

Attachment 5: Coastal Zoning Ordinance, with  
the Coastal Commission's Suggested  
Modifications shown in Legislative Format

# **EXHIBIT 4**

## **COASTAL ZONING ORDINANCE (CZO)**

### **NOTES:**

Exhibit 4 contains the entire Coastal Zoning Ordinance (CZO) with Phase 2B modifications that were requested by the California Coastal Commission shown in legislative format. Please see Exhibit 2 and the Coastal Commission staff report (Exhibit 6) for specific identification of the CAP chapters or sections that contain the proposed amendments.

The base document used for this Exhibit is the “clean copy” version of the CAP that includes Phase 2A amendments to the LCP, which were approved by the Board of Supervisors in March 2017 and are pending final certification by the California Coastal Commission (CCC).

# **VENTURA COUNTY COASTAL ZONING ORDINANCE**

## **DIVISION 8, CHAPTER 1.1 OF THE VENTURA COUNTY ORDINANCE CODE**

**LAST AMENDED BY BOARD OF SUPERVISORS: 06-21-16**

**LAST CERTIFICATION BY COASTAL COMMISSION: TBD**

**LEGALLY EFFECTIVE: TBD**

**VENTURA COUNTY PLANNING DIVISION**

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**VENTURA COUNTY PLANNING DIVISION**

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

Call 805/654-5663 or

Go to the Resource Management Agency receptionist  
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:**

<http://www.ventura.org/planning>  
under Ordinances and Regulations

**For general questions about this ordinance, call  
the Planning Division at:**

805/654-2488 or 654-2451

## **DISCLAIMER**

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The Coastal Zoning Ordinance is Chapter 1.1 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.

## 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. M-1 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.

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 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 which is published by an outside contractor. The Planning Division's version differs in format and style to facilitate its incorporation onto the internet. The Planning Division's version of the Coastal Zoning Ordinance includes a footer on each page that identifies 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 Coastal Zoning Ordinance can up-date it by consulting the Planning Division's website <http://www.ventura.org/planning> and downloading the current version, or portions of it. The Planning Division no longer provides up-dated pages for previously purchased Ordinances. Entire copies of the Coastal Zoning Ordinances cost about \$15.00 each and can be ordered through the Resource Management Agency receptionist at (805) 654-2494.

*Planning Staff, Winter 2004*

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DIVISION 8 - PLANNING AND *DEVELOPMENT*  
CHAPTER 1.1 - ZONING (COASTAL)

(REP. & REEN. ORD \_\_\_\_\_ - 6/14/2016; EFFECTIVE TBD)

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

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**Sec. 8171-1 - 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 "Zoning Ordinance for the Coastal Zone."

**Sec. 8171-2 - Purpose of Chapter**

The text, *use* matrix, and zoning maps of this Chapter constitute the comprehensive zoning plan and regulations for the unincorporated *coastal zone* of the County of Ventura. This Chapter is adopted to protect and promote the public health, safety, and general welfare; and to provide the environmental, economic, and social advantages that result from an orderly, planned *use* of resources; and to protect public and private property, wildlife, marine fisheries, and other ocean resources, and the natural environment, by protecting the ecological balance of the *coastal zone* and preventing its destruction and deterioration. This Chapter shall implement the objectives and policies of Ventura County's General Plan including the LCP Land Use Plan. (AM.ORD.4451-12/11/12)

**Sec. 8171-3 - Application**

This Chapter applies to all *development* undertaken and proposed be undertaken by *persons* (including the County, any utility, any federal, state, or local government, or any special district or agency thereof) in the unincorporated portions of the *Coastal zone* of Ventura County, except as provided for elsewhere in this Chapter.

**Sec. 8171-3.1 - Unusual Development**

Many types of "*development*" not usually found in a *zoning ordinance* are regulated by this ordinance in addition to those *uses* specified herein. Examples of such *developments* are: subdivisions; *fill* and deposition of dredged materials; *public works* projects; changes in intensity of the *use* of water or *access* thereto; and grading.

**Sec. 8171-3.2 - Standards and Conditions**

All standards and conditions stated in this Chapter are considered to be minimums only. Any decision-making body has the right to impose more restrictive standards or conditions than those stated in this Chapter for any permit involving a *discretionary decision*.

## **Sec. 8171-4 - General Prohibitions**

### **Sec. 8171-4.1**

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 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 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.4055-2/1/94)

### **Sec. 8171-4.2**

No *person* shall use or permit to be used, 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 for the *uses* permitted by this Chapter and in accordance with the provision of this Chapter applicable thereto.

### **Sec. 8171-4.3**

No permit or entitlement may be issued or renewed for any *use*, construction, improvement or other purpose unless specifically provided for or permitted by this Chapter.

### **Sec. 8171-4.4**

No permit or entitlement shall be issued for any *use* or construction on a *lot* that is not a *legal lot*. (ADD.ORD.4055-2/1/94, AM.ORD. 4451-12/11/12)

### **Sec. 8171-4.5**

No permit or entitlement shall be issued for the following prohibited uses:

- a. The operation of medical cannabis dispensaries, and the manufacturing, processing, storage or sales of medical cannabis or medical cannabis products. This prohibition does not apply to the delivery and transport of medical cannabis and does not apply to uses by a qualified patient or primary caregiver for which a permit is not required pursuant to Business and Professions Code section 19319. The definitions in Business and Professions Code section 19300.5 shall apply to this subparagraph.
- b. The cultivation of medical cannabis as those terms are defined in Business and Professions Code section 19300.5 for which a license is required pursuant to Health and Safety Code section 11362.777.

## **Sec. 8171-5 - Severability**

If any portion of this Chapter is held to be invalid, that holding shall not invalidate any other portion of this Chapter.

## **Sec. 8171-6 - Local Coastal Program (LCP)**

The LCP for Ventura County consists of this Chapter and the certified Coastal Land Use Plan for the *coastal zone*. Both documents shall be used when analyzing *development* requests. Many policy statements found only in the Land Use Plan will, nevertheless, have a significant impact on *development* decisions. If there is a conflict between policy statements in the Land Use Plan, and *uses* or standards in this Chapter, or just between standards in this Chapter, the most restrictive requirement shall take precedence. (AM.ORD.4451-12/11/12)

**Sec. 8171-7 - Vested Rights**

The authority to make a determination on a claim of vested rights within the *coastal zone* rests with the Coastal Commission.

**Sec. 8171-8 - Interpretation and Ambiguities**

The provisions of this Chapter shall be held to be the minimum requirements for the promotion of the public health, safety, and welfare. If ambiguity arises concerning the appropriate classification or particular *use* within the meaning and intent of this Chapter, or if ambiguity exists with respect to matters of *height, setback,* or area requirements, it shall be the duty of the *Planning Director* to ascertain all pertinent facts and make a determination on said ambiguity. (AM.ORD.4451-12/11/12)

**Sec. 8171-9 - Establishment of Use Zones**

In order to classify, regulate, restrict and segregate the *uses* of land and *buildings*; to regulate the *height* and size of *buildings*; to regulate the area of *setbacks* 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 Sec. 8171-9.1 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. (AM.ORD.4451-12/11/12)

<b>Zoning District Base Zones</b>	<b>Abbreviation</b>	<b>Minimum Lot Area</b>
Coastal Open Space	COS	10 Acres
Coastal Agriculture	CA	40 Acres
Coastal Rural	CR	1 Acre
Coastal Rural Exclusive	CRE	20,000 sq. ft
Coastal Single-Family Residential	CR1	7,000 sq. ft
Coastal Two-Family Residential	CR2	7,000 sq. ft
Residential Beach	RB	3,000 sq. ft.
Residential Beach Harbor	RBH	*
Coastal Residential Planned Development	CRPD	As Specified by Permit
Harbor Planned Development	HPD	As Specified by Permit
Coastal Commercial	CC	20,000 sq. ft.
Coastal Industrial	CM	10 Acres

<b>Overlay Zones</b>	<b>Abbreviation</b>	<b>Minimum Lot Area</b>
Santa Monica Mountains	M /	Not Applicable

\*See Sec. 8175-2 for specifics.

(AM.ORD.4055-2/1/94, AM.ORD. 4451-12/11/12)

### **Sec. 8171-9.1 - Lot Area Suffix**

*Lot areas* larger than the minimum specified by the Coastal Land Use Plan and this Chapter 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 Area Plan for the *Coastal Zone* and Article 5 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* less than one acre in area (i.e., CRE-30 means: Coastal Rural Exclusive, 30,000 square foot minimum *lot* size), and in increments of one acre for *lots* of one acre or larger area (i.e., CRE 5Ac means: Coastal Rural Exclusive, Five-Acre Minimum *lot* size). The application of suffix numbers shall not create *lot areas* smaller than the minimum area specified for the various base zones established by Sec. 8171-9. Where no suffix number appears, it is understood that the minimum *lot area* specified in Sec. 8171-9 for that zone shall apply. (AM.ORD.4451-12/11/12)

### **Sec. 8171-9.2 - Suffix Designators and Maximum Density for the CRPD Zone**

A designator suffix shall be assigned to each CRPD zone. The suffix shall indicate the maximum number of *dwelling units* per gross acre (excluding dedications for major thoroughfares and flood control channel rights-of-way), followed by the letter "U"; for example, CRPD-25U shall mean a maximum of 25 *dwelling units* per acre. The designator suffix may be any number between 1U and 30U. A CRPD zone without a designator suffix shall allow a maximum of 30 *dwelling units* per acre. The maximum density permitted for any property in the CRPD zone shall be established on the basis of LCP Land Use Plan compatibility, topography, orderly *development* principles, and infrastructure available to serve the *development*. (AM.ORD.4451-12/11/12)

## **Sec. 8171-10 - Adoption of Zoning Maps**

The Board of Supervisors hereby adopts the Ventura County Coastal Zoning Maps as the official zoning maps pursuant to the following findings:

### **Sec. 8171-10.1**

Prior to the enactment of Ordinance 3654 in 1983, amending this Chapter of the Ventura County Ordinance Code, a zone classification was established on all land in the *Coastal Zone* in the unincorporated area of the County of Ventura. Said comprehensive zoning was effected by ordinance and included in the Ventura County Zoning Maps, Coastal Codification, that were contained in the previous Coastal Zoning Ordinance, Article 9, Section 8179 and graphically depicted on portions of the Ventura County Assessor map books 8, 60, 80, 138, 183, 188, 206, 231, 234, 694, 700 and 701.

Zoning designations, locations, and boundaries are set forth and indicated in the "Ventura County Coastal Zoning Maps," which are referenced in Article 9, Section 8179.

Adoption of the Ventura County Coastal Zoning Maps does not change the zone classification of any land. In the event of any error in the transmission of the zoning classifications from the previous zoning maps to the new Coastal Zoning Maps, the zone classification of the land as shown on the 1983 certified zoning maps, as amended, shall prevail, and the new coastal zoning maps shall be changed to correct the error.

The Ventura County Coastal Zoning Maps are on file in the office of the Clerk of the Board of Supervisors. (AM.ORD.4451-12/11/12)

## **Sec. 8171-11 - Uncertainty of Zone Boundaries**

Where uncertainty exists as to the boundaries of any zone district, indicated in the Ventura County Coastal Zoning Maps, the following rules of construction shall apply:

### **Sec. 8171-11.1 - Boundaries Following Lot Lines**

Where such zone boundaries are indicated as approximately following street and *alley* lines or *lot lines*, such lines shall be construed to be such boundaries.

### **Sec. 8171-11.2 - Boundary by GIS Technology**

Where a zone boundary divides a *lot*, the locations of such boundaries, unless indicated by dimensions, shall be determined by the use of *GIS* tools and/or datasets. (AM.ORD.4451-12/11/12)

### **Sec. 8171-11.3 - 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 of the vacated or abandoned street or *alley* shall apply to the property located within the vacated or abandoned street or *alley*. (AM.ORD.4451-12/11/12)

### **Sec. 8171-11.4 - Determination of Uncertainties**

The *Planning Director* shall resolve uncertainties as to zone district boundary locations, and any challenge to his determination shall be resolved as provided in Sec. 8181- 9.1. Any uncertainty as to the location of the *coastal zone* boundary shall be referred to the Coastal Commission for resolution in accordance with *coastal zone* maps adopted by the State legislature.

## **Sec. 8171-12 - Terms Not Defined**

Terms not defined in this Chapter shall be interpreted as defined in conventional dictionaries in common use.

## **Sec. 8171-13 - 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. 8171-14 - Quantity**

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

## **Sec. 8171-15 - Number of Days**

Whenever a number of days are 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, unless otherwise specified.

## **Sec. 8171-16 - Rounding of Quantities**

Whenever application of this Chapter results in required parking spaces 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 .5 or more, and to the next lower whole number when the whole number when the fraction is less than .5, except that a) calculation for the number of permitted animals shall be in accordance with Article 5; 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.

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## ARTICLE 2: DEFINITIONS

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**Article 2, Section 8172-1 – Application of Definitions**, of the Ventura County Ordinance Code is hereby amended to read as follows:

### **Sec. 8172-1 - Application of Definitions**

Terms defined in Article 2 below are italicized whenever they appear in the main text of this ordinance.

Unless the provision or context otherwise requires, the definitions of words and term as follows shall govern the construction of this Chapter. Additional definitions may be found in Appendix 7 of the LCP Land Use Plan appendices.

### **Definitions - A**

A-Frame Structure - A *structure* shaped in the configuration of the letter A, with angled exterior walls that also serve as a roof to the *structure* and that meet at the top ridge. (AM.ORD.4451-12/11/12)

Abut - To touch physically, to border upon, or to share a common property line with. *Lots* that touch at corners only shall not be deemed abutting. Adjoining and contiguous shall mean the same as abutting. (AM.ORD.4451-12/11/12)

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

Accessory Structure - A detached *structure* containing no *kitchen* or cooking facilities, and 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 land. (AM.ORD.4451-12/11/12)

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

Agricultural activity, operation, or facility - Includes but is not 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.

Agriculture - Farming, including *animal husbandry* and the production and management of crops (including aquatic crops) for food, fiber, fuel and ornament.

Aircraft - Includes helicopters, all fixed wing airplanes, hang-gliders and ultra-light aircraft.

Airfields and Landing Strips, Private - An *aircraft* landing strip or heliport for agricultural crop dusting or personal *use* of the property owner or tenants, not available for public *use*, and with no commercial operations.

Albedo - A measure of a material's ability to reflect sunlight on a scale of zero to one, with a value of 0.0 indicating the surface absorbs all solar radiation (e.g. charcoal) and a value of 1.0 representing total reflectivity (e.g. snow).

Alley - A private way permanently reserved as a secondary means of vehicular access to adjoining property. (AM.ORD.4451-12/11/12)

Alluvium - A deposit of clay, silts, sand, and gravel left by flowing streams in a river valley or delta, but may be deposited at any point where the river overflows its banks. Loose alluvial material that is deposited or cemented into a lithological unit, or lithofied, is called an alluvial deposit.

Alternatives Analysis - The evaluation of a range of alternatives (e.g., strategies) with the objective of selecting the least environmentally damaging feasible alternative.

Amortize - To require the termination of (a *nonconforming use* or *structure*) at the end of a specified period of time.

Animal Caretaker - A *person* employed full time on the same property for activities associated with Animal Husbandry or *Animal Keeping*. (ADD.ORD. 4451-12/11/12)

Animal Husbandry - A branch of *agriculture* for the raising or nurturing and management of animals, including breeding, pasturing or ranching for such purposes as animal sales, food production, fiber production, ornament, or beneficial *use* (e.g. insectaries). (AM.ORD.4451-12/11/12)

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, judging and the like. (ADD.ORD. 4451-12/11/12)

Animals, Pet - Domesticated animals such as dogs, cats, and rabbits, which are customarily kept for pleasure rather than *animal husbandry* or *animal keeping*. (AM.ORD.4451-12/11/12)

Animals, Wild - Animals that are wild by nature and not customarily domesticated. This definition does not include birds, small rodents or small, nonpoisonous reptiles commonly used for educational or experimental purposes, or as pets. (AM.ORD.4451-12/11/12)

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. Devices used to amplify the transmission and reception of radio waves, such as remote radio units, are not included.

Apiculture - Beekeeping, which includes one or more hives or boxes, occupied by bees (hives or boxes includes colonies), but does not include honey houses, extraction houses, warehouses or appliances.

Applied Water - The portion of water supplied by the irrigation system to the *landscape area*.

Aquaculture - A form of agriculture devoted to the propagation, cultivation, maintenance, and harvesting of aquatic plants and animals in marine, brackish, and fresh water. "Aquaculture" does not include species of ornamental marine or freshwater plants and animals not utilized for human consumption or bait purposes that are maintained in closed systems for personal, pet industry, or hobby purposes.

Development Subject to Appeal - A *development* whose approval or denial by the County of Ventura may be appealed to the Coastal Commission. In compliance with Public Resources Code Section 30603(a), *development* subject to appeal consists of the following:

1. *Development* approved by the County between the sea and the first *public road* paralleling the sea, or within 300 feet of the inland extent of any beach, or within 300 feet of the *mean high tide line* of the sea where there is no beach, whichever is the greater distance.
2. *Development* approved by the County that is not included within paragraph 1 above and is located on *tidelands*; submerged lands, public trust lands; within 100 feet of any *wetland*, estuary, or *stream*; or within 300 feet of the top of the seaward face of any coastal bluff.
3. Any *development* approved by the County that is not designated as the *principally-permitted use* under this Ordinance.
4. Any *development* that constitutes a *major public works project* or a *major energy facility*.

(AM.ORD.4451-12/11/12)

Aquaculture – A form of agriculture devoted to the propagation, cultivation, maintenance, and harvesting of aquatic plants and animals in marine, brackish, and fresh water. "Aquaculture" does not include species of ornamental marine or freshwater plants and animals not utilized for human consumption or bait purposes that are maintained in closed systems for personal, pet industry, or hobby purposes.

Archaeological Resource – The material remains (artifacts, structures, refuse, etc.) produced purposely or accidentally by members of human cultures predating the 19<sup>th</sup> century with one or more of the following characteristics:

1. Possessing a special quality such as oldest, best example, largest, or last surviving example of its kind;
2. Are at least 100 years old; and possessing substantial stratigraphic integrity;
3. Are significant to Chumash or Native American prehistory or history;
4. Are significant to the maritime history of California including European exploration, Spanish Colonial and Mission period, Mexican period, and United States statehood.
5. Contain sacred, burial ground, traditional ceremonial material gathering sites, or other significant artifacts;
6. Relate to significant events or persons;
7. Are of specific local importance;
8. Have yielded, or may be likely to yield, information in prehistory or history;
9. Can provide information that is of demonstrable public interest and is useful in addressing scientifically consequential and reasonable research questions; or
10. Involve important research questions that historical research has shown can be answered only with archaeological methods.

Archaeologist, Qualified Consultant – A consultant who meets one or more of the following professional qualifications in archeology, subject to approval of the Planning Director:

1. Holds an advanced degree from an accredited institution (M.A., M.S., Ph.D.) in Archaeology, Anthropology, or related discipline;
2. Holds a B.A. or B.S. degree including 12 semester units in supervised archaeology field work experience; or

3. Has at least five years of relevant research in field work experience or presents evidence of professional certification or listing on a Register of Professional Archaeologists (ROPA) as recognized by the Society for American Archaeology (SAA), Society of Professional Archeologists (SOPA), the Society for Historical Archaeology (SHA), and the governing board of the Archaeological Institute of America (AIA).

Artificial Fill - A layer of well-graded soil material that is designed and compacted to engineered specifications in order to support a roadbed, building, or other improvement or structure.

Artificial Turf - A man-made surface manufactured from synthetic materials which simulate the appearance of live *turf*, grass, sod, or lawn.

Assembly Use - A building or structure where groups of individuals voluntarily meet to pursue their common social, educational, religious, or other interests. For the purpose of this definition, assembly uses include but are not limited to libraries, schools and hospitals, and do not include Temporary Outdoor Festivals or Outdoor Sporting Events.

Average Slope - The mean *slope* of an entire *parcel* of land before grading has commenced. Average slope is measured by the formula detailed in the Coastal Open Space (COS) or Coastal Agricultural (CA) Zones in this Chapter, and, in part, determines minimum *parcel* size(s) for proposed subdivisions. (AM.ORD.4451-12/11/12)

Aviary - Any *lot* or premises on which *domestic birds* are kept for commercial purposes.

## **Definitions - B**

Backflow Prevention Device - A safety device used to prevent contamination of the drinking water supply system due to the reverse flow of water from the irrigation system.

Bathroom - A room with a sink, a toilet, and a bathtub and/or shower. (AM.ORD.4451-12/11/12)

Beach Erosion - The removal and wearing away of the beach area by wave, wind or storm action.

Bed-and-Breakfast Inn - A single family *dwelling* with guest rooms where lodging and one or more meals are offered for compensation to overnight guests. (AM.ORD.4451-12/11/12)

Bed rock - The relatively solid, undisturbed rock in place either at the ground surface or beneath superficial deposits of alluvium, colluvium and/or soil.

Biologist, Qualified - A person who graduated from an accredited college or university with a bachelor or higher degree in biology, botany, wildlife biology, natural resources, ecology, conservation biology or environmental biology, and who also possesses at least four years of professional experience with the preparation of biological resources assessments. The County's staff biologist serves as a qualified biologist with the authority to review permit application materials prepared by other qualified biologists.

Bioretention - A *water quality best management practice* that consists of a depressed area that utilizes soil and plants to slow *runoff* velocity, remove pollutants, and temporarily retain stormwater to increase infiltration into the ground.

Board and Care of Horses - The keeping, feeding, exercising, etc., of horses owned by others, for compensation.

Boardinghouse - A *dwelling unit* wherein two or more rooms are rented to residents for whom daily meals are furnished.

Boarding Schools - Schools providing lodging and meals for the pupils.

Boatel - A *building* or *buildings* containing guest rooms or *dwelling units* that are used wholly or in part for the accommodation of boat transients, and are located near or *abutting* a river, lake or ocean. (AM.ORD.4451-12/11/12)

Botanic Gardens and Arboreta - An area managed by a scientific or educational institution for the purpose of advancing and diffusing knowledge and appreciation of plants, and that meets all of the following criteria:

1. The area functions as an aesthetic display, educational display, or research site that may be open to the public;
2. Plant records are maintained for the area. At least one staff member (paid or unpaid) experienced in horticulture that maintains and manages the area; and
3. Visitors can identify plants at the area through labels, guide maps, or other interpretive materials.

Breeding Colony - An aggregation of breeding birds of one or more species, which may include large numbers of individual birds. Also referred to as a rookery.

Buffer Area - The area within 100 feet of the boundary of any *environmentally sensitive habitat area* (ESHA).

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

Building Envelope - The area of a proposed *parcel* that contains all *structures*, including but not limited to: the primary residential *structure*, other accessory residential *structures*, barns, garages, swimming pools, and storage sheds. Specifically excluded are *fences* and walls. (AM.ORD.4451-12/11/12)

## **Definitions - 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. (AM.ORD.3882-12/20/88)

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.3882-12/20/88)

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

Certificate of Completion - A document provided by the Planning Division to the permittee that confirms the *landscape area* was planted, and irrigation was installed, as applicable, in accordance with the approved *landscape documentation package*.

Certification - Written documentation signed by an appropriate expert (as determined by the Planning Director) which states, in a manner consistent with this Chapter, his/her opinion that there is no reasonable and appropriate alternative to *altering* or *removing* a given *tree*. The term "certification" may also mean that a written statement is true or correct or that something or someone has met certain standards or requirements.

Check Valve – A valve located under a sprinkler head, or other location in the irrigation system, to hold water in the system and prevent drainage from sprinkler heads when the sprinkler is off.

Class 1 Pathway – A right-of-way which is completely separated from the paved portion of the road (i.e. travel-way, parking and shoulder) for use by bicyclists, pedestrians, and other non-motorized forms of transportation (e.g. equestrians).

Class 2 Bike Lane – A striped lane within the road right-of-way for one-way travel by bicyclists. Also includes "Bike Lane" signage.

Clear Sight Triangle - The area of unobstructed visibility at street intersections or driveways that allows a driver to see approaching vehicles. (ADD.ORD. 4451-12/11/12)

Clubhouse - Any *building* or premises used by an association of *persons*, whether incorporated or unincorporated, organized for some common purpose, but not including a *gun club* or an association or group organized to render, purchase or otherwise make *use* of a service customarily carried on as a commercial enterprise.

Coastal Access - The ability of the public to reach, use or view the shoreline, coastal waters, coastal recreation areas, inland public recreation areas or public trails, and other significant coastal resource areas such as natural open space and habitats. Coastal access includes all such public access areas within the coastal zone and is not limited to shoreline locations.

Coastal Access Parking – Parking areas that facilitate the ability of the general public to reach, use or view coastal resource areas including, but not limited to, the shoreline, coastal waters, public open space or recreation areas, and trails. These parking areas may be dedicated for coastal access purposes or may be available for general public use.

Coastal-Dependent Development or Use - Any *development* or *use* which requires a site on, or adjacent to, the sea to be able to function at all.

Coastal Development Permit – A discretionary permit required pursuant to this chapter or subdivision (a) of Section 30600 of the Coastal Act. Conditional Use Permits, Planned Development Permits and Public Works Permits are Coastal Development Permits. (ADD.ORD. 4451-12/11/12)

Coastal-Related Development or Use - Any *development* or *use* which is dependent on a *coastal-dependent development or use*.

Coastal Resources – Areas that include but are not limited to: public access facilities and opportunities; recreation areas and recreational facilities and opportunities (including for recreational water-oriented activities); visitor serving opportunities; scenic resources; public views; natural landforms; marine resources; water quality; watercourses (e.g., rivers, streams, creeks, etc.) and their related corridors; water bodies (e.g., wetlands, estuaries, lakes, etc.), and uplands; ground water resources; biological resources; environmentally sensitive habitat areas; wetlands; agricultural lands; and archaeological and paleontological resources.

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.

Colonial Roosts – An area used as a resting location by a group of migratory birds of one or more species. Birds may also breed in aggregations of many individuals, which is known as a *breeding colony*.

Commercial Vehicle – A motor vehicle designed or regularly used for the transportation of persons for hire, compensation, or profit or that is designed and maintained to carry freight

or merchandise, whether loaded or empty, including buses. This definition does not include vehicles used for emergency purposes, vanpools, or recreational vehicles operating under their own power. Examples of a commercial vehicle include the following:

- Any single vehicle with a gross vehicle weight rate (GVWR) greater than 10,000 pounds.
- A vehicle designed to transport 10 or more passengers including the driver.
- A van or bus designed to transport 15 or more passengers including the driver.
- Any size vehicles which requires hazardous material placards or is carrying materials listed as a select agent or toxin in Title 42, Code of Federal Regulations (CFR), Part 73.

Commission – The California Coastal Commission.

Community Center - A meeting place where people living in the same community may carry on cultural, recreational, or social activities, but excluding any facility operated as a business or for commercial purposes.

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.3882-12/20/88)

Conversion Factor - The conversion factor of 0.62 required to convert acre-inches-per-acre-per-year to gallons-per-square-foot-per-year in the calculation of the *Maximum Applied Water Allowance (MAWA)*.

Cultural Heritage Site - An improvement, natural feature, site, or district that has completed the legally-required procedures 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.

## **Definitions - D**

Day Care Center – Any child care facility licensed by the State of California, except for a *Family Day Care Home*, such as infant centers, preschools, care of the developmentally disabled, and child extended care facilities.

Decision, Discretionary - *Discretionary decisions* involve cases that 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. Examples of cases requiring *discretionary decisions* to be made by the Board of Supervisors, Planning Commission and *Planning Director* include all those not classified as "ministerial" such as: Conditional Use Permits, Variances, Zone Changes, Planned Development Permits, Tentative Subdivision Maps and Time Extensions thereto, General Plan Amendments; and appeals, modifications and revocations, where applicable, of the above referenced decisions. (AM.ORD.4451-12/11/12)

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 such cases, the authority must act upon the given facts without regard to its own judgment or opinion concerning the property 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. In summary, a *ministerial decision* involves only the *use* of fixed standards or objective measurements without personal judgment. (AM.ORD.4451-12/11/12)

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 that has the authority to act on a request by approving or denying it. (AM.ORD.4451-12/11/12)

Development - Shall mean, on land or in or under water, the placement or erection of any solid material or *structure*; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of *use* of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including *lot* splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational *use*; change in the intensity of *use* of water, or of *access* thereto; construction, reconstruction, demolition, or alteration of the size of any *structure*, including any facility of any private, public, or municipal utility; and the removal or harvesting of *major vegetation* other than for agricultural purpose, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Act of 1973 (commencing with Section 4511).

As used in this section, "*structure*" includes, but is not limited to, any *building*, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

Development, Upland - See "*Upland Development*."

Diffused Light/Illumination - Soft light reflected from an adjacent surface or projected through a semi-transparent material, such as frosted light bulbs.

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.

Domestic Birds - Doves, finches, mynah birds, parrots and similar birds of the psittacine family, pigeons, ravens and toucans.

Drilling, Temporary Geologic - Bona fide temporary search and sampling activities that, in the case of oil-related testing, use drilling apparatus smaller than that used in oil production. (AM.ORD.4451-12/11/12)

Drip Irrigation - An irrigation method that minimizes water use through the application of water that drips slowly to the roots of plants, either onto the soil surface or directly into the root zone, through a network of valves, pipes, tubing, and emitters.



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.

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

Dwelling, Animal Caretaker - A *dwelling unit* occupied by *animal caretaker(s)*, and their families, employed full time and working on the same *lot* on which the *dwelling unit* is located, or on other land in Ventura County that is under the same ownership or lease as the subject *lot*. (ADD.ORD. 4451-12/11/12)

Dwelling, 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 in Ventura County that is under the same ownership or lease as the subject *lot*. (AM.ORD.4451-12/11/12)

Dwelling, Farm Worker - A *dwelling unit* occupied by *farm worker(s)*, and their families, employed full time and working on the same *lot* on which the *dwelling unit* is located or on other land in Ventura County that is under the same ownership or lease as the subject *lot*. (AM.ORD.4451-12/11/12)

Dwelling, Multi-Family - A *building*, or portion of a *building* containing three or more *dwelling units*.

Dwelling, Single-Family - A *building* constructed in conformance with the Uniform Building Code, or a *mobilehome* constructed on or after June 15, 1976, containing one principal *dwelling unit*. (AM.ORD.4451-12/11/12)

Dwelling, Two-Family - A *building* containing two principal *dwelling units*. (AM.ORD.4451-12/11/12)

Dwelling Unit - One or more rooms in a dwelling, with internal *access* between all rooms, that provide complete independent living facilities for one *family*, including permanent provisions for living, sleeping, eating, cooking and sanitation, but contain only one *kitchen*. (AM.ORD.4451-12/11/12)

Dwelling Unit, Second - A *dwelling unit* that is accessory to a principal *dwelling*. *Second dwelling units* include, but are not limited to, guest quarters, guesthouses, maid's quarters, granny flats, and sleeping rooms. Where a room or rooms have bathing facilities (i.e., a shower or bathtub) or a *kitchen*, or both, and no means of internal *access* to the principal *dwelling*, the room or rooms shall be a *second dwelling unit*. (AM.ORD.4451-12/11/12)

## **Definitions - E-F**

Emergency - A sudden unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property, or essential public services. This may include such occurrences as fire, flood, and earthquake or other soil or geologic movements. (AM.ORD.4451-12/11/12)

Energy Facility - Any public or private processing, producing, generating, storing, transmitting, or recovering facility for electricity, natural gas, petroleum, coal, or other sources of energy (See also "*Major Public Works Project and Energy Facility*"). (AM.ORD.4451-12/11/12)

Environmentally Sensitive Habitat Area (ESHA) - Any area in which plant or animal life or their *habitats* are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or harmed by human activities and *development*, including, but not limited to: *Areas of Special Biological Significance* as identified by the State Water Resource Control Board; rare and endangered species *habitats* identified by the State Department of Fish and Game; all coastal *wetlands* and lagoons; all marine, wildlife, and education and research reserves; nearshore reefs; *stream* corridors; lakes; tidepools; seacaves; islets and offshore rocks; kelp beds; significant coastal dunes; indigenous dune plant *habitats*; and wilderness and primitive areas. (AM.ORD.4451-12/11/12)

Established Landscaping - The level of plant growth or coverage specified in the approved *landscape documentation package* that satisfies the *landscape plan performance criteria*.

Estimated Total Water Use (ETWU) - The annual total amount of water estimated to keep plants in a healthy state. ETWU is calculated from the *evapotranspiration rate*, the size of the *landscaped area*, plant water demand, and the efficiency of the irrigation system within each *hydrozone*.

Evapotranspiration - The loss of water from a vegetated surface through the combined processes of soil evaporation and plant transpiration.

Exterior Storage - The outdoor placement or keeping of materials in an area not fully enclosed by a storage *structure*. (Also see Sec. 8175-5.1(j).) (AM.ORD.4451-12/11/12)

Family - An individual, or two or more *persons* living together as a single housekeeping unit in a *dwelling unit*. Includes residents and operators of a residential facility under the Community Care Facilities Act.

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

Farm Plan - A plan for new agriculture in text and map form which includes but is not limited to information on irrigated crop types, crop locations, and phased implementation.

Farm Worker - A *person* principally employed for *agriculture* or agricultural operations. (AM.ORD.4451-12/11/12)

Feasible - Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

Fence - Any type of *fence*, wall, hedge or thick growth of shrubs used as screens, but not including windbreaks for the protection of orchards or crops.

Fence, See-Through - A *fence*, such as the chain link type, that permits at least 50 percent open visibility throughout the *fence*. (AM.ORD.4451-12/11/12)

Field, Athletic - A level, open expanse of land intended to be used for organized team sports such as baseball, football and soccer.

Fill - Earth or any other substance or material, including pilings placed for the purposes of erecting *structures* thereon, placed in a submerged area.

Film, Base Camp - An area where trailers, vehicles, equipment, and catering services are located during *film production activities*.

Film Location - Each contiguous or noncontiguous parcel used for *film production activities*. Each *film location* may contain multiple *film permit areas*.

Film Permit - The written authorization issued by the Planning Division that allows the permit holder to conduct *film production activities*. *Film permits* may be issued as Zoning Clearances or Planned Development Permits as provided herein.

Film Permit Area - Areas that are temporarily dedicated to *film production activities*. Such areas include the *film base camp* and *film set*.

Film Production Activities - All uses, structures and activities including but not limited to *film production preparation*, *film production striking*, *film base camp*, and aviation services, that are related to the production of motion pictures, television programming, music and corporate videos, advertisements, web production, and *film still photography* for sale or use for a commercial purpose. For the purposes of this definition, *film production activities* do not include permanent film studios.

Film Production, Preparation - Onsite work or activities preceding *film production activities* including but not limited to the transportation of trailers, vehicles, equipment, catering services, and film crew to the *film permit area(s)*; the installation of equipment (lighting, audio, cameras, etc.); construction of the *film set*; and rigging for stunts/*film special effects*.

Film Production, Striking - Onsite work or activities following *film production activities* including but not limited to dismantling film production equipment; un-rigging stunts/*film special effects*; and removing trailers, vehicles and equipment from the *film permit area*.

Film Production, Temporary - *Film production activities* of limited duration which do not exceed 180 days and which do not involve permanent structures.

Film Pyrotechnics - The use of explosive materials during film production activities. The term "explosive" refers to incendiary devices or ingredients that ignite by fire, friction, or detonation to cause visual and/or auditory effects. Film pyrotechnics include but are not limited to dynamite and fireworks that require a state explosives license from the California State Fire Marshall.

Film Set - The geographic areas used for filming, which include scenery and props arranged for *film production activities*. The *film set* and *film base camp* constitute the two areas used for *film production activities*.

Film Special Effects - An image or sound created during *film production activities*. *Film special effects* include but are not limited to snow, rain, wind, fog, smoke, fire, firearms, blank cartridges, and bullet hits (squibs).

Film, Still Photography - Taking photographs of people or objects for sale or commercial publication with assistance from a production crew and equipment used in photography (e.g. lighting, wardrobe, makeup, etc.). Still photography also includes a person who photographs a film production for purposes related to the film production.

Fire Resistant Plants - Plants that do not readily ignite from a flame or other ignition source. These plants can be damaged or even killed by fire, but their foliage and stems do not significantly contribute to the fuel load or the fire's intensity.

Friable - A soil condition that is easily crumbled or loosely compacted down to a minimum depth per planting material requirements, whereby the root structure of newly planted material will be allowed to spread unimpeded.

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.

Fuel Modification Zone - The area around a structure where the existing vegetation is altered (e.g. brush or vegetation *removal*, including thinning) to reduce fuel load for fire protection purposes.

## **Definitions - G-H**

Geotechnical and Soils Testing - Exploratory borings and excavations conducted under the direction of a Soils Engineer or Engineering Geologist, but excluding the construction of access roads or pads for exploratory excavations. (ADD.ORD. 4451-12/11/12)

GIS - Geographic Information System; within the *Coastal Zone*, the digital data system that includes zoning and land *use* data that conforms to the zoning and land *use* maps officially certified by the California Coastal Commission. (ADD.ORD. 4451-12/11/12)

Grade – Adjacent ground level. For purposes of *building height* measurement, *grade* is the average of the finished ground level along the walls of a *building*. In the case where walls are parallel to and within five feet of a sidewalk, the finished ground level is measured at the sidewalk. (AM.ORD.4451-12/11/12)

Graywater - Untreated wastewater that has not been contaminated by toilet discharge, has not been affected by infectious, contaminated, or unhealthy bodily wastes, and does not present a threat from contamination by unhealthful processing, manufacturing, or operating wastes. "Graywater" includes but is not limited to wastewater from bathtubs, showers, bathroom washbasins, clothes washing machines, and laundry tubs, but does not include wastewater from kitchen sinks or dishwashers.

Graywater System - A system of tanks, valves, filters, and pumps designed to collect and transport *graywater* for distribution to a landscape irrigation system.

Gross Floor Area - The area included within the surrounding exterior walls of all floors or levels of a *building*, exclusive of unenclosed 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*. (AM.ORD.4451-12/11/12)

Groundcover – Any low-growing plant that grows over an area of ground and is used to provide protection from erosion and to improve its aesthetic appearance by concealing bare soil. *Groundcover* does not include *turf*.

Gun Club - Any *building* or premises where there are facilities of any sort for the firing of handguns, rifles or other firearms.

Habitat - The natural environment of a plant or animal species.

Habitat Restoration Plan – A program whereby the site is intentionally altered to establish a defined, indigenous, historic biological community or ecosystem with the goal of returning full functions to lost or degraded *native* habitats.

Harbor Uses - This heading includes only the following *uses*: Anchorages, mooring slips, docks, outboard ramps and public landings; construction, repair, storage and sales of boats; fish-icing plants, handling base for fish, and kelp production; private recreation areas; public *buildings*; public and private utility *buildings*; service facilities, including sport fishing; storage and transshipment facilities; water dispensing and production facilities; and *accessory uses* required for harbor operations.

Hardscape – Paved areas (*pervious* or non-pervious), patios, walls, decks, *water features*, walkways and other nonliving or human-made fixtures of a planned landscape. For the purpose of Sec. 8178-8, Water Efficient Landscaping Requirements, *hardscapes* do not include parking lots.

Hazard Fire Area – Private- or publicly-owned land that is covered with grass, grain, brush, or forest that is so situated or is of such inaccessible location that a fire originating upon such land would present an abnormally difficult job of suppression or would result in great and unusual damage through fire or resulting erosion. Such areas, which are designated by the fire code official, typically include any location within 500 feet of a forest, brush, grass, or grain covered land.

Hazardous Waste - A waste product, or combination of waste products, that because of its quantity, concentration, or physical, chemical or infectious characteristics may do any of the following:

1. Cause, or significantly contribute to, an increase in mortality.

2. Increase serious irreversible, or incapacitating reversible, illness.
3. Pose a substantial present or potential future hazard to human health or environment due to factors including, but not limited to, carcinogenicity, acute toxicity, chronic toxicity, bio-accumulative properties, or persistence in the environment when improperly treated, stored, transported, 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*. (ADD.ORD. 3946-7/10/90, AM.ORD. 4451-12/11/12)

Hazardous Waste Facility - All contiguous land and *structures*, other appurtenances, and improvements on the land used for the treatment, transfer, storage, resource recovery disposal, or recycling of *hazardous waste*. A *hazardous waste* facility may consist of one or more treatment, transfer, storage, resource recovery, disposal, or recycling *hazardous waste* management units, or combinations of those units. (ADD.ORD. 3946- 7/10/90)

Height - The vertical distance from the adjacent *grade* or other datum point to the highest point of that which is being measured.

High Fire Hazard Areas - Certain areas in the unincorporated territory of the County classified by the County Fire Protection District and defined as any areas within 500 feet of uncultivated brush, grass, or forest-covered land wherein authorized representatives of said District deem a potential fire hazard to exist due to the presence of such flammable material.

Historic Resource - A resource listed in, or determined to be eligible for listing in, the California Register of Historical Resources, the Ventura County Historical Landmarks & Points of Interest, or in an adopted local historic register. A *historic resource* has one or more of the following characteristics:

1. Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.
2. Is associated with the lives of persons important in our past.
3. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.
4. Has yielded, or may be likely to yield, information important in prehistory or history.

Examples of a historic resources include but are not limited to an object, building, structure, site, area, place, record, or manuscript which the Ventura County Cultural Heritage Board determines is historically or archaeologically important in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California.

Home Occupation - Any commercial activity that is clearly incidental and secondary to the residential *use* of a *dwelling* and does not change the character thereof. (AM.ORD.4451-12/11/12)

Hostel - Overnight sleeping accommodations that provide lodging for travelers, and that may provide *kitchen* and eating facilities. Occupancy is generally of a limited duration. (AM.ORD.4451-12/11/12)

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.4451-12/11/12)

Hydromulch - A method for erosion prevention whereby water and a mixture of other ingredients (a combination of wood/cellulose fiber *mulch*, seed mix, and bonding agents) is sprayed through a hose onto disturbed soils.

Hydrozone - A portion of the landscaped area that contains plants with similar water needs and root depth. A *hydrozone* may be irrigated or non-irrigated.

## **Definitions - I-L**

Inoperative Vehicle - A vehicle that is not fully capable of movement under its own power, or is not licensed or registered to operate legally on a public right-of-way. (AM.ORD.4451-12/11/12)

Interpretive Center - A site, with or without structures, that is used 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.

Inundation - Temporary flooding of normally dry land area caused or precipitated by an overflow or accumulation of water on or under the ground, or by the existence of unusual tidal conditions. (AM.ORD.4451-12/11/12)

Invasive Plants - Species of plants not indigenous to Ventura County that can thrive and spread aggressively with potentially negative effects on native species and ecosystems.

Kenel - Any *lot* or premises where five or more dogs or cats (or any combination thereof) of at least four months of age are kept, boarded or trained, whether in special *buildings* or runways or not.

Kitchen - Any room in a *dwelling* designed or used as a place for food preparation and cooking, and containing two or more of the following: (a) a counter sink; (b) a stove, hotplate, or conventional or microwave oven; (c) a refrigerator of more than four cubic feet capacity. (ADD.ORD. 4451-12/11/12)

Landmark - A building or place that has been designated by either the County Cultural Heritage Board or the Board of Supervisors and satisfies one of the following criteria:

1. It exemplifies special elements of the County's social, aesthetic, engineering, architectural or natural history;
2. It is associated with events that have made a significant contribution to the broad patterns of Ventura County or its cities, regional history, or the cultural heritage of California or the United States;
3. It is associated with the lives of persons important to Ventura County or its cities, California, or natural history;
4. It has yielded, or has the potential to yield, information important to the prehistory or history of Ventura County or its cities, California, or the nation.

Landscape Area - Areas on a lot(s) that are required to be landscaped as part of development pursuant to Sec. 8178-8, Water Efficient Landscaping Requirements.

Landscape, Licensed Architect - A person who is licensed to practice landscape architecture in the State of California.

Landscape Contractor - A *qualified landscape designer* who holds a C-27 (*landscaping contractor*) license issued by the State of California to construct, maintain, repair, install, or subcontract the development of landscape systems.

Landscape Documentation Package - The complete set of documents required to be submitted to the Planning Division pursuant to Sec. 8178-8, *Water Efficient Landscaping Requirements*.

Landscape Plan - A component of the *landscape documentation package* that includes a plan of the project site drawn to scale and superimposed on a plan sheet that includes, but is not limited to, the location of all landscaped areas, a plant list, and a planting plan.

Landscape, Qualified Designer - 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 that the individual possesses the necessary skills and abilities to design a *landscape screen* or other minor landscape improvements.

Landscape Screen - Materials used to: 1) hide or minimize views of a development or land use to promote visual compatibility with surrounding areas; 2) provide privacy or security; 3) mitigate environmental conditions such as wind, noise, dust, and light. Screening may consist of fencing, walls, plant materials, earthen mound, or any combination thereof.

Lateral Access - A recorded dedication or easement granting to the public the right to pass and repass over dedicicator's real property generally parallel to, and up to 25 feet inland from, the *mean high tide line*, but in no case allowing the public the right to pass nearer than ten feet to any living unit on the property.

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.

Littoral Drift - Longshore transportation of sediments by wave action.

Living Space - Any room other than a *bathroom*, closet, or stairwell.

Local Coastal Program (LCP) - The County's certified Coastal Land Use Plan, *zoning ordinances*, and zoning district maps.

Lot - An area of land.

Lot Area - The total area, measured in a horizontal plane, within the *lot lines* of a *lot*. For determining minimum *lot* size for subdivisions, the following areas shall be used: for *lots* 10 acres or larger, *use gross area*; for *lots* less than 10 acres, *use net area*.

Lot, Corner - A *lot* situated at the intersection of two or more streets or highways, which streets or highways have an angle of intersection of not more than 135 degrees.

Lot Depth - The 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* which met all local, Subdivision Map Act, and California Coastal Act of 1976 requirements when it was created, and which can be lawfully conveyed as a discrete unit separate from any contiguous *lot*; or a *lot* which has been issued a coastal permit and a certificate of compliance or conditional certificate of compliance pursuant to the Subdivision Map Act and the Ventura County Subdivision Ordinance, and which can lawfully be conveyed as a discrete unit separate from any contiguous *lot*. (AM.ORD.3788- 8/26/86)

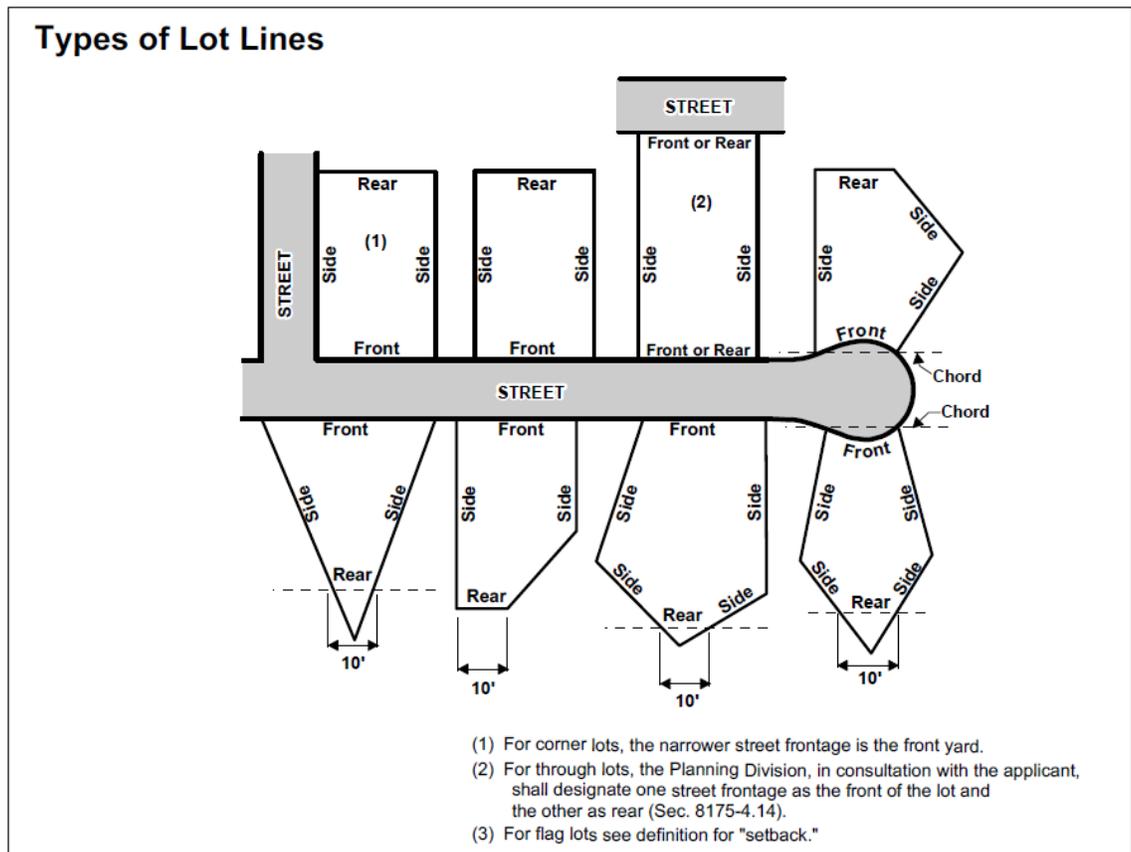
## Lot Line

**Front** - A line separating an interior *lot* from the street, or a line separating the narrower street frontage of a *corner lot* from the street, except for *flag lots* (see "setbacks"). (AM.ORD.4451-12/11/12)

**Side** - Any *lot* boundary line that is not a front line or a *rear lot line*. (AM.ORD.4451-12/11/12)

**Rear** - A *lot* line that is opposite and most distant from the *front lot line*. For a triangular or irregular-shaped *lot*, the *rear lot line* shall mean a line ten feet in length within the *lot* that is parallel to the *front lot line*, or parallel to the chord of a curved *front lot line*, and at the maximum distance from the front *lot* line. (AM.ORD.4451-12/11/12)

See illustration below:



**Lot, Reverse-Corner** - A *corner lot*, the rear of which *abuts* the side of another *lot*. Interior *lots* adjacent to *flag lots* are not considered *reverse-corner lots*. (AM.ORD.4451-12/11/12)

**Lot, Through** - A *lot*, other than a *corner lot*, having frontage on two parallel or approximately parallel streets. (AM.ORD.4451-12/11/12)

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

## Definitions - M-O

**Major Public Works Project and Major Energy Facility** - Any *public works* project or *energy*

*facility* that costs more than one hundred thousand dollars (\$100,000) with an automatic annual increase in accordance with the Engineering News Record Construction Cost Index\*, except for those governed by the provisions of Sections 30610, 30610.5, 30611 or 30624 of the Public Resources Code.

In addition, a *major public works project* also means a publicly financed recreational facility that serves, affects, or otherwise impacts regional or statewide use of the coast by increasing or decreasing public recreational opportunities or facilities. (AM.ORD.4451-12/11/12)

Major Vegetation - Grassland, coastal scrub, riparian vegetation, and *native* and *nonnative trees*, other than landscaping with *development*.

Master Valve - An electrical valve that controls all water flow into the irrigation system.

Maximum Applied Water Allowance - A calculated maximum annual volume of water allowed to be applied per-acre or per-square-foot of an *established landscaped area*.

Mean High Tide Line - A line representing the intersection of a particular shoreline with the average *height* of all high waters over a 18.6-year lunar cycle. The *mean high tide line* may vary in location (or "ambulate") over time as a result of climatic and other influences.

Mechanical Parking Lifts - Automated or manual, indoor or outdoor, lift systems designed to stack one or more motor vehicles vertically.

Microclimate - The climate of a small, specific area that may contrast with the climate of the overall *landscape area* due to factors such as wind, sun exposure, plant density, or proximity to reflective surfaces.

Micro-spray Irrigation - Micro-spray Irrigation - A type of low-pressure irrigation system with outlets that include one or more openings that operate at a flow rate of less than 30 gallons per hour at a pressure of 30 psi. *Microspray irrigation* may include but is not limited to microbubblers, microspinners and micro-spray jets.



Minor Development - A *development* that satisfies all of the following requirements:

1. The *development* is consistent with the County of Ventura Certified LCP;
2. The *development* requires no discretionary approvals other than a Public Works Permit or a Planned Development Permit; and
3. The *development* has no adverse effect either individually or cumulatively on *coastal resources* or public access to the shoreline or along the coast.

(ADD.ORD. 4451-12/11/12)

Mixed Use Development - A development project that includes a mixture of two or more of the following uses on the same site: residential, commercial, institutional, and industrial use.

Mobilehome - A *structure*, transportable in one or more sections, designed and equipped to be used as a *dwelling unit*, but not including a *recreational vehicle*, commercial coach, or factory-built housing.

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\* Data from the Construction Cost Index is available from Coastal Commission staff or online at . This definition is consistent with Code of Regulations § 13012(a), which became effective in January 1983. Construction costs of \$100,000 in 1983 were equal to \$208,771.04 as of December 2008.

Monopole – A structure composed of a single spire or pole used to support *antennas* and connecting appurtenances for a *non-commercial antenna* or a *wireless communication facility*.

Motel - *Building(s)* that provide lodging in guest rooms primarily for tourists traveling by automobile. *Motel buildings* typically have direct *access* from the rooms to the outdoors. *Motels* include auto courts, motor lodges, and tourist courts. (AM.ORD.4451-12/11/12)

Mulch – A layer of material applied to the surface of an area of soil or mixed with the soil. Its purpose is to conserve moisture, improve the fertility and health of the soil, reduce weed growth, and enhance the visual appeal of the area. A mulch is usually but not exclusively composed of organic material such as leaves, grass clippings, weeds, yard trimmings, wood waste, branches, stumps, and whole plants or trees that are mechanically reduced in size. Mulch can be used as a ground cover or as a soil conditioner. Mulch may be permanent or temporary, and it may be applied to bare soil or around existing plants. Mulches of manure or compost will be incorporated naturally into the soil by the activity of worms and other organisms.

Native Vegetation – Vegetation that is indigenous to 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 invasive plant species. In addition, native vegetation does not include ornamental, landscape or crop vegetation, including sod and lawn grasses and actively managed fallow farmland.

Nest, Active/Occupied – The nest of a bird that is under construction or that contains eggs or young. Nests which are critical to the life history of the individual (e.g. individuals of species that exhibit site fidelity, colonial nesters, and *raptors*) are considered an Active Nest year-round.

Nest, Inactive – An abandoned bird nest once occupied by nestlings or fledglings that are no longer dependent on the nest.

Net Area - The total land area of a *lot* exclusive of: (a) areas within an existing or proposed public or private street, road, or easement used for ingress or egress, and (b) the area within an existing or proposed easement where the owner of the *lot* or *parcel* is prohibited from using the surface of the ground. Included in the "*net area*" is the area lying within public utility easements (except as otherwise provided in Section 8241 of Chapter 2 of this code), sanitary sewer easements, landscaping easements, public service easements, and *tree* maintenance easements. (AM.ORD.4451-12/11/12)

Non-Commercial Antenna– A device for transmitting or receiving radio signals. *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, that was lawfully erected or altered and maintained, but that no longer conforms with *development* standards, including standards for *lot* coverage, *setbacks*, *height*, parking, and buffers for *environmentally sensitive habitat areas*, solely because of revisions made to *development* standards of this Chapter, including standards for ESHA buffers, *lot* coverage, *lot area per structure*, *height*, and *setbacks*. (AM.ORD.4451-12/11/12)

Nonconforming Use - A *use* that was lawfully established and maintained but that, because of revisions made to this Chapter is (1) no longer permitted in the zone in which it is

located or, (2) no longer in conformance with the parking requirements of the use in the zone in which it is located. (AM.ORD.4451-12/11/12)

Nonprime Agricultural Land - Agricultural lands not defined as Prime that are suitable for agriculture. (AM.ORD.4451-12/11/12)

Off-Site Parking - Parking provided at a site other than the site on which the use served by such parking is located.

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

Ornithologist - A type of zoologist who studies ornithology, the branch of science devoted to birds.

Outdoor Festivals - Events such as amusement rides, animal and art shows, concerts, craft fairs, itinerant shows and religious revival meetings.

Outdoor Sporting Events - Recreational events or activities, other than spectator-type animal events, that require a natural environment, are carried on by one or more groups of people, and do not involve structures, motorized vehicles, aircraft or firearms.

(ADD.ORD.3787-8/26/86, AM.ORD. 4451-12/11/12)

Oversized Vehicle - An oversized vehicle is defined as one of the following:

- Any single vehicle that exceeds 25 feet in length, 6 feet 8 inches in width, or 6 feet 10 inches in height, exclusive of projecting lights or devices.
- Boat and cargo trailers.
- Recreational vehicles including but not limited to fifth-wheel travel trailers and travel coaches.

Overspray - Irrigation water that is delivered outside of the landscape area.

## **Definitions - P**

Paleontological Resource, Important - The fossilized remains or indications of once-living plant or animal life that are found in geologic formations and have one or more of the following characteristics:

1. The fossils are well preserved;
2. The fossils are identifiable;
3. The fossils are type/topotypic specimens;
4. The fossils are age diagnostic, or can be used as index fossils in a biostratigraphic context;
5. The fossils are useful in environmental reconstruction;
6. The fossils represent rare and/or endemic taxa;
7. The fossils represent a diverse assemblage;
8. The fossils represent associated marine and non-marine taxa.

Paleontological Resources, Significant Fossils - Identified sites or geologic deposits containing individual fossils or assemblages of fossils that are unique or unusual,

diagnostically or stratigraphically important, and add to the existing body of knowledge in specific areas, stratigraphically, taxonomically, or regionally.

Paleontologist, Qualified Consultant – A professional geologist licensed by the State of California or other person determined by the Planning Director to be qualified. An unlicensed person may be considered to be a *qualified paleontologist consultant* by the Planning Director if he or she meets all of the following standards:

1. Holds a Bachelor of Science (B.S.) degree in paleontology, geology, or related discipline;
2. Has a minimum of five years of experience performing paleontological, geological, or related studies;
3. Can demonstrate expertise in local and regional vertebrate and invertebrate paleontology;
4. Has experience in fossil collection, curation and report preparation; and
5. Can demonstrate professional experience and competency with paleontological resource mitigation procedures and techniques.

Parcel - For the purposes of this Chapter, the word "*parcel*" shall have the same meaning as the word "*lot*."(AM.ORD.4451-12/11/12)

Parking Lot – An improved, off street parking facility containing four or more parking spaces and that is designed and used primarily for the parking of operable motor vehicles and bicycles. Parking lots may be located at grade, above-ground, or below-ground. Parking lots include parking spaces, drive aisles, loading areas, and required landscaping and screening. Parking lots do not include individual residential garages, parking spaces/areas for single-family or two-family dwelling units, including those used for caretaker or farmworker housing.

Parkway – The portion of a public road right-of-way that is typically reserved for public utility facilities, street trees or landscaping, and pedestrian access facilities (e.g. sidewalks or trails). The *parkway* is located between the outside edge of the road right-of-way and the road pavement (i.e. shoulder and travel-way), a boundary that is often defined by a curb and gutter.

Performance Criteria – An expectation of interim or final results, stated in the *landscape documentation package* or other plan requiring County approval, that identifies benchmarks for vegetative growth and coverage against which performance is measured.

Perimeter Landscaping – The area located within the required setbacks of a lot when such setbacks must be set aside and used primarily for landscaping.

Permitted Use - A *use* listed in Sec. 8174-5 as a *permitted use*, which may be allowed subject to obtaining the necessary permits and compliance with all applicable provisions of the LCP. (ADD.ORD. 4451-12/11/12)

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

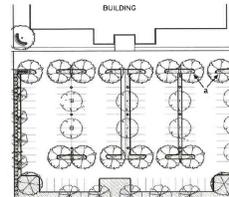
Pervious Pavement - A porous surface that allows the passage of water through the material and into the underlying soil. *Pervious pavement* is used to decrease the volume of stormwater *runoff* and to increase the infiltration of water into the ground.

Planning Director - The Deputy Director, Ventura County Resource Management Agency, for the Planning Division, or his or her designee. (AM.ORD.4451-12/11/12)

Plant Factor - A factor used in the *water budget calculation* to estimate the amount of water needed for plants. *Plant factors* range from 0.1 to 0.9 and are divided into four categories: very low < 0.1; low 0.1 - 0.3; moderate 0.4 - 0.6; and high 0.7 - 0.9.

Planter, Finger - A *landscape planter* located at the end of a parking aisle that defines *parking lot* circulation aisles and that provides a place to plant trees within the parking lot.

*Examples of Finger Planters*



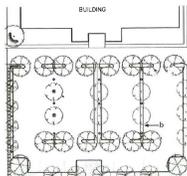
Planter, Landscape - An area devoted to plants that is defined with a raised curb or other material that separates the *landscape area* from adjacent uses.

*Examples of Landscape Planters*



Planter, Landscape Strip - A long, narrow *landscape planter* located in front of or between rows of parking spaces or adjacent to a property line that borders a public sidewalk or street.

*Landscape strip planters* are typically used to reduce storm-water *runoff* or to visually screen parking lots from public walkways or streets.



*Examples of Landscape Strip Planters*

Point of Interest - The location of, or site of, a former improvement or natural feature or of an event possessing historical or cultural characteristics.

Pony - A small or young horse under 58 inches high at the shoulders.

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

Prime Agricultural Land - Means any of the following:

- All land which qualifies for rating as Class I or Class II in the Natural Resource Conservation Service land use capability classifications.
- Land which qualifies for rating 80 through 100 in the Storie Index Rating.

- Land which supports livestock used for the production of food and fiber and which has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of *Agriculture*.
- Land planted with fruit- or nut-bearing *trees*, vines, bushes or crops which have a nonbearing period of less than five years and which will normally return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than two hundred dollars (\$200) per acre.

(AM.ORD.4451-12/11/12)

Principal Use/Principal Structure – The primary *use(s)* or primary *structure(s)* on a *lot* to which other *uses* and *structures* are accessory. This term is unrelated to the definition of “*principally-permitted use*,” which indicates *development* that is not appealable to the Coastal Commission, unless located within an appealable area (see definition of “*Principally-Permitted Use*”). (ADD.ORD. 4451-12/11/12)

Principally-Permitted Use – The primary *use* of land that clearly carries out the land *use* intent and purpose of a particular zone, as specified in Sec. 8174-5. Where a land *use* is identified as a *principally-permitted use*, the County’s approval of a *Coastal Development Permit* for that *development* is not appealable to the Coastal Commission unless it otherwise meets the definition of “*Development Subject to Appeal*.” See definition of “*principal use/principal structure*” for *development* that is the primary *use* or primary *structure* on a *lot*. (ADD.ORD. 4451-12/11/12)

Produce Stand - A *structure* used to sell raw, unprocessed fruits, nuts and seeds, and vegetables, flowers and ornamental plants.

Public Art - Art that is located in publicly-accessible places (e.g., government buildings, schools, public parks and waterfront areas), not including temporary arts activities or events such as street theatre, open-air music, or pavement artists.

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.

Public Viewing Areas - Public areas that afford views of scenic resources. Such views may be fleeting or expansive as experienced from individual locations or along transportation corridors. *Public viewing areas* include, but are not limited to, beaches, coastal streams and waters used for recreational purposes, coastal trails and accessways, highways, public parklands, public roads, public sidewalks or trails, scenic overlooks, vistas and vista points.

Public Viewshed – A geographical area that is visible from a *public viewing area*.

Public Works - Means the following:

- a. All production, storage, transmission, and recovery facilities for water, sewerage, telephone, and other similar utilities owned or operated by any public agency or by a utility subject to the jurisdiction of the Public Utilities Commission, except for energy facilities.
- b. All public transportation facilities, including streets, roads, highways, public *parking lots* and *structures*, ports, harbors, airports, railroads, and mass transit facilities and stations, bridges, trolley wires, and other related facilities.
- c. All publicly-financed recreational facilities, all projects of the State Coastal Conservancy, and any *development* by a special district.
- d. All community college facilities.

See also "Major Public Works Project and Major Energy Facility." (AM.ORD.4451-12/11/12)

## **Definitions - R**

Rain Garden - A planted area that captures stormwater *runoff*. A *rain garden* is designed to withstand moisture and concentrations such as nitrogen and phosphorus found in rainwater *runoff* from impervious urban areas like roofs, driveways, walkways, and *parking lots*.

Raptor - Birds in the biological order called Falconiformes, which includes eagles, hawks, falcons, and ospreys and any bird dependent on consumption of other animals for food, including scavengers such as vultures and condors.

Rebuild - A rebuild or reconstruction occurs when extensive changes or repairs are made to the exterior envelope of any *structure*. (ADD.ORD. 4451-12/11/12)

Reclaimed Water - Treated or recycled waste water of a quality suitable for non-potable uses such as landscape irrigation and *water features*. This water is not intended for human consumption and must be appropriately identified with colored pipes and signage, if appropriate.

Recreational Area - Areas designed for shoreline/beach, water oriented, passive, and commercial recreation, including but not limited to, multiple-use paths and trails, natural or wilderness parks, and developed parks. Recreational areas include "public" and "privately-operated" recreational opportunities that are available to the general public.

Recreational Vehicle - A vehicle of any size that (a) is self-propelled or is towed by another vehicle, (b) is not designed to be used as a permanent *dwelling*, (c) has self-contained plumbing, heating and electrical systems that may be operated without connection to outside utilities and, (d) does not meet the definition of a *structure*. *Recreational vehicles* do not fall within the definition of *mobilehomes*. (AM.ORD.4451-12/11/12)

Recreational Vehicle Park - Any area of land developed primarily for temporary *use* by *recreational vehicles* for which utility connections (sewer, water, electricity) are provided. (AM.ORD.3881-12/20/88)

Rehabilitated Landscape - Any re-landscaping or landscaping modification project that would change 50 percent or more of the total *landscape area*, and that requires the issuance of a new or modified discretionary permit.

Remodel - A *remodel* is an interior alteration to an existing approved, permitted and inspected *structure* where the foundation, exterior walls and *roof structure* remain in place without modification. (ADD.ORD. 4451-12/11/12)

Residential Care Facility - A nonmedical facility providing any of the following services on a 24-hour basis: care for the mentally ill, handicapped, physically disabled, elderly, dependent or neglected children, wards of the Juvenile Court, and 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.4451-12/11/12)

Residential (or "R") Zone - A base zone classification under this Chapter that contains the letter "R" in its abbreviation. (AM.ORD.4451-12/11/12)

Rest Home - A licensed facility where lodging and meals, and 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.

Retail Trade - Businesses engaged in retailing merchandise, generally without transformation, and rendering services incidental to the sale of merchandise. Examples of *retail trade* businesses are: bakeries, delicatessens, grocery stores and meat markets; retail stores for the sale of books, cameras, clothing, flowers, hardware, jewelry, pets, shoes, sporting goods and toys; bait and fishing tackle rental; drug stores; gift shops, hobby shops and music stores. (AM.ORD.4451-12/11/12)

Riding Stable - A facility where there are stables for horses that are rented to members of the public for recreational purposes, including riding lessons, whether or not the facility is advertised or promoted as such, and whether or not the riding occurs on the property on which the horses are kept. (AM.ORD.4451-12/11/12)

Riparian Habitat - An area adjacent to a natural watercourse, such as a perennial or intermittent *stream*, lake or other body of fresh water, where related vegetation and associated animal species live or are located.

Roof Structures - Structures located on the roof of a building for the housing of elevators, stairways, tanks, ventilating fans and similar equipment required to operate and maintain the building; fire or parapet walls, safety rails, skylights, towers, flagpoles, chimneys, smokestacks, solar collectors, residential satellite, and digital T.V. dishes less than one meter in diameter, T.V. antennas and similar structures. A *wireless communication facility* is not included in the definition of *roof structures*.

Rooming House - A *dwelling unit* with one *family* in permanent residence wherein two to five bedrooms, without meals, are offered for compensation.

Runoff - Water that flows across the earth's surface rather than being infiltrated into the ground or transpired by plants.

## **Definitions – S**

Sandy Beach Area - A public or privately-owned sandy area fronting on coastal waters, regardless of the existence of potential prescriptive rights or a public trust interest.

Scenic Highway - A route or byway that is officially designated as a *scenic highway* pursuant to State law which travels through an area comprised primarily of scenic and natural features.

Scenic Highway Corridor - The visible area outside the right-of-way of an eligible or designated *scenic highway* comprised primarily of scenic and natural features.

Scenic Resources - The landscape patterns and features which are visually or aesthetically pleasing and which are visible from a *public viewing area*, including but not limited to the beach or ocean, coastline, mountains, canyons, ridgelines, significant hillsides and open space, estuaries, wetlands and lagoons, other unique natural or manmade features such as the Channel Islands Harbor.

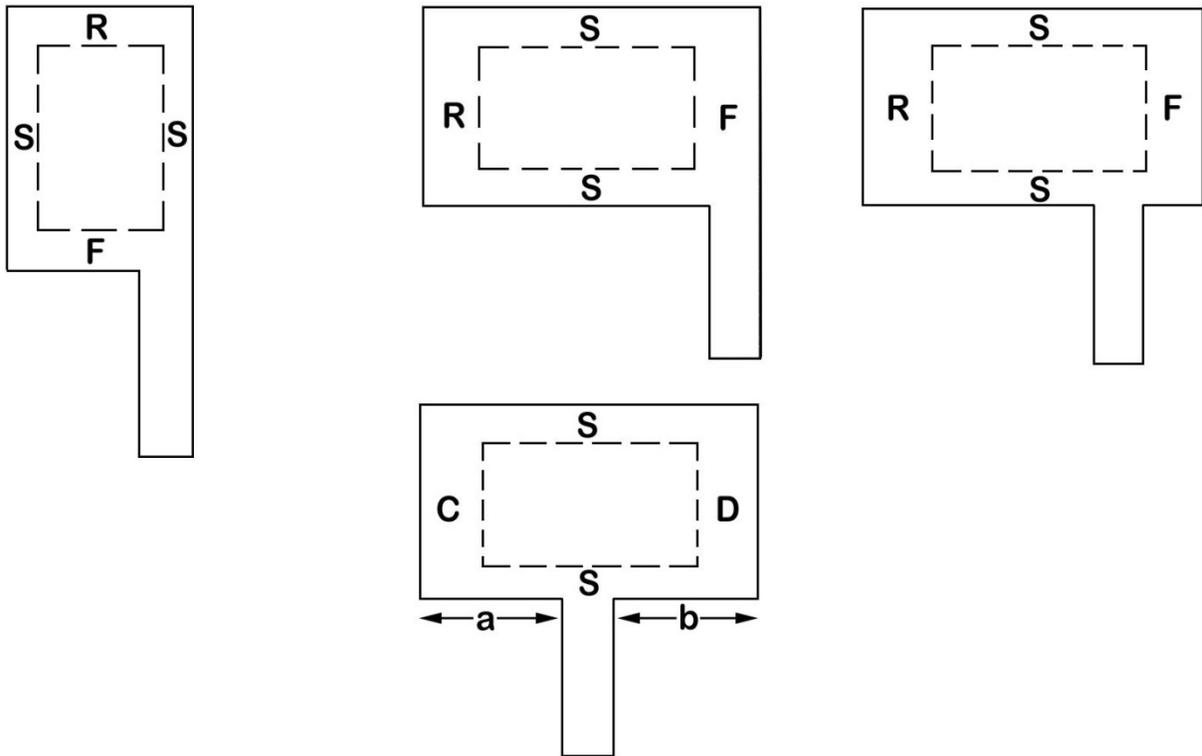
Season, Breeding/Nesting - January 1 through September 15 of each calendar year.

Season, Non-Breeding/Non-Nesting - September 16 through December 31 of each calendar year.

Second Dwelling - See Dwelling, Second. (AM.ORD.4451-12/11/12)

**Setback** - The distance on an individual *lot* that is intended to provide an open area measured from a property line or other boundary line to a *structure* or *use*, and includes front (F), rear (R) and side (S) setbacks. (AM.ORD.4451-12/11/12)

In the case of "flag" *lots*, the *setbacks* shall be measured from the applicable front, rear and sides of the *lot* as designated in the following diagram.



**If a = b, applicant designates C or D as front.**

**Setback, Front** - An open area that extends 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*. (ADD.ORD. 4451-12/11/12)

**Setback, Rear** - An open area that extends across the rear of the *lot* between the inner *side lot lines* that is the required minimum horizontal distance between the *rear lot line* and a line parallel thereto on the *lot*. (ADD.ORD. 4451-12/11/12)

**Setback, Side** - An open area that extends from the *front setback*, or the *front lot line* where no *front setback* is required, to the rear yard; the width of the required side setback shall be measured horizontally from the nearest part of the *side lot line*. (ADD.ORD. 4451-12/11/12)

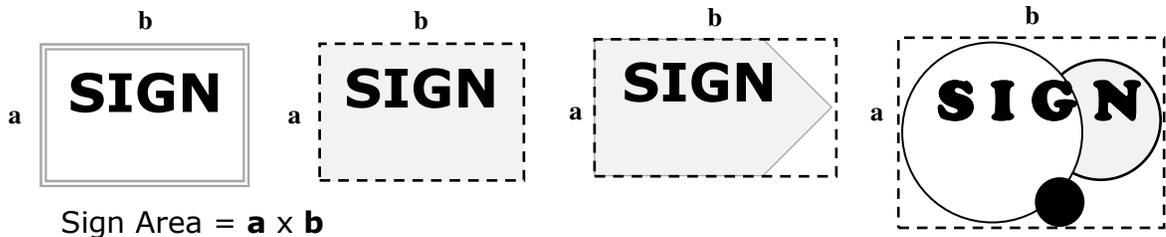
**Shall and May** - "Shall" is mandatory; "May" is permissive.

**Shared Parking** - Shared parking is a means by 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.

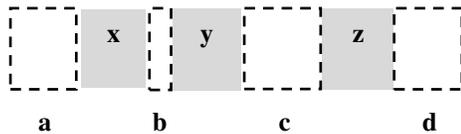
Shoreline Protective Devices - Seawalls, revetments, breakwaters, and other such construction that alter natural shoreline processes. (AM.ORD.4451-12/11/12)

Sign - A communication device using words or symbols, *illuminated* or non-illuminated, that is visible from any public place or is located on private property and exposed to the public and that 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 - The total area within the physical or visual frame of the *sign*, or the sum of the total area of graphical elements where there is no frame. For *double-faced signs*, the *sign area* is the total area of a single side of the *sign*. Time and temperature devices without advertising *copy* are not included in the *sign area*. See Sec. 8175-5.13.9.1 Number and Dimension of *Signs*, to determine maximum *sign area*.



Sign Area =  $a \times b$



Area  $x$  + area  $y$  + area  $z$  =  
 $1.5 \times$  (avg. of area of  $a$ ,  $b$ ,  $c$  &  $d$ )

Sign Area = area  $a$  + area  $b$  +  
 area  $c$  + area  $d$

Sign, Attached - Any *sign* posted, painted on, or constructed or otherwise attached to the wall, façade, canopy, marquee, or other architectural part of a building.

Sign, Canopy - Any *sign* attached to, or constructed in or on, a canopy or marquee.



Sign or Message/Content, Commercial - A *sign* or message that relates primarily to economic interests such as the exchange of goods and services. Different types of *commercial signs* are more particularly defined in this Article.

Sign, Construction - A *temporary, on-site sign* directly related to a construction project.

Sign Copy - The words and/or graphics printed on a *sign*.

Sign, Directional - Any *on-site sign* that serves solely to designate entrances or exits, or the location or direction of any onsite area.

Sign, Double-faced - A *sign* structure with messages on both sides of a *sign* board or panel; or a *sign* structure with two attached parallel faces.



Sign, Freestanding - Any *sign* that is anchored directly to the ground or is supported from the ground and detached from any building or structure.



Sign, Incidental - An *on-site sign* providing non-advertising information about a location or business such as hours of operation, contact information, and whether or not the location or business is open or has vacancy.

Sign, Identification - An *on-site sign* that only indicates the name of the occupant, business and/or address.

Sign, Illuminated - A *sign* that is illuminated by a light source that is contained inside the sign.

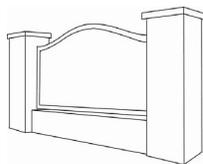
Sign, Interpretive - A *sign* that explains the meaning, origin, or purpose of an historical, natural, or cultural resource or site.

Sign, Legal Nonconforming - A *sign* that does not conform to the current applicable development standards of this Chapter but was lawfully in existence and in use prior to and at the time the provisions of this Chapter with which it does not conform became effective. (see Sec. 8175-5.13.11).

Sign, Light Emitting Diodes (LED) - An internally illuminated *sign* that utilizes light-emitting diodes, or similar technology, and colored lens assembled in single and tri-color matrixes instead of incandescent light bulbs, neon, or fluorescent tubes. Does not include electronic variable message *signs* that would allow for images that appear to move with video-like quality such as but not limited to electronic message boards and marquee *signs*.

Sign, Locational - A *sign* that informs the public about the location of noncommercial destinations such as coastal access points, trailheads, parks and campgrounds, government facilities and other points of interest, and that is maintained by a public agency.

Sign, Monument - A *freestanding sign* detached from a building sitting directly on the ground or near ground level and having a solid support structure as opposed to being supported by poles or similar support structures.



Sign, Mural - A painting or other work of art executed directly on a wall.

Sign Message/Content, Noncommercial – A *sign* or message which is not of a *commercial* nature. Such *signs* or messages typically relate to politics or public policy, civics, art, science, public service, social issues, religion, or spirituality.

Sign, Off-site – A *sign* that displays content related to property, goods, activities, or services not found on, or related to, the lot on which the *sign* is located.

Sign, On-site – A *sign* located on the same site as the occupant, business, trade or profession to which it relates.

Sign, Open House – A *temporary, off-site sign* providing direction to residential real property during the period it is on public display for sale or lease



Sign, Permanent – A *sign* intended to be displayed and maintained for a period of more than 60 consecutive days.

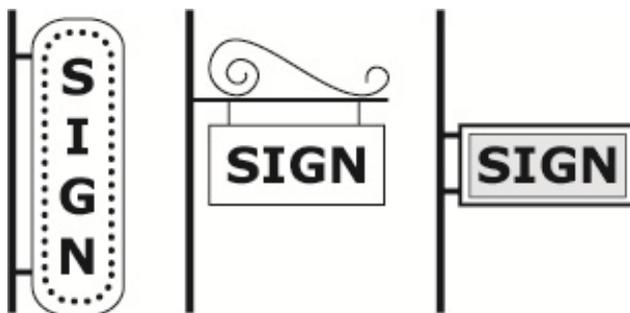
Sign Permit – The written authorization issued by the Planning Division that allows the permit holder to place, erect, modify, alter, repaint or maintain a *sign*. *Sign permits* may be issued as Zoning Clearances or Planned Development Permits as provided herein.

Sign, Political – A *temporary sign* with *noncommercial content* pertaining to an election for public office or to a ballot measure to be placed before voters in a federal, state, or local election.

Sign, Portable – A *temporary sign* that can be moved from one location to another. The term portable sign includes signs mounted on a trailer or other moveable object and towed by a motor vehicle. Such *signs* do not include a *sign* that is attached or magnetically affixed to the body or other integral part of the vehicle.

Sign Program – A plan that includes a range of *sign* types and styles that support the overall continuity of the design of the *signs* that will serve multiple buildings or tenants leasing space in a building(s) on one or more parcels.

Sign, Projecting – An *attached sign* that projects outward perpendicularly or at an angle from a wall or building face.



Sign, Promotional Temporary - A temporary on-site sign such as a banner, pennant, or inflatable object located, attached, or tethered to the ground, site, merchandise, or structure.

Sign, Real Estate - A temporary, on-site sign advertising the sale, rental or lease of the property on which it is maintained.



Sign, Residential Subdivision - A temporary sign advertising the sale of two or more lots located within the same subdivision.

Sign, Road - A sign that provides information to control the flow of traffic, warns of hazards ahead, future destinations, or roadway services, and that is maintained by the State Department of Transportation or local agency.

Sign, Roof - Any sign erected upon, against or directly above a roof or on top of or above the parapet of a building.



Sign, Symbol - A permanent on-site sign with a graphic representation of goods or services sold or rendered on the premises, or a traditional emblem associated with a trade, and that contains no written content, pictures or symbols such as business logos or trademarks.

Sign, Temporary - A sign displayed for a limited period of time not exceeding 60 consecutive days or such other duration as specified for a particular sign in this Chapter.

Sign, Wall - A sign attached to or erected against the wall of a building or structure with the exposed face of the sign parallel to the plane of such wall.

Sign, Window - A sign attached to, suspended behind, placed or painted upon the window or glass door of a building and is intended for viewing from the exterior of such building. Does not include merchandise offered for sale onsite, when on display in a window.

Site of Merit - Sites of historical, cultural, architectural or aesthetic merit which have not been officially otherwise designated and have been surveyed according to Federal standards and assigned a National Register Status Code of 1 through 5.

Slope - The relationship between the change in elevation (rise) of land and the horizontal distance (run) over which that change in elevation occurs, measured along a straight line. The percent of any given slope is determined by dividing the rise by the run on the natural slope, and multiplying by 100.

Slope/Density Formula – An engineering formula based on the *average slope* of an existing *lot* that is used to determine the minimum *lot area* of all proposed *lots* of a land division in the COS zone, and in the CA zone when not *prime agricultural land*. (ADD.ORD. 4451-12/11/12)

Soils Report – A report prepared by a geotechnical engineer or soils engineer licensed by the State of California for one or more of the following purposes: identifying the nature and distribution of existing soils; stating conclusions and recommendations for grading procedures; stating soil design criteria for structures, embankments or landscaping; and, where necessary, setting forth slope stability studies.

Special Landscape Area – An area of the project site designated principally for one of the following purposes: (a) the production of food crops such as vegetable gardens or orchards; (b) irrigation with recycled water (i.e. *water features*); and (c) use for active recreation such as golf courses, sports fields, school yards, picnic grounds, or other areas where *turf* provides a playing surface or serves other high-use recreational purposes.

Stable, Private - An accessory *building* or *structure* used for the keeping of horses owned by the occupants of the premises and not kept for remuneration, hire or sale.

Store - An enclosed *building* housing an establishment offering a specified line of goods or services for retail sale.

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 buffers, *landscape strip planters*, tree box filters, infiltration trenches, and dry swales.

Stream - A perennial or intermittent watercourse mapped by the U.S. Geologic Survey or identified in the LCP. (AM.ORD.4451-12/11/12)

Structural Alterations - 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 that 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*. (AM.ORD.4451-12/11/12)

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. (AM.ORD.4451-12/11/12)

Subsurface Irrigation – An irrigation system that uses perforated underground pipe to provide water to the plants’ root zones.

## **Definitions - T-V**

Tandem Parking - The placement of parking spaces one behind the other, so that the space nearest the driveway or street *access* serves as the only means of *access* to the other space.

Through Lot - See "Lot, Through."

Tidelands - All lands that are located between the lines of mean high tide and mean low tide. (ADD.ORD. 4451-12/11/12)

Topotypic – A specimen from the locality at which the type was first collected.

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.

Trash Enclosure - An area where trash or recyclable material containers or any other type of waste or refuse containers are stored and which may include fences or walls to secure the area.

Tree - A perennial palm or plant that includes at least one well-defined stem or trunk that may, at maturity, be kept clear of leaves and branches at least six feet above grade.

Tree, Alter - To *prune*, cut, trim, poison, over-water, trench within a tree's roots, or otherwise transform or damage a *tree*.

Tree Canopy - The horizontal projection of a *tree's* limbs, branches, twigs, leaves and buds.

Tree, Certified Arborist - An individual who specializes in the care and maintenance of *trees* and is *certified* by the International Society of Arboriculture.

Tree, Diameter Measurements - The *diameter* of a *tree* trunk measured in inches at a height of 4.5 feet above the ground while standing on level ground or from the uphill side of a *tree*. If a *tree* splits into *multiple trunks* below 4.5 feet, the trunk is measured at its most narrow point beneath the split. 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. The *diameter* of limbs shall be measured just beyond the swell of the branch where the limb attaches to the main trunk or their supporting limbs.

Tree, Dripline - The area created by extending a vertical line from the outermost portion of the limb *canopy* to the ground.

Tree, Emergency - A natural occurrence, disaster, or disease that would jeopardize public health or safety due to a *hazardous tree*.

Tree, Encroachment - The direct or indirect invasion of the *tree protected zone* which may damage or transform any part of a *protected tree* or its *root system* including but not limited to such activities as: trenching; digging; placement of heavy equipment; paving; storing vehicles and other materials; irrigation and landscaping; grading; or placement of structures.

Tree, Fell - See *tree removal*.

Tree, Hazardous - A *tree* that has succumbed to disease or pests or a *tree* with one or more structural defects that predispose it to failure. To be defined as *hazardous*, the *tree* must be located in an area where personal injury or damage to private property (e.g. a structure such as a house, garage, fence, carport, or access leading to such areas) could occur if the *tree*, or a portion of the *tree*, fails.

Tree, Heritage - A non-native, non-invasive *tree* or group/grove of *trees* that has unique value or is considered irreplaceable because of its rarity, distinctive features (e.g. size, form, shape color), or prominent location with a community or landscape.

Tree, Historic - Any *tree* or group of *trees* identified by the County as having historic value to Ventura County, the State or the nation. The County may designate an historic tree as a landmark, or it may be identified on the Federal or California Historic Resources Inventory

to be of historic or cultural significance, or otherwise identified as contributing to a site or structure of historical or cultural significance.

Tree, Invasive – Any *non-native tree* or group of *trees* that spread into an area where they displace native plants or *native trees* or bring about changes in species composition, community structure, or ecosystem function.

Tree, ISA Standards – *Pruning* standards promulgated by the International Society of Arboriculture.

Tree, Multiple Trunk - A *tree* which has two or more trunks forking below 4.5 feet above the uphill side of the *root crown*.

