

**VENTURA COUNTY  
NON-COASTAL  
ZONING ORDINANCE**

**DIVISION 8, CHAPTER 1  
OF THE  
VENTURA COUNTY ORDINANCE CODE**

**LAST AMENDED: 1-9-2024**

**EFFECTIVE: 2-8-2024**

**VENTURA COUNTY PLANNING DIVISION**

**To purchase the Ventura County Non-Coastal Zoning Ordinance:**

Call 805/654-2486 or

Go to the Resource Management Agency Planning Counter  
3rd floor of the Government Center Hall of Administration  
800 S. Victoria Avenue, Ventura, CA

(We can no longer provide free supplements as the ordinance is updated.)

**This Zoning Ordinance is also available on our website:**

<https://www.vcrma.org/divisions/planning>

under Ordinances

**For general questions about this ordinance, call**

the Planning Division at:

805/654-2488 or 654-2451

## **DISCLAIMER**

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The Non-Coastal Zoning Ordinance is Chapter 1 of Division 8 (Planning & Development). This version was produced by the Planning Division. The “Official” version of this ordinance is held by the Clerk of the Board of Supervisors. The Planning Division coordinates closely with the Clerk’s Office to ensure the accuracy of the Ordinance’s contents, even if its format may differ from the one produced by the Clerk’s Office. Informational notes may appear in *italics* that are not a part of the adopted ordinance, but provide clarification.

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## **BACKGROUND AND HISTORY**

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The Ventura County Zoning Ordinance was enacted on March 18, 1947, by Ordinance No. 412. Each formal action by the Board of Supervisors to establish or amend the code is done by enacting an "ordinance." These actions are numbered sequentially. For example, the creation of the first County Zoning Ordinance was the 412<sup>th</sup> ordinance action taken by the Supervisors. It should be noted that the Zoning Ordinance falls within Division 8 of the total Ventura County Ordinance Code and is specifically referenced as Chapter 1 of Division 8. The discussion that follows is intended to provide the reader with a general understanding of the Zoning Ordinance's evolution and structure. It is not a definitive analysis.

The Zoning Ordinance was adopted at the same time as the Uniform Building Code and collectively established the initial regulatory scheme for structures and land uses. The Zoning Ordinance provided little regulation, but it did establish the initial zoning of land. This initial Zoning Ordinance bears little resemblance to modern-day zoning ordinances and has undergone numerous amendments since 1947.

Amendments during the 1950s added significantly to the Ordinance and by 1962 it was necessary to "reorder" it into a more coherent format. Another major reformatting occurred in 1968. By the late 1960s, numerous individual zoning districts (e.g., M1 Industrial, RBH Residential Beach Harbor) had been created and most of the basic regulatory provisions of the present code had been established.

During the 1970s, environmental laws and legal decisions, particularly those requiring consistency between zoning and the General Plan, led to further expansions of the Ordinance. The 1980s saw amendments that enhanced the County's ability to regulate oil and mining activities, and recover costs for permit processing and abatement of violations.

The cumulative additions to the Ordinance since the 1960s led to an unwieldy document that once again needed restructuring. This was addressed through the re-codification of 1983 (Ordinance No. 3658). The restructured code appeared in "letter-size" format and introduced a "matrix" to depict uses allowed in each zone. It also reduced the number of separate zones and centralized development standards. The general format established at this time is still in use today.

1983 was also the year that the Zoning Ordinance was divided into the Coastal Zoning Ordinance (Ordinance No. 3654) for coastal areas and the Non-Coastal Zoning Ordinance that covers all areas outside the Coastal Zone. The two codes are structured in parallel, but differ in many detailed ways. Over the years they have grown apart as the Non-Coastal Zoning Ordinance has undergone more frequent amendments which were not simultaneously incorporated into the Coastal Zoning Ordinance.

The Non-Coastal Zoning Ordinance was amended substantially in 1995 by Ordinance No. 4092. The changes were primarily to clarify or correct existing language and simplify the permitting process. Another change to the ordinance in 1995 was the introduction of editorial notes in italics to provide guidance to readers. These notations, however, are not law and thus not a formal part of the Zoning Ordinance. The 1995 amendments were extensive enough to warrant the re-publication of the entire code.

Prior to July of 2002 the Ordinance was published solely by the County Clerk's Office. Beginning in mid-2002 the Planning Division began publishing an "un-official" version of the Non-Coastal Zoning Ordinance that is electronically indexed and located on the Division's website. Every possible effort has been made to ensure that the contents of the Planning Division's version are consistent with the Clerk's version. The Planning Division's version differs in format and style to facilitate its incorporation onto the internet. Versions of the Ordinance prepared by the Clerk's Office are identifiable by the "ordinance change" number (OC-1) in the lower right corner of each page. Any subsequent change to the text on a given page is noted with the next higher number, e.g., OC-2, OC-3, etc. This numbering system was started fresh following the 1995 re-publication of the Ordinance. The Planning Division's version of the Non-Coastal Zoning Ordinance does not include "OC" numbers. Instead, the footer on each page will identify when the code was last amended. An index of amendments by section number will be added so one can determine where amendments have occurred in the code.

The Clerk of the Board of Supervisors keeps the only official record of each individual amendment to the Zoning Ordinance. The Planning Division keeps copies of the milestone versions of the codified Zoning Ordinance, e.g., the versions from 1968, 1983, and 1995, among others. These documents may be useful if one wants to research various amendments. Changes since 1983 can be tracked by noting the parenthetical dates and ordinance numbers at the end of a given code section or following the heading of a given Article in the Zoning Ordinance. These notations indicate when the Section or Article was added or last amended. Where no note appears, the language typically dates from the re-codification of 1983, although some wording may have been carried forward from preceding versions of the code.

Individuals who purchase the Non-Coastal Zoning Ordinance can update it by consulting the Planning Division's website <https://www.vcrma.org/divisions/planning> and downloading the current version, or portions of it. The Planning Division no longer provides updated pages for previously purchased Ordinances.

*Planning Staff, Winter 2008*

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DIVISION 8 - PLANNING AND DEVELOPMENT  
CHAPTER 1 - ZONING

**ARTICLE 1:  
AUTHORITY, PURPOSE, AND APPLICATION OF  
CHAPTER**

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**Sec. 8101-0 - Adoption and Title of Chapter**

This Chapter is adopted pursuant to the authority vested in the County of Ventura by the State of California, including but not limited to the Government Code and the Public Resources Code. This Chapter shall be known as the "Non-Coastal Zoning Ordinance." (AM. ORD. 4377 - 1/29/08)

**Sec. 8101-1 - Purpose of Chapter**

The text (including tables and matrices) and references to the Official Zoning Data contained in this Chapter constitute the comprehensive zoning regulations for the unincorporated area of the County of Ventura, excluding the Coastal Zone, and are adopted to protect and promote the public health, safety and general welfare; to provide the environmental, economic and social advantages which result from an orderly, planned use of resources; to establish the most beneficial and convenient relationships among land uses and to implement Ventura County's General Plan. (AM. ORD. 3730 - 5/7/85; AM. ORD. 4377 - 1/29/08)

**Sec. 8101-2 - Applicability of the Zoning Ordinance**

**Sec. 8101-2.1 - Applicability to Uses and Structures**

The provisions of this Chapter apply to all lots, structures and uses of land or bodies of water created, utilized, established, constructed or altered by any person unless specifically exempted by the following subsections:

**Sec. 8101-2.1.1 - Exemption, Public Roads**

The provisions of this Chapter are not applicable to construction and maintenance of public roads and other improvements within road rights-of-way.

**Sec. 8101-2.1.2 - Exemption, Preemption**

Specifically exempt is any area of regulation totally preempted by Federal or State laws and where divestiture has not occurred.

**Sec. 8101-2.2 - Applicability to Lots Split by the Coastal Zone Boundary**

The Coastal Zone boundary does not, in most cases, follow property lines and there may be a lot which is split by the boundary. If development, as defined in Chapter 1.1 of the Ordinance Code, is proposed on that portion of the lot outside the Coastal Zone and has the potential to affect adversely any property or resource within the Coastal Zone, the policies and standards of the Local Coastal Program shall be used in formulating conditions or requirements for the proposed development.

## **Sec. 8101-2.3 – Applicability to Uses and Structures within Old Town Saticoy**

(ADD. ORD. 4479 – 9/22/15)

The Old Town Saticoy Development Code is set forth in Article 19. Development or uses within the Old Town Saticoy boundary, as delineated in the Saticoy Zoning Map, shall be subject to the Old Town Saticoy Development Code, which includes applicable zoning and development standards. All other provisions of this Chapter apply to Old Town Saticoy for matters not addressed in the Old Town Saticoy Development Code. For ease of reference, cross-references have been added to specific articles in this Chapter and within the Old Town Saticoy Development Code. If there is a conflict between the Old Town Saticoy Development Code and other provisions of this Chapter, the former shall control.

### **Sec. 8101-2.3.1 – Saticoy Area Plan Boundary Map**

To determine if a parcel(s) is within Old Town Saticoy, refer to the Saticoy Zoning map (Figure A-1) in Appendix A of the Saticoy Area Plan.

### **Sec. 8101-2.3.2–Development outside of Old Town Saticoy**

The Old Town Saticoy Development Code does not apply to development in Saticoy that is outside of the boundaries of Old Town Saticoy (see Figure A-1 in Appendix A, Saticoy Area Plan).

(ADD. ORD. 4479 - 9/22/15)

## **Sec. 8101-3 - General Prohibitions**

### **Sec. 8101-3.1**

No structure shall be moved onto a site, erected, reconstructed, added to, enlarged, advertised on, structurally altered or maintained, and no structure or land shall be used or maintained for any purpose, except as specifically provided and allowed by this Chapter, with respect to land uses, *building heights*, *setbacks*, *minimum lot area*, maximum percentage of *building lot coverage* and *lot width*, and with respect to all other regulations, conditions and limitations prescribed by this Chapter as applicable to the same zone in which such use, structure or land is located. (AM. ORD. 4054 - 2/1/94; AM. ORD. 4618 - 7/25/23)

### **Sec. 8101-3.2**

No person shall maintain a use or permit to be used or maintained any building, structure, or land or erect, structurally alter or enlarge any building or structure, contract for advertising space, pay for space, or advertise on any structure except as permitted by this Chapter and in accordance with the provisions of this Chapter applicable thereto.

### **Sec. 8101-3.3**

No permit or *entitlement* may be issued or renewed for any use, structure, construction, improvement or other purpose unless specifically provided for or permitted by this Chapter. (AM. ORD. 3730 - 5/7/85)

### **Sec. 8101-3.4**

No permit or *entitlement* shall be issued for any use, structure or construction on a *lot* that is not a legal *lot*. (ADD. ORD. 4054 - 2/1/94)

(AM. ORD. 4291 - 7/29/03)

## **Sec. 8101-4 - General Interpretation**

### **Sec. 8101-4.1 - Minimum Requirements**

The provisions of this Chapter shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare.

### **Sec. 8101-4.2 - Interference**

It is not intended by this Chapter to interfere with, abrogate or annul any easement, covenant or other agreement between parties.

### **Sec. 8101-4.3 - Conflict**

When this Chapter imposes a greater restriction upon the use of buildings or land, or upon the height of buildings, or requires greater setbacks or larger open spaces than are imposed or required by other ordinances, rules, regulations or by easements, covenants or agreements, the provisions of this Chapter shall govern. If conflict between requirements appears within this Chapter, the most restrictive requirement shall prevail.

### **Sec. 8101-4.4 - Terms Not Defined**

Terms not defined in this Chapter shall be interpreted as defined in the Ventura County General Plan or conventional dictionaries in common use. (AM. ORD. 4092 - 6/27/95)

### **Sec. 8101-4.5 - Misinformation**

Information erroneously presented by any official or employee of the County does not negate or diminish the provisions of this Chapter pertaining thereto.

### **Sec. 8101-4.6 - Quantity**

The singular includes the plural, and the plural includes the singular.

### **Sec. 8101-4.7 - Number of Days**

Whenever a number of days is specified in this Chapter, or in any permit, condition of approval, or notice issued, or given as set forth in this Chapter, such number of days shall be deemed to be consecutive calendar days starting on the day following the day a decision is rendered, unless otherwise specified. (AM. ORD. 4092 - 6/27/95)

### **Sec. 8101-4.8 - Rounding of Quantities**

Whenever application of this Chapter results in required parking spaces, required number of affordable or elderly units built pursuant to Article 16 or other standards being expressed in fractions of whole numbers, such fractions are to be rounded to the next higher whole number when the fraction is 0.5 or more, and to the next lower whole number when the fraction is less than 0.5, except that: a) calculation for the number of permitted animals shall be in accordance with Article 7; b) quantities expressing areas of land are to be rounded only in the case of square footage, and are not to be rounded in the case of acreage except to the nearest one-hundredth acre: e.g., 7.065 acres would be rounded to 7.07 acres. (AM. ORD. 3759 - 1/14/87; AM. ORD. 4092 - 6/27/95)

### **Sec. 8101-4.9 - Severability**

If any portion of the Zoning Ordinance is held to be invalid, that holding shall not invalidate any other portion of the Zoning Ordinance.

### **Sec. 8101-4.10 - Interpretation**

Because it is infeasible to compose legislative language which encompasses all conceivable land-use situations, the *Planning Director* shall have the power to interpret

the regulations and standards contained in this Ordinance, when such interpretation is necessitated by a lack of specificity in such regulations and standards.

**Sec. 8101-4.11 - Position of Planning Director**

Whenever the *Planning Director* (Deputy Director, RMA) position is unfilled for any reason, the Resource Management Agency Director automatically assumes the duties and powers of the position of *Planning Director*. (AM. ORD. 4054 - 2/1/94)

(ADD. ORD. 3730 - 5/7/85)



## **ARTICLE 2: DEFINITIONS**

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### **Sec. 8102-0 - Application of Definitions**

Unless the provision or context otherwise requires, the definitions of words and terms as follows shall govern the construction of this Chapter.

#### **A**

Abut - To touch physically, border upon, or share a common property line with. *Lots* which touch at corners only shall not be deemed abutting. Adjoining and contiguous shall mean the same as abutting. (ADD. ORD. 3810 - 5/5/87)

Access - The place or way by which pedestrians and/or vehicles shall have safe, adequate, usable ingress and egress to a property or use.

Accessory Structure - A detached structure located upon the same *lot* as the building or use to which it is accessory, and the use of which is customarily incidental, appropriate and subordinate to the use of the principal building or to the principal use of the *lot*.

Accessory Structures, Habitable - Structures intended for human occupancy or which are primarily used for human occupancy. Such structures include recreation rooms, studios, etc. in contrast to non-habitable structures such as garages and storage sheds. (ADD. ORD. 4216 - 10/24/00)

Accessory Use - A use customarily incidental, appropriate and subordinate to the principal use of land or buildings located upon the same *lot*.

Agriculture - Farming, including animal husbandry and the production and management of crops (including aquatic crops) for food, fiber, fuel and ornament. (AM. ORD. 3730 - 5/7/85)

Agricultural Promotional Uses - Uses and attendant structures that promote the Ventura County agricultural industry in general and the specific farming operations associated with the promotional use through educational and/or entertainment activities that do not significantly compromise the agricultural use of the property or the area. (ADD. ORD. 4215 - 10/24/00)

Agricultural Sales Facility - Structures or areas accessory to permitted agricultural operations for the selling, or selling and display, of agricultural products. (ADD. ORD. 4092 - 6/27/95)

Agricultural Shade/Mist Structures - Fabric or membrane clad structures for the propagation of plant materials. (ADD. ORD. 4092 - 6/27/95)

Agricultural Water Impoundment - A human-made surface water source used for livestock watering or other agricultural purposes (e.g., agricultural reservoir), also referred to as farm pond or livestock pond, in which water supply is primarily fed by sources other than natural processes such as groundwater seep or precipitation. (ADD. ORD. 4537 - 3/19/19)

Agricultural Worker Housing - Housing occupied by *farmworkers and animal caretakers* in the form of *farmworker or animal caretaker dwelling units, farmworker housing complexes, group quarters or temporary trailers* pursuant to Section 8107-41 of this Chapter. (ADD. ORD. 4596 - 3/1/22)

Air Quality Management Plan (AQMP) - See Article 12.

Airfields, Landing Pads and Strips - Aircraft landing strips or heliports for agricultural crop dusting or personal use of the property owner or tenants, not available for public use, and

with no commercial operations. "Aircraft" includes helicopters, all fixed wing airplanes, gliders, hang-gliders and ultra-light aircraft.

Albedo – A measure of a material’s ability to reflect sunlight on a scale of 0 to 1, with a value of 0.0 indicating that the surface absorbs all solar radiation (e.g., charcoal) and a value of 1.0 representing total reflectivity (e.g., snow). (ADD. ORD. 4407 – 10/20/09)

Alley - A thoroughfare not more than 30 feet wide, other than a public road or street, permanently reserved as a secondary means of access to abutting property.

Amortize - To require the termination of (a nonconforming use or structure) at the end of a specified period of time. (ADD. ORD. 3810 - 5/5/87)

Amusement and Recreational Facilities - Facilities such as billiard and pool establishments, bowling alleys, dance halls and studios, golf driving ranges, indoor motion picture theaters, miniature golf, parks, playgrounds and yoga and martial arts instruction. (AM. ORD. 3730 - 5/7/85; AM. ORD. 4411 – 3/2/10)

Animal - Any organism, other than Homo sapiens, belonging to the taxonomic classification of Animalia and of the phylum Mollusca or higher forms up to, and including, Chordata. (ADD. ORD. 4092 - 6/27/95; AM. ORD. 4123 - 9/17/96)

Animal, Domestic - An animal that is customarily kept as farm livestock, for animal husbandry purposes, or as a household pet, or is otherwise ordinarily under human control. Legally-owned exotic animals customarily kept as pets are also considered domestic animals. (ADD. ORD. 4092 - 6/27/95; AM. ORD. 4123 - 9/17/96)

Animal Husbandry - A branch of agriculture for the raising, nurturing, and management of any animal(s), through breeding, pasturing, or ranching, for such purposes as sales of animals, food production, fiber production, ornament, pleasure, or beneficial use (e.g., insectaries). (AM. ORD. 3810 - 5/5/87; AM. ORD. 4092 - 6/27/95)

Animal, Inherently Dangerous - A wild animal which poses an inherent danger to its keepers, the public, property, or the environment. Such animals include, but are not limited to, crocodiles, alligators and the like; all venomous reptiles; all constrictor snakes over eight (8) feet in length; large cats (mountain lions, cheetahs and all larger cats); wolves, foxes, and coyotes; venomous arachnids such as black widow spiders and scorpions; and insects (e.g., Africanized honeybees) meeting this definition. (ADD. ORD. 4092 - 6/27/95; AM. ORD. 4123 - 9/17/96)

Animal Keeping - The keeping of animals other than for husbandry or pet purposes, with or without compensation; including such activities as boarding, stabling, pasturing, rehabilitating, training of animals and lessons for their owners, and recreational riding by the owners of the animals; but excluding such activities as the rental use of the animals by people other than the owners, and excluding events such as organized competitions, judgments and the like. (ADD. ORD. 4092 - 6/27/95; AM. ORD. 4123 - 9/17/96)

Animal, Pet - An animal which is not inherently dangerous, but is kept for pleasure, companionship or security purposes rather than for husbandry. (AM. ORD. 4092 - 6/27/95; AM. ORD. 4123 - 9/17/96)

Animal, Security or Utility - An animal, such as a dog, goose, or primate, used for guard purposes or to assist physically challenged humans. (ADD. ORD. 4092 - 6/27/95; AM. ORD. 4123 - 9/17/96)

Animal, Wild - An animal which is normally found living in a natural state and not customarily domesticated. (AM. ORD. 3810 - 5/5/87; AM. ORD. 4092 - 6/27/95; AM. ORD. 4123 - 9/17/96)

Antenna – A whip (omni-directional *antenna*), panel (directional *antenna*), disc (parabolic antenna), or similar device used for transmission or reception of radio waves or microwaves. (ADD. ORD. 4470 – 3/24/15)

Apiary – Shall have the same definition as set forth in the State Food and Agricultural Code, Division 13, Chapter 1, section 29002, as may be amended, which states: “[An] “Apiary” includes bees, comb, hives, appliances, or colonies, wherever they are kept, located, or found.” (ADD. ORD. 4606 – 11/1/22)

Apiculture - Apiculture means the keeping or maintenance of one or more *beehives*, but does not include honey houses, extraction houses, or warehouses. Also see definition of *Beekeeping, Backyard*.(AM. ORD. 3730 - 5/7/85; AM. ORD. 4606 – 11/1/22)

Applicant - The individual, party or entity that files for and signs an "application request." There may be multiple applicants. (ADD. ORD. 4123 - 9/17/96)

Application Requests - Include, but are not limited to, filings for zoning clearances, permits, variances, appeals, suspensions, modifications and revocations, interpretations, amendments and zone changes.

Aquaculture/Aquiculture - A branch of agriculture that is devoted to the growing and harvesting of fish, shellfish, and plants in marine, brackish, and fresh water. (ADD. ORD. 3810 - 5/5/87; AM. ORD. 4092 - 6/27/95)

Arcade - A commercial amusement establishment containing four or more game machines, electronic or otherwise, or similar amusement devices.

Assembly Use – A building or structure where groups or individuals voluntarily meet to pursue their common social, educational, religious, or other interests. For the purposes of this definition, assembly uses do not include Outdoor Events, Conference Centers/Convention Centers, Amusement and Recreational Facilities, Equestrian Centers, or Sport and Athletic Recreational Facilities. (ADD. ORD. 4411 – 3/2/10; AM. ORD. 4526 – 7/17/18)

Athletic Field - A level, open expanse of land intended to be used for organized team sports such as baseball, football and soccer. (ADD. ORD. 3810 - 5/5/87)

Automobile Impound Yard - A building or premises for the storage of motor vehicles, such as impounded or repossessed vehicles, where such vehicles are intended to be stored for more than a 24-hour period. This definition shall not include automobile wrecking or salvage in any form. (ADD. ORD. 3730 - 5/7/85)

Automobile Service Station - A commercial activity, both retail and service in character, engaged in dispensing automotive fuels and motor oil; the sale and service of tires, batteries and other automobile accessories and replacement items; and washing and lubrication services. Activities associated with service stations do not include body and fender repair, painting or major motor repairs.

## **B**

Base Zone - Any of the zones listed in Article 4 of Chapter 1 which are not identified as an overlay zone in Article 4. (ADD. ORD. 3993 - 2/25/92)

Bathroom, Full - A room or location with a lavatory, a toilet, and a bathtub and/or shower. (ADD. ORD. 3730 - 5/7/85; AM. ORD. 4092 - 6/27/95)

Bathroom, Half - A room or location with a toilet with or without a lavatory, and without bathing facilities. (ADD. ORD. 4092 - 6/27/95)

Bed-and-Breakfast Inn - A single-family dwelling with one family in permanent residence therein, and where, as an accessory use, one to six bedrooms (except as set forth in Section 8107-43.3), accommodating no more than 15 guests, are made available for transient occupancy for no more than seven consecutive days, with breakfast offered for compensation to overnight guests. (ADD. ORD. 3730 - 5/7/85; AM. ORD. 3810 - 5/5/87; AM. ORD. 4092 - 6/27/95; AM. ORD. 4317 – 3/15/05)

Bedroom Equivalent – All rooms in a *dwelling*, with the exception of *core rooms*, are considered bedroom equivalents. Bedroom equivalents include, but are not limited to the following rooms: sleeping rooms, dens, studios, sewing rooms, libraries, studies, offices, lounges, lofts, recreation rooms, and workshops.

Core Room – A room typically found in a single-family dwelling utilized for basic living functionality, generally recognized as being a kitchen, living room, bathroom, utility room, dining room, or *family room*.

Family Room – A room with an unobstructed opening into a living room, dining room, or kitchen, or a room where at least one-half of the area of the common wall is open and unobstructed.

(ADD. ORD. 4519-2/27/18)

Bee – For purposes of Section 8107-2.6 of this Chapter, any stage of life of the common domestic honey bee (*Apis mellifera*). (ADD. ORD. 4606 – 11/1/22)

Bee, Aggressive Behavior – For purposes of Section 8107-2.6 of this Chapter, aggressive bee behavior means a situation where two or more *bees* repeatedly strike, but not necessarily sting, any *person* or *domestic animal* at a distance of 15 feet or more from the front of the *beehive* entrance or a distance of 5 feet or more from the side or rear of the *beehive*. *Bee* foraging on flowering vegetation is not considered aggressive bee behavior. (ADD. ORD. 4606 – 11/1/22)

Bee Colony – An aggregate of worker *bees*, drones, and a queen(s) (or “laying worker” in the absence of a queen) living together in a *beehive* as a social unit, including the comb, and appliances. (ADD. ORD. 4606 – 11/1/22)

Beehive – A structure that houses a *bee colony*. (ADD. ORD. 4606 – 11/1/22)

Beekeeper – A *person* who owns, operates, maintains, possesses, or otherwise controls one or more hives of bees. (ADD. ORD. 4606 – 11/1/22)

Beekeeping, Backyard – A hobbyist beekeeping operation that consists of the keeping or maintenance of four or fewer hives, as verified by the Agricultural Commissioner’s Office, and is accessory to a *single-family dwelling* for personal consumption of *bee* products or enjoyment. (ADD. ORD. 4606 – 11/1/22)

Beekeeping Flyaway Barrier – For purposes of Section 8107-2.6.2 of this Chapter, a solid wall, fence, or dense vegetation or combination thereof that provides an obstruction through which *bees* cannot readily fly. (ADD. ORD. 4606 – 11/1/22)

Beekeeping Sensitive Sites – For purposes of Section 8107-2.6.2 of this Chapter, a land use that requires a greater safety buffer from an *apiary*. Beekeeping sensitive sites are public and private schools, medical facilities, and hospitals. (ADD. ORD. 4606 – 11/1/22)

Belt Course - A projection of masonry or similar material around a building or part of a building, which is attached to the building.

Bicycle Parking, Long-Term (LT) – A locker or locked enclosure providing bicycle storage and protection from theft, vandalism, and weather when the bicycle and accessories are not in use for extended periods during the day, overnight, or for a longer duration. (ADD. ORD. 4407 – 10/20/09)

Bicycle Parking, Short-Term (ST) – A rack or racks used to park bicycles for up to several hours. (ADD. ORD. 4407 – 10/20/09)

Biosolids - Solid, semi-solid, or liquid residue generated during the treatment of domestic sewage in a treatment plant, also referred to as sewage sludge. (ADD. ORD. 4214 - 10/24/00)

Biosolids Composting Operation - A facility that processes biosolids (sewage sludge), along

with necessary additives and amendments, into compost. (ADD. ORD. 4214 - 10/24/00)

Boardinghouse – A dwelling with one household in permanent residence, where two or more rooms are used by other individuals for compensation, with or without daily meals. Single Room Occupancy units are included in this definition. (AM. ORD. 3730 - 5/7/85; AM. ORD. 3810 - 5/5/87; AM. ORD. 4092 - 6/27/95) (AM. ORD. 4436 – 6/28/11)

Borrow Area - An area where soil, sand, gravel or rock is extracted and removed for use as fills, grades or embankments on property of a different ownership or noncontiguous property of the same ownership. (ADD. ORD. 3723 - 3/12/85)

Botanic Gardens and Arboreta - Scientific and educational institutions whose purpose is the advancement and diffusion of a knowledge and love of plants. A botanic garden must meet all four of the below criteria:

- (a) The garden functions as an aesthetic display, educational display, and/or site research.
- (b) The garden maintains plant records.
- (c) The garden has at least one professional staff member (paid or unpaid).
- (d) Garden visitors can identify plants through labels, guide maps, or other interpretive materials.

(ADD. ORD. 4317 – 3/15/05)

Building - Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of persons, animals, chattel or property of any kind.

Building Lot Coverage – The ratio of the area of land covered by *buildings* (i.e., the total “building area”) to total *lot* area, expressed as a percentage of *lot* area. For purposes of this definition, “*building*” is any *structure* having a roof supported by columns or walls, and “*building* area” is the area included within the surrounding exterior walls or columns of a *building*, exclusive of courts. (ADD. ORD. 4618 - 7/25/23)

Business Services - Uses such as advertising agencies, blueprinting and photocopying, computer and data processing services, coupon and trading stamp redemption services, drafting services, employment agencies, laminating of photographs, packaging services and telephone answering services.

## C

Camp - A rural facility with permanent structures for overnight accommodation and accessory structures and buildings, which is used for temporary leisure, recreational or study purposes, and provides opportunities for the enjoyment or appreciation of the natural environment. A camp provides a structured program of outdoor and/or nature-oriented activities including but not limited to outdoor/camping skills, horseback riding, animal husbandry, hiking, mountain biking, wildlife and wildflower viewing, fishing, or hunting. For these reasons, camps need to be located in an undeveloped, open space environment. A camp requires a substantial land area for these activities, and much or all of its permit area is used for these purposes. (ADD. ORD. 3730 - 5/7/85; AM. ORD. 3810 - 5/5/87; AM. ORD. 3881 - 12/20/88; AM. ORD. 4317 – 3/15/05)

Campground - A rural facility without permanent structures for overnight accommodation, but with limited accessory structures and buildings, which is used for temporary leisure or recreational purposes and provides opportunities for the enjoyment or appreciation of the natural environment. (ADD. ORD. 3881 - 12/20/88)

Caretaker - An employee who must be on the property in conjunction with a principal use for a substantial portion of each day for security purposes or for the vital care of people, equipment or other conditions of the site.

Caretaker, Animal - A person employed full time on the same property for activities

associated with Animal Husbandry or Animal Keeping, Non-Husbandry (see Sec. 8104-4). (ADD. ORD. 4281 - 5/6/03)

Certificate of Appropriateness (COA) - Ventura County Cultural Heritage Board or staff issued authorizations which indicate that the proposed subdivision, rezoning, maintenance, acquisition, stabilization, preservation, reconstruction, protection, alteration, restoration, rehabilitation, remodeling, addition, change of use, demolition, relocation, change, remodeling or other project affecting a potential or designated Cultural Heritage Site will not adversely affect its cultural heritage values; or unduly compromise the eligibility of a potential site to become a designated one. (ADD. ORD. 4220- 12/5/00)

CESQG - See Conditionally Exempt Small-Quantity Generator. (ADD. ORD. 4214— 10/24/00)

Change of Use - Where a new use of land or structures is initiated in place of, or in addition to, a previous use. (ADD. ORD. 4092 - 6/27/95)

Chemicals - Includes such compounds as adhesives, explosives, fertilizers, industrial gases, ink, lacquer, paints, pesticides, pigments and dyes, sealants, shellac, synthetic fibers, synthetic resins, synthetic rubber, thinners and varnishes.

Chipping/Grinding Operation - A type of organics processing operation that mechanically reduces the size of separated landscape trimmings or woody materials by means of chipping or grinding. Does not include the on-farm chipping or grinding of agricultural prunings or other agricultural organic discards. (ADD. ORD. 4214 - 10/24/00)

Clubhouse - (AM. ORD. 3730 - 5/7/85; DELETE ORD. 4411– 3/2/10)

Coastal Zone - That portion of the land and water area of Ventura County as shown on the "Coastal Zone" maps adopted by the California Coastal Commission.

Commercial Organics Processing Operation - An organics processing operation that includes the sale or off-site distribution of the product produced. Does not include the processing of mixed solid waste or Biosolids or On-Site Composting Operations. Those operations which have up to 200 cubic yards of any combination of separated feedstock, actively decomposing compost, or stabilized compost on-site at any one time are Small-Scale, and those with up to 1,000 cubic yards are Medium-Scale, and those with over 1,000 cubic yards are Large-Scale. (ADD. ORD. 4214 - 10/24/00)

Commission - Shall mean the Ventura County Planning Commission.

Communications Facilities - Unstaffed facilities that transmit or receive electromagnetic signals for the purpose of operating telephone, radio, television, or data communication services. Such facilities include transmitting and receiving antennas/dishes, radar stations microwave towers, and other associated equipment and structures primarily designed to support the transmission of electromagnetic signals. *Non-commercial antennas* and *wireless communication facilities* are included in this definition. (AM. ORD. 4092 - 6/27/95; AM. ORD. 4470 – 3/24/15)

Community Center - (AM. ORD. 3730 - 5/7/85; DELETE ORD. 4411 – 3/2/10)

Community Wastewater Treatment Facility - A wastewater treatment plant that treats liquid waste which is received from off of the plant site. Such facilities include public agency-owned plants and privately-owned plants, and may include accessory biosolids composting operations. (*See also On-site Wastewater Treatment Facility*). (ADD. ORD. 4092 - 6/27/95; AM. ORD. 4123 - 9/17/96; AM. ORD. 4214 - 10/24/00)

Compatible Use (TP Zone) - Any use which does not significantly detract from the use of the property for, or inhibit, the growing and harvesting of timber. "Compatible use" includes the accessory retail sale of Christmas trees. (AM. ORD. 4377 – 1/29/08)

Composting Operation - A type of organics processing operation that processes organic

materials to a stabilized state through controlled biological decomposition or vermicomposting. This may include the chipping, shredding, or screening of material on-site prior to its being composted. (ADD. ORD. 4214 - 10/24/00)

Conditionally Exempt Small-Quantity Generator (CESQG) - A business concern that generates less than 100 kilograms (220 pounds or approximately 27 gallons) of hazardous waste per calendar month, or a maximum of 1 kilogram (2.2 pounds) of acutely or extremely hazardous waste per calendar month, and stores no more than 1000 kilograms of hazardous waste on-site at any one time. The definition of CESQG shall reflect the definition in Sec. 261.5 of Title 40 of the Code of Federal Regulations, as it may be amended from time to time. (ADD. ORD. 4214 - 10/24/00)

Conference Center/Convention Center - An urban facility for the assembly of persons for study and discussion, which includes permanent structures for dining, assembly and overnight accommodation. (ADD. ORD. 3881 - 12/20/88)

Conservation Organization - A public *conservation organization* is a federal, state or local agency responsible for protecting and managing natural resources and includes but is not limited to the California Department of Fish and Wildlife, U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers, Regional Water Quality Control Board, California Department of Parks and Recreation, National Park Service and Ventura County Watershed Protection District. A private *conservation organization* is one operating under section 501(c)(3) of the U.S. Internal Revenue Code with the primary purpose of preserving and protecting land in its natural, scenic, historical, recreational or open space condition. (ADD. ORD. 4537 - 3/19/19)

Contractor's Service and Storage Yard - An open area, which may include garages and sheds, for the storage of vehicles, equipment and materials which are associated with a contracting business or operation, where sales, manufacturing and processing activities are specifically excluded. (AM.ORD. 3730 - 5/7/85)

Correctional Institution - An institutional care facility operated by, or at the direction of, a legally constituted Federal, State, or local government authority for the detention and treatment of public offenders, including ancillary uses and structures such as court facilities, classrooms, offices, kitchens, dining areas, laundry facilities, communications facilities, outdoor recreational yards, gymnasiums, utilities, and other necessary infrastructure. (ADD. ORD. 4227 - 1/9/01)

Correlated Color Temperature (CCT) - A measure in degrees *Kelvin* (K) of the warmth or coolness of light. Lamps with a CCT of less than 3,000 K are yellowish and considered warm. Lamps with a CCT greater than 4,000 K are bluish-white and considered cool. (ADD. ORD. 4528 - 9/25/18)

Covered Parking/Space - Parking spaces for motor vehicles or bicycles that have roofs that are permanently attached to the ground and imperforate. (ADD. ORD. 4407 - 10/20/09)

Cross Access - An element of vehicular, bicycle and pedestrian circulation which allows persons and cars to gain access from one land use, usually (but not limited to) commercial, to another without having to use the public road fronting those land uses. (ADD. ORD. 4407 - 10/20/09)

Cultural Heritage Site - An improvement, natural feature, site or district that has completed the legally required procedures stipulated in this Ordinance to have it designated by the Ventura County Cultural Heritage Board or the Ventura County Board of Supervisors as a District, Landmark, Site of Merit or Point of Interest and has received that designation. (ADD. ORD. 4220 -12/5/00)

## D

Day Care Center - Any care facility licensed by the State of California, other than a "Family Day Care Home," such as, but not limited to, infant centers, preschools, care of the developmentally disabled, and adult and child extended day care facilities. (ADD. ORD. 4092 - 6/27/95; AM. ORD. 4216 - 10/24/00)

Day Care Facility - (DELETE ORD. 4216 - 10/24/00)

Decision, Administrative - Any decision made by the *Planning Director* or his or her designee.

Decision, Discretionary - Discretionary decisions require the exercise of judgment, deliberation, or decision on the part of the decision-making authority in the process of approving or disapproving a particular activity, as distinguished from situations where the decision-making authority merely has to determine whether there has been conformity with applicable statutes, ordinances, or regulations. (AM. ORD. 4377 - 1/29/08 - grammar)

Decision, Ministerial - Ministerial decisions are approved by a decision-making authority based upon a given set of facts in a prescribed manner in obedience to the mandate of legal authority. In these cases, the authority must act upon the given facts without regard to its own judgment or opinion concerning the propriety or wisdom of the act although the statute, ordinance or regulation may require, in some degree, a construction of its language by the decision-making authority. (AM. ORD. 4377 - 1/29/08 - grammar)

Decision-Making Authority - An individual or body vested with the authority to make recommendations or act on application requests. The final decision-making authority is the one which has the authority to act on a request by approving or denying it.

Denial With Prejudice - Denial of an application request based on the desire or intent of the decision-making authority to limit the filing of requests to use a specific property or structure for a specific use. When an application is denied with prejudice, it is usually because two or more similar applications on the same property have recently been denied by the same decision-making authority. (ADD. ORD. 3730 - 5/7/85)

Disability - For purposes of this section, "disability" shall have the same meaning as that term has in Section 12926 of the California Fair Employment and Housing Act, and Section 12012 of the federal Americans with Disabilities Act. (42 U.S.C. Sec. 12012) (ADD. ORD. 4436 - 6/28/11)

Disposal Facility, Hazardous Waste - A facility used for the final disposal of hazardous wastes. (ADD. ORD. 4214—10/24/00)

Disposal Facility, Oilfield Waste - A facility used for the final disposal of liquid and solid oilfield wastes. Such facility may be a Class II or Class III disposal facility but not a Class I Hazardous Waste Disposal Facility. (ADD. ORD. 4214—10/24/00)

Disposal Facility, Solid Waste - A facility, for example a landfill, used for the final disposal of solid wastes (as defined in Sec. 40191 of the California Public Resources Code). A Disposal Facility includes uses customarily incidental, appropriate, and subordinate to solid waste disposal, including but not limited to transfer stations and recycling centers. (ADD. ORD. 4214—10/24/00)

District - An area possessing a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development. (ADD. ORD. 4220 - 12/5/00)

Domestic Birds - Finches, myna birds, parrots and similar birds of the psittacine family, pigeons, doves, ravens and toucans. (AM. ORD. 3730 - 5/7/85)

Drilling, Temporary Geologic - Bona fide temporary search and sampling activities which, in the case of oil-related testing, use drilling apparatus smaller than that used in oil



production. Excluded from this definition is soil testing for wells, foundations, septic systems and similar construction.

Drive Aisle – A driving area within a parking area or parking structure used by motor vehicles to maneuver, turn around, and/or access parking spaces. (ADD. ORD. 4407 – 10/20/09)

Driveway – An area that provides vehicular access to a site, such as from a roadway or another site, and which may include areas in the right-of-way as well as areas that extend into the site from the property line. In a parking area, the driveway becomes a drive aisle once its function changes from that of providing site access to that of allowing maneuvering within the parking area or access to parking spaces. (ADD. ORD. 4407 – 10/20/09)

Driveway, Ribbon - Driveways made of 2 parallel strips or “ribbons” of pavement with a permeable surface in between the strips. (ADD. ORD. 4407 – 10/20/09)

Dwelling - A building or portion thereof designed or occupied exclusively for residential purposes.

Dwelling, Superintendent - An accessory dwelling for a person employed and working on the site containing the business, who is paid to manage the business. (ADD. ORD. 4216 - 10/24/00)

Dwelling Unit, Accessory - An attached or a detached residential *dwelling* unit, or a unit within the existing space of a primary *dwelling* unit, which provides complete independent living facilities for one or more persons and is located on a *lot* with a proposed or existing primary *dwelling*. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same *lot* as the proposed or existing *single-family or multifamily dwelling*. An accessory dwelling unit also includes the following:

- (a) An efficiency unit, as defined in section 17958.1 of the Health and Safety Code; and
- (b) A manufactured home, as defined in section 18007 of the Health and Safety Code.

(ADD. ORD. 3720 - 5/7/85; AM. ORD. 3810 - 5/5/87; AM. ORD. 4092 - 6/27/95; AM. ORD. 4123 - 9/17/96; AM. ORD. 4282 - 5/20/03; AM. ORD. 4507/4509 – 3/14/17 (Expired 3/14/18); ADD. ORD. 4519 - 2/27/18; AM. ORD. 4615 – 2/7/23)

Dwelling Unit, Animal Caretaker - A *dwelling unit* occupied by one or more *animal caretakers, employed full-time* and working on-site where the dwelling unit is located, or employed on other land in Ventura County that is under the same ownership or lease as the subject lot. Members of the *animal caretaker’s* household may also occupy said dwelling unit. (ADD. ORD. 4281 - 5/6/03; AM. ORD. 4596 - 3/1/22)

Dwelling Unit, Caretaker - A dwelling unit occupied by a caretaker, and his or her family, employed full time and working on the same *lot* on which the dwelling unit is located or on other land that is under the same ownership or lease as the subject *lot*. (AM. ORD. 4281 - 5/6/03)

Dwelling Unit, Farmworker - A *dwelling unit* occupied by one or more *farmworkers, employed full-time* and working on-site where the dwelling unit is located, or employed on other land that is under the same ownership or lease as the subject lot. *Farmworkers* who are *principally employed* offsite in activities associated with agricultural packing and storage facilities, and transportation of agricultural products to the market may not occupy a farmworker dwelling unit. Members of the *farmworker’s* household may also occupy said dwelling unit. (AM. ORD. 4281 - 5/6/03; AM. ORD. 4596 - 3/1/22)

Dwelling Unit, Junior Accessory (JADU) - A *dwelling unit* that is no more than 500 square feet in size and contained entirely within an existing or proposed *single-family dwelling*. A JADU may include separate sanitation facilities, or may share sanitation facilities with the existing *structure*. (ADD. ORD. 4615 – 2/7/23)

Dwelling, Multi-Family – A building, or portion of a building containing three or more dwelling units. Single Room Occupancy units are included in this definition. (AM. ORD. 4436 – 6/28/11)

Dwelling, Single-Family - A building constructed in conformance with the Uniform Building Code, or a mobilehome meeting the Standards of Section 8107-1.3, designed or used exclusively for occupancy by one family and containing one principal dwelling unit. (AM. ORD. 4092 - 6/27/95)

Dwelling, Two-Family - A building containing two principal dwelling units. (AM. ORD. 4092 - 6/27/95)

Dwelling Unit - One or more rooms with internal access between all rooms, which provide complete independent living facilities for one family, including permanent provisions for living, sleeping, eating, cooking, bathing, and sanitary facilities but containing only one set of kitchen related fixtures capable of serving only one kitchen for the exclusive use of one family. (*See Internal Access*) (AM. ORD. 4092 - 6/27/95)

## **E**

Eating Establishment - A commercial establishment where the selling of food prepared on the premises is the principal business. Such uses include cafes, cafeterias, coffee shops, delicatessens, dinnerhouses, fast food take-out establishments, ice cream parlors, sandwich shops, and similar uses. Such uses may include the licensed "on-site" provision of alcoholic beverages for consumption on the premises, when accessory to such food service, and nightclubs and lounges, where food service is accessory to the primary function of the establishment. The following uses are not included under this definition: a) Uses where the preparation of food is merely incidental to the sale of food products, such as grocery stores and food markets; b) Food serving uses connected with the operations of hospitals, nursing homes, boarding houses, schools, and government offices and private industry for employees and their guests. Eating establishments shall be classified in the following manner, and parking requirements shall be correlated with that classification:

Class I - An establishment where the product is intended to be consumed on the premises and table service by employees is customarily provided.

Class II - An establishment where the product is taken out or consumed on the premises. This facility provides seating and/or car service.

Class III - An establishment where the product is usually taken out because limited or no space is provided for eating.

Class IV - An establishment where the product is always taken out. This facility provides no seating or counter space for purposes of product consumption on premises.

(ADD. ORD. 4092 - 6/27/95)

Education and Training, Art, Craft, and Self-Improvement – Institutions and centers offering education, training, conferences, lectures, seminars, workshops, panel discussions, or the like devoted to the skill or professional improvement or personal enrichment of attendees. Education provided at such sites is not part of an onsite program or a structured curriculum that directly qualifies its attendees for degrees, licenses, certifications, etc., in specialized fields offering paid employment. Any units or credits provided may, or may not, be transferable to accredited institutions or recognized by professional, vocational, or trade associations or organizations. Examples include sites offering dance classes, art classes, driver education, music instruction, a continuing education seminar, swim classes, etc. (ADD. ORD. 4417 - 10/05/10)

Education and Training, Professional and Vocational – A specialized institution, school, center, or site offering a program or curriculum of training, coursework, skill development,

or the like that leads to a degree, license, certification, or trade that is recognized by specific fields offering paid employment. Institutions, schools, centers, or sites that offer continuing education courses for the maintenance of degrees, licenses, certifications, or trades may be included in this definition. Examples include but are not limited to professional law schools, trade schools, vocational medical training schools, professional photography/film schools, etc. (ADD. ORD. 4417 - 10/05/10)

Emergency - A sudden, unexpected occurrence involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of or damage to life, health, property, or essential public services. This may include such occurrences as fire, flood, earthquake, or other soil or geologic movements, as well as such occurrences as riot, accident, or sabotage. (ADD. ORD. 4214 - 10/24/00)

Emergency Shelter – Housing with minimal supportive services that is limited to occupancy of up to 180 days within any 12-month period. Occupancy in emergency shelters is limited to homeless persons, victims of domestic violence, and other individuals and households made temporarily homeless due to natural disasters, (e.g., fires, earthquakes, etc.). No individual or household may be denied emergency shelter because of an inability to pay. (ADD. ORD. 4436 – 6/28/11)

Employed Full Time - “Employed full time” means that the person is working a minimum of 32 hours per week at the job for which they are employed. (ADD. ORD. 4281 - 5/6/03)

Employee Housing – Shall have the same meaning as “employee housing” as defined in Section 17008 of the Health and Safety Code, as may be amended, and that is regulated by the California Department of Housing and Community Development. (ADD. ORD. 4596 - 3/1/22)

Employee Housing, Agricultural – Housing occupied by agricultural employees, which may include *permanent employee housing, seasonal employee housing or temporary employee housing*, and that is regulated by the California Department of Housing and Community Development. (ADD. ORD. 4596 - 3/1/22)

Employee Housing, Permanent – *Employee housing* which is not *temporary* or *seasonal* as defined in Health and Safety Code Section 17010(c), as may be amended, and that is regulated by the California Department of Housing and Community Development. (ADD. ORD. 4596 - 3/1/22)

Employee Housing, Seasonal – *Employee housing* which is operated annually on the same site and which is occupied for not more than 180 days in any calendar year, as defined in Health and Safety Code Section 17010(b), as may be amended, and that is regulated by the California Department of Housing and Community Development. (ADD. ORD. 4596 - 3/1/22)

Employee Housing, Temporary – *Employee housing* which is not operated on the same site annually and which is established for one operation and then removed, as defined in Health and Safety Code Section 17010(a), as may be amended, and that is regulated by the California Department of Housing and Community Development. (ADD. ORD. 4596 - 3/1/22)

Energy Production from Renewable Sources - Any facility or installation such as a windmill, hydroelectric unit or solar collecting or concentrating array, which is designed and intended to produce energy from natural forces such as wind, water, sunlight or geothermal heat, or from biomass, for off-site use. (ADD. ORD. 3730 - 5/7/85)

Entitlement - A permit or approval authorizing a right to some type of use, development or project. (ADD. ORD. 4092 - 6/27/95)

Equine - Any member of the taxonomic family Equidae, including horses, asses, mules, ponies, and zebras. (ADD. ORD. 4092 - 6/27/95)

Equestrian Center - A site, facility or commercial venture where horses and/or other animals are kept and made available to people other than the animals' owner(s) for such activities as riding lessons, exercise, and recreation; and where organized events such as competitions, judgings, and the like may be held. (ADD. ORD. 4092 - 6/27/95)

Expansion - Increasing the area or volume occupied by or devoted to a use, increasing the living space or occupant capacity of a structure, or adding uses or structures accessory to a nonresidential use or structure. The following are not considered to be expansion: the addition of unenclosed porches, patio covers and the like; one enclosed addition of not more than 30 square feet to a dwelling; and the addition of detached accessory structures not for human habitation as accessory to a dwelling. (ADD. ORD. 3810 - 5/5/87)

## **F**

Family - An individual, or two or more persons living together as a single housekeeping unit in a dwelling unit; including residents and operators of a boardinghouse or other residential facility under the Community Care Facilities Act. (AM. ORD. 4092 - 6/27/95)

Family Day Care Home - A home licensed by the State of California to provide care, protection, and supervision for periods of less than 24 hours per day for fourteen (14) or fewer children, including children under the age of ten (10) years who reside at the provider's home. (ADD. ORD. 4216 - 10/24/00)

Family Day Care Home, Large - (DELETE ORD. 4216 - 10/24/00)

Family Day Care Home, Small - (DELETE ORD. 4216 - 10/24/00)

Farmworker - A person *principally employed in agriculture*. (AM. ORD. 4281 - 5/6/03; AM. ORD. 4596 - 3/1/22)

Farmworker Housing Complex - A residential development, distinct from a *farmworker dwelling unit*, where the units are rented to persons who are *principally employed* within Ventura County for activities associated with *agriculture*. Farmworker housing complexes may include studios, one-, two- or three-bedroom units within the complex. Members of the *farmworker's* household may also occupy said unit within the complex. (ADD. ORD. 4281 - 5/6/03; AM. ORD. 4596 - 3/1/22)

Farmworker, Principally Employed - A *farmworker* whose income from activities associated with *agriculture* is at least 50 percent of their gross personal income, as reflected in documents cited in Section 8107-41.2.2(f). For temporary or seasonal farmworkers, gross personal income may be calculated on a quarterly basis to meet the employment criteria. (ADD. ORD. 4281 - 5/6/03; AM. ORD. 4596 - 3/1/22)

Fence - An unroofed vertical structure which is intended primarily to serve as a visual screen or as a physical enclosure around a building or yard area for security, containment or privacy, or to indicate a boundary. This definition includes hedges, thick growths of shrubs, and walls used as screens, but does not include windbreaks for the protection of orchards or crops, or County-approved enclosures for the containment of wild animals. (AM. ORD. 3810 - 5/5/87; AM. ORD. 4216 - 10/24/00)

Fence, See-through - A chain link *fence* or any other type of *fence* that permits at least 50 percent open visibility throughout the *fence*. (AM. ORD. 4216 - 10/24/00)

Festivals, Animal Shows, Receptions, and Similar Events, Temporary Outdoor - (DEL. ORD. 4526 - 7/17/18)

Filming Activities - All uses, structures and activities related to the production of motion pictures, television programming music and corporate videos, advertisements, and commercial still photography. Said activities include, but are not limited to, preparation, filming, and strike time, and the ancillary functions accessory thereto. (AM. ORD. 4092 - 6/27/95)

Filming Activities, Occasional - Filming activities which do not cumulatively exceed ninety (90) days in any 180 day period, on a given *lot*. Such activities may involve facilities and structures that are to be removed upon the completion of a given scene, movie, video, or television series. (ADD. ORD. 4092 - 6/27/95)

Filming Activities, Permanent - On-going filming activities that occur at a fixed location intended primarily for such purposes and usually using facilities and structures that are permanent or intended to remain in place for an indefinite period of time. These facilities and structures may include, but are not limited to, components of film production such as studios, sound stages, production laboratories, equipment storage areas, fabrication shops, offices, accompanying food services, or permanent working sets. (ADD. ORD. 4092 - 6/27/95)

Filming Activities, Temporary - Filming activities on an individual *lot* which exceed 90 days in any 180-day period on that *lot* and which may involve the use of nonpermanent facilities and structures such as exterior sets or flats (pieces of scenery on portable wooden frames) that are not intended for human habitation and which do not require permanent foundations. (ADD. ORD. 4092 - 6/27/95; AM. ORD. 4123 - 9/17/96)

Financial Assurance - A monetary assurance that reclamation will be completed on mined lands pursuant to the approved reclamation plan. In the event that a mining site is abandoned or the owner and/or operator are financially incapable of reclaiming the site, the funds will be used by the County or the State Department of Conservation toward reclamation of the mined site. (ADD. ORD. 4187 - 5/25/99; AM. ORD. 4377 - 1/29/08 - grammar)

Financial Assurance Mechanism - An instrument acceptable to the State Department of Conservation and the County, that serves as the financial assurance, such as a surety bond, trust fund, certificate of deposit or an irrevocable letter of credit. (ADD. ORD. 4187 - 5/25/99)

Firewood Operation - Any commercial operation involving the cutting, sawing or chopping of wood in any form for use as firewood on property other than that on which the operation is located, irrespective of where such wood is grown. (ADD. ORD. 3730 - 5/7/85)

Foot-Candle - The unit of measure expressing the quantity of light received on a surface. One foot-candle is the illuminance cast on a surface by a candle source one-foot in height, from a distance of one foot. (ADD. ORD. 4528 - 9/25/18)

Fuel Modification - A method of modifying fuel load by reducing the amount of non-fire resistive *vegetation* or altering the type of *vegetation* to reduce the fuel load. Fire resistive *vegetation* is that which does not readily ignite from a flame or other ignition source. (ADD. ORD. 4537 - 3/19/19)

Functional Connectivity - The degree to which a physical setting (i.e., natural landscape and built environment) facilitates or impedes the movement of organisms. *Functional connectivity* is a product of both the features of the physical setting (e.g., *vegetation*, physical development) and the behavioral response of plants and animals to these physical features. (ADD. ORD. 4537 - 3/19/19)

## **G**

Garage/Yard Sales - Occasional sales events or similar events, in conjunction with approved residential uses, which occur no more than eight days per calendar year and no more than four days in any given calendar quarter. (ADD. ORD. 4092 - 6/27/95; AM. ORD. 4123 - 9/17/96 - grammar)

General Plan Consistency - Compatibility and agreement with the General Plan of the County of Ventura. Consistency exists when the standards and criteria of the Ventura County General Plan are met or exceeded. (ADD. ORD. 3730 - 5/7/85)

Geothermal Spa - A recreational or health facility without sleeping accommodations, open to the public, where pools or tubs designed for the immersion of the human body make use of locally available geothermally heated water, and which may include accessory massage services and accessory commercial eating facilities designed primarily for the users of the pools or tubs. (ADD. ORD. 3810 - 5/5/87)

GIS – Geographic Information System; the digital data system which is the basis for zoning and other land use information. (ADD. ORD. 4377 – 1/29/08)

Glare – The sensation produced by a bright source within the visual field that is sufficiently brighter than the level to which the eyes are adapted causing annoyance, discomfort, or loss in visual performance and visibility. (ADD. ORD. 4528 – 9/25/18)

Government Building - A building, structure or other facility operated by a legally constituted Federal, State or local government authority, excluding a community waste treatment facility. (AM. ORD. 3810 - 5/5/87; AM. ORD. 4227 - 1/9/01)

Grade - Adjacent ground level. For purposes of building height measurement, grade is the average of the finished ground level at the center of all walls of a building, or other datum point established by the Division of Building and Safety. (ADD. ORD. 3810 - 5/5/87)

Grading - The contouring of land through mechanical means. (ADD. ORD. 4092 - 6/27/95)

Green Roof—A green space created by adding plants and other growing media on the roof of a structure or building. (ADD. ORD. 4407 – 10/20/09)

Gross Floor Area (GFA) - The area included within the surrounding exterior walls of all floors or levels of a building or portion thereof, exclusive of vent shafts and courtyards, or, if the structure lacks walls, the area of all floors or levels included under the roofed/covered area of a structure. (ADD. ORD. 3730 - 5/7/85; AM. ORD. 4092 - 6/27/95; AM. ORD. 4123 - 9/17/96 - grammar)

Gun Club - Any building or premises where there are facilities of any sort for the firing of handguns, rifles or other firearms. (ADD. ORD. 3730 - 5/7/85)

Gymnasium - An indoor recreational or athletic facility for such uses as aerobics, gymnastics, racquetball, swimming, skating rinks, tennis and table tennis, trampoline operations and weight training; but not including amusement and recreational facilities as defined in this Article. (ADD. ORD. 3730 - 5/7/85)

## **H**

Hardscape – The inorganic elements of landscaping, including, but not limited to, masonry, woodwork, stone walls, concrete, and brick design features. (ADD. ORD. 4528 – 9/25/18)

Hazardous Fire Area - See definition in the Ventura County Fire Code which is incorporated herein by this reference. (ADD. ORD. 4526 - 7/17/18)

Hazardous Material - A substance, or combination of substances, which, because of its quantity or concentration, or physical, chemical, or infectious characteristics, may cause or significantly contribute to an increase in mortality or an increase in serious, irreversible, or incapacitating, reversible illness; or may pose a substantial present or potential hazard to human health or to the environment when improperly used, handled, treated, stored, transported, disposed of or otherwise managed. A material may be judged as hazardous if it is corrosive, reactive, ignitable or toxic. (ADD. ORD. 3810 - 5/5/87)

Hazardous Waste - A waste, or combination of wastes, which, because of its quantity, concentration, or physical, chemical or infectious characteristics, may do either of the following:

- 1) Cause, or significantly contribute to an increase in, mortality, or increase serious irreversible, or incapacitating reversible, illness;

- 2) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed.

Unless expressly provided otherwise, the term "hazardous waste" shall be understood to also include extremely hazardous waste and acutely hazardous waste. (Section 25117 California Health and Safety Code). (ADD. ORD. 3945 -7/10/90; AM. ORD. 4123 - 9/17/96 - grammar)

Hazardous Waste Collection Facility, Household/CESQG - A facility where household hazardous wastes or hazardous wastes generated by conditionally exempt small-quantity generators (CESQGs) are received, identified, sorted, packaged, labeled, and temporarily (up to 1 year) stored prior to transport for recycling, treatment, storage, or disposal. (ADD. ORD. 4214 - 10/24/00)

Hazardous Waste Collection Facility, Recyclable Household/CESQG - A facility where latex paints, used motor oil, automotive batteries, antifreeze, household batteries, other recyclable household hazardous wastes, or recyclable hazardous wastes generated by conditionally exempt small-quantity generators (CESQGs) are received, identified, sorted, packaged, labeled, and temporarily (up to 1 year) stored prior to transport for recycling. (ADD. ORD. 4214 - 10/24/00)

Hazardous Waste Collection, Treatment and Storage Facility - A facility used for the treatment, transfer, storage, resource recovery, or recycling of hazardous wastes of all types, excluding biological, radioactive and explosive waste. A hazardous waste collection, treatment and storage facility may consist of one or more treatment, transfer, storage, resource recovery, or recycling hazardous waste management units, or combinations of those units. (ADD. ORD. 4214 - 10/24/00)

Hazardous Waste Facility - (DELETE ORD. 4214 - 10/24/00)

Heat Island Effect - Developed areas where surfaces absorb light and radiation that heat the air to a higher temperature than the surrounding areas. (ADD. ORD. 4577 - 3/9/21)

Height - The vertical distance from the adjacent grade to the highest point of a structure or other object, other than a building with a pitched roof. The height of a building with a pitched roof is the distance from grade or averaged grade to the averaged midpoint, as measured pursuant to Article 6. (AM. ORD. 3810 - 5/5/87; AM. ORD. 4092 - 6/27/95; AM. ORD. 4123 - 9/17/96)

High Fire Hazard Areas - An area in the unincorporated territory of the County designated by the County Fire Protection District as an area of uncultivated brush, grass, or forest-covered land, and land within 500 feet of such area, wherein authorized representatives of said District deem a potential fire hazard to exist due to the presence of such flammable material. (AM. ORD. 4123 - 9/17/96)

Historic Repository - A location where structures, facilities, equipment and the like, which are associated with the historic or cultural development of Ventura County, may be collected and displayed. (ADD. ORD. 4220 - 12/5/00)

Home Exchange - A practice in which the owner of a dwelling allows the use of that dwelling in exchange for the use of another person's dwelling for a limited time period with no rent exchanged. (ADD. ORD. 4523 - 6/19/18)

Home Occupation - Any commercial activity conducted on or from a residential lot where such activity is clearly incidental and secondary to the use of the residential lot for dwelling purposes and the activity does not change the character of the residential use. (AM. ORD. 3730 - 5/7/85; AM. ORD. 4092 - 6/27/95)

Homeshare - A dwelling which is the primary residence of an owner who possesses at least a twenty percent ownership interest in the subject parcel, with any portion of the dwelling

rented for a period less than thirty consecutive days when said owner is physically present in the same dwelling, with no meals or food provided to the renter or renters. A homeshare is not considered a home occupation under this Chapter. Use of a dwelling for occasional home exchange is not considered a homeshare. (ADD. ORD. 4523 – 6/19/18)

Hospital - A licensed institution providing in-patient care or overnight accommodations for persons with illnesses, injuries, or other conditions, physical or mental, calling for medical treatment or observation, including one or more of the following basic services: anesthesia, laboratory, nursing, pharmacy, radiology, rehabilitation or surgery.

Hospital for Large Animals - A facility providing acute veterinary care to horses or to cattle or other farm animals. (ADD. ORD. 3730 - 5/7/85)

Hotel - A building with one main entrance, or a group of buildings, containing guest rooms where lodging with or without meals is provided for compensation. (AM. ORD. 3810 - 5/5/87)

Household Hazardous Waste - Any hazardous waste generated incidental to owning or maintaining a dwelling. Household hazardous waste does not include any waste generated in the course of operating a business at a residence. (ADD. ORD. 4214 - 10/24/00)

Human Habitation - The use of a structure or portion thereof for any one or portions of the following purposes: living, sleeping, eating, cooking, and bathing. (ADD. ORD. 4092 - 6/27/95)

Hydrozone - A portion of the landscaped area that contains plants with similar water needs and rooting depth. (ADD. ORD. 4577 - 3/9/21)

## **I-K**

Idle Mine - Surface mining operations curtailed for a period of one year or more, by more than 90 percent of the operation's previous maximum annual mineral production, with the intent to resume those surface mining operations at a future date. (ADD. ORD. 4187 - 5/25/99)

Inauguration - The lawful commencement of uses, activities, or construction of structures and facilities permitted by this Chapter or by a specific *entitlement* issued pursuant to this Chapter. Use inauguration occurs after the *Planning Director* issues a Zoning Clearance, and other required County permits, such as finalized building permits and Certificates of Occupancy, have been obtained. (ADD. ORD. 4092 - 6/27/95)

Individual Sewage Disposal Systems (ISDS) - Liquid waste systems which dispose of sewage generated by an individual residence or business in unsewered areas, typically including a septic tank and a soil absorption system such as a leach field, seepage pit, mound, or sand filtration bed, or other approved system. (ADD. ORD. 4092 - 6/27/95)

Inoperative Vehicle - (DELETE ORD. 4123 - 9/17/96)

Intermediate Care Facility - A health facility which provides inpatient care to ambulatory or nonambulatory patients who have a recurring need for skilled nursing supervision and need supportive care, but who do not require continuous skilled nursing care. The term "intermediate care facility" shall include intermediate care facilities/developmentally disabled-habilitative for seven or more persons, nursing homes for seven or more persons, rest homes and convalescent homes. (AM. ORD. 3810 - 5/5/87)

Internal Access - Unobstructed, enclosed passageways with conditioned air systems connecting habitable rooms, which are not blocked by doors, fixed closed, or capable of being fixed closed with a one-way dead-bolt lock or similar devices. Access through garages or sleeping rooms is not considered internal access. (ADD. ORD. 4092 - 6/27/95; AM. ORD. 4282 - 5/20/03)

Interpretive Center - A site, with or without structures, for the display of architecture, art



or other artifacts associated with the site and which may also depict the cultural and social history and prehistory of Ventura County. (ADD. ORD 4220 - 12/5/00)

Invasive Plant – Any species of plant included on the California Invasive Plant Council *Invasive Plant Checklist for California Landscaping*, as may be amended. (ADD. ORD. 4537 – 3/19/19; AM. ORD. 4577 – 3/9/21)

Invasive Species Management Plan – A maintenance plan designed to effectively control the spread of invasive or watch list species within *native vegetation* preservation areas that were retained for landscaping purposes. (ADD. ORD. 4577 - 3/9/21)

Kelvin – A unit of measure used to describe the hue (or *correlated color temperature*) of a light source. (ADD. ORD. 4528 – 9/25/18)

Kennel/Cattery - Any *lot* or premises, with or without structures, where pet animals such as dogs or cats are kept for limited periods of time, whether for compensation or not, for purposes of boarding, training, animal rescue and the like. (AM. ORD. 4092 - 6/27/95; AM. ORD. 4123 - 9/17/96)

Kitchen - Any room, in an approved dwelling, all or part of which is designed, built, equipped, maintained, used, or intended to be used as a place for the preparation and cooking of food, and contains more than one of the following: (a) a counter sink with interior dimensions larger than 12" wide by 12" long and 9" deep; (b) a stove, hotplate, or conventional or microwave oven; (c) a refrigerator of more than four cubic feet capacity. (ADD. ORD. 4092 - 6/27/95; AM. ORD. 4123 - 9/17/96; AM. ORD. 4282 - 5/20/03)

Kitchen, Outdoor – A kitchen located outside a dwelling unit, but within a structure fully open on at least 50 percent of its perimeter. (ADD. ORD. 4282 - 5/20/03)

## L

Landmark - A designation applied to sites and structures pursuant to the Ventura County Cultural Heritage Ordinance. (ADD. ORD. 4220 - 12/5/00)

Landscape Area – Includes all planting areas, turf areas, and man-made water features. The landscape area does not include the footprint of buildings or structures, sidewalks, driveways, parking *lots*, decks, patios, gravel or stone walks, other pervious or non-pervious *hardscapes*, or undeveloped non-irrigated areas that are not used for landscaping credit within Section 8106-8.2.4. (ADD. ORD. 4577 - 3/9/21)

Landscape Documentation Package –The set of documents that must be submitted to the County Building and Safety Division prior to issuance of a building permit when a project is subject to the Model Water Efficiency Landscape Ordinance (MWELo), as defined below. The elements of the Landscape Documentation Package are defined in Sections 492.3 through 492.8 of the MWELo, as may be amended, and include the following: project information, a water efficient landscape worksheet, a soil management report, a landscape design plan, an irrigation design plan and a grading design plan. (ADD. ORD. 4577 - 3/9/21)

Landscape Plan - A visual representation of the types and size of plants, *water features*, paths, walkways, walls, stormwater retention areas, etc. proposed for installation on a site. These plans may also include details associated with irrigation, fencing, and lighting, when required. A landscape plan is distinct from the landscape design plan required to be included with a MWELo *Landscape Documentation Package*. (ADD. ORD. 4577 - 3/9/21)

Landscape, Water Feature – A design element where open water performs an aesthetic or recreational function. Water features include ponds, lakes, waterfalls, fountains, artificial streams, spas, and swimming pools where water is artificially supplied. (ADD. ORD. 4577 - 3/9/21)

Landscaping, Insect Nesting Habitat – Habitat that is suitable for ground and tunnel nesting

insects. Ground nesting habitat consists of sunny areas of bare earth (mulch-free) with loose, well drained soils. Tunnel nesting insect habitat consists of shrubs with pithy or hollow stems (e.g., Elderberry, sumac, raspberry blackberry, wild roses) or artificial tunnel nests. (ADD. ORD. 4577 - 3/9/21)

Lattice Tower – A structure, guyed or freestanding, erected on the ground, which generally consists of metal crossed strips or bars to support *antennas* and equipment. (ADD. ORD. 4470 – 3/24/15)

Legitimate Poultry Hobbyist – Shall have the same definition as set forth in Ventura County Ordinance Code, Division 4, Chapter 4, Article 9, Section 4494.2(b), as may be amended, which states: “A *person* who owns and breeds poultry for exhibition or for sale of offspring in accordance with accepted poultry raising practices.” (ADD. ORD. 4580 – 4/13/21)

Light Fixture – See definition of *luminaire*. (ADD. ORD. 4528 – 9/25/18)

Light Pollution – Adverse effects of artificial light including, but not limited to, *glare*, *light trespass*, *sky glow*, and impacts on the nocturnal environment, including light sources that are left on when they no longer serve a useful function. (ADD. ORD. 4528 – 9/25/18)

Light Trespass or Light Spillover - Light emitted by a *luminaire* that shines beyond the boundaries of the property on which it is sited. (ADD. ORD. 4528 – 9/25/18)

Lighting, Directional – Adjustments made to a *luminaire* to focus light where it is needed. (ADD. ORD. 4528 – 9/25/18)

Lighting, Outdoor - Any *luminaire* that is installed outside the interior of a structure. The *luminaire* could be mounted to the exterior of a structure, mounted to poles, *fences* or other freestanding structures, or placed so as to provide direct illumination on any exterior area, object or activity. Outdoor lighting includes but is not limited to *luminaires* used for porches, *hardscapes*, landscapes, *security lighting*, driveways and walkways, parking areas, and *outdoor recreation areas*. (ADD. ORD. 4528 – 9/25/18)

Lighting, Seasonal or Festive – Temporary lighting installed and operated in connection with holidays, traditions or festivities. (ADD. ORD. 4528 – 9/25/18)

Lighting, Security – A *luminaire* that is primarily intended to deter or detect intrusions or other unwanted activity. It can also be used to allow safe passage. (ADD. ORD. 4528 – 9/25/18)

Lot - An area of land having fixed boundaries depicted on or described by a tentative map, final map, parcel map or instrument of conveyance for the purpose of defining land to be held, actually or potentially, in fee title as a discrete unit, or a permit area as determined by the *Planning Director*. Licenses, easements, and streets, alleys and similar rights-of-way are not *lot*. (AM. ORD. 4092 - 6/27/95; AM. ORD. 4123 - 9/17/96)

Lot Area, Gross - "*Gross lot area*" and "*gross area*" mean the total area, measured in a horizontal plane, within the lot lines of a lot. (AM. ORD. 4092 - 6/27/95)

Lot Area, Minimum - The minimum required gross or *net area* of a lot for subdivisions, uses of land and/or structures, and for other activities specified in this Chapter. (ADD. ORD. 4092 - 6/27/95; AM. ORD. 4123 - 9/17/96)

Lot Area, Net - "*Net lot area*" and "*net area*" mean lot area less the area within any existing or proposed public or private street, road, or easement for ingress or egress, and less the area within any existing or proposed easement wherein the owner of the lot is prohibited from using the surface of the land. Included in the "*net area*" is the area lying within public utility easements (except as otherwise provided in Chapter 2 of this code), sanitary sewer easements, landscaping easements, public service and tree maintenance easements, and open space easements, flowage easements, subsurface drainage easements, subsurface flood control easements, and other such easements wherein the owner of the lot is not prohibited from using the surface of the land. (ADD. ORD. 4092 - 6/27/95)

Lot, Corner - A lot situated at the intersection of two or more streets or highways.

Lot Depth - The mean horizontal distance between the front and rear lot lines, measured in the mean direction of the side lot lines.

Lot, Interior - A lot other than a corner lot.

Lot, Legal - A lot that met all local Subdivision Ordinance and Subdivision Map Act requirements when it was created, and still exists, and can lawfully be conveyed in fee as a discrete unit separate from any contiguous lot. "Legal Lot" also means a lot for which a Certificate of Compliance or Conditional Certificate of Compliance has been issued under the State Subdivision Map Act and the Ventura County Subdivision Ordinance and the boundaries of which have not subsequently been altered by merger or further subdivision. (AM. ORD. 3810 - 5/5/87; AM. ORD. 4092 - 6/27/95)

#### Lot Line

Front - A line separating an interior lot from a street, or a line separating the narrower street frontage of a corner lot from the street, except for L-shaped *lots*.

Side - Any lot boundary line which is not a front lot line or a rear lot line.

Rear -

a. Rectangular *lots* - A lot line which is opposite and most distant from the front lot line.

b. Triangular and irregularly-shaped *lots* - A line ten feet long within the lot, opposite and most distant from the front lot line, which is parallel to the front lot line or parallel to the chord of a curved front lot line, where such chord is drawn perpendicular to the mean direction of lot depth.

Lot, Reverse Corner - A corner lot, the rear of which abuts the side of another lot.

Lot, Through - A lot other than a corner lot having frontage on two parallel or approximately parallel streets.

Lot Width - The distance between the side lot lines measured at the front setback.

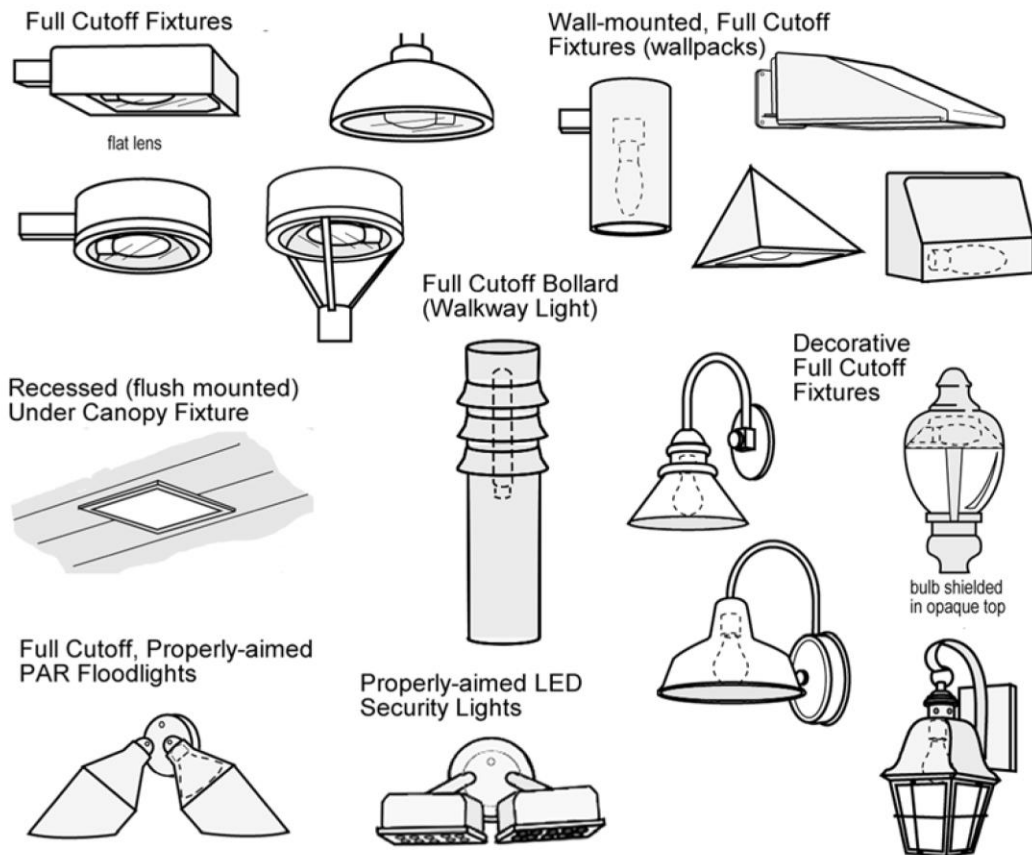
Lumen - Unit of measure used to quantify the amount of light produced by a lamp or emitted from a *luminaire* (as distinct from a "watt," which is a measure of power consumption). (ADD. ORD. 4528 - 9/25/18)

Luminaire - A complete lighting unit — i.e., the lamp and all components directly associated with the distribution, positioning and protection of the lighting unit. This is also referred to as a *light fixture*. (ADD. ORD. 4528 - 9/25/18)

Luminaires, Essential - A *luminaire* that is used for safety purposes, for *security lighting*, to illuminate a circulation area such as a walkway or driveway, or to illuminate a building entrance. (ADD. ORD. 4528 - 9/25/18)

Luminaire, Fully-Shielded - A luminaire constructed and installed in such a manner that all light emitted by the fixture is projected below the horizontal plane through the fixture's lowest light-emitting part. Examples of fully-shielded luminaires are included in Figure 1. (ADD. ORD. 4528 - 9/25/18)

**Figure 1. Examples of Fully-Shielded Luminaires**



Luminaire, Partially-Shielded - A *luminaire* constructed and installed such that most light emitted by the fixture is projected below the horizontal plane through the fixture's lowest light-emitting part. Light emitted above the horizontal plane arises only from decorative elements or diffusing materials such as frosted/colored glass or plastic. Examples of partially-shielded luminaires are included in Figure 2. (ADD. ORD. 4528 – 9/25/18)

**Figure 2. Examples of Partially-Shielded Luminaires**



## **M**

Mechanical Parking Lifts – Automated or manual, indoor or outdoor, lift systems designed to stack one or more motor vehicles vertically. (ADD. ORD. 4407 – 10/20/09)

Mineral Resource Development - The exploration for or extraction of surface or subterranean compounds and materials; this includes oil and gas exploration and production, and the mining of metallic and nonmetallic minerals, sand, gravel and rock. (ADD. ORD. 3723 - 3/12/85)

Mining - A form of mineral resource development involving the extraction and removal of more than 1,000 cubic yards of material from the same site, or from separate *lots* within one mile of each other that are owned or mined by the same person, through such activities and uses as borrow areas, sand, gravel and rock quarries, etc. Mining does not include extraction and removal of material from construction sites or following floods, landslides or natural disasters where the land is being restored to its prior condition. (ADD. ORD. 3723 - 3/12/85; AM. ORD. 3810 - 5/5/87)

Mining, Accessory Uses - Uses customarily incidental, appropriate and subordinate to mining located on the same site, such as stockpiling; sorting; screening; washing; crushing; and maintenance facilities. Other accessory uses include the following: ready mix concrete batching; asphalt concrete batching; recycling of concrete, asphalt and related construction materials; trucking operations associated with products from the site; and contractors' service and storage yards and concrete and asphalt concrete products manufacturing which make use of the products produced from the subject mining site. These uses may require separate permits as principal uses if not addressed under the primary mining permit. (ADD. ORD. 3723 - 3/12/85; AM. ORD. 4092 -6/27/95; AM. ORD. 4123 - 9/17/96 - grammar; AM. ORD. 4187 - 5/25/99)

Mining, Agricultural Site - An area, or areas within a site where the *Planning Director* has determined that the excavation and/or removal of more than 1,000 cubic yards of earthen material is integral and beneficial to the development or enhancement of a bona fide farming operation on that site. (ADD. ORD. 4187 - 5/25/99)

Mining, Public Works Maintenance - (DELETE ORD. 4389 - 09/16/08)

Mixed-Use Development – A development project with planned integration of residential and non-residential development within a building with the upper floors used for residential and the ground floor used for non-residential land uses. (ADD. ORD. 4393 - 12/16/08)

Mixed Solid Waste - The solid waste discarded from homes, businesses, institutions, and manufacturing plants that has not been separated or sorted by type and usually contains unrecyclable residuals that must be disposed of in a waste disposal facility. (ADD. ORD. 4214 - 10/24/00)

Mobile Food Facility - A wheeled vehicle or a stand, allowed by the California Health and Safety Code, from which food or beverages are sold. (ADD. ORD. 4123 - 9/17/96)

Mobilehome - A transportable structure designed to be used as a dwelling unit, and meeting the requirements of Federal, State and/or Ventura County codes as they pertain to such structures. (AM. ORD. 4092 - 6/27/95; AM. ORD. 4123 - 9/17/96 - grammar)

Mobilehome Park - An area of land where two or more spaces are rented or leased for mobilehomes or manufactured homes to be used as dwellings. For the purposes of this definition, mobilehome parks do not include County park campgrounds, County overnight parking zones, or residences provided by employers for the use of farmworkers or other employees and their families. (ADD. ORD. 4554 - 12/10/19)

Model Water Efficient Landscape Ordinance (MWELo) - New development and retrofitted landscape water efficiency standards governed by California Code of Regulations, Title 23, Division 2, Chapter 2.7, as may be amended. (ADD. ORD. 4577 - 3/9/21)

Module—A drive aisle with vehicles parked on one or two sides of the aisle. (ADD. ORD. 4407 - 10/20/09)

Monopole – A structure composed of a single spire, pole, or tower used to support *antennas* and connecting appurtenances for a *non-commercial antenna* or *wireless communication facility*. (ADD. ORD. 4470 - 3/24/15)

Motel - One or more buildings containing guest rooms with one or more such rooms or units having a separate entrance providing entry directly from the outside of the building or from an inner court. Such facilities are designed, used or intended to be used, rented or hired out for temporary or overnight accommodations for guests, and are offered primarily to automobile tourists or transients by signs or other advertising media. "Motel" includes auto courts, motor lodges and tourist courts.

Motocross/OHV (Off Highway Vehicle) Park - An activity involving two-wheeled motorized vehicles (limited to 2 engine cylinders or less), conducted on a closed course, laid out over natural terrain, that may include left and right turns, hills, jumps and irregular terrain, and which does not include high-speed sections. (ADD. ORD. 4118 - 7/2/96)

Mulch - Any organic material such as leaves, bark, straw, compost, or inorganic mineral materials such as rocks, gravel, or decomposed granite left loose and applied to the soil surface for environmental beneficial purposes such as reducing evaporation, suppressing weeds, moderating soil temperature, and preventing soil erosion. (ADD. ORD. 4214 - 10/24/00; AM. ORD. 4577 - 3/9/21)

Museum - A place or structure where objects of interest are displayed and viewed by the public. (ADD. ORD. 4220 - 12/5/00)

## **N-O**

Native Vegetation – Naturally occurring vegetation in Ventura County. *Native vegetation* includes, but is not limited to, oak woodland, coastal sage scrub, chaparral, perennial grassland, California annual grassland, riparian woodland and riparian scrub. *Native vegetation* does not include ruderal vegetation and plant species listed by the California

Invasive Plant Council. In addition, *native vegetation* does not include ornamental, landscape or crop vegetation, including sod and lawn grasses and actively managed fallow farmland. (ADD. ORD. 4413 – 04/6/10)

Native Vegetation Community – Natural occurring vegetation community in Ventura County as classified and recognized by the California Native Plant Society (CNPS) in collaboration with the California Department of Fish and Wildlife (CDFW). Also referred to as a “Natural Community” or listed in “A Manual of California Vegetation” (CNPS, Online Edition), as may be amended. (ADD. ORD. 4577 - 3/9/21)

Non-Commercial Antenna - A device for transmitting or receiving radio signals, as defined by the Federal Communications Commission (FCC), 47 C.F.R. Part 97, of the Commission’s Rules, or its successor regulation. *Non-commercial antennas* are used to operate amateur radios, such as HAM radios and citizen band *antennas*, for purposes of the non-commercial exchange of messages, including emergency response training and operations.

Nonconforming Structure - A structure or portion thereof which was lawfully erected or altered and maintained, which, solely because of revisions in development standards of this Chapter dealing with *building lot coverage*, lot area per structure, height, and setbacks, no longer conforms. (AM. ORD. 4618 - 7/25/23)

Nonconforming Use - A use which was lawfully established and maintained but which, because of the application of this Chapter (1) is no longer permitted in the zone in which it is located or (2) is no longer in conformance with parking requirements. (AM. ORD. 4407 – 10/20/09)

Nonmotorized Wheeled Conveyances - Those conveyances of a wheeled nature that do not require motorized propulsion, such as, but not limited to, skateboards, bicycles, unicycles, and rollerskates. (ADD. ORD. 3895-4/25/89)

Nonprofit Humane Organization Animal Facility – Shall have the same definition as set forth in Ventura County Ordinance Code, Division 4, Chapter 4, Article 9, Section 4494.2(c), as may be amended, which states: “An animal facility operated by a bona fide charity in good standing under the provisions of Section 501(c)(3) of the Internal Revenue Code, where *roosters* are kept for adoption, recovery or sanctuary.” (ADD. ORD. 4580 – 4/13/21)

Official Zoning Data – The approved zoning classifications for all parcels in unincorporated Ventura County, maintained technologically in digital format. (ADD. ORD. 4377 – 1/29/08)

Off-Site Parking -\_Parking provided at a site other than the site on which the use served by such parking is located. (ADD. ORD. 4407 – 10/20/09)

Oil and Gas Exploration and Production - The drilling, extraction and transportation of subterranean fossil gas and petroleum, and necessary attendant uses and structures, but excluding refining, processing or manufacturing thereof.

On-Site Composting Operation - Composting activities at residences, parks, community gardens, homeowners associations, residential planned developments, universities, schools, hospitals, golf courses, industrial parks, or other similar land uses where the purpose is to compost material generated on-site, in conjunction with any necessary bulking agents, additives, and amendments. Those operations which have less than 10 cubic yards of any combination of separated feedstock, actively decomposing compost, and stabilized compost or ground uncomposted material on site at any one time are small-scale, those with between 10 and 200 cubic yards are medium-scale, and those with more than 200 cubic yards are large-scale. This category does not include activities related to normal farming activities. (ADD. ORD. 4214-10/24/00)

On-site Wastewater Treatment Facility - A wastewater treatment plant that treats liquid waste which is generated on the same project site where the plant is located, with both the plant and the project site under common ownership. The plants are sized, and explicitly

restricted to serve only the project site and cannot serve uses off-site or under different ownership (see Community Wastewater Treatment Facility). (ADD. ORD. 4092 - 6/27/95)

Open storage - The placement or keeping, in an area not fully enclosed by the walls of a building, of miscellaneous objects and materials accessory to the principal use of the property, including inoperative motor vehicles, boats and trailers; building materials; reusable parts and equipment, and the like; but excluding trash, garbage and debris. (AM. ORD. 3810 - 5/5/87; AM. ORD. 4092 - 6/27/95; AM. ORD. 4123 - 9/17/96)

Organics Processing Operations - A category of operations that actively processes organic materials (materials originally derived from living organisms) for the purpose of producing compost, mulch, wood chips, or other similar products. This category includes but is not limited to on-site composting operations, small, medium and large; commercial organics processing operations, small, medium and large (includes vermicomposting and chipping/grinding operations); and biosolids composting operations. This category does not include activities related to normal farming activities. (ADD. ORD. 4214 - 10/24/00)

Outdoor Events - An outdoor event held in a stationary location on a privately owned parcel in the Open Space, Agricultural Exclusive, Rural Agricultural, or Commercial Planned Development zone at which the primary event activities occur outside of structures, such as harvest festivals; carnivals; historic re-enactments; animal events; art shows; athletic events; concerts; craft fairs; farmer's markets; receptions; ceremonies; fundraisers; social, political, spiritual or organizational gatherings; and similar events except for those that are either separately regulated under this Chapter, addressed by a permit or *entitlement* issued under this Chapter or that occur at a permitted school or college. See outdoor event regulations in Sec. 8107-46. (ADD. ORD. 4526 - 7/17/18)

Outdoor Recreational Facility - An outdoor area designed for active recreation, whether publicly or privately-owned, including, but not limited to, baseball and softball diamonds, soccer and football fields, golf courses, equestrian arenas, and tennis courts. (ADD. ORD. 4528 - 9/25/18)

Outdoor Sales and Services, Temporary - Such temporary outdoor uses as sidewalk sales (except swap meets), seasonal sales and auctions, but excluding mobile food facilities. (ADD. ORD. 3730 - 5/7/85; AM. ORD. 4123 - 9/17/96)

Overlay Zone - Any of the zones listed in Sec. 8104-7, Article 4 of Chapter 1. An overlay zone adds special requirements to those which are part of the base zone on which the overlay zone is placed. (ADD. ORD. 3993 - 2/25/92)

## **P-Q**

Parcel - For the purposes of this Chapter, the word "parcel" shall have the same meaning as the word "lot" and the two words shall be synonymous.

Park, Natural - An area of land available for public use, at least 75 percent of which is landscaped or otherwise left in a natural state, and which does not involve off-road motor vehicle uses of any kind. (ADD. ORD. 3810 - 5/5/87; AM. ORD. 4624 - 1/9/24)

Park, Urban - An area of land available for public use predominantly located within the built environment. Typical amenities and uses may include, but are not limited to, landscaped areas, athletic fields and courts, areas for skateboarding and other nonmotorized conveyances, plazas, squares, picnic and/or sitting areas, natural areas, trails and walkways, and concessions. (ADD. ORD. 4624 - 1/9/24)

Parking Area - An area outside the public right-of-way containing 5 or more parking spaces and designed and used primarily for the parking of operable motor vehicles and bicycles. Parking areas may be located at grade, above ground, or below ground. Parking areas include parking facilities, *lots*, structures and underground parking. Elements of parking areas include parking spaces, drive aisles, loading areas and required landscaping and



screening. Parking areas do not include: individual residential garages, parking spaces/areas for single-family (including caretaker and farmworker) or two-family dwelling units, or vehicle storage or inventory display areas. (ADD. ORD. 4407 – 10/20/09)

Parking Facility – A type of parking area that is a principal use. (ADD. ORD. 4407 – 10/20/09)

Periodic Outdoor Sporting Events - Recreational events or activities, other than spectator-type animal events, which require a natural environment, are carried on by one or more organized groups of people, and do not involve structures, motorized vehicles, aircraft or firearms. (ADD. ORD. 3810 - 5/5/87)

Permittee - A person or entity that holds a permit or operates a use allowed by a permit. The owner of the property for which an *entitlement* has been approved is the permittee, unless an alternative person or entity is designated as the permittee in the subject use permit, in which case that other person or entity is the permittee. (ADD. ORD. 4123 - 9/17/96)

Person - Any individual, organization, partnership, or other business association or corporation, including any utility, and any federal, state, local government, or special district or an agency thereof.

Personal Goods - Items such as bristle goods, umbrellas, grooming items and tobacco paraphernalia.

Personal Services - Enterprises serving individual necessities, such as barber shops, beauty salons and spas, clothing rental, coin-operated laundromats, funeral homes, marriage bureaus, massage services by masseurs/masseuses, personal laundry and dry cleaning establishments, photographic studios, tattoo parlors and travel agencies.

Petroleum Refining - Oil-related industrial activities involving the processing and/or manufacture of substances such as: asphalt and tar paving mixtures; asphalt and other saturated felts (including shingles); fuels; lubricating oils and greases; paving blocks made of asphalt, creosoted wood and other compositions of asphalt and tar with other materials; and roofing cements and coatings.

Pigeons/Squab - Any pigeon not designated as a Homing, Racing, or Roller pigeon, including but not limited to, show pigeons, pigeons raised for food, or pigeons matching the basic description of a homing, racing or roller pigeon, but lacking the required seamless band. (ADD. ORD. 4092 - 6/27/95)

Pigeons, Homing/Racing - Member of the family Columbidae, identified as such by presence of a seamless metal or metal/plastic band permanently affixed to the leg, indicating year of birth and unique identification number, issued by the "American Racing Pigeon Union"; A.U.; "International Federation of Pigeon Fanciers"; I.F. or other internationally recognized federation. (ADD. ORD. 4092 -6/27/95)

Pigeons, Rollers - Member of the family of pigeons known as "Birmingham Rollers," identified as such by the presence of a seamless metal or metal/plastic band permanently affixed to the leg, issued by the "National Birmingham Roller Club"; N.B.R.C.; "Ventura County Roller Club"; V.C.R.C or other nationally recognized federation or club. (ADD. ORD. 4092 - 6/27/95)

Planning Director - The Deputy Director, Resource Management Agency, for the Planning Division. (AM. ORD. 4092 - 6/27/95; AM. ORD. 4123 - 9/17/96 - grammar)

Point of Interest - A designation applied to site of a former improvement or event location pursuant to the Ventura County Cultural Heritage Ordinance. (ADD. ORD. 4220 - 12/5/00)

Preliminary Processing - Basic activities and operations instrumental to the preparation of agricultural goods for shipment to market, excluding canning or bottling.

Principal Use - The primary or main use on a lot to which other uses and structures are accessory. More than one principal use may legally exist on a lot (e.g., agriculture, oil production and a residence). (ADD. ORD. 4092 - 6/27/95; AM. ORD. 4123 - 9/17/96)

Processed Commodities - Agricultural products which have been bottled, canned, supplemented with preservatives or coloring agents, or chemically altered. Processed commodities do not include those agricultural products which have been only washed, sorted, mixed, packaged, squeezed, juiced or pressed. (ADD. ORD. 4092 - 6/27/95)

Produce Stand - (DELETE ORD. 4123 - 9/17/96)

Protected Tree - A tree which is any one of a variety of tree species or types as identified in Article 7. (ADD. ORD. 3993 - 2/25/92)

Public Works Maintenance - Public Works maintenance includes work performed by the Ventura County Watershed Protection District to restore public facilities or structures to their original design capacity. All maintenance activities must be conducted in accordance with provisions of Public Resource Code and Title 14 CCR Section 3505(a)(2) ("SMARA"), including any activities necessary for the preservation of public facilities or structures, or to alleviate imminent threats to public health and safety, to restore the facilities or structures to their original design capacity and where such activity has been declared in writing by the Public Works Agency to be under its administrative control. Said uses include but are not limited to removing material to avert potential landslides, the repair and/or maintenance of flood control facilities as defined by Section 3505(a)(2) and accessory processes such as stockpiling, sorting, and screening of material. (AM. ORD 4389 - 09/16/08; ADD. ORD. 3723 - 3/12/85; AM. ORD. 4123 - 9/17/96; AM. ORD. 4187 - 5/25/99)

Public Road or Street - Any road or street or thoroughfare of whatever nature, publicly maintained and open to the use of the public for the purpose of vehicular travel.

Qualified Affordable/Elderly Housing Development - (ADD. ORD. 3759 - 1/14/86; DELETE ORD. 4455 - 10-22-13).

## **R**

R-Zone - A zone classification under this Chapter which contains the letter "R" in its abbreviation, excluding overlay zones.

Radio Studios - A staffed commercial facility used for the creation and production of AM/FM radio and other electronic media programming, which includes studios, stages, editing facilities, post-production facilities, associated *antennas* and accessory *antenna* equipment used for the transmission of radio and microwave signals. (ADD. ORD. 4470 - 3/24/15)

Reclamation - The combined process of land treatment that minimizes water degradation, air pollution, damage to aquatic or wildlife habitat, flooding, erosion, and other adverse effects from surface mining operations, including adverse surface effects incidental to underground mines, so that mined lands are reclaimed to a usable condition which is readily adaptable for alternate land uses and create no danger to public health or safety. The process may require the removal of mining related structures, equipment and improvements, backfilling, grading, resoiling, revegetation, soil compaction, slope stabilization, erosion control or other measures which may also extend into adjacent lands surrounding mined lands. (ADD. ORD. 4187 - 5/25/99)

Recreational Vehicle - A vehicle of any size which (a) is self-propelled or is towed by another vehicle, (b) is not designed to be used as a permanent dwelling, and (c) has self-contained plumbing, heating and electrical systems which may be operated without connection to outside utilities. Recreational vehicles do not fall within the definition of mobilehomes. (AM. ORD. 3730 - - 5/7/85)

Recreational Vehicle Park - Any area of land developed primarily for temporary use by

recreational vehicles for which utility connections (sewer, water, electricity) are provided. (ADD. ORD. 3730 - 5/7/85; AM. ORD. 3881 - 12/20/88)

Recyclable Materials - Materials which have been retrieved or diverted from disposal, that can be collected, sorted, cleaned, reconstituted and returned to the economic mainstream in the form of raw material for new, reused, or reconstituted products which meet the quality standards necessary to be used in the marketplace. (ADD. ORD. 4214 - 10/24/00)

Recyclables Collection Center - An indoor or outdoor facility such as a buy-back center, a drop-off center, or a mobile unit, that occupies less than 500 square feet, and has a capacity of no more than 80 cubic yards, and that receives separated, nonhazardous, nonputrescible, recyclable or reusable materials—containing less than 10 percent unrecyclable residuals that must be disposed in a waste disposal facility—generated off-site and which may aggregate or sort these materials for the purpose of shipment off-site. This definition does not apply to reverse vending machines that occupy less than fifty square feet per principal use. (ADD. ORD. 4214 - 10/24/00)

Recyclables Collection and Processing Facility - A facility that receives separated, nonhazardous, nonputrescible, recyclable or reusable materials, or receives unseparated loads, for the purpose of preparation for shipment off-site. Loads received contain less than 10 percent unrecyclable residuals that must be disposed in a waste disposal facility. Processing may include separation, baling, crushing, cleaning, sorting, shredding, or chopping. This definition includes facilities for recycling construction and demolition debris. This definition does not include automobile wrecking yards. (ADD. ORD. 4214 - 10/24/00)

Rent - The terms rent, rented and rental mean allowing use of a dwelling or property, or any portion thereof, in exchange for consideration in any form. (ADD. ORD. 4523 - 6/19/18)

Residential Care Facility - A facility providing nonmedical care on a 24-hour basis to people who are mentally ill, mentally handicapped, physically disabled, or elderly, or are dependent or neglected children, wards of the Juvenile Court, or other persons in need of personal services, supervision, or assistance essential for sustaining the activities of everyday living or for protection of the individual. Included within this definition are "intermediate care facilities/developmentally disabled-nursing" and "intermediate care facilities/developmentally disabled-habilitative" with six or fewer beds, and congregate living health facilities, pursuant to the Health and Safety Code. A facility is considered nonmedical if the only medication given or provided is the kind that can normally be self-administered. (AM. ORD. 3810 - 5/5/87)

Resource Recovery - The reclamation or salvage of discards for reuse, conversion to energy, or recycling. (ADD. ORD. 4214 - 10/24/00)

Rest Home - A licensed facility where lodging, meals, nursing, dietary and other personal services are rendered for nonpsychiatric convalescents, invalids, and aged persons for compensation. Excludes cases of contagious or communicable diseases, and surgery or primary treatments such as are customarily provided in sanitariums and hospitals.

Restoration Project - A project that involves the manipulation of the physical, chemical, or biological characteristics of a site to re-establish the site's natural or historic habitat, species, or ecological functions. It may include the re-establishment of habitat at sites where ecological function was wholly or partially lost or degraded. (ADD. ORD. 4537 - 3/19/19)

Retail Trade - Businesses such as auto supply stores, book and stationery stores, camera shops, clothing and fabric stores, department and variety stores, drug stores, florists, food stores, furniture stores, gift and novelty shops, hardware and paint stores, home furnishings stores, household appliance stores, jewelry stores, liquor stores, music stores, newsstands, pet stores, shoe stores, sporting goods stores, toy and hobby shops and used merchandise stores. (AM. ORD. 3730 - 5/7/85)

Retreat - A facility which (a) provides opportunities for small groups of people to congregate temporarily on a site for such purposes as education, enlightenment, contemplation, renewal or solitude; and (b) by its nature, needs to be located in a quiet, sparsely-populated, natural environment. (ADD. ORD. 3810 - 5/5/87; AM. ORD. 4317 - 3/15/05)

Reuse Salvage Facility - A facility or yard that accepts, salvages, and sells or distributes a variety of separated, nonhazardous discards including building materials, household fixtures, and furniture, and which requires some outdoor storage and which may conduct minor repair or upgrading of the materials. This definition does not apply to automobile salvage operations. (ADD. ORD. 4214 - 10/24/00)

Riparian/Riparian Area/Riparian Habitat Area - The bank of a stream, creek or river. *Riparian* habitat is the aquatic and terrestrial habitats that occur along streams, creeks and rivers. (ADD. ORD. 4537 - 3/19/19)

Roof Structures - Structures for the housing of elevators, stairways, tanks, ventilating fans and similar equipment required to operate and maintain the building; fire or parapet walls, skylights, towers, flagpoles, chimneys, smokestacks, solar collectors, residential satellite and digital T.V. dishes less than one meter in diameter and similar structures. (AM. ORD. 3730 - 5/7/85; AM. ORD 4470 - 3/24/15)

Rooster - Shall have the same definition as set forth in Ventura County Ordinance Code, Division 4, Chapter 4, Article 9, Section 4494.2(g), as may be amended, which states: "Any male chicken that: (1) Is six months old or older; or (2) Has full adult plumage; or (3) is capable of crowing." (ADD. ORD. 4580 - 4/13/21)

## **S**

Sales and Display Areas - Indoor or outdoor areas that are accessible to customers and used for the sale, rental, lease, or display of inventory, but does not include indoor or outdoor storage areas that customers cannot access. (ADD. ORD. 4407 - 10/20/09)

Schools, Boarding or Nonboarding - Educational facilities for pre-college levels of instruction; specifically limited to elementary, middle school and high schools offering full curricula as required by State law. Boarding schools are those which provide lodging and meals for the pupils. (AM. ORD. 4407 - 10/20/09)

Senior Mobilehome Park - A mobilehome park with a minimum of 10 spaces in which at least 80 percent of the occupied mobilehomes or manufactured homes are inhabited by, or intended for habitation by, at least one person who is 55 years of age or older. (ADD. ORD. 4555 - 12/10/19)

Setback - The minimum distance by which structures are to be separated from the boundary lines of the lot on which they are located, in order to provide an open yard area which is unoccupied and unobstructed from the ground upward.

Setback, Front - An open yard area extending between side lot lines across the front of a lot, the depth of which is the required minimum horizontal distance between the front lot line and a line parallel thereto on the lot.

Setback, Rear - An open yard area extending across the rear of the lot between the inner site lot lines which is the required minimum horizontal distance between the rear lot line and a line parallel thereto on the lot.

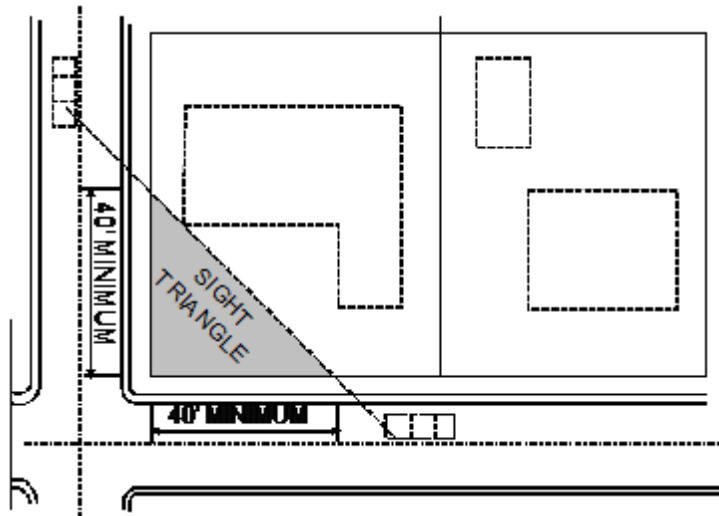
Setback, Side - An open yard area extending from the front yard, or the front lot line where no front yard is required, to the rear yard; the width of the required side yard shall be measured horizontally from the nearest part of the side lot line.

Shall and May - "Shall" is mandatory; "May" is permissive.

Shared Parking - Shared parking is a tool through which adjacent property owners share their parking areas and thereby reduce the number of parking spaces that each would provide on their individual properties. Shared parking is commonly applied when land uses have different parking demand patterns and are able to use the same parking spaces/areas throughout the day. (ADD. ORD. 4407 – 10/20/09)

Short-Term Rental - A dwelling, any portion of which is rented for a period less than thirty consecutive days when the owner is not physically present, with no meals or food provided to the renter or renters. A short-term rental is not considered a home occupation under this Chapter. Use of a dwelling for occasional home exchange is not considered a short-term rental. (ADD. ORD. 4523 – 6/19/18)

Sight Triangle - A triangular area on a corner lot, two of the sides of such triangle being formed by extending two imaginary lines from the corner of the lot adjacent to the street intersection at least 40 feet back to two points along the sides of the lot parallel to the two intersecting streets, the third side then being formed by the connection of such points. (ADD. ORD. 3810 - 5/5/87)



Signs - For sign definitions, see Article 10.

Single Room Occupancy (SRO) - Housing units that are restricted to occupancy by no more than two persons and may include a kitchen and/or a bathroom, in addition to a bed. These units are typically comprised of one or two rooms. (ADD. ORD. 4436 – 6/28/11)

Site - One or more *lots* planned and developed as a unit under one permit.

Site of Merit - A designation applied to sites and structures pursuant to the Ventura County Cultural Heritage Ordinance. (ADD. ORD. 4220 - 12/5/00)

Sky Glow - Brightening of the nighttime sky resulting from the scattering and reflection of artificial light in the atmosphere that reduce one's ability to view the night sky. (ADD. ORD. 4528 – 9/25/18)

Small Utility Structures - Electrical boxes, traffic signal controllers, ventilation columns, transformers, valve apparatus, and telephone and cable TV vaults and boxes that have no covered floor area for human occupancy. (ADD. ORD. 4092 - 6/27/95; AM. ORD. 4123 - 9/17/96)

SMARA - The Surface Mining and Reclamation Act (Public Resources Code § 2710 et seq.) (ADD. ORD. 4187 - 5/25/99)

Soil Amendment Operation - An operation engaged in the resale and/or blending of various soil amendment and *mulch* products. Soil amendments are soil additives (such as gypsum, sand, rice hulls, peat moss, or compost) that stabilize the soil, improve resistance to erosion, increase permeability to air and water, ease cultivation, improve texture and resistance of the surface to crusting, or otherwise improve soil quality. This definition does not include organics processing operations. (ADD. ORD. 4214 - 10/24/00)

Stabilized Compost - The finished product of the composting process. Stabilized compost is no longer undergoing significant biological decomposition. (ADD. ORD. 4214 - 10/24/00)

Stockpiling of Construction Related Debris and/or Fill Material for Non-Agricultural Operations - The depositing of inert materials from off-site onto land for temporary storage in non-agricultural operations until such time as it can be removed to another site. Such materials include soil, sand, rock, and broken concrete removed from construction sites, debris basins, landslides and the like.

Store - An enclosed building housing an establishment offering a specified line of goods or services for retail sale direct to walk-in customers.

Stormwater Management Landscaping - Landscape features that make use of vegetation, land forms, soil or filtering media to provide retention, treatment, evapotranspiration, or infiltration of stormwater. Examples include bioretention areas, rain gardens, vegetated drainage swales, vegetated buffer strips, tree box filters, infiltration trenches, and dry swales. (ADD. ORD. 4407 - 10/20/09)

Structural Alteration - Any change in roof lines or exterior walls, or in the supporting members of a building such as foundations, bearing walls, columns, beams, girders, floor joists, roof joists, or rafters. This includes any physical change which could affect the integrity of a wall, including partial or total removal, moving a wall to another location or expanding the wall in terms of height or length. Minor actions such as adding a doorway, walkway, passage or window, or attaching architectural features or adornments, are not considered to be structural alterations.

Structure - Anything constructed or erected on the ground, or that requires location on the ground, or is attached to something having a location on or in the ground. "Structure" does not include *fences*, or walls used as *fences*, less than six feet in height, or plant materials. (AM. ORD. 3810 - 5/5/87)

Supportive Housing - A *residential care facility* with no limit on length of stay that is occupied by the target population as defined in California Health and Safety Code Sec. 50675.14 and that is linked to onsite or offsite services that assist the supportive housing resident in retaining housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. (ADD. ORD. 4436 - 6/28/11)

Surface Water Feature - An area containing a stream (including intermittent and ephemeral), creek, river, wetland, seep, or pond, the *riparian habitat area* associated with the feature, as well as a development buffer area that is 200 feet as measured from the farthest extent of the surface water feature and its associated *riparian area*. The data used to designate the areas are obtained from the U.S. Fish and Wildlife Service National Wetlands Inventory Dataset. Areas designated as *surface water features* are shown on the "Surface Water Feature Buffer" map within the Planning GIS Wildlife Corridor layer of the County of Ventura - County View Geographic Information System (GIS), as may be amended by the *Planning Director*. The term *surface water feature* does not include ponds, lakes, marshes, wetlands or *agricultural water impoundments* or associated *riparian habitat areas* that are legally established and human-made. (ADD. ORD. 4537 - 3/19/19)

Swap Meet - A market operating on weekends and holidays for the sale or exchange of merchandise at retail by a number of sellers. (AM. ORD. 3810 - 5/5/87)

## T

Tandem Parking - The placement of parking spaces one behind the other, such that one parking space must be driven across in order to access the other space. (AM. ORD. 4407 - 10/20/09)

Temporary - A period of thirty (30) calendar days or less, unless otherwise specifically defined in this Chapter or in the conditions of a permit issued pursuant to this Chapter. (ADD. ORD. 4092 - 6/27/95)

Temporary Collection Activity - An activity of short duration (not exceeding seven consecutive days and not occurring more frequently than twice in any 30-day period, and seven times per year at the same location) where mixed solid wastes, hazardous wastes, or recyclables are collected from the public at a central point and transported for recycling, processing, transformation, or disposal. This definition does not include individual refuse bins sited for the temporary collection of seasonal recyclables, such as Christmas trees and telephone books. (ADD. ORD. 4214 - 10/24/00)

Temporary Rental Unit - A dwelling which is used as a short-term rental or homeshare. (ADD. ORD. 4523 - 6/19/18)

Through Lot - See Lot, Through.

Timber - Trees of any species maintained for eventual harvest for forest product purposes, whether planted or of a natural growth, standing or down, on privately or publicly owned land, including Christmas trees but excluding nursery stock.

Townhouse Development - A subdivision consisting of attached dwelling units in conjunction with a separate lot or *lots* of common ownership, wherein each dwelling unit has at least one vertical wall extending from ground to roof dividing it from adjoining units, and each unit is separately owned, with the owner of such unit having title to the land on which it sits.

Traffic Safety Sight Area - The area that provides an unobstructed view for motorists to avoid or anticipate potential collisions along a roadway, intersection, parking lot, etc. (ADD. ORD. 4577 - 3/9/21)

Transitional Housing - Dwellings utilized as rental housing used to facilitate the movement of homeless individuals and families to permanent housing. A homeless person(s) may live in a transitional dwelling for up to two years. Transitional housing can include single or multifamily dwellings, residential care facilities, or boarding houses. Any dwelling used for transitional housing is subject to the zone and use standards applicable to the zone in which it is located. (ADD. ORD. 4436 - 6/28/11)

Transportation Services - Establishments primarily engaged in undertaking the transportation of goods and people for compensation, and which may in turn make use of other transportation establishments in effecting delivery. This definition includes parking areas for overnight truck storage, and such establishments as commercial distribution services, freight forwarding services and freight agencies. (AM. ORD. 3810 - 5/5/87; AM. ORD. 4407 - 10/20/09)

## **U-V**

Use - The purpose for which land or a building or structure is arranged, designed or intended to be used, or for which it is or may be used, occupied or maintained.

Vector - Any insect, rodent, or other animal capable of transmitting pathogens (disease-causing agents, especially microorganisms) from one host to another. (ADD. ORD. 4214 - 10/24/00)

Vegetation - Native and nonnative trees and plant communities such as grassland, coastal scrub, *riparian* vegetation, and chaparral, including *invasive plants*. The term *vegetation* does not include human-planted landscaping associated with legally established

development or commercial agricultural products. (ADD. ORD. 4537 – 3/19/19)

Vegetation Modification – Human-caused alteration of *vegetation* through direct actions including, but not limited to, complete removal, mowing, thinning, or chaining. (ADD. ORD. 4537 – 3/19/19)

Vehicle, Commercial - A vehicle, and any equipment accessory thereto, used to transport products or raw materials, or to provide services of a commercial nature. The vehicle may or may not have markings indicating its association with commercial activities. (ADD. ORD. 4092 - 6/27/95; AM. ORD. 4123 - 9/17/96 - grammar)

Vehicle, Inoperative - A vehicle which is not licensed, not currently registered, or is not capable of meeting vehicle codes for operating legally on a public right-of-way or navigable waterway; or nonfunctional motorized equipment such as tractors and similar farm vehicles not intended for use on a public right-of-way. Vehicles with Certificates of Nonoperation issued by the Department of Motor Vehicles are not considered registered pursuant to this Chapter and are therefore inoperative vehicles. (ADD. ORD. 4123 - 9/17/96)

Vehicle, Food Service - (DELETE ORD. 4123 - 9/17/96)

Vending Machine - A commercial mechanical or electric machine for the dispensing of objects usually in exchange for the deposit of money or tokens, or which dispenses money or tokens in exchange for objects. (ADD. ORD. 4092 - 6/27/95; AM. ORD. 4123 - 9/17/96 - grammar)

Vermicomposting Operation - An organics processing operation that uses live worms, with or without thermophilic composting, to transform organic materials into a biologically degraded and stabilized material. (ADD. ORD. 4214 - 10/24/00)

Vermiculture - A form of animal husbandry involving the raising of worms of the taxonomic phylum Annelida (segmented worms). Vermiculture is not included in Organic Processing Operations. (ADD. ORD. 4092 - 6/27/95; AM. ORD. 4123 - 9/17/96; AM. ORD. 4214 - 10/24/00)

## **W**

Waste Collection and Processing Activities to Mitigate an Emergency - Any waste collection, sorting, storage, handling, or processing activity that must be established promptly in response to an emergency—as determined by the *Planning Director*—to prevent or mitigate loss of or damage to life, health, property, or essential public services, and to maximize recovery of recyclable and reusable materials. Such activities must often be established in zones where they are not typically allowed. (ADD. ORD. 4214 - 10/24/00)

Waste Handling, Waste Disposal and Recycling Facilities - A category of facilities that receives, processes, salvages, transforms (e.g., burns), landfills, or transfers mixed solid wastes, recyclables, reusables, hazardous wastes, or household hazardous wastes. This category includes but is not limited to recyclables collection centers; recyclables collection and processing facilities; temporary collection activities; recyclable household/CESQG hazardous waste collection facilities; household/CESQG hazardous waste collection facilities; hazardous waste collection, treatment and storage facilities; reuse salvage facilities; waste processing facilities; waste transfer stations; solid waste disposal facilities; oilfield waste disposal facilities; hazardous waste disposal facilities; and waste collection and processing activities to mitigate an emergency. (ADD. ORD. 4214 - 10/24/00)

Waste Hauling Yard - A transportation services operation that specializes in transporting mixed solid waste, and may also transport recyclables, reusables, and other discards. (ADD. ORD. 4214 - 10/24/00)

Waste Processing Facility - A facility that receives, stores, transfers, and processes mixed solid waste, or recyclable, reusable or discarded materials, other than hazardous waste, for the purpose of preparation for shipment off-site, and which generates more than 10



percent unrecyclable residuals that must be disposed in a waste disposal facility. Processing may include separation, baling, crushing, cleaning, sorting, shredding, or chopping. Included in this category are mixed solid waste composting operations, which are facilities that specialize in the composting of mixed solid waste. This category does not include organics processing operations. (ADD. ORD. 4214 - 10/24/00)

Waste Transfer Station - A facility used to transfer mixed solid wastes from one vehicle to another, often smaller to larger vehicles, such as transfer vehicles, truck trailers, railroad cars, or barges, for transport elsewhere. (ADD. ORD. 4214 - 10/24/00)

Waste Treatment and Disposal - (DELETE ORD. 4214 - 10/24/00)

Watch List Invasive Species - Any species of plant that has been classified by the California Invasive Plant Council to be at a high risk to become invasive in California in the future. (ADD. ORD. 4577 - 3/9/21)

Wet Bar - An area within a dwelling or habitable accessory structure thereto, distinct from a kitchen and not within a bedroom, which is not used for the preparation and cooking of food, and has no: a) cooking appliance or other food heating appliance, b) garbage disposal, c) dishwasher, d) electrical outlets in excess of 110 volts, e) gas stub-outs, f) bar sink with interior dimensions greater than 12" wide by 12" long and 9" deep, and g) plumbing greater than 1 and ¼ inches in diameter connected to the bar sink drain. (ADD. ORD. 4092 - 6/27/95; AM. ORD. 4282 - 5/20/03)

Wholesale Nurseries for Propagation - Wholesale operations where plants, seedlings, trees and other horticultural materials are raised on site to a point in their development where they would customarily be sold to a wholesale distributor or to a retail outlet for resale to the public. (ADD. ORD. 4215 - 10/24/00)

Wildlife Crossing Structure - A *structure* (such as a culvert, bridge or underpass) containing features that enhance its suitability for use by wildlife (terrestrial or aquatic) to safely cross human-made barriers (such as flood plain facilities, roadways and highways). Examples of such features include the presence of *vegetation* providing cover or habitat near the entrances and/or natural light visible at the opposite entrance. The locations of the wildlife crossing structures are shown on the "Wildlife Crossing Structures" map layer within the County of Ventura, Resource Management Agency, County View Geographic Information System (GIS), as may be amended by the *Planning Director*. The definition of wildlife crossing structure does not include cattle guards. (ADD. ORD. 4537 - 3/19/19; AM. ORD. 4619 - 9/12/23)

Wildlife Impermeable Fencing - A *fence* or wall, other than a retaining wall, that prevents various species of wildlife including amphibians, reptiles, mammals, and birds, from freely passing through with little or no interference. Except for gates and associated gate support components, a *fence* that includes one or more of the following design features is considered *wildlife impermeable fencing*:

- (1) Any *fence* that is higher than 60 inches above grade, inclusive of any wire strands placed above a top rail of a *fence*.
- (2) Any electric *fence* comprised of any material or number of electrified strands.
- (3) Any *fence* that is constructed of wrought iron, plastic mesh, woven wire, razor wire, or chain link or that consists entirely of a solid surface, such as cinderblock.

(ADD. ORD. 4537 - 3/19/19)

Wireless Communication Facility (or Facilities) - A facility that transmits or receives signals for AM/FM radio, television, satellites, wireless phones and data, personal communication services, pagers, wireless internet, specialized mobile radio services, or other similar services. The facility may include, but is not limited to, *antennas*, radio transmitters, equipment shelters or cabinets, air vents, towers, masts, air conditioning units, fire

suppression systems, emergency back-up generators with fuel storage, and structures primarily designed to support *antennas*. (ADD. ORD. 4470 – 3/24/15)

Wireless Communication Facility, Building-Concealed – A *wireless communication facility* designed and constructed as an architectural feature of an existing building in a manner



Examples of Building-Concealed Wireless Communication Facilities (ADD. ORD. 4470 – 3/24/15)

where the *wireless communication facility* is not discernible from the remainder of the building. Standard building architectural features used to conceal a *wireless communication facility* include, but are not limited to, parapet walls, windows, cupolas, clock towers, and steeples. (ADD. ORD. 4470 – 3/24/15)

Wireless Communication Facility, Collocation – The placement or installation of one or more *wireless communication facilities* on a single tower, mast/pole, structure, or building with one or more existing *wireless communication facilities*. Collocated *wireless communication facilities* may be separately owned and used by more than one public or private entity. (ADD. ORD. 4470 – 3/24/15)

Wireless Communication Facility, Faux Trees – A stealth, *ground-mounted wireless communication facility* camouflaged to resemble a tree, including mono-broadleaves, mono-pines, mono-palms, mono-elms, and mono-eucalyptus. (ADD. ORD. 4470 – 3/24/15)



Examples of Faux Trees (Wireless Communication Facilities) (ADD. ORD. 4470 – 3/24/15)

Wireless Communication Facility, Flush-Mounted – A *wireless communication facility* with an *antenna* attached directly to the exterior of a structure or building and that remains close and is generally parallel to the exterior surface of the structure or building. Associated equipment for the *antenna* is not flush-mounted and is located inside an existing building, on a rooftop, at the ground level, or underground. (ADD. ORD. 4470 – 3/24/15)



Examples of Flush Mounted Wireless Communication Facilities (ADD. ORD. 4470 – 3/24/15)

Wireless Communication Facility, Ground-Mounted – A *wireless communication facility* that is placed on the ground, which consists of a *monopole, lattice tower, or any other*

freestanding structure that supports an *antenna*. (ADD. ORD. 4470 – 3/24/15)

Wireless Communication Facility, Modification – Any physical change to a *wireless communication facility* or a change to operational characteristics for that facility that are subject to existing permit conditions. Modifications do not include *routine maintenance*. (ADD. ORD. 4470 – 3/24/15)

Wireless Communication Facility, Non-Stealth – A *wireless communication facility* that is not disguised or concealed and does not meet the definition of a *stealth facility* or *building-concealed facility*. (ADD. ORD. 4470 – 3/24/15)



Examples of Non-Stealth Wireless Communication Facilities (ADD. ORD. 4470 – 3/24/15)

Wireless Communication Facility, Prominently Visible – A *wireless communication facility* is considered to be prominently visible without the aid of any magnifying equipment such as cameras, binoculars, etc. if it stands out as an obvious or noticeable feature within its setting when seen from a *public viewpoint*. A *wireless communication facility* may be prominently visible when its size, shape, color or material contrasts with other objects in the surrounding setting. (ADD. ORD. 4470 – 3/24/15)

Wireless Communication Facility, Public Viewpoint – Public roads and public recreational areas such as parks, beaches, state designated trails, and Ventura County regional and local trails/corridors that are accessible to the general public. (ADD. ORD. 4470 – 3/24/15)

Wireless Communication Facility, Roof-Mounted – A *wireless communication facility* that is mounted directly on the roof of a building. (ADD. ORD. 4470 – 3/24/15)



Examples of Roof-Mounted Wireless Communication Facilities (ADD. ORD. 4470 – 3/24/15)

Wireless Communication Facility, Routine Maintenance – Work performed by the operator to restore a facility to its permitted condition, including the restoration or replacement of existing faux design elements, *antennas*, and equipment in equipment cabinets. In all cases, the replacement of *antennas* or faux design elements shall be limited to reproductions of the originally permitted equipment. *Routine maintenance* also includes testing and repair of operational features which do not alter the physical dimensions of the permitted *wireless communication facility* - such as backup generators, fire suppression systems, air ventilation systems, and cable modifications in cable conduits. (ADD. ORD. 4470 – 3/24/15)

Wireless Communication Facility, Section 6409(a) Modification – A *modification* of an existing wireless tower or base station that involves the *collocation*, removal or replacement of transmission equipment that does not substantially change the physical dimensions of such wireless tower or base station and that otherwise qualifies for approval pursuant to Section 6409(a) of the federal 2012 Middle Class Tax Relief and Job Creation Act (now codified at 47 U.S.C. §1455(a)), as such law may be amended. (ADD. ORD. 4470 – 3/24/15)

Wireless Communication Facility, Stealth – A *wireless communication facility* that blends into the surrounding visual setting. A stealth facility utilizes concealment elements such as design (size, height, color material, and *antenna* type) or siting techniques to camouflage, partially conceal, or integrate the *wireless communication facility* into the design of an existing facility, structure or its surrounding visual setting. Examples of *stealth facilities* include but are not limited to the following:

1. Facilities disguised as other objects typically found within a setting, such as *faux trees*, monorocks, and water tanks (photos 1 and 2);
2. Panel *antennas flush-mounted* on existing utility facilities, water tanks, and integrated with building facades (photos under *flush-mounted*);
3. Facilities that are camouflaged or partially concealed by objects within an existing setting, such as a cluster of trees or utility poles (photo 3); or,
4. Whip *antennas* and slim line poles that use simple camouflage techniques, such as size and color, and are located sufficient distance from *public viewpoints* to render them virtually unnoticeable (photo 4). (ADD. ORD. 4470 – 3/24/15)



Photo 1

Photo 2

Photo 3

Photo 4

Examples of Stealth Wireless Communication Facilities (ADD. ORD. 4470 – 3/24/15)

# ARTICLE 3: ESTABLISHMENT OF ZONES, BOUNDARIES AND MAPS

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## Sec. 8103-0 - Purpose and Establishment of Zones and Minimum Lot Areas

In order to classify, regulate, restrict, and segregate uses of land and buildings; to regulate the height and size of buildings; to regulate the area of yards and other open spaces around buildings; and to regulate the density of population, the following classes of use zones are established along with their abbreviations and *minimum lot areas*. Alternative *minimum lot areas* may be established pursuant to Section 8103-1 et seq. *Minimum lot area* requirements are expressed in "gross" area for land uses and structures. The *minimum lot area* for subdivision purposes is expressed in "*net*" area for parcels of less than 10 acres, and "*gross*" area for parcels of 10 acres or more.

<b>Zoning District Base Zones</b>	<b>Abbreviation</b>	<b>Minimum Lot Area*</b>
Open Space – Parks and Recreation .....	OS-REC .....	10 Acres
Open Space .....	OS .....	10 Acres
Agricultural Exclusive .....	AE .....	40 Acres
Rural Agricultural .....	RA .....	1 Acre
Rural Exclusive .....	RE .....	10,000 sq.ft.
Single-Family Estate .....	RO .....	20,000 sq.ft.
Single-Family Residential .....	R1 .....	6,000 sq.ft.
Two-Family Residential .....	R2 .....	7,000 sq.ft.
Residential Planned Development .....	RPD .....	As Specified by Permit
Residential High Density .....	RHD .....	0.80 acre (1)
Commercial Office .....	CO .....	No Requirement
Neighborhood Commercial .....	C1 .....	No Requirement
Commercial Planned Development .....	CPD .....	No Requirement
Industrial Park .....	M1 .....	10,000 sq.ft.
Limited Industrial .....	M2 .....	10,000 sq.ft.
General Industrial .....	M3 .....	10,000 sq.ft.
Timberland Preserve .....	TP .....	160 Acres
Specific Plan .....	SP .....	Established by Plan
Residential .....	RES .....	OTSDC (2)
Residential Mixed Use .....	R/MU .....	OTSDC (2)
Town Center .....	TC .....	OTSDC (2)
Industrial .....	IND .....	OTSDC (2)

### Overlay Zones

Refer to Article 9 (Standards for Specific Zones and Zone Types) for development standards applicable in Overlay Zones

Scenic Resource Protection .....	/SRP .....	Not Applicable
Mineral Resource Protection .....	/MRP .....	Not Applicable
Community Business District .....	/CBD .....	Not Applicable
Temporary Rental Unit Regulation .....	/TRU .....	Not Applicable
Dark Sky .....	/DKS .....	Not Applicable
Habitat Connectivity and Wildlife Corridors/HWC	.....	Not Applicable
Critical Wildlife Passage Areas .....	/CWPA .....	Not Applicable
Mobilehome Park .....	/MHP .....	Not Applicable
Senior Mobilehome Park .....	/SMHP .....	Not Applicable

\*See Sections 8103-1.1, 8103-1.2, and 8103-2 for exceptions.

(1) (ADD. ORD. 4436 – 6/28/11)

(2) As specified in Article 19, Old Town Saticoy Development Code (OTSDC). (ADD. ORD. 4479 – 9/22/15)

(AM. ORD. 3749 - 10/29/85; AM. ORD. 3797 - 12/09/86; AM. ORD. 4018 - 12/15/92; AM. ORD. 4054 - 2/1/94; AM. ORD. 4144 - 7/22/97; AM. ORD. 4333 - 12/06/05; AM. ORD. 4377 - 1/29/08; AM. ORD. 4390 - 9/9/08; AM. ORD. 4523 - 6/19/18; AM. ORD. 4528 - 9/25/18; AM. ORD. 4537 - 3/19/19; AM. ORD. 4554 - 12/10/19; AM. ORD. 4555 - 12/10/19; AM. ORD. 4625 - 1/9/24)

## **Sec. 8103-1 - Establishment of Alternative Minimum Lot Area by Suffix**

### **Sec. 8103-1.1 - Lot Area Suffix**

The minimum area of *lots* created in each of the OS, AE, RA, RE, RO, R1, and R2 base zones may be determined by a suffix number following the base zone designation on a given zoning map. The application of said suffixes shall be consistent with the General Plan and Article 6 of this Chapter. All other requirements of the base zone contained in this Chapter shall apply to the respective zone designated by a suffix. The suffix numbers shall only be assigned in 1,000 square foot increments for *lots* of less than one acre in area (i.e., RE-20 means: Rural Exclusive, 20,000 square foot *minimum lot* size), and in increments of one acre for *lots* of one acre or larger area (i.e., OS-160 means: Open Space, one-hundred-sixty-acre *minimum lot* size). Unless designated as acres, suffix numbers from 1 through 43 are assumed to be in thousands of square feet. The application of suffix numbers shall not create lot areas less than the minimum area specified for the various base zones established by Sec. 8103-0. Where no suffix number appears, it is understood that the *minimum lot area* specified in Sec. 8103-0 for that zone shall apply.

### **Sec. 8103-1.2 - Average Minimum Lot Area**

The suffix "av" may be added to any of the base zone designations (example: RA-10 ac av). When added to a given zone designated by a specified suffix, the additional "av" suffix converts the *minimum lot area* zone suffix indicator to an average area designation. When land is subdivided which has the "av" suffix, *lots* may be created which are no smaller in area than 80 percent of the applicable minimum area zone designated by the suffix number, provided the collective average area of the *lots* created is not smaller than that required by the applicable lot area zone suffix designator (example: RA-10 ac av x 80 percent = 8ac as the smallest lot that can be created). In computing the collective average area of newly created *lots*, only those *lots* which are no larger than 1.9 times the minimum area zone designated by the suffix number may be counted (example: RA-10 ac av x 1.9 = 19ac as the area of the largest *lots* that can be counted). Legal *lots* in an "av" suffix designated zone, not smaller than 80 percent of the applicable designated zone suffix number, are deemed to be conforming as to lot area.

### **Sec. 8103-1.3 - Suffix Designators and Maximum Density for the RPD Zone**

Minimum lot areas for the RPD Zone shall be established by a suffix designation. The requirements for the RPD Zone shall apply to the respective suffix designated RPD zones except that the suffix for the RPD designation shall be the maximum number of dwelling units per acre followed by the letter "U" (example: RPD-25U). The suffix designated zones for the RPD Zone may be any number between RPD-1U and RPD-30U provided the maximum allowable density specified in the RPD Zone is not exceeded. RPD without a suffix designator shall allow a maximum of 30 dwelling units per acre.

(AM. ORD. 4054 - 2/1/94; AM. ORD. 4377 - 1/29/08)

## **Sec. 8103-2 - Exceptions to Minimum Lot Area**

The following are exceptions to the *minimum lot area* regulations stated in Sec. 8103-0, Sec. 8103-1, and 8106-1:

### **Sec. 8103-2.1 – Agricultural Water Well Sites**

A water well site or sites, each no more than 1,200 square feet, may be created on a lot for the sole purpose of transferring, by lease or sale, possession of the well and so much of the land around the well as may be necessary for its operation. Such wells shall be for agricultural purposes only.

### **Sec. 8103-2.2 - Public Safety Facilities and Minor Public Facilities**

There shall be no minimum area for a lot: 1) during the period of time the lot is held by a public entity for present or future use as a fire or police station or is dedicated to a public entity for such use; and 2) for minor public facilities owned or operated by a public agency in connection with the provision of water, sewer, communication services (e.g.: sewer pump stations, communication booster stations, etc.) or other public health and safety facilities, during the period of time that the lot is held by the public entity for present or future use, or is dedicated to a public entity for such use. Any lot which is held by a public entity may not be used for any purpose other than as a site for such types of public facilities by the public entity or its successors in interest.

### **Sec. 8103-2.3 – Urban Parks**

Parcels of less than the prescribed *minimum lot area* may be allowed for *urban parks* as a *principal use*. This exception to *minimum lot area* regulations shall only apply in conjunction with the concurrent processing of applications for a subdivision and/or discretionary permit for an *urban park*. This exception shall not apply if there is any other *principal use*, as identified in Sections 8105-4 and 8105-5, on the parcel. (ADD. ORD. 4624 - 1/9/24)

### **Sec. 8103-2.4 – Cultural Heritage Sites**

Parcels designated Cultural Heritage Sites may be granted a reduction from the minimum parcel size requirements in accordance with Sec. 8107-37.

### **Sec. 8103-2.5 - Parcel Map Waiver/Conservation Subdivision.**

Parcels created through the Parcel Map Waiver/Conservation Subdivision process set forth in the Subdivision Ordinance, Section 8202-3 (f).

### **Sec. 8103-2.6 - Park and Recreational Facilities**

Any lot area reductions granted to subdividers before the effective date of this Chapter under the Community Park and Recreation Facilities provisions of the previous Zoning Ordinance and recorded with the final map shall remain in effect in accordance with Section 8113-10 of this Chapter.

### **Sec. 8103-2.7 – Parcels for Farmworker Housing Complexes**

Parcels of less than the prescribed *minimum lot area* may be allowed for Farmworker Housing Complexes on land zoned AE within or adjacent to a city Sphere of Influence, provided the remaining non-farmworker housing complex parcel is a minimum of 10 acres. (ADD. ORD. 4436 - 6/28/11)

(AM. ORD. 4333 - 12/06/05)

## **Sec. 8103-3 - Adoption and Validity of the Official Zoning Data**

Prior to the enactment of this ordinance, a zone classification has been established on all land in the unincorporated area of the County of Ventura. Said comprehensive zoning was effected by ordinance adopting zoning maps which were contained in the previous Zoning Ordinance, Section 8118. The designations, locations, and boundaries therein are set forth and indicated in the Official Zoning Data. Said Data, and all information shown therein for all land in the unincorporated areas of the County of Ventura, is hereby made a part of this Chapter at Article 18, Section 8118, or may be made a part of this Chapter by the progressive amendment thereto. The Board hereby declares that adoption of the Official Zoning Data does not change the zone classification of any land. Official Zoning Data displays can be generated only by the GIS Department of the Resource Management Agency. In the event that a court of competent jurisdiction should decree or adjudge that the adoption of the zoning maps as provided in this section is invalid, the old Official Zoning Data which existed prior to the adoption of this section are hereby reinstated as the official zoning maps of the County of Ventura. (AM. ORD. 4333 - 12/06/05; AM. ORD. 4377 - 1/29/08)

## **Sec. 8103-4 - Uncertainty of Zone Boundaries**

Where uncertainty exists as to the boundaries of any zone indicated in the Official Zoning Data the following rules of construction shall apply:

- a. Boundaries Following Lot Lines - Where such boundaries are indicated as approximately following street and alley lines or lot lines, such lines shall be construed to be such boundaries.
- b. Boundary By GIS Technology - In the case of unsubdivided property and where a zone boundary divides a lot, the locations of such boundaries, unless the same are indicated by dimensions, shall be determined by the use of GIS tools and/or datasets.
- c. Boundary Upon Street Abandonment - Where a public street or alley is officially vacated or abandoned the zoning regulations applicable to abutting property on each side of the center line shall apply up to the center line of such vacated or abandoned street or alley on each respective side thereof.
- d. Determination of Uncertainties - In cases where the precise location on the ground of lines or boundaries depicted in the Official Zoning Data is still uncertain after application of the above rules, the *Planning Director* is hereby authorized to resolve the uncertainty.

(AM. ORD. 4333 - 12/06/05; AM. ORD. 4377 - 1/29/08)

## **Sec. 8103-5 - Establishment and Changes of Zone Classifications**

The establishment and changes of the zone classification on land in the unincorporated area of the County of Ventura, excluding the Coastal Zone, shall be effected by ordinance adopting zoning data in the manner set forth in Article 15 of this Code. (AM. ORD. 4333 - 12/06/05)

## **Sec. 8103-6 - Absence of Zoning**

In the event a parcel of land has no zoning designation assigned to it, or the assigned zoning is from a jurisdiction other than the County of Ventura, regulation of land uses on



the parcel shall be governed by the General Plan land use designation and related policies until an action is taken by the County to assign a new zoning designation. (ADD. ORD. 4054 - 2/1/94, (AM. ORD. 4333 - 12/06/05)

### **Sec. 8103-7 – Limitations on Zoning of Parcels as Open Space – Parks and Recreation**

The following limitations shall apply to the establishment of parcels as Open Space – Parks and Recreation:

- a. This zone shall not apply within the Mineral Resource Protection Overlay Zone.
- b. This zone shall not apply within areas subject to an active permit authorizing oil and gas exploration and production as of *January 9, 2024*.
- c. This zone shall not apply to parcels identified in the Housing Element Sites Inventory of the General Plan Background Report Appendix 5.A, as may be amended.
- d. This zone shall not apply to parcels within an “affected county”, as defined in Government Code section 66300, as may be amended, which states “‘Affected County’ means a census-designated place, (as may be amended) based on the 2013-2017 American Community Survey 5-year Estimates, that is wholly located within the boundaries of an urbanized area, as designated by the United States Census Bureau.”

(ADD. ORD. 4625 – 1/9/24)

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# **ARTICLE 4: PURPOSES OF ZONES**

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## **Sec. 8104-0 - Purpose**

The categories and purposes of land use zones in Ventura County are established as follows:

## **Sec. 8104-1 - Open Space/Agricultural Zones**

### **Sec. 8104-1.1 - Open Space (OS) Zone**

The purpose of this zone is to provide for any of the following on parcels or areas of land or water that are essentially unimproved:

- a. The preservation of natural resources including, but not limited to: areas required for the preservation of plant and animal life, including habitat for fish and wildlife species; areas required for ecologic and other scientific study purposes; rivers, streams, bays and estuaries; and, coastal beaches, lakeshores, banks of rivers and streams, and watershed lands.
- b. The managed production of resources, including but not limited to: forest lands, rangeland, agricultural lands and areas of economic importance for the production of food or fiber; areas required for recharge of groundwater basins; bays, estuaries, marshes, rivers and streams which are important for the management of commercial fisheries; and, areas containing major mineral deposits, including those in short supply.
- c. Outdoor recreation, including but not limited to: areas of outstanding scenic, historic and cultural value; areas particularly suited for park and recreation purposes, including access to lakeshores, beaches, and rivers and streams; and, areas which serve as links between major recreation and open-space reservations, including utility easements, banks of rivers and streams, trails, and scenic highway corridors.
- d. The public health and safety, including, but not limited to areas which require special management or regulation because of hazardous or special conditions such as earthquake fault zones, unstable soil areas, flood plains, watersheds, areas presenting high fire risks, areas required for the protection of water quality and water reservoirs and areas required for the protection and enhancement of air quality.
- e. The formation and continuation of cohesive communities by defining the boundaries and by helping to prevent urban sprawl.
- f. The promotion of efficient municipal services and facilities by confining urban development to defined development areas.
- g. Support of the mission of military installations that comprises areas adjacent to military installations, military training routes, and underlying restricted airspace that can provide additional buffer zones to military activities and complement the resource values of the military lands.
- i. The protection of places, features, and objects described in Sections 5097.9 and 5097.993 of the Public Resources Code.

(AM. ORD. 4411 – 3/2/10)

### **Sec. 8104-1.2 - Agricultural Exclusive (AE) Zone**

The purpose of this zone is to preserve and protect commercial agricultural lands as a limited and irreplaceable resource, to preserve and maintain agriculture as a major industry in Ventura County and to protect these areas from the encroachment of nonrelated uses which, by their nature, would have detrimental effects upon the agriculture industry. (AM. ORD. 4377 – 1/29/08)

### **Sec. 8104-1.3 - Open Space – Parks and Recreation (OS-REC) Zone**

The purpose of this zone is to provide for, maintain and enhance the protection of lands for parks and recreation-related uses. This zone shall further the same purposes of the OS zone, as set forth in Section 8104-1.1, except for the purpose set forth in subdivision (b) of that section. (ADD. ORD. 4625 – 1/9/24)

## **Sec. 8104-2 - Rural Residential Zones**

### **Sec. 8104-2.1 - Rural Agricultural (RA) Zone**

The purpose of this zone is to provide for and maintain a rural setting where a wide range of agricultural uses are permitted while surrounding residential land uses are protected.

### **Sec. 8104-2.2 - Rural Exclusive (RE) Zone**

The purpose of this zone is to provide for and maintain rural residential areas in conjunction with horticultural activities, and to provide for a limited range of service and institutional uses which are compatible with and complementary to rural residential communities.

### **Sec. 8104-2.3 - Single-Family Estate (RO) Zone**

The purpose of this zone is to provide areas exclusively for single-family residential estates where a rural atmosphere is maintained by the allowing of a range of horticultural activities as well as animals for recreational purposes.

(AM. ORD. 4377 – 1/29/08)

## **Sec. 8104-3 - Urban Residential Zones**

### **Sec. 8104-3.1 - Single-Family Residential (R1) Zone**

The purpose of this zone is to provide for and maintain areas which are appropriate for single-family dwellings on individual *lots*.

### **Sec. 8104-3.2 - Two-Family Residential (R2) Zone**

The purpose of this zone is to provide for and maintain residential areas allowing two single-family dwelling units or a two-family dwelling unit on *lots* which meet the minimum area requirements of this zone.

### **Sec. 8104-3.3 - Residential Planned Development (RPD) Zone**

The purpose of this zone is to provide areas for communities which will be developed utilizing modern land planning and unified design techniques; this zone provides a flexible regulatory procedure in order to encourage:

- a. Coordinated neighborhood design and compatibility with existing or potential development of surrounding areas;
- b. An efficient use of land particularly through the clustering of dwelling units and the preservation of the natural features of sites;

- c. Variety and innovation in site design, density and housing unit options, including garden apartments, townhouses and single-family dwellings;
- d. Lower housing costs through the reduction of street and utility networks; and
- e. A more varied, attractive and energy-efficient living environment as well as greater opportunities for recreation than would be possible under other zone classifications.

