Ordinance Amending the Coastal Zoning Ordinance,

Clean Format

County of Ventura

Energy and Military Land Use Compatibility Roadmap

(Case Nos. PL24-0109 and PL24-0120)

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ORDINANCE NO. _____

COUNTY OF VENTURA ORDINANCE AMENDING ARTICLES 1, 2, 3, 4, 5, 6 AND 7 OF THE VENTURA COUNTY COASTAL ZONING ORDINANCE PERTAINING TO SEVERAL ENERGY AND MILITARY LAND USE COMPATIBILITY PROGRAMS IN ACCORDANCE WITH GENERAL PLAN PROGRAMS AND BOARD OF SUPERVISORS DIRECTION

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

Section 1

ARTICLE 1:

AUTHORITY, PURPOSE, AND APPLICATION OF CHAPTER

Article 1, Sec. 8171-4 of the Ventura County Ordinance Code is hereby amended to read as follows:

Sec. 8171-4 - General Prohibitions

Sec. 8171-4.1

No structure shall be moved onto a site, erected, reconstructed, added to, enlarged, advertised on, structurally altered or maintained, and no structure or land shall be used for any purpose, except as specifically provided and allowed by this Chapter, with respect to land uses, building heights, setbacks, minimum lot area, maximum *building lot coverage* and lot width, and with respect to all other regulations, conditions and limitations prescribed by this Chapter as applicable to the same zone in which such use, structure or land is located. (AM.ORD.4055-2/1/94)

Sec. 8171-4.2

No person shall use or permit to be used, any building, structure, or land or erect, structurally alter or enlarge any building or structure, contract for advertising space, pay for space, or advertise on any structure except for the uses permitted by this Chapter and in accordance with the provision of this Chapter applicable thereto.

Sec. 8171-4.3

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

Sec. 8171-4.4
No permit or entitlement shall be issued for any use or construction on a lot that is not a legal lot. (ADD.ORD.4055-2/1/94, AM.ORD. 4451-12/11/12)

Sec. 8171-4.5
No permit or entitlement shall be issued for the following prohibited uses:

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

b. The cultivation of medical cannabis as those terms are defined in Business and Professions Code section 19300.5 for which a license is required pursuant to Health and Safety Code section 11362.777.

c. *Solar concentration*.

Article 1, Sec. 8171-9 of the Ventura County Ordinance Code is hereby amended to read as follows:

Overlay Zones	Abbreviation	Minimum Lot Area
Santa Monica Mountains	M /	Not Applicable
Military Land Use Compatibility	MLUC /	Not Applicable

Section 2

ARTICLE 2:

DEFINITIONS

Article 2, Sec. 8172-1 of the Ventura County Ordinance Code is hereby amended by the addition of the following definitions in appropriate alphabetical order:

Battery Energy Storage - Any facility, *structure*, installation, or equipment that, as a *principal use*, stores energy using electrochemical technology and then discharges that energy later for offsite *use* for utility purposes.

Battery Energy Storage, Accessory - Any facility, *structure*, installation, or equipment, *accessory* to a *principal use*, that stores energy using electrochemical technology and then discharges that energy later for onsite use.

Building Lot Coverage - The ratio of the area of land covered by buildings (i.e., the total "building area") to gross lot area, expressed as a percentage of lot area. For purposes of this definition, "building" is any structure having a roof supported by columns or walls, and "building area" is the area included within the surrounding exterior walls or columns of a building, exclusive of courts.

Electric Vehicle Charging Station (EVCS) - A *use* that may be either *principal* or *accessory*, which provides electric vehicle charging spaces served by a power supply device and associated equipment that supplies electrical power for recharging plug-in electric vehicles. Such *use* may include capabilities to charge electric bicycles, low speed vehicles, light-, medium-, and heavy-duty plug-in electric vehicles. For entitlement purposes, an EVCS includes any components that are integral to the functioning of the charging station, e.g., associated equipment and paving following the installation of conduit.

Energy Production from Renewable Sources and Energy Storage: An umbrella term encompassing a number of specific uses, that for the purposes of this definition, refers to any facility, *structure*, or installation as a *principal use* that produces naturally replenished energy from wind, water, sunlight, geothermal heat, or biomass, and/or facilities that store energy primarily for off-site uses.

Generation Interconnect (Gen-Tie) Line - A transmission or distribution line that connects an *energy production from renewable sources and energy storage use* to the electrical grid, enabling the transfer of stored or produced energy to offsite locations.

Geothermal Energy Generation - Any facility, *structure*, installation, or equipment that, as a *principal use*, harnesses energy from the earth's natural heat for electricity generation, heating, or cooling that can be used offsite for utility purposes.

Imaginary Surface - Those areas of an active aircraft runway that are used to define the required airspace that shall remain free of vertical obstructions to ensure safe flight operations.

Nonconforming Structure - A *structure*, or portion thereof, that was lawfully erected or altered and maintained, but that no longer conforms with *development* standards, including standards for *building lot coverage*, *setbacks*, *height*, parking, and *buffer zones* for *environmentally sensitive habitat areas*, solely because of revisions made to *development* standards of this Chapter, including standards for *buffer zones*, *building lot coverage*, *lot area* per *structure*, *height*, and *setbacks*. (AM.ORD.4451-12/11/12)

Solar Concentration – Any facility, *structure*, installation, or equipment that collects, concentrates, and converts energy from sunlight to a receiver in a manner that could generate *glare*, and is distinct from *solar photovoltaic energy generation*. Examples of such facilities include power tower systems and linear systems.

Solar Photovoltaic Energy Generation - Any facility, *structure*, installation, or equipment that, as a *principal use*, generates energy from sunlight using photovoltaic cells that can be used for offsite utility purposes.

Solar Photovoltaic Energy Generation, Accessory: Any facility, *structure*, installation, or equipment, *accessory* to a *principal use,* that generates energy from sunlight using photovoltaic cells for onsite use. The "onsite use" requirement does not preclude participation in a net metering program or other utility program to send surplus generated electricity from the system back to the grid.

Solar Photovoltaic Energy Generation, Portable Accessory: Any *structure*, installation, or equipment, *accessory* to a *principal use*, that generates energy from sunlight using solar photovoltaic cells for onsite use and is designed to be connected to and disconnected from a *building's* electrical system through an electrical receptacle outlet. The "onsite use"

requirement does not preclude participation in a net metering program or other utility program to send surplus generated electricity from the system back to the grid.

Waste-To-Energy Facility - A facility capable of processing a variety of organic waste streams, using specialized equipment, into energy, (e.g., a facility generating biogas from biomass) used for offsite utility purposes.

Wildlife Impermeable Fencing – A fence or wall, other than a retaining wall, that prevents various species of wildlife including amphibians, reptiles, mammals, and birds, from freely passing through with little or no interference. Except for gates and associated gate support components, a fence that includes one or more of the following design features is considered wildlife impermeable fencing:

1. Any fence that is higher than 60 inches above grade, inclusive of any wire strands placed above a top rail of a fence.
2. Any electric fence comprised of any material or number of electrified components.
3. Any fence that is constructed of wrought iron, plastic mesh, woven wire, razor wire, or chain link or that consists entirely of a solid surface, such as cinderblock.

Wind Energy Generation - Any facility, *structure*, installation, or equipment that, as a *principal use*, converts wind energy to a form of usable energy that is used offsite for utility purposes. The *use* consists of a wind turbine, tower, and associated electronics.

Wind Energy Generation, Accessory - Any facility, *structure*, installation, or equipment, *accessory* to a *principal use*, that that converts wind energy to a form of usable energy that is used onsite. May be paired with *accessory battery energy storage* as a component of this *accessory use*. The *use* consists of a wind turbine, tower, and associated electronics that meet the development standards of Sections 8175-2, 8175-4, and 8175-5. The "onsite use" requirement does not preclude participation in a net metering program or other utility program to send surplus generated electricity from the system back to the grid.

Wind Energy Generation, Agricultural Accessory - An *accessory wind energy generation use* that is an *accessory use* to an *agricultural activity permitted use.*

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Section 3

ARTICLE 3:

PURPOSES OF ZONES

Article 3, Sec. 8173 of the Ventura County Ordinance Code is hereby amended to read as follows:

Sec. 8173-13 – Military Land Use Compatibility (MLUC) Overlay Zone

The purposes of this *overlay zone* are to establish standards and requirements that ensure land use compatibility within areas affected by military aircraft operations and related activities associated with Naval Base Ventura County (NBVC), in order to:

a. Establish the Federal Aviation Administration (FAA) Part 77 *imaginary surfaces* and related airspace *height* requirements;

b. Increase public awareness and ensure the general safety and welfare of persons affected by adverse impacts common to military aircraft operations including noise zones of 65 DNL (day-night average sound level) and above, and accident potential zones (APZs) as designated in the Air Installations Compatible Use Zones (AICUZ) Report for the Naval Base Ventura County and as authorized for public use by the Department of the Navy;

c. Regulate the siting of *solar photovoltaic energy generation*, *battery energy storage*, ground-mounted *accessory solar photovoltaic energy generation*, and ground-mounted *accessory battery energy storage* where such *uses* could pose potential safety or incompatibility issues with military operations; and

d. Ensure that all complete discretionary entitlement applications that have transmission facilities operating near military spectrum or are bird and wildlife attracting uses, are referred to Naval Base Ventura County.

