Ordinance Amending the Non-Coastal Zoning Ordinance, Clean Format

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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 2, 3, 4, 5, 6, 7, 8, AND 9 OF THE VENTURA COUNTY NON- 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 2:

DEFINITIONS

Article 2, Sec. 8102 of the Ventura County Ordinance Code is hereby amended by the addition of the following definitions in appropriate alphabetical order:

Solar Thermal Heating, Accessory: Equipment for on-site use that collects solar radiation and converts it to heat, together with the equipment used to transfer, store, distribute, meter, and control that heat, where the heat is used for one or more purposes, such as heating water for domestic, commercial, industrial use, process heating, or space heating, such as in an HVAC system.

Automobile Service Station: A commercial activity, both retail and service in character, engaged in dispensing automotive fuels (e.g., gasoline, alternative fuels, or *electric vehicle charging stations*) and motor oil; the sale and service of tires, batteries and other automobile accessories and replacement items; and washing and lubrication services. Activities associated with service stations do not include body and fender repair, painting or major motor repairs.

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.

Clerestory Window: A window typically placed high on walls with the purpose of admitting light, fresh air, or both.

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 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*. (ADD. ORD. 3730 - 5/7/85; AMD. ORD. 4630 – 5/21/24)

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.

Green Wall: A green space created by adding plants and other growing media to a vertical wall.

Hydroelectric Energy Generation: Any facility, *structure*, installation, or equipment that, as a *principal use*, utilizes turbines and generators to convert the kinetic energy of water into useable energy that can be used offsite.

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.

Passive Solar Dwelling: A *dwelling* that uses siting, architectural features, *solar gain*, and construction materials to minimize energy use, including but not limited to, *green roofs*, *green walls*, awnings, *accessory solar thermal heating*, shutters, and trellises.

Roof Structures: *Structures* located on the roof of a *building* for the housing of elevators, stairways, tanks, ventilating fans and similar equipment required to operate and maintain the *building*; fire or parapet walls, safety rails, skylights, towers, flagpoles, chimneys, smokestacks, *accessory solar thermal heating*, *accessory solar photovoltaic energy generation*, residential satellite and digital T.V. dishes less than one meter in diameter and similar *structures*. (See Section 8106-7.2.) (AM. ORD. 3730 - 5/7/85; AM. ORD 4470 – 3/24/15; AM. ORD. 4639 – 12/17/24)

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 significant *glare*, and that is distinct from *solar photovoltaic energy generation*. Examples of such facilities include power tower systems and linear systems.

Solar Photovoltaic Energy Generation and/or Battery Energy Storage with Accessory Medium- and Heavy-Duty Electric Vehicle Charging: A use that is accessory to energy production from renewable sources and energy storage that includes *electric vehicle charging stations* for "medium-" and "heavy-duty" vehicle weight classes, as specified by the Federal Highway Administration. This use is subject to the standards of Section 8107-49.4 of this Chapter. This use allows for limited customer-serving amenities not integral to the functioning of the *electric vehicle charging stations* in zones where such amenities are not otherwise allowed in conjunction with *electric vehicle charging stations*.

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 beyond that considered "on-site use" described in the definition for *solar photovoltaic energy generation, accessory*.

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. For purposes of this definition, "onsite use" includes serving the same user on an adjacent or contiguous property, or more than one user on the same, adjacent, or contiguous properties. 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, Floating Accessory: Solar photovoltaic panels which are mounted on buoyant structures that float on bodies of water.

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. For purposes of this definition, "onsite use" includes serving the same user on an adjacent or contiguous property, or more than one user on the same, adjacent, or contiguous properties. 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 Gain: The increase in thermal energy of a *structure* as it absorbs solar radiation.

Ventilation, Stack: A natural phenomenon where air moves into and out of *buildings* through unsealed vertical openings, such as roof windows, driving natural ventilation and air exchange.

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.

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 converts wind energy to a form of usable energy that is used onsite. For purposes of this definition, "onsite use" includes serving the same user on an adjacent or contiguous property, or more than one user on the same, adjacent, or contiguous properties. The *use* consists of a wind turbine, tower, and associated electronics that meet the development standards of Sections 8106-1, 8106-7.4 and 8107-50. 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.

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Section 2

ARTICLE 3:

ESTABLISHMENT OF ZONES, BOUNDARIES AND MAPS

Article 3, Sec. 8103-0 of the Ventura County Ordinance Code is hereby amended to read as follows:

Sec. 8103-0 - Purpose and Establishment of Zones and Minimum Lot Areas

In order to classify, regulate, restrict, and segregate uses of land and *buildings*; to regulate the *height* and size of *buildings*; to regulate the area of yards and other open spaces around *buildings*; and to regulate the density of population, the following classes of use zones are established along with their abbreviations and *minimum lot areas*. Alternative *minimum lot areas* may be established pursuant to Section 8103-1 et seq. *Minimum lot area* requirements are expressed in "gross" area for land uses and structures. *The minimum lot area* for subdivision purposes is expressed in "net" area for parcels of less than 10 acres, and "gross" area for parcels of 10 acres or more.

Base Zones	Abbreviations	Minimum Lot Area[1]
Open Space – Parks and Recreation	OS-REC	10 acres
Open Space	OS	10 acres
Agricultural Exclusive	AE	40 acres
Rural Agricultural	RA	1 acre
Rural Exclusive	RE	10,000 sq. ft.
Single-Family Estate	RO	20,000 sq. ft.
Single-Family Residential	R1	6,000 sq. ft.
Two-Family Residential	R2	7,000 sq. ft.
Residential High Density	RHD	0.80 acre[2]
Commercial Office	CO	No Requirement
Neighborhood Commercial	C1	No Requirement
Commercial Planned Development	CPD	No Requirement
Industrial Park	M1	10,000 sq. ft.
Limited Industrial	M2	10,000 sq. ft.
General Industrial	M3	10,000 sq. ft.
Timberland Preserve	TP	160 acres
Specific Plan	SP	Established by Plan
Residential	RES	OTSDC[3]
Residential Mixed Use	R/MU	OTSDC[3]
Town Center	TC	OTSDC[3]
Industrial	IND	OTSDC[3]
Overlay Zones[4]	**Abbreviations**	**Minimum Lot Area[1]**
Scenic Resource Protection	SRP	Not Applicable
Mineral Resource Protection	MRP	Not Applicable
Community Business District	CBD	Not Applicable
Temporary Rental Unit Regulation	TRU	Not Applicable
Dark Sky	DKS	Not Applicable
Habitat Connectivity and Wildlife Corridors	HCWC	Not Applicable

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Critical Wildlife Passage Areas	CWPA	Not Applicable
Military Land Use Compatibility	MLUC	Not Applicable

1. See Sections 8103-1.1, 8103-1.2, and 8103-2 of this Chapter for exceptions to *minimum lot area*.
2. (ADD. ORD. 4436 – 6/28/11)
3. As specified in Article 19, Old Town Saticoy Development Code (OTSDC). (ADD. ORD. 4479 – 9/22/15)
4. Refer to Article 9 (Standards for Specific Zones and Zone Types) for development standards applicable in *overlay zones*.