**Sec. 8104-3.4 – Residential High Density (RHD) Zone**

The purpose of this zone is to make available parcels that are appropriate for multi-family residential projects at densities considered by state law to be affordable by design to lower-income households. (ADD. ORD. 4436 – 6/28/11)

(AM. ORD. 4377 – 1/29/08)

**Sec. 8104-3.5 – Residential (RES) Zone**

The purpose of this zone is primarily for construction of single family and duplex residential development, but triplex and quadplex residential development is allowed on larger *lots* within the residential neighborhood (The regulatory provisions, including development standards that are applicable to the RES zone are set forth in the Old Town Saticoy Development Code, Article 19, Sec. 8119-1.3.3). (ADD. ORD. 4479 – 9/22/15)

**Sec. 8104-3.6 – Residential Mixed Use (R/MU) Zone**

The purpose of this zone is primarily for construction of multi-family dwellings with a maximum density of 20 dwellings per acre. Compatible commercial uses are also allowed in R/MU and such uses are required in specific locations (The regulatory provisions, including development standards that are applicable to the R/MU zone are set forth in the Old Town Saticoy Development Code, Article 19, Sec. 8119-1.3.2). (ADD. ORD. 4479 – 9/22/15)

**Sec. 8104-4 - Commercial Zones**

**Sec. 8104-4.1 - Commercial Office (CO) Zone**

The purpose of this zone is to provide suitable locations for offices and services of a professional, clerical or administrative nature.

**Sec. 8104-4.2 - Neighborhood Commercial (C1) Zone**

The purpose of this zone is to provide areas for retail convenience shopping and personal services to meet the daily needs of neighborhood residents.

**Sec. 8104-4.3 - Commercial Planned Development (CPD) Zone**

The purpose of this zone is to encourage the development of coordinated, innovative and efficient commercial sites and to provide areas for a wide range of commercial retail and business uses, including stores, shops and offices supplying commodities or performing services for the surrounding community.

(AM. ORD. 4377 – 1/29/08)

**Sec. 8104-4.4 –Town Center (TC) Zone**

The purpose of this zone is primarily for commercial use, but compatible light industrial use is also allowed, and residential use is allowed as a secondary use (The regulatory provisions, including development standards that are applicable to the TC zone are set forth in the Old Town Saticoy Development Code, Article 19, Sec. 8119-1.3.1). (ADD. ORD. 4479 – 9/22/15)

## **Sec. 8104-5 - Industrial Zones**

### **Sec. 8104-5.1 - Industrial Park (M1) Zone**

The purpose of this zone is to provide suitable areas for the exclusive development of light industrial, service, technical research and related business office uses in an industrial park context, in conjunction with stringent standards of building design, noise, landscaping and performance.

### **Sec. 8104-5.2 - Limited Industrial (M2) Zone**

The purpose of this zone is to provide suitable areas for the development of a broad range of industrial and quasi-industrial activities of a light manufacturing, processing or fabrication nature, while providing appropriate safeguards for adjoining industrial sites, nearby nonindustrial properties and the surrounding community.

### **Sec. 8104-5.3 - General Industrial (M3) Zone**

The purpose of this zone is to provide suitable areas for the development of a broad range of general manufacturing, processing and fabrication activities. The M3 Zone is intended for uses which do not require highly restrictive performance standards on the part of adjoining uses. The M3 Zone, as the heaviest manufacturing zone, is intended to provide for uses involving the kinds of processes, activities and elements which are specifically excluded from the M1 Zone.

(AM. ORD. 4377 – 1/29/08)

### **Sec. 8104-5.4 – Light Industrial (IND) Zone**

The purpose of this zone is to accommodate light industrial, manufacturing and commercial uses that are compatible with adjacent residential and commercial uses (The regulatory provisions, including development standards that are applicable to the IND zone are set forth in the Old Town Saticoy Development Code, Article 19, Sec. 8119-1.3.4). (ADD. ORD. 4479 – 9/22/15)

## **Sec. 8104-6 - Special Purpose Zones**

### **Sec. 8104-6.1 - Specific Plan (SP) Zone**

The purposes of the SP Zone are:

- a. To provide for the unified planning and diversified urban communities which reflect modern site design standards and concepts and incorporate a variety of uses, while providing for the separation of incompatible uses;
- b. To encourage the provision of a broad range of community facilities, including recreational and commercial; and
- c. To provide for flexibility in the design and development of such communities.

(AM. ORD. 4018 - 12/15/92)

### **Sec. 8104-6.2 - Timberland Preserve (TP) Zone**

The purposes of the TP zone are:

- a. To maintain the optimum amount of the limited supply of timberland so as to ensure its current and continued availability for the growing and harvesting of timber, and compatible uses;
- b. To discourage premature or unnecessary conversion of timberland to urban and other uses;
- c. To discourage the expansion of urban services into timberland; and

- d. To encourage investment in timberlands based on reasonable expectation of harvest.

(AM. ORD. 4377 – 1/29/08)

## **Sec. 8104-7 - Overlay Zones**

The purpose of overlay zones is to superimpose particular zones on existing base zones, thus establishing additional regulations and either reducing or extending permitted uses.

### **Sec. 8104-7.1 - Scenic Resource Protection (SRP) Overlay Zone**

The purposes of this zone are:

- a. To preserve and protect the visual quality within the viewshed of selected County lakes, along the County's adopted scenic highways, and at other locations as determined by an Area Plan.
- b. To minimize development that conflicts with the value of scenic resources.
- c. To provide notice to landowners and the general public of the location and value of scenic resources which are of significance in the County.

(AM. ORD. 4390 - 9/09/08)

### **Sec. 8104-7.2 - Mineral Resources Protection (MRP) Overlay Zone**

The purposes of this zone are:

- a. To safeguard future access to an important resource.
- b. To facilitate a long term supply of mineral resources within the County.
- c. To minimize land use conflicts.
- d. To provide notice to landowners and the general public of the presence of the resource.
- e. The purpose is not to obligate the County to approve use permits for the development of the resources subject to the MRP Overlay Zone.

(ADD. ORD. 3723 - 3/12/85; AM. ORD. 3900 - 6/20/89)

### **Sec. 8104-7.3 - Deleted**

(DEL. ORD. 4390 - 9/09/08)

### **Sec. 8104-7.4 - Community Business District (CBD) Overlay Zone**

The purposes of this zone are to:

- a. Identify community business districts with unique historic character which justify special permit requirements and standards so as to preserve or re-create the historic character of the district;
- b. Preserve the historic character of buildings and structures within the district; and
- c. Allow deviations of certain development standards, parking standards, landscape standards, and sign standards of the zoning ordinance to permit the alteration or construction of buildings and structures, consistent with the design guidelines adopted under the applicable Area Plan or Specific Plan, so as to preserve or re-create the historic character of the district.

(ADD. ORD. 4144 - 7/22/97)

- d. Encourage mixed-use development projects as a means to revitalize a community business district, encourage pedestrian circulation, maximize site development

potential, create an active environment while promoting a traditional village-style mix of retail, restaurants, offices, civic uses, multi-family housing and other compatible land uses. (ADD. ORD. 4393 - 12/16/08)

### **Sec. 8104-7.5 – Temporary Rental Unit Regulation (TRU) Overlay Zone**

The purposes of this zone are to establish standards and requirements for the temporary rental of dwellings as accessory uses thereof within the overlay zone boundaries in order to:

- a. Ensure that the use of dwellings as temporary rental units does not adversely impact long-term housing opportunities in the Ojai Valley.
- b. Safeguard affordable housing opportunities for individuals working in service and other relatively low-wage sectors in the Ojai Valley so that such individuals can live in close proximity to their places of work.
- c. Preserve the residential, small-town community character of the Ojai Valley, and ensure that temporary rental units are compatible with surrounding land uses.
- d. Protect the health, safety and welfare of the temporary rental units' renters, occupants, neighboring residents, as well as the general public and environment.

(ADD. ORD. 4523 - 6/19/18)

### **Sec. 8104-7.6 – Dark Sky (DKS) Overlay Zone**

The purpose of this overlay zone is to protect and promote the public health, safety, welfare, the quality of life and the ability to view the night sky and reduce sky glow, by establishing regulations and a process for review of outdoor lighting. This overlay zone is intended to accomplish the following:

- a. Protect and reclaim the ability to view the night sky and stars, and thereby help preserve the generally rural quality of life;
- b. Protect against direct glare and excessive lighting, thereby minimizing light pollution caused by inappropriate or misaligned luminaires;
- c. Minimize light pollution while ensuring that sufficient lighting can be provided where needed to promote safety and security;
- d. Provide standards for efficient and moderate use of outdoor lighting; and
- e. Promote energy efficient and cost-effective lighting, while allowing for flexibility in the style of luminaires.

(ADD. ORD. 4528 - 9/25/18)

### **Sec. 8104-7.7 – Habitat Connectivity and Wildlife Corridors Overlay Zone**

The general purposes of the Habitat Connectivity and Wildlife Corridors overlay zone are to preserve functional connectivity for wildlife and vegetation throughout the overlay zone by minimizing direct and indirect barriers, minimizing loss of vegetation and habitat fragmentation and minimizing impacts to those areas that are narrow, impacted or otherwise tenuous with respect to wildlife movement. More specifically, the purposes of the Habitat Connectivity and Wildlife Corridors overlay zone include the following:

- a. Minimize the indirect impacts to wildlife created by outdoor lighting, such as disorientation of nocturnal species and the disruption of mating, feeding, migrating, and the predator-prey balance.



- b. Preserve the functional connectivity and habitat quality of surface water features, due to the vital role they play in providing refuge and resources for wildlife.
- c. Protect and enhance wildlife crossing structures to help facilitate safe wildlife passage.
- d. Minimize the introduction of *invasive plants*, which can increase fire risk, reduce water availability, accelerate erosion and flooding, and diminish biodiversity within an ecosystem.
- e. Minimize wildlife impermeable fencing, which can create barriers to food and water, shelter, and breeding access to unrelated members of the same species needed to maintain genetic diversity.

(ADD. ORD. 4537 – 3/19/19)

**Sec. 8104-7.8 – Critical Wildlife Passage Areas Overlay Zone**

There are three critical wildlife passage areas that are located entirely within the boundaries of the larger Habitat Connectivity and Wildlife Corridors overlay zone. These areas are particularly critical for facilitating wildlife movement due to any of the following: (1) the existence of intact native habitat or other habitat with important beneficial values for wildlife; 2) proximity to water bodies or ridgelines; 3) proximity to critical roadway crossings; 4) likelihood of encroachment by future development which could easily disturb wildlife movement and plant dispersal; or 5) presence of non-urbanized or undeveloped lands within a geographic location that connects core habitats at a regional scale.

(ADD. ORD. 4537 – 3/19/19)

**Sec. 8104-7.9 – Mobilehome Park (MHP) Overlay Zone**

The purposes of this zone are:

- a. To promote the continued use of mobilehomes and manufactured homes in the unincorporated County as an accessible housing option for households of all income levels.
- b. To respect the interests of tenants and owners of mobilehome parks in maintaining parks of desirable character, stable operation, and economic viability.
- c. To recognize mobilehome parks as communities in which residents are substantially invested, and to provide for security of tenancy comparable to that of other residential communities less vulnerable to redevelopment.
- d. To establish that for all land in the unincorporated County occupied by mobilehome parks, and as long as this ordinance is in effect, mobilehome parks shall be the primary land use allowed.
- e. To ensure a sufficient supply of land for this type of use in the future.
- f. To promote and preserve residential development that is high density and single family in character.

(ADD. ORD. 4554 – 12/10/19)

**Sec. 8104-7.10 – Senior Mobilehome Park (SMHP) Overlay Zone**

The purposes of this zone are:

- a. To recognize senior mobilehome parks as walkable communities where seniors may live actively and independently among peers, the preservation of those qualities being central to residents’ continued health, welfare and financial stability.

- b. To recognize that senior mobilehome parks provide one of the few housing options within Ventura County available to seniors that are affordable and allow for independent living in a detached dwelling.
- c. To preserve a significant source of affordable, senior housing by ensuring that senior mobilehome parks within the unincorporated area remain predominantly available to seniors and are not converted to allow occupancy by persons of all ages.
- d. To meet the purpose of the federal Housing for Older Persons Act of 1995 (42 U.S.C. § 3607).
- e. To ensure a sufficient supply of land for this type of use in the future.

(ADD. ORD. 4555 – 12/10/19)

# ARTICLE 5: USES AND STRUCTURES BY ZONE

(AM ORD. 4317 – 03-15-05)

## Sec. 8105-0 - Purpose

Section 8105-4 and 8105-5 list in matrix form the land uses and structures that are allowed in each zone, under this Chapter, and indicate the type of land use *entitlement* required to establish a particular use in that zone. Land uses permitted herein may also require additional licensing/permitting from other Ventura County, State of California, or United States government agencies. (AM. ORD. 4092 - 6/27/95; AM. ORD. 4291 - 7/29/03)

### Sec. 8105-0.5 Old Town Saticoy Development Code

All land uses and structures on parcels located within the Old Town Saticoy boundary, as specified in the Saticoy Area Plan and Old Town Saticoy Development Code (Article 19, Figure 1.1.2), shall be governed by the Old Town Saticoy Development Code. (ADD. ORD. 4479 – 9/22/15)

## Sec. 8105-1 - Use of Matrices

### Sec. 8105-1.1 - Key to Matrices

The matrices of Sec. 8105-4 and 8105-5 contain the following acronyms that indicate the type of permit required for uses allowed in each zone. The matrices also contain the following distinct colors indicating uses that are not allowed in zones, uses that are exempt from permitting requirements, and the decision-making authority for required permits: (AM. ORD. 4377 – 1/29/08; AM. ORD. 4532 – 10/30/18)

<p><b>E</b> = Exempt <b>ZC</b> = Zoning Clearance unless specifically exempted</p>	<p><b>ZCW</b> = Zoning Clearance with signed waivers <b>PD</b> = Planned Development Permit <b>CUP</b> = Conditional Use Permit</p>	<p><b>Not Allowed</b></p>	<p>Exempt</p>	<p>Approved by Planning Director or Designee</p>	<p>Approved by Planning Commission</p>	<p>Approved by Board of Supervisors</p>
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(ADD. ORD. 3749 - 10/29/85; AM. ORD. 4092 - 6/27/95; AM. ORD. 4532 – 10/30/18)

### Sec. 8105-1.2

Italicized notes appearing in this Zoning Ordinance are editorial in nature and are not a part of the Ordinance or its regulatory scheme. (AM. ORD. 4187 - 5/25/99 - grammar)

### Sec. 8105-1.3

No use or structure is allowed unless expressly identified in Section 8105-4 and 8105-5 (Matrices) or determined to be equivalent in accordance with Section 8105-2 or Section 8101-4.10. Furthermore, prior to the commencement of any use listed in the matrices, the *entitlement* identified as required for the use shall be obtained. Each use is subject to all of the provisions of this chapter even if it is exempt from a Zoning Clearance. (AM. ORD. 4291 - 7/29/03)

### Sec. 8105-1.4

For the purposes of this Article, changing type style indicates where language is indented. Any use listed in matrix form which is indented shall be construed as a subheading of the heading under which it is indented.

### **Sec. 8105-1.5**

Any use requested as an accessory use which is listed in the matrix at Sections 8105-4 and 8105-5 as a principal use shall be processed in accordance with the indicated requirements of the principal use. (AM. ORD. 3730 - 5/7/85; AM. ORD. 3749 - 10/29/85; AM. ORD. - 5/5/87; AM. ORD. 4092 - 6/27/95)

### **Sec. 8105-1.6**

The abbreviations used in Sections 8105-4 and 8105-5 are to be interpreted as follows:

agric. - agriculture

CCR - California Code of Regulation

GFA - gross floor area

H.&S.C. - California Health and Safety Code

prelim. - preliminary

sq.ft. - square feet

W.&I.C. - California Welfare and Institutions Code

(ADD. ORD. 3810 - 5/5/87; AM. ORD. 4092 - 6/27/95; AM. ORD. 4187 - 5/25/99)

### **Sec. 8105-1.7**

The following list of specifically prohibited uses is provided for informational purposes, and is not intended to be comprehensive:

- a. Nuclear power plants;
- b. Public polo events
- c. Racetracks for horses or motorized vehicles, except motocross/OHV parks otherwise permitted;
- d. Stadiums;
- e. The parking of motor vehicles on vacant land containing no principal use;
- f. Retail sales from wheeled vehicles, except as permitted pursuant to Sections 8105-4 and 8105-5.
- g. Retail sales in the OS, AE, RA, RE, RO, R1, R2, RPD, and TP zones, except as expressly permitted by this Ordinance or as an accessory use as expressly allowed in the *discretionary* permit conditions. (ADD. ORD. 3810 - 5/5/87 AM. ORD. 4092 - 6/27/95; AM. ORD. 4118 - 7/2/96; AM. ORD. 4216 - 10/24/00; AM. ORD. 4377 - 1/29/08)
- h. (ADD. ORD. 4484 - 11/26/16, AM. ORD. 4513 - 11/14/17, DEL. MEASURE O - 11/3/20)
- i. (ADD. ORD. 4484 - 11/26/16, DEL. ORD. 4513 - 11/14/17)

## **Sec. 8105-2 - Equivalent Uses Not Listed**

Where a proposed land use is not identified in this Article, the *Planning Director* shall review the proposed use when requested to do so by letter and, based upon the characteristics of the use, determine which of the uses listed in this Article, if any, is equivalent to that proposed. (AM. ORD. 4092 - 6/27/95)

### **Sec. 8105-2.1**

Upon a written determination by the *Planning Director* that a proposed unlisted use is equivalent in its nature and intensity to a listed use, the proposed use shall be treated

in the same manner as the listed use in determining where it is allowed, what permits are required and what standards affect its establishment.

**Sec. 8105-2.2**

Determinations that specific unlisted uses are equivalent to listed uses shall be recorded by the Planning Department, and shall be considered for incorporation into the Zoning Ordinance in the next scheduled ordinance amendment.

(ADD. ORD. 3749 - 10/29/85; AM. ORD. 3810 - 5/5/87)

**Sec. 8105-3 - Allowed Uses Exempt From Planning Entitlements**

Exempted uses do not require a Planning Division issued *entitlement* if the uses meet and are maintained in accordance with the requirements of Section 8111-1.1.1b and all other provisions of this Chapter. (AM. ORD. 3730 - 5/7/85; AM. ORD. 3749 - 10/29/85; AM. ORD. 3810 - 5/5/87; AM. ORD. 4092 - 6/27/95)

## Sec. 8105-4 - Permitted Uses in Open Space, Agricultural, Residential and Special Purpose Zones

	OS-REC	OS	AE	RA	RE	RO	R1	R2	RPD	RHD	TP	TRU
<b>AGRICULTURE AND AGRICULTURAL OPERATIONS</b>												
<i>Animal Husbandry</i>												
<i>Domestic Animals Per Art. 7</i>	E	E	E	E	E	E						
more <i>domestic animals</i> than are permitted by Art. 7 (excluding the keeping of <i>roosters</i> – see sec. 8107-2.3.7) (3, 19, 53)	CUP	CUP	CUP	CUP	CUP	CUP						
Reduced <i>Setbacks</i> for <i>Animals</i> (Excluding the Keeping of <i>Roosters</i> ) Per Table 2, Sec. 8107-2.5.1 (16, 53)	ZCW	ZCW	ZCW	ZCW	ZCW	ZCW						
<i>Apiculture</i> (Other than <i>Backyard Beekeeping</i> ) See Sec. 8107-2.6.1 (2, 15, 56)	E	E	E	E							E	
Aquaculture/Aquiculture (15)	CUP	CUP	CUP	CUP	CUP							
Insectaries for Pest Control (3, 6, 15)	See Principal Structures Related to Agriculture											
Vermiculture * (16)												
up to 5,000 sq. ft. of open beds	ZC	ZC	ZC	ZC	ZC	ZC					ZC	
over 5,000 sq. ft. of open beds		CUP	CUP	CUP	CUP							
Wild Animals, Not Inherently Dangerous * (16, 19)		CUP	CUP	CUP	CUP	CUP						
Inherently Dangerous Animals (16)		CUP	CUP									
Agricultural Contractors' Service And Storage Yards And Buildings (15, 19)		CUP	CUP	CUP								
Crop and Orchard Production (6, 12, 42, 54)	Exempt (See Sec. 9600 et seq. of the Ventura County Ordinance Code for regulations pertaining to industrial hemp cultivation.)											
Packing, Storage Or Preliminary Processing Involving No Structures	E	E	E	E	E						E	
Timber Growing And Harvesting, And Compatible Uses												
protected trees	Pursuant to Articles 7 and 9											

\*There are specific regulations for this use or structure; see Article 7 and Article 9. Italicized numbers refer to amendment history at end of use matrices.

<b>E</b> = Exempt	<b>ZCW</b> = Zoning Clearance with signed waivers	<b>Not Allowed</b>	Exempt	Approved by <i>Planning Director</i> or Designee	Approved by Planning Commission	Approved by Board of Supervisors
<b>ZC</b> = Zoning Clearance unless specifically exempted	<b>PD</b> = Planned <i>Development</i> Permit					
	<b>CUP</b> = Conditional Use Permit					

	OS-REC	OS	AE	RA	RE	RO	R1	R2	RPD	RHD	TP	TRU
other trees	E	E	E	E	E						E	
Principal Structures Related To Agriculture (Greenhouses, Hot Houses, Structures for Prelim. Packing, Storage and Preservation of Produce & Similar Structures; Cumulative GFA Per Lot) Except Agricultural Shade/Mist Structures * (See Sec. 8106-6.4 & 8107-20) (15)												
Up to 1,000 sq. ft. (6)	ZC	ZC	ZC	ZC	ZC						ZC	
Over 1,000 sq. ft. to 20,000 sq. ft. (15)	ZC	ZC	ZC	CUP								
Over 20,000 sq. ft. to 100,000 sq. ft.	CUP	CUP	CUP	CUP								
Over 100,000 sq. ft. (6)	CUP	CUP	CUP									
Wineries (Including Processing, Bottling & Storage)(2, 15)												
Up to 2,000 sq. ft. structure	ZC	ZC	ZC	ZC								
Over 2,000 to 20,000 sq. ft. structure		CUP	CUP	CUP								
Over 20,000 sq. ft. structure		CUP	CUP	CUP								
With public tours or tasting rooms	CUP	CUP	CUP	CUP								
<b>ACCESSORY USES AND STRUCTURES * (15)</b>												
Accessory Structures Related to Agriculture and Animal Husbandry/Keeping * (e.g. Barns, Storage Buildings, Sheds; Cumulative GFA Per Lot) (15, 25)												
up to 2,000 sq. ft. (15, 25)	ZC	ZC	ZC	ZC	ZC	ZC	ZC		ZC		ZC	
over 2,000 sq. ft. to 5,000 sq. ft. (15, 25)	ZC	ZC	ZC	CUP	CUP	CUP	CUP		CUP		CUP	
over 5,000 sq. ft. to 20,000 sq. ft. (25)	ZC	ZC	ZC	CUP								
over 20,000 sq. ft. to 100,000 sq. ft. (25)		CUP	CUP									
over 100,000 sq. ft. (25)		CUP	CUP									
exceeding height limits (25)		CUP	CUP	CUP								
Offices * (7, 19, 25)	See Article 7											
Accessory bathrooms * (See Sec. 8107-1.9) (25)	ZC	ZC	ZC	ZC								

\*There are specific regulations for this use or structure; see Article 7 and Article 9. Italicized numbers refer to amendment history at end of use matrices.

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	<b>CUP</b> = Conditional Use Permit					

	OS-REC	OS	AE	RA	RE	RO	R1	R2	RPD	RHD	TP	TRU
<b>Agricultural Sales Facilities *</b> <i>(16, 19)</i>												
Small facilities: up to 500 sq. ft., meeting standards established by Section 8107-6.2 (25)	ZC	ZC	ZC	ZC							ZC	
Meeting standards of Sections 8107-6.2.1, 8107-6.2.2, and 8107-6.3.4 (25)		CUP	CUP	CUP								
Large facilities: over 500 to 2,000 sq. ft. (25)		CUP	CUP	CUP								
Large facilities: over 2,000 to 5,000 sq. ft. (25)		CUP	CUP	CUP								
Wholesale nurseries for propagation: with sales facilities up to 500 sq. ft. (26, 34)	ZC	ZC	ZC	ZC								
with sales facilities of over 500 to 2,000 sq. ft. (26, 34)		CUP	CUP	CUP								
with sales facilities of over 2,000 to 5,000 sq. ft. (26, 34)		CUP	CUP	CUP								
with sales of non-agricultural items or materials not propagated on site. (26, 34)		CUP	CUP	CUP								
<b>Agricultural Shade/Mist Structures *</b> <i>(16, 25, 34)</i>												
up to 1,000 sq. ft. (25)	ZC	ZC	ZC	ZC	ZC						ZC	
over 1,000 sq. ft. to 20,000 sq. ft. (25)	ZC	ZC	ZC	ZC	CUP							
over 20,000 sq. ft. or 15% of lot area (whichever is greater) (25)	ZC	ZC	ZC	CUP								
over 15% of lot area (25)	CUP	CUP	CUP									
<b>Agricultural Worker Housing</b> <i>(55)</i>		See Sec. 8107-41										
<b>Farmworker Dwelling Units*</b> <i>(15, 25, 55)</i>												
Maximum of 4 dwelling units		ZC	ZC	ZC							ZC	
Not meeting standards established by Sec. 8107-41.3.2		PD	PD	PD							PD	

\*There are specific regulations for this use or structure; see Article 7 and Article 9. Italicized numbers refer to amendment history at end of use matrices.

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	<b>CUP</b> = Conditional Use Permit					



	OS-REC	OS	AE	RA	RE	RO	R1	R2	RPD	RHD	TP	TRU
<i>Animal Caretaker Dwelling Units (26, 55)</i>												
Maximum of 4 dwelling units	ZC	ZC	ZC	ZC							ZC	
Not meeting standards established by Sec. 8107-41.3.2	PD	PD	PD	PD							PD	
Farmworker and Animal Caretaker Temporary Trailers (55)	ZC	ZC	ZC									
<i>Animal Shade Structures (26)</i>												
Up to 500 sq. ft. (26)	ZC	ZC	ZC	ZC	ZC						ZC	
Over 500 sq. ft. to 1,000 sq. ft. (26)	ZC	ZC	ZC	ZC	CUP						CUP	
Over 1,000 sq. ft. to 10,000 sq. ft. (26)	ZC	ZC	ZC	ZC	CUP							
Over 10,000 sq. ft. or up to 7.5% of lot area (whichever is greater) (26)	ZC	ZC	ZC	CUP	CUP							
Over 20,000 sq. ft. or up to 15% of lot area (whichever is greater), Permeable Structures only (26)		CUP	CUP	CUP								
Over 15% of lot area, Permeable Structures only (26)		CUP	CUP									
Over 7.5% of lot area, Impermeable Structures only (26)		CUP	CUP	CUP	CUP						CUP	
Open Storage Per Art. 7 (6, 15, 25)	E	E	E	E	E						E	
Fuel Storage (6, 25)	ZC	ZC	ZC	ZC							ZC	
Heating and Cooling Equipment, <i>Emergency</i> Backup Generators, Backup Battery Packs, and the Like (See Sec. 8106-5.5) (57)	E	E	E	E	E	E	E	E	E	E	E	
Underground Fuel Storage Permitted By Other County Agencies (25)	E	E	E	E	E						E	
Agricultural Promotional Uses (26)	CUP	CUP	CUP	CUP							CUP	
<b>ANIMAL KEEPING, NON-HUSBANDRY * (6, 2, 15)</b>												

\*There are specific regulations for this use or structure; see Article 7 and Article 9. Italicized numbers refer to amendment history at end of use matrices.

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	OS-REC	OS	AE	RA	RE	RO	R1	R2	RPD	RHD	TP	TRU
<i>Domestic Animals Per Art. 7</i>	E	E	E	E	E	E	CUP		E		E	
More Domestic Animals Than Are Permitted By Art. 7 (Excluding the Keeping of Roosters - See Sec. 8107-2.3.7) (15, 53)	CUP	CUP	CUP	CUP	CUP	CUP	CUP		CUP		CUP	
<i>Horses And Other Equines Per Art. 7 (15)</i>	E	E	E	E	E	E	CUP		E		E	
More Horses and Other Equines Than Are Permitted By Art. 7 (15, 53)	CUP	CUP	CUP	CUP	CUP	CUP	CUP		CUP		CUP	
<i>Kennels/Catteries (2, 15, 19)</i>		CUP	CUP	CUP	CUP							
<i>Equestrian Centers (16, 19)</i>	CUP	CUP		CUP	CUP	CUP						
<i>Wild Animals, Not Inherently Dangerous (15, 19)</i>		CUP	CUP	CUP	CUP	CUP	CUP		CUP		CUP	
<i>Inherently Dangerous Animals (16)</i>		CUP	CUP	CUP								
<i>Reduced Setbacks for Animals, (Excluding the Keeping of Roosters), Per Table 2, Sec. 8107-2.5.1(16, 53)</i>	ZCW	ZCW	ZCW	ZCW	ZCW	ZCW	ZCW		ZCW		ZCW	
Accessory Structures	See Accessory Structures Related to Agriculture and Animal Husbandry/Keeping; Animal Shade Structures; Animal Caretaker Dwelling Units (32)											
<b>AIRFIELDS AND LANDING PADS AND STRIPS, PRIVATE</b>		CUP	CUP	CUP	CUP							
<b>ASSEMBLY USES (39)</b>				CUP	CUP	CUP	CUP	CUP	CUP			
<b>BOARDING HOUSES AND BED-AND-BREAKFAST INNS* (2) (35)</b>		CUP	CUP	CUP	CUP		CUP	CUP	CUP			
<i>On Designated Cultural Heritage Sites (29, 34)</i>		CUP	CUP	CUP	CUP		CUP	CUP	CUP			
<b>CARE FACILITIES (SEE ALSO H. &amp; S. C. AND W. &amp; I. C.)</b>												
<i>Day Care Centers (19)</i>				CUP	CUP		CUP	CUP	CUP			
<i>Family Day Care Home (28, 42)</i>		E	E	E	E	E	E	E	E	E		
<i>Intermediate: Care Of 7 Or More Persons (2, 42)</i>				CUP	CUP		CUP	CUP	CUP	CUP		
<i>Residential: Care Of 6 Or Fewer Persons (42)</i>		ZC	ZC	ZC	ZC	ZC	ZC	ZC	PD	PD		
<i>Care Of 7 Or More Persons (7)</i>				CUP	CUP		CUP	CUP	CUP			

\*There are specific regulations for this use or structure; see Article 7 and Article 9. Italicized numbers refer to amendment history at end of use matrices.

<b>E</b> = Exempt	<b>ZCW</b> = Zoning Clearance with signed waivers	<b>Not Allowed</b>	Exempt	Approved by <i>Planning Director</i> or Designee	Approved by <i>Planning Commission</i>	Approved by <i>Board of Supervisors</i>
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	<b>CUP</b> = <i>Conditional Use Permit</i>					

	OS-REC	OS	AE	RA	RE	RO	R1	R2	RPD	RHD	TP	TRU
<b>CEMETERIES * (SEE SEC. 8107-27) (15)</b>		CUP		CUP	CUP	CUP	CUP	CUP	CUP			
Accessory Crematories, Columbaria And Mausoleums		CUP		CUP	CUP							
<b>COMMERCIAL CANNABIS ACTIVITY AS DEFINED BY SECTION 2701 OF THE VENTURA COUNTY CODE OF ORDINANCES * (52)</b>			ZC									
<b>COMMUNICATIONS FACILITIES * (15, 46)</b>												
Non-Commercial Antenna, Ground-Mounted (45)	This use only applies if the facility is an accessory structure to a dwelling, as outlined in §8106-7.1 and §8107-1.1. For other types of Non-Commercial Antenna, see Wireless Communication Facility use below.											
Up to 40 ft. in height (16, 19, 42, 46) (see Section 8107-1.1)	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	
Over 40 ft. to 75 ft. in height (6, 42, 46)	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Wireless Communication Facility (45)												
Stealth Facilities (Building-Concealed, Flush-Mounted, etc.) 80 feet or less in height (see §8107-45.4) (45)	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Non-Stealth Facilities, 50 feet or less in height (45)	CUP	CUP	CUP	CUP	CUP	CUP					CUP	
Non-Stealth Facilities, over 50 feet in height, or Stealth Facilities over 80 feet (See § 8107-45.4(f)) (45)	CUP	CUP	CUP	CUP	CUP	CUP					CUP	
<b>CULTURAL/HISTORIC USES (29)</b>												
Cultural Heritage Sites with Ordinance Deviations (29)	Pursuant to Article 7 and principal or accessory uses											
Historic Repository (29) (40)				CUP	CUP							
Interpretive Centers (29)	CUP	CUP	CUP	CUP	CUP	CUP	CUP		CUP			
<b>DWELLINGS (43)</b>												
Dwellings, Single-Family * (Mobilehomes - See Sec. 8107-1.3)		ZC	ZC	ZC	ZC	ZC	ZC	ZC	PD		ZC	
Mobilehome, Continuing Nonconforming (15)		CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP		CUP	

\*There are specific regulations for this use or structure; see Article 7 and Article 9. Italicized numbers refer to amendment history at end of use matrices.

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	OS-REC	OS	AE	RA	RE	RO	R1	R2	RPD	RHD	TP	TRU
Dwellings, Two-Family, Or Two Single-Family Dwellings								ZC	PD			
Dwellings, Multi-Family (42)(43)(44)									PD	ZC		
Accessory Dwellings												
Accessory Dwelling Unit (ADU)* (2, 11, 15, 33, 47, 58)		Pursuant to Sec. 8107-1.7										
Junior Accessory Dwelling Unit (JADU)* (58)		Pursuant to Sec. 8107-1.7										
Employee Housing (55)	See Sec. 8107-26											
Agricultural Employee Housing												
Maximum of 4 dwelling units	ZC	ZC	ZC	ZC							ZC	
More than 4 dwelling units or not meeting standards established by Sec. 8107-26.3	PD	PD	PD	PD							PD	
Other Employee Housing (6 or fewer employees)	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	PD		ZC	
Farmworker Housing Complex (55)		PD	PD	PD								
Farmworker Group Quarters (55)		PD	PD	PD								
Dwellings, Accessory Structures To												
Buildings For Human Habitation: (3, 19)												
temporary housing during construction/prior to reconstruction* (19, 42, 50)	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	
Buildings Not For Human Habitation Or Agricultural And Animal Husbandry/Keeping Purposes (E.G. Garage, Storage Building): (3, 15, 19, 27)												
up to 2,000 sq. ft. GFA per lot (3, 6, 19,42)	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	
over 2,000 sq. ft. GFA per lot (3, 6, 15, 19, 42)		PD	PD	PD	PD	PD	PD	PD	PD	ZC		
exceeding height limits of main structure (18, 42)		CUP	CUP	CUP	CUP	CUP	CUP	CUP	PD	PD	CUP	
accessory bathrooms *(18, 42)	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	

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	OS-REC	OS	AE	RA	RE	RO	R1	R2	RPD	RHD	TP	TRU
<b>Other Structures (18)</b>												
heating and cooling equipment, <i>emergency</i> backup generators, backup battery packs, and the like (see sec. 8106-5.5) (57)	E	E	E	E	E	E	E	E	E	E	E	
freestanding light fixtures <i>per sec. 8106-8.6*</i>	PD	PD	PD	PD	PD	PD	PD	PD	PD		PD	
nonmotorized wheeled conveyances, within standards * (19,42)		ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	
which exceed standards (42)		CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Non-Commercial Antennas, Ground-Mounted* (46)	See Communication Facilities											
Patios, Paving And Decks Not More Than 30" Above Finished Grade, Per Art. 6 (18, 42)	E	E	E	E	E	E	E	E	E	E	E	
Play Structures, Outdoor Furniture, Mailboxes And Similar Structures Exempt From Setback Requirements Of Art. 6 (18, 42)	E	E	E	E	E	E	E	E	E	E	E	
Swimming, wading and ornamental pools less than 18" depth capacity (18, 42)	E	E	E	E	E	E	E	E	E	E	E	
Soil and geologic testing for water wells, foundations, septic systems and similar construction (18, 42)	E	E	E	E	E	E	E	E	E	E	E	
<b>Dwellings, Accessory Uses To</b>												
<b>Keeping Of Animals; Nonhusbandry *</b>												
<i>apiculture (backyard beekeeping)</i> see sec. 8107-2.6.2* (57)	E	E	E	E	E	E	E	E	E	E	E	
<i>equines and other domestic animals</i> per art. 7 (19)	E	E	E	E	E	E	CUP		E		E	
more <i>animals</i> than are permitted by art. 7 (excluding the keeping of <i>roosters</i> – see sec. 8107-2.3.7) (3, 15, 53)	CUP	CUP	CUP	CUP	CUP	CUP	CUP		CUP		CUP	
<i>pet animals</i> in accordance with standards of art. 7 (42)	E	E	E	E	E	E	E	E	E	E	E	

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	OS-REC	OS	AE	RA	RE	RO	R1	R2	RPD	RHD	TP	TRU
more <i>animals</i> than are permitted by art. 7 (3, 15)	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP		CUP	
<i>wild animals</i> as pets (sec. 8107-2.3.1) (15)	ZC	ZC	ZC	ZC	ZC	ZC	ZC		ZC		ZC	
more <i>wild animals</i> than are permitted (16)		CUP	CUP	CUP	CUP	CUP	CUP		CUP		CUP	
<i>inherently dangerous animals</i>	Not permitted											
youth projects, (excluding the keeping of roosters) * (16, 53)		ZCW	ZCW	ZCW	ZCW	ZCW	ZCW		ZCW		ZCW	
rooster youth projects and rooster hobbyists (see secs. 8107-2.3.7 and -2.5.5)* (53)		ZCW	ZCW	ZCW	ZCW	ZCW			ZCW		ZCW	
Commercial uses, minor, for project residents (See sec. 8109-1.2.5) (4)									PD			
Garage/yard sales (See definition)(42)	E	E	E	E	E	E	E	E	E	E	E	
Home occupations * (3, 42)	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	
Homeshare (48) (See Sec. 8109-4.6)		E	E	E	E	E	E	E	E	E	E	ZC
Open storage, per art. 7 * (19, 42) (See Section 8107-150029)	E	E	E	E	E	E	E	E	E	E	E	
Short-Term Rental (48) (See Sec. 8109-4.6)		E	E	E	E	E	E	E	E	E	E	
<b>EDUCATION AND TRAINING</b>												
Colleges and universities (40)				CUP								
Schools, elementary and secondary (boarding and nonboarding)				CUP	CUP	CUP	CUP	CUP	CUP			
<b>ENERGY PRODUCTION FROM RENEWABLE SOURCES (3)</b>		CUP	CUP	CUP								
<b>FENCES AND WALLS 7' HIGH OR LESS PER ART. 6 (42, 56)</b>	E	E	E	E	E	E	E	E	E	E	E	

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	OS-REC	OS	AE	RA	RE	RO	R1	R2	RPD	RHD	TP	TRU
Wildlife Impermeable Fencing In Overlay Zone* (51)	Pursuant to Article 9											
Over 7' High Per Art. 6 (18, 42, 56)	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	
<b>FILMING ACTIVITIES * (2, 15)</b>	Not permitted											
Permanent	Not permitted											
Temporary	CUP	CUP	CUP	CUP	CUP							
Occasional For Current News Programs/ Noncommercial Personal Use (42)	E	E	E	E	E	E	E	E	E	E	E	
Occasional Per Sec. 8107-11.1 (42)	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	
Occasional With Waivers Per Sec. 8107-11.2	ZCW	ZCW	ZCW	ZCW	ZCW	ZCW	ZCW					
Occasional, Not Meeting Standards (18)	CUP	CUP	CUP	CUP	CUP	CUP	CUP					
<b>FIREWOOD OPERATIONS (3, 12)</b>		CUP	CUP	CUP								
<b>GOVERNMENT BUILDINGS (2) (40)</b>			CUP	CUP	CUP	CUP	CUP	CUP	CUP			
Correctional Institutions		CUP		CUP								
Fire Stations	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP			
Law Enforcement Facilities		CUP		CUP	CUP	CUP	CUP	CUP	CUP			
Public Works Projects Not Otherwise Listed As Uses In This Section Constructed By The County Or Its Contractors	E	E	E	E	E	E	E	E	E		E	
<b>GRADING (A PWA GRADING PERMIT MAY STILL APPLY) (7, 42)</b>	E	E	E	E	E	E	E	E	E	E	E	
Within An Overlay Zone	Pursuant to Article 9											
<b>HOSPITALS</b>									CUP			
<b>LIBRARIES</b>				CUP	CUP	CUP	CUP	CUP	CUP			
<b>MAINTENANCE, ROUTINE/MINOR REPAIRS TO BUILDINGS, NO STRUCTURAL ALTERATIONS (42)</b>	E	E	E	E	E	E	E	E	E	E	E	
<b>MINERAL RESOURCE DEVELOPMENT * (1)</b>		CUP	CUP	CUP								

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	OS-REC	OS	AE	RA	RE	RO	R1	R2	RPD	RHD	TP	TRU
Mining And Accessory Uses * (1)		CUP	CUP	CUP								
Less Than 1 Year In Duration (1, 22)		CUP	CUP	CUP	CUP							
Public Works Maintenance (1,22,36)		E	E	E	E	E	E	E	E		E	
Reclamation Plan (22)		Following a public hearing where a reclamation plan is required per SMARA in conjunction with a land use <i>entitlement</i>										
Mining, Agricultural Site * (22)		ZCW	ZCW									
Oil And Gas Exploration And Production (7)		CUP	CUP	CUP	CUP							
Drilling, Temporary Geologic (Testing Only)		CUP	CUP	CUP	CUP						CUP	
<b>MOBILE FOOD FACILITIES * (18, 42)</b>	E	E	E	E	E	E	E	E	E	E	E	
<b>MOBILEHOME PARKS *</b>				CUP	CUP	CUP	CUP	CUP	CUP			
<b>MODEL HOMES/LOT SALES: 2 YEARS * (42)</b>				ZC	ZC	ZC	ZC	ZC	ZC	ZC		
More Than 2 Years (42)				CUP	CUP	CUP	CUP	CUP	CUP	CUP		
<b>ORGANICS PROCESSING OPERATIONS (COMPOSTING, VERMICOMPOSTING, CHIPPING AND GRINDING) (24)</b>												
Biosolids Composting Operations * (24)		CUP										
Commercial Organics Processing Operations * (24)												
Small-Scale (up to 200 cubic yards on-site) * (24)		ZC	CUP	ZC	CUP						ZC	
Medium-Scale (over 200 cubic yards to 1,000 cubic yards on-site) * (24)		CUP	CUP	CUP							CUP	
Large-Scale (over 1,000 cubic yards on-site) * (24)		CUP	CUP	CUP							CUP	
<b>OUTDOOR EVENTS (49)</b>												
If Event Meets Criteria And Requirements of Sec. 8107-46.3 (49)	E	E	E	E								
If Event Does Not Meet Criteria And Requirements of Sec. 8107-46.3 (49)	CUP	CUP	CUP	CUP								

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	OS-REC	OS	AE	RA	RE	RO	R1	R2	RPD	RHD	TP	TRU
<b>PIPELINES/TRANSMISSION LINES, ABOVEGROUND * (42)</b>	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
<b>PUBLIC SERVICE/UTILITY FACILITIES (27)</b>												
Small Utility Structures (17)	E	E	E	E	E	E	E	E	E		E	
Excluding Office And Service Yards (28)	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP			
Public Service/Utility Offices And Service Yards, When Located On Lots Containing The Majority Of The Agency's Facilities (28)		CUP			CUP							
<b>RECREATION AND PARKS (40)</b>												
Botanic Gardens and Arboreta* (35)	CUP	CUP										
Camps * (8) (35)	CUP	CUP		CUP	CUP							
Campgrounds * (8)	CUP	CUP		CUP	CUP							
Fields, athletic (59)	PD	PD			PD	PD	PD	PD	PD			
With Night Lighting (18, 27)					PD	PD	PD	PD	PD			
Geothermal Spas with or without accessory commercial eating facilities (7)		CUP										
Golf Courses And/Or Driving Ranges, Except Miniature Golf (15)		CUP		CUP	CUP	CUP	CUP	CUP	CUP			
Motocross/Off-Highway Vehicle Parks * (17)		CUP										
Parks, Natural (6) (59)	ZC	ZC	PD	ZC	ZC	ZC	ZC	ZC	PD			
Buildings (within <i>natural parks</i> )	PD	PD	PD	PD	PD	PD	PD	PD	PD			
Parks, Urban * (59)					PD	PD	PD	PD	PD	PD		
Gymnasium (within <i>urban parks</i> )					CUP	CUP	CUP	CUP	CUP	CUP		
Periodic Outdoor Sporting Events (7)	CUP	CUP										
Recreational Vehicle Parks *	CUP	CUP		CUP	CUP							
Recreation Projects, County-Initiated (5) (59)	PD	PD	PD	PD	PD	PD	PD	PD	PD			
Caretaker Recreational Vehicle, Accessory * (5)	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC			

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	OS-REC	OS	AE	RA	RE	RO	R1	R2	RPD	RHD	TP	TRU
Retreats, Without Sleeping Facilities * (8)	CUP	CUP		CUP	CUP							
With Sleeping Facilities (8)	CUP	CUP		CUP	CUP							
Shooting Ranges And Outdoor Gun Clubs (4)		CUP										
<b>SIGNS PER ARTICLE 10 UNLESS EXEMPT FROM ZONING CLEARANCE PER SEC. 8110-3 (7, 42)</b>	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	
<b>SOIL AMENDMENT OPERATIONS (16)</b>		CUP	CUP	CUP								
<b>STORAGE OF BUILDING MATERIALS, TEMPORARY * (3, 42)</b>	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	
<b>TREES AND NATIVE VEGETATION: REMOVAL, RELOCATION, PRUNING OR VEGETATION MODIFICATION (7, 12, 51)</b>												
Protected Trees, Vegetation, And Vegetation Modification In Overlay Zone* (51)	Pursuant to Articles 7 and 9											
Other Trees And Vegetation Outside Overlay Zone (42, 51)	E	E	E	E	E	E	E	E	E	E	E	
<b>USES AND STRUCTURES, ACCESSORY (OTHER THAN TO AGRICULTURE, ANIMALS OR DWELLINGS) (42)</b>	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	CUP	
Heating and Cooling Equipment, Emergency Backup Generators, Backup Battery Packs, and the Like (See Sec. 8106-5.5) (57)	E	E	E	E	E	E	E	E	E	E	E	
Freestanding Light Fixtures Per Sec. 8106-8.6*	PD	PD	PD	PD	PD	PD	PD	PD	PD		PD	
Organics Processing Operations *(24)												
On-Site Composting Operations (not related to normal farming activities) *(24)												
Small-scale (up to 10 cubic yards on-site) * (24, 42)		E	E	E	E	E	E	E	E	E	E	

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	OS-REC	OS	AE	RA	RE	RO	R1	R2	RPD	RHD	TP	TRU
Medium-scale (over 10 cubic yards to 200 cubic yards on-site) * (24)		ZC	ZC	ZC	ZC	ZC			CUP		ZC	
Large-scale (over 200 cubic yards on-site) * (24)		CUP	CUP	CUP	CUP				CUP			
Waste Handling, Waste Disposal and Recycling Facilities (24)												
Household/CESQG Hazardous Waste Collection Facilities And Hazardous Waste Collection, Treatment and Storage Facilities * (24)		CUP										
Recyclable Household/CESQG Hazardous Waste Collection Facilities * (24)		E										
Not meeting standards established by Section 8107-36.3.7 * (24)		CUP										
Soil And Geologic Testing For Water Wells Foundations, Septic Systems And Similar Construction (19, 42)	E	E	E	E	E	E	E	E	E	E	E	
Stockpiling Of Construction Related Debris and/or Fill Material for Non-agricultural Operations (28)												
Less Than 1,000 Cu. Yds. (28)		ZC		ZC	ZC							
1,000 Cu. Yds Or More (28)		CUP		CUP	CUP							
Swimming, Wading, And Ornamental Pools Less Than 18" Depth Capacity (19, 42)	E	E	E	E	E	E	E	E	E	E	E	
Patios, Paving And Decks Not More Than 30" Above Finished Grade, Per Art. 6 (18, 42)	E	E	E	E	E	E	E	E	E	E	E	
Play Structures, Outdoor Furniture And Similar Structures Exempt From Setback Requirements Of Art. 6 (18, 42)	E	E	E	E	E	E	E	E	E	E	E	
Open Storage Per Art. 7 * (42)	E	E	E	E	E	E	E	E	E	E	E	
Parking/Storage of Large Vehicles (38)	Pursuant to Article 8 Sec. 8108-3.4											
To A Use Requiring A PD Permit Or CUP (2)	Pursuant to Article 11 Sec. 8111-6.1											
Dwelling, Caretaker												

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	OS-REC	OS	AE	RA	RE	RO	R1	R2	RPD	RHD	TP	TRU
<b>VETERINARY HOSPITALS FOR LARGE ANIMALS *</b>		CUP	CUP									
<b>WASTE HANDLING, WASTE DISPOSAL AND RECYCLING FACILITIES (24)</b>												
Disposal Facilities, Hazardous Waste * (24)		CUP										
Disposal Facilities, Oilfield Waste * (24)		CUP										
Disposal Facilities, Solid Waste * (24)		CUP										
Recyclables Collection And Processing Facilities *(24)		CUP										
Recyclables Collection Centers *(24)		ZC		ZC	ZC	ZC	ZC	ZC	ZC			
Temporary Collection Activities *(24, 42)		ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC		
Waste Collection And Processing Activities To Mitigate An Emergency *(24)	Pursuant to Sec. 8107-36.3.12											
Waste Processing Facilities And Transfer Stations *(24)		CUP										
<b>WASTEWATER/SEWAGE TREATMENT FACILITIES</b>												
Individual Sewage Disposal Systems (42)	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	
On-Site Wastewater Treatment Facilities (19, 42)	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP		
Community Wastewater Treatment Facilities (19)		CUP	CUP	CUP	CUP				CUP			
<b>WATER PRODUCTION, STORAGE, TRANSMISSION, &amp; DISTRIBUTION FACILITIES: (6)</b>												
4 Or Fewer Domestic Service Connections (Privately Operated)	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC		ZC	
5 Or More Domestic Service Connections (Privately Operated)	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP		CUP	

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	OS-REC	OS	AE	RA	RE	RO	R1	R2	RPD	RHD	TP	TRU
_For Agricultural Purposes (Privately Operated)	ZC	ZC	ZC	ZC								
_Well Drilling For Use Only On Lot Of Well Location (42)	E	E	E	E	E	E	E	E	E	E	E	

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## Sec. 8105-5 - Permitted Uses in Commercial and Industrial Zones

	CO	C1	CPD	M1	M2	M3
<b>AIRFIELDS AND LANDING PADS AND STRIPS, PRIVATE</b>				CUP	CUP	CUP
<b>AIRPORTS</b>						CUP
<b>AMUSEMENT AND RECREATIONAL FACILITIES</b>			PD			
Amusement Parks And Carnivals			CUP			
Arcades			CUP			
Batting Cages And Golf Driving Ranges, Indoor (3, 15)				CUP		
Bicycle Racing Tracks, Outdoor (3)				CUP		
Gymnasiums (3, 15)			PD	CUP		
Motion Picture Theaters, Outdoor (Drive-In)			CUP			
<i>Parks, Urban</i> * (59)	PD	PD	PD			
<i>Gymnasium</i> (within urban parks)	CUP	CUP	CUP			
Racetracks (For Motorized Vehicles), Outdoor Shooting Ranges And Stadiums	Prohibited					
Shooting Ranges, Indoor				CUP	CUP	CUP
<b>ASSEMBLY USES (39)</b>	CUP	CUP	CUP	CUP	CUP	
<b>ART GALLERIES, MUSEUMS AND BOTANICAL GARDENS</b>			PD			
<b>AUTOMOBILE SERVICE STATIONS</b>		PD	PD			
<b>BANKS AND RELATED FINANCIAL OFFICES AND INSTITUTIONS</b>	PD	PD	PD			
<b>BARS, TAVERNS AND NIGHTCLUBS *</b>			CUP			
<b>CARE FACILITIES: (SEE ALSO H. &amp; S.C. AND W. &amp; I. C.) (6)</b>						
Day Care Center (2, 15, 27)	CUP	CUP	CUP	CUP		
Intermediate And Residential, Care Of 7 Or More Persons (6)	CUP		CUP			
Emergency Shelter (42)			ZC			
<b>CAR WASHES, SELF-SERVICE OR AUTOMATIC (2, 15)</b>			CUP		CUP	CUP
<b>CEMETERIES, COLUMBARIA AND MAUSOLEUMS</b>				CUP	CUP	

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	CO	C1	CPD	M1	M2	M3
Crematories, Accessory				CUP	CUP	
<b>CLUB PROJECTS, TEMPORARY OUTDOOR</b>		CUP	CUP			
<b>COMMERCIAL CANNABIS ACTIVITY AS DEFINED BY SECTION 2701 OF THE VENTURA COUNTY CODE OF ORDINANCES * (52)</b>					ZC	ZC
<b>COMMUNICATIONS FACILITIES (46)</b>	This use only applies if the facility is an accessory structure to a dwelling (See § 8105-4)					
Non-Commercial Antenna, Ground Mounted (46)						
Wireless Communication Facility (45)						
Stealth Facilities (Building-Concealed, Flush-Mounted, etc.) 80 feet or less in height (see §8107-45.4) (45)	CUP	CUP	CUP	CUP	CUP	CUP
Non-Stealth Facilities, 50 feet or less in height (See § 8107-45.4(f)(4)) (45)				CUP	CUP	CUP
Non-Stealth Facilities, over 50 feet in height, or Stealth Facilities over 80 feet (See § 8107-45.4(f)(4)) (45)				CUP	CUP	CUP
<b>CONFERENCE CENTER/CONVENTION CENTER (9)</b>			CUP			
<b>CONTRACTORS' SERVICE AND STORAGE YARDS AND BUILDINGS</b>					PD	PD
<b>CROP PRODUCTION (12,54)</b>	Exempt (See Sec. 9600 et seq. of the Ventura County Ordinance Code for regulations pertaining to industrial hemp cultivation.)					
<b>USES AND STRUCTURES, ACCESSORY</b>				ZC	ZC	ZC
Fuel Storage				ZC	ZC	ZC
Underground Fuel Storage Permitted By Other County Agencies				E	E	E
Offices				CUP	CUP	CUP
Packing, Preliminary Processing Or Storage Of Crops; Without Structures				ZC	ZC	ZC
Agricultural Sales Facility; Small Up To 500 Sq. Ft. * (15)		ZC	ZC	ZC	ZC	ZC
not meeting standards established by Section 8107-6.2		CUP	CUP	CUP	CUP	CUP
<b>CULTURAL/HISTORIC USES (29)(40)</b>	Pursuant to Article 7 and principal or accessory uses					
Cultural Heritage Sites with Ordinance Deviations (29)						
Historic Repository (29)			CUP	CUP	CUP	
Interpretive Centers (29)	CUP	CUP	CUP	CUP	CUP	CUP
Museums		CUP	CUP	CUP	CUP	
<b>DOG AND CAT GROOMING</b>			PD			

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	CO	C1	CPD	M1	M2	M3
<b>EDUCATION AND TRAINING (41)</b>						
.Colleges and Universities	CUP		PD			
.Schools; Elementary and Secondary (Nonboarding Only)	CUP		PD			
.Professional and Vocational	CUP	CUP	PD	PD	CUP	
.Art, Craft, and Self-Improvement	CUP	CUP	PD	PD		
<b>ENERGY PRODUCTION FROM RENEWABLE SOURCES (3)</b>					CUP	CUP
<b>FENCES AND WALLS 7' HIGH OR LESS PER ART. 6 (56)</b>	E	E	E	E	E	E
.Wildlife Impermeable Fencing in Overlay Zone* (51)	Pursuant to Article 9					
.Over 7' High Per Art. 6 (18, 56)	ZC	ZC	ZC	ZC	ZC	ZC
<b>FILMING ACTIVITIES * (2, 15)</b>						
.Permanent		PD	PD	PD	CUP	CUP
.Temporary	CUP	CUP	CUP	CUP	CUP	CUP
.Occasional For Current News Programs/Noncommercial Personal Use	E	E	E	E	E	E
.Occasional Per Sec. 8107-11.1	ZC	ZC	ZC	ZC	ZC	ZC
.Occasional With Waivers Per Sec. 8107-11.2	ZCW	ZCW	ZCW	ZCW	ZCW	ZCW
.Occasional, Not Meeting Standards (18)	CUP	CUP	CUP	CUP	CUP	CUP
<b>GOVERNMENT BUILDINGS, EXCLUDING CORRECTIONAL INSTITUTIONS (2)</b>	PD	PD	PD	PD		
.Correctional Institutions * (30)					CUP	
.Public Works Projects Not Otherwise Listed As Uses In This Section Constructed By The County Or Its Contractors	E	E	E	E	E	E
.Fire Stations (15)	PD	PD	PD	PD	PD	PD
<b>GRADING (A PWA GRADING PERMIT MAY STILL APPLY) (3)</b>	E	E	E	E	E	E
.Within An Overlay Zone	Pursuant to Article 9					
<b>HEALTH SERVICES SUCH AS PROFESSIONAL OFFICES AND OUT-PATIENT CLINICS</b>	PD	PD	PD			
.Ambulance Services	CUP		PD	PD		
.Hospitals	CUP		CUP			

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	CO	C1	CPD	M1	M2	M3
.Pharmacy, Accessory Retail, For Prescription Pharmaceuticals Only	PD	PD	PD			
<b>HOTELS, MOTELS AND BOARDING HOUSES</b>			PD			
<b>KENNELS/CATTERIES (15)</b>						CUP
<b>LABORATORIES; RESEARCH AND SCIENTIFIC</b>				PD	PD	PD
.Medical And Dental	PD		PD	PD	PD	
<b>LIBRARIES AND INFORMATION CENTERS</b>	PD	PD	PD			
<b>MANUFACTURING INDUSTRIES</b>						
.Apparel And Related Products				PD	PD	PD
.Dressmaking And Tailor Shops		PD	PD			
.Chemicals ( <i>See Definitions</i> ), Gases And Related Products Excluding Nerve Gas						CUP
.Drugs, Pharmaceuticals, Perfumes, Cosmetics And The Like				PD	PD	PD
.Soaps, Detergents And Cleaners						PD
.Electrical And Electronic Machinery, Equipment And Supplies				PD	PD	PD
.Batteries					CUP	PD
.Household Appliances				CUP	PD	PD
.Transmission And Distribution Equipment, And Industrial Apparatus (15)				CUP	PD	PD
.Food And Related Products				CUP	PD	PD
.Alcoholic Beverages						PD
.Bakery Products				PD	PD	PD
.Meat, Seafood And Poultry Packing Plants					CUP	CUP
.Slaughtering; Refining And Rendering Of Animal Fats And Oils						CUP
.Sugar Refining						CUP
.Furniture And Related Fixtures					PD	PD
.Instruments; Measuring, Analyzing And Controlling				PD	PD	PD
.Jewelry, Silverware, And Plated Ware				PD	PD	PD
.Leather And Leather Products				PD	PD	PD
.Tanning, Curing And Finishing Of Hides And Skins						CUP
.Lumber And Wood Products And Processes					PD	PD
.Cabinet Work				PD	PD	PD
.Firewood Operations (3, 12)				CUP	CUP	CUP
.Plywood, Particleboard And Veneer Manufacture; Wood Preserving						PD

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	CO	C1	CPD	M1	M2	M3
Sawmills And Planing Mills						PD
Machinery, Except Electrical					PD	PD
Office, Computing And Accounting Machines				PD	PD	PD
Metal Industries, Primary						CUP
Rolling, Drawing And Extruding					CUP	PD
Metal Products, Fabricated					PD	PD
Ammunition						CUP
Machine Shops (3)				PD	PD	PD
Plating, Polishing, Anodizing, Engraving And Related Operations				CUP	PD	PD
Musical Instruments, Including Pianos And Organs				PD	PD	PD
Paper And Related Products						CUP
Products From Paper And Paperboard, Including Containers				PD	PD	PD
Pens, Pencils And Other Office And Artists' Materials				PD	PD	PD
Personal Goods				PD	PD	PD
Petroleum Refining And Related Industries						CUP
Photographic, Medical And Optical Goods, And Watches And Clocks				PD	PD	PD
Printing, Publishing And Related Industries				PD	PD	PD
Print Shops (Up To 1,500 Sq. Ft. Of GFA) (3)			PD			
Rubber And Plastics Products (2)					CUP	CUP
Tire Retreading And Recapping					PD	PD
Signs And Advertising Displays				PD	PD	PD
Soil Amendment Operations (16)				CUP	CUP	CUP
Stone, Clay And Glass Products (4)					CUP	PD
Asbestos Products						CUP
Cement, Concrete, Gypsum And Plaster, And Products Fabricated Therefrom (2)					CUP	CUP
Glass And Glassware, Pressed And Blown, Including Flat Glass						CUP
Glass Product, Made Of Purchased Glass				PD	PD	PD
Rock Crushing And Sandblasting Plants						CUP
Textile Mill Products						PD
Tobacco Products					PD	PD
Toys And Amusement, Sporting And Athletic Goods				PD	PD	PD
Transportation Equipment (15)					CUP	PD
Motorcycles, Bicycles And Related Parts					PD	PD

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	CO	C1	CPD	M1	M2	M3
<b>MINERAL RESOURCE DEVELOPMENT (1)</b>						CUP
Mining And Accessory Uses * (1, 19)						CUP
Less Than 1 Year In Duration (1, 22)				CUP	CUP	CUP
Public Works Maintenance (1,22,36)	E	E	E	E	E	E
Reclamation Plan (22)	Following a public hearing where a reclamation plan is required per SMARA in conjunction with a land use entitlement					
Oil And Gas Exploration And Production *				CUP	CUP	CUP
Drilling, Temporary Geologic (Testing Only)				CUP	CUP	CUP
<b>MIXED USE DEVELOPMENT WITHIN THE CBD OVERLAY ZONE PER SECTION 8109-4.5.5 (37)</b>			PD			
Accessory Dwelling Unit (ADU) within the CBD overlay zone* (58)			Pursuant to Sec. 8107-1.7			
<b>OFFICE; BUSINESS, PROFESSIONAL &amp; ADMINISTRATIVE, EXCEPT HEALTH &amp; VETERINARY (6, 15)</b>	PD	PD	PD	PD	CUP	
Telemarketing Offices (21)	PD	PD	PD	PD	CUP	CUP
<b>ORGANICS PROCESSING OPERATIONS (COMPOSTING, VERMICOMPOSTING, CHIPPING AND GRINDING) (24)</b>						
Biosolids Composting Operations (24)					CUP	CUP
Commercial Organics Processing Operations (All Types) (24)					CUP	CUP
<b>OUTDOOR EVENTS (49)</b>						
If Event Meets Criteria And Requirements of Sec. 8107-46.3 (49)			E			
If Event Does Not Meet Criteria And Requirements of Sec. 8107-46.3 (49)			CUP			
<b>PARKING FACILITIES (38)</b>	PD	PD	PD	PD	PD	PD
<b>PIPELINES/TRANSMISSION LINES, ABOVEGROUND (19)</b>	CUP		CUP	CUP	CUP	CUP
<b>PROPULSION (ENGINE) TESTING</b>						CUP
<b>PUBLIC UTILITY FACILITIES</b>	CUP	CUP	CUP	CUP	CUP	CUP
Small Utility Structures (19)	E	E	E	E	E	E

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	CO	C1	CPD	M1	M2	M3
Offices Only	PD	PD	PD	PD	PD	PD
Service Yards					PD	PD
<b>RADIO STUDIOS (see Sec. 8107-45.2.3) (45)</b>			CUP	PD	PD	PD
<b>RECORDING STUDIOS (3, 15)</b>			PD	CUP		
<b>RENTAL AND LEASING OF DURABLE GOODS (6, 15, 19)</b>			CUP	CUP	CUP	CUP
Bicycle Rental			PD			
<b>REPAIR AND RECONDITIONING SERVICES (2)</b>			CUP	CUP	PD	PD
Automobile Bodywork And Painting					PD	PD
Automobile Repair, Including Component Repair (15)			CUP	CUP	PD	PD
Electrical And Electronic Machinery And Equipment (3, 6, 15)				PD	PD	PD
Heavy Machinery Repair, Including Trucks, Tractors And Buses					PD	PD
Instruments, Including Musical Instruments (3, 6)				PD	PD	
Office, Computing And Accounting Machines (3, 6)				PD	PD	
Photographic And Optical Goods (3, 6)				PD	PD	
Repair Of Personal Goods Such As Jewelry, Shoes And Saddlery		PD	PD			
<b>RETAIL TRADE (SEE DEFINITIONS) (2, 19)</b>		PD	PD			
Christmas Tree Sales * (3)		ZC	ZC			
Eating Establishments * (18)		PD	PD	CUP	CUP	
Feed Stores			CUP			
Lumber And Building Materials Sales Yards (6, 15)			CUP		CUP	
Mail Order Houses (Nonstore)			PD	PD		
Mobile Food Facilities * (18)	E	E	E	E	E	E
More Than 30 Minutes In One Location (18)	ZC	ZC	ZC	ZC	ZC	ZC
Motor Vehicle, Mobilehome, Recreational Vehicle And Boat Dealers			CUP			
Nurseries			CUP			
Uses And Structures, Accessory						
Outdoor Sales And Services, Temporary (See Definitions) * (2)		ZC	ZC			
Repair Of Products Retailed		ZC	ZC			

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	CO	C1	CPD	M1	M2	M3
<b>SALES/LEASING OF COMMERCIAL/INDUSTRIAL OFFICE SPACE IN EXISTING BUILDING ON SAME SITE AS UNIT/UNITS BEING SOLD/LEASED (18)</b>	E	E	E	E	E	E
<b>SALVAGE YARDS, INCLUDING AUTOMOBILE WRECKING YARDS WITH ANCILLARY RETAIL SALES OF SALVAGED MATERIALS</b>						CUP
<b>SERVICE ESTABLISHMENTS</b>						
Business (See Definitions)	PD		PD	PD		
Auction Halls, Not Involving Livestock (2)			CUP	CUP	PD	
Disinfecting And Exterminating Services (6)			CUP	CUP	CUP	CUP
Exhibits, Building Of				PD	PD	PD
Industrial Laundries And Dry Cleaning Plants					PD	PD
Sign Painting And Lettering Shops			PD	PD	PD	
Personal		PD	PD			
<b>SIGNS PER REQUIREMENTS OF ARTICLE 10 UNLESS EXEMPT FROM ZONING CLEARANCE PER SEC. 8110-3 (7, 15)</b>	ZC	ZC	ZC	ZC	ZC	ZC
Freestanding Off-Site Advertising Signs					CUP	CUP
<b>SWAP MEETS (15)</b>			CUP	CUP	CUP	CUP
<b>TAXIDERMY</b>			PD			
<b>TRANSPORTATION SERVICES (SEE DEFINITIONS)</b>				CUP	PD	PD
Bus And Train Terminals			CUP			
Stockyard, Not Primarily For Fattening Or Selling Livestock						CUP
Truck Storage, Overnight, And Waste Hauling Yards (7, 23)					PD	PD
<b>TREES AND NATIVE VEGETATION: REMOVAL, RELOCATION OR DAMAGE, OR VEGETATION MODIFICATION (7, 12, 51)</b>						
Protected Trees, Vegetation, And Vegetation Modification In Overlay Zone * (51)	See Articles 7 and 9					
Other Trees And Vegetation Outside Overlay Zone (51)	E	E	E	E	E	E
<b>USES AND STRUCTURES, ACCESSORY, OTHER THAN LISTED ABOVE (19)</b>						
Animals, Security, Per Art. 7 (See Sec. 8107-2.4.4)	E	E	E	E	E	E

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	CO	C1	CPD	M1	M2	M3
More Animals Than Permitted	CUP	CUP	CUP	CUP	CUP	CUP
Dwelling, For Superintendent Or Owner (2, 6)		CUP	CUP	CUP	CUP	CUP
Dwelling, Caretaker (3, 6)				CUP	CUP	CUP
Game Machines; Three Or Fewer		ZC	ZC			
Heating and Cooling Equipment, <i>Emergency</i> Backup Generators, Backup Battery Packs, and the Like (See Section 8106-5.5) (57)	E	E	E	E	E	E
Organics Processing Operations (24)						
On-Site Composting Operations (24)						
Small-Scale (up to 10 cubic yards on-site) (24)	E	E	E	E	E	E
Medium-Scale (over 10 cubic yards to 200 cubic yards on-site) (24)	CUP	CUP	CUP	ZC	ZC	ZC
Large-Scale (over 200 cubic yards on-site) (24)				CUP	CUP	CUP
Waste Handling, Waste Disposal and Recycling Facilities (24)						
Recyclable Household/CESQG Hazardous Waste Collection Facilities(24)		E	E	E	E	E
not meeting standards established by Sec. 8107-36.3.7 (24)		CUP	CUP	CUP	CUP	CUP
Patios, Paving, And Decks Not More Than 30" Above Finished Grade Per Article 6 (19)	E	E	E	E	E	E
Recreational Facilities, Restaurants And Cafes; For Employees Only				PD	PD	PD
Retail Sale Of Products Manufactured On-Site				ZC	ZC	ZC
Soil And Geologic Testing For Water Wells, Foundations, Septic Systems, And Similar Construction	E	E	E	E	E	E
Swimming, Wading, And Ornamental Pools Less Than 18" Depth Capacity (19)	E	E	E	E	E	E
Temporary Buildings During Construction * (2)			ZC	ZC	ZC	ZC
Vaccination Clinics, Temporary, For Pet Animals * (5)		ZC	ZC			
Play Structures, Outdoor Furniture, Similar Structures Exempt From Setback Requirements Of Article 6	E	E	E	E	E	E
Ordinary Maintenance/Minor Repairs To Buildings; No Structural Alterations	E	E	E	E	E	E
Vending Machines Not Displacing Required Parking Or Landscaping, Nor Blocking Pedestrian Access (19)	E	E	E	E	E	E
<b>VETERINARY CLINICS, PET ANIMALS ONLY * (2, 15)</b>		CUP	PD	PD	PD	PD

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<b>WAREHOUSING AND STORAGE, INCLUDING MINISTORAGE ETC.</b>				PD	PD	PD
Automobile Impound Yards; Dead Storage Of Trucks, Buses And The Like (2, 4)						CUP
Building Materials, Movers' Equipment And The Like; Indoor (1, 8)				PD	PD	PD
Outdoor (2)						CUP
Ministorage, with or without RV Storage * (27)			CUP		PD	PD
Fertilizer And Manure						CUP
Hazardous Materials, Including Pesticides And Herbicides (7)						CUP
Petroleum And Gas (Butane, Propane, Lpg, Etc.); Explosives And Fireworks						CUP
Recreational Vehicle					PD	PD
Storage Of Building Materials, Temporary * (3)	ZC	ZC	ZC	ZC	ZC	ZC
<b>WASTE HANDLING, WASTE DISPOSAL AND RECYCLING FACILITIES (24)</b>						
Disposal Facilities, Oilfield Waste (24)						CUP
Disposal Facilities, Solid Waste (24)						CUP
Household/CESQG Hazardous Waste Collection Facilities And Hazardous Waste Collection, Treatment And Storage Facilities (24)					CUP	CUP
Recyclables Collection And Processing Facilities (24)				CUP	CUP	CUP
Recyclables Collection Centers (24)	ZC	ZC	ZC	ZC	ZC	ZC
Recyclable Household/CESQG Hazardous Waste Collection Facilities (24)					CUP	CUP
Reuse Salvage Facilities (Indoor Or Outdoor) (24)			CUP	CUP	CUP	CUP
Temporary Collection Activities, Outdoor (24)	ZC	ZC	ZC	ZC	ZC	ZC
Waste Collection And Processing Activities To Mitigate An Emergency (24)	ZC	ZC	ZC	ZC	ZC	ZC
Waste Processing Facilities And Transfer Stations (24)					CUP	CUP
<b>WASTEWATER/SEWAGE TREATMENT FACILITIES</b>						
Individual Sewage Disposal Systems	ZC	ZC	ZC	ZC	ZC	ZC
On-Site Wastewater Treatment Facility			CUP	CUP	CUP	CUP
Community Wastewater Treatment Facility					CUP	CUP

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	CO	C1	CPD	M1	M2	M3
<b>WATER PRODUCTION, STORAGE, TRANSMISSION, &amp; DISTRIBUTION FACILITIES:</b>						
.4 Or Fewer Domestic Service Connections (Privately Operated) (6, 15)	ZC	ZC	ZC	ZC	ZC	ZC
.5 Or More Domestic Service Connections (Privately Operated)	CUP	CUP	CUP	ZC	ZC	ZC
.Well Drilling For Use Only On Lot Of Well Location (Privately Operated)	E	E	E	E	E	E
<b>WHOLESALE TRADE</b>				PD	PD	PD
<b>ZOOLOGICAL GARDENS, ANIMAL EXHIBITS AND COMMERCIAL AQUARIUMS</b>			CUP			

\*There are specific regulations for this use or structure; see Article 7 and Article 9. Italicized numbers refer to amendment history at end of use matrices.

<b>E</b> = Exempt <b>ZC</b> = Zoning Clearance unless specifically exempted	<b>ZCW</b> = Zoning Clearance with signed waivers <b>PD</b> = Planned <i>Development</i> Permit <b>CUP</b> = Conditional Use Permit	<b>Not Allowed</b>	Exempt	Approved by <i>Planning Director</i> or Designee	Approved by Planning Commission	Approved by Board of Supervisors
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- (1) ADD. ORD. 3723 - 3/12/85
- (2) AM. ORD. 3730 - 5/7/85
- (3) ADD. ORD. 3730 - 5/7/85
- (4) AM. ORD. 3749 - 10/29/85
- (5) ADD. ORD. 3749 - 10/29/85
- (6) AM. ORD. 3810 - 5/5/87
- (7) ADD. ORD. 3810 - 5/5/87
- (8) AM. ORD. 3881 - 12/20/88
- (9) ADD. ORD 3881 - 12/20/88
- (10) ADD. ORD. 3895 - 4/25/89
- (11) AM. ORD. 3920 - 12/19/89
- (12) AM. ORD. 3993 - 2/25/92
- (13) AM. ORD. 3995 - 3/24/92
- (14) ADD. ORD. 3995 - 3/24/92
- (15) AM. ORD. 4092 - 6/27/95
- (16) ADD. ORD. 4092 - 6/27/95
- (17) ADD. ORD. 4118 - 7/2/96
- (18) ADD. ORD. 4123 - 9/17/96
- (19) AM. ORD. 4123 - 9/17/96
- (20) AM. ORD. 4166 - 4/14/98
- (21) AM. ORD. 4175 - 10/6/98
- (22) AM. ORD. 4187 - 5/25/99
- (23) AM. ORD. 4214 - 10/24/00
- (24) ADD. ORD. 4214 - 10/24/00
- (25) AM. ORD. 4215 - 10/24/00
- (26) ADD. ORD. 4215 - 10/24/00
- (27) AM. ORD. 4216 - 10/24/00
- (28) ADD. ORD. 4216 - 10/24/00
- (29) ADD. ORD. 4220 - 12/5/00
- (30) ADD. ORD. 4227- 1/9/01
- (31) ADD. ORD. 4281 -5/6/03
- (32) AM. ORD. 4281 - 5/6/03
- (33) AM. ORD. 4282 - 5/20/03
- (34) AM. ORD. 4291 - 7/29/03
- (35) AM. ORD. 4317 - 3/15/05
- (36) AM. ORD. 4389 - 9/16/08
- (37) ADD. ORD. 4393 - 12/16/08
- (38) AM. ORD. 4407 - 10/20/09
- (39) ADD. ORD. 4411 - 3/2/10
- (40) AM. ORD. 4411 - 3/2/10
- (41) AM. ORD. 4417 - 10/05/10
- (42) ADD.ORD. 4436 - 06/28/11
- (43) AM. ORD. 4455 - 10/22/13
- (44) AM.ORD. 4461 - 3/18/14
- (45) ADD. ORD. 4470 - 3/24/15
- (46) AM. ORD. 4470 - 3/24/15
- (47) AM. ORD. 4519-2/27/18
- (48) ADD. ORD. 4523 - 6/19/18
- (49) ADD. ORD. 4526 - 7/17/18
- (50) ADD. ORD. 4532 - 10/30/18
- (51) AM. ORD. 4537 - 3/19/19
- (52) ADD. MEASURE O - 11/3/20
- (53) AM. ORD. 4580 - 4/13/21
- (54) AM. ORD. 4574 - 12/15/20
- (55) AM. ORD. 4596 - 3/1/22
- (56) AM.ORD. 4606 - 11/1/22
- (57) ADD. ORD. 4606 - 11/1/22
- (58) AM. ORD. 4615 - 2/7/23
- (59) ADD. and AM. ORD 4624 - 1/9/24
- (60) ADD. and AM. ORD 4625 - 1/9/24

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# ARTICLE 6: LOT AREA AND COVERAGE, SETBACKS, HEIGHT AND RELATED PROVISIONS

## Sec. 8106-0 - Purpose

The purpose of this Article is to set forth specific development standards which are applicable to the zones specified, and to delineate certain instances where exceptions to the requirements are allowed. Section 8106-1 lists in matrix form specific development standards applicable to specific zones.

## Sec. 8106-1 - Schedules of Specific Development Standards by Zone, Exceptions and Exclusions Thereto

The following tables indicate the *lot area, setback, height and building lot coverage* standards which apply to individual legal *lots* in the zones specified. (AM. ORD. 3730 - 5/7/85; AM. ORD. 3759 - 1/14/86; AM. ORD. 3995 - 3/24/92; AM. ORD. 4054 - 2/1/94; AM. ORD. 4377 - 1/29/08; AM. ORD. 4455 - 10/22/13; AM. ORD. 4618 - 7/25/23)

### Sec. 8106-1.1 - Development Standards for Uses and Structures in Open Space, Agricultural Exclusive, and Residential Zones

(ADD. ORD. 3730 - 5/7/85; AM. ORD. 4054 - 2/1/94; AM. ORD. 4092 - 6/27/95; AM. ORD. 4216 - 10/24/00; AM. ORD. 4291 - 7/29/03; AM. ORD. 4377 - 1/29/08; ADD. ORD. 4436 - 6/28/11; ADD. ORD. 4479 - 9/22/15; AM. ORD. 4618 - 7/25/23; AM. ORD. 4625 - 1/9/24)

Zone	Minimum Lot Area <sup>1</sup>	Maximum Percentage of Building Coverage	Required Minimum Setbacks <sup>2</sup>				Maximum Structure Height <sup>3</sup>		
			Front	Side		Rear	Principal Structure	Exceptions (Principal Structure)	Accessory Structure
				Interior and Corner Lots, Except Reverse Corner	Reverse Corner Lots: Street Side				
OS - REC	10 acres	See Section 8106-1.4. <i>Building lot coverage</i> depends on lot location.	20 ft	10 ft	20 ft	15 ft	25 ft	Height may be increased above 25 ft (to maximum 35 ft) if each side yard is at least 15ft or as specified by permit	15 ft, except as noted in Section 8106-7.4
OS	10 Acres			5 ft	10 ft				
AE	40 acres								
RA	1 acre								
RE	10,000 sq. ft.								
RO	20,000 sq. ft.								
R1	6,000 sq. ft.			20 ft <sup>5</sup>					
R2	7,000 sq. ft. <sup>4</sup>								
RHD	0.80 acre <sup>6</sup>		From adjacent street	Interior Side Yard	Rear Lot Line	35 ft	35 ft		
		10 ft	5 ft	10 ft					
RPD	As specified by permit <sup>7</sup>	See Section 8109-1.2.2				35 ft	As specified by permit		
RES R/MU	As specified in the Old Town Saticoy Development Code (Article 19)								

1. *Minimum lot area* shall be determined by *lot area* suffix pursuant to Section 8103-1, which in some cases may be greater than the *minimum lot area* specified in Section 8106-1.1. For additional *lot area* exceptions see Section 8103-2.
2. Exceptions to required minimum *setback* requirements can be found in Sections 8106-5, 8106-6, 8107-1.7 and 8107-20. For minimum *setbacks* for flag and irregularly shaped lots see Section 8106-4.3.
3. Exceptions to *height* limits see Sections 8106-5, 8106-8 and 8107-1.7.
4. *Minimum lot area per dwelling unit*: 3,500 square feet.
5. Exceptions for "swing driveways" see Section 8106-5.11.
6. Section 65583.2(h) of the California Planning and Zoning Laws prescribes a minimum 16 units per site.
7. Minimum density of one *dwelling unit* per acre; maximum density of 30 *dwelling units* per acre.

**Sec. 8106-1.2 - Development Standards for Uses and Structures in Commercial, Industrial and Special Purpose Zones**

(ADD. ORD. 3730 - 5/7/85; AM. ORD. 4018 - 12/15/92; AM. ORD. 4377 - 1/29/08; ADD. ORD. 4479 - 9/22/15; AM. ORD. 4618 - 7/25/23)

Zone	Minimum Lot Area	Maximum Percentage of Building Lot Coverage	Required Minimum Setbacks <sup>1</sup>		Maximum Structure Height		
			From Street	Each Interior Yard	Principal Structure	Exceptions (Principal Structure)	Accessory Structure <sup>3</sup>
CO	No requirement	See Section 8106-1.4. <i>Building lot coverage</i> depends on lot location.	Front: 20 ft Side: 5 ft	10 ft on any side yard that is adjacent to an <i>R-Zone</i>	25 ft	Regardless of <i>Decision-Making Authority</i> as specified in Section 8105, exceeding the <i>height</i> limits, to 60 ft maximum, requires Planning Commission approval.	As specified by permit
C1			5 ft on corner lots; otherwise as specified by permit	5 ft if adjacent to an <i>R-zone</i> ; otherwise as specified by permit	35 ft		
CPD					25 ft		
TP	160 acres <sup>2</sup>		As specified by permit	As specified by permit	25 ft		
M1	10,000 sq. ft.		20 ft <sup>3</sup>	5 ft if adjacent to an <i>R-zone</i> ; otherwise as specified by permit <sup>3</sup>	30 ft	<i>Height</i> may be increased to 60 ft with <i>Decision-Making Authority</i> approval	
M2			15 ft <sup>3</sup>				
M3			10 ft <sup>3</sup>				
TC	As specified in the Old Town Saticoy Development Code (Article 19)						
IND							
SP	As established by Specific Plan (See Sec. 8109-4.2)						

1. Exceptions to required minimum *setback* requirements can be found in Section 8106-5 and 8106-6. For minimum *setbacks* for flag and irregularly shaped lots see Section 8106-4.3.
2. See Section 8109-4.3.6.
3. A 30-foot *setback*, in conjunction with appropriate opaque screening, may be required (1) when the industrial site is adjacent to or across the street from an *R-zone*; (2) to maintain uniformity with existing adjacent development; or (3) on the basis of the configuration of the industrial site.

### **Sec. 8106-1.3 – Measurement of Building Heights**

The heights of buildings and structures shall be measured in accordance with the following subsections and as illustrated in Figure 1 that follows.

#### **Sec. 8106-1.3.1 – Building Heights on Flat Grades**

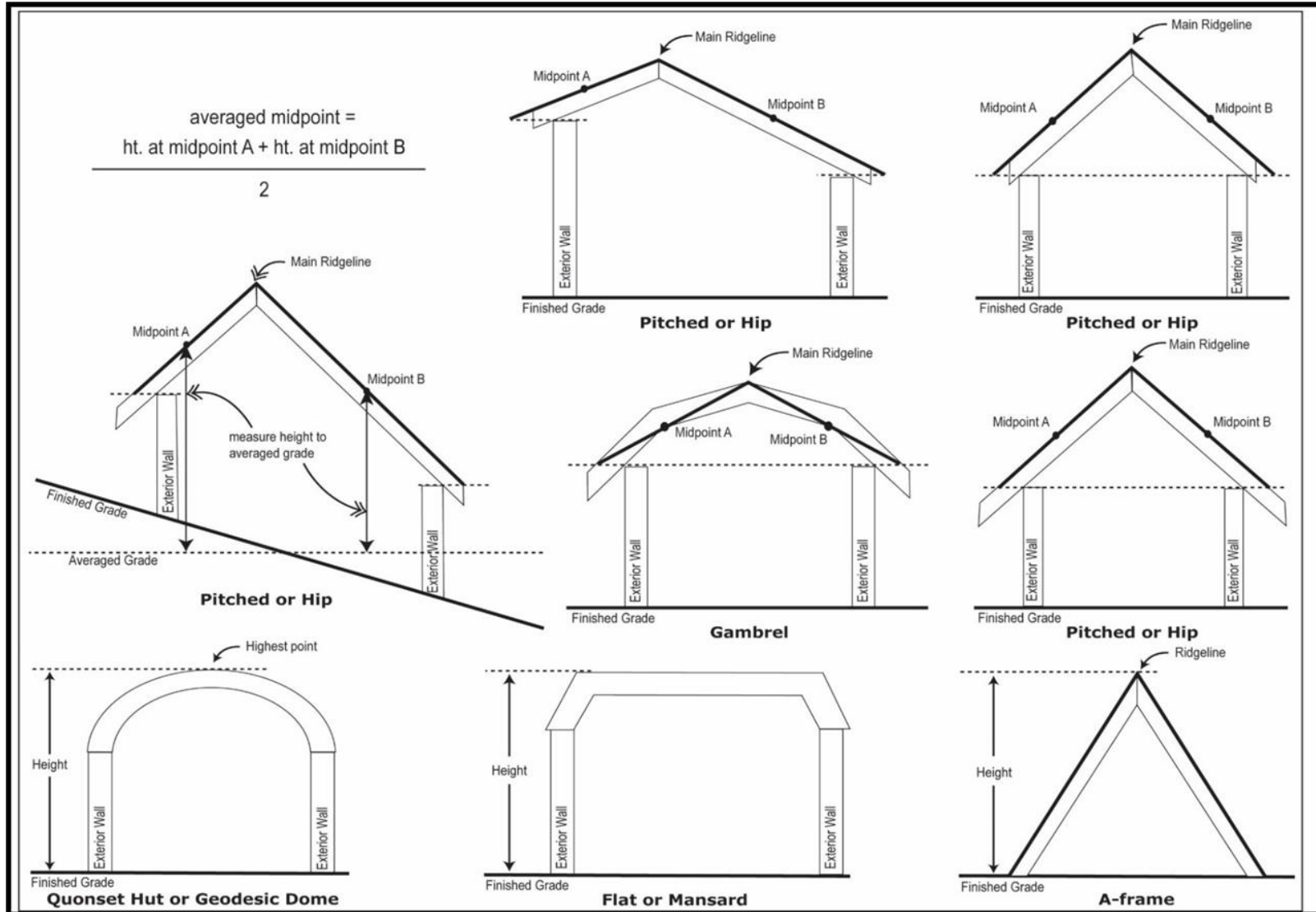
The height of any building located on a flat grade is the vertical distance from the grade to the highest point of the roof; this includes A-frame buildings, Quonset huts, geodesic domes and other such buildings that have the roof and walls forming a continuous architectural unit. In the case of a pitched roof, height is measured to the “averaged midpoint” of the roof. This “averaged midpoint” is arrived at by identifying two points (“midpoints”) along the finished roof which are midway between the peak of the highest finished ridge line(s) and the intersection of the outermost portion of the finished roof with the upward extensions of the two exterior finished walls running parallel to the same ridge line(s), measuring the distance from these two points to the grade, adding together the two vertical heights from grade to the midpoints, and dividing the result by two. For purposes of determining the “finished roof”, “finished roof” shall mean the roof with the roof sheeting in place, but not the other roofing materials.

(ADD. ORD. 4092 – 6/27/95; AM. ORD. 4123 – 9/17/96; AM. ORD. 4291 – 7/29/03)

#### **Sec. 8106-1.3.2 – Building Heights on Sloping Grades**

The *height* of any *building* located on a sloping *grade* is the vertical distance from the “averaged grade,” which is arrived at by finding the midpoint of the lowest and highest grade at each *building* elevation (meaning side view or face of the *structure*), to the highest point of the roof or (in the case of a pitched roof) to the “averaged midpoint,” as described in Section 8106-1.3.1 of this Chapter and illustrated in Figure 1 (Section 8106-1.3). These sums are then divided by the number of elevations. If the site has compound *grades*, *height* should be measured at each *building* face. (ADD. ORD. 4092 – 6/27/95; AM. ORD. 4123 – 9/17/96)

**Figure 1**  
**(Section 8106-1.3) (AM. ORD. 4618 - 7/25/23)**



**Sec. 8106-1.4 – Building Lot Coverage**

- a. Purpose: The purpose of this Section 8106-1.4 et seq. is to provide the maximum percentage of *building lot coverage* for: (1) *lots* subject to an area plan; (2) *lots* within a mapped existing community designated area boundary and not subject to an area plan; (3) *lots* outside of a mapped existing community designated area boundary and not subject to an area plan; and (4) *lots* that meet certain exceptions and exclusions.
- b. Definitions: Definitions for all italicized terms in this Section 8106-1.4 et seq. are set forth in Article 2 of this Chapter. For terms not defined, refer to Section 8101-4.4.

**Sec. 8106-1.4.1 – Maximum Percentage of Building Lot Coverage Standards**

**Sec. 8106-1.4.1.1 – Maximum Percentage of Building Lot Coverage for Lots Subject to an Area Plan**

The maximum percentage of *building lot coverage* for *lots* subject to an area plan shall be as specified below in subsections 8106-1.4.1.1.1 to 8106-1.4.1.1.8. If any provision of this Section 8106-1.4.1.1 conflicts with the applicable area plan standards, the latter shall govern.

**Sec. 8106-1.4.1.1.1 – El Rio/Del Norte Area Plan**

Table 1

(Sec. 8106-1.4.1.1.1)

**El Rio/Del Norte Area Plan Maximum Percentage of Building Lot Coverage**

<b>Area Plan Land Use Designation</b>	<b>Maximum Building Lot Coverage (Percent)</b>
OS 80 (Open Space 80 ac min)	5
OS 40 (Open Space 40 ac min)	5
AG (Agriculture 40 ac min)	5
RR 5 (Rural Residential 5 ac min)	25
UR 1-2 (Urban Residential 1-2 du/ac)	28
UR 2-4 (Urban Residential 2-4 du/ac)	35
UR 4-6 (Urban Residential 4-6 du/ac)	45
UR 6-10 (Urban Residential 6-10 du/ac)	50
UR 10-15 (Urban Residential 10-15 du/ac)	60
UR 20 (Urban Residential 20 du/ac)	60
COM (Commercial)	60
IND (Industrial)	50
INST (Institutional)	60
Notes: Exceptions and exclusions may apply, refer to Section 8106-1.4.1.1.1a and 8106-1.4.2. ac – Acre; du – Dwelling Unit; min – Minimum	

**Sec. 8106-1.4.1.1.1a – El Rio/Del Norte Area Plan Building Lot Coverage Exceptions and Exclusions**

- (1) The following exceptions and exclusions apply to the OS 80, OS 40 and AG Area Plan Land Use Designations:
  - (a) *Structures* used for growing plants such as greenhouses, hothouses, and agricultural shade/mist *structures* are excluded from *building lot coverage* standards. This exclusion does not include *structures* used for preliminary packing, storage and preservation of produce and similar *structures*.
  - (b) Maximum *building lot coverage* of *lots* less than 10 acres (nonconforming) in area shall be 2,500 square feet plus 1-square-foot for each 22.334 square feet of lot area over 5,000 square feet.

- (c) Greater *building lot coverage* may be allowed with the approval of a discretionary permit for *structures* and *uses* listed under the heading of "Crop and Orchard Production" in Article 5.
- (d) Greater *building lot coverage* may be allowed with the approval of a discretionary permit for *Farmworker Housing Complexes*.
- (2) The following exception applies to the RR 5, UR1-2, UR2-4, UR-4-6, UR 6-10, UR 10-15, and UR 20 Area Plan Land Use Designations:
  - (a) Maximum *building lot coverage* for *lots* of less than one acre (nonconforming) in area shall be as specified in Section 8106-1.4.1.1.1, or 2,500 square feet plus 1-square-foot for each 4.596 square feet of lot area over 5,000 square feet, whichever is greater.

**Sec. 8106-1.4.1.1.2 – Lake Sherwood/Hidden Valley Area Plan**

Table 2

(Sec. 8106-1.4.1.1.2)

**Lake Sherwood/Hidden Valley Area Plan  
Maximum Percentage of Building Lot Coverage**

Area Plan Land Use Designation	Maximum Building Lot Coverage (Percent)
Lake	Not Applicable
Parks and Recreation	5
OS 80 (Open Space 80 ac min)	5
OS 40 (Open Space 40 ac min)	5
OS 20 (Open Space 20-40 ac min)	5
OS 10 (Open Space 10-20 ac min)	5
RR 5 (Rural Residential 5-10 ac)	25
RR 2 (Rural Residential 2-5 ac)	25
UR 1 (Urban Residential 1 du/ac)	25
UR 1-2 (Urban Residential 1-2 du/ac)	28
UR 2-4 (Urban Residential 2-4 du/ac)	35
Notes: Exceptions and exclusions may apply, refer to Section 8106-1.4.1.1.2a and 8106-1.4.2. ac – Acre; du – Dwelling Unit; min - Minimum	

**Sec. 8106-1.4.1.1.2a – Lake Sherwood/Hidden Valley Area Plan Building Lot Coverage Exceptions and Exclusions**

- (1) The following exceptions and exclusions apply to the Lake, Parks & Rec., OS 80, OS 40, OS 20, and OS 10 Area Plan Land Use Designations:
  - (a) *Structures* used for growing plants such as greenhouses, hothouses, and agricultural shade/mist *structures* are excluded from *building lot coverage* standards. This exclusion does not include *structures* used for preliminary packing, storage and preservation of produce and similar *structures*.
  - (b) Maximum *building lot coverage* of *lots* less than 10 acres (nonconforming) in area shall be 2,500 square feet plus 1-square-foot for each 22.334 square feet of lot area over 5,000 square feet.
  - (c) Greater *building lot coverage* may be allowed with the approval of a discretionary permit for *structures* and *uses* listed under the heading of "Crop and Orchard Production" in Article 5.
  - (d) Greater *building lot coverage* may be allowed with the approval of a discretionary permit for *Farmworker Housing Complexes*.
- (2) The following exception applies to the RR 5, RR 2, UR 1, UR 1-2 and UR 2-4 Area Plan Land Use Designations:
  - (a) Maximum *building lot coverage* for *lots* of less than one acre (nonconforming) in area shall be as specified in Section 8106-



1.4.1.1.2, or 2,500 square feet plus 1-square-foot for each 4.596 square feet of lot area over 5,000 square feet, whichever is greater.

**Sec. 8106-1.4.1.1.3 – North Ventura Avenue Area Plan**

Table 3

(Sec. 8106-1.4.1.1.3)

**North Ventura Avenue Area Plan Maximum Percentage of Building Lot Coverage**

Area Plan Land Use Designation	Maximum Building Lot Coverage (Percent)
Residential, Single Family	44
Residential, Multiple-Family	55
Commercial	60
Industrial	40
Oil Field Industrial	20
Notes: Exceptions and exclusions may apply, refer to Section 8106-1.4.2. ac – Acre; du – Dwelling Unit; min - Minimum	

**Sec. 8106-1.4.1.1.4 – Oak Park Area Plan**

Table 4

(Sec. 8106-1.4.1.1.4)

**Oak Park Area Plan Maximum Percentage of Building Lot Coverage**

Area Plan Land Use Designation	Maximum Building Lot Coverage (Percent)
POS (Public Open Space)	5
R/1-2 (Residential 1-2 du/ac)	28
R/2-4 (Residential 2-4 du/ac)	35
R/4-6 (Residential 4-6 du/ac)	41
R/6-8 (Residential 6-8 du/ac)	48
R/8-12 (Residential 8-12 du/ac)	50
R/16-20 (Residential 16-20 du/ac)	60
C (Commercial)	60
CF (Community Facility)	60
Notes: Exceptions and exclusions may apply, refer to Section 8106-1.4.1.1.4a and 8106-1.4.2. ac – Acre; du – Dwelling Unit; min - Minimum	

**Sec. 8106-1.4.1.1.4a – Oak Park Area Plan Building Lot Coverage Exclusion**

The following exclusion applies to the POS, R/1-2, R/2-4, R/4-6, R/6-8, R/8-12 and R/16-20 Area Plan Land Use Designations:

- (a) *Structures* used for growing plants such as greenhouses, hothouses, and agricultural shade/mist *structures* are excluded from *building lot coverage* standards. This exclusion does not include *structures* used for preliminary packing, storage and preservation of produce and similar *structures*.

**Sec. 8106-1.4.1.1.5 – Ojai Valley Area Plan**

Table 5

(Sec. 8106-1.4.1.1.5)

**Ojai Valley Area Plan Maximum Percentage of Building Lot Coverage**

Area Plan Land Use Designation	Maximum Building Lot Coverage (Percent)
OS 80 (Open Space 80 ac min)	5
OS 40 (Open Space 40 ac min)	5
OS 20 (Open Space 20 ac min)	5
OS 10 (Open Space 10 ac min)	5
RI (Rural Institutional 20 ac min)	25
RR5 (Rural Residential 5-10 ac min)	25
RR 2 (Rural Residential 2-5 ac min)	25
UR 1-2 (Urban Residential 1-2 du/ac)	28
UR 2-4 (Urban Residential 2-4 du/ac)	35
UR 4-6 (Urban Residential 4-6 du/ac)	45
UR 6-10 (Urban Residential 6-10 du/ac)	50
UR 10-20 (Urban Residential 10-20 du/ac)	60

C (Commercial)	60
I (Industrial)	50
Notes: Exceptions and exclusions may apply, refer to Section 8106-1.4.1.1.5a and 8106-1.4.2. ac – Acre; du – Dwelling Unit; min - Minimum	

**Sec. 8106-1.4.1.1.5a – Ojai Valley Area Plan Building Lot Coverage Exceptions and Exclusions**

- (1) The following exceptions and exclusions apply to the OS 80, OS 40, OS 20 and OS 10 Area Plan Land Use Designations:
- (a) *Structures* used for growing plants such as greenhouses, hothouses, and agricultural shade/mist *structures* are excluded from *building lot coverage* standards. This exclusion does not include *structures* used for preliminary packing, storage and preservation of produce and similar *structures*.
  - (b) Maximum *building lot coverage* of *lots* less than 10 acres (nonconforming) in area shall be 2,500 square feet plus 1-square-foot for each 22.334 square feet of lot area over 5,000 square feet.
  - (c) Greater *building lot coverage* may be allowed on non-conforming (less than applicable minimum lot size) lots by discretionary permits for existing *structures* and *uses* listed under the heading of “Crop and Orchard Production” in Article 5.
  - (d) Greater *building lot coverage* may be allowed with the approval of a discretionary permit for *Farmworker Housing Complexes*.
- (2) The following exception applies to the RR 5, RR 2, UR 1-2, UR 2-4, UR 4-6 and UR 6-10 Area Plan Land Use Designations:
- (a) Maximum *building lot coverage* for *lots* of less than one acre (nonconforming) in area shall be as specified in Section 8106-1.4.1.1.5, or 2,500 square feet plus 1-square-foot for each 4.596 square feet of lot area over 5,000 square feet, whichever is greater.

**Sec. 8106-1.4.1.1.6 – Piru Area Plan**

Table 6  
(Sec. 8106-1.4.1.1.6)

**Piru Area Plan Maximum Percentage of Building Lot Coverage**

Area Plan Land Use Designation	Maximum Building Lot Coverage (Percent)
Open Space (80 ac min)	5
Agricultural (40 ac min)	5
R-4 (2-4 du/ac)	36
R-6 (4-6 du/ac)	45
R-15 (10-15 du/ac)	55
RHD (20 du/ac)	60
SFE (2-4 du/ac)	36
SFT (4-6 du/ac)	45
MSP (6-8 du/ac)	50
CR (8-12 du/ac)	55
C (Commercial)	60
RMU (Retail Mixed-Use)	60
I (Industrial)	50
CF (Community Facility)	60
Notes: Exceptions and exclusions may apply, refer to Section 8106-1.4.1.1.6a and 8106-1.4.2. ac – Acre; du – Dwelling Unit; min - Minimum	

**Sec. 8106-1.4.1.1.6a – Piru Area Plan Building Lot Coverage Exceptions and Exclusions**

- (1) The following exceptions and exclusions apply to the Open Space, Agricultural, R-4, R-6, R-15, RHD, SFE, SFT, MSP and CR Area Plan Land Use Designations:
  - (a) *Structures* used for growing plants such as greenhouses, hothouses, and agricultural shade/mist *structures* are excluded from *building lot coverage* standards. This exclusion does not include *structures* used for preliminary packing, storage and preservation of produce and similar *structures*.
  - (b) Maximum *building lot coverage* of *lots* less than 10 acres (nonconforming) in area shall be 2,500 square feet plus 1-square-foot for each 22.334 square feet of lot area over 5,000 square feet.
  - (c) Greater *building lot coverage* may be allowed with the approval of a discretionary permit for *structures* and *uses* listed under the heading of “Crop and Orchard Production” in Article 5.
  - (d) Greater *building lot coverage* may be allowed with the approval of a discretionary permit for *Farmworker Housing Complexes*.
- (2) The following exception applies to the C, RMU, I and CF Area Plan Land Use Designations:
  - (a) Maximum *building lot coverage* for *lots* of less than one acre (nonconforming) in area shall be as specified in Section 8016-1.4.1.1.6, or 2,500 square feet plus 1-square-foot for each 4.596 square feet of lot area over 5,000 square feet, whichever is greater.
- (3) The following exception applies to the C Area Plan Land Use Designation:
  - (a) Deviations may be allowed under the provisions of the Community Business District Overlay Zone.

**Sec. 8106-1.4.1.1.7 – Thousand Oaks Area Plan**

Table 7

(Sec. 8106-1.4.1.1.7)

**Thousand Oaks Area Plan Maximum Percentage of Building Lot Coverage**

<b>Area Plan Land Use Designation</b>	<b>Maximum Building Lot Coverage (Percent)</b>
POS (Public Open Space 10 ac min)	5
OS 40 (Open Space 40 ac min)	5
OS 20 (Open Space 20 ac min)	5
RR - 2 (Rural Residential 2 ac min)	25
UR - 1 (Urban Residential 1 du/ac)	25
UR - 2 (Urban Residential 1-2 du/ac)	28
UR - 4 (Urban Residential 2-4 du/ac)	35
UR - 8 (Urban Residential 6-8 du/ac)	48
UR - 16 (Urban Residential 12-16 du/ac)	55
I (Industrial)	50
Notes: Exceptions and exclusions may apply, refer to Sections 8106-1.4.1.1.7a and 8106-1.4.2. ac – Acre; du – Dwelling Unit; min - Minimum	

**Sec. 8106-1.4.1.1.7a – Thousand Oaks Area Plan Building Lot Coverage Exceptions and Exclusions**

- (1) The following exceptions and exclusions apply to the OS 20 Area Plan Land Use Designation:

- (a) *Structures* used for growing plants such as greenhouses, hothouses, and agricultural shade/mist *structures* are excluded from *building lot coverage* standards. This exclusion does not include *structures* used for preliminary packing, storage and preservation of produce and similar *structures*.
  - (b) Maximum *building lot coverage* of *lots* less than 10 acres (nonconforming) in area shall be 2,500 square feet plus 1-square-foot for each 22.334 square feet of lot area over 5,000 square feet.
  - (c) Greater *building lot coverage* may be allowed with the approval of a discretionary permit for *structures* and uses listed under the heading of "Crop and Orchard Production" in Article 5.
  - (d) Greater *building lot coverage* may be allowed with the approval of a discretionary permit for *Farmworker Housing Complexes*.
- (2) The following exception applies to the RR-2, UR-1, UR-2, UR-4, UR-8 and UR-16 Area Plan Land Use Designations:
- (a) Maximum *building lot coverage* for *lots* of less than one acre (nonconforming) in area shall be as specified in Section 8106-1.4.1.1.7, or 2,500 square feet plus 1-square-foot for each 4.596 square feet of lot area over 5,000 square feet, whichever is greater.

**Sec. 8106-1.4.1.1.8 – Saticoy Area Plan**

- (1) For *lots* subject to the Saticoy Area Plan and within the Old Town Saticoy mapped area, allowable *uses* and development standards are set forth in Appendix B, Section 8119-1 of the NCZO – Old Town Saticoy Development Code.
- (2) For *lots* subject to the Saticoy Area Plan and within the West and South Industrial mapped areas, maximum *building lot coverage* shall be 50% of the *lot* area. For all other development standards for the South and West Industrial Sections, refer to Article 6 of this ordinance.

**Sec. 8106-1.4.1.2 – Maximum Percentage of Building Lot Coverage for Lots Within a Mapped Existing Community Designated Area Boundary and Not Subject to an Area Plan**

The maximum percentage of *building lot coverage* for *lots* located within a mapped existing community designated area and not subject to an area plan shall be determined in accordance with this Section 8106-1.4.1.2. The following existing community designated areas, as mapped in the Ventura County General Plan, shall be governed by this Section 8106-1.4.1.2:

- |                        |                            |
|------------------------|----------------------------|
| 1. Bell Canyon         | 12. North Santa Paula      |
| 2. Box Canyon          | 13. North Simi             |
| 3. Camarillo Heights   | 14. Santa Rosa Valley      |
| 4. East Santa Paula    | 15. Santa Susana           |
| 5. Home Acres          | 16. Saticoy Country Club   |
| 6. La Cumbre Road      | 17. Somis                  |
| 7. Las Posas Estates   | 18. Tapo Canyon            |
| 8. Lewis Road          | 19. Thomas Aquinas College |
| 9. Matilija Canyon     | 20. Ventura Avenue         |
| 10. Mission Rock Road  | 21. West Santa Paula       |
| 11. North Fork Springs | 22. West Simi              |

Table 8  
(Sec. 8106-1.4.1.2)

**Maximum Building Lot Coverage for Lots Within a Mapped Existing Community Designated Area Boundary and Not Subject to an Area Plan**

NCZO Zone Classification	Maximum Building Lot Coverage (Percent)
RA	25
RA - 1ac	25
RA - 160 ac	25
RE - 10,000 sq ft	36
RE - 13,000 sq ft	33
RE - 18,000 sq ft	30
RE - 20,000 sq ft	29
RE - 20,000 sq ft av	29
RE - 40,000 sq ft	25
RE - 1ac	25
RE - 1ac/MRP	25
RE - 2ac	25
RE - 5ac	25
RE - 10ac	5
RE - 13ac	33
RE - 20ac	5
RE - 30ac	26
R1 - 6,000 sq ft	45
R1 - 8,000 sq ft	39
R1 - 10,000 sq ft	36
R1 - 13,000 sq ft	33
R1 - 20,000 sq ft	29
R2 - 7,000 sq ft	50
RO - 20,000 sq ft	29
RO - 1 ac	25
RHD - 20 du/ac	60
RPD	60
RPD - 1 du/ac	25
CPD	60
CO	50
C1	60
M2 - 10,000 sq ft	50
M3 - 10,000 sq ft	40
Notes: Exceptions and exclusions may apply, refer to Section 8106-1.4.1.2a and 8106-1.4.2. sq ft – Square Feet; ac – Acre; du – Dwelling Unit; min - Minimum	

**Sec. 8106-1.4.1.2a – Exception to Building Lot Coverage Development Standards for Lots within the Las Posas Estates Existing Community**

For *lots* within the Las Posas Estates Existing Community zoned RE-20Ac, *structures* used for growing plants such as greenhouses, hothouses, and agricultural shade/mist *structures* are excluded from *building lot coverage* standards. This exclusion does not include *structures* used for preliminary packing, storage and preservation of produce and similar *structures*.

**Sec. 8106-1.4.1.3 – Maximum Percentage of Building Lot Coverage for Lots Outside of a Mapped Existing Community Designated Area Boundary and Not Subject to an Area Plan**

The maximum percentage of *building lot coverage* for *lots* located outside of a mapped existing community designated area boundary, and not subject to an area plan, shall be as specified in the General Plan for the applicable land use designation. The maximum *building lot coverage* standards that apply to each land use designation pursuant to the General Plan are set forth below. If any provision of this section 8106-1.4.1.3 conflicts with the General Plan, the latter shall govern.

Table 9  
(Sec. 8106-1.4.1.3)

**Maximum Building Lot Coverage for Lots Outside of a Mapped Existing Community Designated Area Boundary and Not Subject to an Area Plan**

General Plan Land Use Designation	Maximum Building Lot Coverage (Percent)
Rural	25
ECU-Rural	25
Agricultural	5
ECU-Agricultural	5
Open Space	5
ECU-Open Space	5
Mixed Use	60
Commercial	60
Commercial Planned Development	60
Industrial	50
Parks and Recreation	5
State, Federal, Other Public Land	Not Applicable
Exceptions and exclusions may apply, refer to Section 8106-1.4.2.	

**Sec. 8106-1.4.2 – Exceptions and Exclusions to Maximum Percentage of Building Lot Coverage**

The exceptions and exclusions established by this Section 8106-1.4.2 are in addition to those established in Sections 8106-1.4.1.1 and 8106-1.4.1.2. If any provision of Section 8106-1.4.2 conflicts with the exceptions and exclusions established by Sections 8106-1.4.1.1 and 8106-1.4.1.2, the more permissive exception and/or exclusion shall govern.

**Sec. 8106-1.4.2.1 – Maximum Building Lot Coverage for Nonconforming Lots with a Rural Land Use Designation**

Maximum *building lot coverage* for *lots* of less than 1 acre (nonconforming) in area shall be as specified in the General Plan for the Rural land use designation, or 2,500 square feet plus 1-square-foot for each 4.596 square feet of *lot* area over 5,000 square feet, whichever is greater ( $[(\text{Square Feet of Lot Area} - 5,000) \div 4.596] + 2,500 = \text{Maximum Square Footage of Building Lot Coverage}$ ).

**Sec. 8106-1.4.2.2 – Maximum Building Lot Coverage for Nonconforming Lots with an Agricultural Land Use Designation**

- a. Maximum *building lot coverage* of *lots* of less than 10 acres (nonconforming) in area shall be as specified in the General Plan for the Agricultural land use designation, or 2,500 square feet plus 1-square-foot for each 22.334 square feet of *lot* area over 5,000 square feet, whichever is greater ( $[(\text{Square Feet of Lot Area} - 5,000) \div 22.334] + 2,500 = \text{Maximum Square Footage of Building Lot Coverage}$ ).
- b. Greater *building lot coverage* may be allowed with the approval of a discretionary permit for *structures* or uses listed under the heading of “Crop and Orchard Production” in Article 5.
- c. Greater *building lot coverage* may be allowed with the approval of a discretionary permit for *Farmworker Housing Complexes*.

**Sec. 8106-1.4.2.3 – Maximum Building Lot Coverage for Non-Conforming Lots with an Open Space Land Use Designation**

- a. Maximum *building lot coverage* of *lots* of less than 10 acres (nonconforming) in area shall be as specified in the General Plan for the Open Space land use designation, or 1,500 square feet plus 1-square-foot for each 22.334 square feet of *lot* area over 5,000 square feet, whichever is greater ( $[(\text{Square Feet of Lot Area} - 5,000) \div 22.334] + 2,500 = \text{Maximum Square Footage of Building Lot Coverage}$ ).

- b. Greater *building lot coverage* may be allowed with the approval of a discretionary permit for *structures* or uses listed under the heading of “Crop and Orchard Production” in Article 5.
- c. Greater *building lot coverage* may be allowed with the approval of a discretionary permit for *Farmworker Housing Complexes*.

**Sec. 8106-1.4.2.4 – Maximum Lot Coverage for Non-Conforming Lots with a Residential Land Use Designation**

Maximum *building lot coverage* for *lots* of less than 1 acre (nonconforming) in area shall be as specified in the General Plan for the Residential land use designation, or 2,500 square feet plus 1 square foot for each 4.596 square feet of *lot* area over 5,000 square feet, whichever is greater ( $[(\text{Square Feet of Lot Area} - 5,000) \div 4.596] + 2,500 = \text{Maximum Square Footage of Building Lot Coverage}$ ).

**Sec. 8106-1.4.2.5 – Exclusion of Structures Used for Growing Plants on Lots with an Agriculture Land Use Designation**

*Structures* used for growing plants such as greenhouses, hothouses, and agricultural shade/mist *structures* shall be excluded from the maximum *building lot coverage* standards applicable to *lots* with an Agricultural land use designation. This exclusion does not include *structures* used for preliminary packing, storage and preservation of produce and similar *structures*.

(ADD. ORD. 4618 - 7/25/23)

Sec. 8106-2 – (Reserved for Future Use)(See Sec. 8103-2) (Del. ORD 4333 – 12/06/05)

**Sec. 8106-2 – (Reserved for Future Use)**

**Sec. 8106-3 - Purpose and Use of Setbacks**

- a. The setback regulations are intended to prevent the overcrowding of land, provide privacy, preclude narrow, unusable spaces between buildings and provide clear areas for fire safety purposes, both to retard the spread of fire and to enable emergency personnel to reach side and rear areas of buildings.
- b. The setback regulations apply to buildings with foundations, and other structures such as those for parking and storage, whether or not they have foundations, and to open storage.
- c. No required setback shall be used for parking or storage of any vehicles, nor for open storage or garages or any other structures except as allowed by Sections 8106-5.3, 8106-8.6, 8107-1.6.1, or otherwise specifically provided in this Chapter. (AM. ORD. 3730 - 5/7/85; AM. ORD. 3810 - 5/5/87; AM. ORD. 4092 - 6/27/95; AM. ORD. 4282 - 5/20/03)

**Sec. 8106-4 - Measurement of Setbacks**

**Sec. 8106-4.1 - Measurement of Rear Setback from an Alley**

In computing the depth of a rear setback for any *lot* abutting an alley, the setback may be measured from the midpoint of the rear alley.

### **Sec. 8106-4.2 - Setbacks from Easements**

If the only means of access to one or more *lots* is by way of an easement, the easement shall be considered as a street for purposes of determining setbacks on *lots* over which the easement passes. (AM. ORD. 3730 - 5/7/85)

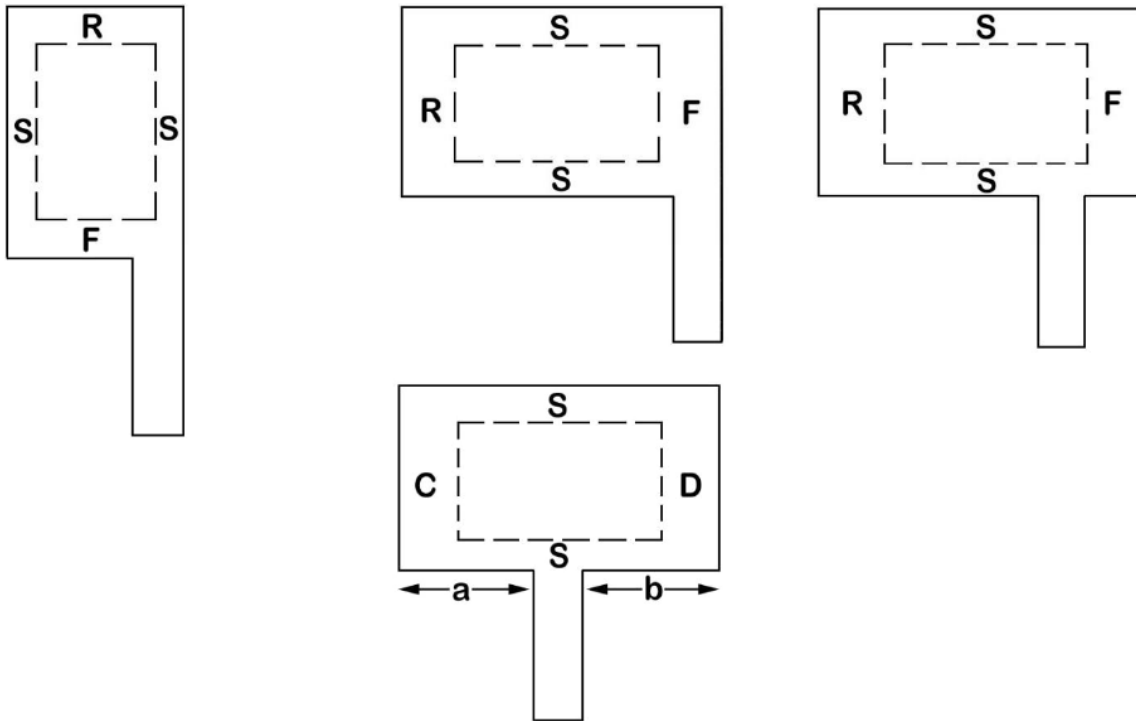
### **Sec. 8106-4.3 - Determination of Setbacks for Flag Lots and Irregularly Shaped Lots**

In the case of "flag *lots*" and "irregularly shaped *lots*", the setbacks shall be measured from the applicable front (F), rear (R) and side (S) of the *lot* as designated in the diagrams illustrated below.

- a. In cases involving flag *lots* or irregularly shaped *lots* of a type not represented in any of the following diagrams, the *Planning Director* shall determine the minimum setbacks utilizing good planning practices.
- b. Any portion of a flag *lot* or irregularly shaped *lot* that is adjacent to a street is a "required setback adjacent to a street" for purposes of *fence* regulations.  
(AM. ORD. 3810 - 5/5/87; AM. ORD. 4216 - 10/24/00)



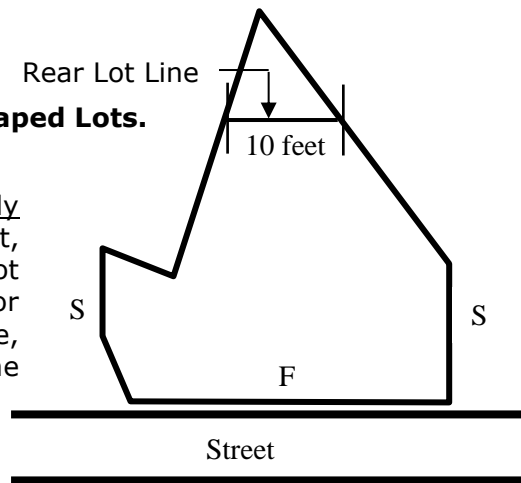
**Illustration of Setbacks for Flag Lots  
(Section. 8106-4.3)**



If a = b, applicant designates C or D as front.

**Illustration of setbacks for Irregularly Shaped Lots.**

Rear lot lines for triangular and irregularly shaped lots – A line 10 feet long within the lot, opposite and most distant from the front lot line, which is parallel to the front lot line or parallel to the chord of a curved front lot line, where such chord is drawn perpendicular to the mean direction of lot depth.



(AM. ORD. 4216 - 10/24/00; AM. ORD. 4618 - 7/25/23)

### **Sec. 8106-4.4 - Determination of Setbacks for Through Lots**

- a. If the area of a through *lot* is less than twice the minimum *lot* area for the zone, one street frontage shall be designated as the front, and the other frontage shall be the rear.
- b. If the *lot* area is two or more times the minimum area for the zone, each street frontage shall be considered a front for purposes of determining setbacks.

(ADD. ORD. 3810 - 5/5/87)

## **Sec. 8106-5 - Exceptions to Required Setbacks and Height**

The following are exceptions to the standards set forth in Section 8106-1 of this Chapter:

### **Sec. 8106-5.1 - Accessory Structures in Certain Setback Areas**

Detached accessory structures (e.g., gazebo, garage, storage shed) not used for *human habitation* may be constructed to within 3 feet of interior and rear *lot* lines, provided that:

- a. In no case shall any such accessory structure(s) occupy more than 40 percent of the rear setback area. This standard does not apply to below-grade, uncovered swimming pools, spas, hot tubs, and similar structures (having a water depth of 18 inches or more).
- b. Setback areas adjacent to a street shall be maintained as set forth in Section 8106-1 of this Chapter.

### **Sec. 8106-5.2 - Accessory Structures in Front Setbacks on Through Lots**

A detached *accessory structure* not used for *human habitation* and not exceeding 15 feet in *height* may be located in one of the required front setbacks on a large through *lot*, as described in Section 8106-4.4b of this chapter, provided that every portion of such detached accessory structure is at least 10 feet from the nearest front property line. (AM. ORD. 3810 - 5/5/87)

### **Sec. 8106-5.3 - Parking in Setbacks**

Parking in a required setback is prohibited except in the following circumstances:

- a. Fully operative, licensed and registered motorized vehicles may be parked in the front or street-side setback when located in a driveway leading to a garage, carport or other required parking space for single- or two-family dwellings. Said motorized vehicles and operative non-motorized vehicles (e.g., bicycles, boat or vehicle trailers), accessory to a dwelling, may be parked on a paved area (no wider than 10 feet) adjacent to the *driveway*, except as provided elsewhere in this Chapter.
- b. No required setback may be used for the provision of required parking spaces, except as specifically provided in this Chapter.
- c. In the M1 and M2 Zones, required off-street parking spaces may be located in required street-side setbacks, provided that such parking spaces are located behind required landscaping and screening and any other required improvements such as sidewalks. (AM. ORD. 4377 - 1/29/08; AM. ORD. 4407 - 10/20/09)
- d. On *interior lots*, a minimum 3-foot wide area adjacent to one side *lot* line shall be kept free of operative motorized vehicles and open storage. (See Section 8107-1.6 of this Chapter.) (AM. ORD. 3730 - 5/7/85; AM. ORD. 3749 - 10/29/85)

(AM. ORD. 3810 - 5/5/87)

#### **Sec. 8106-5.4 - Architectural Features**

Eaves, cornices, canopies, belt courses, sills, buttresses and other similar architectural features that do not create additional floor area or living space, may project a maximum of 2½ feet into required *front setbacks*, 2 feet into side setbacks and 4 feet into rear setbacks, and may not be closer than 2 feet from any side or rear property line. Such features shall not be closer than 2 feet to a line midway between the exterior walls of *buildings* located on the same *lot*. (AM. ORD. 3810 - 5/5/87)

#### **Sec. 8106-5.5 - Heating and Cooling Equipment and the Like**

Accessory equipment such as heating, cooling, filtering and circulation pumps, *emergency* backup generators, backup battery packs, and other necessary appurtenances may be located to within 3 feet of any side or rear *lot* line. Such equipment is exempt from a Planning Division *entitlement* pursuant to Sections 8105-4 and 8105-5 of this Chapter. Unless otherwise determined by the *Planning Director*, equipment that is accessory to a *use* with an underlying discretionary *entitlement* will require a permit adjustment or modification to the approved *entitlement*. (AM. ORD. 4216 - 10/24/00; AM. ORD. 4606 - 11/1/22)

#### **Sec. 8106-5.6 - Balconies, Fire Escapes and Stairways**

Open, unenclosed stairways or balconies not covered by roofs or canopies may extend into required rear setbacks not more than 4 feet, and into required front setbacks not more than 2 ½ feet. (AM. ORD. 3810 - 5/5/87) (AM. ORD. 4092 - 6/27/95)

#### **Sec. 8106-5.7 – Chimneys, Bay Windows and Fireplaces**

Masonry chimneys, bay windows, and fireplaces may project into required setbacks or required common open space not more than 2 feet provided that such structures shall not be closer than three feet to any side property line of the *lot*. Where more than one *building* is located on the same *lot*, such structures shall not be closer than three feet to a line midway between the main walls of such *buildings*. (AM. ORD. 4618 - 7/25/23)

#### **Sec. 8106-5.8 – Depressed Ramps**

Open-work *fences*, hedges, guard railings or other landscaping or architectural devices for safety protection around depressed ramps, designed to permit access to parts of buildings that are below average ground level, may be located in required setbacks or required common open space, provided that such devices are not more than 3 ½ feet in height.

#### **Sec. 8106-5.9 - Uncovered, Unenclosed Landings and Porches**

Uncovered porches, platforms or landings which do not extend above the level of the first floor of the building may extend into required front setbacks not more than 6 feet, and into required side and rear setbacks no closer than 3 feet to the property line. An open-work railing not more than 3 ½ feet tall may be installed or constructed on such porch, platform or landing. (AM. ORD. 4618 - 7/25/23)

#### **Sec. 8106-5.10 - Decks**

When constructed at or below the level of the first floor of the building, a deck may extend into required side or rear setbacks, but may not occupy more than 40 percent of a required rear setback, nor be located closer than 3 feet to a side or rear lot line. This does not apply to *hardscape* directly on grade and/or to decks on grade adjacent to swimming pools. (AM. ORD. 3730 - 5/7/85)

**Sec. 8106-5.11 - Front Setback with "Swing" Driveways**

In the R1 and R2 Zones, *dwelling*s constructed with carports or garages having a curved or "swing" driveway, with the entrances to the carports or garages facing the side lot line, may have a minimum front setback of 15 feet. (ADD. ORD. 3730 - 5/7/85; AM. ORD. 4377 - 1/29/08)

**Sec. 8106-5.12 - Temporary Housing During Construction**

A recreational vehicle (RV) used for temporary housing during construction shall be set back at least 5 feet from lot lines on which it is placed. (ADD. ORD. 3730 - 5/7/85; AM. ORD. 4532 - 10/30/18)

**Sec. 8106-5.13 - Swimming Pools and Spas**

Swimming pools, spas, hot tubs and similar structures may be constructed to within 3 feet of rear and interior side *lot* lines, provided that they do not intrude into any front or street-side setback. Pools designed to hold less than 18 inches of water depth are exempt from setback requirements.

**Sec. 8106-5.14 - Miscellaneous Exceptions**

These regulations are not intended to apply to trees or other natural vegetation, nor to construction that does not extend above grade level, nor to such things as outdoor furniture or unenclosed play structures for children (except if designed for use by non-motorized wheeled conveyances of any kind), provided that such items are placed so as not to hinder setback objectives (as described in Article 6).

(AM. ORD. 4092 - 6/27/95)

**Sec. 8106-5.15 - Building Additions**

Horizontal or vertical additions to legally existing principal *buildings* that do not meet current side *setback* requirements may be constructed with the same side setbacks as the existing construction, provided that:

- a. The existing side setback is at least 3 feet on the side of the *expansion*; and
- b. The linear front-to-rear dimension of any such forward or rearward expansion, or combination thereof, does not exceed 75 percent of the existing linear front-to-rear dimension of the nonconformity; and
- c. New construction that is directly adjacent to existing conforming construction complies with current setback requirements; and

(ADD. ORD. 4123 - 9/17/96)

- d. No new setback nonconformity is created in a side setback that does not have an existing setback nonconformity; and
- e. Except for architectural features and similar setback intrusions that have no floor area and are allowed elsewhere in this Article, new construction over 10 feet in height shall conform to current setback requirements.

(ADD. ORD. 4123 - 9/17/96)

**Sec. 8106-5.16 - Mailboxes**

Structures that support mailboxes with curbside mail delivery may be placed in the front setback, provided that they do not exceed a height of 50 inches, and are not larger than 24 inches on each side. (ADD. ORD. 4123 - 9/17/96)

## Sec. 8106-6 - Miscellaneous Setback Regulations

### Sec. 8106-6.1 - Distance Between Structures on the Same Lot

a. The minimum distance between *structures* on the same *lot* shall be 6 feet, except that:

(1) Below-grade, uncovered swimming pools, spas, hot tubs and similar *structures* (having a water depth of 18 inches or more) shall be sited at least 3 feet from any other *structure*, and shall be structurally designed and engineered in compliance with the Ventura County Building Code. Gazebos, patio covers and similar above-grade shade *structures* that are part of the swimming pool, spa, and/or hot tub shall be sited at least 6 feet from any other *structure*; and

(2) Detached *dwellings* shall be sited at least 10 feet to any other detached *dwelling*.

b. The *setback* requirements refer to minimum distances between exterior walls or other supports.

(AM. ORD. 3810 - 5/5/87; AM. ORD. 4580 - 4/13/21)

### Sec. 8106-6.2 - Garages and Carports

Except as otherwise provided in this Chapter, garages and carports shall be set back sufficiently from streets from which they take access to provide for at least 20 linear feet of driveway apron, as measured along the centerline of the driveway from the lot line to the garage or carport. (ADD. ORD. 3730 - 5/7/85)

### Sec. 8106-6.3 - Setbacks from Existing Oil/Gas Well Sites

No dwelling should be constructed within 800 feet of an existing oil/gas well site unless it is unavoidable. No dwelling shall be built within 500 feet of an existing well site unless the owner records with the title to the property a statement, acceptable to the County Counsel, acknowledging the presence of the well site and the fact that operations associated therewith, including well drilling and redrilling, may disturb the occupants, even though said operations are being conducted in accordance with specific permit conditions, the best accepted practices incident to the exploration of oil and gas, and the provisions of this Chapter. If such an acknowledgement is recorded, the dwelling may be located less than 500 feet from an existing oil well site, but in no case less than 100 feet from said well site. For purposes of this section, "well site" means the area around a well, which may contain production facilities. (ADD. ORD. 3810 - 5/5/87)

### Sec. 8106-6.4 - Buildings and Structures for the Growing of Crops

Greenhouses, hothouses, shade/mist structures and similar buildings and structures shall be set back at least 20 feet from all lot lines. (ADD. ORD. 4092 - 6/27/95)

### Sec. 8106-6.5 - Wildlife Crossing Structures and Setback Areas (Northern Unincorporated Area)

The purpose of this Section 8106-6.5 is to establish setbacks for certain development, land uses, and activities adjacent to *wildlife crossing structures* in the northern portion of the Ventura County unincorporated area to improve *functional connectivity* for terrestrial and aquatic wildlife across road barriers in the landscape by preserving vegetation cover and minimizing disturbances immediately adjacent to the entry and exit points of *wildlife crossing structures*.

**Sec. 8106-6.5.1 – Wildlife Crossing Structures**

The regulations within this Section 8106-6.5 shall apply to *wildlife crossing structures* identified in Tables 1 and 2 (below), and the 200-foot setback area set forth in Section 8106-6.5.4.

Table 1

(Sec. 8106-6.5.1)

**Ventura County Wildlife Crossing Structures Located Within the Northern Portion of the Ventura County Unincorporated Area.**

Agency	Culvert/Bridge ID	Road Name	Latitude (N)	Longitude (W)
Ventura County	69112-1-1	Gridley Road	34.468831	119.224146
	322		34.46688	119.224354
	50825-3-14	Lockwood Valley Road	34.740338	119.087179
	50825-4-14		34.740637	119.086688

Table 2

(Sec. 8106-6.5.1)

**California Department of Transportation (Caltrans) Wildlife Crossing Structures Located Within the Northern Portion of the Ventura County Unincorporated Area.**

Agency	Bridge ID	Location	Road Name	Latitude	Longitude
Caltrans	52 0092	07-VEN-033-50.70	State Route. 33, Maricopa Highway	344236	1192236
	52 0088	07-VEN-033-51.78		344318	1192300
	52 0086	07-VEN-033-48.69		344118	1192130
	52 0043	07-VEN-033-15.52		342912	1191812
	52 0044	07-VEN-033-15.82		342918	1191818
	52 0066	07-VEN-033-17.41		343024	1191736
	52 0067	07-VEN-033-17.84		343036	1191712
	52 0173	07-VEN-033-16.13		342930	1191818
	52 0087	07-VEN-033-50.91		344248	1192248
	52 0042	07-VEN-033-14.58		342806	1191706

**Sec. 8106-6.5.2 – Prohibited Development, Structures, Land Uses and Activities**

Unless otherwise exempt by Section 8106-6.5.3, or excepted pursuant to Section 8106-6.5.5, the following types of new development, *structures*, land uses, and activities constructed or occurring after September 12, 2023 shall be prohibited from occurring within the 200-foot setback area described in Section 8106-6.5.4 of any *wildlife crossing structure* identified in Tables 1 and 2 of Section 8106-6.5.1 above.

- a. Any new *structure*, land use, or activity that requires a Zoning Clearance or other permit under Article 5, including any associated new *fuel modification* authorized or required by the Ventura County Fire Protection District.

- b. Any expansion or enlargement of an existing *structure* that requires a permit under Article 5, including any associated new *fuel modification* authorized or required by the Ventura County Fire Protection District.
- c. New or replacement *wildlife impermeable fencing* within the bank or bed of a stream or river.
- d. Any *vegetation modification*.
- e. New or modified *landscape areas*.
- f. New or replacement *outdoor lighting*.
- g. New indoor *luminaires* within translucent or transparent enclosed structures for agricultural operations.

**Sec. 8106-6.5.3 – General Exemptions**

The following types of development, land uses, *structures* and activities are not subject to Section 8106-6.5.

- a. *Vegetation modification* that is:
  - (1) Required to comply with any federal or state law, or requirement of any permit, approval or order issued by a federal or state agency.
  - (2) Carried out as part of a habitat preservation, restoration or enhancement project when specified by an agency approved mitigation plan, habitat conservation plan, or similar plan.
  - (3) Conducted by a *conservation organization* for the purpose of maintaining or enhancing biological habitat or wildlife movement.
  - (4) Reasonably required to maintain, repair or replace existing transportation, utility, and public safety infrastructure performed by a public agency or contracted designee. Examples include roads, bridges, pipelines, utility lines, flood control improvements, and drainage and utility ditches.
  - (5) Performed by a public agency on publicly owned or maintained property.
  - (6) Associated exclusively with vegetation that has been intentionally planted within a *landscape area*.
  - (7) Conducted in accordance with one or more of the following: (i) as required or authorized by the Ventura County Fire Protection District (VCFPD) pursuant to VCFPD Fire Code, as may be amended; (ii) pursuant to a Community Wildfire Protection Plan or similar *fuel modification*/wildfire protection plan adopted and/or amended by VCFPD; or (iii) pursuant to a burn permit approved by VCFPD.
  - (8) Conducted to construct or maintain a driveway or road internal to a legal lot that is utilized to plant or harvest a crop or orchard that will be commercially sold.
- b. The following *structures*, development, land uses, and activities:
  - (1) Repair or maintenance of an existing, legally established *structure* or fence.
  - (2) The installation of *wildlife impermeable fencing* that is required to comply with any federal or state law, or any condition or requirement of any permit, approval or order issued by a federal or state agency.
  - (3) *Structures* involuntarily damaged or destroyed by fire, flood, landslide, or natural disaster rebuilt to their original state and in their original location if (i) less than 50 percent of the *structure* is damaged or destroyed and (ii) a complete building permit application is submitted to the County within

three years of the date that the damage occurred, and the permit once approved is diligently pursued to completion prior to expiration. Notwithstanding any other provision of this Chapter, the rebuilding of *structures* following fire, flood, landslide or natural disaster not meeting the above requirements shall comply with the requirements of this Section 8106-6.5.

- (4) Land, *fences*, or improvements other than *structures* involuntarily damaged or destroyed by fire, flood, landslide, or natural disaster restored or rebuilt to their original state and in their original location if a complete building permit application is submitted to the County within three years of the date that the damage occurred, and the permit once approved is diligently pursued to completion prior to expiration, or if no permit is required, the rebuilding commences within the aforementioned three-year period and is diligently pursued to completion. Notwithstanding any other provision of this Chapter, the restoration of land, or rebuilding of *fences*, or improvements following fire, flood, landslide or natural disaster not meeting the above requirements shall comply with the requirements of this Section 8106-6.5.
  - (5) *Structures*, *wildlife impermeable fencing* or improvements that are *temporary*, or are located entirely or substantially underground (e.g., pipelines, cables, individual sewage disposal systems). Pools are considered to be in-ground, not underground and do not qualify for this exemption.
  - (6) Planting or harvesting of crops or orchards that will be commercially sold.
  - (7) Livestock grazing.
  - (8) Beehives used for apiculture activities.
  - (9) Surface mining operations, including but not limited to associated structures, fuel modification, fencing and lighting, that are authorized by an approved conditional use permit.
  - (10) Structures, development, land uses and activities which are protected by vested right or to the minimum extent necessary to avoid a constitutional taking of property, provided they comply with the following to the maximum extent feasible: (1) are sited the furthest distance from the entry or exit points of a wildlife crossing structure; and (2) any outdoor lighting is fully-shielded, directed downward, and maintained in such a manner to avoid light trespass beyond the bank of a stream or river. If light trespass occurs beyond the bank of a stream or river, the lighting shall be operated by motion sensor or a timer switch and shall be programmed to turn off no more than five minutes after activation.
- c. The following *outdoor lighting* and related activities:
- (1) *Temporary* lighting for road and utility construction.
  - (2) *Temporary* emergency lighting.
  - (3) *Temporary lighting associated with a* use authorized by this Chapter or a permit granted pursuant to this Chapter.
  - (4) *Temporary* or intermittent *outdoor night lighting* necessary to conduct agricultural activities including *outdoor lighting* used during weather events such as frosts, and *temporary* or intermittent *outdoor night lighting* used for oil and gas exploration and production regardless of the location or number of lights used. As used in this Section 8106-6.5.3, the term "intermittent" means a period of between 31 and 90 calendar days within



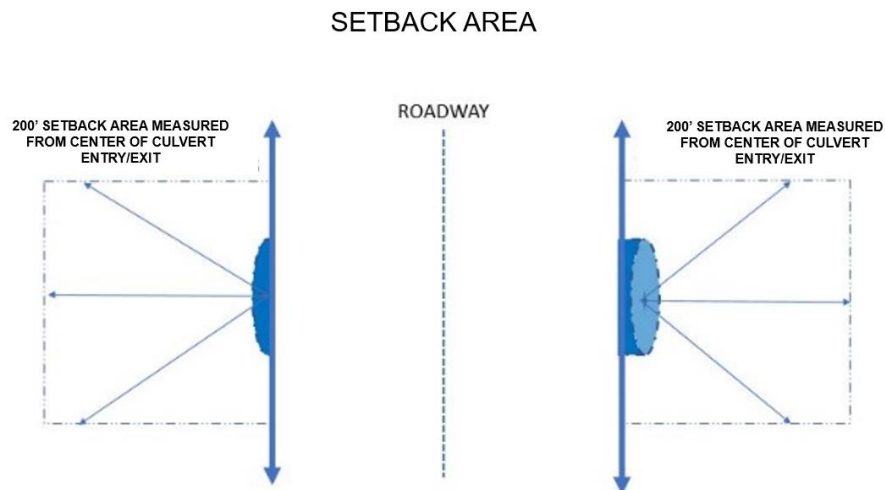
any 12- month period. For example, the use of intermittent lighting in cases where it is used simultaneously to illuminate multiple, discreet facilities (well sites, multiple tanks, etc.) is not limited provided that each individual location is illuminated no longer than 90 calendar days within any 12-month period.

- (5) Seasonal or festive lighting.
- (6) *Outdoor lighting* with a maximum output of 60 *lumens* or less that is fully shielded and directed downward, including solar lights.
- (7) *Outdoor lighting* on public and private streets.
- (8) *Outdoor lighting* used for any facility, equipment, or activity that is required to comply with any federal or state law, or any condition or requirement of any permit, approval or order issued by a federal or state agency.
- (9) Replacement of outdoor *essential luminaires* for existing legally permitted *structures* that utilize the minimum output necessary for safety and security purposes, with a *correlated color temperature* of 2700 *Kelvin* or less, that are directed downward and *fully shielded* to the maximum extent possible, and controlled by a motion detector and timer that are programmed to turn off no more than five minutes after activation.

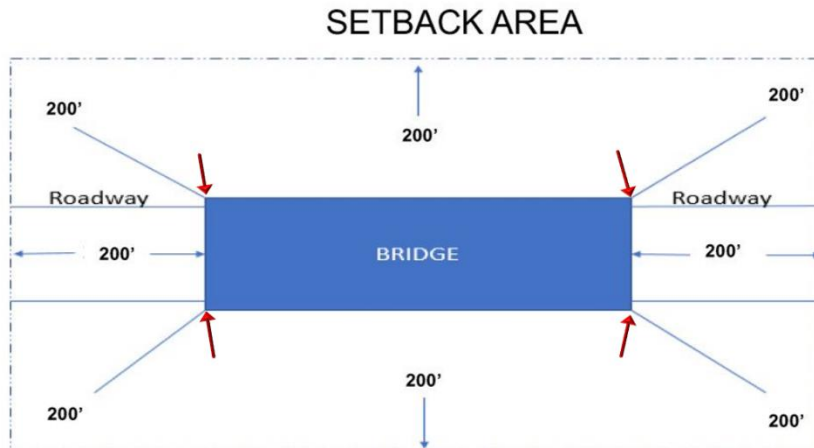
**Sec. 8106-6.5.4 – Wildlife Crossing Structure Setback Area**

The 200-foot-setback area surrounds the entry and exit point of each identified *wildlife crossing structure* and shall be measured as follows:

- a. The setback for culverts that span less than or equal to 10 feet in diameter or width shall be measured from the center of the entry and exit point, as shown in the diagram below;



- b. The setback for bridge *structures* and culverts with widths or diameters greater than 10 feet, shall be measured from the outside perimeter of the opening, as shown by the red arrows in the diagram below.



