

ORDINANCE NO. 4577

**AN ORDINANCE OF THE COUNTY OF VENTURA, STATE OF CALIFORNIA AMENDING
DIVISION 8, CHAPTER 1, ARTICLES 2, 6, 7, 8, 9 AND 11 OF THE VENTURA COUNTY
ORDINANCE CODE, NON-COASTAL ZONING ORDINANCE TO AMEND REFERENCES
AND SECTIONS PERTAINING TO LANDSCAPING**

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

Section 1

NON-COASTAL ZONING ORDINANCE

ARTICLE 2 – DEFINITIONS

Article 2, Section 8102-0 – Application of Definitions, of the Ventura County Ordinance Code is hereby amended by adding the following definitions in their appropriate alphabetical order:

Hydrozone - A portion of the landscaped area that contains plants with similar water needs and rooting depth.

Heat Island Effect - Developed areas where surfaces absorb light and radiation that heat the air to a higher temperature than the surrounding areas.

Landscaping, Insect Nesting Habitat – Habitat that is suitable for ground and tunnel nesting insects. Ground nesting habitat consists of sunny areas of bare earth (mulch-free) with loose, well drained soils. Tunnel nesting insect habitat consists of shrubs with pithy or hollow stems (e.g., Elderberry, sumac, raspberry blackberry, wild roses) or artificial tunnel nests.

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

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

Landscape Documentation Package –The set of documents that must be submitted to the County Building and Safety Division prior to issuance of a building permit when a project is subject to the Model Water Efficiency Landscape Ordinance (MWELO), as defined below. The elements of the Landscape Documentation Package are defined in Sections 492.3 through 492.8 of the MWELO, as may be amended, and include the following: project information, a water efficient landscape

worksheet, a soil management report, a landscape design plan, an irrigation design plan and a grading design plan. (ADD. ORD. 4577 - 3/9/21)

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

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

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

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

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

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

Article 2, Section 8102-0 – Application of Definitions, of the Ventura County Ordinance Code is hereby amended by revising the following existing definitions as follows:

Mulch - Any organic material such as leaves, bark, straw, compost, or inorganic mineral materials such as rocks, gravel, or decomposed granite left loose and applied to the soil surface for environmental beneficial purposes such as reducing evaporation, suppressing weeds, moderating soil temperature, and preventing soil erosion.

Invasive Plant – Any species of plant included on the California Invasive Plant Council *Invasive Plant Checklist for California Landscaping*, as may be amended.

Section 2

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

Article 6, Sec. 8106-8.2 – Accessory Parking and Storage of Large Vehicles of the Ventura County Ordinance Code is hereby amended to read as follows:

Sec. 8106-8.2 - General Landscaping and Water Conservation Requirements

Sec. 8106-8.2.1 Applicability

a. Section 8106-8.2 applies to all discretionary development projects that include or are required to include landscaping in the following zones:

- (1) CO Zone
- (2) C1 Zone
- (3) CPD Zone
- (4) M Zones
- (5) RPD Zone
- (6) RHD Zone

Sections 8109-0.6, 8109-1.2 and 8109-1.3 contain additional landscape requirements by zone.

b. Any ministerial or discretionary development project that meets one or more of the criteria listed below is subject to the State *Model Water Efficient Landscape Ordinance (MWELO)*:

- (1) New construction projects with an aggregate *landscape area* equal to or greater than 500 square feet requiring a building permit, building plan check, or *landscape plan*.
- (2) Retrofitted landscape projects with an aggregate *landscape area* equal to or greater than 2,500 square feet requiring a building permit, building plan check, or *landscape plan*.
- (3) Existing landscapes are limited to complying with Sections 493, 493.1 and 493.2 of the *MWELO*.
- (4) Cemeteries: New and retrofitted cemetery development is subject to Sections 492.4, 492.22 and 492.12 of the *MWELO* and existing cemetery development is subject to Sections 493, 493.1 and 493.2 of the *MWELO*.
- (5) Any project with an aggregate *landscape area* of 2,500 square feet or less is required to comply either with the performance requirements of the *MWELO* or conform to the prescriptive compliance provisions contained in Appendix D of the *MWELO*.
- (6) Graywater/Rainwater Capture: Any lot that with less than 2,500 square feet of *landscape area* that meets the lot's landscape water requirement using entirely graywater or stored rainwater captured on site is subject only to the prescriptive compliance provisions contained in Appendix D of the *MWELO*.
- (7) Notwithstanding the foregoing, the *MWELO* does not apply to:
 - i. Registered local, state or federal historical sites;
 - ii. Ecological restoration projects that do not require a permanent irrigation system;
 - iii. Mined-land reclamation projects that do not require a permanent irrigation system; and
 - iv. Existing plant collections, as part of botanical gardens and arboretums open to the public.

c. Discretionary development projects subject to the *MWELO* pursuant to subsection (b) above shall also be subject to Section 8106-8.2.

- d. All discretionary development projects subject to landscaping requirements that require permanent irrigation, including those not otherwise subject to the MWELO, shall be subject to MWELO, Appendix D, subsections (b) (5) and (6), as may be amended.
- e. All development projects subject to landscaping requirements for parking areas pursuant to Section 8108-5.14 shall comply with Sections 8106-8.2.2, 8106-8.2.3, and 8106-8.2.8. Section 8106-8.2.7 shall apply to any parking areas containing manufactured slopes.
- f. Where conformance to the standards and requirements of this Section 8106-8.2 would create practical difficulties or undue hardship for the project applicant, the *Planning Director* or designee may grant modifications to the requirements of this section, provided the proposed modifications are the minimum necessary to alleviate the practical difficulties or undue hardship. This provision does not apply to standards and requirements imposed by the MWELO.
- g. Where the landscaping standards conflict with one another, the more restrictive landscaping standard shall apply. The applied standard shall meet or exceed minimum standards required by the MWELO.

Sec. 8106-8.2.2- Landscape Plans

- a. Applications for development projects with proposed landscaping not subject to the MWELO shall submit a *landscape plan* that meets the following standards:
 - (1) The *landscape plan* shall clearly illustrate compliance with all landscape requirements set forth or referenced in the NCZO applicable to the project.
 - (2) All *landscape plans* shall be drawn to scale and be consistent with the project's site plan.
 - (3) *Landscape plans* containing greater than 500 square feet of *landscape area* shall be designed by and bear the signature of a licensed landscape architect.
 - (4) When an applicant chooses to retain *native vegetation* to reduce the amount of required landscaping in accordance with Section 8106-8.2.4 or to incorporate *insect nesting habitat* into the *landscape area*, these areas shall be shown within the *landscape plan*.
- b. Development projects subject to the requirements of the MWELO (see Section 8106-8.2.1(b)) shall submit a *Landscape Documentation Package* that includes a water efficient landscape worksheet, soil management report, landscape design plan, irrigation design plan and grading design plan pursuant to, and as described in, Sections 492.3 through 492.8 of the MWELO, as may be amended.

Sec. 8106-8.2.3 General Landscape Standards

- a. No land use may be inaugurated, or structure occupied, until a final inspection has been completed verifying that the *landscape area* has been installed as required by the approved *entitlement*.
- b. All existing *invasive* and *watch list species* as inventoried by the California Invasive Plant Council shall be properly disposed of and removed from the *landscape area* before the installation of the approved landscaping.
- c. Landscaping installed within a Hazardous Fire Area, Wildland Urban Interface Zone, or Fire Hazard Severity Zone shall be subject to all applicable Ventura County Fire Protection District landscaping requirements.

d. Landscape Design Elements

- (1) Vines, shrubs, and other trees shall be used to visually soften and deter graffiti on walls and fences. Vines shall not be used where they will cause structural damage to walls or obstruct *traffic safety sight area* when adjacent to a roadway or driveway.
- (2) Plants shall be grouped according to *hydrozones* and other environmental conditions (soil, slope, sun exposure) that are appropriate for their survival.
- (3) Trees shall be planted in all parkway areas between curbs and sidewalks or in sidewalk tree wells as follows:

Mature Tree Size	Pavement Well Size
Small	4 feet x 4 feet
Medium	4 feet x 6 feet
Large	4 feet x 8 feet

- (4) Sizes for mature trees as used in this Section 8106-8.2 are defined as follows: "small trees" will reach 30 feet or less in height; "medium trees" will reach between 30 to 70 feet in height; and "large trees" will reach 70 feet or more in height.
- (5) Trees should not be planted under existing tree canopies unless required for habitat restoration purposes. New trees shall be installed using the following setback distances from an existing tree at mature tree size: small trees require a 20-foot setback; medium trees require a 30-foot setback; and, large trees require a 40-foot setback.
- (6) Trees and shrubs shall be planted so that at maturity they do not interfere with service lines, sewer lines or on-site wastewater treatment system areas, *traffic safety sight areas*, public works facilities and rights of way, or safety lighting.
- (7) Trees that typically grow taller than 20 feet in height at maturity are not permitted under utility wires and shall not be planted under utility pole guy wires anchored to the ground.
- (8) *Landscape areas* shall include permanent irrigation systems and may contain *water features* and pedestrian walkways. Notwithstanding the foregoing, permanent irrigation systems shall not be required for *native vegetation* retained through the *native vegetation* credit program pursuant to Section 8106-8.2.4, provided that the overall hydrologic regime that supports the vegetation remains unaltered or permanent irrigation is unnecessary for the type of vegetation community retained. Temporary irrigation systems may still be required to establish native plantings.
- (9) Landscape projects not otherwise subject to the MWEL, shall design and install any permanent irrigation system pursuant to MWEL, Appendix D, (b) (5) and (6).

e. Plant and Landscaping Materials

- (1) *Mulch* should support plantings within the *landscape area* but should not substitute for plant material. Water-efficient landscape designs that contain large areas of *mulch* shall

be reviewed on a case-by-case basis to ensure adequate plant material is present for the purpose of reducing *heat island effects*, erosion control, or other factors. To the maximum extent feasible, mulch shall be free of weed seeds and deleterious materials such as plastic, trash, and toxic leachates.