Section 3

ARTICLE 4:

PURPOSES OF ZONES

Article 4, Sec. 8104-7 of the Ventura County Ordinance Code is hereby amended to read as follows:

Sec. 8104-7.3 –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.

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Section 4

ARTICLE 5:

USES AND STRUCTURES BY ZONE

Article 5, Sec. 8105-1.7 of the Ventura County Ordinance Code is hereby amended to read as follows:

Sec. 8105-1.7

The following list of specifically prohibited uses is provided for informational purposes, and is not intended to be comprehensive:

a. Nuclear power plants;

b. Public polo events;

c. Racetracks for horses;

d. Stadiums;

e. The parking or storage of motor vehicles, equipment, materials, miscellaneous objects, and the placement of *structures* on vacant land containing no legally established *principal use*; and

f. *Solar concentration.*

(ADD. ORD. 3810 – 5/5/87; AM. ORD. 4092 – 6/27/95; AM. ORD. 4118 – 7/2/96; AM. ORD. 4216 – 10/24/00; AM. ORD. 4377 – 1/29/08; ADD. ORD. 4484 – 11/26/16, AM. ORD. 4513 – 11/14/17, DEL. MEASURE O – 11/3/20; AM. ORD. 4650 – 9/16/25)

Article 5, Sec. 8105-4 of the Ventura County Ordinance Code is hereby amended to read as follows:

Sec. 8105-4 - Permitted Uses in Open Space, Agricultural, Residential and Special Purpose Zones

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LAND USE CATEGORY	OS-REC	OS	AE	RA	RE	RO	R1	R2	RPD	RHD	TP	TRU
AGRICULTURE AND AGRICULTURAL OPERATIONS												
Heating and Cooling Equipment, Filtering and Circulation Pumps, Emergency Backup Generators, and the Like	E	E	E	E	E	E	E	E	E	E	E	
DWELLINGS ***(43)***												
Heating and Cooling Equipment, Filtering and Circulation Pumps, Emergency Backup Generators, and the Like	E	E	E	E	E	E	E	E	E	E	E	

*There are specific regulations for this use or structure; see Article 7 and Article 9.
Italicized numbers refer to amendment history at end of use matrices.

E = Exempt **ZC** = Zoning Clearance unless specifically exempted	**ZCW** = Zoning Clearance with signed waivers **PD** = Planned *Development* Permit **CUP** = Conditional Use Permit	**Not Allowed**	Exempt	Approved by *Planning Director* or Designee	Approved by Planning Commission	Approved by Board of Supervisors

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LAND USE CATEGORY	OS-REC	OS	AE	RA	RE	RO	R1	R2	RPD	RHD	TP	TRU
ENERGY PRODUCTION FROM RENEWABLE SOURCES AND ENERGY STORAGE												
Battery Energy Storage (3)*		CUP	CUP	CUP								
Geothermal Energy Generation (3)		CUP	CUP	CUP								
Hydroelectric Energy Generation		CUP	CUP	CUP								
*Solar Photovoltaic Energy Generation * (3)*		PD	PD	PD								
Waste-To-Energy Facility		CUP	CUP	CUP								
Wind Energy Generation (3)		PD	PD	PD								
*Solar Photovoltaic Energy Generation and/or Battery Energy Storage with Accessory Medium- and Heavy-Duty Electric Vehicle Charging **		CUP	CUP	CUP								

*There are specific regulations for this use or structure; see Article 7 and Article 9.
Italicized numbers refer to amendment history at end of use matrices.

E = Exempt **ZC** = Zoning Clearance unless specifically exempted	**ZCW** = Zoning Clearance with signed waivers **PD** = Planned *Development* Permit **CUP** = Conditional Use Permit	**Not Allowed**	Exempt	Approved by *Planning Director* or Designee	Approved by Planning Commission	Approved by Board of Supervisors

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LAND USE CATEGORY	OS-REC	OS	AE	RA	RE	RO	R1	R2	RPD	RHD	TP	TRU
ACCESSORY BATTERY ENERGY STORAGE, ACCESSORY SOLAR PHOTOVOLTAIC ENERGY GENERATION, ACCESSORY WIND ENERGY GENERATION, PORTABLE ACCESSORY SOLAR PHOTOVOLTAIC ENERGY GENERATION, AND FLOATING ACCESSORY SOLAR PHOTOVOLTAIC ENERGY GENERATION *	Pursuant to Sec. 8107-50											
USES AND STRUCTURES, ACCESSORY (OTHER THAN TO AGRICULTURE, ANIMALS OR DWELLINGS) (42)	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	CUP	
Heating and Cooling Equipment, Filtering and Circulation Pumps, Emergency Backup Generators, and the Like	E	E	E	E	E	E	E	E	E	E	E	
ELECTRIC VEHICLE CHARGING STATION	Pursuant to Sec. 8107-55											

*There are specific regulations for this use or structure; see Article 7 and Article 9.
Italicized numbers refer to amendment history at end of use matrices.

E = Exempt **ZC** = Zoning Clearance unless specifically exempted	**ZCW** = Zoning Clearance with signed waivers **PD** = Planned *Development* Permit **CUP** = Conditional Use Permit	**Not Allowed**	Exempt	Approved by *Planning Director* or Designee	Approved by Planning Commission	Approved by Board of Supervisors

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Article 5, Sec. 8105-5 of the Ventura County Ordinance Code is hereby amended to read as follows:

Sec. 8105-5 - Permitted Uses in Commercial and Industrial Zones

LAND USE CATEGORY	CO	C1	CPD	M1	M2	M3
ENERGY PRODUCTION FROM RENEWABLE SOURCES AND ENERGY STORAGE* (3, 61)						
*Battery Energy Storage * (61)*				PD	PD	PD
Geothermal Energy Generation (3)					CUP	CUP
Hydroelectric Energy Generation (3)					CUP	CUP
*Solar Photovoltaic Energy Generation * (3)*				PD	PD	PD
Waste-To-Energy Facility					CUP	CUP
Wind Energy Generation (3)					PD	PD
ACCESSORY BATTERY ENERGY STORAGE, ACCESSORY SOLAR PHOTOVOLTAIC ENERGY GENERATION, ACCESSORY WIND ENERGY GENERATION, PORTABLE ACCESSORY SOLAR PHOTOVOLTAIC ENERGY GENERATION, AND FLOATING ACCESSORY SOLAR PHOTOVOLTAIC ENERGY GENERATION *	Pursuant to Sec. 8107-50					

*There are specific regulations for this use or structure; see Article 7 and Article 9.
Italicized numbers refer to amendment history at end of use matrices.

E = Exempt **ZC** = Zoning Clearance unless specifically exempted	**ZCW** = Zoning Clearance with signed waivers **PD** = Planned *Development* Permit **CUP** = Conditional Use Permit	**Not Allowed**	Exempt	Approved by *Planning Director* or Designee	Approved by Planning Commission	Approved by Board of Supervisors

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LAND USE CATEGORY	CO	C1	CPD	M1	M2	M3
ELECTRIC VEHICLE CHARGING STATION*	Pursuant to Sec. 8107-55					
USES AND STRUCTURES, ACCESSORY, OTHER THAN LISTED ABOVE (19)						
HEATING AND COOLING EQUIPMENT, FILTERING AND CIRCULATION PUMPS, EMERGENCY BACKUP GENERATORS, AND THE LIKE	E	E	E	E	E	E

*There are specific regulations for this use or structure; see Article 7 and Article 9.
Italicized numbers refer to amendment history at end of use matrices.

