

EXHIBIT 4

Coastal Zoning Ordinance

Phase 2C Amendments to the Local Coastal Program

See next page for a list of the amended sections.

[Staff Explanation: The Local Coastal Program (LCP) includes two documents: Coastal Area Plan (CAP) and Coastal Zoning Ordinance (CZO). This document contains draft revisions to the CZO for Environmentally Sensitive Habitat Areas (ESHA), which implement policies in the CAP through standards or permitting requirements. Most of the proposed revisions are in Article 8, Section 8178-2 – Environmentally Sensitive Resource Areas (ESHA). Please note that sea level rise and climate change are not addressed in this set of LCP amendments. Those subjects are being addressed through the County's General Plan Update (GP2040) and a separate project focused on sea level rise in the coastal zone, funded through a grant from the California Coastal Commission. If changes to ESHA regulations are warranted to address sea level rise, they will occur during a separate LCP amendment process.]

Legislative Format:

All draft text is shown in "legislative format" as follows:

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- Existing, certified text that is being deleted is shown as "~~strikethrough~~" across the word/sentence.
- Text in black italics is a defined term. Defined terms are in Article 2 – Definitions of the Coastal Zoning Ordinance.]

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List of Amended Sections:

Article 2 – Definitions

Article 3 – Purposes of Zones:

- *Sec. 8173-12*

Article 4 – Permitted Uses:

- *Sec. 8174-4 – Environmentally Sensitive Habitat Areas*
- *Sec. 8174-5 - Permitted Uses by Zone*

Article 5 – Development Standards/Conditions – Uses:

- *Sec. 8175-2 - Schedule of Specific Development Standards by Zone.*
- *Sec. 8175-3.11 - Fences, Walls and Hedges:*
- *Section 8175-5.2.4 – Animals and Fowl*
- *Section 8175-5.6.1.2.1 – Temporary Filming on a Sandy Beach*
- *Section 8175-5.9 – Public Works Facilities*
- *Section 8175-5.17 – Grading and Brush/Vegetation Removal*

Article 7 - Standards for Specific Zones:

- *Sec. 8177-4 – Standards and Procedures for the Santa Monica Mountains (M) Overlay Zone*

Article 8 – General Development Standards/Conditions (Resource Protection):

- *Sec. 8178-2 – Environmentally Sensitive Resource Areas (ESHA)*
- *Section 8178-3 – Archaeological and Paleontological Resources (minor revision)*
- *Section 8178-7 – Tree Protection Regulations (minor revisions)*

Article 11 – Entitlements (Process and Procedures):

- *Sec. 8181-2 – Legal Lot Requirements*
- *Sec. 8181-3.5 – Permit Findings (see Sec. 8181-3.5.3)*

Appendices:

- *Appendix E1 – Site-Specific Environmental Assessments for ESHA*
- *Appendix E2 – ESHA Mitigation Plans / Legal Instruments for Conservation*

VENTURA COUNTY COASTAL ZONING ORDINANCE

DIVISION 8, CHAPTER 1.1 OF THE VENTURA COUNTY ORDINANCE CODE

LAST AMENDED BY BOARD OF SUPERVISORS: ~~04-25-17~~ (DATE TO BE ADDED)

LAST CERTIFICATION BY COASTAL COMMISSION: ~~06-07-17~~ (DATE TO BE ADDED)

LEGALLY EFFECTIVE: ~~07-01-17~~ (DATE TO BE ADDED)

VENTURA COUNTY PLANNING DIVISION

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To purchase the Ventura County Coastal Zoning Ordinance:

Call 805/654-2478 or 805/654-2805

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://vcrma.org/planning>
under Ordinances and Regulations

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

805/654-2488 or 654-2451

DISCLAIMER

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

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 412th 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://vcrma.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) 654-2478 or (805) 654-2805.

Planning Staff, Winter 2004

[TO BE ADDED: SUMMARY OF LCP AMENDMENTS \(2012 THROUGH 2018, PHASES 1, 2A, 2B, 2C\).](#)

Planning Staff, Winter 2018

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[Staff Explanation: The Table of Contents is updated automatically. However, because deleted text is shown in legislative format, the Table of Contents won't be fully updated until a "clean copy" version is prepared for submission to the Coastal Commission.]

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

(REP. & REEN. ORD. 4492 - 6/21/2016; 06/01/2017)

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

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)

Zoning District Base Zones	Abbreviation	Minimum Lot Area
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

Overlay Zones	Abbreviation	Minimum Lot Area
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

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*.

Acquisition Area - Biologically significant areas that are identified for permanent conservation protection within planning documents of a natural resource agency or conservation organization.

Adjacent - A building, lot or geographic area that is nearby or in proximity to another building, lot or geographic area. Also may be used to mean abut or adjoin (see "abut").

Agency - Any federal, state or local governmental agency created by statute or official action.

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)

Alluvial Scrub - A distinctive and rare plant community found mainly on the alluvial fans and floodplains (a mass of sediment, especially silt, sand, and gravel deposited by water) emanating from the coastal side of the Transverse ranges and in certain portions of the Peninsular ranges.

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. (AM.ORD.4498-07/01/17)

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 19th 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.

ArtificialTurf - 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.

Beach Grooming - The removal of driftwood, debris and seaweed from beaches, which may include leveling sand.

Beach Wrack - Organic material (e.g., kelp, seagrass, and wood) that is cast up onto the beach by surf, tides, or wind.

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.

Best Management Practices (BMPs) - A practice, or combination of practices, that constitute an effective and practicable means of conducting *development* in a manner that prevents or reduces impacts on the environment.

Biodiversity - The variety of life and its processes. Biodiversity includes the variety of living organisms, the genetic differences among them, and describes the variability within species, between species, and between the *ecosystems* in which they occur. Implicit in the concept of biodiversity is the interrelationship among organisms and the *ecological functions* they collectively perform such as pollination, seed dispersal, and decomposition.

Biogeographic Regions - The grouping of similar plants and wildlife species and their spatial distribution on earth. Ventura's Coastal Zone contains seven biogeographic regions (listed north to south): Rincon Mountain, Red Mountains, Lower Ventura River, Pierpont Bay, Santa Clara River, Oxnard Plain, and the Santa Monica Mountains (See mapped regions at right).



Biogeographic Regions (Part)
(Credit: David Magney)

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.

Bird-Safe Glazing/ Window Treatments - Treatments that reduce the reflectivity of glass, windows or other similar surfaces to eliminate or significantly reduce bird mortality associated with birds striking the surface in flight.

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 Zone Area – ~~An area that provides distance and serves as a protective barrier between two incompatible uses. A buffer zone that protects ESHA is a transitional habitat between human activity or development and an environmentally sensitive habitat area (ESHA) or a protected parkland/open space area acquired by natural resource agencies or conservation organizations for habitat protection. ESHA buffer zones are sized and designed to protect the sensitive habitat species, or protected parkland/open space area, from significant disruption or degradation. 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)~~

[Staff explanation: This definition will be replaced by “building site” below.]

Building Site – The primary, developed area of a legal lot that contains all structures for a residential, commercial, agricultural or industrial use, including but not limited to the building pad, all primary structure(s) and accessory structures/uses (e.g., barns, garages, parking areas, deck/patio, swimming pool, storage sheds, animal enclosures). For example, the building site for industrial use includes oil/gas drilling operations (e.g., drilling pad, equipment storage areas, processing facilities, pumps or well sites, associated equipment). For agricultural use, the building site includes equipment storage areas, greenhouses, sales facilities, farmworker housing, row crops, and orchards. The building site is included in the development envelope. (Also, see definition for development envelope).

Definitions - C

California Natural Diversity Database (CNDDDB) – The program and associated GIS database through which the California Department of Fish and Wildlife inventories the status and locations of rare and special status plants and animals in California.

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)

Campground, Low-Impact - A campground consisting of camping sites that do not significantly alter the physical setting nor disturb the overall function of the surrounding ecosystem. Low-impact camping sites are used for carry-in, carry-out tent camping accessed by foot and have no access roads, no permanent structures, and few or no support facilities or services (e.g., picnic areas, trash removal, restrooms).

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.

Chaparral - A vegetation type common to coastal areas of central and southern California that is dominated by drought-tolerant, woody shrubs with evergreen leaves adapted to the region's Mediterranean climate.

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.

Chokepoint - A narrow, impacted, or otherwise tenuous wildlife movement corridor or linkage (like the *chokepoint* of an hourglass). See photo to right, which depicts an example of a *chokepoint* (the bridge over the freeway is a narrow point in the *habitat connectivity corridor*).



Example of chokepoint

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). (AM.ORD.4498-07/01/17)

Class 2 Bike Lane - A striped lane within the road right-of-way for one-way travel by bicyclists. Also includes "Bike Lane" signage. (AM.ORD.4498-07/01/17)

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 Bluff - An escarpment or steep face of rock, decomposed rock, or soil that is near or adjacent to the ocean and is caused by erosion, earthquake faults, or folding of the land mass. A coastal bluff is 10 feet or more in height, and the toe is subject to marine erosion (or was subject to erosion within the last 200 years).

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 Sage Scrub (CSS) - A vegetation type found in discontinuous coastal areas of central and southern California dominated by semi-woody, low-statured, drought-tolerant, aromatic shrubs with drought-deciduous leaves adapted to the region's Mediterranean climate.

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)

Conservation Easement – A legally-binding instrument that retains the land predominantly in its natural, scenic, agricultural, forested, or open space condition or that preserves and protects native plants, animals and biotic communities. A conservation easement creates an interest in real property, is recorded in a deed and granted to a third party by, or on behalf of, the landowner and is binding upon successive owners of such land. Conservation easements must be held by a natural resource agency, a County-approved conservation organization, or the County of Ventura.

Conservation Instrument – A legal mechanism used to ensure the protection of coastal resources from development in the form of a deed restriction or other similar mechanism executed by, or on behalf of, the owner of the land that is binding upon successive owners of the land. Such instruments shall contain a written description of the legal arrangements – including site ownership, management, and enforcement of any use restrictions – and be legally sufficient, enforceable, properly recorded in the chain of title, and able to ensure the protection of the coastal resource in perpetuity.

Conservation Organization – A natural resource agency or a private, non-profit organization, whose primary purpose is the preservation and protection of land in its natural, scenic, historical, recreational or open space condition. Qualifying private, non-profit organizations must be chartered under the U.S. Code, Title 26, Part 501(c)(3) and must operate as an international, national, or statewide organization or, if the organization operates as a local or community-based organization, then its membership must include at least 500 individuals and/or businesses. Qualifying private, non-profit organizations also must have owned or managed natural resource/open space property, at least 50 acres in area, for at least one year and must have the institutional and economic ability to conserve and maintain property.

[Staff explanation: This definition is based on the board-adopted definition for a conservation organization, which is contained in the County's Subdivision Ordinance. Minor revisions were made based on input from active conservation organizations.]

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)*.

Core Habitat Areas – Extensive areas of habitat, usually containing more than one habitat type and supporting multiple wildlife species.

Critical Life Stage – A stage in the life cycle of a species where the species is vulnerable to disturbance. Disturbance to an individual animal/plant during its *critical life stage* can decrease its reproductive success or threaten its survival.

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.

Cumulative Effect – A term used to describe the incremental environmental effects of an individual project in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

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 Envelope – The full extent of allowable development on a legal lot. In addition to structures or other development within a building site, the development envelope may include, but is not limited to, the access driveway or road, fire department turnarounds, fire/fuel modification zone(s), entry gate/fences, utility trenches and other site grading, septic systems, wells, and drainage improvements. (Also, see definition for Building Site.)

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.

Dune, Habitat – A fragile habitat that contains accumulations of sand in ridges, hummocks, or mounds supported and stabilized by native and/or non-native species of vegetation located landward of the beach. Also, see Appendix E1, Sec. AE-1.2.3(b) for additional information on the definition of a dune habitat.

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

Ecological Integrity - The long-term capacity of an ecosystem to support and maintain its biological diversity, natural resources, and the full range of ecosystem function.

Economically Beneficial Use: A level of economic use or development of real property, that would not otherwise constitute a nuisance or be prohibited pursuant to other background principles of property law, sufficient to avoid a legal claim that government regulations have resulted in an unconstitutional taking of private property without just compensation under applicable law.

Ecosystem - An ecosystem is the combination of all living organisms (biotic) and the nonliving (abiotic) physical features of their environment (e.g., air, water and soil), which work or interact together as a system. An ecosystem is defined by the network of interactions among its organisms, and between those organisms and their environment. The biotic and abiotic components of an ecosystem are linked together through nutrient cycles and energy flows. While an ecosystem can be of any size, it usually comprises a specific geographic area.

Ecosystem Function - The interaction between the components (e.g., plants, animals, water, air, and soil) or processes (e.g., water cycle, nutrient cycle) of an ecosystem. Ecosystem function is measured through changes in the types, numbers, and distribution of plants and animals that occupy the ecosystem and by changes to the water quality/quantity and soil types within the ecosystem.

Ecosystem Services - Ecosystem functions provide environmental services to human communities and are grouped into four broad categories: (1) provisioning (e.g., production

of food, water, raw materials, genetic resources, minerals); (2) regulating (e.g., carbon sequestration, pollination, pest and disease control, waste decomposition and detoxification, air and water purification); (3) supporting (e.g., soil formation, water cycling); and (4) cultural (e.g., recreational, scientific and educational benefits).

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 degraded harmed by human activities and *development*. (For a definition of habitats classified as ESHA, see Sec. 8178- 2.4) 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*.

Estuary - A partially enclosed coastal body of brackish water, with one or more rivers or streams flowing into it, that is connected to the open sea. Estuaries form a transition zone between river and maritime environments. They are subject to riverine influences (e.g., influx of fresh water and sediment) and marine influences (e.g., tides, influx of saline water). The inflows of both sea water and fresh water provide high levels of nutrients, making estuaries among the most productive natural habitats in the world.

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.

Feature-Related Hazards (Bird Mortality) - A structure or specific hazard known to create conditions that result in bird mortalities. Examples of feature-related hazards are glass greenhouses, glass balcony walls, and atriums or courtyards ringed in glass.

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.

Financial Assurance – A cash-equivalent deposit posted with the County by a permittee to ensure that required mitigation measures (or other conditions of approval) will be implemented in the event the permittee fails to do so. Financial assurances can be cash deposits, certifications of deposit, escrow accounts, irrevocable letters of credit, or other mechanisms approved by the County.

Fire Frequency – The average interval between fires in an ecosystem or area of habitat. Plant species in naturally, fire-prone landscapes are evolutionarily adapted to a particular fire frequency, and their survival and reproduction may be adversely affected when fire frequency is altered by human actions.

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.

Forb - An herbaceous flowering plant (not woody like a shrub or tree) that is not a grass.

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 Overlap Zone - The area where an ESHA or its buffer zone is removed to accommodate a fuel modification zone associated with permitted development.

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.

Functional Connectivity – Describes the degree to which a physical setting facilitates or impedes the movement of organisms. Functional connectivity is a product of both the features of the physical setting (e.g., vegetation and physical development) and the response of plants and animals to these physical features.

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*.

Groundwater - Water that occurs beneath the land surface and fills the pore spaces of the alluvium, soil, or rock formation in which it is situated. It excludes soil moisture, which refers to water held by capillary action in the upper unsaturated zones of soil or rock.

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 Connectivity Corridor – An area of contiguous natural habitats of sufficient width to facilitate the movement, migration, foraging, breeding, and dispersal of multiple animal or plant species between two or more core habitat areas. Habitat connectivity corridors facilitate important ecological functions such as seed and wildlife dispersal or pollination. Riparian habitats, streams, canyons, and wooded ridgelines function as habitat connectivity corridors and in some cases, areas of natural vegetation within developed areas may function as a movement corridor for certain species.

Habitat Fragmentation – The process by which habitat loss results in the division of large, continuous habitats into smaller, more isolated remnants.

Habitat Management Plan – A written document that establishes the steps necessary to acquire and permanently preserve and maintain an undeveloped lot or lots containing intact ESHA using legal instruments, such as a *conservation easement* or other legal means.

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.

Habitat Value – An area's ability to support one or more species, including both the physical and biological features necessary to support the existence of a plant or animal – such as suitable temperature and moisture levels, food, water, shelter, protection from predators, and mates.

~~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.~~

[Staff explanation: The term "harbor uses" is only used in the Permitted Use Matrix (see Article 4 below) to describe allowable uses in Harbor Planned Development (HPD) zone, which is proposed for deletion. The term is not used elsewhere in the LCP.]

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.

High-Value Habitat - A habitat that exhibits a high *ecological* value due to its physical and biological features. *Habitat value* is measured by species diversity and abundance, biological productivity, size, and ecosystem services. For example, wet environments are considered high-value habitats because of their overall biological productivity and ecosystem services.

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)

Home Range - A biological term used to indicate the estimated area in which an animal lives and moves. *Home range* size is determined by the spatial distribution of the population and by the type/quality of resources required for that organism to survive.

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

Important Bird Area (IBA) – An area designated by the American Bird Conservatory and the National Audubon Society as being globally important for the conservation of bird populations.

In-lieu Fee – A payment to a *natural resource agency* (state, federal, or local) or a County-approved *conservation organization* to conduct *compensatory mitigation*. The in-lieu-fee is used to satisfy *compensatory mitigation* requirements for a *coastal development permit*.

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)

Integrated Pest Management (IPM) – The use of non-chemical methods (e.g., physical controls, such as preventing access; biological controls, such as use of natural predators; or mechanical controls, such as setting traps for pest prevention/management). IPM also uses least-toxic pesticides that are biodegradable for pest control, but only after other reasonable, non-chemical methods are found infeasible for pest management.

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.

Intertidal Area – The transition zone between land and sea, which is defined as the area between the ocean's highest high tide and its lowest low tide.

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.

Kennel - 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)

Lagoon – A shallow body of salt water close to the ocean but separated from it by other shoreline features such as a sand bar, rocks, or a narrow strip of land. Coastal lagoons are partly or entirely enclosed, and many show variations of salinity throughout the year. Also, lagoons can be a shallow pond or lake close to a larger lake or river but separated from it by a barrier, such as a levee.

Land Division - The division of improved or unimproved land including subdivisions (e.g., parcel or tract maps, parcel map waivers), lot line adjustments, and any other divisions of land, including but not limited to lot splits, re-divisions, mergers, reversions to acreage, and legalization of lots purported to be created by a method that was not in compliance with applicable laws.

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 dedicatory'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. (AM.ORD.4498-07/01/17)

Light Fixture – A complete lighting unit that includes the lamp and all components directly associated with the distribution, positioning and protection of the lighting unit. Also referred to as a *luminaire*.

Light Fixture, Fully-Shielded - A *luminaire* or *light fixture* constructed and installed in such a manner that all light emitted by the fixture is projected below the horizontal plane through the fixture's lowest light-emitting part.

Light Fixture, Partially-Shielded - A *luminaire* constructed and installed such that most light emitted by the fixture is projected below the horizontal plane through the fixture's lowest light-emitting part. Light emitted above the horizontal plane arises only from decorative elements or diffusing materials such as frosted/colored glass or plastic.

Lighting, Glare - The sensation produced by a bright source within the visual field that is sufficiently brighter than the level to which the eyes are adapted causing annoyance, discomfort, or loss in visual performance and visibility.

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

Lighting, Seasonal or Festive – Temporary lighting installed and operated in connection with holidays, traditions or festivities.

Lighting, Security – A *light fixture* that is primarily intended to deter or detect intrusions or other unwanted activity. It can also be used to allow safe passage, such as security lighting used along a roadway or pedestrian walkway.

Light Trespass or Light Spillover - Light emitted from a *light fixture* or *luminaire* that shines beyond the boundaries on which it is sited.

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 legal lot is also a *lot* which has been issued a coastal development permit pursuant to the Coastal Zoning Ordinance, 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*. A lot for which only a conditional certificate of compliance has been issued, pursuant to the Subdivision Map Act and County Subdivision Ordinance, is not defined as a legal lot under the Ventura County Local Coastal Program (see Sec. 8174-4.4; Sec. 8181-2, "Legal Lot Requirement").~~

(AM.ORD.3788- 8/26/86)

[Staff Explanation: Currently, Sec. 8174-4.4 of the Coastal Zoning Ordinance states: "No permit or entitlement shall be issued for any use or construction on a lot that is not a legal lot. Sec. 8181-2, "Legal Lot Requirement," likewise states: "No permit shall be issued for construction on a lot that is not a legal lot." Note that "permit," as used in Sec. 8181-2, refers not only to discretionary permits, but also to ministerial zoning clearances. By amending the definition of legal lot as proposed, the LCP will prohibit the issuance of any permit or entitlement for a lot for which only a conditional certificate of compliance has been issued. Thus, to "legalize" a lot and make it eligible for permitting under the LCP, the property owner must obtain another subdivision approval, such as a parcel map, that must be processed and approved concurrently with a requested coastal development permit that must comply with all policies and provisions of the LCP.]

Lot Line

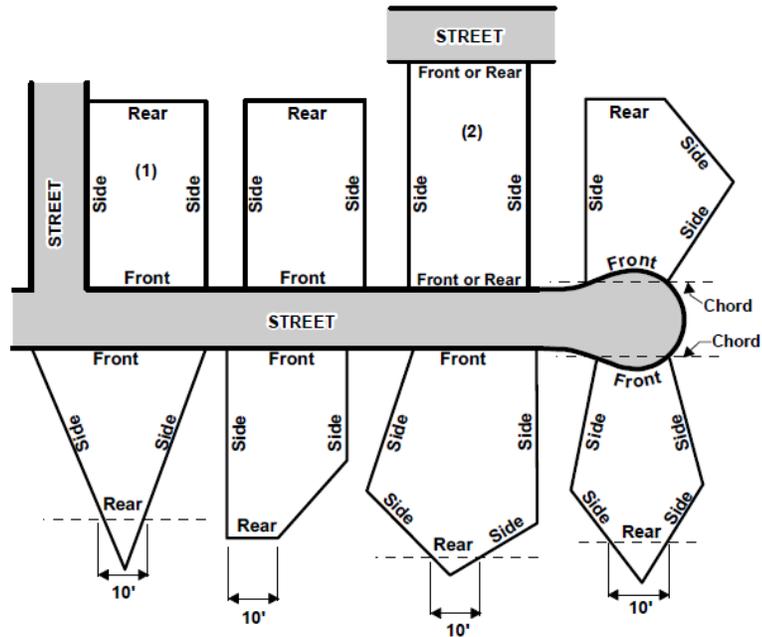
Front - A line separating an interior *lot* from the street, or a line separating the narrower street frontage of a *corner lot* from the street, except for flag *lots* (see "*setbacks*"). (AM.ORD.4451-12/11/12)

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:

Types of Lot Lines



- (1) For corner lots, the narrower street frontage is the front yard.
- (2) For through lots, the Planning Division, in consultation with the applicant, shall designate one street frontage as the front of the lot and the other as rear (Sec. 8175-4.14).
- (3) For flag lots see definition for "setback."

Lot Line Adjustment – A lot reconfiguration that includes the modification of one or more lines that form the boundary(ies) between two or more adjacent lots, where the number of lots remains the same or is fewer than existed prior to the lot line adjustment.

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.

Low-Intensity Vegetation Removal Techniques - Techniques to remove vegetation (e.g., hand-pulling, targeted herbicide applications) that do not disturb the surrounding habitat or ecosystem when compared to alternative techniques, such as bulldozing.

Luminaire - See definition of light fixture.

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 Index¹, 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)

Mitigation Bank - A *mitigation bank* is a natural resource area that has been restored, established, enhanced, or (in certain circumstances) preserved for the purpose of providing off-site compensation for unavoidable impacts to a similar resource. A *mitigation bank* may be created when a government agency, corporation, nonprofit organization, or other entity undertakes these activities under a formal agreement with the California Department of Fish and Wildlife, US Fish and Wildlife, or US Army Corps of Engineers.

¹Data 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.

Mitigation, Enhancement - The manipulation of the physical, chemical or biological characteristics of an existing habitat to heighten, intensify, or improve a specific ecosystem function(s). Examples of enhancement activities include planting native vegetation or controlling non-native or invasive species. Enhancement results in improvements to specific ESHA functions, but it does not result in increased acreage of ESHA.

Mitigation, Establishment - The manipulation of the physical, chemical, or biological characteristics of a site to create ecologically functional¹ habitat where it did not previously exist. When used as compensatory mitigation, the establishment of new ESHA may result in an increase in ESHA acreage.

Mitigation, In-kind - The replacement of adversely impacted habitat with similar habitat of equal or higher quality containing the same plant and animal species/communities and providing similar ecological functions as the impacted habitat.

Mitigation, Preservation - The protection of existing ESHA in perpetuity using legal instruments such as a conservation easement.

Mitigation, Restoration - The manipulation of the physical, chemical, and biological characteristics of a site to bring back the site's original natural or historic habitat, species, and ecological functions. May include the re-establishment of habitat at sites where ecological function was wholly or partially lost or degraded.

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.

Monarch Butterfly Aggregation/Overwintering Sites or Roosts - Groves of native or non-native trees, and associated understory plants, occupied by groups of monarch butterflies typically during the October through March overwintering period. Roosts are typically (but not always) occupied every year, although the number of butterflies may fluctuate from year to year.

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. (AM.ORD.4498-07/01/17)

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

¹ The term "ecologically functional" refers to a habitat that contains the physical and biological conditions necessary for the sustainability of species within the habitat. See Appendix E1, Sec. A.2.2(e) for additional information.

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.

Natural Resource Agency – Any federal, state or local governmental agency created by statute or official action to protect natural resources. Such agencies include, but are not limited to, the U.S. Fish and Wildlife Service (USFWS), U.S. Army Corps of Engineers (USACE), the California Department of Fish and Wildlife (CDFW), State Parks, Regional Water Quality Control Board, and the Ventura County Watershed Protection District.

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)

Noise Sensitive Receptors – Within ESHA, this includes wildlife species sensitive to noise disruption (bird, mammal, insect, etc.) or locations that contain or support species that elicit a negative biological response to specific types or levels of noise.

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. (AM.ORD.4498-07/01/17)

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, and 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-Q

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. (AM.ORD.4498-07/01/17)

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.

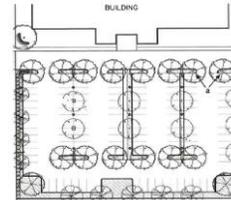
Pervious Pavement - A porous surface that allows the passage of water through the material and into the underlying soil. *Pervious pavement* is used to decrease the volume of stormwater *runoff* and to increase the infiltration of water into the ground.

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



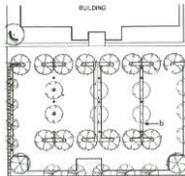
Planter, Landscape - An area devoted to plants that is defined with a raised curb or other material that separates the *landscape area* from adjacent uses.

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)

Qualified Storm Water Designer - A licensed civil engineer, Qualified Stormwater Pollution Prevention Plan (SWPPP) Practitioner (QSP), Qualified SWPPP Developer (QSD), or Certified Erosion and Sediment Control Specialist (CPESC).

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)

Resource-Dependent Uses - A use that is reliant on the resource (i.e., ESHA) to function. Resource-dependent uses include nature observation, research/education, and passive recreation, including low-impact camping and hiking.

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.

Restoration Specialist - A County-approved, *qualified biologist* that has the knowledge and demonstrable experience to plan and implement a habitat restoration, establishment, or enhancement project for the environmentally sensitive habitat area (ESHA).

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)

Ridgeline - A ridge or mountain ridge is a geological feature consisting of a chain of mountains or hills that form a continuous elevated crest for some distance. A ridgeline is the line along the crest of this geological feature, which is formed by the highest points, with the terrain dropping down on either side of the ridgeline.

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 - A zone of transitional habitat between terrestrial and aquatic ecosystems dependent on the existence of perennial, intermittent, or ephemeral surface or subsurface water. The riparian vegetation community is located in 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. See Appendix E1, AE-1.2.3(h)(8) for a more detailed description of riparian habitat

Rocky Outcrop Habitat: An outcropping of rock that provides habitat to many specialized and endemic species that are adapted to persist on generally dry, nutrient poor soils or that require rocky formations for different critical life stages. Also, a visible exposure of bedrock or ancient superficial deposits on the surface of the earth that forms a natural topographic feature of scenic or historic value.

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. (AM.ORD.4498-07/01/17)

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

Roosting Sites - Sites used by birds or other winged animals for nesting, breeding, resting, or sleeping.

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, Breeding/Nesting (Bird) - Times during the calendar year when bird species nest and breed. While the breeding/nesting season varies for different species of birds, January through Mid-September of each calendar year is generally considered the breeding/nesting season for birds.

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

Season, Non-Breeding/Non-Nesting (Bird) - Times during the calendar year when bird species are not nesting or breeding. While this period varies for different species of birds, Mid-September through December of each calendar year is generally considered the non-breeding/nesting season for birds.

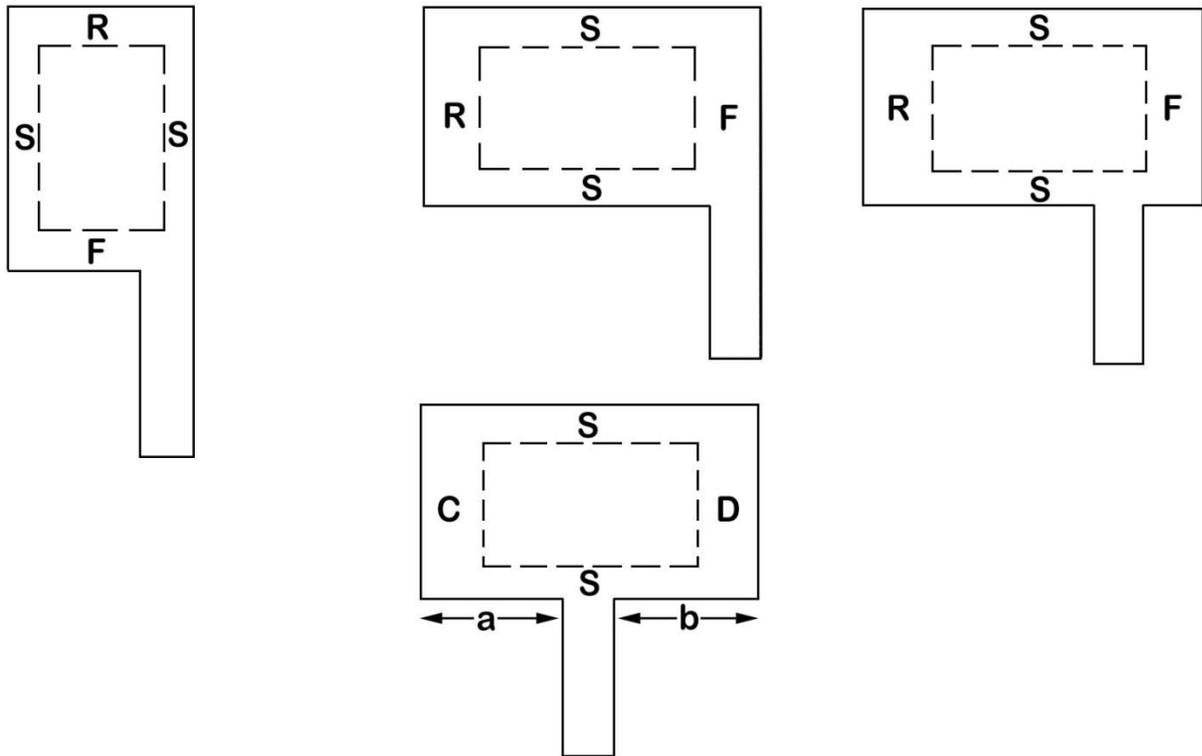
Second Dwelling - See Dwelling, Second. (AM.ORD.4451-12/11/12)

Second Generation Rodenticides - Products used to poison certain types of rodents (e.g. rats, mice) containing the active ingredients brodifacoum, bromadiolone, difethialone, and difenacoum.

Service Infrastructure - Roads, electrical cable lines, water wells or pipes, sewer pumps and leach fields, and other development that provides essential services to a structure or facility.

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.

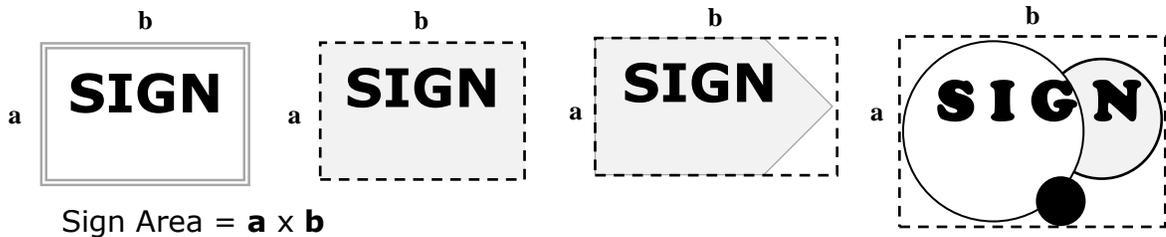
Shorebird Colony - A large congregation of shorebirds of one or more species that nest or roost in proximity at a particular location.

Shoreline Protective Devices - A seawalls, revetments, breakwaters, bluff retaining wall, or other permanent or semi-permanent structure intended to reduce or prevent coastal erosion

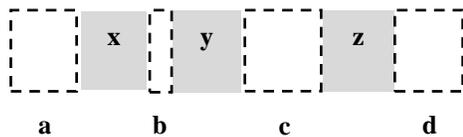
due to wave action and other natural forces construction that alter shoreline processes. (AM.ORD.4451-12/11/12)

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.



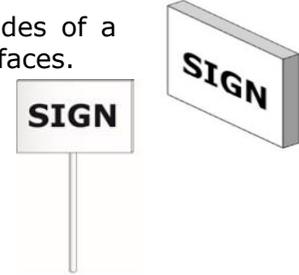
Sign or Message/Content, Commercial - A *sign* or message that relates primarily to economic interests such as the exchange of goods and services. Different types of *commercial signs* are more particularly defined in this Article.

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.

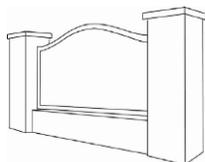
Sign, Interpretive - A *sign* that explains the meaning, origin, or purpose of an historical, natural, or cultural resource or site.

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.

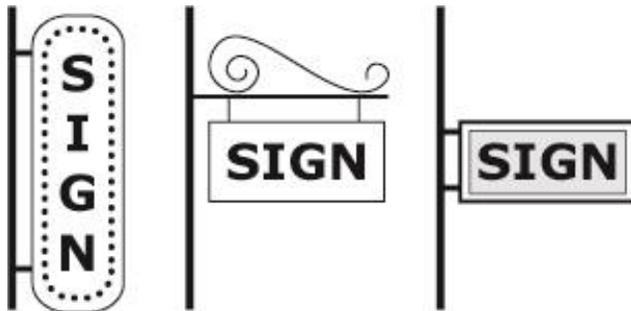
Sign Permit - The written authorization issued by the Planning Division that allows the permit holder to place, erect, modify, alter, repaint or maintain a *sign*. *Sign permits* may be issued as Zoning Clearances or Planned Development Permits as provided herein.

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.

Sky glow - The brightness of the night sky caused by artificial lights used for development, which is most often noticed as a glowing dome over cities.



Example of sky glow

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.

Sound Measurements, dB and dBA – Measured in decibels, these units on the logarithmic scale are based on the ratio between the actual measured sound pressure and the reference sound pressure. The dBA measurement for sound is adjusted to represent the way the human hearing system responds to sound/noise.

Sound Measurements, Leq(h) and L(max) – Measurements for sounds that vary over time. Leg(h) is the energy equivalent level of sound within a given time period. Lmax is the maximum sound level measured within a given time period.

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.

Special Status Species – A term used in the scientific community for species that are considered sufficiently rare that they require special consideration and/or protection. Groups categorized as *special status species* are recognized by federal, state and local *natural resource agencies* as *threatened, endangered, rare, candidate species/species of special concern, California fully protected species, or are species listed as of "greatest conservation concern" due to the decline of the species. See Sec. 8178-2.4 for specific ranks and groups classified as *special status species*.*

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.

Stepping Stones- Isolated patches of suitable habitat used by a species, often only for temporary occupancy, to facilitate movement through the larger landscape.

Stopover/Staging Sites - A stopover area is a site used by birds to rest and feed during migration, while a staging area is a site that contains abundant, predictable food resources that attract large numbers of birds.

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 topographic feature that conveys water over the land perennially, intermittently, or ephemerally through a bed or channel with banks. This term also applies to watercourses having a surface or subsurface flow that support or have supported riparian or alluvial vegetation. Also, referred to as "creek". ~~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.

Third-Party Provider - A *natural resource agency, County-approved conservation organization* or *specialized business* that is *contracted to implement compensatory mitigation*.

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)

Tidepools - Rocky pools of water on the shoreline that are subject to the ebb and flow of ocean tides and which may exist as isolated pools at low tide or when the ocean recedes.

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. (AM.ORD.4498-07/01/17)

Unbroken, Glass/Glazed – The glass surface of a fence or building that is not visually (or physically) broken up by mullions or solid building materials.

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 dedicating'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.

Watercourse/Drainage, Ephemeral - A natural watercourse, or portion thereof, which only flows after a rainfall and whose channel is always above the groundwater reservoir. An ephemeral watercourse/drainage is referred to as a *stream*.

Watercourse/Drainage, Intermittent - A well-defined channel that only flows continuously at certain times of the year. An intermittent watercourse may flow when it receives water from a spring or a ground-water source. A seasonal, intermittent watercourse may flow when water is received from melting snow or winter rains. At low flow, the watercourse may have dry segments that alternate with flowing segments. An intermittent or seasonally intermittent watercourse may also be a *stream*.

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)

Wet Environment - Terrestrial environments that are associated with the presence of water, either perennially or *ephemerally*. *Wet environments* include *wetlands*, *rivers*, *lakes*, *streams*, *estuaries*, *lagoons*, *seeps*, *springs*, and the vegetative communities associated with these physical settings. Does not include beaches that abut the sea, except where the beach includes an *estuary*, *lagoon* or *wetland*.

Wetland - Land which may be covered periodically or permanently with shallow water and included, but are not limited to, are saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, *vernal pools*, and fens.

Wildlife-Permeable Fence - Fencing that allows native wildlife (e.g. deer, coyotes, bobcats, mountain lions, ground rodents, amphibians, reptiles and birds) to freely pass through.

Wildlife-Safe Crossings - Structural passages that allow wildlife to move through areas where movement is impeded by a barrier (e.g., roadways, cliffs, water diversion facilities). These crossings, typically located above or below the barrier, are designed to facilitate safe wildlife movement using techniques such as fencing that funnels animals to a safe crossing, tunnels or bridges, and associated habitat creation or *restoration* within or adjacent to the crossing.

Wireless Communication Facility (or Facilities) - A facility that transmits or receives signals for television, satellites, wireless phones and data, personal communication services,

paggers, 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*. (AM.ORD.4498-07/01/17)

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. (AM.ORD.4498-07/01/17)



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. (AM.ORD.4498-07/01/17)

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. (AM.ORD.4498-07/01/17)

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. (AM.ORD.4498-07/01/17)



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. (AM.ORD.4498-07/01/17)



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*. (AM.ORD.4498-07/01/17)

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. (AM.ORD.4498-07/01/17)

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. (AM.ORD.4498-07/01/17)



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. (AM.ORD.4498-07/01/17)

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. (AM.ORD.4498-07/01/17)

Wireless Communication Facility, Roof-Mounted – A *stealth wireless communication facility* that is mounted directly on the roof of a building. (AM.ORD.4498-07/01/17)

Examples of Roof-Mounted Wireless Communication Facilities

Antenna on roof, concealed behind a parapet



Faux smokestack



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)). (AM.ORD.4498-07/01/17)

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. (AM.ORD.4498-07/01/17)



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). (AM.ORD.4498-07/01/17)



Photo 1



Photo 2



Photo 3

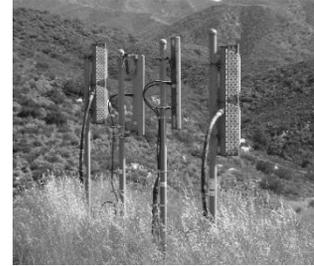


Photo 4

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

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)~~

[Staff explanation: The HPD zone is proposed for deletion because it is no longer used in the unincorporated County's coastal zone. This zone was previously applied to land and water parcels at Channel Islands Harbor, which is in the City of Oxnard and is governed by a separate, certified Channel Islands Harbor Public Works Plan (CIH-PWP).]

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

(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.

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.) (AM.ORD.4498-07/01/17)

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)

[Staff explanation: The existing text in Sec. 8174-4 and 8174-5 related to ESHA will be consolidated into one section, shown below. Also, the existing text in Sec. 8174-4 for allowable uses in ESHA will be moved to Sec. 8178-2.5 – Allowable Uses in ESHA or Buffer Zones, and a reference to that section is provided below.]

~~Except as allowed by Sec. 8174-6 – Statutory Exemptions and Categorical Exclusions, a coastal development permit is required for development in an environmentally sensitive habitat area (ESHA) or buffer zone. However, if a property lot is determined to be all or in part within an environmentally sensitive habitat area (ESHA) or buffer zone area, only limited uses are permitted, in accordance with Sec. 8178-2.5 – Allowable Uses in ESHA or Buffer Zone. Additionally, properties lots 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). Lots in ESHA or buffer zone also are subject to specific development standards (see Sec. 8178-2).~~

~~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:~~

- ~~1. Nature study;~~
- ~~2. Developments where the primary function is habitat enhancement or restoration;~~
- ~~3. Shoreline protective devices;~~
- ~~4. Passive recreational uses not involving structures;~~
- ~~5. Uses dependent on habitat values such as aquaculture and scientific research;~~
- ~~6. Public Works facilities in accordance with the Article and Section 8175-5.9, and all other applicable provisions of the Chapter and the LCP Land Use Plan.~~

Exceptions:

~~Within the 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 on 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.~~

[Staff explanation: The deleted text above was moved to Sec. 8178-2.5 – Allowable Uses in ESHA or Buffer Zone.]

Sec. 8174-5 – Permitted Uses by Zone

The following zoning matrix (Table 8174-5) establishes the type of permit required for land uses permitted in each zoning district as well as the decision-making authority for each type of permit. Also, see Sec. 8174-4 for permitting requirements in an ESHA or buffer zone and Sec. 8178-2.5 for allowable uses in an ESHA or buffer zone. ~~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).~~

[Staff explanation (Permit Use Matrix): A line would be added to the “Land Division” section (formerly Subdivision section) to clarify that, in the coastal zone, all types of land divisions require a discretionary permit unless exempted by the County’s Categorical Exclusion Order (Sec. 8174-6.3.6). See definition for “land division” in Article 2. These legal clarifications are recommended by County Counsel. Also, a reference was added to Sec. 8178-2.9, which contains specific regulations for land divisions in ESHA. Finally, the column dedicated to the Harbor Planned Development (HPD) zone is proposed for removal from the Permitted Use Matrix, as the zone is no longer used. Uses only allowed in that zone would be deleted from the table below.]

LAND USE CATEGORY	PERMIT REQUIREMENTS BY ZONE											
	COS	CA	CR	CRE	CR1	CR2	RB	RBH	CRPD	CC	CM	HPD
AGRICULTURE AND AGRICULTURAL OPERATIONS (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	
• With Brush or Vegetation	Permit May Be Required. See “Brush or Vegetation Removal”											

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

E = Exempt*	PDP = PD Permit, Principally-Permitted**	Not Allowed	Exempt	Approved by <i>Planning Director</i> or Designee	Approved by <i>Planning Commission</i>	Approved by <i>Board of Supervisors</i>
ZC = Zoning Clearance*	PW = Public Works Permit					
PD = Planned <i>Development</i> Permit	CUP = 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
Maximum												
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										
AIRFIELDS AND LANDING PADS AND STRIPS, PRIVATE	CUP	CUP									CUP	
• If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5	ZC	ZC									ZC	
AMBULANCE SERVICES										PD		
ANIMALS, KEEPING OF (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										

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LAND USE CATEGORY	PERMIT REQUIREMENTS BY ZONE											
	COS	CA	CR	CRE	CR1	CR2	RB	RBH	CRPD	CC	CM	HPD
Wild Animals	CUP											
ART GALLERIES										PDP		
If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5										ZC		
AUTOMOBILE REPAIRING										CUP		
If exempt per Sec. 8174-6.3.4 or 8174-6.3.5										ZC		
AUTOMOBILE SERVICE STATIONS										PD		
If exempt per Sec. 8174-6.3.4 or 8174-6.3.5										ZC		
BANKS, SAVINGS AND LOANS AND RELATED OFFICES AND INSTITUTIONS										PD		
If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5										ZC		
BARBER AND BEAUTY SHOPS										PDP		
If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5										ZC		
BARS, TAVERNS AND NIGHTCLUBS										CUP		
If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5										ZC		
BOARDINGHOUSES, ROOMING HOUSES AND BED-AND-BREAKFAST INNS				CUP	CUP					CUP		
If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5				ZC	ZC					ZC		
BRUSH OR VEGETATION REMOVAL	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	

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LAND USE CATEGORY	PERMIT REQUIREMENTS BY ZONE											
	COS	CA	CR	CRE	CR1	CR2	RB	RBH	CRPD	CC	CM	HPD
With tree alteration and removal	See Tree Alteration and Removal Below and Sec. 8178-7											
BUS TERMINALS										PDP		
If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5										ZC		
CARE FACILITIES												
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						
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			
CARWASHES, SELF-SERVICE OR AUTOMATIC										CUP		
If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5										ZC		
CHURCHES AND OTHER BUILDINGS USED FOR RELIGIOUS WORSHIP			PDP	PDP								
If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5			ZC	ZC								
CLUBHOUSES			CUP	CUP		PD						
If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5			ZC	ZC		ZC						
CONFERENCE CENTERS/CONVENTION CENTERS										CUP		CUP
If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5										ZC		ZC

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LAND USE CATEGORY	PERMIT REQUIREMENTS BY ZONE											
	COS	CA	CR	CRE	CR1	CR2	RB	RBH	CRPD	CC	CM	HHB
DOG GROOMING										PDP		
DREDGING	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
DRILLING, TEMPORARY GEOLOGIC (Testing Only)	PD	PD	PD	PD							PD	
DWELLINGS												
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 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				

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LAND USE CATEGORY	PERMIT REQUIREMENTS BY ZONE											
	COS	CA	CR	CRE	CR1	CR2	RB	RBH	CRPD	CC	CM	HPD
DWELLINGS – ACCESSORY USES AND STRUCTURES												
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			
Fences and Walls	PD	PD	PD	PD	PD	PD	PD	PD	PD	See "Uses and Structures accessory to a Commercial or Industrial Use"		
• If exempt per Sec. 8174-6.2, 8174-6.3.5, or 8174-6.3.6	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	See "Uses and Structures accessory to a Commercial or Industrial Use"		

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LAND USE CATEGORY	PERMIT REQUIREMENTS BY ZONE											
	COS	CA	CR	CRE	CR1	CR2	RB	RBH	CRPD	CC	CM	HHB
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								
• If exempt per Sec. 8174-6.3.6	ZC	ZC	ZC	ZC								
Second Dwellings (see Sec. 8175-5.1g)	PD	PD	PD	PD	PD	PD	PD	PD	PD			
• If exempt per Sec. 8174-6.2, 8174-6.3.2, 8174-6.3.5, or 8174-6.3.6	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			
• Incidental, appropriate and subordinate to a principally-permitted use	PDP	PDP	PDP	PDP	PDP	PDP	PDP	PDP	PDP			
• 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"											
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			
• If exempt per Sec. 8174-6.2, 8174-6.3.2, 8174-6.3.5	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC			
ENERGY FACILITIES , Including Energy Production From Renewable Sources	CUP										CUP	
• If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5	ZC										ZC	
FILM PRODUCTION, TEMPORARY (See Sec. 8175-5.6)												

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LAND USE CATEGORY	PERMIT REQUIREMENTS BY ZONE											
	COS	CA	CR	CRE	CR1	CR2	RB	RBH	CRPD	CC	CM	HHB
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"> Lasting up to 14 days per production. See Sec. 8175-5.6.1.2.1 	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"> Except where Sec. 8175-5.6.1.1 applies. 	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	
<ul style="list-style-type: none"> Except where Neighborhood Consent is required per Sec. 8175-5.6.5 	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	
FIRE STATIONS	PD	PD	PDP	PDP	PDP	PDP	PDP	PDP	PDP	PDP	PDP	
<ul style="list-style-type: none"> 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	
GRADING, EXCAVATION, OR FILL, Pursuant To Sec. 8175-5.17	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD
<ul style="list-style-type: none"> If exempt per Sec. 8174-6.3.6 	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC
GEOTECHNICAL AND SOILS TESTING												
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											
HARBOR USES (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	HHB
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
HEALTH CLINICS										PDP		
• If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5										ZC		
HOTELS, MOTELS, AND BOATELS										CUP		CUP
• If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5										ZC		ZC
IMPROVEMENTS TO STRUCTURES, OTHER THAN SINGLE FAMILY DWELLINGS OR PUBLIC WORKS FACILITIES	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
KENNELS	PD											
LABORATORIES; RESEARCH, SCIENTIFIC, MEDICAL OR DENTAL										CUP	CUP	
• If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5										ZC	ZC	
LAND DIVISIONS	See Sec. 8178-2.9 for <i>land divisions</i> in ESHA or buffer zone.											
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

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	COS	CA	CR	CRE	CR1	CR2	RB	RBH	CRPD	CC	CM	HHB
<i>All other Land Divisions</i>	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	
LAUNDRY AND DRY CLEANING ESTABLISHMENTS: 5 OR FEWER EMPLOYEES										PDP		
• If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5										ZC		
LIBRARIES			CUP	CUP								
• If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5			ZC	ZC								
MAINTENANCE/REPAIRS, No Additions or Enlargements	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
MOBILEHOME PARKS (See Sec. 8175-5.5)			CUP									
• If exempt per Sec. 8174-6.2, 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5			ZC									
OFFICES: BUSINESS, PROFESSIONAL AND ADMINISTRATIVE, 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	
OIL AND GAS: EXPLORATION AND PRODUCTION, UNLESS PREEMPTED (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	
PARKING LOTS, PUBLIC										CUP		PD
PIPELINES AND TRANSMISSION LINES, AND APPURTENANT STRUCTURES	CUP	CUP	CUP								CUP	

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	COS	CA	CR	CRE	CR1	CR2	RB	RBH	CRPD	CC	CM	HHB
<ul style="list-style-type: none"> If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5 	ZC	ZC	ZC								ZC	
PUBLIC UTILITY FACILITIES												
Without Service Yards	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD
<ul style="list-style-type: none"> 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	
<ul style="list-style-type: none"> 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	
<ul style="list-style-type: none"> If exempt per Sec. 8174-6.3.2, 8174-6.3.4, 8174-6.3.5, or 8174-6.3.6 										ZC	ZC	
PUBLIC WORKS FACILITIES (See Sec. 8175-5.9)	See "Wireless Communication Facilities" for antenna installations.											
County Initiated	PW	PW	PW	PW	PW	PW	PW	PW	PW	PW	PW	PW
<ul style="list-style-type: none"> 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
Not County-Initiated	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP
<ul style="list-style-type: none"> 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
REAL ESTATE TRACT OFFICES, TEMPORARY (See Sec. 8175-5.1k)	PD	PD	PD	PD	PD	PD	PD	PD	PD			
<ul style="list-style-type: none"> 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			
RECREATIONAL USES												
Campgrounds (see Sec. 8175-5.3)	CUP		CUP									
<ul style="list-style-type: none"> If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5 	ZC		ZC									

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	COS	CA	CR	CRE	CR1	CR2	RB	RBH	CRPD	CC	CM	HPD
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									
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									

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ZC = Zoning Clearance*	PW = Public Works Permit					
PD = Planned Development Permit	CUP = 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	HHB
• 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		
REPAIR OF PERSONAL GOODS (Such As Jewelry, Shoes And Small Appliances)										PDP		
RESTAURANTS, CAFES, AND CAFETERIAS										PDP		
• If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5										ZC		
RETAIL TRADE (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		
SCHOOLS , Public or Private, Nonboarding					CUP		CUP	CUP				
• If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5					ZC		ZC	ZC				
SHORELINE PROTECTIVE DEVICES (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

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LAND USE CATEGORY	PERMIT REQUIREMENTS BY ZONE											
	COS	CA	CR	CRE	CR1	CR2	RB	RBH	CRPD	CC	CM	HPD
Signs												
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
STORAGE OF BUILDING MATERIALS, TEMPORARY (See Sec. 8175-16)	Same permit as principal use											
SUBDIVISIONS	<i>See: Land Divisions</i>											
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

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LAND USE CATEGORY	PERMIT REQUIREMENTS BY ZONE											
	COS	CA	CR	CRE	CR1	CR2	RB	RBH	CRPD	CC	CM	HHB
• 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
TAILOR SHOPS										PDP		
• If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5										ZC		
USES AND STRUCTURES, ACCESSORY TO A COMMERCIAL OR INDUSTRIAL USE										PD	PD	
• If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5										ZC	ZC	
Brush or Vegetation Removal	Permit May Be Required. See "Brush or Vegetation Removal"											
Dwelling, for Proprietor or Employee (2 ND or 3 RD 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	
Repair of Products Retailed										PD		
Temporary Buildings During Construction (see Sec. 8175-5.14)										PD	PD	

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LAND USE CATEGORY	PERMIT REQUIREMENTS BY ZONE											
	COS	CA	CR	CRE	CR1	CR2	RB	RBH	CRPD	CC	CM	HHB
• If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5										ZC	ZC	
USES AND STRUCTURES, ACCESSORY, NOT OTHERWISE LISTED	Same permit as principal use											
TREE ALTERATION AND REMOVAL:												
TREE REMOVAL												
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	
TREE ALTERATION												
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*	
EMERGENCY TREE ALTERATION OR REMOVAL	See Sec. 8178-7.5.4											
VETERINARY CLINICS , Excluding Livestock										CUP		
If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5										ZC		
WASTE TREATMENT AND DISPOSAL	See also "Public Works Facilities"											
Waste Disposal, Including Sanitary Landfills	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	

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PD = Planned <i>Development</i> Permit	CUP = 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	HHB
Waste Treatment											CUP	
• If exempt per Sec. 8174-6.3.2, 8174-6.3.4, 8174-6.3.5, or 8174-6.3.6											ZC	
Recycling Facilities and Centers											CUP	
• If exempt per Sec. 8174-6.3.2, 8174-6.3.4, 8174-6.3.5, or 8174-6.3.6											ZC	
WATER FACILITIES	See also "Public Works Facilities"											
Water Storage and Distribution Facilities: Private Agencies	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	
Water Wells, Testing to Determine Water Availability	PD	PD	PD	PD	PD	PD	PD	PD	PD			
• Incidental, appropriate and subordinate to a principally-permitted use	PDP	PDP	PDP	PDP	PDP	PDP	PDP	PDP	PDP			
• 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"											
WIRELESS COMMUNICATION FACILITIES	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	
<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	

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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[†] 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

* 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.

