

EXHIBIT 5

Clean Version of Proposed Non-Coastal Zoning Ordinance Amendments

County-Initiated Amendment to the Ventura
County General Plan – Land Use Element, and
Proposed Ordinance Amending Articles 2, 3, 5, 7,
8, and 19 of the Ventura County Non-Coastal
Zoning Ordinance to Include a Definition, Lot
Area Exception, Use Category, and Development
Standards for Urban Parks

Case No. PL22-0056

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ORDINANCE NO. _____

**AN ORDINANCE OF THE COUNTY OF VENTURA, STATE OF CALIFORNIA
AMENDING DIVISION 8, CHAPTER 1, ARTICLES 2, 3, 5, 7, 8, AND 19 OF THE
VENTURA COUNTY ORDINANCE CODE, NON-COASTAL ZONING ORDINANCE
TO ESTABLISH A NEW URBAN PARKS USE CATEGORY AND MAKE OTHER
AMENDMENTS AS SPECIFIED**

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

Section 1

**ARTICLE 2:
DEFINITIONS**

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

Park, Natural - An area of land available for public use, at least 75 percent of which is landscaped or otherwise left in a natural state, and which does not involve off-road motor vehicle uses of any kind.

Article 2, Section 8102-0 – Application of Definitions of the Ventura County Ordinance Code is hereby amended by adding the following definition in appropriate alphabetical order to read as follows:

Park, Urban – An area of land available for public use predominantly located within the built environment. Typical amenities and uses may include, but are not limited to, landscaped areas, athletic fields and courts, areas for skateboarding and other nonmotorized conveyances, plazas, squares, picnic and/or sitting areas, natural areas, trails and walkways, and concessions.

Section 2
ARTICLE 3:
ESTABLISHMENT OF ZONES, BOUNDARIES AND MAPS

Article 3, Section 8103-2 – Exceptions to Minimum Lot Area of the Ventura County Ordinance Code is hereby amended by adding a new **Section 8103-2.8 – Urban Parks**, to read as follows:

Sec. 8103-2.8 – Urban Parks

Parcels of less than the prescribed *minimum lot area* may be allowed for *urban parks* as a *principal use*. This exception to *minimum lot area* regulations shall only apply in conjunction with the concurrent processing of applications for a subdivision and/or discretionary permit for an *urban park*. This exception shall not apply if there is any other *principal use*, as identified in Sections 8105-4 and 8105-5, on the *parcel*.

Section 3

ARTICLE 5: USES AND STRUCTURES BY ZONE

Article 5, Section 8105-4 – Permitted Uses in Open Space, Agricultural, Residential and Special Purpose Zones of the Ventura County Ordinance Code is hereby amended to read as follows with respect to the below-stated recreation and park land uses:

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

	OS	AE	RA	RE	RO	R1	R2	RPD	RHD	TP	TRU
RECREATION AND PARKS											
Botanic Gardens and Arboreta* (35)	CUP										
Camps * (8) (35)	CUP		CUP	CUP							
Campgrounds * (8)	CUP		CUP	CUP							
Fields, athletic (7, 19, 27)	PD			PD	PD	PD	PD	PD			
With Night Lighting				PD	PD	PD	PD	PD			
Geothermal Spas with or without accessory commercial eating facilities (7)	CUP										
Golf Courses And/Or Driving Ranges, Except Miniature Golf (15)	CUP		CUP	CUP	CUP	CUP	CUP	CUP			
Motocross/Off-Highway Vehicle Parks* (17)	CUP										
Parks, Natural (6)	ZC	PD	ZC	ZC	ZC	ZC	ZC	PD			
Buildings (within <i>natural parks</i>)	PD	PD	PD	PD	PD	PD	PD	PD			
Parks, Urban*				PD	PD	PD	PD	PD	PD		
Gymnasium (within <i>urban parks</i>)				CUP	CUP	CUP	CUP	CUP	CUP		
Periodic Outdoor Sporting Events (7)	CUP										
Recreational Vehicle Parks *	CUP		CUP	CUP							
Recreation Projects, County-Initiated (5)	PD	PD	PD	PD	PD	PD	PD	PD			
Caretaker Recreational Vehicle, Accessory * (5)	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC			
Retreats, Without Sleeping Facilities * (8)	CUP		CUP	CUP							
With Sleeping Facilities (8)	CUP		CUP	CUP							
Shooting Ranges And Outdoor Gun Clubs (4)	CUP										