E = Exempt **ZC** = Zoning Clearance unless specifically exempted	**ZCW** = Zoning Clearance with signed waivers **PD** = Planned *Development* Permit **CUP** = Conditional Use Permit	**Not Allowed**	Exempt	Approved by *Planning Director* or Designee	Approved by Planning Commission	Approved by Board of Supervisors

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Section 5

ARTICLE 6:

LOT AREA AND COVERAGE, SETBACKS, HEIGHT AND RELATED PROVISIONS

Article 6, Sec. 8106-1 of the Ventura County Ordinance Code is hereby amended to read as follows:

Sec. 8106-1 - Schedules of Specific Development Standards by Zone, Exceptions and Exclusions Thereto

The following tables indicate the *lot* area, *setback*, *height* and *building lot coverage* standards which apply to individual *legal lots* in the zones specified.

Sec. 8106-1.1 - Development Standards for Uses and Structures in Open Space, Agricultural Exclusive, and Residential Zones

<table>
<tr><th rowspan="3">Zone</th><th rowspan="3">Minimum Lot Area [1]</th><th rowspan="3">Maximum Percentage of Building Coverage</th><th colspan="4">Required Minimum Setbacks [2]</th><th colspan="3">Maximum Structure Height [3]</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 and Corner Lots, Except Reverse Corner</th><th>Reverse Corner Lots: Street Side</th></tr>
<tr><td>OS - REC</td><td>10 acres</td><td rowspan="8">See Section 8106-1.4. Building lot coverage depends on lot location.</td><td rowspan="7">20 ft</td><td rowspan="6">10 ft</td><td rowspan="6">20 ft</td><td rowspan="8">15 ft</td><td rowspan="8">25 ft</td><td rowspan="8">Height may be increased above 25 ft (to maximum 35 ft) if each side yard setback is at least 15 ft or as specified by permit.</td><td rowspan="8">15 ft, except as noted in Section 8106-7.4.</td></tr>
<tr><td>OS</td><td>10 Acres</td></tr>
<tr><td>AE</td><td>40 acres</td></tr>
<tr><td>RA</td><td>1 acre</td></tr>
<tr><td>RE</td><td>10,000 sq. ft</td></tr>
<tr><td>RO</td><td>20,000 sq. ft</td></tr>
<tr><td>R1</td><td>6,000 sq. ft.</td><td rowspan="2">5 ft</td><td rowspan="2">10 ft</td></tr>
<tr><td>R2</td><td>7,000 sq. ft. [4]</td><td>20 ft [5]</td></tr>
<tr><td>RHD</td><td>0.80 acre [6]</td><td colspan="2">From adjacent street</td><td>Interior Side Yard</td><td>Rear Lot Line</td><td>35 ft</td><td colspan="2">35 ft</td></tr>
<tr><td colspan="2">10 ft</td><td>5 ft</td><td>10 ft</td><td colspan="3"></td></tr>
<tr><td>RPD</td><td>As specified by permit. [7]</td><td colspan="4">See Section 8109-1.2.2.</td><td>35 ft</td><td colspan="2">As specified by permit.</td></tr>
<tr><td>RES</td><td colspan="9" rowspan="2">As specified in the Old Town Saticoy Development Code (Article 19).</td></tr>
<tr><td>R/MU</td></tr>
</table>

1. *Minimum lot area* shall be determined by *lot* area suffix pursuant to Section 8103-1, which in some cases may be greater than the *minimum lot area* specified in Section 8106-1.1. For additional *lot* area exceptions see Section 8103-2.
2. Exceptions to required minimum *setback* requirements can be found in Sections 8106-5, 8106-6, 8107-1.7 and 8107-20. For minimum *setbacks* for flag and irregularly shaped lots see Section 8106-4.3.
3. Exceptions to *height* limits see Sections 8106-5, 8106-8, r8107-1.7 and 8109-4.12.2.
4. *Minimum lot area* per *dwelling unit*: 3,500 square feet.
5. Exceptions for "swing driveways" see Section 8106-5.11.
6. Section 65583.2(h) of the California Planning and Zoning Laws prescribes a minimum 16 units per *site*.
7. Minimum density of one *dwelling unit* per acre; maximum density of 30 *dwelling units* per acre.

Sec. 8106-1.2 - Development Standards for Uses and Structures in Commercial, Industrial and Special Purpose Zones

<table>
<tr><th rowspan="2">Zone</th><th rowspan="2">Minimum Lot Area</th><th rowspan="2">Maximum Percentage of Building Lot Coverage</th><th colspan="2">Required Minimum Setbacks [1]</th><th colspan="3">Maximum Structure Height [4]</th></tr>
<tr><th>From Street</th><th>Each Interior Yard</th><th>Principal Structure</th><th>Exceptions (Principal Structure)</th><th>Accessory Structure [3]</th></tr>
<tr><td>CO</td><td rowspan="3">No requirement</td><td rowspan="6">See Section 8106-1.4. Building lot coverage depends on lot location.</td><td>Front: 20 ft
Side: 5 ft</td><td>10 ft on any side yard that is adjacent to an R-Zone</td><td>25 ft</td><td rowspan="4">Regardless of Decision-Making Authority as specified in Section 8105, exceeding the height limits, to 60 ft maximum, requires Planning Commission approval.</td><td rowspan="6">As specified by permit</td></tr>
<tr><td>C1</td><td rowspan="2">5 ft on corner lots; otherwise as specified by permit</td><td rowspan="2">5 ft if adjacent to an R-zone; otherwise as specified by permit</td></tr>
<tr><td>CPD</td><td>35 ft</td></tr>
<tr><td>TP</td><td>160 acres [2]</td><td>As specified by permit</td><td>25 ft</td></tr>
<tr><td>M1</td><td rowspan="3">10,000 sq. ft.</td><td>20 ft [3]</td><td rowspan="3">5 ft if adjacent to an R-zone; otherwise as specified by permit [3]</td><td>30 ft</td><td>Height may be increased to 60 ft with Decision-Making Authority approval</td></tr>
<tr><td>M2</td><td>15 ft [3]</td></tr>
<tr><td>M3</td><td>10 ft [3]</td><td>As specified by permit</td><td>Maximum height of 60 ft when located within 100 ft of an R-zone</td></tr>
<tr><td>TC</td><td colspan="7" rowspan="2">As specified in the Old Town Saticoy Development Code (Article 19)</td></tr>
<tr><td>IND</td></tr>
<tr><td>SP</td><td colspan="7">As established by Specific Plan (See Sec. 8109-4.2)</td></tr>
</table>

1. Exceptions to required minimum *setback* requirements can be found in Section 8106-5 and 8106-6. For minimum *setbacks* for flag and irregularly shaped lots see Section 8106-4.3.
2. See Section 8109-4.3.6.
3. A 30-foot *setback*, in conjunction with appropriate opaque screening, may be required (1) when the industrial *site* is adjacent to or across the street from an *R-zone*; (2) to maintain uniformity with existing adjacent development; or (3) on the basis of the configuration of the industrial *site*.
4. Exceptions to *height* limits see Section 8109-4.12.2.