**Sec. 8106-6.5.5 – Nonconforming Structures**

Section 8113-1 shall apply to nonconforming *structures* located partially or wholly within the 200-foot setback area that existed as of September 12, 2023. For purposes of Section 8113-1, an expansion or enlargement of a nonconforming *structure* shall be deemed in conformance with this Section 8106-6.5 if the expansion or enlargement, including any associated new *fuel modification*, is located completely outside of the 200-foot setback area or does not increase the footprint of the nonconforming structure, provided that the expansion does not increase any nonconformity with the prohibitions set forth in Section 8106-6.5.2, subdivisions (c) through (g).

(ADD. ORD. 4619 – 9/12/23)

**Sec. 8106-7 – Exceptions to Height Limits**

The following are exceptions to the height limits stated in Section 8106-1 of this Chapter:

**Sec. 8106-7.1 - Non-Commercial Antennas, Ground-Mounted**

Ground-mounted citizens' band and amateur radio transmitting and receiving *antennas*, intended for private, non-commercial use accessory to a dwelling, may be erected up to a maximum height of 40 feet from the *grade*. Ground-mounted *non-commercial antennas* may be erected above the height limit of 40 feet, under the permit prescribed by this Chapter, provided that no antenna or mast shall exceed 75 feet in height and the design of such *antennas* shall be in accordance with Section 8107-1.1. (AM. ORD. 3810 - 5/5/87; AM. ORD. 4470 – 3/24/15)

**Sec. 8106-7.2 - Roof Structures**

Roof structures may be erected above the *height* limits prescribed in this Chapter, provided that no additional floor space is thereby created.

**Sec. 8106-7.3 - Airport Height Limits**

Height limits as set forth in Federal Aviation Administration (FAA) regulations shall be adhered to within the approach and turning areas of any Ventura County airport.

**Sec. 8106-7.4 - Accessory Structures**

Provided that an accessory structure is set back 20 feet from all property lines, it may exceed 15 feet in height, but it shall not exceed the maximum allowed height of the

principal structure unless a *discretionary* permit is issued pursuant to Article 5. (ADD. ORD. 4092 - 6/27/95; AM. ORD. 4123 - 9/17/96)

### **Sec. 8106-7.5 – Wireless Communication Facilities**

*Wireless communication facilities* may be installed at a height that exceeds the height limit of the zone, provided that the facility does not exceed the maximum height limits prescribed in Section 8107-45.4(f). All *wireless communication facilities* shall be designed, constructed and operated in accordance with the development standards stated in Section 8107-45.4. (ADD. ORD. 4470 – 3/24/15)

### **Sec. 8106-7.6 – Retaining Walls**

Structural retaining walls may be installed above the *fence* height limits prescribed in Section 8106-8.1 of this Chapter, provided that no retaining walls shall be installed above 3 feet in height within a 10-foot by 10-foot right triangle on each side of a *driveway* adjacent to a street. See Section 8106-8.1.7 of this Chapter regarding retaining walls. (ADD. ORD. 4606 – 11/1/22)

## **Sec. 8106-8 - Miscellaneous Regulations**

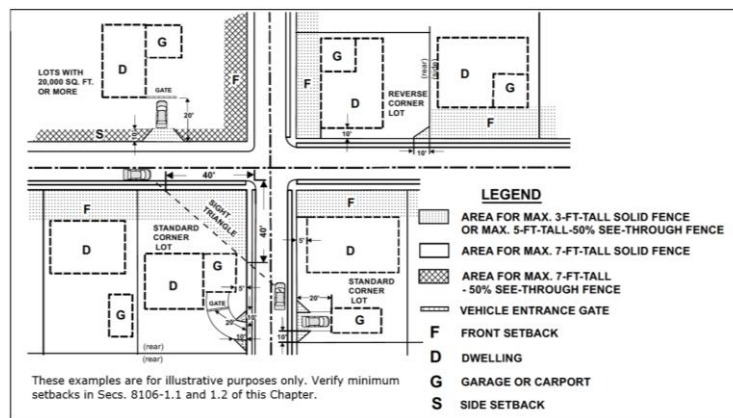
### **Sec. 8106-8.1 - Fences, Gates, and Retaining Walls**

(AM. ORD. 4606 – 11/1/22)

#### **Sec. 8106-8.1.1**

- a. A maximum 7-foot-tall solid *fence* may be located on *lots*, including in the locations listed in Section 8106-8.1.1(b)(3) below, except that no solid *fence* over 3 feet tall may be placed in a:
  - (1) Required *sight triangle*,
  - (2) Required *setback* adjacent to a street, or
  - (3) 10-foot by 10-foot right triangle on each side of a *driveway* on a side property line. (See Sec. 8106-8.4.)
- b. Notwithstanding subsection (a) above, the following standards apply to the specified situations:
  - (1) A *see-through fence* of up to 5 feet tall may be located in a *front setback* or a required *setback* adjacent to a street.
  - (2) A *see-through fence* of up to 7 feet tall may be located anywhere on a *lot* of 20,000 square feet or more.
  - (3) A maximum 7-foot-tall solid *fence* may also be located:
    - i. In a *rear setback* adjacent to a street on a *through lot* (see Section 8106-4.4).
    - ii. In a *rear setback*, when a *lot* is bounded on three sides by a street, one of which is a *rear lot line*.
    - iii. In a *side setback* adjacent to a street of a *corner lot*.
    - iv. On a *reverse corner lot* within a *side setback* adjacent to a street provided that, at the street-*side setback* at the rear corner of the lot within a 10-foot by 10-foot – 45-degree triangle, a maximum 3 feet tall solid *fence* or 5 feet tall *see-through fence* is allowed.
    - v. In a *rear setback* adjacent to a street, when the *lot* is a *flag lot* or irregularly shaped *lot* that has no street frontage along the *front lot line*.

- (4) A maximum 8-foot-tall *fence* may be located in the following locations except within a required *sight triangle* or *setback* adjacent to a street:
- Anywhere on a vacant or developed *lot* zoned OS, AE, or RA, or on any vacant or developed *lot* in a commercial or industrial zone; or
  - On any vacant or developed *lot* zoned RE, RO, R1, R2 or RPD that *abuts* or is across the street from a *lot* in a commercial or industrial zone or a *lot* zoned OS, AE or RA, provided that such *fence* is located at or near the boundary line separating such *lots*.
- (5) Pilasters, columns, and support structures and the decorative elements thereon associated with a *fence* or gate located on or within required setbacks may exceed the height limit provided that they meet the following criteria:
- They do not exceed 8 feet in height, and
  - They are not located closer than 16 feet on center, and
  - The *fencing* materials do not cumulatively exceed the *see-through fence* standard, and
  - They do not interfere with the *sight triangle* associated with any *driveway* or intersections with no traffic controls.
- (6) A maximum 12-foot-tall *see-through fence* may be located around a sport's court (e.g., tennis, basketball, volleyball, or similar ball sport) accessory to a *dwelling* anywhere on a *lot*, except in a required *setback* adjacent to a street.
- c. Vehicle entrance gates (whether automatic or manual) shall be located a minimum of 20 feet from the front or street-side property line to minimize sidewalk blockage and interference with traffic flow. For sloped or angled vehicle entrances, the 20-foot *setback* may be measured at an angle from the front or street-side property line to the closest gate opening. Such vehicle entrance gates shall not swing within the 20-foot *setback*.



Example of Typical Fences and Walls

(AM. ORD. 4092 – 6/27/95; AM. ORD. 4123 – 9/17/96; AM. ORD. 4216 – 10/24/00; AM. ORD. 4377 – 1/29/08; AM. ORD. 4606 – 11/1/22)

**Sec. 8106-8.1.2 – Required Permits**

- a. Prior to the construction of any of the following, a Zoning Clearance is required:
- (1) *Fences* that are over 7 feet in height measured from grade to the top of *fence*.

- (2) Any *fence* that requires electricity for *light fixtures* and/or to power an entry gate.
- (3) Any retaining wall that is over 3 feet in height measured from grade on the lower side, to the top of the wall, and/or supporting a surcharge.
- b. A separate Tree Permit may be required for the construction of a *fence* or gate that *alters* any *protected tree* pursuant to Section 8107-25 of this Chapter.
- c. All *fencing* within the HCWC *Overlay Zone* must be installed in compliance with the standards of Section 8109-4.8 of this Chapter.
- d. All *fencing* within the CWPA *Overlay Zone* must be installed in compliance with the standards of Section 8109-4.9 of this Chapter.

(AM. ORD. 4092 – 6/27/95; AM. ORD. 4606 – 11/1/22)

**Sec. 8106-8.1.3 – Prohibited Fencing**

No barbed wire, razor-edge wire, electric wire or similar type of *fencing* (see photographic examples below) is permitted in urban residential zones or commercial zones (See Article 4), or on properties in industrial zones which *abut* or are across the street from urban residential zoned properties, if such *fencing* would be visible from the urban residential zoned property or properties.



Examples of Prohibited Fencing

(AM. ORD. 4092 – 6/27/95; AM. ORD. 4606 – 11/1/22)

**Sec. 8106-8.1.4 – Fence and Retaining Wall Height Measurements**

The height of *fences* and retaining walls shall be measured in accordance with the following subsections and as illustrated in Figure 1 below:

- a. For purposes of this section, “grade” shall be the lowest level parallel to and 5 feet from the *fence* or retaining wall.
- b. Height of a *fence* or retaining wall shall be measured from grade to the highest point of the *fence* or retaining wall.
- c. Where there is a difference in grade levels on the two sides of a *fence*, the height of such *fence* shall be measured from the higher grade, provided that the distance from the lower grade to the top of the *fence* shall not exceed 10 feet, and further provided that in a required *setback* adjacent to a street, the *fence* height shall be measured from adjacent grade of the street side of the *fence*. See Section 8106-8.1.7 below for additional regulations pertaining to structural retaining walls.

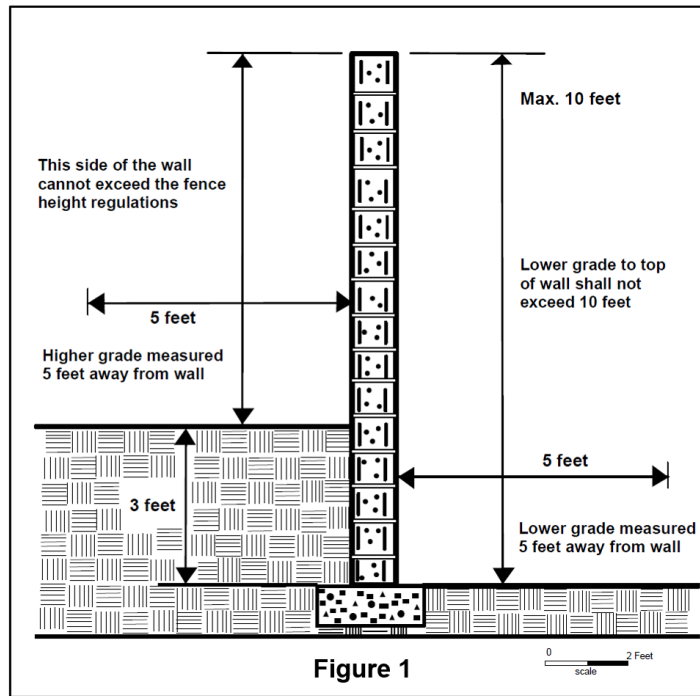


Figure 1

(AM. ORD. 3730 - 5/7/85; AM. ORD. 4092 - 6/27/95; AM. ORD. 4216 - 10/24/00; AM. ORD. 4606 - 11/1/22)

**Sec. 8106-8.1.5 – Fences Required by Law**

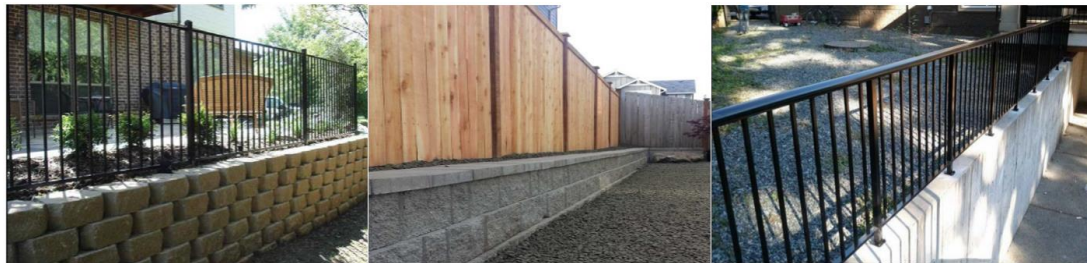
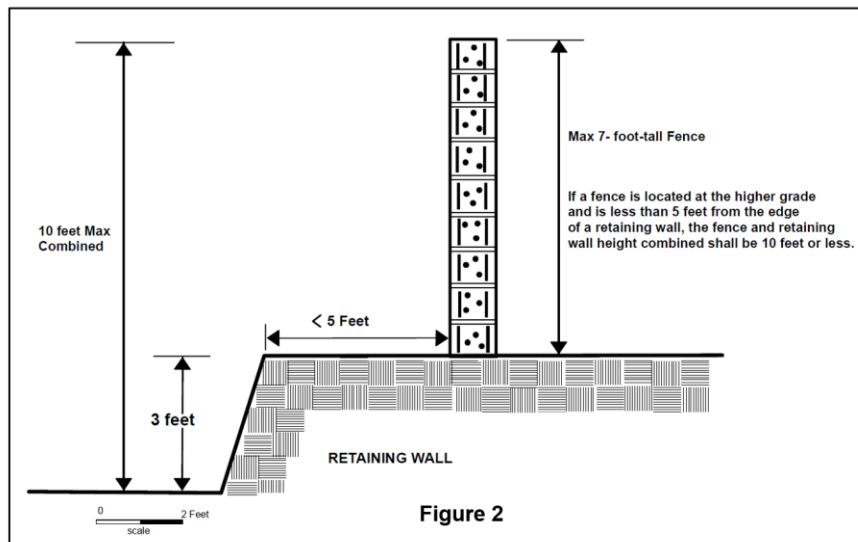
The provisions of Section 8106-8.1 et seq. shall not apply to a *fence* required by any law or regulation of a federal, state or local governmental entity. (AM. ORD. 3810 - 5/5/87; AM. ORD. 4092 - 6/27/95; AM. ORD. 4606 - 11/1/22)

**Sec. 8106-8.1.6 – Protected Trees**

For purposes of this Section 8106-8.1 et seq., *protected trees* (listed in Table 1 of Section 8107-25) do not constitute a *fence*. Any alterations to a *protected tree* shall be in compliance with the tree protection regulations of Section 8107-25 et seq. of this Chapter. (ADD. ORD. 3993 - 2/25/92; AM. ORD. 4092 - 6/27/95; AM. ORD. 4606 - 11/1/22)

**Sec. 8106-8.1.7 – Retaining Walls**

Structural retaining walls to stabilize a bank or protect a cut below grade do not have a height limit, unless the walls are located within a 10-foot by 10-foot right triangle on each side of a *driveway* adjacent to a street, in which case the retaining wall cannot exceed 3 feet tall as measured in accordance with Section 8106-8.1.4 of this Chapter. Notwithstanding the foregoing, structural retaining walls are not subject to the setback regulations of Sections 8106-1.1 and 8106-1.2 of this Chapter. Where a *fence* is installed on top of a retaining wall, the total combined height of the retaining wall and the *fence* shall not exceed 10 feet tall as measured from the side of the *fence* with the lower grade to the top of the *fence*. *Fences* installed on top of retaining walls shall meet the setback regulations of Sections 8106-1.1 and 8106-1.2 and the fence regulations of Section 8106-8.1 of this Article. See photographic examples and Figure 2 below.



Examples of Fences on top of Retaining Walls

(ADD. ORD. 4606 – 11/1/22)

## Sec. 8106-8.2 - General Landscaping and Water Conservation Requirements

### Sec. 8106-8.2.1 Applicability

a. Section 8106-8.2 applies to all *discretionary* development projects that include or are required to include landscaping in the following zones:

- (1) CO Zone
- (2) C1 Zone
- (3) CPD Zone
- (4) M Zones
- (5) RPD Zone
- (6) RHD Zone

Sections 8109-0.6, 8109-1.2 and 8109-1.3 contain additional landscape requirements by zone.

b. Any ministerial or *discretionary* development project that meets one or more of the criteria listed below is subject to the State *Model Water Efficient Landscape Ordinance (MWELO)*:

- (2) New construction projects with an aggregate *landscape area* equal to or greater than 500 square feet requiring a building permit, building plan check, or *landscape plan*.

- (3) Retrofitted landscape projects with an aggregate *landscape area* equal to or greater than 2,500 square feet requiring a building permit, building plan check, or *landscape plan*.
- (4) Existing landscapes are limited to complying with Sections 493, 493.1 and 493.2 of the *MWELO*.
- (5) Cemeteries: New and retrofitted cemetery development is subject to Sections 492.4, 492.22 and 492.12 of the *MWELO* and existing cemetery development is subject to Sections 493, 493.1 and 493.2 of the *MWELO*.
- (6) Any project with an aggregate *landscape area* of 2,500 square feet or less is required to comply either with the performance requirements of the *MWELO* or conform to the prescriptive compliance provisions contained in Appendix D of the *MWELO*.
- (7) Graywater/Rainwater Capture: Any *lot* that with less than 2,500 square feet of *landscape area* that meets the *lot's* landscape water requirement using entirely graywater or stored rainwater captured on site is subject only to the prescriptive compliance provisions contained in Appendix D of the *MWELO*.
- (8) Notwithstanding the foregoing, the *MWELO* does not apply to:
  - i. Registered local, state or federal historical sites;
  - ii. Ecological restoration projects that do not require a permanent irrigation system;
  - iii. Mined-land reclamation projects that do not require a permanent irrigation system; and
  - iv. Existing plant collections, as part of botanical gardens and arboretums open to the public.
- c. *Discretionary* development projects subject to the *MWELO* pursuant to subsection (b) above shall also be subject to Section 8106-8.2.
- d. All *discretionary* development projects subject to landscaping requirements that require permanent irrigation, including those not otherwise subject to the *MWELO*, shall be subject to *MWELO*, Appendix D, subsections (b)(5) and (6), as may be amended.
- e. All development projects subject to landscaping requirements for parking areas pursuant to Section 8108-5.14 shall comply with Sections 8106-8.2.2, 8106-8.2.3, and 8106-8.2.8. Section 8106-8.2.7 shall apply to any parking areas containing manufactured slopes.
- f. Where conformance to the standards and requirements of this Section 8106-8.2 would create practical difficulties or undue hardship for the project applicant, the Planning Director or designee may grant modifications to the requirements of this section, provided the proposed modifications are the minimum necessary to alleviate the practical difficulties or undue hardship. This provision does not apply to standards and requirements imposed by the *MWELO*.
- g. Where the landscaping standards conflict with one another, the more restrictive landscaping standard shall apply. The applied standard shall meet or exceed minimum standards required by the *MWELO*.



**Sec. 8106-8.2.2- Landscape Plans**

- a. Applications for development projects with proposed landscaping not subject to the MWELo shall submit a *landscape plan* that meets the following standards:
  - (1) The *landscape plan* shall clearly illustrate compliance with all landscape requirements set forth or referenced in the NCZO applicable to the project.
  - (2) All *landscape plans* shall be drawn to scale and be consistent with the project’s site plan.
  - (3) *Landscape plans* containing greater than 500 square feet of *landscape area* shall be designed by and bear the signature of a licensed landscape architect.
  - (4) When an *applicant* chooses to retain *native vegetation* to reduce the amount of required landscaping in accordance with Section 8106-8.2.4 or to incorporate *insect nesting habitat* into the *landscape area*, these areas shall be shown within the *landscape plan*.
- b. Development projects subject to the requirements of the MWELo (see Section 8106-8.2.1(b)) shall submit a Landscape Documentation Package that includes a water efficient landscape worksheet, soil management report, landscape design plan, irrigation design plan and grading design plan pursuant to, and as described in, Sections 492.3 through 492.8 of the *MWELo*, as may be amended.

**Sec. 8106-8.2.3 General Landscape Standards**

- a. No land use may be inaugurated, or structure occupied, until a final inspection has been completed verifying that the landscape area has been installed as required by the approved entitlement.
- b. All existing invasive and watch list species as inventoried by the California Invasive Plant Council shall be properly disposed of and removed from the landscape area before the installation of the approved landscaping.
- c. Landscaping installed within a Hazardous Fire Area, Wildland Urban Interface Zone, or Fire Hazard Severity Zone shall be subject to all applicable Ventura County Fire Protection District landscaping requirements.
- d. Landscape Design Elements
  - (1) Vines, shrubs, and other trees shall be used to visually soften and deter graffiti on walls and *fences*. Vines shall not be used where they will cause structural damage to walls or obstruct *traffic safety sight area* when adjacent to a roadway or driveway.
  - (2) Plants shall be grouped according to *hydrozones* and other environmental conditions (soil, slope, sun exposure) that are appropriate for their survival.
  - (3) Trees shall be planted in all parkway areas between curbs and sidewalks or in sidewalk tree wells as follows:

<b>Mature Tree Size</b>	<b>Pavement Well Size</b>
Small	4 feet x 4 feet
Medium	4 feet x 6 feet
Large	4 feet x 8 feet

- (4) Sizes for mature trees as used in this Section 8106-8.2 are defined as follows: "small trees" will reach 30 feet or less in height; "medium trees" will reach between 30 to 70 feet in height; and "large trees" will reach 70 feet or more in height.
  - (5) Trees should not be planted under existing tree canopies unless required for habitat restoration purposes. New trees shall be installed using the following setback distances from an existing tree at mature tree size: small trees require a 20-foot setback; medium trees require a 30-foot setback; and, large trees require a 40-foot setback.
  - (6) Trees and shrubs shall be planted so that at maturity they do not interfere with service lines, sewer lines or on-site wastewater treatment system areas, *traffic safety sight areas*, public works facilities and rights of way, or safety lighting.
  - (7) Trees that typically grow taller than 20 feet in height at maturity are not permitted under utility wires and shall not be planted under utility pole guy wires anchored to the ground.
  - (8) *Landscape areas* shall include permanent irrigation systems and may contain *water features* and pedestrian walkways. Notwithstanding the foregoing, permanent irrigation systems shall not be required for *native vegetation* retained through the *native vegetation* credit program pursuant to Section 8106-8.2.4, provided that the overall hydrologic regime that supports the vegetation remains unaltered or permanent irrigation is unnecessary for the type of vegetation community retained. Temporary irrigation systems may still be required to establish native plantings.
  - (9) Landscape projects not otherwise subject to the MWELo, shall design and install any permanent irrigation system pursuant to MWELo, Appendix D, (b)(5) and (6).
- e. Plant and Landscaping Materials
- (1) *Mulch* should support plantings within the *landscape area* but should not substitute for plant material. Water-efficient landscape designs that contain large areas of *mulch* shall be reviewed on a case-by-case basis to ensure adequate plant material is present for the purpose of reducing *heat island effects*, erosion control, or other factors. To the maximum extent feasible, *mulch* shall be free of weed seeds and deleterious materials such as plastic, trash, and toxic leachates.
  - (2) The use of native host plants for butterfly and moth caterpillars, and native plants and landscape features which create habitat for other beneficial invertebrates and vertebrates (including birds) is strongly encouraged. The Ventura County Pollinator-Friendly Guidelines and other organizations provide lists of native host plants for pollinators and recommendations for other pollinator-friendly, beneficial invertebrate-friendly, and vertebrate-friendly landscape design practices.
  - (3) *Native vegetation* must comprise at least 50 percent of the plant types in new or retrofitted *landscape areas*. Where feasible, existing *native vegetation* should be retained within the *landscape area*.
  - (4) To provide year-round food resources for pollinator diversity, the *landscape area* shall contain at least eight different plant species with bloom times that are sequential or overlap throughout the year (e.g., two to three plant species for each spring, summer/fall, and winter). To the

extent feasible, selected plant species should differ in color, structure, size, and scent.

- (5) *Native vegetation* retained pursuant to Section 8106-8.2.4 may be included in native and plant diversity calculations in Section 8106-8.2.3(e).
- (6) When the required size, number and types of plant specimens cannot be met due to factors such as a small *landscape area*, unusual site conditions or Area Plan design standards, the *Planning Director* or designee may waive or modify such requirements. However, a written explanation by the landscape architect shall be required to describe how the proposed size, number and types of proposed plants meet the standards above to the maximum extent feasible.
- (7) The following plant types are prohibited from use in landscape plantings:
  - i. Tropical milkweed (*Asclepias curassavica*), due to its transmission of a debilitating parasite (*Ophryocystis elektroscirrha*) to Western monarch butterflies; and,
  - ii. *Invasive* and *watch list species* as inventoried by the California Invasive Plant Council.
- (8) The largest mature tree size shall be planted wherever feasible with respect to the current uses of the site, pedestrian circulation, vehicle circulation, safety, and standard setbacks. To the maximum extent feasible, native trees should be selected.
- (9) Irrigation equipment or incompatible landscaping material (e.g., weed fabric) shall not be sited or installed within any oak tree (*Quercus* spp.) dripline unless approved by the Planning Division. All permanent irrigation systems shall be kept a minimum of ten feet from the drip line of any existing oak species, except when recommended by a certified arborist under extreme drought conditions. In such circumstances, a targeted irrigation schedule and maintenance plan for these areas shall be included with the *landscape plan* (See Section 8106-8.2.8).
- (10) Any landscaping within the dripline of oak trees shall consist of plant species compatible with the water and soil requirements of the oak. Plants installed within the dripline should serve as accents rather than as a groundcover. Where possible, natural leaf *mulch* should not be removed. To protect the long-term health of established oak trees, landscaping or earth disturbance shall not occur within ten feet of the tree trunk.

#### **Sec. 8106-8.2.4 – Voluntary Native Plant Preservation Incentive**

- a. Purpose. The purpose of this voluntary incentive is to preserve and integrate existing mature, healthy, unprotected native vegetation into required landscape areas within the project site. This approach will promote pollinator-friendly landscapes, reduce water use, reduce landscape installation costs for the applicant, and reduce long-term landscape maintenance costs for the landowner. Native vegetation retained pursuant to this Section 8106-8.2.4 shall help to meet the purpose of the landscaping requirements (e.g., screening).
- b. Applicability. This native vegetation preservation incentive is only available to discretionary projects that require an Initial Study Biological Assessment (ISBA). This incentive is not applicable to parking lot landscaping (Section 8108-5.14) or stormwater landscaping requirements required by the Ventura County Watershed Protection District.
- c. Incentive Calculations.

- (1) Landscape credit for preserved *native vegetation community* alliances and native plant specimen(s) shall be granted at a 1:1 ratio (one square foot of retained *native vegetation*, including root zone, will count for one square foot of *landscape area* required in Sections 8109-0.6, 8109-1.2 or in landscape screening requirements).
  - (2) The above-stated 1:1 ratio may be increased to 1:2 (one square foot of retained *native vegetation*, including root zone, will count for two square feet of *landscape area* required in Sections 8109-0.6, 8109-1.2 or in landscape screening requirements) when the preservation area is located:
    - i. Within 200 feet of a verified mapped hydrological feature (USFWS National Wetlands Inventory or USGS National Hydrographic Data Sets) or an identified sensitive biological resource area;
    - ii. Within the Habitat Connectivity and Wildlife Corridor Overlay Zone; or
    - iii. Immediately adjacent to a legally protected *native vegetation community* that is both greater than 2,000 square feet and meets the requirements of Section 8106-8.2.4(e)(3) and (4) below). To receive preservation credit under these criteria, the edge of the vegetation canopies between preserved area and the adjacent *native vegetation community* must be within 30 feet of one another with no obstructions or barriers for wildlife movement.
  - (3) If the preservation area is greater than 30 percent of the *landscape area* using this preservation credit, the *Planning Director* or designee may require additional landscaping to meet screening or other visual quality requirements as set forth in the NCZO.
- d. Documentation. Applicants seeking a preservation credit shall provide a Planning Division-approved Initial Study Biological Assessment (ISBA) for the site that includes a map and table showing the location, native plant specimen(s) species or native vegetation community alliance (if a plant community is retained), size (area and height), easements/right(s) of way/utility lines, fuel modification zones, invasive or watch list species, and the health of each native plant specimen(s) or native vegetation community alliance retained for credit. Photos of each unprotected native plant specimen(s) proposed for retention must also be provided. County staff may request a site visit to determine the suitability of the area for preservation credit.
- e. Native Plant Characteristics. The *native vegetation* used for preservation credit must meet the following standards when surveyed for the ISBA and before the final Certificate of Occupancy is issued:
- (1) The native vegetation is not required to be preserved by local, state, or federal law.
  - (2) The root system, and surrounding microclimate area that is outside the native plant dripline, shall be retained intact and unaltered (includes natural or man-made means), unless such alterations are compatible and support the long-term health of the *native vegetation* (e.g., companion planting, mulching, etc.) depicted in the approved final *landscape plan*.
  - (3) The *native vegetation community* alliance or native plant specimen(s) and their buffer area(s) are not dominated by *invasive* or *watch list species*, as inventoried by the California Invasive Plant Council, or otherwise deemed

not ecologically suitable as recommended by a qualified biologist, and are approved by the *Planning Director* or designee.

- (4) There are no areas proposed for preservation where the soil was previously compacted, graded, or cultivated where it is no longer suitable for the original *native vegetation community*.

f. Standards for Landscaping with Existing Native Plants.

- (1) Any existing *invasive* or *watch list species* must be removed and properly disposed of as part of the site preparation process prior to the issuance of the Zoning Clearance for Construction or Use Inauguration (as applicable to the project);
- (2) The preservation area (existing *native vegetation* including root zone(s)) must be clearly marked and identified for protection on all project site plans, grading plans, outdoor lighting plans, and conceptual and final landscape/restoration plans. The preservation area must be physically identified on-site prior to any site disturbance.
- (3) The *native vegetation* is not damaged, dead, dying, diseased, or infested with harmful insects. Any damaged vegetation within the preservation areas shall be replaced with vegetation equivalent to the vegetation that was destroyed. Site alterations that may cause the decline or death of the *native vegetation* in the preservation area (e.g., alterations to drainage or runoff, damage to plant root systems, exposure to sun and wind due to loss of vegetation cover in buffer area) shall be corrected to ensure the long-term health of the preserved *native vegetation*.
- (4) The preservation area shall be maintained or enhanced pursuant to the landscape maintenance standards of Section 8106-8.2.8.

**Sec. 8106-8.2.5 Landscape Screening**

a. Plant Material Spacing for Visual Screening:

- (1) Trees shall be planted at a minimum rate of one for each 30 linear feet of the landscape area. Shrubs shall be installed as needed to adequately screen the development, but no less than one for every five linear feet of landscape area.
- (2) Plants may be used as the main screening element only if a minimum of 50 percent of the plants are of 15-gallon container size when planted, the remaining plants are of 5-gallon container size, and the plants will form a dense hedge that adequately screens the development year-round.

b. Visual Screening Using Berms, Walls, Fencing and Art:

- (1) Landscaping is the preferred method to soften the screening of storage areas, trash enclosures, parking areas and public utilities. Visual screens composed of a berm, *fence*, or solid wall shall include plant material that softens the look and breaks up the expanse of the screen. When the berm, *fence*, or wall is installed along the street side of a property line, the *fence* or wall is to be placed along the interior side of the landscaped area relative to the street.
- (2) Where earth berms are used, the berm slope shall be a maximum of one foot of rise for every three feet of linear distance (3:1 horizontal to vertical).
- (3) Public art may be incorporated into screening materials that are viewable by the public, in lieu of two required trees. Such art shall meet the provisions of Section 8108-5.14.2(b)(ii).

### **Sec. 8106-8.2.6 General Stormwater Landscape Design**

*Stormwater management landscaping* shall meet the following standards:

- a. The minimum coverage of plant species meets water quality improvement plans.
- b. Plant types shall be selected to withstand periodic inundation of water, survive seasonal drought, and be capable of pollutant uptake. Irrigation shall be used to allow for the establishment of the selected plants and cuttings.
- c. When mulch is used within stormwater management landscaping, it shall be non-floatable and well-aged to prevent clogging of storm drain infrastructure.
- d. Required trees shall be planted above the flow line of basins or channels;
- e. The landscaping does not reduce or negatively affect the number, type, size, location, or health of required and *protected trees*.

### **Sec. 8106-8.2.7 Landscaping on Manufactured Slopes**

Manufactured (i.e., human-made) slopes shall be planted pursuant to the following standards:

- a. Slopes steeper than 3:1 shall include erosion control blankets, soil stabilizers or other means approved by the Public Works Agency to prevent erosion.
- b. Groundcover. Manufactured slopes shall be planted with groundcover to minimize erosion and blend with the adjacent natural slopes. The type of groundcover selected shall be compatible with soils and climatic conditions, adjacent native vegetation or landscaping, irrigation requirements, and fire-retardant requirements.
- c. Trees and Shrubs. Manufactured slopes shall have a mixture of trees and shrubs incorporated with groundcover to assure soil stabilization, blend with adjacent native vegetation or landscaping, and promote varying height and mass of landscaping. Shrubs are not required for sloped areas less than three feet high created by the deposition of material (e.g., artificial berm). Trees are not required for sloped areas less than five feet high created through the excavation of material (e.g., cut bank).
- d. Slope Irrigation. Soil type and percolation rate shall be considered when designing slope irrigation. Properly designed and installed sprinklers or drip irrigation systems may be necessary to promote slope stability.

### **Sec. 8106-8.2.8 – Landscape Maintenance**

- a. Landscaping shall be maintained by the permittee according to the approved landscape plan and any permit conditions for the life of the permitted land use. Maintenance activities shall include the following:
  - (1) Routine inspections to guard against runoff and erosion and to detect plant or irrigation system failure. Failure to maintain required landscaping or irrigation systems shall constitute a violation of the permit pursuant to Article 14.
  - (2) *Landscape areas* with installed irrigation shall maintain these areas pursuant to *MWELO*, Section 492.11, as may be amended, regardless of whether the *MWELO* otherwise applies.
  - (3) Shrubs and groundcovers shall be pruned to keep plants within planting beds. Pruning for all plants shall be conducted in accordance with the American National Standard for Tree Care Operations – Tree, Shrub, and Other Woody Plant Maintenance-Standard Practices ANSI A300 (Part 1) 2001 Pruning, ISA ANSI A300 1995, as may be amended.

- (4) Weeds and litter shall be removed from the *landscape area*.
  - (5) Dead, dying, diseased or severely damaged plant material shall be replaced. Tree replacement shall be subject to Section 8107-25.
  - (6) Tree supports shall be inspected frequently and removed when the tree can withstand high winds unsupported.
  - (7) *Mulch* shall be monitored and replenished as needed.
  - (8) Plants shall be fertilized and watered at such intervals as are necessary to promote optimum growth.
- b. Areas with native vegetation that are retained for preservation credit pursuant to Section 8108-8.2.4 shall be maintained according to an approved Invasive Species Management *Plan* that is submitted with the *landscape plan*.
  - c. Non-toxic methods of pest control within the landscape area are strongly encouraged.

**Sec. 8106-8.2.9 – Permit Modifications for Landscape Plans**

Proposed modifications to an existing, approved *landscape plan* shall be processed in accordance with Article 11, except that minor adjustments that comply with the following requirements shall be approved through the issuance of a Zoning Clearance:

- a. The proposed adjustments are not subject to the MWEL0.
- b. Replacement plant materials shall substantially conform with the original purpose and intent of the landscape regulations and must be recommended by a licensed landscape architect, landscape designer, or qualified biologist.
- c. Replacement plant materials shall conform to the water, soil, slope, and sun exposure requirements of accompanying plantings.
- d. Replacement plant materials shall not: (1) be an invasive or watch list species identified by the California Invasive Plant Council; or (2) increase the overall landscape water usage.
- e. Changes to impervious surface area shall not cause the total impervious surface area on the lot to exceed more than 5,000 square feet.
- f. The hydraulic line and grade within site drainage patterns shall not be altered.
- g. A minor adjustment shall not:
  - (1) Reduce or negatively affect the number, size, or health of required trees in the approved *landscape plan*;
  - (2) Reduce or negatively affect the number, type, size, location, or health of existing *protected trees*; or
  - (3) Impair compliance with landscape screening or storm water management requirements.

(AM. ORD. 4187 - 5/25/99; AM. ORD. 4216 - 10/24/00; DELETE ORD. 4407 - 10/20/09; ADD. ORD. 4577 - 3/9/21)

**Sec. 8106-8.3 - Connection of Structures**

An accessory structure will be considered to be attached to the principal structure if:

- a. The distance between the principal structure and the accessory structure is no greater than 15 feet and the roof connecting the two *structures* complies with all of the following:

- (1) It is essentially a continuation of the roof of the principal *structure*;
  - (2) It resembles the roof of the nearest enclosed, habitable area of the principal *structure* in terms of pitch, materials, architectural design, etc.; and
  - (3) It is imperforate; or
- b. The space between such *structures* is completely enclosed by walls attached to each *structure* and constitutes "internal access" and the ratio of this access-way width to length is no greater than 1:3. (AM. ORD. 3810 - 5/5/87)

**Sec. 8106-8.4 - Sight Triangle**

Where there are no traffic controls (stop signs or signals) on either street at an intersection, a sight triangle (see Definitions) must be provided on each corner adjacent to the intersection. No structures or landscaping over three feet in height which could block the view of approaching traffic on either street shall be located or constructed within any required sight triangle. (ADD. ORD. 3730 - 5/7/85; AM. ORD. 3810 - 5/5/87)

(AM. ORD. 4092 - 6/27/95)

**Sec. 8106-8.5 - Sight Distance**

Adequate sight distance shall be provided at intersections. In cases where the minimum setback requirements of Sec. 8106-1 do not provide such sight distance, particularly where streets intersect at less than 90 degrees and traffic is controlled (e.g., by stop signs) on only one of the streets (the "minor street"), setbacks for *discretionary* projects must be adjusted to provide adequate sight distance in accordance with the following table. The sight distance shall be measured from a point in the center of the minor street eight feet behind the designated stopping point for vehicles on such street, or behind a continuation of the intersecting curb line, to the center of the nearest (curbside) driving lane on the intersecting ("major") street. No structures or landscaping over three feet in height which could block the view of approaching traffic on the major street shall be constructed or located on the street side of the line connecting the two points. Curb cuts on *discretionary* projects should be considered minor streets for purposes of this section.

<u>Speed Limit On Major Street (mph)</u>	<u>Sight Distance Required (ft.)</u>
25	165
30	190
35	225
40	260
45	300
50	350
55	400

(ADD. ORD. 3810 - 5/5/87)

**Sec. 8106-8.6 - Light Fixtures**

The following regulations apply to light fixtures over 2 feet tall:

- a. Maximum height of freestanding *light fixture* is 20 feet with a Zoning Clearance; over 20 feet up to 35 feet may be permitted with a *Planning Director*-approved Planned Development Permit. For commercial and industrial uses, such heights shall be specified in the discretionary permit.
- b. Such fixtures shall not be placed in any side setbacks.
- c. Lights in excess of 150 watts (for incandescent light bulbs) or 2250 lumens shall not result in direct illumination of adjacent properties.

See Section 8109-4 of this Chapter for additional lighting regulations in overlay zones.



(ADD. ORD. 3810 - 5/5/87; AM. ORD. 4123 - 9/17/96)

**Sec. 8106-8.7 - Recycling Areas**

All commercial, industrial, institutional, or residential buildings having five or more living units, shall provide recycling and refuse storage areas in accordance with the County of Ventura's most recently adopted "*Space Allocation for Recycling and Refuse Collection Design Criteria and Specifications Guidelines*" in effect at the time of the development approval. (ADD. ORD. 4054 - 2/1/94)

(AM. ORD. 4092 - 6/27/95)

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# ARTICLE 7: STANDARDS FOR SPECIFIC USES

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## **Sec. 8107-0 - Purpose**

The purpose of this Article is to set forth standards and regulations which apply to proposed uses as listed.

## **Sec. 8107-1 - Standards Relating to Dwellings**

### **Sec. 8107-1.1 - Non-Commercial Antennas, Ground-Mounted**

These regulations only apply to *non-commercial antennas* that are an accessory structure to a *dwelling*. All other types of *non-commercial antennas* are regulated as a *wireless communication facility* (see Section 8107-45). (ADD. ORD. 4470 – 3/24/15)

No *non-commercial antenna* or mast shall exceed 75 feet in height measured from the *grade* to the highest point of the *antenna* or mast. The crank-up variety of ham radio *antennas* should be used. All units should be color-coordinated to harmonize with predominant structural background material, so as to reduce visual impacts. Where feasible, both the *antennas* and support structures shall be screened from public view. The most unobtrusive locations for the *antennas* are generally in the rear yard, behind trees and adjacent to main or accessory buildings in order to provide background screening for the support structure. The height, nature, texture and color of all materials to be used for the installation, including landscape materials, shall be submitted with the permit application. (AM. ORD. 3810 - 5/5/87; AM. ORD. 4470 – 3/24/15)

*Non-commercial antennas* shall not be constructed, placed, or installed on a structure, site or district designated by a federal, state, or County agency as an historical landmark or site of merit unless that facility is designed to meet the Secretary of the Interior (SOI) Standards. If the facility does not meet the SOI standards, then the Cultural Heritage Board must determine that the proposed facility will have no significant, adverse effect on the historical resource. (ADD. ORD. 4470 – 3/24/15)

### **Sec. 8107-1.2 - Home Occupations**

On property containing a residential use, no commercial activity shall be construed as a valid accessory use to the residential use unless the activity falls within the definition and regulations of a home occupation, or the activity is authorized by a *discretionary* permit allowing commercial operations. Home occupations are permitted in accordance with the following standards:

#### **Sec. 8107-1.2.1**

No merchandise, produce or other materials or equipment shall be displayed for advertising purposes.

#### **Sec. 8107-1.2.2**

No pedestrian, vehicular customer, or delivery traffic shall be generated by the home occupation that exceeds normal levels for uses allowed by Zoning Clearance in a residential neighborhood, and shall not disrupt traffic patterns in the vicinity of the dwelling. (AM. ORD. 4092 - 6/27/95)

#### **Sec. 8107-1.2.3**

No signs naming or advertising the home occupation are permitted on or off the premises. Advertising for the home occupation in a telephone book, newspaper or

other printed material or on equipment or vehicles associated with the occupation, shall not divulge the dwelling's location. (AM. ORD. 3730 - 5/7/85; AM. ORD. 4092 - 6/27/95)

**Sec. 8107-1.2.4**

The use of electrical or mechanical equipment that would create visible or audible interference in radio or television receivers is prohibited. (ADD. ORD. 3730 - 5/7/85)

**Sec. 8107-1.2.5**

A home occupation shall be conducted only by members of the household occupying the dwelling, with no other persons employed at the residence. (AM. ORD. 4092 - 6/27/95)

**Sec. 8107-1.2.6**

Home occupations shall not occupy space required for other purposes (off-street parking, interior setbacks, etc.).

**Sec. 8107-1.2.7**

For each dwelling unit, there shall be no more than one commercial vehicle (self-propelled and/or a towable trailer with equipment) parked on the property or the public right-of-way related to the home occupation except as noted below. Said commercial vehicle or combination of vehicles shall not have a rated gross vehicle weight (GVW) capacity in excess of 10,000 lbs. A vehicle with external lettering or other script pertaining to the home occupation is considered to be a commercial vehicle. Such lettering or script shall not divulge the dwelling's location. (See Sec. 8108-3.4 for additional parking requirements) (AM. ORD. 4092 - 6/27/95; AM. ORD. 4407 - 10/20/09)

**Sec. 8107-1.2.8**

The existence of a home occupation shall not be evident beyond the boundaries of the property on which it is conducted. There shall be no internal or external alterations to the dwelling which are not customarily found in such structures. (ADD. ORD. 3730 - 5/7/85)

**Sec. 8107-1.2.9**

Home occupations involving the on-site use or storage of highly toxic materials, as defined in the Uniform Fire Code, are not permitted. Highly toxic materials are those which on short exposure could cause death or serious temporary or residual injury. The on-site use or storage of flammable or other hazardous materials must comply with the requirements of the Ventura County Fire Protection District, pursuant to the Uniform Fire Code, the Health and Safety Code and the Vehicle Code. (ADD. ORD. 3810 - 5/5/87)

(AM. ORD. 3810 - 5/5/87; AM. ORD. 4216 - 10/24/00)

**Section 8107-1.2.10**

Hours of operation for clients shall be limited to 9:00 am to 5:00 pm Monday through Friday. Business may continue beyond these hours if clients are not present. (ADD. ORD. 4216 - 10/24/00)

**Section 8107-1.2.11**

The maximum number of clients per day shall be six (6), with no overlap in clients. All clients must be by appointment to allow for control of client overlap. (ADD. ORD. 4216 - 10/24/00)

**Section 8107-1.2.12**

Off-site client parking shall be limited to one vehicle at a time, parked as close as possible in front of the residence with the home occupation. (ADD. ORD. 4216 - 10/24/00)

**Section 8107-1.2.13**

On-site parking for clients is allowed, providing that all of the following conditions are met:

- a. It is not in violation of any other ordinance; and
- b. It does not displace required on-site parking.

(ADD. ORD. 4216 - 10/24/00)

**Section 8107-1.2.14**

Business related deliveries are limited to a maximum of two per week. United States Mail and commercial parcel carriers' deliveries are exempted from this limitation. (ADD. ORD. 4216 - 10/24/00)

**Section 8107-1.2.15**

The following exemptions from the above standards are allowed providing that the operator obtains a waiver signed by all of the owners or residents of the three closest occupied houses in both directions on the same side of the street, and the seven closest occupied houses on the opposite side of the street. The waiver requirement may be modified by the *Planning Director* if unique circumstances warrant the action.

- a. The number of clients allowed per day may be increased to a maximum of ten (10).
- b. More than one client may be allowed on-site at one time.
- c. Clients may be allowed on the premises until 9:00 pm.
- d. Clients may be allowed on the premises on Saturdays.

(ADD. ORD. 4216 - 10/24/00)

**Sec. 8107-1.3 - Mobilehomes and Manufactured Housing**

**Sec. 8107-1.3.1 - Construction**

Mobilehomes and manufactured housing may be used as single-family dwellings if the unit was constructed on or after June 15, 1976, or certified by the California Department of Housing and Community Development (HCD) as meeting September 15, 1971, or later, California construction standards. Units used as accessory dwelling units are subject to this date limitation, but mobilehomes used as caretaker or farmworker dwellings are not. (AM. ORD. 4281 - 5/6/03; AM. ORD. 4519 - 2/27/18)

**Sec. 8107-1.3.2 - Foundation System**

Nonconforming units continuing under a Conditional Use Permit shall be in compliance with the applicable provisions of Chapter 2, Article 7, of Title 25 of the California Code of Regulations. (AM. ORD. 4123 - 9/17/96; AM. ORD. 4216 - 10/24/00)

**Sec. 8107-1.3.3 - Exterior Siding**

Exterior siding of a single-family dwelling shall extend to the ground level, or to the top of the deck or structural platform where the dwelling is supported on an exposed pile foundation complying with the requirements of Sections 2908 and 2909 of the Uniform Building Code, or to the top of a perimeter foundation. For mobilehomes used as caretaker or farmworker dwellings, manufactured mobilehome skirting shall completely enclose the mobilehome, including the tongue, with a color or material that will be compatible with the mobilehome. For any mobilehomes located more than 150 feet from all property lines, and more than 200 feet from a public road, no skirting is required. (AM. ORD. 4281 - 5/6/03)

## **Sec. 8107-1.4 - (Reserved for Future Use)**

(See Sec. 8107-14.2) (AM. ORD. 4092 - 6/27/95)

## **Sec. 8107-1.5 - Model Homes/Lot Sales**

Model homes, or a temporary office, for the limited purpose of conducting sale only of *lots* or dwellings in the subdivision, or dwellings of similar design in another subdivision in the vicinity may be permitted, subject to the following provisions:

### **Sec. 8107-1.5.1**

The model homes or *lots* sales are part of an approved tentative map.

### **Sec. 8107-1.5.2**

Road Plans shall be submitted to the Public Works Department for approval.

## **Sec. 8107-1.6 - Open Storage**

### **Sec. 8107-1.6.1**

There shall be no open storage in any front or street-side setback, or in an area three feet wide along one side *lot* line.

### **Sec. 8107-1.6.2**

On *lots* of 20,000 square feet or smaller, open storage shall not exceed an aggregate area of 200 square feet. On *lots* greater in area than 20,000 square feet, the aggregate area shall not exceed one percent of the total *lot* area, up to a maximum of 1,000 square feet. *Lots* of 40 acres or more in the OS and AE zones are permitted a maximum of 2,000 square feet of open storage, provided that all open storage exceeding 1,000 square feet is screened from view from all public rights-of-way within 300 feet of such additional storage area. (AM. ORD. 4377 - 1/29/08)

### **Sec. 8107-1.6.3**

With the exception of boats, and unstacked automotive vehicles, the materials shall be limited to a height of six feet.

### **Sec. 8107-1.6.4**

Open storage must be accessory to the principal use of the property, and not related to any off-site commercial business or activity. Open storage of motor vehicles, boats and trailers is permitted only if they are owned by the resident(s) of the property on which they are stored. (AM. ORD. 4123 - 9/17/96)

### **Sec. 8107-1.6.5**

The following are not considered open storage, and are therefore exempt from the above open storage regulations: (AM. ORD. 4092 - 6/27/95)

- a. Materials or equipment kept on any *lot* for use in construction of any building or room addition on said *lot* for which a Zoning Clearance and necessary building permits are obtained and in force, provided that such storage is neat and orderly, and does not exceed an area equal to the gross floor area of the building or addition under construction. Stored materials shall be installed within 180 days of their placement on the *lot*; however, the *Planning Director* may grant a time extension for good cause, based on a written request from the *applicant*.
- b. Items used periodically or continuously on the property by the resident(s) thereof, such as outdoor furniture, trash or recycling cans or barrels, equipment for maintenance of the property and the uses thereon, outdoor cooking equipment, and recreational equipment, accessory to the principal use. (AM. ORD. 4092 - 6/27/95)

- c. Operative vehicles and the items placed on them, provided that such vehicles are accessory to the principal use and are owned by the resident(s) of the property on which they are parked. (AM. ORD. 4092 - 6/27/95)
- d. One cord (128 cubic feet) of firewood, if stored in a neat and orderly manner in one location on the *lot*. Two cords of wood may be kept on properties within the National Forest boundaries. (AM. ORD. 3810 - 5/5/87; AM. ORD. 4092 - 6/27/95)

(AM. ORD. 4123 - 9/17/96)

## **Sec. 8107-1.7 - Accessory Dwelling Units and Junior Accessory Dwelling Units**

REP. ORD. 4507/4509 - 3/14/17 (Expired 3/14/18); REP. ORD. 4519-2/27/18; REP. & REEN. ORD. 4615 - 2/7/23

### **Sec. 8107-1.7.1 - Purpose**

The purpose of this Section 8107-1.7 is to allow and regulate *accessory dwelling units (ADUs)* and *junior accessory dwelling units (JADUs)* in compliance with Government Code sections 65852.2 and 65852.22, as may be amended. Pursuant to Government Code section 65852.2, an *ADU* permitted through this Section 8107-1.7 does not exceed the allowable density for the *lot* upon which the *ADU* is located; and an *ADU* is a residential *use* that shall be deemed consistent with the existing general plan and zoning designation for the *lot*. If any provision of this Section 8107-1.7 or the underlying zoning district standards conflicts with state law, the latter shall govern.

### **Sec. 8107-1.7.2 - Definitions**

As used in this Section 8107-1.7, the following definitions shall apply:

Accessory Structure - A *structure* that is accessory and incidental to a *dwelling* located on the same *lot* as defined in Government Code section 65852.2(j)(2), as may be amended.

Existing - Space, units, or structures that are legally permitted or legal non-conforming.

Nonconforming Zoning Condition - A physical improvement on a property that does not conform with current zoning standards as defined in Government Code section 65852.2(j)(6), as may be amended.

Passageway - A pathway that is unobstructed clear to the sky and extends from a street to one entrance of the *accessory dwelling unit* as defined in Government Code section 65852.2(j)(8), as may be amended.

Proposed Dwelling - A *dwelling* that is the subject of a permit application and that meets the requirements for permitting as defined in Government Code section 65852.2(j)(10), as may be amended.

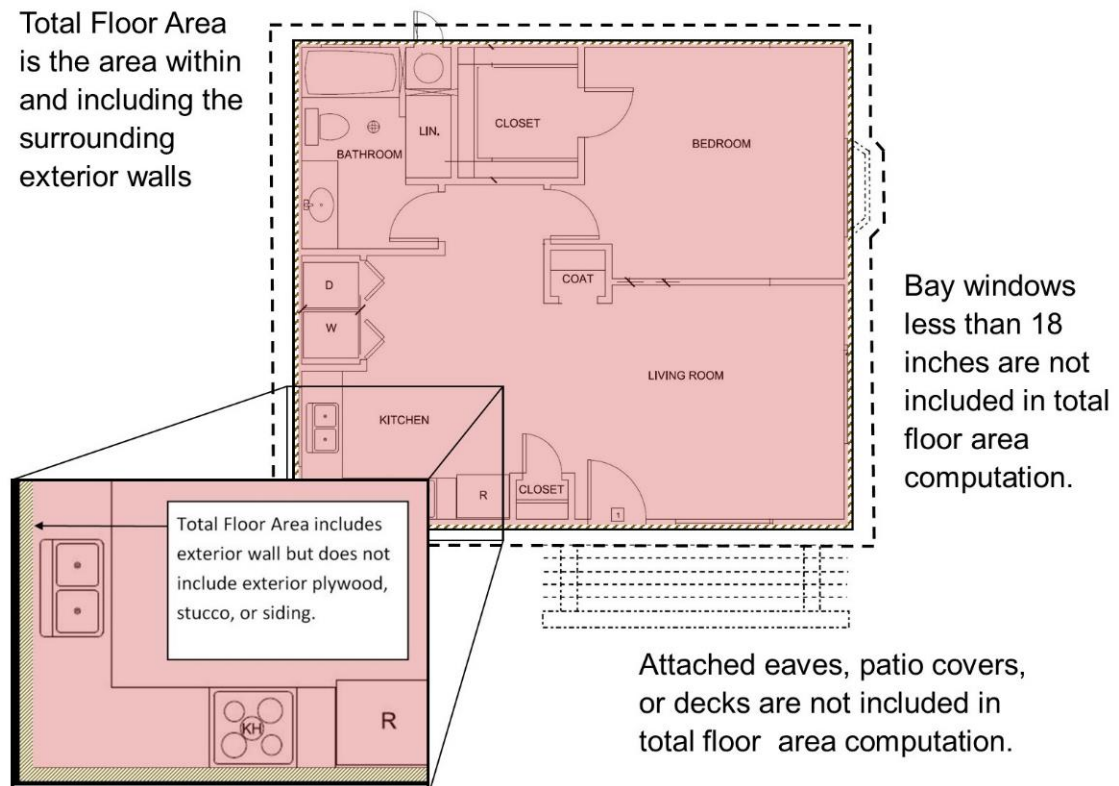
Public Transit - A location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public as defined in Government Code section 65852.2(j)(11), as may be amended.

Tandem Parking - A parking configuration where two or more automobiles are parked on a driveway or in any other location on a *lot*, lined up behind one another as defined in Government Code section 65852.2(j)(12), as may be amended.

Total Floor Area - Shall have the same definition as "building area" as set forth in Title 24, Part 2, Chapter 2 of the California Building Code, as may be amended,

which states: “The area included within surrounding exterior walls, or exterior walls and fire walls, exclusive of vent shafts and courts. Areas of the building not provided with surrounding walls shall be included in the building area if such areas are included within the horizontal projection of the roof or floor above.” However, the computation of total floor area for *ADUs* shall not include: a garage that is attached to, or below the *ADU* when there is no *internal access* from the garage to the *ADU*; or an unenclosed area or feature such as any eave or architectural feature, attached covered patio or deck, an open deck constructed at or below the level of the first floor, a balcony or the space below a cantilevered balcony, the space below an open and unenclosed stairway, a covered carport, a bay window that does not extend to the floor or protrude more than 18 inches from the adjoining exterior wall, or similar, as illustrated in Figure 1.

**Figure 1**



**Sec. 8107-1.7.3 – Types of Accessory Dwelling Units**

An *ADU* may be created in the following forms:

- a. Detached: The *ADU* is separated from the primary residential *structure*.
- b. Attached: The *ADU* is attached to the primary residential *structure*. An attached *ADU* may include the conversion of existing partially enclosed spaces (such as a covered patio) to an *ADU* that is attached to the primary residential *structure*.
- c. Space within Primary Residential Structure: The *ADU* is created within the space (e.g., primary bedroom, attached garage, storage area, or similar use) of an existing or proposed primary residential structure.
- d. Space within an Existing Accessory Structure: The *ADU* is created within the space of an existing accessory structure that is located on the lot of the primary *residence*.



**Sec. 8107-1.7.4 – ADUs and JADUs Allowed by Building Permit**

A complete application for a building permit shall be ministerially approved to allow an *ADU* and/or *JADU* that meets applicable Building Code and Fire Code requirements and the standards set forth in Sections 8107-1.7.4(a), (b), (c) or (d).

a. **Within Space of Single-Family Dwellings and Accessory Structures:**

One *ADU* and one *JADU* per lot is allowed if all the following standards are met:

(1) The subject *lot* is zoned R1, R2, RES, RPD, R/MU, RA, RE, RO, or CPD/CBD.

(2) Location of *ADU* and/or *JADU*:

(a) The *ADU* or *JADU* is created within a portion of the existing or proposed space of a *single-family dwelling* and has exterior access from the proposed or existing *single-family dwelling*; or

(b) The *ADU* is created within the existing space of an accessory structure, such as the conversion of garages and other accessory structures, either attached or detached from the primary *dwelling*. An existing accessory structure may include an expansion of not more than 150 square feet beyond its same physical dimensions, but such expansion shall be limited to accommodating ingress and egress to the *ADU*.

(3) The *side* and *rear setbacks* comply with applicable Building and Fire Code requirements, even if the existing *side* and *rear setbacks* are legal non-conforming.

(4) The *JADU* complies with the requirements of Government Code section 65852.22 and Section 8107-1.7.6.

b. **New Detached *ADU* with an Existing or Proposed Single-Family Dwelling:**

One detached new construction *ADU* is allowed on a *lot* with a proposed or existing *single-family dwelling* and may be combined with a *JADU* if all the following standards are met:

(1) The subject *lot* is zoned R1, R2, RES, RPD, R/MU, RA, RE, RO, or CPD/CBD.

(2) The *ADU's side* and *rear setbacks* are at least four feet.

(3) The *ADU* does not exceed 850 square feet.

(4) The *ADU's* maximum *building height* above grade complies with the *height* limitations identified in Section 8107-1.7.5(d)(1).

(5) The *JADU* complies with the requirements of Government Code section 65852.22 and Section 8107-1.7.6.

c. **ADUs in Existing Multifamily Dwelling Structures:**

*ADUs* within portions of existing *multifamily dwelling structures* are allowed, and may be combined with detached *ADUs* pursuant to Section 8107-1.7.4(d), if all the following standards are met, even if the *multifamily dwelling* is legal nonconforming:

(1) The subject *lot* is zoned R1, R2, RES, RPD, R/MU, RHD, RA, RE, RO, or CPD/CBD.

(2) Location of *ADU*:

(a) The *ADUs* are created within portions of the existing *multifamily dwelling structures* that are not used as livable space, including, but

not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages. If there is no existing non-livable space within a *multifamily dwelling structure*, an *ADU* cannot be created pursuant to this Section 8107-1.7.4(c).

(b) The non-livable space used to create an *ADU* pursuant to this Section 8107-1.7.4(c) on a lot with mixed-uses shall be limited to the residential areas, and shall not include the areas used for commercial or other non-residential activities. Parking and storage areas for non-residential uses shall also be excluded from potential *ADU* development pursuant to this Section 8107-1.7.4(c).

(3) The maximum number of *ADUs* that may be created pursuant to this Section 8107-1.7.4(c) shall be at least one or the number of *ADUs* equal to up to 25 percent of the existing *multifamily dwelling* units, whichever is greater.

d. **Detached ADUs with Existing or Proposed Multifamily Dwelling:** Up to two detached *ADUs* are allowed on *lots* with an existing or proposed *multifamily dwelling*, and may be combined with *ADUs* created within *multifamily dwellings* pursuant to Section 8107-1.7.4(c), if all the following standards are met, even if the *multifamily dwelling* is legal nonconforming:

(1) The subject *lot* is zoned R1, R2, RES, RPD, R/MU, RHD, RA, RE, RO, or CPD/CBD.

(2) The *ADUs* maximum *height* above grade complies with the *height* limitations identified in Section 8107-1.7.5(d)(1).

(3) New construction *ADUs* shall not exceed 1,200 square feet.

(4) The *ADU's side* and *rear setbacks* are at least four feet.

(5) Detached *ADUs* may be attached to each other, but must be detached from the existing or proposed *multifamily dwelling* and from other accessory structures on the *lot*.

e. **No Zoning Clearance Required:** No Zoning Clearance or other land use *entitlement* is required pursuant to this Chapter for an *ADU* or *JADU* authorized under this Section 8107-1.7.4.

f. **Not Subject to Development Standards in Section 8107-1.7.5:** *ADUs* that meet the requirements of Section 8107-1.7.4(a), (b), (c), or (d) and are entitled to a building permit are not subject to the development standards of Section 8107-1.7.5, including size, *setback*, parking and *building lot coverage* requirements. (AM. ORD. 4618 - 7/25/23)

### **Sec. 8107-1.7.5 – Development Standards for ADUs Not Authorized under Section 8107-1.7.4**

*ADUs* that do not meet the standards under Section 8107-1.7.4 for approval by building permit shall be approved with a ministerial Zoning Clearance if the *ADU* meets Building Code and Fire Code requirements, the standards in this Section 8107-1.7.5 and other applicable zoning standards.

a. **Property Requirements:**

(1) The subject *lot* is zoned R1, R2, RES, RPD, R/MU, RHD, RA, RE, RO, CPD/CBD, OS, AE, or TP.

(2) The *lot* has a proposed or existing *single-family* or *multifamily dwelling*.

b. **Maximum Number of ADUs and JADUs per Lot:** Each *lot* may have one *ADU* if the standards of this Section 8107-1.7.5 are met, and one *JADU* if the

standards of Section 8107-1.7.6 are met.

**c. Parking Standards:**

- (1) No Parking Requirements: No parking standards apply for an *ADU* in any of the following instances:
  - (a) Where the *ADU* is located within one-half mile walking distance of public transit.
  - (b) Where the *ADU* is located within an architecturally and historically significant historic district.
  - (c) Where the *ADU* is part of the proposed or existing primary residence or an accessory structure.
  - (d) When on-street parking permits are required but not offered to the occupant of the *ADU*.
  - (e) When there is a car share vehicle, as defined by section 22507.1(d) of the Vehicle Code, located within one block of the *ADU*.
  - (f) When a permit application for an *ADU* is submitted with a permit application to create a new *single-family dwelling* or a new *multifamily dwelling* on the same lot, provided that the *ADU* or the *parcel* satisfies any of the criteria listed above in this Section 8107-1.7.5(c)(1).
- (2) Required Off-street Parking: Except as provided in Section 8107-1.7.5(c)(1), the following off-street parking standards shall apply:
  - (a) Number of Spaces - One covered or uncovered off-street parking space is required per *ADU* or per bedroom, whichever is less.
  - (b) Location of Spaces - Off-street parking may be provided as tandem parking on a *driveway*. Additionally, the parking space for an *ADU* may encroach into a required *front* and/or interior *side setback*, provided that:
    - i. The long dimension of the space is parallel to the centerline of the nearest *driveway* on the *lot*; and
    - ii. On *interior lots*, a minimum distance of 3 feet from the side *lot line* remains unobstructed by vehicles.
- (3) No Off-Street Replacement Parking Required for Primary Residential Structure: When a garage, carport, or covered parking *structure* is demolished in conjunction with the construction of an *ADU* or converted to an *ADU*, those off-street parking spaces do not need to be replaced for the primary *dwelling*. Additionally, no parking is required for a newly created *ADU* pursuant to Section 8107-1.7.5(c)(1)(c) above.

**d. Height:**

- (1) The maximum allowed *height* for detached *ADUs* is as follows:
  - (a) Maximum of 16 feet above *grade* on a lot with an existing or proposed *single-family* or *multifamily dwelling*; or
  - (b) Maximum of 18 feet above *grade* on a *lot* with an existing or proposed *multifamily dwelling* with multiple stories; or
  - (c) Maximum of 18 feet above *grade* if the *lot* has an existing or proposed *single-family* or *multifamily dwelling*, and is within one half-mile walking distance of a major transit stop or a high-quality transit

corridor, as defined in Section 21155 of the Public Resources Code. An additional two feet in overall *height* is allowed to accommodate a roof pitch that is aligned with the roof pitch of the primary *dwelling unit*.

(d) Detached *ADUs* may exceed the allowable *height* limits set forth in subsections (a) through (c) above if the *ADU* is set back at least 20 feet from all property lines, but the *ADU* shall not exceed the maximum allowed *building height* of the primary *dwelling unit* on the *lot*, pursuant to Article 6 of this Chapter.

(e) Detached *ADUs* are limited to no more than two stories.

(2) The maximum allowed *height* for an attached *ADU* is 25 feet above *grade* or the maximum allowed *building height* of the primary *dwelling* pursuant to Article 6 of this Chapter, whichever is lower.

**e. Setbacks:**

(1) No additional *setbacks* are required if any of the following are converted to an *ADU* or portion of an *ADU*: (a) an existing living area; (b) an existing accessory structure; or (c) a new *structure* constructed in the same *building* footprint and to the same dimensions as an existing *structure*. The provisions of Article 13 of this Chapter shall not apply in these situations. For purposes of this section, living area, as defined by Government Code section 65852.2(j)(4), means the interior habitable area of a *dwelling unit*, including basements and attics, but does not include a garage or any accessory structure.

(2) All other new attached and detached *ADUs* shall have 4-foot *setbacks* from the rear and side *lot lines*.

**f. Minimum Lot Size:** There is no minimum *lot* size requirement for an *ADU* or *JADU*.

**g. ADU Size for Attached and Detached ADUs:**

(1) For *lots* that are 9,000 square feet or less, the maximum total floor area of an attached or detached *ADU* shall be 850 square feet if there is one bedroom or an efficiency unit; or 1,000 square feet if there is more than one bedroom; or

(2) For *lots* that are larger than 9,000 square feet, but less than 10 acres, the maximum total floor area of an attached or detached *ADU* shall be 1,200 square feet; or

(3) For *lots* that are 10 acres in size or larger, the maximum total floor area of an attached or detached *ADU* shall be 1,800 square feet.

(4) Covered patios, decks, and garages below the *ADU* are not included in the total floor area computation but are counted toward the maximum allowable square footage allowed for "accessory structures to dwellings" in Sec. 8105-4.

**h. ADUs Within Space of Single-Family Dwellings:** One *ADU* per *lot* is allowed within a proposed or existing *single-family dwelling* if the applicable standards of this Section 8107-1.7.5 and the following standards are met:

(1) The *ADU* is created within a portion of the existing or proposed space of a *single-family dwelling* and has independent exterior access;

(2) The *ADU* does not have *internal access* to the primary *dwelling*;

- (3) The *ADU* does not exceed the size maximums for attached or detached *ADUs* set forth in Section 8107-1.7.5(g), as applicable; and
- (4) The *side* and *rear setbacks* comply with applicable Building and Fire Code requirements.

i. **Accessory Structures:**

- (1) No accessory structure shall be attached to a detached *ADU* unless the combined total floor area of the accessory structure and *ADU* does not exceed the allowable size of the *ADU* per Section 8107-1.7.5(g). This provision does not apply to *ADUs* built attached to, or above a garage.
- (2) An *ADU* attached to an accessory structure shall not have *internal access* to the accessory structure.

- j. **Limited Exception to Development Standards:** Notwithstanding any other minimum or maximum size for an *ADU*, size that may be limited based upon a percentage of the proposed or existing primary *dwelling*, or limits on *lot* coverage, floor area ratio, open space, *front setback*, and minimum *lot* size, for either attached or detached *ADUs*, an *ADU* that is up to 850 square feet with 4-foot *side* and *rear setbacks* may be constructed in compliance with all other applicable development standards.

**Sec. 8107-1.7.6 – JADU Requirements**

A *JADU* must comply with the following requirements:

a. **Number and Location:**

- (1) The subject *lot* is within one of the following single-family residential zones: R1; R2; RES; RPD; RA; RE; or RO.
- (2) One *JADU* is allowed per *lot*.
- (3) The *JADU* must be created within the walls of a proposed or existing *single-family dwelling*, including attached garages, which are considered within the walls of the existing *single-family dwelling*.
- (4) *Lots* with multiple detached *single-family dwellings* are not eligible to have a *JADU*.
- (5) A *JADU* is not allowed in a *multifamily dwelling*.
- (6) A *JADU* is not allowed in an accessory structure.

- b. **Size:** The *JADU* shall not be larger than 500 square feet in total floor area.

- c. **Kitchen:** The *JADU* must contain an efficiency *kitchen* that includes:

- (1) Cooking facility with appliances, and
- (2) A food preparation counter and storage cabinets.

- d. **Entrance:** The *JADU* shall have a separate entrance from the main entrance to the proposed or existing *single-family dwelling*. An interior entry into the *single-family dwelling* is not required unless the *JADU* shares sanitation facilities with the *single-family dwelling*.

e. **Parking:**

- (1) When a *JADU* is created by the conversion of an attached garage, replacement parking for the primary residential *structure* is not required to be provided.
- (2) No parking is required for a *JADU*.

- f. **Sanitation:** A *JADU* must either include separate sanitation facilities or share sanitation facilities with the *single-family dwelling*.

**Sec. 8107-1.7.7 – ADU and JADU Application Processing and General Requirements**

a. **Ministerial Permit Approval:**

- (1) Permit applications for an *ADU* or *JADU* that meet the requirements of this Section 8107-1.7 shall be considered and approved ministerially without discretionary review or a hearing.
- (2) Except for deviations processed and granted in accordance with Section 8107-37.3 (Deviations for Cultural Heritage Sites) and Section 8111-9 (Reasonable Housing Accommodations), or as required by state law, no variance to the standards or requirements of this Chapter is available for an *ADU* or *JADU*.

b. **Type of Permit:**

- (1) Applications pursuant to Sections 8107-1.7.4 and 8107-1.7.6 shall be reviewed and approved with a building permit, if the applicable standards are met.
- (2) Applications pursuant to Section 8107-1.7.5 shall be reviewed and approved with a Zoning Clearance, if the applicable standards are met.

- c. **When Demolition Permit Required:** A demolition permit for a detached garage that is to be replaced with an *ADU* shall be reviewed with the application for the *ADU* and issued at the same time.

- d. **Nonconforming Zoning Violations:** Correction of nonconforming zoning conditions, building code violations, or unpermitted *structures* that do not present a threat to public health and safety and are not affected by the construction of an *ADU* shall not be a condition to ministerial approval of an *ADU* or *JADU* application.

e. **Rentals, Owner Occupancy and Transfers:**

- (1) Rentals: An *ADU* and *JADU* may each be rented separately from the primary residence.
- (2) Rental Term: All *ADUs* and *JADUs*, and any portion thereof, that are rented shall be rented for terms that are longer than 30 consecutive days.
- (3) Owner Occupancy
  - (a) Lot with ADU: For a *lot* with an *ADU*, the owner of the *lot* does not have to occupy the primary residence or *ADU*. However, if a *single-family dwelling* has an *ADU* and a *JADU*, then the owner must occupy either the *JADU* or the remaining portion of the *single-family dwelling* in accordance with Section 8107-1.7.7(e)(3)(b).
  - (b) Lot with JADU: At the time of application for a *JADU*, the owner of the *lot* must reside in the *single-family dwelling*. Upon completion of construction of the *JADU*, the owner must occupy either the remaining portion of the *single-family dwelling* or the *JADU*. For purposes of this Section 8107-1.7.7(e)(3)(b), owner includes a beneficial owner when the property is owned by a trust or legal entity. Owner-occupancy, however, is not required if the owner is a governmental agency, land trust, or housing organization.
- (4) Sales and Transfers: Except as provided in Government Code section

65852.26, an *ADU* may not be sold or otherwise conveyed separately from the primary residence. *JADUs* may not be sold or transferred separately from the *single-family dwelling*.

**f. Deed Restriction:**

- (1) For *ADUs*: Upon approval of an *ADU*, a deed restriction running with the land in a form provided by the County must be recorded with the County Recorder at the property owner's expense. The deed restriction must include the following:
  - (a) Rentals of the *ADU* must be for a term that is longer than 30 consecutive days; and
  - (b) Except as provided in Government Code section 65852.26, the *ADU* may not be sold or otherwise conveyed separately from the primary residence.
- (2) For *JADUs*: Upon approval of a *JADU*, a deed restriction running with the land in a form provided by the County must be recorded with the County Recorder at the property owner's expense. The deed restriction must include the following:
  - (a) Rentals of the *JADU* must be for a term that is longer than 30 consecutive days;
  - (b) A prohibition on the sale of the *JADU* separate from the sale of the *single-family dwelling*, including a statement that the deed restriction may be enforced against future purchasers; and
  - (c) A restriction on the size and attributes of the *JADU* that conforms with Section 8107-1.7.6 and Government Code section 65852.22.

**Sec. 8107-1.8 - Use of Structures for Human Habitation**

Structures may not be used for human habitation except as specifically permitted in this Chapter. (ADD. ORD. 3730 - 5/7/95; AM. ORD. 4092 - 6/27/95; AM. ORD. 4123 - 9/17/96 - grammar)

**Sec. 8107-1.9 - Accessory Bathrooms**

Bathrooms (full or half) are allowed pursuant to Article 5, and the following standards:

- a. Any bathroom may be a freestanding detached structure;
- b. A full bathroom shall not be attached to or incorporated within a detached enclosed accessory building except a permitted dwelling;
- c. More than one bathroom may be established, i.e. for men and women;
- d. Individual bathrooms shall not exceed 70 sq. ft. in area, and individual bathrooms in combination with a changing room shall not exceed 100 sq. ft.;
- e. Any full bathroom or combination full bathroom-changing room shall be accessible only by way of a door leading directly outside the structure and may not have internal access to an enclosed accessory structure;
- f. Any bathroom shall be counted toward the cumulative gross floor area allowed for accessory structures as specified in Article 5.
- g. Half bathrooms (i.e., without bathing facilities) may be allowed in accessory structures provided that the bathroom:

- (1) does not exceed 36 sq. ft. except where the need for a handicapped bathroom can be demonstrated, the bathroom may not exceed 8 ft. by 8 ft. with a clear 5 ft. turning area;
- (2) is not adjacent to a closet; and
- (3) is not plumbed to allow for a future shower or tub.

(ADD. ORD. 4123 - 9/17/96; AM. ORD. 4216 - 10/24/00; AM. ORD. 4282 - 5/20/03)

## **Sec. 8107-2 - Standards Relating to Animal Keeping**

(REP./REEN. ORD. 4092 - 6/27/95)

### **Sec. 8107-2.1 - Purpose**

The keeping of animals as a principal use (animal husbandry/keeping) or accessory use (pet animals) shall be permitted in accordance with this section and the requirements of other pertinent sections of this Chapter, particularly Articles 5 and 6. The purpose of this section is to establish animal density standards to regulate the keeping of animals for such purposes as "animal husbandry", "animal keeping" and as "pets" in a manner which will not endanger the health, peace, and safety of citizens and environment of Ventura County, and which will assure that animals are kept in safe and sanitary conditions.

### **Sec. 8107-2.2 - General Standards**

The following health and safety standards shall apply to all animal keeping activities:

#### **Sec. 8107-2.2.1 - Containment**

All animals shall be *fenced*, corralled, caged, cooped, penned, or otherwise prevented from exiting the property upon which they are located as indicated in Tables 1 and 2, except during exercise and the movement of animals onto and off of the property.

#### **Sec. 8107-2.2.2 - Setbacks from Off-Site Dwelling Units**

Except for movement onto and off of the property, *animals* shall not be kept, maintained, or used in any other way, inside or outside of any *structure* within the distance set forth in Table 2 of Section 8107-2.5.1 and Section 8107-2.3.7(f) of this Chapter. (AM. ORD. 4580 - 4/13/21)

### **Sec. 8107-2.3 - Additional Standards**

The following additional standards apply:

#### **Sec. 8107-2.3.1 - Animal Equivalencies**

Where a species of animal is not listed explicitly for animal keeping, the *Planning Director*, in consultation with appropriate experts, shall make a species equivalency determination. Similarly, the *Planning Director* shall have the power to assign the appropriate "animal unit factor" and "the maximum number allowed" to the species in question, based upon such criteria as height, weight, noise, odor, waste production, potential for escape, and impacts upon other animals and humans, etc.

#### **Sec. 8107-2.3.2 - Weanable Age**

The offspring of *animals* are allowed and shall not be counted as animal units until they are of weanable or self-sufficient age. For dogs and cats, this age shall be four months. For *equines*, this age shall be one year. For *roosters*, this age shall be six months, or when the *rooster* has full adult plumage, or is capable of crowing. For all other *animals*, the weanable ages for offspring shall be those ages determined by the *Planning Director* in consultation with appropriate experts. (AM. ORD. 4580 - 4/13/21)



**Sec. 8107-2.3.3 - Keeping Multiple Species**

Different species of animals may be combined on a given *lot* not to exceed the total number of animal units allowed on that *lot*.

**Sec. 8107-2.3.4 - Applicability of Lot Area Requirements**

Contiguous *lots* under unified control, either through ownership or by means of a lease, may be combined in order to meet minimum area requirements for animal keeping, but only for the duration of the common ownership or lease, and only in zones which allow the keeping of animals as a principal use. The keeper of the animals must provide written proof to the satisfaction of the *Planning Director*, that he/she has unified control of the affected parcels and that the animals utilize all of the *lots* in question.

**Sec. 8107-2.3.5 - Wild Animals**

In addition to the requirements of this Chapter, the keeping of wild animals as pets, for animal husbandry/keeping purposes, or for rehabilitation/recovery projects, shall be subject to approvals by any, and all, other County, State, and Federal regulatory agencies as applicable to the species in question. (AM. ORD. 4123 - 9/17/96 - grammar)

**Sec. 8107-2.3.6 - Cross Breeds**

Any animal that is the offspring of wild and domestic parents shall be regarded as a wild animal, unless otherwise determined by the *Planning Director* in consultation with appropriate experts.

**Sec. 8107-2.3.7 - Roosters**

The purpose of this Section 8107-2.3.7 is to limit the number of *roosters* that may be kept on a *lot* to eliminate the potential for a public nuisance, illegal cockfighting and the raising of birds to be used for cockfighting, to prevent the inhumane treatment of birds by those who engage in illegal cockfighting activities and for the protection of health and safety of the residents of Ventura County.

Definitions for all italicized terms in this section are set forth in Article 2 of this Chapter.

In accordance with Division 4, Chapter 4, Article 9, Sections 4494.1 through 4494.5 of the Ventura County Ordinance Code, the following limits and standards shall apply to the keeping of *roosters*:

- a. No *person* shall keep, maintain, control or harbor more than four *roosters* on any *lot* at any given time notwithstanding the maximum allowable animal keeping units allowed for a *lot* as set forth in Table 3 – Allowed Number of Animal Husbandry/Keeping Units of Section 8107-2.5.2. The four-*rooster* limit shall not apply to the following:
  - (1) Commercial poultry ranches whose primary commodity is the production of eggs or meat for sale as permitted by the County;
  - (2) Public or private schools as registered with the California Department of Education;
  - (3) The County of Ventura;
  - (4) *Nonprofit humane organization animal facilities*; and
  - (5) Youth-oriented poultry projects sanctioned by such organizations as Future Farmers of America (FFA), 4-H, or equivalent youth organizations, and *legitimate poultry hobbyists* who own and breed poultry for exhibition or for sale of offspring in accordance with accepted poultry raising practices, may have up to five *roosters* of the same breed for a maximum of 25 *roosters* in zone designations allowing *roosters* in accordance with Table 3 of Section 8107-2.5.2 and the waiver provisions set forth in Section 8107-2.5.5 of this Chapter, and provided that such projects or hobbyist activities are approved in writing by the Ventura

County Animal Services Director or any *person* authorized to act on behalf of Ventura County Animal Services.

- b. No *roosters* are permitted in the R1 and R2 Zones, the RPD Zone on *lots* less than 1 acre, and in all other zone designations with a *gross lot area* of less than 20,000 square feet.
- c. Section 8105-4's "Animal Husbandry, More Animals Than Are Permitted; Animal Keeping Non-Husbandry, More Animals Than Are Permitted; and, Keeping of Animals Accessory to Dwellings, More Animals Than Are Permitted" land use does not apply to the keeping of *roosters*. The maximum number of *roosters* allowed on a *lot* is set forth in Section 8107-2.3.7(a) above.
- d. No *person* shall maintain or control any *rooster* by means of a tether attached to an object.
- e. At all times *roosters* shall be provided: (1) access to water and shelter from the elements (i.e., rain, wind, direct sun, etc.); (2) sufficient room to spread both wings fully and to be able to turn in a complete circle without any impediment and without touching the side of an enclosure; and, (3) clean and sanitary premises that are kept in good repair.
- f. *Setback* requirements for *roosters* (40 feet minimum from any *dwelling* unit, other than the *dwelling* unit of the property owner or keeper of the *roosters*) are set forth in Section 8107-2.2.2 of this Chapter.
- g. By March 11, 2019, a property owner or *person* occupying or leasing the property or the premises of another who maintains, keeps, controls or harbors *roosters* shall have brought the number of *roosters* into conformance with the provisions of this section. Sections 8113-4 and 8113-5.4 of this Chapter do not apply to the keeping of *roosters*.

(ADD. ORD. 4580 – 4/13/21)

### **Sec. 8107-2.4 - Pet Animal Standards**

Pet animals shall be kept in accordance with the following standards and other applicable standards of this Chapter.

#### **Sec. 8107-2.4.1 - Pet Animals in Addition to Other Animal Keeping**

The keeping of pet animals is permitted in all base zones, and is allowed in addition to other forms of animal keeping, such as animal husbandry. (*Pursuant to Sec. 8107-2.3.1*)

#### **Sec. 8107-2.4.2 - Pet Animals and Assigned Animal Unit Factors**

The range of pet animal species that may be kept is listed in Table 1, "Pet Animals" (see below), but may be expanded by the *Planning Director* through the equivalency determination process.

#### **Sec. 8107-2.4.3 - Allowed Number of Pet Animal Units**

Except as provided in Article 5, no more than a total of 3.00 pet animal units are allowed per principal dwelling unit including all its accessory uses. Occupied spaces in mobile home parks, and multi-family dwellings (two or more units) are allowed no more than 1.00 pet animal unit.

#### **Sec. 8107-2.4.4 - Allowed Number of Security and Utility Animals**

For security, no more than 1.0 animal unit is allowed per commercial/industrial zoned *lot*. The animals that are allowed are listed on Table 1 "Pet Animals". Calculating the number allowed should be done in accordance with Sec. 8107-2.4.5. Utility animals such as seeing-eye dogs and similar animals may be kept in addition to the maximum allowed number of animal units.

### **Sec. 8107-2.4.5 - Calculating the Allowed Number of Pet Animals**

The sum of the individual animal units for a given dwelling unit shall not exceed the total number of animal units allowed pursuant to Sec. 8107-2.4.3. This is demonstrated by the following example:

#### **EXAMPLE**

If 3.00 pet animal units are allowed per dwelling unit, the three pet animal units could be composed of four dogs (1.00 unit), four cats (1.00 unit), four rabbits (0.20 unit), 2 chickens (0.20 unit), 2 ducks (0.20 unit), 1 large bird (0.10 unit) and 20 small birds (0.30 unit). This combination would equate to 3.00 pet animal units, while allowing 37 actual animals. If an additional cat (0.25 pet animal unit) were desired, the total number of pet animal units would rise to 3.25. This would exceed the allowable number of 3.00 pet animal units per dwelling unit.

### **Sec. 8107-2.4.6 - Keeping of Additional Pet Animals**

Additional pet animals beyond those permitted pursuant to Sec. 8107-2.4.3 may be kept in accordance with the following standards:

- a. Pet animals in addition to those permitted as pets pursuant to Sec. 8107-2.4.3 may only be kept on *lots* meeting the "Minimum *Lot* Area Required" standard set forth on Table 3 (Sec. 8107-2.5.2).
- b. The total number of additional pet animals that may be kept shall be no more than two times the "Maximum No. Allowed" identified in Table 1 for a given animal. For example, 4 dogs are allowed as pets. Up to 8 additional dogs would be allowed pursuant to this section.

(AM. ORD. 4123 - 9/17/96; REP./REEN. ORD. 4092 - 6/27/95)

- c. The first increment of additional pet animals may only be allowed when the *lot* in question meets the "Minimum *Lot* Area Required" standard for the zone in question as noted on Table 3. The second increment of pet animals may only be allowed when the size of the *lot* in question is three times its "Minimum *Lot* Area Required". For example, the "Minimum *Lot* Area Required" in the RE zone is 10,000 sq. ft.. An individual would be allowed 4 dogs as pets and an additional 4 dogs on a *lot* of 10,000 sq. ft. or more. An additional 4 dogs would be allowed on a *lot* of 30,000 sq. ft. or more. (AM. ORD. 4377 - 1/29/08)
- d. All animals required to be licensed by other agencies shall be licensed. All dogs and cats authorized by this section shall be licensed and spayed or neutered pursuant to Ventura County Animal Regulation Department.
- e. A Zoning Clearance shall be obtained by the owner of the animals prior to their being allowed on the property.
- f. The "Animal Unit Factor" for a given animal shall be counted against the total number of allowed animal units permitted for the *lot* in question pursuant to Table 3. For example, a *lot* of 20,000 sq. ft. to 24,999 sq. ft. zoned RO is allowed 3 animals units for Animal Husbandry/Animal Keeping pursuant to Table 3. If a person wished to keep 4 dogs as pets they do not count against this allotment. Pursuant to Sec. 8107-2.4.6, 4 additional pet dogs (each with a .25 animal unit factor) could be allowed but they would count as 1 animal unit against the total allotment of 3 Animal Husbandry/Keeping units.

(AM. ORD. 4123 - 9/17/96; REP./REEN. ORD. 4092 - 6/27/95)

**Table 1  
(See Section 8107-2.4.2)**

**Pet Animals**

ANIMAL TYPES	ANIMAL UNIT FACTOR	MAXIMUM NO. ALLOWED		METHOD OF CONTAINMENT
		WITHIN PRINCIPAL RESIDENCE	OUTSIDE PRINCIPAL RESIDENCE	
CATS	0.25	4		Pursuant to Sec. 8107-2.2.1
DOGS	0.25	4		
MINIATURE LIVESTOCK				
Small Equines	0.30	2		
Pygmy Goats	0.25	3		
BIRDS				
Chickens (hens only; no roosters)	0.10	5		
Birds, Small <sup>1</sup>	0.015	40		
Birds, Medium <sup>1</sup>	0.03	20		
Birds, Large <sup>1</sup>	0.10	8		
Ducks	0.10	5		
Geese, Turkeys	0.16	2		
Pigeons/Squab	0.10	10		
Pigeons - Homing/Racing	0.03	50		
FISH/AMPHIBIANS	N/A	UNLIMITED		
RODENTS/FUR BEARERS				
Guinea Pigs	0.02		20	
Mice, Hamsters, Gerbils	0.01	UNLIMITED	20	
Rabbits	0.05		10	
Rats	0.02		20	
REPTILES				
Lizards	0.05	UNLIMITED	20	
Snakes	0.05		15	
Tortoises/Turtles	0.05		20	
INSECTS/SPIDERS	N/A	UNLIMITED	100	
WILD ANIMALS	Accessory to Dwelling - Pursuant to Sec. 8107-2.3.1			

**REGULATORY NOTES:**

1. This listing of small, medium and large birds excludes bird types listed elsewhere in Tables 1 and 2 of this Article.

"Birds, small" means birds generally weighing less than one-half pound, such as perching birds (e.g., canaries and finches), small parrots (e.g., cockatiels, small hookbills, parakeets, lovebirds and budgerigars) and domestic songbirds.

"Birds, medium" means birds generally weighing between one-half pound and one pound, such as cockatoos, (e.g., Bare-eyed, Citron, Gang Gang, Leadbeater, Medium Sulphur-crested, Red-vented and Rose-breasted species), other parrots (e.g., Mexican Red-headed, African Grey, Blue-fronted Amazon and Grand Eclectus), the Queen of Bavaria Conure, the Ariel Toucan and the Keel-bill Toucan, but excluding macaws.

"Birds, large" means birds generally weighing over one pound, such as macaws (all species), large cockatoos (e.g., Great Sulphur-crested, Moluccan, Slender-billed, Triton and Umbrella species), large hookbills, other large parrots (e.g., Blue-crowned Amazon, Yellow-naped Amazon and Double Yellow-headed Amazon) and the Toco Toucan.

**EDITORIAL NOTES:**

- a. *Inherently Dangerous Animals may not be kept as pets.*
- b. *See Sec. 8107-2.4.6 for the number of additional pet animals allowed as a part of Animal Husbandry/Keeping.*

## **Sec. 8107-2.5 - Animal Husbandry/Keeping Standards**

Animals, other than those being kept as pets, such as for animal husbandry and animal keeping projects, shall be kept in accordance with the following standards and other applicable standards of this Chapter.

### **Sec. 8107-2.5.1 - Animal Husbandry/Keeping Unit Factors**

The range of *animals* allowed for keeping or for husbandry purposes is listed in Table 2 below, entitled "Animal Husbandry/Keeping," with additional specialty *animal husbandry* listed in Article 5 (e.g., *apiculture*). This range of allowed *animals* and their attendant animal unit factors may be expanded through the equivalency determination process pursuant to Section 8107-2.3.1. (AM. ORD. 4580 – 4/13/21 – grammar)

### **Sec. 8107-2.5.2 - Allowed Number of Animal Husbandry/Keeping Units**

The maximum number of animal units allowed on a given *lot(s)* is set forth in Table 3, "Allowed Number of Animal Husbandry/Keeping Units". Up to two units of equines may be kept on RO, RE, and RA zoned *lots* of 10,000 to 20,000 sq. ft. if a waiver is obtained pursuant to Sec. 8111-1.1.2. (AM. ORD. 4377 – 1/29/08)

### **Sec. 8107-2.5.3 - Calculating the Allowed Number of Animal Husbandry/Keeping Units**

The first animal unit is only allowed if the *lot* in question meets the minimum *lot* area set forth in Table 3. Additional units may be added based on the size of the *lot* and the formulas set forth in Table 3. Animal unit and *lot* size calculations shall be rounded to the nearest one-hundredth. For example, if the one-thousandth value is 5 (.125) or greater, round up the one-hundredth value by 1 (.125 becomes .13). Fractions of animal units may be applied towards the total number of allowed animals on a *lot*, but they may not be rounded up to whole numbers. This is illustrated in the following two examples.

#### **Example 1**

A 3.2 acre *lot*, zoned RA, contains 139,392 sq. ft. (3.2 ac. x 43,560 sq. ft./ac.). The allowed number of animal units is calculated by dividing the sq. ft. of the *lot* by the animal accrual rate (139,392 sq. ft. ÷ 1 unit/10,000 sq. ft. = 13.9392 units) and rounding to the nearest one-hundredth. Therefore, 13.94 animal units are allowed on the *lot*. These units could allow for example 7 horses and 6 cows (13 units), 1 pig (0.5 unit), and 2 sheep (0.40 unit). Since there are no animal units in Table 2 equaling .04 unit, pursuant to Sec. 8107-2.4.5, pet animals from Table 1 could be added since the subject *lot* exceeds the minimum *lot* size. Therefore, 1 medium bird (0.03 unit) and 1 mouse (0.01 unit) could be added, totaling 13.94 units. (AM. ORD. 4377 – 1/29/08)

#### **Example 2**

A 1.29 acre *lot*, zoned RE, contains 56,192 sq. ft. (1.29 ac x 43,560 sq. ft./ac.). The allowed number of animal units is calculated by subtracting 25,000 sq. ft. from the *lot* area, (31,192 sq. ft.), then dividing by the animal unit accrual rate (31,192 sq. ft. ÷ 1/25,000 sq. ft. = 1.23768 units) and then adding 3 units for a total of 4.24768 units. Rounding to the nearest one-hundredth, there would be 4.25 animal units allowed on the *lot*. These units could allow for example, 2 horses (2.0 units), 2 ostriches (1.0 unit), 1 cow (1.0 unit), and 1 sheep (0.20 unit) totaling 4.20 units. The remaining 0.05 unit is less than any animal listed in Table 2, so pet

animals from Table 1 could be added since the *lot* exceeds the minimum required *lot* size. Therefore, the remaining 0.05 animal unit could be allowed for 1 medium bird (0.03 unit) and 1 rat (0.02 unit). (AM. ORD. 4377 – 1/29/08)

(REP./REEN. ORD. 4092 - 6/27/95)

**Table 2**  
**(See Section 8107-2.5.1)**

Animal Husbandry/Keeping <b>ANIMAL TYPES</b>	<b>ANIMAL UNIT FACTOR</b>	<b>METHOD OF CONTAINMENT</b>	<b>SETBACK REQUIREMENTS (Sec. 8107- 2.2.2 and Sec. 8107-2.3.7(f))</b>
Alpacas	0.50	Pursuant to Secs. 8107-2.2.1 and 8107-2.3.7(d)-(f)	40'
Bison, Buffalos, Beefalos	1.00		
Bovines (cows, bulls, oxen)	1.00		
Chickens: Hens, Roosters	0.10		
Deer	0.50		
Ducks	0.10		
Emus	0.30		
Adult Equines:			
Small - (under 36 inches at the withers)	0.30		
Medium (over 36-58 inches at the withers)	0.50		
Large - (over 58 inches at the withers and including Donkeys and Burros)	1.00		
Goats	0.20		
Geese	0.16		
Guinea fowl	0.50		
Hogs/Swine	0.50		
Llamas	1.00		
Ostriches, Rheas	0.50		
Peafowl	0.50		
Pheasants	0.16		
Pigeons/Squabs/Quail	0.10		
Rabbits, or other fur-bearing animal of similar size at maturity	0.05		
Sheep	0.20		
Turkeys	0.16		

(AM. ORD. 4580 – 4/13/21)

**Table 3  
(Section 8107-2.5.2)**

**Allowed Number of Animal Husbandry/Keeping Units**

Zone	Minimum Lot Area Required <sup>3</sup>	10,000 to 19,999 sq. ft.	20,000 to 24,999 sq. ft.	25,000 to 29,999 sq. ft.	30,000 to 34,999 sq. ft.	35,000 to 39,999 sq. ft.	40,000 to 43,559 sq. ft.	Lots Equal to or Greater than 1 acre (43,560 sq. ft.)	
OS	10,000 sq. ft.	2	2.5	3	3.5	4	4.36	SQ. FT. OF LOT ÷ 10,000 sq. ft. = TOTAL ANIMAL UNITS ALLOWED <sup>4</sup>	OVER 10 ACRES:  UNLIMITED <sup>4</sup>
AE									
RA <sup>1</sup>									
RO <sup>1</sup>	20,000 sq. ft.	0	3	3	4.17	4.33	4.46	<b>Animals of 1.0 unit or greater:</b>  [(SQ. FT. OF LOT - 30,000 sq. ft.) ÷ 30,000 sq. ft.] + 4 = TOTAL ANIMALS UNITS ALLOWED  <b>Animals of less than 1.0 unit:</b>  SQ. FT. OF LOT ÷ 10,000 sq. ft. = TOTAL ANIMAL UNITS ALLOWED <sup>4</sup>	
RE <sup>1</sup>	10,000 sq. ft.	2	2	3.2	3.4	3.6	3.74	[(SQ. FT. OF LOT - 25,000 sq. ft.) ÷ 25,000] + 3 = TOTAL ANIMAL UNITS ALLOWED <sup>4</sup>	
TP									
RPD	1 ac.	0	0	0	0	0	0	SQ. FT. OF LOT ÷ 20,000 sq. ft. = TOTAL ANIMAL UNITS ALLOWED <sup>4</sup>	
R1 <sup>2</sup>	Permitted Pursuant to Sec. 8105-4, excluding <i>roosters</i> , <i>peafowl</i> , <i>guinea fowl</i> and the like.								
R2	No <i>animal keeping</i> or <i>husbandry</i> allowed.								

(AM. ORD. 4377 – 1/29/08; AM. ORD. 4580 – 4/13/21)

1. Only *animals* of less than 1.00 animal unit may be allowed on *lots* less than 20,000 square feet in the RA, RO and RE Zones unless a waiver is obtained pursuant to Section 8111-1.1.2 of this Chapter.
2. No *roosters*, *peafowl*, *guinea fowl* or the like are permitted in the R1 Zone, or on *lots* less than 20,000 square feet in other zones.
3. No more than two *peafowl* are permitted on *lots* less than 1 acre; however, up to four *peafowl* may be permitted with a waiver pursuant to Section 8111-1.1.2.
4. On *lots* 20,000 square feet or more in size (except for in the R1 and R2 Zones) or on *lots* 1 acre or more in the RPD Zone, no more than four *roosters* are allowed notwithstanding the maximum allowable Animal Husbandry/Keeping Units per *lot* set forth in Table 3 above. (ADD. ORD. 4580 – 4/13/21)

(AM. ORD. 4580 – 4/13/21 – grammar)

**Sec. 8107-2.5.4 - Youth Projects**

Livestock and fowl identified in Table 2 of Section 8107-2.5.1 above, other than *roosters* (see Section 8107-2.5.5 below), may be kept in accordance with a waiver pursuant to Section 8111-1.1.2 of this Chapter for a limited period of time on *lots*

where they would not otherwise be allowed because the *lot* does not meet minimum size requirements or the project would lead to *animals* in excess of the numbers otherwise allowed; or where a discretionary permit would otherwise be required; provided such *animals* are kept for youth oriented projects sanctioned by such organizations as 4-H or Future Farmers of America (FFA) and provided all of the following criteria are met:

- a. The animals shall be kept for no more than one year from the date of approval for keeping unless otherwise specifically set forth in the waiver.
- b. Written concurrence is provided by all abutting residents and abutting landowners surrounding the *lot* where the *animal* is to be kept. Said concurrence shall be in a form acceptable to the *Planning Director*.
- c. The *setbacks* for the keeping of *animals* may be waived with the written concurrence of the neighbors possibly impacted by the *setback* intrusion.
- d. *Animals* shall be kept in a manner consistent with Section 8107-2.2 et seq. "General Standards".

(AM. ORD. 4580 -4/13/21)

#### **Section 8107-2.5.5 – Rooster Youth Projects and Rooster Hobbyists**

*Roosters* may be kept for youth-oriented poultry projects, provided such *roosters* are kept for youth-oriented poultry projects sanctioned by such organizations as 4-H or Future Farmers of America (FFA) or equivalent youth organizations as determined by the Ventura County Animal Services Director and the *Planning Director*. *Roosters* may also be kept by *legitimate poultry hobbyists*, as defined in Article 2 of this Chapter. *Roosters* may be kept for youth poultry projects and by *legitimate poultry hobbyists* in the numbers and types as set forth in Section 8107-2.3.7 of this Chapter and in accordance with the *setback* and containment standards and with the written approval by the Ventura County Animal Services Director as set forth in Sections 8107-2.2.2, 8107-2.3.7(f), and 8107-2.3.7(a)(5) of this Chapter, provided any necessary waiver of the number of *roosters* up to 25 *roosters* is obtained pursuant to Section 8111-1.1.2 of this Chapter. (ADD. ORD. 4580 - 4/13/21)

#### **Sec. 8107-2.6 - Apiculture**

The following standards apply to the keeping of bees.

- a. Definitions: Definitions for all italicized terms in this Section 8107-2.6 et seq. are set forth in Article 2 of this Chapter. If a term used in this section is not defined in Article 2 it shall have the meaning established for such word or phrase in Chapter 1 (commencing with Section 29000) of Division 13 of the Food and Agricultural Code as may be amended.
- b. Agricultural Commissioner Registration Requirement: Every *person* that is the owner or is in possession of an *apiary* that is located within the unincorporated area of the county shall register with the Agricultural Commissioner's Office the number of *bee colonies* in each *apiary* that is owned by the *person*, and provide the location of each *apiary*. Every *person* required to register under this section shall do so on the first day of January of each year in which they maintain or possess an *apiary* or within 30 days thereafter, as required in the California Food and Agricultural Code sections 29010-29056, as may be amended.
- c. Exempt Beekeeping Activities: The following beekeeping activities are exempt from the regulations of this Section 8107-2.6. et seq. Notwithstanding the following, *persons* conducting exempt beekeeping activities shall still comply with state and federal laws pertaining to *apiculture*, and shall register annually each *beehive* with the Agricultural Commissioner's Office pursuant to Section 8107-2.6(b), above.



- (1) Keeping of *bees* within an educational institution for study or observation, or within a physician's office or laboratory for medical research, treatment, or other scientific purposes.
  - (2) In addition to the maximum number of *beehives* allowed pursuant to Section 8107-2.6.2(d), below, one additional *beehive* may be brought onto a property for a maximum of 30 consecutive calendar days for the purposes of swarm prevention.
- d. Prohibited Beekeeping Activities:
- (1) *Beekeeping* is prohibited in *mobilehome* and *recreational vehicle parks*, all commercial and industrial zones, and the R2, RHD, and R/MU Zones. *Beekeeping* is also prohibited in the RES Zone when there are *two-family* or *multifamily* dwellings on the property.
  - (2) No *person* shall own or operate an *apiary* that has Africanized honeybees and/or *bees* that exhibit *aggressive bee behavior*, contains *apiary* pests, or is an abandoned *apiary*, as determined by the Agricultural Commissioner. Africanized honeybees are considered *inherently dangerous animals* (insects).
  - (3) *Beehives* and beekeeping appurtenances shall not be located on a roof of a *structure* unless the roof is a permitted roof-top deck and/or is an area that is designed and permitted to be walked upon.
- e. Nuisance Abatement: Failure to comply with the following nuisance abatement procedures will result in formal enforcement procedures as set forth in Section 8107-2.6(f):
- (1) If a *bee colony* exhibits *aggressive bee behavior* in a *beehive* on a property or in/on a *structure* and has been determined by the Agricultural Commissioner to be a public nuisance, the property owner and/or the *beekeeper* of the *bee colony* shall abate and remove the *bee colony* in order to protect the health, safety, and welfare of the public.
  - (2) *Bee colonies* determined by the Agricultural Commissioner to be neglected or abandoned, and/or are not maintained in accordance with the regulations of this Section 8107-2.6 et seq. are a public nuisance. The property owner and/or the *beekeeper* of the *bee colony* shall immediately remove the *bee colony* or abate the nuisance by immediately complying with the regulations of this section in order to protect the health, safety, and welfare of the public.
- f. Violation, Enforcement Procedures and Penalties: Failure to comply with the provisions of this Section 8107-2.6 et seq. may result in the issuance of a Notice of Violation and/or commencement of Civil Administrative Penalties in accordance with Article 14 of this Chapter, and/or criminal prosecution of a misdemeanor/infraction pursuant to Section 13-1 (Enforcement) of the Ventura County Ordinance Code.

**Sec. 8107-2.6.1 – Beekeeping, Other than Backyard Beekeeping**

In addition to the beekeeping standards in Section 8107-2.6 above, beekeeping that is not *backyard beekeeping* pursuant to Section 8107-2.6.2 and as defined in Article 2 of this Chapter shall be operated in accordance with the following standards:

- a. This type of beekeeping is only allowed in the OS, AE, RA, and TP Zones.
- b. Occupied *apiaries* shall be located or maintained a safe distance from an urbanized area. For the purpose of this section, an urbanized area is defined as an area containing three or more *dwelling units* per acre. A "safe distance" shall be determined after investigation by the Agricultural Commissioner and

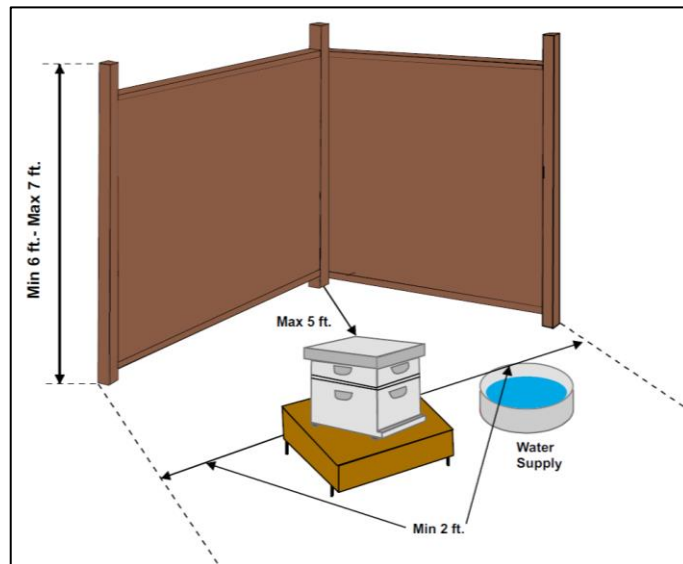
shall be consistent with Section 8107-2.6.1(c) below. Decisions of the Agricultural Commissioner may be appealed pursuant to Section 8111-7.2(c) of this Chapter.

- c. Unless otherwise authorized in writing by the Agricultural Commissioner, no occupied *apiary* shall be located or maintained within:
  - (1) 400 feet of any off-site dwelling,
  - (2) 50 feet of any property line common to other property except that it may be adjoining the property line when such other property contains an *apiary*, or upon mutual agreement for such location with the adjoining property owner, and
  - (3) 150 feet of any public road, street, or highway.
- d. Adequate available and suitable water supplies shall be maintained on the property near the *apiary* at all times.

### **Sec. 8107-2.6.2 – Backyard Beekeeping**

In addition to the beekeeping standards in Section 8107-2.6 above, *backyard beekeeping* shall be operated in accordance with the following standards:

- a. Purpose: The purpose of this section is to establish regulations for hobbyist beekeeping activities that are accessory to a *single-family dwelling*. Naturally occurring and uncontrolled *beehives* that have colonized on a residential property for less than 30 calendar days are not subject to the provisions of this Section 8107-2.6.2.
- b. Prohibited Activities: In addition to the prohibited beekeeping activities listed in Section 8107-2.6(d) above, no *person* shall keep, maintain, possess, or control any *apiary* in or upon any premises on lots less than 10,000 square feet in total *gross lot area*, except as exempted pursuant to Section 8107-2.6(c) above. *Backyard beekeeping* is limited to a maximum of four *beehives* pursuant to the standards set forth in Section 8107-2.6.2(d) below.
- c. Development Standards: Unless an activity is exempt pursuant to Section 8107-2.6(c) above, all *backyard beekeeping* shall be operated in accordance with the following standards:
  - (1) *Beehive* entrances shall face away from, or parallel to, the nearest *lot line* adjacent to another and shall face away from doors and/or windows.
  - (2) A *beehive* shall be sited so the general flight pattern of *bees* is in a direction that will deter *bee* contact with humans and *animals*. A solid wall, *fence*, or dense vegetation, known as a “*beekeeping flyaway barrier*,” shall be located along the side of the *beehive* that contains the entrance to the hive, such that the *bees* are forced to fly to an elevation of at least 6 feet above ground level to exit and enter the *beehive*. A *backyard flyaway barrier* that consists of a wall or *fence* shall be no less than 6 feet in height and no taller than 7 feet. The *backyard flyaway barrier* shall be located a maximum of 5 feet from the *beehive* and shall extend at least 2 feet on either side of the hive. For the purposes of this Section 8107-2.6.2(c)(2), dense vegetation means trees or shrubs that are vigorous, compact, thick, and are at least 6 feet in height (e.g., tall hedge) prior to or at the time the *beehive(s)* are on the property. Property line *fences* do not constitute *beekeeping flyaway barriers*.



Example of a Beekeeping Flyaway Barrier

In lieu of a minimum 6-foot-tall *beekeeping flyaway barrier*, *beehives* shall be located:

- i. At least 100 feet from any off-site *dwelling* at all times, unless a more restrictive setback standard is required by Section 8107-2.6.2(d), below; or
- ii. On a *structure* that is a minimum of 8 feet above ground level, provided that the *beehive(s)* are not located on a roof as set forth in Section 8107-2.6(d)(3) above, measured from the lowest adjacent ground level parallel to and within 5 feet of the *structure*. Such *structure* shall comply with the most restrictive setback requirements as set forth in Sections 8106-1.1, or 8107-2.6.2(d) below. A Zoning Clearance is required for the construction of any *structure* over 7 feet tall to house *beehive(s)*.

d. Schedule of Specific Development Standards: The development standards set forth in the table below apply to all *backyard beekeeping* activities.

Max. No. of Beehives Per Legal Lot	Min. Lot Area (gross lot area)	Minimum Setback of Beehives from Property Lines <sup>1</sup>				Min. Setback of Beehives from Public Right-of-Way or Easement <sup>2</sup>	Min. Setback of Beehives from Sensitive Sites <sup>3</sup>
		Front	Side: Interior Lots	Street Side	Rear (not adjacent to street)		
2	10,000 sq. ft.	Not Allowed	10 ft.	20 ft.	10 ft.	20 ft.	150 ft.
3	20,000 sq. ft.		20 ft.	50 ft.	20 ft.	50 ft.	300 ft.
4	1 acre		50 ft.	100 ft.	50 ft.	100 ft.	450 ft.

1. If the property line extends into a thoroughfare or road, the distance shall be measured from the nearest edge of the road.
2. The distance will be measured from the nearest edge of the public or private road easement pursuant to Section 8106-4.2 of this Chapter. For purposes of this section, a road also includes sidewalks, equestrian trails, and roadside paths where people travel either by foot, *animal*, or vehicle.
3. The distance shall be measured from the nearest edge of the property line of a *beekeeping sensitive site*, as defined in Article 2.

- e. Beekeeping Education Course: Beekeepers shall complete an education course on beekeeping approved by the Agricultural Commissioner's Office prior to establishing an *apiary* on the property. A copy of the current registration and evidence of completion of the education course shall be provided to the County upon request.
- f. Backyard Beekeeping Best Management Practices:
  - (1) *Beekeepers* shall maintain compliance with all of the standards set forth in this section.
  - (2) A *beehive* shall be maintained through the provision of adequate space, and pest and disease control.
  - (3) Adequate and accessible forage habitat to feed and nourish *bees* shall be readily available. If necessary, the *beekeeper* shall provide supplemental nourishment to the *beehive(s)* to prevent starvation during times of reduced nectar production.
  - (4) *Beehives* shall be re-queened following any swarming or *aggressive bee behavior*.
  - (5) Each *beehive*, and all *bees* therein, shall at all times be under the control of the property owner on which the *beehive* is located or the *beekeeper* thereof, and shall not be a public nuisance.
  - (6) An adequate and accessible supply of fresh water shall be available at all times, including prior to introduction of a *beehive* to a new location. If the property on which the *apiary* is located does not contain sufficient natural water, the *beekeeper* shall provide one or more water containers or water sources within 2 feet of the *beehive*. The water supply shall provide landing sites for the *bees* to drink without drowning, undue competition, or overcrowding.
  - (7) *Beekeepers* shall inspect each *beehive* at least once a month to detect *aggressive bee behavior* and/or *apiary* pests in order to take corrective action(s) in a timely manner. *Beekeepers* shall practice swarm prevention techniques and provide additional space for *beehive* growth to minimize *bee* swarming.
  - (8) *Beekeepers* shall post identification and contact information in a prominently visible location on each *beehive*, including the name and phone number of the *beekeeper*.
  - (9) *Beekeepers* shall always have a shovel and an operable water hose or fire extinguisher available on the property for suppression of any accidental fire.
  - (10) *Bee smokers* shall contain a noncombustible container with a secure lid and be equipped with a fire-resistant smoker plug to prevent embers from escaping.

(ADD. ORD. 4606 – 11/1/22)

### **Sec. 8107-2.7 - Vermiculture**

The following standards apply to vermiculture operations:

- a. Vermiculture operations shall only be allowed on *lots* of 20,000 square feet or larger.
- b. No worm beds, feedstock, bedding material, worm castings or similar related materials associated with the operation shall be located within 100 feet of a residence on a neighboring property.

(REP./REEN. ORD. 4092 - 6/27/95)

- c. The area used for worm beds, feedstock, bedding material, castings, and related materials shall not, in the aggregate, exceed six feet in height. If a *discretionary* permit is issued pursuant to Sec. 8105-4, these standards may be exceeded. The standards set forth in Section 8107-36.4.1 shall apply to all such vermiculture operations in excess of 5,000 square feet of open beds. (AM. ORD. 4214 - 10/24/00)
- d. The volume of raw or composted feedstock and the bedding materials shall not exceed that which is reasonably necessary to the production of the worms raised on the site.
- e. Prior to the issuance of a Zoning Clearance of the use, a "stockpile management plan" shall have been approved by the Environmental Health Division. The operations shall only be conducted in conformance with the approved plan and the limitations set forth in this section.

(REP./REEN. ORD. 4092 - 6/27/95)

### **Sec. 8107-3 - Auto, Boat, and Trailer Sales Lots**

New and used automobile, motorhome, trailer and boat sales yards are subject to the following conditions:

#### **Sec. 8107-3.1**

No repair or reconditioning of automobiles, trailers or boats shall be permitted unless such work is accessory to the principal retail use and is done entirely within an enclosed building;

#### **Sec. 8107-3.2**

Except for required landscaping, the entire open area of the premises shall be surfaced pursuant to Sec. 8108-5.9.

(AM. ORD. 4407 - 10/20/09)

### **Sec. 8107-4 - Mobilehome Parks**

#### **Sec. 8107-4.1**

Mobilehome parks shall be developed in accordance with all applicable standards, including density standards (number of dwellings per unit of *lot* area), of the zone in which the mobilehome park is located.

#### **Sec. 8107-4.2**

A mobilehome park may include, as part of an approved permit, recreational and clubhouse facilities and other accessory uses.

#### **Sec. 8107-4.3**

The minimum distance between structures in a mobilehome park shall be ten feet, except that the minimum distance between accessory structures shall be six feet.

### **Sec. 8107-5 - Oil and Gas Exploration and Production**

#### **Sec. 8107-5.1 - Purpose**

The purpose of this section is to establish reasonable and uniform limitations, safeguards and controls for oil and gas exploration and production facilities and operations within the County which will allow for the reasonable use of an important

County resource. These regulations shall also ensure that development activities will be conducted in harmony with other uses of land within the County and that the rights of surface and mineral owners are balanced.

### **Sec. 8107-5.2 - Application**

Unless otherwise indicated herein, the purposes and provisions of Section 8107-5 et seq. shall be and are hereby automatically imposed on and made a part of any permit for oil or gas exploration and development issued by Ventura County on or after March 24, 1983. Such provisions shall be imposed in the form of permit conditions when permits are issued for new development or for existing wells/facilities without permits, or when existing permits are modified. These conditions may be modified at the discretion of the *Planning Director*, pursuant to Sec. 8111-5.2 (*Incorrect reference; see Sec. 8111-4.2*). Furthermore, said provisions shall apply to any oil and gas exploration and development operation initiated on or after March 24, 1983, upon Federally owned lands for which no land use permit is required by Ventura County. No permit is required by the County of Ventura for oil and gas exploration and production operations conducted on Federally owned lands pursuant to the provisions of the Mineral Lands Leasing Act of 1920 (30 U.S.C. Section 181 et seq.). (AM. ORD. 3810 - 5/5/87)

### **Sec. 8107-5.3 - Definitions**

Unless otherwise defined herein, or unless the context clearly indicates otherwise, the definition of petroleum-related terms shall be that used by the State Division of Oil and Gas.

### **Sec. 8107-5.4 - Required Permits**

No oil or gas exploration or production related use may commence without or be inconsistent with a Conditional Use Permit approved pursuant to this Chapter. Furthermore, a Zoning Clearance must be obtained by the permittee to confirm consistency with the Zoning Ordinance and/or Conditional Use Permit prior to drilling every well, commencing site preparation for such well(s), or installing related appurtenances, as defined by the *Planning Director*. However, a single Zoning Clearance may be issued for more than one well or drill site or structure. Possession of an approved Conditional Use Permit shall not relieve the operator of the responsibility of securing and complying with any other permit which may be required by other County Ordinances, or State or Federal laws. No condition of a Conditional Use Permit for uses allowed by this Chapter shall be interpreted as permitting or requiring any violation of law, or any lawful rules or regulations or orders of an authorized governmental agency. When more than one set of rules apply, the stricter one shall take precedence. (AM. ORD. 3900 - 6/20/89)

### **Sec. 8107-5.5 - Oil Development Guidelines**

The general guidelines that follow shall be used in the development of conditions which will help ensure that oil development projects generate minimal negative impacts on the environment. The guidelines shall be applied whenever physically and economically feasible and practicable, unless the strict application of a particular guideline(s) would otherwise defeat the intent of other guidelines. An *applicant* should use the guidelines in the design of the project and anticipate their use as permit conditions, unless the *applicant* can demonstrate that they are not feasible or practicable.

#### **Sec. 8107-5.5.1**

Permit areas and drill sites should generally coincide and should only be as large as necessary to accommodate typical drilling and production equipment.

**Sec. 8107-5.5.2**

The number of drill sites in an area should be minimized by using centralized drill sites, directional drilling and other techniques.

**Sec. 8107-5.5.3**

Drill sites and production facilities should be located so that they are not readily seen.

**Sec. 8107-5.5.4**

Permittees and operators should share facilities such as, but not limited to, permit areas, drill sites, access roads, storage, production and processing facilities and pipelines.

**Sec. 8107-5.5.5**

The following guidelines shall apply to the installation and use of oil and gas pipelines:

- a. Pipelines should be used to transport petroleum products off-site to promote traffic safety and air quality.
- b. The use of a pipeline for transporting crude oil may be a condition of approval for expansion of existing processing facilities or construction of new processing facilities.
- c. New pipeline corridors should be consolidated with existing pipeline or electrical transmission corridors where feasible, unless there are overriding technical constraints or significant social, aesthetic, environmental or economic reasons not to do so.
- d. When feasible, pipelines shall be routed to avoid important resource areas, such as recreation, sensitive habitat, geological hazard and archaeological areas. Unavoidable routing through such areas shall be done in a manner that minimizes the impacts of potential spills by considering spill volumes, durations, and projected paths. New pipeline segments shall be equipped with automatic shutoff valves, or suitable alternatives approved by the *Planning Director*, so that each segment will be isolated in the event of a break.
- e. Upon completion of pipeline construction, the site shall be restored to the approximate previous grade and condition. All sites previously covered with *native vegetation* shall be reseeded with the same or recovered with the previously removed vegetative materials, and shall include other measures as deemed necessary to prevent erosion until the vegetation can become established, and to promote visual and environmental quality.

(AM. ORD. 3810 - 5/5/87; AM. ORD. 3900 - 6/20/89)

**Sec. 8107-5.5.6**

Cuts or fills associated with access roads and drill sites should be kept to a minimum to avoid erosion and visual impacts. They should be located in inconspicuous areas, and generally not exceed ten vertical feet. Cuts or fills should be restored to their original grade once the use has been discontinued.

**Sec. 8107-5.5.7**

Gas from wells should be piped to centralized collection and processing facilities, rather than being flared, to preserve energy resources and air quality, and to reduce fire hazards and light sources. Oil should also be piped to centralized collection and processing facilities, in order to minimize land use conflicts and environmental degradation, and to promote visual quality. (AM. ORD. 3810 - 5/5/87)

**Sec. 8107-5.5.8**

Wells should be located a minimum of 800 feet from occupied sensitive uses. Private access roads to drill sites should be located a minimum of 300 feet from occupied sensitive uses, unless this requirement is waived by the occupant.

**Sec. 8107-5.5.9**

Oversized vehicles should be preceded by lead vehicles, where necessary for traffic safety.

**Sec. 8107-5.5.10**

Lighting should be kept to a minimum to approximate normal nighttime light levels.

**Sec. 8107-5.5.11**

In the design of new or modified oil and gas production facilities, best accepted practices in drilling and production methods should be utilized, if capable of reducing factors of nuisance and annoyance. (REP. ORD. 3810 - 5/5/87; ADD. ORD. 3900 - 6/20/89)

**Sec. 8107-5.6 - Oil Development Standards**

The following are minimum standards and requirements which shall be applied pursuant to Sec. 8107-5.2. More restrictive requirements may be imposed on a project through the conditions of the permit. Measurements are taken from the outside perimeter of the noise receptors noted below: (AM. ORD. 3900 - 6/20/89)

**Sec. 8107-5.6.1 - Setbacks**

No well shall be drilled and no equipment or facilities shall be permanently located within:

- a. 100 feet of any dedicated public street, highway or nearest rail of a railway being used as such, unless the new well is located on an existing drill site and the new well would not present a safety or right-of-way problem. If aesthetics is a problem, then the permit must be conditioned to mitigate the problem.
- b. 500 feet of any building or dwelling not necessary to the operation of the well, unless a waiver is signed pursuant to Sec. 8107-5.6.25, allowing the setback to be reduced. In no case shall the well be located less than 100 feet from said structures. (AM. ORD. 3730 - 5/7/85);
- c. 500 feet of any institution, school or other building used as a place of public assemblage, unless a waiver is signed pursuant to Sec. 8107-5.6.25, allowing the setback to be reduced. In no case shall any well be located less than 300 feet from said structures. (AM. ORD 3730 - 5/7/85);
- d. 300 feet from the edge of the existing banks of "Red Line" channels as established by the Ventura County Flood Control District (VCFCD), 100 feet from the existing banks of all other channels appearing on the most current United States Geologic Services (USGS) 2,000' scale topographic map as a blue line. These setbacks shall prevail unless the permittee can demonstrate to the satisfaction of the Public Works Agency that the subject use can be safely located nearer the stream or channel in question without posing an undue risk of water pollution, and impairment of flood control interests. In no case shall setbacks from streams or channels be less than 50 feet. All drill sites located within the 100-year flood plain shall be protected from flooding in accordance with Flood Control District requirements.
- e. The applicable setbacks for accessory structures for the zone in which the use is located.



- f. 100 feet from any marsh, small wash, intermittent lake, intermittent stream, spring or perennial stream appearing on the most current USGS 2000' scale topographic map, unless a qualified biologist, approved by the County, determines that there are no significant biological resources present or that this standard setback should be adjusted.

(AM. ORD. 3900 - 6/20/89)

**Sec. 8107-5.6.2 - Obstruction of Drainage Courses**

Drill sites and access roads shall not obstruct natural drainage courses. Diverting or channeling such drainage courses may be permitted only with the authorization of the Public Works Agency.

**Sec. 8107-5.6.3 - Removal of Equipment**

All equipment used for drilling, re-drilling, and maintenance work on approved wells shall be removed from the site within 30 days of the completion of such work unless a time extension is approved by the *Planning Director*.

**Sec. 8107-5.6.4 - Waste Handling and Containment of Contaminants**

Oil, produced water, drilling fluids, cuttings and other contaminants associated with the drilling, production, storage and transport of oil shall be contained on the site unless properly transported off-site, injected into a well, treated or re-used in an approved manner on-site or if allowed, off-site. Appropriate permits, permit modifications or approvals must be secured when necessary, prior to treatment or re-use of oil field waste materials. The permittee shall furnish the *Planning Director* with a plan for controlling oil spillage and preventing saline or other polluting or contaminating substances from reaching surface or subsurface waters. The plan shall be consistent with requirements of County, State and Federal laws. (AM.ORD.3900-6/20/89)

**Sec. 8107-5.6.5 - Securities**

Prior to the commencement or continuance of drilling or other uses on an existing permit, the permittee shall file, in a form acceptable to the County Counsel and certified by the County Clerk, a bond or other security in the penal amount of not less than \$10,000.00 for each well that is drilled or to be drilled. Any operator may, in lieu of filing such a security for each well drilled, re-drilled, produced or maintained, file a security in the penal amount of not less than \$10,000.00 to cover all operations conducted in the County of Ventura, a political subdivision of the State of California, conditioned upon the permittee well and truly obeying, fulfilling and performing each and every term and provision in the permit. In case of any failure by the permittee to perform or comply with any term or provision thereof, the Planning Commission may, after notice to the permittee and a public hearing, by resolution, determine the amount of the penalty and declare all or part of the security forfeited in accordance with its provisions. The sureties and principal will be jointly and severally obligated to pay forthwith the full amount of the forfeiture to the County of Ventura. The forfeiture of any security shall not insulate the permittee from liability in excess of the sum of the security for damages or injury, or expense or liability suffered by the County of Ventura from any breach by permittee of any term or condition of said permit or of any applicable ordinance or of this security. No security shall be exonerated until after all the applicable conditions of the permit have been met.

**Sec. 8107-5.6.6 - Dust Prevention and Road Maintenance**

The drill site and all roads or hauling routes located between the public right-of-way and the subject site shall be improved or otherwise treated as required by the County and maintained as necessary to prevent the emanation of dust. Access roads shall be designed and maintained so as to minimize erosion, prevent the

deterioration of vegetation and crops, and ensure adequate levels of safety. (AM. ORD. 3900 - 6/20/89)

**Sec. 8107-5.6.7 - Light Emanation**

Light emanation shall be controlled so as not to produce excessive levels of glare or abnormal light levels directed at any neighboring uses. Lighting shall be kept to a minimum to maintain the normal night-time light levels in the area, but not inhibit adequate and safe working light levels. The location of all flood lights and an outline of the illuminated area shall be shown on the *landscape plan*, if required, or on the requisite plot plan. (AM. ORD. 3900 - 6/20/89)

**Sec. 8107-5.6.8 - Reporting of Accidents**

The permittee shall immediately notify the *Planning Director* and Fire Department and all other applicable agencies in the event of fires, spills, or hazardous conditions not incidental to the normal operations at the permit site. Upon request of any County Agency, the permittee shall provide a written report of any incident within seven calendar days which shall include, but not be limited to, a description of the facts of the incident, the corrective measures used and the steps taken to prevent recurrence of the incident.

**Sec. 8107-5.6.9 - Painting**

All permanent facilities, structures, and aboveground pipelines on the site shall be colored so as to mask the facilities from the surrounding environment and uses in the area. Said colors shall also take into account such additional factors as heat buildup and designation of danger areas. Said colors shall be approved by the *Planning Director* prior to painting of facilities.

**Sec. 8107-5.6.10 - Site Maintenance**

The permit area shall be maintained in a neat and orderly manner so as not to create any hazardous or unsightly conditions such as debris; pools of oil, water, or other liquids; weeds; brush; and trash. Equipment and materials may be stored on the site which are appurtenant to the operation and maintenance of the oil well located thereon. If the well has been suspended, idled or shut-in for 30 days, as determined by the Division of Oil and Gas, all such equipment and materials shall be removed within 90 days.

**Sec. 8107-5.6.11 - Site Restoration**

Within 90 days of revocation, expiration or surrender of any permit, or abandonment of the use, the permittee shall restore and revegetate the premises to as nearly its original condition as is practicable, unless otherwise requested by the landowner.

**Sec. 8107-5.6.12 - Insurance**

The permittee shall maintain, for the life of the permit, liability insurance of not less than \$500,000 for one person and \$1,000,000 for all persons and \$2,000,000 for property damage. This requirement does not preclude the permittee from being self-insured.

**Sec. 8107-5.6.13 - Noise Standard**

Unless herein exempted, drilling, production, and maintenance operations associated with an approved oil permit shall not produce noise, measured at a point outside of occupied sensitive uses such as residences, schools, health care facilities, or places of public assembly, that exceeds the following standard or any other more restrictive standard that may be established as a condition of a specific permit. Noise from the subject property shall be considered in excess of the standard when the average sound level, measured over one hour, is greater than the standard that follows. The determination of whether a violation has occurred shall be made in accordance with the provisions of the permit in question.

Nomenclature and noise level descriptor definitions are in accordance with the Ventura County General Plan Goals, Policies and Programs and the Ventura County General Plan Hazards Appendix. Measurement procedures shall be in accordance with the Ventura County General Plan Hazards Appendix.

The maximum allowable average sound level is as follows:

**One Hour Average Noise Levels (LEQ)**

<u>Time Period</u>	<u>Drilling and Maintenance Phase</u>	<u>Producing Phase</u>
Day (6:00 a.m. to 7:00 p.m.)	55 dB(A)	45 dB(A)
Evening (7:00 p.m. to 10:00 p.m.)	50 dB(A)	40 dB(A)
Night (10:00 p.m. to 6:00 a.m.)	45 dB(A)	40 dB(A)

For purposes of this section, a well is in the "producing phase" when hydro-carbons are being extracted or when the well is idled and not undergoing maintenance. It is presumed that a well is in the "drilling and maintenance phase" when not in the "producing phase."

(AM.ORD.3900-6/20/89)

**Sec. 8107-5.6.14 - Exceptions to Noise Standard**

The noise standard established pursuant to Sec. 8107-5.6.13 shall not be exceeded unless covered under any of the following provisions:

- a. Where the ambient noise levels (excluding the subject facility) exceed the applicable noise standards. In such cases, the maximum allowable noise levels shall not exceed the ambient noise levels plus 3 dB(A).
- b. Where the owners/occupants of sensitive uses have signed a waiver pursuant to Sec. 8107-5.6.25 indicating that they are aware that drilling and production operations could exceed the allowable noise standard and that they are willing to experience such noise levels. The applicable noise levels shall apply at all locations where the owners/occupants did not sign such a waiver.

(AM. ORD. 3900 - 6/20/89)

**Sec. 8107-5.6.15 - Compliance with Noise Standard**

When a permittee has been notified by the Planning Division that his operation is in violation of the applicable noise standard, the permittee shall correct the problem as soon as possible in coordination with the Planning Division. In the interim, operations may continue; however, the operator shall attempt to minimize the total noise generated at the site by limiting, whenever possible, such activities as the following:

- a. hammering on pipe;
- b. racking or making-up of pipe
- c. acceleration and deceleration of engines or motors;
- d. drilling assembly rotational speeds that cause more noise than necessary and could reasonably be reduced by use of a slower rotational speed;
- e. picking up or laying down drill pipe, casing, tubing or rods into or out of the drill hole.

If the noise problem has not been corrected by 7:00 p.m. of the following day, the offending operations, except for those deemed necessary for safety reasons by the *Planning Director* upon the advice of the Division of Oil and Gas, shall be suspended until the problem is corrected.

**Sec. 8107-5.6.16 - Preventive Noise Insulation**

If drilling, redrilling, or maintenance operations, such as pulling pipe or pumps, are located within 1,600 feet of an occupied sensitive use, the work platform, engine base and draw works, crown block, power sources, pipe rack and other probable noise sources associated with a drilling or maintenance operation shall be enclosed with soundproofing sufficient to ensure that expected noise levels do not exceed the noise limits applicable to the permit. Such soundproofing shall be installed prior to the commencement of drilling or maintenance activities, and shall include any or all of the following: acoustical blanket coverings, soundwalls, or other soundproofing materials or methods which ensure that operations meet the applicable noise standard. (AM. ORD. 3900 - 6/20/89)

**Sec. 8107-5.6.17 - Waiver of Preventive Noise Insulation**

The *applicant* may have a noise study prepared by a qualified acoustical consultant, approved by the County. If the findings of the study conclude that the proposed project will meet the County Noise standards contained in Section 8107-5.6.13 and do not constitute a nuisance, then the soundproofing requirement may be waived. If the findings show that a noise level will be generated above and beyond the County standards, then soundproofing must be installed sufficient to meet the applicable noise standard. Where a waiver pursuant to Sec. 8107-5.6.25 is signed, no preventive noise insulation will be required. (REP./REEN. ORD. 3900 - 6/20/89)

**Sec. 8107-5.6.18 - Soundproofing Material**

All acoustical blankets or panels used for required soundproofing shall be of fireproof materials and shall comply with California Industrial Safety Standards and shall be approved by the Ventura County Fire Protection District prior to installation. (REP./REEN. ORD. 3900 - 6/20/89)

**Sec. 8107-5.6.19 - Hours of Well Maintenance**

All nonemergency maintenance of a well, such as the pulling of pipe and replacement of pumps shall be limited to the hours of 7:00 a.m. to 7:00 p.m. of the same day if the well site is located within 3,000 feet of an occupied residence. This requirement may be waived by the *Planning Director* if the permittee can demonstrate that the applicable noise standard can be met or that all applicable parties within the prescribed distance have signed a waiver pursuant to Sec. 8107-5.6.25. (REP. as 8107-5.6.17 and REEN. by ORD. 3900 - 6/20/89)

**Sec. 8107-5.6.20 - Limited Drilling Hours**

All drilling activities shall be limited to the hours of 7:00 a.m. through 7:00 p.m. of the same day when they occur less than 800 feet from an occupied sensitive use. Nighttime drilling shall be permitted if it can be demonstrated to the satisfaction of the *Planning Director* that the applicable noise standard can be met or that all applicable parties within the prescribed distance have signed a waiver pursuant to Section 8107-5.6.25. (REP. as 8107-5.6.18 and REEN. by ORD. 3900 - 6/20/89)

**Sec. 8107-5.6.21 - Signs**

In addition to the signage otherwise allowed by Sec. 8110, only signs required for directions, instructions, and warnings, identification of wells and facilities, or signs required by other County ordinances or State and Federal laws may be placed in areas subject to an oil and gas Conditional Use Permit. Identification signs shall be a maximum four square feet in size and shall contain, at minimum, the following information:

1. Division of Oil and Gas well name and number.
2. Name of owner/operator.

3. Name of lease and name and/or number of the well.
4. Name and telephone number of person(s) on 24-hour emergency call.

The well identification sign(s) shall be maintained at the well site from the time drilling operations commence until the well is abandoned. (REP./REEN. ORD. 3900 - 6/20/89)

**Sec. 8107-5.6.22 - Fencing**

All active well sites (except submersible pumps), sumps and/or drainage basins or any machinery in use or intended to be used at the well site or other associated facilities shall be securely *fenced*, if required, based on the *Planning Director's* determination that fencing is necessary due to the proximity of nearby businesses, residences, or other occupied sensitive uses. A single, adequate *fence* which is compatible with surrounding area, may be used to enclose more than one oil well or well site and appurtenances. Location of *fences* shall be shown on a submitted plot plan and/or *landscape plan*, if required. *Fences* must meet all Division of Oil and Gas regulations. (ADD. ORD. 3900 - 6/20/89)

**Sec. 8107-5.6.23 - General Standards**

Projects shall be located, designed, and operated so as to minimize their adverse impact on the physical and social environment. To this end, dust, noise, vibration, noxious odors, intrusive light, aesthetic impacts and other factors of nuisance and annoyance shall be reduced to a minimum or eliminated through the best accepted practices incident to the exploration and production of oil and gas. (REP. as Sec. 8107-5.6.19 and ADD. by ORD.3900 - 6/20/89)

**Sec. 8107-5.6.24 - Screening and Landscaping**

All oil and gas production areas shall be landscaped to screen production equipment, structures and parking areas to the maximum extent feasible as determined by the *Planning Director* or designee. The landscaping shall screen the development in a manner that maximizes natural or natural-appearing landscapes to the maximum extent feasible, when such infrastructure will impact the viewshed from within an existing community, or from a public road or trail. Required landscaping shall be implemented in accordance with a *landscape plan* pursuant to all applicable landscaping standards in Section 8106-8.2 and Section 8108-5.14. When the project is not subject to MWELo, low water usage landscaping and use of *native vegetation* shall be strongly encouraged. (ADD. ORD. 3900 - 6/20/89; AM. ORD. 4577 - 3/9/21)

**Sec. 8107-5.6.25 - Waivers**

Where provisions exist for the waiver of an ordinance requirement, the waiver must be signed by the owner and all adult occupants of a dwelling, or in the case of other sensitive uses, by the owner of the use in question. Once a waiver is granted, the permittee is exempt from affected ordinance requirements for the life of the waiver. Unless otherwise stated by the signatory, a waiver signed pursuant to Sec. 8107-5.6.14(b) shall also be considered a waiver applicable to Sections 8107-5.6.16, .17, .19 and .20. (AM. ORD. 3730 - 5/7/85; REP. as Sec. 8107-5.6.20 and ADD. ORD. 3900 - 6/20/89)

**Sec. 8107-5.6.26 - Application of Sensitive Use Related Standards**

The imposition of regulations on petroleum operations, which are based on distances from occupied sensitive uses, shall only apply to those occupied sensitive uses which were in existence at the time the permit for the subject oil operations were approved. (REP. as Sec. 8107-5.6.21 and ADD. ORD. 3900 - 6/20/89)

**Sec. 8107-5.6.27 - Inspection, Enforcement and Compatibility Review**

To ensure that adequate funds are available for the legitimate and anticipated costs incurred for monitoring and enforcement activities associated with new or

modified oil and gas related Conditional Use Permits, the permittee shall deposit with the County funds, determined on a case-by-case basis, prior to the issuance of a Zoning Clearance. The funds shall also cover the costs for any other necessary inspections or the resolution of confirmed violations that may occur. One deposit may be made to cover all of the permittee's various permits. In addition, all new or modified Conditional Use Permits for oil and gas related uses shall, at the discretion of the *Planning Director*, be conditioned to require a compatibility review on a periodic basis. The purpose of the review is to determine whether the permit, as conditioned, has remained consistent with its findings for approval and if there are grounds for proceeding with public hearings concerning modification, suspension, or revocation of the permit. (ADD. ORD. 3900 - 6/20/89)

## **Sec. 8107-6 - Agricultural Sales Facilities**

### **Sec. 8107-6.1 - General Standards**

#### **Sec. 8107-6.1.1**

One agricultural sales facility per *lot* is allowed.

#### **Sec. 8107-6.1.2**

Wherever feasible, the facility shall be located on land that shall minimally compromise the agricultural production area.

#### **Sec. 8107-6.1.3**

Such facility shall not be located or maintained within 30 feet of any public right-of-way. This setback area shall be kept free to provide for off-street parking.

#### **Sec. 8107-6.1.4**

There shall be safe ingress and egress from the site as determined with review by the Ventura County Public Works Agency.

#### **Sec. 8107-6.1.5**

Off street parking shall be provided in accordance with the standards set forth in Article 8 under "Agricultural Uses" and shall not encroach upon the public right-of-way.

#### **Sec. 8107-6.1.6**

An agricultural sales facility may have one freestanding sign and one attached sign totaling 45 square feet for both signs in addition to the attached or freestanding sign allowed on the property pursuant to Sec. 8110-5.1 using the Open Space, Agricultural and R-Zone criteria. A sign for an agricultural sales facility may have a commercial message relating to products lawfully for sale at the facility.

#### **Sec. 8107-6.1.7**

Accessory structures to an agricultural sales facility, e.g. coolers and storage sheds, shall not cumulatively exceed the area of the sales structure itself.

#### **Sec. 8107-6.1.8**

Accessory structures to an agricultural sales facility shall not be attached to a sales facility structure, unless the total area of the sales structure and the attached accessory structure do not exceed the allowable square footage for the sales facility structure in question.

#### **Sec. 8107-6.1.9**

Such facilities will be required to meet all of the regulations of all other County agencies with regard to any proposed structures such as public occupancy, sanitary facilities, handicapped access, fire safety, security, etc.

**Sec. 8107-6.1.10**

Items sold at an agricultural sales facility may not be processed on site, except for rinsing and trimming. All sales of food products shall be in conformance with state laws.

(AM. ORD. 4215 - 10/24/00)

**Sec. 8107-6.2 - Small Facilities**

**Sec. 8107-6.2.1**

A small agricultural sales facility shall be allowed only if accessory to permitted raising of agricultural products on the same *lot* on which the facility is located, and only if at least 25 percent of the subject land area is devoted to agricultural production, and where there is a production area of one (1) acre or more.

**Sec. 8107-6.2.2**

The total area of such facilities that is devoted to sales and display which are open and accessible to the public shall not exceed 500 square feet. The sale and display area may be within and/or outside a structure.

**Sec. 8107-6.2.3**

Unless a Conditional Use Permit has been obtained under Section 8105-4 and the standards of Section 8107-6.3.4 are met, all of the inventory at the facility shall:

- a. Have been grown on the same site as the facility or are customarily grown within the County of Ventura as determined by the Agricultural Commissioner’s Office and;
- b. Be raw and unprocessed, except that items that have been washed, dried, bagged, trimmed, cut, boxed, cooled or transplanted (e.g. nursery stock and flowers) may be allowed as determined by the Environmental Health Division. Honey in jars is expressly allowed.

(AM. ORD. 4215 - 10/24/00)

**Sec. 8107-6.3 - Large Facilities**

**Sec. 8107-6.3.1**

A large agricultural sales facility shall be allowed only if accessory to permitted raising of agricultural products on the same *lot* on which the facility is located, or on contiguous *lots* owned or leased by the same person who owns or leases the *lot* on which the facility is located, and only if at least 25 percent of the subject land area is devoted to crop production, and where there is a production area of ten acres or more.

**Sec. 8107-6.3.2**

The total area devoted to sales and display which are open and accessible to the public shall not exceed 5,000 square feet. The sales and display area may be within and/or outside a structure.

**Sec. 8107-6.3.3**

The facility shall have no more than one floor and be no more than twenty (20) feet high.

