

EXHIBIT 4

Proposed Coastal Zoning Ordinance Amendments – Legislative Format

Coastal Hazards and Sea Level Rise
Local Coastal Program Amendments

<p>County of Ventura Planning Commission Hearing Case No. PL20-0039 Exhibit 4 - Proposed Coastal Zoning Ordinance in Legislative Format (with staff explanations)</p>



Local Coastal Program (LCP)
COASTAL ZONING ORDINANCE
Sea Level Rise and Coastal Hazard Amendments

Exhibit 4

February 20, 2025



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EXHIBIT 4

Coastal Zoning Ordinance in Legislative Format

NOTES:

This document contains proposed Coastal Zoning Ordinance (CZO) amendments that were developed for the VC Resilient Coastal Adaptation Project with grant funds provided by the California Coastal Commission Local Assistance Grant Program. It includes new and updated amendments to existing zoning sections that would implement the draft goals, policies, and programs for sea level rise and coastal hazards, as well as revise coastal deck development standards per the Board of Supervisors direction from September 2014 to allow open decks inside rear setbacks of beachfront areas. All proposed text within the CZO is in the following “legislative format:”

- Existing CZO text that will be retained is shown as plain black text (not underlined).
- Newly proposed text is shown as black underlined text.
- Existing, certified text that is proposed for deletion is shown as “~~strikethrough~~” across the word/sentence.
- *Black italicized text* indicates that the term is defined in Article 2 of the CZO.
- Staff explanations are shown as *blue italicized text*.

The base document used for this draft is the “clean copy” version of the CZO, which was effective in September 2022. This document only shows sections of the CZO that are proposed to be amended and does not include the entire CZO. After a public comment period, this “legislative format” version and the “clean,” version of these amendments will be added as exhibit to the Planning Commission staff report.

VENTURA COUNTY COASTAL ZONING ORDINANCE

DIVISION 8, CHAPTER 1.1 OF THE VENTURA COUNTY ORDINANCE CODE

LAST AMENDED BY BOARD OF SUPERVISORS: [INSERT DATE]
LAST CERTIFICATION BY COASTAL COMMISSION: [INSERT DATE]
LEGALLY EFFECTIVE: [INSERT DATE]

VENTURA COUNTY PLANNING DIVISION

TABLE OF CONTENTS

[Staff comment: The only substantial change proposed is to the end of the Table of Contents, which adds "Appendix H1 Coastal Hazards Analysis Report Requirements". This appendix also includes the Coastal Hazards Screening Area maps. The page numbers will be updated when the amendments are completed.]

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ARTICLE 2: DEFINITIONS

[Staff comment: In Article 2 the definition of “Sandy Beach Area” is proposed to be changed to “Beach Area” and amended, since beaches can consist of cobble and other unconsolidated materials. The Definition for “Shoreline Protective Devices” would be amended to include jetties and groins. A definition is also proposed to be added for “Coastal Waters” and “Substantial Redevelopment.” There are no other changes proposed to this article.]

Sec. 8172-1 - Application of Definitions

Terms defined in Article 2 below are italicized whenever they appear in the main text of this ordinance.

Unless the provision or context otherwise requires, the definitions of words and term as follows shall govern the construction of this Chapter. Additional definitions may be found in Appendix 7 of the LCP Land Use Plan appendices.

Definitions - B

Sandy Beach Area - A public or privately-owned ~~sandy~~ area consisting of sand, cobble or other unconsolidated material fronting on *coastal waters*, regardless of the existence of potential prescriptive rights or a public trust interest.

[Staff comment: This definition would be revised as shown because sea level rise will affect beaches that primarily consist of sand, but also shoreline areas that consist of unconsolidated materials such as rocks and cobble. Rock and cobble beaches also need to be added to the definition to reflect local conditions more adequately.]

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

Definitions - C

Coastal Waters - The area composed of the submerged lands of California that are below the mean lower low water line extending seaward to the boundaries of the exclusive economic zone.

[Staff comment: This definition is proposed to be added because it describes the seaward area where the evaluation of beach impacts is no longer within local control. As such, the term “coastal waters” is applied in the definition of “beach area” provided above.]

Definitions - D

Development Envelope - The full extent of allowable *development* on a *legal lot*. In addition to *structures* or other *development* within a *building site*, the *development envelope* may include, but is not limited to, driveway or road, fire department turnarounds, *fuel modification zone*, water tanks (firefighting), entry gate/*fences*, utility trenches and other site grading, ~~septic onsite wastewater treatment~~ systems, wells, and drainage improvements. (See definition for *Building Site*.) (ADD.ORD.4586-10/19/21)

[Staff comment: Reference to “septic” has been replaced to match the formal name of the system “onsite wastewater treatment.” No other change has been made to the definition.]

Definitions – S

~~Sandy Beach Area~~ — A public or privately owned sandy area fronting on coastal waters, regardless of the existence of potential prescriptive rights or a public trust interest.

[Staff comment: This definition is not being removed, rather it will be amended to read as “Beach Area” as shown above in the “B” category of definitions.]

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

[Staff comment: The modification to this definition is to include jetties and groins as examples.]

Substantial Redevelopment - As used in Section 4.1.6, Policy 1.9 of the Ventura County Coastal Area Plan, the term “substantial redevelopment” means a proposed development project located in Coastal Hazards Screening Area A or B consisting of: (1) additions to any existing structure; (2) interior and/or exterior renovations to roofs, framing, walls (or vertical supports when there are no walls), and foundations; (3) demolition or replacement of an existing structure, or portions thereof, in which the project as a whole meets one or more of the thresholds in subsections a through e below, and/or (4) development of a structure on a vacant lot. (Also see subsection f, subsection g below, and Section 4.1.6, Policy 1.10 of the Ventura County Coastal Area Plan.)

- a. Replacement (including demolition, renovation, reinforcement, or other type of alteration): (1) of 50 percent or more of any major structural component, including floor, walls, roof structure or foundation, as calculated by linear feet, surface area, or volume; or (2) involving a 50 percent increase in gross floor area, taking into account previous replacement work undertaken on or after [insert certification date of LCP amendments].
- b. Replacement (including demolition, renovation, reinforcement, or other type of alteration) of less than 50 percent of a major structural component where the proposed replacement would result in cumulative alterations exceeding 50 percent or more of that major structural component, taking into account previous replacement work undertaken on or after [insert certification date of LCP amendments].
- c. An addition or alteration that would cumulatively result in 50 percent or greater gross floor area, taking into account previous additions undertaken on or after [insert certification date of LCP amendments].
- d. An alteration of an existing structure where the market value cost of proposed work equals or exceeds 50 percent of the appraised market value of the existing structure before the start of construction, based on a construction estimate by a licensed contractor and an appraisal conducted by a licensed real estate appraiser and submitted with the development application.
- e. In areas where FEMA Flood Insurance Rate Maps designate Zones V1-V30, VE, or V, the FEMA methods to measure substantial improvement shall be used to determine if alteration of an existing structure exceeds the 50 percent threshold of substantial redevelopment, if the calculation results are greater than any of the resulting calculations determined pursuant to any of the subsections (a) through (d) above. If

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application of said FEMA methods to measure substantial improvement results in 50 percent greater substantial improvement, the proposed development shall be considered "substantial redevelopment" under this policy regardless of the requirement of subsections (a) through (d) above.

- f. For Public Works facilities in Coastal Hazards Screening Area A or B, the above thresholds and calculations, subsection (b) above, shall apply to discrete projects such as pump stations and bridge replacements, but when there are ambiguities as to the extent of a facility replacement, such as road repaving or levee repairs, the Planning Director in consultation with the Public Works Agency Director shall determine how to measure cumulative alterations exceeding 50 percent or more of that major structural component, taking into account previous replacement work undertaken on or after [insert certification date of LCP amendments].
- g. Development that is subject to a general exemption and/or exclusion set forth in Section in 8174-6.3 does not qualify as and is not subject to the LCP policies and other requirements that apply to, "substantial redevelopment" and Section 4.1.6, Policy 1.9 of the Ventura County Coastal Area Plan.

For the purposes of this policy, "existing structure" means a principal structure, including but not limited to a main dwelling and any internal accessory dwelling unit, that was legally established and that has not subsequently undergone substantial redevelopment.

[Staff comment: This definition is proposed to be added because it is frequently referenced in the policies and zoning measures for sea level rise. The definition is included in Policy 1.9, as referenced above, and is also cross-referenced to the maps that identify the applicable coastal hazard screening area.]

ARTICLE 4: PERMITTED USES

[Staff comment: The Article 4 Use Matrix in Section 8174-5 includes two changes shown below which: 1) to add open decks to the accessory uses for dwellings, and 2) include a clarification for repair and maintenance of shoreline protective devices.]

Sec. 8174-5 – Permitted Uses by Zone

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

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

LAND USE CATEGORY	PERMIT REQUIREMENTS BY ZONE										
	COS	CA	CR	CRE	CR1	CR2	RB	RBH	CRPD	CC	CM
DWELLINGS											
Demolition of Single Family Dwellings and Accessory Structures	PDP	PDP	PDP	PDP	PDP	PDP	PDP	PDP	PDP		
• If exempt per Sec. 8174-6.2 or 8174-6.3.5	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC		
Improvements to Residential Structures											
• Improvements to Single Family Dwellings and Accessory Structures	PD	PD	PD	PD	PD	PD	PD	PD	PD		
• If exempt per Sec. 8174-6.2, 8174-6.3.2 or 8174-6.3.5	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC		
• Improvements to Other Dwellings and Accessory Structures	See "Improvements to Structures, Other Than Single Family Dwellings or Public Works Facilities"										
One Single-Family	PDP	PDP	PDP	PDP	PDP	PDP	PDP	PDP	PDP		
• If exempt per Sec. 8174-6.2, 8174-6.3.2 or 8174-6.3.5	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC		
One Two-Family or Two Single-Family (also see Sec. 8175-3.10)						PDP	PDP	PDP	PDP		
• If exempt per Sec. 8174-6.2, 8174-6.3.2 or 8174-6.3.5						ZC	ZC	ZC	ZC		
Multi-Family									PDP		

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LAND USE CATEGORY	PERMIT REQUIREMENTS BY ZONE										
	COS	CA	CR	CRE	CR1	CR2	RB	RBH	CRPD	CC	CM
<ul style="list-style-type: none"> If exempt per Sec. 8174-6.2, 8174-6.3.2 or 8174-6.3.5 									ZC		
Mobilehome, Continuing Nonconforming	PDP	PDP	PDP	PDP	PDP	PDP	PDP	PDP			
DWELLINGS – ACCESSORY USES AND STRUCTURES											
Animals											
Apiculture (see Sec. 8175-5.2.1)	PD	PD									
Aviaries (see Sec. 8175-5.2.2)	PD	PD	PD	CUP	CUP						
Board and Care of Horses on Lots of 10 Acres or More	CUP		CUP								
Farm, Including Private Stables (see Sec. 8175-5.2.4b)	PD	PD	PD								
Pet Animals (consistent with Sec. 8175-5.2.4a)	E	E	E	E	E	E	E	E	E		
More Than Are Permitted By Sec. 8175-5.2.4	CUP	CUP									
Wild Animals	CUP										
Non-Commercial Antennas, Freestanding, above 40 feet (see Sec. 8175-5.1i). See “wireless communication facilities” for all other antenna facilities.	PD	PD	PD	PD	PD	PD	PD	PD	PD		
<ul style="list-style-type: none"> If exempt per Sec. 8174-6.3.4 or 8174-6.3.5 	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC		
Exterior Storage consistent with Sec. 8174-6.2.5 and 8175-5.1j	E	E	E	E	E	E	E	E	E		
Fences and Walls	PD	PD	PD	PD	PD	PD	PD	PD	PD	See “Uses and Structures accessory to a Commercial or Industrial Use”	
<ul style="list-style-type: none"> If exempt per Sec. 8174-6.2, 8174-6.3.5, or 8174-6.3.6 	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	See “Uses and Structures accessory to a Commercial or Industrial Use”	
<u>Uncovered Porches and Decks Not More than 30” Above Finished Grade, per Sec. 8175-4.4</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	

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LAND USE CATEGORY	PERMIT REQUIREMENTS BY ZONE										
	COS	CA	CR	CRE	CR1	CR2	RB	RBH	CRPD	CC	CM
<ul style="list-style-type: none"> 30" or More in <u>Height Above the Finished Grade</u> 	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	
<i>[Staff comment: Uncovered porches and decks are currently allowed through a Zoning Clearance, but if they are over 30" in height, there could be privacy impacts to neighboring uses and require additional design review.]</i>											
Home Occupations (see Sec. 8175-5.1f)	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC		
Mobilehome/RV as Temp. Dwelling During Construction, consistent with standards in Sec. 8175-5.1e	PD	PD	PD	PD							
<ul style="list-style-type: none"> If exempt per Sec. 8174-6.3.6 	ZC	ZC	ZC	ZC							
Accessory Dwelling Unit (see Sec. 8175-5.1.1)	PD	PD	PD	PD	PD	PD	PD	PD	PD		
<ul style="list-style-type: none"> If exempt per Sec. 8174-6.2, 8174-6.3.2, 8174-6.3.5, or 8174-6.3.6 	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC		
<u>Septic Onsite Wastewater Treatment Systems</u> , Construction or Expansion of	PD	PD	PD	PD	PD	PD	PD	PD	PD		
<i>[Staff comment: Reference to "septic" has been replaced to match the formal name of the system, which is "onsite wastewater treatment.]"</i>											
Short-Term Rental or Homeshare (see Sec. 8175-5.21)	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC		
Water Wells, Construction or Expansion	PD	PD	PD	PD	PD	PD	PD	PD	PD		
<ul style="list-style-type: none"> Incidental, appropriate and subordinate to a principally-permitted use 	PDP	PDP	PDP	PDP	PDP	PDP	PDP	PDP	PDP		
<ul style="list-style-type: none"> With Brush or Vegetation Removal 	Permit May Be Required. See "Brush or Vegetation Removal"										
<ul style="list-style-type: none"> With Grading, Excavation or Fill 	Permit May Be Required. See "Grading, Excavation or Fill"										
Water Wells, Testing to Determine Water Availability	See "Water Facilities"										
Accessory Uses and Structures Not Otherwise Listed	PD	PD	PD	PD	PD	PD	PD	PD	PD		
<ul style="list-style-type: none"> If exempt per Sec. 8174-6.2, 8174-6.3.2, 8174-6.3.5 	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC		
SHORELINE PROTECTIVE DEVICES (See Sec. 8175-5.12.2), <u>including construction, repair, and/or maintenance</u>	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD

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LAND USE CATEGORY	PERMIT REQUIREMENTS BY ZONE										
	COS	CA	CR	CRE	CR1	CR2	RB	RBH	CRPD	CC	CM
<ul style="list-style-type: none"> If exempt per Sec. 8174-6.3.2, or <u>8174-6.3.6</u> or <u>Sec. 8175-5.12.3(b)</u> 	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC
<p><i>[Staff comment: Text added to clarify permitting requirements for construction, repair, and/or maintenance activities associated with shoreline protective devices. No further changes are proposed to Section 8174-5.]</i></p>											

Sec. 8174-6 – Statutory Exemptions and Categorical Exclusions

[Staff comment: No changes are proposed to Section 8174-6, but the General Exemptions and Exclusions are included below because they are referenced in the proposed amendments.]