Article 6, Sec. 8106-5.5 of the Ventura County Ordinance Code is hereby amended to read as follows:

Sec. 8106-5.5 –Accessory Equipment in Rear and Side Setback Areas

Accessory equipment such as heating, cooling, filtering and circulation pumps, emergency backup generators, *accessory battery energy storage*, and other necessary appurtenances may be 3 feet from any rear or side *lot* line. Such equipment is exempt from a Planning Division *entitlement* pursuant to Sections 8105- 4 and 8105-5 of this Chapter. Unless otherwise determined by the *Planning Director*, equipment that is accessory to a use with an underlying discretionary *entitlement* will require a permit adjustment or modification to the approved *entitlement*. (AM. ORD. 4216 - 10/24/00; AM. ORD. 4606 – 11/1/22)

Article 6, Sec. 8106-6.3 of the Ventura County Ordinance Code is hereby amended to read as follows:

Sec. 8106-6.3 –Additional Setbacks for Dwellings from Certain Land Uses

a. **Oil and Gas Sites**: No *dwelling* should be constructed within 800 feet of an existing oil/gas well site unless it is unavoidable. No *dwelling* shall be built within 500 feet of an existing well site unless the owner records with the title to the property a statement, acceptable to the County Counsel, acknowledging the presence of the well site and the fact that operations associated therewith, including well drilling and redrilling, may disturb the occupants, even though said operations are being conducted in accordance with specific permit conditions, the best accepted practices incident to the exploration of oil and gas, and the provisions of this Chapter. If such an acknowledgement is recorded, the *dwelling* may be located less than 500 feet from an existing oil well site, but in no case less than 100 feet from said well site. For purposes of this section, "well site" means the area around a well, which may contain production facilities. (ADD. ORD. 3810 – 5/5/87)

b. **Battery Energy Storage:** No *dwelling* shall be constructed within 50 feet of a *battery energy storage* facility, *structure*, installation, or equipment or *accessory battery energy storage* that is ground-mounted and has a rated capacity of 20-megawatts (MW) or greater.

Article 6, Sec. 8106-7.3 of the Ventura County Ordinance Code is hereby amended to read as follows:

Sec. 8106-7.3 – Airport & Military Airport 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* of any Ventura County airport, as defined in subsection (b) below, of any airport located in Ventura County.

b. *Imaginary surfaces* for civil airports located in Ventura County (i.e., Camarillo, Oxnard, and Santa Paula) 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 *uses* and *structures* within the Military Land Use Compatibility (MLUC) Overlay Zone to ensure compatibility with military installations and training routes, are included in Section 8109-4.12.

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. *

Section 6

ARTICLE 7:

STANDARDS FOR SPECIFIC USES

Article 7, Sec. 8107-49 of the Ventura County Ordinance Code is hereby amended to read as follows:

Sec. 8107-49 – Energy Production from Renewable Sources and Energy Storage

a. **Purpose:** The purpose of this Section 8107-49 is to regulate *energy production from renewable sources and energy storage* to ensure public safety and compatibility with surrounding land *uses*, and limit impacts to agricultural and open space lands, while providing reliable renewable energy and energy storage for the community.

b. **Applicability:** Standards included in Section 8107-49 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, floating accessory solar photovoltaic energy generation, and accessory battery energy storage uses*, which are governed by Section 8107-50. *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 8107-50. *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 8107-50.

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 output 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 8107-49.1.

d. The following are minimum standards and requirements, which shall be applied pursuant to Section 8107-49(b). More restrictive requirements may be imposed on a project through the conditions of the *entitlement*. Furthermore, the minimum standards and requirements shown below are in addition to generally applicable standards and

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

requirements of this Chapter. In the event of a conflict, the more specific standards and requirements of this Section shall control.

Sec. 8107-49.1 – Countywide Acreage Limitation for Battery Energy Storage in the OS, AE and RA Zones

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 100 cumulative net acres within any combination of the OS (Open Space), AE (Agricultural Exclusive), and RA (Rural Agricultural) zoning districts. The Planning Division shall track the total net acres that remain available for *battery energy storage* systems that are subject to this Section. The *County* shall not approve any project or combination of projects that will exceed this acreage limitation.

Sec. 8107-49.2 – Battery Energy Storage System Development Standards

The purpose of this Section 8107-49.2 is to regulate *battery energy storage* as a *principal use* to ensure public safety and compatibility with surrounding land *uses*. See Section 8107-50 for standards applicable to *accessory battery energy storage* as an *accessory use*. The standards and requirements included in Section 8107-49.2 shall be imposed through conditions of approval, as needed to ensure implementation.

Sec. 8107-49.2.1 – General Standards and Requirements

a. **Development Standards:** In addition to the *building lot coverage*, *setback*, and *height* development standards included in Articles 6, 7 and 9, *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 OS, AE, or RA Zone, *battery energy storage* shall be *setback* 50 feet from property lines, public rights-of-way, any *dwelling*, stored combustible materials, and hazardous materials. When located in the M1, M2, and M3 Zone, *battery energy storage* shall be *setback* as specified in Section 8106-1.2.

e. **Battery Energy Storage System Maximum Size:** To preserve open space and agricultural soils, when located in the OS, AE, or RA 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 8103-0. For example, the maximum permitted size for a *battery energy storage* system on a *lot* with a gross *lot* area of 60 acres and that is zoned AE-40 acres, would be calculated using the following formula: 60 acres (gross *lot* area) – 40 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) Critical Wildlife Passage Areas (CWPA) Overlay Zone;

(2) Scenic Resource Protection (SRP) Overlay Zone; and

(3) Within a *wildlife crossing structure* buffer area.

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 OS, AE, or RA zoning districts, *battery 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. Visual screening may include landscaping, berms, walls, fencing. When located in the M1, M2, and M3 Zone, *battery energy storage* shall be landscaped and screened as specified in Section 8109-3. When located in OS, AE, and RA zoning districts, 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.

iii. When a battery energy storage system is proposed in the OS, AE, or RA Zone, the landscape screening shall be required, and the selected plant material may be a productive orchard crop that is satisfactory to the *Planning Director*, in consultation with the Department of Agriculture/Weights & Measures. If no orchard crop is in the vicinity of the site, an orchard crop that is satisfactory to the *Planning Director*, in consultation with the Department of Agriculture/Weights & Measures, may be used. If no orchard crop is selected or approved for landscape screening, the plant material selected shall be as specified in Sections 8107-49.2.1(l)(1)(i) and 8107-49.2.1(l)(1)(ii).

(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).

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 concurrently 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 the environment related to hazards and hazardous materials. At a minimum, the plan shall address the following: (1) mitigation, (2) preparedness, (3) response, and (4) recovery. 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 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 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 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 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 of the operation 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 of the operation 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, *battery energy storage* systems, appurtenant structures, and project related infrastructure (e.g. access roads, storage structures, transmission equipment, etc.).