[†] 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 *dwelling*s 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 dwelling*s, and of *accessory structures* such as garages, carports and storage sheds;
 5. *Accessory structures* normally associated with *single-family dwelling*s, 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;

*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.

- 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 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.

* 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'				15'
CR	One Acre									
CRE	20,000 Sq. Ft.		20' (d)	25'	10'	3'	5'	14' (f)	28', measured to the	Height May Be Increased
CR1	7000 Sq. Ft.									
CR2	Sq. Ft.									
RB	3,000 Sq. Ft. (e)									

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				
RBH	(g)			20' (h)	3' (q)		6' (r)	highest point of the finished roof (i)	to 30' for A-frame Structures	

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)(j)	(l)(k)	(m)(l)	35'			
CM	10 Acres		40'	(n)(m)				(o)(n)		

[Staff explanation: The row that provides development standards for the Harbor Planned Development (HPD) zone is proposed for removal from the table above. Also, noted "j" and "p" would be deleted from the list below, as those standards are only used for the HPD zone. Also, because two items are being removed from the list, the letters assigned to other standards would be adjusted, starting with the letter "j". However, all other existing development standards would remain the same, and only the letter references would change.]

(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~~j) Ten feet if the *lot abuts* a *residential zone* on the side; otherwise, as specified by permit.
- (~~k~~j) 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~~l) Ten feet if the rear of the *lot abuts* a *residential zone*; otherwise, as specified by permit.
- (~~m~~l) 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*.

(en) 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.~~

(ep) 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)

(fp) 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)

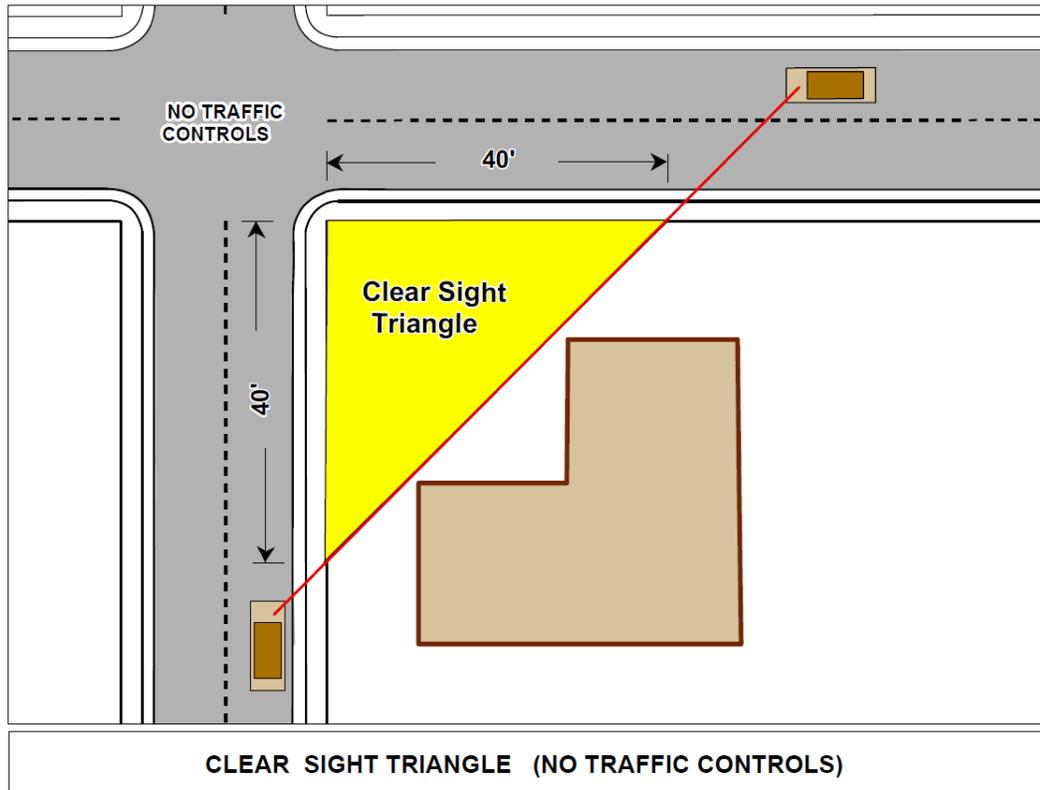
Sec. 8175-3.8 - Clear Sight Triangles

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*;^{*}

^{*} ESHA is subject to Sec. 8174-4 and Sec. 8178-2.

- 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*.*

(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)

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

The following standards apply to fences, walls and hedges within the coastal zone. Also, see Sec. 8178-2.6.14 for standards that apply to fences and walls in an ESHA, buffer zone, and the Santa Monica Mountains (M) overlay zone which, in the event of a conflict, shall take precedence over standards in this Section.

- 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 United States or State of California or any agency thereof.
- f. Fences and walls shall not be constructed of, or topped with, spikes, barbs, broken glass, razors, or any other similar material. Barbed-wire fencing is prohibited, except when used to secure permitted telecommunication,

industrial or utility facilities. When such fencing is allowed, it shall be sited as close as possible to the secured facility.

[Staff explanation: The existing text would be modified to include a reference to proposed fencing standards for fencing in ESHA, buffer zones, and the Santa Monica Mountains (M) overlay zone. In addition, certain types of fences shown to result in high mortality for animals would be prohibited. For example, most deer (69% of juveniles and 77% of adults) that die in fencing get caught in the top two wires when trying to jump a fence. Additionally, 90% of carcasses found near fences were baby fawns, separated from their mothers and unable to cross (Harrington 2005, Harrington and Conover 2006). This standard is also contained in the L.A. County and Malibu LCP's.]

(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

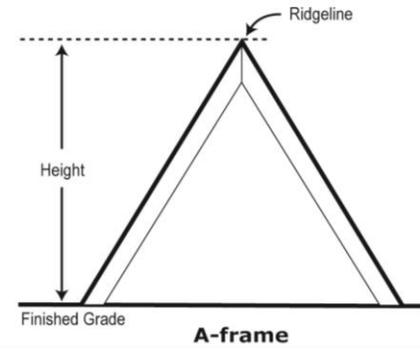
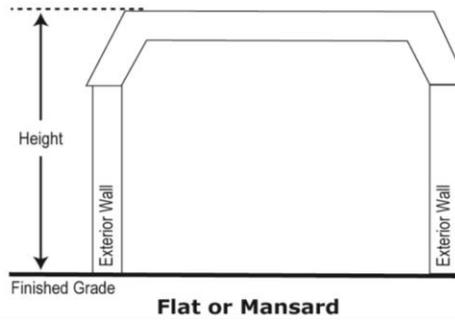
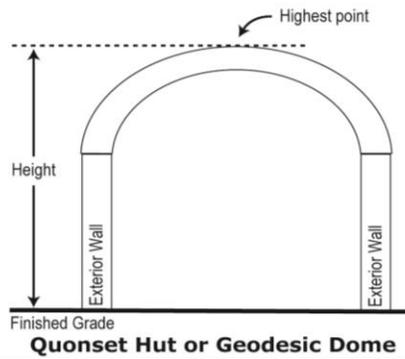
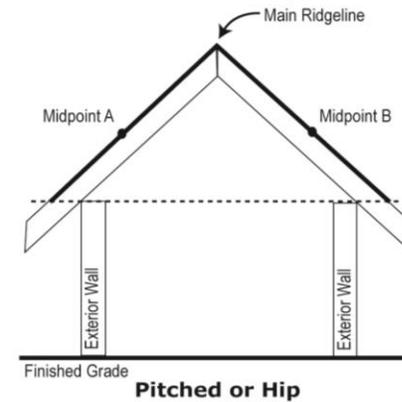
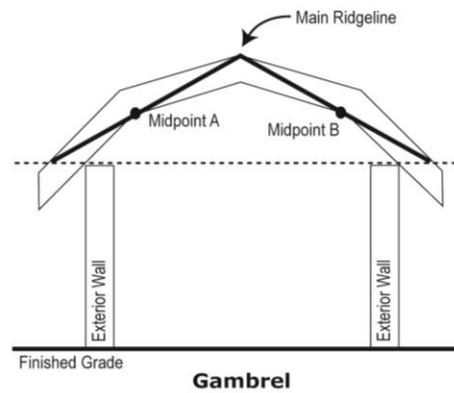
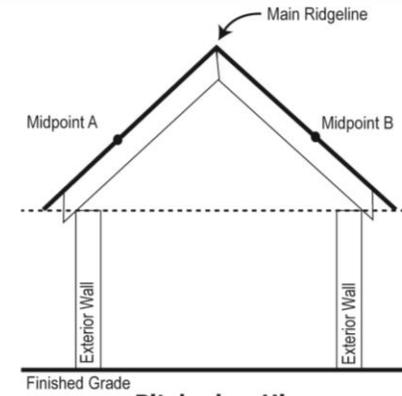
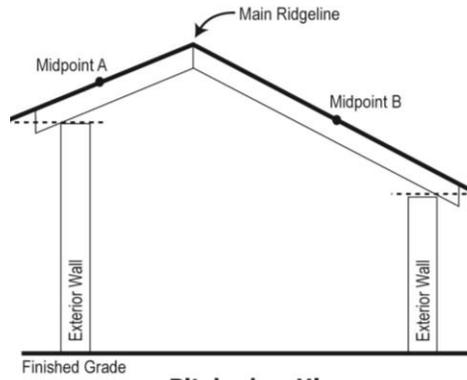
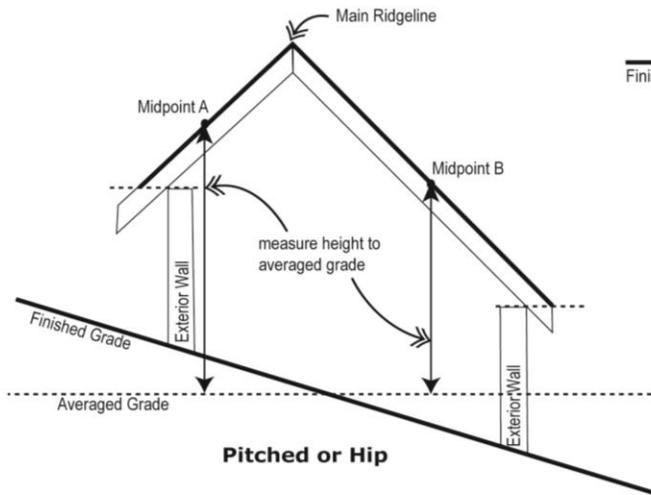
- a. *Building height* in the RB and RBH zones shall be measured from the higher of the following: (1) the minimum elevation of the first floor as established by the Flood Control Division of Public Works, or (2) twelve inches above the highest point of the paved portion of the road adjacent to the *lot*.

- 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

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



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)

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. (AM.ORD.4498-07/01/17)

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). (AM.ORD.4498-07/01/17)

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.

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).

(AM.ORD.4498-07/01/17)

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 *dwellings*, 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:

Zone	Minimum Lot Area Required (c)	Number of Animals (a)	Minimum Setbacks (b)
<u>Santa Monica Mountains (M) Overlay Zone</u>	<u>1 Acre</u>	<u>Two (2) animal units for first acre, one (1) animal unit for each additional acre, and a maximum of ten (10) animal units per lot.</u>	<u>Farm animals and fowl shall not be housed, stabled, lodged, kept, maintained, pastured or confined within ESHA or 100 feet of ESHA, except as permitted by Sec. 8178-2.6.11 – Confined Animal Facilities).</u>
COS, <u>except Santa Monica Mountains (M) Overlay Zone</u> 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 lot area.	

One Animal Unit Equals:

- 1 cow, bull, horse, pony, llama, mule or donkey;
- or 3 sheep and/or female goats (or a combination thereof totaling 3);
- or up to 6 of any combination of geese, swans or turkeys;
- or up to 10 of any combination of chickens, ducks or game hens;
- or 2 ponies—miniature horses, pigs, male goats, ostriches, 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*.
- d) Within the Santa Monica Mountains (M) overlay zone, or within 500 feet of habitats identified as *habitat connectivity corridors* (see Sec. 8178-2.7.5 - *Habitat Connectivity Corridors*), the conditions of approval for *development* shall include a requirement that any small to mid-size animal (e.g. chickens, goats, sheep, and llamas) that is subject to predation from wild animals (e.g., mountain lion, coyote, bobcat) will be provided a County-approved wildlife-proof structure. The Planning Director may grant an exception to this requirement based on a finding supported by substantial evidence that the applicant has proposed and will implement a recognized, alternative method for protecting livestock (e.g., use of Anatolian Shepard Dog). Also, see Sec. 8178-2.6.11 - *Confined Animal Facilities* for additional standards associated with animal keeping in ESHA or *buffer zones*.

[Staff explanation: The proposed regulations for farm animals include a separate line item for land in the Santa Monica Mountains (M) overlay zone, which contains a high level of environmentally sensitive habitat areas (ESHA). The current animal unit regulations allow an intensity of use that is not compatible with ESHA (or the proposed ESHA policies in the CAP). Additionally, standards are provided for animal containment structures for small to mid-sized livestock in the Santa Monica Mountains or identified habitat connectivity corridors. The purpose of these standards is to reduce the odds of livestock predation by mountain lions and the need for a take permit to kill a mountain lion within a population that is currently struggling. Finally, additions were made to the list of animals that constitute an animal unit, with animals grouped by average weight.]

(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 *dwellings* 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~~ *coastal dunes habitats*, 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.;

- c. To avoid adverse impacts on the federally protected Western Snowy Plover (*Charadrius alexandrinus nivosus*) and California Least Tern (*Sterna antillarum browni*), no filming shall be permitted on Hollywood Beach during the species' breeding season of March 1 through September 31.

[Staff Explanation. This standard was introduced to avoid disturbance of a federally protected species during its nesting season. Over the last two years (2015 and 2016), Hollywood Beach's least tern colony and Western snowy plover population experienced an alarming decline in reproductive success due to human disturbance. A prohibition on filming at this location was selected because most film permits are issued as a zoning clearance.]

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~~ and shielded so that no ~~direct beams~~ light spillover 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, re-drilled, produced or maintained, file a security in the penal amount of not less than \$10,000.00 to cover all operations conducted in the County of Ventura, a political subdivision of the State of California, conditioned upon the permittee well and truly obeying, fulfilling and performing each and every term and provision 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 - MgCl₂) 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, re-drilling, 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 *dwellings*, 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, turnouts for emergency vehicles, 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 ~~avoid~~eliminate impacts on *agriculture*, open space lands, and environmentally sensitive *habitats* (ESHA) ~~to the maximum extent feasible~~.

[Staff Explanation. The proposed revisions add public safety-related facilities to the list of Public Works facilities. Other revisions provide a balanced approach to potential conflicts between the preservation of coastal resources and needed public works facilities.]

- 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* (ESHA), 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 or environmentally sensitive habitat areas (ESHA), where aboveground transmission line placement would unavoidably affect views or ESHA, 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.

For information on permitting requirements for existing Public Works Facilities, see Sec. 8174-6.3.2 (repair or maintenance) and Sec. 8174-6.3.6(a)(9) (replacement). For Public Works Facilities in ESHA or buffer zone, also see Sec. 8178-2 – Environmentally Sensitive Habitat Areas (ESHA).

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*.

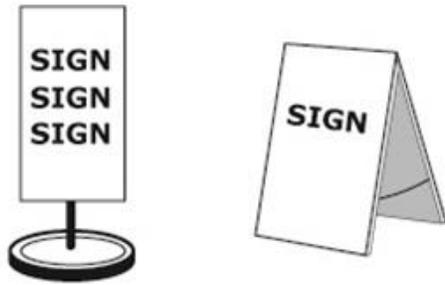
Sec. 8175-5.13.2 – Permit Requirements

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:

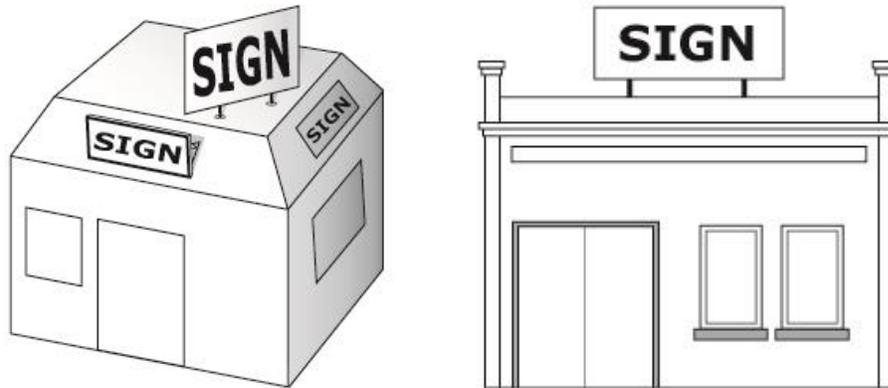
- a. A-frame or sandwich-board *signs*;



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 15th) 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 sign area (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 Type	On-Site				Off-Site	
	Attached	Freestanding (n)			Residential Subdivision (b)/ Locational and Road (m)	
	Identification/ Commercial Sign	Monument Sign	Directional Signs	Flags		
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.

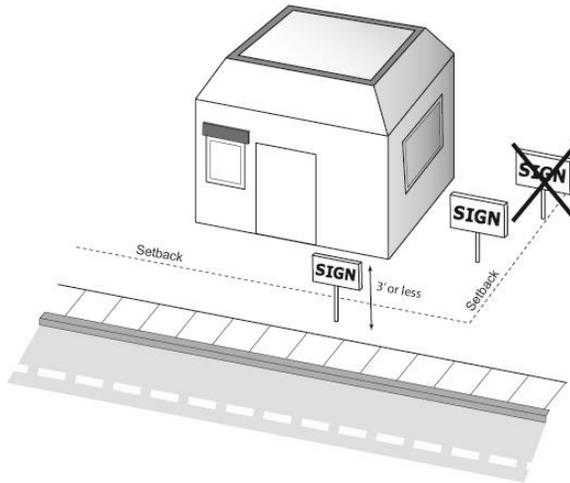
- (b) On-site *residential subdivision signs* are shall only be installed on a legal lot where an approved residential subdivision will be developed.
- (c) A produce stand may have one freestanding *monument sign* and one *attached sign* totaling 100 square feet. The advertising signs shall indicate 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 (CM) zone, see Sec. 8175-5.13.10.7, Identification Signs for Oil and Gas Development.
- (m) *Display structures, interpretive and location 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.

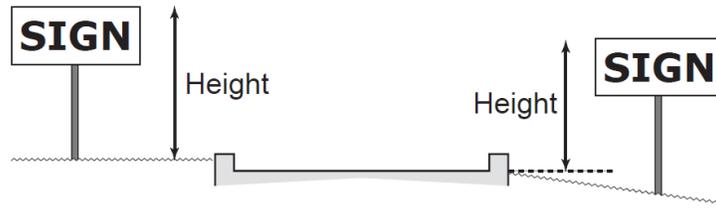
Installation of any new sign within a State or County right-of-way shall not interfere with the public's right of access to the coast. Any sign that has the potential to interfere with the public's right of access to the coast shall be approved only where allowed consistent with all other policies and 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.

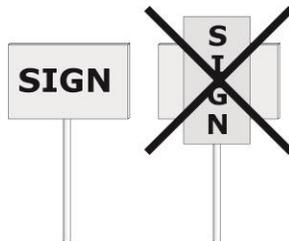
Sec. 8175-5.13.9.5 – Message Substitution

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*.



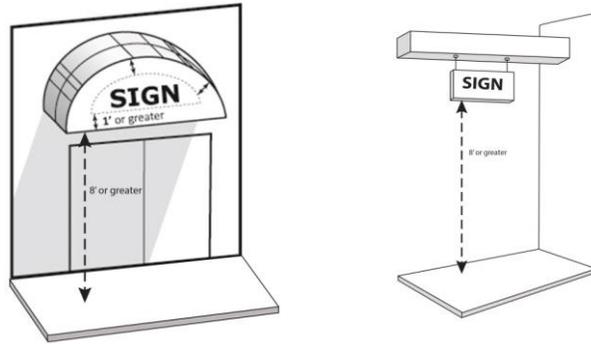
Sec. 8175-5.13.10.2 - Bench Signs

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.



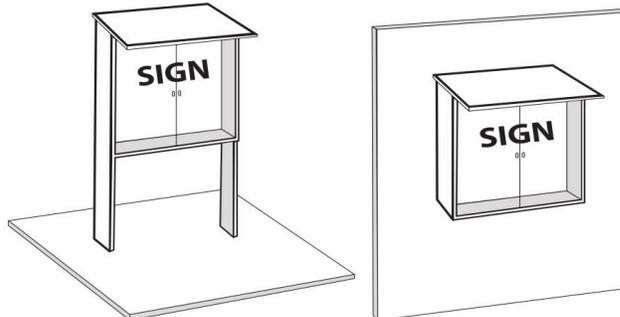
Sec. 8175-5.13.10.4 - Clocks and Thermometers

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.

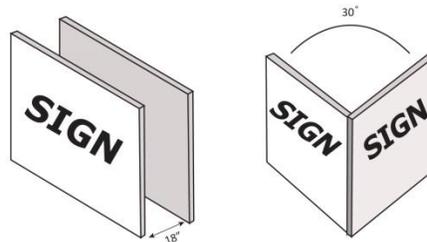
- a. Location – Display structures shall not be located in any required setbacks.
- b. Area - The area of display structures shall be in accordance with Sec. 8175-5.13.9.1, and may be allowed in addition to *sign area* otherwise permitted for the lot.
- c. Lighting - *Illumination* of display structures 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:

Flagpole Height (ft)	Maximum Flag Area (sf)
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 milliampere 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.

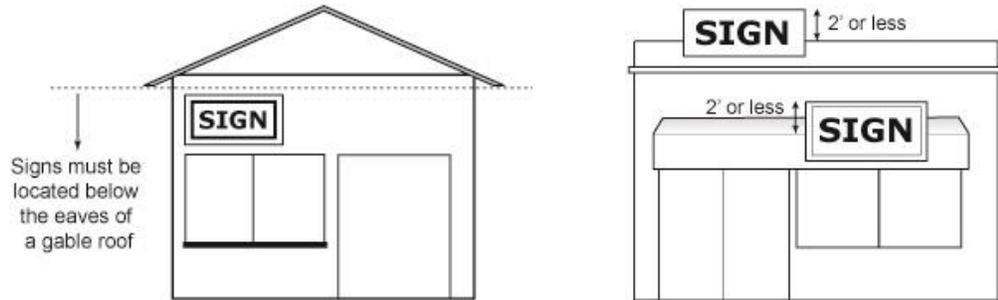
Sec. 8175-5.13.10.20 - Service Station Signs

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/Vegetation Removal

The following standards shall apply to all *development* involving grading or brush/vegetation removal ~~involving more than 50 cubic yards of grading or more than one half acre of brush removal.~~ unless the grading and/or brush/vegetation removal does not require a *coastal development permit*, pursuant to the General Exclusions set forth in Sec. 817-6.3.6. The Public Works Agency and Resource Management Agency staff shall review all ~~proposals~~ *coastal development permit applications* subject to these standards (such permits are referred to as "grading permits" in this Sec. 8175-5.17) in the *coastal zone* for conformance with the standards. ~~(REPEALED AS 8175-5.4 AND RE ENACTED AS 8175-5.17 BY ORD.3882-12/20/88)~~ Also, see Sec. 8178-2 – Environmentally Sensitive Habitat Areas (ESHA) for permitting requirements and standards for grading and brush/vegetation removal in an ESHA or *buffer zone*.

Sec. 8175-5.17.1

Grading plans shall minimize ~~cut and fill operations~~ all areas of earth disturbance. 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 earth disturbance ~~development~~ shall be designed to minimize impacts and alterations of physical features and processes of the site (i.e., geological, soils,

hydrological, siltation, water percolation, runoff, the spread of invasive species and adverse impacts on biological resources), to the maximum extent feasible. During the winter rainy season (~~November~~ October 1 – April 15), grading and brush/vegetation removal is prohibited, except when such activities are conducted in accordance with best management practices, and the Planning Director, in consultation with the Public Works Agency, determines that one or more of the following circumstances apply:

- a. Grading or brush/vegetation removal is necessary to remediate or prevent hazardous geologic conditions that endanger public health and safety.
- b. A grading permit was issued, and grading was initiated prior to the rainy season, but was not completed due to unforeseen circumstances or construction delays, and completion of grading would be more protective of sensitive environmental resources or would reduce erosion and sedimentation.
- c. Identified, active bird nesting/roosting areas at the project site prevented grading or brush/vegetation removal during the prior non-rainy season (April 16 – Sept. 30).
- d. Minor grading or brush/vegetation removal is necessary to maintain safe public access on existing roads or trails in public parks managed by the California Department of Parks and Recreation.

If none of the circumstances listed above apply, then grading and brush/vegetation removal activities shall be halted at the onset of the winter rainy season, and installed erosion control measures shall be maintained, in accordance with the approved permit, until grading resumes after the winter rainy season. (Also, see Sec. 8175-5.17.5 for stormwater protection measures required during winter rainy season.)

[Staff Explanation. This regulation was amended to address grading during the rainy season, particularly during drought conditions. At times, construction projects are midway through grading, and the permittee is obligated to halt grading. Thus, barren areas are exposed and subject to erosion and sediment runoff. By prohibiting vegetation disturbance, rather than grading, during the rainy season, the County would be assured that no new areas are disturbed during the rainy season while allowing grading to be completed on areas that are vulnerable to erosion, in accordance with the protection measures specified in the regulation.]

Sec. 8175-5.17.3

For permitted grading or brush/vegetation removal operations on hillsides with slopes that exceed 20 percent gradient, 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 erosion control measures, per the approved permit, ~~for removing sediments and stabilizing slopes shall be in-place~~ installed prior to ~~or concurrent with~~ any on-site grading and brush/vegetation removal activities.

[Staff Explanation. This regulation was revised to address conflicts with existing state MS-4 and County code requirements. When a grading permit is required, appropriate measures must be implemented by a Civil engineer, QSD, QSP or Certified Erosion Professional, not a licensed landscape architect. Additionally, text was amended to clarify which County department handle grading permits.]

Sec. 8175-5.17.4

~~Where appropriate,~~ Sediment containment systems and erosion control methods basins (e.g., ~~debris basins,~~ desilting basins, or silt traps) shall be installed, per the approved grading permit, on the project site prior to or concurrent with the initial grading operations and maintained by the applicant through the development process to ~~remove~~ capture sediment from runoff waters. All captured sediment shall be retained on-site unless removed to an appropriate approved dumping location.

Sec. 8175-5.17.5

All stormwater protection measures shall be installed, per the approved grading permit, prior to any grading or brush/vegetation removal and prior to the winter rainy season (October 1 – April 15). Also, all stormwater protection measures shall be maintained to function as designed throughout the winter rainy season. Where construction will extend into the winter rainy season, ~~temporary vegetation, seeding, mulching, or other~~ the following standards shall apply:

- a. Suitable stabilization methods shall be used to protect all areas of disturbance from soils subject to erosion. The appropriate methods shall be prepared by a ~~licensed landscape architect~~ qualified storm water designer and approved by the Ventura County Public Works Agency.

[Staff Explanation. This regulation was updated to be consistent with existing state MS-4 and County code requirements. Text was also added to clarify which County department handles grading permits.]

- b. 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.

[Staff Explanation. This existing text is in Sec. 8175-3, which applies to hillsides, but it was added here because the same requirement is applicable to winter rainy season grading.]

- c. Stormwater quality protection measures for hillsides with slopes that exceed 20 percent gradient and for areas with ESHA or ESHA buffer zone shall be consistent with the standards required for "high risk sites".

[Staff Explanation. This regulation clarifies that grading in steep slopes or ESHA must be conducted using the highest-level stormwater protection standards, consistent with existing state MS-4 and County code requirements.]

Sec. 8175-5.17.6

~~Cut and fill slopes~~ All areas of disturbance shall be fully stabilized at the completion of final rough grading. Within 90 days of rough grading, at least 60 percent of the disturbed areas shall be covered with native plantings, and all remaining areas shall be covered with mulch, rock lining, or similar materials to control erosion. To the greatest extent feasible, Within ESHA or ESHA buffer zones, revegetation planting shall be of native grasses and shrubs ~~or appropriate nonnative plants,~~ using ~~accepted planting procedures and completed in accordance with Sec. 8178-2.7.5.2 – Native Grasslands, Sec. 8178-7 - Tree Protection Regulations, and Sec. 8178-8 – Water Efficient Landscaping Requirements.~~ Outside ESHA or ESHA buffer zones, restoration planting shall be conducted in accordance with Sec. 8178-8.4 – Landscape Area Development Standards. 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.

[Staff Explanation. This regulation was modified to reference recent changes to ESHA and Tree LCP updates. Also, the 90% coverage requirement was modified because it's a difficult standard to meet in the 90-day timeframe, especially given drought and variable site/soil conditions that do not support such a high coverage requirement. Site stabilization requirements will prevent impacts associated with erosion.]

Sec. 8175-5.17.7

~~Provisions shall be made to conduct surface water runoff 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. Development shall be designed so that any difference (i.e., increase) in storm flow rate or amount must either be percolated into the ground onsite or released at the undeveloped flow rate from the site. Site discharge shall occur in a manner that avoids adverse impacts downstream (in velocity or duration) as follows:~~

- a. Grading permit applications must include a hydrology and hydraulics report, prepared by a civil engineer, that includes a map showing the entire drainage area and the estimated runoff of the area.
- b. The report shall examine several frequencies of storms consisting of 2-year, 10-year, 50-year, and 100-year events, and demonstrate that the proposed site drainage design will either retain or detain the difference between the pre-development storm flow rate and post-development storm flow rate for the storm events listed above.
- c. The civil engineer preparing the hydrology and hydraulics report shall consider alternative, low-impact design methods to handle and improve stormwater quality runoff.

All stormwater management practices shall be updated as necessary to prevent erosion and control construction related pollutants from discharging from the site. Erosion and sediment controls shall be maintained in good working order. Erosion control plans shall describe the measures to minimize erosion and control runoff such that the transport of sediment from the work site to watercourses, other sensitive habitat areas (ESHA), and to offsite property is minimized, and to ensure that peak stormwater flow rate/amount does not exceed peak flow rate/amount under the preconstruction conditions.

[Staff Explanation. This regulation was updated to reflect the existing code. As currently written, it's in direct conflict with the state MS-4 and County code requirements. Conducting surface water to storm drains does not prevent erosion or protect ESHA or coastal water quality. Proposed language mirrors the building code (Appendix J in Building Code Sec. J105.2.2, subsection (3)).

Sec. 8175-5.17.8 ~~10~~

~~Degradation of the water quality of groundwater basins, near streams, or wetlands wet environments shall not result from development of the site. Pollutants such as chemicals, fuels, lubricants, raw sewage, and or other~~

harmful waste shall not be discharged into or alongside coastal *streams, wetlands* or other *wet environments* either during or after construction.

[Staff Explanation. This regulation was updated to reflect updated terms within the ESHA section.]

Sec. 8175-5.17.9 ~~11~~

The Ventura County Resource Conservation District and the State Department of Fish and ~~Wildlife Game~~ shall be consulted for grading of hillsides that exceed 20 percent gradient 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)

[Staff Explanation. This regulation is updated to reflect Agency name changes.]

Sec. 8175-5.17.10 ~~2~~

When an approved grading permit expires for a construction site, the permittee shall be responsible for the installation and maintenance of permitted, permanent erosion and sedimentation measures.

[Staff Explanation. This regulation addresses construction sites where grading is not finished but permits have expired. Permanent erosion control measures are required if the site will be left in that condition for an undefined amount of time.]

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)

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 Trees¹

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 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.

¹ 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.

- (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 is preempted by federal 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 for facilities listed in Section 8175-5.20.5.1. 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:

Siting Criteria (Sec. 8175-5.20.3(d)) and Facility Type (Sec. 8175-5.20.3(b))	Alternative Sites Analysis (Sec. 8175-5.20.10(j))	Federal Telecommunications Act Preemption (Sec. 8175-5.20.5)	Technical Expert Review (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 w
- n. hether 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).
- o. **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.

(AM.ORD.4498-07/01/17)

ARTICLE 6:

PARKING AND LOADING REQUIREMENTS

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-curbing, 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:

Number of Disabled Parking Spaces Required	
Total Number of Parking Spaces in Lot or Garage	Minimum Required Number of Disabled Spaces
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.

LAND USE	MOTOR VEHICLE SPACES REQUIRED + / - 10% OF THE TOTAL	BICYCLE SPACES REQUIRED
AGRICULTURAL		
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
COMMERCIAL AND INSTITUTIONAL		
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
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

LAND USE	MOTOR VEHICLE SPACES REQUIRED + / - 10% OF THE TOTAL	BICYCLE SPACES REQUIRED
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	
Conference Center/Convention Center	See "Assembly Uses"	See "Assembly Uses"

LAND USE	MOTOR VEHICLE SPACES REQUIRED + / - 10% OF THE TOTAL	BICYCLE SPACES REQUIRED
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
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

LAND USE	MOTOR VEHICLE SPACES REQUIRED + / - 10% OF THE TOTAL	BICYCLE SPACES REQUIRED
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
INDUSTRIAL		
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
RECREATION		
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
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

LAND USE	MOTOR VEHICLE SPACES REQUIRED + / - 10% OF THE TOTAL	BICYCLE SPACES REQUIRED
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
RESIDENTIAL		
Bachelor or Studio Type Dwelling	1 covered space per unit	
Caretaker or Farmworker Single Family Dwellings	1 space for 1 bedroom or less 2 spaces for 2-4 bedrooms 3 spaces for 5 bedrooms	

LAND USE	MOTOR VEHICLE SPACES REQUIRED + / - 10% OF THE TOTAL	BICYCLE SPACES REQUIRED
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 ¹ spaces	
5 Bedrooms (per unit)	3 spaces (2 shall be covered ¹)	
6 or More Bedrooms (per unit)	4 spaces (2 shall be covered ¹)	

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

¹ 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.

Living Unit Size	Motor Vehicle Spaces Required (per unit) by Type of Parking			Required Visitor Parking (per unit)
	No Assigned Parking	1 Assigned Space or 1-Car Garage	2 Assigned Spaces or 2-Car Garage	
Studio	1.0 space	1.33 spaces	2.0 spaces	0.25 spaces
One Bedroom	1.25 spaces	1.4 spaces	2.0 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

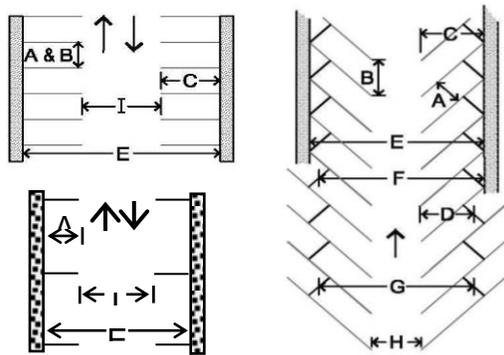
Parking area drive aisles and modules shall be designed following the standard dimensions included in the table in Sec. 8176-4.6.11 and the figure in Sec. 8176-4.6.12 and as required to meet Sec. 8176-5.4. Wider aisles may be approved when appropriate for truck maneuvering. Two-way aisles are permitted 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)
Standard Space (9 x 18)¹									
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

¹Parking 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:

- a. Tandem parking shall not be more than two cars in depth.
- b. Both tandem spaces shall serve the same dwelling unit.
- c. For multi-family residential dwellings, tandem parking may be provided to meet up to 50 percent of the required parking spaces, 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

- a. The surface of all required uncovered off-street motor vehicle parking spaces, aisles, driveways and loading areas shall be constructed and maintained with permanent all-weather, load-bearing pervious or impervious surfacing material sufficient to prevent mud, dust, loose material, and other nuisances. The use of pervious surfaces is encouraged to facilitate on-site infiltration of stormwater. To reduce heat generation from parking area surfaces, the use of light-colored/high-albedo surfaces is encouraged.
- b. The surface of fire apparatus access driveways shall be subject to review by the Ventura County Fire Protection District.
- c. 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.

- d. 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 - Queueing 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 queueing lane for each drive-through window or station shall be at least 12 feet wide, with sufficient turning radii to accommodate motor vehicles. Queueing lanes shall be designated by paint-striping, curbs, or other physical means as appropriate. Queueing 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 queueing 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 queueing.

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 - Queueing Capacity

The vehicle queueing capacity for land uses containing drive-through facilities shall be as follows:

Land Use	Queueing Lane Requirements
Restaurants	Queueing for 8 vehicles behind the pickup window
Banks	Queueing for 5 vehicles for each queueing lane
Other Land Uses	Queueing for 6 vehicles for each queueing 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 queueing vehicles.
- c. Calculate the vehicle queueing capacity as follows:
 1. The length of the queueing 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

Gross Floor Area	Loading Spaces Required
0-15,000	1
15,001-40,000	2
40,001-90,000	3
90,000-150,000	4
150,000 and over	5
Educational Land Uses	
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

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

[Staff explanation: This section contains regulations for environmentally sensitive habitat areas (ESHA) in the Santa Monica Mountains (M) overlay zone. Most of those regulations will be removed from this section and relocated to the ESHA regulations in Article 8, Sec.

8178-2 – Environmentally Sensitive Habitat Areas. Existing text related to visual and recreational uses will be retained in this section.]

The standards and procedures found in this Article shall apply to all property in the Santa Monica Mountains overlay zone whose zoning district carries the (M) suffix [example: COS(M)]. ~~(AM.ORD.4451-12/11/12)~~. All other pertinent standards in this Chapter shall also apply, including the applicable resource-protection standards in Article 8, Sec. 8178-2 – Environmentally Sensitive Habitat Areas.

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)~~ Also, see applicable resource-protection standards for the (M) overlay zone in Sec. 8178-2 – Environmentally Sensitive Habitat Areas.

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)

[Staff explanation: The deleted text below was replaced by regulations within Sec. 8178-2 – Environmentally Sensitive Habitat Areas (ESHA). The updated regulations for ESHA generally apply throughout the Santa Monica Mountains (M) overlay zone because most of that area is classified as ESHA or ESHA buffer zone.]

Sec. 8177-4.1.2

All new *upland development* shall be sited and designed to avoid adverse impacts on *environmentally sensitive habitat areas* (ESHA). See Sec. 8178-2 – Environmentally Sensitive Habitat Areas (EHSA) for *development* standards in ESHA and *buffer zones* that apply to the Santa Monica Mountains (M) Overlay Zone:

- 8178-2.6.3(d) General Siting and Building Design Standards
 - Sec. 8178-2.6.8 – Access Roads and Driveways in ESHA
 - Sec. 8178-2.6.14 – Fences, Gates and Walls
 - Sec. 8178-2.6.15 – Outdoor Lighting Standards
 - Sec. 8178-2.6.16 – Noise Standards
 - Sec. 8178-2.8 – Effects of Rodenticides, Insecticides, Herbicides and Other Toxic Chemicals
 - Section 8178-2.9.4 – ESHA Preservation Incentive
 - Sec. 8178-2.10.8(d) – Ventura County In-Lieu Fee Program
- 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.~~

[Staff explanation: See Sec. 8178-2.6.3 – General Siting and Building Design Standards for updated regulations that require on-site development restrictions for areas with ESHA, buffer zones, and 30% slopes.]

- 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)~~

[Staff explanation: The item above was moved to the Coastal Area Plan, Section 4.1.3 – Environmentally Sensitive Habitat Areas, ESHA Policy 2.2. In the CZO, a related permit finding was added to the Article 11, Sec. 8181-3.5.3 – Additional Permit Findings for Development in ESHA or Buffer Zone.]

~~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)~~

[Staff explanation: See Sec. 8178-2.6.8 for updated regulations for access roads and Sec. 8178-2.6.7 for updated grading regulations for ESHA and ESHA buffer zones.]

~~Sec. 8177-4.1.43~~

~~All For 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*.~~

[Staff explanation: This regulation was moved to Sec. 8178-2.6.3(d).]

- e. 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. Also, see Sec. 8178-2.9.2 – Requirements for Land Divisions in ESHA or Buffer Zone.

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

[Staff explanation: See Sec. 8178-2 – Environmentally Sensitive Habitat Areas for updated regulations related to environmental assessments and permit application requirements.]

Sec. 8177-4.1.54

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. 8177-4.1.65

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. 8177-4.1.76

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. 8177-4.1.87

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. 8177-4.1.98

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. 8177-4.1.109

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. 8177-4.1.1110

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*, shall be reviewed for conformance with Sec. 8178-2 – Environmentally Sensitive Habitat Areas and 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. 8177-4.1.109 shall be followed.

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

[Staff explanation: The second part of subsection (a) addresses new or expanded recreational uses, which will be subject to the updated ESHA regulations in Sec. 8178-2.]

ARTICLE 8: GENERAL DEVELOPMENT STANDARDS/CONDITIONS – RESOURCE PROTECTION

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)~~

[Staff Explanation. Allowable use regulations are now located in Sec. 8178-2.5 – Allowable Uses in ESHA or Buffer Zones.]

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)

[Staff Explanation. This issue is now addressed in the applicability section (see Sec. 8178-2.2). An updated ESHA map is proposed for the South Coast Subarea, which will be included in the Coastal Area Plan (CAP), and a CAP program is provided to update the North Coast and Central Coast subarea ESHA maps.]

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.

[Staff Explanation. This regulation will be replaced by standards for recreational projects in Sec. 8178-2.6.10 – Standards for Recreational Development in ESHA. The text above will also be retained as an existing policy in the Recreation and Access section of the Coastal Area Plan (CAP), which is not part of the current LCP update.]

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.

[Staff Explanation: The existing text will be revised and incorporated into updated standards for coastal dunes, which are located in Sec. 8178-2.7.1.1 – Coastal Dunes.]

- 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.

[Staff Explanation: The existing text will be revised and incorporated into updated standards for beaches in Sec. 8178-2.7.1 – Coastal Dunes and Beaches. More specifically, the text above was incorporated into Sec. 8178-2.7.1.4 – Sand Removal/Redistribution on a Beach.]

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.

[Staff Explanation: The existing text, with minor revisions, was incorporated into Sec. 8178-2.7.1.2 – Beaches (see subsection (a).]

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)~~

~~**[Staff Explanation: The existing development standard for creek corridors was revised and restated in Sec. 8178-2.7.3 – Wet Environments.]**~~

- ~~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*.~~

~~**[Staff Explanation: Allowable uses in rivers, streams and creek corridors is now located in Sec. 8178-2.5.1.1 – Allowable Uses in Streams and Rivers. Also, a more detailed set of standards for development in rivers, streams, or creek corridors is located in Sec. 8178-2.7.3.2 – Standards for Development in Wet Environments.]**~~

- ~~3. *Developments* allowed per the above policies shall incorporate the best mitigation measures *feasible*.~~

~~**[Staff Explanation: An expanded set of standards for development in rivers, streams, or creek corridors, including the use of best management practices, is addressed in Sec. 8178-2.7.3.2.]**~~

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)~~

~~**[Staff Explanation: Allowable use in a wetland is defined in Sec. 8178-2.5.1.2 – Allowable Uses in Wetlands and Open Coastal Waters. Also, the development standard above was retained and restated in Sec. 8178-2.7.3.1.]**~~

- ~~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.~~

~~**[Staff Explanation: The mitigation measure above will be retained and revised in Sec. 8178-2.10.7(a), which addresses compensatory mitigation for development in wetlands. The updated section is aligned with provisions in 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.~~

[Staff Explanation: Habitat mitigation requirements for ESHA are now located in an expanded section on compensatory mitigation in Sec. 8178-2.10. Also, specific mitigation requirements for wetlands are provided by Sec. 8178-2.10.7(a).]