**Sec. 8107-6.3.4**

No more than 20% of the total sales inventory based on square feet of shelf space, sold at the facility shall be any combination of the following;

- a. Processed commodities, the ingredients of which are customarily grown in Ventura County, as determined by the Agricultural Commissioner’s Office, such as dried fruit and beef jerky, or;

- b. Non-agricultural items, which are customarily accessory to the agricultural commodities sold and serve to advance the sale of agricultural products, educate the public about the agricultural industry in general, or the sales of products from the facility in particular, or;
- c. Agricultural commodities not customarily grown in the county.

(AM. ORD. 4215 - 10/24/00)

## **Sec. 8107-6.4 - Wholesale Nurseries for Propagation**

### **Sec. 8107-6.4.1**

The sales and display area shall be limited to that described in Sec. 8105-4 and may be within and/or outside a structure. The standards for *lot* size and production areas for different sized sales facilities shall be the same as those set forth in Sec. 8107-6.2.1 and 8107-6.3.1. While the public may roam throughout the site, only the designated sales and display area may contain priced merchandise or non-agricultural items for sale or display. (AM. ORD. 4291 - 7/29/03)

### **Sec. 8107-6.4.2**

The range of accessory and non-agricultural items that may be sold at the site pursuant to Sec. 8105-4 shall not exceed 20% of the inventory, based on the square footage of the sale and display area and shall be limited to any combination of the following:

- a. Items that are used to help propagate and grow plants, such as seeds, compost, manure, mulch, and soil amendments, or;
- b. Non-agricultural items which are customarily accessory to the agricultural commodities sold and serve to advance the sale of agricultural products, and/or educate the public about the agricultural industry in general, or the sale of products from the facility in particular. Such items shall be limited to such things as garden implements, pots, garden furniture, irrigation supplies, garden books, and the like.

(AM. ORD. 4215 - 10/24/00)

## **Sec. 8107-7 - Recreational Vehicle Parks**

Each application for the development of a recreational vehicle park, as defined in Title 25 of the California Administrative Code under "recreational trailer park," shall be subject to the following regulations.

### **Sec. 8107-7.1 - Development Standards:**

#### **Sec. 8107-7.1.1**

Minimum *lot* area for a recreational vehicle park shall be three acres.

#### **Sec. 8107-7.1.2**

Minimum percentage of the *net area* of each recreational vehicle park which shall be left in its natural state or be landscaped shall be 60 percent.

#### **Sec. 8107-7.1.3**

The maximum size of a recreational vehicle occupying a space in the park shall be 220 square feet of living area. Living area does not include built-in equipment such as wardrobes, closets, cabinets, kitchen units or fixtures, or bath and toilet rooms.

#### **Sec. 8107-7.1.4**

Building height and setbacks shall be as prescribed in the applicable zone, except where Title 25 of the California Administrative Code is more restrictive.



**Sec. 8107-7.1.5**

No recreational vehicle or accessory building shall be located less than six feet from any other recreational vehicle or accessory building on an adjacent space.

**Sec. 8107-7.1.6**

The distance from any picnic table to a toilet should be not less than 100 feet nor more than 300 feet.

**Sec. 8107-7.1.7**

All setbacks from streets and other areas in a recreational vehicle park not used for driveways, parking, buildings or service areas shall be landscaped.

**Sec. 8107-7.1.8**

Trash collection areas shall be adequately distributed and enclosed by a six-foot-high landscape screen, solid wall or *fence*, which is accessible on one side.

**Sec. 8107-7.1.9**

The minimum size of each recreational campsite shall be 1,000 square feet, and the minimum width shall be 25 feet.

**Sec. 8107-7.1.10**

Any of the foregoing standards may be modified subject to the provisions of Title 25, if evidence presented to the decision-making authority establishes that such modification is necessary to ensure compatibility with the established environmental setting.

**Sec. 8107-7.1.11**

The maximum number of trailer spaces per net acre of land shall be 18, unless a lower maximum is specified in the Conditional Use Permit for the park. (ADD. ORD.3810-5/5/87)

(AM. ORD. 3810 - 5/5/87)

**Sec. 8107-7.2 - Site Design Criteria**

**Sec. 8107-7.2.1**

Each space should have a level, landscaped front yard area with picnic table and a grill or campfire ring.

**Sec. 8107-7.2.2**

The office should be located near the entrance, which should also be the exit.

**Sec. 8107-7.2.3**

The site should be designed to accommodate both tent and vehicle campers (travel trailers, truck campers, camping trailers, motor homes) and shall be designed so as to minimize conflicts between vehicles and people.

**Sec. 8107-7.2.4**

Drive-through spaces should be provided for towed trailers.

**Sec. 8107-7.2.5**

Walls or landscaped earthen berms should be used to minimize noise from highway sources.

**Sec. 8107-7.2.6**

Utility conduits shall be installed underground in conformance with applicable State and local regulations. (AM. ORD. 3810 - 5/5/87)

**Sec. 8107-7.2.7**

Intensity of development in Los Padres National Forest shall not exceed permissible standards of the United States Forest Service Manual, April, 1970, Title 2300 - Recreation Management, experience level three, as may be amended from time to time, unless evidence presented to the decision-making authority

demonstrates a necessity and desirability to deviate from such standards, or unless otherwise specified in this ordinance.

**Sec. 8107-7.2.8**

Roadways and vehicle pads shall not be permitted in areas of natural slope inclinations greater than 15 percent or where grading would result in slope heights greater than ten feet and steeper than 2:1.

**Sec. 8107-7.2.9**

Where needed to enhance aesthetics or to ensure public safety, a *fence*, wall, landscape screen, earth mound or other screening approved by the *Planning Director* shall enclose the park.

**Sec. 8107-7.2.10**

Each site plan should also incorporate a recreational or utility building, laundry facilities and an entrance sign, made from natural materials, which blends with the landscape.

**Sec. 8107-7.2.11**

Each park shall be provided with sewer connections or dump stations, or a combination thereof, to serve the recreational vehicles. (AM. ORD. 3810 - 5/5/87)

**Sec. 8107-7.3 - Additional Provisions**

**Sec. 8107-7.3.1**

Each park may include a commercial establishment on-site, not exceeding 500 square feet of floor area, for the sole use of park residents.

**Sec. 8107-7.3.2**

Each park is permitted one on-site mobilehome to be used solely for the management and operation of the park, pursuant to Title 25 of the California Administrative Code.

**Sec. 8107-7.3.3**

No permanent building or cabana shall be installed or constructed on any trailer space; however, portable accessory structures and fixtures are permitted.

**Sec. 8107-7.3.4**

No travel trailers, trailer coaches, motor homes, campers or tents shall be offered for sale, lease or rent within a recreational vehicle park.

**Sec. 8107-7.3.5**

Off-road motor vehicle uses which might cause damage to vegetation or soil stability shall not be permitted.

**Sec. 8107-7.3.6**

The maximum time of occupancy for any family or recreational vehicle within any recreational vehicle park shall be 90 days within any 120-day period.

**Sec. 8107-8 - Restaurants, Bars and Taverns**

A maximum of two pool or billiard tables may be accessory to a Class I or Class II eating establishment, or to a bar or tavern. (AM. ORD. 4123 - 9/17/96)

**Sec. 8107-9 - Mining and Reclamation**

**Sec. 8107-9.1 - Purpose**

The purpose of this section is to establish reasonable and uniform limitations, safeguards and controls for mining and accessory uses which will allow for the reasonable use of an important County resource. These regulations shall also ensure

that mining activities will be conducted in harmony with the environment and other uses of land within the County and that mineral sites will be appropriately reclaimed.

### **Sec. 8107-9.2 - Application**

Unless otherwise indicated herein, the purpose, intent and provisions of Section 8107-9 et seq. shall be and are hereby automatically imposed and made a part of any permit for mining development issued by Ventura or any mining development operation initiated upon Federally owned lands for which it has been determined that no land use permit is required by Ventura County.

### **Sec. 8107-9.3 - Definitions**

Unless otherwise defined herein, or unless the text clearly indicates otherwise, the definition of mining shall be that defined in this Chapter.

### **Sec. 8107-9.4 - Required Permits**

No mining related use may commence without the approval of the appropriate land use permit, reclamation plan, and the approval and depositing of the applicable financial assurances for reclamation required pursuant to this Chapter. Furthermore, a Zoning Clearance must be obtained by the permittee prior to commencing activities authorized by the land use permit, and as it may be modified. The issuance of a land use permit shall not relieve the operator of the responsibility of securing and complying with any other permit which may be required by other County Ordinances, or State or Federal laws. No condition of a land use permit for uses allowed by this Chapter shall be interpreted as permitting or requiring any violation of law, or any lawful rules or regulations or orders of an authorized governmental agency. In instances where more than one set of rules applies, the stricter one shall take precedence.

### **Sec. 8107-9.5 - Mining and Reclamation Guidelines**

The general guidelines that follow shall be used in the development of conditions which will help ensure that mining projects generate minimal negative impacts on the environment. The guidelines shall be applied whenever physically and economically feasible or practicable, unless the strict application of a particular guideline(s) would otherwise defeat the intent of other guidelines. An *applicant* should use the guidelines in the design of the project and anticipate their use as permit conditions, unless the *applicant* can demonstrate that they are not physically or economically feasible or practicable.

#### **Sec. 8107-9.5.1**

All mining and reclamation shall be consistent with the County General Plan, the Ventura County Water Management Plan, and the State Surface Mining and Reclamation Act of 1975 (SMARA), as amended, and State policy adopted pursuant to SMARA.

#### **Sec. 8107-9.5.2**

Mining and accessory uses of less than one year in duration may not be renewed nor shall such uses be allowed to continue operating beyond one year after the inauguration of the land use *entitlement*.

#### **Sec. 8107-9.5.3**

No provisions in this Chapter or in the County General Plan shall be construed to encourage any mining operation or facility which would endanger the public's health, safety or welfare, which would endanger private or public facilities or which would prohibit the alleviation of a hazard by hampering or precluding such activities as the maintenance, restoration or construction of public works facilities.

**Sec. 8107-9.5.4**

In general, projects shall be located, designed, operated and reclaimed so as to minimize their adverse impact on the physical and social environment, and on natural resources. To this end, dust, noise, vibration, noxious odors, intrusive light, aesthetic impacts, traffic impacts and other factors of nuisance and annoyance, erosion, and flooding shall be minimized or eliminated through the best accepted mining and reclamation practices, applicable to local conditions, which are consistent with contemporary principles and knowledge of resource management, stormwater quality, groundwater quality and quantity, flood control engineering and flood plain management.

**Sec. 8107-9.5.5**

All surface mining activities shall strike a reasonable balance with other resource priorities such as water, farmland, fish and wildlife and their habitat, groundwater recharge, sediment for replenishment of beaches and the protection of public and private structures and facilities.

**Sec. 8107-9.5.6**

The extraction of aggregate resources in rivers and streams shall allow for the ongoing maintenance of viable riparian ecology by preserving as many natural stream elements as practical. Mining operations may provide for the enhancement of some riparian ecosystems as a mitigation to compensate for significant adverse environmental effects on other riparian ecosystems, thereby preserving the overall quality of the riparian environment. (AM. ORD. 3900 - 6/20/89)

**Sec. 8107-9.5.7**

Appropriate and reasonable monitoring and enforcement measures shall be imposed on each mining operation which will ensure that all permit conditions, guidelines and standards of Sec. 8107-9 et seq. are fulfilled.

**Sec. 8107-9.5.8**

Reclamation of a site shall include the removal of equipment and facilities and the restoration of the site so that it is readily adaptable for alternate land uses(s) which is consistent with the approved reclamation plan as well as the existing and proposed uses in the general area. Reclamation shall be conducted in phases on an ongoing basis, where feasible.

**Sec. 8107-9.5.9**

All mining and reclamation with direct significant effects on resources within the coastal zone shall consider the effect on coastal zone resources including anadromous fish runs, sand supply, and coastal wetland, stream and marine resources.

**Sec. 8107-9.5.10**

Reclamation shall be considered complete when the standards, specified in the approved reclamation plan, have been successfully completed to the satisfaction of the State Department of Conservation and the County.

**Sec. 8107-9.6 - Mining and Reclamation Standards**

The following are minimum standards and requirements which shall be applied pursuant to Sec. 8107-9.2.

**Sec. 8107-9.6.1 - General Mining Standards**

Projects shall be located, designed, operated and reclaimed so as to minimize their adverse impact on the physical and social environment, and on natural resources. To this end, dust, noise, vibration, noxious odors, intrusive light, aesthetic impacts, traffic impacts and other factors of nuisance and annoyance, erosion and flooding shall be minimized or eliminated through the best accepted mining and reclamation practices which are applicable to local conditions and incident to the

exploration for and extraction of aggregate resources. In addition, mitigation measures should be consistent with contemporary principles and knowledge of resource management, stormwater quality, groundwater quality and quantity, flood control engineering and flood plain management. Further, posting of signs and notification to neighboring property owners of the project's activities shall be required where necessary.

**Sec. 8107-9.6.2 - Setbacks**

No processing equipment or facilities shall be permanently located, and no mining or accessory uses shall occur, within the horizontal setbacks specified below: (AM. ORD. 4092 - 6/27/95)

- a. 100 feet of any dedicated public street or highway unless the Public Works Agency determines a lesser distance would be acceptable.
- b. 100 feet of any dwelling not accessory to the project, unless a waiver is signed pursuant to Sec. 8107-9.6.13 allowing the setback to be reduced. In no case shall permanent processing facilities, equipment, or mining be located less than 50 feet from said structures.
- c. 200 feet of any institution, school or other building used as a place of public assemblage, unless a waiver is signed pursuant to Sec. 8107-9.6.13 allowing the setback to be reduced. In no case shall permanent processing facilities or equipment or mining be located less than 100 feet from said structures.

Other facilities and structures shall be set back distances which are applicable for accessory structures for the zone in which the use is located.

**Sec. 8107-9.6.3 - Obstruction of Drainage Courses**

Mining operations and their accessory uses, access roads, facilities, stockpiling of mineral resources and related mining activities shall be consistent with current engineering and public works standards and in no case shall obstruct, divert, or otherwise affect the flow of natural drainage and flood waters so as to cause significant adverse impacts, except as authorized by the Public Works Agency. (AM. ORD. 4092 - 6/27/95)

**Sec. 8107-9.6.4 - Control of Contaminants, Run-Off and Siltation**

Contaminants, water run-off and siltation shall be controlled and generally contained on the project site so as to minimize adverse off-site impacts.

**Sec. 8107-9.6.5 - Dust Prevention**

The project site and all roads or hauling routes located between the public right-of-way and the subject site shall be improved or otherwise treated as required by the County and maintained as necessary to prevent the emanation of dust.

**Sec. 8107-9.6.6 - Light Emanation**

Light emanation shall be controlled so as not to produce excessive levels of glare or abnormal light levels directed at any neighboring uses. (AM. ORD. 4123 - 9/17/96 - grammar)

**Sec. 8107-9.6.7 - Painting**

All permanent facilities and structures on the site shall be colored so as to mask facilities visible from surrounding uses and roadways in the area. Said colors shall also take into account such additional factors as heat buildup and designation of danger areas. Said colors shall be approved by the *Planning Director* prior to painting of facilities.

**Sec. 8107-9.6.8 - Site Maintenance**

The permit area shall be maintained in a neat and orderly manner so as not to create unsightly conditions visible from outside the permitted area or any

hazardous conditions. Equipment and materials may be stored on the site which are appurtenant to the operation and maintenance of mining operations.

**Sec. 8107-9.6.9 - Reclamation Plan**

No mining permit shall be approved without an approved reclamation plan, unless it is exempted from said reclamation plan by the State Department of Conservation. Where reclamation plans are not processed concurrently with a *discretionary* land use *entitlement*, at least one noticed public hearing on the reclamation plan must be held prior to its approval. Such reclamation plans are subject to all rights of appeal associated with permit approval. All reclamation plans must be found to be consistent with and approved in accordance with: the Ventura County Zoning Ordinance, as amended; the provisions of SMARA (Public Resource Code (PRC) § 2710 et seq.), PRC Section 2207, and State regulation Title 14 California Code of Regulations (CCR) § 3500 et seq., as amended; the regulations, guidelines and other measures adopted by the State Mining and Geology Board; Ventura County Public Works Agency standards; any and all locally adopted resource management goals and policies; and compatible with the existing geological and topographical features of the area. Additional considerations, such as the following, shall also be addressed in the reclamation plan and permit: (AM. ORD. 4092 - 6/27/95)

- a. The creation of safe, stable slopes and the prevention of subsidence;
- b. Control of water run-off and erosion;
- c. Views of the site from surrounding areas;
- d. Availability of backfill material;
- e. Proposed subsequent use of the land which will be consistent with the General Plan and existing and proposed uses in the general area;
- f. Removal or reuse of all structures and equipment;
- g. The time frame for completing the reclamation;
- h. The costs of reclamation if the County will need to contract to have it performed;
- i. Revegetation of the site;
- j. Phased reclamation of the project area;
- k. Provisions of an appropriate financial assurance mechanism to ensure complete implementation of the approved reclamation plan. (ADD. ORD. 4092 - 6/27/95)

Upon receipt of a complete reclamation plan, the *Planning Director* shall forward the plan to the State Department of Conservation for review. Following review by the State, the reclamation plan may be approved by the County in accordance with the requirements of SMARA, as amended. Termination of the use or revocation of the use permit does not absolve the responsible parties for the reclamation of the site pursuant to the adopted reclamation plan and/or SMARA requirements. Failure to reclaim mined lands constitutes a violation of this Chapter and the property owner is ultimately responsible for such reclamation. (ADD. ORD. 4092 - 6/27/95)

**Sec. 8107-9.6.10 - Removal of Equipment, Facilities and Structures**

All equipment, except that which is required to complete the reclamation plan, and all facilities and structures on the project site, except those approved for retention in support of the authorized "end use", shall be removed from the site in accordance with the reclamation plan, within 180 days after the termination of the use, unless a time extension is approved by the *Planning Director*. (AM. ORD. 4092 - 6/27/95)

**Sec. 8107-9.6.11 - Application of Sensitive Use Related Standards**

The imposition of regulations on mining operations, which are based on distances from occupied sensitive uses (i.e., residences, schools, health care facilities, or places of public assembly), shall only apply to those occupied sensitive uses which were in existence at the time the permit for the subject mining operations was approved. The provisions of this section shall continue for the life of the permitted mining operations at the subject site.

**Sec. 8107-9.6.12 - Exceptions to Standards**

Upon the written request of the permittee, the *Planning Director* may grant temporary exceptions to the noise standards, hours of operation and the conditions of a given permit provided it is deemed necessary because of a declared public emergency or the off-hours scheduling of a public works project where a formal contract to conduct the work in question has been issued.

**Sec. 8107-9.6.13 - Waivers of Standards**

Where provisions exist for the waiver of ordinance requirements, the waiver must be signed by the owner and all adult occupants of a dwelling, or in the case of other sensitive uses, by the owner of the use in question. Once a waiver is granted, the permittee is exempt from affected ordinance requirements relative to the sensitive use in question for the life of the permitted operations.

**Sec. 8107-9.6.14 - Reporting of Accidents**

The permittee shall immediately notify the *Planning Director* of any incidents such as fires, explosions, spills, land or slope failures or other conditions at the permit site which could pose a hazard to life or property outside the permit area. Upon request of any County agency, the permittee shall provide a written report of any incident within seven calendar days which shall include, but not be limited to, a description of the facts of the incident, the corrective measures used and the steps taken to prevent recurrence of the incident.

**Sec. 8107-9.6.15 - Contact Person**

The permittee shall provide the *Planning Director* with the current name(s) and/or position title, address and phone number of the person who shall receive all orders, notices and communications regarding matters of condition and code compliance. The person(s) in question shall be available by phone during the hours that activities occur on the permit site, even if this means 24 hours a day.

**Sec. 8107-9.6.16 - Current Mining Plans**

For mining projects located in sensitive areas which operate under regularly changing environmental conditions (e.g., in-river mining), a mining plan shall be prepared by the permittee on a regular basis in accordance with the applicable conditions of a project's permit. Said plan shall describe how mining over the next interval will be conducted in accordance with the intent and provisions of the project's use permit. The plan shall be reviewed and approved by the County at the permittee's expense. The review and approval of current mining plans shall not be used in lieu of the formal modification process to change the text and drawings of the permit conditions.

**Sec. 8107-9.6.17 - Permit Review**

Monitoring of the permit or aspects of it may be required as often as necessary to ensure compliance with the permit conditions. In any case, the permit and site shall be reviewed and inspected by the Planning Division or its contractors at least once a year. The purpose of said review is to ascertain whether the permittee is in compliance with all conditions of the permit and current SMARA requirements and whether there have been significant changes in environmental conditions, land use or mining technology, or if there is other good cause which would warrant the *Planning Director's* filing of an application for modification of the conditions of the

permit. If such an application is filed, it shall be at the County's expense and modification of conditions would not occur without a duly noticed public hearing. More frequent inspections may be mandated at the discretion of the *Planning Director* after violations have been discovered on the site. The permittee shall pay the County the annual inspection fee established by resolution of the Board of Supervisors. (AM. ORD. 4092 - 6/27/95)

**Sec. 8107-9.6.18 - Enforcement Costs**

Permit conditions shall be imposed which will enable the County to recover the reasonable and appropriate costs necessary for the reviewing and monitoring of permit operations and the enforcing of the applicable requirements of the Zoning Ordinance and the conditions of this permit.

**Sec. 8107-9.6.19 - Civil Penalties**

In case of any failure by the permittee to perform or comply with any term or provision of this conditional use permit, the final decision-making authority that would act on the permit may, after notice to the permittee and a public hearing, determine by resolution the amount of the civil penalty to be levied against the permittee. Said penalty shall be paid within 30 days unless the penalty is under appeal. Failure to pay the penalty within the allotted time period shall be considered grounds for suspension of the subject use, pursuant to Sec. 8111-7.2, until such time as the penalty is paid. The payment of a civil penalty shall not insulate the permittee from liability in excess of the sum of the penalty for damages or injury or expense or liability suffered by the County of Ventura from any breach by the permittee of any term or condition of said permit or of any applicable ordinance or of this security. Said penalty is separate from the "administrative penalty" that the County may impose pursuant to SMARA.

The maximum penalty that can be levied against a permittee at any given time shall be in accordance with the amounts set forth below. The amounts for a given permit may be increased to adjust for inflation pursuant to the conditions of the subject permit.

<u>Total Permitted Extraction (Life of the Project)</u>	<u>Applicable Civil Penalty Ceiling</u>
Less than 10,000 cu. yards	\$ 5,000.00
10,000 to 99,999 cu. Yards	\$10,000.00
100,000 to 999,999 cu. yards	\$15,000.00
1,000,000+ cu. Yards	\$25,000.00

(AM. ORD. 4092 - 6/27/95)

**Sec. 8107-9.6.20 - Performance Securities**

Performance bonds or other securities may be imposed on any permit to ensure compliance with certain specific tasks or aspects of the permit. The amount of the security shall be based upon the actual anticipated costs for completing the subject task if the County were forced to complete it rather than the permittee. The performance security may be posted in phases as tasks are undertaken or required to be completed.

**Sec. 8107-9.6.21 - Insurance**

The permittee shall maintain, for the life of the permit, liability insurance of not less than \$500,000 for one person and \$1,000,000 for all persons, and \$2,000,000 for property damage, unless the Ventura County Risk Management Agency deems higher limits are necessary. This requirement does not preclude the permittee from being self-insured. (AM. ORD. 3723 - 3/12/85)



### **Sec. 8107-9.6.22 - Noise Standards**

Unless herein exempted, operations associated with an approved mining permit shall not produce noise, measured at a point outside of occupied sensitive uses such as residences, schools, health care facilities, or places of public assembly, that exceeds the following standard or any other more restrictive standard that may be established as a condition of a specific permit. Noise from the subject property shall be considered in excess of the standard when the average sound level, measured over one hour at the sensitive use, is greater than the standard that follows. The determination of whether a violation has occurred shall be made by the *Planning Director* in accordance with the provisions of the permit in question, where such provisions exist. If the permit has no such violation determination provisions, then best common practice shall be used.

Nomenclature and noise level descriptor definitions are described in the Ventura County General Plan Goals, Policies and Programs and the Ventura County General Plan Hazards Appendix. Measurement procedures shall be guided by the Ventura County General Plan Hazards Appendix and other contemporary procedures in effect. The maximum allowable average sound level is as follows:

#### **One Hour Average Noise Levels (LEQ)**

- Leq1H of 55 dB(A) or ambient noise level plus 3 dB(A), whichever is greater, during any hour from 6:00 a.m. to 7:00 p.m.
- Leq1H of 50 dB(A) or ambient noise level plus 3 dB(A), whichever is greater, during any hour from 7:00 p.m. to 10:00 p.m.
- Leq1H of 45 dB(A) or ambient noise level plus 3 dB(A), whichever is greater, during any hour from 10:00 p.m. to 6:00 a.m.

### **Sec. 8107-9.6.23 - Exceptions to Noise Standard**

The noise standard established pursuant to Sec. 8107-9.6.22 shall not be exceeded except for the following conditions:

- a. Where the ambient noise levels (excluding the permitted mining operation) exceed the applicable noise standards. In such cases, the maximum allowable noise levels shall not exceed the ambient noise levels plus 3 dB(A).
- b. Where a waiver has been signed pursuant to Sec. 8107-9.6.13, wherein those granting the waiver acknowledge that noise from mining related operations and traffic could exceed the allowable noise standard and that they are willing to experience such noise levels. The noise standards described under Sec. 8107-9.6.22 shall continue to apply at all locations where a waiver has not been signed pursuant to Sec. 8107-9.6.13.

### **Sec. 8107-9.7 - Interim Management Plan Standards**

The following are minimum standards and requirements which shall be applied pursuant to Sec. 8107-9.2.

#### **Sec. 8107-9.7.1 - General Standards for Interim Management Plan (IMP)**

Within 90 days of a surface mining operation becoming idle, the operator shall submit to the *Planning Director* a proposed IMP. The proposed IMP shall fully comply with the requirements of SMARA, all land use permit conditions, and shall provide measures the operator will implement to maintain the site in a stable condition, taking into consideration public health and safety. The proposed IMP shall be submitted on forms provided by the Planning Department, and shall be processed as an amendment to the reclamation plan. IMPs shall not be considered a project for the purposes of environmental review.

**Sec. 8107-9.7.2 - Financial Assurance for Interim Management Plan (IMP)**

Financial assurances for idle operations shall be maintained as though the operation were active.

**Sec. 8107-9.7.3 - Approval Procedure for Interim Management Plan (IMP)**

Upon receipt of a complete proposed IMP, the *Planning Director* shall forward the IMP to the State Department of Conservation for review. Following review by the State, the IMP may then be approved by the County in accordance with the requirements of SMARA, as amended.

**Sec. 8107-9.7.4 - Expiration of Interim Management Plan (IMP)**

The IMP may remain in effect for a period not to exceed five years, at which time the *Planning Director* may renew the IMP for one additional period not to exceed five years, or require the surface mining operator and/or property owner to commence reclamation in accordance with its approved reclamation plan.

**Sec. 8107-9.8 - Agricultural Mining Site**

No permit for an Agricultural Mining Site shall be approved unless all of the following applicable standards have been met.

**Sec. 8107-9.8.1**

It has been determined by the County, in conjunction with the State Mining and Geology Board, that the Agricultural Mining Site is exempt from the requirements of the Surface Mining and Reclamation Act pursuant to PRC § 2714(f), or a reclamation plan and financial assurances must be approved pursuant to Sec. 8107-9 et seq.

**Sec. 8107-9.8.2**

Signed waivers, on forms provided by the County, from the applicable property owners/residents, as determined by the *Planning Director*, pursuant to Sec. 8111-1.1.2 have been provided.

**Sec. 8107-9.8.3**

There is an approved Grading permit or Hillside Erosion Control plan for the project, if required.

**Sec. 8107-9.8.4**

The area, or areas in question, have an average existing slope of less than 20 percent.

**Sec. 8107-9.8.5**

The amount of material exported from the site is in keeping with good engineering practices as determined by the County Public Works Agency.

**Sec. 8107-9.8.6**

The permittee shall provide the *Planning Director* with the current name(s) and/or position title, address and phone number of the person who shall receive all orders, notices and communications regarding matters of code compliance. The person(s) in question shall be available by phone during the hours that activities occur on the permit site, even if this means 24 hours a day.

**Sec. 8107-9.8.7**

The amount of material to be removed does not exceed 40,000 cubic yards of earthen material.

**Sec. 8107-9.8.8**

The proposed project is the only such agricultural mining site that may be approved on the subject legal lot.

**Sec. 8107-9.8.9**

There shall be no more than 50 one-way truck trips per operating day. Any haul truck arriving at the site shall count as one (1) one-way vehicle trip and any haul truck departing the site shall count as one (1) one-way vehicle trip (i.e., one (1) round-trip equals two (2) one-way trips).

**Sec. 8107-9.8.10**

The project shall cease after one year from the date the permit is issued.

**Sec. 8107-9.8.11**

Truck hauling shall be limited to six days per week, excluding Sundays, and shall occur only between the hours of 9:00 am to 3:00 pm.

**Sec. 8107-9.8.12**

All trucks leaving the site must be constructed, covered, or loaded to prevent any of its contents from dropping, sifting, leaking, blowing, spilling, or otherwise escaping from the vehicle onto a private or public roadway.

**Sec. 8107-9.8.13**

Material shall not be stockpiled on or hauled through or within 100 feet of areas such as wetlands, riparian habitat or other environmentally sensitive areas.

**Sec. 8107-9.8.14**

The permittee has a program that demonstrates to the satisfaction of the *Planning Director* that the following factors have been adequately addressed:

- a. Excavated material shall be relocated to a lawful site.
- b. The haul routes do not conflict with school bus routes/schedules.
- c. Traffic controls exist to promote the safe ingress and egress of vehicles to and from the site through such means as signs, flagmen, notices to property owners, etc.
- d. Dust shall be controlled to a degree comparable with agricultural operations in the area through such means as watering the work site.
- e. Erosion of the site shall not occur.
- f. Siltation of streams and adjacent property shall not occur.

**Sec. 8107-9.8.15**

Removal of material is integral to conduct agricultural operations, and is beneficial for the development or enhancement of a bone fide farming operation on the site, as determined by the *Planning Director*, in consultation with County agricultural authorities (i.e., Agricultural Commissioner's Office, Farm Advisor, etc.). In making this determination the *Planning Director* shall use the following guidelines among others, where applicable:

- a. An agronomic report by a qualified soil expert certifies that the proposed removal of material will enhance the agricultural productivity of the site and may be required if determined necessary by the *Planning Director*.
- b. The topsoil at the site is being preserved.
- c. The depth of material excavated does not exceed the minimum depth required to create a suitable soil zone for the intended crops/trees.
- d. A farm plan that includes such details as: the crops/trees to be grown at the site, irrigation plans, long term water availability for the intended crops/trees, and an implementation schedule.

(AM./SUBSECTIONS ADDED-ORD. 3723 - 3/12/85; REP./REEN. ORD. 4187 - 5/25/99)

## **Sec. 8107-10 - Veterinary Clinics**

Veterinary clinics must be housed in a completely enclosed, soundproof building, except as provided in Sec. 8107-21. (AM. ORD. 3749 - 10/29/85; AM. ORD. 4092 - 6/27/95)

## **Sec. 8107-11 - Filming Activities**

All filming activities shall be conducted in keeping with the California Film Commission's "Filmmaker's Code of Professional Responsibility" and shall not result in damage to the filming location or to surrounding properties. Except for permanent facilities, all affected properties shall be restored to their original condition when such filming is completed.

### **Sec. 8107-11.1 - Occasional Filming Activities, Without Waivers**

Filming activities shall be granted a Zoning Clearance, which will serve as a ministerial "Film Permit," provided that the activities, or any portions thereof, do not:

- a. Exceed a total of 60 days on any *lot* in any 180-day period.
- b. Occur between ten o'clock p.m. and seven o'clock a.m. unless they are on a designated "back *lot*," studio or sound stage.
- c. Cause traffic delays of more than three minutes on public or private roads.
- d. Result in noise levels exceeding that which is normal for the area and surrounding properties, or result in types of noise emanating from such sources as gunfire, explosions, aircraft, etc., which are not normal for the area in question, unless the nearest residence is located more than 2,000 feet from the noise source.
- e. Result in levels of light and glare exceeding that which is normal for the area.
- f. Result in levels of dust being generated that are likely to impact upon surrounding properties.
- g. Result in alterations of land via: grading more than 50 cubic yards; more than a half-acre of brush/vegetation removal; streambed alterations; off-road motor vehicle activity; and the like.
- h. Result in disturbances to significant flora, fauna, cultural, historical, or paleontological resources, other than those allowed by this Code.
- i. Exceed criteria established by zone or for a specific geographical region recognized and approved by the Ventura County Board of Supervisors.

### **Sec. 8107-11.2 - Occasional Filming Activities, With Waivers**

#### **Sec. 8107-11.2.1**

Filming activities which exceed any of the thresholds listed in Sec. 8107-11.1.a-f may be approved with a Zoning Clearance serving as a ministerial Film Permit when the *applicant* can provide signed waiver statements, in a form acceptable to the *Planning Director*, attesting to agreement with the activities from fifty percent plus one (50%+1) of the total of the following parties which may be affected by the activities:

- a. In areas designated Open Space, Rural, or Agriculture in the General Plan, residents in dwelling units on *lots* within 1,000 feet of the boundary of the permit area where the filming activities are taking place;
- b. In areas designated Open Space, Rural, or Agriculture in the General Plan, the caretakers or owners/keepers of animals which are housed within structures on *lots* within 1,000 feet of the boundary of the permit area where the filming activities are taking place;

- c. In areas designated Urban and Rural Community in the General Plan, dwelling units on *lots* within 300 feet of the boundary of the permit area where the filming activities are taking place;
- d. In all areas of the County, residents of *lots* to which access must be taken from private easements that also provide access to the *lots* upon which the filming activities are taking place.

**Sec. 8107-11.2.2**

Waivers shall be counted as follows:

- a. Only one per potentially affected dwelling unit shall be counted, regardless of the number of occupants of a dwelling unit, for instances a and c of Sec. 8107-11.2.1 above, and
- b. Only one per potentially affected *lot* shall be counted for instance b of Sec. 8107-11.2.1 above.
- c. In instances where more than one potentially affected *lot* is owned by the same individual, and that individual is the signatory of the waiver, only one waiver from that individual shall be counted.
- d. The names and addresses of the above listed parties within the required contact area, and the language of the waiver statement, shall be reviewed and approved by the Planning Division prior to the *applicant's* initiation of the waiver process. Verification that one hundred percent (100%) of the above listed parties have been contacted must be submitted to the Planning Division.

**Sec. 8107-11.2.3**

Filming activities lasting less than 90 calendar days in any 180-day period and which exceed the thresholds listed in Sec. 8107-11.1.g and h may be approved with a Zoning Clearance, which will serve as a ministerial Film Permit, when the *applicant* can provide documentation confirming to the satisfaction of the *Planning Director* that the activity is being regulated by some other agency having authority over that issue.

**Sec. 8107-11.2.4**

Notification of residents and property owners beyond that which is required by Sec. 8107-11.2.1 may be required as determined by the *Planning Director*.

**Sec. 8107-11.3 - Discretionary Permit**

Any occasional filming activity requests which exceed the thresholds set forth in Sec. 8107-11.1 and for which waivers cannot be obtained shall be subject to the permit requirements established under Article 5, unless the *Planning Director* determines that, based upon the characteristics of the filming activities, it can be seen with certainty that there is no possibility that the activities could have any impacts on surrounding land uses.

**Sec. 8107-11.4 - Authority**

The *Planning Director*, in reviewing a filming request, may require the *applicant* to demonstrate that factors beyond those listed in Sec. 8107-11.1, and under the purview of the Planning Division or another regulatory agency, have been adequately addressed. The *Planning Director* retains the right of site inspection at all times.

(ADD. ORD. 3730 - 5/7/85; AM. ORD. 3810 - 5/5/87; AM. ORD. 4092 - 6/27/95; AM. ORD. 4123 - 9/17/96)

## **Sec. 8107-12 - Outdoor Sales and Services, Temporary**

Such uses are permitted for one calendar day in any 90-day period, provided that they do not disrupt normal traffic flows and do not result in the blocking of public rights-of-way, parking area aisles or required parking spaces, except as allowed by permit. All related facilities and materials shall be removed on the departure of the use. (ADD. ORD. 3730 - 5/7/85; AM. ORD. 4407 - 10/20/09)

## **Sec. 8107-13 - Christmas Tree Sales**

The outdoor sale of trees and wreaths for festive or ornamental purposes is permitted during the 45-day period immediately preceding December 25th. Such sales activities shall not disrupt normal traffic flows, nor result in the blocking of public rights-of-way, parking area aisles or required parking spaces, except as allowed by permit. All related structures, facilities and materials shall be removed by December 31st of the same year. Christmas tree sales are allowed one temporary, unlighted identification sign not exceeding 20 square feet in area. (ADD. ORD. 3730 - 5/7/85; AM. ORD. 4407 - 10/20/09)

## **Sec. 8107-14 - Temporary Buildings During Construction**

### **Sec. 8107-14.1 - Temporary Offices During Construction**

Temporary structures acceptable to the Building and Safety Division may be used as temporary offices on a construction site, or on an adjoining *lot* if owned by the same developer or same property owner, in accordance with Article 5, provided that a building permit for such construction is in full force and effect on the same site, or if a land use permit or subdivision has been approved on the site and a Zoning Clearance for grading or use inauguration has been issued. The units shall be connected to a water supply and sewage disposal system approved by the Environmental Health Division. The units shall be removed from the site within 45 days after a clearance for occupancy for the permitted use is issued by the Building and Safety Division or, in the case of a phased residential or commercial project, upon conclusion of the development program. A surety or bond for removal of the temporary structure(s) may be required at the discretion of the *Planning Director*. (ADD. ORD. 3730 - 5/7/85; AM. ORD. 4092 - 6/27/95; AM. ORD. 4123 - 9/17/96)

### **Sec. 8107-14.2 - Temporary Housing During Construction**

A Zoning Clearance authorizing the use of a habitable recreational vehicle (RV), or an existing dwelling, as temporary housing during construction or major remodeling of a principal dwelling may be issued, subject to the following criteria and requirements:

- a. One habitable RV may be used for temporary housing by the owner of the subject legal *lot*, or by a caretaker/watchperson, for up to 12 months during construction of a principal dwelling, or during major remodeling of a principal dwelling which precludes its use as a dwelling, provided that a building permit is in full force and effect authorizing said construction or major remodeling of the principal dwelling on the same *lot* or on an adjacent *lot* under common ownership. The continued use of the RV for up to two additional 12-month periods is authorized provided that substantial progress toward completion of the construction or major remodeling of the principal dwelling is being made.
- b. The term "RV" as used in this Sec. 8107-14.2 means a motor home, travel trailer, truck camper, or camping trailer that is self-contained and habitable, and that is either self-propelled, truck-mounted, or permanently towable on California roadways without a permit under the Vehicle Code.

- c. To be deemed “habitable” as the term is used in this Sec. 8107-14.2, an RV must meet all of the following criteria:
  - (1) The RV must contain sleeping, cooking, bathing and sanitary facilities;
  - (2) The RV must be connected to a permanent source of potable water;
  - (3) Wastewater from the RV must be disposed of by either an Environmental Health Division-approved onsite wastewater disposal system or a sewer line connection approved by the Building and Safety Division; and
  - (4) The RV must be connected to an approved electrical source. Acceptable electrical connections include the use of an existing permitted electrical source on the *lot* or a temporary power pole. Generators are not considered an approved electrical source.
- d. Prior to occupancy of the RV, all electrical and plumbing connections to the RV must be approved and inspected by the Building and Safety Division.
- e. Prior to the issuance of a certificate for occupancy by the Building and Safety Division for the principal dwelling under construction or major remodeling or when the Zoning Clearance authorizing use of the RV for temporary housing has expired, whichever occurs first, any such RV shall: (1) cease being used for temporary housing; (2) be disconnected from the utilities (e.g., water supply, electrical, and sewage disposal system); and (3) either be removed from the *lot* or properly stored on the *lot* in conformance with this Chapter.
- f. Where a property owner has obtained a building permit issued by the Building and Safety Division to construct a replacement principal dwelling, an existing permitted dwelling on the same *lot* may be used for temporary housing during the construction of the replacement dwelling, provided that prior to the issuance of a certificate of occupancy by the Building and Safety Division for the replacement dwelling either: (1) the existing dwelling will be removed or (2) a Zoning Clearance is obtained by the owner of the *lot* to authorize the conversion of the existing dwelling to another use in conformance with the requirements of this Chapter (e.g., farmworker dwelling unit, accessory dwelling unit, non-habitable structure). Building permits for the demolition of existing dwellings and improvements necessary to convert an existing dwelling to another use must be finalized by the Building and Safety Division prior to occupancy of the replacement dwelling.

(ADD. ORD. 4092 - 6/27/95; AM. ORD. 4216 - 10/24/00; AM. ORD. 4532 - 10/30/18)

**Sec. 8107-14.3 - Temporary Housing Prior to Reconstruction**

A Zoning Clearance authorizing the use of a habitable recreational vehicle (RV) for temporary housing by the former resident(s) of dwellings involuntarily damaged or destroyed by natural disaster, as determined by the *Planning Director*, may be issued subject to all of the following criteria and requirements:

- a. The RV shall be located on a legal *lot* and only one RV shall be allowed for temporary housing per *lot*;
- b. The RV must be located on the same *lot* on which the dwelling will be reconstructed. Notwithstanding the foregoing, an RV occupied by an individual who lost his or her dwelling in the Thomas Fire may be located on a different *lot* if authorized in writing by the owner of the *lot* where the RV is located;
- c. The dwelling(s) to be reconstructed were legally established and inhabited at the time they were damaged or destroyed;
- d. The RV must be a motor home, travel trailer, truck camper, or camping trailer, that is self-contained and habitable, and that is either self-propelled, truck-

mounted, or permanently towable on roadways without a permit under the Vehicle Code;

- e. The RV must be “habitable” as the term is used in this Sec. 8107-14.3 by meeting all of the following criteria:
  - (1) The RV must contain sleeping, cooking, bathing and sanitary facilities;
  - (2) The RV must either contain an adequate source of potable water for sanitation purposes through an internal tank, or be connected to a permanent source of potable water;
  - (3) Composting toilets are not allowed. The RV’s wastewater must be disposed of by one of the following means:
    - i. Through a connection to an existing septic system;
    - ii. Through a connection to an existing sewer connection; or
    - iii. Through the use of a wastewater tank that is located within or outside the RV, provided that such tank is regularly serviced, for the duration of the RV’s use as temporary housing, by a wastewater disposal provider permitted by the Environmental Health Division. The resident of the RV shall provide proof of such regular wastewater disposal service, in the form of a contract or receipts, to the Planning Division or Environmental Health Division upon request; and
  - (4) The RV must be connected to an approved electrical source. Acceptable electrical connections include the use of an existing electrical source on the *lot* or a temporary power pole. Generators are not considered an approved electrical source;
- f. After the issuance of a Zoning Clearance authorizing use of the RV as temporary housing under this Sec. 8107-14.3, all electrical and plumbing connections to the RV must be approved and inspected by the Building and Safety Division prior to occupancy of the RV;
- g. The RV may be used as temporary housing under this Sec. 8107-14.3 for up to 12 months. Notwithstanding the foregoing, an RV occupied by a resident who lost his or her dwelling in the Thomas Fire may be used for temporary housing under this Sec. 8107-14.3 for an initial term of up to 18 months. A resident who lost his or her dwelling in the Thomas Fire RV may thereafter use the RV for a subsequent term of up to 18 months but until no later than January 1, 2023 if the RV: (1) is connected to a permanent supply of potable water (e.g., well, public water purveyor) and (2) continues to comply with the wastewater disposal requirements of Sec. 8107-14.3(e)(3) above; and
- h. The use of the RV for temporary housing under this Sec. 8107-14.3 shall cease after issuance of the building permit for the subject replacement dwelling, at which time the property owner may obtain a Zoning Clearance authorizing the continued use of the same RV for temporary housing pursuant to Sec. 8107-14.2 above.

If the property owner either does not obtain a Zoning Clearance authorizing continued use of the same RV as temporary housing pursuant to Sec. 8107-14.2 above within 45 days of issuance of a building permit for the subject replacement dwelling, or does not obtain a building permit for the replacement dwelling before the applicable deadline set forth in subsection (g) above, the RV shall: (1) cease being used for temporary housing; (2) be disconnected from the utilities (e.g., water supply, electrical, and sewage disposal system); and (3) either be removed from the *lot* or properly stored on the *lot* in conformance with this Chapter.



(ADD. INT. URG. ORD 4044 - 11/2/93; EXTENDED INT. URG. ORD. 4050 - 12/4/93; AM. ORD. 4092 - 6/27/95; AM. ORD. 4532 - 10/30/18)

## **Sec. 8107-15 - Storage of Building Materials, Temporary**

The temporary storage of construction materials is permitted on a *lot* adjacent to one on which a valid Zoning Clearance and Building Permit allowing such construction are in force, or on a project site within a recorded subdivision. Such storage is permitted during construction and for 45 days thereafter. (ADD. ORD. 3730 - 5/7/85)

## **Sec. 8107-16 - Campgrounds**

Campgrounds shall be developed in accordance with the following standards:

### **Sec. 8107-16.1**

Minimum *lot* area shall be three acres.

### **Sec. 8107-16.2**

At least 75 percent of the total site shall be left in its natural state or be landscaped. The remaining 25 per cent land is eligible for development. (AM.ORD.3881-12/20/88)

### **Sec. 8107-16.3**

Each individual camp site shall be no less than 1000 sq. ft. and there shall be no more than 9 sites per developable acre. Group camp sites shall be designed to accommodate no more than 25 people per acre. (AM. ORD. 3881-12/20/88)

### **Sec. 8107-16.4**

Where needed to enhance aesthetics or to ensure public safety, a *fence*, wall, landscaping screen, earth mound or other screening approved by the *Planning Director* shall enclose the campground. (AM. ORD. 3881-12/20/88)

### **Sec. 8107-16.5**

Utility conduits shall be installed underground in conformance with applicable State and local regulations.

### **Sec. 8107-16.6**

The design of structures and facilities, and the site as a whole shall be in harmony with the natural surroundings to the maximum feasible extent. (AM. ORD. 3881-12/20/88)

### **Sec. 8107-16.7**

Trash collection areas shall be adequately distributed and enclosed by a six-foot-high landscape screen, solid wall or *fence*, which is accessible on one side.

### **Sec. 8107-16.8**

Off-road motor vehicle uses are not permitted.

### **Sec. 8107-16.9**

The following standards apply to structures on the site, apart from the personal residence(s) of the property owner, campground director/manager, or caretaker: (AM. ORD. 3881-12/20/88)

#### **Sec. 8107-16.9.1**

Structures are limited to restrooms/showers and a clubhouse for cooking and/or minor recreational purposes. (AM. ORD. 3881-12/20/88)

#### **Sec. 8107-16.9.2**

There shall not be more than one set of enclosed, kitchen-related fixtures.

**Sec. 8107-16.9.3**

There shall be no buildings that are used or intended to be used for sleeping.

(ADD. ORD. 3810 - 5/5/87)

**Sec. 8107-16.10**

Campgrounds may include minor accessory recreational uses such as swimming pools (limit one) and tennis courts. (ADD. ORD. 3810 - 5/5/87; AM. ORD. 3881-12/20/88)

**Sec. 8107-16.11**

Outdoor tent-camping is permitted. (ADD. ORD. 3810 - 5/5/87) (ADD. ORD. 3730 - 5/7/85; AM. ORD. 3810 - 5/5/87; AM. ORD. 3881 - 12/20/88)

**Sec. 8107-16.12**

No hook-ups for recreational vehicles are allowed. (ADD. ORD. 3881 - 12/20/88)

**Sec. 8107-16.13**

Occupation of the site by a guest shall not exceed 30 consecutive days. (ADD. ORD. 3881 - 12/20/88)

**Sec. 8107-16.14**

Parking Standards - See Article 8 (ADD. ORD. 3881 - 12/20/88; AM. ORD. 4407 - 10/20/09)

**Sec. 8107-17 - Camps**

Camps shall be developed and operated in accordance with the following standards: (AM. ORD. 4317 - 3/15/05)

**Sec. 8107-17.0**

Protection of Sensitive Biological Habitats. Camps shall be allowed on property zoned Open Space (OS) only if the property is in agricultural production. (ADD. ORD. 4317 - 3/15/05; AM. ORD. 4377 - 1/29/08)

**Sec. 8107-17.1**

Minimum *lot* area shall be ten acres on property zoned Rural Agriculture (RA) and Rural Exclusive (RE). Minimum *lot* area shall be 50 acres on property zoned Open Space (OS). (AM. ORD. 4317 - 3/15/05; AM. ORD. 4377 - 1/29/08)

**Sec. 8107-17.2**

Overnight population of guests and staff shall be limited by the following calculations. These standards shall apply to staff employed for camp activities. Where an employee is engaged in both camp and working ranch activities, the employee's time shall be counted at 0.5 staff for calculating the staff limitation for camps. If an employee is not engaged in camp activities, none of the employee's time shall be applied to the staff limitation for camps. (AM. ORD. 4317 - 3/15/05)

**Sec. 8107-17.2.1**

Camps on property zoned Rural Agricultural (RA) - *lot* size in acres x 2.56 = the maximum number of persons to be accommodated overnight.

**Sec. 8107-17.2.2**

Camps on property zoned Rural Exclusive (RE) - *lot* size in acres x 10.24 = the maximum number of persons to be accommodated overnight.

**Sec. 8107-17.2.3**

Camps on property zoned Open Space (OS) - *lot* size in acres x 0.25 = the maximum number of persons to be accommodated overnight. There shall be a maximum overnight population limit of 250 guests and staff. (ADD. ORD. 4317 - 3/15/05)

(AM. ORD. 4377 – 1/29/08)

**Sec. 8107-17.3**

Total daily on-site population of guests and staff shall be limited by the following calculations:

**Sec. 8107-17.3.1**

Camps zoned Rural Agricultural (RA) - 5.12 x *lot* size in gross acres = total population allowed on site.

**Sec. 8107-17.3.2**

Camps zoned Rural Exclusive (RE) - 20.48 x *lot* size in gross acres = total population allowed on site.

**Sec. 8107-17.3.3**

Camps zoned Open Space (OS) - 0.5 x *lot* size in gross acres = total population allowed on site. There shall be a maximum daily population limit of 500 guests and staff, except as permitted in Section 8107-17.3.4 below. (ADD. ORD. 4317 – 3/15/05)

**Sec. 8107-17.3.4**

A larger total daily population may be allowed for special events, the frequency to be determined by the camp's Use Permit. (ADD. ORD. 4317 - 3/15/05)

(AM. ORD. 4377 – 1/29/08)

**Sec. 8107-17.4**

Building intensity shall be limited by the following standards. These standards shall apply to structures used for camp activities. Where a structure is used for both camp and working ranch activities, one-half of that structure shall be applied to the square footage limitation for camps. If a structure is not used for camp activities, it shall not be considered in the square footage limitations for camps. (AM. ORD. 4317 – 3/15/05)

**Sec. 8107-17.4.1 - Overnight Accommodations**

Structures or portions of structures intended for sleeping and restrooms/showers (excepting those for permanent staff as defined in Sec. 8107-17.4.3) shall be limited to a collective average of 200 square feet per overnight guest and staff allowed per Sec. 8107-17.2 (Overnight Population).

**Sec. 8107-17.4.2 - All Other Roofed Structures or Buildings**

The total allowed square footage of all roofed structures or buildings other than sleeping and restroom/shower facilities shall be limited to 100 square feet per person allowed per Sec. 8107-17.3 (Daily On-Site Population).

**Sec. 8107-17.4.3**

The residence(s) of a limited number of permanent staff such as the director, manager or caretaker are exempt from the limitations of Section 8107-17.4.1 (Overnight Accommodations).

**Sec. 8107-17.4.4**

Since the two building intensity standards (Overnight and Total Daily) address distinctly different facilities, they shall not be interchangeable or subject to borrowing or substitutions.

**Sec. 8107-17.4.5**

For camps/guest ranches located in the Open Space (OS) zone, no single structure shall exceed 25,000 square feet in area, and the total area of all structures used for camp/guest ranch purposes shall be limited to 50,000 square feet. (ADD. ORD. 4317 – 3/15/05; AM. ORD. 4377 – 1/29/08)

**Sec. 8107-17.5**

Camp facilities shall have adequate sewage disposal and domestic water.

**Sec. 8107-17.6**

Camp facility lighting shall be designed so as to not produce a significant amount of light and/or glare at the first offsite receptive use.

**Sec. 8107-17.7**

Camp facilities shall be developed in accordance with applicable County standards so as to not produce a significant amount of noise.

**Sec. 8107-17.8**

Occupation of the site by a guest shall not exceed 30 consecutive days.

**Sec. 8107-17.9**

To ensure that the site remains an integral and cohesive unit, specific methods such as the following should be employed on a case-by-case basis: open space easements; CC&R's that restrict further use of the land, with the County as a third party; low density zoning to prevent subdivision of the site; and/or merger of parcels to create one parcel covering the entire site. (AM. ORD. 4123 - 9/17/96 - grammar)

**Sec. 8107-17.10**

To avoid the loss of the site's natural characteristics several methods should be employed on a case-by-case basis to preserve these values: 60% of the total site should remain in its natural state or in agriculture. (AM. ORD. 4317 - 3/15/05)

**Sec. 8107-17.11**

Parking Standards - See Article 8 (ADD. ORD. 3881 - 12/20/88; AM. ORD. 4407 - 10/20/09)

**Sec. 8107-17.12**

The Camp facility project description shall address transportation to and from and within the project site, including the types of vehicles, and road and trail locations. (ADD. ORD. 4317 - 3/15/05)

**Sec. 8107-18 - Retreats**

**Sec. 8107-18.1**

The minimum *lot* size for a retreat is five (5) acres.

**Sec. 8107-18.2**

A retreat shall not have sleeping accommodations for more than 20 people, inclusive of staff and guests.

**Sec. 8107-18.3**

Retreat guests shall be limited to a stay of no more than a total of 60 days in a calendar year. (ADD. ORD. 4092 - 6/27/95)

**Sec. 8107-18.4**

Floor area shall be limited to the following:

- a. Maximum 200 square feet for each overnight guest, for sleeping and restroom facilities.
- b. Maximum 2,000 square feet for all other buildings (other than structures for animals), such as kitchen and dining areas, conference rooms, storage, and the like.

**Sec. 8107-18.5**

No retreat structures shall exceed a height of twenty-five (25) feet, unless authorized by the use permit. (AM. ORD. 4216 - 10/24/00)

**Sec. 8107-18.6**

A retreat may include minor accessory recreational facilities such as horse facilities, equestrian trails, hot tubs, one swimming pool, and one tennis court.

**Sec. 8107-18.7**

Structures related to a retreat shall be set back at least 100 feet from public roads. Foliage and natural topography shall be used to the maximum feasible extent for screening of retreat structures from public rights-of-way and from residential uses on adjacent properties.

**Sec. 8107-18.8**

Lighting for nighttime activities shall be directed away from adjacent properties. (AM. ORD. 4092 - 6/27/95)

(ADD. ORD. 3810 - 5/5/87; REP. AS 8107-21 AND REEN. AS 8107-18 - ORD. 3881 - 12/20/88)

**Sec. 8107-19 - Golf Courses**

A golf course may include accessory structures as needed for maintenance and for players on a day of golfing, including a maintenance building, a pro shop, restrooms, and limited eating facilities. (ADD. ORD. 3810 - 5/5/87)

**Sec. 8107-20 - Agricultural Buildings****Sec. 8107-20.1 - Calculating GFA for Agricultural Buildings**

The gross floor area (GFA) for agricultural buildings (principal and accessory) shall be calculated separately for each category of uses identified in the Zoning Matrix. For example, the allowed GFA for green houses is independent of the GFA allowed for agricultural sales facilities. (ADD. ORD. 4092 - 6/27/95)

**Sec. 8107-20.2 - Agricultural Shade/Mist Structures**

Said structures shall meet the requirements of the Fire Code, Building Code, and the regulations administered by the Public Works Agency, some of which may be more restrictive than those listed below. Prior to the issuance of a Zoning Clearance, the following standards and requirements shall be met:

- a. There shall be no permanent floor materials.
- b. Permanent walkways within a structure shall not exceed 10% of the structure's GFA.
- c. All cover materials shall be of flexible fabric or membrane and not solid rigid materials such as glass, fiberglass, plastic or metal.
- d. The structure's foundations and supporting members shall be designed and constructed so as to be easily removed.
- e. There shall be no heating, cooling, or lighting systems in the structures or utilities to the structures except water or electricity for irrigation timers.
- f. No structure shall exceed 15 feet above grade at its highest point.
- g. The structures shall be set back at least 20 feet from all property lines as determined by the *Planning Director*.
- h. Each structure shall be separated from an adjoining structure by at least 6 feet.
- i. Documentation, satisfactory to the *Planning Director*, shall be submitted from the Fire and Building and Safety Departments, and from the Public Works Agency, indicating 1) that the project, as proposed, is capable of meeting the requirements

of the respective departments; and 2) whether a specific permit(s) will be required by said department.

ADD. ORD. 4092 - 6/27/95; AM. ORD. 4123 - 9/17/96)

(ADD. ORD. 3810 - 5/5/89; AM. ORD. 4092 - 6/27/95)

### **Sec. 8107-20.3 - Agricultural Offices**

Such offices are allowed in the OS, AE and RA zones, as uses accessory to an agricultural operation, without provisions for human habitation, provided the following requirements are met: (AM. ORD. 4377 - 1/29/08)

#### **Sec. 8107-20.3.1**

An agricultural office up to 700 square feet in gross floor area that is located on the same *lot* as the principal agricultural use, or on an adjacent *lot* under the same ownership, and that meets one or more of the following criteria, is permitted by Zoning Clearance:

- a. The property is covered by a Land Conservation Act contract;
- b. The *lot* size is 100 acres or greater;
- c. The County Agricultural Commissioner has certified in writing that the *applicant* is conducting a bona fide commercial agricultural operation on or from the *lot* on which the agricultural office is requested.

#### **Sec. 8107-20.3.2**

Agricultural offices not meeting the above criteria (a, b or c) may be permitted pursuant to a *Planning Director*-approved Conditional Use Permit.

#### **Sec. 8107-20.3.3**

The gross floor area of the agricultural office shall be counted toward the cumulative gross floor area permitted for accessory structures on the *lot*, pursuant to Sec. 8105-4.

(ADD. ORD. 4123 - 9/17/96)

### **Sec. 8107-21 - Temporary Pet Vaccination Clinics**

Temporary pet vaccination clinics, as provided for in Sec. 8105-5, are subject to the following regulations:

#### **Sec. 8107-21.1**

Any such clinic shall operate no more than one day in any 90-day period within a one-mile radius of a previously conducted temporary clinic.

#### **Sec. 8107-21.2**

Such clinics shall provide preventive medical care only, and shall not diagnose or treat injured, sick or diseased animals, except to the extent necessary to provide immunization or vaccination.

#### **Sec. 8107-21.3**

All vaccinations shall be performed inside a trailer or other portable structure.

#### **Sec. 8107-21.4**

Such clinics shall provide their services only during daylight hours.

#### **Sec. 8107-21.5**

Such clinics shall not disrupt normal traffic flows, and shall not result in the blocking of public rights-of-way or parking area aisles, except as allowed by permit. All related materials and facilities shall be removed on the departure of the clinic. (AM. ORD. 4407 - 10/20/09)

### **Sec. 8107-21.6**

Facilities for the treatment and disposal of urine and fecal wastes attributable to the clinic shall be provided and utilized as necessary to keep the clinic and areas within a 100-foot radius thereof clean and free of flies and odors.

### **Sec. 8107-21.7**

Sufficient staff, other than those administering vaccinations, shall be available at the expense of the clinic operator to control crowds, assist with the handling of animals and keep the area clean. At least two such staff shall be provided in all cases.

(ADD. ORD. 3749 - 10/29/85; REP. as 8107-17 and REEN. as 8107-21 ORD. 3881-12/20/88)

## **Sec. 8107-22 - Stockpiling of Construction Related Debris and/or Fill Material For Non-Agricultural Operations**

### **Sec. 8107-22.1 - Purpose**

The purpose of this section is to establish reasonable and uniform limitations, safeguards and controls for the depositing and stockpiling of construction related debris and/or fill material onto land for temporary storage.

### **Sec. 8107-22.2 - Application**

The purpose, intent and provisions of Section 8107-22 et seq. shall be and are hereby automatically imposed and made part of any land use permit issued by the County of Ventura for the stockpiling of construction related debris and/or fill material. This section does not apply to on-site earth moving activities that are an integral and necessary part of an on-site construction project where all required permits have been approved by a public agency in accordance with applicable state law and local adopted plans and ordinances, where such permits have authorized stockpiling.

### **Sec. 8107-22.3 - Required Permits**

No operation for stockpiling of construction related debris and/or fill material may commence without the approval of the appropriate land use permit as required by this Chapter. The issuance of a land use permit shall not relieve the permittee of the responsibility of securing and complying with any other permit which may be required by other County Ordinances, or State or Federal laws. No condition of a land use permit for uses allowed by this Chapter shall be interpreted as permitting or requiring any violation of law, or any lawful rules or regulations or orders of an authorized governmental agency. In instances where more than one set of rules applies, the stricter one shall take precedence.

### **Sec. 8107-22.4 - Standards for Stockpiling Construction Related Debris and/or Fill Material**

No permit for stockpiling of construction related debris and/or fill material shall be approved unless the following applicable standards have been complied with.

#### **Sec. 8107-22.4.1 - Signed Waivers**

The permittee shall provide to the Planning Division signed waivers, on forms provided by the County, from the applicable property owners / residents, as determined by the *Planning Director*, pursuant to Sec. 8111-1.1.2.

#### **Sec. 8107-22.4.2 - Contact Person**

The permittee shall provide the *Planning Director* with the current name(s) and/or position title, address and phone number of the person who shall receive all orders, notices and communications regarding matters of code compliance. Such

person(s) shall be available by phone during the hours the activities occur on the permit site.

**Sec. 8107-22.4.3 - Site Maintenance**

The permitted area shall be maintained in a neat and orderly manner so as not to create any hazardous condition or unsightly conditions which are visible from outside the permitted stockpile area.

**Sec. 8107-22.4.4 - Storage of Equipment and Vehicles**

Only equipment and vehicles necessary for the immediate operation of the permitted stockpile operation may be stored on site.

**Sec. 8107-22.4.5 - Debris Control**

The permittee shall take all necessary measures to prevent the depositing of construction related debris and/or fill material on thoroughfares in accordance with the following requirements:

- a. The permittee shall keep all public roadways utilized by this stockpiling operations and access roads to the site clear of dirt, sand, gravel, rocks and other debris associated with his/her operation.
- b. All trucks leaving the site must be constructed, covered, or loaded to prevent any of its contents from dropping, sifting, leaking, blowing, spilling, or otherwise escaping from the vehicle onto a private or public roadway.

**Sec. 8107-22.4.6 - Erosion Control**

All stockpiles of construction materials shall be managed as necessary to prevent water and wind erosion. Sedimentation due to water erosion occurring outside the permitted stockpile area shall not occur.

**Sec. 8107-22.4.7 - Prevention of Fugitive Dust**

There shall be no fugitive dust leaving the stockpile site. Fugitive dust shall be controlled in accordance with the following:

- a. All dust generating activities shall cease when wind speeds exceed 25 mph average over one hour or during high wind events. High wind events are defined as wind of such velocity as to cause fugitive dust from the permit area to blow off-site.
- b. Fugitive dust throughout the site shall be controlled by the use of a watering truck. Water shall be applied to all stockpiles, onsite roads and access roads, which have not been otherwise treated to prevent fugitive dust.
- c. If it is observed at any point in time that fugitive dust is blowing offsite or off access roads, and additional watering activities are insufficient to prevent fugitive dust, dust generating activities shall be immediately curtailed until the conditions abate.

**Sec. 8107-22.4.8 - Stability of Stockpile**

Stockpiles shall be placed and managed so as to prevent any material from shifting or sliding onto adjoining property.

**Sec. 8107-22.4.9 - Height of Stockpile**

Stockpile shall be limited to a height of thirty (30) feet.

**Sec. 8107-22.4.10 - Hours of Operation**

Hauling to and from the site shall be limited to six days per week, excluding Sundays, and shall occur only between the hours of 9:00 a.m. to 3:00 p.m.

**Sec. 8107-22.4.11 - Noise Standards**

Operations are subject to all noise standards as specified by Section 8107-9.6.22.



**Sec. 8107-22.4.12 - Environmentally Sensitive Areas**

Material shall not be stockpiled on or hauled through or within 100 feet of areas such as wetlands, riparian habitat or other environmentally sensitive areas as determined by the *Planning Director*.

**Sec. 8107-22.4.13 - Site Restoration**

Within 90-days of revocation, expiration or surrender of any permit, or abandonment of the use, the permittee shall restore the premises to its original condition as determined by the *Planning Director*. (REP. & REEN. ORD. 4216 - 10/24/00)

**Sec. 8107-23 - Nonmotorized Wheeled Conveyance Facilities and Uses**

**Sec. 8107-23.1 - Purpose**

The purpose of this Section is to establish reasonable and uniform limitations, safeguards, and controls for the design, placement, and use of facilities and structures (hereinafter referred to as "facilities") for the nonmotorized wheeled conveyances such as, but not limited to: skateboards, bicycles, unicycles, tricycles and rollerskates. Such regulations are established to minimize the impact on neighboring uses such as, but not limited to: unsightly structures, noise, loss of privacy, traffic congestion, trespassing, and risk of damage or injury from flying projectiles and debris.

**Sec. 8107-23.2 - Application**

**Sec. 8107-23.2.1**

Facilities less than 42 inches in height above adjacent finished grade level, which cover less than 32 square feet of aggregate ground area, and do not have a platform on which to stand, are exempt from the requirements of Sections 8107-23 through 8107-23.10. Such exempt facilities must otherwise meet the provisions of the Zoning Ordinance.

**Sec. 8107-23.2.2**

Those facilities not exempt may be permitted upon issuance of a Zoning Clearance provided all standards of this chapter are met.

**Sec. 8107-23.2.3**

Facilities that exceed the standards set forth in Sections 8107-23.3 through 8107-23.7 may be authorized by a Conditional Use Permit approved by the *Planning Director*.

**Sec. 8107-23.3 - Size**

No point on a facility shall extend more than 8 feet above adjacent finished grade level and no facility or collection of facilities on a given *lot* shall cover more than 400 square feet of aggregate ground area.

(ADD. ORD. 3895 - 4/25/89)

**Sec. 8107-23.4 - Setbacks**

All facilities shall be set back the following distances from all other structures and property lines:

**Sec. 8107-23.4.1**

All facilities shall be set back a minimum of 6 feet from all other structures.

**Sec. 8107-23.4.2**

All facilities shall be set back a minimum of 20 feet from all property lines with an additional 5 feet of setback required for each 1 foot increase of height over 6 feet above adjacent finished grade level.

**Sec. 8107-23.4.3**

Facilities shall not be located in the area between the public or private right of way and the front of the residence on the site, unless the facility is not visible from the public or private right of way or neighboring dwellings and otherwise conforms to the applicable setback requirements.

**Sec. 8107-23.5 - Construction Standards**

All facilities shall be constructed so as to minimize visual and auditory impacts.

**Sec. 8107-23.5.1**

The sides of all facilities that are above ground shall be enclosed with a solid material, such as plywood.

**Sec. 8107-23.5.2**

Spaces between finished grade and the lower, horizontal surfaces of the facility shall be filled with earth or other suitable solid material.

**Sec. 8107-23.5.3**

The backs of all surfaces not affected by Section 8107-23.5.2 shall be padded with sound absorbing material such as carpeting.

**Sec. 8107-23.5.4**

Facilities may be painted, stained, or left in their natural finish. Posters, banners, handbills, bumper stickers, or advertising materials of any kind shall not be affixed to the facility, if visible from neighboring properties.

**Sec. 8107-23.6 - Number of Persons**

The number of persons using a facility or collection of facilities at a given site shall not include more than six individuals who are not residents at the site where the facility is located.

**Sec. 8107-23.7 - Hours of Operation**

The use of facilities shall be limited to daylight hours between 9:00 a.m. and 7:00 p.m., Monday through Saturday.

**Sec. 8107-23.8 - Maintenance**

Facilities shall be maintained in a neat, safe, and orderly manner.

**Sec. 8107-23.9 - Removal**

Facilities shall be removed within 90 days when no longer used, or capable of being safely used, for their intended purpose.

**Sec. 8107-23.10 - Hold Harmless**

The permittee shall provide the County with a hold harmless agreement, acceptable to the County, prior to the issuance of a Zoning Clearance, which provides, in substance, that: The permittee agrees to hold the County harmless, indemnify, and defend the County for any loss or damage to property, or injury or loss of life arising out of the use authorized by this Zoning Clearance.

**Sec. 8107-23.11 - Compensation**

The use of the facility shall be without monetary compensation to any of the parties involved, nor operated in any way as a commercial enterprise.

(ADD. ORD. 3895 - 4/25/89)

## **Sec. 8107-24 - Caretaker Recreational Vehicle, Accessory**

In a park or recreation area owned or operated by the County of Ventura, the owner(s) of a recreational vehicle which is licensed and equipped for highway travel may reside in the recreational vehicle for up to six months in any twelve-month period, in accordance with an approved Park Host program. Sewage disposal shall be provided by means of a system approved by the Environmental Health Division. (ADD. ORD.- 3810-5/5/87; REP. as 8107-18 and REEN. as 8107-24 ORD. 3881 - 12/20/88)

## **Sec. 8107-25 - Tree Protection Regulations**

(All Sec. 8107-25 and Subsections added by ORD. 3993 - 2/25/92)

### **Sec. 8107-25.1 - Purpose**

Ventura County recognizes that trees contribute significantly to the County's unique aesthetic, biological, cultural, and historical environment as well as its air quality. It is the County's specific intent through the regulations that follow, to encourage the responsible management of these resources by employing public education and recognized conservation techniques to achieve an optimal cover of healthy trees of diverse ages and species while practically reconciling conflicting demands for alternative uses.

### **Sec. 8107-25.2 - Definitions**

For purposes of Sec. 8107-25 et. seq., the following definitions shall apply:

Alter - To prune, cut, trim, poison, over-water, or otherwise damage or invade the protected zone of a tree or to cause such alterations. Invasion of the protected zone shall include such activities as trenching, digging, placement of heavy equipment, vehicles, or materials within the protected zone. (AM. ORD. 4092 - 6/27/95)

Certification - Written documentation signed by an appropriate expert (as determined by the *Planning Director*), which states in a manner consistent with this ordinance, his/her opinion that there is no reasonable and appropriate alternative to altering or removing a given tree. (AM. ORD. 4092 - 6/27/95)

Commercial Agriculture - A for-profit farming enterprise consisting of tree and crop production for feed, food, fiber, fuel, shelter, and ornament, and including floriculture, horticulture, aquaculture, or animal husbandry established and conducted in a manner consistent with proper and accepted customs and standards as established and followed by similar agricultural operations in the County.

Dead Wooding - Removal of broken, diseased, dying, and dead plant material. (ADD. ORD. 4092 - 6/27/95)

Dripline - The area created by extending a vertical line from the outermost portion of the limb canopy to the ground.

Emergency - A situation in which a tree or its limbs are determined to pose an imminent threat to public safety, property or to the health of a protected tree. (AM. ORD. 4092 - 6/27/95)

Farm Plan - A plan for new commercial agriculture in text and map form which outlines, among other things, proposed compliance with grading regulations such as the Hillside Erosion Control Ordinance, irrigation, crop types and locations, and phasing of implementation. The plan should also include any bids for contract services such as surveying, engineering, land preparation, and planting.

Fell - To cut, push, or pull down, or otherwise topple a tree. (ADD. ORD. 4092 - 6/27/95)

Forest Resource Management Plan - A long-term forest and land management plan and guidelines in text and map form which outlines among other things, compliance with the Tree Protection Regulations, improvement project plans, tree harvesting on a sustaining yield basis, and phasing of implementation. The plan shall also include plans for the conservation of soil, vegetation, water, and fish and wildlife habitat and other factors as necessary. (AM. ORD. 4092 - 6/27/95)

Girth - The circumference in inches of a tree's trunk, limb, or root. The girth of a trunk is measured at a mid-point four and one-half feet between the uphill and downhill side of the root crown. Where an elevated root crown is encountered which enlarges the trunk at four and one-half feet above grade, the trunk shall be measured above the crown swell where the normal trunk resumes. Girth of limbs shall be measured just beyond the swell of the branch where the limb attaches to the main trunk or their supporting limbs. (AM. ORD. 4092 - 6/27/95)

Heritage Tree - Any species of tree with a single trunk of ninety (90) or more inches in girth or with multiple trunks, two of which collectively measure seventy-two (72) inches in girth or more. In addition, species with naturally thin trunks when full grown (such as Washington Palms), species with naturally large trunks at an early age (such as some date palms), or trees with unnaturally enlarged trunks due to injury or disease (e.g., burls and galls) must be at least sixty feet tall or 75 years old to be considered as a heritage tree. (AM. ORD. 4092 - 6/27/95)

Historical Tree - Any tree or group of trees identified by the County or a city as a landmark, or identified on the Federal or California Historic Resources Inventory to be of historical or cultural significance, or identified as contributing to a site or structure of historical or cultural significance.

Introduced Protected Trees - Trees which appear on Table 1 "PROTECTED TREES" but which have been planted by man for purposes of affecting the environment, architecture, climate or aesthetics of a given place and are, therefore, considered landscape features. (ADD. ORD. 4092 - 6/27/95)

ISA Standards - Pruning standards promulgated by the International Society of Arboriculture. (AM. ORD. 4092 - 6/27/95)

Multiple Trunk Tree - A tree which has two (2) or more trunks forking below four and one-half (4.5) feet above the uphill side of the root crown. (ADD. ORD. 4092 - 6/27/95)

Native Trees - Any trees indigenous to Ventura County not planted for commercial agriculture.

Necessary Agricultural Operations - Those activities which are performed solely for the benefit of commercial agriculture. Excluded from this definition are activities such as clearing land for future subdivision, development of nonagricultural uses, and harvesting of native trees or their limbs for various commercial purposes.

Offsets - Methods of mitigation and/or replacement for the alteration, felling, or removal of a protected tree. (ADD. ORD. 4092 - 6/27/95)

Protected Trees - Any trees from among the species or any heritage or historical tree listed in Table I (following definitions) with one or more differentiated trunks which meets the dimensional standards therein and which is situated on land with the applicable zoning shown on Table I. (AM. ORD. 4092 - 6/27/95)

Protected Zone - The surface and subsurface area within the dripline and extending a minimum of five (5) feet outside the dripline, or 15 feet from the trunk of a tree, whichever is greater. (ADD. ORD. 4092 - 6/27/95)

Pruning - Removal of all, or portions, of a tree's shoots, branches, limbs or roots. (ADD. ORD. 4092 - 6/27/95)

Qualified Tree Consultant - An individual who, through a combination of education, training, licenses and certificates for professional proficiency, and work experience can demonstrate to the satisfaction of the *Planning Director* he or she possesses the necessary skills and abilities to provide competent advice as called for by various provisions of the Tree Protection Regulations.

Qualified Tree Trimmer - An individual who has, to the satisfaction of the *Planning Director*, certified that he has read and understands the Tree Protection Ordinance, Tree Protection Guidelines, I.S.A., Pruning Standards, is licensed to conduct business in Ventura County and has other applicable land use permits to conduct said business. (ADD. ORD. 4092 - 6/27/95)

Remove - To transplant a protected tree or carry away a fallen protected tree or its limbs. (ADD. ORD. 4092 - 6/27/95)

Root Crown - The area of a tree where the trunk(s) meet the roots, sometimes called the collar of the tree.

Root System - Unless otherwise demonstrated to the satisfaction of the *Planning Director* with a field investigation conducted by a certified arborist, the root system is the underground portion of a tree, as defined by inscribing a circle around the trunk of the tree using a radius equal to the farthest reach of the dripline plus five feet. The minimal radius to be used is fifteen (15) feet. (AM. ORD. 4092 - 6/27/95)

Timber Growing and Harvesting - An activity which may or may not be part of an agricultural operation which involves the cutting of trees for forest product or firewood purposes. Such trees can be planted or of a natural growth, standing or down, on privately or publicly owned land, including Christmas trees but excluding nursery stock. (AM. ORD. 4092 - 6/27/95)

Tree Row - A row of trees planted and presently used for the purpose of providing a shelter from wind for commercial agriculture; also known as a windbreak, or windrow. (AM. ORD. 4092 - 6/27/95)

<b>TABLE I PROTECTED TREES</b>			
Common Name/Botanical Name Genus species	Girth Standard (Circumference)	Applicable Zones	
		All Base Zones	SRP <sup>1</sup>
Alder Alnus all species	9.5 in.		X
Ash Fraxinus <u>dipetala</u>	9.5 in.		X
Bay Umbellularia californica	9.5 in.		X
Cottonwood Populus all species	9.5 in.		X
Elderberry Sambucus all species	9.5 in.		X
Big Cone Douglas Fir Pseudotsuga macrocarpa	9.5 in.		X
White Fir Abies concolor	9.5 in.		X
Juniper Juniperus californica	9.5 in.		X
Maple Acer macrophyllum	9.5 in.		X
Oak (Single) Quercus all species	9.5 in.	X	X
Oak (Multi) Quercus all species	6.25 in.	X	X
Pine Pinus all species	9.5 in.		X
Sycamore Platanus all species	9.5 in.	X	X
Walnut Juglans californica	9.5 in.		X
Historical Tree (any species)	(any size)	X	X
Heritage Tree <sup>2</sup> (any species)	90.0 in.	X	X

X Indicates the zones in which the subject trees are considered protected trees.

1. SRP - Scenic Resource Protection Overlay Zone
2. See Definition above

(AM. ORD. 4390 - 9/09/08)

### **Sec. 8107-25.3 - General Requirements**

No person shall alter, fell, or remove a Protected Tree except in accordance with the provisions of Section 8107-25 et seq. If tree alteration, felling, or removal is part of a project requiring a *discretionary* permit, then the tree permit application and approval process should accompany the parent project *discretionary* permit.

If a person applies to alter, fell, or remove a Protected Tree located in an area subject to an area plan or project related conditions (e.g. subdivisions and conditional use permits) which include requirements more stringent than the subject ordinance requirements, the stricter requirements shall prevail in establishing the conditions of approval for a tree permit.

No provision of these Tree Protection Regulations shall be interpreted as permitting or requiring any violation of law, or any lawful rules or regulations or orders of an authorized governmental agency. Regulations of other agencies and jurisdictions that should be considered in the administration of the Tree Protection Regulations are referred to in the Tree Protection Guidelines, as adopted and as may be amended by the Ventura County Board of Supervisors. (AM. ORD. 4092 - 6/27/95; AM. ORD. 4328 - 9/13/05)

### **Sec. 8107-25.4 - Exemptions**

The alteration, felling, or removal of a Protected Tree by a person is exempt from the provisions of Sec. 8107-25 et seq. when such tree is: (AM. ORD. 4092 - 6/27/95)

- a. Planted, grown, or held for sale by lawfully established nurseries and tree farms or removed from, or transplanted from, such a nursery as part of its operation.
- b. Located and planted in a tree row presently serving commercial agriculture.
- c. Planted, grown, and presently harvested for commercial agricultural purposes, or removed from, or transplanted from, a ranch or farm as part of its operation. This does not include the managed production of protected trees or the transplanting or harvesting of naturally growing protected trees or their limbs.

### **Sec. 8107-25.5 - Minimum Requirements for Tree Alteration, Felling or Removal Without a Tree Permit**

Except as provided in Sec. 8107-25.4, the alteration, felling or removal of Protected Trees may occur without a Tree Permit under the following circumstances, and in accordance with the following standards. Said alterations shall be performed by the property owner or resident with the owner's consent, or by a qualified tree trimmer. For all the following trimming and pruning, ISA standards shall be used and in all such cases climbing spurs shall not be used: (AM. ORD. 4092 - 6/27/95)

- a. Cases of emergency where the *Planning Director* or his designee, or any employee of a government authority or special district, in the performance of his or her duties determines that a tree or its limbs pose an imminent threat to the public safety or general welfare or the health of the tree. If conditions and circumstances allow, the public official shall consult with the *Planning Director* or designee prior to ordering the trimming, felling, or removal of any Protected Tree for the above reasons. Subsequent to the emergency action, copies of the work orders or reports will be provided to the *Planning Director* within 30 days, describing the action taken and the nature of the emergency. (AM. ORD. 4092 - 6/27/95)
- b. Pruning and trimming of any size dead limb or root tissue.
- c. Pruning and trimming of living limbs and roots, each of which is less than 20% of the tree trunk's girth, provided such trimming does not endanger the life of the tree, result in an imbalance in structure, or remove more than 20% of its canopy or the root system. (AM. ORD. 4092 - 6/27/95)

- d. Pruning and trimming living limbs which exceed the size set forth in "c" above provided such alteration is justified in writing by a qualified tree consultant, and is intended to promote the health of the tree. (ADD. ORD. 4092 - 6/27/95)
- e. Pruning and trimming living limbs and roots each of which exceeds the size set forth in "c" above by a Public Utility Company or its contractors for the purpose of protecting the public and maintaining adequate clearance from public utility conduits and facilities. (AM. ORD. 4092 - 6/27/95)
- f. Pruning and trimming living limbs and roots each of which exceeds the size set forth in "c" above by the Ventura County Public Works Agency or its contractors for the purpose of: (AM. ORD. 4092 - 6/27/95)
  - (1) maintaining safety,
  - (2) providing for the flow of vehicular and pedestrian traffic,
  - (3) providing for the flow of flood waters in Flood Control rights-of-way, or
  - (4) constructing and maintaining improvements within the public right-of-way.
- g. Pruning and trimming living limbs and roots each of which exceeds the size set forth in "c" above by any park or school district, or the Ventura County General Services Agency or its contractors, for the purpose of maintaining safety or improving structural integrity or balance of trees on County, school, or park district properties. (AM. ORD. 4092 - 6/27/95)
- h. Pruning and trimming living limbs and roots each of which exceeds the size set forth in "c" above by the Ventura County Fire Protection District and its contractors for the purpose of providing fire protection when said District determines there is no reasonable alternative. (AM. ORD. 4092 - 6/27/95)
- i. Pruning and trimming of living limbs and roots for non-commercial purposes or for any commercial agricultural operation on *lots* less than ten (10) acres zoned RA or RE for any reason not specified in "a" through "g" above, shall be conducted or supervised by a qualified tree consultant. (AM. ORD. 4092 - 6/27/95; AM. ORD. 4377 - 1/29/08)
- j. Pruning and trimming living limbs and roots for necessary agricultural operations, which exceed the size set forth in "c" above of protected trees located on land zoned AE, OS or TP. Such pruning for necessary agricultural operations in the RA or RE zones is allowed only if a minimum of ten acres is used for commercial agricultural purposes. (AM. ORD. 4377 - 1/29/08)
- k. The felling or removal of five (5) or fewer Protected Trees in any 12 consecutive month period beginning with the date of the first tree removal for necessary agricultural operations, or the expansion of existing or establishment of new commercial agriculture on land under the same contiguous ownership provided that: (AM. ORD. 4092 -6/27/95)
  - (1) The land is zoned AE, OS or TP, and
  - (2) The trees to be removed are not classified as heritage or historical, and
  - (3) There is a farm plan for any expansion or establishment of new commercial agriculture.
  - (4) Records are kept of the dates that any protected trees are removed and such records or summaries thereof are submitted to the *Planning Director*.
 (AM. ORD. 4377 - 1/29/08)
- l. The removal of any naturally fallen trees and/or the felling and subsequent removal of standing, certifiably dead, trees. Certification by a qualified tree



consultant or objective data confirming that a standing tree is dead shall be submitted to the *Planning Director* upon his request. (AM. ORD. 4092 - 6/27/95)

### **Sec. 8107-25.6 - Ministerial Tree Permits and Standards**

The *Planning Director* shall approve a Ministerial Tree Permit if the application is complete, the applicable fee has been paid; and all applicable certifications have been provided. Such certification must be based on at least one of the situations outlined in the following subsections, must indicate which of those subsections is being referred to, and must state that the recommended alteration is the only reasonable and appropriate alternative action. In lieu of a certified statement by a qualified tree consultant, an *applicant* may submit objective data such as photographs which allows the *Planning Director* to make the required determination.

Tree alteration shall be performed by the property owner or resident with consent of owner, or, by a qualified tree trimmer. The *Planning Director* shall impose standard conditions to ensure only the approved trees are altered, felled, or removed such as tree tagging and protective fencing for remaining trees. Alteration shall only occur in accordance with ISA standards.

Except as provided in Secs. 8107-25.4, 8107-25.5, or 8107-25.7, no person shall alter, fell, or remove a Protected Tree without obtaining a ministerial tree permit for the following circumstances:

(AM. ORD. 4092 - 6/27/95)

- a. The tree poses a significant threat to people, lawfully established structures or other trees because of such factors as: its continued growth; its probable collapse in the near future; or its potential to spread disease or pests; as determined and certified by a qualified tree consultant.
- b. The tree interferes with public utility facilities as certified by the tree maintenance supervisor for the utility, in consultation and concurrence with a qualified tree consultant.
- c. The tree interferes with the public safety or traffic line of sight or emergency vehicle movement as certified by a traffic engineer of the Ventura County Public Works Agency in consultation with a qualified tree consultant.
- d. The tree interferes with private sewer lines as certified by a plumbing contractor or other person doing the plumbing work and there is no alternative to removing the tree or altering roots or other elements of the tree as certified by a qualified tree consultant.
- e. Alteration, felling, or removal is necessary to construct improvements within the public right-of-way or within a flood control or other public utility right of way, as certified by a Registered Civil Engineer of the State of California in consultation and concurrence with a qualified tree consultant. (AM. ORD. 4092 - 6/27/95)
- f. The tree constitutes a public safety hazard as certified by a supervisor from any park or school district, County General Services Agency, or Fire Protection District in consultation with a qualified tree consultant.
- g. The trees to be felled and/or removed number six (6) to ten (10) Protected Trees in any 12 consecutive month period beginning with the date of the first tree removal, and their removal is required for necessary agricultural operations, or the expansion of existing or establishment of a new commercial agriculture on land under the same contiguous ownership provided that: (AM. ORD. 4092 - 6/27/95)
  - (1) The land is zoned AE, OS or TP, and
  - (2) The trees to be removed are not classified as historical, and

- (3) A farm plan has been prepared for any proposed expansion of existing or establishment of new commercial agriculture, and
- (4) Records are kept of the dates that any protected trees are removed and such records or summaries thereof are submitted to the *Planning Director*.

(AM. ORD. 4377 - 1/29/08)

- h. The trees to be felled and/or removed number 11 to 25 Protected Trees in any 12 consecutive month period beginning with the date of the first tree removal, and their removal is required for necessary agricultural operations, or the expansion of existing or establishment of new commercial agriculture from land under the same contiguous ownership provided that: (AM. ORD. 4092 - 6/27/95)

- (1) The land is zoned AE, OS or TP, and

- (2) The trees to be felled and/or removed are not classified as historical, and (AM. ORD. 4092 - 6/27/95)

- (3) A farm plan has been prepared for any proposed expansion of existing or establishment of new commercial agriculture. and

- (4) Records are kept of the dates that any protected trees are felled and/or removed and such records are submitted to the *Planning Director*, and (AM. ORD. 4092 - 6/27/95)

- (5) A field inspection by the *Planning Director* or designee has occurred.

(AM. ORD. 4377 - 1/29/08)

- i. The tree(s) in its present form and/or location denies reasonable access to the subject property and/or the construction, maintenance, or use of the property in a manner permitted by zoning on the said property. No more than five protected trees may be cumulatively felled or removed from the subject property for this purpose, and no more than three of the five trees may be oak or sycamore trees and none of them may be "historical" or "heritage" trees. Trees may also be altered as necessary for this same purpose. (AM. ORD. 4092 - 6/27/95; AM. ORD. 4328 - 9/13/05)
- j. The tree to be felled and/or removed is an "Introduced Protected Tree" located in the public easement or on public property, and permission to remove it has been granted pursuant to County Ordinance Code No. 2041 relating to Encroachments on County Highways and as it may be amended. (AM. ORD. 4092 - 6/27/95)
- k. The tree to be felled and/or removed is an "Introduced Protected Tree", as certified by a qualified tree consultant, and is located on private property. (ADD. ORD. 4092 - 6/27/95)

### **Sec. 8107-25.7 - Discretionary Tree Permits and Standards**

Except as provided in Secs. 8107-25.4, 8107-25.5 or 8107-25.6, no person shall alter, fell, or remove a Protected Tree without obtaining a *Planning Director* approved *discretionary* Tree Permit. The *Planning Director* may approve a *discretionary* Tree Permit application with necessary conditions to promote the purpose of these tree ordinance regulations if:

#### **Sec. 8107-25.7.1**

- a) A heritage or historical tree is to be felled or removed from the site and its continued existence in its present form and/or location denies reasonable access to the subject property and/or the approved construction, maintenance, or use in a manner permitted by the zoning on said property. (ADD. ORD. 4328 - 9/13/05)

- b) The cumulative number of trees to be felled or removed from the site number four (4) or more oak or sycamore trees and their continued existence in their present form and/or location denies reasonable access to the subject property and/or the approved construction, maintenance, or use in a manner permitted by the zoning on said property. (ADD. ORD. 4328 – 9/13/05)
- c) The cumulative number of trees to be felled or removed from the site number six (6) or more protected trees (not listed in a or b above) and their continued existence in their present form and/or location denies reasonable access to the subject property and/or the approved construction, maintenance, or use in a manner permitted by the zoning on said property. (AM. ORD. 4328 – 9/13/05)

**Sec. 8107-25.7.2**

The alteration, felling, and/or removal of trees is to further commercial agricultural purposes and all the following applicable standards can be met:

(AM. ORD. 4092 - 6/27/95)

- a. There is a farm plan for any proposed expansion of existing or establishment of new commercial agriculture, and
- b. The proposed agricultural activities are consistent with proper and accepted customs and standards as established and followed by similar agricultural operations in the County and as set forth in the adopted "Tree Protection Guidelines", and
- c. The *Planning Director* determines that, on balance, the proposed agricultural activities, which include Protected Tree alteration, would result in benefits to the public which outweigh the residual negative effects of tree alteration after mitigating permit conditions are imposed.

**Sec. 8107-25.7.3**

The tree alteration, felling, and/or removal, is to further timber growing and harvesting, is not regulated by the California Forest Practices Act, and all the following applicable standards can be met:

- a. There is a Forest Resource Management Plan prepared by a registered professional forester (RPF) which is intended to improve or enhance forest resources. (AM. OR. 4092 - 6/27/95)
- b. The above Plan establishes a "sustainable yield" for the property and a program to maintain it.
- c. The proposed timber harvesting activities are consistent with proper and accepted customs and standards as established and followed by similar sustaining yield operations and as may be set forth in the adopted Tree Protection Guidelines, and
- d. The *Planning Director* determines that, on balance, the proposed activities, which include Protected Tree alteration, felling and/or removal would result in benefits to the public which outweigh the residual negative effects on the tree(s) after mitigating permit conditions are imposed. (AM. ORD. 4092 - 6/27/95)

**Sec. 8107-25.7.4**

The tree alteration, felling, and/or removal is part of a larger project which, as conditioned, would on balance result in significant benefits to the public and if: (AM. ORD. 4092 - 6/27/95)

- a. Established public policy including General Plan policies would be advanced, or

- b. Resources of local, regional, or Statewide significance could be productively utilized, or
- c. The public benefits outweigh the unavoidable negative impacts associated with the removal of protected trees required by the project.

**Sec. 8107-25.7.5**

The Protected Tree has been recently altered or felled without the required permit and a person seeks to remove the tree, roots or limbs from the *lot*. (AM. ORD. 4092 -6/27/95)

**Sec. 8107-25.8 - Tree Permit Applications and Supporting Information**

The application form and supporting information necessary to evaluate a request to alter, fell, or remove a Protected Tree shall be determined by the *Planning Director* and be in accordance with the Tree Protection Guidelines. (AM. ORD. 4092 - 6/27/95)

**Sec. 8107-25.9 - Tree Protection Guidelines**

In granting a Tree Permit, the *Planning Director* shall utilize the adopted "Tree Protection Guidelines," as amended from time to time, in making a decision consistent with the purpose of the tree protection regulations and said Guidelines. (AM. ORD. 4092 - 6/27/95)

**Sec. 8107-25.10 - Offsets for Altered, Felled, or Removed Trees**

Unless exempted herein, offsets shall be provided on a one-for-one basis for the following circumstances: (AM. ORD. 4092 - 6/27/95)

- a. All *discretionary* tree permits pursuant to Sec. 8107-25.7.
- b. Where the alteration, felling, or removal of a tree(s) has taken place but cannot be retroactively legalized pursuant to provisions of the Tree Protection regulations. (ADD. ORD. 4092 - 6/27/95)

**Sec. 8107-25.10.1 - Exemptions from Offsets**

Trees removed and transplanted to a location acceptable to the *Planning Director* shall be exempted from "offset" requirements provided:

- a. The transplanted tree is properly cared for per industry standards; and
- b. The tree survives for a period of at least five years; and
- c. A compliance agreement has been entered into with the Planning Division to monitor "a" and "b" above.

(AM. ORD. 4092 - 6/27/95)

**Sec. 8107-25.10.2 - Tree Offset Standards**

Offsets shall be based on the "cross-sectional" area of the affected portions of the subject tree. The required offset is achieved when the *Planning Director* deems the selected offsets from among the alternatives referenced in the Tree Protection Guidelines equals the cross-sectional area of the affected portions of the tree(s) in question. In determining the offset obligation, the I.S.A. valuation of a subject tree shall be calculated in accordance with the most current edition of the I.S.A. "Guide for Plant Appraisal" as it applies to central Southern California. (AM. ORD. 4092 - 6/27/95)

**Sec. 8107-25.11 - Appeals of Tree Permit Decisions**

Within ten calendar days of the notice of decision, appeals may be made to the Ventura County Planning Commission upon filing of the proper form and payment of the appropriate fee. The decision of the Planning Commission shall be final and conclusive.

There is no appeal to the Board of Supervisors for a tree permit decision under the provisions of Article 11.

### **Sec. 8107-25.12 - Violations, Enforcement Procedures and Penalties**

A violation of any provision of these Tree Protection Regulations or of any condition of a Tree Permit granted under authority of this ordinance, is a misdemeanor/infracton, as specified in Section 13-1 of the Ventura County Ordinance Code, and upon conviction thereof, shall be punishable as provided by Section 13-2 of the Ventura County Ordinance Code. In such cases, each tree altered, felled or removed in violation of this ordinance shall constitute a separate violation. (AM. ORD. 4092 - 6/27/95)

A violation of the prohibitions of these Tree Protection Regulations, or of any condition of the Tree Permit granted under authority of this ordinance, is hereby declared to be a public nuisance as such violations constitute a destruction of a County natural resource. This ordinance shall be enforced by the Ventura County *Planning Director* applying those procedures set forth in Ventura County Ordinance Code Sections 8114-3 and 8114-4.

As an alternative to pursuing legal action, the *Planning Director*, at his/her sole discretion, may approve a compliance agreement between the confirmed violator and Ventura County. This agreement may include, but is not limited to, requirements to obtain the necessary tree permit(s), provide offsets for unauthorized and unpermissible losses due to alterations, fellings, or removals, and other mitigation measures to abate a specific violation of the tree protection regulations. (AM. ORD. 4092 - 6/27/95)

(AM. ORD. 4092 - 6/27/95)

### **Sec. 8107-26 - Employee Housing Pursuant to State Law**

(ADD. ORD. 4092 - 6/27/95; AM. ORD. 4123 - 9/17/96; AM. ORD. 4215 - 10/24/00; REP./REEN. ORD. 4281 - 5/6/03; REP./REEN. ORD. 4596 - 3/1/22)

#### **Sec. 8107-26.1 – Purpose and Application**

Health and Safety Code section 17000, et seq., known as the Employee Housing Act, includes regulations that require local jurisdictions to allow the development and use of employee housing. The purpose of this Section is to promote the development of, and to establish development standards for, *employee housing* consistent with state law. If any provision in this Chapter conflicts with the mandates of the Employee Housing Act as it relates to employee housing, the provisions of the Employee Housing Act shall govern.

#### **Sec. 8107-26.2 – Employee Housing for Six or Fewer Employees**

*Employee housing* that accommodates six or fewer employees, pursuant to Health and Safety Code section 17021.5, shall be considered a single-family structure and residential use of property under this Chapter and is subject to the following:

- a. A lot with an existing single-family dwelling is not eligible for development of new *employee housing* with a Zoning Clearance for six or fewer employees if applicable zoning does not allow two single-family dwelling units on the subject lot.
- b. *Employee housing* for six or fewer employees shall comply with the setback, lot coverage, height, and other development standards applicable to a single-family dwelling on the subject lot.
- c. No additional development standards other than those applicable to a single-family dwelling apply to an *employee housing* unit for six or fewer employees.

- d. Use of a single-family dwelling for purposes of *employee housing* serving six or fewer persons shall not constitute a change of occupancy for purposes of Health and Safety Code section 17910 et seq. (the State Housing Law) or local building codes.
- e. Within 30 days after obtaining the appropriate permit from the California Department of Housing and Community Development (HCD) to operate the *employee housing*, and thereafter on an annual basis, the applicant shall submit evidence that the HCD permit for the employee housing is current and valid.

### **Sec. 8107-26.3 – Agricultural Employee Housing**

All *agricultural employee housing* shall comply with the setback, *building lot coverage*, height, and other development standards applicable to the underlying zone in which it is located, and the following development standards, unless otherwise indicated in this Section 8107-26.3. (AM. ORD. 4618 - 7/25/23)

- a. For the purposes of this Section, “agricultural employees” shall have the same meaning as defined in Section 1140.4(b) of the Labor Code, as may be amended, which includes those engaged in “agriculture” as such term is defined in Section 1140.4(a) of the Labor Code. Pursuant to Labor Code section 1140.4(a), “agriculture” means farming in all its branches, including the cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities (including commodities defined as agricultural commodities in Section 1141j(g) of Title 12 of the United States Code), the raising of livestock, bees, furbearing animals, or poultry, and any practices (including any forestry or lumbering operations) performed by a farmer or on a farm as an incident to or in conjunction with such farming operations, including preparation for market and delivery to storage or to market or to carriers for transportation to market.
- b. *Agricultural employee housing* may be developed and maintained for the purpose of providing *permanent, seasonal or temporary employee housing*.
- c. *Agricultural employee housing* consisting of no more than 36 beds in a group quarters or 12 units or spaces designed for use by a single family or household, or that is approved pursuant to Section 17021.8 of the Health and Safety Code, shall not be deemed a land use under this Chapter that implies that such housing is an activity that differs in any other way from an agricultural land use.
- d. *Agricultural employee housing* that consists of four or fewer dwelling units is permitted with a Zoning Clearance provided that each dwelling unit does not exceed 1,800 square feet in gross floor area.
- e. All other *agricultural employee housing* may be allowed with a Planning Director-approved Planned Development Permit except that *agricultural employee housing* that meets the criteria specified in Health and Safety Code Section 17021.8, as may be amended, shall be allowed with a Zoning Clearance.
- f. *Agricultural employee housing* shall comply with the same general requirements set forth in Section 8107-41.3.1(a) through (d) of this Chapter that apply to *agricultural worker housing*.
- g. *Agricultural employee housing* designed as housing complexes shall meet the development standards set forth in Section 8107-41.3.3, and those designed as group quarters shall meet the development standards set forth in Section 8107-41.3.4.
- h. *Agricultural employee housing* may, but is not required to, be developed or provided by the employer, or located on the same lot where the qualifying agricultural work is being performed.

- i. Within 30 days after obtaining the appropriate permit from the California Department of Housing and Community Development (HCD) to operate the *agricultural employee housing*, and thereafter on an annual basis, the applicant shall submit evidence that the HCD permit for the *agricultural employee housing* is current and valid.
- j. Deed Restriction: Within 30 days after receiving approval for *permanent* or *seasonal employee housing* from the Planning Division, and before issuance of the final Zoning Clearance, the applicant shall record with the County Recorder, a deed restriction in a form approved by the County that runs with the land on which the *agricultural employee housing* is located declaring that:
  - (1) The *agricultural employee housing* will continuously be maintained in compliance with this Section 8107-26 and all other applicable sections of this Article; and
  - (2) The applicant will obtain and maintain, for as long as the *agricultural employee housing* is operated, the appropriate permit(s) from HCD pursuant to the Employee Housing Act and the regulations promulgated thereunder.
  - (3) The deed restriction shall not be amended, released, terminated, or removed from the property without the prior written consent of the County. In the event the *agricultural employee housing* use is terminated and/or structures are removed in accordance with this Chapter and other applicable law as confirmed in writing by the Planning Director, the deed restriction that accompanies the development shall be released and removed from the property.
- k. Signed affidavit for temporary employee housing: Within 30 days after receiving approval for *temporary employee housing* from the Planning Division, the applicant shall submit a signed affidavit, in a form approved by the County, affirming that:
  - (1) The *agricultural employee housing* will only be used as *temporary employee housing*; and
  - (2) The applicant will obtain and maintain, for as long as the *temporary employee housing* is operated, the appropriate permit(s) from HCD pursuant to the Employee Housing Act and the regulations promulgated thereunder.

**Sec. 8107-26.4 – Enforcement.**

HCD is the enforcement agency for purposes of the Employee Housing Act and is responsible for, among other things, issuing permits to operate, conducting inspections of *employee housing* prior to and during occupancy, and investigating complaints of violations of the Employee Housing Act and its implementing regulations.

While the County does not enforce the requirements of the Employee Housing Act, the County retains its enforcement authority over its land use permits and related conditions of approval, including as follows:

- a. Violations of Sections 8107-26.2 and 8107-26.3 may be enforced pursuant to Article 14 of this Chapter or through any other available legal means.
- b. Any civil administrative penalties collected pursuant to Section 8114-3.7 of this Chapter for violations of Section 8107-26 et seq. of this Chapter, shall be deposited in a farmworker housing fund account for exclusive use by the County to fund rehabilitation and/or construction of farmworker housing.
- c. In addition to all other available enforcement and legal remedies, the County may require the removal of a housing unit and restoration of the site (including any affected agricultural soils) based on the unpermitted or unverified use of the *employee housing* or based on other violations of Section 8107-26 et seq.

## **Sec. 8107-27 - Cemeteries**

Cemeteries existing prior to January 1, 1994, in AE zones may be allowed to expand subject to permit modification or to a Planning Commission approval of a Conditional Use Permit, and subject to the findings of the AE zone. (ADD. ORD. 4092 - 6/27/95; AM. ORD. 4123 - 9/17/96; AM. ORD. 4377 - 1/29/08)

## **Sec. 8107-28 - Radio Stations**

Radio stations with studio facilities, existing prior to January 1, 1994, in OS and AE zones, may be allowed to expand, subject to obtaining the necessary County *entitlements*. (ADD. ORD. 4092 - 6/27/95; AM. ORD. 4377 - 1/29/08)

## **Sec. 8107-29 – Motocross Racetrack Facilities and Uses**

### **Sec. 8107-29.1 – Purpose**

The purpose of this section is to establish reasonable and uniform development standards for the siting, design, placement and use of tracks, parks or trails (hereinafter referred to as "tracks"), for the organized use of motocross motorcycle vehicles such as, and limited to, small and medium sized motorcycles, dirt bikes, OHVs (off-highway vehicles), motocross and mini-motocross bikes the engines of which do not exceed two cylinders; and appurtenant structures and improvements such as restrooms, clubhouses, storage structures, parking areas, equipment yards, pit areas and concession/vending stands (hereinafter referred to as "facilities"). The following development standards are established to minimize the impact on resources and neighboring uses from such effects as, but not limited to: noise, loss of privacy, traffic congestion, trespassing, fugitive dust, and risk of damage or injury from flying projectiles and debris. (ADD. ORD. 4118 - 7/2/96; AM. ORD. 4123 - 9/17/96; AM. ORD. 4407 - 10/20/09)

### **Sec. 8107-29.2 – Application**

All motocross tracks and facilities as defined in Section 8102-0 may be allowed pursuant to permits required in Sec. 8105-4. (ADD. ORD. 4118 - 7/2/96)

### **Sec. 8107-29.3 - Minimum Standards**

The standards included in Sections 8107-29.4 through 8107-29.6 are the minimum standards that must be complied with. Additional and more specific standards may be applied on a case-by-case basis as permit conditions. (ADD. ORD. 4118 - 7/2/96)

### **Sec. 8107-29.4 - Minimum Siting Criteria**

The following are minimum sitting criteria for any motocross tracks and facilities:

#### **Sec. 8107-29.4.1**

Motocross tracks shall not be allowed in any of the following locations:

- a. Any area within the following overlay zones: Mineral Resource Protection (MRP) or Scenic Resource Protection (SRP).
- b. Within the Sphere of Influence, Area of Interest or Planning Area of any incorporated city, whichever is the largest area applicable.
- c. Within a County-adopted greenbelt area, unless the facility was initially permitted prior to adoption of the greenbelt area.
- d. Within a 100-year flood plain (Zone A) as designated on a FIRM (Flood Insurance Rate Map).



- e. Within an airport approach or departure zone as depicted in the County's General Plan Hazards Appendix Maps.
- f. Within the boundaries of the Los Padres National Forest.
- g. Within a designated High or Very High Fire Hazard Severity Zone, or equivalent designation, unless the facility was operating in such an area in accordance with the Non-Coastal Zoning Ordinance as of August 5, 2014.
- h. On any land subject to a Land Conservation Act (LCA) contract, notwithstanding its Open Space zoning designation.

(ADD. ORD. 4118 - 7/2/96; AM. ORD. 4123 - 9/17/96; AM. ORD. 4472 - 6/2/15)

**Sec. 8107-29.4.2**

Any property proposed for the siting of such tracks and facilities shall be located:

- a. Within two minutes driving time or 500 feet (whichever is greater) of an all-weather street, road or highway with a minimum right-of-way of 100 feet, and in a location which would provide a secondary route of ingress/egress via a street, road or highway with a minimum all-weather right-of-way of 60 feet.
- b. On sites which naturally lend themselves to meeting the purpose of these regulations (Section 8107-29.2) in that the sites naturally promote minimum grading or disturbance of the existing topography, and auditory buffering such as that provided by canyons, hills, or other natural sound buffers.
- c. Motocross tracks and facilities shall not be allowed on any legal *lot* of less than forty (40) acres. No track on a given *lot* shall cover more than 30 acres of total ground area. On *lots* larger than forty acres, such tracks and facilities (excluding parking areas, sound baffles and noise attenuation structures) shall not occupy more than 30 acres total area.

(ADD. ORD. 4118 - 7/2/96; AM. ORD. 4123 - 9/17/96)

**Sec. 8107-29.5 - Setbacks**

All tracks and facilities shall be set back the following distances from dwellings, other public uses and property lines:

- a. 100 feet from any occupied dwelling not necessary to the operation of the track, unless a waiver is signed pursuant to Sec. 8107-5.6.25, allowing the setback to be reduced. In no case shall a track be located less than 50 feet from said structure.
- b. A minimum of 60 feet from all property lines.
- c. 500 feet from any institution, school or other building used as a place of public assemblage, unless a waiver is signed pursuant to Sec. 8107-5.6.25, allowing the setback to be reduced. In no case shall any track be located less than 300 feet from said structures.
- d. The applicable setbacks for accessory structures in the Open Space zone.

(ADD. ORD. 4118 - 7/2/96; AM. ORD. 4123 - 9/17/96)

**Sec. 8107-29.6 - Construction and Operating Standards**

All facilities and structures shall be constructed and operated as follows:

- a. All such facilities shall be operated in compliance with the most current standards established by the American Motorcyclist Association (AMA) or its affiliates, successor organization or an alternative sanctioning body approved by the *Planning Director*.

- b. All facilities shall be sited and operated so as to be in conformance with minimum noise standards, as set forth in the Ventura County General Plan, and as monitored from all property lines.
- c. All mechanical or repair activity of motocross/off-highway vehicles shall be limited to vehicles engaged in same-day events or activities. No other such mechanical and/or repair activity shall be allowed on the site.
- d. On-site lighting shall be for security purposes only. Such lighting shall be shielded to eliminate or minimize glare to off-site areas.
- e. The maximum number of active participants (i.e. riders, crew members, employees) using a permitted facility shall not exceed 30 persons per acre of the total up to 30 acres. Non-participants (i.e. spectators) shall be limited to a maximum of 50 persons per acre of total *net site area* up to 30 acres, and such persons shall be allowed on-site during organized events only.
- f. The use of permitted facilities for practice or other non-organized, non-competitive activities shall be limited to daylight hours between 9:00 a.m. and 7:00 p.m. seven (7) days a week. Use of such facilities for organized events shall be limited to daylight hours between 9:00 a.m. and 7:00 p.m., or fifteen minutes after official sunset for that day's event, whichever is later, on Saturdays and Sundays only. Deviation from this standard pertaining to days and hours of operation shall be subject to prior approval by the *Planning Director*. With a Permit Adjustment, organized events may also be held on Friday evenings and holidays that fall on Fridays and Mondays. Such deviations from the normal schedule are allowed once per three-month quarter.

For purposes of this subsection "official sunset" shall be defined as that which is published in a local newspaper of general circulation.

- g. Facilities shall be maintained in a neat, safe, and orderly manner and in compliance with all applicable Federal, State and local regulations and standards.
- h. All facilities located in or on non-paved areas shall be watered or otherwise treated as often as necessary to prevent fugitive dust impacts on- and off-site. At a minimum, such watering shall be done prior to each day's events or operations. Watering shall be done more frequently during Santa Ana and high wind periods.

(ADD. ORD. 4118 - 7/2/96; AM. ORD. 4123 - 9/17/96)

## **Sec. 8107-30 - Mobile Food Facilities**

### **Sec. 8107-30.1**

Mobile food facilities, referred to herein as "facilities," other than those addressed in Sec. 8107-30.2 are subject to the following standards:

#### **Sec. 8107-30.1.1**

Where such facilities do not remain at the same location for more than 30 minutes at a time, and sell food to employees (during the workday), students (during class hours) and residents on the same *lot* as that on which the facility is parked or situated, or on *lots* adjacent thereto, or if such facilities are parked on public property, they are allowed in all zones and are exempt from Zoning Clearance requirements.

#### **Sec. 8107-30.1.2**

Such facilities that remain in one location for more than 30 minutes at a time are permitted in commercial and industrial zones only, and are subject to the following standards:

- a. A Zoning Clearance must be obtained.

- b. The facility may not occupy a site for more than three hours in a given day, nor visit the same site more than three times in a given day for periods of less than 30 minutes.
- c. No freestanding signs are permitted for advertising or any other purpose associated with the facility.
- d. The facility is limited to sites where a principal use is already legally established.
- e. The facility must not block access to or from other principal uses on the site.
- f. The facility must not be placed in a public right-of-way.
- g. The facility, and access to it, cannot occupy more than two parking spaces during the operating hours of the principal use.
- h. The facility must be located at least 30 feet off the access road servicing the site.
- i. Only one such facility (remaining in place more than 30 minutes) is allowed on a *lot* at one time.
- j. The mobile food facility must not park within 300 feet of a restaurant or other permanent eating establishment that is open during the same hours that the mobile food facility is present, unless the facility is accessory to the eating establishment.
- k. All permits required by the Environmental Health Division must be obtained prior to issuance of a Zoning Clearance for a mobile food facility.

**Sec. 8107-30.2**

Mobile food facilities that are parked on the site of and sell food during a permitted swap meet, carnival, outdoor festival or similar event are exempt from Zoning Clearance requirements, but must be removed when the event ceases.

(ADD. ORD. 4123 - 9/17/96)

**Sec. 8107-31 - Recreational Vehicle/Mini-Storage**

**Sec. 8107-31.1 - Lot Area**

A minimum of two acres is required for such facilities.

**Sec. 8107-31.2 - Building Design**

In all zones except M3, street facing facades of buildings adjacent to street-side property lines shall be designed or treated to appear as general commercial uses through the use of such features as mock windows, undulating facades, columns, pilasters, or other methods which demonstrate, to the satisfaction of the *Planning Director*, that they will achieve the same purpose. (AM. ORD. 4216 - 10/24/00; AM. ORD. 4377 - 1/29/08)

**Sec. 8107-31.3 - Building Separation**

Building separation shall be pursuant to Article 6 of this Chapter. Driving lanes within mini-storage facilities shall be at least 25 feet wide.

**Sec. 8107-31.4 - Building Height**

Where a mini-storage facility abuts an OS, AE or R zone, building height shall not exceed 12 feet for the first 20 feet from the common property line or lines. Thereafter, the height standard for the zone shall apply. (AM. ORD. 4377 - 1/29/08)

### **Sec. 8107-31.5 - Setbacks**

Where a setback is required by this Chapter, access to the setback area shall be provided and shall be maintained so that it does not become a repository for trash, debris and other nuisances. Required setbacks may be increased, taking into account adjoining uses, the density of adjoining development, visual impacts, and building length and bulk. There shall be a setback of at least 30 feet from the main entrance gate to the property line from which it takes access.

### **Sec. 8107-31.6 - Fences and Walls**

There must be a seven-foot high peripheral wall adjacent to any property line that abuts an R-zone. Where other zones abut the site, such a wall may also be required by the *Planning Director* based on the character of existing development in the area and best planning practice.

### **Sec. 8107-31.7 - Landscaping**

Notwithstanding Sec. 8106-1.2 all mini-storage facilities constructed after the adoption of this Section shall have a minimum 10-foot landscape strip along all property lines adjacent to public streets.

### **Sec. 8107-31.8 - Parking**

Parking shall be provided as specified in Section 8108-4.7. Any such facility that offers trucks, trailers, and the like for rental shall have sufficient on-site storage for the rental vehicles, and such storage shall not block access to rental units nor impede on-site traffic circulation/traffic flow, nor be visible from any public right-of-way, nor otherwise utilize required on-site parking. (AM. ORD. 4407 – 10/20/09)

### **Sec. 8107-31.9 - Office**

There shall be an office to service the facility, and said office shall be accessible from outside the main entrance gate.

### **Sec. 8107-31.10 - Noise and Lighting**

Noise and lighting shall not create a nuisance upon nor otherwise negatively impact neighboring uses. Any lighting shall be directed into the project and not toward neighboring properties.

### **Sec. 8107-31.11 - Accessory Uses**

Accessory retail sales of items directly related to storage and/or shipping, such as locks, adhesive tape, and cardboard boxes, shall be permitted. Other accessory uses are limited to a caretaker dwelling, an office as set forth in Sec. 8107-31.9, and vehicle storage as set forth in Sec. 8107-31.16.

### **Sec. 8107-31.12 - On-Site Sales**

There shall be no businesses or "garage sales" conducted in or from any rental space within such facilities, and each person or entity renting a space within a facility must agree to this in writing.

### **Sec. 8107-31.13 - Screening of Roof Equipment**

Any roof-mounted equipment shall be screened from view from any public right-of-way.

### **Sec. 8107-31.14 - Lease Agreements**

The permittee shall submit a standard format for agreements regarding the leasing of spaces and lockers to the *Planning Director* to ensure that there are no conflicts with

these standards or with permit conditions. Also, any deviation from the standard agreements shall be subject to approval by the *Planning Director*.

**Sec. 8107-31.15 - Graffiti**

The permittee shall submit a graffiti control plan for approval by the *Planning Director* and thereafter implement the plan in accordance with the schedule approved by the *Planning Director*. Said plan shall address the prevention of graffiti by such means as landscaping materials, special surface finishes, misting/irrigation strategies and/or alarms, or other means deemed feasible by the *Planning Director*. The plan shall also include strategies which detail how graffiti will be removed within 48 hours of its discovery.

**Sec. 8107-31.16 - Vehicle Storage**

Currently licensed vehicles may be stored on the site, provided that no more than 30 percent of the *gross area* of the subject *lot* is devoted to such vehicle storage. Areas devoted to vehicle storage shall not be visible from off-site.

**Sec. 8107-31.17 - Prohibited Activities**

There shall be no bulk storage of materials or waste products, no painting or mechanical work (except for maintenance of the facility), and no automobile bodywork or painting, on mini-storage sites.

(ADD. ORD. 4166 - 4/14/98)

**Sec. 8107-32 - Correctional Institutions**

Correctional Institutions shall be developed in accordance with the following standard(s):

**Sec. 8107-32.1**

Minimum *lot* area shall be thirty (30) acres. (ADD. ORD. 4227 - 1/9/01)

**Sec. 8107-33 - Agricultural Promotional Uses**

**Sec. 8107-33.1 - Purpose**

These uses and attendant structures are intended to advance agricultural operations in Ventura County through promotional, educational, and entertainment activities that directly relate to agricultural activities in the county and/or on the subject site by exposing the public to the industry's economic and cultural contributions, farming practices, and conflicts with urban uses among other issues.

**Sec. 8107-33.2 - Range of Uses**

In pursuit of the above purpose, such activities as the following may be allowed: tours of the facility, interactive exhibits that educate, recreational/entertainment activities with an agricultural theme, and/or other activities that are dependent on the agricultural setting. Accessory uses to the promotional use, such as food and beverage facilities and sales of souvenirs related to the promotional use, may also be allowed.

**Sec. 8107-33.3 - Standards**

Agricultural Promotional Uses shall meet all the following standards:

**Sec. 8107-33.3.1**

The principal use on the site is agriculture and the promotional use is clearly subordinate and accessory to the agricultural use in that:

- a. No more than 15% of the site is devoted to the promotional use and its related accessory uses and required parking, and

- b. At least 80% of the land not devoted to the promotional use shall be devoted to production agriculture and related accessory structures and improvements.

**Sec. 8107-33.3.2**

The use shall meet the standards set forth in Section 8111-1.2.1.2 regardless of the zoning designation on the property.

**Sec. 8107-33.3.3**

The use is complementary to and promotes the agricultural uses on the land or in the county in that the use relies on the agricultural setting as a principal inducement for people to come to the site, or generally involves authentic agricultural themes, equipment, characters, etc., e.g. farm animals and not wild animals, farm tractors and not sports cars.

**Sec. 8107-33.3.4**

Uses which are not allowed as a principal use, e.g. bed-and-breakfast inns or restaurants, are not allowed as accessory uses under this section.

**Sec. 8107-33.3.5**

The facilities will be required to meet all of the regulations of all other County agencies with regard to any proposed structures such as public occupancy, sanitary facilities, handicapped access, fire safety, security, etc.

(ADD. ORD. 4215 - 10/24/00)

**Sec. 8107-34 - Animal Shade Structures**

Said structures shall not be anchored in the ground nor attached to any structure which is anchored in the ground. For example, shade structures may be attached to such portable structures as corrals which are not anchored in the ground. Shade structures which cannot meet this standard may still be constructed under other applicable provisions of Sec. 8105-4. (ADD. ORD. 4215 - 10/24/00)

**Sec. 8107-35 - Botanic Gardens and Arboreta**

*Botanic Gardens* and *Arboreta* shall be developed in accordance with the following standards:

**Sec. 8107-35.1- Minimum Permit Area**

The Minimum Permit Area shall be 50 acres on property zoned Open Space (OS). There shall be no minimum *lot* size in the Commercial Planned Development (CPD) zone. A minimum of 80% of the *lot* area must be planted, either for public display or for replenishment of displayed plants. (AM. ORD. 4377 - 1/29/08)

**Sec. 8107-35.2 - Gift Shops**

One gift shop per site is permitted. Gift shops shall not exceed 1,000 sq ft in size. Commodities sold in the gift shop shall be limited to seeds and plants that are grown and displayed on the site, together with items which are customarily accessory to plant sales, such as garden implements, plant pots, and books on plants, plant history, and/or gardening. The gift shop area may also sell prepared refreshments such as soft drinks and snack items. No more than 20% of the total sales inventory, based on square feet of shelf space, sold at the gift shop shall be prepared refreshments.

**Sec. 8107-35.3 - Site Design**

Siting and design of all facilities should avoid or mitigate direct or indirect significant impacts to native plant communities and natural habitat. Measures should include but not be limited to:

**Sec. 8107-35.3.1**

For properties located in the Open Space (OS) zone, roofed structures shall be limited to a total maximum area of 500 square feet per acre, but not to exceed 25,000 square feet per site. Types of roofed structures allowed are limited to information centers/kiosks, administrative offices, restrooms, a gift shop, and maintenance/storage facilities. Greenhouses and hothouses are specifically exempted from the square footage limitation. (AM. ORD. 4377 – 1/29/08)

**Sec. 8107-35.3.2**

Structures and landscapes should be designed and landscaped to prevent encroachment of non-*native species* into natural areas. Buffer zones of up to 600 feet may be required. (AM. ORD. 4577 – 3/9/21)

**Sec. 8107-35.3.3**

Fire clearance areas should not diminish the natural areas but should be incorporated into the project site.

**Sec. 8107-35.3.4**

Runoff of water, fertilizers, pesticides, herbicides, and the like should be contained to avoid or mitigate impacts to natural areas.

**Sec. 8107-35.3.5**

Native plants, preferably from within the same watershed, should be used whenever possible to avoid or mitigate significant genetic impacts on the local flora.

**Sec. 8107-35.3.6**

While the use of non-native plants may be appropriate in some instances, they should not replace native flora. Opportunities to restore native habitat should be sought out.

**Sec. 8107-35.3.7**

New plantings of *invasive* and *watch list species* listed by the California Invasive Plant Council, whether native or introduced, are prohibited. (AM. ORD. 4577 – 3/9/21)

(ADD. ORD. 4317 – 3/15/05)

**Sec. 8107-36 - Regulations Governing Waste Handling, Waste Disposal and Recycling Facilities, Organics Processing Operations and Waste Hauling Yards**

**Sec. 8107-36.1 - Purpose**

The County of Ventura encourages land uses which enable citizens to efficiently reuse and recycle the solid waste they generate, to minimize the amount of solid waste sent to waste disposal facilities, and to assist in meeting the recycling goals mandated by the state. This section sets forth minimum standards and regulations for the siting, design, and operation of these types of operations and activities.

**Sec. 8107-36.2 - Definitions**

For purposes of Sec. 4107-37 et seq., the following definitions shall apply:

Contamination - Unwanted materials in a waste stream or feedstock. These may be residuals that must be disposed of in a waste disposal facility or any item that is not within the desired category of separated discards. Contamination is calculated as a percentage by weight.

Feedstock - Input material to a manufacturing or processing operation. With regard to organic processing operations, feedstock means decomposable organic material

used for the manufacture of compost, mulch, worm castings, and other soil amendments.

Separated -Separated refers to discarded materials that have been segregated by material type (including commingled recyclables) prior to receipt by a resource recovery (recycling, reuse, etc.) facility or operation.

Windrow - A long, relatively narrow pile, such as of composting material.

## **Sec. 8107-36.3 - Standards Relating To Waste Handling, Waste Disposal And Recycling Facilities**

### **Sec. 8107-36.3.1 - General Standards**

The following standards shall apply to all waste handling, waste disposal and recycling facilities (except temporary collection activities, accessory operations and waste collection and processing activities to mitigate an emergency):

- a. Prior to issuing a Conditional Use Permit or other *discretionary entitlement*, the applicable decision-making authority (the *Planning Director*, Planning Commission, and/or Board of Supervisors) shall make a finding that the proposed project will not have a significant effect on soils designated "Prime," "Statewide Importance," "Unique" or "Local Importance" on the California Department of Conservation's Farmland Mapping and Monitoring Program, Important Farmlands Maps, or on land subject to a Land Conservation Act (LCA) contract, as defined in the appropriate section of the Ventura County Initial Study Assessment Guidelines, unless the *Planning Director*, in consultation with the Agricultural Commissioner, determines that the land is developed or otherwise unsuitable for agricultural activities.
- b. The project shall be designed, and all activities shall be conducted so as to minimize their adverse impact on the physical environment. To this end, dust, noise, vibration, noxious odors, intrusive light, vectors, traffic impacts and other factors of nuisance and annoyance shall be reduced to a minimum or eliminated through appropriate setbacks and other best accepted practices that are applicable to local conditions.
- c. The site shall be maintained free of litter and the facility operator shall be responsible for daily collection of all litter that leaves the site.
- d. All residual wastes derived from receiving and processing activities shall be removed from the site within the time frame required by state law.
- e. Materials shall not be accepted at any time when the storage capacity of the site would be exceeded by such delivery.
- f. Drainage - Drainage must be controlled so as to prevent any leachate run-off from the site; divert surface water drainage away from all piles of material; and prevent the creation of puddles and standing water in any area where waste materials are stored.
- g. Facilities in commercial, M1, or M2 zones which require outdoor operations or storage shall incorporate appropriate landscaping, walls, *fences*, or other methods to provide visual screening from any adjacent properties and public rights-of-way. (AM. ORD. 4377 – 1/29/08)
- h. The standards outlined in the following Sections (8107-36.3.2 through 8107-36.3.12) that apply to the specific activity shall also be met.

### **Sec. 8107-36.3.2 - Recyclables Collection Centers**

Recyclables collection centers shall comply with the standards outlined in Sec. 8107-36.3.1, as well as the following standards:



- a. In residentially zoned areas, such centers shall only be allowed as accessory uses when they are accessory to government or similar private facilities frequented by the general public, such as schools, parks, and assembly uses. (AM. ORD 4411 – 3/2/10)
- b. No Zoning Clearance or modification of any original *entitlement* permit shall be required when such centers are established in conjunction with an approved principal use and are on *lots* larger than one acre.
- c. Each collection container shall be clearly marked to identify the type of materials that may be deposited and shall be of sufficient capacity to accommodate both deposited material quantity and collection frequency.
- d. Collection containers shall be constructed of sturdy materials and maintained in good condition.
- e. Containers for the 24-hour donation of materials shall be at least 40 feet from any property occupied for residential use unless there is a recognized service road and acoustical shielding between the containers and the residential use.
- f. The collection center shall not obstruct pedestrian or vehicular circulation.
- g. For operations located within 500 feet of property occupied for residential use, power-driven equipment (excluding reverse vending machines) shall not be operated between the hours of 7:00 p.m. and 7:00 a.m.
- h. Use of parking spaces by accessory recyclables collection centers (established in conjunction with an approved principal use) and attendant(s) may not reduce available parking spaces below the minimum required in the land use permit for the principal use, unless it is demonstrated to the satisfaction of the *Planning Director* that the existing parking capacity is not fully utilized, pursuant to Sec. 8108-4.8.1. (AM. ORD. 4407 – 10/20/09)
- i. Individual refuse bins sited for the temporary collection of seasonal recyclables, such as Christmas trees and telephone books, shall be allowed without a permit when the above standards [Sec. 8107-36.3.2 (a-h)] are met.

**Sec. 8107-36.3.3 - Recyclables Collection and Processing Facilities**

Recyclables collection and processing facilities shall comply with the standards outlined in Sec. 8107-36.3.1 as well as the following standards:

- a. Prior to issuing a Conditional Use Permit or other *discretionary entitlement*, the applicable decision-making authority (the *Planning Director*, Planning Commission, and/or Board of Supervisors) shall make a finding that the proposed project, as conditioned, is compatible with adjacent agriculture, including but not limited to such factors as water runoff, siltation, erosion, dust, introduction of pests and diseases, and the potential for trespassing, pilferage, or vandalism, as well as conflicts between agricultural and non-agricultural uses including but not limited to vehicular traffic and the application of agricultural *chemicals* to agricultural property.
- b. Such facilities shall be set back a minimum of 300 feet from any agricultural production. If the *applicant* can demonstrate that potential impacts to the agricultural production have been adequately mitigated by design or terrain, the *Planning Director*, in consultation with the Agricultural Commissioner, may reduce or waive the setback.

**Sec. 8107-36.3.4 - Temporary Collection Activities**

All temporary collection activities shall comply with the standards outlined in Sec. 8107-36.3.1 as well as the following standards:

- a. They shall not occur earlier than 6:00 a.m. or after 10:00 p.m. if they are out-of-doors.
- b. They shall not cause traffic delays of more than three minutes at a time on public roads.
- c. Where hazardous waste or household hazardous wastes are being collected, the following additional conditions shall apply:
  - (1) The contained area used for unloading, identifying, consolidating and packaging the hazardous wastes/materials shall be set back at least 50 feet from the nearest residence, business, hospital, or dedicated public street or highway.
  - (2) The following local authorities shall be notified of the proposed activity prior to use inauguration: Environmental Health Division, Fire Protection District, Sheriff's Department, and Air Pollution Control District.
- d. In the AE zone, such activities shall only be for the collection of materials generated from commercial agriculture and from ancillary structures related to agricultural activities. (AM. ORD. 4377 – 1/29/08)

**Sec. 8107-36.3.5 - Reuse Salvage Facilities**

Reuse salvage facilities shall comply with the standards outlined in Sec. 8107-36.3.1. (ADD. ORD. 4214 - 10/24/00)

**Sec. 8107-36.3.6 - Recyclable Household/CESQG Hazardous Waste Collection Facilities**

Recyclable household/CESQG hazardous waste collection facilities shall comply with the standards outlined in Sec. 8107-36.3.1. (ADD. ORD. 4214 - 10/24/00)

**Sec. 8107-36.3.7 - Recyclable Household/CESQG Hazardous Waste Collection Facilities, Accessory**

When established in conjunction with an approved principal use, recyclable household/CESQG hazardous waste collection facilities are exempt from obtaining a separate Zoning Clearance if the standards outlined in Sec. 8107-36.3.1, as well as the following standards, are met:

- a. Use of parking spaces by the facility and attendant(s) may not reduce available parking spaces below the minimum required by the land use permit for the principal use, unless it is demonstrated to the satisfaction of the *Planning Director* that the existing parking capacity is not fully utilized, pursuant to Sec. 8108-4.8.1. (AM. ORD. 4407 – 10/20/09)
- b. Such facilities shall be of sufficient capacity to accommodate both incoming material quantity and collection frequency.
- c. Facilities shall only accept materials that are the same or equivalent to those normally sold, dispensed, used, generated, or accepted at the site.
- d. The acceptance of materials shall occur during normal business hours and be a routine part of the business as opposed to a special event.
- e. All exterior storage of material shall be in sturdy containers or enclosures that are maintained in good condition, and placed upon impervious surfaces.
- f. Space will be provided on-site for the anticipated peak customer load to circulate vehicles and to deposit recyclable materials.
- g. Any structures added to a site to accommodate acceptance of materials are subject to Planning Division regulations such as setback and height standards, and permit modification requirements.

- h. For facilities located within 500 feet of property occupied for residential use, power-driven equipment shall not be operated between the hours of 7:00 p.m. and 7:00 a.m.

**Sec. 8107-36.3.8 - Household/CESQG Hazardous Waste Collection Facilities and Hazardous Waste Collection, Treatment and Storage Facilities**

Household/CESQG hazardous waste collection facilities and hazardous waste collection, treatment, and storage facilities shall comply with the standards outlined in Sec. 8107-36.3.1 as well as the following standards:

- a. Such facilities shall be allowed in the OS zone only when accessory to a solid waste disposal facility or government facilities. (AM. ORD. 4377 – 1/29/08)
- b. No such facilities shall be sited within a 100-year flood plain.

**Sec. 8107-36.3.9 - Waste Processing Facilities and Waste Transfer Stations**

Waste processing facilities and waste transfer stations shall comply with the standards outlined in Sec. 8107-36.3.1 as well as the following standards:

- a. Prior to issuing a Conditional Use Permit or other *discretionary entitlement*, the applicable decision-making authority (the *Planning Director*, Planning Commission, and/or Board of Supervisors) shall make a finding that the proposed project, as conditioned, is compatible with adjacent agriculture, including but not limited to such factors as water runoff, siltation, erosion, dust, introduction of pests and diseases, and the potential for trespassing, pilferage, or vandalism, as well as conflicts between agricultural and non-agricultural uses including but not limited to vehicular traffic and the application of agricultural *chemicals* to agricultural property.
- b. Such facilities shall be set back a minimum of 300 feet from any agricultural production. If the *applicant* can demonstrate that potential impacts to the agricultural production have been adequately mitigated by design or terrain, the *Planning Director*, in consultation with the Agricultural Commissioner, may reduce or waive the setback.
- c. No such facilities will be sited within a 100-year flood plain.
- d. All on-site recyclable materials and refuse shall be stored in containers, within a building, or in an area screened from view from surrounding properties and public streets.

**Sec. 8107-36.3.10 - Disposal Facilities, Solid Waste**

Solid waste disposal facilities shall comply with the standards outlined in Sec. 8107-36.3.1, as well as the following standards:

- a. Such facilities shall be consistent with the Siting Criteria outlined in the Countywide Siting Plan of the Ventura County Integrated Waste Management Plan.
- b. Such facilities shall be set back a minimum of 300 feet from any agricultural production. If the *applicant* can demonstrate that potential impacts to the agricultural production have been adequately mitigated by design or terrain, the *Planning Director*, in consultation with the Agricultural Commissioner, may reduce or waive the setback.

**Sec. 8107-36.3.11 - Disposal Facilities, Hazardous Waste**

Hazardous waste disposal facilities shall comply with the standards outlined in Sec. 8107-36.3.1, as well as the following standards:

- a. No facilities will be sited within a 100-year flood plain.

- b. Such facilities shall be set back a minimum of 300 feet from any agricultural production. If the *applicant* can demonstrate that potential impacts to the agricultural production have been adequately mitigated by design or terrain, the *Planning Director*, in consultation with the Agricultural Commissioner, may reduce or waive the setback.

**Sec. 8107-36.3.12 - Waste Collection and Processing Activities to Mitigate an Emergency**

Where the *Planning Director* has determined that an emergency exists, the *Planning Director* has discretion to allow limited-term (not to exceed 12 months) waste collection and processing activities necessary to prevent or mitigate loss of or damage to life, health, property, or essential public services, and to maximize recovery of recyclable and reusable materials. Such activities may be established in zones where they are not typically allowed.

(ADD. ORD. 4214 - 10/24/00)

**Sec. 8107-36.4 - Standards Relating To Organics Processing Operations (Includes Biosolids, Composting, Vermicomposting, And Chipping And Grinding)**

**Sec. 8107-36.4.1 - General Standards**

The following standards shall apply to all organics processing operations, and vermiculture operations with over 5,000 square feet of open beds:

- a. No organics processing operations, other than those accessory to agricultural activities and on-site composting operations, shall be located in the AE (Agricultural Exclusive) zone on land designated as "Prime", "Statewide Importance", "Unique" or "Local Importance" on the California Department of Conservation's Farmland Mapping and Monitoring Program, Important Farmlands Maps unless it meets one of the following criteria:
  1. The Planning Director, in consultation with the Agricultural Commissioner, determines that the land upon which the organics processing operation would be located is developed or otherwise unsuitable for agricultural use;
  2. The organics processing operation is a commercial organics processing operation that meets all of the following criteria:
    - i. Development of the commercial organics processing operation will not result, when combined with all other commercial organics processing operations in the unincorporated area of Ventura County, in the cumulative loss in the unincorporated area of more than 200 acres of AE zoned land designated as "Prime", "Statewide Importance", "Unique" or "Local Importance" on the California Department of Conservation's Farmland Mapping and Monitoring Program, Important Farmland Maps.
    - ii. At least 60 percent of the finished products generated by the commercial organics processing operation are used for an agricultural use or an agricultural accessory use in Ventura County, the City of Carpinteria or outside the State of California, with preference given to Ventura County to the extent feasible;
    - iii. All feedstock used to generate the finished products are generated and collected from Ventura County and the City of Carpinteria;
    - iv. The maximum size of a commercial organics processing operation is not larger than 100 acres per lot;

- v. The applicant demonstrates that all terms and conditions of an applicable Land Conservation Act (LCA) contract will be maintained if a commercial organics processing operation is located on land subject to an LCA contract. The applicant must also demonstrate compliance with the California Land Conservation Act of 1965, Sections 51200 et seq. of the California Government Code; and
- vi. Upon completion of the commercial organics processing operation, the site is returned to its condition as existing prior to development of the operation.

(AM. ORD. 4595 – 2/08/22)

- b. Prior to issuing a Conditional Use Permit or other *discretionary entitlement* for an organics processing operation, other than those accessory to agricultural activities and on-site composting operations, in the Open Space (OS) zone, the applicable decision-making authority (the *Planning Director*, Planning Commission, and/or Board of Supervisors) shall make a finding that the proposed project will not have a significant effect on agricultural soils as defined in the appropriate section of the Ventura County Initial Study Assessment Guidelines. (AM. ORD. 4377 – 1/29/08)
- c. Prior to issuing a Conditional Use Permit or other *discretionary entitlement* for an organics processing operation, other than those accessory to agricultural activities and on-site composting operations, the applicable decision-making authority (the *Planning Director*, Planning Commission, and/or Board of Supervisors) shall make a finding that the proposed project, as conditioned, is compatible with adjacent agriculture, including but not limited to such factors as water runoff, siltation, erosion, dust, introduction of pests and diseases, and the potential for trespassing, pilferage, or vandalism, as well as conflicts between agricultural and non-agricultural uses including but not limited to vehicular traffic and the application of agricultural *chemicals* to agricultural property. (AM. ORD. 4377 – 1/29/08 – grammar)
- d. All organics operations must provide written proof from the Ventura County Water Resources Division that the project is either not sited over the Oxnard Forebay or the North Las Posas Outcrop or that the project has been adequately designed to prevent infiltration into these sensitive areas of groundwater recharge.
- e. Such facilities shall be set back a minimum of 300 feet from any agricultural production. If the *applicant* can demonstrate that potential impacts to the agricultural production have been adequately mitigated by design or terrain, the *Planning Director*, in consultation with the Agricultural Commissioner, may reduce or waive the setback.
- f. Drainage - Drainage must be controlled so as to prevent any leachate run-off from the site; divert surface water drainage away from all piles of material; and prevent the creation of puddles and standing water in any area where organic materials are stored.
- g. Dust - Dust must be controlled through watering, use of enclosures and screens, etc.
- h. Feedstock Inspection - All incoming materials shall be inspected for contaminants, such as plastic, and all contaminants shall be removed to the greatest extent feasible before processing.
- i. Fire Prevention/Suppression -

1. The maximum pile height of all feedstock and actively decomposing compost is 12 feet, except as allowed by a *discretionary* permit.
  2. There shall be a method or system to daily monitor the temperature of all piles or windrows over 6 feet tall, and all temperatures must be kept below 160° F, except as allowed by *discretionary* permit
  3. All operations must isolate potential heat sources or flammables from piles and windrows.
- j. General Safety - All reasonable effort shall be made to ensure that all end products, excluding discarded wastes, are innocuous and free of particles that could be harmful to human health and safety, or to agricultural production where applicable.
  - k. Litter and Waste - All reasonable effort shall be made to prevent litter, compost, and chipped uncomposted material from migrating off-site. The operator is responsible for keeping the site reasonably free of litter and for the daily collection of all litter that leaves the site.
  - l. Materials Accepted -Only separated organic (originally derived from living organisms) materials shall be accepted at organics processing operations. Asbestos-containing waste material, infectious wastes, or hazardous wastes shall not knowingly be accepted.
  - m. Noise - Grinders and other power-driven equipment shall not be operated between the hours of 7:00 p.m. and 7:00 a.m. within 500 feet of property occupied for residential use or other place of overnight habitation, such as hotels or campgrounds. Noise levels near such uses shall not exceed Leq1H of 55 dB (A) or ambient noise levels plus 3 dB (A), whichever is greater, during any hour from 6:00 a.m. to 7:00 p.m.
  - n. Odors - All operations must implement management practices—such as controlling temperature, moisture, and oxygen levels in piles and windrows—to prevent offensive and noxious odors from leaving the site.
  - o. Pests - All operations must implement management practices to prevent and control vectors, such as flies, rodents and scavenging birds.
  - p. Throughput - All products (e.g., compost or mulch) must be sold, given away, or beneficially used within 24 months of the facility’s acceptance of the raw material. Feedstock materials shall not be accepted at any time when the storage capacity of the site would be exceeded by such delivery.
  - q. Additional Standards - The standards outlined in the following Sec. 8107-36.4 et seq. that apply to specific uses, shall also be met.

(ADD. ORD. 4214 - 10/24/00)

**Section 8107-36.4.2 - On-Site Composting Operations, Medium- and Large-Scale**

Medium- and large-scale on-site composting operations shall comply with the standards outlined in Section 8107-36.4.1 as well as the following standard:

- a. The minimum parcel size for all outdoor, medium- and large-scale, on-site composting operations is one acre.