(2) In addition to the requirements of Section 8107-49.2.1 (q)(1), if the system is located within the OS, AE, or RA zoning districts, 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 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 as 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.

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 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. **Siting Near Wetlands:** The County shall require *battery energy storage* to be sited 100 feet from wetland habitats, except as provided below. The 100-foot setback may be increased or decreased based upon an evaluation and recommendation by a qualified biologist and approval by the decision making body based on factors that include, but may not be limited to, soil type, slope stability,

drainage patterns, the potential for discharges that may impair water quality, presence or absence of endangered, threatened or rare plants or animals, direct and indirect effects to wildlife movement, and compatibility of the proposed development with use of the wetland habitat area by wildlife. *Battery energy storage* that would have a significant impact on a wetland habitat shall be prohibited unless mitigation measures are approved that would reduce the impact to a less than significant level. Notwithstanding the foregoing, *battery energy storage* that would have a significant impact on a wetland habitat on land within an existing community designated area, as mapped in the Ventura County *General Plan*, may be approved in conjunction with the adoption of a statement of overriding considerations by the *decision-making authority*.

Sec. 8107-49.2.2 – Entitlement Term, Time Extensions, and Modifications

Entitlement terms shall be as specified in Section 8107-49.2.2.1. 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. 8107-49.2.2.1 – Entitlement Term and Time Extensions

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

Sec. 8107-49.2.2.2 – 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 *entitlement* modification required shall be a Zoning Clearance, Permit Adjustment, or Minor or Major Modification as provided below.

Sec. 8107-49.2.2.2.1 – 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. 8107-49.2.2.2.2 – System Modifications Subject to a Permit Adjustment

The following modifications to an existing *battery energy storage* system shall be processed with a Permit 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. 8107-49.2.2.2.3 – 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 8107-49.2.2.2.1) or Permit Adjustment (see Section 8107-49.2.2.2.2).

Sec. 8107-49.3 – Solar Photovoltaic Energy Generation Development Standards

The purpose of this Section 8107-49.3 is to regulate *solar photovoltaic energy generation* as a *principal use* to ensure public safety and compatibility with surrounding land *uses*. See Section 8107-50 for standards applicable to *accessory solar photovoltaic energy generation* as an *accessory use*. The development standards and requirements included in Section 8107-49.3 shall be imposed through conditions of approval, as needed to ensure implementation.

Sec. 8107-49.3.1 - 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 *entitlement* 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.

e. **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.

f. **Glare Control**: Solar arrays shall be painted an unobtrusive color and have a non-reflective surface.

g. **Hazard and Hazardous Material Mitigation Plan:** When *battery energy storage* is sited to support the *solar photovoltaic energy generation*, as described in Section 8107-49 (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 8107-49.2.1(n).

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

(1) Scenic Resource Protection (SRP) Overlay Zone;

(2) Critical Wildlife Passage Area (CWPA) Overlay Zone; and

(3) Within *wildlife crossing structure* buffer areas.

i. **Landscaping and Screening:** When located in the OS, AE, or RA zoning districts, *solar photovoltaic energy generation* systems 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.

(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.

iii. When a solar photovoltaic energy generation system is proposed in the OS, AE, or RA Zone, the landscape screening shall be required, and the selected plant material may be a productive orchard crop that is satisfactory to the *Planning Director*, in consultation with the Department of Agriculture/Weights & Measures. If no orchard crop is in the vicinity of the site, an orchard crop that is satisfactory to the *Planning Director*, in consultation with the Department of Agriculture/Weights & Measures, may be used. If no orchard crop is selected or approved for landscape screening, the plant material selected shall be as specified in Sections 8107-49.3.1(i)(1)(i) and 8107-49.3.1(i)(1)(ii).

(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 of the operation 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 of the operation 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 8107-49.3.1(j)(1), if the system is located within the OS, AE, or RA zoning districts, 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 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 as 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.

(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 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. **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 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 *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.

n. **Siting Near Wetlands:** The County shall require *solar photovoltaic energy generation* to be sited 100 feet from wetland habitats, except as provided below. The 100-foot setback may be increased or decreased based upon an evaluation and recommendation by a qualified biologist and approval by the decision making body based on factors that include, but may not be limited to, soil type, slope stability, drainage patterns, the potential for discharges that may impair water quality, presence or absence of endangered, threatened or rare plants or animals, direct and indirect effects to wildlife movement, and compatibility of the proposed development with use of the wetland habitat area by wildlife. *Solar photovoltaic energy generation* that would have a significant impact on a wetland habitat shall be prohibited unless mitigation measures are approved that would reduce the impact to a less than significant level. Notwithstanding the foregoing, *solar photovoltaic energy generation* that would have a significant impact on a wetland habitat on land within an existing community designated area, as mapped in the Ventura County *General Plan*, may be approved in conjunction with the adoption of a statement of overriding considerations by the *decision-making authority*.

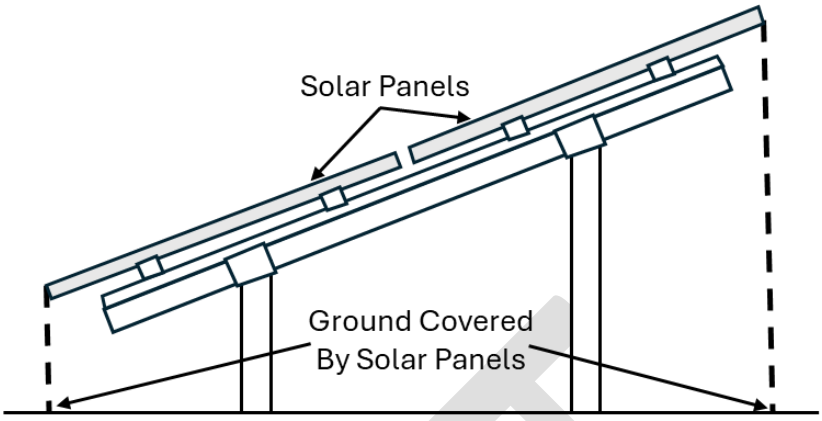
Sec. 8107-49.3.2 – Solar Photovoltaic Energy Generation Canopies at Existing Parking Lots

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 8107-50, 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 8107-49.3.1, as applicable.

a. The total amount of ground covered by panels measures 10 acres or less, as illustrated in Figure 3 below.

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Figure 3



b. There is enough vertical clearance beneath the panels to provide shelter for vehicles.

c. The panels and all necessary equipment do not prevent access to any required parking spaces pursuant to Section 8108-4.7.