Section 4

ARTICLE 4:

PERMITTED USES

Article 4, Sec. 8174-5 of the Ventura County Ordinance Code is hereby amended to read as follows:

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LAND USE CATEGORY	PERMIT REQUIREMENTS BY ZONE										
	COS	CA	CR	CRE	CR1	CR2	RB	RBH	CRPD	CC	CM
ENERGY FACILITIES, Including *Energy Production From Renewable Sources*											
• Battery Energy Storage	CUP										CUP
• Geothermal Energy Generation	CUP										CUP
• Hydroelectric Energy Generation	CUP										CUP
• Solar Photovoltaic Energy Generation	CUP										CUP
• Waste-To-Energy Facility	CUP										CUP
• Wind Energy Generation	CUP										CUP
• If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5	ZC										ZC
ACCESSORY BATTERY ENERGY STORAGE*, *ACCESSORY SOLAR PHOTOVOLTAIC ENERGY GENERATION*, AND *PORTABLE ACCESSORY SOLAR PHOTOVOLTAIC ENERGY GENERATION	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD
• if exempt per Sec. 8174-6.2.2, 8174-6.2.3, 8174-6.2.5, 8174-6.3.2, 8174-6.3.4, 8174-6.3.5, or 8174-6.3.6.	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC
ACCESSORY WIND ENERGY GENERATION	CUP										CUP
• if exempt per Sec. 8174-6.2.2, 8174-6.2.3, 8174-6.2.5, 8174-6.3.2, 8174-6.3.4, 8174-6.3.5, or 8174-6.3.6.	ZC										ZC
AGRICULTURAL ACCESSORY WIND ENERGY GENERATION	PD	PD	PD								
• if exempt per Sec. 8174-6.2.2, 8174-6.2.3, 8174-6.2.5, 8174-6.3.2, 8174-6.3.4, 8174-6.3.5, or 8174-6.3.6.	ZC	ZC	ZC								

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

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

Section 5

ARTICLE 5:

DEVELOPMENT STANDARDS / CONDITIONS – USES

Article 5, Sec. 8175-2 of the Ventura County Ordinance Code is hereby amended to read as follows:

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

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

<table>
<tr><th rowspan="3">Zone</th><th rowspan="3">Minimum Lot Area (a)</th><th rowspan="3">Maximum Percentage of Building Lot Coverage</th><th rowspan="3">Minimum Lot Width</th><th colspan="4">Required Minimum Setbacks (b)</th><th colspan="3">Maximum Height (b)</th></tr>
<tr><th rowspan="2">Front</th><th colspan="2">Side</th><th rowspan="2">Rear</th><th rowspan="2">Principal Structure</th><th rowspan="2">Exceptions (Principal Structure)</th><th rowspan="2">Accessory Structure</th></tr>
<tr><th>Interior & Corner Lots, Except Reverse Corner</th><th>Reverse Corner Lots: Street Side</th></tr>
<tr><td>COS</td><td>10 Acres (c)</td><td rowspan="9">See Sec. 8175-2.1</td><td rowspan="6">40'</td><td rowspan="4">20'</td><td>10'</td><td>20'</td><td rowspan="6">15'</td><td rowspan="6">25'</td><td rowspan="6">Height May Be Increased to 35' if Each Side Setback is at Least 15'</td><td rowspan="2">Same as Principal Structure</td></tr>
<tr><td>CA</td><td>40 Acres (c)</td></tr>
<tr><td>CR</td><td>One Acre</td><td rowspan="4">5'</td><td rowspan="4">10'</td><td rowspan="5">15'</td></tr>
<tr><td>CRE</td><td>20,000 Sq. Ft.</td></tr>
<tr><td>CR1</td><td rowspan="2">7000 Sq. Ft.</td><td rowspan="2">20' (d)</td></tr>
<tr><td>CR2</td></tr>
<tr><td>RB</td><td>3,000 Sq. Ft. (e)</td><td rowspan="2">25'</td><td>10'</td><td>3'</td><td rowspan="2">5'</td><td>14' (f)</td><td rowspan="2">28', Measured to the Highest Point of the Finished Roof (i)</td><td rowspan="2">Height May Be Increased to 30' for A-frame Structures</td></tr>
<tr><td>RBH</td><td>(g)</td><td>20' (h)</td><td>3' (q)</td><td>6' (r)</td></tr>
<tr><td>CRPD</td><td>As Specified by Permit</td><td>See Sec. 8175-2.1</td><td>As Specified</td><td colspan="4">See Sec. 8177-1.3</td><td>25'</td><td>N/A</td><td></td></tr>
</table>

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Zone	Minimum *Lot Area* (a)	Maximum Percentage of *Building Lot Coverage*	Minimum *Lot* Width	Required Minimum *Setbacks* (b)				Maximum *Height* (b)		
				Front	Side		Rear	*Principal Structure*	Exceptions (*Principal Structure*)	*Accessory Structure*
					Interior & *Corner Lots*, Except Reverse Corner	Reverse *Corner Lots*: Street Side				
CC	20,000 Sq. Ft.		by Permit	(j)	(k)		(l)	35'		
CM	10 Acres		40'	(m)				(n)		

(AM.ORD.3876-10/25/88, AM.ORD.4055-2/1/94, AM.ORD.4451-12/11/12, AM.ORD.4586-10/19/21)

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

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

(c) For all proposed *land divisions* in the COS and CA zones, the parent *parcel* shall be subject to the following *slope/density formula* for determining minimum *lot area*.

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

S = *average slope* (%)

I = contour interval (feet)

L = total length of all contour lines (feet)

A = total area of the *lot* (square feet)

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

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

CA: 0% - 35% = 40 acres
Over 35% = 100 acres

Exception (CA): Property with a land *use* designation of "*Agriculture*" in the Coastal Area Plan that is not *prime agricultural land* shall have a *lot area* not less than 200 acres, regardless of *slope*. (AM.ORD.4451-12/11/12)

(d) *Dwellings* constructed with carports or garages having a curved or "swing" driveway, with the entrances to the garages or carports facing the side property line, may have a minimum *front setback* distance of 15 feet. (AM.ORD.4451-12/11/12)

(e) Minimum 1500 sq. ft. of *lot area* per *dwelling unit*; maximum two *dwelling units* per *lot*.

(f) If the *front setback* distance is 20 feet or more, the *rear setback* distance may be reduced to six feet. (AM.ORD.4451-12/11/12)

(g) 1,750 sq. ft. per *single-family dwelling*; 3,000 sq. ft. per *two-family dwelling*.

(h) Where there is a two- or three-storied *structure*, such second or third stories may intrude not more than four feet into the required *front setback*. Eaves may extend a maximum of two feet beyond the outside walls of such second or third floor extension. (AM.ORD.4451-12/11/12)

(i) See also Section 8175-3.13. (AM.ORD.4451-12/11/12)

(j) Ten feet if the *lot abuts* a *residential zone* on the side; otherwise, as specified by permit.

(k) Five feet on any side *abutting* a *residential zone*. Also, when the rear of a *corner lot abuts* a *residential zone*, the *side setback* distance from the street shall be at least five feet; otherwise, as specified by permit. (AM.ORD.4451-12/11/12)

(l) Ten feet if the rear of the *lot abuts* a *residential zone*; otherwise, as specified by permit.

(m) From street: the greater of 15 feet or 15% of *lot* width or depth. Interior: the greater of five feet or 10% of *lot* width or depth. The *Planning Director* is authorized to modify or entirely waive the interior *setback* requirements in cases where such reductions are necessary for efficient utilization of property and will not adversely affect the public health, safety or welfare, and rail *access* is provided to the *lot*.

(n) No *building* or *structure* located within 100 feet of any property in a *residential zone* shall exceed 60 feet in *height*; otherwise, as specified by permit.

(o) Exception: Each *dwelling unit* of a *two-family dwelling* may have a zero *side setback* distance if constructed on a *lot* (other than a *through lot*) of at least 3,500 square feet in area created prior to February 26, 1987, if that *lot* is subdivided along a common side wall of the two *dwelling units*. (AM.ORD.4451-12/11/12)

(p) Exception: Each *dwelling unit* of a *two-family dwelling* may have a zero *rear setback* distance if constructed on a *through lot* of at least 4,000 square feet in area created prior to February 26, 1987, if that *lot* is subdivided along a common rear wall of the two *dwelling units*, and the *front setback* distance of each resulting *lot* is at least 20 feet. (AM.ORD.4451-12/11/12)

(AM.ORD.4586-10/19/21)

Sec. 8175-2.1 – Building Lot Coverage Standards

The following table indicates the *building lot coverage* standards for each Coastal Area Plan land *use* designation. The applicable building lot coverage standards included in the following table are a maximum and may be reduced through application of the resource protection policies and standards of this Chapter and the Coastal Area Plan.

Coastal Area Plan Land Use Designation	Maximum *Building Lot Coverage*
Open Space	5% (a)
Agriculture	5% (a)
Recreation	5%
Residential – Rural	25% (b)
Residential – Low	29%
Residential – Medium	42%

Residential – High	65%
Commercial	40%
Industrial	40%

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

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

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

Article 5, Sec. 8175-4 of the Ventura County Ordinance Code is hereby amended to read as follows:

Sec. 8175-4.6 - Heating and Cooling Equipment

Accessory heating and cooling equipment and necessary appurtenances may locate within required rear or side setback areas but shall locate at least 3 feet from any rear or side lot line.

Sec. 8175-4.17 – Airport & Military Height Limits and FAA Notice Requirements

a. Height limits as set forth in 14 Code of Federal Regulations (CFR) Part 77 Subpart C - §77.17, Obstruction Guidelines, shall be adhered to within the imaginary surfaces, as defined in subsection (b) below, of any airport located in Ventura County.

b. Imaginary surfaces for civil airports located in Ventura County (Oxnard) are those defined in 14 Code of Federal Regulations (CFR) Part 77 Subpart C - §77.19. Imaginary surfaces for military installations and training routes are those defined in 14 CFR Part 77 Subpart C - §77.21. Other development standards, including maximum height, for areas within the Military Land Use Compatibility (MLUC) Overlay Zone to ensure compatibility with military installations and training routes are included in Section 8177-5.2.

c. For any *structure* (e.g., buildings or antennas) that could extend into FAA imaginary surfaces located within the Military Land Use Compatibility (MLUC) Overlay Zone that meets the notice criteria in 14 CFR §77.9, Subpart B, the project applicant shall file FAA Form 7460-1 (Notice of Proposed Construction or Alteration) with the FAA and shall provide the County with a copy of the FAA's resulting determination prior to County approval of any discretionary entitlement subject to the filing requirements. The County shall not approve any entitlement determined by the FAA to constitute a hazard to air navigation. The applicant should determine if FAA filing is required prior to submitting an entitlement application to the County by using the FAA's Obstruction Evaluation / Airport Airspace Analysis (OE/AAA) pre-screening tool. The OE/AAA pre-screening tool may be accessed on the FAA website*.