Article 5, Section 8105-5 - Permitted Uses in Commercial and Industrial Zones of the Ventura County Ordinance Code is hereby amended to read as follows with respect to the below-stated land uses relating to amusement and recreational facilities:

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

	CO	C1	CPD	M1	M2	M3
AMUSEMENT AND RECREATIONAL FACILITIES			PD			
Amusement Parks And Carnivals			CUP			
Arcades			CUP			
Batting Cages And Golf Driving Ranges, Indoor (3, 15)				CUP		
Bicycle Racing Tracks, Outdoor (3)				CUP		
Gymnasiums (3, 15)			PD	CUP		
Motion Picture Theaters, Outdoor (Drive-In)			CUP			
Racetracks (For Motorized Vehicles), Outdoor Shooting Ranges And Stadiums	Prohibited					
Shooting Ranges, Indoor				CUP	CUP	CUP
<i>Parks, Urban*</i>	PD	PD	PD			
<i>Gymnasium (within urban parks)</i>	CUP	CUP	CUP			

Section 4
ARTICLE 7:
STANDARDS FOR SPECIFIC USES

Article 7 – Standards for Specific Uses of the Ventura County Ordinance Code is hereby amended by adding a new **Section 8107-48 – Urban Parks** to read as follows:

Sec. 8107-48 – Urban Parks

The purpose of this Section 8107-48 is to regulate the design of *urban parks* to ensure compatibility with surrounding land uses and safely provide publicly accessible park and recreational opportunities.

Sec. 8107-48.1 – Applicability

This section applies to *urban parks* projects, as defined in Article 2.

Sec. 8107.48.2 – Development Standards and Requirements

Urban parks subject to this Section 8107-48 shall comply with the following standards and requirements:

Sec. 8107.48.2.1 – General Standards and Requirements

Urban parks shall be sited and designed to be compatible with surrounding uses, including the built environment, natural, cultural, and historic resources through the following standards and requirements. Specifically, *urban parks* shall:

- a. Utilize materials and designs that are durable, easily maintained, and can withstand detrimental effects of weather, time and active use.
- b. Comply with applicable landscaping and water conservation requirements in Section 8106-8.2. For instance, tree and shrub types shall be native and non-invasive regionally adaptive drought tolerant species (see Ventura County Landscape Design Criteria).
- c. Incorporate energy conservation and efficiency into building design to reduce lifetime energy usage with renewable energy resources, facilitation of passive ventilation, and effective use of passive thermal reduction.
- d. Site improvements that avoid sensitive biological resources, as defined in the General Plan, while including uses such as trails and nature viewing areas.
- e. Include only buildings that complement and support the park setting, such as concessions, gymnasiums, restroom facilities, and/or maintenance equipment storage facilities.

Sec. 8107.48.2.2 – Urban Park Design Standards

Urban parks shall comply with all applicable design standards set forth in this Section 8107-48.2.2.

a. Setbacks:

For the purposes of this section, *urban park* uses shall include, but are not limited to, sports or athletic fields or courts, non-motorized vehicle tracks or courses, playgrounds, etc.