Sec. 8107-49.4 – Solar Photovoltaic Energy Generation and/or Battery Energy Storage with Accessory Medium- and Heavy-Duty Electric Vehicle Charging

Sec. 8107-49.4.1 – Purpose and Applicability: This Section 8107-49.4 shall apply to *solar photovoltaic energy generation and/or battery energy storage* uses with *accessory medium- and heavy-duty electric vehicle charging*. The purpose of this section is to authorize, as part of a renewable energy production-related use, medium- and heavy-duty electric vehicle charging with limited customer-serving amenities in the Open Space (OS), Rural Agricultural (RA), and Agricultural Exclusive (AE) zoning districts where such amenities are not otherwise allowed in conjunction with *electric vehicle charging stations* in these zones. As a result, this use provides *electric vehicle charging station*-related opportunities beyond state law requirements and in addition to those provided by Section 8107-55.1 (a-c) including for medium- and heavy-duty electric vehicles. Nothing in this Section 8107-49.4 shall limit, condition, or otherwise apply to an *electric vehicle charging station* that is permitted under Section 8107-55.1 (a-c). This Section may also be utilized when *solar photovoltaic energy generation* or *battery energy storage* uses are added to existing medium- and heavy-duty electric vehicle chargers and meet all other requirements of this Section.

Sec. 8107-49.4.2 - Standards:

In order to qualify under this Section, the *use* must meet the following standards:

a. Siting Standards

(1) Not exceed one solar photovoltaic energy generation and/or battery energy storage with accessory medium- and heavy-duty electric vehicle charging use per legal lot and not exceed a total of 10 acres in area per legal lot.

(2) Not exceed 40 total cumulative net acres of solar photovoltaic energy generation and/or battery energy storage with accessory medium- and heavy-duty electric vehicle charging within the combines areas of the OS (Open Space), AE (Agricultural Exclusive), and the RA (Rural Agriculture) zoning designations.

(3) When *accessory* to *battery energy storage*, the acreage utilized by the *battery energy storage* and the *accessory* medium- and heavy-duty electric vehicle charging component counts toward the total acreage limitation set forth in Section 8107-49.1.

(4) Be located on "Urban and Built-up Land" as mapped by the Important Farmland Inventory.

(5) Not located within areas included in Sections 8107-49.2.1(f) and 8107-49.3.1(h), to the extent applicable.

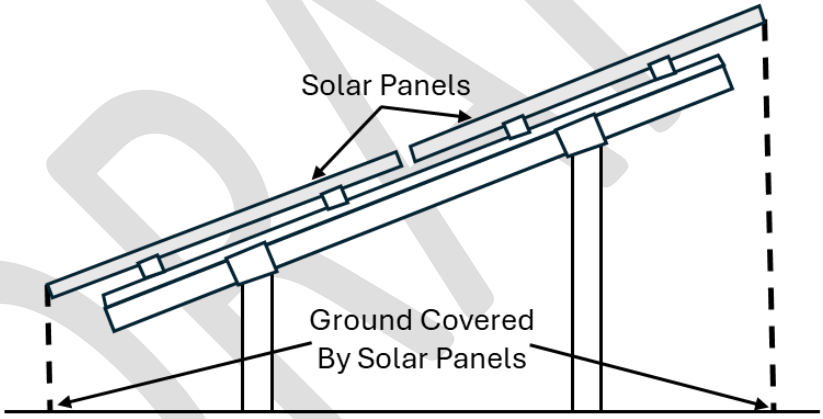
b. Use Standards

(1) More than 75 percent of the *electric vehicle charging stations* shall be reserved for exclusive use by medium- and heavy-duty electric vehicles.

(2) More than 50 percent of renewable energy produced is for use off-site, as measured in megawatts (MW). For Section 8107-49.4.2(b)(2), accessory medium- and heavy-duty electric vehicle charging qualifies as an off-site use.

(3) More than 50 percent of a lot's structural footprint (including building lot coverage and the ground covered by solar panels, as illustrated in Figure 4, is used to generate and/or store energy.

Figure 4



c. Customer-serving Amenities

(1) Provide restrooms for customers at no charge.

(2) Allowed to have one customer-serving convenience store or lounge waiting room not to exceed 2,000 square feet unless converting an existing building that exceeds this size.

(3) Allowed to have limited additional customer-serving service station-like amenities (e.g., outdoor waiting area with picnic tables, air for tire and water pumps, etc.) that must be ancillary to and commensurate with the number of electric vehicles that can be charged at any one time.

Sec. 8107-50 –Accessory Battery Energy Storage, Accessory Solar Photovoltaic Energy Generation, Accessory Wind Energy Generation, Portable Accessory Solar Photovoltaic Energy

Generation, and Floating Accessory Solar Photovoltaic Energy Generation

The purpose of this Section 8107-50 is to regulate *accessory battery energy storage, accessory solar photovoltaic energy generation, accessory wind energy generation, portable accessory solar photovoltaic energy generation,* and *floating accessory solar photovoltaic energy generation* to ensure public safety and compatibility with surrounding land *uses*.

Sec. 8107-50.1 - Required Entitlement

Sec. 8107-50.1.1 - Uses Exempt from a Planning Division Entitlement

The following *uses* shall be exempt from a Planning Division *entitlement*:

a. Rooftop *accessory solar photovoltaic energy generation*,

b. *Floating accessory solar photovoltaic energy generation*,

c. *Portable accessory solar photovoltaic energy generation*, and

d. Wall-mounted *accessory battery energy storage*.

Sec. 8107-50.1.2 - Uses Requiring a Zoning Clearance

The following *uses* shall be entitled with a Zoning Clearance when *accessory* to a *use* with an existing underlying *entitlement* or a use that is exempt from a Planning Division *entitlement*:

a. *Accessory solar photovoltaic energy generation*,

b. *Accessory wind energy generation*, and

c. *Accessory battery energy storage with a capacity of less than 20-megawatts (MW)*.

Sec. 8107-50.1.3 - Uses Requiring a Planned Development Permit or a Permit Modification

Uses otherwise entitled pursuant to Sections 8107-50.1.1 and 8107-50.1.2 require a *Planning Director*-approved Planned Development Permit, or a modification to the approved *entitlement*, if any of the following conditions apply:

a. The cumulative *gross floor area* of all *accessory structures*, including *battery energy storage* systems, exceeds the cumulative *gross floor area* amount that may be approved by Zoning Clearance, pursuant to Article 5.

b. Results in changes to *grading* or excavation in areas that were not previously approved for disturbance as part of the original *entitlement* and would result in new or expanded ground disturbance beyond what was originally authorized.

c. The system is located within a *surface water feature*, within 200 feet of a *wildlife crossing structure*, or not clustered pursuant to Section 8109-4.8 and Section 8109-4.9.

d. The system is located within the Scenic Resource Protection Overlay Zone and exceeds the standards identified in Section 8109-4.1.

e. The system would result in a substantial adverse change in the significance of a historical resource.

f. The project site is included on any hazardous waste site list compiled pursuant to Government Code Section 65962.5 ("Cortese List").

g. The project exceeds 10 acres in size.

h. The cumulative amount of Prime Agricultural Soil directly or indirectly impacted by the project would exceed 5 acres. For purposes of this section, impacted soils includes a *lot's* structural footprint (including *building lot coverage* and the ground covered by solar panels, as illustrated in Section 8107-49.3.3(a)), *accessory battery energy storage* components, *accessory wind energy generation* towers, associated *structures* and equipment.

i. The system would require a discretionary Tree Permit, pursuant to Section 8107-25.7.

j. The system would be located:

(1) Outside a *fuel modification* zone required by the Ventura County Fire Protection District for existing legally established *structures* and equipment, or in an area that requires an expansion of the existing required *fuel modification* zones from the proposed development; and is either

i. Within a U.S. Fish and Wildlife Service (USFWS) designated critical habitat area that retains the functions of the primary constituent element; or

ii. Within 100 feet from the farthest extent of a stream or wetland feature and its associated *vegetation* community.