Tree, Native - Any *tree* indigenous to Ventura County not planted for commercial agriculture.

Tree, Non-Native – Any *tree* not indigenous to Ventura County.

Tree Permit – A ministerial Zoning Clearance, discretionary Planned Development Permit, or Emergency Coastal Development Permit, issued by the Planning Division authorizing the *alteration or removal of a protected tree*.

Tree, Protected – Any *tree* that meets the criteria set forth in Sec. 8178-7.3.

Tree, Protected Zone - The surface and subsurface area in which the loss, disturbance, or damage to any *roots* may adversely affect the *tree's* long-term health and structural stability. See Sec. 8178-7.4.3 to calculate *Tree, Protected Zone*.

Tree, Protected Zone Buffer – A distance measured from the edge of the *tree protected zone* which allows for future growth. See Sec. 8178-7.4.3.

Tree, Pruning - *Removal* of all, or portions of, a *tree's* shoots, branches, limbs or *roots*.

Tree, Qualified Consultant - An individual who is a *certified arborist* or an individual who can demonstrate, to the satisfaction of the Planning Director, that he or she possesses the necessary *certifications*, experience, and skills to provide competent advice as required by the applicable provisions of this Chapter.

Tree, Qualified Service Company – A tree service company that has a *qualified tree consultant* on staff, holds a California C-61 Limited Specialty D-49 Tree Service License, and maintains current certificates of liability insurance.

Tree, Qualified Trimmer - A qualified tree trimmer shall have a minimum of three years of full-time, practical work experience managing the establishment and maintenance of *trees* and shall be licensed to conduct business in Ventura County.

Tree Removal - The destruction or displacement of a *tree* by cutting, bulldozing, or using a mechanical or chemical method to physically destroy or otherwise cause the death of the tree, including transporting the *tree* from its site without ensuring the health and survivability of the *tree*.

Tree, Root Crown - The area of a *tree* where the trunk(s) meet the *roots*, sometimes called the collar of the *tree*.

Tree, Root System - The non-leaf, non-nodes bearing part of the tree that typically lies below the surface of the soil. The *root system* is responsible for absorbing and storing water and nutrients and anchoring the *tree* to the ground.

Tree Row - A row of *trees* planted and presently used for the purpose of providing shelter from wind for commercial agriculture; also known as a windbreak or windrow.

Tree, Sapling – A young *tree* that is typically no more than three inches in diameter at existing grade.

Tree Seedling – A *tree* that is grown from seed and is less than three feet in height.

Tree, Street – A *tree* whose trunk (all or part) is located within the County road right-of-way. The *canopy* of a *street tree* may extend beyond the County road right-of-way.

Tree Survey – A report that describes the general condition and health of all onsite *protected tree(s)* and includes but is not limited to identifying tree species, location, trunk *diameter*, extent of *tree protected zone*, proposed *tree* maintenance and *alteration*, and any necessary *tree* protection measures for *trees* that are to remain.

Tree Topping – *Pruning* the top of a *tree*, also known as the *tree* crown, for the purpose of providing safe and reliable utility service.

Tree, Transplant – The moving of living *trees* from one place to another.

Tree Well – The area around the trunk of a tree that creates a visual boundary between a tree and landscaped area or improved surface.



*Examples of Tree Wells*

Tribal Cultural Resources – Sites, features, places, cultural landscapes, sacred places and objects with cultural value to a California Native American tribe that are included in one of the following: (a) state register of historical resources or resources determined to be eligible for inclusion in the state register, (b) local register of historical resources, or (c) resources identified by the County (at its discretion) as a tribal cultural resource.

Turf – An area planted with grass.

T.V. Antenna – An *antenna* designed to receive only television broadcast signals.

Unique Vegetation – Plants found in the Santa Monica Mountains and elsewhere in the *coastal zone*, which are considered either rare and endangered, rare but not endangered, or rare in California but not elsewhere.

Upland Development – All *development* found in the valleys and mountain areas beyond the coastal shelf.

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.

Vegetated Swale – A form of *bioretention* designed as a broad, shallow channel densely planted with a variety of trees, shrubs and/or grasses that attenuate and infiltrate runoff volume from adjacent impervious surfaces.

Vegetation, Major – See "*Major Vegetation*."

Vertical Access – A recorded dedication or easement granting to the public the privilege and right to pass and repass over dedicicator's real property from a *public road* to the *mean high tide line*.

Visual Qualities – The distinctive visual characteristics or attributes of natural or man-made areas that are visible to the public.

## **Definitions - W-Z**

Waste Treatment and Disposal - Public or private disposal facilities or transfer stations, operated for the purpose of recycling, reclaiming, treating or disposal of garbage, sewage, rubbish, offal, dead animals, oilfield wastes, *hazardous waste*, or other waste material originating on or off the premises. (ADD.ORD. 3946-7/10/90)

Water Budget - An estimate of the annual volume of water required to irrigate a specific *landscape area*. *Water budget* calculations require measured areas of each irrigated *hydrozone* and reference *evapotranspiration* for the *landscape area*.

Water Feature – A design element within a *landscape area* that performs an aesthetic or recreational function in which water is supplied by plumbing fixtures. *Water features* include but are not limited to manufactured ponds, lakes, waterfalls, fountains, and streams.

Water Harvesting - A method for inducing, collecting, storing and conserving local surface runoff for reuse.

Water Quality Best Management Practices - A program, siting criteria, operational method, or engineered system, to prevent or reduce the discharge of pollutants and sedimentation to the County storm drain system and receiving waters.

Water Use Classification of Landscape Species – A publication of the California Department of Water Resources which lists common landscape plants and their water requirements by region, using the categories high, moderate, low, and very low.

Wet Bar – A bar or counter used for mixing drinks that is located in an area separate from the *kitchen* and includes a sink with running water. (AM.ORD.4451-12/11/12)

Wetland - Land which may be covered periodically or permanently with shallow water. Included are saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens.

Wireless Communication Facility (or Facilities) – A facility that transmits or receives signals for 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, fences, and structures primarily designed to support *antennas*.

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



*Examples of Building-Concealed Wireless Communication Facilities*

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.

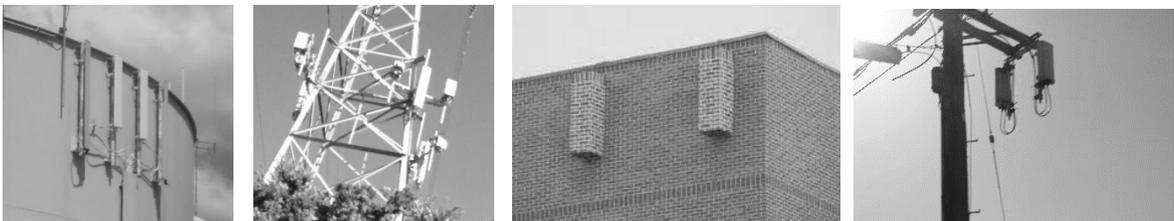
Wireless Communication Facility, Data Collection Unit – A *wireless communication facility* used by utility companies to collect data from gas, water or electricity meters. *Data collection units* typically consist of a telemetry device, solar panel, and whip *antennas*. *Wireless communication facilities* operated by a telephone corporation or a commercial mobile telecommunications phone service provider are excluded from this definition.

Wireless Communication Facility, Faux Tree – A *stealth, ground-mounted wireless communication facility* camouflaged to resemble a tree, including mono-broadleaves, mono-pines, and mono-palms.



*Examples of Faux Trees (Wireless Communication Facilities)*

Wireless Communication Facility, Flush-Mounted – A *stealth wireless communication facility antenna* that is 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.



*Examples of Flush Mounted Wireless Communication Facilities*

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*.

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 repair and maintenance.

Wireless Communication Facility, Non-Stealth – A *wireless communication facility* that is not disguised or concealed or does not meet the definition of a *stealth facility* or *building-concealed facility*. For the purpose of this ordinance, any facility that exceeds eighty-feet in height is defined as a non-stealth facility.



*Examples of Non-Stealth Wireless Communication Facilities*

Wireless Communication Facility, Prominently Visible – A *wireless communication facility* is considered to be prominently visible if it stands out as an obvious or noticeable feature within its setting when seen from a *public viewing area* without the aid of any magnifying equipment such as cameras, binoculars, etc.

Wireless Communication Facility, Propagation Diagrams – A set of maps showing the location of the service provider's existing *wireless communication facilities*, existing service coverage area, and the proposed service coverage area at varied *antenna* heights for the proposed facility. A *propagation diagram* also includes a narrative description summarizing how service coverage area changes with height in layman's terms.

Wireless Communication Facility, Roof-Mounted – A *stealth wireless communication facility* that is mounted directly on the roof of a building.

*Antenna on roof, concealed behind a parapet*

*Faux smokestack*

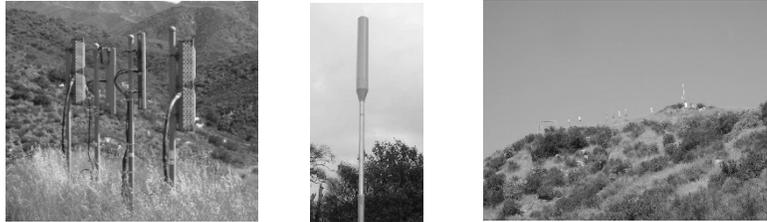


*Examples of Roof-Mounted Wireless Communication Facilities*

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. Such modifications qualify 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)).

Wireless Communication Facility, Slim-Line Pole – A *ground-mounted, stealth wireless communication facility* where the *antenna is flush-mounted* on a pole. This type of facility generally does not include a faux design, but rather utilizes distance from *public viewing areas*, location (e.g. facility is hidden by existing buildings or trees), coloration, low height, and slim structural profile to blend with the surrounding environment.



*Examples of Slim-Line Poles*

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* (see 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, to render them virtually unnoticeable from *public viewing areas* (photo 4).



*Photo 1*



*Photo 2*



*Photo 3*



*Photo 4*

*Examples of Stealth Wireless Communication Facilities*

Zoning Clearance - A permit that certifies that a proposed *development* and/or *use* of land meets all requirements of the Ventura County Zoning Code and, if applicable, the conditions of any previously approved permit. (AM.ORD.4451-12/11/12)

Zoning Ordinance - An ordinance authorized by Section 65850 of the Government Code or, in the case of a charter city, a similar ordinance enacted pursuant to the authority of its charter.

## **ARTICLE 3: PURPOSES OF ZONES**

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### **Sec. 8173-1 - Coastal Open Space (COS) Zone**

The purpose of this zone is to provide for the preservation, maintenance, and enhancement of natural and recreational resources in the coastal areas of the County while allowing reasonable and compatible *uses* of the land. (AM.ORD.4451-12/11/12)

### **Sec. 8173-2 - Coastal Agricultural (CA) 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 the *coastal zone* of Ventura County, and to protect these areas from the encroachment of nonresidential *uses* that, by their nature would have detrimental effects on the *agriculture* industry. (AM.ORD.4451-12/11/12)

### **Sec. 8173-3 - Coastal Rural (CR) Zone**

The purpose of this zone is to provide for and maintain a rural residential setting where a variety of agricultural *uses* are also permitted, while surrounding land *uses* are protected. (AM.ORD.4451-12/11/12)

### **Sec. 8173-4 - Coastal Rural Exclusive (CRE) Zone**

The purpose of this zone is to provide for residential areas with semirural atmosphere, but exclude agricultural *uses* to a great extent and concentrate on residential *uses*. (AM.ORD.4451-12/11/12)

### **Sec. 8173-5 - Coastal One-Family Residential (CR1) Zone**

The purpose of this zone is to provide for, and maintain, areas along the coast for more traditional *single-family developments* and *lots* significantly larger than those permitted in the RB or RBH zones. (AM.ORD.4451-12/11/12)

### **Sec. 8173-6 - Coastal Two-Family Residential (CR2) Zone**

The purpose of this zone is to provide for, and maintain, areas along the coast where single and *two-family dwellings* are allowed, but on *lot* sizes significantly larger than those permitted in the higher density RB and RBH zones. (AM.ORD.4451-12/11/12)

### **Sec. 8173-7 - Residential Beach (RB) Zone**

The purpose of this zone is to provide for the *development* and preservation of small-*lot*, beach-oriented residential communities. (AM.ORD.4451-12/11/12)

### **Sec. 8173-8 - Residential Beach Harbor (RBH) Zone**

The purpose of this zone is to provide for *development* and preservation of unique beach-oriented residential communities with small *lot* subdivision patterns. (AM.ORD.4451-12/11/12)

## **Sec. 8173-9 - Coastal Residential Planned Development (CRPD) Zone**

The purpose of this zone is to provide a method whereby land may be designated and developed as a unit for residential *use* by taking advantage of innovative site planning techniques. (AM.ORD.4451-12/11/12)

## **Sec. 8173-10 – Coastal Commercial (CC) Zone**

The purpose of this zone is to provide for the *development* of retail and service commercial *uses* that are intended to be neighborhood-serving or visitor-serving. (AM.ORD.4451-12/11/12)

## **Sec. 8173-11 - Coastal Industrial (CM) Zone**

The purpose of this zone is to establish an industrial zone consistent with the unique features of the *coastal zone*. The intent is to recognize existing industrial *uses*, and to permit other *uses* compatible with the Coastal Plan, especially *uses* that could be considered *coastal-dependent*. (AM.ORD.4451-12/11/12)

## **Sec. 8173-12 - Harbor Planned Development (HPD) Zone**

The purpose of this zone is to provide for *uses* consistent with harbor- and tourist-oriented *developments*. (AM.ORD.4451-12/11/12)

## **Sec. 8173-13 - Santa Monica Mountains (M) Overlay Zone**

The Santa Monica Mountains are a unique coastal resource of statewide and national significance. The mountains provide *habitats* for several unique, rare, or endangered plant and animal species. These *habitats* can be easily damaged by human activities; therefore, the mountains require specific protective measures. The purpose of this overlay zone is to provide these specific protective measures.

# ARTICLE 4: PERMITTED USES

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(REPEALED AND REENACTED ORD. 4451-12/11/12)

## Sec. 8174-1 – Purpose

The purposes of this Article are to list the *uses* or types of *uses* allowed in each zone, and to indicate the type of permit required to establish a particular *use* in that zone.

**Article 4, Section 8174-2 – Interpretation**, of the Ventura County Ordinance Code is hereby amended to read as follows:

## Sec. 8174-2 – Interpretation

### Sec. 8174-2.1

Each *use* is subject to all provisions of this Chapter.

### Sec. 8174-2.2

Any *use* requested as an *accessory use* that is not listed as such in Sec. 8174-5, but is listed as a *principal use*, shall be subject to the indicated requirements of the *principal use*.

### Sec. 8174-2.3

More than one principal *use* or principal structure may legally exist on a lot (e.g., *agriculture*, oil production, a *wireless communication facility* and/or a residence.)

### Sec. 8174-2.4

For the purposes of this Article, any *use* listed in matrix form that is indented shall be construed as a subheading of the heading under which it is indented.

## Sec. 8174-3 - Original Permit Jurisdiction

Within the areas described below, the Coastal Commission retains original permit authority under the Coastal Act. All applicants for *development* proposed within these areas must obtain a *Coastal Development Permit* from the Coastal Commission in addition to any permits required by the County.

- a. *Tidelands*;
- b. Submerged lands;
- c. Public trust lands, whether filled or unfilled;
- d. Ports covered by Chapter 8 (commencing with Section 30700) of the Coastal Act (Port Hueneme);
- e. State universities or colleges.

## Sec. 8174-4 - Environmentally Sensitive Habitat Areas (ESHA)

Within an ESHA as defined in Article 2, or a *buffer area*, only the following *uses*, subject to all applicable standards and policies, are permitted:

- a. Nature study;

- b. *Developments* where the primary function is *habitat* enhancement or restoration;
- c. *Shoreline protective devices*;
- d. Passive recreational *uses* not involving *structures*;
- e. *Uses* dependent on *habitat* values such as aquiculture and scientific research;
- f. *Public Works facilities* in accordance with this Article and Sec. 8175-5.9, and all other applicable provisions of this Chapter and the LCP Land Use Plan.

*Exceptions:*

Within a *buffer area*, no new *principal structures* will be permitted unless prohibition of the *structure* from the buffer will preclude the utilization of the larger *parcel* for its designated *use*. When it is necessary to allow *structures* within the buffer they shall be located as far from the *habitat* resource as possible and mitigations shall be required to eliminate or reduce their impacts to an insignificant level. If a *principal structure* exists as of the adoption of this Plan, it may be rebuilt within the buffer zone if it is destroyed by fire or a natural disaster. If it is an otherwise *nonconforming use* it shall not be rebuilt within the buffer.

**Article 4, Section 8174-5 – Permitted Uses by Zone**, of the Ventura County Ordinance Code is hereby amended to read as follows:

**Sec. 8174-5 – Permitted Uses by Zone**

The following zoning matrix establishes the type of permit required for land uses permitted in each zoning district. However, if a property is determined to be all or in part within an *environmentally sensitive habitat area* (ESHA) or *buffer area*, only limited uses are permitted. (See Sec. 8174-4 for uses permitted in an ESHA, and Sec. 8178-2 for specific standards applicable to an ESHA.)

Additionally, properties located within the Santa Monica Mountains Overlay Zone (denoted by /M after the base zoning) are subject to specific *development* standards (see Sec. 8177-4).

LAND USE CATEGORY	PERMIT REQUIREMENTS BY ZONE											
	COS	CA	CR	CRE	CR1	CR2	RB	RBH	CRPD	CC	CM	HPD
<b>AGRICULTURE AND AGRICULTURAL OPERATIONS</b> (No Retail Except Produce Stands)												
Animal Husbandry (see Sec. 8175-5.2)	PDP	PDP										
• Apiculture (see Sec. 8175-5.2.1)	PDP	PDP										
• Structures for up to 25 Animal Units	PDP	PDP										
If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5	ZC	ZC										
• Structures for More Than 25 Animal Units	CUP	CUP										
If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5	ZC	ZC										
• More Animals Than Are Permitted By Sec. 8175-5.2.4	CUP	CUP										
Wild Animals	CUP											
Aquiculture	PDP	PDP										
Contractors' Service and Storage Yards and Buildings		CUP										
• If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5		ZC										
Crop Production	E	E	E	E	E	E	E	E	E	E	E	

<b>E</b> = Exempt*	<b>PDP</b> = PD Permit, Principally-Permitted**		Exempt	Approved by Planning Director or Designee	Approved by Planning Commission	Approved by Board of Supervisors
<b>ZC</b> = Zoning Clearance*	<b>PW</b> = Public Works Permit	<b>Not Allowed</b>				
<b>PD</b> = Planned Development Permit	<b>CUP</b> = Conditional Use Permit					

\*Not Appealable to the Coastal Commission  
 \*\*Principally-permitted uses are only appealable to the Coastal Commission in accordance with the criteria in Public Resources Code Sec. 30603(a) 1-3 and 5.

LAND USE CATEGORY	PERMIT REQUIREMENTS BY ZONE											
	COS	CA	CR	CRE	CR1	CR2	RB	RBH	CRPD	CC	CM	HPD
• With Brush or Vegetation Removal	Permit May Be Required. See "Brush or Vegetation Removal"											
• With Grading, Excavation or Fill	Permit May Be Required. See "Grading, Excavation or Fill"											
Growing, Packing, Storage or Preliminary Processing, in Structures												
• Total Floor Area Per Lot												
up to 20,000 sq. ft.	PD	PD	PD									
over 20,000 to 100,000 sq. ft.	PD	PD	CUP									
over 100,000 sq. ft.	CUP	CUP										
• If exempt per Sec. 8174-6.1, 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5												
Total Floor Area up to 100,000 sq. ft.	ZC	ZC	ZC									
Total Floor Area over 100,000 sq. ft.	ZC	ZC										
Improvements to Agricultural Structures	See "Improvements to Structures, Other Than Single Family Dwellings or Public Works Facilities"											
Uses and Structures, Accessory	PD	PD	PD									
• If exempt per Sec. 8174-6.1, 8174-6.3.2, 8174-6.3.4, 8174-6.3.5, or 8174-6.3.6	ZC	ZC	ZC									
• Dwellings, Farm Worker or Animal Caretaker:												
one on lot meeting the minimum lot size per zone		PDP										
one on lot not meeting the minimum lot size per zone		CUP										
more than one per lot		CUP										
If exempt per Sec. 8174-6.2, 8174-6.3.2, or 8174-6.3.5		ZC										
• Fences and walls	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	
If exempt per Sec. 8174-6.1, 8174-6.3.2, 8174-6.3.4, 8174-6.3.5, or 8174-6.3.6	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	
• Fuel Storage, 10,000 Gallons Maximum		PD										

<b>E</b> = Exempt*	<b>PDP</b> = PD Permit, Principally-Permitted**	<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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LAND USE CATEGORY	PERMIT REQUIREMENTS BY ZONE											
	COS	CA	CR	CRE	CR1	CR2	RB	RBH	CRPD	CC	CM	HPD
If exempt per Sec. 8174-6.3.2		ZC										
• Offices		PD										
If exempt per Sec. 8174-6.1, 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5		ZC										
• Packing, Storage or Preliminary Processing of Crops (No Structures)	ZC	ZC										
within a maximum 20,000 sq. ft. structure per lot	PD	PD										
• Produce Stands, Retail, Accessory to Crop Production (Sec. 8175-5.8)		PD										
If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5		ZC										
<b>AIRFIELDS AND LANDING PADS AND STRIPS, PRIVATE</b>	CUP	CUP									CUP	
• If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5	ZC	ZC									ZC	
<b>AMBULANCE SERVICES</b>										PD		
<b>ANIMALS, KEEPING OF</b> (See Sec. 8175-5.2)	PDP	PDP										
Apiculture ( see Sec. 8175-5.2.1)	PDP	PDP										
Structures:												
• For Up To 25 Animal Units	PDP	PDP										
If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5	ZC	ZC										
• For More Than 25 Animal Units	CUP	CUP										
If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5	ZC	ZC										
More Animals Than Are Permitted By Sec. 8175-5.2.4	CUP	CUP										
Wild Animals	CUP											
<b>ART GALLERIES</b>										PDP		
If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5										ZC		

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LAND USE CATEGORY	PERMIT REQUIREMENTS BY ZONE											
	COS	CA	CR	CRE	CR1	CR2	RB	RBH	CRPD	CC	CM	HPD
<b>AUTOMOBILE REPAIRING</b>										CUP		
If exempt per Sec. 8174-6.3.4 or 8174-6.3.5										ZC		
<b>AUTOMOBILE SERVICE STATIONS</b>										PD		
If exempt per Sec. 8174-6.3.4 or 8174-6.3.5										ZC		
<b>BANKS, SAVINGS AND LOANS AND RELATED OFFICES AND INSTITUTIONS</b>										PD		
If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5										ZC		
<b>BARBER AND BEAUTY SHOPS</b>										PDP		
If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5										ZC		
<b>BARS, TAVERNS AND NIGHTCLUBS</b>										CUP		
If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5										ZC		
<b>BOARDINGHOUSES, ROOMING HOUSES AND BED-AND-BREAKFAST INNS</b>				CUP	CUP					CUP		
If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5				ZC	ZC					ZC		
<b>BRUSH OR VEGETATION REMOVAL</b>	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	
If exempt per Sec. 8174-6.3.6	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	
With tree alteration and removal	See Tree Alteration and Removal Below and Sec. 8178-7											
<b>BUS TERMINALS</b>										PDP		
If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5										ZC		
<b>CARE FACILITIES</b>												
Day												
• Care of Six or Fewer Persons	PDP	PDP	PDP	PDP	PDP	PDP	PDP	PDP	PDP			
If exempt per Sec. 8174-6.2, 8174-6.3.2, or 8174-6.3.5	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC			
• Care of Seven or More Persons			CUP	CUP	CUP	CUP						
If exempt per Sec. 8174-6.2, 8174-6.3.2, or 8174-6.3.5			ZC	ZC	ZC	ZC						

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LAND USE CATEGORY	PERMIT REQUIREMENTS BY ZONE											
	COS	CA	CR	CRE	CR1	CR2	RB	RBH	CRPD	CC	CM	HPD
Residential: Care of Six or Fewer Persons	PDP	PDP	PDP	PDP	PDP	PDP	PDP	PDP	PDP			
• If exempt per Sec. 8174-6.2, 8174-6.3.2, or 8174-6.3.5	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC			
<b>CARWASHES, SELF-SERVICE OR AUTOMATIC</b>										CUP		
If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5										ZC		
<b>CHURCHES AND OTHER BUILDINGS USED FOR RELIGIOUS WORSHIP</b>			PDP	PDP								
If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5			ZC	ZC								
<b>CLUBHOUSES</b>			CUP	CUP		PD						
If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5			ZC	ZC		ZC						
<b>CONFERENCE CENTERS/CONVENTION CENTERS</b>										CUP		CUP
If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5										ZC		ZC
<b>DOG GROOMING</b>										PDP		
<b>DREDGING</b>	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD
If exempt per Sec. 8174-6.3.1 or 8174-6.3.2	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC
<b>DRILLING, TEMPORARY GEOLOGIC (Testing Only)</b>	PD	PD	PD	PD							PD	
<b>DWELLINGS</b>												
Demolition of Single Family Dwellings and Accessory Structures	PDP	PDP	PDP	PDP	PDP	PDP	PDP	PDP	PDP			
• If exempt per Sec. 8174-6.2 or 8174-6.3.5	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC			
Improvements to Residential Structures												
• Improvements to Single Family Dwellings and Accessory Structures	PD	PD	PD	PD	PD	PD	PD	PD	PD			
If exempt per Sec. 8174-6.2, 8174-6.3.2 or 8174-6.3.5	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC			
• Improvements to Other Dwellings and Accessory Structures	See "Improvements to Structures, Other Than Single Family Dwellings or											

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LAND USE CATEGORY	PERMIT REQUIREMENTS BY ZONE											
	COS	CA	CR	CRE	CR1	CR2	RB	RBH	CRPD	CC	CM	HPD
	Public Works Facilities"											
One Single-Family	PDP	PDP	PDP	PDP	PDP	PDP	PDP	PDP	PDP			
• If exempt per Sec. 8174-6.2, 8174-6.3.2 or 8174-6.3.5	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC			
One Two-Family or Two Single-Family (also see Sec. 8175-3.10)						PDP	PDP	PDP	PDP			
• If exempt per Sec. 8174-6.2, 8174-6.3.2 or 8174-6.3.5						ZC	ZC	ZC	ZC			
Multi-Family									PDP			
• If exempt per Sec. 8174-6.2, 8174-6.3.2 or 8174-6.3.5									ZC			
Mobilehome, Continuing Nonconforming	PDP	PDP	PDP	PDP	PDP	PDP	PDP	PDP				
<b>DWELLINGS – ACCESSORY USES AND STRUCTURES</b>												
Animals												
Apiculture (see Sec. 8175-5.2.1)	PD	PD										
Aviaries (see Sec. 8175-5.2.2)	PD	PD	PD	CUP	CUP							
Board and Care of Horses on Lots of 10 Acres or More	CUP		CUP									
Farm, Including Private Stables (see Sec. 8175-5.2.4b)	PD	PD	PD									
Pet Animals (consistent with Sec. 8175-5.2.4a)	E	E	E	E	E	E	E	E	E			
More Than Are Permitted By Sec. 8175-5.2.4	CUP	CUP										
Wild Animals	CUP											
Non-Commercial Antennas, Freestanding, above 40 feet (see Sec. 8175-5.1i). See "wireless communication facilities" for all other antenna facilities.	PD	PD	PD	PD	PD	PD	PD	PD	PD			
• If exempt per Sec. 8174-6.3.4 or 8174-6.3.5	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC			
Exterior Storage consistent with Sec. 8174-6.2.5 and 8175-5.1j	E	E	E	E	E	E	E	E	E			

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LAND USE CATEGORY	PERMIT REQUIREMENTS BY ZONE											
	COS	CA	CR	CRE	CR1	CR2	RB	RBH	CRPD	CC	CM	HPD
Fences and Walls	PD	PD	PD	PD	PD	PD	PD	PD	PD	See "Uses and Structures accessory to a Commercial or Industrial Use"		
<ul style="list-style-type: none"> <li>If exempt per Sec. 8174-6.2, 8174-6.3.5, or 8174-6.3.6</li> </ul>	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	See "Uses and Structures accessory to a Commercial or Industrial Use"		
Home Occupations (see Sec. 8175-5.1f)	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC			
Mobilehome/RV as Temp. Dwelling During Construction, consistent with standards in Sec. 8175-5.1e	PD	PD	PD	PD								
<ul style="list-style-type: none"> <li>If exempt per Sec. 8174-6.3.6</li> </ul>	ZC	ZC	ZC	ZC								
Second Dwellings (see Sec. 8175-5.1g)	PD	PD	PD	PD	PD	PD	PD	PD	PD			
<ul style="list-style-type: none"> <li>If exempt per Sec. 8174-6.2, 8174-6.3.2, 8174-6.3.5, or 8174-6.3.6</li> </ul>	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC			
Septic Systems, Construction or Expansion of	PD	PD	PD	PD	PD	PD	PD	PD	PD			
Water Wells, Construction or Expansion	PD	PD	PD	PD	PD	PD	PD	PD	PD			
<ul style="list-style-type: none"> <li>Incidental, appropriate and subordinate to a principally-permitted use</li> </ul>	PDP	PDP	PDP	PDP	PDP	PDP	PDP	PDP	PDP			
<ul style="list-style-type: none"> <li>With Brush or Vegetation Removal</li> </ul>	Permit May Be Required. See "Brush or Vegetation Removal"											
<ul style="list-style-type: none"> <li>With Grading, Excavation or Fill</li> </ul>	Permit May Be Required. See "Grading, Excavation or Fill"											
Water Wells, Testing to Determine Water Availability	See "Water Facilities"											
Accessory Uses and Structures Not Otherwise Listed	PD	PD	PD	PD	PD	PD	PD	PD	PD			
<ul style="list-style-type: none"> <li>If exempt per Sec. 8174-6.2, 8174-6.3.2, 8174-6.3.5</li> </ul>	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC			
<b>ENERGY FACILITIES</b> , Including Energy Production From Renewable Sources	CUP											CUP

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If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5	ZC										ZC	
<b>FILM PRODUCTION, TEMPORARY</b> (See Sec. 8175-5.6)												
Lasting up to 14 days per production See Sec. 8175-5.6.1.1 for exceptions that require a PD permit	ZC	ZC	ZC	ZC	ZC	ZC	See Sec. 8175-5.6.5		ZC	ZC	ZC	
Lasting 15 to 180 days	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	
Conducted in beach areas												
<ul style="list-style-type: none"> <li>Lasting up to 14 days per production. See Sec. 8175-5.6.1.2.1</li> </ul>	ZC			ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	
Conducted with film pyrotechnics as defined in Article 2.	PD	PD	PD							PD	PD	
Conducted solely for non-commercial student projects or personal, private, or family use.	E	E	E	E	E	E	E	E	E	E	E	
<ul style="list-style-type: none"> <li>Except where Sec. 8175-5.6.1.1 applies.</li> </ul>	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	
<ul style="list-style-type: none"> <li>Except where Neighborhood Consent is required per Sec. 8175-5.6.5</li> </ul>	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	
Conducted for purposes of reporting on current news events	E	E	E	E	E	E	E	E	E	E	E	
<b>FIRE STATIONS</b>	PD	PD	PDP	PDP	PDP	PDP	PDP	PDP	PDP	PDP	PDP	
If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	
<b>GRADING, EXCAVATION, OR FILL,</b> Pursuant To Sec. 8175-5.17	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD
If exempt per Sec. 8174-6.3.6	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC
<b>GEOTECHNICAL AND SOILS TESTING</b>												
Without Brush or Vegetation Removal, and Without Grading	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC
With Brush or Vegetation Removal	Permit May Be Required. See Brush or Vegetation Removal											
With Grading, Excavation or Fill	Permit May Be Required. See Grading, Excavation or Fill											
<b>HARBOR USES</b> (See Definitions)												PD

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LAND USE CATEGORY	PERMIT REQUIREMENTS BY ZONE											
	COS	CA	CR	CRE	CR1	CR2	RB	RBH	CRPD	CC	CM	HPD
Fleet Base Activities, Accessory to Offshore Drilling												CUP
Fuel Storage and Sales												CUP
• If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5												ZC
<b>HEALTH CLINICS</b>										PDP		
If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5										ZC		
<b>HOTELS, MOTELS, AND BOATELS</b>										CUP		CUP
If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5										ZC		ZC
<b>IMPROVEMENTS TO STRUCTURES, OTHER THAN SINGLE FAMILY DWELLINGS OR PUBLIC WORKS FACILITIES</b>	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD
If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC
<b>KENNELS</b>	PD											
<b>LABORATORIES; RESEARCH, SCIENTIFIC, MEDICAL OR DENTAL</b>										CUP	CUP	
If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5										ZC	ZC	
<b>LAUNDRY AND DRY CLEANING ESTABLISHMENTS: 5 OR FEWER EMPLOYEES</b>										PDP		
If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5										ZC		
<b>LIBRARIES</b>			CUP	CUP								
If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5			ZC	ZC								
<b>MAINTENANCE/REPAIRS, No Additions or Enlargements</b>	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD
If exempt per Sec. 8174-6.3.2 or 8174-6.3.6	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC
<b>MOBILEHOME PARKS</b> (See Sec. 8175-5.5)			CUP									

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If exempt per Sec. 8174-6.2, 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5			ZC	ZC	ZC	ZC	ZC	ZC	ZC			
<b>OFFICES: BUSINESS, PROFESSIONAL AND ADMINISTRATIVE</b> , Excluding Storage, Wholesale Trade and Veterinary Clinics										PD	PD	
If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5										ZC	ZC	
<b>OIL AND GAS: EXPLORATION AND PRODUCTION, UNLESS PREEMPTED</b> (See Sec. 8175-5.7)	CUP	CUP								CUP	CUP	
Refining, Processing, Manufacture, and Bulk Storage											CUP	
• If exempt per Sec. 8174-6.3.2											ZC	
<b>PARKING LOTS, PUBLIC</b>										CUP		PD
<b>PIPELINES AND TRANSMISSION LINES, AND APPURTENANT STRUCTURES</b>	CUP	CUP	CUP								CUP	
If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5	ZC	ZC	ZC								ZC	
<b>PUBLIC UTILITY FACILITIES</b>												
Without Service Yards	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD
• If exempt per Sec. 8174-6.3.2, 8174-6.3.4, 8174-6.3.5, or 8174-6.3.6	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC
With Service Yards	CUP		CUP							CUP	CUP	
• If exempt per Sec. 8174-6.3.2, 8174-6.3.4, 8174-6.3.5, or 8174-6.3.6	ZC		ZC							ZC	ZC	
Offices Only										PD	PD	
• If exempt per Sec. 8174-6.3.2, 8174-6.3.4, 8174-6.3.5, or 8174-6.3.6										ZC	ZC	
<b>PUBLIC WORKS FACILITIES</b> (See Sec. 8175-5.9)	See <u>"Wireless Communication Facilities"</u> for antenna installations.											
County Initiated	PW	PW	PW	PW	PW	PW	PW	PW	PW	PW	PW	PW
• If exempt per Sec. 8174-6.3.2, 8174-6.3.4, 8174-6.3.5, or 8174-	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC

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	COS	CA	CR	CRE	CR1	CR2	RB	RBH	CRPD	CC	CM	HPD
6.3.6												
Not County-Initiated	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP
• If exempt per Sec. 8174-6.3.2, 8174-6.3.4, 8174-6.3.5, or 8174-6.3.6	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC
<b>REAL ESTATE TRACT OFFICES, TEMPORARY</b> (See Sec. 8175-5.1k)	PD	PD	PD	PD	PD	PD	PD	PD	PD			
• If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC			
<b>RECREATIONAL USES</b>												
Campgrounds (see Sec. 8175-5.3)	CUP		CUP									
• If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5	ZC		ZC									
Camps (see Sec. 8175-5.4)			CUP	CUP								
• If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5			ZC	ZC								
Community Centers										CUP		
• If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5										ZC		
Fields, Athletic (Seating: Portable Only, for Not More Than 100 People)			CUP	CUP	CUP	CUP			CUP	CUP		
• If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5			ZC	ZC	ZC	ZC			ZC	ZC		
Golf Courses, Except Miniature Golf	CUP											
• If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5	ZC											
Outdoor Festivals, Temporary, and Outdoor Sporting Events	CUP											
Parks and Picnic Grounds	PD		PDP	PD	PD	PD						
• If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5	ZC		ZC	ZC	ZC	ZC						
Recreational Vehicle Parks (see Sec. 8175-5.10)	CUP		CUP									
• If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5	ZC		ZC									

<b>E</b> = Exempt*	<b>PDP</b> = PD Permit, Principally-Permitted**	<b>Not Allowed</b>	Exempt	Approved by Planning Director or Designee	Approved by Planning Commission	Approved by Board of Supervisors
<b>ZC</b> = Zoning Clearance*	<b>PW</b> = Public Works Permit					
<b>PD</b> = Planned Development Permit	<b>CUP</b> = Conditional Use Permit					

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LAND USE CATEGORY	PERMIT REQUIREMENTS BY ZONE											
	COS	CA	CR	CRE	CR1	CR2	RB	RBH	CRPD	CC	CM	HPD
Recreational Uses (as Permitted by This Table), County Initiated	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP		
• If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC		
Caretaker Recreational Vehicle, Accessory, pursuant to the standards in Sec. 8175-5.15	E	E	E	E	E	E	E	E	E	E		
Riding Stables	PD		CUP									
• If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5	ZC		ZC									
• With Accessory Lodging Facilities	CUP											
• If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5	ZC											
Swimming and Tennis Clubs, and the Like										CUP		
• If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5										ZC		
Youth Hostels										PD		
• If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5										ZC		
<b>REPAIR OF PERSONAL GOODS</b> (Such As Jewelry, Shoes And Small Appliances)										PDP		
<b>RESTAURANTS, CAFES, AND CAFETERIAS</b>										PDP		
If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5										ZC		
<b>RETAIL TRADE</b> (See Definitions)										PDP		
If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5										ZC		
Liquor Stores										CUP		
Nurseries										CUP		
<b>SCHOOLS</b> , Public or Private, Nonboarding					CUP		CUP	CUP				
If exempt per Sec. 8174-6.3.2, 8174-					ZC		ZC	ZC				

<b>E</b> = Exempt*	<b>PDP</b> = PD Permit, Principally-Permitted**	<b>Not Allowed</b>	Exempt	Approved by Planning Director or Designee	Approved by Planning Commission	Approved by Board of Supervisors
<b>ZC</b> = Zoning Clearance*	<b>PW</b> = Public Works Permit					
<b>PD</b> = Planned Development Permit	<b>CUP</b> = Conditional Use Permit					

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LAND USE CATEGORY	PERMIT REQUIREMENTS BY ZONE											
	COS	CA	CR	CRE	CR1	CR2	RB	RBH	CRPD	CC	CM	HPD
6.3.4, or 8174-6.3.5												
<b>SHORELINE PROTECTIVE DEVICES</b> (See Sec. 8175-5.12.2)	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD
If exempt per Sec. 8174-6.3.2	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC
<b>Signs</b>												
Sign, Permanent, Freestanding See Sec. 8175-5.13.6(a)	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD
Sign, Illuminated		PD								PD		
Sign Mural										PD		
Sign Program		PD								PD	PD	
Sign, Temporary (in ESHA or ESHA buffer) See Sec. 8175-5.13.3(c)	PD											
Sign Alterations See Sec. 8175-5.13.5(a)	ZC	ZC								ZC	ZC	ZC
Signs Affixed to a Structure See Sec. 8175.5.13.5(b)	ZC	ZC								ZC	ZC	ZC
If exempt per Sec. 8174-6.3.5 Disaster Replacement of Structures	ZC	ZC								ZC	ZC	ZC
Signs, Promotional Temporary See Sec. 8175-5.13.5(d)	ZC	ZC								ZC	ZC	ZC
Identification Sign & Flags See Sec. 8175-5.13.4(a) & (c)	E	E	E	E	E	E	E	E	E	E	E	E
Repair and Maintenance Activities See Sec. 8175-5.13.4(d)	E	E	E	E	E	E	E	E	E	E	E	E
Natural Gas, Chilled Water and Steam Facility Signs See Sec. 8175-5.13.4(e)	E	E	E	E	E	E	E	E	E	E	E	E
Sign, Temporary (not in ESHA) See Sec. 8175-5.13.4(f)	E	E	E	E	E	E	E	E	E	E	E	E
Sign, Incidental See Sec. 8175-5.13.4(f)	E	E								E	E	E
<b>STORAGE OF BUILDING MATERIALS, TEMPORARY</b> (See Sec. 8175-16)	Same permit as principal use											

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<b>ZC</b> = Zoning Clearance*	<b>PW</b> = Public Works Permit					
<b>PD</b> = Planned Development Permit	<b>CUP</b> = Conditional Use Permit					

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LAND USE CATEGORY	PERMIT REQUIREMENTS BY ZONE											
	COS	CA	CR	CRE	CR1	CR2	RB	RBH	CRPD	CC	CM	HPD
<b>SUBDIVISIONS:</b>												
Parcel Map Waivers	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD
• Lot Line Adjustments	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD
If exempt per Sec. 8174-6.3.6	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC
Tentative Maps (TM)	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP
Tentative Parcel Maps (TPM)	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD
<b>TAILOR SHOPS</b>												
If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5										PDP		
<b>USES AND STRUCTURES, ACCESSORY TO A COMMERCIAL OR INDUSTRIAL USE</b>												
If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5										ZC		
Brush or Vegetation Removal	Permit May Be Required. See "Brush or Vegetation Removal"											
Dwelling, for Proprietor or Employee (2 <sup>ND</sup> or 3 <sup>RD</sup> Floor Only)											PDP	PD
• If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5											ZC	ZC
Fences and walls	See "Dwelling – Accessory Uses and Structures"									PD	PD	PD
• If exempt per Sec. 8174-6.3.2, 8174-6.3.4, 8174-6.3.5, or 8174-6.3.6	See "Dwelling – Accessory Uses and Structures"									ZC	ZC	ZC
Game Machines, Three or Fewer											PD	
Grading, Excavation or Fill	Permit May Be Required. See "Grading, Excavation or Fill"											
Improvements to Structures	See "Improvements to Structures, other than Single Family Dwellings or Public Works Facilities"											
Recreational Facilities, Restaurants and Cafes: For Employees Only												PD
• If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5												ZC

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<b>ZC</b> = Zoning Clearance*	<b>PW</b> = Public Works Permit					
<b>PD</b> = Planned Development Permit	<b>CUP</b> = Conditional Use Permit					

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LAND USE CATEGORY	PERMIT REQUIREMENTS BY ZONE											
	COS	CA	CR	CRE	CR1	CR2	RB	RBH	CRPD	CC	CM	HPD
Repair of Products Retailed										PD		
Temporary Buildings During Construction (see Sec. 8175-5.14)										PD	PD	
• If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5										ZC	ZC	
<b>USES AND STRUCTURES, ACCESSORY, NOT OTHERWISE LISTED</b>	Same permit as principal use											
<b>TREE ALTERATION AND REMOVAL:</b>												
<b>TREE REMOVAL</b>												
Removal or transplantation of a protected tree per Sec. 8178-7.5.1	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	
Except for historical and heritage trees, the removal of a non-native or invasive tree during bird nesting season pursuant to Sec. 8178-7.5.2	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	
<b>TREE ALTERATION</b>												
Tree alteration or encroachment into the tree protected zone of a protected tree, pursuant to Sec. 8178.7.5.1	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	
Minor alteration of a non-native or invasive tree during bird nesting season pursuant to Sec. 8178-7.5.2	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	
Minor alteration of a protected tree pursuant to Sec. 8178-7.5.2.1 (* inspection required)	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	
<b>EMERGENCY TREE ALTERATION OR REMOVAL</b>	See Sec. 8178-7.5.4											
<b>VETERINARY CLINICS</b> , Excluding Livestock										CUP		
If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5										ZC		
<b>WASTE TREATMENT AND DISPOSAL</b>	See also "Public Works Facilities"											
Waste Disposal, Including Sanitary Landfills	CUP										CUP	

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LAND USE CATEGORY	PERMIT REQUIREMENTS BY ZONE											
	COS	CA	CR	CRE	CR1	CR2	RB	RBH	CRPD	CC	CM	HPD
<ul style="list-style-type: none"> <li>If exempt per Sec. 8174-6.3.2, 8174-6.3.4, 8174-6.3.5, or 8174-6.3.6</li> </ul>	ZC										ZC	
Waste Treatment											CUP	
<ul style="list-style-type: none"> <li>If exempt per Sec. 8174-6.3.2, 8174-6.3.4, 8174-6.3.5, or 8174-6.3.6</li> </ul>											ZC	
Recycling Facilities and Centers											CUP	
<ul style="list-style-type: none"> <li>If exempt per Sec. 8174-6.3.2, 8174-6.3.4, 8174-6.3.5, or 8174-6.3.6</li> </ul>											ZC	
<b>WATER FACILITIES</b>	See also "Public Works Facilities"											
Water Storage and Distribution Facilities: Private Agencies	PD	PD	PD	PD	PD	PD	PD	PD		PD	PD	
<ul style="list-style-type: none"> <li>If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5</li> </ul>	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC		ZC	ZC	
Water Wells, Testing to Determine Water Availability	PD	PD	PD	PD	PD	PD	PD	PD	PD			
<ul style="list-style-type: none"> <li>Incidental, appropriate and subordinate to a principally-permitted use</li> </ul>	PDP	PDP	PDP	PDP	PDP	PDP	PDP	PDP	PDP			
<ul style="list-style-type: none"> <li>With Brush or Vegetation Removal</li> </ul>	Permit May Be Required. See "Brush or Vegetation Removal"											
<ul style="list-style-type: none"> <li>With Grading, Excavation or Fill</li> </ul>	Permit May Be Required. See "Grading, Excavation or Fill"											
<b>WIRELESS COMMUNICATION FACILITIES</b>	See "Dwellings – Accessory Uses and Structures", "Antennas, Freestanding" for non-commercial antenna/amateur radios installed as an accessory to a dwelling.											
<i>Stealth</i> facilities, except in the public road right-of-way (see Sec.8175-5.20.3)	CUP	CUP	CUP	CUP	CUP	CUP					CUP	CUP
<i>Stealth</i> facilities exclusively located within the public road right-of-way (see Sec. 8175-5.20.3,4)	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
<i>Non-Stealth</i> facilities (see Sec. 8175-5.20.3(b))	CUP	CUP									CUP	

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LAND USE CATEGORY	PERMIT REQUIREMENTS BY ZONE											
	COS	CA	CR	CRE	CR1	CR2	RB	RBH	CRPD	CC	CM	HPD
<i>Data Collection Units</i> on existing utility poles within the public road right-of-way (see Sec. 8175-5.20.4)	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	

<b>E</b> = Exempt*	<b>PDP</b> = PD Permit, Principally-Permitted**	<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*	<b>PW</b> = Public Works Permit					
<b>PD</b> = Planned <i>Development</i> Permit	<b>CUP</b> = Conditional Use Permit					

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## **Sec. 8174-6 – Statutory Exemptions and Categorical Exclusions**

- a. Authority. Pursuant to Sec. 30610 of the Public Resources Code, certain categories of *development* are statutorily exempt from *coastal development permit* (Conditional Use Permit, Planned Development Permit, or *Public Works Permit*) requirements. Pursuant to Sec. 30610(e) of the Public Resources Code, the Coastal Commission has approved Categorical Exclusion Order E-83-1, as amended by E-83-1A (effective 9/30/1986, amendment effective 2/25/1987), that provides additional exemptions to *coastal development permit* requirements within Ventura County.
- b. Zoning Clearance Required. Unless exempt from all permit requirements per Sec. 8174-5 above, a *Zoning Clearance* is required from Ventura County for *developments* exempt from *coastal development permit* requirements pursuant to this Section.

### **Sec. 8174-6.1 – Agricultural Exclusions**

- a. Pursuant to Categorical Exclusion Order E-83-1 (effective 9/30/1986, amendment effective 2/25/1987), the following *uses* are exempt from *coastal development permit* requirements when they meet all of the criteria listed in Sec. 8174-6.1(b):
  1. The construction or demolition of barns, storage (including equipment storage), and other necessary *buildings* for agricultural purposes, provided the *buildings* are used for the sole purpose of commodities grown on the same *lot*;
  2. The construction of *fences* for farm or ranch purposes, provided:
    - i. No solid *fence* designs are used; and
    - ii. *Fences* do not block existing or proposed public equestrian and/or pedestrian trails;
  3. Greenhouses that do not exceed 400 sq. ft. in total area;
  4. Storage tanks and water distribution lines used for on-site agricultural activities;
  5. Water impoundment projects in canyons and drainage areas, provided:
    - i. Canyons and drainage areas are not identified as solid or dashed blue line *streams* on the USGS 7½-minute quadrangle maps; and
    - ii. Projects do not exceed two acre-feet either in actual water impounded or in design capacity.
- b. Agricultural *uses* listed in Sec. 8174-6.1a above are exempt from the requirement for a *coastal development permit* when they meet all of the following criteria:
  1. *Development* is located in the CA or COS zones;
  2. *Development* is located on *lots* exceeding 10 acres;
  3. *Development* is located inland of the following public roadways: U.S. 101 from Rincon Point to the intersection of Harbor Boulevard, Harbor

Boulevard south to City of Oxnard corporate boundary at Wooley Road, and Highway 1 on the South Coast; and

4. *Development* is not located:
  - i. Within *tidelands*, submerged lands, or beaches;
  - ii. On a *lot* immediately adjacent to the inland extent of the beach, or of the *mean high tide line* of the sea where there is no beach;
  - iii. Within any *stream*, *wetland*, estuary, marsh or lake, or 100 feet of such areas;
  - iv. Within any area defined as *riparian habitat* or ESHA, or 100 feet of such areas;
  - v. On lands or waters subject to, or potentially subject to, the public trust; or
  - vi. Anywhere the policies of the LCP specify a larger geographic area of concern for natural resources, open space, or environmentally sensitive *habitat* than those areas listed in Secs. 8174-6.1(b)4i-v above.
- c. The following *uses* are *not* part of this exemption for agricultural *uses*, and may require a *coastal development permit*:
  1. Water wells;
  2. Equestrian facilities, including, but not limited to, boarding stables, riding areas, and polo fields;
  3. Greenhouses that exceed 400 sq. ft. in total area;
  4. Any *structure* defined as "a qualified historical *building* or *structure*" by Section 18955 of the Health and Safety Code;
  5. *Single-family* residences;
  6. Agricultural processing facilities, including storage and *accessory structures*;
  7. The removal of vegetation on more than one-half acre of land;\* and
  8. The removal of *major vegetation*, other than for agricultural purposes.\*

## **Sec. 8174-6.2 – Residential Exemptions and Exclusions**

### **Sec. 8174-6.2.1 – Single-Family Dwellings**

- a. Pursuant to Categorical Exclusion Order E-83-1 (effective 9/30/1986, amendment effective 2/25/1987), the construction of *single-family dwellings* on existing vacant *legal lots* of record in the following areas<sup>†</sup> is exempt from *coastal development permit* requirements, *with the exception* of *dwellings* located in the areas listed in Sec. 8174-6.2.1(b) below:
  1. Solromar (South Coast Community) – The developed areas inland of

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\* The removal of any amount or type of vegetation may be subject to Coastal Development Permit requirements. See permit requirements for Brush or Vegetation Removal in Sec. 8174-5.

<sup>†</sup> See also Exclusion Maps in Categorical Exclusion Order E-83-1 (effective 9/30/1986, amendment effective 2/25/1987)

- the Pacific Coast Highway zoned CRE, CR and CRPD;
2. Silver Strand/Hollywood-by-the-Sea – The entire unincorporated area inland of the first *public road* (Ocean Avenue) to the boundary of the U.S. Naval Construction Battalion Center zoned RBH;
  3. Hollywood Beach – The entire unincorporated area inland of the first *public road* (Ocean Avenue) to the city limits of Oxnard zoned RBH; or
  4. North Coast Community – Those *lots* inland of the first row of *lots* adjacent to the beach and part of the County Service Area 29 zoned RB.
- b. *Single-Family Dwellings* described in Sec. 8174-6.2.1(a) above shall require a *coastal development permit* when they are located in the following areas:
1. *Tidelands*, submerged lands, or beaches;
  2. *Lots* immediately adjacent to the inland extent of the beach, or of the *mean high tide line* of the sea where there is no beach;
  3. Lands or waters subject to, or potentially subject to, the public trust;
  4. Within any *stream*, *wetland*, estuary, marsh or lake, or 100 feet of such areas; or
  5. Anywhere the policies of the LCP specify a larger geographic area of concern for natural resources, open space, or environmentally sensitive *habitat* than those areas listed in Secs. 8174-6.2.1(b)1-4 above.

**Sec. 8174-6.2.2 - Improvements to Existing Single-Family Dwellings**

- a. Pursuant to Section 30610(a) of the Public Resources Code, improvements to existing, legally-permitted *single-family dwellings* are exempt from *coastal development permit* requirements, with the exception of those *developments* listed in Sec. 8174-6.2.2(c) below.
- b. For the purposes of this section, the following are considered part of *single-family dwellings*:
  1. All fixtures and other *structures* directly attached to a *dwelling*;
  2. *Structures* on the property normally associated with a *single-family* residence, such as garages, swimming pools, *fences*, and storage sheds; but not including guest houses or self-contained residential units; and
  3. Landscaping on the *lot*.
- c. Pursuant to Section 13250 of Title 14 of the California Code of Regulations, the following improvements to existing *single-family dwellings* require a *coastal development permit* because they involve a risk of adverse environmental effects:
  1. Improvements to a single-family *structure* if the *structure* or improvement is located: on a beach, in a *wetland*, seaward of the *mean high tide line*, in an ESHA, in an area designated as highly scenic in a certified land *use plan*, or within 50 feet of the edge of a coastal bluff;

2. Any significant alteration of land forms including removal or placement of vegetation, on a beach, *wetland*, or sand dune, or within 50 feet of the edge of a coastal bluff, or in ESHAs;
3. The expansion or construction of water wells or septic systems
4. On property not included in subsection (c)(1) above that is located between the sea and the first *public road* paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide of the sea where there is no beach, whichever is the greater distance, or in significant *scenic resources* areas as designated by the *commission* or regional commission, improvement that would result in an increase of 10 percent or more of internal floor area of an existing *structure* or an additional improvement of 10 percent or less where an improvement to the *structure* had previously been undertaken pursuant to Public Resources Code Section 30610(a), increase in *height* by more than 10 percent of an existing *structure* and/or any significant non-attached *structure* such as garages, *fences*, shoreline protective works or docks;
5. In areas which the *commission* or a regional commission has previously declared by resolution after public hearing to have a critically short water supply that must be maintained for the protection of *coastal resources* or public recreational use, the construction of any specified major water using *development* not essential to residential use including but not limited to swimming pools, or the construction or extension of any landscaping irrigation system;
6. Any improvement to a single-family residence where the *development* permit issued for the original *structure* by the *commission*, regional commission, or local government indicated that any future improvements would require a *development* permit.

**Sec. 8174-6.2.3 - Improvements to Residential Structures, Other Than Single-Family Dwellings**

- a. Pursuant to Section 30610(b) of the Public Resources Code, as it may be amended, improvements to existing legally permitted residential *structures*, other than *single-family dwellings*, are exempt from *coastal development permit* requirements, with the exception of those improvements listed in Sec. 8174-6.2.3(c) below.
- b. For the purposes of this section, the following are considered part of residential *structures*, other than *single-family dwellings*:
  1. All fixtures and other *structures* directly attached to the *structure*; and
  2. Landscaping on the *lot*.
- c. Pursuant to Section 13253 of Title 14 of the California Code of Regulations, as it may be amended, the following improvements to residential *structures*, other than *single-family dwellings*, shall require a *coastal development permit* because they involve a risk of adverse environmental effect, adversely affect public access, or involve a change in use contrary to the policy of Division 20 of the Public Resources Code:
  1. Improvement to any *structure* when the *structure* or the improvement is located: on a beach; in a *wetland*, *stream*, or lake; seaward of the

- mean high tide line*; in an area designated as highly scenic in a certified land *use* plan; or within 50 feet of the edge of a coastal bluff;
2. Any significant alteration of land forms including removal or placement of vegetation, on a beach or sand dune; in a *wetland* or *stream*; within 100 feet of the edge of a coastal bluff, in a highly scenic area, or in an ESHA;
  3. The expansion or construction of water wells or septic systems;
  4. On property not included in subsection (c)(1) above that is located between the sea and the first *public road* paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide of the sea where there is no beach, whichever is the greater distance, or in significant scenic resource areas as designated by the *commission* or regional commission an improvement that would result in an increase of 10 percent or more of internal floor area of the existing *structure*, or constitute an additional improvement of 10 percent or less where an improvement to the *structure* has previously been undertaken pursuant to Public Resources Code Section 30610(b), and/or increase in *height* by more than 10 percent of an existing *structure*;
  5. In areas which the *commission* or regional commission has previously declared by resolution after public hearing to have a critically short water supply that must be maintained for protection of coastal recreation or public recreational *use*, the construction of any specified major water using *development* including but not limited to swimming pools or the construction or extension of any landscaping irrigation system;
  6. Any improvement to a *structure* where the *coastal development permit* issued for the original *structure* by the *commission*, regional commission, or local government indicated that any future improvements would require a *development* permit;
  7. Any improvement to a *structure* which changes the intensity of *use* of the *structure*; or
  8. Any improvement made pursuant to a conversion of an existing *structure* from a multiple unit rental *use* or visitor-serving commercial *use* to a *use* involving a fee ownership or long-term leasehold including but not limited to a condominium conversion, stock cooperative conversion or *motel/hotel* timesharing conversion.

**Sec. 8174-6.2.4 – Conversion of Residential Units**

Pursuant to Section 30610(h) of the Public Resources Code, the conversion of any existing, legally permitted multiple-unit residential *structure* to a time-share project, estate, or *use*, as defined in Section 11212 of the Business and Professions Code, is exempt from *Coastal Development Permit* requirements. If any improvement to an existing *structure* is otherwise exempt from *coastal development permit* requirements, no *coastal development permit* is required for that improvement on the basis that it is to be made in connection with any conversion exempt pursuant to this Section. The division of a multiple-unit residential *structure* into condominiums, as defined in Section 783 of the Civil

Code, shall not be considered a time-share project, estate, or *use* for purposes of this Section.

**Sec. 8174-6.2.5 – Residential Accessory Uses and Structures**

- a. Pursuant to Categorical Exclusion Order E-83-1 (effective 9/30/1986, amendment effective 2/25/1987) the following *uses* and *structures* accessory to *dwellings* are exempt from *coastal development permit* requirements, except when proposed within a location as described in Sec. 8174-6.2.5(b) below:
1. Pet *animal keeping* consistent with the standards of Section 8175-5.2.4;
  2. Temporary mobile homes during construction consistent with the standards of Sec. 8175-5.1e;
  3. *Exterior storage* consistent with the standards of Sec. 8175-5.1j;
  4. Demolition of *single-family dwellings*, and of *accessory structures* such as garages, carports and storage sheds;
  5. *Accessory structures* normally associated with *single-family dwellings*, including garages, swimming pools, *fences* and storage sheds, in accordance with Title 14, California Administrative Code, Section 13250(a) provided that:
    - i. The *lot* contains an existing *single-family dwelling*;
    - ii. The *accessory structure* is not used for human habitation;
    - iii. The *accessory structure* does not exceed 400 square feet in aggregate in *gross floor area*; and
    - iv. The *structure* does not conflict with Title 14, California Code of Regulations, Section 13250(b)(6).
- b. Residential *accessory uses* and *structures* described in Sec. 8174-6.2.5(a) above shall require a *coastal development permit* when they are located in the following areas:
1. *Tidelands*, submerged lands, or beaches, or within 100 feet of such areas;
  2. Within any ESHA, *riparian habitat*, river, sand dune, *stream*, *wetland*, estuary, marsh, lake, edge of coastal bluff, or 100 feet of such areas;
  3. Lands or waters subject to, or potentially subject to, the public trust;
  4. *Lots* immediately adjacent to the inland extent of the beach, or of the *mean high tide line* of the sea where there is no beach;
  5. *Lots* between the *mean high tide line* and the first *public road* parallel to the sea, or within 300 feet of the *mean high tide line* where the nearest *public road* is not parallel to the sea;
  6. On *slopes* greater than 20 percent; or
  7. Anywhere the policies of the LCP specify a larger geographic area of concern for natural resources, open space, or environmentally sensitive *habitat* than those areas listed in Secs 8174-6.2.5(b)1-6 above.

## **Sec. 8174-6.3 – General Exemptions and Exclusions**

### **Sec. 8174-6.3.1 – Maintenance Dredging**

Pursuant to Section 30610(c) of the Public Resources Code, as it may be amended, maintenance dredging of existing navigation channels or moving dredged material from those channels to a disposal area outside the *coastal zone*, pursuant to a permit from the United States Army Corps of Engineers, is exempt from *coastal development permit* requirements.

### **Sec. 8174-6.3.2 - Repair or Maintenance Activities\***

- a. Pursuant to Section 30610(d) of the Public Resources Code, as it may be amended, repair or maintenance activities that do not result in additions, enlargements or expansions are exempt from *coastal development permit* requirements, with the exception of those activities identified in Sec. 8174-6.3.2(b) below.
- b. Pursuant to Section 13252 of Title 14 of the California Code of Regulations, the following repair and maintenance activities are not exempt and shall require a *coastal development permit* because they involve a risk of substantial adverse environmental impact:
  1. Any method of repair or maintenance of a seawall revetment, bluff retaining wall, breakwater, groin, culvert, outfall, or similar shoreline work that involves:
    - i. Repair or maintenance involving substantial alteration of the foundation of the protective work including pilings and other surface or subsurface *structures*;
    - ii. The placement, whether temporary or permanent, of rip-rap, artificial berms of sand or other beach materials, or any other forms of solid materials, on a beach or in coastal waters, *streams*, *wetlands*, estuaries and lakes or on a shoreline protective work except for agricultural dikes within enclosed bays or estuaries;
    - iii. The replacement of 20 percent or more of the materials of an existing *structure* with materials of a different kind; or
    - iv. The presence, whether temporary or permanent, of mechanized construction equipment or construction materials on any sand area, bluff, or *environmentally sensitive habitat area* (ESHA), or within 20 feet of coastal waters or *streams*.
  2. Any method of routine maintenance dredging that involves:
    - i. The dredging of 100,000 cubic yards or more within a 12-month period;
    - ii. The placement of dredged spoils of any quantity within an ESHA, on any sand area, within 50 feet of the edge of a coastal bluff or ESHA, or within 20 feet of coastal waters or *streams*; or
    - iii. The removal, sale, or disposal of dredged spoils of any quantity

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\*For additional information regarding repair and maintenance activities excluded from coastal permit requirements (including roads, public utilities, parks, industrial facilities, other structures and dredging and beach alteration) see Repair, Maintenance and Utility Hook-up Exclusions from Permit Requirements, adopted by the Coastal Commission on Sept. 5, 1978.

that would be suitable for beach nourishment in an area the *commission* has declared by resolution to have a critically short sand supply that must be maintained for protection of *structures*, *coastal access* or public recreational *use*.

3. Any repair or maintenance to facilities or *structures* or work located in an ESHA, any sand area, within 50 feet of the edge of a coastal bluff or ESHA, or within 20 feet of coastal waters or *streams* that include:
  - i. The placement or removal, whether temporary or permanent, of rip-rap, rocks, sand or other beach materials or any other forms of solid materials; or
  - ii. The presence, whether temporary or permanent, of mechanized equipment or construction materials.
- c. All repair and maintenance activities governed by the above provisions are subject to the permit regulations promulgated pursuant to the Coastal Act, including but not limited to the regulations governing administrative and *emergency* permits. The provisions of this section shall not be applicable to methods of repair and maintenance undertaken by the ports listed in Section 30700 of the Public Resources Code, unless so provided elsewhere in the Coastal Act. The provisions of this section shall not be applicable to those activities specifically described in the document entitled Repair, Maintenance and Utility Hookups, adopted by the Coastal Commission on September 5, 1978, unless a proposed activity will have a risk of substantial adverse impact on public *access*, ESHA, *wetlands*, or public views to the ocean.
- d. Unless destroyed by natural disaster, the replacement of 50 percent or more of a single-family residence, seawall, revetment, bluff retaining wall, breakwater, groin or any other *structure* is not repair and maintenance under Sec. 8174-6.3.2, but instead constitutes a replacement *structure* requiring a *coastal development permit*.

#### **Sec. 8174-6.3.3 – Utility Connections**

- a. Pursuant to Section 30610(f) of the Public Resources Code, as it may be amended, the installation, testing, and placement in service or the replacement of any necessary utility connection between an existing service facility and any *development* approved pursuant to this Chapter is exempt from *coastal development permit* requirements; provided, however, that the County may, where necessary, require reasonable conditions to mitigate any adverse impacts on *coastal resources*, including *scenic resources*.

#### **Sec. 8174-6.3.4 - Improvements to Non-Residential Structures, Other Than Public Works Facilities**

- a. Pursuant to Section 30610(b) of the Public Resources Code, as it may be amended, improvements to existing legally permitted non-residential *structures*, other than *public works facilities*, are exempt from *coastal development permit* requirements, with the exception of those improvements listed in Sec. 8174-6.3.4(c) below.
- b. For the purposes of this section, the following are considered part of non-residential *structures*:
  1. All fixtures and other *structures* directly attached to the *structure*; and

2. Landscaping on the *lot*.
- c. Pursuant to Section 13253 of Title 14 of the California Code of Regulations, as it may be amended, the following improvements to residential *structures*, other than *public works facilities*, shall require a *coastal development permit* because they involve a risk of adverse environmental effect, adversely affect public *access*, or involve a change in *use* contrary to the policy of Division 20 of the Public Resources Code:
1. Improvement to any *structure* when the *structure* or the improvement is located: on a beach; in a *wetland*, *stream*, or lake; seaward of the *mean high tide line*; in an area designated as highly scenic in a certified land *use* plan; or within 50 feet of the edge of a coastal bluff;
  2. Any significant alteration of land forms including removal or placement of vegetation, on a beach or sand dune; in a *wetland* or *stream*; within 100 feet of the edge of a coastal bluff, in a highly scenic area, or in an ESHA;
  3. The expansion or construction of water wells or septic systems;
  4. On property not included in subsection (c)(1) above that is located between the sea and the first *public road* paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide of the sea where there is no beach, whichever is the greater distance, or in significant scenic resource areas as designated by the *commission* or regional commission an improvement that would result in an increase of 10 percent or more of internal floor area of the existing *structure*, or constitute an additional improvement of 10 percent or less where an improvement to the *structure* has previously been undertaken pursuant to Public Resources Code Section 30610(b), and/or increase in *height* by more than 10 percent of an existing *structure*;
  5. In areas which the *commission* or regional commission has previously declared by resolution after public hearing to have a critically short water supply that must be maintained for protection of coastal recreation or public recreational *use*, the construction of any specified major water using *development* including but not limited to swimming pools or the construction or extension of any landscaping irrigation system;
  6. Any improvement to a *structure* where the *coastal development permit* issued for the original *structure* by the *commission*, regional commission, or local government indicated that any future improvements would require a *development permit*;
  7. Any improvement to a *structure* which changes the intensity of *use* of the *structure*; or
  8. Any improvement made pursuant to a conversion of an existing *structure* from a multiple unit rental *use* or visitor-serving commercial *use* to a *use* involving a fee ownership or long-term leasehold including but not limited to a condominium conversion, stock cooperative conversion or *motel/hotel* timesharing conversion.

**Sec. 8174-6.3.5 – Disaster Replacement of Structures**

- a. Pursuant to Section 30610(g) of the Public Resources Code, as it may be amended, the replacement of any legally permitted *structure*, other than a *public works facility*, destroyed by a disaster is exempt from *coastal development permit* requirements. The replacement *structure* shall conform to applicable existing zoning requirements, shall be for the same *use* as the destroyed *structure*, shall not exceed either the floor area, *height*, or bulk of the destroyed *structure* by more than 10 percent, and shall be sited in the same location on the affected property as the destroyed *structure*.

**Sec. 8174-6.3.6 – Other General Exclusions**

- a. Pursuant to Categorical Exclusion Order E-83-1 (effective 9/30/1986, amendment effective 2/25/1987), the following activities are exempt from *coastal development permit* requirements, except when proposed within a location as described in Sec. 8174-6.3.6(b) below:
1. *Fences* and walls of six feet or less in *height* except when such *fence* or wall may obstruct public *access* to the beach;
  2. The installation of irrigation lines;
  3. *Structures*, or additions thereto, with an aggregate value of \$1,000 or less;
  4. The addition of solar collection systems to existing *structures*;
  5. Grading, excavation or *fill* that involves less than 50 cubic yards of material;
  6. Brush or vegetation removal, other than *major vegetation*, of less than one-half acre;
  7. *Lot Line Adjustments* that do not result in an increase or potential increase in the number of *lots*, number of *building* sites, or density of permitted *development*;
  8. Removal of architectural barriers to facilitate *access* by the physically handicapped;
  9. Replacement of *public works facilities*, furnishings, and equipment which shall:
    - i. Be for the same *use* as the *structure* replaced;
    - ii. Not exceed the capacity, surface coverage, *height*, or bulk of the *structure* replaced by more than ten percent;
    - iii. Be sited in the same location on the affected property or right-of-way; and
    - iv. Not include water, sewer and power plants or stations; public transportation stations; oil and gas production, processing or pipelines; and similar *development*.
- b. *Uses* described in Sec. 8174-6.3.6(a) above shall require a *coastal development permit* when they are located in the following areas:
1. *Tidelands*, submerged lands, or beaches, or within 100 feet of such areas;

2. Within any ESHA, *riparian habitat*, river, sand dune, *stream*, *wetland*, estuary, marsh, lake, edge of coastal bluff, or 100 feet of such areas;
3. Lands or waters subject to, or potentially subject to, the public trust;
4. *Lots* immediately adjacent to the inland extent of the beach, or of the *mean high tide line* of the sea where there is no beach;
5. *Lots* between the *mean high tide line* and the first *public road* parallel to the sea, or within 300 feet of the *mean high tide line* where the nearest *public road* is not parallel to the sea;
6. On *slopes* greater than 20 percent; or
7. Anywhere the policies of the LCP specify a larger geographic area of concern for natural resources than those areas listed in Secs. 8174-6.3.6(b)1-6 above.

## **Sec. 8174-6.4 - Procedures for Categorically Excluded Developments**

### **Sec. 8174-6.4.1 - Records**

The County shall maintain a record of any other permits that may be required for categorically excluded *development*,\* which shall be made available to the Coastal Commission or any interested *person* upon request.

### **Sec. 8174-6.4.2 - Notice**

On the first Monday of each month, the County Planning Division shall notify the District Office of the Coastal Commission, and any *person* who has requested such notice, of categorical exclusions on a form containing the following information:

- a. Developer's name;
- b. Street address and assessor's *parcel* number of property on which *development* is proposed;
- c. Brief description of *development*;
- d. Date of application for other local permit(s);
- e. All terms and conditions of *development* imposed by the County in granting its approval of such other permits.

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\* See Secs. 8174-6.1, 8174-6.2.1, 8174-6.2.5, and 8174-6.3.6.

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# ARTICLE 5: DEVELOPMENT STANDARDS/CONDITIONS - USES

## Sec. 8175-1 – Purpose

The purpose of this Article is to provide those *development* standards or conditions that are applicable to the *use* zones. This Article also delineates certain instances where exceptions to certain standards or conditions are allowable. (AM.ORD.4451-12/11/12)

## Sec. 8175-2 – Schedule of Specific Development Standards by Zone

The following table indicates the *lot area*, *lot width*, *setback*, *height*, and *building coverage* standards that apply to individual *lots* in the zones specified. See Articles 6 and 7 for other general standards and exceptions. (AM.ORD.4055-2/1/94, AM.ORD.4451-12/11/12)

Zone	Minimum Lot Area (a)	Maximum Percentage of Building Coverage	Minimum Lot Width	Required Minimum Setbacks (b)				Maximum Height (b)		
				Front	Side		Rear	Principal Structure	Exceptions (Principal Structure)	Accessory Structure
					Interior & Corner Lots, Except Reverse Corner	Reverse Corner Lots: Street Side				
COS	10 Acres (c)	See Sec. 8175-2.1	40'	20'	10'	20'	15'	25'	Height May Be Increased to 35' if Each Side setback is at Least 15'	Same as Principal Structure
CA	40 Acres (c)				5'	10'				
CR	One Acre									
CRE	20,000 Sq. Ft.		20' (d)	10'	3'	5'	14' (f)	28', measured to the highest point of the finished roof (i)	Height May Be Increased to 30' for A-frame Structures	15'
CR1	7000 Sq. Ft.									
CR2	Sq. Ft.									
RB	3,000 Sq. Ft. (e)		25'	10'	3'	5'	6' (r)			
RBH	(g)	20' (h)		3' (q)						

Zone	Minimum Lot Area (a)	Maximum Percentage of Building Coverage	Minimum Lot Width	Required Minimum Setbacks (b)				Maximum Height (b)		
				Front	Side		Rear	Principal Structure	Exceptions (Principal Structure)	Accessory Structure
					Interior & Corner Lots, Except Reverse Corner	Reverse Corner Lots: Street Side				
CRPD	As Specified by Permit	See Sec. 8175-2.1	As Specified by Permit	See Sec. 8177-1.3				25'	N/A	
HPD				15'	(j)	10'	15'	35' (p)		
CC	20,000 Sq. Ft.			(k)	(1)	(m)	35'			
CM	10 Acres		40'	(n)				(o)		

(AM.ORD.3876-10/25/88)

(AM.ORD.4055-2/1/94)

(AM.ORD.4451-12/11/12)

- (a) See Secs. 8175-4.10 through 8175-4.12 for exceptions.
- (b) See Secs. 8175-4 and 8175-5 for exceptions.
- (c) For all proposed land divisions in the COS and CA zones, the parent *parcel* shall be subject to the following *slope/density formula* for determining minimum *lot area*.

$$S = \frac{(100) (I) (L)}{A} \text{ Where:}$$

- S = average slope (%)
- I = contour interval (feet)
- L = total length of all contour lines (feet)
- A = total area of the *lot* (square feet)

Once the *average slope* has been computed, the following table shall be used to determine a minimum *lot* size for all proposed *lots* (numbers should be rounded to the nearest tenth):

COS: 0% - 15% = 10 acres	CA: 0% - 35% = 40 acres
15.1% - 20% = 20 acres	Over 35% = 100 acres
20.1% - 25% = 30 acres	
25.1% - 35% = 40 acres	

Exception (CA): Property with a land use designation of "Agriculture" in the Coastal Area Plan that is not *prime agricultural land* shall have a lot area not less than 200 acres, regardless of *slope*.

(AM.ORD.4451-12/11/12)

- (d) *Dwellings* constructed with carports or garages having a curved or "swing" driveway, with the entrances to the garages or carports facing the side property line, may have a minimum *front setback* distance of 15 feet. (AM.ORD.4451-12/11/12)
- (e) Minimum 1500 sq. ft. of *lot area* per *dwelling unit*; maximum two *dwelling units* per *lot*.
- (f) If the *front setback* distance is 20 feet or more, the *rear setback* distance may be reduced to six feet. (AM.ORD.4451-12/11/12)
- (g) 1,750 sq. ft. per *single-family dwelling*; 3,000 sq. ft. per *two-family dwelling*.
- (h) Where there is a two- or three-storied *structure*, such second or third stories may intrude not more than four feet into the required *front setback*. Eaves may extend a maximum of two feet beyond the outside walls of such second or third floor extension. (AM.ORD.4451-12/11/12)
- (i) See also Sec. 8175-3.13. (AM.ORD.4451-12/11/12)
- (j) Five feet for *lots* used for *dwelling* purposes, and five feet on any side *abutting* a *residential zone* (any zone with an "R" in the title); otherwise, as specified by permit.
- (k) Ten feet if the *lot abuts* a *residential zone* on the side; otherwise, as specified by permit.
- (l) Five feet on any side *abutting* a *residential zone*. Also, when the rear of a *corner lot abuts* a *residential zone*, the *side setback* distance from the street shall be at least five feet; otherwise, as specified by permit. (AM.ORD.4451-12/11/12)
- (m) Ten feet if the rear of the *lot abuts* a *residential zone*; otherwise, as specified by permit.
- (n) From street: the greater of 15 feet or 15% of *lot* width or depth. Interior: the greater of five feet or 10% of *lot* width or depth. The *Planning Director* is authorized to modify or entirely waive the interior *setback* requirements in cases where such reductions are necessary for efficient utilization of property and will not adversely affect the public health, safety or welfare, and rail access is provided to the *lot*.
- (o) No *building* or *structure* located within 100 feet of any property in a *residential zone* shall exceed 60 feet in *height*; otherwise, as specified by permit.

- (p) A lower *height* limit may be required by the permit authorizing the *use*.
- (q) Exception: Each *dwelling unit* of a *two-family dwelling* may have a zero *side setback* distance if constructed on a *lot* (other than a *through lot*) of at least 3,500 square feet in area created prior to February 26, 1987, if that *lot* is subdivided along a common side wall of the two *dwelling units*. (AM.ORD.4451-12/11/12)
- (r) Exception: Each *dwelling unit* of a *two-family dwelling* may have a zero *rear setback* distance if constructed on a *through lot* of at least 4,000 square feet in area created prior to February 26, 1987, if that *lot* is subdivided along a common rear wall of the two *dwelling units*, and the *front setback* distance of each resulting *lot* is at least 20 feet. (AM.ORD.4451-12/11/12)

**Sec. 8175-2.1 – Building Coverage Standards**

The following table indicates the *building* coverage standards by land *use* designation.

Coastal Area Plan Designation	Maximum <i>Building</i> Coverage
Open Space	5% (a)
<i>Agriculture</i>	5% (a)
Recreation	5%
Residential – Rural	25% (b)
Residential – Low	29%
Residential – Medium	42%
Residential – High	65%
Commercial	40%
Industrial	40%

- (a) Excludes greenhouses, hothouses, and the like. For nonconforming *lots*, maximum *building* coverage shall be 2,500 square feet, plus 1 square foot for each 22.3 square feet of *lot area* over 5,000 square feet.
- (b) Excludes greenhouses, hothouses, and the like. For nonconforming *lots*, maximum *building* coverage shall be 2,500 square feet, plus 1 square foot for each 4.6 square feet of *lot area* over 5,000 square feet.

(ADD.ORD. 4451-12/11/12)

**Sec. 8175-3 - General Requirements**

**Sec. 8175-3.1 - Distance Between Structures**

The distance between *structures* on the same *lot* shall be at least six feet, except that no *dwelling* shall be placed closer than ten feet to any other *dwelling* on the same *lot*.

**Sec. 8175-3.2 - Standards**

No standards required by this Chapter for a *lot* shall be considered as providing those standards for any other *lot* unless otherwise stated in this Chapter.

**Sec. 8175-3.3 - Accessory Parking**

No residential, agricultural, or open space zoned *lot* shall be used for the accessory parking or storage of vehicles that are designed to carry more than a three-quarter ton load, and that are used for shipping and/or the delivery of commercial freight and products, except on those *lots* where delivery to storage or market of agricultural or horticultural commodities is permitted under this Chapter and is occurring on said *lot*. (AM.ORD.4451-12/11/12)

**Sec. 8175-3.4 - Parking or Storage in Setbacks**

Parking or storage of *oversized vehicles, exterior storage, garages or other accessory buildings* are not allowed within *setback areas*, except as specifically provided in this Chapter. Fully operative, licensed, and registered motorized vehicles, and operative trailers, shall not be parked within any front or street-side *setback*, except in the driveway *access* to the required parking, or on a paved area (no wider than 10 feet) adjacent to the driveway, as an *accessory use* to a *dwelling*. On *interior lots*, a minimum three-foot-wide area adjacent to one *side lot line* must be kept free of operative vehicles and of *exterior storage* (see Sec. 8175-5.1j). (AM.ORD.4055-2/1/94, AM.ORD. 4451-12/11/12)

**Sec. 8175-3.5 - Accessory Structures as Dwellings**

Only the following *accessory structures*, as authorized in this Chapter and with appropriate permits, may be used for human habitation:

- a. *Second dwelling*;
- b. Temporary *mobilehome or recreational vehicle* during construction;
- c. *Farm worker or animal caretaker dwelling*;
- d. *Caretaker dwelling*.

(AM.ORD.4451-12/11/12)

**Sec. 8175-3.6 - Connection of Structures**

An *accessory structure* will be considered to be detached from the principal *structure* unless the roof connecting the two *structures* is essentially a continuation of the roof of the principal *structure*, or the space between such *structures* is completely enclosed by walls attached to each *structure*. (AM.ORD.4451-12/11/12)

**Sec. 8175-3.7 - Use of Structures for Human Habitation**

*Structures* may not be used for human habitation except as specifically permitted in this Chapter. (AM.ORD.4055-2/1/94)

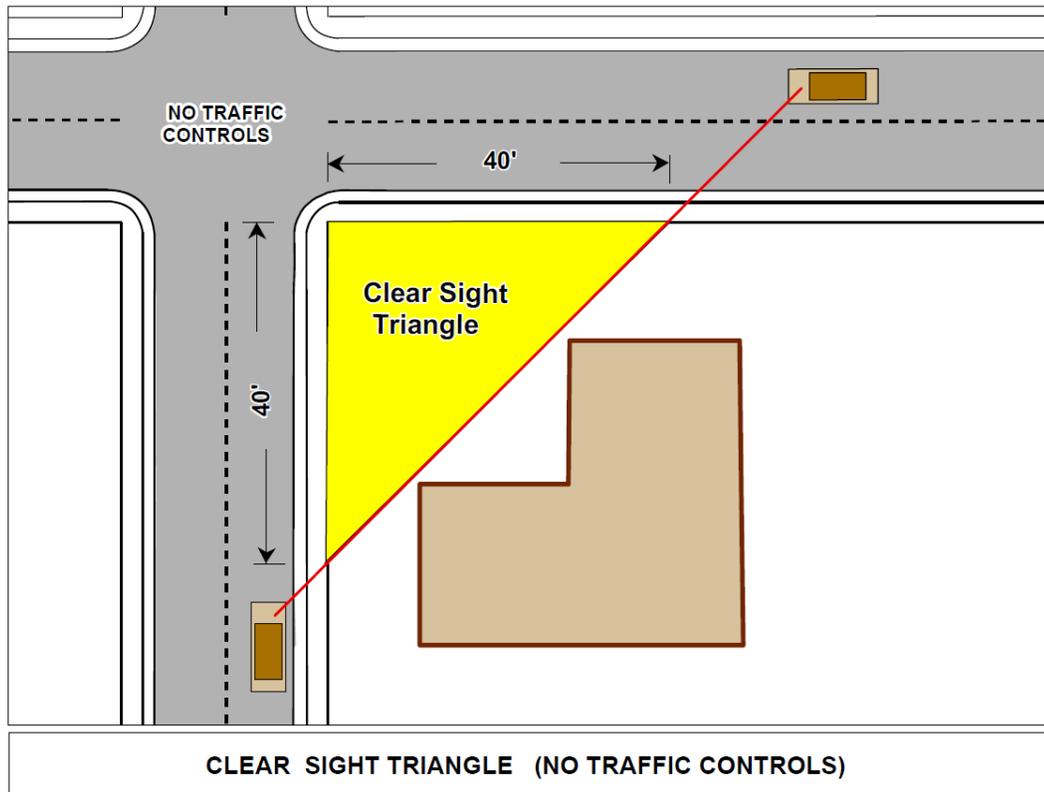
**Sec. 8175-3.8 - Clear Sight Triangles**

*Clear Sight Triangles* shall be provided in the following circumstances:

**Sec. 8175-3.8.1 - Clear Sight Triangle at Intersections with No Traffic Control**

Where there is no traffic control on any street at an intersection, a *clear sight triangle* shall be provided at each corner of the intersection as shown in Figure 1 below:

**Figure 1**



**Sec. 8175-3.8.2 - Clear Sight Triangle at Stop-Controlled Intersection**

Where traffic is controlled by stop signs on only one street of an intersection (the "minor street"), a *clear sight triangle* shall be provided consistent with the guidelines established by the American Association of State Highway and Transportation Officials.

**Sec. 8175-3.8.3 - Structures and Vegetation Within Clear Sight Triangles.**

- a. *Structures* and sight-obscuring *fences* or walls over three feet in *height* are prohibited within *clear sight triangles*, except for sign posts, utility poles or *structures* not exceeding 12 inches in width;
- b. Hedges or shrubbery over three feet in *height* are prohibited within *clear sight triangles*;<sup>\*</sup>
- c. The foliage of mature *trees* shall be trimmed to seven feet above the base of the *tree* within *clear sight triangles*. However, bare *tree trunks* or *tree saplings* are permitted within *clear sight triangles*.<sup>\*</sup>

(AM.ORD.4451-12/11/12)

**Sec. 8175-3.9 - 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 *setback* distances on *lots* over which the easement passes. (AM.ORD.4451-12/11/12)

<sup>\*</sup> ESHA is subject to Sec. 8174-4 and Sec. 8178-2.

### **Sec. 8175-3.10 - Number of Dwellings Per Lot**

Not more than one principal *dwelling* shall be constructed on any *lot* zoned COS, CA, CR, CRE or CR1. A *second dwelling unit* may be permitted pursuant to Sec. 8175-5.1(g).

