

ORDINANCE NO.

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, ADDING CHAPTER 7D2, “LOCAL ENERGY EFFICIENCY STANDARDS”, TO THE SONOMA COUNTY CODE FOR THE PURPOSE OF ADOPTING LOCAL ENERGY EFFICIENCY STANDARDS FOR BUILDINGS COVERED BY THE 2008 CALIFORNIA BUILDING ENERGY EFFICIENCY STANDARDS

The Board of Supervisors of the County of Sonoma, State of California, ordains as follows:

SECTION I. Chapter 7D2 “Local Energy Efficiency Standards” of the Sonoma County Code is hereby added as follows:

(a) Section 7D2-1, Findings, is added to read:

7D2-1 Findings.

The modifications to the 2008 California Building Energy Efficiency Standards are reasonably necessary due to local climatic conditions. As a result of summer ambient temperatures, average load demand and peak load demand of energy used in Sonoma County are important factors concerning public safety and adverse economic impacts of power outages or power reductions (i.e., “brown-outs”). Reduction of total and peak energy use as a result of incremental energy conservation measures required by this ordinance will have local and regional benefits in the cost-effective reduction of energy costs for the building owner, additional available system energy capacity, and a reduction in greenhouse gas emissions.

(b) Section 7D2-2, Purpose, is added to read:

7D2-2 Purpose.

This ordinance sets forth minimum energy efficiency standards within the County of Sonoma for all new residential construction. This Chapter is intended to supplement the 2008 California Building Energy Efficiency Standards, as specified in the California Code of Regulations, Title 24, Parts 1 and 6 (Standards). Compliance with

the 2008 California Building Energy Efficiency Standards is required even if the increased minimum efficiency standards in this Chapter do not apply.

(c) Section 7D2-3, Definitions, is added to read:

7D2-3 Definitions.

For purposes of this Chapter, words or phrases used in this Chapter that are specifically defined in Parts 1, 2 or 6 of Title 24 of the California Code of Regulations shall have the same meaning as given in the Code of Regulations. In addition, the following words and phrases shall have the meaning indicated herein:

(A) “2008 Building Energy Efficiency Standards” shall mean the Standards and regulations adopted by the California Energy Commission contained in Parts 1 and 6 of Title 24 of the California Code of Regulations as such standards and regulations may be amended from time to time.

(B) “Nonresidential Compliance Manual” shall mean the manual developed by the California Energy Commission, under Section 25402.1(e) of the Public Resources Code, to aid designers, builders, and contractors in meeting the requirements of the state’s 2008 Building Energy Efficiency Standards for nonresidential, high-rise residential, and hotel/motel buildings.

(C) “Residential Compliance Manual” shall mean the manual developed by the California Energy Commission, under Section 25402.1(e) of the Public Resources Code, to aid designers, builders, and contractors in meeting the requirements of the state’s 2008 Building Energy Efficiency Standards for low-rise residential buildings.

(D) “Time Dependent Valuation of Energy or (“TDV Energy”)” shall mean the time varying energy caused to be used by the building to provide space conditioning and water heating and, for specified buildings, lighting. TDV Energy accounts for the energy used at the building site and consumed in producing and in delivering energy to a site, including but not limited to, power generation, transmission and distribution losses. TDV Energy is expressed in terms of thousands of British thermal units per square foot per year (kBtu/sq.ft.- yr.).

(d) Section 7D2-4, Buildings Covered, is added to read:

7D2-4 Buildings Covered.

The provisions of this ordinance shall apply to all new residential construction of any size for which a building permit has been applied and accepted as complete by the Building Division on or after the effective date of this ordinance. Subject to the foregoing limitation, the coverage of this Chapter shall be determined in accordance with the scope and application of either the Residential Compliance Manual or the Nonresidential Compliance Manual, as appropriate for the proposed occupancy.

(e) Section 7D2-5, Compliance, is added to read:

7D2-5 Compliance.

The building official for the County of Sonoma shall be charged with enforcing the provisions of this ordinance. A building permit subject to the provisions of this chapter shall not be issued by the County's Permit and Resource Management Department's Building Division unless the energy compliance documentation submitted with the permit application meets the requirements of this chapter. A final inspection for a building permit subject to the requirements of this chapter will not be approved unless the work authorized under a permit has been constructed in accordance with the approved plans and requirements of this chapter.

(f) Section 7D2-6, General Compliance Requirements, is added to read:

7D2-6 General Compliance Requirements.

