

The PRMD Newsletter

Winter 2010

Comments From The Building Official

Green Building Ordinances

By DeWayne Starnes

In the last newsletter, I mentioned that the Green Building Ordinance, Energy Efficiency Ordinance, and the Energy Cost Effective Study were approved by the Board of Supervisors on July 21, 2009, after a public hearing. I also mentioned that the entire package was sent to the California Energy Commission (CEC) for approval. The CEC provided comments that they could not approve the Green Building Ordinance unless some language was added. The language amounted to stating that under no conditions and regardless of what green building rating system we used, that Sonoma County would never approve any structure that did not meet Title 24 (T-24) Energy Code requirements. They requested this language in about a half dozen places peppered throughout the ordinance. Their comments were seemingly absurd, as by state law, Sonoma County, or any other jurisdiction in California, cannot approve a building permit for a new structure, without meeting T-24 requirements. This argument, although valid and acknowledged by the CEC, was of no consequence, they wanted the changes. This unfortunately meant that we had to go back to the Board of Supervisors and reopen the public hearing on the Green Building Ordinance with the proposed amendments. This was done on November 3, 2009. Also, on the November Board date, were the Resolution Adopting Guidelines, Rating Systems and Compliance Thresholds for the Sonoma County Green Building Program. Both the Ordinance and Resolution can be viewed at the Permit and Resource Management, (PRMD), website for Green Building.

The Board approved the changes and the Resolution which set a threshold of 50 points under the 2008-2011 Build-It-Green, green point rated system for residential construction, and 40 points LEED® equivalent under the 2009 LEED® v3 green point rated system. The equivalency under LEED® means that it does not have to be certified and prerequisites are not required, nor is it required to exceed T-24.

On December 16, 2009, the CEC approved, by Resolution, our Green Building Ordinance, Energy Efficiency Ordinance and Energy Cost Effective Study.

We were able to move forward and adopt the aforesaid ordinances. On January 26, 2010, the Board of Supervisors adopted both the Green Building Ordinance and the Energy Efficiency Ordinance, thus making the Green Building Ordinance effective on February 26, 2010. This means that any plans for new residential or commercial construction (excluding remodels) will be required to have a third party green building plan review prior to submittal to PRMD. Plans will not be accepted unless certified by a third party green point rater which meets the County's Green Building Ordinance requirements. A copy of the list of prequalified, third party green point raters (for both green building plan check and inspection) can be found on our website at: <http://www.sonoma-county.org/prmd/docs/grnblgdg/index.htm>.

Civil Penalty Amnesty Continues

By Ben Neuman
Code Enforcement Division
Manager

With the decline in the construction industry, as mirrored by permits issued, I'm frequently asked about a penalty amnesty. Advocates believe that waiving penalties would encourage voluntary compliance and create new work.

Code Enforcement considered the issue a few years ago. The drawbacks of amnesty are relatively short lived and only apply to penalties. There is no relaxation of the codes and regulations that dissuade citizens from obtaining permits.

We wanted to encourage sellers to honestly disclose work completed without permits and new property owners to voluntarily obtain permits. It was our hope to encourage new property owners to get permits for replaced furnaces, water heaters or roofing. We also wanted the new buyer amnesty to be permanent. Instead of offering a limited time amnesty, we decided to create a permanent penalty exemption.

The penalty exemption is referenced in Section 1-7.3 (e) 3 of the Sonoma County Code. Penalties will not be applied if permits were obtained within 6 months of taking legal title of the property and there is no violation of record. A violation of record is a code violation that has been verified and a notice sent. The exemption only applies to new owners, not the owner who completed the work.

PRMD is aware that most minor repairs take place in preparation to sell a residence. However, this exemption applies to larger projects including additions and residences. The exemption has more importance with a record number of bank owned properties being sold and the bank not knowing what work was completed or conditions that currently exist.

It is our hope that new property owners will continue to take advantage of this penalty exemption. It does not give relief to codes and regulations in place. That is only fair. We treat a permit to legalize work the same as any other permit. No more, or no less restrictive. New owners can have the peace of mind to know the work or installation is up to code and energy efficient.

New Water Efficient Landscape Ordinance

By Amy Wingfield
Planner
Comprehensive Planning Division

The Sonoma County Board of Supervisors have adopted a Water Efficient Landscape Ordinance which creates new rules and regulations for landscaping in the unincorporated County. The new rules went into effect January 15, 2010. The Board adopted the new rules to increase water savings and reduce water demand, but also to comply with a state mandate. The Water Conservation in Landscaping Act, AB1881, was adopted in 2006 and requires all local land use agencies to adopt the state's model ordinance, or develop an ordinance that is at least as effective by January 1, 2010. PRMD worked corroboratively with a stakeholder group comprised of landscape professionals and representatives from local agencies to develop one set of regulations to be adopted across the North Bay.

New landscape plan checks will be required for all commercial and industrial uses, wineries, and apartments. Single family homes that are new or that add any structure over 400 square feet are subject to the new regulations. Homeowners can get an exemption if they have less than 5,000 square feet of turf, and have a irrigation system with a weather based controller.

The new regulations include requirements for landscape water budgets, landscape and irrigation design, and irrigation scheduling. Both public water users and ground water users are subject to the ordinance.

For more information, please go to <http://www.sonoma-county.org/prmd/> or contact Amy Wilngfield at (707) 565-7389, email at awingfie@sonoma-county.org.