



City of Ketchum

October 18, 2021

Mayor Bradshaw and City Councilors
City of Ketchum
Ketchum, Idaho

Mayor Bradshaw and City Councilors:

Recommendation To Approve Ordinance 1227 Amending KMC Section 15.20, Green Building Codes to include new Section 15.20.060, Electric Vehicle Charging Infrastructure, requiring at least one 240-volt dedicated branch circuit that may be used for electric vehicle charging in new construction of one- and two-family dwellings and townhouses.

Recommendation and Summary

Staff is recommending the Council review and approve first reading of Ordinance 1227 and adopt the following motion:

I move to approve the first reading of Ordinance 1227 and read by title only by the City Clerk

The reasons for the recommendation are as follows:

- Consistent with the 2020 Ketchum Sustainability Plan, the proposed ordinance furthers the goal of reducing carbon emissions from vehicles.
- The proposed ordinance implements a requirement being considered by other jurisdictions in the Wood River Valley.
- The proposed ordinance requires installation of infrastructure to support future EV charging equipment as part of construction instead of more costly installation after construction is completed.

Introduction and History

Ketchum has had green building standards in place since 2012. Ketchum Municipal Code (KMC) Chapter 15.20 establishes green building standards for new construction, additions, and remodels. The proposed ordinance adds a new section requiring installation of at least one 240-volt branch circuit terminating at a receptacle that may be used for electric vehicle charging equipment. The requirement applies to new construction of one- and two-family dwellings and townhouses.

Analysis

The proposed requirement is consistent with the standard adopted by the City of Boise and the standard under consideration by other jurisdictions in the Wood River Valley. By requiring the installation of the 240-volt receptacle as part of new construction, it is incorporated into a project at the construction phase instead of retrofitting at a later date. This is a proactive approach facilitates installation of future EV charging equipment.

Sustainability

This ordinance is consistent with the 2020 Ketchum Sustainability Plan.

Financial Impact

There are no fiscal impacts to the city related to the adoption of this ordinance.

Attachments:

- A. Proposed Ordinance 1227
- B. Proposed Publication Summary of Ordinance 1227
- C. Red-lined version of Chapter 15.20

ORDINANCE NO 1227

AN ORDINANCE OF THE CITY OF KETCHUM, BLAINE COUNTY, IDAHO, AMENDING TITLE 15 OF THE KETCHUM MUNICIPAL CODE BY AMENDING SECTION 15.20, GREEN BUILDING CODES TO ADD SECTION 15.20.060 REQUIRING ELECTRIC CHARGING INFRASTRUCTURE TO BE INSTALLED IN NEW CONSTRUCTION OF ONE- AND TWO-FAMILY DWELLINGS; PROVIDING A REPEALER CLAUSE; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION BY SUMMARY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Ketchum is authorized to amend the city municipal code; and

WHEREAS, Title 15.20, contains the city's Green Building Codes; and

WHEREAS, the proposed code amendment will provide future owners the ability to install electric vehicle charging infrastructure without significant expense; and

WHEREAS, Ketchum has adopted the 2020 Ketchum Sustainability Plan that identifies a Priority 1 General Action of supporting the adoption and enforcement of building codes related to sustainability; and

WHEREAS, the City Council, having determined the amendment is considered the recommendation of the Planning and Zoning Commission and any comments from the public at a public hearing on October 4, 2021, having determined that it is in the best interests of the public to adopt the proposed amendment to Title 17:

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF KETCHUM:

Section 1: INSERT SECTION 15.20.060, ELECTRIC VEHICLE CHARGING INFRASTRUCTURE INTO CHAPTER 15.20:

15.20.060 Electric Vehicle Charging Infrastructure

Vehicle parking constructed in combination with one- and two-family dwellings and townhouses in new construction, require at least one two hundred forty (240) volt, forty (40) ampere dedicated branch circuit terminating at a receptacle or electric vehicle supply equipment, to be provided that may be used for electric vehicle charging, located in close proximity to the parking spaces. The branch circuit shall be identified as "EV Ready" in the service panel or subpanel directory and the termination at the receptacle location shall be marked as "EV Ready". Only one vehicle garage per parcel requires an "EV Ready" receptacle or electrical vehicle supply equipment. Installation shall comply with applicable provisions of the National Electrical Code.

