

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF NAPA COUNTY, STATE OF CALIFORNIA, ADOPTING FINDINGS OF FACT PERTAINING TO LOCAL MODIFICATIONS OF SELECT SECTIONS OF THE 2022 EDITION OF THE CALIFORNIA ENERGY CODE TO REDUCE GREENHOUSE GAS EMISSIONS AND REDUCE THE IMPACTS OF CLIMATE CHANGE**

**WHEREAS**, on November 8, 2022, the Napa County Board of Supervisors adopted the California Energy Code pursuant to California Health and Safety Code Sections 17960 and 17961, with modifications that were reasonably necessary because of local climatic, geological or topographical condition; and

**WHEREAS**, since the adoption of the California Energy Code, Napa County and other local jurisdictions that comprise the "Cooperative Joint Powers Agreement (JPA) to Fund and Administer the Napa Countywide Climate Action Program" prepared a Regional Greenhouse Gas (GHG) Emissions Inventory, which indicated that building energy use resulted in the release of 279,592 tons of metric tons of carbon dioxide equivalent (MTCO<sub>2</sub>e) in 2019, which comprised 22.9 percent of all GHGs emitted in Napa County that year; and

**WHEREAS**, since the adoption of the California Energy Code, the JPA is in the process of hiring a consultant to prepare a Regional Climate Action and Adaptation Plan, and on October 27, 2023, the Climate Action Committee formed under the JPA recommended that all member jurisdictions adopt a building "reach" code to further reduce GHG emissions; and

**WHEREAS**, the Napa County Board of Supervisors now wishes to adopt additional local modifications, which are more restrictive than the California Energy Code and provide for greater greenhouse gas emissions reductions than are currently required, thereby reducing the impacts of climate change; and

**WHEREAS**, local agencies that adopt energy standards which exceed minimum Building Energy Efficiency Standards must demonstrate that the requirements of the proposed ordinance are cost effective and do not result in buildings consuming more energy than is permitted by Title 24; and

**WHEREAS**, the California Codes and Standards Reach Code Program, has determined specific modifications to the 2022 State Energy Code for each climate zone are cost effective; and

**WHEREAS**, that such modifications will result in designs that consume less energy than they would under the 2022 State Energy Code, as demonstrated in the "2022 Cost Effectiveness Study: Single Family New Construction," prepared for the California Energy Codes and Standards Program and provided in Exhibit A; and

**WHEREAS**, California Health and Safety Code Section 17958.7 requires that before making any modifications or changes to the requirements contained in the above-described state-

approved codes this governing body must not only make express findings that such modifications or changes are reasonably necessary because of local climatic, geological or topographical conditions, but must also direct that such findings shall be made available as a public record and a copy of such findings, together with the modifications or changes expressly marked and identified to which each such finding refers, shall be filed with the State Building Standards Commission.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of Napa County as follows:

1. Based on the analysis of the California Codes and Standards Reach Code Program and the “2022 Cost Effectiveness Study: Single Family New Construction,” attached hereto and as Exhibit A, the Board hereby expressly finds that the proposed modifications to the 2022 State Energy Code in the Ordinance adopted herewith are cost effective and will result in designs that consume less energy than the minimum standards established in the 2022 State Energy Code.

2. In connection with the enactment by this Board of amendments to the 2022 California Energy Code, the Board hereby finds that the local modifications or augmentations of such codes set forth in the adopting ordinance are hereby expressly found by this Board to relate to substantive modifications of state code standards which this Board hereby expressly finds, as required by California Health and Safety Code Section 17958.7, to be reasonably necessary because of the local climatic, geologic or topographic conditions noted below:

A. Substantive Local Modifications of State Code Standards

Minor amendments and additions to the 2022 California Energy Code pertaining to requiring contractors, builders, and design professionals to provide an option for buyers of single-family residences to install battery storage systems and/or electric appliances for single-family residences; require new homes to reduce energy usage by 13 percent compared to the standard design; require multiple-family residences to reduce energy usage by 10 percent compared to the standard design; allow for the use of Certified Energy Analysts in the energy calculations for a new home; require homes that use natural gas to be electric-ready; require new homes to include electric vehicle charging ports; and exempt any remodels or additions to a newly constructed home for up to three years; have been made to deal with the local climatic, geologic or topographic conditions discussed below.

The Napa County Safety Element, adopted in August of 2023, states: “Due to its geographic location and environmental conditions, Napa County is expected to experience worsening impacts from air pollution, extreme weather, flooding, sea level rise, and wildfires.” Goal SAF-3 in the Safety Element says: “The County will address and reduce hazards caused by climate change, with climate change adaptation.” As indicated in the Final Napa County Regional 2019 Community GHG Inventory Update, published on November 29, 2022, building energy use resulted in the release of 279,592 MTCO<sub>2e</sub> in 2019, which comprised 22.9 percent of all GHGs emitted in Napa County that year. As indicated in the Final Napa County Regional Greenhouse Gas Forecast (2019 – 2030), published on November 21, 2022, if no further actions are taken, building energy used is estimated to release 277,244 MTCO<sub>2e</sub> in 2030, which comprised 22.7 percent of all annual GHGs emitted in Napa County. These local amendments

are necessary to lower GHG emissions associated with new residential construction and reduce the future impacts of drought, flooding, wildfire, and sea level rise associated with climate change.

The sections below are modified as noted, from the existing County Code Sections.

<u>County Code Section</u>	<u>Affected State Code Provision</u>
15.29.030	California Energy Code Section 100.0.(e).D
15.29.040	California Energy Code Section 100.1.(b)
15.29.050	California Energy Code Section 120.9.(d)
15.29.060	California Energy Code Section 150.0
15.29.070	California Energy Code Section 150.1.(b).1.A
15.29.080	California Energy Code Section A4.106.8
15.29.090	California Energy Code Section 160.4.(g)
15.29.100	California Energy Code Section 170.1

2. The original of this Resolution is a public record which shall be maintained on file with the Clerk of the Board of Supervisors and available for public inspection during reasonable business hours.

*[Remainder of Page Intentionally Left Blank]*

3. A copy of this Resolution shall be filed along with the adopted ordinance with the State Building Standards Commission.

**THE FOREGOING RESOLUTION** was read, considered, and approved at a regular meeting of the Napa County Board of Supervisors on the 9th day of July, 2024, by the following vote:

AYES:	SUPERVISORS	_____
		_____
NOES:	SUPERVISORS	_____
ABSTAIN:	SUPERVISORS	_____
ABSENT:	SUPERVISORS	_____

NAPA COUNTY, a political subdivision of the State of California

By: \_\_\_\_\_  
 JOELLE GALLAGHER, Chair of the Board of Supervisors

<p>APPROVED AS TO FORM Office of County Counsel</p> <p>By: <u>Jason M. Dooley</u> Deputy County Counsel</p> <p>Date: <u>May 29, 2024</u></p>	<p>APPROVED BY THE NAPA COUNTY BOARD OF SUPERVISORS</p> <p>Date: Processed By:</p> <p>_____ Deputy Clerk of the Board</p>	<p>ATTEST: NEHA HOSKINS Clerk of the Board of Supervisors</p> <p>By: _____</p>
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