1. With the exception of the prescribed setbacks included in this section 8107-48.2.2.a, *urban park* uses shall be located near *urban park* boundaries and be visible from the public right of way, internal driveway, and/or parking area to maximize visibility for security and accessibility for the public.
2. *Urban park* uses, other than playgrounds, on lots greater than 1.5 acres shall be:
 - i. Setback at least 15 feet from the public right of way; and
 - ii. Setback at least 25 feet from noise sensitive uses, as defined in the General Plan.
3. Playgrounds shall be setback at least:
 - i. 25 feet from the public right of way; however, the required setback may be reduced to 10 feet if more than 50% of the playground is surrounded by a three-foot high wall or *see-through fence*; and
 - ii. 15 feet from adjacent *urban parks* uses and *outdoor recreational facilities*.
4. A low berm, landscape buffer, wall and/or transparent fence can be included within the setback area, where appropriate, provided it does not exceed three feet in height.
5. For purposes of section 8107.48.2.2.a.2, setbacks for *urban park* uses and *outdoor recreational facilities* other than playgrounds shall be measured to the edge of the nearest sideline, field perimeter, or athletic field seating.
6. For purposes of section 8107.48.2.2.a.3, setback distances for playgrounds shall be measured from the edge of the playground (inclusive of the playground area surface).
7. Any structure or use not described in this Section 8107.48.2.2.a shall adhere to the underlying zone's setback requirements.

b. Safety

1. *Urban parks* shall be designed for safety and to help reduce the incidence and fear of crime through well-defined user areas and by features that physically separate urban park users from potential conflicting uses, such as separating a playground from a roadway, through one or more of the following methods:
 - i. Natural surveillance (e.g., placement of physical features, activities, lights and gathering areas to maximize visibility).
 - ii. Access control (e.g., placement of walkways, fences, landscaping, gates, walls and lighting to guide visitors to the entrance or exit and discourage access to dark or unmonitored areas).
 - iii. Maintenance (e.g., clean and well-kept conditions, and removal, repair, replacement of damaged, broken, or vandalized facilities).
2. *Urban parks* shall be designed to reduce risks to users from extreme temperatures and solar exposure by incorporating active and passive thermal reduction design including, but not limited to, orientation of facilities to be cooled by prevailing breezes, low heat retention materials and surfaces, and

shaded seating areas and benches. Trees are encouraged on the perimeter, particularly around playgrounds and *athletic fields*, to provide natural shade and attenuate noise.

4. When feasible *principal use* building entrances should be accessed directly from, and face, the public street. The building entrances shall be no more than 250 feet away from the edge of a parking lot, inclusive of surrounding sidewalks.

Sec. 8107.48.2.3 – Mobility

- a. Parking shall be provided in accordance with Article 8.
- b. Connections to existing and planned multimodal transportation networks that include roadways, pathways, trails, bicycle paths, sidewalks, and mass transit routes shall be provided to ensure easy and equitable access to *urban parks*, including primary and secondary entrances.
- c. Vehicle and pedestrian entrances shall be separated, with access designed for each user type.
- d. Adequate access for fire and emergency response, as well as for maintenance activities, shall be provided.

Sec. 8107.48.2.4 – Noise

- a. New noise generators proposed to be located near any noise sensitive use shall be consistent with the noise standards in the Hazards and Safety Element of the General Plan.
- b. *Outdoor recreational facilities* shall be sited to avoid conflicts with existing noise sensitive uses, and potential noise impacts on adjacent residential land uses must be minimized.

Sec. 8107.48.2.5 – Trash and Recycling Storage

All trash and recycling enclosures shall be consistent with the standards set forth in the Ventura County Integrated Waste Management Division's Space Allocation Guidelines for Refuse and Recyclables Collection and Loading Areas, as may be amended.

Sec. 8107.48.2.6 – Urban Parks Lighting

- a. **Lighting Design:** The lighting design shall be consistent with the purpose of this section 8107.48.2.6 and minimize the effects of *light trespass* on the surrounding environment.
- b. **Outdoor Lighting:** All outdoor lighting/luminaires shall be consistent with the following standards:
 1. All outdoor luminaires shall be fully shielded, directed downward, and installed and maintained in such a manner to avoid light trespass beyond the lot line in excess of those amounts set forth in Section 8107-48.2.6(e) below. Lights at building entrances and under-eave lights, may be partially shielded.
 2. All outdoor luminaires, other than essential luminaires, shall be turned off from 10:00 p.m., or when people are no longer present in exterior areas being illuminated, or the close of business hours, whichever is latest, until sunrise, unless otherwise allowed by the *decision-making authority*.

