ORDINANCE NO. _____

AN ORDINANCE OF THE COUNTY OF VENTURA, STATE OF CALIFORNIA, AMENDING DIVISION 8, CHAPTER 1.1, ARTICLES 2, 4, AND 5 OF THE VENTURA COUNTY ORDINANCE CODE, COASTAL ZONING ORDINANCE, TO REGULATE THE TEMPORARY RENTAL OF DWELLINGS

The Board of Supervisors of the County of Ventura ("County") ordains as follows:

Section 1
Purpose

The purpose of this Ordinance is to establish standards and requirements for the temporary rental of a dwelling as an accessory use thereof in order to: (1) ensure that temporary rental uses of dwellings are compatible with and do not adversely impact long-term housing opportunities, residential community character, or surrounding land uses; and (2) to protect the health, safety and welfare of the dwelling's renters, occupants, neighboring residents, the general public, and the environment.

Section 2

ARTICLE 2 – DEFINITIONS

Article 2, Section 8172-1 – Application of Definitions, of the Ventura County Ordinance Code is hereby amended to add the following definitions in appropriate alphabetical order:

Home Exchange – A practice in which the owner of a dwelling allows the use of that dwelling in exchange for the use of another person's dwelling for a limited time period with no rent exchanged.

Homeshare – A dwelling which serves as the owner's primary residence, any portion of which is rented for a period less than thirty consecutive days when the owner is physically present in the same dwelling, with no meals or food provided to the renter or renters. A homeshare is not considered a home occupation under this Chapter. Use of a dwelling for occasional home exchange is not considered a homeshare.

Rent – The terms rent, rented and rental mean allowing use of a dwelling or property, or any portion thereof, in exchange for consideration in any form.

Short-Term Rental – A dwelling, any portion of which is rented for a period less than thirty consecutive days when the owner is not physically present, with no meals or food provided to the renter or renters. A short-term rental is not considered a home occupation

under this Chapter. Use of a dwelling for occasional home exchange is not considered a short-term rental.

Section 3

ARTICLE 4 – PERMITTED USES

Article 4, Section 8174-5 – Permitted Uses by Zone, is hereby amended to add "homeshare" and "short-term rental" as accessory dwelling uses as follows:

See Attachment 1

Section 4

ARTICLE 5 – DEVELOPMENT STANDARDS/CONDITIONS - USES

Article 5 – Development Standards/Conditions - Uses, is hereby amended by adding a new **Section 8175-5.21 – Temporary Rental of Dwellings**, to read as follows:

Sec. 8175-5.21 – Temporary Rental of Dwellings

Sec. 8175-5.21.1 – Temporary Rental of Dwelling Must Be Expressly Authorized
Except as expressly authorized by this Section 8175-5.21 (the "Section") or otherwise expressly authorized by this Chapter, no dwelling or portion thereof shall be rented for a term of less than thirty consecutive days in the unincorporated area of Ventura County subject to this Chapter.

Sec. 8175-5.21.2 – Definitions
Refer to Sec. 8172-1, for the definitions of the terms home exchange, homeshare, short-term rental, and rent as used in this Chapter. For purposes of this Section only, the following definitions shall apply:

a. Owner – A person with a full or partial fee title ownership interest in the subject property. For a property held in a trust, each trustee (but no trust beneficiary) is considered an owner.

b. Primary Residence – A dwelling which is the owner's main living location as evidenced by the owner's address-of-record for official documents such as the property's title, income tax returns, or a current property tax bill.

Sec. 8175-5.21.3 – Application

Unless otherwise specifically stated in this Section, the applicable operational standards of Sec. 175-5.21.8 and property management requirements of Sec. 8175-5.21.9 are automatically imposed and made a part of every permit issued or renewed for a homeshare or short-term rental pursuant to this Section.

Sec. 8175-5.21.4 – Permit Requirement

a. A valid permit issued by the County pursuant to this Section is required in order for any person that seeks or receives any rent, payment, fee, commission or compensation in any form, to rent, offer for rent, advertise for rent, or facilitate the rental of a homeshare or short-term rental in the unincorporated area of Ventura County.

b. A temporary rental unit permit authorizing a homeshare or short-term rental shall be issued or renewed by the Planning Director or designee if the standards and requirements of this Section and those of Sec. 8181-3.1(a) are met.

