ORDINANCE NO. 2008-1693

AN ORDINANCE OF SOLANO COUNTY AMENDING CHAPTER 6.3 AND
ADDING SECTION 6.3-16 TO THE SOLANO COUNTY CODE ESTABLISHING
A VOLUNTARY GREEN BUILDING PROGRAM FOR RESIDENTIAL
CONSTRUCTION

THE SOLANO COUNTY BOARD OF SUPERVISORS ORDAINS AS FOLLOWS:

Section 1. TITLE

This Ordinance may be referred to as the County's "Green Building Ordinance," and the requirements imposed by this Ordinance for voluntary designation as a "certified green building" may be referred to as the County's "Green Building Program."

Section 2. FINDINGS

Solano County recognizes the need to protect and preserve natural resources and the County seeks to provide a healthy living environment. The design, construction, and maintenance of buildings, structures and landscapes within the County can have a significant impact on the County's environmental sustainability, resource usage, energy efficiency, waste management and the health and productivity of residents, workers and visitors.

Based on the entire record before the Solano County Board of Supervisors and all written and oral evidence presented to the County Board of Supervisors, the County Board of Supervisors finds this Ordinance promotes the public health, safety, welfare and sustainability of the community by establishing a Green Building Program enabling homeowners and building professionals wishing to designate a residential structure as a "certified green building" to voluntarily participate in the program.

Section 3. CHAPTER 6.3-16, "RESIDENTIAL GREEN BUILDINGS"

Chapter 6.3 is amended and Section 6.3-16 is added to the Solano County Code to read as follows:

Section 6.3-16 Residential Green Buildings

Sec. 6.3-16.010 Purpose

The purpose of this Part is to improve public health and welfare, assuring that residential developers and builders who wish to exceed Title 24 state energy efficiency standards by at least 15% to 20% have the opportunity to participate in a voluntary green building program designed to achieve the following:

(a.) Encourage resource conservation;

• Innovative plumbing systems and fixtures
- Parallel hot water piping; or Hot water recirculation system
- High efficiency toilet(s) (HET) (= 1.28 gpf)
- High efficiency clothes washer as a buyer option (water factor ≤ 6.0)

- Wood Conservation
  - Computer controlled saws to make accurate compound cuts
  - Engineered wood products

- New Designs for landscaping and irrigation
  - Front yard landscaping with a maximum of 75% turf, drought tolerant plants, and high efficiency drip irrigation system
  - Weather based irrigation controllers that provide only the amount of water required to sustain the landscaping (Smart Controller)
  - Large front yards with very little or no turf

(b.) Reduce waste generated by construction projects;
- 50% of construction waste be diverted from landfills
- Builders in areas with no construction waste diversion facilities must help establish such capabilities.

(c.) Increase energy efficiency;
- Improved insulation installation
- Engineered HVAC systems
- Tight HVAC Ducts
- High-efficiency glazing (SHGC and U-value < 0.40)
- Independent third-party inspections and diagnostics of energy features.

(d.) Promote the health and productivity of residents, workers, and visitors of Solano County.
- HVAC system designed by a licensed engineer and installed to Air Conditioning Contractors of America (ACCA) Manual J, S and D
- HVAC ducts diagnostically tested per tight duct protocols
- Minimum Efficiency Reporting Values (MERV) 6 HVAC filters installed in return
• Low or no Volatile Organic Compounds (VOC) for paints, lacquers, floor
underlayment and carpet

Sec. 6.3-16.020 Findings

The Solano County Board of Supervisors finds that:

(a.) The design, construction and maintenance of buildings, structures and landscapes within the County of Solano can have a significant impact on the County’s environmental sustainability, resources, energy efficiency, waste management and the health and productivity of residents, workers and visitors.

(b.) Green building and landscape design, construction and operation can have a significant positive effect on resource conservation, energy efficiency, waste and pollution reduction and the health and productivity of a building’s occupants over the life of the building.

(c.) Green building and landscape benefits are spread throughout the systems and features of the building. Green buildings can include, among other things, use of certified sustainable wood products; use of high-recycled content products; recycling of waste that occurs during deconstruction, demolition and construction; orientation and design of a building to reduce the demand on heating, ventilation, and air conditioning systems; use of heating, ventilation, and air conditioning systems that provide energy efficiency and improved indoor air quality; use of construction materials that do not emit toxic chemicals; use of water conservation methods and equipment; and installation of alternative energy methods for supplemental energy production.

