

**CALIFORNIA COASTAL COMMISSION**

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# Th32a

**DATE:** November 1, 2012

**TO:** Commissioners and Interested Persons

**FROM:** Jack Ainsworth, Senior Deputy Director  
Steve Hudson, District Manager  
Shana Gray, Planning and Regulation Supervisor

**SUBJECT:** Ventura County Local Coastal Program (LCP) Amendment No. MAJ-2-12 (Phase I Update) for Public Hearing and Commission Action at the Thursday, November 15, 2012 Commission Meeting in Santa Monica.

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## DESCRIPTION OF THE SUBMITTAL

Ventura County is requesting an amendment to the Coastal Zoning Ordinance/Implementation Plan (CZO/IP) portion of its certified Local Coastal Program (LCP). This amendment is the first phase of a planned comprehensive update to the County's LCP. The County's amendment proposes to: (1) make revisions to the format and organization, respond to clerical errors, and provide standardization of terms; (2) update County hearing, noticing, administrative, and LCP amendment procedures; (3) make regulatory clarifications to eliminate redundancies, simplify wording, and remove confusing or unclear ordinance language; (4) update the land use matrix and clarify exemptions and categorical exclusions; and (5) accommodate minor policy modifications to address specific regulatory topics.

On August 8, 2012, the County of Ventura submitted a complete application for an amendment to the Coastal Zoning Ordinance / Implementation Plan portions of its certified Local Coastal Program (LCP). At its September 13, 2012 Commission meeting, the Commission extended the time limit to act on this LCP Amendment for a period 125 days. Consistent with that time extension, the Commission must act upon the amendment before February 9, 2013.

## SUMMARY OF STAFF RECOMMENDATION

Commission staff recommends that the Commission **deny** the proposed County of Ventura LCP Amendment VNT-MAJ-2-12 as submitted and **approve** the amendment subject to suggested modifications. The motions to accomplish this are found on Pages 6-7 of this staff report. The standard of review for the proposed changes to the Implementation Plan is whether the amendment conforms with and is adequate to carry out the provisions of the Land Use Plan (LUP) portion of the certified County of Ventura Local Coastal Program. Where the amendment modifies the noticing and hearing requirements, the provisions must also be reviewed for

consistency with the procedural requirements established under Article 17 of Subchapter 2 of Chapter 8 of the Commission's Regulations (Sections 13560 -13574). Additionally, the provisions related to exemptions must be reviewed for consistency with the generally applicable exclusions from Coastal Development Permit requirements in the Coastal Act and associated regulations, pursuant to Coastal Act section 30610 and under Sections 13250 – 13253 of the Commission regulations.

The County's amendment proposes to: (1) make revisions to the format and organization, respond to clerical errors, and provide standardization of terms; (2) update County hearing, noticing, administrative, and LCP amendment procedures; (3) make regulatory clarifications to eliminate redundancies, simplify wording, and remove confusing or unclear ordinance language; (4) update the land use matrix and clarify exemptions and categorical exclusions; and (5) accommodate minor policy modifications to address specific regulatory topics. Each of the above categories is evaluated for consistency with the LUP, and Commission regulations, as applicable, as detailed in Section IV.D.

In general, the proposed clarifications and policy changes implement policies in Ventura County's certified LCP as well as update implementation and processing procedures. The Coastal Area Plan / Land Use Plan (LUP) includes a number of policies to protect coastal waters, environmentally sensitive habitat areas (ESHA) and ESHA buffer areas from development impacts. A number of specific changes were made to the CZO that are intended to improve protection of coastal resources, including updating the purpose of the Coastal Rural zone, modifying permit requirements for kennels, water wells, and geotechnical and soils testing, and more clearly defining the criteria for site plan adjustments. The proposed amendment does not result in any decrease in protection of coastal resources or limit access to coastal areas.

To address implementation issues, three suggested modifications are recommended regarding editorial notes, references in the land use matrix, and an instance in which the proposed language should revert back to its existing certified form, as shown in Section III. These modifications are necessary to ensure adequate implementation consistent with the LUP and Sections 13250-13253 (exemptions) and Sections 13560 -13574 (noticing and public hearings) of the Coastal Commission's regulations.

This proposed LCP amendment is the first phase of a planned comprehensive update to the County's LCP. Phase I is intended to provide non-controversial updates and clean-up changes to enhance implementation by making the CZO more precise and user-friendly, and by accurately reflecting current policies and procedures. Phase II is anticipated to include more significant and controversial topics that will require amending both the LUP and CZO.

Commission and County staffs have coordinated extensively on the contents of the subject amendment. During our pre-amendment discussions, our respective staffs have identified and addressed the key issues, worked out an approach to various procedures, and coordinated on specific language to be included in the subject amendment. As a result, the three suggested modifications reflect precision and clean-up, rather than any overarching issues within the amendment.

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## EXHIBITS

Exhibit 1      Ventura County Board of Supervisors Resolution

## APPENDICES

Appendix A    Substantive File Documents

Appendix B    Proposed LCP Amendment to the County Zoning Ordinance [*Note, Appendix B is available as part of the digital version of this staff report on the California Coastal Commission's website at [www.coastal.ca.gov](http://www.coastal.ca.gov), on the November 15, 2012 hearing agenda, Item 32a.*]

**Additional Information:** For further information, please contact Shana Gray at the South Central Coast District Office of the Coastal Commission at (805) 585-1800. The proposed amendment to the County of Ventura Local Coastal Program (LCP) is available for review at the Ventura Office of the Coastal Commission or at the County of Ventura Planning Department.

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## I.      PROCEDURAL ISSUES

### A.    STANDARD OF REVIEW

The Coastal Act provides:

*The local government shall submit to the Commission the zoning ordinances, zoning district maps, and, where necessary, other implementing actions that are required pursuant to this chapter...*

*The Commission may only reject ordinances, zoning district maps, or other implementing action on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. If the Commission rejects the zoning ordinances, zoning district maps, or other implementing actions, it shall give written notice of the rejection, specifying the provisions of the land use plan with which the rejected zoning ordinances do not conform, or which it finds will not be adequately carried out, together with its reasons for the action taken. (California Public Resources Code Section 30513)*

The standard of review for the proposed amendments to the Implementation Plan (Coastal Zoning Ordinance) of the certified Local Coastal Program, pursuant to Sections 30513 and 30514 (“proposed amendments to a certified [LCP] shall be submitted to, and processed by, the commission in accordance with the applicable procedures ... specified in Sections 30512 and 30513...”) of the Coastal Act, is that the Commission must approve them unless any proposed amendment is not in conformance with, or is inadequate to carry out, the provisions of the Land Use Plan (LUP) portion of the certified Ventura County Local Coastal Program.

Additionally, the proposed amendment modifies the implementation of the noticing and hearing procedures for coastal development permits, and therefore must be reviewed for consistency with the procedural requirements established under Article 17 of Subchapter 2 of Chapter 8 of the Commission's Regulations (Sections 13560 -13574). The noticing and hearing requirements specified in Article 17 provide the procedural "minimum standards" (see section 13560) for local governments in applying their Implementation Plans, in order to carry out the provisions of the Land Use Plan.

Where the amendment clarifies the types of development that may be exempt from the Coastal Development Permit requirement, the proposed amendments must be reviewed for consistency with the generally applicable exclusions from Coastal Development Permit requirements in the Coastal Act and associated regulations, primarily pursuant to Coastal Act section 30610 and under Sections 13250 – 13253 of the Commission regulations, within Chapter 6, Exclusions from Permit Requirements.

## **B. PUBLIC PARTICIPATION**

Section 30503 of the Coastal Act requires public input in preparation, approval, certification and amendment of any LCP. The County held public hearings on this amendment and received oral and written comments regarding the proposed changes from concerned parties and members of the public. The hearings were noticed to the public by publishing the notice in the local newspaper and by mailing notice to interested parties, consistent with Section 13515 of Title 14 of the California Code of Regulations. Notice of the Coastal Commission hearing for LCP Amendment 2-12 has been distributed to all known interested parties.

## **C. PROCEDURAL REQUIREMENTS**

Pursuant to Section 13551 (b) of Title 14 of the California Code of Regulations ("14 CCR"), the County, by resolution, may submit a Local Coastal Program Amendment that will either require formal local government adoption after the Commission approval, or is an amendment that will take effect automatically upon the Commission's approval pursuant to Public Resources Code Sections 30512, 30513, and 30519. In this case, because staff is recommending that this approval be subject to suggested modifications by the Commission, if the Commission approves this Amendment as recommended, the County must act to accept the certified suggested modifications within six months from the date of Commission action in order for the Amendment to become effective (14 CCR §§ 13544, 13555(b), and Section 13542(b)). Pursuant to Section 13544, the Executive Director shall determine whether the County's action is adequate to satisfy all requirements of the Commission's certification order and report on such adequacy to the Commission. If the Commission denies the LCP Amendment, as submitted, no further action is required by either the Commission or the County.

## II. STAFF RECOMMENDATION, MOTIONS, AND RESOLUTIONS ON THE IMPLEMENTATION PLAN/COASTAL ZONING ORDINANCE (IP/CZO)

Following a public hearing, staff recommends the Commission adopt the following resolutions and findings. The appropriate motion to introduce each resolution and a staff recommendation for how to vote on the motion is provided just prior to each resolution.

### A. DENIAL OF THE IMPLEMENTATION PLAN AMENDMENT AS SUBMITTED

#### **Motion I:**

*I move that the Commission reject the County of Ventura Implementation Program/Coastal Zoning Ordinance Amendment VNT-MAJ-2-12 as submitted.*

#### **Staff Recommendation of Rejection:**

Staff recommends a **YES** vote. Passage of this motion will result in rejection of the proposed Implementation Program Amendment and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

#### **Resolution to deny certification of the Implementation Program Amendment as submitted:**

*The Commission hereby denies certification of the County of Ventura Implementation Program/Coastal Zoning Ordinance Amendment VNT-MAJ-2-12 and adopts the findings set forth below on grounds that the Implementation Program Amendment as submitted does not conform with, and is inadequate to carry out, the provisions of the certified Land Use Plan. Certification of the Implementation Program Amendment would not meet the requirements of the California Environmental Quality Act as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the Implementation Program Amendment as submitted.*

### B. CERTIFICATION OF THE IMPLEMENTATION PLAN AMENDMENT WITH SUGGESTED MODIFICATIONS

#### **Motion II:**

*I move that the Commission certify County of Ventura Implementation Program/Coastal Zoning Ordinance Amendment VNT-MAJ-2-12 if it is modified as recommended by Commission staff.*

**Staff Recommendation to certify the Amendment with Suggested Modifications:**

Staff recommends a **YES** vote. Passage of this motion will result in certification of the Implementation Program Amendment with suggested modifications and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

**Resolution to certify the Implementation Plan Amendment with Suggested Modifications:**

*The Commission hereby certifies the County of Ventura Implementation Program/Coastal Zoning Ordinance Amendment VNT-MAJ-2-12 if modified as suggested and adopts the findings set forth below on grounds that the Implementation Program Amendment with the suggested modifications conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan. Certification of the Implementation Program Amendment if modified as suggested complies with the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Program Amendment on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.*

**III. SUGGESTED MODIFICATIONS**

The staff recommends the Commission certify LCP Amendment VNT-MAJ-2-12 if modified with the modifications as shown below. The County's proposed amended language to the certified LCP Implementation Plan is shown in straight type. Language recommended by Commission staff to be deleted is shown in ~~line out~~. Language proposed by Commission staff to be inserted is shown underlined. Other suggested modifications that do not directly change LCP text (e.g., revisions to maps, figures, instructions) are shown in italics.

**1. Editorial Notes**

*The Editorial notes on pages 17, 27, 46, 47, 51, 56, and 68 shall be retained and officially designated as footnotes rather than "editorial notes" as follows:*

~~Editorial note:~~ Data from the Construction Cost Index is available from Coastal Commission staff or online at [www.ENR.com](http://www.ENR.com). 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. [pg 17]

~~Editorial note:~~ Also see definition of "principally-permitted use" for uses that are not appealable to the Coastal Commission, unless located within an area subject to appeal. [pg 27]

~~Editorial note:~~ 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. [pg 46]

~~Editorial note:~~ See also Exclusion Maps in Categorical Exclusion Order E-83-1 (effective 9/30/1986, amendment effective 2/25/1987. [pg 47]

~~Editorial Note:~~ 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. [pg 51]

~~Editorial Note:~~ See Sections 8174-6.1, 8174-6.2.1, 8174-6.2.5, and 8174-6.3.6. [pg 56]

~~Explanatory note:~~ ESHA is subject to Sec. 8174-4 and Sec. 8178-2. [pg 68]

*The editorial notes on pages 44, 127, and 135 shall be deleted as follows:*

~~Editorial Note:~~ The following are not considered “development” and may not require a Zoning Clearance (See Article 4): Ongoing crop production, Pet Animals (consistent with Sec. 8175-5.2.4a), Exterior Storage pursuant to Categorical Exclusion Order E-83-1, Accessory Caretaker Recreational Vehicles, pursuant to the standards in Sec. 8175-5.15. [pg 44]

~~Editor's note:~~ Check Policy/Procedure for correct procedure. [pg 127]

~~Editorial Note:~~ The following are not considered “development” and may not require a Zoning Clearance (See Article 4): Ongoing crop production, Pet Animals (consistent with Sec. 8175-5.2.4a), Exterior Storage pursuant to Categorical Exclusion Order E-83-1, Accessory Caretaker Recreational Vehicles, pursuant to the standards in Sec. 8175-5.15. [pg 135]

## 2. References in Land Use Matrix

*The following changes shall be made to references within the land use matrix (pages 32 and 40):*

Growing, Packing, Storage or Preliminary Processing, in Structures
Total Floor Area Per Lot
up to 20,000 sq. ft.
over 20,000 to 100,000 sq. ft.
over 100,000 sq. ft.
• If exempt per Sec. 8174-6.2 <del>1</del> , 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5
Total Floor Area up to 100,000 sq. ft.
Total Floor Area over 100,000 sq. ft.
Improvements to Agricultural Structures
Uses and Structures, Accessory
• If exempt per Sec. 8174-6.2 <del>1</del> , 8174-6.3.2, 8174-6.3.4, 8174-6.3.5, or 8174-6.3.6

<b>REAL ESTATE TRACT OFFICES, TEMPORARY</b> (See Sec. 8175-5.1 <del>jk</del> )
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*The legend for the land use matrix shall be modified as follows:*

**PDP** = PD Permit, Principally-Permitted\*\*



\*\*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.

### 3. Revert Back to Certified Language

*The definition of “lot” shall not be modified as proposed. Modifications to the definition of “lot” may be considered during Phase II of the comprehensive amendment.*

## IV. FINDINGS FOR DENIAL AS SUBMITTED AND APPROVAL OF THE LOCAL COASTAL PROGRAM AMENDMENTS IF MODIFIED AS SUGGESTED

The following findings support the Commission’s denial of the LCP amendment as submitted, and approval of the LCP amendment if modified as indicated in Section III (*Suggested Modifications*) above. The Commission hereby finds and declares as follows:

### A. AMENDMENT DESCRIPTION

Ventura County is requesting an amendment to the Coastal Zoning Ordinance/Implementation Plan (CZO/IP) portion of its certified Local Coastal Program (LCP). This amendment is the first phase of a planned comprehensive update to the County’s LCP. The County’s amendment proposes to: (1) make revisions to the format and organization, respond to clerical errors, and provide standardization of terms; (2) update County hearing, noticing, administrative, and LCP amendment procedures; (3) make regulatory clarifications to eliminate redundancies, simplify wording, and remove confusing or unclear ordinance language; (4) update the land use matrix and clarify exemptions and categorical exclusions; and (5) accommodate minor policy modifications to address specific regulatory topics. The amendment is more fully described below.

#### 1. Format, Organization, Clerical Corrections, and Standardization

- Clerical and Grammatical errors. The proposed amendment includes numerous changes to address grammatical, typographical, and punctuation errors that occur throughout the CZO. These corrections serve to clarify the intent of the existing provisions. A common change throughout the CZO is changing the word “which” to “that” where “which” is incorrectly used before *restrictive clauses* (i.e., text that is essential to the meaning of a sentence). In this context, “which” should only be used before *nonrestrictive clauses* (i.e., text that is explanatory, but not essential). Using the word “which” in place of the correct term “that” makes the meaning of many ordinance requirements unclear, because it does not adequately distinguish between regulatory and explanatory ordinance language. Correcting this error ensures that the language of the CZO is consistent with its regulatory intent and requirements.
- Abbreviations. The proposed amendment modifies zoning abbreviations (e.g. CA,

COS, CM) to remove hyphens placed between the letters of the abbreviations in the original CZO. In addition, standard terms that are used throughout the ordinance, such as “Local Coastal Program” and “Environmentally Sensitive Habitat Area” are replaced with their acronyms.

- Standard reference format. Various references to internal CZO sections and to State regulations were updated to be consistent with standard citation formatting, and to remove incorrect references.
- Obsolete terms. Outdated organization names, titles, and terms were replaced within the CZO. For example, the old organization name “Soil Conservation Service” was replaced with the current name “Ventura County Resource Conservation District.”
- Reorganization. The proposed amendment modifies the organization of the CZO in some places to make ordinance regulations easier to find and follow. Several CZO sections and subsections were reordered, and a number of definitions were moved from the body of the ordinance to the definitions section (Sec. 8172-1). Similarly, regulatory language, such as regulations for kennels, was moved out of the definitions section (Sec. 8172-1) to a more appropriate location within the body of the ordinance.

## 2. Hearing, Noticing, Administrative and LCP Amendment Procedures

- Addresses for Noticing (Appendix B pages 142, 145). The subject amendment deletes Section 8181-5.3 of the certified CZO which requires applicants to obtain the names and addresses of adjacent property owners and residents for noticing. Instead, the County shall ensure adequate public notes pursuant to CZO Section 8161-6.2.1.
- Hearing Procedures (Appendix B page 144-147). The subject amendment clarifies hearing procedures throughout Section 8181-6 of the CZO, which outlines the procedures for hearings, notice, and appeals related to proposed developments in the Coastal Zone. The proposed language serves to clearly differentiate between procedures required for County review versus Coastal Commission requirements.
- Initiation of LCP Amendments (Appendix B page 169-170). Consistent with current County procedures, the proposed amendment revises the CZO to eliminate the requirement that the Planning Director notify the Planning Commission prior to the initiation of amendments to the CZO, and to clarify that any interested party may initiate an application for a text amendment.
- Board of Supervisor Screening of Privately-Initiated LCP Amendments (Appendix B page 170). The proposed amendment revises the certified CZO to allow the Board of Supervisors to preview or “screen” privately-initiated text amendments to the CZO. The primary purpose of these pre-screenings is to obtain Board input and direction on proposed CZO text amendments at an early stage in order to reduce applicant costs for proposed amendment processing where the Board of Supervisors might identify issues with the proposed privately-initiated CZO amendment that might make it unlikely to be ultimately approved. This does not affect the Coastal Commission’s review process for LCP Amendments.
- Waiver of Public Hearing for Minor Developments (Appendix B pages 17, 146-147). The amendment proposes to allow a waiver of the public hearing for “minor

developments” consistent with Section 30624.9 of the Coastal Act. This allows the public hearing to be waived for minor developments under certain circumstances and only where consistent with specific noticing procedures. Minor developments are those developments that meet the following criteria:

- a) The development is consistent with the County of Ventura Certified Local Coastal Program
  - b) The development requires no discretionary approvals other than a planned development permit or a public works permit
  - c) The development has no adverse effect either individually or cumulatively on coastal resources or public access to the shoreline or along the coast.
- Failure to Act (Appendix B page 148). The proposed amendment updates Section 8181-7.5 of the certified CZO to reflect current case law regarding circumstances in which the County fails to provide public notice or hold a hearing on a proposed development as prescribed by law. In such cases, there is a systematic procedure in which the applicant must proactively compel the County to provide the public notice or hold the hearing in a certain timeframe. If the County continues to fail to act under these circumstances, the permit application may be approved by operation of law.
  - Concurrent Entitlements for Violations (Appendix B page 141). The subject amendment proposes to add language that would allow a violator/applicant to file for land use entitlements that are unrelated to an existing violation on the subject property, so long as the violator/applicant concurrently files an entitlement application that would correct the zoning violation. Currently, when there is a zoning violation on a property, the certified CZO prohibits all discretionary entitlement applications except for an application that would correct the violation. The stated intent of this change is to allow for more efficient processing of land use permits.
  - Zoning Maps (Appendix B pages 4-5, 131). The proposed amendment clarifies that the County may maintain LCP zoning maps in a GIS format. The County maintains these maps within a GIS system based upon the official zoning maps certified by the Commission. This modification does not change the zone classification of any lot.

### 3. Regulatory Clarifications

- Regulatory clarifications. The amendment proposes to eliminate redundancies, simplify wording, and remove confusing or unclear ordinance language throughout the certified CZO. This includes adding or revising regulations to clarify County land use procedures that are consistently used in the Coastal Zone today, but are not adequately or correctly described in the text of the certified CZO. As part of these changes, section references, titles, and introductory language were added to help users find and follow ordinance regulations. In addition, many of the defined terms in the ordinance were clarified to be consistent with County practice and applicable Coastal Act regulations. The bulk of the regulatory clarifications can be characterized as follows:
  - Adding or modifying the CZO to reflect existing regulatory language and

- definitions from the Coastal Act;
- Clarifying under what circumstances changes of land use in the Coastal Zone may be processed through a County ministerial action, and when they require a County-issued discretionary permit or permit modification;
  - Explaining which regulations apply to setback *areas* (the open space created by the setback) as opposed to setback *distances* (the linear measurement of the setback);
  - Clarifying that more than one principal use may be legally allowed on a lot (note, however, this is specifically differentiated from “principally-permitted uses”);
  - Specifying how gross floor area, grade, and building height should be measured;
  - Clarifying that hotels with fewer than six guest rooms are allowable, rather than requiring hotels with a minimum of six guest rooms;
  - Changing the term “open storage” to the more intuitive “exterior storage;”
  - Removing undefined terms (e.g. “living unit”) and replacing them with defined terms (e.g. “dwelling unit”);
  - Adding definitions to the CZO definitions sections for terms that are defined in the CZO, Coastal Act or are otherwise used consistently throughout the ordinance (e.g. “buffer area,” “coastal development permit”);
  - Updating the stated height limits in the Residential Beach (RB) and Residential Beach Harbor (RBH) zones to correspond with the effective height limit in these zones. Although the CZO currently states that the height limit in the RB and RBH zones is 25 feet, Section 8175-4.8 allows roof structures in those zones up to 28 feet, including solid parapet walls or safety railings. In terms of building mass, there is no difference between a 28-foot-high building and a 25-foot-high building with a 3-foot solid parapet wall or safety railing. Thus, the *effective* height limit in the RB and RBH zones is currently 28 feet. The CZO was also modified to allow clear or open-rail guard rails up to 28 feet, six inches in the RB and RBH zones, in order to be consistent with the requirements of the California Building Code. (Appendix B pages 63-64, 70, 74)
  - Adding building coverage standards directly into the CZO for all uses. Currently building coverage standards are located in the certified Coastal Area Plan. The amendment proposes to add these same standards to the CZO for easier reference. (Appendix B page 66)
  - Adding language that clarifies that Zoning Clearances cannot be approved in lieu of a required coastal development permit. Zoning Clearances are issues for development that is exempt or excluded from the coastal development permit requirement. Zoning Clearance procedures are already instituted within the existing, certified CZO to certify that a proposed structure and/or use of land or buildings meet all of the requirements in the CZO. Additionally, Zoning Clearances certify that the conditions of any previously issued permit have been met. (Appendix B pg 135)

#### 4. Land Use Matrix and Exemption Language

- Use Matrix (Appendix B pages 31-44). The amendment proposes a number of clarifications to the land use matrix (i.e., the table of permitted uses by zone). The proposed modifications include changes to the permit symbols and land use headings, as well as clarifications to correctly indicate permitting requirements for each land use listed in the matrix. The current matrix includes symbols to indicate permitting requirements. These were replaced by acronyms for each permit type and distinct colors to indicate the approving authority. A key to the new abbreviations was added to the bottom of each page of the use matrix. These changes are intended to make the matrix user-friendly.

Various land use category headings were also rearranged so they appear in a more logical order. Land use category names were updated as necessary to be consistent with current terminology.

Further, the proposed amendment modifies the permit requirements in the land use matrix in order to accurately and consistently represent the various levels of permitting applicable to each land use. For instance, permit requirements listed in the existing certified land use matrix may be misleading because other regulations in the CZO supersede the requirements listed in the matrix. Therefore, the use matrix was updated to make permit requirements consistent throughout the ordinance. Two examples include permit requirements for filming activities and dredging. Additionally, a new subheading was added for parcel map waivers to show that when a waiver creates new lots, it requires a coastal development permit, consistent with current County and Coastal Commission policy.

One of the main changes to the land use matrix is the systematic addition of a subcategory for each land use type that specifies that a County Zoning Clearance is necessary even “if [the development is] exempt per Section ...” This subcategory cross-references to the potentially applicable exemptions and exemption rules. In most cases, the potential for exemptions is cross-referenced to repair and maintenance; associated improvements; and disaster replacement categories of exemption.

Finally, in several locations a subheading was added to clarify that grading and brush removal must meet permitting requirements, even when it is conducted as part of another use (e.g. new crop production, permanent and water testing wells). Clarifying permitting requirements for these uses will help protect sensitive habitats by ensuring that grading, brush or vegetation removal associated with such uses is not allowed without proper permits.

- Exemptions and Categorical Exclusions (Appendix B pages 45-56). Section 8174 of the existing certified CZO currently identifies land use projects that are exempt from coastal development permit requirements; however, it does so in a way that may be difficult to decipher because the legal basis for the exemptions is not listed in the ordinance. Also, some exemptions were incorrectly translated into the CZO from the Categorical Exclusion Order. To address these problems, the amendment proposes to restructure and revise Sec. 8174-6 of the CZO to:

1. Organize the exemptions by topic;
2. Explicitly cite state statutory authority that allows exemptions to coastal development permit requirements;
3. Update the CZO to use the exact language from the Coastal Act and Categorical Exclusion Orders when describing exemptions;
4. Include full descriptions of the circumstances, as described in the Coastal Act and Categorical Exclusion Orders, under which exemptions may not be granted due to potential for impacts to sensitive coastal resources; and
5. Ensure that exemptions are not inappropriately granted or withheld due to incorrect or inaccurate language in the CZO.

In sum, the revised section 8174-6 combines existing language from the CZO, Coastal Act, and Ventura County's adopted Categorical Exclusion Order to comprehensively explain coastal development permit exemptions.

## 5. Policy Changes

In addition to the regulatory clarifications that are proposed, a number of minor policy changes are proposed as part of the Phase I amendments. Many of these modifications are changes that address new technology and standard practices that occurred since the original adoption of the CZO in 1983. Such changes are categorized as minor policy changes. The stated intent is to bring the CZO up-to-date with current federal, state and local standards.

The following list describes the proposed minor policy changes included as part of the subject amendment:

- GIS Technology (Appendix B pages 4-5). The existing certified CZO specifies that when zone boundaries within a lot are uncertain, they shall be determined by the scale appearing on the zoning maps. The proposed amendment modifies the CZO to allow the use of GIS technology to determine zone boundaries, and adds a definition of GIS.
- Coastal Rural Zone Description (Appendix B page 25). The existing certified CZO defines the purpose of the Coastal Rural (CR) zone as providing, "a rural residential setting where a variety of agricultural uses are permitted." This implies that multiple "principally-permitted" uses would be allowed in the CR zone. The current description is inconsistent with Coastal Act Section 30603 that there can be only one "principally-permitted" use within a zone (i.e. one category of uses that is not appealable to the Coastal Commission).

To address this issue, the description of the CR zone was modified to state that its purpose is to provide "a rural residential setting where a variety of agricultural uses also are permitted." This clarifies that, while both residential and agricultural uses may be allowed uses in this zone, agricultural uses are subordinate to the primary residential purpose of the zone.

No changes to existing permit requirements are proposed as part of this modification, and there are no associated changes to the allowable uses within the CR zone.

- Kennels (Appendix B page 38). The proposed amendment designates kennels as an allowable use within the Coastal Open Space (COS) zone, but not as a principally permitted use. Thus, kennels approved in the COS zone would be appealable to the Coastal Commission, consistent with other uses that are not principally-permitted uses within the zone. Within the existing certified CZO, kennels are allowed in the COS zone with a Coastal Development Permit and are a principally-permitted use. Principally-permitted uses must carry out the land use purpose of a particular zone. While kennels may be an allowable use in the COS zone, it does not meet the primary purpose of the zone to “provide for the preservation, maintenance, and enhancement of natural and recreational resources in the coastal areas.”
- Traffic Safety “Clear Sight Triangle” (Appendix B pages 9, 67-68). As specified in the existing certified CZO, traffic safety sight triangles are required on corner lots in the Coastal Zone. The proposed amendment replaces the old term “Traffic Safety Sight Area” with the current term “Clear Sight Triangle,” and revises the provisions to reflect current sight triangle standards included in the guidelines of the American Association of State Highway and Transportation Officials. A diagram was added for clarification.
- Wet bars (Appendix B page 78). The proposed amendment adds regulations limiting the size of sink drain plumbing in wet bars, consistent with the County’s Non-Coastal Zoning Ordinance. The intent of the proposed revision is to ensure that wet bars are used for their intended purpose.
- Bed-and-Breakfast Inn (Appendix B pages 105). The proposed amendment limits guest stays at bed-and-breakfast inns to 30 days, consistent with the definition of “transient” located in other sections of the County Code. The existing certified CZO does not limit the length of stay that guests may occupy a bed-and-breakfast inn.
- Geotechnical and soils testing (Appendix B pages 13, 38). The certified CZO is silent with regard to the permitting requirements for geotechnical or soils testing in the Coastal Zone. However, various sections of the ordinance require geotechnical and soils testing for specific development types. To ensure that geo- and soils testing is carried out in a manner that is protective of coastal resources, the use matrix was revised to specify that geotechnical and soils testing requires a zoning clearance. However, that where brush clearance or grading is associated with such testing, it must be reviewed for compliance with the permitting requirements for brush clearance/grading. Additionally, a definition of geotechnical and soils testing was added to clarify that testing does not include the construction of associated access roads or pads, which is development that requires a permit.
- Site Plan Adjustments (Appendix B pages 153-154). The proposed amendment would modify the criteria for site plan adjustments. Section 8181-10.4.1 of the certified CZO outlines the criteria used to determine when a change to an existing coastal development permit may be considered such a minor change to a previously approved project that it does not require additional public notice or hearing. This is the County’s “site plan adjustment” process. However, because this language is not precise, significant changes to an existing permit could be allowed using a site plan adjustment. Thus, avoiding the requisite coastal development permit review. To

ensure that the CZO is properly implemented, the subject amendment proposes to add more detailed criteria to the discussion of changes that qualify for a site plan adjustment. The proposed changes clarify that site plan adjustments must be consistent with the provisions of the LCP as well as the intent of the original permit findings and conditions. In addition, the site plan adjustment must be consistent with environmental findings of the original permit.

- Reasonable Accommodation (Appendix B pages 155-157). The proposed amendment includes a procedure for allowing a disabled person to apply for “reasonable accommodations” in land use and zoning rules, policies, practices and procedures of the County in order to afford disabled persons an equal opportunity to use and enjoy a dwelling. 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). The request for reasonable accommodation must be processed concurrently with any other necessary permits, including any required coastal development permit.
- Farmworker and Animal Caretaker Uses (Appendix B pages 7, 11, 32, 67, 75-77, 105). The subject amendment proposes to add new regulations providing for the verification of farmworker and animal caretaker employment to help ensure that farmworker dwelling units are only made available to farmworkers, animal caretakers, and the members of their households. The certified CZO does not include provisions for animal caretaker uses, and does not require verification of farmworker or animal caretaker employment for residents of farmworker or animal caretaker dwellings.

The proposed amendment stipulates that residents of animal caretaker dwellings must be employed “...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.” The family of an animal caretaker may live in an animal caretaker dwelling.

Animal caretaker dwellings would be regulated in the same way as farmworker dwellings, which are permitted in the current CZO as an accessory use in the Coastal-Agricultural zone. The amendment also defines the term “animal caretaker” and “animal caretaker dwelling.” These terms are added throughout the ordinance in order to regulate animal caretaker dwellings in the same way as farmworker dwellings.

The proposed amendment would not allow additional/larger dwelling units on a lot beyond what is currently permitted. Instead, the amendment would allow a different category of resident (i.e. animal caretakers and their families) to live in permitted accessory dwellings.

- Satellite Dish Antenna Standards (Appendix B pages 21, 37, 100). The proposed amendment removes the special processing requirements for satellite dish antennas in the Residential Beach Harbor (RBH) zones. As attached development typically associated with single-family residences, satellite dish antennas are often exempt



from coastal development permit requirements. However, the certified CZO requires a planned development permit for satellite dish antennas in the RBH zone. This stringent permitting requirement was added to the certified LCP in 1985, when typical antennas were 8 to 12 feet wide and cost about \$2,500. The regulations were intended to lessen the visual effect of bulky satellite dish antennas on surrounding properties.

Today's antennas are typically 1 to 2 feet wide and cost less than \$100, and thus do not have the same environmental impact as the large antennas of the 1980s. Additionally, current federal regulations (47 C.F.R. Section 1.4000), which were not in place at the time the regulations in the current CZO were adopted, generally prohibit local governments from requiring permits for satellite dish antennas that are less than one meter in diameter. Because of their diminished size, and because of new federal laws that preempt local regulations, the subject amendment proposes to remove these specialized satellite dish antenna regulations from the CZO. Thus, satellite dishes would be handled as any other development in the Coastal Zone. Satellite dish antennas that are not typically associated with a residence would require a coastal development permit.

- Permits for Residential Water Wells (Appendix B pages 37 ,44). The subject amendment proposes a distinction between “permanent water wells” and “test wells” that are constructed to determine water availability. In both cases a coastal development permit would be required. However, test wells are stand alone developments that can be reviewed separately on their own merits. Permanent wells are reviewed only as accessory development to the primary residential use.

Additionally, the proposed amendment modifies the use matrix to clarify that wells that include grading or brush clearance must abide by permit requirements for those uses, in addition to permit requirements for wells. The proposed modifications clarify, rather than change, the existing permit requirements for wells.