**Section 8107-36.4.3 - Commercial Organics Processing Operations, Small- and Medium-Scale**

Medium- and small-scale commercial organics processing operations shall comply with the standards outlined in Section 8107-36.4.1, as well as the following standards:

- a. The minimum parcel size for outdoor operations is three acres in residential zones, and 1.5 acres in other zones.
- b. Dust producing activities shall cease during high wind events. High wind events are defined as wind of such velocity as to cause fugitive dust from within the site to blow off-site. At any point in time, if it is observed that fugitive dust is blowing off-site, additional dust prevention measures shall be initiated. If these measures are insufficient to prevent fugitive dust (i. e. during periods of extreme heat or winds), dust generating activities shall be immediately curtailed until the conditions abate.
- c. The surface slope under outdoor processing operations shall be at least one percent and no more than 15 percent.
- d. The following standards apply to outdoor piles and windrows over 100 cubic yards to facilitate fire control:
  - The operator shall at all times maintain an effective firebreak by removing and clearing away flammable vegetation and combustible growth from areas within 100 feet of all windrows and piles (excludes single specimens of trees, ornamental shrubbery or similar plants used as ground covers, provided they do not form a means of rapidly transmitting fire from the native growth to the piles or windrows).
  - A fire lane of 20 feet shall be provided along the perimeter of the area where piles and windrows are located. Windrows shall not exceed 150 feet in length unless separated by a 20-foot fire access road. Twenty-feet must be maintained between all piles and windrows, or 12 feet must be maintained between all piles and windrows alternating with a 20-foot fire access road positioned every 150 feet.
- e. Prior to issuance of a Zoning Clearance for the operation, proof from the County Fire Protection District of an approved Fire Hazard Management Plan shall have been provided to the Planning Division.
- f. Space shall be provided on-site to accommodate the anticipated peak deliveries, for the circulation of vehicles and the depositing of organic materials.
- g. Landscaping, walls, *fences*, or other screening shall be incorporated to visually screen outdoor operations from adjacent properties and public rights-of-way.
- h. All operations must deposit with the Planning Division a compliance review fee, and shall maintain such deposit with the Planning Division during the term of the land use, and shall make the site available for inspection twice a year. The inspection frequency may be increased or decreased at the discretion of the *Planning Director*, based on such factors as performance, scale of operation or neighboring uses.
- i. Upon completion of operations, the facility grounds, sedimentation ponds, and drainage areas shall be cleaned of all compost materials, construction scraps, and other materials related to the operations. If in the OS zone, the site shall be restored as nearly as possible to its natural or original state prior to the organics processing activity. (AM. ORD. 4377 – 1/29/08)
- j. Any structures added to a site are subject to Planning Division regulations such as setback and height standards, and permit modification requirements.
- k. Prior to issuance of a Zoning Clearance for those operations which will use gasoline-powered engines of 50 horsepower or greater, proof of an operation's

compliance with pertinent APCD requirements shall have been provided to the Planning Division.

- i. All outdoor processing areas shall meet the setback standards listed below. However, if the *applicant* can demonstrate, supported by substantial evidence in the record, that potential impacts to water resources and surrounding properties, uses or roads have been adequately mitigated by design or terrain, the *Planning Director* may waive all or appropriate portions of this requirement.
  - 300 feet from any off-site residence or public facility;
  - 100 feet from an adjoining property line;
  - 100 feet from any dedicated public street or highway;
  - 100 feet from any surface water, including springs, seeps, wetlands, and intermittent streams; and/or
  - 200 feet from wells or other water supplies

(ADD. ORD. 4214 - 10/24/00)

**Section 8107-36.4.4 - Commercial Organics Processing Operations, Large-Scale, and All Biosolids Composting Operations**

Large-scale organics processing operations and biosolids composting operations shall comply with the standards outlined in Section 8107-36.4.1, as well as the following standards:

- a. The following standards apply to outdoor piles and windrows over 100 cubic yards to facilitate fire control:
  - The operator shall at all times maintain an effective firebreak by removing and clearing away flammable vegetation and combustible growth from areas within 100 feet of all windrows and piles (excludes single specimens of trees, ornamental shrubbery or similar plants used as ground covers, provided they do not form a means of rapidly transmitting fire from the native growth to the piles or windrows).
  - A fire lane of 20 feet shall be provided along the perimeter of the area where piles and windrows are located. Windrows shall not exceed 150 feet in length unless separated by a 20-foot fire access road. Twenty-feet must be maintained between all piles and windrows, or 12 feet must be maintained between all piles and windrows alternating with a 20-foot fire access road positioned every 150 feet.
- b. The minimum parcel size is 5 acres in residential zones, and 4 acres in other zones.
- c. Dust producing activities shall cease during high wind events. High wind events are defined as wind of such velocity as to cause fugitive dust from within the site to blow off-site. At any point in time, if it is observed that fugitive dust is blowing off-site, additional dust prevention measures shall be initiated. If these measures are insufficient to prevent fugitive dust (i. e. during periods of extreme heat or winds), dust generating activities shall be immediately curtailed until the conditions abate.
- d. Space shall be provided on-site to accommodate the anticipated peak deliveries, for the circulation of vehicles and the depositing of organic materials.
- e. All operations must deposit with the Planning Division a compliance review fee, and shall maintain such deposit with the Planning Division during the term of the land use, and shall make the site available for inspection twice a year. The



inspection frequency may be increased or decreased at the discretion of the *Planning Director*, based on such factors as performance, scale of operation or neighboring uses.

- f. All outdoor processing areas shall meet the setback standards listed below. However, if the *applicant* can demonstrate, supported by substantial evidence in the record, that potential impacts to water resources and surrounding properties, uses or roads have been adequately mitigated by design or terrain, the *Planning Director* may waive all or portions of this requirement.
  - 300 feet from any off-site residence or public facility;
  - 100 feet from an adjoining property line;
  - 100 feet from any dedicated public street or highway;
  - 100 feet from any surface water, including springs, seeps, wetlands, and intermittent streams; and/or
  - 200 feet from wells or other water supplies.

(ADD. ORD. 4214 - 10/24/00)

### **Sec. 8107-36.5 - Waste Hauling Yards**

The following standards shall apply to all waste hauling yards:

- a. Any mixed solid waste or recyclables that are received, stored, or transferred shall only be incidental to the conduct of a refuse collection and disposal business.
- b. The mixed solid waste or recyclables shall remain within the original containers while on-site at all times, except for unforeseen circumstances, such as truck breakdown, which require transfer of materials to another container.
- c. The containers shall not be stored on-site for more than any 72-hour period.

(ADD. ORD 4214 - 10/24/00)

## **Sec. 8107-37 - Cultural Heritage Sites**

### **Sec. 8107-37.1 - Purpose**

The purpose of this designation is to promote the enhancement, preservation, rehabilitation, restoration, reconstruction and maintenance of sites and structures of historical or cultural heritage value through the imposition of design standards. Fulfillment of this purpose can be impeded by strict adherence to various standards in the Zoning Ordinance, therefore, this section promotes the stated purpose by creating a mechanism whereby appropriate deviations from the regulations of this Chapter can be granted.

### **Sec. 8107-37.2 - Applicability**

The deviations described in Sec. 8107-37.3 may be applied to the following Cultural Heritage sites in accordance with the following limitations:

- a. Landmarks and districts: all allowed deviations
- b. Sites of Merit: all allowed deviations except "a"
- c. Points of Interest: all allowed deviations except "a", "g" and "j".

Sites that are eligible for designation as a Cultural Heritage Site pursuant to the Cultural Heritage Ordinance may also receive deviations, conditioned on the eventual formal designation of the site.

### **Sec. 8107-37.3 - Range and Approval of Allowed Deviations**

To advance the purpose outlined in Sec. 8107-37.1, deviations from various standards and regulations of this chapter may be granted as part of a Planned Development permit. Deviations "a" and "k" may only be granted by the Planning Commission. All others may be granted by the *Planning Director* or their designee. (AM. ORD. 4282 - 5/20/03; AM. ORD. 4577 - 3/9/21 (grammar); AM. ORD. 4615 - 2/7/23)

- a. Minimum Lot Area - Sec. 8103-0 (Purpose and Establishment of Zones and Minimum Lot Areas), Sec. 8103-1 et seq. (Establishment of Alternative Minimum Lot Area by Suffix), Sec. 8106-1.1 and Sec. 8106-1.2;
- b. Permit Approval Level - Sec. 8105-4 (Permitted Uses in Open Space, Agricultural, Residential and Special Purpose Zones). Where the square footage or gross floor area of structures on a *lot* requires a given permit to be issued, the square footage of significant historic structures on a Cultural Heritage Site shall not be counted towards the total square footage of structures;
- c. Permit Approval Level - Sec. 8105-5 (Permitted Uses in Commercial and Industrial Zones). Where the square footage or gross floor area of structures on a *lot* requires a given permit to be issued, the square footage of structures on a Cultural Heritage Site shall not be counted towards the total square footage of structures;
- d. General Development Standards - Sec. 8106-1.1 (Development Standards for Uses and Structures in OS, AE, and R Zones); (AM. ORD. 4377 - 1/29/08)
- e. General Development Standards - Sec. 8106-1.2 (Development Standards for Uses and Structures in Commercial, Industrial, and Special Purpose Zones);
- f. Fences, Walls and Hedges - Sec. 8106-8.1 et seq.
- g. Accessory Dwelling Unit Standards - Sec. 8107-1.7 et seq. (*Accessory Dwelling Units and Junior Accessory Dwelling Units*); (AM. ORD. 4519 - 2/27/18; AM. ORD. 4615 - 2/7/23)
- h. Parking Standards - Sec. 8108-et seq. (Parking and Loading Requirements); (AM. ORD. 4407 - 10/20/09)
- i. Landscaping Standards - Section 8106-8.2, Section 8108-5.14 and Section 8109-0.6 (Landscaping); (AM. ORD. 4407 - 10/20/09; AM. ORD. 4577 - 3/9/21)
- j. Signage - Sec. 8110-4a (Prohibited portable freestanding signs), Sec. 8110-4i (Prohibited Projecting Signs), Sec. 8110-5-2 et seq (Location); and
- k. Non-conforming Uses and Structures - Sec. 8113-5.2 (Uses Within Structures Subject to Amortization), Sec. 8113-5.2.1 (Expansion and Change of Use Prohibited), Sec. 8113-5.3 et seq (Uses Not Amortized), Sec. 8113-6.1 (Destruction, Uses Not Amortized), Sec. 8113-6.2 (Destruction, Uses Amortized), Sec. 8113-7 (Additional Use), Sec. 8113-8 (Use of Non-conforming *Lots*).

(ADD. ORD. 4220 - 12/5/00)

### **Sec. 8107-37.4 - Planned Development Permit Approval Standards**

Deviations pursuant to this Chapter as listed in Sec. 8107-37.3 may only be granted by the issuance of a Planned Development permit which may only be issued with deviations only if the standards in Sec. 8111-1.2.1 through 8111-1.2.1.7 and the following standards are met:

- a. The site is a designated Cultural Heritage Site, or will be eligible for such designation through the imposition of and compliance with applicable conditions as part of the Planned Development permit process;

- b. The deviation from standards is necessary for the enhancement, preservation, rehabilitation, restoration, reconstruction and maintenance of the site/structure and is consistent with subsection "c" that follows;
- c. Design and development standards for the site and related structures are adopted which ensure that the historic or cultural significance and character of the subject site and/or structure is perpetuated and adherence to said standards have been made a condition of the Planned Development permit;
- d. The deviation(s) granted will not create a significant unmitigated adverse impact;
- e. The project associated with the subject site or district has received a Certificate of Appropriateness, where applicable, pursuant to the Ventura County Cultural Heritage Ordinance.

(ADD. ORD. 4220 - 12/5/00)

**Sec. 8107-37.5 - Permit Conditions**

While the precise conditions of the required Planned Development permit will vary with each case, the following topical areas shall be addressed in the conditions of approval:

- a. Time frames within which to implement improvements to the site and/or structures;
- b. On-going maintenance of the site and/or structures in accordance with the approved Design and Development Standards;
- c. Prohibitions against the destruction, removal, delinquent treatment of the site and/or structures;
- d. Recordation of documents, satisfactory to the County, which provide notice to the subsequent property owners of possible conflict with adjoining land uses such as agricultural operations and/or deed restrictions found in the applicable Planned Development permit to enforce provisions of the permit and the applicable provisions of the Cultural Heritage Ordinance;
- e. Provisions that preclude the removal, destruction, alteration or deterioration through neglect of the site/structure unless a Certificate of Appropriateness (COA) has been issued by the Ventura County Cultural Heritage Board (CHB) and modification to the Planned Development permit has been granted.

**Sec. 8107-37.6 - Design and Development Standards**

The design and development standards required pursuant to Sec. 8107-37.4c are intended to guide the property owner and the County in the long-term enhancement, preservation, rehabilitation, restoration, reconstruction and maintenance of the site and applicable structures. The standards shall be in adequate detail for the site and should address the following factors among others, as well as the Secretary of the Interior's Standards for Historic Properties:

- a. Range and description of architectural styles;
- b. Construction materials and techniques;
- c. Exterior finish/colors;
- d. Landscaping styles and materials;
- e. Range of historic uses of the site; and
- f. Density, scale and patterns of development.

(ADD. ORD 4220 - 12/5/00)

## **Sec. 8107-38 - Interpretive Centers**

### **Sec. 8107-38.1 - Purpose**

Interpretive Centers are intended to give the public an opportunity to experience and understand Ventura County's past by exploring sites and the structures and improvements thereon that have played an important role in the cultural and social history and prehistory of Ventura County. The purpose of this section is to allow the display of materials on site that have a direct connection to the site and to provide further standards by which Interpretive Centers can be developed and regulated.

### **Sec. 8107-38.2 - Designated Site**

The site must be a designated Cultural Heritage Site. The display of materials shall be limited to ones with a direct connection to the site.

### **Sec. 8107-38.3 - Range of Allowed Uses and Structures**

The following uses and structures are allowed as accessory to an Interpretive Center so long as they are found to be consistent with the definition of the use and applicable requirements of the Ventura County Cultural Heritage Ordinance:

- a. Those existing lawful structures and improvements on the site;
- b. Preserved, restored, relocated, or re-created structures, improvements, equipment or implements;
- c. Public tours and displays;
- d. Periodic festivals, fundraisers, charity events, weddings, and the like;
- e. Refreshment and gift sales of historically related items;
- f. Educational activities and meetings;
- g. Accessory structures and improvements to facilitate the purposes of the Interpretive Center such as storage buildings, rest rooms, caretaker dwelling, parking areas, lighting, security measures and the like; and (AM. ORD. 4407 - 10/20/09)
- h. Improvements required by law such as handicapped access facilities.

(ADD. ORD 4220 - 12/5/00)

## **Sec. 8107-39 - Historic Repositories**

### **Sec. 8107-39.1 - Purpose**

The purpose of Historic Repositories is to allow for the collection and display of structures, facilities, equipment and the like; which are associated with the historic or cultural development of Ventura County.

### **Sec. 8107-39.2 - Development Standards**

Historic Repositories may only be established in accordance with the following standards:

- a. Historic Repositories shall be designed so as to portray historic and cultural resources in a manner that best approximates their original setting and context while allowing for public access and viewing.
- b. The minimum parcel size for an Historic Repository shall be the minimum required *lot* area for the applicable zone (Sec. 8103-0).
- c. A plan for the ultimate development of the site shall be reviewed and granted a Certificate of Appropriateness by the Cultural Heritage Board.

### **Sec. 8107-39.3 - Range of Allowed Uses and Structures**

The following uses and structures are allowed as part of or accessory to an Historic Repository:

- a. Preserved, restored, relocated, or re-created structures, improvements, facilities, equipment, implements and the like;
- b. Public tours and displays;
- c. Periodic festivals, fundraisers, charity events, weddings, and the like;
- d. Refreshment and gift sales of historically related items;
- e. Filming;
- f. Educational activities and meetings;
- g. Accessory structures and improvements to facilitate the purposes of the Historic Repository such as storage buildings, rest rooms, caretaker dwelling, parking areas, lighting, security measures and the like; and (AM. ORD. 4407 – 10/20/09)
- h. Improvements required by law such as handicapped access facilities.

### **Sec. 8107-40 - Boarding Houses and Bed-And-Breakfast Inns**

Such uses may be allowed in the Open Space and Agricultural Exclusive zones if the proposed use will occur in an existing structure designated a Cultural Heritage Site pursuant to the Ventura County Cultural Heritage Ordinance, and all other required findings can be met. (ADD. ORD. 4220 – 12/5/00)

### **Sec. 8107-41 - Agricultural Worker Housing**

(ADD. ORD. 4281 - 5/6/03; REP./REEN. ORD. 4596 – 3/1/22)

In addition to all other applicable requirements of this Chapter, *Agricultural Worker Housing* shall be developed and operated in accordance with the following requirements:

#### **Sec. 8107-41.1 – Purpose**

Under Section 65580(a) of the Government Code, the Legislature has declared that the availability of housing, including farmworker housing, is of vital statewide importance. The purpose of this section is to promote the development of, and to establish development standards for, *agricultural worker housing*, which is available to: *farmworkers* and *animal caretakers* who are *employed* on a *full-time*, full-time seasonal, temporary or part-time basis; and their families. *Agricultural worker housing* includes:

- a. *Farmworker and Animal Caretaker Dwelling Units*;
- b. *Farmworker Housing Complexes*;
- c. *Farmworker* Group Quarters pursuant to Section 8107-41.3.4; and
- d. Temporary trailers for seasonal and temporary *farmworkers* and *animal caretakers* pursuant to Section 8107-41.3.5.

#### **Sec. 8107-41.2 – Employment Criteria, Verification and Enforcement**

##### **Sec. 8107-41.2.1 – Occupancy Restrictions for Agricultural Worker Housing**

- a. *Agricultural worker housing* shall only be occupied by *farmworkers* and *animal caretakers*, and members of their household.
- b. The applicant shall demonstrate that the *agricultural worker housing* shall only be used for *farmworkers* and *animal caretakers* (on a permanent or seasonal basis) who meet the employment criteria in Section 8107-41.2.2. This

requirement shall not apply to housing occupied by agricultural workers who subsequently retire or become disabled and continue to reside in the unit pursuant to Section 8107-41.2.2(c).

- c. A deed restriction in a form approved by the County that runs with the land shall be recorded with the County Recorder, prior to the issuance of a Zoning Clearance for construction for all *agricultural worker housing* except for temporary trailers, limiting the use of such housing to *agricultural worker housing* and setting forth the conditions and requirements applicable to such use. The property owner shall also be required to provide written disclosure of all such conditions and requirements before any sale, lease or financing of the subject lot(s) and dwelling units. This use restriction shall not be amended, released, terminated, or removed from the property without the prior written consent of the County. In the event the *agricultural worker housing* use is terminated and/or structures are removed in accordance with this Chapter and other applicable law as confirmed in writing by the Planning Director, the deed restriction that accompanies the development shall be released and removed from the property.

**Sec. 8107-41.2.2 – Employment Criteria for Agricultural Workers**

- a. *Farmworker* and *animal caretaker dwelling units* shall only be rented or provided under the terms of employment to *farmworkers* or *animal caretakers* who are *employed* on a *full-time* (minimum of 32 hours per week), full-time seasonal, or temporary basis by the property owner or lessee of the lot upon which the dwelling unit is located to work onsite or on other land in Ventura County that is under the same ownership or lease. *Farmworkers* may retain their employment status during periods of non-agricultural employment, as long as they meet the full-time requirement for at least nine months of the calendar year.
- b. Units in a *farmworker housing complex* and *farmworker* group quarters shall only be rented or provided to persons who are *principally employed* within Ventura County for activities directly associated with *agriculture*. This includes *farmworkers* who work on a full-time, full-time seasonal, temporary or part-time basis.
- c. A qualified *farmworker* or *animal caretaker* who has been renting or occupying a *farmworker* or *animal caretaker dwelling unit*, or a unit in a *farmworker housing complex*, and who subsequently retires or becomes disabled, may continue to reside in the unit, along with members of their household.
- d. After the death of a qualified *farmworker* or *animal caretaker* who has been renting or occupying a *farmworker* or *animal caretaker dwelling unit*, or a unit in a *farmworker housing complex*, their surviving spouse or domestic partner may continue to reside in the unit.
- e. Temporary trailers shall only be rented or provided to *farmworkers* and *animal caretakers* who are *employed* on a *full-time*, full-time seasonal, or temporary basis by the property owner or lessee of the lot to work on the land upon which the temporary trailer is located.
- f. Proof of qualifying employment for occupants of *agricultural worker housing* shall be provided at the time of permit approval, which can be satisfied by providing a combination of at least two of the following documents, as applicable:
  - (1) Employee’s income tax return;
  - (2) Employee’s pay receipts;
  - (3) Employer’s DE-34 form;

- (4) Employer's ETA 790 form;
- (5) Employee's W-2 form;
- (6) Employer's DLSE-NTE form;
- (7) A document signed by both the employer and the employee, which states that the occupant of the *agricultural worker housing* is employed in *agriculture*, and includes a description of the employee's job duties; or,
- (8) Other proof approved in writing by the Planning Director or his/her designee.

**Sec. 8107-41.2.3 – Annual Verification of Employment of Agricultural Workers**

The owner or lessee of the property, property management company, and/or designated agent of the owner or lessee, shall submit any applicable County-required verification fees as established by resolution of the Board of Supervisors, and an annual employment verification declaration, no later than May 15th of each year to the Planning Director or designee, in a form acceptable to the Planning Director, to verify that all the dwelling units or sleeping quarters in the *agricultural worker housing* are occupied by persons who meet the employment criteria established in Section 8107-41.2.2 above. For purposes of this Section 8107-41.2.3, permanent *agricultural worker housing* includes all *agricultural worker housing* except for temporary trailers. The completed verification declaration and supporting documentation shall require the property owner to meet all the following requirements:

- a. Verify and provide evidence that any permanent *agricultural worker housing* was occupied by *farmworkers* or *animal caretakers* during the preceding calendar year;
- b. Declare that any permanent *agricultural worker housing* will be occupied by *farmworkers* or *animal caretakers* during the current calendar year; and,
- c. Provide proof of qualifying employment for occupants of *agricultural worker housing*, upon request by the County, by using a combination of at least two of the documents as listed in Sec. 8107-41.2.2(f).

**Sec. 8107-41.2.4 – Enforcement**

- a. The provisions of Sections 8107-41.2.2 and 8107-41.2.3 of this Chapter shall be referenced or set forth in deed restrictions and/or conditions of approval that shall be recorded in the subject property's chain of title. Violations of Sections 8107-41.2.2 and 8107-41.2.3 may be enforced pursuant to Article 14 of this Chapter or through any other available legal means.
- b. Any civil administrative penalties collected pursuant to Section 8114-3.7 of this Chapter for violations of Section 8107-41 et seq. of this Chapter, shall be deposited in a farmworker housing fund account for exclusive use by the County to fund rehabilitation and/or construction of farmworker housing.
- c. In addition to all other available enforcement and legal remedies, the County may require the removal of a housing unit and restoration of the site (including any affected agricultural soils) based on the unpermitted or unverified use of the *agricultural worker housing* units, or based on other violations of Section 8107-41 et seq.

**Sec. 8107-41.3 – Permitting and Development Standards for Agricultural Worker Housing**

All *agricultural worker housing* shall comply with the setback, *building lot coverage*, height, and other development standards applicable to the zone in which it is located and the following development standards, unless otherwise indicated in this Section 8107-41.3. (AM. ORD. 4618 - 7/25/23)

**Sec. 8107-41.3.1 - General Requirements**

- a. New *agricultural worker housing* shall not be located on land classified as "Prime" or "Statewide" Importance by the California Department of Conservation Important Farmland Inventory, unless no other feasible alternative location exists on-site.
- b. *Agricultural worker housing* shall not be located on areas utilized for active crop production on the parcel, unless approved with a Planned Development Permit.
- c. New *agricultural worker housing* shall be clustered together, if feasible, and sited near existing road and other structures to reduce grading, landform alteration, the need for construction of new roads, and potential impacts to agricultural soils and operations.
- d. New exterior lighting for *agricultural worker housing* shall be of a low profile and limited to security needs only (see definition of *Luminaires, Essential*); all exterior lights shall be directed downward and fully shielded from streets and any off-site residences.

**Sec. 8107-41.3.2 – Permitting Standards for Farmworker and Animal Caretaker Dwelling Units**

*Farmworker dwelling units* and *animal caretaker dwelling units* are subject to the following development standards:

- a. *Farmworker* and *animal caretaker dwelling units* may be permitted with a Zoning Clearance if the maximum number of allowable units does not exceed the limits listed below in Table 8107-41.1 for that lot.
- b. No more than four *farmworker* or *animal caretaker dwelling units* shall be located on any single lot.
- c. New *farmworker* and *animal caretaker dwelling units* shall not exceed 1,800 square feet in gross floor area. An attached accessory structure, either habitable or non-habitable, with internal access to the *farmworker* or *animal caretaker dwelling unit* shall count toward the total square footage of the dwelling unit.
- d. *Farmworker* or *animal caretaker dwelling units* not meeting the above criteria (a, b or c) may only be approved with a Planning Director-approved Planned Development Permit.



<b>Table 8107-41.1 MAXIMUM ALLOWABLE FARMWORKER AND ANIMAL CARETAKER DWELLING UNITS WITH A ZONING CLEARANCE</b>	
<b>Agricultural Land Use</b>	<b>Maximum Allowable Farmworker and Animal Caretaker Dwelling Units</b>
Irrigated row crops and field-grown plant materials	One unit per 20 acres in crops
Vineyards, orchards and field crops	One unit per 30 acres in crops
Dry farming irrigated pasture, grain and hay	One unit per 80 acres in crops
Greenhouses	One unit per 2 acres of propagating greenhouse
Nurseries	One unit per acre of propagating greenhouse. In addition, the lot must have at least 3 acres of field-grown plant materials as a supportive use
Rangeland	One unit per 320 acres grazing land
Fowl and poultry ranches	One unit per 20,000 broiler chickens, or one unit per 15,000 egg-laying hens, or one unit per 3,000 turkeys
Horse ranches and equestrian facilities	One unit per 10 brood mares, or one unit per 25 equines, where a stall exists for each animal

**Sec. 8107-41.3.3 – Standards for Farmworker Housing Complexes**

*Farmworker housing complexes* shall be subject to the following development standards:

- a. **Minimum Parcel Size:** A farmworker housing complex is allowed on a parcel with a minimum parcel size as noted below:

<b>Zone</b>	<b>Minimum Parcel Size for Farmworker Housing Complexes</b>
Agricultural Exclusive (AE)	40 acres <sup>1</sup>
Open Space (OS)	10 acres
Rural Agricultural (RA)	5 acres

<sup>1</sup> Farmworker Housing Complexes may be allowed on parcels of less than the prescribed minimum parcel size on land zoned AE pursuant to Sec. 8103-2.7.

- b. Units in a *farmworker housing complex* may include studios, one-, two- or three-bedrooms.
- c. A *farmworker housing complex* shall be prohibited in any location designated as a Very High Fire Hazard Severity Zone.
- d. **Open Space Requirements:** When the development includes more than 12 units, recreational facilities and open space shall be provided for the benefit and recreational use of the residents in accordance with the following standards:
  - (1) The development shall be landscaped pursuant to Sections 8106-8.2.2, 8106-8.2.3, and 8106-8.2.8 of this Chapter. Section 8106-8.2.7 shall

apply to any parking areas containing manufactured slopes.

- (2) All recreational areas and landscaping shall be installed prior to occupancy of the final unit within the complex. Landscaped areas shall be maintained.
  - (3) Outdoor Common Area:
    - (a) At least 20 percent of the area set aside for housing shall be outdoor common area.
    - (b) At least 50 percent of the area designated as outdoor common area shall be comprised of land with slopes of ten percent or less.
    - (c) *Agricultural worker housing* shall include recreational areas developed for use with activities such as for baseball, basketball, soccer or horseshoes. *Farmworker housing complexes* intended for families shall also include children's play equipment.
    - (d) Permittee shall be responsible for the maintenance of all outdoor common areas.
  - (4) Outdoor Private Area: Outdoor private area shall be provided for each unit in the development in the form of outdoor patios, decks and/or balconies and shall be directly and exclusively accessed by the unit it is intended to serve.
    - (a) Ground Floor Units: Private outdoor areas must be at least 80 square feet per unit and all dimensions must be at least 8 feet.
    - (b) Upper-Level Units: Private outdoor areas shall be provided as balconies or loggias, and must be at least 40 square feet per unit, with a minimum 5-foot depth dimension.
- e. **Amenities:** *Farmworker housing complexes* may include community centers for the primary benefit of the residents.

#### **Sec. 8107-41.3.4 – Standards for Farmworker Group Quarters**

*Farmworker* group quarter facilities are a group of structures, or a single structure in the form of single room occupancy, dormitories, boarding houses, barracks or bunkhouses, consisting of either individual or shared facilities for the purpose of providing housing or services for *farmworkers*. These facilities are generally designed as a combination of sleeping rooms or bunk beds and may include a shared kitchen, mess hall and bathroom facility. This type of *agricultural worker housing* is designed for, and may only be occupied by, individual *farmworkers* and not their families; and may, but is not required to, be owned or managed by an entity or organization. *Farmworker* group quarters are subject to the following additional standards:

- a. **Minimum lot size:** *Farmworker* group quarters shall be located on lots with a minimum area of five acres.
- b. **Minimum unit size:** For dormitory-style housing, a minimum of 50 gross square feet of personal living space shall be required for each occupant.

- c. **Setbacks:** *Farmworker* group quarters shall adhere to the following setbacks:

<b>Setback</b>	<b>From</b>
20 feet	Street property line
10 feet	Other property line
6 feet	Any other structure
75 feet	Any barns, pens or other facilities for livestock or poultry

- d. **Open Space Requirements:** When *farmworker* group quarter facilities house more than 36 persons, recreational facilities and open space shall be provided for the benefit and recreational use of the residents in accordance with the standards listed in Section 8107-41.3.3(d)(1), (2) and (3) above.
- e. **Accessory Uses and Structures:** The following accessory uses and structures are allowed for *farmworker* group quarter facilities if specifically authorized by the Planning Director-approved Planned Development Permit. Such accessory uses and structures must be located either in a single community building or in a permitted location outdoors, and such uses and structures may not be used by the general public:
- (1) Food service for residents of the group quarters, which may include kitchen facilities and a dining hall;
  - (2) Laundry facilities for residents of the group quarters;
  - (3) Enclosed storage facilities for each resident or dwelling unit;
  - (4) Facilities primarily used to provide residents of the group quarters with information regarding and referral to employment, social and community, education, health and other services.

**Sec. 8107-41.3.5 – Standards for Farmworker and Animal Caretaker Temporary Trailers**

A maximum of one temporary trailer may be used to provide housing for seasonal or temporary *farmworkers* or *animal caretakers*, and their families, on a limited term basis. The trailer must be located on the same lot where the *farmworkers* or *animal caretakers* are employed.

- a. **Permit Type and Requirements:** A qualifying temporary trailer shall be permitted with a Zoning Clearance, which will serve as a ministerial Limited Term Trailer Permit, permitted for a maximum of 180 consecutive calendar days or fewer in any 12-month period pursuant to the following:
- (1) The permit application shall include a description of the number of seasonal or temporary *farmworkers* or *animal caretakers* to occupy the temporary trailer, the area of cultivation and crops requiring these workers, and the time period for which seasonal or temporary *farmworkers* or *animal caretakers* are required.
  - (2) The permit application shall clearly identify the location of sewer connections, dump stations, or otherwise demonstrate adequate sewage disposal by, for example, including a plan or contract for regular service through registered or permitted septage pumping vehicles, or a combination thereof, which will serve the trailer.
  - (3) In addition to meeting all ministerial Zoning Clearance permit application requirements, the applicant shall submit an affidavit in a separate signed statement affirming that the temporary trailer will only be used to house

seasonal or temporary *farmworkers* or *animal caretakers* solely employed on the site for agricultural production or *animal keeping*.

- (4) The Limited Term Trailer Permit application shall include applicable County fees in accordance with the Board-adopted fee schedule, for a permitting and monitoring program to be conducted by the Resource Management Agency.
- (5) After the issuance of a Zoning Clearance authorizing use of the temporary trailer as housing for seasonal or temporary *farmworkers* or *animal caretakers* under this Section 8107-41.3.5, all electrical and plumbing connections to the trailer(s) must be approved and inspected by the Building and Safety Division prior to occupancy of the trailer.
- (6) The Planning Director or designee may extend a Limited Term Trailer Permit by an additional 90 days, on a one-time basis, provided that the applicant submits documentation to justify the additional seasonal employment necessary for the agricultural activity.

**b. General Requirements:**

- (1) A maximum of one temporary trailer will be allowed on any lot.
- (2) The temporary trailer must be a motor home, travel trailer, truck camper, recreational vehicle, or camping trailer, that is self-contained and habitable (as defined in subsection (5) below), and that is either self-propelled, truck-mounted, or permanently towable on roadways without a permit under the California Vehicle Code.
- (3) A temporary trailer used to house seasonal or temporary *farmworkers* or *animal caretakers* shall be occupied for no more than 180 consecutive calendar days in any 12-month period, unless the permit is extended pursuant to Section 8107-41.3.5(a)(6) above.
- (4) The maximum size of a temporary trailer occupying a space on the lot shall be 320 square feet of living area. Living area does not include built-in equipment such as wardrobes, closets, cabinets, kitchen units or fixtures, or bath and toilet rooms.
- (5) The temporary trailer must be "habitable" as the term is used in this Section 8107-41.3.5 by meeting all of the following criteria:
  - (a) The temporary trailer must contain sleeping, cooking, bathing and sanitary facilities;
  - (b) The temporary trailer must either contain an adequate source of potable water for sanitation purposes through an internal tank or be connected to a permanent source of potable water;
  - (c) Composting toilets are not allowed. The temporary trailer's wastewater must be disposed of by one of the following means:
    - i. Through a connection to an existing sewer utility connection; or
    - ii. Through the use of an incorporated wastewater tank that is located within or outside the vehicle, provided that such tank is regularly serviced, for the duration of the vehicle's use as temporary housing, by a wastewater disposal provider, or a septage pumping vehicle permitted by the Environmental Health Division. The permittee shall provide proof of such regular wastewater disposal service, in the form of a contract or receipts, to the Planning Division or Environmental Health Division upon

request;

- (d) The temporary trailer must be connected to an approved electrical source. Acceptable electrical connections include the use of an existing electrical source on the lot or a temporary power pole. Generators are not considered an approved electrical source; and
  - (e) Heating facilities shall be in accordance with those associated with trailers, or equipment initially installed or designed for trailers. No temporary heating facilities will be allowed.
- (6) Utility conduits shall be installed underground in conformance with applicable state and local regulations.
  - (7) When the temporary trailer is not in use, utilities shall be disconnected, and such housing shall be removed from the site or stored consistent with Section 8107-1.6.4 during the remainder of the year. The temporary trailer shall be removed from the site within five days of the expiration of the permitted period. It may be stored on site for the remaining days of the calendar year if screened from public view and stored in compliance with the open storage regulations in Section 8107-1.6.4. A temporary trailer stored on site shall be covered when not in use.

**c. Site Design Criteria:**

- (1) Building height and setbacks shall be as prescribed in the applicable zone, except where Title 25 of the California Administrative Code is more restrictive.
- (2) The temporary trailer shall be located a minimum of six feet from any other structure on the lot.
- (3) Roadways and vehicle pads shall not be permitted in areas of natural slope inclinations greater than 15 percent or where grading would result in slope heights greater than ten feet and steeper than 2:1.
- (4) One picnic table, and a grill or campfire ring may be provided on a level, landscaped front yard area.

## **Sec. 8107-42- Stand Alone Batch Plants**

### **Sec. 8107-42.1 – Purpose and Intent**

The purpose of this section is to allow the continuation of existing batch plants near urban areas as a principal, conditionally permitted use when all mining adjacent to or at the plant site has ceased due to exhaustion of mineral resources. These batch plants serve established urban centers from sites that are configured for such uses. Allowing for their continued use through this section provides a practical public benefit by providing aggregate resources without any new, adverse environmental impacts at different locations. Further, this section establishes reasonable and uniform development standards for the configuration and operation of batch plants continuing after mining operations have terminated that are intended to minimize the plants' impact on resources and neighboring uses and allows for the batch plant facilities to be repaired, remodeled, replaced or modernized, in whole or in part, to improve efficiency, reliability, and safety in the operation of the facility.

### **Sec. 8107-42.2 – Definition**

A "Stand-alone Batch Plant" is a facility where, following the cessation of mining operations at, or immediately adjacent to, the site due to the exhaustion of mineral resources, pre-processed mineral materials such as cement, aggregate, recycled

construction materials, and petroleum products are imported from off-site and are mixed together to create concrete or asphalt for use at construction sites. The following uses may be accessory to the batch plant operation: processing/recycling used concrete and asphalt construction materials, processing mined materials into product for a batch plant, trucking associated exclusively with the subject plant, stockpiling of materials used in the batching operation, offices and maintenance buildings and facilities for the operation.

### **Sec. 8107-42.3 – Application**

To qualify as a “Stand Alone Batch Plant” under this section, a batch plant (concrete and/or asphalt):

- (a) must be in operation as of January 1, 1999 and on that date be a legal nonconforming use, a legally permitted principal use, or a legally permitted accessory use to an approved mining operation, in the Open Space Zone within one (1) mile of areas designated “Urban” on the General Plan;
- (b) must have received unprocessed material in the past from: (1) a mining operation that was included in the permit which authorized the plant; or, (2) a legally permitted mining operation immediately adjacent to the plant and such materials are now exhausted;
- (c) must be adjacent to or within 2,000 feet, of a four-lane road that trucks have lawful access to and which have a separate left turn lane for access to the site; and
- (d) must be within a four (4) mile radius of four highways which are a combination of U.S. Highways or State Routes.

Where a Conditional Use Permit (CUP) exists that specifically regulates the subject batch plant as a principal use, the CUP may remain in effect until the CUP expires, at which time it may be renewed pursuant to this section with a Planning Commission approved CUP. Where the batch plant is not subject to its own specific CUP, but is accessory to a permitted mining operation exhausted of mineral resources, a new CUP for the subject plant, or a modification of the mining permit to include the batch plant as a principal use, shall be applied for within one year of the adoption of this Sec. 8107-42 et seq. Said new CUP or modification shall be subject to approval by the Planning Commission and shall specifically regulate the batch plant operations.

### **Sec. 8107-42.4 – Minimum Use Permit Standards**

Any permit approved pursuant to this section shall incorporate all applicable standards associated with mining operations found in Sec. 8107-9 et seq, including, but not limited to, those relating to setbacks, noise, dust, light, and truck traffic.

(ADD. ORD. 4289 - 6/24/03)

## **Sec. 8107-43 - Boarding Houses and Bed-And-Breakfast Inns**

In addition to all other applicable requirements of the Non-Coastal Zoning Ordinance, Boarding Houses and Bed-And-Breakfast Inns must be developed and operated in accordance with the following requirements:

### **Sec. 8107-43.1 - Protection of Sensitive Biological Habitats**

Boarding Houses and Bed and Breakfast Inns are allowed in areas zoned Open Space (OS) only if the property is in agricultural production. (AM. ORD. 4377 – 1/29/08)

### **Sec. 8107-43.2 - Owner and Operator**

In areas zoned Open Space (OS) or Agricultural Exclusive (AE), Boarding Houses and Bed and Breakfast Inns must be operated by the same person or family who owns the property on which the Boarding House or Bed and Breakfast Inn, or both, are located. (AM. ORD. 4377 – 1/29/08)

### **Sec. 8107-43.3 - Number of Bedrooms**

In areas zoned Rural Agriculture (RA) or Rural Exclusive (RE), for *lots* over one acre, the number of allowed bedrooms is determined by the permit required, with a maximum of 10 bedrooms in total.

(ADD. ORD. 4317 – 3/15/05)

## **Sec. 8107-44 – Emergency Shelters**

(ADD. ORD. 4436 – 6/28/11)

### **Sec. 8107-44.1 – Definition and Purpose**

Refer to Article 2, Section 8102 for definition of Emergency Shelter. The purpose of Sec. 8107-44 is to comply with Government Code Sec. 65583 (a)(4)(A).

### **Sec. 8107-44.2 – Emergency Shelter Zoning Clearance**

A ministerial Emergency Shelter Zoning Clearance shall be issued upon 1) the determination by the *Planning Director* or designee that: (a) an Emergency Shelter Zoning Clearance Application provided by the Planning Division has been completed with all required information and documentation submitted in accordance with Section 8107-44.6; and (b) the standards in Section 8107-44.3 a-g have been met; and 2) upon the determination by the County Executive Officer, or designee that the Emergency Shelter Management Plan meets the standards in Section 8107-44.4.

### **Sec. 8107-44.3 – Emergency Shelter Development Standards**

An emergency shelter must meet the following standards:

- a. Sited within the Commercial Planned Development zone;
- b. Within a Sphere of Influence of a city with a population of at least 20,000;
- c. On a parcel of one-half acre or more;
- d. Not within three hundred feet of a school or another emergency shelter, as measured from the closest property lines, at the time the Emergency Shelter Zoning Clearance is issued;
- e. Each emergency shelter resident must be provided a minimum of 50 gross square feet of personal living space, in addition to common area space.
- f. The *applicant* must demonstrate that the Water and Environmental Resources Division of the Watershed Protection District has determined: (1) there is sufficient water supply to serve the proposed emergency shelter development; and (2) if the proposed emergency shelter development is located within the service area of a water purveyor that provides water from an overdrafted groundwater basin or provides water from a groundwater basin that is in hydrologic connection with an overdrafted groundwater basin, that the proposed emergency shelter development will not adversely impact the overdrafted groundwater basin. If the groundwater basin that will serve the development is located within the boundaries of the Fox Canyon Groundwater Management Agency then the Water and Environmental Resources Division of the Watershed Protection District must first consult with the Fox Canyon Groundwater Management Agency prior to making its determination. *Applicants* may be required to submit a water demand study prepared by a state-

licensed Civil Engineer or Professional Geologist that demonstrates the project will not cause a net increase in average annual groundwater extraction. If a water demand study is required, it must consider the current consumptive water demand of existing land uses on the project site and the estimated consumptive water demand of the proposed project. The effects of changes in percolation rates due to development, water recycling and conservation measures such as low water use appliances and efficient irrigation must be considered in the analysis.

- g. All other applicable County development and building standards.

#### **Sec. 8107-44.4 – Emergency Shelter Management Plan**

Prior to the issuance of an Emergency Shelter Zoning Clearance, the County Executive Officer or designee must determine that the written Management Plan submitted by the emergency shelter operator meets the requirements of this Section.

The Management Plan must include, but is not limited to, provisions for: security; lighting; staff training; a resident identification process; screening for qualification of potential residents for occupancy and compatibility with services provided at the facility; neighborhood outreach; care of pets; timing and location of outdoor activities; and temporary storage of residents' personal belongings. The Emergency Shelter Management Plan must be consistent with Section 8107-44.3 and Section 8107-44.5.

Prior to determining whether the Management Plan includes all of the necessary elements and meets the requirements of this section, the County Executive Officer or designee shall consult with the Ventura County Sheriff's Department, the police department(s) of the adjacent cities, the Ventura County Human Services Agency, the Ventura County Health Care Agency, the Ventura County Planning Division, and the local school district(s).

#### **Sec. 8107-44.5 – Construction and Operational Standards**

The construction and operation of the Emergency Shelter must comply with the following standards.

- a. In the event that paleontological, archaeological, or cultural resources are found during grading or construction, such activities shall halt in the area of the find and the project developer shall notify the Planning Division. The project developer shall hire a qualified consultant approved by the Planning Division who shall prepare a work plan to address the disposition of the paleontological, archaeological, and/or cultural resource encountered. The work plan must comply with the following minimum standards for resource disposition as determined by the *Planning Director* or designee:
  - (1) The work plan shall include a detailed description of the nature, extent, condition and significance of the sensitive resource.
  - (2) The work plan shall specify the available options for resource disposition such as avoidance, recovery and curation, photo-documentation, incorporation of the resource into project design, and other methods.
  - (3) The work plan shall include a recommendation of a course of action that is most protective of the resource while allowing the project objectives to be fulfilled.

Construction can only proceed in conformity with the approved work plan.

- b. Development shall comply with the requirements of the Ventura County Construction Noise Threshold Criteria and Control Plan.
- c. Development shall comply with the Ventura County "Paveout Policy", current County Road Standards and the Traffic Impact Mitigation Fee Ordinance.



- d. Outdoor activities, which include recreation and eating, are allowed but must be screened by a six-foot-high landscape screen or solid wall if the outdoor areas are visible from a public street. For emergency shelters that are adjacent to residential zones, outdoor activities that generate noise that could be disruptive to neighbors shall only be conducted between the hours of 8:00 a.m. and 9:00 p.m.
- e. Emergency shelter resident intake and release times must not coincide with start and release times of any school within one-half mile of the shelter with the exception of residents who are students or parents/guardians accompanying students to school.
- f. For emergency shelters that include kitchen facilities, such facilities must be designed and operated in compliance with the California Retail Food Code.
- g. Emergency shelters must provide a storage area for refuse and recyclables that complies with the County's "Space Allocation Guidelines for Refuse and Recyclables Collection and Loading Areas."
- h. In no case shall more than 60 residents occupy the shelter at any one time.
- i. The emergency shelter operator must comply with the provisions of the management plan at all times.

**Sec. 8107-44.6 – Application Requirements**

Requests for development of an emergency shelter shall only be reviewed or considered once a fully completed Emergency Shelter Zoning Clearance Application, including a Management Plan prepared in compliance with 8107.44.4, is submitted. If additional information is needed to determine whether the standards of Section 8107-44 are satisfied, the Emergency Shelter Zoning Clearance Application will not be deemed complete until all of the requested information is submitted.

(ADD. ORD. 4436 – 6/28/11)

**Sec. 8107-45 – Wireless Communication Facilities**

(ADD. ORD. 4470 – 3/24/15)

**Sec. 8107-45.1 – Purpose**

The purpose of this Section is to provide uniform standards for the siting, design, monitoring, and permitting of *wireless communication facilities* in the unincorporated, non-public right-of-way, non-coastal area of the County consistent with applicable federal and state laws and regulations. These standards are intended to protect and promote the public health, safety, and welfare, including the aesthetic quality of the unincorporated areas of the County. More specifically, the purpose of this Section 8107-45 is to provide a consistent set of regulations to process permits for *wireless communication facilities*, and a comprehensive set of development standards that will protect visual resources and public views, in conformity with goals and policies of the General Plan and Area Plans, while providing for the communication needs of the community. Definitions for all *italicized* terms in this Section are provided in Article 2.

**Sec. 8107-45.2 – Applicability**

**Sec.8107-45.2.1 - Facilities Not Covered**

The following facilities and devices are not covered by the provisions of this Section:

- (1) *Non-commercial antennas* such as citizen band radios and amateur radio facilities that are an *accessory structure* to a *dwelling*. (See standards for *non-commercial antennas* in Sections 8106-7.1 and 8107-1.1.)

- (2) *Wireless communication facilities* located within the public road rights-of-way. (See Ventura County Ordinance Code at Div. 12, Chapter 8, for applicable regulations.)
- (3) Residential satellite and digital T.V. dishes less than one (1) meter in diameter.
- (4) Temporary *wireless communication facilities* that are needed during public emergencies or are used in conjunction with a temporary event or activity that does not otherwise require a permit under this Chapter. (See Sec. 8107-45.9 for permitting of temporary *wireless communication facilities* used for events and activities that require a permit under this Chapter.)

**Sec. 8107-45.2.2 – Wireless Communication Facilities on Government Buildings**

Any *wireless communication facility, including a non-commercial antenna*, located on a government building, such as a police or fire station, shall be permitted as an accessory use if the *wireless communication facility* is used exclusively for the government operation located within that facility or if it substantially contributes to public safety (i.e. police, fire and emergency management operations). Such a *wireless communication facility* shall be processed as part of the underlying land use permit for the government building and shall be subject to the development standards in Sec. 8107-45.4, except as provided in Sec. 8107-45.2.4.

**Sec. 8107-45.2.3 – Wireless Communication Facilities on Radio Studios and for Permanent Filming Activities**

Any *wireless communication facility* located on a *radio studio* or a facility for a *permanent filming activity* shall be permitted as an accessory use if the *wireless communication facility* is necessary to, and is used exclusively for, the *radio studio* or *permanent filming activity* operation. A *wireless communication facility* defined as an accessory use shall be processed as part of the underlying land use permit for the building or facility but shall be subject to the development standards in Sec. 8107-45.4.

**Sec. 8107-45.2.4 – Wireless Communication Facilities for Public Safety or Emergency Services**

The applicable County decision-making authority may waive or modify one or more of the development standards in Sec. 8107-45.4 for a *wireless communication facility* that is exclusively used for public safety when the application of such standards would effectively prohibit the installation of that facility. In order to waive or modify a development standard, the *applicant* shall demonstrate in writing that a waiver or modification of the standard is necessary for the provision of public safety services, and that such waivers or modifications do not exceed what is necessary to remove the effective prohibition.

**Sec. 8107-45.3 – Application Submittal Requirements**

In addition to meeting standard application submittal requirements of Sec. 8111-2, the project *applicant* for a *wireless communication facility* may be required to submit some or all of the following information, depending on the scope of the proposed project and as determined by the Planning Division.

- a. **Project Description:** A written project description for the proposed *wireless communication facility* that includes, but is not limited to, a general description of the existing land use setting, the type of facility, visibility from public viewpoints, stealth design features, propagation diagrams, on and off-site access, landscaping,

and facility components (support structure, *antennas*, equipment shelters or cabinets, emergency back-up generators with fuel storage etc.).

- b. **Propagation Diagram:** One or more propagation diagrams or other evidence may be required to demonstrate that the proposed *wireless communication facility* is the minimum height necessary to provide adequate service (i.e., radio frequency coverage or call-handling capacity) in an area served by the carrier proposing the facility. The propagation diagram shall include a map showing the provider's existing facilities, existing coverage or capacity area, and the proposed coverage or capacity area at varied *antenna* heights. The propagation diagram shall also include a narrative description summarizing the findings in layman's terms. Existing obstacles such as buildings, topography, or vegetation that cannot adequately be represented in the propagation diagrams, yet may cause significant signal loss and therefore require additional facility height, should be clearly described and/or illustrated through additional visual analyses, such as line-of-sight or Fresnel zone modeling diagrams. A propagation diagram shall be required if the proposed *wireless communication facility* would exceed 40 feet in height, and may be required at lower heights if the facility is located on a ridgeline, within the SRP overlay zone, or in an Urban Residential zone.
- c. **Visual Impact Analysis:** A visual impact analysis includes photo simulations and other visual information, as necessary, to determine visual impact of the proposed *wireless communication facility* on the existing setting or to determine compliance with design standards established by this Section. The photo simulations shall include "before" and "after" renderings of the site, its surroundings, the proposed facility and *antennas* at maximum height, and any structures, vegetation, or topography that will screen the proposed facility from multiple *public viewpoints*. *Public viewpoints* selected for visual impact analysis should be located approximately a half-mile, 1 mile, and 2 miles from the proposed facility. All photo simulations and other graphic illustrations shall include accurate scale and coloration of the proposed facility.
- d. **Authorization and License Information:** A letter of authorization from the property owner and the communications carrier that demonstrates knowledge and acceptance of the *applicant's* proposed project's structures and uses on the subject property. This information shall also include a copy of the FCC radio spectrum lease agreement or the FCC registration number (FRN).
- e. **FCC Compliance:** Documentation prepared by a qualified radio frequency engineer that demonstrates the proposed *wireless communication facility* will operate in compliance with Sec. 1.1301, et seq., of Title 47 of the Code of Federal Regulations or any successor regulations. Documentation of FCC compliance shall be required for all *wireless communication facility* permits, including permit modifications.
- f. **Alternative Site Analysis:** Documentation that demonstrates: (1) the *applicant* has satisfied the *wireless communication facility* preferred and non-preferred location standards stated in Sec. 8107-45.4(d) and (e); and (2) infeasibility of alternative sites that would result in fewer environmental impacts to ridgelines (see Sec 8107-45.4(l)) and other environmental resources; and if requested (3) all efforts to collocate the proposed facility on an existing facility, including copies of letters or other correspondence sent to other carriers or *wireless communication facility* owners requesting *collocation* on their facilities. If *collocation* is not feasible, the *applicant* shall demonstrate to the satisfaction of the Planning Division that technical, physical, or legal obstacles render *collocation* infeasible.
- g. **Site Plan and Design Specifications:** This documentation shall fully describe the project proposed, including all on- and off-site improvements. The site plan

shall be drawn to scale, and the site plan and design specifications shall include the following:

- (1) Written explanation and site plan that describes the facility's components and design (including dimensions, colors, and materials), equipment cabinets, and the number, direction, and type (panel, whip, or dish) of *antennas*;
  - (2) The location and dimensions of the entire site area, exact location of the facility and its associated equipment with proposed setbacks, access road improvements, and any proposed landscaping or other development features. The site plan shall also identify site grading, paving and other features that may increase runoff from the site;
  - (3) Front, side, and rear elevation plans showing all of the proposed equipment and structures;
  - (4) Building plans and elevations for *building-concealed, flush- and roof-mounted wireless communication facilities* showing all equipment and structures;
  - (5) Manufacturer specifications and samples of the proposed color and material for the facility and its associated equipment; and,
  - (6) Site plan components required to address fire prevention, water conservation, and other regulatory requirements.
- h. **Landscape Plan:** This documentation shall describe the location and type of newly proposed landscaping, proposed irrigation systems (as needed), and the location of existing landscape materials that are necessary to properly screen or blend the *wireless communication facility* with the surrounding area. This information shall be provided on a *landscape plan*, which conforms to the requirements of Section 8106-8.2.2. (AM. ORD. 4577 – 3/9/21)
- i. **Maintenance and Monitoring Plan:** A maintenance and monitoring plan shall describe the type and frequency of required maintenance activities to ensure continuous upkeep of the facility, its associated equipment, and any proposed landscaping, during the life of the permit. Landscaping shall be maintained in conformance with Section 8106-8.2.8. (AM. ORD. 4577 – 3/9/21)
- j. **Noise/Acoustical Information:** This documentation shall include manufacturer's specifications for all noise-generating equipment, such as air conditioning units and back-up generators, as well as a scaled diagram or site plan that depicts the equipment location in relation to adjoining properties.
- k. **Hazardous Materials:** This documentation shall include the quantity, type, and storage location for containment of hazardous materials, such as the fuel and battery back-up equipment, proposed for the *wireless communication facility*.
- l. **Geotechnical Requirements:** A geotechnical report shall include the following:
- (1) Soils and geologic characteristics of the site;
  - (2) Foundation design criteria for the proposed facility;
  - (3) Slope stability analysis;
  - (4) Grading criteria for ground preparation, cuts and fills and soil compaction; and
  - (5) Other pertinent information that evaluates potential geologic, fault, and liquefaction hazards and proposed mitigation.
- m. **Consent to Future Collocation:** A written statement shall be provided that states whether or not the *applicant* consents to the future *collocation* of other wireless communication facility carriers on the proposed facility (see Sec. 8107-45.6).

- n. **Additional Information:** Additional information determined by the Planning Division as necessary for processing the requested *wireless communication facility entitlement*. If a *non-stealth facility* is proposed, include a description (with illustrations) of all *modifications* that would be allowed pursuant to a *Section 6409(a) Modification* so that a determination can be made whether the facility could become *prominently visible* from a *public viewpoint* (see Sec. 8107-45.4(b)(1)).

#### **Sec. 8107-45.4 – Development Standards**

- a. **Partial and Full-Concealment Requirements:** To minimize visual impacts, a *wireless communication facility* shall be designed as a *stealth facility* or *building-concealed facility*. A *wireless communication facility* may be designed as a *non-stealth facility* only if it meets standards provided in Sec. 8107-45.4(b) below.
- b. **Exceptions to Stealth and Building-Concealed Facilities:** A non-stealth facility may be permitted when the *applicant* demonstrates that the project location and design meet one or more of the following criteria:
- (1) The facility is not *prominently visible* from a *public viewpoint* and could not be *prominently visible* from a *public viewpoint* following a *Section 6409(a) Modification*. This standard may be achieved by blending the facility into its surroundings as defined in Sec. 8107-45.4(c); or
  - (2) The *non-stealth facility* is *prominently visible* from a *public viewpoint* but meets one or more of the following criteria:
    - (a) It is located on a ridgeline and meets the requirements in Sec. 8107-45.4(l); or
    - (b) The minimum height required for adequate service, coverage, or capacity area cannot be achieved with one or more *stealth facilities* (see Sec. 8107-45.4(f)(4)); or
    - (c) It is used solely for the provision of public safety and the decision-making authority waives this development standard pursuant to Sec. 8107-45.2.4.
- c. **Making Wireless Communication Facilities Compatible with the Existing Setting:** To the extent feasible, all wireless communication facilities shall be located and designed to be compatible with the existing setting as follows:
- (1) *Location:* Facilities shall be located in areas where existing topography, vegetation, buildings, or structures effectively screen and/or camouflage the proposed facility; and
  - (2) *Facility Design:* The facility shall be designed (i.e. size, shape, color, and materials) to blend in with the existing topography, vegetation, buildings, and structures on the project site as well as its existing setting.
- d. **Preferred Wireless Communication Facility Locations:** To the extent feasible, and in the following order of priority, new wireless communication facilities shall be sited in the following locations:
- (1) On an existing *wireless communication facility* with adequate height and structure to accommodate additional *wireless communication facilities* (see Sec. 8107-45.6).
  - (2) Flush-mounted on an existing structure, pole, or building in the AE and OS zones.
  - (3) Where the *wireless communication facility* is not *prominently visible* from a *public viewpoint*.

- (4) Within an area zoned Industrial.
  - (5) Near existing public or private access roads.
  - (6) On or near the same site as an existing *wireless communication facility* when visual or other environmental impacts can be mitigated to a level of less than significant under CEQA and when such “clustering” of facilities is consistent with the applicable Area Plan.
- e. **Non-Preferred Wireless Communication Facility Locations:** To the extent feasible, *wireless communication facilities* should not be sited in the following locations:
- (1) Within an area zoned Urban Residential.
  - (2) Silhouetted on the top of ridgelines on land designated as Open Space under the General Plan when *prominently visible* from *public viewpoints*.
  - (3) On a structure, site or in a district designated as a local, state, or federal historical landmark (see Sec. 8107-45.4(j)).
  - (4) Within an area zoned Scenic Resource Protection Overlay (see Sec. 8107-45.4(m)).
  - (5) Within environmentally sensitive areas (see Sec. 8107-45.4(k)).
- f. **Height:**
- (1) **How to Measure:** Unless otherwise indicated in this Section 8107-45.4, the height of a *wireless communication facility* shall be measured as follows:
    - A ground-mounted facility shall be measured from the *grade* to the highest point of the *antenna* or any equipment, whichever is highest.
    - A structure-mounted facility shall be measured from the averaged *grade* to the highest point of the *antenna* or any equipment, whichever is highest. (See Sec. 8106-1.3.2 for the “averaged *grade*” calculation.)
  - (2) **Minimizing Visual Impacts:** The height of a *wireless communication facility* shall be limited to what is necessary to provide adequate service or coverage.
  - (3) **Building-Concealed Facilities:**
    - (a) For *building-concealed wireless communication facilities*, height is measured as the vertical distance from the flat *grade* or averaged *grade*, as applicable, to the highest point of the existing or newly created architectural façade or feature where the *antenna* is concealed.
    - (b) *Building-concealed wireless communication facilities* shall not exceed the maximum height limits of the zone in which the building is located (see Sec. 8106-7 for exceptions). An existing building that exceeds the maximum height limit may be used to conceal a wireless communication facility if an increase in allowable height of the building was granted by a previously approved *discretionary* permit, and the building dimensions would not increase by adding the wireless communication facility.
  - (4) **Stealth Facilities:**

*Stealth facilities* shall meet the definition in Sec. 8102-0 and the applicable height limits prescribed in Section 8107-45.4.

    - (a) The maximum allowable height of a faux structure shall be the height limits in Table 1 below, or the average height of representative structures commonly found in the local setting, whichever is less.

**Table 1**  
(Sec. 8107-45.4(f)(4))  
**Maximum Height of Faux Structures**

Type of Structure	Maximum Height
Faux Water Tank	50 feet
Faux Windmill	45 feet
Faux Flag Pole	50 feet
Faux Light Pole	30 feet*

\*Not applicable in the public right-of-way, see VCOC Sec. 12800.

- (b) Faux trees shall maintain a natural appearance and may not exceed the height of nearby natural trees (see i, ii, and iii below). A faux tree located among existing natural trees should not be obviously taller than the other trees. Smaller, natural trees may also be planted around the faux tree to mask its height from public viewpoints. The maximum allowable height of a faux tree shall be as follows:
- i. **No Nearby Trees:** Maximum heights in Table 2 apply if there are no trees within a 150-foot radius of the *faux tree*. (Also see the tree planting height requirement in Sec. 8107-45(i)(4).)

**Table 2**  
(Sec. 8107-45.4(f)(4))  
**Maximum Height of Faux Trees<sup>1</sup>**

Type of Structure	Maximum Height
Mono-Broadleafs	60 feet
Mono-Elm	60 feet
Mono-Eucalyptus	80 feet
Mono-Palm	65 feet
Mono-Pine	80 feet

- ii. **Tree Canopy:** The maximum height of a *faux tree* located within, or adjacent to, a tree canopy may extend up to 15 feet above the maximum height of the existing tree canopy when both of the following criteria are met:
- The *applicant* demonstrates to the satisfaction of the Planning Division that a lower *faux tree* height would result in obstructed coverage of the proposed facility due to the existing tree canopy; and
  - The median tree height of the canopy is at least 30 feet high, and the nearest tree in the canopy is located within 150 feet of

<sup>1</sup> The maximum height limits for *faux trees* are based on the height of a mature tree for each tree type, as established by the U. S. Department of Agriculture, Natural Resources Conservation Service's plants database. The following tree species were used to identify the maximum height limits for each *faux tree*: *Acer negundo* (Box elder), *Ulmus parvifolia* (Chinese Elm), *Eucalyptus globulus* (Tasmanian Bluegum), *Washingtonia filifera* (California fan palm), and *Pinus sabiniana* (Foothill Pine).

the *faux tree*; and the *faux tree* is sited behind the canopy relative to *public viewpoints*.

iii. **Surrounding Trees (Non-canopy):** A *faux tree* may extend up to 5 feet above the maximum height of trees within a 150-foot radius. The maximum height of surrounding trees should be measured using existing tree heights, unless a certified arborist estimates average growth after five years, which may be added to existing height measurements.

- (c) A *stealth facility* that exceeds 80 feet in height shall be considered a *non-stealth facility* for *entitlement* processing under Section 8107-45. However, *stealth facility* design features may be included in the *wireless communication facility* to blend the facility with the surrounding environment.
- (d) *Roof-mounted wireless communication facilities* shall not exceed the maximum height limits of the zone in which the building is located by more than 6 feet.
- (e) *Flush-mounted wireless communication facilities* shall not extend above the building height. If mounted on a structure other than a building, such as a light pole or utility pole, the *antenna* shall not extend more than 5 feet above the structure.
- (f) No *stealth facility* shall exceed the maximum height stated in an applicable Area Plan.

**(5) Non-Stealth Facilities:**

- (a) Notwithstanding subparts (b) and (c) below, in no event shall a *non-stealth facility* exceed the maximum height stated in the applicable Area Plan.
- (b) Unless a greater height limit is approved in accordance with subsection (c) below, *non-stealth facilities* shall not exceed 50 feet in height.
- (c) When the Planning Commission (or the Board of Supervisors, upon appeal) is the assigned decision-making authority for a proposed *wireless communication facility entitlement* pursuant to Sec. 8105-4 or Sec. 8105-5, a *non-stealth facility* may be approved if one or more of the following findings are made:
  - i. The greater height results in the same or reduced visual and environmental impacts when compared to the standard applicable height limits: or
  - ii. The *applicant* demonstrates that the minimum height required for adequate service, coverage, or capacity area cannot be achieved with one or more shorter facilities; or
  - iii. The greater height is necessary for the provision of public safety (see Sec. 8107-45.2.4).

**g. Setbacks:**

- (1) All *wireless communication facilities* shall comply with the required minimum front, side, and rear yard setbacks for the zone in which the site is located. No portion of an *antenna* array shall extend beyond the property lines.
- (2) *Ground-mounted wireless communication facilities* shall be set back a distance equal to the total facility height or 50 feet, whichever is greater, from any offsite *dwelling unit*.



- (3) Whenever feasible, a new *ground-mounted wireless communication* facility shall be set back from the property line to avoid creating the need for fuel clearance on adjacent properties.
- h. **Retention of Concealment Elements:** No *modification* to an existing *wireless communication facility* shall defeat concealment elements of the permitted facility. Concealment elements are defeated if any of the following occur:
- (1) A *stealth facility* is modified to such a degree that it results in a *non-stealth facility*; or
  - (2) The *stealth facility* no longer meets the applicable development standards for *stealth facilities* in Sec. 8107-45.4; or
  - (3) Equipment and *antennas* are no longer concealed by the permitted stealth design features; or
  - (4) Proposed modifications to a *stealth facility*, designed to represent a commonly found element in the environment or community (such as a tree, rock, or building), result in a facility that no longer resembles the commonly found element due to its modified height, size, or design.
- i. **Standards for Specific Types of Stealth Facilities:**
- (1) **Building-Concealed Facilities:**
    - (a) Height shall not exceed the maximum height limits established in Sec. 8107-45.4(f)(3).
    - (b) Width shall not increase building width, or create building features that protrude beyond the exterior walls of the building.
    - (c) Building additions shall be limited to the area/volume required for the wireless technology and shall not increase habitable floor area, include general storage area, or provide any use other than wireless technology concealment.
  - (2) **Roof-Mounted Facilities:**
    - (a) Shall be hidden by an existing or newly created building or architectural feature, or shall be concealed from *public viewpoints* using architectural features, screening devices, or by siting the facility so that it is concealed from offsite viewpoints.
    - (b) Shall not exceed the maximum height limits for *roof-mounted facilities* stated in Sec. 8107-45.4(f)(4)(d).
    - (c) Shall be compatible with the architectural style, color, texture, façade design, and materials and shall be proportional to the scale and size of the building. Newly created architectural features or wireless equipment shall not protrude beyond the exterior walls of the building.
  - (3) **Flush-Mounted Facilities:**

A *wireless communication facility* may be *flush-mounted* on a building or other structure pursuant to the following standards, and provided that associated equipment is located in manner consistent with the definition for *flush-mounted antenna* in Sec. 8102-0:

    - (a) *Flush-mounted wireless communication facilities* shall be designed as a *stealth facility* and shall be compatible with the architectural style, color, texture, façade, and materials of the structure. Panel *antennas* shall not interrupt architectural lines of building façades, including the length and

width of the portion of the façade on which it is mounted. Mounting brackets, pipes, and coaxial cable shall be screened from view.

- (b) Shall not exceed the maximum height limits for *flush-mounted wireless communication facilities* stated in Sec. 8107-45.4(f)(4)(e).
- (c) Any *flush-mounted wireless communication facility* attached to a light pole or a utility pole must exhibit the same or improved appearance than existing local light poles or utility poles.
- (d) *Flush-mounted wireless communication facilities* should be attached to a vertical surface except they may be mounted atop a light pole or a utility pole when flush-mounting is infeasible. Panel *antennas* shall be mounted no more than 18 inches from building surfaces or poles and shall appear as an integral part of the structure. They may be mounted a further distance than 18 inches on lattice towers and other industrial structures.

**(4) Faux Trees:**

- (a) Shall incorporate a sufficient amount of “architectural branches” (including density and vertical height) and design material so that the structure is as natural in appearance as technically feasible.
- (b) Shall be the same type of tree or a tree type that is compatible (i.e. similar in color, height, shape, etc.) with existing trees in the surrounding area (i.e. within approximately a 150 foot radius of the proposed facility location). If there are no existing trees within the surrounding area, the vicinity of the facility shall be landscaped with newly planted trees. The trees should be compatible with the faux tree design, and be of a type and size that would be expected to reach 75 percent of the *faux tree’s* height within five (5) years. (Also see Sec. 8107-45.4(q) for additional information on landscaping.)
- (c) Shall not exceed the maximum height limits established for *faux trees* stated in Sec. 8107-45.4(f)(4)(b).
- (d) Shall include *antennas* and *antenna* support structures colored to match the components (i.e. branches and leaves) of the proposed artificial tree.
- (e) New trees required as part of a *landscape plan* for a *faux tree* shall be a minimum size of 36 inch box to help ensure survival of the tree. Palm trees shall have a minimum brown trunk height of 16 feet.

**(5) Monorocks:**

- (a) Shall only be located in areas with existing, natural rock outcroppings.
- (b) Shall match the color, texture, and scale of rock outcroppings adjacent to the proposed project site.

**(6) Other Faux Stealth Facilities:**

- (a) Faux structure types, including but not limited to water tanks, flag poles, windmills, and light poles, may be used as a *stealth facility* when that type of structure is commonly found within the local setting of the *wireless communication facility*.
- (b) Faux structures shall not exceed the maximum height limits established in Sec. 8107-45.4(f)(4)(a).
- (c) Faux light poles shall be designed to function as a light pole, and match the design and height of existing light poles on the proposed site, provided that they do not exceed the height listed in Table 1 (Sec. 8107-

45.4(f)(4)(a)). This standard is not applicable to light poles within the public right-of-way.

- j. **Historical Landmarks/Sites of Merit:** A *wireless communication facility* shall not be constructed, placed, or installed on a structure, site or district designated by a federal, state, or County agency as an historical landmark or site of merit unless that facility is designed to meet the Secretary of the Interior (SOI) Standards. If the facility does not meet the SOI standards, then the Cultural Heritage Board must determine that the proposed facility will have no significant, adverse effect on the historical resource.
- k. **Environmentally Sensitive Areas:**
  - (1) All *wireless communication facilities* and their accessory equipment shall be sited and designed to avoid or minimize impacts to habitat for special status species, sensitive plant communities, migratory birds, waters and wetlands, riparian habitat, and other environmentally sensitive areas as determined by the County's Initial Study Assessment Guidelines.
  - (2) *Wireless communication facilities* that are higher than 200 feet and are required by the Federal Aviation Administration (FAA) to include lighting for aviation safety, should use the minimum amount of pilot warning and obstruction avoidance lighting to minimize impacts to migratory birds.
  - (3) *Wireless communication facilities* that are located in known raptor, California Condor, or waterbird concentration areas or daily movement routes, or in major diurnal migratory bird movement routes or stopover sites, should have daytime visual markers on guy wires to prevent collisions by birds.
- l. **Ridgelines:**
  - (1) A *wireless communication facility* shall not be sited on a ridgeline or hilltop that is *prominently visible* from a *public viewpoint* when alternative sites are available. *Applicants* shall demonstrate that no feasible, alternative locations are available when proposing a *wireless communication facility* on a ridgeline or shall demonstrate that alternative locations result in significant environmental impacts when compared to the proposed ridgeline location.
  - (2) Facilities sited on a ridgeline or hillside shall blend with the surrounding natural and man-made environment to the maximum extent possible. Blending techniques that should be utilized include the use of non-reflective materials, paint, or enamel to blend exterior surfaces with background color(s); the placement of facilities behind earth berms or existing vegetation; siting of associated equipment below ridgelines, and the use of small *stealth facilities* (such as slim line poles or whip *antennas*) that blend in with the surrounding vegetation.
- m. **Scenic Resource Protection Overlay Zone:** With the exception of public safety described in Sec. 8107-45.2.4, a *wireless communication facility* shall not be *prominently visible* from a *public viewpoint*, and shall be designed as a *stealth facility*, when located within a Scenic Resource Protection Overlay Zone.
- n. **Accessory Equipment:** All accessory equipment associated with the operation of a *wireless communication facility* shall be located and screened to prevent the

facility from being *prominently visible* from a *public viewpoint* to the maximum extent feasible.

- o. **Colors and Materials:** All *wireless communication facilities* shall use materials and colors that blend in with the natural or man-made surroundings. Highly reflective materials are prohibited.
- p. **Noise:** All *wireless communication facilities* shall be operated and maintained to comply at all times with the noise standards outlined in Section 2.16 of the Ventura County General Plan Goals, Policies, and Programs.
- q. **Landscaping and Screening:** The permittee shall plant, irrigate and maintain additional landscaping during the life of the permit when landscaping is deemed necessary to screen the *wireless communication facility* from being *prominently visible* from a *public viewpoint*. New landscaping shall not incorporate any *invasive species* or *watch species*, as defined by the California Invasive Plant Council (Cal-IPC) and shall be in conformance with Section 8106-8.2.5. (AM. ORD. 4577 – 3/9/21)
- r. **Security:**
  - (1) Each facility shall be designed to prevent unauthorized access, climbing, vandalism, graffiti and other conditions that would result in hazardous situations or visual blight. The approving authority may require the provision of warning signs, fencing, anti-climbing devices, or other techniques to prevent unauthorized access and vandalism.
  - (2) All *fences* shall be constructed of materials and colors that blend in with the existing setting. The use of a chain link *fence* is prohibited within areas designated as Urban and Existing Community in the General Plan, and areas that are *prominently visible* from a *public viewpoint*, unless the chain link *fence* is fully screened.
- s. **Lighting:**
  - (1) No facility may be illuminated unless specifically required by the FAA or other government agency.
  - (2) Any necessary security lighting shall be down-shielded and controlled to minimize glare or light levels directed at adjacent properties and to minimize impacts to wildlife.
- t. **Signage:** A permanent, weather-proof identification sign, subject to *Planning Director* approval, shall be displayed in a prominent location such as on the gate or *fence* surrounding the *wireless communication facility* or directly on the facility. The sign must identify the facility operator(s) and type of use, provide the operator’s address, FCC-adopted standards, and specify a 24-hour telephone number at which the operator can be reached during an emergency.
- u. **Access Roads:**
  - (1) Where feasible, *wireless communication facility* sites shall be accessed by existing public or private access roads and easements.
  - (2) *Wireless communication facility* sites shall minimize the construction of new access roads, particularly when such roads are located in areas with steep slopes, agricultural resources, or biological resources as determined by the County’s Initial Study Assessment Guidelines. When required, new access roads shall be designed to meet standards established by the Ventura County Public Works Agency and Ventura County Fire Protection District.

## **Sec. 8107-45.5 – Compliance with Federal, State and Local Law and Regulations**

*Wireless communication facilities* must comply with all current applicable federal, state and local law, all standards and regulations of the FCC, and all standards and regulations of any other local, state and federal government agency with the authority to regulate such facilities.

## **Sec. 8107-45.6 – Collocation**

Any proposed *collocation* may be processed pursuant to a permit modification in Sec. 8107-45.10.1. *Collocations* which do not qualify for modification in Sec. 8107-45.10.1 may alternatively be processed pursuant to Sec. 8107-45.10.2 or Sec. 8107-45.10.3.

## **Sec. 8107-45.7 – Maintenance and Monitoring**

- a. **Periodic Inspection:** The County reserves the right to undertake periodic inspection of a permitted *wireless communication facility* in accordance with Sec. 8111-8
- b. **Maintenance of Facility:** The permittee shall routinely inspect each *wireless communication facility*, as outlined in the approved maintenance and monitoring plan, to ensure compliance with the standards set forth in Sec. 8107-45.4 and the permit conditions of approval. The permittee shall maintain the facility in a manner comparable to its condition at the time of installation. If routine maintenance or repair is not sufficient to return the facility to its physical condition at the time of installation, the permittee shall obtain all required permits and replace the facility to continue the permitted operation.
- c. **Graffiti:** The permittee shall remove graffiti from a facility within 10 working days from the time of notification by the Planning Division.
- d. **Landscape and Screening:** All trees, foliage, or other landscaping elements approved as part of a *wireless communication facility* shall be maintained in good condition during the life of the permit, and the permittee shall be responsible for replacing any damaged, dead, or decayed landscape vegetation. The permittee shall maintain the landscaping in conformance with the approved *landscape plan*.
- e. **Hours of Maintenance:** Except for emergency repairs, backup generator testing and maintenance activities that are audible to an off-site, noise-sensitive receptor shall only occur on weekdays between the hours of 8:00 a.m. and 10:00 p.m.
- f. **Transfer of Ownership:**
  - (1) In the event that the permittee sells or transfers its interest in a *wireless communication facility*, the succeeding operator shall become the new permittee responsible for ensuring compliance with the permit for the *wireless communication facility*, including all conditions of approval, and all other relevant federal, state and local laws and regulations.
  - (2) The permittee (or succeeding permittee) shall file, as an initial notice with the *Planning Director*, the new permittee's contact information such as the name, address, telephone/FAX number(s), and email address.
  - (3) The permittee shall provide the *Planning Director* with a final notice within 30 days after the transfer of ownership and/or operational control has occurred. The final notice of transfer must include the effective date and time of the transfer and a letter signed by the new permittee agreeing to comply with all conditions of the County permit.

### **Sec. 8107-45.8 – Technical Expert Review**

The County may contract for the services of a qualified technical expert to supplement Planning Division staff in the review of proposed *wireless communication facilities* or in the review of the permittee's compliance with Sec. 8107-45.4, which may include the review of technical documents related to radio frequency emissions, alternative site analyses, propagation diagrams, and other relevant technical issues.

The use of a qualified technical expert shall be at the permittee's expense, and the cost of these services shall be levied in addition to all other applicable fees associated with the project. The technical expert shall work under a contract with and administered by the County. If proprietary information is disclosed to the County or the hired technical expert, such information shall remain confidential in accordance with applicable California laws.

### **Sec. 8107-45.9 – Temporary Wireless Communication Facilities**

A temporary *wireless communication facility*, such as a "cell-on-wheels" (COW), may be used for the following purposes: to replace *wireless communication facility* services during the relocation or rebuilding process of an existing facility, during festivals or other temporary events and activities that otherwise require a permit under this Chapter, and during public emergencies. Once the relocation or rebuilding process, temporary event, or emergency is complete, the temporary facility shall be removed from the site as soon as practicable.

A temporary *wireless communication facility* shall be processed as an accessory use under a proposed or existing County permit when used during the relocation or rebuilding process of an existing *wireless communication facility*, or when used for a festival or other temporary event or activity that otherwise requires a permit under this Chapter.

### **Sec. 8107-45.10 – Permit Modifications**

Proposed *modifications* to an existing *wireless communication facility* shall be processed in accordance with Article 11 except that the type of permit modification required shall be a Zoning Clearance, Permit Adjustment, or Minor or Major Modification as provided below.

#### **Sec. 8107-45.10.1 – Facility Modifications Subject to a Zoning Clearance**

One or more of the following *modifications* to an existing *wireless communication facility* may be processed with a Zoning Clearance:

- a. Replacement of *wireless communication facility* equipment when the design of equipment remains the same but the size of equipment decreases or remains the same.
- b. *Collocations* on an existing *wireless communication facility* that are included in and authorized by the existing permit.
- c. *Collocation* on an existing *building-concealed facility* that is subject to an existing County permit, or an increase to the size of existing *antennas* within a *building-concealed facility* that is subject to an existing County permit, when the proposed *modifications* do not result in changes to the external features of the *building-concealed facility* (such as a building's architectural features) and when the proposed *wireless communication facility* equipment remains hidden within the *building-concealed facility*.
- d. Additional equipment mounted onto an existing *wireless communication facility*, excluding *collocation*, that is attached behind and concealed by existing directional panel or dish *antenna*, or that is concealed by an existing stealth design feature. Photographic or other visual evidence shall be supplied that

demonstrates the additional equipment will not be visible from any *public viewpoint*.

- e. *Modifications* to equipment located within, and visually hidden by, an existing equipment shelter or cabinet, such as replacing parts and other equipment accessories, increasing the size of the fuel tank and modifying or replacing an existing back-up generator in compliance with permitted noise levels.
- f. New or replacement equipment cabinets or shelters that are physically located within the existing, permitted site area, and when the new or replacement equipment is screened by existing vegetation or fencing if visible from a *public viewpoint*, and when the new or replacement equipment does not generate noise that exceeds permitted levels.
- g. Non-commercial *antenna* mounted on an existing commercial or public safety *wireless communication facility* when the *antenna* is not visible from a *public viewpoint* and would not increase the height of the *wireless communication facility*.
- h. *Modifications* that constitute a *Section 6409(a) Modification*, provided that each *modification* is in conformance with Sec. 8107-45.4(h). Decisions of the *Planning Director* (or designee) on requested *Section 6409(a) Modifications* are final when rendered and are not subject to appeal pursuant to Sec. 8111-7.

**Sec. 8107-45.10.2 – Facility Modifications Subject to a Permit Adjustment**

*Modifications* to a *wireless communication facility* that cannot be processed with a Zoning Clearance, pursuant to Sec. 8107-45.10.1 above, may be processed with a Permit Adjustment, provided that the *modifications* would not alter the findings made for the existing permit (see Sec. 8111-1.2.1.1 through 1.2.1.7), nor any findings contained in the environmental document, and further provided that the proposed *modifications* satisfy each of the following criteria as applicable:

- a. New or replacement equipment cabinets or shelters would not generate noise that would exceed originally permitted levels and are not *prominently visible* from a *public viewpoint*;
- b. Alterations to the approved landscaping plan are in compliance with the standards in Sec. 8107-45.4(q) and may result in replacement vegetation or additional vegetation for screening purposes;
- c. *Modifications* to the facility design and operation would be consistent with the facility's original design and permitted conditions of approval. Proposed changes to a *stealth facility* shall retain the necessary features to ensure the facility remains stealth, as stated in Sec. 8107-45.4(i);
- d. *Modifications* would only involve grading of a previously disturbed site; and
- e. *Modifications* would not result in a replacement, *modification*, or a series of replacements or *modifications* to a *wireless communication facility* that cumulatively constitute an increase in physical dimensions of 10 percent or more in any one or more of the following:
  - Height or width of the *antenna* or associated equipment;
  - Circumference of the *antenna*, mast, or pole;
  - Distance of the *antenna* array from the support structure;
  - Volume of equipment, including but not limited to boxes, equipment sheds, guy wires, pedestals and cables; or
  - Equipment area that is enclosed by structural elements or screening devices such as *fences* and walls.

**Sec. 8107-45.10.3 – Facility Modifications Subject to a Minor or Major Modification**

*Modifications* to an existing *wireless communication facility* shall be processed as either a Minor or Major Modification if the proposed *modification* cannot be processed as a Zoning Clearance (see Sec. 8107-45.10.1) or Permit Adjustment (see Sec. 8107-45.10.2).

**Sec. 8107-45.11 – Permit Period and Expiration**

No Conditional Use Permit for a *wireless communication facility* shall be issued for a period that exceeds ten (10) years. At the end of the permit period for all *wireless communication facilities*, the permit shall expire unless the permittee submits, in accordance with all applicable requirements of this Chapter, an application for a permit modification to the Planning Division. The application requesting a permit time extension must be submitted prior to the permit expiration date, in which case the permit shall remain in full force and effect to the extent authorized by Sec. 8111-2.10.

**Sec. 8107-45.12 – Permit Time Extensions**

- a. **Time Extensions for Conditional Use Permits (CUP):** All permit time extension requests shall be processed as a Minor Modification or Major Modification pursuant to Sec. 8111-6.1. No permit time extension for a *wireless communication facility* shall be issued for a period that exceeds ten (10) years.
- b. **Wireless Communication Facility Technology Upgrades:** Whenever a permit time extension is requested for a *wireless communication facility*, the permittee shall replace or upgrade existing equipment when feasible to reduce the facility’s visual impacts and improve the land use compatibility of the facility.

**Sec. 8107-45.13 – Nonconforming Wireless Communication Facilities**

Any *wireless communication facility* rendered nonconforming solely by the enactment or subsequent amendment of the development standards stated in Sec. 8107-45.4 shall be considered a legal nonconforming *wireless communication facility* subject to the following provisions.

**Sec. 8107-45.13.1 – Modifications to Nonconforming Wireless Communication Facilities**

If a *modification*, other than a permit time extension, is proposed to a legal nonconforming *wireless communication facility*, the *modification* may be authorized through a permit modification processed pursuant to Sec. 8107-45.10 provided that both of the following apply:

- a. The *modification* itself conforms to current development standards in Sec. 8107-45.4; and
- b. The *modification* can be processed with a Zoning Clearance (see Sec. 8107-45.10.1), Permit Adjustment (see Sec. 8107-45.10.2) or Minor Modification (see Sec. 8111-6.1.2).

**Sec. 8107-45.13.2 – Permit Time Extension for Nonconforming Wireless Communication Facilities**

An existing permit for a legal, nonconforming *wireless communication facility* may be granted a one-time time extension not to exceed ten (10) years. The request must qualify for and shall be processed as a Minor Modification pursuant to Sec. 8111-6.1.2, and all of the following must apply:

- a. The facility was operated and maintained in compliance with applicable County regulations;
- b. The facility height (Sec. 8107-45.4(f)) and setbacks (Sec. 8107-45.4(g)) are within a 10 percent deviation from current standards; and



c. The facility is stealth when required by Sec. 8107-45.4.

Permit modifications granted pursuant to this Section may include, but are not limited to, conditions requiring the permittee to upgrade the legal nonconforming *wireless communication facility* in order to reduce the level of nonconformance with current development standards.

#### **Sec. 8107-45.14 – Abandonment**

A *wireless communication facility* that is not operated for a period of 12 consecutive months or more from the final date of operation shall be considered an abandoned facility. The abandonment of a *wireless communication facility* constitutes grounds for revocation of the land use *entitlement* for that facility pursuant to Sec. 8111-6.2.

#### **Sec. 8107-45.15 - Voluntary Termination**

When the use of a *wireless communication facility* is terminated, the permittee shall provide a written notification to the *Planning Director* within 30 days after the final day of use. The permittee must specify in the written notice the date of termination, the date the facility will be removed, and the method of removal.

#### **Sec. 8107-45.16 - Site Restoration**

Within one-hundred and eighty (180) days of permit revocation, permit expiration or voluntary termination, the permittee shall be responsible for removal of the *wireless communication facility* and all associated improvements, and for restoring the site to its pre-construction condition. If the permittee does not comply with these requirements, the property owner shall be responsible for the cost of removal, repair, site restoration, and storage of any remaining equipment.

(ADD. ORD. 4470 – 3/24/15)

#### **Sec. 8107-46 – Outdoor Events**

(ADD. ORD. 4526 – 7/17/18)

##### **Sec. 8107-46.1 – Purpose**

The purpose of this Sec. 8107-46 is to regulate outdoor events to ensure they are compatible with surrounding land uses and are not detrimental to public health and safety or the environment. This Sec. 8107-46 does not apply to any event that is either (a) attended by 75 or fewer total “attendees” (a term which, as used in this Sec. 8107-46, includes guests, staff, vendors, and any other persons in attendance) over the course of an event on a *lot* smaller than 250 acres, or (b) attended by 100 or fewer attendees over the course of an event on a *lot* that is either greater than 250 acres or, when combined with other contiguous *lots* under common ownership, totals 250 or more acres. This Sec. 8107-46 also does not apply to any event at which the primary event activities occur within dwellings or other structures. Whether or not an outdoor event is regulated by this Sec. 8107-46, the use of fireworks, large tents, bonfires or other structures or activities presenting a fire hazard may require approval by the Ventura County Fire Protection District.

##### **Sec. 8107-46.2 – No Authorization for Installation of Permanent Structures, Equipment or Impervious Surfaces**

The construction or installation of permanent structures, equipment or impervious surfaces shall not be authorized under this Sec. 8107-46 in conjunction with an outdoor event use.

##### **Sec. 8107-46.3 – Outdoor Events Exempt from Permitting**

No Zoning Clearance or other land use approval or *entitlement* is required under this

Chapter for an outdoor event that meets all of the following criteria. An outdoor event authorized under this Sec. 8107-46.3 shall comply with all requirements set forth below:

- a. **Criteria.** The event does not exceed the applicable attendee limit set forth below:
  - (1) For a parcel of less than five acres, the total number of attendees over the course of an event is greater than 75 but does not exceed 150, or such larger number if (i) both the event and the number of attendees are such that the use is customarily incidental, appropriate and subordinate to a principal use of the parcel and (ii) no consideration in any form is provided for allowing use of the parcel for the event; or
  - (2) For a parcel of five acres or greater, the total number of attendees over the course of an event is greater than 75 but does not exceed 250, or such larger number if (i) both the event and the number of attendees are such that the use is customarily incidental, appropriate and subordinate to a principal use of the parcel and (ii) no consideration in any form is provided for allowing use of the parcel for the event; or
  - (3) For a parcel that is either greater than 250 acres or, when combined with other contiguous parcels under common ownership, totals 250 or more acres, the total number of attendees over the course of an event is greater than 100 but does not exceed 350, or such larger number if (i) both the event and the number of attendees are such that the use is customarily incidental, appropriate and subordinate to a principal use of the parcel and (ii) no consideration in any form is provided for allowing use of the parcel for the event; and
  - (4) The event occurs on a legal *lot*.
- b. **Requirements.** The event shall comply with all of the following requirements:
  - (1) No vehicle shall be parked within a 15-foot diameter of the trunk of any Protected Tree as defined in Sec. 8107-25.2.
  - (2) Offsite vehicle parking may occur on public roads and rights-of-way only as legally permitted.
  - (3) Each event may only occur between the hours of 8:00 a.m. and 10:00 p.m. in one calendar day. If set up and/or breakdown cannot be completed on the day of the event between 8:00 a.m. and 10:00 p.m., set up may occur the day prior to the event between the hours of 8:00 a.m. and 5:00 p.m., and breakdown may occur the day after the event between the hours of 8:00 a.m. and 5:00 p.m.
  - (4) No amplified noise or music shall occur before 10:00 a.m. or after 10:00 p.m.
  - (5) No event shall occur in a Hazardous Fire Area unless and until the event host contacts the Ventura County Fire Protection District and agrees to comply with its fire hazard-related ordinances and policies for the event.
  - (6) At least one portable restroom and hand washing station shall be provided for each 50 attendees.
  - (7) All temporary lighting for the event, except for market/string lighting, shall be hooded and/or directed downward to prevent spillover.
- c. **Limitation on Number of Permit-Exempt Events.** The number of Permit-Exempt Outdoor Events that may occur pursuant to this Sec. 8107-46.3 is as follows:

- (1) For a parcel less than 250 acres, no more than five outdoor events meeting the applicable attendee limit of this Sec. 8107-46.3 are held at the parcel each calendar year; or
- (2) For a parcel that is either greater than 250 acres or, when combined with other contiguous parcels under common ownership, totals 250 or more acres, no more than ten outdoor events meeting the applicable attendee limit of this Sec. 8107-46.3 are held at the parcel each calendar year.

#### **Sec. 8107-46.4 – Conditionally Permitted Outdoor Events**

A Conditional Use Permit is required to authorize an outdoor event that is not exempt from permitting pursuant to, or does not meet all requirements set forth in, Sec. 8107-46.1 or 8107-46.3. A Conditional Use Permit may authorize up to 60 outdoor events per calendar year on a *lot* during an initial term. If the initial term is completed, a Conditional Use Permit may be renewed through a permit modification to allow up to 90 events per calendar year on the *lot* during each subsequent term. A Conditional Use Permit shall have a 5-year initial term, or such shorter term as requested by the *applicant*. If the initial term is completed, a Conditional Use Permit may be renewed through permit modifications with subsequent terms of 10 years each, or such shorter terms as requested by the *applicant*.

#### **Sec. 8107-46.5 – Processing and Consideration of Conditionally Permitted Outdoor Event Permit Applications**

- a. No application for a Conditional Use Permit pursuant to Sec. 8107-46.4 shall be accepted for processing if final violations (i.e., violations that were not timely appealed or were confirmed after timely appeal) have been issued for holding two or more outdoor events on the parcel within the previous 24 months without a Conditional Use Permit if required pursuant to Sec. 8107-46.4.
- b. Applications for all Conditional Use Permits under Sec. 8107-46.4, and applications for all *discretionary* modifications thereto, not involving legislative actions shall be processed in accordance with the time limits set forth in the Permit Streamlining Act (Gov. Code, § 65920 et seq.), regardless of whether or not the proposed outdoor event use constitutes “development” as defined by Government Code section 65927. Failure to comply with any time limit set forth in the Permit Streamlining Act shall not constitute a basis for the denial of any such permit application.
- c. The permit approval standards set forth in Sec. 8111-1.2.1.1b (Permit Approval Standards for Outdoor Events and Assembly Uses) and, if applicable to the proposed project, additional standards set forth in Sec. 8111-1.2.1.2 (Additional Standards for AE Zone), Sec. 8111-1.2.1.3 (Compliance with Other Documents), Sec. 8111-1.2.1.4 (Additional Standards for Overlay Zones), and Sec. 8111-1.2.1.7 (Additional Standards for Cultural Heritage Sites) shall be applied to all applications seeking a Conditional Use Permit pursuant to Sec. 8107-46.4 and applications for all *discretionary* modifications thereto.

(ADD. ORD. 4526 – 7/17/18)

### **Sec. 8107-47 – Regulation of Commercial Cannabis Activity**

(ADD. MEASURE O – 11/3/20)

#### **Sec. 8107-47.1 – Purpose**

The purpose of this section 8107-47 is to regulate commercial cannabis activity to ensure such activity is compatible with surrounding land uses and is not detrimental to public health and safety or the environment.

### **Sec. 8107-47.2 – Applicability**

The provisions of this section 8107-47 shall be applicable to all commercial cannabis activity.

### **Sec. 8107-47.3 – Standards**

- a. All commercial cannabis activity, as defined by section 2701, shall comply with the Development Standards set forth in section 2703.
- b. All commercial cannabis activity, as defined by section 2701, shall occur within an existing (1) permanent greenhouse, glasshouse, conservatory, hothouse, or other similar structure using light deprivation and/or one of the artificial lighting models, excluding hoop structures, or (2) other fully-enclosed structures. No commercial cannabis cultivation or nursery cultivation shall occur outdoors.
- c. Notwithstanding any other provision of this Chapter, the *Planning Director* or designee may deny a Zoning Clearance, for commercial cannabis cultivation that exceeds 500 cumulative net acres of commercial cannabis cultivation within the County.
- d. Notwithstanding any other provision of this Chapter, the *Planning Director* or designee may deny a Zoning Clearance, for commercial cannabis nursery cultivation, as defined in section 2701, which exceeds 100 cumulative net acres of commercial cannabis nursery cultivation within the County.
- e. All commercial cannabis activity is subject to the cannabis business licensing requirements set forth in Chapter 5 of Division 2 of the Ventura County Code of Ordinances.

### **Sec. 8107-47.4 – Applications, Hearings, and Appeals**

- a. Zoning Clearance applications for commercial cannabis activity are granted based upon determinations, arrived at objectively and involving little or no personal judgement, that the request complies with sections 8105-4 and 8105-5 as well as the established standards set forth in this section 8107-47. Such determinations and applications are, to the fullest extent permitted, ministerial for the purpose of, and therefore exempt from, the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.).
- b. Notwithstanding any other provision of this Chapter, no public hearing shall be conducted regarding Zoning Clearance applications for commercial cannabis activity.
- c. Decisions of the *Planning Director* or designee granting a Zoning Clearance application for commercial cannabis activity are final when rendered and are not subject to appeal pursuant to section 8111-7 or otherwise.
- d. After an *applicant*, as defined by section 2701, obtains a Zoning Clearance pursuant to this section, the county executive officer shall provide authorization to state licensing authorities that the *applicant* may proceed with the state licensing process. However, the *applicant* shall not begin commercial cannabis activities until a county business license is obtained pursuant to Chapter 5 of Division 2 of this code.
- e. The *Planning Director* or designee shall begin accepting and reviewing applications for Zoning Clearances pursuant to this section on January 1, 2021.

(ADD. MEASURE O – 11/3/20)

## **Sec. 8107-48 – Urban Parks**

The purpose of this Section 8107-48 is to regulate the design of *urban parks* to ensure compatibility with surrounding land uses and safely provide publicly accessible park and recreational opportunities.

### **Sec. 8107-48.1 – Applicability**

This section applies to *urban parks* projects, as defined in Article 2.

### **Sec. 8107.48.2 – Development Standards and Requirements**

*Urban parks* subject to this Section 8107-48 shall comply with the following standards and requirements:

#### **Sec. 8107.48.2.1 – General Standards and Requirements**

*Urban parks* shall be sited and designed to be compatible with surrounding uses, including the built environment, natural, cultural, and historic resources through the following standards and requirements. Specifically, *urban parks* shall:

- a. Utilize materials and designs that are durable, easily maintained, and can withstand detrimental effects of weather, time and active use.
- b. Comply with applicable landscaping and water conservation requirements in Section 8106-8.2. For instance, tree and shrub types shall be native and non-invasive regionally adaptive drought tolerant species (see Ventura County Landscape Design Criteria).
- c. Incorporate energy conservation and efficiency into building design to reduce lifetime energy usage with renewable energy resources, facilitation of passive ventilation, and effective use of passive thermal reduction.
- d. Site improvements that avoid sensitive biological resources, as defined in the General Plan, while including uses such as trails and nature viewing areas.
- e. Include only buildings that complement and support the park setting, such as concessions, gymnasiums, restroom facilities, and/or maintenance equipment storage facilities.

#### **Sec. 8107.48.2.2 – Urban Park Design Standards**

*Urban parks* shall comply with all applicable design standards set forth in this Section 8107-48.2.2.

##### **a. Setbacks:**

For the purposes of this section, *urban park* uses shall include, but are not limited to, sports or athletic fields or courts, non-motorized vehicle tracks or courses, playgrounds, etc.

1. With the exception of the prescribed setbacks included in this section 8107-48.2.2.a, *urban park* uses shall be located near *urban park* boundaries and be visible from the public right of way, internal driveway, and/or parking area to maximize visibility for security and accessibility for the public.
2. *Urban park* uses, other than playgrounds, on lots greater than 1.5 acres shall be:
  - i. Setback at least 15 feet from the public right of way; and
  - ii. Setback at least 25 feet from noise sensitive uses, as defined in the General Plan.
3. Playgrounds shall be setback at least:

- i. 25 feet from the public right of way; however, the required setback may be reduced to 10 feet if more than 50% of the playground is surrounded by a three-foot high wall or *see-through fence*; and
  - ii. 15 feet from adjacent *urban parks* uses and *outdoor recreational facilities*.
4. A low berm, landscape buffer, wall and/or transparent fence can be included within the setback area, where appropriate, provided it does not exceed three feet in height.
  5. For purposes of Section 8107.48.2.2.a.2, setbacks for *urban park* uses and *outdoor recreational facilities* other than playgrounds shall be measured to the edge of the nearest sideline, field perimeter, or athletic field seating.
  6. For purposes of Section 8107.48.2.2.a.3, setback distances for playgrounds shall be measured from the edge of the playground (inclusive of the playground area surface).
  7. Any structure or use not described in this Section 8107.48.2.2.a shall adhere to the underlying zone's setback requirements.

**b. Safety:**

1. *Urban parks* shall be designed for safety and to help reduce the incidence and fear of crime through well-defined user areas and by features that physically separate urban park users from potential conflicting uses, such as separating a playground from a roadway, through one or more of the following methods:
  - i. Natural surveillance (e.g., placement of physical features, activities, lights and gathering areas to maximize visibility).
  - ii. Access control (e.g., placement of walkways, fences, landscaping, gates, walls and lighting to guide visitors to the entrance or exit and discourage access to dark or unmonitored areas).
  - iii. Maintenance (e.g., clean and well-kept conditions, and removal, repair, replacement of damaged, broken, or vandalized facilities).
2. *Urban parks* shall be designed to reduce risks to users from extreme temperatures and solar exposure by incorporating active and passive thermal reduction design including, but not limited to, orientation of facilities to be cooled by prevailing breezes, low heat retention materials and surfaces, and shaded seating areas and benches. Trees are encouraged on the perimeter, particularly around playgrounds and *athletic fields*, to provide natural shade and attenuate noise.
4. When feasible *principal use* building entrances should be accessed directly from, and face, the public street. The building entrances shall be no more than 250 feet away from the edge of a parking lot, inclusive of surrounding sidewalks.

**Sec. 8107.48.2.3 – Mobility**

- a. Parking shall be provided in accordance with Article 8.
- b. Connections to existing and planned multimodal transportation networks that include roadways, pathways, trails, bicycle paths, sidewalks, and mass transit routes shall be provided to ensure easy and equitable access to *urban parks*, including primary and secondary entrances.
- c. Vehicle and pedestrian entrances shall be separated, with access designed for each user type.

- d. Adequate access for fire and emergency response, as well as for maintenance activities, shall be provided.

**Sec. 8107.48.2.4 – Noise**

- a. New noise generators proposed to be located near any noise sensitive use shall be consistent with the noise standards in the Hazards and Safety Element of the General Plan.
- b. *Outdoor recreational facilities* shall be sited to avoid conflicts with existing noise sensitive uses, and potential noise impacts on adjacent residential land uses must be minimized.

**Sec. 8107.48.2.5 – Trash and Recycling Storage**

All trash and recycling enclosures shall be consistent with the standards set forth in the Ventura County Integrated Waste Management Division’s Space Allocation Guidelines for Refuse and Recyclables Collection and Loading Areas, as may be amended.

**Sec. 8107.48.2.6 – Urban Parks Lighting**

- a. **Lighting Design:** The lighting design shall be consistent with the purpose of this section 8107.48.2.6 and minimize the effects of *light trespass* on the surrounding environment.
- b. **Outdoor Lighting:** All light poles and outdoor lighting/luminaires shall be consistent with the following standards:
  - 1. All outdoor luminaires shall be fully shielded, directed downward, and installed and maintained in such a manner to avoid light trespass beyond the lot line in excess of those amounts set forth in Section 8107-48.2.6(e) below. Lights at building entrances and under-eave lights, may be partially shielded.
  - 2. All outdoor luminaires, other than essential luminaires, shall be turned off or allowed to automatically dim from 10:00 p.m., or when people are no longer present in exterior areas being illuminated, or the close of business hours, whichever is latest, until sunrise, unless otherwise allowed by the *decision-making authority*.
  - 3. All light pole standards within or near a playing area that are not protected by a fence should have pole pads that are at least three- to six-inches thick by at least six-feet high as measured from the grade.
- c. **Security Lighting:**
  - 1. Outdoor luminaires used for security lighting shall not exceed a maximum output of 2,600 lumens per luminaire.
  - 2. Where the light output exceeds 850 lumens, motion sensors with timers programmed to turn off the light(s) no more than 10 minutes after activation must be used between 10:00 p.m. and sunrise. Restroom and building entrance lighting are exempt from timer or motion activation limits.
  - 3. Where security cameras are used in conjunction with security lighting, the lighting color may exceed 3,000 Kelvin but shall be the minimum necessary for effective operation of the security camera.
  - 4. Lights shall be present outside restrooms, at building entrances, and along primary circulation routes and pathways.
- d. **Parking Area Lighting:** Lighting provided for parking areas shall be consistent with Section 8108-5.12.
- e. **Outdoor Recreational Facility Lighting:**

1. *Outdoor recreational facility* lighting may exceed 850 lumens and 3,000 Kelvin per luminaire. Lighting levels for these facilities shall not exceed those recommended in the lighting handbook entitled "Recommended Practice: Lighting Sports and Recreational Areas" available online, and as may be amended, by the Illuminating Engineering Society of North America (IESNA) for the class of play (Sports Class I, II, III or IV).
2. In cases where fully-shielded luminaires would cause impairment to the visibility required for the intended recreational activity, partially-shielded luminaires and directional lighting methods may be utilized to reduce light pollution, glare and light trespass.
3. The lighting design (including lumens, Kelvin, etc.) shall be prepared by a qualifying engineer, architect or landscape architect in conformance with this Section 8107-48.2.6.
4. With the exception of security lighting as specified in Section 8107-48.2.6(c), and parking area lighting as specified in Section 8108-5.12, organized league events at *outdoor recreational facilities* shall not be illuminated between 10:00 p.m. and sunrise, except to complete a recreational event or activity that is in progress as of 10:00 p.m.
5. With the exception of security lighting as specified in Section 8107-48.2.6(c), and parking area lighting as specified in Section 8108-5.12, casual use of *outdoor recreational facilities* between dusk and 10:00 p.m., if allowed, shall be activated by a timer switch. For example, basketball or tennis courts would be lit independently through a timer switch activated by an "on" button. Lights shall not be allowed to be turned on between 10:00 p.m. and dawn.

**f. Allowable Light Trespass:**

Outdoor lighting shall not exceed the Quantitative *Light Trespass* Limits shown in Table 1 below, measured from the property line illuminated by the light source, whenever the project site abuts one or more of the specified zones in Table 1. If the project site abuts more than one of the specified zones in Table 1, the more restrictive standard shall apply. For example, if a project site abuts both a single-family residential zone and a multi-family residential zone, the *light trespass* limit shall be 0.1 foot-candles at the property line.

**Table 1  
(Section 8107.48.2.6(f))  
Quantitative Light Trespass Limits, by Zone**

<b>Open Space, Agriculture and Special Purpose Zones (such as OS, AE, TP) and Rural Residential and Single-family/Two-family Residential Zones (such as RA, RE, RO, R-1, R-2)</b>	
Horizontal-plane limit	0.1 <i>foot-candles</i> at property lines
Vertical-plane limit	
<b>Multi-family Residential Zones (such as RPD)</b>	
Horizontal-plane limit	0.2 <i>foot-candles</i> at property lines
Vertical-plane limit	

**g. Height Standards for Luminaires:**

1. Luminaires affixed to structures for the purpose of lighting *outdoor recreational facilities* (such as for equestrian arenas, batting cages, tennis courts, basketball courts, etc.) shall not be mounted higher than 15 feet



above the finished grade. In cases where luminaires are affixed to fences, the top of the fixture shall not be higher than the height of the fence.

2. Freestanding light fixtures used to light walkways, driveways, or hardscaping shall utilize luminaires that are no higher than two feet above finished grade.
  3. All other freestanding light fixtures shall not be higher than 20 feet above finished grade, unless specifically authorized by a discretionary permit granted under this Chapter.
- h. In the case of conflicting height standards for luminaries, the more restrictive standard shall apply.

#### **Sec. 8107.48.2.7 – Sign Program**

- a. A sign program shall describe and pictorially represent the location (on a site plan and on the elevations of any building), dimensions, color, letter style, letter height, and sign type of all signs to be installed. All new, altered, or changed signs shall conform to an approved sign program unless an amendment to that approved sign program is approved by the *decision-making authority* pursuant to Sec. 8111-6.1 of this Chapter.
- b. For *urban parks* in Designated Disadvantaged Communities, as defined in the General Plan, all onsite signs shall be in English and the next most prevalent language in the surrounding community for equitable facility use.

#### **Sec. 8107.48.3 – Application Materials**

All application submittals shall include the following plans, as applicable:

##### **Sec. 8107.48.3.1 – Lighting Plan**

All discretionary applications that include lighting shall depict on the site plan the location and manufacturer specifications that demonstrate consistency with Sections 8107.48.2.6 and 8108-5.12 of this Chapter. The permittee shall install and maintain all exterior lighting in accordance with the approved lighting plan.

##### **Sec. 8107.48.3.2 – Landscape Plan**

All discretionary applications that include landscaping shall include a landscape plan if required by Section 8106-8.2 that indicates all locations and species of plantings, trees, trails, and landscape features, and complies with the landscape plan standards pursuant to Section 8106-8.2.2.

#### **Sec. 8107-48.4 – Requirements for Urban Park Dedications**

Any *urban park* that is to be dedicated to the County of Ventura or any other public entity for park and recreational purposes shall comply with the following requirements:

##### **Sec. 8107-48.4.1 – Confirmation of Intent to Accept the Dedication**

Prior to a determination of application completeness, the County of Ventura or public entity, as applicable, shall confirm in writing its intent to accept the dedication of the proposed *urban park* after issuance of the required permits.

##### **Sec. 8107-48.4.2 – Acquisition and Improvement Agreement**

The applicant shall provide an Acquisition and Improvement Agreement approved by the County or other public entity, as applicable. The Acquisition and Improvement Agreement shall include a project description, establish a timeline for completion of *urban park*, outdoor recreation facilities, and/or gymnasium construction and identify the dates for transfer of title to the public entity. The amount of annual operation and maintenance costs shall be included in the Acquisition and Improvement Agreement.

## **Sec. 8107-48.5 – Requirements for Privately-Owned and Maintained Urban Parks**

An *urban park* that is both privately-owned and maintained shall comply with the following requirements:

### **Sec. 8107-48.5.1 - Maintenance Plan**

The applicant shall provide a Maintenance Plan to ensure that that the *urban park* is maintained in a neat and orderly manner so as not to create any blight, hazardous, or nuisance conditions. The plan shall be consistent with the project description, standards in this Section 8107-48.5 and all other applicable zoning standards.

### **Sec. 8107-48.5.2 – Funding**

The applicant shall demonstrate sufficient funding, inclusive of inflation, for physical maintenance of the *urban park* for a period of no fewer than 15 years.

### **Sec. 8107-48.5.3 – Liability Insurance**

The permittee shall maintain, for the life of the *urban park*, liability insurance of not less than \$500,000 for one person and \$1,000,000 for all persons and \$2,000,000 for property damage. This requirement does not preclude the permittee from being self-insured.

## **Sec. 8107-48.6 – Requirements for Privately-Owned Urban Park Maintained by a Public Entity**

In addition to the requirements set forth in Section 8107-48.5, a privately-owned *urban park* that will be maintained by a public entity shall demonstrate proof of an approved and executed agreement with the public entity and shall be incorporated into the land use entitlement.

## **Sec. 8107-48.7 – Decision-Making Authority to Waive Standards and Requirements**

If any of the standards and requirements set forth in Sections 8107.48.2 through 8107.48.6 cannot be met due to factors such as parcel size, unusual site conditions, or factors that would unduly serve as a prohibition on the establishment of an *urban park*, the *decision-making authority* may waive or modify such standards and requirements. A written explanation by the applicant or designee shall be required to describe how the proposed project meets the standards and intent of the sections referenced above to the maximum extent feasible.

(ADD. ORD. 4624 – 1/9/24)

# **ARTICLE 8:**

## **PARKING AND LOADING REQUIREMENTS**

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(REP. AND REEN. ORD. 4407 – 10/20/09)

### **Sec. 8108-0 - Purpose**

This Article establishes requirements for the amount, location, and design of off-street motor vehicle and bicycle parking and loading areas. As part of a balanced transportation system, these requirements are intended to promote public safety and environmental quality. Specifically, these requirements are intended to:

#### **Mobility**

- Balance the motor vehicle parking needs of development, including the range of land uses that might locate at a site over time, with the needs of pedestrians, bicyclists, transit users, and the need to preserve community character.
- Ensure that sufficient loading and unloading areas are provided for freight as well as for passengers and users of public transportation services.
- Ensure that the design of motor vehicle and bicycle parking areas facilitates safe, convenient, and comfortable movement for the driver, pedestrian, and bicyclist.
- Allow for transportation options and movement efficiency.

#### **Flexibility**

- Provide decision-making flexibility in addressing the parking needs of individual projects.
- Accommodate multiple uses of parking areas.
- Accommodate changing transportation technology and trends, as well as innovative uses of parking infrastructure.

#### **Resource Conservation**

- Encourage reduced driving and the use of alternative modes of transportation—thereby reducing traffic congestion, air pollution, and greenhouse gas emissions.
- Avoid installation of excess motor vehicle parking spaces.
- Minimize the use of impervious surfaces.
- Reduce the adverse environmental effects of motor vehicle parking areas, including increased and contaminated stormwater runoff, the urban heat island effect, and resource consumption.

#### **Human-Scaled Urban Form**

- Reduce the adverse effects of motor vehicle parking areas on neighborhood design, including the consumption of land for a low-value use; non-compact, sprawling development; and creation of an urban form that discourages walking.
- Ensure that the design of motor vehicle and bicycle parking areas is attractive, efficient, and reduces the visual dominance of pavement.
- Create pleasant neighborhoods designed at a human-scale for human needs (e.g., walking) vs. developments designed primarily around the needs of automobiles.

## **Sec. 8108-1 – Applicability**

### **Sec. 8108-1.1 – New Uses**

Every new land use shall have appropriately maintained off-street parking and loading facilities in compliance with the provisions of this Article.

### **Sec. 8108-1.2 – Changes to or Expansions of Existing Land Uses**

Changes to or expansions of existing land uses shall have appropriately maintained off-street parking and loading facilities in compliance with the provisions of this Article as outlined below.

In order to determine if the change or expansion of the existing land use requires additional motor vehicle parking spaces, the number of parking spaces required by the existing land use (prior to the expansion or change) per Section 8108-4.7 below is compared to the number of parking spaces required by the change or expansion to the land use based on Section 8108-4.7 below, regardless of whether the existing use was established prior to or after adoption of this Article and regardless of the existing number of motor vehicle parking spaces at the land use.

#### **Sec. 8108-1.2.1 – Changes to or Expansions of Existing Land Uses That Do Not Require Additional Motor Vehicle Parking Spaces**

When a change to or expansion of a land use does not require additional motor vehicle parking spaces per Section 8108-1.2 above, modifications to the existing parking spaces or parking area are not required, except that any required short-term bicycle parking must be installed.

#### **Sec. 8108-1.2.2 – Changes to or Expansions of Existing Land Uses That Require Additional Motor Vehicle Parking Spaces**

a. Land Uses that Meet Current Motor Vehicle Parking Space Requirements. Land uses that require additional motor vehicle parking spaces per Section 8108-1.2 above, and that meet the requirements in Section 8108-4.7 below for number of motor vehicle parking spaces, shall comply with the provisions of this Article as follows:

- (1) For land uses with 52 or fewer existing motor vehicle parking spaces, and when 4 or fewer new motor vehicle parking spaces are required, only the additional required motor vehicle parking spaces shall be required to comply with all the provisions of this Article. In addition, short-term bicycle parking requirements shall be met.
- (2) For land uses with 52 or fewer existing motor vehicle parking spaces, and when 5 or more new motor vehicle parking spaces are required, all provisions of this Article shall be met for the new and existing parking spaces and/or parking area.
- (3) For land uses with 53 or more existing motor vehicle parking spaces, and when the number of additional motor vehicle parking spaces required is 9 percent or less of the existing number of motor vehicle parking spaces, only the additional required spaces are required to comply with all the provisions of this Article. In addition, short-term bicycle parking requirements shall be met.
- (4) For land uses with 53 or more existing motor vehicle parking spaces, and when the number of additional motor vehicle parking spaces required is 10 percent or more of the existing number of motor vehicle parking, all provisions of this Article shall be met for the entire parking area.

b. Land Uses that Do Not Meet Current Motor Vehicle Parking Space Requirements. Land uses that require additional motor vehicle parking spaces

per Section 8108-1.2 above, and that do not meet the requirements in Section 8108-4.7 below for number of motor vehicle spaces, shall provide the additional motor vehicle parking spaces required by the change or expansion, and meet all other provisions of this Article for the new and existing parking spaces and/or parking area.

**Exception. A single-family or two-family dwelling that does not meet current parking requirements for number of motor vehicle spaces may be expanded if all of the following conditions exist:**

- (1) The dwelling has at least 1 motor vehicle parking space; and
- (2) The existing *lot* configuration does not allow for a second space or does not allow for access to a second space; and
- (3) The driveway provides a minimum of 20 feet from the property line to the existing covered space that can be utilized as a parking space; and
- (4) The proposed addition otherwise conforms to the provisions of this Chapter.

**If the gross floor area of the dwelling, including the expansion but excluding garage space, will be 1,000 square feet or less, then compliance with (b)(1) and (b)(3) of this subsection is not required.**

## **Sec. 8108-2 – Authority of Planning Director to Modify or Waive Requirements**

The *Planning Director* (Director) may waive or modify the requirements of this Article as indicated, but only if such modifications or waivers are supported by written findings of fact in the final project approval letter showing how the modification or waiver of parking or loading requirements for the particular project meets all of the following:

- Is consistent with the purposes of this Article and Section 8101-4.10 regarding Director interpretation of requirements and standards; and
- Will not adversely affect existing or potential land uses adjoining, or in the general vicinity of, the project site; and
- Is supported by substantial evidence in light of the whole record before the Director.

## **Sec. 8108-3 - General Requirements**

### **Sec. 8108-3.1 - Use of Parking Spaces**

- a. Required covered and uncovered parking spaces shall be available for the temporary parking and maneuvering of vehicles as appropriate to the land use they are intended to serve unless otherwise provided herein.
- b. Required parking spaces shall not be converted to other uses or used for the sale, lease, display, repair, or storage of vehicles, trailers, boats, campers, mobile homes, waste containers, merchandise, equipment, or any other use not authorized by the provisions of this Chapter.
- c. Required parking spaces at automobile repair providers, service stations, or similar land uses shall not be used for the storage of vehicles for repair or servicing.
- d. Multiple uses of parking areas, such as off-hours uses, are encouraged and may be approved if the primary purpose of the parking area is not compromised.
- e. Excess motor vehicle parking spaces may either remain as motor vehicle parking spaces or be converted to bicycle parking spaces, motorcycle parking spaces, landscaping, or other allowable uses.

### **Sec. 8108-3.2 - Maintenance**

The permittee and property owner must ensure that required parking and loading areas and associated facilities are permanently maintain in good condition as determined by the Director and in compliance with permit conditions. This maintenance requirement includes but is not limited to curbs, directional markings, accessible parking symbols, screening, pavement, signs, striping, lighting fixtures, landscaping, and trash and recyclables receptacles.

### **Sec. 8108-3.3 - Proximity to Land Use**

Required parking spaces shall be located on the same site as the building or land use they serve or off-site pursuant to Section 8108-3.3.1 below.

#### **Sec. 8108-3.3.1 - Off-site Parking**

Off-site parking for non-residential land uses may be provided at a site remote from the land use if all of the following conditions can be met:

- a. The off-site parking area is located within 500 feet of the land use to be served. The distance from the off-site parking area to the land use to be served shall be measured along a sidewalk or other pedestrian pathway from the nearest off-site parking space to the nearest public entrance to the building.
  - (1) *Planning Director* Waivers/Modifications. The Director may approve the provision of off-street parking spaces at a site more than 500 feet from the land use to be served if the *applicant* can demonstrate to the Director that such off-site parking will actually be used as intended. Evidence of this may be the provision of shuttle or valet service between the parking area and the land use to be served, or similar arrangements.
- b. The *applicant* provides documentation demonstrating that the off-site parking area is capable of meeting parking demand for both the land use to be served and any other land uses that may utilize the off-site parking area.
- c. The off-site parking area meets the design standards of Section 8108-5.
- d. The off-site parking area can be accessed easily from the primary land use and does not expose pedestrians to hazardous traffic safety conditions or create a traffic hazard.
- e. The number of off-site parking spaces assigned to the property to be served does not exceed the allowed number of parking spaces for the land use.

#### **Sec. 8108-3.3.2 - Off-site Parking Agreements**

The following requirements shall apply whenever the motor vehicle parking required by this Article is not located on the same site as the land use it serves.

- a. The *lot* or part of a *lot* on which the parking is provided shall be legally encumbered by a recorded restrictive covenant to ensure continued use of the *lot* or part of a *lot* for motor vehicle parking. The restrictive covenant shall be recorded with the Ventura County Recorder so that it appears on the subject property's title. The restrictive covenant shall include the following provisions:
  - (1) The County of Ventura must be named as the beneficiary of the restrictive covenant.
  - (2) The restrictive covenant may not be released or terminated without the prior notice and written consent of the Director.
  - (3) The restrictive covenant shall include the persons and addresses of the other land uses sharing the parking.
  - (4) The restrictive covenant shall include the location and number of parking spaces that are being shared.

- b. If the *lot* designated for off-site parking is under different ownership from the subject *lot*, a legal contract between the property owners is required to evidence the existence of a contractual right to use the *lot* as an off-site parking area. Any such contract shall provide for and assign the responsibility for operating and maintaining the facility to the applicable party. The contract shall contain a provision that indemnifies and holds the County harmless from any and all claims or damages relating to the operation or maintenance of the parking area. The County of Ventura shall be named as an intended third party beneficiary to the contract.
- c. The owner of the property shall place and maintain permanent, weatherproof signs providing clear and easy-to-follow directions for access to and from the off-site parking location.
  - (1) There shall be 1 sign at each site or parking area entrance. The signs may be placed at building entrances or other appropriate locations if it is demonstrated that such placement would provide superior information to parking users.
  - (2) Information on the signs shall be readable by a person seated in a vehicle at the nearest driveway. Use of graphics (e.g., maps and arrows) is encouraged to supplement written directions.
  - (3) Signs shall be placed and designed pursuant to the provisions of Article 10 and are subject to approval by the Director.

**Sec. 8108-3.4 – Accessory Parking and Storage of Large Commercial Vehicles**

The accessory parking and storage of commercial vehicles with a gross vehicle weight greater than 10,000 pounds, including attendant trailers and/or equipment, is allowed in residential, agricultural, or open space zoned *lots*, but only if the *applicant* demonstrates one of the following:

- a. The vehicle is required for emergency purposes and is either a government vehicle or under contract to a governmental entity; or
- b. The *lot* on which the vehicle is located is at least 1 acre in size and a waiver has been received pursuant to Section 8111-1.1.2; or
- c. The *lot* on which the vehicle is located is at least 1 acre in size and the vehicle is parked in an enclosed structure; or
- d. The vehicle is used for agricultural production, shipping, or delivery associated with the agricultural land use on the *lot* on which the vehicle is located.

**Sec. 8108-3.5 - Solar Structures**

The installation of solar photovoltaic or hot water systems on canopies or other structures over parking areas/spaces is encouraged and allowable, but only if such *structures* do not violate any required setback, *height*, or *building lot coverage* restrictions, or obstruct any required fire apparatus access lanes. Solar structures shall be compatible in scale, materials, color, and character with the surrounding building(s) and background. (AM. ORD. 4618 - 7/25/23)

**Sec. 8108-3.6 – Green Roofs**

The installation of *green roofs* on *structures* over parking areas/spaces is encouraged and allowable, but only if such *structures* do not violate any required setback, *height*, or *building lot coverage* restrictions, or obstruct any required fire apparatus access lanes. *Green roofs* shall be compatible in scale, materials, color, and character with the surrounding building(s) and background. The use of any *invasive* or *watch list*

*species* as inventoried by the California Invasive Plant Council is prohibited. *Green roof* plant material and irrigation systems shall be installed pursuant to the *MWELO* where applicable (see Section 8106-8.2.1(b)). (AM. ORD. 4618 - 7/25/23)

## **Sec. 8108-4 - Number of Parking Spaces Required**

### **Sec. 8108-4.1 - Calculation of Required Parking**

- a. Except as otherwise provided, when calculating the number of required parking spaces results in a fraction, such fractions shall be rounded to whole numbers pursuant to Section 8101-4.8.
- b. When calculating required parking spaces based on gross floor area or sales and display area, areas used for parking are not included.
- c. Motor vehicle parking requirements may be increased or decreased by 10 percent from the basic rates shown in Section 8108-4.7 - Table of Parking Space Requirements by Land Use, but this adjustment shall be used only once. For example, determining if additional parking is required for a change to a land use involves comparing the parking required for the proposed use with the parking required for the current use. In this case, the basic parking rate may be adjusted by up to 10 percent for the proposed use or the current use, but not both.
- d. Whenever requirements (e.g., bicycle or carpool parking spaces) are based upon the number of motor vehicle spaces, these shall be calculated based on the number of required motor vehicle spaces before any subtraction of spaces has occurred for provision of motorcycle spaces, and after any adjustments pursuant to Section 8108-4.8.
- e. When the number of required parking spaces for motor vehicles or bicycles is calculated based upon the number of employees or students, and the number of employees or students is not known at the time of permit application, the Director shall determine the parking requirements based upon the gross floor area, type of land use, or other appropriate factors. The number of employees shall mean the number of employees on the largest shift and the number of students shall mean the maximum number of students expected onsite at any one time.
- f. When the number of required parking spaces is calculated based upon the number of seats and seats are provided by benches or the like, 2 feet shall be considered one seat.
- g. When there are 2 or more separate primary land uses on a site, the required number and type of off-street parking spaces shall be the sum of the requirements for the various individual land uses, unless otherwise provided for in Section 8108-4.6.
- h. Mechanical parking lifts may be used to meet motor vehicle parking requirements.

### **Sec. 8108-4.2 - Motorcycle Parking**

At least 1 designated space for the parking of motorcycles or other two-wheeled motorized vehicles shall be provided for every 20 automobile parking spaces provided. Every required motorcycle parking space provided shall count toward fulfilling 1 required automobile parking space. Existing parking areas may be converted to take advantage of this provision, provided the converted spaces do not exceed the 1 motorcycle space per 20 automobile space ratio. Land uses that require additional motorcycle parking in excess of this ratio may, with Director approval, convert required automobile parking spaces to motorcycle spaces if the converted automobile spaces are designed and kept available for future conversion back to the automobile spaces.



### **Sec. 8108-4.3 - Bicycle Parking**

A minimum number of bicycle parking spaces shall be provided, as set forth in Section 8108-4.7. Where there are 2 or more separate primary land uses on a site, the required bicycle parking for the site is the sum of the required bicycle parking for each of the individual land uses.

#### **Sec. 8108-4.3.1 – Planning Director Waivers/Modifications**

The Director may reduce the number of required bicycle parking spaces when the *applicant* demonstrates that providing the otherwise required bicycle parking spaces is not practical because of the remote project location, or because the nature of the land use precludes the use of bicycle parking spaces. The Director may also defer the requirement to provide bicycle parking spaces, but only if the subject permit includes an enforceable commitment by the property owner to supply such deferred bicycle parking spaces as may be needed in the future.

### **Sec. 8108-4.4 - Accessible Parking for Disabled Persons**

Accessible parking for disabled persons shall be provided in compliance with the California Building Standards Code (California Code of Regulations, Title 24) and the Americans with Disabilities Act. Accessible parking is included in the total number of motor vehicle parking spaces required by this Article.

### **Sec. 8108-4.5 - Carpool Parking**

The requirement to provide carpool parking spaces is intended to encourage carpooling, but should not result in parking spaces that consistently go unused.

- a. Number of Spaces. For all land uses, 1 carpool or vanpool parking space shall be provided for every 35 employees employed at the site. Carpool or vanpool parking spaces shall be reserved until 1 hour after the employees' work shift begins, after which they may be open to single-occupancy vehicles. In addition, for professional, vocational, art and craft schools, colleges, universities and the like, 1 out of every 25 student parking spaces on a site shall be reserved for carpool or vanpool parking at all times. This requirement does not preclude designation of more than the minimum required number of carpool spaces.
- b. Signs. Signs shall be posted clearly indicating carpool and vanpool restrictions.
- c. Planning Director Waivers/Modifications. The Director may modify or waive carpool parking requirements when the *applicant* demonstrates that the nature of the land use precludes carpooling.

### **Sec. 8108-4.6 - Shared Parking**

Shared use of required motor vehicle parking spaces is allowable where 2 or more land uses on the same or separate sites are able to share the same parking spaces because their parking demands occur at different times. Shared use of required parking spaces may be allowed if an analysis is provided to the satisfaction of the Director, using an authoritative methodology, documenting the parking demand for each land use by hour-of-day, showing that the peak parking demands of the land uses occur at different times, and demonstrating that the parking area will be large enough for the anticipated demands of all the land uses that utilize the shared parking area. The *lot* or part of a *lot* on which the parking is provided shall be legally encumbered by a recorded restrictive covenant to ensure continued availability of the shared parking spaces for all the land uses that utilize the shared parking area. When shared parking is provided at an off-site location, the requirements of Section 8108-3.3.2 shall be met.

**Sec. 8108-4.7 - Table of Parking Space Requirements by Land Use**

The table below indicates the number of required off-street motor vehicle and bicycle parking spaces that shall be provided for various land uses. For non-residential land uses, the number of motor vehicle parking spaces set forth in the table, plus or minus 10 percent of the total, represents the minimum required and the maximum allowed number of spaces, unless varied pursuant to Section 8108-4.8 below. For residential land uses the number of motor vehicle parking spaces set forth in the table represents the minimum required number of spaces, unless varied pursuant to Section 8108-4.8 below.

The number of motor vehicle parking spaces required in this section is intended to address the needs of residents, employees and regular users of an establishment. The number is not intended to reflect the need for parking large delivery trucks, vans or buses; storage of vehicle inventory; or other specialty parking needs related to the operation of specific land uses.

The Director has the authority to determine the parking space requirements for any land use not specifically listed based on the requirements for the most comparable land use.

<b>LAND USE</b>	<b>MOTOR VEHICLE SPACES REQUIRED</b>	<b>BICYCLE SPACES REQUIRED</b>
<b>AGRICULTURAL LAND USES</b>	<b>+/- 10% of the total</b>	
Buildings for the Packing or Processing of Agricultural Products	1 space per 500 sq. ft. of GFA	
Agricultural Contractor’s Service and Storage Yards and Buildings	As determined by decision-making body	
Agricultural Sales Facilities		
<i>Small</i>	Minimum of 3 spaces	
<i>Large</i>	1 space per 250 sq. ft. of GFA	ST: Minimum of 2 spaces
Greenhouses & Hothouses	2 spaces per acre, plus spaces required for associated offices or retail; minimum of 3 spaces. Or as determined by decision-making body.	LT: 1 space per 30 employees
Agricultural Uses not Otherwise Listed	As determined by decision-making body	As determined by decision-making body
<b>COMMERCIAL AND INSTITUTIONAL LAND USES</b>	<b>+/- 10% of the total</b>	
Assembly Uses	First 3,000 sq. ft. of GFA – 1 space per 125 sq. ft.; plus Over 3001 sq. ft. of GFA – 1 space per 550 sq. ft.; plus Auditorium or main assembly room - 1 space per 70 sq. ft. of GFA; plus Spaces as needed for accessory uses - as determined by decision-making body	ST: 10% of required motor vehicle spaces

<b>LAND USE</b>	<b>MOTOR VEHICLE SPACES REQUIRED</b>	<b>BICYCLE SPACES REQUIRED</b>
Automobile Repairing	1 space per 250 sq. ft. of GFA for office or retail space. Service bays, workstations and vehicle storage shall not be counted toward meeting the motor vehicle parking space requirements	LT: 1 space per 25 employees ST: 3% of required motor vehicle spaces
Automobile Service Stations		
<i>Without Retail</i>	1 space. Fueling stations shall not be counted toward meeting the motor vehicle parking space requirements.	ST: 3% of required motor vehicle spaces; minimum of 1
<i>With Retail</i>	1 space, plus 1 space per 250 GFA of retail use. Fueling stations shall not be counted toward meeting the motor vehicle parking space requirements.	ST: 3% of required motor vehicle spaces; minimum of 1
Banks and Financial Institutions	1 space per 250 sq. ft. of GFA	LT: 1 space per 30 employees ST: 5% of required motor vehicle spaces
Bars and Taverns	See "Eating Establishments"	See "Eating Establishments"
Bowling Alleys	3 spaces per bowling lane	LT: 1 space per 25 employees ST: 8% of required motor vehicle spaces
Camps and Retreats	As determined by decision-making body	As determined by decision-making body
Campgrounds	1 space per campsite or table, plus 2 spaces per 25 campsites, plus spaces required for any accessory uses	As determined by decision-making body
Car Washes	As determined by decision-making body	LT: 1 space per 25 employees
Community Centers	See Assembly Uses	See Assembly Uses
Eating Establishments	Up to 5,000 sq. ft. of GFA: Either 1 space per 90 sq. ft. of GFA including outdoor customer dining area, or 1 space per 2.4 seats, as determined appropriate by the decision-making body Over 5,001 sq. ft. of GFA: Either 1 space per 145 sq. ft. of GFA including outdoor customer dining area, or 1 space per 3.2 seats, as determined appropriate by the decision-making body	LT: 1 space per 25 employees ST: 10% of required motor vehicle spaces
Education and Training		

<b>LAND USE</b>	<b>MOTOR VEHICLE SPACES REQUIRED</b>	<b>BICYCLE SPACES REQUIRED</b>
<i>Elementary and Middle School</i>	1 space per 8 students of planned capacity	LT: 1 space per 30 employees ST: 1 space (gated) per 12 students, above first grade, of planned capacity
<i>High Schools</i>	1 space per 4 students of planned capacity	LT: 1 space per 30 employees ST: 1 space (gated) per 16 students of planned capacity
<i>Boarding Schools</i>	As determined by decision-making body	As determined by decision-making body
<i>Professional, Vocational, Art and Craft Schools, and the Like</i>	1 space per 4 students of planned capacity	LT: 1 space per 30 employees ST: 8% of required vehicle spaces
<i>Colleges and Universities</i>	1 space per 4 students of planned capacity	LT: 1 space per 30 employees plus 1 space per dormitory unit ST: 10% of required vehicle spaces
Feed Stores	1 space per 300 sq. ft. of sales or display area (excludes storage areas not used by the public)	
Furniture and Appliance Stores Handling Primarily Bulky Merchandise	1 space per 500 sq. ft. of sales or display area (excludes storage areas not used by the public)	LT: 1 space per 25 employees
Golf Courses and Driving Ranges		
<i>Golf Course</i>	3 spaces per hole	LT: 1 space per 25 employees ST: 2% of required motor vehicle spaces
<i>Driving Range</i>	1 space per tee	
<i>Commercial Use</i>	1 space per 300 sq. ft. of GFA	
<i>Eating or Drinking Establishment</i>	See "Eating Establishments"	
Grocery Store	As determined by decision-making body	LT: 1 space per 25 employees ST: 10% of required motor vehicle spaces
Gymnasiums, Health Clubs, Spas, and Similar Land Uses (does not apply to gymnasiums associated with schools or institutions)	1 space per 250 sq. ft. of GFA.	LT: 1 space per 25 employees ST: 10% of required motor vehicle spaces
Lodging		
<i>Hotels, Motels, and Similar Uses</i>	1 space per unit, plus 1 additional space per 20 units	LT: 1 space per 25 employees ST: 1 space per 1,000 sq. ft. of GFA of banquet and meeting room space; minimum of 2 spaces
<i>Bed-and-Breakfast Inns and Similar Land Uses, Having Sleeping Rooms or Areas</i>	Spaces required for the dwelling, plus 1 space per rented room.	ST: 2 spaces

<b>LAND USE</b>	<b>MOTOR VEHICLE SPACES REQUIRED</b>	<b>BICYCLE SPACES REQUIRED</b>
Libraries	1 space per 300 sq. ft. of GFA	LT: 1 space per 25 employees ST: 8% of required motor vehicle spaces
Lumber and Building Materials Sales Yards	1 space per 550 sq. ft. of sales or display area (excludes storage areas not used by the public)	LT: 1 space per 25 employees ST: 3% of required motor vehicle spaces
Medical Services		
<i>Hospitals</i>	2.5 spaces per bed	LT: 1 space per 25 employees ST: 3% of required motor vehicle spaces
<i>Residential Care Facility (7 or more persons)</i>	0.5 spaces per bed	LT: 1 space per 15 residents (not required if the care facility is for people unable to use bicycles, such as convalescents or the physically disabled) and 1 space per 25 employees (enclosed garages/storage lockers are acceptable) ST: 1 space per 20 residents
<i>Intermediate Care Facilities</i>	1 space per bed	LT: 1 space per 25 employees ST: 3% of required motor vehicle spaces
<i>Offices: Medical, Health Clinic, Dental</i>	1 space per 200 sq. ft. of GFA	LT: 3% of required motor vehicle spaces or 1 space per 30 employees (as determined appropriate by decision-making body) ST: 3% of required motor vehicle spaces; minimum of 1 space
Motor Vehicle, Mobilehome, Recreational Vehicle, and Boat Sales and Rental (includes Trailers)	As determined by decision-making body	LT: 1 space per 25 employees ST: 3% of required motor vehicle spaces
Museums, Art Galleries	As determined by decision-making body	LT: 1 space per 25 employees ST: 6% of required motor vehicle spaces
Offices, Professional and Government	1 space per 300 sq. ft. of GFA	LT: 3% of required motor vehicle spaces or 1 space per 30 employees (as appropriate per <i>Planning Director</i> ) ST: 3% of required motor vehicle spaces
Outdoor Sales and Services, Temporary	As determined by decision-making body.	
Parking Facilities		ST: 5% of required motor vehicle spaces
Parks, Natural and Urban (AM. ORD. 4624 – 1/9/24)		

<b>LAND USE</b>	<b>MOTOR VEHICLE SPACES REQUIRED</b>	<b>BICYCLE SPACES REQUIRED</b>
<i>Without Buildings</i>	Minimum of 5 spaces If gross acreage of the park is less than 1.0-acre, then no motor vehicle parking is required.	ST: 10% of required motor vehicle spaces. If no vehicle parking is required, then the number of spaces shall be determined by the decision-making body.
Principal Buildings open to the public	Minimum of 5 spaces, plus 1 space per 300 sq. ft. of <i>GFA</i> .	
<i>Without Athletic Fields</i>	As determined by decision-making body	
<i>With Athletic Fields</i>	1 parking space per 3,000 sq. ft. of field area, plus 1 space per 6 linear feet of seating area; minimum of 20 spaces	
Plant Nurseries, Retail	1 space per 550 sq. ft. of sales or display area (excludes storage areas not used by the public)	LT: 1 space per 25 employees ST: 3% of required motor vehicle spaces
Plant Nurseries, Wholesale	Minimum of 3 spaces; plus additional as determined by decision-making body	LT: 1 space per 25 employees
Public Service/Utility Facility Land Uses (Electrical Substations, Pump Stations, etc.) and Public Utility Buildings		
<i>Offices</i>	1 space per 300 sq. ft. of <i>GFA</i>	LT: 1 space per 30 employees
<i>Other Buildings or Land Uses</i>	As determined by decision-making body	
<i>Automated and Unattended</i>	None	
Rental and Leasing of Durable Goods	1 space per 500 sq. ft. of sales or display area (excludes storage areas not used by the public)	
RV Parks	1 space per campsite or table, plus 2 spaces per 25 campsites, plus parking required for any accessory uses	As determined by decision-making body
Shopping Center	As determined by decision-making body	LT: 1 space per 10,000 sq. ft. of <i>GFA</i> ST: 1 space per 4,000 sq. ft. of <i>GFA</i> ; minimum of 1 space within 100 ft. of each customer entrance
Theaters, Amphitheaters and Similar Spectator-type Enterprises and Establishments		
<i>With Fixed Seats</i>	1 space per 4 fixed seats	LT: 1 space per 25 employees ST: 1 per 110 fixed seats; minimum of 4 spaces

<b>LAND USE</b>	<b>MOTOR VEHICLE SPACES REQUIRED</b>	<b>BICYCLE SPACES REQUIRED</b>
<i>Without Fixed Seats</i>	1 space per 4 persons of planned capacity	LT: 1 space per 25 employees ST: 1 per 75 persons of planned capacity; minimum of 4 spaces
Transit Stations and Terminals	As determined by decision-making body	As determined by decision-making body
Veterinary Clinics	1 space per 200 sq. ft. of GFA	LT: 1 space per 25 employees ST: 2% of required motor vehicle spaces
Commercial Land Uses Not Otherwise Listed	1 space per 250 sq. ft. of GFA or as determined by decision-making body	As determined by decision-making body
<b>INDUSTRIAL LAND USES</b>	<b>+/- 10% of the total</b>	
Laboratories; Research and Scientific	1 space per 250 sq. ft. of GFA	LT: 1 space per 30 employees
Manufacturing and Processing (includes slaughtering)	1 space per 500 sq. ft. of GFA	LT: 1 space per 25 employees
Mini-storage	Minimum of 2 spaces; plus additional as determined by decision-making body	
Warehousing (includes freight terminals)	1 space per 1,500 sq. ft. of GFA, plus spaces required for associated office space and loading bays	LT: 1 per 60,000 sq. ft. of GFA or 1 per 25 employees (as appropriate per Planning Director)
Waste and Recycling Facilities	As determined by decision-making body	LT: 1 per 25 employees
Industrial Land Uses Not Otherwise Listed	1 space per 500 sq. ft. of GFA	LT: 1 per 25 employees
<b>RESIDENTIAL LAND USES</b>	<b>Minimum Required</b>	
Boarding Houses or Single Room Occupancy (SRO) Units	1 space per unit, plus parking required for single-family dwelling unit	LT: 1 space per 8 rented rooms (enclosed garages/storage lockers are acceptable) ST: 1 space per 20 residents
Animal Caretaker or Farmworker Dwelling Units	1 space for 1 bedroom or less 2 spaces for 2-4 bedrooms 3 spaces for 5 bedrooms	
Farmworker Housing Complexes	See Section 8108-4.7.1	
Group Quarters for Farmworkers	1 space for every 4 beds	

<b>LAND USE</b>	<b>MOTOR VEHICLE SPACES REQUIRED</b>	<b>BICYCLE SPACES REQUIRED</b>
Homeless Shelters	0.2 spaces per resident plus 1 space per employee and volunteer on largest shift, plus 1 space per vehicle used in the operation of the shelter. Up to 25% of the required spaces may be held in reserve or converted to a land use related to the shelter, such as additional bicycle parking, which can be readily reverted back to motor vehicle parking at a later date.	LT: 1 space per 8 residents and 1 space per 25 employees (enclosed garages/storage lockers are acceptable) ST: 1 space per 15 residents
Mobilehome Parks		
<i>Resident Parking</i>	2 spaces per unit	
<i>Visitor Parking (required if internal streets are less than 32 feet wide)</i>	1 space for each 4 units, in addition to parking spaces required for residents	
Multi-Family Dwelling Units	See Sec. 8108-4.7.1	
Accessory Dwelling Units (AM. ORD. 4519-2/27/18; AM. ORD. 4615 - 2/7/23)	1 covered/uncovered space (in addition to the spaces required for the primary dwelling unit)  No additional parking is required for accessory dwelling units that meet the provisions of Sec. 8107-1.7.4 or Sec. 8107-1.7.5(c)(1)	
Junior Accessory Dwelling Units (ADD. ORD. 4615 - 2/7/23)	No parking is required for a Junior Accessory Dwelling Unit	
Single-Family and Two-Family Dwellings <sup>1</sup>		
<i>1-4 Bedrooms (per unit)</i>	2 covered <sup>2</sup> spaces	
<i>5 Bedrooms (per unit)</i>	3 spaces (2 shall be covered <sup>2</sup> )	
<i>6 or More Bedrooms (per unit)</i>	4 spaces, (2 shall be covered <sup>2</sup> )	

(ST: Short-term bicycle parking spaces, generally bike rakes.

