



## Legislation Text

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**File #:** 2022-0099, **Version:** 1

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**To:** Board of Supervisors

**Department or Agency Name(s):** Permit and Resource Management Department

**Staff Name and Phone Number:** Nathan Quarles, (707) 565-1146 and Steve Mosiurchak (707) 565-1380

**Vote Requirement:** Majority

**Supervisorial District(s):** Countywide

**Title:**

**2:55 P.M.** Ordinances amending Chapters 7, 7A, and 13 of the Sonoma County Code, including adoption of the 2022 California Building Standards Code with local amendments

**Recommended Action:**

Conduct a public hearing and adopt Ordinances Amending Chapters 7, 7A, and 13 of the Sonoma County Code as directed by the Board at the public hearing on November 8, 2022 and finding the ordinances do not constitute a project under the California Environmental Quality Act or alternatively are categorically exempt.

**Executive Summary:**

This action is to make amendments to Chapters 7, 7A, and 13 of the Sonoma County Code (SCC) to address changes to the California Code of Regulations, Title 24, Parts 1-12, commonly referred to as the “model codes”, which govern the design and construction of structures and the maintenance of life safety systems within structures for fire prevention. The State model codes were amended and adopted in January of this year. The State published the model codes on July 1, 2022, and they will become effective on January 1, 2023. Local jurisdictions may adopt local amendments that are equal to or more stringent than the model codes if reasonably necessary due to local climatic, geographical, and topographical conditions. Local amendments must be filed with the California Building Standards Commission along with findings upon adoption of the ordinance prior to becoming effective, but do not require approval from the Commission before becoming effective. The proposed ordinances represent adoption of the model codes with local amendments to Chapters 7 (building), 7A (regulations for limited density owner-built rural dwellings) and 13 (fire) of the County Code.

**Discussion:**

**Sonoma County Code Chapter 7 - Building Regulations**

**Board Directed Local Amendments to the Building Codes:**

Staff recommends amending Sonoma County Code section 7-13 in accordance with Board direction received during the September 2022 building code workshop. These amendments include requiring 100% electric dwellings with exceptions; allowing the option of waterless toilets; requiring EVITP certifications in certain instances; and modifying the emergency housing appendices to omit language that restricts these appendices to County only projects.

SCC section 7-13(I)(2) is proposed to be added. Section 7-13(I)(2) requires all new single-family dwellings, including Accessory Dwelling Units, to be 100% electric with no other source of fuel or energy except for the following: dwelling structures that satisfy the criteria of the California Energy Code section 150.1(c)14 exception 1, or exception 2; natural gas or propane ignitor cooktops (no pilot lights); fossil fuel generators; ADUs attached to a mixed fuel single-family dwelling and that mixed fuel system is to be used for the ADU. Section 150.1(c)14 is the energy code section for the requirement of photovoltaic panels and exception 1 is when solar access is restricted to less than 80 square feet of the dwelling roof.

SCC section 7-13(G)(2) is proposed to add waterless toilets as an option to the requirement that all dwellings have an adequate number of flush toilets.

SCC section 7-23 is proposed to be added. Section 7-23 requires electrical contractors to have the specified number of workers hold the EVITP certification. The EVITP certification requirement applies to County projects or County funded projects. The provisions require the charging station to be installed by a contractor with the appropriate license classification (electrical contractor) and at least one electrician on each crew, at any given time, who holds an EVITP certification or for projects that install a charging port supplying 25 kilowatts or more have at least 25% of the total electricians working on the crew for the project, at any given time, who hold EVITP certification.

SCC section 7-23 is numerically within Article III Penalties, Violations and Abatement. Staff propose to move EVITP certification section to a different location, section 7-13(K), for consistent organization of the code language.

SCC section 7-13(C)(38) and 7-13(D)(9) are proposed to omit language in the emergency housing appendices that restricts the use of these appendices to County-owned or County-sponsored projects.

### **Administrative Local Amendments to the Building Codes:**

This item proposes to update SCC section 7-13 to address several administrative and technical amendments. These include:

- recognize the 2022 versions of the model codes,
- the time limit of building applications and permits and appeal provisions,
- adding projects that are exempt from needing a building permit,
- adding a requirement for Class A roofs for all structures,
- adding a provision to place anchor bolts prior to pouring of the foundation, and
- amendments to ensure the building codes are consistent with the fire code.

SCC section 7-13(A) currently recognizes the 2019 model building codes is proposed to be modified to recognize the 2022 versions of the model codes.