(d.) In recent years, green building design, construction and operational techniques have become increasingly widespread. Many homeowners and building professionals have voluntarily sought to incorporate green building techniques into their projects. A number of local and national systems have been developed to serve as guides to green building practices. The California Green Builder Program (CGB) is an established process for evaluating residential green building projects.

Sec. 6.3-16.030 Definitions

For the purposes of this Part, certain words and terms are defined as follows:

(a.) "Applicant" means any individual, firm or any other entity that applies to the County for the applicable permits to construct a new residential building(s) or residential development project.

(b.) "Building" means any structure used or intended for supporting or sheltering any use or occupancy as defined in the California Building Code.
(c.) "California Green Builder Program" (CGB) means the most recent version of the California Green Builder system which was developed by the Building Industry Institute (BII), the research arm of the California Building Industry Association (CBIA). The CGB is a statewide program that began certification in 2005. (d.) "Solano County Green Building Program" shall mean the requirements imposed by this Part.

(d.) "Certified Green Building" means a project that has fulfilled the requirements of this Part.

(e.) Chief Building Official, Administrative Authority, and similar references to a chief administrative position shall mean the Building Official of the County of Solano provided, however, that where such terms are used in connection with those duties imposed by statute or ordinance upon the County Health Officer said terms shall include the County Health Officer;

(f.) "County" means the County of Solano.

(g.) "Construction" means the building of any building or structure or any portion thereof.

(h) "Consultant" refers to the consulting entity authorized by the Chief Building Official to conduct the plan review for the CGB program.

(i.) "Green building" means a comprehensive systems approach to the design, construction, and operation of buildings that helps mitigate the environmental, economic, and social impacts of construction. Green building practices recognize the relationship between natural and built environments and seek to minimize the use of energy, water, and other natural resources and provide a healthy, productive indoor environment.

(j.) "Residential Project" means any construction project that is intended as a dwelling.

(k.) "Dwelling" means a building that contains one or two dwelling units used, intended or designed to be used, rented, leased, let or hired out to be occupied for living purposes.

(l.) "Dwelling Unit" means a single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

(m.) "Structure" means that which is built or constructed, an edifice or building of any kind or any piece of work artificially built or composed of parts joined together in some definite manner and permanently attached to the ground, as defined in the California Building Code.

Sec. 6.3-16.040 Applicability

(a.) The Part shall only apply to the construction of new residential buildings, including second unit dwellings. This Part shall not apply to commercial construction and residential additions and renovations. This Part does not provide mandatory standards, and the requirements provided in this Part shall only apply to those applicants voluntarily seeking to participate in the Solano County Green Building Program.
(b.) Commercial developers and builders, while not governed by this Part, may have their commercial developments certified as "green" under the United States Green Building Council's Leadership in Energy and Environmental Design program or through another approved green building certification program.

Sec. 6.3-16.50 Documentation

The requirements described in this Section 6.3-16.050 are only applicable to applicants seeking to have their projects designated by the County as Certified Green Buildings:

(a.) Applications for a building permit for the construction of a new building or a building permit involving the construction of one or more new dwelling units shall include required documentation indicating the measures to be used to achieve the required CGB certification. The documentation shall indicate how the components of the California Green Builder Program will be achieved. An application for a building permit for the construction of a new building shall not be deemed complete until all required green building documentation has been submitted. The required documentation shall include:

(1.) A completed copy of the California Green Builder Program certification.

(2.) Any other documentation required by the Chief Building Official to determine compliance with this chapter.

(b.) Applications for residential building permits shall include proof that the plans are certified by the California Green Builder Program with the first building permit plan set submitted. Building plans shall indicate in the general notes or individual detail drawings, where appropriate, the green building measures to be used to attain the required minimum CGB certification.

(c.) Applications for mixed-use building permits shall include the California Green Builder Program certification for the residential portion. (Only the residential portion may be certified by the County on mixed-use projects).

Sec. 6.3-16.060 Review of Documentation

(a.) Approval. The Chief Building Official shall only approve a project seeking to be designated as a Certified Green Building if the green building documentation is certified by the California Green Builder Program. The Chief Building Official shall be responsible for verifying the appropriate green building program requirements have been met. The green building documentation shall be reviewed during building permit review and shall be approved based on conformance to the minimum requirements.

(b.) Non-approval. If the Chief Building Official determines that the green building documentation fails to prove that the project will conform to the CGB program requirements, the
documentation will be denied and returned to the applicant, including a statement of reasons for denial and measures required to conform to the required CGB certification.

(c.) Re-submittal. If the documentation is returned to the applicant as not approved, the applicant may resubmit the documentation with such modifications and additions as may be required for approval/certification as a Certified Green Building.