Not more than two *dwellings* of any type shall be constructed on any *lot* zoned CR2, RB or RBH. (AM.ORD.4451-12/11/12)

### **Sec. 8175-3.11 - Fences, Walls, and Hedges**

- a. No *fences*, walls or hedges over three feet high may be placed in the required *setback* area adjacent to a street. A maximum six-foot-high wall, *fence* or hedge may be located anywhere on the *lot* except in the *clear sight triangle* or required *setback* area adjacent to a street. On vacant land in the CC or CM zones, *fences*, walls and hedges are subject to this six-foot *height* limit, to any specific *setback* requirements of Sec. 8175-2, and to the *clear sight triangle* regulations of Sec. 8175-3.11a above. On *through lots*, the *setback* regulations given for *structures* in Sec. 8175-4.1d shall apply to *fences* over three feet in *height*.
- b. A maximum eight-foot-high see-through *fence* may be located on any *lot* zoned COS or CA that contains an agricultural operation, or in a subdivision that *abuts* an agricultural operation in a COS or CA zone, provided that such *fence* is located at or near the boundary line separating such properties.
- c. A maximum twelve-foot-high see-through *fence* may be located around a tennis court anywhere on a *lot*, except in a required *setback* area adjacent to a street or within any public view to or along the coast.
- d. When there is a difference in the ground level between two adjoining *lots*, the *height* of any wall or *fence* constructed along any property line may be determined by using the *lot* level line of the higher *lot*, as measured within five feet of the *lot line* separating such *lots*.
- e. The provisions of this Section shall not apply to a *fence* or wall necessary as required by any law or regulation of the State of California or any agency thereof.

(AM.ORD.4451-12/11/12)

### **Sec. 8175-3.12 - Garages and Carports**

Except as otherwise provided in this Chapter, garages and carports shall be set back sufficiently from street from which they take *access* to provide for 20 linear feet of driveway apron, as measured along the centerline of the driveway from the property line to the garage or carport.

### **Sec. 8175-3.13 - Building Height**

#### **Sec. 8175-3.13.1 – Measurement of Building Height**

The *heights* of *buildings* in all zones shall be measured as follows:

- a. Pitched or Hip Roofs - For *buildings* with a pitched or hip roof, *building height* is the vertical distance from the finished *grade* to the averaged midpoint of the finished roof.
- b. Other Roof Types - For *buildings* with a flat roof or *buildings* where the roof and walls form a continuous architectural unit (e.g. A-frame *buildings*, Quonset huts, geodesic domes) *building height* is the vertical distance from the finished *grade* to the highest point of the finished roof.

- c. Calculation of Averaged Midpoint - The averaged midpoint is calculated by drawing a line between the highest point of the finished roof at the main ridgeline and top of the roof covering where it intersects with a horizontal line drawn from the top of each of the two exterior walls parallel to the main ridgeline. The midpoint is the point one-half of the distance between the upper and lower points. The averaged midpoint is the average of the two midpoints.
- d. Finished Roof -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. 4451-12/11/12)

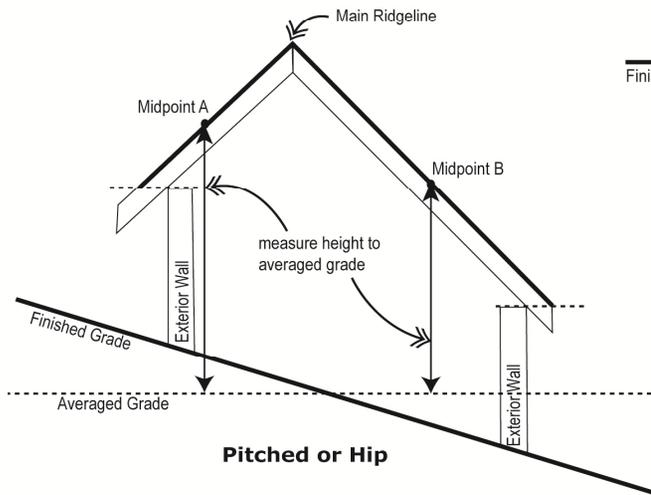
**Sec. 8175-3.13.2 – Height Regulations in the RB and RBH Zones**

- a. *Building height* in the RB and RBH zones shall be measured from the higher of the following: (1) the minimum elevation of the first floor as established by the Flood Control Division of Public Works, or (2) twelve inches above the highest point of the paved portion of the road adjacent to the *lot*.
- b. The *height* of the highest point of the finished roof of *principal structures* shall be no more than 28 feet for *structures* with flat roofs, pitched or hip roofs, and no more than 30 feet for *A-frame structures*.
- c. The finished *height* of any exterior wall of a *principal structure* shall be no more than 28 feet.
- d. The finished *height* of dormer windows shall be no more than 28 feet.
- e. The *height* of all *roof structures* shall be consistent with the regulations included in Sec. 8175-4.8(b).

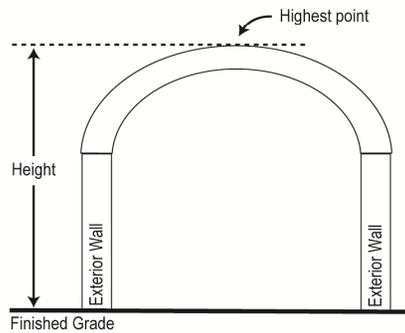
(AM.ORD.4451-12/11/12)

**Figure 1**  
**Measurement of *Building Height***

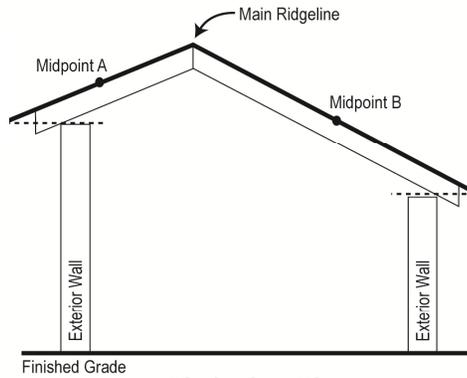
$$\frac{\text{ht. at midpoint A} + \text{ht. at midpoint B}}{2}$$



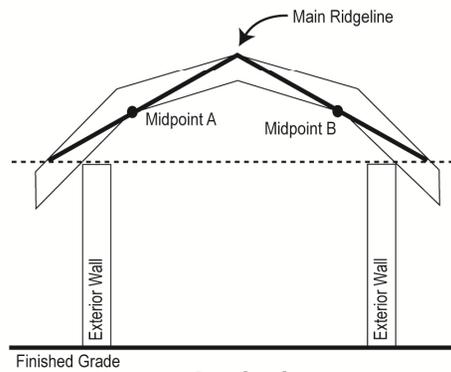
**Pitched or Hip**



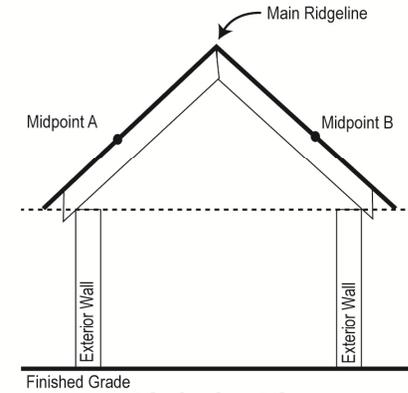
**Quonset Hut or Geodesic Dome**



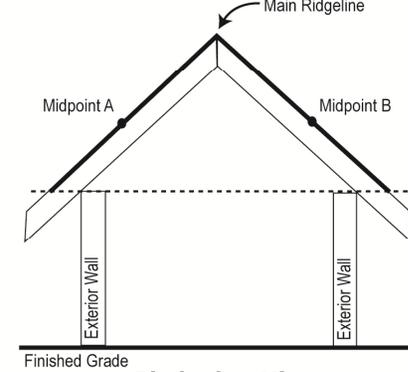
**Pitched or Hip**



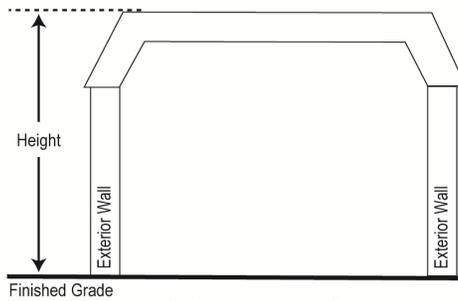
**Gambrel**



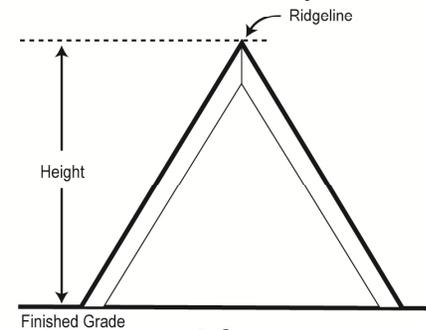
**Pitched or Hip**



**Pitched or Hip**



**Flat or Mansard**



**A-frame**

### **Sec. 8175-3.14 - Recycling Areas**

All commercial, industrial, institutional, or residential *buildings* having five or more *dwelling units*, shall provide availability for, and *access to*, recycling 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.4055-2/1/94, AM.ORD.4451-12/11/12)

**Article 5, Section 8175-4 – Exceptions To Lot, Setback and Height Requirements**, of the Ventura County Ordinance Code is hereby amended to read as follows:

## **Sec. 8175-4 - Exceptions To Lot, Setback and Height Requirements**

### **Sec. 8175-4.1 - Accessory Structures in Setback Areas**

Detached accessory structures that are not used for human habitation may be constructed to within three feet of interior and rear lot lines, provided that:

- a. In no case shall any such structure exceed 15 feet in height.
- b. In no case shall any such structure(s) occupy more than 40 percent of the rear setback area.
- c. Setback areas adjacent to the street shall be maintained.
- d. On through lots, said structures may be located no closer than ten feet (six feet in the RBH Zone) to the rear lot line, except as specified otherwise in Section 8175-4.15.

(AM.ORD.4451-12/11/12)

### **Sec. 8175-4.2 - Architectural Features**

Eaves, cornices, canopies, belt courses, sills, buttresses or other similar architectural features may project into required *setback* areas provided that such extensions do not extend more than two feet into any required *setback* area, and are not closer than two feet to any side or rear property line. When more than one *building* is located on the same *lot*, such features shall not be closer than two feet to a line midway between the exterior walls of such *buildings*.

Bay windows, regardless of whether or not they create additional floor area, are not considered architectural features and may not project into required *setback* areas. (AM.ORD.4451-12/11/12)

### **Sec. 8175-4.3 - 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 four feet (three feet in the RBH zone) and into required *front setbacks* not more than two and one-half feet (four feet in the RBH zone). (AM.ORD.4451-12/11/12)

### **Sec. 8175-4.4 - Porches and Decks**

Uncovered porches and decks constructed at or below the level of the first floor of the *building* may extend into required *front setbacks* not more than six feet, and into *rear* and *side setbacks* no closer than three feet to the property line. On *through lots*, such porches and decks may be constructed no closer than three feet to the rear property line in the RB and RBH zones, and no closer than ten feet in other zones. An open-work railing not more than three feet in *height* may be installed or constructed on such porch or deck without affecting this provision. In

no case shall required parking, or access thereto, be obstructed in any way. (AM.ORD.4451-12/11/12)

#### **Sec. 8175-4.5 - Chimneys and Fireplaces**

Masonry chimneys and fireplaces may project into required *setback* areas not more than two feet provided that such chimneys or fireplaces shall not be closer than three feet to any side property line of the *lot* or *parcel*. Where more than one *building* is located on the same *lot*, such chimneys or fireplaces shall not be closer than three feet to a line midway between the exterior walls of such *buildings*. (AM.ORD.4451-12/11/12)

#### **Sec. 8175-4.6 - Heating and Cooling Equipment**

Accessory heating and cooling equipment and necessary appurtenances may be located to within three feet of any side or *rear lot line*.

#### **Sec. 8175-4.7 - Depressed Ramps**

Open-work *fences*, hedges, guard railings or other landscaping or architectural devices for safety protection around depressed ramps may be located in required *setback* areas, provided that such devices are not more than three and one-half feet in *height*. (AM.ORD.4451-12/11/12)

#### **Sec. 8175-4.8 - Roof Structures**

- a. Except as provided in Sec. 8175-4.8(b) below, *roof structures* may be erected above the *height* limits prescribed in this Chapter, provided that no additional floor space is thereby created.
- b. In the RB and RBH zones, the finished *height* of *roof structures* shall not exceed 28 feet except for:
  1. TV antennas, chimneys, flagpoles, weather vanes or similar *structures*, and *structures* or walls as required by the County for fire protection; and
  2. Open-rail or transparent safety railings on *principal structures* with flat roofs. These railings may be increased to a finished *height* of no more than 28'6" to comply with California Building Code regulations.

(AM.ORD.3788-8/26/86, AM.ORD. 4451-12/11/12)

#### **Sec. 8175-4.9 – Non-Commercial Antennas**

Ground-mounted, *non-commercial antennas* that are limited to private, non-commercial *uses* and accessory to a dwelling may be erected above the height limits for structures, to a maximum height of 75 feet from the existing *grade*, and may be supported by guy wires or similar mechanisms. See Section 8175-5.1i for standards.

#### **Sec. 8175-4.10 – Wireless Communication Facilities**

*Wireless communication facilities* may be erected above the height limits for structures, provided that the facility does not exceed the maximum height limits prescribed in Section 8175-5.20.3(g).

#### **Sec. 8175-4.11 - Water Well Sites**

A water well site or sites, each no more than 1200 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 use of water from the well for agricultural purposes only.

#### **Sec. 8175-4.12 - 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.

#### **Sec. 8175-4.13 - Fire Stations**

There shall be no minimum area in any zone during the period of time the lot is held by a public entity for present or future use as a fire station or is dedicated to a public entity for such use. Any lot in such zones or any subzones thereof that:

- a. was created by a conveyance of a portion of a larger lot to a public entity for present or future use as a fire station, or was created by a subdivision map that dedicated the lot to a public entity for such use; and
- b. would have been nonconforming at the time of such creation if it had not been conveyed or dedicated to a public entity; and
- c. does not conform to minimum area requirements applicable to other lots in the same zone or subzone that have not been conveyed or dedicated to a public entity, may not be used for any purpose other than a fire station site by the public entity or its successors in interest.

#### **Sec. 8175-4.14 - Temporary Dwellings During Construction**

A mobilehome or recreational vehicle that is used as a temporary dwelling during construction shall be set back at least five feet from the property line of the lot on which it is placed.

#### **Sec. 8175-4.15 - Setbacks on Through Lots**

Front and rear setbacks on through lots shall be determined as follows: The Planning Division, in consultation with the applicant, shall designate one street frontage as the front of the lot and the other as the rear. The entrance to any covered parking (garage or carport) shall be set back a distance at least equal to the minimum front setback, except that if a dwelling is constructed with a curved or "swing" driveway leading to the covered parking, with the entrance to such parking facing the side property line, the garage or carport may be located a minimum of ten feet (six feet in the RBH zone) from the rear property line.

#### **Sec. 8175-4.16 - Swimming Pools and Spas**

Swimming pools, spas, hot tubs and similar structures may be constructed to within three feet of rear and interior side lot lines, provided that they do not intrude into any front or street-side setback. On through lots, such construction is subject to the setback regulations given for structures in Section 8175-4.1d.

**Article 5, Section 8175-5 – Standards and Conditions for Uses** of the Ventura County Ordinance Code is hereby amended to read as follows:

### **Sec. 8175-5 – Standards and Conditions For Uses**

The following standards and conditions shall apply to all *uses* stated herein:

#### **Sec. 8175-5.1 - Standards Relating to Dwellings**

The following standards and conditions shall apply to all *dwellings* hereafter constructed, and to the indicated *accessory uses* and *structures*:

- a. Legal Lot Requirement - See Sec. 8171-4.4. (AM.ORD.4055-2/1/94)
- b. Sewage Disposal - Sewage disposal shall be provided by means of a system approved by the Environmental Health Division and the Division of Building and Safety.

- c. Fire Protection - Dwellings shall meet all fire protection requirements of the Ventura County Fire Protection District, including all requirements for construction within the *High Fire Hazard Area* as set forth in the Ventura County Building Code.
- d. Mobilehomes Used as Dwelling Units - *Mobilehomes* may be used as *single-family dwellings* if the *mobilehome* was constructed on or after June 15, 1976. *Mobilehomes* used as *second dwellings* are also subject to this date limitation, but *mobilehomes* used as *caretaker, farm worker, or animal caretaker dwellings* are not.
  - 1. Foundation System - *Mobilehomes* that are used as *single-family residences, second dwellings, or caretaker, farm worker, or animal caretaker dwellings* shall be installed on a foundation system in compliance with Section 1333 of Title 25 of the California Administrative Code. *Mobilehomes* renewed under a Continuation Permit shall be in compliance with the applicable provisions of Article 7 (commencing with section 1320) of Chapter 2 of Division 1 of Title 25 of the California Administrative Code.
  - 2. Exterior Siding - Exterior siding of a *mobilehome* used as 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 the Uniform Building Code, or to the top of a perimeter foundation. For *mobilehomes* used as *caretaker, farm worker, or animal caretaker dwellings, mobilehome* skirting shall completely enclose the *mobilehome*, including the tongue, with a color and material compatible with the *mobilehome*.

(AM.ORD.4451-12/11/12)

- e. Mobilehome or Recreational Vehicle as Temporary Dwelling During Construction - A *mobilehome* or *recreational vehicle* may be used by the owner(s) of a *lot* as a *temporary dwelling unit* for 12 months during construction of a residence for which a *building* permit is in full force and effect on the same site. The *Planning Director* may grant one additional 12-month period and a time extension if substantial progress toward construction of the principal residence is being made. Said *mobilehome* or *recreational vehicle* shall be connected to the permanent water supply and sewage disposal system approved by the Ventura County Environmental Health Division for the *structure* under construction. Within 45 days after a clearance for occupancy is issued by the Ventura County Division of Building and Safety, any such *recreational vehicle* shall be disconnected from such systems and cease being used as a *dwelling*, and any such *mobilehome* shall be removed from the site. A temporary *mobilehome* or *recreational vehicle* may be accessory to construction on adjacent *lots* under the same ownership as the *lot* on which the *mobilehome* or *recreational vehicle* is installed.
- f. Home Occupations - On property containing a *dwelling*, no commercial activity shall be construed as a valid *accessory use* to the *dwelling* unless the activity falls within the definition and regulations of a *home occupation*. *Home occupations* are permitted in accordance with the following standards:
  - 1. No merchandise, produce or other materials or equipment may be displayed for advertising purposes. Advertising in a telephone book, newspaper, etc., or on a vehicle, shall not divulge the *dwelling's* location.
  - 2. The *use* shall be carried on only by residents of the *dwelling*.

3. No signs naming or advertising the *home occupation* are permitted on or off the premises.
4. The *use* shall not generate additional pedestrian or vehicular traffic beyond that considered normal to the neighborhood. Deliveries to the *dwelling* shall not be excessive and shall not disrupt traffic patterns in the vicinity.
5. *Home occupations* shall not occupy space required for other purposes (off-street parking, interior *setbacks*, etc.).
6. For each *dwelling unit*, there shall be no more than one *commercial vehicle* parked on the property related to the *home occupation*. For the purpose of this section, a vehicle with external lettering or other script pertaining to the *home occupation* is considered to be a *commercial vehicle*. The parking space shall comply with Sec. 8176-3.4 Accessory Parking and Storage of Oversized Vehicles.
7. 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 not customarily found in residences.
8. The *use* of electrical or mechanical equipment that would create visible or audible interference in radio or television receivers is prohibited.

(AM.ORD.4451-12/11/12)

- g. *Second Dwelling Units* - A *second dwelling unit* with complete, independent living facilities may be created on *lots* that contain an existing *single-family detached residence* and no other *dwellings*, other than an authorized *farm worker* or *animal caretaker dwelling*, subject to Sec. 8174-5 and the following:
  1. *Second dwelling units* are allowed only on *lots* that conform to the minimum *lot area* standard for the zone.
  2. The *gross floor area* of the *second dwelling unit* shall not exceed 700 square feet. A *second dwelling unit* over 700 feet may be approved if the existing *single-family dwelling* on the property does not exceed 700 square feet in *gross floor area* and does not exceed the *height* limit for *accessory structures* in the zone. In such cases, the larger *dwelling* shall be considered the principal *dwelling* with regard to *height* and *setback* standards, and the smaller *dwelling* shall be considered the *second dwelling* with regard to future expansions. In all cases, total off-street parking requirements for the *dwellings* must be met, in accordance with Sec. 8176- Parking and Loading Requirements.
  3. The unit shall comply with the parking requirements for *second dwellings*, in accordance with Sec. 8176- Parking and Loading Requirements.
  4. The unit may be attached to or detached from the existing single family residence.
  5. The unit shall meet zoning provisions and permit requirements, as well as County Building and Fire Code requirements, and other public service requirements that apply to *single-family dwellings*. Where sewage or water service is to be provided through a public or private utility, availability letters from the responsible sanitation district and will-serve letters from the responsible water agency shall be required.
  6. A *second dwelling unit* will not be allowed in areas where adequate water supply, water quality and sewage disposal cannot be demonstrated.

7. No more than one *second dwelling unit* is allowed on each *lot*.
8. No other *accessory structure* shall be combined with a detached *second dwelling unit*, except that a *second dwelling unit* may be attached to a garage or carport. If a *second dwelling unit* is attached to a garage, the common wall between the garage and the *second dwelling unit* may not be longer than is necessary to accommodate a standard parking space; the garage area *abutting* this common wall may be used only for vehicle parking or accessory storage of household items. A *second dwelling unit* may be attached to a garage or carport that is itself attached to another *accessory use* such as a recreation room or workshop, provided that there is no common wall between the *second dwelling* and the other *accessory use*.
9. Mobile homes may be used as *second dwelling units*, in accordance with Sec. 8175-5.1.d.
10. The applicant for a *second dwelling unit* shall be the owner of record and shall reside in the principal *dwelling unit* on the *parcel*.

(AM. ORD. 4283 - 06/03/03, AM.ORD. 4451-12/11/12)

h. Wet Bars

1. *Wet bars* shall be separate from *kitchens*;
2. No more than one *wet bar* is permitted per *dwelling unit*;
3. *Wet bars* shall contain no electrical outlets in excess of 110 volts;
4. Plumbing connected to the bar sink drain shall be no greater than 1 and ¼ inches in diameter and shall not include plumbing stub-outs;
5. *Wet bars* located in the RB and RBH zones shall have no gas outlets or gas stub-outs, nor shall they have more than one bar sink fixture with one sink well. (AM.ORD.4451-12/11/12)

i. Non-Commercial Antennas – Ground-mounted, *non-commercial antennas* may be installed as an *accessory use* to a dwelling. Such antennas are subject to the following standards:

1. The crank-up type of *antenna* should be used.
2. All *antennas* should be color-coordinated to harmonize with background material to reduce visual impacts.
3. The most unobtrusive location for the *antenna* shall be used.
4. Appropriate screening materials such as fencing or landscaping may be required.
5. A site plan of the subject property, showing property lines, all structures, paved areas, walls, setbacks, major vegetation, nearby streets and proposed location of the installation is required. Also, elevations of the subject installation are required as well as elevations of affected buildings and architectural features. The height, nature, texture and color of all materials to be used for the installation, including landscape materials, are also required.
6. The maximum height is 75-feet (see Sec. 8175-4.9).

- j. Exterior Storage of Materials - Permitted as an *accessory use* to a *dwelling*, shall be subject to the following conditions:
1. The exterior storage of materials may be placed within three feet of one *interior lot line*, and to *rear lot lines*, but shall not intrude into any required front or street-side *setback*.
  2. All materials must be stored at least six feet from any *structure*.
  3. The exterior storage of materials shall not exceed an aggregate area of 200 square feet and shall not exceed a *height* of six feet.
  4. Materials stored may include, but are not limited to, *inoperative vehicles*, equipment, *building* materials, scrap metal, or personal or household items.
  5. Materials or equipment kept on any premises for *use* in construction of any *building* on said premises for which a *Zoning Clearance* and necessary *building* permits are obtained and in force are exempt from the exterior storage provisions of subsections (2) and (3) above. However, such storage shall be neat and orderly, and shall not exceed an area equal to 100 percent of the *gross floor area* of the *building* 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.
  6. Materials or equipment customarily used on a farm or ranch are also exempt from the exterior storage provisions of subsections (2) and (3) above.
  7. *Exterior storage* shall be consistent with all provisions of the LCP.

(AM.ORD.4451-12/11/12)

- k. Real Estate Tract Sales Office, Temporary - a temporary real estate sales office for the limited purpose of conducting sale only of *lots* or houses in the subdivision tract may be maintained for a period of 18 months or until all of the *lots* in the subdivision have been sold, whichever is earlier.

## **Sec. 8175-5.2 - Standards Relating to Animals**

### **Sec. 8175-5.2.1 - Apiculture**

- a. Street Separation - No occupied apiary shall be located or maintained within 150 feet of any *public road*, street or highway, or as modified by the Agricultural Commissioner.
- b. Apiary Location - An occupied apiary 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 consisting of a minimum of 30 acres, with a minimum density of 90 *dwelling units*. As the size of the area increases, the number of *dwelling units* must increase proportionately by a minimum of three *dwelling units* per acre. A "safe distance" shall be determined after investigation by the Agricultural Commissioner.
- c. Dwelling Separation - No occupied apiary shall be located or maintained within 400 feet of any *dwelling* on adjacent property.
- d. Property Line Separation - No occupied apiary shall be located or maintained within 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.

- e. Water - Available adequate and suitable water supply shall be maintained on the property near the apiaries at all times.

**Sec. 8175-5.2.2 – Aviaries**

All aviaries are subject to the following standards:

- a. No on-site retail sales are permitted.
- b. The *lot* shall meet the minimum area requirements of the zone.
- c. All birds shall be kept, confined, housed, or maintained not less than 40 feet from any residence, *dwelling*, or other *structure* used for human habitation on adjacent property.
- d. All birds shall be maintained in a sanitary condition at all times and shall not cause or tend to cause conditions detrimental or injurious to the public health, safety, or general welfare.
- e. Birds kept in an *aviary* shall be limited to *domestic birds*, as defined in Article 2.

**Sec. 8175-5.2.3 - Keeping of Birds**

The keeping of birds of a type readily classifiable as being customarily incidental and accessory to a permitted principal *dwelling* is subject to the following:

- a. The keeping of all birds provided for herein shall be for noncommercial purposes, shall be incidental to the principal *dwelling*, and shall conform to all other provisions of law governing same.
- b. No bird, cage, or other enclosure shall be maintained within 15 feet of any window or door of any residence, *dwelling*, or other *building* used for human habitation other than the personal *dwelling* or residence of the owner or keeper thereof.
- c. Such birds shall be maintained in a sanitary condition at all times and shall not cause or tend to cause conditions detrimental or injurious to the public health, safety, or general welfare.
- d. The keeping of birds that are wild or nondomestic, or of a type not readily classifiable as being customarily incidental and accessory to a permitted principal *dwelling*, is not permitted.

(AM.ORD.4451-12/11/12)

**Sec. 8175-5.2.4 - Animals and Fowl**

*Animal husbandry*, and the keeping of animals and fowl as accessory to *dwelling*s, shall conform to the following standards. NOTE: The offspring of animals are allowed and shall not be counted until they are weanable or self-sufficient age. Dogs and cats shall be counted at four months of age or more.

- a. *Pet Animals* - Each *dwelling unit* is permitted the following (in addition to the animal units permitted under Sec. 8175-5.2.4b):

COS CA CR CRE CR1	Up to 4 of any combination of the following: Chickens (excluding roosters), cooped Ducks and similar fowl, penned goose or turkey (limit 1), penned	4 dogs and 4 cats	4 rabbits or other domestic animals of similar size at maturity, caged.	<i>Domestic birds</i> (must be kept inside the <i>dwelling</i> ; see also Sec. 8175-5.2.3).			
CR2, RB, CRPD							
RBH		2 dogs and 2 cats*					

\*Any combination of dogs and cats totaling not more than four animals.

(AM.ORD.4451-12/11/12)

- b. Farm Animals – Farm animals are permitted in accordance with the following table:

<b>Zone</b>	<b>Minimum Lot Area Required (c)</b>	<b>Number of Animals (a)</b>	<b>Minimum Setbacks (b)</b>
COS CA	20,000 sq. ft.	<i>Lots of 10 acres or less: one animal unit for each 10,000 sq. ft. of lot area (more with a Conditional Use Permit). Lots over 10 acres: no limit.</i>	Farm animals and fowl shall not be housed, stabled, lodged, kept, maintained, pastured or confined within 40 feet of any school, church, hospital, public place, business, <i>dwelling</i> or other <i>structure</i> used for human habitation, other than the personal residence of the owner or keeper thereof.
CR	20,000 sq. ft.	One animal unit for each 10,000 sq. ft. of <i>lot area</i> .	

One Animal Unit Equals:

- 1 cow, bull, horse, mule or donkey;
- or 3 sheep or female goats;
- or up to 6 of any combination of geese or turkeys;
- or up to 10 of any combination of chickens, ducks or game hens;
- or 2 ponies, pigs, male goats, peacocks or guinea fowl (or a combination thereof totaling 2);
- or 20 fur-bearing animals, such as rabbits, and others of a similar size at maturity.

Notes to Animal Unit Table

- (a) In calculations for permitted animals, fractional numbers are to be rounded to the lower whole number.
- (b) These separation requirements do not apply to *pet animals*.

- (c) *Abutting lots* that are 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 or to keep a larger number of animals, but only for the duration of such common ownership or lease, and only in zones that allow the keeping of animals as a *principal use*.

(AM.ORD.4451-12/11/12)

**Sec. 8175-5.2.5 – Kennels**

The following standards shall apply to all *kennels*:

- a. No more than one adult dog over four months old per 4,000 square feet of *lot area* shall be allowed as part of any *kennel*.
- b. No more than 50 dogs per *lot* shall be allowed as part of any *kennel*.

(ADD.ORD. 4451-12/11/12)

**Sec. 8175-5.3 - Campgrounds**

*Campgrounds* shall be developed in accordance with the following standards

**Sec. 8175-5.3.1**

Minimum *lot area* shall be three acres.

**Sec. 8175-5.3.2**

At least 75 percent of the total site shall be left in its natural state or be landscaped, in accordance with Sec. 8178-8- Water Efficient Landscaping Requirements, the remaining 25 per cent land is eligible for *development*.  
(AM.ORD.3882-12/20/88)

**Sec. 8175-5.3.3**

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. (ADD.ORD.3882-12/20/88)

**Sec. 8175-5.3.4**

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*, in accordance with Sec. 8178-8.4.2.2- Landscape Screening.

**Sec. 8175-5.3.5**

Utility conduits shall be installed underground in conformance with applicable state and local regulations.

**Sec. 8175-5.3.6**

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.3882-12/20/88)

**Sec. 8175-5.3.7**

Trash collection areas shall be adequately distributed and enclosed by a six-foot-high *landscape screen*, solid wall or *fence* that is accessible on one side, in accordance with Sec. 8178-8.4.2.2- Landscape Screening. (Repealed as 8175-5.3.10 and Re-enacted as 8175-5.3.7 by ORD.3882-12/20/88, AM.ORD. 4451-12/11/12)

**Sec. 8175-5.3.8**

Off-road motor vehicle *uses* are not permitted. (Repealed as 8175-5.3.3 and Re-enacted as 8175-5.3.8 by ORD.3882-12/20/88)

**Sec. 8175-5.3.9**

The following standards apply to *structures* on the site, apart from the personal residence(s) of the property owner, *campground* director/manager, or *caretaker*: (ADD.ORD.3882-12/20/88)

**Sec. 8175-5.3.9.1**

*Structures* are limited to restrooms/showers and a *clubhouse* for cooking and/or minor recreational purposes. (Repealed as 8175-5.3.7 and Re-enacted as 8175-3.9.1 by ORD.3882-12/20/88)

**Sec. 8175-5.3.9.2**

There shall not be more than one set of enclosed, *kitchen*-related fixtures. (Repealed as 8175-5.3.7, Re-enacted as 8175-5.3.9.2 by ORD.3882-12/20/88).

**Sec. 8175-5.3.9.3**

There shall be no *buildings* that are used or intended to be used for sleeping. (Repealed as 8175-5.3.9 and Re-enacted as 8175-5.3.9.3 by ORD.3882-12/20/88)

**Sec. 8175-5.3.10**

*Campgrounds* may include minor accessory recreational *uses* such as swimming pools (limit one) and tennis courts. (Repealed as 5175-5.3.8 and Re-enacted as 8175-5.3.10 by ORD.3882-12/20/88)

**Sec. 8175-5.3.11**

Outdoor tent camping is permitted. (Repealed as 8175-5.3.9 and Re-enacted as 8175-5.3.11 by ORD.3882-12/20/88)

**Sec. 8175-5.3.12**

No hook-ups for *recreational vehicles* are allowed. (ADD.ORD.3882-12/20/88)

**Sec. 8175-5.3.13**

Occupation of the site by a guest shall not exceed 30 consecutive days. (ADD.ORD.3882-12/20/88)

**Sec. 8175-5.3.14**

Parking Standards - See Article 6

**Sec. 8175-5.4 - Camps**

*Camps* shall be developed in accordance with the following standards:

**Sec. 8175-5.4.1**

Minimum *lot area* shall be ten acres, except in the case of *camps* under permit prior to the adoption of this ordinance, in which case no minimum *lot area* is specified.

**Sec. 8175-5.4.2**

Overnight population of guests and staff shall be limited by the following calculations:

**Sec. 8175-5.4.2.1**

*Camps* on property zoned Coastal Rural (CR) - *lot size* in acres x 2.56 = the maximum number of *persons* to be accommodated overnight. (AM.ORD.4451-12/11/12)

**Sec. 8175-5.4.2.2**

*Camps* on property zoned Coastal Rural Exclusive (CRE) - *lot size* in acres x 10.24 = the maximum number of *persons* to be accommodated overnight. (AM.ORD.4451-12/11/12)

**Sec. 8175-5.4.3**

Total daily on-site population of guests and staff shall be limited by the following calculations:

**Sec. 8175-5.4.3.1**

*Camps* on property zoned Coastal Rural (CR) - 5.12 x *lot* size in acres = total population allowed on site. (AM.ORD.4451-12/11/12)

**Sec. 8175-5.4.3.2**

*Camps* on property zoned Coastal Rural Exclusive (CRE) - 20.48 x *lot* size in acres = total population allowed on site. (AM.ORD.4451-12/11/12)

**Sec. 8175-5.4.3.3**

A larger total daily population may be allowed for special events, the frequency to be determined by the *camp's Use Permit*.

**Sec. 8175-5.4.4**

*Building* intensity shall be limited by the following standards:

**Sec. 8175-5.4.4.1**

Overnight Accommodations - *Structures* or portions of *structures* intended for sleeping and restrooms/showers (excepting those for permanent staff as defined in Sec. 8175-5.4.4.3) shall be limited to a collective average of 200 square feet per overnight guest and staff allowed per Sec. 8175-5.4.2 (Overnight population).

**Sec. 8175-5.4.4.2**

All Other Roofed *Structures* or *Buildings* - The total allowed square footage of all *structures* other than sleeping and restroom/shower facilities shall be limited to 100 square feet per *person* allowed per Sec. 8175-5.4.3 (Total daily on-site population).

**Sec. 8175-5.4.4.3**

The residence(s) of a limited number of permanent staff such as the director, manager or *caretaker* are exempt from the limitations of Sec. 8175-5.4.4.1 (Overnight Accommodations).

**Sec. 8175-5.4.4.4**

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. 8175-5.4.5**

*Camp* facilities shall have adequate sewage disposal and domestic water.

**Sec. 8175-5.4.6**

*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. 8175-5.4.7**

*Camp* facilities shall be developed in accordance with applicable County standards so as not to produce a significant amount of noise.

**Sec. 8175-5.4.8**

Occupation of the site by a guest shall not exceed 30 consecutive days.

**Sec. 8175-5.4.9**

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 requiring 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 merger of *parcels* to create one *parcel* covering the entire site.

**Sec. 8175-5.4.10**

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 be landscaped, pursuant to Sec. 8178-8 Water Efficient Landscaping Requirements, and only passive recreational *uses* should be permitted.

**Sec. 8175-5.4.11**

Parking Standards - See Article 6

**Sec. 8175-5.5 - Mobilehome Parks**

**Sec. 8175-5.5.1**

*Mobilehome* parks shall be developed in accordance with all applicable standards, including density standards (number of *dwelling*s per unit of *lot area*), of the zone in which the *mobilehome* park is located.

**Sec. 8175-5.5.2**

A *mobilehome* park may include, as part of an approved permit, recreational and *clubhouse* facilities and other *accessory uses*.

**Sec. 8175-5.6 – Film Production, Temporary**

**Sections:**

- 8175-5.6 Film Production, Temporary
- 8175-5.6.1 Film Permits Required
- 8175-5.6.2 Film Permit Application Procedures
- 8175-5.6.3 Film Permit Modifications
- 8175-5.6.4 Standards for Film Production Activities in all Zones
- 8175-5.6.5 Neighborhood Consent

**Sec. 8175-5.6.1 – Film Permits Required**

- a. *Film Permit*. A *film permit* in the form of a Planned Development Permit or Zoning Clearance is required for all *film production activities*, unless exempt from *film permit* requirements pursuant to Sec. 8174-5.
- b. A Coastal Development Permit or exemption is required from the *Commission* for areas where the California Coastal Commission retains coastal development permit authority as shown on the Post Local Coastal Plan Certification Permit and Appeals Jurisdiction Maps for the County (as available in the Planning Division). The California Coastal Commission Permit Jurisdiction includes state waters, lands below the mean high tide line, and lands subject to the public trust.
- c. Possession of an approved California Coastal Commission Coastal Development Permit or exemption, Planned Development Permit or Zoning Clearance shall not relieve the applicant of the responsibility of securing and complying with any other permit which may be required by other County, State or Federal laws.
- d. An approved County *film permit*, or an approved California Coastal Commission Coastal Development Permit, shall be in the possession of the permittee at all times during *film production activities*.

- e. *Film permits* are non-transferable and cannot be assigned to any other person, agency, or entity. A copy of the *film permit* shall be kept onsite and located in an easily accessible location in the event the County or other government official requests verification that the *film production activities* are authorized by a *film permit*.

**Sec. 8175-5.6.1.1 – Planned Development Permit**

- a. A Planned Development Permit shall be required for *film production activities*, or access to a *film permit area*, that meets one or more of the following criteria:
  - 1. *Film production activities* would last more than 14 days and less than 180 days in duration;
  - 2. May directly or indirectly impact an *environmentally sensitive habitat area (ESHA)*. For example, a direct impact could be the removal of *major vegetation* in order to construct a *film set*, and an indirect impact could be the introduction of loud and persistent noise or intense light that would harm animals with a low tolerance for these types of effects;
  - 3. Would include grading or landform alteration;
  - 4. Would restrict *public access* to public recreation areas; or
  - 5. Would result in inadequate *coastal access parking*. For the purpose of this subsection, inadequate *coastal access parking* would occur if a *base camp* or *temporary film production activities* occupy one or more public parking spaces used for coastal beach access.
- b. Planned Development Permits shall not be issued for *film production activities* located on a *sandy beach* within Ventura County’s permit jurisdiction during weekends or holidays of the peak summer months (Memorial Day through Labor Day).

**Sec. 8175-5.6.1.2 – Zoning Clearance**

- a. A Zoning Clearance is required for *film production activities* occurring in private homes or within legally developed areas that do not include ESHA.
- b. A Zoning Clearance is required for *film production activities* located on improved roads that are adjacent to ESHA or an ESHA buffer. Neither the *film set* nor the *film base camp* shall encroach upon ESHA.
- c. A Zoning Clearance is required for *film production activities* that will last 14 days or less in duration.

**Sec. 8175-5.6.1.2.1 – Temporary Filming on the Sandy Beach**

- a. Outside the peak summer months between Memorial Day and Labor Day, *film production activities* on all *sandy beach areas* within the County’s permit jurisdiction shall be authorized by a Zoning Clearance, provided that all of the following criteria are met:
  - 1. The *film production activities* will be 14 days or less in duration;
  - 2. The *film production activities* are located at least 100 feet from all tide pools, sand dunes, and tributaries that discharge into the ocean;
  - 3. The *film production activities* are located outside any ESHA or ESHA buffer;

4. *Public access* will be maintained to and along the coast; and
  5. Adequate coastal access parking is available for the general public.
- b. During the peak summer months between Memorial Day through Labor Day, a Zoning Clearance shall only be approved if the *film production activities* meet all of the following criteria:
1. The *film production activities* comply with all requirements of Sec. 8175-5.6.1.2.1(a) above;
  2. *Film production activities* that occupy a portion of the *sandy beach area* is scheduled on weekdays only, and not on any holiday; and
  3. An off-site *base camp* will provide sufficient space for trailers, vehicles, equipment, catering services, etc.;

**Sec. 8175-5.6.2 – Film Permit Application Requirements and Processing**

- a. A *film permit* application shall be signed by the applicant or authorized agent thereof and filed with the Planning Division in accordance with Sec. 8181-5. In addition to the information required pursuant to Sec. 8181-5, the application shall include, but not necessarily be limited to, the following information and materials:
1. A site map using an aerial image of the *film location* and *film permit area(s)*. The site map shall include the following information:
    - Street address for all *film permit locations*;
    - Assessor Parcels Number(s) for all *film permit locations*;
    - Delineation of the *film permit area* boundary(ies);
    - Graphic representation and labeling of the *film production activities* including but not limited to the *film base camp*, location of generators, lighting and audio equipment.
- b. Until a *film permit* is issued, the applicant may, upon written request to the Planning Division, change the *film permit location*, the *film permit area*, or the time or date of *film production activities* without the submittal of a new permit application or payment of permit modification fees.
- c. Once a *film permit* is issued, a *film permit* modification and payment of *film permit* modification fee(s) shall be required for any change to a *film permit*.
- d. *Film permit* applications shall be processed in accordance with the applicable provisions of Article 11, Entitlements – Process and Procedures.
1. Zoning Clearance - A minimum of three working days is required to process a Zoning Clearance *film permit*. If neighborhood consent is a prerequisite to permit approval pursuant to Sec. 8175-5.6.5, a minimum of five working days is required to process a *film permit*.
  2. Planned Development Permit - The public hearing for a Planned Development Permit may be waived pursuant to Sec. 8181-6.2.3. Following the approval of a Planned Development Permit, the

permittee shall obtain a separate Zoning Clearance prior to initiating the permitted use or activity in accordance with Sec. 8181-3.1.

**Sec. 8175-5.6.3 – Film Permit Modifications**

A *film permit* modification application may be filed by the permittee with the Planning Division and shall be processed pursuant to Article 11, Sec. 8175-5.6.2, and the following provisions, as applicable.

- a. Ministerial Modification: Notwithstanding Sec. 8181-10.4.1, ministerial modifications to Zoning Clearance or Planned Development Permit *film permits* shall be limited to the following, and shall be requested by the permittee as follows:
  1. Adding and/or changing *film production preparation, striking, filming days* consistent with the duration in Sec. 8174-5, Film Production Temporary.
  2. Adding and/or changing *film production activities, film permit locations* and/or *film permit areas*, consistent with Sec. 8175-5.6.1, as applicable.
  3. Extending the *film permit's* time period provided that the total days authorized by the *film permit* were not used because of inclement weather or similar delay. The number of days added to the permit must be the minimum necessary to complete the filming and in no case shall exceed the total number of *film permit* days that may be authorized with a Zoning Clearance.
  4. If adding or changing a *film permit location* and/or *film permit area*, a completed new *Film Location* Form and revised site map pursuant to Sec. 8175-5.6.2(d) shall be submitted.
  5. Modification applications shall be submitted to the Planning Division prior to the end of post-production *film striking*. If post production *film striking* has concluded, a new *film permit* is required.
  6. A revised neighborhood consent may be required pursuant to Sec. 8175-5.6.5 to authorize the requested ministerial modification.
  7. Modifications shall not lessen the effectiveness of the conditions of the issued *film permit* and must be consistent with all other provisions of Sec. 8175-5.6 and the Local Coastal Plan.
- b. New Film Permit Required. If a Zoning Clearance or Planned Development Permit *film permit* is not eligible for a ministerial modification pursuant to Sec. 8175-5.6.3(a) above, a new *film permit* shall be required.

**Sec. 8175-5.6.4 – Standards for Film Production Activities in all Zones**

*Film production activities* shall be carried out in accordance with the following regulations:

- a. Hours
  1. All *film production activities* shall occur between the hours of 7:00 a.m. and 10:00 p.m. on weekdays and between the hours of 8:00 a.m. and 8:00 p.m. on weekends.
  2. *Film production activities* that occur outside the hours identified in (1) above require neighborhood consent (see Section 8175-5.6.5).

b. *Film Permit Area*

1. All *film production activities*, including but not limited to the operation of a *film base camp*, film equipment placement and operation, catering, *film production preparation*, *striking*, and filming, shall be confined to the boundaries of the *film permit area(s)* designated on the site plan approved with the *film permit*.
2. Removing, trimming or cutting of native vegetation or protected native and non-native trees is prohibited except where such activities are authorized pursuant to Sec. 8178-7, Tree Protection Regulations.
3. *Film production activities* shall not change, alter, modify, remodel, remove or significantly affect any eligible or designated cultural heritage site.
4. *Film production activities* shall not result in permanent alteration to the filming location or surrounding area. The permittee shall restore the filming location to a condition equivalent to its pre-filming condition following *film production*, *striking*.
5. Production vehicles, cast, and crew responsible for the production of a motion picture, television show, music video, advertisement, web production or *film still photography* shall not arrive at the *film location* prior to the hours specified in the permit.
6. All *film production activities*, including but not limited to the *film base camp*, film equipment placement and operation, catering, *film production preparation*, *striking* and filming, shall comply with the provisions of Sec. 8175-5.6, and all other applicable provisions of this Chapter and the certified Local Coastal Program.
7. Film production activities shall not remove or alter vegetation or landforms within ESHA, its 100-foot *buffer*, or otherwise adversely impact an ESHA.
8. Except where permitted by a Planned Development Permit, film production activities shall not occupy a public recreational area in a manner that would preclude use by the general public.
9. *Film production activities* conducted at any time between Memorial Day through Labor Day, and located within one mile of the beach, shall not cause traffic delays that exceed three minutes on any public road.
10. *Film production activities* shall maintain public access to and along the coast including areas upcoast and downcoast of the subject *film permit area* and where feasible, passage around the site on wet sand or dry sand areas.
11. *Film production activities* shall minimize grading and landform alteration.

c. Noise and Lighting

Noise and lighting shall not create a nuisance upon nor otherwise negatively impact neighboring areas or *ESHA* as follows:

1. *Film pyrotechnics* and *film special effects* that emit sound associated with gunfire or similar devices shall be prohibited in ESHA or within 100 feet of ESHA.
2. Except as permitted with neighborhood consent (see Section 8175-5.6.5), lighting used for the illumination of *film production activities* (such as perimeter lighting, flood lighting, and external lighting) shall only be permitted when the light source is hooded or shielded so that no direct beams from the *film production activities* fall upon public streets, highways or private property not located within the *film permit area(s)*.
3. Temporary exterior night lighting is prohibited in ESHA. Within areas adjacent to ESHA, temporary exterior night lighting may be allowed if the light source is hooded or shielded so that no direct beams from the *film production activities* fall upon ESHA.

**Sec. 8175-5.6.5 – Neighborhood Consent**

- a. A neighborhood consent waiver form, described in subpart (c) below, that contains one or more names and signatures from occupants residing in the majority (more than 50 percent) of the households located within the “surrounding community”, as defined in subpart (b) below, shall be obtained by the applicant and submitted to the Planning Division prior to the issuance of a *film permit* for the following:
  1. *Temporary film production activities* that occur in the Residential Beach (RB) and Residential Beach Harbor (RBH) zones.
  2. *Film production activities* that occur outside the hours specified in Sec. 8175-5.6.4(a).
  3. Road closures that exceed three minutes (see exception in Sec. 8175-5.6.4(b)(9)).
  4. Loud noise emanating from such sources as gunfire, aircraft used for the purpose of *film production activities*, amplified music or amplified sound mixing.
  5. Exterior night lighting that extends beyond the boundaries of the *film permit area(s)*.
  6. *Film special effects* that extend beyond the boundaries of the *film permit area(s)*.
- b. Surrounding Community

For purposes of Sec. 8175-5.6.5, “surrounding community” means:

1. Dwellings and dwelling units on parcels within 300 feet of the boundary of the *film permit location* when *film production activities* are located in areas designated CC, CRE, CR1, CR2, RB, RBH, and CRPD.
2. Dwellings and dwelling units on parcels within 1,000 feet of the boundary of the *film permit area* when *film production activities* are located in areas designated COS, CA, CR, and M Overlay.

- c. Neighborhood Consent Waiver Form

The Planning Division shall provide the applicant with a radius map, address list, and neighborhood consent waiver form. The neighborhood

consent waiver form shall include the following information relating to the proposed *film production activities*:

1. Date(s) and time(s);
  2. A map, address, or description of the specific location if there is no assigned address;
  3. A brief description of the *film production activities* that require neighborhood consent per Section 8175-5.6.5; and
  4. Name and telephone number(s) of the location manager or representative of the production company.
- d. For the purposes of Section 8175-5.6.5, "households" as used in subpart (a), mean all dwellings and dwelling units including second dwelling units, duplexes, mobile homes, etc. not having an assigned address but located within the surrounding community.
- e. If the applicant fails to obtain the necessary neighborhood consent, the *film production activities* may be modified and a revised neighborhood consent waiver form can be recirculated to the surrounding community.
- f. If the applicant fails to obtain the necessary neighborhood consent, the *film permit* shall not be approved unless modified to remove all *film production activities* that require neighborhood consent.

## **Sec. 8175-5.7 - Oil and Gas Resources and Related Industrial Development**

### **Sec. 8175-5.7.1 – 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 other industrial operations within the Coastal portions of the County that 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. The standards of this section shall apply to all new *development* activities, even within areas covered by existing Conditional Use Permits. However, they shall not apply to any specific *development* for which the applicant has been granted a claim of vested rights by the Coastal Commission on the basis of a CUP. For any such *development*, no new coastal permit is required pursuant to this Chapter. (AM.ORD.4451-12/11/12)

### **Sec. 8175-5.7.2 – Application**

Unless otherwise indicated herein, the purposes and provisions of Sec. 8175-5.7 et seq. shall be and hereby automatically imposed on and made part of any permit for *oil or gas exploration and development* issued by Ventura County in the *Coastal zone* 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. 8181-7.1. 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.).

**Sec. 8175-5.7.3 – Definitions**

Unless otherwise defined herein, or unless the context clearly indicates otherwise, the definition of petroleum-related terms shall be that used by the California State Division of Oil , Gas and Geothermal Resources (DOGGR). (AM.ORD.4451-12/11/12)

**Sec. 8175-5.7.4 - Prohibition**

Notwithstanding any other provisions of this Chapter, new energy or industrial facilities, except onshore pipelines, are prohibited on: land between U.S. Highway 101 (Ventura Freeway) and the shoreline; Harbor Blvd. and the shoreline; Highway 1 and the shoreline; and on land in any "residential" or "recreational" designation on the LCP Land Use Plan, or shown as an environmentally sensitive *habitat* or *buffer area*.

**Sec. 8175-5.7.5 - Required Permits**

No *oil or gas exploration or production* related *use* may commence without or 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 Coastal Zoning Ordinance and/or Conditional Use Permit prior to drilling every well, commencing site preparation for such well(s), and/or expansion of existing facilities, including redrilling of existing wells or changing from a producing well to a water injection well, or installing related appurtenances as defined by the *Planning Director*, or prior to abandonment. 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 that 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.4451-12/11/12)

**Sec. 8175-5.7.6 - Development Plan**

A *development* plan shall accompany the application for a permit, and shall include the following information:

- a. The location of drilling and/or production sites, storage tanks, pipelines and *access roads*.
- b. Plans for the consolidation, to the maximum extent *feasible*, of drilling and/or production facilities, as well as accessory facilities.
- c. A phasing plan for the staging of *development* that indicates the approximately anticipated timetable for project installation, completion and decommissioning. (AM.ORD.4451-12/11/12)
- d. A plan for eliminating or substantially mitigating adverse impacts on *habitat* areas, *prime agricultural lands*, *recreational areas*, *scenic resources* and archaeological sites due to siting, construction, or operation of facilities.
- e. Grading plans for all facilities requiring the movement of greater than 50 cubic yards of dirt. For any *development* requiring a grading permit, either (1) a Storm Water Pollution Control Plan (SWPCP) shall be prepared, submitted, and approved in accordance with the Ventura County Municipal Storm Water Permit, Order No. 00-108, Part 4 – Special Provisions, D. Programs for Construction Sites, or (2) a Storm Water Pollution Prevention Plan (SWPPP) shall be prepared submitted, and approved in accordance with

the State General Permit for Storm Water Discharges Associated with Construction Activity, whichever is applicable.

- f. A description of means by which all oil and gas will be transported off-site to a marketing point.
- g. A description of the procedures for the transport and disposal of all solid and liquid wastes.
- h. Oil spill prevention and control measures.
- i. Fire prevention procedures.
- j. Emission control equipment.
- k. Procedures for the abandonment and restoration of the site.
- l. Compliance with any other requirement of the Ventura County Ordinance Code related to oil and gas *development*.
- m. All facilities supporting oil and gas *development* must comply with the terms and requirements of the State General Industrial Activities Stormwater Permit, including the *development* and submittal of a Stormwater Pollution Prevention Plan.

**Sec. 8175-5.7.7 – Oil Development Design Standards**

The general standards that follow shall be used in the *development* of conditions that will help ensure that oil *development* projects generate minimal negative impacts on the environment. The standards shall be applied whenever physically and economically *feasible* and practicable, unless the strict application of a particular standard(s) would otherwise defeat the intent of other standards. An applicant should *use* the standards 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. More restrictive requirements may be imposed on a project through the conditions of the permit. (AM.ORD.4451-12/11/12)

- a. Permit areas and drill sites shall generally coincide and shall be only as large as necessary to accommodate typical drilling and production equipment.
- b. The number of drill sites in an area shall be minimized by using centralized drill sites, directional drilling, and other techniques.
- c. Drill sites and production facilities shall be located so that they are not readily seen. 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 the painting of facilities.
- d. Permittees and operators shall share facilities such as, but not limited to, permit areas, drill sites, *access* roads, storage, production and processing facilities and pipelines.
- e. The following standards apply to the installation and *use* of oil and gas pipelines:
  - 1. Pipelines shall be used to transport petroleum products offsite to promote traffic safety and air quality. Transshipment of crude oil through an onshore pipeline for refining shall be a condition of approval for

expansion of existing processing facilities or construction of new facilities.

- (a) Where pipeline connections are not available or *feasible*, oil products may be removed by truck. All tanker trucking shall be limited to Monday through Saturday, between the hours of 7:30 a.m. and 6:30 p.m. of the same day. Except under *emergency* circumstances, as determined by the *Planning Director*, no more than two equivalent round-trip tanker truck trips per day shall be permitted to haul oil and waste products generated from an area under an oil permit through residential streets unless the *Planning Director* authorizes additional trips.
2. New pipeline corridors shall 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. Installation of pipelines and utility lines (as applicable) shall be within the road prism of project access roads, to the extent practicable, to prevent additional loss of *habitat*.
3. When *feasible*, pipelines shall be routed to avoid important coastal resource areas, such as recreation, sensitive *habitats* and archaeological areas, as well as geological hazard areas. Unavoidable routing through recreation, *habitat*, or archaeological areas, or other areas of a significant coastal resource value, shall be done in a manner that minimizes the impacts of potential spills by considering spill volumes, duration, 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.
4. 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 re-seeded 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.
5. All offshore to onshore pipelines shall, where *feasible*, be located at existing pipeline landfall sites, and shall be buried from a point where wave action first causes significant bottom disturbance. In addition, landfall sites are prohibited from areas designated as "Residential" or shown as "*environmentally sensitive habitat area*." (AM.ORD.4451-12/11/12)
6. Except for pipelines exempted from permit requirements under Section 30610 of the Coastal Act as defined by the State Coastal Commission's Interpretive guidelines, a survey by a qualified expert in biological resources shall be conducted along the route of any pipeline in the *coastal zone* to determine what, if any, *coastal resources* may be impacted by construction and operation of a pipeline and to recommend any *feasible* mitigation measures. The costs of this survey shall be borne by the applicant, and may be conducted as part of environmental review if an EIR or Mitigated Negative Declaration is required for a particular project; or otherwise conducted prior to the issuance of any permit

pursuant to this Chapter. The recommended mitigation measures shall be incorporated as part of the permit.

7. Prior to issuance of any permit pursuant to this Chapter, a geologic investigation shall be performed by a qualified geologist or engineering geologist where a proposed petroleum pipeline route crosses potential faulting zones, seismically active areas, or moderately high to high risk landslide areas. This report shall investigate the potential risk and recommend such mitigation measures as pipeline route changes and/or engineering measures to help assure the integrity of the pipeline and minimize *erosion*, geologic instability, and substantial alterations of the natural topography. The recommended measures shall be incorporated as conditions of the permit.
- f. Cuts or *fills* associated with *access* roads and drill sites shall be kept to a minimum to avoid *erosion* and visual impacts. They shall be located in inconspicuous areas, and generally not exceed 10 vertical feet. Cuts and *fills* shall be restored to their original *grade* once the *use* has been discontinued.
- g. Gas from wells shall 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 shall also be piped to centralized collection and processing facilities, in order to minimize land *use* conflicts and environmental degradation, and to promote visual quality.
- h. Wells shall be located a minimum of 800 feet from occupied sensitive *uses*. Private *access* roads to drill sites shall be located a minimum of 300 feet from occupied sensitive *uses*, unless this requirement is waived by the occupant.
- i. *Oversized vehicles* shall be preceded by lead vehicles, where necessary for traffic safety.
- j. In the design and operation of new or modified oil and gas production facilities, best accepted practices in drilling and production methods shall be utilized, to eliminate or minimize to the maximum extent *feasible* any 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 incidental to the *exploration and production of oil and gas*.
- k. Any production shipping tanks(s) installed on the subject permit site shall have a collective rated capacity only as large as necessary to service any particular drill pad(s).
- l. All proposed energy and industrial facilities shall be so sited and designed in compliance with CEQA requirements to eliminate or reduce, to the maximum extent *feasible*, impacts to biological, geological, archaeological, paleontological, agricultural, visual, recreational; air and water quality resources, and any other resources that may be identified. (AM.ORD.4451-12/11/12)
- m. In sensitive resource areas, the extent of construction and ground surface disturbance shall be reduced to a minimum by restricting construction activities and equipment within narrow, limited, and staked work corridors and storage areas.

### **Sec. 8175-5.7.8 – Oil Development and Operational Standards**

The following are minimum standards and requirements, which shall be applied pursuant to Sec. 8175-5.7.2. More restrictive requirements may be imposed on a project through the conditions of the permit.

- a. Setbacks - Wells shall be located a minimum of 800 feet from an occupied sensitive *use*. Private *access* roads to drill sites shall be located a minimum of 300 feet from occupied sensitive *uses*, unless a waiver is signed pursuant to Sec. 8175-5.7.8(w) In addition, no well shall be drilled and no equipment or facilities shall be permanently located within:
  1. 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.
  2. 500 feet of any *building* or *dwelling* not necessary to the operation of the well, unless a waiver is signed pursuant to Sec. 8175-5.7.8(w), allowing the *setback* to be reduced. In no case shall the well be located less than 100 feet from said *structures*.
  3. 800 feet of any institution, school or other *building* used as a place of public assemblage, unless a waiver is signed pursuant to Sec. 8175-5.7.8(w), allowing the *setback* to be reduced. In no case shall the well be located less than 300 feet from said *structures*.
  4. 300 feet from the edge of the existing banks of "Red Line" channels as established by the Ventura County Flood Control District (VCFCD) and 100 feet from the existing banks of all other channels appearing on the most current United States Geological Service (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, damage to wildlife and *habitat*, or 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.
  5. The applicable *setbacks* for *accessory structures* for the zone in which the *use* is located.
  6. 100 feet from any marsh, small wash, intermittent lake, intermittent *stream*, spring or perennial *stream* appearing on the most current USGS 2,000' 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.
- b. 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.
- c. 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*.

- d. 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 or 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 the requirements of the County, State and Federal Government.
- e. 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, redrilled, 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 of the permit. In cases 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 for 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. No security shall be exonerated until after all of the applicable conditions of the permit have been met.
- f. 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. The permittee shall treat unpaved access roads by either oiling and chipping, or use of an APCD-approved chemical dust palliative (such as Dust-Off - MgCl<sub>2</sub>) or use of other APCD-approved mechanisms.
- g. 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 normal nighttime 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.
- h. Reporting of Accidents - The permittee shall immediately notify the *Planning Director*, the 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 that 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. (AM.ORD.4451-12/11/12)

- i. Painting - Drill sites and production facilities shall be located so that they are not readily seen. 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 the painting of facilities.
- j. 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 used for the operation and maintenance of the oil well located at the site may be stored on site. 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. (AM.ORD.4451-12/11/12)
- k. Site Restoration - Within 90 days of revocation, expiration, 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.
- l. 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.
- m. 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 project 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 Goals, Policies and Programs, and General Plan Hazards Appendix.

The maximum allowable average sound level is as follows:

**Average Noise Levels (LEQ)**

**Time Period**

**Drilling and  
Production**

**Maintenance Phase    Phase**

Day (6:00 a.m. to 7:00 p.m.)	55 dBA	45 dBA
Evening (7:00 p.m. to 10:00 p.m.)	50 dBA	40 dBA
Night (10:00 p.m. to 6:00 a.m.)	45 dBA	40 dBA

For purposes of this section, a well is in the "producing phase" when hydrocarbons 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."

n. Exceptions to Noise Standards - The noise standards established pursuant to Sec. 8175-5.7.8(m) shall not be exceeded unless covered under any of the following provisions:

1. 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).
2. Where the owners/occupants of sensitive *uses* have signed a waiver pursuant to Sec. 8175-5.7.8(w) 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.

o. 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:

1. hammering on pipe;
2. racking or making-up of pipe;
3. acceleration and deceleration of engines or motors;
4. drilling assembly rotational speeds that cause more noise than necessary and could reasonably be reduced by *use* of a slower rotational speed;
5. 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 DOGGR, shall be suspended until the problem is corrected.

p. 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 that ensure that operations meet the applicable noise standard. The requirements may be waived by the Planning Commission 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 8175-5.7.8(w). (AM.ORD.4451-12/11/12)

- q. Waiver of Preventative 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 Sec. 8175-5.7.8(m) and do not constitute a nuisance, then the soundproofing requirement may be waived. If the findings show 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. 8175-5.7.8(w) is signed, no preventative noise insulation will be required.
- r. 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.
- s. Hours of Well Maintenance - All non-emergency 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 standards can be met or that all applicable parties within the prescribed distance have signed a waiver pursuant to Sec. 8175-5.7.8(w).
- t. 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. Night time 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 Sec. 8175-5.7.8(w).
- u. Signs – Signs shall comply with Sec. 8175-5.13 and the development standards per Sec. 8178-5.13.10.7 *Identification Signs*, Oil and Gas Development.
- v. 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 that 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 DOGGR regulations. (AM.ORD.4451-12/11/12)
- w. Screening and Landscaping - All oil and gas production areas shall be landscaped so as to screen production equipment in a manner consistent

with the natural character of the area, if required, based on the *Planning Director's* determination that landscaping is necessary. Required landscaping shall be implemented in accordance with a landscape and irrigation plan to be approved by the *Planning Director* or his/her designee after consultation with the property owner. The *landscape plan* shall be consistent with Sec. 8178-8, Water Efficient Landscaping Requirements, or Coastal Area Plan policies, whichever are more restrictive. This *landscape plan* shall include, but not be limited to, measures for adequate screening of producing wells and permanent equipment from view of *public roads* or *dwelling*s, revegetation of all cut and *fill* banks, and the restoration of disturbed areas of the site not directly related to oil and gas production. Low water usage landscaping and *use* of native plants shall be encouraged.

(AM.ORD.4451-12/11/12)

1. Landscaping and Above Ground Pipelines. Consideration shall also be given to above ground pipelines that are part of the project. Landscape maintenance shall be subject to periodic inspection by the County, in accordance with Sec. 8178-8.9 Landscape Documentation Package Approval and Inspections. The permittee shall be required to remedy any defects in landscape maintenance within 30 days of notification by the County (AM.ORD.4451-12/11/12)
2. Landscaping and Well Drill Pads
  - a. If wells are brought into production, the site shall be landscaped so as to screen production equipment from view from neighboring residences in a manner consistent with the natural character of the area.
  - b. The landscaping associated with the wells shall also be intended to provide screening from glare that may result from on-site facilities (e.g., tanks, *buildings*, other).
  - c. The permittee shall not install production equipment until the *Planning Director* has approved the landscaping plan and a *Zoning Clearance* has been issued.
  - d. At the expense of the permittee, the County, or a County approved *landscape architect*, shall determine whether the visual impacts of the production facilities have been screened from view. The timing and schedule for subsequent review shall be determined prior to the issuance of a *Zoning Clearance* for the production facilities.
- x. 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. 8175-5.7.7.n.(2) shall also be considered a waiver applicable to Secs. 8175-5.7.7.p. and 8175-5.7.7.s. and t.
- y. Application of Sensitive Use Related Standards - The imposition of regulations on petroleum operations that are based on distances from occupied sensitive *uses* shall only apply to those occupied sensitive *uses* that were in existence at the time the permit for the subject oil operations was approved. (AM.ORD.4451-12/11/12)

- z. 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.

### **Sec. 8175-5.8 - Produce Stands**

- a. One *produce stand* per *lot* is allowed.
- b. A *produce stand* shall be permitted only if accessory to permitted crop production on the same *lot*.
- c. A *produce stand* may sell raw, unprocessed fruits, vegetables, nuts, seeds and cut flowers grown on the same *lot* as such stand or grown on other *lots* in the County.
- d. A *produce stand* may sell only those ornamental plants that are grown on the same *lot* as such stand.
- e. No commodities other than those listed above may be sold from a *produce stand*.
- f. The floor area of such stand shall not exceed 400 square feet each.
- g. Such stand shall not be located or maintained within 30 feet of any *public road*, street or highway.
- h. The construction thereof shall be of a temporary nature and shall not include a permanent foundation.
- i. Sign area shall not exceed the total permitted for the *lot*, pursuant to Sec. 8175-5.13, Signs.

### **Sec. 8175-5.9 - Public Works Facilities**

*Public Works facilities* are subject to the provisions of this Section and all other provisions of this Chapter and the LCP land *use* plan. The types of facilities include, but are not limited to, the following: Roads, reservoirs, drainage channels, watercourses, flood control projects, pump stations, utility lines, septic systems, water wells and water storage tanks.

- a. New or expanded *public works facilities* (including roads, flood control measures, water and sanitation) shall be designed to serve only the potential population of the unincorporated and incorporated areas within LCP boundaries, and to eliminate impacts on *agriculture*, open space lands, and environmentally sensitive *habitats*.
- b. New service extensions required beyond the stable urban boundary (as shown on the LCP Land Use Plan maps) must be designed to mitigate any effects on agricultural viability.

- c. Electrical transmission line rights-of-way shall be routed to minimize impacts on the viewshed in the *coastal zone*, especially in scenic rural areas, and to avoid locations that are on or near sensitive *habitats*, or recreational or *archaeological resources*, whenever *feasible*. Scarring, grading, or other vegetative removal shall be repaired and the affected areas revegetated with plants similar to those in the area to the extent that safety and economic considerations allow. (AM.ORD.4451-12/11/12)
- d. In important scenic areas, where aboveground transmission line placement would unavoidably affect views, undergrounding shall be required where it is technically and economically *feasible* unless it can be shown that other alternatives are less environmentally damaging. When aboveground facilities are necessary, design and color of the support towers shall be compatible with the surroundings to the extent that safety and economic considerations allow.

**Sec. 8175-5.10 - Recreational Vehicle Parks**

**Sec. 8175-5.10.1 - Applications**

All conditional *use* permit applications for such parks shall be accompanied by the following:

- a. Site plan.
- b. Complete topographic and geologic information for the site, including a *soils report*.
- c. Reports that describe the existing on- and off-site systems, facilities and services that are available to serve the proposed *development*; such reports shall state the name of the responsible agency, present capacity, present level of demand or *use*, projected capacity and the anticipated load resulting from the proposed *development*.
- d. Detailed landscaping and irrigation plans and specifications prepared by a State *licensed landscape architect*, in accordance with Sec. 8178-8.8- *Landscape Documentation Package*.
- e. A biological survey of the site including the identification of any environmentally sensitive *habitats*.

**Sec. 8175-5.10.2 - Development Standards**

- a. Minimum *lot area* for an RV park shall be three acres. Minimum size of each recreational campsite shall be 1,000 square feet with a minimum width of 25 feet.
- b. Maximum number of trailer spaces per net acre of land, computed as a simple geometric figure, shall be 18, unless a lower maximum is specified in the conditional *use* permit. The precise density to be allocated to the subject *development* will be based on the nature of the proposed site as it currently exists, particularly *slope*, *erosion* hazard, soil stability, fire hazard, water availability, seismic safety, septic tank suitability, accessibility to all-weather roads, adjacent land *use*, prevailing noise level, proximity to a flood plain, *emergency* ingress and egress, unique natural land features, proximity to environmentally sensitive *habitats*, and other pertinent factors.
- c. At least 60 percent of the *net area* of each RV park shall be left in its natural state or be landscaped, in accordance with Sec. 8178-8- Water Efficient Landscaping Requirements.
- d. 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.

- e. *Building height* and *setbacks* shall be as prescribed in the applicable zone, except where Title 25 of the California Administrative Code is more restrictive.
- f. No *recreational vehicle*, travel trailer or accessory *building* shall be located less than six feet from any other *recreational vehicle*, travel trailer or accessory *building* on an adjacent space.
- g. All *setback* areas from streets and other areas in an RV park not used for driveways, parking, *buildings* or service areas shall be landscaped, in accordance with Sec. 8178-8- Water Efficient Landscaping Requirements. (AM.ORD.4451-12/11/12)
- h. Trash disposal areas shall be adequately distributed and enclosed by a six foot high *landscape screen*, solid wall or *fence*, in accordance with Sec. 8178-8.4.2.2- Landscape Screening.
- i. Where needed to enhance aesthetics or to ensure public safety, a *fence*, wall, landscaping screening, earth mounds or other means approved by the *Planning Director* that will complement the landscape and assure compatibility with the surrounding environment shall enclose the park, in accordance with Sec. 8178-8.4.2.2- Landscape Screening. (AM.ORD.4451-12/11/12)
- j. Asphalt pavement or other suitable materials for dust abatement as approved by the *Planning Director* shall be provided for all interior roadways and parking areas and shall be suitably marked for traffic flow.
- k. Any cut and/or *fill slopes* shall be revegetated and adequately maintained to prevent *erosion*.
- l. All *protected, native, historic, or heritage trees* with a three inch or greater diameter shall be preserved unless their removal is approved by both the *Planning Director* and the County Landscape Coordinator.
- m. Any of the foregoing standards may be modified, subject to the provisions of Title 25, if evidence presented at the public hearing establishes that such modification is necessary to ensure compatibility with the established environmental setting.

**Sec. 8175-5.10.3 - Site Design Criteria**

- a. Signs shall be in accordance with Sec. 8175-5.13, Signs.
- b. Off-street parking shall be provided in accordance with Article 6.
- c. The front of each space should include a level, landscaped area with picnic table and a grill or campfire ring. (AM.ORD.4451-12/11/12)
- d. The office should be located near the entrance, which should also be the exit.
- e. The site should be designed to accommodate both tent and vehicle campers (travel trailers, truck campers, camping trailers, motor homes).
- f. Drive-through spaces should be provided for travel trailers.
- g. There should be a minimum six-foot-wide walk in parking areas.
- h. Walls or landscaped earthen berms should be used to minimize noise from highway sources.
- i. The distance from any picnic table to a toilet should be not less than 100 feet nor more than 300 feet.

- j. Each site plan should also incorporate a recreational or utility *building*, laundry facilities and an entrance sign in accordance with Sec. 8175-5.13, Signs.
- k. At least 30 percent of the spaces should have full hookups, including electricity, water and sewer. Permitted utilities shall be installed underground in conformance with applicable state and local regulations.
- l. Each park shall be provided with sewer connections or dump stations, or a combination thereof.
- m. 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. 8175-5.10.4 - Additional Provisions**

- a. Each park may include a commercial establishment on-site, not exceeding 500 square feet of floor area, for the sole *use* of park residents.
- b. Each park is permitted one on-site *mobilehome* to be used solely for the management and operation of the park, pursuant to Title 25.
- c. No permanent *building* or cabana shall be installed or constructed on any trailer space; however, portable *accessory structures* and fixtures are permitted.
- d. No travel trailers, trailer coaches, motor homes, campers or tents shall be offered for sale, lease or rent within an RV park.
- e. Off-road motor vehicle *uses* that might cause damage to vegetation or soil stability are not permitted. (AM.ORD.4451-12/11/12)
- f. The maximum time of occupancy for any *family* or travel trailer within any RV park shall not exceed 90 days within any 120 day period.

**Sec. 8175-5.11 - (Reserved for future use)**

**Sec. 8175-5.12 - Shoreline Protection Devices**

**Sec. 8175-5.12.1**

The following standards shall apply to the construction or maintenance of *shoreline protective devices* such as seawalls, jetties, revetments, groins, or breakwaters:

- a. Proposed *shoreline protective devices* shall only be allowed when they are necessary to protect existing *developments, coastal-dependent land uses, and public beaches*.
- b. All shoreline protective *structures* that alter natural shoreline processes must be designed to eliminate or mitigate adverse impacts on local shoreline sand supply. (AM.ORD.4451-12/11/12)
- c. Permitted shoreline *structures* shall not interfere with public rights of *access* to the shoreline.
- d. A *building* permit will be required for any construction and maintenance of protective shoreline *structures*, such as seawalls, jetties, revetments, groins, breakwaters and related arrangements.
- e. The County's Building and Safety Department will routinely refer all permits for seawalls, revetments, groins, retaining walls, pipelines and outfalls to the Flood Control and Water Resources Division of the Public Works Agency to be evaluated not only for structural soundness, but environmental

soundness as well whenever necessary. This includes a survey of potential environmental impacts, including (but not limited to) the project's effects on adjacent and downstream *structures*, net *littoral drift*, and downcoast beach profiles. If the potential environmental impacts of the proposed *structure* are considered significant by the Public Works Agency, the applicant will then be required to obtain an engineering report that specifies how those impacts will be mitigated.

### **Sec. 8175-5.12.2**

Prior to the construction of any shoreline protective device, the County may require the preparation of an engineering geology report at the applicant's expense. Such report shall include *feasible* mitigation measures that will be used, the following applicable information to satisfy the standards of Sec. 8178-4.1, as well as other provisions of the ordinance and Land Use Plan policies:

- a. Description of the geology of the bluff or beach, and its susceptibility to wave attack and *erosion*.
- b. Description of the recommended device(s), along with the design wave analysis.
- c. Description of the anticipated wave attack and potential scouring in front of the *structure*.
- d. Depth to bedrock for vertical seawall.
- e. Hydrology of *parcel*, such as daylighting springs and effects of subsurface drainage on bluff *erosion* rates, as it relates to stability of the protective device.
- f. Plan view maps and profiles of device(s), including detailed cross-section through the *structure*.
- g. Type of keyway, location of tie backs or anchor devices, and depth of anchor devices.
- h. Bedrock analysis.
- i. Accessway for construction equipment.
- j. *Use* and type of filter fabric.
- k. Projected effect on adjacent properties.
- l. Recommendations on maintenance of the device.
- m. *Use* of wave deflection caps.

(AM.ORD.4451-12/11/12)

### **Sec. 8175-5.13 – Signs**

#### **Sections:**

- 8175-5.13.1 Purpose
- 8175-5.13.2 Permit Requirements
- 8175-5.13.3 Prohibited Signs
- 8175-5.13.4 Signs Exempt from a Permit
- 8175-5.13.5 Zoning Clearance Sign Permit
- 8175-5.13.6 Planned Development Sign Permit
- 8175-5.13.7 Sign Permit Application Requirements and Processing

- 8175-5.13.8 Design Criteria
- 8175-5.13.9 General Sign Standards
- 8175-5.13.10 Specific Regulations by Type of Sign
- 8175-5.13.11 Legal Nonconforming Signs
- 8175-5.13.12 Unauthorized Signs
- 8175-5.13.13 Summary Removal Unauthorized Signs

**Sec. 8175-5.13.1 – Purpose**

The purpose of this Sec. 8175-5.13 is to promote and safeguard the life, health, property, and public welfare, including traffic safety and the aesthetics of the visual environment, by regulating the design, quality of materials and construction, illumination, location and maintenance of all *signs* within the unincorporated areas of the coastal zone.

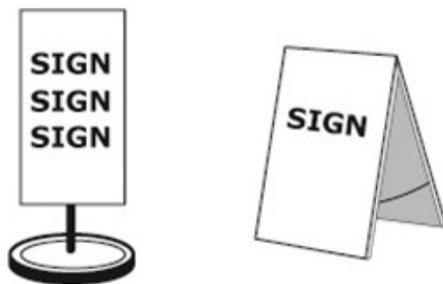
**Sec. 8175-5.13.2 – Permit Requirements**

No person shall place, erect, modify, alter or repaint any *sign* unless the *sign* and sign-related activity is exempt from a permit pursuant to Sec. 8175-5.13.4. If the *sign* or *sign*-related activity is not exempt from a permit, it either requires the issuance of a Zoning Clearance pursuant Sec. 8175-5.13.5 and/or a Planned Development Permit pursuant to Sec. 8175-5.13.6 in accordance with the provisions of the *Sign Permit* Application Procedures of Sec. 8175-5.13.7.

**Sec. 8175-5.13.3 – Prohibited Signs**

The following *signs* are prohibited:

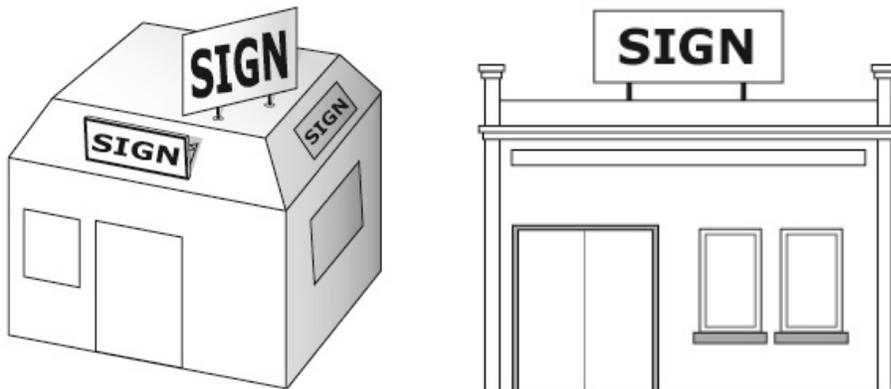
- a. A-frame or sandwich-board *signs*;



**Examples of Prohibited Freestanding Signs**

- b. Any *sign* that emits sound, smoke or bubbles.
- c. Any *sign* located within ESHA or its associated buffer except:
  - 1. A *road sign*;
  - 2. An *interpretive sign* that describes the *ESHA*, provided that the sign is located and designed in accordance with Sec. 8175-5.13.10.12.1(c) and Sec. 8175-5.13.10.12(b); or
  - 3. A *temporary sign* that is intended to protect *ESHA*, such as a *sign* restricting access to an active shorebird nesting area in accordance with Sec. 8175-5.13.6(e)
- d. Except as authorized under Sec. 8175-5.13.9.2(d), any *sign* located within the public right-of-way.
- e. Any *sign* erected in such a manner that it may interfere with, obstruct, confuse or mislead traffic.

- f. 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.
- g. Any *sign* or *sign* structure that is structurally unsafe or constitutes a hazard to health or safety by reason of design, location, or inadequate maintenance.
- h. Any *sign* that obstructs or degrades public views to *scenic resources*, except as authorized by Sec. 8175-5.13.9.2(d).
- i. Any *sign* that is intended to deter public access to or along tidelands, shorelines, beaches and public waterways, public trails, public parks, public open space, or public access easements to any of the foregoing locations, except where necessary to direct public access to ensure safety, minimize erosion, and protect *ESHA*.
- j. Bench signs, except for the following: (1) memorial placard attached to a bench as authorized by Sec. 8175-5.13.4(b); and (2) at bus stops as authorized by Sec. 8175-5.13.10.2.
- k. A banner, pennant, or inflatable object used as *commercial sign*, except if used as a *promotional temporary sign* in accordance with Sec. 8175-5.13.5(d).
- l. Except for *road and locational signs*, new freestanding *signs* greater than six feet in height;
- m. Except for *temporary signs* painted on a window as authorized pursuant to Sec. 8175-5.13.5(b)(4), *permanent signs* attached to the exterior surfaces of windows;
- n. *Off-site commercial* and *subdivision signs* including but not limited to billboards.
- o. Trailer mounted *portable sign* that is parked within the public right-of-way, in *coastal access parking areas*, *recreational areas (beaches and parks)*, or otherwise no longer mobile, unless parked wholly on the lot of the owner of the portable sign.
- p. *Roof signs*.



**Examples of Prohibited Roof Signs**

- q. *Commercial signs* in residential zones, except for *real estate* and *open house signs*.
- r. *Signs* that automatically change color;

- s. *Signs* that flash, move or rotate, except for clocks and time and temperature *signs* in accordance with Sec. 8175-5.13.6(a);
- t. 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 otherwise permitted by this Article;

**Sec. 8175-5.13.4 - Signs Exempt from a Permit**

The following signs are exempt from the requirement to obtain a Planned Development Permit or Zoning Clearance *sign permit* except when the *sign* is proposed as part of a larger development project that requires a discretionary permit under this Chapter:

- a. One *identification sign* up to two square feet in *sign area* affixed directly to the exterior wall of a building or structure. One *identification sign* up to six square feet in *sign area*, if affixed directly to an exterior wall of a building or structure for agricultural uses (i.e. produce stands, barns, stables, etc.)
- b. One memorial bench plaque, up to 36-inches in area (e.g. 18" x 2"), that is attached directly to the bench.
- c. Flags with *noncommercial content* affixed to a building and temporarily displayed to commemorate an event or holiday, consistent with Sec. 8175-5.13.10.9, Flags.
- d. Repair and maintenance of an existing permitted *sign*, provided the proposed repair and maintenance activities:
  - 1. Do not result in an addition to or enlargement of the existing *sign*;
  - 2. Comply with the sign copy requirements in Sec. 5.13.9.5, Message Substitution;
  - 3. Will not result in any disturbance to *ESHA* or *ESHA buffer*, See Sec. 8175-5.13.6(e); and
  - 4. Are consistent with Sec. 8175-5.13.9.4, Maintenance.
- e. Natural gas, chilled water and steam facility *signs* placed by a public utility, which conveys information on the location of facilities in the furtherance of service or safety, provided there is no removal of major vegetation, the *sign(s)* is located within a public utility easement, and the *sign* is the minimum size necessary to convey the information.
- f. *Temporary signs* and *incidental signs* limited to the following:
  - 1. *Incidental signs* attached directly to a building. One sign of not more than six square feet, on a developed legal parcel, or if multiple businesses are located on a parcel, one sign for each business.
  - 2. *Construction signs*, provided that:
    - i. Only one *sign* is displayed per construction site;
    - ii. The *sign* does not exceed six square feet in total *sign area* in Coastal Open Space (COS), Coastal Agricultural (CA), Coastal Rural (CR), Harbor Planned Development (HPD), and coastal residential zones (CR1, CR2, RB, RBH, CRPD, and M Overlay), or 24 square feet in total *sign area* in Coastal Commercial (CC) and Coastal Industrial (CM) zones;

- iii. 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;
  - iv. The *sign* is displayed during construction only;
  - v. The *sign* does not exceed six feet in height, if freestanding;
  - vi. The *sign* is not located in the clear sight triangle pursuant to Sec. 8175-3.8; and
  - vii. The *sign* is located not less than five feet from the inside line of the sidewalk or, if there is no sidewalk, from the property line.
3. *Real estate signs*. One unilluminated *real estate sign* subject to the following:
- i. The *sign* may be single- or *double-faced* and shall be limited to a maximum of three square feet in total *sign area* and six feet in height. See also Sec. 8175-5.13.10.1.
  - ii. The *sign* shall only contain information on the sale or rental of the premises on which located.
  - iii. The *sign* is not located in the clear sight triangle pursuant to Sec. 8175-3.8;
  - iv. The *sign* shall be situated no less than five feet from the inside line of the sidewalk, or if there is no sidewalk, from the property line.
  - v. The *sign* shall remain on the premises only during the period of time that the premises are being offered for sale or lease and shall be removed seven days after the property is sold or rented or the offer for sale or rent is terminated.
4. *Open house signs* subject to the following provisions:
- i. Such *signs* are only permitted during the period when real estate is offered for sale or rent and while an agent is physically present on the premises.
  - ii. Only one such *sign* is allowed on each street frontage of the property on which the open house is being held.
  - iii. Such *signs* shall not exceed three square feet in area.
  - iv. Such *signs* are only allowed during daylight hours.
5. A maximum of three *temporary, noncommercial signs* on a residential-zoned lot pursuant to Sec. 8175-5.13.10.15.
6. *Political signs* pursuant to Sec. 8175-5.13.10.17.
7. 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 affixed to the building. The total maximum *sign area* shall not exceed two square feet.