3. All light pole standards within or near a playing area that are not protected by a fence should have pole pads that are at least three- to six-inches thick by at least six-feet high as measured from the grade.

c. **Security Lighting:**

1. Outdoor luminaires used for security lighting shall not exceed a maximum output of 2,600 lumens per luminaire.
2. Where the light output exceeds 850 lumens, motion sensors with timers programmed to turn off the light(s) no more than 10 minutes after activation must be used between 10:00 p.m. and sunrise. Restroom and building entrance lighting are exempt from timer or motion activation limits.
3. Where security cameras are used in conjunction with security lighting, the lighting color may exceed 3,000 Kelvin but shall be the minimum necessary for effective operation of the security camera.
4. Lights shall be present outside restrooms, at building entrances, and along primary circulation routes and pathways.

d. **Parking Area Lighting.** Lighting provided for parking areas shall be consistent with Section 8108-5.12.

e. **Outdoor Recreational Facility Lighting:**

1. *Outdoor recreational facility* lighting may exceed 850 lumens and 3,000 Kelvin per luminaire. Lighting levels for these facilities shall not exceed those recommended in the lighting handbook entitled "Recommended Practice: Lighting Sports and Recreational Areas" available online, and as may be amended, by the Illuminating Engineering Society of North America (IESNA) for the class of play (Sports Class I, II, III or IV).
2. In cases where fully-shielded luminaires would cause impairment to the visibility required for the intended recreational activity, partially-shielded luminaires and directional lighting methods may be utilized to reduce light pollution, glare and light trespass.
3. The lighting design (including lumens, Kelvin, etc.) shall be prepared by a qualifying engineer, architect or landscape architect in conformance with this Section 8107-48.2.6.
4. With the exception of security lighting as specified in Section 8107-48.2.6(c), and parking area lighting as specified in Section 8108-5.12, organized league events at *outdoor recreational facilities* shall not be illuminated between 10:00 p.m. and sunrise, except to complete a recreational event or activity that is in progress as of 10:00 p.m.
5. With the exception of security lighting as specified in Section 8107-48.2.6(c), and parking area lighting as specified in Section 8108-5.12, casual use of *outdoor recreational facilities* between dusk and 10:00 p.m., if allowed, shall be activated by a timer switch. For example, basketball or tennis courts would be lightened independently through a timer switch activated by an "on" button. Lights shall not be allowed to be turned on between 10:00 p.m. and dawn.

f. **Allowable Light Trespass:**

Outdoor lighting shall not exceed the Quantitative *Light Trespass* Limits shown in Table 1 below, measured from the property line illuminated by the light source, whenever the project site abuts one or more of the specified zones in Table 1. If the project site abuts more than one of the specified zones in Table 1, the more restrictive standard shall apply. For example, if a project site abuts both a single-family residential zone and a multi-family residential zone, the *light trespass* limit shall be 0.1 foot-candles at the property line.

Table 1
(Section 8107.48.2.6(e))
Quantitative Light Trespass Limits, by Zone

Open Space, Agriculture and Special Purpose Zones (such as OS, AE, TP) and Rural Residential and Single-family/Two-family Residential Zones (such as RA, RE, RO, R-1, R-2)	
Horizontal-plane limit	0.1 <i>foot-candles</i> at property lines
Vertical-plane limit	
Multi-family Residential Zones (such as RPD)	
Horizontal-plane limit	0.2 <i>foot-candles</i> at property lines
Vertical-plane limit	

g. **Height Standards for Luminaires:**

1. Luminaires affixed to structures for the purpose of lighting *outdoor recreational facilities* (such as for equestrian arenas, batting cages, tennis courts, basketball courts, etc.) shall not be mounted higher than 15 feet above the finished grade. In cases where luminaires are affixed to fences, the top of the fixture shall not be higher than the height of the fence.
2. Freestanding light fixtures used to light walkways, driveways, or hardscaping shall utilize luminaires that are no higher than two feet above finished grade.
3. All other freestanding light fixtures shall not be higher than 20 feet above finished grade, unless specifically authorized by a discretionary permit granted under this Chapter.