- a. Authority. Pursuant to Sec. 30610 of the Public Resources Code, certain categories of *development* are statutorily exempt from *coastal development permit* (Conditional Use Permit, *Planned Development Permit*, or *Public Works Permit*) requirements. Pursuant to Section 30610(e) of the Public Resources Code, the *Coastal Commission* has approved Categorical Exclusion Order E-83-1, as amended by E-83-1A (effective 9/30/1986, amendment effective 2/25/1987), that provides additional exemptions to *coastal development permit* requirements within Ventura County.
- b. Zoning Clearance Required. Unless exempt from all permit requirements per Section 8174-5 above, a *Zoning Clearance* is required from Ventura County for *developments* exempt from *coastal development permit* requirements pursuant to this Section.

Sec. 8174-6.3 – General Exemptions and Exclusions

Sec. 8174-6.3.1 – Maintenance Dredging

Pursuant to Section 30610(c) of the Public Resources Code, as it may be amended, maintenance dredging of existing navigation channels or moving dredged material from those channels to a disposal area outside the *coastal zone*, pursuant to a permit from the United States Army Corps of Engineers, is exempt from *coastal development permit* requirements.

Sec. 8174-6.3.2 - Repair or Maintenance Activities*

- a. Pursuant to Section 30610(d) of the Public Resources Code, as it may be amended, repair or maintenance activities that do not result in additions, enlargements or expansions are exempt from *coastal development permit* requirements, with the exception of those activities identified in Sec. 8174-6.3.2(b) below.
- b. Pursuant to Section 13252 of Title 14 of the California Code of Regulations,

*For additional information regarding repair and maintenance activities excluded from coastal permit requirements (including roads, public utilities, parks, industrial facilities, other structures and dredging and beach alteration) see Repair, Maintenance and Utility Hook-up Exclusions from Permit Requirements, adopted by the Coastal Commission on Sept. 5, 1978.

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the following repair and maintenance activities are not exempt and shall require a *coastal development permit* because they involve a risk of substantial adverse environmental impact:

1. Any method of repair or maintenance of a seawall revetment, bluff retaining wall, breakwater, groin, culvert, outfall, or similar shoreline work that involves:
 - i. Repair or maintenance involving substantial alteration of the foundation of the protective work including pilings and other surface or subsurface *structures*;
 - ii. The placement, whether temporary or permanent, of rip-rap, artificial berms of sand or other beach materials, or any other forms of solid materials, on a beach or in coastal waters, *streams*, *wetlands*, estuaries and lakes or on a shoreline protective work except for agricultural dikes within enclosed bays or estuaries;
 - iii. The replacement of 20 percent or more of the materials of an existing *structure* with materials of a different kind; or
 - iv. The presence, whether temporary or permanent, of mechanized construction equipment or construction materials on any sand area, bluff, or *environmentally sensitive habitat area (ESHA)*, or within 20 feet of coastal waters or *streams*.
2. Any method of routine maintenance dredging that involves:
 - i. The dredging of 100,000 cubic yards or more within a 12-month period;
 - ii. The placement of dredged spoils of any quantity within an *ESHA*, on any sand area, within 50 feet of the edge of a *coastal bluff* or *ESHA*, or within 20 feet of coastal waters or *streams*; or
 - iii. The removal, sale, or disposal of dredged spoils of any quantity that would be suitable for beach nourishment in an area the *commission* has declared by resolution to have a critically short sand supply that must be maintained for protection of *structures*, *coastal access* or public recreational *use*.
3. Any repair or maintenance to facilities or *structures* or work located in an *ESHA*, any sand area, within 50 feet of the edge of a *coastal bluff* or *ESHA*, or within 20 feet of coastal waters or *streams* that include:
 - i. The placement or removal, whether temporary or permanent, of rip-rap, rocks, sand or other beach materials or any other forms of solid materials; or
 - ii. The presence, whether temporary or permanent, of mechanized equipment or construction materials.
- c. All repair and maintenance activities governed by the above provisions are subject to the permit regulations promulgated pursuant to the Coastal Act, including but not limited to the regulations governing administrative and *emergency* permits. The provisions of this section shall not be applicable to methods of repair and maintenance undertaken by the ports listed in Section 30700 of the Public Resources Code, unless so provided elsewhere in the

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Coastal Act. The provisions of this section shall not be applicable to those activities specifically described in the document entitled Repair, Maintenance and Utility Hookups, adopted by the *Coastal Commission* on September 5, 1978, unless a proposed activity will have a risk of substantial adverse impact on public access, *ESHA*, *wetlands*, or public views to the ocean.

- d. Unless destroyed by natural disaster, the replacement of 50 percent or more of a single-family residence, seawall, revetment, bluff retaining wall, breakwater, groin or any other *structure* is not repair and maintenance under Section 8174-6.3.2, but instead constitutes a replacement *structure* requiring a *coastal development permit*.

ARTICLE 5: DEVELOPMENT STANDARDS/CONDITIONS - USES

Sec. 8175-1 – Purpose

The purpose of this Article is to provide those *development* standards or conditions that are applicable to the *use* zones. This Article also delineates certain instances where exceptions to certain standards or conditions are allowable.

Sec. 8175-3.6 - Connection of Structures

- a. An *accessory structure* will be considered to be detached from the principal *structure* unless the roof connecting the two *structures* is essentially a continuation of the roof of the principal *structure*, or the space between such *structures* is completely enclosed by walls attached to each *structure*.
- b. Standards for connections of non-habitable *accessory structures* located seaward of the *principal structure* of lots in Coastal Hazards Screening Area A (see Appendix H1) are as follows:
 1. Shall be connected to the *principal structure* when built at or above the design flood elevation and:
 - i. Cantilevered to avoid the use of a caisson foundation or other similar support structure; or
 - ii. Included in the principal structure.
 2. Shall be disconnected from the *principal structure* when built below the design flood elevation and:
 - i. Decks, air conditioning units, landscape features, and stairs shall be resilient to coastal hazards by being anchored, with flood vents, and/or have open design;
 - ii. Portable spas, barbeques, sheds, and other structures that are not anchored shall be designed to be removed voluntarily or upon lawful order or directive if imminently threatened or damaged beyond repair by coastal hazards, and to the extent *feasible* be designed to break apart and not cause damage to the *principal structure* or nearby structures if the *accessory structure* falls onto a beach or other shoreline area, into the ocean, or is impacted by slope failure from a bluff;
 - iii. The use of a caisson foundation or other similar support structures are prohibited;
 - iv. Electrical equipment, elevators, and connections shall be sheathed, sealed and waterproofed; and
 - v. *Accessory structures*, such as decks, are not entitled to shoreline protective devices.

[Staff comment: This provision will be used to implement proposed Coastal Area Plan Policy 4.1.6-1.30.]

Sec. 8175-3.13 - Building Height

Sec. 8175-3.13.1 – Measurement of Building Height

The ~~heights of B~~buildings height in all zones shall be measured as follows:

- a. Pitched or Hip Roofs - For *buildings* with a pitched or hip roof, *building height* is the vertical distance from the finished *grade* to the averaged midpoint of the finished roof.
- b. Other Roof Types - For *buildings* with a flat roof or *buildings* where the roof and walls form a continuous architectural unit (e.g. A-frame *buildings*, Quonset huts, geodesic domes) *building height* is the vertical distance from the finished *grade* to the highest point of the finished roof.
- c. Calculation of Averaged Midpoint - The averaged midpoint is calculated by drawing a line between the highest point of the finished roof at the main ridgeline and top of the roof covering where it intersects with a horizontal line drawn from the top of each of the two exterior walls parallel to the main ridgeline. The midpoint is the point one-half of the distance between the upper and lower points. The averaged midpoint is the average of the two midpoints.
- d. Finished Roof -For purposes of determining the “finished roof”, “finished roof” shall mean the roof with the roof sheeting in place, but not the other roofing materials.

Sec. 8175-3.13.2 – Building Height Regulations in the RB and RBH Zones

- a. *Building height* in the RB and RBH zones shall be measured from the higher of the following: (1) the minimum elevation of the first floor as established by the Public Works Agency based on a Coastal Hazards Analysis Report (see Appendix H1) ~~Flood Control Division of Public Works~~, or (2) ~~18 twelve~~ inches above the highest point of the street(s) centerline paved portion of the road adjacent to the *lot*.
- b. The *building height* of the highest point of the finished roof of *principal structures* shall be no more than 28 feet for *structures* with flat roofs, pitched or hip roofs, and no more than 30 feet for *A-frame structures*.
- c. The finished *building height* of any exterior wall of a *principal structure* shall be no more than 28 feet.
- d. The finished *building height* of dormer windows shall be no more than 28 feet.
- e. The *building height* of all *roof structures* shall be consistent with the regulations included in Section 8175-4.8(b).

[Staff comment: This revision to Section 8175-3.13.2(a)(1) implements Coastal Area Plan Policies 4.1.6-1.3 and 4.1.6-1.4, which require an applicant-prepared Coastal Hazards Analysis Report to determine the design flood elevation for new development and development that qualifies as substantial redevelopment in Coastal Hazards Screening Area A and B. Section 8175-3.13.2(a)(2) was revised to include 18 inches instead of 12 inches. Eighteen inches above street centerline is the Public Works Agency’s current recommendation for the design of most projects. The addition of “building” to the other subsections clarifies the applicability of this section.]

Sec. 8175-4 - Exceptions To Lot, Setback and Height Requirements

Sec. 8175-4.1 - Accessory Structures in Setback Areas

Detached accessory structures that are not used for human habitation (e.g., porches and decks) may be constructed to within three feet of interior and rear lot lines, provided that:

- a. In no case shall any such structure exceed 15 feet in height.
- b. In no case shall any such structure(s) occupy more than 40 percent of the rear *setback* area.
- c. Setback areas adjacent to the street shall be maintained.
- d. On through lots, said structures may be located no closer than ten feet (six feet in the RBH Zone) to the rear lot line, except as specified otherwise in Section 8175-4.15.

Sec. 8175-4.2 - Architectural Features

Eaves, cornices, canopies, belt courses, sills, buttresses or other similar architectural features may project into required *setback* areas provided that such extensions do not extend more than two feet into any required *setback* area, and are not closer than two feet to any side or rear property line. When more than one *building* is located on the same *lot*, such features shall not be closer than two feet to a line midway between the exterior walls of such *buildings*.

Bay windows, regardless of whether or not they create additional floor area, are not considered architectural features and may not project into required *setback* areas.

Sec. 8175-4.3 - Balconies, Fire Escapes and Stairways

Open, unenclosed stairways or balconies not covered by roofs or canopies may extend into required *rear setbacks* not more than four feet (three feet in the RBH zone) and into required *front setbacks* not more than two and one-half feet (four feet in the RBH zone).

Sec. 8175-4.4 – Uncovered Porches and Decks

Uncovered porches and decks constructed at or below the level of the first floor of the *building* are subject to the following requirements in addition to those set forth in Section 8175-4.1 and 8175-3.6:

- a. Except as set forth in subsections b and c below, uncovered porches and decks may extend into required *front setbacks* not more than six feet, and into *rear* and *side setbacks* no closer than three feet to the property line.
- b. In RB and RBH zones, uncovered porches and decks shall not (1) extend onto or above a shoreline protective device and/or into environmentally sensitive habitat and/or buffers or (2) obstruct public access to beach areas and publicly accessible coastal resources.
- c. Uncovered porches and decks ~~On through lots such porches and decks~~ may be constructed no closer than three feet to the rear property line in the RB and RBH zones, and ~~7 10 feet to the property line in all other zones, no closer than ten feet in other zones.~~
- d. An open-work railing not more than three feet in *height* may be installed or constructed on ~~such~~ any uncovered porch or deck ~~without affecting this provision.~~

and shall be required for uncovered porches and decks raised more than 30 inches above the average grade.

- e. In no case shall uncovered porches, decks, and associated railings obstruct either (i) public access to coastal resource areas or (ii) required parking, or access thereto, be obstructed in any way.

[Staff comment: This revision to Section 8175-4.4 allows decks to extend into rear and side setbacks in RB and RBH Zones. If the open porch or deck is over 30 inches in height, then it requires a discretionary entitlement pursuant to the changes shown in the Use Matrix in Section 8174-5.]

Sec. 8175-5 – Standards and Conditions For Uses

The following standards and conditions shall apply to all *uses* stated herein:

Sec. 8175-5.6 – Film Production, Temporary

Sections:

- 8175-5.6 Film Production, Temporary
- 8175-5.6.1 Film Permits Required
- 8175-5.6.2 Film Permit Application Procedures
- 8175-5.6.3 Film Permit Modifications
- 8175-5.6.4 Standards for Film Production Activities in all Zones
- 8175-5.6.5 Neighborhood Consent

Sec. 8175-5.6.1 – Film Permits Required

- a. *Film Permit.* A *film permit* in the form of a Planned Development Permit or Zoning Clearance is required for all *film production activities*, unless exempt from *film permit* requirements pursuant to Sec. 8174-5.
- b. A *Coastal Development Permit* or exemption is required from the *Commission* for areas where the California Coastal Commission retains *coastal development permit* authority as shown on the Post Local Coastal Plan Certification Permit and Appeals Jurisdiction Maps for the County (as available in the Planning Division). The California Coastal Commission Permit Jurisdiction includes state waters, lands below the *mean high tide line*, and lands subject to the public trust.
- c. Possession of an approved California Coastal Commission *Coastal Development Permit* or exemption, Planned Development Permit or Zoning Clearance shall not relieve the applicant of the responsibility of securing and complying with any other permit which may be required by other County, State or Federal laws.
- d. An approved County *film permit*, or an approved California Coastal Commission *Coastal Development Permit*, shall be in the possession of the permittee at all times during *film production activities*.
- e. *Film permits* are non-transferable and cannot be assigned to any other person, agency, or entity. A copy of the *film permit* shall be kept onsite and located in an easily accessible location in the event the County or other government official requests verification that the *film production activities* are authorized by a *film permit*.

