

**TOWN OF SNOWMASS VILLAGE  
TOWN COUNCIL**

**ORDINANCE NO. 2  
SERIES OF 2011**

**AN ORDINANCE TO REPLACE SECTION 18-224 OF THE TOWN OF  
SNOWMASS VILLAGE MUNICIPAL CODE**

**WHEREAS**, the Town Council supports and promotes energy conservation and the use of energy efficient building practices within the Town of Snowmass Village, and

**WHEREAS**, the Town Council supports and promotes renewable energy generation within the Town of Snowmass Village, and

**WHEREAS**, the Town Council finds it necessary and beneficial to establish building efficiency standards that exceed those required under the Town's Energy Conservation Code, and

**WHEREAS**, the Town Council finds it necessary and beneficial to require on-site or community sited renewable energy generation to offset the energy demand of outdoor amenities such as pools, hot tubs, snowmelt systems and heated garages, and

**WHEREAS**, the Town Council finds it necessary and beneficial to establish in-lieu fee options for property owners that choose not to employ energy efficient building practices, or that wish to build highly energy consumptive outdoor amenities, and

**WHEREAS**, the revenues derived from such in-lieu fees will establish a funding mechanism to facilitate the development of renewable energy generation projects and programs to enhance energy efficiency throughout the Village, and

**WHEREAS**, the Town Council finds that the adoption of this Ordinance is in the best interest of the Town and is reasonably necessary to promote and preserve the public health, safety and welfare.

**NOW, THEREFORE, BE IT ORDAINED** by the Town Council of the Town of Snowmass Village, as follows:

**REPLACE IN ITS ENTIRETY:**

Section 18-224 Building Efficiency Standards and Renewable Energy Offset Program (REOP)

**WITH:**

Section 18-224 Home Energy Rating System (HERS) and Renewable Energy Offset Program (REOP)

## 1. Residential Construction

This Section shall apply to all new residential construction regulated by the International Residential Code including additions of 1,000 square feet or more. Compliance with this Section will require the submission of a Home Energy Rating System (HERS) rating in conjunction with the Building Permit application. Prior to receiving a Certificate of Occupancy or Completion a final HERS rating certificate, based upon field inspections and testing done during and at the end of construction, shall be submitted to the Building Department to verify compliance.

**TABLE 1**

<b>Size of Project</b>	<b>HERS Index</b>	<b>Fee in Lieu</b>
1000 - 3000 SF	75	\$ 3.00 / SF
3001 - 5000 SF	70	4.00 / SF
5001 - 10,000 SF	65	5.00 / SF
Over 10,000 SF	60	6.00 / SF

Applicants are required to achieve the required HERS Index or pay the fee in lieu as listed in Table 1.

This Section shall apply to interior energy uses only. For exterior energy uses, see Section Three.

## 2. Commercial Construction

This Section shall apply to all new commercial construction regulated by the International Building Code including additions of 1,000 square feet or more. Compliance with this Section requires the documentation of either COMcheck or DOE-2 simulated energy performance as listed in Table 2. This simulated energy performance criteria shall exceed the requirements of the International Energy Conservation Code or ASHRAE 90.1, whichever is applicable, by at least 15%

**TABLE 2**

Size of Project	Required Submittal	Fee in Lieu
1000 - 5000 SF	COMcheck or DOE-2	\$ 7.00 / SF
Over 5000 SF	DOE-2	8.00 / SF

Applicants are required to comply with the Submittal documents or pay the fee in lieu as listed in Table 2

This Section shall apply to interior energy uses only. For exterior energy uses, see Section Three.

### 3. Exterior Energy Uses

This Section shall apply to exterior energy uses including, but not limited to, outdoor pools and spas, snowmelt systems and heated garages. Applicants shall have three options, or combination thereof, available to satisfy the requirements of the REOP Mitigation Obligation.

Options 1 & 2	Mitigate 50% of the project's REOP Mitigation Obligation (see Table 3) with on-site renewable energy system, or, with off-site renewable energy system that has been approved by the Chief Building Official. Such mitigation systems or methods, when investing in community based systems, shall include only permanent systems or investments. Off-site systems may only be utilized when located within the boundaries of the local utility.
Option # 3	Pay fee-in-lieu for 100% of the project's REOP Mitigation Obligation. (see Table 3)

Calculations for this Section can be found in Table 3. Renewable credits for this Section can be found in Table 4.

Hot water fossil fuel and electric boilers utilized for exterior energy uses shall have a minimum efficiency of 90% AFUE.

**TABLE 3**

System Type	REOP Mitigation Factor
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Snowmelt	\$ 34.00 / SF
Swimming Pool	\$ 136.00 / SF
Spa	\$ 176.00 / SF
Heated Garage	\$ 8.00 / SF

**TABLE 4**

<b>Renewable Energy System</b>	<b>Allowed Credit</b>
Solar Hot Water	\$ 125.00 / SF
Photo-voltaic	\$6.25 / watt
Ground Source Heat Pump (GSHP) (System must supply 20% of peak load for building heating and all exterior energy use)	\$ 6.75 /100,000BTU/yr
Micro-hydro generation	Case Specific
Wind generation	Case Specific
Replacement of existing boiler	\$400.00 / 1% of increased efficiency

**Exemptions:**

1. Single family dwelling garage aprons are allowed an exemption of 200 square feet.
2. Single family driveways exceeding 8 % slope. (Specific case review)
3. Commercial multi-dwelling occupancies are allowed a snowmelt exemption of 50 SF per dwelling.
4. Commercial and residential spas not more than 64 SF in surface area or 3 square feet per dwelling unit, whichever is greater.
5. Pre-existing Systems. Pre-existing snowmelt, pools or spas that are being altered or renovated qualify for exterior energy credit. This credit

can only be applied towards an installation of exterior energy on the same parcel. The calculation of the credit shall be based on Table 4 of this Section. An energy cost analysis of the existing system compared to the proposed system will be required to satisfy this exemption.