## **B. LOCAL COASTAL PROGRAM HISTORY**

Ventura County's Coastal Zoning Ordinance (CZO) was effectively certified in October 1983, with the exception of sections related to the Harbor Planned Development (HPD) zone (i.e., Channel Islands Harbor) and the County's Categorical Exclusion Order E-83-1. The sections related to the County's Categorical Exclusion Order were not approved because the Coastal Commission found that the CZO did not properly reflect the language of that order. The sections related to the Harbor Planned Development were not initially approved by the Coastal Commission because they were planned for incorporation into a separate Public Works Plan, but were ultimately certified as part of a major amendment to the CZO in 1987.

Due to problems with Categorical Exclusion Order mapping, Categorical Exclusion Order E-83-1 was not made effective at the same time as the CZO adoption in 1983. In September 1986, Categorical Exclusion Order E-83-1 became effective when the executive director of the Coastal Commission determined that previous problems were addressed and the maps within the order were adequate.

Subsequent amendments to the CZO modified its overall structure, and further addressed the issues related to Categorical Exclusion Order E-83-1. The Board of Supervisors approved this recodification of the CZO, as well as amendments to Categorical Exclusion Order E-83-1 (known as E-83-1A) in May 1986. Following certification by the Coastal Commission and determination of legal adequacy by the executive direction of the Coastal Commission, the recodified CZO and Categorical Exclusion Order E-83-1A were effective in December 1987.

Since then, the CZO has been amended to address specific land use policy areas (e.g. second dwelling units and camps), but no comprehensive update has been made to the ordinance since 1987. As such, numerous sections of the CZO are outdated due to changing coastal land use policies, technologies, or other circumstances. The subject amendment represents Phase I of a planned comprehensive amendment to the County's Local Coastal Program. Phase I is intended to address outdated sections and correct errors discovered since the adoption of the CZO. Phase II will address both Land Use Plan and Implementation Plan components of the LCP. Commission and County staffs are coordinating on Phase II issues and topics which will likely represent more controversial issues than this first phase, clean-up amendment.

### **C. COASTAL ACT AND COUNTY PROVISIONS RELEVANT TO REVIEW OF THE SUBJECT AMENDMENT**

The County is requesting an amendment to the certified Coastal Zoning Ordinance, a component of the County's certified Implementation Plan. The standard of review is as follows:

- (1) The standard of review for the proposed changes to the Implementation Plan is whether the amendment conforms with and is adequate to carry out the provisions of the Land Use Plan (LUP) portion of the certified County of Ventura Local Coastal Program.
- (2) Where the amendment modifies the noticing and hearing requirements, the provisions must be reviewed for consistency with the procedural requirements established under Article 17 of Subchapter 2 of Chapter 8 of the Commission's Regulations (Sections 13560 -13574).
- (3) Where the amendment modifies provisions related to exemptions, the provisions must be reviewed for consistency with the generally applicable exclusions from Coastal Development Permit requirements in the Coastal Act and associated regulations, pursuant to Coastal Act section 30610 and under Sections 13250 – 13253 of the Commission regulations, within Chapter 6, Exclusions from Permit Requirements.

The relevant Coastal Act policies and regulations, and County Land Use Plan policies are cited below.

## 1. Coastal Act Policies

Coastal Act **Section 30106** (definition of development) states:

*"Development" means, on land, 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 purposes, 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 Practice 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.*

Coastal Act **Section 30603** (appeal of actions taken after certification of local program; types of developments; grounds; finality of actions; notification to Commission) states:

*(a) After certification of its local coastal program, an action taken by a local government on a coastal development permit application may be appealed to the commission for only the following types of developments:*

*(1) Developments approved by the local government 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 tideline of the sea where there is no beach, whichever is the greater distance.*

*(2) Developments approved by the local government not included within paragraph (1) that are 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) Developments approved by the local government not included within paragraph (1) or (2) that are located in a sensitive coastal resource area.*

*(4) Any development approved by a coastal county that is not designated as the principal permitted use under the zoning ordinance or zoning district map approved pursuant to Chapter 6 (commencing with Section 30500).*

*(5) Any development which constitutes a major public works project or a major energy facility.*

*(b) (1) The grounds for an appeal pursuant to subdivision (a) shall be limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program or the public access policies set forth in this division.*

*(2) The grounds for an appeal of a denial of a permit pursuant to paragraph (5) of subdivision (a) shall be limited to an allegation that the development conforms to the standards set forth in the certified local coastal program and the public access policies set forth in this division.*

*(c) Any action described in subdivision (a) shall become final at the close of business on the 10th working day from the date of receipt by the commission of the notice of the local government's final action, unless an appeal is submitted within that time. Regardless of whether an appeal is submitted, the local government's action shall become final if an appeal fee is imposed pursuant to subdivision (d) of Section 30620 and is not deposited with the commission within the time prescribed.*

*(d) A local government taking an action on a coastal development permit shall send notification of its final action to the commission by certified mail within seven calendar days from the date of taking the action.*

Coastal Act **Section 30610** (developments authorized without permit) states:

*Notwithstanding any other provision of this division, no coastal development permit shall be required pursuant to this chapter for the following types of development and in the following areas:*

*(a) Improvements to existing single-family residences; provided, however, that the commission shall specify, by regulation, those classes of development which involve a risk of adverse environmental effect and shall require that a coastal development permit be obtained pursuant to this chapter.*

*(b) Improvements to any structure other than a single-family residence or a public works facility; provided, however, that the commission shall specify, by regulation, those types of improvements which (1) involve a risk of adverse environmental effect, (2) adversely affect public access, or (3) involve a change in use contrary to any policy of this division. Any improvement so specified by the commission shall require a coastal development permit.*

*(c) 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.*

*(d) Repair or maintenance activities that do not result in an addition to, or enlargement or expansion of, the object of those repair or maintenance activities; provided, however, that if the commission determines that certain extraordinary methods of repair and maintenance involve a risk of substantial adverse environmental impact, it shall, by regulation, require that a permit be obtained pursuant to this chapter.*

*(e) Any category of development, or any category of development within a specifically defined geographic area, that the commission, after public hearing, and by two-thirds vote of its appointed members, has described or identified and with respect to which the commission has found that there is no potential for any significant adverse effect, either individually or cumulatively, on coastal resources or on public access to, or along, the coast and, where the exclusion precedes certification of the applicable local coastal program, that the exclusion will not impair the ability of local government to prepare a local coastal program.*

*(f) 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 division; provided, however, that the commission may, where necessary, require reasonable conditions to mitigate any adverse impacts on coastal resources, including scenic resources.*

*(g) (1) The replacement of any structure, other than a public works facility, destroyed by a disaster. 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.*

*(2) As used in this subdivision:*

*(A) "Disaster" means any situation in which the force or forces which destroyed the structure to be replaced were beyond the control of its owner.*

*(B) "Bulk" means total interior cubic volume as measured from the exterior surface of the structure.*

*(C) "Structure" includes landscaping and any erosion control structure or device which is similar to that which existed prior to the occurrence of the disaster.*

*(h) Any activity anywhere in the coastal zone that involves the conversion of any existing multiple-unit residential structure to a time-share project, estate, or use, as defined in Section 11212 of the Business and Professions Code. If any improvement to an existing structure is otherwise exempt from the permit requirements of this division, no coastal development permit shall be required for that improvement on the basis that it is to be made in connection with any conversion exempt pursuant to this subdivision. 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 subdivision.*

*(i) (1) Any proposed development which the executive director finds to be a temporary event which does not have any significant adverse impact upon coastal resources within the meaning of guidelines adopted pursuant to this subdivision by the commission. The commission shall, after public hearing, adopt guidelines to implement this subdivision to assist local governments and persons planning temporary events in complying with this division by specifying the standards which the executive director shall use in determining whether a temporary event is excluded from permit requirements pursuant to this subdivision. The guidelines adopted pursuant to this subdivision shall be exempt from the review of the Office of Administrative Law and from the requirements of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.*

*(2) Exclusion or waiver from the coastal development permit requirements of this division pursuant to this subdivision does not diminish, waive, or otherwise prevent the commission from asserting and exercising its coastal development permit jurisdiction over any temporary event at any time if the commission determines that the exercise of its jurisdiction is necessary to implement the coastal resource protection policies of Chapter 3 (commencing with Section 30200).*

Coastal Act **Section 30624.9** (minor development; waivers of permit application hearings; notice) states:

*(a) For purposes of this section, "minor development" means a development which a local government determines satisfies all of the following requirements:*

*(1) Is consistent with the certified local coastal program, as defined in Section 30108.6.*

*(2) Requires no discretionary approvals other than a coastal development permit.*

*(3) Has no adverse effect either individually or cumulatively on coastal resources or public access to the shoreline or along the coast.*

*(b) After certification of its local coastal program, a local government may waive the requirement for a public hearing on a coastal development permit application for a minor development only if both of the following occur:*

*(1) Notice that a public hearing shall be held upon request by any person is provided to all persons who would otherwise be required to be notified of a public hearing as well as any other persons known to be interested in receiving notice.*

*(2) No request for public hearing is received by the local government within 15 working days from the date of sending the notice pursuant to paragraph (1).*

*(c) The notice provided pursuant to subdivision (b) 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 commission any action taken by a local government on a coastal development permit application.*

## 2. Commission's Regulations

### **§ 13012. Major Public Works and Energy Facilities.**

*(a) "Major public works" and "Major energy facilities" mean facilities that cost more than one hundred thousand dollars (\$100,000) with an automatic annual increase in accordance with the Engineering News Record Construction Cost Index, except for those governed by the provisions of Public Resources Code Sections 30610, 30610.5, 30611 or 30624.*

*(b) Notwithstanding the criteria in (a), "major public works" also means publicly financed recreational facilities that serve, affect, or otherwise impact regional or statewide use of the coast by increasing or decreasing public recreational opportunities or facilities.*

### **§ 13250. Improvements to Existing Single-Family Residences.**

*(a) For purposes of Public Resources Code section 30610(a) where there is an existing single-family residential building, the following shall be considered a part of that structure:*

*(1) All fixtures and other structures directly attached to a residence;*

*(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.*

(b) Pursuant to Public Resources Code section 30610(a), the following classes of development 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 environmentally sensitive habitat area, 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 environmentally sensitive habitat areas;*

(3) *The expansion or construction of water wells or septic systems;*

(4) *On property not included in subsection (b)(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.*

(c) *In any particular case, even though an improvement falls into one of the classes set forth in subsection (b) above, the executive director of the commission may, where he or she finds the impact of the development on coastal resources or coastal access to be insignificant, waive the requirement of a permit; provided, however, that any such waiver shall not be effective until it is reported to the commission at its next regularly scheduled meeting. If any three (3) commissioners object to the waiver, the proposed improvement shall not be undertaken without a permit.*

#### **§ 13252. Repair and Maintenance of Activities Requiring a Permit.**

(a) *For purposes of Public Resources Code section 30610(d), the following extraordinary methods of repair and maintenance 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:*

- (A) Repair or maintenance involving substantial alteration of the foundation of the protective work including pilings and other surface or subsurface structures;*
- (B) 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;*
- (C) The replacement of 20 percent or more of the materials of an existing structure with materials of a different kind; or*
- (D) The presence, whether temporary or permanent, of mechanized construction equipment or construction materials on any sand area, bluff, or environmentally sensitive habitat area, or within 20 feet of coastal waters or streams.*
- (2) Any method of routine maintenance dredging that involves:*
  - (A) The dredging of 100,000 cubic yards or more within a twelve (12) month period;*
  - (B) The placement of dredged spoils of any quantity within an environmentally sensitive habitat area, on any sand area, within 50 feet of the edge of a coastal bluff or environmentally sensitive habitat area, or within 20 feet of coastal waters or streams; or*
  - (C) 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 environmentally sensitive habitat area, any sand area, within 50 feet of the edge of a coastal bluff or environmentally sensitive habitat area, or within 20 feet of coastal waters or streams that include:*
  - (A) The placement or removal, whether temporary or permanent, of rip-rap, rocks, sand or other beach materials or any other forms of solid materials;*
  - (B) The presence, whether temporary or permanent, of mechanized equipment or construction materials.*

*All repair and maintenance activities governed by the above provisions shall be 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 Public Resources Code section 30700 unless so provided elsewhere in these regulations. 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 Commission on September 5, 1978 unless a proposed activity will have a risk of substantial adverse impact on public access, environmentally sensitive habitat area, wetlands, or public views to the ocean.*

- (b) 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 Section 30610(d) but instead constitutes a replacement structure requiring a coastal development permit.*
- (c) Notwithstanding the above provisions, the executive director of the commission shall have the discretion to exempt from this section ongoing routine repair and maintenance*



*activities of local governments, state agencies, and public utilities (such as railroads) involving shoreline works protecting transportation road ways.*

*(d) Pursuant to this section, the commission may issue a permit for on-going maintenance activities for a term in excess of the two year term provided by these regulations.*

*(e) In any particular case, even though a method of repair and maintenance is identified in subsection (a) above, the executive director may, where he or she finds the impact of the development on coastal resources or coastal access to be insignificant, waive the requirement of a permit; provided however, that any such waiver shall not be effective until it is reported to the commission at its next regularly scheduled meeting. If any three (3) commissioners object to the waiver, the proposed repair and maintenance shall not be undertaken without a permit*

**§ 13253. Improvements to Structures, Other than Single-Family Residences and Public Works Facilities That Require Permits**

*(a) For purposes of to Public Resources Code section 30610(b) where there is an existing structure, other than a single-family residence or public works facility, the following shall be considered a part of that structure:*

*(1) All fixtures and other structures directly attached to the structure.*

*(2) Landscaping on the lot.*

*(b) Pursuant to Public Resources Code section 30610(b), the following classes of development 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 if 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 environmentally sensitive habitat area;*

*(3) The expansion or construction of water wells or septic systems;*

*(4) On property not included in subsection (b)(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;*

*(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.*

*(c) In any particular case, even though the proposed improvement falls into one of the classes set forth in subsection (b) above, the executive director of the commission may, where he or she finds the impact of the development on coastal resources or coastal access to be insignificant, waive the requirement of a permit; provided, however, that any such waiver shall not be effective until it is reported to the commission at its next regularly scheduled meeting. If any three (3) commissioners object to the waiver, the proposed improvement shall not be undertaken without a permit*

**S§ 13560. Scope of Article [ARTICLE 17. LOCAL COASTAL PROGRAM IMPLEMENTATION REGULATIONS].**

*The provisions of this Article shall constitute minimum standards of notice and hearing requirements for local governments and for the Commission in reviewing development projects after certification of a local coastal program.*

**§ 13563. Existing Local Procedures.**

*Existing local government notice and hearing procedures which are in substantial compliance with the provisions of these regulations may be reviewed and certified by the Commission as part of the local coastal program.*

**§ 13565. Notice of Appealable Developments.**

*Within ten (10) calendar days of accepting an application for an appealable coastal development permit (or local government equivalent) or at least seven (7) calendar days prior to the first public hearing on the development proposal, the local government shall provide notice by first class mail of pending application for appealable development. This notice shall be provided to each applicant, to all persons who have requested to be on the mailing list for that development project or for coastal decisions within the local jurisdiction, to all property owners and residents within 100 feet of the perimeter of the parcel on which the development is proposed and to the Commission. 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 at which the application will be heard by the local governing body or hearing officer;*

(6) *a brief description of the general procedure of local government concerning the conduct of hearing and local actions;*

(7) *the system for local and Coastal Commission appeals, including any local fees required.*

**§ 13566. Public Hearing on Appealable Developments.**

*At least one public hearing shall be held on each application for an appealable development, thereby affording any persons the opportunity to appear at the hearing and inform the local government of the nature of their concerns regarding the project. Such hearing shall occur no earlier than seven (7) calendar days following the mailing of the notice required in Section 13565. The public hearing may be conducted in accordance with existing local procedures or in any other manner reasonably calculated to give interested persons an opportunity to appear and present their viewpoints, either orally or in writing.*

**§ 13567. Notice of Local Government Action When Hearing Continued.**

*If a decision on a development permit is continued by the local government to a time which is neither (a) previously stated in the notice provided pursuant to Section 13565, nor (b) announced at the hearing as being continued to a time certain, the local government shall provide notice of the further hearings (or action on the proposed development) in the same manner, and within the same time limits as established in Section 13565.*

**§ 13568. Notice of Non-Appealable Developments.**

*(a) Notice of developments within the coastal zone that require a public hearing under local ordinance, but which are not appealable pursuant to Public Resources Code Section 30603 (and which are not categorically excluded) shall be provided in accordance with existing local government notice requirements which shall provide at a minimum:*

*Notice of developments shall be given at least ten (10) calendar days before a hearing in the following manner:*

(1) *if the matter is heard by the Planning Commission (city or county) notice shall be published in a newspaper of general circulation or (if there is none) posted in at least three public places in the local jurisdiction;*

(2) *notice by first class mail to any person who has filed a written request therefore,*

(3) *notice by first class mail to property owners within 300 feet.*

(4) *notice by first class mail to residents within 100 feet of the proposed project.*

(5) *notice by first class mail to the Commission.*

(6) *the notice shall contain a statement that the proposed development is within the coastal zone.*

*The local government may, instead, elect to provide notice in accordance with Section 13565.*

*(b) Notice of developments within the coastal zone which are not appealable pursuant to Public Resources Code Section 30603 and which do not require a public hearing under local ordinance (and which are not categorically excluded) shall be provided as follows:*

*Within ten (10) calendar days of accepting an application for a non-appealable coastal development permit (or local government equivalent) or at least seven (7) calendar days prior to the local decision on the application, the local government shall provide notice, by first class mail, of pending development approval. This notice shall be provided to all persons who have requested to be on the mailing list for that development project or for coastal decisions within the local jurisdiction, to all property owners and residents within 100 feet of the perimeter of the parcel on which the development is proposed, and to the Commission. 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 development and its proposed location;*
- (5) the date the application will be acted upon by the local governing body or decision-maker;*
- (6) the general procedure of the local government concerning the submission of public comments either in writing or orally prior to the local decision;*
- (7) a statement that a public comment period of sufficient time to allow for the submission of comments by mail will be held prior to the local decision.*

**§ 13571. Final Local Government Action-Notice.**

*(a) Notice After Final Local Decision. (This section shall not apply to categorically excluded developments.) Within seven (7) calendar days of a local government completing its review and meeting the requirements of Section 13570, the local government shall notify by first class mail the Commission and any persons who specifically requested notice of such action by submitting a self-addressed, stamped envelope to the local government (or, where required, who paid a reasonable fee to receive such notice) of its action. Such notice shall include conditions of approval and written findings and the procedures for appeal of the local decision to the Coastal Commission.*

...

**§ 13572. Local Government Action-Effective Date.**

*A local government's final decision on an application for an appealable development shall become effective after the ten (10) working day appeal period to the Commission has expired unless either of the following occur:*

- (a) an appeal is filed in accordance with Section 13111;*
- (b) the notice of final local government action does not meet the requirements of Section 13571;*

*When either of the circumstances in Section 13572(a) or (b) occur, the Commission shall, within five (5) calendar days of receiving notice of that circumstance, notify the local*

*government and the applicant that the effective date of the local government action has been suspended.*

**§ 13573. Exhaustion of Local Appeals.**

*(a) An appellant shall be deemed to have exhausted local appeals for purposes of Section 13111 and shall be qualified as an aggrieved person where the appellant has pursued his or her appeal to the local appellate body (bodies) as required by the local government appeal procedures; except that exhaustion of all local appeals shall not be required if any of the following occur:*

*(1) The local government or jurisdiction require an appellant to appeal to more local appellate bodies than have been certified as appellate bodies for permits in the coastal zone, in the implementation section of the Local Coastal Program.*

*(2) An appellant was denied the right of the initial local appeal by a local ordinance which restricts the class of persons who may appeal a local decision.*

*(3) An appellant was denied the right of local appeal because local notice and hearing procedures for the development did not comply with the provisions of this Article.*

*(4) The local government jurisdiction charges an appeal fee for the filing or processing of appeals.*

*(b) Where a project is appealed by any two (2) members of the Commission, there shall be no requirement of exhaustion of local appeals. Provided, however, that a local government may provide, by ordinance, that notice of commissioner appeals may be transmitted to the local appellate body (which considers appeals from the local body that rendered the final decision), and the appeal to the Commission may be suspended pending a decision on the merits by that local appellate body. If the decision of the local appellate body modifies or reverses the previous decision, the commissioners shall be required to file a new appeal from that decision.*

**3. LUP Policies**

*The Chapter 3 policies of the Coastal Act are incorporated into the Land Use Plan in their entirety.*

*General Policy 3: Development within environmentally sensitive areas, archaeologically sensitive, and hazardous areas is discouraged...*

*General Policy 19: All development shall be designed to minimize impacts and alterations of physical features and processes of the site (i.e., geological, soils, hydrological, water percolation and runoff) to the maximum extent feasible.*

*General Policy 27: Hillside (defined as land with slopes over 20%) grading and brush clearance shall be regulated to maintain the biological productivity of coastal water, protect environmentally sensitive areas and park and recreation areas, and to minimize the alteration of natural land forms.*

*General Policy 28: For all substantial hillside grading (over 50 cu. yds. of cut or fill) or brush clearance (greater than 1/2 acre), including that related to agricultural activities, a development permit shall be required...*

*General Policy 29: Within a buffer zone, 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...*

*General Policy 30: New development in buffer zones shall be limited to access paths, fences necessary to protect environmentally sensitive areas, and similar uses which have either beneficial effects on wildlife or no significant adverse effects...*

*North Coast Tidepools and Beaches Policy 5: An applicant for any coastal project, including shoreline protective devices, will show that their proposal will not cause long-term adverse impacts on beach or intertidal areas.*

*North Coast Creek Corridors Policy 1: All projects 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 which would significantly degrade riparian habitats, and shall be compatible with the continuance of such habitats.*

*North Coast Agriculture Objective: To preserve agricultural lands on the North Coast to the maximum extent feasible.*

*North Coast Agriculture Policy 1: Soils will be conserved and erosion minimized by the use of best grading management practices as set forth by the Soil Conservation Service.*

*North Coast Agriculture Policy 2: Land divisions in, or adjacent to, agricultural areas, will not be allowed to affect agricultural productivity.*

*North Coast Locating New Development Policy 3: Any new development in "Open Space" or "Agriculture" designated areas on slopes greater than 15 percent will conform with the policies and slope/density formula developed in the Hazards section of this Coastal (Area) Plan.*

*South Coast Wetlands Policy 1: All projects on land or within 100 feet of a designated wetland, shall be sited and designed to prevent impacts which would significantly degrade the viability of the wetland.*

*South Coast Tidepools Policy 5: An applicant for any new coastal project, including shoreline protective devices, will demonstrate that their proposal will not cause long-term adverse impact on the beach or intertidal areas.*

*South Coast Creek Corridors Policy 2: All projects on land either in or within 100 feet of a creek corridor shall be sited and designed to prevent impacts which would degrade riparian habitats, and shall be compatible with the continuance of such habitats.*

*South Coast Santa Monica Mountains Policy 1: New development, shall preserve all unique native vegetation, such as Giant Coreopsis and Dudleya cymosa ssp. marcescens.*

*South Coast Santa Monica Mountains Policy 3: All new upland development shall be sited and designed to avoid adverse impacts on sensitive environmental habitats.*

*South Coast Santa Monica Mountains Policy 5: Development dependent upon a water well shall be approved only if such well would not either individually or cumulatively cause adverse impacts on affected riparian areas or other coastal resources.*

*South Coast Access Policy 7: Future vertical accessways [at Leo Carillo State Beach] must be designed to minimize bluff erosion.*

#### **D. CONSISTENCY ANALYSIS**

The subject amendment consists of clarifications and policy changes to the County's certified Coastal Zoning Ordinance. This amendment is the first phase of a planned comprehensive update to the County's LCP. The proposed changes are analyzed below.

##### **1. Format, Organization, Clerical Corrections, and Standardization**

A majority of the modifications within the proposed Phase I amendment can be characterized as clean-up changes that make revisions to the format and organization, respond to clerical errors, and provide standardization of terms within the CZO. This includes numerous changes to address grammatical, typographical, and punctuation errors that occur throughout the CZO. Other similar changes include: consistent use of acronyms and abbreviations; application of standardized citation formats; and removal of obsolete terms.

The proposed changes also include a significant reorganization of the ordinance, including reordering of several ordinance sections and removal of definitions from the body of the ordinance and placement within the definitions section.

These types of changes are intended to aid in the consistent implementation of the CZO by making the ordinance regulations more precise and user-friendly. The changes enhance the implementation of the certified Zoning Ordinance and conform with, and serve to carry out, the provisions of the County's certified LUP. Therefore, the Commission finds that the proposed formatting and organizational modifications to the CZO/IP are consistent with and adequate to carry out the provisions of LUP Policies.

##### **2. Hearing, Noticing, Administrative and LCP Amendment Procedures**

The County's proposed amendment would update County hearing, noticing, administrative, and LCP amendment procedures. The stated purpose for updating procedural requirements in the CZO is to reflect current internal procedures within the Ventura County Planning Division and adjust regulations in response to changes in technology. These include revisions to outdated requirements regarding the process for obtaining addresses for noticing, conducting hearings, initiating amendments, mapping and GIS technology, and screening of potential amendments.

With regard to noticing, the proposed amendment removes the requirement for *applicants* to obtain names and addresses of adjacent property owners and residents for noticing, but does not eliminate the noticing requirements themselves. With the proposed amendments, the Planning

Division would provide names and addresses of residents and property owners for all required noticing.

With regard to hearing changes, Section 8181-6 is reorganized in a number of ways: to emphasize the circumstances in which an approval may be appealed to the Coastal Commission; ensure that all public hearings follow the same noticing procedure; eliminate redundant specifications for conduct of public hearings such as quorums and records of meeting minutes; add a procedure for waiving hearings for minor developments; and update the procedures if the County fails to hold a public hearing on a proposed development in the timeline prescribed by law. The procedure for waiving the public hearing requirement is proposed under limited circumstances in which the development meets the criteria for “minor development” and there are no anticipated adverse impacts to coastal resources. This waived hearing procedure is specifically allowed pursuant to Coastal Act Section 30624.9 in order to allow a more streamlined process for development that does not impact coastal resources. The revisions to the “failure to act” procedure is consistent with the provisions of Article 5 (commencing with Section 65950) of Chapter 4.5 of Division 1 of Title 7 of the Government Code.

The noticing and hearing provisions in the proposed amendment serve to implement the LUP and Coastal Act requirements by ensuring maximum public participation on proposed coastal development permit applications. The proposed changes do not lessen the intent or implementation of the existing noticing and hearing procedures and conform with, and serve to carry out, the provisions of the County’s certified LUP. Therefore, the Commission finds that the proposed the noticing and hearing modifications to the CZO/IP are consistent with and adequate to carry out the provisions of LUP Policies. Moreover, the proposed noticing and hearing modifications are consistent with the procedural requirements established under Article 17 of Subchapter 2 of Chapter 8 of the Commission’s Regulations (Sections 13560 -13574).

The proposed amendment would also modify Article 14 of the certified CZO, which establishes County procedures for amending the CZO. In addition to reorganizing the section for clarity, the proposed modifications affirm that proposals to amend the CZO may be initiated by any interested person, rather than limiting such proposals to affected property owners. Additionally, the amendment modifies the procedure so that the Planning Director is not required to notify the Planning Commission prior to the *initiation* of an amendment to the CZO. However, the proposed amendment revises the certified CZO to allow the Board of Supervisors to preview or “screen” privately-initiated text amendments to the CZO. The stated purpose of these pre-screenings is to obtain Board input and direction on proposed CZO text amendments at an early stage where the Board of Supervisors might identify issues with the proposed privately-initiated CZO amendment. This early input will help applicants make decisions as to whether to expend further funds for proposed amendment processing where there is a high risk that the amendment may not be approved. These changes do not affect the Coastal Commission’s review process for LCP Amendments, and language has been added to clarify that these amendments are not effective until and unless certified by the Coastal Commission.

Two other internal County procedures have been modified: (1) processing of CDP applications on properties with violations and (2) use of a GIS system to administer and implement the LCP. The subject amendment proposes to add language that would allow a violator/applicant to file for



land use entitlements that are unrelated to an existing violation on the subject property, so long as the violator/applicant concurrently files an entitlement application that would correct the zoning violation. Currently, when there is a zoning violation on a property, the certified CZO prohibits all discretionary entitlement applications except for an application that would correct the violation. The stated intent of this change is to allow for more efficient processing of land use permits.

With regard to the County's GIS System, the proposed amendment clarifies that the County may maintain LCP zoning maps in a GIS format. The County maintains these maps within a GIS system based upon the official zoning maps certified by the Commission. This modification does not change the zone classification of any lot. Although the GIS is designed to implement the certified maps, the modified language specifies that if there is any inconsistency or discrepancy between GIS and the certified hardcopy maps, the hardcopy maps adopted by the Commission shall prevail.

The LCP amendment processing and other internal administrative procedures described above are a means of implementing the Local Coastal Program. The proposed changes do not lessen the intent or implementation of the existing implementation procedures and conform with, and serve to carry out, the provisions of the County's certified LUP. Therefore, the Commission finds that the proposed changes to LCP amendment processing and internal County procedures to the CZO/IP are consistent with and adequate to carry out the provisions of LUP Policies.

### 3. Regulatory Clarifications

The County's proposed amendment would make regulatory clarifications to eliminate redundancies, simplify wording, and remove confusing or unclear ordinance language. This includes adding or revising regulations to clarify County land use procedures that are consistently used in the Coastal Zone today, but are not adequately or correctly described in the text of the certified CZO. As part of these changes, section references, titles, and introductory language were added to help users find and follow ordinance regulations. In addition, many of the defined terms in the ordinance were clarified to be consistent with County practice and applicable Coastal Act regulations. Section IV.A.3 of this staff report provides a more expansive list of the amendment's regulatory clarifications.

Commission staff has reviewed these regulatory clarifications and agree with County staff that by their nature, these clarifications do not represent a major departure from existing County policies. Regulatory clarifications address existing topics and themes within the CZO to fill in gaps, as well as translate existing certified language into a more precise and user-friendly form. In general, these clarifications serve to better implement the provisions of the LCP, including the policies of the LUP that protect coastal resources.

In several cases, regulatory clarifications were added in the form of "editorial notes" to the CZO. The County has explained that editorial notes would not be considered part of the certified LCP. Instead, editorial notes are considered supplementary guidance. However, leaving "guidance" in the certified document may create more confusion during implementation, rather than alleviate confusion, because it is no longer clear if such guidance must be relied upon for decision-making. Therefore, where appropriate, it is necessary to incorporate these editorial notes as

official certified text. To ensure accurate and consistent implementation of the LCP, **Suggested Modification 1** requires that seven editorial notes be retained in the certified CZO and officially designated as footnotes to the document rather than “editorial notes.” Suggested Modification 1 further requires that three editorial notes be deleted because they provide inadequate and/or inaccurate guidance on implementation.

The proposed amendment further includes a regulatory clarification of the definition of “lot” as follows:

*Lot - An area of land- having fixed boundaries depicted on or described by a tentative tract or parcel map, or instrument of conveyance for the purpose of defining land to be held, actually or potentially, in fee title as a discrete unit. Licenses, easements, and streets, alleys and similar rights-of-way are not lots.*

Commission staff and County staff have agreed that this definition needs additional revisions. The definition creates ambiguity with regard to the “tentative” nature of a lot as well as the concept that the land may be held actually or “potentially” in fee title as a discrete unit. This definition must also be clarified in relation to the different definition of “Legal Lot” which is currently part of the certified LCP. County staff has indicated that there are plans to update the overall subdivision ordinance that may further impact the application of the proposed definition. Staff concludes that this is a topic that may be more appropriately addressed in Phase II of the comprehensive amendment. Therefore, to ensure accurate and consistent implementation of the certified LCP, **Suggested Modification 3** requires deletion of the County’s proposed modification to the definition of “lot” and the definition shall revert back to the definition as currently certified.

For the reasons above, the Commission finds that the proposed CZO/IP amendment is not consistent with or adequate to carry out the provisions of LUP Policies with respect to regulatory implementation unless modified as suggested above.

#### 4. Land Use Matrix and Exemption Language

The County’s proposed amendment updates the land use matrix as well as clarifies exemptions and categorical exclusions. In addition to other modifications, the land use matrix is restructured and reorganized to correctly identify where exemptions to the coastal development permit may apply as well as provide cross-references to the applicable exemption criteria in Section 8174-6 of the CZO. The proposed amendment also completely restructures and reorganizes the exemption language in Section 8174-6 to reflect relevant provisions of the Coastal Act (Coastal Act Section 30610), Coastal Commission regulations (Sections 13250 – 13253), and the County’s certified Categorical Exclusion Order. An analysis of the amendment’s consistency with these provisions is provided below.

##### *Land Use Matrix*

As described more fully in Section IV.A.4 of this staff report, the amendment proposes a number of clarifications to the land use matrix of the CZO. The land use matrix is a table which serves the key purpose of identifying each land use type and describing whether that type of use is allowed in each zone district. If the land use type is an allowed use in a zone, the matrix specifies

the type of permit needed. In some cases, the matrix may indicate that the type of use is exempt from planning permits.

The proposed amendment updates the matrix to be more readable by modifying the symbols that indicate the type of permit required and by updating terminology and land use headings. Additionally, there were a number of locations that indicated that a land use was exempt unless it met certain criteria. In such cases, the matrix was revised to clarify that a permit was necessary unless the exemption criteria were met. These clarifications are necessary to accurately and consistently indicate permitting requirements for each land use listed in the matrix. Additionally, there are other circumstances in which the permit requirements listed in the existing certified land use matrix are misleading because other regulations in the CZO supersede the requirements listed in the matrix. Therefore, the amendment proposes changes to the matrix to ensure that the permit requirements in the land use matrix accurately and consistently represent the various levels of permitting applicable to each land use.

The land use matrix is also modified in several locations to add a subheading to clarify that grading and brush removal must meet permitting requirements, even when it is conducted as part of another use. Adding these new subheadings is intended to ensure that brush clearance or vegetation removal does not occur in the Coastal Zone without benefit of the required approvals. The purpose is to emphasize, in cases where there is a potential for the provisions to be incorrectly interpreted, that permits may be required for new development where associated with grading and/or brush clearance and vegetation removal. Clarifying permitting requirements for these uses will help protect sensitive habitats by ensuring that grading, brush or vegetation removal associated with such uses is not allowed without the required permits.