- ~~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.~~

[Staff Explanation: Standards for beach replenishment are located in Sec. 8178-2.7.1.4 – Sand Removal/Redistribution on a Beach.]

Sec. 8178-2.1 – Purpose and Content

The purpose of this section is to provide regulatory standards for the protection of sensitive biological resource areas (ESHA) in the coastal zone and to ensure that development is sited and designed to avoid impacts to, and to be compatible with, the long-term preservation of these coastal resources.

Content:

- 8178-2.1 Purpose
- 8178-2.2 Applicability
- 8178-2.3 Environmental Reviews
- 8178-2.4 ESHA and Buffer Zone Determination and Delineation
- 8178-2.5 Allowable Uses in ESHA or Buffer Zones
- 8178-2.6 Development Standards in ESHA and Buffer Zone
- 8178-2.7 Additional Standards for Specific Coastal Habitats
- 8178-2.8 Effects of Rodenticides, Insecticides, Herbicides and Other Toxic Chemicals
- 8178-2.9 Land Divisions and ESHA Preservation Incentives
- 8178-2.10 Compensatory Mitigation
- 8178-2.11 Processing Permits for Development in ESHA or Buffer Zone

[Staff Explanation. A purpose statement was added to reflect changes to ESHA protection regulations since the 1980s, including a requirement that ESHA be avoided and buffered from adverse impacts from development.]

Sec. 8178-2.2 – Applicability

~~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)~~

Section 8178-2 applies to all new/modified development, including repair/maintenance activities, which meet both of the following criteria:

- a. The development or repair/maintenance activities require a coastal development permit or discretionary coastal development permit modification (i.e., development and repair/maintenance activities which are exempt or excluded from coastal

development permit requirements pursuant to Sec. 8174-6 are not subject to this Sec. 8178-2); and

- b. The proposed development envelope or repair/maintenance activities are located within 500 feet of a wet environment or are located in one or more of the following areas:
1. Habitats classified as an ESHA (see Sec. 8178-2.4.1), which include but are not limited to areas with mapped ESHA on certified ESHA maps (see Coastal Area Plan, Figures 4.1.3-1 through Figure 4.1.3-7); or
 2. Habitats or areas classified as an ESHA buffer zone² (see Sec. 8178-2.4.4), or areas located within 100 feet of either: (i) land protected by a conservation easement, or (ii) land acquired by a conservation organization or federal/state natural resource agency for habitat protection (e.g., Point Mugu State Park).

In all cases, informational sources used to make ESHA or buffer zone determinations shall include certified ESHA maps, site-specific environmental assessments/maps, aerial photographs, and habitat/wildlife information available from federal/state/local natural resource agencies (e.g., National Park Service or other vegetation maps, wildlife tracking GIS data, monarch butterfly overwintering sites, California Natural Diversity Database). If inadequate information is available in existing, available informational sources to determine whether the proposed development is in ESHA or buffer zone, the site-specific environmental assessment prepared for the proposed project shall be used to determine the applicability of Sec. 8178-2.

Also, see Sec. 8178-7.5 – Tree Permits, for regulations regarding the alteration, transplantation, or removal of a tree classified as ESHA.

Sec. 8178-2.3- Environmental Reviews

To ensure that adverse impacts to ESHA are avoided to the maximum extent feasible, all coastal development permit applications shall be evaluated for compliance with all applicable ESHA policies and standards of the LCP. During environmental review, if multiple environmental resource regulations are applicable to the proposed project, the regulation that is the most protective of the ESHA ecosystem shall be used to regulate the development. Environmental reviews shall include a site-specific environmental assessment and a least damaging alternatives analysis, and shall be based on an evaluation of the following:

- a. **Site-specific environmental assessment:** Except as provided by subsection (3) below, a site-specific environmental assessment (Coastal Initial Study Biological Assessment, or CISBA) shall be prepared that includes the following:
1. Site-Specific ESHA Map - To accurately identify and assess the impacts of proposed development on ESHA, a site-specific ESHA map is required that delineates all ESHA and buffer zones as follows:
 - i. The geographic area covered by a site-specific map shall be adequate to determine all potentially adverse direct, indirect and cumulative impacts to ESHA resources. The minimum geographic extent of a site-specific

² For ESHA buffer zone standards, see Sec. 8178-2.4.4, Sec. 8178-2.7.6 (special status species), Sec. 8178-2.7.7 (breeding, staging and stopover bird habitats), Sec. 8178-2.7.8 (monarch butterfly roosting sites), and Sec. 8178-2.7.9 (marine mammal rookery habitats).

ESHA map shall be the area within a 500-foot radius of the proposed development envelope.

- ii. The geographic extent of field surveys/maps for a monarch butterfly aggregation site is a 1000-foot radius of the proposed development envelope.

Also, see Sec. 8178-2.4.3 – ESHA Delineation in a Site-Specific ESHA Map and Appendix E1, Sec. AE-1.3.1(b) – Geographic Extent of CISBA for information on the geographic extent for specific types of surveys.

2. Environmental Analysis - An analysis of all potentially adverse direct, indirect, and cumulative impacts on ESHA resources. All areas mapped as ESHA or buffer zone on a site-specific ESHA map shall be accorded all protections for ESHA required by the policies or standards of the LCP.
3. Minor Development – A new CISBA is not required for minor development (e.g., a fence or small accessory structure) in an approved building site if the project includes no grading, would not result in an increased building site or fuel modification zone, and is located at least 100 feet from a wet environment.

Also, see Appendix E1 for a description of the required contents and procedures for a site-specific environmental assessment (i.e., Coastal Initial Study Biological Assessment (CISBA)). See Sec. 8178-2.4 for information on the determination and delineation of ESHA and buffer zones.

[Staff Explanation. A site specific environmental assessment (CISBA) is needed to determine the location of and potential impacts to ESHA. Such assessments are currently required by the County's adopted Initial Study Assessment Guidelines. Detailed information on the contents of a CISBA will be located in Appendix E1. To help reduce applicant costs for landowners with large lots, the geographic area for site-specific surveys is generally limited to a 500-foot radius around the proposed development, a distance that reflects current requirements for surveying wet environments (streams, creeks, etc.) that could be impacted by the development. A smaller radius (100-feet) is also identified for specific types of minor projects.]

- b. **Least Damaging Alternatives Analysis:** If the proposed project is in ESHA or buffer zone, an alternatives analysis shall be provided to determine whether the project constitutes the least environmentally damaging alternative. The alternatives analysis shall include the following:
 1. If the geographic extent of the site-specific ESHA map does not include the entire lot, ESHA located on the remainder of the lot shall be delineated using certified ESHA maps, aerial photographs and/or habitat/wildlife information available from federal/state/local natural resource agencies (e.g., National Park Service or other vegetation maps, wildlife tracking GIS data, monarch butterfly overwintering sites, California Natural Diversity Database. (See Appendix E1, Sec. AE-1.3.1(a) and AE-1.3.2(g)(2));
 2. Written description and graphic depiction of two or more project design alternatives on a site plan that provide a reasonable range of options that minimize direct and indirect, adverse impacts on ESHA and buffer zones. Project design alternatives shall depict all proposed development and shall include different locations, shapes and sizes for the following project components: building site, structures (e.g., house, garage, barn), site features (e.g., pool, patio, fences, landscaping), fuel modification zones, animal containment areas, driveway/access road(s), and water/wastewater systems.

3. Table that includes comparative data for the project design alternatives. The data provided shall include cubic yards of cut/fill for grading and acres of impacts on ESHA or *buffer zone*, sorted by habitat type; and
4. Written summary that explains how the proposed project meets the requirements of Sec. 8178-2.6.1 – Least Damaging Alternative. If the proposed use is only allowed pursuant to *Economically Beneficial Use* (see Sec. 8178-2.4.3), include a list of LCP policies and standards that are not met by the project design alternatives.

If County staff cannot determine that the proposed project constitutes the least damaging alternative, the applicant shall be required to submit one or more additional project design alternatives.

[Staff Explanation. The least damaging alternatives analysis is required to provide consistency with the ESHA provisions of the Coastal Act. For example, structures placed in a clustered development pattern will result in less vegetation removal for fuel modification. Locating development away from a stream will result in fewer impacts to water quality, riparian vegetation, and wildlife that depend on the riparian area. If impacts to ESHA or buffer zone are proposed, then the entire site needs to be mapped to confirm that the project represents the least damaging alternative.]

- c. **Natural Resource Agency Consultations:** County staff and applicants for development projects shall consult with the California Department of Fish and Wildlife, US. Fish and Wildlife Service, NOAA Fisheries, U.S. Army Corps of Engineers, and other *natural resource agencies*, as applicable based on each agency’s jurisdiction over the subject resources, to ensure that any potential impacts to *wetlands, streams, or other specific coastal resources* under their jurisdiction are avoided or minimized in a manner consistent with state and federal laws. In addition, in the Santa Monica Mountains (M) Overlay Zone, permit applications shall be provided to the National Park Service and the State Department of Parks and Recreation for review and comment.

Sec. 8178-2.4 – ESHA and Buffer Zone Determination and Delineation

[Staff Explanation. Sec. 8178-2.1 - Definition of ESHA incorporates PRC Section 30107.5 and it includes examples of ESHA to provide clarification. Pursuant to PRC Section 30107.5, in order to determine whether an area constitutes an ESHA, the California Coastal Commission (CCC) found that the habitat area must be sensitive to human-introduced disturbance or degradation and meet either of these two conditions: 1) there are rare species/habitat in the subject area; or 2) the species or habitat is considered an especially valuable ESHA habitat. Certain species habitats are considered valuable when they support overall critical life stages for special status species. When either of these two conditions are met and the habitat is sensitive to human-introduced disturbance or degradation, regardless if it is shown on a map, the Commission found the area to be ESHA. At the end of the list below, three categories were removed from existing certified text because the habitats are located outside the County’s jurisdiction (i.e. nearshore environments - reefs, tidepools, seacaves, islets and offshore rocks, and kelp beds) and are covered by the Marine Resource section of the Coastal Act or outside the jurisdiction of the coastal zone (designated wilderness or primitive areas).]

Sec. 8178-2.4.1 - Definition of ESHA

ESHA is 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 degraded by human activities and *developments*.

Each of the following landforms and habitat types constitute ESHA. This list shall be used in conjunction with the detailed information on ESHA determinations in Appendix E1:

- a. Areas of Special Biological Significance as identified by the State Water Resource Control Board (i.e., Mugu Lagoon to Latigo Point Area of Special Biological Significance State Water Quality Protection Area).
- b. *Coastal bluff* habitats.
- c. Coastal *dune* habitats.³
- d. Coastal sage scrub (CSS) and chaparral plant communities in the Santa Monica Mountains (also, see *coastal sage scrub* and *chaparral* in *special status species* habitats).⁴

[Staff Explanation. The County's Initial Study Assessment Guidelines, adopted on April 2011, state that "ESHA within upland habitats of the Santa Monica Mountains can be identified using the Coastal Commission's methodology (Memorandum from the Coastal Commission to Ventura Staff titled 'Designation of ESHA in the Santa Monica Mountains', 2003". In February 2003, the Coastal Commission classified Coastal sage scrub and chaparral in the Santa Monica Mountains as ESHA in its environmental findings for the City of Malibu. Three jurisdictions that contain upland habitats of the Santa Monica Mountains (City of Malibu, L.A. County, Ventura County) now classify Coastal sage scrub and chaparral as ESHA.]

- e. Critical life stages – Seasonal habitats supporting the following, critical life stages of a species:
 1. Bat roosts for special status species.
 2. Denning or breeding sites for bears, mountain lions, bobcats, coyotes, and other special status species identified in subsection (j) below.
 3. Occupied grunion spawning sites.
 4. Monarch butterfly aggregation/overwintering sites.
 5. Occupied marine mammal rookery and haul-out areas.
 6. Bird nesting, staging/stopover and roosting sites.

[Staff Explanation. Critical times exist during a species life where the plant/animal is vulnerable to disturbance. Habitats that support species during breeding, hibernation, migration, etc. are directly tied to the fitness of the species and constitute a valuable component of the ecosystem. These ESHA types tend to be seasonal in nature.]

- f. Habitat Connectivity Corridors (see Sec. 8178-2.7.5 for corridor types/widths).

[Staff Explanation. Habitat connectivity corridors provide critical ecological linkages from one habitat to another, are often essential to the survival of the species, and are easily disturbed by human activity.]

³ Sand accumulations on privately-held inland properties within an existing community (i.e., lots that do not abut a beach in Rincon Point, Mussel Shoals, Seacliff, Faria, Solimar, Hollywood-by-the-Sea, Silverstrand, and Solromar) are not defined as a dune habitat. For more information on dune habitats, see Appendix E1, Sec. AE-1.2.3(b).

⁴ The Coastal Commission classified coastal sage scrub and chaparral plant communities in the Santa Monica Mountains as ESHA in 2003. See memo from John Dixon to Ventura County titled 'Designation of ESHA in the Santa Monica Mountains', dated March 25, 2003.

- g. Native grasslands and savannah habitats consisting of perennial native needlegrasses (purple needlegrass, foothills needlegrass, nodding needlegrass) and their associated native forb species. Site-specific determinations are required to determine if non-native annual species characteristic of California annual grassland represent ESHA, and such determinations will depend on factors that include the size of native grass patches, number of patches, and their connectivity.

[Staff Explanation. California's native grassland habitats are becoming increasingly rare. They contain a diversity of species and provide critical ecological services such as high infiltration rates from storm events, which leads to a gradual release of stormwater to streams and improved water quality. Native grasslands also support pollinators and provide excellent carbon storage potential. Many native grassland-dependent species are extremely susceptible to non-native weed invasion associated with human activities, as well as structural changes from shrub invasion.]

- h. Oak and other native tree savanna and woodland communities.
- i. Rock outcrop habitats.

[Staff Explanation. Rock outcrop habitats support many special status species that are easily disturbed by human activities and development. In the L.A. County LCP, this habitat was classified as one of the most sensitive habitats (H1 Habitat).]

- j. Special Status Species Habitats:

1. Habitat that supports rare/special status plant and animal species, including species listed as endangered, threatened, or rare under the Federal or State Endangered Species Acts.
2. Habitat that supports federal or state candidate species for listing.
3. Habitat that supports California Fully Protected Species.
4. U.S. Fish and Wildlife Service designated Critical Habitat that is occupied or has a history of being occupied.
5. Habitat that supports plant communities ranked G1 or S1 (critically imperiled globally or within the state), G2 or S2 (imperiled), or G3 or S3 (vulnerable to extirpation or extinction) in the California Department of Fish or Wildlife's California Natural Diversity Database (CNDDDB) or by NatureServe's Natural Heritage Program.
6. Habitat that supports plant species assigned a California Rare Plant Rank of 1 (plants presumed extinct in California, or rare, threatened, or endangered in California and elsewhere), 2 (plants that are rare, threatened, or endangered in California but more common elsewhere), or 4 (plants of limited distribution in California) by the California Native Plant Society.
7. Habitat that supports species tracked by the California Natural Diversity Database that are classified as species of greatest conservation concern.
8. Habitat that supports California Species of Special Concern.
9. Habitat that supports species on the Ventura County Locally Important Species List.

[Staff Explanation. Locally important species are, by definition, considered to be “a quality example or unique species within the County and region”. They include plant species that are “declining throughout the extent of their range and have five or fewer element occurrences in Ventura County”. Locally important animals are listed when “habitat in Ventura County is crucial for their existence either globally or in Ventura County”.]

ESHA supporting special status species constitutes ESHA at the scale necessary for that species to be supported over its critical life stages or home range. Gaps or degraded areas within a contiguous stretch of ESHA may be included as part of the protected area for the special status species.

- k. Wet Environments: Wetlands,⁵ estuaries, lagoons, lakes, rivers, streams, seeps, springs, and their associated riparian or alluvial scrub habitat, including unimproved reaches of Ventura County Water Bodies listed on the Clean Water Act 303(d) List.

~~All marine, wildlife, education, and research reserves;~~

~~Wilderness and Primitive areas;~~

~~Nearshore reefs, tidepools, seacaves, islets and offshore rocks, and kelp beds;~~

Sec. 8178-2.4.2 – ESHA Determinations

ESHA shall be mapped and protected, in accordance with the ESHA policies and standards of the LCP, as follows:

- a. An area that previously met the definition of ESHA but was damaged or destroyed by illegal removal or degradation of the habitat;
- b. An area that previously met the definition of ESHA but was damaged or destroyed by natural disaster (e.g., wildfire, landslide, drought, disease or insect infestation) shall continue to qualify as ESHA. Notwithstanding the foregoing, the County’s decision-making authority may find that such an area is no longer ESHA based on a finding, supported by substantial evidence in the site-specific environmental assessment (Appendix E1, Sec. AE-1.2.2(c)), establishing that, 15 or more years after the natural disaster, the destroyed ESHA has been permanently replaced by alternative habitat not defined as ESHA.

[Staff Explanation. Prior Coastal Commission actions found that ESHA damaged or destroyed by natural disaster shall continue to be mapped as ESHA because, in most cases the prior habitat will eventually return following a natural disaster. However, in an era characterized by drought and repeated wildfires, the return of ESHA habitats is less predictable and a provision was added to account for that fact. After personnel from federal/state natural resource agencies expressed concern that such habitats would be prematurely reclassified, the timeline was set at fifteen years and criteria for making this determination was added to Appendix E1.]

- c. If the applicant’s CISBA contains substantial evidence that an area mapped as ESHA on a certified ESHA map does not contain habitat that meets the definition of ESHA, then the County shall determine the physical extent of ESHA on the project site based on information in the CISBA and standards in

⁵ See Appendix E1 for information on wetlands defined as ESHA.

subsections (a) and (b) above. If the County determines that an area is not ESHA, the LCP policies and standards for the protection of ESHA shall not apply. The County shall maintain a record of ESHA determinations (see Appendix E1, Sec. AE-1.X), and such records shall be used to support periodic updates of the certified ESHA map.

- d. Areas occupied by existing, legally-established development shall not constitute ESHA.

Sec. 8178-2.4.3 – ESHA Delineation in Site-Specific ESHA Maps

Within a site-specific ESHA map (Sec. 8178-2.3(a)), all areas that meet the definition of ESHA shall be mapped and protected as ESHA. The precise boundaries of ESHA on a site-specific map shall be based on the following:

- a. Areas that meet the definition of ESHA, as set forth in Sec. 8178-2.4.1 and the ESHA determination/delineation criteria and procedures set forth in Sec. 8178-2.4.2 and Appendix E1, shall be mapped as ESHA. Such determinations shall be based on substantial evidence and information obtained from site-specific biological surveys, aerial photographs, and federal/state/local natural resource agency resources.
- b. Wetland delineations shall be conducted according to the definitions of wetland boundaries contained in Section 13577(b) of Title 14 of the California Code of Regulations, and in conformance with the 1987 Army Corps of Engineers Wetland Delineation Manual and the 2008 Arid West Supplement.

ESHA delineation in site-specific ESHA maps shall be based on the applicant's site-specific environmental assessment, available independent evidence, and review by the Planning Division staff biologist.

[Staff Explanation. Coastal Commission interpretations of the PRC hold that the actual presence of ESHA on the site, not previously prepared maps, dictate whether ESHA policies apply. The proposed standards related to natural disasters and the illegal removal of ESHA are similar to those adopted for L.A. County, and they are consistent with the Coastal Commission's LCP Update Guide for ESHA (2013). The standard for natural disasters, such as fires, reflects the fact that such events are part of the natural cycle and rarely lead to permanent damage/removal of the ESHA. For example, fire is a natural part of the life cycle of plant communities, and habitat impacted by fire is still present in the form of root systems that will re-sprout and generate new growth following the rainy season. A provision is also provided that allows the County to make a determination that an area previously classified as ESHA was permanently destroyed by a natural disaster. In Appendix E2, an ESHA mapping methodology is provided that was developed by Planning Division staff as part of the Coastal Biology project, and it will be used to facilitate ESHA mapping during permit reviews.]

Sec. 8178-2.4.4 – Buffer Zone Delineations

ESHA buffer zones⁶ (also called "buffer zones") shall be established to provide distance and physical barriers between ESHA and human disturbance. Development shall be located outside the buffer zone of all on-site and off-site ESHA and shall be located at least 100 feet from the boundary of a parkland/open space area acquired by natural resource agencies or conservation organizations for habitat protection

⁶ Within Sec. 8178-2, the term "buffer zone" means an ESHA buffer zone or a buffer zone used to protect parkland/open space areas acquired for habitat protection.

(e.g., Point Mugu State Park). All development shall be designed to protect the adjacent resources and be compatible with the continuance of the habitat.

Sec. 8178-2.4.4.1 – Width of Buffer Zones

Buffer zones shall be of sufficient width to avoid adverse impacts to ESHA or parkland/protected open space areas. The width of a buffer zone shall be delineated as follows:

- a. The minimum width of a buffer zone shall be 100 feet, except for a local habitat connectivity corridor, which does not require a buffer zone.⁷
- b. A buffer zone that exceeds 100 feet is required when necessary to avoid adverse impacts to special status species (including habitats supporting critical life stages for such species), monarch butterfly overwintering roosts⁸, coastal bluffs, wetlands and other wet environments. Buffer zone widths that exceed 100 feet for habitats such as wetlands or other wet environments shall be identified during the environmental review process.
- c. During construction and temporary outdoor festivals and sporting events, seasonal buffer zones shall be used to protect critical life stage habitats in accordance with the standards established in Sec. 8178-2.7 – Additional Standards for Specific Coastal Habitats as follows:
 1. Raptor and bird nesting and roosting sites (300-500 feet);
 2. Bat roosts for special status species (200-500 feet);
 3. Occupied marine mammal rookery and hauling ground habitats (300 feet);
 4. Occupied grunion spawning sites (mechanical equipment, above highest tide wrack line); and
 5. Denning or breeding sites for bears, mountain lions, bobcats, coyotes, and other special status species (200-650 feet).

Also, see Sec. 8177-4.1.7 for information on buffer zones required when development is located within 1,000 feet of publicly owned parklands; Sec. 8178-2.6.2(b) for information on the application of buffer zones for off-site ESHA in existing shoreline communities; and Sec. 8178-2.7.1.1 for information on buffer zones for limited sand removal. See Appendix E1 for information on the delineation of buffer zones for specific ESHA habitats.

Sec. 8178-2.4.4.2 – Measurements for Buffer Zones

Buffer zone widths shall be measured from the outer extent of the vegetation that makes up the habitat or as follows:

- a. Riparian Areas: The outer edge of the cover of riparian vegetation community, or the outer edge of the bank of the subject stream if riparian vegetation is not present.
- b. Alluvial Scrub: Edge of alluvial soils located on alluvial fans, alluvial valley slopes, stream deltas, and along stream bottoms.
- c. Native woodland: The outer edge of the woodland tree canopy stand.

⁷ Habitats classified as ESHA, when located in a habitat connectivity corridor, do not require their own buffer zone. See Sec. 8178-2.7.5 when determining the size of a habitat connectivity corridor.

⁸ Monarch butterfly buffer zones are 125 feet for a roost tree and up to 1000 feet for clustered roost sites.

- d. Wetland: The upland limit of wetland habitat. In the case of wetlands without vegetation or soils, the setback shall be the boundary between land that is flooded or saturated at times (during years of normal precipitation) and land that is not.
- e. Rocky Outcrops: The outer extent of the plant community supported by the rocky outcrop habitat.
- f. Protected Parkland/Open Space: The outer edge of the boundary for parkland/ open space areas acquired by natural resource agencies or conservation organizations for habitat protection.

Appendix E1 also contains information on the delineation of buffer zones.

[Staff Explanation. Buffer zones are used to protect sensitive environmental habitats in both the coastal and non-coastal areas of the County. The Coastal Commission requires that buffer zones be established to ensure that sensitive habitats are protected against any significant disruption of habitat values, as required by the Coastal Act. Buffer zones are defined as a transitional area of habitat adjacent to the outer edge of the ESHA. The proposed 100-foot standard is consistent with prior Coastal Commission actions for ESHA buffer zones and with standards established in other LCPs. The proposed 100-foot standard provides a high level of certainty by defining the minimum buffer zone for most types of ESHA. Specific buffer zones (or ranges) are also established for specialized coastal habitats called “critical life stage” habitats. However, sufficient flexibility is provided to establish a wider buffer zone when necessary due to the characteristics of the project site or the buffer’s function (e.g., protection of water quality in a wetland). Buffer zone adjustments are consistent with existing General Plan Policy 4 (buffer areas), which allows an increase in buffers upon evaluation by a qualified biologist and approval by the decision-making body. Situations where wider buffer widths are recommended is consistent with the County’s Initial Study Assessment Guidelines and existing permitting procedures.]

Sec. 8178-2.5 - Allowable Uses in ESHA or Buffer Zones

[Staff Explanation. The existing text, shown below, is from Sec. 8174-4, which will be replaced by the expanded set of standards in this Section.]

~~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 the Article and Section 8175-5.9, and all other applicable provisions of the Chapter and the LCP Land Use Plan.~~

Exceptions:

~~Within the 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 on 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.

Allowable uses (or development associated with such uses) in ESHA or buffer zones shall be limited to uses that are dependent on the biological resource, except where a non-resource dependent use is allowed pursuant to this Sec. 8178-2. All uses allowed in ESHA or buffer zones shall meet the standards for a least damaging alternative (see Sec. 8178-2.6.1), and such uses shall be sited, designed, and mitigated in a manner consistent with the standards in Sec. 8178-2.6 – Development Standards in ESHA and Buffer Zone, Sec. 8178-2.7 – Additional Standards for Specific Coastal Habitats, and Sec. 8178-2.10 – Compensatory Mitigation.

Sec. 8178-2.5.1 – Allowable Resource-Dependent Use in ESHA or Buffer Zones

Within an ESHA, ~~as defined in Article 2,~~ or an ESHA buffer area zone, ~~only~~ the following new resource-dependent uses are ~~may be~~ permitted:

- a. ~~Nature study and environmental research or education. interpretive signage designed to provide information about the value and protection of resources;~~
- b. ~~Passive recreational uses, not involving structures, such as public access-ways, trails for hiking or horseback riding, and low-impact campgrounds.~~
- c. ~~Directional, education, and interpretive signs or displays.~~
- d. Habitat restoration, preservation, or enhancement, including the following:
 1. Temporary fencing deemed necessary to prevent encroachment in the ESHA or buffer zone.
 2. Vegetation management, including the removal of non-native vegetation, planting native species, weeding, supplemental plantings, and other maintenance measures when conducted for the purpose of ESHA restoration, establishment, or enhancement pursuant to an approved Habitat Restoration Plan (see Sec. 8178-2.10.9).
 3. The placement/repair of site features within coastal dunes (e.g., raised walkways, fencing, predator-exclusion cages for shorebird nests), or the restoration of dune topology using sand replenishment or contouring or non-native invasive plant removal to facilitate the protection of native species reliant on a dune ecosystem. In all cases, coastal dune habitat modification or disturbance shall be the minimum amount necessary to accommodate the identified uses.

[Staff Explanation. This proposed regulation is similar to existing CZO standards in Article 4 – Permitted Uses, Sec. 8174-4 – Environmentally Sensitive Areas. It is consistent with State law (PRC 30240), which restricts development within ESHA to uses that are dependent on the resource.]

Sec. 8178-2.5.1.1 – Allowable Uses in Streams and Rivers

In addition to resource-dependent uses, the following uses may be permitted within streams and rivers:

- a. ~~Necessary water supply projects. necessary to agricultural operations or to serve developments permitted by the LCP Land Use Plan designations~~

- b. Flood control ~~projects~~, where no other method for protecting existing structures in the floodplain is feasible and where such protection is necessary for public safety or to protect existing *development*.
- c. Restoration ~~projects or d-~~ *Developments* where the primary function is the improvement of fish and wildlife *habitat*.

Channelization ~~or other~~ substantial alterations to river or *stream*, ~~or creek~~ corridors shall be conducted in a manner that minimizes impacts to coastal resources and that mitigates unavoidable impacts to the maximum extent feasible, including the depletion of groundwater.

[Staff Explanation: This section is based on existing text from Sec. 8178-2.4 - Specific Standards and Public Resource Code 30236, which defines allowable types of development in streams, rivers, and creeks. The standards are also based on Public Resource Code 30236, which defines allowable types of development in streams and rivers.]

Sec. 8178-2.5.1.2 - Allowable Uses in Wetlands and Open Coastal Waters

In addition to resource-dependent uses, the diking, dredging, or filling of (development) in wetlands, open coastal waters, lakes and estuaries may be permitted for the following uses: ~~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.~~

- a. New or expanded port, energy, and coastal-dependent industrial facilities.
- b. Mineral extractions, including sand for beach restoration, except in ESHA.
- c. New or expanded boating facilities, and the placement of structural pilings for public recreational piers (this use excludes wetlands).
- d. Nature study, aquaculture, or similar resource-dependent activities.
- e. Habitat restoration or enhancement.
- f. Water extractions from lakes/ponds by the Ventura County Fire Department (or authorized emergency response personnel) when necessary to protect public health/safety during a wildfire event.
- g. Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.
- h. Maintenance of existing, or restoration of previously dredged depths, in existing navigational channels, turning basins, vessel berthing/mooring areas, and boat launching ramps.

The uses listed above may only be permitted if otherwise consistent with the LCP and where there is no feasible, less environmentally damaging alternative and where feasible mitigation measures have been provided to minimize adverse environmental effects.

[Staff Explanation. This proposed regulation is similar to existing CZO standards and it is consistent with State law (PRC 30607.1 and 30233), which restricts development in wetlands and coastal waters.]

Sec. 8178-2.5.2 – Allowable Non-Resource Dependent Use in ESHA or Buffer Zones

Within ESHA or a buffer zone, the following non-resource dependent uses may be permitted, provided that such uses are the minimum necessary, meet the standards for a least damaging alternative (see Sec. 8178-2.6.1), and are sited, designed, and mitigated in a manner consistent with the standards in Sec. 8178-2.6, Sec. 8178-2.7, and Sec. 8178-2.10:

- a. New or modified wireless communication facilities, when the approval of the facility is mandated by federal law (see Sec. 8175-5.20.3(g) and Sec. 8175-5.20.5).
- b. Public Works projects required to repair, maintain, or replace an existing public works facility, provided that the use, capacity, size, and location is consistent with the General Exclusions provisions of Sec. 8174-6.3.6(a)(9).
- c. 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, provided that such facilities are necessary to protect public health/safety or accommodate development allowed by the LCP.
- d. Shoreline protective devices (see Sec. 8178-2.7.1.2(a)).
- e. Non-resource dependent uses allowed pursuant to the Economically Beneficial Use exception in Sec. 8178-2.5.3 – Economically Beneficial Use.

If An existing, legally permitted principal structure exists as of the adoption of this Plan, it may be rebuilt if it is destroyed by fire or a natural disaster. If it is an otherwise nonconforming use, it shall not be rebuilt within ESHA or the buffer zone. Also, see the following sections for uses allowed in a buffer zone: Sec. 8178-2.6.9.3(b) (fuel modification overlap zone), Sec. 8178-2.7.1.4 (sand removal), and Sec. 8178-2.6.2(b) (existing communities).

[Staff Explanation. This provision provides a limited range of allowable, non-resource dependent uses in ESHA or buffer zone:

- *Wireless communication facilities – Federal law requires that these facilities be approved under certain circumstances, as outlined in the CAP and CZO sections for these facilities;*
- *Economically Beneficial Use – See Section 2.5.3 below.*
- *Existing development – Coastal Act Section 30610(g) allows development in ESHA to remain following a fire or natural disaster, provided that it was legally permitted.]*
- *Shoreline protection devices – This provision is based on existing, certified text and is consistent with proposed CAP Policies 6.8 and 6.9, which allow shoreline protection devices when necessary to protect existing development, coastal dependent uses, and public beaches and with Coastal Act Section 30235, which allows such structures to protect existing structures or public beaches in danger from erosion or when designed to eliminate/mitigate adverse impacts on the local shoreline sand supply.*
- *Public Works Facilities – Existing provisions in the LCP and Coastal Act Section 30254 address public works facilities (e.g., roads, drainage channels, flood control projects, utility lines), which currently are listed as an allowable use in*

ESHA. Sec. 8175-5.9 would allow public works facilities in ESHA if impacts to ESHA are avoided to the maximum extent feasible, and additional restrictions are provided in Sec. 8178-2. For example, development must be the minimum necessary, adhere to siting/design standards, and represent the least environmentally damaging alternative. The repair, maintenance and replacement of existing public works facilities is currently allowed in ESHA with a coastal development permit, pursuant to Section 8174-6 – Statutory Exemptions and Categorical Exclusions.]

Sec. 8178-2.5.3 – Economically Beneficial Use

If the application of the policies, standards or provisions of the LCP regarding use of property designated as ESHA or buffer zone would likely deny all economically beneficial use of a legal lot, an otherwise prohibited use may be allowed in ESHA or ESHA buffer zones if it constitutes the least environmentally damaging alternative and meets all the following requirements:

- a. The proposed use is a new residential use or other principally-permitted use within the zone. Residential use is allowed only when the property meets the “buildable lot” standards in Sec. 8178-2.6.3(g);
- b. The development is consistent with all provisions of the LCP, including the site and building design standards in Sec. 8178-2.6 – Site and Building Design Standards in ESHA, except for the provisions for which the Economically Beneficial Use exception is requested pursuant to this Section;
- c. The use is the minimum amount necessary to avoid a taking of private property (see Sec. 8178-2.6.2 – Maximum Allowable Building Site in ESHA); and
- d. Development on a lot that is already developed in a manner that provides an Economically Beneficial Use shall not result in new disturbance or loss of ESHA or buffer zone that conflicts with the ESHA policies of the LCP.

[Staff Explanation: Section 30010 of the Coastal Act states that it does not authorize the Commission or a local government to exercise its power to grant or deny a permit in a manner that will take private property for public use without just compensation. As such, a use that is not consistent with the ESHA use standards may be permitted when necessary to avoid a taking of private property. The existing CZO does not define what is meant by “Economically Beneficial Use” when developing in ESHA, and this section (and Sec. 8178-2.6.2 – Maximum Allowable Building Site) clarifies what constitutes a Economically Beneficial Use exception.]

Sec. 8178-2.6 – Site and Building Design Standards in ESHA

The purpose of the standards in this Sec. 8178-2.6 is to facilitate the conservation and protection of ESHA.

[Staff Explanation: The standards in this section implement proposed site/building design policies in the CAP. They include existing and new provisions and address Coastal Act requirements that development be sited and designed to minimize impacts on ESHA. Standards were derived from the following sources: existing text in Sec. 8174-4; Public Resources Code Sections 30240, 30250, 30253; and the recently certified L.A. County Implementation Plan.]

Sec. 8178-2.6.1 – Least Damaging Alternative

Any development allowed in ESHA or buffer zones, pursuant to Sec. 8178-2.5 – Allowable Uses in ESHA or Buffer Zone, shall constitute the least damaging environmental alternative and shall:

- a. Consist of a feasible project design alternative that results in the least damage (i.e., direct/indirect/cumulative impacts) to ESHA, when compared to other feasible alternatives, and avoids adverse impacts to ESHA (both on and off-site) to the maximum extent feasible; and
- b. If the development provides an economically beneficial use, the project shall: (1) include a building site that is consistent with the standards in Sec. 8178-2.6.2; (2) minimize development outside the building site for access roads, fuel modification zone, and site grading; and (3) and comply with the standards for such uses in Sec. 8178-2.5.3.

Mitigation shall not be used as a substitute for selection of the least damaging project design alternative.

Sec. 8178-2.6.2 – Maximum Allowable Building Site in ESHA or Buffer Zone

If development is allowed in ESHA or buffer zones pursuant to Sec. 8178-2.5.3 – Economically Beneficial Use, then the following standards shall be used to determine the maximum allowable building site:⁹

- a. Santa Monica Mountains: Within the Santa Monica Mountains (M) overlay zone, the maximum allowable building site shall be 10,000 square feet, or 25 percent of the legal lot size, whichever is less. However, the allowable building site may be increased above the maximum allowed by this Section when authorized pursuant to the incentive program in Sec. 8178-2.9.5.1 – Expansion of Building Site.
- b. Existing Communities:¹⁰ On legal lots zoned Residential Beach (RB), Residential Beach Harbor (RBH), Coastal Residential Planned Development (CRPD), Coastal One-Family Residential (CR1), Coastal Two-Family Residential (CR2), Coastal Rural Exclusive (CRE-20,000 sf only), and Coastal Commercial (CC), the allowable building site shall be determined as follows:
 1. Development shall not be subject to a maximum allowable building site solely because the lot contains the required buffer zone for off-site ESHA. This standard is not applicable to a lot that contains the buffer zone for an off-site wet environment and, in such cases, additional encroachment into the buffer zone may only be authorized if no new adverse impacts would occur to the wet environment.
 2. Most lots in existing communities are currently developed. If a lot does contain on-site ESHA, the maximum allowable building site shall be the maximum lot coverage allowed by zoning, up to a maximum of 10,000 square feet or 25 percent of the legal lot size (whichever is greater).

For lots that contain a wet environment or its buffer zone, see Sec. 8178-2.6.2.2(b) – Highly Constrained Lots.

⁹ See the definition for *building site* in Article 2.

¹⁰ The zones listed above are only used within the existing communities of Rincon Point, La Conchita, Mussel Shoals, Seacliff, Faria, Solimar, Hollywood-by-the Sea, Silverstrand, and Solromar (outside (M) overlay zone).

- c. Other Coastal Areas: Except as provided by subsections (a) and (b) above, the maximum allowable building site shall be determined on a case-by-case basis through an Economically Beneficial Use Determination. In such cases, the project applicant shall submit the information set forth in Appendix E2, Sec. AE-2.4 – Economically Beneficial Use Determination, in conjunction with the associated coastal development permit application. The maximum allowable building site shall be limited to the area needed for the property owner to make an economically beneficial use of the subject parcel(s). (Also, see the required findings in Sec. 8181-3.5.3(d).)

In all cases, the maximum allowable building site shall be subject to the general requirements in Sec. 8178-2.6.2.1 and the adjustments in Sec. 8178-2.6.2.2.

[Staff Explanation. The Coastal Act restricts the types of uses allowed in an ESHA or buffer zone, but non-resource dependent uses are allowed in ESHA when necessary to provide “economically beneficial use” and avoid a private-property takings challenge. There is no state-wide standard for what constitutes “economically beneficial use” in ESHA, and many jurisdictions, such as Santa Barbara County and Marin County, rely on a case-by-case review to determine allowable development levels. In this case, three different scenarios are provided:

Santa Monica Mountains - In the Santa Monica Mountains, the 10,000-square-foot (or 25% of lot) standard is based on regulations approved for the Santa Monica Mountains in L.A. County and the City of Malibu. In the Santa Monica Mountains, residential use is the primary form of development. Unless the lot is less than 1 acre, the 10,000 square foot standard would apply.

Existing Communities - Historically developed communities occupy 0.6% of the land area in the County’s coastal zone. Most of these communities are located along the County’s shoreline and are fully developed. Also, much of the development within these communities is exempt from a discretionary permit due to the County’s Categorical Exclusion Order. However, the Categorical Exclusion Order does not exempt development on beachfront lots beach and it does not exempt the redevelopment of a lot. Thus, future development of a deck or a building addition could be affected by the buffer zone of an off-site coastal dune habitat. The existing community most affected by the proposed regulation is Hollywood-by-the-Sea, where coastal dunes are located near existing, developed lots. Also, the 500-foot buffer zone seasonally affects a number of existing lots. Lots along this stretch of beach are typically built out to the setback lines. The proposed regulation would ensure that all lots can be built out in a similar manner, as there’s no reason to conclude that a building addition or larger deck in an otherwise fully developed area would result in new impacts to an off-site coastal dune or seasonal shorebird colony. An exception was provided to address existing streams (e.g., Rincon Point, Solrmar), which affect a small number of shoreline properties. Finally, a maximum allowable building site standard is provided to address rare occasions where ESHA may be present on a lot. The standard is based on the high value of properties within these communities and the size of existing lots (97.5% of the lots are 10,000 sf or less).

Case-By Case Review - The third standard is primarily applicable to rural areas of the North Coast Subarea, as ESHA is generally limited to shoreline locations in the Central Coast Subarea. While the eastern portion of the North Coast Subarea contains large lots that may contain ESHA, most of the land is already developed for agricultural, oil/gas drilling, coastal recreation, or transportation uses (e.g.,

Route 101, Pacific Coast Highway). Also, ESHA is less prevalent in the North Coast Subareas than in the Santa Monica Mountains, which means that development can typically occur without impacting ESHA or buffer zones. In such cases, landowners would not rely on "economically beneficial use" provisions to develop land. Nevertheless, to address the possibility that development is proposed in ESHA in other coastal areas, a "Economically Beneficial Use Determination" process is provided in Appendix E2, Sec. AE-2.3, which is based on regulations in the Santa Barbara County LCP.]

Sec. 8178-2.6.2.1 – General Requirements for Maximum Allowable Building Sites

- a. Building Site Calculations - Area calculations for the *building site* may exclude the area of one access driveway or roadway, the area of one hammerhead safety turnaround, graded slopes exclusively associated with the access driveway or roadway and hammerhead safety turnaround, and grading necessary to correct an adverse geological condition. Fuel modification required by the Ventura County Fire Protection District for approved structures may extend beyond the approved *building site* area. The size and design of *development* excluded from the *building site* shall meet all applicable standards of the LCP or, when such standards are not specified, shall be based on minimum standards provided by the Ventura County Fire Protection District and the Public Works Agency.
- b. Least Damaging Alternative - *Development* within the *building site* shall be the least damaging alternative (see Sec. 8178-2.6.1), and siting and design techniques shall be used to minimize impacts to ESHA and *buffer zones*.

Sec. 8178-2.6.2.2 – Adjustments to Maximum Allowable Building Site

The maximum allowable *building site* is subject to adjustment in the following circumstances:

- a. Incentive Programs: The allowable *building site* may be increased above the maximum allowed by this Sec. 8178-2.6.2 when authorized pursuant to the incentive program in Sec. 8178-2.9.4.1 – Expansion of Building Site; and
- b. Highly Constrained Lots: The allowable *building site* shall be reduced below the maximum allowed by this Sec. 8178-2.6.2 when adequate land is not available due to one or more of the following circumstances:
 1. A reduction is necessary to meet public health and safety standards (e.g., established building codes, fire codes, flood hazard requirements, slope stability hazard requirements).
 2. A reduction of the size of the *building site* is necessary to avoid disturbance of a *wetland* habitat (e.g., vernal pools, estuaries, *lagoons*, lake habitats), habitat within 100 feet of riparian habitat, or the top of the bank of a *river/stream* where riparian habitat is not present, or habitats occupied by *special status species* (see Sec. 8178-2.3.1). Any reduction of the *building site* on this basis shall be supported by the Coastal Initial Study Biological Assessment (CISBA) (Sec. 8178-2.10.3(a)).

[Staff Explanation. Reductions to the allowable building site are limited to circumstances where substantial physical or environmental constraints exist on a lot. For example, a lot may be characterized by steep slopes that are

susceptible to landslides or it may be occupied by a threatened or endangered species. Generally, such constraints would only affect small lots. A larger allowable building site is also provided for lot mergers in the Santa Monica Mountains (M) overlay zone, as described in Sec. 8178-2.9.4.1.]

Sec. 8178-2.6.3 General Siting and Building Design Standards

- a. Location of Development – To minimize impacts to ESHA and buffer zones, development shall be located as follows:
1. Distance from ESHA - The development envelope shall be located as far from ESHA as possible and outside buffer zones.
 2. Avoid Steep Slopes - Development shall not be permitted in areas with 30 percent slope or higher. Remediation of unstable slopes that threaten public health or safety is permitted if the least environmentally-damaging method is used to stabilize the slopes.
 3. Clustered Development - Development shall be clustered and located near existing structures, roadways and services (e.g., water, sewer).
 4. Minimize Grading – Locate roads, structures, and other development in areas with minimal topographic constraints to minimize grading and alteration of natural landforms.
 5. Minimize Fuel Modification - Building sites and structures shall be clustered in a compact pattern to facilitate the overlap of fuel modification zones and the reduction of their extent (see Sec. 8178-2.6.8.1).

Deviations from the above standards may be permitted if the application of a standard would result in increased impacts to ESHA.

- b. Best Management Practices - Best management practices that minimize adverse impacts on ESHA and ESHA buffer zones shall be used for brush/vegetation removal or alteration, the control and removal of invasive species, construction management, water quality protection, habitat restoration, and use of toxic chemicals.
- c. Water Quality - Water quality shall be protected by minimizing the use of impervious surfaces and by utilizing bioswales or other best management practices that promote stormwater infiltration and limit stormwater runoff. Development shall be located away from wetlands, other wet environments, and natural drainage features and associated vegetation, and the disturbance of such features shall be minimized when avoidance is infeasible.
- d. On-Site Development Restrictions – All identified on-site environmentally sensitive habitat areas (ESHA), buffer zones, and/or slopes over 30 percent shall be permanently maintained in their natural state through a conservation instrument when such areas are: (1) identified on a site-specific ESHA map, and (2) located in the Coastal Open Space (COS) zone, Santa Monica Mountains (M) overlay zone, or Coastal Industrial (CM) zone. ~~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. (See Sec. 8178-2.10.1(c) for on-site development restrictions for areas used as compensatory mitigation.)

[Staff Explanation. The on-site development restrictions above are the same as existing regulations for the Santa Monica Mountains, specified in Sec. 8177-4.1.4(b), except that such restrictions would be extended to rural areas of the north coast subarea zoned COS or CM (the industrial zone is used for rural areas with oil/gas drilling). This provision also reflects recent court cases that clarified development restrictions on large lots should be proportional to impacts created by the project, and it would be difficult to justify on-site restrictions unless the presence of ESHA is confirmed by the site-specific environmental assessment. Finally, at the request of County Counsel, clarification is provided regarding the type of legal instrument used for the development restriction. A “conservation instrument” (see Article 2, Definitions) is a lower-level restriction than a conservation easement, which is required for compensatory mitigation.]

- e. Buildable Lot Standards – A legal lot is a buildable lot for residential use when it can feasibly accommodate the following structures and improvements in a manner that meets established public health and safety standards: (1) a principal structure; (2) legally accessible, all-weather access road; (3) development is located outside known geological hazard areas; and (4) the lot is served by public water/sewer or can accommodate an on-site site well and/or wastewater treatment system that is adequate to serve the proposed development.

[Staff Explanation. The buildable lot standard is intended for limited use prior to the submittal of a permit or early in the development review process. This standard is not intended to address the full range of LCP requirements. It includes essential components required to develop residential use on a lot.]

Sec. 8178-2.6.4 – ESHA Buffer Zone Standards

Buffer zones (see Sec. 8178-2.4.4) shall meet the following standards:

- a. Whenever feasible, use natural topographic features, such as hills and bluffs adjacent to ESHA, to buffer ESHA from development (e.g., locate development on the opposite side of the hill from the ESHA).
- b. Buffer zones shall contain native vegetation around parklands, ESHA, or protected open space areas to serve as transitional habitat and protect the ESHA ecosystem.
- c. Buffer zones for wet environments shall include a wildlife-permeable fence or a natural barrier (e.g., vegetation or water) to provide a physical barrier to control entry into the wet environment when resident or migratory species in the wet environment (e.g., wetlands, estuaries, marsh) are particularly sensitive to human impacts or are visible from publicly accessible areas or trails. Such barriers shall be located at the outside boundary of the buffer zone and shall only be allowed when specified by a County-approved ESHA Mitigation Plan (Sec. 8178-2.10.9). Visual screening may be provided by using landscape material or vegetation that is compatible with the wet environment.
- d. When a project involves the restoration of a stream that was previously channelized or otherwise altered, existing legally-established development within the required ESHA buffer zone of such a restored stream may remain.
- e. Water quality improvement best management practices required for development shall be located outside the ESHA buffer zone, except when

required within a fuel modification overlap zone (see Sec. 8178-2.6.8.5) to protect other ESHA from erosion and degradation.

[Staff Explanation. This section provides standards for ESHA buffer zones and implements the CAP policies for buffer zones. In past permit actions, the Coastal Commission required that development be located no closer than 100 feet from ESHA. The purpose of the 100-foot requirement is to protect the ecological integrity of the ESHA, provide space for transitional vegetated buffer areas, and minimize human intrusion. This provision is also consistent with the intent of existing General Plan Policy 4 – buffer areas, which allows an increase or decrease in buffers upon evaluation and recommendation by a qualified biologist and approval by the decision-making body. ESHA buffer zones less than 100 feet may occur where legal requirements dictate that a reduction occur to provide “economically beneficial use” of a property. Conversely, an ESHA buffer that exceeds 100 feet may be necessary to protect highly sensitive biological resources such as lagoons, raptor nesting sites, and nesting shorebird colonies.]