Sec. 8175-5.21.4.1 – Limited Term

Permits for homeshares and short-term rentals shall be issued or renewed for a maximum term of one year. All permits shall contain the following provision: "This permit shall expire no later than one year after the date of issuance, and is subject to revocation for violation or noncompliance with the requirements of Sec. 8175-5.21 or any other applicable provision of the Ventura County Ordinance Code."

Sec. 8175-5.21.5 – Permit Eligibility

Permits may only be issued under this Section for homeshares and short-term rentals that meet each of the applicable eligibility requirements stated in this Sec. 8175-5.21.5.

Sec. 8175-5.21.5.1 – Owner Requirements and Limitations

a. Permits may only be issued to the owner(s) of the homeshare or short-term rental property, and shall automatically expire upon sale or transfer of ownership of the property, in whole or in part. All permits shall include the following provision: "This permit shall automatically expire upon sale or transfer of the property, in whole or in part, or as stated in Sec. 8175-5.21.4.1, whichever comes first."

b. A permit may only be issued for a homeshare or short-term rental property if no owner of the subject homeshare or short-term rental property is also the owner of another homeshare or short-term rental property that is currently permitted under this Section.

Sec. 8175-5.21.5.2 – Ineligible Dwellings and Structures

Except as provided in Sec. 8175-5.21.12, no permit for a homeshare or short-term rental shall be issued for any of the following dwellings:

a. A dwelling that is permitted as an accessory dwelling unit;

b. A dwelling subject to a County-imposed covenant, condition or agreement restricting its use to a specific purpose including but not limited to an affordable housing unit, farmworker housing, a superintendent or caretaker dwelling;

c. A dwelling on property subject to a Land Conservation Act (Gov. Code § § 51200 et seq.) contract;

d. A dwelling on property fully or partially owned by a corporation, partnership, limited liability company, or other legal entity that is not a natural person;

e. A dwelling on property owned by six or more owners;

f. A dwelling or structure that has not, if legally required, obtained a full building final inspection or been issued a valid certificate of occupancy by the County Building Official; or

g. A dwelling with six or more bedrooms.

Sec. 8175-5.21.6 – Pre-Permitting Inspection

Prior to the initial issuance and each renewal of a permit under this Section, the County Building Official or designee shall conduct an inspection to ensure the dwelling and site comply with the provisions of this Section and other applicable building and zoning codes and regulations regarding parking, access, fire, and other relevant health and safety standards. If any violation is identified during the inspection, no permit shall be issued under this Section until the violation(s) is abated.

Sec. 8175-5.21.7 – Permit Application and Fees

a. Applications for the initial issuance and renewal of permits under this Section shall meet the form and content requirements as established by the Planning Director or designee pursuant to Sections 8181-5 and 8181-5.2. As part of each application, the applicant shall submit documentation, as specified by the Planning Director or designee, needed to determine permit eligibility and compliance with all other requirements of this Section.

b. Each application shall include a site plan depicting the location and describing the use of all existing structures.

c. Each application shall include an affidavit in a form provided by the Planning Director or designee, signed by each owner of the subject property, agreeing to comply with the operational standards of Sec. 8175-5.21.8 and the property management requirements of Sec. 8175-5.21.9 should the permit be issued.

d. An annual permit fee authorized by the fee schedule applicable to the Planning Division may be collected upon the filing of an application to cover the County's costs of administering this Section.

e. Prior to permit issuance under this Section, the applicant shall: (i) pay all applicable County fees; (ii) submit a code compliance deposit in accordance with Sec. 8175-5.21.10.2; (iii) provide contact information for the owner of a homeshare, or designate and provide contact information for a property manager of a short-term rental, pursuant to Sec. 8175-5.21.9.1; (iv) provide a fully-executed affidavit pursuant to Sec. 8175-5.21.7(b); (iv) for a short-term rental only, provide proof of compliance with the business tax and licensing, and transient occupancy tax, requirements of Sec. 8175-5.21.9.5; (v) provide proof of insurance pursuant to Sec. 8175-5.21.9.6; and (vi) provide the fully-executed defense and indemnification agreement pursuant to Sec. 8175-5.21.9.7.