Sec. 8175-5.6.1.1 – Planned Development Permit

- a. A Planned Development Permit shall be required for *film production activities*, or access to a *film permit area*, that meets one or more of the following criteria:
 1. *Film production activities* would last more than 14 days and less than 180 days in duration;
 2. May directly or indirectly impact an *environmentally sensitive habitat area (ESHA)*. For example, a direct impact could be the removal of *major vegetation* in order to construct a *film set*, and an indirect impact could be the introduction of loud and persistent noise or intense light that would harm animals with a low tolerance for these types of effects;
 3. Would include grading or landform alteration;
 4. Would restrict *public access* to public recreation areas; or
 5. Would result in inadequate *coastal access parking*. For the purpose of this subsection, inadequate *coastal access parking* would occur if a *base camp* or *temporary film production activities* occupy one or more public parking spaces used for coastal beach access.
- b. Planned Development Permits shall not be issued for *film production activities* located on a sandy beach area within the County of Ventura's ~~County's~~ permit jurisdiction during weekends or holidays of the peak summer months (Memorial Day through Labor Day)

[Staff comment: This revision is a typographical correction to match the amendments to the definition of "Sandy Beach Area".]

Sec. 8175-5.7 - Oil and Gas Resources and Related Industrial Development

Sec. 8175-5.7.6 - Development Plan

A *development* plan shall accompany the application for a permit, and shall include the following information:

- a. The location of drilling and/or production sites, storage tanks, pipelines and access roads.
- b. Plans for the consolidation, to the maximum extent *feasible*, of drilling and/or production facilities, as well as accessory facilities.
- c. A phasing plan for the staging of *development* that indicates the approximately anticipated timetable for project installation, completion and decommissioning. If the proposed facility is located in Coastal Hazards Screening Area A, the phasing plan shall evaluate the siting and design of new development with sea level rise scenarios analyzed for the expected life of the development in a Coastal Hazards Analysis Report. (See Appendix H1.)

[Staff comment: The Coastal Hazards Screening Area Maps in Appendix H1 identify an area near McGrath Lake that hosts a collection facility for off-shore oil extraction. If new discretionary development is proposed for this facility, the review should include wave run-up analysis with projected sea level rise due to its proximity to the coast.]

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- d. A plan for eliminating or substantially mitigating adverse impacts on *habitat* areas, *prime agricultural lands*, *recreational areas*, *scenic resources* and archaeological sites due to siting, construction, or operation of facilities.
- e. ~~Grading plans for all facilities requiring the movement of greater than 50 cubic yards of dirt. For any development requiring a grading permit, either (1) a Storm Water Pollution Control Plan (SWPCP) shall be prepared, submitted, and approved in accordance with the Ventura County Municipal Storm Water Permit, Order No. 00-108, Part 4 — Special Provisions, D. Programs for Construction Sites, or (2) a Storm Water Pollution Prevention Plan (SWPPP) shall be prepared, submitted, and approved in accordance with the State General Permit for Storm Water Discharges Associated with Construction Activity, whichever is applicable.~~

[Staff comment: Grading requirements are set forth in the International Building Code Appendix J that is adopted as part of the Ventura County Building Code. The National Pollution Discharge Elimination System (NPDES) Permit determines the types of grading and other development activities that are subject to best management practices that must be implemented as part of discretionary development. In addition, certain General Plan policies (e.g., WR-3.3, Low Impact Development) set forth water quality requirements that apply to discretionary development.]

- f. A description of means by which all oil and gas will be transported off-site to a marketing point.
- ~~g-f.~~ A description of the procedures for the transport and disposal of all solid and liquid wastes.
- ~~h-g.~~ Oil spill prevention and control measures.
- ~~i-h.~~ Fire prevention procedures.
- ~~j-i.~~ Emission control equipment.
- ~~k-j.~~ Procedures for the abandonment and restoration of the site.
- ~~l-k.~~ Compliance with any other requirement of the Ventura County Ordinance Code related to oil and gas *development*.
- ~~m-l.~~ All facilities supporting oil and gas *development* must comply with the terms and requirements of the State General Industrial Activities Stormwater Permit, including the *development* and submittal of a Stormwater Pollution Prevention Plan.

Sec. 8175-5.9 - Public Works Facilities

Public Works facilities are subject to the provisions of this Section and all other provisions of this Chapter and the LCP land use plan. The types of facilities include, but are not limited to, the following: Roads, turnouts for *emergency* vehicles, bridges, reservoirs, *drainage* channels, watercourses, flood control projects, pump stations, utility lines, harbors, railroads, airports, septic onsite wastewater treatment systems, water wells and water storage tanks.

- a. New or expanded *public works facilities* (including roads, bridges, flood control measures, water and sanitation) shall be designed to serve only the potential population of the unincorporated and incorporated areas within LCP boundaries, ~~and~~ to avoid impacts on *agriculture*, and open space lands to the maximum extent

feasible, and ensure that *environmentally sensitive habitats (ESHA)* are protected against any significant disruption of habitat values, and for resilience to sea level rise and coastal hazards, pursuant to the requirements of the LCP. See Section 8178-2.5.2(c) if such facilities are proposed within *ESHA* or *buffer zone*.

[Staff comment: The definition of "Public Works" in the glossary lists the "facilities" that constitute "Public Works." The other revisions to this subsection correct the grammar and implement proposed Coastal Area Plan Policies 4.1.6-1.4, 4.1.6-1.41 and 4.1.6-1.42, requiring County-initiated projects to include planning for sea level rise and coastal hazards. Reference to "septic" has been replaced to match the formal name of the system "onsite wastewater treatment."]

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

For information on permitting requirements for existing *Public Works* facilities, see Section 8174-6.3.2 and Section 8174-6.3.6(a)(9). For *Public Works* Facilities in *ESHA* or *buffer zone*, also see Section 8178-2.

Sec. 8175-5.10 - Recreational Vehicle Parks

Sec. 8175-5.11 - (Reserved for future use)

[Staff comment: No changes are proposed to Sections 8175-5.10 and 8175-5.11]

Sec. 8175-5.12 - Shoreline Protection~~ive~~ Devices

Sec. 8175-5.12.1 - Standards

The following standards shall apply to the construction or maintenance of *shoreline protective devices* ~~such as (e.g., seawalls, jetties, revetments, groins, or breakwaters, and bluff retaining walls):~~

- a. ~~Proposed shoreline protective devices shall only be allowed when they are necessary to protect existing developments, coastal-dependent land uses, and public beaches.~~ Proposed shoreline protective devices shall be permitted in conformance with the LCP and Coastal Act Sections 30235 and 30253. Shoreline protective devices or other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, when designed to eliminate or mitigate adverse impacts on local shoreline sand supply and when no less environmentally damaging alternative is feasible. New,

enlarged, or extended shoreline protective devices shall not be permitted unless alternatives that are required to be analyzed by Section 4.1.6, Policy 1.17 of the Ventura County Coastal Area Plan are determined to be not *feasible* or to be more environmentally damaging. For the purposes of this section, "existing structure" means a legally permitted *principal structure*, including but not limited to a *main dwelling* and any internal *accessory dwelling*, that qualifies as "existing" within the meaning of Section 30235 and that has not subsequently undergone *substantial redevelopment* (see Section 4.1.6, Policy 1.9 of the Ventura County Coastal Area Plan, as may be amended). *Shoreline protective devices shall not be allowed for the sole purpose of protecting private accessory structures or landscape features (e.g., garages, carports, storage sheds, decks, patios, walkways, landscaping).*

- b. As a condition of approval of a *coastal development permit* authorizing the demolition or *substantial redevelopment* of an existing residential, commercial or industrial *principal structure* (see definition in Article 2 and Appendix H1) that is protected by an existing, legally permitted *shoreline protective device*, the permittee shall thereafter be prohibited from enlargement or extension of the *shoreline protective device* but may seek authorization to repair and maintain the device if it is part of a community-wide *shoreline protective device* required to protect existing development entitled to shoreline armoring in a designated Existing Community, and removal is not *feasible*. Where the *shoreline protective device* is located on the project site, this condition of approval shall require the permittee to remove the *shoreline protective device* when it is no longer necessary. Where the *shoreline protective device* is located on a property owned by another entity (e.g., homeowner's association), the permittee shall coordinate with that entity and abide by a neighborhood scale plan that is developed by that entity to remove the shoreline protective device when it is no longer necessary.

[Staff comment: Even though a principal structure that undergoes substantial redevelopment will be resilient to sea level rise without reliance on the shoreline protective device (see Coastal Area Plan Policy 4.1.6-1.11), removal of the shoreline protective device would not be necessary. This is in order to avoid creating gaps in the existing armor for "existing communities" because gaps in the armor will impact nearby neighboring development that has not yet been designed to be resilient to sea level rise.]

- bc. All ~~s~~*Shoreline protective devices structures* that alter natural shoreline processes must be sited and designed to avoid or eliminate or mitigate adverse impacts on *beach areas* and local shoreline *sediment sand* supply, *coastal resources*, and *unauthorized encroachment onto public trust lands*. When such siting and/or design is not *feasible*, adverse impacts to lateral *beach area* access, biological, water quality, visual, and other *coastal resources* and coastal processes shall be minimized and mitigated consistent with the policies of the LCP and Coastal Act. Mitigation measures may include but are not limited to providing equivalent new public access or recreational facilities or undertaking restoration of nearby *beach area habitat*. If such measures are not *feasible* to eliminate or substantially reduce a significant impact, payment of proportional in-lieu fees may also be used to mitigate impacts in the permit area if such fees are available through an adopted program or if there is a permitted off-site public access improvement or habitat restoration project (as applicable) that can serve as equivalent impact

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mitigation and the proportional in-lieu fee is determined by the County based on relevant circumstances including, but not limited to, area of impacts, necessary mitigation ratios, and costs of mitigation. The applicant will be required to identify mitigation measures in the Coastal Hazards Analysis Report as described in Appendix 15.

- ~~ed.~~ Permitted To the maximum extent feasible, shoreline protective devices structures shall not interfere with public rights of access to the shoreline; however, if a shoreline protective device will interfere with public access to the shoreline, equivalent new public access shall be provided.
- ~~e.~~ A coastal development permit and building permit will shall be required for any discretionary authorization of construction or non-exempt repair and or maintenance of shoreline protective devices structures, such as seawalls, jetties, revetments, groins, breakwaters and related arrangements.
- ~~f.~~ The County's Planning Division will shall routinely refer all permits applications, Coastal Hazards Analysis Reports, and other technical documents that support coastal development permit applications for shoreline protective devices (e.g., seawalls, revetments, groins, retaining walls, and berms), pipelines, and outfalls, to the Flood Control and Water Resources Division of the Public Works Agency to be evaluated not only for structural engineering soundness, but and environmental soundness as well whenever necessary impacts within the Agency's purview. This includes a survey of potential environmental impacts, including (but not limited to) the project's effects on adjacent upcoast and downcoast and downstream structures shoreline protective devices, coastal resources and processes, net littoral drift, and downcoast beach area profiles).

~~If the potential environmental impacts of from new development or substantial redevelopment of shoreline protective devices on beach areas (e.g., erosion) shall be minimized and mitigated. the proposed structure are considered significant by the Public Works Agency, the applicant will then be required to shall identify feasible mitigation measures in a Coastal Hazards Analysis Report consistent with the requirements of Appendix H1 obtain an engineering report that specifies how those impacts will be mitigated. If required, mitigation measures will be implemented as coastal development permit conditions.~~
- ~~g.~~ Repair and maintenance of an existing legally established structure that is a shoreline protective device shall comply with Sections 8175.5.12.3 and 8181-10.4.
- ~~h.~~ Repair and maintenance of an existing, legally established structure that is a shoreline protective device, to the extent permitted, shall: (1) not enlarge or extend the shoreline protective device or allow for the permitted footprint to move further seaward, (2) protect public trust resources (see Section 4.1.6, Policy 1.15 of the Ventura County Coastal Area Plan, as may be amended), and (3) include measures to mitigate all coastal resource impacts including to beach areas and public access.
- ~~i.~~ Applications for extension or enlargement of a legally established structure that is a shoreline protective device shall not be processed or approved concurrently with applications for approval of other new development or substantial redevelopment on the same lot.

[Staff comment: These changes are needed to implement proposed Coastal Area Plan policies 4.1.6-1.14, 1.20, 1.23, and 1.27.]

Sec. 8175-5.12.2 – Technical Documentation

Prior to the construction or enhancement of any *shoreline protective device*, the County ~~shall~~ may require the preparation of a Coastal Hazards Analysis Report ~~an engineering-geology report~~ at the applicant's expense. Such report shall include ~~feasible~~ mitigation measures that will be used; ~~the following applicable information~~ to satisfy the standards of Section 8178-4.1, ~~as well as other provisions~~ requirements of the ordinance, and ~~Land Use Coastal Area Plan policies~~. See Appendix H1 for the Coastal Hazards Analysis Report Requirements.

- a. ~~Description of the geology of the bluff or beach, and its susceptibility to wave attack and erosion.~~
- b. ~~Description of the recommended device(s), along with the design wave analysis.~~
- c. ~~Description of the anticipated wave attack and potential scouring in front of the structure.~~
- d. ~~Depth to bedrock for vertical seawall.~~
- e. ~~Hydrology of parcel, such as daylighting springs and effects of subsurface drainage on bluff erosion rates, as it relates to stability of the protective device.~~
- f. ~~Plan view maps and profiles of device(s), including detailed cross section through the structure.~~
- g. ~~Type of keyway, location of tie backs or anchor devices, and depth of anchor devices.~~
- h. ~~Bedrock analysis.~~
- i. ~~Accessway for construction equipment.~~
- j. ~~Use and type of filter fabric.~~
- k. ~~Projected effect on adjacent properties.~~
- l. ~~Recommendations on maintenance of the device.~~
- m. ~~Use of wave deflection caps.~~

[Staff comment: These technical review features for shoreline protective devices are proposed to be updated and moved into the Coastal Hazards Analysis Report Requirements in Appendix H1. They were combined with updated standards to include sea level rise planning.]

Sec. 8175-5.12.3 – Permit Requirements for Repair and Maintenance of Shoreline Protective Devices

This Section 8175-5.12.3 identifies repair and maintenance permit requirements for legally established structures that are shoreline protective devices.

- a. For the purposes of this section and subsection (b) below, a Zoning Clearance application for repair and maintenance to a legally established structure that is a shoreline protective device is required to include sufficiently detailed information including structural color, dimensions, elevations, and siting

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information that can be used as a basis to measure and verify the standards allowed in the following subsections and Section 8174-6.3.2(b) and/or 8174-6.3.6 would not be exceeded. The Planning Director or designee may return applications that lack sufficiently detailed information and request an updated survey and site plan stamped by a California Licensed professional.