Sec. 8178-2.6.5 – Geotechnical Testing in ESHA or Buffer Zones

Geotechnical testing includes exploratory activities associated with evaluating a site for allowable, potential development. Such activities include drilling or excavation conducted to evaluate soil, geologic hazards, or hydrologic conditions (e.g., exploratory test holes for water wells, percolation testing for on-site wastewater treatment systems). When conducted in ESHA or buffer zone, such activities require a coastal development permit (see Sec. 8178-2.4 – Permitted Uses by Zone). Geotechnical testing shall be sited and designed to minimize adverse impacts to ESHA and buffer zones, and the following standards shall apply:

- a. Access Roads - To the extent feasible, access to a project site for geotechnical testing (e.g., wells, percolation tests) shall be provided by existing roads or track-mounted drill rigs. If a temporary access road is permitted, the volume and extent of grading shall be limited to the minimum required to accommodate the equipment. Also, existing topsoil and vegetative root stock shall be stockpiled and retained for use during site restoration.
- b. Required Restoration - Within 90 days from completion of exploratory testing, all temporary roads shall be restored to the original topographic contours, and all disturbed areas shall be restored with the original (previously stockpiled) topsoil and revegetated with species indigenous to the project site. Revegetated areas shall be monitored to ensure successful restoration.

Also, see additional road standards in Sec. 8178-2.6.8 – Access Roads in ESHA.

[Staff Explanation. Development standards associated with exploratory testing are primarily based on the L.A. County Implementation Plan Section 22.44.1430.]

Sec. 8178-2.6.6 – Water Wells and Wastewater Systems

Water wells and wastewater systems shall be sited and designed to minimize impacts to ESHA, including impacts from grading, site disturbance, the introduction of increased amounts of water, and soil erosion.

Sec. 8178-2.6.6.1 – Water Wells

When a water well is proposed to serve a project, the applicant shall demonstrate, to the satisfaction of the Ventura County Watershed Protection District, as well as the applicable Groundwater Sustainability Agency that the

proposed well will not have significant adverse individual or cumulative impacts on *groundwater*, *streams*, or natural resources. For a well location in close proximity of a stream, *drainage* courses, and similar surface water conveyance, a *groundwater* assessment must be performed by a qualified professional to ensure surface water will not adversely impact *groundwater* quality. 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. To approve a well the County must find, based on substantial evidence, that it will not cause significant adverse impacts, either individually or cumulatively, on coastal resources.

[Staff Explanation. This provision is based on existing Sec. 8181-3.5.2 – Additional Findings for Development in the Santa Monica Mountains Overlay Zone. It includes updated agency names.]

Sec. 8178-2.6.6.2 – Onsite Wastewater Treatment Systems

The County’s Environmental Health Division (EHD) is responsible for enforcing onsite wastewater treatment system (OWTS) regulations and design standards. The design, installation, operation and maintenance of such systems shall be approved by EHD and, if applicable, the Los Angeles Regional Water Quality Control Board. The following standards complement existing public health and safety standards. New and replacement OWTS, including primary and expansion wastewater disposal areas, shall be sited and designed to minimize impacts on ESHA and buffer zones as follows:

- a. To the maximum extent feasible, OWTS shall be located away from wet environments and outside the protected zone of trees classified as ESHA (see Sec. 8178-7.4.3), and adequate setbacks shall be required to protect these areas from lateral seepage;
- b. New OWTS shall be sized to serve only the approved development and shall be sited within the approved building site and/or fuel modification zone; and
- c. To the maximum extent feasible, OWTS components that require maintenance (e.g., pumping septic tanks, maintaining effluent screens) shall be located in an area that can be accessed from existing or approved access roads.

[Staff Explanation. OWTS standards for ESHA were developed in conjunction with the RMA/Environmental Health Division. Sources used included existing CZO text (Sec. 8178-2.4 (b.)(2), Sec. 8175-5.1(b), 8175-5.1(g)(6), Sec. 8175-5.4.5, Sec. 8175-5.17.10, Sec. 8177-3.6.3, Sec. 8178-4.2(6), and Sec. 8181-3.5.2 (c)) and certified standards in the L.A. County or City of Malibu LCPs.]

Sec. 8178-2.6.7 – ESHA Grading Standards

The standards of this Sec. 8178-2.6.7 shall be used in conjunction with those in Sec. 8175-5.17 – Grading and Brush/Vegetation Removal when grading is permitted on property that contains ESHA, buffer zone, or fuel modification overlap zone:

- a. Development shall be designed to minimize alteration of natural landforms by using clustered development and split-level or stepped building pads on slopes that exceed 20 percent gradient.

- b. To reduce erosion and sediment loss, development shall be sited and designed to minimize vegetation clearing, grading and to limit disturbance of natural drainage features.
- c. Best management practices shall be used to minimize erosion and control runoff, and materials and techniques shall be utilized that avoid impacts on ESHA and water quality within wet environments.
- d. Erosion control measures used during project construction shall meet the following standards:
 - 1. Erosion and sediment control products shall not contain netting, except when the netting is manufactured from 100 percent biodegradable natural materials and is comprised of a loose-weave, wildlife-safe design with movable joints between the horizontal and vertical twines (i.e., with twines that can move independently). However, in areas of geologic instability, the use of non-biodegradable netting and geotextiles fabrics that are manufactured with polypropylene fibers may be permitted for geologic slope support and stabilization.
 - 2. Temporary silt fences reinforced with plastic mesh are prohibited.
 - 3. When no longer required, temporary erosion and sediment control products shall be removed.
- e. Trenches, test pits, and other excavations shall be designed in a manner that prevents wildlife from entering and that provides a way for wildlife to escape if trapped.

(Also, see Sec. 8178-2.6.5 – Geotechnical and Soils Testing in ESHA or ESHA Buffer Zones.)

[Staff Explanation: Activities that adversely impact ESHA can occur during grading for construction, and setbacks from ESHA help avoid adverse impacts during construction. Best Management Practices (BMP) is a term used to describe a type of water pollution control or stormwater management plan that uses structural, engineered devices, and natural solutions such as bioswales to treat polluted stormwater, as well as operational or procedural practices to minimize the use of fertilizers and pesticides.]

Sec. 8178-2.6.8 – Access Roads and Driveways in ESHA

New or expanded access roads and driveways in ESHA or buffer zones shall be sited and designed as follows:

- a. Except where access improvements are necessary to meet Ventura County Fire Protection District standards or to provide one access road/driveway to a lot, the construction and/or improvement of access roads and driveways 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;
- b. The number, width and length of access hillside roads and driveways shall be as narrow as feasible limited to the minimum necessary to establish access to permitted development and shall follow natural contours; and
- c. Within the Santa Monica Mountains (M) overlay zone, access roads and driveways shall meet the following standards:

1. No more than one driveway, with one hammerhead-type turnaround area, shall be permitted for an individual lot. The length of new driveways, as measured from the property line, shall be limited in length to 300 feet, or one-third the parcel depth, whichever is less. Deviations from this standard may be permitted where a longer driveway is required as part of the least damaging alternative.
2. To the maximum extent feasible, a single driveway shall be used to provide a combined source of access to adjoining lots. 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 off public routes and to reduce grading. (AM.ORD.4451-12/11/12)
3. Secondary access roads shall not be permitted unless the Ventura County Fire Protection District determines there are no feasible alternatives and a secondary route is needed to ensure adequate fire safety or to provide a necessary, secondary emergency route for an existing residential area served by a dead-end road whose length exceeds the Ventura County Fire Protection District's emergency access standards.

Also, see standards for access roads used for geotechnical testing in Sec. 8178-2.6.5.

Sec. 8178-2.6.9 – Fuel Modification Zones in ESHA or Buffer Zones

A fuel modification zone shall be designed to minimize adverse impacts on ESHA, to the maximum extent feasible, when development occurs on a lot that contains ESHA or buffer zone or when new/expanded development could impact ESHA or buffer zone on a nearby property.

Sec. 8178-2.6.9.1 – Siting of Building Sites and Structures

To minimize the extent of the fuel modification zone and its associated impacts on ESHA or buffer zones, new structures shall be clustered within the building site. In addition, all new building sites shall, to the maximum extent feasible, be located and designed to meet the following standards:

1. Utilize an approximately square or circular shape, unless an elongated shape is needed to protect coastal resources or to minimize grading on a slope over 20 percent gradient.
2. To take advantage of overlapping fuel modification zones, buildings sites shall be clustered as part of land divisions including lot line adjustments, and new building sites shall be located near existing structures on the subject property or on nearby lots.
3. The width of the fuel modification zone shall be measured from the edge of the protected buildings or structures, not from the boundary of the building site.
4. To the maximum extent feasible, avoid placement of a fuel modification zone in ESHA or buffer zone on an off-site property or within 100 feet of an off-site, protected parkland/open space area acquired by natural resource agencies or conservation organizations for habitat protection. To the maximum extent feasible, a fuel modification zone shall not be placed on

state parklands unless permission is granted by the State Department of Parks and Recreation.

Sec. 8178-2.6.9.2 – Landscaping in a Fuel Modification Zone

To help preserve and protect ESHA, the following techniques shall be used when landscaping within the *fuel modification zone* when *development abuts* or is adjacent to ESHA or is within a *buffer zone*:

- a. The plant palette for a *fuel modification overlap zone* shall consist of locally indigenous native plant species.
- b. Where complete removal of the vegetation is not required by the Ventura County Fire Protection District, fuel load shall be reduced through vegetation thinning or mowing.
- c. The disturbance of wildlife and *special status species*, including nesting birds, shall be avoided during the removal, thinning, or alteration of vegetation.
- d. Vegetation within a *fuel modification overlap zone* shall provide transitional habitat for abutting ESHA while meeting fire protection requirements, consistent with the landscaping requirements in Sec. 8178-8.4.2. Permanent irrigation systems are prohibited. When allowed by the Ventura County Fire Protection District, trees classified as ESHA shall be retained within all or a portion of a *fuel modification overlap zone* (see Sec. 8178-2.6.9.3).

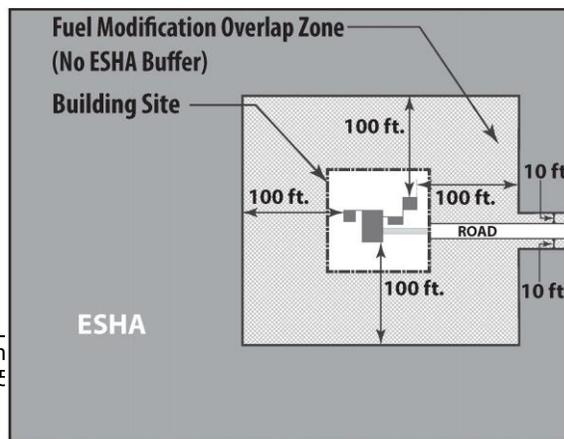
The fuel modification techniques listed above shall be used in conjunction with those specified in Sec. 8178-8.4.2.3 – Landscaping in a Required Fuel Modification Zone, and Sec. 8178-8.4.2.4 – Landscaping Adjacent to an Environmentally Sensitive Habitat Area.

[Staff Explanation. Impacts from fuel modification zones exceed impacts from the development of structures. For example, a 100-foot fuel modification zone for a 10,000-square foot (.23 acre) building site in the Santa Monica Mountains would typically require a two-acre fuel modification zone, depending on the location of structures and the shape of the building site. The standards listed above establish site development, landscaping, and other standards that minimize impacts on ESHA and ESHA buffer zones. Several items are based on existing text in the Water Efficient Landscaping section.]

Sec. 8178-2.6.9.3 – Fuel Modification Overlap Zones

When all or a portion of a *fuel modification zone* is located in ESHA or *buffer zone*, that area is called a *fuel modification overlap zone*. A new *fuel modification overlap zone*, or the expansion of an existing *fuel modification overlap zone*, shall only be authorized through a new or modified *coastal development permit*, and shall meet the following standards:

- a. Width of Fuel Modification Overlap Zone - The standard width of a *fuel modification*



overlap zone shall be 100 feet¹¹, which is measured from structures within the building site. However, a maximum 200-foot width may be allowed if the Ventura County Fire Protection District determines, in writing, that additional fuel modification is necessary for public health or safety purposes. Also, a maximum 300-foot width fuel modification overlap zone may be permitted around the existing boundary of the U.S. Naval Base Ventura County communication facility on Laguna Peak to protect critical federal national security assets at that location.¹²

[Staff Explanation. During the permitting process, landscape plans are reviewed by the Planning Division and the Ventura Co. Fire Protection District (VCFPD). At that time, the size of the fuel modification zone is determined by VCFPD. The VCFPD may require that a specialized consultant study be provided for fuel modification zones that exceed the department's 100-foot standard. VCFPD could automatically approve an increased fuel modification zone to 100 feet, but if the proposed fuel modification zone exceeds 100 feet, VCFPD would first refer the homeowner to the Planning Division to assess whether the expanded fuel modification zone would impact ESHA and would trigger a permit or permit modification.]

- b. Allowable Use/Development - Within the 100-foot wide fuel modification overlap zone, the following development shall be allowed: (1) uses permitted in an ESHA buffer zone (Sec. 8178-2.4.2); (2) fire-resistant, drought-tolerant native trees and landscaping; (3) confined animal facilities (Sec. 8178-2.6.11) that do not require additional fuel modification; (4) water wells/septic drainage fields; and (5) drainage and pollution runoff control devices (see Sec. 8178-2.6.3(e)) required and approved by the County to protect ESHA from erosion or degradation. If a fuel modification zone wider than 100 feet is authorized by the Ventura County Fire Protection District, allowable use outside the first 100-feet shall be limited to required fuel modification.

Also, see landscaping for a fuel modification overlap zone in Sec. 8178-2.6.9.2(d) and Sec. 8178-8.4.2.4 - Landscaping Adjacent to an Environmentally Sensitive Habitat Area.

[Note: In response to public comments, a list of fire-resistant, drought-tolerant native trees and landscaping is being developed by the County. Once completed, a website link will be provided to the list of acceptable trees and landscaping.]

[Staff Explanation. The proposed standards address circumstances where a fuel modification zone is allowed in ESHA or a buffer zone, called a fuel modification overlap zone. In such cases, the proposed standards define allowable uses within the fuel modification overlap zone (e.g., water wells or septic fields that cannot be in the building site). These use restrictions are designed to minimize impacts to adjacent ESHA and are consistent with Coastal Act requirements for development adjacent to ESHA.

¹¹ Fuel modification zones are required by the Ventura Co. Fire District along public or private roadways, and the standard width of such zones is less than 100 feet (e.g., a 10-foot wide zone is required for a residential access road).

¹² Specific requirements for the fuel modification zone at the U.S. Naval Base facility on Laguna Peak will be determined by the Ventura County Fire Protection District.

The standard width of a fuel modification zone was established by the Ventura County Fire Protection District and is 100 feet. Information from the Fire Protection District indicates that a fuel modification zone wider than 100 feet does not provide greater protection during a wind-driven fire, as hot embers from such fires travel much further than 200 feet. The primary purpose of the 100-foot wide zone is to provide for firefighter safety and access to structures. Scientific studies and experience demonstrate that other types of protections provide far more effective ways to reduce the spread of wildfires to residential structures. Recommended techniques include hardening of the building exterior (materials/designs used for eaves, roofs, and siding; reduced openings for garage doors and attic vents) and removing yard fuels and flammable outdoor furniture.

The 100-foot standard is not meant to apply in all circumstances, and the proposed regulations provide the Ventura County Fire Protection District with the authority to request up to a 200-foot fuel modification zone when required by site conditions or other identified circumstances. When a wider fuel modification zone is required, the result will be substantially higher levels of ESHA removal/modification and higher mitigation costs:

- 10,000 SF building site + 100 fuel modification = About 2.1 acre cleared vegetation
- 10,000 SF building site + 200-ft. fuel modification = About 5.7 acre cleared (or thinned) vegetation

Existing, legally permitted development includes a 100-foot fuel modification zone unless a wider zone was specified by the permit, and a property owner would need to submit a coastal development permit application to obtain a fuel modification zone wider than 100 feet for existing development. Based on input from the Ventura Co. Fire Protection District and the U.S. Naval Base Ventura County, a maximum 300-foot width was established for the U.S. Naval Base facility at Laguna Peak, which contains facilities classified as Tactical Critical Assets important for regional safety and national security.]

Sec. 8178-2.6.10 – Standards for Recreational Development

The applicant of a proposed new or expanded, resource-dependent recreational use/facility (see Sec. 8178-2.5.1) in ~~environmentally sensitive habitat areas~~ ESHA or buffer zones areas shall ~~develop a management program~~ site and design the facility/area to control the kinds, intensities, and locations of uses to preserve habitat resources to the maximum extent feasible. The following site design/development techniques shall be used to minimize adverse impacts on ESHA:

- a. Areas used for passive recreation, such as hiking trails, shall utilize established trail corridors, follow natural contours, and minimize grading and stormwater runoff. Whenever feasible, locate recreational development outside an ESHA or buffer zone. Where such areas are allowed in ESHA or buffer zone, utilize well-defined trails, sustainable trail design (e.g., trails with negligible soil loss/movement, minimal maintenance requirements), fencing, signage or other techniques to protect and control access into sensitive areas;
- b. Areas used for recreational aircraft are prohibited within 1,000 feet of ESHA.

- c. Recreational facilities/areas shall not be located where they would adversely impact the habitat of a species listed as threatened or endangered by a federal or state natural resource agency.

[Staff Explanation. This standard is based on existing North Coast Sensitive Habitats Policy 3. However, additional text was added to clarify that the standard is targeted towards resource-dependent recreational use (e.g., trails, low-impact camping), which is an allowable use in ESHA or buffer zones. Specialized standards are not provided for recreational uses classified as a non-resource-dependent use.]

Sec. 8178-2.6.11 – Confined Animal Facilities in ESHA or Buffer Zone

Within ESHA or buffer zones, new or expanded confined animal facilities (e.g., corrals), including associated structures (e.g., stables, barns, shelters), are subject to the following standards:

- a. Building Site – Structures for confined animal facilities are allowed within an approved building site on lots that exceed one acre (see Sec. 8175-5.2.4 – Animals and Fowl).
- b. Fuel Modification Overlap Zone – When a confined animal facility for horses is allowed in a fuel modification overlap zone, pursuant to Sec. 8178-2.6.9.3, such facilities are limited to corrals, fencing, water troughs and unenclosed shade structures, and shall meet the following standards:
 - 1. No component shall result in the expansion of the fuel modification zone;
 - 2. The facility shall be located on slopes less than 20 percent and outside the required buffer zone for an ESHA wet environment;
 - 3. Lighting and irrigation (i.e., irrigated pasture) are prohibited.
 - 4. A manure management plan shall be submitted for County review and approval requiring that animal waste, chemicals and other such potentially harmful materials be stored in a sealed area, inside a structure, or in a covered container with an impervious bottom surface.
 - 5. Protective fencing shall be provided around the dripline of native trees to protect the trees from rubbing, chewing, soil compaction or other direct impacts.
 - 6. All fencing shall be wildlife-permeable and consistent with the standards for such fencing in Sec. 8178-2.6.14 – Fences, Gates and Walls.
- c. Sediment, animal waste, and stormwater runoff shall not be discharged from an animal containment facility to ESHA or buffer zone. Animal waste, fertilizers, and chemicals shall be retained within the boundary of the animal containment facility through the following measures:
 - 1. Use vegetated berms or other measures to divert and percolate stormwater runoff from holding pens and areas where animal waste, compost, fertilizer, or amended soil products are disposed of or stored.
 - 2. Filter strips, native vegetation, gravel, sand, vegetated swales, or other similar materials or measures shall be used along the periphery of corrals, pens, animal showers, and storage areas to absorb oils, chemicals and fertilizers and treat stormwater runoff.

Also, see Sec. 8175-5.2.4 - Animals and Fowl for additional standards for a confined animal facility.

[Staff Explanation. The proposed standards for confined animal facilities are designed to minimize the adverse effects on ESHA, which can occur if the facility is not sited and designed properly. For example, small-scale confined animal areas are generally characterized by compacted soils, a denuded landscape devoid of vegetation, large amounts of nutrient runoff, the introduction on invasive plant species, and the presence of rodents and pests. Well-sited and designed facilities alleviate the overall impact on nearby ESHA, especially when these facilities are in a fuel modification overlap zone (i.e., an ESHA buffer zone.)]

Sec. 8178-2.6.12 – Bird-Friendly Building Standards

The following standards are designed to reduce bird mortalities caused by a bird's inability to see reflective, transparent surfaces.

Sec. 8178-2.6.12.1 – Applicable Development

Bird-safe treatments are required on all new structures, new structure additions, and remodel(s) of existing, non-conforming structures that include the replacement of the glass or windows on at least one façade of the existing structure (see Sec. 8182-2 – Nonconforming Structures Due Only to Changed Standards). Buildings classified as a National Historic Landmark, State Historical Landmark or Point of Historical Interest, or a County Historical Landmark or Site of Merit are exempt from all standards in this Sec. 8178-2.6.12.

Sec. 8178-2.6.12.2 – Bird-Friendly Treatments for Structural Features

The following structural features are considered bird hazards: freestanding clear glass walls/fences; balconies with unbroken glazed segments (16 square feet or larger); transparent glass-like components on rooftops; uncovered atriums; and uncovered/enclosed courtyards enclosed in glass. Building features that are considered bird hazards shall be avoided or treated with bird-safe glazing treatments.

Sec. 8178-2.6.12.3 – Bird-Friendly Window Treatments

Bird-safe glazing treatments are required on unbroken glazed segments that are 16 square feet or larger. Acceptable bird-friendly window treatments include, but are not limited to, the following:

- a. Glass/glazing treatments: Ultra-violet patterned glass, fritting, netting, permanent stencils, frosted glass, window films, etched glass, and glass block. Mirrored glass is prohibited.
- b. Architectural features added to the exterior of windows, such as window screens, louvers, shutters, latticework, decorative grilles, or exterior shades.

Physical grids or horizontal/vertical lines used for bird-safe window treatments shall meet the 2x4 rule— horizontal spaces must be less than 2 inches high and vertical spaces must be less than 4 inches wide. Treatments that contribute to a bird-friendly building include balconies or overhangs, deeply recessed windows, awnings, window mullions, and tinted glass. The Planning Director may approve equivalent bird-safe glazing treatments based upon the recommendation of the Planning Staff Biologist.

[Staff Explanation. The Coastal Commission's LCP guidance document

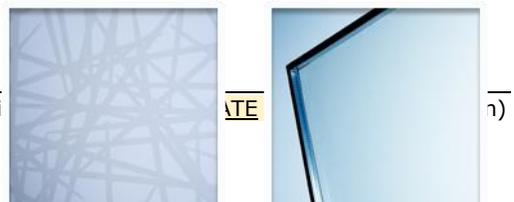


Photo: Ornilux GlassGlass that uses UV patterns to allow birds to detect the glass, while it appears clear to humans.

recommends that standards be provided to reduce bird mortalities, as research shows that buildings and windows are the primary killer of wild birds in North America. Roughly 44 percent of bird fatalities are associated with 1 to 3 story residences. Estimations are that 1 to 10 percent of the total migratory population dies in window crashes annually (Klem, 2009), and many are endangered or threatened bird species. Birds see reflections of vegetation and sky in a window and respond as if the reflections are reality. A wide range of affordable products are available, including films and glass that do not hinder views.]

Sec. 8178-2.6.13 – Construction Standards

The following standards apply to all pre-construction and construction activities including related grading, land clearing, and vegetation/brush removal, which are collectively referred to as “construction” in this Sec. 8178-2.6.13.

- a. Construction Equipment and Materials - Construction equipment storage and staging areas shall be graphically depicted on approved site, grading and building plans. The extent of construction equipment storage and staging areas shall be limited to existing, legally disturbed areas and the approved development envelope. To the maximum extent feasible, locate such areas outside the buffer zone and away from adjoining ESHA.
- b. Access Roads and Driveways - The construction of access roads and driveways shall occur in conjunction with the construction of the structures and use they are intended to serve, except when a temporary road is necessary to conduct geotechnical testing pursuant to Sec. 8178-2.6.4.
- c. Construction Noise - Construction noise is subject to the noise threshold in Sec. 8178-2.6.16(b). Outdoor construction within, abutting, or adjacent to an ESHA noise sensitive receptor is prohibited after sunset;
- d. Alterations to a Wet Environment - Construction shall occur during a period of low flow, and construction time and/or equipment shall be kept to a minimum. Construction activities shall also utilize best management practices required by the County’s Public Works Agency and the LCP to protect water quality, protect sensitive resources, or minimize the discharge of sediment into drainages. Also, see subsection (f) for measures that limit the spread of aquatic invasive species.
- e. Bird Nesting Survey - A permittee shall be required to prepare a bird nesting survey prior to the issuance of a zoning clearance authorizing construction activities if: (1) the project is within the buffer zone for breeding, staging and stopover bird habitats on a beach during nesting season; or (2) trees or other vegetation classified as ESHA are allowed to be altered, transplanted, or removed during the bird nesting season (January 1 - September 15, see Sec. 8178-7.4.2). The required bird nesting survey report shall conform to the requirements provided by subsection (g) below and Sec. 8178-7.7.4.1.1 – Bird Nesting Survey, including bird breeding and nesting protocols.
- f. Invasive Species - The following measures shall be taken to limit the spread of invasive species during construction activities:
 1. Infestations of invasive species listed by the California Invasive Plant Council (Appendix L7) shall be eradicated within the development envelope before construction activities begin. Also, the contractor shall carefully dispose of

- soils, seeds, and plant parts or invertebrates found during inspection and cleaning.
2. Trail construction staging and work sites shall be inspected and pre-treated for noxious weeds before such areas are used during construction.
 3. Prior to moving equipment onto the project site, or prior to moving equipment out of an infested area and into an uninfested area, all soil, seeds, plant parts, and invertebrates shall be cleaned from the exterior surfaces of the equipment to the extent feasible.
 4. Construction activities within a wet environment shall be designed to prevent the spread of aquatic invasive species and contaminants (see Sec. 8178-2.7.3.2 (e)).
 5. Best management practices shall be used when moving or disposing wood products (e.g., downed trees, firewood, compost, mulch) on or off-site to prevent the spread of the invasive species or invasive diseases.

Also, see landscape area development standards in Sec. 8178-8.4.1 – General Standards, which prohibit the use of invasive plants.

[Staff Explanation. Invasive, nonindigenous plant and animal species threaten the diversity and abundance of native species, the ecological stability of infested habitats, and commercial, agricultural, aquaculture or recreational activities dependent on such habitats.]

- g. Special Status Species – When potential adverse impacts are identified to special status species within the Site Specific Environmental Assessment (CISBA) for the project, the following standards shall be applied during construction:
1. If special status plants are discovered during construction or pre-construction surveys, impacts shall be avoided to the maximum extent feasible. If the impact is unavoidable, individual plants shall be relocated to suitable habitat or new, replacement plants shall be provided in a restoration site used as compensatory mitigation.
 2. Construction activities shall be timed to avoid the disturbance of special status species, or the habitats of such species, during a critical life stage (e.g., breeding, nesting, denning, roosting).
 3. The permittee shall survey the area¹³ 20 to 30 days prior to site disturbance if there is potential for special status wildlife to move into the construction area, or if habitats that support a critical life stage (e.g., nesting, roosting/staging, denning, overwintering sites, etc.) of a special status species were identified within 500 feet of the construction area.¹⁴ In such cases, a County-approved, qualified biologist shall conduct a pre-construction survey(s) one to three days prior to initiation of any construction activities, including vegetation/brush removal, and periodically during construction. If a special status species vulnerable to

¹³ Please see Appendix 2 for survey requirements. USFWS and CDFW protocol level surveys shall be followed when applicable.

¹⁴ If the boundaries of the survey area fall outside the property boundaries of the project site and cannot be accessed, then a visual survey with binoculars may be conducted of such areas.

vegetation/brush removal or earth disturbance is found during pre-construction surveys, an additional survey shall be required the day of construction.

4. If a *special status species* is found within the disturbance area that is not in a *critical life stage*, then construction shall be postponed until the occupied area is vacated or the wildlife shall be relocated to suitable, undisturbed habitat by a *qualified biologist* if authorized pursuant to a valid collecting permit (when required by an agency with jurisdiction over the wildlife).
5. If a *special status species*-occupied habitat supporting a *critical life stage* is located within 500 feet of the disturbance area, and construction activities cannot occur without infringing on the required *buffer zone* for the occupied habitat, then construction shall be postponed until the occupied areas are either vacated and/or the fledglings/juveniles leave the area. Construction activities shall not resume until the County confirms there is no evidence of a second attempt at occupation of the habitat by breeding birds or other *special status species*. An exception may be authorized where the CISBA and/or the pre-construction bird survey demonstrates that encroachment into the *buffer zone* will not harm the *special status species* and is consistent with the criteria provided in Sec. 8178-2.7.7 – Breeding, Staging and Stopover Bird Habitats.
6. Bat Roosts - The conditions of approval for the permit shall include stop-work procedures if *special status species* bats are discovered during the construction process. If *special status species* bats are discovered during construction activities, any relocation or removal of the bat(s) shall occur without injuring or killing the bat(s) and shall be conducted by a professional holding a current California Department of Fish and Wildlife Trapping License.

Also, see Sec. 8178-2.6.5 – Geotechnical Testing in ESHA or ESHA Buffer Zones and Sec. 8178-2.6.7 – ESHA Grading Standards.

Standards for an ESHA or Buffer Zone and Santa Monica Mountains (M) Overlay Zone:

Sec. 8178-2.6.14 – Fences, Gates and Walls

The following standards apply to an ESHA or *buffer zone* and all areas within the Santa Monica Mountains (M) overlay zone.

Sec. 8178-2.6.14.1 – General Requirements

- a. ESHAs and *Buffer Zones* – Fences, gates, and walls are prohibited in an ESHA or *buffer zone*, except when used for habitat protection or *restoration* and when specified by a County-approved Habitat Preservation Plan or Habitat Restoration Plan (see Sec. 8178-2.10.9). Also, non-wildlife permeable fencing or walls may be permitted along road corridors if the sole purpose of such fencing or walls is to funnel wildlife to safe road crossings (i.e., underpass, overpass).
- b. *Development Envelope*: Wildlife-permeable fencing is allowed throughout an approved *development envelope* (see Sec. 8178-2.6.14.4 for standards), and gates are allowed at entry points to a property when located in the *development envelope*.

- c. Building Site: All types of fencing, gates and walls are permitted in an approved building site, subject to the standards of Sec. 8175-3.11 – Fences, Walls and Hedges and subsections (d) and (e) below.
- d. Isolation of Wildlife: New fences and walls shall not result in the isolation of on-site ESHA from off-site ESHA, habitat connectivity corridors, or protected open space areas.
- e. Prohibited Materials: Fences, gates and walls shall not be constructed of, or topped with, spikes, barbs, glass, razors, or any similar material. Barbed-wire fencing is prohibited. Exceptions may be allowed for telecommunication or public/utility facilities (e.g., freeway or major highway, electrical substation, water storage tank) that require such fencing for public safety or security purposes.

Sec. 8178-2.6.14.2 – Temporary Fencing for Habitat Protection and Restoration

Temporary fencing may be used in ESHA and buffer zones for habitat protection or restoration, including but not limited to fencing deemed necessary to protect shorebird nests from predators, prevent wildlife and people from entering habitat restoration areas, and protect shorebird nesting colonies. Such fencing may be wildlife-permeable or non-wildlife permeable.

Sec. 8178-2.6.14.3 – Off-Highway Vehicle Barriers

Wildlife permeable fencing shall be used when new fencing is deemed necessary to prevent off-highway vehicles from entering wet environments, beaches, or other wildlife habitat areas.

Sec. 8178-2.6.14.4 – Standards for Wildlife-Permeable Fencing

Wildlife-permeable fencing is defined as fencing that can be easily passed through by all species of wildlife, including but not limited to deer, coyotes, bobcats, mountain lions, ground rodents, amphibians, reptiles and birds. Wildlife-permeable fencing is subject to the following standards:

- a. Fence material shall be wood or a material that looks like wood (e.g., wood composite, recycled wood products, vinyl), except as provided by subsection (d) below.
- b. Fence posts shall be set at 20-foot maximum intervals to ensure visibility by animals, and posts shall not be hollow at the top to avoid smaller animals falling into the fence post.
- c. Horizontal fence components shall be split-rail or flat-board with no more than three horizontal rails or boards, except as provided by subsection (d) below, and shall meet the following standards:
 - 1. The lower edge of the bottom horizontal rail or board shall be at least 18 inches from the ground;
 - 2. A minimum two-foot gap shall be provided between each rail or board; and
 - 3. The maximum height of the fence shall be 48 inches from the ground.
- d. Wire may be used as the horizontal fence component for an animal containment facility in a fuel modification overlap zone, subject to the following standards:

1. Only smooth wires are permitted and barbed wire is prohibited; and
2. High-visibility tape/braid, vinyl siding trim, small diameter PVC tubing, or other visual markers must be added to the top and middle wires. Flagging and other materials that degrade over time are not permitted.

[Staff Explanation. The standards for wildlife permeable fencing are derived from documents that discuss fencing guidelines and specifications and are similar to those used by state wildlife agencies. The standards are designed to accommodate passage of the widest range of wildlife species, consistent with the other functions for which fencing is erected.]

Sec. 8178-2.6.15 – Outdoor Lighting Standards

The following outdoor lighting standards apply to all outdoor lighting for development subject to this Sec. 8178-2.

Sec. 8178-2.6.15.1 – ESHA and Buffer Zones

Except for the specialized uses in Sec. 8178-2.6.15.3, all outdoor lighting in ESHA or buffer zones shall comply with the following standards:

- a. ESHA — No outdoor light fixture shall be installed in ESHA. Outdoor light fixtures shall only be installed outside ESHA and in locations where light trespass into and the direct illumination of ESHA are avoided. If the application of the standards in this Sec. 8178-2.6.15 does not avoid all adverse light impacts to ESHA, additional specific measures shall be developed in the site-specific environmental assessment and imposed as permit conditions to reduce impacts from outdoor lighting to the maximum extent feasible.

[Staff Explanation. Most development is not allowed in an ESHA, and light fixtures are considered development. However, light fixtures located outside the ESHA can result in the direct illumination of wildlife and can increase overall light levels in sensitive habitats. The proposed standard for ESHA is consistent with Coastal Act Policy 30240 – Environmentally Sensitive Habitat Areas, as it would prohibit light fixtures in ESHA and the direct illumination of ESHA.]

- b. ESHA Buffer Zones — To the maximum extent feasible, outdoor light fixtures shall be installed outside a buffer zone and in locations where glare and light spillover into the buffer zone is minimized. When outdoor lighting is allowed in a buffer zone, it shall meet the following standards:
 1. Except for security lighting, all outdoor light fixtures shall be fully-shielded, directed downward, and have a maximum output of 850 lumens.¹⁵ Light fixtures shall be mounted as low as possible to meet the lighting’s intended purpose.
 2. Outdoor light fixtures used as security lighting may only be located at entry gates, parking areas, building entries, and intermittently along private driveways/access roads if needed for safe passage. All such lighting shall be fully-shielded or partially-shielded and directed downward, shall utilize the minimum output necessary for the intended

¹⁵ The output for a standard 60-watt bulb is 750-850 lumens of light.

purpose, and shall be controlled by a motion detector programmed to turn off no more than twelve minutes after activation.

[Staff Explanation. Most development is not allowed in an ESHA buffer zone, but buffer zones may overlap with existing development or new development may be allowed in a buffer zone to provide an “economically beneficial use”. Also, outdoor lighting in developed areas adjacent to a buffer zone can result in glare, light spillover, and increased light levels in the buffer zone or adjoining ESHA. The proposed standards are designed to help ensure that outdoor lighting is minimized in buffer zones by controlling the intensity and direction of the light. Because security light fixtures do not meet those standards, the amount of time the light is operational is limited.]

Sec. 8178-2.6.15.2 – Santa Monica Mountains (M) Overlay Zone

In addition to the standards in Sec. 8178-2.6.15.1 and Sec. 8178-2.6.15.3, the following standards shall apply to development in the Santa Monica Mountains (M) Overlay Zone:

- a. Outdoor light fixtures may only be used as security lighting at entry gates, building entries, and in parking areas. All such lighting shall be fully-shielded or partially-shielded and directed downward, shall utilize the minimum output necessary for the intended purpose, and shall be controlled by a motion detector programmed to turn off no more than twelve minutes after activation.
- b. Except for security lighting and temporary seasonal lighting, all outdoor light fixtures shall be fully-shielded, directed downward, and have a maximum output of 850 lumens. Light fixtures shall be mounted as low as possible to meet the lighting’s intended purpose. Such lighting may only be used for pedestrian walkways, private driveways, entry gates and building entries.
- c. Features such as landscaped berms, fences, landscape screening, and building placement shall be utilized to shield outdoor lighting from ESHA and buffer zones.
- d. To minimize glare and light spillover into an ESHA or buffer zone, the following types of lighting are only allowed in a building site:
 1. Lighting for signage in accordance with Sec. 8175-5.13.
 2. Temporary seasonal lighting.
 3. Outdoor lighting for a pool, tennis court, or other recreational facility that is accessory to a residential development. Light fixtures for such facilities shall be shielded or screened from nearby ESHA. If light trespass occurs in a buffer zone, the facility shall not be illuminated between 10:00 p.m. and sunrise.
- e. Except for security lighting and lighting authorized by Sec. 8178-2.16.15.3, outdoor lighting is prohibited outside the building site. Prohibited lighting includes but is not limited to perimeter lot lighting and lighting used to illuminate landscapes, hardscapes, and building exteriors for aesthetic purposes.

[Staff Explanation. Most development in the Santa Monica Mountains (M) overlay zone is residential development allowed as an “economically beneficial use” of

property. As such, development will be concentrated in a “building site”, which is part of a larger “development envelope” that includes an access road and a fuel modification zone. In most cases, all areas outside the “building site” will be in an ESHA buffer zone. In some cases, portions of the building site will be in an ESHA buffer zone. The proposed standards are therefore designed to help ensure that outdoor lighting for allowable development can occur while minimizing glare and light spillover into ESHA and its buffer zones. No standards are provided for recreational facilities because such facilities are not allowed as a principally-permitted use in the Coastal Open Space zone and would not be allowed as an “economically beneficial use”.]

Sec. 8178-2.6.15.3 – Specialized Use Requirements

The lighting standards set forth in Sections 8178-2.6.15.1 and 8178-2.6.15.2 do not apply to the following outdoor lighting:

- a. Federal Standards – If the outdoor lighting standards in this Sec. 8178-2.6.15 conflict with outdoor lighting standards mandated for a facility, equipment or activity by federal law, the federal standards shall apply. Also, outdoor lighting for wireless communication facilities, including navigation lights for radio and television towers, shall meet the minimum allowable Federal Aviation Administration standards.

[Staff Explanation. Federal standards preempt state or County standards.]

- b. Public Rights-of-Way – Outdoor lighting standards employed by state or County public transportation agencies may be used within the public rights-of-way for the principal purpose of illuminating public streets or controlling traffic. Whenever feasible, light fixtures that are shielded and directed downward shall be used for public roads that are adjacent to ESHA.
- c. Allowable Use in ESHA or Buffer Zones - For outdoor lighting required to support an allowable resource-dependent use in ESHA or buffer zone pursuant to Sec. 8178-2.5, the lighting shall be the minimum necessary for the intended purpose and the direct illumination of ESHA shall be minimized.

[Staff Explanation. This provision will be used if modifications are proposed to the permit for Camp Hess Kramer, which is located in the (M) Overlay Zone.]

- d. Agriculture (Crop Production) – Outside the (M) overlay zone, temporary or intermittent illumination of ESHA is allowed for crop production that is consistent with usual or customary agricultural practices, including during weather events.

[Staff Explanation. In Ventura County, agriculture is divided into two groups - crop production and animal husbandry – and neither is an allowable use in ESHA or buffer zones. Most existing agricultural use in the coastal zone is crop production, which is located in the North Coast and Central Coast subareas, and some areas used for crop production may be adjacent to ESHA. The Santa Monica Mountains is not an agricultural area. In the (M) overlay zone, less than 1% of the land is on the Important Farmland Inventory, and no land is zoned for agricultural use. There are no LCA contracts in the (M) overlay zone.]

- e. Temporary Uses and Outdoor Events

1. Public Emergencies – Outdoor lighting in ESHA and buffer zones is allowed when required by fire, law enforcement, or other public safety or emergency service providers. Such lighting shall be immediately discontinued upon abatement of the emergency condition.
2. Temporary lighting is allowed for public works construction projects.
3. Temporary film production, outdoor festivals and sporting events that require a coastal development permit shall be sited and designed to avoid light encroachment into ESHA and buffer zones. Measures shall be developed in the site-specific environmental assessment and imposed as permit conditions to avoid or reduce impacts from outdoor lighting to the maximum extent feasible.

[Staff Explanation. For film permits, it's important to note that no discretionary film permits were processed for the coastal zone in the last 15 years. Most film permits are processed as ministerial permits and are not subject to outdoor lighting standards.]

Sec. 8178-2.6.16 – Noise Standards

The following standards apply to an ESHA or buffer zone and all areas within the Santa Monica Mountains (M) overlay zone. All development, including outdoor festivals, outdoor sporting events, and temporary film productions,¹⁶ shall be sited and designed to minimize noise in ESHA or buffer zones through the application of the following standards:

- a. Noise Threshold for Non-Residential Development – For non-residential development, noise levels within an ESHA shall not exceed a noise threshold of 50-dB Leq (h). In areas where the ambient noise level is above 50-dB Leq (h) (e.g., near freeways or rail lines), noise levels shall not exceed the measured ambient hourly equivalent noise level Leq(h) plus 3 dB within adjoining ESHA. In addition, instantaneous Lmax noise levels shall not exceed the threshold criteria by 20 dBA more than 8 times per hour.
- b. Helicopter Pads - No private helicopter pads shall be permitted within the Santa Monica Mountain (M) overlay zone, except where needed by an agency for emergency services.
- c. Outdoor Equipment - When sound-producing outdoor equipment is proposed on a lot that could impact a nearby ESHA noise sensitive receptor, the equipment shall be sited and designed to meet the following standards:
 1. Locate sound-producing outdoor equipment (e.g., roof/ground-mounted HVAC, pumps, generators, compressors, and fans) as far as practicable from the ESHA noise sensitive receptor(s) or locate the equipment in an area where existing or proposed structures or solid walls act as a noise barrier between the noise source and ESHA noise sensitive receptor(s).
 2. Cooling towers for power facilities and other industrial uses shall be sited and designed to direct noise away from ESHA noise sensitive receptor(s).

¹⁶ Noise standards in this Section only apply to temporary film productions that require a coastal development permit. For permitting requirements, see Sec. 8174-5.

When feasible, cooling towers shall be sited in such a manner that nearby structures or equipment acts as a noise transmission barrier.

Also, see Sec. 8178-2.6.13(c) for construction noise standards.

[Staff Explanation. The location and design of new roads, buildings, or other development affects noise levels within environmentally sensitive habitats, and excessive noise can negatively affect wildlife. The effect of noise varies by species, and the proposed noise threshold is designed to avoid noise levels that produce negative responses in wildlife (e.g., changes in reproduction levels, abundance, stress hormone levels, and species richness). To put noise measurements in context, the typical noise level of a quiet suburban street is 40 to 50-dBA. For an arterial roadway, the typical noise level is 50 to 60 dbA. In addition, the EPA established a 55-dBA threshold to protect the health and welfare of the American public. The two thresholds for short-term noise levels are based on the County's Construction Noise Threshold Criteria and Control Plan, which has a 50-dBA Leq(h) construction noise threshold during the evening within residential neighborhoods. That same threshold applies to an area ten feet from the nearest noise sensitive building. Because sound levels can vary significantly over a short period of time, the proposed standard is based on the Leq(h) noise measurement, which represents the noise level averaged over an hour (h).]

Sec. 8178-2.7 – Additional Standards for Specific Coastal Habitats

Sec. 8178-2.7.1–Coastal Dunes and Beaches

Sec. 8178-2.7.1.1 – Coastal Dunes

Development activities leading to that would result in the degradation, erosion or destruction of coastal dune habitats are not permitted is prohibited. Prohibited activity in a dune habitat and its buffer zone includes, but is not limited to, use by off-road vehicles, motorized or non-motorized vehicle traffic, sand mining, filling and the dumping/disturbance of vegetated areas, mechanized beach grooming, and sand removal or sand redistribution, except as allowed by Sec. 8178-2.7.1.4. Development, including outdoor festivals and outdoor sporting events, that could adversely affect a dune habitat shall be subject to the following standards:

- a. Outdoor Festivals/Outdoor Sporting Events - If such events are proposed on a beach, the event shall be located outside the buffer zone for dune habitats. To protect the dune habitat during an outdoor festival or outdoor sporting event, signage prohibiting entry shall be posted and temporary barriers (e.g., fencing) shall be placed along the buffer zone boundary when permanent barriers are absent.
- b. Design Standards - When development is permitted in a dune habitat, it shall be sited and designed as follows:
 1. Features such as raised walkways, foot paths, signage and physical barriers shall be used to control pedestrian and domestic pet movement and activities within the dune habitat and buffer zone.
 2. Existing coastal dune formations and native vegetation shall be retained, except when the subject dune habitat is being restored or enhanced as

part of the project pursuant to a County-approved Habitat Restoration Plan (see Sec. 8178-2.10.9(a)).

- c. Dune Restoration - If *dune habitat* vegetation is being restored as part of the project, then the vegetation shall be restored in a manner that accommodates the *ecological needs of sensitive native dune habitat species* (e.g., *native vegetation communities*). If *dune habitat restoration* includes the removal of existing vegetation, then the lowest-intensity, effective vegetation removal techniques shall be utilized to minimize impacts on the *dune habitat*.

Also, see standards in Sec. 8178-2.7.1.5 for sand removal near a coastal *dune habitat*.

*[Staff Explanation. Coastal dunes provide habitat for shoreline birds and other species and act as a buffer against storm extreme tides and storm surges. However, the vegetation that holds a dune together can be easily damaged. Due to the fragile nature of the dune ecosystem, most development or human activity will degrade or destroy the physical, vegetative, and functional makeup of a dune ecosystem. The proposed regulations are designed to keep dunes *dune habitat* intact. They are based on certified policies in LCPs for the City of Malibu, Los Angeles County, and Mendocino County. The regulations are also consistent with General Plan Policy 1.10.1(2), which states that “discretionary developments which would result in the removal of dune vegetation shall be conditioned to replace the vegetation”.]*

Sec. 8178-2.7.1.2 – Beaches

- a. An applicant for any *coastal development permit*, including a permit for a *shoreline protective device*, must show that the proposal will not cause long-term adverse impacts on a 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.
- b. Except for emergency access, no vehicle shall be allowed below the monthly highest tide line from March 1 to August 31 when grunion eggs are present, or within 500 feet of a shorebird colony during the March 1 to September 30 nesting season, unless otherwise authorized by a *coastal development permit*. To the maximum extent feasible, to avoid disturbing a nesting bird or a nesting shorebird colony, trash cans shall be placed outside the *buffer zone* for nesting shorebirds (i.e., 300 feet for a nesting bird, 500 feet for a nesting bird colony). If placement outside the *buffer zone* is infeasible, trash cans shall be placed at locations where public walkways or roads provide points of public access to the beach.

[Staff Explanation. Existing text from Sec. 8178-2.2 - Identification of Environmentally Sensitive Habitat Areas (ESHA), subsection (2)(b) Tidepools and Beaches, was replaced by the more detailed beach grooming and replenishment standards below.]

Sec. 8178-2.7.1.3 – Beach Grooming

Beach grooming includes the removal of driftwood, debris and seaweed (beach wrack) from beaches, which may include leveling sand. *Beach grooming* is subject to the following standards:

- a. Beach grooming is permitted year-round when limited to the hand removal of trash/debris or driftwood that presents a clear public safety hazard, and the activity does not disturb spawning grunions or nesting shorebirds.
- b. Except as allowed by subsection (c) below, mechanical beach grooming is prohibited year-round below the monthly highest tide line. Above the monthly highest-tide line, mechanical beach grooming is permitted when such activities occur outside an ESHA or buffer zone (e.g., lagoon/estuary/wetland, coastal dune habitat, nesting shorebirds, designated Important Bird Area).
- c. The removal or disturbance of beach wrack is prohibited below the monthly highest-tide line unless trash/debris/driftwood entangled in the wrack poses a clear threat to public safety. In such cases, the trash/debris may be removed mechanically or by hand. To ensure the "take" or disturbance of a special status species does not occur, a qualified on-site biological monitor experienced with the species shall be present when the emergency removal or disturbance of beach wrack is located in an area occupied by a nesting shorebird colony or is within 300 feet of a nesting western snowy plover.

