration. For example: the IECC requires a U-factor of 0.35 for a new window installation. A new window that is 10% more efficient would have a U-factor of 0.315 (or 0.32 rounded up) or better.

**Section 3.** Section 15.08.012(D) of the Hailey Municipal Code is hereby amended by the deletion of the stricken language and the addition of the underlined language, as follows:

D. Water, Indoor Air, Construction Waste, Durability and Assurance (WICDA). The provisions of WICDA apply to ~~new residential and commercial~~ New Construction only construction.

1. Water Conservation. All faucets, showerheads, and toilets installed in a Building for domestic use and restroom facilities, shall use 20% less water (faucets – 1.5 gpm, showerheads – 2.0 gpm and toilets 1.28 gpf or less) than standard fixtures or be labeled by the WaterSense Program, which use at least 20% less water than standard fixtures. Water Sense labels or equivalent documentation shall be submitted to the Building Department or provided during final inspection for verification.

2. Indoor Air. The applicable sections of the most recent edition of the International Mechanical Code shall be met to ensure proper ventilation.

3. Construction Waste. In Addition to waste receptacles, bins for cardboard and clean wood waste shall be provided and sorted accordingly on-site during construction and will be verified by the Program Administrators during regularly scheduled inspections.

4. Durability and Assurance. Details and specifications shall be submitted in the drawings, details, or in packet form with the Building Permit in order to promote durability, and high performance of the Building enclosure and its components and systems through appropriate design, materials, selection, and construction practices.

a. Under the following categories, the Program Administrators shall specify what items shall be applicable and provide a list of these items with the Building Permit:

- i) Foundations
- ii) Walls
- iii) Roofs
- iv) Air infiltration
- v) Heat loss

b. Before the issuance of a certificate of occupancy, applicants shall sign a declaration that states all items are installed to manufacturer's specifications and plan details.

**Section 4.** Section 15.08.012(E)(5) of the Hailey Municipal Code is hereby amended by the addition of the underlined language, as follows:

5. Energy Efficiency.

a. Insulation: Up to 7 points.

i) Wall Insulation: 2 points.

(1) Application: R-24 minimum wall cavity insulation.

(2) Verification: checked during plan review by the Program Administrators and verified by the Certified HERS Rater for New Construction and checked during plan review and verified by the Program Administrators for Additions.

ii) Basement or Foundation Insulation: 1 to 5 points.

(1) Application: Insulation must be installed on the full height of a basement or foundation wall.

(2) Verification: checked during plan review by the Program Administrators and verified by the Certified HERS Rater for New Construction and checked during plan review and verified by the Program Administrators for Additions.

Points	R-Value and insulated concrete forms
1	15, or
2	20, or
3	25, and
2	Use of insulated concrete forms on the foundation (stem wall and footing)

b. Windows: Up to 3 points.

i) Application: new windows or replacement windows installed as part of an Addition are awarded points as follows:

Points	Maximum U-factor*
1	0.3
2	0.28
3	0.26

\*U-factor, as established by the National Fenestration Rating Council (NFRC).

ii) Verification: checked during plan review by the Program Administrators and verified by the Certified HERS Rater for New Construction and checked during plan review and verified by the Program Administrators for Additions. The inspector must be able to clearly identify the U-factor and Solar Heat Gain Coefficient (SHGC) ratings and window type by the National Fenestration Rating Council's stamp or the manufacturer's label. Applicant must show the number of windows to be upgraded on Building plans.

c. Air Sealing of an Existing Building: Up to 4 points.

i) These points shall not be applied to New Construction activity. Points will be awarded when a HERS rating is applied to the existing structure

before and after construction, showing the following blower door results:

ii) Points will be awarded when a blower door test, conducted by a certified HERS Rater, showing the following blower door results and when mechanical ventilation is installed that meets the requirements of Section 15.08.012(D)(2):

Points	Natural Air Changes Per Hour at 50 Pascal
1	4
2	3
3	2
4	1

**Section 5.** Section 15.08.012(E)(8) of the Hailey Municipal Code is hereby amended by the addition of the underlined language, as follows:

8. Sustainable Products.

a. Forest Stewardship Council (FSC) and Sustainable Forestry Initiative (SFI) Certified: Up to 6 points.