*https://oeaaa.faa.gov/oeaaa/oe3a/main/#/noticePrescreen

Article 5, Sec. 8175-5.20.12.3 of the Ventura County Ordinance Code is hereby amended to read as follows:

Modifications to a *wireless communication facility* that cannot be processed with a *Zoning Clearance*, pursuant to Section 8175-5.20.12.1 above, shall be processed through one of the following discretionary permits:

a. Site Plan Adjustment - Any change to a *wireless communication facility* or the permit for that facility that would not alter any of the findings made pursuant to Section 8181-3.5, nor any findings of approval for the permit or any findings contained in the environmental document prepared for the project, and would not have any adverse impact on the subject site or surrounding properties, including any adverse impact on *coastal resources*, may be deemed a Site Plan Adjustment and acted upon by the *Planning Director* without a hearing. Additionally, these minor changes shall not circumvent the purpose or lessen the effectiveness of the approved permit conditions and must be consistent with all other provisions of the LCP. In addition to the preceding, the proposed *modification* shall satisfy each of the following criteria as applicable:

   1. Alterations to the approved landscaping plan that comply with standards in Section 8175-5.20.3(r) and may result in replacement vegetation or additional vegetation for screening purposes; and
   2. Modifications that do not result in noise generating equipment which would exceed originally permitted levels; and
   3. Replacement, *modification*, or a series of replacements or *modifications* to a *wireless communication facility* that do not cumulatively constitute an increase in physical dimensions of 10 percent or more in any one or more of the following, and excluding the replacement of the tower, pole, or base station:
      - Height or width of the *antenna* or associated equipment;
      - Circumference of the *antenna*, mast, or pole;
      - Distance of the *antenna* array from the support *structure*;
      - Volume of equipment, including but not limited to the fuel tank, equipment sheds, guy wires, pedestals and cables;
      - Equipment area that is enclosed by structural elements or screening devices such as *fences* and walls; or
      - Lease area or *building lot coverage* included in the approved permit; and
   4. *Modifications* to the facility design and operation that are consistent with the facility's original design and permitted conditions of approval. Proposed changes to a *stealth* facility shall retain the necessary features to ensure the facility remains *stealth*, as stated in Section 8175-5.20.3(j). For example, a modified *faux tree* shall continue to appear like and simulate the original *faux tree*, or a *slim-line pole* shall retain its original profile.

b. Minor and Major Modification - *Modifications* to an existing *wireless communication facility* shall be processed as either a Minor or Major Modification pursuant to Section 8181.10.4.2 if the proposed *modification* cannot be processed through a *Zoning Clearance* (see Section 8175.5.20.12.1)

or Site Plan Adjustment (see Section 8175.5.20.12.3(a)). All extensions of the effective period of a discretionary permit shall be processed as a Minor or Major Modification of the existing permit.

Article 5, Sec. 8175-5.24 of the Ventura County Ordinance Code is hereby amended to read as follows:

Sec. 8175-5.24 – Energy Production from Renewable Sources and Energy Storage

a. **Purpose:** The purpose of this Section 8175-5.24 is to regulate *energy production from renewable sources and energy storage* to ensure the protection of coastal resources, public safety and compatibility with surrounding land *uses*, and avoid impacts to open space lands, while providing reliable renewable energy and energy storage for the community.

b. **Applicability:** Standards included in Section 8175-5.24 shall apply to *solar photovoltaic energy generation* and *battery energy storage*. This section does not apply to the *accessory solar photovoltaic energy generation*, *accessory wind energy generation*, *portable accessory solar photovoltaic energy generation, and accessory battery energy storage uses*, which are governed by Section 8175-5.25. *Battery energy storage*, with a rated capacity of less than 20-megawatts (MW) per *legal lot*, shall be considered *accessory battery energy storage*, and shall be subject to the development standards in Section 8175-5.24. *Solar photovoltaic energy generation* with entitlement boundaries measuring 5 acres or less per *legal lot*, including any *fuel modification zone* required by the Ventura County Fire Protection District, and that is in previously developed or disturbed areas (e.g., parking lots, previously graded areas, and staging/storage areas), shall be considered *accessory solar photovoltaic energy generation* and therefore subject to the development standards in Section 8175-5.24.

c. *Battery energy storage* that is sited to support *solar photovoltaic energy generation* shall be considered an *accessory battery energy storage use*, only if the storage capacity of the *battery energy storage* does not exceed the production capacity of the *solar photovoltaic energy generation*. This may be shown by demonstrating that the *battery energy storage* does not increase the maximum rated power output, measured in megawatts, at the point of interconnection beyond the rated AC capacity of the *solar photovoltaic energy generation*. Such an *accessory battery energy storage use* shall not be subject to the countywide acreage limitation established for *battery energy storage* set forth in Section 8175-5.24.1.

d. The following are minimum standards and requirements which shall be applied pursuant to Section 8175-5.24(b). More restrictive requirements may be imposed on a project to ensure consistency with the provisions of the *Local Coastal Program,* including those relating to visual resources and environmentally sensitive habitat areas, and through the conditions of the entitlement.

Sec. 8175-5.24.1 – Countywide Acreage Limitation for Battery Energy Storage in the COS Zone

The total cumulative acreage for *battery energy storage*, including *accessory* equipment and *structures* but excluding the area for ingress and egress to the system, shall not exceed 20 cumulative net acres within the Coastal Open Space (COS) zoning district. The Planning Division shall track the total net acres that remain available for *battery energy storage* systems that are subject to this Section.

Sec. 8175-5.24.2 – Battery Energy Storage System Development

Standards

The purpose of this Section 8175-5.24.2 is to regulate *battery energy storage* as a *principal use* to ensure the protection of coastal resources, public safety and compatibility with surrounding land *uses*. See Section 8175-5.25 for standards applicable to *accessory battery energy storage* as an *accessory use*. The standards and requirements included in Section 8175-5.24.2 shall be imposed through conditions of approval, as needed to ensure implementation. *Battery energy storage* systems are subject to the other applicable requirements of this Chapter, including, but not limited to, Section 8174-4 and Section 8178-2.5.

Sec. 8175-5.24.2.1 – General Standards and Requirements

a. **Development Standards:** In addition to the *building lot coverage*, *setback*, and *height* development standards included in Article 5, *battery energy storage* shall be constructed, installed, commissioned, operated, maintained, and decommissioned in accordance with the specifications included in the Ventura County Fire Code.

b. **Contact Person:** The *permittee* shall provide the *Planning Director* with the current name(s) and/or position title, address and phone number of the person who shall receive all orders, notices and communications regarding system operations and safety, and code compliance. Such contact person(s), or designee, shall be available by telephone 24 hours a day and have a business address located within Ventura County or the adjacent counties of Los Angeles, Santa Barbara, or Kern.

c. **Height:** The maximum *structure height* shall be as determined by the applicable zoning district, except for transmission line towers necessary for *generation interconnect (gen-tie) lines*. When necessary for interconnection, the maximum *height* of towers necessary for connection to transmission line towers shall be the *height* of the adjacent tower being connected to. All other system *structures* are subject to the applicable maximum *structure height* development standards of the zoning district.

d. **Setbacks:** When located in the COS Zone, *battery energy storage* shall be sited outside of *public viewing areas*, *setback* 50 feet from property lines, public rights-of-way, any *dwelling*, stored combustible materials, and hazardous materials. Where other buffer or setback standards of the *Local Coastal Program* also apply, the standard that provides the largest buffer shall be required. When located in the CM Zone, *battery energy storage* shall be *setback* as specified in Section 8175-2.

e. **Battery Energy Storage System Maximum Size:** To preserve open space and agricultural soils, when located in the COS Zone, the remaining area of the *lot*, minus the permit area of the *battery energy storage* system, shall be no smaller than the minimum *lot* area established by Section 8171-9. For example, the maximum permitted size for a *battery energy storage* system on lot with a gross lot area of 30 acres and that is zoned COS-10 ac, would be calculated using the following formula: 30 acres (gross lot area) – 10 acres (minimum lot area) = 20 acres (maximum size for a *battery energy storage* system).

f. **Exclusion Areas:** *Battery energy storage* systems shall be prohibited in the following areas:

    (1) Santa Monica Mountains (M) Overlay Zone

g. **Concentration of Systems:** No *battery energy storage* system entitlement boundary shall be located within one-quarter mile of another *battery energy storage* system entitlement boundary.

h. **Proximity to Existing Transmission Lines:** *Battery energy storage* systems shall be constructed adjacent to, or as feasibly close to, existing electrical transmission lines.

i. **Undergrounding of Electrical Utilities:** All proposed electric utility lines on-site serving the battery energy storage shall be placed underground. The decision-making authority may waive this requirement, if infeasible, provided that such waiver does not conflict with California Public Utilities Commission rules or requirements. This standard shall only apply to newly installed utility infrastructure to serve the *battery energy storage* and does not require a utility customer or utility provider to underground all existing utility lines if already served by overhead utility.

j. **Spill Control:** *Battery energy storage* shall at minimum include spill control in accordance with the Ventura County Fire Code.

k. **Landscaping and Screening:** When located in the COS zone, b*attery energy storage* shall be sufficiently screened so as to not be prominently visible when viewed from *public roads* and public recreational areas such as parks, beaches, state designated trails, and Ventura County regional and local trails/corridors that are accessible to the general public. *Battery energy storage* is prominently visible if, without the aid any magnifying equipment such as cameras, binoculars, etc., it stands out as an obvious or noticeable feature within its setting when seen from *public roads* and public recreational areas such as parks, beaches, state designated trails, and Ventura County regional and local trails/corridors that are accessible to the general public. *Battery energy storage* systems are subject to the other applicable landscaping and screening requirements of this Chapter, which includes 8178-8.4.2.2. Visual screening may include landscaping, berms, walls, fencing. Landscaping and screening shall conform to the following standards:

(1) Landscaping is the preferred method for screening batteries, storage areas, trash enclosures, parking areas and public utilities. Plant material spacing for visual screening shall include the following:

i. Trees shall be planted at a minimum rate of one for each 30 linear feet of landscape area. Shrubs shall be installed as needed to adequately screen the development, but no less than one for every 5 linear feet of landscape area.

ii. Plants may be used as the main screening element only if a minimum 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.

(2) 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, as well as coloration, texture, location, and orientation techniques that blend the visual screen into the existing setting. 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.

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

l. **Land Conservation Act Consistency:** The *applicant* shall demonstrate at the time of application that all terms and conditions of an applicable Land Conservation Act contract will be maintained if a *battery energy storage* system is located on land subject to a Land Conservation Act contract.

m. **Hazard and Hazardous Material Mitigation Plan:** A Hazard and Hazardous Material Mitigation Plan shall be prepared and reviewed by a qualified third party approved by the Planning Division. This report shall be approved and required as a condition of approval with any entitlement. The plan shall include an evaluation of potential failure modes and the safety-related consequences attributed to the failures. The purpose of this analysis is to evaluate the potential for adverse effects to people and coastal resources related to hazards and hazardous materials. At a minimum, the plan shall address the following: (1) mitigation, (2) preparedness, (3) response, and (4) decommissioning and restoration, as included in Section 8175-5.24.2.1(r). The Hazard and Hazardous Material Mitigation Plan shall include an Emergency Operations Plan that includes, but is not limited to, the following:

(1) Procedures for safe shut down, de-energizing, or isolation of equipment and systems under emergency conditions to reduce the risk of fire, explosion, electrical shock, personal injuries, or other potentially dangerous conditions.

(2) Procedures for the inspection and testing of associated alarms, interlocks, and controls.