In addition to the requirements of the 2008 Building Energy Efficiency Standards, the following general compliance requirements shall apply to all permit applications subject to this chapter:

(A) Residential Buildings. When an application for a building permit involves a new residential building, the performance approach specified in Section 151 of the 2008 Building Energy Efficiency Standards must be used to demonstrate that the TDV Energy of the proposed building is less than the TDV Energy of the standard building per the requirements of the 2008-2011 Green Point Rated system.

(B) Documentation. In order to demonstrate compliance with the requirements of this Section, a permit applicant may be required to submit supplementary forms and documentation in addition to the building drawings, specifications, and standard Title 24 report forms, as deemed appropriate by the City's building official.

(g) Section 7D2-7, Enforcement, is added to read:

7D2-7 Enforcement.

(A) In addition to any other remedies provided in this article, any violation of this article may be enforced by civil action brought by the county. In any such action, the county may seek as appropriate, any or all of the following:

- 1) A temporary restraining order, preliminary and permanent injunction;
- 2) Reimbursement for the costs of any investigation, inspection or monitoring survey which led to the establishment of the violation, and for the reasonable costs of preparing and bringing administrative action under this article;
- 3) Costs incurred in removing, correcting, or terminating the adverse effect resulting from the violation.

(B) Cumulative Remedies. The foregoing remedy shall be deemed nonexclusive, cumulative and in addition to any other remedy the City may have at law or in equity, including but not limited to injunctive relief to prevent violations of this chapter.

(h) Section 7D2-8, Expiration, is added to read:

7D2-8 Expiration.

This chapter shall expire upon the date that the state's 2008 Building Energy Efficiency Standards are no longer in effect.

SECTION II. Severability. Should any section, subsection, paragraph, sentence, clause, or phrase of this ordinance be declared unconstitutional or invalid for any reason, such declaration shall not affect the validity of the remaining portions of this ordinance.

SECTION III. Efforts to Enhance Local Compliance. Given that the purpose of this ordinance is to adopt stricter local energy efficiency standards for the construction of new residences within the County of Sonoma, the Board of Supervisors further recognizes that the adoption of new standards without additional education and training for County staff responsible for enforcement of the standards, could diminish compliance and potentially undermine the efficacy of the ordinance. Therefore, in order to ensure greater compliance and enforcement of the applicable energy efficiency standards, better equip building division staff and provide a greater resource to the

County's building community, the County will seek out additional education and training opportunities for building division staff in the areas of energy standards, technology and implementation.

SECTION IV. Environmental Compliance. (a) This ordinance is exempt from the California Environmental Quality Act ("CEQA") pursuant to Sections 15307 and 15308 of the State CEQA Guidelines as an action taken to assure the maintenance, restoration, enhancement, and protection of natural resources and the environment where the regulatory process involves procedures for protection of the environment, and pursuant to Section 15061(b)(3) of the State CEQA Guidelines because it can be seen with certainty that there is no possibility that this ordinance may have a significant effect on the environment. The basis for this determination is that this ordinance does not in itself approve any construction activities, but instead establishes standards, permit requirements, and other measures that regulate development more stringently than existing codes. These standards, permit requirements, and other measures will not result in any direct physical change to the environment on their own, and will instead assure the maintenance, restoration, enhancement, and protection of natural resources and the environment by strengthening existing environmental standards and establishing new limitations. The Director of the Permit and Resource Management Department is directed to file a notice of exemption in accordance with CEQA and the State CEQA Guidelines.

SECTION IV The provisions of this code shall not be construed as imposing upon the County of Sonoma any liability or responsibility for damages to persons or property resulting from defective work, nor shall the County of Sonoma, or any official, employee or agent thereof, be held as assuming any such liability or responsibility by reason of the review or inspection authorized by the provisions of this Code of any permits or certifications issued under this Code.

SECTION V The ordinance shall be and the same is hereby declared to be in full force and effect on _____. The ordinance shall be published once before the expiration of fifteen (15) days after its passage, with the names of the Supervisors voting for or against the same, in a newspaper of general circulation published and circulated in the County of Sonoma.

In regular session of the Board of Supervisors of the County of Sonoma introduced on the 21st day of July, 2009, and finally passed and adopted this ___th day of _____, on regular roll call of the members of said Board by the following vote:

SUPERVISORS:

BROWN _____ KERNS _____ ZANE _____ CARRILLO _____ KELLEY _____

AYES _____ NOES _____ ABSTAIN _____ ABSENT _____

SO ORDERED

ATTEST:

Chair, Board of Supervisors

**Sheri Hartz, Deputy Clerk of
The Board of Supervisors**