Sec. 8175-5.21.8 – Operational Standards

The following minimum operational standards apply to all homeshares and short-term rentals. All owners, renters, occupants and visitors of homeshares and short-term rentals shall comply with the operational standards. The owner(s) and permittee(s) of homeshares and short-term rentals are ultimately responsible for ensuring compliance with, and are liable for violations of, these operational standards.

Sec. 8175-5.21.8.1 – Occupancy Limits

a. Homeshares and short-term rentals shall have a maximum of five bedrooms. The number of bedrooms shall be determined by the County Building Official or designee through the pre-permitting site inspection required under Sec. 8175-5.21.6. Inclusive of the owner(s) in the case of homeshares, overnight occupancy shall be limited to a maximum of two persons per bedroom, plus two additional persons, up to a maximum of ten persons.

b. Inclusive of the owner(s) in the case of homeshares, the maximum number of total persons allowed on the property at any time shall not exceed the maximum overnight occupancy plus six additional persons. No person who is not staying overnight at the homeshare or short-term rental shall be on the property during the quiet hours stated in Sec. 8175-5.21.8.3.

c. Homeshares and short-term rentals shall not be rented to more than one group at a time; no more than one rental agreement shall be effective for any given date.

Sec. 8175-5.21.8.2 – Parking Requirements

a. Parking shall be provided on the property as follows: a minimum of one parking space for short-term rentals in a studio or with one bedroom; a minimum of two parking spaces for homeshares and short-term rentals with two to four bedrooms; and a minimum of three parking spaces for homeshares and short-term rentals with five bedrooms.

b. Permitted garages and driveways on the property shall be unobstructed and made available for renter parking.

Sec. 8175-5.21.8.3 – Noise

a. No use or activity associated with a homeshare or short-term rental shall at any time create unreasonable noise or disturbance.

b. Quiet hours shall be observed from 10:00 p.m. to 7:00 a.m.

c. No outdoor amplified music/sound shall be allowed during quiet hours when a property is being rented as a homeshare or short-term rental.

Sec. 8175-5.21.8.5 – Events and Activities

Unless allowed under an approved Conditional Use Permit, no homeshare or short-term rental property shall be rented or used for any event or activity attended by more persons than are allowed on the property pursuant to Sec. 8175-5.21.8.1, that violates any noise standard of Sec. 8175-5.21.8.3, or that violates any other standard or requirement of this Section or any other local, state or federal law.

Sec. 8175-5.21.8.6 – Refuse

Adequate waste collection facilities and services shall be provided for a homeshare or short-term rental at all times. Waste bins and refuse shall not be left within public view, except in proper containers for the purpose of collection on the scheduled collections day(s). The waste collection schedule and information about recycling and green waste separation and disposal shall be included in the rental agreement and posted conspicuously in the rental unit.

Sec. 8175-5.21.9– Property Management Requirements

The following minimum property management requirements apply to all homeshares and short-term rentals.

Sec. 8175-5.21.9.1 – Owner/Property Manager Requirements

a. At all times a homeshare is rented out, a homeshare owner shall be onsite between the hours of 10:00 p.m. and 7:00 a.m., and within twenty miles of the property at all other times, to ensure compliance with the standards and requirements of this Section.

b. At all times a short-term rental is rented out, the short-term rental shall have a designated property manager who is available twenty-four hours per day, seven days per week, and who shall be within twenty miles of the property, to ensure compliance with the standards and requirements of this Section. An owner may serve as the property manager.

c. Each application under this Section shall include the name, address, and telephone number(s) at which the property manager can be reached at all times, along with the signature of the property manager. Any requested change to the designated property manager shall be made through a formal written request to the Planning Director or designee, and shall include the signature of the proposed property manager and the desired effective date of the change. No change to a short-term rental's designated property manager shall take effect unless and until approved in writing by the Planning Director or designee.

