

ORDINANCE NO. 4507

**AN INTERIM ORDINANCE OF THE VENTURA COUNTY BOARD OF SUPERVISORS
ADOPTED AS AN URGENCY MEASURE TO AMEND DIVISION 8, CHAPTER 1,
ARTICLES 2, 7, 8 AND 19 OF THE VENTURA COUNTY ORDINANCE CODE, NON-
COASTAL ZONING ORDINANCE PERTAINING TO ACCESSORY DWELLING UNITS**

The Board of Supervisors of the County of Ventura does ordain as follows:

Section 1: Legislative Body Findings

The Board finds and declares that adoption of this interim urgency ordinance (Interim Ordinance) is necessary for the immediate preservation and protection of the public peace, safety, health or welfare; that there is a current and immediate threat to the public health, safety, or welfare; and that the approval of additional subdivisions, use permits, variances, building permits, or any other applicable entitlement for use which is required in order to comply with a zoning ordinance would result in that threat to public health, safety, or welfare.

The Board finds that the following facts support the adoption of this Interim Ordinance:

- a. Recent amendments to Government Code Section 65852.2 pursuant to California Assembly Bill 2299 and California Senate Bill 1069 became effective January 1, 2017 (New ADU Law). The New ADU Law is intended to increase the state's supply of affordable housing by facilitating the construction of accessory dwelling units. The term accessory dwelling unit (ADU) replaces the term second dwelling unit (SDU) used in the prior version of Government Code Section 65852.2.
- b. The New ADU Law places limitations on local government's authority to regulate ADUs by, among other things, facilitating the mandatory approval of a building permit for ADUs located within the existing space of a residential structure or accessory unit; reducing, and in some cases eliminating, the parking requirements for ADUs; and prohibiting separate utility connections in certain cases.
- c. Effective January 1, 2017, a local ADU ordinance that does not comply with the requirements of the New ADU Law is null and void, and only the default statewide standards set forth in Government Code Section 65852.2 may be applied to ADU applications (Default ADU Standards) until an ordinance is adopted that does comply with the New ADU Law.
- d. The County's zoning ordinance provisions that regulated SDUs (Non-Coastal Zoning Ordinance Sec. 8107-1.7; Former SDU Ordinance) do not fully comply with the New ADU Law and are now void. As a result, only the Default ADU Standards apply to ADU applications in the unincorporated area of the County.
- e. The New ADU Law has triggered a significant increase in the number of inquiries related to the permitting of ADUs. Increased applications for ADU permits throughout the County are expected.
- f. Immediate adoption of this Interim Ordinance is needed to bring the County ADU ordinance into compliance with the New ADU Law and to ensure that the County

- retains authority to implement locally appropriate standards over the location and construction of ADUs which are lacking under the Default ADU Standards.
- g. Additionally, the County has unique local constraints that must be addressed in County ADU regulations. There is a critical need to protect groundwater quality and supply in the “Arroyo Santa Rosa/Tierra Rejada Groundwater Quality Impact Area” as depicted in Map 1 and a locally unique traffic problem in the “Ojai Traffic Impact Area” as depicted in Map 2 (collectively the Impact Areas).
 - h. The Default ADU Standards do not provide adequate protections for the Impact Areas. For example, the Default ADU Standards allow ADUs to be as large as 1,200 square feet in floor area, regardless of the location.
 - i. To protect the health, safety and welfare in the Impact Areas, larger minimum lot size and smaller unit size thresholds are necessary. The Former SDU Ordinance addressed the Impact Areas and this Interim Ordinance will readopt those standards.
 - j. Furthermore, additional studies are necessary to ensure the General Plan and Area Plans are in compliance with the New ADU Law and to consider the impacts of the New ADU Law throughout the County, including further studies in the Impact Areas.
 - k. Because the County’s Former SDU Ordinance was rendered null and void as of January 1, 2017, and the Default ADU Standards do not address the County’s unique local needs and constraints in regulating ADUs, the urgency adoption of this Interim Ordinance is necessary for the immediate preservation of the public peace, health, safety and welfare.
 - l. This Interim Ordinance was passed by a four-fifths (4/5ths) vote and shall be of no further force and effect forty-five (45) days from its date of adoption unless extended in accordance with state law.