Another change to the land use matrix is the systematic addition of a subheading for each land use type that specifies that a County Zoning Clearance (ZC) is necessary even in circumstances in which the development may be exempt from the coastal development permit requirement. This new subheading cross-references each land use to the potentially applicable exemption guidelines in Section 8174-6. In most cases, the cross-reference encompasses three main exemption categories: repair and maintenance; improvements associated with that type of development; and disaster replacement. Other exemption categories may also apply and, where applicable, are included within the subheading list. The purpose of this subcategory is twofold: (1) to make it clear that certain exemptions may apply to a given land use; and (2) to alert the reader as to which sections of the CZO provide the applicable guidelines for the potential exemptions.

Two typographical errors were found in the land use matrix with respect to this subheading. In both cases, the cross-reference indicates an incorrect section of the CZO may allow for a potential exemption. To ensure accurate implementation of exemptions, **Suggested Modification Two** corrects these cross-references. Additionally, Suggested Modification Two provides more specific language regarding the appealability of PDP (Planned Development Permit, Principally-Permitted) permits as stated in the land use matrix legend. Principally-permitted uses are not appealable on the basis of whether they qualify as a principal permitted use as defined in Section 30603(a) of Coastal Act. However, PDPs may be appealable to the Coastal Commission for other Section 30603(a) reasons. The Commission finds that Suggested

Modification Two is necessary for accurate implementation of the permitting requirements of the LCP.

*Exemption Language*

The proposed amendment includes a significant reorganization of Section 8174-6 of the CZO which outlines permitting requirements and exemptions. Some language in the current CZO provides misleading information about required permits, and often incorrectly describes permit exemptions derived from the Coastal Act or Ventura County's certified Categorical Exclusion Order. Misleading information in the existing ordinance could lead decision-makers to inaccurately exempt some types of development from coastal permit requirements, even when there is the possibility of impacts to sensitive coastal resources.

The proposed amendment addresses this problem by clarifying that coastal development permits are generally required for most development in the coastal zone, unless explicitly exempt as provided under the Coastal Act (PRC Section 30610), Coastal Commission regulations (Sections 13250 – 13253), and the County's certified Categorical Exclusion Order. To help ensure that development is not improperly exempted from permit requirements, the amendment incorporates language directly from the Coastal Act, Commission regulations, and the Categorical Exclusion Order.

The proposed restructuring of Section 8174-6 is intended to ensure protection of coastal resources by providing an accurate framework of exemption criteria for agricultural, residential, and other general exemptions and exclusions. The current CZO does not adequately emphasize that development within sensitive habitat areas is not exempt from coastal development permit requirements. The revisions to the CZO clarify this requirement within the framework of exemption criteria, and therefore help to prevent development from being improperly exempt from permit requirements.

Additionally, the proposed amendment clarifies regulations related to exemptions on or near coastal bluffs. In the current CZO, these regulations are not clearly stated, which may lead to the improper granting of exemptions for new development in areas that could impact coastal bluffs. The proposed revisions clarify exemption regulations to address this problem, further protecting sensitive coastal bluffs.

The land use matrix and exemption language changes in the proposed amendment are intended to aid in the consistent implementation of the CZO by making the ordinance regulations more precise and user-friendly. Additionally, these changes are intended to protect coastal resources by fully and clearly identifying the specific criteria in which exemptions to permits are allowed. These changes enhance the implementation of the certified Zoning Ordinance. However, as detailed above, there are some corrections and clarifications that must be made to the land use matrix, as specified in Suggested Modification Two, in order to adequately implement the provisions of the LCP.

Therefore, the Commission finds that the proposed CZO/IP amendment is not consistent with or adequate to carry out the provisions of LUP Policies unless modified as suggested above.

Moreover, the proposed modifications are not consistent with the exemption requirements established under Coastal Act Section 30610 and Sections 13250-13253 of the Coastal Commission's regulations with respect to exemption language, unless modified as suggested above.

## 5. Policy Changes

The County's proposed amendment includes minor policy modifications to address specific regulatory topics. The proposed minor policy changes modify County procedures, make specific changes to permitting requirements and principal-permitted uses designations, and add or update development standards. These minor policy modifications are discussed in detail below.

### *Procedural Changes*

The proposed procedural changes would: (1) adjust regulations to recognize GIS technology, (2) adopt a *reasonable accommodation* process for disabled persons to request changes to dwelling standards, and (3) provide more detailed standards for site plan adjustments.

The proposed amendment modifies the CZO to allow the use of GIS technology to determine zone boundaries within a lot and adds a definition of GIS. Because other sections of the CZO require that the GIS within the Coastal Zone be sourced from the maps certified by the Coastal Commission, in combination with a procedure to handle conflicts between the GIS and the certified maps, the proposed recognition of the County's GIS system would have no adverse effect on coastal resources or the implementation of the LCP.

Another procedural change to the CZO would allow disabled persons to apply for "reasonable accommodations" in land use and zoning rules, policies, practices and procedures of the County in order to afford disabled persons an equal opportunity to use and enjoy a dwelling. 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).

The request for reasonable accommodation must be processed concurrently with any other necessary permits. The reasonable accommodation procedures do not supersede other necessary approvals, such as the need for a coastal development permit. Further, the requested accommodation must be found consistent with all other policies and provisions of the County's LCP. Additionally, specific criteria must be met for granting reasonable accommodations, including, among other factors, a requirement that the requested accommodation will not require a fundamental alteration of the County's program, policy, practice, ordinance, and/or procedure, including zoning ordinances. Therefore, as proposed, the addition of the reasonable accommodation procedures will not conflict with the policies of the LUP or render the IP inadequate to carry out the LUP.

The proposed amendment also updates the criteria for site plan adjustments. A Site Plan Adjustment is a review undertaken by the Planning Director for a minor change to a previously-approved permit. Site Plan Adjustments are intended to be so minor that, for all intents and

purposes, there is no notable difference from the original approval (e.g., reorientation of a structure in roughly the same footprint, minor architectural changes, internal remodeling, etc). Because the modified project is substantially in conformance with the original permit, it does not require additional public notice or a hearing. Section 8181-10.4.1 of the certified CZO outlines the criteria used to determine when a change to an existing coastal development permit may receive a Site Plan Adjustment. However, the certified language for site plan adjustments is somewhat broad and there is a potential that a more significant change to an existing permit could be allowed using this process. Inappropriately applied, the site plan adjustment process could circumvent the requisite review and hearing process required under the LCP and Coastal Act.

To ensure that the CZO is properly implemented, the subject amendment proposes to add detailed criteria to determine which changes to a permit may qualify for a site plan adjustment. The proposed criteria for Site Plan Adjustment have been augmented as follows:

- 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. 8176-4;*
- 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.*

In addition to the detailed requirements above, the proposed amendment clarifies that site plan adjustments must be consistent with all provisions of the LCP, the intent of the original permit findings, and any applicable environmental documents. Further the site plan adjustment change cannot circumvent the purpose or lessen the effectiveness of the approved permit conditions. The proposed modifications to site plan adjustment determinations will enhance implementation of the LCP, maximize the public's ability to participate, and ensure protection of coastal resources.

For the above reasons, the Commission finds that the proposed modifications do not lessen the intent or implementation of the existing implementation procedures and conform with, and serve to carry out, the provisions of the County's certified LUP. Therefore, the Commission finds that the proposed minor policy changes to procedures are consistent with and adequate to carry out the provisions of LUP Policies.

*Land Use Matrix and Permit Requirement Changes*

The County's proposed amendment includes minor policy modifications to address specific regulatory topics, including specific changes to permitting requirements and principal-permitted use designations. The proposed amendment: (1) specifies processing requirements for geotechnical and soils testing; (2) updates the special processing requirements for satellite dishes; (3) distinguishes processing requirements between permanent water wells and testing water wells; (4) updates the purpose of the Coastal Rural zone to identify only one principally-permitted use; and (5) re-designates kennels in Coastal Open Space zones from a principally-permitted use to an allowed use, not principally-permitted.

The certified CZO is silent with regard to the permitting requirements for geotechnical or soils testing in the Coastal Zone. Thus, the proposed amendment clarifies how geotechnical and soils testing should be reviewed under the LCP. The proposed amendment adds geotechnical and soils testing as a land use type in the matrix and adds a definition so that it is clear that geotechnical and soils testing may include "exploratory borings and excavations conducted under the direction of a Soils Engineer or Engineering Geologist, excluding the construction of access roads or pads..." The land use matrix indicates that 'geotechnical and soils testing, without brush or vegetation removal, and without grading' is exempt from obtaining a coastal development permit. However, the land use matrix emphasizes that where such practices require brush or vegetation removal, or grading, a permit may be required.

The addition of the specifications for geotechnical and soils testing are intended to avoid confusion as to how such development should be processed under the certified LCP. Additionally, the revised language specifies parameters that ensure that any associated grading, brush clearance, vegetation removal, or construction of roads are not automatically exempt, but must reviewed for compliance with the LCP on a case-by-case basis. This is intended to ensure that geo- and soils testing is carried out in a manner that is protective of coastal resources.

The proposed amendment includes updates to satellite dish processing. The proposed amendment removes the special processing requirements for satellite dish antennas in the Residential Beach

Harbor (RBH) zones. As attached development typically associated with single-family residences, satellite dish antennas are often exempt from coastal development permit requirements. However, the certified CZO requires a planned development permit for satellite dish antennas in the RBH zone. This stringent permitting requirement was added to the certified LCP in 1985, when typical antennas were 8 to 12 feet wide and cost about \$2,500. The regulations were intended to lessen the visual effect of bulky satellite dish antennas on surrounding properties.

Today's antennas are typically 1 to 2 feet wide and cost less than \$100, and thus do not have the same environmental impact as the large antennas of the 1980s. Additionally, current federal regulations (47 C.F.R. Section 1.4000), which were not in place at the time the regulations in the current CZO were adopted, generally prohibit local governments from requiring permits for satellite dish antennas that are less than one meter in diameter. Because of their diminished size, and because of new federal laws that preempt local regulations, the subject amendment proposes to remove these specialized satellite dish antenna regulations from the CZO. Thus, satellite dishes would be handled as any other development in the Coastal Zone. Satellite dish antennas that are not typically associated with a residence would still require a coastal development permit.

The proposed amendment also addresses residential water wells, specifically a distinction between "permanent water wells" and "test wells" that are constructed to determine water availability. In both cases a coastal development permit would be required. However, test wells are stand alone developments that can be reviewed separately on their own merits. Permanent wells are reviewed only as accessory development to the primary residential use.

The CZO currently includes a "Catch-22" situation related to water wells for residences. In order for a dwelling to be permitted, the requesting party must demonstrate proof of water availability. For dwellings that would obtain their water from wells, the CZO regulations require that the well must be in place before the dwelling can be permitted. However, water wells are only allowed as an accessory use in the certified land use matrix. Therefore, in order for a water well to be permitted, a primary use (such as a dwelling) must first be in place. Thus, the "Catch-22" situation where neither the dwelling nor the water well can be approved under the current regulations.

To address this issue, the subject amendment proposes to modify the requirements for permanent water wells and test wells constructed to determine water availability. Test wells would be permitted prior to obtaining permits for a permanent well and residence. All water wells would continue to require a Coastal Development Permit under the proposed amendments, consistent with the requirements of the Coastal Act. However, water wells that are accessory to dwellings would be eligible for a waiver of the public hearing requirement for the Coastal Development Permit. Permanent water wells for residences would be considered a principally-permitted use and thus not automatically appealable to the Coastal Commission for that one reason; however, such wells may be appealable for other Coastal Act Section 30603(a) reasons such as if the well is located within the geographic appeals area. All testing wells would be appealable to the Coastal Commission as they are not a principally-permitted use.



Additionally, the proposed amendment modifies the use matrix to clarify that wells that include grading or brush clearance must abide by permit requirements for those uses, in addition to permit requirements for wells. The proposed modifications clarify, rather than change, the existing permit requirements for wells.

Another proposed minor policy change to the certified CZO is updating the definition of the purpose of the Coastal Rural (CR) zone. The certified definition indicates that the CR provide, “a rural residential setting where a variety of agricultural uses are permitted.” This implies that multiple “principally-permitted” uses would be allowed in the CR zone. The current description is inconsistent with Coastal Act Section 30603 that there can be only one “principally-permitted” use within a zone (i.e. one category of uses that is not appealable to the Coastal Commission).

To address this issue, the description of the CR zone was modified to state that its purpose is to provide “a rural residential setting where a variety of agricultural uses also are permitted.” This clarifies that, while both residential and agricultural uses may be allowed uses in this zone, agricultural uses are subordinate to the primary residential purpose of the zone. No changes to existing permit requirements are proposed as part of this modification, and there are no associated changes to the allowable uses within the CR zone.

Additionally the proposed amendment re-designates kennels in the Coastal Open Space (COS) zone from a principally-permitted use to an allowed use, not principally-permitted. This means that kennels approved in the COS zone would be appealable to the Coastal Commission, consistent with other uses that are not principally-permitted uses within the zone. Within the existing certified CZO, kennels are allowed in the COS zone with a Coastal Development Permit and are a principally-permitted use. Principally-permitted uses must carry out the land use purpose of a particular zone. While kennels may be an allowable use in the COS zone, it does not meet the primary purpose of the zone to “provide for the preservation, maintenance, and enhancement of natural and recreational resources in the coastal areas.”

For the above reasons, the Commission finds that the proposed modifications to the land use matrix and permit requirements do not lessen the intent or implementation of the LCP and conform with, and serve to carry out, the provisions of the County’s certified LUP. Therefore, the Commission finds that the proposed minor policy changes to the land use matrix and permit requirements are consistent with and adequate to carry out the provisions of LUP Policies.

#### *Add/Update Development Standards*

The County’s proposed amendment includes minor policy modifications to address specific regulatory topics, including adding and updating development and/or design standards for four land use categories: (1) bed-and-breakfast inns, (2) clear sight triangles, (3) wetbars, and (4) animal keeping and farmworker and animal caretaker units.

The proposed amendment limits guest stays at bed-and-breakfast inns to 30 days, consistent with the definition of “transient” located in other sections of the County Code. The existing certified CZO is silent on the length of stay that guests may occupy a bed-and-breakfast inn. The addition of the length of stay requirement is consistent with Coastal Act policies that prioritize visitor-

serving uses over residential uses. The addition of this visitor-serving parameter does not adversely affect coastal resources and is consistent with the provisions of the LUP.

The proposed amendment updates traffic safety terminology and standards. As specified in the existing certified CZO, traffic safety sight triangles are required on corner lots in the Coastal Zone. The proposed amendment replaces the old term “Traffic Safety Sight Area” with the current term “Clear Sight Triangle.” Additionally, the proposed amendment revises the requirements in clear sight triangle areas to reflect current sight triangle standards, as used by the American Association of State Highway and Transportation Officials. Further, a diagram was added for clarification. These provisions require that structures and sight-obscuring fences or walls over three feet in height are prohibited within clear sight triangles. Additionally, hedges or shrubbery over three feet in height are prohibited in clear sight triangles. To ensure that sensitive habitat is not considered vegetation subject to this requirement, and thus removed, the proposed amendment specifies that ESHA is subject to the specific ESHA protection provisions in the LCP (Sections 8174-4 and 8178-2). Therefore, the addition of clear sight triangle language does not adversely affect coastal resources and is consistent with the provisions of the LUP.

The proposed amendment adds regulations limiting the size of sink drain plumbing in wet bars, consistent with the County’s Non-Coastal Zoning Ordinance. The intent of the proposed revision is to ensure that wet bars are used for their intended purpose. The addition of this design standard does not adversely affect coastal resources and is consistent with the provisions of the LUP.

The County is proposing to add the term “animal keeping” to the definitions section and modify the definition of “animal husbandry.” The proposed definition of animal husbandry includes the breeding, pasturing, or ranching of animals for agricultural purposes. “Animal Keeping” is the management and care of animals other than for agriculture purposes and further excluding the keeping of household pets. Animal keeping includes the boarding, stabling, pasturing, rehabilitating, training of animals and lessons for their owners, and recreational riding by the owners of the animals. Animal keeping excludes: commercial activities such as the rental of animals for recreational purposes and animal-related events such as organized competitions, etc.

As currently certified, the keeping of animals, e.g., private horse stables, is allowed as a principal permitted use with a Coastal Development Permit on the Coastal Open Space (COS) and Coastal Agriculture (CA) zones. This includes structures for up to 25 animal units. Riding stables for commercial recreational uses are an allowed use in COS zones with an appealable Coastal Development Permit and in the Coastal Rural (CR) zone with a Conditional Use Permit (CUP). There are no proposed changes to the land use matrix with regard to these definitions (i.e. no changes to permit processing or the allowed use in each zone). The primary outcome from these modifications is that the proposed definition of “animal keeping” serves to clarify the nuances between animal keeping (private, non-commercial uses), animal husbandry (commercial agricultural uses), and riding stables (commercial recreational uses).

The County is proposing to add the term “animal caretaker” to the definitions section and modify the definition of “farm worker.” The proposed definition of “Animal Caretaker” is “a person employed full time on the same property for activities associated with Animal Husbandry or Animal Keeping.” This definition therefore includes persons employed to take care of animals

for commercial agricultural purposes or private, non-commercial purposes. The proposed definition of “Farm Worker” is “a person principally employed for agriculture or agricultural operations.”

The amendment also proposes to add a definition for “dwelling, animal caretaker” and modify the terms “dwelling, caretaker” and “dwelling, farm worker.” In each case the dwelling unit must be occupied by a caretaker/farm worker that is “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.”

As presently certified, the LCP allows farm worker dwellings as a principal permitted use with a Coastal Development Permit on lands zoned Coastal Agriculture (CA) if the lot meets the minimum 40-acre lot size. A Conditional Use Permit (CUP) is required for farm worker dwellings on lots that do not meet the minimum lot size, and also where more than one farm worker dwelling is proposed. Farm worker dwellings are not an allowed use in any other zone. There are no proposed changes to the required permits or zones with regard to farm worker housing.

However, as proposed, animal caretaker dwellings would be processed in the same manner as farm worker dwellings and would be required to meet the same criteria. Thus animal caretaker units would be a principal permitted use on lands zoned CA, unless the lot does not meet the minimum lot size (40 acres). The result is that animal caretaker dwelling units, as with farm worker dwelling units, would not be appealable to the Commission unless located within the Commission’s geographic appeals area. Farm worker and animal caretaker dwellings may be allowed on CA zones in addition to a second dwelling unit.

As part of the subject amendment, the County is proposing to require an annual verification process that confirms that farm worker and animal caretaker dwellings are used and occupied by only qualified full-time, retired, or disabled farm worker /caretaker employees and their families. Proposed Section 8175-5.18 provides that farm worker and animal caretaker dwellings can only be rented or provided to persons who are employed full-time (a 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. This includes situations in which the employee works full-time as a farm worker or animal caretaker on other lands in Ventura County for the same owner or lessee. If a farm worker or animal caretaker, who has been renting or occupying a subject unit, subsequently retires or becomes disabled, that farm worker or caretaker may continue to reside in the dwelling unit.

As proposed, animal caretaker units would also be required to meet all of the same development standards and provisions that apply to farm worker dwellings. The certified LCP specifies the minimum lot size for the CA zone is 40 acres. The maximum height of accessory structures is 25 feet, but in some cases may be allowed up to 35 feet in height if each side setback has a minimum width of 15 feet. As proposed, these standards would apply to animal caretaker dwellings. In addition, because these dwellings would be allowed on CA zoned lands, they would be subject to the provisions of Section 8178-5 which specify standards for the long-term

protection of agricultural lands. Section 8178-5 states that all development in or adjacent to agricultural areas must be able to meet the following standards:

- 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.*

In sum, the effect of the proposed amendment is to allow animal caretaker units on Coastal Agricultural zoned properties for the care of animals for commercial or private, non-commercial purposes. Another end effect is that property owners would be required to verify that farmworker and animal caretaker units are occupied only by qualified farmworkers or caretakers, and their families. Since only one farmworker or animal caretaker unit could be allowed on properties zoned Coastal Agriculture, and farmworker housing is already and allowed use, the proposed modifications have a negligible change on buildout potential. However, the modifications provide flexibility for farmers and property owners to house and employ workers. Thus, the addition of animal keeping, farmworker, and animal caretaker provisions do not adversely affect coastal resources and is consistent with the provisions of the LUP.

Therefore, for the reasons above, the proposed minor policy modifications described above do not lessen the intent or implementation of the LCP and conform with, and serve to carry out, the provisions of the County's certified LUP. Therefore, the Commission finds that the proposed minor policy modifications described above are consistent with and adequate to carry out the provisions of LUP Policies.

## 6. Conclusion

In general, the proposed clarifications and policy changes implement policies in Ventura County's certified LCP as well as update implementation and processing procedures. The Coastal Area Plan / Land Use Plan (LUP) includes a number of policies to protect coastal waters, environmentally sensitive habitat areas (ESHA) and ESHA buffer areas from development impacts. A number of specific changes were made to the CZO that are intended to improve protection of coastal resources, including updating the purpose of the Coastal Rural zone, modifying permit requirements for kennels, water wells, and geotechnical and soils testing, and more clearly defining the criteria for site plan adjustments. The proposed amendment does not result in any decrease in protection of coastal resources or limit access to coastal areas.

However, three suggested modifications, as described in Section III above, are necessary to ensure adequate implementation consistent with the LUP and Sections 13250 – 13253 (exemptions) and Sections 13560 -13574 (noticing and public hearings) of the Coastal Commission's regulations.

## V. CALIFORNIA ENVIRONMENTAL QUALITY ACT

California Public Resources Code (PRC) Section 21080.9 – within the California Environmental Quality Act (CEQA) – exempts local governments from the requirement of preparing an environmental impact report (EIR) in connection with their activities and approvals necessary for the preparation and adoption of a local coastal program. Instead, the CEQA responsibilities are assigned to the Coastal Commission. However, because the Natural Resources Agency found the Commission's LCP review and approval program to be functionally equivalent to the EIR process, *see* 14 C.C.R. § 15251(f), PRC Section 21080.5 relieves the Commission of the responsibility to prepare an EIR for its review of and action on LCP provisions. Nevertheless, some elements of CEQA continue to apply to this review process.

Specifically, pursuant to CEQA and the Commission's regulations (*see* 14 C.C.R. §§ 13540(f), 13542(a), and 13555(b)), the Commission's certification of this LCP amendment must be based in part on a finding that it meets the CEQA requirements listed in PRC section 21080.5(d)(2)(A). That section requires that the Commission not approve or adopt an LCP:

...if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The Implementation Plan amendment has been found not to be in conformance with, or adequate to carry out, the provisions of the Land Use Plan portion of the certified LCP. To resolve the concerns identified, suggested modifications have been made to the proposed amendment. With incorporation of the suggested modifications, the Implementation Plan, is adequate to carry out and is in conformity with the Land Use Plan. The suggested modifications minimize or mitigate any potentially significant environmental impacts of the LCP amendment. If modified as suggested, the Commission finds that approval of the LCP amendment will not result in significant adverse environmental impacts within the meaning of the California Environmental Quality Act.

The Commission finds that for the reasons discussed in this report, if the LCP amendment is modified as suggested, there are no additional feasible alternatives or feasible mitigation measures available that could substantially reduce any adverse environmental impacts. The Commission further finds that the proposed LCP amendment, if modified as suggested, is consistent with Section 21080.5(d)(2)(A) of the Public Resources Code.

**VENTURA COUNTY BOARD OF SUPERVISORS**

**A RESOLUTION ADOPTING AN AMENDMENT TO THE COASTAL ZONING  
ORDINANCE AND CERTIFIED LOCAL COASTAL PLAN AND  
TRANSMITTING IT TO THE CALIFORNIA COASTAL COMMISSION FOR  
CERTIFICATION**

WHEREAS, a legally noticed public hearing on this matter was held by the Board of Supervisors of Ventura County (hereafter referred to as the Board) at Ventura, California, on July 31, 2012; and

WHEREAS, the Board has considered all written and oral testimony on this matter, including County staff reports, exhibits, and Planning Commission recommendations; and

WHEREAS, the Board has found the adoption of Ordinance No. 445 for an Amendment to the County Coastal Zoning Ordinance does not have a significant effect on the environment and has approved and adopted an Exemption from the California Environmental Quality Act for this Ordinance Amendment project; and

WHEREAS, the Board has found that the proposed amendments to the County Coastal Zoning Ordinance comply with the applicable terms and conditions of Coastal Zoning Ordinance Section 8184 et seq. regarding amendments to the Local Coastal Plan as well as the Coastal Act; and

WHEREAS, this transmittal resolution from the Board of Supervisors of Ventura County is prepared pursuant to and in furtherance of Public Resources Code section 30514 and title 14, California Code of Regulations, section 13551.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Ventura County hereby adopts and transmits to the California Coastal Commission this Local Coastal Program (LCP) Amendment consisting of Ordinance No. 445 as described in the Board transmittal letter dated July 31, 2012; and

BE IT FURTHER RESOLVED that the LCP Amendment will further the goals and policies of the County General Plan; and

BE IT FURTHER RESOLVED that the Board hereby intends that the LCP Amendment shall be carried out in a manner fully in compliance with the California Coastal Act (Division 20 of the Public Resources Code) and certified LCP for the County of Ventura; and

BE IT FURTHER RESOLVED that the Board finds that if any section, subsection, clause, phrase, map, table, matrix, appendix, or any other portion of

the Amendment to the Coastal Zoning Ordinance is, for any reason, denied by decision of the California Coastal Commission or its Executive Director, such decision shall not affect the validity of the remaining portion or portions of the Coastal Zoning Ordinance Amendment; and

BE IT FURTHER RESOLVED, that the Board hereby declares that it would have adopted the Coastal Zoning Ordinance Amendment and each section, subsection, sentence, clause, phrase, map, table, matrix, appendix or any portion thereof irrespective of the fact that any one or more sections, subsections, clauses, phrases, maps, tables, matrices, appendices or other portions were denied; and

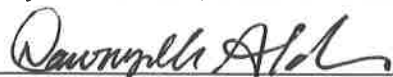
BE IT FURTHER RESOLVED that this County Coastal Zoning Ordinance Amendment shall become effective and operative upon the County Planning Director's receipt of written notice from the California Coastal Commission Executive Director or designated staff that the California Coastal Commission has approved certification of this Amendment to the County Coastal Zoning Ordinance and upon public notice of such approval as may be required by applicable law; and

FINALLY BE IT RESOLVED, ORDERED, AND DETERMINED that this Board designates the Clerk of the Board, 800 South Victoria Avenue, Ventura, California, as the custodian and location of the documents which constitute the record of proceedings upon which its decision is based.

Upon motion of Supervisor Parks, seconded by Supervisor Zaragoza, duly carried, the foregoing Resolution was passed and adopted this 31st day of July, 2012.

  
Chair, Board of Supervisors  
County of Ventura

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

By:   
Deputy Clerk of the Board



## **Appendix A: Substantive File Documents**

### *Certified LCP Documents:*

Ventura County Coastal Area Plan, as amended.

Ventura County Coastal Zoning Ordinance

Categorical Exclusion Order E-83-1, as amended

### *Other Supporting Documents:*

Ventura County Board of Supervisors Resolution, dated July 31, 2012, *A Resolution Adopting An Amendment to the Coastal Zoning Ordinance and Certified Local Coastal Plan and Transmitting it to the California Coastal Commission for Certification.*

Ventura County Ordinance 4451, dated July 31, 2102, *An Ordinance of the Ventura County Board of Supervisors Amendment Division 8, Chapter 2, Articles 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, and 14 of the Ventura County Ordinance Code, Coastal Zoning Ordinance to Correct Clerical Errors, Clarify Ordinance Language and Current Procedures, Create Consistency with the Non-Coastal Zoning Ordinance and Coastal Act, Add Update Selected Policies Within the Ordinance.*



# Appendix B

## *County of Ventura* *LCP Amendment No. VNT-MAJ-2-12*

NOTE: Due to budget constraints and the substantial length of the County's proposed revised Coastal Zoning Code, Appendix B is not included as part of the printed document but is available as part of the digital version of this staff report on the California Coastal Commission's website at [www.coastal.ca.gov](http://www.coastal.ca.gov), on the November 15, 2012 hearing agenda, Item 32a.

# **VENTURA COUNTY COASTAL ZONING ORDINANCE**

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

**LAST AMENDED BY BOARD OF SUPERVISORS: 09-16-08  
LAST CERTIFICATION BY COASTAL COMMISSION: 10-16-08  
LEGALLY EFFECTIVE: 11-14-08**

**VENTURA COUNTY PLANNING DIVISION**

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**VENTURA COUNTY PLANNING DIVISION**

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

Call 805/654-5663 or

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

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

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

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

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

805/654-2488 or 654-2451

## DISCLAIMER

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The Coastal Zoning Ordinance is Chapter 1.1 of Division 8 (Planning & Development). This version was produced by the Planning Division. The "Official" version of this ordinance is held by the Clerk of the Board of Supervisors. The Planning Division coordinates closely with the Clerk's Office to ensure the accuracy of the Ordinance's contents, even if its format may differ from the one produced by the Clerk's Office. Informational notes may appear in *italics* that are not a part of the adopted ordinance, but provide clarification.

## BACKGROUND AND HISTORY

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

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

Amendments during the 1950s added significantly to the Ordinance and by 1962 it was necessary to "reorder" it into a more coherent format. Another major reformatting occurred in 1968. By the late 1960s, numerous individual zoning districts (e.g. M-1 Industrial, RBH Residential Beach Harbor) had been created and most of the basic regulatory provisions of the present code had been established.

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

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

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

Prior to July of 2002 the Ordinance was published solely by the County Clerk's Office. Beginning in mid 2002 the Planning Division began publishing an "un-official" version of the Coastal Zoning Ordinance that is electronically indexed and located on the Division's website. Every possible effort has been made to ensure that the contents of the Planning Division's version are consistent with the Clerk's version which is published by an outside contractor. The Planning Division's version differs in format and style to facilitate its incorporation onto the internet. The Planning Division's version of the Coastal Zoning Ordinance includes a footer on each page that identifies when the code was last amended. An index of amendments by section number will be added so one can determine where amendments have occurred in the code.

The Clerk of the Board of Supervisors keeps the only official record of each individual amendment to the Zoning Ordinance. The Planning Division keeps copies of the milestone versions of the codified Zoning Ordinance, e.g. the versions from 1968, 1983, and 1995, among others. These documents may be useful if one wants to research various

amendments. Changes since 1983 can be tracked by noting the parenthetical dates and ordinance numbers at the end of a given code section or following the heading of a given Article in the Zoning Ordinance. These notations indicate when the Section or Article was added or last amended. Where no note appears, the language typically dates from the re-codification of 1983, although some wording may have been carried forward from preceding versions of the code.

Individuals who purchase the Coastal Zoning Ordinance can up-date it by consulting the Planning Division's website <http://www.ventura.org/planning> and downloading the current version, or portions of it. The Planning Division no longer provides up-dated pages for previously purchased Ordinances. Entire copies of the Coastal Zoning Ordinances cost about \$15.00 each and can be ordered through the Resource Management Agency receptionist at (805) 654-2494.

*Planning Staff, Winter 2004*



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Draft Amendments are indicated in red ~~strikeout~~/underline format.

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

(REP. & REEN. ORD 3772 - 5/13/86; EFFECTIVE 2/26/87)

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

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**Sec. 8171-1 - Adoption and Title of Chapter**

This chapter is adopted pursuant to the authority vested in the County of Ventura by the State of California, including, but not limited to, the Government Code and the Public Resources Code. This Chapter shall be known as the "Zoning Ordinance for the Coastal Zone."

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

The text, use matrix, and zoning maps of this Chapter constitute the comprehensive zoning plan and regulations for the unincorporated coastal zone of the County of Ventura. This Chapter is adopted to protect and promote the public health, safety, and general welfare; and to provide the environmental, economic, and social advantages ~~which~~ 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 ~~Local Coastal Program (LCP)~~ Land Use Plan.

**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 ~~which~~ that is not a legal lot. (ADD.ORD.4055-2/1/94)

## **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 ~~Local Coastal Program~~ (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.

## **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, ~~yardsetback~~, or area requirements, it shall be the duty of the Planning Director to ascertain all pertinent facts and make a determination on said ambiguity.

## 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 ~~yardssetbacks~~ and other open spaces around buildings; and to regulate the density of population, the following classes of use zones are established along with their abbreviations and minimum lot areas. Alternative minimum lot areas may be established pursuant to Section 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.

<b>Zoning District Base Zones</b>	<b>Abbreviation</b>	<b><u>Minimum Lot Area</u></b>
Coastal Open Space	<del>G-O-SCOS</del>	10 Acres
Coastal Agriculture	<del>G-ACA</del>	40 Acres
Coastal Rural	<del>G-RCR</del>	1 Acre
Coastal Rural Exclusive	<del>G-R-ECRE</del>	20,000 sq. ft
Coastal Single-Family Residential	<del>G-R-1CR1</del>	7,000 sq. ft
Coastal Two-Family Residential	<del>G-R-2CR2</del>	7,000 sq. ft
Residential Beach	<del>Residential Beach</del> RB	3,000 sq. ft.
Residential Beach Harbor	<del>R-B-HRBH</del>	*
Coastal Residential Planned Development	<del>G-R-PD</del> CRPD	As Specified by Permit
Harbor Planned Development	<del>H-P-D</del> HDPD	As Specified by Permit
Coastal Commercial	<del>G-CCC</del>	20,000 sq. ft.
Coastal Industrial	<del>G-MCM</del>	10 Acres

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

\*See Section 8175-2 for specifics.

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

### 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., ~~C-R-ECRE~~-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., ~~C-R-ECRE~~ 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.

#### **Sec. 8171-9.2 - Suffix Designators and Maximum Density for the ~~C-R-PDCRPD~~ Zone**

A designator suffix shall be assigned to each ~~C-R-PDCRPD~~ 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, ~~C-R-PDCRPD~~-25U shall mean a maximum of 25 dwelling units per acre. The designator suffix may be any number between 1U and 30U. A ~~C-R-PDCRPD~~ zone without a designator suffix shall allow a maximum of 30 dwelling units per acre. The maximum density permitted for any property in the ~~C-R-PDCRPD~~ zone shall be established on the basis of LCP Land Use Plan compatibility, topography, orderly development principles, and infrastructure available to serve the development.

### **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: County Assessor's maps, with zoning classifications, 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.