Points	Number of board feet (BF) of FSC or SFI lumber per square feet (SF) of floor area
2	2 BF per SF of floor area (2BF/SF)
4	3 BF per SF of floor area (3 BF/SF)
6	50% or more of dimensional lumber in total BF is FSC or SFI, excluding engineered wood products

b. Environmentally Preferred, Low Emission, and Local Materials: Up to 10 points from Chart A.

i) Application: For each assembly, all product specification type requirements shall be met in order to receive the points available. Environmentally preferred and low emission qualifying products have more than one of these attributes: recycled content, reclaimed, bio-based, agricultural residue, rapidly renewable, and low or no volatile organic compounds (VOCs) emissions. A “recycled content” product must contain a minimum of 25 percent post-consumer recycled content except as noted otherwise above.

Post-industrial (pre-consumer) recycled content is counted at half the rate of post-consumer content. Except as otherwise noted in Chart A, 90 percent of the component, by weight or volume, must meet the specification shown. Locally sourced materials are products that are manufactured within 500 miles of the city are considered local.

Environmentally Preferred, Low Emission, and Local Materials Chart

Up to 10	Product Specification Types				
	Assembly	Component	EPP Specifications	Emission Specifications	Local
1	Exterior Wall	Framing	FSC or SFI Certified		X

1	Exterior Wall	Framing	Finger-jointed studs (vertical use only for structural components)		X
1	Exterior Wall	Siding or masonry	Recycled content or FSC or SFI		X
1	Floor	Flooring	90% of home	NO carpet in home	
1	Floor	Framing	FSC or SFI Certified		X
1	Foundation	Cement	Fly ash or slag as replacement for, not Addition to, cement content (min. 20%)		X
1	Interior Wall	Framing	FSC or SFI Certified		X
1	Interior Wall	Framing	Finger-Jointed, (vertical use only for structural components)		X
1	Interior Walls AND ceilings	Gypsum board	Recycled content		X
1	Interior Walls AND millwork	Paint		VOC concentrations of 150g/L or less AND 48 hour pre-flush	
0.5	Interior Walls AND millwork	Wood finishes		VOC concentrations of 150 g/L or less	
1	Landscape	Decking or patio material	Recycled content or FSC or SFI Certified		X
1.5	Other	Cabinets	Recovered, recycled content, or FSC or SFI Certified	Wood and/or agrifiber products with no added urea-formaldehyde resins	X
1	Other	Counters	Recycled content	Wood and/or agrifiber products with no added urea-formaldehyde resins	
1.5	Other	Doors (not incl. garage)	Recycled content or FSC or SFI Certified	Wood and/or agrifiber products with no added urea-formaldehyde resins	X
1.5	Other	Trim	Recovered, recycled content, or FSC or SFI Certified	Wood and/or agrifiber products with no added urea-formaldehyde resins	X
0.5	Other	Adhesives and sealants		VOC concentrations of 70 g/L or less	

1	Other	Windows	Recycled content or FSC or SFI Certified		X
1	Roof	Framing	FSC or SFI Certified		X
1	Roof	Roofing	Recycled content or vegetated (min. 200 sf)		X
1	Roof AND floor AND wall	Insulation	Recycled content (min 20%)		X
1	Roof, floor, wall (2 of 3)	Sheathing	Recycled content or FSC or SFI Certified		X

**Section 6.** Section 15.08.020(E) of the Hailey Municipal Code is hereby amended by the deletion of the stricken language and the addition of the underlined language, as follows:

E. Fees, Deposits and Refunds: For buildings, structures and other improvements requiring a building or other permit under this chapter, fees, deposits and refunds shall be paid to the city of Hailey as specified herein.