- (2) The use of native host plants for butterfly and moth caterpillars, and native plants and landscape features which create habitat for other beneficial invertebrates and vertebrates (including birds) is strongly encouraged. The Ventura County Pollinator-Friendly Guidelines and other organizations provide lists of native host plants for pollinators and recommendations for other pollinator-friendly, beneficial invertebrate-friendly, and vertebrate-friendly landscape design practices.
- (3) *Native vegetation* must comprise at least 50 percent of the plant types in new or retrofitted *landscape areas*. Where feasible, existing *native vegetation* should be retained within the *landscape area*.
- (4) To provide year-round food resources for pollinator diversity, the *landscape area* shall contain at least eight different plant species with bloom times that are sequential or overlap throughout the year (e.g., two to three plant species for each spring, summer/fall, and winter). To the extent feasible, selected plant species should differ in color, structure, size, and scent.
- (5) *Native vegetation* retained pursuant to Section 8106-8.2.4 may be included in native and plant diversity calculations in Section 8106-8.2.3 (e).
- (6) When the required size, number and types of plant specimens cannot be met due to factors such as a small *landscape area*, unusual site conditions or Area Plan design standards, the *Planning Director* or designee may waive or modify such requirements. However, a written explanation by the landscape architect shall be required to describe how the proposed size, number and types of proposed plants meet the standards above to the maximum extent feasible.
- (7) The following plant types are prohibited from use in landscape plantings:
 - i. Tropical milkweed (*Asclepias curassavica*), due to its transmission of a debilitating parasite (*Ophryocystis elektroscirrha*) to Western monarch butterflies; and,
 - ii. Invasive and *watch list species* as inventoried by the California Invasive Plant Council.
- (8) The largest mature tree size shall be planted wherever feasible with respect to the current uses of the site, pedestrian circulation, vehicle circulation, safety, and standard setbacks. To the maximum extent feasible, native trees should be selected.
- (9) Irrigation equipment or incompatible landscaping material (e.g., weed fabric) shall not be sited or installed within any oak tree (*Quercus* spp.) dripline unless approved by the Planning Division. All permanent irrigation systems shall be kept a minimum of ten feet from the drip line of any existing oak species, except when recommended by a certified arborist under extreme drought conditions. In such circumstances, a targeted irrigation schedule and maintenance plan for these areas shall be included with the *landscape plan* (See Section 8106-8.2.8).

- (10) Any landscaping within the dripline of oak trees shall consist of plant species compatible with the water and soil requirements of the oak. Plants installed within the dripline should serve as accents rather than as a groundcover. Where possible, natural leaf *mulch* should not be removed. To protect the long-term health of established oak trees, landscaping or earth disturbance shall not occur within ten feet of the tree trunk.

Sec. 8106-8.2.4 – Voluntary Native Plant Preservation Incentive

- a. Purpose. The purpose of this voluntary incentive is to preserve and integrate existing mature, healthy, unprotected *native vegetation* into required *landscape areas* within the project site. This approach will promote pollinator-friendly landscapes, reduce water use, reduce landscape installation costs for the applicant, and reduce long-term landscape maintenance costs for the landowner. *Native vegetation* retained pursuant to this Section 8106-8.2.4 shall help to meet the purpose of the landscaping requirements (e.g., screening).
- b. Applicability. This *native vegetation* preservation incentive is only available to discretionary projects that require an Initial Study Biological Assessment (ISBA). This incentive is not applicable to parking lot landscaping (Section 8108-5.14) or stormwater landscaping requirements required by the Ventura County Watershed Protection District.
- c. Incentive Calculations.
 - (1) Landscape credit for preserved *native vegetation community* alliances and native plant specimen(s) shall be granted at a 1:1 ratio (one square foot of retained *native vegetation*, including root zone, will count for one square foot of *landscape area* required in Sections 8109-0.6, 8109-1.2 or in landscape screening requirements).
 - (2) The above-stated 1:1 ratio may be increased to 1:2 (one square foot of retained *native vegetation*, including root zone, will count for two square feet of *landscape area* required in Sections 8109-0.6, 8109-1.2 or in landscape screening requirements) when the preservation area is located:
 - i. Within 200 feet of a verified mapped hydrological feature (USFWS National Wetlands Inventory or USGS National Hydrographic Data Sets) or an identified sensitive biological resource area;
 - ii. Within the Habitat Connectivity and Wildlife Corridor Overlay Zone; or
 - iii. Immediately adjacent to a legally protected *native vegetation community* that is both greater than 2,000 square feet and meets the requirements of Section 8106-8.2.4(e)(3) and (4) below). To receive preservation credit under these criteria, the edge of the vegetation canopies between preserved area and the adjacent *native vegetation community* must be within 30 feet of one another with no obstructions or barriers for wildlife movement.
 - (3) If the preservation area is greater than 30 percent of the *landscape area* using this preservation credit, the *Planning Director* or designee may require additional landscaping to meet screening or other visual quality requirements as set forth in the NCZO.
- d. Documentation. Applicants seeking a preservation credit shall provide a Planning Division-approved Initial Study Biological Assessment (ISBA) for the site that includes a map and table showing the location, native plant specimen(s) species or *native vegetation community* alliance (if a plant community is retained), size (area and height), easements/right(s) of way/utility lines, fuel modification zones, *invasive* or *watch list species*, and the health of each native plant specimen(s) or *native vegetation community* alliance retained for credit. Photos of each

unprotected native plant specimen(s) proposed for retention must also be provided. County staff may request a site visit to determine the suitability of the area for preservation credit.

- e. Native Plant Characteristics. The *native vegetation* used for preservation credit must meet the following standards when surveyed for the ISBA and before the final Certificate of Occupancy is issued:
- (1) The *native vegetation* is not required to be preserved by local, state, or federal law.
 - (2) The root system, and surrounding microclimate area that is outside the native plant dripline, shall be retained intact and unaltered (includes natural or man-made means), unless such alterations are compatible and support the long-term health of the *native vegetation* (e.g., companion planting, mulching, etc.) depicted in the approved final *landscape plan*.
 - (3) The *native vegetation community* alliance or native plant specimen(s) and their buffer area(s) are not dominated by *invasive* or *watch list species*, as inventoried by the California Invasive Plant Council, or otherwise deemed not ecologically suitable as recommended by a qualified biologist, and are approved by the *Planning Director* or designee.
 - (4) There are no areas proposed for preservation where the soil was previously compacted, graded, or cultivated where it is no longer suitable for the original *native vegetation community*.
- f. Standards for Landscaping with Existing Native Plants.
- (1) Any existing *invasive* or *watch list species* must be removed and properly disposed of as part of the site preparation process prior to the issuance of the Zoning Clearance for Construction or Use Inauguration (as applicable to the project);
 - (2) The preservation area (existing *native vegetation* including root zone(s)) must be clearly marked and identified for protection on all project site plans, grading plans, outdoor lighting plans, and conceptual and final landscape/restoration plans. The preservation area must be physically identified on-site prior to any site disturbance.
 - (3) The *native vegetation* is not damaged, dead, dying, diseased, or infested with harmful insects. Any damaged vegetation within the preservation areas shall be replaced with vegetation equivalent to the vegetation that was destroyed. Site alterations that may cause the decline or death of the *native vegetation* in the preservation area (e.g., alterations to drainage or runoff, damage to plant root systems, exposure to sun and wind due to loss of vegetation cover in buffer area) shall be corrected to ensure the long-term health of the preserved *native vegetation*.
 - (4) The preservation area shall be maintained or enhanced pursuant to the landscape maintenance standards of Section 8106-8.2.8.

Sec. 8106-8.2.5 Landscape Screening

- a. Plant Material Spacing for Visual Screening:
- (1) Trees shall be planted at a minimum rate of one for each 30 linear feet of the *landscape area*. Shrubs shall be installed as needed to adequately screen the development, but no less than one for every five linear feet of *landscape area*.
 - (2) Plants may be used as the main screening element only if a minimum of 50 percent of the plants are of 15-gallon container size when planted, the remaining plants are of 5-gallon container size, and the plants will form a dense hedge that adequately screens the development year-round.

b. Visual Screening Using Berms, Walls, Fencing and Art:

- (1) Landscaping is the preferred method to soften the screening of storage areas, trash enclosures, parking areas and public utilities. Visual screens composed of a berm, fence, or solid wall shall include plant material that softens the look and breaks up the expanse of the screen. When the berm, fence, or wall is installed along the street side of a property line, the fence or wall is to be placed along the interior side of the landscaped area relative to the street.
- (2) Where earth berms are used, the berm slope shall be a maximum of one foot of rise for every three feet of linear distance (3:1 horizontal to vertical).
- (3) Public art may be incorporated into screening materials that are viewable by the public, in lieu of two required trees. Such art shall meet the provisions of Section 8108-5.14.2(b)(ii).

Sec. 8106-8.2.6 General Stormwater Landscape Design

a. *Stormwater management landscaping* shall meet the following standards:

- (1) The minimum coverage of plant species meets water quality improvement plans.
- (2) Plant types shall be selected to withstand periodic inundation of water, survive seasonal drought, and be capable of pollutant uptake. Irrigation shall be used to allow for the establishment of the selected plants and cuttings.
- (3) When mulch is used within *stormwater management landscaping*, it shall be non-floatable and well-aged to prevent clogging of storm drain Infrastructure.
- (4) Required trees shall be planted above the flow line of basins or channels;
- (5) The landscaping does not reduce or negatively affect the number, type, size, location, or health of required and *protected trees*.

Sec. 8106-8.2.7 Landscaping on Manufactured Slopes

Manufactured (i.e., human-made) slopes shall be planted pursuant to the following standards:

- a. Slopes steeper than 3:1 shall include erosion control blankets, soil stabilizers or other means approved by the Public Works Agency to prevent erosion.
- b. Groundcover. Manufactured slopes shall be planted with groundcover to minimize erosion and blend with the adjacent natural slopes. The type of groundcover selected shall be compatible with soils and climatic conditions, adjacent *native vegetation* or landscaping, irrigation requirements, and fire-retardant requirements.
- c. Trees and Shrubs. Manufactured slopes shall have a mixture of trees and shrubs incorporated with groundcover to assure soil stabilization, blend with adjacent *native vegetation* or landscaping, and promote varying height and mass of landscaping. Shrubs are not required for sloped areas less than three feet high created by the deposition of material (e.g., artificial berm). Trees are not required for sloped areas less than five feet high created through the excavation of material (e.g., cut bank).
- d. Slope Irrigation. Soil type and percolation rate shall be considered when designing slope irrigation. Properly designed and installed sprinklers or drip irrigation systems may be necessary to promote slope stability.