- b. The following repair and maintenance activities to a legally established structure that is a shoreline protective device shall be authorized with a Zoning Clearance.
- i. If dislodged by natural hazards, restacking of less than 20 percent of existing rock revetment materials to recreate the legally established design and dimensions of the shoreline protective device.
 - ii. Application of protective coatings (e.g., protective weather sealants applied to device surfaces, cracks, and spalling) that are no thicker than 2 inches and do not result in additional device height, or alter visual impacts due to color, texture, and/or other design treatments, as compared to the legally established structure that is a shoreline protective device.
 - iii. Repair and maintenance activities for shoreline protective devices that are exempt from coastal development permit requirements pursuant to Section 8174-6.3.2(b) and/or 8174-6.3.6.

In order to be authorized with a Zoning Clearance, the repair and maintenance activities described above must comply with the following requirements, otherwise they will require a modification of a Coastal Development Permit pursuant to subsection c below:

- Mechanized equipment is prohibited on the beach area.
 - Development is prohibited in ESHA, or within 20 feet of coastal waters or streams.
 - All coatings shall be non-toxic once cured.
 - The placement of shoreline protective device or constituent materials, seaward or landward compared to the existing legally established device is prohibited.
 - Development activities are prohibited when wave runup reaches the seaward side of the work area and/or when dangerous conditions (e.g., due to high winds or rainfall) are forecast.
 - Development shall not adversely impact public access.
 - After completion of daily work, solid and liquid debris shall be collected and disposed off-site.
 - All work shall be performed under direction and approval of a project engineer, and
 - Shall comply with construction site best management practices.
- c. Repair and maintenance activities of an existing, legally established structure that is a shoreline protective device that cannot be authorized with a Zoning Clearance pursuant to subsection b, shall be authorized with a Coastal

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Development Permit Minor or Major Modification pursuant to Section 8181-10.4.

[Staff comment: Section 8175-5.12.3 would clarify the permitting requirements for repair and maintenance activities involving existing, legally established shoreline protective devices. The permitting requirements are based on the permitting requirements for applicant-initiated modifications to other types of legally established development set forth in Section 8181-10.4. No further changes are proposed to Article 5.]

ARTICLE 8: GENERAL DEVELOPMENT STANDARDS/CONDITIONS – RESOURCE PROTECTION

Sec. 8178-1 – Purpose

The purpose of this Article is to provide *development* standards and conditions necessary for the protection of environmental and other resources in the *coastal zone*. This Article must be used in conjunction with any specific *development* standards found in Articles 5, 6, and 7, and with all provisions and policies of the LCP Land Use Plan, to determine all the standards and conditions for a proposed *development*.

Sec. 8178-2 – Environmentally Sensitive Habitat Areas (ESHA)

Sec. 8178-3 – Archaeological and Paleontological Resources

[Staff comment: No changes are proposed to Sections 8178-2 and 8178-3.]

Sec. 8178-4 – Mitigation of Potential Hazards

Sec. 8178-4.1 – General Requirements

All new *development* and *substantial redevelopment*, shall be evaluated for potential impacts to, and from, geologic hazards (~~including e.g.,~~ seismic hazards, landslides, expansive soils, ~~and/or~~ subsidence, ~~etc.~~), flood hazards, and fire hazards. New development and substantial redevelopment that is proposed in a Coastal Hazards Screening Area (see Appendix H1), shall also be evaluated for coastal hazards (including coastal flooding, beach or coastal bluff erosion, coastal bluff slope failure, and/or wave impacts) factoring in the effects of sea level rise for the anticipated life of the proposed development in accordance with Section 4.1.6, Policy 1.4 and 1.5 of the Ventura County Coastal Area Plan, as may be amended. New development and substantial redevelopment shall be sited and designed in compliance with the LCP to minimize risks to life and property in areas such as floodplains, bluffs, 20% or greater slopes, or shorelines, where such hazards may exist.

1. New development and substantial redevelopment shall be sited and designed so as not to cause or contribute to flood hazards, or lead to the expenditure of public funds for flood control works. Feasible mitigation measures and design features shall be required where necessary.
2. New development and substantial redevelopment in Coastal Hazards Screening Areas shall be sited and designed to avoid hazards, taking into account predicted sea level rise over the expected life of the development factoring in the effects of the sea level rise scenarios. New development and substantial redevelopment shall assure stability and structural integrity of the development without reliance on a shoreline protective device.
3. When a principal structure or accessory dwelling unit qualifies as new development or substantial redevelopment is proposed to be located in a Coastal Hazards Screening area defined in Appendix H1 or in an area designated as either Zone V1-V30, VE, or V according to the Federal Emergency

Management Agency's (FEMA) Flood Insurance Rate Maps, it shall either be sited to avoid coastal hazards or designed with sufficient elevation that the lowest horizontal structural member is 1 foot above the calculated design flood elevation that is projected for the expected life of the development factoring in the effects of the sea level rise scenarios in Section 4.1.6, Policy 1.4, Table 1 of the Ventura County Coastal Area Plan, as may be amended.

4. As part of the coastal development permitting process, the entire existing structure proposed for substantial redevelopment that is demolished and rebuilt must be brought into conformance with all applicable LCP policies and CZO regulations as if it were an entirely new development.

[Staff comment: The changes above implement proposed Coastal Area Plan Policies 4.1.6-1.8 and 1.10. New or substantial redevelopment will be sited and designed to be safe from shoreline hazards without reliance on shoreline protective devices. In most instances this would require habitable floor areas to be elevated if the development is located in Coastal Hazards Screening Areas A or B. FEMA already requires new development in flood zones along much of the shoreline of the North and South Coast to be elevated.]

Sec. 8178-4.2 – Geotechnical Report

If the available data indicates that a proposed new development, and/or substantial redevelopment as proposed is located in a hazardous area that will not assure stability and structural integrity, and will not minimize risks to life and property in areas of potential hazards, and/or will create or contribute significantly to erosion or geologic instability, then the County shall require the preparation of a geotechnical report ~~an engineering geology report~~ at the applicant's expense. A Coastal Hazards Analysis Report pursuant to requirements in Appendix H1 may also be required in addition to the geotechnical report. Such reports shall be prepared at the applicant's expense in accordance with all applicable provisions of this ordinance and of the Coastal Area Plan policies, ~~and~~ Also, these reports shall include *feasible* mitigation measures that will be used in the proposed *development*, as well as the following applicable information to satisfy the standards of Section 8178-4.1:

- a. Bluff top, Coastal Hazards Screening Area A, and 20% percent or Greater *Slope Development* - For these areas, the County may require the following information:
 1. Cliff and bluff geometry and site topography, extending the surveying work beyond the site as needed to depict unusual geomorphic conditions that might affect the site;
 2. Historic, current and foreseeable cliff and bluff erosion data, including an investigation of recorded land surveys and tax assessment records in addition to the *use* of historic maps and photographs, where available, and possible changes in shore configuration and sand transport;
 3. Geologic conditions, including soils, sediment and rock types and characteristics, in addition to structural features, such as bedding, joints, and faults;
 4. Evidence of past or potential landslide conditions, the implications of such conditions for the proposed *development*, and the potential effects of the *development* on landslide activity;
 5. Impact of construction activity on the stability of the site and adjacent area;

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6. Ground and surface water conditions and variations, including hydrologic changes caused by the *development* (i.e., introduction of sewage effluent and irrigation water to the ground water system; alterations in surface drainage);
 7. Potential erodibility of site;
 8. Effects of ~~marine erosion~~ on bluffs, seacliffs, tidelands, beach areas, coastal waters and processes, and environmentally sensitive habitat areas;
 9. Potential effects of seismic forces resulting from a maximum credible earthquake; and
 10. Any other factors that might affect *slope* stability.
- b. *Shoreline Protective Devices* - See Sec. 8175-5.12, Section 4.1.6 of the Ventura County Coastal Area Plan, as may be amended, and Coastal Hazards Analysis Report requirements in Appendix H1.

[Staff comment: Minor changes are included in this section to update it for the Coastal Hazards Screening Area requirements, as well as to clarify that the effects of development on bluff erosion should not significantly impact beach areas and sensitive habitats. No further changes are proposed to Article 8.]

ARTICLE 11:

ENTITLEMENTS - PROCESS AND PROCEDURES

Sec. 8181-1 – Purpose

The purpose of this Article is to establish procedures for the processing of land *use* entitlements, including permits and variances, and for modification, suspension, or revocation of any permit or variance, and appeals thereto.

Sec. 8181-2 – Legal Lot Requirement

No permit shall be issued for construction on a *lot* that is not a *legal lot*.

Sec. 8181-3 – Permits

Permits authorized by this Chapter include the following:

Sec. 8181-3.1 – Zoning Clearances

Zoning Clearances certify that a proposed *structure* and/or *use* of land or *buildings* meets all the requirements of this Chapter, and, if applicable, the conditions of any previously issued permit. Issuance of a *Zoning Clearance* is a *ministerial decision* by the *Planning Director* that is not appealable to the Coastal Commission and is required for *development* exempt or excluded from the requirement to obtain a *Coastal Development Permit*.

- a. Issuance - A *Zoning Clearance* is required prior to the initiation of *uses* of land or *structures*, including a change of *use* where a new *use* replaces an existing one, the construction of *structures* requiring *building* permits, and the commencement of any activity authorized by a permit or subdivision granted in accordance with Division 8, Chapters 1, 1.1 and 2 of the County Ordinance Code. A *Zoning Clearance* shall be issued upon the request of an applicant, provided that the proposed *use* or *structure*:
 1. Is permissible under the present zoning on the land;
 2. Is compatible with the purpose, intent, goals, policies, programs and land *use* designations specified in the General Plan;
 3. Complies with the applicable terms and conditions of the required discretionary permit granting the *use* in question, and the decision granting said permit is considered "effective" pursuant to Sec. 8181-7.4;
 4. Is not located on the same *lot* where a violation exists of any Ventura County Ordinance regulating land *use*, such as the Ventura County Building Code or any grading ordinance, or of the terms of an existing permit covering the *lot*, unless the *Zoning Clearance* is necessary to the abatement of the existing violation;
 5. Is not being requested by or for a *person* who owes the County outstanding fees; and
 6. Is consistent with the portions of the County Hazardous Waste Management Plan that identify specific sites or siting criteria for *hazardous waste facilities*.

- b. Expiration - *Zoning Clearances* shall expire 180 days after issuance, unless otherwise indicated on the clearance or unless the *use* of land or *structures* or *building* construction has commenced and is being diligently pursued.

Sec. 8181-3.2 - Planned Development Permit

A Planned Development Permit or modification thereto may be granted by the *Planning Director*, or by the Planning Commission upon deferral, as a *discretionary decision*. For a listing of those *uses* that require a Planned Development Permit, refer to Article 4.

Sec. 8181-3.3 - Conditional Use Permit

A Conditional Use Permit or modification thereto is issued through a public hearing and discretionary decision by the Planning Director, Planning Commission or Board of Supervisors. Except for projects initiated by a County agency or department, applications for Board of Supervisors-approved Conditional Use Permits shall first be reviewed by the Planning Commission.

Sec. 8181-3.4 - Public Works Permit

A Public Works Permit is a discretionary permit processed by the Public Works Agency in accordance with all applicable requirements of the Government Code and this Chapter regarding findings, public notification and hearings for discretionary permits.

Sec. 8181-3.5 - Required Permit Findings

Discretionary permits may only be granted if all billed fees and charges for processing the application request that are due for payment have been paid, and if all of the following standards are met or if conditions and limitations, including time limits, as the *decision-making authority* deems necessary are imposed to allow it to meet said standards. The applicant shall have the burden of proving to the satisfaction of the appropriate *decision-making authority* that the following standards can be met. Specific factual findings shall be made to support the conclusion that each of these standards, if applicable, can be satisfied:

- a. The proposed *development* is consistent with the intent and provisions of the County's Certified LCP;
- b. The proposed *development* is compatible with the character of surrounding *development*;
- c. The proposed *development*, if a conditionally *permitted use*, is compatible with planned land *uses* in the general area where the *development* is to be located.
- d. The proposed *development* would not be obnoxious or harmful, or impair the utility of neighboring property or *uses*;
- e. The proposed *development* would not be detrimental to the public interest, health, safety, convenience, or welfare.

Sec. 8181-3.5.1 - Additional Findings for Hazardous Waste Facilities

[Staff comment: No changes are proposed to above Sections 8181-1 through 8181-3.5.1.]

Sec. 8181-3.5.2 – Additional Findings for Development in the Santa Monica Mountains Overlay Zone

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In addition to the provisions of Section 8181-3.5, for any proposed *development* in the Santa Monica Mountains overlay zone the following additional findings must be made through conditions and limitations placed on the *use*:

- a. Private services for each individual *development* requiring potable water will be able to serve the *development* adequately over its normal lifespan.
- b. When a water well is necessary to serve the *development*, the applicant shall be required to do a test well and provide data relative to depth of water, geologic *structure*, production capacities, degree of drawdown, etc. The data produced from test wells shall be aggregated to identify cumulative impacts on *riparian* areas or other *coastal resources*. When sufficient cumulative data is available to make accurate findings, the County must find that there is no evidence that proposed wells will either individually or cumulatively cause significant adverse impacts on the above mentioned *coastal resources*.
- c. All need for sewage disposal over the life span of the *development* will be satisfied by existing sewer service to the immediate area or by location of ~~septic facilities~~ onsite wastewater treatment systems on-site consistent with other applicable provisions of the LCP.
- d. *Development* outside of the established "Community" area shall not directly or indirectly cause the extension of public services (roads, sewers, water etc.) into an open space area.
- e. Any deviations from *outdoor lighting* requirements make the finding pursuant to Section 8177-4.1.11.

[Staff comment: Reference to "septic" has been replaced to match the formal name of the system "onsite wastewater treatment." No other change has been made to the section.]

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

[Staff comment: No changes are proposed to Section 8181-3.5.3.]