**Sec. 8175-5.13.5 – Zoning Clearance Sign Permit**

A Zoning Clearance *sign permit* is required for all of the following *signs*:

- a. A physical modification or alteration of an existing permitted *sign* or legal non-conforming sign if the change is consistent with the development standards in Sec. 8175-5.
- b. *Signs* affixed directly to a non-residential structure, other than public works facilities, in compliance with Sec. 8174-6.3.4 including but not limited to:
  - 1. *Identification signs* larger than two square feet in sign area affixed directly to the exterior wall of a structure or building, or *identification signs* larger than six square feet in sign area if affixed directly to the exterior wall of a structure or building for agricultural uses (i.e. produce stands, barns, stables, etc.). See Sec. 8175-5.13.9.1 for allowable number and dimensions.
  - 2. Memorial tablets or *signs* larger than two square feet but less than 10 square feet. Such signs may include 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 affixed to the building.
  - 3. *Projecting sign* (See Sec. 8175-5.13.10.18).
  - 4. *Window signs* 10 square feet in area or 25 percent of the window area, whichever is less; consistent with the provisions of Sec. 8175-5.13.10.22.
- c. Replacement of existing permitted *signs* (other than *legal nonconforming signs*) destroyed by a disaster pursuant to Sec. 8174-6.3.5.
- d. *Promotional temporary signs* provided that:
  - 1. Such *signs* are only displayed on a developed parcel zoned Coastal Commercial (CC) for a maximum of 30 days;
  - 2. Such *signs* are not located in the clear sight triangle pursuant to Sec. 8175-3.8; and
  - 3. Such *signs* are located not less than five feet from the inside line of the sidewalk or, if there is no sidewalk, from the property line.

**Sec. 8175-5.13.6 – Planned Development Permit Sign Permit**

The following *signs* require a Planned Development Permit:

- a. New *free standing signs* including but not limited to the following:
  - 1. *Road and locational signs*.
  - 2. Clocks and thermometers not directly affixed to a building or structure, see Sec. 8175-5.13.10.4.
  - 3. *Directional signs*, see Sec. 8175-5.13.10.5.
  - 4. *Sign display structures*, not affixed directly to a building, see Sec. 8175-5.13.10.6.
  - 5. One freestanding flag affixed to a flagpole per developed parcel, see Sec. 8175-5.13.10.9.
  - 6. *Interpretive signs*, see Sec. 8175-5.13.10.12.
  - 7. *Menu Board*, see Sec. 8175-5.13.10.13.
  - 8. *Monument signs*, see Sec. 8175-5.13.10.14.

- b. Illuminated signs, see Sec. 8175-5.13.10.11.
- c. *Sign mural*.
- d. A new *sign program* not associated with a larger development project for which a new discretionary permit is sought.
- e. *Temporary signs* in *ESHA* or *ESHA buffer*, provided that:
  1. The temporary *sign* has a maximum cumulative *sign area* of 16 square feet.
  2. The *sign* is installed prior to the start of the nesting season of each calendar year (March 15<sup>th</sup>) and is removed after all shorebirds have fledged.

**Sec. 8175-5.13.7 – Sign Permit Application Requirements and Processing**

- a. When a Zoning Clearance *sign permit* or Planned Development Permit is required for a *sign* or *sign*-related activity, an application shall be filed with the Ventura County Planning Division in accordance with Sec. 8181-5. The application shall be signed by the owner and applicant or authorized agent thereof. In addition to providing the information and materials required pursuant to Sec. 8181-5, the application shall also set forth and contain the following information and materials, as applicable:
  1. A site plan showing the dimensions of the parcel, location and size of any existing or proposed buildings or structures on the property, and adjacent streets and land uses.
  2. The location of off-street parking facilities, including major points of entry and exit for motor vehicles where *directional signs* are proposed.
  3. The proposed *sign* dimensions, *sign* copy, height, colors, materials, lighting, and location of the *sign* or *sign* structure.
  4. The method of attachment of the proposed *sign* to any structure.
  5. Other information that the Planning Division may require to secure compliance with this Chapter.
  6. Signs requiring a Planned Development Permit shall provide a Sign Maintenance Plan that describes future requirements for sign repair or replacement, sign cleaning or repainting, and the clearing of vegetation, other than *major vegetation*, that blocks the sign.
- b. A separate permit application is required for each legal lot where *signs* are located.
- c. Permit applications for a *sign* or *sign*-related activity shall be processed in accordance with the applicable provisions of Article 11, Entitlements – Process and Procedures. Following the approval of a Planned Development Permit, the permittee shall obtain a separate Zoning Clearance prior to initiating the permitted use or activity in accordance with Sec. 8181-3.1.

**Sec. 8175-5.13.8 – Design Criteria**

The following design criteria apply to *signs* and *sign*-related activities requiring a *sign permit* and shall, to the extent applicable, be utilized during the County’s review, consideration and conditioning of the requested permit:

- a. The size, color and style of *sign* structures should be designed to complement the visual character of the surrounding buildings and landscape features.
- b. *Sign* poles and other non-copy elements should blend visually with the color(s) and texture(s) of the background, including any buildings.
- c. The number of light fixtures shall be kept to a minimum and integrated into the design of the structure.
- d. On developed sites, landscaping should be used to enhance the appearance of the *sign* and to allow the *sign* to blend with the remainder of the site.
- e. Planter boxes should be used to improve the appearance of the *sign* base, and trees should be used to mask the unused side of a single-faced *sign*.
- f. The location of the proposed *sign* and the design of its visual elements (lettering, words, figures, colors, decorative motifs, spacing, and proportions) should be legible under normal viewing conditions where the sign is to be installed.
- g. The location and design of the proposed *sign* should not obscure from view or unduly detract from existing or adjacent *signs*;

**Sec. 8175-5.13.9 - General Sign Standards**

The following standards shall apply to the specified *sign* types and locations unless otherwise stated in the regulatory notes.

**Sec. 8175-5.13.9.1 - Number and Dimensions of Signs**

COASTAL OPEN SPACE (COS) COASTAL AGRICULTURAL (CA) COASTAL RESIDENTIAL (CR, CR1, CR2, RB, RBH, CRPD) (a)						
Sign Type	On-Site			Off-Site		
	Attached	Freestanding (n)		Freestanding		
	Identification/ Noncommercial Sign(o)	Monument Sign	Flags	Display Structure/ Interpretive/ Location and Road (m)	Residential Subdivision (b)	
Maximum number per lot	1	1	(c), (d)	1	1	1
Maximum <i>sign area</i> (sq. ft.) (n)	Lesser of 20 or F/20 (e)	Lesser of 25 or F*/10 (square feet)	48 sf including the base	See Sec. 8175-5.13.10.9	6(f)	12 (g)
Maximum Height (feet)	Not above the wall to which it is attached.	6(i)	6(i)		6(i)	6(i)
Maximum Length (feet)	(j)	10	10		3	12
COASTAL COMMERCIAL (CC)(a), (k) COASTAL INDUSTRIAL (CM)						
Sign	On-Site					Off-Site

COASTAL OPEN SPACE (COS) COASTAL AGRICULTURAL (CA) COASTAL RESIDENTIAL (CR, CR1, CR2, RB, RBH, CRPD) (a)					
Sign Type	On-Site			Off-Site	
	Attached	Freestanding (n)		Freestanding	
	Identification/ Noncommercial Sign(o)	Monument Sign	Flags	Display Structure/ Interpretive/ Location and Road (m)	Residential Subdivision (b)
Type	Attached	Freestanding (n)			
	Identification/ Commercial Sign	Monument Sign	Directional Signs	Flags	Residential Subdivision (b)/ Locational and Road (m)
Maximum number per lot	No limit	(d)	1 per entrance to the lot (see Sec. 8175-5.13.10.5)	1	1
Maximum sign area (sq. ft.)	(l)	48 sf including the base	4	See Sec. 8175-5.13.10.9	12 (g)
Maximum Height (ft.)	(h)	6(i)	3		6(i)
Maximum Length (ft.)	(j)	10	4		12

F\* = Total street frontage of lot in linear feet.

**Regulatory Notes:**

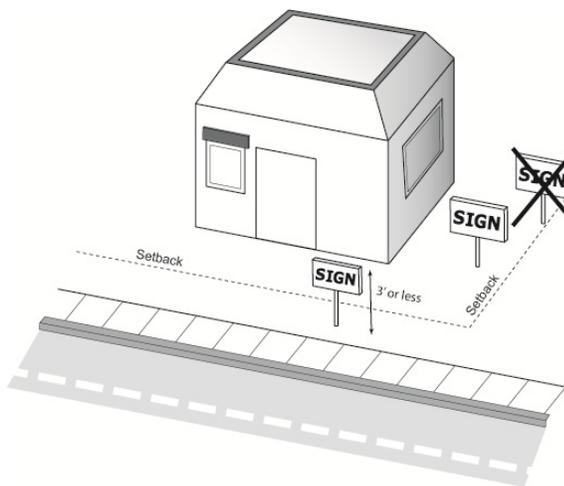
- (a) Assembly Uses may have up to 20 square feet of *attached sign area* regardless of lot width.
- (b) On-site *residential subdivision signs* are shall only be installed on a legal lot where an approved residential subdivision will be developed.
- (c) A produce stand may have one freestanding *monument sign* and one *attached sign* totaling 100 square feet. The advertising signs shall indicate the location of the farm products but not the price of any product.
- (d) Two *monument signs* at either side of an entry road may be allowed pursuant to Sec. 8175-5.13.10.14.
- (e) 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*, up to a maximum total of 120 square feet per qualified building, as part of a complete *Sign Program* for the site. The *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.
- (f) Display structures and *interpretive signs* may have up to nine square feet in *sign area* or as recommended by the reviewing agency per Sec. 8175-5.13.10.6 and Sec. 8175-5.13.10.12.

- (g) *Residential Subdivision Signs* are limited to 12 square feet in area, but the length or width of the *sign* may be increased by one foot for each 10 feet that the width of the lot, or two or more contiguous lots in single ownership, exceeds 70 feet. The maximum area of the *sign* shall not exceed 36 square feet.
- (h) *Signs* 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.
- (i) *Signs* shall be limited to a maximum 3 feet in height if located in a clear sight triangle pursuant to Sec. 8175-5.13.9.2(c).
- (j) *Signs* 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.
- (k) In addition to the number of *signs* allowed in the Coastal Commercial zone, a drive-through restaurant may also have a 16 square foot menu board; see Sec. 8175-5.13.10.13.
- (l) In the Coastal Commercial (CC) zone, 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. In the Coastal Industrial (CI) zone, see Sec. 8175-5.13.10.7, Identification Signs for Oil and Gas Development.
- (m) *Display structures, interpretive and locational signs* are prohibited in the residential zones. *Road and locational signs* are subject to the design standards for traffic control devices administered by the State Department of Transportation or local road agency, the California Coastal Commission or Ventura County.
- (n) The area of a free standing sign for a flag lot shall be equivalent to the area of a sign allowed for the intervening lot or lots that separate the bulk of the flag lot from the access road.
- (o) *Non-commercial signs* in the residential zones are limited to three.

**Sec. 8175-5.13.9.2 - Location**

*Signs* are subject to the structural setbacks set forth in Sec. 8175-2; the setback shall be measured from the property line to the outermost projection of the *sign* structure on the side where the setback is being measured. Exceptions are as follows:

- a. *On-site temporary 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.



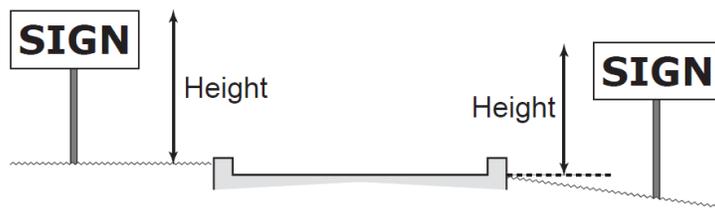
- c. Clear Sight Triangles - No *sign* shall be erected within a clear sight triangle unless such *sign*, in compliance with the provisions of this Article, is less than three feet and no part of its means of support has a single or combined horizontal cross section exceeding 12 inches (see Sec. 8175-3.8.3).
- d. Public Rights-of-Way – No *sign* shall be placed within a public right-of-way except for the following:
  1. *Road and locational signs*.
  2. Bus stop *signs* installed by a public transit agency.
  3. Informational *signs* of a public utility regarding its lines, pipes, poles or other facilities.
  4. Emergency warning *signs* erected by a governmental agency, a public utility company, or a contractor doing authorized work within the public right-of-way.

Installation of any new sign within a State or County right-of-way shall not interfere with the public's right of access to the coast. Any sign that has the potential to interfere with the public's right of access to the coast shall be approved only where allowed consistent with all other policies and provisions of the Local Coastal Program and shall require a Planned Development Permit and an Encroachment Permit issued by the Transportation Department of the Public Works Agency or by Caltrans if located in the State right-of-way of U.S. Highway 101 or State Highway.

- e. Lots Without 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.

**Sec. 8175-5.13.9.3 - Measurement of Sign Height**

Where the average grade of the lot or right-of-way 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 or right-of-way is below the adjacent street grade, the *sign* height shall be measured from the adjacent street grade.



**Sec. 8175-5.13.9.4 - Maintenance**

Every *sign* 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.

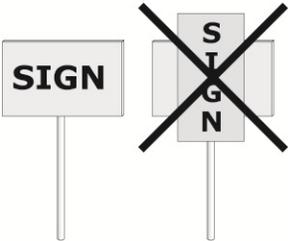
**Sec. 8175-5.13.9.5 – Message Substitution**

A *noncommercial* message of any type may be substituted, in whole or in part, for any *commercial* message or any other *noncommercial* message provided that the *sign*, including the *sign* structure and mounting device, is consistent with the standards of this Article and its permitting requirements without consideration of message content. Such substitution of message may be made without any additional approval or permitting. This provision prevails over any more specific provision to the contrary within this Article. The purpose of this provision is to prevent any inadvertent favoring of *commercial* speech over *noncommercial* speech, or favoring of any particular *noncommercial* message over any other *noncommercial* message. This provision does not create a right to increase the total amount of *signage* on a parcel, nor does it affect the requirement that a *sign*, including the *sign* structure and mounting device, be consistent with the standards of this Article and its permitting requirements.

**Sec. 8175-5.13.10 – Specific Regulations by Type of Sign**

**Sec. 8175-5.13.10.1 - Back-Mounted Freestanding Signs**

Any *sign* erected on the back of an existing permitted *freestanding sign* shall not extend beyond the edges of the existing *sign*.

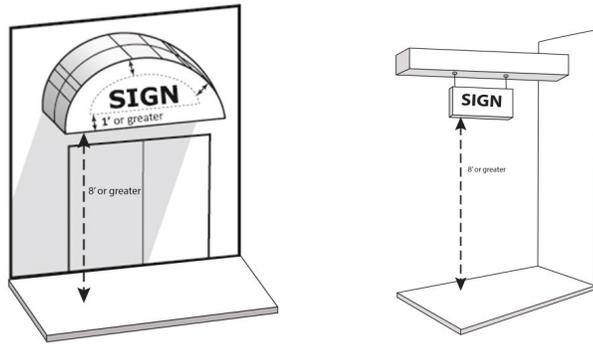


**Sec. 8175-5.13.10.2 - Bench Signs**

Bench *signs* are permitted at bus stops designated on a valid bus schedule. The total *sign 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. 8175-5.13.10.3 - Canopy Signs**

*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 *sign area* of attached *signs* for that building. *Signs* suspended under canopies that project over private walks or drives open to the public shall be limited to a total *sign area* of eight square feet per *sign*. *Canopy signs* shall be located a minimum of eight feet above sidewalks.



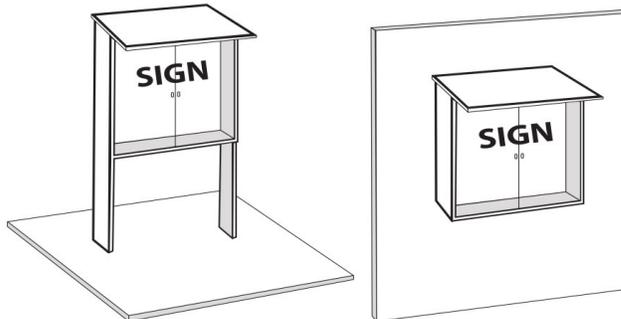
**Sec. 8175-5.13.10.4 - Clocks and Thermometers**

Clocks and thermometers shall have a maximum total *sign area* of 24 square feet.

**Sec. 8175-5.13.10.5 – Directional Signs**

*Directional signs* are only permitted in the Coastal Commercial (CC) and Coastal Industrial (CM) zones, not exceeding three feet in height and four square feet in area per *sign*, and limited to one such *sign* per entrance to the lot or premises to direct pedestrian or vehicular traffic on the same property. Additional *directional signs* may be permitted, if authorized by the Planning Director, to the extent required to direct traffic and provide parking information to the public.

**Sec. 8175-5.13.10.6 - Display Structures**



Display structures are only permitted in commercial zones and the Coastal Open Space (COS) zone, and are only permitted in these zones as part of a Conditional Use Permit or Planned Development Permit for a land use to which the display structure relates. Display structures may include enclosed displays of products sold or enclosed outdoor bulletin boards. Display structures may also serve additional purposes, such as providing shelter or visual enhancement at a site.

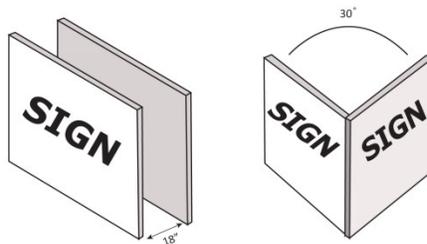
- a. Location – Display structures shall not be located in any required setbacks.
- b. Area - The area of display structures shall be in accordance with Sec. 8175-5.13.9.1, and may be allowed in addition to *sign area* otherwise permitted for the lot.
- c. Lighting - *Illumination* of display structures such as kiosks shall be by indirect or *diffused light* only.

**Sec. 8175-5.13.10.7 – Identification Signs, Oil and Gas Development**

- a. 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 contain the following information:
  1. DOGGR 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.
- b. The well identification sign(s) shall be maintained at the well site from the time drilling operations commence until the well is abandoned.

**Sec. 8175-5.13.10.8 – Double Faced Signs**

A double faced *sign* with two attached parallel faces shall be not more than 18 inches apart or form an angle more than 30 degrees.



**Sec. 8175-5.13.10.9 - Flags**

Flags are permitted as follows:

- a. A Planned Development Permit is required for a *freestanding* flagpole.
- b. Flag poles are considered accessory structures subject to Sec. 8175-2 Schedule of Specific Development Standards by Zone.
- c. Flags shall only contain *noncommercial* content and shall not be used as a *commercial sign*.
- d. In addition to the land use permit required under this Article, a building permit shall also be required for flag poles taller than 35 feet.
- e. The maximum *sign* area allowed for flags shall be in accordance with the following table and consistent with the height regulations applicable to each zone:

<b>Flagpole Height (ft)</b>	<b>Maximum Flag Area (sf)</b>
6 feet or less	6
Up to 25	24
25 to 29	28
30 to 34	40
35 to 39	60
40 to 49	96
50 to 59	150

**Sec. 8175-5.13.10.10 – Freestanding Signs**

Except for flags and flag poles pursuant to Sec. 8175-5.13.10.9, and *road signs* and *location signs*, the maximum height for a *free standing sign* is six feet.

**Sec. 8175-5.13.10.11 - Illuminated Signs**

*Sign* lighting shall be designed to minimize light and glare on surrounding rights-of-way and properties in compliance with the following:

- a. *Temporary illuminated* traffic control *signs* placed on or adjacent to a street or highway (by authority of a public body or official having jurisdiction), shall comply with the U.S. Department of Labor Occupational Safety and Health Administration Manual on Uniform Traffic Control Devices.
- b. *Illuminated signs* are prohibited within *ESHA* and their associated 100 foot buffer, except for *road signs*.
- c. *Illuminated signs* are only permitted in the Coastal Agricultural (CA) and Coastal Commercial (CC) zone and shall have indirect or *diffused illumination*.
- d. *Illuminated signs* shall not exceed the brightness of a *diffused light* panel with cool white fluorescent 800 milliamper lights spaced at least 10 inches on center.
- e. In no case shall an *illuminated sign* or lighting device be so placed or directed as to permit the beams and/or *illumination* therefrom to be directed or beamed upon a public street, walkway, or adjacent properties so as to cause glare or reflection that may constitute a nuisance, traffic or safety hazard.
- f. Except for automated teller machines (ATM), no *sign* shall be illuminated after 11:30 pm or close of business, whichever occurs last.

**Sec. 8175-5.13.10.12 - Interpretive Signs**

- a. A Zoning Clearance *sign permit* is required for an *interpretive sign* affixed to the structure pursuant to Sec. 8175-5.13.5(b).
- b. *Illumination* of free standing *interpretive signs* is prohibited.

**Sec. 8175-5.13.10.12.1 – Types of Interpretive Signs**

- a. Historical Sites - *Interpretive signs* in association with historical sites should be developed based on the recommendations of the Cultural Heritage Board. *Sign copy* shall be directly related to the historic structure or point of interest.
- b. Cultural Resource Sites - *Interpretive signs* in association with cultural resources sites should be developed based on the recommendations of the State Historic Preservation Officer. *Sign copy* shall designate a point of cultural interest and not an undisclosed confidential cultural resource site that would encourage potential site vandalism.
- c. *Environmentally Sensitive Habitat Areas* - *Interpretive signs* should be developed based on the recommendations of a qualified biologist and/or in consultation with the U.S. Fish and Wildlife Service. *Sign copy* shall be directly related to the resource it is protecting and/or describing. The *sign* shall be located in an area that is the least damaging to ESHAs and associated buffer areas.

**Sec. 8175-5.13.10.13 - Menu Boards for Drive-Through Restaurants**

A drive-in or drive-through restaurant is permitted one menu board subject to the following standards:

- a. The menu board shall not exceed 16 square feet in *sign area*, which shall not be counted toward the *sign area* or permitted number of *signs* otherwise allowed for the lot or premises.
- b. The menu board shall not exceed a height of six feet.
- c. The menu board shall include an intercom that customers speak into with an attendant while placing orders.
- d. A preview board and/or ordering board are not permitted in addition to the menu board.

**Sec. 8175-5.13.10.14 – Monument Signs**

The following standards apply to *monument signs*:

- a. *Monument signs* are limited to a maximum height of six feet including the support structure.
- b. *Monument signs* shall be ground mounted, have a solid-appearing base constructed of a permanent material, such as concrete block or brick.
- c. Two *monument signs* may be permitted on either side of an entrance road provided the *monument sign* is not located in the clear sight triangle pursuant to Sec. 8175-3.8 or required setback area adjacent to a street.

**Sec. 8175-5.13.10.15 – Sign, Noncommercial**

A *noncommercial sign* may be installed for a maximum of 60 days per calendar year in all residentially zoned lots. The number, size and location of said *sign(s)* shall comply with the following:

- a. Location: The *sign* shall meet all setbacks of the underlying zone.
- b. Number: No more than three.

- c. Dimensions: Each *sign* shall not exceed a *sign area* of three square feet (18" x 24") and the maximum height shall be 15 inches.

**Sec. 8175-5.13.10.16 – Sign, Plug-In Electric Vehicle (PEV) Charging Stations**

The following sign copy shall be incorporated into PEV charging station signs:

- a. Voltage and amperage levels;
- b. Safety information;
- c. Hours of operations if time limits or tow-away provisions are to be enforced by the property owner;
- d. Usage fees;
- e. Contact information for reporting when the equipment is not operating or other problems; and
- f. PEV parking spaces must be designated with signage stating "Electric Vehicle Charging Only."

**Sec. 8175-5.13.10.17 - 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 coastal zone. It is specifically recognized that if *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 and creating a public nuisance.

a. 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.

b. *Political Signs* on Private Property

No *political sign* face shall exceed thirty-two (32) square feet in *sign area*. The aggregate *sign area* of all *temporary political signs* placed or maintained on any lot in one ownership shall not exceed ninety-six (96) square feet.

c. Time Frames

*Political signs* shall not be posted sooner than 90 days prior to a scheduled election administered by the County Elections Division. Said *signs* shall be removed within 10 days after the election.

d. Enforcement

Any *political sign* not posted or timely removed 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* that is not removed within the specified period following an election shall be subject to summary removal and confiscation or disposal by the County at the expense of the responsible party.

**Sec. 8175-5.13.10.18 - Projecting Signs**

*Projecting signs* shall comply with the following:

- a. Total *sign area* shall not exceed eight square feet
- b. All *projecting signs* shall be located a minimum of eight feet above sidewalks and more than 13½ feet above roads. In no case shall *projecting signs* go beyond the maximum height of the structure.
- c. *Projecting signs* shall not extend over more than two-thirds of the adjacent sidewalk.

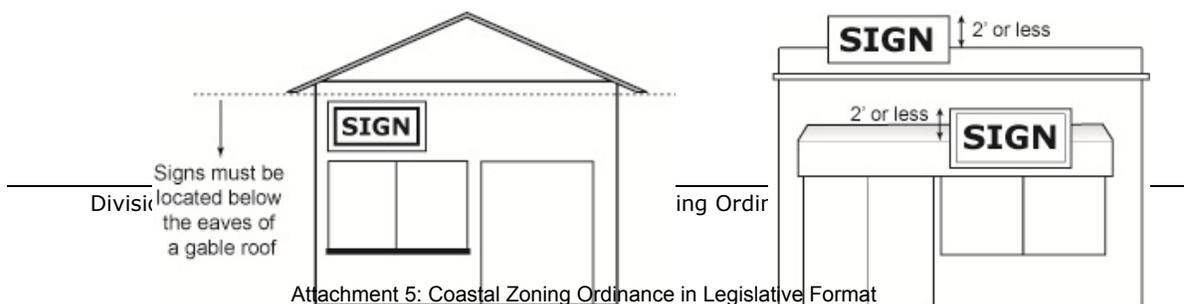
**Sec. 8175-5.13.10.19 - Residential Subdivision Signs**

- a. Maximum Number - One *on-site residential subdivision sign* is permitted on the legal lot where an approved residential subdivision will be developed and may only be erected after a final subdivision map has been recorded.
- b. A *residential subdivision sign* shall comply with the setback requirements of the underlying zone and Sec. 8175-3.8, Clear Sight Triangles.
- c. Duration - *Residential subdivision signs* are permitted for a maximum period of 12 months from the date of issuance of the Zoning Clearance *sign permit* for such *sign* or until all developed lots have been sold, whichever is the first to occur.
- d. *Sign Copy* - *Residential subdivision signs* shall advertise only residential subdivisions located within the County.

**Sec. 8175-5.13.10.20 - Service Station Signs**

*On-site service station signs* are only permitted in accordance with the following regulations:

- a. *Attached Signs* are permitted as follows:
  - 1. Maximum permitted area in square feet is three times the square root of the area (in square feet) of the wall or canopy face. The total maximum area is 200 square feet for all *attached signs*, except when the wall area exceeds 5,000 square feet, the *sign area* may be increased by 10 square feet for each additional 500 square feet of wall area over 5,000, to a maximum of 300 square feet.
  - 2. The maximum height of *attached signs* shall be no more than 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.



3. Brand name insignia, emblems or medallions may be attached to the building frontage of the service station. Symbol background area shall be no more than 14 square feet per symbol, and no more than 10 feet horizontally or eight feet vertically.

b. *On-site Freestanding Signs*

*Freestanding signs* are permitted as follows:

1. One *monument sign* pursuant to Sec. 8175-5.13.9.1.
2. One *directional sign* pursuant to Sec. 8175-5.13.9.1.

c. *Overall Sign Area Limit*

The maximum total *sign area* for all *signs* on a service station site is 300 square feet.

d. *Numerical Sign Limit*

There is no limit on the number of *signs* on a service station site.

e. *Identification Sign*

An *identification sign* may be mounted on the side of a pump island canopy or may be attached to hang below the canopy provided that there is a minimum vehicle clearance of 13½ feet. No *identification sign* shall be located on top of the canopy.

**Sec. 8175-5.13.10.21 – Symbol Signs**

- a. One *symbol sign* with a graphic presentation of goods or services sold or rendered on the premises, or a traditional emblem associated with a trade, shall be permitted on each building frontage of the enterprise, provided that it bears no written message or trademark.
- b. *Symbol signs* shall be affixed to the building, to a canopy, or to a wall that is part of the building frontage. *Symbol signs* shall not project over any publicly maintained right-of-way more than two feet above a canopy or wall.
- c. No *symbol sign*, if attached to a building, shall exceed sixty-four (64) square feet in *sign area*.
- d. No *symbol sign*, if hanging from a canopy or fascia, shall exceed two square feet in *sign area*.
- e. *Symbol signs* shall be included in the total *sign area* of *signs* allowed on the lot where they are located.

**Sec. 8175-5.13.10.22 - Window Signs**

*Window signs* shall not exceed 25 percent of a given window's area. Any portion of the total window signage area that exceeds 10 square feet for an individual business shall be counted toward the attached *sign area* permitted for that business. *Temporary signs* painted on the exterior surface of the window are permitted for a period not to exceed 30 days (see Sec. 8175-5.13.5(d) Promotional Temporary Signs). *Permanent*

*window signs* attached to the exterior surfaces of windows are prohibited.

**Sec. 8175-5.13.11 – Legal Nonconforming Signs**

- a. A *legal nonconforming sign* is a *sign* that does not conform to the current development standards of this Article but was lawfully in existence and in use prior to and at the time the provisions of this Article with which it does not conform became effective.
- b. Except as provided in subsections 1 and 2 below, no person shall replace, alter, relocate or expand in any way, any *legal nonconforming sign*, including its supporting structure, unless the resulting *sign* is fully in conformance with the current development standards and permitting requirements of this Article.
  1. Routine maintenance and repair may be performed in accordance with Sec. 8175-5.13.4(d) provided that said maintenance and repair is not otherwise prohibited by the following subsection.
  2. Changing only the *sign's copy* or content shall not be considered an alteration for purposes of this Section. However, any change to the surface of the *sign* including, but not limited to, a background color change, shall be considered an alteration.
- c. Use of a *legal nonconforming sign* shall be considered to have been terminated and abandoned, and cannot thereafter be reestablished if, at any point in time:
  1. The use of the *sign* has ceased, or the *sign* or its structure have been abandoned, not maintained, or not used to identify or advertise an ongoing business or operation for 60 days or more; or
  2. The *sign* has been damaged or destroyed and its repair or restoration, including its supporting structure, will cost more than 50 percent of the cost to replace the *sign* and its supporting structure in entirety.
- d. Except as provided in subsection e. below, all *legal nonconforming signs* shall be removed or made to comply with the provisions of this Article within five years from the effective date of the development standards of this Article which caused the *sign* to become *legal nonconforming*. If evidence is presented that a *sign's* value has not been fully amortized upon expiration of said five-year period, such *sign* may remain classified as a *legal nonconforming sign* until its value has been recovered. The Planning Director shall determine the validity of the claim and establish a new expiration and removal date. Such Planning Director determinations may be appealed in accordance with the provisions of this Chapter.
- e. Subsection d. above shall not apply to *legal nonconforming signs* for which State laws, such as Business and Professions Code secs. 5412 et seq. and 5490 et seq., prescribe time schedules and procedures for requiring the *sign's* removal without the need to compensate the *sign's* owner. Such *signs* shall be removed or made to comply with the provisions of this Article upon expiration of the shortest prescribed time period for requiring the *sign's* removal without the need to compensate the *sign's* owner.

**Sec. 8175-5.13.12– Unauthorized Signs**

- a. A *sign* is unauthorized and illegal, constitutes a public nuisance, and must be removed by its owner or the owner of the property where the *sign* is located if any of the following apply:
  1. It does not comply with the provisions of this Article and is not a *legal nonconforming sign* pursuant to Sec. 8175-5.13.11.
  2. It was a *legal nonconforming sign* but that designation has expired pursuant to Sec. 8175-5.13.11.
  3. The use of the *sign* has ceased, or the *sign* or its structure have been abandoned, not maintained, or not used to identify or advertise an ongoing business or operation for 90 days or more.
  4. It identifies, advertises or otherwise pertains to a business or occupant that has permanently vacated the site or premises where the *sign* is located.
  5. It has been damaged or destroyed and its repair or restoration, including its supporting structure, will cost more than 50 percent of the cost to replace the *sign* and its supporting structure in entirety, and the *sign* owner takes no action to repair or restore the *sign* in accordance with this Article for a period of 90 days or more.

**Sec. 8175-5.13.13 Summary Removal of Unauthorized Signs**

- a. The Planning Director shall give written notice to the owner of the premises as shown in the last equalized assessment roll, or as known to him or her, and to each person other than the owner who appears to be in possession or control of the premises. The notice shall be mailed by certified mail addressed to the premises where the violation exists and to the property owner at the address shown on the last equalized assessment roll. The notice shall contain the following:
  1. A general description of the *sign* which is allegedly in violation.
  2. A copy of the Section(s) of this Chapter which is being violated.
  3. A notice of time and place at which time the owner or the person responsible may appear and present evidence as to the absence of a violation.
- b. The Planning Director shall hold a hearing at the time and place set forth in the notice. At the hearing either the owner or the occupant of the premises, or both, may appear and be heard.
- c. If, at the conclusion of the hearing, the Planning Director finds that a violation of this Chapter is continuing to exist, then the Planning Director may order the *sign* to be summarily removed within a specified number of days. The Planning Director shall give notice that if the *sign* is not removed by the end of the period specified, the County may remove the *sign*.
- d. The notice provided pursuant to subsection a. above shall be appropriate given the type of *sign* and circumstances but, in no event, shall it be less than 14 calendar days before the hearing date.
- e. Each person who erects a *sign*, which is subject to removal under this section, and each owner of the property upon which the *sign* is erected, are jointly and severally liable for the cost of removal.

- f. The County may dispose of the *sign* 60 days after removal by giving the owner notice that the owner may redeem the *sign* by paying the cost of removal, or if he or she fails to do so, the County will dispose of the *sign* as it sees fit without further liability to the owner for this action.
- g. The summary *sign* removal provisions of this Section are cumulative and in addition to all other available code enforcement remedies and penalty provisions set forth in this Chapter, including but not limited to Article 13, and other applicable law.
- h. This Section shall not apply to the summary removal of *political signs* by the County pursuant to Sec. 8175-5.13.10.17(d).

**Sec. 8175-5.14 - Temporary Building During Construction**

A *mobilehome*, *recreational vehicle* or commercial coach may be used as a temporary *dwelling unit* or office on a construction site in accordance with Sec. 8174-5, provided that a *building* permit for such construction is in full force and effect on the same site. Said *mobilehome* or *recreational vehicle* shall be connected to a permanent water supply and sewage disposal system approved by the Ventura County Environmental Health Division, and shall be removed from the site within 45 days after a clearance for occupancy is issued by the Ventura County Division of Building and Safety. (AM.ORD.4451-12/11/12)

**Sec. 8175-5.14.1 - Temporary Dwellings During Reconstruction**

A *mobilehome*, manufactured *building* or self-contained travel trailer may be used as a temporary *dwelling unit* by the former resident(s) of *dwellings* involuntarily damaged or destroyed by natural disaster, as determined by the *Planning Director*, subject to the following provisions:

- a. The temporary *dwelling* is on the same *lot* on which the reconstruction is occurring and the *lot* is legal.
- b. The *dwellings*(s) to be reconstructed were legally established and inhabited at the time they were damaged or destroyed.
- c. The temporary *dwelling* is deemed habitable by the Building Official following the issuance of a *Zoning Clearance* by the Planning Division and the issuance of a Building Permit for the temporary *dwelling* by the Building and Safety Division.
- d. The temporary *dwelling* may remain on the site for six months, and the *Planning Director* may grant one additional six month extension if substantial progress toward reconstruction has occurred and a "temporary *building* during construction" cannot be authorized.
- e. The granting of a temporary *dwelling* does not serve to legalize an illegal *lot*, authorize subsequent permanent *dwellings* or supersede the permit process for permanent *structures*. (AM.ORD.4451-12/11/12)
- f. The temporary *dwelling* shall be replaced as soon as practical by a "temporary *building* during construction", but no later than 45 days after the authorization of such a *building* during construction.
- g. Unless otherwise authorized by the *Zoning Ordinance*, the temporary *building* during reconstruction shall be removed within 45 days of the occupancy of the permanent *dwelling* undergoing reconstruction.

(ADD. INT. URG. ORD. 4044 - 11/2/93; AMEND AND EXTENDED INT. URG. ORD. 4050 - 12/14/93)

### **Sec. 8175-5.15 - 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* that 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. (AM.ORD.4451-12/11/12)

### **Sec. 8175-5.16 - 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.

### **Sec. 8175-5.17 - Grading and Brush Removal**

The following standards shall apply to all *developments* involving more than 50 cubic yards of grading or more than one-half acre of brush removal. Public Works Agency and Resource Management Agency staff shall review all proposals in the *coastal zone* for conformance with these standards. (REPEALED AS 8175-5.4 AND RE-ENACTED AS 8175-5.17 BY ORD.3882-12/20/88)

#### **Sec. 8175-5.17.1**

Grading plans shall minimize cut and *fill* operations. If it is determined that a project is *feasible* with less alteration of the natural terrain than is proposed, that project shall be denied.

#### **Sec. 8175-5.17.2**

All *development* shall be designed to minimize impacts and alterations of physical features and processes of the site (i.e., geological, soils, hydrological, water percolation and *runoff*) to the maximum extent *feasible*. The clearing of land (grading and brush removal) is prohibited during the winter rainy season (November 15 – April 15).

#### **Sec. 8175-5.17.3**

For permitted grading operations on hillsides, the smallest practical area of land shall be exposed at any one time during *development*, and the length of exposure shall be kept to the shortest practicable amount of time. All measures for removing sediments and stabilizing *slopes* shall be in place prior to or concurrent with any on-site grading activities.

#### **Sec. 8175-5.17.4**

Where appropriate, sediment basins (e.g., debris basins, desilting basins, or silt traps) shall be installed on the project site prior to or concurrent with the initial grading operations and maintained by the applicant through the *development* process to remove sediment from *runoff* waters. All sediment shall be retained on-site unless removed to an appropriate approved dumping location.

#### **Sec. 8175-5.17.5**

Where construction will extend into the rainy season, temporary vegetation, seeding, *mulching*, or other suitable stabilization methods shall be used to protect soils subject to *erosion*. The appropriate methods shall be prepared by a *licensed landscape architect*, and approved by the County.

#### **Sec. 8175-5.17.6**

Cut and *fill slopes* shall be stabilized at the completion of final grading. To the greatest extent *feasible*, planting shall be of native grasses and shrubs or appropriate nonnative plants, using accepted planting procedures. Such planting

shall be adequate to provide 90 percent coverage within 90 days, and shall be repeated if necessary to provide such coverage. This requirement shall apply to all disturbed soils.

**Sec. 8175-5.17.7**

Provisions shall be made to conduct surface water to storm drains or suitable watercourses to prevent *erosion*. Drainage devices shall be designed to accommodate increased *runoff* resulting from modified soil and surface conditions as a result of *development*. Where *feasible* and appropriate, water *runoff* shall be retained on-site to facilitate groundwater recharge, unless to do so would require significant grading or brush removal not otherwise necessary, and the cumulative impacts of such on-site retention would be greater than the cumulative impacts of not facilitating recharge, within the same drainage area.

**Sec. 8175-5.17.8**

In addition to any other requirement of this Article, hillside (defined as land with *slopes* over 20 percent) grading and brush clearance shall be regulated to maintain the biological productivity of coastal waters, protect environmentally sensitive areas and park and recreation areas, and minimize the alteration of natural landforms.

**Sec. 8175-5.17.9**

A discretionary permit is required for all substantial hillside grading (over 50 cu. yds. of cut or *fill*) or brush clearance (greater than one-half acre), including that related to agricultural activities. The application for the permit shall contain an *erosion* control plan. Such plan shall be prepared by a licensed engineer qualified in soil mechanics and hydrology, and approved by appropriate County agencies, to ensure compliance with the Coastal Plan and all other County ordinances.

**Sec. 8175-5.17.10**

Degradation of the water quality of groundwater basins, nearby *streams*, or *wetlands* shall not result from *development* of the site. Pollutants such as chemicals, fuels, lubricants, raw sewage, and other harmful waste shall not be discharged into or alongside coastal *streams* or *wetlands* either during or after construction.

**Sec. 8175-5.17.11**

The Ventura County Resource Conservation District and the State Department of Fish and Game shall be consulted for grading of hillsides and brush clearance in excess of one-half acre. In all cases, best accepted management practices shall be used.

(Repealed as 8175-5.4 and re-enacted as 8175-5.17 by ORD.3882-12/20/88, AM.ORD. 4451-12/11/12)

**Sec. 8175-5.18 – Farm Worker and Animal Caretaker Dwelling Units**

*Farm worker* and *animal caretaker dwelling units* shall be developed in accordance with the following standards:

**Sec. 8175-5.18.1 – Farm Worker and Animal Caretaker Employment Criteria**

*Farm worker* and *animal caretaker dwelling units* shall only be rented or provided under the terms of employment to *persons* who are employed full time (minimum of 32 hours per week) as *farm workers* or *animal caretakers* by the property owner or lessee of the *lot* upon which the *dwelling unit* sits, or on other land in Ventura County that is under the same ownership or lease as the property with the *dwelling unit*. A *farm worker* or *animal caretaker* who has

been renting or occupying a *farm worker* or *animal caretaker dwelling unit*, and who subsequently retires or becomes disabled, may continue to reside in the *dwelling unit*. Members of the *farm worker's* or *animal caretaker's* household, if any, may also occupy said *dwelling unit*.

**Sec. 8175-5.18.2 - Annual Verification of Farm Worker or Animal Caretaker Employment**

The owner of the property, or his/her designated agent, must submit all County-required verification fees as established by resolution of the Board of Supervisors and an annual verification report by May 15th of each year to the *Planning Director* or his or her designee, in a form acceptable to the *Planning Director*, demonstrating that the *farm worker(s)* or *animal caretaker(s)* residing in the *farm worker* or *animal caretaker dwelling unit(s)* meet(s) the employment criteria established in Sec. 8175-18.1.

(ADD.ORD. 4451-12/11/12)

**Sec. 8175-5.19 – Bed-and-Breakfast Inns**

*Bed-and-breakfast Inns* shall be developed in accordance with the following standards:

**8175-5.19.1**

*Bed-and-breakfast inns* shall contain no more than six guest bedrooms.

**8175-5.19.2**

*Bed-and-breakfast inns* shall accommodate no more than 15 guests at any time.

**8175-5.19.3**

No guest shall occupy a *bed-and-breakfast inn* for more than 30 consecutive days.

(AM.ORD.4451-12/11/12)

**Article 5, Section 8175-5.20 – Wireless Communication Facilities**, of the Ventura County Ordinance Code is hereby added to read as follows:

**Sec. 8175-5.20 – Wireless Communication Facilities**

**Sec. 8175-5.20.1 – Purpose**

The purpose of this Section is to provide uniform standards for the siting, design, and permitting of *wireless communication facilities* in the coastal zone. Regulations within this chapter are designed to provide for the communication needs of residents and businesses in a manner that is consistent with visual resource policies, public access policies, sensitive habitat policies, and other provisions of the Local Coastal Program. These regulations are also intended to be consistent with state and federal law, including the federal Telecommunications Act of 1996 and the Middle Class Tax Relief and Job Creation Act of 2012.

**Sec. 8175-5.20.2 – Applicability**

**Sec. 8175-5.20.2.1 - Facilities and Activities Covered**

All facilities, devices, and activities that meet the definition of a *wireless communication facility* (see Sec. 8172-1) are covered by Section 8175-5.20.

**Sec. 8175-5.20.2.2 – Facilities and Activities Not Covered**

The facilities, devices, and activities listed below are not covered by the provisions of Section 8175-5.20:

- a. *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 8175-4.9 and 8175-5.1(i).)
- b. Residential *T.V. antennas*, satellite and digital T.V. dishes less than one (1) meter in diameter.
- c. Repair and maintenance: Work performed by the operator to maintain a facility at its permitted condition with no change to the physical dimensions of the authorized development – including the repair, restoration or replacement of existing faux design elements, *antennas*, and equipment within an equipment cabinet. In all cases, the replacement of *antennas* or faux design elements shall be limited to reproductions of the originally permitted equipment. Repair and 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. Repair and maintenance does not include *modifications* (see Sec. 8175-5.20.12.1(d)), or the replacement of the supporting tower, pole, or base station.

#### **Sec. 8175-5.20.2.3 – Wireless Communication Facilities on Government and Public Works Buildings**

Any *wireless communication facility*, including a *non-commercial antenna*, located on a government building or public works facility, such as a police or fire station, shall be permitted as an *accessory use* if it is used exclusively for government operations or for public safety (e.g. police, fire and emergency management operations). Such facilities shall be processed as part of the underlying land *use* permit for the government building or public works facility. *Wireless communication facility* modifications shall be made pursuant to Section 8175-5.20.12 and in accordance with the development standards in Sections 8175-5.20.3 and 8175-5.20.4(a).

#### **Sec. 8175-5.20.2.4 – Wireless Communication Facilities for Public Safety**

Except when located in a restricted location (see Sec. 8175-5.20.3(g)), the applicable County decision-making authority may waive or modify one or more of the development standards in Sections 8175-5.20.3 and 8175-5.20.4(a) for a *wireless communication facility* that is exclusively used for the delivery of government services. In addition, such facilities shall be used primarily for public safety (e.g. public works, animal services, health care, and human services). Such waivers or modifications shall only be permitted when the application of a development standard 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. 8175-5.20.2.5 – Wireless Communication Facilities Located in the Public Rights-of-Way**

Any *wireless communication facility* located within the public road rights-of-way requires authorization by a permit issued by the Planning Division and an encroachment permit issued by Caltrans (for State roadways) or the Transportation Department, Ventura County Public Works Agency (for County roadways). See Section 8175-5.20.4 for development standards for *wireless communication facilities* located in the public road right-of-way.

### **Sec. 8175-5.20.3 – Development Standards**

The following development standards apply to all *wireless communication facilities*. In the event of a conflict between the standards prescribed in this section (Sec. 8175-5.20.3) and the standards prescribed for the public road rights-of-way (Sec. 8175-5.20.4), the standards that are most protective of coastal resources shall prevail.

- a. **Concealment Requirements:** To minimize visual impacts, the following standards shall apply:
1. Any facility that is 50 feet or less in height shall be designed as a *stealth* facility;
  2. Whenever technically feasible, any facility that is 51 to 80 feet in height shall be designed as a *stealth* facility; and
  3. Any facility that exceeds 80 feet in height shall be defined as a *non-stealth* facility but shall utilize all feasible concealment techniques in the facility design.

Any facility that is not designed as a *stealth* facility, or any facility that exceeds 80 feet in height, is subject to the requirements of Section 8175-5.20.3(b) below. Technical expert review of *propagation diagrams*, alternative sites analysis, and the information provided to satisfy each provision in Section 8175-5.20.3(b) below will be required for a *wireless communication facility* that exceeds 80 feet in height to demonstrate that the height is necessary to meet service coverage needs.

- b. **Exceptions to Stealth Facilities:** A *non-stealth wireless communication facility* shall only be authorized where such a facility is required pursuant to federal law as described in Section 8175-5.20.5. Applications for a *non-stealth* facility shall include an alternative sites analysis and written and graphic information that demonstrates each of the following:
1. One or more shorter *stealth facilities* would be technically infeasible (i.e. the applicant demonstrates that adequate service coverage cannot be met by one or more *stealth facilities*); and
  2. The proposed facility is designed to blend with the environment to the maximum extent feasible (see Sec. 8175-5.20.3(c)); and
  3. A *stealth* facility consistent with the height limits in Section 8175-5.20.3(h) would be inconsistent with one or more key provisions of the federal Telecommunications Act (see Sec. 8175-5.20.5).
- c. **Making Wireless Communication Facilities Compatible with the Existing Setting:** *Wireless communication facilities* shall be located and designed to be compatible with the existing setting as follows:
1. Location: To the maximum extent feasible, facilities shall be located in areas where existing topography, vegetation, buildings, or structures effectively screen and/or camouflage the proposed facility;

2. Facility Design: Facilities 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 to the maximum extent feasible; and
  3. Interference with Access and Transportation: Facilities shall not interfere with public access to and along the coast, and shall not alter any method of transportation, conflict with requirements of the Americans with Disabilities Act, block or reduce coastal access, or obstruct clear line-of-sight triangles within the public right-of-way.
  4. Military Compatibility: Facilities should be sited and designed for compatibility with military security requirements and frequency spectrum needs to avoid interference with military operations.
- d. **Siting Criteria:** The order of priority for siting a *wireless communication facility* is as follows:
1. In a "preferred" location pursuant to subsection (e) below; or
  2. In a "neutral" location, which is defined as a site that is not identified as a "preferred", "non-preferred" or "restricted" location; or
  3. In a "non-preferred" location pursuant to subsection (f) below; or
  4. In a "restricted" location pursuant to subsection (g) below.

With the exception of a "preferred" location, the applicant shall demonstrate, based on substantial evidence provided by an alternative sites analysis (see Sec. 8175.20.10(j)), that all higher priority locations are infeasible. In a restricted location, technical expert review of *propagation diagrams*, alternative sites analysis, and other information will be required for a *wireless communication facility* to demonstrate that the proposed facility is necessary to meet service coverage needs (see Sec. 8175-5.20.5.1).

- e. **Preferred Locations:** The following sites are defined as "preferred" locations:
1. *Collocated* on an existing *wireless communication facility* with adequate height and structure to accommodate additional *wireless communication facilities* (see Sec. 8175-5.20.6), with the exception of locations where a *collocated* facility would degrade the *visual quality* of the area.
  2. Flush-mounted on an existing structure, pole, or building when located in the COS, CA and CM zones.
  3. Within the public road rights-of-way along existing developed roadways and mounted on existing overhead utility facilities, streetlight poles, or traffic signals, with the exception of facilities located on scenic or eligible scenic highways.
  4. In locations where the existing setting includes features of sufficient height and mass to effectively conceal the *wireless communication facility*, such as settings where the facility can be concealed in an existing building or nestled within an existing grove of trees.
  5. Located within, contiguous with, or in close proximity to existing *wireless communication facilities*, provided that the clustered facilities will be more protective of *coastal resources* when compared to a non-clustered facility configuration.

- f. **Non-Preferred Locations:** The following sites are defined as “non-preferred” locations:
1. On a ridge where the facility is not a silhouette from *public viewing areas*.
  2. On a structure, site or in a district designated as a local, state, or federal historical landmark (see Sec. 8175-5.20.3(k)).
  3. On *slopes* greater than 20 percent;
- g. **Restricted Locations:** The following sites are defined as “restricted” locations:
1. Within an *ESHA* or within an *ESHA buffer zone* (see Sec. 8175-5.20.3(m)), except where a *wireless communication facility* is allowed within a developed public road right-of-way in a location that is also within an *ESHA buffer zone*, and then it may be processed as a preferred location pursuant to subsection (e) above, provided that no extension of fuel modification into *ESHA* results from the facility.
  2. On lots between the mean high tide line and the first public road parallel to the sea, with the exception of *building-concealed facilities*.
  3. On a ridgetop or a ridge where the facility is a silhouette from *public viewing areas*.
- h. **Height:**
1. **How to Measure:** Unless otherwise indicated in this section (Sec. 8175-5.20.3), the height of a ground-mounted *wireless communication facility* shall be measured from the adjacent, average existing *grade* to the highest point of the facility (i.e. *antenna*, equipment, concealment elements, *faux* structure, or other component of the facility).
  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 Facility Height:**  
*Building-concealed wireless communication facilities* shall not exceed the maximum building height limits of the zone in which the building is located (see Sec. 8175-2 for maximum building height limits and Sec. 8175-3.13 for measurement of building height) unless one of the following apply:
    - (a) The height standard in Section 8175-5.20.3(h)(4)(d) applies when a *building-concealed facility* is located in a rooftop addition such as a cupola, faux chimney, or similar type of *roof structure* or architectural projection (see Sec. 8175-4.8). Architectural projections (e.g. steeples or bell towers) which are traditionally attached to assembly use buildings, such as community centers or churches, may extend above the height standard if the architectural projection is proportionate to the structure to which it is attached.
    - (b) An existing building that exceeds the maximum building height limit (i.e. a legally non-conforming structure) may be used to conceal a *wireless communication facility*.
  4. **Stealth Facility Height:** The maximum heights of specific types of *stealth facilities* are as follows:

- (a) The maximum height of a faux structure is defined in Table 1 below or, alternatively, the maximum height may be calculated as the average height of similar (representative) structures found in the local setting plus 5 feet, whichever is less.

**Table 1**

**Maximum Height of Faux Structures**

Type of Structure	Maximum Height
Faux Water Tank	50 feet
Faux Windmill	50 feet
Faux Flag Pole	50 feet
Faux Light Pole	40 feet
Faux Utility Pole	40 feet

- (b) *Faux trees* shall maintain a natural appearance and shall be similar in height to nearby trees (see i, ii, and iii below). 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*.

**Table 2**

**Maximum Height of Faux Trees\***

Type of Structure	Maximum Height
Mono-Broadleaves*	60 feet
Mono-Palm*	65 feet
Mono-Pine*	80 feet

\* See Sec. 8175-5.20.3(r) for tree planting height requirements and Sec. 8178-8.4.1.2 for restrictions on the types of trees which can be planted in the Coastal Zone.

- 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 height of the existing tree canopy when both of the criteria listed below are met:
- The applicant demonstrates, to the satisfaction of the Planning Director, that a lower *faux tree* height would result in obstructed coverage of the proposed facility due to the existing tree canopy; and
  - The average tree height of the canopy is at least 30 feet high, and the nearest tree in the canopy is located within

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\* The maximum height limits for *faux trees* are based on the height of a mature tree for selected species, as established by the U. S. Department of Agriculture, Natural Resources Conservation Service's plants database.

150 feet of the *faux tree*; and the *faux tree* is sited behind the canopy relative to *public viewing areas*.

Calculations for the height of the existing tree canopy may be increased to include the estimated growth of trees within the canopy at the end of the permit period, provided that such estimates are prepared by a certified arborist.

- 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 provides an estimated maximum height that includes average growth of the surrounding trees at the end of the permit period.
  - (c) *Slim-line pole wireless communication facilities* shall not exceed 50 feet in height.
  - (d) *Roof-mounted wireless communication facilities* shall not exceed six feet in height from the finished roof of the existing building.
  - (e) *Flush-mounted wireless communication facilities* shall not extend above the finished building height. If mounted on a structure other than a building, such as a pole, then the *antenna* shall not extend more than six feet above the structure.

i. **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 a property line to avoid creating the need for *fuel modification zone* clearance on adjacent properties.

j. **Retention of Concealment Elements:** No *modification* of an existing *wireless communication facility* shall be authorized that would defeat the 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 Sections 8175-5.20.3 and 8175-5.20.4(a); 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.

**k. Additional Standards for Specific Types of Wireless Communication Facilities:**

**1. Building-Concealed Facilities:**

- (a) *Wireless communication facilities* shall not increase building width or create building features that protrude beyond the exterior walls of the building.
- (b) *Wireless communication facilities* concealed within a building addition 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. Building additions shall only be approved where the addition would otherwise be allowed consistent with all other policies and provisions of the LCP, including zone standards.

**2. Roof-Mounted Facilities:**

- (a) Shall be hidden by an existing or newly created building or architectural feature (such as a parapet), or shall be concealed from *public viewing areas* using architectural features, screening devices, or by siting the facility so that it is concealed from offsite viewpoints.
- (b) 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:

- (a) 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) Any light pole, utility pole, or traffic signal with a *flush-mounted wireless communication facility* must exhibit a similar appearance to existing local light poles, utility poles, and traffic signals.
- (c) Should be attached to a vertical surface. However, when *flush-mounting* is infeasible, the facility may be mounted atop a light pole, atop a traffic signal pole, or hung from a utility pole on a horizontal antenna mount. 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. Panel *antennas* may be mounted a greater distance than 18 inches from *lattice towers*, utility poles, and other industrial structures provided that concealment elements are not defeated (see above Sec. 8175-5.20.3(j)).
- (d) Associated equipment for the *antenna* is located inside an existing building, on a rooftop, underground, at the ground level, or on a pole other than a *slim-line pole*.

4. **Faux Trees:**

- (a) Shall incorporate a sufficient amount of “structural branches” (including density and vertical height) and design materials (e.g. faux bark) so that the structure is as natural in appearance as technically feasible.
- (b) *Antennas* and *antenna* support structures shall be screened or colored to match the components (i.e. branches and leaves) of the faux tree.
- (c) Shall be the same type of tree (i.e. similar in color, height, shape, etc.) as 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, see tree planting requirements in Section 8175-5.20.3(r).
- (d) Wireless communication facilities designed as a faux tree shall not resemble *non-native, invasive trees* (see Appendix L6, Invasive Plant List).

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.
- (c) Shall not destabilize or substantially alter existing, natural rock outcroppings.

6. **Other 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) Any faux light pole or faux utility pole must exhibit a similar appearance (e.g. color, materials, shape, etc.) to existing light poles or utility poles within that vicinity.
- (c) *Slim-line poles* may be utilized in settings which are deficient in existing structures or trees and where the planting of new trees is not feasible. Such *facilities* shall utilize *flush-mounted antenna* and shall not have mechanical equipment arms or *antenna* arrays extending from the sides. The pole diameter shall be the minimal width necessary to provide structural support, and shall not exceed 16 inches. Facility color and materials shall be selected to visually blend into the setting. Associated equipment for the *antenna* shall be located inside an existing building, on a rooftop, underground, or at the ground level but shall not be located on the pole.

7. **Other Concealment Techniques:** A *non-stealth* facility permitted in accordance with Section 8175-5.20.3(b) shall include technically feasible camouflage or concealment design elements that minimize visual impacts. Such elements may include the following:

- (a) Coloration, texture, location, and orientation techniques that blend the facility into the existing setting;

(b) Tree planting, concealment within a grove of trees, and other screening techniques listed in Section 8175-5.20.3(r).

- l. **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's (SOI) Standards. If the facility does not meet these standards, then the Cultural Heritage Board must determine that the proposed facility will have no significant, adverse effect on the historical resource.
- m. **Environmentally Sensitive Habitat Areas:** All *wireless communication facilities* and their accessory equipment in environmentally sensitive habitat areas shall be sited, designed, and conditioned as follows:
  1. The placement of facilities within *ESHA* or an *ESHA buffer zone* shall be restricted (see restricted location regulations in Sec. 8175-5.20.3(g)).
  2. The facility shall be designed to minimize the size of the footprint and removal of vegetation, including all associated development and required fuel modification.
  3. Where feasible, the facility shall be located in an existing, legally disturbed area.
  4. *Wireless communication facilities* shall have daytime visual markers on guy wires to prevent collisions by birds.
  5. All impacts on *ESHA* due to the development of *wireless communication facilities* shall be mitigated.
- n. **Ridgelines:** All *wireless communication facilities* and associated accessory equipment on ridgelines shall be sited, designed, and conditioned as follows:
  1. The placement of facilities on a ridgetop, or on a ridge where the facility is a silhouette above the ridgeline, shall be restricted (see restricted location regulations in Sec. 8175-5.20.3(g)).
  2. The placement of facilities on a ridge where the facility is not located on the ridgetop and is not a silhouette shall be avoided (see non-preferred location regulations in Sec. 8175-5.20.3(f)).
  3. Where a *wireless communication facility* is allowable on or along a ridgeline, the feasible alternative with the fewest and least significant impacts on coastal resources shall be selected and all impacts shall be fully mitigated
  4. 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 *stealth slim-line poles* or whip *antennas*) that blend in with the surrounding vegetation.
- o. **Public Viewing Areas:** *Wireless communication facilities* that are *prominently visible* from public viewing areas, including a designated or eligible scenic highway shall be sited, designed, and conditioned to achieve the following:

1. Minimize visibility from public viewing areas by reducing mass and height or by siting the facility away from public viewing areas.
  2. Minimize grading, landform alteration, and clearance of vegetation.
- p. **Accessory Equipment:** All accessory equipment associated with the operation of a *wireless communication facility* shall be incorporated within existing structures, located underground, or placed at ground-level and screened to prevent the facility from being *prominently visible* from a *public viewing area* to the maximum extent feasible. If such locations are not feasible, then accessory equipment may be located on a utility pole or other structure, provided that the equipment meets the following standards:
1. The battery cabinet, amplifiers, microwave *antennas*, and equipment mounts shall be designed or painted to match the color of the support structure;
  2. The battery cabinets shall be located within three feet of the ground surface unless this placement would impede access pursuant to the Americans with Disabilities Act; and
  3. Cables shall be installed within steel poles when feasible. External cables shall be taut and loops of cable shall not be exposed.

Also see Sec. 8175-5.20.4(a)(5) for equipment boxes and cabinets located on *wireless communication facilities* in the road right-of-way.

- q. **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.
- r. **Landscaping for Screening:** If landscaping is used to screen a facility, the following standards apply:
1. The permittee shall plant, irrigate and maintain drought-tolerant landscaping during the life of the permit when such vegetation is deemed necessary to screen the *wireless communication facility* from being *prominently visible* from a *public viewing area*.
  2. New landscaping of a sufficient height and density shall be planted to provide the desired effect within three (3) years of growth. Landscaping trees shall be planted at a sufficient height to reach 75 percent of the *faux tree's* height within five (5) years of growth.
  3. If there are no existing trees within the surrounding area of a *faux tree* (i.e. within approximately a 150-foot radius of the proposed facility location), the vicinity of the facility shall be landscaped with newly planted *native*, or *non-invasive* trees (see Sec. 8178-8.4.1.2). The trees should be compatible with the *faux tree* design.
  4. 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.
- s. **Security:**
1. Each *wireless communication 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. All security measures shall be evaluated as part of the *wireless communication facility* permit and shall be sited and designed in a manner that is most protective of *coastal resources*.

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 except where the chain link fence is not visible from a *public viewing area*.

t. **Lighting:**

1. Any necessary security lighting shall be down-shielded and controlled using motion sensors to minimize glare and light directed at adjacent properties or environmentally sensitive habitats.
2. Other types of illumination may be permitted when required by the Federal Aviation Administration (FAA).
3. *Wireless communication facilities* greater than 200 feet in height shall not exceed FAA standards for pilot warning and obstruction avoidance lighting.

- u. **Signage:** A permanent, weather-proof identification sign, subject to the sign regulations in Section 8175-5.13, shall be displayed at eye level in a prominent location and shall be directly attached to the facility, on any utility pole which the facility is mounted, or on the gate or fence surrounding the *wireless communication facility*. The sign must identify the current facility operator(s), provide the operator's address, and specify a local or toll-free 24-hour telephone number at which the operator can be reached for response to a maintenance issue or during an emergency.

v. **Access Roads:**

1. Where feasible, *wireless communication facility* sites shall be accessed by existing public or private *access roads* and easements.
2. When the construction of a new access road cannot be avoided, the road shall be sited in a manner that is most protective of *coastal resources* and shall only be approved when consistent with all other policies and provisions of the LCP.

**Sec. 8175-5.20.4 – Development Standards for Wireless Communication Facilities Located in the Public Rights-of-Way**

Development standards for *wireless communication facilities* in the public road rights-of-way shall be used in conjunction with applicable standards in Section 8175-5.20.3 above. In addition to the permit issued by the Planning Division, a *wireless communication facility* in the public rights-of-way will also require an encroachment permit from the California Department of Transportation or the Ventura County Public Works Agency. This section allows for the placement of *wireless communication facilities* within public road rights-of-way along existing developed roadways and does not apply to undeveloped public road rights-of-way.

- a. Within the public road right-of-way, a *wireless communication facility* shall be designed as a *stealth* facility pursuant to Section 8172-1, and the facility shall meet the following standards:
1. The preferred type of *stealth* facility is a *flush-mounted wireless communication facility* on an existing pole(s) (see height standards listed in Sec. 8175-5.20.3(h)(4)(e) and other standards in Sec. 8175-5.20.3(k)(3));

2. In order to minimize impacts to *scenic resources*, facility size should be minimized, and physically smaller facilities should be selected over larger facilities when both options provide adequate coverage;
  3. Facility height shall be minimized, and the height of *ground-mounted, wireless communication facilities* shall be limited to the minimum height necessary to provide adequate service or coverage, or the height standards listed in Section 8175-5.20.3(h), whichever is less;
  4. *Antenna* shall be screened by radio frequency transparent materials, vegetation, existing signs or other elements within the existing setting, unless the screening would substantially increase the visual profile of the antenna or the support structure;
  5. Equipment boxes or cabinets shall be ground-mounted or located underground within the *parkway* segment of the public right-of-way, except when such locations would conflict with existing utilities, would conflict with Caltrans freeway on and off-ramps, or result in the removal of *ESHA*. In such cases, the equipment box or cabinet shall be mounted behind a sign or within an existing structure. Equipment boxes or cabinets also may be mounted on a structure, such as a utility pole, under the following circumstances: (a) the roadway is not identified as an eligible scenic highway, and (b) substantial evidence exists that mounting the equipment on the support structure will not result in visual impacts. Equipment boxes shall be mounted on the existing support structure (e.g. utility pole) pursuant to the standards in Section 8175-5.20.3(p); and
  6. The *wireless communication facility* shall not interfere with public access to and along the coastline, or with the operation of any transportation facility, conflict with requirements of the Americans with Disabilities Act, block or reduce coastal access, or obstruct visibility within the public right-of-way.
- b. *Data collection units* may be mounted on an existing utility pole (e.g. light pole or electricity transmission line pole) within the public road right-of-way along existing developed roadways, provided that all of the following standards are met:
1. Whip *antennas* do not exceed 36 inches in length;
  2. Solar panels do not exceed 6 square feet in area;
  3. Collection unit boxes do not exceed 1.5 cubic feet in volume;
  4. Each *data collection unit* is sited at least 300 feet from other *data collection units* within the same network; and
  5. The design (materials, colors, shape, etc.) for the *data collection unit* blends into the surrounding environment through the following methods:
    - (a) The collection unit box, non-photovoltaic surfaces of the solar panel, and equipment mounts are designed or painted to match the color of the support structure;
    - (b) Batteries are located on the ground or underground; and
    - (c) Cables are taut and loops of cables are not exposed.

**Sec. 8175-5.20.5 – Compliance with Federal, State and Local Law and Regulations**

The development and operation of wireless communication facilities must comply with all applicable federal, state and local laws, including all standards and regulations of the Federal Communications Commission (FCC).

#### **Sec. 8175-5.20.5.1 Preemption Documentation Requirement**

In the circumstances listed below, the applicant must demonstrate, through written documentation referenced in Section 8175-5.20.10(i) and (j) below or as otherwise requested by the Planning Director, to the satisfaction of the *decision-making authority*, that the County's authority to require compliance with the applicable standards and requirements ~~are~~ is preempted by federal ~~or state~~ law, including but not limited to the Federal Telecommunications Act of 1996:

- a. Development of a *non-stealth wireless communication facility* pursuant to Section 8175-5.20.3(b), or
- b. Any wireless communication facility in a non-preferred location pursuant to Section 8175-5.20.3(f), or
- c. Any *wireless communication facility* in a restricted location pursuant to Section 8175-5.20.3(g), or
- d. Any *wireless communication facility* that does not meet all applicable policies and standards of the LCP.

#### **Sec. 8175-5.20.6 – Collocation**

Any proposed *collocation* may be processed pursuant to a permit modification in Section 8175-5.20.12.1. *Collocations* which do not qualify for modification in Section 8175-5.20.12.1 or Section 8175-5.20.12.2 may alternatively be processed pursuant to or Section 8175-5.20.12.3. *Non-stealth facilities* shall not be *collocated* onto *stealth facilities*.

#### **Sec. 8175-5.20.7 – Maintenance and Monitoring**

- a. **Periodic Inspection:** The County reserves the right to undertake periodic inspection of a permitted *wireless communication facility* in accordance with Section 8183-5.
- 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 Sections 8175-5.20.3 and 8175-5.20.4(a) 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 repair and maintenance 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 or shall abandon the facility in compliance with the requirements of Sections 8175-5.20.16 through 8175-5.20.18.
- c. **Graffiti:** The permittee shall remove graffiti from a facility within 10 working days from the time of notification. For facilities located within the public rights-of-way, graffiti removal shall occur within 48 hours of notification.
- 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 in conformance with the approved landscape plan (see Sec. 8178-8). The permittee shall be

responsible for replacing any damaged, dead, or decayed landscape vegetation.

- 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 8:00 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 written 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, including updates to signage with current operator information (see Sec. 8175-5.20.3(u)).

**Sec. 8175-5.20.8 – 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*. Technical expert review may include, but is not limited to, the permittee's compliance with the development standards listed in Sections 8175-5.20.3 and 8175-5.20.4(a), 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. 8175-5.20.9 – Temporary Wireless Communication Facilities**

A temporary *wireless communication facility*, such as a "cell-on-wheels" (COW), shall be processed as an *accessory use* under a County permit. A temporary *wireless communication facility* may be used during each of the following events or activities: (1) temporary events, (2) public emergencies, and (3) while an existing facility is relocated or rebuilt. Once the event or activity is complete, or once the emergency permit expires, the temporary facility shall be removed from the site within three business days.

**Sec. 8175-5.20.10 – Permit Application Requirements**

In addition to meeting standard application requirements of Section 8181-5, the

applicant requesting a new or modified *wireless communication facility* permit shall be required to submit the following information.

- 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 viewing areas*, proximity to *ESHA*, proximity to coastal access and public trails, *stealth* design features, *propagation diagrams*, on and off-site *access*, grading, fuel modification requirements, landscaping, and facility components (support structure, *antennas*, equipment shelters or cabinets, emergency back-up generators with fuel storage, security measures, etc.).
- b. **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. At least three (3) 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 visually screen or blend the proposed facility into its setting when viewed from a *public viewing area*. The visual impact analysis should include views from the closest or most prominent *public viewing areas* to the proposed facility. For building-mounted *wireless communication facilities* that cannot be seen from a *public viewing area*, include a close-in simulation which shows the relationship between the proposed facility and surrounding buildings or architectural features. All photo simulations and other graphic illustrations shall include accurate scale and coloration of the proposed facility.
- c. **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).
- d. **FCC Compliance:** Documentation prepared by a qualified radio frequency engineer that demonstrates the proposed *wireless communication facility* will operate in compliance with applicable FCC Regulations. Documentation of FCC compliance shall be required for all *wireless communication facility* permits, including permit modifications.
- e. **Site Plan and Design Specifications:** This documentation shall fully describe the project proposed, all on- and off-site improvements, and include information such as: scale, property information, facility dimension/orientation, a vicinity map, a project information list, delineated physical site features, grading statistics, elevation plans, manufacturer equipment specifications, and components required to address fire prevention, water conservation, and satisfy other regulatory requirements.
- f. **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 and other components of the project.
- g. **Noise/Acoustical Information:** This documentation shall include manufacturer’s specifications for all noise-generating and noise attenuating

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.

- h. **Hazardous Materials:** This documentation shall include the quantity, type, purpose, and storage location for containment of hazardous materials, such as the fuel and battery back-up equipment, proposed for the *wireless communication facility*.

The Planning Division may require that the applicant submit the following additional application materials and information as well:

- i. **Propagation Diagram:** *Propagation diagrams* showing the type and extent of the signal coverage of the applicable regulated carrier shall be required if the proposed *wireless communication facility* would exceed 30 feet in height, and may be required at lower heights if the facility is proposed on or along a ridge, within the Santa Monica Mountains (M) overlay zone, or is visible from a *public viewing area*. *Propagation diagrams* shall be required ~~if either of the Telecommunications Act factors for facilities listed in subsections (a) or (b) of Section 8175-5.20.5.1 are asserted.~~ 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) in an area served by the carrier proposing the facility. 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 3-D modeling diagrams.
- j. **Alternative Site Analysis:** An alternative site analysis shall be required if the *wireless communication facility* is proposed as a *non-stealth* facility (Sec. 8175-5.20.3(b) or is sited outside a “preferred” location (Sec. 8175-55.20.3(e)). An alternative sites analysis also may be required, as needed, to determine that the facility is sited in a manner that is most protective of *coastal resources*. The alternative site analysis shall include the following documentation:
  1. Substantial Evidence that the applicant has attempted to site the facility in accordance with the preferred, neutral, non-preferred, and restricted location “siting criteria” in Section 8175-5.20.3(d), (e), (f), and (g);
  2. Analysis of alternative sites and facility configurations, including potential *collocation* and locations outside of the coastal zone, that would provide coverage of the subject area as demonstrated on a series of alternative *propagation diagrams*;
  3. Analysis and conclusions, prepared by an applicable qualified professional, that describes how each alternative site will avoid or minimize impacts on *coastal resources* (e.g. *ESHA*, *public access*, *scenic resources*, etc.) to the maximum extent feasible, consistent with the provisions of the LCP;
  4. Demonstrated efforts to secure alternative sites or *collocate* the proposed facility on an existing facility – including copies of correspondence sent to other landowners, carriers, or *wireless communication facility* owners requesting a site lease or *collocation* on their facilities. If alternative sites or *collocation* are not feasible, the

applicant shall demonstrate to the satisfaction of the Planning Division that technical, physical, or legal obstacles render alternative sites or *collocation* infeasible.

Lack of ownership, leases, or permits for alternate sites shall not suffice as a valid consideration regarding the feasibility of alternate sites unless the applicant demonstrates that substantial efforts were made to obtain ownership, leases or permits for alternate sites.

The table provided below generally summarizes when an alternative sites analysis is required and how the information will be used to verify that the *wireless communication facility* is necessary:

<b>Siting Criteria</b> (Sec. 8175-5.20.3(d)) and Facility Type (Sec. 8175-5.20.3(b))	<b>Alternative Sites Analysis</b> (Sec. 8175-5.20.10(j))	<b>Federal Telecommunications Act Preemption</b> (Sec. 8175-5.20.5)	<b>Technical Expert Review</b> (Sec. 8175-5.20.3(a))*
Preferred Location			
Neutral Location	X		
Non-Preferred Location	X	X	
<i>Non-Stealth</i> Facility <= 80 feet in height	X	X	
Restricted Location	X	X	X
<i>Non-Stealth</i> Facility > 80 feet in height	X	X	X

\*Sec. 8175-5.20.8 states that the County may contract for technical expert review for any proposed *wireless communication facility*.

- k. **Landscape Documentation Package:** When a *landscape documentation package* is required, it shall be prepared pursuant to the water efficient landscaping requirements of Section 8178-8. See appendix L1 for *landscape plan* requirements.
- l. **Geotechnical Requirements:** A geotechnical report, prepared by a California licensed engineer or a California certified engineering geologist with experience in soils engineering, shall include information such as: soils and geologic characteristics of the site, foundation design criteria, *slope* stability analysis; grading criteria and other pertinent information that evaluates potential geologic, fault, and liquefaction hazards, recommendations to minimize any 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. 8175-5.20.6).
- n. **Additional Information:** Additional information determined by the Planning Division as necessary for processing the requested *wireless communication facility* entitlement.

**Sec. 8175-5.20.11 – Permit Requirements**

All new *wireless communication facilities*, except *data collection units* mounted on an existing utility pole (see Sec. 8175-5.20.4(b)), require a Conditional Use Permit approved by the *decision-making authority* specified in Table 8174-5.

**Sec. 8175-5.20.12 – Permit Modifications**

Proposed *modifications* to an existing *wireless communication facility* shall be processed in accordance with Section 8181, except that the type of permit modification required shall be authorized as follows:

**Sec. 8175-5.20.12.1 – Facility Modifications Subject to a Zoning Clearance**

The following *modifications* to an existing *wireless communication facility* may be processed with a *Zoning Clearance*:

- a. Replacement of *wireless communication facility* equipment mounted on an existing support structure when no modifications are made to the support structure and the design and physical dimensions of the equipment decreases or remains the same. The replacement of equipment does not include replacement of the tower, pole, or base station.
- b. *Collocations* 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. *Modifications* to equipment located within, and visually hidden by, an existing equipment shelter or cabinet, such as replacing parts and other equipment accessories provided that the size of the equipment does not exceed the size of existing equipment. *Modification* or replacement of an existing back-up generator shall be in compliance with maximum noise levels specified by the permit. These *modifications* to equipment and operations do not include replacement of the tower, pole, or base station.

**Sec. 8175-5.20.12.2 – Section 6409(a) Determination**

The County shall review *Section 6409(a) Modification* requests to determine whether such requests meet Section 6409(a) criteria. A *Section 6409(a) Modification* shall be approved and may not be denied if the Planning Division determines that the application is complete and that the requested modification meets Section 6409(a) criteria (See "*Section 6409(a) Modification*" definition in Section 8172-1 and the standards in Section 8175-5.20.3(j)).

Eligible *Section 6409(a) Modifications* shall be permitted with a *Zoning Clearance*. Decisions granting *Section 6409(a) Modifications* are final when rendered and are not subject to appeal pursuant to Section 8181-9. Other County-issued permits and/or authorizations (e.g. building permits, encroachment permits, etc.) may be required to implement approved *Section 6409(a) Modifications*.

**Sec. 8175-5.20.12.3 – Facility Modifications Subject to a Discretionary Permit**

*Modifications* to a *wireless communication facility* that cannot be processed with a *Zoning Clearance*, pursuant to Section 8175-5.20.12.1 above, shall be processed through one of the following discretionary permits:

- a. Site Plan Adjustment - Any change to a *wireless communication facility* or the permit for that facility that would not alter any of the findings made pursuant to Section 8181-3.5, nor any findings of approval for the permit or any findings contained in the environmental document prepared for the project, and would not have any adverse impact on the subject site or surrounding properties, including any adverse impact on *coastal resources*, may be deemed a Site Plan Adjustment and acted upon by the Planning Director without a hearing. Additionally, these minor changes shall not circumvent the purpose or lessen the effectiveness of the approved permit conditions and must be consistent with all other provisions of the LCP. In addition to the preceding, the proposed *modification* shall satisfy **each** of the following criteria as applicable:
1. Alterations to the approved landscaping plan that comply with standards in Section 8175-5.20.3(r) and may result in replacement vegetation or additional vegetation for screening purposes; and
  2. Modifications that do not result in noise generating equipment which would exceed originally permitted levels; and
  3. Replacement, *modification*, or a series of replacements or *modifications* to a *wireless communication facility* that do not cumulatively constitute an increase in physical dimensions of 10 percent or more in any one or more of the following, and excluding the replacement of the tower, pole, or base station:
    - 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 the fuel tank, equipment sheds, guy wires, pedestals and cables;
    - Equipment area that is enclosed by structural elements or screening devices such as fences and walls; or
    - Lease area or building coverage included in the approved permit; and
  4. *Modifications* to the facility design and operation that are 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 Section 8175-5.20.3(j). For example, a modified *faux tree* shall continue to appear like and simulate the original *faux tree*, or a *slim-line pole* shall retain its original profile.
- b. Minor and Major Modification - *Modifications* to an existing *wireless communication facility* shall be processed as either a Minor or Major Modification pursuant to Section 8181.10.4.2 if the proposed *modification* cannot be processed through a *Zoning Clearance* (see Sec. 8175.5.20.12.1) or Site Plan Adjustment (see Sec. 8175.5.20.12.3(a)). All extensions of the effective period of a discretionary permit shall be processed as a Minor or Major Modification of the existing permit.

**Sec. 8175-5.20.13 – 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, the

permit shall expire unless the permittee submits, in accordance with all applicable requirements of this Chapter, an application for a permit modification which includes an extension of the effective period of a discretionary permit (see Sec. 8175-5.20.14). A request for an extension of the effective period of the discretionary permit is a modification which shall 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 Section 8181-5.6.

**Sec. 8175-5.20.14 – Extensions to the Effective Period of a Discretionary Permit (Time Extensions)**

- a. **Conditional Use Permits:** Time extensions shall be limited to ten (10) years and shall be processed as follows:
  - 1. A time extension that includes no *modifications* to the facility, and no other permit modifications, shall be processed as a Minor Modification.
  - 2. A time extension that includes *modifications* to the facility, or other permit modifications, shall be processed as either a Minor or Major modification pursuant to Section 8181.10.4.2.
  - 3. For proposed permit time extensions to a nonconforming *wireless communication facility*, see Section 8175-5.20.15.2.
- 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 land use compatibility.

**Sec. 8175-5.20.15 – Nonconforming Wireless Communication Facilities**

Any *wireless communication facility* rendered nonconforming solely by the enactment or subsequent amendment of the development standards stated in Sections 8175-5.20.3 and 8175-5.20.4(a) shall be considered a legal nonconforming *wireless communication facility* subject to the following provisions.

**Sec. 8175-5.20.15.1 – Modifications to Nonconforming Wireless Communication Facilities**

If a *modification* is proposed to a legal, nonconforming *wireless communication facility*, then the *modification* may be authorized through a permit modification processed pursuant to Section 8175-5.20.12, provided that all of the following apply:

- a. No modifications are proposed that would increase the level of nonconformance with development standards in Sections 8175-5.20.3 or 8175-5.20.4(a) ; and
- b. A Major Modification is not required.

Permit modifications granted pursuant to this Section may include 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. 8175-5.20.15.2 – 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 provided that it satisfies the conditions in 8175-5.20.15.1 above, and all of

the following apply:

- a. The facility was operated and maintained in compliance with applicable County regulations;
- b. The facility height (Sec. 8175-5.20.3(h)) and setbacks (Sec. 8175-5.20.3(i)) are less than a 10 percent deviation from current standards; and
- c. The facility is *stealth*, as required by Sections 8175-5.20.3 and 8175-5.20.4(a).

**Sec. 8175-5.20.16 – Abandonment**

A *wireless communication facility* that is not operated for a period of 12 consecutive months or more from the final date of operation, or a nonconforming *wireless communication facility* that is not operated for a period of 180 consecutive days 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 Section 8181-10.

**Sec. 8175-5.20.17 - 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. 8175-5.20.18 - 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 development, 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.

# **ARTICLE 6:**

## **PARKING AND LOADING REQUIREMENTS**

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### **Sec. 8176-0 Parking and Loading Requirements**

#### **Sections:**

- 8176-0 Purpose
- 8176-1 Applicability
- 8176-2 General Requirements
- 8176-3 Number of Parking Spaces Required
- 8176-4 Motor Vehicle Parking Design Standards
- 8176-5 Bicycle Parking Design Standards
- 8176-6 Drive-Through Facilities
- 8176-7 Loading Areas
- 8176-8 Private Streets
- 8176-9 Plug-In Electrical Vehicle (PEV) Charging Stations

### **Sec. 8176-0 - 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 address the following objectives:

#### **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 services (i.e. food and beverages, office materials and other deliverable goods).
- 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 for exceptions to parking design requirements that reflect the nature and circumstance of the proposed land use, development, and site characteristics while accommodating the parking needs of individual projects.
- 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 in order to reduce 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.
- Create neighborhoods designed to encourage walking rather than neighborhoods dependent on automobiles.

**Coastal Access and Recreation:**

- Provide sufficient off-street parking for development in areas where street parking is used for coastal access and recreation.
- Preserve existing parking areas that serve coastal access and recreation.
- Prohibit restrictions on public parking that would impede or restrict public *coastal access*, except where there is no feasible alternative to protect public safety.

**Compatibility With Adjacent Uses:**

- Promote compatibility between parking facilities and surrounding land uses through the use of landscaping, walls and setbacks.
- Ensure that new or modified parking areas within residential areas are compatible with adjacent military base requirements and uses.
- Ensure that adequate off-street parking is provided for new development.
- Reduce the adverse effects of motor vehicle parking areas on neighborhood character, such as the creation of non-compact sprawling development that discourages walking.
- Ensure that the design of motor vehicle and bicycle parking areas is attractive, efficient, and reduces the visual dominance of pavement.

**Sec. 8176-1 – Applicability**

**Sec. 8176-1.1 – New Uses**

New development projects shall be designed to provide for the installation and maintenance of off-street parking and loading facilities in compliance with the provisions of this Article, except for parking requirement reductions authorized by Sec. 8176-3.8.

**Sec. 8176-1.2 – Changes to or Expansions of Existing Land Uses**

Changes to or expansions of existing land uses shall provide off-street parking and loading facilities in compliance with the provisions of this Article, except for parking requirement reductions authorized by Sec. 8176-3.8.

**Sec. 8176-2 - General Requirements**

**Sec. 8176-2.1 - Use of Parking Spaces**

- a. Required covered and uncovered parking spaces shall be maintained in a condition that allows for the temporary parking and maneuvering of vehicles 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 trailers, boats, campers, mobile homes, waste containers, merchandise, or equipment.

- c. Required parking spaces at automobile repair shops, service stations, or similar land uses shall not be used for the storage of vehicles for repair or servicing.
- d. *Parking lots* that serve commercial or mixed use developments should be shared as authorized by this Article. Where feasible, such *parking lots* should accommodate public *coastal access parking*.
- 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. 8176-2.2 - Maintenance**

The permittee and property owner must ensure that required parking and loading areas and associated facilities are permanently maintained 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, water quality best management practices (BMPs), and trash and recyclables receptacles.

**Sec. 8176-2.3 - 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 Secs. 8176-3.3.1 through 8176-3.3.3 below.

**Sec. 8176-2.3.1 - Off-site Parking for Non-Residential Uses**

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 an ADA approved sidewalk or other pedestrian pathway from the nearest off-site parking space to the nearest public entrance to the building.
  - 1. Planning Director Modifications. The provision of off-street parking spaces at a site more than 500 feet from the land use to be served may be approved if the applicant can demonstrate to the Director that such off-site parking will actually be used as intended and the displacement of on-street parking used for public coastal access is avoided.
- 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 dependent upon the off-site parking area, including coastal access.
- c. The off-site parking area meets the design standards of Sec. 8176-4.
- 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. 8176-2.3.2 - Off-Site Parking for Residential Beach (RB) Zone**

- a. RB Zoned Property - Required parking for existing dwellings may be satisfied in an off-site garage subject to the issuance of a Planned Development

Permit applicable to both the dwelling and the garage if all of the following requirements are met:

1. The lot with the principal dwelling is either too small to construct two covered parking spaces without approval of a variance, or there is no room on the lot for two covered spaces because of the location of the existing, legally constructed principal dwelling;
2. The neighboring lot where the garage would be located is smaller than the minimum lot area required for the RB zone, is not served by a community sewer system, is located within 1,000 feet of the lot with the principal dwelling, and owned by the same person(s) or entity as the lot with the principal dwelling;
3. Both lots must be held in common ownership pursuant to a condition in the Planned Development Permit;
4. Only garage, a maximum 800 square feet in size, may be built. Carports, or other open-type structures are not allowed;
5. The garage may not be leased or rented separately from the principal dwelling;
6. The garage must be constructed to look like a dwelling to the extent feasible, all RB zone setbacks must be met, the maximum height to any point must be no greater than 15 feet, and a paved driveway must be provided;
7. No services except electrical are permitted inside the building; and
8. Landscaping may be required for compatibility with the neighborhood.