Sec. 8175-5.21.9.2 – Posting Outside of Units; Permit Notification

a. At all times a dwelling is in use as a short-term rental or homestay, the designated property manager's contact information and the contact information for the County Resource Management Agency's Code Compliance Division ("Code Compliance Division") shall be printed legibly on a sign no larger than 8.5 x 11 inches and posted on an outside wall readily visible from the main entrance to the dwelling, or adjacent to the main entry gate where property access is limited.

b. The Planning Division shall provide a mailed notice of permit issuance, and of each permit renewal, in accordance with Sec. 8181-6.2.1. At a minimum, the notice shall include: (i) a copy of this Section; (ii) the name and contact information for the designated property manager of a short-term rental, or owner of a homeshare; and (iii) contact information for the Code Compliance Division.

Sec. 8175-5.21.9.3 – Information in Rental Agreements, Advertisements and Listings

a. Each rental agreement, advertisement, and online listing for a short-term rental or homeshare shall prominently display the following information:

(1) The permitted occupancy and guest limits for both day and night;

(2) Notification that quiet hours shall be observed between 10:00 p.m. and 7:00 a.m.;

(3) Notification that no outdoor amplified music or sound is allowed during quiet hours;

(4) Notification that the property cannot be used for events that exceed the applicable occupancy or guest limits, or that violate the quiet hours, noise standards or any other standard or requirement of this Section;

(5) The available number of onsite parking spaces, and notification discouraging use of on-street parking;

(6) The County-issued land use permit number authorizing the homeshare or short-term rental under this Section;

(7) For short-term rentals only, the current County-issued Business License Tax Certificate identification number.

b. No advertisements or notices regarding the availability of a dwelling for homeshare or short-term rental use shall be posted on the property.

Sec. 8175-5.21.9.4 –Posting Inside of Dwellings
The following information, as well as all information required by Sec. 8175-5.21.9.3, shall be posted in a conspicuous location inside the dwelling within six feet of the main entrance of the homeshare or short-term rental:

a. The name and contact information for the designated property manager of a short-term rental or owner of a homeshare, and the telephone number(s) at which the person can be reached at all times;

b. The waste collection schedule and information about recycling and green waste separation and disposal;

c. Notification that the property owner, renter, and occupants are subject to criminal citation and fines, civil penalties and/or permit revocation for violations of the unit's occupancy limits, noise standards and other operational standards.

Sec. 8175-5.21.9.5 – Business License; Business Taxes; Transient Occupancy Tax
The owner of a short-term rental (but not a homeshare) shall acquire and maintain a valid County business license, shall timely pay annual business taxes evidenced by a business tax certificate, and shall obtain and maintain a valid County transient occupancy tax registration certificate and timely pay all required County transient occupancy taxes.

Sec. 8175-5.21.9.6 – Insurance
The owner shall maintain an insurance policy that includes coverage for commercial/business general liability with a minimum limit of $500,000 per occurrence for claims of personal injury or property damage. Proof of such insurance coverage shall be provided with each permit application under this Section, and shall be made available to the Planning Director or designee upon request.

Sec. 8175-5.21.9.7 – Defense and Indemnification
All owners of a homeshare or short-term rental shall be jointly and severally responsible to defend and indemnify the County and all of its officials, employees and agents from and against all third-party claims, causes of actions, fines, damages and liabilities of whatever nature arising from or related to the processing and issuance of a permit under this Section and/or from the operation of the homeshare or short-term rental. Upon submittal of a permit application under this Section, all owners of the homeshare or short-

term rental shall execute a written agreement on a form provided by the Planning Director or designee implementing this defense and indemnification requirement.

Sec. 8175-5.21.9.8 – Record-Keeping
The owner of a homeshare or short-term rental shall keep and preserve all records as may be necessary to demonstrate compliance with the standards and requirements of this Section. These records shall include but are not limited to all rental agreements entered into, advertisements and online listings. The records shall be maintained during the term of the permit issued under this Section, and shall be made available in electronic format for the County's review upon request of the Planning Director or designee.