Sec. 8181-3.5.4 – Additional Findings for Development in the Coastal Hazards Screening Area

All new development and substantial redevelopment in the Coastal Hazard Screening Areas (See Appendix H) shall be sited and designed to meet the following requirements over the expected life of the development and factoring in the effects of climate change: (i) minimize risks to life and property in areas of high geologic, flood, erosion, sea level rise, groundwater inundation, and fire hazards; (ii) assure stability and structural integrity of development and, with the exception of coastal dependent development, do so without reliance on shoreline protective devices that substantially alter natural landforms or otherwise harm coastal resources in a manner inconsistent with LCP policies or Coastal Act public access policies; and (iii) neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area. In addition to the provisions in Section Sec. 8175-5.12 – Shoreline Protective Devices, the following additional findings must be made through conditions and limitations placed on the use:

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- a. As a condition of approval of a coastal development permit authorizing the demolition or substantial redevelopment (see definition in Article 2) of an existing residential, commercial, or industrial structure that is protected by an existing, legally permitted shoreline protective device, the permittee shall thereafter be prohibited from enlargement or extension of the shoreline protective device. An applicant may request authorization to repair and maintain the device if it is part of a community-wide shoreline protective device required to protect existing development entitled to shoreline armoring in a designated Existing Community, and removal is not feasible. When the shoreline protective device is located on the project site, a condition of approval shall require the permittee to remove the shoreline protective device when it is no longer necessary. When the shoreline protective device is located on a property owned by another entity (e.g., homeowner's association), the permittee shall coordinate with that entity and abide by a neighborhood scale plan that is developed by that entity to remove the shoreline protective device when it is no longer necessary.
- b. The County shall condition discretionary permits for residential, industrial, and commercial development that requires a Coastal Hazards Report (see Policies 1.4 through 1.6) to record a notice with the Ventura County Recorder to appear in the chain of title for all project parcels disclosing that the project is located within a Coastal Hazards Screening Area or other area with the potential for coastal hazards, and to disclose all known geologic hazards and coastal hazards (including hazards associated with projected sea level rise, groundwater inundation, coastal bluff retreat, coastal flooding, and shoreline erosion). The contents of the notice shall include, but may not be limited to, that the permittee agrees to the following provisions, which agreement shall be affirmatively required by permit condition: 1) assumes the risks of injury and damage from such hazards in connection with the permitted development; 2) unconditionally waives any claim of damage or liability against the County of Ventura, and Coastal Commission, if the permit is appealed, its officers, agents, and employees for injury or damage from such hazards; 3) indemnifies and holds harmless the County of Ventura and Coastal Commission, if the permit is appealed, its officers, agents, and employees with respect to approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards; 4) acknowledges that except for coastal-dependent development, shoreline protective devices are prohibited from being constructed, enlarged, or extended in a manner inconsistent with LCP policies or Coastal Act public access policies but maintenance of existing, legally established structures that are shoreline protective devices may be permitted consistent with Policies 1.19 and 1.20; 5) acknowledges that sea level rise could render it infeasible to provide services to the permitted development (e.g., roadways, utilities, sewage or water systems), thereby constraining allowed uses of the site or rendering it uninhabitable; 6) acknowledges that the boundary between public land (tidelands) and private land may shift with rising seas so that the structure(s) may eventually be located on public trust lands, and State policies regarding development on public trust lands may be amended by the State; and 7) acknowledges that the structure(s) and development may become uninhabitable and required to be removed or relocated and the site restored if it becomes unsafe or if

removal is required by the County of Ventura or any other government agency with legal jurisdiction that has issued a final order, not overturned through any appeal or writ proceedings, determining that the structures are currently and permanently unsafe for occupancy or use due to damage or destruction from hazards related to coastal processes, and that there are no feasible measures that could make the structures suitable for habitation or use without the use of shoreline protective devices. The applicable hazards, as summarized based on the most-recent Coastal Hazards Analysis Report conducted for the subject property, shall be recorded. If applicable, the condition shall also include information about whether the principal structure and any internal accessory dwellings have cumulatively exceeded the threshold for substantial redevelopment (see Policy 1.9).

- c. The owner of private development, all or a portion of which, due to natural forces, falls onto a beach or other shoreline area, into the ocean, or is impacted by slope failure from a bluff, is responsible for lawful recovery, removal, and disposal of the debris associated with the development.
- d. In the event of an emergency in hazardous coastal areas, tarps, sandbags, and other similar structures shall be permitted for protection during emergency conditions pursuant to the Ventura County CZO (Section 8181-3.7). Tarps, sandbags, and other similar structures will be permitted using the minimum number of improvements and measures necessary, be conducted in the least environmentally damaging manner, and permitted and/or removed once the emergency conditions cease.

[Staff comment: This section includes some policies and provisions that would be included in discretionary permit conditions of approval for discretionary development.]

Sec. 8181-3.6 - Validity

[Staff comment: No changes are proposed to Section 8181-3.6.]

Sec. 8181-3.7 - Emergency Coastal Development Permits

In the event of an *emergency*, an application for an *Emergency Coastal Development Permit* ("emergency permit") shall be made to the *Planning Director*. The *Planning Director* may issue an *emergency* permit in accordance with Section 30624 of the Public Resource Code and the following:

- a. Applications in cases of emergencies shall be made to the *Planning Director* by letter or facsimile during business hours if time allows, and by telephone or in person if time does not allow.
- b. The information to be included in the application shall include the following:
 - 1. The nature of the *emergency*;
 - 2. The cause of the *emergency*, insofar as this can be established;
 - 3. The location of the *emergency*;
 - 4. The remedial, protective, or preventive work required to deal with the *emergency*; and

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5. The circumstances during the *emergency* that appeared to justify the course(s) of action taken, including the probable consequences of failing to take action.
- c. The *Planning Director* shall verify the facts, including the existence and nature of the *emergency*, insofar as time allows.
- d. Prior to the issuance of an *emergency coastal development permit*, when *feasible*, the *Planning Director* shall notify, and coordinate with, the South Central Coast District Office of the California Coastal Commission as to the nature of the *emergency* and the scope of the work to be performed. This notification shall be in *person* or by telephone.
- e. The *Planning Director* shall provide public notice of the proposed *emergency* action, with the extent and type of notice determined on the basis of the nature of the *emergency* itself. The *Planning Director* may grant an *emergency* permit upon reasonable terms and conditions, including an expiration date and the necessity for a regular permit application later, if the *Planning Director* finds that:
 1. An *emergency* exists and requires action more quickly than permitted by the procedures for administrative permits, or for ordinary permits administered pursuant to the provisions of Section 30600.5 of the Public Resources Code, and the *development* can and will be completed within 30 days unless otherwise specified by the terms of the permit;
 2. Public comment on the proposed *emergency* action has been reviewed if time allows; and
 3. The work proposed would be consistent with the requirements of the County's certified LUP/CAP.
 4. The *Planning Director* shall not issue an *emergency* permit for any work that falls within the provisions of Section 30519(b) of the Public Resources Code.
- f. The *emergency* permit shall be a written document that includes the following information:
 1. The date of issuance;
 2. An expiration date;
 3. The scope of the work to be performed;
 4. Terms and conditions of the permit;
 5. A provision stating that within 90 days of issuance of the *emergency* permit, a follow-up, regular *coastal development permit* application shall be submitted unless the Planning Director approves an extension of time;
 6. A provision stating that any *development* or *structures* constructed pursuant to an *emergency* permit shall be considered temporary until authorized by a follow-up *coastal development permit*, and that the issuance of an *emergency coastal development permit* shall not constitute an entitlement to the erection of permanent *structures*; and
 7. A provision stating that the *development* authorized in the *emergency* permit must be removed unless a complete application for a regular *coastal development permit* for the *development* is filed within 90 days of approval of the *emergency* permit ~~is approved~~ or the Planning Director approves an

extension of time. If a regular *coastal development permit* authorizing permanent retention of the *development*, or a portion of the *development*, is denied, then the *development* that was authorized in the *emergency* permit, or the denied portion of the *development*, must be removed.

[Staff comment: The changes to this subsection clarify existing procedures that allow the Planning Director to authorize additional time to prepare and submit a coastal development permit application for emergency permits.]

g. Reporting

1. The *Planning Director* shall report in writing to the Ventura County Board of Supervisors and to the California Coastal Commission at each meeting the *emergency* permits applied for or issued since the last report, with a description of the nature of the *emergency* and the work involved. Copies of the this report shall be available at the meeting and shall have been mailed at the time that application summaries and staff recommendations are normally distributed to all *persons* who have requested such notification in writing.
2. All *emergency* permits issued after completion of the agenda for the meeting shall be briefly described by the *Planning Director* at the meeting and the written report required by subparagraph (1) shall be distributed prior to the next succeeding meeting.
3. The report of the *Planning Director* shall be informational only; the decision to issue an *emergency* permit is solely at the discretion of the *Planning Director*.

Sec. 8181-4 – Variances

[Staff comment: No changes are proposed to Section 8181-4.]

Sec. 8181-5 – Filing and Processing of Application Requests

Application requests shall be filed with the Planning Division. No application request shall be accepted for filing and processing unless it conforms to the requirements of this Chapter; contains in a full, true and correct form, the required materials and information prescribed by the forms supplied by the Ventura County Planning Division; and is accompanied by the appropriate fees. The County staff may refer any application request to an independent and qualified consultant for review and evaluation of issues beyond the expertise or staffing capabilities of the County. The costs for all such consultant work shall be borne by the applicant and are independent of the fees paid to the Planning Division for processing of the requests.

Sec. 8181-5.1 - Applications

Applications may be filed as provided in the following sections:

- a. Who May Apply - An application for a permit or variance may be filed by the owner of the property or his/her authorized agent, a lessee who holds a lease whose terms permit the *use* applied for, or by any duly constituted government authority or agent thereof.
- b. Co-applicants - All holders or owners of any other interests of record in the affected property shall be notified in writing of the permit application and invited to join as co-applicant. In addition, prior to the issuance of a *coastal development*

permit, the applicant shall demonstrate the authority to comply with all conditions of approval.

- c. Modification, Suspension and Revocation - An application for modification, suspension or revocation of any variance or permit may be filed by any *person* listed in the preceding section, or by any *person* or political entity aggrieved; or by an official department, board or commission of the county affected.
- d. Appeals - An appeal concerning any order, requirement, permit, determination or decision made in the administration or enforcement of this Chapter may be filed in accordance with Sec. 8181-9.
- e. Violations on Property - No application for any entitlement shall be accepted for filing if a violation of Chapter 1.1 or Chapter 2 exists on the property, provided that the violation was a result of the actions or inactions of the applicant or his predecessor(s) in interest, unless an application is concurrently filed that would abate the existing violation. (AM.ORD.4451-12/11/12)
- f. Completeness of Application - Not later than 30 calendar days after the Planning Division has accepted an application under this Chapter, the applicant shall be notified in writing as to whether the application is complete or incomplete, except in the case of zone changes, which are legislative acts and thus are not subject to the 30-day limit. If the application is determined to be incomplete, the applicant shall be notified in writing of the reasons for such determination and of the information needed to make the application complete.
- g. Supplemental Information - If any application is deemed incomplete and the applicant subsequently submits the required information, the application is then treated as if it were a new filing, and the 30-day review period begins on the day that the supplemental information is submitted.
 - 1. Review of Supplemental Information - If any application is deemed incomplete and the applicant subsequently submits the required information, the application is then treated as if it were a new filing, and the 30-day review period begins on the day that the supplemental information is submitted.
 - 2. Termination of Incomplete Application - Upon written notification to the applicant, processing of an incomplete application may be terminated if no reasonable effort has been made by the applicant to complete the application for a period of six months from the date of notification of incompleteness. All unused fees shall be refunded to the applicant. An extension to this six-month period may be granted by the *Planning Director* on written request by the applicant showing good cause.

Sec. 8181-5.2 - Content of Applications

The form and content of all applications shall be determined by the Planning Division. Additional information may be required to be submitted with an application request, such as elevations, plot plans, and phasing, as deemed appropriate by the *Planning Director* for complete review of the request. For applications to develop oil or gas resources, see Section 8175-5.7.2 for additional requirements. For applications to develop within Coastal Hazards Screening Area A or B, please see coastal hazards reporting requirements in Appendix H1.

[Staff comment: The Coastal Hazards Report requirements will be included in the LCP and are referenced here. There are no changes proposed to Sections 8181-5.3 through 8181-5.8]

Sec. 8181-6 – Hearing Procedures

Sec. 8181-6.1 - Determination of Applicable Procedures

At the time the application for *development* within the *coastal zone* is submitted, the *Planning Director* shall determine whether the *development* is categorically excluded, non-appealable, or subject to appeal to the *Coastal Commission* for purposes of notice, hearing and appeals procedures. The *Planning Director* shall inform the applicant of the notice and hearing requirements for that particular *development*. The *Planning Director's* determination shall be made with reference to the certified LCP, including any maps, categorical exclusions, land use designations and zoning ordinances that are adopted as part of the LCP.

If the determination is challenged by the applicant or other interested party, or by a local government, or if the County wishes to have a *Coastal Commission* determination as to the appropriate designation, the County shall notify the *Coastal Commission* by telephone of the dispute or question, and shall request an Executive Director's opinion. The Executive Director shall, within two working days of the County's request (or upon completion of a site inspection where such inspection is warranted), transmit his or her determination as to whether the *development* is categorically excluded, non-appealable, or subject to appeal to the *Coastal Commission*.

If the Executive Director's determination is not in agreement with the County's determination, the Coastal Commission shall hold a hearing for purposes of determining the appropriate designation for the *development*.

Sec. 8181-6.2 - Public Hearings

The *Planning Director* shall hold at least one public hearing on any duly filed application that requires a *discretionary decision* unless the hearing requirement is waived pursuant to Section 8181-6.2.3. If the Director defers the application to the Planning Commission, the Planning Commission shall hold at least one public hearing per the requirements of this Article.

Sec. 8181-6.2.1 - Notice Requirements

The County shall give public notice of the hearing by publication in a newspaper of general circulation at least 20 calendar days prior to the public hearing of a zoning ordinance amendment or 10 calendar days prior to any other the hearing, adding one day of notice for each County-recognized holiday that falls within the applicable 20- or 10-day notification period ("Notification Period"). In addition, the County shall provide notice of such hearing by first class mail at least 20 calendar days prior to the public hearing of a zoning ordinance amendment or 10 calendar days prior to the any other public hearing.

a. The notice shall be mailed to all of the following:

1. The owner of the subject property, or the owner's duly authorized agent;
2. The applicant, if different from the owner of the subject property;
3. The Coastal Commission;
4. Each local agency whose ability to provide essential services or facilities within its jurisdiction may be significantly affected by the project;

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5. All property owners within 300 feet and residents within 100 feet of the exterior boundaries of the Assessor's Parcel(s) on which the *development* is proposed. If the 300-foot radius does not include 15 or more *parcels* of real property, the radius shall be expanded until the owners of at least 15 *parcels* will be notified. Names and addresses shall be obtained, or cause to be obtained, by the applicant from the latest equalized assessment roll. If the number of owners exceeds 1,000, a one-eighth page advertisement published ~~at least ten days prior to the hearing~~ within the applicable Notification Period in a newspaper of general circulation may be substituted for the direct mailing;
 6. Any person who has filed a written request with the *Planning Director* or the Clerk of the Board of Supervisors to be on the mailing list for that *development* project or for coastal decisions within the unincorporated area of the County of Ventura;
 7. In the case of appeal hearings, notice shall also be provided to the applicant and, if applicable, to the County official, department, ~~B~~board or ~~C~~commission whose order, requirement, permit, decision or determination is the subject of the appeal.
- b. The notice shall contain the following information:
1. A statement that the *development* is within the *coastal zone*;
 2. The date of filing of the application and the name of the applicant;
 3. The number assigned to the application;
 4. A description of the *development* and its proposed location;
 5. The date, time and place of the hearing, and the identity of the hearing body or officer;
 6. A brief description of the general procedure of the County concerning the conduct of hearings and actions; and
 7. The system for County and Coastal Commission appeals, including local fees required.