- h. In the case of conflicting height standards for luminaries, the more restrictive standard shall apply.

Sec. 8107.48.2.7 – Sign Program

- a. A sign program shall describe and pictorially represent the location (on a site plan and on the elevations of any building), dimensions, color, letter style, letter height, and sign type of all signs to be installed. All new, altered, or changed signs shall conform to an approved sign program unless an amendment to that approved sign program is approved by the *decision-making authority* pursuant to Sec. 8111-6.1 of this Chapter.
- b. For *urban parks* in Designated Disadvantaged Communities, as defined in the General Plan, all onsite signs shall be in English and the next most prevalent language in the surrounding community for equitable facility use.

Sec. 8107.48.3 Application Materials

All application submittals shall include the following plans, as applicable:

Sec. 8107.48.3.1 – Lighting Plan

All discretionary applications that include lighting shall depict on the site plan the location and manufacturer specifications that demonstrate consistency with Sections 8107.48.2.6 and 8108-5.12 of this Chapter. The permittee shall install and maintain all exterior lighting in accordance with the approved lighting plan.

Sec. 8107.48.3.2 – Landscape Plan

All discretionary applications that include landscaping shall include a landscape plan if required by Section 8106-8.2 that indicates all locations and species of plantings, trees, trails, and landscape features, and complies with the landscape plan standards pursuant to Section 8106-8.2.2.

Sec. 8107-48.4 – Requirements for Urban Park Dedications

Any *urban park* that is to be dedicated to the County of Ventura or any other public entity for park and recreational purposes shall comply with the following requirements:

Sec. 8107-48.4.1 – Confirmation of Intent to Accept the Dedication

Prior to a determination of application completeness, the County of Ventura or public entity, as applicable, shall confirm in writing its intent to accept the dedication of the proposed *urban park* after issuance of the required permits.

Sec. 8107-48.4.2 – Acquisition and Improvement Agreement

The applicant shall provide an Acquisition and Improvement Agreement approved by the County or other public entity, as applicable. The Acquisition and Improvement Agreement shall include a project description, establish a timeline for completion of *urban park*, outdoor recreation facilities, and/or gymnasium construction and identify the dates for transfer of title to the public entity. The amount of annual operation and maintenance costs shall be included in the Acquisition and Improvement Agreement.

Sec. 8107-48.5 – Requirements for Privately-Owned and Maintained Urban Parks

An *urban park* that is both privately-owned and maintained shall comply with the following requirements:

Sec. 8107-48.5.2 - Maintenance Plan

The applicant shall provide a Maintenance Plan to ensure that the *urban park* is maintained in a neat and orderly manner so as not to create any blight, hazardous, or nuisance conditions. The plan shall be consistent with the project description, standards in this Section 8107-48.5 and all other applicable zoning standards.

Sec. 8107-48.5.3 – Funding

The applicant shall demonstrate sufficient funding, inclusive of inflation, for physical maintenance of the *urban park* for a period of no fewer than 15 years.

Sec. 8107-48.5.4 – Liability Insurance

The permittee shall maintain, for the life of the *urban park*, liability insurance of not less than \$500,000 for one person and \$1,000,000 for all persons and \$2,000,000 for property damage. This requirement does not preclude the permittee from being self-insured.

Sec. 8107-48.6. – Requirements for Privately-Owned Urban Park Maintained by a Public Entity

In addition to the requirements set forth in Section 8107-48.5, a privately-owned *urban park* that will be maintained by a public entity shall demonstrate proof of an approved and executed agreement with the public entity and shall be incorporated into the land use entitlement.