### **Sec. 8176-2.3.3 - 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 lease or similar agreement between the off-site property owner and permittee and in a form approved by the Planning Director to ensure continued use of the lot or part of a lot for motor vehicle parking. The approved agreement shall be recorded with the Ventura County Recorder so that it appears on the off-site property's title. The agreement shall include the following provisions:
  1. The agreement may not be released or terminated without the prior notice and written consent of the Director.
  2. The agreement shall identify the permittee(s), successors, and assigns authorized to utilize the parking area, and addresses of the other land uses sharing the parking.
  3. The agreement shall identify the location and number of parking spaces that are being shared.
  4. The agreement shall identify the persons responsible for maintaining the parking area.
- b. The permittee shall ensure that permanent, weatherproof signs providing clear and easy-to-follow directions for access to and from the off-site parking location are placed and maintained as follows:

1. There shall be one 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 Non-Coastal Zoning Ordinance Article 10 if the off-site parking area is in the non-coastal area, or the Coastal Zoning Ordinance Article 5 Sec. 8175-5.13 if the off-site parking area is in the coastal area, and are subject to approval by the Planning Director.

### **Sec. 8176-2.4 – Accessory Parking and Storage of Oversized Vehicles**

The accessory parking and storage of *oversized vehicles*, including boats, attendant trailers and/or equipment, is allowed on residential, agricultural, or open space zoned lots if one of the following findings can be made:

- a. The *oversized vehicle* is located on a legally developed lot and meets all of the following criteria:
  1. The vehicle is owned and operated by the person who resides on the property;
  2. The vehicle is operable; and
  3. The parking space does not displace the required parking for the designated land use and is in compliance with Sec. 8175-2, Schedule of Specific Development Standards.
- b. The *oversized vehicle* is required for emergency purposes and is either a government vehicle or under contract to a governmental entity; or
- c. The *oversized vehicle* is used for agricultural production, shipping, or delivery associated with the agricultural land use on the lot on which the vehicle is located.
- d. The *oversized vehicle* is temporarily parked for emergency repairs for a time period not to exceed 24 hours.
- e. If parking for the *oversized vehicle* is included in the project description for a discretionary permit, and the Planning Director determines that the use of the on-site parking space for an *oversized vehicle* substantially degrades the existing visual character of the neighborhood, then the *oversized vehicle* shall be screened by a fence, wall or similar structure, or landscape screenings. Storage of an *oversized vehicle* shall be denied where the vehicle or its screening will adversely impact scenic or visual resources.

### **Sec. 8176-2.5 - 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 obstruct any required fire apparatus access lanes and provided that the canopy or other structure is consistent with all other policies and provisions of the LCP.

## **Sec. 8176-2.6 – Green Roofs**

The installation of green roofs on structures over parking areas/spaces is encouraged and allowable, but only if such structures do not obstruct any required fire apparatus access lanes and provided that the structure is consistent with all other policies and provisions of the Local Coastal Program. Green roofs shall be compatible in scale, materials, color, and character with the surrounding permitted development.

## **Sec. 8176-2.7 – Coastal Access**

- a. In order to minimize impacts on the availability of on-street parking for *coastal access* and recreation, new development shall be designed to include off-street parking spaces sufficient to serve the proposed use.
- b. Existing parking areas serving *coastal access* and recreational uses shall not be displaced, except where there is no feasible alternative and the loss of parking spaces is mitigated with a commensurate number of replacement spaces that serve a *coastal access* function in the same vicinity as the removed parking.
- c. Restrictions on public parking, including but not limited to red-curbings, no parking signs, and physical barriers, that would impede public *coastal access* are prohibited except as follows:
  - i. The parking restriction is necessary to protect public safety or military security, and evidence is provided that demonstrates there is no feasible alternative;
  - ii. A temporary parking restriction is necessary to repair, maintain, or upgrade public roads;
  - iii. The parking restriction is removed once the public safety issue is resolved or the temporary road repair/maintenance activities are complete; and
  - iv. Mitigation is required for permanent parking restrictions.

## **Sec. 8176-3 - Number of Parking Spaces Required**

### **Sec. 8176-3.1 - 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 Sec. 8171-16.
- b. When calculating required parking spaces based on gross floor area or sales and display area, areas used for parking are not included.
- c. 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.
- d. 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.

- e. When there are two 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 Sec. 8176-4.6.
- f. Mechanical parking lifts may be used to meet motor vehicle parking requirements.
- g. Parking for Automated Public Facilities - Off-street parking shall not be required for any completely automated, unattended public facility use.

**Sec. 8176-3.2 - Motorcycle Parking**

At least one designated space for the parking of motorcycles or other two-wheeled motorized vehicles shall be provided for every 20 automobile parking spaces provided. Existing parking areas may be converted to take advantage of this provision, provided the converted spaces do not exceed the one 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. 8176-3.3 - Bicycle Parking**

A minimum number of bicycle parking spaces shall be provided, as set forth in Sec. 8176-3.7. Where there are two 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. 8176-3.3.1 – Planning Director Modifications**

The number of required bicycle parking spaces may be reduced when the applicant demonstrates, to the satisfaction of the Planning Director, 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 (e.g. the use has no on-site employees).

**Sec. 8176-3.4 - Accessible Parking for Disabled Persons**

Accessible parking for disabled persons shall be provided as follows:

- a. Number. The following table establishes the minimum number of disabled parking spaces that shall be provided for new discretionary development or the expansion of a previously approved project:

<b>Number of Disabled Parking Spaces Required</b>	
<b>Total Number of Parking Spaces in Lot or Garage</b>	<b>Minimum Required Number of Disabled Spaces</b>
1-25	1 - Van
26-50	2
51-75	3

- b. Location and Design. Parking spaces for disabled persons shall be located as near as practical to a primary entrance and shall be of the dimensions and design required by the Building Official.

- c. Accessible parking for disabled persons may be counted towards meeting the total number of motor vehicle parking spaces required by this Article.

### **Sec. 8176-3.5 - 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. Except for residential land uses, one carpool or vanpool parking space shall be provided for every 35 employees employed at the site. Carpool or vanpool parking spaces shall be reserved during business hours. In addition, for professional, vocational, art and craft schools, colleges, universities and the like, one 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. 8176-3.6 - Shared Parking**

Shared use of required motor vehicle parking spaces is allowable where two 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 identified in and subject of a lease or other agreement between the two affected property owners, in a form approved by the Director, ensuring continued availability of the shared parking spaces for all the land uses that utilize the shared parking area. Such shared parking agreement shall include all required provisions set forth in Sec. 8176-2.3.3(a)(1) through (4) and shall be recorded with the Ventura County Recorder so that it appears on the subject property's title. When shared parking is provided at an off-site location, the other applicable requirements of Secs. 8176-2.3.1 through 8176-2.3.3 shall be met.

### **Sec. 8176-3.7 - 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 residential and non-residential land uses, the number of motor vehicle parking spaces set forth in the table below represents the minimum required number of spaces, unless a reduction to that requirement is granted pursuant to Sec. 8176-3.8.

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 Planning 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. For such uses, the Planning Director or decision-making body must find that the required number of parking spaces is sufficient to avoid displacement of parking spaces utilized by off-site land uses or by the public for costal access. The required number of parking spaces is subject to the calculation procedures, including exceptions and allowances, specified in Sec. 8176-3.8, Reduction to the Required Number of Motor Vehicle Parking Spaces.

<b>LAND USE</b>	<b>MOTOR VEHICLE SPACES REQUIRED + / - 10% OF THE TOTAL</b>	<b>BICYCLE SPACES REQUIRED</b>
<b>AGRICULTURAL</b>		
Buildings for the Growing, Packing, Storage or Preliminary Processing of Agricultural Products	1 space per full time employee plus 2 spaces per acre. Or as determined by decision-making body.	
Contractor's Service and Storage Yards and Buildings	As determined by decision-making body	
Produce Stands, Retail, Accessory to Crop Production	Minimum of 3 spaces	
Retail Nurseries not in an Enclosed Building.	1 space per 2,000 sf of outside display area	LT: 1 space per 25 employees ST: 3% of required motor vehicles
Agricultural Uses not Otherwise Listed	As determined by decision-making body	As determined by decision-making body
<b>COMMERCIAL AND INSTITUTIONAL</b>		
Art Galleries and Studios	1 per 250 s.f. of GFA	LT: 1 space per 25 employees ST: 6% of required motor vehicle spaces
<i>Assembly Uses</i>	First 3,000 sf of GFA: 1 space per 125 sf; plus over 3,001 sf of GFA: 1 space per 550 sf; plus auditorium or main assembly room: 1 space per 70 sf of GFA; plus spaces as needed for accessory uses as determined by decision-making body.	ST: 10% of required motor vehicle spaces.
Automobile Repairing	1 per 150 s.f. of GFA	LT: 1 space per 25 employees ST: 3% of required motor vehicle spaces

<b>LAND USE</b>	<b>MOTOR VEHICLE SPACES REQUIRED + / - 10% OF THE TOTAL</b>	<b>BICYCLE SPACES REQUIRED</b>
Automobile Service Station, Without Retail	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 space
Automobile Service Station, With Retail	1 space, plus 1 space per 250 sf GFA of retail use Fueling stations shall not be counted toward meeting the motor vehicle parking space requirements	ST: 3% of the required motor vehicle spaces; minimum 1 space
Banks, savings and loans and related offices and institutions	1 space per 250 sf GFA	LT: 1 space per 30 employees ST: 5% of the required motor vehicle spaces
Barber and Beauty Shops	2 spaces for each of the first 2 beauty or barber chairs, plus 1 space for each additional chair.	As determined by decision-making body
Bars, Taverns and Nightclubs	See "Restaurants, Cafes and Cafeterias"	LT: 1 space per 25 employees ST: 10% of the required motor vehicle spaces
Boardinghouses, Rooming Houses, Bed-And-Breakfast Inns	1 space per bedroom, plus 1 space per caretaker-manager	ST: 2 spaces
Bus Terminals	1 space per 20 sf of waiting area, plus 1 space per 300 sf of office space, plus parking for any accessory uses	As determined by decision-making body
<i>Day Care Center</i>	1 space per each employee, plus 1 space per 5 children	As determined by decision-making body
<i>Family Day Care Home</i>	See "Single-Family and Two-Family Dwellings"	As determined by the decision-making body
Care Facility, Residential	.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 for 25 employees. ST: 1 space per 20 residents
Carwashes, Automatic	Queuing for 6 vehicles pursuant to Sec. 8176-6.1.4	
Carwashes, Self-Service	1 space per washing stall	

<b>LAND USE</b>	<b>MOTOR VEHICLE SPACES REQUIRED + / - 10% OF THE TOTAL</b>	<b>BICYCLE SPACES REQUIRED</b>
Conference Center/Convention Center	See "Assembly Uses"	See "Assembly Uses"
Health Clinic, Medical and Dental	1 space per 200 sf GFA	LT: 3% of the required motor vehicle spaces, or 1 space per 30 employees (as determined appropriate by decision-making body) ST: 3% of the required motor vehicle spaces, minimum one space
Hotels, Motels, Boatels	1 space per unit, plus 1 space per caretaker-manager	LT: 1 space per 25 employees ST: 1 space per 1,000 sf GFA of banquet and meeting room space; minimum of 2 spaces
Kennels	1 space per each employee, plus 1 space for each 500 sf outdoor shelter areas	As determined by decision-making body
Laundry and Dry Cleaning Establishments	1 space per 200 sf of GFA	As determined by decision-making body
Libraries	1 space per 250 sf GFA	LT: 1 space per 25 employees ST: 8% of the required motor vehicle spaces
Liquor Store	1 space per 250 sf of GFA	ST: 3% of required motor vehicle spaces.
Offices: Business, Professional and Administrative	1 space per 250 sf GFA	LT: 3% of the required motor vehicle spaces or 1 space per 30 employees (as appropriate per Planning Director). ST: 3% of required motor vehicle spaces.
<i>Parking Lots, Public</i>	As determined by decision-making body	ST: 5% of required motor vehicle parking spaces
Public Service and Public Utility Buildings	Offices: 1 space per 250 sf Other buildings: specified by permit Automated and unattended: None	LT: 1 space per 30 employees

<b>LAND USE</b>	<b>MOTOR VEHICLE SPACES REQUIRED + / - 10% OF THE TOTAL</b>	<b>BICYCLE SPACES REQUIRED</b>
Restaurants, cafes, cafeterias and similar establishments	1 space per 100 sf GFA including outdoor customer dining area. Minimum: With public seating: 10 spaces Without public seating (take out or delivery only): 6 spaces	LT: 1 space per 25 employees ST: 10% of the required motor vehicle spaces
Retail Trade	1 space per 250 sf of GFA	As determined by decision-making body
Schools: Boarding	As determined by decision-making body	As determined by decision-making body
Schools: Elementary, Junior High, Middle	1 space per 8 students of planned capacity See Sec. 8176-6.2 for on-site queue storage length to accommodate parent vehicles drop-off and pick-up.	LT: 1 space per 30 employees ST: 1 space (gated) per 12 students of planned capacity.
Schools: High Schools, Community College Facilities	1 space per 4 students of planned capacity	LT: 1 space per 30 employees ST: 1 space (gated) per 16 students of planned capacity.
Veterinary Clinics	1 space for each 200 sf GFA	LT: 1 space per 25 employees ST: 2% of the required motor vehicle spaces
Youth Hostel	1 space per 2 beds 1 space per 200 sf gross floor area for eating establishment 1 space per 100 sf of assembly areas	ST: 2 spaces
Uses not Otherwise Listed	As determined by decision-making body	As determined by decision-making body
<b>INDUSTRIAL</b>		
Laboratories, Research, Scientific, Medical or Dental	1 space for each 200 sf GFA	LT: 1 space per 30 employees
Recycling Facilities and Centers	As determined by decision-making body	LT: 1 space per 25 employees
Uses not Otherwise Listed	As determined by decision-making body	As determined by decision-making body
<b>RECREATION</b>		
Camps	1 space per 2 overnight guests (see Sec. 8175-5.4.2), plus 1 space per every three persons allowed as total daily on-site population (see Sec. 8175-5.4.3), plus 1 space per full-time employee	As determined by decision-making body

<b>LAND USE</b>	<b>MOTOR VEHICLE SPACES REQUIRED + / - 10% OF THE TOTAL</b>	<b>BICYCLE SPACES REQUIRED</b>
Campgrounds/Recreational Vehicle Parks	1 space per campsite or table, plus 1 space per full-time employee, plus 1 space per 25 campsites (or fraction thereof) for guest parking, to be located near the facility office (3 guest spaces minimum).	As determined by decision-making body
Clubhouses and Community Centers	See "Assembly Uses"	See "Assembly Uses"
Fields, Athletic	1 parking space per 3,000 sf of field area; 1 parking space per six linear feet of portable (or fixed) spectator seating area; Minimum 20 spaces	ST: 10% of the required motor vehicle spaces
Golf Course	3 spaces per hole	
Commercial Use (i.e. pro shop)	1 space/200 s.f. of building area for commercial purposes	LT: 1 space per 25 employees
Eating or Drinking Establishment (i.e. café, restaurant)	See "Restaurants, Cafes and Cafeterias"	ST: 2% of the required motor vehicle spaces
Driving Range	1 space per tee	
Parks and Picnic Grounds	Minimum 5 spaces	ST: 10% of the required motor vehicle spaces
Campgrounds	1 space per campsite or table, plus 2 spaces per 25 campsites, plus parking for any accessory uses	As determined by the decision-maker
Swimming Pools, Public	1 space per 200 sf of pool area 1 space per 300 sf of GFA area related to the pool and facilities	LT: 1 space per 25 employees ST: 10% of the required motor vehicle spaces
Tennis and Racquetball Courts	2 spaces per court	LT: 1 space per 25 employees ST: 10% of the required motor vehicle spaces
Uses not Otherwise Listed	As determined by decision-making body	As determined by the decision-maker
<b>RESIDENTIAL</b>		
Bachelor or Studio Type Dwelling	1 covered space per unit	

<b>LAND USE</b>	<b>MOTOR VEHICLE SPACES REQUIRED + / - 10% OF THE TOTAL</b>	<b>BICYCLE SPACES REQUIRED</b>
Caretaker or Farmworker Single Family Dwellings	1 space for 1 bedroom or less 2 spaces for 2-4 bedrooms 3 spaces for 5 bedrooms	
Mobilehome Parks Resident Parking Visitor Parking <i>(required if internal streets are less than 32 feet wide)</i>	2 spaces per unit 1 space per each 4 units, in addition to parking spaces required for residents	
Multi-Family Dwelling Units	See Section 8176-4.7.1	
Second Dwelling Units	1 space for units up to 700 sf of GFA; 2 spaces for units over 700 sf of GFA (in addition to the spaces required for the principal dwelling unit)	
Single-Family and Two- Family Dwellings		
1-4 Bedrooms (per unit)	2 covered <sup>1</sup> spaces	
5 Bedrooms (per unit)	3 spaces (2 shall be covered <sup>1</sup> )	
6 or More Bedrooms (per unit)	4 spaces (2 shall be covered <sup>1</sup> )	

ST: Short-term bicycle parking spaces, generally bike racks.

LT: Long-term bicycle parking spaces, generally enclosed lockers.

See Sec. 8176-5, Bicycle Parking Design Standards

<sup>1</sup> Except that on parcels larger than one acre located in CA, OS, and CRE zones, parking may be uncovered.

**Sec. 8176-3.7.1 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 one acre in the COS, CA, CR, and CRE 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.

<b>Living Unit Size</b>	<b>Motor Vehicle Spaces Required</b> (per unit) by Type of Parking			<b>Required Visitor Parking</b> (per unit)
	<b>No Assigned Parking</b>	<b>1 Assigned Space or 1- Car Garage</b>	<b>2 Assigned Spaces or 2-Car Garage</b>	
Studio	1.0 space	1.33 spaces	2.0 spaces	0.25 spaces

One Bedroom	1.25 spaces	1.4 spaces	2.0 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. 8176-3.8 - Reductions to the Required Number of Motor Vehicle Parking Spaces**

The number of off-street parking spaces required in Sec. 8176-3.7 may be reduced for a particular project so that the parking supply of individual land uses better corresponds with actual parking demand. Parking reductions also may be authorized for affordable housing or existing commercial and residential development pursuant to the provisions in Sec. 8176-3.8.1 below.

**Sec. 8176-3.8.1 –Justifications for Reductions in Number of Required Motor Vehicle Parking Spaces**

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.

- a. **Parking Study.** Applicant provides a parking study to assess the land use’s parking needs. Parking studies shall be prepared by a registered transportation engineer.
- b. **Transportation Demand Management Plan.** Applicant 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 Planning 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 residents or employees with transit passes.
  - 6. Providing shuttle services for employees, visitors, or residents.
  - 7. Creating ridesharing programs.
  - 8. Improving the pedestrian environment surrounding the project by the provision of sidewalks, marked crosswalks, additional landscaping, street furniture, lighting, and/or other safety features.
  - 9. Allowing flexible work schedules or telecommuting.
  - 10. Providing on-site amenities, which could include daycare, restaurants, and/or personal services such as banking or dry cleaning.

11. Installing additional bicycle parking facilities above the minimum requirements.
12. 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 six 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 two showers (one per gender) and six clothing lockers per shower provided, the amount of motor vehicle parking spaces provided may be reduced by three spaces, up to a maximum reduction of three percent (3%) of required motor vehicle spaces. Existing parking may be converted to take advantage of this provision.
13. 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, only where the reduction can be substantiated by data that evidences the residents cannot or will not own vehicles. The reduction shall consider proximity to transit and support services and include 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. **Parking Reserve.** When parking spaces required by this article for non-residential uses 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. This parking reserve shall be limited to one parking space or up to ten percent (10%) 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. Landscaping must be provided in lieu of the required parking spaces in compliance with Sec. 8178-8, Water Efficient Landscaping Requirements.

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 as initiated by occupant use or phased development, or at any time that the Director determines necessary.
- f. **Reduced Parking Requirements for Existing Commercial Development.** When an existing commercial use does not meet current parking requirements for the number of motor vehicle spaces, the parking requirements for a change of use on parcels zoned Coastal Commercial (CC) shall occur as follows:
1. No intensification of use: No additional parking is required when the change of use results in the same motor vehicle parking requirements as the prior use.
  2. Intensification of use: When a proposed intensification of use results in increased parking requirements when compared to the prior use, then the required number of additional parking spaces shall be limited to the difference between those required for the prior use and the intensified use.
  3. Preservation of existing commercial use: When a proposed intensification of use results in an increased parking requirement when compared to the prior use (see Sec. 8176-3.8.1(f)(2) above), and an additional reduction in parking requirements may be granted when the applicant demonstrates all of the following:
    1. No physical expansion of the existing commercial development is proposed;
    2. Adequate space is unavailable on-site for additional on-site parking, and all feasible on-site parking is included in the project description;
    3. Shared parking, pursuant to Sec. 8176-3.6, is not available to meet parking requirements;
    4. Other transportation incentives programs, listed in Sec. 8176-3.8.1(b), are not feasible or will not lessen the number of parking spaces required; and
    5. Parking demand for the commercial business will be reduced by one or more of the following factors:
      - i. The business operation is limited to the evening hours, when beach recreational uses are low or non-existent; or
      - ii. The primary customer base consists of nearby residents or beachgoers that do not generate additional parking demand.
- g. **Expansion of an Existing Single-Family or Two-Family Dwelling:** An existing, 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 one covered motor vehicle parking space;

2. The existing lot configuration does not allow for a second space or does not allow for access to a second space;
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;
4. The addition contains no habitable, interior space (i.e., the addition consists of a garage expansion, outdoor patio expansion, etc.);
5. The addition will not result in an increased demand for on-street parking; and
6. The proposed addition otherwise conforms to the provisions of this Chapter.

**Sec. 8176-3.8.2 – Findings for Parking Space Reductions.** Reductions to the motor vehicle parking requirements of this Article shall only be approved when supported by written findings of fact in the final project approval letter. Written findings shall describe how the reduction of motor vehicle parking requirements for the particular project is justified by one or more of the measures or approaches in Sec. 8176-3.8.1 above. Such findings shall demonstrate that the proposed parking reduction:

- a. Is supported by evidence contained within a parking study, provided by the applicant and prepared by a registered transportation engineer; and
- b. Will not adversely affect existing or potential land uses adjoining, or in the general vicinity of, the project site (see Sec. 8176-3.1(c)); and
- c. Will not result in the displacement of public parking spaces used for access to coastal beaches or public recreation areas.

**Sec. 8176-3.8.3 - 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. Required documentation shall include information regarding specific parking reduction measures as described in Sec. 8176-3.8.1. Required documentation may also include existing parking counts, parking counts at similar land uses, calculation of future parking demand based on industry standards, the number of parking spaces on adjacent public streets, and identification of *coastal access parking* areas.

- a. **Monitoring Reports.** Monitoring reports shall be submitted to the Director three years after building occupancy and again six years after building occupancy. Monitoring reports shall identify daily, annual and, as applicable, seasonal peak parking periods based on a minimum of one parking survey per year, unless a seasonal peak occurs in which case two surveys per year will be required. The monitoring reports shall also describe the effectiveness of the approved parking reduction measures as compared to the initial performance targets. If necessary, the monitoring reports should provide suggestions for modifications to enhance parking availability or reduce parking demand. 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 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. 8176-4 - 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. 8176-4.1 - 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. 8176-4.2 - Stormwater Management**

To enhance, protect and preserve water quality, a hydrology and hydraulics report may be required 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. 8176-4.3 - Location**

Off-street parking areas and spaces shall be located in the following manner:

#### **Sec. 8176-4.3.1 – 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. 8176-4.3.2 - Parking in Setbacks**

Parking in setbacks is limited to situations authorized by Secs. 8175-3.4 and 8181-14.1 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. 8176-4.3.3 - 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. 8176-4.3.4 - 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. 8176-4.3.5 - Bicycle Parking**

See Sec. 8176-5.3.

### **Sec. 8176-4.3.6 - 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 one percent annual chance floodplain (100-year floodplain) are subject to special design requirements. 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. 8176-4.4 - Circulation**

### **Sec. 8176-4.4.1 - Cross Access**

Cross access is encouraged between adjacent sites in commercial, industrial, and multi-family housing developments. A joint cross access agreement between two 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. 8176-4.4.2 - 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 one 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. 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.

### **Sec. 8176-4.4.3 - Fire Apparatus Access**

Approved fire apparatus access roads required by the Ventura County Fire Protection District shall be located, designed and constructed such that impacts on coastal resources are minimized, consistent with all policies and provisions of

the LCP. 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. 8176-4.4.4 - 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.

**Sec. 8176-4.4.5 - Contained Maneuvering**

Parking areas shall be designed so that motor vehicles will exit onto a public street in a forward direction. Circulation of vehicles among parking spaces shall be accomplished entirely within the parking area. The Director may 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. 8176-4.4.6 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 modify this requirement when the applicant can demonstrate that it is not appropriate to the land use or location.

**Sec. 8176-4.4.7 - 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 (see Article 5 Sec. 8175-5.13 Signs).

**Sec. 8176-4.5 - Driveways**

**Sec. 8176-4.5.1 - Driveway Width**

- a. Portion Within Right-of-Way: Driveway width shall be the minimum necessary to provide access to the land use.
- b. Portion Outside Right-of-Way: Driveway widths shall be minimized where possible.

**Sec. 8176-4.5.2 - Number of Driveways**

Each site is limited to one driveway unless more than one 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, adversely impact coastal resources, or reduce on-street public parking. Whenever a property has access to more than one road, access shall be limited to the lowest traffic-volume road whenever possible.

**Sec. 8176-4.5.3 - 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 two 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 and run with the respective properties.

**Sec. 8176-4.5.4 - 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 shall be installed at all exits from parking areas (see Article 5 Sec. 8175-5.13 Signs).

**Sec. 8176-4.6 - Parking Area and Space Dimensions**

**Sec. 8176-4.6.1 - Planning Director Waivers/Modifications**

Motor vehicle parking design standards may be modified when the applicant can demonstrate, to the satisfaction of the Planning Director, that the required motor vehicle parking design standard is not appropriate to the land use or location.

**Sec. 8176-4.6.2 - Space Angle**

Ninety-degree parking, which uses the least amount of pavement per parking space, is preferred wherever possible.

**Sec. 8176-4.6.3 - 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 two 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 two feet of these landscape planters shall conform to the requirements of Sec. 8178-8 Landscaping and Screening. 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 two or more parking spaces are required.
- d. The width or length of parking spaces may be increased 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 one 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. 8176-4.6.4 - Motorcycle Spaces**

Each motorcycle parking space shall be a minimum of 4 feet wide by 8 feet long.

**Sec. 8176-4.6.5 - 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. 8176-4.6.6 - Parallel Spaces**

The minimum size of a parallel parking space shall be 8 feet 6 inches wide by 22 feet long.

**Sec. 8176-4.6.7 - Bicycle Spaces**

See Sec. 8176-5 – Bicycle Parking Design Standards.

**Sec. 8176-4.6.8 - Clear Height in Parking Structures**

At least one floor in parking structures shall be designed with a minimum height of 9 feet 6 inches to allow for vanpool vehicles and accessible parking for disabled persons.

**Sec. 8176-4.6.9 - 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 six feet between the end of parking rows and the end of the drive aisle. Dead-end drive aisles shall be avoided or otherwise minimized.

**Sec. 8176-4.6.10 - Drive Aisles and Modules**

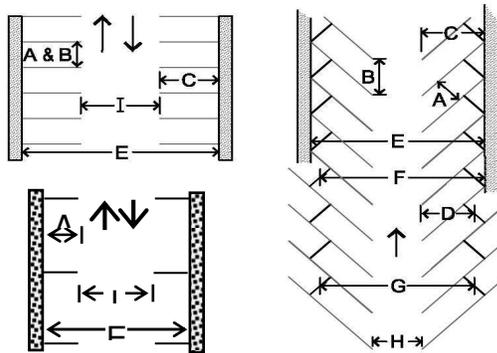
Parking area drive aisles and modules shall be designed following the standard dimensions included in the table in Sec. 8176-4.6.11 and the figure in Sec. 8176-4.6.12 and as required to meet Sec. 8176-5.4. Wider aisles may be approved when appropriate for truck maneuvering. Two-way aisles are permitted in conjunction with 90-degree and parallel spaces only.

**Sec. 8176-4.6.11 – Table of Parking Area Layout Dimensions**

Angle	Stall Width in feet (A)	Stall Width in feet, parallel to aisle (B)	Stall Length in feet, perpendicular to aisle		Module Width in feet			Aisle Width in feet	
			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
Parallel	9.0	NA	NA	NA	42	NA	NA	12	24

<sup>1</sup>Parking area design for full rows of compact spaces shall be reviewed on a case-by-case basis.

**Sec. 8176-4.6.12 - Figure 1: Parking Area Layout Dimensions**



### Sec. 8176-4.7 - Tandem Parking

Required parking may be provided in tandem for residential land uses with the following restrictions:

- Tandem parking shall not be more than two cars in depth.
- Both tandem spaces shall serve the same dwelling unit.
- For multi-family residential dwellings, tandem parking may be provided to meet up to 50 percent of the required parking spaces, only where it is demonstrated that such a reduction has no potential to adversely affect public parking available for public coastal access.

### Sec. 8176-4.8 - Slope

Accessible parking spaces for disabled persons shall be the minimum possible and shall not exceed 2 percent slope in any direction. 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. 8176-4.8.1 - Planning Director Modifications

Slope requirements may be modified, but not for disabled person accessible parking spaces, when appropriate given site constraints.

### Sec. 8176-4.9 - Surfaces

- 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.
- The surface of fire apparatus access driveways shall be subject to review by the Ventura County Fire Protection District.
- The surface of the portion of driveways in the right-of-way design shall be subject to review by the Public Works Transportation Department or Caltrans if located on a State highway.
- Ribbon driveways outside of the right-of-way may be installed as an alternative to fully paved driveways, subject to review by the Ventura County Fire Protection District.

### **Sec. 8176-4.9.1 – 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. 8176-4.10 – Parking Space Marking**

Parking spaces within parking areas shall be clearly marked with paint striping or another durable, easily distinguishable marking material. Concrete wheel stops shall be provided for all parking spaces. Space marking shall be four inches in width and maintained in good condition.

#### **Sec. 8176-4.10.1 – Exception**

Space marking requirements may be modified if the applicant can demonstrate, to the satisfaction of the Planning Director, that they are not appropriate to the land use or location, including but not limited to parking areas surfaced with gravel or other aggregate materials.

### **Sec. 8176-4.11 - 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 as determined by the Ventura County Transportation Department 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 three feet in height.

### **Sec. 8176-4.12 - Lighting**

Lighting shall be provided for all parking areas in compliance with the following:

- a. Parking areas that serve night-time users shall be lighted with a minimum one foot-candle of light at ground level 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 one 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. 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, a residentially zoned lot, agricultural or open space lots, or an environmentally sensitive habitat area, shall be arranged and shielded so that the light will not directly illuminate the adjacent 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. New lighting fixtures installed for parking area canopies or similar structures shall be recessed or flush-mounted and equipped with flat lenses.

#### **Sec. 8176-4.13 - Trash and Recyclables Receptacles**

At least one trash and one recyclables receptacle shall be provided for parking area users for the first 20 motor vehicle parking spaces. Receptacles shall be enclosed to prevent access by animals and wind, placed in convenient, accessible locations, and serviced and maintained appropriately.

### **Sec. 8176-5 - Bicycle Parking Design Standards**

The following design standards shall apply to all bicycle parking facilities. The layout and design of required bicycle parking facilities shall ensure safety, security, and convenience to the satisfaction of the Planning Director.

#### **Sec. 8176-5.1 - Short-Term Bicycle Parking (Bicycle Racks)**

Short-term bicycle parking facilities shall have the following characteristics:

- a. Support a bicycle by its frame in two places in a stable upright position without damage to the bicycle or its finish.
- b. Enable the frame and one 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. 8176-5.2 - 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 one bicycle, accessible only to the owner or operator of the bicycle, or

- b. Restricted-access Enclosure. A locked room or enclosure containing one 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 Sec. 8176-5.1.
- 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. 8176-5.3 - 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. 8176-5.3.1 - Proximity to Main Entrances**

Short-term bicycle parking facilities shall be conveniently located to 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 one building on a site or where a building has more than one 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 as close as possible to the building entrance. Bicycle parking shall not obstruct pedestrian access.

**Sec. 8176-5.3.2 - Outside Pedestrian Pathway**

Bicycle parking racks located on pedestrian pathways shall maintain a minimum of four feet of unobstructed pathway outside the bicycle parking space.

**Sec. 8176-5.4 - 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. 8176-5.4.1 - 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 Sec. 8176-5.4.3 and Sec. 8176-5.4.4.
- 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. 8176-5.4.2 - 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. 8176-5.4.3 - 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. Bicycle parking space dimensions may be modified if the applicant can demonstrate, to the satisfaction of the Planning Director, 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. 8176-5.4.4 - 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 two 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 six 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. 8176-5.5 - Lighting**

Lighting of not less than one foot-candle of illumination at ground level shall be provided in both interior and exterior bicycle parking facilities during hours of use.

### **Sec. 8176-6 - Queuing Lanes**

#### **Sec. 8176-6.1 - Drive-Through Facilities**

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. 8176-6.1.1 – Planning Director Modification**

The Director may 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. 8176-6.1.2 - Directional Signs**

Signs shall be provided to indicate the entrance, exit, and one-way path of drive-through lanes.

**Sec. 8176-6.1.3 - Location**

Drive-through facilities shall not be located between the street and the main building entrance.

**Sec. 8176-6.1.4 - Queuing Capacity**

The vehicle queuing capacity for land uses containing drive-through facilities shall be as follows:

<b>Land Use</b>	<b>Queuing Lane Requirements</b>
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. 8176-6.2 – Schools**

For the purpose of providing a safe, on-site stacking space for parent drop-off and pick-up, and to prevent traffic congestion or public safety hazards related to vehicle queues on adjacent roadways, the following standards shall apply for public or private schools:

- a. Drop-off/pick-up zones should provide a one-way traffic flow in a counterclockwise direction so that students are loaded and unloaded directly to the curb/sidewalk.
- b. An adequate driveway length shall be provided on-site for queuing vehicles.
- c. Calculate the vehicle queuing capacity as follows:
  - 1. The length of the queuing lane shall provide 20 feet per vehicle; and
  - 2. Calculate the number of vehicles within the queue by multiplying 1.35 times the projected number of peak hour trips (excluding employees). The number of peak hour trips may be reduced, at the discretion of the Planning Director, when the applicant demonstrates that walking, bicycling, or transit will result in a reduced number of peak hour trips.

**Sec. 8176-7 - Loading Areas**

**Sec. 8176-7.1 - Materials Loading Areas**

All commercial and industrial land uses shall provide and maintain off-street materials loading spaces as provided herein.

**Sec. 8176-7.2.1 – Planning Director Waiver/Modification**

The Director may 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. 8176-7.2.1.1 – Table of Required Materials Loading Areas**

<b>Gross Floor Area</b>	<b>Loading Spaces Required</b>
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>Educational Land Uses</b>	
0-50,000	1
50,001-100,000	2
100,000 and over	3
Hotels, motels, boatels and restaurants	1

**Sec. 8176-7.2.3 - 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 Sec. 8178-8 Landscaping and Screening.
- 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 one 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.

**Sec. 8176-8 - Private Streets**

With the exception of driveways, internal streets and access ways which are not part of the public right-of-way are private streets and shall meet the following minimum standards:

- a. All private streets shall comply with road standards established by the Ventura County Fire Protection District.
- b. New private streets shall be approved only if such street(s) would better serve the occupants of a development and detrimental effects, such as blocked road connections or restrictions on access to coastal resources, are avoided.

- c. In order to provide essential ingress routes for emergency vehicles or escape routes for residents during a wildfire or other public emergency, private gates shall comply with the Ventura County Fire Protection District requirements for access gates.

## **Sec. 8176-9 – Plug-In Electric Vehicle (PEV) Charging Stations**

The use of Plug-in Electrical Vehicles (PEVs) is an effective means of reducing the global warming emissions associated with car travel. The standards set forth below serve to encourage alternative modes of transportation that do not rely on vehicles powered by gasoline or diesel fuel.

### **Sec. 8176-9.1 – Definition of types of PEV Charging Stations**

An electric vehicle charging station is an off-street public or private parking space(s) that is (are) served by battery charging equipment with the purpose of transferring electric energy to a battery or other energy storage device in an electric vehicle and is classified based on the following levels:

- a. Alternating Current (AC) Level 1 Slow Charging (120 volts, 15/20 amps) Standard wall outlet charging, typically comes with the car; slowest but simplest charging.
- b. Alternating Current (AC) Level 2 Medium Charging (208-240 volts, max 80 amps) Level 2 requires a dedicated circuit and may require an electrical panel upgrade.
- c. Direct Current (DC) Fast Charging (450 volts, 60 amps or higher): DC Fast Chargers require electrical panel and service upgrades and allow for faster recharging of electric vehicles.

### **Sec. 8176-9.2 - Residential PEV Charging Systems**

AC Level 1 and AC Level 2 PEV charging systems are permitted in all residential zones and Santa Monica Mountains (M) Overlay zone in accordance with the following:

- a. A PEV charging station is permitted only on a legally developed residential parcel.
- b. A PEV parking space may be counted towards the required off-street parking pursuant to Sec. 8176-3.7, Table of Parking Space Requirements by Land Use.

### **Sec. 8176-9.3 – Non-Residential PEV Charging Systems**

AC Level 1, AC Level 2 and DC Fast Charging PEV charging systems are permitted in the Coastal Agricultural (CA), Coastal Open Space (COS), Coastal Commercial (CC), and Coastal Industrial (CM) zones. Non-residential PEV charging stations shall be designed in conformance with the following:

- a. A Non-Residential PEV Charging Station shall only serve off-street parking facilities.
- b. The first PEV charging space shall be designed to allow access for persons with disabilities pursuant to Sec. 8176-3.4, Accessible Parking for Disabled Persons. No signage or space marking indicating a handicap parking space is required.

## **Sec. 8176-9.4 – Permit Requirements**

No person shall place, erect, or install a new PEV charging station or modify, alter, or incorporate electrical or mechanical upgrades to a legally permitted PEV charging station without first obtaining zoning clearance per Sec. 8176-9.4.1 and/or a Planned Development Permit per Sec. 8176-9.4.2 in accordance with the provisions of the PEV Application Procedures in Sec. 8176-9.4.3.

### **Sec. 8176-9.4.1 – PEV Charging Station - Zoning Clearance**

A zoning clearance is required for the following PEV charging stations except when proposed in a location described in Sec. 8176-9.4.2.

- a. PEV charging stations affixed directly to a legally authorized building or structure in compliance with Sec. 8174-6.2.2, Improvements to Existing Single-Family Dwellings, and Sec. 8174-6.3.4, Improvements to Non-Residential Structures, Other than Public Works Facilities.
- b. Any modification or alteration of an existing permitted PEV charging station that does not result in an addition to, or enlargement or expansion of, the PEV charging station.
- c. Replacement of existing permitted PEV electrical charging stations destroyed by disaster pursuant to Sec. 8174-6.3.5.

### **Sec. 8176-9.4.2 – PEV Charging Station - Planned Development Permit**

A Planned Development Permit is required for the following PEV charging stations:

- a. Direct Current (DC) Fast Charging PEV charging stations.
- b. PEV charging stations not affixed to a building or structure and where the construction of the PEV charging station requires earth disturbing activities for which a grading permit is required.
- c. Repair, maintenance or upgrades to a permitted PEV charging where the proposed method of repair, maintenance or upgrade will involve substantial adverse effects on a coastal resource.

Following approval of a Planned Development Permit, the permittee shall obtain a Zoning Clearance prior to initiating the permitted use in accordance with Sec. 8181-3.1

### **Sec. 8176-9.4.3 – PEV Charging Station Permit Application Requirements**

When a Planned Development Permit and/or a Zoning Clearance is required, an application shall be filed with the Planning Division in accordance with Sec. 8181-5, and shall be signed by the owner and the applicant or authorized agent thereof. The application shall be processed pursuant to Article 11, Entitlements – Process and Procedures. In addition to providing the information and materials required by Sec. 8181-5, the application shall also provide the following information and materials:

- a. A site plan showing the dimensions of the parcel, location and size of any existing or proposed buildings or structures on the property, and adjacent streets and land uses.
- b. The location of off-street parking facilities, parking space dimensions, points of entry and exit for motor vehicles, and proposed charging system location including location of additional meter, if applicable;

- c. The proposed PEV charging station dimensions (height, width and depth).
- d. The method of attachment of the PEV charging station to any structure; if applicable.
- e. Single line electrical plan that graphically depicts points of connection from electrical source to PEV charging system.
- f. Type of charging system: Level 1, Level 2, or DC Fast Charging, with approved Underwriters Laboratories product listing agency verifying safety-related certification and inspection of the PEV charging system electrical devices and components.
- g. Manufacturer’s specifications, installation guidelines, and, if applicable, ventilation requirements;
- h. Existing panel rating and proposed charging load and calculations;
- i. If a second electrical meter and dedicated breaker is installed for the purpose measuring only a PEV’s energy use separate from a home or business electric load, the second meter must be labeled as “PEV Charging Only”.
- j. Other information that the Planning Division may require to secure compliance with this Chapter.

**Sec. 8176-9.5 –PEV Charging Station Design Standards**

a. Location – Outdoor Sites

- 1. On-street PEV charging stations are prohibited. Vehicles must be parked outside of the public right-of-way while being charged.
- 2. PEV charging station outlets and connector shall be no less than thirty-six inches or no higher than forty-eight inches from the top of the surface where mounted and shall contain a retraction device or a place to hang cords and connectors above the ground surface, unless the manufacturer instructions for the electrical vehicle supply equipment recommends otherwise.
- 3. When attached to the side of a building, the charging system must be at least three feet from the property line.
- 4. Equipment shall be protected by wheel stops or concrete-filled bollards.
- 5. In no case shall PEV charging station equipment encroach into public right-of-ways. Equipment mounted on pedestals, lighting posts, bollards, or other devices shall be designed and located as to not impede pedestrian travel or create hazards within the right-of-way.

b. Location – Indoor Sites

- 1. Indoor sites shall be limited to garages, parking structures, and agricultural buildings.
- 2. The electrical vehicle supply unit shall be located to permit direct connection to the electric vehicle.
- 3. PEV charging stations shall be stored or located at a height of no less than eighteen inches and no more than four feet unless the manufacturer

instructions for the electrical vehicle supply equipment recommends otherwise.

4. Where the electric vehicle charging equipment requires ventilation for indoor operation, ventilation equipment connected to the outdoors shall be installed and permanently maintained.
- c. Lighting
1. In no case, shall direct light from a PEV charging station illuminate a public street, walkway, or adjacent property in a manner that causes a nuisance, traffic hazard or safety hazard.
  2. Illuminated PEV charging stations are prohibited within 100 feet of environmentally sensitive habitat areas.
- d. Signage. Signage shall be designed in conformance with Article 5 Sec. 8175-5.13 of this Chapter. The following information shall be displayed on PEV charging station signs:
1. Voltage and amperage levels;
  2. Safety information;
  3. Hours of operations if time limits or tow-away provisions are to be enforced by the property owner;
  4. Usage fees;
  5. Contact information for reporting when the equipment is not operating or other problems.
  6. PEV parking spaces must be designated with signage stating "Electric Vehicle Charging Only."

# ARTICLE 7: STANDARDS FOR SPECIFIC ZONES

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## **Sec. 8177-1 – Standards for Coastal Residential Planned Development (CRPD) Zone**

### **Sec. 8177-1.1 - Subzones and Density Standards**

See Sec. 8171-9.2.

### **Sec. 8177-1.2 - General Standards**

The following design criteria shall to *developments* in the CRPD Zone:

- a. In order to develop a CRPD 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.
- b. The parking standards of Article 6 shall apply in the CRPD zone, with the additional provision that a minimum of one visitor parking space for each two *dwelling units*, either on- or off-street, is required.
- 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. Lighting may be required along internal roadways for the safety of pedestrians.

(AM.ORD.4451-12/11/12)

### **Sec. 8177-1.3 - Setback Regulations**

The following regulations, in addition to the standards and exceptions set forth in Article 5, shall apply to the CRPD 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 setback* distances 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.
- f. Detached accessory garages and carports may be constructed alongside 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 CRPD subdivisions involving *townhouse developments*, the *setback* distances shall be measured from the exterior property lines surrounding the project.

(AM.ORD.4451-12/11/12)

**Sec. 8177-1.4 - 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 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. 8177-1.5 - 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 *setback* areas around *dwellings*, except for *side setbacks*, shall be counted toward the 20 percent requirement. (AM.ORD.4451-12/11/12)
- 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 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 ensure 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. 8177-2 – Standards for Coastal Commercial (CC) Zone**

### **Sec. 8177-2.1 - Lighting**

There shall be no illumination or glare from commercial sites onto adjacent properties or streets that may be considered either objectionable by adjacent residents or hazardous to motorists. Flashing lights are prohibited. (AM.ORD.4451-12/11/12)

### **Sec. 8177-2.2 - Undergrounding of Utilities**

All utility lines shall be placed underground by the developer. This requirement may be waived by the *decision-making authority* where it would cause undue hardship or constitute an unreasonable requirement, provided such waiver is not in conflict with California Public Utilities Commission regulations. Appurtenant *structures* and equipment such as surface-mounted transformers, pedestal-mounted terminal boxes and meter cabinets may be placed aboveground.

### **Sec. 8177-2.3 - Enclosed Building Requirement**

All *uses* shall be conducted within a completely enclosed *building* unless the *use* is listed in Article 4 as an outdoor *use*, or one that must be outdoors in order to function. (AM.ORD.4451-12/11/12)

### **Sec. 8177-2.4 - Building Coverage**

No more than 40 percent of the area of any *lot* in the CC zone shall be covered with *buildings*. (AM.ORD.4451-12/11/12)

### **Sec. 8177-2.5 - Construction Materials**

Principal *buildings* constructed of metal are not permitted. Accessory *buildings* constructed of metal shall have exterior surfaces of a stainless steel, aluminum, painted or similar finish.

## **Sec. 8177-3 – Standards for Coastal Industrial (CM) Zone**

### **Sec. 8177-3.1 - Use of Required Setback Areas**

*Setback* areas may be used for driveways, walkways, landscaping and appurtenant fixtures, and similar *uses*. Off-street parking may also be located in required *setback* areas provided it is located at least ten feet from a street property line and separated by the street by appropriate walks, fencing, or landscaping. (AM.ORD.4451-12/11/12)

### **Sec. 8177-3.2 - Undergrounding of Utilities**

All utility lines shall be placed underground by the developer. This requirement may be waived by the *decision-making authority* where it would cause undue hardship or constitute an unreasonable requirement, provided such waiver is not in conflict with California Utilities Commission regulations. Appurtenant *structures* and equipment such as surface-mounted transformers, pedestal-mounted terminal boxes, and meter cabinets may be placed aboveground.

### **Sec. 8177-3.3 - Private Streets**

Private streets may be built as part of an industrial *development*, in accordance with the private street policy adopted by the Board of Supervisors on May 6, 1966, and as may be amended.

### **Sec. 8177-3.4 – Exterior Storage**

All areas used for exterior storage shall be fenced for security and public safety. All materials stored shall be accessory to the *principal use* conducted on the property. (AM.ORD.4451-12/11/12)

### **Sec. 8177-3.5 - Construction Materials**

All metal *buildings* shall be faced along any street side with masonry, stone, concrete, wood, or similar material. Such facing treatment shall extend along the interior *side setbacks* 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 similar finished surface. (AM.ORD.4451-12/11/12)

### **Sec. 8177-3.6 - Performance Standards**

The following standards constitute the minimum permitted levels of operational characteristics for *uses* allowed in the CM zone. The point of measurement shall be at the *lot* or ownership line surrounding the *use*. (AM.ORD.4451-12/11/12)

#### **Sec. 8177-3.6.1 - Noise, Smoke, Dust, Odors, Etc.**

Such forms of pollution shall be limited to levels determined to be appropriate for the area, and shall not be objectionable to surrounding properties.

#### **Sec. 8177-3.6.2 - Hazards**

Land or *buildings* shall not be used or occupied in any manner as to create any dangerous, noxious, injurious or otherwise objectionable fire, explosive or other hazard. All activities involving the *use* or storage of combustible or explosive materials shall comply with nationally recognized safety standards and shall be provided with adequate safety devices against the hazard of fire and explosion, and adequate firefighting and fire suppression equipment in compliance with Ventura County Fire Prevention Regulations.

#### **Sec. 8177-3.6.3 - 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 ground water supply, or interfere with bacterial processes in sewage treatment. The disposal of solid wastes shall not be permitted on the premises.

#### **Sec. 8177-3.6.4 – 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. 8177-3.7 - Compliance**

The *Planning Director* is authorized to require that substantial compliance be carried out for any *use* of land subject to the performance standards of these regulations.

#### **Sec. 8177-3.7.1 - Required Data**

The Director may require the owner or operator of a *use* to submit such data and information needed to make an objective determination of compliance or noncompliance with the standards of this Article. The data may include the following:

- a. A description of any machinery, process, and products;

- b. Measurements of the amount or rate of emission of any possibly objectionable elements;
- c. Methods or techniques that could be used in restricting the emission or generation of such elements. (AM.ORD.4451-12/11/12)

**Sec. 8177-3.7.2 - Failure to Submit Data**

Failure to submit data required by the *Planning Director* within a reasonable amount of time shall constitute grounds for ceasing the processing of any permit request, or for revoking any previously issued entitlements, and requiring a cessation of operations until the violation is remedied.

**Sec. 8177-3.7.3 - Report by Expert Consultants**

During the course of an investigation, the *Planning Director* may require the owner or operator of the *use* in violation to direct an expert consultant or consultants to advise how the *use* in violation can be brought into compliance with the performance standards. Such consultant(s) shall be fully qualified to give the required information and shall be a *person* or firm mutually agreeable to the *Planning Director* and to the owner or operator of the *use* in question. The cost of the consultant's services shall be borne by the owner or operator of said *use*.

**Sec. 8177-3.7.4 - Decision on Compliance**

The *Planning Director* shall report in writing within a reasonable amount of time to the owner or operator of the *use* in violation concerning compliance with the performance standards. The *Planning Director* may require modifications or alterations in the construction or operational procedures to ensure that compliance with the performance standard is maintained. The owner or operator shall be given a reasonable length of time to effect any changes prescribed by the *Planning Director*.

**Sec. 8177-3.7.5 - Revocation of Approvals**

If, after the conclusion of the time granted for compliance with the performance standards, the *Planning Director* finds the violation still in existence, revocation of the permit may proceed.

**Sec. 8177-3.7.6 - Effect of Other Regulations**

Any *use* or process subject to these regulations shall comply with all other authorized governmental standards or regulations that are in effect in Ventura County. More restrictive performance standards or regulations enacted by any authorized governmental agency having jurisdiction in Ventura County on such matters shall take precedence over these regulations. (AM.ORD.4451-12/11/12)

**Sec. 8177-4 – Standards and Procedures for Santa Monica Mountains (M) Overlay Zone**

The standards and procedures found in this Article shall apply to all property in the Santa Monica Mountains whose zoning district carries the (M) suffix [example: COS(M)]. All other pertinent standards in this Chapter shall also apply. (AM.ORD.4451-12/11/12)

**Sec. 8177-4.1 - Development Standards**

The following additional resource protection standards shall apply to *developments* proposed in the Santa Monica Mountains overlay zone (M). (AM.ORD.4451-12/11/12)

**Sec. 8177-4.1.1**

New *development*, including all private and public recreational *uses*, shall preserve all *unique vegetation* such as *Coreopsis gigantea* (giant coreopsis) and *Dudleya cymosa* ssp. *Marcescens* (marcescent dudleya). (AM.ORD.4451-12/11/12)

**Sec. 8177-4.1.2**

All new *upland development* shall be sited and designed to avoid adverse impacts on *environmentally sensitive habitat areas*.

- a. In cases where *environmentally sensitive habitat areas* are located on a project site where the impacts of *development* are mitigated consistent with the LCP Land Use Plan, the County shall assure that all *habitat* areas are permanently maintained in open space through a recorded easement or deed restriction.
- b. When such impacts of *development* would be unavoidable, the County shall ascertain within the specified project review period whether any public agency or nonprofit organization, including the National Park Service, Coastal Conservancy, the Santa Monica Mountains Conservancy, State Department of Parks and Recreation, County Property Administration Agency, and Trust for Public Lands, is planning or contemplating acquisition of any portion of the subject property to preserve it in open space. The permit may not be approved if such agency or organization has been specifically authorized to acquire any portion of the property that would be affected by the proposed *development* and funds for the acquisition are available or could reasonably be expected to be available within one year of the date of application for the permit. If the permit is denied for such reasons and the property has not been acquired by such agency or organization within a reasonable time, a permit may not be denied again for the same reasons.

(AM.ORD.4451-12/11/12)

**Sec. 8177-4.1.3**

Construction and/or improvements of driveways or accessways that would increase *access* to any property shall be permitted only when it has been determined that environmental resources in the area will not be adversely impacted by the increased *access*. Grading cuts shall be minimized by combining the accessways of adjacent property owners to a single road where possible. The intent is to reduce the number of direct ingress-egress points from *public roads* and to reduce grading. At *stream* crossings, driveway *access* for nearby residences shall be combined. Hillside roads and driveways shall be as narrow as is *feasible* and shall follow natural contours. (AM.ORD.4451-12/11/12)

**Sec. 8177-4.1.4**

All proposals for land divisions in the Santa Monica Mountains shall be evaluated to assure that any future *development* will be consistent with the *development* policies contained in the LCP Land Use Plan. Where potential *development* cannot occur consistent with the LCP, the request for division shall be denied. Environmental assessments shall accompany tentative map applications and shall evaluate the ecological resources within and adjacent to the site and the consistency of the proposed division and *development* with the standards of the LCP. In addition, the following shall apply:

- a. Future *building envelopes* shall be identified on all applications and on the final subdivision map.
- b. All identified *environmentally sensitive habitat areas* and/or *slopes* over 30 percent shall be permanently maintained in their natural state through an easement or deed restriction that shall be recorded on the final map, or on a grant deed as a deed restriction submitted with the final map. *Development* shall not be permitted in areas over 30 percent *slope*.
- c. All offers of dedication for trail easements shall be recorded on the final map. Trail easements established by deed restriction shall be recorded on the deed no later than final map recordation.

(AM.ORD.4451-12/11/12)

**Sec. 8177-4.1.5**

New *development* shall be sited and designed to protect public views to and from the shoreline and public *recreational areas*. Where *feasible*, *development* on sloped terrain shall be set below road *grade*. (AM.ORD.4451-12/11/12)

**Sec. 8177-4.1.6**

*Development* shall not be sited on ridgelines or hilltops when alternative sites on the *parcel* are available, and shall not be sited on the crest of major ridgelines. (AM.ORD.4451-12/11/12)

**Sec. 8177-4.1.7**

Except within the existing South Coast community, as shown on the south coast subarea Land Use Plan map, all *development* proposals located within 1000 feet of publicly owned park lands shall be sited and designed to mitigate potential adverse visual impacts upon park lands. Appropriate mitigation measures include additional landscaping, *use* of natural materials, low *building* profiles, earth tone colors, and the like. *Development* shall not be sited within 500 feet of a park boundary unless no alternative siting on the property is possible consistent with the policies of the Plan. (AM.ORD.4451-12/11/12)

**Sec. 8177-4.1.8**

*Development* shall neither preclude continued *use* of, nor preempt, the option of establishing inland recreational trails along routes depicted on the LCP Land Use Plan maps. A recorded offer of dedication or a deed restriction creating a trail easement shall be required as a condition of approval on property crossed by trails shown on the LCP Land Use Plan maps. (AM.ORD.4451-12/11/12)

**Sec. 8177-4.1.9**

All new trail corridors shall be a minimum of 25 feet in width, with a larger corridor width for major feeder trails. The routing of trails shall be flexible in order to maintain an adequate buffer from adjacent *development*. Where *feasible*, *development* shall be sited sufficiently distant from the trail so as not to interfere with the trail route. (AM.ORD.4451-12/11/12)

**Sec. 8177-4.1.10**

Before a permit for *development* of any *lot* is approved, the suitability of that *lot* for public recreational *use* shall be evaluated within the specified project review period by the County in consultation with the State Department of Parks and Recreation and the National Park Service. If the County determines that the property may be suitable for such *use*, the County shall ascertain whether any public agency or nonprofit organization (see Sec. 8177-4.1.2b for examples) is planning or contemplating acquisition of any part of the subject property, or whether such agencies are specifically authorized to acquire any portion of the

property that would be affected by the proposed *development*, or whether funds for the acquisition are available or could reasonably be expected to be available within one year from the date of application for permit. If a permit has been denied for such reasons and the property has not been acquired by such agency or organization within a reasonable time, a permit may not be denied again for the same reasons.

(AM.ORD.4451-12/11/12)

**Sec. 8177-4.1.11**

Any areas within the Santa Monica Mountains used for private recreational purposes shall continue to be so used unless it becomes unfeasible to do so. These properties are subject to the following:

- a. The only *principally-permitted uses* (not appealable to the Coastal Commission) on such properties are recreational *uses*. Planned Development Permits for new recreational *uses*, or the expansion of existing recreational *uses*, may be issued by the *Planning Director* in accordance with Article 11. Permits for all other *uses* shall be decided upon in accordance with Articles 4 and 11, and all other applicable provisions of this Chapter and the certified LCP Land Use Plan.
- b. Prior to the granting of a permit that allows a conversion of recreational *uses* to non-recreation *uses*, Sec. 8177-4.1.10 shall be followed.

(AM.ORD.4451-12/11/12)

# **ARTICLE 8: GENERAL DEVELOPMENT STANDARDS/CONDITIONS – RESOURCE PROTECTION**

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## **Sec. 8178-1 – Purpose**

The purpose of this Article is to provide *development* standards and conditions necessary for the protection of environmental and other resources in the *Coastal zone*. This Article must be used in conjunction with any specific *development* standards found in Articles 5, 6, and 7, and with all provisions and policies of the LCP Land Use Plan, to determine all the standards and conditions for a proposed *development*.

## **Sec. 8178-2 – Environmentally Sensitive Habitat Areas (ESHA)**

The provisions of this section apply to all areas of the County's *Coastal Zone* that fall within the definition of "*environmentally sensitive habitat areas*," or within the designated *buffer areas* around such habitats. (AM.ORD.4451-12/11/12)

### **Sec. 8178-2.1 - Permitted Uses**

See Sec. 8174-4 for *uses* permitted within *environmentally sensitive habitat areas* and *buffer areas*. (AM.ORD.4451-12/11/12)

### **Sec. 8178-2.2 - Identification of Environmentally Sensitive Habitat Areas (ESHA)**

If a new ESHA is identified by the County on a *lot* or *lots* during application review, the provisions of this Article shall apply. The County shall periodically review and update its maps pertaining to *environmentally sensitive habitat areas* in the *coastal zone*. (AM.ORD.4451-12/11/12)

### **Sec. 8178-2.3 - Recreational Projects**

The applicant of a proposed recreational facility in *environmentally sensitive habitat areas* or *buffer areas* shall develop a management program to control the kinds, intensities, and locations of *uses* to preserve *habitat* resources to the maximum extent *feasible*. This program shall be a part of *development* approval.

### **Sec. 8178-2.4 - Specific Standards**

The following specific standards shall apply to the types of *habitats* listed.

- a. Coastal Dunes - Activities leading to degradation, *erosion* or destruction of coastal dunes are not permitted. This includes, but is not limited to, *use* by off-road vehicles, sand mining, filling, or dumping.
- b. Tidepools and Beaches
  1. Placement of any *fill* or dredged material along beach intertidal areas shall be carried out in consultation with the State Department of Fish and Game, in order to ensure that the timing and location of such activities does not disrupt the life cycles of intertidal or sandy beach species.
  2. An applicant for any *coastal development*, including *shoreline protective devices*, must show that the proposal will not cause long-term adverse impacts on beach or intertidal areas. Impacts include, but are not limited to, destruction of the rocky substrate, smothering of organisms, contamination from improperly treated wastewater or oil, and *runoff* from streets and

parking areas. Findings to be made shall include proper wastewater disposal.

c. Creek Corridors

1. All *developments* on land either in a *stream* or creek corridor or within 100 feet of such corridor (*buffer area*), shall be sited and designed to prevent impacts that would significantly degrade *riparian habitats*, and shall be compatible with the continuance of such *habitats*. (AM.ORD.4451-12/11/12)
2. Substantial alterations (channelizations, dams, etc.) to river, *stream*, or creek corridors are limited to: water supply projects necessary to agricultural operations or to serve *developments* permitted by the LCP Land Use Plan designations; flood control projects where no other method for protecting existing *structures* in the flood plain is *feasible*, and where such protection is necessary for public safety or to protect existing *development*; or *developments* where the primary function is the improvement of fish and wildlife *habitat*.
3. *Developments* allowed per the above policies shall incorporate the best mitigation measures *feasible*.

d. Wetlands

1. All *developments* on land either in a designated *wetland*, or within 100 feet of such designation, shall be sited and designed to prevent impacts that would significantly degrade the viability of the *wetland*. The purposes of such projects shall be limited to those in Section 30233(a) of the Coastal Act. (AM.ORD.4451-12/11/12)
2. Where any dike or *fill development* is permitted in *wetlands*, mitigation measures shall, at a minimum, include those listed in Section 30607.1 of the Coastal Act. Other reasonable measures shall also be required as determined by the County to carry out the provisions of Sections 30233(b and c) of the Coastal Act.
3. *Habitat* mitigation shall include, but not be limited to, timing of the project to avoid disruption of breeding and/or nesting of birds and fishes, minimal removal of *native vegetation*, reclamation or enhancement as specified in the California Coastal Commission "Interpretive Guidelines for Wetlands" and a plan for spoils consistent with paragraph (4) below. The Department of Fish and Game, as well as other appropriate agencies, shall be consulted as to appropriate mitigation measures.
4. Dredge spoils should not be used for beach replenishment unless it can be shown that the process would not adversely impact coastal processes or *habitats*, such as intertidal reefs, grunion spawning grounds, or marsh. The California Department of Fish and Game, as well as other appropriate agencies, must be consulted when spoils deposition on a beach is under consideration.

## **Sec. 8178-3 – Archaeological and Paleontological Resources**

### **Sections:**

- 8178-3.0 Archaeological and Paleontological Resources
- 8178-3.1 Archeological Resources
  - 8178-3.1.2 Methodology
  - 8178-3.1.3 Monitoring
  - 8178-3.1.4 Mitigation

- 8178-3.2 Paleontological Resources
- 8178-3.2.1 Applicability
- 8178-3.2.2 Methodology
- 8178-3.2.3 Monitoring
- 8178-3.2.4 Mitigation

### **Sec. 8178-3.1 - Archaeological Resources**

The purpose of this section is to protect *archaeological resources* in the coastal zone.

#### **Sec. 8178-3.1.1 - Applicability**

The following standards shall apply to all proposed development in order to protect *archaeological resources* that can be disturbed by human activities. Development that does not have the potential to affect *archeological resources*, does not require further review.

#### **Sec. 8178-3.1.2 – Methodology**

##### **Sec. 8178-3.1.2.1 – Initial Evaluation**

- a. The Planning Division shall conduct a search of County records to determine if areas proposed to be disturbed, including but not limited to all building envelopes, access roads, subsurface structures, well sites, trenching sites, or other ground disturbance sites), have undergone a Phase I Inventory in accordance with Sec. 8178-3.1.2.2 (below).
- b. If a Phase I Inventory was conducted for the area proposed for development, the findings and recommendations shall be reviewed by the Planning Division to verify that all areas proposed for development were included in the Phase I Inventory.
- c. If the project area is undeveloped and no archaeological survey has been conducted, or portions of the project site were not included in a previous Phase I Inventory, the Planning Division shall contact the South Central Coast Information Center at Cal State Fullerton (SCCIC) to determine if a Phase I Inventory will be required.

##### **Sec. 8178-3.1.2.2 – Phase I Inventory**

- a. A Phase I Inventory shall be prepared by a *Qualified Archaeological Consultant* and shall include a record search, Sacred Lands File search, and a surface survey as follows:
  1. A record search shall procure information from the SCCIC or Regional Historical Resources Information Center and shall determine the following:
    - Whether a part or all of the project area was previously surveyed for *archaeological resources*;
    - Whether any known *archaeological resources* were already recorded on or adjacent to the project area; and,
    - Whether the probability is low, moderate, or high that *archaeological resources* are located within the project area.
  2. A Sacred Lands File search shall be requested from the Native American Heritage Commission to determine the presence of Native American *archaeological resources* and to obtain the most recent list of Native American individuals/organizations that may have knowledge of *archaeological resources* in the project area.

3. A surface survey shall be performed to determine the presence or absence of *archaeological resources*. The qualified archaeological consultant, in consultation with the Planning Division, shall determine if a subsurface analysis should be performed. Subsurface exploration techniques shall be limited to hand excavations, shovel test pits, or trenches that do not require a grading permit and will not result in substantial disturbance of environmentally sensitive habitat areas.
- b. The Phase I Inventory Report shall include:
1. An overview of the archaeological context within which to evaluate the type, nature and significance of prehistoric resources (i.e. material remains of Native American societies and their activities) or ethnohistoric resources (i.e. Native American settlements occupied after the arrival of European settlers in California) that may be encountered in the project area;
  2. An historical context to determine if any *archaeological resources* meet the criteria for an *historic resource* pursuant to Sec. 8178-3.1.2.3;
  3. A description of how the surface survey was conducted;
  4. An assessment identifying the importance or absence of subsurface *archaeological resources* and any potential direct or indirect effects from the proposed development on *archaeological resources*;
  5. Resource management recommendations;
  6. Copies of the records search; and
  7. Official state forms (i.e. Building, Structure and Object (BSO) Record, Archaeological Site Record and/or District Record) if *archaeological resources* are encountered.

A copy of the Phase I Inventory shall be reviewed and approved by the Planning Director and filed with the South Central Coastal Information Center (California State University Fullerton) or Regional Historical Resources Information Center.

- c. Where, as a result of the Phase I Inventory, the *Qualified Archaeological Consultant* determines, with the approval of the Planning Director, that the potential for encountering *archaeological resources* is low, no further analysis is required. However, the project will be conditioned that in the event of an unanticipated discovery, construction shall be halted in the area of the find and the permittee shall contact the Planning Director, the *qualified archaeological consultant* and the State Historic Preservation Officer to assess the significance and treatment options.
- d. Following the submittal of a Phase I Inventory, and within 14 days of deeming the application complete, the Planning Division shall notify the designated contact or tribal representative of traditionally and culturally affiliated California Native American tribes that requested, in writing, to be notified of proposed projects in the geographic area with which the tribe is traditionally and culturally affiliated.
  1. The Planning Division shall provide written notification that includes a brief description of the proposed project and its location, the assigned case planner's contact information, and a notification that

the California Native American tribe has 30 days to request a consultation.

2. Mandatory topics of the consultation include significance of the resource, alternatives to the project, and recommended mitigation measures.
3. Environmental issues and possible mitigation measures identified during the consultation will be considered in determining the scope of environmental review.

**Sec. 8178-3.1.2.3 – Archaeological Resources Determined to be Historic Resources**

- a. Where, as a result of the Phase I Inventory, the, *Qualified Archaeological Consultant* determines, with the approval of the Planning Director, the archaeological site is also an *historic resource*, the Planning Director, in consultation with the *Qualified Archaeological Consultant*, the Ventura County Cultural Heritage Board, and the State Historic Preservation Officer, shall develop a plan for mitigating the effect of the project on the qualities that make the resource significant consistent with the criteria for mitigation in Sec. 8178-3.1.4, with an emphasis on avoiding impacts to the resource and preserving it in place.
- b. Where the, *Qualified Archaeological Consultant* determines, with the approval of the Planning Director, the archaeological site does not meet the criteria for an *historic resource* as defined in Article 2 but does meet the definition of *archaeological resource*, the *Qualified Archaeological Consultant's* recommendations, with the approval of the Planning Director, shall determine the subsequent course of action.

**Sec. 8178-3.1.2.4 – Phase II Evaluation**

- a. Where the approved Phase I Report identifies a moderate to high potential for encountering significant *archaeological resources* in the project area, a Phase II Evaluation of *archaeological resources* shall be required.
- b. Notwithstanding the foregoing, the Planning Director may waive the preparation of a Phase II Evaluation if all of the following conditions are met:
  1. Based upon substantial evidence, the Planning Director determines that although the Phase I Inventory indicates the presence of prehistoric or ethnohistoric resources are present, it is unlikely that the project site will contain *archaeological resources* (as for example, where the site is in an area of low density of artifacts or other remains, the suspected amount of the site deposit to be disturbed is small, or where it appears the artifacts or other remains have been historically redeposited);
  2. Project applicant provides monitoring of all excavation and trenching by an *Archaeologist*, *Qualified Consultant* and qualified Native American monitor, chosen in consultation with the Native American Heritage Commission if the resource is significant to Chumash or Native American prehistory or history; and
  3. A *Qualified Archaeological Consultant* prepares a Construction Monitoring Plan that includes the following:

- Procedures for archaeological and Native American monitoring of all earth-moving activities related to project construction;
  - An action plan for treating discoveries of archeological resources including sampling procedures to be used, data recovery methods to be employed, and the anticipated approach to post-field data analysis and reporting.
- c. If a Phase II Evaluation is required, the applicant in consultation with the *Qualified Archaeological Consultant*, shall provide a written scope of work that details the recording, mapping, and collection procedures, time frames and cost. Prior to initiating the Phase II Evaluation pursuant to Sec. 8178-3.1.2.4, the Planning Director shall review and approve the scope of work.
- d. During the Phase II Evaluation, the *Qualified Archaeological Consultant* shall recover sufficient samples to allow the formulation of more complete interpretations regarding the spatial disposition of artifacts across the site, as well as the likely age and function of discreet components or activity areas within the site. The evaluation shall consist of the following:
1. Subsurface exploration techniques including hand and/or auger excavations, and shovel test pits or trenches, as determined by the *Qualified Archaeological Consultant*;
  2. A delineation of the site boundaries of the *archaeological resources*;
  3. A detailed analysis of the material recovered; and
  4. An assessment of resource integrity.
- e. Earth disturbing activities associated with the Phase II Evaluation shall be confined to the direct area of the project's potential effects except when otherwise indicated in the approved scope of work.
- f. Prior to approval of a Planned Development Permit for the project, a final Phase II Evaluation report with recommendations of impact mitigation shall be submitted to the Planning Director for review and approval and shall be filed with the South Central Coastal Information Center (California State University Fullerton) or Regional Historical Resources Information Center.

**Sec. 8178-3.1.2.5 – Phase III Mitigation**

- a. Where as a result of the Phase II Evaluation the *Qualified Archaeological Consultant* determines that the project may adversely affect *archaeological resources* that yield or have the potential to yield significant information regarding prehistory or history only with archaeological methods, and therefore data recovery necessary for cultural and scientific discovery would serve as the primary mitigation method, with the approval of the Planning Director, a Phase III archaeological mitigation plan for the treatment of impacted archaeological resources shall be prepared.
- b. Where the *Qualified Archaeological Consultant* determines that the project may adversely affect archaeological resources other than those that have the potential to yield significant information regarding history or prehistory, with the approval of the Planning Director, the project shall be subject to the mitigation criteria in Sec. 8178-3.1.4. The Phase

III archaeological mitigation plan shall be prepared by the *Qualified Archaeological Consultant* and shall include a Data Recovery Plan that proposes how the archaeological excavation will be carried out, and shall require the preparation of a Data Recovery Report summarizing the results of the archaeological excavation(s).

- c. Excavations shall be confined to the direct area of the project's potential effects except when otherwise indicated in a Data Recovery Plan. The Data Recovery Plan shall include but not be limited to the following:
  - 1. The nature and purpose of the Data Recovery Plan, dates of the fieldwork, names, titles, and qualifications of personnel involved, and nature of any permits or permission obtained;
  - 2. The level of excavation needed;
  - 3. The analytical protocols for the data;
  - 4. Detailed notes, photographs, and drawings of all excavations and soil samples; and
  - 5. The location of where archaeological resources will be curated.
- d. The Data Recovery Plan shall be submitted with the permit application, shall be reviewed for adequacy by the Planning Director, and shall be subject to approval as part of the permit application for the development. A follow-up Data Recovery Report shall be submitted to the Planning Division following the archaeological excavation detailing the implementation of the Data Recovery Plan and recovery measures that were performed, including the integrity of the site deposits and any other information, as necessary.

**Sec. 8178-3.1.3 - Monitoring**

- a. Where as a result of the Phase I Inventory and/or Phase II Evaluation, the *Qualified Archaeological Consultant* recommends archaeological monitoring to occur during earth moving activities related to project construction, with the approval of the Planning Director, the *Qualified Archaeological Consultant* retained by the permittee shall select a qualified archaeological monitor and, if the resource is significant to Chumash or Native American prehistory or history, a Native American monitor shall be retained in consultation with the Native American Heritage Commission to be used for that site only.
- b. If any *archaeological resources* are found in the course of excavation or trenching, work shall immediately cease in the area of the find. Work shall be redirected, where feasible, until the *Qualified Archaeological Consultant* can provide an evaluation of the nature and significance of the resources and recommend appropriate mitigation measures. The Planning Director shall review and approve additional mitigation measures, as recommended, where such measures are in substantial conformance with the approved permit. The permittee shall obtain the Planning Director's written concurrence of the approved recommendations before resuming construction activities. Where mitigation measures comprise additional development that is not substantially in conformance with the approved permit, a new permit or permit modification shall be required.
- c. If human remains are encountered, no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the County Medical Examiner has been contacted.

- d. If the County Medical Examiner determines that the human remains are those of a Native American, or has reason to believe that they are those of a Native American, he or she shall contact the Native American Heritage Commission by telephone within 24 hours.
- e. Upon the discovery of Native American remains, the permittee shall ensure that the immediate vicinity is not damaged or disturbed by further development activity until the permittee has discussed and conferred with the most likely descendants regarding the descendants' preferences and all reasonable options for treatment and disposition of the remains, in accordance with Public Resources Code section 5097.98.
- f. Whenever the Native American Heritage Commission is unable to identify a descendant, or the descendants identified fail to make a recommendation, or the landowner or his or her authorized representative rejects the recommendation of the descendants and the mediation provided for in subdivision (k) of Public Resources Code section 5097.94, if invoked, fails to provide measures acceptable to the landowner, the landowner or his or her authorized representative shall reinter the human remains and items associated with Native American human remains with appropriate dignity on the property in a location not subject to further and future subsurface disturbance. To protect the sites, the landowner shall record the site with the Native American Heritage Commission, South Central Coastal Information Center (California State University Fullerton) and/or Regional Historical Resources Information Center.

**Sec. 8178-3.1.4 – Mitigation**

Where new development may adversely impact *archaeological resources*, mitigation shall be required. Mitigation measures subject to the review and approval of the Planning Division shall be prepared by a *Qualified Archaeological Consultant* to minimize impacts to archaeological resources to the maximum extent feasible, in consultation with Native American tribal groups approved by the Native American Heritage Commission for the area, and the State Historic Preservation Officer, and consistent with the following mitigation criteria.

- a. The following mitigation measures to reduce impacts to *archaeological resources* shall be undertaken in the following order:
  - 1. Except as allowed pursuant to Sec. 8178-3.1.2.5, preserve the resources in place or in an undisturbed state using the following methods:
    - i. Planning construction to avoid archaeological sites;
    - ii. Planning parks, green space, or other open space to incorporate archaeological sites;
    - iii. Capping or covering archaeological sites only when avoidance is not possible and with a sufficiently thick protective layer of soil before building tennis courts, parking lots or other paved surfaces;
    - iv. Protecting archaeological sites pursuant to easements or other legal instruments recorded with the Office of Ventura County Recorder in the property's chain of title.
  - 2. Where in-situ preservation is not feasible, or where specifically allowed pursuant to Sec. 8178-3.1.2.5, partial or total recovery of *archaeological resources* shall be conducted pursuant to the recommendations included in the Phase I and II reports approved by the Planning Director.

3. Other mitigation measures, as appropriate.

**Sec. 8178-3.2 - Paleontological Resources**

The purpose of this section is to protect important paleontological resources in the coastal zone.

**Sec. 8178-3.2.1 - Applicability**

The following standards shall apply to all proposed development in order to protect important *paleontological resources* that may be damaged or destroyed by the proposed development.

**Sec. 8178-3.2.2 - Methodology**

a. The Planning Division shall perform a preliminary assessment of the proposed project and all areas that will be disturbed and the depth of disturbance. As part of the assessment, the geologic formation in which the project shall be located, and its relative paleontological importance, shall be identified using the following table:

**Table 1**

<b>GEOLOGIC FORMATION</b>	<b>TYPE</b>	<b>GEOLOGIC AGE</b>	<b>PALEONTOLOGICAL IMPORTANCE</b>
<i>Artificial fill</i>	af	Holocene	None
Active beach deposits	Qb	Holocene	None. Deposits displaced or disrupted
Active coastal eolian (sand dune) deposits	Qe	Holocene	
Active coastal estuarine deposits	Qes	Holocene	
Active wash deposits within major river channels	Qw	Holocene	
Wash deposits	Qhw1/ Qhw3	Holocene	None. Deposits disrupted or displaced
Alluvial fan deposits	Qhfy/ Qhf/Qhff	Holocene	None. Deposits displaced or disrupted
Alluvial deposits and colluvial deposits	Qha	Holocene	
Stream terrace deposits	Qht	Holocene	None. Deposits displaced or disrupted
Paralic deposits of the Sea Cliff marine terrace	Qhps	Holocene	Moderate
Landslides deposits	Qls	Holocene/ Pleistocene	None Deposits displaced or disrupted
Paralic deposits of Punta Gorda marine terrace	Qppp	Pleistocene	Moderate
Undivided mass-wasting deposits	Qpmw	Pleistocene	None Deposits displaced or disrupted
Alluvial deposits	Qpa	Pleistocene	Moderate
Alluvial deposits	Qoa	Pleistocene	None. Deposits displaced or disrupted
Casitas formation	Qca	Pleistocene	Moderate
Saugus Formation	Qs	Pleistocene	High

<b>GEOLOGIC FORMATION</b>	<b>TYPE</b>	<b>GEOLOGIC AGE</b>	<b>PALEONTOLOGICAL IMPORTANCE</b>
Las Posas Formation	Qlp	Pleistocene	Moderate to High
Santa Barbara Formation	Qsb	Pleistocene	Moderate to High
Pico Formation	Tp/Tps/ Tpsc	Pliocene	Moderate to High
Sisquoc Formation	Tsq	Pliocene/ Miocene	Moderate
Undivided diabase and mafic hypabyssal intrusive rocks	Tdb	Miocene	None
Monterey Formation	Tmy	Miocene	Moderate
Topanga Formation	Tt/Tts	Miocene	Moderate
Conejo Volcanics	Tcv, Tcvab, Tdb	Miocene	None
Vaqueros Sandstone	Tv/Tvs	Oligocene	Moderate to High

**Table 1 Legend - Paleontological Importance:**

Bureau of Land Management Paleontological Classifications:

Paleontological Resource, High – Geologic units containing a high occurrence of scientifically significant fossils known to occur and have been documented, but may vary in occurrence and predictability. Surface disturbing activities may adversely affect these paleontological resources in many cases.

Paleontological Resource, Moderate – Geologic units may contain vertebrate fossils or scientifically significant non-vertebrate fossils, but where occurrences are widely scattered. The potential for a project to be sited on or impact a scientifically significant fossil locality is low; however the potential still exists.

Paleontological Resource, Low – Geologic units that are not likely to contain vertebrate fossils or scientifically significant non-vertebrate fossils. Units are generally younger than 10,000 years before present in sediments that exhibit significant physical and chemical changes. The probability for impacting vertebrate or non-vertebrate or plant fossils is low.

Paleontological Resource, None – No potential for geologic units to contain vertebrate fossils because the formation is Conejo volcanics, granite or basalt, or the area that will be disturbed is imported or *artificial fill*.

- b. The Planning Division shall utilize the results of its preliminary assessment as follows:
  1. No further assessment is required for the following areas unless important *paleontological resources* are discovered during earth moving activities:
    - The proposed development is located on *artificial fill*, igneous or metamorphic rock.
    - If the underlying geologic formation is located in an area of Quaternary Deposits (*alluvium*), Holocene and Pleistocene epochs, and has an importance rating of Low or None.
  2. An assessment of the proposed development, which shall be conducted by a *qualified paleontological consultant* or registered geologist, shall be

required for the following:

- If the underlying geologic formation is located in an area of Quaternary Deposits (*alluvium*), Holocene and Pleistocene epochs, and has an importance rating of Moderate, Moderate to High, or High.
- If the underlying geologic formation is located within the Tertiary geologic period, Pliocene, Miocene, Oligocene epochs.

The assessment shall include literature and archival reviews at the appropriate museum (Natural History Museum of Los Angeles County or other curating facility), consultations with geologists and paleontologists knowledgeable about the paleontological potential of rock units present in the vicinity of the proposed project, and a field survey of the areas where earth-moving activities such as grading, trenching, drilling, tunneling, and boring are proposed.

3. If the assessment determines that there is a potential for important paleontological resources to be buried at a depth beneath *alluvium* or *artificial fill* that will not be disturbed by earth-moving activities, documentation from a qualified paleontologist or registered geologist shall be submitted demonstrating that the project will have no impact on paleontological resources.
4. Where as a result of the assessment, the *qualified paleontological consultant*, with approval by the Planning Director, determines proposed earth-moving activities have the potential to disturb important paleontological resources, the *qualified paleontological consultant* shall prepare a Paleontological Resources Monitoring and Mitigation Plan (PRMMP) that includes:
  - Documentation of the location of recorded fossil sites within the area of proposed development;
  - Documentation of other stratigraphic levels, as determined necessary by the paleontological consultant or registered geologist;
  - Verification or modification of the level of paleontological importance assigned to each formation within the area of proposed development;
  - Identification of any potential adverse effects from the proposed development on important paleontological resources;
  - Evaluation of all mitigation opportunities pursuant to Sec. 8178-3.2.4, including siting and design alternatives to avoid impacting the resources;
  - Identification of alternatives where there is a potential to impact important paleontological resources; and
  - Procedures for preconstruction coordination including informing construction personnel of the possibility of encountering fossils, how to recognize paleontological resources, and proper notification procedures, discovery procedures, and where approved, sampling and data recovery, cataloguing, and museum curation for specimens and data recovered.
5. The documentation or PRMMP shall be reviewed for adequacy by the Planning Director and shall be subject to approval as part of the permit

application for the development.

6. For those projects requiring a PRMMP, after all earth-moving activities are completed, a final report shall be submitted to the Planning Director for approval. The final report shall include but not be limited to the following:
  - Documentation of the location of any paleontological resources identified during earthmoving activities;
  - Description of the paleontological importance;
  - The curation location; and
  - Documentation of the monitoring activities.
7. The *qualified paleontological consultant* shall inform the Ventura County Cultural Heritage Board of important paleontological resource discoveries.

#### **Sec. 8178-3.2.3 – Monitoring**

- a. Where earth-moving activities may impact important *paleontological resources*, a paleontological monitor must be present during earth-moving activities. After 50 percent of excavations are complete in either an area or rock unit and no fossils of any kind have been discovered, the level of monitoring can be reduced or suspended entirely subject to written approval of the Planning Director where specifically allowed in the approved permit conditions.
- b. If fossil remains are found during earth moving activities, the earth moving activities must halt and the *qualified paleontological consultant* shall be notified to assess the site and determine further mitigation measures, as appropriate. The Planning Director shall review and approve additional mitigation as recommended where such measures are in substantial conformance with the approved permit. The permittee shall obtain the Planning Director's written concurrence of the approved recommendations before resuming earth moving activities. Where mitigation measures comprise additional development that is not substantially in conformance with the approved permit, a new permit or permit modification shall be required.

#### **Sec. 8178-3.2.4 – Mitigation**

Where earth-moving or other development activities may adversely affect *important paleontological resources*, mitigation shall be required. Mitigation measures subject to the review and approval of the Planning Division shall be prepared by a *qualified paleontological consultant* or registered geologist to minimize impacts to important paleontological resources to the maximum extent feasible and consistent with the following mitigation criteria. Mitigation measures shall be subject to approval as part of the discretionary permit application.

- a. The following mitigation measures to reduce impacts to *important paleontological resources* shall be undertaken in the following order:
  - i. Planning construction to avoid paleontological sites;
  - ii. Protecting significant paleontological areas pursuant to easements or other legal instruments recorded with the Office of Ventura County Recorder in the property's chain of title.

- b. Where in-situ preservation is not feasible, partial or total recovery of paleontological resources shall be conducted pursuant to the recommendations included in the approved PRMMP pursuant to Sec. 8178-3.2.2.b.
- c. Other mitigation measures, as appropriate.