[Staff Comment: The proposed amendment increases the public hearing notice timeframe from 10 days to 20 days when a proposed ordinance or amendment to a zoning ordinance affects the permitted uses of a real property. This change aligns Ventura County's CZO with recently passed California State law AB 2904 which states: "If a proposed ordinance or amendment to a zoning ordinance affects the permitted uses of real property, notice of the hearing shall be given pursuant to Sections 65090 and 65091, except that the notice shall be published, posted, mailed, and delivered, or advertised, as applicable, at least 20 days before the hearing."]

[Staff comment: There are no changes proposed to Sections 8181-6.2.2 through 8181-9]

Sec. 8181-10 – Modification, Suspension and Revocation

Sec. 8181-10.4 - Modification of Permits (Applicant Initiated)

An application for modification of a permit pursuant to this Section may be filed by any person or entity listed in Section 8181-5.1-~~7~~ and shall be subject to the provisions set forth in this Section 8181-10.4 except as follows:

1. An application for modification of a permit for a *wireless communication facility* shall be subject to the provisions of Section 8175-5.20.12.
2. Repair and maintenance activities described in Sections 8174-6.3.2, 8174-6.3.6, and 8175-5.12.3(b) that involve *legally established structures* that are *shoreline protective devices* shall be approved with a *Zoning Clearance* in accordance with Section 8181-10.4.1.

[Staff comment: This addition clarifies which other sections of the zoning ordinance include provisions that govern the modifications of shoreline protective devices.]

Sec. 8181-10.4.1 – Ministerial Modifications

Any change of *use* that would not alter any of the findings made pursuant to Sec. 8181-3.5, nor any findings contained in the environmental document prepared for the permit, may be permitted through the issuance of a *Zoning Clearance* provided any change to a permit issued without a previously approved environmental document is reviewed for its incremental impact on the environment.

Sec. 8181-10.4.2 – Discretionary Modifications

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

- a. Site Plan Adjustment - Any change to a permit that would not alter any of the findings made pursuant to Sec. 8181-3.5, nor any findings of approval for the permit or any findings contained in the environmental document prepared for the project, and would not have any adverse impact on the subject site or surrounding properties, may be deemed a site plan adjustment and acted upon by the *Planning Director* without a hearing. Additionally, these minor changes shall not circumvent the purpose or lessen the effectiveness of the approved permit conditions and must be consistent with all other provisions of the LCP. *Shoreline protective devices are not eligible for a site plan adjustment.* Such changes include, but are not limited to, the following:

[Staff comment: Modifications to shoreline protective devices are currently either allowed through repair and maintenance activities described in Section 8174-6.3.2, 8174-6.3.6, and Section 8175-5.12.3(b) or through a minor or major modification described in subsections (b.) and (c.) below.]

1. Changes to conditions of approval that do not circumvent the purpose or lessen the effectiveness of the approved permit conditions;
2. A cumulative increase not exceeding ten percent of the approved permit area or *building coverage*;

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3. A decrease of the approved permit area or *building* coverage, floor area, or *height*;
 4. Changes in *structure* location, including reorientation of *structures*, provided the *structures* are situated within the same general footprint as in the approved permit
 5. A cumulative increase not exceeding ten percent of floor area or *height*, including modifications to roof design;
 6. Changes to on-site circulation or to the configuration of any street or *access* driveway, provided such change does not negatively affect connections with an existing or planned street, the performance of the circulation system, public safety, or the ability of the public to *access coastal waters* or nearby inland recreation areas.
 7. A cumulative increase or decrease not exceeding 10 percent of approved motor vehicle or bicycle parking, provided increases can be accommodated on site and the project continues to meet the minimum number of required spaces pursuant to Article 6;
 8. A cumulative decrease not exceeding 10 percent of the approved landscaping or screening, provided the *development* continues to meet the minimum landscape requirements pursuant to Sec. 8178-8 Water Efficient Landscaping Requirements;
 9. A cumulative increase not exceeding ten percent of the approved area of walls, *fences*, or similar *structures*, provided the *development* continues to meet minimum screening requirements, and that the increase does not negatively affect the ability of the public to *access coastal waters* or nearby inland recreation areas;
 10. Minor architectural changes or embellishments involving no change in basic architectural style; or
 11. Internal *remodeling*, consistent with all other County ordinance requirements.
- b. Minor Modification - Any proposed change that exceeds the criteria of a site plan adjustment, but is not extensive enough to be considered a substantial or fundamental change in land *use* relative to the permit, would not have a substantial adverse impact on surrounding properties, and would not change any findings contained in the environmental document prepared for the permit, shall be deemed a minor modification and be acted upon by the *Planning Director* through a public hearing process.
- c. Major Modification - Any proposed modification that is considered to be a substantial change in land *use* relative to the original permit, and/or would alter the findings contained in the environmental document prepared for the permit, shall be deemed a major modification and be acted upon by the *decision-making authority* that approved the original permit.

[Staff comment: No further changes are proposed to Article 11.]

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APPENDICES

APPENDIX T1

TREE REMOVAL, ALTERATION, AND PLANTING STANDARDS

APPENDIX L1

LANDSCAPE AND IRRIGATION PLAN REQUIREMENTS

APPENDIX L2

CALCULATING THE WATER BUDGET OF A PROJECT SITE

APPENDIX L3

SAMPLE WATER EFFICIENT LANDSCAPE WORKSHEET

APPENDIX L4

ESTIMATED TOTAL WATER USE (ETWU)

APPENDIX L5

EXAMPLES FOR CALCULATING THE WATER BUDGET

APPENDIX L6

SAMPLE CERTIFICATE OF COMPLETION

APPENDIX L7

INVASIVE PLANT LIST

[Staff comment: No changes are proposed to Appendices T1 through L7.]

APPENDIX E1 - SITE-SPECIFIC ENVIRONMENTAL ASSESSMENTS FOR ESHA

Sec. AE-1.3 - Coastal Initial Study Biological Assessment

Sec. AE-1.3.2 - Required Content of CISBA Components:

- a. **Report Summary.** This section will be written as an “executive summary” of the CISBA and will include a condensed synopsis of the findings of the report. The length of the report summary depends directly on the nature and complexity of the biological resources within the survey area, the potential impacts of the proposed project, the measures that will be implemented to avoid and minimize those impacts, and how unavoidable adverse impacts will be mitigated pursuant to CZO Section 8178-2.10.
- b. **Introduction.** The introduction shall describe the proposed project and provide information on existing and historical *uses or development* on the subject property. The format of the report is as follows:
 1. *Project Site Information:* Address; Assessor Parcel Number (APN); land use regulations (General Plan designation, Area Plan designation, Zoning classification); and size of the project site.
 2. *Contact Information.* Names, phone numbers and addresses of the property owner, applicant, and project consultants.
 3. *Report Preparation Details.* The dates, names, and qualifications of the persons preparing the report.
 4. *Statements.* Provide a statement specifying the accuracy of the report. If applicable, provide a statement that defines areas where the County should alter the official *ESHA* map during an LCP amendment process.
 5. *Project Summary:* A description of the proposed project, identification of the type of permit requested, list of any previous permits issued for the property (see Permit History). The description of the project shall contain a description of the approximate size and purpose of all proposed *development*. Include details such as disturbance area (i.e., the total area of the proposed *development envelope*, as well as subsets for size of *building site* and size of *fuel modification zone*), grading volumes and areas, stormwater *best management practices* (BMPs), parking and staging areas, roads (and associated fire hazard brush clearance areas), fire department turnarounds, utility *infrastructure* (water wells, pipelines, and ~~septic~~ onsite wastewater treatment system fields and setbacks), *agricultural operations* and cultivation species (includes garden areas), confined animal facilities, *fences*, and *outdoor lighting* (when applicable). See Section AE-1.3.3 for related map/data requirements. Provide a general timeline of construction and maintenance tasks, including heavy equipment needed for each task.

[Staff comment: Reference to “septic” has been replaced to match the formal name of the system “onsite wastewater treatment system.” No other change has been made to this section.]

APPENDIX E2 - IMPLEMENTING DEVELOPMENT IN ESHA: ESHA MITIGATION PLANS AND LEGAL INSTRUMENTS FOR CONSERVATION

Sec. AE-2.2 – Legal Instruments for Conservation

AE-2.2.2 – Conservation Instruments Used for On-Site Development Restrictions

When a *conservation instrument* is used for on-site *development* restrictions, the *conservation instrument* shall include terms and conditions such that the instrument meets the definition in Article 2 and the requirements in CZO Section 8181-3.5.3. New (or modified) *uses* and *development* in the restricted area shall only be allowed pursuant to a valid *coastal development permit* (or discretionary permit modification) and shall be limited to the following:

- a. General Requirements - When a deed restriction is used as a *conservation instrument* to avoid potential impacts associated with *development*, it shall include terms and conditions such that the instrument meets the definition of a *conservation instrument* in Article 2.
- b. Allowable Uses and Development - New *uses* and *development* in the area subject to the deed restriction/permit condition shall be limited to the following:
 1. All allowable *uses* provided by Sections AE-2.2.1(c) and 8178-2.5.1;
 2. Replacement of a failed water well and associated water tank or septic onsite wastewater treatment system that meets the following standards:
 - (i) a replacement system was not identified by the existing permit, and
 - (ii) substantial evidence is provided that no *feasible*, alternate location is available within the approved *development envelope*; and
 3. *Fuel modification* authorized by the Ventura County Fire Protection District, if undertaken in accordance with an *ESHA Vegetation Management Plan* approved by the County pursuant to a *Coastal Development Permit*.
 4. The siting of safety infrastructure required by state law (e.g., fire department turn arounds, roads, water tank) that is based upon substantial evidence that no *feasible* alternate location is available within the previously entitled *building site* or *mandatory fuel modification zone*.

The *conservation instrument* shall include a prohibition on other types of *uses* and *development* within the protected area. All *development* associated with the allowable *uses* in this Section are subject to the permitting and compensatory mitigation requirements provided by the LCP.

[Staff comment: Reference to “septic” has been replaced to match the formal name of the system “onsite wastewater treatment.” No other change has been made to this section.]

APPENDIX H1

COASTAL HAZARDS SCREENING AREA MAPS AND COASTAL HAZARDS ANALYSIS REPORT REQUIREMENTS

[Staff comment: This appendix describes the technical analysis required for new development and development that qualifies as substantial redevelopment when it is proposed in Coastal Hazards Screening Areas A or B. The reports need to include analysis of current and future floor elevations with sea level rise in order for a development application to be approved.]

H-1.1 Introduction

This appendix sets forth the Coastal Hazards Analysis Report preparation requirements applicable to new development and substantial redevelopment located within areas potentially subject to hazards. Section 4.1.6 of the Coastal Area Plan requires applicants for substantial redevelopment in Coastal Hazards Screening Areas A and B (as illustrated in Figures 1, 2, and 3 located at the end of this Appendix) to prepare and submit a Coastal Hazards Analysis Report that includes the materials described in Sections H-1.3 and H-1.5 below to demonstrate the development would be sited and designed for resilience to coastal hazards (including sea level rise) and protective of coastal resources for its expected lifetime. Applicants for new, enlarged, or extended shoreline protective devices are also required to submit a Shoreline Protective Device Evaluation as described in Section H-1.4 below. When new development and substantial redevelopment in Coastal Hazards Screening Area A or B is proposed in an area with known geologic hazards, then a Geologic Hazards Analysis Report that is described in H-1.2 shall also be required.

The Expected Life of Development Table in Section 4.1.6 of the Coastal Area Plan (Policy 1.4, Table 1) identifies the planning horizon years and which sea level rise scenario to use in Coastal Hazards Analysis Reports. The flood risk during “highest projected amount of sea level rise” that will occur at the end of the planning horizon is required to be evaluated for structural design, as further described in the specific requirements below. The County’s Discretionary Permit Application should be referenced to determine the highest projected amount of sea level rise to use during Coastal Hazards Analysis Reports. These applications are periodically updated to include the latest sea level rise scenarios published by the State of California to reflect the best available science (See Section 4.1.6 Goal 1 Policy 1.2 of the Ventura County Coastal Area Plan).

H-1.2 Geologic Hazards Analysis Report

New development and substantial redevelopment in an area with known geologic hazards, on a bluff, or in Coastal Hazards Screening Areas A or B, require a Geologic Hazards Evaluation prepared by a qualified California licensed professional (e.g., Civil Engineer, and/or Coastal Engineer, Professional Geologist, Engineering Geologist, or Geotechnical Engineer). More than one separate technical professional expertise may be necessary for each application. The Planning Director in consultation with the Public Works Director shall determine if and when a hazards analysis is required and the adequacy of any submitted evaluations prior to consideration of a Coastal Development Permit or approval of a Planned Development Permit. Some evaluations may require

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peer review by a technical specialist to be deemed adequate. The County will impose a fee on applicants to cover the cost of peer review of evaluations.

- a. Factors to be considered in determining whether a Geologic Hazards Analysis Report is required include, but are not limited to:
 1. Location of development in relation to geologic hazards and likely hazard-related impacts at the site over the expected life of the development, using the Coastal Area Plan policies, certified maps, or another resource agency's maps that depict areas of known geologic hazards.
 2. Site-specific hazards information.
 3. The adequacy of other existing hazards evaluations for the site or area.
 4. Potential for the project to exacerbate or contribute to natural hazards.
 5. Potential for the project to be impacted by natural hazards.
 6. Intended use of the site or proposed structures' locations.
 7. Current federal, state, and local hazards regulations, including local building code requirements.
- b. When required, Geologic Hazards Analysis Reports shall include the following:
 1. A description of the physical setting of the project site, including existing structures, and specify which are shoreline protective devices, and which structures require the shoreline protective devices for protection from hazards. Provide details on the age of existing structures, and ownership status of the bluff and/or beach.
 2. Identification of project scope and objectives of study.
 3. Summary of regulatory requirements as defined in the County's LCP, Coastal Act, and by other governing bodies such as FEMA and the California State Lands Commission.
 4. Fault rupture, ground shaking, liquefaction, slope failure, expansive soils, soil erosion, radon, and high groundwater.
 5. Site specific hazards information (e.g., detailed descriptions of the hazards or other technical information relating to the hazards).
 6. The potential for geologic hazards to be present on the site based on hazards screening maps, site research, and field surveys, as appropriate.
 7. Any potential adverse impacts the project may have during construction or operation on the extent or severity of geologic hazards on the site or neighboring sites.
 8. Identification of alternatives to avoid or minimize risks from hazards and potential impacts of the project on coastal resources, consistent with the policies of the LCP.
 9. Statement verifying whether the development will minimize risks to life and property; assure stability and structural integrity; and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area over its expected life; and

10. In areas of potential slope failure, a screening level investigation to determine if a detailed quantitative evaluation of slope failure is needed. When detailed quantitative evaluation of slope stability is required, after a screening level investigation, the evaluation should demonstrate how all structures will meet a minimum factor of safety of 1.5 under static conditions and 1.1 under pseudostatic conditions, as well as include the setback distance including the slope stability factor of safety line, bluff retreat erosion (rate multiplied by life of development), and provide a recommendation for additional buffer (minimum – 10 feet) to account for analysis uncertainty.