(3) Procedures to be followed in response to notifications of system alarms or out-of-range conditions that could signify potentially dangerous conditions, including shut down equipment, summoning service or repair personnel, and providing agreed-upon notification to fire department personnel, if required.

n. **Fire Suppression Consultation:** In accordance with Public Utilities Code section 8501, any application for *battery energy storage* that qualifies under Public Utilizes Code section 8500 shall include a certification by the applicant that, at least 30 days before submitting the application, the applicant met and conferred with the authority that has jurisdiction over fire suppression in the area where the battery energy storage system is proposed, and discussed the system's design, sought input on mitigating potential fire and life safety concerns, and sought input on the content of emergency action plans required by Section 761.3 of the Public Utilities Code. The Applicant shall bear the cost of the consultation in accordance with the adopted Ventura County Fire Protection District Fee Schedule. The application shall include documentation of this consultation, including the date, the names and titles of participants, a summary of fire safety matters discussed, and a description of how the application addresses those matters.

o. **Required Inspection Prior to Commencing Operations:** In accordance with Public Utilities Code Section 8502, any application for *battery energy storage* that qualifies under Public Utilities Code section 8500 shall after completion of installation but prior to commencing operation of the *battery energy storage*, *permittee* shall have the battery energy storage inspected by the respective

authorities having jurisdiction, including the authority that has jurisdiction over fire suppression. Permittee shall bear the cost of these inspections in accordance with the adopted Ventura County Fire Protection District Fee Schedule. The inspector shall be provided a copy of the documentation of the initial fire official consultation submitted with the application as set forth in subsection (n) above.

p. **Insurance:** *Battery energy storage* systems shall maintain insurance coverage to compensate for potential third-party impacts related to a fire, explosion, or other incident related to the project. The following minimum insurance coverages shall be maintained with no gap in coverage, until full restoration of the site is completed. The minimum insurance amounts required under this section, as set forth below, shall be administratively adjusted by the *Planning Director* once every three years to account for inflation based on the U.S Department of Labor, Bureau of Labor Statistics, Consumer Price Index for Los Angeles-Long Beach-Anaheim. *Permittee* shall submit to the Planning Division a certificate of insurance, prior to *use* inauguration of the new or renewed entitlement, including additional insureds endorsement, and other documentation as needed to demonstrate ongoing compliance with the minimum insurance requirements.

    (1) General Liability: General Liability, with at least $1,000,000 each occurrence and $2,000,000 general aggregate including sudden and accidental pollution.

    (2) Excess Liability: Excess Liability with at least $4,000,000 each occurrence and $4,000,000 general aggregate including sudden and accidental pollution.

    (3) The County of Ventura, its boards, agencies, departments, officers, employees, agents, and volunteers shall be named as additional insureds ("Additional Insureds") as respect to all work done, activities undertaken, and operations conducted by the *permittee* on all required insurance policies. All required insurance shall be primary coverage with respect to Additional Insureds, and any insurance or self-insurance maintained by Additional Insureds shall be excess of *Permittee's* insurance coverage and not contribute to it.

    (4) *Permittee* shall immediately inform the Planning Division if any aggregate insurance limit is exceeded in which case the *Permittee* shall obtain additional coverage to meet the requirements of this condition.

    (5) Policies shall not be canceled, non-renewed or reduced in scope of coverage until after 30 days written notice, except 10 days for non-payment of premium, has been provided to the Planning Division. *Permittee* shall provide the Planning Division with certificates of insurance including Additional Insured endorsements demonstrating proof of any new policy with verification that it will be effective on or before the end of the existing policy.

    (6) *Permittee* shall require adequate insurance of its contractors and subcontractors.

q. **Decommissioning and Site Restoration:** *Battery energy storage* systems shall comply with the following decommissioning and site restoration requirements:

    (1) All system components shall be disposed of or recycled offsite in accordance with applicable state and local regulations. Battery energy storage systems shall upon expiration or termination of the entitlement

or abandonment, be removed and the site restored to pre-operation conditions. A decommissioning and restoration plan shall be submitted at the time of application that includes the cost of removal of all elements and reclamation of the site, and shall be required as a condition of approval. Plans shall address removal of all elements and restoration of the site including, but not limited to, evaluation of biological resources, soil preparation, and measures required to ensure long-term success of the restoration. Removal and restoration plans shall also include all elements of the operation, including but not limited to, concrete and other foundations, battery energy storage systems, appurtenant structures, and project related infrastructure (e.g. access roads, storage structures, transmission equipment, berms, walls, fencing, landscaping, etc.).

(2) In addition to the requirements of Section 8175-5.24.2.1(q)(1), if the system is located within the COS zoning district, a soils report shall be prepared to document the baseline condition of the physical and chemical makeup of the existing soils to be impacted by the project. The report shall be prepared by a professional with expertise in analyzing soil conditions and shall use criteria established by the United States Department of Agriculture Natural Resources Conservation Service for the designation of Classified Soils. Impacted soils shall be restored to the baseline condition as determined in the soils report, to the extent feasible determined by the *Planning Director* in consultation with the County of Ventura Department of Agriculture / Weights & Measures. On lots with native vegetation prior to operation, native plant species shall be revegetated following decommissioning. The decommissioning and site restoration plan will be reviewed by a qualified third party approved by the Planning Division and shall be approved concurrently with any entitlement and included as a condition of approval.

r. **Sureties or Cash Equivalent:** *Permittee* shall obtain and maintain surety or cash equivalent as follows:

(1) Required sureties shall list the County of Ventura as the obligee.

(2) Sureties shall not be terminated and cancelled unless and until the *Planning Director* has confirmed in writing that (1) the *permittee* has fulfilled its obligations secured by each required surety, or (2) an adequate substitute surety has been provided.

(3) Each surety shall be conditioned upon the *permittee* fulfilling and performing all requirements of the approved Decommissioning and Restoration Plan.

(4) Required Surety Amount: A surety bond or cash equivalent shall be provided in the amount necessary as identified in the Decommissioning and Restoration Plan, in a form acceptable to the County Counsel.

(5) A cash equivalent surety may consist of a letter of credit, cashier's check, or certificate of deposit. It must be prepared and issued by a federally insured commercial bank, with an office in California, payable to the County of Ventura, in an amount equal to the required surety.

(6) All sureties required by this Section shall be acquired prior to use inauguration of a new or renewed entitlement.

(7) At each three-year interval after the initial date of notification for the required surety amount, each surety amount shall be inflation indexed by the *Planning Director* (i.e., increased or decreased to account for inflation over the preceding three-year period) based on the U.S. Department of Labor, Bureau of Labor Statistics, Consumer Price Index for Los Angeles-Long Beach-Anaheim. Approximately 60 days prior to the three-year interval review process, the Planning Division shall notify each *permittee* of the adjusted surety amounts, as inflation indexed. *Permittees* shall thereafter submit replacement sureties to the Planning Division based on the applicable new amounts within 30 days.

s. **Abandonment:** When any *battery energy storage* system ceases to store energy for 12 continuous months or more, it shall be considered abandoned and a public nuisance unless the *permittee* or property owner demonstrates by substantial evidence satisfactory to the *Planning Director* that there is no intent to abandon. Unforeseen system outages outside of the responsibility of the *permittee*, such as time during interconnection outages, utility transmission work, storm damage, and equipment purchase lead times may demonstrate that there is no intent to abandon. *Permittees* and/or property owners are required to remove all equipment and *structures* and to restore the site in compliance with the Decommissioning and Site Restoration Plan.

t. **Wildlife Impermeable Fencing:** *Wildlife impermeable fencing* may be used to enclose areas *abutting* cabinets and/or enclosures and ancillary equipment. Perimeter fencing of a parcel is prohibited in the COS zone. Also see Section 8178-2.6.14.

u. **Viewshed Analysis:** A viewshed alternatives analysis shall be prepared which assesses all proposed development using consistent, measurable visual data and simulations to compare all alternative on-site development locations and configurations to protect scenic resources and public viewsheds.

v. **Outdoor Lighting:** Outdoor lighting fixtures shall comply with the outdoor lighting standards included in Section 8177-4.1.11.

Sec. 8175-5.24.2.2– Permit Term, Time Extensions, and Modifications

Permit terms shall be as specified in Section 8175-5.24.2.2.1. Proposed modifications to an existing *battery energy storage* system shall be processed in accordance with Article 11 except that the type of permit modification required shall be a Zoning Clearance, Permit Adjustment, or Minor/Major Modification as provided below.

Sec. 8175-5.24.2.2.1– Permit Term and Time Extensions

When entitled by Conditional Use Permit, entitlements for new *battery energy storage* systems shall not exceed 30 years. Permit time extensions for *battery energy storage* systems are discretionary and if approved shall not exceed 30 years.

Sec. 8175-5.24.2.2.2– System Modifications

Battery energy storage entitlements may require periodic modifications to maintain system energy storage capacity. System modifications are subject to the requirements of the Ventura County Fire Code and Public Works Agency, and may be subject to new regulations and/or conditions of approval that were not previously applied. Proposed modifications to an existing *battery energy storage* system shall be processed in accordance with Article 11 of this Chapter except that the type of permit modification required shall be a Zoning

Clearance, Site Plan Adjustment, or Minor or Major Modification as provided below.

Sec. 8175-5.24.2.2.2.1– System Modifications Subject to a Zoning Clearance

Any of the following modifications to an existing *battery energy storage* system shall be processed with a Zoning Clearance.

a. Replacement of *battery energy storage* system equipment when the design and capacity of the equipment remains the same, but the size of equipment decreases or remains the same.

b. Replacement of older, less efficient system equipment with more efficient *battery energy storage* system equipment, as long as the total *battery energy storage* capacity and size of the equipment decreases or remains the same, and complies with the Ventura County Fire Code.

c. Modifications to equipment located within, and/or visually hidden by, an existing equipment shelter or cabinet, such as replacing parts and other equipment accessories. This may include new or replacement equipment cabinets, shelters, or enclosures that are physically located within the existing permitted site area.

Sec. 8175-5.24.2.2.2.2 – System Modifications Subject to a Site Plan Adjustment

The following modifications to an existing *battery energy storage* system shall be processed with a Site Plan Adjustment.

a. New or replacement equipment that would expand the energy storage capacity of the facility up to 20 percent of the originally approved capacity of the facility.

b. New or replacement equipment that involves a modification of the chemical processes used within the *battery energy storage* system.

Sec. 8175-5.24.2.2.2.3 – System Modifications Subject to a Minor or Major Modification

Modifications to an existing *battery energy storage* system shall be processed as either a Minor or Major Modification if the proposed modification cannot be processed as a Zoning Clearance (see Section 8175-5.24.2.2.2.1) or Permit Adjustment (see Section 8175-5.24.2.2.2.2).

Sec. 8175-5.24.3 - Solar Photovoltaic Energy Generation Development Standards

The purpose of this Section 8175-5.24.3 is to regulate *solar photovoltaic energy generation* as *principal use* to ensure public safety and compatibility with surrounding land *uses*. See Section 8175-5.25 for standards applicable to *accessory solar photovoltaic energy generation* as an *accessory use*. The development standards and requirements included in Section 8175-5.24.3 shall be imposed through conditions of approval, as needed to ensure implementation. Solar photovoltaic energy generation systems are

subject to the other applicable requirements of this Chapter, including, but not limited to, Section 8174-4 and Section 8178-2.5.

