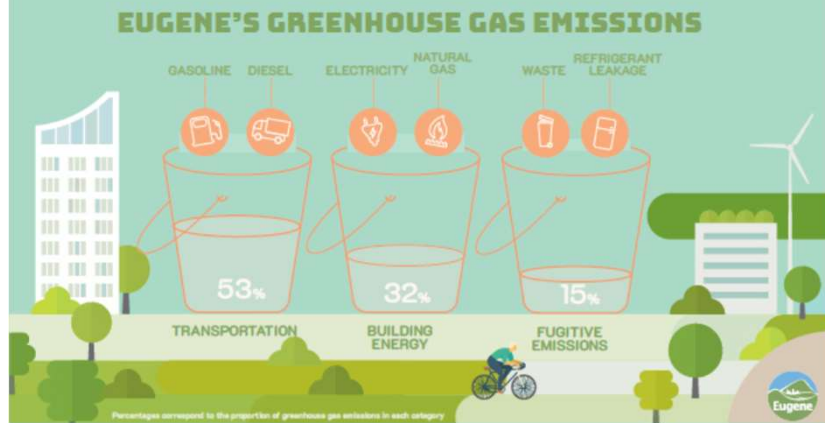


July 25, 2022 Work Session

Follow up to Potential Code Changes to Require that all New Construction be Electric Only Beginning January 1, 2023.

Lydia Bishop, Building and Permit Services Director

Mark Whitmill, Eugene Building Official



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Today's Presentation

- Background and Framing
- Review of Code path
- Response to Council Questions
- Infeasibility Waiver/Exceptions
- Council Discussion



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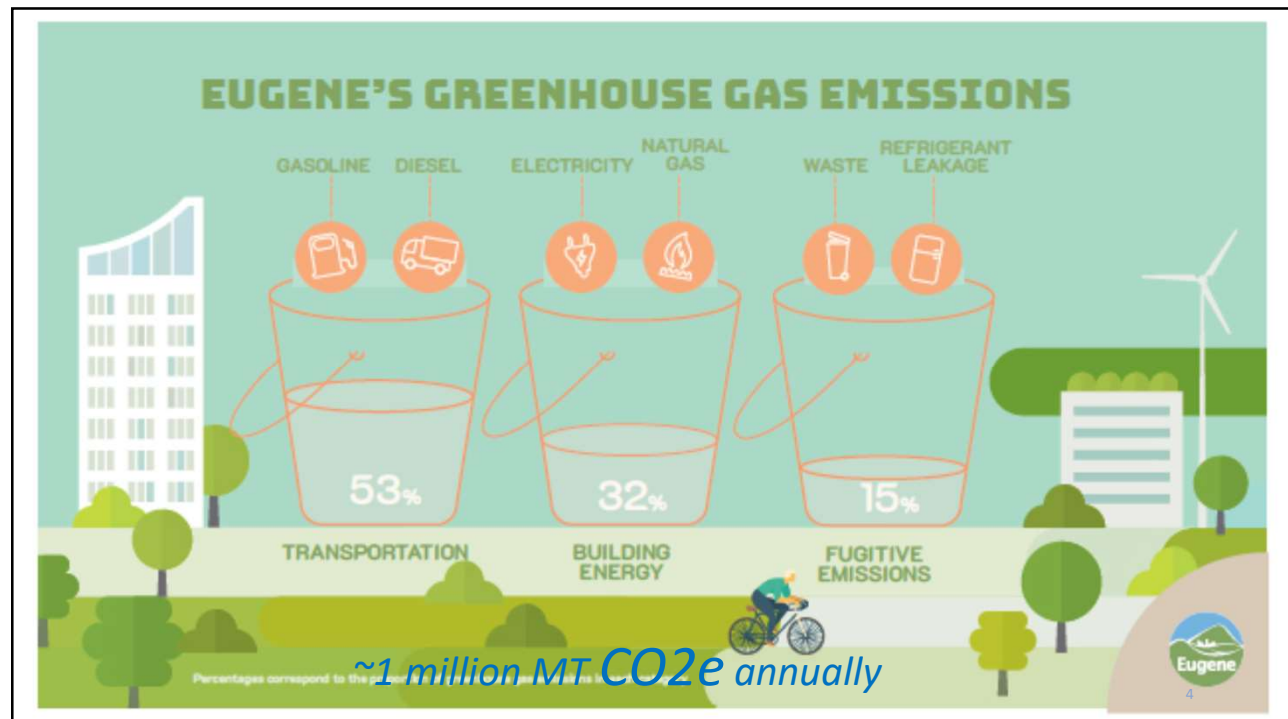
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Climate Recovery Ordinance (CRO) Goals Summary