Sec. 8106-8.2.8 – Landscape Maintenance

- a. Landscaping shall be maintained by the permittee according to the approved *landscape plan* and any permit conditions for the life of the permitted land use. Maintenance activities shall include the following:
 - (1) Routine inspections to guard against runoff and erosion and to detect plant or irrigation system failure. Failure to maintain required landscaping or irrigation systems shall constitute a violation of the permit pursuant to Article 14.
 - (2) *Landscape areas* with installed irrigation shall maintain these areas pursuant to *MWELo*, Section 492.11, as may be amended, regardless of whether the *MWELo* otherwise applies.
 - (3) Shrubs and groundcovers shall be pruned to keep plants within planting beds. Pruning for all plants shall be conducted in accordance with the American National Standard for Tree Care Operations – Tree, Shrub, and Other Woody Plant Maintenance-Standard Practices ANSI A300 (Part 1) 2001 Pruning, ISA ANSI A300 1995, as may be amended.
 - (4) Weeds and litter shall be removed from the *landscape area*.
 - (5) Dead, dying, diseased or severely damaged plant material shall be replaced. Tree replacement shall be subject to Section 8107-25.
 - (6) Tree supports shall be inspected frequently and removed when the tree can withstand high winds unsupported.
 - (7) Mulch shall be monitored and replenished as needed.
 - (8) Plants shall be fertilized and watered at such intervals as are necessary to promote optimum growth.
- b. Areas with *native vegetation* that are retained for preservation credit pursuant to Section 8108-8.2.4 shall be maintained according to an approved *Invasive Species Management Plan* that is submitted with the *landscape plan*.
- c. Non-toxic methods of pest control within the *landscape area* are strongly encouraged.

Sec. 8106-8.2.9 – Permit Modifications for Landscape Plans

Proposed modifications to an existing, approved *landscape plan* shall be processed in accordance with Article 11, except that minor adjustments that comply with the following requirements shall be approved through the issuance of a Zoning Clearance:

- a. The proposed adjustments are not subject to the *MWELo*.
- b. Replacement plant materials shall substantially conform with the original purpose and intent of the landscape regulations and must be recommended by a licensed landscape architect, landscape designer, or *qualified biologist*.
- c. Replacement plant materials shall conform to the water, soil, slope, and sun exposure requirements of accompanying plantings.
- d. Replacement plant materials shall not: (1) be an *invasive* or *watch list species* identified by the California Invasive Plant Council; or (2) increase the overall landscape water usage.

- e. Changes to impervious surface area shall not cause the total impervious surface area on the lot to exceed more than 5,000 square feet.
- f. The *hydraulic line* and grade within site drainage patterns shall not be altered.
- g. A minor adjustment shall not:
 - (1) Reduce or negatively affect the number, size, or health of required trees in the approved *landscape plan*;
 - (2) Reduce or negatively affect the number, type, size, location, or health of existing *protected trees*; or
 - (3) Impair compliance with landscape screening or storm water management requirements.

Section 3

ARTICLE 7: STANDARDS FOR SPECIFIC USES

Article 7, Sec. 8107-5.6.24 – Screening and Landscaping, of the Ventura County Ordinance Code is hereby amended to read as follows:

Sec. 8107-5.6.24 - Screening and Landscaping

All oil and gas production areas shall be landscaped to screen production equipment, structures and parking areas to the maximum extent feasible as determined by the *Planning Director* or designee. The landscaping shall screen the development in a manner that maximizes natural or natural-appearing landscapes to the maximum extent feasible, when such infrastructure will impact the viewshed from within an existing community, or from a public road or trail. Required landscaping shall be implemented in accordance with a landscape plan pursuant to all applicable landscaping standards in Section 8106-8.2 and Section 8108-5.14. When the project is not subject to MWELo, low water usage landscaping and use of *native vegetation* shall be strongly encouraged.

Article 7, Sec. 8107-35.3.2 of the Ventura County Ordinance Code is hereby amended to read as follows:

Sec. 8107-35.3.2

Structures and landscapes should be designed and landscaped to prevent encroachment of non-*native species* into natural areas. Buffer zones of up to 600 feet may be required.

Article 7, Sec. 8107-35.3.7 of the Ventura County Ordinance Code is hereby amended to read as follows:

Sec. 8107-35.3.7

New plantings of *invasive* and *watch list species* listed by the California Invasive Plant Council, whether native or introduced, are prohibited.

Article 7, Sec. 8107-37.3 - Range and Approval of Allowed Deviations, of the Ventura County Ordinance Code is hereby amended to read as follows:

Sec. 8107-37.3 - Range and Approval of Allowed Deviations

To advance the purpose outlined in Sec. 8107-37.1, deviations from various standards and regulations of this chapter may be granted as part of a Planned Development permit. Deviations "a" and "k" may only be granted by the Planning Commission. All others may be granted by the *Planning Director* or their designee.

- a. Minimum Lot Area - Sec. 8103-0 (Purpose and Establishment of Zones and Minimum Lot Areas), Sec. 8103-1 et seq. (Establishment of Alternative Minimum Lot Area by Suffix), Sec. 8106-1.1 and Sec. 8106-1.2;
- b. Permit Approval Level - Sec. 8105-4 (Permitted Uses in Open Space, Agricultural, Residential and Special Purpose Zones). Where the square footage or gross floor area of structures on a lot requires a given permit to be issued, the square footage of significant historic structures on a Cultural Heritage Site shall not be counted towards the total square footage of structures;
- c. Permit Approval Level - Sec. 8105-5 (Permitted Uses in Commercial and Industrial Zones). Where the square footage or gross floor area of structures on a lot requires a given permit to be issued, the square footage of structures on a Cultural Heritage Site shall not be counted towards the total square footage of structures;
- d. General Development Standards - Sec. 8106-1.1 (Development Standards for Uses and Structures in OS, AE, and R Zones);
- e. General Development Standards - Sec. 8106-1.2 (Development Standards for Uses and Structures in Commercial, Industrial, and Special Purpose Zones);
- f. Fences, Walls and Hedges - Sec. 8106-8.1 et seq.
- g. Accessory Dwelling Unit Standards - Sec. 8107-1.7 et seq. (Accessory Dwelling Units);
- h. Parking Standards - Sec. 8108 et seq. (Parking and Loading Requirements);
- i. Landscaping Standards - Section 8106-8.2, Section 8108-5.14 and Section 8109-0.6;
- j. Signage - Sec. 8110-4a (Prohibited portable freestanding signs), Sec. 8110-4i (Prohibited Projecting Signs), Sec. 8110-5-2 et seq (Location); and
- k. Non-conforming Uses and Structures - Sec. 8113-5.2 (Uses Within Structures Subject to Amortization), Sec. 8113-5.2.1 (Expansion and Change of Use Prohibited), Sec. 8113-5.3 et seq (Uses Not Amortized), Sec. 8113-6.1 (Destruction, Uses Not Amortized), Sec. 8113-6.2 (Destruction, Uses Amortized), Sec. 8113-7 (Additional Use), Sec. 8113-8 (Use of Non-conforming Lots).

Article 7, Sec. 8107-45.3 – Application Submittal Requirements, of the Ventura County Ordinance Code is hereby amended to read as follows:

Sec. 8107-45.3– Application Submittal Requirements

In addition to meeting standard application submittal requirements of Sec. 8111-2, the project applicant for a *wireless communication facility* may be required to submit some or all of the following information, depending on the scope of the proposed project and as determined by the Planning Division.

- a. **Project Description:** A written project description for the proposed *wireless communication facility* that includes, but is not limited to, a general description of the existing land use setting,

the type of facility, visibility from public viewpoints, stealth design features, propagation diagrams, on and off-site access, landscaping, and facility components (support structure, *antennas*, equipment shelters or cabinets, emergency back-up generators with fuel storage etc.).

- b. **Propagation Diagram:** One or more propagation diagrams or other evidence may be required to demonstrate that the proposed *wireless communication facility* is the minimum height necessary to provide adequate service (i.e., radio frequency coverage or call-handling capacity) in an area served by the carrier proposing the facility. The propagation diagram shall include a map showing the provider's existing facilities, existing coverage or capacity area, and the proposed coverage or capacity area at varied *antenna* heights. The propagation diagram shall also include a narrative description summarizing the findings in layman's terms. Existing obstacles such as buildings, topography, or vegetation that cannot adequately be represented in the propagation diagrams, yet may cause significant signal loss and therefore require additional facility height, should be clearly described and/or illustrated through additional visual analyses, such as line-of-sight or Fresnel zone modeling diagrams. A propagation diagram shall be required if the proposed *wireless communication facility* would exceed 40 feet in height, and may be required at lower heights if the facility is located on a ridgeline, within the SRP overlay zone, or in an Urban Residential zone.
- c. **Visual Impact Analysis:** A visual impact analysis includes photo simulations and other visual information, as necessary, to determine visual impact of the proposed *wireless communication facility* on the existing setting or to determine compliance with design standards established by this Section. The photo simulations shall include "before" and "after" renderings of the site, its surroundings, the proposed facility and *antennas* at maximum height, and any structures, vegetation, or topography that will screen the proposed facility from multiple *public viewpoints*. *Public viewpoints* selected for visual impact analysis should be located approximately a half-mile, one mile, and two miles from the proposed facility. All photo simulations and other graphic illustrations shall include accurate scale and coloration of the proposed facility.
- d. **Authorization and License Information:** A letter of authorization from the property owner and the communications carrier that demonstrates knowledge and acceptance of the applicant's proposed project's structures and uses on the subject property. This information shall also include a copy of the FCC radio spectrum lease agreement or the FCC registration number (FRN).
- e. **FCC Compliance:** Documentation prepared by a qualified radio frequency engineer that demonstrates the proposed *wireless communication facility* will operate in compliance with Sec. 1.1301, et seq., of Title 47 of the Code of Federal Regulations or any successor regulations. Documentation of FCC compliance shall be required for all *wireless communication facility* permits, including permit modifications.
- f. **Alternative Site Analysis:** Documentation that demonstrates: (1) the applicant has satisfied the *wireless communication facility* preferred and non-preferred location standards stated in Sec. 8107-45.4(d) and (e); and (2) infeasibility of alternative sites that would result in fewer environmental impacts to ridgelines (see Sec 8107-45.4(l)) and other environmental resources; and if requested (3) all efforts to collocate the proposed facility on an existing facility, including copies of letters or other correspondence sent to other carriers or *wireless communication facility* owners requesting *collocation* on their facilities. If *collocation* is not feasible, the applicant shall demonstrate to the satisfaction of the Planning Division that technical, physical, or legal obstacles render *collocation* infeasible.
- g. **Site Plan and Design Specifications:** This documentation shall fully describe the project proposed, including all on- and off-site improvements. The site plan shall be drawn to scale, and the site plan and design specifications shall include the following:

- (1) Written explanation and site plan that describes the facility's components and design (including dimensions, colors, and materials), equipment cabinets, and the number, direction, and type (panel, whip, or dish) of *antennas*;
 - (2) The location and dimensions of the entire site area, exact location of the facility and its associated equipment with proposed setbacks, access road improvements, and any proposed landscaping or other development features. The site plan shall also identify site grading, paving and other features that may increase runoff from the site;
 - (3) Front, side, and rear elevation plans showing all of the proposed equipment and structures;
 - (4) Building plans and elevations for *building-concealed, flush- and roof-mounted wireless communication facilities* showing all equipment and structures;
 - (5) Manufacturer specifications and samples of the proposed color and material for the facility and its associated equipment; and,
 - (6) Site plan components required to address fire prevention, water conservation, and other regulatory requirements.
- h. **Landscape Plan:** This documentation shall describe the location and type of newly proposed landscaping, proposed irrigation systems (as needed), and the location of existing landscape materials that are necessary to properly screen or blend the *wireless communication facility* with the surrounding area. This information shall be provided on a *landscape plan*, which conforms to the requirements of Section 8106-8.2.2.
- i. **Maintenance and Monitoring Plan:** A maintenance and monitoring plan shall describe the type and frequency of required maintenance activities to ensure continuous upkeep of the facility, its associated equipment, and any proposed landscaping during the life of the permit. Landscaping shall be maintained in conformance with Section 8106-8.2.8.
- j. **Noise/Acoustical Information:** This documentation shall include manufacturer's specifications for all noise-generating equipment, such as air conditioning units and back-up generators, as well as a scaled diagram or site plan that depicts the equipment location in relation to adjoining properties.
- k. **Hazardous Materials:** This documentation shall include the quantity, type, and storage location for containment of hazardous materials, such as the fuel and battery back-up equipment, proposed for the *wireless communication facility*.
- l. **Geotechnical Requirements:** A geotechnical report shall include the following:
- (1) Soils and geologic characteristics of the site;
 - (2) Foundation design criteria for the proposed facility;
 - (3) Slope stability analysis;
 - (4) Grading criteria for ground preparation, cuts and fills and soil compaction; and
 - (5) Other pertinent information that evaluates potential geologic, fault, and liquefaction hazards and proposed mitigation.
- m. **Consent to Future Collocation:** A written statement shall be provided that states whether or not the applicant consents to the future *collocation* of other wireless communication facility carriers on the proposed facility (see Sec. 8107-45.6).
- n. **Additional Information:** Additional information determined by the Planning Division as necessary for processing the requested *wireless communication facility* entitlement. If a *non-*

stealth facility is proposed, include a description (with illustrations) of all *modifications* that would be allowed pursuant to a *Section 6409(a) Modification* so that a determination can be made whether the facility could become *prominently visible* from a *public viewpoint* (see Sec. 8107-45.4(b)(1)).

Article 7, Sec. 8107-45.4 – Development Standards, of the Ventura County Ordinance Code is hereby amended to read as follows:

Sec. 8107-45.4 – Development Standards

- a. **Partial and Full-Concealment Requirements:** To minimize visual impacts, a *wireless communication facility* shall be designed as a *stealth facility* or *building-concealed facility*. A *wireless communication facility* may be designed as a *non-stealth facility* only if it meets standards provided in Sec. 8107-45.4(b) below.
- b. **Exceptions to Stealth and Building-Concealed Facilities:** A non-stealth facility may be permitted when the applicant demonstrates that the project location and design meet one or more of the following criteria:
 - (1) The facility is not *prominently visible* from a *public viewpoint* and could not be *prominently visible* from a *public viewpoint* following a *Section 6409(a) Modification*. This standard may be achieved by blending the facility into its surroundings as defined in Sec. 8107-45.4(c); or
 - (2) The *non-stealth facility* is *prominently visible* from a *public viewpoint* but meets one or more of the following criteria:
 - (a) It is located on a ridgeline and meets the requirements in Sec. 8107-45.4(l); or
 - (b) The minimum height required for adequate service, coverage, or capacity area cannot be achieved with one or more *stealth facilities* (see Sec. 8107-45.4(f)(4)); or
 - (c) It is used solely for the provision of public safety and the decision-making authority waives this development standard pursuant to Sec. 8107-45.2.4.
- c. **Making Wireless Communication Facilities Compatible with the Existing Setting:** To the extent feasible, all wireless communication facilities shall be located and designed to be compatible with the existing setting as follows:
 - (1) *Location:* Facilities shall be located in areas where existing topography, vegetation, buildings, or structures effectively screen and/or camouflage the proposed facility; and
 - (2) *Facility Design:* The facility shall be designed (i.e. size, shape, color, and materials) to blend in with the existing topography, vegetation, buildings, and structures on the project site as well as its existing setting.
- d. **Preferred Wireless Communication Facility Locations:** To the extent feasible, and in the following order of priority, new wireless communication facilities shall be sited in the following locations:
 - (1) On an existing *wireless communication facility* with adequate height and structure to accommodate additional *wireless communication facilities* (see Sec. 8107-45.6).
 - (2) Flush-mounted on an existing structure, pole, or building in the AE and OS zones.
 - (3) Where the *wireless communication facility* is not *prominently visible* from a *public viewpoint*.

- (4) Within an area zoned Industrial.
 - (5) Near existing public or private access roads.
 - (6) On or near the same site as an existing *wireless communication facility* when visual or other environmental impacts can be mitigated to a level of less than significant under CEQA and when such "clustering" of facilities is consistent with the applicable Area Plan.
- e. **Non-Preferred Wireless Communication Facility Locations:** To the extent feasible, *wireless communication facilities* should not be sited in the following locations:
- (1) Within an area zoned Urban Residential.
 - (2) Silhouetted on the top of ridgelines on land designated as Open Space under the General Plan when *prominently visible from public viewpoints*.
 - (3) On a structure, site or in a district designated as a local, state, or federal historical landmark (see Sec. 8107-45.4(j)).
 - (4) Within an area zoned Scenic Resource Protection Overlay (see Sec. 8107-45.4(m)).
 - (5) Within environmentally sensitive areas (see Sec. 8107-45.4(k)).
- f. **Height:**
- (1) **How to Measure:** Unless otherwise indicated in this Section 8107-45.4, the height of a *wireless communication facility* shall be measured as follows:
 - A ground-mounted facility shall be measured from the *grade* to the highest point of the *antenna* or any equipment, whichever is highest.
 - A structure-mounted facility shall be measured from the averaged *grade* to the highest point of the *antenna* or any equipment, whichever is highest. (See Sec. 8106-1.3.2 for the "averaged *grade*" calculation.)
 - (2) **Minimizing Visual Impacts:** The height of a *wireless communication facility* shall be limited to what is necessary to provide adequate service or coverage.
 - (3) **Building-Concealed Facilities:**
 - (a) For *building-concealed wireless communication facilities*, height is measured as the vertical distance from the flat *grade* or averaged *grade*, as applicable, to the highest point of the existing or newly created architectural façade or feature where the *antenna* is concealed.
 - (b) *Building-concealed wireless communication facilities* shall not exceed the maximum height limits of the zone in which the building is located (see Sec. 8106-7 for exceptions). An existing building that exceeds the maximum height limit may be used to conceal a wireless communication facility if an increase in allowable height of the building was granted by a previously approved discretionary permit, and the building dimensions would not increase by adding the wireless communication facility.
 - (4) **Stealth Facilities:**

Stealth facilities shall meet the definition in Sec. 8102-0 and the applicable height limits prescribed in Section 8107-45.4.

 - (a) The maximum allowable height of a faux structure shall be the height limits in Table 1 below, or the average height of representative structures commonly found in the local setting, whichever is less.

Table 1
(Sec. 8107-45.4(f)(4))
Maximum Height of Faux Structures

Type of Structure	Maximum Height
Faux Water Tank	50 feet
Faux Windmill	45 feet
Faux Flag Pole	50 feet
Faux Light Pole	30 feet*

*Not applicable in the public right-of-way, see VCOC Sec. 12800.

- (b) Faux trees shall maintain a natural appearance and may not exceed the height of nearby natural trees (see i, ii, and iii below). A faux tree located among existing natural trees should not be obviously taller than the other trees. Smaller, natural trees may also be planted around the faux tree to mask its height from public viewpoints. The maximum allowable height of a faux tree shall be as follows:
- i. **No Nearby Trees:** Maximum heights in Table 2 apply if there are no trees within a 150-foot radius of the *faux tree*. (Also see the tree planting height requirement in Sec. 8107-45(i)(4).)

Table 2
(Sec. 8107-45.4(f)(4))
Maximum Height of Faux Trees¹

Type of Structure	Maximum Height
Mono-Broadleafs	60 feet
Mono-Elm	60 feet
Mono-Eucalyptus	80 feet
Mono-Palm	65 feet
Mono-Pine	80 feet

- ii. **Tree Canopy:** The maximum height of a *faux tree* located within, or adjacent to, a tree canopy may extend up to 15 feet above the maximum height of the existing tree canopy when both of the following criteria are met:
- The applicant demonstrates to the satisfaction of the Planning Division that a lower *faux tree* height would result in obstructed coverage of the proposed facility due to the existing tree canopy; and
 - The median tree height of the canopy is at least 30 feet high, and the nearest tree in the canopy is located within 150 feet of the *faux tree*; and the *faux tree* is sited behind the canopy relative to *public viewpoints*.

¹ The maximum height limits for *faux trees* are based on the height of a mature tree for each tree type, as established by the U. S. Department of Agriculture, Natural Resources Conservation Service's plants database. The following tree species were used to identify the maximum height limits for each *faux tree*: *Acer negundo* (Box elder), *Ulmus parvifolia* (Chinese Elm), *Eucalyptus globulus* (Tasmanian Bluegum), *Washingtonia filifera* (California fan palm), and *Pinus sabiniana* (Foothill Pine).