(2) The designation of any area, or portion thereof, referenced in Section 8107-50.1.1(j)(1)(i) and Section 8107-50.1.1 (j)(1)(ii) shall be determined using the following applicable data sources, as amended and updated:

i. USFWS Designated Critical Habitat Area maps;

ii. USFWS National Wetlands Inventory Dataset of wetlands and associated habitats (wetlands/riparian *vegetation* layers);

iii. Highest available Hydrological Unit Code (HUC) resolution of U.S. Geological Survey Hydrology datasets of streams and drainages; and

iv. Aerial photographs and California Department of Fish and Wildlife Vegetation Classification and Mapping Program maps of associated *vegetation* of wetlands and streams and the identification of primary constituent elements of USFWS designated critical habitats.

(3) The accuracy of hydrological data sources set forth in subsection (j)(2) above may be reevaluated by the Planning Division upon request by an *applicant* proposing development subject to this Section. The reevaluation request shall be submitted on a form provided by the Planning Division and shall include the information and materials requested by the *Planning Director* based on the relevant facts and circumstances presented. If requested, such information and materials may include, among other things, a field survey of the designated area that is prepared by a qualified biologist in accordance with the Biological Resources section of the County of Ventura Initial Study Assessment Guidelines. The first hour of County staff time spent processing the reconsideration request shall be at no cost to the *applicant*; the *applicant*

shall be responsible for the cost of all subsequent County staff time spent processing the reevaluation request.

k. *Accessory battery energy storage* with a capacity of 20-megawatts (MW) or greater.

l. The County Building Official or *Planning Director* makes a finding, based on substantial evidence, that the proposed *accessory solar photovoltaic energy generation* system could have a specific, adverse impact upon the public health or safety. This decision may be appealed to the Planning Commission pursuant to Sec. 8111-7 of this Chapter; however, the decision of the Planning Commission is not further appealable to the Board of Supervisors notwithstanding Sec. 8111-7.2. If a discretionary *entitlement* is required pursuant to this subsection, such application shall not be denied unless the denial meets the standards set forth in Government Code section 65850.5.

Sec. 8107-50.2 - 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 6. All *accessory battery energy storage* systems shall conform to the *setback* and *height* development standards included in Articles 6, 7 and 9.

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 sto*rage 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. *Accessory 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 8.

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 use *battery energy storage* and subject to the development standards of Section 8107-49.2.

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 storage* 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 (i) above.

Sec. 8107-50.3 - Accessory Solar Photovoltaic Energy Generation

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

a. Conform to development standards included in Article 6.

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 acc*essory 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. 8107-50.4 - Accessory Wind Energy Generation

Accessory wind energy generation shall conform to the following standards:

a. Be permitted only in OS, AE, RA, M2, and M3 zoning districts.

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

c. All *accessory wind energy generation structures* shall comply with the development standards of Sections 8106-1 and 8106-7.4*.*

d. 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.

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

f. 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.

g. 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. 8107-50.5 - 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 nor be affixed to a tree.

d. Comply with the development standards of Sections 8106-1 and 8106-7.4.

Sec. 8107-50.6 - Floating Accessory Solar Photovoltaic Energy Generation

Floating accessory solar photovoltaic energy generation shall conform to the following standards:

a. *Be permitted in the OS, AE, and RA zoning districts.*

b. Shall float atop an irrigation pond or other artificial water body.

c. Shall be designed with non-reflective surfaces.

d. Shall produce energy to be used onsite and be accessory to a principal use.

e. Shall comply with the development standards of Sections 8106-1 and 8106-7.4.

Article 7, Sec. 8107-54 of the Ventura County Ordinance Code is hereby amended to read as follows:

Sec. 8107-54 – Passive Solar Dwellings

The purpose of Section 8107-54 is to incentivize the integration of *passive solar dwelling* design standards into *dwellings*.

Sec. 8107-54.1 - Passive Solar Dwelling Design Qualifications

A *dwelling* shall qualify as a *passive solar dwelling if it* includes 50 percent or more of the following design elements:

a. *Accessory solar thermal heating*;

b. 50 percent or more of windows are south facing between 135° (Southeast) and 225° (Southwest) degrees to maximize *solar gain;*

c. A *green roof;*

d. Mounted and demountable *green wall;*

e. Awnings;

f. Exterior shutters;

g. Trellises;

h. Roof overhangs measuring 12 inches or more beyond the *building* envelope along 50 percent or more of the *building* roof line;

i. One or more openable roof windows to improve *stack ventilation* and provide natural daylight;

j. One or more openable *clerestory windows* to provide natural light and improve cross ventilation;

k. One or more skylights to provide natural daylight;

l. 50 percent or more of core rooms with windows on opposite sides of the room to provide cross ventilation;

m. Advanced window glazing on all windows, beyond single-pane windows; or

n. Incorporating building materials for floors and walls that have a high capacity for absorbing and storing heat (e.g., brick, concrete masonry, concrete slab, tile, adobe) to maximize thermal mass.

Sec. 8107-54.3 - Passive Solar Dwelling Development Standard Deviations

The *Planning Director* shall permit the following development standard deviations to accommodate *passive solar dwelling* design elements for qualifying *passive solar dwellings*:

a. *Accessory solar for heating*, roof windows, skylights, *clerestory windows* and infrastructure required to maintain *green roofs* may exceed the maximum *building height* otherwise permitted by not more than 2 feet.

b. Mounted and demountable *green walls*, cantilevered awnings, trellis, and cantilevered roof overhangs may project into required *setbacks* not more than 2 feet provided that such *structures* shall not be closer than 3 feet to any side property line of the *lot*. Where more than one *building* is located on the same *lot*, such *structures* shall not be closer than 3 feet to a line midway between the exterior walls of such *buildings*.

c. *Passive solar dwellings* may project 2 feet into the required rear and side *setbacks* as required by Section 8106-1.1.

8107-55 – Electric Vehicle Charging Stations

The purpose of Section 8107-55 is to regulate *electric vehicle charging stations* in compliance with Government Code Sections 65850.7 and 65850.71. Such *uses* shall be allowed in all zoning districts subject to the provisions of this Section 8107-55. If any provision of this Section 8107-55 or the underlying zoning district standards conflicts with state law, the latter shall govern.