Sec. 8178-2.7.1.4 – Sand Removal/Redistribution on a Beach

Within the existing communities of Hollywood-by-the-Sea and Silverstrand Beach, sand removal and redistribution may be conducted to remove sand from public accessways to the beach and to prevent physical damage from wind-blown sand inundation of public facilities or existing, legally permitted development that abuts Hollywood or Silverstrand beaches. The removal and redistribution of sand shall only be permitted when conducted in accordance with an approved coastal development permit and the following standards:

- a. Allowable Sand Removal/Sand Redistribution Area:
 1. Sand removal shall be limited to a 50-foot area that extends from the property line of the existing private development or that is within the existing public accessway. Sand removal may occur within the buffer zone of a dune habitat, but sand removal is prohibited in ESHA or the buffer zone of a nesting bird(s) or shorebird colony.
 2. Sand redistribution shall be limited to an area that extends 150 feet seaward from the edge of the 50-foot sand removal area. Sand redistribution, which may include the leveling of sand, shall only occur outside ESHA and buffer zones.
- b. Vehicles/Equipment - Vehicles and equipment used for sand removal and sand redistribution shall not come into contact with the intertidal zone or ocean waters, and shall be cleaned and maintained at an off-site location to prevent the discharge of any harmful or foreign materials on the beach or in the ocean;
- c. Special Status Species: Whenever feasible, sand removal and redistribution activities shall occur outside the nesting season for rare or endangered shorebirds (e.g., western snowy plover or California least tern, with a nesting season of March 1 – Sept. 15). If sand removal and redistribution is necessary during the nesting season to avoid sand inundation, and the beach is occupied by a rare or endangered shorebird, then such activities may only be authorized if conducted in accordance with the standards in

Sec. 8178-2.7.6 – Special Status Species Habitats, and Sec. 8178-2.7.7 – Breeding, Staging and Stopover Bird Habitats, and the following additional standards:

1. Sand removal shall be limited to two coordinated events for all affected properties during each nesting season¹⁷; and
2. No “take” or disturbance of a threatened or endangered species shall occur, and the U.S. Fish and Wildlife Service or California Dept. of Fish and Wildlife shall be consulted regarding the scheduling of, and required survey or monitoring procedures for, sand removal and redistribution events.

If necessary to protect public safety, sand removal and redistribution activities may occur during a declared public emergency if conducted in accordance with an emergency permit (see Sec. 8181-3.7 – Emergency Coastal Development Permits).

[Staff Explanation. The sand removal and redistribution standards are limited to Hollywood Beach and Silverstrand Beach because they are the only beaches in the County’s coastal zone that contain existing development that abuts beaches that lie above the high-tide line on a year-round basis. Existing development outside those two areas is not subject to damage due to wind-blown sand inundation. Some existing communities (e.g., La Conchita, Solromar) contain no beachfront development, and other existing communities (e.g., Seacliff, Mussel Shoals) abut beaches that frequently lie below the high tide line.]

Sec. 8178-2.7.1.5 – Beach Replenishment

- a. Sediment may only be used for beach sand replenishment when it is free of contaminants, of a suitable grain size, color, and type that is compatible with the sand at the placement site, and when demonstrated through testing to be in accordance with federal and state standards.¹⁸ for its intended use, Dredge spoils should
- b. ~~Dredge spoils should not be used for b~~ Beach replenishment unless it can be shown that the process shall not occur if the process would cause would not adverse impacts to coastal processes or habitats such as intertidal reefs, grunion spawning grounds, estuaries, marsh, offshore habitats or other interconnected ESHA ecosystems. An exception may be provided for ESHA restoration and establishment projects to create new dune habitats if the project is designed to minimize adverse impacts on beach, intertidal and offshore resources. The Department of Fish and Game, as well as other appropriate agencies, shall be consulted as to appropriate mitigation measures.
- c. For beach replenishment projects, an evaluation shall be provided by the applicant that includes the following information:

¹⁷ Also, see Appendix E1, Sec. AE-1.2.3, for additional information on coastal *dune habitats and buffer zones*.

¹⁸ Standards are established by the Environmental Protection Agency (EPA), U.S. Army Corp of Engineers (USACE), and Regional Water Quality Control Board (RWQCB).

1. The type of material, method of material placement, time of year of placement, and sensitivity of the placement area;
2. This includes a survey of potential environmental impacts, Impacts on coastal processes or habitats, including but not limited to the project's effects on adjacent and downstream habitats and structures, net littoral drift, and downcoast beach profiles;
3. Characteristics of the receiving area, such as unnourished beach width, adjacent land uses or structures and habitat types, access locations, proximity to coastal streams or river mouths, and historic erosion trends; and
4. Measures that will be used to avoid or minimize adverse impacts to biological resources and public access and to monitor/document shoreline changes in the project vicinity.

[Staff Explanation. Existing CZO Sec. 8178-2.2 (4)(d) - Identification of Environmentally Sensitive Habitat Areas (ESHA) Wetlands was updated to include recommended changes from BEACON. Also, certified language from the CAP was moved to this section of the CZO (Beach Erosion, policy 5, and ESHA, wetlands, policy 5.)]

Sec. 8178-2.7.2-Coastal Bluff Habitats

Non-resource dependent development allowed within coastal bluff habitats shall be set back a sufficient distance from the bluff habitat to ensure the protection of bluff ESHA. Also, development shall be designed to incorporate best management practices that minimize pollution, runoff, and siltation from developed areas to the coastal bluff habitat.

[Staff Explanation. Blufftop development is susceptible to erosion and loss of substrate from rain, wind, and ocean events. Setbacks from a coastal bluff account for future substrate loss over the life of the development, and setbacks are also designed to minimize adverse impacts on the structural integrity and visual quality of the bluff. The proposed standard was taken from LCPs for San Luis Obispo and Santa Barbara Counties.]

Sec. 8178-2.7.3 - Wet Environments

~~e.1. All developments on land either in a stream or creek corridor or within 100 500 feet of such corridor (buffer area), a wet environment (e.g., wetlands, rivers, streams, springs) shall be sited and designed to prevent impacts that would significantly degrade riparian those habitats and shall be compatible with the continuance and viability of such habitats. (AM.ORD.4451-12/11/12)~~

~~d. 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)~~

[Staff Explanation. Existing text from subsections (c)(1) and (d)(1) within Sec. 8178-2.4 - Specific Standards were combined into the section above. The distance from a wet environment, where potential impacts on ESHA must be evaluated, would be increased from 100 to 500 feet, which is the distance required by the County's Board-

adopted ISAGS. This regulation also implements Public Resource Code 30240, which requires that development in areas adjacent to ESHA be sited and designed to prevent impacts that would significantly degrade ESHA. Areas within 500 feet of a wet environment are considered "adjacent" to ESHA.]

Sec. 8178-2.7.3.1 – Wetlands and Open Water Habitats

New development within 500 feet of a wetland or other coastal ESHA open water habitat (i.e., estuary, lagoon, or lake) shall not result in the reduction in the size of the wetland or ESHA open water habitat. Such development also shall not adversely impact the ecological function or water quality of such habitats, or obstruct the unimproved reaches of Ventura County water bodies listed on the Clean Water Act 303(d) List that drain into these areas. Measures shall be imposed and utilized to avoid adverse impacts to wetland and open water habitats such as restricting the timing of project implementation to avoid disruption of wildlife breeding and/or nesting of birds and fishes activities, and minimal restricting the removal of native vegetation.

(Also, see related standards in Sec. 8178-2.5.1.2 – Allowable Uses in Wetlands and Open Coastal Waters, and Sec. 8178-2.10.7 – Compensatory Mitigation for Specific Coastal Habitats).

[Staff Explanation. Development standards for wetlands are derived from guidance associated with Public Resource Code 30233 and the Coastal Commission's LCP Guidance for ESHA.]

Sec. 8178-2.7.3.2 – Standards for Development in Wet Environments

When development is allowed in a wet environment (see Sec. 8178-2.5), it shall be sited and designed to meet the following standards:

- a. Publicly Accessible Land - Public/private recreational or commercial areas that are accessible to the public and that contain or are adjacent to a wet environment shall include trash receptacles and pet leashing signs.
- b. Flood Control - Allowable flood control measures (see Sec. 8178-2.5.1.1) shall not diminish or change the capacity, percolation rates, or habitat values of the watercourse, and shall be designed to facilitate wildlife movement. "Hard" solutions, such as concrete or rip-rap channels may be permitted only if less intrusive flood control efforts (see subsection (e) below) are technically infeasible.
- c. Road Crossings - Alteration of a wet environment for a new road crossing is prohibited unless there is no feasible, less environmentally damaging alternative to provide access to a public recreation area or legally established development. When such alterations are allowed, the following standards shall be met:
 1. Bridges shall be constructed for all crossings, except for crossings meeting the requirements of subsection (4) below, and bridge columns shall be located outside streambeds and banks;
 2. Bridges and or road crossings shall not impede the movement of fish and other wildlife.
 3. At stream crossings, driveway access for nearby residences shall be combined.

4. Culverts may be used for crossings of small, minor drainages where the culvert is designed to allow unrestricted movement of fish or other wildlife and to convey a discharge equal to or less than the 50-year reoccurrence period plus two feet of freeboard.¹⁹ To mimic the natural hydrology and maintain upstream and downstream conditions, the bottom of the culvert shall be designed to meet the following criteria:
 - i. The culvert shall not result in a higher water velocity, shallower water depth, or different drainage elevations than those of the natural watercourse; and
 - ii. The bottom of the culvert shall be as wide as possible and installed at least 20 centimeters below the surface of the substrate.
 5. To minimize the area of a stream crossing, its width shall be the minimum required to meet Ventura County Fire District access requirements.
- d. Alteration of a River or Stream - When alterations to a river or stream are allowed pursuant to Sec. 8178-2.5.1.1, the following design measures shall be incorporated:
1. Bioengineering methods or "soft solutions" (e.g., biostructures, soil bioengineering, vegetated slopes instead of rip-rap, etc.) shall be utilized when feasible, except when the use of such measures will compromise the facility's capacity or integrity.
 2. If bioengineering methods are demonstrated to compromise the integrity or capacity of the facility, then other alternatives (e.g., rock rip-rap revetments, vertical retaining walls, or other "hard structures") may be used if the selected method is the least damaging to ESHA. When used, the following measures shall be incorporated to the maximum extent feasible:
 - i. Where rock rip-rap revetments are determined necessary, the rock shall cover the smallest area and retain the largest amount of vegetation;
 - ii. Grout shall not be applied in rock rip-rap used in energy dissipating devices or revetments within or abutting the watercourse. Also, rip-rap shall be laid at a low-to-moderate slope and vegetated, incorporating geotextile filter fabric, live willow stakes or other suitable native plantings in the construction design.
 3. Watercourse alteration projects shall include the restoration of the former bed, its associated vegetation, and adjacent areas impacted by the development (e.g., grading to restore contours, establish or restore riparian vegetation).

¹⁹ Freeboard is a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. It compensates for unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway condition, thereby reducing flood risk.

4. Proposed alterations shall be designed and implemented in a manner that prevents the spread of contaminants and aquatic invasive species (see Sec. 8178-2.6.13(f)(4) and Appendix E1, Sec. AE-1.3.1(i)(8));
5. Where feasible, rivers and streams shall be restored and fish passage and *habitat* improved. Restoration methods include the removal of existing concrete linings, removal of fish barriers, and planting native trees or shrubs on stream banks when such plantings do not significantly impede stream flows.

Also, see related water quality standards (Sec. 8178-2.6.3(e)) and grading standards (Sec. 8175-5.17- Grading and Brush Removal; Sec. 8178-2.6.7 - ESHA Grading Standards).

[Staff Explanation. This policy is a modified version of existing north coast Tidepools and Beaches Policy 7. Currently, Appendix 1 includes the outdated State "Guidelines for Wetlands and Other Wet, Environmentally Sensitive Habitats" (1981). The outdated document will be deleted and replaced by a reference in the CAP to appropriate federal and state documents. Although outside references are avoided in an LCP, these were recommended by Coastal Commission staff, and this approach will ensure that the most up-to-date version of these documents is used when reviewing proposed development.]

Sec. 8178-2.7.4 – Plant and Tree Communities

Trees classified as ESHA, including trees that contribute to the function and *habitat value* of an ESHA, and trees planted or protected pursuant to a *habitat restoration plan*, are subject to applicable tree protection regulations in Sec. 8178-7 – Tree Protection Regulations.

Sec. 8178-2.7.4.1 – Oak Woodlands/Savannah and Native Tree Woodlands

All *development*, including roads and driveways, shall be sited and designed to prevent any encroachment into the root zone of trees classified as oak woodlands or native tree woodlands, and an adequate *buffer zone* shall be provided outside the root zone of such trees to allow for future growth.

Sec. 8178-2.7.4.2 – Native Grasslands

- a. Where vegetative erosion control is required for *development* that is within native grasslands, or that *abuts* or is adjacent to such grasslands, native grassland and *forb* communities shall be planted with native grass mixes for erosion control.
- b. Within ESHA grassland areas approved for *restoration*, a grassland *restoration plan* shall be prepared by a County-approved *qualified biologist* and accepted by the County before construction begins to help ensure that the project includes proper site selection of *restoration* areas, salvage of native grassland plants, timing of topsoil stripping, and other measures necessary to the success of a grassland *restoration* project.

Sec. 8178-2.7.4.3 – Coastal Sage Scrub and Chaparral

When evaluating proposed *development*, areas of intact, unfragmented *coastal sage scrub* and *chaparral* habitat or native vegetation containing biologically

significant patches of coastal sage scrub²⁰ shall be prioritized for preservation over fragmented or degraded areas of such vegetation.

[Staff Explanation. This standard would prioritize the preservation of large undisturbed areas of coastal sage scrub over fragmented, disturbed patches during project design. Coastal sage scrub is comprised of many different plant sub-communities. Estimates of the reduction in the historical extent of southern coastal sage scrub range are as high as 90%. The extent of coastal sage scrub was greatly reduced by agricultural, industrial, and residential development; flood control projects; and rock quarries. Much of the remaining coastal sage scrub habitat is fragmented or degraded. Only about 7% of the remaining coastal sage scrub is on public lands managed for conservation, so about 93% is located on private lands.]

Sec. 8178-2.7.5 – Habitat Connectivity Corridors

The purpose of this Sec. 8178-2.7.5 is to minimize adverse impacts on identified habitat connectivity corridors.

Sec. 8178-2.7.5.1 – Regional and Local Corridors

- a. Regional Corridors – In the coastal zone, regional habitat connectivity corridors are generally located along the Ventura River and Santa Clara River floodplain.
- b. Local Corridors – Local habitat connectivity corridors are defined as undeveloped linear wet environments (e.g., streams and elongated estuaries, lagoons, lakes or wetlands) and areas along ridgelines where headwater streams meet between two drainages that function as a habitat connectivity corridor.

See Appendix E1, Sec. AE-1.2.3(d) – Habitat Connectivity Corridors, for information on the width of regional and local habitat connectivity corridors.

[Staff Explanation. Habitat connectivity corridors play a special role in an ecosystem by providing linkages between habitats that are easily disturbed by human activity. In the coastal zone, most regional and local linkages occur along rivers, streams or other wet environments that are classified as ESHA. However, such corridors also occur on ridgelines where headwater streams meet between two watersheds. Retaining these corridors becomes increasingly important for species with limited mobility because it provides a connection to other wildlife sub-populations and, for fire prone areas or areas subject to drought conditions, these connections provide escape routes from an impacted watershed.]

Sec. 8178-2.7.5.2 – Development Standards for Local Habitat Connectivity Corridors

If development is allowed within a local habitat connectivity corridor, it shall be located and designed in accordance with the following standards:

²⁰ These areas of native vegetation would contain intact coastal sage scrub patches, combined with rare species and vegetation or habitat types found elsewhere within the core habitat area.

- a. Except for recreational trails that may traverse a *habitat connectivity corridor*, development shall be located at the outer edge of the *corridor* and clustered within an elongated footprint that lies parallel to the *corridor*.
- b. The shape, location, and other physical characteristics of the *development* shall be designed to maximize wildlife movement and avoid the creation of a *chokepoint* within the *habitat connectivity corridor*.
- c. The following measures shall be used to maximize wildlife movement within the *habitat connectivity corridor* and to maintain *functional connectivity* between preserved ESHA and a *habitat connectivity corridor*:
 1. Road, floodplain, and other infrastructure improvements that may impede wildlife movement shall incorporate measures that include, but are not limited to, fencing to funnel wildlife through the barrier, underpasses or overpasses that accommodate wildlife passage, and vegetation restoration in areas that *abut* a roadway or other barrier.
 2. Areas with no or little native vegetation within a *habitat connectivity corridor* shall be targeted for restoration as part of a restoration project and/or as a requirement included in a project's mitigation measures.
 3. When outdoor garbage storage or pickup areas are located within 500 feet of a *habitat connectivity corridor*, then all garbage containers shall be wildlife proof or resistant (i.e., animals cannot open, overturn or remove the garbage) or shall be located in an enclosed area that cannot be accessed by wildlife.

(Also, see Sec. 8178-2.6.14 through 8178-2.6.16 for fencing, noise, and lighting regulations related to *development* within *habitat connectivity corridors*.)

Sec. 8178-2.7.6 – Special Status Species Habitats

Features used as roost sites for *special status species* shall be protected and preserved. Construction activities, *outdoor festivals*, *outdoor sporting events*, and other permitted uses shall not result in the disturbance of *special status species*, and the habitats of such species, during a *critical life stage* (e.g., breeding, nesting, denning, roosting). When the use or activity is located within 500 feet of an ESHA that supports a *critical life stage* of a *special status species*, the ESHA shall be protected from disturbance through the following measures:

- a. Establishment of a *buffer zone* between ESHA and the disturbance area; and
- b. Erection of barriers (e.g., fencing), signage, and/or restrictions on allowable activities or hours of operation.

Also, see Sec. 8178-2.6.13 – Construction Standards, for construction standards in *special status species* habitats and Sec. 8178-2.6.7 – ESHA Grading Standards, for standards during temporary recreational uses.

Sec. 8178-2.7.7 – Breeding, Staging and Stopover Bird Habitats

During bird breeding and migration seasons, nesting, roosting, and *stop over areas* used for breeding or migration during one or more of the previous five-year periods

(i.e., critical life stage habitats) shall be protected from disturbance associated with development including outdoor festivals and outdoor sporting events, as follows:

- a. Critical life stage habitats utilized by birds shall be protected during breeding and nesting seasons through measures that include, but are not limited to, access restrictions or setbacks (e.g., temporary fencing of the nesting, roosting or stopover area), noise limits, limits and restrictions on hours of operation.
- b. A 500-foot buffer zone shall be established for raptor and/or colonial bird nesting, roosting, and staging/stopover sites, and a 300-foot buffer zone shall be established for individual nests for all bird species. An exception may be authorized for the encroachment into the buffer zone if substantial evidence (e.g., a video) is provided in the CISBA or the pre-construction/maintenance bird survey that the encroachment will not disturb birds in the raptor or colonial bird nesting, roosting, and staging/stopover site. Encroachments into the buffer zone shall be justified by and comply with the following:
 1. The buffer zone encroachment would not cause disturbance or flushing of individual birds or species from the site/nest area. For a threatened or endangered bird species, coordination with and approval from the U.S. Fish and Wildlife Service or California Department of Fish and Wildlife is required.
 2. Bird surveys shall be conducted by a qualified biologist who, in cases of a threatened or endangered species, shall have demonstrated experience with that species. The bird surveys shall include tests consisting of the following:
 - i. Variable approach speeds (slow, medium, high) to nesting area;
 - ii. Approach pattern to the site (from north, south, east and west quadrants);
 - iii. Seasonal variation in response to timing of disturbance (nesting stage, critical life stage); and

Tests shall be conducted using the same machinery, transportation, and tools that will be utilized for the proposed development, maintenance activity, or temporary outdoor festival/sporting event.
- c. Habitat used as bird nesting sites, including dead standing trees ("snags"), shall not be removed or altered until birds leave the nesting area, independent of human interference, or until chicks have fledged and left the area and there is no sign of second nesting attempts.
- d. Trees and habitat composed of large, woody vegetation, including snags used as hunting perches for raptors, shall not be removed or altered except when they pose a serious threat to life or property (see Sec. 8178-7.5.4 – Emergency Tree Alteration and Removal) or prevent economically beneficial use of the property (Sec. 8178-2.5.3).
- e. To avoid electrocution and line strike hazards for birds, power distribution lines shall be undergrounded wherever feasible.

[Staff Explanation. Migratory Birds, Bald and Golden Eagles are federally protected through the Migratory Bird Treaty Act, Bald and Golden Eagle Protection Act, and Public Law 95-616 - a treaty with Russia that specifies both nations must take measures to protect identified ecosystems of special importance to migratory birds

against pollution, detrimental alterations, and other environmental degradations ("Convention Between the United States of America and the Union of Soviet Socialist Republics Concerning the Conservation of Migratory Birds and Their Environment). These laws protect migratory birds, eagles, and important staging areas from the effects of development.]

Sec. 8178-2.7.8 – Monarch Butterfly Roosting Sites

To protect colonial roosting habitat for the monarch butterfly from disturbance and degradation, development, including outdoor festivals and outdoor sporting events, shall meet the following standards:

- a. Roosting Site Identification - Potential roost trees for overwintering monarch butterflies, as well as known historical roost sites occupied by monarch butterflies in one or more years within the previous 10-year period, shall be considered potentially active monarch butterfly roosting sites.
- b. Tree Removal or Alterations - If tree removal or alteration within or adjacent to a monarch butterfly aggregation site is permitted according to Sec. 8178-7.4.2 (a) - Tree Removal and Alteration, the tree alteration or removal shall be conducted as follows:
 1. Alterations to a tree identified as monarch butterfly habitat must be conducted outside the overwintering season (October through March); and
 2. Tree alterations intended to improve a monarch butterfly habitat must be done in accordance with an approved habitat management plan and under the supervision of a County-approved qualified biologist and arborist.
- c. Buffers - A minimum 125-foot buffer zone is required for new development from the outermost trees identified as a monarch butterfly aggregation site, unless larger buffers are necessary due to one of the following:
 1. Microhabitat conditions at the overwintering site will be adversely affected by vegetation removal or earth disturbance outside the 125-foot buffer; or
 2. One or more additional overwintering sites are located within 1,000 feet of the project site, and the sites are collectively used throughout the overwintering season.
- d. Roosting Site Mitigation - If the removal or alteration of an unoccupied but known historical roost site is unavoidable due to development authorized pursuant to Sec. 8178-2.5 – Allowable Uses in ESHA or Buffer Zone, or Sec. 8178-7.4.2 – Tree Removal or Alteration, the conditions of approval for the project shall include a requirement for the establishment or restoration of an equivalent roosting habitat. (Also, see Sec. 8178-2.10.7 – Compensatory Mitigation for Specialized Habitats, for additional mitigation requirements.)

[Staff Explanation. Overwintering sites are considered critical to the monarch butterfly's life cycle, providing a suitable microclimate and protection from weather extremes, but such sites may be degraded by tree pruning, the loss of trees, or other alterations. Numerous known overwintering locations in California were lost to new or expanding development. A complex set of site characteristics is needed for a suitable, overwintering habitat. For example, desirable microhabitat conditions include dappled sunlight, specific temperature ranges and humidity conditions, and wind protection.

Additionally, alterations to an area that surrounds an overwintering site can impact its long-term suitability. While the October through March overwintering period is based on surveys conducted in Central California from fall 2009 to spring 2012 (California Fish and Game 101(1):40-50), many species recently altered their migration and breeding patterns due to climate and weather shifts.]

Sec. 8178-2.7.9 – Marine Mammal Rookery and Hauling Ground Habitats

To preserve occupied marine mammal rookery and hauling ground habitats, development, including outdoor festivals and outdoor sporting events, shall be sited and designed to meet the following standards:

- a. Recreational Uses - Recreational uses proposed near or within occupied marine mammal hauling grounds shall be located at least 500 feet from the rookery or hauling ground habitat, and trails or observation sites shall include fences, signage, and other barriers that maintain a minimum 300-foot buffer from such habitats.
- b. Seasonal Requirements - Marine mammal rookeries shall not be altered or disturbed during times of the year when such areas are in use for reproductive activities such as mating, pupping, and pup care, as shown in the table below:

<u>Marine Mammal:</u>	<u>Seasonal Limitation:</u>
<u>Harbor seals:</u>	<u>February through April</u>
<u>Northern Elephant seals</u>	<u>Mid-December through February</u>
<u>Sea Lions and fur seals</u>	<u>May through September</u>

Sec. 8178-2.8 – Effects of Rodenticides, Insecticides, Herbicides and other Toxic Chemicals

The following measures shall be used to minimize adverse impacts to ESHA from the use of rodenticides, insecticides, herbicides and other toxic chemicals:

- a. Santa Monica Mountains (M) Overlay Zone: Development shall be prohibited that includes the use of rodenticides, insecticides, herbicides, and other toxic chemical substances that have the potential to significantly degrade biological resources, except where necessary to protect or enhance the habitat itself, such as the eradication of invasive plant species or habitat restoration, and where there is no feasible alternative that would result in fewer adverse effects to ESHA. The following specific standards shall apply:
 - 1. The use of rodenticides shall not be authorized for use in a landscape plan (see Sec. 8178-8) or coastal development permit, except where there are no feasible alternatives (e.g., the limited use of rodenticides is allowed within an integrated pest management plan).
 - 2. Development that abuts or is adjacent to ESHA, buffer zones or open space areas protected by a conservation easement shall utilize native plants/trees and other landscaping that does not require the application of pesticides to succeed.
 - 3. Where necessary, an exception to the standards in this section may be allowed for projects that protect or enhance the habitat itself, such as the eradication of invasive plant species or habitat restoration, and where there are no feasible alternatives that would result in fewer adverse effects to the habitat value of the site. In such cases, herbicides shall be restricted to the least toxic product

and method and, to the maximum extent feasible, shall be biodegradable and derived from natural sources.

- b. County Agency Requirements: The following standards apply to County agencies, the Ventura County Water Protection District, and their contractors and to all applicable development and repair/maintenance activities:
1. Whenever feasible, utilize an integrated pest management plan to control unwanted rodents or other pests and minimize the use of rodenticides, insecticides, herbicides, and other toxic chemicals by designing new public infrastructure with rodent-resistant construction methods.
 2. The use of insecticides, herbicides, organic or mineral-derived fertilizers, rodenticides or other toxic substances that would significantly degrade ESHA is prohibited when constructing or maintaining County roads or other public facilities e. Deviations from this standard are allowed only if there is no feasible alternative that would result in fewer adverse effects to ESHA. When the application of such substances is allowed, the substances shall be applied in the following manner:
 - i. Application is restricted to the least-toxic product and, to the maximum extent feasible, shall be biodegradable and derived from natural sources.
 - ii. The method used to apply the toxins shall minimize the potential for introduction of the chemical into the aquatic environment or onto adjacent, non-targeted vegetation.
 - iii. The chemicals are used in accordance with applicable regulations or guidelines from the California Department of Agriculture and California Department of Pest Regulation.
 - iv. Herbicide application is prohibited when wind speeds on site are greater than five miles per hour or when rain is predicted within the next 48 hours. If rain does occur, herbicide application shall not resume until 48 hours after rain has stopped.
 - v. The use of mosquitofish is prohibited in ESHA or buffer zones. Mosquito abatement activities shall be limited to those necessary to protect public health, that are specific to the eradication of mosquito larvae, and that do not result in adverse effects on non-target species (e.g., fish, frogs, turtles, birds, or other insects or invertebrates).

[Staff Explanation. Toxic chemicals travel through mechanisms such as stormwater runoff, air pollution, and dumping. Pesticides and fertilizers can contaminate soil and waterways, kill beneficial organisms, such as pollinators and pest predators, and pose health risks to humans and wildlife. In addition, wildlife that consume animals that have been poisoned are often poisoned themselves. In areas with sensitive resources, existing and proposed requirements for the use of native vegetation in landscaping will reduce the amount of pesticides and fertilizers needed to maintain a healthy landscape. In Ventura County, various County agencies acknowledge the dangers of anti-coagulant rodenticides to native species or domestic animals, which are not intended targets of the poison. Recently, the Ventura County Watershed Protection District conducted a study comparing rodent burrow damage incurred at levee sections with either raptor perches or rodenticide bait stations. Data collected indicate that neither treatment type prevents rodent burrow damage to levees, and less burrow

damage was observed in the levee areas treated with raptor perches compared to bait stations. Due to the potential for secondary effects from rodenticides, the District is evaluating opportunities to place raptor perches at more facilities and phase out rodenticide use, where feasible.]

Sec. 8178-2.9 – Land Divisions and ESHA Preservation Incentives

Section 8178-2.9.1 – General Requirements

The following requirements apply to coastal development permits authorizing any land division proposed on one or more legal lots that contain ESHA or ESHA buffer zone, except where the lot is dedicated to open space preservation. The coastal development permit application shall not be approved unless the County decision-making authority makes findings, supported by substantial evidence, that the proposed land division meets all requirements of this Sec. 8178-2.9 as well as the additional requirements for land divisions in Sec. 8178-2.9.2 or lot line adjustments in Sec. 8178-2.9.3, as applicable.

- a. Applications for proposed land divisions shall describe and designate the locations of all development on all resulting lots, including the following: (1) building site; (2) access road and/or driveway; (3) necessary service infrastructure (e.g., septic system, water supply); (4) on- or off-site grading; and (5) on- or off-site fuel modification zones.
- b. The requested coastal development permit shall be evaluated to ensure that any new or reconfigured lots will allow future development that is consistent with the ESHA policies, standards, and provisions of the LCP. All proposed building sites, access roads, water/wastewater systems, and fuel modification zones shall meet the policies/standards provided by the LCP (see Sec. 8178-2.6 – Site and Building Design Standards in ESHA). For example, the building sites shall be clustered near existing or proposed development, near existing services, and configured to maximize the use of overlapping fuel modification zones. Where potential development cannot occur consistent with the LCP, the requested coastal development permit shall be denied.
- c. All lots proposed for residential use must constitute a buildable lot (see Sec. 8178-2.6.3(f)).
- d. If any provision of this Sec. 8178-2.9 conflicts with a County regulation or requirement pertaining to land divisions that is not included in the LCP (e.g., a regulation or requirement in the County’s Subdivision Ordinance), then the provision of this Section shall take precedence.
- e. A coastal development permit authorizing a land division shall include conditions of approval that restrict development to an approved development envelope. Outside the development envelope, future development shall be prohibited within any onsite environmentally sensitive habitat areas—ESHA(s), buffer zone(s), and/or areas with slopes over 30 % percent gradient. Areas subject to such development restrictions shall be permanently maintained in their natural state through recordation of a through-an-easement-or-deed restriction or other conservation instrument that shall be recorded on the final map or non-a-grant deed as a deed restriction submitted with the final map.

- f. With respect to land divisions other than lot line adjustments, all conservation instruments, conservation easements, offers of dedication, conditions of approval, and similar legal instruments protecting public access routes, ESHA and ESHA buffer zones, steep slopes, and other areas shall be shown on the tract map or parcel map and recorded no later than final map recordation. (AM.ORD.4451-12/11/12).

The standards in this Sec. 8178-2.9 do not apply to a lot within a land division that is proposed solely for the purpose of dedicating or restricting its uses to conservation and/or open space, provided the lot is preserved in perpetuity pursuant to a conservation easement.

[Staff Explanation. The regulations in the section above outline the basic requirements that must be met to process a land division in the coastal zone.]

Section 8178-2.9.2 – Requirements for Land Divisions in ESHA or Buffer Zone

In addition to the requirements of Sec. 8178-2.9.1 above, a coastal development permit authorizing a land division, other than a lot line adjustment (see Sec. 8178-2.9.3 below), shall only be approved for a lot that contains ESHA or ESHA buffer zone if, based on substantial evidence, the land division will not result in new, adverse impacts to ESHA or ESHA buffer zone and meets the following standards:

- a. The land division does not result in a new building site located on a beach.
- b. Each proposed new lot is equal to or greater than the minimum lot size required by the subject zone and the slope density formula (Sec. 8175-2 (c)) and is no smaller than the average size of surrounding parcels (see Coastal Act Section 30250).
- c. When the subject lot is in the Santa Monica Mountains (M) overlay zone, and it abuts a public park or a lot permanently protected by a conservation easement, then all lots proposed to be created that abut such areas shall include a 200-foot setback along the boundary of the abutting public park or the land that is permanently protected from development.

[Staff Explanation. This section includes existing standards for land divisions in the Santa Monica Mountains (see existing Sec. 8177-4.1.4). as well as new standards for land divisions that reflect Coastal Act requirements. The proposed regulations implement related CAP policies, which clarify that you cannot subdivide (or adjust lot lines) on a property if it will result in new or greater adverse impacts on ESHA or buffer zones. The County's CZO currently protects ESHA in the Santa Monica Mountains from development associated with subdivision but in a much more roundabout way (see SMM- Policy 1, 4, and 6). The Malibu and L.A. County LCPs each have comparable subdivision regulations for lots that contain ESHA.]

Section 8178-2.9.3 – Requirements for Lot Line Adjustments in ESHA or Buffer Zone

In addition to the requirements in Sec. 8178-2.9.1 above, a coastal development permit application authorizing a lot line adjustment for one or more lots that contain ESHA or ESHA buffer zone may only be approved if, based on substantial evidence, the land division meets the following requirements:

- a. When compared to the original lot configuration, the resulting lots shall not result in one or more of the following:
 1. Increased impacts to ESHA or buffer zones or increased loss of high-value habitat (e.g., wetland, riparian areas), including impacts that may subsequently be allowed on a resulting lot pursuant to Sec. 8178-2.5.3 – Economically Beneficial Use.
 2. Increased alteration of natural landforms.
 3. A new, buildable lot for residential use (see Sec. 8178-2.6.3(e)).
 4. Increased subsequent land division potential of a resulting lot, except when such a lot is established as a permanently preserved open space lot.
- b. All lots included in the proposed lot line adjustment must be legal lots, except where the lot line adjustment is proposed for the sole purpose of combining two or more parcels as a means of reversing a purported but illegal division of property.
- c. If a lot line adjustment is approved, the permittee shall be required to record County-approved deeds or records of survey containing the descriptions of all resulting parcels as they will exist after the lot line adjustment.

[Staff Explanation. Requirements for the lot line adjustment implement policies within the CAP regarding impacts on ESHA. For example, a lot-line adjustment could result in the following: (1) lots that require longer access roads or roads that bridge a stream or wetland; (2) a previously unbuildable lot becomes a buildable lot; and (3) a lot with an existing, disturbed area that could be used for development is reconfigured into a lot covered by ESHA, where a reasonable use argument can be used to remove ESHA.]

Section 8178-2.9.4 – ESHA Preservation Incentive (Santa Monica Mountains)

This Sec. 8178-2.9.4 provides a voluntary incentive for the retirement of development rights on existing legal lots that contain ESHA in the Santa Monica Mountains (M) overlay zone. The purpose of the incentive is to encourage the preservation of large areas of unfragmented ESHA that are connected to a protected core ESHA or open space area by intact native vegetation.

Section 8178-2.9.4.1 – Expansion of Building Site:

The maximum allowable building site for development in ESHA or ESHA buffer zone may be increased from 10,000 square feet to 15,000 square feet for a legal lot that meets the minimum lot size requirements of the LCP if the applicant voluntarily accomplishes one of the following through a coastal development permit:

1. Merges the lot upon which the proposed building site is located with an abutting legal lot or lots containing at least three acres of undeveloped land and meeting the standards for an off-site preservation lot stated in Sec. 8178-2.10.5(b). All areas of the resulting lot outside of the development envelope must be preserved in perpetuity through a conservation easement or conservation instrument; or
2. Permanently retires the development rights for a non-abutting legal lot or lots which must be undeveloped, consist of at least three acres, and meet the standards for an off-site preservation lot stated in Sec. 8178-2.10.5(b).

The off-site lot(s) must be preserved in perpetuity with a conservation easement or through encumbrance with an open space deed restriction and subsequent conveyance of the entire lot in fee title to a County-approved natural resource agency or conservation organization (see Appendix E2, Sec. AE-2.2 – Legal Instruments for Conservation).

Section 8178-2.9.4.2 – Required Finding for ESHA Preservation Incentive

A coastal development permit may only be granted pursuant to the ESHA preservation incentive in this Sec. 8178-2.9.4 if the County’s decision-making authority finds that the proposed land division will result in: (1) the preservation of large areas of unfragmented ESHA; and (2) proposed or potential development with reduced impacts to ESHA and/or high value habitat when compared to the development that could legally occur without use of the ESHA preservation incentive.

[Staff Explanation. This incentive may be attractive for a landowner with multiple lots that is willing to exchange development of the individual lots for a larger building site on a merged lot. Indirect benefits include reduced development costs and reduced mitigation costs. The table below provides a summary of the difference in impacts on ESHA.

Building site	Fire Clearance	Total ESHA Impacts	
10,000 SF	80,000 SF	90,000 SF	2.1 Acres
15,000 SF	90,000 SF	105,000 SF	2.4 Acres
20,000 SF	100,000 SF	120,000 SF	2.8 Acres

Note: Data is based on a square building site, with a fuel modification zone that begins at the edge of the building site.]

Sec. 8178-2.10 – Compensatory Mitigation for ESHA

All compensatory mitigation for impacts to ESHA or a buffer zone shall meet the standards of this Sec. 8178-2.10.

Sec. 8178-2.10.1 – General Requirements

- a. **Removal/Degradation of ESHA** – Mitigation that is proportional to the impact is required for all adverse impacts to ESHA that result from the removal or disturbance of ESHA or buffer zone(s). The level of compensatory mitigation is specified by the ratios in Sec. 8178-2.10.6 – Compensatory Mitigation Ratios. Compensatory mitigation shall be subject to the following standards:
 - 1. Permitted Impacts: Compensatory mitigation is required when there is no feasible project design alternative that can avoid adverse impacts to ESHA (see Sec. 8178-2.6.1). The permittee shall be responsible for providing compensatory mitigation.
 - 2. Unpermitted Impacts: Compensatory mitigation for unpermitted impacts to ESHA or buffer zone shall be provided through the following:
 - i. The impacted area shall be restored unless: (1) an insufficient supply of suitable land is available for the on-site restoration, enhancement,

or establishment of ESHA.²¹ In such cases, an equivalent area of ecologically functional ESHA shall be restored or established off-site; or (2) all, or a portion of, the impacted ESHA area is within the approved development envelope of the least damaging alternative. In such cases, compensatory mitigation for the area included in the development envelope may be accomplished through on-site or off-site mitigation.

- ii. Additional on-site or off-site mitigation shall be provided in accordance with the baseline mitigation ratios in Sec. 8178-2.10.6.
3. Temporary Construction Impacts - Habitat restoration of the impacted area is required for temporary impacts to an ESHA or buffer zone that occur due to permitted development.
- b. **In-Kind Habitats** - Compensatory mitigation shall be limited to in-kind habitat. If an applicant must obtain a permit or approval from a federal or state natural resource agency based on the proposed development project's potential impact to a species or habitat under that agency's jurisdiction, then County staff shall consult with the responsible agency prior to the County's approval of the compensatory mitigation for the development project.
- c. **Preservation of Compensatory Mitigation Sites** - All areas subject to compensatory mitigation conducted by the permittee (Sec. 8178-2.10.8) shall be preserved in perpetuity for conservation and/or open space purposes through one of the following measures:
 1. Encumbrance with an open space deed restriction and subsequent conveyance of the lot in fee title to a natural resource agency or County-approved conservation organization for ownership.
 2. Encumbrance with a conservation easement conveyed to a County-approved natural resource agency or conservation organization.
 3. If a County-approved natural resource agency or conservation organization cannot be identified that will accept conveyance of a conservation easement for a small, on-site area of a lot for preservation, a conservation instrument may be used instead to restrict future development of the area.

Also, see Appendix E2, Sec. AE-2.4 - Legal Instruments for Conservation, for additional requirements and information.

- d. **ESHA Mitigation Plan** - To increase the potential for the success and long-term sustainability of ESHA mitigation, an ESHA Mitigation Plan is required for all compensatory mitigation (see Sec. 8178-2.10.9).

[Staff Explanation. The proposed regulations in this section are primarily based on Coastal Act requirements, which are more stringent than what is required by CEQA.]

Sec. 8178-2.10.2 - Types of Impacts Compensated

²¹ An insufficient supply of suitable land may occur when the impacted area is significantly degraded and/or abuts development which isolates it from protected core habitats.

Compensatory mitigation for adverse impacts to ESHA or ESHA buffer zone shall include compensation for the type of impacted habitat, temporal and permanent losses to the services provided by the ecosystem function of the habitat, and the uncertainty associated with whether the mitigation will be fully, successfully completed. These factors are incorporated into the baseline mitigation ratios, and the adjustments to those ratios, shown in Sec. 8178-2.10.6 – Compensatory Mitigation Ratios.

Sec. 8178-2.10.3 - Types of Compensatory Mitigation

Compensatory mitigation measures shall include the restoration, preservation, establishment, or enhancement of ESHA as follows:

- a) Preservation – Existing, off-site ESHA is preserved and managed in perpetuity. The preservation of on-site ESHA cannot be used as compensatory mitigation.
- b) Restoration – Existing, degraded ESHA that has the capacity to be ecologically functional and is actively restored to its historic natural state. ESHA may be restored either on- or off-site.
- c) Enhancement – Existing, intact or degraded ESHA that has the capacity to improve specific ecological functions or services (e.g., water quality improvement, flood water retention, wildlife habitat improvement, habitat connectivity corridor improvement). ESHA may be enhanced either on- or off-site. Passive restoration is classified as enhancement. Passive restoration may be utilized as one component of an ESHA Mitigation Plan if the mitigation habitat contains the physical and biological conditions necessary for the sustainability of the ESHA and the passive restoration meets the criteria in Sec. 8178-2.10.5.
- d) Establishment – The creation of ecologically functional ESHA where it did not previously exist. ESHA may be established either on- or off-site. ESHA establishment may only be used under the following circumstances: (i) restoration opportunities are not feasible; (ii) the establishment project has a high probability of success and would improve the overall function of the ESHA ecosystem; and (iii) the establishment project will not result in the conversion of ESHA types.

A specific type of compensatory mitigation may be required for unpermitted impacts (see Sec. 8178-2.10.1) and impacts to specific coastal habitats (see Sec. 8178-2.10.7). Also, restoration or establishment is required for impacts to wet environments, and other habitat types regulated by federal or state natural resources agencies.

[Staff Explanation. Subsection (b) is based on existing, certified text (Sec. 8178-2.4 - Specific Standards, subsection (d) Wetlands, (3)), with modifications made to update terms, remove references that may become obsolete, and allow all types of mitigation to compensate for loss of ESHA.]

Sec. 8178-2.10.4 – Location of Compensatory Mitigation Sites

- a. On-Site Versus Off-Site Mitigation:
 - 1. Either on- or off-site mitigation may be used for impacts to coastal sage scrub and chaparral;

2. On-site mitigation must be used for impacts to a wet environment habitat or for oak woodland/savannah and native woodland habitat unless: (i) on-site restoration, establishment, or enhancement is infeasible due to an insufficient supply of suitable land; or (ii) off-site restoration, establishment, or enhancement is provided through an available federal/state mitigation bank or in-lieu fee program (see Sec. 8178-2.10.8).

[Staff Explanation. Representatives from federal/state natural resource agencies expressed a preference for off-site restoration, establishment or enhancement when conducted through established mitigation banks or in-lieu fee programs, as such programs provide a far more successful track record than does on-site mitigation.]

3. For other habitat types, on-site mitigation is preferred but off-site mitigation may be authorized if the off-site mitigation site meets all of the standards in Sec. 8178-2.10.4 and Sec. 8178-2.10.5, and one of the following circumstances applies: (i) on-site restoration, establishment, or enhancement is infeasible due to an insufficient supply of suitable land; or (ii) the off-site habitat is a higher-quality habitat (i.e., higher percentage of pristine/intact habitat, better connectivity to large blocks of habitat, more suitable soils or microclimate, or fewer invasive species); or (iii) the off-site mitigation site was prioritized for conservation through an available, County-approved regional conservation plan.

b. Off-Site Mitigation Lots:

1. Permittee - At least 50 percent of the area of an off-site mitigation lot purchased by a permittee to implement compensatory mitigation must be located within the Ventura County coastal zone. Off-site mitigation lots shall be selected based on proximity to the impacted ESHA ecosystem, in the following order of priority:

Priority 1 - The lot is in the same sub-watershed (defined as U.S. Geological Survey's 12-digit hydrological unit code (HUC)) as the impacted area.

Priority 2 - The lot is in the same biogeographic region as the impacted area.

Priority 3 - The lot is in the same watershed as the impacted area.

If no suitable lot is feasibly available within the coastal zone, then a lot in Ventura County that is located outside the coastal zone may be selected if the lot is located in a regional habitat connectivity corridor in Ventura County (i.e., Santa Monica - Sierra Madre Linkage, Ventura River Linkage, Santa Clara River Linkage) and is located in the same biogeographic region as the impacted area. Preference also may be given to an off-site lot that adjoins public parkland or protected native habitat (i.e., land protected by a conservation easement or owned/managed by a natural resource agency).

2. Federal or State Program - Off-site mitigation lots purchased with funding from an available federal or state mitigation bank or in-lieu fee program shall be in the coastal zone of Ventura County, Los Angeles County or Santa Barbara County.

3. County-Sponsored In-Lieu Fee Program - Off-site mitigation lots purchased with funding from the County's in-lieu fee program shall be located in the Santa Monica Mountains and selected in the following order of priority:

Priority 1 - Ventura County coastal zone (up to 50% of the lot may be outside the coastal zone).

Priority 2 - Santa Monica/Sierra Madre Linkage habitat connectivity corridor in the Santa Monica Mountains' biogeographic region in Ventura County.

Priority 3 - Coastal zone of Los Angeles County. Priority 3 lots shall not be purchased unless no Priority 1 or Priority 2 lot is available and, if a Priority 3 lot is purchased, it shall be the closest available lot to Ventura County.

[Staff Explanation. The prioritization of on-site restoration, when feasible, is a common feature in multiple LCPs, as on-site mitigation provides mitigation within the same, impacted ESHA ecosystem. An off-site mitigation property may be the same size and habitat type as the impacted ESHA, but the impacted area may lose important ESHA ecosystem functions if the off-site mitigation property is far from the project site. Conversely, off-site mitigation using a mitigation bank or federal/state in-lieu fee program is preferred by federal and state natural resource agencies for restoration/establishment mitigation because such projects provided a coordinated approach to conservation and are demonstrably more successful than piecemeal restoration or establishment conducted on privately-owned lots. Additionally, the project site may be less suitable because it contains isolated or fragmented ESHA, and on-site restoration/establishment may not be preferred if on-site conditions are not suitable for the habitat being restored or established. To balance these issues within the County's regulations, the following system is proposed:

- Off-site preservation is allowed for legal impacts to coastal sage scrub and chaparral, consistent with recently certified regulations for L.A. County. Mitigation for this habitat type is linked to the proposed in-lieu fee program, which relies on off-site preservation as compensatory mitigation.*
- On-site mitigation is required for impacts to specialized habitats that are closely regulated by state and federal natural resource agencies – such as wet environments and native woodland habitats unless the responsible agency prefers off-site mitigation. Comments received during the public outreach process indicate that federal/state agencies prefer more flexibility when approving on or off-site mitigation lots for wetlands and similar habitats.*
- For all other habitat types, adequate flexibility is provided to select off-site mitigation when that is more protective to the ESHA ecosystem. Proposed standards for off-site mitigation lots will ensure that off-site mitigation provides adequate compensation for environmental impacts.]*

Sec. 8178-2.10.5 – Environmental Standards for On and Off-Site Mitigation Areas/Lots

Compensatory mitigation lots shall contain ESHA or habitats that can be restored, enhanced or established to support the type of ESHA required for mitigation. Also, compensatory mitigation sites shall exhibit ecological characteristics such as habitat

quality and connectivity to larger intact ESHA. Lots used for specific types of compensatory mitigation shall meet the following standards:

- a. **Lots Used for Restoration, Enhancement, or Establishment** – On-site or off-site mitigation lots used for ESHA restoration, establishment or enhancement must contain suitable environmental conditions (e.g., hydrology, soil type, compatible adjacent land uses, functional connectivity) to support the proposed type of mitigation. Such sites must be connected to other habitat areas required for species survival. (Also, see Sec. 8178-2.10.8 for specific requirements for wet environments, dunes, oak woodland/savannah, native woodland habitats, and monarch butterfly overwintering sites.) If passive restoration is proposed as a component of ESHA enhancement, then the level of ESHA degradation at the mitigation site (e.g., soil conditions, amount of invasive species, native seed bank) and the resilience of the ESHA ecosystem shall be consistent with the use of passive restoration as a form of ESHA enhancement.
- b. **Lots Used for Off-Site Preservation** – Off-site mitigation lots used for ESHA preservation must be undeveloped, legal lots that are used solely to implement compensatory mitigation. Such off-site mitigation lots must meet all the following standards:
 1. **Environmental Resources** – All off-site mitigation lots used for ESHA preservation shall contain the following environmental resources:
 - i. At least 90 percent of the lot shall be ecologically functioning ESHA and/or an ESHA wet environment buffer zone; or
 - ii. At least 50 percent of the lot shall be ecologically functioning ESHA and/or ESHA wet environment buffer zone plus one of the following: (1) an identified habitat connectivity corridor; (2) a wet environment, rock outcrops, dunes, or USFWS critical habitat ESHA; or (3) a lot is located within an acquisition area designated for conservation through a policy or planning document adopted by a federal, state, or County natural resource agency or a County-approved conservation organization.
 2. **Connectivity** – The lot shall not be isolated by development or other physical factors that would limit the movement of species to larger protected core ESHA areas. Specifically, the lot must be connected to a protected core ESHA or open space area by an intact native vegetation area that is at least 400 feet wide and less than 500 feet long. Wildlife must be able to move from the subject lot to core ESHA without encountering a major barrier (e.g., high-traffic public road without wildlife-safe crossings, large facilities, etc.). An exception to this requirement may be allowed if the lot contains one of the following:
 - i. A sensitive biological resource that can persist in isolation (e.g., narrow endemic species or unique habitats such as vernal pools); or
 - ii. A habitat that functions as a stepping stone for special status species between protected core areas.
 3. **Preservation and Management** – The lot shall be preserved and managed in perpetuity for habitat conservation and open space purposes through one of

the legal instruments identified in Sec. 8178-2.10.1(c) and in compliance with a County-approved *ESHA Mitigation Plan* (see Sec. 8178-2.10.9(a)).