- iii. **Surrounding Trees (Non-canopy):** A *faux tree* may extend up to 5 feet above the maximum height of trees within a 150-foot radius. The maximum height of surrounding trees should be measured using existing tree heights, unless a certified arborist estimates average growth after five years, which may be added to existing height measurements.
- (c) A *stealth facility* that exceeds 80 feet in height shall be considered a *non-stealth facility* for entitlement processing under Section 8107-45. However, stealth design features may be included in the *wireless communication facility* to blend the facility with the surrounding environment.
- (d) *Roof-mounted wireless communication facilities* shall not exceed the maximum height limits of the zone in which the building is located by more than 6 feet.
- (e) *Flush-mounted wireless communication facilities* shall not extend above the building height. If mounted on a structure other than a building, such as a light pole or utility pole, the *antenna* shall not extend more than 5 feet above the structure.
- (f) No *stealth facility* shall exceed the maximum height stated in an applicable Area Plan.

(5) Non-Stealth Facilities:

- (a) Notwithstanding subparts (b) and (c) below, in no event shall a *non-stealth facility* exceed the maximum height stated in the applicable Area Plan.
- (b) Unless a greater height limit is approved in accordance with subsection (c) below, *non-stealth facilities* shall not exceed 50 feet in height.
- (c) When the Planning Commission (or the Board of Supervisors, upon appeal) is the assigned decision-making authority for a proposed *wireless communication facility* entitlement pursuant to Sec. 8105-4 or Sec. 8105-5, a *non-stealth facility* may be approved if one or more of the following findings are made:
 - i. The greater height results in the same or reduced visual and environmental impacts when compared to the standard applicable height limits: or
 - ii. The applicant demonstrates that the minimum height required for adequate service, coverage, or capacity area cannot be achieved with one or more shorter facilities; or
 - iii. The greater height is necessary for the provision of public safety (see Sec. 8107-45.2.4).

g. Setbacks:

- (1) All *wireless communication facilities* shall comply with the required minimum front, side, and rear yard setbacks for the zone in which the site is located. No portion of an *antenna* array shall extend beyond the property lines.
- (2) *Ground-mounted wireless communication facilities* shall be set back a distance equal to the total facility height or 50 feet, whichever is greater, from any offsite *dwelling unit*.
- (3) Whenever feasible, a new *ground-mounted wireless communication facility* shall be set back from the property line to avoid creating the need for fuel clearance on adjacent properties.

h. **Retention of Concealment Elements:** No *modification* to an existing *wireless communication facility* shall defeat concealment elements of the permitted facility. Concealment elements are defeated if any of the following occur:

- (1) A *stealth facility* is modified to such a degree that it results in a *non-stealth facility*; or
- (2) The *stealth facility* no longer meets the applicable development standards for *stealth facilities* in Sec. 8107-45.4; or
- (3) Equipment and *antennas* are no longer concealed by the permitted stealth design features; or
- (4) Proposed modifications to a *stealth facility*, designed to represent a commonly found element in the environment or community (such as a tree, rock, or building), result in a facility that no longer resembles the commonly found element due to its modified height, size, or design.

i. **Standards for Specific Types of Stealth Facilities:**

(1) **Building-Concealed Facilities:**

- (a) Height shall not exceed the maximum height limits established in Sec. 8107-45.4(f)(3).
- (b) Width shall not increase building width, or create building features that protrude beyond the exterior walls of the building.
- (c) Building additions shall be limited to the area/volume required for the wireless technology and shall not increase habitable floor area, include general storage area, or provide any use other than wireless technology concealment.

(2) **Roof-Mounted Facilities:**

- (a) Shall be hidden by an existing or newly created building or architectural feature, or shall be concealed from *public viewpoints* using architectural features, screening devices, or by siting the facility so that it is concealed from offsite viewpoints.
- (b) Shall not exceed the maximum height limits for *roof-mounted facilities* stated in Sec. 8107-45.4(f)(4)(d).
- (c) Shall be compatible with the architectural style, color, texture, façade design, and materials and shall be proportional to the scale and size of the building. Newly created architectural features or wireless equipment shall not protrude beyond the exterior walls of the building.

(3) **Flush-Mounted Facilities:**

A *wireless communication facility* may be *flush-mounted* on a building or other structure pursuant to the following standards, and provided that associated equipment is located in manner consistent with the definition for *flush-mounted antenna* in Sec. 8102-0:

- (a) *Flush-mounted wireless communication facilities* shall be designed as a *stealth facility* and shall be compatible with the architectural style, color, texture, façade, and materials of the structure. Panel *antennas* shall not interrupt architectural lines of building façades, including the length and width of the portion of the façade on

which it is mounted. Mounting brackets, pipes, and coaxial cable shall be screened from view.

- (b) Shall not exceed the maximum height limits for *flush-mounted wireless communication facilities* stated in Sec. 8107-45.4(f)(4)(e).
- (c) Any *flush-mounted wireless communication facility* attached to a light pole or a utility pole must exhibit the same or improved appearance than existing local light poles or utility poles.
- (d) *Flush-mounted wireless communication facilities* should be attached to a vertical surface except they may be mounted atop a light pole or a utility pole when flush-mounting is infeasible. Panel *antennas* shall be mounted no more than 18 inches from building surfaces or poles and shall appear as an integral part of the structure. They may be mounted a further distance than 18 inches on lattice towers and other industrial structures.

(4) Faux Trees:

- (a) Shall incorporate a sufficient amount of "architectural branches" (including density and vertical height) and design material so that the structure is as natural in appearance as technically feasible.
- (b) Shall be the same type of tree or a tree type that is compatible (i.e. similar in color, height, shape, etc.) with existing trees in the surrounding area (i.e. within approximately a 150 foot radius of the proposed facility location). If there are no existing trees within the surrounding area, the vicinity of the facility shall be landscaped with newly planted trees. The trees should be compatible with the faux tree design, and be of a type and size that would be expected to reach 75 percent of the *faux tree's* height within five (5) years. (Also see Sec. 8107-45.4(q) for additional information on landscaping.)
- (c) Shall not exceed the maximum height limits established for *faux trees* stated in Sec. 8107-45.4(f)(4)(b).
- (d) Shall include *antennas* and *antenna* support structures colored to match the components (i.e. branches and leaves) of the proposed artificial tree.
- (e) New trees required as part of a landscape plan for a *faux tree* shall be a minimum size of 36 inch box to help ensure survival of the tree. Palm trees shall have a minimum brown trunk height of 16 feet.

(5) Monorocks:

- (a) Shall only be located in areas with existing, natural rock outcroppings.
- (b) Shall match the color, texture, and scale of rock outcroppings adjacent to the proposed project site.

(6) Other Faux Stealth Facilities:

- (a) Faux structure types, including but not limited to water tanks, flag poles, windmills, and light poles, may be used as a *stealth facility* when that type of structure is commonly found within the local setting of the *wireless communication facility*.
- (b) Faux structures shall not exceed the maximum height limits established in Sec. 8107-45.4(f)(4)(a).
- (c) Faux light poles shall be designed to function as a light pole, and match the design and height of existing light poles on the proposed site, provided that they do not

exceed the height listed in Table 1 (Sec. 8107-45.4(f)(4)(a)). This standard is not applicable to light poles within the public right-of-way.

j. **Historical Landmarks/Sites of Merit:** A *wireless communication facility* shall not be constructed, placed, or installed on a structure, site or district designated by a federal, state, or County agency as an historical landmark or site of merit unless that facility is designed to meet the Secretary of the Interior (SOI) Standards. If the facility does not meet the SOI standards, then the Cultural Heritage Board must determine that the proposed facility will have no significant, adverse effect on the historical resource.

k. **Environmentally Sensitive Areas:**

(1) All *wireless communication facilities* and their accessory equipment shall be sited and designed to avoid or minimize impacts to habitat for special status species, sensitive plant communities, migratory birds, waters and wetlands, riparian habitat, and other environmentally sensitive areas as determined by the County's Initial Study Assessment Guidelines.

(2) *Wireless communication facilities* that are higher than 200 feet and are required by the Federal Aviation Administration (FAA) to include lighting for aviation safety, should use the minimum amount of pilot warning and obstruction avoidance lighting to minimize impacts to migratory birds.

(3) *Wireless communication facilities* that are located in known raptor, California Condor, or waterbird concentration areas or daily movement routes, or in major diurnal migratory bird movement routes or stopover sites, should have daytime visual markers on guy wires to prevent collisions by birds.

l. **Ridgelines:**

(1) A *wireless communication facility* shall not be sited on a ridgeline or hilltop that is *prominently visible* from a *public viewpoint* when alternative sites are available. Applicants shall demonstrate that no feasible, alternative locations are available when proposing a *wireless communication facility* on a ridgeline or shall demonstrate that alternative locations result in significant environmental impacts when compared to the proposed ridgeline location.

(2) Facilities sited on a ridgeline or hillside shall blend with the surrounding natural and man-made environment to the maximum extent possible. Blending techniques that should be utilized include the use of non-reflective materials, paint, or enamel to blend exterior surfaces with background color(s); the placement of facilities behind earth berms or existing vegetation; siting of associated equipment below ridgelines, and the use of small *stealth facilities* (such as slim line poles or whip *antennas*) that blend in with the surrounding vegetation.

m. **Scenic Resource Protection Overlay Zone:** With the exception of public safety described in Sec. 8107-45.2.4, a *wireless communication facility* shall not be *prominently visible* from

- a *public viewpoint*, and shall be designed as a *stealth facility*, when located within a Scenic Resource Protection Overlay Zone.
- n. **Accessory Equipment:** All accessory equipment associated with the operation of a *wireless communication facility* shall be located and screened to prevent the facility from being *prominently visible* from a *public viewpoint* to the maximum extent feasible.
- o. **Colors and Materials:** All *wireless communication facilities* shall use materials and colors that blend in with the natural or man-made surroundings. Highly reflective materials are prohibited.
- p. **Noise:** All *wireless communication facilities* shall be operated and maintained to comply at all times with the noise standards outlined in Section 2.16 of the Ventura County General Plan Goals, Policies, and Programs.
- q. **Landscaping and Screening:** The permittee shall plant, irrigate and maintain additional landscaping, during the life of the permit when landscaping is deemed necessary to screen the *wireless communication facility* from being *prominently visible* from a *public viewpoint*. New landscaping shall not incorporate any *invasive* or *watch species*, as defined by the California Invasive Plant Council and shall be in conformance with Section 8106-8.2.5.
- r. **Security:**
- (1) Each facility shall be designed to prevent unauthorized access, climbing, vandalism, graffiti and other conditions that would result in hazardous situations or visual blight. The approving authority may require the provision of warning signs, fencing, anti-climbing devices, or other techniques to prevent unauthorized access and vandalism.
 - (2) All fences shall be constructed of materials and colors that blend in with the existing setting. The use of a chain link fence is prohibited within areas designated as Urban and Existing Community in the General Plan, and areas that are *prominently visible* from a *public viewpoint*, unless the chain link fence is fully screened.
- s. **Lighting:**
- (3) No facility may be illuminated unless specifically required by the FAA or other government agency.
 - (4) Any necessary security lighting shall be down-shielded and controlled to minimize glare or light levels directed at adjacent properties and to minimize impacts to wildlife.
- t. **Signage:** A permanent, weather-proof identification sign, subject to Planning Director approval, shall be displayed in a prominent location such as on the gate or fence surrounding the *wireless communication facility* or directly on the facility. The sign must identify the facility operator(s) and type of use, provide the operator's address, FCC-adopted standards, and specify a 24-hour telephone number at which the operator can be reached during an emergency.
- u. **Access Roads:**
- (5) Where feasible, *wireless communication facility* sites shall be accessed by existing public or private access roads and easements.
 - (6) *Wireless communication facility* sites shall minimize the construction of new access roads, particularly when such roads are located in areas with steep slopes, agricultural resources, or biological resources as determined by the County's Initial Study Assessment Guidelines.