LT: Long-term bicycle parking spaces, generally enclosed lockers.)

<sup>1</sup> Replacement parking for the principal dwelling unit, as a result of the garage being demolished or converted to an accessory dwelling unit, may be located in any configuration on the same lot as the accessory dwelling unit and as uncovered or tandem spaces, pursuant to Sec. 8107-1.7.1(d) and Sec. 8107-1.7.2(h). (ORD. AM. 4519-2/27/18)

<sup>2</sup> Except that on parcels larger than 1 acre located in OS, AE, RA, RE, RO, and TP zones, parking may be uncovered.

**Sec. 8108-4.7.1 Table of Parking Space Requirements for Multi-Family Dwelling Units**

Parking for multi-family dwelling units shall be covered, except for visitor parking, and all parking on parcels larger than 1 acre in the OS, AE, RA, RE, RO, and TP zones. The number of required spaces depends upon both the number of bedrooms



and whether provided parking is assigned or unassigned, as indicated in the table below.

Living Unit Size	Motor Vehicle Spaces Required (per unit) by Type of Parking			Required Visitor Parking (per unit)
	No Assigned Parking	1 Assigned Space or 1- Car Garage	2 Assigned Spaces or 2- Car Garage	
Studio	1.0 space	1.33 spaces	2.0 spaces	0.25 spaces
One Bedroom	1.25 spaces	1.4 spaces	2 spaces	0.25 spaces
Two Bedrooms	1.5 spaces	1.7 spaces	2.2 spaces	0.25 spaces
Three or More Bedrooms	2.0 spaces	2.15 spaces	2.3 spaces	0.25 spaces
Each Additional Bedroom	0.20 space	0.20 space	0.20 space	

### **Sec. 8108-4.8 - Adjustments to Number of Motor Vehicle Parking Spaces Required**

The Director may adjust the number of off-street parking spaces required in Section 8108-4.7 by up to 20 percent for a particular project so that the parking supply of individual land uses better corresponds with actual parking demand, but only if such an adjustment to the required parking spaces is commensurate with the land use's demonstrated parking demand and pursuant to the requirements below.

#### **Sec. 8108-4.8.1 –Reductions in Number of Motor Vehicle Parking Spaces Required**

An *applicant* may use one or more of the following measures and approaches to justify a reduction in the number of required motor vehicle parking spaces. Additional justifications may be considered by the Director or designee. (AM. ORD. 4577 – 3/9/21)

- a. Parking Study. *Applicant* funds and provides a parking study to assess the land use's parking needs. Parking studies shall be prepared by a person/firm qualified to prepare such studies, as determined by the Director.
- b. Transportation Demand Management Plan. *Applicant* funds and prepares a Transportation Demand Management plan to reduce motor vehicle trips to the land use. Transportation Demand Management plans shall be prepared by a person/firm qualified to prepare such plans, as determined by the Director. Such plans shall provide documentation describing the measures that will be used to reduce parking demand. Such measures may include, but are not limited to:
  - (1) Locating a project within 1,500 feet of a stop for bus, rail, shuttle, or other public transit services.
  - (2) Installing transit stops or enhancing existing adjacent transit stops by incorporating additional landscaping, shelters, informational kiosks, or other amenities.
  - (3) Locating the project adjacent to a designated bicycle route or path.
  - (4) Improving existing bicycle routes and paths in the vicinity of the project.
  - (5) Providing employees with a parking cash-out option.
  - (6) Providing residents or employees with transit passes.

- (7) Providing shuttle services for employees, visitors, or residents.
- (8) Creating ridesharing programs.
- (9) Charging for parking.
- (10) Improving the pedestrian environment surrounding the project by the provision of sidewalks, marked crosswalks, additional landscaping, street furniture, lighting, and/or other safety features.
- (11) Allowing flexible work schedules or telecommuting.
- (12) Providing on-site amenities, which could include daycare, restaurants, and/or personal services such as banking or dry cleaning.
- (13) Installing additional bicycle parking facilities above the minimum requirements. Requirements for this reduction include:
  - i. Bicycle parking spaces shall meet the short- and long-term bicycle parking standards outlined in Section 8108-6.
  - ii. For every 4 bicycle parking spaces provided above the minimum requirement, the amount of motor vehicle parking spaces provided may be reduced by 1 space, up to a maximum reduction of 6 percent of required motor vehicle spaces. Existing parking may be converted to take advantage of this provision.
- (14) Providing shower and locker facilities. The provision of showers and associated lockers may be provided in lieu of required motor vehicle parking under some circumstances. Requirements for this reduction include:
  - i. The number of showers provided shall be based on demonstrated demand. At least 6 lockers for personal effects shall be provided per shower and shall be located near showers and dressing areas. Lockers shall be well ventilated and of a size sufficient to allow the storage of cycling attire and equipment. Showers and lockers should be located as close as possible to the bicycle parking facilities.
  - ii. For every 2 showers (1 per gender) and 6 clothing lockers per shower provided, the amount of motor vehicle parking spaces provided may be reduced by 3 spaces, up to a maximum reduction of 3 percent of required motor vehicle spaces. Existing parking may be converted to take advantage of this provision.
- (15) Other measures to encourage transit use or to reduce parking needs.
  - c. Affordable or Senior Housing. The total number of spaces required may be reduced for affordable (low income, very low income, extremely low income) or senior housing units, commensurate with the reduced parking demand created by the housing facility, including for visitors and accessory facilities. The reduction shall consider proximity to transit and support services and the Director may require traffic demand management measures in conjunction with any approval.
  - d. Drive-Through Land Uses. A reduction in the required number of parking spaces may be approved if documentation is provided which demonstrates to the satisfaction of the Director that the required number of parking spaces will not be needed due to the drive-through nature of the land use.
  - e. On-Street Parking. The availability of on-street parking spaces contiguous with the proposed land use's parcel(s) may be considered by the Director in

approving a request to reduce the required number of off-street parking spaces.

- f. Parking Reserve. When parking spaces required by this article are not needed by the current land use occupants or are not needed in the current phase of development, the land for those spaces may be held in reserve. For non-residential land uses this parking reserve shall be limited to 1 parking space or up to 10 percent of the total number of required parking spaces, whichever is greater. The parking reserve area shall be included in the determination of *lot* coverage as though the spaces were in use. To take advantage of reserved parking, the following provisions shall be met:
- (1) The *applicant* must demonstrate that the reduced number of parking spaces will be adequate to provide sufficient parking for the land uses on the property.
  - (2) The area designated as reserve parking must be clearly depicted on the approved site plan, and the terms and conditions of the reserved parking shall be clearly set forth in the approved site plan notations.
  - (3) For nonresidential land uses, landscaping must be provided in lieu of the required parking spaces in compliance with Section 8108-5.14 and Section 8106-8.2. (AM. ORD. 4577 – 3/9/21)
  - (4) The reserved parking spaces must be maintained in a manner that leaves them available for conversion to required parking spaces. No above-ground improvements shall be placed or constructed upon the reserve parking area.
  - (5) The permit shall be conditioned to require the conversion of the reserved spaces into usable parking spaces at any time that the Director determines necessary.

**Sec. 8108-4.8.2 - Parking Space Reduction Documentation**

The *applicant* shall provide documentation that describes the proposed parking reduction and identifies the parties responsible for implementing any parking measures associated with the proposed reduction. The documentation shall discuss the estimated parking demand for the land use, describe how parking demand will be met with the requested reduction, explain how the proposed measures will effectively decrease parking demand at the site, and include proposed performance targets for parking. Documentation shall demonstrate how adjusting the amount of parking provided will not impact neighboring or nearby land uses. Required documentation shall include information regarding specific parking reduction measures as described in Section 8108-4.8.1. Required documentation may also include existing parking counts, parking counts at similar land uses, and calculation of future parking demand based on industry standards.

- a. Monitoring Reports. Monitoring reports shall be submitted to the Director 3 years after building occupancy and again 6 years after building occupancy. Monitoring reports shall note the effectiveness of the proposed measures as compared to the initial performance targets, and provide suggestions for modifications if necessary to enhance parking and/or trip reductions. Where the monitoring reports indicate that performance measures are not met, the Director may require further program modifications or the provision of additional parking.
- b. Recordation. As a condition of approval of the parking reduction, the property owner, if different than the *applicant*, may be required to record agreements or restrictive covenants on the subject property prior to issuance of a land use

permit to ensure that appropriate measures are implemented to justify the parking reduction.

### **Sec. 8108-4.8.3 - Increases to the Number of Motor Vehicle Parking Spaces Required**

In order for the Director to approve an increase to the number of parking spaces provided for a land use over the number of motor vehicle parking spaces required by Section 8108-4.7, both of the following provisions must be met:

- a. Parking Study. *Applicant* funds and provides a parking study demonstrating that the number of motor vehicle parking spaces required by Section 8108-4.7 is inadequate for the land use. Parking studies shall be prepared by a person/firm qualified to prepare such studies as determined by the Director.
- b. Other Options Explored. The project *applicant* provides documentation to the Director demonstrating that the *applicant* has fully explored all other options for meeting parking demand without increasing the number of parking spaces, including utilizing shared parking, remote parking, and demand reduction measures.

## **Sec. 8108-5 - Motor Vehicle Parking Design Standards**

The following standards shall apply to all proposed off-street motor vehicle parking areas/spaces, except for temporary parking areas.

### **Sec. 8108-5.1 - Parking Plans**

Applications for land use developments that include parking areas shall include a detailed parking plan(s) with a corresponding preliminary grading and drainage plan. These plans shall be prepared by a California-licensed civil engineer, and shall clearly illustrate compliance with all applicable requirements of this Article. The *applicant* shall submit these plans to the Public Works Agency Director and the Building and Safety Division Director for their approval prior to issuance of any land use *entitlement*.

### **Sec. 8108-5.2 - Stormwater Management**

Parking area design shall be in compliance with the Division 7 of the California Water Code, and in accordance with conditions and requirements established by Ventura County's National Pollutant Discharge Elimination System (NPDES) Permit and Ventura County Stormwater Quality Management Ordinance No. 4142. Larger parking areas may be required to submit a hydrology and hydraulics report to the Public Works Agency to demonstrate compliance with stormwater management requirements. Parking area design should incorporate methods of accommodating infiltration or filtration of stormwater onsite through use of pervious pavements, vegetated drainage swales, bioretention areas, tree box filters, dry swales, or other means.

### **Sec. 8108-5.3 - Location**

Off-street parking areas and spaces shall be located in the following manner:

#### **Sec. 8108-5.3.1 – Behind or Beside Buildings**

To promote attractive urban form and facilitate pedestrian circulation, the preferred location of required parking areas (when provided above ground) relative to the street is as follows:

- First priority: to the rear of buildings or land uses.
- Second priority: to the side of buildings or land uses.
- Last priority: in front of buildings or land uses.

**Sec. 8108-5.3.2 - Parking in Setbacks**

Parking in setbacks is limited by Sections 8106-5.3, 8107-1.7 (f), and 8108-1.2.2(b) of this Chapter. Except as provided for in these sections, required uncovered single or two-family residential parking spaces shall not be located within the front set back.

**Sec. 8108-5.3.3 - Motorcycle Parking**

Motorcycle parking spaces shall be located as close as practical to the building entrance, but not closer than the spaces for disabled persons.

**Sec. 8108-5.3.4 - Carpool Parking**

Carpool parking spaces shall be located as close as practical to the building entrance, but not closer than the spaces for disabled persons.

**Sec. 8108-5.3.5 - Bicycle Parking**

See Section 8108-6.3.

**Sec. 8108-5.3.6 – Floodways and Floodplains**

- a. Parking areas are prohibited in Federal Emergency Management Agency (FEMA) designated regulatory floodways.
- b. Parking areas located in a FEMA designated 1 percent annual chance floodplain (100-year floodplain) are subject to special design requirements pursuant to the Ventura County Floodplain Management Ordinance as administered by the Public Works Agency and Watershed Protection District. These requirements may include, but are not limited to, flood warning signage, design measures to contain motor vehicles in the parking area in the event of a flood, special lighting, mechanical and electrical system design requirements, and fencing restrictions.

**Sec. 8108-5.4 - Circulation**

**Sec. 8108-5.4.1 - Cross Access**

Cross access is encouraged between adjacent sites in commercial, industrial, and multi-family housing developments. A joint cross access agreement between 2 or more participating adjacent property owners must be executed where cross access is provided so that cross access between the properties is legally established, enforceable and maintained. This joint cross access agreement must be approved by the Director, recorded by the parties to the agreement and run with the respective properties.

**Sec. 8108-5.4.2 - Pedestrian Safe Access**

- a. Parking areas serving commercial, institutional, and multi-family land uses shall not impede safe and direct pedestrian access from the street or sidewalk to building entrances.
- b. At least 1 pedestrian pathway shall be provided from the street or sidewalk to the primary building entrance. If not completely separated from vehicular traffic, pedestrian pathways shall be clearly designated using a raised surface, distinctive paving, bollards, special railing, or similar treatment. Such pathways shall be in compliance with the California Building Standards Code (California Code of Regulations, Title 24) and the Americans with Disabilities Act. Pathways shall be designed to have minimal direct contact with traffic and prevent parked vehicles from overhanging the pathways. The use of pervious surface materials for pedestrian pathways is encouraged.
- c. Where feasible, parking rows shall be perpendicular to the main building entrance(s) or main pedestrian pathway(s) to assist safe pedestrian movement toward the building.

- d. Where cross access is provided, it shall be designed, established, and maintained so that internal drive aisles, parking spaces, and pedestrian paths assure safe pedestrian access to adjacent land uses, and adjacent parking areas.
- e. Where pedestrian routes cross driveways such crossings shall be clearly marked.
- f. If parking is designed to allow vehicle overhang into a pedestrian pathway, the pathway width shall be increased by at least 2 feet. Pedestrian pathways adjacent to a building shall be in compliance with the California Building Standards Code (California Code of Regulations, Title 24) and the Americans with Disabilities Act.

**Sec. 8108-5.4.3 - Fire Apparatus Access**

Approved fire apparatus access roads shall be provided when required by the Ventura County Fire Protection District. Generally this requirement is triggered when any facility or portion of the exterior walls of the first story of a building is located more than 150 feet from an existing public street or approved fire apparatus access driveway. For the purposes of this requirement, the term facility includes recreational vehicles, mobile home and manufactured housing parks, and sales and storage *lots*.

**Sec. 8108-5.4.4 - Adequate Turning Radii**

All internal circulation and queuing areas shall be designed to accommodate the turning radii of the vehicles that will be using the site, pursuant to the design criteria of the American Association for State Highway and Transportation Officials (AASHTO) and/or Institute of Transportation Engineers (ITE).

**Sec. 8108-5.4.5 - Contained Maneuvering**

Parking areas shall be designed so that motor vehicles will exit onto a public street in a forward direction, unless approved otherwise by the Public Works Agency Transportation Director. Circulation of vehicles among parking spaces shall be accomplished entirely within the parking area. The Director may waive or modify this requirement in consultation with the Public Works Agency Transportation Director when the *applicant* can demonstrate that it is not appropriate to the land use or location.

**Sec. 8108-5.4.6 Short Parking Rows**

Parking areas should be divided both visually and functionally into smaller parking courts. Interior rows of parking spaces shall be no more than 270 feet in length, inclusive of landscape planters but not including cross aisles or turnarounds. The Director may waive or modify this requirement when the *applicant* can demonstrate that it is not appropriate to the land use or location.

**Sec. 8108-5.4.7 - Dead Ends Minimized**

Dead-end drive aisles shall be avoided or otherwise minimized.

**Sec. 8108-5.4.8 - Directional Signs**

Maneuvering areas within parking areas shall be clearly marked with directional signs or painted arrows to ensure the safe and efficient flow of vehicles, bicycles, and pedestrians.

**Sec. 8108-5.5 - Driveways**

**Sec. 8108-5.5.1 - Driveway Width**

- a. Portion Within Right-of-Way: Driveway width shall be the minimum necessary to provide access to the land use consistent with the Ventura County Road Standards, Ventura County Fire Protection District requirements, or the latest edition of Caltrans' Standard Plans, as appropriate.

- b. Portion Outside Right-of-Way: Driveway widths shall be minimized where possible.

**Sec. 8108-5.5.2 - Number of Driveways**

Each site is limited to 1 driveway unless the Public Works Agency Transportation Director determines that more than 1 driveway is required to handle traffic volumes or specific designs, such as residential circular driveways. Additional driveways shall not be allowed if they are determined to be detrimental to traffic flow and the safety of adjacent public streets. Whenever a property has access to more than 1 road, access shall be limited to the lowest traffic-volume road whenever possible.

**Sec. 8108-5.5.3 - Shared Driveways**

The number of driveways should be minimized where feasible by the use of shared driveways between adjacent properties. A joint access agreement between 2 or more participating adjacent property owners must be executed where driveways are shared, so that shared driveway access by the properties is legally established, enforceable and maintained. This joint access agreement must be approved by the Director, recorded by the parties to the agreement properties and run with the respective properties.

**Sec. 8108-5.5.4 - Driveways Clearly Designated**

Parking areas shall be designed to prevent entrance or exit at any point other than driveways. Appropriate barriers and entrance and exit signs shall be provided within parking areas. Stop signs that comply with Manual on Uniform Traffic Control Devices (MUCTD) standards and shall be installed at all exits from parking areas.

**Sec. 8108-5.6 - Parking Area and Space Dimensions**

**Sec. 8108-5.6.1 - Planning Director Waivers/Modifications**

The Director may waive or modify motor vehicle parking design standards when the *applicant* can demonstrate that the required motor vehicle parking design standard is not appropriate to the land use or location.

**Sec. 8108-5.6.2 - Space Angle**

Ninety-degree parking, which uses the least amount of pavement per parking space, is preferred wherever possible.

**Sec. 8108-5.6.3 - Standard Spaces**

Each standard parking space shall be 9 feet wide by 18 feet long, with the following exceptions:

- a. The length of the parking space may be decreased by 2 feet where parking spaces face into landscape planters so that the concrete curb around the planter functions as the wheel stop, allowing motor vehicles to overhang the landscape planter. Use of such a bumper overhang reduces impervious surfaces and is encouraged. Plant material and irrigation equipment in the outside 2 feet of these landscape planters shall conform to the requirements of Section 8108-5.14. Utilization of a bumper overhang shall not allow a vehicle to extend into or over a pedestrian pathway or drive aisle.
- b. Required parking space dimensions do not apply if mechanical parking lifts are used to stack cars.
- c. The width of parking spaces may be reduced to 8 feet on legal *lots* that are less than 26 feet wide and where 2 or more parking spaces are required.
- d. The Director may approve an increase to the width or length of parking spaces for land uses that cater to larger vehicles such as trucks, shuttles, or vans.

- e. Parking space width shall be increased by 6 inches to 9 feet 6 inches (114 inches) if adjacent on 1 side to a wall, fence, hedge, or structure; and by 1 foot 6 inches to 10 feet 6 inches (126 inches) if adjacent on both sides to a wall, fence, hedge, or structure.

**Sec. 8108-5.6.4 - Motorcycle Spaces**

Each motorcycle parking space shall be a minimum of 4 feet wide by 8 feet long.

**Sec. 8108-5.6.5 - Compact Spaces**

Up to 30 percent of the total parking spaces required for low-turnover, nonretail parking areas serving primarily employees, residents, or students may be provided as compact spaces. Each compact space shall be a minimum of 8 feet 6 inches wide by 16 feet long and be clearly designated for compact vehicles.

**Sec. 8108-5.6.6 - Parallel Spaces**

The minimum size of a parallel parking space shall be 8 feet 6 inches wide by 22 feet long.

**Sec. 8108-5.6.7 - Bicycle Spaces**

See Section 8108-6 – Bicycle Parking Design Standards.

**Sec. 8108-5.6.8 - Clear Height in Parking Structures**

At least 1 floor in parking structures shall be designed with a minimum height of 8 feet 3 inches to allow for vanpool vehicles and accessible parking for disabled persons.

**Sec. 8108-5.6.9 - Dead End Turnout**

Where drive aisles terminate at a dead-end, adequate provision shall be made for vehicles to turn around. Depending on the situation, this may be satisfied by provision of at least 6 feet between the end of parking rows and the end of the drive aisle.

**Sec. 8108-5.6.10 - Drive Aisles and Modules**

Parking area drive aisles and modules shall be designed following the standard dimensions included in the table in Section 8108-5.6.11 and the figure in Section 8108-5.6.12 and as required to meet Section 8108-5.4. The Director may approve wider aisles when appropriate for truck maneuvering. Two-way aisles are permitted in conjunction with 90-degree and parallel spaces only.

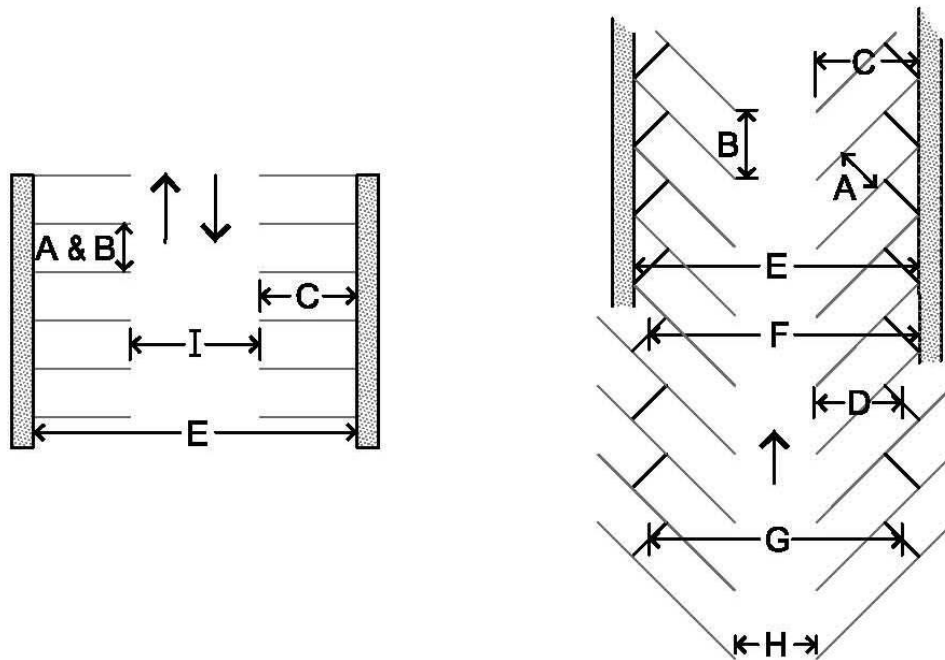
**Sec. 8108-5.6.11 – Table of Parking Area Layout Dimensions**

Angle	Stall Width (A)	Stall Width, parallel to aisle (B)	Stall Length, perpendicular to aisle		Module Width			Aisle Width	
			Wall to Aisle (C)	Interlock to Aisle (D)	Wall to Wall (E)	Wall to Interlock (F)	Interlock to Interlock (G)	One-way (H)	Two-way (I)
<b>Standard Space (9 x 18)<sup>1</sup></b>									
90	9.0	9.0	18.0	18.0	60.0	60.0	60.0	24	24
75	9.0	9.3	19.7	18.5	60.0	58.9	57.7	21.6	NA
60	9.0	10.4	20.1	17.8	55.5	53.3	51.0	15.3	NA
45	9.0	12.7	19.1	15.9	48.5	45.3	42.1	10.3	NA

<sup>1</sup>Parking area design for full rows of compact spaces shall be reviewed on a case-by-case basis.



**Sec. 8108-5.6.12 – Figure 1: Parking Area Layout Dimensions**



**Sec. 8108-5.7 - Tandem Parking**

Required parking may be provided in tandem for residential land uses with the following restrictions:

- a. Tandem parking shall not be more than 2 cars in depth.
- b. Both tandem spaces shall serve the same dwelling unit.
- c. For multi-family residential dwellings, tandem parking may be provided to meet up to 50 percent of the required parking spaces.

**Sec. 8108-5.8 - Slope**

Accessible parking spaces for disabled persons shall be in compliance with the California Building Standards Code (California Code of Regulations, Title 24) and the Americans with Disabilities Act requirements for slope. All other parking spaces shall slope no more than 5 percent in any direction and no less than 0.5 percent in the direction of drainage. The slope in drive aisle and turnaround areas shall be no more than 10 percent.

**Sec. 8108-5.8.1 – Planning Director Waivers/Modifications**

The Director, in consultation with the Public Works Agency Transportation Director, may modify slope requirements, but not for disabled person accessible parking spaces, when appropriate given site constraints.

**Sec. 8108-5.9 - Surfaces**

- a. The surface of all required uncovered off-street motor vehicle parking spaces, aisles, driveways and loading areas shall be constructed and maintained with permanent all-weather, load-bearing pervious or impervious surfacing material sufficient to prevent mud, dust, loose material, and other nuisances. The use of pervious surfaces is encouraged to facilitate on-site infiltration of stormwater. To

reduce heat generation from parking area surfaces, the use of light-colored/high-*albedo* surfaces is encouraged.

- b. The surface of fire apparatus access driveways shall meet the requirements of the Ventura County Fire Protection District.
- c. The surface of the portion of driveways in the right-of-way shall meet the requirements of the Ventura County Road Standards or the latest edition of Caltrans' Standard Plans, as appropriate.
- d. Ribbon driveways outside of the right-of-way may be installed as an alternative to fully paved driveways, subject to the approval by the Ventura County Fire Protection District.

**Sec. 8108-5.9.1 – Surfacing Plans**

When pervious surfaces are used, the parking area plans shall document that:

- a. The pervious materials have been designed to support anticipated vehicle weights and traffic volumes.
- b. The pervious materials have been designed to minimize surface cracking, crumbling, eroding, and other maintenance problems for the pervious surface as well as any adjacent surfaces or structures.

Pervious surfaces used for parking spaces in single- and two-family dwellings or other parking *lots* with less than 5 spaces are not subject to the above documentation requirements.

**Sec. 8108-5.10 – Parking Space Marking**

Parking spaces within parking areas shall be clearly marked with paint striping or another durable, easily distinguishable marking material. Space marking shall be maintained in good condition.

**Sec. 8108-5.10.1 – Exception**

Parking areas surfaced with gravel or other aggregate materials are exempt from space marking requirements.

**Sec. 8108-5.11 - Clear Visibility and Safety**

Clear visibility of and between pedestrians, bicyclists, and motorists shall be assured when entering individual parking spaces, when circulating within a parking area, and when entering and exiting a parking area.

- a. Each driveway shall be constructed and maintained pursuant to the sight distance requirements of the Ventura County Road Standards or Caltrans, as appropriate.
- b. Landscaping at any interior parking area intersection shall not obstruct a driver's vision of vehicle and pedestrian cross traffic.
- c. With the exception of trees, landscaping adjacent to pedestrian pathways shall be no more than 3 feet in height.

**Sec. 8108-5.12 - Lighting**

Lighting shall be provided for all parking areas in compliance with Section 8106-8.6 and the following:

- a. Parking areas that serve night-time users shall be lighted with a minimum 1 foot-candle of light at ground for security.
- b. All lights in parking areas that serve non-residential land uses, except those required for security per subsection (a) above, shall be extinguished at the end of

the working day. Lights may be turned on no sooner than 1 hour before the commencement of working hours.

- c. Light poles shall be located so as not to interfere with motor vehicle door opening, vehicular movement or accessible paths of travel. To the extent possible light poles shall be located away from existing and planned trees to reduce obstruction of light by tree canopies. Light poles shall be located outside of landscape finger planters, end row planters, and tree wells. Light poles may be located in perimeter planters and continuous planter strips between parking rows.
- d. Any light fixtures adjacent to a residential land use or residentially zoned *lot* shall be arranged and shielded so that the light will not directly illuminate the *lot* or land use. This requirement for shielding applies to all light fixtures, including security lighting.
- e. In order to direct light downward and minimize the amount of light spilled into the dark night sky, any new lighting fixtures installed to serve above-ground, uncovered parking areas shall be full cut-off fixtures as defined by the Illuminating Engineering Society of North America (IESNA). New lighting fixtures installed for parking area canopies or similar structures shall be recessed or flush-mounted and equipped with flat lenses.

### **Sec. 8108-5.13 - Trash and Recyclables Receptacles**

At least 1 trash and 1 recyclables receptacle shall be provided for parking area users for the first 20 motor vehicle parking spaces, and 1 trash and 1 recyclables receptacle for every 80 spaces thereafter. Receptacles shall be enclosed to prevent access by animals and wind, placed in convenient, high-visibility locations, and serviced and maintained appropriately.

### **Sec. 8108-5.14 - Landscaping and Screening**

#### **Sec. 8108-5.14.1 - Purpose**

These landscaping and screening requirements are intended to:

- Reduce potential negative effects of parking areas on adjacent land uses.
- Provide visual relief from pavement and motor vehicles.
- Soften and screen parking area edges.
- Provide a visual barrier between vehicle headlights and street traffic.
- Mitigate atmospheric heating from pavement through shading.
- Create pleasant pedestrian conditions.
- Provide retention, filtration and/or infiltration of stormwater.
- Channel and define logical areas for pedestrian and vehicular circulation.

#### **Sec. 8108-5.14.2 - Applicability**

- a. Unless otherwise noted herein, all parking areas shall comply with the landscaping and screening requirements of this section and Sections 8106-8.2.1, 8106-8.2.2, 8106-8.2.3, and 8106-8.2.8. Section 8106-8.2.7 shall apply to any parking areas containing manufactured slopes. Underground parking is exempt from these requirements.
- b. Planning Director Waivers/Modifications. The *Planning Director* or designee may grant modifications and waivers to landscaping requirements where existing structures or irregularly configured *lots* preclude implementation of the requirements, or where compliance would result in the loss of existing required parking spaces due to site size restrictions. The *Planning Director* or

designee shall seek a compromise between reducing the amount of required parking and reducing the amount of required landscaping. Water use efficiency must be incorporated into all landscape designs. Any modification or waiver shall meet or exceed the requirements of the MWELD when it is applicable to the project (see Section 8106-8.2.1(b)). In granting modifications, the *Planning Director* or designee shall prioritize the provision of landscaping as follows: (1) First priority - the provision of landscape screening adjacent to streets and (2) Second priority - the provision of shade trees.

The *Planning Director* or designee may allow the following modifications where there are space constraints or other unique circumstances associated with the site:

- (1) Perimeter Landscaping and Screening, Adjacent to Streets. The Director may allow the use of smaller perimeter planters or waive these requirements, except there shall be no waiver of these requirements for any project that is located across the street from residential zones or land uses.
- (2) Interior Landscaping. If the *applicant* can demonstrate that compliance with interior landscaping requirements would result in the loss of existing required parking spaces, the Director may modify the interior landscaping requirement. Whenever feasible, the Director shall require a minimum of some interior landscaping with priority given to planting shade trees. The Director may also approve acceptable substitutions for interior landscaping, such as:
  - i. Use of a light-colored/high-*albedo* (minimum of 0.3) paving surface, or use of a pervious paving surface pursuant to Section 8108-5.9.1. Such surfaces may be substituted for landscaping at a rate of three times the area required for landscaping.
  - ii. Installation of public art at the site, such as a mural or sculpture. Such art should complement its surroundings in terms of scale, materials, form, and content, and shall not contain advertising. Public art shall conform to height and setback standards. The art should be designed to last as long as the related building or structure and be vandal/theft resistant. Maintenance of public art shall be the responsibility of the property owner and permittee. Public art pieces must be approved by the Director.
  - iii. Shading in the form of canopies with solar photovoltaic or hot water systems, off-site trees and structures, sidewalk canopies and other shade structures.

### **Sec. 8108-5.14.3 - Perimeter Landscaping and Screening**

- a. Adjacent to Streets. Where parking areas are not visually screened from any adjacent public or private street by an intervening building or structure, the following requirements apply:
  - (1) Planter Width. A minimum 8-foot-wide (inside dimension, inclusive of any bumper overhang) landscape planter shall be provided between the street and the parking area, except at driveways, pedestrian pathways, and other pedestrian spaces.
  - (2) Screening Materials and Height. Visual screens, measuring three feet in height from the top of the pavement, shall be provided. Where the ground level adjoining the street is below street grade, the visual screen height may be reduced by the difference in levels. Where the ground level adjoining the street is above street grade, the visual screen height may

be reduced as determined appropriate by the *Planning Director* or designee.

The visual screen shall be composed of a berm or solid wall, plus plant material that softens the look and breaks up the expanse of the screen. Plant material may be used as the main screening element only if a minimum of 50 percent of the plants are of 15-gallon container size when planted, the rest are of 5-gallon container size, and the plants form a dense hedge. Where walls are used, the preferred location is in the middle of the 8-foot planter so that the planter may also serve as a bumper overhang and so that trees may be planted on both sides of the wall. Walls may also be placed behind the plant material, relative to the street.

Where earth berms are used, the berm slope shall be a maximum of 1 foot of rise for every 3 feet of linear distance (3:1 horizontal to vertical).

- (3) Trees and Shrubs. Trees shall be provided at a minimum rate of one for each 30 linear feet of landscape planter or fraction thereof, and at least one per planter. Shrubs shall be provided as needed to meet screening requirements, but no less than one for every five linear feet of landscape planter or fraction thereof. See Section 8106-8.2.3 for additional tree and shrub planting requirements.
  - (4) Large Projects. Parking areas with more than 100 motor vehicle spaces shall provide a concentration of landscape elements at primary entrances, including specimen trees, flowering plants, and special design elements. Public art may be used, and is encouraged, in conjunction with these elements. Such art should meet the provisions of Section 8108-5.14.2(a)(ii).
  - (5) Bus Shelters. Bus shelters may be located within the perimeter landscape planters, but shall not be placed so as to reduce the number of required trees.
  - (6) Public Art. Public art may be provided in perimeter landscape planters that are viewable by the general public, in lieu of two required trees. Such art shall meet the provisions of Section 8108-5.14.2(a)(ii).
- b. Adjacent to Residential Land Uses. Where parking areas and associated driveways adjoin residentially zoned property or ground-floor residential land uses, a solid masonry wall at least six feet in height shall be installed and maintained along the property line. Said wall shall not be more than three feet in height within the front setback of the abutting residentially zoned property.
  - c. Side and Rear Property Lines. Perimeter planters are encouraged where a parking area or driveway adjoins a side or rear property line. Side and rear perimeter planters shall be a minimum of two feet wide (inside dimension) when the planters do not include trees and a minimum of four feet wide (inside dimension) when the planters include trees.

#### **Sec. 8108-5.14.4 - Interior Landscaping**

Parking areas shall include interior landscaping as outlined below. Parking structures and covered parking spaces are exempt from these specific requirements but may be conditioned on a case-by-case basis to ensure that the purposes of this section are met.

- a. Amount Required. Interior landscaping shall account for ten percent of the parking area, excluding the area of required perimeter landscaping.
- b. Tree Spacing. Trees shall be spaced out evenly throughout the parking area in order to maximize shading of pavement. At a minimum, one shade tree shall

be provided in interior planters for every four adjacent motor vehicle parking spaces (eight total spaces in double-sided parking rows) or equivalent area of motorcycle spaces.

c. Interior Planter Dimensions.

Finger Planters. Finger planters are planters adjacent to the long side of parking spaces. Finger planters shall measure at least five feet wide (inside dimension) by the length of the parking space and shall contain one tree in single-sided rows and two trees (one per side) in double-sided rows.

Tree Wells. Tree wells shall be sized in accordance with Section 8106-8.2.3 (d)(3) and (4).

Strip Planters. Strip planters in front of or between rows of parking spaces shall measure at least four feet wide (inside dimension).

d. Pedestrian-Orientated Design. Landscaping shall be designed so that pedestrians are not likely to cross landscape planters to reach building entrances from parked vehicles. This may be achieved through orientation of the landscape planters away from pedestrian pathways, use of pedestrian pathways or barriers to keep pedestrians out of planters.

e. Preferred Layout. The preferred layout of interior landscaping of parking areas is set forth below. The *Planning Director* or designee shall consider this preferred layout, together with any site constraints, in approving parking area *landscape plans*.

(1) Ends of Parking Rows. The ends of each row of parking spaces should be separated from drive aisles, driveways, or buildings by a finger planter (as described in subparagraph (2) below) or sidewalk.

(2) Double-sided Parking Rows. One finger planter with two trees (one per row) per 12 adjacent spaces, or fraction thereof, should be provided. Between finger planters either two tree wells (one per eight spaces) or a continuous planter containing two trees (one per eight spaces) should be provided.

(3) Single-sided Parking Rows. One finger planter with one tree per 16 adjacent spaces, or fraction thereof, should be provided. Between finger planters either two tree wells (one per four spaces) or a continuous planter containing two trees (one per four spaces) should be provided.

(4) Adjacent to On-Site Buildings. Where a parking area or driveway is adjacent to a building on the same site, the area should be separated from the building by a landscaped planter at least four feet wide.

**Sec. 8108-5.14.5 – Stormwater Management Landscaping**

Stormwater management landscape planters in parking areas shall meet the following criteria:

a. Their location shall not interfere with the movement of vehicles, pedestrians, or bicycles.

b. The designed water flow shall not cause erosion of infrastructure or damage to other required parking area features.

c. They may count toward required parking area landscaping if the following criteria are met:

(1) The stormwater management landscaping does not compromise the number, type, size, location, or health of the required trees. Required trees shall be planted well above the flow line of basins or channels.

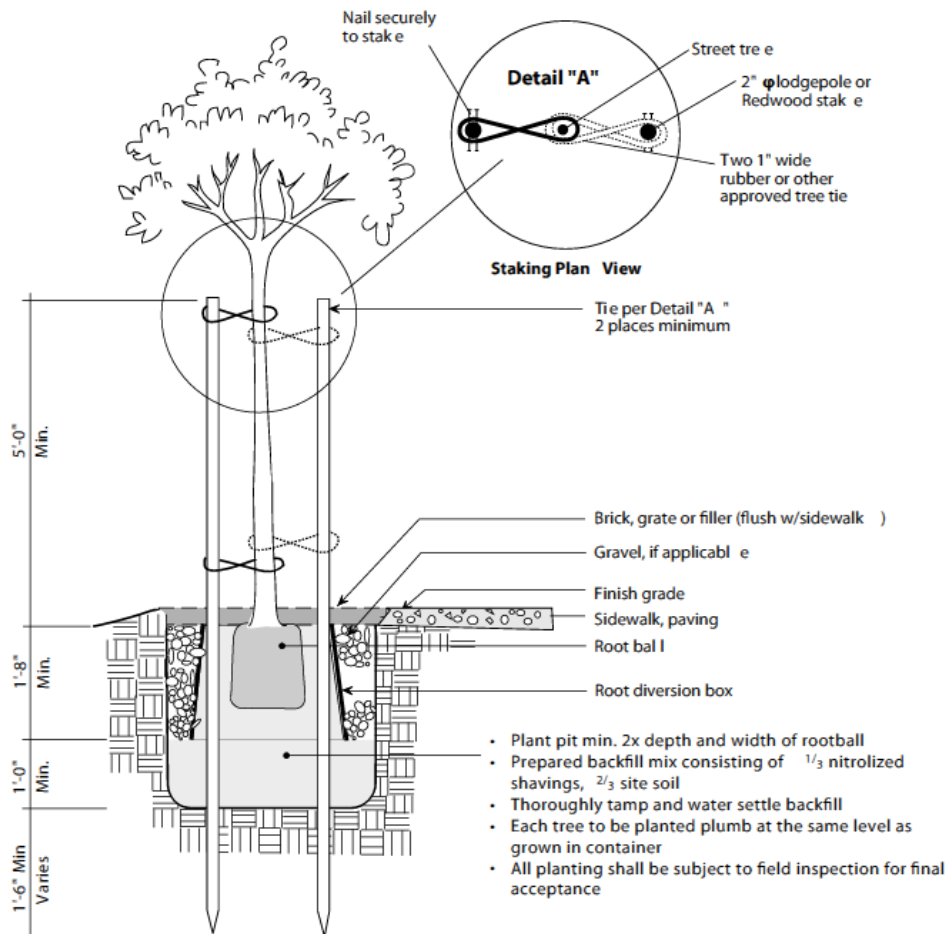
- (2) The stormwater management landscaping does not compromise the screening, shading, or other purposes of Section 8108-5.14.1.
- (3) The stormwater management landscaping is consistent with Sections 8106-8.2.3 and 8106-8.2.7, where applicable.
- (4) Planters containing trees shall be a minimum of eight feet wide (inclusive of bumper overhang).

**Sec. 8108-5.14.6 - Trees**

- a. Tree installation shall meet the requirements of Section 8106-8.2.3.
- b. The largest mature tree size shall be planted wherever feasible with respect to the current uses of the site, pedestrian circulation, vehicle circulation, safety, and standard setbacks. To the maximum extent feasible, native trees should be selected.
- c. Trees shall be a minimum 24-inch box size at planting.
- d. Trees shall be spaced to maximize distance from light poles, in order to maximize the effectiveness of lighting.
- e. Trees shall be kept trimmed to maintain 8 feet 6 inches of ground clearance for parking spaces and pedestrian areas. Trees shall be kept trimmed to maintain 13 feet of ground clearance over driveways and drive aisles.
- f. Trees shall be installed according to the following diagrams:

**Diagram 1: Street Tree Planting and Staking Detail:**

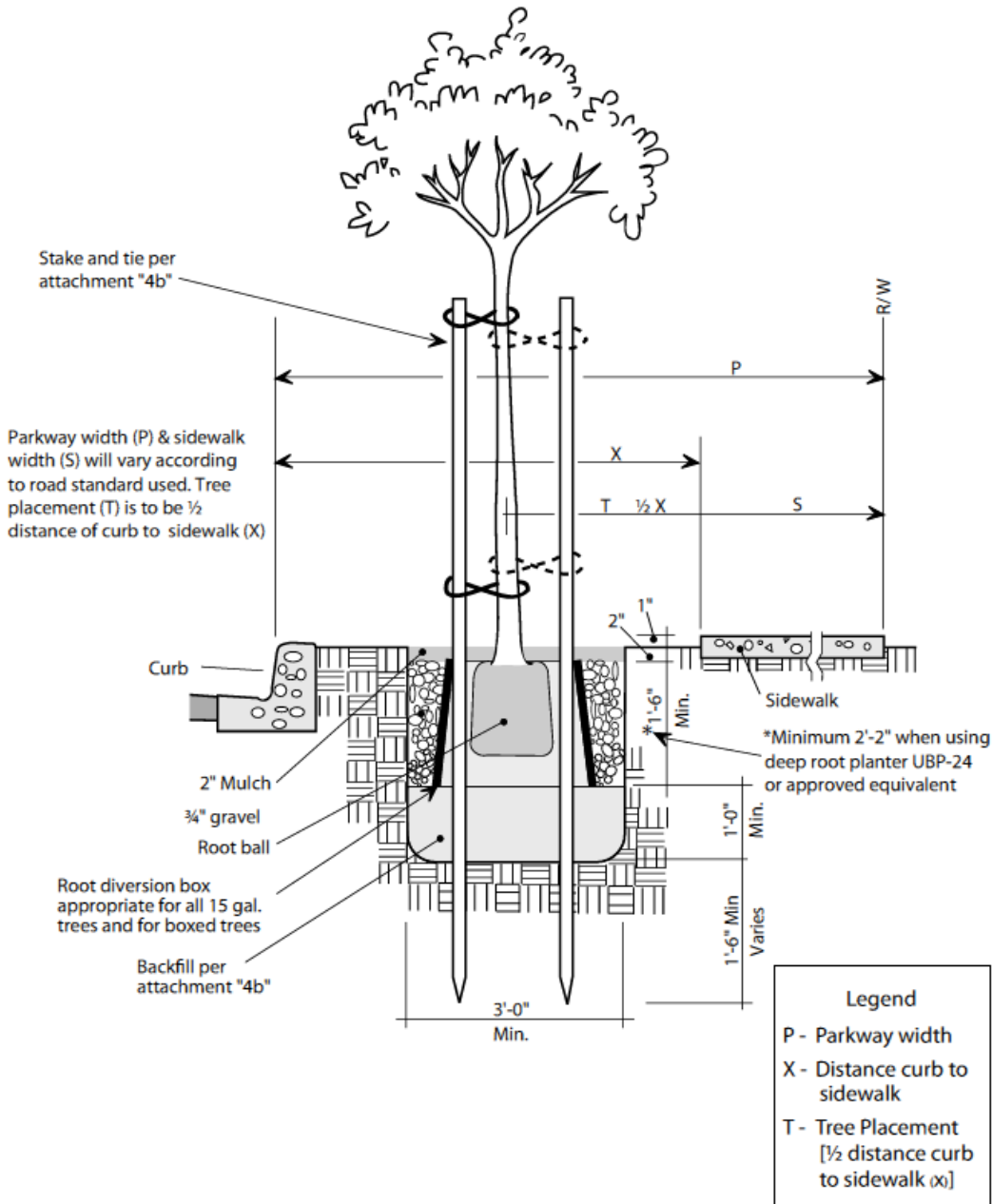
## STREET TREE PLANTING AND STAKING DETAIL





**Diagram 2: Parkway Street Tree Detail:**

## PARKWAY STREET TREE DETAIL



### **Sec. 8108-5.14.7 - Curbs**

All parking area or roadway landscape planters shall be protected from vehicular damage by providing a raised curb of at least 6 inches in height or wheel stop of at least four inches in height. Where curbs around landscape planters function as wheel stops, plants and other landscape features in the outside 2 feet of these planters shall not extend more than two inches above the curb or wheel stop. Irrigation equipment should be placed outside of the bumper overhang. Curbs adjacent to landscape planters may contain cuts or notches to allow stormwater to pass into the planter if part of a landscaped stormwater management system.

### **Sec. 8108-5.14.8 - Materials Loading Area Screening**

Materials loading areas shall be visually screened from any adjacent street, residentially zoned parcel, or residential land use. Where such screening is not provided by an intervening building or structure, a landscape screen shall be provided. The landscape screen shall be composed of a solid wall plus plant material that softens the look and breaks up the expanse of the wall. Plant material may be used as the main screening element only if a minimum of 50 percent of the plants are of 15-gallon can size when planted, the rest are of 5-gallon can size, and the plants form a dense hedge.

(AM. ORD. 4577 – 3/9/21)

## **Sec. 8108-6 - Bicycle Parking Design Standards**

The following design standards shall apply to all bicycle parking facilities. The layout and design of required bicycle parking facilities is subject to the review and approval of the Director to ensure safety, security, and convenience.

The Ventura County Parking Design Guidelines illustrate acceptable and unacceptable bicycle rack and bicycle locker designs. Use of bicycle rack or locker designs not listed in the Parking Design Guidelines must be approved by the Director. The Guidelines also provide layout examples that demonstrate clearances and other aspects of bicycle parking facilities.

### **Sec. 8108-6.1 - Short-Term Bicycle Parking (Bicycle Racks)**

Short-term bicycle parking facilities shall have the following characteristics:

- a. Support a bicycle by its frame in 2 places in a stable upright position without damage to the bicycle or its finish.
- b. Enable the frame and 1 or both wheels to be secured with a user-provided U-shaped lock (U-lock) or cable.
- c. Be anchored to an immovable surface or be heavy enough that the rack cannot be easily moved.
- d. Be constructed such that the rack resists being cut, disassembled, or detached with manual tools such as bolt or pipe cutters.
- e. Not have sharp edges that can be hazardous to bicyclists or pedestrians.
- f. Provide easy access to each parked bicycle without awkward movements or moving other bicycles, even when the rack is fully loaded.
- g. The Director may approve other short-term bicycle parking designs that provide adequate safety, security, and convenience, including designs that accommodate the parking of 3-wheeled, recumbent, or other styles of bicycles.

### **Sec. 8108-6.2 - Long-Term Bicycle Parking**

Long-term bicycle parking facilities shall be covered and secured. These facilities shall protect the entire bicycle and accessories from theft, vandalism, and inclement weather by the use of:

- a. Bicycle Lockers. A fully enclosed space for 1 bicycle, accessible only to the owner or operator of the bicycle, or
- b. Restricted-access Enclosure. A locked room or enclosure containing 1 bicycle rack space for each bicycle to be accommodated and accessible only to the owners or operators of the bicycles parked within it. Said racks shall meet the requirements of Section 8108-6.1.

- c. Check-in Facility. A location to which the bicycle is delivered and left with an attendant with provisions for identifying the bicycle's owner. The stored bicycle is accessible only to the attendant, or
- d. Other. Other means that provide the same level of security as deemed acceptable by the Director.

### **Sec. 8108-6.3 - Location**

All required short- and long-term bicycle parking facilities shall be located on-site and provide safe and convenient bicycle access to the public right-of-way and pedestrian access to the main and/or employee entrance(s) of the principal land use. Where access is via a sidewalk or pathway, or where the bicycle parking facility is next to a street, curb ramps shall be installed where appropriate. Long-term employee bicycle facilities may be separated from short-term bicycle facilities.

In addition, the following location criteria shall be met:

#### **Sec. 8108-6.3.1 - Proximity to Main Entrances**

Short-term bicycle parking facilities shall be conveniently located no more than 100 feet from the main building entrance(s) or no farther than the nearest non-disabled motor vehicle parking space from the main building entrance(s), whichever is farther. Where there is more than 1 building on a site or where a building has more than 1 main entrance, the short-term bicycle parking shall be distributed to serve all buildings or main entrance(s). Long-term bicycle parking facilities shall be located no more than 400 feet from the building entrance. Bicycle parking shall not obstruct pedestrian access.

#### **Sec. 8108-6.3.2 - Outside Pedestrian Pathway**

Bicycle parking racks located on pedestrian pathways shall maintain a minimum of 4 feet of unobstructed pathway outside the bicycle parking space.

### **Sec. 8108-6.4 - Layout**

The following design criteria apply to short-term facilities. Because of the additional security level, the layout of long-term facilities shall be determined on a case-by-case basis.

#### **Sec. 8108-6.4.1 - Bicycle Parking Facility Delineation**

Areas set aside for bicycle parking shall be clearly marked and reserved for bicycle parking only.

- a. All parking facility boundaries shall be delineated by striping, curbing, fencing, or by other equivalent methods. Boundaries shall include all applicable dimensions as outlined in Section 8108-6.4.3 and Section 8108-6.4.4.
- b. Bicycle parking locations near roadways, parking areas, or drives shall be protected from damage by motor vehicles by use of bollards, curbs, concrete planters, landscape buffers, or other suitable barriers.

#### **Sec. 8108-6.4.2 - Bicycle Parking Facility Signage**

Where bicycle parking facilities are not clearly visible to approaching bicyclists, conspicuous signs shall be posted to direct cyclists to the facilities. Long-term bicycle parking facilities that incorporate bicycle lockers shall be identified by a sign at least 1 foot by 1 foot in size that lists the name or title and the phone number or electronic contact information of the person in charge of the facility.

#### **Sec. 8108-6.4.3 - Bicycle Parking Space Dimensions**

Bicycle parking spaces shall have the following dimensions.

- a. Space Length: Each bicycle parking space shall be a minimum of 6 feet in length.

- b. Space Between Racks: The minimum space between bicycle parking posts or racks shall be 2 feet 6 inches.
- c. Space Between Adjacent Walls/Obstructions: A minimum of 2 feet 6 inches shall be provided between the end of a bicycle parking rack and a perpendicular wall or other obstruction (e.g., newspaper rack, sign pole, furniture, trash can, fire hydrant, light pole). A minimum of 2 feet 6 inches shall be provided between the side of a bicycle parking rack and a parallel wall or other obstruction.
- d. The Director may waive or modify bicycle parking space dimensions if the *applicant* can demonstrate that they are not appropriate to the land use or location, and to accommodate the parking of 3-wheeled or recumbent bicycles or other non-standard bicycles.

**Sec. 8108-6.4.4 - Aisle Width**

A 48-inch-wide access aisle, measured from the front or rear of the bicycle parking space, shall be provided beside each row or between 2 rows of bicycle parking. In high traffic areas where many users park or retrieve bikes at the same time, such as at schools or colleges, the recommended minimum aisle width is 6 feet.

Where a public sidewalk or pathway serves as an aisle of a bicycle parking facility and the doors of bicycle lockers open toward that sidewalk or pathway, the lockers shall be set back so an open door does not encroach onto the main travel width of the sidewalk or pathway.

**Sec. 8108-6.5 - Lighting**

Lighting of not less than 1 foot-candle of illumination at ground level shall be provided in both interior and exterior bicycle parking facilities during hours of use.

**Sec. 8108-7 - Drive-Through Facilities**

**Sec. 8108-7.1 - Queuing Lane**

A lane that is physically separated from other traffic circulation on the site shall be provided for motor vehicles waiting for drive-through service. The queuing lane for each drive-through window or station shall be at least 12 feet wide, with sufficient turning radii to accommodate motor vehicles. Queuing lanes shall be designated by paint-striping, curbs, or other physical means as appropriate. Queuing lanes shall be designed to avoid interference with on-site pedestrian access. The principal pedestrian access to the entrance of the drive-through facility shall not cross the drive-through lane.

**Sec. 8108-7.1.1 – Planning Director Waiver/Modification**

The Director may waive or modify this standard if the *applicant* can demonstrate through an interior circulation analysis that the relationship of the length of the queuing lane, the nature of the land use, or the physical constraints of the *lot* make this standard infeasible and that an alternative configuration can safely accommodate vehicle queuing.

**Sec. 8108-7.2 - Directional Signs**

Signs shall be provided to indicate the entrance, exit, and one-way path of drive-through lanes.

**Sec. 8108-7.3 – Location**

Drive-through facilities shall not be located between the street and the main building entrance.

### Sec. 8108-7.4 - Queuing Capacity

The vehicle queuing capacity for land uses containing drive-through facilities shall be as follows:

#### Sec. 8108-7.4.1 – Table of Queuing Lane Requirements

Land Use	Queuing Lane Requirements
Restaurants	Queuing for 8 vehicles behind the pickup window
Banks	Queuing for 5 vehicles for each queuing lane
Other Land Uses	Queuing for 6 vehicles for each queuing lane

### Sec. 8108-8 - Loading Areas

#### Sec. 8108-8.1 – Passenger Loading Areas

Safe and convenient off-street passenger loading areas shall be provided for land uses where there are more than 100 parking spaces, as shown in the table below. Passenger loading areas shall be located at the point(s) of primary pedestrian access from the parking area to the adjacent building, or buildings. Passenger loading areas shall be designed as turn-outs a minimum of 9 feet wide and located in such a manner that vehicles waiting in the loading area do not impede vehicular, bicycle or pedestrian circulation.

#### Sec. 8108-8.1.1 – Table of Required Passenger Loading Areas

Required Parking Spaces	Required Turnout Vehicle Capacity
101-499	1
500+	0.3% of required parking

#### Sec. 8108-8.2 - Materials Loading Areas

All commercial and industrial land uses shall provide and maintain off-street materials loading spaces as provided herein.

#### Sec. 8108-8.2.1 – Planning Director Waiver/Modification

The Director may waive or modify this standard if the *applicant* can demonstrate that the site configuration, nature of the land use, or other considerations make off-street loading spaces unnecessary or infeasible.

#### Sec. 8108-8.2.2 – Table of Required Materials Loading Areas

Gross Floor Area	Loading Spaces Required
0-15,000	1
15,001-40,000	2
40,001-90,000	3
90,000-150,000	4
150,000 and over	5
<b>Hospitals &amp; Educational Land Uses</b>	
0-50,000	1
50,001-100,000	2
100,000 and over	3
Hotels, motels, and restaurants	1

#### Sec. 8108-8.2.3 - Location and Design

Commercial and industrial parking areas with materials loading spaces shall be designed to accommodate access and circulation movement for on-site truck circulation.

- a. Location. Loading spaces shall be located on-site, outside of any required front or side setback, near the service entrance(s) to the building(s), and either to

the rear or side of the building to alleviate unsightly appearances often created by loading facilities. Loading spaces shall also be located as far away as possible from residential land uses.

- b. Screening. See Section 8108-5.14.9.
- c. Dimensions. Spaces serving single-unit trucks and similar delivery vehicles shall be at least 10 feet wide, 30 feet long, and 14 feet high. Spaces serving larger freight vehicles, including semi-trailer trucks, shall be at least 12 feet wide, 55 feet long, and 15 feet high.
- d. Maneuvering. A minimum of 30 feet of maneuvering area for spaces serving single-unit trucks and similar delivery vehicles shall be provided. A minimum of 50 feet of maneuvering area for spaces serving larger freight vehicles shall be provided. Maneuvering areas for loading spaces shall not conflict with parking spaces or with the maneuvering areas for parking spaces. All maneuvering shall be contained on-site.
- e. Driveways. Industrial developments shall include at least 1 driveway approach capable of accommodating a 48-foot wheel track turning radius.
- f. Safe Design. Loading spaces shall be designed and located to minimize intermixing of truck traffic with other vehicular, bicycle and pedestrian traffic on site. Such facilities shall be located off the main access and parking aisles and away from all pedestrian pathways.

# **ARTICLE 9:**

## **STANDARDS FOR SPECIFIC ZONES AND ZONE TYPES**

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### **Sec. 8109-0 - Standards for All Zones**

#### **Sec. 8109-0.1 - Development Criteria**

Factors such as the following may be considered in establishing permit conditions and in determining appropriate intensity of development, including residential densities, for the site of a proposed project:

- Air quality impacts;
- Agricultural resources and operations;
- Biological resources, including flora, fauna and ecological systems;
- Circulation of people and goods, including impacts on existing parking and circulation systems, traffic safety and emergency access;
- Contributions of the development to the stock of affordable housing;
- Cultural resources, including archaeological, historical and Native American resources;
- Energy - impacts on energy sources;
- Erosion and flood hazards;
- Fire hazards;
- Geology and soils;
- Health - impacts on human health;
- Infrastructure available to serve the development, and impacts on existing infrastructure (water, sanitation, electricity, natural gas, fire and police protection, recreational facilities, schools and the like);
- Land - unique natural land features and natural resources;
- Noise - increase in noise levels;
- Orderly development principles;
- Paleontology;
- Population growth inducement;
- Relationship of the site to surrounding properties;
- Scenic Highways;
- Seismic hazards;
- Soil stability;
- Solar access;
- Topography;
- Trees - Preservation of existing Protected Trees during construction on the same site (see Tree Protection Guidelines) and replacement of Protected Trees lost due to a new development project;
- Vegetation - impacts on unique native, ornamental or agricultural plant populations;

- Visual quality; and
- Water - degradation of quality or reduction in supply.

(AM. ORD. 3759 - 1/14/86; AM. ORD. 3810 - 5/5/87; AM. ORD. 4215 - 10/24/00)

**Sec. 8109-0.2 - Sewage Disposal**

Sewage disposal for all requested uses and structures shall be provided by means of a system approved by the Environmental Health Division and the Division of Building and Safety.

**Sec. 8109-0.3 - Fire Protection**

Dwellings shall meet all fire protection requirements of the Ventura County Fire Protection District, including all requirements for construction within High Fire Hazard Area as set forth in the Ventura County Building Code.

**Sec. 8109-0.4 - Protection of Agricultural Resources**

When establishing permit conditions, the adverse effects on agricultural resources shall be considered. It is specifically intended that non-agricultural uses in proximity to agricultural land should be located, designed, and operated to minimize adverse effects on agriculture, including but not limited to water runoff, siltation, erosion, dust, introduction of pests and diseases, and the potential for trespassing, pilferage, or vandalism; as well as conflicts between agricultural and non-agricultural uses including but not limited to vehicular traffic and the application of agricultural *chemicals* to agricultural property. Specific measures, including but not limited to use restrictions, buffer zones, *fences* and walls, and/or screening, may be required in order to ensure that the above standard is met. Said measures shall be developed in consultation with the Agricultural Commissioner. (ADD. ORD. 4215 - 10/24/00)

**Sec. 8109-0.5 - Stormwater Quality Protection**

Development shall be undertaken in accordance with conditions and requirements established by the Ventura Countywide Stormwater Quality Management Program, National Pollutant Discharge Elimination System (NPDES) Permit No. CAS063339 and the Ventura Stormwater Quality Management Ordinance No. 4142 and as these permits and regulations may be hereafter amended. (ADD. ORD. 4216 - 10/24/00)

**Sec. 8109-0.6 - Landscaping**

**Sec. 8109-0.6.1 - CO Zone**

The following regulations shall apply to the CO zone:

- At least ten percent of any permit area shall be devoted to landscaping.
- Parking area landscaping may be counted toward the required ten percent permit area landscaping.
- The required landscaping area shall be provided with permanent irrigation systems and may contain pools and pedestrian walks.
- Trees shall be planted in the parkway area between the curbs and sidewalks.

(AM. ORD. 4577 - 3/9/21)

**Sec. 8109-0.6.2 - C1 Zone**

At least ten percent of any permit area in the C1 zone shall be landscaped.

**Sec. 8109-0.6.3 - CPD Zone**

*Discretionary* developments in the CPD zone shall require landscaping on at least ten percent of the total permit area, except for *lots* that are less than 5,000 square feet, in which case the minimum landscape requirements may be modified or



waived by the *Planning Director* or designee to improve safety factors such as traffic circulation or access. (AM. ORD. 4577 – 3/9/21)

**Sec. 8109-0.6.4 - M-Zones**

The following regulations shall apply to all industrial zones (M1, M2 and M3):

- a. Required yards adjacent to streets, not used for other purposes, shall be improved with appropriate permanently maintained plant material or ground cover that retains its leaves year-round. Such landscaping shall extend to the street curb line, where appropriate.
- b. Trees shall be planted along the street line of each site. Such street trees may also be located on private property and grouped or clustered as appropriate.
- c. At least ten percent of any permit area in the M1 zone shall be landscaped.
- d. At least five percent of any permit area in the M2 or M3 zone shall be landscaped.

(AM. ORD. 4577 – 3/9/21)

**Sec. 8109-0.6.5 - Landscaping in Other Zones**

In other zones, minimum landscaping for design, screening, stormwater management, slope stabilization, or revegetation purposes may be required by the *Planning Director* or designee dependent upon the type of development project.

(ADD. ORD. 4407 – 10/20/09; AM. ORD. 4577 – 3/9/21)

**Sec. 8109-0.7 - Transportation Demand and Trip Reduction Measures**

Prior to approval of a *discretionary* development project, the *applicant* shall make provision for, as a minimum, all the following applicable transportation demand management and trip reduction measures.

a. Non-Residential Development Standards

- (1) Non-Residential development serving 40 or more employees, based upon the largest shift of employees at the site during working hours, shall provide the following for the *Planning Director's* review and approval:

A bulletin board, display case, or kiosk displaying transportation information, located where it will be visible to the greatest number of employees. The information for display shall include, but not be limited to, the following:

- (i) Current maps, routes and schedules for public transit routes serving the site;
- (ii) Ridesharing promotional material supplied by commuter-oriented organizations;
- (iii) Telephone numbers for referrals on transportation information including numbers for the regional ridesharing agency, Dial-A-Route, and local transit operators;
- (iv) Bicycle route and facility information, including regional/local bicycle maps and bicycle safety information;
- (v) A listing of facilities and services available at the site for carpoolers, vanpoolers, bicyclists, transit riders and pedestrians.

- (2) Non-Residential development servicing 110 or more employees, based upon the largest shift of employees at the site during working hours, shall provide the following for the *Planning Director's* review and approval which shall be based upon good planning practices and shall comply with Section 8109-0.7(a)(1) above:

- (i) Bus stop improvements if determined necessary by the *Planning Director* to mitigate the project impact. The *Planning Director* will consult with the local bus service providers in determining appropriate improvements (i.e., bus pullouts, bus pads, shelters, etc.). When locating bus stops and/or planning building entrances, entrances should be designed to provide safe and efficient access to nearby transit stations/stops.
  - (ii) A development design incorporating lunchrooms, cafeterias, eating establishments and other facilities in order to reduce the need for mid-day driving.
- b. Residential Development Standards
- (1) Residential development of 70 dwelling units up to 349 dwelling units shall provide the following to the satisfaction of the *Planning Director* based upon good planning practices:

Bus stop improvements if determined necessary by the *Planning Director*. The *Planning Director* will consult with the local bus service providers in determining appropriate improvements.

- (2) Residential development of 350 dwelling units or more shall comply with Section 8109-0.7(b)(1) above, and shall provide the following measure to the satisfaction of the *Planning Director* based upon good planning practices:

A development design incorporating, to the greatest extent possible and as appropriate based on adjacent land use and markets, services such as dry cleaners, eating establishments, child care facilities, grocery markets, neighborhood work centers and other facilities which will reduce home-based vehicle trips and vehicle miles traveled.

(ADD. ORD. 4407 – 10/20/09)

## **Sec. 8109-1 - Standards For Open Space, Agricultural and Residential Zones**

### **Sec. 8109-1.1 - General Standards**

The following standards shall apply to development in all OS, AE, and R-Zones: (AM. ORD. 4377 – 1/29/08)

#### **Sec. 8109-1.1.1**

Except as otherwise provided in this Chapter, there shall not be more than one principal residential structure on any *lot*. Not more than two (2) dwellings of any type shall be constructed on any *lot* in the R2 zone. (AM. ORD. 3749 - 10/29/85; AM. ORD. 4092 - 6/27/95; AM. ORD. 4377 – 1/29/08)

#### **Sec. 8109-1.1.2**

Care facilities - see Art. 7. (*Sec. 8107-22*) (AM. ORD. 3810 - 5/5/87; AM. ORD. 4092 - 6/27/95)

#### **Sec. 8109-1.1.3**

No item of open storage, or structures intended for accessory use, other than an accessory dwelling unit, temporary building during construction, or a farmworker dwelling unit, may be used for human habitation. (ADD. ORD. 3730 - 5/7/85; AM. ORD. 4092 - 6/27/95; AM. ORD. 4519-2/27/18)

## **Sec. 8109-1.2 - Standards for Residential Planned Development (RPD) Zone**

The general requirements for the Residential Planned Development Zone are as follows: (AM. ORD. 3759 - 1/14/86; AM. ORD. 3995 - 3/24/92; AM. ORD. 4455 - 10/22/13)

### **Sec. 8109-1.2.1 - General Standards**

The following design criteria shall apply to developments in the RPD zone:

- a. In order to develop an RPD project, there shall be single ownership or unified control of the site, or written consent or agreement of all owners of the subject property for inclusion therein. (AM. ORD. 4377 - 1/29/08)
- b. The landscaping standards of Sec. 8106-8.2 and the parking requirements of Article 8 shall apply in the RPD zone. (AM. ORD. 4377 - 1/29/08; AM. ORD. 4407 - 10/20/09; AM. ORD. 4577 - 3/9/21)
- c. Buildings and circulation systems shall be designed so as to be integrated with the natural topography where feasible, and to encourage the preservation of trees and other natural features.
- d. Mechanical heating and cooling equipment shall be screened from public view.
- e. Minimum project density must be equal to at least 60 percent of that permitted by the zoning designation on the project site. (ADD. ORD. 3759 - 1/14/86)

### **Sec. 8109-1.2.2 - Setback Regulations**

The following regulations, in addition to the standards and exceptions set forth in Article 6, shall apply to the RPD zone:

- a. Minimum setback from any public street: ten feet.
- b. Minimum setback from a rear *lot* line: ten feet.
- c. Minimum distance between structures that are separated by a side *lot* line and do not share a common wall: six feet.
- d. Sum of side yards on any *lot*: minimum six feet.
- e. Entrances to garages and carports shall be set back a minimum of 20 feet from any public street from which they take direct access in order to prevent vehicle overhang onto sidewalks. (AM. ORD. 3730 - 5/7/85)
- f. Detached accessory garages and carports may be constructed along side and rear property lines on commonly-owned land, provided that required setbacks from public streets are maintained.
- g. Structural additions not shown on the originally approved site plan may extend up to 15 feet into common areas, provided that the other setback regulations of this section are adhered to.
- h. In the case of RPD subdivisions involving townhouse developments, the setbacks shall be measured from the exterior property lines surrounding the project.

(AM. ORD. 4377 - 1/29/08)

### **Sec. 8109-1.2.3 - Circulation**

Circulation shall be designed as follows, where feasible:

- a. To minimize street and utility networks;

- b. To provide a pedestrian walking and bicycle path system throughout the common areas, which system(s) should interconnect with circulation systems surrounding the development;
- c. To discourage through-traffic in neighborhoods by keeping intersections to a minimum and by the creation of discontinuities such as curvilinear streets, cul-de-sacs and the like; and
- d. To facilitate solar access by orienting neighborhood streets along an east/west axis, except where this is precluded by the natural topography and drainage patterns.

**Sec. 8109-1.2.4 - Open Space Requirements**

Open space shall be provided for the benefit and recreational use of the residents of each development as follows:

- a. In single-family projects where each dwelling has its own *lot*, at least 20 percent of the *net area* of the site shall be private or common open space, or a combination thereof. All open yard areas around dwellings, except for side yards, shall be counted toward the 20 percent requirement.
- b. In all other residential projects, at least 20 percent of the *net area* shall be preserved as common open space.
- c. Common open space shall be suitably improved for its intended purpose and generally accessible to all the residential areas of the development.
- d. Among the land uses considered as common open space for the purposes of this section are parks, recreational facilities, greenbelts at least ten feet wide, bikeways and pedestrian paths.
- e. At least 50 percent of the area designated as common open space shall be comprised of land with slopes of ten percent or less.
- f. Seventy-five percent of the area of golf courses, lakes and reservoirs may be used in computing common open space.
- g. The following areas may not be used to fulfill the open space requirement:
  - (1) Streets and street rights-of-way;
  - (2) Paved parking areas and driveways;
  - (3) Improved drainage facilities with restricted recreational use.
- h. Appropriate arrangements shall be made, such as the establishment of an association or nonprofit corporation of all property owners within the project area, to insure maintenance of all common open space.
- i. The minimum open space standards above may be modified by the decision-making authority if alternative amenities of comparable value are provided.

**Sec. 8109-1.2.5 - Commercial Uses**

The Planning Commission may allow, within an area covered by a Planned Development Permit, minor specified retail commercial uses for the convenience of project residents when the Commission finds that:

- a. The commercial uses are designed for the sole use of residents within the permit area; and
- b. The commercial uses are incidental to and compatible with the nature and type of development proposed for the permit area, and shall be confined within the boundaries of the development.

**Sec. 8109-1.2.6 - Requests for One Single Family Dwelling Unit In the RPD zone**

A single-family dwelling requested on a *lot* which does not contain an existing principal dwelling, but not requested in conjunction with a subdivision request, shall require only a Zoning Clearance. In such cases, the height and setback standards of the R1 zone shall be used. This exception shall apply only to *lots* which were in existence as of August 18, 1988. (ADD. ORD. 4092 - 6/27/95)

(AM. ORD. 4377 - 1/29/08)

**Sec. 8109-1.3 – Standards for the Residential High Density (RHD) Zone**

(ADD. ORD. 4436 - 6/28/11)

**Sec. 8109-1.3.1 –Definition and Purpose**

The RHD zone is established to comply with Government Code Section 65583.2 and to provide for the development of multi-family residential projects at densities considered by state law to be affordable to lower-income households. The purpose of this section is to establish development standards for the Residential High Density (RHD) zone.

**Sec. 8109-1.3.2 – Residential High Density Zoning Clearance**

A ministerial RHD Zoning Clearance shall be issued for multi-family residential projects in the RHD zone upon the determination by the *Planning Director* or his/her designee that: 1) a RHD Zoning Clearance Application has been submitted and completed in accordance with Section 8109-1.3.8; and 2) the proposed project complies with the standards set forth in Sections 8109-1.3.3 through 8109-1.3.6 below.

**Sec. 8109-1.3.3 – General Density Standards**

Multi-family residential projects in the RHD zone must comply with the following general density standards:

- a. Minimum multi-family residential project density shall be no less than that specified by the zone suffix.
- b. Maximum multi-family residential project density shall not exceed 110 percent of the density specified by the zone suffix, unless the *applicant* is granted a density bonus in accordance with Article 16 Density Bonus and Affordable Housing Incentives Program (Sec. 8116-2.6).

(AM. ORD. 4461 - (3/18/14)

**Sec. 8109-1.3.4 –Residential High-Density Development Standards**

The site plans or other materials submitted with the RHD Zoning Clearance Application shall establish compliance with the following development standards:

a. Setback Regulations

Setbacks shall be in accordance with standards established in Section 8106-1.1.

b. Open Space Requirements

Open space shall be provided for the benefit and recreational use of the residents of the multi-family residential project in accordance with the following standards:

(1) Common Open Space:

- (a) At least 20 percent of the permit area shall be preserved as common open space.
- (b) Land uses considered as common open space for the purposes of this section include parks, recreational facilities, common gardens,

greenbelts at least ten feet wide, bikeways, and pedestrian paths not associated with individual dwelling access. Landscaped common open space areas shall be installed pursuant to Section 8106-8.2. (AM. ORD. 4577 – 3/9/21)

- (c) At least 50 percent of the area designated as common open space shall be comprised of land with slopes of ten percent or less.
- (d) The following areas may *not* be used to fulfill the common open space requirement:
  - i. Streets and street rights-of-way;
  - ii. Parking areas and driveways, and parking area landscaping;
  - iii. Drainage or retention facilities that are not specifically designed for common recreational uses; or
  - iv. Private Outdoor Open Space
- (e) Property owner(s) are responsible for maintenance of all common open space in compliance with Section 8106-8.2.8. (AM. ORD. 4577 – 3/9/21)

(2) Private Outdoor Open Space:

In addition to Common Open Space, private open space shall be provided for each unit. It may be provided in the form of outdoor patios, decks and/or balconies and shall be directly and exclusively accessed by the unit it is intended to serve.

- (a) Ground Floor Level Units: Private outdoor open space must be a minimum of 150 square feet per unit and all dimensions must be a minimum of 8 feet.
- (b) Upper Level Units: Private outdoor open space for upper level units must be provided as balconies or loggias with a minimum 5-foot depth dimension.
- c. Multi-family residential projects located on parcels adjacent to agricultural operations shall include a 300-foot setback between the agriculture and the new residential structures or a 150-foot setback if there is a vegetative barrier between the agriculture and the new residential structures.
- d. Multi-family residential projects located adjacent to railroad right-of-way shall provide six foot high fencing or walls on-site to prevent project residents from accessing the railroad tracks.
- e. The *applicant* must demonstrate that the Water and Environmental Resources Division of the Watershed Protection District has determined: (1) there is sufficient water supply to serve the proposed multi-family development; and (2) if the proposed multi-family development is located within the service area of a water purveyor that provides water from an overdrafted groundwater basin or provides water from a groundwater basin that is in hydrologic connection with an overdrafted groundwater basin, that the proposed multi-family development will not adversely impact the overdrafted groundwater basin. If the groundwater basin that will serve the development is located within the boundaries of the Fox Canyon Groundwater Management Agency then the Water and Environmental Resources Division of the Watershed Protection District must first consult with the Fox Canyon Groundwater Management Agency prior to making its determination.

*Applicants* may be required to submit a water demand study prepared by a state-licensed Civil Engineer or Professional Geologist that demonstrates the

project will not cause a net increase in average annual groundwater extraction. If a water demand study is required, it must consider the current consumptive water demand of existing land uses on the project site and the estimated consumptive water demand of the proposed project. The effects of changes in percolation rates due to development, water recycling and conservation measures such as low water use appliances and efficient irrigation must be considered in the analysis.

- f. If the proposed multi-family residential project site is located in a dam inundation area as identified in the Hazards Appendix of the General Plan, then an emergency evacuation plan submitted by the *applicant* must be approved by the County Office of Emergency Services.
- g. Compliance with all other applicable County development and building standards.

**Sec. 8109-1.3.5 – Construction and Operational Standards**

The construction and operation of the multi-family development must comply with the following standards:

- a. Multi-family residential projects shall comply with the requirements of the Ventura County Construction Noise Threshold Criteria and Control Plan.
- b. Development shall comply with the Ventura County “Paveout Policy”, current County Road Standards and the Traffic Impact Mitigation Fee Ordinance.
- c. Multi-family residential projects shall be designed to ensure that outdoor noise levels in outdoor living and recreation areas do not exceed a CNEL of 60 dB or an Leq (1h) of 65dBA during any hour.
- d. In the event that paleontological, archeological, or cultural resources are found during grading or construction, such activities shall halt in the area of the find and the project developer shall notify the Planning Division. The project developer shall hire a qualified consultant approved by the Planning Division who shall prepare a work plan to address the disposition of the paleontological, archeological, or cultural resource encountered. The work plan must comply with the following minimum standards for resource disposition as determined by the *Planning Director* or designee:
  - (1) The work plan shall include a detailed description of the nature, extent, condition and significance of the sensitive resource.
  - (2) The work plan shall specify the available options for resource disposition such as avoidance, recovery and curation, photo-documentation, incorporation of the resource into project design, and other methods.
  - (3) The work plan shall include a recommendation of a course of action that is most protective of the resource while allowing the project objectives to be fulfilled.

Construction can only proceed in conformity with the approved work plan.

**Sec. 8109-1.3.6 – Site Design Standards for Projects Not Located Within an Area Plan Boundary**

If a proposed multi-family residential project is located within an Area Plan boundary, then the project must be consistent with the design guidelines set forth in the applicable Area Plan. Project application materials must include plans and elevations that demonstrate compliance with the Area Plan design guidelines. If the proposed multi-family residential project is not located within an Area Plan boundary or it is located within an Area Plan that does not have design guidelines,

then the project must be consistent with the following site design standards as demonstrated in the plans and elevations submitted with the application:

## 1. Building Design

### (a) Building Form

- i. Multi-family structures shall clearly articulate individual units.
- ii. Buildings shall be designed to create variation in mass and structure height by incorporation of combinations, such as one, one-and-one half, two, and three story units.

### (b) Roof Forms

- i. Multi-family buildings shall be designed to create varying roof forms and break up the massing of the building by employing multi-form roofs (e.g., gabled, hipped, and shed roof combinations).
- ii. Varying roof forms/changes in roof plane shall be used on all structure elevations visible from a public street or pedestrian right-of way, and adjacent properties.
- iii. Where applicable to the architectural style, any roof eaves shall extend a minimum of 24 inches from the primary wall surface to enhance shadow lines and articulation of surfaces.
- iv. Rooflines shall be broken at intervals no greater than 50 feet long by changes in height or step-backs.
- v. Rooflines will be designed to screen roof mounted mechanical equipment.
- vi. Ancillary structures shall incorporate similar or complementary roof pitch and materials to the main structure.

### (c) Garages and Carports

- i. Vary garage door placement and layout to minimize the dominance of garage doors on the street.
- ii. Carport and garage roofs that are visible from the street shall incorporate roof slopes and materials to match adjacent structures. Flat roofs are allowed if not visible from public streets.

### (d) Entries

- i. Individual unit entries that are oriented to the street shall be easily identifiable and distinguishable by articulation or other architectural elements.
- ii. Development projects shall cluster access points and avoid the use of long monotonous balconies and corridors.

### (e) Articulation

- i. Similar and complementary massing, materials, and details shall be incorporated into every structure elevation. Articulation shall be used on the front and side façades that are visible from public streets.
- ii. In order to provide scale and character, architectural elements such as, recessed or projecting balconies, trellises, recessed windows, verandas, porches, etc shall be employed.
- iii. Architectural elements (e.g., overhangs, trellises, projections, awnings, insets, material, texture, etc.) shall be used to create shadow patterns that contribute to a structure's character and to achieve a pedestrian scale.
- iv. Exterior stairways shall be designed as an integral part of the overall architecture of the structure, complementing the structure's mass and form.



(f) Materials and Colors

- i. The building façade shall be enhanced by use of varying material and complimentary colors.
- ii. Heavier materials shall be used lower on the structure elevation to form the base of the structure.
- iii. Contrasting, but complementary colors shall be used for trim, windows, doors, and key architectural elements.

2. Site Features

(a) Walls, *Fences* and Screening

- i. *Fences* and walls shall be constructed of natural materials or materials that look natural (natural woods, common brick, stone, river rock, etc.), rather than exposed concrete block or chain link, for example.
- ii. *Fences* and walls shall be constructed as low as possible while still performing screening, noise attenuation, and security functions.
- iii. Non-transparent perimeter walls shall be architecturally treated on sides that are visible to the public and incorporate landscaping to prevent or discourage graffiti.
- iv. *Fences* and walls shall be of solid material and screened with landscaping.

(b) Trash Enclosures

- i. Enclosures shall be of sufficient size to accommodate equal size containers for both trash and recyclables.
- ii. Enclosures shall not be visible from primary entry drives.
- iii. Enclosures shall have a concrete apron for trash/recycling containers to be rolled onto for collection.
- iv. Enclosures shall be separated from adjacent parking stalls with landscape planters and paved surfaces behind the curb to ensure adequate space is available for individuals to access vehicles.
- v. Enclosures shall be designed with similar finishes, materials, and details as the primary structures within the project and screened with landscaping.
- vi. Enclosures shall provide a pedestrian access in addition to large access doors.

**Sec. 8109-1.3.7 – Affordability Requirements**

All residential units constructed in the RHD zone shall be affordable to lower-income households as defined by the U.S. Department of Housing and Urban Development (HUD) unless otherwise exempted by State law.

**Sec. 8109-1.3.8 – Development Application Requirements**

Requests for development of a multi-family residential project in the RHD zone shall not be reviewed or considered until a fully completed RHD Zoning Clearance Application form provided by the Planning Division is submitted. If additional information is needed to determine whether the standards of this section are satisfied, the RHD Zoning Clearance Application will not be deemed complete until all of the requested information is submitted.

(ADD. ORD. 4436 – 6/28/11)

**Sec. 8109-1.4 – Standards for the Residential (RES) Zone**

For specific standards that apply to the Residential Zone, see the Old Town Saticoy Development Code, Article 19. In addition, all of the General Standards under Sec. 8109-0 and Sec. 8109-1.1 also apply except for Sec. 8109-1.1.1 and Sec. 8109-1.1.3. (ADD. ORD. 4479 – 9/22/15)

## **Sec. 8109-1.5 – Standards for the Residential Mixed Use (R/MU) Zone**

For specific standards that apply to the Residential Mixed Use Zone, see the Old Town Saticoy Development Code, Article 19. In addition, all of the General Standards under Sec. 8109-0 and Sec. 8109-1.1 also apply except for Sec. 8109-1.1.1 and Sec. 8109-1.1.3. (ADD. ORD. 4479 – 9/22/15)

## **Sec. 8109-2 - Standards for Commercial Zones**

### **Sec. 8109-2.1 - General Standards**

The following standards shall apply to development in all commercial zones:

#### **Sec. 8109-2.1.1 - Enclosed Building Requirements**

All uses shall be conducted within a completely enclosed building, unless the use is specifically listed in Article 5 as an outdoor use or is one which must be located outdoors in order to function.

#### **Sec. 8109-2.1.2 - Lighting**

There shall be no illumination or glare from commercial sites onto adjacent properties or streets which may be considered either objectionable by adjacent residents or hazardous to motorists. Flashing lights are strictly prohibited.

#### **Sec. 8109-2.1.3 - Undergrounding of Utilities**

Utility lines, including electric, communications, street lighting and cable television, shall be placed underground by the *applicant*, who shall make the necessary arrangements with the utility companies for the installation of such facilities. This requirement may be waived by the *Planning Director* where it would cause undue hardship or constitute an unreasonable requirement, provided that such waiver is not in conflict with California Public Utilities Commission rules, requirements or tariff schedules. This section shall not apply to utility lines which do not provide service to the area being subdivided. Appurtenant structures and equipment such as surface-mounted transformers, pedestal-mounted terminal boxes and meter cabinets may be placed aboveground.

#### **Sec. 8109-2.1.4 - Retail Establishments**

Retail establishments may include accessory wholesaling, but not wholesale distribution centers.

#### **Sec. 8109-2.1.5 - Processing Standards**

Not more than five employees shall be involved in the permitted manufacturing, processing or packaging of products. Such activities shall be permitted in commercial zones only as accessory to a principal retail use. This section shall not apply to temporary collection activities for waste and recyclables.

#### **Sec. 8109-2.1.6 - Performance Standards**

Development in commercial zones is subject to the performance standards of Sec. 8109-3.1.3. (ADD. ORD. 3810 - 5/5/87)

(AM. ORD. 4214 - 10/24/00)

### **Sec. 8109-2.2 - Open Storage**

Open storage of materials and equipment shall be permitted in the CPD Zone only when incidental to the permitted use of an office, store or other building located on the front portion of the same *lot*, provided that such storage area shall be completely screened from view from any adjoining property or roadway by a solid wall or *fence* at least six feet in height and shall be appropriately landscaped and maintained in good condition. (AM. ORD. 4377 – 1/29/08)

### **Sec. 8109-2.3 - Accessory Businesses in CO Zone**

In the CO zone, accessory barber shops, beauty shops, coffee shops and newsstands may be located in an office building, provided that there are no entrances direct from the street to such businesses, no signs or other evidence indicating the existence of such businesses visible from the outside of any such office building, and provided that such building is of sufficient size and character that the patronage of such businesses may be expected to be furnished substantially or wholly by tenants of the office building.

(AM. ORD. 4377 – 1/29/08)

### **Sec. 8109-2.4 Standards for the Town Center (TC) Zone**

For specific standards that apply to the Town Center Zone, see the Old Town Saticoy Development Code, Article 19. In addition, all of the General Standards under Sec. 8109-0 and Sec. 8109-2.1 also apply except for Sec. 8109-2.1.4 and Sec. 8109-2.1.5. (ADD. ORD. 4479 – 9/22/15)

## **Sec. 8109-3 - Standards for Industrial Zones**

### **Sec. 8109-3.1 - General Standards**

The following standards shall apply to development in all industrial zones:

#### **Sec. 8109-3.1.1 - Undergrounding of Utilities**

Utility lines, including electric, communications, street lighting and cable television, shall be placed underground by the *applicant*, who shall make the necessary arrangements with the utility companies for the installation of such facilities. This requirement may be waived by the *Planning Director* where it would cause undue hardship or constitute an unreasonable requirement, provided that such waiver is not in conflict with California Public Utilities Commission rules, requirements or tariff schedules. This section shall not apply to utility lines which do not provide service to the area being subdivided. Appurtenant structures and equipment such as surface-mounted transformers, pedestal-mounted terminal boxes and meter cabinets may be placed aboveground. (AM.ORD.3730-5/7/85)

#### **Sec. 8109-3.1.2 - Private Streets**

Private streets may be built as part of an industrial development, in accordance with Article 8.

#### **Sec. 8109-3.1.3 - Industrial Performance Standards**

Industrial performance standards are the permitted levels of operational characteristics resulting from processes or other uses of property. Continuous compliance with the following performance standards shall be required of all uses, except as otherwise provided for in these regulations:

- a. Objectionable Factors - The following shall be maintained at levels which are appropriate for the zone and geographic area and are not objectionable at the point of measurement when the use is in normal operation:
  - (1) Smoke, odors, vapors, gases, acids, fumes, dust, dirt, fly ash or other forms of air pollution;
  - (2) Noise, vibration, pulsations or similar phenomena;
  - (3) Glare or heat;
  - (4) Radioactivity or electrical disturbance.

The point of measurement for these factors shall be at the *lot* or ownership line surrounding the use.

- b. Hazardous Materials - Land or buildings shall not be used or occupied in any manner so as to create any fire, explosive or other hazard. All activities involving the use or storage of combustible, explosive, caustic or otherwise hazardous materials shall comply with all applicable local and national safety standards and shall be provided with adequate safety devices against the hazard of fire and explosion, and adequate fire-fighting and fire suppression equipment in compliance with Ventura County Fire Prevention Regulations. The burning of waste materials in open fires without written approval of the Fire Department is prohibited.
- c. Liquid and Solid Wastes - Liquid or solid wastes discharged from the premises shall be properly treated prior to discharge so as not to contaminate or pollute any watercourse or groundwater supply or interfere with bacterial processes in sewage treatment. The disposal or dumping of solid wastes, such as slag, paper and fiber wastes, or other industrial wastes shall not be permitted on any premises.
- d. Exceptions - Exceptions to these regulations may be made during brief periods for reasonable cause, such as breakdown or overhaul of equipment, modification or cleaning of equipment, or other similar reason, when it is evident that such cause was not reasonably preventable. These regulations shall not apply to the operation of motor vehicles or other transportation equipment unless otherwise specified.

**Sec. 8109-3.2 - M1 Zone**

The following regulations shall apply to the M1 Zone:

(AM. ORD. 4377 – 1/29/08)

**Sec. 8109-3.2.1**

Uses involving the following kinds of activities and elements are not considered appropriate in the M1 zone: (AM. ORD. 4377 – 1/29/08)

- a. High temperature processes;
- b. Yards for the storage of materials, unless it is determined by the decision-making body that such activity will not create a nuisance or create significant adverse visual impacts in the project area;
- c. Storage of *chemicals* in excess of that needed as accessory to the main use. This does not apply to accessory recyclable household/CESQG hazardous waste collection facilities;
- d. Explosives in any form;
- e. Obnoxious or dangerous gases, odors, fumes, or smoke;
- f. Assembly-line construction operations.

(AM. ORD. 3810 - 5/5/87; AM. ORD. 4214 - 10/24/00)

**Sec. 8109-3.2.2**

Predominant activities and operations shall be enclosed within buildings, except as otherwise provided in this Chapter. The *Planning Director* is authorized to determine the reasonable application of this provision in cases of operation hardship or other showing of special circumstances.

**Sec. 8109-3.2.3**

Multi-tenant buildings are permitted, provided that the building is designed to appear as a single building with a unified design.

**Sec. 8109-3.2.4**

Principal buildings constructed of metal are not permitted. Accessory buildings constructed of metal shall have exterior surfaces of a stainless steel, aluminum, painted, baked enamel or similarly finished surface.

**Sec. 8109-3.2.5**

Accessory outside storage shall be confined to the area to the rear of the principal building or the rear two-thirds of the property, whichever is the more restrictive, and screened from view from any property line by appropriate walls, fencing, earth mounds or landscaping.

**Sec. 8109-3.2.6**

Off-street parking spaces may be located within required setbacks from streets under certain circumstances; see Sec. 8106-5.3. (ADD. ORD. 3810 - 5/5/87)

**Sec. 8109-3.3 - M2 Zone**

The following regulations shall apply to the M2 Zone:

(AM. ORD. 4377 – 1/29/08)

**Sec. 8109-3.3.1**

The same criteria given for the M1 Zone (Sec. 8109-3.2.1 above) apply to the M2 Zone, except that the latter allows uses which may involve moderate levels of noise, small-scale assembly-line processes and light metal work. (AM. ORD. 3810 - 5/5/87; (AM. ORD. 4377 – 1/29/08)

**Sec. 8109-3.3.2**

Principal buildings constructed of metal shall be faced along any street side with masonry, stone, concrete or similar material, such facing treatment to extend along the interior side yards of such building a distance of at least ten feet. The metal portion of the principal building and all metal accessory buildings shall have exterior surfaces constructed or faced with a stainless steel, aluminum, painted, baked enamel, or similarly finished surface.

**Sec. 8109-3.3.3**

Outside storage and operations yards shall be confined to the area to the rear of a line which is an extension of the front wall of the principal building and shall be screened from view from any street by appropriate walls, fencing, earth mounds or landscaping. Outside storage located in a required yard shall not exceed a height of 15 feet.

**Sec. 8109-3.3.4**

Off-street parking spaces may be located within required setbacks from streets under certain circumstances; see Sec. 8106-5.3. (ADD. ORD. 3810 - 5/5/87)

**Sec. 8109-3.4 - M3 Zone**

The following regulations shall apply to the M3 Zone:

(AM. ORD. 4377 – 1/29/08)

**Sec. 8109-3.4.1**

Metal buildings, including accessory buildings, either shall have exterior surfaces constructed or faced with a stainless steel, aluminum, painted, baked enamel, or similarly finished surface; or shall be reasonably screened from view from any street by other buildings or by appropriate walls, fencing, earth mounds or landscaping; or shall be located not less than 100 feet from the street centerline.

**Sec. 8109-3.4.2**

Outside storage and operations yards shall be *fenced* for security and public safety at the property line.

### **Sec. 8109-3.5 - Standards for the Light Industrial (IND) Zone**

For specific standards that apply to the Light Industrial Zone, see the Old Town Saticoy Development Code, Article 19. In addition, all of the General Standards under Sec. 8109-0 and Sec. 8109-3.1 also apply. (ADD. ORD. 4479 – 9/22/15)

## **Sec. 8109-4 - Standards for Overlay and Special Purpose Zones**

### **Sec. 8109-4.1 - Scenic Resource Protection Overlay Zone**

#### **Sec. 8109-4.1.1 - Application**

The abbreviated reference for this zone when applied to a base zone shall be "SRP." The provisions of this overlay zone are intended to apply to areas of the County within the viewshed of selected County lakes and State or County-designated highways depicted as "Scenic Resource Area" on the Resource Protection Map of the Ventura County General Plan *Goals, Policies, and Programs* and other scenic areas as determined by an Area Plan. The suffix "SRP" shall be added to the base zone covering land so identified (example: RA-40 ac/SRP), but shall have no effect on the provisions of the base zone, except as provided herein. (AM. ORD. 4377 – 1/29/08; AM. ORD. 4390 – 9/9/08)

#### **Sec. 8109-4.1.2 - Required Permits**

In this overlay zone, the permit requirements of Article 5 shall apply and a *Planning Director*-approved Planned Development Permit is also required whenever any one of the following actions are proposed:

- a. Grading that results in an excavation or fill of more than five feet in height or involves a cumulative area of 1,000 square feet or larger.
- b. Construction of new structures that meet any of the following characteristics:
  - (1) The proposed structure exceeds 15 feet in height; or
  - (2) Any part of a proposed structure is located within 20 vertical feet of the nearest crest of a prominent ridgeline, unless the *applicant* can demonstrate that the structure will not be silhouetted on the ridgeline as viewed from the County Regional Road Network, a County designated scenic lake, or public location as prescribed by an Area Plan; or
  - (3) The proposed structure(s) cumulatively exceeds 1,000 square feet, or 20 percent of the floor area of an existing structure located within 40 feet, whichever is greater.
- c. Increase in the height or size of any existing structure that exceeds either one of the following:
  - (1) 20 percent of the existing structure's height where the existing structure is located within 20 vertical feet of the nearest crest of a prominent ridgeline, whichever is more restrictive, unless the *applicant* can demonstrate that the structure will not be silhouetted on the ridgeline as viewed from the County Regional Road Network, a County designated scenic lake, or public location as prescribed by an Area Plan; or
  - (2) 20 percent cumulative increase in the size of an existing structure's floor area or 1,000 square feet, whichever is greater.
- d. Destruction or removal of 1,000 square feet or more of *native vegetation*.

(AM. ORD. 3993 - 2/25/92; AM. ORD. 4291 - 7/29/03; AM. ORD. 4390 – 9/9/08;  
AM. ORD. 4413 – 4/6/10)

### **Sec. 8109-4.1.3 - General and Special Exemptions**

- a. A *discretionary* permit is not required if the *applicant* can demonstrate to the satisfaction of the *Planning Director* or designee that proposed grading or structures will not be visible from any road right-of-way within the County General Plan Regional Road Network or scenic lake identified by the County General Plan, or other location as specified by an Area Plan. Visibility from the Regional Road Network shall be measured from the sidewalk, if available, or as close as practical to the edge of pavement.
- b. A *discretionary* permit is not required for:
  - (1) Restoration of land to its prior condition following floods, landslides or natural disasters;
  - (2) Construction of an at-grade pool on a previously approved graded area;
  - (3) Re-grading of existing or previously irrigated agricultural areas for agricultural purposes so long as no new excavation or fill would exceed five feet in height;
  - (4) Removal of: agricultural crops, vegetation on previously cultivated agricultural areas that have been abandoned for up to five years or on land classified as Prime, Statewide Importance or Unique on the California Department of Conservation Important Farmlands Inventory, landscape vegetation, and non-native *invasive* or *watch list species* of plants found on the list compiled by the California Invasive Plant Council; or
  - (5) Vegetation modification adjacent to existing buildings as required by the Fire Protection District (VCFPD) pursuant to VCFPD Ordinance, or pursuant to a Community Wildfire Protection Plan or similar fuel modification/wildfire protection plan adopted by the VCFPD.

(ADD. ORD. 4413 – 4/6/10; AM. ORD. 4577 – 3/9/21)

### **Sec. 8109.4.1.4 - Required Tree Permit**

A ministerial or *discretionary* Tree Permit shall be obtained from the *Planning Director* pursuant to Section 8107-25 et seq. to alter or destroy any Protected Tree or any trenching, excavating or applying poisons within the drip line or within 15 feet of the trunk of a Protected Tree. If a Planned Development Permit is required pursuant to Section 8109-4.1.2, any required Tree Permit shall be processed concurrently.

(ADD. ORD. 4390 – 9/9/08)

### **Sec. 8109-4.1.5 - Development Standards**

- a. All *discretionary* development shall be sited and designed to:
  - (1) Prevent significant degradation of a scenic view or vista;
  - (2) Minimize alteration of the natural topography, physical features and vegetation;
  - (3) Utilize native plants indigenous to the area for re-vegetation of graded slopes, where appropriate considering the surrounding vegetative conditions;
  - (4) Avoid silhouetting of structures on ridge tops that are within public view;
  - (5) Use materials and colors that blend in with the natural surroundings and avoid materials and colors that are highly reflective or that contrast with the surrounding vegetation and terrain, such as large un-shaded

windows, light colored roofs, galvanized metal, and white or brightly colored exteriors.

(6) Minimize lighting that causes glare, illuminates adjacent properties, or is directed skyward in rural areas.

b. All on-site freestanding advertising, identification and non-commercial message signs in excess of five feet in height and all off-site advertising signs are prohibited in the SRP Overlay Zone.

(ADD. ORD. 4390 – 9/9/08; AM. ORD. 4413 – 4/6/10)

## **Sec. 8109-4.2 - Standards and Procedures for Specific Plan (SP) Zone**

### **Sec. 8109-4.2.1 - Special Standards**

Zoning regulations for governing the SP zone, including, but not limited to, the standards, regulations and conditions applicable to the development and uses permitted in the SP Zone, shall be established by a specific plan approved by the County of Ventura with respect to the area within the boundaries of such specific plan.

### **Sec. 8109-4.2.2 - Procedure and Conditions for Permits**

An application for re-zoning to SP shall include a specific plan indicating the location and approximate acreage of all residential, commercial, industrial, institutional and other uses, proposed residential densities, site topography and general circulation plan. The zone change and specific plan shall be approved concurrently by the Board of Supervisors and said specific plan shall be incorporated into the re-zoning ordinance. All subsequent permits shall be in compliance with the approved specific plan. (AM. ORD. 4018 - 12/15/92)

(AM. ORD. 4377 – 1/29/08)

## **Sec. 8109-4.3 - Standards and Procedures of Timberland Preserve (TP) Zone**

### **Sec. 8109-4.3.1 - Rezoning to TP (Owner-Initiated)**

a. Any property owner may make application to the Board of Supervisors (hereinafter the Board) to zone his or her land TP. The Board by ordinance, after receiving the advice of the Planning Commission and after public hearing, shall zone as Timberland Preserve all *lots* submitted to it by application, which meet all of the following criteria.

(1) The subject land must be timberland. "Timberland" means privately owned land, or land acquired for state forest purposes which is devoted to and used for the growing and harvesting of timber, and compatible uses, and which is capable of growing an average annual volume of wood fiber of at least 15 cubic feet per acre.

(2) A plan for forest management of the property must be prepared, or approved as to content, by a registered professional forester. The plan shall provide for the eventual harvest of timber within a reasonable period of time, as determined by the preparer of the plan.

(3) The property shall meet the timber stocking standards as set forth in Section 4561 of the Public Resources Code and the forest practice rules adopted by the State Board of Forestry for the district in which the property is located, or the owner must sign an agreement with the Board to meet such stocking standards and forest practice rules by the fifth anniversary of the signing of such agreement. If the property is



subsequently zoned as timberland preserve, then failure to meet such stocking standards and forest practice rules within this time period provides the Board with grounds for rezoning of the parcel pursuant to Section 8109-4.3.2c.

- (4) The property shall be in the ownership of one person, as defined in Section 38106 of the Revenue and Taxation Code, and shall be comprised of a single *lot* or contiguous *lots* of at least 80 acres in aggregate.
- b. Any owner who has so applied and whose land is not zoned as Timberland Preserve may petition the Board for a rehearing on the zoning.
- c. Property shall be zoned as TP for an initial term of ten years. On the first and each subsequent anniversary date of the initial zoning, a year shall be added to the initial ten-year term, unless a notice of rezoning is given as provided in Section 8109-4.3.2a or Section 8109-4.3.2c.
- d. An owner with timberlands in a timberland preserve pursuant to either the mandated rezoning required by Sec. 51112 of the Government Code or the provisions of Section 51113 of said Code may petition the Board to add to the owner's timberland preserve any lands which meet the definition of timberland set forth in Section 8109-4.3.1a above. Except for Section 8109-4.3.1a, the criteria of Section 8109-4.3.1 shall not apply to these lands.
- e. In the event of land exchanges with or acquisitions from a public agency in which the size of an owner's *lot* or *lots* zoned as Timberland Preserve pursuant to Government Code Section 51112 or 51113 is reduced, the TP Zone shall not be removed from the *lot(s)* except pursuant to Section 8109-4.3.2c and except for a cause other than the small *lot* size.

#### **Sec. 8109-4.3.2 - Removal from TP Zone**

- a. Owner-Initiated Rezoning - An owner may initiate rezoning of a parcel zoned TP to another zone, provided, however, that unless the written notice is given at least 90 days prior to the anniversary date of initial zoning, the zoning term shall be deemed extended.
  - (1) Within 120 days of receipt of the written notice of an owner's desire to rezone a *lot*, the Board shall, after a public hearing, rule on the request for rezoning. If the Board denies the owner's request for a change of zone pursuant to this Section, the owner may petition for a rehearing.
  - (2) The Board may, by a majority vote of the full body, remove the *lot* from the TP Zone and specify a new zone for the *lot*. The new zone shall become effective ten years from the date of approval.
- b. Immediate Rezoning (Owner-Initiated) - The purpose of this section is to provide relief from zoning as Timberland Preserve only when the continued use of land as a timberland preserve is neither necessary nor desirable to accomplish the purposes of Section 3(j) of Article XIII of the California Constitution, this Ordinance or the applicable sections of Statute 1976, Chapter 176. A Timberland Preserve Zone may be immediately rezoned only at the request of a property owner and as provided in the following subsections:
  - (1) If application for conversion is required pursuant to Section 4621 of the Public Resources Code, the provisions of Section 51133 of the Government Code shall apply.
  - (2) If an application for conversion is not required pursuant to Section 4621 of the Public Resources Code, the Board may approve the immediate rezoning request only if by a four-fifths vote of the full Board it makes written findings that all of the following exist:

- i. The immediate rezoning would be in the public interest.
  - ii. The immediate rezoning would not have a substantial and unmitigated adverse effect upon the continued timber-growing use or open-space use of other land zoned as timberland preserve and situated within one mile of the exterior boundary of the land upon which immediate rezoning is proposed.
  - iii. The soils, slopes, and watershed conditions would be suitable for the uses proposed if the rezoning were approved.
  - iv. The immediate rezoning is consistent with the purposes of subdivision (j) of Section 3 of Article XIII of the Constitution and of the Government Code, Section 51100 et seq.
- (3) The existence of an opportunity for an alternative use of the land shall not alone be sufficient reason for granting a request for immediate rezoning. Immediate rezoning shall be considered only if there is no proximate and suitable land which allows the desired use.
- (4) While the uneconomic or unprofitable character of the existing use shall not be sufficient reason for the approval of immediate rezoning, it may be considered if there is no other reasonable or comparable timber-growing use to which the land may be put.
- (5) Immediate rezoning action shall comply with all the applicable provisions of State law and local ordinances.
- c. County-Initiated Rezoning - The County may initiate rezoning of a *lot* zoned TP in accordance with the following procedures:
- (1) If the Board, after public hearing and by a majority vote of the full body, desires in any year not to extend the term of the TP zoning, the County shall give written notice of its intent to rezone. A proposed new zone shall be specified. Unless the written notice is given at least 90 days prior to the anniversary date of the initial zoning, the zoning term shall be deemed extended.
  - (2) Upon receipt by the owner of a notice of intent to rezone from the County, the owner may make written protest of the notice and may appeal to the Board within 30 days of receiving notice from the County. The Board may at any time prior to the anniversary date withdraw the notice of intent to rezone.
  - (3) The Board shall hold a public hearing on the proposed change and by a majority vote of the full body may reaffirm its intent to change the zoning and specify a new zone. The new zone shall be effective ten years from the date of the reaffirmation vote.

**Sec. 8109-4.3.3 - Environmental Impact Report: Exemption**

Any action of the Board to rezone a *lot* to TP is exempt from the requirements of Section 21151 of the Public Resources Code.

**Sec. 8109-4.3.4 - Recordation**

When land is zoned as Timberland Preserve or subsequently rezoned from TP and after exhaustion of appeals, a notice of Timberland Preserve Zone status, together with a map and assessor's parcel numbers describing such land, shall be filed for record by the County in the recorder's office.

### **Sec. 8109-4.3.5 - Enforcement and Administration**

Land zoned as Timberland Preserve under this Article shall be enforceably restricted within the meaning of Section 3(j) of Article XIII of the Constitution and the restrictions shall be enforced and administered by the County in a manner to accomplish the purposes of that section and of this Article.

### **Sec. 8109-4.3.6 - Division of Land**

*Lots* zoned as Timberland Preserve under this Article may not be divided into *lots* containing less than 160 acres, unless a joint timber management plan is prepared or approved as to content by a registered professional forester for the *lots* to be created. The Plan shall provide for the management and harvesting of timber by the original and any subsequent owners, and shall be recorded with the County Recorder as a deed restriction on all newly created *lots*. The deed restriction shall run with the land rather than with the owners, and shall remain in force for a period of not less than ten years from the date the division is approved by the Board. The division shall be approved only by a four-fifths vote of the full Board, and only after recording of the deed restriction.

(AM. ORD. 4377 – 1/29/08)

## **Sec. 8109-4.4 - Mineral Resource Protection Overlay Zone**

### **Sec. 8109-4.4.1 - Application**

The abbreviated reference for this zone when applied to a base zone shall be "MRP." The provisions of this zone are intended to apply to all areas of the County designated "Protected Mineral Resource Area" on the Resource Protection Maps of Ventura County's General Plan. The suffix "MRP" shall be added to the base zone covering land so identified (example: OS-160 ac/MRP), but shall have no effect on the provisions of the base zone, except as provided herein. (AM. ORD. 3900 - 6/20/89; AM. ORD. 4144 - 7/22/97; AM. ORD. 4377 – 1/29/08)

### **Sec. 8109-4.4.2 - Permit Standards**

*Discretionary* permits shall not be granted within areas with a "MRP" overlay zone designation if the use will significantly hamper or preclude access to, or the extraction of, a mineral resource, except where one or more of the following findings can be made:

- a. Such use is primarily intended to protect life or property.
- b. Such use provides a significant public benefit.
- c. The resource is not present at the site.
- d. Extraction of the resource is not technically or economically feasible.
- e. Extraction of the resource is not feasible due to limitations imposed by the County.

(ADD. ORD. 3723 - 3/12/85)

## **Sec. 8109-4.5 - Community Business District Overlay Zone**

### **Sec. 8109-4.5.1 - Application**

The abbreviated reference for this zone when applied to a base zone shall be "CBD". This overlay zone applies to community business districts which have been found by the County to have unique historic character which warrants special permit requirements and standards necessary to preserve or re-create the historic character of the district consistent with the design guidelines as adopted under the applicable County Area Plan or Specific Plan. The suffix "CBD" shall be added to the base zone covering land so identified (e.g., CPD/CBD), but shall have no effect on the provisions of the base zone except as provided in Section 8109-4.5 through

4.5.5. In this overlay zone the permit requirements of Article 5 shall apply. (AM. ORD. 4377 – 1/29/08; AM. ORD. 4393 – 12/16/08)

**Sec. 8109-4.5.2 – Ministerial Design Permit**

In this overlay zone, when no *discretionary* permit is otherwise required, any alteration of the exterior (including color); remodeling of an existing building or structure, and/or construction of any building or structure (including signs) shall require a Design Permit. A Design Permit shall be issued if the non-*discretionary* alteration of the exterior (including color); remodeling of an existing building or structure, or construction of any building or structure (including signs) is consistent with the design guidelines adopted in the applicable area plan or specific plan and does not violate any provision of local or state law. (AM. ORD. 4393 – 12/16/08)

**Sec. 8109-4.5.3 - Permit Standards**

Before rendering a final decision approving a *discretionary* permit or a permit modification in this overlay zone, the decision-making authority shall make findings based on evidence in the public record that the following standards, in addition to those set forth in Sections 8111-1.2.1.1 through 1.2.1.7 (as applicable) will be met: (AM. ORD. 4393 – 12/16/08)

- a. The alteration or construction of the building, structure or feature for which the permit or permit modification is to be issued is consistent with the purposes of the Community Business District overlay zone (Sec. 8104-7.4).
- b. The alteration or construction of the building, structure or feature for which the permit or permit modification is to be issued is consistent with the design guidelines adopted under the applicable County Area Plan or Specific Plan.

**Sec. 8109-4.5.4 - Deviations from Development, Parking, Landscape and Sign Standards**

Deviations from the following development, landscape and sign standards may be approved by the decision-making authority, provided the deviations meet the standards set forth in subsections (a) and (b) of Section 8109-4.6.3 and the *MWEL*O, where applicable:

- a. Required Minimum Setbacks (Section. 8106-1.2).
- b. Maximum Structure Height (Section 8106-1.2).
- c. Landscaping (Section 8106-8.2).
- d. Prohibited Signs: Projecting Signs (Section 8110-4i).
- e. General Sign Standards: Location (Section 8110-5.2).
- f. Window Signs (Section 8110-6.13).

(ADD. ORD. 4144 - 7/22/97; AM. ORD. 4390 – 9/9/08; AM. ORD. 4407 – 10/20/09; AM. ORD. 4577 – 3/9/21)

**Sec. 8109-4.5.5 – Mixed-Use Development**

Mixed-use development shall comply with the following requirements:

- a. Design Considerations.** A mixed-use development shall be designed to achieve the following objectives:
  - 1. The design of the structures and site planning shall encourage integration of the street pedestrian environment with the non-residential uses. Design emphasis should be given to the pedestrian though the provision of inviting building entries, street-level amenities such as the use of plazas, courtyards, walkways, and street furniture designed to encourage pedestrian interaction.

2. The design shall provide for internal compatibility between the different uses. Potential noise, hours of operation, odors, glare and other potentially significant impacts on residents shall be minimized to allow a compatible mix of residential and non-residential uses on the same site.
  3. The design of the mixed-use development project shall take into consideration potential impacts on adjacent properties and shall include specific design features to minimize potential impacts.
  4. The design of a mixed-use project shall ensure that the residential units are of a residential character and that privacy between residential units and between other uses on the site is maximized.
  5. Site planning and building design shall be compatible with and enhance the adjacent and surrounding neighborhood in terms of scale, building design, color, exterior materials, roof styles, lighting, landscaping and signage.
- b. Mix of Uses.** Unless otherwise limited in an applicable County Area Plan or Specific Plan, a mixed-use project may combine residential units with any other use or combination of uses allowed in the base zoning district. Where a mixed-use project is proposed with a use that is otherwise required to have a conditional use permit the entire mixed-use development project shall be subject to the conditional use permit requirement.
- c. Maximum Density.** The maximum density allowed for a mixed-use development shall be 15 dwelling units per acre, except that if a higher density is permitted on an adjacent residentially zoned parcel, then the density of the mixed-use development may be increased to be consistent with the adjacent residentially zoned parcel.
- d. Site Layout and Project Design Standards.** Each proposed mixed-use development project shall comply with the development standards of the underlying zoning district as described in Section 8106-1.2 except as may otherwise be provided in an applicable County Area Plan or Specific Plan. Additionally, mixed-use developments shall comply with the following requirements:
- 1. Location of Residential Units.** Residential units shall not occupy ground floor space.
  - 2. Loading Areas.** Commercial loading areas shall be located as far as practically feasible from the residential units and shall be screened from view from the residential portion of the mixed-use development project to the extent feasible.
  - 3. Refuse and Recycling Areas.** Shared areas for collection and storage of refuse and recyclable materials shall be located on the site in locations that are convenient for both the residential and non-residential uses.
  - 4. Lighting.** Lighting for commercial uses shall be appropriately shielded to avoid or mitigate negative impacts on the residential units.
  - 5. Noise.** All residential units shall be designed to minimize adverse impacts from non-residential project noise, in compliance with County noise standards. A noise report prepared by a qualified acoustical engineer may be required to recommend specific measures to ensure compliance with County noise standards.

**6. Hours of Operation.** Commercial operations within a mixed-use development project will limit operations to normal business hours (8:00 a.m. to 6:00 p.m.) unless otherwise specifically approved by the decision-making authority.

**7. Open Space.** A minimum of 80 square feet of private usable open space shall be provided for each residential unit within the project. The open space requirement may be met through provision of patios, decks or enclosed yard areas.

**8. Parking.** *Mixed-use development* projects shall comply with the parking requirements set forth in Section 8108, except that the non-residential parking requirement may be modified pursuant to Section 8109-6.4 above.

- e. Required Finding for *Mixed-Use Development*.** In addition to the permit findings required in Section 8109-4.5.3, the decision-making authority must make the finding that the mixed-use development complies with the standards and requirements of Section 8109-4.5.5 (a) through (d).

(ADD. ORD. 4393 – 12/16/08)

### **Sec. 8109-4.6 – Temporary Rental Unit Regulation Overlay Zone**

The abbreviated reference for this overlay zone when applied to a base zone shall be “TRU.” The suffix “TRU” shall be added to the base zone of the land located within the Temporary Rental Unit Regulation overlay zone (e.g., RA-20/ac/TRU) but shall have no effect on the provisions of the base zone, or on the provisions of any other overlay zone that applies to the same land, except as provided herein.

#### **Sec. 8109-4.6.1 – Temporary Rental of Dwelling Must Be Expressly Authorized**

Except as expressly authorized by this Section 8109-4.6 (the “Section”) or otherwise expressly authorized by this Chapter, no dwelling, property or any portion thereof shall be rented for a term of less than thirty consecutive days in the Temporary Rental Unit Regulation (TRU) overlay zone. Renting for periods of less than thirty days pursuant to purported longer-term leases or by other means intended to evade compliance with this Section is prohibited.

#### **Sec. 8109-4.6.2 – Definitions**

Refer to Sec. 8102-0, for the definitions of the terms home exchange, homeshare, short-term rental, and rent as used in this Chapter. For purposes of this Section only, the following definitions shall apply:

- a. Owner – A person with a full or partial fee title ownership interest in the subject property. For a property held in a trust, each trustee (but no trust beneficiary) is considered an owner.
- b. Primary Residence – A dwelling which is the owner’s main living location as evidenced by the owner’s address-of-record for official documents such as the property’s title, income tax returns, voter registration, or a current property tax bill.

#### **Sec. 8109-4.6.3 – Application**

Unless otherwise specifically stated in this Section, the applicable operational standards of Sec. 8109-4.6.8 and property management requirements of Sec. 8109-4.6.9 are automatically imposed and made a part of every permit issued or renewed for a homeshare or short-term rental pursuant to this Section.

**Sec. 8109-4.6.4 – Permit Requirement**

- a. A valid permit issued by the County pursuant to this Section is required in order for any person that seeks or receives any rent, payment, fee, commission or compensation in any form, to rent, offer for rent, advertise for rent, or facilitate the rental of a homeshare or short-term rental located in the TRU overlay zone.
- b. A zoning clearance authorizing a homeshare or short-term rental shall be issued or renewed by the *Planning Director* or designee if the standards and requirements of this Section and those of Sec. 8111-1.1.1(b) are met.

**Sec. 8109-4.6.4.1 – Limited Term**

Permits for homeshares and short-term rentals shall be issued or renewed for a maximum term of one year. All permits shall contain the following provision: "This permit shall expire no later than one year after the date of issuance, and is subject to revocation for violation or noncompliance with the requirements of Sec. 8109-4.6 or any other applicable provision of the Ventura County Ordinance Code."

**Sec. 8109-4.6.5 – Permit Eligibility**

Permits may only be issued under this Section for homeshares and short-term rentals that meet each of the applicable eligibility requirements stated in this Sec. 8109-4.6.5.

**Sec. 8109-4.6.5.1 – Owner Requirements and Limitations**

- a. Permits may only be issued to the owner(s) of the homeshare or short-term rental property, and shall automatically expire upon sale or transfer of ownership of the property, in whole or in part. All permits shall include the following provision: "This permit shall automatically expire upon sale or transfer of the property, in whole or in part, or as stated in Sec. 8109-4.6.4.1, whichever comes first."
- b. A permit may only be issued for a homeshare or short-term rental property if no owner of the subject homeshare or short-term rental property is also the owner of another homeshare or short-term rental property that is currently permitted under this Section. In addition, if a property contains multiple dwelling units (e.g., a duplex, cottages or apartments), only one dwelling unit on the property is eligible for permitting as a homeshare or short-term rental under this Section.

**Sec. 8109-4.6.5.2 – Ineligible Dwellings and Structures**

Except as provided in Sec. 8109-4.6.12, no permit for a homeshare or short-term rental shall be issued for any of the following dwellings:

- a. A dwelling that was permitted as a second dwelling unit or an accessory dwelling unit;
- b. A dwelling subject to a County-imposed covenant, condition or agreement restricting its use to a specific purpose including but not limited to an affordable housing unit, farmworker housing, a superintendent or caretaker dwelling;
- c. A dwelling on property subject to a Land Conservation Act (Gov. Code § 51200 et seq.) contract;
- d. A dwelling on property fully or partially owned by a corporation, partnership, limited liability company, or other legal entity that is not a natural person, except in the event every shareholder, partner or member of the legal entity is a natural person as established by documentation (which shall be public record) provided by the permit *applicant*. In the event this exception applies, every such natural person shall be deemed

a separate owner of the subject dwelling and property for purposes of this Section;

- e. A dwelling on property owned by six or more owners, unless each owner shares common ancestors; or
- f. A dwelling or structure that has not, if legally required, obtained a full building final inspection or been issued a valid certificate of occupancy by the County Building Official.

**Sec. 8109-4.6.5.3 – Limitation on Short-Term Rentals**

A short-term rental must meet one of the following criteria to be eligible for permitting under this Section:

- a. If the short-term rental is located on a property designated by the County as a “landmark” as of June 19, 2018 as this term is defined in Sec. 8102-0; or
- b. If the short-term rental is authorized pursuant to Sec. 8109-4.6.12.

**Sec. 8109-4.6.6 – Pre-Permitting Inspection**

Prior to the initial issuance and each renewal of a permit under this Section, the County Building Official or designee shall conduct an inspection to determine the number of bedrooms within the unit and ensure the dwelling and site comply with the provisions of this Section and other applicable building and zoning codes and regulations regarding parking, access, fire, and other relevant health and safety standards. If any violation is identified during the inspection, no permit shall be issued under this Section until the violation(s) is abated.

**Sec. 8109-4.6.7 – Permit Application, Processing and Fees**

- a. Applications for the initial issuance and renewal of permits under this Section shall meet the form and content requirements as established by the *Planning Director* or designee pursuant to Sections 8111-2.1 and 8111-2.3. As part of each application, the *applicant* shall submit documentation, as specified by the *Planning Director* or designee, needed to determine permit eligibility and compliance with all other requirements of this Section.
- b. Each application shall include a site plan depicting the location and describing the use of all existing structures.
- c. Each application shall include an affidavit in a form provided by the *Planning Director* or designee, signed by each owner of the subject property, agreeing to comply with the operational standards of Sec. 8109-4.6.8 and the property management requirements of Sec. 8109-4.6.9 should the permit be issued. The affidavit form shall also include the following statement: “The County considers the temporary rental of dwellings to be businesses that are operated in residential zones. Temporary rentals are not a by-right use. Instead, they are only allowed if operated in strict compliance with the rules and requirements of Section 8109-4.6. Violations are grounds for permit revocation, fines, and/or criminal prosecution.”
- d. For a homeshare only, annually provide to the Planning Division proof of a homeowner’s exemption from the County Assessor and a fully-executed statement that the property is owner occupied.
- e. An annual permit fee authorized by the fee schedule applicable to the Planning Division may be collected upon the filing of an application to cover the County’s costs of administering this Section.
- f. Prior to permit issuance under this Section, the *applicant* shall: (i) pay all applicable County fees; (ii) submit a code compliance deposit in accordance



with Sec. 8109-4.6.10.2; (iii) provide contact information for the owner of a homeshare, or designate and provide contact information for one or two property managers of a short-term rental, pursuant to Sec. 8109-4.6.9.1; (iv) provide a fully-executed affidavit pursuant to Sec. 8109-4.6.7(b); (v) provide proof of compliance with the applicable business tax and licensing, and transient occupancy tax, requirements pursuant to Sec. 8109-4.6.9.5; (vi) for a homeshare only, proof of homeowner's exemption and statement that property is owner occupied pursuant to Sec. 8109-4.6.7(d); (vii) provide proof of insurance pursuant to Sec. 8109-4.6.9.6; and (viii) provide the fully-executed defense and indemnification agreement pursuant to Sec. 8109-4.6.9.7.

- g. Notwithstanding any other provision of this Article, no public hearing shall be conducted regarding permit applications under this Section. Decisions of the *Planning Director* or designee on permit applications are final when rendered and are not subject to appeal.

### **Sec. 8109-4.6.8 – Operational Standards**

The following minimum operational standards apply to all homeshares and short-term rentals. All owners, renters, occupants and visitors of homeshares and short-term rentals shall comply with the operational standards. The owner(s) and permittee(s) of homeshares and short-term rentals are ultimately responsible for ensuring compliance with, and are liable for violations of, these operational standards.

#### **Sec. 8109-4.6.8.1 – Occupancy Limits**

- a. Short-term rental overnight occupancy shall be limited to a maximum of two persons per bedroom occupying up to five bedrooms, plus two additional persons, up to a maximum of ten persons.
- b. Homeshares shall have a maximum of two bedrooms available for rental. Overnight occupancy shall be limited to a maximum of five rental guests.
- c. Inclusive of the owner(s) in the case of homeshares, the maximum number of total persons allowed on the property at any time shall not exceed the maximum overnight occupancy plus six additional persons. No person who is not staying overnight at the homeshare or short-term rental shall be on the property during the quiet hours stated in Sec. 8109-4.6.8.3.
- d. Homeshares and short-term rentals shall not be rented to more than one group at a time; no more than one rental agreement shall be effective for any given date.

#### **Sec. 8109-4.6.8.2 – Parking Requirements**

- a. Parking shall be provided on the property as follows: a minimum of one parking space for short-term rentals in a studio or with one bedroom; a minimum of two parking spaces for homeshares and short-term rentals with two to four bedrooms; and a minimum of three parking spaces for homeshares and short-term rentals with five bedrooms.
- b. Permitted garages and driveways on the property shall be unobstructed and made available for renter parking, if such location(s) are needed to satisfy the parking requirements of subpart a.

#### **Sec. 8109-4.6.8.3 – Noise**

- a. No use or activity associated with a homeshare or short-term rental shall at any time create unreasonable noise or disturbance.
- b. Quiet hours shall be observed from 10:00 p.m. to 7:00 a.m.

- c. No outdoor amplified music/sound shall be allowed during quiet hours when a property is being rented as a homeshare or short-term rental.

**Sec. 8109-4.6.8.4 – Events and Activities**

Unless allowed under an approved Conditional Use Permit, no homeshare or short-term rental property shall be rented or used for any event or activity attended by more persons than are allowed on the property pursuant to Sec. 8109-4.6.8.1, that violates any noise standard of Sec. 8109-4.6.8.3, or that violates any other standard or requirement of this Section or any other local, state or federal law.

**Sec. 8109-4.6.8.5 – Refuse**

Adequate waste collection facilities and services shall be provided for a homeshare or short-term rental at all times. Waste bins and refuse shall not be left within public view, except in proper containers for the purpose of collection on the scheduled collections day(s). The waste collection schedule and information about recycling and green waste separation and disposal shall be included in the rental agreement and posted conspicuously in the rental unit.

**Sec. 8109-4.6.9 – Property Management Requirements**

The following minimum property management requirements apply to all homeshares and short-term rentals.

**Sec. 8109-4.6.9.1 – Owner/Property Manager Requirements**

- a. At all times a homeshare is rented out, a homeshare owner shall be onsite between the hours of 10:00 p.m. and 7:00 a.m., and within forty miles of the property at all other times, to ensure compliance with the standards and requirements of this Section.
- b. At all times a short-term rental is rented out, the short-term rental shall have one or two designated property managers, one of whom shall be available at all times and within forty miles of the property, to ensure compliance with the standards and requirements of this Section. An owner may serve as one of the property managers.
- c. Each application under this Section shall include the name, address, and telephone number(s) at which the property manager(s) can be reached at all times, along with the signature of each property manager. Any requested change to a designated property manager shall be made through a formal written request to the *Planning Director* or designee, and shall include the signature of the proposed property manager and the desired effective date of the change. No change to a short-term rental's designated property manager shall take effect unless and until approved in writing by the *Planning Director* or designee.

**Sec. 8109-4.6.9.2 – Posting Outside of Units; Permit Notification**

- a. At all times a dwelling is in use as a short-term rental or homeshare, the designated property manager's contact information and the contact information for the County Resource Management Agency's Code Compliance Division ("Code Compliance Division") shall be printed legibly on a sign no larger than 8.5 x 11 inches and posted on an outside wall readily visible from the main entrance to the dwelling, or adjacent to the main entry gate where property access is limited.
- b. The Planning Division shall provide a mailed notice of permit issuance, and of each permit renewal, in accordance with Sec. 8111-3.1.3. At a minimum, the notice shall include: (i) a copy of this Section; (ii) the name and contact information for the designated property manager of a short-

term rental, or owner of a homeshare; and (iii) contact information for the Code Compliance Division.

**Sec. 8109-4.6.9.3 – Information in Rental Agreements, Advertisements and Listings**

- a. Each rental agreement, advertisement, and online listing for a short-term rental or homeshare shall prominently display the following information:
- (1) The permitted occupancy and guest limits for both day and night;
  - (2) Notification that quiet hours shall be observed between 10:00 p.m. and 7:00 a.m.;
  - (3) Notification that no outdoor amplified music or sound is allowed during quiet hours;
  - (4) Notification that the property cannot be used for events that exceed the applicable occupancy or guest limits, or that violate the quiet hours, noise standards or any other standard or requirement of this Section;
  - (5) The available number of onsite parking spaces, and notification discouraging use of on-street parking;
  - (6) The County-issued land use permit number authorizing the homeshare or short-term rental under this Section;
  - (7) The current County-issued Business License Tax Certificate identification number, if required for the operation; and
  - (8) All advertisements for homeshares shall state that the unit is an owner-occupied dwelling, and the owner will be present in the home.
- b. No advertisements or notices regarding the availability of a dwelling for homeshare or short-term rental use shall be posted on the property.

**Sec. 8109-4.6.9.4 –Posting Inside of Dwellings**

The following information, as well as all information required by Sec. 8109-4.6.9.3, shall be posted in a conspicuous location inside the dwelling within six feet of the main entrance of the homeshare or short-term rental:

- a. The name and contact information for the designated property manager of a short-term rental or owner of a homeshare, and the telephone number(s) at which the person can be reached at all times;
- b. The waste collection schedule and information about recycling and green waste separation and disposal;
- c. Notification that the property owner, renter, and occupants are subject to criminal citation and fines, civil penalties and/or permit revocation for violations of the unit’s occupancy limits, noise standards and other operational standards.

**Sec. 8109-4.6.9.5 – Business License; Business Taxes; Transient Occupancy Tax**

To the extent required by applicable County ordinance, the owner of a short-term rental or homeshare shall acquire and maintain a valid County business license, timely pay annual business taxes evidenced by a business tax certificate, and/or obtain and maintain a valid County transient occupancy tax registration certificate and timely pay all required County transient occupancy taxes.

**Sec. 8109-4.6.9.6 – Insurance**

The owner shall maintain an insurance policy that includes coverage for commercial/business general liability with a minimum limit of \$500,000 per occurrence for claims of personal injury or property damage. Proof of such insurance coverage shall be provided with each permit application under this Section, and shall be made available to the *Planning Director* or designee upon request.

**Sec. 8109-4.6.9.7 – Defense and Indemnification**

All owners of a homeshare or short-term rental shall be jointly and severally responsible to defend and indemnify the County and all of its officials, employees and agents from and against all third-party claims, causes of actions, fines, damages and liabilities of whatever nature arising from or related to the processing and issuance of a permit under this Section and/or from the operation of the homeshare or short-term rental. Upon submittal of a permit application under this Section, all owners of the homeshare or short-term rental shall execute a written agreement on a form provided by the *Planning Director* or designee implementing this defense and indemnification requirement.

**Sec. 8109-4.6.9.8 – Record-Keeping**

The owner of a homeshare or short-term rental shall keep and preserve all records as may be necessary to demonstrate compliance with the standards and requirements of this Section. These records shall include but are not limited to all rental agreements entered into, advertisements and online listings. The records shall be maintained during the term of the permit issued under this Section, and shall be made available in electronic format for the County’s review upon request of the *Planning Director* or designee.

**Sec. 8109-4.6.10 – Inspection and Monitoring**

**Sec. 8109-4.6.10.1 – Inspections**

In addition to the pre-permitting inspection of a homeshare or short-term rental pursuant to Sec. 8109-4.6.6, upon reasonable notice, County staff shall be given access to the dwelling and site to conduct an inspection during the term of the permit to ensure continued operation of the homeshare or short-term rental in compliance with the provisions of this Section and other applicable building and zoning codes and regulations regarding parking, access, fire, safety, and other relevant issues.

**Sec. 8109-4.6.10.2 – Monitoring**

County monitoring shall be required for each homeshare and short-term rental operation issued a permit. The permittee shall be responsible for all monitoring costs associated with the operation. Each application request for a permit under this Section shall be accompanied by payment of a code compliance review deposit in the amount stated in the Planning Division Fee Schedule. If the County bills against the deposit, the permittee shall replenish the deposit within seven calendar days after the County’s written request to the permittee.

**Sec. 8109-4.6.11 – Complaints and Violations**

**Sec. 8109-4.6.11.1 – Complaints**

- a. Complaints regarding the condition, operation or conduct of the renters, occupants or visitors of a homeshare or short-term rental shall be directed to the short-term rental property manager or homeshare owner for investigation and resolution. The property manager or owner shall be available by phone at all times the dwelling is rented out as a homeshare or short-term rental.
- b. Upon receipt of a complaint that any renter, occupant or visitor of a homeshare or short-term rental has created unreasonable noise or

disturbance and/or potentially violated any other operational standard of this Section, the property manager or owner shall take all necessary actions to promptly resolve the issue, including by initially contacting the renter to correct the problem within thirty minutes, or within fifteen minutes during the quiet hours between 10:00 p.m. and 7:00 a.m., after the complaint is first received.

- c. Within twenty-four hours after first receiving a complaint pursuant to subsection (b) above, the property manager or owner shall complete the online reporting form provided by the *Planning Director* or designee to: (1) report and describe the complaint, including the time the complaint was first received; (2) describe all actions taken to resolve the issue, including the time each action was taken; and (3) describe the resolution or current status.
- d. A property manager's or owner's failure to promptly resolve a complaint pursuant to subsection (b) above which the Planning Division deems to be valid, or to timely and fully report the complaint to the *Planning Director* or designee on the online reporting form, shall each constitute a separate violation of this Section.

**Sec. 8109-4.6.11.2 – Violations**

Each of the following acts or omissions related to the operation or use of a homeshare or short-term rental is unlawful and constitutes a violation of this Section. Owners are jointly and severally responsible and liable, along with any other responsible person, for each violation committed with respect to their homeshare or short-term rental. Each day a violation occurs constitutes a separate, additional violation:

- a. Engaging in an act in violation of the permitting requirement of Sec. 8109-4.6.4(a);
- b. Failure to comply with an operational standard of Sec. 8109-4.6.8;
- c. Failure to comply with a property management requirement of Sec. 8109-4.6.9;
- d. Failure to comply with the complaint investigation, resolution and/or reporting requirements of Sec. 8109-4.6.11.1; and
- e. Failure to timely remit to the County any cost or fee pursuant to this Section.

**Sec. 8109-4.6.12 – Legal Nonconforming Short-Term Rentals and Homeshares**

This Sec. 8109-4.6.12 governs the continuation of legal nonconforming short-term rentals and homeshares, as defined below. Article 13 shall not apply to this Section.

- a. For purposes of this Section, a legal nonconforming short-term rental or homeshare is one that meets each of the following requirements:
  - (1) A dwelling that was operating and rented as a short-term rental or homeshare as of the effective date of this Section, and has continued to operate as such to the present; and
  - (2) The short-term rental or homeshare does not conform to the permit eligibility requirements of any or all of the following: (i) Sec. 8109-4.6.5.1(b), or (ii) Sec. 8109-4.6.5.2, subdivisions (a), (c), (d), or (e), or (iii) Sec. 8109-4.6.5.3.

- b. Except as specified in this Sec. 8109-4.6.12, a legal nonconforming short-term rental or homeshare shall be subject to and comply with all standards and requirements of this Section that apply generally to short-term rentals and homeshares.
- c. *Applicants* seeking a permit to operate a legal nonconforming short-term rental or homeshare shall comply with all general permitting requirements of this Section except for the permit eligibility requirements identified in Sec. 8109-4.6.12(a)(2) with which the owner or dwelling does not conform. As part of the permitting process, *applicants* shall: (a) submit documentation as specified by the *Planning Director* or designee establishing that the dwelling qualifies for legal nonconforming status pursuant to this Sec. 8109-4.6.12; and (b) state all permit eligibility requirements identified in Sec. 8109-4.6.12(a)(2) with which the short-term rental or homeshare does not conform.
- d. A legal nonconforming short-term rental or homeshare shall be permitted to operate for a maximum of two years from the effective date of this Section, or until the sale or transfer of the property in whole or part, or until the permit is revoked for cause or is not renewed, whichever occurs first ("Grace Period").
- e. After expiration or revocation of the permit authorizing a legal nonconforming short-term rental or homeshare, no person who seeks or receives any rent, payment, fee, commission, or compensation in any form from the subject legal nonconforming homeshare or short-term rental shall rent, offer for rent, advertise for rent, or facilitate the rental of the subject legal nonconforming homeshare or short-term rental.

(ADD. ORD. 4523 – 6/19/18)

**Sec. 8109-4.7 – Dark Sky Overlay Zone (DKS)**

The abbreviated reference for the Dark Sky overlay zone when applied to a base zone shall be "DKS". This overlay zone applies to areas found by the County to have a unique character which warrant special requirements and standards necessary to prevent *light pollution* and preserve the natural darkness of the night sky, reduce *sky glow*, have improved star viewing, and have decreased energy consumption.

The suffix DKS shall be added to the base zone covering land so identified (e.g., RA-20 ac/DKS). The standards and procedures in this Sec. 8109-4.7 shall apply to all property in the Dark Sky overlay zone in addition to those of the base zone. Where a property is subject to the standards of more than one overlay zone, the more restrictive standards shall apply.

**Sec. 8109-4.7.1 – Applicability**

Except for outdoor lighting that is exempt pursuant to Sec. 8109-4.7.5 (Exempt Lighting), or authorized pursuant to Sec. 8109-4.7.6 (Deviation from Standards and Requirements), this Sec. 8109-4.7 shall apply as follows:

- a. The standards and requirements of Sec. 8109-4.7.3 (Prohibited Lighting) and Sec. 8109-4.7.4 (General Standards) shall apply to all *outdoor luminaires*, and night lighting within translucent or transparent enclosed structures for agricultural operations, installed or replaced after November 1, 2018.
- b. Any *outdoor luminaire* installed as of November 1, 2018 that does not comply with any standard or requirement of Sec. 8109-4.7.4 (General Standards) shall be subject to the applicable requirements of Sec. 8109-4.7.2 (Existing Lighting).
- c. The use of any *outdoor luminaire* installed as of November 1, 2018 that is prohibited by Sec. 8109-4.7.3 (Prohibited Lighting) shall be discontinued as of November 1, 2019.

### Sec. 8109-4.7.2 – Existing Lighting

Any *outdoor luminaires* installed as of November 1, 2018 that do not comply with any standard or requirement of Sec. 8109-4.7.4 are subject to the following requirements, as applicable:

- a. The provisions of Article 13 shall not apply to any lighting subject to this Sec. 8109-4.7.
- b. **Non-Essential Luminaires.** Except for lighting subject to subsection (d) below, existing *non-essential luminaires* may remain in use until replaced, but shall comply with the following requirements as of November 1, 2019:
  - (1) *Luminaires* that have adjustable mountings with the ability to be redirected shall be directed downward, to the extent feasible, to reduce *glare* and *light trespass* onto adjacent properties; and
  - (2) The lighting shall be turned off during dark hours as described in Sec. 8109-4.7.4(d).
- c. **Essential Luminaires.** Except for lighting subject to subsection (d) below, existing *essential luminaires* may remain in use until replaced, including during dark hours as described in Sec. 8109-4.7.4(d). As of November 1, 2019, existing *essential luminaires* that have adjustable mountings with the ability to be redirected shall be directed downward, to the extent feasible, to reduce *glare* and *light trespass* onto adjacent properties.
- d. **Existing Outdoor Lighting for Commercial and Industrial Uses in Commercial and Industrial Zones.** Existing *outdoor lighting* installed for commercial and industrial uses in a Commercial or Industrial zone are subject to the following:
  - (1) **Non-Essential Luminaires.** *Non-essential luminaires* shall comply with the following requirements as of November 1, 2019:
    - i. *Luminaires* that have adjustable mountings with the ability to be redirected shall be directed downward, to the extent feasible, to reduce *glare* and *light trespass* onto adjacent properties; and
    - ii. The lighting shall be turned off during dark hours as described in Sec. 8109-4.7.4(d).
  - (2) **Essential Luminaires.** As of November 1, 2019, *essential luminaires* that have adjustable mountings with the ability to be redirected shall be directed downward, to the extent feasible, to reduce *glare* and *light trespass* onto adjacent properties.
  - (3) **All Luminaires.** All *luminaires* shall either comply with the standards and requirements of Sec. 8109-4.7.4 as of November 1, 2021, or shall be turned off during dark hours as described in Sec. 8109-4.7.4(d) after this date. An extension of this November 1, 2021 deadline may be sought by submitting a written request to the Planning Division. Non-compliant, *non-essential luminaires* shall remain turned off during dark hours while the request is pending. Upon demonstration of good cause for providing additional time to comply with the applicable standards and requirements of Sec. 8109-4.7.4, the *Planning Director* may extend the time to comply and/or may require a plan for compliance that requires partial compliance in advance of full compliance. For purposes of this section, the term “good cause” shall mean a significant financial or other hardship which warrants an extension or conditional extension of the time limit for compliance.

- (4) **Permitted Facilities.** Notwithstanding subsection (d)(3) above, all existing lighting approved in conjunction with a use and/or structure authorized by a *discretionary* permit granted pursuant to this Chapter may remain in use past November 1, 2021, subject to the applicable requirements of subsections (d)(1) and (d)(2) above. Upon approval of a minor or major modification to the subject *discretionary* permit, all such lighting shall be required to be modified or replaced so that the lighting conforms to the standards and requirements of Sec. 8109-4.7.4, with the replacement lighting to be phased in within a reasonable time period past November 1, 2021.

### **Sec. 8109-4.7.3 – Prohibited Lighting**

No *outdoor luminaire* prohibited by this Sec. 8109-4.7.3 shall be installed or replaced after November 1, 2018. In addition, the use of any existing *outdoor luminaire* that is prohibited by this Sec. 8109-4.7.3 shall be discontinued as of November 1, 2019. The following *luminaires* are prohibited:

- a. *Luminaires* located along the perimeter of a *lot*, except those used for security/safety purposes that comply with all other applicable standards and requirements of Sec. 8109-4.7.4.
- b. Permanently installed *luminaires* that blink, flash, rotate, have intermittent fading, or strobe light illumination.