Also, see Sec. 8178-2.10.9 – Implementation of Compensatory Mitigation for information on how off-site mitigation lots are used for compensatory mitigation.

[Staff Explanation. This section provides clarification on the types of lots acceptable for off-site mitigation. These options provide flexibility for applicants that need off-site mitigation. For example, project applicants can acquire larger mitigation lots that provide off-site mitigation sites for them as well as other applicants, which would allow the applicant to partially recover land costs for the retired parcel. These standards would allow County-approved conservation groups to purchase properties for preservation purposes and subsequently obtain partial compensation for the purchase by establishing an off-site mitigation site.]

Sec. 8178-2.10.6 – Compensatory Mitigation Ratios

a. **Baseline Mitigation Ratios** – Baseline ESHA mitigation ratios are based on the type of ESHA being removed or degraded:

- 2:1 Baseline Ratio: Coastal sage scrub or chaparral, except when occupied by federal or state endangered or threatened species.
- 4:1 Baseline Ratio: Wetland, estuary, lagoon, or lakes.
- 3:1 Baseline Ratio: All other ESHA types, including wet environments not listed above, and habitat occupied by federal or state endangered or threatened species.

Baseline mitigation ratios shall be used as the foundation for compensatory mitigation requirements for impacts to ESHA. These ratios capture the types of impacts to the ESHA ecosystem, identified in Sec. 8178-2.10.2, such as expected temporal losses and the uncertainties associated with mitigation success. Adjustments to the Baseline Mitigation Ratios may be made to reflect the factors listed in subsection (b) below.

[Staff Explanation. The mitigation ratios above are based on the California Coastal Commission’s Local Coastal Program (LCP) Update Guide (Section 4 - Environmentally Sensitive Habitats). The proposed mitigation ratios are also consistent with federal/state standards for specific habitat types and are similar to the mitigation ratios used in LCPs adopted since 2012 for L.A. County, the City of Solana Beach, and the City of San Diego.]

b. **Adjustments to Mitigation Ratios** – The baseline mitigation ratios, or mitigation requirements that result from such ratios, may be adjusted based on the following:

1. Early Mitigation – Baseline mitigation ratios will be reduced to 1:1 when an approved in-kind ESHA restoration or establishment project, including required monitoring, is successfully completed before impacts occur to ESHA due to the subject project’s development.²² Portions of the compensatory mitigation project not successfully completed before impacts occur are not

²² This adjustment also applies to the purchase of restoration/establishment credits from a mitigation bank or a County-approved conservation organization (See Sec. 8178-2.10.9 – Implementation of Compensatory Mitigation).

eligible for this mitigation ratio reduction. To obtain this reduced mitigation ratio, the applicant must demonstrate that the ESHA restoration or establishment project meets the performance criteria associated with the project's Mitigation Plan (see Sec. 8178-2.10.9 – ESHA Mitigation Plan, Appendix E2). The early mitigation adjustment is not available for unpermitted impacts to ESHA, mitigation properties located outside the coastal zone, or if a proposed development project could impact biological resources under the jurisdiction of a federal or state natural resource agency.

2. Federal or State Jurisdiction - If an applicant must obtain a permit or approval from a federal or state natural resource agency based on the proposed development project's potential impact to a species or habitat under the agency's jurisdiction, County staff shall consult with the responsible agency prior to setting the mitigation ratio, in which the mitigation ratio may be increased.

[Staff Explanation. Adjustments to baseline ratios are used by state and federal agencies requiring compensatory mitigation, which includes the California Department of Fish and Wildlife (CDFW), the US Army Corps of Engineers, and the US Fish and Wildlife Service. The reduced ratio for early mitigation reflects the fact that the temporal impacts (impacts that occur over time) do not occur when mitigation occurs prior to, or at the same time as, the impacts to ESHA.]

Sec. 8178-2.10.7 – Compensatory Mitigation for Specialized Habitats

This Section states additional compensatory mitigation requirements for wet environments, monarch butterfly overwintering sites, and coastal dunes. See Section 8178-2.10.6 for required mitigation ratios for all specialized coastal habitats.

- a. **Wetlands** - Habitat restoration or establishment is required as compensatory mitigation for impacts to wetlands. Additionally, when any dike or fill development is permitted in wetlands, in conformity with Section 30233 or other applicable policies of the Coastal Act, additional mitigation measures shall, at a minimum, include the following: those listed in Section 30607.1 of the Coastal Act
 1. The acquisition of equivalent areas of equal or greater biological productivity or the opening of equivalent areas to tidal action, provided that no appropriate restoration site is available; or
 2. Development permitted in wetlands and other coastal waters is also subject at a minimum to include specific mitigation those listed in 30607.1 of the Coastal Act. Additionally, other reasonable measures will also be required, as determined by the County, to carry out the provisions of Sections 30233, subdivisions b., c., and d., and 30253, subdivision b., of the Coastal Act (e.g., project timing, financial responsibilities (see Sec. 8178-1(a)(3)), and suitable mitigation sites).

[Staff Explanation. The wetlands standards were modified from existing regulations (Sec. 8178-2.4 - Specific Standards, subsection (d) Wetlands, (2)), to include referenced text from the coastal act (which is too complex to summarize). The examples provided are consistent with PRC 30233 (diking,

filling or dredging), PRC 30607.1 (wetlands, dike and fill development; mitigation measures), and PRC 30253b (minimization of adverse impacts).]

- b. **Wet Environments Other Than Wetlands** - Habitat restoration or establishment is required as compensatory mitigation for impacts to other wet environments, excluding wetlands. Mitigation measures for wet environments also under the jurisdiction of the California Department of Fish and Game Wildlife or U.S. Army Corps of Engineers shall be established by the County after consultation with the responsible agency(ies). However, compensatory mitigation ratios shall be no less than the baseline mitigation ratios required by this LCP.
- c. **Oak Woodland/Savannah and Native Woodland Habitats** - Habitat restoration, enhancement or preservation is required as compensatory mitigation for impacts to oak woodland/savannah or native woodland habitat. When on-site mitigation for adverse impacts to ESHA woodlands and savannah is infeasible because on-site conditions (i.e., lack of suitable, available habitat) do not allow for the restoration, enhancement, or establishment of an ecologically functioning ESHA, an off-site mitigation lot shall be selected that contains one or more of the following:
1. Oak and native woodland habitats with large trees, dense canopies, and diverse age structure;
 2. Oak woodland/savannah with opportunities to enhance or restore grassland or oak woodland communities;
 3. Habitat that supports the restoration or enhancement of like-species trees; or
 4. Habitat with like-species trees within a regional or local habitat connectivity corridor.
- See Sec. 8178-7.6.1 Tree Replacement for Altered or Removed Protected Trees, for mitigation requirements for trees that constitute ESHA.
- d. **Monarch Butterfly Overwintering Roosts** - The conditions of approval of a coastal development permit for development impacting monarch butterfly overwintering sites shall require the permittee to provide, for the County's review and approval, a management plan for the preservation of the existing roost site and/or the restoration or enhancement of an historical roost site that is prepared by a qualified biologist.
- e. **Coastal Dunes** - Off-site dune habitat mitigation may include the establishment, restoration, enhancement and protection of dune and dune/wetland habitats near McGrath Lake, Hollywood Beach, or Ormond Beach.
- f. **Bat Roost Replacements** - When compensatory mitigation includes the replacement of an existing bat roost habitat, bat boxes shall not be used as a like-for-like replacement for existing bat roosts.

Sec. 8178-2.10.8 - Implementation of Compensatory Mitigation

Compensatory mitigation measures shall be implemented pursuant to a County-approved ESHA Mitigation Plan (Sec. 8178-2.10.9), through one or more of the following means:

- a. **Permittee** – The permittee is responsible for the completion of compensatory mitigation through one or more of the following:
1. When compensatory mitigation includes off-site ESHA preservation, the permittee may implement the mitigation requirements through the purchase of an off-site mitigation lot.
 2. When compensatory mitigation includes on-site ESHA restoration, enhancement or establishment, the permittee must hire a restoration specialist to complete the ESHA Mitigation Plan (see subsection b).
 3. Payment to a pre-established mitigation bank (see subsection (b)) or an available, Coastal Commission-certified in-lieu fee program (see subsections (d) and (e)), thereby transferring the responsibility for completion of the mitigation requirements to the third-party provider responsible for the mitigation bank or available in-lieu fee program.
- b. **Mitigation Bank:** A mitigation bank must meet the requirements of Sec. 8178-2.10.4 and provide adequate mitigation of the impacted resource by the relevant federal or state natural resource agency or conservation organization (i.e., Conservation Bank – U.S. Fish and Wildlife; Mitigation Bank – California Department of Fish and Wildlife, U.S. Army Corp of Engineers, U.S. Environmental Protection Agency). Through a payment to such a bank, the permittee transfers its responsibility for implementation of the required compensatory mitigation to the mitigation bank.
- c. **Federal or State In-Lieu Fee Programs:** If available, an alternate, Coastal Commission approved in-lieu fee program(s) operated or managed by one or more natural resource agencies (e.g., US Fish and Wildlife, California Department of Fish and Wildlife, U.S. Army Corp of Engineers, Coastal Conservancy) could be used to satisfy compensatory mitigation requirements for impacts to wetlands, wetland buffers, dunes or other specific coastal ESHA.
- [Staff Explanation. State and federal agencies have been developing a Southern California Regional In-Lieu Fee Program for wetland and surrounding upland area mitigation, with fees from that program expected to help fund the restoration of Ormond Beach. The program is included here as an “if available” option to avoid the need to process an LCP amendment later to use a program that’s been approved by the Coastal Commission.]*
- d. **Ventura County In-Lieu Fee Program:** The County’s in-lieu fee program allows a permittee to substitute payment of a fee to the County’s Coastal Habitat Impact Fund to meet compensatory mitigation requirements for impacts to ESHA through the off-site preservation of in-kind ESHA. This program will be established as follows:
1. Objective – Provide adequate compensatory mitigation for the loss of coastal sage scrub and chaparral plant communities in the Santa Monica Mountains (M) overlay zone using a conservation instrument that allows the County to target successful conservation efforts while providing permittees with a simple mechanism to accomplish mitigation.
 2. Types of Impacts – Impacts to coastal sage scrub and chaparral in the Santa Monica Mountains that meet the definition of ESHA pursuant to Sec. 8178-2.4.1(d).

3. Type of Compensatory Mitigation – In-lieu fees will be used to acquire, preserve and manage land that contains coastal sage scrub and chaparral habitat.
4. Mitigation Area – Mitigation sites shall be in the Santa Monica Mountains and meet the locational criteria in Sec. 8178-2.10.4(c)(1).
5. Environmental Standards – Mitigation lots purchased through the in-lieu fee program shall meet the environmental/preservation standards in Sec. 8178-2.10.5(b) and all such lots shall be preserved in perpetuity.
6. Ownership and Long-Term Management Strategy and Sponsors – Compensatory mitigation (i.e., land acquisition, preservation and management) shall be conducted by a County-approved conservation organization or natural resource agency. Available funds will be transferred to the contracted organization/agency when the County is notified that an off-site mitigation property is available for purchase.
7. Compensation Planning Framework – A framework will be established for the selection and acquisition of conservation properties based on the criteria in Sec. 8178-2.10.4(b) and the service area’s needs, opportunities, and preservation challenges.
8. Timing of Compensatory Mitigation – Whenever feasible²³, land acquisition shall be conducted within three years of the receipt of fees in the Coastal Habitat Impact Fund. Fees will be paid prior to a development project’s impacts.
9. Program Administration – Administrative and reporting protocols, accounting and implementation procedures, records, agreements between County and the County-approved conservation organization or natural resource agency, assumption of responsibilities, default and closure provisions, and other administrative components of the in-lieu fee program shall be established and maintained by the RMA/Planning Division. See Coastal Area Plan, ESHA Program #5, for information on program administration.
10. Amount of In-Lieu Fee – The fee shall be calculated on a per-acre basis for each acre, or portion thereof, required as compensatory mitigation for impacts to CSS/chaparral (see mitigation ratios, Sec. 8178-2.10.6). The in-lieu fee shall be determined as follows:
 - i. Interim In-Lieu Fee: For a five-year period following certification of the LCP amendments for ESHA, an in-lieu fee of \$26,953 per acre shall be used for each acre of land, or a portion thereof, required as compensatory mitigation. The County shall prepare an annual monitoring report that contains the following: (1) cumulative acreage of coastal sage scrub and chaparral impact that was mitigated using the interim fee; (2) amount of funds collected in the Coastal Habitat Impact Fund using the interim fee; and (3) acreage purchased by County-approved conservation organizations or natural resource agencies using funds the Coastal Habitat Impact Fund. After the five-year period, the County-sponsored in-lieu fee program will be

²³ Land acquisition within the established period may not be feasible if: (a) funds are insufficient to purchase available lots, or (b) no lots are available that meet the County’s standards for off-site mitigation lots.

discontinued unless a permanent in-lieu fee/program is certified by the California Coastal Commission.

- ii. Permanent In-Lieu Fee: The interim in-lieu fee will be replaced after five years by a permanent in-fee that is based on a fee study that includes the cost of land, cost of long-term land management, and administrative costs of the County and County-approved conservation organizations and natural resource agencies to administer the in-lieu fee program. The fee study, the proposed fee, and all associated LCP amendments shall be submitted to the Coastal Commission for certification. Once a permanent in-lieu fee is certified, it will be adjusted annually for inflation and used to process coastal development permits.

See Coastal Area Plan, Section 4.1.3, ESHA Program #5 – County Sponsored In-Lieu Fee Program.

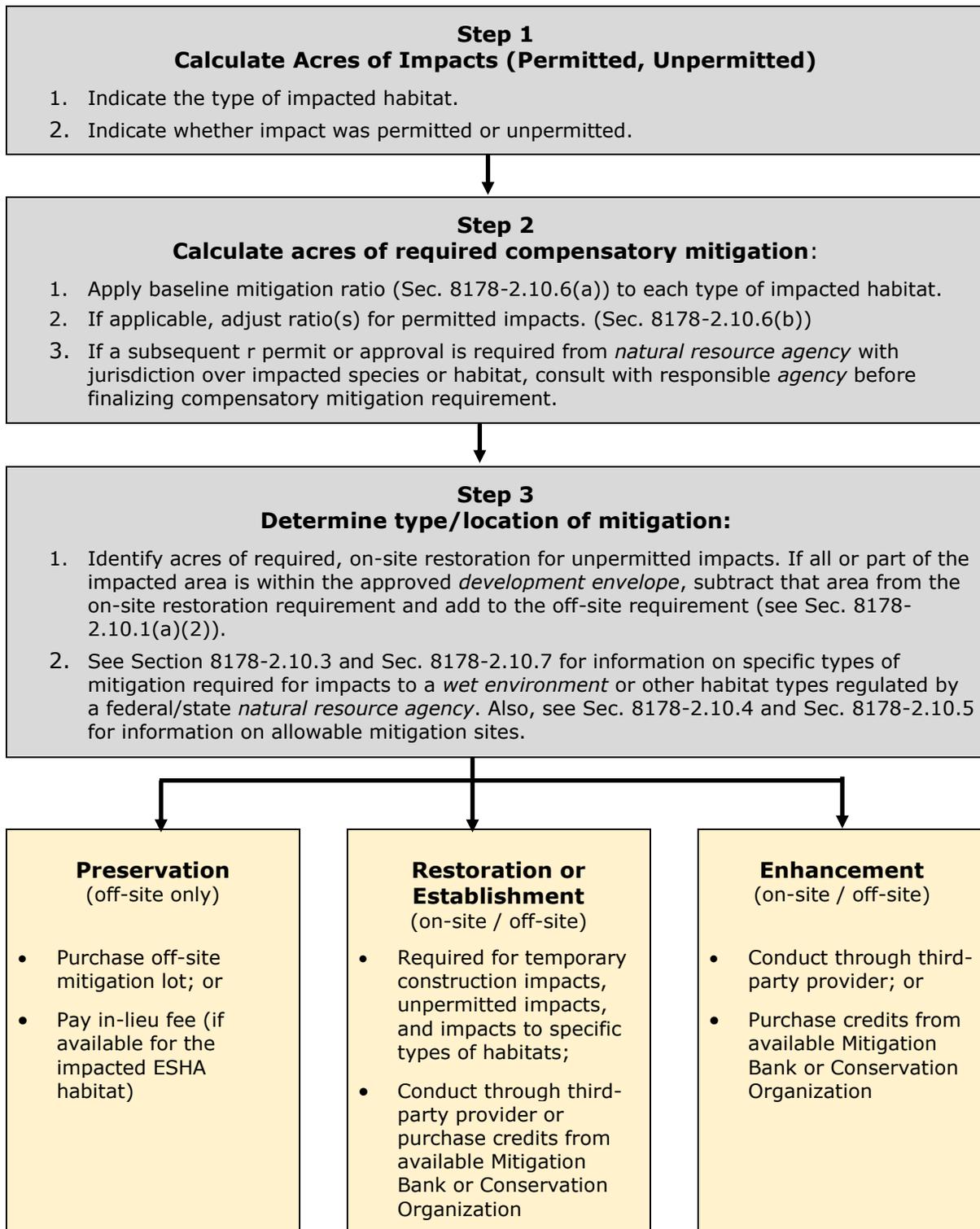
[Staff Explanation. The in-lieu fee program would provide funds to conservation organizations for the purchase and preservation of land. Groups such as the Santa Monica Mountains Conservancy will function act as third-party provider. Normally, in-lieu fees are based on a fee study conducted in accordance with state regulations to ensure that the fee provides the required level of mitigation (i.e., the same level as is required by the mitigation ratios). In this case, a fee study will be conducted for a permanent fee within five years of certification of the ESHA amendments. Alternately, Ventura County may be able to use the in-lieu fee study conducted by L.A. County for its permanent in-lieu fee, which is due to the Coastal Commission in 2019.

*Interim In-Lieu Fee: Ventura County is proposing an interim fee that **provides the same level of mitigation** as the interim in-lieu fee approved by the Coastal Commission for L.A. County. Adjustments were made to the L.A. County in-lieu fee for its use in Ventura County as follows:*

Adjustments:	Calculation	Comments
L.A. County in-lieu fee	\$15,500	In-lieu fee was approved in 2014 for a five-year period. L.A. County also guaranteed expenditure of \$2,000,000 of public funds.
• Inflation Adjustment (2014 to 2019)	\$17,113	An adjustment of 2% per year was added to the L.A. County in-lieu fee to account for inflation from 2014 to 2019 (the probable year of certification).
• Mitigation Ratio Adjustment	\$25,670	L.A. County uses a higher mitigation ratio (3:1) than Ventura County (2:1) for coastal sage scrub and chaparral. The adjustment will ensure the Ventura County fee results in the same level of mitigation as the L.A. County fee.
• Administrative Costs	\$26,953 Proposed Fee	A 5% administrative cost was added to cover County staff and third-party costs to administer the in-lieu fee program.

A fee study will be conducted to confirm that Ventura County’s in-lieu fee will result in the level of mitigation required by the LCP for impacts to Coastal sage scrub and chaparral.]

Figure 8178-2.11 – Illustrative Diagram of Compensatory Mitigation Requirements



Sec. 8178-2.10.9 – ESHA Mitigation Plan

Required compensatory mitigation measures for the proposed development shall be described within an ESHA Mitigation Plan that meets the standards established in Appendix E2. An ESHA Mitigation Plan shall provide a summary of the mitigation measures required to offset all impacts to ESHA. It must include project goals and objectives, performance standards and criteria, identification of mitigation sites, detailed implementation schedule, a contingency plan, a cost plan, and a description of the mechanisms proposed for the long-term preservation of the mitigation site. Additional components of an ESHA Mitigation Plan will be dependent on the mitigation approach required for individual projects, and will include one or more of the following components:

- a. Habitat Restoration Plan – This component is required for mitigation that includes habitat restoration, establishment, or enhancement as a compensatory measure. It must include a description of how a project will be coordinated, a project schedule, and plans for the plant palette, temporary irrigation system, weed eradication, erosion control, fencing. This document also includes a cost estimate for completing compensatory mitigation and other measures identified to ensure project success based on site-specific factors.
- b. Habitat Maintenance and Monitoring Plan – Provides a detailed description of the required activities during the five to seven-year maintenance and monitoring period (see Appendix E2) to help ensure the success of the Habitat Mitigation Plan. It must include performance standards, procedures for the periodic monitoring and implementation of corrective measures, and maintenance tasks used to ensure the continued viability of habitat mitigation requirements once initial construction is complete.
- c. Habitat Management Plan – This component is required for mitigation that includes habitat preservation as a compensatory mitigation measure. It must include documented proof that the mitigation property is protected in perpetuity.

Sec. 8178-2.11 – Processing Permits for Development in ESHA or Buffer Zone

Sec. 8178-2.11.1 – General Requirements

All discretionary permit applications shall be reviewed against all applicable LCP policies and standards, including but not limited to the Coastal Area Plan policies in Section 4.1.3 – Environmentally Sensitive Habitat Areas and the Coastal Zoning Ordinance regulations/standards in Section 8178-2 – Environmentally Sensitive Habitat Areas. Also, the conditions of approval for a coastal development permit shall be subject to the required findings in Sec. 8181-3.5.3 – Additional Findings for Development in ESHA or Buffer Zone.

Sec. 8178-2.11.2 – Coastal Development Permit Application Requirements

In addition to the information required by Sec. 8181-5 (Filing and Processing of Application Requests), the following information and documentation must be provided with all permit applications:

- a. Coastal Initial Study Biological Assessment (CISBA) – An assessment shall be submitted of the environmental resources on the project site, as well as adverse impacts to ESHA that would result from the proposed project. The CISBA shall include information needed to determine the type and amount of compensatory mitigation that is required to mitigate for unpermitted impacts and for unavoidable, permitted impacts to ESHA and buffer zones that would result from the proposed project. The CISBA shall meet the requirements of Sec. 8178-2.3(a) and Appendix E1 – Site Specific Environmental Assessments for ESHA.
- b. Least Damaging Alternatives Analysis – This submittal shall include graphic and written materials needed to demonstrate that the proposed project meets the standards established by Sec. 8178-2.3(b).
- c. Site Plan – The site plan shall, at a minimum, identify the location of the following: (1) on-site ESHA, wetlands, and their buffer zone(s); (2) existing development, including any unpermitted structures, grading and vegetation removal; (3) the proposed building site and development envelope with all proposed buildings, structures, service infrastructure, roads and fuel modification zones; (4) off-site development (e.g., access road(s), structures); and (5) off-site parks and open-space preserves that abut the lot.
- d. Written Summary – The written submittal shall address project siting and design methods used to avoid or minimize impacts on ESHA and buffer zones.
- e. Comparative Analysis for Land Divisions – For applications involving a land division (including lot mergers, lot line adjustments, ESHA preservation incentive), a comparative analysis shall be provided assessing the development potential for the original and the proposed lot configuration and a summary of unavoidable impacts to ESHA or buffer zone. See applicable sub-sections of Sec. 8178-2.9 for additional information.
- f. Emergency Permits for Tree Removal – When applicable, see Sec. 8178-7.5.4 – Emergency Tree Alteration or Removal for permitting requirements applicable to a Coastal Emergency Permit issued for a protected tree classified as ESHA.

The Planning Director or designee may require additional information and documentation if needed to determine compliance with the policies and standards of the LCP.

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

GEOLOGIC FORMATION	TYPE	GEOLOGIC AGE	PALEONTOLOGICAL IMPORTANCE
<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
Las Posas Formation	Qlp	Pleistocene	Moderate to High

GEOLOGIC FORMATION	TYPE	GEOLOGIC AGE	PALEONTOLOGICAL IMPORTANCE
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~~ classified as 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* (see Sec. 8178-2.4.1 – Definition of ESHA). Non-native, *invasive* trees shall not be classified as *ESHA* unless the tree meets the definition of ESHA in Sec. 8178-2.4.1.

- 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 ESHA mitigation plan or habitat restoration plan (Sec. 8178-2.10.9).

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. 8178-7.3.12.4.1 – Definition of ESHA. 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 to trees classified as *ESHA* 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. 8178-7.3.12.4.1 shall only be permitted when:
1. 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
 2. *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* and Sec. 8178-2.5.3 - Reasonable Economic Use); or
 3. *Removal* or *alteration* of the *tree* is a necessary component of an approved habitat restoration plan or *ESHA mitigation plan* (Sec. 8178-2.10.9).

Also, see Sec. 8178-2.7.8 - Monarch Butterfly Roosting Sites and Sec. 8178-2.7.7 - Breeding, Staging and Stopover Habitats for requirements associated with the permitted removal of Monarch butterfly aggregation sites.

- b. The *alteration* of a *protected tree* that is not classified as ESHA 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. A dead tree classified as ESHA shall not be removed unless it poses a hazard to persons or property that cannot be remedied through other means or alterations.

d. Timing:

1. Bird breeding and nesting - To safeguard *protected trees* that may provide habitat for breeding and nesting birds protected by the Fish and Game Code, the Bald and Golden Eagle Protection Act, 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.
 2. Monarch butterfly - To safeguard *protected trees* used as a *monarch butterfly overwintering site*, two roost surveys for such trees shall be conducted by a qualified biologist during the October – March period (see Appendix E1, Sec. AE-1.3.2(g)). Any discretionary action approved, pursuant to this section, for tree alteration or removal shall be conditioned to require a monarch butterfly survey.
- 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.

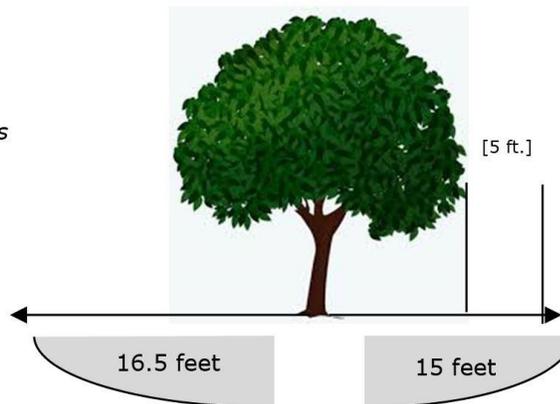
- a. The *tree protected zone* shall be calculated using one of the following methods. The calculation that provides the largest area of protection shall constitute the *tree protected zone*, and shall be depicted on a site plan.
 1. Draw a circle around the tree that is no less than 15 feet from the 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.

- b. For *trees with an active raptor nest, which are classified as ESHA*, 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.
- c. 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.
- d. 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.
- e. 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.
- f. 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.
- g. 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.
- h. Prior to earth disturbing activities, project construction standards and any additional recommendations in the approved Tree Protection, Planting, and Monitoring Plan or *ESHA mitigation plan*; (Sec. 8178-2.10.9) shall be implemented.

Also, see Sec. 8178-2.6.13(f) for standards to minimize invasive species in ESHA and *buffer zone*.

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). A *Planned Development Permit* is required for the *alteration, transplantation, or removal* of a *protected tree* classified as ESHA.

- 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 is required to *remove, alter, or transplant* a *protected tree* classified as ESHA. 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.
 6. For trees classified as ESHA, the permit findings shall include those provided in Sec. 8181-3.5.3 – Additional Findings for Development in ESHA or Buffer Zone.
- 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), except when such trees are classified as ESHA. 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, except when such trees are classified as ESHA*, 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 classified as or 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, and under such circumstances an Emergency Tree Removal Permit is required. 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 (e.g., fire, landslide, drought, disease or insect outbreaks), 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). If the emergency permit includes the alteration or removal of a protected tree classified as ESHA, then the following information shall be included with the permit:
 - 1. Two to four colored photographs of the affected tree. The photos shall be taken from different vantage points, clearly illustrate the reason for the request to remove or alter the tree, and should identify the tree's location relative to nearby vegetation or landmarks;

2. Site Sketch or Plan, drawn to scale with north arrow that shows the location and species name of the affected tree(s), including any benchmarks that identify the tree location; and
 3. A summary of the measures taken during the tree removal or alteration process to minimize adverse impacts on ESHA or ESHA buffer zones.
- 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. The *in-lieu fee* option, however, cannot be used as compensatory mitigation for *trees* classified as *ESHA* unless an in-lieu fee is established pursuant to Sec. 8178-2.10.8. 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. Trees classified as ESHA. Compensatory mitigation requirements for trees classified as ESHA shall be identified in accordance with Sec. 8178-2.10.6 – Mitigation Ratios, except when adverse impacts are limited to an individual tree that does not serve as habitat for special status species (e.g., monarch butterfly overwintering site). In such cases, compensatory mitigation shall be the same required for native trees (see Sec. 8178-7.6.1(b) below). For individual trees removed through a Coastal Emergency Permit, impacts shall be mitigated at a 1:1 ratio or as required by the standards in this Section.
- a**b.** *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*.
 1. 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.
 2. 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.
 3. 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*.

- bc. *Historic Trees*. Mitigation for the removal of a *historic tree* shall be determined by the Planning Director in consultation with the Cultural Heritage Board.
- ed. *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.
- de. *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.
- ef. *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:

Encroachment	Mitigation Ratio (Number of replacement trees required for every one tree impacted/removed)
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

- fg. *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* or ESHA mitigation 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*, an ESHA mitigation 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 Monarch Butterfly Survey

If tree alteration, transplantation, or removal occurs during the monarch butterfly overwintering season (October 1 through March 31), the Permittee shall provide a Monarch Butterfly Survey Report that conforms to the requirements of Sec. 8178-2.7.8 – Monarch Butterfly Roosting Sites and Sec. 8178-2.10.7 – Compensatory Mitigation for Specialized Habitats.

Sec. 8178-7.7.4.1.23 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. 8178-7.7.4.1.34 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.
- c. The preparation and implementation of a Monarch Overwintering Survey and report by a qualified biologist (see Appendix E2).

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, fire-resistant and 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 site 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 ESHA mitigation plan* (see Sec. 8178-2.10.9) and shall consist of locally-indigenous native plant species as recommended by a *qualified biologist*. Also, see standards in Sec. 8178-2.6.9.2 (landscaping in a fuel modification overlap zone) and Sec. 8178-2.6.13(f) (minimizing invasive species).

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.

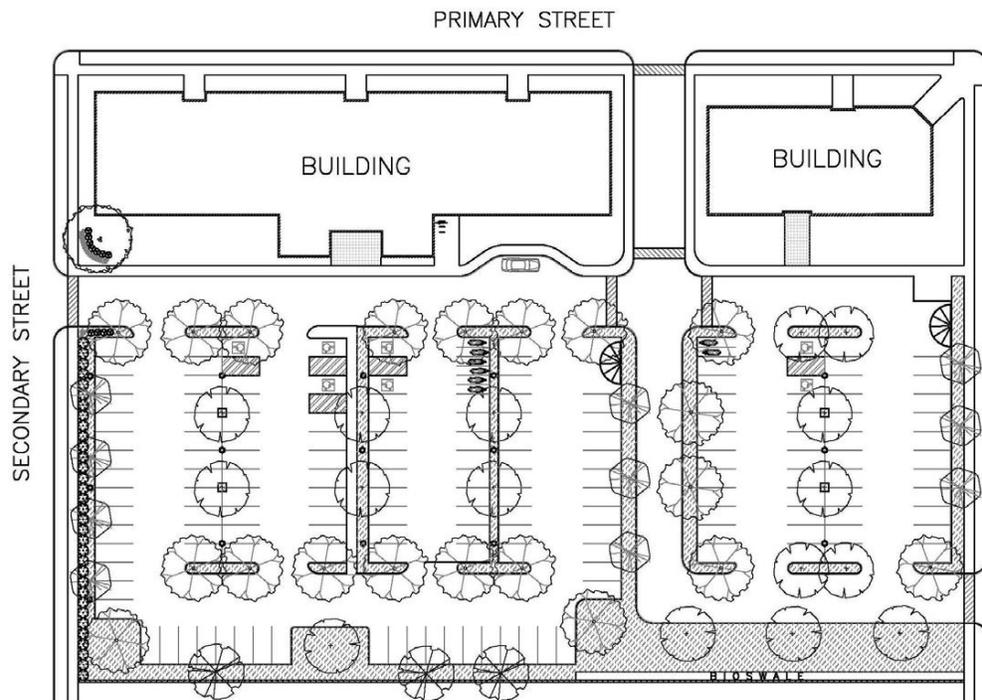
1. Where curbs around *landscape planters* function as wheel stops, plants and other landscape features in the outside two feet of these *planters* shall not extend more than two inches above the four inch curb or wheel stop.
2. Curbs adjacent to *landscape planters* may contain cuts or notches to allow 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.
 - f. No permanent irrigation systems shall be installed within 100 feet of ESHA.

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).

ARTICLE 9: ZONING MAPS

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

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*. A lot for which only a conditional certificate of compliance has been issued, pursuant to the Subdivision Map Act and County Subdivision Ordinance, is not a legal lot under the LCP, and no permit or entitlement shall be issued authorizing any use or development on such a lot.

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

[Staff Explanation: This section would be modified to clarify that permits cannot be issued for the development of an illegal subdivision, pursuant to the Coastal Act. See additional information under the staff explanation in Article 2, Definitions, for the term "legal lot".]

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)

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. (AM.ORD.4498-07/01/17)

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.
- e. Night lighting and noise levels are minimized and fencing is limited to the approved *development envelope*.

Sec. 8181-3.5.3 – Additional Findings for Development in ESHA or Buffer Zone

A *coastal development permit* that would authorize *development* in ESHA or an ESHA *buffer zone* may be granted or conditionally granted only if the decision-making body makes all of the following findings:

- a. Site-Specific ESHA Maps - The physical extent of habitat meeting the definition of ESHA and *buffer zone* on the project site is accurately mapped within the CISBA and is consistent with the LCP policies/standards.
- b. Allowable Use - Only resource-dependent uses are authorized in ESHA or *buffer zones*, except where a non-resource dependent use is allowed by the provisions of the LCP.

- c. Development in streams/rivers/wetlands - For all development allowed in streams/rivers or wetlands pursuant to Sec. 8178-2.5.1.1 or Sec. 8178-2.5.1.2, the project shall result in significant benefits to the public.
- d. Economically Beneficial Use - If a coastal development permit allows a deviation from a policy or standard of the LCP pursuant to Sec. 8178-2.5.3 - Economically Beneficial Use, the following findings are required:
1. The proposed use is consistent with the applicable zoning;
 2. The development is the minimum necessary and is consistent with all provisions of the certified LCP, other than the provisions for which the economically beneficial use exception is requested;
 3. The project is sited and designed to avoid or minimize impacts on ESHA, to the maximum extent feasible, and the project represents the least environmentally damaging alternative;
 4. New disturbance or loss of ESHA will not occur that conflicts with the ESHA policies of the LCP (subsection (i)(3) below);
 5. The maximum allowable building site is consistent with the provisions of Sec. 8178-2.6.2, including any adjustments required pursuant to Sec. 8178-2.6.2.2.
 6. If an Economically Viable Use Determination request was submitted by the project applicant (see Appendix E2, Sec. AE-2.3 - Economically Viable Use Determination), the following findings are required:
 - The project size, design and siting are the minimum necessary to avoid a taking;
 - Based on the economic information provided by the applicant, as well as any other relevant evidence, each use allowed by the LCP policies and/or standards would not provide an economically viable use of the applicant's property, and the application of such policies and/or standards would unreasonably interfere with the applicant's investment-backed expectations; and
 - The proposed development will not be a public nuisance or violate other "background principles of the state's law of property," as that phrase was used in the U.S. Supreme Court's decision in Lucas v. South Carolina Coastal Council, 505 U.S. 1003, 1028-30 (e.g., public trust doctrine). If it would violate any such background principle of property law, the development shall be denied.
- e. Public Facilities - For Public Works Facilities allowed in ESHA or buffer zones, the project is limited to the minimum necessary to accommodate development allowed by the LCP and/or the project results in significant benefits to the public.
- f. Compensatory Mitigation - All adverse negative impacts on ESHA resulting from the development were mitigated in accordance with the provisions of Sec. 8178-2.10, all required financial assurances were provided, and development restrictions (see subsection (h) were provided for land used as compensatory mitigation. Also, the use of off-site mitigation lots is consistent with the location and environmental standards in Sec. 8178-2.10.4 and Sec. 8178-2.10.5.

- g. Fuel Modification Overlap Zone – If the width of a fuel modification overlap zone exceeds 100 feet, written findings were provided by the County’s Fire Protection District.
- h. Development Restrictions:
 - 1. Compensatory Mitigation – All on-site and off-site areas subject to compensatory mitigation will be preserved in perpetuity through a conservation easement, conveyance of the entire lot to a natural resource agency or County-approved conservation organization and preserved through a deed restriction.
 - 2. ESHA, Buffer Zones and Steep Slopes – Except for areas used as compensatory mitigation, all areas outside the development envelope that are identified on the site-specific ESHA map as ESHA, buffer zone, or slopes over 30 percent gradient will be permanently maintained in their natural state through a conservation instrument.
 - 3. Economically Beneficial Use – For permits issued to allow development of a lot pursuant to the economically beneficial use provisions in Sec. 8178-2.5.3, a conservation instrument was used to prohibit further disturbance or loss of ESHA on the legal lot that conflicts with the ESHA policies or standards of the LCP.
- i. Land Divisions – For a lot that contains ESHA or buffer zone, substantial evidence was provided that demonstrates that the land division will not result in new, adverse impacts to ESHA, including those that could occur due to economically beneficial use of the property.
- j. ESHA Preservation Incentive – If a coastal development permit is being granted pursuant to an ESHA preservation incentive, then the proposed project will not result in greater impacts to ESHA and will not increase the loss of high value habitat when compared to the development that could occur without use of the incentive.
- k. Lots Subject to Near Term Conveyance – If the subject property, or a portion thereof, is subject to a binding contract and will be conveyed, within 180 days or less, to a natural resource agency or conservation organization for conservation, then the County received written notice that the responsible agency or organization to which the property will be conveyed approves of the development.

[Staff Explanation: The findings above were developed for ESHA and buffer zones, as general findings for a PDP do not cover specific issues relevant to ESHA. These findings are directly linked to regulations in Section 8178-2 of the LCP.]

(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.
 6. For emergency tree alteration or removal of an ESHA tree, the information required by the provisions in Sec. 8178-7.5.4 - Emergency Tree Alteration or Removal.
- 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.

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. (AM.ORD.4498-07/01/17)

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)

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. (AM.ORD.4498-07/01/17)

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

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)

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.] (AM.ORD.4498-07/01/17)

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

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. (AM.ORD.4498-07/01/17)

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.4498-07/01/17)

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. (AM.ORD.4498-07/01/17)

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. (AM.ORD.4498-07/01/17)

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.

(AM.ORD.4498-07/01/17)

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. 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.

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.

(AM.ORD.4498-07/01/17)

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)

ARTICLE 14:

AMENDMENT TO THE LOCAL COASTAL PROGRAM

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

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.

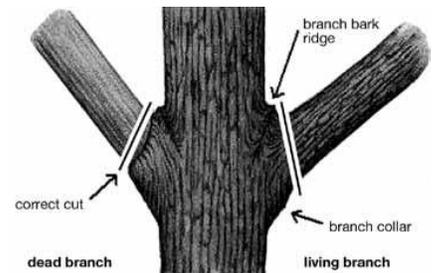
A.5.2 Size of Pruning Cuts

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:

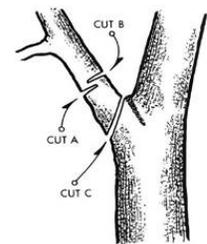
- a. Under two inches in *diameter* – safe to prune.
- b. Between two and four inches in *diameter* – think twice.
- c. Greater than four inches in *diameter* – have a good reason. A *qualified tree consultant* shall be consulted to provide justification in writing that removing a *protected tree's* 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.

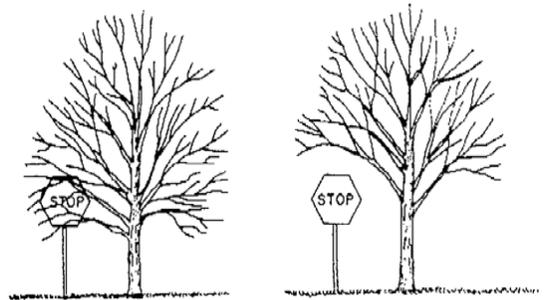
A.5.6 General Standards

- 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.5.7 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:

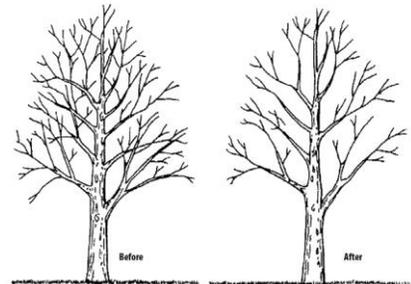
- a. Lower limbs on young trees should remain as long as possible to create and maintain trunk taper and develop a strong trunk.
- b. Shorten low branches regularly and suppress their growth to force more growth in upper branches. The shortened branches can be removed later to raise the crown as needed.
- 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.5.8 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.

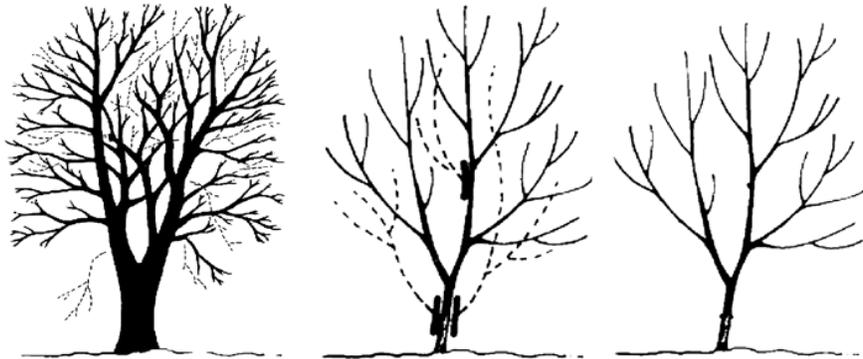


A.5.9 Tree Crown Thinning

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.



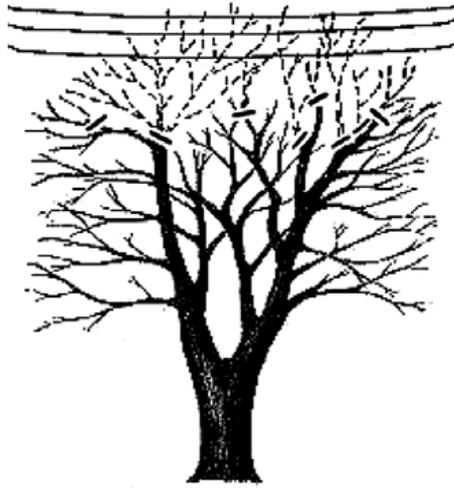
A.5.10 Tree Crown Reduction

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.

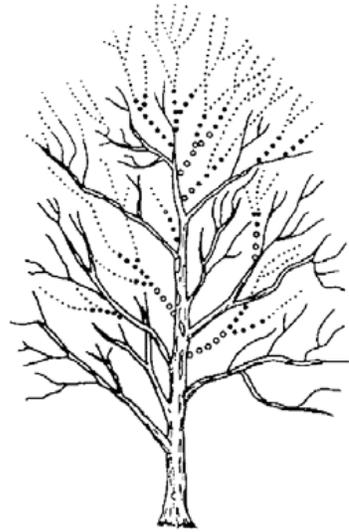
A.5.11 Tree Topping

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.5.12 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*.

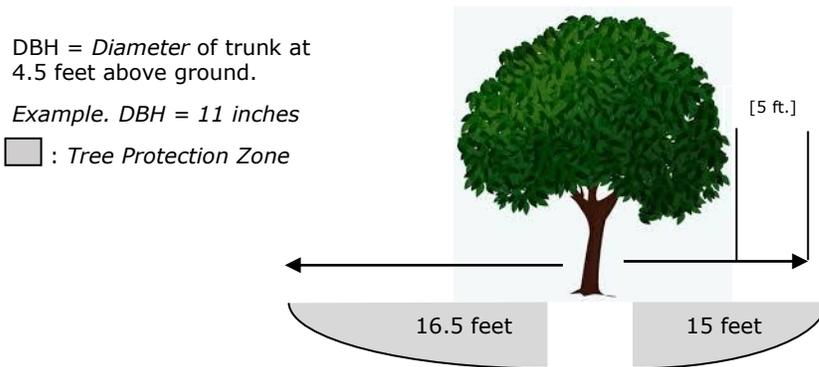


A.8 Tree Root Alteration

- 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*



- 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 (<i>Cornus</i>)	Mediterranean Fan Palm (<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>)

Table 3: Invasive Trees	
Acacia (<i>Acacia decurrens</i> , <i>A. dealdata</i> , <i>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</i> L.; <i>nigra</i> L. var. <i>italic</i>)
Chinese & Siberian Elm (<i>Ulmus parvifolia</i> Jacquin; <i>pumila</i>)	Weeping Bottle Brush (<i>Callistemon viminalis</i>)
English Walnut (<i>Juglans regia</i>)	White Mulberry (<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_o) 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)		
			ETWU Total						
			Maximum Allowed Water Allowance (MAWA)						

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

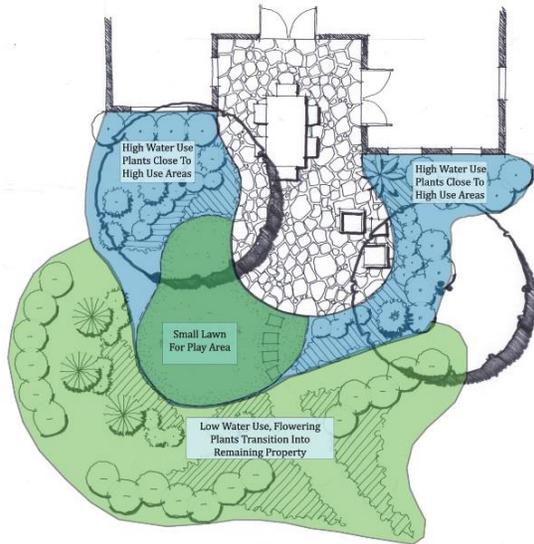
Total ETAF X Area	(B + D)
Total Area	(A + C)
AVERAGE ETAF	$(B + D) \div (A + C)$

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 Factor²⁴: 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

²⁴ 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)

$$ETWU = ETo \times 0.62 \times ETAF \times Area$$

$$\text{HA \#1: } (43.5) \times (0.62) \times (0.67) \times (100) \\ [26.97] \times [67] = 1,807$$

$$\text{HA \#2: } (43.5) \times (0.62) \times (0.87) \times (100) \\ [26.97] \times [87] = 2,346$$

$$\text{HA \#3: } (43.5) \times (0.62) \times (0.61) \times (100) \\ [26.97] \times [61] = 1,645$$

$$\text{HA \#4: } (43.5) \times (0.62) \times (0.37) \times (350) \\ [26.97] \times [130] = 3,506$$

$$\text{HA \#5: } (43.5) \times (0.62) \times (0.24) \times (350) \\ [26.97] \times [84] = 2,265$$

ETWU = 11,569 gallons per year

Compare ETWU with MAWA.

$$MAWA = 14,834 \text{ gallons per year}$$

$$ETWU = 11,569 \text{ gallons per year}$$

- ★ 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.