When required, new access roads shall be designed to meet standards established by the Ventura County Public Works Agency and Ventura County Fire Protection District.

Section 4

ARTICLE 8: PARKING AND LOADING REQUIREMENTS

(REP. AND REEN. ORD. 4407 – 10/20/09)

Article 8, Sec. 8108-3.6 – Green Roofs, of the Ventura County Ordinance Code is hereby amended to read as follows:

Sec. 8108-3.6 – Green Roofs

The installation of green roofs on structures over parking areas/spaces is encouraged and allowable, but only if such structures do not violate any required setback, height, or building coverage restrictions, or obstruct any required fire apparatus access lanes. Green roofs shall be compatible in scale, materials, color, and character with the surrounding building(s) and background. The use of any *invasive or watch list species* as inventoried by the California Invasive Plant Council is prohibited. Green roof plant material and irrigation systems shall be installed pursuant to the *MWEL*O where applicable (see Section 8106-8.2.1(b)).

Article 8, Sec. 8108-4.8.1 – Reductions in Number of Motor Vehicle Parking Spaces Required, of the Ventura County Ordinance Code is hereby amended to read as follows:

Sec. 8108-4.8.1 – Reductions in Number of Motor Vehicle Parking Spaces Required

An applicant may use one or more of the following measures and approaches to justify a reduction in the number of required motor vehicle parking spaces. Additional justifications may be considered by the Director or designee.

- a. Parking Study. Applicant funds and provides a parking study to assess the land use's parking needs. Parking studies shall be prepared by a person/firm qualified to prepare such studies, as determined by the Director.
- b. Transportation Demand Management Plan. Applicant funds and prepares a Transportation Demand Management plan to reduce motor vehicle trips to the land use. Transportation Demand Management plans shall be prepared by a person/firm qualified to prepare such plans, as determined by the Director. Such plans shall provide documentation describing the measures that will be used to reduce parking demand. Such measures may include, but are not limited to:
 - (1) Locating a project within 1,500 feet of a stop for bus, rail, shuttle, or other public transit services.
 - (2) Installing transit stops or enhancing existing adjacent transit stops by incorporating additional landscaping, shelters, informational kiosks, or other amenities.
 - (3) Locating the project adjacent to a designated bicycle route or path.

- (4) Improving existing bicycle routes and paths in the vicinity of the project.
 - (5) Providing employees with a parking cash-out option.
 - (6) Providing residents or employees with transit passes.
 - (7) Providing shuttle services for employees, visitors, or residents.
 - (8) Creating ridesharing programs.
 - (9) Charging for parking.
 - (10) Improving the pedestrian environment surrounding the project by the provision of sidewalks, marked crosswalks, additional landscaping, street furniture, lighting, and/or other safety features.
 - (11) Allowing flexible work schedules or telecommuting.
 - (12) Providing on-site amenities, which could include daycare, restaurants, and/or personal services such as banking or dry cleaning.
 - (13) Installing additional bicycle parking facilities above the minimum requirements. Requirements for this reduction include:
 - i. Bicycle parking spaces shall meet the short- and long-term bicycle parking standards outlined in Section 8108-6.
 - ii. For every 4 bicycle parking spaces provided above the minimum requirement, the amount of motor vehicle parking spaces provided may be reduced by one space, up to a maximum reduction of six percent of required motor vehicle spaces. Existing parking may be converted to take advantage of this provision.
 - (14) Providing shower and locker facilities. The provision of showers and associated lockers may be provided in lieu of required motor vehicle parking under some circumstances. Requirements for this reduction include:
 - i. The number of showers provided shall be based on demonstrated demand. At least six lockers for personal effects shall be provided per shower and shall be located near showers and dressing areas. Lockers shall be well ventilated and of a size sufficient to allow the storage of cycling attire and equipment. Showers and lockers should be located as close as possible to the bicycle parking facilities.
 - ii. For every two showers (one per gender) and six clothing lockers per shower provided, the amount of motor vehicle parking spaces provided may be reduced by three spaces, up to a maximum reduction of three percent of required motor vehicle spaces. Existing parking may be converted to take advantage of this provision.
 - (15) Other measures to encourage transit use or to reduce parking needs.
- c. Affordable or Senior Housing. The total number of spaces required may be reduced for affordable (low income, very low income, extremely low income) or senior housing units, commensurate with the reduced parking demand created by the housing facility, including for visitors and accessory facilities. The reduction shall consider proximity to transit and support services and the Director may require traffic demand management measures in conjunction with any approval.
- d. Drive-Through Land Uses. A reduction in the required number of parking spaces may be approved if documentation is provided which demonstrates to the satisfaction of the Director that the required number of parking spaces will not be needed due to the drive-through nature of the land use.

- e. On-Street Parking. The availability of on-street parking spaces contiguous with the proposed land use's parcel(s) may be considered by the Director in approving a request to reduce the required number of off-street parking spaces.
- f. Parking Reserve. When parking spaces required by this article are not needed by the current land use occupants or are not needed in the current phase of development, the land for those spaces may be held in reserve. For non-residential land uses this parking reserve shall be limited to one parking space or up to ten percent of the total number of required parking spaces, whichever is greater. The parking reserve area shall be included in the determination of lot coverage as though the spaces were in use. To take advantage of reserved parking, the following provisions shall be met:
- (1) The applicant must demonstrate that the reduced number of parking spaces will be adequate to provide sufficient parking for the land uses on the property.
 - (2) The area designated as reserve parking must be clearly depicted on the approved site plan, and the terms and conditions of the reserved parking shall be clearly set forth in the approved site plan notations.
 - (3) For nonresidential land uses, landscaping must be provided in lieu of the required parking spaces in compliance with Section 8108-5.14 and Section 8106-8.2.
 - (4) The reserved parking spaces must be maintained in a manner that leaves them available for conversion to required parking spaces. No above-ground improvements shall be placed or constructed upon the reserve parking area.
 - (5) The permit shall be conditioned to require the conversion of the reserved spaces into usable parking spaces at any time that the Director determines necessary.

Article 8, Sec. 8108-5.14 – Landscaping and Screening, of the Ventura County Ordinance Code is hereby amended to read as follows:

Sec. 8108-5.14 - Landscaping and Screening

Sec. 8108-5.14.1 - Purpose

These landscaping and screening requirements are intended to:

- Reduce potential negative effects of parking areas on adjacent land uses.
- Provide visual relief from pavement and motor vehicles.
- Soften and screen parking area edges.
- Provide a visual barrier between vehicle headlights and street traffic.
- Mitigate atmospheric heating from pavement through shading.
- Create pleasant pedestrian conditions.
- Provide retention, filtration and/or infiltration of stormwater.
- Channel and define logical areas for pedestrian and vehicular circulation.

Sec. 8108-5.14.2 - Applicability

- a. Unless otherwise noted herein, all parking areas shall comply with the landscaping and screening requirements of this section and Sections 8106-8.2.1, 8106-8.2.2, 8106-8.2.3, and 8106-8.2.8. Section 8106-8.2.7 shall apply to any parking areas containing manufactured slopes. Underground parking is exempt from these requirements.

- b. **Planning Director Waivers/Modifications.** The *Planning Director* or designee may grant modifications and waivers to landscaping requirements where existing structures or irregularly configured lots preclude implementation of the requirements, or where compliance would result in the loss of existing required parking spaces due to site size restrictions. The *Planning Director* or designee shall seek a compromise between reducing the amount of required parking and reducing the amount of required landscaping. Wherever possible, at least some landscaping shall be required. Water use efficiency must be incorporated into all landscape designs. Any modification or waiver shall meet or exceed the requirements of the *MWELO*, when it is applicable to the project (see Section 8106-8.2.1(b)). In granting modifications, the *Planning Director* or designee shall prioritize the provision of landscaping as follows: (1) First priority - the provision of landscape screening adjacent to streets and (2) Second priority - the provision of shade trees.

The *Planning Director* or designee may allow the following modifications where there are space constraints or other unique circumstances associated with the site:

- (1) **Perimeter Landscaping and Screening, Adjacent to Streets.** The Director may allow the use of smaller perimeter planters or waive these requirements, except there shall be no waiver of these requirements for any project that is located across the street from residential zones or land uses.
- (2) **Interior Landscaping.** If the applicant can demonstrate that compliance with interior landscaping requirements would result in the loss of existing required parking spaces, the Director may modify the interior landscaping requirement. Whenever feasible, the Director shall require a minimum of some interior landscaping with priority given to planting shade trees. The Director may also approve acceptable substitutions for interior landscaping, such as:
 - i. Use of a light-colored/high-albedo (minimum of 0.3) paving surface or use of a pervious paving surface pursuant to Section 8108-5.9.1. Such surfaces may be substituted for landscaping at a rate of three times the area required for landscaping.
 - ii. Installation of public art at the site, such as a mural or sculpture. Such art should complement its surroundings in terms of scale, materials, form, and content, and shall not contain advertising. Public art shall conform to height and setback standards. The art should be designed to last as long as the related building or structure and be vandal/theft resistant. Maintenance of public art shall be the responsibility of the property owner and permittee. Public art pieces must be approved by the Director.
 - iii. Shading in the form of canopies with solar photovoltaic or hot water systems, off-site trees and structures, sidewalk canopies and other shade structures.