~~Prior to enactment of the ordinance adding this Chapter to the Ventura County Ordinance Code, a zone classification was established on all land in the unincorporated area of the County of Ventura.~~

**~~Sec. 8171-10.2~~**

~~The Assessor of the County of Ventura maintains a large number of maps depicting all parcels of land in the unincorporated area of the County of Ventura. Said maps are maintained in accordance with the provisions of Chapter 6, Part 2, Division 1 of the Revenue and Taxation Code.~~

**~~Sec. 8171-10.3~~**

~~Using the Assessor's maps as the base maps and compiling the zoning data on said base maps will result in substantial savings to County taxpayers because it eliminates the necessity of maintaining two map systems.~~

**~~Sec. 8171-10.4~~**

~~The zoning classifications shown on the adopted zoning maps have been graphically delineated on the base maps. Said maps consist of those portions of Books 8, 60, 80, 138, 183, 188, 206, 207, 231, 234, 694, 700 and 701 which fall within the coastal zone and shall hereinafter be referred to as "Ventura County Zoning Maps, Coastal Codification."~~

**~~Sec. 8171-10.5~~**

~~Adoption of "Ventura County Zoning Maps, Coastal Codification" does not change the zone classification of any land, and in the event of any error in the transmission of the zoning classifications from the old zoning maps to the new coastal codification zoning maps, the zone classification of the land as shown on the old zoning maps shall prevail, and the new coastal codification zoning maps shall be changed to correct the error. Three copies of the "Ventura County Zoning Maps, Coastal Codification" are on file in the office of the Clerk of the Board of Supervisors. All zoning maps adopted by reference by this section shall be a part of this Chapter at Article 9, Section 8179 et seq.~~

**~~Sec. 8171-10.6~~**

~~In the event that a court of competent jurisdiction should decree or adjudge that the adoption of the new zoning maps is invalid, the old zoning maps which existed prior to the adoption of these sections are hereby reinstated as the official zoning maps of the County of Ventura.~~

## **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, as shown on any zoning map or part thereof, 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 SealingGIS 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. ~~the scale appearing on the zoning maps.~~

### **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 ~~up~~ to the property located within the center line of such vacated or abandoned street or alley ~~on each respective side thereof.~~

### **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.

## ARTICLE 2: DEFINITIONS

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

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. A building shaped in the configuration of an inverted "V" from the ridge to the foundation and where the exterior walls and roof are coincident.~~

Abut - To touch physically ~~or~~ to border upon, or to share a common property line with. Lots ~~which~~ that touch at corners only shall not be deemed abutting. Adjoining and contiguous shall mean the same as abutting.

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 ~~Building or~~ Structure - A detached ~~building or~~ 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.

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

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

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.

Alley - A ~~public or~~ private way, ~~other than a street or highway~~, permanently reserved as a secondary means of vehicular access to adjoining property.

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.~~

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.

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).

Animals, Pet - Domesticated animals such as dogs, cats, and rabbits, which are customarily kept for pleasure rather than animal husbandry or animal keeping utility.

Animals, Wild - Animals ~~which—that~~ are wild by nature and not customarily domesticated ~~in Ventura County~~. This definition does not include birds, small rodents or small, nonpoisonous reptiles commonly used for educational or experimental purposes, or as pets.

Antenna, Freestanding - A metallic device for transmitting or receiving radio waves ~~which—that~~ rests on or is located in the ground. Included are antennas supported by guy wires and similar mechanisms.

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.

~~Appealable Development~~ 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.

Aquiculture - A branch of agriculture that is devoted to the controlled growing and harvesting of fish, shellfish, and plants in marine, brackish, and fresh water.

Areas of Special Biological Significance - Those areas designated by the State Water Resources Control Board as requiring protection of species or biological communities to the extent that alteration of natural water is undesirable.

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 (~~C-O-SCOS~~) or Coastal Agricultural (~~C-ACA~~) Zones in this Chapter, and, in part, determines minimum parcel size(s) for proposed subdivisions.

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

purposes.

## Definitions - B

Bathroom - A room with a sink, a toilet, and a bathtub and/or shower.

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

Bed-and-Breakfast Inn - A ~~dwelling unit with one family in permanent residence wherein one to five sleeping rooms, and single family dwelling with guest rooms where lodging and~~ one or more meals, are offered for compensation to overnight guests.

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 ~~which that~~ are ~~designed, used or intended to be used,~~ wholly or in part, for the accommodation of boat transients, and are located near or abutting a river, lake or ocean.

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

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

Building Envelope - The ~~one~~ area of a proposed parcel ~~which shall 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.

## Definitions - C

Camp - A rural facility with permanent structures for overnight accommodation and accessory structures and buildings, which is used for temporary leisure, recreational or study purposes, and provides opportunities for the enjoyment or appreciation of the natural environment. (AM.ORD.3882-12/20/88)

Campground - A rural facility without permanent structures for overnight accommodation, but with limited accessory structures and buildings, which is used for temporary leisure or recreational purposes and provides opportunities for the enjoyment or appreciation of the natural environment. (ADD.ORD.3882-12/20/88)

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

Clear Sight Triangle - The area of unobstructed visibility at street intersections or driveways that allows a driver to see approaching vehicles.

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-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.

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

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.

Commission - Shall mean the Ventura County Planning Commission.

Communications Facilities - Includes ~~such uses-unstaffed uses and structures such~~ as radio and television ~~dishes~~/antennas, radar stations, and microwave towers.

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)

## Definitions - D

Day Care Facilities - Any type of licensed group child day care programs, including nurseries for children of working parents, nursery schools for children under school age, parent cooperative nursery schools, play groups for preschool children, or programs covering after-school care for school children.

Decision, Discretionary - Discretionary decisions involve cases ~~which-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.

Decision, Ministerial - Ministerial decisions are approved by a decision-making authority based upon a given ~~state-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.

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

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

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

Development, Upland - See "Upland Development."

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 ~~whichthat~~, in the case of oil-related testing, use drilling apparatus smaller than that used in oil production.

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.~~

Dwelling, Caretaker - A dwelling unit ~~used-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. employed-and-working-on-the-premises-~~

Dwelling, Farm Worker - A dwelling unit ~~used-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. employed-and-working-on-or-hired-from-the-premises-~~

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

Dwelling, Single-Family - A ~~detached~~ building constructed in conformance with the Uniform Building Code, or a mobilehome constructed on or after June 15, 1976, containing one principal dwelling unit.

Dwelling, Two-Family - A building containing two principal dwelling units.

Dwelling Unit - One or more rooms in a dwelling, with internal access between all rooms, providing that provide complete independent living facilities for one family, including permanent provisions for living, sleeping, eating, cooking and sanitation, but containing only one kitchen, set of kitchen-related fixtures capable of serving only one kitchen for the exclusive use of one family.

Dwelling Unit, Second - ~~A detached accessory structure, having bathroom facilities, which is intended for human habitation; or any room addition or detached accessory structure or room addition having kitchen or cooking facilities. Structures referred to as guest houses, living quarters, granny flats and the like are considered to be intended for human habitation. A room addition having a bathroom and no means of internal access to the existing residence shall be considered a second dwelling. 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.~~

## Definitions - E-F

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

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").

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

Exterior Storage - The outdoor placement or keeping of materials in an area not fully enclosed by a storage structure. (Also see Section 8175-5.1(j).)

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.

Farm Worker - A person principally employed for agriculture or agricultural operations farm work.

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

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

Fence, See-Through - A fence, such as the chain link type, ~~which-that~~ permits at least 50 percent open visibility throughout the fence.

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.

## 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.

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.

Grade – Adjacent ground level. For purposes of building height measurement, grade is ~~the~~ the average of the finished ground level at the center of all along the walls of a building. In the case ~~where~~ where walls are parallel to and within five feet of a sidewalk, the ~~above finished~~ above finished ground level ~~should be is~~ is measured at the sidewalk.

Gross Floor Area - The area included within the surrounding exterior walls of all floors or levels of a building ~~or portion thereof~~, exclusive of ~~vent~~ 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.

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.

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.

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

- 1) ~~e~~Cause, or significantly contribute to, an increase in mortality.
- 2) ~~or-i~~ncrease serious irreversible, or incapacitating reversible, illness.

- 32) ~~p~~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, ~~or~~-disposed of, or otherwise managed.

Unless expressly provided otherwise, the term "hazardous waste" shall be understood to also include extremely hazardous waste and acutely hazardous waste. ~~(Section 25117 California Health and Safety Code)-~~ (ADD.ORD. 3946- 7/10/90)

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.

~~Building Height - The height of any building is the vertical distance from the grade or other datum point to the highest point of the coping of a flat roof or mansard roof, or in the case of a pitched or hip roof, to the "averaged midpoint," which is arrived at by the drawing of two imaginary lines between the finished main ridge line peak and the tops of the two exterior finished walls running parallel to the main ridge line, adding together the vertical heights of the midpoints of these two imaginary lines, and dividing the result by two. The height of an A-frame structure is the vertical distance from the grade or other datum point to the peak of the roof. (AM.ORD.3788-8/26/86)~~

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.

Home Occupation - Any commercial ~~occupation-activity which-that~~ is clearly incidental and secondary to the residential use of ~~the-a~~ dwelling, and does not change the character thereof.

Hostel - Overnight sleeping accommodations ~~which-that~~ provide ~~supervised~~ lodging for travelers, and ~~which-that~~ may provide kitchen and eating facilities. Occupancy is generally of a limited duration.

Hotel - A building with one main entrance, or a group of buildings, containing ~~six-or more~~ guest rooms where lodging with or without meals is provided for compensation.

## Definitions - I-L

Inoperative Vehicle - A vehicle ~~which-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.

Inundation - ~~The state of t~~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.

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.

Lateral Access - A recorded dedication or easement granting to the public the right to pass and repass over dedicator'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.

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- having fixed boundaries depicted on or described by a tentative tract or parcel map, or instrument of conveyance for the purpose of defining land to be held, actually or potentially, in fee title as a discrete unit. Licenses, easements, and streets, alleys and similar rights-of-way are not lots.

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

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

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

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

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

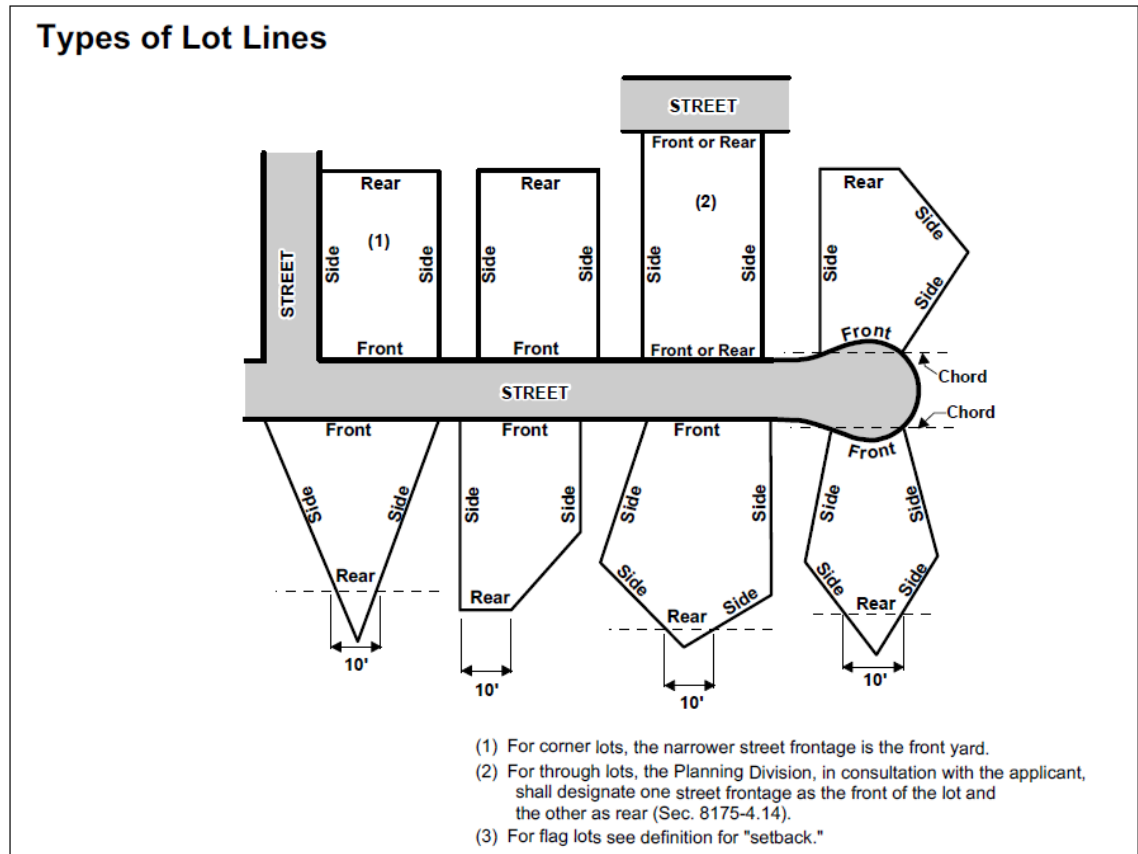
Lot Line

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

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

Rear - A lot line ~~which-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 ~~which-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.

See illustration below:



Lot, Reverse-Corner - A corner lot, the rear of which abuts the side of another lot. Interior lots adjacent to flag lots are not considered reverse-corner lots.

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

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

## Definitions - M-O

Major Public Works Project and Major Energy Facility - Any public works project or energy facility ~~exceeding \$50,000 in estimated cost of construction; that costs more than one hundred thousand dollars (\$100,000) with an automatic annual increase in~~



accordance with the Engineering News Record Construction Cost Index<sup>\*</sup>, 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.

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

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.

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.

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.

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

Net Area - The total land area of a lot exclusive of: (a) areas within any existing or proposed public or private street, road, or easement used for ingress or egress, and (b) ~~exclusive of~~ the area within any existing or proposed easement where~~in~~ 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.

Nonconforming Structure - A structure, or portion thereof, ~~which-that~~ was lawfully erected or altered and maintained, but ~~which-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

<sup>\*</sup> Editorial note: Data from the Construction Cost Index is available from Coastal Commission staff or online at [www.ENR.com](http://www.ENR.com). 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.

revisions ~~in-made to~~ development standards of this Chapter, ~~dealing-with including standards for ESHA buffers,~~ lot coverage, lot area per structure, height, and setbacks, ~~no longer conforms.~~

Nonconforming Use - A use ~~which-that~~ was lawfully established and maintained but ~~which-that~~, because of ~~the application of~~ revisions made to this Chapter is (1) ~~is~~ no longer permitted in the zone in which it is located or, (2) ~~is~~ no longer in conformance with the parking requirements of the use in the zone in which it is located.

Nonprime Agricultural Land - ~~Other-a~~ Agricultural lands not defined as ~~p~~Prime, ~~but which-that~~ are suitable for agriculture.

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.

~~Open Storage - The outdoor accumulation, collection, or other keeping of materials such as inoperative vehicles, equipment, building materials, scrap metal or personal or household items in an area not fully enclosed by a storage structure.~~

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

## Definitions - P

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

Parking Lot - An improved, off-street parking facility containing four or more parking spaces.

~~Periodic Outdoor Sporting Events - Recreational events or activities, other than spectator-type animal events, which-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)

Permitted Use - ~~A use listed in Section 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.~~

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.

Planning Director - The ~~Manager-Deputy Director, Ventura County Resource Management Agency, for~~ of the Planning Division ~~of the Resource Management Agency, County of Ventura,~~ or his or her designee.

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 Soil-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.
- ~~- Land which has returned from the production of unprocessed agricultural plant products an annual gross value of not less than two hundred dollars (\$200) per acre for three of the previous five years.~~

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”).

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 Section 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.

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

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 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.”

## Definitions - R

Rebuild - ~~A rebuild or reconstruction occurs when extensive changes or repairs are made to the exterior envelope of any structure.~~

Recreational Vehicle - A vehicle of any size ~~which-that~~ (a) is self-propelled or is towed by another vehicle, (b) is not designed to be used as a permanent dwelling, ~~and~~ (c) has self-contained plumbing, heating and electrical systems ~~which-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.

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)

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.~~

Residential Care Facility - A nonmedical facility providing any of the following services ~~to six or fewer people~~ 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.~~

Residential (or "R") Zone - A base zone classification under this Chapter ~~which-that~~ contains the letter "R" in its abbreviation.

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

Retail Trade - ~~This heading includes only the following uses: Businesses engaged in retailing merchandise, generally without transformation, and rendering services incidental to the sale of merchandise. Examples of retail trade businesses are businesses such as: Bakeries-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.

Riding Stable - A facility where there are stables for horses, ~~and where the latter 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.

Riparian Habitat - An area adjacent to a natural watercourse, such as a perennial or intermittent stream, lake or other body of fresh water, where related vegetation and

associated animal species live or are located.

Roof Structures - Structures located on the roof of a building for the housing of elevators, stairways, tanks, ventilating fans and similar equipment required to operate and maintain the building; fire or parapet walls, safety rails, skylights, towers, flagpoles, chimneys, smokestacks, solar collectors, wireless masts, T.V. antennas and similar structures.

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

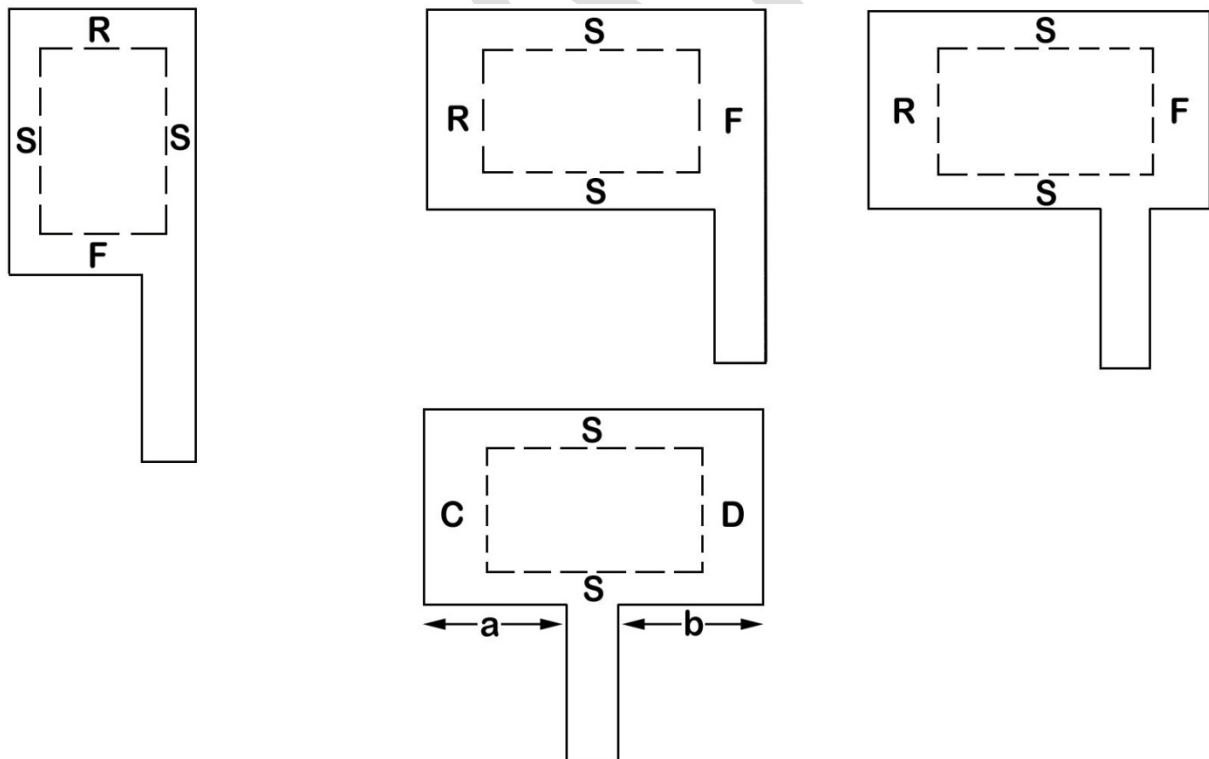
## Definitions - S

~~Satellite Dish Antenna - An accessory structure, generally in the shape of a dish, which is designed or intended to receive electromagnetic signals from an orbiting satellite or ground transmitter.~~

Second Dwelling - See Dwelling, Second.

Setback - The distance on an individual lot ~~which that~~ is intended to provide an open ~~yard~~ 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.

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.

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.

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.

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

Shoreline Protective Devices - Seawalls, revetments, breakwaters, and other such construction that alters natural shoreline processes.

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.

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

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

Stream - A Perennial or intermittent watercourse mapped by the U.S. Geologic Survey or identified in the LCP.

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 ~~which 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.

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.

~~Also see "Development."~~

## **Definitions - T-V**

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

Through Lot - See "Lot, Through."

Tidelands - All lands that are located between the lines of mean high tide and mean low tide.

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

~~Traffic Safety Sight Area - A triangular area on a corner lot, two of the sides of such triangle being formed by extending two imaginary lines from the corner of the lot nearest the center of the street intersection at least 25 feet back to two points along the sides of the lot parallel to the two intersecting streets, the third side then being formed by the connection of such points.~~

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.

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 dedicatory's real property from a public road to the mean high tide line.

## **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)

~~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. an area separate from the kitchen, located in or adjacent to a dwelling unit for the exclusive use of the family residing in said dwelling unit.~~

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

~~Yard - An open space, other than a court, on a lot, unoccupied and unobstructed from the ground upward except as otherwise expressly provided herein.~~

~~Yard, Front - A yard extending between side lot lines across the front of a lot, the depth of which is the required minimum horizontal distance (setback) between the front lot line and a line parallel thereto on the lot.~~

~~Yard, Rear - A yard extending across the rear of the lot between the inner side lot lines which is the required minimum horizontal distance (setback) between the rear lot line and a line parallel thereto on the lot.~~

~~Yard, Side -- A yard extending from the front yard, or the front lot line where no front yard is required, to the rear yard; the width of the required side yard (setback) shall be measured horizontally from the nearest part of the side lot line.~~

Zoning Clearance - A permit ~~which~~that certifies that a proposed ~~structure~~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.

DRAFT

## ARTICLE 3: PURPOSES OF ZONES

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### **Sec. 8173-1 - Coastal Open Space (~~G-O~~-SCOS) 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.

### **Sec. 8173-2 - Coastal Agricultural (~~G-ACA~~) 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 ~~which~~ that, by their nature, would have detrimental effects on the agriculture industry.

### **Sec. 8173-3 - Coastal Rural (~~G-R~~-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.

### **Sec. 8173-4 - Coastal Rural Exclusive (~~G-R-E~~-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.

### **Sec. 8173-5 - Coastal One-Family Residential (~~G-R-1~~-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 ~~R-BRB~~ or ~~R-B-HRBH~~ zones.

### **Sec. 8173-6 - Coastal Two-Family Residential (~~G-R-2~~-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 ~~R-BRB~~ and ~~R-B-HRBH~~ zones.

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

The purpose of this zone is to provide for the development and preservation of small-lot, beach-oriented residential communities.

### **Sec. 8173-8 - Residential Beach Harbor (~~R-B-H~~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.

### **Sec. 8173-9 - Coastal Residential Planned Development (~~G-R-PD~~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.

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

The purpose of this zone is to provide for the development of retail and service commercial uses ~~which-that~~ are intended to be neighborhood-serving or visitor-serving.

### **Sec. 8173-11 - Coastal Industrial (~~G-M~~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 ~~which-that~~ could be considered coastal-dependent.

### **Sec. 8173-12 - Harbor Planned Development (~~H-P-D~~HDPD) Zone**

The purpose of this zone is to provide for uses consistent with harbor- and tourist-oriented developments.

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

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



## ARTICLE 4: PERMITTED USES

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### 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 ~~which~~that is not listed as such in Section 8174-5~~4~~, but is listed as a ~~main~~ principal use, shall be subject to the indicated requirements of the ~~main~~ 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 cell tower and/or a residence.)

#### Sec. 8174-2.~~3~~4

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

### Sec. 8174-~~103~~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.

\* Editorial note: Also see definition of “principally-permitted use” for uses that are not appealable to the Coastal Commission, unless located within an area subject to appeal

## Sec. 8174-~~94~~ - Environmentally Sensitive Habitat Areas (ESHA)

Within ~~environmentally sensitive habitats~~ an ESHA as defined in Article 2, or ~~their~~ a buffer areas, only the following uses, subject to all applicable standards and policies, are permitted:

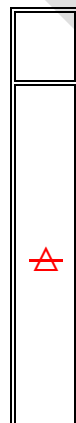
- a. Nature study;
- b. Developments where the primary function is habitat enhancement or restoration;
- c. Shoreline protective devices;
- d. Passive recreational uses not involving structures;
- e. Uses dependent on habitat values such as aquiculture and scientific research;
- f. Public Works facilities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

### *Exceptions:*

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

## ~~Sec. 8174-3 — Key to Matrices~~

~~The following symbols indicate the type of permit or permit modification required for uses allowed in each zone. Each type of discretionary permit is appealable to the Coastal Commission, except as indicated otherwise.~~



~~— Not permitted~~

~~— Permitted — a use which requires a Zoning Clearance unless specifically exempted. The following uses are exempt from the requirement for a Zoning Clearance:~~

~~a. Crop production.~~

~~b. Pet animal keeping in accordance with Section 8175-5.2.4a~~

~~c. Open storage of materials in accordance with Section 8175-5.1j~~

~~d. Repair and maintenance activities not otherwise listed in Section 8174-8 that do not result in the addition of, or enlargement of, the object of such activities. (ADD. ORD. 3788-8/26/86)~~

	<del>= Planned Development Permit (Planning Director approved).</del>
	<del>= Planned Development Permit (Planning Director approved); the use is not appealable to the Coastal Commission unless it falls within an appealable area as depicted on the "Post-LCP Certification Permit and Appeals" maps.</del>
	<del>= Conditional Use Permit - Planning Commission approved</del>
	<del>= Public Works Permit (Board of Supervisors approved)</del>
	<del>= Conditional Use Permit - Board of Supervisors approved</del>

## Sec. 8174-~~5~~4 – Permitted Uses by Zone<sup>a</sup>

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

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

LAND USE CATEGORY	PERMIT REQUIREMENTS BY ZONE											
	COS	CA	CR	CRE	CR1	CR2	RB	RBH	CRPD	CC	CM	HPD
<b>AGRICULTURE AND AGRICULTURAL OPERATIONS</b> (No Retail Except Produce Stands) <sup>*</sup>												
Animal Husbandry (see Sec. 8175-5.2) – Animals, Keeping of	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 Removal	Permit May Be Required. See "Brush or Vegetation Removal"											
• With Grading, Excavation or Fill	Permit May Be Required. See "Grading, Excavation or Fill"											

<sup>a</sup> See Sec. 8174-9 for restrictions on uses permitted in environmentally sensitive habitats. Additionally, any zone followed by the suffix "(M)" is within the Santa Monica Mountains overlay zone; see Sec. 8177-4 for other restrictions on uses in this overlay zone.

<b><u>LAND USE CATEGORY</u></b>	<b>PERMIT REQUIREMENTS BY ZONE</b>											
	COS	CA	CR	CRE	CR1	CR2	RB	RBH	CRPD	CC	CM	HPD
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										
• <u>If exempt per Sec. 8174-6.2, 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5</u>												
<u>Total Floor Area up to 100,000 sq. ft.</u>	ZC	ZC	ZC									
<u>Total Floor Area over 100,000 sq. ft.</u>	ZC	ZC										
<u>Improvements to Agricultural Structures</u>	<u>See "Improvements to Structures, Other Than Single Family Dwellings or Public Works Facilities"</u>											
Uses and Structures, Accessory <del>(see also Sec. 8174-5.2 and 8174-6</del>	PD	PD	PD									
• <u>If exempt per Sec. 8174-6.2, 8174-6.3.2, 8174-6.3.4, 8174-6.3.5, or 8174-6.3.6</u>	ZC	ZC	ZC									
Dwellings, Farm Worker <u>or Animal Caretaker</u> :												
one on <u>lot meeting the</u> minimum lot size per zone		PDP										
one on <u>lot not meeting the less than</u> minimum lot size per zone		CUP										
more than one per lot		CUP										
<u>If exempt per Sec. 8174-6.2, 8174-6.3.2, or 8174-6.3.5</u>		ZC										
<u>Fences and walls</u>	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	
<u>If exempt per Sec. 8174-6.1, 8174-6.3.2, 8174-6.3.4, 8174-6.3.5, or 8174-6.3.6</u>	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	
<u>Fences</u>	<u>See Section 8174-5.2-1b</u>											
Fuel Storage, 10,000 Gallons Maximum		PD										
<u>If exempt per Sec. 8174-6.3.2</u>		ZC										
Offices		PD										
<u>If exempt per Sec. 8174-6.1, 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5</u>		ZC										
Packing, Storage or Preliminary Processing of Crops (No Structures)	ZC	ZC										
within a maximum 20,000 sq. ft structure per lot	PD	PD										

<b><u>LAND USE CATEGORY</u></b>	<b>PERMIT REQUIREMENTS BY ZONE</b>											
	COS	CA	CR	CRE	CR1	CR2	RB	RBH	CRPD	CC	CM	HPD
Produce Stands, Retail, Accessory to Crop Production (Sec. 8175-5.8)		PD										
<u>If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5</u>		<u>ZC</u>										
<b>AIRFIELDS AND LANDING PADS AND STRIPS, PRIVATE</b>	CUP	CUP									CUP	
• <u>If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5</u>	<u>ZC</u>	<u>ZC</u>									<u>ZC</u>	
<b>AMBULANCE SERVICES</b>										PD		
<b>ANIMALS, KEEPING OF</b> (See Sec. 8175-5.2)	PDP	PDP										
Apiculture ( see Sec. 8175-5.2.1)	PDP	PDP										
Structures:												
For Up To 25 Animal Units	PDP	PDP										
<u>If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5</u>	<u>ZC</u>	<u>ZC</u>										
For More Than 25 Animal Units	CUP	CUP										
<u>If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5</u>	<u>ZC</u>	<u>ZC</u>										
More Animals Than Are Permitted By Sec. 8175-5.2.4	CUP	CUP										
Wild Animals	CUP											
<b>ART GALLERIES</b>										PDP		
<u>If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5</u>										<u>ZC</u>		
<b>AUTOMOBILE REPAIRING</b>										CUP		
<u>If exempt per Sec. 8174-6.3.4 or 8174-6.3.5</u>										<u>ZC</u>		
<b>AUTOMOBILE SERVICE STATIONS</b>										PD		
<u>If exempt per Sec. 8174-6.3.4 or 8174-6.3.5</u>										<u>ZC</u>		
<b>BANKS, SAVINGS AND LOANS AND RELATED OFFICES AND INSTITUTIONS</b>										PD		
<u>If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5</u>										<u>ZC</u>		
<b>BARBER AND BEAUTY SHOPS</b>										PDP		
<u>If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5</u>										<u>ZC</u>		
<b>BARS, TAVERNS AND NIGHTCLUBS</b>										CUP		

<b><u>LAND USE CATEGORY</u></b>	<b>PERMIT REQUIREMENTS BY ZONE</b>											
	COS	CA	CR	CRE	CR1	CR2	RB	RBH	CRPD	CC	CM	HPD
<u>If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5</u>										<u>ZC</u>		
<b>BOARDINGHOUSES, ROOMING HOUSES AND BED-AND-BREAKFAST INNS</b>				CUP	CUP					CUP		
<u>If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5</u>				<u>ZC</u>	<u>ZC</u>					<u>ZC</u>		
<b>BRUSH OR VEGETATION REMOVAL</b>	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	
<u>If exempt per Sec. 8174-6.3.6</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	
Cumulative Total Per Lot: Less than ½ acre	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	
<u>½ acre or more<sup>e</sup> (See Sec. 8175-5.4)</u>	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	
<u>In Sensitive Area Listed in Sec. 8174-6</u>	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	
<b>BUS TERMINALS</b>										PDP		
<u>If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5</u>										<u>ZC</u>		
<b>CARE FACILITIES</b>												
Day:												
Care of Six or Fewer Persons	PDP	PDP	PDP	PDP	PDP	PDP	PDP	PDP	PDP			
<u>If exempt per Sec. 8174-6.2, 8174-6.3.2, or 8174-6.3.5</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>			
Care of Seven or More Persons			CUP	CUP	CUP	CUP						
<u>If exempt per Sec. 8174-6.2, 8174-6.3.2, or 8174-6.3.5</u>			<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>						
Residential: Care of Six or Fewer Persons	PDP	PDP	PDP	PDP	PDP	PDP	PDP	PDP	PDP			
• <u>If exempt per Sec. 8174-6.2, 8174-6.3.2, or 8174-6.3.5</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>			
<b>CARWASHES, SELF-SERVICE OR AUTOMATIC</b>										CUP		
<u>If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5</u>										<u>ZC</u>		
<b>CHURCHES AND OTHER BUILDINGS USED FOR RELIGIOUS WORSHIP</b>			PDP	PDP	PDP	PDP	PDP	PDP	PDP	PDP		
<u>If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5</u>			<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>		
<b>CLUBHOUSES</b>			CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP		PD
<u>If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5</u>			<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>		<u>ZC</u>
<b>COMMUNICATIONS FACILITIES</b>	CUP	CUP									CUP	
<u>If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5</u>	<u>ZC</u>	<u>ZC</u>									<u>ZC</u>	

<b><u>LAND USE CATEGORY</u></b>	<b>PERMIT REQUIREMENTS BY ZONE</b>											
	COS	CA	CR	CRE	CR1	CR2	RB	RBH	CRPD	CC	CM	HPD
<b>CONFERENCE CENTERS/CONVENTION CENTERS<sup>d</sup></b>										CUP		CUP
<i>If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5</i>										ZC		ZC
<b>DOG GROOMING</b>										PDP		
<b>DREDGING<sup>MINOR</sup></b>	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD
<i>If exempt per Sec. 8174-6.3.1 or 8174-6.3.2</i>	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC
<i>Major (see Sec. 8174-7)</i>	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD
<b>DRILLING, TEMPORARY GEOLOGIC (Testing Only)</b>	PD	PD	PD	PD							PD	
<b>DWELLINGS</b>												
<i>Demolition of Single Family Dwellings and Accessory Structures</i>	PDP	PDP	PDP	PDP	PDP	PDP	PDP	PDP	PDP			
• <i>If exempt per Sec. 8174-6.2 or 8174-6.3.5</i>	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC			
<i>Improvements to Residential Structures</i>												
• <i>Improvements to Single Family Dwellings and Accessory Structures</i>	PD	PD	PD	PD	PD	PD	PD	PD	PD			
<i>If exempt per Sec. 8174-6.2, 8174-6.3.2 or 8174-6.3.5</i>	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC			
• <i>Improvements to Other Dwellings and Accessory Structures</i>	See "Improvements to Structures, Other Than Single Family Dwellings or Public Works Facilities"											
One Single-Family <del>(see Sec. 8175-5.1)</del>	PDP	PDP	PDP	PDP	PDP	PDP	PDP	PDP	PDP			
• <i>If exempt per Sec. 8174-6.2, 8174-6.3.2 or 8174-6.3.5</i>	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC			
• <del>Within Exempt Areas (See Sec. 8174-5.1)</del>			ZE	ZE			ZE	ZE	ZE			
One Two-Family or Two Single-Family (also see Sec. 8175-3.10)						PDP	PDP	PDP	PDP			
• <i>If exempt per Sec. 8174-6.2, 8174-6.3.2 or 8174-6.3.5</i>						ZC	ZC	ZC	ZC			
Multi-Family									PDP			
• <i>If exempt per Sec. 8174-6.2, 8174-6.3.2 or 8174-6.3.5</i>									ZC			
Mobilehome, Continuing Nonconforming	PDP	PDP	PDP	PDP	PDP	PDP	PDP	PDP				

<sup>d</sup> ~~ADD: ORD. 3882-12/20/88~~

<sup>e</sup> ~~Subject to the height limits of Sec. 8175-2.~~



<u>LAND USE CATEGORY</u>	PERMIT REQUIREMENTS BY ZONE											
	COS	CA	CR	CRE	CR1	CR2	RB	RBH	CRPD	CC	CM	HPD
<b>DWELLINGS – ACCESSORY USES AND STRUCTURES</b>												
Animals												
Apiculture (see Sec. 8175-5.2.1)	PD	PD										
Aviaries (see Sec. 8175-5.2.2)	PD	PD	PD	CUP	CUP							
Board and Care of Horses on Lots of 10 Acres or More	CUP		CUP									
Farm, Including Private Stables (see Sec. 8175-5.2.4b)	PD	PD	PD									
Pet <del>Animals (consistent with Sec. 8175-5.2.4a) (Dogs, Cats, Birds) (see, Sec. 8175-5.2.4a)</del>	E	E	E	E	E	E	E	E	E			
More Than Are Permitted By Sec. 8175-5.2.4	CUP	CUP										
Wild Animals	CUP											
<del>Additions to Floor Area or Height Not Exceeding 10% of Existing Dimensions, or Internal Changes Not Altering External Profile of Bldg. All Areas<sup>e</sup></del>	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC			
<del>Additions Exceeding 10% Increase in Floor Area or Height<sup>f</sup> Which Alter External Profile of Building:</del>												
<del>Within Exempt Areas (see Sec. 8174-5.1)</del>			ZC	ZC			ZC	ZC	ZC			
<del>Within All Other Areas</del>	PD	PD	PD	PD	PD	PD	PD	PD	PD			
Antennas, Freestanding, Above 40 Feet (see Sec. 8175-5.1i)	PD	PD	PD	PD	PD	PD	PD	PD	PD			
• <del>If exempt per Sec. 8174-6.3.4 or 8174-6.3.5</del>	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC			
<del>Exterior Storage, Open consistent with Sec. 8174-6.2.5 and (see Sec. 8175-5.1j)</del>	E	E	E	E	E	E	E	E	E			
<u>Fences and Walls</u>	PD	PD	PD	PD	PD	PD	PD	PD	PD	See "Uses and Structures accessory to a Commercial or Industrial Use"		

<sup>e</sup> -The percentage refers to aggregate per lot, over time.

