

MARIN COUNTY BOARD OF SUPERVISORS

ORDINANCE NO. _____

AN ORDINANCE ADOPTING AMENDMENTS TO PORTIONS OF
MARIN COUNTY CODE TITLE 19 (BUILDING CODE)

SECTION I. FINDINGS

The BOARD OF SUPERVISORS OF THE COUNTY OF MARIN hereby ordains as follows:

WHEREAS, the Marin County Community Development Agency initiated proposed amendments to Marin County Code Title 19 (Building Code). The Building Code includes building and energy efficiency regulations that apply to the unincorporated areas of Marin County. The project includes proposed amendments including, but not limited to modifying green building requirements for new single family and duplex structures, new multi-family projects, new non-residential buildings or additions, remodeling and additions to residential structures, remodeling of multi-family projects and remodeling to non-residential structures; and

WHEREAS, the ordinance was introduced at a regular meeting of the Board of Supervisors on the 13th day of February 2018, and adopted by the Board of Supervisors of the County of Marin, State of California, on the 27th day of February 2018; and

WHEREAS, the proposed Marin County Code Title 19 changes implement the Marin Countywide Plan (CWP) programs AIR-4.a (reduce greenhouse gas emissions resulting from energy use in buildings), AIR-4.e. (reduce County government contributions to greenhouse gas emissions), EN-1.b (adopt energy efficiency standards for new and remodeled buildings), EN-1.c (implement the single-family dwelling energy efficiency ordinance), EN-1.d (explore energy efficiency standards for existing buildings), EN-1.f (explore regional collaboration, financing, and other incentives for programs that promote sustainable energy practices), EN-1.j (reduce energy use in County facilities), EN-2.d (facilitate renewable energy technologies and design), EN-3.a (require green building practices for residential development), EN-3.b (require green building practices for non-residential development), EN-3.f (facilitate green building practices), and WR-3.a. (support water conservation efforts); and

WHEREAS, the 2017 Marin County Re-Inventory of Greenhouse Gas Emissions determined that the operation of residential and non-residential buildings within the unincorporated County generates 30% of the county’s total annual greenhouse gas emissions; and

WHEREAS, the 2015 Marin County Climate Action Plan identifies reducing building energy use as one of the most effective means of meeting the adopted goal of reducing the emissions of greenhouse gases to 30% below 1990 levels by the year 2020 for the unincorporated areas; and

WHEREAS, the California Global Warming Solutions Act of 2006, known as AB 32, established a statewide goal of reducing greenhouse gas emissions to 1990 levels by 2020 and to a level 80% below 1990 levels by 2050, and directs the California Air Resources Board to develop a strategy to achieve such reductions; and

WHEREAS, the State of California Climate Strategy identifies key strategies for addressing climate change that includes increasing renewable energy usage, doubling the energy efficiency savings achieved at existing buildings and making heating fuels cleaner; and

WHEREAS, the Marin County Board of Supervisors adopted a resolution on October 3, 2017 aligning local climate action policies with the State of California Climate Strategy including the county-wide adoption of electricity from 100% renewable energy sources and the increase of energy efficiency of buildings including retrofit incentives for public, residential, and commercial buildings, net-zero energy standards for new construction and funding mechanisms that incentivize energy efficiency; and

WHEREAS, the United Nations Intergovernmental Panel on Climate Change (IPCC) has warned that failure to address the causes of global climate change within the next few years will result in significant sea level increases and frequency of wildland fires and reduced freshwater resources, which will significantly increase the cost of providing local governmental services and protecting public infrastructure; and

WHEREAS, the Marin County's Shoreline Sea Level Rise Vulnerability Assessment concluded that with end of the century projections of five feet of sea level rise and a 100-year storm event, 18,000 acres and over 12,000 buildings could be flooded, potentially impacting over 200,000 people and \$15 billion in assessed property value; and

WHEREAS, the County of Marin is authorized by statute to adopt local amendments, additions or deletions to the California Building Codes Standards when determined to be reasonably necessary by the Marin County Board of Supervisors because of local climatic, geological, topographical or environmental conditions, provided the procedures and effective date of local amendments coincide with the procedures and effective date of the California Building Standards Code; and