## **Sec. 8178-4 – Mitigation of Potential Hazards**

### **Sec. 8178-4.1**

All new *development* shall be evaluated for potential impacts to, and from, geologic hazards (including seismic hazards, landslides, expansive soils, subsidence, etc.), flood hazards and fire hazards. New *development* shall be sited and designed to minimize risks to life and property in areas such as floodplains, blufftops, 20% or greater *slopes*, or shorelines, where such hazards may exist. New *development* shall be sited and designed so as not to cause or contribute to flood hazards, or lead to the expenditure of public funds for flood control works. *Feasible* mitigation measures shall be required where necessary.

### **Sec. 8178-4.2**

If the available data indicates that a new *development* as proposed will not assure stability and structural integrity and minimize risks to life and property in areas of potential hazards, or will create or contribute significantly to *erosion* or geologic instability, then the County shall require the preparation of an engineering geology report at the applicant's expense. Such report shall be in accordance with all applicable provisions of this ordinance and of the Coastal Area Plan policies, and shall include *feasible* mitigation measures that will be used in the proposed *development*, as well as the following applicable information to satisfy the standards of Sec. 8178-4.1:

- a. Bluff top and 20% or Greater Slope Development - For these areas, the County may require the following information:
  - 1. Cliff geometry and site topography, extending the surveying work beyond the site as needed to depict unusual geomorphic conditions that might affect the site;
  - 2. Historic, current and foreseeable cliff *erosion* data, including an investigation of recorded land surveys and tax assessment records in addition to the *use* of historic maps and photographs, where available, and possible changes in shore configuration and sand transport;
  - 3. Geologic conditions, including soils, sediment and rock types and characteristics, in addition to structural features, such as bedding, joints, and faults;
  - 4. Evidence of past or potential landslide conditions, the implications of such conditions for the proposed *development*, and the potential effects of the *development* on landslide activity;
  - 5. Impact of construction activity on the stability of the site and adjacent area;
  - 6. Ground and surface water conditions and variations, including hydrologic changes caused by the *development* (i.e., introduction of sewage effluent and irrigation water to the ground water system; alterations in surface drainage);
  - 7. Potential erodibility of site;

8. Effects of marine *erosion* on seacliffs;
9. Potential effects of seismic forces resulting from a maximum credible earthquake;
10. Any other factors that might affect *slope* stability.

(AM.ORD.4451-12/11/12)

- b. *Shoreline Protective Devices* - See Sec. 8175-5.12.

### **Sec. 8178-4.3**

*Structures* for human habitation (regularly, habitually, or primarily occupied by humans) shall be set back a minimum of 50 feet from an active fault. This *setback* may be increased when geologic conditions warrant.

## **Sec. 8178-5 – Agricultural Lands**

To maintain agricultural viability, the following standards must be met, or be capable of being met with appropriate conditions and limitations. These standards apply to all *developments*, including land divisions, either in or adjacent to agricultural areas. The applicant shall have the burden of proving these standards can be met:

- a. The establishment or maintenance of the *use* or *development* will not significantly reduce, restrict or adversely affect agricultural resources or the economic viability of commercial agricultural operations on-site or in the area.
- b. All *structures* will be sited to minimize conflicts with agricultural operations.
- c. The minimum amount of agricultural land shall be removed from production.

## **Sec. 8178-6 – Beach Access**

The following conditions shall apply to all proposed *developments* located between the first *public road* and the ocean:

### **Sec. 8178-6.1**

The granting of an easement to allow *vertical access* to the *mean high tide line* shall be mandatory unless:

- a. Adequate public *access* is already available within a reasonable distance (one-quarter mile) of the site measured along the shoreline, or
- b. *Access* at the site would result in unmitigable adverse impacts on areas designated as "sensitive habitats" or tidepools by the land *use* plan, or
- c. Findings are made, consistent with Section 30121 of the Coastal Act, that *access* is inconsistent with public safety or military security needs, or that *agriculture* would be adversely affected, or
- d. The *parcel* is too narrow to allow for an adequate *vertical access* corridor without adversely affecting the privacy of the property owner. This shall mean that the possibility does not exist to site the accessway five feet or more from the residential *structure* and that the *structure* cannot be redesigned to accommodate the accessway with the five-foot separation.

### **Sec. 8178-6.2**

The granting of lateral easements to allow for public *access* along the shoreline shall be mandatory unless findings are made, consistent with Section 30212 of the Coastal Act, that *access* is inconsistent with public safety or military security needs, or that *agriculture* would be adversely affected. In coastal areas where the bluffs

exceed five feet in *height*, all beach seaward of the base of the bluff shall be dedicated for public *use*. In coastal areas where the bluffs are less than five feet, the area to be dedicated shall be determined by the County. At a minimum, the dedicated easement shall be adequate to allow for *lateral access* during periods of high tide. In no case shall the dedicated easement be required to be closer than 10 feet to a residential *structure*. In addition, all *fences*, "no trespassing" *signs* and other obstructions that may limit public *lateral access* shall be removed as a condition of *development* approval. For new *development*, including additions seaward of an existing residence, the improvements shall not extend seaward to an extent which does not provide the required ten-foot separation between the high tide *lateral access* and the improvements, unless there is a protective *structure*, e.g., a seawall, in which case the separation between the *structure* and the *lateral access* may be less than 10 feet.

## **Sec. 8178-7 – Tree Protection Regulations**

### **Sections**

- 8178-7.1 Purpose
- 8178-7.2 Applicability
- 8178-7.3 Types of Protected Trees
- 8178-7.4 Development Standards for Protected Trees
- 8178-7.5 Tree Permits
- 8178-7.6 Mitigation Requirements
- 8178-7.7 Tree Permit Application Requirements

### **Sec. 8178-7.1 – Purpose**

Ventura County recognizes that *trees* contribute significantly to the County's unique aesthetic, biological, cultural, and historical environment. *Trees* also absorb carbon dioxide, reduce heat gain, and reduce stormwater runoff, thereby affecting energy use, climate change, and water 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.

### **Sec. 8178-7.2 – Applicability**

This Sec. 8181-7 applies to the *alteration*, *transplantation*, or *removal* of every *tree* within the coastal zone.

### **Sec. 8178-7.3 – Types of Protected Trees**

Each of the following types of trees identified in Sec. 8178-7.3 is considered to be a *protected tree* for purposes of Sec. 8178-7.

#### **Sec. 8178-7.3.1 – Trees that contribute to the function and habitat value of an ESHA**

Any *tree* that meets one or more of the following criteria shall be classified as *ESHA*:

- a. The *tree* is located within any *ESHA* or is classified as *ESHA* by a *qualified biologist*.
- b. The *tree* exhibits evidence of *raptor* nesting, *breeding colony*, *colonial roost* (for *migratory birds*), or has been identified as a Monarch butterfly roosting site, as determined in writing by a *qualified biologist* or *ornithologist* or as determined by the County biologist based on historic or current data.

- c. The *tree* was required to be planted or protected pursuant to a *habitat restoration plan*.

**Sec. 8178-7.3.2 – Native Trees**

- a. A *native tree*, which includes but is not limited to the *trees* listed as Native Trees in Appendix T-1, Table 1, shall be classified as a *protected tree* if it meets one or more of the following criteria:
  1. The *tree* is a minimum of three inches in *diameter* at 4.5 feet above existing grade.
  2. The *tree* is a multi-trunk *tree* with two or more trunks forking below four and 4.5 feet above the uphill side of the *root crown* with two of the trunks having a sum of six inches in *diameter*.

**Sec. 8178-7.3.3 – Historic Trees**

- a. *Historic trees* embody distinguishing characteristics that are inherently valuable and are associated with landscape or land use trends that shaped the social and cultural history of Ventura County. To be considered an *historic tree*, a tree or group/grove of trees shall be identified by the County as a *Cultural Heritage Site*, or the tree or group/grove of trees shall be listed in or formally determined eligible for listing in the California Register of Historic Resources and/or National Register of Historic Places. In addition to the foregoing requirements, a *tree* must meet one or more of the following criteria to be a *historic tree*:
  1. The tree(s) is associated with events or persons that made a significant contribution to the history of Ventura County, California or the nation.
  2. The tree(s) functions as an important biological, visual, or historic resource within the context of an historic landscape.
  3. The location of the tree(s) is associated with an historically significant view or setting.

**Sec. 8178-7.3.4 – Heritage Trees**

- a. *Heritage trees* are defined as non-native, non-invasive *trees* or group/grove of *trees* with unique value that are considered irreplaceable because of the tree's rarity, distinctive features (e.g. size, form, shape color), or prominent location with a community or landscape. To be considered a *heritage tree*, a *tree* (or group/grove of *trees*) shall meet either of the following criteria:
  1. The tree has a single trunk of 28 inches or more in diameter or with multiple trunks, two of which collectively measure 22 inches or more in diameter; or
  2. If the tree species has naturally thin trunks when full grown (such as Washington Palms), or trees with unnaturally enlarged trunks due to injury or disease (e.g. burls and galls), the tree must be:
    - i. at least 60 feet tall; or
    - ii. at least 75 years old, as verified by historical accounts, photographs, or associations with historic structures. Age shall not be determined by growth ring counts in cores taken from the edge to the center of the *tree*.

**Sec. 8178-7.4 – Development Standards for Protected Trees**

The purpose of these development standards is to ensure the conservation of *protected trees* that may provide habitat for breeding and nesting birds protected

by the Fish and Game Code, the Migratory Bird Treaty Act, and for all bird species of special concern. The development standards are also intended to ensure that *protected trees* are preserved where they are an important component of the visual character of the coastal zone.

**Sec. 8178-7.4.1 General Standards**

- a. A new principal use or structure shall be sited and designed to avoid damage to native, historic, and heritage *protected trees* to the maximum extent feasible, as evidenced through an *alternatives analysis*. If there is no feasible alternative that can avoid damage to a *protected tree*, then the project alternative that would result in the least damage to such a *tree* shall be selected, and damage to a *protected tree* that cannot be avoided through implementation of siting and design alternatives shall be mitigated consistent with the mitigation requirements in Sec. 8178-7.6.
- b. A new principal use or structure shall be sited and designed to avoid damage to *protected trees* that are classified as *ESHA* pursuant to Sec. 8178-7.3.1. However, if there is no feasible alternative that can avoid all impacts to a *protected tree* designated as *ESHA*, and still allow a principal use or structure that is the minimum necessary to provide reasonable economic use of the property (as evidenced through an *alternatives analysis*), the project alternative that would result in the least damage to such a *tree* shall be selected. Impacts that cannot be avoided through implementation of siting and design alternatives, including reduction of the building footprint, shall be mitigated consistent with the mitigation requirements in Sec. 8178-7.6.
- c. Once the original land use entitlement has been issued for a principally permitted use or structure, and the use has commenced or the structure has been built, an addition or expansion that would require the *removal* of a *protected tree*, or *alteration/protected zone encroachments* that damage a protected tree shall be prohibited (see Sec. 8178-7.6.1). A *heritage tree* is excluded from this prohibition.
- d. Development shall be sited and designed to avoid *encroachment* into the *protected zone* of a *protected tree* to the maximum extent feasible. *Encroachments* shall be fully mitigated consistent with the mitigation requirements in Section 8178-7.6.
- e. The removal of a *protected tree*, or *alterations/protected zone encroachments* that damage a *protected tree*, shall be prohibited for accessory uses or structures except for existing, legal structures (see Sec. 8178-7.6.1). Notwithstanding the foregoing, a *heritage tree* may be removed for the purpose of constructing a second dwelling unit.
- f. New discretionary development shall be sited and designed to comply with the following:
  1. Irrigation and landscaping shall be prohibited within the *protected zone* except where the *protected tree* is tolerant of water, the landscape is comprised of shallow-rooted, herbaceous perennials, bulbs or *groundcover*, and a *qualified tree consultant* verifies the *protected tree* would not be adversely affected by the level of irrigation, compaction of soil, or root disturbance associated with the proposed landscaping.
  2. A minimum buffer of five feet from edge of the *tree protected zone* shall be provided to allow for future growth of a *protected tree* unless a

*qualified tree consultant* provides justification in writing that the buffer may be decreased in size because the *protected tree* is regarded as “tolerant” due to the *tree species, age, health or location*.

3. New drainage systems shall be directed away from all *root zones* of all *protected trees, replacement offset trees, and transplanted trees*.
- g. When a public works project includes the repair or maintenance of drainage devices and road-side slopes, the project may not result in the *alteration or removal of a protected tree* except as follows:
  1. The development is the minimum design necessary to protect existing public roads;
  2. The project avoids removal or alteration of *protected trees* to the maximum extent feasible, and
  3. All impacts to *protected trees* are mitigated pursuant to Sec. 8178-7.6.

This provision shall not apply to trees classified as *ESHA*, which are subject to more protective requirements pursuant to Section 8178-2.

**Sec. 8178-7.4.2 - Tree Removal and Alteration**

- a. The *alteration or removal of a tree* that is *ESHA* pursuant to Sec. 8178-7.3.1 shall only be permitted when:
  - i. The *tree* poses an imminent hazard to life or property and there is no feasible alternative to ensure public health and safety (see Sec. 8178-7.5.4 *Emergency Tree Alteration or Removal*); or
  - ii. *Tree alteration or removal* is necessary to allow a new principal use that is the minimum necessary to provide a reasonable economic use of the property (see Sec. 8178-7.4.1 *General Standards*); or
  - iii. *Removal or alteration of the tree* is a necessary component of an approved habitat restoration plan.
- b. The *alteration of a protected tree* shall only be permitted for pruning to maintain the health and structure of the tree or for the same reasons set forth in subsection (c) below for removal of a *protected tree*.
- c. Except as authorized pursuant to Sec. 8178-7.5.4 - *Emergency Tree Alteration or Removal*, *removal of a protected tree* shall not be deemed necessary when a feasible alternative development plan exists that does not require the *removal of the protected tree*. In addition, the *removal of a protected tree* shall only be permitted for one or more of the following reasons:
  1. Is required to provide necessary access to development approved in a planned development permit;
  2. Is required to allow the development of a principal permitted use or structure at a particular location, and is the minimum area necessary to provide a reasonable economic use of the property, as evidenced through an *alternatives analysis*;
  3. Is required to allow the construction of a second dwelling unit, provided that the tree is classified only as a *heritage tree*.

4. Is required to establish the required *fuel modification zone* for new development where no feasible alternative location for the development exists; or
  5. The tree is dead, diseased or poses a danger to healthy trees in the immediate vicinity, or is in a condition that poses a hazard to persons or property that cannot be remedied through other means or alterations. In these circumstances, a *qualified tree consultant* shall verify the status and health of the tree and provide recommendations and evaluation of alternatives for restoring the health of the tree where feasible.
- d. Timing. To safeguard *protected trees* that may provide habitat for breeding and nesting birds protected by the Fish and Game Code and the Migratory Bird Treaty Act, all *tree removal* and *tree alteration* is prohibited during the bird breeding and nesting season (January 1 to September 15) unless the Planning Director, in consultation with a *qualified tree consultant*, determines that the *tree* poses an imminent hazard to life or property. This prohibition may also be waived when a bird survey is conducted, pursuant to Sec. 8178-7.7.4.1.1, and evidence of active breeding or nesting birds is not discovered within the project site. Any discretionary action approved, pursuant to this section, for *tree alteration* or *removal* during the bird breeding and nesting season shall be conditioned to require a bird survey no more than three days prior to commencement of the approved work to confirm that no bird breeding or nesting activity is present.
- e. If the Planning Director determines, based upon substantial evidence, that the *removal* or *alteration* of a *protected tree* may result in unintentional damage to existing development including but not limited to utilities, buildings, other *protected trees*, or *ESHA*, a *qualified tree service company* or *qualified tree trimmer* shall be retained to *alter* or *remove* the *protected tree*.

### **Sec. 8178-7.4.3 – Determining the Tree Protected Zone**

The *tree protected zone* is the area that encompasses the above-ground portion of the *protected tree* as well as the area in which a critical amount of the *tree's roots* may be found. To avoid damage to a *protected tree's roots*, the calculation noted in (a) below shall be performed for all *protected trees* where the tree canopy is within 20 feet of areas proposed to be disturbed, including disturbance associated with fuel modification. The Planning Director may increase the 20-foot distance from disturbed areas where necessary to ensure that *protected tree zones* are calculated for all *protected trees* that could potentially be damaged by new development. The *tree protected zone* calculation shall be based on a surveyed map or site plan of the canopy of each *protected tree*.

- a. The *tree protected zone* shall be calculated using one of the following methods. The calculation that provides the largest area of protection shall constitute the *tree protected zone*, and shall be depicted on a site plan.
  1. Draw a circle around the tree that is no less than 15 feet from the trunk of the *protected tree*;
  2. Multiply the *tree's diameter* in inches by one and a half feet (i.e. one inch equals one and a half feet). For example, if a *tree's diameter* at a height of 4.5 feet above existing grade is 11 inches, the *tree protected zone* would be 16.5 feet from the trunk of the *protected tree*; or

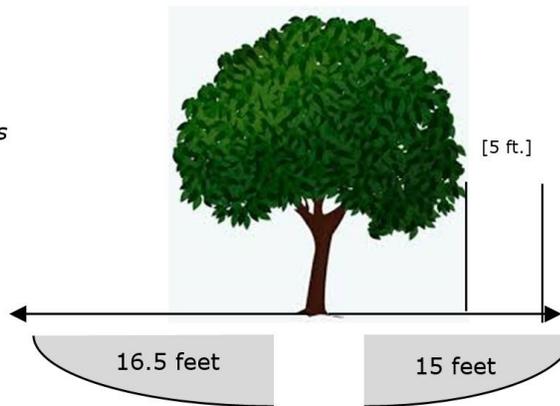
3. Draw a circle that extends a minimum five feet outside the edge of the *protected tree's dripline*.

#### Example of Tree Protected Zone

DBH = Diameter of trunk  
at 4.5 feet above ground.

Example. DBH = 11 inches

◻ : Tree Protection Zone



#### Sec. 8178-7.4.4 – Project Construction Standards

- a. Construction impacts to *protected trees* shall be avoided. Before the commencement of any clearing, grading, ground disturbance, or other construction activities, erosion control and tree protection measures shall be installed including but not limited to protective fencing at the edge of the *tree protected zone* of each *protected tree*.
- a. For *trees with an active raptor nest*, a *buffer* shall be provided during construction that is no less than 500 feet. For all other active bird nests, the *buffer* shall be no less than 300 feet. The required *buffer* shall be provided during construction until the nest is vacated, juveniles have fledged, and there is no evidence of a second attempt at nesting. If the required buffer cannot be achieved, the maximum setback shall be provided and construction activities that occur within the required buffer shall be monitored by a *qualified biologist* or *ornithologist* to detect any breeding or nesting behavior. In the event nesting birds are encountered, construction shall be halted in the area of the nest until the nest is vacated, juveniles have fledged, and there is no evidence of a second attempt at nesting. A weekly report shall be submitted to the Planning Division that discloses the findings of the observations conducted for that time period. The *buffer* shall be designated by protective fencing.
- b. No ground disturbances, grading, trenching, construction activities, or structural development shall occur within the *tree protected zone* or *buffer* except where it may be allowed pursuant to Sec. 8178-7.4.1 or 8178-7.4.2, consistent with the standards of this Sec. 8178-7, and as specifically authorized by the permit and the approved Tree Protection, Planting, and Monitoring Plan.
- c. Any approved development (e.g. paving, or the installation of fence posts), including grading or excavation (e.g. utility trench) that *encroaches* into the *tree's protected zone* shall be constructed using only hand-held tools.
- d. If disturbance is permitted within the *tree protected zone* or *buffer*, a *qualified biologist* shall monitor the temporary disturbance and fencing shall

be temporarily modified to allow work to be completed. Fencing shall remain in place until all construction and grading activities have ceased.

- e. Construction equipment storage and staging areas shall be located outside of the fencing area or *buffer* described above, and graphically depicted on approved site, grading, and building plans.
- f. Unless the activity is conducted in accordance with Sec. 8178-7.4.1 and 8178-7.4.2 and is specifically authorized by the development's land use permit, the burning, application of toxic substances, overwatering, storing materials, operating machinery, or any other disturbance within the *tree protected zone* or *buffer*, is prohibited.
- g. Prior to earth disturbing activities, project construction standards and any additional recommendations in the approved Tree Protection, Planting, and Monitoring Plan, shall be implemented.

### **Sec. 8178-7.5 –Tree Permits**

- a. A *tree permit* is required for the *alteration, transplantation, or removal* of a tree unless exempt from a *permit* pursuant to Sec. 8178-7.5.3. There are three types of *tree permits*: a Planned Development Permit (see Sec. 8178-7.5.1), Zoning Clearance (see Sec. 8178-7.5.2), and an Emergency Coastal Development Permit (see Sec. 8178-7.5.4 and Sec. 8181-3.7).
- b. If *tree alteration, removal, or transplantation*, is part of a development requiring a discretionary permit, then the *tree permit* application and approval process shall accompany the development project that requires a discretionary permit.
- c. If a person applies for a permit to *alter* or *remove* a *tree* located in an area subject to state or federal regulations (e.g. Fish and Game Code or Clean Water Act) that are more stringent than the regulations set forth in this Sec. 8178-7, the stricter requirements shall prevail in establishing the conditions of approval for that permit.

#### **Sec. 8178-7.5.1 - Planned Development Permit**

No person shall *remove, alter, or transplant* a *protected tree* without obtaining a Planning Director approved Planned Development Permit, unless it is exempt from a permit (pursuant to Sec. 8178-7.5.3) or requires only a Zoning Clearance (pursuant to Sec. 8178-7.5.2) or Emergency Permit (see Sec. 8178-7.5.4). A Planned Development Permit shall also be required for:

- a. *Post-Removal, -Alteration, or -Transplantation.* A Planned Development Permit shall be required when a *protected tree* was *removed, altered or transplanted* without the required permit and/or a person seeks to *remove* the *tree, roots* or limbs from the lot.
- b. *Tree Alteration.* A Planned Development Permit shall be required for the following types of *alterations* to a *protected tree*:
  - 1. The *alteration* may compromise the health of the *tree* and results in a *qualified tree consultant's* recommendation for *tree removal*.
  - 2. *Encroachment* into the *tree protected zone*. Examples of encroachments include but are not limited to changing the existing grade, landscaping or irrigation, excavating for utilities or fence posts, or paving associated with driveways and streets.
  - 3. *Pruning* of *tree canopy* greater than 20 percent.

- c. *Emergency Tree Alteration or Removal.* A Planned Development Permit shall be required following issuance of an Emergency Permit in accordance with Sec. 8178-7.5.4.

**Sec. 8178-7.5.1.1 – Planned Development Permit Findings**

- a. A Planned Development Permit may be approved only when the applicable decision-maker makes one or more of the following findings, as applicable:
  - 1. The proposed project conforms to the development standards in Sec. 8178-7.4.
  - 2. The proposed project is sited and designed to avoid the *removal* or *transplantation* of *protected trees* except as allowed by this Sec. 8178-7 and where no feasible alternative exists that would avoid or further minimize the *removal, transplantation, or damage to protected trees.*
  - 3. To the maximum extent feasible, the proposed project is sited and designed to avoid any *encroachment* into the *protected zone* of a *protected tree* that would lead to the decline or death of the *protected tree.*
  - 4. The adverse impact of *tree removal, tree transplantation, or encroachment* in the *tree protected zone* cannot be avoided because such impacts cannot be reduced or avoided through a feasible alternative.
  - 5. All feasible mitigation measures that would substantially lessen any damage to *protected trees* were incorporated into the approved project through project design features or conditions of approval.
- b. In addition to the required findings in subsection “a” above, one or more of the following findings may be used to substantiate the reason for *removal, transplantation, or encroachment of a protected tree:*
  - 1. A *protected tree’s* continued existence in its present form or location denies reasonable access to the subject property or denies the development of the principal permitted use that is the minimum necessary to provide a reasonable economic use of the property.
  - 2. The location of a *protected tree* prevents the continuation or safe operation of an existing utility service and there are no feasible alternatives that would eliminate or reduce the impacts.
  - 3. The *protected tree(s)* proposed for *removal* has a debilitating disease or is in danger of falling, and such conditions cannot be remedied through preservation procedures and practices, and the *tree(s)* is located in an area where falling limbs or trunks would be a danger to persons or property (i.e. existing structures).
  - 4. The alteration or removal of a *protected tree* is required for a public works project that entails the repair and/or maintenance of drainage devices and road-side slopes and is the minimum design necessary to protect existing public roads.

**8178-7.5.1.2 – Modifications to a Discretionary Permit**

A *protected tree* that was planted pursuant to a Tree Protection, Planting, and Monitoring Plan, a mitigation measure, or an approved *landscape plan,*

and that is proposed to be *removed* due to its decline or death, may be substituted with an alternate species subject to the following:

- a. The requested substitution is justified in writing by a *qualified biologist* and/or *qualified tree consultant* and fulfills the mitigation requirements or performance standards set forth by the original discretionary permit, and the monitoring and successful establishment of the substituted species is required by a permit condition.
- b. An application for modification of the subject permit is filed in compliance with Sec. 8181-10.4.2.

### **Sec. 8178-7.5.2 – Zoning Clearance**

- a. A person may *alter* or *remove* a *non-native* or *non-native invasive tree* with a Zoning Clearance when such actions occur outside the bird *breeding and nesting season* (January 1 to September 15). Within the bird *breeding and nesting season*, tree removal may also occur in accordance with Sec. 8178-7.7.4.1.1, which allows *tree removal* if a bird survey is conducted and no nesting birds are found in the project area.
- b. Overhead Utility Lines. *Alteration* of a *protected tree* below or adjacent to public overhead lines located in State Responsibility Areas (as mapped by the Department of Forestry and Fire Protection), where the primary financial responsibility for preventing and suppressing wildland fires rests with the State and when necessary to maintain existing overhead lines. *Alteration* shall be the minimum necessary to provide safe fire clearance.

### **Sec. 8178-7.5.2.1 – Zoning Clearance with Inspection**

- a. Development that encroaches less than 10 percent into a *protected tree's tree protection zone*. A *certified arborist* or *qualified tree consultant* shall submit the following, in writing:
  1. The purpose of the encroachment, degree of encroachment within the *tree protected zone*, recommendations to avoid and minimize potential impacts to *tree roots* during construction, in accordance with Sec. 8178-7.4.4 – Project Construction Standards, and a statement that the proposed encroachment is not expected to result in permanent damage to the *protected tree*.
  2. In the event that the *certified arborist* or *qualified tree consultant* determines the proposed *tree encroachment* is below 10 percent but *development* has the potential to harm the *protected tree*, a Planned Development Permit shall be required in accordance with Sec. 8178-7.5.1.
- b. Pruning of a *protected tree's* live limbs, provided such trimming does not endanger the life of the *tree* or result in an imbalance in structure, or remove more than 20 percent of its *tree canopy*. Unless justification is provided in writing by a *qualified tree consultant*, removing a *protected tree's* branches larger than four inches in *diameter* shall be prohibited.

### **Sec. 8178-7.5.3 - Exemptions**

The *alteration* or *removal* of *protected trees* is only exempt from a permit under the following circumstances, and in accordance with timing requirements of Sec. 8178-7.7.4.1.1 which prohibits *tree alteration* or *removal* during the bird *breeding and nesting season* (January 1 to September 15) unless a bird survey determines no nesting birds are present in the project area:

- a. Commercial *Tree Operations*:

1. The *removal* or *alteration* of *trees* planted, grown, or held for sale by lawfully established nurseries and *tree* farms, or *trees* removed or *transplanted* from such a nursery as part of its operation.
  2. In areas zoned Coastal Agricultural (CA), *trees* such as avocado, citrus, and nut bearing *trees* planted, grown, and presently harvested for commercial agricultural purposes. This does not include the alteration, *transplanting*, or removal of *protected trees* or their limbs that were not planted for agricultural purposes. Examples of generally accepted agricultural activities that do not require a permit include but are not limited to the following:
    - i. Converting land planted with for mature avocado *trees* to grazing (animal husbandry) or *crop production* uses.
    - ii. Replacement of mature lemon *trees* with young lemon *trees*.
    - iii. Thinning of *trees* in an orchards to allow more vigorous growth and production on the part of the remaining *trees*.
    - iv. Harvesting, planting, and tending crops and crop-type conversions (e.g. orchards to grapes, or lemon *trees* to avocado *trees*).
- b. *Minor Tree Alterations:*
1. *Fuel Modification Zone Maintenance.* Maintenance of *protected trees* within the required *fuel modification zone*, including but not limited to *alteration* of a *protected tree's live limbs* to effectively manage fuels or to prevent the transmission of fire from native vegetation to a structure.
- c. *Dead or Fallen Tree or Limb:*
1. Any naturally fallen dead *protected tree* or dead limb that no longer exhibits the structural integrity of a healthy *protected tree* or limb and is determined to be a fire hazard by the Fire Department or is in danger of falling and threatening public safety, may be removed, unless that *tree* is located in *ESHA*. Naturally fallen dead *trees* located in *ESHA* shall not be removed unless that *tree* poses a serious nuisance (i.e. the *tree* blocks a primary access road) or the fallen *tree* poses an imminent threat to persons or property. Artificial, mechanical, or human induced damage to a *protected tree* does not constitute a naturally fallen tree.
  2. Removal of *trees* destroyed by natural disaster (flood, fire, earthquake, etc.), or a catastrophic (sudden and complete) failure (vehicle accident, structure collapse, etc.).
  3. Prior to *tree removal* or *alteration*, property owners are encouraged to submit documentation verifying the *tree* removal was exempt from a tree permit pursuant to Sec. 8178-7.7.1.

**Sec. 8178-7.5.4 - Emergency Tree Alteration or Removal**

- a. An *emergency*, as defined in this Sec. 8178-7.5.4, is a sudden unexpected occurrence where a *protected tree*, because of its lack of structural integrity, demands immediate action to prevent or mitigate loss or damage to life, a significant loss of property, and where there is no feasible alternative to ensure public health and safety.
- b. In an *emergency* situation, *tree alteration* or *removal* may proceed without first obtaining a *tree permit* and shall be limited to such actions that are

necessary to address an imminent hazard to life, health, property or essential public services.

- c. In an *emergency* situation, permit applications shall be made and processed in accordance with Sec. 8181-3.7 (Emergency Coastal Development Permits).
- d. Within 90 days following the issuance of an emergency coastal development permit, a Planned Development Permit application for the emergency *removal or alteration* of a *protected tree* shall be submitted.

### **Sec. 8178-7.6 – Mitigation Requirements**

To protect the ecological value and visual quality of *protected trees*, all appropriate and practicable steps shall be taken to avoid and minimize damage to *protected trees* consistent with the provisions of this Sec. 8178-7.6. The following mitigation measures to reduce damage to *protected trees* shall be undertaken in the following order:

- a. **Avoidance.** Avoid direct and indirect impacts to *protected trees* through project siting and design. Adverse impacts to *protected trees* shall be avoided if there is a feasible alternative with less adverse impacts.
- b. **Onsite Mitigation.** If damage to *protected trees* cannot be avoided, mitigation for the *removal, alteration, or transplantation* of a *protected tree* shall be in the form of *transplanting* or planting replacement *trees* on the same property where the *protected trees* were impacted.
- c. **Off-Site Mitigation.** When avoidance or onsite mitigation is infeasible, all or in part, due to crowding or other physical constraints, *transplanting* or planting replacement *trees* may be allowed, all or in part, in an off-site location that contains suitable habitat that is sufficient in area to accommodate the numbers and required types of replacement trees. Off-site locations must be within the Ventura County coastal zone and, whenever feasible, within the same watershed in which the *protected tree* was removed.
- d. **In-lieu Fees.** In special circumstances, required *tree* mitigation may be in the form of an in-lieu fee into the Planning Division’s Tree Mitigation Fund. Special circumstances shall be limited to situations where no appropriate on- or off-site locations are identified for *tree* replacement (i.e. on- and off-site mitigation is infeasible), and such circumstances shall be confirmed by documented site characteristics or other evidence. Mitigation measures that include payment of in-lieu fees shall be approved by the Planning Director and administered as follows:
  - 1. The County’s Tree Mitigation Fund shall be the depository for all in-lieu fee payments.
  - 2. The amount of the in-lieu fee shall be established by the Planning Division using the most current edition of the International Society of Arboriculture’s “Guide to Plant Appraisal,” which represents the cost to replace and install a tree of the same species and size as the *protected tree* being removed or encroached upon. The in-lieu fee shall also include an amount to cover the costs to maintain and monitor required replacement trees for a 10-year period.
  - 3. The County Tree Mitigation Fund shall be used to plant *protected trees* at suitable sites in the coastal zone of unincorporated Ventura County and, if possible, within the same watershed as the *protected tree(s)* being removed. Suitable sites shall be limited to land restricted from development

(public land, land owned by conservation organizations, or land subject to a conservation easement or equivalent legal instrument). Suitable sites shall also be limited to habitats that support the *protected tree*. Preference shall be given to sites zoned Coastal Open Space (COS), including but not limited to *native tree* woodland or savanna habitat areas, properties containing areas designated ESHA, or public parkland. Project funds may only be awarded to public agencies or conservation organizations. Projects selected may provide habitat restoration and shall, at a minimum, result in an equivalent number of as would occur through on-site or off-site mitigation.

4. No more than seven percent of the in lieu fees collected may be used by the Planning Division to develop and implement appropriate programs for the above-described in-lieu mitigation measures.

#### **Sec. 8178-7.6.1 Tree Replacement for Altered or Removed Protected Trees**

Where unavoidable adverse impacts to *protected trees* may result from development, including the *alteration* or *removal* of a *protected tree*, the impacts shall be mitigated in accordance with the following standards:

- a. *Native tree* replacement shall occur as follows:
  1. *Native trees* shall be replaced at a ratio of no less than 10 replacement *native trees* for every *native protected tree removed* and for any *tree alteration* that results in the loss or decline in health or vigor of a *native protected tree*.
  2. Seedlings shall be grown from acorns collected from the same watershed the *protected tree* was removed from, or from nursery stock grown from locally-sourced acorns.
  3. Naturally occurring *native tree* seedlings or *saplings* that have trunks less than 3 inches at 4.5 feet above existing grade, growing on the same lot as the *removed tree* may be counted as *offset replacement trees*. Seedlings/ *saplings* shall be boxed for future planting and/or protected in place as shown on the approved Tree Protection, Planting, and Monitoring Plan.
  4. When available, replacement planting locations shall be selected that provide supportive habitat (i.e. habitat characteristics similar to those found in riparian and valley/foothill woodland habitat) for the replacement *trees*.
- b. *Historic Trees*. Mitigation for the removal of a *historic tree* shall be determined by the Planning Director in consultation with the Cultural Heritage Board.
- c. *Heritage Trees*. Mitigation for the removal of a *heritage tree* shall be determined by the following:
  1. If the *heritage tree* (or grove of *trees*) is not an *invasive tree* species and is located in a public area or a prominent location as seen from *public viewing areas*, then mitigation shall include: (1) the planting of replacement *trees* of the same species on a 1:1 ratio; (2) the size of the replacement *tree* shall be comparable to the *tree(s)* being removed; and (3) the replacement *tree(s)* shall be planted in location that is close to where the *heritage tree(s)* was removed.

2. If a *heritage tree* is not located in a public area or a prominent location as seen from *public viewing areas*, then mitigation shall include the planting of replacement *native trees* on a 1:1 ratio.
- d. *Transplanted Protected Trees*. In the event that a transplanted tree dies during the required 10-year monitoring period, or the tree health is poor or declining during the monitoring period, replacement trees shall be planted pursuant to Sec. 8178-7.6.1(a) above.
- e. *Encroachment into the Tree Protected Zone*. When permitted development results in encroachment within the *tree protected zone*, potential impacts shall be mitigated in accordance with the following standards:

<b>Encroachment</b>	<b>Mitigation Ratio (Number of replacement trees required for every one tree impacted/removed)</b>
Less than 10% encroachment	Zoning Clearance with Inspection. No mitigation required when conducted pursuant to Section 8178-7.5.2.1(a).
10 to 30% encroachment (or less than 10% pursuant to Sec. 8178-7.5.2.1(a)(2))	Leave tree in place, and Mitigate at 5:1 in accordance with Sec. 8178-7.6 and Sec. 8178-7.6.1; or Pay an in-lieu fee in accordance with Sec. 8178-7.6(d)
Greater than 30% encroachment, or within 3 feet of a tree trunk	Remove tree or keep in place. Mitigation is same as tree removal for the species. See Sec. 8178-7.6 and Sec. 8178-7.6.1

- f. *Emergency Tree Alteration or Removal*. If an emergency permit is issued for the *alteration or removal* of a *protected tree*, the follow-up Planned Development Permit shall include corrective measures to restore and stabilize the disturbed areas after the *tree* has been removed in accordance with a *habitat restoration plan*. Alternatively, such areas may be restored or stabilized through the application of mulch, pheromone traps or insecticides in accordance with a Tree Protection, Planting, and Monitoring Plan pursuant to Sec. 8178-7.7.4(d). The requirements for mitigating the loss of the *protected tree* shall be waived unless the following applies:
  1. *Tree replacement* shall be at a 1:1 ratio for the *emergency removal* of a *protected tree* that is required by an approved *landscape plan* or *habitat restoration plan*.

## **Sec. 8178-7.7 – Tree Permit Application Requirements**

### **Sec. 8178-7.7.1 Exemptions**

No permit application is required if the proposed *tree alteration or removal* is exempt from the requirements for a *tree permit* pursuant to Sec. 8178-7.5.3(c), Dead or Fallen Tree or Limb. However, to verify that *tree alteration or removal* was authorized by Sec. 8178-7.5.3(c), prior to *alteration or removal* of the *protected tree* or immediately following a natural disaster or catastrophic failure that caused the *protected tree* or *limb* to fall down, the property owner should submit the following:

- a. Two to four colored photographs of the affected *tree*. The photos should be taken from different vantage points, clearly illustrate the reason for the request to remove the fallen *protected tree* or limbs, and should identify the *tree's* location relative to nearby vegetation or landmarks; and
- b. Site Sketch or Plan, drawn to scale with north arrow that shows the location and species name of the affected *tree(s)*. The Site Sketch or Plan shall illustrate existing development, access, or any other identifying benchmarks to identify where the natural disaster occurred, if applicable.
- c. No application fee is required.

**Sec. 8178-7.7.2 Zoning Clearance**

A Zoning Clearance *tree permit* application shall be filed with the Planning Division for *tree alteration* and *removal* in accordance with Sec. 8178-7.5.2 and Sec. 8178-7.5.2.1. Zoning Clearance applications shall contain the following information and materials:

- a. Two to four colored photographs of the affected *tree* proposed to be *altered* or *removed*. The photos should be taken from different vantage points, clearly illustrate the reason for the request, and should identify the *tree's location* relative to nearby vegetation or landmarks.
- b. Site Sketch or Plan, drawn to scale with north arrow that shows the location and species name of *trees* to be *removed* or *altered*. The Site Sketch or Plan shall include existing development, access, location of *protected trees* in relation to site improvements, and identification of *trees* to be *altered* or *removed*. If *tree removal* or *alteration* is proposed because a *tree* interferes with an existing sewer line or structure, then the sewer line or structural interference/obstruction shall be shown and labeled on the Site Sketch or Plan. The project plans shall also indicate the *tree protected zones* for all *protected trees* and any proposed encroachments.
- c. Compliance with Sec. 8178-7.7.4.1.1 and the requirement for a bird survey if *tree alteration* or *removal* is proposed during the bird *breeding and nesting season* (January 1 to September 15).
- d. Arborist Verification Form, provided by the Planning Division, that includes written confirmation from a *qualified biologist, certified arborist* or *qualified tree consultant* that the basic *tree* information and site conditions described in the application form are correct.
- e. If necessary, other information will be requested by the Planning Division to determine compliance with this Chapter.

**Sec. 8178-7.7.3 Zoning Clearance with Inspection**

A *tree permit* application shall be filed with the Planning Division in accordance with Sec. 8181-5 to *alter* a *protected tree*. Zoning Clearance with inspection applications shall contain the following information and materials:

- a. Application. All items required for a Zoning Clearance permit application (see Sec. 8178-7.7.2 above, items a-e).
- b. Inspection. A standard condition shall be included in the Zoning Clearance stating that a final inspection will be conducted by the Planning Director's designee following approval of the Zoning Clearance to verify that *protected tree* alterations are consistent with the approved permit.
- c. Non-Compliance. If the *protected tree alteration* is not in compliance with the approved permit, then a *qualified tree consultant* shall describe, in

writing, required corrective measures that include, but are not limited to, a Tree Protection, Planting, and Monitoring Plan pursuant to Sec. 8178-7.7.4(d).

**Sec. 8178-7.7.4 Planned Development Permit**

A *tree permit* application shall be filed with the Planning Division in accordance with Sec. 8181-5 and signed by the applicant or authorized agent. A Planned Development Permit application shall include the following:

- a. Application. All items required for a Zoning Clearance permit application (see Sec. 8178-7.7.2 above, items a-e).
- b. *Tree Transplantation* Specifications. For *protected trees* proposed to be *transplanted*, the applicant shall submit a written evaluation by a *qualified tree consultant* that includes but is not limited to the location of *roots*, limits of disturbance, *pre-removal* treatments and care, and safety measures, to ensure the method used to *transplant* the affected *tree* will not cause the death of the *tree*.
- c. *Tree Survey*. A *Tree Survey* shall be submitted for the following: (1) If a *protected tree* is proposed to be *removed* or *transplanted*; (2) If construction or grading activities occur within a *tree protected zone* (see Sec. 8178-7.4.4); and (3) If new development requires alteration or removal of a protected tree or where any new development is proposed within a tree protected zone.

If a *tree survey* is required, it shall be prepared by a *qualified tree consultant* and include the following:

1. Contact information. Names, phone numbers and addresses of the property owner, applicant, and project consultants, and the street address and Assessor Parcel Number (APN) of the project site.
2. Background and project information. A description of the physical characteristics of the project site including topography, adjacent land uses, existing and proposed development, construction methods, timing and sequence of development activities, construction storage and staging areas, etc.
3. Site observations. A summary of the proposed survey method including but not limited to the date and time the survey was conducted, extent of any unpermitted *protected tree alterations* or *removal* (if applicable), the presence or absence of any nests, areas of potential sensitivity that may influence how the proposed *tree removal* or *alteration* would be conducted (e.g. butterfly roosting site, previous *raptor* nesting site, creeks and streams, wetlands or oak woodlands).
4. An inventory and assessment of the health of all *protected trees* on the site.
5. A Site Sketch or Plan, drawn to scale with north arrow and bar scale, that provides the following information:
  - i. The identification of *trees* proposed to be *altered* or *removed* by the project, as well as the location and dimension of nearby development (buildings, other structures, access roads, utilities, etc.).
  - ii. Any proposed change in grade within the *tree protected zone*, shown at 2 foot or less contour intervals.

- iii. Identification of *tree* species, location, trunk size, and surveyed extent of *tree canopy* of all *protected trees*.
- iv. Depiction of the tree protected zone for *protected trees* and identification of areas where proposed development *encroaches* into the *tree protected zone*.
- v. Identification of *trees* to be *transplanted* and location of receiving site.

The information above may be provided separately or added to the Site Sketch or Plan submitted for the permit application.

- 6. If necessary, additional information may be requested by the Planning Division to determine compliance with this Chapter.
- d. A Tree Protection, Planting, and Monitoring Plan. A Tree Protection, Planting, and Monitoring Plan shall be prepared in the event that a *protected tree* is proposed for *removal, alteration, or encroachment* and replacement *trees* will be required or relocation of a *protected tree*. The Tree Protection, Planting, and Monitoring Plan shall be submitted prior to approval of the Planned Development Permit and shall include the following information:
- 1. Recommendations for onsite or off-site mitigation measures.
  - 2. A requirement for a bird nesting survey to be conducted pursuant to Sec. 8178-7.7.4.1.1 no more than three days prior to earth disturbing and/or construction activities unless such activities are conducted outside the bird nesting season (January 1 through September 15).
  - 3. Identification of the work area limits where tree alteration or removal will occur, including a requirement that prior to tree alteration or removal activities, flagging and stakes or construction fencing will be installed that define a boundary that contains all tree alteration or removal activities.
  - 4. Replacement Trees. The species and number of replacement trees to be planted as mitigation for the *removal of protected trees*.
  - 5. Replacement tree locations.
  - 6. Identification of protected trees to be transplanted and the receiving site.
  - 7. Planting specifications for transplanted and replacement trees.
  - 8. Tree Care. Recommendations for existing trees during construction including but not limited to pruning, irrigation, aeration, and mulching.
  - 9. A Monitoring Program pursuant to Sec. 8178-7.7.4(d) described above.
  - 10. Any other measures deemed necessary to protect, replace, or otherwise mitigate impacts associated with the proposed alteration or removal of protected trees.
  - 11. If necessary, additional information will be requested by the Planning Division to determine compliance with this Chapter.
  - 12. Any changes to an approved Tree Protection, Planting, and Monitoring Plan shall only be approved in accordance with Sec. 8181-10.4.2, Discretionary Modifications.

- e. Agricultural Commissioner Verification. If *removal* of one or more *protected trees* in a *tree row* presently serving commercial *crop production* is proposed, the Agricultural Commissioner shall verify in writing that the proposed action will not increase the potential for loss of agricultural soils due to increased wind erosion. If the Agricultural Commissioner determines the *tree removal* will result in the loss of agricultural soils, a Planned Development Permit pursuant to Sec. 8178-7.5.1 shall be required.
- f. *Farm Plan*. If a *protected tree* is *removed* for the purpose of expanding existing or the establishment of new *crop production*, a *farm plan* shall be prepared.
- g. Structure or Sewer Line Verifications:
  - 1. Structure: If a *protected tree* is proposed to be altered or removed because the *tree* interferes with an existing structure (e.g., a sidewalk or house foundation), then the applicant must submit written verification from a licensed structural engineer or licensed building contractor that the *alteration* of the *tree(s)* is necessary to avoid structural damage. Verification must be submitted, and must include the engineer or contractor's license number and contact information, the parcel address, and a brief description of the *tree*, its location, the nature of the interference or obstruction, and alternatives available to avoid tree removal or alteration.
  - 2. Private Sewer Line: If a *protected tree* is proposed to be altered or removed because a *tree* interferes with an existing sewer line, the necessity of the proposed action, and alternatives available to avoid tree removal or alteration must be verified by a qualified plumbing contractor, sewer service provider, or other qualified professional approved by the Planning Director.

**Sec. 8178-7.7.4.1 Zoning Clearance following approval of a Planned Development Permit**

Following the approval of a Planned Development Permit, the applicant shall obtain Zoning Clearance pursuant to Sec. 8181-3.1. Such Zoning Clearance application shall include the following:

**Sec. 8178-7.7.4.1.1 Bird Nesting Survey**

If tree alteration, transplantation, or removal occurs during the bird *nesting season* (January 1 through September 15), the Permittee shall provide a *Bird Nesting Survey* Report that includes, but is not limited to, a schedule for breeding and nesting bird surveys and construction protocols. The bird breeding and nesting protocol shall conform to the following:

- a. A *qualified biologist* or *ornithologist* shall perform an initial breeding and nesting bird survey 30 days prior to the initiation of construction or tree modification activities. The project site must continue to be surveyed on a weekly basis with the last survey completed no more than 3 days prior to the initiation, or re-initiation, of construction or tree modification activities.
- b. All *trees* to be *altered* or *removed* and areas 300 feet from these trees (or 500 feet for active *raptor* nests), shall be surveyed for bird breeding and nesting behaviors, herein called the "survey area."

- c. The *qualified biologist* or *ornithologist* shall walk the entire “survey area” to determine if juveniles are present and, if they have fledged any nests, evaluate whether any adults appear to be starting a new clutch (preparing to mate and lay eggs).
- d. After inspecting all *trees* for *active nests* in the specific area scheduled for *tree alterations* or *removal*, the *qualified biologist* or *ornithologist* shall identify those *trees* containing *active nests* with temporary fencing, caution tape, flags, ribbons, or stakes.
- e. The *qualified biologist* or *ornithologist* shall prepare a Bird Nesting Survey Report that includes but is not limited to the following:
  - 1. The results of the initial nesting bird survey and a plan for continued surveys.
  - 2. Protocols and methods that will be implemented to avoid and minimize impacts to nesting birds including establishment of mandatory setback areas during construction of the project.
- f. The *qualified biologist* or *ornithologist* shall conduct a pre-construction meeting, to be held no more than three days prior to the initiation of *tree altering* or *removal*, to instruct the *qualified tree trimmer* and permittee to avoid disturbing all *trees* within the “survey area” during scheduled *tree alterations* or *removal*.
- g. In the event the *qualified tree trimmer* discovers an *active nest* (eggs, nest construction, other evidence of breeding) not previously identified by the project’s *qualified biologist* or *ornithologist*, the *qualified tree trimmer* shall immediately cease all *alteration* or *removal* activities in that area of operation and notify both the *qualified biologist* or *ornithologist* and the Planning Division. Thereafter, the *qualified biologist* or *ornithologist* must perform re-inspection of the *tree* containing an *active nest* following the procedures described in this Section.
- h. If active nests are found, construction or tree modification activities within the relevant setback area (i.e., the 500-foot setback for raptors and 300-foot setback for all other birds as described in 8178-7.7.4.1.1(b), above) shall be postponed or halted. If *tree alteration* or *removal* activities must be performed within 300 feet of a *tree* with an *active nest* (500 feet in the case of an active *raptor* nest) due to an imminent threat to persons or property, the work must be performed with hand tools.
- i. Construction activities may commence, or re-commence, in the relevant setback area (i.e., the 500-foot setback for raptors and 300-foot setback for all other birds as described in 8178-7.7.4.1.1(b), above) when the nest is vacated (juveniles have fledged) provided that there is no evidence of a second attempt at nesting, as determined by the County-approved biologist.
- j. *Inactive/unoccupied nests* may be removed only after a *qualified biologist* or *ornithologist* documents and photographs the occurrence and confirms that the nests are *inactive* and unoccupied. Copies of photographs and reports shall be filed with the Planning Division.

**Sec. 8178-7.7.4.1.2 In-Lieu Fee**

If an in-lieu fee is approved as part of a Planned Development Permit, the permittee shall submit payment of the in-lieu fee in accordance with Sec. 8178-7.6(d). Payment shall be made by certified or cashier's check.

**Sec. 8178-7.7.4.1.3 Contract for Services**

The permittee shall provide a copy of a signed contract (financial information redacted) for the following services:

- a. The preparation and implementation of a Bird Nesting Survey and Report by a *qualified biologist* or *ornithologist* including any monitoring of any *active/occupied nests* discovered.
- b. *Tree alteration, transplantation or removal* by a *qualified tree service company* or *qualified tree trimmer* that includes but is not limited to: qualifications of the individuals responsible for conducting the work to be performed; scope of work; *tree removal* and *alteration* specifications; and schedule.

**Sec. 8178-7.7.5 Post-Approval Requirements**

As set forth in the conditions of the discretionary entitlement for the project requiring the submittal of a Tree Protection, Planting, and Monitoring Plan, the permittee shall submit Annual Monitoring Reports in accordance with the following.

- a. An Annual Monitoring Report shall be prepared by a *qualified tree consultant* to ensure replacement trees are healthy and growing normally and procedures for periodic monitoring and implementation of corrective measures are implemented in the event that the health of a replacement or transplanted *tree* declines. Monitoring shall be required for the following:
  - 1. Replacement *trees* required to mitigate for the *removal* of a *protected tree* including volunteer native *tree saplings* counted as mitigation.
  - 2. *Protected trees* that have been *transplanted*.
- b. Monitoring shall be performed by a *qualified tree consultant* and include but not be limited to the following inspections:
  - 1. During grading and construction, the *qualified tree consultant* shall confirm *tree* project construction standards pursuant to Sec. 8178-7.4.4 are implemented and if necessary require immediate corrective action where standards are not being met.
  - 2. Prior to final inspection by the Building & Safety Division, or prior to the Zoning Clearance expiration date, a site inspection shall be conducted by the Planning Division and the *qualified tree consultant* to verify that all replacement or *transplanted trees* were installed per the approved Tree Protection, Planting, and Monitoring Plan.
  - 3. As needed inspections to evaluate compliance with the health performance targets in the approved Tree Protection, Planting, and Monitoring Plan.
- c. Monitoring reports shall be submitted annually to the Planning Division for a minimum 10 year monitoring period that demonstrates the continued viability of *native tree seedlings/saplings* and/or *native replacement trees*.

- d. For replacement *trees* that have not successfully been established the annual monitoring report as required (or intervening report) shall provide recommendations from a *qualified tree consultant* that include but are not limited to the application of soil amendments, insecticides or other treatment, or planting alternate *trees* in the same or new locations, if necessary. The conditions of approval for the permit shall not be met until all replacement *trees* are capable of surviving without artificial inputs, the need for physical protection measures and supplemental watering; however, in no case shall the monitoring period be less than the monitoring period pursuant to Sec. 8178-7.7.5(c) above.
- e. No additional monitoring reports are required if, at the end of the 10 year monitoring period, and after a final inspection is conducted by the Planning Division, the following findings are made:
  1. The replacement or *transplanted protected trees* are in good health as documented in the monitoring report by the *qualified tree consultant*,
  2. All *protected trees* are capable of surviving without artificial inputs, physical protection measures, or supplemental watering; and
  3. The applicant has satisfied the tree mitigation conditions of the permit.
- f. The annual report shall be submitted for review and approval by the Planning Division and maintained on file as public information.

**Sec. 8178-7.7.6 Encroachment Permit**

- a. *Street Tree Removal at County Public Works Agency Request.* If the Public Works Agency issues a written notice to a property owner to *prune* or *remove a street tree* and/or repair an existing sidewalk, the property owner shall have 90 days from the date of the Public Works Agency’s written notice to obtain an encroachment permit from County Public Works Agency to complete the required repairs.
- b. *Street Tree Removal at Property Owner’s Request.* If a property owner proposes to *remove a street tree*, the property owner will be responsible for obtaining an encroachment permit from the Public Works Agency prior to removing the *street tree*.

**Sec. 8178-8 – Water Efficient Landscaping Requirements**

**Sections**

- 8178-8.1 Purposes
- 8178-8.2 Applicability
- 8178-8.3 Minimum Landscape Area
- 8178-8.4 Landscape Area Development Standards
- 8178-8.5 Irrigation Development Standards
- 8178-8.6 Water Budget and Projected Water Use
- 8178-8.7 Authority to Modify or Waive Landscaping Requirements and Standards
- 8178-8.8 Landscape Documentation Package
- 8178-8.9 Landscape Documentation Package Approval and Inspections

**Sec. 8178-8.1 – Purpose of Required Landscaping**

The purposes of the landscaping and screening requirements of Sec. 8178-8 are to:

- a. Provide visual relief and integration. Landscaping enhances the aesthetic quality of the built environment, adding visual interest to blank facades, expanses of pavement, vehicular transportation corridors, and other potentially barren areas. Required landscaping also helps integrate large-scale buildings and other incompatible features into the surrounding community or natural setting.
- b. Screen undesirable public views and separate incompatible land uses. Landscaping reduces the impact of development by screening equipment, service and storage areas, glare, *trash enclosures*, parking areas, and other uses or features that visually detract from, or are incompatible with, surrounding development.
- c. Shade buildings and pavement. Landscaping provides shade for buildings and large areas of pavement, which reduces heat gain within buildings or atmospheric heating from paving. Landscaping helps create comfortable conditions where people live, work, park vehicles, walk, or use outdoor spaces.
- d. Support public health. Landscaping is used to define and enhance public and private *recreational areas*, and to enhance pathways used for pedestrian circulation. The availability of *recreational areas* and public trails contribute to overall public health.
- e. Retain and treat stormwater. Landscaping can provide stormwater retention and treatment when adequate site conditions are present.
- f. Support ecosystem functions. Landscaping can provide a plant palette that includes climate-appropriate native trees and plants characteristic of the diverse coastal areas of Ventura County and that provide habitat for wildlife.
- g. Stabilize slopes and control erosion. Landscape plants can stabilize soils to limit erosion.
- h. Use water efficiently. New or updated landscaping helps minimize wasted water through water-efficient design.
- i. Implement the California Model Water Efficient Landscape Ordinance, set forth at Chapter 2.7 of Division 2 of Title 23 of the California Code of Regulations.

### **Sec. 8178-8.2 - Applicability**

- a. Sec. 8178-8 shall apply to the following discretionary projects:
  1. All discretionary development where a *Landscape Plan* is required pursuant to the Coastal Zoning Ordinance (Chapter 1.1).
  2. All development located within 1,000 feet of publically owned park lands in the Coastal Open Space (COS) Santa Monica Mountains (M) Overlay zone.
  3. The following grading activities, unless previously addressed in a discretionary permit:
    - i. Excavations for wells, tunnels, or trenches for public utilities.
    - ii. Grading for access roads or pads created for exploratory excavations
    - iii. Estimated earthwork that generates more than 50 cubic yards.
  4. New residential development with a *landscape area* equal to or greater than 500 square feet.
  5. All development located in areas zoned Coastal Commercial (CC) or Coastal Industrial (CM), all government facilities (such as fire and police stations)

located in all zones, and facilities, such as libraries, schools and hospitals developed for *assembly uses*, located in all zones.

6. *Parking lots* that contain four or more parking spaces.
7. Landscaping within a required *fuel modification zones*.
8. *Rehabilitated landscape* projects.
9. All *Habitat Restoration Plans*.

#### **Sec. 8178-8.2.1 - Exemptions**

Notwithstanding Sec. 8178-8.2(a) above, Sec. 8178-8 does not apply to the following facilities and development sites:

- a. Above-ground public utilities in the public right-of-way.
- b. Cultural heritage sites where installation of landscaping pursuant to Sec. 8178-8 will compromise the historical integrity of that site.
- c. Exhibit areas within *botanical gardens* or *arboreta*.

#### **Sec. 8178-8.3 – Minimum Landscape Area**

- a. Unless otherwise stated in the subject discretionary permit or permit modification, the *landscape area* of the lot(s) where the development is located shall comprise no less than the minimum lot coverage for the applicable zone as specified below, with the *landscape area* percentages computed on the basis of the lot's or lots' *net area*.
  1. Coastal Industrial (CM): 5 percent
  2. Coastal Commercial (CC): 10 percent
  3. Residential, Institutional and other uses: As specified by the subject discretionary permit or permit modification.
- b. Up to 10 percent of the required *landscape area* may be covered with *hardscapes* such as pathways, patio areas, gazebos, or *public art*. Additional *hardscapes* are permitted, but shall not be applied towards the minimum required *landscape area*.
- c. A larger *landscape area* may be required to fulfill landscaping requirements of Sec. 8178-8.

#### **Sec. 8178-8.4 – Landscape Area Development Standards**

The following standards apply to all *landscape areas* required under this Sec. 8178-8.

##### **Sec. 8178-8.4.1 – General Standards**

- a. Native drought-tolerant vegetation shall be used for landscaping with the following exceptions:
  - Drought tolerant, non-native, non-invasive vegetation may be used when located within the approved *building envelope* for discretionary projects.
  - Drought tolerant plants, and fire resistant non-native plants approved by the Ventura County Fire Protection District, may be used in the fuel modification zone except when located within an ESHA buffer.
  - When located in areas not conducive to native plant establishment.

Invasive plants are prohibited.

- b. *Landscape areas* shall include a variety of plant species, heights, colors and textures and shall be installed according to size constraints, spacing requirements and compatibility with the surrounding area.
- c. The plant palette for a *Habitat Restoration Plan* shall be restricted to locally-indigenous *native vegetation*.
- d. Landscaping shall be sited and designed to protect *coastal resources*, including ESHA, scenic resources, water quality, and water supply.

**Sec. 8178-8.4.1.1 –Existing Vegetation**

- a. All existing *protected trees* may be incorporated into the *landscape area* unless removal is separately permitted as part of the proposed development pursuant to Sec. 8178-7.5.1, Planned Development Permit.
- b. Existing non-invasive vegetation may be integrated into the *landscape plan* provided existing vegetation is compatible with required landscaping.
- c. Existing vegetation that is considered invasive shall be removed from the *landscape area*.
- d. Existing vegetation that will remain shall be protected and maintained during the construction phase of the development.

**Sec. 8178-8.4.1.2 - Trees**

- a. Trees required to be planted as a mitigation measure or as part of an approved landscape plan shall comply with the following standards:
  - 1. Native Trees. The planting of native trees shall comply with the planting specifications included in the Tree Protection, Planting and Monitoring Plan. (See Section 8178-7.7.2.)
  - 2. Non-Native Trees. The planting of new, non-native trees is subject to the following requirements:
    - i. Non-native trees shall not be planted in ESHA or associated buffer;
    - ii. In the Coastal Open Space (COS) zone, the planting of new non-native trees shall be restricted to the approved building envelope only; and
    - iii. In the Coastal Industrial (CM) zone, non-native trees shall be restricted to developed areas for the purpose of screening approved structures.
- b. Replacement trees shall be planted immediately after grading activities are completed for site development or in accordance with the approved Tree Protection, Planting and Monitoring Plan.
- c. The planting of *invasive trees* is prohibited in the *coastal zone*.
- d. In the Coastal Open Space (COS) and Santa Monica Mountains (M) overlay zone, only *native trees* shall be used in the *landscape area*.
- e. Trees shall be planted wherever adequate space is available, except in the following circumstances:

1. *Non-native trees* shall not be substituted for *native trees* when *native trees* are used to fulfill a mitigation measure for the development.
  2. New trees at maturity shall not extend into overhead utility lines.
- f. At least one tree shall be planted in any required *landscape planter*. Additional trees shall be planted if adequate spacing between trees can be provided.
  - g. Trees shall not be planted where they would generate substantial interference with the operation of approved lighting fixtures.
  - h. Trees shall not be planted where they would interfere with site access driveways, access to fire suppression equipment such as hydrants.
  - i. Trees shall not be located where the tree will interfere with public accessways, public access easements, or where they would otherwise interfere with *coastal access*.
  - j. Trees shall not be planted closer than 10 feet from the rear of any traffic or directional sign and 25 feet from the front of any traffic or directional sign. Trees shall be set back further from such signs if necessary for traffic safety.
  - k. Trees located in *parking lots* shall be kept trimmed to maintain at least 8½ feet of ground clearance for adjacent parking spaces and pedestrian areas, and shall maintain at least 13½ feet of vertical ground clearance over driveways and drive aisles.
  - l. The *tree protection zone* of a tree shall be kept free from other types of landscaping except as allowed by Sec. 8178-7.4.1
  - m. Trees shall not be planted where the tree would reduce visibility within a *clear sight triangle*.

**Sec. 8178-8.4.1.2.1 - Street Trees**

Street trees required as a condition of approval of a discretionary permit, or that are proposed within a public road right-of-way, shall be installed in conformance with the following:

- a. New street trees shall comply with the Ventura County Public Work Agency's required setbacks from edge of sidewalk, except when *tree wells* are provided in the sidewalk.
- b. Street trees shall be planted where the tree's growth will not damage the components of the street (sidewalk, curb/gutter, etc.) or overhead utility lines.
- c. Street trees shall be selected and planted so the tree does not interfere with pedestrian or vehicular circulation.
- d. When street trees are provided, they shall be spaced an average of 40 feet on center.
- e. Street trees shall be single trunk, not multi-trunked species.
- f. The planting of any street tree shall comply with Section 8175-3.8 Clear Sight Triangles and the planting specifications prescribed by the County Public Works Agency or qualified tree consultant.

- g. Should a street tree be removed that is part of an approved landscape plan, that tree shall be replaced pursuant to Section 8178-7.5.2.2.
- h. The applicant shall obtain a separate encroachment permit from the Ventura County Public Works Agency prior to installing a street tree.

**Sec. 8178-8.4.1.3 – Shrubs**

Shrubs are used within a *landscape area* to provide foliage, texture, and color to landscape themes. Shrubs provide variety of height and mass within a *landscape area*, bring buildings into human scale, provide privacy for outdoor areas, and screen undesirable views.

Shrubs should be included in a *landscape area* and shall comply with the following:

- a. One- to 15-gallon size shrubs shall be planted and spaced in accordance with their size at maturity but no less than one shrub for every five linear feet of *landscape planter* or fraction thereof.
- b. Hedges and shrubbery over three feet in height are prohibited within parking lot islands and clear site triangles.

**Sec. 8178-8.4.1.4 – Groundcover**

*Groundcover*, when established, can prevent the germination of weeds, protect soil from erosion and water loss, provide habitat and cover for beneficial insects, and function as an attractive element within a landscape.

*Groundcover* shall be incorporated into the *landscape area* using the following standards:

- a. Irrigated *groundcovers* may be planted from root cuttings or applied as *hydromulch*.
- b. *Groundcover* applied as *hydromulch* is subject to the following:
  - 1. The *hydromulch* must be comprised of a locally-indigenous *native* seed mix.
  - 2. *Hydromulch* seeds should be applied following the first measurable rainfall in the fall of the year or a temporary irrigation method shall be provided to ensure germination and initial growth.
  - 3. Such planting shall be adequate to provide 90 percent coverage within 90 days. Additional applications shall be repeated as necessary to provide such coverage.
- c. Manufactured (human-made) slopes shall be planted with *groundcover*. See Sec. 8178-8.4.2.5.1(c) Revegetation of Disturbed Areas, Manufactured Slopes.

**Sec. 8178-8.4.1.5 – Turf (Grass)**

The typical California lawn can require several times more water than *groundcover* consisting of *native* or other drought-tolerant plants. To help reduce urban water demand for outdoor purposes, the installation of *turf* shall be limited to the following:

- a. Unless a modification is granted pursuant to Sec. 8178-8.7, *turf* shall not exceed 25 percent of the *landscape area* for residential development and

no *turf* shall be allowed in non-residential development except as authorized by 8178-8.4.1.5(b) below.

- b. A higher percentage of irrigated *turf* on sports fields, golf courses, playgrounds, parks, bioswales, or other areas may be approved to serve a functional need. The use of irrigated *turf* within these areas shall be minimized to the greatest extent possible.
- c. All *turf* shall be a warm season variety, except within areas used for recreation, which may use cool season varieties.
- d. *Turf* shall not be used on slopes greater than 10 percent, except within designated stormwater management areas.
- e. *Turf* shall not be planted in street medians, traffic islands, *landscape planters*, or bulb-outs of any size.
- f. Approved *turf* shall be irrigated by sub-surface irrigation or by technology that creates no *overspray* or *runoff*.

#### **Sec. 8178-8.4.1.6 – Mulch**

To conserve moisture and improve the fertility and health of the soil, a layer of *mulch* shall be applied to *landscape areas* as follows:

- a. Whenever possible, prior to any earth disturbance, topsoil shall be removed and stockpiled for future use. Topsoil shall be spread as the final surface layer of soil (prior to the application of mulch) in the *landscape area*, except when the soil is characterized by invasive plants and seeds.
- b. Exposed soil in all non-*turf* and non-*groundcover landscape areas* shall be covered with at least three inches of *mulch* but no more than 12 inches in depth.
- c. Except as allowed by Sec. 8178-8.4.1.6(c) below, organic *mulch* materials shall be used in required landscape areas. Composted organic material is preferred over other products such as bark and wood chips.
- d. The following inorganic materials may be used in conjunction with organic mulch, subject to the following limitations:
  - 1. Plastic: Opaque plastic tarps may be used to cover an area of soil for the purpose of killing weeds and preventing germination of weed seeds. Plastic tarps shall be temporary and removed within six to eight weeks from the date of installation.
  - 2. Stone/Gravel: May be used for *stormwater management landscaping*. When used for other purposes, stone/gravel is considered *hardscape* subject to the limitations specified by Sec. 8178-8.3(b).
  - 3. Sand: May be used to improve the drainage characteristics of the soil.
  - 4. Landscape Fabric: On property with steep slopes, landscape fabric may be used to control erosion and stabilize or protect plants from rain water and soil washout. A minimum two to three inches of organic *mulch* shall be placed over the landscape fabric to prevent weed growth and to promote plant growth.
- e. *Mulch* is not considered *groundcover* for the purpose of meeting minimum landscape requirements.

#### **Sec. 8178-8.4.1.7 – Public Safety**

- a. Crime Deterrence. To avoid potential interference with police surveillance, landscaping required for discretionary projects in the Coastal Commercial (CC) and Coastal Industrial (CM) zones shall not obstruct views of exterior doors from an adjacent public street. Plants also shall not block security light sources or restrict access to emergency apparatuses.
- b. Clear Sight Triangles. *Landscape areas* shall provide plantings that are consistent with safe sight distances for vehicular traffic as required by Sec. 8175-3.8. No landscaping material (plants and *hardscape*) shall exceed the three-foot height limit within a required clear sight triangle. The *landscape plan* shall include measures that ensure that the required safe site distance is maintained.
- c. Fuel Modification Zones. See Sec. 8178-8.4.2.3 for landscape development standards within a *fuel modification zone*.

#### **Sec. 8178-8.4.1.8 Solar Access**

New vegetation shall not be planted that would impair the function of an existing building using passive solar heat collection or that would cast a shadow greater than 10 percent of the collector absorption area on existing solar collector surface or photovoltaic cells at any time between the hours of 10 a.m. and 2 p.m.

#### **Sec. 8178-8.4.1.9 - Public Art**

*Public art*, including but not limited to a mural or sculpture, is a landscape feature that, if proposed for inclusion in the *landscape area*, must be included in the *landscape documentation package* submitted pursuant to Sec. 8178-8.8. Such art shall be consistent with the resource protection policies and provisions of the LCP and shall comply with the following:

- a. The art shall complement the scale, materials, form and content of the development where it is located.
- b. The art shall conform to height and setback standards pursuant to Sec. 8175-2, Schedule of Specific Development Standards by Zone.
- c. The art should be designed to last as long as the related building or structure and be vandal/theft resistant.
- d. The art shall not contain advertising.
- e. The permittee shall maintain the public art.

#### **Sec. 8178-8.4.2 – Specific Standards**

To provide for an attractive landscape appearance, the following specific standards, where applicable, apply to all *landscape areas* required under this Sec. 8178-8.

##### **Sec. 8178-8.4.2.1 – Perimeter Landscaping**

*Perimeter landscaping* provides a physical and visual separation between development and the public right-of-way. *Perimeter landscaping* shall include the following:

- a. Minimum Planter Area – *Landscaped planter* areas shall be a minimum of four feet wide (including curbs). Narrower *landscaped planter* areas may

be permitted, but shall not be counted toward meeting the minimum *landscape area* site coverage requirements.

- b. Landscape Strip – A landscape strip shall be provided along property lines adjacent to the public or private street right-of-way as follows:
  1. For *commercial* and *institutional land* uses, the landscape strip shall be at least five feet wide.
  2. For *industrial land* uses, the landscape strip shall be at least 10 feet wide, except for parcels zoned Coastal Industrial (CM) that are developed for oil and gas production that cannot be seen from the public rights-of-way. In such cases, a landscape strip is not required.
  3. The landscape strip shall be measured from the inside edge of the public right-of-way.
  4. Frontage *perimeter landscaping* may be crossed by walkways and access drives.
- c. Bus shelters may be located within the *perimeter landscape* area but the area occupied by a bus shelter shall not count towards the required minimum *landscape area*.

#### **Sec. 8178-8.4.2.2 – Landscape Screening**

Landscaping and other screening features can be used to define an area, modify or hide a view, create privacy, block wind and dust, control noise, filter light, and direct traffic flow. The following standards shall apply to “landscape and other screens” proposed or required for developments where structures are visible from *public viewing areas*. Where feasible, *landscape screens* shall be the preferred method of screening.

- a. Plants shall be used as a landscape screen for the following structures:
  1. A blank wall or building façade (e.g. lacks windows, doors, or other type of articulation) of a commercial, industrial, or multifamily building that can be seen from a *public viewing area*.
  2. Fences and walls greater than six feet in height, with the exception of fences used for farm or ranch purposes as provided by Sec. 8174-6.1(a)(2).
  3. *Non-commercial antenna* and *wireless communication facilities* that are prominently visible from a *public viewing area*.
  4. *Trash enclosures*, with the exception of single-family residential lots served by individual trash and recycling containers (64-gallon or smaller).
  5. Outdoor storage of materials and equipment accessory to commercial, industrial, institutional, and multi-family residential uses that exceed a height of six feet.
  6. Above ground utility structures including, but not limited to, an electrical transformer box, gas meter, telephone switch box, and *backflow prevention device* that are located outside of the public right-of-way and in public view unless a waiver is granted pursuant to Sec. 8178-8.7.

7. *Hardscape* landscape elements such as retaining walls, cut-off walls, abutments, bridges, and culverts that are located within a *public viewshed*.
  8. Materials loading areas adjacent to a street, residentially zoned parcel, or residential land use.
- b. Landscape or other screening methods shall not be used as a substitute for project alternatives such as re-siting or reducing height or bulk of structures.
  - c. *Landscape screens* may be in the form of dense hedges, tree rows, or other plant configurations. Where the screening would be visible from a *public viewing area*, the *landscape screen* shall be visually compatible with the surrounding area. Landscape material shall be selected based on the following:
    1. Size, scale and type of plant material. Establish compatibility through plant material selections that are similar in size, scale and type to plant materials in the surrounding area. Plants shall be selected based on their size at maturity, shall enhance views of the coastal areas, and shall not hinder or block coastline views from *public viewing areas*.
    2. Landscaping in public places and commercial areas. *Landscape screens* shall improve the visual character of public facilities and commercial businesses by utilizing a diverse selection of plants that provide visual interest, color, and contrast.
    3. Use native plants. A *landscape screen* should utilize native *tree* or plant species that are similar to, and compatible with, nearby natural habitats.
    4. Enhance abandoned areas. *Landscape screens* shall visually hide or improve areas where landscaping is non-existent or neglected. Existing shrubbery and trees shall only be allowed if the existing plant material can be revitalized and used to augment and blend with the new plant material.

The following projects shall include information that demonstrates compliance with the above standards: large projects, development within a half-mile of a scenic highway, projects located on a prominent ridgeline, and at the request of the Planning Director. To demonstrate compliance, the applicant shall submit photographic simulations that show how the *landscape screen* will blend with the surrounding environment, avoid being a visual point of interest, and not significantly detract or degrade the public view.

- d. Where the plants are intended to form a dense hedge, a minimum of 50 percent of the plants shall be 15-gallon container size or greater and the rest shall be five-gallon container size or greater. The applicant shall demonstrate that the plants, at maturity, will form a dense hedge.
- e. Where plants alone do not provide sufficient *landscape screening* pursuant to (d) above, a *landscape screen* shall be composed of a landscaped berm or solid wall plus plant material that complies with the following:

1. Where walls are used, the wall shall be set back a minimum of four feet from the property line. Trees and shrubs shall be planted in front of a wall that is visible from a *public viewing area*.
  2. Where earth berms are used, the berm slope shall be a maximum one foot rise for every three feet of linear distance (3:1 horizontal to vertical).
  3. At the discretion of the Planning Director, *see-through fencing* may be substituted for a wall or berm. (See Sec. 8175-3.11 Fences, Walls and Hedges.) Where *see-through fencing* is visible from a *public viewing area*, such fencing shall be set back a minimum of four feet from the property line and trees or shrubs shall be planted in front of the fence.
  4. The plant material shall comply with Sec. 8178-8.4.1 – General Standards.
- f. Height of *Landscape Screens*.
1. Except as provided in Sec. 8178-8.4.2.2(e)(2) and (3) above, a *landscape screen* located within a setback area adjacent to a public street shall have a maximum height of three feet.
  2. *Landscape screens* installed along interior lot line(s) shall have a maximum height of six feet.
  3. When located within a *public viewshed*, *landscape screens* that only use plant material for the purpose of blocking objectionable views (e.g., exterior storage, or manufacturing/production equipment) shall be tall enough to conceal the storage, equipment, or structure. If walls or fences are used and are in excess of six feet, a Planned Development Permit is required pursuant to Sec. 8174-5.
- g. Where the ground level adjoining the street is below or above street grade, the visual screen height may be reduced or increased, as determined appropriate by the applicable County decision-maker, when the height adjustment achieves the same objective as standard height requirements.
- h. At the time of installation, the screening must be at least 40 inches high. The 40-inch height can be achieved by the landscape, berm, wall, or combination thereof.
- i. Trash enclosures shall be constructed with masonry or wood walls. Chain-link is prohibited. Finishes and colors shall be similar to the building materials of the primary structure(s) on the site.
- j. The required height and visual opacity (density) of *landscape screening* shall be achieved within three years of installation. An exception shall be provided for trees, where a five-year period is allowed when needed to meet the *performance criteria*.

**Sec. 8178-8.4.2.3 – Landscaping in a Required Fuel Modification Zone**

Landscaping in a *fuel modification zone* shall be designed, installed and maintained in conformance with the following standards:

- a. Except as provided in subsection “b” below, only drought tolerant and *fire resistant native* and *non-native plant* species, as recommended by a

*qualified biologist*, shall be used in *fuel modification zones*. *Invasive plants* are prohibited.

- b. *Fuel modification zones* within ESHA buffer shall consist only of locally-indigenous, *native* plant species as recommended by a *qualified biologist*. *Invasive plants* are strictly prohibited.
- c. Except as permitted by Sec. 8178-7.5.4, in no case shall the *fuel modification zone* result in the removal of a *native tree* nor create a bare ring of earth around structures. Other vegetation may be retained provided it avoids the spread of fire to other vegetation or to a building or structure and is located and maintained as follows:
  - 1. Tree canopies and shrubs shall be spaced a minimum of 15 feet from other shrubs or trees.
  - 2. All trees and shrubs shall be trimmed to a minimum vegetative (leaf and branch) clearance of either 5 feet from the ground surface or one-third the height of the tree, whichever is less.
- d. All vegetation and *mulch* proposed to be planted in the *fuel modification zone* shall be consistent with the Ventura County Fire Protection District fuel modification plan approved for the site.
- e. Approved landscaping installed within a required *fuel modification zone* shall be maintained for the life of the project.

**Sec. 8178-8.4.2.4 – Landscaping Adjacent to an Environmentally Sensitive Habitat Area**

The plant palette for a *landscape area* within 100 feet of Environmentally Sensitive Habitat Areas (ESHA) shall be in accordance with an approved *Habitat Restoration Plan* and shall consist of locally-indigenous native plant species as recommended by a *qualified biologist*.

**Sec. 8178-8.4.2.5 Slope Planting and Erosion Control**

To minimize erosion, sedimentation, slope instability, and degradation of water quality due to surface water runoff, the following slope landscaping measures shall be implemented.

**Sec. 8178-8.4.2.5.1 Revegetation of Disturbed Areas**

Grading activities pursuant to Sec. 8178-8.2(a)(3) that may require the revegetation of disturbed slopes shall be designed and maintained in compliance with the following revegetation measures:

- a. All graded and disturbed areas shall be landscaped or otherwise revegetated at the completion of grading.
- b. A combination of locally-indigenous native hydro-seed mix, plants, trees, shrubs, *mulching*, and other suitable stabilization methods shall be used to protect soils subject to erosion to assure soil stabilization and to promote varying height and mass of landscaping.
- c. Manufactured Slopes. Cut and fill slopes three feet in height or greater shall be planted pursuant to the following standards:
  - 1. If permanent *groundcover* is applied as *hydromulch*, there shall be a minimum of one shrub for every 125 square feet of slope area.

2. If rooted cuttings are utilized as *groundcover*, there shall be one shrub for every 300 square feet of slope area.
3. There shall be a minimum of one *native tree* for every 500 square feet of slope area.
4. Sloped areas are subject to the following:
  - i. Slopes less than eight feet in height are not required to be planted in shrubs.
  - ii. Slopes less than five feet in height are not required to be planted with trees.
- d. A mix of one-gallon and 15-gallon trees and shrubs shall be used to promote varying height and mass.

**Sec. 8178-8.4.2.6 Stormwater Management Landscaping**

- a. The siting and design of *stormwater management landscaping* shall be reviewed and approved by the Public Works Agency for conformance with regulations aimed at stormwater quality control. Landscape design features shall include but not be limited to the following:
  1. Graded surfaces shall convey runoff to *bioretention* stormwater treatment facilities, *vegetated swales*, and other *landscape areas*.
  2. To avoid flooding, overflow from large storms shall discharge to another landscaped area or the storm drain system.
  3. The designed water flow shall not cause erosion or damage to required parking area features and pavement.
  4. Plant material shall be selected to withstand inundation of water and be capable of pollutant uptake. *Stormwater management landscaping* shall not interfere with the movement of vehicles, pedestrians, or bicycles and shall not impede public access to the shoreline.
- b. *Stormwater management landscaping* may count towards the required minimum site coverage for the *landscape area* if the following criteria are met:
  1. The *stormwater management landscaping* does not compromise the number, type, size, location, or health of *protected trees*.
  2. The *stormwater management landscaping* does not compromise required *landscape screening* requirements.

**Sec. 8178-8.4.2.7 – Parking Lot Landscaping**

All open (uncovered) automobile *parking lots* shall be landscaped in accordance with the following:

- a. Minimum *Parking Lot Landscaping*. Landscaping shall be computed on the basis of the net parking facilities, which includes parking stalls, access drives, aisles and walkways, but shall not include required landscaping adjacent to streets.
- b. Open parking areas shall consist of at least six percent landscaping, which is counted toward the minimum *landscape area* requirement, except that no *parking lot* landscaping is required when there are fewer than four parking spaces.

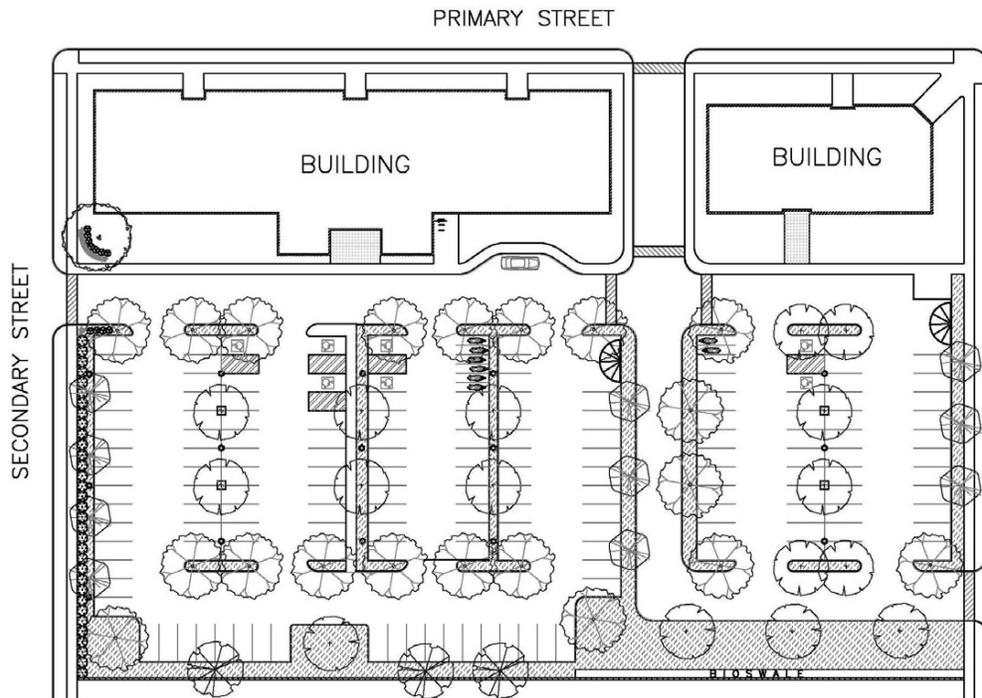
- c. Parking structures and covered parking spaces are exempt from these requirements but may be conditioned on a case-by-case basis to ensure the purposes of this section are met.
- d. New commercial and institutional projects with more than 10 motor vehicle spaces shall provide a concentration of landscape 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 Sec. 8178-8.4.1.9.
- e. Landscaping shall be designed so that pedestrians are not likely to cross *landscape planters* to reach building entrances.

**Sec. 8178-8.4.2.7.1 – Interior Parking Lot Landscaping**

*Parking lots* shall include interior landscaping as outlined below.

- a. *Planter Dimensions.*
  - 1. *Strip Planters.* Interior parking lot *strip planters* shall measure at least four feet wide (inside dimension).
  - 2. *Finger Planters.* *Finger planters* shall be at least five feet wide (inside dimension) and the length shall be the same as the parking space (typically, 18 feet).
  - 3. *Tree well planters* shall be a minimum of 16 square feet, (inside dimension).
- b. All *parking lot landscape planters* shall be protected from vehicular damage by a raised curb or a wheel stop. The raised curb or wheel stop shall be at least four inches in height.
  - 1. Where curbs around *landscape planters* function as wheel stops, plants and other landscape features in the outside two feet of these *planters* shall not extend more than two inches above the four inch curb or wheel stop.
  - 2. 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.
- c. Preferred Layout. The preferred layout for the interior landscaping of parking areas is set forth below.
  - 1. A minimum eight foot wide (inside dimension, inclusive of any bumper overhang) *landscape planter* shall be provided between the street and a *parking lot*, except at driveways, pedestrian pathways, and other pedestrian spaces.
  - 2. The ends of each row of parking spaces should be separated from drive aisles, driveways, or buildings by a *finger planter*.
  - 3. Between *finger planters*, *tree wells* or a continuous *strip planter* should be provided.
  - 4. Where parking areas and associated driveways adjoin a residential use, a vacant residentially zoned property, or a ground-floor residential land use, *perimeter landscaping* shall include the following:

- i. A solid masonry wall at least six feet in height shall be installed and maintained along the property line except where it would adversely impact *scenic resources*.
    - ii. Where such *parking lot* is across the street from an R-zoned property, the parking lot shall be separated from the street by an opaque ornamental fence, wall, landscaped earth mound, or evergreen hedge having a height of at least three feet except where it would adversely impact *scenic resources*.
  5. Where a parking area or driveway adjoins a side or rear property line, side and rear *perimeter landscaping* shall be provided. The *perimeter landscaping* shall be at least 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.
  6. 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.
  7. When approving a *landscape plan* for a development that includes a *parking lot*, the preferred layout will be based on functional considerations and site constraints.
- d. Tree Locations
  1. Trees shall be spaced out evenly throughout the *parking lot* in order to maximize shading of pavement.
    - i. Double-sided Parking Rows. Provide one *finger planter* with two trees (one per eight spaces). Between *finger planters*, either provide two *tree wells* (one per eight spaces) or a continuous *planter* containing two trees (one per eight spaces).
    - ii. Single-sided Parking Rows. Provide one *finger planter* with one tree. Between *finger planters*, either provide two *tree wells* (one per four spaces) or a continuous *planter* containing two trees (one per four spaces).