<sup>f</sup> -Subject to the height limits of Sec. 8175-2.

<b><u>LAND USE CATEGORY</u></b>	<b>PERMIT REQUIREMENTS BY ZONE</b>											
	COS	CA	CR	CRE	CR1	CR2	RB	RBH	CRPD	CC	CM	HPD
<ul style="list-style-type: none"> <li><u>If exempt per Sec. 8174-6.2, 8174-6.3.5, or 8174-6.3.6</u></li> </ul>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	See "Uses and Structures accessory to a Commercial or Industrial Use"		
Home Occupations (see Sec. 8175-5.1f)	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC			
<del>Minor Developments (see Sec. 8174-6)</del>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>			
<del>In Sensitive Area Listed in Sec. 8174-6</del>	<u>PD</u>	<u>PD</u>	<u>PD</u>	<u>PD</u>	<u>PD</u>	<u>PD</u>	<u>PD</u>	<u>PD</u>	<u>PD</u>			
Mobilehome/RV as Temp. Dwelling During Construction, <u>consistent with standards in Sec. 8175-5.1e</u> <del>(see Sec. 8175-5.1e)</del>	<u>ZC</u> <u>PD</u>	<u>ZC</u> <u>PD</u>	<u>ZC</u> <u>PD</u>	<u>ZC</u> <u>PD</u>								
<ul style="list-style-type: none"> <li><u>If exempt per Sec. 8174-6.3.6</u></li> </ul>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>								
<del>In Sensitive Area Listed in Sec. 8174-6</del>	<u>PD</u>	<u>PD</u>	<u>PD</u>	<u>PD</u>								
<del>Satellite Dish Antennas (see Sec. 8175-5.11 for Standards and Exemptions)</del>	<u>PDP</u>	<u>PDP</u>	<u>PDP</u>	<u>PDP</u>	<u>PDP</u>	<u>PDP</u>	<u>PDP</u>	<u>PDP</u>	<u>PDP</u>	<u>PDP</u>	<u>PDP</u>	
Second Dwellings (see Sec. 8175-5.1g)	PD	PD	PD	PD	PD	PD	PD	PD	PD			
<ul style="list-style-type: none"> <li><u>If exempt per Sec. 8174-6.2, 8174-6.3.2, 8174-6.3.5, or 8174-6.3.6</u></li> </ul>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>			
<del>Water Wells and</del> Septic Systems, Construction or Expansion of	PD	PD	PD	PD	PD	PD	PD	PD	PD			
<u>Water Wells, Construction or Expansion</u>	PD	PD	PD	PD	PD	PD	PD	PD	PD			
<ul style="list-style-type: none"> <li><u>Incidental, appropriate and subordinate to a principally-permitted use</u></li> </ul>	<u>PDP</u>	<u>PDP</u>	<u>PDP</u>	<u>PDP</u>	<u>PDP</u>	<u>PDP</u>	<u>PDP</u>	<u>PDP</u>	<u>PDP</u>			
<u>With Brush or Vegetation Removal</u>	Permit May Be Required. See "Brush or Vegetation Removal"											
<u>With Grading, Excavation or Fill</u>	Permit May Be Required. See "Grading, Excavation or Fill"											
<u>Water Wells, Testing to Determine Water Availability</u>	See "Water Facilities"											
Accessory Uses and Structures Not Otherwise Listed	PD	PD	PD	PD	PD	PD	PD	PD	PD			
<ul style="list-style-type: none"> <li><u>If exempt per Sec. 8174-6.2, 8174-6.3.2, 8174-6.3.5</u></li> </ul>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>			
<b>ENERGY FACILITIES</b> , Including Energy Production From Renewable Sources	CUP										CUP	
<u>If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5</u>	<u>ZC</u>										<u>ZC</u>	
<b>FIRE STATIONS</b>	PD	PD	PDP	PDP	PDP	PDP	PDP	PDP	PDP	PDP	PDP	
<u>If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	
<b>GRADING, EXCAVATION, OR FILL</b> , Pursuant To Sec. 8175-5.17 <del>± Less Than 50 Cubic Yards</del>	<u>PD</u> <u>ZC</u>	<u>PD</u> <u>ZC</u>	<u>PD</u> <u>ZC</u>	<u>PD</u> <u>ZC</u>	<u>PD</u> <u>ZC</u>	<u>PD</u> <u>ZC</u>	<u>PD</u> <u>ZC</u>	<u>PD</u> <u>ZC</u>	<u>PD</u> <u>ZC</u>	<u>PD</u> <u>ZC</u>	<u>PD</u> <u>ZC</u>	<u>PD</u> <u>ZC</u>

<u>LAND USE CATEGORY</u>	PERMIT REQUIREMENTS BY ZONE											
	COS	CA	CR	CRE	CR1	CR2	RB	RBH	CRPD	CC	CM	HPD
<u>If exempt per Sec. 8174-6.3.6</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>
<u>50 Cubic Yards or More<sup>9</sup> (see Sec. 8175-5.4)</u>	<u>PD</u>	<u>PD</u>	<u>PD</u>	<u>PD</u>	<u>PD</u>	<u>PD</u>	<u>PD</u>	<u>PD</u>	<u>PD</u>	<u>PD</u>	<u>PD</u>	<u>PD</u>
<u>In Sensitive Area Listed in Sec. 8174-6</u>	<u>PD</u>	<u>PD</u>	<u>PD</u>	<u>PD</u>	<u>PD</u>	<u>PD</u>	<u>PD</u>	<u>PD</u>	<u>PD</u>	<u>PD</u>	<u>PD</u>	<u>PD</u>
<b><u>GEOTECHNICAL AND SOILS TESTING</u></b>												
<u>Without Brush or Vegetation Removal, and Without Grading</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>
<u>With Brush or Vegetation Removal</u>	<u>Permit May Be Required. See Brush or Vegetation Removal</u>											
<u>With Grading, Excavation or Fill</u>	<u>Permit May Be Required. See Grading, Excavation or Fill</u>											
<b>HARBOR USES</b> (See Definitions)												PD
Fleet Base Activities, Accessory to Offshore Drilling												CUP
Fuel Storage and Sales												CUP
• <u>If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5</u>												<u>ZC</u>
<b>HEALTH CLINICS</b>										PDP		
<u>If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5</u>										<u>ZC</u>		
<b>HOTELS, MOTELS, AND BOATELS</b>										CUP		CUP
<u>If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5</u>										<u>ZC</u>		<u>ZC</u>
<b><u>IMPROVEMENTS TO STRUCTURES, OTHER THAN SINGLE FAMILY DWELLINGS OR PUBLIC WORKS FACILITIES</u></b>	<u>PD</u>	<u>PD</u>	<u>PD</u>	<u>PD</u>	<u>PD</u>	<u>PD</u>	<u>PD</u>	<u>PD</u>	<u>PD</u>	<u>PD</u>	<u>PD</u>	<u>PD</u>
<u>If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>
<b>KENNELS</b> (Max. 1 Dog <sup>h</sup> A per 4,000 Sq.Ft. Of Lot Area; Max 50 Dogs Per Lot) <sup>†</sup>	<u>PD</u>											
<b>LABORATORIES; RESEARCH, SCIENTIFIC, MEDICAL OR DENTAL</b>										CUP	CUP	
<u>If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5</u>										<u>ZC</u>	<u>ZC</u>	
<b><u>LAND DIVISIONS:</u></b>												

<sup>9</sup> Prohibited between November 15 and April 15 (Sec. 8175-5.4.3).

<b><u>LAND USE CATEGORY</u></b>	<b>PERMIT REQUIREMENTS BY ZONE</b>											
	COS	CA	CR	CRE	CR1	CR2	RB	RBH	CRPD	CC	CM	HPD
Parcel Maps	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD
Tract Maps	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP
Lot Line Adjustments <sup>j</sup>	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD
<b>LAUNDRY AND DRY CLEANING ESTABLISHMENTS: 5 OR FEWER EMPLOYEES</b>										PDP		
<u>If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5</u>										ZC		
<b>LIBRARIES</b>			CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP		
<u>If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5</u>			ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC		
<b><u>MAINTENANCE/REPAIRS, No Additions or Enlargements</u></b>	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD
<u>If exempt per Sec. 8174-6.3.2 or 8174-6.3.6</u>	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC
<b>MOBILEHOME PARKS (See Sec. 8175-5.5)</b>			CUP	CUP	CUP	CUP	CUP	CUP	CUP			
<u>If exempt per Sec. 8174-6.2, 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5</u>			ZC	ZC	ZC	ZC	ZC	ZC	ZC			
<b>MOTION PICTURE OR TV PRODUCTION ACTIVITIES, TEMPORARY (See Section 8175-5.6)</b>												
Within Existing Building (7 Days Max. per 60-Day Period)	ZC	ZC	PDP							PDP	ZC	
Outdoor:												
Up to 7 days per 60-Day Period	PD ZC	PD ZC	PD							PD	ZC	
<u>Using pyrotechnics or noise higher than customary in the vicinity, with a waiver per Sec. 8175-5.6.2</u>	PD	PD	PD							PD	ZC	
Up to 42 Days per 180-Day Period	PD										ZC	
<b>OFFICES: BUSINESS, PROFESSIONAL AND ADMINISTRATIVE, Excluding Storage, Wholesale Trade and Veterinary Clinics</b>										PD	PD	

<sup>j</sup> This refers only to lot line adjustments which have the potential to increase permitted density or number of building sites. See also Sec. 8174-6.

LAND USE CATEGORY	PERMIT REQUIREMENTS BY ZONE											
	COS	CA	CR	CRE	CR1	CR2	RB	RBH	CRPD	CC	CM	HPD
<u>If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5</u>										<u>ZC</u>	<u>ZC</u>	
<b>OIL AND GAS: EXPLORATION AND PRODUCTION, UNLESS PREEMPTED</b> (See Sec. 8175-5.7)	CUP	CUP								CUP	CUP	
Refining, Processing, Manufacture, and Bulk Storage											CUP	
• <u>If exempt per Sec. 8174-6.3.2</u>											<u>ZC</u>	
<b>PARKING LOTS, PUBLIC</b>										CUP		PD
<b>PIPELINES AND TRANSMISSION LINES, AND APPURTENANT STRUCTURES</b>	CUP	CUP	CUP								CUP	
<u>If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>								<u>ZC</u>	
<b>PUBLIC UTILITY FACILITIES</b>												
Without Service Yards	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD
• <u>If exempt per Sec. 8174-6.3.2, 8174-6.3.4, 8174-6.3.5, or 8174-6.3.6</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>
With Service Yards	CUP		CUP							CUP	CUP	
• <u>If exempt per Sec. 8174-6.3.2, 8174-6.3.4, 8174-6.3.5, or 8174-6.3.6</u>	<u>ZC</u>		<u>ZC</u>							<u>ZC</u>	<u>ZC</u>	
Offices Only										PD	PD	
• <u>If exempt per Sec. 8174-6.3.2, 8174-6.3.4, 8174-6.3.5, or 8174-6.3.6</u>										<u>ZC</u>	<u>ZC</u>	
<b>PUBLIC WORKS FACILITIES</b> (See Sec. 8175-5.9 <del>6</del> And Sec. 8174-6)												
County Initiated	PW	PW	PW	PW	PW	PW	PW	PW	PW	PW	PW	PW
• <u>If exempt per Sec. 8174-6.3.2, 8174-6.3.4, 8174-6.3.5, or 8174-6.3.6</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>
Not County-Initiated	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP
• <u>If exempt per Sec. 8174-6.3.2, 8174-6.3.4, 8174-6.3.5, or 8174-6.3.6</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>
<del>Facilities and Equipment Being Restored to Design Capacities<sup>k</sup></del>	<del>ZC</del>	<del>ZC</del>	<del>ZC</del>	<del>ZC</del>	<del>ZC</del>	<del>ZC</del>	<del>ZC</del>	<del>ZC</del>	<del>ZC</del>	<del>ZC</del>	<del>ZC</del>	<del>ZC</del>
<b>REAL ESTATE TRACT OFFICES, TEMPORARY</b> (See Sec. 8175-5.1j <sup>k</sup> )	PD	PD	PD	PD	PD	PD	PD	PD	PD			
• <u>If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>			

<sup>k</sup>-This heading does not include activities listed in Sec. 8174-8, "Shoreline Repair and Maintenance Activities."

<u>LAND USE CATEGORY</u>	PERMIT REQUIREMENTS BY ZONE											
	COS	CA	CR	CRE	CR1	CR2	RB	RBH	CRPD	CC	CM	HPD
<b>RECREATIONAL USES</b>												
Campgrounds (see Sec. 8175-5.3) <sup>†</sup>	CUP		CUP									
• If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5	ZC		ZC									
Camps (see Sec. 8175-5.4) <sup>m</sup>			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) <sup>n</sup>			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 <del>Periodic</del> Outdoor Sporting Events	CUP											
Parks and Picnic Grounds	PD		PDP	PDP	PDP	PDP	PDP	PDP	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	ZC	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 (See Sec. 8175-15)	ZE	ZE	ZE	ZE	ZE	ZE	ZE	ZE	ZE	ZE		
	E	E	E	E	E	E	E	E	E	E		
Riding Stables	PD		CUP									
• If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5	ZC		ZC									

<sup>†</sup> ~~AM. ORD. 3882-12/20/88.~~

<sup>m</sup> ~~AM. ORD. 3882-12/20/88.~~

<sup>n</sup> ~~AM. ORD. 3787-8/26/86~~

<b><u>LAND USE CATEGORY</u></b>	<b>PERMIT REQUIREMENTS BY ZONE</b>											
	COS	CA	CR	CRE	CR1	CR2	RB	RBH	CRPD	CC	CM	HPD
With Accessory Lodging Facilities	CUP											
<u>If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5</u>	ZC											
Swimming and Tennis Clubs, and the Like										CUP		
• <u>If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5</u>										ZC		
Youth Hostels										PD		
• <u>If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5</u>										ZC		
<b>REPAIR OF PERSONAL GOODS</b> (Such As Jewelry, Shoes And Small Appliances)										PDP		
<b>RESTAURANTS, CAFES, AND CAFETERIAS</b>										PDP		
<u>If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5</u>										ZC		
<b>RETAIL TRADE</b> (See Definitions)										PDP		
<u>If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5</u>										ZC		
Liquor Stores										CUP		
Nurseries										CUP		
<b>SCHOOLS</b> , Public or Private, Nonboarding					CUP		CUP	CUP				
<u>If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5</u>					ZC		ZC	ZC				
<b>SHORELINE PROTECTIVE DEVICES</b> (See Sec. 8175-5.12.2)	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD
<u>If exempt per Sec. 8174-6.3.2</u>	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC
<b>SHORELINE REPAIR AND MAINTENANCE ACTIVITIES</b> (See Sec. 8174-8)	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD
<b>SIGNS</b> <sup>P</sup> (See Sec. 8175-5.13)	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD
<u>If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5</u>	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC

<sup>P</sup>-Only those signs which come under the definition of "development" in Article 2 require Planned Development Permit.

<b><u>LAND USE CATEGORY</u></b>	<b>PERMIT REQUIREMENTS BY ZONE</b>											
	COS	CA	CR	CRE	CR1	CR2	RB	RBH	CRPD	CC	CM	HPD
<b>STORAGE OF BUILDING MATERIALS, TEMPORARY</b> (See Sec. 8175-16)	Same permit as principal use											
<b><u>SUBDIVISIONS:</u></b>												
<u>Parcel Map Waivers</u>	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD
<u>Lot Line Adjustments</u>	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD
<u>If exempt per Sec. 8174-6.3.6</u>	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC
<u>Tentative Maps (TM)</u>	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP
<u>Tentative Parcel Maps (TPM)</u>	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD
<b>TAILOR SHOPS</b>										PDP		
<u>If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5</u>										ZC		
<b>USES AND STRUCTURES, ACCESSORY TO A COMMERCIAL OR INDUSTRIAL USE</b>										PD	PD	
<u>If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5</u>										ZC	ZC	
<u>Brush or Vegetation Removal</u>	Permit May Be Required. See "Brush or Vegetation Removal"											
Dwelling, for Proprietor <u>or Employee</u> (2 <sup>ND</sup> <u>or 3<sup>rd</sup></u> Floor Only)										PDP	PD	
<u>If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5</u>										ZC	ZC	
<u>For Caretaker or Superintendent</u>											PD	
<u>Fences and walls</u>	See "Dwelling – Accessory Uses and Structures"									PD	PD	PD
• <u>If exempt per Sec. 8174-6.3.2, 8174-6.3.4, 8174-6.3.5, or 8174-6.3.6</u>	See "Dwelling – Accessory Uses and Structures"									ZC	ZC	ZC
Game Machines, Three or Fewer										PD		
<u>Grading, Excavation or Fill</u>	Permit May Be Required. See "Grading, Excavation or Fill"											
<u>Improvements to Structures</u>	See "Improvements to Structures, other than Single Family Dwellings or Public Works Facilities"											
Recreational Facilities, Restaurants and Cafes: For Employees Only											PD	
<u>If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5</u>											ZC	



<b><u>LAND USE CATEGORY</u></b>	<b>PERMIT REQUIREMENTS BY ZONE</b>											
	COS	CA	CR	CRE	CR1	CR2	RB	RBH	CRPD	CC	CM	HPD
Repair of Products Retailed										PD		
Temporary Buildings During Construction (see Sec. 8175-5.14)										PD	PD	
<u>If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5</u>										<u>ZC</u>	<u>ZC</u>	
<b>USES AND STRUCTURES, ACCESSORY, NOT OTHERWISE LISTED</b>	Same permit as principal use											
<b>VETERINARY CLINICS</b> , Excluding Livestock										CUP		
<u>If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5</u>										<u>ZC</u>		
<b><u>WASTE TREATMENT AND DISPOSAL</u></b>	<u>See also "Public Works Facilities"</u>											
Waste Disposal, Including Sanitary Landfills	CUP										CUP	
• <u>If exempt per Sec. 8174-6.3.2, 8174-6.3.4, 8174-6.3.5, or 8174-6.3.6</u>	<u>ZC</u>										<u>ZC</u>	
Waste Treatment											CUP	
• <u>If exempt per Sec. 8174-6.3.2, 8174-6.3.4, 8174-6.3.5, or 8174-6.3.6</u>											<u>ZC</u>	
Recycling Facilities and Centers											CUP	
• <u>If exempt per Sec. 8174-6.3.2, 8174-6.3.4, 8174-6.3.5, or 8174-6.3.6</u>											<u>ZC</u>	
<b><u>WATER FACILITIES</u></b>	<u>See also "Public Works Facilities"</u>											
Water Storage and Distribution Facilities: Private Agencies	PD	PD	PD	PD	PD	PD	PD	PD		PD	PD	
<u>If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>		<u>ZC</u>	<u>ZC</u>	
<u>Water Wells, Testing to Determine Water Availability</u>	PD	PD	PD	PD	PD	PD	PD	PD	PD			
<u>Incidental, appropriate and subordinate to a principally-permitted use</u>	PDP	PDP	PDP	PDP	PDP	PDP	PDP	PDP	PDP			
<u>With Brush or Vegetation Removal</u>	Permit May Be Required. See <u>"Brush or Vegetation Removal"</u>											
<u>With Grading, Excavation or Fill</u>	Permit May Be Required. See <u>"Grading, Excavation or Fill"</u>											

Editorial Note: The following are not considered "development" and may not require a Zoning Clearance (See Article 4): Ongoing crop production, Pet Animals (consistent with Sec. 8175-5.2.4a), Exterior Storage pursuant to Categorical Exclusion Order E-83-1, Accessory Caretaker Recreational Vehicles, pursuant to the standards in Sec. 8175-5.15.

## **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 Sections 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;<sup>\*</sup> and
  - (8) The removal of major vegetation, other than for agricultural purposes.<sup>\*</sup>

## **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,

<sup>\*</sup> Editorial note: 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.

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 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 Sections 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

\* Editorial note: See also Exclusion Maps in Categorical Exclusion Order E-83-1 (effective 9/30/1986, amendment effective 2/25/1987)

sheds; but not including guest houses or self-contained residential units; and

(3) Landscaping on the lot.

c. Pursuant to Section 13250 of Title 14 of the California Code of Regulations, the following improvements to existing single-family dwellings require a coastal development permit because they involve a risk of adverse environmental effects:

(1) Improvements to a single-family structure if the structure or improvement is located: on a beach, in a wetland, seaward of the mean high tide line, in an ESHA, in an area designated as highly scenic in a certified land use plan, or within 50 feet of the edge of a coastal bluff;

(2) Any significant alteration of land forms including removal or placement of vegetation, on a beach, wetland, or sand dune, or within 50 feet of the edge of a coastal bluff, or in ESHAs;

(3) The expansion or construction of water wells or septic systems

(4) On property not included in subsection (c)(1) above that is located between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide of the sea where there is no beach, whichever is the greater distance, or in significant scenic resources areas as designated by the commission or regional commission, improvement that would result in an increase of 10 percent or more of internal floor area of an existing structure or an additional improvement of 10 percent or less where an improvement to the structure had previously been undertaken pursuant to Public Resources Code Section 30610(a), increase in height by more than 10 percent of an existing structure and/or any significant non-attached structure such as garages, fences, shoreline protective works or docks;

(5) In areas which the commission or a regional commission has previously declared by resolution after public hearing to have a critically short water supply that must be maintained for the protection of coastal resources or public recreational use, the construction of any specified major water using development not essential to residential use including but not limited to swimming pools, or the construction or extension of any landscaping irrigation system;

(6) Any improvement to a single-family residence where the development permit issued for the original structure by the commission, regional commission, or local government indicated that any future improvements would require a development permit.

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

a. Pursuant to Section 30610(b) of the Public Resources Code, as it may be amended, improvements to existing legally permitted residential structures, other than single-family dwellings, are exempt from coastal

development permit requirements, with the exception of those improvements listed in Sec. 8174-6.2.3(c) below.

b. For the purposes of this section, the following are considered part of residential structures, other than single-family dwellings:

- (1) All fixtures and other structures directly attached to the structure; and
- (2) Landscaping on the lot.

c. Pursuant to Section 13253 of Title 14 of the California Code of Regulations, as it may be amended, the following improvements to residential structures, other than single-family dwellings, shall require a coastal development permit because they involve a risk of adverse environmental effect, adversely affect public access, or involve a change in use contrary to the policy of Division 20 of the Public Resources Code:

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

regional commission, or local government indicated that any future improvements would require a development permit;

- (7) Any improvement to a structure which changes the intensity of use of the structure; or
- (8) Any improvement made pursuant to a conversion of an existing structure from a multiple unit rental use or visitor-serving commercial use to a use involving a fee ownership or long-term leasehold including but not limited to a condominium conversion, stock cooperative conversion or motel/hotel timesharing conversion.

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

Pursuant to Section 30610(h) of the Public Resources Code, the conversion of any existing, legally permitted multiple-unit residential structure to a time-share project, estate, or use, as defined in Section 11212 of the Business and Professions Code, is exempt from Coastal Development Permit requirements. If any improvement to an existing structure is otherwise exempt from coastal development permit requirements, no coastal development permit is required for that improvement on the basis that it is to be made in connection with any conversion exempt pursuant to this Section. The division of a multiple-unit residential structure into condominiums, as defined in Section 783 of the Civil Code, shall not be considered a time-share project, estate, or use for purposes of this Section.

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

- a. Pursuant to Categorical Exclusion Order E-83-1 (effective 9/30/1986, amendment effective 2/25/1987) the following uses and structures accessory to dwellings are exempt from coastal development permit requirements, except when proposed within a location as described in Sec. 8174-6.2.5(b) below:
  - (1) Pet animal keeping consistent with the standards of Section 8175-5.2.4;
  - (2) Temporary mobile homes during construction consistent with the standards of Sec. 8175-5.1e;
  - (3) Exterior storage consistent with the standards of Sec. 8175-5.1j;
  - (4) Demolition of single-family dwellings, and of accessory structures such as garages, carports and storage sheds;
  - (5) Accessory structures normally associated with single-family dwellings, including garages, swimming pools, fences and storage sheds, in accordance with Title 14, California Administrative Code, Section 13250(a) provided that:
    - i. The lot contains an existing single-family dwelling;
    - ii. The accessory structure is not used for human habitation;

- iii. The accessory structure does not exceed 400 square feet in aggregate in gross floor area; and
- iv. The structure does not conflict with Title 14, California Code of Regulations, Section 13250(b)(6).
- b. Residential accessory uses and structures described in Sec. 8174-6.2.5(a) above shall require a coastal development permit when they are located in the following areas:
  - (1) Tidelands, submerged lands, or beaches, or within 100 feet of such areas;
  - (2) Within any ESHA, riparian habitat, river, sand dune, stream, wetland, estuary, marsh, lake, edge of coastal bluff, or 100 feet of such areas;
  - (3) Lands or waters subject to, or potentially subject to, the public trust;
  - (4) Lots immediately adjacent to the inland extent of the beach, or of the mean high tide line of the sea where there is no beach;
  - (5) Lots between the mean high tide line and the first public road parallel to the sea, or within 300 feet of the mean high tide line where the nearest public road is not parallel to the sea;
  - (6) On slopes greater than 20 percent; or
  - (7) Anywhere the policies of the LCP specify a larger geographic area of concern for natural resources, open space, or environmentally sensitive habitat than those areas listed in Sections 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**<sup>\*</sup>

- 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

<sup>\*</sup>Editorial Note: 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.



exempt and shall require a coastal development permit because they involve a risk of substantial adverse environmental impact:

(1) Any method of repair or maintenance of a seawall revetment, bluff retaining wall, breakwater, groin, culvert, outfall, or similar shoreline work that involves:

- i. Repair or maintenance involving substantial alteration of the foundation of the protective work including pilings and other surface or subsurface structures;
- ii. The placement, whether temporary or permanent, of rip-rap, artificial berms of sand or other beach materials, or any other forms of solid materials, on a beach or in coastal waters, streams, wetlands, estuaries and lakes or on a shoreline protective work except for agricultural dikes within enclosed bays or estuaries;
- iii. The replacement of 20 percent or more of the materials of an existing structure with materials of a different kind; or
- iv. The presence, whether temporary or permanent, of mechanized construction equipment or construction materials on any sand area, bluff, or environmentally sensitive habitat area (ESHA), or within 20 feet of coastal waters or streams.

(2) Any method of routine maintenance dredging that involves:

- i. The dredging of 100,000 cubic yards or more within a 12-month period;
- ii. The placement of dredged spoils of any quantity within an ESHA, on any sand area, within 50 feet of the edge of a coastal bluff or ESHA, or within 20 feet of coastal waters or streams; or
- iii. The removal, sale, or disposal of dredged spoils of any quantity 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.

d. 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.

- e. 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 Sections 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 ~~which~~ 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.

## **~~Sec. 8174-5 - Exempt Development~~**

~~The types of development described below are exempt from the requirements to obtain a Planned Development Permit or Conditional Use Permit. A Zoning Clearance is still required in accordance with Section 8181-3.1.~~

### **~~Sec. 8174-5.1 - Single-Family Dwellings~~**

~~The construction of single-family dwellings on existing vacant legal lots of record in the following areas:~~

- ~~a. Solomar (South Coast Community) - The developed areas inland of the Pacific Coast Highway zoned C-R-E, C-R, and C-R-PD.~~
- ~~b. 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 R-B-H.~~
- ~~c. Hollywood Beach - The entire unincorporated area inland of the first public road (Ocean Avenue) to the city limits of Oxnard zoned R-B-H.~~

\* Editorial Note: See Sections 8174-6.1, 8174-6.2.1, 8174-6.2.5, and 8174-6.3.6.

- d. ~~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 R-B.~~

### **~~Sec. 8174-5.2 – Agricultural Activities~~**

#### **~~Sec. 8174-5.2.1~~**

~~The following agriculturally-related developments on lots zoned C-A and C-O-S which are at least ten acres in size and 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, are excluded from the requirement for a Planned Development Permit or Conditional Use Permit:~~

- a. ~~The construction or demolition of barns, structures for storage, (including equipment storage), and other necessary buildings for agricultural purposes, provided that the buildings are for use only in conjunction with commodities grown on the same lot;~~
- b. ~~The construction of fences for farm or ranch purposes, provided that no solid fence designs are used. Any fence which might block existing or proposed public equestrian and/or pedestrian trails requires a Planned Development Permit;~~
- c. ~~Greenhouses which do not exceed 400 sq. ft. in total area on the parcel;~~
- d. ~~Storage tanks and water distribution lines utilized for on-site agricultural activities;~~
- e. ~~Water impoundment projects in canyons and drainage areas not identified as solid or dashed blue line streams on the USGS 7½-minute quadrangle maps, and which do not exceed two acre-feet either in actual water impounded or in design capacity.~~

#### **~~Sec. 8174-5.2.2~~**

~~Areas not subject to this agricultural exclusion include those within 100 feet of solid or dashed (permanent or intermittent) blue line streams identified on the USGS 7½-minute quadrangle maps, and those within any area defined as a riparian or environmentally sensitive habitat, or their buffer zones, identified by the certified Land Use Plan.~~

#### **~~Sec. 8174-5.2.3~~**

~~The following developments are not excluded:~~

- a. ~~Single-family residences;~~
- b. ~~Agricultural processing facilities, including related storage and accessory structures;~~
- c. ~~Water wells;~~
- d. ~~Equestrian facilities, including boarding stables, riding areas, etc.;~~
- e. ~~The removal of vegetation on more than one-half acre of land or the removal of major vegetation other than for agricultural purposes.~~

### **~~Sec. 8174-5.3 – Procedures for Exempt Developments~~**

#### **~~Sec. 8174-5.3.1 – Records~~**

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

**~~Sec. 8174-5.3.2 -- 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 exemptions under Sections 8174-5.1 and 8174-5.2 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.~~

**~~Sec. 8174-5.4 -- Disasters~~**

~~The replacement of any legally permitted structure destroyed by disaster, other than a public works facility, shall not require the issuance of a coastal development permit. 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. As used in this subdivision, "disaster" means any situation in which the force or forces which destroyed the structure to be replaced were beyond the control of its owners; "bulk" means total interior cubic volume as measured from the exterior surface of the structure; and "structure" includes landscaping and any erosion control structure or device which is similar to that which existed prior to the occurrence of the disaster.~~

**~~Sec. 8174-6 -- Minor Developments~~**

~~The following types of developments and activities are considered to be minor developments, except when proposed in any of the following sensitive areas: on or in a beach, wetland, tideland, submerged land, river, stream, estuary, sand dune, edge of a coastal bluff, environmentally sensitive habitat or riparian habitat, or within 100 feet of such areas; on slopes greater than 20 percent; on 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; on lots immediately adjacent to the inland extent of any beach, or to the mean high tide line of the sea where there is no beach; or any land or water subject or potentially subject to the public trust:~~

- ~~a. Fences and walls of six feet or less in height except when such wall or fence may obstruct public access to the beach;~~
- ~~b. Installation of irrigation lines;~~

- ~~c. Installation, testing, placement in service, or the replacement of any necessary utility connection between an existing service facility and any development that has previously been granted a permit;~~
- ~~d. Fixtures proposed to be directly attached to existing structures, except for public works facilities, in accordance with Title 14, Cal. Adm. Code, Sec. 13250(a);~~
- ~~e. Structures, or additions thereto, having an aggregate value of \$1,000.00 or less;~~
- ~~f. The addition of solar collection systems to existing buildings or structures;~~
- ~~g. Grading, excavation, or fill which involves less than 50 cubic yards of material, and brush or vegetation removal, other than major vegetation, on less than one-half acre of land;~~
- ~~h. Lot line adjustments not resulting in a potential increase in the number of building sites or density of permitted development;~~
- ~~i. The removal of architectural barriers to facilitate access by the physically handicapped;~~
- ~~j. On lots containing an existing single-family dwelling, structures normally associated therewith, such as garages, swimming pools, fences and storage sheds, in accordance with Title 14, Cal. Adm. Code, Sec. 13250(a), provided that such accessory buildings are not used for human habitation and do not exceed 400 square feet (in aggregate) in gross floor area; (AM.ORD.4055-2/1/94)~~
- ~~k. The demolition of single-family dwellings, and of accessory structures such as garages, carports and storage sheds;~~
- ~~l. The replacement of existing public works facilities, furnishings and equipment.~~

### **~~Sec. 8174-7 - Major Dredging~~**

~~This heading includes the following:~~

- ~~a. The dredging of 100,000 cubic yards or more within a twelve-month period;~~
- ~~b. The placement of dredged spoils of any quantity within an environmentally sensitive habitat area, on any sand area, within 100 feet of the edge of a coastal bluff or environmentally sensitive habitat area, or within 100 feet of coastal waters or streams; or~~
- ~~c. 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, or the LCP has identified, as having a critically short sand supply that must be maintained for protection of structures, coastal access or public recreational use.~~



## **~~Sec. 8174-8 - Shoreline Repair and Maintenance Activities~~**

~~Any method of repair or maintenance of a seawall, revetment, bluff, retaining wall, breakwater, groin, culvert, outfall or other similar shoreline work that involves any of the following:~~

- ~~a. Substantial alteration of the foundation of the protective work including pilings and other surface or subsurface structures;~~
- ~~b. The placement, whether temporary or permanent, of riprap, artificial berms of sand or other beach materials, or any other forms of solid materials, or mechanized construction equipment or construction materials, in any of the following locations:~~
  - ~~(1) Any sensitive area listed in Sec. 8174-6;~~
  - ~~(2) On a shoreline protective device, except for agricultural dikes within enclosed bays or estuaries.~~
- ~~c. The replacement of 20 percent or more of the materials of an existing structure with materials of a different kind; or~~
- ~~d. The replacement of 50 percent or more of a seawall, revetment, bluff retaining wall, breakwater, groin or similar protective work under one ownership, unless destroyed by a natural disaster.~~

## **~~Sec. 8174-9 - Environmentally Sensitive Habitats~~**

~~Within environmentally sensitive habitats as defined in Article 2, or their buffer areas, only the following uses, subject to all applicable standards and policies, are permitted:~~

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

~~Exceptions:~~

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

### **~~Sec. 8174-10 - 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.~~

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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 ~~which-that~~ are applicable to the use zones. This Article also delineates certain instances where exceptions to certain standards or conditions are allowable.