### **Sec. 8109-4.7.4 – General Standards**

All *luminaires* installed or replaced after November 1, 2018 shall comply with the following standards and requirements:

- a. **Shielding and Direction of Luminaires.** All *outdoor luminaires* shall be *fully shielded*, directed downward, and installed and maintained in such a manner to avoid *light trespass* beyond the *lot* line in excess of those amounts set forth in Sec. 8109-4.7.4(i) below. Lights at building entrances, such as porch lights and under-eave lights, may be partially shielded.
- b. **Lighting Color.** The *correlated color temperature* of each *outdoor luminaire*, except those used for *security lighting* (see Sec. 8109-4.7.4(e)), shall not exceed 3,000 *Kelvin*.
- c. **Maximum Lumens Per Luminaire.** Each *outdoor luminaire*, except those used for *security lighting* and *outdoor recreational facility lighting*, shall have a maximum output of 850 *lumens*. (See Sec. 8109-4.7.4(e) for standards regarding *security lighting*, and Sec. 8109-4.7.4(g) for standards regarding *outdoor recreational facility lighting*.)
- d. **Dark Hours.** All *outdoor luminaires*, other than an *essential luminaire*, shall be turned off from 10:00 p.m., or when people are no longer present in exterior areas being illuminated, or the close of business hours, whichever is latest, until sunrise.
- e. **Security Lighting.**
  - (1) *Outdoor luminaires* used for *security lighting* shall not exceed a maximum output of 2,600 *lumens per luminaire*.
  - (2) Where the light output exceeds 850 lumens, motion sensors with timers programmed to turn off the light(s) no more than 10 minutes after activation must be used between 10:00 p.m. and sunrise. The foregoing does not apply to *security lighting* used for agricultural operations conducted on parcels within the Agricultural Exclusive (AE), Open Space (OS), and Rural Agricultural (RA) zones.



(3) Where security cameras are used in conjunction with *security lighting*, the lighting color may exceed 3,000 *Kelvin* but shall be the minimum necessary for effective operation of the security camera.

**f. Parking Area Lighting.** Parking area lighting shall comply with the standards set forth in Sec. 8108-5.12, and is not subject to any other standard set forth in this Sec. 8109-4.7.4.

**g. Outdoor Recreational Facility Lighting**

(1) *Outdoor recreational facility lighting* may exceed 850 lumens and 3,000 *Kelvin* per *luminaire*. Lighting levels for these facilities shall not exceed those recommended in the Lighting Handbook available online by the Illuminating Engineering Society of North America (IESNA) for the class of play (Sports Class I, II, III or IV).

(2) In cases where *fully-shielded luminaires* would cause impairment to the visibility required for the intended recreational activity, *partially-shielded luminaires* and *directional lighting* methods may be utilized to reduce *light pollution, glare* and *light trespass*.

(3) With the exception of *security lighting* as specified in Sec. 8109-4.7.4(e), and parking area lighting as specified in Sec. 8108-5.12, *outdoor recreational facilities* shall not be illuminated between 10:00 p.m. and sunrise, except to complete a recreational event or activity that is in progress as of 10:00 p.m.

(4) See Sec. 8109-4.7.4(j) for additional lighting requirements for *outdoor recreational facilities*, by zone.

(5) The lighting system design (including *lumens, Kelvin, etc.*) shall be prepared by a qualifying engineer, architect or landscape architect, in conformance with this Section 8109-4.7.

(6) The proposed lighting design shall be consistent with the purpose of this section and minimize the effects of light on the environment and surrounding properties.

**h. Service Station Lighting:** All *luminaires* mounted on or recessed into the lower surface of the service station canopies shall be *fully shielded* and utilize flat lenses. No additional lighting is allowed on the columns of the service station.

**i. Allowable Light Trespass:** *Outdoor lighting* shall conform to the quantitative *light trespass* limits shown in Table 1 below, measured from the property line illuminated by the light source. The more restrictive zone will apply. For example, when a commercial zone abuts a single-family residential zone, the *light trespass* limit shall be 0.1 foot-candles at the property line.

**Table 1**  
**Quantitative Light Trespass Limits, by Zone**

<b>Open Space, Agriculture and Special Purpose Zones (such as OS-REC, OS, AE, TP)</b>	
Horizontal-plane limit	0.1 <i>foot-candles</i> at property lines
Vertical-plane limit	
<b>Rural Residential and Single-family/Two-family Residential Zones (such as RA, RE, RO, R-1, R-2)</b>	
<i>Horizontal-plane</i> limit	0.1 <i>foot-candles</i> at property lines
<i>Vertical-plane</i> limit	
<b>Multi-family Residential Zones (such as RPD)</b>	
Horizontal-plane limit	0.2 <i>foot-candles</i> at property lines
Vertical-plane limit	
<b>Commercial and Industrial Zones (such as C-O, C-1, CPD, M-1, M-2, M-3)</b>	
Horizontal-plane limit	0.25 <i>foot-candles</i> at property lines, unless otherwise approved by PD or CUP
Vertical-plane limit	

(AM. ORD. 4625 – 1/9/24)

**j. Maximum Height Allowance:**

- (1) *Luminaires* affixed to structures for the purpose of lighting *outdoor recreational facilities* (such as for equestrian arenas, batting cages, tennis courts, basketball courts, etc.) shall not be mounted higher than 15 feet above ground level. In cases where *luminaires* are affixed to *fences*, the top of the fixture shall not be higher than the height of the *fence*.
- (2) Freestanding light fixtures used to light walkways, driveways, or hardscaping shall utilize *luminaires* that are no higher than two feet above ground level. Freestanding light fixtures used for commercial and industrial uses shall comply with subsection (j)(3) below.
- (3) All other freestanding light fixtures shall not be higher than 20 feet above ground level, unless specifically authorized by a *discretionary* permit granted under this Chapter.

**k. Night Lighting for Translucent or Transparent Enclosed Agriculture Structures:** All night lighting within translucent or transparent enclosed structures used for ongoing agriculture or agricultural operations (e.g., greenhouses for crop production) shall use the following methods to reduce *sky glow*, beginning at 10:00 p.m. until sunrise:

- (1) *Fully- or partially-shielded directional lighting*; and
- (2) Blackout screening for the walls and roof, preventing interior night lighting from being visible outside the structure.

**Sec. 8109-4.7.5 Exempt Lighting**

The following outdoor lighting is exempt from all regulations and requirements of this Sec. 8109-4.7.

- a. Temporary lighting for construction.
- b. Temporary emergency lighting.
- c. Lighting for *wireless communication facilities* to the extent required by the Federal Aviation Administration. This lighting is subject to Sec. 8107-45.4.
- d. Temporary or intermittent outdoor agricultural lighting consistent with usual or customary agricultural practices, including during weather events.
- e. Lighting for signage permitted in accordance with Article 10.
- f. *Seasonal or festive lighting*.
- g. *Luminaires* with a maximum output of 60 lumens or less, including solar lights.
- h. Temporary lighting associated with a use authorized by this Chapter or a permit granted pursuant to this Chapter.
- i. Lighting on public and private streets.
- j. Lighting required to comply with preemptive state or federal law.

**Sec. 8109-4.7.6 Deviation from Standards and Requirements**

- a. The *Planning Director* may authorize deviations from any standard or requirement of this Sec. 8109-4.7 during the processing of an application for a *discretionary* permit or approval. The decision to authorize each deviation must include written findings of fact supported by substantial evidence in the record establishing that the *applicant's* proposed *lighting* will be the functional equivalent, with regard to the strength and duration of illumination, *glare*, and *light trespass*, of the lighting that would otherwise be required by the applicable standard or requirement.
- b. The request shall state the circumstances and conditions relied upon as grounds for each deviation, and shall be accompanied by the following information and documentation:
  - (1) Plans depicting the proposed *luminaires*, identifying the location of the *luminaire(s)* for which the deviation is being requested, the type of replacement *luminaires* to be used, the total light output (including *lumens*, *Kelvin*, etc.), and the character of the shielding, if any;
  - (2) Detailed description of the use of proposed *luminaires* and the circumstances which justify the deviation. The description shall include documentation supporting the making of the required findings of fact as stated in subsection (a) above;
  - (3) Supporting documentation such as a lighting plan, if requested; and
  - (4) Other data and information as may be required by the Planning Division.

(ADD. ORD. 4528 - 9/25/18)

**Sec. 8109-4.8 – Habitat Connectivity and Wildlife Corridors Overlay Zone**

The abbreviated reference for the Habitat Connectivity and Wildlife Corridors overlay zone when applied to a base zone shall be "HCWC." The suffix "HCWC" shall be added to the base zone covering land so identified (example: AE-40 ac/HCWC). Where applicable, the standards, requirements and procedures in this Sec. 8109-4.8 shall apply to parcels in the Habitat Connectivity and Wildlife Corridors overlay zone in addition to those of the base zone. In the case of conflicting zone standards,

requirements or procedures, the more restrictive standard, requirement or procedure shall apply within the Habitat Connectivity and Wildlife Corridors overlay zone.

**Sec. 8109-4.8.1 – Applicability**

- a. Except as otherwise specifically stated in Sec. 8109-4.8.2.1 regarding *outdoor lighting* and Sec. 8109-4.8.3.3 regarding prohibitions, the standards, requirements and procedures of this Sec. 8109-4.8 shall only apply to land uses and *structures* requiring a *discretionary* permit or modification thereto, or a ministerial Zoning Clearance, the applications for which are decided by the County decision-making authority on or after May 18, 2019, or to uses or activities not requiring a *discretionary* permit or Zoning Clearance which occur after May 18, 2019.
- b. If a *lot* is located both inside and outside of the Habitat Connectivity and Wildlife Corridors overlay zone, the standards, requirements and procedures of this Sec. 8109 - 4.8 shall only apply to the portion of the *lot* that is located inside the Habitat Connectivity and Wildlife Corridors overlay zone.
- c. For purposes of calculating *lot* sizes to apply the provisions of this Sec. 8109-4.8, the Ventura County Resource Management Agency Geographic Information System (GIS) shall be used.
- d. If a proposed land use or *structure* requires a *discretionary* permit or modification thereto under a section of this Chapter other than this Sec. 8109-4.8, no additional *discretionary* permit or Zoning Clearance shall be required for the proposed land use or *structure* pursuant to this Sec. 8109-4.8. Instead, the applicable standards, requirements and procedures of this Sec. 8109-4.8 shall be incorporated into the processing of the application for, and the substantive terms and conditions of, the *discretionary* permit or modification that is otherwise required by this Chapter.
- e. If the same proposed land use, *structure* or project requires two or more *discretionary* permits or modifications or Zoning Clearances pursuant to this Sec. 8109-4.8 and/or Sec. 8109-4.9, the permit applications shall be processed and acted upon concurrently as part of the same project.
- f. Except as expressly stated in this Sec. 8109-4.8, if a permit condition, subdivision condition, or other covenant, condition, easement, or instrument imposes standards or restrictions on development which is subject to this Sec. 8109-4.8, the more restrictive standards and restrictions shall apply.

**Sec. 8109-4.8.2 – Outdoor Lighting**

**Sec. 8109-4.8.2.1 – Applicability**

*Outdoor lighting* standards are intended to minimize potential impacts of light on wildlife movement. Except for *outdoor lighting* that is exempt pursuant to Sec. 8109-4.8.2.2, this Sec. 8109-4.8.2 applies to *outdoor lighting* and to *luminaires* within translucent or transparent enclosed *structures* for agricultural operations. The provisions of Article 13 shall not apply to any lighting subject to this Sec. 8109-4.8.2.

**Sec. 8109-4.8.2.2 – Exemptions**

The following *outdoor lighting* and related activities are not subject to this Sec. 8109-4.8.2:

- a. *Temporary* lighting for construction.
- b. *Temporary* emergency lighting.

- c. Lighting for *wireless communication facilities* to the extent required by the Federal Aviation Administration, except for the requirements set forth in Sec. 8109-4.8.2.4.b(9).
- d. *Temporary* or intermittent outdoor night lighting necessary to conduct agricultural activities including *outdoor lighting* used during weather events such as frosts, and *temporary* or intermittent outdoor night lighting used for surface mining operations or *oil and gas exploration and production* regardless of the location or number of lights used intermittently. As used in this Sec. 8109-4.8.2.2 the term "intermittent" means a period of between 31 and 90 calendar days within any 12-month period. For example, the use of intermittent lighting in cases where it is used simultaneously to illuminate multiple, discreet facilities (well sites, multiple tanks, etc.) is not limited provided that each individual location is illuminated no longer than 90 calendar days within any 12-month period.
- e. *Outdoor lighting* for signage permitted in accordance with Article 10.
- f. Seasonal or festive lighting.
- g. *Outdoor lighting* with a maximum output of 60 *lumens* or less, including solar lights.
- h. *Temporary outdoor lighting* associated with a use authorized by this Chapter or a permit granted pursuant to this Chapter.
- i. Lighting on public and private streets.
- j. Lighting used for any facility, equipment, or activity that is required to comply with any federal or state law, or any condition or requirement of any permit, approval or order issued by a federal or state agency.
- k. Lighting used in a swimming pool that is an *accessory use* to a dwelling or in a swimming pool associated with a legally authorized camp use.

**Sec. 8109-4.8.2.3 – Prohibited Lighting**

No *outdoor luminaire* prohibited by this Sec. 8109-4.8.2.3 shall be installed or replaced after May 18, 2019. In addition, the use of any *outdoor luminaire* installed as of May 18, 2019 that is prohibited by this Sec. 8109-4.8.2.3 shall be discontinued as of May 18, 2020. The following luminaires are prohibited:

- a. Permanently installed *luminaires* that blink, flash, rotate, have intermittent fading, or have strobe light illumination.
- b. *Luminaires* located along the perimeter of a *lot* except for *security lighting* that complies with all other applicable standards and requirements of Sec. 8109-4.8.2.
- c. *Uplighting* of landscapes (e.g., trees, fountains) or for aesthetic purposes (e.g., outdoor statues, buildings) after 10:00 p.m. or after people are no longer present in exterior areas being illuminated, whichever occurs latest.

**Sec. 8109-4.8.2.4 – Existing Lighting; Standards and Requirements**

- a. Existing Lighting
  - (1) Any *outdoor luminaire* installed prior to May 18, 2019 and use thereof that does not comply with any standard or requirement of Sec. 8109-4.8.2.4.b, and is not otherwise approved in conjunction with a land use and/or *structure* authorized by a *discretionary* permit granted

pursuant to this Chapter, may remain in use until replaced, but shall comply with the following requirements as of May 18, 2020:

- i. *Luminaires* that have adjustable mountings with the ability to be redirected shall be directed downward, to the extent feasible, to reduce *glare* and *light trespass* onto adjacent undeveloped areas; and
- ii. Lighting shall be turned off at 10:00 p.m. or when people are no longer present in exterior areas being illuminated, whichever occurs latest, and shall remain turned off until sunrise, except for *essential luminaires* which may remain on if used to illuminate circulation areas such as walkways and driveways or building entrances, or if used for safety or *security lighting*, pursuant to the requirements of Sec. 8109-4.8.2.4.b(5).

(2) Any *outdoor luminaire* installed prior to May 18, 2019 and use thereof that does not comply with any standard or requirement of this Sec. 8109-4.8.2 that is approved in conjunction with a land use and/or *structure* authorized by a *discretionary* permit granted pursuant to this Chapter may remain in use until at least May 18, 2022 subject to the applicable requirements of subsections a(1)(i) and a(1)(ii) above. Upon approval of a minor or major modification to the subject *discretionary* permit, all such lighting shall be required to be modified or replaced so that the lighting and use thereof conforms to the applicable standards and requirements of this Sec. 8109-4.8.2, with the replacement lighting to be phased in within a reasonable time period after May 18, 2022.

b. Standards and Requirements. Except as provided in Sec. 8109-4.8.2.4.a regarding existing *lighting*, the following standards and requirements apply to *lighting* and use thereof subject to and not prohibited by this Sec. 8109-4.8.2:

(1) Shielding and Direction of Luminaries - All *outdoor lighting* shall be *fully-shielded*, directed downward, and installed and maintained in such a manner to avoid *light trespass* beyond the property line. Lights at building entrances, such as porch lights and under-eave lights, may be *partially-shielded luminaires*.

(2) Maximum Height of Lighting

- i. *Luminaires* affixed to *structures* for the purposes of *outdoor recreational facility* lighting shall not be mounted higher than 15 feet above ground level. In cases where a *luminaire* is affixed to a *fence*, the top of the *luminaire* shall be no higher than the height of the *fence*.
- ii. Freestanding light fixtures used to light walkways and driveways shall use *luminaires* that are no higher than two feet above ground level.
- iii. All other freestanding light fixtures shall not exceed 20 feet above ground level, unless authorized by a *discretionary* permit granted under this Chapter.

(3) Lighting Color (Chromaticity) - The *correlated color temperature* of all *outdoor lighting* shall not exceed 3,000 Kelvin.

(4) Maximum Lumens - All *outdoor lighting*, except that used for *security lighting*, *outdoor recreational facility lighting*, and driveway and walkway lighting, shall have a maximum output of 850 *lumens per luminaire*.

- iv. Driveway and walkway lighting shall have a maximum output of 100 *lumens per luminaire*.
- v. See Sec. 8109-4.8.2.4.b(5) for standards regarding *security lighting*.
- vi. See Sec. 8109-4.8.2.4.b(7) for standards regarding *outdoor recreational facility lighting*.

(5) Security Lighting

- i. *Outdoor lighting* installed for *security lighting* shall have a maximum output of 2,600 *lumens per luminaire*. If required for proper functioning of a security camera used in conjunction with *security lighting*, the *correlated color temperature* may exceed 3,000 *Kelvin*. Where the light output exceeds 850 *lumens*, *security lighting* shall be operated by motion sensor or a timer switch and shall be programmed to turn off no more than 10 minutes after activation.
- ii. Notwithstanding subsection (i) above, if *security lighting* is installed within a *surface water feature*, it shall be programmed to turn off no more than five minutes after activation.
- iii. *Outdoor lighting* installed for *security lighting* that is used in connection with agricultural uses on *lots* zoned Agricultural Exclusive (AE), Open Space (OS), and Rural-Agricultural (RA) or legally authorized *oil and gas exploration and production* uses operating under a *discretionary* permit as of May 18, 2019 shall not be subject to the requirements for motion sensors and timers set forth in subsections (i) and (ii) above.
- iv. *Essential luminaires* may remain on if used to illuminate circulation areas such as walkways, driveways or building entrances.

(6) Parking Area Lighting shall comply with the standards set forth in Sec. 8108-5.12 and is not subject to any other standard or requirement set forth in this Sec. 8109-4.8.2.

(7) Outdoor Recreational Facility Lighting

- i. *Outdoor recreational facility lighting* may exceed an output of 850 *lumens* and 3,000 *Kelvin per luminaire*. Lighting levels for these facilities shall not exceed those levels recommended in the Lighting Handbook available online by the Illuminating Engineering Society of North America (IESNA) for the class of play (Sports Class I, II, III or IV).
- ii. In cases where *fully-shielded luminaires* would impair the visibility required for the intended recreational activity, *partially-shielded luminaires* and *directional lighting* methods may be used to reduce *light pollution*, *glare* and *light trespass*.
- iii. *Outdoor recreational facility lighting* shall not be illuminated between 10:00 p.m. and sunrise, except to complete a

recreational event or activity that is in progress as of 10:00 p.m. Notwithstanding the foregoing, any *essential luminaire* and parking area lighting may be operated as part of the *outdoor recreational facility* in accordance with Sec. 8108-5.12.

- iv. A lighting system design and installation plan (including lamps, *lumens*, *Kelvin*, etc.) shall be prepared by a qualified engineer, architect or landscape architect, in conformance with this Sec. 8109-4.8.2.2.b(7), and submitted to and approved by the County prior to the issuance of the applicable permit.
  - v. The lighting system design shall be consistent with the purpose of this Sec. 8109-4.8.2 and minimize the effects of *light pollution* on adjacent undeveloped areas within the Habitat Connectivity and Wildlife Corridors overlay zone.
- (8) Service Station Lighting - All *luminaires* mounted on or recessed into the lower surface of the service station canopy shall be *fully-shielded luminaires* and utilize flat lenses. No additional lighting is allowed on columns of the service station.
- (9) Wireless Communication Facilities - In addition to all other applicable standards for *wireless communication facilities* specified in Sec. 8107-45, *wireless communication facilities* (including radio and television towers) that are higher than 200 feet shall not use red-steady lights unless otherwise required by the Federal Aviation Administration (FAA). Only white strobe or red strobe lights or red flashing LED lights shall be used at night, and these should be the minimum number, minimum intensity, and minimum number of flashes per minute (i.e., longest duration between flashes/dark phase) allowable by the FAA. To the extent feasible, light flashes emanating from a single tower shall be set (synchronized) to flash simultaneously.
- (10) Night Lighting for Translucent or Transparent Enclosed Agriculture Structures - All night lighting within translucent or transparent enclosed *structures* used for ongoing agriculture or agricultural operations (e.g., greenhouses for crop production) shall use the following methods to reduce *light pollution* between 10:00 p.m. and sunrise:
- i. Fully- or partially-shielded directional lighting; and
  - ii. Blackout screening for the walls and roof, preventing interior night lighting from being visible outside the *structure*.
- (11) Lighting for Oil and Gas Exploration and Production and Surface Mining Operations: *Outdoor lighting* utilized for *oil and gas exploration and production* and for surface mining operations may deviate from the above-stated standards and requirements and shall be specified in a lighting plan approved by the County during the *discretionary* permitting process for the subject facility or operation. All such lighting shall be designed and operated to minimize impacts on wildlife passage to the extent feasible.

**Sec. 8109-4.8.2.5 – Deviations from Standards and Requirements**

- a. *Applicants* may request deviations from any standard or requirement of Sec. 8109-4.8.2.4.b as part of an application for a *discretionary* permit



or modification thereto. The decision to authorize each deviation must include written findings of fact supported by substantial evidence in the record establishing that the *applicant's* proposed lighting will be the functional equivalent, with regard to the strength and duration of illumination, *glare*, and *light trespass*, of the lighting that would otherwise be required by the applicable standard or requirement.

- b. The request shall state the facts and circumstances supporting each deviation, and shall be accompanied by the following information and documentation:
  - (1) Plans depicting the proposed *luminaires*, identifying the location of the *luminaire(s)* for which the deviation is being requested, the type of replacement *luminaires* to be used, the total light output (including *lumens*, *Kelvin*, etc.), and the character of the shielding, if any;
  - (2) Detailed description of the use of proposed *luminaires* and the facts and circumstances which justify the deviation;
  - (3) Supporting documentation such as a lighting plan, if requested; and
  - (4) Other data and information as may be required by the Planning Division.

**Sec. 8109-4.8.3 – Applicability and Exemptions, Prohibitions, Wildlife Crossing Structures, Surface Water Features, Vegetation Modification, Wildlife Impermeable Fencing, Permitting**

**Sec. 8109-4.8.3.1 – Applicability**

- a. This Sec. 8109-4.8.3 applies to the *structures* and *wildlife impermeable fencing* (collectively referred to as “development” in this Sec. 8109-4.8.3) described below, except to the extent any such development is exempt pursuant to Sec. 8109-4.8.3.2:
  - (1) Construction of any new *structure* that requires a Zoning Clearance or other permit required under Article 5 with a *gross floor area* of 120 square feet or more inclusive of open-roofed *structures*, or any addition to an existing *structure*, that requires a Zoning Clearance or other permit under Article 5 and that will result in any new *fuel modification* required by the Ventura County Fire Protection District.
  - (2) Installation of new or replacement *wildlife impermeable fencing* that forms an enclosed area on *lots* zoned Open Space (OS) or Agricultural Exclusive (AE), including installation of *wildlife impermeable fencing* to facilitate livestock grazing. For purposes of this Sec. 8109-4.8, the term “enclosed area” means an area that is enclosed by *wildlife impermeable fencing* regardless of whether the *fence* or wall contains one or more gates or doors that can be opened to allow access. *Wildlife impermeable fencing* that includes unobstructed vertical gaps of at least 24 inches at intervals of 50 linear feet or less does not form an “enclosed area.”
  - (3) *Vegetation modification* unless otherwise exempt pursuant to Sec. 8109-4.8.3.2 *Fence* posts, corner posts, and gate uprights that are prohibited in Sec. 8109-4.8.3.3.d.

**Sec. 8109-4.8.3.2 – General Exemptions**

The following are not subject to this Sec. 8109-4.8.3:

- a. *Vegetation modification* or the installation of *wildlife impermeable fencing* that is required to comply with any federal or state law, or any

condition or requirement of any permit, approval or order issued by a federal or state agency.

- b. *Vegetation modification* performed on a maximum cumulative area, within a 12-month period, of 10 percent of the area of the *lot* that is located within a *surface water feature*. (For example, *vegetation modification* is exempt if performed on a maximum of 100 square feet on a *lot* within which 1,000 square feet of the total *lot* area is a *surface water feature*).
- c. Land, *fences*, or improvements other than *structures* involuntarily damaged or destroyed by fire, flood, landslide, or natural disaster restored or rebuilt to their original state and in their original location if a complete building permit application is submitted to the County within three years of the date that the damage occurred, and the permit once approved is diligently pursued to completion prior to expiration, or if no permit is required, the rebuilding commences within the aforementioned three-year period and is diligently pursued to completion. Notwithstanding any other provision of this Chapter, the restoration or rebuilding of land, *fences* or improvements following fire, flood, landslide or natural disaster not meeting the above requirements shall comply with the permitting and all other applicable requirements of this Sec. 8109-4.8.
- d. *Structures* involuntarily damaged or destroyed by fire, flood, landslide, or natural disaster rebuilt to their original state and in their original location if (i) less than 50 percent of the *structure* is damaged or destroyed and (ii) a complete building permit application is submitted to the County within three years of the date that the damage occurred, and the permit once approved is diligently pursued to completion prior to expiration. Notwithstanding any other provision of this Chapter, the rebuilding of *structures* following fire, flood, landslide or natural disaster not meeting the above requirements shall comply with the permitting and all other applicable requirements of this Sec. 8109-4.8.
- e. Notwithstanding subsections c and d above, land, *fences*, improvements and *structures* damaged or destroyed in the Thomas Fire of 2017-2018 or the Woolsey-Hill Fires of 2018 rebuilt to their original state if a complete building permit application has been submitted to the Building and Safety Division on or before the applicable deadline set forth in Sec. 8113-6.1.1, and the building permit once approved is diligently pursued to completion prior to permit expiration; or if no building permit is required for the rebuilding of any such land, *fence*, improvement or *structure*, the rebuilding commences before the above-referenced deadline and is diligently pursued to completion.
- f. Planting or harvesting of crops or orchards that will be commercially sold, including *vegetation modification* necessary to construct or maintain a driveway or road internal to a *lot* that is utilized for such a commercial agricultural activity.
- g. *Vegetation modification* on previously cultivated agricultural land left uncultivated for up to 10 years, or on land classified as "Prime," of "Statewide Importance," "Unique," of "Local Importance," or "Grazing" by the California Department of Conservation Important Farmlands Inventory, that is associated with the cultivation of agricultural crops.
- h. *Vegetation modification* performed by a public agency on publicly owned or maintained property.

- i. *Vegetation modification* by a *conservation organization* for the purpose of maintaining or enhancing biological habitat or wildlife movement.
- j. *Vegetation modification* associated exclusively with *vegetation* that has been intentionally planted as a landscape.
- k. *Vegetation modification* including *fuel modification* in accordance with one or more of the following: (1) performed with hand-operated tools and without heavy equipment (i.e., heavy-duty vehicles designed for performing construction tasks such as earthwork operations), as otherwise authorized under Sec. 8107-25 (Tree Protection Regulations), federal and state law; (2) as required by the Ventura County Fire Protection District (VCFPD) pursuant to VCFPD Ordinance 30, as may be amended; (3) pursuant to a Community Wildfire Protection Plan or similar *fuel modification/wildfire* protection plan adopted and/or amended by VCFPD; or (4) pursuant to a burn permit approved by VCFPD.
- l. Livestock grazing, except that the installation of *wildlife impermeable fencing* which forms an enclosed area to facilitate livestock grazing is not exempt.
- m. Development, or a portion thereof, to the extent dependent upon being located within a *surface water feature* or near a *wildlife crossing structure* setback area as described in Sec. 8109-4.8.3.4. Examples include in-stream mining, flood control improvements, road crossings and bridges, roadway improvements, and *vegetation modification* associated with the construction, maintenance, repair or replacement of such *structures*.
- n. Repair or maintenance of an existing, legally established *structure* or *fence*.
- o. Development within a public road right-of-way.
- p. *Vegetation modification* reasonably required to maintain, repair or replace existing transportation, utility and public safety infrastructure. Examples include roads, bridges, pipelines, utility lines, flood control improvements, and drainage and utility ditches.
- q. Development, including but not limited to *vegetation modification*, within a *surface water feature* that is authorized by a permit or approval issued by the California Department of Fish and Wildlife, Regional Water Quality Control Board, State Water Resources Control Board, U.S. Army Corps of Engineers, any of their successor agencies, or other federal or state agency responsible for protection of aquatic resources.
- r. *Vegetation modification* carried out as part of a habitat preservation, restoration or enhancement project when specified by a mitigation plan, habitat conservation plan, or similar plan approved by the California Department of Fish and Wildlife, Regional Water Quality Control Board, U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, or other federal or state agency responsible for conservation of wildlife resources.
- s. *Structures*, *wildlife impermeable fencing* or improvements that are *temporary*, or are located entirely or substantially underground (e.g., pipelines, cables, individual sewage disposal systems).

### **Sec. 8109-4.8.3.3 – Prohibitions**

Unless otherwise exempt pursuant to Sec. 8109-4.8.3.2, the following are prohibited in the Habitat Connectivity and Wildlife Corridors overlay zone:

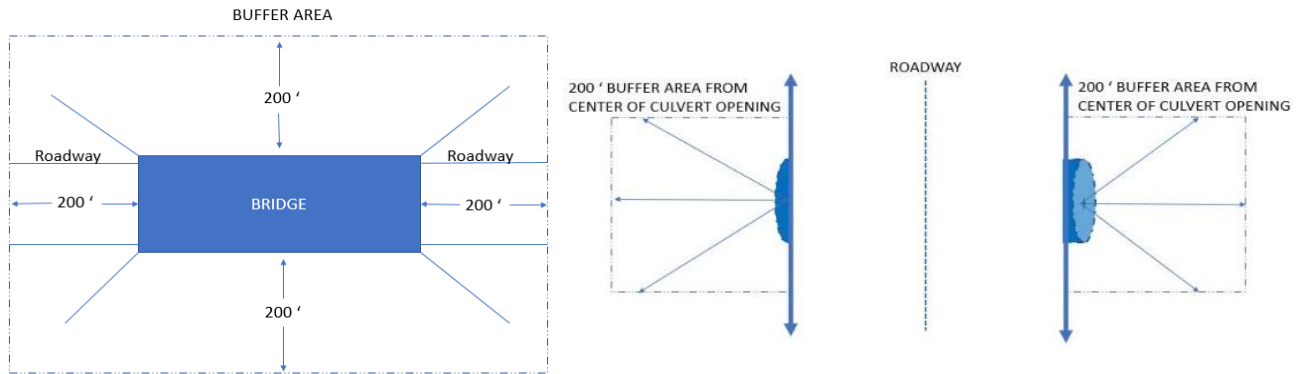
- a. The intentional planting of *invasive plants*, unless planted as a commercial agricultural crop or grown as commercial nursery stock.
- b. The installation of new *wildlife impermeable fencing* that forms an enclosed area on a *lot* that has no existing, lawfully established principal use.
- c. The installation of new *wildlife impermeable fencing* around the perimeter of a *lot* that forms an enclosed area, unless exempt pursuant to Sec. 8109-4.8.3.7.
- d. Any new *fence* post, corner post, or gate upright with open, vertical pipes on *lots* zoned as Open Space (OS) or Agricultural Exclusive (AE) that could trap small birds or other animals. All such *fence* posts and gate uprights shall be entirely filled with concrete, sand, gravel, or other material, or covered with commercial caps.

### **Sec. 8109-4.8.3.4 – Wildlife Crossing Structures – Setbacks and Permitting**

- a. Development subject to and not prohibited by this Sec. 8109-4.8.3 requires a *Planning Director*-approved Planned Development Permit pursuant to Sec. 8111-1.2 if any portion thereof, including any resulting *fuel modification* required by the Ventura County Fire Protection District, is proposed to be sited or conducted within 200 feet from the entry or exit point of a *wildlife crossing structure* as measured from: 1) the center of the inlet or outlet side of a pipe or box culvert; or 2) the perimeter of a bridge *structure*.
- b. Notwithstanding the foregoing, proposed development within a setback area described in subsection a above shall not be subject to this Sec. 8109-4.8.3.4 to the extent: (i) the proposed development would be sited within a portion of the setback area that is encumbered by a conservation easement, restrictive covenant, deed restriction, or similar instrument, or an irrevocable offer to dedicate any of the foregoing (collectively “conservation instrument”), and the conservation instrument prohibits the proposed development from being sited within a specified distance from the *wildlife crossing structure* for the express purpose of protecting biological habitat or wildlife movement; and (ii) the conservation instrument is created and recorded with the Ventura County Recorder pursuant to a permit, approval, order, or agreement, or a mitigation plan, habitat conservation plan or similar plan issued or approved by the County or a federal or state agency responsible for conservation of wildlife resources.

## Example Illustrations of Setbacks from Bridge Structures and Culverts

### Sec. 8109-4.8.3.4



### Sec. 8109-4.8.3.5 – Surface Water Features – Setbacks and Permitting

- a. Development subject to and not prohibited by this Sec. 8109-4.8.3, other than the removal of *invasive plants* addressed in subsection b below, requires a *Planning Director*-approved Planned Development Permit pursuant to Sec. 8111-1.2 if any portion thereof, including any resulting *fuel modification* required by the Ventura County Fire Protection District, is proposed to be sited or conducted within a *surface water feature*.
- b. A Zoning Clearance issued pursuant to Sec. 8111-1.1 is required to authorize any *vegetation modification* subject to and not prohibited by this Sec. 8109-4.8.3 that is limited exclusively to *invasive plants* within a *surface water feature*. An application for such a Zoning Clearance shall include, in addition to all other information required by the Planning Division pursuant to Sec. 8111-2.1 and 8111-2.3, the following: (i) photographs of all *vegetation* proposed to be removed; (ii) identification of all *invasive plants* to be removed; (iii) method by which the removal will occur; and (iv) measures that will be taken to ensure that no native *vegetation* is damaged or removed. The Zoning Clearance shall prohibit the damaging or removal of native *vegetation* and shall require implementation of the identified measures to ensure that no native *vegetation* is damaged or removed.
- c. Notwithstanding the foregoing, proposed development within a *surface water feature* shall not be subject this Sec. 8109-4.8.3.5 to the extent: (i) the proposed development would be sited within a portion of a *surface water feature* that is encumbered by a conservation easement, restrictive covenant, deed restriction, or similar instrument, or an irrevocable offer to dedicate any of the foregoing (collectively “conservation instrument”), and the conservation instrument prohibits the proposed development from being sited within a specified distance from the area containing the stream, creek, river, wetland, seep, or pond associated with the *surface water feature* for the express purpose of protecting biological habitat or wildlife movement, and (ii) the conservation instrument is created and recorded with the Ventura County Recorder pursuant to a permit, approval, order, or agreement,

or a mitigation plan, habitat conservation plan or similar plan that is issued or approved by the County or a federal or state agency responsible for conservation of wildlife or aquatic resources.

- d. The designation of any area, or portion thereof, as a *surface water feature* may be reconsidered by the Planning Division upon request by an *applicant* proposing a development subject to this Sec. 8109-4.8.3.5. When reconsideration is requested, the sole issue to be determined is whether the area qualifies as a *surface water feature* as the term is defined in Article 2. The reconsideration request shall be submitted on a form provided by the Planning Division and shall include the information and materials requested by the *Planning Director* based on the relevant facts and circumstances presented. If requested, such information and materials may include, among other things, a field survey of the designated *surface water feature* that is prepared by a qualified biologist in accordance with the Biological Resources section of the Ventura County Initial Study Assessment Guidelines, as may be amended. The first hour of County staff time expended processing the reconsideration request shall be at no cost to *applicant*; the *applicant* shall be responsible for the cost of all subsequent County staff time expended processing the reconsideration request.

**Sec. 8109-4.8.3.6 – Wildlife Impermeable Fencing – Permitting Requirements**

- a. Unless otherwise exempt pursuant to Sec. 8109-4.8.3.7, this Sec. 8109-4.8.3.6 applies to the installation of new or replacement *wildlife impermeable fencing* that forms an enclosed area on *lots* zoned Open Space (OS) or Agricultural Exclusive (AE), including installation of *wildlife impermeable fencing* to facilitate livestock grazing. The standards and requirements of Sec. 8106-8.1 (*Fences, Walls and Hedges*), as may be amended, also apply to *wildlife impermeable fencing* subject to this Sec. 8109-4.8.3.6.
- b. Installation of *wildlife impermeable fencing* subject to this Sec. 8109-4.8.3.6 requires a Zoning Clearance issued pursuant to Sec. 8111-1.1 if the *wildlife impermeable fencing* forms an enclosed area that does not exceed the following limits:
  - (1) For *lots* with no *wildlife impermeable fencing* forming an enclosed area installed as of May 18, 2019, the cumulative area enclosed by the proposed *wildlife impermeable fencing* does not exceed 10 percent of the gross *lot* area; or
  - (2) For *lots* with existing *wildlife impermeable fencing* forming an enclosed area installed as of May 18, 2019, the cumulative area enclosed by the proposed *wildlife impermeable fencing* does not exceed 10 percent of the *lot* area net of the area enclosed by existing *wildlife impermeable fencing*. For example, if a 10-acre *lot* includes *wildlife impermeable fencing* that existed prior to May 18, 2019 and encloses a total area of one acre, the cumulative area enclosed by any new *wildlife impermeable fencing* proposed to be installed after May 18, 2019 may not exceed 0.9 acres, or 10 percent of nine acres.
- c. Installation of *wildlife impermeable fencing* subject to this Sec. 8109-4.8.3 requires a *Planning Director*-approved Planned Development Permit pursuant to Sec. 8111-1.2 if the *wildlife impermeable fencing* forms an enclosed area as follows:

- (1) For *lots* with no *wildlife impermeable fencing* forming an enclosed area installed as of May 18, 2019, the cumulative area enclosed by the proposed *wildlife impermeable fencing* is greater than 10 percent of the gross *lot* area; or
  - (2) For *lots* with existing *wildlife impermeable fencing* forming an enclosed area installed as of May 18, 2019, the cumulative area enclosed by the proposed *wildlife impermeable fencing* is greater than 10 percent of the *lot* area net of the area enclosed by existing *wildlife impermeable fencing*. For example, if a 10-acre *lot* includes *wildlife impermeable fencing* that existed prior to May 18, 2019 and encloses a total area of one acre, the cumulative area enclosed by any new *wildlife impermeable fencing* proposed to be installed after May 18, 2019 that exceeds 0.9 acres, or 10 percent of nine acres, would require a *Planning Director*-approved Planned Development Permit.
- d. All applications for a Zoning Clearance or *discretionary* permit or modification thereto pursuant to this Sec. 8109-4.8.3.6 shall include a fencing site plan depicting the type, design, and location of all existing and proposed *wildlife impermeable fencing* on the subject *lot*, including calculations for the enclosed area of each existing and proposed *wildlife impermeable fence*.
  - e. When any portion of a *lot* is located outside the Habitat Connectivity and Wildlife Corridors overlay zone, the calculation of gross *lot* area pursuant to this Sec. 8109-4.8.3.6 shall only consist of the portion of the *lot* that is located within the Habitat Connectivity and Wildlife Corridors overlay zone.

**Sec. 8109-4.8.3.7 – Wildlife Impermeable Fencing – Exemptions**

Sec. 8109-4.8.3.6 does not apply to *wildlife impermeable fencing* that forms an enclosed area when:

- a. It forms an enclosed area all of which is located within 50 feet of an exterior wall of a legally established dwelling or within 50 feet of a *structure* related to an agricultural use set forth in Article 5. Such portion of the enclosed area is not counted toward the enclosed area limitations of Sec. 8109-4.8.3.6.b and c.
- b. It is used to enclose commercially grown agricultural crops or products. For purposes of this Sec. 8109-4.8.3.7 the phrase “commercially grown agricultural crops or products” means any crop or plant product (including orchard, food, plant fiber, feed, ornamentals, or forest) that will be commercially sold.
- c. It is used to enclose a water well or pump house and does not enclose more than 500 square feet.
- d. It is installed on publicly owned or maintained property for the purpose of restricting wildlife from entering a road right-of-way or directing wildlife toward a *wildlife crossing structure*.
- e. It is used for habitat protection or a *restoration project* when specified by a habitat preservation plan, habitat restoration plan or similar plan, or a condition of approval or mitigation measure associated with a land use *entitlement*, that is approved by a public entity; or it is constructed with a grant of public funds or by a *conservation organization*.

- f. It is installed on a *lot* that has an area of 10,000 square feet or less in size, regardless of base zoning.
- g. It is installed to control access to outdoor shooting ranges.

**Sec. 8109-4.8.3.8 – Discretionary Permit Applications, Development Guidelines, and Permit Approval Finding**

The following shall apply whenever a *discretionary* permit or modification thereto is required to authorize development pursuant to this Sec. 8109-4.8.

- a. Permit applications shall include, among all other information required by the Planning Division pursuant to Sec. 8111-2.1 and 8111-2.3, documentation, prepared by a qualified biologist, identifying all *surface water features, wildlife crossing structures, landscape features* such as *riparian* corridors and *ridgelines*, undeveloped areas, and other areas and features on the *lot* that could support *functional connectivity* and wildlife movement, or that could block or hinder *functional connectivity* and wildlife movement such as roads, *structures*, and *fences*. The permit application and supporting documentation shall also address the proposed development’s consistency with the development guidelines stated in subsection b below. Additional information and study may be required in order to review a proposed development under the California Environmental Quality Act or other applicable law.
- b. Development, including any resulting *fuel modification* required by the Ventura County Fire Protection District (VCFPD) pursuant to VCFPD Ordinance 30, as may be amended, should comply with the following applicable development guidelines to the extent feasible:
  - (1) Development should be sited and conducted outside the applicable setback areas set forth in Sec. 8109-4.8.3.4 and 8109-4.8.3.5 to the extent feasible;
  - (2) Development should be sited and conducted to minimize the removal and disturbance of biological resources, landscape features and undeveloped areas that have the potential to support *functional connectivity* and wildlife movement;
  - (3) Development should be sited and conducted to provide the largest possible contiguous undeveloped portion of land; and
  - (4) *Wildlife impermeable fencing* should be sited and designed to minimize potential impacts to wildlife movement.
- c. In addition to meeting all other applicable permit approval standards set forth in Sec. 8111-1.2, the following additional permit approval finding must be made or be capable of being made with reasonable conditions and limitations being placed on the proposed development: The development, including any resulting *fuel modification* required by VCFPD pursuant to VCFPD Ordinance 30, as may be amended, is sited and conducted in a manner that is consistent with the development guidelines set forth in Sec. 8109-4.8.3.8.b to the extent feasible.

(ADD. ORD. 4537 – 3/19/19)

**Sec. 8109-4.9 – Critical Wildlife Passage Areas Overlay Zone**

The abbreviated reference for the Critical Wildlife Passage Areas overlay zone when applied to a base zone shall be “CWPA.” The suffix “CWPA” shall be added to the base zone covering land so identified (example: RA-40 ac/HCWC/CWPA). Where applicable, standards, requirements and procedures in this Sec. 8109-4.9 shall apply to parcels in the Critical Wildlife Passage Areas overlay zone in addition to those of the base zone



and other overlay zones, including but not limited to the Habitat Connectivity and Wildlife Corridors overlay zone. In the case of conflicting zone standards, requirements or procedures, the more restrictive standard, requirement or procedure shall apply within the Critical Wildlife Passage Areas overlay zone.

**Sec. 8109-4.9.1 – Applicability**

- a. For purposes of calculating *lot* sizes to apply the provisions of this Sec. 8109-4.9, the Ventura County Resource Management Agency Geographic Information System (GIS) shall be used.
- b. Unless exempt pursuant to Sec. 8109-4.9.2, this Sec. 8109-4.9 shall apply to the following land uses, *structures* and *wildlife impermeable fencing on lots* that are two acres or greater (collectively referred to as “development” in this Sec. 8109-4.9):
  - (1) Construction of a new *structure* or addition to an existing *structure* that requires a Zoning Clearance or other permit under Art. 5.
  - (2) Initiation of a new land use that requires a Zoning Clearance or other permit under Art. 5.
  - (3) Installation of new or replacement *wildlife impermeable fencing* that forms an enclosed area on *lots* zoned Open Space (OS) or Agricultural Exclusive (AE), including when such a *fence* is used to facilitate livestock grazing. For purposes of this Sec. 8109-4.9, the term “enclosed area” means an area that is enclosed by *wildlife impermeable fencing* regardless of whether the *fence* or wall contains one or more gates or doors that can be opened to allow access. *Wildlife impermeable fencing* that includes unobstructed vertical gaps of at least 24 inches at intervals of 50 linear feet or less does not form an “enclosed area.”
- c. In cases where any portion of a *lot* is outside the Critical Wildlife Passage Area overlay zone, this Sec. 8109-4.9 shall not apply to any portion of the *lot*.
- d. The standards, requirements and procedures of this Sec. 8109-4.9 shall only apply to new development, the *discretionary* permit or Zoning Clearance application for which is decided by the County decision-making authority on or after May 18, 2019.
- e. If development requires a *discretionary* permit or modification thereto under a section of this Chapter other than this Sec. 8109-4.9, no additional *discretionary* permit or Zoning Clearance shall be required for the development pursuant to this Sec. 8109-4.9. Instead, the applicable standards, requirements and procedures of this Sec. 8109-4.9 shall be incorporated into the processing of the application for, and the substantive terms and conditions of, the *discretionary* permit or modification that is otherwise required by this Chapter.
- f. If the same development or project requires two or more *discretionary* permits or modifications or Zoning Clearances pursuant to Sec. 8109-4.8 and/or this Sec. 8109-4.9, the permit applications shall be processed and acted upon concurrently as part of the same project.
- g. Except as expressly stated in this Sec. 8109-4.9, if a permit condition, subdivision condition, or other covenant, condition, easement, or instrument imposes standards or restrictions on development which is subject to this Sec. 8109-4.9, the more restrictive standards and restrictions shall apply.

## Sec. 8109-4.9.2 – Exemptions

This Sec. 8109-4.9 does not apply to the following development:

- a. Any development on a *lot* zoned Commercial (CO, C1, CPD).
- b. Any development on a *lot* zoned Residential (RA, RE, RO, R1, R2, RPD or RHD) located in the Simi Hills Critical Wildlife Passages area as shown on the “Critical Wildlife Passage Areas” map within the Planning GIS Wildlife Corridor layer of the County of Ventura, County View Geographic Information System (GIS), as may be amended.
- c. *Wildlife impermeable fencing* used to enclose commercially grown agricultural crops or products. For purposes of this Sec. 8109-4.9.2 the phrase “commercially grown agricultural crops or products” means any crop or plant product (including orchard, food, plant fiber, feed, ornamentals, or forest) that will be commercially sold.
- d. Above-ground pipelines, utility transmission lines, flood control improvements, *wireless communication facilities, structures* related to such facilities, and *wildlife impermeable fencing* required to protect such facilities.
- e. Facilities for the production, generation, storage, transmission, or distribution of water, including *wildlife impermeable fencing* required to protect such facilities.
- f. *Agricultural shade/mist structures, animal shade structures* authorized by Sec. 8107-34, and above-ground fuel storage as an *accessory use*.
- g. Land, *fences*, or improvements other than *structures* involuntarily damaged or destroyed by fire, flood, landslide, or natural disaster restored or rebuilt to their original state and in their original location if a complete building permit application is submitted to the County within three years of the date that the damage occurred, and the permit once approved is diligently pursued to completion prior to expiration, or if no permit is required, the rebuilding commences within the aforementioned three-year period and is diligently pursued to completion. Notwithstanding any other provision of this Chapter, the restoration or rebuilding of land, *fences* or improvements following fire, flood, landslide or natural disaster not meeting the above requirements shall comply with the permitting and all other applicable requirements of this Sec. 8109-4.9.
- h. *Structures* involuntarily damaged or destroyed by fire, flood, landslide, or natural disaster rebuilt to their original state and in their original location if (i) less than 50 percent of the *structure* is damaged or destroyed and (ii) a complete building permit application is submitted to the County within three years of the date that the damage occurred, and the permit once approved is diligently pursued to completion prior to expiration. Notwithstanding any other provision of this Chapter, the rebuilding of *structures* following fire, flood, landslide or natural disaster not meeting the above requirements shall comply with the permitting and all other applicable requirements of this Sec. 8109-4.9.
- i. Notwithstanding subsections g and h above, land, *fences*, improvements and *structures* damaged or destroyed in the Thomas Fire of 2017-2018 or the Woolsey-Hill Fires of 2018 rebuilt to their original state if a complete building permit application has been submitted to the Building and Safety Division on or before the applicable deadline set forth in Sec. 8113-6.1.1, and the building permit once approved is diligently pursued to completion prior to permit expiration; or if no building permit is required for the rebuilding of any

such land, *fence*, improvement or *structure*, the rebuilding commences before the above-referenced deadline and is diligently pursued to completion.

- j. Construction and maintenance of driveways or roads internal to a *lot*.
- k. *Structures* or improvements that are *temporary* or are located entirely or substantially underground (e.g., pipelines, cables, individual sewage disposal systems).
- l. Repair or maintenance of an existing, legally established *structure* or *fence*.
- m. The following land uses set forth in Art. 5, except that an associated structure or *wildlife impermeable fencing* subject to this Sec. 8109-4.9 is not exempt unless covered by a separate exemption in this Sec. 8109-4.9.2:
  - (1) Animal Keeping and Animal Husbandry (domestic animals, horses & other equines, including more than permitted by Art. 7)
  - (2) Agricultural Crop and Orchard Production Including Packaging or Preliminary Processing Involving No Structures
  - (3) Apiculture
  - (4) Aquaculture/Aquiculture
  - (5) Vermiculture (open beds)
  - (6) Agricultural Promotional Uses
  - (7) Home Occupations
  - (8) Cemeteries
  - (9) Cultural/historic uses
  - (10) Filming Activities
  - (11) Firewood operations
  - (12) Drilling for temporary geologic testing
  - (13) *Botanic Gardens* and *Arboreta*
  - (14) Athletic Fields
  - (15) Golf Courses
  - (16) Parks
  - (17) Wholesale Nurseries for Propagation
- n. Development that is required to be sited in a specific location, or *wildlife impermeable fencing* that is required to form an enclosed area in a specific location, to comply with any federal or state law, or any condition or requirement of any permit, approval or order issued by a federal or state agency.

### **Sec. 8109-4.9.3 – Permitting Requirements**

- a. Development subject to this Sec. 8109-4.9 requires a Zoning Clearance pursuant to Sec. 8111-1.1, which shall be issued if the development, including all proposed *structures*, uses, and enclosed areas formed by *wildlife impermeable fencing*, complies with the following applicable siting criteria and meets the general standards set forth in Sec. 8111-1.1.1.b:
  - (1) If development is proposed to be located on an undeveloped parcel, the first *principal structure*/use which constitutes development subject to this Sec. 8109-4.9 may be located anywhere on the parcel as otherwise authorized by this Chapter. All other and/or subsequently permitted development subject to this Sec. 8109-4.9, including the installation of *wildlife impermeable fencing* forming an enclosed area, shall be subject to the applicable siting criteria stated in subsections a(2) and a(3) below. For the purpose of this subsection a(1), “undeveloped parcel” means that the parcel contains no legally established *structure* that constitutes development subject to this Sec. 8109-4.9.

- (2) The development meets one or more of the following criteria:
- i. The development is located entirely within 100 feet of the centerline of a public road;
  - ii. The development is located entirely within 100 feet of any portion of and on the same *lot* as (i) an existing, legally established *structure*, or (ii) the centerline of a publicly accessible trail; or
  - iii. The development is located entirely within 100 feet of and on the same *lot* as the centerline of an agricultural access road that supports the production of commercially grown agricultural products. For purposes of this Sec. 8109-4.9.3, the phrase “commercially grown agricultural products” means any plant or animal agricultural product (including food, feed, fiber, ornamentals, or forest) that will be commercially sold, including livestock raised for commercial production.
- (3) For development consisting solely of the installation of *wildlife impermeable fencing* forming an enclosed area, the enclosed area is located entirely within an area described in subsection (2)(i), (2)(ii) or (2)(iii) above, and:
- i. For *lots* with no *wildlife impermeable fencing* forming an enclosed area installed as of May 18, 2019, the cumulative area enclosed by the proposed *wildlife impermeable fencing* is less than 10 percent of the gross *lot* area; or
  - ii. For *lots* with existing *wildlife impermeable fencing* forming an enclosed area installed as of May 18, 2019, the cumulative area enclosed by the proposed *wildlife impermeable fencing* is less than 10 percent of the gross *lot* area excluding the cumulative area already enclosed by existing *wildlife impermeable fencing*.
- b. If development subject to this Sec. 8109-4.9 does not qualify for a Zoning Clearance pursuant to Sec. 8109-4.9.3.a, a *Planning Director*-approved Planned Development Permit is required to authorize the development.
  - c. In addition to providing all information required by the Planning Division pursuant to Sec. 8111-2.3, an application for a Zoning Clearance or Planned Development Permit required by this Sec. 8109-4.9.3 shall include a site plan showing all existing and proposed *structures*, roads, driveways, and other improvements on the subject *lot*, and all public roads and publicly accessible trails on or adjacent to the *lot*. Such applications for development consisting of the installation of *wildlife impermeable fencing* shall also include a fencing site plan depicting the type, design, and location of all existing and proposed *wildlife impermeable fencing* on the subject *lot*, including calculations for the enclosed area of each existing and, if applicable, proposed *wildlife impermeable fence*.

**Sec. 8109-4.9.4 – Discretionary Permit Applications and Approval Standards**

The following apply whenever a *discretionary* permit or modification thereto is required to authorize development pursuant to this Sec. 8109-4.9.

- a. Permit applications shall include, among all other information required by the Planning Division pursuant to Sec. 8111-2.1 and 8111-2.3, documentation, prepared by a qualified biologist, identifying all *surface*

*water features, wildlife crossing structures, landscape features such as riparian corridors and ridgelines, undeveloped areas, and other areas and features on the lot that could support functional connectivity and wildlife movement, or that could block or hinder functional connectivity and wildlife movement such as roads, structures, and fences.* The permit application and supporting documentation shall also address the proposed development's consistency with the development guidelines stated in subsection b below. Additional information and study may be required in order to review a proposed development under the California Environmental Quality Act or other applicable law.

- b. Development, including any resulting *fuel modification* required by Ventura County Fire Protection District (VCFPD) pursuant to VCFPD Ordinance 30, as may be amended, should comply with the following applicable development guidelines to the extent feasible:
  - (1) Development should be sited and conducted to minimize the removal and disturbance of biological resources, landscape features and undeveloped areas that have the potential to support *functional connectivity* and wildlife movement;
  - (2) Development should be sited and conducted to provide the largest possible contiguous undeveloped portion of land; and
  - (3) *Wildlife impermeable fencing* should be sited and designed to minimize potential impacts to wildlife movement.
- c. In addition to meeting all other applicable permit approval standards set forth in Sec. 8111-1.2, the following additional permit approval finding must be made or be capable of being made with reasonable conditions and limitations being placed on the proposed development: The development, including any resulting *fuel modification* required by VCFPD pursuant to VCFPD Ordinance 30, as may be amended, should be sited and conducted in a manner that is consistent with the development guidelines set forth in Sec. 8109-4.9.4.b to the extent feasible.

(ADD. ORD. 4537 – 3/19/19)

## **Sec. 8109-4.10 – Mobilehome Park Overlay Zone**

### **Sec. 8109-4.10.1 - Application**

The abbreviated reference for this zone when applied to a base zone shall be "MHP". The provisions of this overlay zone are intended to apply to all mobilehome parks in the unincorporated area. The suffix "MHP" shall be added to the base zone covering land so identified (e.g., RPD-8 du/ac/MHP), but shall have no effect on the provisions of the base zone, except for the limitations provided herein. In this overlay zone the permit requirements of Articles 5, 11, 13 and 17 shall apply.

### **Sec. 8109-4.10.2 – Allowed Uses**

Only the following uses, as authorized in this Chapter and with appropriate permits, are allowed in the MHP Overlay Zone:

- a. Principal Use: Mobilehome parks.
- b. Accessory Uses: Accessory structures and uses customarily incidental and subordinate to the operation of mobilehome parks, and for the exclusive noncommercial use of the mobilehome park residents and their guests, such as a clubhouse or community center, community pool, recreational vehicle storage, or common laundry facility.
- c. Accessory Uses to Dwellings, in accordance with section 8105-4.

- d. Uses exempt from obtaining permits, in accordance with section 8105-4.
- e. Uses not listed or referenced above to which owners and residents of mobilehome parks have reasonable expectancy, consistent with applicable permit conditions and section 8101-4.10, and which do not interfere with the operation of mobilehome parks or their use and enjoyment by residents. Examples of such uses include occasional filming activities and wireless communications facilities.

(ADD. ORD. 4554 – 12/10/19)

**Sec. 8109-4.11 – Senior Mobilehome Park Overlay Zone**

**Sec. 8109-4.11.1 – Application**

The abbreviated reference for this zone when applied to a base zone shall be “SMHP”. The provisions of this overlay zone are intended to apply to all mobilehome parks in the unincorporated area where, as of the operative date of the Ordinance enacting this Section 8109-4.11, such mobilehome parks meet the definition of senior mobilehome park and are rezoned to the SMHP Overlay Zone. The suffix “SMHP” shall be added to the base zone covering land so identified (e.g., RPD-8 du/ac/MHP/SMHP), but shall have no effect on the provisions of the base zone, except for the limitations provided herein. In this overlay zone the permit requirements of Division 11, Chapter 1, Articles 5, 11, 13 and 17 shall apply.

**Sec. 8109-4.11.2 – Allowed Uses**

Only the following uses, as authorized in this Chapter and with appropriate permits, are allowed:

- a. Principal Uses: Senior mobilehome parks.
- b. Accessory Uses: Accessory structures and uses incidental to the operation of senior mobilehome parks, and for the exclusive noncommercial use of the senior mobilehome park residents and their guests, such as a clubhouse or community center, community pool, recreational vehicle storage, or common laundry facility.
- c. Accessory Uses to Dwellings, in accordance with section 8105-4.
- d. Uses exempt from obtaining permits, in accordance with section 8105-4.
- e. Uses not listed above to which owners and residents of mobilehome parks have reasonable expectancy, consistent with applicable permit conditions and section 8101-4.10, and which do not interfere with the operation of mobilehome parks or their use and enjoyment by residents. Examples of such uses include occasional filming activities and wireless communications facilities.

**Sec. 8109-4.11.3 – Land Use Regulations**

All owners, operators, and occupants, as applicable, located within the Senior Mobilehome Park Overlay Zone shall comply with all of the requirements and limitations described below.

**Sec. 8109-4.11.3.1 – Signage, Advertising, Rental Agreements and Leases**

- a. Signage, advertising, park rules, regulations, rental agreements and leases for units in a mobilehome park in the Senior Mobilehome Park Overlay Zone must state that the park is a “Senior Mobilehome Park.”
- b. Any advertisement for a rental or vacancy in a Senior Mobilehome Park must state that the vacancy is intended for occupancy by at least one person 55 years of age or older.

**Sec. 8109-4.11.3.2 – Occupancy Limitations & Rentals**

At least 80 percent of the occupied units in a Senior Mobilehome Park must be occupied by at least one person 55 years of age or older.

Senior Mobilehome Park occupancy satisfies the requirements of this section even if:

- a. There are unoccupied mobilehomes, provided that at least 80% of the occupied mobilehomes are occupied by at least one person 55 years of age or older.
- b. To the extent permitted by applicable law, for a period of no more than two consecutive years fewer than 80 percent of the occupied units are occupied by at least one person 55 years of age or older, provided the Senior Mobilehome Park has reserved all unoccupied mobilehomes for occupancy by at least one person 55 years of age or older.

**Sec. 8109-4.11.4 – Age Verification & Compliance Procedures**

- a. The County shall determine, and maintain summary documentation establishing, that at least 80 percent of the mobilehomes in a Senior Mobilehome Park are occupied by at least one resident who is 55 years of age or older. The occupancy verification documentation shall be made available by park owners for inspection by County upon reasonable notice and request.
- b. At least once every two years owners and operators of Senior Mobilehome Parks shall submit documentation confirming that at least 80 percent of all occupied mobilehomes are occupied by at least one resident 55 years of age or older to the Planning Division of the County of Ventura Resource Management Agency.
- c. The County shall consider government-issued identification to be reliable documentation of the age of the residents of the mobilehome park, provided that it contains specific information about current age or date of birth (e.g., driver’s license).
- d. Reliable documentation shall also include a certification in a lease, application, affidavit, or other document signed by any member of the household age 18 or older asserting that at least one person in the unit is 55 years of age or older.
- e. If the occupant(s) of a particular mobilehome refuse or are unable to comply with these age verification procedures, the County may, if it has sufficient evidence, consider the unit to be occupied by at least one person 55 years of age or older. Such evidence may include:
  - (1) Government records or documents;
  - (2) Prior forms or applications; or
  - (3) A statement from an individual who has personal knowledge of the age of the occupants. The individual's statement must set forth the basis for such knowledge and be signed under penalty of perjury.

**Sec. 8109-4.11.4.1 – Duty of Mobilehome Park Residents to Comply with Age Verification Request**

Upon the operative date of this Section 8109-4.11.4.1, and no later than 30 days after request for age verification by a mobilehome park owner or operator or an employee or agent of the County, all owners and residents of all mobilehomes located, or proposed to be located, within the Senior Mobilehome Park Overlay Zone shall provide to the mobilehome park operator and to the Planning Division of the County the requested age verification documents.

**Sec. 8109-4.11.4.2 – Duty of Mobilehome Park Owners/Operators to Comply With Age Reporting Requirement and Certification**

- a. Within 60 days of the passage (12/10/2019) of this Section 8109-4.11.4.2, and then every two years thereafter, the owner or operator of each Senior Mobilehome Park shall report to the *Planning Director* of the County confirmation that at least 80 percent of all occupied mobilehomes are occupied by at least one resident 55 years of age or older. The owners or operators of each senior mobilehome park shall maintain procedures for verifying the age of park residents.
- b. The senior mobilehome park owner or operator shall provide to the County a certification substantially in the following form:

*"I [name] hereby certify that there is at least one occupant 55 years of age or older living in \_\_\_ [number of such mobilehomes] mobilehomes out of a total number of \_\_\_ [total number] mobilehomes located in this mobilehome park. This certification is based on my personal knowledge of the residents, evidence provided to me in the form of official government documents containing specific information about the current age of the residents, resident affidavits, or age certifications made by residents."*

(ADD. ORD. 4555 – 12/10/19)



# ARTICLE 10: SIGN REQUIREMENTS

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(REP./REEN.ORD. 3682 - 3/13/84)

## **Sec. 8110-0 - Purpose**

The purpose of this Article is to promote traffic safety and the aesthetics of the visual environment of Ventura County through the regulation of all signs within the unincorporated areas, except in public rights-of-way. Regulations contained herein are the least burdensome regulations to carry out the above stated purpose. (AM. ORD. 3730 - 5/7/85)

For areas located within the Old Town Saticoy boundary, as delineated in the Old Town Saticoy Development Code (Article 19, Figure 1.1.2), refer to the Old Town Saticoy Development Code for additional sign regulations. (ADD. ORD. 4479 - 9/22/15)

## **Sec. 8110-1 - Definitions**

Advertising Sign - A sign which calls attention to products, goods or services for sale or hire, or which otherwise contains a commercial message.

Attached Sign - Any sign posted, painted on, or constructed or otherwise attached to the wall, facade, canopy, marquee, or other architectural part of a building.

Canopy Sign - Any sign attached to or constructed in or on a canopy or marquee.

Directional Sign - Any sign which serves solely to designate entrances or exits, or the location or direction of any on-site area.

Double-faced Sign - A sign structure with messages on both sides of a sign board or panel; or a sign with two faces that are attached to each other on one side and form an angle of not more than 30 degrees; or a sign structure with two attached parallel faces not more than 18 inches apart, with a message on each face. (ADD. ORD. 3810 - 5/5/87)

Freestanding Sign - Any sign which is anchored directly to the ground or supported from the ground, or is attached to a freestanding wall or *fence*. (AM. ORD. 3810 - 5/5/87)

Identification Sign - An on-site sign which indicates the premises, occupants, address, neighborhood or entrance location to the premises.

Noncommercial Message - A display or statement on a sign which calls attention to something other than products, goods, or services for sale or hire including personal political statements, unrelated to pending elections. Such messages are permitted on any type of sign provided that all the standards of this Article are followed. "Noncommercial Message" signs shall be regulated in the same manner as "Identification" signs. (AM. ORD. 4054 - 2/1/94)

Off-site Sign - A sign which displays commercial or noncommercial messages related to property, goods, services, or ideas not found on, or related to, the property on which the sign is located.

On-site Sign - A sign located on the same site as the occupant, business, trade or profession to which it relates.

Permanent Sign - A sign intended to be erected and maintained for a period of more than 60 days.

Political Sign - A temporary sign or handbill erected prior to, and referencing specific individuals or issues in, a pending election, excluding leased space on the face of permanent, legal, off-site advertising signs (billboards). (AM. ORD. 4054 - 2/1/94)

Projecting Sign - An attached sign which projects outward perpendicularly or at an angle from a wall or building face.

Real Estate Sign - A sign which advertises the sale, rental or lease of the property on which it is maintained.

Roof Sign - Any sign erected upon, against or directly above a roof or on top of or above the parapet of a building.

Sign - A communication device using words or symbols, illuminated or nonilluminated, which is visible from any public place or is located on private property and exposed to the public and which directs attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently installed or situated merchandise; or any emblem, painting, banner, pennant, placard or temporary display designed to advertise, identify or convey information.

#### Sign Area

- a. Area of Simultaneously Visible Faces - Where the lettered or illustrative material of a sign is placed upon a sign board or other sign structure having a continuous or essentially continuous surface or face (whether plane, curved, angulated or otherwise), the background or face area of simultaneously visible faces of such sign board or sign structure shall be the sign area. For purposes of computation, single and double faced signs are considered to have the same area; in other words, a double-faced sign having two square feet of sign copy on each face is considered to have two square feet of sign area. The *Planning Director* may require landscaping or other screening at the open end of a double-faced sign whose faces are not parallel. (AM. ORD. 3730 - 5/7/85; AM. ORD. 3810 - 5/5/87)
- b. Framed Area - Where the lettered or illustrative material of a sign is not placed as described in a. above, but is framed either mechanically or visually by the design or layout of the sign itself, then the area so framed shall be the sign area.
- c. Geometric Unframed Figure - Where the lettered or illustrative material is not placed or framed in the manner described in a. or b. above, but is composed either vertically, horizontally, diagonally or otherwise, essentially in the form of a rectangle, triangle or similar geometric figure, the area of the geometric figure within which such material could be enclosed shall be the sign area; except that when the space between the elements comprising the sign exceeds 1½ times the average size of the elements themselves, the area of the elements may be measured separately as provided in d. below.
- d. Area of Abutting Rectangles - Where the lettered or illustrative material is not placed, framed or composed as described in a., b. or c. above, the total area of the abutting rectangles or other simple geometric shapes within which the individual words, letters, illustrations or other elements comprising the sign could be enclosed shall be the sign area.
- e. Clocks and Thermometers - Time and temperature devices without advertising copy will not be included in determining the sign area.

Tract Sign - An off-site sign relating to the original sale of property other than that on which the sign is constructed.

Window Sign - A sign or combination of signs painted on, attached to, or designed or placed so as to be read principally through the windows from outside the structure.

## **Sec. 8110-2 - Permit Requirements**

To ensure compliance with the regulations contained in this Chapter, a Zoning Clearance is required for each nonexempted sign to be erected or maintained, except as required elsewhere in this Chapter. Plot plans and elevation drawings shall be submitted with all Zoning Clearance applications for signs. Only signs on one property may be applied for on one application. (AM. ORD. 4144 - 7/22/97)

## **Sec. 8110-3 - Exempted Signs**

Except as otherwise specified in this Article and subject to regulations locating signs with reference to street intersections, freeways, scenic highways and primary roads, the following signs shall be exempt from the requirements of this Article:

- a. Governmental signs providing general information to the public, and for control of traffic or similar regulatory purposes, including street signs, danger signs and warnings at railroad crossings; (AM. ORD. 3810 - 5/5/87)
- b. Memorial tablets or signs, including those indicating names of buildings and dates of construction, when cut into any masonry surface or inlaid so as to be part of the building, or when constructed of bronze or similar noncombustible material;
- c. Signs required to be maintained by law or governmental order, rule or regulation, with a total surface area not exceeding ten square feet on any *lot*; or street address numbers with a total surface area not exceeding two square feet;
- d. Signs which are not visible beyond either the boundaries of the *lot* on which they are located, or from any public right-of-way, or from any parking area, or circulation area open to the general public;
- e. Flags or seals of the United States of America or the State of California, or emblems of a civic, philanthropic, educational or religious organization, when such emblems do not exceed four square feet in area and, if freestanding, five feet in height, and such flags or emblems are not used in connection with a commercial promotion or as an advertising device; (AM. ORD. 3730 - 5/7/85)
- f. Parking area or other private traffic directional signs not exceeding four square feet in area per sign. Each *lot* is permitted one such sign per entrance to the *lot* or premises, to direct pedestrian or vehicular traffic on the same property. (AM. ORD. 3730 - 5/7/85; AM. ORD. 4407 - 10/20/09)
- g. Signs placed by a public utility, conveying information on the location of facilities in the furtherance of service or safety;
- h. Freestanding on-site real estate signs 12 square feet or less in area, having a maximum panel length or height of eight feet (excluding real estate tract signs);
- i. Temporary construction signs, provided that:
  - (1) Only one sign is erected per construction site;
  - (2) The sign does not exceed six square feet in open space, agricultural and R-zones, or 24 square feet in all other zones;
  - (3) The sign is used only to indicate the name of the construction project and the names and locations (state and city or community only) of the contractors, architects, engineers, landscape designers, project or leasing agent, and/or financing company;
  - (4) The sign is displayed during construction only; and
  - (5) The sign does not exceed six feet in height if freestanding.

(ADD. ORD. 3730 - 5/7/85)

- j. On-site real estate "for sale" or "for lease" signs pertaining to the property displayed within a window, subject to Sec. 8110-6.13. Only one such sign is allowed on each street frontage of the property. (ADD. ORD. 3730 - 5/7/85)
- k. Temporary "open house" signs. Only one such sign is allowed on each street frontage of the property on which the open house is being held. Such sign may be single- or double-faced and is limited to a maximum of three square feet in area and four feet in height. Such signs shall contain only the address of the property where the open house is being held and the name of the real estate agent or party holding the open house. Such signs shall be erected and removed on the same day the open house is held and shall not be fastened or attached in any way to a building facade or architectural element. (ADD. ORD. 3730 - 5/7/85)
- l. Signs or banners announcing the opening of a new business which, in the aggregate, do not exceed ten square feet or 25 percent of the window area, whichever is greater. Such signs may be erected for a maximum of 60 days during the opening of the new business. (ADD. ORD. 3730 - 5/7/85)
- m. Other signs, including political and "no trespassing" signs, having noncommercial messages and not exceeding two square feet in area on any *lot*. (AM. ORD. 3730 - 5/7/85; AM. ORD. 3810 - 5/5/87)
- n. Individual window signs not exceeding ten square feet in area that are consistent with the provisions of Sec. 8110-6.13. (ADD. ORD. 3810 - 5/5/87; AM. ORD. 4123 - 9/17/96)

## **Sec. 8110-4 - Prohibited Signs**

The following signs and sign types are prohibited:

- a. Sandwich-board, A-frame and portable freestanding signs;
- b. Bench signs, except at bus stops designated on a valid bus schedule;
- c. Signs which flash, scintillate, move or rotate, except for clocks and time and temperature signs;
- d. Banners, pennants, flags (except as permitted by Sec. 8110-3e; no other flags are permitted);
- e. Captive balloons or signs which change color or appear to change color or where the intensity of light changes or appears to change, except on a temporary basis in accordance with Sec. 8110-6.11;
- f. Portable or trailer-mounted off-site advertising or tract signs;
- g. Any sign which emits sound;
- h. Any sign erected in such a manner that any portion of the sign or its support is attached to or will interfere with the free use of any fire escape, exit or standpipe, or will obstruct any stairway, door, ventilator or window
- i. Projecting signs, unless suspended from a canopy in accordance with Sec. 8110-6.2, or attached to a service station canopy roof in accordance with Sec. 8110-6.9.1;
- j. Roof signs;
- k. Any sign or sign structure which is structurally unsafe or constitutes a hazard to health or safety by reason of design, inadequate maintenance or dilapidation;

- l. Any sign erected or attached to any tree or utility pole within any public right-of-way, or any sign erected within the boundaries of the required right-of-way for any mapped road as shown on the Circulation Element of the Ventura County General Plan;
- m. Any sign erected in such a manner that it will or may reasonably be expected to interfere with, obstruct, confuse or mislead traffic;
- n. The use of any item of merchandise or other commodity related to the business as a sign, except as such commodity may be permanently incorporated into a sign structure as permitted by this Article;
- o. Signs attached to the exterior surfaces of windows; (ADD. ORD. 3810 - 5/5/87)
- p. Off-site signs, except as specifically permitted in Sections 8110-5.1 and 8110-5.6. (ADD. ORD. 3810 - 5/5/87)

### **Sec. 8110-5 - General Sign Regulations**

Section 8110-5.1 sets forth the standards for sign categories, except bench signs, canopy signs, cooperative display panels, illuminated signs, political signs, service station signs, symbol signs, temporary signs and window signs which are set forth in Sec. 8110-6 below. The latter section also contains more detailed standards and regulations applicable to tract signs.

**Sec. 8110-5.1 - Sign Standards**

(AM. ORD. 4054 - 2/1/94; AM. ORD. 4123 - 9/17/96, AM ORD. 4317 - 03/15/05; AM. ORD 4390 - 9/9/08)

<b>OPEN SPACE, AGRICULTURAL AND R-ZONES</b>					
<b>Sign Type</b>	<b>On-Site</b>			<b>Off-Site</b>	
	<b>Attached</b>	<b>Freestanding</b>		<b>Freestanding</b>	
	<b>Identification/Noncommercial Messages (l)</b>		<b>Real Estate (a)</b>	<b>Tract (b, k)</b>	
Maximum number per lot	1	1	1	1	
Permitted area (square feet)	Lesser of 20 or F*/20 (o)	Lesser of 25 or F*/10 (square feet)	12(c)	72	
Maximum Height (feet)	Not above wall to which it is attached	5	10	10	
Maximum Length (feet)	(d)	10	16	16	
<b>COMMERCIAL AND INDUSTRIAL ZONES</b>					
<b>Sign Type</b>	<b>On-Site</b>			<b>Off-Site</b>	
	<b>Attached</b>	<b>Freestanding</b>		<b>Freestanding</b>	
	<b>Identification</b>		<b>Real Estate (a)</b>	<b>Advertising (e)</b>	<b>Tract (f, k)</b>
Maximum number per lot	No limit	(g)	1	1, Irrespective of type	
Permitted area (square feet)	(h)	Greater of 10 or F*/5 to max. of 200	12(c)	See Sec. 8110-6.7.5	72
Maximum Height (feet)	(i)	Lesser of 25 or height of highest building on site	16	25	10
Maximum Length (feet)	(d)	25	25	25(j)	16

**Regulatory Notes:**

\*F = Total street frontage of lot in linear feet.

(a) Only those real estate signs over 12 square feet require Zoning Clearance.

(b) Prohibited in open space zones; see also Sec. 8110-6.12.

- (c) Real estate signs may exceed 12 sq. ft. by one square foot for each 10 feet by which the width of the *lot*, or two or more contiguous *lots* in single ownership, exceeds 70 feet, to a maximum of 72 square feet.
- (d) Sign may be as long as the building wall to which it is attached, and may wrap around a corner, but may not project beyond a corner.
- (e) Permitted in M2 and M3 zones only; see also Sec. 8110-6.7. (AM. ORD. 4377 – 1/29/08)
- (f) Permitted on vacant property in CPD and M-zones only; see also Sec. 8110-6.12. (AM. ORD. 4377 – 1/29/08)
- (g) Large sites may have signs 500 feet apart; maximum 200 sq. ft. of total freestanding sign area per *lot*. A drive-through restaurant may have an extra 16-square foot menuboard; see Section 8110-6.14.
- (h) Each wall or building face is permitted one square foot of sign area per linear foot of wall length; maximum 120 square feet, regardless of the number of signs.
- (i) Sign may not extend above the eaves of a gable roof, nor more than two feet above the face of the canopy or a parapet wall to which it is attached.
- (j) For 375-square-foot signs, the length may be increased to 36 feet.
- (k) Prohibited in SRP Overlay Zone; see also Sec. 8109-4.1.4b.
- (l) Agricultural sales facilities may have additional signs in accordance with Sec. 8107-6.1.6.
- (m) Assembly Uses may have up to 20 square feet of attached sign regardless of *lot* width. (AM ORD. 4411 – 3/2/10)
- (n) Assembly Uses may have up to 25 square feet of freestanding sign regardless of *lot* width. (AM ORD. 4411 – 3/2/10)
- (o) Principal Structures Related to Agriculture, Except Shade/Mist Structures, over 20,000 square feet in size, may have one square foot of sign area per two linear feet of wall length, regardless of the number of signs. The *Planning Director* may approve additional sign area, to a maximum total of 120 square feet per qualified building, as part of a complete Sign Program for the site. Such Sign Program may be approved as a modification to an existing permit, such as a Conditional Use Permit or Planned Development Permit. If no such permit exists for the site, the *applicant* shall submit the Sign Program as part of a Planned Development Permit.  
(AM. ORD. 3730 - 5/7/85; AM. ORD. 3810 - 5/5/87; AM. ORD. 4215 - 10/24/00;  
AM. ORD. 4216 - 10/24/00 AM. ORD. 4317 – 3/15/05; AM. ORD 4390 – 9/9/08)

## **Sec. 8110-5.2 - Location**

### **Sec. 8110-5.2.1**

Signs are subject to the structural setbacks set forth in Section 8106-1; the setback shall be measured to the outermost projection of the sign structure on the side where the setback is being measured. Exceptions as follows:

- a. On-site freestanding signs three feet or less in height may be located within a setback adjacent to a street.
- b. A sign attached to an existing wall or *fence* is exempt from the setback requirements, provided that the sign does not project beyond any edge of such wall or *fence*.

**Sec. 8110-5.2.2**

No sign shall be erected within a sight triangle unless such sign, in compliance with the provisions of this Article, is less than two feet or more than eight feet above curb grade, and no part of its means of support has a single or combined horizontal cross section exceeding eighteen inches.

(AM. ORD. 3749 - 10/29/85; AM. ORD. 3810 - 5/5/87)

**Sec. 8110-5.3 - Maintenance**

Every sign as permitted by this Article shall be maintained in good condition. The *Planning Director* may require any improperly maintained sign, temporary or permanent, to be repaired or removed upon the failure of the owner(s) to repair or remedy a condition of any sign declared by the Department of Building and Safety to be unsafe, or declared by the *Planning Director* to be improperly maintained, within 30 days from the receipt by the owner(s) of a written notice to that effect. (AM. ORD. 3810 - 5/5/87)

**Sec. 8110-5.4 - Public Rights-of-Way**

**Sec. 8110-5.4.1**

Installation of any sign within a County right-of-way requires an Encroachment Permit issued by the Transportation Department of the Public Works Agency.

**Sec. 8110-5.4.2**

No existing tree shall be trimmed, pruned or removed from a County right-of-way to increase the visibility of any sign, unless such work is first approved by the Public Works Agency. (ADD. ORD. 3730 - 5/7/85)

**Sec. 8110-5.5 - Measurement of Sign Height**

Where the average grade of the *lot* on which a sign is placed is at or above the adjacent street grade, the sign shall be measured from the grade level adjacent to the sign. Where the average grade of the *lot* is below the adjacent street grade, the sign height shall be measured from the adjacent street grade. (ADD. ORD. 3730 - 5/7/85)

**Sec. 8110-5.6 - Lots Having No Street Frontage**

If a *lot* has no street frontage, the easement providing for access to the *lot* shall be considered part of said *lot* for purposes of sign placement. (ADD. ORD. 3810 - 5/5/87)

**Sec. 8110-6 - Specific Regulations by Type of Sign**

**Sec. 8110-6.1 - Bench Signs**

are permitted at bus stops designated on a valid bus schedule. The copy area of such signs shall be a maximum of four square feet in open space, agricultural and residential zones, and eight square feet in commercial and industrial zones. No bench sign shall extend beyond the edges of the bench backrest.

**Sec. 8110-6.2 - Canopy Signs**

may extend to within one foot of the edge of a canopy from which the sign is suspended. Signs painted on or affixed to canopies shall be considered part of the total allowable area of attached signs for that building. Signs suspended under canopies which project over private walks or drives open to the public shall be limited to an area of eight square feet per sign.

**Sec. 8110-6.3 - Clocks and Thermometers**

Time and temperature devices shall have a maximum area of 24 square feet.



### **Sec. 8110-6.4 - Display Structures for Pedestrian Viewing**

Such structures are allowed subject to conditions stated in a CUP or PD Permit in all commercial zones, and may include enclosed display of products sold or bulletin-type advertising stands which may or may not serve other functional purposes, such as kiosks, covers for inclement weather and the like, or they may serve as an additional structural element visually to enhance pedestrian ways or landscaped or parking areas.

- a. Location - Such structures shall not be located in any required setbacks.
- b. Area - The area of pedestrian sign display structures shall be in accordance with Sec. 8110-5.1 (matrix), and may be allowed in addition to sign area otherwise permitted for the *lot*.
- c. Lighting - Illumination of pedestrian sign display structures such as kiosks may be by indirect or diffused light only.

### **Sec. 8110-6.5 - Illuminated Signs**

Signs in open space, agricultural and residential zones may have indirect or diffused illumination. Illuminated signs in nonresidential zones shall not exceed the brightness of a diffused light panel having cool white fluorescent 800 milliamperes lights spaced at least ten inches on center. Sign illumination shall not result in glare being directed toward surrounding properties.

### **Sec. 8110-6.6 - Back-Mounted Freestanding Signs**

Any sign erected on the back of an existing freestanding sign must have the same exterior dimensions as the existing sign.

### **Sec. 8110-6.7 - Freestanding Off-Site Advertising Signs**

Such signs are permitted only with the granting of a *Planning Director* Conditional Use Permit in accordance with Article 11, and are subject to the following regulations and standards in addition to those listed in Sec. 8110-5.1:

#### **Sec. 8110-6.7.1**

Freestanding off-site advertising signs are prohibited within Scenic Corridors or if visible from a Scenic Highway. No such sign shall be established so as to obstruct the view toward any area of scenic or historic significance designated by the Planning Commission. The view of the ocean from a freeway has scenic significance.

#### **Sec. 8110-6.7.2**

Only uni-pole design is permitted for such signs up to 72 square feet in area, and encouraged for all other signs. (AM. ORD. 3730 - 5/7/85)

#### **Sec. 8110-6.7.3**

Any such sign shall be located at least 500 feet from any other freestanding off-site sign, at least 500 feet from a freeway interchange, at least 50 feet from the exterior boundaries of a service station site and at least six feet from any other structure. Such sign may not extend beyond the boundaries of the *lot* on which it is located. (AM. ORD. 3730 - 5/7/85)

#### **Sec. 8110-6.7.4**

The back of such sign, if not used for advertising copy, shall be screened if visible from any public right-of-way.

**Sec. 8110-6.7.5**

Maximum sign size allowed shall be based on the following:

NO. LANES	SPEED LIMIT (in mph)	SIGN SIZE (in square feet)
0-4	35 or less	0-72
0-4	Greater than 35	0-300
5 or more	55	0-375

- a. The number of lanes shall be measured on the side of the road from which the sign is designed to be read.

**Sec. 8110-6.7.6**

In addition to the permit standards of Sec. 8111-2.1.2, the following design criteria shall be considered in the reviewing of all Conditional Use Permit applications: (AM. ORD. 3730 - 5/7/85)

- a. Sign structures shall be of the most modern design and aesthetically attractive type feasible.
- b. The number of light fixtures shall be kept to a minimum and integrated into the design of the structure.
- c. On developed sites, landscaping shall be used to enhance the appearance of the sign, and to the extent possible, to allow the sign to blend with the remainder of the site.
- d. The use of planter boxes to improve the appearance of the sign base, and trees to mask the unused side of a single-faced sign, are encouraged.
- e. Sign poles and other non-copy elements shall be made to blend visually with the color(s) and texture(s) of the background, including any buildings.

**Sec. 8110-6.7.7**

Noncommercial messages are permitted on freestanding, off-site advertising signs in accordance with all requirements of Sec. 8110-6.7 and Sec. 8110-5.1.

**Sec. 8110-6.8 - Political Signs**

The purpose of this section is to prevent damage to Public property, protect the integrity of the electoral process and prevent the erosion of aesthetic quality and historic values within the County. It is specifically recognized that if temporary political signs on private property are not removed after the election is held, the deteriorating signs and accumulating debris become a blight, defacing the landscape. It is therefore an intent of this Article to make provision for the erection and removal of such signs after the election which they publicized has been held.

**Sec. 8110-6.8.1 - Political Signs on Private Property**

No temporary political sign face shall exceed thirty-two (32) square feet in area. The aggregate area of all temporary signs placed or maintained on any lot in one ownership shall not exceed ninety-six (96) square feet. (AM. ORD. 4216 - 10/24/00)

**Sec. 8110-6.8.2 - Political Sign Registration**

In order to keep track of the placement of temporary political signs to assure removal subsequent to an election, such signs shall be registered with the Planning Department by the candidate or his or her registered agent, or, when a ballot proposition is involved, by an authorized agent of the group or organization sponsoring the signs, prior to the distribution of such signs for the attachment or installation on any property. Registration of political signs shall be on forms available in the Planning Department and shall be accompanied by an agreement signed by the candidate or his or her authorized agent, or when a ballot proposition is involved, by an authorized agent of the group or organization sponsoring the signs, that within ten calendar days after the election all political signs shall be removed, and a certified statement by the registrant that consent will be obtained from each owner of the property on which a sign is to be posted.

**Sec. 8110-6.8.3 - Location**

Political signs may not be affixed, installed, or erected within 100 feet of a polling place or historic site, nor within the right of way of any highway, nor within 660 feet of the edge of a "Scenic Highway" or landscaped freeway, nor in any location where the sign will impair sight distance or create a hazard to traffic or pedestrians, nor on any telephone pole, lamppost, tree, wall, fence, bridge, bench, hydrant, curbstone, sidewalk or other structure in or upon any public right-of-way, nor upon any other public property. (AM. ORD. 3730 - 5/7/85; AM. ORD. 4216 - 10/24/00)

**Sec 8110-6.8.4 - Time Frames**

Temporary political signs shall not be posted sooner than 90 days prior to a scheduled election administered by the County Elections Department. Said signs shall be removed within 10 days after the election. (ADD. ORD. 4216 - 10/24/00)

**Sec. 8110-6.8.5 - Enforcement**

Except for signs remaining posted after the post-election deadline, any political sign not posted in accordance with the provisions of this Article shall be deemed to be a public nuisance and shall be subject to removal by the candidate, property owner, or, when a ballot proposition is involved, the authorized agent of the group or organization sponsoring the sign or, upon their failure to do so after reasonable attempt at notice by the County, by County officers or zoning inspectors. Any political sign which is not removed within the specified period following an election shall be subject to summary removal and confiscation by the County. (AM. ORD. 3730 - 5/7/85; AM. ORD. 4216 - 10/24/00)

**Sec. 8110-6.9 - Service Station Signs**

On-site service station signs are permitted in accordance with the following regulations:

**Sec. 8110-6.9.1 - Attached Signs**

are permitted as follows:

- a. Maximum permitted area in square feet is three times the square root of the area (in square feet) of the wall or canopy face. Maximum 200 square feet for all attached signs, except that when wall area exceeds 5,000 square feet, the sign area may be increased by ten square feet for each additional 500 square feet of wall area over 5,000, to a maximum of 300 square feet. (AM.ORD.3749-10/29/85)
- b. Maximum height - 16 feet, provided that the sign does not extend above the eaves of a gable roof nor more than two feet above the face of the canopy or parapet wall to which it is attached.
- c. Brand name insignia, emblems or medallions may be attached to the building frontage of the service station. Symbol background area may be 14 square

feet maximum per symbol, maximum ten feet horizontally and maximum eight feet vertically.

**Sec. 8110-6.9.2 - Freestanding Signs**

are permitted as follows:

- a. Maximum area in square feet is the lesser of 120 or  $0.8F-40$ , where F is the *lot* frontage in linear feet.
- b. Maximum height is 25 feet or 1.8 times the square root of the *lot* frontage, whichever is less. (AM.ORD.3730-5/7/85)

**Sec. 8110-6.9.3 - Overall Area Limit**

The maximum total area for all signs on a service station site is 300 square feet.

**Sec. 8110-6.9.4 - Numerical Limit**

There is no limit on the number of signs on a service station site, except that poster boards are limited to two; see Sec. 8110-6.9.5, below.

**Sec. 8110-6.9.5 - Poster Boards -**

Two poster boards mounted on permanently anchored footings may be installed in locations which do not obstruct safe visibility from vehicles. Each poster board may have a maximum area of 15 square feet and a maximum height of six feet.

**Sec. 8110-6.9.6 - Identification Sign**

An identification sign may be mounted on a pole projecting through the roof of a pump island canopy, and a suspended sign may be attached to hang below the canopy.

**Sec. 8110-6.10 - Symbol Signs Not on Service Stations**

One symbol sign in the form of a graphic presentation of goods or services sold or rendered on the premises or a traditional emblem associated with a trade, which emblem or symbol bears no written message or trademark, shall be permitted on each building frontage of the enterprise provided that it is affixed to the building, canopy or wall which is part of the building frontage and does not project over any publicly maintained right-of-way nor more than two feet above the canopy or wall. No such symbol sign if attached to the building shall exceed 64 square feet in area, and no such symbol sign if hanging from a canopy or fascia shall exceed two square feet in area. Such signs shall be included in the total area of signs allowed on the *lot* where they are located.

**Sec. 8110-6.11 - Temporary Signs**

are permitted as follows:

**Sec. 8110-6.11.1 - Attraction Devices**

The *Planning Director* may authorize temporary banners, pennants, flags or captive balloons for a period of up to 30 days in any 90-day period for the purpose of advertising a grand opening or other special event.

**Sec. 8110-6.11.2 - Removal**

No Zoning Clearance for a temporary sign promoting an event shall be issued unless and until the *applicant* therefor has signed an agreement that the sign involved will be removed within seven days after the expiration of the 30-day temporary period. Said agreement shall authorize County agents to remove expired signs and shall be accompanied by a cash deposit of \$100.00, which deposit may be used to defray the costs of sign removal in the event the permit holder defaults upon the agreement as aforesaid. Appropriate refunds to the *applicant(s)* shall be made upon written report to the *Planning Director* that sign removal has been satisfactorily accomplished.

### **Sec. 8110-6.12 - Off-Site Tract Signs**

Such signs are permitted on agriculturally zoned property, on vacant residentially or industrially zoned property, and on vacant property zoned CPD, only after a final tract map has been recorded, for a period of 18 months from the date of issuance of the Zoning Clearance for such sign or until all *lots* have been sold, whichever is the first to occur. No tract shall have more than four off-site signs advertising its existence. Such signs may be located adjacent to routes traveled to reach the tract advertised unless such route has been adopted as a freeway or County Scenic Highway on the Ventura County Scenic Highways Element of the General Plan, or is a State-designated Scenic Highway, or if the proposed sign location is within a "Scenic Corridor" adopted by the Board of Supervisors. (AM. ORD. 3730 - 5/7/85; AM. ORD. 4377 - 1/29/08)

#### **Sec. 8110-6.12.1 - County Restrictions**

Tract signs located within the County shall advertise only tracts located within the County or within cities located therein, or may exhibit noncommercial messages for a period of 18 months.

#### **Sec. 8110-6.12.2 - Additional Restrictions**

No *lot* shall have thereon both a tract advertising sign and an on-site identification sign, and no tract sign shall be placed within 500 feet of any other tract sign. (AM. ORD. 3730 - 5/7/85)

### **Sec. 8110-6.13 - Window Signs**

Window signs shall not exceed 25 percent of a given window's area. That portion of the total window signage area that exceeds ten square feet on any individual business shall be counted toward the attached sign area permitted for that business. Signs attached to the exterior surfaces of windows are prohibited. (AM. ORD. 3730 - 5/7/85; AM. ORD. 4216 - 10/24/00) See also Sec. 8110-3[n]

### **Sec. 8110-6.14 - Menu Boards for Drive-Through Restaurants**

A drive-in or drive-through restaurant is permitted one menu board not exceeding 16 square feet in area, which shall not be counted toward the sign area or permitted number of signs otherwise allowed for the *lot* or premises. (ADD. ORD. 3810 - 5/5/87)

## **Sec. 8110-7 - Abatement of Signs Relating to Inoperative Functions**

Signs pertaining to enterprises or occupants that are no longer using a property shall be removed from the premises within 60 days after the associated enterprise or occupant has vacated the premises. Other signs of a temporary nature shall be removed within ten days following the event or other purpose served by the sign in the first instance. Any such sign not removed within the required period shall constitute a nuisance and shall be subject to summary abatement pursuant to Section 38773 of the California Government Code, and the expense of such abatement shall be a lien against the property on which the sign was maintained and a personal obligation against the property owner. Said property owner shall first be served with a notice to abate the nuisance and shall be given the opportunity for a hearing before the *Planning Director*.

## **Sec. 8110-8 - Nonconforming Signs**

### **Sec. 8110-8.1 - Continuance**

In cases where the area of signs existing as a valid nonconforming use on a property exceed the total allowable area for permitted signs, no additional signs shall be permitted on the property. If the size or configuration of a *lot* or building is changed by the subdivision of the property or by alterations, identification signs and outdoor

advertising signs on the resulting properties shall be required to conform to the sign regulations applicable to the newly created *lot* or *lots* at the time such change becomes effective.

**Sec. 8110-8.2 - Repair**

A nonconforming sign may be repaired, provided that it has not been damaged in excess of 60 percent of its value. Such damaged nonconforming sign may not be expanded, reconstructed or relocated without being made to comply in all respects with the provisions of this Article.

**Sec. 8110-8.3 - Amortization**

All signs rendered nonconforming by the provisions of this Article shall be altered, removed or otherwise made to comply with the provisions of this Article within the following time periods, which shall run from either the effective date of this Article or such later date as the use is made nonconforming:

Political Signs	10 days
Signs painted on structures	1 year
All other signs	5 years

Provided, however, that the following time periods shall apply to signs legally erected, pursuant to a valid sign permit issued within the two years immediately preceding the effective date of this Article:

Signs painted on structures	1 year from effective date of this Article or from the expiration date of the permit
Freestanding off-site advertising sign in open space, agricultural or residential zones	Pursuant to Calif. Business & Professions Code, Sec. 5412.1 et seq.
Freestanding off-site advertising	Not subject to amortization
All other signs	5 years from effective date of this Article or from the expiration date of the permit

**Sec. 8110-8.4 - Abatement**

Nonconforming signs shall either be made to conform with the provisions of this Article or be abated within the applicable period of time. In the event they are not, the *Planning Director* shall order the same to be abated by the owner of the property or by any other person known to be responsible for the maintenance of the sign.

**Sec. 8110-8.5 - Manner of Abatement**

Unless some other mode of abatement is approved by the *Planning Director* in writing, abatement of nonconforming signs shall be accomplished in the following manner:

- a. Signs Painted on Structures - By removal of the paint constituting the sign or by permanently painting it in such a way that the sign shall not thereafter be or become visible;
- b. Other Signs - By removal of the sign, including its dependent structures and supports; or pursuant to a sign permit duly issued allowing modification, alteration or replacement thereof in conformity with the provisions of this Article.

# ARTICLE 11: ENTITLEMENTS – PROCESS AND PROCEDURES

(REP./REEN. ORD. 3730 - 5/7/85) (REP./REEN. ORD. 4092 - 6/27/95)

## Sec. 8111-0 - Purpose

The purpose of this Article is to establish procedures for the processing of land use *entitlements*, including permits and variances and for modification, suspension, or revocation of any permit or variance, and appeals thereto.

## Sec. 8111-1 - Entitlements

*Entitlements* authorized by this Chapter include the following:

### Sec. 8111-1.1 - Ministerial Entitlements and Modifications

These *entitlements*, and modifications thereto, are granted based upon determinations, arrived at objectively and involving little or no personal judgment, that the request complies with established standards set forth in this Chapter. Such will be issued by the *Planning Director* or his/her designee without a public hearing. (AM. ORD. 4377 – 1/29/08 – grammar)

#### Sec. 8111-1.1.1 - Zoning Clearance: Purpose Of

A Zoning Clearance certifies that a proposed use of land or structures, or construction or demolition of structures, is consistent with the provisions of this Chapter and any applicable conditions of any previously issued *entitlement*, and the use or structure may be inaugurated. Where no other Planning Division issued *entitlement* is required, a Zoning Clearance also serves as an *entitlement* granted for as long as the subject use or structure is in compliance with the applicable requirements of this Chapter. More than one Zoning Clearance may be required and issued for the same property and one Zoning Clearance may be issued for multiple purposes.

- a. Zoning Clearance: Applicability Of - A Zoning Clearance is required prior to any of the following actions occurring. To be valid, it must specify for which of the following purposes it is being issued:
  - (1) Inauguration of construction or demolition of a structure, unless exempted pursuant to Sections 8105-4 and 8105-5;
  - (2) Inauguration of a use of land, structures, or facilities, including a change of use where a new use replaces an existing one, unless exempted pursuant to Sections 8105-4 and 8105-5;
  - (3) Issuance of a Certificate of Occupancy pursuant to the Ventura County Uniform Building Code; and
  - (4) Maintenance, alteration, demolition, improvement, reconstruction and the like of any Cultural Heritage Site enumerated in Sec. 8107-32.2; or any site which is potentially eligible to become a designated Cultural Heritage Site as described in the Ventura County Cultural Heritage Ordinance. A Certificate of Appropriateness issued pursuant to the Cultural Heritage Ordinance shall function as a Zoning Clearance for minor work done to a Cultural Heritage Site. Such work includes building exterior surface modifications, re-roofing, installation of new windows and the like for which a zoning clearance is not required for non-coastal cultural heritage sites.

(ADD. ORD. 4220 - 12/5/00)

- b. Zoning Clearance: Issuance Of - A Zoning Clearance shall be issued if the proposed use of land, structures, or construction:
- (1) Is permissible under the present zoning on the land and complies with the standards of Division 8, Chapter 1 and 2 of the Ordinance Code;
  - (2) Is compatible with the policies and land use designations specified in the General Plan;
  - (3) Complies with the applicable terms and conditions of any applicable permit or other *entitlement* granting the use in question, and the decision granting said permit is considered "effective" pursuant to Sec. 8111-4.4;
  - (4) Is not located on the same *lot* where a violation exists of standards found in said Chapters 1 and 2 or of any Ventura County Ordinance regulating land use, such as the Ventura County Building Code or any grading ordinance, or of the terms of an existing permit covering the *lot*, unless the Zoning Clearance is necessary for the abatement of the existing violation;
  - (5) Is not being requested by or for the same party that owes the County fees or billings, fines, civil penalties, or forfeitures associated with this Chapter;
  - (6) Is consistent with portions of the County Hazardous Waste Management Plan which identify specific sites or sitting criteria for hazardous waste facilities;
  - (7) Is located on a legal *lot*;
  - (8) Is being undertaken by an owner and/or tenant, who, along with the associated contractors and agents, are in compliance with the Ventura County Business License Tax Ordinance;
  - (9) Is determined to be consistent with conditions and requirements established by the Ventura Countywide Stormwater Quality Management Program, National Pollutant Discharge Elimination System (NPDES) Permit No. CAS06339 and the Ventura Stormwater Quality Management Ordinance No. 4142 and as these permits and regulations may be hereafter amended; and
  - (10) Has, in the case of a designated or potentially eligible Cultural Heritage Site been issued a Certificate of Appropriateness or is otherwise authorized to proceed with the project in compliance with that ordinance. Any Zoning Clearance requested for a designated historic site issued a Planned Development permit pursuant to Sec. 8107-32 et seq must also comply with the provisions of that permit.

(ADD. ORD. 4220 - 12/5/00; AM. ORD. 4291 - 7/29/03)

- c. Zoning Clearance: Expiration and Extensions Of – Zoning Clearances shall expire and may be extended in accordance with the following provisions unless specifically indicated otherwise on the Zoning Clearance or specifically indicated elsewhere in this chapter:
- (1) Zoning Clearances for which a Building Permit is Required: Zoning Clearances issued to authorize the *inauguration* of construction or demolition of *structures*, certificates of occupancy, *uses* of land, and/or other development (collectively, "Development") for which a building permit is required pursuant to the Ventura County Building Code are valid for 180 days following issuance of the Zoning Clearance during which time a complete building permit application(s) for all *structures* and other Development that are subject of the Zoning Clearance (hereafter, "Building Permit Application") must be submitted to the Ventura County Building and



Safety Division (“Effective Period”). The Effective Period may be extended pursuant to subsection (3) below. If a Building Permit Application is not submitted on or before expiration of the Effective Period for any or all of the *structures* and other Development requiring a building permit, the Zoning Clearance shall expire with respect to those *structures* and other Development. If a Building Permit Application is submitted prior to expiration of the Effective Period for any or all of the *structures* and other Development requiring a building permit, the Zoning Clearance shall thereafter expire with respect to those *structures* and Development if the Building Permit Application expires or requires renewal (i.e., Zoning Clearance shall expire 360 days from submittal of Building Permit Application even if Building Permit Application is renewed), is withdrawn, or is terminated without the finalized building permit being issued. If a Building Permit Application is timely submitted and a finalized building permit is issued, the Zoning Clearance shall remain valid authorizing the subject *structures* and other Development that have received all other County *entitlements* and licenses so long as the Development remains consistent with the Chapter or the conditions of a previously issued *entitlement*. Notwithstanding the foregoing, if only a portion of a Zoning Clearance’s *structures* and other Development receive a finalized building permit that is applied for during the Effective Period, the Zoning Clearance shall only authorize and be effective as to those specific *structures* and Development, and shall not authorize or be effective as to any other *structure* or other Development requiring a building permit.

- (2) Zoning Clearances for which a Building Permit is not Required: Zoning Clearances issued to authorize the *inauguration* of construction or demolition of *structures*, *uses* of land, and/or development (collectively, “Development”) for which a building permit is not required pursuant to the Ventura County Building Code are valid for 180 days following issuance of the Zoning Clearance (“Effective Period”). The Effective Period may be extended pursuant to subsection (3) below. If the Development has not received all other required County *entitlements* and licenses and/or Development activities (i.e., demolition and construction) have not commenced on or before expiration of the Effective Period, the Zoning Clearance shall expire. If the Development has received all other required County *entitlements* and licenses and Development activities have commenced on or before expiration of the Effective Period, the Zoning Clearance shall remain valid to authorize the Development so long as the Development remains consistent with this Chapter or the conditions of a previously issued *entitlement*.
- (3) Zoning Clearance Extensions: An *applicant* may file an application requesting an extension of the 180-day Effective Period with the Planning Division on the form provided. The application shall not be accepted for processing and decision unless accompanied by the required fees in accordance with the Board-adopted fee schedule, and may only be submitted within 30 days of expiration of the Effective Date. A one-time extension may be granted by the Planning Division for good cause shown extending the Effective Period for up to 180 days (i.e., the total, extended Effective Period may be up to 360 days), provided that (a) there are no material changes to the project or its constituent *structures* or development, (b) the project is consistent with all applicable General Plan policies, *entitlements*, and development standards of this Chapter in effect at the time the extension is sought, and (c) the project remains subject to the Zoning Clearance permitting requirement, as opposed to a newly

enacted discretionary permitting requirement, at the time the extension is sought.

(AM. ORD. 4216 - 10/24/00; AM. ORD. 4580 - 4/13/21))

**Sec. 8111-1.1.2 - Zoning Clearance with Waivers**

Various uses and structures as noted in Sections 8105-4 and 8105-5 may be allowed with a Zoning Clearance if the surrounding property owners and/or residents sign "waivers" concurring with the proposed use or structure. The wording of the waiver shall be determined in accordance with good planning practices by the *Planning Director*, unless otherwise specified in the Zoning Ordinance, and shall address such issues as the nature and operation of the use or structure, ordinance provisions to be waived, duration of the waiver, extensions, revocation provisions, and the number of parties required to be notified and to sign. Unless otherwise specified in the waiver, a waiver shall be considered completely signed when signatures have been obtained from all of the property owners of the affected property(s) or their authorized agents, and one adult resident from each legal dwelling unit on the affected property(s). (AM. ORD. 4123 - 9/17/96 - grammar; AM. ORD. 4216 - 10/24/00)

**Sec. 8111-1.2 - Discretionary Entitlements**

These *entitlements* and modifications thereto are granted following determinations that require the exercise of judgement or deliberation, as opposed to merely determining that the request complies with a set of standards.

**Sec. 8111-1.2.1 - Discretionary Permits**

- a. Planned Development (PD) Permit - A Planned Development Permit is a permit based upon a *discretionary* decision that is required prior to initiation of specified uses and structures which are allowed as a matter of right, but which are subject to site plan review and which may be conditioned in order to assure compliance with the requirements of this Chapter and with the purposes of the applicable zone. Planned Development Permits may be granted by the *Planning Director* or his/her designee through an administrative hearing process, or by the Planning Commission or Board of Supervisors through a public hearing process.

In the case of a use or development that also contemplates a subdivision of property located within the RPD Zone, the Planned Development Permit shall be processed simultaneously with the subdivision application. Where the subdivision application would normally be approved by some authority higher than the authority normally specified for approval of the permit by Article 5, the permit may be approved only by that higher authority. Where the subdivision application would normally be approved by some authority lower than the authority normally specified for approval of the permit by Article 5 or this subsection (a), that lower authority shall defer action on the subdivision application to that higher authority. For the purposes of this Section, the Planning Commission is a higher authority than the *Planning Director* and the Board of Supervisors is a higher authority than the Planning Commission. (AM. ORD. 4377 - 1/29/08)

- b. Conditional Use Permit (CUP) - A Conditional Use Permit is a permit based upon a *discretionary* decision required prior to initiation of particular uses not allowed as a matter of right. Such permits are subject to site plan review and may be conditioned in order to assure compliance with the requirements of this Chapter and with the purposes of the applicable zone. Such permits may be denied on the grounds of unsuitable location, or may be conditioned in order to be approved. Conditional Use Permits may be granted through a public hearing process by the Board of Supervisors, the Planning Commission, or the

*Planning Director* or designee. Except for projects initiated by a County agency or department, applications for Board of Supervisors-approved Conditional Use Permits shall first be reviewed by the Planning Commission.

- c. Emergency Use Authorization (EUA) - The *Planning Director* may authorize, by letter and without a hearing, a use or structure in an emergency situation where delay incident to the normal processing of an application would be physically detrimental to the health, safety, life, or property of the *applicant* or the public. EUAs may only be granted in accordance with the following standards:
  - (1) If directly related to an earthquake, flood, tsunami, landslide, chemical spill, collision, explosion, or similar disaster or catastrophic physical change that has occurred or is imminent. EUAs may also be granted under other circumstances if the magnitude of the impacts on the public or the *applicant* are, or can be expected to be, comparable to those attributed to the disasters and catastrophic changes referenced above.
  - (2) The EUA shall be valid for a period for no more than 180 days. Where the use or structure is intended to continue beyond 180 days, application for the appropriate permit shall be made to the appropriate decision-making authority in the usual manner within 30 days after issuance of the EUA.
  - (3) The standards of Sec. 8111-1.2.1.1 and the standards of Section 8111-1.2.1.2 through 8111-1.2.1.6 as applicable to the location and use.
- d. Major and Minor Modifications - These are *discretionary* actions which authorize the modification of existing permits and are granted through a process set forth in Section 8111-6.
- e. Continuation Permits for Nonconforming Uses and Structures – A Continuation Permit for Nonconforming Uses and Structures is a Planning Commission-approved *discretionary* permit for the time extension of nonconforming uses and structures. These permits are subject to the criteria of Sec. 8113-2 for mobilehomes, and Sec. 8113-5.4 for other nonconforming uses no longer permitted. (AM. ORD. 4411 – 3/2/10)
- f. Expansion Permits for Nonconforming Uses - An Expansion Permit for Nonconforming Uses is a Planning Commission-approved *discretionary* permit for the expansion of existing lawfully permitted uses in the Open Space zone that were made nonconforming by changes to zoning regulations approved on March 2, 2010. Expansion Permits for Nonconforming Uses are subject to the standards in place at the time the use was made nonconforming. (ADD. ORD. 4411 – 3/2/10)

**Sec. 8111-1.2.1.1a. – General Permit Approval Standards**

Planned Development and Conditional Use Permits shall be granted if all billed fees and charges for processing the application request that are due for payment have been paid, and if all of the following standards are met, or if such conditions and limitations, including time limits, as the decision-making authority deems necessary, are imposed to allow the standards to be met. The *applicant* shall have the burden of proving to the satisfaction of the appropriate decision-making authority that the following standards can be met. Specific factual findings shall be made by the decision-making authority to support the conclusion that each of these standards, if applicable, can be satisfied. (AM. ORD. 4526 – 7/17/18)

- a. The proposed development is consistent with the intent and provisions of the County's General Plan and of Division 8, Chapters 1 and 2, of the Ventura County Ordinance Code;

- b. The proposed development is compatible with the character of surrounding, legally established development;
- c. The proposed development would not be obnoxious or harmful, or impair the utility of neighboring property or uses;
- d. The proposed development would not be detrimental to the public interest, health, safety, convenience, or welfare;
- e. For Conditional Use Permits only, the proposed development is compatible with existing and potential land uses in the general area where the development is to be located;
- f. The proposed development will occur on a legal *lot*; and
- g. The proposed development is approved in accordance with the California Environmental Quality Act and all other applicable laws.

In analyzing whether the above standards have or have not been met, the decision making authority shall consult and consider the relevant factors identified in Article 9, section 8109-0, et seq.

If all applicable standards cannot be satisfied, specific factual findings shall be made by the decision-making authority to support that conclusion.

(AM. ORD. 4123 - 9/17/96; AM. ORD. 4503 - 2/7/2017; AM. ORD. 4518 - 2/6/18)

**Sec. 8111-1.2.1.1b. – Permit Approval Standards for Outdoor Events and Assembly Uses**

Conditional Use Permits authorizing outdoor events and assembly uses shall be granted if all billed fees and charges for processing the application that are due for payment have been paid and if all of the following standards are met. An application for a Conditional Use Permit shall not be denied on the basis of the content of protected expression associated with the proposed use. The *applicant* shall have the burden of proving to the satisfaction of the appropriate decision-making authority that the following standards can be met. Specific factual findings shall be made by the decision-making authority to support the conclusion that each of these standards, if applicable, can be satisfied.

- a. The proposed use is compliant with applicable provisions of the County’s General Plan and of Division 8, Chapter 1 of the Ventura County Ordinance Code;
- b. The proposed use can coexist in relative proximity, and is not expected to unduly interfere with, the existing land uses of the surrounding area as determined based on the following land use factors:
  - (1) Whether the proposed use would generate offsite noise louder than ambient noise levels by considering: (i) the volume and times of day such noise would be generated; (ii) the proximity of the proposed use to the nearest offsite noise sensitive receptors such as dwellings, schools, hospitals, nursing homes and libraries; (iii) the topography of the surrounding area likely to affect how noise travels; and (iv) the existence of other nearby uses likely to generate offsite noise at similar times; and
  - (2) Whether the proposed use would generate vehicular traffic affecting the level of service of a road segment or intersection located within one mile of the proposed use as determined pursuant to Section

27a(1), "Transportation & Circulation – Roads and Highways – Levels of Service (LOS)," of the County's Initial Study Assessment Guidelines, as such section may be amended or renumbered;

- c. The proposed use would not be detrimental to public health and safety as determined based on the following land use factors:
  - (1) Whether public and private roads and driveways used to access the site of the proposed use can safely accommodate all vehicular traffic associated with the proposed use, including emergency vehicles, and meet all applicable requirements of the Ventura County Fire Code; and
  - (2) Whether the proposed use or site of the proposed use would create risk of harm to persons, nearby properties, or the environment based on fire hazards, geologic hazards, flood hazards, hazardous materials, or increased risk of vandalism or trespass that cannot be controlled through reasonable event security.
- d. The proposed use will occur on a legal *lot*; and
- e. The proposed use is approved in accordance with the California Environmental Quality Act and all other applicable laws.

If all standards cannot be satisfied, specific written factual findings shall be made by the decision-making authority to support that conclusion.

(ADD. ORD. 4526 – 7/17/18)

**Sec. 8111-1.2.1.2 - Additional Standards for AE Zone**

In addition to the provisions of Section 8111-1.2.1.1, before any permit is issued for any structure or land use which requires a *discretionary* permit in the AE Zone, the following standards shall be met or be capable of being met with appropriate conditions and limitations being placed on the use: (AM. ORD. 4377 – 1/29/08)

- a. That the establishment or maintenance of this use will not significantly reduce, restrict or adversely affect agricultural resources or the viability of agricultural operations in the area;
- b. That structures will be sited to minimize conflicts with agriculture, and that other uses will not significantly reduce, restrict or adversely affect agricultural activities on-site or in the area, where applicable; and
- c. That the use will be sited to remove as little land from agricultural production (or potential agricultural production) as possible.

**Sec. 8111-1.2.1.3 - Compliance with Other Documents**

When necessary to ensure consistency with other County Planning documents such as area plans, conditions which are more restrictive than the standards of this Ordinance may be imposed on *discretionary* permits.

**Sec. 8111-1.2.1.4 - Additional Standards for Overlay Zones**

In addition to the provisions of Sec. 8111-1.2.1.1, development within any overlay zone having specific development standards, pursuant to Article 9, must comply with such standards.

**Sec. 8111-1.2.1.5 - Additional Standard for Hazardous Waste Collection, Treatment and Storage Facilities and Hazardous Waste Disposal Facilities**

In addition to the provisions of Section 8211-1.2.1.1 and Section 8111.2.1.2 for any proposed development of a hazardous waste collection, treatment and storage facility or a hazardous waste disposal facility, the following additional finding must be made or be capable of being made with conditions and limitations being placed on the use:

- a. That the proposed hazardous waste collection, treatment and storage facility or hazardous waste disposal facility is consistent with the portions of the County Hazardous Waste Management Plan which identify siting criteria for hazardous waste facilities.

**(AM. ORD. 4214 - 10/24/00)**

**Sec. 8111-1.2.1.6 - Additional Standards for RPD Zone**

In addition to the provisions of Section 8111-1.2.1.1, the provisions of this Section shall apply to any Planned Development Permit for any use or development in the RPD Zone that contemplates a subdivision of the property to which the permit applies. Such a Planned Development Permit may be granted only if an application for the subdivision is approved simultaneously with the granting of the permit. (AM. ORD. 4377 - 1/29/08)

**Sec. 8111-1.2.1.7 - Additional Standards for Cultural Heritage Sites**

Where a proposed project requiring a *discretionary* permit is located on the same *lot* as a designated Cultural Heritage site, a Certificate of Appropriateness shall have been issued pursuant to the Ventura County Cultural Heritage Ordinance for the project in question prior to its approval.

**Sec. 8111-1.2.2 - Variances**

Variances are adjustments in the regulations and development standards contained in this Chapter. Variances are based on *discretionary* decisions and may be granted to allow deviations from ordinance regulations governing such development factors as setbacks, height, *building lot coverage*, *lot* area and width, signs, off-street parking, landscaping and wall, fencing and screening standards. Variances shall be processed in accordance with the provisions of this Article. Variances may not be granted to authorize a use or activity which is not otherwise expressly authorized by the zone regulations governing the property. Except for administrative variances, variance requests shall be heard by the Planning Commission through a public hearing process. (AM. ORD. 4618 - 7/25/23)

**Sec. 8111-1.2.2.1 - Purpose**

The sole purpose of any variance shall be to enable a property owner to make reasonable use of his or her property in the manner in which other property of like character in the same vicinity and zone can be used. For the purposes of this section, vicinity includes both incorporated and unincorporated areas if the property in question is within the sphere of influence of an incorporated area. (AM. ORD. 4123 - 9/17/96)

**Sec. 8111-1.2.2.2 - Standards for Variances**

Before any variance may be granted, the *applicant* must establish, and the decision-making authority must determine, that all of the following standards are met:

- a. That there are special circumstances or exceptional characteristics applicable to the subject property with regard to size, shape, topography, location or surroundings, which do not apply generally to comparable properties in the same vicinity and zone; and

- b. That granting the requested variance will not confer a special privilege inconsistent with the limitations upon other properties in the same vicinity and zone; and
- c. That strict application of the zoning regulations as they apply to the subject property will result in practical difficulties or unnecessary hardships inconsistent with the general purpose of such regulations; and
- d. That the granting of such variance will not be detrimental to the public health, safety or general welfare, nor to the use, enjoyment or valuation of neighboring properties; and
- e. That the granting of a variance in conjunction with a hazardous waste facility will be consistent with the portions of the County's Hazardous Waste Management Plan (CHWMP) which identify specific sites or siting criteria for hazardous waste facilities.

**(AM. ORD. 4123 - 9/17/96)**

**Sec. 8111-1.2.2.3 - Burden of Proof**

The *applicant* shall have the burden of proving to the satisfaction of the appropriate decision-making authority that the above standards can be met.

**(AM. ORD. 4123 - 9/17/96)**

**Sec. 8111-1.2.2.4 - Administrative Variances by Planning Director Approval**

A request for a minor variance from certain types of zoning regulations may be approved by the *Planning Director* as an administrative variance, if the standards of Sec. 1.2.2.2 are met. The procedures of Sec. 8111-3 shall be followed. An administrative variance may be granted only in the following situations:

- a. To allow a decrease not exceeding 20 percent in required minimum setbacks; (AM. ORD. 4407 - 10/20/09)
- b. To allow walls, *fences* or hedges to exceed height limit regulations by a maximum of one foot in setback areas, except in the traffic safety sight area;
- c. To allow an increase not exceeding ten (10) percent for maximum building coverage, or sign area or height; and
- d. To allow one of the required parking spaces for a single-family dwelling to be provided in tandem.

**(AM. ORD. 4123 - 9/17/96)**

**Sec. 8111-1.2.2.5 - Duration**

Any variance is considered to run with the land. An expiration date may be imposed at the time the variance is granted. (AM. ORD. 4123 - 9/17/96)

**Sec. 8111-1.3 - Other Entitlements**

**Sec. 8111-1.3.1 - Tree Permit**

A ministerial or *discretionary* Tree Permit is required, pursuant to Sec. 8107-25 et seq., for the alteration of Protected Trees in all applicable Base Zones and Overlay Zones; see also Article 9. Ministerial Tree Permits shall be processed in the same manner as Zoning Clearances, and *discretionary* Tree Permits shall be processed in the same manner as Conditional Use Permits. A Tree Permit may be issued for the alteration of one or more Protected Trees as appropriate.

### **Sec. 8111-1.3.2 - Film Permit**

A ministerial or *discretionary* Film Permit is required, pursuant to Sec. 8105-4 and 8105-5 and is subject to the standards of Sec. 8107-11. Ministerial Film Permits shall be processed in the same manner as Zoning Clearances, and *discretionary* Film Permits shall be processed in the same manner as Conditional Use Permits.

(REP./ADD. ORD. 4123 - 9/17/96)

## **Sec. 8111-2 - Filing and Processing of Application Requests**

### **Sec. 8111-2.1 - Submission of Applications**

Application requests shall be filed with the Planning Division. No application request shall be accepted for filing and processing unless it conforms to the requirements of this Chapter; contains in a full, true and correct form the required materials and information prescribed by the forms supplied by the Ventura County Planning Division; and is accompanied by the appropriate fees in accordance with the Board-adopted fee schedule. The County staff may refer any application request to an independent and qualified consultant for review and evaluation of issues beyond the expertise or staffing capabilities of the County. The costs for all such consultant work shall be borne by the *applicant* and are independent of the fees paid to the Planning Division for processing of the requests. (AM. ORD. 4123 - 9/17/96)

### **Sec. 8111-2.2 - Applications**

Applications may be filed as provided in the following sections:

- a. Who May Apply - An application for a permit, ordinance amendment or variance may be filed by the owner of the property or his/her authorized agent, by a lessee who holds a lease with terms that permit the use applied for, or by any duly constituted government authority or agent thereof. Regardless of who is the *applicant*, the property owner shall sign the application. (AM. ORD. 4123 - 9/17/96)
- b. Co-applicants - All holders or owners of any other interests of record in the affected property shall be notified in writing of the permit application and invited to join as *co-applicant*.
- c. Modification, Suspension and Revocation - An application for modification, suspension or revocation of any variance or permit may be filed by any person listed in the preceding section, or by any person or political entity aggrieved; or by an official department, board or commission of the county affected.
- d. Amendments to this Chapter - An application to amend this Chapter shall be proposed in accordance with Article 15.
- e. Appeals - An appeal concerning any order, requirement, permit, determination or decision made in the administration or enforcement of this Chapter may be filed in accordance with Section 8111-7.
- f. Processing Applications Where Violations Occur - No application request for a new *entitlement* or time extension of an existing *entitlement* whose initial term has expired shall be accepted if a violation of Chapter 1 or Chapter 2 exists on the *lot*, unless the acceptance of the application is necessary to abate the existing violation. (AM. ORD. 4123 - 9/17/96 - grammar)
- g. Nullification of Applications When Violations Are Discovered - Where a violation is discovered on a *lot* where an application request has been accepted or is being processed after being deemed complete, said application shall become null and void and returned to the *applicant*. All new applications shall comply with the



provisions of this Chapter including, but not limited to, the filing of Late Filing Fees and the submission of full, true and correct information.

- h. Completeness of Application - Not later than 30 calendar days after the Planning Division has accepted an application under this Chapter, the *applicant* shall be notified in writing as to whether the application is complete or incomplete, except in the case of zone changes, which are legislative acts and thus are not subject to the 30-day limit. If the application is determined to be incomplete, the *applicant* shall be notified in writing of the reasons for such determination and of the information needed to make the application complete.
- (1) Review of Supplemental Information - If any application is deemed incomplete and the *applicant* subsequently submits the required information, the application is then treated as if it were a new filing, and the 30-day review period begins on the day that the supplemental information is submitted.
- (2) Termination of Incomplete Application - Upon written notification to the *applicant*, processing of an incomplete application may be terminated if no reasonable effort has been made by the *applicant* to complete the application for a period of six months from the date of notification of incompleteness. All unused fees shall be refunded to the *applicant*. An extension to this six-month period may be granted by the *Planning Director* on written request by the *applicant* showing good cause.

### **Sec. 8111-2.3 - Content of Applications**

The form and content of all applications shall be determined by the Planning Division. Additional information may be required to be submitted with an application request such as site plans and elevations (in color, with building materials identified), sample floor plans and samples of exterior finishing materials as deemed appropriate by the *Planning Director* for complete review of the request. If the project is proposed to be developed in phases, the sequence of such phases shall also be shown. For applications to develop oil or gas resources, see Section 8107-5.6 for additional requirements.

### **Sec. 8111-2.4 - Applicant's Responsibilities**

The names of all persons entitled to notice pursuant to Section 8111-4 shall be obtained by the *applicant* and filed with the application. The omission by the *applicant* of the name and address of any such person is grounds for denial or revocation of the permit, variance, or amendment, or such other action as the Planning Commission or *Planning Director* may choose to take in regard thereto. Names and addresses of property owners shall be obtained from the last equalized assessment roll, or from such other records of the assessor or tax collector as may contain more recent addresses.

### **Sec. 8111-2.5 - Review and Conditioning of Applications**

Applications and proposed uses shall be reviewed for the appropriate environmental document and also by various County departments as well as interested parties such as cities and special districts which are involved in the review and conditioning of projects. (AM. ORD. 4526 – 7/17/18)

#### **Sec. 8111-2.5.1 - Earthquake Fault Zones**

Any application proposing an activity which is defined as a "project" in the Alquist-Priolo Earthquake Fault Zoning Act (Public Resources Code, Chapter 7.5, Section 2621 et seq.) shall be reviewed by the County Geologist in accordance with the requirements of said Act and the policies and criteria established by the State Mining and Geology Board pursuant to said Act.

**Sec. 8111-2.5.2 - Abandoned Oil/Gas Wells**

All projects will be reviewed for location over or near any abandoned or idle-deserted oil or gas well, based on maps provided by the Division of Oil and Gas (D.O.G.). In addition, project *applicants* shall notify the County and D.O.G. immediately when such wells are encountered in site preparation or construction. *Applicants* shall bear the cost of reabandonment if required prior to project approval. The County will notify D.O.G. of the location of any proposed project that is found to be over or near any such well(s).

**Sec. 8111-2.5.3 - Abandoned Water Wells**

All projects will be reviewed for location over or near any abandoned water wells in conjunction with Chapter 8, Article 1, of the Ventura County Ordinance Code. Project *applicants* shall notify the Ventura County Public Works Agency Water Resources Division immediately when such wells are encountered in site preparation or construction. *Applicants* shall bear the cost of abandonment, if required, prior to project approval. The Planning Division will notify the Public Works Agency of the location of any proposed project that is found to be over or near any such well(s).

**Sec. 8111-2.6 - No Vesting of Rights**

No person obtains any right or privilege to use land or structures for any purpose or in any manner described in an application request merely by virtue of the County's acceptance of an application or approval of the subject request.

**Sec. 8111-2.7 - Nullification**

Zoning Clearances and all licenses issued therefrom, and all other *entitlements*, shall be null and void for any of the following causes, once the *applicant* has been notified of such nullification:

- a. The application request which was submitted was not in full, true and correct form. Examples of such inadequate submittals are failures to show all existing uses, structures, facilities and improvements, which have been authorized by Chapters 1 and 2 of this Code, or which were commenced without required authorization.
- b. The *entitlement* issued does not comply with the terms and conditions of the permit originally granting the use under Division 8, Chapters 1 and 2, of the County Ordinance Code.
- c. The *entitlement* was issued erroneously.

(AM. ORD. 4123 - 9/17/96)

**Sec. 8111-2.8 - Sureties**

Except as otherwise specified in this Chapter, the decision-making authority may impose a penal and/or performance surety on any *discretionary entitlement* as a condition of such *entitlement*. The sureties shall be filed in a form acceptable to the County Counsel and certified by the County Clerk.

- a. The required amount of the surety(s) may be increased periodically by the *Planning Director* in order to compensate for inflation (based on the applicable regional Consumer Price Index) or other factors, so that the same relative value of the surety is maintained over the life of the permit, and to assure that performance sureties continue to reflect the actual anticipated costs for completing a required task. No surety shall be released until after all of the applicable conditions of the permit have been met.
- b. In the event of any failure by the permittee to perform or comply with any term or condition of a *discretionary entitlement*, the decision-making authority may,

after notice to the permittee and after a public hearing, determine by resolution the amount of the penalty, and declare all or part of the surety forfeited. The sureties and principal will be jointly and severally obligated to pay forthwith the full amount of the forfeiture to the County of Ventura. The forfeiture of any surety shall not insulate the permittee from liability in excess of the sum of the surety for damages or injury, nor from expense or liability suffered by the County of Ventura from any breach by the permittee of any term or condition of the permit or of any applicable ordinance or of the surety.

- c. The permittee shall maintain the minimum specified amount of a penal surety throughout the life of the *entitlement*. Within 30 days of any forfeiture of a penal surety, the permittee shall restore the surety to the required level.

### **Sec. 8111-2.9 - Fees**

Each application request for any purpose subject to the regulations of Division 8, Chapters 1 and 2 of the Ordinance Code, except appeals, shall be accompanied by payment of all required processing fees and all outstanding fees, charges, and penalties billed by and owed to the County under Division 8, Chapters 1 and 2 by the *applicant* or by persons, partnerships, corporations or other entities owned or controlled by the *applicant* or owning or controlling the *applicant*. Furthermore, each application request for any purpose, including appeals and requests for presubmittal review, shall be accompanied by the fee specified by the adopted schedule of fees and charges before it is accepted for filing and processing.

#### **Sec. 8111-2.9.1 - Exemptions**

Exemptions, in whole or in part, from application filing fees may be authorized by the fee schedule applicable to the Planning Division.

#### **Sec. 8111-2.9.2 - Late Filing Fees**

Where a use actually commences, or construction to that end is commenced, prior to the granting of required County permits or variances, a late filing fee for said permits or variances shall be collected, in addition to the required processing fees, provided that the County has given written notification to the property owner of the violation. If applications for the permits or variances needed to remedy the violation have been filed within 30 days of the issuance of said notification and deemed complete within 90 days of said notification, the late filing fee shall be refunded. The late filing fee shall be equal to the filing fee or initial deposit of each application request necessary to legalize the violation as set forth in the adopted schedule of fees and charges, but shall not individually exceed \$1,000.00. Payment of a late filing fee does not constitute a vested right and shall not relieve persons from fully complying with the requirements of this Code, nor from any other penalties prescribed herein. (AM. ORD. 4123 - 9/17/96)

#### **Sec. 8111-2.9.3 - Billing Method**

Once a project has been acted upon and inaugurated or the application is either withdrawn or closed, the *applicant* shall be billed for the balance of fees and charges up to the ceiling amount as specified by the adopted schedule of fees and charges. Should final costs be less than the deposit fee, the unused portion of the deposit shall be refunded to the *applicant*. Upon written request to the Operations Division of the Resource Management Agency, an accounting of all fees and charges billed to the *applicant* shall be made available. An *applicant* may request, or the County may require, incremental billing for processing costs of an application request. All fees and charges shall be due and payable within 30 days of the date of any billing invoice. If billed fees and charges are not paid within 30 days of the invoice date, a penalty charge of five percent of the unpaid balance will be added to the balance due. Each month thereafter, an interest charge of two percent of the unpaid balance shall be added and compounded until the bill is paid

in full. Whenever fees and charges are not paid as prescribed, the County shall pursue collection of said fees and charges in a diligent manner, and the permit/*entitlement* is subject to revocation.

**Sec. 8111-2.9.4 - Failure to Pay**

While the County may choose not to stop processing an application for which the applicable billed fees and charges have not been paid, the County may, after a hearing, deny such application based on the *applicant's* failure to pay said fees and charges. Such fees shall include those costs associated in processing any environmental documents that might be required as a result of an application.

**Sec. 8111-2.10 - Continuance of Permit During Application Renewal Process**

Unless otherwise provided in the conditions of the permit, permits being processed for renewal shall remain in full force and effect until the renewal request is acted on, or up to twenty-four (24) months maximum or all administrative appeals have been exhausted, provided that: 1) the renewal application was accepted as complete by the Planning Division prior to the expiration of the permit; and 2) the permittee is in compliance with all terms and conditions of the original permit at the time of the application for renewal. All the terms and conditions of the original permit must be followed at all times. At the sole discretion of the *Planning Director*, the 24 month period may be extended if the protracted time frame for permit processing was substantially beyond the control of the *applicant*.

**Sec. 8111-3 - Notice and Hearing Procedures**

**Sec. 8111-3.1 - Notice**

**Sec. 8111-3.1.1**

All hearing notices prepared pursuant to this Article shall include the date, time and place of the hearing, the identity of the hearing body or officer, a general explanation of the matter to be considered, and a general description, in text or by diagram, of the subject property.

**Sec. 8111-3.1.2**

Whenever a hearing is required under this Article before an application can be acted upon, the Planning Division shall set a date, time and place for the matter to be heard, and shall give public notice of the hearing by publication in a newspaper of general circulation at least ten days prior to the hearing.

**Sec. 8111-3.1.3**

In addition, if the hearing involves a *discretionary* permit (other than an Emergency Use Authorization) or modification thereto, a variance or modification or revocation thereof, an appeal regarding any variance or *discretionary* permit, or a zoning ordinance amendment which affects the permitted uses of property, then a written notice, postage prepaid, shall be mailed to all of the following at least ten (10) days before the hearing:

- a. The owner of the subject property, or the owner's duly authorized agent;
- b. The *applicant*, if different from the owner;
- c. Each local agency whose ability to provide essential services or facilities to the project may be significantly affected by the project; and
- d. The owners of all real property situated within a radius of 300 feet of the exterior boundaries of the Assessor's Parcel(s) which is the subject of the application. If the 300-foot radius does not include 15 or more parcels of real property, the radius shall be expanded until the owners of at least 15 parcels will be notified.

Names and addresses shall be obtained from the latest equalized assessment roll. If the number of owners exceeds 1,000, a one-eighth page advertisement published at least ten days prior to the hearing in a newspaper of general circulation may be substituted for the direct mailing.

(AM. ORD. 4473 – 6/2/15)

**Sec. 8111-3.1.4**

Notification shall also be mailed or delivered, at least ten days prior to the hearing, to any person who has filed a written request for such notice with the *Planning Director* or the Clerk of the Board of Supervisors.

**Sec. 8111-3.1.5**

In the case of appeal hearings, notice shall also be provided to the appellant and, if applicable, to the County official, department, Board or Commission whose order, requirement, permit, decision or determination is the subject of the appeal.

**Sec. 8111-3.2 - Hearing Procedures**

The decision-making authority(s) shall hold at least one public hearing on any duly filed application that requires a *discretionary* decision except Permit and Variance Adjustments. Such hearings shall be conducted in such a manner as to allow the *applicant* and all other interested parties to be heard and present their positions on the case in question, and shall have a record of the decision kept, along with the findings made which supported the decision. Administrative hearings shall be conducted by the *Planning Director* or designee.

**Sec. 8111-3.3 - Public Hearing Quorum**

A quorum for a hearing before the Planning Commission or Board of Supervisors shall consist of three members. The approval of any *discretionary* decision or permit, or other matters brought before either body, requires the concurrence of at least three of its members. The secretary shall enter the decision in the minutes or records of the meeting.

**Sec. 8111-3.4 - Referrals**

A decision-making authority may refer a matter back to the preceding hearing body for further report, information or study.

**Sec. 8111-3.5 - Continued Matters**

If it is necessary to continue the hearing or decision on any matter before the decision-making authority, the person presiding at the hearing shall, before adjournment thereof, publicly announce the date, time and place to which the matter will be continued. Except for the posting of an agenda containing the continued matter in a public place at least 72 hours before the continued hearing, no further notice need be given.

**Sec. 8111-4 - Decisions**

Not more than 40 calendar days following the termination of hearings on an application request requiring a *discretionary* decision, the final decision-making authority shall render its decision either by the adoption of a Resolution (for applications decided by the Planning Commission) or by the issuance of a Determination Letter (for applications decided by the *Planning Director* or designee). A Resolution or Determination Letter rendering a decision on an application request shall recite such conditions and limitations deemed necessary by the decision-making authority and shall require that all conditions requiring recordation of an interest in property, and other conditions as appropriate, shall be satisfied prior to issuance of a Zoning Clearance for the inauguration of a Planned Development or Conditional Use Permit or variance.

## **Sec. 8111-4.1 - Deferral of Decisions on Applications**

### **Sec. 8111-4.1.1**

The *Planning Director* may defer any decision on a Planned Development Permit or Conditional Use Permit application or modification, suspension, or revocation thereto, to the Planning Commission or Board of Supervisors at any time up to 30 days after the close of the administrative public hearing if the project:

For the Planning Commission:

- a. May result in significant adverse environmental impacts which cannot be mitigated to less than significant levels; or
- b. Involves significant public controversy; or
- c. May be in conflict with County policies, or would necessitate the establishment of new policies; or
- d. May be precedent setting; or
- e. Should be deferred for any other cause deemed justifiable by the *Planning Director*.

For the Board of Supervisors:

- a. Was heard by the Board of Supervisors as the original decision making body; or
- b. Was last heard on appeal by the Board of Supervisors and the issue involves, or is related to, one of the points of appeal; or
- c. Involves interpretation or new policy making on a substantial issue that clearly requires Board of Supervisors involvement; or
- d. Should be deferred for any other cause deemed justifiable by the *Planning Director*.

(AM. ORD. 4216 - 10/24/00)

### **Sec. 8111-4.1.2**

The Planning Commission may defer a decision on an *entitlement* to the Board of Supervisors in cases where two *entitlements* regarding the same property or site are being processed concurrently, and the Board is the decision-making authority for one of the *entitlements*.

## **Sec. 8111-4.2 - Decision Options**

The decision-making authority hearing a *discretionary* matter may approve, deny or modify, wholly or partly, the request being reviewed. The authority may impose such reasonable conditions necessary to ensure that the project satisfies the applicable standards of permit approval. In the absence of any provision to the contrary in a decision granting a request, said request is granted as set forth in the application. All conditions and restrictions applied to a decision on an application request not appealed shall automatically continue to govern and limit the subject use or structure unless the action of the decision-making authority clearly indicates otherwise. (AM. ORD. 4526 - 7/17/18)

## **Sec. 8111-4.3 - Notice of Final Decision**

Not later than 4 calendar days following the effective date of a decision, the Planning Division shall cause the decision-making authority's decision to be mailed to the *applicant* or appellant in resolution or letter form, in care of the address appearing on the application or such other address designated in writing by the *applicant* or

appellant. In addition, the authority and/or agency whose decision is the subject of an appeal shall also be notified of the decision.

#### **Sec. 8111-4.4 - Effective Date of Decisions**

##### **Sec. 8111-4.4.1**

An administrative decision or a decision of the Planning Commission is effective at the expiration of the decision's appeal period unless an appeal, in proper form and addressed to the appropriate decision-making authority, is filed with the *Planning Director* prior to the expiration of the appeal period.

##### **Sec. 8111-4.4.2**

A decision of the Board of Supervisors is effective on the date it is rendered.

#### **Sec. 8111-4.5 - Effect of an Appeal**

The filing of an appeal shall automatically stay all proceedings in furtherance of the subject request. Neither the *applicant* nor any enforcement agency may rely on an authority's decision until the expiration of the decision's appeal period or until the appeal has been resolved, whichever occurs later. See also Sec. 8111-7.

#### **Sec. 8111-4.6 - Implementation**

The *Planning Director* shall be responsible for preparing the resolutions or letters mentioned in this Article and any other paper or document required by the Planning Commission or the Board of Supervisors in order to discharge their duties and responsibilities under this Article and Chapter. (AM. ORD. 4123 - 9/17/96)

#### **Sec. 8111-4.7 - Expiration**

Unless otherwise specified in this Ordinance Code or in the permit conditions, any permit hereafter granted that requires a Zoning Clearance becomes null and void if a Zoning Clearance is not obtained by the permittee within the time specified in such permit. If no date is specified, the permit shall expire one year from the date of issuance unless a Zoning Clearance has been issued. After expiration of a permit, the property affected thereby shall be subject to the regulations of the applicable zone classification and all other provisions of this Chapter. The permittee is solely responsible for the timely renewal of a permit; the County has no obligation to notify the permittee of the imminent expiration of the permit.

### **Sec. 8111-5 - Reapplication**

An application request may be denied with prejudice on the grounds that two or more similar application requests have been denied in the past two years, or that other good cause exists for limiting the filing of applications with respect to the property. If such denial becomes effective, no further application for the denied request shall be filed in whole or in part for the ensuing 18 months except as otherwise specified at the time of the denial, or unless there is a substantial change in the application.

### **Sec. 8111-6 - Modification, Suspension and Revocation**

#### **Sec. 8111-6.1 - Modification of Permits**

An application for modification of a permit or variance pursuant to this Section may be filed by any person or entity listed in Sec. 8111-2.2. Any change of an approved *discretionary* permit is also a *discretionary* decision and is considered to fall into one of the categories noted below, except as specified in Sec. 8107-45.10 regarding wireless communication facilities and Section 8106-8.2.9 regarding *landscape plans*. For all of the following situations, any adjustments or modifications to permits or variances issued without a previously approved environmental document shall be

reviewed for its incremental impact on the environment, and subject to the appropriate process. (AM. ORD. 4470 - 3/24/15; AM. ORD. 4577 - 3/9/21)

**Sec. 8111-6.1.1 - Permit or Variance Adjustment**

Any change which would not alter any of the findings made pursuant to Secs. 8111-1.2.1.1 through 1.2.1.6 or Sec. 8111-1.2.2.2, nor any findings contained in the environmental document prepared for the permit or variance, and would not have any adverse impact on surrounding properties, may be deemed a permit or variance adjustment and acted upon by the *Planning Director* or designee without a hearing. Such changes may include, but are not limited to, the following: (ADD. ORD. 4470 -3/24/15)

- a. A cumulative increase or decrease of not more than 10 percent in gross floor area; permit area; the area of walls, *fences*, or similar structures used as screening; height; parking area; landscaping area; or total area of on-site identification signs; provided that any resulting increase in parking space requirements will be accommodated on-site or off-site as described in Sec. 8108-3.3.1.
- b. Internal remodeling or minor architectural changes or embellishments involving no change in basic architectural style.
- c. A change in use where the new use requires the same or a lesser permit than the existing use; or the establishment of a new use in an unoccupied building that has been granted a permit; provided, in both cases, that any resulting increase in parking space requirements will be accommodated on-site or off-site as described in Sec. 8108-3.3.1.