1. Building Permit Fee. Fees shall be charged utilizing Table 1-A of the 97 UBC, published by the International Conference of Building Officials (ICBO). Building valuation shall be factored at one hundred twenty dollars (\$120.00) per square foot. For new construction or substantial remodels, an application fee of \$500 shall be made at the time the building permit application is submitted to the city. Said fee shall be credited to the total amount of the building permit fee, but shall be forfeited if the building permit is not obtained by the applicant within 180 days of permit approval. Except as otherwise provided for herein, the remainder of the building permit fee and the deposit for final inspection shall be collected when the building permit is issued. ~~At the election of the applicant, payment of the remainder of the building permit fee for a Building built according to the Build Better Program, or an Energy Star certified single family residence may be deferred to the date of the issuance of a certificate of occupancy. For the purpose of Section 15.08.020(E), an Energy Star certified single family residence shall mean a single family residence certified as an Energy Star project in accordance with the Northwest Energy Star Program, as amended. The Building built to the Build Better Program shall mean a Building that meets the specifications outlined in Section 15.08.012.~~

a. New residential construction, excluding additions and alterations, shall receive a 50% ~~10.0%~~ reduction in building permit fees when built in accordance with the Build Better Program and when using a RESNET Certified HERS Rater (Performance Path), in accordance with 15.08.012.C.1.a.

2. Plan Review Fee: Building Department review will be 65% of the building permit fee. Except as otherwise provided for herein, the plan review fee shall be collected when the building permit is issued. At the election of the applicant, payment of the plan review fee for an Energy Star certified single family residence or a Building Built to the Build Better Program specifications may be deferred to the date of the issuance of a certificate of occupancy.

a. ~~The plan review fee for new residential construction, excluding additions and alterations, built in accordance with the Build Better Program, shall receive a 50% reduction. By way of example, if a building permit fee is \$1000~~

according to Table 1-A of the 1997 UBC, the plan review fee for new residential construction built in accordance with the Build Better Program shall be \$325 ( $\$1000 \times 0.65 \times 0.5$ ).

3. Fire Review Fee: Fire Department review for commercial or multi-family projects shall be 35% of the building plan review fee. Except as otherwise provided for herein, the fire review fee shall be collected when the building permit is issued. ~~At the election of the applicant, payment of the fire review fee of an Energy Star certified single family residence or a Building built to the Build Better Program specifications may be deferred to the date of the issuance of a certificate of occupancy.~~

4. Deferred Submittal Fee: An additional 100% of the original plan review fee may be charged for all deferred submittals.

5. Moved Structure Fee: Moved structures will be calculated by using the estimated cost of the move applied to Table 1-A of the 97 UBC.

6. Manufactured Homes Fee: Fees shall be based on the on-site elements constructed, not the home itself.

7. Demolition Fee: Fee shall be \$75 and shall be due at the time the application is submitted to the city.

8. Re-roof Fee: ~~Fee shall be calculated using Table 1-A of the 97 UBC. Valuation shall be based on scope of the work and materials. Fee will be \$75 per roof and shall be due at the time the application is submitted to the city.~~

9. Fence Fee: Fee will be \$30 and be paid when the application is submitted.

10. Shed Fee: Permits must be obtained for all sheds exceeding 120 200 square feet. Fees shall be based on Table 1-A of the 97 UBC.

11. Alternative Energy Review Fee. Fee shall be \$75 per Alternative Energy System application and shall be due at the time the application is submitted to the city.

12. Window Replacement Fee. Fee shall be \$75 per window replacement application and shall be due at the time the application is submitted to the city.

13. Fireplace Installation for Solid Fuel Burners Fee. Fee shall be \$75 per fireplace installation for solid fuel burners and shall be due at the time the application is due.