Section 2: RENUMBER SECTION 15.20.060, CRIMINAL VIOLATION; PENALTY; CIVIL ENFORCEMENT TO SECTION 15.20.070 AND RENUMBER SECTION 15.20.070, APPEALS TO SECTION 15.20.080.

Section 3. **REPEALER CLAUSE.** All City of Ketchum Ordinances or parts thereof which are in conflict herewith are hereby repealed.

Section 4. **SAVINGS AND SEVERABILITY CLAUSE.** It is hereby declared to be the legislative intent that the provisions and parts of this Ordinance shall be severable. If any paragraph, part, section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid for any reason by a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 5. **PUBLICATION.** This Ordinance, or a summary thereof in compliance with Section 50-901A, Idaho Code, substantially in the form attached hereto as Exhibit A, shall be published once in the official newspaper of the City, and shall take effect immediately upon its passage, approval, and publication.

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

PASSED by the CITY COUNCIL and APPROVED by the MAYOR of Ketchum, Idaho on this _____ day of _____ 2021.

APPROVED:

Neil Bradshaw, Mayor

ATTEST:

Tara Fenwick, City Clerk

ORDINANCE NO. 1227

AN ORDINANCE OF THE CITY OF KETCHUM, BLAINE COUNTY, IDAHO, AMENDING TITLE 15 OF THE KETCHUM MUNICIPAL CODE BY AMENDING SECTION 15.20, GREEN BUILDING CODES TO ADD SECTION 15.20.060 REQUIRING ELECTRIC CHARGING INFRASTRUCTURE TO BE INSTALLED IN NEW CONSTRUCTION OF ONE- AND TWO-FAMILY DWELLINGS; PROVIDING A REPEALER CLAUSE; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION BY SUMMARY; AND PROVIDING AN EFFECTIVE DATE.

A summary of the principal provisions of Ordinance No. 1227 of the City of Ketchum, Blaine County, Idaho, adopted on _____ 2021, is as follows:

- SECTION 1.** Amends Section 15.20, Green Building Codes by adding a new Section 15.20.060, Electric Vehicle Charging Infrastructure:
- Vehicle parking constructed in combination with one- and two-family dwellings and townhouses in new construction, require at least one two hundred forty (240) volt, forty (40) ampere dedicated branch circuit terminating at a receptacle or electric vehicle supply equipment, to be provided that may be used for electric vehicle charging, located in close proximity to the parking spaces. The branch circuit shall be identified as "EV Ready" in the service panel or subpanel directory and the termination at the receptacle location shall be marked as "EV Ready". Only one vehicle garage per parcel requires an "EV Ready" receptacle or electrical vehicle supply equipment. Installation shall comply with applicable provisions of the National Electrical Code.
- SECTION 2:** Renumbers Section 15.20.060 to Section 15.20.070 and renumbers Section 15.20.070 to Section 15.20.080.
- SECTION 3.** Provides a repealer clause
- SECTION 4.** Provides a savings and severability clause.
- SECTION 5.** Provides for publication of this Ordinance by Summary.
- SECTION 6.** Establishes an effective date.

The full text of this Ordinance is available at the City Clerk's Office, Ketchum City Hall, 480 East Avenue North, Ketchum, Idaho 83340 and will be provided to any citizen upon personal request during normal office hours.

ATTEST:

APPROVED:

Tara Fenwick, City Clerk

Neil Bradshaw, Mayor

CHAPTER 15.20 GREEN BUILDING CODES

15.20.010 Applicability.

This chapter supplements the other International Code Council codes adopted by the City 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. The provisions of this chapter shall not be deemed to nullify any provisions of local, state or federal laws or codes. The provisions of this chapter shall apply to all residential construction and the residential portions of mixed use projects.

15.20.020 New residential construction.

The following certification programs shall satisfy the requirements of this Code. Third party verification is required. Additional programs may be approved by the City on a case by case basis if they meet or exceed the requirements of the programs below:

- A. Leadership in energy and environmental design (LEED) silver certification, verified by a LEED green rater; or
- B. National green building standard (NGBS) silver certification, verified by a National Association of Home Builders (NAHB) verifier.