Table 1 Invasive Plant List	
Scientific Name	Common Name
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
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

**Table 1
Invasive Plant List**

Scientific Name	Common Name
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
Centaurea maculosa	Spotted knapweed
Centaurea melitensis	Malta starthistle, tocalote
Centaurea solstitialis	Yellow starthistle
Centaurea virgata ssp. squarrosa	Squarrose knapweed
Chondrilla juncea	Rush skeletonweed
Chrysanthemum coronarium	Crown daisy
Cirsium arvense	Canada thistle
Cirsium vulgare	Bull thistle
Conicosia pugioniformis	Narrowleaf iceplant
Conium maculatum	Poison-hemlock
Cordyline australis	Giant dracaena, New Zealand cabbage tree
Cortaderia jubata	Jubatagrass
Cortaderia selloana	Pampasgrass
Cotoneaster franchetii	Orange cotoneaster
Cotoneaster lacteus	Parney's cotoneaster
Cotoneaster pannosus	Silverleaf cotoneaster
Cotula coronopifolia	Brassbuttons
Crataegus monogyna	Hawthorn
Crocsmia x crocosmiiflora	Montbretia
Crupina vulgaris	Common crupina, bearded creeper
Cynara cardunculus	Artichoke thistle
Cynodon dactylon	Bermudagrass
Cynoglossum officinale	Houndstongue

**Table 1
Invasive Plant List**

Scientific Name	Common Name
<i>Cynosurus echinatus</i>	Hedgehog dogtailgrass
<i>Cytisus scoparius</i>	Scotch broom
<i>Cytisus striatus</i>	Portuguese broom
<i>Dactylis glomerata</i>	Orchardgrass
<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
<i>Geranium dissectum</i>	Cutleaf geranium
<i>Glyceria declinata</i>	Waxy mannagrass
<i>Halogeton glomeratus</i>	Halogeton
<i>Hedera helix</i> , <i>H. canariensis</i>	English ivy, Algerian ivy
<i>Helichrysum petiolare</i>	Licoriceplant
<i>Hirschfeldia incana</i>	Shortpod mustard, summer mustard
<i>Holcus lanatus</i>	Common velvet grass
<i>Hordeum marinum</i> , <i>H. murinum</i>	Mediterranean barley, hare barley, wall barley
<i>Hydrilla verticillata</i>	Hydrilla

**Table 1
Invasive Plant List**

Scientific Name	Common Name
<i>Hypericum canariense</i>	Canary Island hypericum
<i>Hypericum perforatum</i>	Common St. John's wort, klamathweed
<i>Hypochaeris glabra</i>	Smooth catsear
<i>Hypochaeris radicata</i>	Rough catsear, hairy dandelion
<i>Ilex aquifolium</i>	English holly
<i>Iris pseudacorus</i>	Yellowflag iris
<i>Isatis tinctoria</i>	Dyer's woad
<i>Kochia scoparia</i>	Kochia
<i>Lepidium latifolium</i>	Perennial pepperweed, tall whitetop
<i>Leucanthemum vulgare</i>	Ox-eye daisy
<i>Limnobiium laevigatum</i>	South American spongeplant
<i>Limonium ramosissimum</i> ssp. <i>provinciale</i>	Algerian sea lavender
<i>Linaria genistifolia</i> ssp. <i>dalmatica</i>	Dalmation toadflax
<i>Linaria vulgaris</i>	Yellow toadflax, butter and eggs
<i>Lobularia maritima</i>	Sweet alyssum
<i>Lolium multiflorum</i>	Italian ryegrass
<i>Ludwigia hexapetala</i>	Uruguay water-primrose
<i>Ludwigia peploides</i> ssp. <i>montevidensis</i>	Creeping water-primrose
<i>Lythrum hyssopifolium</i>	Hyssop loosestrife
<i>Lythrum salicaria</i>	Purple loosestrife
<i>Marrubium vulgare</i>	White horehound
<i>Medicago polymorpha</i>	California burclover
<i>Mentha pulegium</i>	Pennyroyal
<i>Mesembryanthemum crystallinum</i>	Crystalline iceplant
<i>Myoporum laetum</i>	Myoporum
<i>Myosotis latifolia</i>	Common forget-me-not
<i>Myriophyllum aquaticum</i>	Parrotfeather
<i>Myriophyllum spicatum</i>	Eurasian watermilfoil
<i>Nicotiana glauca</i>	Tree tobacco
<i>Olea europaea</i>	Olive
<i>Ononis alopecuroides</i>	Foxtail restharrow
<i>Onopordum acanthium</i>	Scotch thistle
<i>Oxalis pes-caprae</i>	Bermuda buttercup, buttercup oxalis, yellow oxalis
<i>Parentucellia viscosa</i>	Yellow glandweed, sticky parentucellia
<i>Pennisetum clandestinum</i>	Kikuyugrass
<i>Pennisetum setaceum</i>	Crimson fountaingrass
<i>Phalaris aquatica</i>	Hardinggrass
<i>Phoenix canariensis</i>	Canary Island date palm
<i>Phytolacca americana</i>	Common pokeweed

**Table 1
Invasive Plant List**

Scientific Name	Common Name
Picris echioides	Bristly oxtongue
Piptatherum miliaceum	Smilgrass
Plantago lanceolata	Buckhorn plantain, English plantain
Poa pratensis	Kentucky bluegrass
Polygonum cuspidatum	Japanese knotweed
Polygonum sachalinense	Sakhalin knotweed
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
Sinapis arvensis	Wild mustard, charlock
Sisymbrium irio	London rocket
Spartina alterniflora (and S. alterniflora x foliosa hybrids)	Smooth cordgrass and hybrids, Atlantic cordgrass
Spartina anglica	Common cordgrass
Spartina densiflora	Dense-flowered cordgrass
Spartina patens	Saltmeadow cord grass

**Table 1
Invasive Plant List**

Scientific Name	Common Name
Spartium junceum	Spanish broom
Stipa capensis	Mediterranean steppegrass, twisted-awned speargrass
Stipa manicata	tropical needlegrass
Taeniatherum caput-medusae	Medusahead
Tamarix aphylla	Athel tamarisk
Tamarix parviflora	Smallflower tamarisk
Tamarix ramosissima	Saltcedar, tamarisk
Tanacetum vulgare	Common tansy
Tetragonia tetragonioides	New Zealand spinach
Torilis arvensis	Hedgeparsley
Trifolium hirtum	Rose clover
Ulex europaeus	Gorse
Undaria pinnatifida	Wakame
Verbascum thapsus	Common mullein, woolly mullein
Vinca major	Big periwinkle
Vulpia myuros	Rattail fescue
Washingtonia robusta	Mexican fan palm
Watsonia meriana	Bulbil watsonia
Zantedeschia aethiopica	Calla lily
Zostera japonica	Dwarf eelgrass

Appendix E1

Site-Specific Environmental Assessments for ESHA

SEC. AE-1.1 PURPOSE AND CONTENT

This section provides the requirements for a site-specific environmental assessment in the Ventura County coastal zone, as required by Coastal Zoning Ordinance (CZO) Sec. 8178-2.3 – Environmental Reviews. Site-specific assessments include a site-specific map of all Environmentally Sensitive Habitat Areas (ESHA), which are used in conjunction with the standards provided by CZO Sec. 8178-2.4 – ESHA and Buffer Zone Determination. A site-specific assessment also includes an analysis of all potentially adverse *direct, indirect, and cumulative* impacts on ESHA resources. Such assessments are prepared on a case-by-case basis based upon site-specific evidence provided by a biological report called a Coastal Initial Study Biological Assessment (CISBA). The CISBA provides the analysis required for the biological section of an environmental (CEQA) document.

The first section of this appendix contains information on ESHA determinations/mapping, while the second section contains detailed information on the required contents of a CISBA. Information within these two sections is organized as follows:

AE-1.2 ESHA Determinations:

- AE-1.2.1 – Factors Used for ESHA Determinations
- AE-1.2.2 – Additional Factors for ESHA Determinations
- AE-1.2.3 – Habitat Categories Classified as ESHA

AE-1.3 Guidelines for Coastal Initial Study Biological Assessments (CISBA):

- AE-1.3.1 – General Requirements
- AE-1.3.2 – Required Content of CISBA Components
- AE-1.3.2 – Summary of CISBA Data and Maps

SEC. AE-1.2 ESHA DETERMINATIONS

Sec. AE-1.2.1 – Factors Used for ESHA Determinations

This Section provides background information on the three factors used for ESHA determinations. ESHA is defined as “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 degraded by human activities and developments” (Public Resources Code §30107.5). As such, a determination regarding the classification of a habitat or species as ESHA includes an evaluation of the following three elements:

- (1) The presence of species or habitats that are rare; or
- (2) The presence of species or habitats that are especially valuable; and
- (3) The sensitivity of the species or habitat to human introduced disturbance or degradation.

To be considered ESHA, the habitat or species only needs to meet one of the first two criteria (1 or 2) above. In all cases, the third criteria (3) must be met for the habitat or species to be considered ESHA.

Criteria 1 - Rare habitat/species: The first test is to determine the presence of a habitat or a species that is rare. The categories listed below represent types of rare habitats and habitats that support rare plant/animal species:

- a. Rare Plant Communities. Plant communities ranked G1 or S1 (critically imperiled globally or sub-nationally [state]), G2 or S2 (imperiled), or G3 or S3 (vulnerable to extirpation or extinction) by the California Department of Fish and Wildlife's (CDFW) Natural Diversity Database (CNDDDB, Vegetation Classification and Mapping Program, List of California Vegetation Alliances, as amended) and by NatureServe's Natural Heritage Program. Native communities are defined based on the general habitat descriptions in "Preliminary Descriptions of the Terrestrial Natural Communities of California" (Holland 1986) and the more detailed membership rules laid out in "A Manual of California Vegetation", second edition (Sawyer, Keeler-Wolf, Evens, 2009) or the most recent version.
- b. Habitat Areas that Support Rare/Plant and Animal Species. Native plant and animal species ranked G1 or S1 (critically imperiled globally, sub-nationally, or statewide), G2 or S2 (imperiled), or G3 or S3 (vulnerable to extirpation or extinction) by the CDFW CNDDDB. Species listed as endangered, threatened, or rare under the Federal or State Endangered Species Acts, Candidate Federal or State endangered, threatened, or rare species, California Fully Protected Species, California Species of Special Concern, or any species for which there is compelling evidence of rarity and, pursuant to CEQA Guidelines Section 15380(d). Plant species with a California Rare Plant Rank of 1 (plants presumed extinct in California, or rare, threatened, or endangered in California and elsewhere), 2 (plants that are rare, threatened, or endangered in California but more common elsewhere) (California Native Plant Society (CNPS) "1B", "2A", and "2B" listed plant species).
- c. US Fish and Wildlife Service (USFWS) Critical Habitat. For critical habitat to be designated as ESHA, designated critical habitat is or was historically occupied by the species and the critical habitat retains the functions of the primary constituent elements of its designation. When a critical habitat area is designated for a federally listed species, the physical or biological features that qualify the habitat as essential for the species recovery and survival are posted within the rule within the Federal Register announcement.

Criteria 2 - Valuable habitat/species: The second test is to determine the presence of a species or habitat that is especially valuable because of its special nature or role in an ecosystem. Areas may be valuable because of their "special nature", such as being an unusually pristine example of a habitat type, containing an unusual mix of species, supporting species at the edge of their range, or containing species with extreme variation. Examples of habitats or species that are valuable because of their "special nature" can include, but are not limited to, the following: plants/animals on the County's Locally Important Species List; all other species tracked by the CNDDDB, which are considered to be those species of greatest conservation concern; or plant species with a California Rare Plant Rank of 4 (plants of limited distribution in California). Species tracked by the CNDDDB are listed in CDFW's lists of Special Plants and Special Animals.

Habitats or species may also be considered valuable because of their special "role in the ecosystem" because they provide habitat for endangered species, protect water quality, provide essential corridors linking one sensitive habitat to another, or provide critical ecological linkages, such as the provision of pollinators or crucial trophic connections. Below is a list of ecological functions, each followed by a series of questions intended to assist the qualified biologist when assessing whether the plant community serves "a special role in the ecosystem" through one (or more) of the following functions:

- a. The plant community within the polygon is connected to other natural plant communities such that wildlife can move from the plant community within the polygon to other plant communities nearby for foraging, breeding, migration, or dispersal of offspring. Alternately, the plant community polygon is itself a large contiguous area such that wildlife can move within the plant community for foraging, breeding, migration, or dispersal of offspring; or
- b. The plant community within the polygon performs one or more of the following ecological functions that sustain the ESHA ecosystem:
 1. The plant community provides a buffer for riparian, wetland, or other wet environment habitats; or
 2. The plant community provides foraging, denning/nesting, or moving/migrating habitat for native wildlife; or
 3. The plant community provides habitat and linkages for pollinators²⁵; or
 4. The plant community provides habitat and conditions for abiotic and/or biotic seed dispersal of native plant species, supporting a self-sustaining community capable of natural regeneration.

Criteria 3 – Sensitivity: The third test is to determine whether the species or habitat is easily disturbed or degraded by human activities or development. Due to the historic record of adverse impacts to native plants, animals, and natural communities caused by the urbanization of coastal California, the Coastal Commission has concluded that the third test is met for rare or especially valuable species and habitats, which are in danger of direct loss or significant degradation due to human activities and development.

Sec. AE-1.2.2 - Additional Factors for ESHA Determinations

Four additional circumstances can affect ESHA determinations:

- a. **Existing, Legally Established Development.** Areas occupied by existing, legally established development (e.g., structures, roadways, grading, vegetation removal authorized by a coastal development permit) are not defined as ESHA. Additionally, 100 feet of fuel modification from structures (or as specified by the permit) is part of the existing development.

²⁵ Ecological functions (d) and (e) come from the following reference: Brigham, C. 2007. Managing rare plants at the wildland urban interface: An example from the Santa Monica Mountains and the Simi Hills. In *Flora and ecology of the Santa Monica Mountains: Proceedings of the 32nd annual Southern California Botanists symposium*, ed. D.A. Knapp, 1-17. Southern California Botanists Special Publication No. 4, Fullerton, CA.

b. **Unauthorized Development.** When native vegetation or other biological resources are removed, degraded or disturbed in a manner that does not conform with applicable laws, those areas must be evaluated as if the degradation/disturbance had not occurred. If the disturbed area was considered ESHA prior to the unauthorized removal/disturbance, then the area is still considered ESHA. To determine whether development was authorized, the applicant shall provide evidence that all existing development on a parcel, including grading and vegetation removal, was either:

1. Authorized through an approved Coastal Development Permit; or
2. Carried out prior to the effective date of the Coastal Act (January 1, 1977), in conformity with all applicable local laws in effect at the time.

If the applicant does provide such evidence, then the area of ESHA removal/degradation is not considered ESHA. Without such evidence, the area is considered unauthorized development.

c. **Natural Disaster.** Habitat removed/degraded by natural disaster (e.g., landslide, flooding, drought, disease, insect infestations, wildfire) that met the definition of ESHA before the natural disaster shall be afforded the protections of ESHA (see CZO Sec. 8178-2.4.2 – ESHA Determinations). Also, areas subject to the minimal fuel modification measures that are required in riparian or woodland habitats meet the definition of ESHA (see CZO Sec. 8178-2.6.9.2(d) – Landscaping in a Fuel Modification Zone). An exception to this provision may be provided for an ESHA habitat that was permanently destroyed by a natural disaster, in accordance with CZO Sec. 8178-2.4.2(b), provided that such determinations meet all the following standards:

1. The Planning Staff Biologist finds that the habitat no longer meets the definition of ESHA. Such determinations shall be supported by substantial evidence prepared by a qualified biologist in accordance with Sec. AE-1.2.1 – ESHA Determinations. If the destruction of one ESHA habitat led to its replacement by another ESHA habitat, the area shall remain classified as ESHA. For example, if an ESHA coastal sage scrub habitat was replaced by an ESHA grassland habitat, the area shall remain classified as ESHA; and
2. The Planning Staff Biologist finds that 15 or more years passed since the most recent natural disaster (with no intervening natural disaster events). For all areas cleared of native vegetation that contain ruderal vegetation (or bare ground), historical aerial imagery shall be reviewed, and a determination shall be made that the ESHA was destroyed by natural disaster unaided by human intervention. A description of the natural disaster(s) shall be provided in conformance with Sec. AE-1.3.2(h) – Site-Specific ESHA/Buffer Zone Map and Sec. AE-1.3.3(c) – Summary of CISBA Maps and Data; and
3. All modifications to the ESHA map must be approved by the decision-making body for the coastal development permit and shall be conducted in accordance with standards in Sec. AE-1.3.2 – Field Surveys and Maps, Sec. AE-1.2.3 – Habitat Categories Classified as ESHA, and Sec. AE-1.2.1 – Factors Used in ESHA Determinations.

Sec. AE-1.2.3 Habitat Categories Classified as ESHA²⁶

A comprehensive list of the habitat groups classified as ESHA in the Ventura County coastal zone is in CZO Sec. 8178-2.3.1 – Definition of ESHA. Additional information on many of the habitat groups classified as ESHA is provided below:

- a. **Coastal Bluff Habitats** – Coastal bluff habitats are found in the northern and southern portion of the County’s coastal zone. They are characterized by cliff faces (with at least 10 feet of vertical relief) whose toe is or was subject to marine erosion. The vegetative community (referred to as coastal bluff scrub) includes California bush sunflower (*Encelia californica*) and giant coreopsis (*Leptosyne gigantea*) and several succulent species, including localized forms of more widespread species (e.g., prostrate goldenbush, (*Isocoma menziesii* vars.), as well as a mixture of coastal cactus scrub types including but not limited to, prickly pear (*Opuntia* spp.), our lord’s candle (*Hesperoyucca whipplei*) and live-forevers (*Dudleya* species)).
- b. **Coastal Dune Habitats** – Coastal sand dune systems occur in areas with actively shifting sand that is associated with the immediate coastal environment. Moving landward from the shore, dunes become stabilized by vegetation communities characterized by distinct species. In Article 2, a *dune habitat* is defined as follows:

A fragile habitat that contains accumulations of sand in ridges, hummocks, or mounds, which typically support native and non-native species of vegetation located landward of the sea.

The foredune habitat that is closest to the sea, is most exposed to onshore winds and salt spray and is typically characterized by species such as beach bur (*Ambrosia chamissonis*), beach saltbush (*Atriplex leucophylla*), sand verbena (*Abronia umbellata*), red sand-verbena (*Abronia maritima*), beach morning glory (*Calystegia soldanella*), beach evening-primrose (*Camissoniopsis cheiranthifolia*, as *Camissonia cheiranthifolia*), and salt grass (*Distichlis spicata*) with few other species. Interdune and back dune (dune scrub) vegetation communities are characterized by species such as California croton (*Croton californicus*), California mock heather (*Ericameria ericoides*), Menzies’ goldenbush (*Isocoma menziesii*), etc. Non-natives plants brought to stabilize dunes and change dune formation patterns include European beach grass (*Ammophila arenaria*), and iceplant (*Carpobrotus* spp).

- c. **Coastal Sage Scrub and Chaparral (Santa Monica Mountains).** Coastal sage scrub and chaparral (CSS/chaparral) may be defined as ESHA because the plant community qualifies as a *special status species* (e.g. the rarity ranking is S1-S3 or G1-G3, see CZO Sec. 8178-2.4.1(j)). Also, in 2003, the California Coastal Commission found that “large contiguous areas of relatively pristine native habitat in the Santa Monica Mountains meet the definition of ESHA under the Coastal Act”. The result of the Commission’s action is that most areas that contain *coastal sage scrub* (CSS) and *chaparral* are now classified as ESHA within the Santa Monica

²⁶ A comprehensive list of the habitat groups classified as ESHA in the Ventura County coastal zone is located in Sec. 8178-2.3.1 – Definition of ESHA. Also, Sec. 8178-2.7- Definitions provides additional information on specific coastal habitats.

Mountains. This habitat is described in a March 25, 2003 memorandum from the Commission²⁷ as follows:

Coastal Sage Scrub / Chaparral – Coastal sage scrub is characterized primarily by aromatic drought-deciduous shrubs such as California sagebrush (*Artemisia californica*), California buckwheat (*Eriogonum fasciculatum*), California sunflower (*Encelia californicus*), laurel sumac (*Malosma laurina*), and black (*Salvia mellifera*) and purple sage (*Salvia leucophylla*) and provides important habitat for wildlife. This community has been substantially reduced from its historical extent due to development, with approximately 15% remaining in California. Chaparral is dominated by deep-rooted evergreen shrubs such as chamise (*Adenostoma fasciculatum*), redshank (*Tringa totanus*), manzanita (*Arctostaphylos* spp.), and ceanothus (*Ceanothus* spp.). While still relatively common, chaparral habitats serve a wide variety of essential ecosystem roles in the Santa Monica Mountains.

Within Ventura County's portion of the Santa Monica Mountains, coastal sage scrub or chaparral communities that are not classified as a special status species are defined as ESHA if the habitat meets all the following criteria:

1. The plant community within the polygon is an association (as defined in the Manual of California Vegetation) in which the dominant, co-dominant, or characteristic plants are native chaparral or coastal sage scrub species; and
2. The plant community within the polygon is connected to other natural plant communities such that wildlife can move from the plant community within the polygon to other plant communities nearby for foraging, breeding, migration, or dispersal of offspring. Alternately, the plant community polygon is itself a large contiguous area such that wildlife can move within the plant community for foraging, breeding, migration, or dispersal of offspring; and
3. The plant community within the polygon performs one or more of the following ecological functions that sustain the Santa Monica Mountains ecosystem:
 - i. The plant community provides a buffer for riparian, wetland, or other wet environment habitats; or
 - ii. The plant community provides foraging, denning/nesting, or moving/migrating habitat for native wildlife; or
 - iii. The plant community provides habitat and linkages for pollinators²⁸; or
 - iv. The plant community provides habitat and conditions for abiotic and/or biotic seed dispersal of native plant species, supporting a self-sustaining community capable of natural regeneration.

See Sec. AE-1.2.1 (Criteria 2) for questions associated with the items listed in subsection (3) above.

²⁷ See memorandum to Ventura Staff from John Dixon, 2003 (California Coastal Commission): Designation of ESHA in the Santa Monica Mountains. March 25, 2003.

²⁸ Ecological functions (iii) and (iv) come from the following reference: Brigham, C. 2007. Managing rare plants at the wildland urban interface: An example from the Santa Monica Mountains and the Simi Hills. In *Flora and ecology of the Santa Monica Mountains: Proceedings of the 32nd annual Southern California Botanists Symposium*, ed. D.A. Knapp, 1-17. Southern California Botanists Special Publication No. 4, Fullerton, CA.

d. **Habitat Connectivity Corridors.** *A habitat connectivity corridor is an area of contiguous natural habitats of sufficient width to facilitate the movement, migration, foraging, breeding, and dispersal of multiple animal or plant species between two or more core habitat areas. These areas provide important ecological functions such as seed and wildlife dispersal or pollination, a connection for species with limited mobility to other wildlife sub-populations, and escape routes for species during a wildfire or drought conditions. Habitat connectivity corridors are defined at regional and local planning scales as follows:*

1. **Regional Corridors (Regional Habitat Linkages)**– Regional scale corridors link large protected core habitats across the Counties of Ventura, Los Angeles, Santa Barbara, and Kern. The two regional-scale corridors in the coastal zone are the Ventura River and the Santa Clara River. These corridors contain large, relatively intact vegetation communities that link remaining undeveloped coastal areas to large protected core habitats in the Los Padres National Forest and the Sierra Madre Mountain Range. These two regional corridors are necessary to the long-term health of remaining core habitat areas in the coastal zone.

Regional Corridor Width: The geographic extent of a regional corridor shall be based on: (i) regional maps adopted by the Board of Supervisors; or (ii) the combination of the wet environment and its buffer zone, whichever is greater.

2. **Local Corridors** – The local habitat connectivity corridor is a smaller-scale linear area that contains specific habitats and landscape features that are frequently used for plant dispersal and wildlife movement. The first type of local corridor occurs within linear wet environments (e.g., streams, elongated estuary or wetland). The second type of local corridor provides linkages between adjacent headwater streams (see Figure AE-1.2.3 and Figure AE-1.2.4). Ridgeline corridors are defined using two criteria: (i) The ridgeline must serve as a boundary between subwatersheds using USGS Hydrologic Unit Code (HUC)-14 to define subwatershed boundaries; and (ii) the delineated stream buffer zones from the adjoining watersheds must be in reasonable proximity to one another on the ridgeline (approximately 1000 feet).

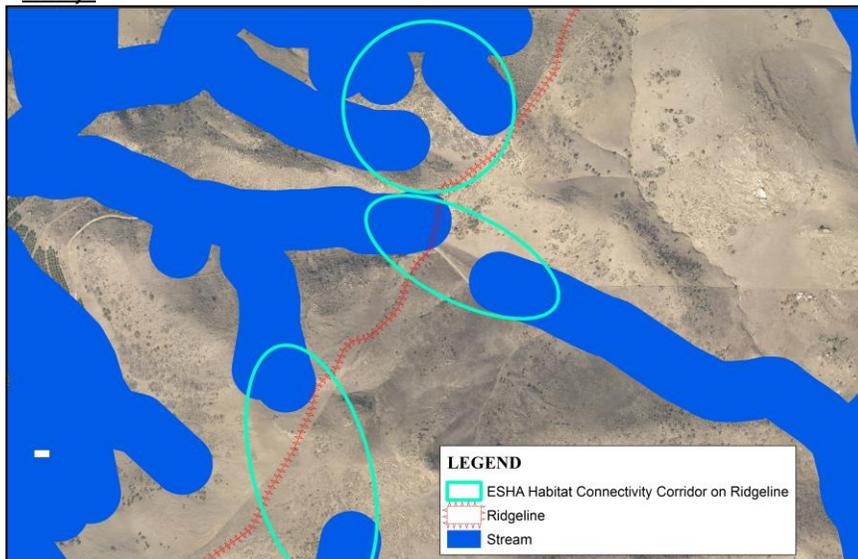


Figure AE-1.2.3 - The red line shows a local ridgeline corridor where undeveloped areas occur along a ridgeline where headwater streams meet between two drainages.

Local Corridor Width:

- i. For a linear wet environment, the minimum width of a local corridor shall be 330 feet or the combined width of the ESHA wet environment and its buffer zone, whichever is greater.
- ii. For a ridgeline corridor, the minimum width shall be 330 feet (see area shaded in red, Figure AE-1.2.4). The corridor shall be delineated using the following guidance: 1) the centerline of the ridgeline corridor shall follow the drainage pathway²⁹ of each headwater stream to the top of the ridgeline (where the slope levels off - see dotted red line in diagram); and 2) The centerline of the corridor shall then follow the shortest distance between the headwater streams at the top of the ridgeline. In Figure AE-1.2.4, the topography levels at the dirt road, where then a direct link is made to the centerline of the wet environment buffer zone from the adjoining subwatershed.

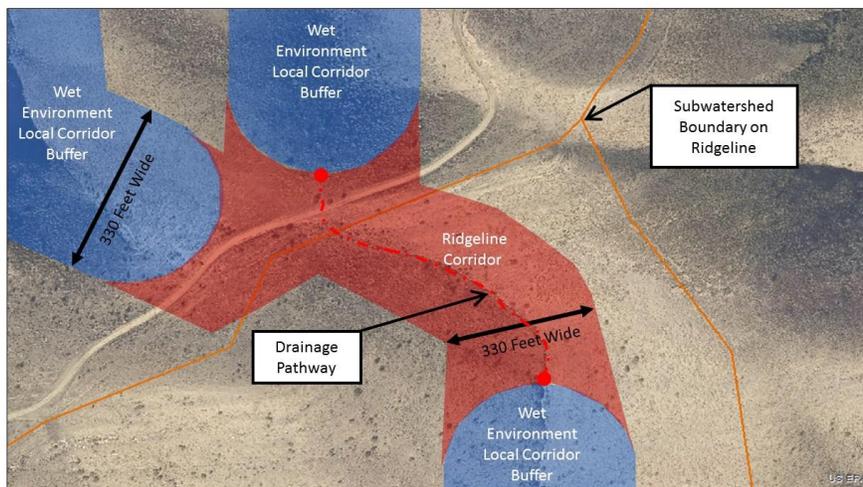


Figure AE-1.2.4
Diagram illustrating a ridgeline corridor. See subsection (ii).

- iii. Adjustments to the width of a local corridor may be approved based on the recommendation of the Planning Staff biologist if substantial evidence is provided that shows that width adjustments may be made that will not adversely impact the function of the habitat connectivity corridor due to species requirements supported by the habitat type/area; quality or type of habitat within and adjacent to the habitat connectivity corridors, presence of chokepoint, topography, and land use within or adjacent to the corridor.
- e. **Native Grassland Habitat.** Native grassland habitat consists of perennial native needlegrasses: purple needlegrass, (*Nassella pulchra*), foothills needlegrass, (*Stipa lepida*) and nodding needlegrass (*Nassella cernua*) in addition to associated native forb species (e.g., golden-stars (*Bloomeria crocea*)) as well as non-native annual species that are characteristic of California annual grassland. Native grassland habitat ESHA determinations are made on a case by case basis as they must take

²⁹ The pathway that water would travel down the slope of the mountain.

into consideration several factors - including patch size, number of patches/level of fragmentation, connectivity of patches, connectivity to other ESHA, and the nature of adjacent habitat (level of disturbance, ESHA classification). Areas supporting 10 percent or more native grassland species cover (including both grasses and forbs) have typically been defined as native grassland habitat by the CNDDDB, but areas with a lower percentage of native cover may be also considered native grasslands based on assessment of the above factors. See Sec. AE-1.3.2(g)(6) - Survey/Mapping of Grassland Communities for additional information on the delineation of native grassland communities.

- f. **Oak and Native Woodland Habitats.** Coast live oak woodland occurs mostly on north slopes, shaded ravines and canyon bottoms. Besides the coast live oak, this plant community includes hollyleaf cherry (*Prunus ilicifolia*), California bay laurel (*Umbellularia californica*), redberry (*Rhamnus crocea*), and poison oak (*Toxicodendron diversilobum*). California black walnut (*Juglans californica*) and other native tree (e.g., California bay laurel (*Umbellularia californica*), sycamore (*Plantus spp.*), alder (*Alnus spp.*) are common native woodland species. While these woodland habitats are most often components of riparian habitats, they also occur in mesic conditions found in pockets, canyons, and west, north-west, and/or north-east facing slopes.
- g. **Rock Outcrop Habitats.** Rock outcrop habitats are exposed rock areas that support a distinctive and unique flora including lichens, spikemoss (*Selaginella sp.*), liverworts, and rare or regionally-restricted plant taxa found in few parts of the Coastal Zone, including Santa Susana tarplant (*Deinandra minthornii*), several species/ subspecies of liveforever (*Dudleya spp.*), Wright's buckwheat (*Eriogonum wrightii var. membranaceum*), silverleaf trefoil (*Lotus argophyllus*) and others. Rock outcrops serve as refugia for various sensitive and localized native plants and animals and are found on the County's north coast and in the Santa Monica Mountains.
- h. **Wet Environments** - A wet environment is associated with the presence of water, either perennially, intermittently, or ephemerally. Wet environments include wetlands, rivers, lakes, streams, estuaries, lagoons, seeps, springs, and the vegetative communities associated with these physical settings. Wet environments do not include beaches that abut the sea, except where the beach includes an estuary, lagoon or wetland.
 1. **Wetlands.** A wetland is defined as land where the water table is at, near, or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes. Some types of wetlands lack vegetation, and the soil is poorly developed or absent as a result of frequent and drastic fluctuations of surface water levels, wave action, water flow, turbidity or high concentrations of salts or other substances in the substrate. Such wetlands can be recognized by the presence of surface water or saturated substrate at some time during each year and their location within, or adjacent to, vegetated wetlands or deep-water habitats. (14 CCR Section 13577). This definition requires evidence of a single parameter to establish wetland conditions. Also, see Sec. AE-1.3.2 (g)(8) - Delineation of Wet Environments for additional information on wetland delineation.

Conversely, a wetland created by the presence of (and associated with) agricultural ponds and reservoirs, where the pond/reservoir was constructed by

a farmer/rancher for agricultural purposes, is not defined as wetland unless there is evidence (e.g., aerial photographs, historical survey) showing that the wetland habitat pre-dated the existence of the pond or reservoir. Also, areas with drained hydric soils that are no longer capable of supporting hydrophytes are not considered wetlands.

2. **Seeps or Springs.** Seeps and springs are small, discrete communities with their own associated flora and fauna, including numerous specialized ferns, wildflowers, invertebrates, and amphibians (especially salamanders). Their component species differ according to the surrounding plant communities. For example, seeps in shady oak woodlands will support different species than seeps in arid chaparral. While some of these habitats could be maintained or augmented by anthropogenic water sources, in general these habitats are treated as fully natural features. Important springs microhabitats include: cave environments, wet walls, madicolous (fast-flowing water) habitats, hyporheic (saturated subfloor) habitats, open-water pools, spring streams (including those partially or more completely dominated by surface flow), wet meadows, riparian habitats, waterfall spray zones, and barren rock habitats adjacent to springs. Due to their small size, seeps and springs are rarely identified on certified ESHA maps and must be identified during the site-specific mapping process. See Sec. AE-1.3.2 (g)(8) - Delineation of Wet Environments for additional information on seep or spring delineation.
3. **Vernal Pools.** A vernal pool is a habitat typically inundated by shallow water during the wet season and dry during the warm season. Vernal pools are most common on coastal terraces where there is a seasonally perched water table or impenetrable clay or hardpan soil. They hold water long enough to allow some purely aquatic organisms to grow and reproduce, but not long enough to permit the development of a typical wetland ecosystem. Many vernal pool species are found only in vernal pools. All species that occur in vernal pools must be able to tolerate a wide range of conditions and grow/reproduce in a short time frame. Vernal pool species include but are not limited to blue-eyed grass (*Sisyrinchium bellum*), red maids (*Calandrinia ciliata*), California tiger salamanders (*Ambystoma californiense*), and invertebrates such as fairy shrimp (*Anostraca* spp.). See Sec. AE-1.3.2 (g)(8) - Delineation of Wet Environments for additional information on vernal pool delineation.
4. **Streams/Creeks.** A topographic feature that periodically (*intermittent* or *ephemeral*) or continuously (*perennial*) conveys water through a bed or channel. This term also applies to watercourses having a surface or subsurface flow that support or have supported riparian or alluvial vegetation. See Sec. AE-1.3.2 (g)(7) for additional information on stream delineation.
5. **Vegetative Communities for Wet Environments:**
 - i. Riparian Habitats: The transitional habitat between terrestrial and aquatic ecosystems located adjacent to perennial, intermittent, and ephemeral streams, lakes, and estuarine-marine shorelines. Riparian habitat is distinguished by gradients in biophysical conditions, ecological processes, and biota, where surface and subsurface hydrology are connected to the terrestrial system. In the Ventura County coastal zone, riparian habitat includes all vegetation (canopy and understory species) associated with a creek or stream or other waterbody including, but not limited to, sycamore

(Platanus racemosa), coast live oak (Quercus agrifolia), black walnut (Juglans californica), white alder (Alnus rhombifolia), Fremont cottonwood (Populus fremonti), black cottonwood (Populus trichocarpa), mulefat (Baccharis salicifolia), arroyo willow (Salix lasiolepis), red willow (Salix laevigata), blackberry (Rubus ursinus), California mugwort (Artemisia douglasiana), and Mexican elderberry (Sambucus Mexicana). Where chaparral and/or coastal sage scrub occur within or adjacent to creeks or streams and function as riparian habitat, the area is considered to be riparian habitat or alluvial scrub (see below).

- ii. Alluvial Scrub: This vegetation community occurs on drainages and outwash fans at elevations that range between sea level and 1,800m. It is typically found on coarse-grained recent-alluvial soils near flood channels in areas that are occasionally or rarely inundated. Examples of soils that support alluvial scrub communities in Ventura County may include the following soil series: Anacapa, Corralitos, Cortina, Garretson, Gaviota, Hueneme, Metz, Moco, Pico, Riverwash, Sorrento, Vina, Zamora, and Sandy Alluvial Land. Soils supporting alluvial scrub drain rapidly, have slow runoff, and contain low amounts of organic matter. These areas typically do not support extensive hydrophytic (i.e., wetland) vegetation because of the scarcity of surface water for much of the year. Alluvial scrub is made up predominantly of phreatophytes³⁰, where the dominant species is scalebroom (Lepidospartum squamatum). Alluvial scrub also shares many of the same species with coastal sage scrub and chaparral habitats because of the ephemeral hydrology associated with these systems. Other shrubs present may include Rhus trilobata, Artemisia tridentata, Artemisia californica, Acacia greggii, Cercocarpus montanus var. glaber, Isomeris arboreus, Encelia farinosa, Eriogonum fasciculatum, Hymenoclea salsola, Yucca whipplei, Lotus scoparius, Eriodictyon crassifolium, Baccharis salicifolia, Toxicodendron diversilobum, Opuntia spp., and Rhus ovata. Emergent individuals of Platanus racemosa, Juglans californica var. californica, Populus fremontii, Malosma laurina, Rhus integrifolia, and Sambucus mexicana may be present. Periodic disturbances such as floods and fires remove shrubs and trees. If stands are not disturbed for a long period of time, emergent trees gradually take over this shrubland.

SEC. AE-1.3 COASTAL INITIAL STUDY BIOLOGICAL ASSESSMENT

Sec. AE-1.3.1 General Requirements

This section contains a detailed description for the required contents and procedures for a site-specific environmental assessment in the coastal zone, called a Coastal Initial Study Biological Assessment (CISBA). A CISBA that meets the standards of this section is required for proposed development that is subject to the ESHA regulations in CZO Sec. 8178-2 (see Sec. 8178-2.2 – Applicability). The CISBA must be completed by a qualified biologist. As required by CZO Sec. 8178-2.3(a), the CISBA shall include a site-specific ESHA map and an analysis of all potentially adverse direct, indirect, and cumulative impacts on ESHA resources. When preparing the site-specific ESHA map,

³⁰ Plants that send their roots down to a (relatively) shallow ground water table.

the biologist shall utilize the ESHA identification requirements in CZO Sec. 8178-2.4 – ESHA and Buffer Zone Determination and Delineation, as well as the more detailed ESHA identification requirements in Appendix E1, Sec. AE-1.2 – ESHA Determinations. Utilizing the best available science, the qualified biologist shall provide substantial evidence that supports ESHA determinations and the mapped location and extent of ESHA. Finally, the CISBA shall include information that provides a factual basis for the least damaging alternative analysis (See CZO Sec. 8178-2.3(b) – Least Damaging Alternatives Analysis), which is required for all projects that will potentially result in adverse impacts to ESHA or buffer zone.

a. **Required CISBA Components.** The CISBA report shall include all the components listed below. All CISBA’s received shall be organized and formatted in the following order, where all components of the document clearly depict the requested information (i.e., maps, tables, references). Also see Sec. AE-1.3.2 below for detailed information on these CISBA components:

- Report Summary
- Introduction (*)
- Existing Physical and Biological Conditions (*)
- Permit History
- Unpermitted Impacts
- List of Potential ESHA and Species (*)
- Field Surveys/Maps (*)
- Site-Specific ESHA/Buffer Zone Map (*)
- ESHA Impact Analysis
- ESHA Mitigation Summary.

CISBA components that will be used during the preparation of the “least damaging alternatives analysis” are indicated with an (*). See CZO Sec. 8178-2.3(b) for more information on the “least damaging alternatives analysis”. Also, see AE-1.3.2(g)(2) – Geographic Extent of Field Surveys/Maps below for information on field survey and mapping requirements for the “least damaging alternatives analysis” and AE-1.3.3 (b) for fuel modification zone documentation.

b. **Geographic Extent of CISBA.** The geographic area covered by a CISBA shall be adequate to conduct the site-specific environmental assessment; determine all potentially adverse direct, indirect and cumulative impacts to ESHA resources; and confirm that the proposed project represents the least damaging alternative. The geographic scope varies for different components of the CISBA. For example, the permit history, record of unpermitted impacts, and list of potential ESHA and species shall be provided for the entire legal lot. The geographic extent of a cumulative impact analysis extends beyond the boundary of the 500-foot general survey area and usually includes either the watershed or *biogeographical* area. However, the geographic extent of field surveys/maps will depend on the size of the *development envelope* and the type/location of the biological resource. For more detailed information on the required geographic extent of field surveys and maps, see Sec. AE-1.3.2(g)(2) – Geographic Extent of Field Surveys/Maps

[Staff explanation: This section provides a summary of the geographic extent of the CISBA, which varies for different sections of the document. More detailed information on this subject is provided in Sec. AE-1.3.2.]

Sec. AE-1.3.2 Required Content of CISBA Components:

- a. **Report Summary.** This section will be written as an “executive summary” of the CISBA and will include a condensed synopsis of the findings of the report. The length of the report summary depends directly on the nature and complexity of the biological resources within the survey area, the potential impacts of the proposed project, the measures that will be implemented to avoid and minimize those impacts, and how unavoidable adverse impacts will be mitigated pursuant to CZO Sec. 8178-2.10- Compensatory Mitigation.
- b. **Introduction.** The introduction shall describe the proposed project and provide information on existing uses and development on the subject property. Information on regional and local site conditions also shall be provided using historical/current aerial photographs and/or maps as well as photographic documentation. The format of the report is as follows:
1. Project Site Information: Address; Assessor Parcel Number (APN); land use regulations (General Plan designation, Area Plan designation, Zoning classification); and size of the project site.
 2. Contact Information. Names, phone numbers and addresses of the property owner, applicant, and project consultants.
 3. Report Preparation Details. The dates, names, and qualifications of the persons preparing the report.
 4. Statements. Provide a statement specifying the accuracy of the report. If applicable, provide a statement that defines areas where the County should alter the official ESHA map during an LCP amendment process.
 5. Project Summary: A description of the proposed project, identification of the type of permit requested, list of any previous permits issued for the property (see Permit History). The description of the project shall contain a description of the approximate size and purpose of all proposed development. Include details such as disturbance area (i.e., the total area of the proposed development envelope, as well as subsets for size of building site and size of fuel modification zone), grading volumes and areas, stormwater best management practices (BMPs), parking and staging areas, roads (and associated fire hazard brush clearance areas), fire department turnarounds, utility infrastructure (water wells, pipelines, and septic fields and setbacks), agricultural areas and cultivation species (includes garden areas), confined animal facilities, fences, and outdoor lighting (when applicable). See Sec. AE-1.3.3 – Summary of CISBA Maps and Data for related map/data requirements. Provide a general timeline of construction and maintenance tasks, including heavy equipment needed for each task.
- c. **Existing Physical and Biological Conditions:** A CISBA shall include necessary information regarding the local and regional context of the proposed project, including the following:
1. Regional Context: Description and map(s) (see Sec. AE-1.3.2(g)(2) – Geographic Extent of Field Surveys/Maps) of regional features showing the project location, including watershed boundaries, existing adjacent land uses and development, habitat connectivity within and outside of the project site, existing and proposed development within the project site and within 500

feet of the proposed development envelope, and proximity to public lands, wetlands, wet environments, and roads. For regional extent of the cumulative impact evaluation, see Sec. AE-1.3.2 (i)(6) - ESHA Impact Analysis below.

For proposed land divisions only, all lot sizes (or parcel sizes if the legal lot status is unknown) shall be identified within a quarter-mile radius from the edge of the subject lot. To determine whether a proposed land division meets the rural land division criteria of Section 30250 of the Coastal Act, also provide a calculation of the median size of the existing lots within the quarter-mile radius.

2. Physical Characteristics: A description and maps (see Sec. AE-1.3.3 - Summary of CISBA Maps and Data) of the physical characteristics of the project site (i.e., the legal lot) that includes:
 - Site Elevation
 - Topography, slope orientation, rock outcroppings, riprap, caves, or cliff faces
 - Soil types
 - Watershed Name
 - Microclimate (e.g., wind conditions, sun exposure).
3. Biological Conditions: Provide a site description and maps (see Sec. AE-1.3.3 - Summary of CISBA Maps and Data) of the overall habitat quality (the current capacity of ESHA serving its natural function within the ecosystem), invasive species, disturbance, proximity to wildlife/habitat corridors, ESHA location, and the connectivity to surrounding offsite habitat/ESHA. This description will result from the qualified biologist's visual and auditory search for plants and animal species including birds and mammals or their signs, as well as a search of leaf litter and under rocks for amphibians or reptiles.
- d. **Permit History.** Provide a list and summary of all permits, including permit numbers, for previously authorized development on the project site. Include documentation for any clearance or alteration of vegetation within the subject property as well as a written summary, maps, and a tabular/quantitative summary of ESHA habitat removed, degraded or altered through permitted development. The tabular information shall identify the habitat type/category, acres impacted, and year of impact. Also provide documentation that shows whether compensatory mitigation was provided for the impacted area.
- e. **Removed or Degraded Vegetation.** Provide a list and historical summary of all removal/degradation of vegetation on the project site since January 1, 1977. Include a tabular/quantitative summary of ESHA habitat removed, degraded or altered over the time period including areas that were removed but grew back. The tabular information shall identify the habitat type/category, acres impacted, year of impact, and if area has grown back to the pre-disturbance vegetative community. To determine the extent and type of ESHA present before disturbance, the applicant shall provide a legible depiction of historic aerial images of the site (January 1, 1977 to current), database searches, the results of site-specific surveys on and adjacent to the subject parcel, and other available evidence.

- f. **List of Potential ESHA and Species.** Before conducting the field survey(s) (see AE-1.3.2 (g)), a list of the ESHA and special status habitats and species that could occur on the project site shall be prepared. Provide a brief summary of the potential ESHA and special status habitats/species on the project site and include a comprehensive list as an appendix to the CISBA (see CZO Sec. 8178-2.4.1 for a comprehensive list of ESHA). The table shall contain recommended survey date(s) for each potential, special-status species on the project site (see AE-1.3.2(g)(3) – Field Survey Timing). Existing, mapped biological information shall be supplemented with evidence from other published studies that include the following sources:
1. CDFW RareFind, California Natural Diversity Database (CNDDDB), Natural Communities List;
 2. National Wetland Inventory Database (NWI) and National Hydrographic Dataset;
 3. Watershed Protection District Data;
 4. California Fire Plan, the Fire and Resource Assessment Program (FRAP) Fire Perimeter Data;
 5. Regional and Local Wildlife/Habitat Connectivity Corridors;
 6. Vegetation Classification of the Santa Monica Mountains National Recreation Area and Environs (See CZO Sec. 8178-2.4.1(j) for list of habitat and sensitive species categories);
 7. USGS GAP Analysis Program (GAP) GIS Datasets;
 8. USFWS Critical Habitat, Environmental Conservation Online System (ECOS);
 9. Audubon Important Bird Areas;
 10. Ventura County Locally Important Species List;
 11. California Native Plant Society Rare Plant Data;
 12. Xerces Society and Audubon Red Lists; and
 13. Site-Specific Environmental Assessments (CISBA) for abutting or adjacent properties.
- g. **Field Surveys and Maps:** This section identifies the information required for field surveys and related maps within the CISBA. It includes information on the geographic extent of field surveys, the timing of field surveys, and survey/mapping requirements for specific types of wildlife/habitats.
1. **Geographic Extent of Field Surveys/Maps.** All field surveys shall be conducted within a minimum of 500-feet from the edge of the proposed *development envelope*³¹. Additional information, and exceptions to the 500-foot standards, are provided as follows:
 - i. *Additional Surveys/Maps for Least Damaging Alternative Analysis:* General floristic mapping of plant communities shall be conducted for all portions of the subject lot that lie outside the required 500-foot survey area. Such mapping shall be conducted using available GIS vegetation maps, aerial photographs, and other available information. At the

³¹ See definition for *development envelope* in Article 2. It includes on-site and off-site *development*.

request of the Planning Staff Biologist, the *qualified biologist* preparing the CISBA shall conduct a field visit to ground-truth mapped vegetation data.

- ii* Survey Data for Off-Site Locations: When a portion of the survey area lies outside the property, a field survey of that area is not required if the land is privately-owned or is publicly-owned but not accessible. For such areas, an assessment and map of biological conditions shall be conducted based on a visual survey with binoculars and a review of aerial photographs, biological assessments prepared for permits processed on abutting/adjacent properties, and habitat/wildlife information available from federal/state/local *natural resource agencies*³²; and
- iii* Monarch Overwintering Roosts: When suitable Western monarch butterfly overwintering habitat is within 1000 feet of a proposed development envelope, a targeted monarch butterfly overwintering survey shall be required for the potential roost site (see Sec. AE-1.3.2(4)(iv) - Surveys for Special Status Species (below)). Suitable habitat includes trees that provide shelter from storms or prevailing winds, with nearby water and nectar sources in fall/winter.

[Staff explanation: This section clarifies the required geographic extent of field surveys and related survey maps. These regulations are intended to minimize applicant costs while requiring the data necessary to identify adverse impacts on ESHA and to also identify a least damaging alternative. The 500-foot perimeter zone is based on existing County requirements for wetlands and wet environments, and that distance also represents the required buffer zone for shore bird colonies, raptor nests, and other species. It should be noted that the standard, 500-foot perimeter zone for field surveys includes about 15 acres of land.]