Sec. 8108-5.14.3 - Perimeter Landscaping and Screening

- a. **Adjacent to Streets.** Where parking areas are not visually screened from any adjacent public or private street by an intervening building or structure, the following requirements apply:
- (1) **Planter Width.** A minimum 8-foot-wide (inside dimension, inclusive of any bumper overhang) landscape planter shall be provided between the street and the parking area, except at driveways, pedestrian pathways, and other pedestrian spaces.
 - (2) **Screening Materials and Height.** Visual screens, measuring three feet in height from the top of the pavement, shall be provided. Where the ground level adjoining the street is below street grade, the visual screen height may be reduced by the difference in levels. Where the

ground level adjoining the street is above street grade, the visual screen height may be reduced as determined appropriate by the *Planning Director* or designee.

The visual screen shall be composed of a berm or solid wall, plus plant material that softens the look and breaks up the expanse of the screen. Plant material may be used as the main screening element only if a minimum of 50 percent of the plants are of 15-gallon container size when planted, the rest are of 5-gallon container size, and the plants form a dense hedge. Where walls are used, the preferred location is in the middle of the 8-foot planter so that the planter may also serve as a bumper overhang and so that trees may be planted on both sides of the wall. Walls may also be placed behind the plant material, relative to the street.

Where earth berms are used, the berm slope shall be a maximum of one foot of rise for every three feet of linear distance (3:1 horizontal to vertical).

- (3) Trees and Shrubs. Trees shall be provided at a minimum rate of one for each 30 linear feet of landscape planter or fraction thereof, and at least one per planter. Shrubs shall be provided as needed to meet screening requirements, but no less than one for every five linear feet of landscape planter or fraction thereof. See Section 8106-8.2.3 for additional tree and shrub planting requirements.
- (4) Large Projects. Parking areas with more than 100 motor vehicle spaces shall provide a concentration of landscape elements at primary entrances, including specimen trees, flowering plants, and special design elements. Public art may be used, and is encouraged, in conjunction with these elements. Such art should meet the provisions of Section 8108-5.14.2(a)(2)(ii).
- (5) Bus Shelters. Bus shelters may be located within the perimeter landscape planters, but shall not be placed so as to reduce the number of required trees.
- (6) Public Art. Public art may be provided in perimeter landscape planters that are viewable by the general public, in lieu of two required trees. Such art shall meet the provisions of Section 8108-5.14.2(a)(2)(ii).

b. Adjacent to Residential Land Uses. Where parking areas and associated driveways adjoin residentially zoned property or ground-floor residential land uses, a solid masonry wall at least six feet in height shall be installed and maintained along the property line. Said wall shall not be more than three feet in height within the front setback of the abutting residentially zoned property.

c. Side and Rear Property Lines. Perimeter planters are encouraged where a parking area or driveway adjoins a side or rear property line. Side and rear perimeter planters shall be a minimum of two feet wide (inside dimension) when the planters do not include trees and a minimum of four feet wide (inside dimension) when the planters include trees.

Sec. 8108-5.14.4 - Interior Landscaping

Parking areas shall include interior landscaping as outlined below. Parking structures and covered parking spaces are exempt from these specific requirements but may be conditioned on a case-by-case basis to ensure that the purposes of this section are met.

- a. Amount Required. Interior landscaping shall account for ten percent of the parking area, excluding the area of required perimeter landscaping.
- b. Tree Spacing. Trees shall be spaced out evenly throughout the parking area in order to maximize shading of pavement. At a minimum, one shade tree shall be provided in interior planters for every four adjacent motor vehicle parking spaces (eight total spaces in double-sided parking rows) or equivalent area of motorcycle spaces.
- c. Interior Planter Dimensions.

Finger Planters. Finger planters are planters adjacent to the long side of parking spaces. Finger planters shall measure at least five feet wide (inside dimension) by the length of the parking space, and shall contain one tree in single-sided rows and two trees (one per side) in double-sided rows.

Tree Wells. Tree wells shall be sized in accordance with Section 8106-8.2.3 (d)(3) and (4).

Strip Planters. Strip planters in front of or between rows of parking spaces shall measure at least four feet wide (inside dimension).

- d. Pedestrian-Orientated Design. Landscaping shall be designed so that pedestrians are not likely to cross landscape planters to reach building entrances from parked vehicles. This may be achieved through orientation of the landscape planters away from pedestrian pathways, use of pedestrian pathways or barriers to keep pedestrians out of planters.
- e. Preferred Layout. The preferred layout of interior landscaping of parking areas is set forth below. The *Planning Director* or designee shall consider this preferred layout, together with any site constraints, in approving parking area *landscape plans*.
 - (1) Ends of Parking Rows. The ends of each row of parking spaces should be separated from drive aisles, driveways, or buildings by a finger planter (as described in subparagraph (2) below) or sidewalk.
 - (2) Double-sided Parking Rows. One finger planter with two trees (one per row) per 12 adjacent spaces, or fraction thereof, should be provided. Between finger planters either two tree wells (one per eight spaces) or a continuous planter containing two trees (one per eight spaces) should be provided.
 - (3) Single-sided Parking Rows. One finger planter with one tree per 16 adjacent spaces, or fraction thereof, should be provided. Between finger planters either two tree wells (one per four spaces) or a continuous planter containing two trees (one per four spaces) should be provided.
 - (4) Adjacent to On-Site Buildings. Where a parking area or driveway is adjacent to a building on the same site, the area should be separated from the building by a landscaped planter at least four feet wide.

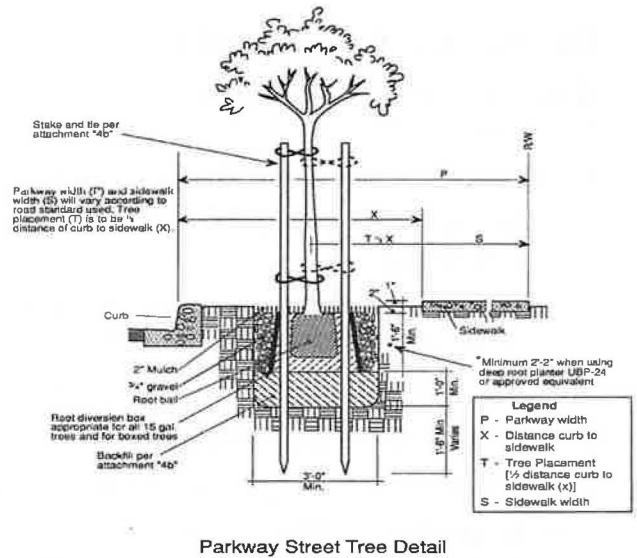
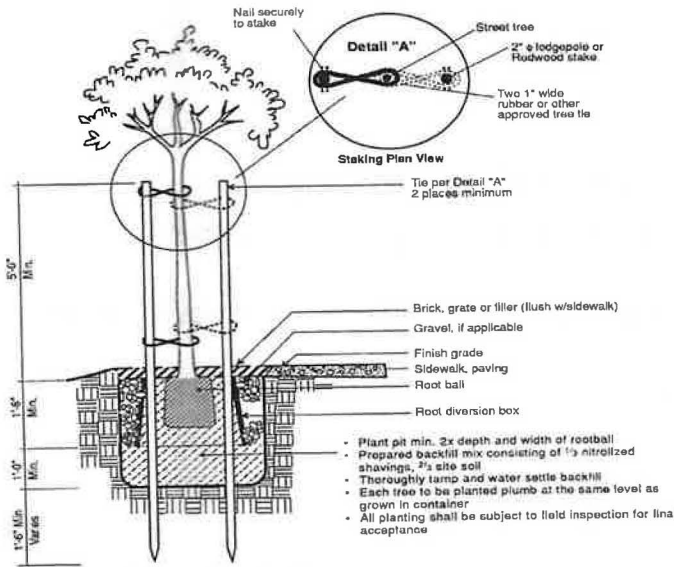
Sec. 8108-5.14.5– Stormwater Management Landscaping

Stormwater management landscape planters in parking areas shall meet the following criteria:

- a. Their location shall not interfere with the movement of vehicles, pedestrians, or bicycles.
- b. The designed water flow shall not cause erosion of infrastructure or damage to other required parking area features.
- c. They may count toward required parking area landscaping if the following criteria are met:
 - (1) The stormwater management landscaping does not compromise the number, type, size, location, or health of the required trees. Required trees shall be planted well above the flow line of basins or channels.
 - (2) The stormwater management landscaping does not compromise the screening, shading, or other purposes of Section 8108-5.14.1.
 - (3) The stormwater management landscaping is consistent with Sections 8106-8.2.3 and 8106-8.2.7, where applicable.
 - (4) Planters containing trees shall be a minimum of eight feet wide (inclusive of bumper overhang).

Sec. 8108-5.14.6- Trees

- a. Tree installation shall meet the requirements of Section 8106-8.2.3.
- b. The largest mature tree size shall be planted wherever feasible with respect to the current uses of the site, pedestrian circulation, vehicle circulation, safety, and standard setbacks. To the maximum extent feasible, native trees should be selected.
- c. Trees shall be a minimum 24-inch box size at planting.
- d. Trees shall be spaced to maximize distance from light poles, in order to maximize the effectiveness of lighting.
- e. Trees shall be kept trimmed to maintain eight feet six inches of ground clearance for parking spaces and pedestrian areas. Trees shall be kept trimmed to maintain 13 feet of ground clearance over driveways and drive aisles.
- f. Trees shall be installed according to the following diagrams:



Sec. 8108-5.14.7- Curbs

All parking area or roadway landscape planters shall be protected from vehicular damage by providing a raised curb of at least six inches in height or wheel stop of at least four inches in height above paving. Where curbs around landscape planters function as wheel stops, plants and other landscape features in the outside two feet of these planters shall not extend more than two inches above the curb or wheel stop. Irrigation equipment should be placed outside of the bumper overhang. Curbs adjacent to landscape planters may contain cuts or notches to allow stormwater to pass into the planter if part of a landscaped stormwater management system.

Sec. 8108-5.14.8- Materials Loading Area Screening

Materials loading areas shall be visually screened from any adjacent street, residentially zoned parcel, or residential land use. Where such screening is not provided by an intervening building or structure, a landscape screen shall be provided. The landscape screen shall be composed of a solid wall plus plant material that softens the look and breaks up the expanse of the wall. Plant material may be

used as the main screening element only if a minimum of 50 percent of the plants are of 15-gallon can size when planted, the rest are of 5-gallon can size, and the plants form a dense hedge.