6. Repairs. Repairs to building components, systems or equipment which do not increase their pre-existing energy consumption need not comply with this Section. All replacement equipment shall be subject to current code provisions.
  
7. Appeals. An application for appeal of the Chief Building Official's final decision shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted or the provisions of this code do not fully apply. The applicant may, under these circumstances, appeal to the Building Department Board of Appeals for a hearing.

EXAMPLE # 1	OPTIONS # 1 & 2
Snowmelt area of 1200 SF:	
$\$34.00 \times 1200 / .92(\text{efficiency rating of boiler}) = \$44,347.83 \times 50\% = \$22,173.92$	
$\$22,173.92 / \$125.00 = 178 \text{ SF of solar hot water panels, OR}$	
$\$22,173.92 / \$6.25 = 3548 \text{ watts of solar photo-voltaic}$	

EXAMPLE # 2	OPTION # 3
Snowmelt area of 1200 SF:	
$\$34.00 \times 1200 / .92(\text{efficiency rating of boiler}) = \$44,347.83 \text{ fee in lieu}$	

#### 4. Energy Code Review Fee

An Energy Code Review fee of \$1,000 or 10% of the project's building permit fee, whichever is less, shall be paid prior to issuance of the main building permit. This fee will cover the administrative costs associated with the plan review and field inspections to verify compliance with this Section.

## **5. Fee Collection**

Fees will be collected by the Town of Snowmass Village Building Department prior to issuance of the main permit for the project. Collected fees shall be retained in a separate account classified as the Town of Snowmass Village Renewable Energy Offset Program.

A building project will not be eligible to receive a Building Permit until the Permit Applicant has demonstrated compliance with this Section by meeting the applicable energy efficiency standards or paying the fees in lieu.

## **6. Management and Appropriation of REOP Funds**

Fees collected and retained in the REOP account are to be managed by the Town Manager, or their designee and such designee may be determined by Resolution of the Town Council of the Town of Snowmass Village.

Expenditures of REOP funds shall be used for the following purposes:

- a. Planning, design and implementation of renewable energy generation projects.
- b. Purchase of renewable energy offsets (credits).
- c. Providing a community grant and/or rebate program for energy efficiency enhancements or renewable energy generation projects.
- d. Funding other resources and administrative costs associated with green building and environmental sustainability oriented efforts.

Expenditures shall be consistent with the Renewable Energy Offset Program protocols; as such protocols shall be described and approved by Resolution of the Town Council of the Town of Snowmass Village prior to the effective date of this Ordinance.

## **7. Effective Date and Applicability**

This Ordinance shall become effective on June 1, 2011 and shall apply to all Building Permit applications received after that date.

## **8. Waivers**

Applicants may submit written requests for waivers of any or all of the provisions of REOP to the Building Department for consideration on a case by case basis by the Town Council. All such waiver requests must be submitted and considered by Town Council prior to application for a Building Permit. Such waivers may be granted by Resolution of

the Town Council upon findings made by Town Council based on credible evidence presented by Applicant in the following categories:

- a) Community benefit;
- b) Public safety need;
- c) Unique site considerations on the property that cause a demonstrable reduction in safety for users of the property; or
- d) Unique site considerations on the property that cause undue hardship to mitigate energy use on-site due to unfavorable solar access or adverse effects (i.e. glare, noise, smell or other nuisance) to adjacent property.

Town Council shall consider the totality of the circumstances including the evidence presented pursuant to the categories above when making decisions regarding waivers.

## 9. Severability

If any provision of this Ordinance or application hereof to any person or circumstance is held invalid, the invalidity shall not affect any other provision or application of this Ordinance which can be given effect without the invalid provision or application, and, to this end, the provisions of this Ordinance are severable.

**READ, APPROVED AND ADOPTED**, by the Town Council of the Town of Snowmass Village at the First Reading on April 4<sup>th</sup>, 2011 upon a motion by Council Member Kucker, the second of Council Member Butler, and upon a vote of 3 in favor and 2 opposed. Council Members Wilkinson and Haber opposed.

**READ, APPROVED AND ADOPTED**, as amended by the Town Council of the Town of Snowmass Village at the Second Reading on May 2, 2011 upon a motion by Council Member Wilkinson, the second of Council Member Boineau, and upon a vote of 4 in favor and 0 opposed. Council Member Butler was absent.

**TOWN OF SNOWMASS VILLAGE**



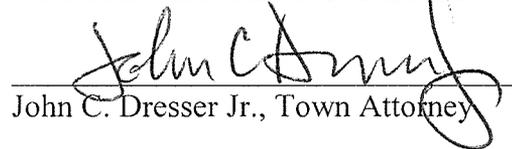
Bill Boineau, Mayor

**ATTEST:**



Rhonda B. Coxon, Town Clerk

**APPROVED AS TO FORM:**



John C. Dresser Jr., Town Attorney