Sec. 8175-5.21.10 – Inspection and Monitoring

Sec. 8175-5.21.10.1 – Inspections
In addition to the pre-permitting inspection of a homeshare or short-term rental pursuant to Sec. 8175-5.21.6, upon reasonable notice, County staff shall be given access to the dwelling and site to conduct an inspection during the term of the permit to ensure continued operation of the homeshare or short-term rental in compliance with the provisions of this Section and other applicable building and zoning codes and regulations regarding parking, access, fire, safety, and other relevant issues.

Sec. 8175-5.21.10.2 – Monitoring
County monitoring shall be required for each homeshare and short-term rental operation issued a permit. The permittee shall be responsible for all monitoring costs associated with the operation. Each application request for an initial permit under this Section, shall be accompanied by payment of a code compliance review deposit in the amount stated in the Planning Division Fee Schedule. If the County bills against the deposit, the permittee shall replenish the deposit within seven calendar days after the County's written request to the permittee.

Sec. 8175-5.21.11 – Complaints, Violations and Enforcement
This Sec. 8107-468175-5.21.11 governs complaints regarding, and the enforcement of, potential violations of this Section. Sections 8183-5.4 through 8183-5.7, and Sec. 8183-6, shall not apply to homeshares or short-term rentals.

Sec. 8175-5.21.11.1 – Complaints
a. Complaints regarding the condition, operation or conduct of the renters, occupants or visitors of a homeshare or short-term rental shall be directed to the short-term rental property manager or homeshare owner for investigation and resolution. The property manager or owner shall be available by phone at all times the dwelling is rented out as a homeshare or short-term rental.

b. Upon receipt of a complaint that any renter, occupant or visitor of a homeshare or short-term rental has created unreasonable noise or disturbance and/or potentially violated any other operational standard of this Section, the property manager or owner shall take all necessary actions to promptly resolve the issue, including by initially contacting the renter to correct the problem within thirty minutes, or within fifteen minutes during the quiet hours between 10:00 p.m. and 7:00 a.m., after the complaint is first received.

c. Within twenty-four hours after first receiving a complaint pursuant to subsection (b) above, the property manager or owner shall complete the online reporting form provided by the Planning Director or designee to: (1) report and describe the complaint, including the time the complaint was first received; (2) describe all actions taken to resolve the issue, including the time each action was taken; and (3) describe the resolution or current status.

d. A property manager's or owner's failure to promptly resolve a complaint pursuant to subsection (b) above, or to timely and fully report the complaint to the Planning Director or designee on the online reporting form, shall each constitute a separate violation of this Section.

Sec. 8175-5.21.11.2 – Violations

Each of the following acts or omissions related to the operation or use of a homeshare or short-term rental is unlawful and constitutes a violation of this Section. Owners are jointly and severally responsible and liable, along with any other responsible person, for each violation committed with respect to their homeshare or short-term rental. Each day a violation occurs constitutes a separate, additional violation:

a. Engaging in an act in violation of the permitting requirement of Sec. 8175-5.21.4(a);

b. Failure to comply with an operational standard of Sec. 8175-5.21.8;

c. Failure to comply with a property management requirement of Sec. 8175-5.21.9;

d. Failure to comply with the complaint investigation, resolution and/or reporting requirements of Sec. 8175-5.21.11.1; and

e. Failure to timely remit to the County any cost, fee or penalty imposed pursuant to this Section.

Sec. 8175-5.21.11.3 – Enforcement; Notice of Violation and Penalty

a. Except as otherwise stated in this Section, the enforcement rights and remedies available to the County under this Section are cumulative and not exclusive of any other

civil and criminal enforcement rights and remedies available to the County under the Ventura County Ordinance Code and applicable law, including but not limited to Sections 13-1 and 8183-3 making violation of this Chapter punishable as a misdemeanor/infraction criminal offense.

b. Complaints regarding operations received by the County will be addressed by the Planning Director or the Director of the Resource Management Agency's Code Compliance Division ("Code Compliance Director"), or their designees, who may conduct an investigation to determine whether a violation of this Section has occurred and if so, the appropriate recourse. Evidence of a violation may include, but is not limited to, sheriff reports, criminal citations, online searches, and documentation consisting of photos, sound recordings and video.

c. If the Planning Director or Code Compliance Director, or their designees, determines that a violation of this Section has occurred, the owner of the homeshare or short-term rental shall be duly noticed of the violation in writing sent by first class mail to the address of record for the owner on file with the Planning Division or, if no permit has been issued for the property pursuant to this Section, to the property's address and to the property owner's address of record as stated on latest equalized assessment roll maintained by the Ventura County Assessor.