Section 5

Article 9: Standards for Specific Zones and Zone Types

Article 9, Sec. 8109-0.6 – Landscaping, of the Ventura County Ordinance Code is hereby amended to read as follows:

Sec. 8109-0.6 Landscaping

Sec. 8109-0.6.1 – CO Zone

The following regulations shall apply to the CO zone:

- a. At least ten percent of any permit area shall be devoted to landscaping.
- b. Parking area landscaping may be counted toward the required ten percent permit area landscaping;
- c. The required landscaping area shall be provided with permanent irrigation systems and may contain pools and pedestrian walks.
- d. Trees shall be planted in the parkway area between the curbs and sidewalks.

Sec. 8109-0.6.2 - C1 Zone

At least ten percent of any permit area in the C1 zone shall be landscaped.

Sec. 8109-0.6.3 - CPD Zone

Discretionary development in the CPD zone shall require landscaping on at least ten percent of the total permit area, except for lots that are less than 5,000 square feet in which case the minimum *landscape* requirements may be modified or waived by the *Planning Director* or designee to improve safety factors such as traffic circulation or access.

Sec. 8109-0.6.4 - M-Zone.

The following regulations shall apply to all industrial zones (M1, M2, and M3):

- a. Required yards adjacent to streets, not used for other purposes, shall be improved with appropriate permanently maintained plant material or ground cover that retains its leaves year-round. Such landscaping shall extend to the street curb line, where appropriate.
- b. Trees shall be planted along the street line of each project site. Such street trees may also be located on private property and grouped or clustered as appropriate.
- c. At least ten percent of any permit area in the M1 zone shall be landscaped.
- d. At least five percent of any permit area in the M2 or M3 zone shall be landscaped.

Sec. 8109-0.6.5 - Landscaping in Other Zones

In other zones, minimum landscaping for design, screening, stormwater management, slope stabilization, or revegetation purposes may be required by the *Planning Director* or designee dependent upon the type of development project. (ADD. ORD. 4407 – 10/20/09)

Article 9, Sec. 8109-1.2.1 – Standards for Residential Planned Development (RPD) Zone of the Ventura County Ordinance Code is hereby amended to read as follows:

Sec. 8109-1.2.1 - General Standards

The following design criteria shall apply to developments in the RPD zone:

- a. In order to develop an RPD project, there shall be single ownership or unified control of the site, or written consent or agreement of all owners of the subject property for inclusion therein. (AM. ORD. 4377 – 1/29/08)
- b. The landscaping standards of Section 8106-8.2 and the parking requirements of Article 8 shall apply in the RPD zone. (AM. ORD. 4377 – 1/29/08; AM. ORD. 4407 – 10/20/09)
- c. Buildings and circulation systems shall be designed so as to be integrated with the natural topography where feasible, and to encourage the preservation of trees and other natural features.
- d. Mechanical heating and cooling equipment shall be screened from public view.
- e. Minimum project density must be equal to at least 60 percent of that permitted by the zoning designation on the project site. (ADD. ORD. 3759 - 1/14/86)

Article 9, Sec. 8109-1.3.4 - Residential High Density Development Standards, of the Ventura County Ordinance Code is hereby amended to read as follows:

Sec. 8109-1.3.4 –Residential High-Density Development Standards

The site plans or other materials submitted with the RHD Zoning Clearance Application shall establish compliance with the following development standards:

a. Setback Regulations

Setbacks shall be in accordance with standards established in Section 8106-1.1.

b. Open Space Requirements

Open space shall be provided for the benefit and recreational use of the residents of the multi-family residential project in accordance with the following standards:

(1) Common Open Space:

- (a) At least 20 percent of the permit area shall be preserved as common open space.
- (b) Land uses considered as common open space for the purposes of this section include parks, recreational facilities, common gardens, greenbelts at least ten feet wide, bikeways, and pedestrian paths not associated with individual dwelling access. Landscaped common open space areas shall be installed pursuant to Section 8106-8.2.
- (c) At least 50 percent of the area designated as common open space shall be comprised of land with slopes of ten percent or less.
- (d) The following areas may not be used to fulfill the common open space requirement:
 - i. Streets and street rights-of-way;

- ii. Parking areas and driveways, and parking area landscaping;
- iii. Drainage or retention facilities that are not specifically designed for common recreational uses; or
- iv. Private Outdoor Open Space

(e) Property owner(s) are responsible for maintenance of all common open space in compliance with Section 8106-8.2.8.

(2) Private Outdoor Open Space:

In addition to Common Open Space, private open space shall be provided for each unit. It may be provided in the form of outdoor patios, decks and/or balconies and shall be directly and exclusively accessed by the unit it is intended to serve.

(a) Ground Floor Level Units: Private outdoor open space must be a minimum of 150 square feet per unit and all dimensions must be a minimum of 8 feet.

(b) Upper Level Units: Private outdoor open space for upper level units must be provided as balconies or loggias with a minimum 5-foot depth dimension.

- c. Multi-family residential projects located on parcels adjacent to agricultural operations shall include a 300-foot setback between the agriculture and the new residential structures or a 150-foot setback if there is a vegetative barrier between the agriculture and the new residential structures.
- d. Multi-family residential projects located adjacent to railroad right-of-way shall provide 6-foot high fencing or walls on-site to prevent project residents from accessing the railroad tracks.
- e. The applicant must demonstrate that the Water and Environmental Resources Division of the Watershed Protection District has determined: (1) there is sufficient water supply to serve the proposed multi-family development; and (2) if the proposed multi-family development is located within the service area of a water purveyor that provides water from an overdrafted groundwater basin or provides water from a groundwater basin that is in hydrologic connection with an overdrafted groundwater basin, that the proposed multi-family development will not adversely impact the overdrafted groundwater basin. If the groundwater basin that will serve the development is located within the boundaries of the Fox Canyon Groundwater Management Agency then the Water and Environmental Resources Division of the Watershed Protection District must first consult with the Fox Canyon Groundwater Management Agency prior to making its determination.

Applicants may be required to submit a water demand study prepared by a state-licensed Civil Engineer or Professional Geologist that demonstrates the project will not cause a net increase in average annual groundwater extraction. If a water demand study is required, it must consider the current consumptive water demand of existing land uses on the project site and the estimated consumptive water demand of the proposed project. The effects of changes in percolation rates due to development, water recycling and conservation measures such as low water use appliances and efficient irrigation must be considered in the analysis.

- f. If the proposed multi-family residential project site is located in a dam inundation area as identified in the Hazards Appendix of the General Plan, then an emergency evacuation plan submitted by the applicant must be approved by the County Office of Emergency Services.
- g. Compliance with all other applicable County development and building standards.

Article 9, Sec. 8109-4.1.3 – General and Special Exemptions, of the Ventura County Ordinance Code is hereby amended to read as follows:

Sec. 8109-4.1.3 - General and Special Exemptions

- a. A discretionary permit is not required if the applicant can demonstrate to the satisfaction of the *Planning Director* or designee that proposed grading or structures will not be visible from any road right-of-way within the County General Plan Regional Road Network or scenic lake identified by the County General Plan, or other location as specified by an Area Plan. Visibility from the Regional Road Network shall be measured from the sidewalk, if available, or as close as practical to the edge of pavement.
- b. A discretionary permit is not required for:
 - (1) Restoration of land to its prior condition following floods, landslides or natural disasters;
 - (2) Construction of an at-grade pool on a previously approved graded area;
 - (3) Re-grading of existing or previously irrigated agricultural areas for agricultural purposes so long as no new excavation or fill would exceed five feet in height;
 - (4) Removal of: agricultural crops, vegetation on previously cultivated agricultural areas that have been abandoned for up to five years or on land classified as Prime, Statewide Importance or Unique on the California Department of Conservation Important Farmlands Inventory, landscape vegetation, and non-native *invasive* or *watch list species* plants found on the list compiled by the California Invasive Plant Council; or
 - (5) Vegetation modification adjacent to existing buildings as required by the Fire Protection District (VCFPD) pursuant to VCFPD Ordinance, or pursuant to a Community Wildfire Protection Plan or similar fuel modification/wildfire protection plan adopted by the VCFPD. (ADD. ORD. 4413 – 4/6/10)

Article 9, Sec. 8109-4.5.4 – Deviations from Development, Parking, Landscape and Sign Standards of the Ventura County Ordinance Code is hereby amended by revisions as follows:

Sec. 8109-4.5.4 - Deviations from Development, Parking, Landscape and Sign Standards

Deviations from the following development, landscape and sign standards may be approved by the decision-making authority, provided the deviations meet the standards set forth in subsections (a) and (b) of Section 8109-4.6.3 and the *MWELo*, where applicable:

- a. Required Minimum Setbacks (Section 8106-1.2).
- b. Maximum Structure Height (Section 8106-1.2).
- c. Landscaping (Section 8106-8.2).
- d. Prohibited Signs: Projecting Signs (Section 8110-4i).
- e. General Sign Standards: Location (Section 8110-5.2).
- f. Window Signs (Section 8110-6.13).

(ADD. ORD. 4144 - 7/22/97; AM. ORD. 4390 – 9/9/08; AM. ORD. 4407 – 10/20/09)

Section 6

Article 11: Entitlements – Process and Procedures

Article 11, Sec. 8111-6.1 - Modification of Permits, of the Ventura County Ordinance Code is hereby amended to read as follows:

Sec. 8111-6.1 - Modification of Permits

An application for modification of a permit or variance pursuant to this section may be filed by any person or entity listed in Sec. 8111-2.2. Any change of an approved discretionary permit is also a discretionary decision and is considered to fall into one of the categories noted below, except as specified in Sec. 8107-45.10 regarding wireless communication facilities and Section 8106-8.2.9 regarding *landscape plans*. For all of the following situations, any adjustments or modifications to permits or variances issued without a previously approved environmental document shall be reviewed for its incremental impact on the environment, and subject to the appropriate process.

Section 7

Severability

If any section, subsection, sentence, clause, phrase or word of the Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Ventura County Board of Supervisors hereby declares that it would have passed and adopted this Ordinance, and each and all provisions hereof, irrespective of the fact that one or more provisions may be declared invalid.

Section 8

Effective and Operative Date

This Ordinance shall become effective and operative 30 days after adoption.

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PASSED AND ADOPTED this 9th day of March 2021 by the following vote:

AYES: Supervisors LaVere, Long, Huber, Ramirez and Parks

NOES: None

ABSENT: None

Linda Parks

CHAIR, BOARD OF SUPERVISORS

ATTEST:

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

By *Tom Key*

Deputy Clerk of the Board