H-1.3 Coastal Hazards Analysis Report Requirements for Beach Front Development in Screening Area A

Applications for new development and substantial redevelopment in Coastal Hazards Screening Area A require a site-specific Coastal Hazards Analysis Report prepared by a qualified California licensed professional (e.g., Civil Engineer, and/or Coastal Engineer, Professional Geologist, Engineering Geologist, or Geotechnical Engineer). Separate technical professional expertise may be necessary for each application. The Planning Director in consultation with the Public Works Director shall determine the adequacy of any submitted evaluations. Some evaluations may require peer review by a technical specialist to be deemed adequate. The County will impose a fee on applicants to cover the cost of peer review of evaluations.

Coastal Hazards Analysis Reports shall include analysis of the physical impacts from coastal hazards and sea level rise that might constrain the project site and/or impact the proposed development. These reports shall address and demonstrate the development is safe from the existing and future projected flood hazards resulting from sea level rise during the Expected Life of the Development. These reports shall also address and demonstrate the proposed development's impacts on coastal resources. Discussion, maps, site plans and profiles and/or other relevant information that describes the following shall be provided in Coastal Hazards Analysis Reports:

a. Project Description

1. A description of the physical setting of the project site, including existing structures, any existing shoreline protective devices, and structures that depend on existing shoreline protective devices for protection from hazards. Provide the age of existing structures and ownership status of the bluff and/or beach.
2. Proposed structures, uses, and other development (e.g., grading) and objectives of the study.
3. Summary of regulatory requirements as defined in the County's LCP, Coastal Act, and by other governing bodies such as FEMA and the California State Lands Commission.

b. Current conditions at the site, including the current:

1. Tidal range, referenced to an identified vertical datum, including the current mean high tide line. Plot the mean high tide line on site plans. Mean high tide line data must be based on data collected within 12 months of the date that the applicant submits a Coastal Development Permit application and must be approved as compliant with California State Lands Commission survey standards (See Section 4.1.6, Goal 1, Policy 1.16 of the Ventura County Coastal Area Plan).

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2. Intertidal zone and *coastal waters* information.
 3. Base flood elevations (BFEs) and inland extents of flooding as shown on effective FEMA FIRMettes and plot on site plan and profiles.
 4. Beach/bluff extents, including with coastal processes that affect erosion rates such as projected sea level rise, and historic, long-term, and seasonal beach variability as they relate to coastal hazards, including flooding and erosion trends.
- c. Projected future conditions at the site, accounting for sea level rise over the Expected Life of Development in Section 4.1.6 of the Coastal Area Plan (Policy 1.4, Table 1) including the following:
1. Shoreline, dune, or bluff edge, accounting for long-term erosion and accounting for increases in erosion rate from sea level rise and any shoreline protective devices.
 2. Intertidal zone and *mean high tide line* information, including future mean high tide line location modeled using the current mean high tide line established under current conditions above, as well as the amount of sea level rise established in subsection (c)(3) below.
 3. Determine projected amount(s) of sea level rise based on the "Expected Life and Sea Level Rise Scenarios for Coastal Development, Identified by Proposed Use" table in Section 4.1.6 of the Coastal Area Plan (Policy 1.4, Table 1).
 4. Add the range of sea level rise scenarios, including the highest projected amount of sea level rise according to the Expected Life of Development Table in Section 4.1.6 of the Coastal Area Plan (Policy 1.4, Table 1) of the Coastal Area Plan, to existing 1% annual chance of occurrence stillwater level (SWL) of 7.83 ft (NAVD88) for north county and 7.96 ft for south county to determine future conditions SWL. Port Hueneme Harbor defines the border that separates which SWL to use for the southern and northern areas of the county's coast.
 5. Perform site-specific sea level rise and wave runup analysis with storm (100-year) conditions, including description of theory, scenarios, and processes.
 6. At a minimum, examine flood risk from the highest projected amount of sea level rise based on the Expected Life of Development pursuant to Coastal Area Expected Life of Development Table in Section 4.1.6 of the Coastal Area Plan (Policy 1.4, Table 1). Additionally, the analysis should consider the frequency of future flooding impacts (e.g., daily impacts and flooding during high tides as well from annual, 20-year and 100-year storms during high tides) and describe the siting and design features included in the proposed *development* that would avoid, minimize, and/or withstand impacts from such occurrences of flooding. The examination shall include *feasible* adaptation strategies that reduce hazard risks and site-specific vulnerabilities, neither create nor add to impacts on existing *coastal resources*, and could be incorporated into the *development* in a manner consistent with applicable LCP policies. Where there is an existing *shoreline protective device*, the analysis should, at a minimum, consider impacts without any such existing *shoreline protective devices*.
 7. Determine projected future condition BFEs and inland extent of flooding that are determined based on the highest projected amount of sea level rise according to the Expected Life of Development, stillwater analysis, and wave run-up analysis, and plot on site plan and profiles.

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- d. Safety of the proposed structure to withstand current and projected future hazards for its Expected Life of Development, including the following:
1. Identification of a safe building envelope on the site that avoids hazards.
 2. Identification of options to minimize hazards if no safe building envelope exists that would allow avoidance of hazards.
 3. Analysis of the adequacy of the proposed building/foundation design to ensure stability of the *development* under design conditions which include projected sea level rise and wave run-up, flooding in 100-year storm event conditions), and groundwater *inundation* (e.g., hydrostatic loads, uplift, or possible corrosion) for the life of the structure using the Expected Life of Development Table in Section 4.1.6 of the Coastal Area Plan (Policy 1.4, Table 1).
 4. Description of any proposed future sea level rise adaptation measures (e.g., as independent design* for accessory structures, incremental removal, or relocation when threatened by coastal hazards).
- e. For blufftop *development*, the report shall include a detailed analysis of erosion risks, including the following:
1. The predicted bluff edge, shoreline position, or dune profile shall be evaluated considering not only historical retreat, but also acceleration of retreat due to continued and accelerated sea level rise and other climatic impacts. Future long-term erosion rates should be based upon the best available information, using resources such as the highest historic retreat rates, sea level rise model flood projections, or shoreline/bluff/dune change models that take rising sea levels into account. The analysis should also consider episodic or rapid erosion, based on recent observations from the project site or nearby areas of comparable geology. Pursuant to Coastal Area Plan, Section 4.1.6, Policy 1.4, Table 1, the annual bluff retreat rate should be multiplied by the Expected Life of Development for the proposed use to determine the additional amount of project *setback* from the bluff edge. The bluff retreat rate should also consider a minimum span of 50 years and include potential erosion of the bluff toe from sea level rise and higher than normal rainfall years.
 2. Proposals for blufftop *development* shall include a quantitative slope stability analysis demonstrating a minimum factor of safety against sliding of 1.5 (static) and 1.1 (pseudostatic, $k=0.15$ or determined through a quantitative slope stability analysis by a qualified California licensed professional geotechnical engineer) for the *development*. For pseudostatic factors of safety below 1.1, a seismic displacement analysis is required. Displacements less than 5 cm are acceptable and displacements greater than 5 cm require remedial structural measures to reduce the displacement to 5 cm or less. Safety and stability must be demonstrated for the predicted position of the bluff and bluff edge following bluff recession, for the *development* location over the Expected Life of Development, without the future need for caissons

* Accessory structures, other than internal accessory dwelling units, located in a Coastal Hazards Screening Area shall at a minimum employ structurally independent design from the principal structure when located at-grade or below the calculated design flood elevation for the principal structure. (See Coastal Area Plan Section 4.1.6, Policy 1.8.)

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- or other protective devices. The analysis should consider impacts both with and without any existing shoreline protective devices.
3. Proposals for new drainage systems shall include an analysis of bluff erosion over the Expected Life of Development pursuant to Coastal Area Expected Life of Development Table in Section 4.1.6 of the Coastal Area Plan (Policy 1.4, Table 1). The analysis should consider impacts of sea level rise and the bluff retreat rate from the site of the new drainage system. New drainage systems shall be designed to the minimum extent necessary.
 4. Recommendations regarding additional bluff setback (minimum – 10 feet) to account for analysis uncertainties.
 5. Other requirements for a Geologic Hazards Evaluation, as described in Section H-1.2 above.
- f. The evaluation shall also analyze the foreseeable effects that the development will have on coastal resources (e.g., public access, shoreline dynamics, natural landforms, natural shoreline processes, neighboring development, and public views) over time as project impacts continue and/or change with sea level rise.
- g. Coastal hazards discussion, determination, conclusions, and recommendations shall include:
1. A discussion of coastal hazards from flooding and shoreline erosion.
 2. A determination of coastal flooding hazards (e.g., design flood elevations and flood extents), projected future shorelines, and the mean high tide line. Plot on the project site plan and profiles.
 3. The recommended Lowest Horizontal Member elevation (VE zone) and/or Finished Floor (FF) elevation (Flood Hazard Zone A). The Lowest Horizontal Member elevation (VE zone) must be at least 1 ft above the design flood elevation (DFE) which is the higher of the current conditions BFE and the future conditions BFE. The FF elevation (Flood Hazard Zone A) must be at least 1 ft above the DFE.
 4. Recommended foundation types and dimensions for structures.
 5. Identify feasible project alternatives and other adaptation strategies that avoid coastal resource impacts and minimize risks to the project, including but not limited to, options that would allow for additional elevation, incremental or total removal of development if structural damage or destruction occurs, and flood resistant electrical, onsite wastewater treatment systems, and potable water connections.
 6. Recommendations for shoreline protective devices (see Section H-1.4 below).

H-1.4 Shoreline Protective Device Evaluation Requirements

Discretionary applications for development of a shoreline protective device (e.g., new shoreline protective device or a discretionary modification to a shoreline protective device), shall include a site-specific hazards evaluation prepared by a qualified California licensed professional (e.g., Civil Engineer, and/or Coastal Engineer, Professional Geologist, Engineering Geologist, or Geotechnical Engineer). Different technical professional expertise may be necessary for each application. The Planning Director in consultation with the Public Works Director shall determine the adequacy of any

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submitted evaluations when considering an application for a new, or discretionary modification to, shoreline protective device. Some evaluations may require peer review by a technical specialist to be deemed adequate. The County will impose a fee on applicants to cover the cost of peer review of evaluations.

Applications for a new shoreline protective device or a discretionary modification to a shoreline protective device shall include the following analyses in the Shoreline Protective Device Evaluation:

- a. A description of the physical setting of the project site, including current and historical trends related to coastal hazards.
- b. A description of the project and objectives of the study.
- c. A summary of applicable regulatory requirements (e.g., requirements from the County's LCP, FEMA, the Coastal Act, and California State Lands Commission).
- d. A description of the structure(s) in danger of erosion and the threats to the structure. Provide the age of existing structures, ownership status of the bluff and/or beach, and proposed adaptation measures.
- e. A description and physical dimensions of the recommended device(s), along with the design wave analysis with the maximum expected wave height and the design wave height. Also include the size, weight, and type of rocks to be used, if applicable.
- f. A site specific evaluation prepared and signed by a qualified California licensed professional. More than one type of technical professional expertise may be necessary for each application. The evaluation is subject to the Planning Director's review and approval, and may be subject to peer review at the applicant's expense. The evaluation shall analyze the effects of the shoreline protective device over the expected life of the structure that the shoreline protective device is designed to protect, factoring in the effects of sea level rise. The following shall be evaluated, along with all information needed to comply with Section 4.1.6 of the Coastal Area Plan and other Coastal Hazards Analysis Report requirements:
 1. Plan view maps and profiles of device(s), including cross section through the structures.
 2. The profile of the beach and its susceptibility to wave attack and erosion.
 3. Mean high tide line survey conducted in coordination with the State Lands Commission, based on existing data available at the time of preparation of, and recommendations set forth in, the evaluation. Mean high tide line data must be based on data collected within 12 months of the date that the applicant submits a Coastal Development Permit application and must be approved as compliant with California State Lands Commission survey standards (See Section 4.1.6, Goal 1, Policy 1.16 of the Ventura County Coastal Area Plan).
 4. The area of the project site subject to beach erosion, coastal bluff erosion, coastal bluff slope failure, coastal flooding, and wave impact hazards.
 5. Future sea level rise scenarios (including 100-year storm conditions) and the corresponding beach erosion, coastal bluff erosion, coastal bluff slope failure, coastal flooding, and wave impact hazards; and any additional sea level rise related impacts that could be expected to occur over the expected life of development. Scenarios shall be consistent with applicable policies in Section

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- 4.1.6 of the Coastal Area Plan and analyze the expected life of the shoreline protective device compared with the Expected Life of Development in Policy 1.4, Table 1 for the principal use that is being protected.
6. All feasible, less environmentally damaging alternatives to implementing shoreline protection. Priority shall be given to feasible nature-based or "soft" options that protect, enhance, and maximize coastal resources (e.g., living shoreline techniques, beach nourishment, planned retreat, or "hybrid" approaches such as buried armoring with dune restoration). The alternatives analysis shall include:
 - a. Non-structural solutions to shoreline erosion such as beach replenishment, hazard setbacks, relocation or removal of portions of threatened structures, drainage control and improvements or relocation of development to alternative sites;
 - b. Non-structural multi-lot scale solutions to shoreline hazards such as dune restoration or living shoreline designs; and,
 - c. Hybrid solutions that combine structural and non-structural solutions such as sand dunes or cobble berms combined with dune restoration.
 7. Design features to address stability and structural integrity, including depth to bedrock, use and type of filter fabric, type of keyway, use of wave deflection caps, and location and depths of tie backs or anchor devices.
 8. The long-term effects of the device on sand supply, including expected wave attack and potential scouring of the structure, and the effects of the device on adjacent or connected devices.
 9. Hydrology of the lot (e.g., daylighting springs and effects of subsurface drainage on bluff erosion rates) as it relates to the stability of the shoreline protective device.
 10. Impacts to coastal resources during construction (e.g., impacts from construction and use of accessways for equipment, and/or operation of equipment on the beach area). Describe how construction will not exacerbate beach erosion, coastal bluff erosion, coastal bluff slope failure, coastal flooding, wave impacts, and/or any other hazards on or near the site. If applicable, include a beach public access plan identifying temporary storage sites and work staging areas for construction, construction access routes, and the types and size of all equipment and vehicles to be used during construction activity.
 11. The location of the device relative to the mean high tide line, and the projected mean high tide line at the end of the expected life of the principal structure as the mean high tide line shifts landward due to sea level rise and coastal processes. If the shoreline protective device is located on the mean high tide line, then the location of the mean high tide line shall be shown without the intervening effect of the device.
 12. The impacts of the device on public access to and along the shoreline, recreation areas, beach width, and natural habitat areas.
 13. The current and projected effect of the device on adjacent properties.
 14. Maintenance plans for the device.