- 2. **Field Survey Results.** The qualified biologist carrying out the field survey(s) shall identify, characterize, and delineate all ESHA that may be found in the site area based on the list of potential species (e.g., rare plants, bat, insects, and birds). All field surveys shall be conducted in accordance with the requirements of this section, and field survey results shall include the following information:
 - i.* A table that contains the recommended protocol detection dates to conduct the species/habitat survey(s), the survey date and time (start/end), acreage surveyed, name of County-approved biologist and qualifications to conduct the species survey;
 - ii.* A map depicting the area surveyed and survey route;
 - iii.* A discussion of all field methods employed, including the methods for formal protocol surveys, and survey protocols for *special-status species* or sensitive plant communities. Constraints on the accuracy

³² Examples of such resources include the National Park Service vegetation maps, Ventura County and other GIS data available for soils and slopes, wildlife tracking GIS data, monarch butterfly overwintering sites, and California Natural Diversity Database.

of the report (e.g., wrong season, time-of-day) should be explicitly discussed;

- iv. A table of all species observed (or evidence that indicates their recent presence) within the survey area or in areas indirectly or cumulatively affected by the project. Highlight *special status species* or sensitive plant communities within a separate table, and title it "Special Status Species Table". A copy of the CNDDDB California Native Species Field Survey Form and/or a California Natural Community Field Survey Form that was sent to CDFW shall also be included in the report.
 - v. ESHA delineation/mapping products associated with field surveys, which shall be used to prepare the Site-Specific ESHA Map (see AE-1.3.2(h) – Site Specific ESHA/Buffer Zone Map).
3. **Field Survey Timing.** At least one field survey shall be conducted for the CISBA. While field surveys are typically conducted in the spring, the number/timing of field surveys is dependent upon the types of potential *special status species* that may be found on the site (see AE-1.3.2 (f) - List of Potential ESHA and Species), and more than one field survey is often required due to different blooming periods, migration arrival times, and breeding seasons. Wildlife surveys shall not be conducted during periods of excessive cold, heat, wind, rain, or other inclement weather that individually or collectively reduces the likelihood of detection.

To avoid project delays, consultation with the Planning Staff Biologist is recommended, as the County may determine that one or more additional surveys are required based on a site visit and/or the following criteria:

- i. The likelihood that the detection window for special status plant/bryophyte communities, such as rare native annuals, is limited to a particular time of year or during a year following normal/high rainfall. In successive dry years, requirements associated with yearly rainfall will be evaluated on a case-by-case basis. CDFW's most recent protocol(s) for surveying for rare plants, (Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities) shall be followed when conducting surveys for special status plant/bryophyte communities. If special status plants are discovered, they shall be avoided.
- ii. To detect rare invertebrate species (e.g., terrestrial snails (*Helminthoglypta*), monarch butterfly (*Danaus plexippus*) or Crotch bumblebee (*Bombus crotchii*), surveys shall be conducted during the flowering period of flowers on which the invertebrates depend or when microsite characteristics (e.g., shelter from prevailing wind, temperature, nectar, water) may support habitat use during the overwintering season;
- iii. Presence of year-round water (i.e., surface water in the dry season (late summer/fall)) capable of providing habitat for sensitive amphibians and reptiles (e.g., coast range newt (*Taricha torosa torosa*), California red-legged frog (*Rana draytoni*), or southwestern pond turtle (*Actinemys pallida*));

- iv. During drought years, schedule site visits for the identification of ephemeral wet environments during the rainy season. Historic aerial photographs also may be used to aide in the identification of wet environments, particularly during multi-year drought periods.
 - v. Arrival of special-status nesting birds that would be possible to detect only during specific times during spring/early summer (e.g., yellow warbler (*Setophaga petechia*), summer tanager (*Piranga rubra*), yellow-breasted chat (*Icteria virens*), or Least-Bell's vireo (*Vireo bellii pusillus*));
 - vi. Survey timing for sites containing appropriate habitat for roosts used by special-status bats (e.g., Western Mastiff Bat (*Eumops perotis*), Mexican Long Tongue Bat (*Choeronycteris mexicana*), or Pallid Bat (*Antrozous pallidus*); and
 - vii. Survey timing for sites containing appropriate foraging habitat for raptors during winter and early spring migration period (e.g., northern harrier (*Circus cyaneus*), golden eagle (*Aquila chrysaetos*), sharp-shinned hawk (*Accipter striatus*) or peregrine falcon (*Falco peregrinus*).
4. **Surveys for Special Status Species.** Additional surveys shall be conducted to determine the presence of any special status species with the potential to occur on the site as follows:
- i. For certain special status species that potentially occur on site, state or Federal agency protocol surveys are required for the species (consult California Department of Fish and Wildlife (CDFW), U.S. Fish and Wildlife Service (USFWS), National Marine Fisheries Service (NMFS), Xerces Society, US Forest Service (USFS), etc.).
 - ii. Where trees suitable for nesting or roosting or significant foraging habitat are present, the biologist should search for evidence of sensitive bird species and raptor use. If there is independent evidence of significant sensitive bird species or raptor use on or near the property, formal protocol survey(s) shall be conducted using the most recent raptor protocol surveys³³ (USFWS or CDFW protocols for similar genus, USFS, etc.).
 - iii. A daytime bat assessment that identifies the presence of on-site sensitive bat species roosts shall be required when the distribution and range of a sensitive bat species coincides with the site location and the site contains suitable habitat to support such species (e.g., water sources, trees with cavities, shedding bark, rock faces with cracks). If the daytime assessment identifies evidence of on-site bat roosts (e.g., guano piles, urine stains), additional bat surveys (e.g., acoustic detection) are required during bat activity periods for sensitive bat species.
 - iv. Surveys to identify overwintering roosts for monarch butterflies shall be required when the site contains suitable habitat to support such

³³ USFS Multiple Species Inventory and Monitoring Technical Guide, Gen. Tech. Report WO-73 August 2006.

species (e.g., shelter from storms/prevailing winds, nearby water, fall/winter nectar source). Monarch butterfly habitat includes the clustered trees that monarchs use as roosts as well as surrounding trees/shelter that influence the microclimate of the grove. If an initial assessment identifies potential monarch overwintering habitat within 1000 feet of the proposed development, then two surveys shall be conducted to account for seasonal or annual differences in environmental conditions at the microsite level (e.g., wind, temperature, humidity). Conduct the first survey during the first half of the overwintering season (e.g., November), and conduct the second survey during the second half of the season (e.g., January).

5. **Survey/Mapping of Rare Plant Populations and Plant Communities.** Plant communities and rare plant populations shall be identified and mapped using a GPS for all the habitat/plant community types. Rare plant populations and association level mapping shall be conducted using the most recent versions of CNPS "Guidelines for mapping rare vegetation" and CDFW's "Survey of California Vegetation Classification and Mapping Standards. A description depicting vegetation onsite shall include the following:

- i. An association-level vegetation map and a map showing all rare plant populations based on the State Vegetation Classification maintained by the Vegetation Classification and Mapping Program of CDFW, described in the Manual of California Vegetation by Sawyer et al. 2009 or subsequent editions;
- ii. A table of all plant associations present onsite and their acreages;
- iii. Map highlighting the location of invasive species on the site as defined by the California Invasive Plant Council, CDFW, US Department of Agriculture (USDA), and US Geological Survey (USGS); and
- iv. The ecological context of the plant community in terms of relative size, diversity, structure, overall condition (i.e., disturbed, burned, intact, diseased, etc.), density of invasives, and level of connectivity (on-site and off-site) to adjoining space habitats. This should include an analysis of the frequency of wildfires affecting the proposed development site, the length of time since the last burn, and the impact of fire on the natural habitat on site.
- v. Vegetative sampling units shall be defined using the standards in Sec. AE-1.3.2(g)(6) below.

6. **Survey/Mapping of Grassland Communities.** Grassland communities shall be inventoried and mapped by species composition using the most recent version of CDFW-CNPS Sampling Protocol for the Combined Vegetation Rapid Assessment and Releve Field Form (2016) and CDFW's "Survey of California Vegetation Classification and Mapping Standards (2018) to map native grassland and forb habitat. Minimum mapping unit for small projects shall be ¼ acre.

[Staff explanation: Site-specific surveys are required to determine if non-native annual species characteristic of California annual grassland represent ESHA,

and such determinations will depend on factors that include the size of native grass and forb patches, number of patches, and their connectivity. Recent guidance from CDFW's Vegetation Classification and Mapping program (Personal communication with Todd Keeler-Wolf) indicates that the 10% relative cover metric was developed using a smaller sample size from a specific location. The mapping program has now evaluated various sampling protocols and mapping techniques across the state and has revised the 10% relative cover recommendation and with the protocol sited within this document.]

7. **Survey/Mapping of Protected Trees.** An inventory and health assessment shall be prepared for all protected trees, including those classified as ESHA (see requirements in Sec. 8178-7.8).
8. **Survey/Delineation of Wet Environments.** All wet environments shall be mapped (See Sec. AE-1.3.2(g)(3)(iv) for survey timing during drought years), along with mapped information for topography, soils, and vegetation between the proposed development and the wet environment. If the wet environment is partially/fully located off-site and will not be directly impacted by the project, mapping of the wet environment may occur using aerial imagery at the 1":200' or greater resolution. Initial identification of a wet environment can occur using the National Hydrography Dataset (NHD) from USGS or USFWS National Wetland Inventory. However, the NHD may not accurately reflect the total extent of ephemeral or intermittent streams, as it does not include stream segments less than one mile in length, combines intermittent and ephemeral streams, and is based on 1:100,000 scale topographic maps. The NHD dataset should be supplemented with the most recent guidance documents used to delineate wet environment features as follows:
 - i. Wetland features shall be identified through a delineation that is prepared in conformance with the California Coastal Commission, October 5, 2011 Briefing, Definition and Delineation of Wetlands in the Coastal Zone, where the presence of any hydrophytic vegetation, hydric soils, or hydrology will classify it as a wetland. The technical guidelines and methods of the 1987 Army Corps of Engineers Wetland Delineation Manual and the 2008 Arid West Supplement shall be used to delineate wetlands. U.S. wetland delineations must be conducted per the definitions of wetland boundaries contained in Section 13577(b) of Title 14 of the California Code of Regulations. The delineation maps shall be prepared using the standards for wet environments listed below. When delineating vernal pools, seeps, springs, estuaries, and lagoons, use the same guidance documents as those cited for wetland delineations, supplemented with technical guidance provided by the USFWS Cowardin Classification System.
 - ii. Stream features shall be identified through CDFW's "A Review of Stream Processes and Forms in Dryland Watersheds"³⁴ and a delineation and map that is prepared in conformance with the California Energy

³⁴ The CZO definition of stream does not include the historic flow regime as described in this document.

Commission's Appendix G: Field Guide to Mapping Episodic Stream Activity (MESA) (12/18/2014).

- The delineation survey report shall include (at a minimum):
 - A map at a scale of 1":200' or greater resolution with polygons delineating all *wet environments*, polygons delineating all areas of vegetation with a preponderance of *wetland* indicator species, and the location of sampling points; and
 - A description of the surface indicators used for delineating the wetland polygons. Paired sample points will be placed inside and outside of vegetation polygons and wetland polygons identified by the consultant doing the delineation.
 - Seasonally timed photographs of wetland features.

9. **Measurements for ESHA Buffer Zones.** Buffer zone widths shall be measured from the outer extent of the ESHA vegetation or as follows:

- i. *Riparian Areas:* The outer edge of the cover of riparian vegetation community, or the outer edge of the bank of the subject stream if riparian vegetation is not present.
- ii. *Alluvial Scrub:* Edge of alluvial soils located on alluvial fans, alluvial valley slopes, stream deltas, and along stream bottoms.
- iii. *Native woodland:* The outer edge of the woodland tree canopy stand.
- iv. *Wetland:* The upland limit of wetland habitat. In the case of wetlands without vegetation or soils, the setback shall be the boundary between land that is flooded or saturated at times (during years of normal precipitation) and land that is not.
- v. *Rocky Outcrops:* The outer extent of the plant community supported by the rocky outcrop habitat.
- vi. *Protected Parkland/Open Space:* The outer edge of the boundary for parkland/ open space areas acquired by natural resource agencies or conservation organizations for habitat protection.

h. **Site-Specific ESHA/Buffer Zone Map.** A site-specific map of all ESHA and buffer zones shall be provided. The map shall be based on field survey results (see subsection (g) above) and LCP standards for site-specific maps (see CZO Sec. 8178-2.3(a)(2) and Sec. 8178-2.4 – ESHA and Buffer Zone Determination and Delineation). If applicable, also provide a written justification, based on substantial evidence, to support the following ESHA determinations made when preparing the site-specific map:

1. Extent of ESHA based on the evaluation of removed or degradation of vegetation since January 1, 1977 (see subsection (e) above);
2. Revisions to the mapped extent of ESHA on an adopted ESHA map in the Coastal Area Plan; and
3. Revisions to the mapped extent of ESHA due to natural disaster, when determined pursuant to CZO Sec. 8178-2.4.2 – ESHA Determinations.

The Planning Staff Biologist will conduct a site visit to confirm the conclusions of the proposed classification or reclassification of ESHA within the site-specific ESHA map.

- i. **ESHA Impact Analysis.** The CISBA shall contain a discussion and analysis of all unavoidable *direct, indirect, and cumulative* adverse impacts to ESHA resources that would result from the implementation of the proposed project. *Direct* and *indirect* adverse impacts shall be identified based on substantial evidence provided by the site-specific field surveys and maps prepared for the CISBA (see Sec. AE-1.3.3 – Summary of CISBA Maps and Data). The following information shall be provided to identify and quantify adverse impacts to ESHA:
1. Provide a table summarizing potential environmental impacts (*direct, indirect, and temporary*) associated with project construction.
 2. Provide a map and table of ESHA acreage proposed to be removed, degraded, or altered. The table shall include the ESHA category and specify whether the area is ESHA or ESHA buffer zone (see CZO Sec. 8178-2.4.3 – ESHA Buffer Zone Delineations). Also, specify whether the impacted acreage is part of the proposed *development* or was previously impacted through the unpermitted removal/degradation of ESHA or *buffer zones*.
 3. Provide an analysis of the native *biodiversity* in the study area and quantify the degradation or loss (historic and current) of the ESHA in the area. If applicable, the summary of the ESHA degradation shall contain recommendations for the successful *restoration* of degraded ESHA on the project site.
 4. For each species listed in the Special Status Species Table, discuss and analyze the potential adverse impacts to any observed *special status species* due to the proposed *development*. For potential *special status species* listed in the table that were not observed, discuss the ability of such species to utilize the site in its current condition and the ability of such species to utilize the site if ESHA is restored on-site after *development*.
 5. Provide a map and a detailed description and analysis of potential impacts to ESHA outside the *development envelope* due to project-related factors such as *stormwater runoff, noise, lighting, animal keeping, or buffer zone encroachment*.
 6. Evaluate all *cumulative impacts* from existing, recently approved, and reasonably foreseeable future projects that may directly or indirectly impact the ESHA species previously evaluated for project-level impacts. The spatial limits of the cumulative analysis may be broader than the site-specific mapping boundary because the cumulative analysis must consider all activities that affect those environmental components, even outside the area affected by the proposed development (see AE-1.3.2 (c)- Regional Context). The cumulative analysis must also take into account activities that occurred before the proposed action is initiated as well as after the proposed action is completed, if those activities affect (or could affect) one or more of the same ESHA resources affected by the proposed action. It should describe the incremental contribution of the proposed development to cumulative effects. Thresholds for cumulative impacts can be identified for some resources, which are levels of impact beyond which the resources cannot be

sustained in a stable state. The cumulative analysis should address whether adverse impacts could occur because of the contribution of the proposed development in addition to other activities affecting ESHA.

7. Identify local or regional *habitat connectivity corridors* (see CZO Sec. 8178-2.7.5 – *Habitat Connectivity Corridors*), and evaluate movement barriers or constrained areas (*chokepoints, stepping stones*) for species identified in the field survey (see Sec. AE-1.3.2 (g) – *Field Surveys and Maps*). Provide maps and an analysis of the project site's location in relation to local or regional *habitat connectivity corridors* and the potential of the project site to contribute *habitat-value* to local or regional *habitat connectivity corridors*.
 8. Proposals to alter a *wet environment* (e.g., *channelization, diversion, diking*) shall include an analysis of potential impacts on the depletion of groundwater, wildlife migration, downstream erosion and sedimentation, sand supplies to beaches, as well as the identification of risks and procedures to prevent the spread of aquatic invasive species and contaminants (e.g., USFWS Hazard Analysis and Critical Control Point Planning).
 9. If Oak Woodland/Savannah and Native Tree Woodland is present, provide an analysis of project alternatives that would avoid removal or encroachment (see CZO Sec. 8178-2.7.4.1 – *Oak Woodlands/Savannah and Native Tree Woodlands*).
 10. Provide information on the proposed project design features and other measures required to minimize or avoid impacts to ESHA. This information shall include: 1) A description of construction methods and timing required to avoid adverse impacts; 2) If confined animal keeping facilities are proposed within a *fuel modification overlap zone*, then these measures shall address manure management, BMPs/site design for runoff, livestock security from predators (if applicable), minimizing wildlife attractants, poison use, lighting, etc.
- j. **ESHA Mitigation Summary.** Include a summary discussion of the steps that will be taken to avoid and minimize adverse impacts to ESHA (all potential *direct, indirect* and *cumulative* impacts to ESHA are considered significant and cumulatively considerable). Also, present a preliminary plan to mitigate unavoidable impacts, in accordance with the compensatory mitigation requirements in CZO Sec. 8178-2.10 – *Compensatory Mitigation*, including but not limited to the following information:
1. Provide a quantitative summary of the number of acres for each impacted habitat type that will be required to adequately compensate for ESHA loss or degradation;
 2. Describe the proposed approach to compensatory mitigation, including the type of mitigation (e.g., *preservation, restoration*) and whether on-site and off-site compensatory mitigation; and
 3. If off-site mitigation is proposed outside of an in-lieu fee program or approved mitigation bank, include preliminary information on available off-site mitigation lots, including one primary and one contingency mitigation

site that meet the criteria set forth in the LCP (see CZO Sec. 8178-2.10 – Compensatory Mitigation).

Also, provide a summary of the required project design features and other mitigation measures (see Sec. AE-1.3.2(i)(10) above) that shall be incorporated into the project design or conditions of approval for the project to minimize or avoid impacts to ESHA.

AE-1.3.3 Summary of CISBA Maps and Data

Digital GIS file formats and legibly depicted printed maps to scale must be provided with all CISBAs and shall include, but not be limited to, the following:

- a. All habitats/ESHA boundaries, along with any appropriate metadata (e.g., address, APN, Permittee's name, purpose of files; GIS data- map projection, date data collected, map processing steps, etc.). ESHA data shall be provided in accordance with the County's metadata standards and shall be digitized using a GPS for uploading to a GIS system.
- b. If the Ventura County Fire Protection District (VCFPD) requires a *fuel modification overlap zone* that exceeds 100 feet for the proposed project, then written documentation shall be obtained from the VCFPD confirming the required size of the fuel modification zone (see CZO Sec. 8178-2.6.9.3(a)) for the project site and for alternate sites identified in the least damaging alternatives analysis.
- c. If the on-site vegetation map does not conform to the County's digital certified GIS ESHA map (greater than a five percent plus-or-minus margin of error), additional data shall be required within the CISBA to provide substantial evidence for any proposed ESHA map changes. The Planning Staff Biologist may recommend an adjustment to the ESHA map after a site visit and the evaluation of the following documentation:
 1. Photos with GPS location, date, time, and directional bearing of the area in question;
 2. A modified map that shows the location(s) of the increase or decrease in the respective habitat category(s); and
 3. An estimate of the difference in area (increases or decreases) measured in square feet (or acres), based on the spatial data.

The Planning Division is responsible for maintaining all recommendations on ESHA map adjustments within the County's database. Such recommendations will be compiled within the County's database and maintained by the Planning Staff Biologist. However, official changes to the ESHA map will only occur through an LCP amendment process.

- d. Maps and data presented in the Project Description, Site History, Permit History (if applicable), Review of Existing Data, Field Survey, Rare Plant and Floristic Communities, Delineation of Wet Environments, Grasslands, Protected Trees, Special Status Species, Habitat Connectivity Corridors, Impact Assessment, and Mitigation Sections (above).
- e. *Project Summary Map*: Site plan map that shows the approximate size and purpose of all proposed components of the *development*. Include details such as parking and staging areas, fire hazard brush clearance areas, roads, fire department turnarounds, utility infrastructure (water wells, pipelines, and septic fields and

setbacks), agricultural and cultivation areas, confined animal facilities, fences, and outdoor lighting (when applicable) (See AE-1.3.2(b)(5) and (h)). Also, include the following:

1. Location of ESHA, ESHA buffer zones, existing/proposed slope, and other pertinent environmental features; and
 2. Maps of the proposed stormwater management plans for the development, with consideration of impacts to drainage alterations.
- f. Geographic Context Map: Map of regional features within the biogeographic region showing project location, including watershed boundaries, existing land use and development (including nearby public lands), existing streams and drainages, and existing/proposed roads. The context map should depict habitat connectivity within and outside the property boundaries (see Sec. AE-1.3.2(c)(1, 2) Regional Context).
- g. Biological Context and Results of Field Surveys:
1. Provide a map that includes the location and types of ESHA and the connectivity to areas outside the property. Show areas of invasive species and area of degraded habitat (See Sec. AE-1.3.2(c)(2) – Biological Context).
 2. Provide maps that include the field survey routes, location of observed special status species detected with field surveys (Sec. AE-1.3.2 (g) (1) - Field Survey Results), as well as special status species that occurred within 10-miles of the project site (Sec. AE-1.3.2 (f) - List of Potential ESHA and Species) as well as potential western monarch overwintering roosts (Sec. AE-1.3.2(g)(2)(iv) - Monarch Overwintering Roosts).
 3. Map of Plant Communities - The qualified biologist/botanist shall use a GPS to map all the habitat/plant community types present within the survey area. Also, map the location of plant communities on adjacent properties and on properties outside the survey area through aerial photo interpretation or other methods. See Section AE-1.3.2(g)(5 through 8) for detailed information on map requirements for plant communities, including the following: (1) an association-level vegetation map; and (2) a map of invasive species;
- h. Maps and Photographs: All maps shall depict all proposed disturbance within context of subsections (a-c); historic and current aerial photographs and maps that provide both a regional context and local detail of the project should be provided along with color photographic documentation of the existing condition of the proposed development site and other noteworthy features.
- i. Adverse Impacts to ESHA: The following information shall be provided to identify and quantify all adverse impacts to ESHA:
1. Provide a map of ESHA acreage proposed to be removed or altered, categorized by ESHA type (see CZO Sec. 8178-2.3.1 – Definition of ESHA), including impacts to ESHA resulting from encroachment into the buffer zone (see CZO Sec. 8178-2.5 – ESHA Buffer Zones);
 2. If applicable, provide photos or GIS files to support the classification or reclassification of the ESHA; and
 3. Maps of proposed protected mitigation area locations (on-site and/or off-site) relative to proposed development (see AE-1.3.3 (f) and (g) above).

APPENDIX E2

ESHA Mitigation Plans and Legal Instruments for Conservation

Appendix E2 contains the following sections:

- AE-2.1 - ESHA Mitigation Plan Requirements
- AE-2.2 - Legal Instruments for Conservation
- AE-2.3 - Economically Viable Use Determination

Sec. AE-2.1 ESHA Mitigation Plan Requirements

The Permittee must submit, and obtain County approval of, an ESHA Mitigation Plan mitigation plan after project approval and before the zoning clearance is issued for the project. As shown in the table below, all ESHA Mitigation Plans include a Habitat Mitigation Plan. Other required documentation depends on the mitigation approach taken by the applicant (e.g., *restoration, establishment, preservation*). Information on the required content of a Habitat Mitigation Plan, Habitat Restoration Plan, Habitat Maintenance and Monitoring Plan, and Habitat Preservation Plan are provided in this section.

<u>Type of Compensatory Mitigation:</u>	<u>Habitat Mitigation Plan</u>	<u>Habitat Restoration Plan</u>	<u>Habitat Maintenance and Monitoring Plan</u>	<u>Habitat Management Plan</u>
<u>Preservation</u>	<u>Required</u>			<u>Required (2)</u>
<u>Restoration</u>	<u>Required</u>	<u>Required (1)</u>	<u>Required (1)</u>	
<u>Establishment</u>	<u>Required</u>	<u>Required (1)</u>	<u>Required (1)</u>	
<u>Enhancement</u>	<u>Required</u>	<u>Required (1)</u>	<u>Required (1)</u>	

- (1) Required if permittee is implementing the mitigation through a third-party provider. Not required if the permittee is purchasing mitigation credits from a County-approved mitigation bank or a conservation organization that owns and manages the property.
- (2) Required for off-site preservation and when establishing a coastal mitigation lot. Not required if permittee is purchasing credits from an available in-lieu fee program.

AE-2.1.1 Habitat Mitigation Plan

A Habitat Mitigation Plan (see CZO Sec. 8178-2.10.9) shall include the following components:

- a. **Executive Summary.** Summary of the proposed approach to ESHA mitigation, including the following information:
 - 1. A table and associated description of all on-site or off-site ESHA or ESHA buffer zones that will be impacted and require compensatory mitigation (see CZO Sec. 8178-2.10); and

2. Description of compensatory mitigation sites, including the location and rationale for site selection. Summarize evidence that shows the mitigation site meets the standards of the LCP (see subsection (b) below);
3. If the permittee is purchasing mitigation credits from a County-approved mitigation bank, mitigation site owned/managed by a conservation organization, or in-lieu fee program, then include a summary of the credits or payments and a short explanation of how the required fee or credit provides adequate compensation for impacts to ESHA or ESHA buffer zones. (See CZO Sec. 8178-2.10.8 for additional information on mitigation options.)
4. Identify the type of conservation instrument that will be used to permanently protect the compensatory mitigation site (see CZO Sec. 8178-2.10.1(c)).

b. Project Goals and Objectives:

1. **Goals.** Describe the purpose and goals of the mitigation project. If the proposed mitigation includes ESHA restoration, establishment, or enhancement, then the goal statement(s) shall address the improvement of specific physical, chemical, and/or biological functions at the mitigation site. If the proposed mitigation includes ESHA preservation, then the goal statement(s) shall address the long-term conservation of ESHA in relation to the needs of the watershed, biogeographic region, or other regional conservation needs.
2. **Objectives.** Identify specific and quantitative objectives that will implement the purpose and goals of the mitigation project. Provide a description of the ESHA type(s) and amount(s) that will be provided by the mitigation and how the mitigation method (i.e., restoration, establishment, enhancement, and/or preservation) will achieve the mitigation project goals. Long term management goals for preservation properties should be related to the condition of biological communities, water quality, etc. and the long-term management or maintenance of ESHA.

c. Identification of Mitigation Sites. A description of proposed, on- or off-site mitigation sites, and an explanation as to how the site(s) meet the standards in CZO Sec. 8178-2.10.4 – Location of Compensatory Mitigation Sites. The description shall include a summary of the baseline conditions of the mitigation site(s) (see below) and all substantial evidence that shows the mitigation site provides ESHA of equal or greater function as the ESHA(s) impacted by the project (see CZO Sec. 8178-2.10.1(c) – General Requirements). Include a map showing the locations of the impact and mitigation site(s) and indicate the distance between the mitigation site(s) and the impact site on the map. Also, include a table that depicts the characteristics of the mitigation site(s) that are relevant to the type of resource proposed as compensation (e.g., sub-watershed, biogeographic region, etc.). Baseline information of existing conditions shall include:

1. Description of the biological resources on the mitigation site. This requirement shall be met by attaching the Site-Specific ESHA Map to the Habitat Mitigation Plan. The Site-Specific ESHA Map was prepared for the project’s environmental assessment, pursuant to CZO Sec. 8178-8178-

2.3(a), and it shall meet the mapping standards in Appendix E1, Sec. AE-1.3.2(h) – Site-Specific ESHA/Buffer Zone Map.

2. Description of the historical and existing conditions on the proposed mitigation site and area immediately adjacent to site (hydrology, vegetation, soils, surrounding landscape setting and land uses, and ecosystem functions);
 3. If wetland establishment or restoration is proposed for compensatory mitigation, then include a description of the proposed hydroperiod for the site and the site design requirements necessary to ensure there is sufficient water to support the proposed mitigation project; and
 4. A description of any physical, chemical, and/or biological degradation occurring within the proposed mitigation site. If the mitigation site will be used for ESHA preservation, then identify signs of trespassing, encroachment, dumping, or other concerns that should be addressed in the Habitat Preservation Plan for the mitigation site.
 5. If the mitigation area is located off-site (See CZO Sec. 8178-2.10.4), identify how the off-site area meets the criteria for an off-site mitigation lot.
 6. Copy of Site Access Agreement that allows County staff to enter the proposed mitigation site to perform an evaluation of ongoing mitigation activities. Access to the property shall be limited to those portions of the lot used for mitigation (e.g., restoration, management, or monitoring work) and private roads or property that must be traversed to gain access to the mitigation site.
- c. **Performance Criteria.** Define clear and measurable performance standards for each objective to evaluate the success of the compensatory mitigation. For ESHA restoration or establishment projects, performance standards shall represent measurable changes in the ESHA function of the mitigation site that can be maintained without nurturing, protection, or supplemental care. Measurable changes shall be based on the difference between the baseline condition and end-of-project condition, or they can be based on the difference between the condition of a reference site and the baseline condition of the mitigation site. ESHA function can be measured in percent absolute cover of bare ground, percent relative cover by non-natives, plant species richness, and other selected factors. For ESHA preservation projects, performance standards should include the management and maintenance activities (e.g., invasive species removal, fencing for trespass, etc.) needed to meet the defined project goals and objectives³⁵.
- d. **Contingency Plan.** Adaptive management measures shall be identified, in advance, to address unforeseen changes in site conditions or other components of the mitigation project. Such measures will also allow corrective actions to be taken when performance criteria are not met during the mitigation monitoring period. Adaptive management measures can include additional site protection, replacement or supplemental plantings, and irrigation system adjustments. Adequate flexibility should be provided within the contingency plan to allow

³⁵ Additional development that may be required (e.g., fencing, permanent signs) to meet the project goals and objectives should be included in the proposed permit.

corrective measures to be used to address conditions that were not anticipated or addressed within the Habitat Mitigation Plan.

Sec. AE-2.1.2 Habitat Restoration Plan

A Habitat Restoration Plan (see CZO Sec. 8178-2.10.9) is required when compensatory mitigation includes ESHA restoration, enhancement, or establishment. A Habitat Restoration Plan shall include the following components:

- a. **Project Coordinator.** A project coordinator shall be identified and function as the main point of contact on the project. The project coordinator must be a restoration specialist with regional experience in habitat restoration, establishment, or enhancement experience (as applicable) and an understanding of the scientific and technical issues involved in the project.
- b. **Landscape Construction and Maintenance Services.** A qualified landscaping company, public agency, or non-profit organization shall be identified that can grow container plants from propagules collected from within the watershed of the mitigation site.
- c. **Project Schedule.** This schedule shall include a list of tasks needed to complete the habitat restoration, enhancement, or establishment project, including the approximate date each task will be accomplished. The project schedule shall also include interim milestones that can be used to determine the success of the project and whether an extended project schedule is required.
- d. **Plant Palette.** The following information regarding plant palette shall be included:
 1. **Plant Palette.** The plant palette shall consist of locally-indigenous plant species as recommended by a restoration specialist. Non-native and non-native invasive plant species are prohibited, and plants shall be propagated as follows:
 - i. Native plants shall be propagated from local seeds and cuttings or transplanted from salvage plants. An exception to this requirement may be provided for restoration sites under ¼ acre, where regional native stock from professional native plant nurseries may be used if deemed acceptable by the restoration specialist and approved by the Planning Staff Biologist; and
 - ii. If restoration areas greater than ¼ acre experience the death of original plantings or the required percent vegetation coverage cannot be achieved with propagated plants, native plants may be purchased as local container stock from a professional native plant nursery.
 2. The acreage and content of the plant palette shall be consistent with the compensatory mitigation requirements established by the LCP (see CZO Sec. 8178-2.10).
- e. **Irrigation.** Hand watering or a temporary irrigation system that provides time released applications of water shall be installed at the designated restoration/establishment/enhancement site(s) if irrigation is required as determined by the restoration specialist:

1. The irrigation system shall be installed above-ground, and the temporary irrigation equipment shall be decommissioned and removed at the end of the monitoring period;
 2. All onsite irrigation shall be delivered by drip or micro-spray systems that provide 100 percent coverage of the revegetation areas; and
 3. Supplemental watering shall be terminated once plants are established and meet the performance criteria identified in the Habitat Maintenance and Monitoring Plan.
- f. **Soils.** The following reports and actions shall be required to achieve optimum growth and ensure soil is in its native alkalinity:
1. A soils report, prepared by a certified soil scientist³⁶ with experience in soils engineering, shall be provided that indicates the existing nutrient status and pH of the soil at the mitigation site, and the plan shall indicate whether such soils will support the proposed plant palette; and
 2. Suitable topsoil³⁷ within the footprint of proposed development shall be removed, stockpiled for future use using soil stockpiling best management practices, and spread as the final surface layer of soil for any on-site restoration/establishment areas.
- g. **Weed Eradication Plan.** Provide a plan, methodology and schedule for the eradication of invasive, non-native plants within the restoration, enhancement or establishment site and buffer zone(s).
- h. **Fencing Plan.** To prevent trespassing into a designated mitigation site(s), a temporary fencing plan shall be identified and implemented for the duration of the monitoring period. All temporary fencing shall be removed at the end of the restoration project. See CZO Sec. 8178-2.6.14 for fencing standards.
- i. **Drainage/Erosion Control.** Where needed, drainage and erosion control measures, such as sandbags, fiber rolls, silt fencing, and/or erosion control matting shall be installed (see CZO Sec. 8178-2.6.7 – ESHA Grading Standards).
- j. **Cost Estimates and Funding:** Provide cost estimates for all labor, materials, potential corrective measures, or other items needed to complete the Habitat Restoration Plan and provide documentation of the financial assurances made to the County to ensure implementation of the Habitat Restoration Plan.

Sec. AE-2.1.3 Habitat Maintenance and Monitoring Plan

A Habitat Maintenance and Monitoring Plan (see CZO Sec. 8178-2.10.9) is required to help ensure the success of the compensatory mitigation (i.e., habitat restoration, enhancement or establishment). It identifies the actions necessary to meet the performance standards and monitoring requirements associated with the habitat restoration, enhancement, or establishment once all project components are installed or constructed. The following components and standards (when applicable)

³⁶ The American Society of Agronomy (ASA) certifies Soil Scientists as agronomists and crop advisors. The Soil Science Society of America (SSSA) certifies Soil Scientists and soil classifiers. Geotechnical engineers with soil testing certifications will also be accepted.

³⁷ Topsoil stockpiling is only applicable where original, undisturbed soil native to the site must be disturbed.

shall be met during the maintenance and monitoring period associated with ESHA Preservation or Restoration Plan components:

- a. **Duration.** The duration of a Habitat Maintenance and Monitoring Plan shall be five (5) years, but a longer duration period may be required for specific habitats (e.g., oak woodland), during drought periods, or due to biological constraints of the applicable ESHA ecosystems. The ESHA mitigation monitoring period may be reduced to no less than 3 years if the Planning Staff Biologist determines that all performance criteria are met successfully and all replacement plantings or enhancements are capable of surviving without nurturing, protection, or supplemental care for one year under normal rainfall/weather conditions or two years under drought conditions. If the vegetation cannot be sustained without artificial inputs, then the maintenance and monitoring period shall be extended beyond the five-year period until such time as the performance criteria established by the Habitat Mitigation Plan are fulfilled. If, at the end of a ten-year period, the performance criteria are not met, then an alternative ESHA preservation, establishment, restoration or enhancement plan shall be prepared and implemented to satisfy the compensatory mitigation requirements for the project.
- b. **Maintenance.** The maintenance period shall begin immediately after the installation of the biological components, and it shall continue throughout the established duration period of the Habitat Maintenance and Monitoring Plan. Maintenance activities shall be conducted under the direction of a qualified biologist throughout the duration of the Habitat Maintenance and Monitoring Plan.
- c. **Monitoring.** The monitoring plan shall be used to identify potential problems early and determine appropriate remedial actions. The frequency and duration of monitoring and reporting shall be identified in the Habitat Maintenance and Monitoring Plan and shall be adequate to measure specific performance standards and to meet the stated project goals and objectives relative to site conditions and weather patterns. A monitoring report must be submitted to the County at least once a year, but a shorter period may be required by the Planning Staff Biologist if the project requires adaptation measures to meet performance standards. The monitoring plan shall include the following:
 1. A Monitoring Report shall be prepared by a qualified biological consultant and shall, at a minimum, include the following:
 - i. Documentation of the number of species established;
 - ii. Documentation of the sampling design and analysis used to assess performance standards (e.g. quadrants, transects, etc. for sampling; type of statistics used for the assessment);
 - iii. Documentation of species survival percentage and sizes of species and discussion of whether all native species are being protected and nurtured and whether interim performance criteria were met;
 - iv. Detailed description of the project construction activities performed during the previous year and all restoration and mitigation efforts performed;

- v. Color photo documentation of the pre- and current status of the mitigation site conditions;
- vi. Discussion of monitoring activities and exotic plant control efforts; and
- vii. Recommendations from a *qualified biologist* with *restoration, establishment, or enhancement experience* that include, but are not limited to, any mid-course corrections and adaptive management actions taken to ensure ongoing progress toward meeting interim and final performance criteria and supplemental required actions, such as the application of soil amendments or other treatments.

All Monitoring Reports shall be submitted to the Planning Division for review and approval during the duration period for the Habitat Maintenance and Monitoring Plan (including extensions). If the Monitoring Report does not include the required contents (see above), then a replacement report will be required.

- 2. Monitoring shall be performed by a *qualified biologist* and shall include, but not be limited to, the following inspections:
 - i. During any grading and construction required for the habitat restoration, establishment or enhancement actions, the mitigation site shall be inspected to confirm that ESHA project construction standards are being implemented in accordance with the Habitat Restoration Plan and, if necessary, to require immediate corrective action if the established standards are not being implemented;
 - ii. Site inspections shall be conducted to verify that all plantings and infrastructure were installed in accordance with the approved Habitat Restoration Plan by the *qualified biologist*. Also, prior to issuing a Certificate of Occupancy, Planning Division staff shall conduct a site inspection(s) to verify compliance with the approved Habitat Restoration Plan; and
 - iii. County inspections may also occur on an as-needed basis to evaluate compliance with the performance criteria in the approved Habitat Mitigation Plan or the Habitat Restoration Plan.
 - iv. A condition compliance account shall be established before a zoning clearance is issued for the approved project.
- d. **Cost Estimates and Project Timeline.** Provide an estimated timeline for the maintenance and monitoring plan. Also, provide cost estimates for all labor, materials or other items needed to complete the Habitat Maintenance and Monitoring Plan, and
- e. **Financial Assurance.** Provide documentation of the financial assurance to the County to ensure its implementation. For temporary construction impacts to wetlands, financial assurance shall be provided to ensure that adequate funds are available to complete the required restoration.

[Staff Explanation: Detailed requirements for the Maintenance and Monitoring Plan are provided within the LCP in order to clarify such requirements for project applicants, consultants, and Planning Division staff. The broad purpose of these

plans is to ensure that mitigation measures take place as required, and that corrective actions occur, when needed, to ensure the successful completion of a compensatory mitigation plan.]

AE-2.1.4 Habitat Management Plan

A Habitat Management Plan (see CZO Sec. 8178-2.10.9) is required for all off-site mitigation lots used for ESHA preservation³⁸. The Habitat Management Plan shall include the following components:

- a. Site Information: (1) A legal description of the lot (i.e., metes and bounds) and the area used for compensatory mitigation (if different from the legal lot description); (2) an exhibit with a site plan that includes an accurately scaled easement area graphically depicted on the plan, the Assessor Parcel Number(s) (APNs), street address, and name/address of owners; (3) a title report no less than 6 months old; (4) written summary of current site conditions; and (5) additional information requested by the Planning Division.
- b. Site Preservation Documentation: Documented proof that the property is protected in perpetuity (i.e., a copy of the recorded conservation easement or official documentation for other types of conservation instruments allowed pursuant to CZO Sec. 8178-2.10.1(c). If a conservation easement is used to protect the property, then allowable uses shall be limited to those specified by Sec. AE-2.2 below). Documented proof shall be provided prior to recordation of a Final Map for a proposed land division or, for other types of permits, prior to issuance of a Zoning Clearance for the development. A copy of all legal instruments protecting the site in perpetuity shall be provided as an attachment to the Habitat Preservation Plan.
- c. Management Summary: The timing, location, and implementation for all management operations/practices needed within the conservation easement area. Also, any adaptive management actions identified in the contingency section of the ESHA Mitigation Plan (see Sec. AE-2.1.1(e)). The complexity of the management operations/practices for preserved properties will depend on the abundance and arrangement of biological components, site location, etc.
- d. Cost Estimates and Funding: Information on the stewardship fund or endowment that will be used to manage the property in the short term (before the endowment is fully collected) and the long-term (once the endowment is fully secured). This information shall, at a minimum, include cost estimates for the long-term maintenance and management of the resources and the fiscal arrangements that will be made for the stewardship fund.

[Staff Explanation. This provision identifies the requirements for permanently protected open space lands. Although land is protected from future development, surrounding land uses, invasive species, and other factors may cause changes to acquired properties, and land management is therefore necessary to sustain particular habitats or manage specific species.]

AE-2.2 – Legal Instruments for Conservation

³⁸ All ESHA preservation will be located on an off-site mitigation lot, as on-site preservation cannot be used as compensatory mitigation in the coastal zone.

The information in this Section shall be used in conjunction with the definitions in Article 2 and the regulatory requirements in CZO Sec. 8178-2.6.3(d) – On-Site Development Restrictions, and Sec. 8178-2.10.1(c) – Legal Instruments (for compensatory mitigation). The referenced regulations require the following:

- Except as allowed by CZO Sec. 8178-2.6.3(d), a conservation easement shall be used to conserve areas providing compensatory mitigation. Lots containing off-site mitigation areas providing compensatory mitigation may be encumbered by a conservation easement or a deed restriction³⁹ and subsequently conveyed to a County-approved natural resource agency or conservation organization for ownership.
- A conservation instrument shall be used to conserve on-site ESHA, buffer zones, and slopes over 30 percent located outside of the development envelope that are not used as compensatory mitigation, provided that such areas are identified on a site-specific ESHA map.

AE-2.2.1–Conservation Easements and Deed Restrictions

The following regulations are applicable when a conservation easement or deed restriction is used to conserve areas as compensatory mitigation:

- a. **Conservation Easements** – The conservation easement, which shall be subject to County Planning Division review and approval prior to recordation, shall be prepared by a licensed surveyor, include a formal legal description of the entire lot, and include a metes-and-bounds legal description and graphic depiction of the conservation easement area. A preliminary title report less than six months old, shall be obtained, issued by a licensed title insurance company, that demonstrates the lot is free of prior liens, including tax liens, and encumbrances that could interfere with the instrument’s purpose of conserving the subject habitat in perpetuity. The conservation easement shall be permanent and state that no development shall occur within the open space conservation easement area except as otherwise set forth in the project’s applicable coastal development permit condition(s), consistent with the allowable uses identified in Section AE-2.2.1 below. The conservation easement also shall state that the resources being protected are of significance to the people of the State of California. Following recordation, the permittee shall provide the County Planning Division with a copy of a preliminary title report establishing that the conservation easement appears on the property’s title, as recorded with the Ventura County Recorder. The permittee shall also provide the County Planning Division with documentation establishing that the County-approved natural resource agency or conservation organization, or County agency, has formally accepted the conservation easement.
- b. **Deed Restriction and Property Conveyance In Lieu Of Conservation Easement**. The permittee shall provide the County Planning Division with a preliminary title report, issued by a licensed title insurance company, not more than six months old, establishing that the area to be placed in an open space deed restriction and subsequent ownership transfer appear on the property’s title. The permittee shall record an open space deed restriction, which shall be subject to County review and approval prior to recordation, encumbering the required open space conservation area in perpetuity, and thereafter convey the lot in fee title to the County-approved entity accepting ownership of the property subject to the deed restriction. The deed restriction shall state that no development shall occur

³⁹ A deed restriction is used to ensure the ESHA will be preserved when a property is conveyed in its entirety to a County-approved conservation organization or natural resource agency.

within the open space area except as otherwise set forth in the project's applicable coastal development permit condition(s), consistent with the allowable uses identified in Sec. AE-2.2.1 below. The permittee shall provide the County Planning Division with a copy of the deed restriction as recorded with the Ventura County Recorder. The permittee shall thereafter provide the County Planning Division with documentation establishing that fee title to the open space conservation site(s) has been successfully conveyed to a County-approved natural resource agency, conservation organization, or County agency approved by the County, and that the document effectuating the conveyance was recorded with the Ventura County Recorder.

c. **Allowable Uses and Development: Conservation Easements and Deed Restrictions Used for Compensatory Mitigation.**

When a conservation easement or deed restriction is used to conserve areas as compensatory mitigation, the conservation easement or deed restriction shall include terms and conditions such that the instrument meets the following: (1) definition for a conservation easement in CZO Article 2; and (2) the requirements for compensatory mitigation in CZO Sec. 8178-2.10.1(c) – Preservation of Compensatory Mitigation Sites. New uses and development in the conservation area shall only be allowed pursuant to a valid coastal development permit and shall be limited to the following:

- a. Planting of native vegetation, and other habitat restoration and maintenance activities or development (e.g., wildlife permeable fencing, signs), if allowed pursuant to a County-approved ESHA Mitigation Plan (CZO Sec. 8178-2.10.9);
- b. Construction and maintenance of public hiking trails;
- c. Construction and maintenance of roads, trails, and utilities consistent with existing easements;
- d. Minor grading/brush removal necessary to protect/repair an existing roadway; and
- e. Fire safety activities carried out by the Ventura County Fire Protection District, such as the preparation of fire breaks to protect existing, permitted development during a declared fire emergency. Also, fuel modification required by the Ventura County Fire District, if undertaken in accordance with a fuel modification plan approved by the County pursuant to a coastal development permit. Replacement compensatory mitigation shall be provided for any fuel modification on land used as compensatory mitigation.

The conservation easement or deed restriction shall include a prohibition of other uses and development within the conservation area.

AE-2.2.2 – Conservation Instruments Used for On-Site Development Restrictions

When a conservation instrument is used for on-site development restrictions, pursuant to CZO Sec. 8178-2.6.3(d), the conservation instrument shall include terms and conditions such that the instrument meets the definition in Article 2 and the requirements in CZO Sec. 8181-3.5.3(i)(2). New (or modified) uses and development in the restricted area shall only be allowed pursuant to a valid coastal development permit (or discretionary permit modification) and shall be limited to the following:

- a. General Requirements - When a deed restriction or similar mechanism is used as a conservation instrument to avoid potential impacts associated with development, it

shall include terms and conditions such that the instrument meets the definition of a conservation instrument in Article 2.

- b. Allowable Uses and Development - New uses and development in the area subject to the deed restriction/permit condition shall be limited to the following:
 1. All allowable uses provided by Sec. AE-2.2.1(c); and
 2. Replacement of a failed water well or septic system that meets the following standards: (i) a replacement system was not identified by the existing permit, and (ii) substantial evidence is provided that no feasible, alternate location is available within the approved development envelope.

The conservation instrument shall include a prohibition on other types of uses and development within the protected area. All development associated with the allowable uses in this Section are subject to the permitting and compensatory mitigation requirements provided by the LCP.

Sec. AE-2.3 – Economically Beneficial Use Determination

An application for an Economically Beneficial Use Determination shall be submitted when required pursuant to CZO Sec. 8178-2.6.2(c). The application for an economic beneficial determination for uses other than residential shall include the entirety of all parcels that are geographically contiguous and held by the applicant in common ownership at the time of the application. Before any application for a coastal development permit and economically beneficial use determination is accepted for processing, the applicant shall provide the following information, unless the County determines that one or more of the particular categories of information is not relevant to its analysis:

- a. The date the applicant purchased or otherwise acquired the property, and from whom;
- b. The purchase price paid by the applicant for the property;
- c. The fair market value of the property at the time the applicant acquired it, describing the basis upon which the fair market value is derived, including any appraisals done at that time;
- d. The general plan, zoning or similar land use designations applicable to the property at the time the applicant acquired it, as well as any changes to these designations that occurred after acquisition;
- e. Any development restrictions or other restrictions on use, other than government regulatory restrictions described in subsection (d) above, that applied to the property at the time the applicant acquired it, or which have been imposed after acquisition;
- f. Any change in the size of the property since the time the applicant acquired it, including a discussion of the nature of the change, the circumstances and the relevant dates;
- g. A discussion of whether the applicant has sold or leased a portion of, or interest in, the property since the time of purchase, indicating the relevant dates, sales prices, rents, and nature of the portion or interests in the property that were sold or leased;

- h. Any title reports, litigation guarantees or similar documents in connection with all or a portion of the property of which the applicant is aware;
- i. Any offers to buy all or a portion of the property which the applicant solicited or received, including the approximate date of the offer and offered price;
- j. The applicant's costs associated with the ownership of the property, annualized for each of the last five calendar years, including property taxes, property assessments, debt service costs (such as mortgage and interest costs), and operation and management costs. If the viability of existing agricultural uses is an issue, the determination of "viability" shall include consideration of the following elements for the five years immediately preceding the date of the filing of the coastal development permit application: (1) an analysis of the gross revenue from the agricultural products grown in the area; and (2) an analysis of the operational expenses associated with the production of the agricultural products grown in the area; and
- k. Apart from any rents received from the leasing of all or a portion of the property, any income generated by the use of all or a portion of the property over the last five calendar years. If there is any such income to report, it should be listed on an annualized basis along with a description of the uses that generate or has generated such income; and
- l. Any additional information that the County requires to make the determination.