8107-55.1 - Required Entitlement

a. All *electric vehicle charging stations* shall require a building permit issued by the County Building Official pursuant to the Building and Safety Division's Electric Vehicle Charging Station Permit Application and Checklist. Except as set forth by this Section 8107-55.1, *electric vehicle charging stations* and any components of a proposed installation that are integral for the functioning of the *electric vehicle charging station* (such as associated equipment, concrete pads, paving following the installation of conduit or utility trench, or paving sized to support the electric vehicle charging), shall be exempt from any further Planning Division *entitlement*. *Accessory battery energy storage* or *accessory solar photovoltaic energy generation* shall be deemed integral to the functioning of the *electric vehicle charging station* if sized for and used primarily by the *electric vehicle charging station*. Overhead canopies shall be deemed integral to the functioning of an electric vehicle charging station if they have a clearance height of 17 feet or less, measured from ground level to the underside of the canopy, a canopy fascia width of 4 feet or less, and a maximum building lot coverage of 5,000 square feet or less. To the extent that *electric vehicle charging stations* are proposed in combination with or in addition to another *use* that is not integral to the functioning of the *electric vehicle charging station(s)*, the integral components covered by this Section may be entitled separately from the non-integral components, which remain subject to Section 8105-4 or 8105-5 of this Chapter.

b. In addition to requiring a building permit pursuant to subsection (a) above, an *electric vehicle charging station* shall also require a *Planning Director* approved *Zoning Clearance* and comply with the development standards set forth in Section 8107-55.2 if any one of the following applies to the *electric vehicle charging station*:

   (1) It includes minor incidental work and improvements associated with the *electrical vehicle charging station* in addition to integral components described in subsection (a) above including but not limited to, non-integral shade structures, or solar photovoltaic canopies exceeding the standards of (a) above.

c. In addition to requiring a building permit pursuant to subsection (a) above, an *electric vehicle charging station* shall also require a Planned Development Permit, instead of a *Zoning Clearance* pursuant to subsection (b) above, and comply with the development standards set forth in Section 8107-55.2 if any of the following applies to the *electric vehicle charging station*:

   (1) It would add paving of 1 acre or greater of land, excluding any grading or paving that is integral to the functioning and installation of the *electric vehicle charging station* described in subsection (a) above.

   (2) If the County Building Official and/or *Planning Director*, as applicable, makes a finding, based on substantial evidence, that the proposal could have a specific, adverse impact upon public health or safety. This decision may be appealed to the Planning Commission pursuant to Section 8111-7 of this Chapter; however, the decision of the Planning Commission is not further

appealable to the Board of Supervisors notwithstanding Section 8111-7.2. If a Planned Development Permit is required pursuant to this subsection, such application shall not be denied unless the denial meets the standards set forth in Government Code Section 65850.7.

d. In addition to requiring a building permit pursuant to subsection (a) above for an *electric vehicle charging station*, any *structure* or *use* that is associated with an *electric vehicle charging station* that is not integral to the functioning of the *electrical vehicle charging station* as described in subsection (a) above, and that requires a separate *entitlement* under this Chapter, shall require said separate *entitlement* as specified in this Chapter and must be permitted in the subject zoning district and comply with all applicable development standards. *Structures* and *uses* such as restrooms, lounges, vehicle servicing, and convenience stores, not eligible for entitlement under Section 8107- 49.4, and associated with an *electric vehicle charging station* may be permitted as *transportation services* or *automobile service stations*, as applicable, if such uses are permitted in the subject zoning district.

8107-55.2 - Electric Vehicle Charging Station Development Standards

The purpose of this Section 8107-55.2 is to set forth the development standards that apply to *electrical vehicle charging stations* requiring a *Zoning Clearance* or Planned Development Permit pursuant to Section 8107-55.1, subsections (b) or (c) above.

a. **General Standards:** A vehicle parking area developed to support an *electric vehicle charging station* shall comply with all applicable requirements of Section 8108-5 of this Chapter.

b. **Location:** Outdoor Site

(1) *Electric vehicle charging station* outlets and connectors 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 equipment recommends otherwise.

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

(3) Equipment not attached to the side of a *building* shall be protected by wheel stops or concrete-filled bollards.

c. **Location:** Indoor Site

(1) Indoor sites shall be limited to garages, parking structures, and agricultural *buildings*.

(2) The equipment shall be located to permit direct connection to the electric vehicle.

(3) The equipment 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 equipment recommends otherwise.

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

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

e. **Signage:** The following information shall be displayed on *electric vehicle charging station* signs:

(1) Voltage and amperage levels;

(2) Safety information;

(3) Contact information for reporting when the equipment is not operating or other problems.

(4) Electric vehicle parking spaces must be designated with signage stating "EV Charging Only".

8107-55.3 - Electric Vehicle Charging Station – Allowed as Required Spaces

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).

Section 7

ARTICLE 8:

PARKING AND LOADING REQUIREMENTS

Article 8, Sec. 8108-3 of the Ventura County Ordinance Code is hereby amended to read as follows:

Sec. 8108-3.5 - 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 violate any required *setback*, *height*, or *building lot coverage* restrictions, or obstruct any required fire apparatus access lanes. Solar *structures* shall be compatible in scale, materials, color, and character with the surrounding building(s) and background. (AM. ORD. 4618 - 7/25/23)

Sec. 8108-3.5.1 - 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 shall 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 8, Sec. 8108-4.7 of the Ventura County Ordinance Code is hereby amended to read as follows:

Land Use	Motor Vehicle Spaces Required[1]	BICYCLE SPACES REQUIRED ST: *Short-term bicycle parking spaces* LT: *Long-term bicycle parking spaces*
INDUSTRIAL LAND USES	**+/- 10% of the total**	
Solar Photovoltaic Energy Generation	1 space per 500 sq. ft. of GFA	
Battery Energy Storage	For sites occupied daily by employees or contractors, 1 space per employee or contractor shall be provided. For unoccupied sites, or sites periodically occupied, 1 site shall be provided.	
Industrial Land Uses Not Otherwise Listed	1 space per 500 sq. ft. of GFA	

Section 10

ARTICLE 9:

STANDARDS FOR SPECIFIC ZONES AND OVERLAY ZONES

Article 9, Sec. 8109-4 of the Ventura County Ordinance Code is hereby amended to read as follows:

Sec. 8109-4.12 - Military Land Use Compatibility 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: AE-40ac/MLUC-5). Where applicable, the standards, requirements and procedures in this Section 8109-4.12 shall apply to *lots* in the Military Land Use Compatibility Overlay Zone in addition to those of the base zone.

Sec. 8109-4.12.1 - 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 8109-4.12

shall only apply to the portion of the *lot* that is located inside the Military Land Use Compatibility Overlay Zone.

Sec. 8109-4.12.2 - 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. 8109-4.12.2)
Military Land Use Compatibility Overlay Zone
Land Use Development Standards

MLUC Overlay Zone Subarea	Applicable Airspace or Airfield Imaginary Surface	Development Standards	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 Sections 8106-1.1 and 8106-1.2. 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 Sections 8106-1.1 and 8106-1.2.
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 Sections 8106-1.1 and 8106-1.2.

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MLUC Overlay Zone Subarea	Applicable Airspace or Airfield Imaginary Surface	Development Standards	Height Development Standard
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 Potential Zone II, and Clear Zone.	D	**Not Applicable**
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 Standards Key

A) Except where integral to the functioning of an *electric vehicle charging station*, as described in Section 8107-55.a(1), the following uses, regardless of *decision-making authority* and required entitlement as specified in Section 8105, 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 8107-1.7), 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 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 and operative 30 days after adoption.

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

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