(1) For violations involving an administrative civil penalty, the notice shall include: a description of the violation and supporting evidence; the amount of the daily and/or total penalty being imposed pursuant to Sec. 8175-5.21.11.4; and notice of the owner's right to appeal the violation and/or penalty amount pursuant to Sec. 8175-5.21.11.6.

(2) For violations involving permit revocation, the notice shall include: a description of the violation and supporting evidence; a statement that permit revocation is being sought; notice of the two-year permit ineligibility period that would result from permit revocation pursuant to Sec. 8175-5.21.11.5; and notice that the permit revocation shall be subject to the administrative hearing process of Sec. 8175-5.21.11.7.

d. A violation and associated penalty that becomes final and non-appealable either by the lapse of the owner's appeal rights pursuant to Sec. 8175-5.21.11.6, or upon completion of the administrative hearing process pursuant to Sec. 8175-5.21.11.7, are referred to hereinafter as a Final Violation and Penalty.

Sec. 8175-5.21.11.4 – Civil Administrative Penalties

a. Penalties for violations of this Section may be assessed and imposed by the Planning Director or Code Compliance Director, or their designees, on any person responsible for the violation in an amount of up to $1,000 per day the violation occurs. In determining the amount of the penalty, the following factors shall be considered:

(1) The seriousness of the violation with respect to the type and extent of deviation from the standards and requirements of this Section; the harm or threat of harm to persons, the environment and property caused by the violation; the impact of the violation on the property's neighbors, the community at large and surrounding land uses;

(2) The degree of the responsible person's culpability and other circumstances indicating: a greater or lesser need to motivate compliance, such as history of violations either of a similar or different nature, on the same or different property under the same ownership; extent of cooperation with or obstruction of County officials in resolving the violation(s); and economic benefit derived from the violation(s);

(3) The factors and policies set forth in the Civil Administrative Penalty Guidelines adopted by the County Board of Supervisors;

(4) Other factors as justice may require, including the financial burden of the penalty on the responsible person, if the person raises the issue and produces reliable documentation of their financial condition.

b. Penalties shall be paid by the date required by the County as stated in a written notice which the County shall send to the responsible person. Failure to timely pay an assessed penalty associated with a Final Violation and Penalty constitutes a separate, additional violation of this Section. Unpaid penalties may be collected by any lawfully authorized means including but not limited to filing of civil action to recover the amount of unpaid penalties. In addition, the County shall have a lien against the subject property in the amount of the unpaid penalties, notice of which may be recorded in the Office of the Ventura County Recorder.

Sec. 8175-5.21.11.5 – Permit Revocation for Cause; Two-Year Permit Ineligibility

a. As an alternative to imposing civil administrative penalties for a violation pursuant to Sec. 8175-5.21.11.4, the Planning Director or Building Official, or their designees, may find that revocation of a permit issued pursuant to this Section is warranted, based on the factors set forth in Sec. 8175-5.21.11.4(a), the imposition of civil administrative penalties is an inadequate remedy to redress a violation. The final decision regarding permit revocation shall be made by the Hearing Officer pursuant to the administrative hearing process of Sec. 8175-5.21.11.7.

b. If a permit is revoked for cause, no owner of the property upon which the homeshare or short-term rental is located shall be eligible for a new permit under this Section to operate the homeshare or short-term rental at the same property for a period of two years from the effective date of revocation.