Sec. 8175-5.24.3.1 - Development Standards and Requirements:

a. ***Building Lot Coverage*:** Solar photovoltaic panels, when ground-mounted, do not contribute to *building lot coverage*. When solar photovoltaic panels are mounted to a roofed *structure* (e.g., a carport or equipment shelter), the roofed structure shall contribute to *building lot coverage*.

b. A site plan shall be submitted with permit application and shall include the following:

   (1) solar array footprint and *height;*

   (2) *setback* from all property lines;

   (3) landscape plan including fencing; and

   (4) utility interconnection data and a copy of written notification to the utility of the proposed interconnection.

c. Height

   (1) **Ground-Mounted:** The combined *height* of a *principal* solar array shall not exceed the *principal structure height* limit of the zone in which it is located when the panels are oriented at maximum design tilt (highest point of the system).

   (2) **Gen-Tie Lines:** The maximum height of transmission line towers necessary for interconnection of *generation interconnect (gen-tie) lines* shall be the height of the closest adjacent tower.

   (3) **Roof-Mounted:** Solar arrays may extend up to 5 feet above the roof surface on which they are installed, even if this exceeds the maximum *height* limit in the zoning district in which it is located.

d. Setbacks

   (1) Ground-Mounted: The *setbacks* for ground-mounted systems shall be that of the zone in which the facility is located. Where other buffer or setback standards of the *Local Coastal Program* also apply, the standard that provides the largest buffer shall be required.

e. **Exclusion Areas:** Solar photovoltaic energy generation systems shall be prohibited in the following areas:

   (1) Santa Monica Mountains (M) Overlay Zone

f. **Concentration of Systems**: No *solar photovoltaic energy generation* system entitlement boundary shall be located within one-quarter mile of another *solar photovoltaic energy generation* system entitlement boundary.

g. **Glare Control**: Solar arrays shall be painted an unobtrusive color and have a nonreflective surface.

h. **Hazard and Hazardous Material Mitigation Plan:** When *battery energy storage* is sited to support the *solar photovoltaic energy generation*, as described in Section 8175-5.24 (c), and has a capacity of 20-megawatts (MW) or greater,

a Hazard and Hazardous Material Mitigation Plan shall be prepared and reviewed consistent with Section 8175-5.24.2.1 (n).

i. **Landscaping and Screening:** When located in the COS zone, solar photovoltaic energy generation shall be sufficiently screened so as to not be prominently visible when viewed from *public roads* and public recreational areas such as parks, beaches, state designated trails, and Ventura County regional and local trails/corridors that are accessible to the general public. *Solar photovoltaic energy generation* is prominently visible if, without the aid any magnifying equipment such as cameras, binoculars, etc., it stands out as an obvious or noticeable feature within its setting when seen from *public roads* and public recreational areas such as parks, beaches, state designated trails, and Ventura County regional and local trails/corridors that are accessible to the general public. Visual screening may include landscaping, berms, walls, and fencing. Landscaping and screening shall conform to the following standards:

(1) Landscaping is the preferred method for screening panels, storage areas, trash enclosures, parking areas and public utilities. Plant material spacing for visual screening shall include the following:

i. Trees shall be planted at a minimum rate of one for each 30 linear feet of landscape area. Shrubs shall be installed as needed to adequately screen the development, but no less than one for every 5 linear feet of landscape area.

ii. Plants may be used as the main screening element only if a minimum 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.

(2) 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.

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

j. **Decommissioning and Site Restoration:** Solar photovoltaic energy generation systems shall comply with the following decommissioning and site restoration requirements:

(1) All system components shall be disposed of or recycled in accordance with applicable state and local regulations. Solar photovoltaic energy generation systems shall upon expiration or termination of the entitlement or abandonment, be removed and the site restored to pre-operation conditions or to a level appropriate for the applicable zoning district (e.g., restoration of a site within an industrial zoning district may not require removal of all concrete and paving). A decommissioning and restoration plan shall be submitted at the time of application that includes the cost of removal of all elements and reclamation of the site to a level appropriate for the applicable zoning district and at the discretion of the *Planning Director*. Plans shall address removal of all elements and reclamation of the site including, but not limited to, evaluation of adjacent grasses and vegetation, soil

preparation, seed/crop planting, and watering and fertilization (if necessary). Removal and restoration shall also address all elements of the operation, including but not limited to, concrete and other foundations, solar modules, posts, appurtenant structures, and project related infrastructure (e.g. access roads, storage structures, transmission equipment, etc.).

(2) In addition to the requirements of Section 8175-5.24.3.1(j)(1), if the system is located within the COS zoning district, and on soils classified by the United States Department of Agriculture Natural Resources Conservation Service, a soils report shall be prepared to document the baseline condition, physical and chemical makeup of the existing soils to be impacted by the project. The report shall be prepared by a professional with expertise in analyzing soil conditions and utilize criteria established by the United States Department of Agriculture Natural Resources Conservation Service for the designation of Classified Soils. Impacted soils shall be restored to the baseline condition as determined in the soils report, to the extent feasible determined by the *Planning Director* in consultation with the County of Ventura Department of Agriculture / Weights & Measures. The decommissioning and site restoration plan will be reviewed by a qualified third party approved by the Planning Division, and shall be approved concurrently with any entitlement. On lots with native vegetation prior to operation, native shrubs and other native plant species shall be revegetated following decommissioning.

k. **Sureties or Cash Equivalent:** *Permittee* shall obtain and maintain surety or cash equivalent as follows:

(1) Required sureties shall list the County of Ventura as the obligee.

(2) Sureties shall not be terminated and cancelled unless and until the *Planning Director* has confirmed in writing that (1) the *permittee* has fulfilled its obligations secured by each required surety, or (2) an adequate substitute surety has been provided.

(3) Each surety shall be conditioned upon the *permittee* fulfilling and performing all requirements of the approved Decommissioning and Restoration Plan.

(4) Required Surety Amount: A surety bond or cash equivalent shall be provided in the amount necessary as identified in the Decommissioning and Restoration Plan, in a form acceptable to the County Counsel.

(5) A cash equivalent surety may consist of a letter of credit, cashier's check, or certificate of deposit. It must be prepared and issued by a federally insured commercial bank, with an office in California, payable to the County of Ventura, in an amount equal to the required surety.

(6) All sureties required by this Section shall be acquired prior to use inauguration of a new or renewed entitlement.

(7) At each three-year interval after the initial date of notification for the required surety amount, each surety amount shall be inflation indexed by the *Planning Director* (i.e., increased or decreased to account for inflation over the preceding three-year period) based on the U.S. Department of Labor, Bureau of Labor Statistics, Consumer Price Index for Los Angeles-Long Beach-Anaheim. Approximately 60 days prior to the three-year interval review process, the Planning Division shall notify

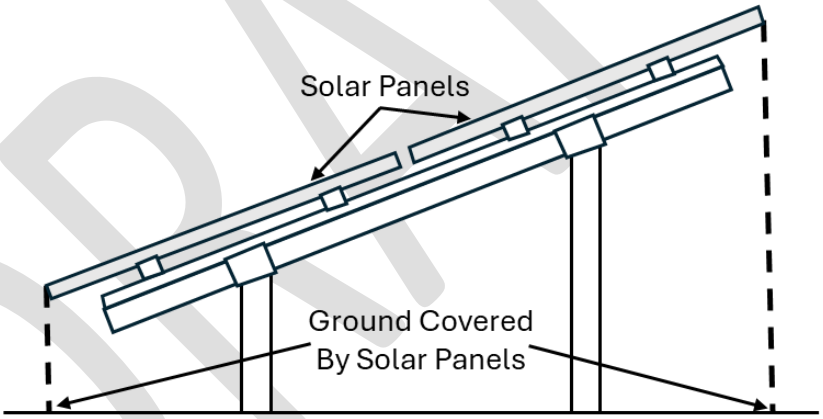
each *permittee* of the adjusted surety amounts, as inflation indexed. *Permittees* shall thereafter submit replacement sureties to the Planning Division based on the applicable new amounts within 30 days.

l. **Abandonment:** When any ground-mounted *solar photovoltaic energy generation* system ceases to produce energy for 12 continuous months or more, it shall be considered abandoned and a public nuisance unless the *permittee* or property owner demonstrates by substantial evidence satisfactory to the *Planning Director* that there is no intent to abandon. Unforeseen system outages outside of the responsibility of the *permittee*, such as time during interconnection outages, utility transmission work, storm damage, and equipment purchase lead times may demonstrate that there is no intent to abandon. *Permittees* and property owners are required to remove all equipment and *structures* and to restore the site in compliance with the Decommissioning and Site Restoration Plan.

m. **Wildlife Impermeable Fencing:** *Wildlife impermeable fencing* may be used to enclose areas abutting solar panels and ancillary equipment but shall be otherwise minimized.

n. **Maximum Size:** When located in the COS Zone, the maximum amount of ground covered by solar panels, as illustrated in Figure 3 below, shall not exceed 5% of *lot area*.

Figure 3



o. **Viewshed Analysis:** A viewshed alternatives analysis shall be prepared which assesses all proposed development using consistent, measurable visual data to compare all feasible on-site locations and configurations. The Planning Division shall approve the alternative that results in the least impact on protected viewsheds, relative to other protected coastal resources and may require additional alternatives if the evidence is insufficient.

p. **Outdoor Lighting:** Outdoor lighting fixtures shall comply with the outdoor lighting standards included in Section 8177-4.1.11.

q. **Undergrounding of Electrical Utilities:** All proposed electric utility lines on-site serving the *solar photovoltaic energy generation* shall be placed underground. The *decision-making authority* may waive this requirement, if feasible, provided that such waiver does not conflict with California Public Utilities Commission rules or requirements. This standard shall only apply to

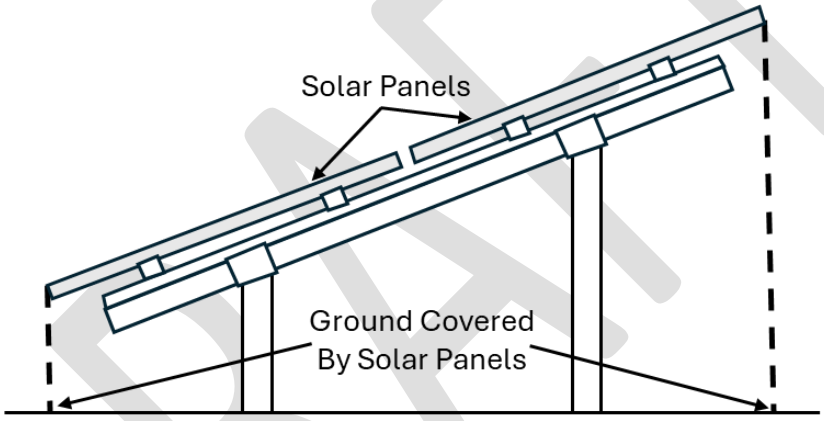
newly installed utility infrastructure to serve the *solar photovoltaic energy generation* and does not require a utility customer or utility provider to underground all existing utility lines if already served by overhead utility.