## 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 ~~which-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)

Zone	Minimum Lot Area (a)	Maximum Percentage of Building Coverage	Minimum Lot Width	Required Minimum Setbacks (b)				Maximum Height (b)		
				Front	Side		Rear	<del>Principal</del> Main Structure	Exceptions ( <del>Principal</del> Main Structure)	Accessory Structure
					Interior & Corner Lots, Except Reverse Corner	Reverse Corner Lots: Street Side				
<del>C-O-S</del> <u>COS</u>	10 Acres (c)	<del>As Determined by the Coastal Plan See Section 8175-2.1</del>	40'	20'	10'	20'	15'	25'	Height May Be Increased to 35' if Each Side <del>Yard</del> setback is at Least 15'	Same as <del>Principal</del> Main Structure
<del>C-A</del> <u>CA</u>	40 Acres (c)									
<del>C-R</del> <u>CR</u>	One Acre									
<del>C-R-E</del> <u>CRE</u>	20,000 Sq. Ft.			20' (d)	5'	10'				
<del>C-R-1</del> <u>CR1</u>	7000 Sq. Ft.									
<del>C-R-2</del> <u>CR2</u>										
<del>R-B</del> <u>RB</u>	3,000 Sq. Ft. (e)		25'	10'	3'	5'	14' (f)	<del>25'-28'</del> measured to the	Height May Be Increased	

Zone	Minimum Lot Area (a)	Maximum Percentage of Building Coverage	Minimum Lot Width	Required Minimum Setbacks (b)				Maximum Height (b)		
				Front	Side		Rear	<del>Principal</del> Main Structure	Exceptions (Principal Main Structure)	Accessory Structure
					Interior & Corner Lots, Except Reverse Corner	Reverse Corner Lots: Street Side				
<del>R-B-H</del> <u>RBH</u>	(g)			20' (h)	3' (q)		6' (r)	highest point of the finished roof (i) N/A	to 30' for A-frame Structures	
<del>E-R-PD</del> <u>CRPD</u> <del>H-P-D</del> <u>HPD</u>	As Specified by Permit		As Specified by Permit	See Section 8177-1.3				25'		
				15'	(j)	10'	15'	35' (p)	N/A	
<del>E-E</del> <u>CC</u>	20,000 Sq. Ft.			(k)	(1)		(m)	35'		
<del>E-M</del> <u>CM</u>	10 Acres		40'	(n)				(o)		

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

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

(a) See Sections 8175-4.10 through 8175-4.12 for exceptions.

(b) See Sections 8175-4 and 8175-5 for exceptions.

(c) For all proposed land divisions in the ~~E-O-SCOS~~ and ~~E-ACA~~ zones, the parent parcel shall be subject to the following slope/density formula for determining minimum lot area.

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

A

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):

~~E-O-SCOS~~:

0% - 15% = 10 acres

~~C-ACA~~: 0% - 35% = 40 acres

15.1% - 20% = 20 acres      Over 35% = 100 acres

20.1% - 25% = 30 acres

25.1% - 35% = 40 acres

Over 35% = 100 acres

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

- (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.
- (e) Minimum 1500 sq. ft. of lot area per dwelling unit; maximum two dwelling units per lot.
- (f) ~~If the front yard is not less than 20 feet, the rear yard may be not less than six feet.~~ If the front setback distance is 20 feet or more, the rear setback distance may be reduced to six feet.
- (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 ~~yard~~ setback. Eaves may extend a maximum of two feet beyond the outside walls of such second or third floor extension.
- (i) See also Sec. 8175-3.13.
- (j) Five feet for lots used for dwelling purposes, and five feet on any side abutting a residential zone (any zone with an "R" in the title); otherwise, as specified by permit.
- (k) Ten feet if the lot abuts a residential zone on the side; otherwise, as specified by permit.
- (l) Five feet on any side abutting a residential zone. Also, when the rear of a corner lot abuts a residential zone, the side setback distance from the street shall be at least five feet; otherwise, as specified by permit.
- (m) Ten feet if the rear of the lot abuts a residential zone; otherwise, as specified by permit.
- (n) From street: the greater of 15 feet or 15% of lot width or depth. Interior: the greater of five feet or 10% of lot width or depth. The Planning Director is authorized to modify or entirely waive the interior setback requirements in cases where such reductions are necessary for efficient utilization of property and will not adversely affect the public health, safety or welfare, and rail access is provided to the lot.

- (o) No building or structure located within 100 feet of any property in a residential zone shall exceed 60 feet in height; otherwise, as specified by permit.
- (p) A lower height limit may be required by the permit authorizing the use.
- (q) Exception: Each dwelling unit of a two-family dwelling may have a zero side setback distance if constructed on a lot (other than a through lot) of at least 3,500 square feet in area created prior to February 26, 1987, if that lot is subdivided along a common side wall of the two dwelling units.
- (r) Exception: Each dwelling unit of a two-family dwelling may have a zero rear setback distance if constructed on a through lot of at least 4,000 square feet in area created prior to February 26, 1987, if that lot is subdivided along a common rear wall of the two dwelling units, and the front setback distance of each resulting lot is at least 20 feet.

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

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

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

- (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.

## **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 ~~which-that~~ are designed to carry more than a three-quarter ton load, and ~~which-that~~ are used for shipping and/or the

delivery of 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.

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

~~Parking or storage of vehicles, exterior storage, garages or other accessory buildings are not allowed within setback areas, except as specifically provided in this Chapter. No yard or other open space required around any building for the purpose of complying with the setback regulations of this Chapter shall be used for parking or storage of any vehicles, open storage, garages or other accessory buildings, except as specifically provided in this Chapter.~~ Fully operative, licensed, and registered motorized vehicles, and operative ~~non-motorized vehicle~~ 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 open~~ storage (see Sec. 8175-5.1j). (AM.ORD.4055-2/1/94)

#### **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.

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

An accessory structure will be considered to be detached from the ~~principal~~ ~~main~~ structure unless the roof connecting the two structures is essentially a continuation of the roof of the ~~principal~~ ~~main~~ structure, or the space between such structures is completely enclosed by walls attached to each structure.

#### **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 - ~~Structures in Traffic Safety Sight Area~~ Clear Sight Triangles**

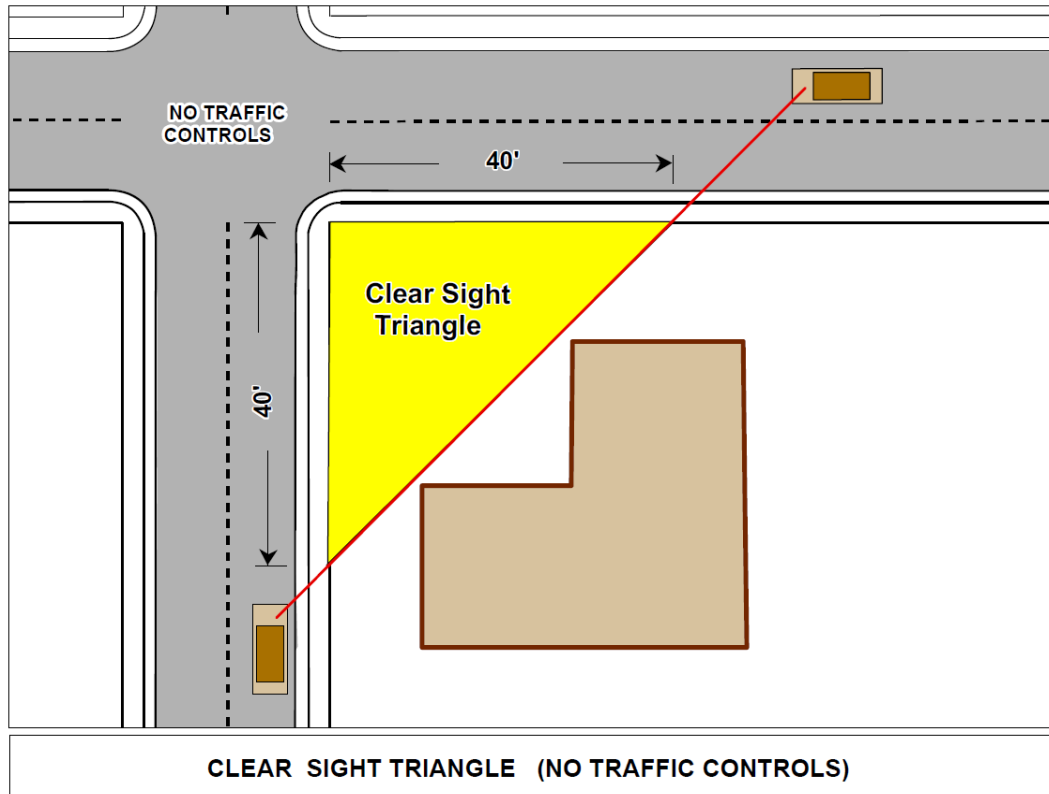
~~No structures or landscaping over three feet in height which could block the view of approaching traffic on the intersecting street shall be located or constructed within any traffic safety sight area. Clear Sight Triangles shall be provided in the following circumstances:~~

##### **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;\*
- 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.\*

### **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 distance on lots over which the easement passes.

\* Explanatory note: ESHA is subject to Sec. 8174-4 and Sec. 8178-2.

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

Not more than one principal dwelling shall be constructed on any lot zoned ~~E-O-SCOS~~, ~~E-A-CA~~, ~~E-R-CR~~, ~~E-R-E-CRE~~ or ~~E-R-1-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 ~~E-R-2-CR2~~, ~~R-B-RB~~ or ~~R-B-H-RBH~~.

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

- a. No fences, walls or hedges over three feet high may be placed in the ~~traffic safety sight area or~~ required setback area adjacent to a street, ~~except that on lots of 20,000 square feet or more, a six-foot-high see-through fence may be over three feet high in the traffic safety sight area of required setback adjacent to a street.~~
- b. A maximum six-foot-high wall, fence or hedge may be located anywhere on the lot except in the ~~traffic safety sight area~~ clear sight triangle or required setback area adjacent to a street. On vacant land in the ~~E-ECC~~ or ~~E-MCM~~ 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 ~~traffic safety sight area~~ clear sight triangle regulations of Sec. 8175-3.11a above. On through lots, the setback regulations given for structures in Section 8175-4.1d shall apply to fences over three feet in height.
- c. A maximum eight-foot-high see-through fence may be located on any lot zoned ~~E-O-SCOS~~ or ~~E-ACA~~ which that contains an agricultural operation, or in a subdivision which that abuts an agricultural operation in a ~~E-O-SCOS~~ or ~~E-ACA~~ zone, provided that such fence is located at or near the boundary line separating such properties.
- d. 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.
- e. 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.
- f. The provisions of this Section shall not apply to a fence or wall necessary as required by any law or regulation of the State of California or any agency thereof.

### **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.

### **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).
- ~~a. Notwithstanding any other provisions of this Chapter, building height 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. No portion of a pitched or hip roof may protrude beyond the imaginary lines connecting the main ridge line with the tops of the two exterior finished walls running parallel to the main ridge line, as described in the definition of building height, except structures such as dormer windows, which shall not exceed a finished height of 25 feet, and other permitted roof structures in accordance with Sec. 8175-4.8.~~

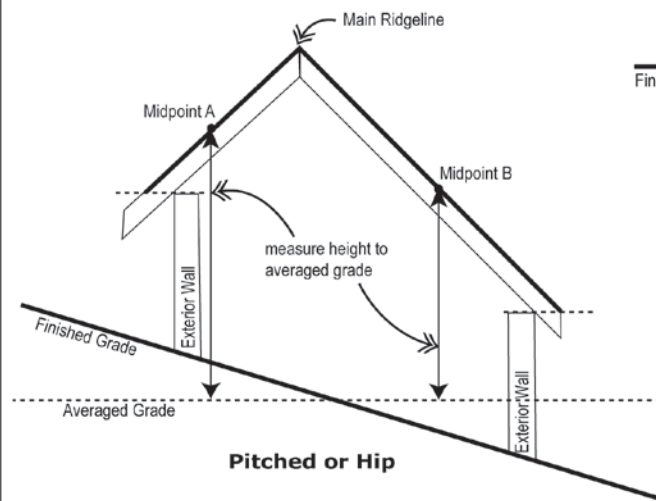
- ~~c. In no case shall the finished height of an exterior wall running parallel to the main ridge line of a pitched or hip roof exceed a finished height of 25 feet.~~
- ~~d. The height of an A-frame structure may be increased by five feet over the 25-foot height limit without increasing the side yard setbacks (see also the definition of building height in Article 2).~~
- ~~e. Except for A-frame structures, the highest point of a pitched or hip roof shall not exceed 28 feet in height.~~

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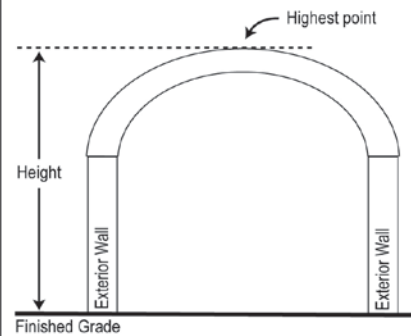
Figure 1  
Measurement of Building Height

ht. at midpoint A + ht. at midpoint B

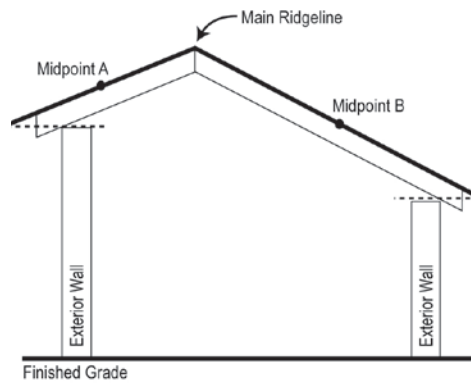
2



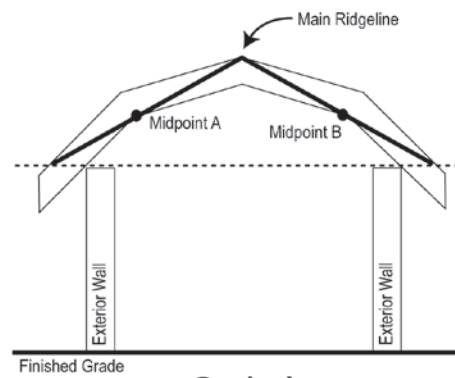
Pitched or Hip



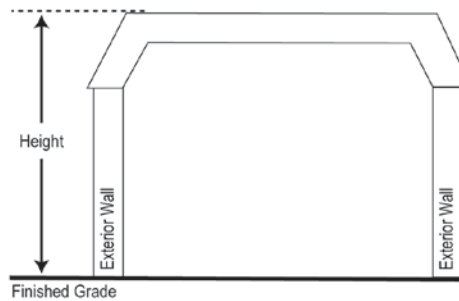
Quonset Hut or Geodesic Dome



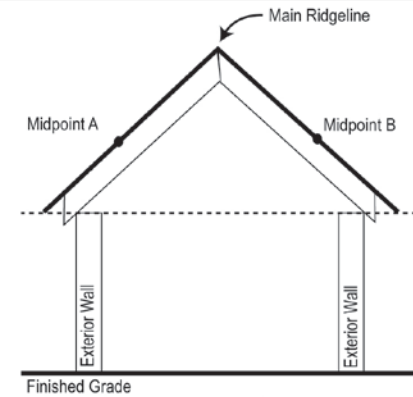
Pitched or Hip



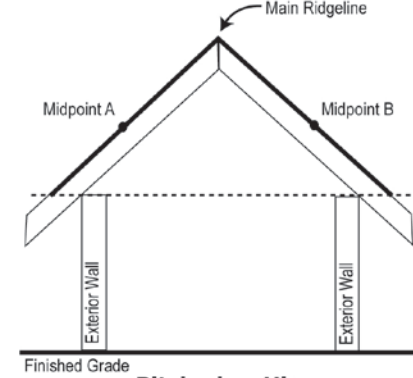
Gambrel



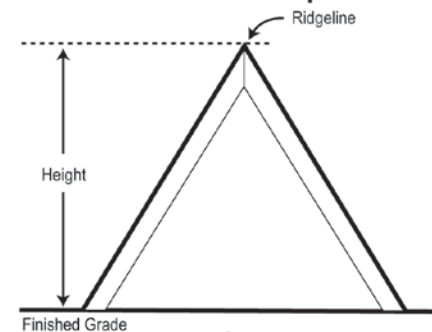
Flat or Mansard



Pitched or Hip



Pitched or Hip



A-frame

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

All commercial, industrial, institutional, or residential buildings having five or more ~~living-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)

## **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 ~~which is measured by multiplying the required minimum rear setback by the particular lot width.~~
- c. Setback ~~areas for the street side of the lot 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 ~~R-B-H~~ RBH Zone) to the rear lot line, except as specified otherwise in Section 8175-4.14.

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

Eaves, cornices, canopies, belt courses, sills, buttresses or other similar architectural features may project into required ~~yards-setback areas~~ provided that such extensions ~~shall do~~ not extend more than two feet into any required setback area, and ~~may are~~ not ~~be~~ 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.

### **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 ~~R-B-HRBH~~ zone) and into required front setbacks not more than two and one-half feet (four feet in the ~~R-B-HRBH~~ zone).

### **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 ~~yards-setbacks~~ not more than six feet, and into rear and side ~~yards-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 ~~R-BRB~~ and ~~R-B-HRBH~~ 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.

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

Masonry chimneys and fireplaces may project into required ~~yards-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.

#### **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 ~~yards-setback areas~~, provided that such devices are not more than three and one-half feet in height.

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

- a. ~~In all zones, 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 ~~R-BRB~~ and ~~R-B-HRBH~~ zones, ~~structures shall not exceed the height limit to the peak of a roof as stated in Sec. 8175-3.13, except for the finished height of roof structures shall not exceed 28 feet except for:~~
- (1) TV antennas, chimneys, flagpoles, weather vanes or similar structures, and ~~except for~~ 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)

#### **Sec. 8175-4.9 - Antennas**

Citizen band and amateur radio transmitting and receiving antennas, intended for private noncommercial uses and accessory to a dwelling, may be erected above the height limits for structures, to a maximum height of 75 feet. See Sec. 8175-5.1i for standards.

#### **Sec. 8175-4.10 - 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. 8175-4.11 - 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. 8175-4.12 - 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 ~~which 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 ~~which-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 ~~which-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. 8175-4.13 - Temporary Dwellings During Construction**

A mobilehome or recreational vehicle ~~which-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. 8175-4.14 - 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 ~~R-B-HRBH~~ zone) from the rear property line.

#### **Sec. 8175-4.15 - 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 Section 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, ~~or~~ farm worker, or animal caretaker dwellings are not.



- (1) Foundation System - Mobilehomes ~~which that~~ are used as single-family residences, second dwellings, or caretaker, ~~or~~ farm worker, or animal caretaker dwellings shall be installed on a foundation system in compliance with ~~Chapter 2, Article 7, 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 Chapter 2, Article 7 of Title 25~~ 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 ~~or~~ 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.
- 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 ~~residential use dwelling~~, no commercial activity shall be construed as a valid accessory use to the ~~residential use 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. A vehicle with external lettering or other script pertaining to the home occupation is considered to be a commercial vehicle.
  - (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.
- g. Second Dwelling Units - A second dwelling unit with complete, independent living facilities may be created on lots ~~which~~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~~4 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.
  - (3) The unit shall comply with the parking requirements for second dwellings.
  - (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 ~~which~~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)

h. Wet Bars

(1) Wet bars shall be separate from kitchens;

(2) ~~Only one~~ No more than one wet bar is permitted per dwelling unit;

(3) ~~and said wet bars~~ Wet bars shall contain no electrical outlets in excess of 110 volts; ~~or plumbing stub-outs which could be used in future for a kitchen;~~

(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 R-BRB and R-B-HRBH zones shall have no gas outlets or ~~provisions for such outlets roughed in for future use gas stub-outs~~, nor shall they have more than one bar sink fixture with one sink well, ~~whose internal dimensions do not exceed 12 inches in width by 12 inches in length~~

i. Antennas - Citizen band and amateur radio antennas may be installed only as an accessory use to a dwelling, and only for noncommercial purposes. Such antennas are subject to the following standards:

(1) The crank-up type of ham radio antennas 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 should 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.

j. Exterior Open Storage of Materials - Permitted as an accessory use to a dwelling, shall be subject to the following conditions:

(1) The ~~exterior open~~ 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 open~~ 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 ~~open~~ 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 ~~open~~ storage provisions of subsections (2) and (3) above.
- (7) Exterior storage shall be consistent with all provisions of the LCP.
- 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 ~~residential-use~~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 ~~residential-use~~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 ~~which-that~~ are wild or nondomestic, or of a type not readily classifiable as being customarily incidental and accessory to a permitted principal ~~residential-use~~dwelling, is not permitted.

**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)-:~~

<del>6-0-</del> <del>SCOS</del> <del>6-ACA</del> <del>6-RCR</del> <del>6-R-</del> <del>ECRE</del> <del>6-R-</del> <del>4CR1</del>	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.	Domestic birds (must be kept inside the dwelling; see also Section 8175-5.2.3).
<del>6-R-2CR2</del> , <del>R-BRB</del> , <del>6-R-PBCRPD</del>				
<del>R-B-HRBH</del>		2 dogs and 2 cats*		

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

- 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)
<del>E-O</del> <u>SCOS</u> <del>E-ACA</del>	20,000 sq. ft.	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.	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, dwelling or other structure used for human habitation, other than the personal residence of the owner or keeper thereof.
<del>E-RCR</del>	20,000 sq. ft.	One animal unit for each 10,000 sq. ft. of lot area.	

One Animal Unit Equals:

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

Notes to Animal Unit Table

- (a) In calculations for permitted animals, fractional numbers are to be rounded to the lower whole number.
- (b) These separation requirements do not apply to pet animals.
- (c) Abutting lots ~~which-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 ~~which-that~~ allow the keeping of animals as a principal use.

**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.

**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, 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.

**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, which~~ is accessible on one side. (Repealed as 8175-5.3.10 and Re-enacted as 8175-5.3.7 by ORD.3882-12/20/88)

**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 - Recreational Uses. (ADD.ORD.3882-12/20/88)

**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 (~~C-R~~CR) - lot size in acres x 2.56 = the maximum number of persons to be accommodated overnight.

**Sec. 8175-5.4.2.2**

Camps on property zoned Coastal Rural Exclusive (~~C-R~~ECRE) - lot size in acres x 10.24 = the maximum number of persons to be accommodated overnight.

**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 (~~C-R~~CR) - 5.12 x lot size in acres = total population allowed on site.

**Sec. 8175-5.4.3.2**

Camps on property zoned Coastal Rural Exclusive (~~C-R~~ECRE) - 20.48 x lot size in acres = total population allowed on site.

**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 Section 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 and only passive recreational uses should be permitted.

**Sec. 8175-5.4.11**

Parking Standards - See Article 6 - Recreational Uses.

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

**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 - Motion Picture and TV Production, Temporary****Sec. 8175-5.6.1**

Such filming shall not cause disturbances in normal traffic flows, nor cause damage to flora or fauna. The applicant shall obtain the appropriate permits and approvals from other County departments, and shall restore the property to its original condition when such filming is completed.

**Sec. 8175-5.6.2**

Outdoor filming for up to seven days in the ~~C-O-S-COS~~ and ~~C-A-CA~~ zones shall require only a Zoning Clearance, unless pyrotechnics (open flames or explosives) or levels of noise higher than are customary in the vicinity are involved. In such cases, the approval of the residents of at least 60 percent of surrounding, contiguous properties shall be obtained by the applicant by means of signatures on a form provided by the County.

Sec. 8175-5.6.1 shall be adhered to. Note: the time periods indicated in this Section 8175-5.6.2 and in Article 4 do not include minor set-building and tear-down.

**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 ~~which~~ ~~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.

**Sec. 8175-5.7.2 – Application**

Unless otherwise indicated herein, the purposes and provisions of Section 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 ~~and~~, Gas and Geothermal Resources (DOGGR).

**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 ~~which-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.

**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 ~~which-that~~ indicates the approximately anticipated timetable for project installation, completion and decommissioning.
- 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 ~~which~~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.

- 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 (2) 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."
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 ~~which~~ that may be identified.

- 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~~ that 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.x. 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.x, 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.x, 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, redrilling, and maintenance work on approved wells shall be removed from the site within 30 days of the completion of such work unless a time extension is approved by the Planning Director.
- d. Waste Handling and Containment of Contaminants - Oil, produced water, drilling fluids, cuttings, and other contaminants associated with the drilling, production, storage, and transport of oil shall be contained on the site unless properly transported off-site or injected into a well, treated or re-used in an approved manner on-site or, if allowed, off-site. Appropriate permits, permit modifications or approvals must be secured when necessary, prior to treatment or re-use of oil field waste materials. The permittee shall furnish the Planning Director with a plan for controlling oil spillage and preventing saline or other polluting or contaminating substances from reaching surface or subsurface waters. The plan shall be consistent with the requirements of the County, State and Federal Government.
- e. Securities - Prior to the commencement or continuance of drilling or other uses on an existing permit, the permittee shall file, in a form acceptable to the County Counsel and certified by the County Clerk, a bond or other security in the penal amount of not less than \$10,000.00 for each well that is drilled or to be drilled. Any operator may, in lieu of filing such a security for each well drilled, redrilled, produced or maintained, file a security in the penal amount of not less than \$10,000.00 to cover all operations conducted in the County of Ventura, a political subdivision of the State of California, conditioned upon the permittee well and truly obeying, fulfilling and performing each and every term and provision of the permit. In cases of any failure by the permittee to perform or comply with any term or provision thereof, the Planning Commission may, after notice to the permittee and a public hearing, by resolution, determine the amount of the penalty and declare all or part of the security forfeited in accordance with its provisions. The sureties and principal will be jointly and severally obligated to pay forthwith the full amount of the forfeiture to the County of Ventura. The forfeiture of any security shall not insulate the permittee from liability in excess of the sum of the security for damages or injury, or for expense or liability suffered by the County of Ventura from any breach by the permittee of any term or condition of said permit or of any applicable ordinance or of this security. No security shall be exonerated until after all of the applicable conditions of the permit have been met.
- f. Dust Prevention and Road Maintenance - The drill site and all roads or hauling routes located between the public right-of-way and the subject site shall be improved or otherwise treated as required by the County and maintained as necessary to prevent the emanation of dust. Access roads shall be designed and maintained so as to minimize erosion, prevent the deterioration of vegetation and crops, and ensure adequate levels of safety. The permittee shall treat unpaved access roads by either oiling and chipping,



or use of an APCD-approved chemical dust palliative (such as Dust-Off -  $MgCl_2$ ) 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 ~~which 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.
- 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. ~~may be stored on the site which are appurtenant to the operation and maintenance of the oil well located thereon.~~ If the well has been suspended, idled or shut-in for 30 days, as determined by the Division of Oil and Gas, all such equipment and materials shall be removed within 90 days.
- 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.
- 1. 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)**

<b>Time Period</b>	<b>Drilling and Maintenance Phase</b>	<b>Production Phase</b>
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.x indicating that they are aware that drilling and production operations could exceed the allowable noise standard and that they are willing to experience such noise levels. The applicable noise levels shall apply at all locations where the owners/occupants did not sign such a waiver.
- o. Compliance with Noise Standard - When a permittee has been notified by the Planning Division that his operation is in violation of the applicable noise standard, the permittee shall correct the problem as soon as possible in coordination with the Planning Division. In the interim, operations may continue; however, the operator shall attempt to minimize the total noise generated at the site by limiting, whenever possible, such activities as the following:
  - (1) hammering on pipe;
  - (2) racking or making-up of pipe;
  - (3) acceleration and deceleration of engines or motors;

- (4) drilling assembly rotational speeds that cause more noise than necessary and could reasonably be reduced by use of a slower rotational speed;
- (5) picking up or laying down drill pipe, casing, tubing or rods into or out of the drill hole.

If the noise problem has not been corrected by 7:00 p.m. of the following day, the offending operations, except for those deemed necessary for safety reasons by the Planning Director upon the advice of the DOGGR, shall be suspended until the problem is corrected.

- p. Preventive Noise Insulation – If drilling, redrilling, or maintenance operations, such as pulling pipe or pumps, are located within 1,600 feet of an occupied sensitive use, the work platform, engine base and draw works, crown block, power sources, pipe rack, and other probable noise sources associated with a drilling or maintenance operation shall be enclosed with soundproofing sufficient to ensure that expected noise levels do not exceed the noise limits applicable to the permit. Such soundproofing shall be installed prior to the commencement of drilling or maintenance activities, and shall include any or all of the following: acoustical blanket, coverings, soundwalls, or other soundproofing materials or methods ~~which~~ 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.x.
- 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 Section 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.x 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.x.
- 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.x.

- u. Signs – In addition to the signage otherwise allowed by Sec. 8175-5.13, only signs required for directions, instructions, and warnings, identification of wells and facilities, or signs required by other County ordinances or State and Federal laws may be placed in areas subject to an oil and gas Conditional Use Permit. Identification signs shall be a maximum four square feet in size and shall contain, at minimum, the following information:
1. 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.

The well identification sign(s) shall be maintained at the well site from the time drilling operations commence until the well is abandoned.

- 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 ~~which-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.
- 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 Ventura County Guide to Landscape Plans, or Coastal Area Plan policies, whichever are more restrictive, provided that no landscape plan shall be approved ~~which-that~~ does not comply with the Coastal Area Plan policies. 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 ~~residential use-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.
1. Landscaping and Above Ground Pipelines. Consideration shall also be given to above ground pipelines ~~which-that~~ are part of the project. Landscape maintenance shall be subject to periodic inspection by the County. The permittee shall be required to remedy any defects in landscape maintenance within 30 days of notification by the County.
  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 Sections 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, ~~which that~~ are based on distances from occupied sensitive uses, shall only apply to those occupied sensitive uses ~~which that~~ were in existence at the time the permit for the subject oil operations was approved.
- 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 Chapter 1, Sec. 8110-5.1, of this Division.

#### **Sec. 8175-5.9 - Public Works Facilities**

Public Works facilities are subject to the provisions of this Section and all other provisions of this Chapter and the LCP land use plan. The types of facilities include, but are not limited to, the following: Roads, reservoirs, drainage channels, watercourses, flood control projects, pump stations, utility lines, septic systems, water wells and water storage tanks.

- a. New or expanded public works facilities (including roads, flood control measures, water and sanitation) shall be designed to serve only the potential population of the unincorporated and incorporated areas within LCP boundaries, and to eliminate impacts on agriculture, open space lands, and environmentally sensitive habitats.
- b. New service extensions required beyond the stable urban boundary (as shown on the LCP Land Use Plan maps) must be designed to mitigate any effects on agricultural viability.
- c. Electrical transmission line rights-of-way shall be routed to minimize impacts on the viewshed in the coastal zone, especially in scenic rural areas, and to avoid locations ~~which~~that are on or near sensitive habitats, or recreational or archaeological resources, whenever feasible. Scarring, grading, or other vegetative removal shall be repaired and the affected areas revegetated with plants similar to those in the area to the extent that safety and economic considerations allow.
- d. In important scenic areas, where aboveground transmission line placement would unavoidably affect views, undergrounding shall be required where it is technically and economically feasible unless it can be shown that other alternatives are less environmentally damaging. When aboveground facilities are necessary, design and color of the support towers shall be compatible with the surroundings to the extent that safety and economic considerations allow.