15. Any mitigation measures and, if such measures are not *feasible*, proportional in-lieu fees that may be used to mitigate impacts if such fees are available through an adopted program or if there is a permitted off-site public access improvement or habitat restoration project (as applicable) that can serve as equivalent impact mitigation and the proportional in-lieu fee is determined by the County based on relevant circumstances including, but not limited to, area of impacts, necessary mitigation ratios, and costs of mitigation.
- g. All evaluations shall use best available science on sea level rise scenarios to analyze hazards at the site consistent with the expected life of development and sea level rise scenarios in the Coastal Area Plan Expected Life of Development Table in Section 4.1.6 of the Coastal Area Plan (Policy 1.4, Table 1).
- h. A site map that shows all easements, deed restrictions, "Offers to Dedicate," and/or other dedications for public access or open space, as well as copies of the easements and/or dedications. The shoreline protective device shall not interfere with the easement or offers.
- i. If the project involves development on public trust lands, then the applicant shall be referred to the Coastal Commission for processing of that portion of the project, and evidence of review by the appropriate trustee to the public trust lands shall be required (See Section 4.1.6, Goal 1, Policy 1.15 of the Ventura County Coastal Area Plan).

H-1.5 Coastal Hazards Analysis Report Requirements for Development in Coastal Hazards Screening Area B

Applications for new development and *substantial redevelopment* in Coastal Hazards Screening Area B require a site-specific Coastal Hazards Analysis Report for still water by a qualified California licensed professional (e.g., Civil Engineer, Coastal Engineer, Professional Geologist, Engineering Geologist, or Geotechnical Engineer). More than one separate technical professional expertise may be necessary for each application. The Planning Director in consultation with the Public Works Director shall determine the adequacy of any submitted evaluations prior to a decision to act on the permit in compliance with applicable standards. Some evaluations may require peer review by a technical specialist to be deemed adequate. The County will impose a fee on applicants to cover the cost of peer review of evaluations.

Coastal Hazards Analysis Report required pursuant to Section 4.1.6 of the Coastal Area Plan (Policy 1.4) shall include analysis of the physical impacts from inland riverine and coastal flood hazards as well as sea level rise that might constrain the project site and/or impact the proposed development. To satisfy this requirement, applications for new development and *substantial redevelopment* shall include a Coastal Hazards Analysis Report that evaluates and demonstrates that the development is safe from existing and future projected flood hazards resulting from sea level rise and avoids or mitigates impacts to coastal resources during the Expected Life of the Development. The Coastal Hazards Analysis Report shall include the following information (as applicable) using written text, maps, profiles, and/or other relevant information:

- a. Project Description:
1. A description of the physical settings of the project site, including existing structures.

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2. Proposed structures, uses, and other development (e.g., grading) and objectives of the study.
3. Summary of regulatory requirements as defined in the County's LCP and that other governing bodies (e.g., FEMA or the California Coastal Commission) enforce.
- b. Current conditions at the site, including the following information shown on site plans and profiles: current base flood elevations (BFEs); and extent of flooding from inland riverine sources and/or the coast, as shown on effective FEMA FIRMettes or best available information.
- c. Projected future flood conditions at the site, accounting for sea level rise over the Expected Life of the Development, including:
 1. A determination of projected amount(s) of sea level rise based on sea level rise scenarios and the expected life of development identified in Section 4.1.6 of the Coastal Area Plan (Policy 1.4, Table 1).
 2. The highest projected amount of sea level rise, according to the Expected Life of Development Table in Section 4.1.6 of the Coastal Area Plan, to existing 1% annual chance of occurrence stillwater level (SWL) of 7.83 ft (NAVD88) for north county and 7.96 ft for south county to determine future conditions SWL. Port Hueneme Harbor defines the border that separates which SWL to use for the south and northern areas of the county's coast.
 3. A determination of the projected future conditions BFEs and inland extent of flooding based on the highest projected amount of sea level rise according to the Expected Life of Development, stillwater levels, and plot on site plan and profiles.
 4. Discussion of future conditions from riverine and coastal flood hazards and determination of impact on the project, where applicable.
 5. Discussion of impacts to coastal resources that may result from the proposed development in concert with anticipated sea level rise, including but not limited to public access and recreation, water quality, and visual resources.
- d. Conclusion that includes the following:
 1. Recommended Finished Floor (FF) elevation. The FF elevation must be at least 1 ft above the design flood elevation (DFE) (i.e., the higher of current versus future BFE conditions).
 2. Recommended types and dimensions for structural foundations.
 3. Feasible project alternatives and other adaptation strategies that avoid resource impacts and minimize risks to the project, as necessary, including but not limited to, options that would allow for additional elevation, incremental or total removal of development if it is damaged or destroyed, and/or flood resistant electrical, onsite wastewater treatment systems, and potable water connections.

H-1.6 Coastal Hazards Screening Area Maps

Coastal Hazards Screening Areas A and B are shown in Figures 1 through 4 below. The Coastal Hazards Screening Area Maps show areas of the County's coastline that are potentially subject to increased threats from sea level rise and coastal hazards, where

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further site-specific study is needed to assess potential adverse hazards. The Screening Area Maps show areas projected to be vulnerable to sea level rise and large wave events, and are based on data from geological investigations, surveys, aerial photos, best available science modeling of future sea level rise (as of [insert date of LCP amendments]), and other sources. Section 4.1.6 of the Coastal Area Plan requires applicants for new *development* and *development* that qualifies as *substantial redevelopment* in Coastal Hazards Screening Area A and/or Area B to prepare and submit a Coastal Hazards Analysis Report that complies with the applicable requirements of Sections H-1.2 through H-1.5, above.

COASTAL HAZARDS ANALYSIS REPORT REQUIREMENTS

Figure 1: COASTAL HAZARDS SCREENING AREA: NORTH COAST

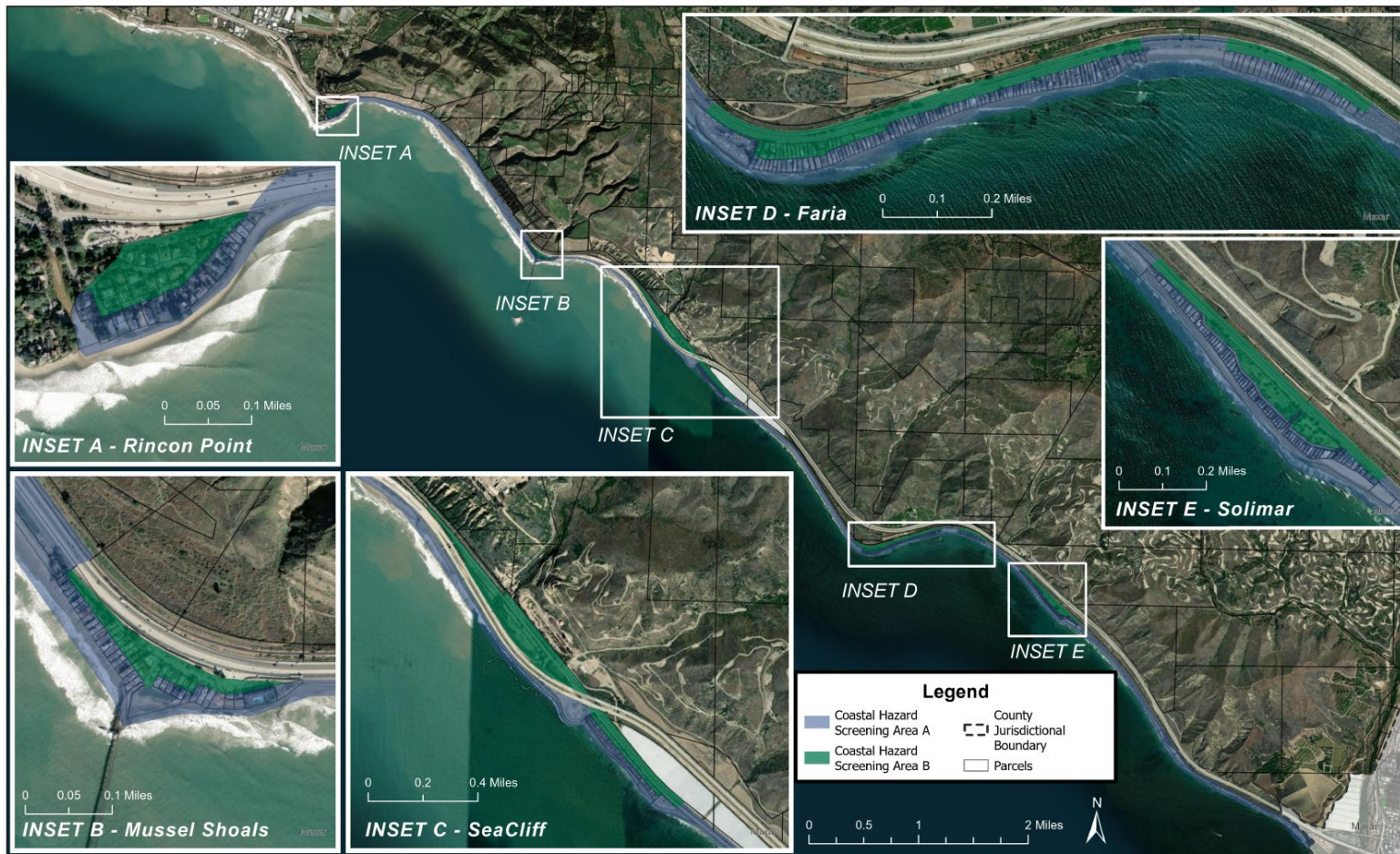


Figure 2: COASTAL HAZARDS SCREENING AREA: CENTRAL COAST (1 OF 2)



Figure 3: COASTAL HAZARDS SCREENING AREA: CENTRAL COAST (2 OF 2)



Figure 4: COASTAL HAZARDS SCREENING AREA: SOUTH COAST

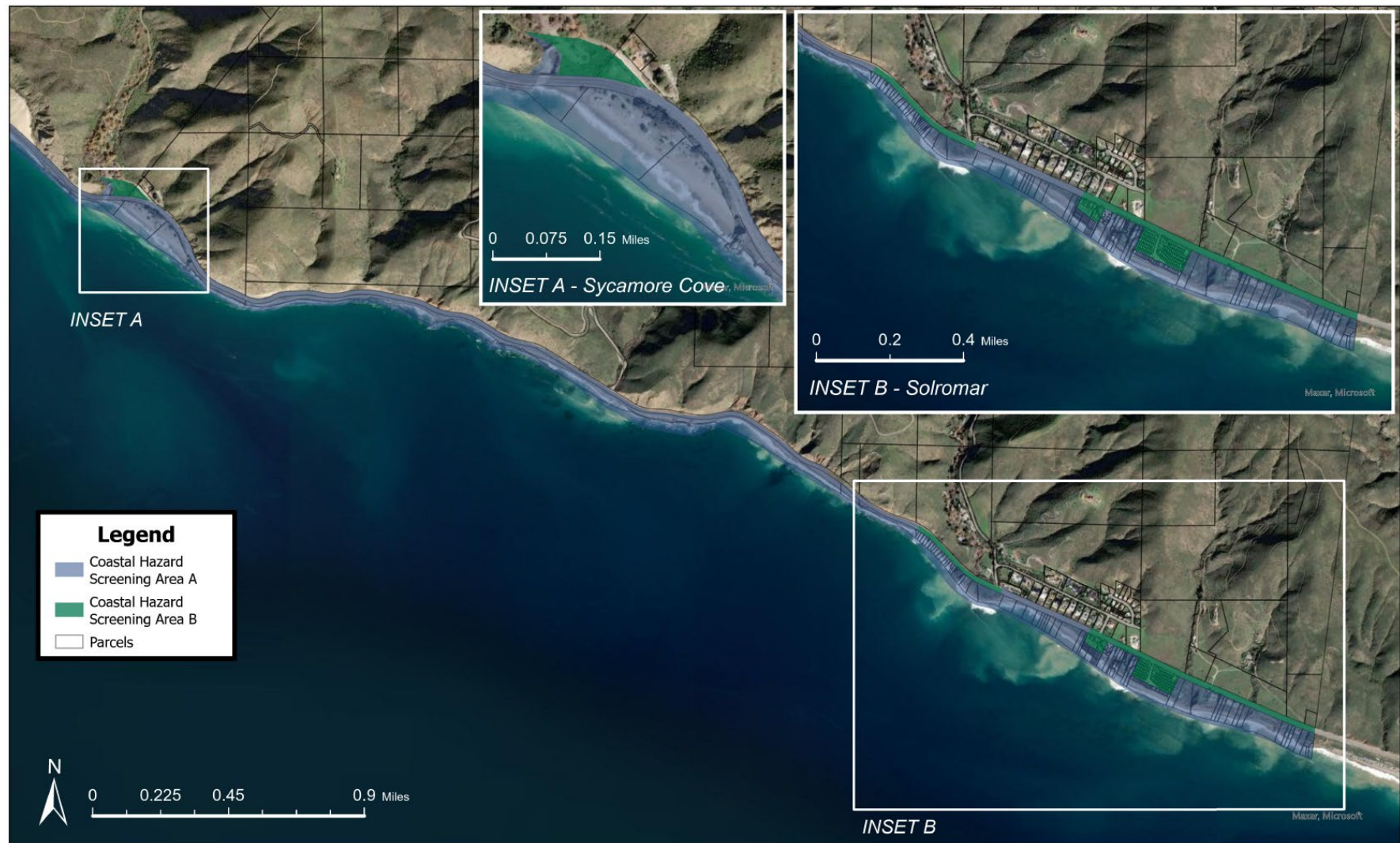


Figure 4a: COASTAL HAZARDS SCREENING AREA: ORMOND BEACH