Sec. 8175-5.24.3.2 – Solar Photovoltaic Energy Generation Canopies at Existing Parking Lots

Solar photovoltaic energy generation canopies, when proposed to cover existing paved parking lots serving existing buildings or land uses, shall be considered *accessory solar photovoltaic energy generation*, although energy generated exclusively by this *use* may be used either offsite or onsite, and subject to the requirements of Section 8175-5.25, if it meets the following requirements. If the use does not meet the following requirements, the use shall be subject to the requirements of the *solar photovoltaic energy generation use*, pursuant to Section 8175-5.24.3, as applicable.

(1) The total amount of ground covered by panels measures 10 acres or less, as illustrated in Figure 4 below.

Figure 4



(2) There is enough vertical clearance beneath the panels to provide shelter for vehicles.

(3) The panels and all necessary equipment do not prevent access to any required parking spaces pursuant to Section 8176-3.

Sec. 8175-5.25 – Accessory Battery Energy Storage, Accessory Solar Photovoltaic Energy Generation, Accessory Wind Energy Generation, and Portable Accessory Solar Photovoltaic Energy Generation

The purpose of this Section 8175-5.25 is to regulate *accessory battery energy storage, accessory solar photovoltaic energy generation, accessory wind energy generation, and portable accessory solar photovoltaic energy generation* to ensure public safety and compatibility with surrounding land *uses*.

Sec. 8175-5.25.1 - Accessory Battery Energy Storage Systems

Accessory battery energy storage, which is permitted in all zoning districts, shall conform to the following standards:

a. Be 3 feet from any rear or side lot line.

b. Ground-mounted *accessory battery energy storage* systems are subject to the *building lot coverage* development standards as contained in Article 5. All *accessory battery energy storage* systems, shall conform to the *setback* and *height* development standards included in Article 5.

c. *Accessory battery energy storage systems* shall be constructed, installed, commissioned, operated, maintained, and decommissioned in accordance with the specifications included in the Ventura County Fire Code.

d. All proposed electric utility lines added on-site to serve the *accessory battery energy storage* shall be placed underground. The *decision-making authority* may waive this requirement, if infeasible, provided that such waiver does not conflict with California Public Utilities Commission rules or requirements. This standard shall only apply to newly installed utility infrastructure to serve the *accessory battery energy storage* and does not require a utility customer or utility provider to underground all existing utility lines if already served by overhead utility.

e. A*ccessory battery energy storage* systems shall include spill control in accordance with the Ventura County Fire Code.

f. *Accessory battery energy storage systems* shall not obstruct parking spaces, as required pursuant to Article 6.

g. *Accessory battery energy storage* shall have a rated capacity of less than 20-megawatts (MW). Systems exceeding this capacity shall be considered and entitled as principal *battery energy storage* and subject to the development standards of Section 8175-5.24.2.

h. When an *accessory battery energy storage* system ceases to store energy for 12 continuous months or more, or when the *principal use* being served expires or is abandoned, the system must be decommissioned and removed by the *permittee* or property owner within 180 days.

i. **Fire Suppression Consultation:** In accordance with Public Utilities Code section 8501, any application for *accessory battery energy storage* that qualifies under Public Utilities Code section 8500 shall include a certification by the applicant that, at least 30 days before submitting the application, the applicant met and conferred with the authority that has jurisdiction over fire suppression in the area where the *accessory battery energy storage* system is proposed, and discussed the system's design, sought input on mitigating potential fire and life safety concerns, and sought input on the content of emergency action plans required by Section 761.3 of the Public Utilities Code. The Applicant shall bear the cost of the consultation in accordance with the adopted Ventura County Fire Protection District Fee Schedule. The application shall include documentation of this consultation, including the date, the names and titles of participants, a summary of fire safety matters discussed, and a description of how the application addresses those matters.

j. **Required Inspection Prior to Commencing Operations:** In accordance with Public Utilities Code section 8502, any application for *accessory battery energy* that qualifies under Public Utilities Code section 8500 shall after completion of installation but prior to commencing operation of the *accessory battery energy storage*, permittee shall have the *accessory battery energy storage* inspected by the respective authorities having jurisdiction, including the authority that has jurisdiction over fire suppression. Permittee shall bear the cost of these inspections in accordance with the adopted Ventura County Fire Protection District Fee Schedule. The inspector shall be provided a copy of the documentation of the initial

fire official consultation submitted with the application as set forth in subsection (j) above.

Sec. 8175-5.25.2 - Accessory Solar Photovoltaic Energy Generation

Accessory solar photovoltaic energy generation, which is permitted in all zoning districts, shall conform to the following standards:

a. All *accessory solar photovoltaic energy generation*, shall conform to the *setback* and *height* development standards included in Article 5.

b. Solar photovoltaic panels, when ground-mounted, do not contribute to *building lot coverage*. When solar photovoltaic panels are mounted to a roofed structure (e.g., a carport or equipment shelter), the roofed structure shall contribute to *building lot coverage*.

c. All proposed electric utility lines added on-site to serve the *accessory solar photovoltaic energy generation* shall be placed underground. The *decision-making authority* may waive this requirement, if infeasible, provided that such waiver does not conflict with California Public Utilities Commission rules or requirements. This standard shall only apply to newly installed utility infrastructure to serve the *accessory solar photovoltaic energy generation* and does not require a utility customer or utility provider to underground all existing utility lines if already served by overhead utility.

d. When an *accessory solar photovoltaic energy generation* system ceases producing energy for 12 continuous months or more, or when the *principal use* being served expires or is abandoned, the system must be decommissioned and removed by the *permittee* or property owner within 180 days.

Sec. 8175-5.25.3 - Accessory Wind Energy Generation

Accessory wind energy generation shall conform to the following standards:

a. *P*roduce energy to be used onsite and be accessory to a principal *use*.

b. All *accessory wind energy generation structures* shall conform to the *setback* and *height* development standards included in Article 5.

c. The *height* of an *accessory wind energy generation structure* shall be measured to the top of the support *structure*, not inclusive of the propeller blades, as measured from the top of the finished foundation pad. The foundation pad shall be the minimum necessary to support the *structure* but no more than 18 inches in *height*. Propeller blades shall be parked in the horizontal position when not in operation.

d. Towers and blades shall have a nonreflective surface and be painted an unobtrusive color.

e. All proposed electric utility lines added on-site to serve the *accessory wind generation* shall be placed underground. The *decision-making authority* may waive this requirement, if infeasible, provided that such waiver does not conflict with California Public Utilities Commission rules or requirements. This standard shall only apply to newly installed utility infrastructure to serve the *accessory wind energy generation* and does not require a utility customer or utility provider to underground all existing utility lines if already served by overhead utility.

f. When an *accessory wind energy generation* system ceases producing energy for 12 continuous months or more, or when the *principal use* being served expires or

is abandoned, the system must be decommissioned and removed by the permittee or property owner within 180 days.

Sec. 8175-5.25.4 - Portable Accessory Solar Photovoltaic Energy Generation

Portable accessory solar photovoltaic energy generation, which is permitted in all zoning districts*,* shall conform to the following standards:

a. Produce energy to be used onsite and be *accessory* to a *principal use*.

b. Shall be affixed in accordance with the manufacturer's installation instructions.

c. Not located in a required *setback* area or be affixed to a tree.

d. Comply with the development standards of Article 5.

Section 6

ARTICLE 6:

PARKING AND LOADING REQUIREMENTS

Article 6, Sec. 8176-2.5 of the Ventura County Ordinance Code is hereby amended to read as follows:

Sec. 8176-2.5 - Solar Structures

a. The installation of solar photovoltaic or hot water systems on canopies or other structures over parking areas/spaces is encouraged and allowable, but only if such structures do not obstruct any required fire apparatus access lanes and provided that the canopy or other structure is consistent with all other policies and provisions of the LCP.

Sec. 8176-2.5.1 Electric Vehicle Charging Stations and Electric Vehicle Readiness

Solar photovoltaic canopies shall integrate *electric vehicle charging stations* and electric vehicle ready spaces as required by the California Green Building Standards Code. Required electric vehicle charging stations and electric vehicle ready spaces may locate elsewhere on the lot, not directly beneath the solar photovoltaic canopies, if it is infeasible to locate all under the proposed solar photovoltaic canopies. To qualify as electric vehicle ready, the vehicle space must provide a branch circuit and any necessary underground or surface-mounted enclosed conduit to accommodate electric vehicle charging, terminating in a receptacle or a charger.

Article 6, Sec. 8176-9 of the Ventura County Ordinance Code is hereby amended to read as follows:

Sec. 8176-9 –Electric Vehicle Charging Stations

The use of electric vehicles is an effective means of reducing the greenhouse gas emissions associated with car travel. The standards set forth below serve to encourage alternative modes of transportation that do not rely on vehicles powered by gasoline or diesel fuel.

Sec. 8176-9.1 – Definition of types of Electric Vehicle Charging Stations

Electric vehicle charging stations (EVCS)-are classified based on the following levels:

a. Alternating Current (AC) Level 1 Charging (120 volts) Standard wall outlet charging, typically comes with the car; slowest but simplest charging.

b. Alternating Current (AC) Level 2 Charging (208-240 volts) requires a dedicated circuit and may require an electrical panel upgrade.

c. Direct Current (DC) Fast Charging: DC Fast Chargers require electrical panel and service upgrades and allow for faster recharging of electric vehicles utilizing Direct Current.

Sec. 8176-9.2 - Residential Electric Vehicle Charging Stations

AC Level 1 and AC Level 2 electric vehicle charging stations are permitted in all residential zones and Santa Monica Mountains (M) Overlay zone in accordance with the following:

a. Electric vehicle charging stations are permitted only on a legally developed residential *parcel*.

b. *A* parking space that serves as an *electric vehicle charging station* shall be used to compute the number of required off-street parking spaces to the extent required by California Government Code Section 65850.71(d).

Sec. 8176-9.3 – Non-Residential Electric Vehicle Charging Station

AC Level 1, AC Level 2 and DC Fast Charging electric vehicle charging systems are permitted in the Coastal Agricultural (CA), Coastal Open Space (COS), Coastal Commercial (CC), and Coastal Industrial (CM) zones. Non-residential electric vehicle charging stations shall be designed in conformance with the following:

a. Non-Residential electric vehicle charging stations shall only serve off-street parking facilities.

b. The first electric vehicle charging station space shall be designed to allow access for persons with disabilities pursuant to Section 8176-3.4, Accessible Parking for Disabled Persons. No signage or space marking indicating a handicap parking space is required.