1. Carbon neutrality in operations by 2020
2. Reduce fossil fuel use in operations by 50% by 2030 compared to 2010
3. Reduce fossil fuel use community-wide by 50% by 2030 compared to 2010
4. Reduce community-wide greenhouse gas emissions by 7.6% annually, or about 64% by 2030



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Motion from 11/17/2021 Work Session

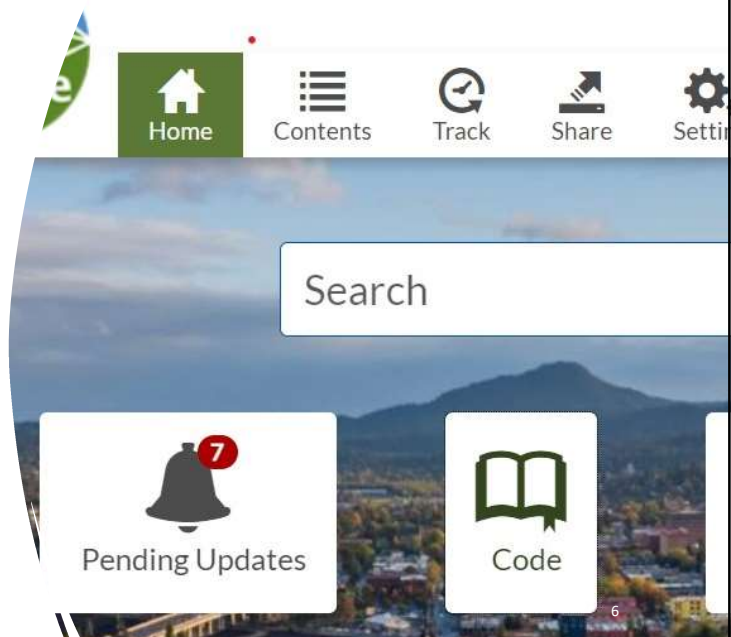
Direct City Manager to schedule a work session to discuss changes to City code that would require all newly constructed commercial, residential and industrial buildings be electric only beginning January 1, 2023.



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Local Option: Amend Chapter 6

- Add language prohibiting fuel gas infrastructure in newly constructed buildings
 - Define Fuel Gas Infrastructure
 - Define Newly Constructed Buildings
 - Option available without exceptions for certain end uses within a building.



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Motion from April 13, 2022 Work Session

Direct City Manager to schedule the next work session on this topic before July 31, 2022, to answer the questions brought forth in this work session and other questions submitted by Councilors.



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Questions raised answered in AIS Attachments.

Questions regarding the "Infeasibility Waiver" were raised several times



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Infeasibility Waivers and Exceptions - Other Cities

Infeasible: “Has little likelihood of being accomplished”, considering technological, economic, and other factors.

Examples considered by other cities in granting a waiver:

- A business-related need cannot be reasonably met with an electric appliance or piece of equipment
- Electric appliances or equipment are not commercially available

“In the Public Interest”: Benefits the health, safety, or welfare of the general public.

Examples of exceptions created by other cities:

- Research and development
- Essential facilities
- Emergency generators
- Commercial cooking

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1. Limit the gas prohibition to building types where electric options are readily available.

The prohibition is limited to buildings types where the use of fuel gas is typically limited to space heating & cooling, water heating, cooking and/or clothes drying.

Examples: One- & two-family dwellings, low-rise residential, offices

✓ Available as a Straightforward Option for Eugene.

If a prohibition applied only to low-rise residential, for example, there would not be a need for an infeasibility exception because electric options are readily available.

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Low Rise Residential

Any building three stories or less in height that includes residential dwelling units where the occupants are primarily permanent.

- Detached single family dwellings and duplexes
- Attached single family dwellings (townhouses)
- Multi-family residential buildings (triplex, 4-plex, apartments, condominiums)



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2. Apply a gas prohibition to all new buildings and provide exceptions for buildings containing certain uses.

The prohibition applies to all buildings except those with specific uses, and there is an ability to request a waiver or modification for other uses if an all-electric building is infeasible.

Examples: Factory or industrial, Laboratories, hospitals, jails

✓ Available Option but less Straightforward

An ordinance and administrative rules would need to provide for the ability to request a waiver or modification, evaluation guidelines and criteria, an application and evaluation process, and ability for appeal.



