

RESOLUTION NO. 24-134

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF VENTURA ADOPTING AN INCENTIVE PROGRAM TO ENCOURAGE VOLUNTARY COMPLIANCE WITH ALL-ELECTRIC APPLIANCES AND EQUIPMENT IN CERTAIN BUILDING PERMIT APPLICATIONS**

**WHEREAS**, Section 4.509 of Chapter 4 and Section 5.509 of Chapter 5 of Article 10 of the current Ventura County Building Code (VCBC) contain provisions for all-electric appliances and equipment in new construction intended for the reduction of greenhouse gases, as adopted by the Ventura County Board of Supervisors in 2022; and

**WHEREAS**, Section 4.509 of the VCBC as adopted by Ventura County includes a requirement that: all newly constructed residential buildings shall be designed and constructed to be all-electric buildings having no natural gas burning appliances or equipment with certain exceptions and specifies that qualifying additions were those exceeding 50% of the area of the existing building and that qualifying alterations were defined as those exceeding 50% of the estimated value of the existing building; and

**WHEREAS**, Section 5.509 of the VCBC as adopted by Ventura County includes a requirement that: all newly constructed non-residential buildings shall be designed and constructed to be all-electric buildings having no equipment or appliances that use natural gas with certain exceptions and specified that qualifying additions were those exceeding 50% of the area of the existing building and that qualifying alterations were defined as those exceeding 50% of the estimated value of the existing building; and

**WHEREAS**, a similar all-electric requirement imposed by the City of Berkeley was legally challenged in federal court, and the Ninth Circuit Court of Appeal ruled in *California Restaurants Association v. City of Berkeley* (9th Cir. 2024) 89 F.4th 1094, that the City of Berkeley's all-electric requirement was preempted by federal law and could therefore not be imposed by the City of Berkeley; and

**WHEREAS**, the VCBC's all-electric provisions set forth in Sections 4.509 and 5.509 are similarly preempted by federal law and cannot be imposed by the County of Ventura; and

**WHEREAS**, in order to comply with the aforementioned legal authority, the Ventura County Board of Supervisors is amending the all-electric provisions of Sections 4.509 and 5.509 to make compliance with the provisions voluntary instead of mandatory; and

**WHEREAS**, the Ventura County Board of Supervisors finds a public benefit in incentivizing the voluntary use of all-electric equipment in new construction in order to continue reducing the production in greenhouse gases in new construction; and

**WHEREAS**, the County of Ventura's expedited review of building plans during the permitting process is a service that can be sought by applicants for larger projects, for which the corresponding fee for such service is 35% of the Plan Review fees; and

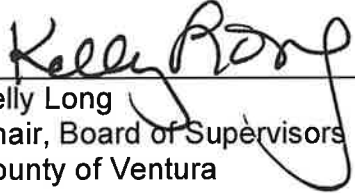
**WHEREAS**, a 50% reduction in this fee to 17.5% of the Plan Review Fees, is likely to make for an attractive incentive to using all-electric equipment in new construction projects voluntarily; and

**WHEREAS**, the types of construction projects that would be eligible to participate in this incentive program would be new residential and non-residential buildings seeking a building permit, additions of at least 50% of the area of an existing residential or non-residential building, and alterations that exceed 50% of the estimated value of the existing building; and

**WHEREAS**, this incentive program would sunset on December 31, 2025, unless extended by the Board of Supervisors by subsequent action;

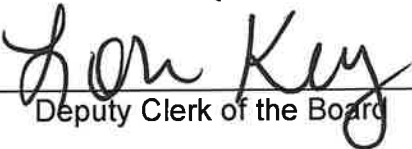
**NOW, THEREFORE, BE IT RESOLVED** that the Ventura County Board of Supervisors hereby resolves that a 50% reduction in the fee charged for expedited plan review services shall be provided for building permit applications pertaining to new residential and non-residential buildings seeking a building permit, additions of at least 50% of the area of an existing residential or non-residential building, and alterations that exceed 50% of the estimated value of the existing building, provided that: (1) such building permit application is submitted prior to January 1, 2026; and (2) the applicant voluntarily specifies on their plans and permit documents the installation of all-electric appliances and equipment to the extent that would have been required under original, 2022 versions Sections 4.509 and 5.509 of the VCBC (i.e., gas appliances may be included in eligible projects if identified in the exceptions listed in Sections 4.509.2 and 5.509.2, subparts 1 through 4, respectively) which are attached hereto as Exhibit A and incorporated herein by this reference.

Upon motion of Supervisor Lopez, seconded by Supervisor LaVere, and duly carried, the Board hereby adopts the foregoing resolution on this 24th day of September, 2024.

  
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Kelly Long  
Chair, Board of Supervisors  
County of Ventura

ATTEST:

Dr. Sevet Johnson  
Clerk of the Board of Supervisors  
County of Ventura, State of California

By:   
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Deputy Clerk of the Board