*Examples of Landscaping for Single- and Double-Sided Parking*

- e. Shrubs planted in *parking lot planters* shall not grow above three feet in height.
- f. Trees planted in *parking lot planters* shall not interfere with *parking lot* lighting illumination that is required for safety or security purposes.

**Sec. 8178-8.4.2.7.2 - Acceptable Substitutions for Interior Landscaping**

If the applicant can demonstrate that compliance with interior landscaping requirements would result in the loss of required parking spaces, the interior landscaping requirement may be modified if the parking area includes acceptable substitutions for the required interior landscaping that would otherwise be provided. Acceptable substitutions for interior landscaping include the following:

- a. The use of a light-colored/high-*albedo* (minimum of 0.3) paving surface, or use of a *pervious paving* surface pursuant to Sec. 8176-4.9. Such surfaces may be substituted for landscaping at a rate of three times the area required for landscaping.
- b. Installation of *public art* at the site pursuant to Sec. 8178-8.4.1.9.
- c. Shading in the form of canopies with solar photovoltaic or hot water systems, off-site trees and structures, sidewalk canopies, and other shade structures.

Whenever feasible, substitutions shall not replace more than 50 percent of the interior landscaping requirement, with priority given to planting shade trees.

**Sec. 8178-8.4.2.8 - Model Home Landscaping**

Residential projects that include a model home(s) shall provide at least one model home with landscaping and irrigation that complies with the requirements set forth in this Sec. 8178-8.

### **Sec. 8178-8.5 –Irrigation Development Standards**

The following standards apply to irrigation systems that serve a required *landscape area*.

#### **Sec. 8178-8.5.1 – Irrigation System Standards**

- a. Dedicated landscape water meters, which may be provided by a local water purveyor or a privately owned meter or submeter, shall be required for the following:
  1. Irrigated landscapes of 1,000 square feet or more for non-residential developments.
  2. Irrigated landscapes of 5,000 square feet or greater for residential developments.
- b. At a minimum, landscape irrigation systems shall be designed and operated in conformance with the following requirements:
  1. A *master valve* shall be installed unless the sprinklers are individually controlled, pressurized, and equipped with low pressure shut down features.
  2. A pressure regulator and *check valves* shall be installed at the low end of the irrigation lines to prevent unwanted draining of irrigation lines.
  3. The system shall be equipped with automatic, self-adjusting irrigation controllers that automatically activate and deactivate the irrigation system based on changes in the weather or soil moisture.
  4. Sprinkler heads (*micro-spray* or *drip*) shall be located to minimize landscape water *overspray* onto unplanted areas or areas of dissimilar water demand.
  5. All sprinkler heads installed within the *landscape area* must have a documented distribution uniformity low quarter of 0.65 or higher.
  6. The irrigation system shall provide adequate coverage and sufficient water for the continued healthy growth of all proposed plantings.
  7. Low precipitation sprinklers shall be employed to conserve water and promote continued, healthy growth of the planting.
  8. To protect the irrigation equipment and ensure adequate water coverage, all sprinklers shall be placed outside of any parking space bumper overhangs.
- c. Prior to installation of plants, the soil shall be in a *friable* condition.
- d. Slopes that range from three to five feet in height, and that total less than 1,000 square feet in area, are not required to be equipped with a permanent irrigation system and may be irrigated with hose bibs located not more than 50 feet from the area to be irrigated.
- e. Slopes that exceed five feet in height, and that total more than 1,000 square feet in area, shall be equipped with a permanent irrigation system.

#### **Sec. 8178-8.5.2 – Efficient Water Use**

- a. *Estimated Total Water Use (ETWU)* shall be less than or equal to *Maximum Applied Water Allowance (MAWA)* as described in Appendix L1.
- b. All irrigation water shall be retained within the required *landscape area* to the extent feasible.
- c. Recirculating water systems shall be used for decorative *water features*, and all water sprayed into the air from decorative *water features* shall remain within the feature.

**Sec. 8178-8.5.3 – Use of Non-Potable Water**

Irrigation systems should be designed to collect and distribute stormwater, *reclaimed water*, and *graywater* when feasible.

- a. *Water Harvesting. Landscape plans* should include passive *water harvesting* methods for landscape irrigation, such as the use of *graywater* or rain catchment systems that capture water from roof and site runoff.
  - 1. *Graywater systems* shall be designed in conformance with the California Plumbing Code Chapter 16A Non-Potable Water Reuse Systems.
  - 2. Rainwater catchment systems shall be designed in conformance with the California Plumbing Code Chapter 17 Non-Potable Rainwater Catchment Systems.
  - 3. To encourage the reuse of non-potable water, projects with less than 2500 square feet of *landscape area* that meet the *Estimated Total Water Use* entirely using *graywater* shall only be required to submit an Irrigation Plan pursuant to Sec. 8178-8.8(c) of the *landscape documentation package* for the permit application.
- b. *Reclaimed Water.* Landscaping shall utilize *reclaimed water* where the resource can feasibly be provided. If *reclaimed water* is determined to be required for the project, the irrigation system shall be designed, installed, and operated in compliance with state and local laws, requirements and regulations applicable to non-potable water use.

**Sec. 8178-8.6 Water Budget and Projected Water Use**

- a. Each *landscape area* shall be allowed a certain amount of water for landscaping, *water features* and other allowable components, called a *water budget*. Calculations shall be performed for the *Maximum Applied Water Allowance (MAWA)* and *Estimated Total Water Use (ETWU)* in accordance with Appendix L3, *Water Budget Calculations*.
- b. The *water budget* and projected water use calculations shall be submitted as part of the *landscape documentation package* (see Sec. 8178-8.8).

**Sec. 8178-8.7 Authority to Modify or Waive Landscaping Requirements and Standards**

- a. When special circumstances or exceptional characteristics are applicable to the property (size, shape, topography, etc.), the size of the required *landscape area* may be waived or modified (reduced or increased), except where the modification would have the potential to adversely impact ESHA, scenic resources, or water quality or supply. Facts and circumstances potentially warranting modifications and waivers include, but are not limited to:
  - 1. Landscaping of proposed *mixed-use developments*, where such development is permitted.

2. Where additional landscaping is necessary to screen undesirable public views.
  3. Where additional landscaping is necessary to provide an effective, vegetated transition to adjacent areas designated ESHA.
  4. Where modifications to a *fuel modification zone* are required by the County Fire Marshall.
  5. Where existing structures, exceptionally small lots, or irregularly configured lots, preclude implementation of the minimum *landscape area* pursuant to Sec. 8178-8.3.
  6. Where compliance with the minimum *landscape area* would result in the loss of existing, required parking spaces due to site size restrictions.
  7. Reductions to the *planter strip* width required pursuant to Sec. 8178-8.4.2.1(b), Landscape Strip.
  8. For development that cannot be seen from a *public viewing areas*.
  9. When evidence is presented to demonstrate that the original plants were not successfully established and that alternative replacement plants meet the standards of this Chapter.
  10. In areas where the County or California Coastal Commission has declared, by resolution, that a critically short water supply exists that must be maintained for *coastal resources* or public recreational use thereby prohibiting the construction or extension of any landscaping irrigation system.
- b. Waivers of landscape standards shall be limited to those justified by the special circumstances identified in (a) above. The applicable County decision-maker may grant a reduction in the minimum landscaping requirements, but in no case shall all landscaping requirements be eliminated, and priority shall be given to planting trees.

**Sec. 8178-8.7.1 – Required Findings to Modify or Waive Landscaping Requirements and Standards**

Written finding of facts shall be required for all waivers or modifications to landscaping areas as required below:

- a. Modifications or waivers shall only be granted if all of the following findings can be demonstrated:
  1. The modification or waiver will not adversely affect *coastal resources* or public welfare and will not be detrimental or injurious to property or improvements in the surrounding area.
  2. The modification will not result in an increase in water demand.
  3. The modification is consistent with the purpose of the regulations set forth in Sec. 8178-8.1.
- b. In addition to the required findings in subsection “a” above, modifications or waivers pursuant to Sec. 8178-8.7.1 shall only be granted if supported by written findings of fact demonstrating one or more of the following:
  1. Special circumstances apply to the subject property with regard to size, shape, topography and location, and the strict application of the requirements would result in practical difficulties or hardships

inconsistent with the general purpose and intent of the Coastal Zoning Ordinance.

2. Required landscaping would conflict with existing easements or public rights-of-way or established easements.
3. Existing natural landscaping will be preserved where feasible.

**Sec. 8178-8.7.2 – Modification to a Landscape Documentation Package**

Any document in an approved *landscape documentation package* may be modified as a permit modification that is applied for and processed in accordance with Sec. 8181-10.4.2. The following requirements apply to said modifications:

- a. As part of the permit modification application, the applicant shall submit all documents and information reflecting and supporting all proposed changes to each document in the approved *landscape documentation package*, for County review and approval in accordance with Sections 8178-8.8 and -8.9, that would be modified or affected by the proposed modification. If a modification proposes to change one or more documents that requires the signature and/or stamp of a *licensed landscape architect, landscape contractor, qualified landscape designer, qualified biologist, licensed engineer, or other professional*, then the proposed modified documents shall also be signed and/or stamped by the same type of professional(s) as the approved document(s).
- b. Approved modifications to *landscape documentation packages* shall be implemented, inspected and monitored in accordance with Sec. 8178-8.9.
- c. Written findings of fact shall be made pursuant to Sec. 8178-8.7.1 for any requested modification to the extent it requires a waiver or modification of the *landscape area* requirements of this Sec. 8178-8.
- d. *Water budget calculation* revisions where the change is triggered by plant substitutions as approved by a *licensed landscape architect, landscape designer, landscape contractor, or qualified biologist*.

**Sec. 8178-8.8 – Landscape Documentation Package**

A *landscape documentation package* shall accompany the discretionary permit or permit modification application and shall include the following:

- a. *Landscape Plan*. If Sec. 8178-8 et seq. is applicable, a conceptual *landscape plan* shall be submitted as part of the development application and shall be reviewed by the Planning Division. See Appendix L1 for *landscape plan* requirements.
- b. Landscape plan specifications shall include performance standards for determining the following:
  - i. The health and normal growth of plants/trees included in the *landscape plan*.
  - ii. Procedures for periodic monitoring.
  - iii. Corrective measures that should be used when the health of a plant or tree declines.
- c. *Irrigation Plan*. The irrigation plan shall be a separate document from, but use the same format as, the *landscape plan*. See Appendix L1 for minimum requirements for the irrigation plan.

- d. Water Efficient Landscape Worksheet. The applicant shall submit a Water Efficient Landscape Worksheet, provided by the Planning Division, which contains a *Hydrozone* Information Table and a *Water Budget Calculation*. See Appendix L3 Sample Water Efficient Landscape Worksheet.
- e. *Water Budget Calculations*. See Appendix L3 Water Efficient Landscape Worksheet.
- f. *Estimated Total Water Use (ETWU)*. The *ETWU* calculation shall be based upon the types of plant material used in the *landscape plan*. See Appendix L4 for determining *ETWU*.
- g. *Soils Report*. To achieve optimum growth of *groundcover*, shrubs, and trees, the *landscape documentation package* shall include a *soils report* that indicates the nutrient status and pH of the soil in the *landscape area*. The *soils report* must be prepared by a California licensed engineer with experience in soils engineering.
- h. Ventura County Fire Protection District Construction Permit. Verification that installation of, or modification to, landscaping within the required *fuel modification zone* has been submitted for review and approval by the Ventura County Fire Protection District.
- i. One set of colored photographs of the project site taken from the following three vantage points: (1) close-up; (2) midfield; and (3) entire project site, relative to nearby vegetation, landmarks and structures. Color photo simulations showing proposed landscaping at maturity shall be required for projects which could have an adverse visual impact.
- j. Preparation and Signature of *landscape documentation package*. A *landscape documentation package* shall be prepared, stamped and signed by a *licensed landscape architect*, except for single-family residential development that does not require a grading and drainage plan.

## **Sec. 8178-8.9 – Landscape Documentation Package Approval and Inspections**

### **Sec. 8178-8.9.1 – Landscape Documentation Package Approval**

- a. The *landscape documentation package* shall be submitted to the Planning Division and other required County agencies for review and approval as part of the permit application for the proposed development.
- b. After preliminary review by the Planning Division and other required County agencies, the Planning Division reserves the right to send the *landscape documentation package* to a consulting *licensed landscape architect* for review, at the applicant's sole expense, to determine consistency with Sec. 8178-8, conduct an onsite inspection, and to provide recommendations regarding any document contained in the *landscape documentation package*.
- c. Following approval of the permit application for the proposed development, a zoning clearance shall be required to verify that the proposed landscape construction documents are consistent with the approved *landscape documentation package*.
- d. Prior to issuance of any zoning clearance authorizing construction or use inauguration for the approved development, the permittee shall be responsible for the following:

1. The applicant shall include, on a separate informational sheet to be recorded with the conditions of approval, an 8½ x 11 reduced copy of the approved *landscape plan* and the required *fuel modification zone*.
2. Enter into a reimbursement agreement with the County to cover the Planning Division's costs of monitoring the approved landscaping and irrigation improvements pursuant to Sec. 8178-8.9.2(b) below.

**Sec. 8178-8.9.2 – Landscape Inspections**

- a. Prior to issuance of a final map, certificate of occupancy, or other milestone set forth in the conditions of the discretionary entitlement for the project requiring landscaping, the permittee shall satisfy the following post-approval requirements:
  1. *Certificate of Completion*. The permittee shall submit to the Planning Division a *Certificate of Completion* as provided by the Planning Division (see Appendix L6).
  2. After the permittee submits the *Certificate of Completion*, County staff shall conduct an onsite inspection to verify that the landscaping was installed as required by the approved *landscape documentation package*.
- b. The property owner shall maintain the required *landscape area* in accordance with the approved *landscape documentation package*.
- c. If required landscaping does not meet the *performance criteria* set forth in the approved *landscape documentation package*, the permittee shall submit a proposed modification to the *landscape documentation package* for the County review and approval pursuant to Sec. 8178-8.7.2 that includes *licensed landscape architect, landscape designer, landscape contractor, or qualified biologist's* recommendations for plant substitutions or remedial efforts.

**Sec. 8178-8.9.3 – Landscape Maintenance and Monitoring**

- a. Required landscaping shall be maintained for the term of the subject permit to ensure continued compliance with the approved *landscape documentation package* and shall include the following as may be supplemented in the *landscape documentation package*.
  1. Pruning shall be conducted to keep plants within spatial limits, and weeds and litter removed in the *landscape area*.
  2. Plant materials that are not successfully established or that did not meet performance criteria may be replaced with alternative plants as recommended by a *licensed landscape architect, landscape designer, landscape contractor, or qualified biologist*. Plant substitutions that do not change the MAWA or ETWU do not require a permit modification pursuant to Sec. 8178-8.7.2.
  3. Tree supports shall be inspected frequently and removed as soon as the tree can stand without support and be able to resist wind damage.
  4. *Mulch* shall be replenished.
  5. The irrigation equipment shall be monitored for any necessary repairs.
  6. Any defects in landscape maintenance shall be remedied within 30 days following the County's notification.

- b. Failure to maintain required landscaping and/or irrigation systems shall constitute a violation of the subject permit (see Article 13 Enforcement and Penalties).

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## **ARTICLE 9: ZONING MAPS**

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Sec. 8179 et seq. consists of the Ventura County Coastal Zoning Maps, on file in the Office of the Clerk of the Board of Supervisors. (AM.ORD.4451-12/11/12)

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**ARTICLE 10:  
(RESERVED FOR FUTURE USE)**

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# ARTICLE 11: ENTITLEMENTS - PROCESS AND PROCEDURES

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## Sec. 8181-1 – 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. 8181-2 – Legal Lot Requirement

No permit shall be issued for construction on a *lot* that is not a *legal lot*.

(AM.ORD.3788-8/26/86, AM.ORD. 4451-12/11/12)

## Sec. 8181-3 – Permits

Permits authorized by this Chapter include the following:

### Sec. 8181-3.1 – Zoning Clearances

*Zoning Clearances* certify that a proposed *structure* and/or *use* of land or *buildings* meets all the requirements of this Chapter, and, if applicable, the conditions of any previously issued permit. Issuance of a *Zoning Clearance* is a *ministerial decision* by the *Planning Director* that is not appealable to the Coastal Commission and is required for *development* exempt or excluded from the requirement to obtain a *Coastal Development Permit*. (AM.ORD.4451-12/11/12)

- a. Issuance - A *Zoning Clearance* is required prior to the initiation of *uses* of land or *structures*, including a change of *use* where a new *use* replaces an existing one, the construction of *structures* requiring *building* permits, and the commencement of any activity authorized by a permit or subdivision granted in accordance with Division 8, Chapters 1, 1.1 and 2 of the County Ordinance Code. A *Zoning Clearance* shall be issued upon the request of an applicant, provided that the proposed *use* or *structure*:
1. Is permissible under the present zoning on the land;
  2. Is compatible with the purpose, intent, goals, policies, programs and land *use* designations specified in the General Plan;
  3. Complies with the applicable terms and conditions of the required discretionary permit granting the *use* in question, and the decision granting said permit is considered "effective" pursuant to Sec. 8181-7.4;
  4. Is not located on the same *lot* where a violation exists 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 to the abatement of the existing violation;
  5. Is not being requested by or for a *person* who owes the County outstanding fees; and
  6. Is consistent with the portions of the County Hazardous Waste Management Plan that identify specific sites or siting criteria for *hazardous waste facilities*.

(AM.ORD.4451-12/11/12)

- b. Expiration - *Zoning Clearances* shall expire 180 days after issuance, unless otherwise indicated on the clearance or unless the *use* of land or *structures* or *building* construction has commenced and is being diligently pursued.

### **Sec. 8181-3.2 - Planned Development Permit**

A Planned Development Permit or modification thereto may be granted by the *Planning Director*, or by the Planning Commission upon deferral, as a *discretionary decision*. For a listing of those *uses* that require a Planned Development Permit, refer to Article 4.

(AM.ORD.4451-12/11/12)

**Article 11, Section 8181-3.3 – Conditional Use Permit**, of the Ventura County Ordinance Code is hereby amended to read as follows:

### **Sec. 8181-3.3 - Conditional Use Permit**

A Conditional Use Permit or modification thereto is issued through a public hearing and discretionary decision by the Planning Director, Planning Commission or Board of Supervisors. 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.

### **Sec. 8181-3.4 - Public Works Permit**

A Public Works Permit is a discretionary permit processed by the Public Works Agency in accordance with all applicable requirements of the Government Code and this Chapter regarding findings, public notification and hearings for discretionary permits.

### **Sec. 8181-3.5 - Required Permit Findings**

Discretionary permits may only 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 conditions and limitations, including time limits, as the *decision-making authority* deems necessary are imposed to allow it to meet said standards. 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 to support the conclusion that each of these standards, if applicable, can be satisfied:

- a. The proposed *development* is consistent with the intent and provisions of the County's Certified LCP;
- b. The proposed *development* is compatible with the character of surrounding *development*;
- c. The proposed *development*, if a conditionally *permitted use*, is compatible with planned land *uses* in the general area where the *development* is to be located.
- d. The proposed *development* would not be obnoxious or harmful, or impair the utility of neighboring property or *uses*;
- e. The proposed *development* would not be detrimental to the public interest, health, safety, convenience, or welfare.

#### **Sec. 8181-3.5.1 - Additional Findings for Hazardous Waste Facilities**

In addition to the provisions of Sec. 8181-3.5, for any proposed *development* of a *hazardous waste* facility, the following additional finding must be made, or be capable of being made, through conditions and limitations placed on the *use*:

- a. That the proposed *hazardous waste* facility is consistent with the portions of the County Hazardous Waste Management Plan that identify specific sites or siting criteria for *hazardous waste facilities*. (ADD.ORD. 3946-7/10/90)

(AM.ORD.4451-12/11/12)

**Sec. 8181-3.5.2 – Additional Findings for Development in the Santa Monica Mountains Overlay Zone**

In addition to the provisions of Sec. 8181-3.5, for any proposed *development* in the Santa Monica Mountains overlay zone the following additional findings must be made through conditions and limitations placed on the *use*:

- a. Private services for each individual *development* requiring potable water will be able to serve the *development* adequately over its normal lifespan.
- b. When a water well is necessary to serve the *development*, the applicant shall be required to do a test well and provide data relative to depth of water, geologic *structure*, production capacities, degree of drawdown, etc. The data produced from test wells shall be aggregated to identify cumulative impacts on riparian areas or other *coastal resources*. When sufficient cumulative data is available to make accurate findings, the County must find that there is no evidence that proposed wells will either individually or cumulatively cause significant adverse impacts on the above mentioned *coastal resources*.
- c. All need for sewage disposal over the life span of the *development* will be satisfied by existing sewer service to the immediate area or by location of septic facilities on-site consistent with other applicable provisions of the LCP.
- d. *Development* outside of the established "Community" area shall not directly or indirectly cause the extension of public services (roads, sewers, water etc.) into an open space area.

(AM.ORD.4451-12/11/12)

**Sec. 8181-3.6 - Validity**

All licenses, permits and certificates may become null and void if:

- a. The application request that was submitted was not in full, true and correct form; or
- b. The findings made pursuant to Sec. 8181-3.5 were based on false information; or
- c. The entitlement does not comply with the terms and conditions of the permit originally granting the *use* under this Division; or
- d. The entitlement was issued erroneously.

(AM.ORD.4451-12/11/12)

**Sec. 8181-3.7 - Emergency Coastal Development Permits**

In the event of an *emergency*, an application for an *Emergency Coastal Development Permit* ("emergency permit") shall be made to the *Planning Director*. The *Planning Director* may issue an *emergency* permit in accordance with Section 30624 of the Public Resource Code and the following:

- a. Applications in cases of emergencies shall be made to the *Planning Director* by letter or facsimile during business hours if time allows, and by telephone or in *person* if time does not allow.
- b. The information to be included in the application shall include the following:

1. The nature of the *emergency*;
  2. The cause of the *emergency*, insofar as this can be established;
  3. The location of the *emergency*;
  4. The remedial, protective, or preventive work required to deal with the *emergency*; and
  5. The circumstances during the *emergency* that appeared to justify the course(s) of action taken, including the probable consequences of failing to take action.
- c. The *Planning Director* shall verify the facts, including the existence and nature of the *emergency*, insofar as time allows.
- d. Prior to the issuance of an *emergency coastal development permit*, when *feasible*, the *Planning Director* shall notify, and coordinate with, the South Central Coast District Office of the California Coastal Commission as to the nature of the *emergency* and the scope of the work to be performed. This notification shall be in *person* or by telephone.
- e. The *Planning Director* shall provide public notice of the proposed *emergency* action, with the extent and type of notice determined on the basis of the nature of the *emergency* itself. The *Planning Director* may grant an *emergency* permit upon reasonable terms and conditions, including an expiration date and the necessity for a regular permit application later, if the *Planning Director* finds that:
1. An *emergency* exists and requires action more quickly than permitted by the procedures for administrative permits, or for ordinary permits administered pursuant to the provisions of Section 30600.5 of the Public Resources Code, and the *development* can and will be completed within 30 days unless otherwise specified by the terms of the permit;
  2. Public comment on the proposed *emergency* action has been reviewed if time allows; and
  3. The work proposed would be consistent with the requirements of the County's certified LUP/CAP.
  4. The *Planning Director* shall not issue an *emergency* permit for any work that falls within the provisions of Section 30519(b) of the Public Resources Code.
- f. The *emergency* permit shall be a written document that includes the following information:
1. The date of issuance;
  2. An expiration date;
  3. The scope of the work to be performed;
  4. Terms and conditions of the permit;
  5. A provision stating that within 90 days of issuance of the *emergency* permit, a follow-up, regular *coastal development permit* application shall be submitted;
  6. A provision stating that any *development* or *structures* constructed pursuant to an *emergency* permit shall be considered temporary until authorized by a follow-up *coastal development permit*, and that the issuance of an

*emergency coastal development permit* shall not constitute an entitlement to the erection of permanent *structures*; and

7. A provision stating that the *development* authorized in the *emergency permit* must be removed unless a complete application for a regular *coastal development permit* for the *development* is filed within 90 days of approval of the *emergency permit* is approved. If a regular *coastal development permit* authorizing permanent retention of the *development*, or a portion of the *development*, is denied, then the *development* that was authorized in the *emergency permit*, or the denied portion of the *development*, must be removed.

g. Reporting

1. The *Planning Director* shall report in writing to the Ventura County Board of Supervisors and to the California Coastal Commission at each meeting the *emergency permits* applied for or issued since the last report, with a description of the nature of the *emergency* and the work involved. Copies of the this report shall be available at the meeting and shall have been mailed at the time that application summaries and staff recommendations are normally distributed to all *persons* who have requested such notification in writing.
2. All *emergency permits* issued after completion of the agenda for the meeting shall be briefly described by the *Planning Director* at the meeting and the written report required by subparagraph (1) shall be distributed prior to the next succeeding meeting.
3. The report of the *Planning Director* shall be informational only; the decision to issue an *emergency permit* is solely at the discretion of the *Planning Director*.

(AM.ORD.4451-12/11/12)

## **Sec. 8181-4 – Variances**

Variances are adjustments in the regulations and *development* standards contained in this Chapter. Variances are discretionary, and are granted to permit deviations from regulations governing such factors as *setbacks, height, lot coverage, lot area* and width, *signs*, off-street parking and wall, fencing and screening standards. The procedures of Sec. 8181-6 shall be followed. Variances may not be granted to authorize a *use* or activity that is not otherwise expressly authorized by the zone regulations governing the property. (AM.ORD.4451-12/11/12)

### **Sec. 8181-4.1 - Purpose**

The sole purpose of any variance shall be to enable a property owner to make reasonable *use* of his 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 such incorporated area.

### **Sec. 8181-4.2 - Required Findings for Variances**

The granting authority must find that the following standards are met by the application:

- a. There are special circumstances or exceptional characteristics applicable to the subject property with regard to size, shape, topography and location, that do

- not apply generally to comparable properties in the same vicinity and zone within the *coastal zone*; and
- b. Granting the requested variance will not confer a special privilege inconsistent with the limitations upon other properties in the same vicinity and zone within the *coastal zone*; and
  - c. 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. 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. All *development* authorized by the variance is consistent with all applicable standards of the LCP; and
  - f. 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) that identify specific sites or siting criteria for *hazardous waste facilities*. (ADD.ORD. 3946-7/10/90)

(AM.ORD.4451-12/11/12)

#### **Sec. 8181-4.3 - 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.

#### **Sec. 8181-4.4 - Administrative Variances**

Applications for routine and minor adjustments in certain types of zoning regulations may be approved by the *Planning Director* as administrative variances, if the standard of Sec. 8181-4.2 are met. The procedures of Sec. 8181-6 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*, or ten percent in the parking aisle width requirement or other such related dimensions;
- b. To allow walls, *fences* or hedges to exceed the *height* limit regulations by a maximum of one foot, except in the *clear sight triangle*;
- c. To allow an increase not exceeding ten percent in maximum building coverage; and
- d. To allow required parking for *single-family dwellings* to be provided in tandem.

(AM.ORD.4451-12/11/12)

#### **Sec. 8181-4.5 - Planning Commission Approval**

In all cases not covered in Sec. 8181-4.4, variances shall be considered by the Planning Commission. The procedures of Sec. 8181-6 shall be followed.

#### **Sec. 8181-4.6 - Duration**

Any variance is considered to run with the land; however, a time limit may be placed on the variance, in which case the variance shall expire at the end of the specified period unless an extension is granted.

## **Sec. 8181-5 – Filing and Processing of Application Requests**

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. 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.

### **Sec. 8181-5.1 - Applications**

Applications may be filed as provided in the following sections:

- a. Who May Apply - An application for a permit or variance may be filed by the owner of the property or his/her authorized agent, a lessee who holds a lease whose terms permit the use applied for, or by any duly constituted government authority or agent thereof.
- 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. In addition, prior to the issuance of a *coastal development permit*, the applicant shall demonstrate the authority to comply with all conditions of approval.
- 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. 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 Sec. 8181-9.
- e. Violations on Property - No application for any entitlement shall be accepted for filing if a violation of Chapter 1.1 or Chapter 2 exists on the property, provided that the violation was a result of the actions or inactions of the applicant or his predecessor(s) in interest, unless an application is concurrently filed that would abate the existing violation. (AM.ORD.4451-12/11/12)
- f. 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.
- g. 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.
  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. 8181-5.2 - 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 elevations, plot plans, and phasing, as deemed appropriate by the *Planning Director* for complete review of the request. For applications to develop oil or gas resources, see Sec. 8175-5.7.2 for additional requirements.

### **Sec. 8181-5.3 - Vested Rights**

No *person* obtains any right or privilege to *use* land or *structures* for any manner described in an application request merely by virtue of the County's acceptance of an application or granting of the subject request. See also Sec. 8171-7. (AM.ORD.4451-12/11/12)

### **Sec. 8181-5.4 - Fees**

Each application request for any purpose subject to the regulations of this Chapter, except appeals of decisions regarding *developments* subject to appeal, shall be accompanied by payment of all outstanding fees and charges billed by and owed to the County under Division 8, Chapters 1, 1.1, and 2 by the applicant or by *persons*, partnerships, corporations or other entities owned or controlled by applicant or owning or controlling applicant. Furthermore, each application for any of the above, and for appeals of decisions regarding *developments* not subject to appeal, shall be accompanied by the fee specified by Resolution No. 222 of the Board of Supervisors. No application or appeal shall be accepted for filing or be processed unless the applicant complies with this Section.

- a. Exemptions - No fee need accompany applications for activities sponsored by nonprofit organizations that are solely youth-oriented, including, but not limited to, Scouts, 4-H Clubs, and Little Leagues. No filing fee shall be charged or collected for any application or appeal filed by any County officer, employee, board, commission, or Board-governed Special District on behalf of the County of Ventura.
- b. Penalty Fees - Where a *use* is inaugurated, or construction to that end is commenced, prior to the granting of the required entitlement or amendment to the LCP, the fee for said entitlement or amendment shall be doubled. Payment of such double fee shall not relieve *persons* from fully complying with the requirements of this Code, nor from any other penalties prescribed herein. In no event shall such double fee exceed the application fee plus \$1,000.00.
- c. Billing Method - Once a decision is rendered and becomes final regarding an entitlement, the applicant shall be billed for the balance of fees and charges up to the ceiling amount as specified by the fee schedule (Resolution 222). Should final costs be less than the deposit fee, the unused portion of the deposit shall be refunded to the applicant. Upon request, 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 two percent of the unpaid balance will be added to the balance due, and 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.

- d. 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.

(AM.ORD.4451-12/11/12)

### **Sec. 8181-5.5 - Deferral of Applications**

#### **Sec. 8181-5.5.1**

The *Planning Director* may defer any decision on a Planned Development Permit or modification, suspension, or revocation thereto, to the Planning Commission at any time prior to 30 days after the close of the public hearing if the project:

- a. May result in significant environmental impacts that cannot be mitigated to insignificant levels.
- b. Involves significant public controversy.
- c. May be in conflict with County policies, or would necessitate the establishment of new policies.
- d. May be precedent-setting.
- e. Should be deferred for any other cause deemed justifiable by the *Planning Director*.

(AM.ORD.4451-12/11/12)

#### **Sec. 8181-5.5.2**

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.

(AM.ORD.4451-12/11/12)

### **Sec. 8181-5.6 - Continuance of Permit During Renewal Process**

If an application for renewal of permit has been filed prior to the expiration date of that permit, and is being diligently pursued, the activities for which the permit was granted may continue during the renewal process, unless otherwise provided for in the conditions of the permit. All the terms and conditions of the original permit must be followed at all times. (AM.ORD.4451-12/11/12)

### **Sec. 8181-5.7 - Compliance with Conditions**

It shall be the responsibility of the property owner, and the permittee when the property owner is not the applicant, to ensure that all conditions placed on a permit are met. (AM.ORD.4451-12/11/12)

### **Sec. 8181-5.8 - Securities**

Except as otherwise specified in this Chapter, the *decision-making authority* may impose a penal and/or performance security on any discretionary entitlement as a

condition of such entitlement. The security(s) shall be filed in a form acceptable to the County Counsel and certified by the County Clerk.

- a. The required amount of the security(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 security is maintained over the life of the permit, and to assure that performance securities continue to reflect the actual anticipated costs for completing a required task. No security 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 security 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 security shall not insulate the permittee from liability in excess of the sum of the security 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 security.
- c. The permittee shall maintain the minimum specified amount of a penal security throughout the life of the entitlement. Within 30 days of any forfeiture of a penal security, the permittee shall restore the security to the required level.

(AM.ORD.4451-12/11/12)

## **Sec. 8181-6 – Hearing Procedures**

### **Sec. 8181-6.1 - Determination of Applicable Procedures**

At the time the application for *development* within the *coastal zone* is submitted, the *Planning Director* shall determine whether the *development* is categorically excluded, non-appealable, or subject to appeal to the Coastal Commission for purposes of notice, hearing and appeals procedures. The *Planning Director* shall inform the applicant of the notice and hearing requirements for that particular *development*. The *Planning Director's* determination shall be made with reference to the certified LCP, including any maps, categorical exclusions, land use designations and *zoning ordinances* that are adopted as part of the LCP.

If the determination is challenged by the applicant or other interested party, or by a local government, or if the County wishes to have a Coastal Commission determination as to the appropriate designation, the County shall notify the Coastal Commission by telephone of the dispute or question, and shall request an Executive Director's opinion. The Executive Director shall, within two working days of the County's request (or upon completion of a site inspection where such inspection is warranted), transmit his or her determination as to whether the *development* is categorically excluded, non-appealable, or subject to appeal to the Coastal Commission.

If the Executive Director's determination is not in agreement with the County's determination, the Coastal Commission shall hold a hearing for purposes of determining the appropriate designation for the *development*. (AM.ORD.4451-12/11/12)

## **Sec. 8181-6.2 - Public Hearings**

The *Planning Director* shall hold at least one public hearing on any duly filed application that requires a *discretionary decision* unless the hearing requirement is waived pursuant to Sec. 8181-6.2.3. If the Director defers the application to the Planning Commission, the Planning Commission shall hold at least one public hearing per the requirements of this Article. (AM.ORD.4451-12/11/12)

### **Sec. 8181-6.2.1 - Notice Requirements**

The County shall give public notice of the hearing by publication in a newspaper of general circulation at least 10 calendar days prior to the hearing. In addition, the County shall provide notice of such hearing by first class mail at least 10 calendar days prior to the public hearing. (AM.ORD.4451-12/11/12)

- a. The notice shall be mailed to all of the following:
  1. The owner of the subject property, or the owner's duly authorized agent;
  2. The applicant, if different from the owner;
  3. The Coastal Commission;
  4. Each local agency whose ability to provide essential services or facilities within its jurisdiction may be significantly affected by the project;
  5. All property owners within 300 feet and residents within 100 feet of the exterior boundaries of the Assessor's Parcel(s) on which the development is proposed. 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, or cause to be obtained, by the applicant 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;
  6. Any person who has filed a written request with the Planning Director or the Clerk of the Board of Supervisors to be on the mailing list for that development project or for coastal decisions within the unincorporated area of the County of Ventura;
  7. In the case of appeal hearings, notice shall also be provided to the applicant and, if applicable, to the County official, department, Board or Commission whose order, requirement, permit, decision or determination is the subject of the appeal.
- b. The notice shall contain the following information:
  1. A statement that the *development* is within the *coastal zone*;
  2. The date of filing of the application and the name of the applicant;
  3. The number assigned to the application;
  4. A description of the *development* and its proposed location;
  5. The date, time and place of the hearing, and the identity of the hearing body or officer;
  6. A brief description of the general procedure of the County concerning the conduct of hearings and actions; and

7. The system for County and Coastal Commission appeals, including local fees required.

**Sec. 8181-6.2.2 – Conduct of Public Hearings**

All public hearings shall be conducted in accordance with the Government Code and this Chapter.

(AM.ORD.4451-12/11/12)

**Sec. 8181-6.2.3 – Waiver of Hearing for *Minor Developments***

- a. Consistent with Section 30624.9 of the Public Resources Code, the public hearing requirement for *minor developments* may be waived if all of the following occur:
  1. Notice is sent to all *persons* consistent with the provisions of Sec. 8181-6.2.1, as well as all other *persons* known to be interested in receiving such notice;
  2. The notice states that a public hearing will be held upon the request of any *person*;
  3. No request for public hearing is received by the County within 15 working days from the date of sending the notice.
- b. The notice provided pursuant to Sec. 8181-6.2.3(a) above shall include a statement that failure by a *person* to request a public hearing may result in the loss of that *person's* ability to appeal to the Coastal Commission any action taken by the County on a *coastal development permit* application.
- c. Requests for a public hearing must be made in writing to the Planning Division, and must identify the reasons for such request.

(ADD.ORD. 4451-12/11/12)

**Sec. 8181-7 – 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*). A Resolution or Determination Letter rendering a decision on an application request shall recite such conditions and limitations as are 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 the Planned Development or Conditional Use Permit or variance.

**Sec. 8181-7.1 - 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 conditions and limitations as it deems necessary to assure that all applicable policies and specific requirements as well as the general purpose and intent of the LCP, including its land *use* plan and this Chapter, will be carried out, and further that the public interest, health, safety, and welfare will be secured. 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 an application request not appealed from 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.4451-12/11/12)

**Sec. 8181-7.2 - Finality of Decision**

A decision on an application for *development* shall be deemed final when:

- a. The decision has been rendered, and
- b. All required findings have been adopted, including specific factual findings supporting the legal conclusion that the proposed *development* is, or is not, in conformity with the certified LCP, and
- c. For decisions appealable to the Coastal Commission, all local rights of appeal have been exhausted.

(AM.ORD.4451-12/11/12)

**Sec. 8181-7.3 - Notice of Final Decision**

(This section shall not apply to exempt or categorically excluded *developments*.) Within seven calendar days of a final decision on an application for any *development*, the County shall provide notice of its action by first class mail to the applicant, the Coastal Commission, and any *persons* who specifically requested notice of such final action by submitting a self-addressed, stamped envelope to the County. Said notice shall contain a brief project description, name and address of the applicant, any conditions of approval and written findings, and the procedures for appeal of the local decision to the Coastal Commission (for *developments* subject to appeal). (AM.ORD.4451-12/11/12)

**Sec. 8181-7.4 - Effective Date of Decisions**

A decision by the County on a *development* request shall not be considered effective until:

- a. The appropriate appeal period (pursuant to Sec. 8181-9.2) has expired and no appeal has been filed, or
- b. After all valid appeals regarding the decision are settled by the appropriate decision-making body.

(AM.ORD.4451-12/11/12)

**Sec. 8181-7.5 - County Failure to Act**

- a. If the County fails to provide public notice or hold a hearing on a proposed *development* as required by law, the applicant or their representative may either:
  - 1. file an action to compel the County to provide the public notice or hold the hearing, or both, pursuant to Government Code Section 65956(a); or
  - 2. file an appeal pursuant to sec. 8181-9.2 below.
- b. In the event that the County fails to act to approve or to disapprove a *development* project within the time limits required by Article 5 (commencing with Section 65950) of Chapter 4.5 of Division 1 of Title 7 of the Government Code, the failure to act shall be deemed approval of the permit application, as long as the County (or the applicant) provides the public notice required by law and, if the notice is provided by the applicant, the County is given 60 days to address its failure to act by acting on the application before it can be deemed approved. If the County has failed to provide public notice by the date 60 days prior to the expiration of the time limit established by section 65950 or 65952, the applicant may provide the required public notice in accordance Government Code Section 65956(b), which requires, among other things, that the applicant have first provided the County with seven days advance notice of the applicant's intent to provide such notice.

- c. Notification by the County - When a *development* is deemed approved pursuant to this Section, the County shall, within seven calendar days of such approval, notify any *person* entitled to receive notice that it has taken final action by operation of law pursuant to Government Code Section 65956(b). The appeal period for projects approved by operation of law shall begin only upon receipt of the notice in the Coastal Commission office. (AM.ORD.4451-12/11/12)

### **Sec. 8181-7.6 - 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 Board of Supervisors in order to discharge their duties and responsibilities under this Article and Chapter.

### **Sec. 8181-7.7 - Expiration**

Unless otherwise specified in this Ordinance Code or permit conditions, any permit hereafter granted 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. 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. 8181-8 – 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.

## **Sec. 8181-9 – Appeals**

Any order, requirement, permit, determination or decision made in the administration or enforcement of this Chapter may be appealed in the manner described herein.

### **Sec. 8181-9.1 - Application**

All appeals shall be filed with the Planning Division on the appropriate application forms and addressed to the decision-making authority hearing the appeal. The appropriate decision-making authorities, unless otherwise stipulated herein, are as follows:

- a. Appeals of decisions by the *Planning Director* shall be heard by the Planning Commission.
- b. Appeals of Planning Commission decisions shall be heard by the Board of Supervisors.
- c. An appeal relating solely to requests for waivers or modifications of policies of the Board of Supervisors need only be heard by the Board.
- d. Appeals of Board of Supervisor's decisions on *developments* subject to appeal shall be heard by the Coastal Commission. (AM.ORD.4451-12/11/12)

### **Sec. 8181-9.2 – County 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 Sec. 8181-7.3, or on the following workday if the tenth day falls on a weekend or holiday.

(AM.ORD.4451-12/11/12)

### **Sec. 8181-9.3 - Hearing and Notice**

Upon receipt of a completed appeal application form, 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 appellant, the applicant, and the Coastal Commission.

- a. The *Planning Director* shall deliver all pertinent information relating to the matter on appeal to the authority hearing the appeal prior to the time of the hearing, unless otherwise directed by that authority.
- b. A matter on appeal may be referred back to the preceding *decision-making authority* for further report, information or study.
- c. 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.
- d. Hearings on multiple appeals may be consolidated.

### **Sec. 8181-9.4 - Appellate Decision**

The *decision-making authority* shall either approve, deny, or approve with modifications the appeal request.

### **Sec. 8181-9.5 - Appeals to the Coastal Commission**

- a. For *developments* that are subject to the appeals jurisdiction of the Coastal Commission under Section 30603 of the Public Resources Code, appeal of an action on a Permit may be filed with the Coastal Commission. Prior to filing an appeal with the Coastal Commission, all local appeals on the County's action must have been exhausted, unless the exhaustion of local appeals is not required according to Section 13573 of Title 14 of the California Code of Regulations. *Second dwelling unit* applications subject to the appeals jurisdiction of the Coastal Commission shall be appealed directly to the Coastal Commission. (AM. ORD. 4283 – 06/06/03, AM.ORD. 4451-12/11/12)
- b. In accordance with subdivision (a) of Section 30603 of the Public Resources Code, an action taken by the County of Ventura on a permit application for any of the following may be appealed to the Coastal Commission:
  1. *Developments* approved by the County between the sea and the first *public road* paralleling the sea or within 300 feet of the inland extent of any beach or of the *mean high tide line* of the sea where there is no beach, whichever is the greater distance .
  2. *Developments* approved by the County not included within paragraph (1) of this section located on *tidelands*, submerged lands, public trust lands, within 100 feet of any *wetland*, estuary, *stream*, or within 300 feet of the top of the seaward face of any coastal bluff.
  3. Any *development* approved by the County that is not designated as the *principally-permitted use* under this Ordinance.

4. Any *development* that constitutes a *major public works project* or a *major energy facility*.

(AM. ORD. 4283 – 06/06/03, AM.ORD. 4451-12/11/12)

- c. The grounds of appeal for any *development* that is subject to appeal under Sec. 8181-9.5b(1) shall be limited to one or more of the following:
  1. The *development* fails to provide adequate physical access for public or private commercial *use*, or interferes with such *uses*.
  2. The *development* fails to protect public views from any road or from a recreation area to, and along, the coast.
  3. The *development* is not compatible with the established physical scale of the area.
  4. The *development* may significantly alter existing natural landforms.
  5. The *development* does not comply with shoreline *erosion* and geologic *setback* requirements.
  6. The *development* is not in conformity with the LCP.

(AM.ORD.4451-12/11/12)

- d. The grounds of appeal for any *development* that is subject to appeal pursuant to Secs. 8181-9.5b(2), (3), and (4) shall be limited to whether the *development* is in conformity with the LCP. (AM.ORD.4451-12/11/12)

- e. The appeal period for decisions is based on the Coastal Commission's review of the Notice of Final Decision sent by the County pursuant to Sec. 8181-7.3.
  1. Deficient Notice - If the Coastal Commission determines the notice to be deficient, the *Commission* shall notify the County within five calendar days of receipt of said notice, and shall explain the reasons for the deficiency.
  2. Sufficient Notice - Once the Coastal Commission determines the notice to be sufficient, it shall, within five calendar days, notify the County of the appeal period expiration date, which is ten working days from the date of receipt by the Coastal Commission of a sufficient Notice of Final Decision.

(ADD.ORD. 4451-12/11/12)

## **Sec. 8181-10 – Modification, Suspension and Revocation**

Any permit or variance heretofore or hereafter granted may be modified or revoked, or its *use* suspended by the *decision-making authority* that would normally approve the permit or variance, following the same hearing and notice procedures that were followed for approval of the permit or variance. (AM.ORD.4451-12/11/12)

### **Sec. 8181-10.1 - Causes for Modification, Suspension or Revocation**

- 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 in accordance with Sec. 8181-7.7, or 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 be detrimental to the public health, or safety, or as to constitute a nuisance;
- e. That changes in technology, or in the type or amount of *development* in the vicinity of the *use*, or other good cause warrants modification of conditions of operation or imposition of additional conditions of operation to assure that the *use* remains compatible with existing and potential *uses* of other property within the general area in which the *use* is located. This section is declaratory of existing law.

**Sec. 8181-10.2 - Nonwaiver**

The failure of the *Planning Director*, Planning Commission or Board of Supervisors to revoke a variance or permit or 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. 8181-10.3 - 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 judgment 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 contained herein shall be construed to prevent the performance of such operations as may be necessary in connection with a diligent and bonafide effort to 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 or *persons* and the protection and preservation of property.

**Article 11, Section 8181-10.4 – Modification of Permits**, of the Ventura County Ordinance Code is hereby amended to read as follows:

**Sec. 8181-10.4 - Modification of Permits (Applicant Initiated)**

An application for modification of a permit pursuant to this Section may be filed by any person or entity listed in Section 8181-5.1. An application for modification of a permit for a *wireless communication facility* shall be subject to the provisions of Section 8175-5.20.12.

**Sec. 8181-10.4.1 – Ministerial Modifications**

Any change of *use* that would not alter any of the findings made pursuant to Sec. 8181-3.5, nor any findings contained in the environmental document prepared for the permit, may be permitted through the issuance of a *Zoning Clearance* provided any change to a permit issued without a previously approved environmental document is reviewed for its incremental impact on the environment.

**Sec. 8181-10.4.2 – Discretionary Modifications**

The following changes to an approved discretionary permit are *discretionary decisions* and are considered to fall into one of the following three categories described below: Site Plan Adjustment, Minor Modification, or Major Modification.

- a. Site Plan Adjustment - Any change to a permit that would not alter any of the findings made pursuant to Sec. 8181-3.5, nor any findings of approval for the permit or any findings contained in the environmental document prepared for the project, and would not have any adverse impact on the subject site or surrounding properties, may be deemed a site plan

adjustment and acted upon by the *Planning Director* without a hearing. Additionally, these minor changes shall not circumvent the purpose or lessen the effectiveness of the approved permit conditions and must be consistent with all other provisions of the LCP. Such changes include, but are not limited to, the following:

1. Changes to conditions of approval that do not circumvent the purpose or lessen the effectiveness of the approved permit conditions;
  2. A cumulative increase not exceeding ten percent of the approved permit area or *building coverage*;
  3. A decrease of the approved permit area or *building coverage*, floor area, or *height*;
  4. Changes in *structure* location, including reorientation of *structures*, provided the *structures* are situated within the same general footprint as in the approved permit
  5. A cumulative increase not exceeding ten percent of floor area or *height*, including modifications to roof design;
  6. Changes to on-site circulation or to the configuration of any street or *access driveway*, provided such change does not negatively affect connections with an existing or planned street, the performance of the circulation system, public safety, or the ability of the public to *access* coastal waters or nearby inland recreation areas.
  7. A cumulative increase or decrease not exceeding 10 percent of approved motor vehicle or bicycle parking, provided increases can be accommodated on site and the project continues to meet the minimum number of required spaces pursuant to Article 6;
  8. A cumulative decrease not exceeding 10 percent of the approved landscaping or screening, provided the *development* continues to meet the minimum landscape requirements pursuant to Sec. 8178-8 Water Efficient Landscaping Requirements;
  9. A cumulative increase not exceeding ten percent of the approved area of walls, *fences*, or similar *structures*, provided the *development* continues to meet minimum screening requirements, and that the increase does not negatively affect the ability of the public to *access* coastal waters or nearby inland recreation areas;
  10. Minor architectural changes or embellishments involving no change in basic architectural style; or
  11. Internal *remodeling*, consistent with all other County ordinance requirements.
- b. Minor Modification - Any proposed change that exceeds the criteria of a site plan adjustment, 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* through a public hearing process.
- c. Major Modification - Any proposed modification that 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* that approved the original permit.

(AM.ORD.4451-12/11/12)

## **Sec. 8181-11 – Compliance With Special Studies Zone**

The approval of any application proposing an activity that is defined as a "project" in the Alquist-Priolo Special Studies Zone Act (Chapter 7.5 (commencing with Section 2621) of Division 2 of the Public Resources Code) shall be 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, and the certified LCP. (AM.ORD.4451-12/11/12)

**Article 11, Section 8181-12 – Procedures for Open Space Easements and Public Access Documents**, of the Ventura County Ordinance Code is hereby amended to read as follows:

## **Sec. 8181-12 – Procedures for Open Space Easements and Public Access Documents**

All development permits subject to conditions of approval pertaining to public access and open space, conservation, or trail easements shall be subject to the following procedures:

### **Sec. 8181-12.1**

When any easement pertaining to open space, conservation, public trails, or public access to the beach required pursuant to this Chapter is not directly granted to a public or private non-profit agency prior to the issuance of the final Zoning Clearance or recordation of the map, the permittee shall cause to be recorded an irrevocable offer to dedicate (OTD) to the people of California an easement. Said offer shall run for 21 years from the date of recordation.

If an OTD is accepted for the purpose of opening, operating, and maintaining access, the accessway shall be opened within five (5) years of acceptance unless unusual circumstances are demonstrated to the satisfaction of the Planning Director. If the accessway is not opened within this period, and if another public agency or qualified nonprofit organization expressly requests ownership of the easement in order to open it to the public, the easement holder shall transfer the easement to that entity within six (6) months of the written request. When a Coastal Development Permit includes an offer to dedicate public access as a term or condition, the recorded offer to dedicate shall include a requirement that the easement holder transfer the easement to another public agency or private association that requests such transfer, provided that the easement holder has not opened the accessway to the public within five (5) years of accepting the offer.

### **Sec. 8181-12.2**

The Executive Director of the Coastal Commission shall review and approve all legal documents specified in the conditions of approval of a development permit for public access and conservation/open space easements to be granted to any public or private nonprofit agency or to the public.

a. Upon completion of permit review by the County, and prior to the issuance of the permit, the County shall forward a copy of the permit conditions and findings of approval and copies of the legal documents to the Executive Director of the Coastal

Commission for review and approval of the legal adequacy and consistency with the requirements of potential accepting agencies.

b. The Executive Director of the Commission shall have 15 working days from receipt of the documents in which to complete the review and notify the applicant of recommended revisions if any.

c. The County may issue the permit upon expiration of the 15 working day period if notification of inadequacy has not been received by the County within that time period.

d. If the Executive Director has recommended revisions to the applicant, the permit shall not be issued until the deficiencies have been resolved to the satisfaction of the Executive Director.

## **Sec. 8181-13 – Second Dwelling Unit Procedures Pursuant to Subdivision (j) of Section 65852.2 of the Government Code Section**

Notwithstanding Any Other Provision of this Article:

- a. No public hearings shall be conducted on applications for *second dwelling units* under Secs. 8174-5 and 8175-5.1(g). After public notice, interested *persons* may submit written comments to the *Planning Director* prior to the *Planning Director's* decision.
- b. The *Planning Director* shall not defer decisions on applications for *second dwelling units* to the Planning Commission or the Board of Supervisors.
- c. Decisions of the *Planning Director* on applications for *second dwelling units* are final County decisions with no County appeals and shall, upon being rendered, be appealable to the Coastal Commission in accordance with Sec. 8181-9.5.

(ADD. ORD. 4283 – 06/06/03, (AM.ORD.4451-12/11/12))

## **Sec. 8181-14 - Reasonable Accommodation**

### **Sec. 8181-14.1 - 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. 8181-14.2 – 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 (Planned Development Permit, Conditional Use Permit or Public Works Permit) 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. 8181-14.3 – 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. 8181-14 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. 8181-14.4 – Standards for Determining Fair Housing Reasonable Accommodation Requests**

The *Planning Director* shall make a determination on a Fair Housing Reasonable Accommodation Request, consistent with the following:

- 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* and will be consistent with the standards and policies of the LCP.
- e. Other factors that may have a bearing on the accommodation request.

### **Sec. 8181-14.5 – 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. 8181-14.6 – Written Determination on the Request for Reasonable Accommodation**

Except as provided in Sec. 8181-14.2, not more than 45 days after receiving a completed Fair Housing Reasonable Accommodation Request Form, the *Planning Director* or other approving authority, shall issue a written determination and shall set forth in detail the basis for the determination, the findings on the criteria set forth Sec. 8181-14.4, 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 Sec. 8181-14.7.

Upon the request of the *Planning Director* to the applicant to provide additional information pursuant to Sec. 8181-14.3, 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. 8181-14.7 – 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 Sec. 8181-9. Appeals will be heard by the Ventura County Planning Commission.

(ADD.ORD. 4451-12/11/12)

# **ARTICLE 12: NONCONFORMITIES AND SUBSTANDARD LOTS**

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## **Sec. 8182-1 – 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* that deviate from the regulations of this Chapter. (AM.ORD.4451-12/11/12)

**Article 12, Section 8182-2 – Nonconforming Structures Due Only to Changed Standards**, of the Ventura County Ordinance Code is hereby amended to read as follows:

## **Sec. 8182-2 – Nonconforming Structures Due Only to Changed Standards**

Where structures have been rendered nonconforming due only to revisions in development standards dealing with 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 in conformance with the regulations in effect for the zone in which such structures are located.

### **Sec. 8182-2.1 - Carports**

Existing nonconforming carports may be enclosed, provided that no additional living space is thereby created and a Zoning Clearance is obtained.

### **Sec. 8182-2.2 – 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 8175-5.20.3 shall be governed by Section 8175-5.20.15.]

## **Sec. 8182-3 – Continuation of Existing Nonconforming Mobilehomes**

### **Sec. 8182-3.1**

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 *Planning Director* Conditional Use Permit is obtained and the following conditions are met:

- a. The mobilehome is in compliance with the applicable provisions of Section 8175-5.1d, and with the parking requirements of 8176-1 Parking and Loading Requirements; and

- 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. 8182-3.2**

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 through a Planned Development Permit process is obtained or 2) the status of the mobilehome as a single family dwelling meets the applicable provisions of Sections 8175- 5.1d, and the parking requirements of Sec. 8176-1 Parking and Loading Requirements.

## **Sec. 8182-4 – Nonconforming Uses Due Only To Changes In Parking Requirements**

*Uses* that have been rendered nonconforming due only to revisions in parking requirements, in accordance with Article 6, shall be subject to the following regulations:

### **Sec. 8182-4.1 - Expansion and Conformance**

Expansion of the particular *use* shall be permitted if the current parking requirements, in accordance with Article 6, for the *use* can be met, and the addition or enlargements otherwise conform to the regulations in effect for the zone in which it is located.

#### **Sec. 8182-4.1.1 – Exception**

A *single-family dwelling* may be expanded when the proposed expansion does not meet current parking requirements, if all of the following conditions exist:

- a. The *dwelling* has at least one covered parking space;
- b. The existing *lot* configuration does not allow for a second covered space, or does not allow for *access* to a second covered space;
- c. The proposed addition otherwise conforms to the provisions of this Chapter.

### **Sec. 8182-4.2 - Changes of Use**

Changes of *use* to a similar *use*, with the same or less parking requirements and type of permit allowed in the same zone, shall be allowed provided that current requirements for parking can be met, in accordance with Article 6. Where parking cannot meet the current requirement for the new *use*, the required permit under this Chapter must be obtained. In such cases, the parking requirements shall be determined to the satisfaction of the Planning Division and be specified by the permit. The parking specified under the permit shall not be considered conforming.

(AM.ORD.4451-12/11/12)

## **Sec. 8182-5 – The Keeping of Animals**

Nonconformities due to the keeping of 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 continuance is granted in accordance with Sec. 8182-6.2.5.

## **Sec. 8182-6 – Other Nonconforming Uses (No Longer Permitted)**

All *nonconforming uses* that are no longer permitted in the zone in which they are located shall be regulated according to the following provisions:

### **Sec. 8182-6.1 - 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. 8182-6.2 - Uses Within Structures Subject to Amortization**

All nonconforming commercial *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 that 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 Sec. 8182-6.2.4.

#### **Sec. 8182-6.2.1 - Expansion and Change of Use Prohibited**

*Nonconforming uses* under Sec. 8182-6.2 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 that *structural alterations* may be made therein as required by law. 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. 8182-6.2.4 of this Article, and subsequent to the period of amortization.

#### **Sec. 8182-6.2.2 - 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. 8182-6.2.3 - 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*.

#### **Sec. 8182-6.2.4 - Request for a Continuance of Nonconformities Beyond Period of Amortization**

A request for a continuance of nonconformities beyond the period of amortization may be granted as follows:

- a. Grounds for Continuance - A *nonconforming use* or *structure* may be maintained for a reasonable time beyond its period of amortization as specified in this Article if the *Planning Director* makes the following determinations:
  - (1) Special Circumstances - that special circumstances apply to any such *use* or *structure* that do not apply generally to others affected hereby; and
  - (2) Compatibility with Public Welfare - that such a continuance for a prescribed period of additional time is in the public interest and will be reasonably compatible with, and not detrimental to, the *use* of adjacent properties.
- b. Application Process for Continuance - Any application for a continuance of a *nonconforming use* or *structure* must be filed with the Planning Division no later than 30 days following the service of a Notice of Termination and Order to comply, or within 30 days following the continued termination date. An application for a continuance may be filed by the owner of the property, a *person* with a power of attorney from the owner of the property, or a lessee, if the terms of the lease permit the existing *use*. Fees shall be required in accordance with Sec. 8181-5.4.
- c. Determination by Planning Director - Upon filing of a complete application, the *Planning Director* shall investigate the matter, give proper notice, hold an administrative hearing and make a decision thereon based on the criteria set out in this Section and supported by written findings of fact within 75 days from the date the application is filed, or within such extended period of time as may be mutually agreed upon by the applicant and the *Planning Director*. The *Planning Director* may impose such conditions, including time limitations, as may be deemed necessary for the compatibility of such nonconformity with adjacent properties.
- d. Appeals - Appeals shall be filed in accordance with Sec. 8181-9.

(AM.ORD.4451-12/11/12)

### **Sec. 8182-6.3 - 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 Sec. 8182-6.2, may continue, subject to the following:

#### **Sec. 8182-6.3.1 – Expansion**

No additions or enlargements shall be made to such *nonconforming use* or the *structure* in which it is located, except for alterations that may be required by law, expansions within the existing *structure* if no *structural alterations* are made, or additions to existing churches and principal *dwelling(s)* in *residential zones*, that 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.

#### **Sec. 8182-6.3.2 - Change of Use**

The *nonconforming use* may be changed to a *use* that is similar in accordance with Sec. 8181-10.4.1, except that the *nonconforming use* may not be changed to a *use* that requires a Conditional Use Permit under this Chapter.

(AM.ORD.4451-12/11/12)

## **Sec. 8182-7 – Destruction**

The following provisions shall regulate the destruction of *structures* in the given situations:

### **Sec. 8182-7.1 - Uses Not Amortized**

The following provisions shall apply to *non-amortized, nonconforming* structures and *structures* containing *nonconforming uses* not subject to amortization:

#### **Sec. 8182-7.1.1**

Whenever any such *structure* is voluntarily removed, damaged or destroyed to the extent of 50 percent or less of its floor or roof area that 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. (AM.ORD.4451-12/11/12)

#### **Sec. 8182-7.1.2**

Whenever any such *structure* is voluntarily removed, damaged or destroyed to the extent of more than 50 percent of its floor or roof area that 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. (AM.ORD.4451-12/11/12)

### **Sec. 8182-7.2 - Uses Amortized**

The following provisions shall apply to *amortized nonconforming structures* and *structures* containing *nonconforming uses* subject to amortization:

#### **Sec. 8182-7.2.1**

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.

#### **Sec. 8182-7.2.2**

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.

## **Sec. 8182-8 – 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. 8182-9 – Use Of Nonconforming Lot**

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 sub-zone if and only if the *lot* is a *legal lot*.

(AM.ORD.3788-8/26/86)

## **Sec. 8182-10 – 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.

## **Sec. 8182-11 – 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*.

## **Sec. 8182-12 – Effect of Change of Zoning Regulations**

### **Sec. 8182-12.1 - On Authorized Uses Under Discretionary Permits**

Any construction, expansion or alteration of a *use* of land or *structures*, and any required *Zoning Clearance* therefor, that is authorized by an approved discretionary entitlement on or before the effective date of an ordinance amendment may be completed as authorized in the entitlement and in accordance with Sec. 8181-7.7 of this Chapter. (AM.ORD.4451-12/11/12)

### **Sec. 8182-12.2 - On Uses Requiring a Ministerial Decision**

All *uses* involving construction, expansion or alteration of a *use* of land or *structures* that require 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* that conforms with the newly adopted regulations must be obtained before a *building* permit or other necessary entitlement is issued by any agency. (AM.ORD.4451-12/11/12)

### **Sec. 8182-12.3 - 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* shall be governed by the following provisions:

#### **Sec. 8182-12.3.1**

If the *use* or *structure* affected is existing lawfully as a permitted or conditionally *permitted use* or *structure* of any kind, the existing *use* is hereby deemed to be conforming without any further action. Any expansions of the *use* or *structure* shall conform to this Chapter, including requirements for type of permit, provided that any conditions imposed on any such new permit shall be reasonably related to the modification or expansion being requested. Internal *remodeling* or minor architectural changes or embellishments involving no change in basic architectural style shall not result in a requirement for a new permit. (AM.ORD.4055-2/1/94)

#### **Sec. 8182-12.3.2**

If the *use* affected is under a permit that has an expiration date or clause and the new regulation requires a different permit, the *use* may continue as conforming until the specified point of expiration, at which time one of the following actions shall occur:

- a. Applicant may file, in a timely manner, for a permit or renewal as permitted under this Chapter;
- b. The permit expires and the *use* shall terminate.

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# **ARTICLE 13: ENFORCEMENT AND PENALTIES**

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**Article 13, Section 8183 – Enforcement and Penalties**, of the Ventura County Ordinance Code is hereby amended to read as follows:

## **Sec. 8183-1 – 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. 8183-2 – 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 that occurred prior to the effective date of the amendment, for which prosecution or legal action has not been instituted prior to the effective date 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. (AM.ORD.4451-12/11/12)

## **Sec. 8183-3 – 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 therefor as provided in Section 13-2.

## **Sec. 8183-4 – Public Nuisance**

Except as otherwise provided in Section 8183-3 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. 8183-4.1 - 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.

This exception 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.

- a. Exception - This exception 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 the purpose of Section 8183-4.1, 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 carriers for transportation to market.

(AM. ORD. 4151 - 10/7/97)

## **Sec. 8183-5 – 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 Section 836.5 of the California Penal Code, 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 that the *Planning Director* has a duty to enforce. (AM.ORD.4451-12/11/12)

The provisions of Article 13 are based on the independent police powers of the County, and as such, they are not based on any authority delegated by the Coastal Commission pursuant to or otherwise derived from Chapter 9 of the Coastal Act. Nothing in this article affects the California Coastal Commission's ability to pursue independent enforcement action pursuant to its authority under Chapter 9 of the Coastal Act or otherwise.

### **Sec. 8183-5.1 – 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 853.5) of Chapter 5 of Title 3 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.4451-12/11/12)

### **Sec. 8183-5.2 - 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. 8183-5.3 - Enforcement of Performance Standards**

Following the initiation of an investigation, the *Planning Director* may require the owner or operator of any *use* that 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 Sec. 8181-8 of this Chapter. (AM.ORD.4451-12/11/12)

### **Sec. 8183-5.4 - 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 Coastal Zoning Ordinance or permit conditions, or for 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 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 or modification 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.

### **Sec. 8183-5.5 - 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 that suggest the permittee is not assuming responsibility for monitoring his/her own compliance. (AM.ORD.4451-12/11/12)

### **Sec. 8183-5.6 - Notice of Violation and Notice of Noncompliance**

For purposes of this section and section 8183-5.7, the following definitions apply:

- a. "Violation" means the lack of compliance with a provision of Division 8, Chapter 1.1 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. "Violator" means the owner of the property on which the 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. 8183-5.6.1 - 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:

- a. State the violation(s);
- b. State how the violation(s) may be corrected;
- c. 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 Recorder;
- d. Advise that all enforcement costs are recoverable pursuant to Section 8183-5.4;
- e. Advise that civil penalties may be imposed pursuant to Section 8183-5.7; and
- f. Advise that the determination that a violation exists may be appealed, but that the appeal must be filed in accordance with Section 8181-9.

**Sec. 8183-5.6.2 – 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 8181-9, then a Notice of Noncompliance may be recorded in the Office of the County Recorder. The Notice 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 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.

**Sec. 8183-5.7 - Civil Administrative Penalties**

Civil administrative penalties may be imposed for final violations. For the purpose of this section, a violation, as defined in Section 8183-5.6, is "final" if the Notice of Violation issued pursuant to Section 8183-5.6 is not appealed in accordance with Section 8181-9 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 by Section 8183-5.6, 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.

Civil administrative penalties for a violation of the public access policies of the LCP shall not be imposed if the California Coastal Commission has imposed penalties under Section 30821 of the Coastal Act for the same violation.

**Sec. 8183-5.7.1 - Notice of Impending Civil Penalties**

Once a violation is confirmed, a Notice of Impending Civil Penalties shall be served upon a violator separately, or as a Notice of Violation. The Notice of Impending Civil Penalties shall:

- a. State the violation(s);
- b. State the range of the amount of the impending daily civil penalty per violation;
- c. State the date by which the violation must be corrected, which date shall not be less than 30 days from the date of service of the notice; and
- d. 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 30 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. 8183-5.7.2 - Notice of Imposition of Civil Penalties**

Once a violation is final, and if it has not been corrected by the date stated on the Notice of Impending Civil Penalties or an amendment thereto, then a Notice of Imposition of Impending Civil Penalties shall be served upon the violator.

The Notice of Impending Civil Penalties describe the property and state the following for each violation:

- a. The amount of the penalty that will accrue daily per violation as determined pursuant to Section 8183-5.7.4;
- b. The date the penalty will begin accruing; which may be the same date the notice is served;
- c. That the daily penalty will continue to accrue until the violation is corrected as determined by the *Planning Director*;
- d. That the amount of the daily penalty may be increased in the future if the violation is not corrected;
- e. That the accrued penalties are immediately due and owing and that a lien will attach to the property for all unpaid penalties; and
- f. That the amount of the daily penalty may be administratively appealed, in accordance with Section 8183-5.7.5, within ten days of the date of service of the Notice of Imposition of Civil Penalties.

**Sec. 8183-5.7.3 - Notice of Increase in Civil Penalties**

Notwithstanding an appeal of a previously imposed penalty pursuant to Section 8183-5.7.5, 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 8183-5.7.4. To impose the increase, the Enforcement Officer must first serve a Notice of Increase in Civil Penalties upon the violator that shall state:

- a. The amount of the increase of the daily civil penalty;

- b. The effective date of the increase, which date shall not be less than 30 days from the date of service of the notice; and
- c. That the amount of the increase, if contested, may be appealed, but only in accordance with Section 8183-5.7.5.

The amount of the penalty then in effect prior to the increase may not be appealed.

**Sec. 8183-5.7.4 – 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 resolving the existing and past violations; (9) the financial burden of the violator; and (10) 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:

- a. Substantial progress is being made toward correcting the violation and that decreasing the penalties would further the goal of correcting the violation; and
- b. 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. 8183-5.7.5 – 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. ~~Once~~ 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 may 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 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 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 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 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 8183-5.7.4 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 8183-5.7.3.

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 owed to 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 with twenty 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. 8183-5.7.6 – 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 unpaid penalties.~~

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 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 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.

### **Sec. 8183-6 – 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.4055-2/1/94)

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# **ARTICLE 14:**

## **AMENDMENT TO THE LOCAL COASTAL PROGRAM**

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### **Sec. 8184-1 – Purpose**

The purpose of this Article is to establish procedures for amending the Ventura County Coastal Zoning Ordinance, which is part of the LCP. These procedures shall apply to all proposals to change any property from one zone to another (i.e. to amend the zoning map) or to amend the text of this Chapter. The Coastal Zoning Ordinance may be amended by the Board of Supervisors whenever the public health, safety, or general welfare, good zoning practice, and consistency with the Coastal Act, the County General Plan, or the Coastal Area Plan justify such action.

For amendment(s) to this chapter in conjunction with a *hazardous waste facility*, the Coastal Zoning Ordinance may be amended by the Board of Supervisors whenever such amendments are consistent with the portions of the County Hazardous Waste Management Plan (CHWMP) that identify specific sites or siting criteria for *hazardous waste facilities*.

Amendments to the Coastal Zoning Ordinance are not effective until and unless certified by the California Coastal Commission.

(AM.ORD. 3946-7/10/90, AM.ORD. 4451-12/11/12)

### **Sec. 8184-2 – Amendments**

Changes to the boundaries of any zone or LCP Land Use Plan designations, changes to the zoning or land *use* classifications of any property, and textual changes to this Chapter or to the policies or text of the LCP Land Use Plan shall be considered amendments to the LCP.

#### **Sec. 8184-2.1 - Initiation of Amendments**

Proposals to amend the Coastal Zoning Ordinance may be initiated in the following manner:

- a. By the adoption of a Resolution of Intention by the Board of Supervisors requesting the Planning Commission to set the matter for hearing and recommendation within a reasonable time.
- b. By the adoption of a Resolution of Intention by the Planning Commission setting the matter for hearing.
- c. By *Planning Director* action.
- d. By the filing with the Planning Division a complete application accompanied by the appropriate filing fee for:
  - (1) a proposed change to the Coastal Zoning Ordinance 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 proposed amendment to the text of the Coastal Zoning Ordinance by an interested *person*.

(AM.ORD.4451-12/11/12)

### **Sec. 8184-2.2 - Application Forms**

No application for an amendment shall be accepted for filing or processing without a completed application form. The *Planning Director* may prescribe the form and scope of such application forms. (AM.ORD.4451-12/11/12)

### **Sec. 8184-2.3 - Filing Fee**

No application for an amendment shall be accepted for filing or processing unless the required fee, as specified by Board Resolution, is paid.

- a. Penalty Fees - Where a *use* (or construction to that end) is commenced without the required amendment first being obtained, the fee for said amendment, as specified by Resolution of the Board of Supervisors, shall be doubled. In no event shall the double fee exceed the filing fee plus \$1000.00. Payment of such double fee shall not relieve *persons* from fully complying with the requirements of this Code, nor from any other penalties prescribed herein.

### **Sec. 8184-2.4 - 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. 8184-2.5 - Frequency of Amendments**

The LCP shall not be amended more frequently than three times during any calendar year. The amendments may occur at any time as determined by the County, and each amendment may include several different changes. (AM.ORD.4451-12/11/12)

### **Sec. 8184-2.6 - Screening of Privately-Initiated Applications for Zoning Ordinance Amendments**

- a. All privately-initiated applications for amendments to the Coastal Zoning Ordinance (Sec. 8184-2.1(d)) shall first be first screened by the Board of Supervisors prior to any further processing by the Planning Division staff. The purpose of this Board of Supervisors initial screening process is to determine if the privately-initiated application is consistent with the purpose of ordinance amendments in Sec. 8184-1 and appropriate for further processing by the Planning Division staff , or if for any reason such further processing is not warranted.
- b. The Planning Division shall prepare a brief report and recommendation for the Board to *use* in its screening decision-making process.
- c. If the Board does authorize Planning Division staff to further process the privately-initiated amendment to the Coastal Zoning Ordinance, the Board action shall not confer or imply ultimate approval of any such Coastal Zoning Ordinance amendment request. If the Board does not authorize Planning Division staff to further process the privately-initiated amendment, that decision shall be final.

(AM.ORD.4451-12/11/12)

## **Sec. 8184-3 - Hearing and Notice Requirements**

The Planning Commission and Board of Supervisors shall each hold at least one public hearing on any amendment request if appropriate as indicated below. The hearing and notice requirements and public hearing procedures shall be the same as those prescribed in Sec. 8181-6.2 of this Chapter.

## **Sec. 8184-4 - Decisions**

### **Sec. 8184-4.1 - Planning Commission Approval**

The Planning Commission shall forward to the Board of Supervisors by resolution those requests for which the Planning Commission recommends approval or recommends the adoption of an ordinance to amend the LCP. Said resolution shall be forwarded to the Board of Supervisors within 40 days following the close of the Planning Commission hearing thereon, unless waived by the Board of Supervisors.

### **Sec. 8184-4.2 - Planning Commission Denial**

Amendment requests to the Coastal Zoning Ordinance initiated by private parties, the Planning Commission, or the *Planning Director* that the Planning Commission has denied 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. The sole exception is amendment requests initiated by the Board of Supervisors for which the Planning Commission has recommended denials; such requests shall be forwarded to the Board of Supervisors within 40 days following the close of the Planning Commission hearing. (AM.ORD.4451-12/11/12)

### **Sec. 8184-4.3 - Board of Supervisors Action**

- a. Following a public hearing, the Board of Supervisors may approve, modify or disapprove any Planning Commission recommendation regarding an amendment request to the Coastal Zoning Ordinance, provided that any modification of the proposed amendment by the Board of Supervisors not previously considered by the Planning Commission during its hearing shall first be referred back to the Planning Commission for a report and recommendation. In addition, the public hearing shall be continued to allow sufficient time for the Planning Commission to report back to the Board of Supervisors. The Planning Commission shall not be required to hold a public hearing prior to reporting back to the Board of Supervisors. Failure of the Planning Commission to report back within 40 days after such referral, or within a period of time designated by the Board of Supervisors, shall be regarded as approval by the Planning Commission of the proposed modification. A modification shall be deemed "previously considered" by the Planning Commission if the modification of the proposed amendment by the Board of Supervisors is based upon the issues and evidence initially heard by the Planning Commission. (AM.ORD.4451-12/11/12)
- b. The Board of Supervisors may impose reasonable conditions that must occur prior to the effective date of any amendment request for the protection of public health, safety, and general welfare. (AM.ORD.4451-12/11/12)
- c. The Board of Supervisors action to approve, in whole or part, an amendment request shall not be deemed effective until after the Coastal Commission has reviewed and approved the request.

## **Sec. 8184-5 - Submittal to Coastal Commission**

All amendments to the certified LCP approved by the Board of Supervisors must be reviewed and approved by the Coastal Commission. (AM.ORD.4451-12/11/12)

### **Sec. 8184-5.1 - Contents of Submittal**

All of the following shall be submitted to the Coastal Commission for an amendment:

- a. A Board of Supervisors resolution that states that the amendment is intended to be carried out in accordance with the Coastal Act and the certified LCP. The

resolution must state that the amendment will either, 1) take effect automatically upon Coastal Commission approval, or 2) require formal County adoption after Coastal Commission approval. The resolution shall be accompanied by an exact copy of the adopted amendment. (AM.ORD.4451-12/11/12)

- b. A summary of the measures taken to provide the public and affected agencies and districts maximum opportunity to participate in the LCP amendment process, a listing of members of the public, organizations, and agencies appearing at any hearing or contacted for comment on the LCP amendment; and copies or summaries of significant comments received and of the local government response to the comments. (AM.ORD.4451-12/11/12)
- c. All policies, plans, standards, objectives, diagrams, drawings, maps, photographs, and supplementary data, related to the amendment in sufficient detail to allow review for conformity with the requirements of the Coastal Act. Written documents should be readily reproducible.
- d. A discussion of the amendment's relationship to and effect on the other sections of the certified LCP. (AM.ORD.4451-12/11/12)
- e. An analysis that demonstrates the amendment's conformity with the requirements of Chapter 6 of the Coastal Act (beginning with Section 30500).
- f. Any environmental review documents, pursuant to the California Environmental Quality Act, required for all or any portion of the amendment to the LCP.
- g. An indication of the zoning measures that will be used to carry out the amendment to the LCP Land Use Plan (unless submitted at the same time as the amendment to the Land Use Plan).

### **Sec. 8184-5.2 - Coastal Commission Action**

After the Coastal Commission, in accordance with its own regulations, reviews and takes action on an amendment request submitted by the County, the *Commission* will transmit its decision to the County after such review. The Board of Supervisors must acknowledge receipt of the Coastal Commission's resolution, including any terms and conditions; accept and agree to any such terms and conditions; and take whatever formal action is required to satisfy those terms and conditions. If the Board does not agree to the Coastal Commission's terms and conditions, the following options are available to the County:

- a. Resubmit the request with additional reasons or evidence to indicate why such terms and conditions are unnecessary.
- b. Modify the amendment request in such a manner as to render the terms and conditions unnecessary, and resubmit if appropriate.
- c. Propose alternative terms and conditions that still meet the Coastal Commission's intent. (AM.ORD.4451-12/11/12)
- d. Withdraw the request.

### **Sec. 8184-5.3 – LCP Amendments Do Not Alter Categorical Exclusion Orders**

An amendment of the Coastal Zoning Ordinance shall not

- a. Alter an approved Categorical Exclusion Order;
- b. Authorize the exclusion of any category of *development* not excluded by a Categorical Exclusion Order; or

c. Alter the geographic boundaries of the exclusion areas.

In the event an amendment of the Coastal Zoning Ordinance is certified by the Coastal Commission, *development* shall comply with the amended Ordinance, except where the terms and conditions of an approved Categorical Exclusion Order specify more restrictive *development* criteria. In such cases the Categorical Exclusion Order shall prevail.

(ADD.ORD. 4451-12/11/12)

## **Sec. 8184-6 – Partial Amendment History**

LCP Amendment No. 1-2007 to the LCP changed a portion of land, not to exceed 2.9 acres in size, designated Coastal Commercial in the South Coast Area to a residential designation. To offset the change to a lower priority land *use* designation, the Coastal Area Plan (LUP) requires a payment of a fee by the project proponent. The mitigation fee shall be used for the provision of lower cost overnight visitor serving accommodations providing new lower cost overnight accommodations within the *Coastal zone* of Ventura County, the Santa Monica Mountains (Ventura & Los Angeles Counties), or the City of Malibu. The mitigation fee shall be in the amount of \$557,084 (Five Hundred Fifty Seven Thousand Eighty Four United States Dollars) to offset the loss of the priority land *use* in the South Coast Area. (ADD.ORD.4351-9/16/08)

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# APPENDICES

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The Ventura County Ordinance Code is hereby amended by the addition of the following Appendices:

## APPENDIX T1 TREE REMOVAL, ALTERATION, AND PLANTING STANDARDS

### A.1 Introduction

The following standards set forth acceptable methods for *protected tree removal, alteration* and planting. All standards must be used in conjunction with Sec. 8178-8 of the Ventura County Coastal Zoning Ordinance, and discretionary permit applications shall be consistent with these standards.

Policy A.2(2) of the Coastal Area Plan specifically defines "*protected trees*" to include trees that are ESHA (or that contribute to ESHA), *native, historical, and heritage trees*. For a list of representative *native, non-native, and invasive trees*, see B1. Except for minor *pruning* practices, the *alteration, transplantation, or removal* of a *protected tree* or the *encroachment* into the *protected zone* of a *protected tree* generally requires a *tree permit*. Consult the Tree Protection provisions of the Coastal Zoning Ordinance or the Planning Division to determine the types of tree modifications that require a *tree permit*.

The practices set forth in this Appendix are consistent with the *pruning* guidelines and Best Management Practices adopted by the International Society of Arboriculture (ISA), 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, the U.S. Forest Service, and the National Arbor Day Foundation. The County of Ventura promotes these guidelines as the expected level of care for all trees. Property owners are strongly encouraged to adhere to these *pruning* guidelines and seek additional advice from *qualified tree consultants* if conflicts or questions arise.

### A.2 Safety

- a. *Tree removal, alteration, and maintenance* should be performed by qualified *tree trimmers* under the supervision of an *arborist*, who through related training and on the job experience, are familiar with the practices and hazards of arboriculture and the equipment used in such operations.

*A good rule of thumb is that if you have to leave the ground, even on a ladder, to prune your tree, you should hire a professional.*

- b. Pursuant to Sec. 8178-7.4.2(e), if the Planning Director determines, based upon substantial evidence, that the *alteration or removal* of a *protected tree* may result in unintentional damage to existing development including but not limited to utilities, buildings, *protected trees*, or ESHA, a *qualified tree service company* or *qualified tree trimmer* shall be retained to *alter* or *remove protected trees*.

### A.3 When to Prune or Remove a Tree

*Protected Tree alteration or removal* is prohibited during the bird *breeding and nesting season* (January 1 to September 15), except in very limited circumstances. See Coastal Zoning Ordinance Article 4 Secs. 8178-7.5.1 (General Permit Requirements) and 8178-7.7.4.1.1 (Bird Nesting Surveys).

#### **A.4 Protected Tree Transplantation**

*Transplanted protected trees* are subject to the following:

- a. A *qualified tree service company* shall perform *tree transplantation* for all *protected trees*;
- b. The applicant must demonstrate that *trees transplanted* will be properly cared for per industry standards;
- c. The *tree* survives for a period of 10 years; and
- d. If the *transplanted native tree* dies or suffers declining health or vigor, the Tree Protection, Planting, and Monitoring Plan pursuant to Sec. 8178-7.7.4(d) shall be amended to include replacement *trees*.

#### **A.5 Tree Alteration**

The following standards are designed to help manage the overall health of a *tree*, including but not limited to reducing risk of failure, providing an even distribution of branches, and correcting/improving the tree's structural stability. *Alteration/pruning* of a *tree* shall be conducted in accordance with the following standards:

##### **A.5.1 Purpose**

*Pruning* live branches creates a wound, even when the cut is properly made. Therefore, *pruning* objectives should be established prior to beginning any *pruning* operation.

- a. Three reasons trees should be pruned.



HEALTH



SAFETY



AESTHETICS

1. *Pruning* for Health - *Pruning* for health involves removing diseased or insect-infested wood, thinning the crown to increase airflow, and removing crossing and rubbing branches. *Pruning* can best be used to encourage trees to develop a strong structure and reduce the likelihood of damage during severe weather. Removing broken or damaged limbs encourages wound closure.
2. *Pruning* for safety involves removing branches that could fail and cause injury or property damage, trimming branches that interfere with lines of sight on

streets or driveways, and removing branches that grow into utility lines. Safety *pruning* can be largely avoided by carefully choosing species that will not grow beyond the space available to them and have strength and form characteristics that are suited to the site.

3. *Pruning* for aesthetics involves enhancing the natural form and character of trees or stimulating flower and fruit production. *Pruning* for form can be especially important on open-grown trees that do very little self-*pruning*. In some cases, tree *pruning* can be conducted to enhance views beyond the tree itself. This is a reasonable option when the tree's structure and health can be preserved, allowing it to continue to provide benefits that would be lost if the tree were removed altogether.

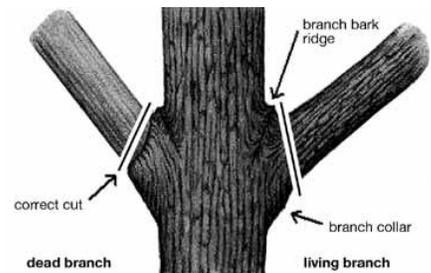
### A.5.2 Size of Pruning Cuts

Tree branches shall be removed in such a manner so as to not cause damage to other parts of the tree or to other plants or property. Use the following guide for size of branches to be removed:

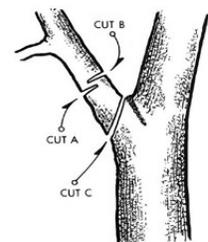
- a. Under two inches in *diameter* – safe to prune.
- b. Between two and four inches in *diameter* – think twice.
- c. Greater than four inches in *diameter* – have a good reason. A *qualified tree consultant* shall be consulted to provide justification in writing that removing a *protected tree's* branches that are larger than four inches will not harm the health of the *tree*.