Sec. 8107-48.7 – *Decision-Making Authority to Waive Standards and Requirements*

If any of the standards and requirements set forth in Sections 8107.48.2 through 8107.48.6 cannot be met due to factors such as parcel size, unusual site conditions, or factors that would unduly serve as a prohibition on the establishment of an *urban park*, the *decision-making authority* may waive or modify such standards and requirements. A written explanation by the applicant or designee shall be required to describe how the proposed project meets the standards and intent of the sections referenced above to the maximum extent feasible.

Section 5
ARTICLE 8:
PARKING AND LOADING REQUIREMENTS

Article 8, Section 8108-4.7 – Table of Parking Space Requirements by Land Use of the Ventura County Ordinance Code is hereby amended to read as follows with respect to the below-stated park-related land uses:

Sec. 8108-4 - Number of Parking Spaces Required

Sec. 8108-4.7 - Table of Parking Space Requirements by Land Use

The table below indicates the number of required off-street motor vehicle and bicycle parking spaces that shall be provided for various land uses. For non-residential land uses, the number of motor vehicle parking spaces set forth in the table, plus or minus 10 percent of the total, represents the minimum required and the maximum allowed number of spaces, unless varied pursuant to Section 8108-4.8 below. For residential land uses the number of motor vehicle parking spaces set forth in the table represents the minimum required number of spaces, unless varied pursuant to Section 8108-4.8 below.

The number of motor vehicle parking spaces required in this section is intended to address the needs of residents, employees and regular users of an establishment. The number is not intended to reflect the need for parking large delivery trucks, vans or buses; storage of vehicle inventory; or other specialty parking needs related to the operation of specific land uses.

The Director has the authority to determine the parking space requirements for any land use not specifically listed based on the requirements for the most comparable land use.

LAND USE	MOTOR VEHICLE SPACES REQUIRED	BICYCLE SPACES REQUIRED
Parks, Natural and Urban		
Without Buildings	Minimum of 5 spaces If gross acreage of the park is less than 1.0-acre, then no motor vehicle parking is required.	ST: 10% of required motor vehicle spaces. If no vehicle parking is required, then the number of spaces shall be determined by the decision-making body.
Principal Buildings open to the public	Minimum of 5 spaces, plus 1 space per 300 sq. ft. of <i>GFA</i> .	
<i>Without Athletic Fields</i>	As determined by decision-making body	
<i>Athletic Fields</i>	1 parking space per 3,000 sq. ft. of field area, plus 1 space per 6 linear feet of seating area; minimum of 20 spaces.	

Section 6
ARTICLE 19:
SPECIFIC STANDARDS FOR AREA PLANS

Article 19, Section 8119-1 – Old Town Saticoy Development Code of the Ventura County Ordinance Code is hereby amended to read as follows with respect to the below-stated recreation, park, and amusement-related land uses:

Sec. 8119-1 – Old Town Saticoy Development Code

PERMITTED USES IN OLD TOWN SATICOY, BY ZONE				
	TC	R/MU	RES	IND
RECREATION, PARKS, AND AMUSEMENTS	PD			
Arcades	CUP			CUP
Batting Cages And Golf Driving Ranges, Indoor				CUP
Bicycle Racing Tracks, Outdoor				CUP
<i>Community Garden Plots</i>	ZC	ZC	ZC	
Fields, athletic (with or without night lighting)			PD	
Gymnasiums and Indoor Sports Clubs/Facilities	PD	CUP		CUP
<i>Parks, Natural or Urban</i> (with or without buildings)	PD	PD	PD	PD
<i>Gymnasium (within urban park)</i>	CUP	CUP	CUP	CUP
Recreation Projects, County-Initiated	PD	PD	PD	
Shooting Ranges, Indoor				CUP

Section 7

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

Section 8

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

PASSED AND ADOPTED this ___ day of _____, 2023, by the following vote:

AYES: Supervisors _____

NOES: Supervisors _____

ABSENT: Supervisors _____

CHAIR, BOARD OF SUPERVISORS

ATTEST:

DR. SEVET JOHNSON

Clerk of the Board of Supervisors

County of Ventura, State of California

By _____

Deputy Clerk of the Board