**Section 7.** Section 15.08.020(H) of the Hailey Municipal Code is hereby amended by the deletion of the stricken language, as follows:

H. Board of Appeals. Section 112 of the IBC and IRC shall be amended by the addition of a new section 112.3.1, as follows:

Section 112.3.1 Board Membership: The Mayor and the Hailey City Council will appoint a three (3) person Board to stand as the Board of Appeals, as needed, with membership to be selected from but not limited to the following list of professionals in the various fields of expertise in the building industry:

- Blaine County, Idaho Building Official;

- ~~The City of Ketchum, Idaho Building Official~~
- The City of Hailey Fire Chief;
- General Contractor associated with the Building Contractors Association of the Wood River Valley;
- A licensed Idaho Architect; and,
- A licensed Idaho Structural Engineer.

**Section 8.** Section 15.08.020 of the Hailey Municipal Code is hereby amended by the addition of a new subsection 15.08.020(Y), as follows:

Y. Required Plumbing Fixtures. IBC Table 2902.1 shall be amended as follows:

1. Delete footnote (f) contained under Table 2902.1 Minimum Number of Required Plumbing Fixtures, and replace with the following: Drinking fountains are not required for an occupant load of thirty (30) or fewer.

2. Add the following footnote to Table 2902.1 Minimum Number of Required Plumbing Fixtures: (g) For business occupancies, excluding restaurants, and mercantile occupancies with an occupant load of thirty (30) or fewer, service sinks shall not be required.

**Section 9. 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 10. Repealer Clause.** All Ordinances or parts thereof in conflict herewith are hereby repealed and rescinded.

**Section 11. 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 6 day of 1, 2014.

 Fritz X. Haemmerle, Mayor

ATTEST:

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

**AGENDA ITEM SUMMARY**

**DATE:** 4-7-14

**DEPARTMENT:** Legal

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

**SUBJECT:**

Ordinance No. 1147 (Building Code Ordinance Amendment) and Summary of Ordinance No. 1147

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

**BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:**

The City Council has approved Ordinance No. 1147. A third reading of Ordinance No. 1147 is scheduled for April 7, 2014. A summary of Ordinance No. 1147 has been prepared.

Ned

**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)

_____ 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:**

Make a motion to conduct a third reading of Ordinance No. 1147 by title only and to authorize the mayor to sign, and a motion to approve the Summary of Ordinance No. 1147.

**FOLLOW-UP REMARKS:**

## SUMMARY OF HAILEY ORDINANCE NO. 1147

The following is a summary of the principal provisions of Ordinance No. 1147 of the City of Hailey, Idaho, duly passed and adopted April 7, 2014, by the City Council and Mayor of the City of Hailey:

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING CHAPTER 15.08 OF THE HAILEY MUNICIPAL CODE BY AMENDING SUBSECTION 15.08.012(A) TO EXEMPT QUALIFYING MODULAR BUILDINGS AND MANUFACTURED HOMES FROM THE PROVISIONS OF THE BUILD BETTER PROGRAM, AMENDING SUBSECTION 15.08.012(C) TO INCREASE THE CONDITIONED SPACE SIZE OF NEW COMMERCIAL CONSTRUCTION FROM 10,000 TO 20,000 SQUARE FEET BEFORE ENERGY EFFICIENCY VERIFICATION IS REQUIRED, AMENDING SUBSECTION 15.08.012(D) TO QUANTIFY WATER CONSERVATION STANDARDS, AMENDING SUBSECTION 15.08.012(E)(5) TO CLARIFY THE ALLOCATION OF POINTS FOR ENERGY EFFICIENCY, AMENDING SUBSECTION 15.08.012(E)(8) TO ALLOW SUSTAINABLE FORESTRY INITIATIVE PRODUCTS TO BE USED AS SUSTAINABLE PRODUCTS; AMENDING SUBSECTION 15.08.020(E) TO PROVIDE A REDUCTION IN BUILDING PERMIT FEES FOR NEW RESIDENTIAL CONSTRUCTION IF CONSTRUCTED IN ACCORDANCE WITH THE BUILD BETTER PROGRAM AND WHEN USING A RESNET CERTIFIED HERS RATER; AMENDING SUBSECTION 15.08.020(H) TO DELETE THE KETCHUM BUILDING OFFICIAL FROM THE BOARD OF APPEALS; ADDING A NEW SUBSECTION 15.08.020(Y) TO REVISE PLUMBING FIXTURE REQUIREMENTS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