### A.5.3 Pruning Cuts

Tree branches shall be removed in such a manner so as not to cause damage to other parts of the tree or to other plants or property. Just above the point along a branch where leaf or lateral shoot growth originates is also the correct place to make a *pruning* cut. The following standards shall be implemented when *pruning* trees.



- a. Each cut should be made carefully, at the correct location, leaving a smooth surface with no jagged edges or torn bark.
- b. A *pruning* cut that removes a branch at its point of origin shall be made close to the trunk or parent limb, without cutting into the branch bark ridge or collar, or leaving a stub.
- c. When removing a dead branch, the final cut shall be made just outside the collar of living tissue.
- d. Large or heavy limbs should be removed using three cuts. The first cut undercuts the limb one or two feet out from the parent branch or trunk. A properly made undercut will eliminate the chance of the branch "peeling" or tearing bark as it is removed. The second cut is the top cut which is usually made slightly further out on the limb than the undercut. This allows the limb to drop smoothly when the weight is released. The third cut is to remove the stub, while preserving the branch collar and branch bark ridge.



#### A.5.4 Pruning for Clearance from Overhead Lines

The purpose of utility *pruning* is to prevent the loss of service, comply with mandated clearance laws, prevent damage to equipment, avoid access impairment, and uphold the intended usage of the facility/utility space. Only a qualified line clearance *arborist* under contract with the utility company shall conduct *alteration* or *removal* of trees for the purpose of line clearance work.

#### A.5.5 Tree Crown Alteration

*Pruning* of the tree crown removes *hazardous*, declining, and/or dead branches. Proper crown thinning can reduce the risk of storm damage allowing wind to pass through canopies that have a balanced foliage.

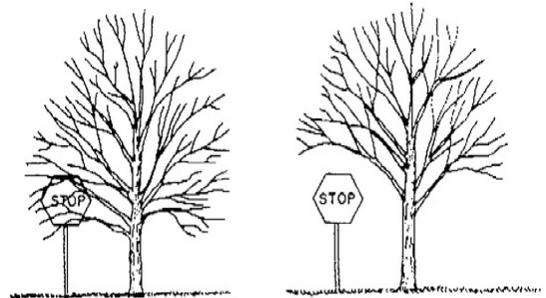
#### A.5.6 General Standards

- a. No more than 20 percent of a *tree's canopy* shall be removed within an annual growing season.
- b. Branches should be selectively removed, leaving more dominant ones intact that show good development in desired directions
- c. *Pruning* shall maintain the tree's natural shape, and *tree topping* is prohibited.

#### A.5.8 Tree Crown Raising

Crown raising is the removal of the lower branches of a tree in order to provide clearance on trees that obstruct vision and/or may interfere with pedestrian and vehicular traffic. The following standards shall be implemented when feasible:

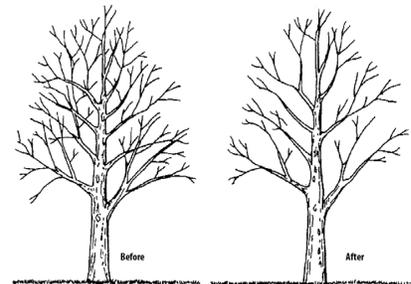
- a. Lower limbs on young trees should remain as long as possible to create and maintain trunk taper and develop a strong trunk.
- b. Shorten low branches regularly and suppress their growth to force more growth in upper branches. The shortened branches can be removed later to raise the crown as needed.
- c. Removal of large *diameter* limbs low on the tree can create large wounds that may not heal and promote decay on the main trunk.



#### A.5.9 Tree Crown Cleaning

Crown cleaning is a series of *pruning* cuts that remove *hazardous*, declining, and/or dead branches, leaving more dominant ones intact that show good development in desired directions.

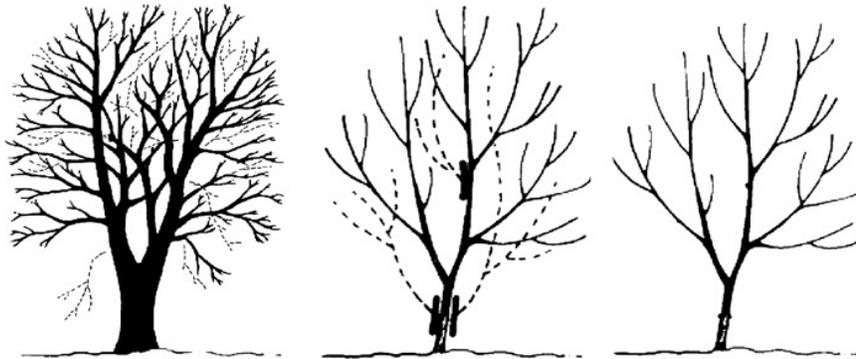
- a. Crown cleaning can be performed on trees of any age but is most common on medium-aged and mature trees that have had minimal maintenance.
- b. Since crown cleaning involves the removal of limbs that may have diseases, to avoid the spread of disease, *pruning* tools should be disinfected between each *pruning* cut.



### A.5.10 Tree Crown Thinning

Crown thinning is the selective removal of branches to increase light penetration and air movement and to reduce end weight on tree branches. Crown thinning can reduce risk of storm damage among intact tree canopies, allowing wind to pass through canopies of “balanced” foliage and stems.

- a. Proper thinning involves removing branches at their point of origin or back to appropriate lateral branches.
- b. Thinning does not normally influence the size or shape of the tree and should result in an even distribution of branches along individual limbs, not a grouping toward the ends.
- c. Removal of only interior branches can create an effect known as lion-tailing. This displaces foliar weight to the ends of the branches and may result in sunburned bark tissue, weakened branch structure, and breakage.



### A.5.11 Tree Crown Reduction

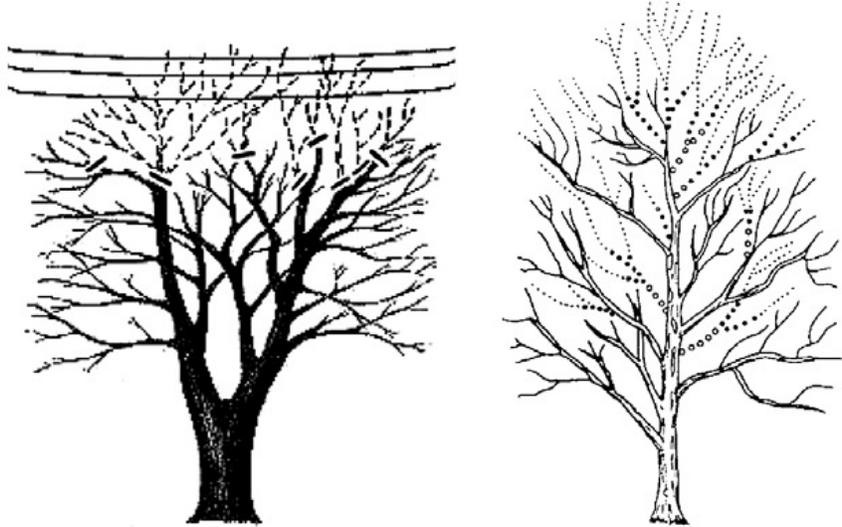
Crown reduction is the cutting of limbs back to their portion of origin or back to a lateral branch capable of sustaining the remaining limb and the main, central stem of the tree is dominant (i.e. grows stronger than) other branches. Reduction is used to reduce the size of a tree by decreasing the length of one of many stems and branches. Crown reduction *pruning* can control the size of the tree, however it is no substitute for matching the correct tree species with the site.

### A.5.12 Tree Topping

*Topping* is used only when removing an unwanted tree. It should never be used as a primary *pruning* practice for reducing the height or spread of a tree. When a tree is topped, several things can occur:

- a. The branch at the point of the heading cut produces a flush of new growth, usually numerous, vigorous and disorganized sprouts. This “witch’s broom” of new growth destroys the tree’s natural growth. Sprouts are often long and upright with little variation in shape and structure.
- b. In producing such profuse growth to replace the lost foliage, the plant is soon as tall as it was before *topping*. But now the crown is denser, requiring extra time and effort to prune.

- c. The sprouts also create a foliage shell, shading the plant's interior, often causing inside branches to die.
- d. New sprouts are weakly attached, crowded and prone to breakage.
- e. Never plant trees near or under utility lines, awnings, or anywhere else that will require extensive *pruning* to keep them from damaging property.



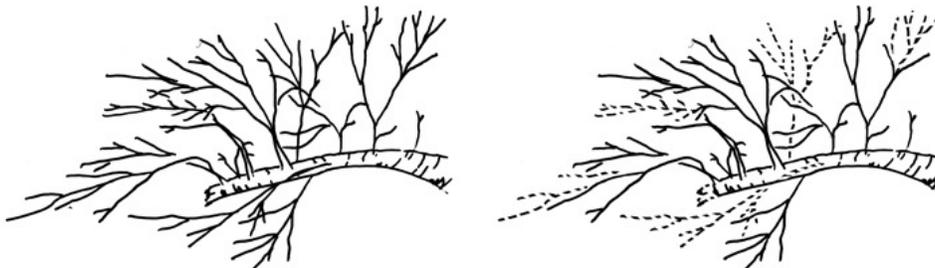
**TREE TOPPING**

**CROWN**

**A.5.13 Tree Crown Restoration**

Tree crown restoration is performed to improve structure, form, and appearance of trees that have been topped, vandalized, or storm damaged. Restoring a tree to a sustainable structure usually requires a number of *prunings* over a period of years as new dominant branches will take time to form.

- a. The process of crown restoration can be a combination of crown cleaning, crown thinning, and crown reduction, depending on the severity of the damage.
- b. Removal of dead or broken limbs should be completed first.
- c. Choose limbs that are U-shaped to remain rather than limbs with a sharper angle of attachment.



## A.6 Wound Treatment

Wound treatments such as tree tar or other wound dressing, should not be used to cover wounds or *pruning* cuts, except when a *qualified tree consultant* recommends such treatment for disease, insect, mistletoe, or sprout control.

## A.7 Tools and Equipment

Proper *pruning* can extend the useful life of trees, improve their safety, and add significant value to coastal areas. Conversely, improper *pruning* can irreparably damage a tree and possibly make it *hazardous*. The following general standards shall be implemented during tree *alteration*, *removal*, or *transplantation*.

- a. Climbing spurs shall not be used in the *alteration* of trees.
- b. *Pruning* tools used in making *pruning* cuts shall be sharp and should be disinfected between each *pruning* cut. Rubbing alcohol, disinfectant spray, or a 1:10 mixture of bleach and water are the recommended disinfectants.
- c. Selecting the right tools will ensure *pruning* operations progress in a safe manner. Examples of *pruning* tools include the following:

1. Hand *Pruning* Shears are made for cutting branches up to about one-half-inch in *diameter*.



2. Lopping shears have long handles to exert great cutting power when *pruning* branches up to two inches in *diameter*.



## A.8 Tree Root Alteration

- a. Pursuant to Sec. 8178-7.5.1, a Planned Development *Tree Permit* is required for the *encroachment* into the *tree protected zone* of a *protected tree* that is a result of a development project. Examples of *encroachments* include but are not limited to changing the natural grade, excavating for utilities or fence posts, or paving associated with driveways and streets.
- b. Pursuant to Sec. 8178-7.5.2, a Zoning Clearance *Tree Permit* is required to *alter* the roots of a *protected tree*, provided that such *alteration* does not involve *encroachment* into the *tree protected zone* and a *qualified tree consultant* states in writing that the root *alteration* will not harm the health of the tree.
- c. The *tree protected zone* is considered the area in which a critical amount of the *tree's roots* may be found. To determine the tree protection zone, the following calculations noted in (1), (2) and (3) below, shall be performed for all *protected trees* within 20 feet of areas proposed to be disturbed. The *tree protected zone* is measured horizontally from the outer circumference of the *tree* outward to the distance of the calculated *tree protected zone*. The calculation that provides the maximum protection is considered the designated tree protection zone.
  1. Draw a circle around the tree that is no less than 15 feet from the trunk of the *protected tree*.

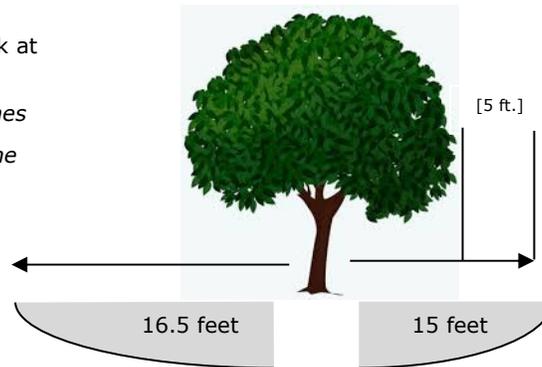
2. Multiply the *tree's diameter* in inches by one and a half feet (i.e. one inch equals one and a half feet). For example, if a *tree's diameter* at a height of 4.5 feet above existing grade is 12 inches, the *tree protected zone* would be 18 feet from the trunk of the *protected tree*.
3. Draw a circle that extends a minimum five feet outside the edge of the *protected tree's dripline*.

Example of *Tree Protected Zone*

DBH = *Diameter* of trunk at 4.5 feet above ground.

Example. DBH = 11 inches

□ : *Tree Protection Zone*



- d. *Tree Root Alteration* shall only be conducted for the following:
  1. When a *protected tree* is being replanted.
  2. If approved grading or construction activities are occurring near a *protected tree* and no alternative that avoids disturbance is feasible.
  3. To *alter/prune roots* from under an existing curb or sidewalk.
  4. As determined by a *qualified tree consultant*, an inspection reveals *root girdling* and the *roots* must be removed in order to preserve the *tree*.
  5. As approved by a Planned Development Permit.
- e. If a *protected tree's roots* must be *altered/pruned*, *pruning* activities shall include but are not limited to the following:
  1. The *alteration/pruning* of *roots* shall be as far away from the *tree trunk* as possible.
  2. Avoid *root alteration/pruning* within the *tree's protected zone* unless there is no feasible alternative (as determined by a *qualified tree consultant*).
  3. Avoid *root pruning* during environmentally stressful times such as droughts, floods, active bud break, and shoot growth.
  4. Avoid large *roots*. No *roots* greater than two inches in *diameter* should be *altered/pruned*.
  5. Prior to *root alteration/pruning*, excavate the soil away from the *roots* by hand or with an air spade.
  6. Do not use backhoes or other equipment that rip or tear *roots*.
  7. Backfill the *roots* as quickly as possible.
  8. Do not *alter/prune roots* for the purpose of landscaping.

## B. TYPES OF TREES

Tables 1, 2 and 3 provide lists of trees for the purpose of identification. The list is not exhaustive and is being provided for reference only.

### B1. Native Trees

California *native trees* existed in California prior to the arrival of European explorers and colonists in the late 18th century. California's *native trees* shall be conserved not only because of their beauty and intrinsic value, but also because they are essential components of ecosystems and natural processes. The following list of *native trees* may be selected for future planting.

Table 1: Native Trees	
Arroyo Willow ( <i>Salix lasiolepis</i> )	Catalina Ironwood, Santa Cruz Island Ironwood ( <i>Lyonothamnus floribundus</i> , <i>L. floribundus</i> ssp. <i>aspleniifolius</i> )
Big Cone Douglas Fir ( <i>Pseudotsuga Macrocarpa</i> )	Elderberry ( <i>Sambucas</i> all species)
Big Leaf Maple ( <i>Acer macrophyllum</i> )	Pacific madrona ( <i>Arbutus menziesii</i> )
Black Cottonwood, Fremont Cottonwood ( <i>Populus balsamifera</i> ssp. <i>trichocarpa</i> and <i>Populus fremontii</i> ssp. <i>fremontii</i> )	Oak ( <i>Quercus</i> , all indigenous species found in Ventura County)
California Ash ( <i>Fraxinus dipetala</i> )	Southern California Black Walnut ( <i>Juglans californica</i> )
California Bay Laurel ( <i>Umbellularia californica</i> )	Sycamore ( <i>Platanus racemosa</i> )
California Juniper, Western Juniper ( <i>Juniperus californica</i> , <i>Juniperus</i> <i>occidentalis</i> )	White Alder ( <i>Alnus rhombifolia</i> )

\* The list of *native trees* was compiled using the responsible landscaping tree list developed by the California Native Plant Society, California Invasive Plant Council and Calflora, a nonprofit organization dedicated to providing information about California plant biodiversity.

### B2. Non-Native Trees

A *non-native tree* is an introduced species living outside its native distributional range, which has arrived there by human activity, either deliberate or accidental. *Non-native trees* can have a negative effect on a local ecosystem by disrupting native vegetated areas, and eventually dominating the region or habitat. Many *non-native trees* however are not *invasive* and provide visual interest and enhancement to the built environment. Because *non-natives trees* can adversely affect the habitats and bioregions they invade, the planting of *non-native trees* is prohibited in the Coastal Open Space (COS), Coastal Agricultural (CA) and Coastal Industrial (CM) zones and as mitigation for the *removal* of a *protected tree*. The following list identifies common *non-native trees* that are not *invasive* in California and may be appropriate species to plant where *non-native trees* are allowed pursuant to the policies and provisions of the LCP.

Table 2: Non-Native Trees	
Australian Willow ( <i>Geijera parvifolia</i> )	Magnolia ( <i>Magnolia L.</i> )
Dogwood	Mediterranean Fan Palm

Table 2: Non-Native Trees	
( <i>Cornus</i> )	( <i>Chamaerops humilis</i> )
Fern Pine ( <i>Podocarpus gracilor</i> )	Ornamental Pear ( <i>Pyrus</i> )
Jacaranda ( <i>Jacaranda mimosifolia</i> )	Strawberry Tree ( <i>Arbutus unedo</i> )
Japanese Maple ( <i>Acer palmatum</i> )	Sweet Gum ( <i>Liquidambar</i> )
King Palm ( <i>Archontophoenix Cunninghamiana</i> )	Queen Palm ( <i>Arecastrum romanzoffianum</i> )
Maidenhair Tree ( <i>Ginkgo biloba</i> )	Weeping Birch ( <i>Betula pendula</i> )

\* The list of *non-native trees* was compiled using the responsible landscaping tree list developed by the California Native Plant Society, California Invasive Plant Council and Calflora, a nonprofit organization dedicated to providing information about California plant biodiversity.

### B3. Invasive Trees

Similar to the *non-native trees* listed in Table 2, *invasive* (or “exotic”) *trees* can out-compete and gradually displace native plants, resulting in a loss of wildlife species that depend upon them. *Invasive trees* however, pose a greater threat because they can rapidly spread and suppress growth of surrounding plants by shading them out, chemically poisoning them, or out-competing them for food and water. The planting of *invasive trees* is prohibited in the *coastal zone*.

TABLE 3 INVASIVE TREES	
Canary Island Date Palm ( <i>Phoenix canariensis</i> )	Pepper Tree ( <i>Schinus molle; terebenthifolius</i> )
Chinese Tallow Tree ( <i>Sapium sebiferum</i> )	Russian Olive ( <i>Elaeagnus angustifolia</i> )
Common Fig ( <i>Ficus carica</i> )	Saltcedar, Athel ( <i>Tamarisx aphylla; chinensis; gallica, parviflora, ramosissima</i> )
Eucalyptus ( <i>Eucalyptus globulus</i> )	Scarlet Wisteria Tree ( <i>Sesbania punicea</i> )
Mexican Fan Palm ( <i>Washingtonia robusta</i> )	Tree-of-Heaven ( <i>Ailanthus altissima</i> )
Myoporum ( <i>Myoporum laetum</i> )	Tree Tobacco ( <i>Nicotiana glauca</i> )
Acacia ( <i>Acacia decurrens, A. dealdata, A. melanoxylon</i> )	Single Seed Hawthorne ( <i>Crataegus monogyna</i> )
Black Locust ( <i>Robinia pseudo-acacia</i> )	Silk Oak ( <i>Grevillea robusta</i> )
Cherry Plum ( <i>Prunus cerasifera</i> )	Silk Tree, Mimosa Tree ( <i>Albizzia julibrissin</i> )
Chinese Pistache ( <i>Pistacia chinensis</i> )	White and Italian Poplar ( <i>Populus alba L.; nigra L. var. italic</i> )
Chinese & Siberian Elm ( <i>Ulmus parvifolia Jacquin; pumila</i> )	Weeping Bottle Brush ( <i>Callistemon viminalis</i> )
English Walnut	White Mulberry

<b>TABLE 3 INVASIVE TREES</b>	
<i>(Juglans regia)</i>	<i>(Morus alba)</i>
European Olive <i>(Olea europaea)</i>	

\* The list of *invasive trees* includes species identified as problematic and/or invasive by the California Native Plant Society and the California Exotic Pest Plant Council.

## **C. GLOSSARY OF TERMS**

Air Spade - A pneumatic soil probe that delivers sudden bursts of air to crack, loosen, or expand the soil to improve the root growing environment or for trench excavation to locate and preserve root tissue.

Arboriculture - The art, science, technology, and business of commercial, public, and utility tree care.

Branch - A secondary shoot or stem arising from one of the main axes (i.e., trunk or leader) of a tree or woody plant.

Branch Collar - Trunk tissue that forms around the base of a branch between the main stem and the branch or a branch and a lateral. As a branch decreases in vigor or begins to die, the branch collar becomes more pronounced.

Branch Bark Ridge - The raised area of bark in the branch crotch that marks where the branch wood and trunk wood meet.

Climbing spurs - Sharp, pointed devices affixed to the climber's leg used to assist in climbing trees (also known as gaffs, hooks, spurs, spikes, climbers).

Closure - The process of woundwood covering a cut or other tree injury.

Co-Dominant - Two main branches that originate at the same point on the main trunk. These create a weak union that is more prone to failure than normal branch development.

Crotch - The angle formed at the attachment between a branch and another branch, leader, or trunk of a woody plant.

Crown - The leaves and branches of a tree measured from the lowest branch on the trunk to the top of the tree.

Decay - Degradation of woody tissue caused by biological organisms.

Establishment - The point after planting when a tree's *root system* has grown sufficiently into the surrounding soil to support shoot growth and anchor the tree.

Girdling Roots: Roots located above or below ground whose circular growth around the base of the trunk or over individual roots applies pressure to the bark area, ultimately restricting sap flow and trunk/root growth, frequently resulting in reduced vitality or stability of the tree.

Interfering Branches - Crossing, rubbing, or upright branches that have the potential to damage tree structure and/or health.

Lateral Branch - A branch or twig growing from a parent branch or stem.

Leader - A dominant or co-dominant, upright stem.

Limb - A large, prominent branch.

Lion's Tailing – The removal of an excessive number of inner, lateral branches from parent branches.

Nodes - Point along a branch where leaf or lateral shoot growth originates. Just above a node is also the correct place to make a *pruning* cut.

Parent branch or stem - The tree trunk; or a large limb from which lateral branches grow.

Pruning – The selective removal of plant parts to meet specific goals and objectives.

Topping - An inappropriate technique to reduce tree size that cuts through a stem at an indiscriminant location.

Tree Crown Cleaning – Selective *pruning* to remove dead, diseased, and/or broken branches.

Tree Crown Raising – Selective *pruning* to provide vertical clearance.

Tree Crown Reduction – Selective *pruning* to decrease height and/or spread.

Tree Crown Restoration – Selective *pruning* to improve structure, form, and appearance of trees that have been severely damaged.

Tree Crown Thinning – Selective *pruning* to reduce density of live branches.

Wound - The opening that is created any time the tree's protective bark covering is penetrated, cut, or removed, injuring or destroying living tissue.

## APPENDIX L1

### LANDSCAPE AND IRRIGATION PLAN REQUIREMENTS

The *Landscape Plan* shall be drawn on clear and legible base sheets prepared specifically for the landscape submittal. Three (3) copies shall be submitted at the time of filing. The following requirements apply to the *landscape plan* and the following information shall be provided as part of or along with the *landscape plan*:

#### **Format**

**Size:** Plans shall be a minimum of 24" by 36" and no larger than 30" x 42".

**Scale:** All *landscape plans* shall be drawn to scale and be consistent with the project's site plan(s). The *landscape plan* shall be at a scale of 1" = 20'.

**Title Block.** The title block is a frame that is located at the bottom or right hand side of the *landscape plan* and shall include the following information.

1. Project title/name.
2. Project case number.
3. *Licensed Landscape Architect/Qualified Landscape Designer* name, address, phone number, license number and stamp (if applicable).
4. Project Site Assessor Parcel Number (APN) and street address.
5. Scale. Plans must be at a scale of 1 inch = 20 feet or larger.
6. Dates of submittals and any revisions.
7. Sheet numbers.

**Cover Sheet.** (Page 1 of the *Landscape Plan*)

1. Water supply (private well or water purveyor if not served by a private well)
2. Project Type (new or *rehabilitated landscape*, private or public, residential, commercial, industrial or institutional)
3. Total *Landscape Area* (square feet)
4. Names, addresses, telephone numbers, and e-mail of the applicant, owner, and consultants.
5. A small-scale vicinity map portraying and orienting the boundaries of the project site with respect to surrounding areas and roads
6. Legend and Abbreviations
7. Applicant signature and date with the following statement:  
"I agree to comply with the requirements of the Ventura County Coastal Zoning Ordinance Section 8178-8 Landscape and Screening and submit a complete *landscape documentation package*."

**Site Plan.** The project site plan shall be used as the underlying base map for the *landscape plan* and shall include but not be limited to the following:

1. The exterior boundaries of the parcel in conformance with existing records, with information as to dimensions and bearings.
2. Location, width, nature and status of all existing and proposed easements, reservations and rights-of-way.
3. Scale and North arrow
4. Gross and net acreage of the property.
5. Building footprints, driveways, parking areas, and other *hardscape* features.
6. Trash enclosures, above-ground utilities, and other features that may require *landscape screening*.
7. The location of all proposed exterior night lighting and an outline of the illuminated area.
8. Water source and point of connection.
9. Drainage channels, creeks, rock outcrops and other natural features.
10. Number, size and location of all existing trees and other significant landscape features.
11. Identification of required *fuel modification zone* (if applicable).
12. Identification of portions of the site and project that are visible from on- or off-site public viewing areas.
13. Identification of portions of the site within 200 feet of environmentally sensitive habitat areas.
14. Identification of Low Impact Development (LID) strategies and landscaping intended to accommodate stormwater flows (e.g., bioretention basins, etc.).

**Planting Plan.** Proposed landscaping shall be overlaid on the site plan described above and include but not be limited to the following:

1. A legend that includes the proposed plants, their common and botanical plant names, total quantities, container size, and plant spacing.
2. Species, number, size and location of all proposed trees.
3. Identification of any *special landscape areas* (if applicable).
4. Each *hydrozone* delineated by number and identified by water use type (i.e. high, moderate and low).
5. Location and installation details of storm water *best management practices*.

**Environmentally Sensitive Habitat Areas (ESHA).** Projects within 200 feet of *ESHA* shall demonstrate on the project plans that the proposed landscaping is sited and designed to protect the *ESHA* from adverse impacts. The *Landscape Plan* shall be submitted with the review of the Plan by a qualified biologist confirming that it is protective of the adjacent *ESHA*.

**Scenic Elements.** Projects visible from public viewing areas shall demonstrate on the project plans and through visual simulations that the proposed landscaping is sited and designed to protect scenic resources and public viewsheds.

**Water Quality.** A Stormwater Quality Urban Impact Mitigation Plan (SQUIMP) as required.

**Design Elements.** Planting plans may include design elements such as boulders, mounds, sculptures, public art, etc. All items shall be drawn to scale.

**Specifications.** Installation and maintenance procedures shall be provided on a separate informational sheet that is included with the *landscape plan*. The installation and maintenance procedures shall include but not be limited to the following:

1. Soil amendment specifications.
2. Specifications for any proposed seed mixes including application rates and relevant germination specifications.
3. Planting requirements including tree staking and guying.
4. The *landscape plan performance criteria* to judge the success of the *landscape plan*.
5. Proposed maintenance and monitoring for growth, survivorship, and cover for a period of one year to ensure the *landscape plan* meets or exceeds the *landscape plan performance criteria* outlined for each of the proposed plantings.

**Irrigation Plan.** The irrigation plan shall be separate from the planting plan, utilize the same format and at a minimum include the following:

1. Identify location and size of water meters for landscape.
2. Identify location, size and type of all components of the irrigation system, including master valve, controllers, main and lateral lines, *valves*, irrigation heads, moisture sensing devices, rain switches, quick couplers, pressure regulators and *backflow prevention devices*, and power supply, as applicable.
3. Identify static water pressure at the point of connection to the public water supply.
4. Provide flow rate (gallons per minute), application rate (inches per hour) and design operating pressure (pressure per square inch) for each *hydrozone*.
5. Show *reclaimed water* irrigation systems as applicable.

**Additional Plan Sheets.** Include as a separate sheet, the following (if applicable):

1. A copy of the Preliminary Grading and Drainage Plan.
2. Architectural elevations of all proposed structures including, but not limited to, buildings, walls and fences.

**APPENDIX L2**  
**CALCULATING THE WATER BUDGET OF A PROJECT SITE**

**Reference Evapotranspiration (ETo) Table\***

Monthly Average Reference Evapotranspiration by ETo Zone (inches/year)

Ventura	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL
*	2.2	2.6	3.2	3.8	4.6	4.7	5.5	4.9	4.1	3.4	2.5	2.0	43.5

\* The values in the table for Ventura County were derived from:

- 1) California Irrigation Management Information System (CIMIS);
- 2) Reference Evapotranspiration Zones Map, University of California Department of Land Air & Water Resources and California Department of Water Resources 1999; and
- 3) Reference Evapotranspiration for California, University of California, Department of Agriculture and Natural Resources (1987) Bulletin 1922;
- 4) Determining Daily Reference Evapotranspiration, Cooperative Extension University of California and Natural Resources (1987), Publication Leaflet 21426

### APPENDIX L3

### SAMPLE WATER EFFICIENT LANDSCAPE WORKSHEET

This worksheet is filled out by the project applicant and is a required element of the landscape documentation package.

#### Reference Evapotranspiration (ET<sub>o</sub>) 43.5

Landscape Areas								
<i>Hydrozone</i>	Plant Water Use Type(s)	<i>Plant Factor (PF)*</i>	Irrigation Method	Irrigation Efficiency	ETAF (PF/IE)	<i>Hydrozone Area (HA) (square feet)</i>	ETAF x Area	Estimated Total Water Use (ETWU)
					Totals	(A)	(B)	

Special Landscape Areas								
<i>Hydrozone</i>	Plant Water Use Type(s)	<i>Plant Factor (PF)*</i>	Irrigation Method	Irrigation Efficiency	ETAF (PF/IE)	<i>Hydrozone Area (HA) (square feet)</i>	ETAF x Area	Estimated Total Water Use (ETWU)
					1.0			
					1.0			
					1.0			
					Totals	(C)	(D)	
			<b>ETWU Total</b>					
			<b>Maximum Allowed Water Allowance (MAWA)</b>					

## Water Budget Calculations

New or altered landscaping shall not exceed the *Maximum Applied Water Allowance (MAWA)*. The following *MAWA* calculation shall be used to identify the annual allowance of water needed for a *landscaped area*:

### Maximum Applied Water Allowance (MAWA)

The project's *Maximum Applied Water Allowance (MAWA)* shall be calculated using these equation:

$$\text{MAWA} = (\text{ETo}) (0.62) [(\text{ETAF} \times \text{LA}) + ((1-\text{ETAF}) \times \text{SLA})]$$

where:

MAWA	=	<i>Maximum Applied Water Allowance</i> (gallons per year)
ETo	=	Reference Evapotranspiration from Appendix L1 (inches per year)
ETAF	=	Average Evapotranspiration (ET) Adjustment Factor (ETAF) is the Plant Factor (PF) divided by the Irrigation Efficiency (IE). For residential the average ETAF must be 0.55 or below and for non-residential areas must be 0.45 or below.
PF	=	Plant Factor used shall be from Water Use Classifications of Landscape Species (WUCOLS). Plant factors may also be obtained from horticultural researchers with academic institutions or nursery industry professional associations as approved by the California Department of Water Resources (DWR).
IE	=	Irrigation Efficiency (minimum allowed 0.75 for overhead spray devices and 0.81 for drip system)
LA	=	<i>Landscaped Area</i> includes <i>Special Landscape Area</i> (square feet)
0.62	=	<i>Conversion factor</i> (to gallons per square foot)
SLA	=	Recreational areas, areas devoted to edible plants such as orchards and vegetable gardens and areas irrigated with recycled water (square feet).
<1.0	=	Evapotranspiration Adjustment Factor for <i>Special Landscape Area</i> shall not exceed 1.0

**APPENDIX L4**  
**ESTIMATED TOTAL WATER USE (ETWU)**

The project's *Estimated Total Water Use (ETWU)* is calculated using the following formula:

$$ETWU = ETo \times 0.62 \times ETAF \times Area$$

Legend:

- ETWU = Estimated water use based on plant material (gallons per year)
- ETo = Reference Evapotranspiration (inches per year)
- 0.62 = Conversion factor (to gallons per square foot)
- ETAF = Plant Factor (PF) divided by Irrigation Efficiency (IE)
- Area = Landscaped Area (square feet)

Average ETAF

Total ETAF X Area	(B)
Total Area	(A)
AVERAGE ETAF	$(B) \div (A)$

Average ETAF for Regular Landscape Areas must be 0.55 or below for residential and 0.45 or below for non-residential

All Landscape Areas

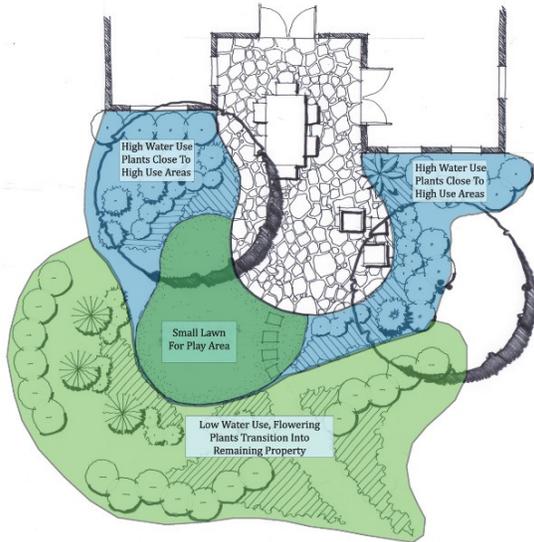
Total ETAF X Area	(B + D)
Total Area	(A + C)
AVERAGE ETAF	$(B + D) \div (A + C)$

## APPENDIX L5

### EXAMPLES FOR CALCULATING THE WATER BUDGET

#### Example 1:

A hypothetical residential landscape project in Ventura, California, with an irrigated landscape area of 1,000 square feet; no special landscape area (SLA= 0).



**Hydrozone:** Label each planting area polygon with a number or letter.

**Plant Water Use Types:** Identify water demand for each hydrozone.

**Plant Factor\*:** Plant factor range shall be as follows:

- 💧 Low water use plants: 0.1 to 0.3
- 💧 Moderate water use plants: 0.4 to 0.6
- 💧 High water use plants: 0.7 to 1.0

Hydrozone	Plant Water Use Type(s)	Plant Factor (PF)*	Irrigation Method	Irrigation Efficiency	ETAF (PF/IE)	Hydrozone Area (HA) (square feet)	ETAF x Area	Estimated Total Water Use (ETWU)
1	High	0.8	Drip	0.81	0.67	100	67	1807
2	High	0.7	Drip	0.81	0.86	100	86	2319
3	Medium	0.5	Drip	0.81	0.61	100	61	1645
4	Low	0.3	Drip	0.81	0.37	350	130	3506
5	Low	0.2	Drip	0.81	0.24	350	84	2265
						1,000 (A)	428 (B)	11,542

\* Plant Factors are derived from the Department of Water Resources 2000 publication "Water Use Classification of Landscape Species".

**Maximum Applied Water Allowance (MAWA)**

$$MAWA = (ETo) (0.62) [(ETAF \times LA) + ((1-ETAF) \times SLA)]$$

$$\text{Average ETWU} = 0.55$$

$$MAWA = (43.5) \times (0.62) [(0.55 \times 1,000 \text{ sf}) + ((0.45 \times 0)]$$

$$MAWA = (43.5) \times (0.62)[(550) + (0)]$$

$$MAWA = (26.97) \times [550]$$

**MAWA = 14,834 gallons**

To convert from gallons per year to hundred-cubic-feet per year:

$$= 14,834/748$$

$$(100 \text{ cubic feet} = 748 \text{ gallons})$$

$$= 19.83 \text{ hundred-cubic-feet per year}$$

**Estimated Total Water Use (ETWU) (gallons per year)**

$$ETWU = ETo \times 0.62 \times ETAF \times Area$$

$$\begin{aligned} \text{HA \#1: } & (43.5) \times (0.62) \times (0.67) \times (100) \\ & [26.97] \times [67] = 1,807 \end{aligned}$$

$$\begin{aligned} \text{HA \#2: } & (43.5) \times (0.62) \times (0.87) \times (100) \\ & [26.97] \times [87] = 2,346 \end{aligned}$$

$$\begin{aligned} \text{HA \#3: } & (43.5) \times (0.62) \times (0.61) \times (100) \\ & [26.97] \times [61] = 1,645 \end{aligned}$$

$$\begin{aligned} \text{HA \#4: } & (43.5) \times (0.62) \times (0.37) \times (350) \\ & [26.97] \times [130] = 3,506 \end{aligned}$$

$$\begin{aligned} \text{HA \#5: } & (43.5) \times (0.62) \times (0.24) \times (350) \\ & [26.97] \times [84] = 2,265 \end{aligned}$$

**ETWU = 11,569 gallons per year**

Compare ETWU with MAWA.

MAWA = 14,834 gallons per year

ETWU = 11,569 gallons per year

- ★ The ETWU (11,569 gallons per year) is less than MAWA (14,834 gallons per year).

*In this example, the water budget complies with the MAWA.*

**APPENDIX L6**  
**SAMPLE CERTIFICATE OF COMPLETION**

**CERTIFICATE OF COMPLETION**

THIS CERTIFICATE IS FILLED OUT BY THE PROJECT APPLICANT UPON COMPLETION OF THE LANDSCAPE PROJECT.

**Part 1. Project Information**

Date	Project Case Number	
Project Name	Telephone Number	
Name of Project Applicant	Cell Phone Number	Fax Number
Title	Email Address	
Company	Street Address	
City	State	Zip Code

**Project Address and Location**

Street Address	Assessor Parcel Number (APN), Tract or Lot Number (if applicable)	
Project Name	Latitude/Longitude (optional)	
City	State	Zip Code

**Property Owner or His or Her Designee**

Name	Telephone Number	Fax Number
Title	Cell Phone Number	Email Address
Company	Street Address	
City	State	Zip Code

**Property Owner**

"I/we certify that I/we have received copies of all the documents within the landscape documentation package and the Certificate of Completion and that it is our responsibility to see that the project is maintained in accordance with the Landscape and Irrigation Maintenance Schedule."

\_\_\_\_\_

Property Owner Signature Date

Please answer the questions below:

1. Date the landscape documentation package was submitted: \_\_\_\_\_
2. Date the landscape documentation package was approved: \_\_\_\_\_

**PART 2. Certification of Installation According to the Landscape Documentation Package**

"I/we certify that based upon periodic site observations, the work has been substantially completed in accordance with Section 8178-8, Water Efficient Landscaping, and that the landscape planting and irrigation installation conform with the criteria and specifications of the approved landscape documentation package."

Signature*	Date	
Name (print)	Telephone Number	
Title	Cell Phone Number	Fax Number
License No. or Certificate No.	Email Address	
Company	Street Address	
City	State	Zip Code

\*Signer shall be the *licensed landscape architect, qualified landscape designer* of the landscape and irrigation plan or a *licensed landscape contractor*.

**APPENDIX L7  
INVASIVE PLANT LIST**

The California Invasive Plant Inventory includes plants that are deemed a potential threat to the state’s wildlands. The list (amended over time), was prepared by the California Invasive Plant Council, and represents the best available information from invasive plant experts in the State of California. Inclusion on the list is based on an assessment of the ecological impacts of each plant, and ratings represent cumulative impacts statewide rather than by individual region.

<b>Table 1 Invasive Plant List</b>	
<b>Scientific Name</b>	<b>Common Name</b>
Acacia dealbata	Silver wattle
Acacia melanoxylon	Black acacia, blackwood acacia
Acroptilon repens	Russian knapweed
Aegilops triuncialis	Barb goatgrass
Ageratina adenophora	Croftonweed, eupatorium
Agrostis avenacea	Pacific bentgrass
Agrostis stolonifera	Creeping bentgrass
Ailanthus altissima	Tree-of-heaven
Alhagi maurorum	Camelthorn
Alternanthera philoxeroides	Alligator weed
Ammophila arenaria	European beachgrass
Anthoxanthum odoratum	Sweet vernalgrass
Arctotheca calendula (fertile)	Fertile capeweed
Arctotheca calendula (sterile)	Sterile capeweed (synonym of Arctotheca prostrata)
Arundo donax	Giant reed
Asparagus asparagoides	Bridal creeper
Asphodelus fistulosus	Onionweed
Atriplex semibaccata	Australian saltbush
Avena barbata	Slender wild oat
Avena fatua	Wild oat

**Table 1  
Invasive Plant List**

<b>Scientific Name</b>	<b>Common Name</b>
Bassia hyssopifolia	Fivehook bassia
Bellardia trixago	Bellardia
Brachypodium distachyon	Annual false-brome, false brome, purple false broom, stiff brome
Brachypodium sylvaticum	Perennial false-brome
Brassica nigra	Black mustard
Brassica rapa	Birdsrape mustard, field mustard
Brassica tournefortii	Saharan mustard, African mustard
Briza maxima	Big quackinggrass, rattlesnakegrass
Bromus diandrus	Ripgut brome
Bromus hordeaceus	Soft brome
Bromus japonicus	Japanese brome, Japanese chess
Bromus madritensis ssp. rubens	Red brome
Bromus tectorum	Downy brome, cheatgrass
Cakile maritima	European sea-rocket
Cardaria chalepensis	Lens-podded white-top
Cardaria draba	Hoary cress
Cardaria pubescens	Hairy whitetop
Carduus acanthoides	Plumeless thistle
Carduus nutans	Musk thistle
Carduus pycnocephalus	Italian thistle
Carduus tenuiflorus	Slenderflower thistle
Carpobrotus chilensis	Sea-fig, iceplant
Carpobrotus edulis	Hottentot-fig, iceplant
Carthamus lanatus	Woolly distaff thistle
Centaurea calcitrapa	Purple starthistle
Centaurea debeauxii	Meadow knapweed
Centaurea diffusa	Diffuse knapweed

**Table 1  
Invasive Plant List**

<b>Scientific Name</b>	<b>Common Name</b>
<i>Centaurea maculosa</i>	Spotted knapweed
<i>Centaurea melitensis</i>	Malta starthistle, tocalote
<i>Centaurea solstitialis</i>	Yellow starthistle
<i>Centaurea virgata</i> ssp. <i>squarrosa</i>	Squarrose knapweed
<i>Chondrilla juncea</i>	Rush skeletonweed
<i>Chrysanthemum coronarium</i>	Crown daisy
<i>Cirsium arvense</i>	Canada thistle
<i>Cirsium vulgare</i>	Bull thistle
<i>Conicosia pugioniformis</i>	Narrowleaf iceplant
<i>Conium maculatum</i>	Poison-hemlock
<i>Cordyline australis</i>	Giant dracaena, New Zealand cabbage tree
<i>Cortaderia jubata</i>	Jubatagrass
<i>Cortaderia selloana</i>	Pampasgrass
<i>Cotoneaster franchetii</i>	Orange cotoneaster
<i>Cotoneaster lacteus</i>	Parney's cotoneaster
<i>Cotoneaster pannosus</i>	Silverleaf cotoneaster
<i>Cotula coronopifolia</i>	Brassbuttons
<i>Crataegus monogyna</i>	Hawthorn
<i>Crocsmia x crocosmiiflora</i>	Montbretia
<i>Crupina vulgaris</i>	Common crupina, bearded creeper
<i>Cynara cardunculus</i>	Artichoke thistle
<i>Cynodon dactylon</i>	Bermudagrass
<i>Cynoglossum officinale</i>	Houndstongue
<i>Cynosurus echinatus</i>	Hedgehog dogtailgrass
<i>Cytisus scoparius</i>	Scotch broom
<i>Cytisus striatus</i>	Portuguese broom
<i>Dactylis glomerata</i>	Orchardgrass

**Table 1  
Invasive Plant List**

<b>Scientific Name</b>	<b>Common Name</b>
<i>Delairea odorata</i>	Cape-ivy, German-ivy
<i>Descurainia sophia</i>	Flixweed, tansy mustard
<i>Digitalis purpurea</i>	Foxglove
<i>Dipsacus fullonum</i>	Common teasel
<i>Dipsacus sativus</i>	Fuller's teasel
<i>Dittrichia graveolens</i>	Stinkwort
<i>Echium candicans</i>	Pride-of-Madeira
<i>Egeria densa</i>	Brazilian egeria
<i>Ehrharta calycina</i>	Purple veldtgrass
<i>Ehrharta erecta</i>	Erect veldtgrass
<i>Ehrharta longiflora</i>	Long-flowered veldtgrass
<i>Eichhornia crassipes</i>	Water hyacinth
<i>Elaeagnus angustifolia</i>	Russian-olive
<i>Emex spinosa</i>	Spiny emex, devil's-thorn
<i>Erechtites glomerata</i> , <i>E. minima</i>	Australian fireweed, Australian burnweed
<i>Erica lusitanica</i>	Spanish heath
<i>Erodium cicutarium</i>	Redstem filaree
<i>Eucalyptus camaldulensis</i>	Red gum
<i>Eucalyptus globulus</i>	Tasmanian blue gum
<i>Euphorbia esula</i>	Leafy spurge
<i>Euphorbia oblongata</i>	Oblong spurge
<i>Euphorbia terracina</i>	Carnation spurge
<i>Festuca arundinacea</i>	Tall fescue
<i>Ficus carica</i>	Edible fig
<i>Foeniculum vulgare</i>	Fennel
<i>Gazania linearis</i>	Gazania
<i>Genista monspessulana</i>	French broom

**Table 1  
Invasive Plant List**

<b>Scientific Name</b>	<b>Common Name</b>
Geranium dissectum	Cutleaf geranium
Glyceria declinata	Waxy mannagrass
Halogeton glomeratus	Halogeton
Hedera helix, H. canariensis	English ivy, Algerian ivy
Helichrysum petiolare	Licoriceplant
Hirschfeldia incana	Shortpod mustard, summer mustard
Holcus lanatus	Common velvet grass
Hordeum marinum, H. murinum	Mediterranean barley, hare barley, wall barley
Hydrilla verticillata	Hydrilla
Hypericum canariense	Canary Island hypericum
Hypericum perforatum	Common St. John's wort, klamathweed
Hypochaeris glabra	Smooth catsear
Hypochaeris radicata	Rough catsear, hairy dandelion
Ilex aquifolium	English holly
Iris pseudacorus	Yellowflag iris
Isatis tinctoria	Dyer's woad
Kochia scoparia	Kochia
Lepidium latifolium	Perennial pepperweed, tall whitetop
Leucanthemum vulgare	Ox-eye daisy
Limnobium laevigatum	South American spongeplant
Limonium ramosissimum ssp. provinciale	Algerian sea lavender
Linaria genistifolia ssp. dalmatica	Dalmation toadflax
Linaria vulgaris	Yellow toadflax, butter and eggs
Lobularia maritima	Sweet alyssum
Lolium multiflorum	Italian ryegrass
Ludwigia hexapetala	Uruguay water-primrose
Ludwigia peploides ssp. montevidensis	Creeping water-primrose

**Table 1  
Invasive Plant List**

<b>Scientific Name</b>	<b>Common Name</b>
Lythrum hyssopifolium	Hyssop loosestrife
Lythrum salicaria	Purple loosestrife
Marrubium vulgare	White horehound
Medicago polymorpha	California burclover
Mentha pulegium	Pennyroyal
Mesembryanthemum crystallinum	Crystalline iceplant
Myoporum laetum	Myoporum
Myosotis latifolia	Common forget-me-not
Myriophyllum aquaticum	Parrotfeather
Myriophyllum spicatum	Eurasian watermilfoil
Nicotiana glauca	Tree tobacco
Olea europaea	Olive
Ononis alopecuroides	Foxtail restharrow
Onopordum acanthium	Scotch thistle
Oxalis pes-caprae	Bermuda buttercup, buttercup oxalis, yellow oxalis
Parentucellia viscosa	Yellow glandweed, sticky parentucellia
Pennisetum clandestinum	Kikuyugrass
Pennisetum setaceum	Crimson fountaingrass
Phalaris aquatica	Hardinggrass
Phoenix canariensis	Canary Island date palm
Phytolacca americana	Common pokeweed
Picris echioides	Bristly oxtongue
Piptatherum miliaceum	Smilograss
Plantago lanceolata	Buckhorn plantain, English plantain
Poa pratensis	Kentucky bluegrass
Polygonum cuspidatum	Japanese knotweed
Polygonum sachalinense	Sakhalin knotweed

**Table 1  
Invasive Plant List**

<b>Scientific Name</b>	<b>Common Name</b>
Polypogon monspeliensis and subspp.	Rabbitfoot polypogon, annual beardgrass
Potamogeton crispus	Curlyleaf pondweed
Prunus cerasifera	Cherry plum
Pyracantha angustifolia, P. crenulata, P. coccinea	Pyracantha, firethorn
Ranunculus repens	Creeping buttercup
Raphanus sativus	Radish
Retama monosperma	Bridal broom
Ricinus communis	Castorbean
Robinia pseudoacacia	Black locust
Rubus armeniacus	Himalaya blackberry
Rumex acetosella	Red sorrel, sheep sorrel
Rumex crispus	Curly dock
Rytidosperma pencillatum	Hairy oat grass
Saccharum ravennae	Ravennagrass
Salsola paulsenii	Barbwire Russian-thistle
Salsola soda	Oppositeleaf Russian thistle
Salsola tragus	Russian-thistle
Salvia aethiopis	Mediterranean sage
Salvinia molesta	Giant salvinia
Sapium sebiferum	Chinese tallowtree
Saponaria officinalis	Bouncingbet
Schinus molle	Peruvian peppertree
Schinus terebinthifolius	Brazilian peppertree
Schismus arabicus, Schismus barbatus	Mediterraneangrass
Senecio jacobaea	Tansy ragwort
Sesbania punicea	Red sesbania, scarlet wisteria
Silybum marianum	Blessed milkthistle

**Table 1  
Invasive Plant List**

<b>Scientific Name</b>	<b>Common Name</b>
<i>Sinapis arvensis</i>	Wild mustard, charlock
<i>Sisymbrium irio</i>	London rocket
<i>Spartina alterniflora</i> (and <i>S. alterniflora</i> x <i>foliosa</i> hybrids)	Smooth cordgrass and hybrids, Atlantic cordgrass
<i>Spartina anglica</i>	Common cordgrass
<i>Spartina densiflora</i>	Dense-flowered cordgrass
<i>Spartina patens</i>	Saltmeadow cord grass
<i>Spartium junceum</i>	Spanish broom
<i>Stipa capensis</i>	Mediterranean steppegrass, twisted-awned speargrass
<i>Stipa manicata</i>	tropical needlegrass
<i>Taeniatherum caput-medusae</i>	Medusahead
<i>Tamarix aphylla</i>	Athel tamarisk
<i>Tamarix parviflora</i>	Smallflower tamarisk
<i>Tamarix ramosissima</i>	Saltcedar, tamarisk
<i>Tanacetum vulgare</i>	Common tansy
<i>Tetragonia tetragonioides</i>	New Zealand spinach
<i>Torilis arvensis</i>	Hedgeparsley
<i>Trifolium hirtum</i>	Rose clover
<i>Ulex europaeus</i>	Gorse
<i>Undaria pinnatifida</i>	Wakame
<i>Verbascum thapsus</i>	Common mullein, woolly mullein
<i>Vinca major</i>	Big periwinkle
<i>Vulpia myuros</i>	Rattail fescue
<i>Washingtonia robusta</i>	Mexican fan palm
<i>Watsonia meriana</i>	Bulbil watsonia
<i>Zantedeschia aethiopica</i>	Calla lily
<i>Zostera japonica</i>	Dwarf eelgrass



Attachment 6: Coastal Commission Action Letter  
dated March 20, 2017

## CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA  
89 SOUTH CALIFORNIA ST., SUITE 200  
VENTURA, CA 93001  
(805) 585-1800



March 20, 2017

Aaron Engstrom  
County of Ventura Resource Management Agency  
Planning Division  
800 South Victoria Ave, L #1740  
Ventura, CA 93009-1740

RE: County of Ventura Local Coastal Program Amendment No. LCP-4-VNT-16-0069-2 (Phase II B)

Dear Mr. Engstrom:

On March 9, 2017, the Coastal Commission approved Local Coastal Program Amendment No. LCP-4-VNT-16-0069-2 with suggested modifications. The Commission's resolution of certification is contained in the staff report dated February 24, 2017. The suggested modifications, as approved by the Commission on March 9, 2017, are attached to this correspondence.

In response to the subject amendment, Commission staff received correspondence regarding an existing public access deed restriction at the Seacliff Community, prescriptive rights, and wireless communication facilities. This correspondence, as well as Commission staff's detailed response to the concerns raised, is described within both the staff report and addendum (portions of which have been attached to this correspondence for reference). However, Commission staff would like to provide additional clarification regarding the existing public access deed restriction at Seacliff Beach.

Specifically, the Seacliff Beach Homeowners Association asserts that the Coastal Trail should not be depicted on the proposed maps as extending the full length of the community, because on the southernmost portion of the community, the existing pathway is not located within the deed restricted area, but instead on private property. This deed restriction was required by the Commission in 1983 as mitigation for a 10 lot subdivision to specifically provide for two lateral access pathways that were intended to extend the full length of the community within Parcel B. Therefore, in order to ensure that existing and/or future public access opportunities are accurately reflected on the proposed Coastal Trail maps and tables, the Commission certified Suggested Modification One (1), which requires that trail segment N2-A be modified to extend the full length of the Seacliff Community. This suggested modification also requires that the Tabular Summary for the North Coast Subarea Trail (Figure 4.1-2) be modified to indicate that improvements may be needed on the southern portion of the trail segment. This certified modification is not intended to, and would not, create any new legal rights, including new public access rights across the southernmost properties of the community. The subject modification regarding Coastal Trail Segment N2-A is merely intended to ensure that the County's LCP trail map includes all relevant trail segments.

Section 13544 of the Commission's Administrative Regulations requires that after certification the Executive Director of the Commission shall transmit copies of the resolution of certification and any suggested modifications and findings to the governing authority, and any interested persons or agencies. Further, the certification shall not be deemed final and effective until all of the following occur:

- (a) The local government with jurisdiction over the area governed by the Local Coastal Program, by action of its governing body: (1) acknowledges receipt of the Commission's resolution of certification, including any terms or modifications suggested for final certification; (2) accepts and agrees to any such terms and modifications and takes whatever formal action is required to satisfy the terms and modifications; and (3) agrees to issue coastal development permits for the total area included in the certified Local Coastal Program. Unless the local government takes the action described above the Commission's certification with suggested modifications *shall expire six months* from the date of the Commission's action.
- (b) The Executive Director of the Commission determines in writing that the local government's action and the notification procedures for appealable development required pursuant to Article 17, Section 2 are legally adequate to satisfy any specific requirements set forth in the Commission's certification order.
- (c) The Executive Director reports the determination to the Commission at its next regularly scheduled public meeting and the Commission does not object to the Executive Director's determination. If a majority of the Commissioners present object to the Executive Director's determination and find that the local government action does not conform to the provisions of the Commission's action to certify the Local Coastal Program Amendment, the Commission shall review the local government's action and notification procedures pursuant to Articles 9-12 as if it were a resubmittal.
- (d) Notice of the certification of the Local Coastal Program Amendment shall be filed with the Secretary of Resources Agency for posting and inspection as provided in Public Resources Code Section 21080.5(d)(2)(v).

The Commission and staff appreciate the County's consideration of this matter. Please feel free to contact Jacqueline Phelps if you have any questions.

Authorized on behalf of the California Coastal Commission by:

John Ainsworth  
Executive Director



By: Jacqueline Phelps  
Coastal Program Analyst

Language proposed to be added by the County of Ventura in this amendment is shown straight type. Language recommended by Commission staff to be inserted is shown underlined. Language proposed to be added by the County of Ventura, but recommended to not be added by the Commission is shown in ~~Strikethrough~~. Other instructional suggested modifications are shown in *italics*.

## **I. SUGGESTED MODIFICATION TO THE LAND USE PLAN**

### **1. Suggested Modification Number One: California Coastal Trail**

Land Use Plan Coastal Trail Policy 1.3 shall be modified as follows:

The Coastal Trail maps (Figures 4.1-1 – 4.1-7) shall be used to determine the general alignment of the Coastal Trail through unincorporated Ventura County. However, the provision of additional trail routes shall not be precluded on the basis that the trail route is not shown on the Coastal Trail maps. In addition to the Coastal Trail routes shown on Figures 4.1-1 – 4.1-7, the Coastal Trail may include, but is not limited to, the following:

- Alternative alignments established through public trail easements acquired through voluntary conveyance, acquisition, conveyance to satisfy conditions of approval of a coastal development permit, or other means; and
- Historic use trails where prescriptive rights exist, that provide a new or alternate Coastal Trail segment, or Easements that provide a link between the mapped Coastal Trail and shoreline beaches or recreation areas – such as recorded vertical access easements, easements established via prescriptive rights, and public access rights reserved as offers to dedicate.

Land Use Plan Coastal Trail Policy 2.3 shall be modified as follows:

Segregated Multi-Modal Routes (Type A-2) shall be provided, whenever feasible, but where there are siting and design constraints, a shared Multi-Modal Route (Type A-1) may be provided ~~for areas with low, anticipated demand by hikers/walkers or in locations with severe siting constraints.~~

Land Use Plan Coastal Trail Policy 3.1 shall be modified as follows:

Segments of the Coastal Trail shall be acquired and developed as follows:

- a. Whenever feasible, the Coastal Trail will be located on public land or land with a public access easement acquired through voluntary transactions with willing landowners.
- b. Where existing public roads or public easements must be widened to accommodate improvements associated with the Coastal Trail, the lead agency should utilize methods at its disposal (e.g. purchase easements, discretionary permit approvals, etc.) to expand an existing public corridor.
- c. When necessary, Coastal Trail easements may be established through the discretionary development process when the easement dedication is voluntary or when a legal basis exists to require the easement dedication as a condition of approval. Dedicated easements may shall be used to implement

accommodate a mapped segment of the Coastal Trail (see Figures 4.1-1 through 4.1-7), an alternate trail segment, or a link between the mapped Coastal Trail and a public beach, park or recreation area. If no ~~the~~ responsible agency is available to does not accept the grant of easement at the time of recordation, then an offer to dedicate an easement shall be recorded. (See Coastal Zoning Ordinance Sec. 8181-12.)

Land Use Plan Coastal Trail Policy 3.2 shall be modified as follows:

When an existing (i.e., express or adjudicated) implied dedication or prescriptive easement provides public access that may provide new segments that support or connect to the Coastal Trail network, such as vertical access between the Coastal Trail and the shoreline, the discretionary permitting process shall be used to provide, maintain or protect public access. For any area that may provide new segments that support or connect to the Coastal Trail network, new development shall be sited and designed to not interfere with the public's right of access to and along the shoreline where there is substantial evidence provided that implied dedication or prescriptive rights may exist, unless it is not feasible and adequate mitigation is provided.

Land Use Plan Coastal Trail Policy 3.6 shall be modified as follows:

The County shall evaluate and, where appropriate, pursue the following opportunities to extend Coastal Trail routes or provide new access points to the Coastal Trail: (a) abandoned roadways and; (b) unaccepted offers to dedicate an easement. In addition, the County should not permanently close, abandon, or render unusable by the public any existing public road which would improve Coastal Trail access or provide an alternate Coastal Trail alignment. When pursued, such opportunities shall be carried out in compliance with Policy 3.1 ~~and 3.7~~. All new trail segments shall be subsequently added to the Coastal Trail map.

Land Use Plan Coastal Trail Policy 3.7 shall be modified as follows:

The County ~~should~~ shall not approve a coastal development permit to close, abandon, or render unusable by the public any existing coastal accessway that serves as or supports connections to the Coastal Trail network, except where there is no feasible alternative to protect or public road which would improve Coastal Trail access or provide an alternate Coastal Trail alignment unless the action is determined to be necessary for public safety. Where feasible, the closure shall be temporary, alternate access provided in the interim period, and the accessway reopened once the public safety issue is resolved. Should the closure become permanent, the impact to coastal access shall be mitigated.

Coastal Trail Note on Figures 4.1-2, 4.1-3, 4.1-4, 4.1-5, 4.1-6, and 4.1-7 shall be modified as follows:

Note: The Mapped Coastal Trail routes are serves as a planning tool preliminary and may be subject to change modified based on a more detailed alignment study, such as through implementation of (see Coastal Trail Program 1)

All modifications proposed by the County to Land Use Plan North, Central, and South Coast Area Vertical Access Easement Policy 1 and Land Use Plan North, Central, and South Coast Area Lateral Access Easement Policy 2 shall be deleted, and the language of subject policies shall remain as previously certified.

Coastal Trail Segment Figure 4.1-5 shall be modified to add a label for La Janelle Park.

Coastal Trail Segment N2-A (Seacliff Beach) on Figures 4.1-2 and 4.1-3 shall be modified to extend downcoast to Hobson County Beach Park, and shall be designated as a hiking/walking path that needs improvement. The Tabular Summary for the North Coast Subarea Trail (Figure 4.1-2) shall be modified as follows:

SEGMENT NUMBER	TYPE OF ROUTE	TRAVEL MODE <sup>1</sup>	LENGTH (MILES)	NAME AND LOCATION OF TRAIL SEGMENT	EXISTING CONDITIONS <sup>2,3</sup>	PRELIMINARY LIST OF IMPROVEMENTS NEEDED	NOTES
N2-A	Single-Use (Type B-1)		0.3-4	Existing public access is a return to source-of-origin pathway on a rock revetment at Seacliff Beach <i>Location: Highway 101 Southbound Seacliff off-ramp</i>	Walkway is located on a rock revetment accessible from the north through a parcel owned by Caltrans, Through access to Hobson County Beach Park is periodically available by a seasonally accessible beach (at low tide).	No additional improvements identified. <u>Trail improvements are needed to extend the trail on the south end of the rock revetment.</u>	

## II. SUGGESTED MODIFICATIONS TO THE IMPLEMENTATION PLAN

### 2. Suggested Modification Number Two: Wireless Communication Facilities

Section 8175-5.20.5.1 of the Implementation Plan shall be modified as follows:

<sup>1</sup> ADA accessible trails and equestrian trails will be defined during future planning process.

<sup>2</sup> All trails listed in this column are accessible (i.e. open to the public).

<sup>3</sup> Class 1 pathways and Class 2 bike lanes may not meet all Caltrans specifications. Class 1 pathways are multi-modal unless otherwise noted. Class 2 is a striped and signed/stenciled bike lane.

In the circumstances listed below, the applicant must demonstrate, through written documentation referenced in Section 8175-5.20.10(i) and (j) below or as otherwise requested by the Planning Director, to the satisfaction of the decision-making authority, that the County's authority to require compliance with the applicable standards and requirements ~~are~~ is preempted by federal ~~or~~ state law, including but not limited to the Federal Telecommunications Act of 1996:

- a. Development of a non-stealth wireless communication facility pursuant to Section 8175-5.20.3(b), or
- b. Any wireless communication facility in a non-preferred location pursuant to Section 8175-5.20.3(f), or
- ~~b.~~ c. Any wireless communication facility in a restricted location pursuant to Section 8175-5.20.3(g), or
- ~~c.~~ d. Any wireless communication facility that does not meet all applicable policies and standards of the LCP.

Part (i) of Section 8175-5.20.10 shall be modified as follows:

- i. Propagation Diagram: Propagation diagrams showing the type and extent of the signal coverage of the applicable regulated carrier shall be required if the proposed wireless communication facility would exceed 30 feet in height, and may be required at lower heights if the facility is proposed on or along a ridge, within the Santa Monica Mountains (M) overlay zone, or is visible from a public viewing area. Propagation diagrams shall be required ~~if either of the Telecommunications Act factors for facilities listed in subsections (a) or (b) of Section 8175-5.20.5.1 are asserted.~~ 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) in an area served by the carrier proposing the facility. 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 3-D modeling diagrams.

*All references to Section 8174-6.3.5 in the Public Works Land Use Category of Section 8174-5: Uses Permitted by Zone (Zoning Matrix) shall be deleted.*

### **3. Suggested Modification Number Three: Civil and Administrative Penalties**

Section 8183-5.7 of the Implementation Plan shall be modified as follows:

Civil administrative penalties may be imposed for final violations. For the purpose of this section, a violation, as defined in Section 8183-5.6, is "final" if the Notice of Violation issued pursuant to Section 8183-5.6 is not appealed in accordance with Section 8181-9 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 by Section 8183-5.6, 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.

Civil administrative penalties for a violation of the public access policies of the LCP shall not be imposed if the California Coastal Commission has imposed penalties under Section 30821 of the Coastal Act for the same violation.

Section 8183-5 of the Implementation Plan shall be modified as follows:

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 Section 836.5 of the California Penal Code, 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 that the *Planning Director* has a duty to enforce. (AM.ORD.4451-12/11/12)

The provisions of Article 13 are based on the independent police powers of the County, and as such, they are not based on any authority delegated by the Coastal Commission pursuant to or otherwise derived from Chapter 9 of the Coastal Act. Nothing in this article affects the California Coastal Commission's ability to pursue independent enforcement action pursuant to its authority under Chapter 9 of the Coastal Act or otherwise.

Section 8183-5.7.5 of the Implementation Plan shall be modified as follows:

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. ~~One~~ 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.

*The first sentence of Section 8183-5.7.6 shall be deleted.*

opportunities through abandoned roadways and unaccepted offers to dedicate. In order maximize public access opportunities, and to ensure that the County does not permanently close, abandon, or render unusable by the public any existing public road that could also improve the CCT or that could provide an alternate trail alignment, **Suggested Modification Two (2)** requires that language initially proposed by the County in Policy 3.7 be relocated to Policy 3.6.

Furthermore, the County has proposed Policy 3.7, which would allow for the closure of a public accessway when necessary for public safety, without consideration of alternatives to avoid the restriction, and without the requirement for the restriction to be removed once the public safety issue has been resolved. Therefore, **Suggested Modification Two (2)** clarifies that the County shall not approve a coastal development permit to close a public accessway except where there is no feasible alternative to protect public safety and that where feasible, such closures shall be temporary and the accessway reopened once the public safety issue is resolved.

### Prescriptive Rights

Along the California coast the general public has historically used numerous coastal areas. Trails to the beach, informal parking areas, beaches, and bluff tops have provided recreational opportunities for hiking, picnicking, fishing, swimming, surfing, diving, viewing and nature study. California law provides that under certain conditions, long term public access across private property may result in the establishment of a permanent public easement. This is called a public prescriptive right of access. As a component of the subject amendment, the County has proposed policies to protect these prescriptive rights. Specifically, proposed Policy 3.2 mandates that the discretionary permit process is utilized to provide, maintain, or protect public access when an existing prescriptive easement provides vertical access between the CCT and the shoreline. However, in addition to those areas where long term public access has resulted in the establishment of a public access easement, there are also areas with historic public use that have the potential to become a public access easement. In these areas, research may indicate that the public use is substantial enough to create potential prescriptive rights; however, the establishment of an easement may not have yet occurred. New development could threaten continued use of these historically-used areas and adversely impact public access. As such, **Suggested Modification Two (2)** requires that Policy 3.2 is modified to ensure that new development be sited and designed to not interfere with the public's right of access where there is substantial evidence that prescriptive rights exist. Furthermore, this suggested modification is required to ensure protection of all prescriptive easements that provide public access, and not just those that provide vertical access between the CCT and the shoreline. Additionally, the County has proposed Policy 1.3, which describes the areas in addition to those depicted on the CCT maps that are also considered part of the CCT network. Easements established via prescriptive rights have been identified as part of the CCT in Policy 1.3; however, **Suggested Modification Two (2)** is required to ensure that historic use trails where prescriptive rights exist are also protected and considered part of the CCT.

### CCT Maps and Figures

Seven CCT maps are also proposed to be added to the LUP as a component of the subject amendment. These maps depict the location of the single-mode and multi-modal CCT routes,

connections to other public trails, shoreline access points, public parks, and existing public parking lots. As depicted on the subject maps, there is currently a multi-modal CCT route that traverses the entire length of the County's Coastal Zone. Tables which list each trail segment that is shown on the map, along with its classification, existing condition, and needed improvements are also proposed to be added.

The subject maps and tables are divided into segments of the North, Central, and South Coast areas of the County. The North Coast CCT Map includes figures 4.1-2 and 4.1-3, and illustrates three trail segments, N1, N2, and N3, that begin at the Santa Barbara/Ventura County Line, and extend downcoast to the City of Ventura. Several beaches, County Beach Park/Campgrounds, and existing public access trails, including the recently constructed Ventura-Santa Barbara 101 HOV multi-modal trail, are depicted on these figures. The segment of the CCT located at Seacliff beach is depicted as segment N2-A. This segment has been depicted by the County as an existing hiking/walking route that extends from a vertical accessway on the up-coast end of the community, down to a location near the downcoast end of the community. However, this trail was not depicted on the map as extending the full length of the community, which would be from the vertical accessway to the Hobson County Beach Park/Campground, as depicted on Exhibit 4.

On March 23, 1983, the Commission approved CDP No. 4-82-595 (Coast Ranch Family and Seacliff Land Company) for a 10 lot subdivision of a parcel located east of the easternmost house in the then 40-lot Seacliff Beach Colony subdivision. The subdivision of that parcel resulted in what are now the easternmost 10 lots in the Seacliff Beach Colony. At that time, the permittee held fee title to the entire Seacliff Beach Colony site, including the sandy beach, with the 40 existing homeowners leasing their sites from the permittee. The Commission approved this 10 lot subdivision with a special condition that required the permittee to record a deed restriction providing for two lateral public accessways (recorded as Instrument No. 93922 on August 26, 1983) within the deed restricted area located seaward of all 50 residential lots in the community. One lateral public accessway is located on the sandy beach between the Mean High Tide Line and the toe of the rock revetment within the Seacliff Beach Colony and includes all areas of the sandy beach between those two lines. The second lateral public accessway is located between the landward edge of the revetment and the seaward lot boundary of the residential lots, and generally follows an existing dirt path which runs the entire length of the revetment. The purpose of this second lateral public access path located between the homes and the revetment was to ensure that the public would still have access to and along this stretch of beach even during higher tidal events when all areas of the sandy beach seaward of the toe of the rock revetment become inundated. In addition, the deed restriction acknowledged that the applicant was solely responsible for reasonably maintaining these two accessways in a clear and safe condition. The location of the deed restricted area is depicted on Exhibit 4.

Furthermore, on June 11, 2008, the Commission approved CDP 4-07-154 (Seacliff HOA) which allowed for repair of the rock revetment, the removal of 19 existing unpermitted private beach access stairways between the public trail and the sandy beach, improvement of two existing beach access stairways for public use, and the demolition and reconstruction of one additional beach access stairway for public use. This CDP also included the removal of unpermitted landscaping, rock, and debris within the public trail and an offer to exercise the applicant's best

effort to remove an unpermitted privacy wall and landscaping (located on the adjacent parcel owned by Caltrans) which blocks access to the public trail on the subject site.

The Seacliff Beach Colony Homeowners Association (HOA) has disputed the placement of a CCT trail segment on the proposed CCT maps along this segment of the coast. Specifically, the HOA's representative asserts that the existing pathway is not located within the deed restricted area, but instead on the private property of individual Seacliff homeowners on the southernmost portion of the community, and that the CCT should therefore not be depicted as extending the full length of the community. In response to this assertion, the County Board of Supervisors (BOS) directed County staff at the BOS hearing to modify this section of the mapped trail to not extend the full length of the community. However, as described in detail above, the Commission required the recordation of a deed restriction that specifically provides for two lateral public accessways extending the full length of the Seacliff community, and this deed restriction was duly recorded. Therefore, in order to ensure that existing and/or future public access opportunities are accurately reflected on the proposed CCT maps and tables, **Suggested Modification Two (2)** requires that trail segment N2-A be modified to extend the full length of the Seacliff community. Furthermore, this suggested modification requires that the Tabular Summary for the North Coast Subarea Trail (Figure 4.1-2) be modified to increase the trail length, and to indicate that improvements may be needed on the southern portion of the trail segment.

Lastly, the County has proposed to add a note on all CCT maps, which indicates that the mapped CCT is preliminary, and may be subject to change. In order to clarify the appropriate use of the maps, **Suggested Modification Two (2)** requires that the proposed map note be modified to state that the subject maps are a planning tool, and that the routes may be modified based on a detailed alignment study.

#### Existing Public Access and Recreation Policies

The County has also proposed to modify the existing recreation and access sections of the LUP as they relate to the CCT. As a component of these modifications, the County has proposed to modify existing Vertical Access Easement Policy 1 and Lateral Access Easement Policy 2 in the North, Central, and South Area portions of the LUP. County staff has indicated that these proposed modifications were intended as minor grammatical edits to clarify the subject policies, and that the County would like to pursue a more comprehensive update to this section in the future. However, the proposed changes to these policies raise issue with the public access and recreation policies of the Coastal Act. Specifically, the County has proposed to add references to Coastal Act Section 30212, although has not proposed to make the subject policies fully consistent with Section 30212. However, in an effort to move forward with the subject amendment, and to allow the County the opportunity to comprehensively update the public access and recreation sections of the LUP with maximum public involvement, **Suggested Modification Two (2)** is recommended to delete all modifications to these policies proposed by the County, and retain the previously certified policy language.

In conclusion, for all of the reasons stated above, the Commission finds that (1) the Land Use Plan amendment, only as suggested to be modified, would remain consistent with the public

## CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA  
89 SOUTH CALIFORNIA ST., SUITE 200  
VENTURA, CA 93001  
(805) 585-1800

# Th22a



## ADDENDUM

**DATE:** March 7, 2017  
**TO:** Commissioners and Interested Parties  
**FROM:** South Central Coast District Staff  
**SUBJECT:** Agenda Item 22a, Thursday, March 9, 2017, County of Ventura Local Coastal Program Amendment LCP-4-VNT-16-0069-2

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The purpose of this addendum is to make revisions to the suggested modifications and findings of the February 24, 2017 staff report, and to attach correspondence and provide responses to comments.

### A. Revisions to Suggested Modifications

1) In order to clarify the intent of the policy, the portion of Suggested Modification One (1) that pertains to Land Use Plan Coastal Trail Policy 3.2, shall be replaced by the following:

When an existing (i.e., express or adjudicated) implied dedication or prescriptive easement provides public access that may provide new segments that support or connect to the Coastal Trail network, such as vertical access between the Coastal Trail and the shoreline, the discretionary permitting process shall be used to provide, maintain or protect public access. For any area that may provide new segments that support or connect to the Coastal Trail network, new development shall be sited and designed to not interfere with the public's right of access to and along the shoreline where there is substantial evidence provided that implied dedication or prescriptive rights may exist, unless it is not feasible and adequate mitigation is provided.

2) In order to identify La Janelle Park on Figure 4.1-5, the following shall be added to Suggested Modification One (1):

*Coastal Trail Segment Figure 4.1-5 shall be modified to add a label for La Janelle Park.*

### B. Revisions to Findings

1) In order to clarify the findings relating to prescriptive rights in Section B (Public Access and Recreation) of the staff report, the following paragraph shall replace the third paragraph on page 19 of the Staff Report:

California law provides that under certain conditions, long term public access across private property may result in the establishment of a permanent public easement. This is called an implied dedication, or public prescriptive right of access. As a component of the subject amendment, the County has proposed policies to protect these rights. Specifically, proposed Policy 3.2 mandates that the discretionary permit process is utilized to provide, maintain, or protect public access when an existing, adjudicated implied dedication or prescriptive easement may provide new segments that support or connect to the Coastal Trail network, such as providing vertical access between the CCT and the shoreline. However, in addition to those areas where long term public access has resulted in the establishment of a legally recognized public access easement, there are also areas with historic public use that may qualify as an implied dedication, but where such public rights have not yet been legally adjudicated. In these areas, research may indicate that the public use has been substantial enough to create an implied dedication; however, the legal recognition of an easement may not have yet occurred. New development could threaten continued use of these historically-used areas and adversely impact public access. As such, **Suggested Modification One (1)** requires that Policy 3.2 is modified to ensure that new development be sited and designed to not interfere with the public's right of access where there is substantial evidence that an implied dedication or prescriptive rights exist. Furthermore, this suggested modification is required to ensure protection of all prescriptive easements that provide public access to and along the sea, and not just those that provide direct vertical access between the CCT and the shoreline.

2) In order to modify the findings relating to La Janelle Park, the following paragraph shall replace the second paragraph on page 21 of the Staff Report:

Furthermore, the County has proposed to add a note on all CCT maps, which indicates that the mapped CCT is preliminary, and may be subject to change. In order to clarify the appropriate use of the maps, **Suggested Modification One (1)** requires that the proposed map note be modified to state that the subject maps are a planning tool, and that the routes may be modified based on a detailed alignment study. Lastly, in order to ensure that La Janelle Park, an existing park that provides public beach parking, is depicted on the CCT maps, **Suggested Modification One (1)** requires the addition of a label to Figure 4.1-5.

3) In order to correct an inadvertent error, all references to Suggested Modification Two (2) in Section B (Public Access and Recreation) of the Staff Report shall be modified to state Suggested Modification One (1).

### **C. Correspondence Received**

1) Attached to this addendum is correspondence received from Richard Wallace, on behalf of the Seacliff Beach Colony Homeowners Association, in opposition of the subject amendment. A summary of the comments received are described and addressed below:

Mr. Wallace asserts that "designation of the Coastal Trail along the entire length of the Seacliff Community is impermissible because the existing public rights do not extend that

entire length.” However, as described in detail on pages 19-21 of the Staff Report, as mitigation for a 10 lot subdivision that was approved in 1983, the Commission required the recordation of a deed restriction that specifically provides for two lateral public accessways that were intended to extend the full length of the Seacliff community within Parcel B, and this deed restriction was duly recorded. Mr. Wallace does not dispute that one of the accessways—the one at the toe of the revetment on the shoreline—extends the full length of the community. Although he disputes that the other one—the one inland of the revetment—extends the full length of the community, the evidence does not compel this conclusion. For example, the deed restriction limits that accessway to an existing path on Parcel B. However, even if Mr. Wallace were correct that this path is located partly on private parcels rather than Parcel B, there may be an implied dedication to public use given that this path has been open to public use for decades. In any event, the proposed LCP amendment’s Coastal Trail maps are merely intended as a planning tool and do not grant, modify, or in any way change private property rights. Nothing in this amendment will restrict Mr. Wallace or the Commission from asserting their rights regarding this accessway in any future proceedings.

Additionally, Mr. Wallace asserts that depiction of the CCT along the full length of the community “would impermissibly reverse bargained-for arrangements between the government and Seacliff.” Mr. Wallace also states that these arrangements do not allow the direct connection between the Seacliff accessway and Hobson County Park, which is located directly east of the subject community. However, the conditions of the previously approved Coastal Development Permits do not preclude a connection between the subject accessway and County Park. Furthermore, the subject LCP amendment modifications do not in any way require a connection to the County Park. Rather, the LCP amendment states that the subject trail section is a “return to source-of-origin pathway.”

The letter also asserts that the designation of the Coastal Trail segment “on the Seacliff property would be a legally impermissible overburdening of the rights under the Deed Restriction.” In response, staff notes that the deed restriction acknowledges the right of the public to lateral access on the path landward of the revetment and acknowledges that the accessway was granted pursuant to the Coastal Act, which requires that “public access to the shoreline and along the coast is to be maximized.” By designating this section of preexisting trail as the Coastal Trail, the Commission is in no way changing the terms of the deed restriction or modifying the intended use of it. It has always been, and remains, a deed restricted public path that is limited exclusively to the rights of the public to walk and run. Furthermore, no activities or programs are proposed as part of the subject amendment to specifically promote use of the County’s Coastal Trail, and the proposed amendment is not expected to significantly increase usage of existing facilities during the near term future.

The letter asserts that the Coastal Commission does not have the authority to create new public access rights in situations such as this that do not include approval of new development. Commission staff’s suggested modifications to the County’s submittal are not intended to, and would not, create any new legal rights, including new public access

rights. The modifications regarding Coastal Trail Segment N2-A are merely intended to ensure that the County's LCP trail map includes all relevant trail segments.

Lastly, the letter asserts that designating the Coastal Trail along the entire length of the Seacliff community would be an unconstitutional taking. In response, staff reiterates that the LCP amendment regarding the Coastal Trail maps does not confer or modify any legal rights. Rather, the maps are simply a planning tool intended to provide a graphic depiction of preexisting and planned trail routes. As the map describes, the precise trail routes may be modified based on later, more detailed alignment studies. Because they do not confer, modify or in any other way alter legal rights regarding the mapped trails, the LCP amendment does not "take" any property.

2) Attached to this addendum is correspondence received from Charles Caspary in opposition to the subject amendment. A summary of the comments received are described and addressed below:

Mr. Caspary asserts that the California Coastal Trail portion of the subject amendment is inconsistent with the judgment of *LT-WR, L.L.C. v. California Coastal Comm'n* (2007) 151 Cal. App. 4th 427. In his letter, Mr. Caspary includes the following citation from this judgement, "The Commission's denial of a permit for the gates and signs, premised on the existence of 'potential' prescriptive rights, was speculative and properly was overturned by the trial court."

However, as described in further detail below, the LT-WR case is not controlling in situations, such as the subject amendment, that deal with access to and along the shoreline. Specifically, the LT-WR case held that the Commission lacked "authority to adjudicate the existence of prescriptive rights for public use of privately owned property"; however, that was in the context of a Commission action seeking to protect an inland trail for recreational use, where the Commission had no independent statutory basis for orienting to the potential for prescriptive rights. In that instance, the Commission had not relied upon, and the case did not involve, Public Resources Code section 30211, which specifically charges the Commission with protecting the public's 'right of access to the sea where acquired through use.

In other words, section 30211 states that "[d]evelopment shall not interfere with the public's right of access to the sea where acquired through use . . ." (emphasis added). But the LT-WR case dealt with access in an inland area. Thus, the parties did not raise, and the court did not address, the question of how the Commission should comply with 30211. Access to and along the sea is given special protection in our state. This principle is embodied not only in Public Resources Code section 30211, but also in the state Constitution. See Section 4 of Article X of the California Constitution; Pub. Res. Code § 30214(b) ("Nothing in this section or any amendment thereto shall be construed as a limitation on the rights guaranteed to the public under Section 4 of Article X of the California Constitution."). Additionally, state laws that limit the creation of prescriptive rights draw a distinction between inland and coastal access and are more protective of public coastal access rights. See Civ. Code § 1009(e). Because the LT-WR court was not presented with, and did not address, any of these issues and arguments, it is not

controlling in cases involving Section 30211 and protection of public access to the sea that may have been acquired through use.

3) Attached to this addendum is correspondence received from Paul Albritton, on behalf of Verizon Wireless, in opposition of the subject amendment. A summary of the comments received are described and addressed below:

Mr. Albritton asserts that the subject amendment should exempt small cell facilities per section 30610(f) of the Public Resources Code. However, this regulation does not apply to new, small cell facilities, which are not "utility connection[s] between an existing service facility and any development approved pursuant to" the Coastal Act. Furthermore, the County asserts that it can require a discretionary permit for a WCF in the right-of-way through the powers granted through the LCP and the County's general police powers. As such, even if small cell facilities could potentially be exempt in some limited circumstances, the Coastal Act does not require the Commission to modify the County's LCP to make them all categorically exempt. Thus, it is not appropriate for the Commission to require a modification to institute such an exemption.

Mr. Albritton states that the County may not require coverage maps for right-of-way facilities based upon *T Mobile West LLC v. City and County of San Francisco* (2016) 3 Cal.App. 5th 334, 342-343. In this case, the court of appeal simply discussed how the trial court judgment included a ruling related to an arguably similar issue—a city requirement that service providers demonstrate the technological or economic necessity for a project. However, even if this lower court ruling regarding economic necessity were relevant here, which it does not seem to be, the issue was not appealed, and the court of appeal decision therefore did not address it. Further, the case did not involve any arguments about whether such a requirement would be allowed in the Coastal Zone. In addition, the requirement for propagation diagrams is discretionary, not mandatory, and applies only to particularly tall facilities or facilities that would be visible from public viewing areas. Justifying the need for such facilities, which have a higher likelihood of adverse visual impacts in the Coastal Zone, is consistent with the Coastal Act and its requirement to analyze feasible alternatives that would reduce a project's significant effects on coastal resources.

With respect to Mr. Albritton's assertion that the County may not require undergrounding of equipment boxes, staff first notes that this issue was raised with the County, the County has previously answered this concern, and Commission staff agrees with the County's response. As the County describes, the LCP amendment before the Commission deals with wireless communications facilities, not other utilities, and the County's existing CZO does not have specific provisions regulating a variety of other utility equipment in rights-of-way. However, any such proposed facilities that qualify as "development" under the LCP would have to be consistent with broader LCP policies that protect views and other coastal resources. Thus, there is no reason to believe that generally requiring undergrounding of equipment boxes will subject wireless carriers to disparate treatment. As the court held in *T Mobile West LLC v. City and County of San Francisco* (2016) 3 Cal.App. 5th 334, 355-56 a local jurisdiction is allowed to regulate

the placement of wireless facilities in order to protect aesthetics, and the mere possibility that a local ordinance regulating such placement might later be applied in a discriminatory manner is not a reason to facially invalidate the ordinance.