15.20.030 Residential additions.

Additions shall meet the requirements of section 15.20.020 of this chapter or the following green building practices shall be implemented:

- A. *Site preservation.*
 - 1. Limits of disturbance shall be shown on plans and fenced on site.
 - 2. All trees to be preserved shall have fencing to protect the root structure.
 - 3. All run off shall be contained on site. Sediment and erosion control measures shall be shown on plans and implemented.
- B. *Resource conservation.*
 - 1. Construction waste recycling: Separate recycling containers shall be provided for cardboard, metal, plastic and clean wood waste.
 - 2. A built in recycling collection space shall be provided in each new or enlarged kitchen, and an aggregation/pick up recycling space shall be provided in a garage, covered outdoor space or other area.
 - 3. A minimum of two resource efficient building products shall be shown on plans and installed:
 - a. Engineered lumber or steel.
 - b. Recycled building products (minimum 50 percent recycled content).
 - c. Indigenous building products (produced within 500 miles).
 - d. Certified wood based products (FSC or SFI).
- C. *Water conservation.*

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1. Indoor.
 - a. All plumbing fixtures shall be WaterSense rated or equivalent.
 - b. Water recirculating systems shall be limited to on demand type systems.
 2. *Outdoor.*
 - a. Landscaping irrigation shall meet EPA WaterSense program requirements.
 - b. Turf grass shall be of a drought tolerant species (Rhizomatous tall fescue or equivalent) or limited to 25 percent of the total landscaped portion of the site.
 - c. Seventy-five percent of new trees and shrubs shall be native or listed on the University Of Idaho's list of drought tolerant shrubs and trees.
- D. *Energy conservation.*
1. Meet the requirements of the 2012 International Energy Conservation Code.
 2. All appliances, with exception of range, oven, cooktop and microwave, shall be Energy Star rated.
 3. Hot water heaters shall be Energy Star rated or meet the 2015 National Appliance Energy Conservation Act (NAECA) requirements.
 4. Air conditioning and heating appliances shall be Energy Star rated or minimum 95 percent efficient.
- E. *Indoor air quality.* All paints, primers, stains and adhesives, or flooring shall be low VOC certified per the California air resources board consumer products regulations.

15.20.040 Remodels.

- A. Construction waste recycling: Separate recycling containers shall be provided for cardboard, metal and clean wood waste.
- B. If the following items are replaced, they shall meet the requirements above for additions:
1. Light fixtures.
 2. Appliances.
 3. Heating and cooling appliances.
 4. Plumbing fixtures.
 5. Irrigation.

15.20.050 Exterior energy conservation (EEC).

- A. *Prescriptive path.*
1. *Pool/spa requirements.*
 - a. Automated cover required for pools;
 - b. Minimum 92 percent efficiency pool heater or Energy Star heat pump;
 - c. Variable speed pumps or equivalent;
 - d. Insulate all pipes to R-10;
 - e. Insulate below grade walls where feasible;

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- f. Spa cover: Minimum R-18, tested at 25 degrees Fahrenheit;
 - g. Indoor pools: Building is required to meet 2012 IECC.
2. *Snowmelt requirements.*
- a. Insulate below and perimeter with minimum R-10 structural insulation;
 - b. Minimum 92 percent efficiency boiler or Energy Star heat pump;
 - c. Automated controls capable of shutting off the system when the pavement temperature is above 50 degrees Fahrenheit and no precipitation is falling and an automatic or manual control that will allow shutoff when the outdoor temperature is above 40 degrees Fahrenheit;
 - d. Positive drainage off driveway (use geofabric under pavers).
- B. *Performance path.* Provide engineered, stamped drawings by an engineer licensed in the state of Idaho, showing that the system will perform using 25 percent less energy than a standard, current energy code compliant design.

15.20.060 Electric Vehicle Charging Infrastructure

Vehicle parking constructed in combination with one- and two-family dwellings and townhouses in new construction, require at least one two hundred forty (240) volt, forty (40) ampere dedicated branch circuit terminating at a receptacle or electric vehicle supply equipment, to be provided that may be used for electric vehicle charging, located in close proximity to the parking spaces. The branch circuit shall be identified as "EV Ready" in the service panel or subpanel directory and the termination at the receptacle location shall be marked as "EV Ready". Only one vehicle garage per parcel requires an "EV Ready" receptacle or electrical vehicle supply equipment. Installation shall comply with applicable provisions of the National Electrical Code.