Sec. 8176-9.4 – Permit Requirements

No person shall place, erect, or install new electric vehicle charging station or modify, alter, or incorporate electrical or mechanical upgrades to a legally permitted electric vehicle charging station without first obtaining a *Zoning Clearance* per Section 8176-9.4.1 and/or a *Planned Development Permit* per Section 8176-9.4.2 in accordance with the provisions of the electric vehicle Application Procedures in Section 8176-9.4.3.

Sec. 8176-9.4.1 –Electric Vehicle Charging Station - Zoning Clearance

A *Zoning Clearance* is required for the following electric vehicle charging stations except when proposed in a location described in Section 8176-9.4.2.

a. Electric vehicle charging stations affixed directly to a legally authorized *building* or *structure* in compliance with Section 8174-6.2.2, Improvements to Existing Single-Family Dwellings, and Section 8174-6.3.4, Improvements to Non-Residential Structures, Other than Public Works Facilities.

b. Any modification or alteration of an existing permitted electric vehicle charging station that does not result in an addition to, or enlargement or expansion of, the electric vehicle charging station.

c. Replacement of existing permitted electric vehicle charging stations destroyed by disaster pursuant to Section 8174-6.3.5.

Sec. 8176-9.4.2 –Electric Vehicle Charging Station - Planned Development Permit

A *Planned Development Permit* is required for the following *electric vehicle* charging stations:

a. Electric vehicle charging stations not affixed to a *building* or *structure* and where the construction of the electric vehicle charging station requires earth disturbing activities for which a grading permit is required.

b. Repair, maintenance or upgrades to a permitted *electric vehicle* charging where the proposed method of repair, maintenance or upgrade will involve substantial adverse effects on a coastal resource.

Following approval of a *Planned Development Permit*, the permittee shall obtain a *Zoning Clearance* prior to initiating the permitted use in accordance with Section 8181-3.1

Sec. 8176-9.4.3 – Electric Vehicle Charging Station Permit Application Requirements

When a *Planned Development Permit* and/or a *Zoning Clearance* is required, an application shall be filed with the Planning Division in accordance with Section 8181-5, and shall be signed by the property owner and the applicant or authorized agent thereof. The application shall be processed pursuant to Article 11, Entitlements – Process and Procedures. In addition to providing the information and materials required by Section 8181-5, the application shall also provide the following information and materials:

a. A site plan showing the dimensions of the *parcel*, location and size of any existing or proposed *buildings* or *structure*s on the property, and *adjacent* streets and land *uses*.

b. The location of off-street parking facilities, parking space dimensions, points of entry and exit for motor vehicles, and proposed charging system location including location of additional meter, if applicable;

c. The proposed electric vehicle charging station dimensions (height, width and depth).

d. The method of attachment of the electric vehicle charging station to any *structure*; if applicable.

e. Single line electrical plan that graphically depicts points of connection from electrical source to the electric vehicle charging station.

f. Type of charging system: Level 1, Level 2, or DC Fast Charging, with approved Underwriters Laboratories product listing *agency* verifying safety-related certification and inspection of the electric vehicle charging station electrical devices and components.

g. Manufacturer's specifications, installation guidelines, and, if applicable, ventilation requirements;

h. Existing panel rating and proposed charging load and calculations;

i. If a second electrical meter and dedicated breaker is installed for the purpose measuring only a electric vehicle's energy use separate from a home or business electric load, the second meter must be labeled as "EV Charging Only".

j. Other information that the Planning Division may require to secure compliance with this Chapter.

Sec. 8176-9.5 –Electric Vehicle Charging Station Design Standards

a. Location – Outdoor Sites

1. Electric vehicle charging station outlets and connector shall be no less than 36 inches or no higher than 48 inches from the top of the surface where mounted and shall contain a retraction device or a place to hang cords and connectors above the ground surface, unless the manufacturer instructions for the electrical vehicle supply equipment recommends otherwise.

2. When attached to the side of a *building*, the charging system must be at least 3 feet from the property line.

3. Equipment shall be protected by wheel stops or concrete-filled bollards.

b. Location – Indoor Sites

1. Indoor sites shall be limited to garages, parking *structure*s, and agricultural *buildings*.

2. The electrical vehicle supply unit shall be located to permit direct connection to the electric vehicle.

3. Electric vehicle charging stations shall be stored or located at a height of no less than 18 inches and no more than 4 feet unless the manufacturer instructions for the electrical vehicle supply equipment recommends otherwise.

4. Where the electric vehicle charging equipment requires ventilation for indoor operation, ventilation equipment connected to the outdoors shall be installed and permanently maintained.

c. Lighting

1. In no case, shall direct light from a electric vehicle charging station illuminate a public street, walkway, or *adjacent* property in a manner that causes a nuisance, traffic hazard or safety hazard.

2. Illuminated electric vehicle charging stations are prohibited within 100 feet of environmentally sensitive habitat areas.

d. Signage. Signage shall be designed in conformance with Article 5 Section 8175-5.13 of this Chapter. The following information shall be displayed on electric vehicle charging station signs:

1. Voltage and amperage levels;

2. Safety information;

3. Hours of operations if time limits or tow-away provisions are to be enforced by the property owner;

4. Usage fees;

5. Contact information for reporting when the equipment is not operating or other problems.

6. Electric vehicle parking spaces must be designated with signage stating "EV Charging Only."

Article 6, Sec. 8176-3.8.1(e) of the Ventura County Ordinance Code is hereby amended to read as follows:

e. **Parking Reserve**. When parking spaces required by this article for non-residential *uses* are not needed by the current land use occupants or are not needed in the current phase of *development*, the land for those spaces may be held in reserve. This parking reserve shall be limited to one parking space or up to ten percent (10%) of the total number of required parking spaces, whichever is greater. The parking reserve area shall be included in the determination of *building lot coverage* as though the spaces were in use. To take advantage of reserved parking, the following provisions shall be met:

1. The applicant must demonstrate that the reduced number of parking spaces will be adequate to provide sufficient parking for the land *uses* on the property.
2. The area designated as reserve parking must be clearly depicted on the approved site plan, and the terms and conditions of the reserved parking shall be clearly set forth in the approved site plan notations.
3. Landscaping must be provided in lieu of the required parking spaces in compliance with Section 8178-8, Water Efficient Landscaping Requirements.
4. The reserved parking spaces must be maintained in a manner that leaves them available for conversion to required parking spaces. No above-ground improvements shall be placed or constructed upon the reserve parking area.
5. The permit shall be conditioned to require the conversion of the reserved spaces into usable parking spaces as initiated by occupant use or phased *development*, or at any time that the Director determines necessary.

Section 7

ARTICLE 7:

STANDARDS FOR SPECIFIC ZONES

Article 7, Sec. 8177-2 of the Ventura County Ordinance Code is hereby amended to read as follows:

Sec. 8177-2 – Standards for Coastal Commercial (CC) Zone

Sec. 8177-2.1 - Lighting

There shall be no illumination or *glare* from commercial sites onto *adjacent* properties or streets that may be considered either objectionable by *adjacent* residents or hazardous to motorists. Flashing lights are prohibited. (AM.ORD.4451-12/11/12)

Sec. 8177-2.2 - Undergrounding of Utilities

All utility lines shall be placed underground by the developer. This requirement may be waived by the *decision-making authority* where it would cause undue hardship or constitute an unreasonable requirement, provided such waiver is not in conflict with California Public Utilities Commission regulations. Appurtenant *structures* and equipment

such as surface-mounted transformers, pedestal-mounted terminal boxes and meter cabinets may be placed aboveground.

Sec. 8177-2.3 - Enclosed Building Requirement

All *uses* shall be conducted within a completely enclosed *building* unless the *use* is listed in Article 4 as an outdoor *use*, or one that must be outdoors in order to function. (AM.ORD.4451-12/11/12)

Sec. 8177-2.4 - Building Lot Coverage

No more than 40 percent of the area of any *lot* in the CC zone shall be covered with *buildings*. (AM.ORD.4451-12/11/12)

Sec. 8177-2.5 - Construction Materials

Principal *buildings* constructed of metal are not permitted. Accessory *buildings* constructed of metal shall have exterior surfaces of a stainless steel, aluminum, painted or similar finish.

Article 7, Sec. 8177-5 of the Ventura County Ordinance Code is hereby amended to read as follows:

Sec. 8177-5 – Standards and Procedures for Military Land Use Compatibility (MLUC) Overlay Zone

The abbreviated reference for the Military Land Use Compatibility Overlay Zone when applied to a base zone shall be "MLUC". The suffix "MLUC" shall be added to the base zone covering land so identified. Every *lot* within the MLUC Overlay Zone shall be further designated by a specific numerical suffix to indicate the parcel's subarea within the MLUC Overlay Zone (example: CA-40ac/MLUC-5). Where applicable, the standards, requirements and procedures in this Sec. 8177-5 shall apply to *lots* in the Military Land Use Compatibility Overlay Zone in addition to those of the base zone.

Sec. 8177-5.1 Applicability

If a *lot* is located both inside and outside of the Military Land Use Compatibility Overlay Zone, the standards, requirements and procedures of this Section 8177-5 shall only apply to the portion of the *lot* that is located inside the Military Land Use Compatibility Overlay Zone.

Sec. 8177-5.2 Land Use Development Standards

The following land use development standards apply to *lots* or portions thereof located within the respective zone subarea within the Military Land Use Compatibility Overlay Zone. These land use development standards shall apply and take precedence over all conflicting provisions of this Chapter.

Table 1
(Sec. 8177-5.2)
Military Land Use Compatibility Overlay Zone Land Use Prohibitions and Development Standards

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MLUC Overlay Zone Subarea	Applicable Airspace or Airfield Imaginary Surface	Development Standard	Height Development Standard
MLUC-1	Federal Aviation Administration (FAA) Military Training Routes (MTR)	A, C	No *structure* exceeding 200 feet is permitted.
MLUC-2	NBVC Point Mugu Approach/Departure Clearance Surface Subzone (Glide Angle)	A, C	*Structure height* is limited to 1 foot for each 50 linear feet from the nearest end of the runway when measured in a straight line, but in no event shall a *structure* exceed the maximum *structure height* as specified in Section 8175-2. No *structure* exceeding 500 feet is permitted.
MLUC-3	NBVC Point Mugu Approach/Departure Clearance Surface Subzone (Horizontal)	A, C	No *structure* exceeding 500 feet is permitted.
MLUC-4	NBVC Point Mugu Transitional Surface Subzone	A, C	*Structure height* is limited to 1 foot for each 7 linear feet from the nearest end of the runway when measured in a straight line, but in no event shall a *structure* exceed the maximum *structure height* as specified in Section 8175-2.
MLUC-5	NBVC Point Mugu Inner Horizontal Surface Subzone	A, C	No *structure* exceeding 150 feet is permitted.
MLUC-6	NBVC Point Mugu Conical Surface Subzone	C	*Structure* height is limited to 1 foot for each 20 linear feet from the nearest end of the runway when measured in a straight line, but in no event shall a *structure* exceed the maximum *structure* height as specified in Section 8175-2.
MLUC-7	NBVC Point Mugu Outer Horizontal Surface Subzone	C	No *structure* exceeding 500 feet is permitted.
MLUC-8	NBVC Point Mugu Accident Potential Zone I, Accident	D	**Not Applicable**

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MLUC Overlay Zone Subarea	Applicable Airspace or Airfield Imaginary Surface	Development Standard	Height Development Standard
	Potential Zone II, and Clear Zone.		
MLUC-9	NBVC Point Mugu Minimum 65 CNL Noise Contour	D	
MLUC-10	Radio Frequency Encroachment Radius	B	
MLUC-11	Bird / Wildlife Aircraft Strike Hazard (BASH) Radius	B	

Development Standard Key

A) The following uses, regardless of *decision-making authority* and required entitlement as specified in Section 8174, require a *Planning Director* approved Planned Development Permit, or modification to an approved entitlement:

- Ground-mounted *accessory solar photovoltaic energy generation;* and
- Ground-mounted *accessory battery energy storage*.