Hailey Ordinance No. 1147 amends Hailey Municipal Code, as follows:

**Section 1** amends Section 15.08.012(A) of the Hailey Municipal Code, to exempt Modular Buildings and Manufactured Homes built offsite and inspected by the Idaho Department of building Safety from the Build Better Program as set forth in Section 15.08.012 of the Hailey Municipal Code.

**Section 2** amends Section 15.08.012(C) of the Hailey Municipal Code, to clarify language about the installation of a furnace for new residential construction and to require verification of energy efficiency by a COMcheck Energy Analysis for new construction of and additions to commercial buildings less than 20,000 square feet and by using an energy model for new construction of and additions to commercial buildings greater than 20,000 square feet.

**Section 3** amends Section 15.08.012(D) of the Hailey Municipal Code, to clarify language about New Construction and to specify that faucets shall use 1.5 gpm or less, that showerheads shall use 2.0 gpm or less and that toilets shall use 1.28 gpf or less for water conservation.

**Section 4** amends Section 15.08.012(E)(5) of the Hailey Municipal Code, to allow points to be awarded when a blower door test is conducted by a HES Rater and when the mechanical ventilation is installed to meet the requirements of Section 15.08.012(D)(2) of the Hailey Municipal Code.

**Section 5** amends Section 15.08.012(E)(5) of the Hailey Municipal Code, to allow sustainable products to include Sustainable Forestry Initiative certified lumber.

**Section 6** amends Section 15.08.020(E) of the Hailey Municipal Code, to delete the election to defer the payment of a building permit fee or a fire review fee at the time of issuance of a certificate of occupancy for a building built according to the Build Better Program or for an Energy Star certified single family residence, to allow new residential construction, excluding additions and alterations, to receive a 10% reduction in building permit fees when using a RESNET Certified HERS Rater, to delete a reduction in plan review fees when new residential construction, excluding additions and alterations, are built in accordance with the Build Better Program, to establish a \$75 re-roof fee, and to establish a \$75 fee for fireplace installation for solid fuel burners.

**Section 7** amends Section 15.08.020(H) of the Hailey Municipal Code, to eliminate the Ketchum Building Official from the possible members of the Board of Appeals.

**Section 8** amends Section 15.08.020 of the Hailey Municipal Code, to add a new subsection 15.08.020(Y) to amend IBC Table 2902.1 by deleting footnote (f) under Table 2902.1 and by replacing it with “drinking fountains are not required for an occupant load of thirty (30) or fewer” and by adding footnote (g) to Table 2902.1 to not require service sinks for for business occupancies, excluding restaurants, and mercantile occupancies with an occupant load of thirty (30) or fewer.

**Section 9** provides for a severability clause.

**Section 10** provides for a repealer clause.

**Section 11** provides for an effective date of the ordinance.

The full text of Ordinance No. 1147 is available at Hailey City Hall at 115 South Main Street, Suite H, Hailey, Idaho 83333 and will be provided to any citizen upon request during regular business hours.

**CERTIFICATION OF CITY ATTORNEY**

I, the undersigned Attorney at Law, as attorney for the City of Hailey, Idaho, hereby certify that I have read the foregoing summary of Ordinance No. 1147 of the City of Hailey, that I have compared it to the full text of Ordinance No. 1147, and that in my opinion, the above summary is true and complete and provides adequate notice to the public of the contents of said Ordinance.

Dated this 7<sup>th</sup> day of April, 2014.

\_\_\_\_\_  
Ned Williamson, Hailey City Attorney

Publish: Idaho Mountain Express, March \_\_\_\_, 2014