15.20.070 960 Criminal violation; penalty; civil enforcement.

- A. Any person, firm, association, or corporation that fails to comply with or violates any of these regulations or adopted codes shall be guilty of a misdemeanor and upon conviction shall be subject to a fine of not more than \$300.00 or imprisonment for a period not to exceed six months, or both. Each day that said violation continues shall be considered a separate offense.
- B. Appropriate actions and proceedings at law or in equity may be instituted by the City of Ketchum to restrain or abate violations of this chapter or adopted codes, or compel compliance herewith, or to prevent illegal construction or occupancy of any buildings, structures, or premises in violation of this chapter or adopted codes together with appropriate damages therefor. These remedies shall be cumulative and in addition to all other legal remedies and penalties provided by law.

15.20.080 070 Appeals.

An appeal of any order, requirement, decision or determination of the Building Inspector or the Planning and Zoning Commission made in the administration or enforcement of this chapter may be taken by any affected person, as that term is defined by Idaho Code section 67-6521, as it may be amended from time to time, or any officer or department of the City, to the City Council by filing a notice of appeal in writing with the Office of the Planning and Zoning Administrator of the City in the manner prescribed in this chapter.

- A. *Action required by the Planning and Zoning Administrator.* The Planning and Zoning Administrator shall certify that all procedural requirements have been satisfied and fees paid and transmit to the Council the original of all papers constituting the record in the case, together with the order, requirement,

decision or determination of the inspector or the commission. If applicable, a verbatim transcript of the commission proceedings shall be prepared and transmitted to the Council at the appellant's expense.

- B. *Hearing and notice.* The Council shall, following receipt of the Planning and Zoning Administrator's certificate and the record of the case, set the matter for hearing and give notice of the date, time, place and purpose thereof and of the right to request a copy of the decision thereon, to the appellant, the commission, and to any other affected person, as defined in Idaho Code section 67-6521, as that section may be amended from time to time, all in accordance with Idaho Code section 67-6501 et seq., as may be amended from time to time.
- C. *Authority of Council.* Upon hearing the appeal, the Council shall consider only matters which were previously considered as evidenced by the record, the order, requirement, decision or determination and the notice of appeal, together with oral presentation and written legal arguments by the appellant, the applicant, if different than the appellant, and the commission and/or staff. The Council shall not consider any new facts or evidence at this point. The Council may affirm, reverse or modify, in whole or in part, the order, requirement, decision or determination of the inspector or commission. Furthermore, the Council may remand the application for further consideration with regard to specific criteria stated by the Council.
- D. *Decision by Council.* The Council shall enter a decision within 30 days after the hearing on appeal, which shall include its written decision separately stated. The Council shall transmit a copy of the decision to the appellant and any affected person who has requested a copy in writing, as defined in Idaho Code section 67-6521, as that section may be amended from time to time.
- E. *Appeal of Council.* In the event of an appeal of a decision of the Council to district court, applications approved by the City will be processed by the City during the pendency of the appeal.
- F. *Time for filing appeals.* All appeals permitted or authorized by this title shall be taken and made in the manner and within the time limits as follows: The written notice of appeal shall be filed before 5:00 p.m. of the fifteenth calendar day after the order, requirement, decision or determination of the Planning and Zoning Administrator has been made or after findings of fact have been approved by the commission, whichever is applicable. The failure to physically file a notice of appeal with the Planning and Zoning Administrator of the City within the time limits prescribed by this section shall be jurisdictional and shall cause automatic dismissal of such appeal.
- G. *Fee for appeals.* An administrative fee and a fee equal to the expense of giving notice and providing the transcript shall be paid within two days after receipt from the Planning and Zoning Administrator of the amount of the fee. In the event the fee is not paid as required, the appeal shall not be considered filed.
- H. *Notice of appeal; form and contents.* The notice of appeal shall be in writing and in such form as shall be available from the office of the Planning and Zoning Administrator, which shall require to be set forth with specificity all bases for appeal, including the particulars regarding any claimed error or abuse of discretion.