SCC section 7-13(B)(3) addressing the time limit of an issued permit is proposed to be edited to be consistent

with state law and the 2022 model codes. SCC section 7-19 proposes to modify the “abandonment” definition to be consistent with and implement the time limit of an issued permit.

SCC section 7-13(C)(2) details the types of projects that are exempt from needing a building permit. These need to be re-adopted each code cycle.

SCC section 7-13(C)(37) adds a requirement for Class A roofs for all structures with exceptions for greenhouses, patio covers and similar structures. Like the permit exemptions, this needs to be re-adopted into local code each code cycle.

The Board provided direction to evaluate Class A roofs for agricultural buildings. Section 7-13(C)(37) is amended to added two additional exemptions: one for structures that are exempt from a building permit under Sonoma County Code section 7-7 Agricultural Exempt Structures; and one for agricultural buildings not subject to the California Fire Code or not subject to the Sonoma County Code Chapter 13 as determined by the County’s Fire Marshall.

Sonoma County has been implementing Class A roofs on all structures as early as 1999. Section 7-13(C)(37), as drafted, only applies to structures subject to the California Building Code. For the Class A roof requirement to apply all structures as intended, this section needs to be edited and moved in the hierarchy of the code adoption. Staff propose to strike the reference to the California Building Code and to move the Class A roof requirement to a new Sonoma County Code section 7-13(J) for Class A Roof Assemblies with the exceptions for agricultural buildings.

SCC section 7-13(D)(7) adds a requirement to place foundation anchor bolts in foundations prior to pouring concrete. The 2022 model codes do allow for the placement of foundation anchor bolts after the concrete is poured but before it is set. Staff’s recommendation is to not follow the 2022 model codes in this respect but to require the traditional method of placing foundation anchor bolts. The traditional method is to affix the anchor bolts to the rebar within the forms prior to pouring the concrete.

Various amendments throughout SCC section 7-13(C) and 7-13(D) are proposed to ensure consistency between local fire code amendments and the building codes.

The Board discussed cost considerations of the new 2022 model building codes, the 100% electric dwelling requirement and the need for a cost benefit analysis. The 2022 model codes require dwellings to be electric ready. Electric ready means that new dwellings will have to be constructed with the infrastructure to accommodate electric stovetops, electric clothes dryers, energy storage (batteries) and heat pumps. Most homes are currently constructed with the infrastructure to provide options for gas and electric appliances. For example, gas lines and wiring and circuit breakers are typically installed for a clothes dryer and cooktops. This affords the homeowner options. New elements include providing the electric infrastructure for energy storage and heat pumps. While these elements will add to the construction costs, qualitatively, it estimated to be relatively minor. These costs include conduit, wiring, a larger electric panel, and space within the structure.

A cost increase due to the requirement for all electric dwellings is debatable. The gas appliances, for example a furnace or water heater, are replaced with a comparable electric appliance. The appliances are still needed, it is just the type of appliance that is changing. Since the model codes require the electric infrastructure, the requirement for 100% electric dwelling is the difference between the gas appliance versus the electric version.

There may be a cost savings in not installing a gas service or gas plumbing. The long-term costs of operation were not evaluated.

The Board did provide an exemption for gas or propane cooktops. Should a client pursue this option there would be an added cost above and beyond the 100% electric dwelling. The two likely options for the source of the fuel are connecting to an existing natural gas main or installing a propane tank. The internal plumbing costs are approximated to be equal for a natural gas and propane stovetop. While this option would cost more than the 100% electric dwelling, this is not an increase relative to the 2019 building codes as most dwellings were constructed with both gas and electric infrastructure for cooktops. Further, this is an option and not a mandated cost.

The California Energy Commission requires a cost benefit analysis if a local jurisdiction adopts REACH codes above the minimum requirements in the California Energy Code. The Board's direction to require 100% electric dwellings required edits to the California Green Building Standards Code and not to the California Energy Code. Therefore, the County is not required to submit a cost benefit analysis to the California Energy Commission.

### **Sonoma County Code Chapter 7A - Regulations for Limited Density Owner-Built Rural Dwellings**

Staff recommend one administrative change to address a change in paragraph numbering.