Sec. 8175-5.21.11.6 – Appeals of Violations and Civil Administrative Penalties

a. The permittee or other responsible person may administratively appeal a violation determination and/or associated penalty amount. In addition, a permittee or other aggrieved party may administratively appeal the issuance or denial of a permit or permit renewal. Appeals are considered by a Hearing Officer pursuant to the administrative hearing process of Sec. 8175-5.21.11.7. A completed appeal form shall be submitted to the Planning Director or designee no later than ten calendar days from the date of the County's service of the notice of violation and associated penalty pursuant to Sec. 8175-5.21.11.3. Appeal forms shall be made available by the Planning Director or designee.

b. To be deemed complete, an appeal form shall include the following: (1) the permit number (or, if no permit exists, the property's address) and date stated on the notice of violation and associated penalty; (2) all facts and bases supporting the appellant's position; (3) the name and address of the appellant; and (4) the appeal filing fee established by the County Board of Supervisors.

c. Timely submission of a complete appeal form shall stay the effectiveness of the violation and associated penalty pending the outcome of the administration hearing process. Conversely, if a complete appeal form is not timely submitted, the violation and associated penalty shall become final and not subject to administrative appeal or challenge in a court of law.

Sec. 8175-5.21.11.7 – Administrative Hearing Process

a. An impartial Hearing Officer appointed by the County's Executive Officer or designee shall conduct administrative hearings. The Hearing Officer shall have no financial interest in the outcome of the matter; shall not solicit or receive evidence outside of the hearing; and shall avoid personal contacts and correspondence concerning substantive issues outside of the hearing. The parties to the administrative hearing shall be the County and the person(s) deemed responsible for the subject violation(s) of this Section.

b. At least twenty calendar days before date of the hearing, the Planning Director or designee shall notify the parties by first class mail of the time and date of the hearing. Either party may make a written request for one continuance of the hearing no later than ten calendar days before the date of the hearing. If timely submitted, and upon a showing of good cause, the Planning Director or designee may continue the hearing date to a new date certain not more than twenty calendar days after the initially-scheduled hearing date.

c. The Hearing Officer shall consider the following in making his or her decision on the merits: (1) the notice of violation issued by the County pursuant to Sec. 8175-5.21.11.3, along with the County's supporting evidence; (2) the appellant's notice of appeal submitted pursuant to Sec. 8175-5.21.11.6, if applicable; and (3) all other evidence and materials offered by the parties to support their respective position. In addition, the parties shall be allowed to testify and offer argument at the hearing. No

later than five calendar days before the hearing date, each party shall deliver, by personal service or overnight mail, its above-referenced evidence and all other materials the party intends to present to support its position, to the Hearing Officer and to the other party.

d. The Hearing Officer shall evaluate the evidence and testimony presented in light of the relevant factors set forth in this Section, and shall decide the following issues:

(1) With respect to violations involving permit revocation, the Hearing Officer shall decide whether the alleged violation(s) occurred and, if so, whether permit revocation is the appropriate remedy. If the Hearing Officer determines that the alleged violation occurred but that revocation is not warranted, then the Hearing Officer shall remand the matter to the County for determination of an appropriate administrative penalty to impose in lieu of permit revocation.

(2) With respect to appeals of violations and/or the amount of associated civil administrative penalties, the Hearing Officer shall decide whether the violation occurred and if so, whether the amount of the penalty is appropriate. If the Hearing Officer determines that the alleged violation occurred but that the amount of the penalty is excessive, then the Hearing Officer shall determine an appropriate, lesser penalty amount based on the factors set forth in Sec. 8175-5.21.11.4(a).

e. The Hearing Officer's decision shall be set forth in a written order served upon the parties by first class mail delivery no later than fourteen calendar days after the hearing date. The order shall be considered the Final Administrative Order for purposes of Government Code section 53069.4.

f. Pursuant to Government Code section 53069.4, subdivision (b)(1), if the Final Administrative Order is contested, review shall be sought in the Ventura County Superior Court as a limited civil case within twenty calendar days after the date of service of the Final Administrative Order. A copy of the Notice of Appeal shall be served on the Planning Director or designee either in person or by first class mail. If no Notice of Appeal is timely filed with the Superior Court, the Final Administrative Order issued by the Hearing Officer shall be deemed confirmed and final.

