

Energy & Green Building Standards – Zoning Revision

Planning Commission Proposal – 3/26/2014

(discussion at PC meetings on 12/11/13, 1/8/14, 1/22, 2/12, 3/26)

Planning Commission public hearing on 12/11/2013

Note: words in italics are for clarification and are not for inclusion in the regulations

Since May of 2009, section 5.23.2 #1 of the Zoning Regulations has required new residential structures to meet the Energy Star home standard. This Energy Star standard is designed to be 15-20% more efficient than the mandatory, minimum statewide Residential Building Energy Standards (RBES). As of January 1, 2012, the Energy Star home program transitioned to more stringent energy efficiency standards – from version 2.0 to version 3.0. Meanwhile, the RBES were upgraded on October 1, 2011, and are nearly equivalent to the version 2.0 Energy Star standards.

The Planning Commission discussed these increasing energy efficiency standards in 2011, and received substantial testimony that the version 3.0 Energy Star standards may be too high of a bar to use as a mandatory requirement for all new home construction. As a result, the Selectboard adopted interim zoning to temporarily change the Energy Star requirement to the less stringent, State-required Residential Building Energy Standard. After further discussion in 2013 and 2014, the Planning Commission formalized a proposal to move to Efficiency Vermont's Energy Code Plus standard, which is a slightly higher efficiency standard than RBES, but not as stringent as Energy Star.

Beyond the advantage of more energy efficient homes, the Energy Code Plus standard benefits from third-party verification by Efficiency Vermont – i.e., better than self-certification by a builder; no inspection required by the Zoning Administrator. Efficiency Vermont provides assistance and inspection to the homeowner or builder free of charge.

The State RBES are now required to be updated every three years. A law passed in 2013 (Act 89) requires that the Vermont Department of Public Service also create a “stretch code” to be available for municipalities to adopt. Pursuant to Act 89, “Stretch code means a building energy code for residential buildings that achieves greater energy savings than the RBES...” The Planning Commission feels it makes sense to go beyond statewide energy efficiency minimums, but also to re-evaluate these standards after the Vermont Department of Public Service formalizes the “stretch code”. According to the VT Department of Public Service, this “stretch code” should be finalized by January 1, 2015.

Waiver option in current zoning – Section 5.23.1

(no proposed change, included here because of reference in section 5.23.2 #1 revision below)

Waiver Option: The DRB may waive specific standards where it determines there is good cause to do so, and only if the waiver does not have the effect of nullifying the overall purpose and intent of these standards. When deciding whether to grant a waiver, the DRB shall take into consideration the nature and degree of the exception requested, and the extent to which suitable mitigation is proposed.

Current Zoning - Section 5.23.2 #1:

New residential structures (including modular homes) shall be designed and built to be Energy Star qualified by the Vermont Energy Star Homes program. Mobile homes are exempted from this standard because it is currently extremely difficult, if not impossible, to find Energy Star rated mobile homes.

Interim Zoning – Section 5.23.2 #1:

New residential dwellings (including modular homes) shall be designed and built to meet the current Vermont Residential Building Energy Standards (RBES), with the exception of those dwelling types that meet the RBES exemptions (e.g., mobile homes). The required RBES certificate shall be filed with the Town Clerk prior to issuance of a certificate of occupancy for the new dwelling by the Zoning Administrator. New dwellings permitted prior the enactment of this interim zoning measure shall comply with the version of RBES in place at the time the permit was issued. In other words, RBES edition 3.0 for new dwellings permitted on or after October 1, 2011, and RBES edition 2.0 for new dwellings permitted before October 1, 2011.

Proposed Zoning - Section 5.23.2 #1:

New residential dwellings (including modular homes but not accessory apartments) shall be designed and built to meet the most up-to-date version of Efficiency Vermont’s “Energy Code Plus” standard (or equivalent as the program evolves or is re-named), with the exception of those dwelling types that meet the Vermont Residential Building Energy Standard (RBES) exemptions (e.g., mobile homes, owner/builder special provision, etc.). Even with such exceptions, all construction projects are encouraged to build to energy standards that exceed the statewide minimum, such as Energy Code Plus and Energy Star. Documentation from Efficiency Vermont that the Energy Code Plus standard has been achieved shall be provided prior to issuance of a certificate of occupancy for the new dwelling by the Zoning Administrator. The Zoning Administrator may issue a conditional certificate of occupancy if formal documentation is pending and evidence is provided of a pending approval from Efficiency Vermont. New dwellings permitted prior the enactment of this provision (xxxxx, 2014) shall not be required to meet this standard. The waiver option mentioned in section 5.23.1 may also be considered in exceptional cases when the Energy Code Plus standard cannot reasonably be achieved.