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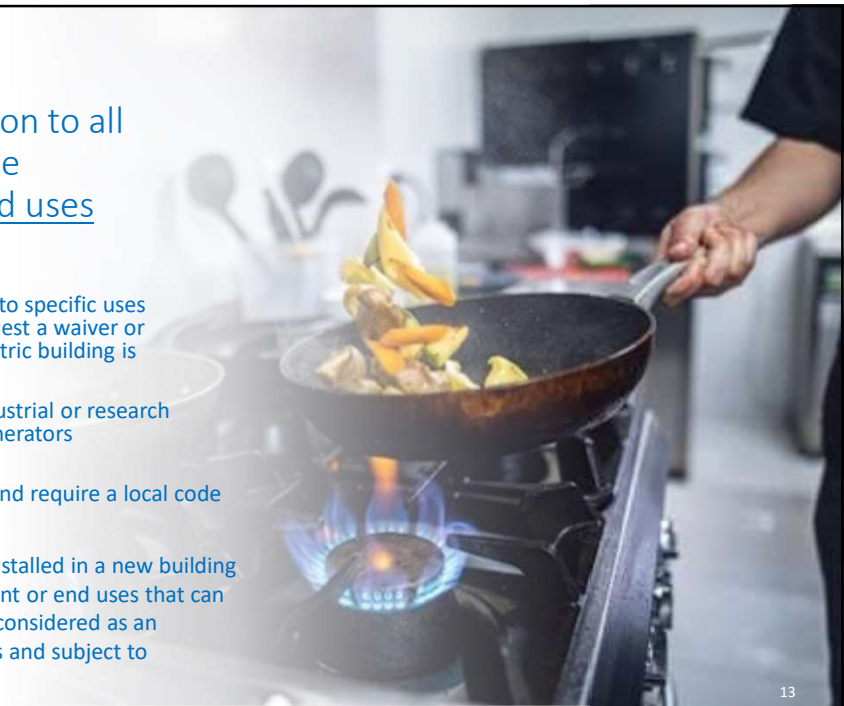
3. Apply the gas prohibition to all new buildings and provide exceptions for certain end uses within a building.

The fuel gas prohibition does not apply to specific uses within a building, with an ability to request a waiver or modification for other uses if an all-electric building is infeasible.

Examples: Commercial cooking, industrial or research processes, emergency generators

? May be subject to state preemption and require a local code amendment.

Allowing fuel gas infrastructure to be installed in a new building but prescribing or limiting the equipment or end uses that can be served with gas is more likely to be considered as an amendment to the State building codes and subject to preemption.



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4. Apply the prohibition only to end uses within a building where there are known electric options.

The prohibition only applies to specific uses within a building where electric options are readily available. Some cities still provide for the ability to request a waiver or modification.

Examples: Space heating & cooling, water heating, cooking, clothes drying

? May be subject to State preemption and require a State building code amendment.

Allowing gas infrastructure to be installed but prescribing or limiting the equipment or end uses that can be served with gas is more likely to be considered an amendment to the State building codes and subject to preemption.



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5. Apply the prohibition to all new buildings with the ability to request a waiver.

The prohibition applies to all newly constructed buildings. A waiver is available where an all-electric building is infeasible or allowing gas infrastructure is in the public interest.

✓ Available Option but less Straightforward

An ordinance and administrative rules would need to provide for the ability to request a waiver or modification, evaluation guidelines and criteria, an application and evaluation process, and ability for appeal.

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State Code Amendment Process, OAR 918-020-0370:



- ☐ Draft ordinance and hold a public hearing
- ☐ Submit application, ordinance, and public hearing report to Oregon Building Codes Division:
 - A summary of comments received;
 - An outline of the impacts of the amendment;
 - A response to substantive concerns and issues raised;
 - Identification of any financial or regulatory incentives for businesses or contractors impacted by the amendment;
 - An estimate of the fiscal impact for both residential and commercial construction;

The request is reviewed by the Building Codes Division and either approved, approved with conditions, or denied.

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Local Waiver Process

- If the Council directs that an ordinance include the ability to request a waiver, some considerations may be:
 - What is the engagement process with local businesses during code development?
 - Under what circumstances would the City receive requests for a waiver?
 - What criteria or guidelines will be used to evaluate a request?
 - Who makes the determination, and at what point in a development process?
 - What is the appeal process?

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Summary of evaluation process from other cities of infeasibility or “in the public interest” claims:

- If an applicant believes circumstances exist that make it infeasible to meet an all-electric requirement, the applicant may request an exemption from the authority having jurisdiction (often the Building Official).
- The burden is on the applicant to show infeasibility.
- The applicant presents supporting documentation and any other evidence.
- Exemptions are granted only in unusual cases that can clearly be defined as special circumstances.

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Considerations for a Waiver - Most common:

1. Are electric appliances or equipment, materials, and technologies to comply with the requirements commercially available?
2. Are there operational requirements or business-related needs that cannot be reasonably met with an electric appliance or piece of equipment?
3. Are there any impacts that a decision to allow fuel gas infrastructure may have on the health, safety, or welfare of the public?
4. Cost does not appear to be a common consideration for a waiver.

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Electric-Ready

In many cases, if the installation of fuel gas infrastructure is granted under an infeasibility or public interest exemption, the newly constructed building must nonetheless have sufficient electric capacity, wiring and conduit to facilitate future full building electrification.



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Questions and Discussion



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