### **Sonoma County Code Chapter 13 - Sonoma County Fire Safety Ordinance**

The Sonoma County Fire Prevention Division has fire code authority for all new residential construction in the unincorporated areas and for most new commercial construction, which was delegated to the County Fire Marshal by the fire districts (SCC section 13-15) and has authority for both residential and commercial construction within County Service Area #40 (CSA #40). Each fire district in Sonoma County is responsible for enforcing the fire code for existing business occupancies. Several fire districts contract with the County to perform inspection and enforcement services (Schell-Vista Fire Protection District (FPD), Graton (FPD), Occidental (FPD), Timber Cove (FPD) and Cazadero CSD). Incorporated cities are responsible for adopting and enforcing their own fire and building codes for both residential and commercial buildings. Additionally, Sonoma County is responsible for the review and inspection required by Title 14 of the Natural Resources Code, Division 1.5, Chapter 7, Subchapter 2, as delegated by California Department of Forestry and Fire Protection, for all new construction located in the State Responsibility Area (SRA).

Beginning in June 2022, the Sonoma County Fire Marshal and the Sonoma County Fire Prevention Officers have held six working group meetings to continue their effort in having a uniform Fire Code between the incorporated cities and unincorporated area of the county protected by a Fire District. The group has agreed to keep alignment with the model code as it relates to the maintenance provisions and to reduce the number of fire code operational permits relative to previous code cycles. The purpose is to return the code back in line with state model code minimums and to reduce conflicts with other state mandates. California Free Access Fire Code: <https://codes.iccsafe.org/content/CAFC2022P1>

Along with the County's Permit and Resource Management Department, the Fire Marshal staff worked with a core group of fire service agencies to make local amendments to the California Fire Code. The fire service agencies included representatives from: Sonoma Valley, Santa Rosa Fire Department, Petaluma Fire

Department, Rohnert Park Department of Public Safety, Sebastopol Fire Department, Healdsburg Fire Department, and a fire district representative. Several meetings were conducted for all interested persons over a period of eight months. By undertaking this collaborative effort, all jurisdictions within the county will have essentially the same language contained in their fire codes, thus creating uniformity among all fire codes within the county. The proposed fire code ordinance is attached to this summary report.

Fire districts in the unincorporated county are responsible for adopting a fire code to apply within their district. A district's fire code cannot be less restrictive than the County's fire code and if a district's code is more restrictive, it must be subsequently ratified by the Board of Supervisors. (Cal. Health & Safety Code Section 13869.7; Sonoma County Code Sec. 13-15(d).) Due to the collaboration on this triennial update, it is not anticipated that individual fire districts will adopt substantive changes. Some districts adopt the County's fire code by reference, while others adopt the County's fire code provisions but refer to it as their district's fire code, neither of which require ratification by the Board of Supervisors. The Fire Marshall will review district adopted code to verify whether there are any substantive changes requiring ratification.

### **Recommendations**

Staff recommends adoption of the two attached proposed ordinances which amend Chapter 7 for the new building codes and local amendments; Chapter 7A for rural dwellings and Chapter 13 for the fire codes and local amendments.

### **Prior Board Actions:**

11/08/2022: The Board adopted Resolution #22-0489.  
09/15/2020: The Board adopted revisions amending Chapter 7 for Emergency Housing  
12/02/2019: The Board adopted revisions amending Chapters 7 and 13  
11/15/2016: The Board adopted revisions amending Chapters 7, 7A, and 7C  
10/20/2015: The Board adopted revisions amending Chapters 7 and 13  
11/05/2013: The Board adopted revisions amending Chapters 7, 7D2, and 13  
11/02/2010: The Board adopted revisions amending Chapters 7, 7A, and 13  
05/04/2010: The Board adopted revisions amending Chapter 13

### **FISCAL SUMMARY**

#### **Narrative Explanation of Fiscal Impacts:**

Not applicable.

#### **Narrative Explanation of Staffing Impacts (If Required):**

Not Applicable

#### **Attachments:**

Attachment A: Chapters 7 (Building) and 7A (Limited Density Owner-Built Rural Dwellings) Ordinance  
Attachment B: Draft 2022 Chapter 13 Fire Safety Ordinance Amendments  
Attachment C: Notice of CEQA Exemption  
Attachment D: Staff PowerPoint

#### **Related Items "On File" with the Clerk of the Board:**

Attachment A: Chapters 7 (Building) and 7A (Limited Density Owner-Built Rural Dwellings) Ordinance - Stricken Version

Attachment B: Draft 2022 Chapter 13 Fire Safety Ordinance Amendments - Stricken Version

Chapter 13 of the Municipal Code Fire Safety Ordinance Version 6296 and Incorporated Changes 6318