B) All discretionary entitlement applications that have transmission facilities operating near military spectrum or are bird and wildlife attracting uses, after being deemed complete, shall be referred to Naval Base Ventura County by County staff for consultation. Such projects may be conditioned or denied based on such issues if they are clearly identified and cannot be sufficiently addressed, as determined by the County *decision-making authority*.

C) Discretionary entitlement applications for *solar photovoltaic energy generation* and *battery energy storage* systems, after being deemed complete, shall be submitted to the Department of Defense Military Aviation and Installation Assurance Siting Clearinghouse by County staff for consultation for potential safety issues or incompatibility issues with military operations. The project may be conditioned or denied based on such issues if they are clearly identified and cannot be sufficiently addressed, as determined by the County *decision-making authority*.

D) Prior to issuance of an entitlement for a proposed *dwelling* (inclusive of any accessory dwelling unit permitted by Section 8175-5.1.1), and/or any habitable *structure* not intended for human habitation that is accessory to a *principal use* (such as cabanas, pool houses and agricultural offices), as well as for any expansion to such existing dwellings and structures, the property owner, at its sole expense, shall record a document with the Ventura County Recorder's Office to appear on title to the subject property, in a form acceptable to the Planning Division, acknowledging the presence of risks and effects of aircraft activity due to proximity to a military base, including but not limited to low flying military aircraft and associated noise and vibration levels that may disturb occupants, as well as the increased risk of plane crashes and accident potential zone (APZ) hazards related to military airspace and aircraft training or testing activities. A copy of the recorded document shall be provided to the Planning Division and retained in the project file.

Section 8

ARTICLE 8: GENERAL DEVELOPMENT STANDARDS/CONDITIONS – RESOURCE PROTECTION

Article 18, Sec. 8178-2.6.2(b) of the Ventura County Ordinance Code is hereby amended to read as follows:

b. Existing Communities:* On *legal lots* zoned Residential Beach (RB), Residential Beach Harbor (RBH), Coastal Residential Planned Development (CRPD), Coastal One-Family Residential (CR1), Coastal Two-Family Residential (CR2), Coastal Rural Exclusive (CRE-20,000 sf only), and Coastal Commercial (CC), the allowable *building site* shall be determined as follows:

   1. *Development* shall not be subject to a maximum allowable *building site* solely because the *lot* contains the required *buffer zone* for off-site *ESHA*. This standard is not applicable to a *lot* that contains the *buffer zone* for an off-site *wet environment* and, in such cases, additional encroachment into the *buffer zone* will not be authorized.

   2. Most *lot*s in existing communities are currently developed. If a *lot* does contain on-site *ESHA*, the maximum allowable *building site* shall be a maximum of 10,000 square feet or 25 percent of the *legal lot* size (whichever is greater) but shall not exceed the maximum *building lot coverage* allowed by zoning.

   For *lot*s that contain a *wet environment* or its *buffer zone*, see Section 8178-2.6.2.2(b).

Article 18, Sec. 8178-8.3 of the Ventura County Ordinance Code is hereby amended to read as follows:

Sec. 8178-8.3 – Minimum Landscape Area

a. Unless otherwise stated in the subject discretionary permit or permit modification, the *landscape area* of the *lot*(s) where the *development* is located shall comprise no less than the minimum *building lot coverage* for the applicable zone as specified below, with the *landscape area* percentages computed on the basis of the *lot*'s or *lots*' *net area*.

   1. Coastal Industrial (CM): 5 percent
   2. Coastal Commercial (CC): 10 percent
   3. Residential, Institutional and other *uses*: As specified by the subject discretionary permit or permit modification.

b. Up to 10 percent of the required *landscape area* may be covered with *hardscapes* such as pathways, patio areas, gazebos, or *public art*. Additional *hardscapes* are permitted, but shall not be applied towards the minimum required *landscape area*.

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

c. A larger *landscape area* may be required to fulfill landscaping requirements of Section 8178-8.

Section 9

ARTICLE 11: ENTITLEMENTS - PROCESS AND PROCEDURES

Article 11, Sec. 8181-4 of the Ventura County Ordinance Code is hereby amended to read as follows:

Sec. 8181-4 – Variances

Variances are adjustments in the regulations and *development* standards contained in this Chapter. Variances are discretionary, and are granted to permit deviations from regulations governing such factors as *setbacks*, *height*, *building lot coverage*, *lot area* and width, *signs*, off-street parking and wall, fencing and screening standards. The procedures of Section 8181-6 shall be followed. Variances may not be granted to authorize a *use* or activity that is not otherwise expressly authorized by the zone regulations governing the property. (AM.ORD.4451-12/11/12)

Article 11, Sec. 8181-4.4 of the Ventura County Ordinance Code is hereby amended to read as follows:

Sec. 8181-4.4 - Administrative Variances

Applications for routine and minor adjustments in certain types of zoning regulations may be approved by the *Planning Director* as administrative variances, if the standard of Section 8181-4.2 are met. The procedures of Section 8181-6 shall be followed. An administrative variance may be granted only in the following situations:

a. To allow a decrease not exceeding 20 percent in required minimum *setbacks*, or ten percent in the parking aisle width requirement or other such related dimensions;

b. To allow walls, *fences* or hedges to exceed the *height* limit regulations by a maximum of one foot, except in the *clear sight triangle*;

c. To allow an increase not exceeding ten percent in maximum *building lot coverage*; and

d. To allow required parking for *single-family dwellings* to be provided in tandem.

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

Article 11, Sec. 8181-10.4.2 of the Ventura County Ordinance Code is hereby amended to read as follows:

Sec. 8181-10.4.2 – Discretionary Modifications

The following changes to an approved discretionary permit are *discretionary decisions* and are considered to fall into one of the following three categories described below: Site Plan Adjustment, Minor Modification, or Major Modification.

a. Site Plan Adjustment **-** Any change to a permit that would not alter any of the findings made pursuant to Section 8181-3.5, nor any findings of approval for the permit or any findings contained in the environmental document prepared for the project , and would not have any adverse impact on the subject site or surrounding properties, may be deemed a site plan adjustment and acted upon by the *Planning Director* without a hearing. Additionally, these minor changes shall not circumvent the purpose or lessen the effectiveness of the approved permit conditions and must

be consistent with all other provisions of the LCP. Such changes include, but are not limited to, the following:

1. Changes to conditions of approval that do not circumvent the purpose or lessen the effectiveness of the approved permit conditions;
2. A cumulative increase not exceeding ten percent of the approved permit area or *building lot coverage*;
3. A decrease of the approved permit area or *building lot coverage*, floor area, or *height*;
4. Changes in *structure* location, including reorientation of *structures*, provided the *structures* are situated within the same general footprint as in the approved permit
5. A cumulative increase not exceeding ten percent of floor area or *height*, including modifications to roof design;
6. Changes to on-site circulation or to the configuration of any street or *access* driveway, provided such change does not negatively affect connections with an existing or planned street, the performance of the circulation system, public safety, or the ability of the public to *access* coastal waters or nearby inland recreation areas.
7. A cumulative increase or decrease not exceeding 10 percent of approved motor vehicle or bicycle parking, provided increases can be accommodated on site and the project continues to meet the minimum number of required spaces pursuant to Article 6;
8. A cumulative decrease not exceeding 10 percent of the approved landscaping or screening, provided the *development* continues to meet the minimum landscape requirements pursuant to Section 8178-8 Water Efficient Landscaping Requirements;
9. A cumulative increase not exceeding ten percent of the approved area of walls, *fences*, or similar *structures*, provided the *development* continues to meet minimum screening requirements, and that the increase does not negatively affect the ability of the public to *access* coastal waters or nearby inland recreation areas;
10. Minor architectural changes or embellishments involving no change in basic architectural style; or
11. Internal *remodeling*, consistent with all other County ordinance requirements.

b. Minor Modification **-** Any proposed change that exceeds the criteria of a site plan adjustment, but is not extensive enough to be considered a substantial or fundamental change in land *use* relative to the permit, would not have a substantial adverse impact on surrounding properties, and would not change any findings contained in the environmental document prepared for the permit, shall be deemed a minor modification and be acted upon by the *Planning Director* through a public hearing process.

c. Major Modification - Any proposed modification that is considered to be a substantial change in land *use* relative to the original permit, and/or would alter the findings contained in the environmental document prepared for the permit, shall be deemed a major modification and be acted upon by the *decision-making authority* that approved the original permit.

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

Section 10

ARTICLE 12: NONCONFORMITIES AND SUBSTANDARD LOTS

Article 12, Sec. 8182-2 of the Ventura County Ordinance Code is hereby amended to read as follows:

Sec. 8182-2 – Nonconforming Structures Due Only to Changed Standards

Where *structure*s have been rendered nonconforming due only to revisions in *development* standards dealing with *building lot coverage*, *lot* area per *structure*, height or setbacks, and the use therein is permitted or conditionally permitted in the zone, such *structure*s are not required to be terminated under this Article and may be continued and expanded or extended on the same *lot*, provided that the structural or other alterations for the expansion or extension of the *structure* are in conformance with the regulations in effect for the zone in which such *structure*s are located.

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Section 11

If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the 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 any one or more provisions may be deemed invalid or unconstitutional.

Section 12

This ordinance shall become effective upon certification by the California Coastal Commission.

PASSED AND ADOPTED this ___ day of _____, 2026, by the following vote:

AYES: Supervisors _____

NOES: Supervisors _____

ABSENT: Supervisors _____

_____

Chair, Board of Supervisors

County of Ventura

ATTEST: DR. SEVET JOHNSON

Clerk of the Board of Supervisors

County of Ventura, State of California

By: _____

Deputy Clerk of the Board

DRAFT