#### **Sec. 8175-5.10 - Recreational Vehicle Parks**

##### **Sec. 8175-5.10.1 - Applications**

All conditional use permit applications for such parks shall be accompanied by the following:

- a. Site plan.
- b. Complete topographic and geologic information for the site, including a soils report.



- c. Reports that describe the existing on- and off-site systems, facilities and services that are available to serve the proposed development; such reports shall state the name of the responsible agency, present capacity, present level of demand or use, projected capacity and the anticipated load resulting from the proposed development.
- d. Detailed landscaping and irrigation plans and specifications prepared by a State licensed landscape architect.
- 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.
- 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.
- h. Trash disposal areas shall be adequately distributed and enclosed by a six foot high landscape screen, solid wall or fence.
- 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 ~~which-that~~ will complement the landscape and assure compatibility with the surrounding environment shall enclose the park.
- 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 existing trees with a four-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 Chapter 1, Section 8110-5, Ventura County Zoning Ordinance.
- b. Off-street parking shall be provided in accordance with Article 6.
- c. ~~Each-The front of each~~ space should ~~have-include~~ a level, landscaped ~~front yard-~~area with picnic table and a grille or campfire ring.
- 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 made from natural materials ~~which~~ that blend with the landscape.
- 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 ~~which~~ that might cause damage to vegetation or soil stability are not permitted.
- 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 -- Satellite Dish Antennas~~**

### **~~Sec. 8175-5.11.1 -- Zones Other Than R-B-H~~**

~~In zones other than R-B-H, a Planned Development Permit is required for any satellite dish antenna, except that a Zoning Clearance, instead of a Planned Development Permit, is required if both of the following conditions are met:~~

- ~~a. The value of the antenna and related equipment installed outside the principal structure, not including installation costs, is \$1,000 or less, and~~
- ~~b. The site where the antenna is proposed is not in any of the following areas:~~
  - ~~(1) Between the beach and the first public road;~~
  - ~~(2) Any environmentally sensitive habitat, as defined in Article 2, or within 100 feet thereof;~~
  - ~~(3) Any area defined as a riparian habitat;~~
  - ~~(4) On a slope greater than 20 percent.~~

### **~~Sec. 8175-5.11.2 -- R-B-H Zone~~**

~~In the R-B-H zone, the following regulations shall apply:~~

- ~~a. Except as provided in Sec. 8175-5.11.2c below, a Planned Development Permit is required for a satellite dish antenna, irrespective of whether or not the subject property is in an exempt area described in Sec. 8174-5.1. The criteria for approval of such permit shall include the standards of Sec. 8181-3.4, as well as the following:~~
  - ~~(1) The proposed antenna will not unreasonably impede safety access, particularly by emergency personnel, (fire, police) to the rear of a lot by way of the side yard(s);~~
  - ~~(2) The proposed antenna will not unreasonably obstruct views of the ocean from public rights-of-way and from neighboring properties.~~
- ~~b. Under no circumstances shall any such antenna be placed in a required front setback.~~
- ~~c. A Zoning Clearance, instead of a Planned Development Permit, is required for a satellite dish antenna in the R-B-H Zone if all of the following conditions are met:~~
  - ~~(1) The antenna complies with Sec. 8175-5.11.1b above;~~
  - ~~(2) The following height limitations are met:~~
    - ~~i. If ground-mounted, the antenna does not exceed 15 feet in height.~~
    - ~~ii. If eave-mounted or roof-mounted, with the main support mechanism for the antenna being structurally connected to the roof or exterior wall of the building, the antenna does not exceed~~

~~a height of 25 feet.~~

~~(3) The antenna support is not placed in any required setback. The dish (not including support) may extend a maximum of two feet into a required side or rear setback.~~

## **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 ~~which~~ that alter natural shoreline processes must be designed to eliminate or mitigate adverse impacts on local shoreline sand supply.
- 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 ~~which~~ that will be used, ~~as well as~~ 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.

#### **Sec. 8175-5.13 - Signs**

Sign standards shall be in accordance with Chapter 1, Article 10 of the Ventura County Ordinance Code.

#### **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. 8174-54, 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.

##### **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~~ ~~supereede~~ the permit process for permanent structures.
- 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 ~~which-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.

#### **Sec. 8175-5.16 - Storage of Building Materials, Temporary**

The temporary storage of construction materials is permitted on a lot adjacent to one on which a valid Zoning Clearance and Building Permit allowing such construction are in force, or on a project site within a recorded subdivision. Such storage is permitted during construction and for 45 days thereafter.

#### **Sec. 8175-5.17 - Grading and Brush Removal**

The following standards shall apply to all developments involving more than 50 cubic yards of grading or more than one-half acre of brush removal. Public Works Agency and Resource Management Agency staff shall review all proposals in the coastal zone for conformance with these standards. (REPEALED AS 8175-5.4 AND RE-ENACTED AS 8175-5.17 BY ORD.3882-12/20/88)

##### **Sec. 8175-5.17.1**

Grading plans shall minimize cut and fill operations. If it is determined that a project is feasible with less alteration of the natural terrain than is proposed, that project shall be denied.

##### **Sec. 8175-5.17.2**

All development shall be designed to minimize impacts and alterations of physical features and processes of the site (i.e., geological, soils, hydrological, water percolation and runoff) to the maximum extent feasible. The clearing of land (grading and brush removal) is prohibited during the winter rainy season (November 15 – April 15).

##### **Sec. 8175-5.17.3**

For permitted grading operations on hillsides, the smallest practical area of land shall be exposed at any one time during development, and the length of exposure shall be kept to the shortest practicable amount of time. All measures for removing sediments and stabilizing slopes shall be in place prior to or concurrent with any on-site grading activities.

**Sec. 8175-5.17.4**

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

**Sec. 8175-5.17.5**

Where construction will extend into the rainy season, temporary vegetation, seeding, mulching, or other suitable stabilization methods shall be used to protect soils subject to erosion. The appropriate methods shall be prepared by a licensed landscape architect, and approved by the County.

**Sec. 8175-5.17.6**

Cut and fill slopes shall be stabilized at the completion of final grading. To the greatest extent feasible, planting shall be of native grasses and shrubs or appropriate nonnative plants, using accepted planting procedures. Such planting shall be adequate to provide 90 percent coverage within 90 days, and shall be repeated if necessary to provide such coverage. This requirement shall apply to all disturbed soils.

**Sec. 8175-5.17.7**

Provisions shall be made to conduct surface water to storm drains or suitable watercourses to prevent erosion. Drainage devices shall be designed to accommodate increased runoff resulting from modified soil and surface conditions as a result of development. Where feasible and appropriate, water runoff shall be retained on-site to facilitate groundwater recharge, unless to do so would require significant grading or brush removal not otherwise necessary, and the cumulative impacts of such on-site retention would be greater than the cumulative impacts of not facilitating recharge, within the same drainage area.

**Sec. 8175-5.17.8**

In addition to any other requirement of this Article, hillside (defined as land with slopes over 20 percent) grading and brush clearance shall be regulated to maintain the biological productivity of coastal waters, protect environmentally sensitive areas and park and recreation areas, and minimize the alteration of natural landforms.

**Sec. 8175-5.17.9**

A discretionary permit is required for all substantial hillside grading (over 50 cu. yds. of cut or fill) or brush clearance (greater than one-half acre), including that related to agricultural activities. The application for the permit shall contain an erosion control plan. Such plan shall be prepared by a licensed engineer qualified in soil mechanics and hydrology, and approved by appropriate County agencies, to ensure compliance with the Coastal Plan and all other County ordinances.

**Sec. 8175-5.17.10**

Degradation of the water quality of groundwater basins, nearby streams, or wetlands shall not result from development of the site. Pollutants such as chemicals, fuels, lubricants, raw sewage, and other harmful waste shall not be discharged into or alongside coastal streams or wetlands either during or after construction.

**Sec. 8175-5.17.11**

The ~~Soil Conservation Service-Ventura County Resource Conservation District~~ and the State Department of Fish and Game shall be consulted for grading of hillsides and brush clearance in excess of one-half acre. In all cases, best accepted management practices shall be used.

(Repealed as 8175-5.4 and re-enacted as 8175-5.17 by ORD.3882-12/20/88)

**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.

**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.

## **ARTICLE 6:**

### **PARKING, ACCESS AND LANDSCAPING**

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#### **Sec. 8176-1 – Purpose**

The purpose of this Article is to provide parking, access, and related requirements for proposed development.

#### **Sec. 8176-2 – Parking Requirements**

Off-street parking spaces for each use shall be provided in the quantities specified below. The Planning Director shall have the authority to determine the parking requirements for any use not specifically listed herein. The decision of the Planning Director may be appealed to the Planning Commission.

- a. Agriculture: Buildings for the parking or processing of agricultural products: 1 space per 500 square feet of gross floor area.
- b. Art galleries: see Libraries.
- c. Automobile repairing: 1 space per 150 square feet of gross floor area.
- d. Automobile service stations: 1 space for each pump island and service bay (spaces adjacent to pump islands and service bay spaces shall not be counted toward the required parking).
- e. Bars and taverns: see Restaurants.
- f. Boardinghouses, rooming houses and bed-and-breakfast inns: 1 space per bedroom plus one space for manager or owner.
- g. Boat sales: see Retail nurseries.
- h. Bus terminals and the like: 1 space per 20 square feet of waiting area, plus 1 space per 300 square feet of office space, plus spaces as needed for accessory uses.
- i. Car washes:
  - (1) Self-service: 1 space per washing stall.
  - (2) Other: as specified by permit.
- j. Churches and similar structures: 1 space for every 4 fixed seats, or each 6 linear feet of rows or pews, plus 1 space per 28 square feet of area in main auditorium (sanctuary or place of worship) not occupied by seats.
- k. Clubhouses:
  - (1) For buildings having sleeping accommodations: See Hostels
  - (2) For other buildings: as specified by permit.
- l. Commercial uses not otherwise listed: 1 space per 250 square feet of gross floor area.
- m. Dwelling units, including caretaker, ~~and~~ farm worker, and animal caretaker dwellings: 2 covered spaces per unit. Exceptions as follows:
  - (1) Bachelor or studio-type dwelling: 1 covered space per unit.
  - (2) One-bedroom dwelling in a multi-family building: 1¼ covered spaces per unit.

- (3) Second dwelling: 1 uncovered space.
- n. Health clinics: see Offices, medical and dental.
  - o. Hotels, motels, boatels and similar uses: 1 space per unit, plus one space for caretaker or manager.
  - p. Laboratories: See Offices, medical and dental.
  - q. Laundromats: 1 space per 200 square feet of gross floor area.
  - r. Libraries, museums, art galleries and studios: 1 space per 250 square feet of gross floor area.
  - s. Mobilehome parks:
    - (1) Resident parking: 2 spaces per unit, one of which must be covered. See also Section 8176-2.6c.
    - (2) Visitor parking (required if internal streets are less than 32 feet wide): 1 space for each 4 units.
  - t. Offices, medical and dental: 1 space per 200 square feet of gross floor area.
  - u. Offices, not otherwise listed: 1 space per 250 square feet of gross floor area.
  - v. Public service and public utility buildings:
    - (1) Offices: 1 space per 250 square feet of gross floor area.
    - (2) Other buildings or uses: as specified by permit.
    - (3) Automated and unattended: None.
  - w. Recreational uses:
    - (1) Athletic fields: 1 space per 3000 square feet of field area, plus one space per six linear feet of seating area; minimum 20 spaces.
    - (2) Camps: 1 space per every two overnight guests allowed per Sec. 8175-5.4.2, plus 1 space per every three persons allowed as total daily on-site population (Sec. 8175-5.4.3), plus 1 space per full-time employee. (ADD.ORD.3882-12/20/88)
    - (3) 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). (ADD.ORD.3882-12/20/88)
    - (4) Community centers: 1 space per 100 square feet of gross floor area.
    - (5) Golf courses: 2 spaces per hole, plus 1 space per 200 square feet of building area used for commercial purposes.
    - (6) Health clubs, spas and the like: 1 space per 300 square feet of gross floor area.
    - (7) Recreational vehicle parks: (See Campgrounds above. Also see Sec. 8175-5.10 for Recreational Vehicle Park Standards.) (AM.ORD.3882- 12/20/88)
    - (8) Skating rinks: 1 space per 45 square feet of gross floor area.
    - (9) Swimming pools, public: 1 space per 200 square feet of pool area, plus 1 space per 300 square feet of area related to the pool and facilities.
    - (10) Tennis and racquetball courts: 2 spaces per court.



(11) Theaters, Amphitheaters, and similar spectator-type enterprises and establishments:

- i. Without fixed seats: 1 space per 21 square feet of gross floor area.
- ii. With fixed seats: 1 space per 3 fixed seats.

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

x. Restaurants, cafes and similar establishments: 1 space per 100 square feet of gross floor area; the minimum, regardless of floor area, is as follows:

- (1) With public seating on the premises: 10 spaces.
- (2) Without public seating on the premises (take-out or delivery only): 6 spaces.

y. Retail nurseries and other commercial uses not in an enclosed building: 1 space per 2,000 square feet of outside display area.

z. Schools:

(1) Elementary and junior high:

- i. Classroom areas: 1 space per 250 square feet of gross floor area.
- ii. Other: 1 space per 500 square feet of gross floor area.

(2) High schools:

- i. Classroom area: 1 space per 100 square feet of gross floor area.
- ii. Other: 1 space per 250 square feet of gross floor area.

**Sec. 8176-2.1 - (Reserved for future use)**

**Sec. 8176-2.2 - (Reserved for future use)**

**Sec. 8176-2.3 - (Reserved for future use)**

**Sec. 8176-2.4 - (Reserved for future use)**

**Sec. 8176-2.5 - Special Parking Space Requirements**

In addition to the parking spaces required above, new projects are also to provide, where applicable, the type and number of spaces required as follows:

a. Handicapped Parking - New parking lots shall include handicapped parking as follows (these spaces may be included as part of the total spaces required):

- (1) Residential - Lots with 21 to 99 spaces: one handicapped space. Also, one such space for each 100 spaces thereafter or fraction thereof over 99 spaces.
- (2) Nonresidential - One handicapped space for the first 40 spaces or fraction thereof, plus one additional such space for each additional 40 spaces or fraction thereof.
- (3) Standards - Handicapped parking spaces shall be designed according to standards set forth in the State Building Code and Uniform Building Code. Aisle width is to be as required for a standard 9- by 20- foot space.
- (4) Access - Handicapped spaces shall be located nearest to the main pedestrian access point from the parking area to the building or use served by the parking.

- b. Bicycle Racks - Parking lots shall provide one bicycle rack space for each 10 parking spaces. Bicycle racks are to be designed to enable a bicycle to be locked to the rack. Such racks should be located near the entrance of the building(s) they service, but not in parking lots.
- c. Mixed Uses - In the case of mixed uses, the total requirements for off-street parking spaces shall be the sum of the requirements for the various uses. Off-street parking facilities for one use shall not be considered as providing parking facilities for any other use, and shall not be used for the parking of transportable facilities used for commercial purposes, except during a construction period wherein mobile homes or transportable facilities may be used for construction office purposes.
- d. Parking for Automated Public Facilities - Off-street parking shall not be required for any completely automated, unattended public facility use.
- e. Two-Wheeled Motorized Vehicle Parking - Parking lots containing more than 20 spaces should provide at least one designated area for the parking of two-wheeled motorized vehicles, including some form of security device such as a metal rack or steel eye bolt buried in the ground to allow drivers of such vehicles to secure them.

#### **Sec. 8176-2.6 - General Requirements of Parking Spaces**

- a. Parking Space Size - The size of each off-street parking space shall be unobstructed minimum of 9 feet wide by 20 feet long, except as otherwise provided in this Article. Each space shall be provided with adequate ingress and egress. Exception: On legal lots less than 26 feet wide requiring two parking spaces, the Planning Director may reduce the width requirement to no less than eight feet.
  - (1) Compact car spaces shall be a minimum of 7½ feet wide by 15½ feet long. Not more than 30 percent of the required parking can be compact car spaces. All such spaces shall be clearly marked.
  - (2) Where a concrete curb around a planter in a parking lot functions as a wheel stop, the required length of a parking space abutting such curb may be reduced by a maximum of 2½ feet, provided that the planter is at least 5½ feet wide where vehicles overhang one side of the planter, or at least eight feet wide where vehicles overhang both sides of the planter; and further provided that the overhang will not damage or interfere with plant growth or irrigation systems.
  - (3) Parallel parking spaces shall be a minimum of 8½ feet wide by 24 feet long.
- b. Location - Off-street parking spaces shall be located on the same parcel as the building or use that they are to serve, or located on a neighboring lot, pursuant to the standards in Section 8176-3.6. (AM. ORD. 4186 - 5/25/99)
- c. Tandem Parking - Required parking may be provided in tandem only in a parking area serving an individual mobilehome in a mobilehome park, provided that the tandem parking is not more than two cars in depth and both spaces serve the same dwelling. See also Section 8181-4.4.
- d. Surfacing - All parking areas, including garages and carports, shall be surfaced with bituminous surface treatment or other surfacing of a higher type, and adequate drainage shall be provided. In the case of uses requiring discretionary permits in areas designated as "Rural" or "Open Space" on the County General

Plan, this surfacing requirement may be waived or modified as necessary to preserve the natural appearance of the area.

## **Sec. 8176-3 – Vehicular Access Requirements**

### **Sec. 8176-3.1 - Residential Access**

Access to parking spaces for dwellings shall be at least ten feet wide throughout and paved, except that a center strip over which the wheels of a vehicle will not normally pass need not be paved. This shall not apply to lots having an area larger than one acre. Driveways serving more than two dwelling units shall be at least 18 feet wide.

### **Sec. 8176-3.2 - Parking Lot Design Standards**

- a. Each parking lot entrance and exit shall be constructed and maintained so that any vehicle entering or leaving the parking lot shall be clearly visible at a distance of at least ten feet to a person approaching such entrance or exit on any pedestrian walk or footpath. Exits from parking lots shall be clearly posted with "STOP" signs.
- b. Parking lots shall be designed and improved to prevent entrance or exit at any point other than designated driveways. Appropriate bumper guards, wheel stops, and entrance, exit and directional signs shall be provided.
- c. Parking lots shall be so designed that no vehicle shall be required to back out into a street, sidewalk or alley in order to leave the lot or maneuver out of the parking space. Circulation of vehicles among parking spaces shall be accomplished entirely within the parking lot.
- d. Spaces shall be clearly marked with paint striping at least two inches wide.
- e. Driveway access for all uses except residential shall be completely surfaced and shall be subject to the following:
  - (1) One-lane curb cuts and driveways shall be a minimum of 16 feet wide and a maximum of 20 feet wide.
  - (2) Two-lane curb cuts and driveways shall be a minimum of 25 feet wide and a maximum of 45 feet wide.
- f. Each driveway from a street to a parking lot shall be located and designed as follows:
  - (1) Parking area driveways are to be located a minimum of 50 feet from the nearest intersecting street;
  - (2) Entrance and exit driveways crossing the street property line of a single site shall be limited to two along the frontage of any single street. The centerlines of driveways on the same property shall be separated by a minimum of 30 feet.
- g. Concrete wheel stops shall be provided for all parking spaces. The concrete curb around landscape areas may be utilized as a wheel stop provided the area of car overhang (2½-foot maximum) does not damage or interfere with plant growth or irrigation systems. Minimum planter widths in this situation shall be five and one-half feet for single-vehicle overhang, and not less than eight feet for double-vehicle overhang.
- h. Any lights used to illuminate a parking lot shall be so arranged as to reflect the light away from adjoining residential property and streets.

- i. The finished grade of a parking lot shall not exceed five percent slope.
- j. Where a nonresidential parking lot abuts R-zoned property, it shall be separated therefrom by a solid wall, fence or evergreen hedge six feet in height, provided said wall, fence or hedge from the street property line to a depth equal to the required front ~~yard-setback~~ on the abutting R-zoned property shall be three feet in height. Where such parking lot is across the street from R-zoned property, it may be required to be separated therefrom by an opaque ornamental fence, wall, landscaped earth mound or compact eugenia or other evergreen hedge having a height of not less than three feet, and shall be maintained in good condition. Where the ground level adjoining the street is below street grade, the wall height may be reduced by the difference in levels.
- k. Parking lot and aisle dimensions shall comply with the following minimum standards:

<u>Angle of Parking (degrees)</u>	<u>Aisle Width (in feet) Between Rows of Spaces</u>
30	16
45	18
60	20
90	25

### **Sec. 8176-3.3 - Drive-In and Drive-Through Facilities**

This section establishes supplementary standards for retail trade or service uses ~~which-that~~ conduct business while customers remain in their vehicles. Such uses may include drive-through facilities that are accessory to a principal building where business is conducted indoors, or that conduct all business by means of drive-through facilities. Such uses may include but are not limited to drive-in restaurants, fast food establishments with drive-through take-out windows, photofinishing services and bank services. These standards are not applicable to drive-in theaters or automobile service stations. Sites with drive-through facilities are to be provided internal circulation and traffic control devices as follows:

#### **Sec. 8176-3.3.1 - Stacking Areas**

An area that is physically separated from other traffic circulation on the site shall be provided for cars waiting for drive-through service. The stacking area for each drive-through window or station shall be at least 100 feet long, as measured from such window or station along the centerline of the stacking lane. Separation of the stacking area from other traffic shall be concrete or asphalt curbing on at least one side of the lane.

#### **Sec. 8176-3.3.2 - Lane Separation**

An on-site circulation pattern shall be provided for drive-through traffic that separates such traffic from that of parking customers. Separation should be by paint-striped lanes from the point of site access to the stacking area. Such lanes shall be at least ten feet wide.

#### **Sec. 8176-3.3.3 - Directional Signs**

Signs are to be provided that indicate the entrance, exit and one-way path of drive-through lanes.

### **Sec. 8176-3.4 - Private Streets**

Internal streets and accessways ~~which-that~~ are not part of the public right-of-way are private streets and shall be designed on the basis of the following minimum standards:

- a. Outside turning radius: 24 feet
- b. Parking space size: 9 feet by 20 feet
- c. Parallel parking space: 8½ feet by 24 feet
- d. A 36-foot width may be required when any street serves as the principal means of vehicular access to the buildings within a development.
- e. Cul-de-sac streets shall not be more than 800 feet in length.
- f. Lighting may be required along the internal roadways for the safety of pedestrians.

#### **Sec. 8176-3.5 - Off-Street Loading and Unloading Spaces**

Every use hereafter inaugurated ~~which~~that requires the receipt or distribution by vehicles of materials and/or merchandise, and every such building or structure hereafter erected, shall have permanently maintained off-street loading and unloading spaces as deemed appropriate for that use by the Planning Director, subject to the following minimum standards:

- a. Each loading and unloading space shall be located off the streets.
- b. Each space shall be at least 12 feet wide, 50 feet deep and 14 feet high, and shall be conveniently located near the service entrance(s) to the building(s).
- c. Such space shall not be located in any part of any required side ~~yard~~setback.
- d. Such space shall be so designed that it will not interfere with vehicular or pedestrian circulation.

#### **Sec. 8176-3.6 - Standards For Off-Site Parking Spaces**

- a. ~~R-BRB~~ Zoned Property - Required parking for existing dwellings may be satisfied in an off-site accessory garage subject to the issuance of a Planned Development Permit if all of the following requirements are met:
  - (1) The lot with the principal dwelling is either too small to construct 2 covered parking spaces without approval of a variance, or there is no room on the lot for 2 covered spaces because of the location of the existing, legally constructed principal dwelling;
  - (2) The neighboring lot is smaller than the minimum lot area required for the ~~R-BRB~~ 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) as the lot with the principal dwelling;
  - (3) Both lots must be held as one for as long as the off-site garage is standing pursuant to a recorded agreement with the County;
  - (4) Only an accessory 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 to any other person(s);
  - (6) The garage must be constructed to look like a dwelling to the extent feasible, all ~~R-BRB~~ 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.
- b. ~~C-MCM~~ Zoned Property - Off-street parking may be provided on a lot other than the subject property or an abutting lot if all of the following apply:
- (1) Such off-street parking is located within 500 feet of the property to be served;
  - (2) The amount of off-site parking satisfies not more than 50 percent of the parking requirements of the activity for which the parking is provided;
  - (3) The site of the parking lot is in the same ownership as the principal use, or is under a recorded lease with the use that provides that the parking will exist as long as the use it serves, unless the parking is replaced with other spaces that satisfy the requirements of this Article; and
  - (4) The parking lot is not located in a residential zone.
- (ADD ORD. 4186 - 5/25/99)

## **Sec. 8176-4 – Landscaping Requirements**

Any permit for development approved by the County may be conditioned to require permanent landscaping and irrigation in accordance with this Article.

### **Sec. 8176-4.1 - General Standards**

The following general standards shall apply to all landscaping:

- a. Applicable native plant materials and drought tolerant species are encouraged for water conservation.
- b. Temporary vegetation, seeding, mulching, or other suitable stabilization methods shall be used to protect soils subject to erosion.
- c. Proposed plant materials should relate to architectural design elements of structures on the site and should be compatible with the character of adjacent landscaping, providing the quality of the adjacent landscaping meets the provisions of this Article.
- d. Landscaping shall permit adequate sight distance for motorists and pedestrians, and shall not interfere with the effectiveness of parking lot lighting.

### **Sec. 8176-4.2 - Specific Standards**

Unless otherwise stated in the development permit, such permit shall be subject to all of the following standards.

- a. Minimum Site Coverage - Landscape percentages shall be computed on the basis of the net project site area ~~which~~that includes the area of all structures, drives, walks, and parking on the site, but not areas dedicated for public right-of-way. The required percentages of landscaping relative to site area are as follows:
  - (1) Industrial: 5%
  - (2) Commercial: 10%
  - (3) Residential, Institutional, and Other (as specified by Permit)
- b. Minimum Planter Area - Landscaped areas shall be a minimum of four feet wide (including curbs). Narrower landscape areas may be permitted, but shall not be counted toward meeting the minimum site coverage requirements.

- c. Perimeter Planting - The area within required setbacks of commercial or industrial projects, not used for other purposes, shall be landscaped.
- d. Parking Areas - All open (uncovered) automobile parking areas shall provide landscaping in accordance with the following:
  - (1) Open parking areas shall contain a minimum of ten percent (10%) of their area to landscaping, which is counted toward meeting the minimum site coverage requirements. 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.
  - (2) A landscaping strip shall be provided along property lines adjacent to any public or private street right-of-way. Said planting strips shall not be less than five feet wide for commercial lots and not less than ten feet wide for industrial lots. Landscape strips adjacent to major thoroughfares may be required to be greater.
  - (3) All parking lot planting areas shall be entirely enclosed within a reinforced brick or masonry planter box or portland cement concrete curb not less than six inches high.
  - (4) A minimum of one tree shall be installed within a tree well or planter area of the parking lot for every ten single-row parking stalls or every twenty double-row parking stalls. Tree wells shall be a minimum of sixteen square feet (including curbs).
- e. Screening - Landscaping should be used to screen ~~exterior open~~ storage areas, trash enclosures, parking areas, public utilities, and other similar land uses or elements ~~which-that~~ do not contribute to the enhancement of the surrounding areas. Landscape screening shall be of a height and density so that it provides the desired effect within three years growing time.
  - (1) ~~Street Yard-Setbacks Adjacent to Streets~~ - Landscape screens located within ~~the street yard~~ setback areas adjacent to streets shall have a maximum height of three feet.
  - (2) ~~Interior Yard-Setback~~ - Landscape screens installed along interior lot line(s) shall have a maximum height of six feet.
- f. Street Trees - Street trees may be required as a condition of the development permit. No street tree will be approved for planting where its growth will cause interference, obstruction, damage, or injury to use of a sidewalk or street right-of-way. Street trees shall be planted according to the following standards:
  - (1) Trees shall not be planted within 30 feet of the curb return of a street intersection.
  - (2) Trees shall not be planted closer than four feet from any walkway or public sidewalk, except where tree wells or parkways are provided in the sidewalk area.
  - (3) Trees shall not be located closer than ten feet from any driveway, utility pole, fire plug or the rear of any street or directional sign; 15 feet from light standards, and 25 feet from the front of any traffic or direction sign.
  - (4) Trees shall be spaced an average of 40 feet apart, but not less than one per lot and two per corner lots.

- (5) Trees that typically grow taller than 20 feet in height and do not lend themselves to top trimming, will not be permitted under utility wires.
- g. Groundcover - The use of perennial groundcover is an acceptable landscaping method in reducing maintenance costs and controlling erosion.
- (1) Irrigated Groundcover - Irrigated groundcovers may be planted from rooted cuttings or applied as hydromulch. Planting shall be of native grasses and shrubs or appropriate nonnative plants using accepted planting procedures. Such planting shall be adequate to provide 90 percent coverage within 90 days, and shall be repeated if necessary to provide such coverage. This requirement shall apply to all disturbed soils.
- (2) Nonirrigated Groundcover - In certain situations, temporary plantings may be required where irrigation is not economically feasible nor desirable. Nonirrigated hydromulch seeds are acceptable for natural or undisturbed slopes. 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 minimum growth. If the natural rainfall fails to provide adequate moisture for germination, supplemental irrigation may be required.
- h. Manufactured Slopes - Cut and fill slopes three feet in height or greater shall be planted and irrigated per the following standards:
- (1) Groundcover - Manufactured slopes shall be planted with groundcover materials for erosion control. Groundcover may be applied as a hydromulch or planted from rooted cuttings. The requirement for groundcover may be deleted for slopes less than five feet in height if requested in writing by a registered soils engineer.
- (2) Trees and Shrubs - Manufactured slopes shall have a mixture of trees and shrubs incorporated with groundcover to assure soil stabilization and to promote varying height and mass of landscaping. However, sloped areas within privately-owned single lots ~~which-that~~ are less than eight feet in height are not required to be planted with shrubs, and less than five feet in height are not required to be planted with trees.
- There shall be a minimum one tree for every 500 square feet of slope area. If permanent groundcover is applied as hydromulch, there shall be a minimum of one shrub for every 125 square feet of slope area. If rooted cuttings are utilized as groundcover, there shall be one shrub for every 300 square feet of slope area. There should be a mix of one gallon to 15 gallon trees and shrubs to promote varying height and mass of landscaping.
- (3) Irrigation - Soil type and percolation rate shall be considered when designing slope irrigation. Low precipitation sprinklers shall be employed to conserve water and promote continued, healthy growth of the planting. Slopes over three feet, but under five feet in height, and totalling less than 1000 square feet in area, may be irrigated by hose bibs located not more than 50 feet from the area to be irrigated. Slopes over five feet in height totalling more than 1000 square feet in area shall have an approved, permanently installed irrigation system.
- (4) Exceptions - When special circumstances or exceptional characteristics are applicable to the property involved (size, shape, topography, etc.), the Planning Director may modify (reduce or increase) the standard(s).



- (5) Plan Preparation - For projects ~~which~~<sup>that</sup> require landscaping plans, said plans shall be prepared by a California registered landscape architect, unless waived by the Planning Director.

DRAFT

## ARTICLE 7: STANDARDS FOR SPECIFIC ZONES

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### Sec. 8177-1 – Standards for ~~C-R-PD~~ Coastal Residential Planned Development (CRPD) Zone

#### Sec. 8177-1.1 - Subzones and Density Standards

See Section 8171-9.2.

#### Sec. 8177-1.2 - General Standards

The following design criteria shall to developments in the ~~C-R-PD~~CRPD Zone:

- a. In order to develop a ~~C-R-PD~~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 and landscaping standards of Article 6 shall apply in the ~~C-R-PD~~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.

#### 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 ~~C-R-PD~~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 ~~yards-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 ~~along-side~~ and rear property lines on commonly-owned land, provided that required setbacks from public streets are maintained.
- g. Structural additions not shown on the originally approved site plan may extend up to 15 feet into common areas, provided that the other setback regulations of this section are adhered to.
- h. In the case of ~~C-R-PD~~CRPD subdivisions involving townhouse developments, the setback distances shall be measured from the exterior property lines surrounding the project.

## **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 ~~yard-setback~~ areas around dwellings, except for side ~~yards-setbacks~~, shall be counted toward the 20 percent requirement.
- b. In all other residential projects, at least 20 percent of the net area shall be preserved as common open space.
- c. Common open space shall be suitably improved for its intended purpose and generally accessible to all 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 (~~E-ECC~~) Zone**

### **Sec. 8177-2.1 - Lighting**

There shall be no illumination or glare from commercial sites onto adjacent properties or streets ~~which-that~~ may be considered either objectionable by adjacent residents or hazardous to motorists. Flashing lights are prohibited.

#### **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 ~~which-that~~ must be outdoors in order to function.

#### **Sec. 8177-2.4 - Building Coverage**

No more than 40 percent of the area of any lot in the ~~E-ECC~~ zone shall be covered with buildings.

#### **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 (~~E-MCM~~) Zone**

#### **Sec. 8177-3.1 - Use of Required Setback Areas**

~~Yards from streets and interior yards resulting from required s-~~Setback areas may be used for driveways, walkways, landscaping and appurtenant fixtures, and similar uses. Off-street parking may also be located in required ~~yards-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.

#### **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 Open~~ Storage**

All areas used for ~~exterior open~~ storage shall be fenced for security and public safety. All materials stored shall be accessory to the principal use conducted on the property.

#### **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 ~~yards-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.

#### **Sec. 8177-3.6 - Performance Standards**

The following standards constitute the minimum permitted levels of operational characteristics for uses allowed in the ~~G-MCM~~ zone. The point of measurement shall be at the lot or ownership line surrounding the use.

##### **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 ~~which-that~~ could be used in restricting the emission or generation of such elements.

##### **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 ~~which~~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.

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

The standards and procedures found in this Article shall apply to all property in the Santa Monica Mountains whose zoning district carries the (M) suffix [example: ~~G-O-SCOS~~(M)]. All other pertinent standards in this Chapter shall also apply.

~~**Sec. 8177-4.1 – Permit Findings**~~

~~No application for development in the Santa Monica Mountains overlay zone shall be approved unless all of the following written findings, as applicable, are made by the approving authority. These findings shall be in addition to those of Sec. 8181-3.4.\*~~

~~**Sec. 8177-4.1.1**~~

~~Private services for each individual development requiring potable water will be able to serve the development adequately over its normal lifespan.~~

~~**Sec. 8177-4.1.2**~~

~~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.~~

**~~Sec. 8177-4.1.3~~**

~~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.~~

**~~Sec. 8177-4.1.4~~**

~~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.~~

**Sec. 8177-4.~~2~~1 - Development Standards**

The following additional resource protection standards shall apply to developments proposed in the Santa Monica Mountains overlay zone (M).