(AM. ORD. 4123 - 9/17/96; AM. ORD. 4144 - 7/22/97; AM. ORD. 4407 - 10/20/09)

**Sec. 8111-6.1.2 - Minor Modification**

Any proposed change that exceeds the criteria of a Permit Adjustment as described above, but is not extensive enough to be considered a substantial or fundamental change in land use relative to the permit, would not have a substantial adverse impact on surrounding properties, and would not change any findings contained in the environmental document prepared for the permit, shall be deemed a minor modification and be acted upon by the *Planning Director* or the *Planning Director's* designee through an administrative public hearing process.

**Sec. 8111-6.1.3 - Major Modification**

Any proposed modification which is considered to be a substantial change in land use relative to the original permit, and/or would alter the findings contained in the environmental document prepared for the permit, shall be deemed a major modification and be acted upon by the decision-making authority which approved the original permit.

**Sec. 8111-6.2 - Modification, Suspension and Revocation for Cause**

Any permit or variance heretofore or hereafter granted may be modified or revoked, or its use suspended, by the same decision-making authority and procedure which would normally approve the permit or variance under this Chapter. An application for such modification, suspension or revocation may be filed by any person or entity listed in Sec. 8111-2.1 or by any other aggrieved person. The *applicant* for such modification, suspension or revocation shall have the burden of proving one or more of the following causes:

- a. That any term or condition of the permit or variance has not been complied with;
- b. That the property subject to the permit or variance, or any portion thereof, is or has been used or maintained in violation of any statute, ordinance, law or regulation;



- c. That the use for which the permit or variance was granted has not been exercised for at least 12 consecutive months, has ceased to exist, or has been abandoned;
- d. That the use for which the permit or variance was granted has been so exercised as to constitute a public nuisance;
- e. That the permittee has failed to pay any fees, charges, fines, or penalties associated with processing or enforcing the permit; or
- f. That the permittee has failed to comply with any enforcement requirement established in Article 14.

(AM. ORD. 4526 -7/17/18)

**Sec. 8111-6.2.1 - Modification for Violations**

Whenever a violation of this Chapter or permit condition is determined to exist on a site subject to a *discretionary* permit, said permit shall be automatically modified to:

- a. Require the permittee to submit to the Planning Division, and thereafter maintain, a deposit equal to the applicable amount specified in the then current Fee Schedule adopted by the Board of Supervisors. Said deposit covers the County's cost for periodic condition compliance reviews of the site pursuant to Sec. 8114-3.4 and abatement of confirmed violations.

The specific condition added to the modified permit shall be provided to the permittee by the *Planning Director* after the permittee has exhausted his administrative appeal remedies associated with the determination that a violation exists.

**Sec. 8111-6.2.2 - Nonwaiver**

The failure of the *Planning Director*, Planning Commission or Board of Supervisors to revoke a variance or permit, or to suspend its use, whenever cause therefor exists or occurs, does not constitute a waiver of such right with respect to any subsequent cause for revocation or suspension of the use.

**Sec. 8111-6.2.3 - Prohibition**

No person shall carry on any of the operations authorized to be performed under the terms of any permit during any period of suspension thereof, or after the revocation thereof, or pending a judgement of court upon any application for writ taken to review the decision or order of the final appeal body in the County in suspending or revoking such permit; provided, however, that nothing herein contained shall be construed to prevent the performance of such operations as may be necessary in connection with a diligent and bona fide effort to cure and remedy the default, noncompliance or violation, for which a suspension of the permit was ordered by the applicable County entity, or such operations as may be required by other laws and regulations for the safety of persons and the protection and preservation of property.

**Sec. 8111-7 - Appeals**

Unless otherwise provided in this Chapter, an appeal shall be processed in the same manner as other *discretionary* application requests set forth in this Article and in accordance with the following:

**Sec. 8111-7.1 - General**

An application for an appeal concerning any order, requirement, permit or decision made in the administration of this Chapter may be filed by an aggrieved party within ten calendar days after the alleged decision-making error, or on the following work day if the tenth day falls on a weekend or holiday. Included within this Section are

appeals of the *Planning Director's* refusal to accept or process an application until the *applicant* paid all outstanding fees and charges in accordance with Sections 8111-2.1, 8111-2.9 and 8201-5. In hearing and deciding such an appeal of the *Planning Director's* refusal, the Planning Commission shall consider the correctness of the amount of the outstanding debt or charge and whether the debt or charge is owed by the appellant, if such issues are raised by the appellant. Decisions made regarding enforcement reports, which are not a part of this Chapter, are not appealable. The filing of an appeal shall automatically stay all proceedings in furtherance of the subject request. (See *also* Sec. 8111-4.5)

### **Sec. 8111-7.2 - Hearing Body**

All appeals shall be filed with the Planning Division on the appropriate application forms and be addressed to the decision-making authority hearing the appeal. The appropriate decision-making authorities, unless otherwise stipulated here in this Article, are as follows:

- a. Appeals of Administrative Decisions (by the *Planning Director* or designee) shall be heard by the Planning Commission, except that Zoning Clearances for Accessory Dwelling Units are final decisions and are not subject to appeal. (AM. ORD. 4519-2/27/18)
- b. Appeals of Planning Commission decisions shall be heard by the Board of Supervisors.
- c. Appeals relating solely to requests under this Chapter for waivers or modifications of policies of the Board of Supervisors need only be heard by the Board of Supervisors.

(AM. ORD. 4282 - 5/20/03)

### **Sec. 8111-7.3 - Appeal Period**

The appeal period for appeals to County decision-making authorities shall end ten calendar days after the decision being appealed is rendered pursuant to Section 8111-4, or on the following workday if the tenth day falls on a weekend or holiday.

### **Sec. 8111-7.4 - Hearing and Notice**

Upon receipt of a complete appeal application form and any required fees, the Planning Division shall establish a date, time and place for the hearing. Notice shall be given in the same manner as required for the original request, and shall also be given to the *applicant* and appellant, as the case may be.

#### **Sec. 8111-7.4.1**

The *Planning Director* shall deliver all pertinent information relating to the matter on appeal to the authority hearing the appeal prior to the date of the hearing, unless otherwise directed by that authority.

#### **Sec. 8111-7.4.2**

A matter on appeal may be referred back to the preceding decision-making authority for further report, information or study.

#### **Sec. 8111-7.4.3**

Whenever a matter on appeal has been referred back to the preceding decision-making authority, said authority shall respond within 30 calendar days following the date of such referral, unless otherwise specified by the decision-making authority making the referral.

**Sec. 8111-7.4.4**

Hearings on multiple appeals may be consolidated.

**Sec. 8111-7.5 - Appellate Decision**

The decision-making authority shall either approve, deny, or approve with modifications, the appeal request.

**Sec. 8111-7.6 - Accessory Dwelling Unit Procedures and Junior Accessory Dwelling Unit Procedures**

Notwithstanding any other provisions of this Article:

- a. No public hearings shall be conducted on applications for accessory dwelling units or junior accessory dwelling units under Sections 8105-4, 8107-1.7, and 8108-4.7. (AM. ORD. 4407 – 10/20/09)
- b. Decisions on accessory dwelling units and junior accessory dwelling units are final County decisions when rendered and are not subject to appeal.

(ADD. ORD. 4282 - 5/20/03; AM. ORD. 4519-2/27/18; AM. ORD. 4615 – 2/7/23)

**Sec. 8111-8 - Compliance with Zoning Ordinance Requirements and Permit Conditions**

**Sec. 8111-8.1 - Responsibility for Compliance with Regulations and Permit Conditions**

The permittee and his successors in interest shall be initially responsible for compliance with all applicable regulations and permit conditions. Should the permittee fail to comply with applicable requirements, the property owner and his successors in interest are responsible for such compliance.

**Sec. 8111-8.2 - Acceptance of Permit Conditions**

The inauguration of a use, construction of a structure, grading, or other preliminary site work, authorized or unauthorized, to establish a use for which an *entitlement* has been granted, shall constitute acceptance by the permittee and property owner of the conditions imposed on *entitlements* issued for such use or structure.

**Sec. 8111-8.3 - Recording Notice of Responsibilities**

As a condition of approval for all *discretionary* permits, a notice shall be recorded on the deed to the subject property, in a manner acceptable to the County, that describes the responsibilities of the property owner and permittees for compliance with applicable permit conditions and regulations in accordance with Sec. 8111-8 and its applicable subsections.

(ADD. ORD. 4123 - 9/17/96)

**Sec. 8111-9 - Reasonable Accommodation**

(ADD. ORD. 4436 – 6/28/11)

**Sec. 8111-9.1 – Purpose**

Pursuant to the Federal Fair Housing Act, and the California Fair Employment and Housing Act (the Acts), it is the policy of the County of Ventura to provide individuals with disabilities reasonable accommodations in land use and zoning rules, policies, practices and procedures that may be necessary to afford disabled persons an equal opportunity to use and enjoy a dwelling. Requests for reasonable accommodation shall be processed in accordance with this section.

Reasonable accommodations may include, but are not limited to, setback area encroachments for ramps, handrails, or other such accessibility improvements; *hardscape* additions, such as widened driveways, parking area or walkways that would not otherwise comply with required landscaping or open space area provisions; and building addition(s) necessary to afford the *applicant* an equal opportunity to use and enjoy a dwelling.

### **Sec. 8111-9.2 – Fair Housing Reasonable Accommodation Requests**

A “Fair Housing Reasonable Accommodation Request” application form provided by the Planning Division must be completed and filed with the Planning Division. If the project for which the request is being made requires a *discretionary entitlement*, the *applicant* shall file the Reasonable Accommodation Request application concurrent with the application for *discretionary* approval. In this case, the review period for the Reasonable Accommodation request shall be the same as the application review period for the *discretionary entitlement*.

Although the *applicant* may be represented by an agent, the *applicant* must qualify as a protected individual under the Acts. If the *applicant* needs assistance in making the Fair Housing Reasonable Accommodation Request or processing any appeals associated with the request, the Planning Division shall provide assistance necessary to ensure that the process is accessible to the *applicant*.

### **Sec. 8111-9.3 – Fair Housing Reasonable Accommodation Determination**

Upon receipt of a completed written application for a Fair Housing Reasonable Accommodation Request, the *Planning Director* shall review the Request and make a determination whether to approve or deny it, in whole or in part. All references to the *Planning Director* in Sec. 8111-9 shall include his or her designee.

If additional information is needed to make a determination, the *Planning Director* shall request it of the *applicant*, specifying in writing the information that is needed. The *applicant* shall provide the information prior to the *Planning Director* acting upon and/or making a determination on the Fair Housing Reasonable Accommodation Request.

### **Sec. 8111-9.4 – Standards for Determining Fair Housing Reasonable Accommodation Requests**

The *Planning Director* shall consider the following criteria in making a determination on a Fair Housing Reasonable Accommodation Request:

- a. The *applicant* seeking the accommodation(s) is a qualified individual protected under the Acts.
- b. The accommodation(s) is reasonable and necessary to afford the *applicant* an equal opportunity to use and enjoy a dwelling unit(s).
- c. The requested accommodation(s) would not impose an undue financial or administrative burden on the County.
- d. The requested accommodation would not require a fundamental alteration in any County program, policy, practice, ordinance, and/or procedure, including zoning ordinances.
- e. Other factors that may have a bearing on the accommodation request.

### **Sec. 8111-9.5 – Conditions of Approval**

The *Planning Director* may impose conditions on the approval of a Fair Housing Reasonable Accommodation Request, which may include, but are not limited to, any or all of the following:

- a. Periodic inspection of the affected premises by the County's Code Compliance Division to verify compliance with this section and any applicable conditions of approval;
- b. Removal of the improvements by the *applicant* when the accommodation is no longer necessary to afford the *applicant* an equal opportunity to use and enjoy the dwelling unit(s), if removal would not constitute an unreasonable financial burden;
- c. Expiration of the approval when the accommodation is no longer necessary to afford the *applicant* an equal opportunity to use and enjoy the dwelling unit; and/or
- d. A requirement that the *applicant* advise the Planning Division if the *applicant* no longer qualifies as an individual with a disability under the Acts or if the accommodation granted is no longer reasonable or necessary to afford the *applicant* an equal opportunity to use and enjoy a dwelling unit(s).

### **Sec. 8111-9.6 – Written Determination on the Request for Reasonable Accommodation**

Except as provided in Section 8111.9.2, not more than 45 days after receiving a completed Fair Housing Reasonable Accommodation Request Form, the *Planning Director* shall issue a written determination and shall set forth in detail the basis for the determination, the findings on the criteria set forth Section 8111-9.4, and the conditions of approval. The determination shall be sent to the *applicant* by certified mail and shall give notice of the *applicant's* right to appeal as set forth in Section 8111-9.7.

Upon the request of the *Planning Director* to the *applicant* to provide additional information pursuant to Sec. 8111-9.3, the 45 day determination period shall be stopped. Once the *applicant* provides the *Planning Director* the information requested, a new 45-day period shall begin.

### **Sec. 8111-9.7 – Appeals**

Within 10 days of the date of the *Planning Director's* written determination, the *applicant* may file an appeal of the determination pursuant to Section 8111-7. Appeals will be heard by the Ventura County Planning Commission.

### **Sec. 8111-9.8 – Limitations on Approvals of Fair Housing Reasonable Accommodation Requests**

Any grant of accommodation shall be personal to the *applicant* and shall not run with the land.

(ADD. ORD. 4436 – 6/28/11)

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# **ARTICLE 12:**

## **LIMITATIONS ON ISSUANCE OF BUILDING PERMITS IN THE OJAI VALLEY TO PROTECT AIR QUALITY**

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(REP. & REEN. ORD. 3919 - 12/19/89) *Editor's Note: See also ORDs. 3896, 3897, 3901*

### **Sec. 8112-0 - Purpose**

The purpose of this Article is to protect the health, safety and general welfare of present and future residents of Ventura County against the adverse effects of poor air quality attributable to population related emissions.

### **Sec. 8112-1 - Findings**

The Ventura County Board of Supervisors, by adopting the Air Quality Management Plan (AQMP) as defined in this Article, has made, and hereby reaffirms, the following findings:

- a. There is a direct relationship between the quality of the County's air and the health, safety and welfare of the County's residents; and
- b. The quality of the County's air has deteriorated to the point where it currently fails to meet state and federal ambient air quality standards designed to protect health, safety and welfare; and (AM. ORD. 3919 - 12/19/89)
- c. Failure to meet such state and federal standards in the County results in aggravation of the illness of persons suffering from asthma or chronic lung disease, an increase in the work of breathing for many healthy persons, impairment of the performance of persons engaged in strenuous activities, significant health care costs attributable to air quality related health problems, and air pollution damage to crops amounting to millions of dollars annually; and
- d. There is a direct measurable relationship between population growth and emissions which contribute to the deterioration of air quality in the County; and
- e. The AQMP has identified all reasonably available control measures for the control of emissions in the Ojai Valley (as defined in this Article) and has established the maximum rate of population growth, as measured by the rate of increase in the number of dwelling units, that can be accommodated in the Ojai Valley, assuming the implementation of all such reasonably available control measures, without precluding ultimate compliance within such area with the state and federal ambient air quality standards; and
- f. Regulation of population growth in the Ojai Valley, as measured by the increase in the number of dwelling units, in accordance with the AQMP, in addition to the implementation of all other reasonably available control measures for the control of emissions, is necessary in order to preserve a reasonable chance of ultimate compliance with federal ambient air quality standards and to protect adequately the public health, safety and welfare; and
- g. Such regulation pursuant to this Article may have the effect of limiting housing opportunities in the Ojai Valley, but that risk is outweighed by the above-described adverse impacts upon the public health, safety and welfare which would result if there were no such regulation.

### **Sec. 8112-2 - Definitions**

As used in this Article, the following terms shall have the meanings set forth in this Section:

AQMP - The Air Quality Management Plan for Ventura County, including all appendices thereto, as amended from time to time.

AQMP Figure E-1 and AQMP Table E-6 - Figure E-1 and Table E-6, respectively, of Appendix E-87 to the version of the AQMP adopted July 26, 1988, or if such figure and table are amended by later versions of the AQMP, the most recent versions of such figure and table, however numbered.

Completed Dwelling Unit - A dwelling unit that is or could be lawfully occupied without the issuance of any further certificate of occupancy, certificate of final inspection or similar document.

Current Number of Dwelling Units - As of any given point in time, the total number of:

- a. Completed Dwelling Units; plus
- b. dwelling units that are not yet Completed Dwelling Units but for which a Current Residential Permit has been issued; plus
- c. dwelling units that are not yet Completed Dwelling Units but for which an unexpired building permit has been issued by the City of Ojai.

Current Residential Permit - A Residential Permit that has been issued and has not yet expired.

Developable Lot - A *lot* that:

- a. is a legal *lot*;
- b. meets all of the requirements set forth in Section 8111-2.2.1, subdivision (a), for the issuance of a Zoning Clearance for construction of an additional dwelling unit; and
- c. has been issued all *discretionary* permits, if any, that are a condition precedent to issuance of a building permit for an additional dwelling unit; provided that, if the *lot* could lawfully be developed with more than one additional dwelling unit the *lot* shall, for the purposes of this Article, be deemed to contain one Developable *Lot* for each such additional dwelling unit.

Maximum Permissible Number of Dwelling Units - As of any given point in time, the total number of dwelling units that, according to AQMP Table E-6, are forecasted to be in the Ojai Valley on January 1 of the second succeeding calendar year. For example, AQMP Table E-6 forecasts that there will be 11,044 dwelling units in the Ojai Valley on January 1, 1992. Hence, the Maximum Permissible Number of Dwelling Units for any given point of time in 1990 is 11,044. The second succeeding calendar year is selected in recognition of the fact that it takes approximately one year to complete a dwelling unit after the requisite permits have been issued.

Ojai Valley - The area comprised of all those areas referred to in AQMP Table E-6 as the "Ojai GA," "Ojai NGA," "Ventura River GA," and "Ventura River NGA," and depicted on AQMP Figure E-1 as the "Growth Area" and the "Nongrowth Area" for "Ojai" and "Ventura River Valley."

Residential Permit - A ministerial permit issued by the *Planning Director* pursuant to Section 8112-6.

## **Sec. 8112-3 - Limitations on Issuance of Building Permits**

Notwithstanding any other provisions of this Code or of any other ordinance or resolution of the County, no building permit may be applied for or issued for the construction or installation of an additional dwelling unit (as opposed to the repair, modification or replacement of an existing dwelling unit), in the unincorporated portion of the Ojai Valley unless a Current Residential Permit has been issued for that unit.



## **Sec. 8112-4 - Limitations on Issuance of Residential Permits**

No Residential Permit may be issued for the unincorporated portion of the Ojai Valley if the issuance of such permit would cause the Current Number of Dwelling Units for the whole of such area (including both the incorporated and unincorporated portions thereof) to exceed the Maximum Permissible Number of Dwelling Units for such area. A Residential Permit respecting a *lot* located within the unincorporated portion of the Ojai Valley may be issued only if such *lot* is listed upon a waiting list established for that area pursuant to Section 8112-5.

## **Sec. 8112-5 - Waiting Lists for Residential Permits**

Two waiting lists (designated "Waiting List A" and "Waiting List B") for Residential Permits shall be established for the Ojai Valley.

### **Sec. 8112-5.1 - Waiting List A**

The record owner of a Developable *Lot* located within the unincorporated portion of the Ojai Valley may cause such *lot* to be listed on Waiting List A by submitting to the *Planning Director* a completed application for such listing in the form approved by the *Planning Director* together with a payment of the processing fee established by resolution of the Board of Supervisors. No such application shall be accepted if any record owner, in whole or in part, of such *lot* is also the record owner, in whole or in part, of any other *lot* listed on Waiting List A which other *lot* was placed on such list in the same calendar year in which the application in question was submitted. Each accepted application shall be marked with the time and date of its acceptance by the *Planning Director*. The *lot* to which an accepted application relates shall then be listed on Waiting List A in the chronological order of such acceptance.

### **Sec. 8112-5.2 - Waiting List B**

The record owner of two or more Developable *Lots* located within the unincorporated portion of the Ojai Valley may cause such *lots* to be listed on Waiting List B, or cause space to be reserved for later listing of such *lots* on Waiting List B, by submitting a completed application for such listing or reservation in the form approved by the *Planning Director* together with the payment of the processing fee established by resolution of the Board of Supervisors. No such application shall be accepted if any record owner, in whole or in part, of such *lots* would, after such *lots* had been listed or spaces therefor been reserved, be the record owner, in whole or in part, of more than the permitted maximum number of listed *lots* and reserved spaces in the aggregate on Waiting List B which had been placed on such list in the same calendar year. For the purpose of this Article, the record owner of *lots* for which spaces have been reserved on Waiting List B shall be deemed to be the record owner of such reserved spaces. Further, no such application shall be accepted if, after such *lots* had been listed or spaces therefor had been reserved, the total number of *lots* from a single subdivision listed on Waiting List B plus the total number of spaces reserved on Waiting List B for *lots* from that same subdivision would be more than the permitted maximum number. *Lots* are "from a single subdivision" if they are depicted on a single approved tentative map and were created by one or more final or parcel maps recorded in compliance with such tentative map. The "permitted maximum number" of listed *lots* and spaces that can be owned by a record owner or be from a single subdivision is 10, unless all of such *lots* and spaces have received a density bonus and a Planned Development Permit for an affordable or senior housing development pursuant to Article 16 of this Chapter. (AM. ORD. 4455 – 10/22/13)

#### **Sec. 8112-5.2.1 - Specific Lots**

If the application is for the immediate listing of specific *lots*, the following procedures shall apply. Each accepted application shall be marked with the time

and date of its acceptance by the *Planning Director*. The *lots* to which an accepted application relate shall be listed on Waiting List B in the chronological order of such acceptance.

#### **Sec. 8112-5.2.2 - Reserved Spaces**

If the application is for the reservation of one or more spaces on the waiting list, the following procedures shall apply. Each application shall identify the specific *lots* which could potentially be listed in such space or spaces. For example, the record owner of ten *lots* could reserve space on the waiting list for five *lots*. The application would identify each of the ten *lots* which could potentially be listed in such five spaces, but would not have to specify which five out of the ten would ultimately be listed. Each accepted application shall be marked with the time and date of its acceptance by the *Planning Director*. The number of spaces to which an accepted application relates shall be reserved on Waiting List B in the chronological order of such acceptance. Such owner may submit multiple applications pertaining to the same group of potentially listed *lots* provided that the number of spaces reserved for such group of *lots* in the aggregate does not exceed the total number of such *lots* which are not yet specifically listed but are still owned as a matter of record by such owner. For example, the record owner of ten *lots* identified for potential listing for which five spaces had been reserved could later reserve a maximum of five additional spaces farther down the list pertaining to the same ten *lots*. The person designated on the application for such purposes or such person's designee shall have the authority to specify which particular *lot* identified in the application for potential listing will actually be listed in each space reserved therefore regardless of whether ownership of the *lots* has changed. Such specification shall be made by submitting to the *Planning Director* a completed form satisfactory to the *Planning Director*. Such form must be submitted prior to submission of an application for a building permit respecting such reserved space. The *lot* so specified shall then be listed on Waiting List B in the space to which it has been assigned.

#### **Sec. 8112-5.3 - Listing of Lots on Waiting Lists A and B**

A *lot* may simultaneously appear on both Waiting List A and Waiting List B, provided that it meets all other requirements for listing. No specific *lot* may appear more than once on either one of the lists at any given time. A *lot* that has been stricken from a waiting list pursuant to this Article may be listed again, provided that it meets all of the requirements for listing at such time.

#### **Sec. 8112-5.4 - Relisting in Event of Water Moratorium**

If a *lot* or reserved space is stricken from a waiting list pursuant to Section 8112-6 because of the owner's failure to submit an acceptable application for a building permit but, within the time period specified in that section for submitting such an application, the current record owner of the *lot* or reserved space has shown to the satisfaction of the Building Official that such failure was due to a temporary moratorium on connections to the applicable domestic water supply system, then the *lot* or reserved space shall be automatically restored to its relative position on the waiting list on the January 1 next following the date on which it was stricken from that list. (ADD. ORD. 3994 - 3/3/92)

#### **Sec. 8112-5.5 - Relisting in Event of Voluntary Withdrawal**

If the owner of a *lot* or reserved space for which a Residential Permit has been issued pursuant to Section 8112-6 submits to the *Planning Director*, within 90 calendar days following the issuance of the Residential Permit, a request that the *lot* or reserved space be stricken from the waiting list immediately and restored to the waiting list in the following year, then the *lot* or reserved space shall be stricken from the waiting

list immediately and be automatically restored to its relative position on the waiting list on the January 1 next following, by at least 90 calendar days, the date on which it was stricken. The Residential Permit shall expire when the *lot* or reserved space to which it pertains is stricken from the waiting list. A given *lot* or reserved space may be stricken from and then restored to the waiting list pursuant to this Section only once, except as otherwise provided below. A given *lot* or reserved space may be stricken from and then restored to the waiting list pursuant to this Section any number of times if, at the time the request is submitted to the *Planning Director*, the owner demonstrates to the satisfaction of the *Planning Director* that all of the following are true:

- a. The proposed domestic water supply to the *lot* or reserved space is to be provided by a public water system as defined in Section 4010.1 of the Health and Safety Code;
- b. A binding agreement has been entered into between the owner and the water supplier, enforceable by the owner and the owner's successors in interest to the *lot* or reserved space, providing, on terms substantially the same as those given the water supplier's customers generally, for the connection to the water supplier's system of the *lot* or reserved space; and
- c. The agreement was in effect on March 3, 1992, and is still in effect.

(ADD. ORD. 3994 - 3/3/92)

## **Sec. 8112-6 - Issuance of Residential Permits and Application for Building Permits**

From time to time, as it appears to the *Planning Director* that the provisions of Section 8112-4 would no longer prohibit the issuance of Residential Permits with respect to one or more *lots* or reserved spaces at the top of the waiting lists, the *Planning Director* shall mail the Residential Permits to the addresses indicated for such purpose on the applications for listing. The *Planning Director* shall mail such permits so that within each calendar year, to the fullest extent possible, 50 percent of the *lots* and reserved spaces to which they relate are listed on Waiting List A and 50 percent are listed on Waiting List B; provided that, if it appears as of December 1 of any calendar year that either list is not long enough to use up its allocation within that calendar year, the *Planning Director* shall make such unused allocation available to the other list by mailing the Residential Permits in December of that year. The Residential Permit shall state that unless the current record owner of the *lot* or reserved space submits to the Building Official of the County an acceptable application for a building permit within the time period specified in this Section, the *lot* or reserved space shall be stricken from the waiting list and the Residential Permit shall expire. If the Residential Permit pertains to a reserved space, it shall further state that, prior to applying for a building permit, the record owner must submit to the *Planning Director* in compliance with Section 8112-5.2.2 a form specifying the particular *lot* to be listed in the reserved space. The application for a building permit shall be completed in a manner acceptable to the Building Official. The time period for submitting an acceptable application for a building permit shall be the 90 calendar days following the day on which the Residential Permit is deposited in the mail; provided, however, that for good cause shown prior to the expiration of such 90-day period, the Building Official may extend such period for an additional period not to exceed 90 calendar days. Any decision to grant or deny such an extension shall be final and conclusive when announced by the Building Official. If the current record owner of the *lot* or reserved space does not submit an acceptable application for a building permit within such 90-day period or any extension thereof, the *lot* or reserved space shall be stricken from the waiting list and the Residential Permit shall expire. If the current record owner of the *lot* does submit an acceptable application for a building permit within such 90-day period or any extension thereof, the date on which such application was accepted by the Building Official shall be marked thereon. (AM. ORD. 3994 - 3/3/92)

## **Sec. 8112-7 - Issuance of Building Permits**

All of the requirements for issuance of the building permit for which a Residential Permit is required must be satisfied within 90 calendar days following the date on which the application for the building permit was accepted pursuant to Section 8112-6; provided, however, that for good cause shown prior to the expiration of such 90-day period the Building Official may extend such period for an additional period not to exceed 30 calendar days. Any decision to grant or deny such an extension shall be final and conclusive when announced by the Building Official. If any of such requirements is not satisfied within such 90-day period or any extension thereof, the building permit shall not be issued, the *lot* shall be stricken from the waiting list, and the Residential Permit shall expire. If all such requirements are satisfied within such 90-day period or any extension thereof, the building permit shall be issued and the *lot* shall be stricken from the waiting list. When a building permit is issued, the Residential Permit shall remain in effect until either the building permit expires or the unit becomes a Completed Dwelling Unit, at which time the Residential Permit shall expire.

## **Sec. 8112-8 - Voluntary Withdrawal From Waiting List**

Any *lot* or reserved space on a waiting list established pursuant to Section 8112-5 shall be stricken from such list at the request of the current record owner of such *lot* or reserved space. Any Residential Permit pertaining to such *lot* or reserved space shall expire when the *lot* or reserved space is stricken pursuant to this Section.

## **Sec. 8112-9 - Annual Review**

The Board of Supervisors shall hold annual public hearings each January to review the effectiveness of this Article. At each hearing, the *Planning Director* shall report the following for the Ojai Valley:

- a. The Current Number of Dwelling Units as of January 1 of the year of the hearing, broken into the following components:
  - (1) Completed Dwelling Units;
  - (2) Dwelling units that are not yet Completed Dwelling Units but for which a Current Residential Permit has been issued; and
  - (3) Dwelling units that are not yet Completed Dwelling Units but for which an unexpired building permit has been issued by the City of Ojai.
- b. The Maximum Permissible Number of Dwelling Units.
- c. The maximum number of additional dwelling units, if any, for which Residential Permit could be issued in the year of the hearing.
- d. The number of dwelling units for which *lots* or reserved spaces are listed, as of January 1 of the year of the hearing, on the waiting lists established pursuant to Section 8116-5.

# **ARTICLE 13:**

## **NONCONFORMITIES AND SUBSTANDARD LOTS**

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### **Sec. 8113-0 - Purpose**

The purpose of this Article is to provide for the continuation, alteration, conversion or termination of certain classes of lawful, nonconforming uses and structures (other than signs and billboards) under certain conditions, and to regulate substandard *lots*. These provisions apply to uses and structures which deviate from the regulations of this Chapter.

### **Sec. 8113-1 - Nonconforming Structures**

Where structures have been rendered nonconforming due only to revisions in development standards dealing with *building lot coverage*, *lot area per structure*, height or setbacks, and the use therein is permitted or conditionally permitted in the zone, such *structures* are not required to be terminated under this Article and may be continued and expanded or extended on the same *lot* provided that the structural or other alterations for the expansion or extension of the *structure* are either required by law, or are in conformance with the regulations in effect for the zone in which such structures are located. (AM. ORD. 4618 - 7/25/23)

#### **Sec. 8113-1.1 - Nonconforming Facilities for Nonmotorized Wheeled Conveyances**

Notwithstanding any other provision of this Article, any facility or structure for nonmotorized wheeled conveyances that has been rendered nonconforming by the enactment of Section 8107-23 and the subsections thereof shall, on or before September 1, 1989, either be brought into conformance or be removed. (ADD. ORD. 3895 - 4/25/89; AM. ORD. 4123 - 9/17/96 - grammar)

#### **Sec. 8113-1.2 - Nonconforming Wireless Communication Facilities**

Notwithstanding any other provision of this Article, any *wireless communication facility* rendered nonconforming solely by the enactment or subsequent amendment of development standards stated in Section 8107-45.4 shall be governed by Section 8107-45.13.

### **Sec. 8113-2 - Continuation of Existing Nonconforming Mobilehomes**

#### **Sec. 8113-2.1**

A nonconforming mobilehome used as a residence under a Continuation Permit in lieu of any and all other residences permitted or conditionally permitted for any purpose may continue to be used as a residence by a new owner if a complete application for a *Planning Director Conditional Use Permit (CUP)* is received within 60 days of written notice being provided to the owner of the land on which the mobilehome is located that the Continuation Permit has expired and, thereafter, if the CUP is obtained and the following conditions are met:

- a. The mobilehome is in compliance with Sections 8107-1.3.2 and 8107-1.3.3 and the parking requirements of Article 8; and (AM. ORD. 3810 - 5/5/87; AM. ORD. 4407 - 10/20/09)
- b. The mobilehome was being used legally as a residence on the subject site on or before July 24, 1978, and the mobilehome has been so used and has remained continuously in place since the actual commencement of such use.

### **Sec. 8113-2.2**

Mobilehomes used as residences under a *Planning Director* Conditional Use Permit between July 24, 1978 and July 2, 1981, may continue to be used as such if no other residence was located on the subject site at any time between July 24, 1978 and the time of issuance of the *Planning Director* Conditional Use Permit, provided that either: 1) a modification to renew the *Planning Director* Conditional Use Permit is obtained; or 2) the status of the mobilehome as a single family dwelling meets the provisions of Section 8107-1.3.3 and the parking space requirements of Section 8108-4.7. (AM. ORD. 3810 - 5/5/87; AM. ORD. 4407 - 10/20/09)

(AM. ORD. 4092 - 6/27/95)

### **Sec. 8113-3 - Nonconforming Uses Due Only to Changes in Parking Requirements**

Where uses have been rendered nonconforming due only to changes in parking requirements, and the use is permitted or conditionally permitted in the zone, such uses are not required to be terminated under this Article and may be continued and expanded or changed according to the procedures outlined in Sections 8108-1, 8108-2, 8108-4.7 and 8111-6. (AM. ORD. 4407 - 10/20/09)

### **Sec. 8113-4 - The Keeping of Animals**

Except for the nonconformities due to the keeping of *roosters* which are regulated by Section 8107-2.3.7 of this Chapter, nonconformities due to the keeping of all other *animals* as a use, number of *animals*, type of *animals*, *minimum lot area* required for *animals*, or other standards for the keeping of *animals* as an *accessory use* to *dwellings*, shall be brought into conformance not later than three years after the same becomes nonconforming, unless a Continuation Permit is granted in accordance with Section 8113-5.4 of this Chapter. (AM. ORD. 4411 - 3/2/10; AM. ORD. 4580 - 4/13/21)

### **Sec. 8113-5 - Other Nonconforming Uses (No Longer Permitted)**

All nonconforming uses which are no longer permitted in the zone in which they are located shall be regulated according to the following provisions:

#### **Sec. 8113-5.1 - Uses Not Involving Permanent Structures**

The nonconforming use of land where no permanent structure is involved shall be terminated not later than three years after such use becomes nonconforming.

#### **Sec. 8113-5.2 - Uses Within Structures Subject to Amortization**

All nonconforming commercial or industrial uses in Residential (R), Open Space or Agricultural zones, within conforming or nonconforming structures, shall be amortized from the effective date of this Chapter or a later amendment which renders the use nonconforming, based on the square footage of the structure at the time the use is rendered nonconforming, as follows: Ten years for 1,000 square feet, plus 1.25 years for each additional 100 square feet over 1,000 square feet; maximum 60 years. At the end of the amortization period, the use shall be brought into conformance with this Chapter or terminated, unless a continuance is obtained pursuant to Section 8113-5.4. (AM. ORD. 3730 - 5/7/85)

##### **Sec. 8113-5.2.1 - Expansion and Change of Use Prohibited**

Nonconforming uses under Sec. 8113-5.2 above shall not be changed to another use or be expanded or extended in any way on the same or any adjoining land nor into any other portion of a structure or *lot* during the amortization period, except

for structural alterations which may be required by law, or expansions as allowed by Section 8113-5.5. Furthermore, such nonconforming uses shall not be expanded or extended beyond the scope of specific conditions to a continuance of nonconformity granted pursuant to Sec. 8113-5.4 of this Article, and subsequent to the period of amortization. (AM. ORD. 3730 - 5/7/85)

**Sec. 8113-5.2.2 - Discontinuance or Change of Use Status**

The discontinuance for a period of 180 or more days of a nonconforming use or a change of nonconforming use to a conforming use constitutes abandonment and termination of the nonconforming status of the use.

**Sec. 8113-5.2.3 - Notice of Amortization**

The *Planning Director* shall give notice by certified mail of the date upon which an amortization period will end to each owner of record whose property, or use of property, is not in conformance with the regulations of this Chapter, in those instances where the *Planning Director* has knowledge of such nonconformity. Such notice shall be sent in a timely manner. If the amortization period ends before or less than six months after such knowledge of the nonconformity, notice shall be given that the amortization period in each instance shall be not less than six months from the date the notice is sent. The notice shall set forth all pertinent provisions of this Article, including the declared purposes thereof. Failure to send notice by mail to any such owner where the address of such owner is not a matter of public record shall not invalidate any proceedings under this Article.

**Sec. 8113-5.2.4 - Notice of Termination and Order to Comply**

Notice of Termination of a nonconforming use and order to comply shall be served by the *Planning Director* at the end of the amortization period upon the owner of record whose property contains such nonconforming use. In those instances where the *Planning Director* is unable with reasonable effort to serve such notice to the property owner, such notice and order shall be served within 30 days of the end of the amortization period by delivering same to an occupant of the structure containing the nonconforming use.

(AM. ORD. 4411 - 3/2/10)

**Sec. 8113-5.3 - Uses Not Amortized**

Upon the effective date of this Chapter or a later amendment thereto, any nonconforming use within a structure not otherwise identified in Section 8113-5.2, such as schools, boardinghouses, residential uses in commercial and industrial zones, uses in excess of the number permitted per *lot*, commercial uses in commercial zones, and industrial uses in industrial zones, may continue, provided that: (AM. ORD. 3730 - 5/7/85)

**Sec. 8113-5.3.1 - Expansion**

No additions or enlargements shall be made to such nonconforming use or the structure in which it is located, except for alterations which may be required by law, expansions within the existing structure if no structural alterations are made, expansions as allowed by Section 8113-5.5, or additions to existing principal dwellings in residential zones, which otherwise conform to the specific development standards of the zone in which the use is located. In the case of principal dwellings in excess of the number permitted per *lot*, only one such dwelling may be expanded. The height and setback standards of the R1 zone shall apply to a nonconforming residential use in a commercial or industrial zone. (AM. ORD. 3730 - 5/7/85; AM. ORD. 3810 - 5/5/87)

**Sec. 8113-5.3.2 - Change of Use**

The nonconforming use may be changed to a use that is similar, provided that it has a parking requirement which is the same as or less than the nonconforming

use, except that the nonconforming use may not be changed to a use that requires a Conditional Use Permit under this Chapter.

**Sec. 8113-5.3.3 - Discontinuance and Change of Use Status**

The discontinuance for a period of 180 or more days of the nonconforming use, or a change of the nonconforming use to a conforming use, a dissimilar use or a Conditionally Permitted Use, constitutes abandonment and termination of the nonconforming status of the use.

(AM. ORD. 4411 - 3/2/10)

**Sec. 8113-5.4 - Continuance of Nonconforming Uses and Structures**

a. Grounds for Continuance - A Continuation Permit for Nonconforming Uses and Structures may only be granted if all of the following standards are met, or if the Planning Commission imposes conditions and limitations as necessary to allow the following standards to be met:

- (1) Special circumstances apply to any such use or structure that do not apply generally to other uses and structures in the same vicinity and zone; and
- (2) The continuance is not detrimental to the public interest, health, safety, convenience, or welfare.

b. Application Process for Continuance - Any application for a Continuation Permit for Nonconforming Uses and Structures must be filed with the Planning Division prior to permit expiration or within 30 days following the service of a Notice of Termination and Order to Comply.

(ADD. ORD. 4411 - 3/2/10)

**Sec. 8113-5.5 – Expansion of Nonconforming Uses in the Open Space Zone**

Uses that are no longer permitted in the Open Space zone due to changes to zoning regulations approved on March 2, 2010 may be expanded with an Expansion Permit for Nonconforming Uses. An Expansion Permit for Nonconforming Uses may only be granted if all of the following standards are met, or if the Planning Commission imposes conditions and limitations as necessary to allow the following standards to be met:

- a. The expansion is 25 percent or less of the total square footage of the buildings or use area that existed, or were lawfully permitted, on March 2, 2010; and
- b. The expansion of the use is not detrimental to the public interest, health, safety, convenience, or welfare.

(ADD. ORD. 4411 - 3/2/10)

**Sec. 8113-6 - Destruction**

The following provisions shall regulate the destruction of structures in the given situations:

**Sec. 8113-6.1 - Uses Not Amortized**

The following provisions shall apply to nonamortized nonconforming structures and structures containing nonconforming uses not subject to amortization:

**Sec. 8113-6.1.1**

Whenever any such structure is voluntarily removed, damaged or destroyed to the extent of 50 percent or less of its floor or roof area which existed before destruction, or is involuntarily damaged or destroyed in whole or in part, the structure may be restored to its original state existing before such removal,



damage or destruction. The occupancy or use of the structure or part thereof which existed at the time of the damage or destruction may be continued if a complete building permit application for a replacement structure has been submitted to the Building and Safety Division within a period of 12 months after the occurrence of the damage or destruction, and said building permit once approved is diligently pursued to completion prior to permit expiration.

Nonconforming structures damaged or destroyed in the Thomas Fire may be rebuilt to their original state if a complete building permit application has been submitted to the Building and Safety Division on or before January 1, 2023, and the building permit once approved is diligently pursued to completion prior to permit expiration. If a complete building permit application has not been submitted to the Building and Safety Division by the deadlines specified above, all replacement structure(s) must meet all current requirements and standards of this Chapter. The 50 percent standard is a cumulative figure for voluntary removal. Successive alterations to the same structure that exceed a cumulative 50 percent cannot be made.

(AM. ORD. 3810 - 5/5/87; AM. ORD. 4092 - 6/27/95; AM. ORD. 4532 - 10/30/18)

#### **Sec. 8113-6.1.2**

Whenever any such structure is voluntarily removed, damaged or destroyed to the extent of more than 50 percent of its floor or roof area which existed before destruction, no structural alterations, repairs or reconstruction shall be made unless every portion of such structure and the use are made to conform to the regulations of the zone classification in which they are located.

### **Sec. 8113-6.2 - Uses Amortized**

The following provisions shall apply to amortized nonconforming structures and structures containing nonconforming uses subject to amortization:

#### **Sec. 8113-6.2.1**

Whenever any such structure is voluntarily or involuntarily removed, damaged or destroyed to the extent of 50 percent or less of its floor or roof area before destruction, the structure may be restored to its original state existing before such removal, damage or destruction. The occupancy or use of the structure or part thereof which existed at the time of the partial destruction may be continued if the restoration is started within a period of 12 months after the occurrence of the partial destruction and is diligently pursued to completion. The 50 percent standard is a cumulative figure for voluntary removal. Successive alterations to the same structure that exceed a cumulative 50 percent cannot be made. (AM. ORD. 3810 - 5/5/87; AM. ORD. 4092 - 6/27/95)

#### **Sec. 8113-6.2.2**

Whenever any such structure is voluntarily or involuntarily removed, damaged or destroyed to the extent of more than 50 percent of its floor or roof area before such removal, damage or destruction, no structural alterations, repairs or reconstruction shall be made unless every portion of such structure and the use are made to conform to the regulations of the zone classification in which they are located.

(AM. ORD. 3730 - 5/7/85)

### **Sec. 8113-7 - Additional Use**

While a nonconforming use of any kind except the keeping of animals exists on any *lot*, no additional principal or accessory use is permitted even if such additional use would be a conforming use.

## **Sec. 8113-8 - Use of Nonconforming Lots**

The use of land as permitted for the zone or subzone in which it is located shall be permitted on a *lot* of less area than that required by the regulations of such zone or subzone if and only if the *lot* is a legal *lot*. (AM. ORD. 3730 - 5/7/85; AM. ORD. 3810 - 5/5/87)

## **Sec. 8113-9 - Involuntary Nonconformance**

Notwithstanding any other provision of this Chapter, no *lot* shall be considered nonconforming within the purview of this Article if such *lot* is rendered nonconforming as a result of a conveyance of any interest in said *lot* to a public entity through eminent domain proceedings, under threat of eminent domain proceedings or to meet a requirement of any public entity having jurisdiction. (AM. ORD. 3730 - 5/7/85)

## **Sec. 8113-10 - Effect of Change of Zoning Regulations**

### **Sec. 8113-10.1 - On Authorized Uses Under Discretionary Permits**

Any construction, expansion or alteration of a use of land or structures and any required Zoning Clearance therefor, which are authorized by a *discretionary entitlement* approved on or before the effective date of an ordinance amendment, may be completed as authorized in the *entitlement* and in accordance with Section 8111-5.7 of this Chapter.

### **Sec. 8113-10.2 - On Uses Requiring a Ministerial Decision**

All uses involving construction, expansion or alteration of a use of land or structures which requires a ministerial decision only, shall be required to comply with the new regulations on the effective date of the ordinance amendment. If the required Zoning Clearance has been issued and the change of regulation is such that the Zoning Clearance no longer conforms to the provisions of this Chapter, a new Zoning Clearance which conforms to the newly adopted regulations must be obtained before a building permit or other necessary *entitlement* is issued by any agency.

### **Sec. 8113-10.3 - Where the Only Change is in the Type of Permit Required**

If the adoption of this Chapter, or any amendment to this Chapter, results only in a requirement for a different permit for the same existing use or structure, the use or structure shall be governed by the following provisions:

- a. If the use or structure affected is existing lawfully as a permitted or conditionally permitted use or structure, the existing use or structure is hereby deemed to be conforming without any further action.
- b. Except as provided in this Section, any modification or expansion of the use or structure, change of use, or additional use shall conform to the provisions of this Chapter, including the requirements for type of permit. In those instances where a new *discretionary* permit is required, all uses and structures on the same parcel(s) as the modified or expanded use or structure shall be subject to the *discretionary* permit. Any conditions imposed on any such new permit shall be reasonably related to the modification or expansion being requested. (ADD. ORD. 4092 - 6/27/95)
- c. Any change to a use or structure which requires a Planned Development Permit or a Conditional Use Permit, but would be exempt from CEQA, not have any adverse impact on adjacent land uses, and would not conflict with the findings otherwise required pursuant to Sections 8111-1.2.1.1 through 1.2.1.6, may be acted upon by the *Planning Director* or designee through a Zoning Clearance. Such changes

may include, but are not limited to the following:

- (1) A change in use where the new use requires the same or lesser type of permit as the existing use, provided that any resulting increase in parking space requirements will be accommodated on-site or off-site as described in Section 8108-3.3.1.
- (2) A cumulative increase or decrease of not more than 10 percent in gross floor area; permit area; the area of walls, *fences* or similar structures used as screening; height; parking area; landscaping area; or total area of on-site identification signs; provided that any resulting increase in parking space requirements will be accommodated on-site or off-site as described in Section 8108-3.3.1.
- (3) Replacements of accessory dwelling units or farmworker or caretaker dwellings, where said replacements do not exceed the current standards of this Chapter.
- (4) Internal remodeling or minor architectural changes or embellishments involving no change in basic architectural style.

(AM. ORD. 4281 - 5/6/03; AM. ORD. 4407 - 10/20/09; AM. ORD. 4519-2/27/18)

- d. Any modification required by law shall not result in a requirement for a new land use permit. (ADD. ORD. 4092 - 6/27/95)
- e. If the use affected is under a permit that specifies an expiration date or clause and the new regulation requires a different permit, the use may continue until the specified point of expiration, at which time the permit expires and the use shall terminate, unless the required permit has been applied for under this Chapter prior to the expiration of the existing permit. (AM. ORD. 4092 -6/27/95; AM. ORD. 4123 - 9/17/96)

(ADD. ORD. 3810 - 5/5/87; AM. ORD 4092 - 6/27/95; AM. ORD. 4123 - 9/17/96; AM. ORD. 4144 - 7/22/97)

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# **ARTICLE 14: ENFORCEMENT AND PENALTIES**

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(AM. ORD. 3730 - 5/7/85)

## **Sec. 8114-0 - Purpose**

This Article establishes procedures for enforcement of the provisions of this Chapter. The enforcement procedures set forth are intended to assure due process of law in the abatement or correction of nuisances and violations of this Chapter.

## **Sec. 8114-1 - Pending Violations**

No prosecution or action resulting from a violation of zoning regulations heretofore in effect shall be abated or abandoned by reason of the enactment of any ordinance amendment, but shall be prosecuted to finality under the former provisions the same as if the amendment had not been adopted and, to this end, the former provisions shall remain in effect and be applicable until said prosecution or action has been terminated. Any violation of provisions, which occurred prior to the effective date of the amendment, for which prosecution or legal action has not been instituted prior to the effective day of the amendment, may be hereafter subject to prosecution or action as if the amendment had not been adopted and, to this end, the former provisions shall remain in effect and be applicable until said prosecution or action has been terminated.

## **Sec. 8114-2 - Penalties**

Any person who violates any provision or fails to comply with any of the requirements of this Chapter or of any term or condition of, or applicable to any permit, variance or amendment thereto is guilty of a misdemeanor/infraction as specified in Section 13-1 of the Ventura County Ordinance Code and, upon conviction thereof shall be punishable in accordance with Section 13-2 of the Ventura County Ordinance Code. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this Chapter is committed, continued, or permitted by such person, and shall be punishable therefore as provided in Section 13-2.

### **Sec. 8114-2.1 - Public Nuisance**

Except as otherwise provided in Section 8114-2.1.1, in addition to the penalties hereinabove provided, any condition caused or permitted to exist in violation of any of the provisions of this Chapter shall be deemed a public nuisance and may be summarily abated as such, and each day that such condition continues shall be regarded as a new and separate public nuisance.

#### **Sec. 8114-2.1.1 - Exception - Agricultural Operations Protection**

No agricultural activity, operation, or facility that is consistent with this Chapter and the General Plan, and is conducted or maintained for commercial purposes in a manner consistent with proper and accepted customs and standards as established and followed by similar agricultural operations in the same locality, shall be or become a nuisance, private or public, due to any changed condition in or about the locality, after it has been in operation for more than one year if it was not a nuisance at the time it began.

- a. Exception - This section shall not apply if the agricultural activity, operation, or facility, obstructs the free passage or use, in the customary manner, of any navigable lake, river, bay, stream, canal, or basin, or any public park, square, street, or highway.

- b. Definition - For purposes of this section, the term "agricultural activity, operation, or facility" shall include, but not be limited to, the cultivation and tillage of the soils, dairying, the production, irrigation, frost protection, cultivation, growing, pest and disease management, harvesting and field processing of any agricultural commodity including timber, viticulture, apiculture, or horticulture, the raising of livestock, fish, or poultry, and any practices performed by a farmer or on a farm as incident to or in conjunction with such farming operations, including preparation for market, delivery to storage or market, or delivery to carriers for transportation to market.

(AM. ORD. 4151 - 10/7/97)

### **Sec. 8114-3 - Enforcement**

The *Planning Director* or the *Planning Director's* designee is hereby designated as the enforcing agent of this Chapter. Pursuant to the authority vested in the Board of Supervisors of the County of Ventura by California Penal Code Section 836.5, the *Planning Director* or the *Planning Director's* designee shall have the power of arrest without warrant whenever he or she has reasonable cause to believe that the person to be arrested has committed in their presence a misdemeanor, misdemeanor/infraction, or infraction, consisting of a violation of the provisions of this Code or any other ordinance or statute which the *Planning Director* or *Planning Director's* designee has a duty to enforce. (AM. ORD. 4054 - 2/1/94)

#### **Sec. 8114-3.1 - Procedure**

In any case in which a person is arrested pursuant to this Section and the person arrested does not demand to be taken before a magistrate, the arresting officer shall prepare a written notice to appear and release the person on the person's promise to appear as prescribed by Chapter 5C (commencing with Section 853.6) of the California Penal Code. The provisions of that Chapter shall thereafter apply with reference to any proceedings based upon the issuance of a written notice to appear pursuant to this Section. (AM. ORD. 4054 - 2/1/94)

#### **Sec. 8114-3.2 - Rights of Entry Upon Land**

In the performance of their functions, designated personnel may, with either the consent of the occupant or other authorized person, or with a valid inspection warrant, enter upon property and make examinations and surveys in a manner consistent with the consent or the inspection warrant. In cases where no inspection warrant is obtained, designated personnel in the performance of their functions may enter upon property open to the general public and may enter upon property by way of a route normally accessible to visitors or tradespeople, or other persons having legitimate business with the occupants, in order to seek consent to inspect the property.

#### **Sec. 8114-3.3 - Enforcement of Performance Standards**

Following the initiation of an investigation, the *Planning Director* may require the owner or operator of any use which may be in violation of performance standards to submit, in a reasonable amount of time, such data and evidence as is needed by the *Planning Director* to make an objective determination. Failure to submit data required shall constitute grounds for revoking any previously issued approvals or permits and ceasing of operations until the violation is remedied, as provided for in Section 8111-7 of this Chapter. (AM. ORD. 4054 -2/1/94)

#### **Sec. 8114-3.4 - Monitoring and Enforcement Costs**

The County may impose fees and charges on persons as established by resolution adopted by the Board of Supervisors, or as established by conditions of the *entitlement* to cover the full costs incurred by the County or its contractors for enforcing activities

related to confirmed violations of the Zoning Ordinance and permit conditions and the monitoring of permits issued pursuant to this Chapter to ensure compliance with permit conditions and the requirements of this Chapter.

Where costs are related to condition compliance work or enforcement of violations associated with a permit, the party holding the permit (the permittee) shall be initially responsible for the costs incurred by the County. If the permittee fails to pay the costs billed to him, then the property owner shall become responsible for the costs since the property owner is the ultimate permittee because the permit goes with the land.

Parties purchasing property with outstanding permit monitoring costs or on which notices of violation are recorded are responsible for the unpaid County monitoring and enforcement costs associated with the property.

Enforcement activities shall be in response to confirmed violations and may include such measures as drafting and implementing compliance agreements, inspections, public reports, penalty hearings, forfeiture of sureties and suspension modification or revocation of permits. The recovery of costs for the abatement of confirmed violations shall be in accordance with the provisions of this Chapter, adopted charge rates, applicable compliance agreement terms and other authorized means such as, but not limited to, small claims court and liens on property. (AM. ORD. 4054 - 2/1/94; AM. ORD. 4291 - 7/29/03)

### **Sec. 8114-3.5 - Frequency of Monitoring Inspections**

To ensure compliance with permit conditions and the provisions of this Chapter, all permits issued pursuant to this Chapter may be reviewed and the sites inspected no less than once every three years, unless the terms of the permit require more frequent inspections. The *Planning Director* may institute a more frequent monitoring schedule when he/she determines that the intensity of the use or failure to comply with applicable requirements could have a significant effect on the environment, surrounding properties and the public; or there have been violations which suggest the permittee is not assuming responsibility for monitoring his/her own compliance. (ADD. ORD. 4054 - 2/1/94)

### **Sec. 8114-3.6 - Notice of Violation and Notice of Noncompliance**

For purposes of this section and section 8114-3.7, the following definitions apply: (a) "violation" means the lack of compliance with a provision of Division 8, Chapter 1 of the Ventura County Ordinance Code or any term or condition of any permit *entitlement*, variance or amendment thereto issued pursuant to this Chapter or any term or condition imposed and adopted as mitigation measures pursuant to the California Environmental Quality Act, including restrictive covenants; (b) "violation" means the owner of the property on which a violation exists and, if applicable, a permittee responsible in whole or in part for the violation. All notices required by this section shall be sent by first class mail to the last known address of the violator and shall be deemed served three days after the date of mailing.

#### **Sec. 8114-3.6.1 – Notice of Violation**

Whenever the *Planning Director* determines that a violation exists, the *Planning Director* shall send the violator a Notice of Violation. The Notice of Violation shall: 1) state the violation(s); 2) state how the violation(s) may be corrected; 3) advise that if the violation(s) is not corrected by the specified deadline, a Notice of Noncompliance may be recorded against the property in the Office of the County Recorder; 4) advise that all enforcement costs are recoverable pursuant to Section 8114-3.4; 5) advise that civil penalties may be imposed pursuant to Section 8114-3.7; and 6) advise that the determination that a violation exists may be appealed, but that the appeal must be filed in accordance with section 8111-7.

### **Sec. 8114-3.6.2 – Recorded Notice of Noncompliance**

If the violation is not corrected pursuant to the Notice of Violation as determined by the *Planning Director* within the time allotted or if the violation is upheld after an appeal pursuant to section 8111-7, a Notice of Noncompliance may be recorded in the Office of the County Recorder. The Notice of Noncompliance shall describe the property and specify the Ordinance section(s) or permit terms or conditions violated. The *Planning Director* shall record a Release of Notice of Noncompliance with the Office of the County Recorder only if and after the violations have been fully corrected and all County's enforcement costs and fees have been paid to the satisfaction of the *Planning Director*. The violator must pay a fee for recordation of the Release of Notice of Noncompliance as determined in the adopted schedule of fees.

(ADD. ORD. 3807 - 3/31/87; AM. ORD. 4054 - 2/1/94; REP./REEN. ORD. 4354 - 12/5/06)

### **Sec. 8114-3.7 – Civil Administrative Penalties**

Civil administrative penalties may be imposed for final violations. For purposes of this section, a violation, as defined in 8114-3, is "final" if the Notice of Violation issued pursuant to section 8114-3.6 is not appealed in accordance with section 8111-7 or, if properly appealed, the appeal process is complete and the Notice of Violation is upheld. All notices required by this section shall be sent by first class mail to the last known address of the violator(s), as defined in 8114-3.6, and shall be deemed served three days after the date of mailing. The *Planning Director* or his/her designees shall be Enforcement Officers authorized to impose civil administrative penalties as provided herein.

#### **Sec. 8114-3.7.1 – Notice of Impending Civil Penalties**

Once a violation is confirmed, a Notice of Impending Civil Penalties shall be served upon the violator separately, or as part of the Notice of Violation. The Notice of Impending Civil Penalties shall: (1) state the violation(s); (2) state a range of the amount of the impending daily civil penalty per violation; (3) state the date by which the violation must be corrected, which date shall not be less than thirty days from the date of service of the notice; and (4) advise that the civil penalties will begin accruing on a daily basis if the violation is not corrected by the date established in the notice. If the *Planning Director* determines that a violation creates an immediate danger to health or safety, penalties may be imposed after a period of time that is less than thirty days.

The date upon which the daily penalty will begin to accrue may be extended by the *Planning Director* upon a showing that the time frame allotted in the Notice of Impending Civil Penalties is not a reasonable period of time to correct the violation.

#### **Sec. 8114-3.7.2 – Notice of Imposition of Civil Penalties**

Once the violation is final and if it has not been corrected by the date stated in the Notice of Impending Civil Penalties or an amendment thereto, then a Notice of Imposition of Civil Penalties shall be served upon the violator.

The Notice of Imposition of Civil Penalties shall describe the property and state the following for each violation: (1) the amount of the penalty that will accrue daily per violation as determined pursuant to section 8114-3.7.4; (2) the date the penalty will begin accruing, which may be the same date the notice is served; (3) that the daily penalty will continue to accrue until the violation is corrected as determined by the *Planning Director*; (4) that the amount of the daily penalty may be increased in the future if the violation is not corrected; (5) that the accrued penalties are immediately due and owing and that a lien will attach to the property for all unpaid penalties; and (6) that the amount of the daily penalty may be



administratively appealed in accordance with section 8114-3.7.5 within ten (10) days of the date of service of the Notice of Imposition of Civil Penalties.

**Sec. 8114-3.7.3 – Notice of Increase in Civil Penalties**

Notwithstanding an appeal of a previously imposed penalty pursuant to section 8114-3.7.5, the Enforcement Officer may increase the amount of the penalty if the violation continues uncorrected and the circumstances warrant an increase considering the factors set forth in section 8144-3.7.4. To impose the increase, the Enforcement Officer must first serve a Notice of Increase in Civil Penalties upon the violator that shall state: (1) the amount of the increase of the daily civil penalty; (2) the effective date of the increase, which date shall not be less than thirty days from the date of service of the notice; and (3) that the amount of the increase, if contested, may be appealed, but only in accordance with section 8114-3.7.5. The amount of the penalty then in effect prior to the increase may not be appealed.

**Sec. 8114-3.7.4 – Factors Considered in Determining the Amount of Civil Penalties**

The amount of the penalty imposed for each separate violation may be up to, but not exceed, \$1,000 per day. In determining the amount of the penalty, the Enforcement Officer shall consider the known relevant circumstances in light of various factors which include, but are not limited to, the following: (1) the actual or potential extent of the harm caused; (2) the likelihood to cause harm; (3) the seriousness or gravity of the violation (i.e., the level of threat to property, health, or safety of people and animals or the environment); (4) whether the violation is subject to correction by obtaining a permit or cannot be corrected by permit; (5) the culpability of the violator in causing the violation; (6) the length of time over which the violation occurs; (7) the history of past violations, either of a similar or different nature, on the same or different property under the same ownership; (8) the cooperation of the violator in resolving the existing and past violations; (9) the financial burden to the violator; (10) the factors and policies set forth in the Civil Administrative Penalty Guidelines adopted by the Board of Supervisors; and (11) all other relevant circumstances.

Once imposed, the daily penalty will continue to accrue until the violation is corrected to the satisfaction of the *Planning Director*. The *Planning Director* may stay the imposition of penalties or decrease the amount of penalties, either temporarily or permanently, if the *Planning Director* determines that: (1) substantial progress is being made toward correcting the violation and that decreasing the penalties would further the goal of correcting the violation; or (2) circumstances exist that were either beyond the control of the violator or were unknown at the time the penalties were imposed and warrant the reduction or suspension of the penalties. If the amount of the civil penalties is modified or suspended, the Notice of Imposition of Civil Penalties shall be amended stating the modified terms and shall be served on the violator.

The daily civil penalty imposed for a violation that is prosecuted as an infraction by the District Attorney shall not exceed the amount of the maximum amount of fines or penalties for infractions set forth in Government code sections 25132 subdivision (b) and 36900 subdivision (b).

**Sec. 8114-3.7.5 – Administrative Appeal of Civil Penalties**

If disputed, the amount of the penalty must first be contested by filing an administrative appeal as provided herein and as required by Government Code section 53069.4 before seeking judicial relief. Only the violator may challenge the amount of the penalty. Only a Notice, or Amended Notice, of Imposition of Civil Penalties or a Notice, or Amended Notice, of Increase in Civil Penalties may be appealed.

If an appeal is not timely filed, then the imposition of the penalties pursuant to the Notice, or Amended Notice, of Imposition of Civil Penalties or the Notice, or Amended Notice, of Increase of Civil Penalties, as the case may be, shall be final and no longer subject to appeal either administratively or judicially.

Appeals will be heard by a Hearing Officer selected by the Board of Supervisors or the County Executive Officer.

- a. Pre-Appeal Procedures and Requirements – An appeal must be filed with and received by the Planning Division no later than ten (10) days from the date of service of the notice or amended notice from which the appeal is taken. An appeal form shall be provided by the Planning Division upon request. In order to be deemed timely submitted, the appeal form must include the following: (1) the violation case number and date stated on the notice or amended notice being appealed; (2) the facts and bases supporting the appellant’s position that the amount of penalties should be reduced; (3) the name and address of the appellant; and (4) the filing fee established by the Board of Supervisors.

At least ten (10) days prior to the date of the hearing, the appellant shall be notified by first class mail at the address stated on the appeal form of the location, time and date of the hearing.

A continuance may be requested in writing to the Hearing Officer which must be received no later than ten (10) days before the date of the hearing. If timely filed, the hearing date will be continued to the next scheduled hearing date and the appellant and Planning Division will be so notified.

- b. Hearing and Hearing Officer’s Final Administrative Order – The jurisdiction of the Hearing Officer is limited solely to reviewing the amount of the penalty determined by the Enforcement Officer.

Both parties (appellant(s) and the County) may present relevant evidence in support of their contention of the proper amount of the penalty. The content of the County’s files submitted to the Hearing Officer which may include, but is not limited to, the Notice of Violation, the Notice of Noncompliance, the Notice of Impending Civil Penalties, the Notice of Imposition of Civil Penalties and the Notice of Increase in Civil Penalties (if applicable), and any amendments thereto, shall constitute prima facie evidence of the facts stated therein.

If the appellant or the appellant’s representative does not appear at the hearing, the Hearing Officer shall only consider, on behalf of the appellant, the evidence submitted with the appeal form and the evidence submitted by the appellant to the Hearing Officer ten (10) days prior to the date of the hearing.

The Hearing Officer must evaluate the evidence presented in light of the factors set forth in section 8114-3.7.4 and, based thereon, shall either affirm or reduce the amount of the daily penalty imposed by the Enforcement Officer for each day the penalties have accrued and may continue to accrue into the future. The amount of the daily penalty determined by the Hearing Officer shall continue to accrue until the violation is corrected as determined by the *Planning Director* or until the amount of the daily penalty is increased in accordance with section 8114-3.7.3.

The Hearing Officer’s determination shall be set forth in a written order served upon the appellant by first class mail at the address stated on the appeal form submitted by the appellant. The order shall be considered the Final Administrative Order for purposes of Government Code section 53069.4.

Penalties shall continue to accrue while the appeal is pending. If some or all of the penalties have been paid and the Hearing Officer orders a reduction in the amount of the penalty that exceeds the total amount due and owing the County, including enforcement costs, then the County shall refund the difference to the person who paid the penalty unless penalties are continuing to accrue.

- c. Appeal of Hearing Officer's Final Administrative Order - Pursuant to Government Code section 53069.4 subdivision (b)(1), if the Final Administrative Order is contested, review must be sought in the Superior Court as a limited civil case within twenty (20) days after the date of service of the Final Administrative Order. A copy of the Notice of Appeal must be served on the County of Ventura, *Planning Director* either in person or by first class mail.

If no notice of appeal is timely filed with the Superior Court, the Final Administrative Order issued by the Hearing Officer shall be deemed confirmed and final.

#### **Sec. 8114-3.7.6 - Enforcement**

A penalty that is final either by termination of appeal rights or by completion of the appeal process may be collected by any lawfully authorized means including but not limited to filing a civil action to recover the amount of the unpaid penalties.

In addition, the County shall have a lien against the subject property in the amount of the unpaid penalties accrued and to be accrued until the violation is corrected. The lien may be recorded in the Office of the County Recorder by the recording of the Notice, or Amended Notice, of Imposition of Civil Penalties or the Notice, or Amended Notice, of Increase in Civil Penalties, whichever is applicable.

The lien shall remain in effect until released and shall run with the land.

Upon correction of the violation(s) and payment of all penalties and costs associated with the imposition, enforcement and collection of the penalties, the *Planning Director* shall record a release of lien pertaining to the paid penalties

(ADD. ORD. 4054 - 2/1/94; REP./REEN. ORD. 4354 - 12/5/06)

### **Sec. 8114-4 - Administrative Process**

Before any enforcement action is instituted pursuant to this Chapter, the person alleged to be responsible for a confirmed violation of regulations of this Chapter or conditions of a permit issued pursuant to this Chapter, may be given an opportunity to resolve the complaint through an administrative process. This process involves an informal office hearing to attempt to negotiate a solution to the violations and/or a compliance agreement and payment of office hearing fees and Compliance Agreement fees as set forth by the schedule of fees and charges adopted by the Board of Supervisors. (AM. ORD. 4054 - 2/1/94)

### **Sec. 8114-5 – Enforcement and Penalties for Temporary Rental Units**

This Sec. 8114-5 establishes procedures for the enforcement of Sec. 8109-4.6 regulating the temporary rental of dwellings. Except as otherwise stated in this Sec. 8114-5, the enforcement rights, penalties and other remedies available to the County under this Sec. 8114-5 are cumulative and not exclusive of any other civil and criminal enforcement rights and remedies available to the County under the Ventura County Ordinance Code and applicable law, including but not limited to Sections 13-1 and 8114-2 making violations of this Chapter punishable as a misdemeanor/infraction criminal offense.

### **Sec. 8114-5.1 – Notice of Violation and Penalty**

- a. Complaints regarding a homeshare or short-term rental received by the County will be addressed by the *Planning Director* or the Director of the Resource Management Agency's Code Compliance Division ("Code Compliance Director"), or their designees, who may conduct an investigation to determine whether a violation of Sec. 8109-4.6 has occurred and if so, the appropriate recourse. Evidence of a violation may include, but is not limited to, sheriff reports, criminal citations, online searches, and documentation consisting of photos, sound recordings and video.
- b. If the *Planning Director* or Code Compliance Director, or their designees, determines that a violation has occurred, the owner of the homeshare or short-term rental shall be duly noticed of the violation in writing sent by first class mail to the address of record for the owner on file with the Planning Division or, if no permit has been issued for the property pursuant to this Section, to the property's address and to the property owner's address of record as stated on latest equalized assessment roll maintained by the Ventura County Assessor.
  - (1) For violations involving an administrative civil penalty, the notice shall include: a description of the violation and supporting evidence; the amount of the daily and/or total penalty being imposed pursuant to Sec. 8114-5.2; and notice of the owner's right to appeal the violation and/or penalty amount pursuant to Sec. 8114-5.4.
  - (2) For violations involving permit revocation, the notice shall include: a description of the violation and supporting evidence; a statement that permit revocation is being sought; notice of the two-year permit ineligibility period that would result from permit revocation pursuant to Sec. 8114-5.3; and notice that the permit revocation shall be subject to the administrative hearing process of Sec. 8114-5.5.
- c. A violation and associated penalty that becomes final and non-appealable either by the lapse of the owner's appeal rights pursuant to Sec. 8114-5.4, or upon completion of the administrative hearing process pursuant to Sec. 8114-5.5, are referred to hereinafter as a Final Violation and Penalty.

### **Sec. 8114-5.2 – Civil Administrative Penalties**

- a. Penalties for violations may be assessed and imposed by the *Planning Director* or Code Compliance Director, or their designees, on any person responsible for the violation in an amount of up to \$1,000 per day the violation occurs. In determining the amount of the penalty, the following factors shall be considered:
  - (1) The seriousness of the violation with respect to the type and extent of deviation from the standards and requirements of Sec. 8109-4.6; the harm or threat of harm to persons, the environment and property caused by the violation; the impact of the violation on the property's neighbors, the community at large and surrounding land uses;
  - (2) The degree of the responsible person's culpability and other circumstances indicating: a greater or lesser need to motivate compliance, such as history of violations either of a similar or different nature, on the same or different property under the same ownership; extent of cooperation with or obstruction of County officials in resolving the violation(s); and economic benefit derived from the violation(s);
  - (3) The factors and policies set forth in the Civil Administrative Penalty Guidelines adopted by the County Board of Supervisors; and

- (4) Other factors as justice may require, including the financial burden of the penalty on the responsible person, if the person raises the issue and produces reliable documentation of their financial condition.
- b. Penalties shall be paid by the date required by the County as stated in a written notice which the County shall send to the responsible person(s). Failure to timely pay an assessed penalty associated with a Final Violation and Penalty constitutes a separate, additional violation. Unpaid penalties may be collected by any lawfully authorized means including but not limited to filing of civil action to recover the amount of unpaid penalties. In addition, the County shall have a lien against the subject property in the amount of the unpaid penalties, notice of which may be recorded in the Office of the Ventura County Recorder.

### **Sec. 8114-5.3 – Permit Revocation for Cause; Two-Year Permit Ineligibility**

- a. As an alternative to imposing civil administrative penalties for a violation pursuant to Sec. 8114-5.2, the *Planning Director* or Building Official, or their designees, may find that revocation of a permit issued pursuant to Sec. 8109-4.6 is warranted because, based on the factors set forth in Sec. 8114-5.2, the imposition of civil administrative penalties is an inadequate remedy to redress a violation. The final decision regarding permit revocation shall be made by the Hearing Officer pursuant to the administrative hearing process of Sec. 8114-5.5.
- b. If a permit is revoked for cause, no owner of the parcel upon which where the homeshare or short-term rental is located shall be eligible for a new permit under Sec. 8109-4.6 to operate the homeshare or short-term rental at the same parcel for a period of two years from the effective date of revocation.

### **Sec. 8114-5.4 – Appeals of Violations and Civil Administrative Penalties**

- a. The property owner, permittee or other responsible person may administratively appeal a violation determination and/or associated penalty amount. Appeals are considered by a Hearing Officer pursuant to the administrative hearing process of Sec. 8114-5.5. A completed appeal form shall be submitted to the *Planning Director* or designee no later than ten calendar days from the date of the County's service of the notice of violation and associated penalty pursuant to Sec. 8114-5.1. Appeal forms shall be made available by the Planning Division.
- b. To be deemed complete, an appeal form shall include the following: (1) the permit number (or, if no permit exists, the property's address) and date stated on the notice of violation and associated penalty; (2) all facts and bases supporting the appellant's position; (3) the name and address of the appellant; and (4) the appeal filing fee established by the County Board of Supervisors.
- c. Timely submission of a complete appeal form shall stay the effectiveness of the violation and associated penalty pending the outcome of the administration hearing process. Conversely, if a complete appeal form is not timely submitted, the violation and associated penalty shall become final and not subject to administrative appeal or challenge in a court of law.

### **Sec. 8114-5.5 – Administrative Hearing Process**

- a. An impartial Hearing Officer appointed by the Director of the County's Resource Management Agency or designee, or otherwise acting pursuant to Government Code sections 27720 through 27728, shall conduct the administrative hearing process. The Hearing Officer shall be authorized to issue subpoenas, receive evidence, administer oaths, and rule on questions of law and the admissibility of evidence. The Hearing Officer shall have no financial interest in the outcome of

the matter; shall not solicit or receive evidence outside of the hearing; and shall avoid personal contacts and correspondence concerning substantive issues outside of the hearing. The parties to the administrative hearing shall be the County and the person(s) deemed responsible for the subject violation(s).

- b. The Planning Division shall coordinate and provide notice regarding the scheduling of the hearing. At least twenty calendar days before date of the hearing or rescheduled hearing, the *Planning Director* or designee shall notify the parties and Hearing Officer by first class mail of the time and date of the hearing. Either party may make a written request to the Planning Division for one continuance of the hearing no later than ten calendar days before the date of the hearing. If the request for continuance is timely submitted, the hearing date shall be rescheduled to a new date certain not more than thirty calendar days after the initially-scheduled hearing date.
- c. The Hearing Officer shall consider the following in making his or her decision on the merits: (1) the notice of violation issued by the County pursuant to Sec. 8114-5.1, along with the County's supporting evidence; (2) the appellant's notice of appeal submitted pursuant to Sec. 8114-5.4, if applicable; and (3) all other evidence and materials offered by the parties to support their respective position. No later than five calendar days before the hearing date, each party shall deliver, by personal service or overnight mail, its above-referenced evidence and all other materials the party intends to present to support its position, to the Hearing Officer and to the other party. In addition, the parties shall be allowed to testify and offer argument at the hearing. The hearing need not be conducted according to the technical rules of evidence. Hearsay evidence may be admitted for any purpose but shall not be sufficient in itself to support a finding unless it would be admissible over objections in civil actions. Testimony shall be taken under oath or affirmation. The hearing shall be recorded.
- d. The Hearing Officer shall evaluate the evidence and testimony and shall decide the following issues:
  - (1) With respect to violations involving permit revocation, the Hearing Officer shall decide whether the alleged violation(s) occurred and, if so, whether permit revocation is the appropriate remedy. If the Hearing Officer determines that the alleged violation occurred but that revocation is not warranted, then the Hearing Officer shall remand the matter to the County for determination of an appropriate administrative penalty to impose in lieu of permit revocation.
  - (2) With respect to appeals of violations and/or the amount of associated civil administrative penalties, the Hearing Officer shall decide whether the violation occurred and if so, whether the amount of the penalty is appropriate. If the Hearing Officer determines that the alleged violation occurred but that the amount of the penalty is excessive, then the Hearing Officer shall determine an appropriate, lesser penalty amount based on the factors set forth in Sec. 8114-5.2.
- e. The Hearing Officer's decision shall be set forth in a written order served upon the parties by first class mail delivery no later than thirty calendar days after the hearing date. The order shall be considered the Final Administrative Order for purposes of Government Code section 53069.4.
- f. Pursuant to Government Code section 53069.4, subdivision (b)(1), if the Final Administrative Order is contested, review shall be sought in the Ventura County Superior Court as a limited civil case within twenty calendar days after the date of service of the Final Administrative Order. A copy of the Notice of Appeal shall be served on the *Planning Director* or designee either in person or by first class mail. If no Notice of Appeal is timely filed with the Superior Court, the Final

Administrative Order issued by the Hearing Officer shall be deemed confirmed and final.

**Sec. 8114-5.6 – Informal Resolution Process**

As an alternative to pursuing formal enforcement action, the *Planning Director* or Code Compliance Director, or their designees, may give the person(s) deemed responsible for a violation of Sec. 8109-4.6 the opportunity to resolve the matter through an informal resolution process intended to achieve and maintain compliance. This process may involve the payment of a negotiated settlement amount by the responsible person(s) and/or a compliance agreement to establish compliance deadlines and related terms and conditions. Persons participating in the informal resolution process shall be required to pay all applicable fees and costs adopted by the County Board of Supervisors.

(ADD. ORD. 4523 - 6/19/18)

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# **ARTICLE 15: AMENDMENTS TO THE CHAPTER**

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## **Sec. 8115-0 - Purpose**

The purpose of this Article is to establish procedures for amending this Chapter. These procedures shall apply to all proposals to change any property from one zone to another or to amend the text of this Chapter. This Chapter may be amended by the Board of Supervisors whenever the public health, safety, or general welfare, good zoning practice, and consistency with the General Plan justify such action and, for amendment to this chapter in conjunction with a hazardous waste facility whenever such amendments are consistent with the portions of the County Hazardous Waste Management Plan (CHWMP) which identify specific sites or siting criteria for hazardous waste facilities. (AM. ORD. 3945 - 7/10/90; AM. ORD. 4092 - 6/27/95)

## **Sec. 8115-1 - Amendments**

Changes to the boundaries of any zone, changes to the zoning or land use classifications of any property, and amendments to the text of this Chapter shall be considered to be amendments to this Chapter.

### **Sec. 8115-1.1 - Initiation of Amendments**

Proposals to amend this Chapter may be initiated by any of the following methods:

- a. By the adoption of a Resolution of Intention by the Board of Supervisors requesting the Planning Commission to set the matter for study, hearing and recommendation within a reasonable time;
- b. By the adoption of a Resolution of Intention by the Planning Commission setting the matter for study, hearing and recommendation;
- c. By a request from the *Planning Director* to the Planning Commission, followed by the adoption of a Resolution of Intention by the Planning Commission setting the matter for study, hearing and recommendation;
- d. By filing with the Planning Division a complete application for (1) a zone change by the owner of the property, by a person with a power of attorney from the owner or by the attorney at law of the owner; or (2) a proposal for an ordinance text amendment by an interested person, in which case such person shall be directed to make the request directly to the Board of Supervisors; or (AM. ORD. 3730 - 5/7/85)
- e. By *Planning Director* action, for proposed amendments to the text of this Chapter. (ADD. ORD. 3730 - 5/7/85)

### **Sec. 8115-1.2 - Study of Additional Area**

The *Planning Director*, upon review of an application or Resolution of Intention for an amendment, may elect to include a larger area or additional land in the study of the amendment request.

## **Sec. 8115-2 - Hearing and Notice Requirements**

The decision-making authority(s) shall each hold at least one public hearing on any amendment request. The notice and hearing requirements shall be the same as those prescribed in Section 8111-3. For rezonings involving TP zoned property, see Section 8109-

4.3. (AM. ORD. 3730 - 5/7/85; AM. ORD. 4123 - 9/17/96 – grammar; AM. ORD. 4377 – 1/29/08)

## **Sec. 8115-3 - Decisions**

### **Sec. 8115-3.1 - Planning Commission Approval**

The Planning Commission shall forward to the Board of Supervisors by resolution those requests for which the Planning Commission recommends approval of the adoption of an ordinance amendment. Such recommendation must include the reasons for the recommendation and the relationship of the proposed ordinance or amendment to applicable general and specific plans. Said resolution shall be forwarded to the Board of Supervisors within 40 days following the close of the Planning Commission hearing thereon, unless the 40 days is waived by the Board of Supervisors.

### **Sec. 8115-3.2 - Planning Commission Denial**

Amendment requests initiated by private parties, the *Planning Director*, or the Planning Commission which the Planning Commission has recommended for denial shall not be forwarded to the Board of Supervisors, and the action of the Planning Commission shall be final unless an appeal is filed in accordance with Article 11. Amendment requests initiated by the Board of Supervisors for which the Planning Commission has recommended denial shall be forwarded to the Board of Supervisors within 40 days following the close of the Planning Commission hearing.

### **Sec. 8115-3.3 - Planning Commission Failure to Act**

If the Planning Commission fails to act upon a request initiated by the Board of Supervisors within a reasonable time, the Board may by written notice require that the report be rendered up within 40 days of such notice. Upon receipt of the written notice the Planning Commission, if it has not done so, shall conduct the public hearing as required. Failure to so report to the Board of Supervisors within the 40 days shall be deemed to be approval by the Planning Commission.

### **Sec. 8115-3.4 - Action by the Board of Supervisors**

Following a public hearing, the Board of Supervisors may approve, modify or disapprove any Planning Commission recommendation regarding an amendment request; provided that any modification of the proposed ordinance or amendment by the Board of Supervisors not previously considered by the Planning Commission during its hearing shall first be referred to the Commission for a report and recommendation, and the public hearing shall be continued to allow sufficient time for the Planning Commission to report back. The Planning Commission shall not be required to hold a public hearing thereon. Failure of the Commission to report within 40 days after such referral or within a period of time designated by the Board of Supervisors shall be deemed to be approval by the Commission of the proposed modification. A modification shall be deemed "previously considered" if the modification of the proposed ordinance or amendment by the Board of Supervisors is based upon the issues and evidence initially heard by the Planning Commission.

### **Sec. 8115-3.5 - Denial With Prejudice**

A zone change may be denied with prejudice, in which event no further application shall be filed affecting all or part of the property for the ensuing 18 months except as otherwise specified at the time of denial. A zone change may be denied with prejudice on the grounds that two or more similar applications for zone change have been denied in the past two years, or that other good cause exists for limiting the filing of applications with respect to the property. The Planning Commission, upon being presented with good cause, may permit an *applicant* to apply for a zone change on

the same property within 18 months. Upon denial by the Planning Commission the *applicant* may appeal to the Board of Supervisors.

**Sec. 8115-3.6 - Decision of the Board of Supervisors**

The Board shall announce its decision by resolution within 30 days after the conclusion of the hearing. The resolution need not contain a recital of findings upon which the decision is predicated if its decision is based upon the report of findings, summaries of hearing and recommendations of the Planning Commission, and those findings are incorporated by reference in its decision. The Board may impose reasonable conditions on any amendment request for the protection of public health, safety, and general welfare.

**Sec. 8115-3.7 - Notice of Decisions**

Decisions of the Planning Commission or Board of Supervisors, as the case may be, shall be noticed in accordance with Section 8111-5.3. (AM. ORD. 3730 - 5/7/85)

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# **ARTICLE 16:**

## **DENSITY BONUS AND AFFORDABLE HOUSING INCENTIVES PROGRAM**

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(REP. AND REEN. ORD. 3995 – 3/24/92; REP. AND REEN. ORD. 4455 – 10-22-13)

### **Sec. 8116-0 – Title and Purpose**

This Article 16 shall be referred to as the Density Bonus and Affordable Housing Incentive Program. The purpose of this Article is to implement the statutory requirements set forth in Government Code section 65915, et seq. (known as the Density Bonus Law) and programs related to the Housing Element of the Ventura County General Plan. To the extent practicable, the citation to the governing statutory provision is included next to the implementing ordinance section. If any provision of this Article conflicts with state law, the latter shall control. Applicable statutes should be consulted for amendments prior to applying the ordinance provision.

### **Sec. 8116-1 – Definitions**

In addition to the definitions in Article 2, the following definitions in this section apply to this Article and shall control where there is a conflict with the definitions in Article 2. State law definitions, as they may be amended from time to time, control over the definitions in this section. Where the definitions are provided by state law, the citation to the statute follows. In this Article, defined terms are capitalized.

Affordable Housing Benefits - means one or more of the following:

- a Density Bonus pursuant to Section 8116-2;
- an Incentive pursuant to Section 8116-3;
- a Development Standard Waiver or Modification pursuant to Section 8116-4; and
- a Parking Standard Modification pursuant to Section 8116-5.

Affordable Housing Cost - means the definition set forth in Health and Safety Code Section 50052.5. (Gov. Code § 65915(c)(1).)

Affordable Housing Developer - means the *applicant* or permittee of a Qualified Housing Development and its assignees or successors in interest.

Affordable Rent - means the definition set forth in Health and Safety Code Section 50053. (Gov. Code § 65915(c)(1).)

Affordable Unit - means a residential dwelling unit that is guaranteed by the Affordable Housing Developer to be rented or sold in accordance with the requirements of this Article to either (a) a Very Low Income Household; (b) a Low Income Household; or (c) a Moderate Income Household within a Common Interest Development. (Gov. Code §§ 65915(c)(1)-(c)(2).)

Child Care Facility - means a child day care facility other than a family day care home, including, but not limited to, infant centers, preschools, extended day care facilities, and school age child care centers. (Gov. Code § 65915(h)(4).)

Common Interest Development - means any of the following: a community apartment project, a condominium project, a planned development, and a stock cooperative pursuant to Civil Code section 1351(c) through December 31, 2013, and pursuant to Civil Code section 4100 on and after January 1, 2014. (Gov. Code § 65915(c)(2).) All Common Interest Development units must be offered to the public for purchase. (Gov. Code § 65915(b)(1)(D).)

Condominium Conversion Project – means a residential project in which the *applicant* proposes to convert apartment units to condominiums pursuant to Government Code section 65915.5(a).

County – means County of Ventura or its designee.

Density Bonus – except as used in Section 8116-10 of this Article, means a density increase over the otherwise Maximum Allowable Residential Density as of the date of application to the County for a Qualified Housing Development. (Gov. Code § 66915(f).) As used in Section 8116-10, 'Density Bonus' shall be defined as set forth in section 8116-10.2. (Gov. Code § 66915.5(b).)

Density Bonus Units – means dwelling units granted pursuant to Section 8116-2 which exceed the otherwise Maximum Allowable Residential Density.

Development Standard – means a site or construction condition, including, but not limited to, a height limitation, a setback requirement, a floor area ratio, an onsite open-space requirement, or a parking ratio, that applies to a residential development pursuant to the Zoning Ordinance, the General Plan or other County condition, law, policy, resolution, or regulation. (Gov. Code § 65915(o)(1).)

Housing Development – means a development project of five or more residential units and includes a subdivision or Common Interest Development that is approved by the County and consists of residential units or unimproved residential *lots* and either a project to substantially rehabilitate and convert an existing commercial building to residential use or the substantial rehabilitation of an existing multifamily dwelling where the result of the rehabilitation would be a net increase in available residential units. (Gov. Code § 65915(i).)

#### Household Income Category Definitions

Very Low Income Household – means a household whose income does not exceed fifty percent (50%) of the County's median household income as defined in Health and Safety Code Section 50105. (Gov. Code § 65915(b)(1)(B).)

Low Income Household – means a household whose income does not exceed eighty percent (80%) of the County's median household income as defined in Health and Safety Code Section 50079.5. (Gov. Code § 65915(b)(1)(A).)

Moderate Income Household – means persons or families whose income does not exceed one hundred and twenty percent (120%) of the County's median household income as defined in Health and Safety Code Section 50093. (Gov. Code § 65915(b)(1)(D).)

Incentive – means "incentives and concessions" as that phrase is used in Government Code section 65915.

Market-rate Unit – means a dwelling unit that is not an Affordable Unit.

Maximum Allowable Residential Density - means the density allowed under the Zoning Ordinance and the Land Use Element of the General Plan, or if a range of density is permitted, means the maximum allowable density for the specific zoning range and Land Use Element of the General Plan applicable to the project. Where the density allowed under the Zoning Ordinance is inconsistent with the density allowed under the Land Use Element of the General Plan, the General Plan density shall prevail. (Gov. Code § 65915(o)(2).)

Minimum Affordable Housing Component: - means a Housing Development project which includes a minimum of any of the following:

Very Low Income Minimum Affordable Housing Component - Provides at least five percent (5%) of the Total Units for Very Low Income Household residents (Gov. Code § 65915(b)(1)(B)); or

Low Income Minimum Affordable Housing Component - Provides at least ten percent (10%) of the Total Units for Low Income Households (Gov. Code § 65915(b)(1)(A)); or

Moderate Income Minimum Affordable Housing Component - Provides at least ten percent (10%) of the Total Dwelling Units in a Common Interest Development for moderate income households (Gov. Code § 65915(b)(1)(D)).

Other Incentives of Equivalent Financial Value – means the reduction or waiver of requirements which the County might otherwise apply as conditions of condominium conversion approval, but shall not be construed to require the County to provide cash transfer payments or other monetary compensation. (Gov. Code § 65915.5(c).)

Qualified Housing Development - means a Housing Development that meets the requirements of Section 8116-2.2, .3, .4, or .5 for Density Bonus.

Qualified Land – means land offered for donation in accordance with Section 8116-2.5 that meets the criteria set forth in Section 8116-2.5.1(c).

Senior Citizen Housing Development - means a residential development that is developed, substantially rehabilitated, or substantially renovated for, senior citizens and that has at least thirty-five (35) Senior Citizen Housing Development Units. (Gov. Code § 65915(b)(1)(C).)

Senior Citizen Housing Development Unit – means a residential dwelling unit within a Senior Citizen Housing Development that is available to, and occupied by, a senior citizen as defined in Civil Code Section 51.3.

Specific, Adverse Impact – means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application for the Housing Development was deemed complete. Inconsistency with the zoning ordinance or general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety. (Gov. Code § 65589.5(d)(2).)

Total Units and Total Dwelling Units – means dwelling units other than Density Bonus Units. (Gov. Code § 65915(b)(3).)

Zoning Ordinance – means the County Non-Coastal Zoning Ordinance set forth in Division 8, Chapter 1 of the Ventura County Ordinance Code.

## **Sec. 8116-2 – Density Bonuses**

### **Sec. 8116-2.1 – Eligibility for Density Bonus**

Density Bonuses are available to Affordable Housing Developers in accordance with this Article for the following:

- a. Housing Developments which include a Minimum Affordable Housing Component (Section 8116-2.2);
- b. Housing Developments which include a Minimum Affordable Housing Component and a Child Care Facility (Section 8116-2.3);
- c. Senior Citizen Housing Developments (Section 8116-2.4); and
- d. Land Donations for Very Low Income Housing (Section 8116-2.5).

For the purpose of calculating a Density Bonus, the residential units must be on contiguous sites that are the subject of one development application, but do not have to be based upon individual subdivision maps or parcels. (Gov. Code § 65915(i).)

**Sec. 8116-2.2 - Density Bonus for Housing Development with Minimum Affordable Housing Component**

**Sec. 8116-2.2.1 - Criteria for Density Bonus for Housing Development with Minimum Affordable Housing Component**

To be granted a Density Bonus pursuant to Section 8116-2.2.2 for including a Minimum Affordable Housing Component in a Housing Development, the Affordable Housing Developer must comply with all of the following requirements:

- a. Submit an application for a Housing Development in accordance with Section 8116-7 that includes a Minimum Affordable Housing Component. (Gov. Code § 65915(d)(1).)
- b. State in the application the specific Minimum Affordable Housing Component proposed for the Housing Development. (Gov. Code § 65915(b)(2).)
- c. Enter into an agreement with the County or its designee pursuant to Section 8116-9 to maintain and enforce the Minimum Affordable Housing Component of the Housing Development. (Gov. Code § 65915(c).)

**Sec. 8116-2.2.2 - Density Bonus Allowance for Housing Development with Minimum Affordable Housing Component**

If the requirements of Section 8116-2.2.1 are met, then the Affordable Housing Developer is entitled to a Density Bonus pursuant to Government Code section 65915(f) as follows:

<b>Table 8116-2.2 – Density Bonus Allowance for Housing Development Projects with Minimum Affordable Housing Components</b>				
<b>Household Income Category</b>	<b>Minimum Affordable Units</b>	<b>Density Bonus</b>	<b>Additional Density Bonus for each 1% increase in Affordable Units</b>	<b>Maximum Possible Density Bonus</b>
<b>Affordable Housing Development</b>				
Very Low Income	5%	20%	2.50%	35%
Low Income	10%	20%	1.50%	35%
Moderate Income (Common Interest Developments)	10%	5%	1%	35%

As demonstrated in Table 8116-2.2, the amount of Density Bonus to which the *applicant* is entitled shall vary according to the amount by which the percentage of Affordable Units offered by the *applicant* exceeds the percentage of the Minimum Affordable Housing Component. (Gov. Code § 65915(f).)

The *applicant* may also elect to accept a lesser percentage of Density Bonus. (Gov. Code § 65915(f).)

All density calculations resulting in fractional units shall be rounded up to the next whole number. (Gov. Code § 65915(f)(5).)



## **Sec. 8116-2.3 - Density Bonus for Housing Development with Minimum Affordable Housing Component and Child Care Facility**

### **Sec. 8116-2.3.1 - Criteria for Density Bonus for Housing Development with Minimum Affordable Housing Component and Child Care Facility**

For a Density Bonus to be granted pursuant to Section 8116-2.3.2 for including a Minimum Affordable Housing Component with a Child Care Facility in a Housing Development, all of the following must be satisfied:

- a. Compliance with each requirement in Section 8116-2.2.1. (Gov. Code § 65915(h)(1).)
- b. The Housing Development must include a Child Care Facility that will be located on the premises of, as part of, or adjacent to, the Housing Development. (Gov. Code § 65915(h)(1).)
- c. Approval of the Housing Development must be conditioned to ensure that both of the following occur:
  - (1) The Child Care Facility must remain in operation for a period of time that is as long as or longer than the period of time during which the Affordable Units are required to remain affordable pursuant to Section 8116-9.1 (Gov. Code § 65915(h)(2)(A)); and
  - (2) Of the children who attend the Child Care Facility, the children of Very Low Income Households, Low Income Households, or Moderate Income Households must equal a percentage that is equal to or greater than the percentage of dwelling units that are required under the respective Minimum Affordable Housing Component Income Category for which the Density Bonus is sought (Gov. Code § 65915(h)(2)(B)).
- d. The County has not made a finding based upon substantial evidence that the community has adequate Child Care Facilities. (Gov. Code § 65915(h)(3).)

### **Sec. 8116-2.3.2 - Density Bonus Allowance for Housing Development with Minimum Affordable Housing Component and Child Care Facility**

If the requirements of Section 8116-2.3.1 are met, then an *applicant* for a Housing Development with a Minimum Affordable Housing Component and Child Care Facility is entitled to:

- a. A Density Bonus pursuant to Section 8116-2.2.2; and
- b. An additional Density Bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the Child Care Facility. (Gov. Code § 65915(h)(1)(A).)

## **Sec. 8116-2.4 – Density Bonus for Senior Citizen Housing Development**

An *applicant* for a Senior Citizen Housing Development or a mobilehome park that limits residency based on age requirements for housing for older persons pursuant to Civil Code Sections 798.76 or 799.5 is entitled to a Density Bonus of twenty percent (20%) of the number of Senior Citizen Housing Development Units. (Gov. Code § 65915(b)(1)(C)&(f)(3).)

## **Sec. 8116-2.5 - Density Bonus for Land Donations**

### **Sec. 8116-2.5.1 - Density Bonus Criteria for Land Donation for Very Low Income Housing**

For a Density Bonus for a Qualified Land donation to be granted pursuant to Section 8116-2.5.2, all the requirements of this section must be met.

- a. The *applicant* must be applying for a tentative subdivision map, parcel map, or other residential development approval. (Gov. Code § 65915(g)(1).)
- b. The application must include at least a ten percent (10%) Minimum Affordable Housing Component for Very Low Income Households. (Gov. Code § 65915(g)(1).)
- c. The *applicant* must agree to donate and transfer Qualified Land which is land that meets both the following criteria:
  - (1) The developable acreage and zoning classification of the land being transferred must be sufficient to permit construction of units affordable to Very Low Income Households in an amount not less than ten percent (10%) of the number of residential units of the proposed development pursuant to Section 8116-2.5.1(a) (Gov. Code § 65915(g)(2)(B)); and
  - (2) The transferred land must be at least one acre in size or of sufficient size to permit development of at least 40 units, have the appropriate General Plan designation, be appropriately zoned with appropriate development standards for development at the density described in Government Code Section 65583.2(c)(3), and is or will be served by adequate public facilities and infrastructure (Gov. Code § 65915(g)(2)(C)).
- d. The Qualified Land must be transferred to the County or to a housing developer approved by the County. The County may require the *applicant* to identify and transfer the land to an approved housing developer. (Gov. Code § 65915(g)(2)(F).)
- e. The Qualified Land must have all of the permits and approvals, other than building permits, necessary for the development of the Very Low Income Housing Affordable Units on the Qualified Land, not later than the date of approval of the final subdivision map, parcel map, or residential development application filed pursuant to Section 8116-2.5.1(a). However, the County may subject the proposed development to subsequent design review to the extent authorized by Government Code section 65583.2(i) if the design is not reviewed by the County prior to the time of transfer. (Gov. Code § 65915(g)(2)(D).)
- f. The Qualified Land must be donated and transferred no later than the date of approval of the final subdivision map, parcel map, or residential development application filed pursuant to Section 8116-2.5.1(a). (Gov. Code § 65915(g)(2)(A).)
- g. The Qualified Land and the Affordable Units must be subject to a deed restriction ensuring continued affordability of the units consistent with Section 8116-9, which must be recorded against the Qualified Land at the time of the transfer. (Gov. Code § 65915(g)(2)(E).)
- h. The Qualified Land must be within the boundary of the proposed development or, if the County agrees, within one-quarter mile of the boundary of the proposed development. (Gov. Code § 65915(g)(2)(G).)
- i. A proposed source of funding for the Very Low Income Household units must be identified not later than the date of approval of the final subdivision map, parcel map, or residential development application filed pursuant to Section 8116-2.5.1(a). (Gov. Code § 65915(g)(2)(H).)

**Sec. 8116-2.5.2 - Density Bonus Allowance for Qualified Land Donation for Very Low Income Housing**

If the requirements of Section 8116-2.5.1 are satisfied, the *applicant* shall be entitled to at least a 15-percent increase above the otherwise Maximum Allowable Residential Density for the entire development, as follows (Gov. Code § 65915(g)(1)):

<b>Table 8116-2.5 – Density Bonus Allowances for Qualified Land Donation Projects</b>				
<b>Household Income Category</b>	<b>Minimum Percentage of Very Low Income Units</b>	<b>Density Bonus</b>	<b>Additional Density Bonus for each 1% increase in Very Low Income Units</b>	<b>Maximum Possible Density Bonus</b>
<b>Land Donation</b>				
Very Low Income Housing	10% of entire development	15%	1%	35% (max. combined)

The increase in Density Bonus authorized by this section shall be in addition to any increase in density allowed for providing a Minimum Affordable Housing Component in accordance with Section 8116-2.2, up to a maximum combined mandated density increase of 35 percent if an *applicant* seeks an increase pursuant to both this section and Section 8116-2.2. (Gov. Code § 65915(g)(1) & (2).)

All density calculations resulting in fractional units shall be rounded up to the next whole number. (Gov. Code § 65915(g)(2).)

**Sec. 8116-2.6 – Additional Density Bonus for Qualified Housing Development with 100% Very Low or Low Income Affordable Housing Component**

**Sec. 8116-2.6.1 – Eligibility for an Additional Density Bonus**

To qualify for consideration of an additional Density Bonus pursuant to Section 8116-2.6.2 that is above the Density Bonus authorized by Sections 8116-2.2.2 and 8116-2.3.2, all *lots* or units within the Qualified Housing Development (i.e., 100 percent) must be affordable to Very-Low or Low-Income Households for a minimum 30-year period in accordance with Section 8116-9.1.

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**Sec. 8116-2.6.2 – Allowance and Criteria for Granting an Additional Density Bonus**

If the requirements of Section 8116-2.6.1 are met, then the decision-maker for the Qualified Housing Development may grant an additional Density Bonus of between 1% and 15%, but not to exceed a total maximum Density Bonus granted under this Article of 50 percent (50%). In determining whether to grant an additional Density Bonus and the amount of the additional Density Bonus, the decision-maker must find that the additional Density Bonus requested would not render the proposed Qualified Housing Development, with Density Bonus granted pursuant to Section 8116.2.2, incompatible with the character of surrounding,

legally established development and would not be detrimental to the public interest, health, safety, convenience, or welfare.

## **Sec. 8116-3 – Affordable Housing Incentives**

Government Code section 65915(d), (j), (k) and (l) govern the following provisions regarding affordable housing incentives.

### **Sec. 8116-3.1 – Qualifications for Incentives**

Subject to Section 8116-3.4, all of the following applicable requirements must be satisfied to be granted an Incentive(s) pursuant to Sections 8116-3.2 and 3.3:

- a. The *applicant* for an Incentive must qualify for a Density Bonus pursuant to Section 8116-2 (Gov. Code § 65915(d)(1));
- b. A specific written proposal for an Incentive(s) must be submitted with the application for Density Bonus in accordance with Section 8116-7 (Gov. Code § 65915(b)(1) and (d)(1));
- c. If an Incentive(s) pursuant to Section 8116-3.2(a) or (c) is sought, the *applicant* must establish that each requested incentive would result in identifiable, financially sufficient, and actual cost reductions for the Qualified Housing Development (Gov. Code § 65915(k)(1) & (3));
- d. If an Incentive(s) pursuant to Section 8116-3.2(b) is sought, the *applicant* must establish that requirements of Section 8116-3.2(b) are met (Gov. Code § 65915(k)(2)); and
- e. If an additional Incentive for a Child Care Facility is sought pursuant to Section 8116-3.3(d), the *applicant* must establish that requirements of Section 8116-3.3(d) are met (Gov. Code § 65915(h)(1)(B)).

The granting of an Incentive shall not be interpreted, in and of itself, to require a General Plan amendment, Local Coastal Plan amendment, zoning change, or other *discretionary* approval. (Gov. Code § 65915(j).) An Incentive is applicable only to the project for which it is granted. An *applicant* for an Incentive may request a meeting with the *Planning Director* and, if requested, the *Planning Director* will meet with the *applicant* to discuss the proposal. (Gov. Code § 65915(d)(1).)

### **Sec. 8116-3.2 – Types of Incentives**

For the purposes of this Article, Incentive means any of the following:

- a. A reduction in site Development Standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission as provided in Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code, including, but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required that results in identifiable, financially sufficient, and actual cost reductions. (Gov. Code § 65915(k)(1).)
- b. Approval of mixed use zoning in conjunction with the Qualified Housing Development if commercial, office, industrial, or other land uses will reduce the cost of the Qualified Housing Development and if the commercial, office, industrial, or other land uses are compatible with the Qualified Housing Development and the existing or planned development in the area where the proposed Qualified Housing Development will be located. (Gov. Code § 65915(k)(2).)
- c. Other regulatory Incentives proposed by the Affordable Housing Developer or the County that result in identifiable, financially sufficient, and actual cost reductions. (Gov. Code § 65915(k)(3).)

Nothing in this section limits or requires the provision of direct financial incentives by the County for the Qualified Housing Development, including the provision of publicly owned land, or the waiver of fees or dedication requirements. (Gov. Code § 65915(l).)

**Sec. 8116-3.3 – Number of Incentives Granted**

Subject to Section 8116-3.4, the *applicant* who meets the requirements of Section 8116-3.1 above shall receive the following number of Incentives described below and as shown in Table 8116-3.3:

- a. One Incentive for Qualified Housing Development projects that include at least 10 percent (10%) of the Total Units for Low Income Households, at least 5 percent (5%) for Very Low Income Households, or at least ten percent (10%) for persons and families of Moderate Income Households in a Common Interest Development. (Gov. Code § 65915(d)(2)(A).)
- b. Two Incentives for Qualified Housing Development projects that include at least 20 percent (20%) of the Total Units for Low Income Households, at least 10 percent (10%) for Very Low Income Households, or at least 20 percent (20%) for persons and families of Moderate Income Households in a Common Interest Development. (Gov. Code § 65915(d)(2)(B).)
- c. Three Incentives for Qualified Housing Development projects that include at least 30 percent (30%) of the Total Units for Low Income Households, at least 15 percent (15%) for Very Low Income Households, or at least 30 percent (30%) for persons and families of Moderate Income Households in a Common Interest Development. (Gov. Code § 65915(d)(2)(C).)
- d. Subject to Section 8116-3.4(d), a Qualified Housing Development proposal that includes a Child Care Facility shall be granted an additional incentive that contributes significantly to the economic feasibility of the construction of the Child Care Facility. (Gov. Code § 65915(h)(1)(B).)

<b>Table 8116-3.3 – Incentive Allowances for Qualified Housing Developments</b>			
<b>Income Category</b>	<b>Minimum % of Affordable Units</b>		
Very Low Income	5%	10%	15%
Low Income	10%	20%	30%
Common Interest Development (Moderate Income)	10%	20%	30%
<b>Incentives Allowed</b>	<b>1</b>	<b>2</b>	<b>3</b>

**Sec. 8116-3.4 – Criteria for Denial of Application for Incentives**

Except as otherwise provided in this Article or by state law, if the requirements of Section 8116-3.1 are met, the County shall grant the Incentive(s) that are authorized by Sections 8116-3.2 and 8116-3.3 unless a written finding, based upon substantial evidence, is made with respect to any of the following, in which case the County may refuse to grant the Incentive(s):

- a. The Incentive is not required in order to provide Affordable Housing Costs or Affordable Rents for the Affordable Units subject to the Qualified Housing Development application. (Gov. Code § 65915(d)(1)(A).)
- b. The Incentive would have a Specific Adverse Impact, as defined in Government Code Section 65589.5(d)(2), upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the Specific Adverse Impact without rendering the development unaffordable to low- and moderate-income households. (Gov. Code § 65915(d)(1)(B); Gov. Code § 65915 (d)(3).)
- c. The Incentive would be contrary to state or federal law. (Gov. Code § 65915(d)(1)(C).)
- d. The community has adequate Child Care Facilities, in which case the additional Incentive for a Child Care Facility pursuant to Section 8116-3.3(d) may be denied. (Gov. Code § 65915(h)(3).)

## **Sec. 8116-4 – Waiver or Modification of Development Standards**

### **Sec. 8116-4.1 - Requirements for Waiver or Modification of Development Standards**

- a. Application. To qualify for a waiver or reduction of one or more Development Standards, the *applicant* must submit a written application (together with an application for a Qualified Housing Development) that states the specific Development Standard(s) sought to be modified or waived and the basis of the request. (Gov. Code § 65915(e)(1).) An *applicant* for a waiver or modification of Development Standard(s) pursuant to this section may request a meeting with the *Planning Director* to review the proposal. If requested, the *Planning Director* shall meet with the *applicant*. (Gov. Code § 65915(e)(1).) An application for the waiver or reduction of Development Standard(s) pursuant to this section shall neither reduce nor increase the number of Incentives to which the *applicant* is entitled pursuant Section 8116-3. (Gov. Code § 65915(e)(2).)
- b. Findings. All of the following findings must be made for each waiver or reduction requested:
  - (1) The Development Standard for which a waiver or reduction is requested will have the effect of physically precluding the construction of the proposed Qualified Housing Development at the densities or with the Incentives permitted under this Article. (Gov. Code § 65915(e)(1).)
  - (2) The requested waiver or reduction of a Development Standard will not have a Specific, Adverse Impact, as defined in Government Code section 65589.5(d)(2), upon health, safety, or the physical environment or, if such a Specific, Adverse Impact exists, there is a feasible method to satisfactorily mitigate or avoid the Specific Adverse Impact. (Gov. Code § 65915(e)(1).)
  - (3) The requested waiver or reduction of a Development Standard will not have an adverse impact on any real property that is listed in the California Register of Historical Resources. (Gov. Code § 65915(e)(1).)
  - (4) The requested waiver or reduction of a Development Standard is not contrary to state or federal law. (Gov. Code § 65915(e)(1).)

### **Sec. 8116-4.2 - Granting Application for Waiver or Modification of Development Standards**

If the requirements of Section 8116-4.1 are satisfied, the application for waiver or modification of Development Standard(s) shall be granted. If the requirements of Section 8116-4.1 are satisfied, the County shall not apply a Development Standard that will have the effect of physically precluding the construction of a Qualified Housing Development at the densities or with the Incentives permitted by this Article. (Gov. Code § 65915(e)(1).)

### **Sec. 8116-5 - Parking Standard Modifications for Qualified Housing Developments**

#### **Sec. 8116-5.1 – Requirements for Parking Standard Modifications**

Parking standard modifications pursuant to Section 8116-5.2 are available only for Qualified Housing Developments. An application for parking standard modifications stating the specific modification requested pursuant to Section 8116-5.2 must be submitted with the Qualified Housing Development application. (Gov. Code § 65915(p)(3).)

#### **Sec. 8116-5.2 – Parking Standard Modifications**

- a. If the requirements of Section 8116-5.1 are met, the vehicular parking ratio, inclusive of handicapped and guest parking, shall not exceed the following ratios (Gov. Code § 65915(p)(1)):
  - b. Zero to one bedroom: one onsite parking space.
  - c. Two to three bedrooms: two onsite parking spaces.
  - d. Four and more bedrooms: two and one-half parking spaces.
- e. If the total number of parking spaces required for the Qualified Housing Development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this section, “onsite parking” may be provided through tandem parking or uncovered parking, but not through on-street parking. (Gov. Code § 65915(p)(2).)
- f. Except as otherwise provided in this section, all other provisions of Section 8108 (Parking and Loading Requirements) applicable to residential development apply.
- g. An *applicant* may request additional parking Incentives beyond those provided in this section if applied for pursuant to Section 8116-3. (Gov. Code § 65915(p)(3).)

### **Sec. 8116-6 – Density Bonus and Affordable Housing Incentive Program - Project Design and Phasing**

Subject to Section 8116-4, projects seeking an Affordable Housing Benefit pursuant to this Article must comply with the following requirements, unless otherwise specified in writing by the *Planning Director*:

- a. Location/Dispersion of Units. Affordable Units shall be reasonably dispersed throughout the development where feasible and shall contain on average the same (or greater) number of bedrooms as the Market-rate Units.
- b. Phasing. If a project is to be developed in phases, each phase must contain the same or substantially similar proportion of Affordable Units and Market-rate Units.

- c. Exterior Appearance. The exterior appearance and quality of the Affordable Units must be similar to the Market-rate Units. The exterior materials and improvements of the Affordable Units must be similar to, and architecturally compatible with, the Market-rate Units.

## **Sec. 8116-7 - Density Bonus and Affordable Housing Incentive Program Application Requirements**

An application for one or more Affordable Housing Benefits must be submitted as follows:

- a. Each Affordable Housing Benefit requested must be specifically stated in writing on the application form provided by the County.
- b. The application must include the information and documents necessary to establish that the requirements of this Article are satisfied for each Affordable Housing Benefit requested, including:
  - (1) For Density Bonus requests, that the requirements of Section 8116-2 are met;
  - (2) For Incentive requests, that the requirements of Section 8116-3 are met;
  - (3) For Development Standard Waiver or Modification requests, that the requirements of Section 8116-4 are met; and/or
  - (4) For Parking Standard Modification requests, that the requirements of Section 8116-5 are met.
- c. The application must be submitted concurrently with a complete application for a Qualified Housing Development.
- d. The application must include a site plan that complies with and includes the following:
  - (1) For Senior Citizen Housing Development projects - the number and location of proposed Total Units and Density Bonus Units.
  - (2) For all Qualified Housing Development projects other than Senior Citizen Housing Development projects - the number and location of proposed Total Units, Affordable Units and Density Bonus Units. The Density Bonus Units shall be permitted in geographic areas of the Qualified Housing Development other than the areas where the Affordable Units are located. (Gov. Code § 65915(i).)
  - (3) The location, design and phasing criteria required by Section 8116-6, including any proposed Development Standard(s) modifications or waivers pursuant to Section 8116-4.
- e. The application for a Qualified Housing Development must state the level of affordability of the Affordable Units and include a proposal for compliance with Section 8116-9 for ensuring affordability.
- f. If a Density Bonus is requested for a Qualified Land donation pursuant to Section 8116-2.5, the application must show the location of the Qualified Land in addition to including sufficient information to establish that each requirement in Section 8116-2.5 has been met.
- g. If an additional Density Bonus or Incentive is requested for a Child Care Facility pursuant to section 8116-2.3 and/or section 8116-3.3, the application shall show the location and square footage of the Child Care Facility in addition to including sufficient information to establish that each requirement in Section 8116-2.3 and/or section 8116-3.3 has been met.

An application for an Affordable Housing Benefit under this Article will not be processed until all of the provisions of this section are complied with as determined by the *Planning*



*Director* and shall be processed concurrently with the application for the Qualified Housing Development project for which the Affordable Housing Benefit is sought.

Prior to the submittal of an application for a Qualified Housing Development, an *applicant* may submit to the *Planning Director* a preliminary proposal for Affordable Housing Benefits. The *Planning Director* shall, within 90 days of receipt of a written proposal, notify the *applicant* of the *Planning Director's* preliminary response and schedule a meeting with the *applicant* to discuss the proposal and the *Planning Director's* preliminary response.

## **Sec. 8116-8 – Determination on Density Bonus and Affordable Housing Incentive Program Requests**

The decision making body for the underlying Qualified Housing Development application is authorized to approve or deny an application for an Affordable Housing Benefit in accordance with this Article.

### **Sec. 8116-8.1 – Affordable Housing Benefit Determinations**

An application for an Affordable Housing Benefit shall be granted if the requirements of this Article are satisfied unless:

- a. The application is for an Incentive for which a finding is made in accordance with Section 8116-3.4; or
- b. The underlying application for the Qualified Housing Development is not approved independent of and without consideration of the application for the Affordable Housing Benefit.

### **Sec. 8116-8.2 – Affordable Housing Benefit Compliance Provisions**

To ensure compliance with this Article and state law, approval of an application for an Affordable Housing Benefit may be subject to, without limitation:

- a. The imposition of conditions of approval to the Qualified Housing Development, including imposition of fees necessary to monitor and enforce the provisions of this Article;
- b. An affordable housing agreement and, if applicable, an equity sharing agreement pursuant to Section 8116-9; and
- c. Recorded deed restriction implementing conditions of approval and/or contractual or legally mandated provisions.

A decision regarding an Affordable Housing Benefit application is subject to the appeal provisions of Section 8111-7.

## **Sec. 8116-9 – Affordable Housing Agreement and Equity Sharing Agreement**

No Density Bonus pursuant to Section 8116-2 shall be granted unless and until the Affordable Housing Developer, or its designee approved in writing by the *Planning Director*, enters into an affordable housing agreement and, if applicable, an equity sharing agreement, with the County or its designee pursuant to and in compliance with this section. (Gov. Code § 65915(c).) The agreements shall be in the form provided by the County which shall contain terms and conditions mandated by, or necessary to implement, state law and this Article. The *Planning Director* may designate a qualified administrator or entity to administer the provisions of this section on behalf of the County. The affordable housing agreement shall be recorded prior to, or concurrently with, final map recordation or, where the Qualified Housing Development does not include a map, prior to issuance of

a building permit for any structure on the site. The *Planning Director* is hereby authorized to enter into the agreements authorized by this section on behalf of the County upon approval of the agreements by County Counsel for legal form and sufficiency.

### **Sec. 8116-9.1 - Affordable Housing Agreements**

#### **Sec. 8116-9.1.1 – Density Bonus Granted for Qualified Housing Development based upon Low or Very Low Income Minimum Affordable Housing Component or for Senior Citizen Housing Development**

The Affordable Housing Developer of a Qualified Housing Development based upon the inclusion of Low Income and/or Very Low Income Affordable Units must enter into an agreement with the County to maintain the continued affordability of the Affordable Units for 30 years, or a longer period if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program, as follows (Gov. Code § 65915(c)(1)):

- a. Rental units. Rents for the Low Income and Very Low income Affordable Units that qualified the Housing Development for the Density Bonus pursuant to Section 8116-2 shall be set and maintained at an Affordable Rent. (Gov. Code § 65915(c)(1).)
- b. For-Sale Units. Owner-occupied Low Income and Very Low Income Affordable Units that qualified the Housing Development for the Density Bonus pursuant to Section 8116-2 shall be available at an Affordable Housing Cost. (Gov. Code § 65915(c)(1).)
- c. Senior Units. At least thirty-five (35) Senior Citizen Housing Development Units are maintained and available for rent or sale to senior citizens as defined in Civil Code section 51.3.

#### **Sec. 8116-9.1.2 – Density Bonus Granted for Qualified Housing Development based upon Moderate Income Minimum Affordable Housing Component**

The Affordable Housing Developer of a Qualified Housing Development based upon the inclusion of Moderate Income Affordable Units in a Common Interest Development must enter into an agreement with the County ensuring that: (a) the initial occupants of the Moderate Income Affordable Units that are directly related to the receipt of the Density Bonus are persons and families of a Moderate Income Household; and (b) the units are offered at an Affordable Housing Cost. (Gov. Code § 65915(c)(2).)

#### **Sec. 8116-9.1.3 – Density Bonus Granted for Qualified Housing Development based upon Minimum Affordable Housing Component and Child Care Facility**

If an additional Density Bonus or Incentive is granted because a Child Care Facility is included in the Qualified Housing Development, the affordable housing agreement shall also include the Affordable Housing Developer’s obligations pursuant to Section 8116-2.3.1(c) for maintaining a Child Care Facility, if not otherwise addressed through conditions of approval.

### **Sec. 8116-9.2 - Equity Sharing Agreement for Moderate Income Affordable Units**

In addition to the affordable housing agreement pursuant to Section 8116-9.1.2, the Affordable Housing Developer of Qualified Housing Development based upon a Moderate Income Minimum Affordable Component shall enter into an equity sharing agreement for a Common Interest Development with the County. (Gov. Code §

65915(c)(2).) The County shall enforce the equity sharing agreement unless it is in conflict with the requirements of another public funding source or law. (Gov. Code § 65915(c)(2).) The equity sharing agreement shall include at a minimum the following provisions:

- a. Upon resale, the seller of the unit shall retain the value of improvements, the down payment, and the seller's proportionate share of appreciation. The County shall recapture any initial subsidy, as defined in subparagraph b., and its proportionate share of appreciation, as defined in subparagraph c., which amount shall be used within five years for any of the purposes described in Health and Safety Code Section 33334.2 (e) that promote home ownership. (Gov. Code § 65915(c)(2)(A).)
- b. The County's initial subsidy shall be equal to the fair market value of the unit at the time of initial sale minus the initial sale price to the Moderate-Income Household, plus the amount of any down payment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, then the value at the time of the resale shall be used as the initial market value. (Gov. Code § 65915(c)(2)(B).)
- c. The County's proportionate share of appreciation shall be equal to the ratio of the County's initial subsidy to the fair market value of the unit at the time of initial sale. (Gov. Code § 65915(c)(2)(C).)

## **Sec. 8116-10 – Density Bonus or Incentive for Condominium Conversion Projects**

### **Sec. 8116-10.1 – Requirements for Density Bonus or Incentive for Condominium Conversion Projects**

When an *applicant* to convert apartments to a condominium project agrees to provide at least thirty-three percent (33%) of the Total Units of the proposed condominium project to persons and families of Moderate Income Households or fifteen percent (15%) of the Total Units of the proposed condominium project to Low Income Households, and agrees to pay for the reasonably necessary administrative costs incurred by the County pursuant to this section, the County shall either: (1) grant a Density Bonus or (2) provide Other Incentives of Equivalent Financial Value. (Gov. Code § 65915.5(a).)

### **Sec. 8116-10.2 – Definition of Density Bonus for Condominium Conversion Projects**

If the requirements of Section 8116-10.1 are met, then the Condominium Conversion Project will be entitled to an increase in units of 25 percent over the number of apartments, to be provided within the existing structure or structures proposed for conversion from apartments to condominiums. (Gov. Code § 65915.5(b).)

### **Sec. 8116-10.3 – Pre-Submittal Preliminary Proposals for Density Bonus or Incentive for Condominium Conversion Projects**

Prior to the submittal of a formal request for subdivision map approval or other application for necessary *discretionary* approvals, an *applicant* to convert apartments to a condominium project may submit to the *Planning Director* a preliminary proposal for Density Bonus or Other Incentives of Equivalent Financial Value. The *Planning Director* shall, within 90 days of receipt of a written proposal, notify the *applicant* of the *Planning Director's* preliminary response and schedule a meeting with the *applicant* to discuss the proposal and the *Planning Director's* preliminary response. (Gov. Code § 65915.5(d).)

### **Sec. 8116-10.4 – Application for Density Bonus or Incentives for Condominium Conversion Projects**

An *applicant* must submit a completed application provided by the County for a Density Bonus or for Other Incentives of Equivalent Financial Value. The application must be submitted concurrently with the application for the Condominium Conversion Project. The application must include the following:

- a. All information and documentation necessary to establish that the requirements of Section 8116-10.1 are met;
- b. The proposal for a Density Bonus or the proposal for Other Incentives of Equivalent Financial Value;
- c. Site plans demonstrating the location of the units to be converted, the Affordable Units, the Market-rate Units, and the Density Bonus units within the Condominium Conversion Project; and
- d. Any other information and documentation requested by the County to determine if the requirements of Section 8116-10 are met.

Both the application for a Density Bonus or Other Incentives of Equivalent Financial Value and the application for the condominium conversion must be complete before the application for a Density Bonus or Other Incentives of Equivalent Financial Value will be considered.

### **Sec. 8116-10.5 – Granting Density Bonus or Incentive for Condominium Conversion Projects**

#### **Sec. 8116-10.5.1 – Approval Authority**

If the requirements of Section 8116-10.1 are met, the decision-making body for the Condominium Conversion Project application is authorized to grant an application for a Density Bonus or Other Incentives of Equivalent Financial Value, subject to Section 8116-10.5.2. Reasonable conditions may be placed on the granting of a Density Bonus or Other Incentives of Equivalent Financial Value that are found appropriate, including, but not limited to, entering into an affordable housing agreement pursuant to Section 8116-9 which assures continued affordability of units to subsequent purchasers who are persons and families of Moderate Income Households or Low Income Households. (Gov. Code § 65915.5(a).)

#### **Sec. 8116-10.5.2 – Ineligibility**

An *applicant* shall be ineligible for a Density Bonus or Other Incentives of Equivalent Financial Value if the apartments proposed for conversion constitute a Qualified Housing Development for which a Density Bonus as defined in Section 8116-1 or other Incentives were provided. (Gov. Code § 65915.5(f).)

### **Sec. 8116-10.6 – Decision on Condominium Conversion Project**

Nothing in this section shall be construed to require the County to approve a proposal to convert apartments to condominiums. (Gov. Code § 65915.5(e).)

## **Sec. 8116-11- Enforcement Provisions**

- a. Compliance with Affordable Unit Occupancy Requirements. Throughout the restricted time periods set forth in section 8116-9, the eligibility of a household to occupy an Affordable Unit must be met at initial occupancy and at any change in ownership or tenancy, including subletting, of the Affordable Unit. Upon request, compliance with this Article and the terms of the Affordable Housing Agreement must be demonstrated.

Upon 30-day written notice, the County may perform an audit to determine compliance with this Article and the terms of any agreement or restriction.

- b. Enforcement. The County or its designee has the authority to enforce the provisions of this Article, the terms of Affordable Housing Agreements and Equity Sharing Agreements, deed restrictions, covenants, resale restrictions, promissory notes, deed of trust, conditions of approval, permit conditions, and any other requirements placed on the Affordable Units or the approval of the Qualified Housing Development. In addition to the enforcement powers granted in this Chapter, including recording of Notices of Non Compliance, the County may, at its discretion, take any other enforcement action permitted by law, including those authorized by County ordinances. Such enforcement actions may include, but are not limited to, a civil action for specific performance of the restrictions and agreement(s), damages for breach of contract, restitution and injunctive relief. The remedies provided for herein shall be cumulative and not exclusive and shall not preclude the County from seeking any other remedy or relief to which it otherwise would be entitled under law or equity.

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# ARTICLE 17:

## MOBILEHOME PARK CLOSURE PERMIT REQUIREMENT

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(ADD. ORD. 3873-10/4/88)

### Sec. 8117-0 - Purpose

Mobilehome parks offer affordable ownership housing to the citizens of Ventura County, especially to residents over the ages of 62, many of which are on fixed or limited incomes. Mobilehome parks are a relatively low intensity land use, and in growing urban areas, older parks are coming under economic pressure to redevelop to more profitable uses. In these urban areas and throughout the County, vacant mobilehome park spaces are usually rare. Park residents evicted because of change of use of the park may be unable to find space in other parks to move their home to, or cannot afford the move even if a space were available. For these reasons, it is deemed necessary to protect the owners of mobilehomes from unreasonable evictions and undue financial hardship from a mobilehome park closure, while at the same time recognizing the rights of park owners to pursue changes in land use.

### Sec. 8117-1 - Definitions

Unless the provision or context otherwise requires, the definitions of words and terms as follows shall govern the construction of this Article.

Mitigation or Measures to Mitigate - as used in this ordinance are measures to alleviate adverse impacts of the conversion, closure, or cessation of a mobilehome park, including but not limited to: relocation of mobilehomes to another park; payment of security deposits; reimbursement of utility connection fees; moving expenses; purchase of mobilehomes which can't be moved or other related moving assistance for residents of a park.

Mobilehome - A structure with dimensions larger than eight (8) feet by forty (40) feet or a size larger than three hundred twenty (320) square feet designed for human habitation, transported over streets and highways to a permanent occupancy site, and installed on the site either with or without a permanent foundation. A recreational vehicle shall be treated as a mobilehome under this Article, provided it has been used as a principal residence for nine consecutive months.

Mobile Home Park Closure, Conversion or Change of Use - Mobile Home Park Closure, Conversion or Change of Use means changing the use of a mobile home park such that it no longer contains occupied mobile or manufactured homes, as described in and regulated by Government Code Section 66427.4. Such conversions are governed by this Article 17. (ADD. ORD. 4382 – 3/18/08)

Mobile Home Park Conversion to Resident Ownership - Mobile Home Park Conversion to Resident Ownership means the conversion of a mobile home park composed of rental spaces to a condominium or common interest development, as described in and/or regulated by Government Code Section 66427.5 and/or Section 66428.1. Unless otherwise provided therein, such conversions are governed by Article 13 of Division 8, Chapter 2 of the Ventura County Ordinance Code. (ADD. ORD. 4382 – 3/18/08)

Mobilehome Park, Trailer Park or Park - An area of land where two or more spaces are rented or leased for mobilehomes used as residences. Mobilehome park does not include County park campgrounds and County parking meter zones.

Mobilehome Park Owner or Owner - The owner, lessor, operator, or manager of a mobilehome park in the unincorporated area of Ventura County.

Mobilehome Tenant or Resident - Any person entitled to occupy a mobilehome or recreational vehicle which is located within a mobilehome or trailer park in the unincorporated area of Ventura County.

Recreational Vehicle - A vehicle for human habitation, which is self-propelled or towed by a light-duty vehicle, in which the plumbing, heating, and electrical system contained therein may be operated without connection to outside utilities.

Space Rent - The consideration, including any security deposits, bonuses, benefits, or gratuities demanded or received in connection with the use and occupancy of a space in a mobilehome or trailer park, or for housing services provided, but exclusive of any amount paid for the use of a mobile dwelling unit, or utility charges or trash charges which are billed to units separately whether or not the units are individually metered. "Space rent" does not include reasonable user fees for services actually rendered to some, but not all, of the residents of a park.

## **Sec. 8117-2 - Exemptions**

The following mobilehome parks or portions thereof are exempt from the provisions of this Article.

- a. Mobilehome or trailer parks managed or operated by the United States Government, the State of California, or the County of Ventura.
- b. Mobilehome or trailer parks used for farm labor housing.
- c. Those sections of existing parks utilized for recreational vehicles which have an approved permit identifying a separate area with reduced size spaces specifically designated for Recreational Vehicles, provided the permit was approved prior to the effective date of this Ordinance.
- d. Mobilehome park spaces rented for non-residential uses.
- e. Recreational vehicle parks specifically designed for recreational vehicles.
- f. Closure or cessation of use of a mobilehome park resulting from an adjudication of bankruptcy.

## **Sec. 8117-3 - Mobilehome Park Closure Permit**

Except as otherwise provided by law, prior to the conversion of a mobilehome park to another use, or prior to the closure of a mobilehome park or the cessation of the use of land as a mobilehome park, in whole or in part, a Mobilehome Park Closure Permit must be obtained pursuant to provisions of this Article.

## **Sec. 8117-4 - Notice to Residents**

Prior to filing of an application for a mobilehome park closure permit, the park owner shall provide at least 60 days of written notice to all residents and mobilehome owners that the park is being proposed for closure. A copy of the required notice shall be obtained from the Planning Division. No other notice shall be used unless prior approval by the Planning Manager is given. The park owner shall continue to give said notice to all new and potential residents throughout the closure permit process.

## **Sec. 8117-5 - Mobilehome Park Closure Permit Application Procedures**

A person or entity seeking to convert a mobilehome park to another use, or to close a mobilehome park or to cease a use of land as a mobilehome park, in whole or in part, shall



apply for a Mobilehome Park Closure Permit on forms provided by the Resource Management Agency's Planning Division. The application shall be accompanied by the appropriate fee listed in the Land development processing fee schedule to cover costs of processing the request in accordance with Section 8111-3 of the Ventura County Ordinance Code.

## **Sec. 8117-6 - Application Filing Requirements**

The application shall be accompanied by the following:

- a. Concept Plan - A plan indicating the proposed use the park site is intended to accommodate, including the approximate number of proposed residential units, if any; approximate square footage and use of any buildings proposed; and the probable impacts/benefits to the community created by the proposed project.
- b. Site Plan - A site plan of the existing mobilehome park showing the existing layout, with all existing mobilehome spaces identified by number and indicating whether the space is currently occupied, and other site features.
- c. Residents List - A list of the names and addresses of all current residents of the mobilehome park.
- d. Housing and Financial Impact Report - A report on the housing and financial impacts of the removal of the mobilehomes upon all displaced residents including:
  - (1) Rental rate history for each space for the previous five years;
  - (2) Monthly vacancy rate for each month during the preceding two years;
  - (3) Makeup of existing resident households, including family size, length of residence, age of residents, estimated household income, and whether they are receiving federal or State rent subsidies;
  - (4) The date of manufacture, size and condition of each mobilehome in the park.
  - (5) An analysis of moving existing mobilehomes which shall include, but not be limited to, the availability of other sites; the total costs of relocating mobilehomes to a new location; and the feasibility of existing mobilehomes being accepted at other locations.
- e. Relocation Assistance Plan - A plan which clearly states all measures proposed by the *applicant* to mitigate any identifiable adverse impacts of the proposed closure or conversion of use on the residents of the mobilehome park who would be displaced thereby. Displaced residents must be provided with relocation benefits that bear a relationship to the cost of displaced residents' finding alternative housing. Relocation benefits shall be determined on a case by case basis. With regard to mobilehomes which cannot be moved to another mobilehome park, consideration shall be given to the purchase of such mobilehomes by the *applicant* at their appraised fair market value as determined by an independent appraiser utilizing principles applicable in relocation matters. The foregoing applies when the mobilehome owner resides in the unit. However, a nonresident mobilehome owner shall not be eligible for any other relocation benefits except those associated with the relocation or purchase of a qualifying mobilehome.

Persons who own mobilehomes or who are tenants in the mobilehome park at the time notice of closure is given will be eligible for relocation assistance as determined in the finally approved Relocation Assistance Plan. Persons who become mobilehome owners or tenants after the time notice is provided pursuant to Sec. 8117-4 may be only eligible for partial relocation assistance as determined in the Relocation Assistance Plan as finally approved.
- f. Proof of Service of Notice - The *applicant* shall provide evidence, by proof of service or by other means, that he/she has given the notice required by Sec. 8117-4 to all

applicable residents and mobilehome owners, and continues to give such notice to all new potential residents.

- g. List of Surrounding Property Owners - A list of all real property owners within a radius of 300 feet of the exterior boundaries of the Assessor Parcel(s) which is subject of the application. Names and addresses shall be obtained from the latest equalized assessment roll.
- h. Other Information - The *applicant* shall provide any other information which the *Planning Director* reasonably believes is necessary for the purposes of properly evaluating the Mobilehome Park Closure Permit request. (AM. ORD. 4054 - 2/1/94)

### **Sec. 8117-7 - Completeness of Application**

Not later than 45 calendar days after an application has been filed, the *applicant* shall be notified in writing as to whether the application is complete or incomplete for application purposes. If the submittal is determined to be incomplete, the *applicant* shall be notified in writing of the reasons for such determination and of the information needed to make the application complete.

### **Sec. 8117-8 - Review of Supplemental Information**

If an application is deemed incomplete and the *applicant* subsequently submits all the required information, the application is then treated as if it were a new filing, and the 45-day review period begins on the day that the supplemental information is submitted.

### **Sec. 8117-9 - Termination of Incomplete Application**

Upon written notification to the *applicant*, processing of an incomplete application may be terminated if no reasonable effort has been made by the *applicant* to complete the application for a period of six months from the date of notification of incompleteness. All unused fees shall be refunded to the *applicant*.

### **Sec. 8117-10 - Service of Housing and Financial Impact Report and Relocation Assistance Plan**

The Planning Division shall provide a notice of the hearing date and location, along with a copy of the Housing and Financial Impact Report and Relocation Assistance Plan to each resident of the mobilehome park 30 days prior to the Board of Supervisors hearing on the Mobilehome Park Closure Permit application. All costs for duplication of said Impact Report and Relocation Assistance Plan shall be borne by the *applicant*.

### **Sec. 8117-11 - Hearing on the Mobilehome Park Closure Permit**

Hearings shall be held on the Mobilehome Park Closure Permit application before the Ventura County Planning Commission and the Board of Supervisors. The Planning Commission shall make recommendations to the Board, and the action by the Board shall be final. The Board shall only approve the Mobilehome Park Closure Permit if it finds that:

- a. The conversion, closure, or cessation of use of the land as a mobilehome park will not be substantially detrimental to the housing needs and public interest of the affected neighborhood and of the County as a whole; and
- b. The measures to reasonably and adequately mitigate any adverse impact of the proposed conversion, closure, or cessation of use on the mobilehome park residents who will be displaced are incorporated as conditions of permit approval.

## **Sec. 8117-12 - Denial for Incompleteness**

If either the Housing and Financial Impact Report or Relocation Assistance Plan are found to be inadequate, insufficient, or incomplete, the Mobilehome Park Closure Permit may be denied without prejudice. If the *applicant* thereafter cures the deficiencies, the *applicant* may re-apply and provide any necessary fee deposits.

## **Sec. 8117-13 - Application of Permit Conditions**

Reasonable conditions may be imposed by the Board to mitigate adverse impacts on mobilehome park residents who will be displaced by these measures include but are not limited to relocation assistance requirements, phasing of the conversion, closure or cessation of use, bonding requirements, and any other reasonable requirements in the facts and circumstances of the particular permit request. In no case shall the measures required to be taken to mitigate any impacts exceed the reasonable costs of relocation to another mobilehome park.

## **Sec. 8117-14 - Notice of Approval of Mobilehome Park Closure Permit**

Written notices will be mailed to all residents residing in the mobilehome park by County staff within 10 days after the approval of a Mobilehome Park Closure Permit. Such notice will either include all of the conditions of approval of the Mobilehome Park Closure Permit, or a statement where the conditions of approval can be publicly viewed and/or purchased.

## **Sec. 8117-15 - Denial of Permit for Coercion**

A permit may be denied where there is substantial evidence that mobilehome park residents have been coerced to publicly support or approve closure, proposed conversion of a mobilehome park to another use, or cessation of the use of land as a mobilehome park, or to refrain from publicly opposing the same, or to forego any assistance to which they might be entitled.

## **Sec. 8117-16 - Duration of Permit**

The Mobilehome Park Closure Permit granted pursuant to this Ordinance shall be valid for a period of two years. Any and all rights to close a park pursuant to such a permit shall lapse at the expiration of the permit.

## **Sec. 8117-17 - Decision of the Board**

The decision of the Board of Supervisors is final.

## **Sec. 8117-18 - Termination of Tenancy**

Upon the approval of the Mobilehome Park Closure Permit, the mobilehome park owner shall serve a Notice of Termination of Tenancy, in accordance with the provisions of Section 798.56 of the California Civil Code, to each park resident informing them that they will be given two years from the date of the Board of Supervisors approval of the Mobilehome Park Closure Permit to terminate their tenancy in the park. The two year termination period may be reduced to no less than 180 days upon the written agreement of the park owner and two-thirds of all mobilehome park residents over age 18.

## **Sec. 8117-19 - Effect on Existing Permits**

The requirements of this Ordinance shall apply to all existing mobilehome parks within the County not herein exempt, regardless of any time limitation conditions that may exist in any previously issued permit for any mobilehome park. The use of any property covered by such a permit may lawfully continue and the permit shall be deemed to remain in full force and effect while the approved Mobilehome Park Closure Permit for conversion, closure, or cessation of use is being implemented.

## **Sec. 8117-20 - Affidavit of Compliance**

Prior to the commencement of any construction on the property vacated as a result of the approval of a Mobilehome Park Closure Permit, the owner or developer of the property shall provide the County, or City if annexed, with an affidavit stating that the conditions imposed on the approval for the Mobilehome Park Closure Permit have been satisfied, and that all tenancies on the property have been terminated pursuant to the conditions of approval of the permit.

## **Sec. 8117-21 - Public Policy**

It shall be against public policy to subvert any provisions of this Ordinance by coercing the waiver of any rights or privileges created or protected thereby. Any provision of a lease or agreement which purports directly or indirectly to waive or require waiver of a resident's rights under said sections or which requires prior consent to the conversion, closure, or cessation of use of land as a mobilehome park shall be null, void and unenforceable.

## **Sec. 8117-22 - Penalties**

Any person, firm, or corporation violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of the provisions of this Ordinance is committed, continued, or permitted, and upon conviction of any such violation, such person shall be punishable by a fine of not more than \$1,000.00 (one thousand dollars), or by imprisonment for not more than six (6) months, or both such fine and imprisonment.

## **Sec. 8117-23 - Notice to New and Prospective Tenants**

Prior to or at the time of agreeing to rent space to a new tenant in a park subject to closure, the owner shall provide each new tenant or prospective tenant with a copy of this Ordinance, as currently in force, a copy of the Notice of Closure, a copy of the approved Housing and Financial Impact Report and the Relocation Assistance Plan.

# ARTICLE 18: OFFICIAL ZONING DATA

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(AM. ORD. 4377 – 1/29/08)

## **Sec. 8118-0 - Consolidation of Zoning Data**

The adoption and the progressive amendment of zoning data on *lots* represented in the Official Zoning Data from time to time has been associated with various Articles of this Chapter. All such past actions are incorporated in the Official Zoning Data and made a part of this Article. (ADD. ORD. 4092 - 6/27/95; AM. ORD. 4123 - 9/17/96 – grammar)

### **Sec. 8118-0.1 - Zone Change Ordinance Numbers**

The establishment and amendment of the Official Zoning Data constitute sequential additions to this section. Said numbers are assigned in numerical order to each successive zoning data amendment. (ADD. ORD. 4092 - 6/27/95)

*Sec. 8118 et seq. consists of Ventura County Official Zoning Data, accessible in the GIS Department, Resource Management Agency.*

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# **ARTICLE 19:**

## **SPECIFIC STANDARDS FOR AREA PLANS**

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(ADD. ORD. 3995 - 3/24/92; REP. AND REEN. ORD. 4455 - 10/22/13, see Article 16;  
ADD. ORD. 4479 - 9/22/15)

### **Sec. 8119-0 – Purpose**

This Article establishes applicability of regulations, not found in this Chapter, that are specific to land uses and development of structures within the boundary of an Area Plan that has been adopted by the Ventura County Board of Supervisors as part of the General Plan.

### **Sec. 8119-1 – Old Town Saticoy Development Code**

The Old Town Saticoy Development Code applies to all development, subdivisions and land uses within Old Town Saticoy as established and delineated in the Saticoy Area Plan. [The provisions of the Old Town Saticoy Development Code are set forth in Appendix B of the Saticoy Area Plan.](#) The Old Town Saticoy Development Code is part of this Chapter; it is not a substantive part of the Saticoy Area Plan. As such, all provisions of this Chapter apply in Old Town Saticoy where not in conflict with the provisions of the Old Town Saticoy Development Code.

(ADD. ORD. 4479 – 9/22/15; AM. ORD. 4624 – 1/9/24)

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