WHEREAS, the Marin County Community Development Agency is the designated enforcement authority for this Title, and with the Ordinance proposed herein is expressly initiating local amendments, additions or deletions to the California Building Standards Code; and

WHEREAS, the Public Resources Code Section 25402.1(h)(2) states that a local enforcement agency may adopt more restrictive energy standards when they are cost-effective and approved by the California Energy Commission; and

WHEREAS, green building is a practice of design, construction and maintenance techniques that have been demonstrated to have a significant positive effect on energy, water and resource conservation, waste management and pollution generation and on the health and productivity of building occupants over the life of the building; and

WHEREAS, green building benefits are spread throughout the systems and features of the building. Green buildings can include, among other things, the use of certified sustainable wood products, extensive use of high-recycled-content products; orientation and design of a building to reduce the demand on the heating, ventilating, and air conditioning systems; the use of heating, ventilating, and air conditioning systems that provide energy efficiency and improved air quality; enhancement of indoor air quality by selection and use of construction materials that do not emit chemicals that are toxic or irritating to building occupants; the use of water conserving methods and equipment; and installation of alternative energy methods for supplemental energy production; and

WHEREAS, in recent years, green building design, construction and operational techniques have become increasingly widespread. Many homeowners, businesses, and building professionals have voluntarily sought to incorporate green building techniques into their projects. Numerous local and national systems have been developed to serve as guides and rating systems for green building practices. Construction of buildings in accordance with Build It Green's GreenPoint Rated and the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED®) rating systems result in average energy savings of about 20% compared with buildings constructed in accordance with current minimum standards of the state building code. The Passive House Institute US (PHIUS) has developed standards for buildings that consume 86% less energy for heating and 46% less energy for cooling when compared to nationally code-compliant buildings.

SECTION II: AMENDMENTS TO TITLE 19

NOW, THEREFORE, BE IT RESOLVED that the Marin County Board of Supervisors hereby adopts the amendments to Marin County Code Title 19 Subchapter 2 (Building Code). The requirements of Marin County Code Chapter 19.04 shall govern the applicability of the approved amendments to existing projects that are in the development review process.

SECTION III: EFFECTIVE DATE

This ordinance is enacted pursuant to and in compliance with Health and Safety Code §17958 §17958.5, §17958.7 and §18941.5 and as expressly permitted in Government Code §50022.2 and Public Resources Code Section 25402.1(h)(2).

This Ordinance shall be and is hereby declared to be in full force and effect as of ninety (90) days from and after the date of its passage, and shall be published once before the expiration date of fifteen (15) days after its passage, with the names of the Supervisors voting for and against the same in the Marin Independent Journal, a newspaper of general circulation published in the County of Marin. A certified copy of the full text of this Ordinance along with the names of those Board of Supervisors members voting for and against the ordinance shall also be posted in the office of the Marin County Board of Supervisors.

Prior to the effective date, a copy of this Ordinance shall be filed with the California Building Standards Commission complete with local findings for each local amendment to the California Building Standards Code.

SECTION IV: FORMER ORDINANCES

All former ordinances or parts thereof conflicting or inconsistent with the provisions of this Ordinance hereby adopted are hereby repealed.

SECTION V: VALIDITY OR

If any section, subsection, sentence, clause or phrase of the provisions depicted in this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining provisions adopted under this Ordinance. The Board of Supervisors of Marin County hereby declares that it would have adopted the Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases thereof shall be declared invalid.

SECTION VI: CALIFORNIA ENVIRONMENTAL QUALITY ACT

The Board of Supervisors of Marin County finds that adoption of this ordinance is exempt from the California Environmental Quality Act ("CEQA") under California Code of Regulations, Title 14, §15061(b)(3).

SECTION VII: VOTE

Notice of this Ordinance was published pursuant to Government Code §50022.3, §6066 and §25124(b)(1), and a certified copy of the full text of this Ordinance was posted in the office of the Clerk of the Marin County Board of Supervisors at least five (5) days prior to the Board of Supervisors meeting at which it was adopted.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held on this 27th day of February by the following vote:

AYES:

NOES:

ABSENT:

PRESIDENT, BOARD OF SUPERVISORS

ATTEST:

CLERK