Sec. 6.3-16.070 Verification

(a.) Verification Plan. Upon approval of the green building documentation, the Chief Building Official shall establish a verification plan noting how each green building measure or provision will be verified through visual inspections, documentation, or other means during construction.

(b.) Inspections. The Chief Building Official shall verify that the green building measures and provisions indicated in the approved green building documentation are being implemented through inspections during the construction of the project. In addition to visual inspections, the applicant may submit documents, such as purchase receipts, verifying that green building measures and provisions have been implemented. If the Chief Building Official determines that the project as built does not comply with any portion of the approved green building documentation, he or she may issue a stop-work order. At the discretion of the Chief Building Official, the stop-work order may apply to the portion of the project that is not in compliance or to the entire project. The stop-work order shall remain in effect until the Chief Building Official determines that the project is in compliance with the approved green building documentation and the provisions of this chapter.

(c.) Final Determination of Compliance. Prior to approval of final inspection, the Chief Building Official shall review the verification documentation submitted by the applicant and determine whether the applicant has achieved the required CGB certification, as set forth in this chapter.

(d.) Noncompliance. If the Chief Building Official determines that the project is not in compliance with the approved green building documentation, the Chief Building Official may require additional green building measures to mitigate the project's noncompliance. Mitigation measures may include, but are not limited to, landscaping the project to decrease water and energy consumption, use of energy-efficient fixtures and equipment, and education of the building's occupants and owners regarding on-going energy and resource savings techniques. If the mitigation measures are or will be implemented to the satisfaction of the Chief Building Official, then a final inspection shall be conducted and signed off approved in accordance with applicable laws and regulations.

(e.) California Green Builder Certification. For projects that have been submitted to the Consultant and certified to be in compliance with the California Green Builder Program, the Chief Building Official will expedite time required for plan check review. The time frame will be one half the current time frames, whenever possible.
Sec. 6.3-16.80 Exemptions

(a.) This Part does not apply to commercial construction and residential additions (except second unit dwellings) and renovations.

(b.) Infeasibility exemption. An exemption from the minimum required CGB certification standards may be granted by the Chief Building Official under special circumstances. Such circumstances may include, but are not limited to, availability of markets for materials to be recycled, availability of green building materials and technology, and compatibility of green building requirements with other building standards. The procedures for exemption due to infeasibility are as follows:

1. Review of exemption. The Chief Building Official may meet with the applicant to discuss possible ways of complying with the required CGB certification standards.

2. Approval of exemption. The exemption may be granted if the Chief Building Official determines that special circumstances exist that make it infeasible for the project to comply with the required CGB certification standards. The Chief Building Official shall determine the maximum feasible requirements reasonably achievable for the project and shall confirm the requirements on the green building documentation, which shall be marked "Approved with Exemption". The project shall be subject to the green building verification process of Section 6.3-16.070.

Sec. 6.3-16.90 Enforcement

(a.). Since this Part is not mandatory, new buildings are not restricted to green building design standards. However, if a building is constructed with approved green building documentation, final inspection will not be conducted and the subject structure may not be inhabited until all green building features have been provided or the building is redesignated as a non-green building.

(b.) Authority to enforce. The Chief Building Official is authorized to enforce this Part.

Section 4. SEVERABILITY

The Solano County Board of Supervisors declares that, should any provision, section, paragraph, sentence or word of this ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this ordinance as adopted shall remain in full force and effect.

Section 5. REPEAL OF CONFLICTING PROVISIONS

All the provisions of the Solano County Code as adopted by the County of Solano that are in conflict with the provisions of this ordinance are repealed.
Section 6. EFFECTIVE DATE

This ordinance shall take effect thirty (30) days after its adoption.

Section 7. CERTIFICATION

A summary of this ordinance will be published within fifteen (15) days after its adoption in the Fairfield Daily Republic, a newspaper of general circulation in Solano County.

Passed and adopted at a meeting of the County Board of Supervisors held on June 24, 2008 by the following vote:

AYES: SUPERVISORS Kondylis, Reagan, Spering, Vasquez, and Chair Silva

NOES: SUPERVISORS None

EXCUSED: SUPERVISORS None

JOHN F. SILVA, Chair
Solano County Board of Supervisors

ATTEST:

MICHAEL D. JOHNSON, Clerk
Solano County Board of Supervisors

Patricia J. Brittenden, Chief Deputy Clerk

Introduced: June 10, 2008

Adopted: June 24, 2008

Effective: July 25, 2008