Sec. 8175-5.21.11.8 – Informal Resolution Process

As an alternative to pursuing formal enforcement action, the Planning Director or Code Compliance Director, or their designees, may give the person(s) deemed responsible for a violation of this Section the opportunity to resolve the matter through an informal resolution process intended to achieve and maintain compliance. This process may involve the payment of a negotiated settlement amount by the responsible person(s) and/or a compliance agreement to establish compliance deadlines and related terms and conditions. Persons participating in the informal resolution process shall be required to pay all applicable fees and costs adopted by the County Board of Supervisors.

Sec. 8175-5.21.12 – Legal Nonconforming Short-Term Rentals and Homeshares
This Sec. 8175-5.21.12 governs the continuation of legal nonconforming short-term rentals and homeshares, as defined below. Article 12 shall not apply to this Section.

a. For purposes of this Section, a legal nonconforming short-term rental or homeshare is one that meets each of the following requirements:

(1) A dwelling that was operating and rented as a short-term rental or homeshare before the effective date of this Section, and has continued to operate as such to the present; and

(2) The short-term rental or homeshare does not conform to the permit eligibility requirements of Sec. 8175-5.21.5.2, subdivisions (a), (c), (d), (e), and/or (g).

b. Except as specified in this Sec. 8175-5.21.12, a legal nonconforming short-term rental or homeshare shall be subject to and comply with all standards and requirements of this Section that apply generally to short-term rentals and homeshares.

c. Applicants seeking a permit to operate a legal nonconforming short-term rental or homeshare shall comply with all general permitting requirements of this Section except for the permit eligibility requirements identified in Sec. 8175-5.21.12(a)(2) with which the owner or dwelling does not conform. As part of the permitting process, applicants shall: (a) submit documentation as specified by the Planning Director or designee establishing that the dwelling qualifies for legal nonconforming status pursuant to this Sec. 8175-5.21.12; and (b) state all permit eligibility requirements identified in Sec. 8175-5.21.12(a)(2) with which the short-term rental or homeshare does not conform.

d. A legal nonconforming short-term rental or homeshare shall be permitted to operate for a maximum of two years from the effective date of this Section, or until the sale or transfer of the property in whole or part, whichever occurs first, provided that the permit is not otherwise revoked for cause pursuant to Section 6300-7.5. After expiration or revocation of the permit, no person who seeks or receives any rent, payment, fee, commission, or compensation in any form from the subject legal nonconforming homeshare or short-term rental shall rent, offer for rent, advertise for rent, or facilitate the rental of the subject legal nonconforming homeshare or short-term rental.

Section 5
Severability

If any subsection, sentence, clause, phrase or word of the Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decisions shall not affect the validity of the remaining portions of this Ordinance. The Ventura County Board of

Supervisors hereby declares that it would have passed and adopted this Ordinance, and each and all provisions hereof, irrespective of the fact that one or more provisions may be declared invalid.

Section 6
Effective Date; Implementation

This Ordinance shall become effective 30 days after adoption. Applicants seeking a permit under this Section for a homeshare or short-term rental that is operating as of the effective date of this Ordinance shall submit complete applications to the Planning Director or designee no later than 180 days after the effective date; the County shall not take enforcement action under this Section regarding any homeshare or short-term rental for which a complete application has been submitted on or before this deadline during the time period when any such application is being processed.

PASSED AND ADOPTED this XX day of XXXXXX, 2018 by the following vote:

AYES: Supervisors _____

_____

_____

NOES: _____

ABSENT: _____

_____
CHAIR, BOARD OF SUPERVISORS

ATTEST:

MICHAEL POWERS
Clerk of the Board of Supervisors
County of Ventura, State of California

By_____
Deputy Clerk of the Board

Attachment 1

Section 3

ARTICLE 4

PERMITTED USES

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

LAND USE CATEGORY	PERMIT REQUIREMENTS BY ZONE											
	COS	CA	CR	CRE	CR1	CR2	RB	RBH	CRP	CC	CM	HPD
DWELLINGS – ACCESSORY USES AND STRUCTURES												
Temporary Rental Units (See Sec. 8175-5.21)												