**Sec. 8177-4.~~2~~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).

**Sec. 8177-4.~~2~~1.2**

All new upland development shall be sited and designed to avoid adverse impacts on environmentally sensitive habitat areas.

- a. In cases where environmentally sensitive habitat areas are located on a project site where the impacts of development are mitigated consistent with the LCP Land Use Plan, the County shall assure that all habitat areas are permanently maintained in open space through a recorded easement or deed restriction.
- b. When such impacts of development would be unavoidable, the County shall ascertain within the specified project review period whether any public agency or nonprofit organization, including the National Park Service, Coastal Conservancy, the Santa Monica Mountains Conservancy, State Department of Parks and Recreation, County Property Administration Agency, and Trust for Public Lands, is planning or contemplating acquisition of any portion of the subject property to preserve it in open space. The permit may not be approved if such agency or organization has been specifically authorized to acquire any portion of the property ~~which~~ 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.

**Sec. 8177-4.~~2~~1.3**

Construction and/or improvements of driveways or accessways ~~which~~ 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.

**Sec. 8177-4.~~21~~.4**

All proposals for land divisions in the Santa Monica Mountains shall be evaluated to assure that any future development will be consistent with the development policies contained in the LCP Land Use Plan. Where potential development cannot occur consistent with the LCP, the request for division shall be denied. Environmental assessments shall accompany tentative map applications and shall evaluate the ecological resources within and adjacent to the site and the consistency of the proposed division and development with the standards of the LCP. In addition, the following shall apply:

- a. Future building envelopes shall be identified on all applications and on the final subdivision map.
- b. All identified environmentally sensitive habitat areas and/or slopes over 30 percent shall be permanently maintained in their natural state through an easement or deed restriction ~~which~~-~~that~~ shall be recorded on the final map, or on a grant deed as a deed restriction submitted with the final map. Development shall not be permitted in areas over 30 percent slope.
- c. All offers of dedication for trail easements shall be recorded on the final map. Trail easements established by deed restriction shall be recorded on the deed no later than final map recordation.

**Sec. 8177-4.~~21~~.5**

New development shall be sited and designed to protect public views to and from the shoreline and public recreational areas. Where feasible, development on sloped terrain shall be set below road grade.

**Sec. 8177-4.~~21~~.6**

Development shall not be sited on ridgelines or hilltops when alternative sites on the parcel are available, and shall not be sited on the crest of major ridgelines.

**Sec. 8177-4.~~21~~.7**

Except within the existing South Coast community, as shown on the south coast subarea Land Use Plan map, all development proposals located within 1000 feet of publicly owned park lands shall be sited and designed to mitigate potential adverse visual impacts upon park lands. Appropriate mitigation measures include additional landscaping, use of natural materials, low building profiles, earth tone colors, and the like. Development shall not be sited within 500 feet of a park boundary unless no alternative siting on the property is possible consistent with the policies of the Plan.

**Sec. 8177-4.~~21~~.8**

Development shall neither preclude continued use of, nor preempt, the option of establishing inland recreational trails along routes depicted on the LCP Land Use Plan maps. A recorded offer of dedication or a deed restriction creating a trail easement shall be required as a condition of approval on property crossed by trails shown on the LCP Land Use Plan maps.

**Sec. 8177-4.~~21~~.9**

All new trail corridors shall be a minimum of 25 feet in width, with a larger corridor width for major feeder trails. The routing of trails shall be flexible in



order to maintain an adequate buffer from adjacent development. Where feasible, development shall be sited sufficiently distant from the trail so as not to interfere with the trail route.

**Sec. 8177-4.~~21~~.10**

Before a permit for development of any lot is approved, the suitability of that lot for public recreational use shall be evaluated within the specified project review period by the County in consultation with the State Department of Parks and Recreation and the National Park Service. If the County determines that the property may be suitable for such use, the County shall ascertain whether any public agency or nonprofit organization (see Sec. 8177-4.~~21~~.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 ~~which—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.

**Sec. 8177-4.~~21~~.11**

Any areas within the Santa Monica Mountains used for private recreational purposes shall continue to be so used unless it becomes unfeasible to do so. These properties are subject to the following:

- a. The only principally—permitted uses (not appealable to the Coastal Commission) on such properties are recreational uses. Planned Development Permits for new recreational uses, or the expansion of existing recreational uses, may be issued by the Planning Director in accordance with Article 11. Permits for all other uses shall be decided upon in accordance with Articles 4 and 11, and all other applicable provisions of this Chapter and the certified LCP Land Use Plan.
- b. Prior to the granting of a permit ~~which—that~~ allows a conversion of recreational uses to non-recreation uses, Sec. 8177-4.~~21~~.10 shall be followed.

## ARTICLE 8: GENERAL DEVELOPMENT STANDARDS/CONDITIONS – RESOURCE PROTECTION

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### Sec. 8178-1 – Purpose

The purpose of this Article is to provide development standards and conditions necessary for the protection of environmental and other resources in the Coastal zone. This Article must be used in conjunction with any specific development standards found in Articles 5, 6, and 7, and with all provisions and policies of the LCP Land Use Plan, to determine all the standards and conditions for a proposed development.

### Sec. 8178-2 – Environmentally Sensitive Habitat Areas (ESHA)

The provisions of this section apply to all areas of the County's Coastal Zone ~~which that~~ fall within the definition of "environmentally sensitive habitat areas," or within the designated buffer areas around such habitats. ~~Buffer areas are defined as areas within 100 feet of the boundary of any sensitive habitat, and are included as part of that sensitive area for purposes of this Article.~~

#### Sec. 8178-2.1 - Permitted Uses

See Sec. 8174-~~49~~ for uses permitted within environmentally sensitive habitat areas and buffer areas.

#### Sec. 8178-2.2 - Identification of Environmentally Sensitive Habitat Areas (ESHA)

If a new ~~sensitive habitat area~~ 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.

#### Sec. 8178-2.3 - Recreational Projects

The applicant of a proposed recreational facility in environmentally sensitive habitat areas or buffer areas shall develop a management program to control the kinds, intensities, and locations of uses to preserve habitat resources to the maximum extent feasible. This program shall be a part of development approval.

#### Sec. 8178-2.4 - Specific Standards

The following specific standards shall apply to the types of habitats listed.

- a. Coastal Dunes - Activities leading to degradation, erosion or destruction of coastal dunes are not permitted. This includes, but is not limited to, use by off-road vehicles, sand mining, filling, or dumping.
- b. Tidepools and Beaches
  - (1) Placement of any fill or dredged material along beach intertidal areas shall be carried out in consultation with the State Department of Fish and Game, in order to ensure that the timing and location of such activities does not disrupt the life cycles of intertidal or sandy beach species.
  - (2) An applicant for any coastal development, including shoreline protective devices, must show that the proposal will not cause long-term adverse

impacts on beach or intertidal areas. Impacts include, but are not limited to, destruction of the rocky substrate, smothering of organisms, contamination from improperly treated wastewater or oil, and runoff from streets and parking areas. Findings to be made shall include proper wastewater disposal.

c. Creek Corridors

- (1) All developments on land either in a stream or creek corridor or within 100 feet of such corridor (buffer area), shall be sited and designed to prevent impacts ~~which~~that would significantly degrade riparian habitats, and shall be compatible with the continuance of such habitats.
- (2) Substantial alterations (channelizations, dams, etc.) to river, stream, or creek corridors are limited to: water supply projects necessary to agricultural operations or to serve developments permitted by the LCP Land Use Plan designations; flood control projects where no other method for protecting existing structures in the flood plain is feasible, and where such protection is necessary for public safety or to protect existing development; or developments where the primary function is the improvement of fish and wildlife habitat.
- (3) Developments allowed per the above policies shall incorporate the best mitigation measures feasible.

d. Wetlands

- (1) All developments on land either in a designated wetland, or within 100 feet of such designation, shall be sited and designed to prevent impacts ~~which~~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.
- (2) Where any dike or fill development is permitted in wetlands, mitigation measures shall, at a minimum, include those listed in Section 30607.1 of the Coastal Act. Other reasonable measures shall also be required as determined by the County to carry out the provisions of Sections 30233(b and c) of the Coastal Act.
- (3) Habitat mitigation shall include, but not be limited to, timing of the project to avoid disruption of breeding and/or nesting of birds and fishes, minimal removal of native vegetation, reclamation or enhancement as specified in the California Coastal Commission "Interpretive Guidelines for Wetlands" and a plan for spoils consistent with paragraph (4) below. The Department of Fish and Game, as well as other appropriate agencies, shall be consulted as to appropriate mitigation measures.
- (4) Dredge spoils should not be used for beach replenishment unless it can be shown that the process would not adversely impact coastal processes or habitats, such as intertidal reefs, grunion spawning grounds, or marsh. The California Department of Fish and Game, as well as other appropriate agencies, must be consulted when spoils deposition on a beach is under consideration.

## **Sec. 8178-3 – Archaeological and Paleontological Resources**

The following standards shall apply to all proposed development in order to protect such resources which can be easily destroyed by human activities.

### **Sec. 8178-3.1 - Archaeological Resources\***

- a. Based on the location of a proposed development, the following work may be required:
  - (1) High sensitivity area: field survey and test pits.
  - (2) Medium to high sensitivity area: field survey.
  - (3) Moderate to negligible sensitivity area: no field work.
  - (4) For projects located in areas (1) or (2), the applicant shall have a qualified archaeologist assess the development impacts and cultural significance of the site. As may be appropriate, the Northridge Archaeological Research Center at the California State University at Northridge should be contacted for a Native American Monitor or Native American approved archaeologist to observe and aid the work during excavation of auger holes, test pits, trenches or exposures.
- b. A summary of the qualifications of the archaeologist who performs the applicant's study shall be presented with the rest of the required information.
- c. Human remains should be removed from the ground only with specific authorization from, and under direction of, a Native American Monitor or Native American approved archaeologist.
- d. Where significant archaeological resources have been identified on a site, a qualified archaeologist may be required to be present, at the applicant's expense, during all excavating, grading and other earth-moving activities.
- e. Location of all coastal zone archaeological sites shall be kept confidential to avert disturbance or destruction.
- f. Archaeological, historical and ethnobotanical interpretation of native peoples in Ventura County should be incorporated into existing interpretive programs as feasible, and into future interpretive programs at public recreation areas as funds become available.
- g. Where new development would adversely impact archaeological resources, reasonable mitigation measures shall be required. Such measures may involve covering the site, moving the structure(s) to another site on the lot, or not constructing on the site, depending on the severity of the impacts and the significance of the resources.
- h. If previously unknown resources are discovered after construction starts, all work shall cease and the Public Works Agency shall be notified. After review of the site by the Agency, or other qualified personnel, additional reasonable mitigation measures may be required.

### **Sec. 8178-3.2 - Paleontological Resources**

- a. An evaluation of potential impacts on paleontological resources from a proposed development shall be a consideration in the environmental review process. The guidelines found in Appendix 3 of the LCP Land Use Plan shall be used when making this evaluation.
- b. Where new development would adversely impact paleontological resources, reasonable mitigation measures shall be required. Such measures may involve

\* Editor's note: Check Policy/Procedure for correct procedure.

covering the site, moving the structure(s) to another site on the parcel, or not constructing on the site, depending on the severity of the impacts and the significance of the resources.

- c. If previously unknown resources are discovered after construction starts, all work shall cease and the Public Works Agency shall be notified. After review of the site by the Agency, or other qualified personnel, additional reasonable mitigation measures may be required.
- d. Significant fossil discoveries shall be reported to the Los Angeles County Museum of Natural History or appropriate scientists to ensure preservation of the information a site may yield.
- e. Fossil discoveries shall also be reported to the County Cultural Heritage Board to ensure maintenance of the information in Ventura County.

## **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, bluffs, 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 ~~LCP Land Use Coastal Area~~ Plan policies, and shall include feasible mitigation measures ~~which 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. Blufftop 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.

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.

## ARTICLE 9: ZONING MAPS

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Sec. 8179 et seq. consists of ~~the Ventura County Coastal Zoning Maps, Ventura County Zoning Maps, Coastal Codification,~~ on file in the Office of the Clerk of the Board of Supervisors.

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**ARTICLE 10:**  
***(RESERVED FOR FUTURE USE)***

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# ARTICLE 11:

## ENTITLEMENTS - PROCESS AND PROCEDURES

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### Sec. 8181-1 – Purpose

The purpose of this Article is to establish procedures for the processing of land use entitlements, including permits and variances, and for modification, suspension, or revocation of any permit or variance, and appeals thereto.

### Sec. 8181-2 – Legal Lot Requirement

No permit shall be issued for construction on a lot ~~which-that~~ is not a legal lot.

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

### 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.

- 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; ~~and~~

\* Editorial Note: The following are not considered "development" and may not require a Zoning Clearance (See Article 4): Ongoing crop production, Pet Animals (consistent with Sec. 8175-5.2.4a), Exterior Storage pursuant to Categorical Exclusion Order E-83-1, Accessory Caretaker Recreational Vehicles, pursuant to the standards in Sec. 8175-5.15.

- (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 ~~which-that~~ identify specific sites or siting criteria for hazardous waste facilities.
- 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 ~~which-that~~ require a Planned Development Permit, refer to Article 4.

#### **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 Commission or Board of Supervisors. Except for projects initiated by a County agency or department, applications for Board of Supervisors-approved Conditional Use Permits shall first be reviewed by the Planning Commission.

#### **Sec. 8181-3.4 - Public Works Permit**

A Public Works Permit is a discretionary permit processed by the Public Works Agency in accordance with all applicable requirements of the Government Code and this Chapter regarding findings, public notification and hearings for discretionary permits.

#### **Sec. 8181-3.5 - Required Permit Findings**

Discretionary permits may only be granted if all billed fees and charges for processing the application request that are due for payment have been paid, and if all of the following standards are met or if conditions and limitations, including time limits, as the decision-making authority deems necessary are imposed to allow it to meet said standards. The applicant shall have the burden of proving to the satisfaction of the appropriate decision-making authority that the following standards can be met. Specific factual findings shall be made to support the conclusion that each of these standards, if applicable, can be satisfied:

- a. The proposed development is consistent with the intent and provisions of the County's Certified ~~Local Coastal Program~~ 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 Section 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, with-through conditions and limitations ~~being~~ placed on the use:

- a. That the proposed hazardous waste facility is consistent with the portions of the County Hazardous Waste Management Plan ~~which-that~~ identify specific sites or siting criteria for hazardous waste facilities. (ADD.ORD. 3946-7/10/90)

**Sec. 8181-3.5.2 – Additional Findings for Development in the Santa Monica Mountains Overlay Zone**

In addition to the provisions of Section 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.

**Sec. 8181-3.6 - Validity**

All licenses, permits and certificates may become null and void if:

- a. The application request ~~which-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.

**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 ~~Sections 30624~~ and the following:

- a. Applications in cases of emergencies shall be made to the Planning Director by letter or facsimile during business hours if time allows, and by telephone or in person if time does not allow.
- b. The information to be included in the application shall include the following:
  - (1) The nature of the emergency;
  - (2) The cause of the emergency, insofar as this can be established;
  - (3) The location of the emergency;
  - (4) The remedial, protective, or preventive work required to deal with the emergency; and
  - (5) The circumstances during the emergency that appeared to justify the course(s) of action taken, including the probable consequences of failing to take action.
- c. The Planning Director shall verify the facts, including the existence and nature of the emergency, insofar as time allows.
- d. Prior to the issuance of an emergency coastal development permit, when feasible, the Planning Director shall notify, and coordinate with, the South Central Coast District Office of the California Coastal Commission as to the nature of the emergency and the scope of the work to be performed. This notification shall be in person or by telephone.
- e. The Planning Director shall provide public notice of the proposed emergency action ~~required by Public Resources Code Section 30624~~, 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, ~~Section 30600.5~~, 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. ~~Sections 30519(b) since a coastal development permit application must be reviewed by the California Coastal Commission pursuant to the provisions of Public Resources Code Section 30600.5~~
- 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.

## **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 ~~which~~that is not otherwise expressly authorized by the zone regulations governing the property.

### **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, ~~which-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 ~~Local Coastal Program-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) ~~which-that~~ identify specific sites or siting criteria for hazardous waste facilities. (ADD.ORD. 3946-7/10/90)

#### **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 Section 8181-4.2 are met. The procedures of Section 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 ~~traffic-safety-sight-area-clear sight triangle;~~
- c. To allow an increase not exceeding ten percent in maximum building coverage, or sign area of height; and
- d. To allow required parking for single-family dwellings to be provided in tandem.

#### **Sec. 8181-4.5 - Planning Commission Approval**

In all cases not covered in Section 8181-4.4, variances shall be considered by the Planning Commission. The procedures of Section 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. Coapplicants - 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 coapplicant. 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 Section 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. until the violation is abated, unless the acceptance of the application is necessary to the abatement of the existing violation.~~
- 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 Section 8175-5.7.2 for additional requirements.

### **~~Sec. 8181-5.3 - Applicant's Responsibilities~~**

~~The names of all persons entitled to notice pursuant to Section 8181-6 shall be obtained by the applicant and filed with the application. The omission by the applicant of the name and address of any such person is grounds for denial or revocation of the permit, variance, or amendment, or such other action as the Planning Commission or Planning Director may choose to take in regard thereto. Names and addresses of property owners shall be obtained from the last equalized assessment roll, or from such other records of the assessor or tax collector as may contain more recent addresses.~~

### **Sec. 8181-5.34 - 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 Section 8171-7.

### **Sec. 8181-5.45 - Fees**

Each application request for any purpose subject to the regulations of this Chapter, except appeals of decisions regarding developments subject to appeal "~~appealable~~" ~~developments~~, 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 "~~nonappealable~~" 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 ~~which 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, ~~and~~ 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~~five~~ 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.

## **Sec. 8181-5.56 - Deferral of Applications**

### **Sec. 8181-5.56.1**

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 ~~which~~ 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.

### **Sec. 8181-5.56.2**

The Planning Commission may defer a decision on an entitlement to the Board of Supervisors in cases where two entitlements regarding the same property or site are being processed concurrently, and the Board is the decision-making authority for one of the entitlements.

## **Sec. 8181-5.~~67~~ - 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.

## **Sec. 8181-5.~~78~~ - 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.

## **Sec. 8181-5.~~89~~ - 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.

## **Sec. 8181-6 – ~~Notice and~~ 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, ~~or nonappealable,~~ or appealable or subject to appeal to the Coastal Commission; for purposes of notice, hearing and appeals procedures, ~~and 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 ~~Local Coastal Program~~ LCP, including any maps, categorical exclusions, land use designations and zoning ordinances ~~which 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~~ should, 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, nonappealable, or subject to appeal to the Coastal Commission, ~~nonappealable or appealable~~.

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.

#### **Sec. 8181-6.2 - ~~Notice and Hearing Procedures~~ 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 Commission shall hold at least one public hearing per the requirements of this Article. ~~Such hearings shall be conducted in such a manner as to allow the applicant and all other interested parties to be heard and present their positions on the case in question, and shall have a record of the decision kept, along with the findings made which that supported the decision. The Planning Division shall set a date, time and place for each hearing, and shall give public notice of the hearing by publication in a newspaper of general circulation at least ten calendar days prior to the hearing. A consent calendar, whereby several applications may be heard and voted on as one, may be utilized for Planned Development Permits. Any item may be pulled from the consent agenda for discussion and separate action at the discretion of the Planning Director.~~

##### **Sec. 8181-6.2.1 - ~~Additional~~ Notice Requirements**

~~In addition, if the hearing involves a discretionary permit or modification thereto, a variance or modification or revocation thereof, an appeal regarding any variance or discretionary permit, or a zoning ordinance amendment which that affects the permitted uses of property, then the County shall provide notice of such hearing by first class mail at least ten calendar days prior to the first public hearing on the application request.~~

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.

- 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 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. 8181-6.32.2 – Conduct of Public Hearings ~~Public Hearing Procedures~~**

All public hearings shall be conducted in accordance with the Government Code and this Chapter.

- ~~a. Public Hearing Quorum – A quorum for a hearing before the Planning Commission or Board of Supervisors shall consist of three members. The approval of any discretionary decision or permit, or other matter brought before either body, requires the concurrence of at least three members. The secretary shall enter the decision in the minutes or records of the meeting.~~
- ~~b. Referrals – A decision-making authority may refer a matter back to the preceding authority hearing a matter for further report, information or study.~~
- ~~c. Continuance – If it is necessary to continue a hearing or decision on nonappealable developments, the person presiding at the hearing may, before adjournment thereof, publicly announce the date, time and place to which the matter will be continued. No further notice need be given. However, for appealable developments, LCP amendments, or in cases where this announcement is not made, the continued hearing shall be noticed in the same manner as the original hearing.~~

#### **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.

## **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 ~~Local Coastal Program~~ 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.

### **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 ~~Local Coastal Program~~ LCP, and
- c. For decisions appealable to the Coastal Commission, all local rights of appeal have been exhausted.



### **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 ~~appealable~~ developments subject to appeal).

### **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. 81~~192~~-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.

### **Sec. 8181-7.5 - ~~Notice After County Fails to Act~~ 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:

(i) 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

(ii) file an appeal pursuant to section 8181-9.2 below.

~~Notification by Applicant - If the County has failed to act on an application within the time limits set forth in Government Code Section 65950-65957.1, thereby approving the development by operation of law, the person claiming a right to proceed pursuant to Government Code Section 65950-65957.1 shall notify, in writing, the County and the Coastal Commission of his or her claim that the development has been approved by operation of law. Such notice shall specify the application which is claimed to be approved.~~

- 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 determines that the time limits established pursuant to Government Code Section 65950-65957.1 have expired, the County shall, within seven calendar days of such approval determination, notify any person

entitled to receive notice that it has taken final action by operation of law pursuant to Government Code Section 65956(b) ~~65950-65957.4~~. The appeal period for projects approved by operation of law shall begin ~~to run~~ only upon receipt of the notice in the Coastal Commission office. ~~(This section shall apply equally to a County determination that the project has been approved by operation of law and to a judicial determination that the project has been approved by operation of law.)~~

#### **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 appealable developments subject to appeal shall be heard by the Coastal Commission.

##### **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 Section 8181-7.3, or on the following workday if the tenth day falls on a weekend or holiday.

~~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.~~

- ~~a. 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.~~
- ~~b. 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.~~

### **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 ~~PRC~~ Section 30603 of the Public Resources Code, appeal of an action on a Permit may be filed with the Coastal Commission. ~~provided, however, that 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)
- b. In accordance with subdivision (a) of Section 30603 of the Public Resources Code ~~Section 30603(a)~~, 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~~ of any

beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance, ~~as indicated on the official County appeals zone maps.~~

- (2) Developments approved by the County not included within paragraph (1a) 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, ~~as indicated on the official County appeals zone map or as determined by the State Lands Commission.~~
- (3) ~~Any development approved by the County that is not designated as the principally-permitted use under this Ordinance. Developments listed in Article 4 other than those listed as non-appealable to the Coastal Commission.~~
- (4) Any development that constitutes a major public works project or a major energy facility.

(AM. ORD. 4283 – 06/06/03)

- c. The grounds of appeal for any development that is subject to appeal ~~appealable~~ under Section 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 ~~Local Coastal Program~~ LCP.
- d. The grounds of appeal for any development that is subject to appeal ~~appealable under pursuant to~~ Sections 8181-9.5b(2), (3), and (4) shall be limited to whether the development is in conformity with the ~~Local Coastal Program~~ LCP.
- 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.

## **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 ~~which-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.

**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 Sec. 8181-5.1.

**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**

~~Any change of~~ The following changes to an approved discretionary permit ~~is-are~~ also discretionary decisions and ~~is-are~~ considered to fall into one of the following three categories described below: Site Plan Adjustment, Minor Modification, or Major Modification.

~~Sec. 8181-10.4.1~~ **a. Site Plan Adjustment** - Any change ~~which 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 permit~~, 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:

~~a. Any increase or decrease of not more than ten percent in floor or permit area, or in the area of walls, fences or similar structures used as screening, or in height, provision of landscaping or similar standards or dimensions, provided that any increase in parking space requirements can be accommodated on-site;~~

~~b. Internal remodeling or minor architectural changes or embellishments involving no change in basic architectural style.~~

(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. 8176-4;

(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.

~~Sec. 8181-10.4.2-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.

~~Sec. 8181-10.4.3-c.~~ **Major Modification** - Any proposed modification ~~which 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 ~~which that~~ approved the original permit.

## **Sec. 8181-11 – Compliance With Special Studies Zone**

The approval of any application proposing an activity ~~which 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) ~~Sections 2621 et. seq.)~~ 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 ~~Local Coastal Program LCP~~.

## **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**

For any easement pertaining to open space, conservation, public trails, or public access to the beach required pursuant to this Chapter, the permittee shall cause to be recorded an irrevocable offer to dedicate to the people of California an easement. Said offer shall run for 21 years from the date of recordation.

### **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 65852.2(j)~~**

Notwithstanding Any Other Provision of this Article:

- a. No public hearings shall be conducted on applications for second dwelling units under Sections 8174-5~~4~~ 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 Section 8181-9.5.

(ADD. ORD. 4283 – 06/06/03)

### **Section 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 Section 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 Section 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 Section 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 Section 8181-9. Appeals will be heard by the Ventura County Planning Commission.

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# **ARTICLE 12:**

## **NONCONFORMITIES AND SUBSTANDARD LOTS**

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### **Sec. 8182-1 – Purpose**

The purpose of this Article is to provide for the continuation, alteration, conversion or termination of certain classes of lawful, nonconforming uses and structures (other than signs and billboards) under certain conditions, and to regulate substandard lots. These provisions apply to uses and structures ~~which~~that deviate from the regulations of this Chapter.

### **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 either required by law, or 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. 8182-3 – 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 Section 8176-2.1; 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 Section 8176-2.1.

## **Sec. 8182-4 – Nonconforming Uses Due Only To Changes In Parking Requirements**

Uses ~~which-that~~ have been rendered nonconforming due only to revisions in parking requirements 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 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. 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.

## **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 Section 8182-6.2.5.

## **Sec. 8182-6 – Other Nonconforming Uses (No Longer Permitted)**

All nonconforming uses ~~which-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 ~~which-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 Section 8182-6.2.4.

**Sec. 8182-6.2.1 - Expansion and Change of Use Prohibited**

Nonconforming uses under Section 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 ~~which-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 Section 8181-5.45.
- 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 Section 8181-9.

### **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 Section 8182-6.2 ~~such as schools and boardinghouses in any zone; uses in excess of the number permitted per lot; residential uses in commercial and industrial zones; commercial uses in commercial zones, and industrial uses in industrial zones,~~ 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 ~~which~~ 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, ~~which~~ 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, ~~provided that it has a parking requirement which is the same as or less than the nonconforming use in accordance with Section 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.

### **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 ~~which~~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.

**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 ~~which~~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.

**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 subzone 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, ~~which~~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 Section 8181-7.7 of this Chapter.

### **Sec. 8182-12.2 - On Uses Requiring a Ministerial Decision**

All uses involving construction, expansion or alteration of a use of land or structures ~~which~~that requires a ministerial decision only, shall be required to comply with the new regulations on the effective date of the ordinance amendment. If the required Zoning Clearance has been issued and the change of regulation is such that the Zoning Clearance no longer conforms to the provisions of this Chapter, a new Zoning Clearance ~~which~~that conforms with the newly adopted regulations must be obtained before a building permit or other necessary entitlement is issued by any agency.

### **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.

# **ARTICLE 13:**

## **ENFORCEMENT AND PENALTIES**

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### **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 ~~which~~ 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.

### **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.

- a. 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. For the purposes 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 to 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](#) ~~Section 836.5~~, the Planning Director or the Planning Director's designee shall have the power of arrest without warrant whenever he or she has reasonable cause to believe that the person to be arrested has committed in their presence a misdemeanor, misdemeanor/infraction, or infraction, consisting of a violation of the provisions of this Code or any other ordinance or statute ~~which-that~~ the Planning Director has a duty to enforce.

### **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 853.56) ~~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.

### **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 ~~which-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 Section 8181-8 of this Chapter.

#### **Sec. 8183-5.4 - Monitoring and Enforcement Costs**

The County may impose fees and charges on permittees 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 the monitoring of permits issued pursuant to this Chapter to ensure compliance with permit conditions and the requirements of this Chapter. 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 ~~which~~ that suggest the permittee is not assuming responsibility for monitoring his/her own compliance.

#### **Sec. 8183-5.6 - Notice of Noncompliance**

Whenever the Planning Director determines, pursuant to the provisions of Sections 8183-5.3 and 8183-6 of this Chapter, that violations of the Ventura County Ordinance Code exist or that permit conditions are not being complied with, the Planning Director shall notify the permittee, lessee, and/or owner of the property, on which such violations are alleged to exist, of the Director's intent to record a Notice of Noncompliance. If the violations are not corrected within 30 days after such notification, the Director may record a Notice of Noncompliance with the Office of the County Recorder. The permittee, lessee, and/or property owner shall be notified of the recordation of the Notice of Noncompliance. The Notice shall describe the property, specify the Ordinance section or permit conditions violated, and state the date of the most recent notification to the permittee, lessee, and/or property owner of said violation(s). The Planning Director shall record a Release of Notice of Noncompliance with the County Recorder when it is determined that the violations have been corrected or abated and the costs incurred by the County in abating the violations have been paid. A fee as set forth in the adopted schedule of fees and charges will be charged the permittee, lessee, and/or property owner for recordation of a Release of Notice of Noncompliance.

#### **Sec. 8183-5.7 - Administrative Civil Penalties**

In case of any failure by a permittee to perform or comply with any term or provision of a land use permit authorizing a given use or structure, or, in the case of the failure by any person to comply with the provisions of this Chapter 1.1, or Chapter 2 of this Division, an administrative civil penalty may be imposed upon the permittee by the Resource Management Agency Enforcement Coordinator after notice to the permittee or person and a public hearing before the said Enforcement Coordinator, and upon a finding by the Enforcement Coordinator of a failure to perform or comply. The amount of the civil penalty assessed shall be determined by the Enforcement Coordinator after considering all relevant circumstances including,

but not limited, to the following: a) the extent of the harm caused; b) the nature and persistence of the failure to perform or comply; c) the length of time over which the failure occurred; d) the frequency of past violations; and e) the financial burden to the permittee or person. The decision of the Enforcement Coordinator may be appealed to the Planning Commission. The decision of the Planning Commission may be appealed to the Board of Supervisors. Any appeals shall follow the procedures established in Article 11.

Said penalty shall be paid within 30 days after its imposition and the completion of any appeals. Failure to pay the penalty within the allotted time period shall be grounds for suspension of the subject use, pursuant to Sec. 8181-10.1, until such time as the penalty is paid. The payment of a civil penalty shall not insulate the permittee or person from liability in excess of the sum of the penalty for damages or injury or expense or liability suffered by the County of Ventura from any failure to perform or comply by a permittee or person of any term or condition of said permit or of any provision of the Chapter 1.1 or Chapter 2 of Division 8.

Unless otherwise specified in the terms of the permit authorizing a use or structure, the maximum civil administrative penalty that can be assessed against a permittee or person for each failure to perform or comply shall be an amount equal to twice the initial deposit or fixed application fee for the permit that would authorize the use or structure or \$2,000.00, whichever is greater.

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

## **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

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### Sec. 8184-1 – Purpose

The purpose of this Article is to establish procedures for amending the Ventura County Coastal Zoning Ordinance, which is part of the LCP. These procedures shall apply to all proposals to change any property from one zone to another (i.e. to amend the zoning map) or to amend the text of this Chapter. The Coastal Zoning Ordinance may be amended by the Board of Supervisors whenever the public health, safety, or general welfare, good zoning practice, and consistency with the Coastal Act, the County General Plan, or the Coastal Area Plan justify such action.

For amendment(s) to this chapter in conjunction with a hazardous waste facility, the Coastal Zoning Ordinance may be amended by the Board of Supervisors whenever such amendments are consistent with the portions of the County Hazardous Waste Management Plan (CHWMP) that identify specific sites or siting criteria for hazardous waste facilities.

Amendments to the Coastal Zoning Ordinance are not effective until and unless certified by the California Coastal Commission.

~~The purpose of this Article is to establish procedures for amending the County's Local Coastal Program (LCP) and for amendments to the LCP in conjunction with a hazardous waste facility whenever such amendments are consistent with the portions of the County Hazardous Waste Management Plan (CHWMP) which identify specific sites or siting criteria for hazardous waste facilities. (AM.ORD. 3946-7/10/90)~~

### 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 ~~Local Coastal Program~~ 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 ~~notice from the~~ Planning Director ~~to the Planning Commission~~ action.
- d. By the filing with the Planning Division ~~of~~ 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.

## **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. ~~The applicant's responsibilities in submitting an amendment request shall be the same as those listed in Section 8181-5.3 of this Chapter.~~

## **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 ~~Local Coastal Program~~ 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.

## **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 (Section 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 Section 8184-1 and appropriate for further processing by the Planning Division staff ~~request should be further processed~~, 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.

## 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 Section 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, ~~which—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. ~~Amendment~~ 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.

### 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 ~~ordinance-or~~ 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, ~~and. 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 ~~thereon. 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 ~~deemed to be regarded as~~ approval by the Commission of the proposed modification. A modification shall be deemed "previously considered" by the Planning Commission if the modification of the proposed ~~ordinance-or~~ amendment by the Board of Supervisors is based upon the issues and evidence initially heard by the Planning Commission.
- ~~a. The Board shall announce its decision by resolution either at the close of the public hearing or within 30 days after the conclusion of the hearing. The resolution need not contain a recital of findings upon which the decision is predicated if the decision is based upon the report of findings, summaries of hearings and recommendations of the Planning Commission, and those findings are incorporated by reference in its decision.~~
- b. The Board of Supervisors may impose reasonable conditions ~~on that must occur~~ prior to the effective date of any amendment request for the protection of public health, safety, and general welfare.



- 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 ~~local-coastal-program~~ LCP approved by the Board of Supervisors must be reviewed and approved by the Coastal Commission.

### **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 ~~which~~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.
- b. A summary of the measures taken to provide the public and affected agencies and districts maximum opportunity to participate in the ~~local-coastal-program~~ LCP amendment process, a listing of members of the public, organizations, and agencies appearing at any hearing or contacted for comment on the ~~local-coastal-program~~ LCP amendment; and copies or summaries of significant comments received and of the local government response to the comments.
- 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 ~~local-coastal-program~~ LCP.
- 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 ~~which~~that still meet the Coastal Commission's intent.
- 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.

### **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)