Section 2

ARTICLE 2: DEFINITIONS

Article 2, Sec. 8102-0, of the Ventura County Ordinance Code is hereby amended to read as follows:

Dwelling Unit, Accessory - A dwelling unit that is accessory to a principal dwelling. An attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. An accessory dwelling unit also includes the following:

- (a) An efficiency unit, as defined in Section 17958.1 of the Health and Safety Code; and
- (b) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

Any reference to “second dwelling unit” in the Non-Coastal Zoning Ordinance shall mean “accessory dwelling unit”.

Section 3

ARTICLE 7: STANDARDS FOR SPECIFIC USES

Article 7, Sec. 8107-1.7 of the Ventura County Ordinance Code is hereby amended to read as follows:

Sec. 8107-1.7 - Accessory Dwelling Units

An accessory dwelling unit shall be allowed on a parcel that contains an existing single-family detached residence and no other dwellings, other than an authorized farmworker or animal caretaker dwelling unit subject to Sec. 8105-4. Accessory dwelling units shall comply with all provisions of this Section (Sec. 8107-1.7) and the underlying zoning district, as well as County Building and Fire Code requirements that apply to single-family dwellings. If any provision of this Article or the underlying zoning district standards conflict with California Government Code Section 65852.2, the latter shall govern.

Sec. 8107-1.7.1 Standards for an Accessory Dwelling Unit Created within the Existing Space of a Principal Dwelling Unit or Accessory Structure

- a. An application for a building permit for an accessory dwelling unit created entirely within the existing space of a principal dwelling unit or within the existing space of a legally permitted accessory structure shall be approved ministerially without respect to the standards in Sec. 8107-1.7.2 if it meets all of the following:
 - (1) The accessory dwelling unit has independent exterior access;
 - (2) The rear and side setbacks are deemed sufficient for fire safety as required by the Building Code;
 - (3) The creation of the accessory dwelling unit does not involve the addition of floor area to the existing structure; and
 - (4) Where an accessory structure is converted to an accessory dwelling unit, the accessory structure must be permitted by the Planning Division prior to March 14, 2017.
- b. Parking requirements shall be waived pursuant to Sec. 8108-4.7.
- c. When a garage, carport or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, the replacement parking spaces may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts.
- d. No more than one accessory dwelling unit is allowed on each parcel.

Sec. 8107-1.7.2 Standards for All Other Accessory Dwelling Units

- a. Accessory dwelling units that do not meet the provisions of Sec. 8107-1.7.1(a) shall be required to comply with the standards in Sec. 8107-1.7.2.
- b. The following size requirements for accessory dwelling units apply to parcels that are 9,000 square feet or more in area, but less than 40 acres in area, and located outside of the groundwater quality and traffic impact areas listed in Table 0.5 below and shown on Map 1 and Map 2:
 - (1) The floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing living area of the primary dwelling unit, up to a gross floor area of 1,200 square feet and a maximum of 3 bedrooms.
 - (2) The total floor area for a detached accessory dwelling unit shall not exceed a gross floor area of 1,200 square feet and a maximum of 3 bedrooms.
- c. Parcels that are 40 acres or more in area and that are located outside of the groundwater quality and traffic impact areas listed in Table 0.5 below and shown in Map 1 and Map 2 are eligible for a detached or attached accessory dwelling unit with up to four bedrooms and a gross floor area of 1,800 square feet.
- d. Parcels located in the groundwater quality impact area as shown on Map 1 below, or in the traffic impact area as shown on Map 2 below, shall not exceed the maximum number of bedrooms and maximum unit size and shall meet minimum parcel size standards set forth in Table 0.5. If a parcel is partially within the traffic impact area, but the location of the proposed accessory dwelling unit is outside of the traffic impact area, then the parcel shall be considered entirely outside the impact area. If a parcel is partially within the groundwater quality impact area, but the septic system servicing the proposed accessory dwelling unit is, or is proposed to be, located outside the impact area, then the parcel shall be considered outside the impact area.

TABLE 0.5

Impact Area	Maximum Number of Bedrooms and Maximum Size of Accessory Dwelling Units and Minimum Parcel Size
Arroyo Santa Rosa/Tierra Rejada Groundwater Quality Impact Area (See Map 1)	One bedroom/700 sq. ft. total floor area on parcels of 4.32 acres or more in area. Two bedrooms/900 sq. ft. total floor area on parcels of 5.06 acres or more in area. Three bedrooms/1,200 sq. ft. total floor area on parcels of 5.82 acres or more in area.
Ojai Traffic Impact Area (See Map 2)	One bedroom/700 sq. ft. total floor area on parcels of one acre or more in area.

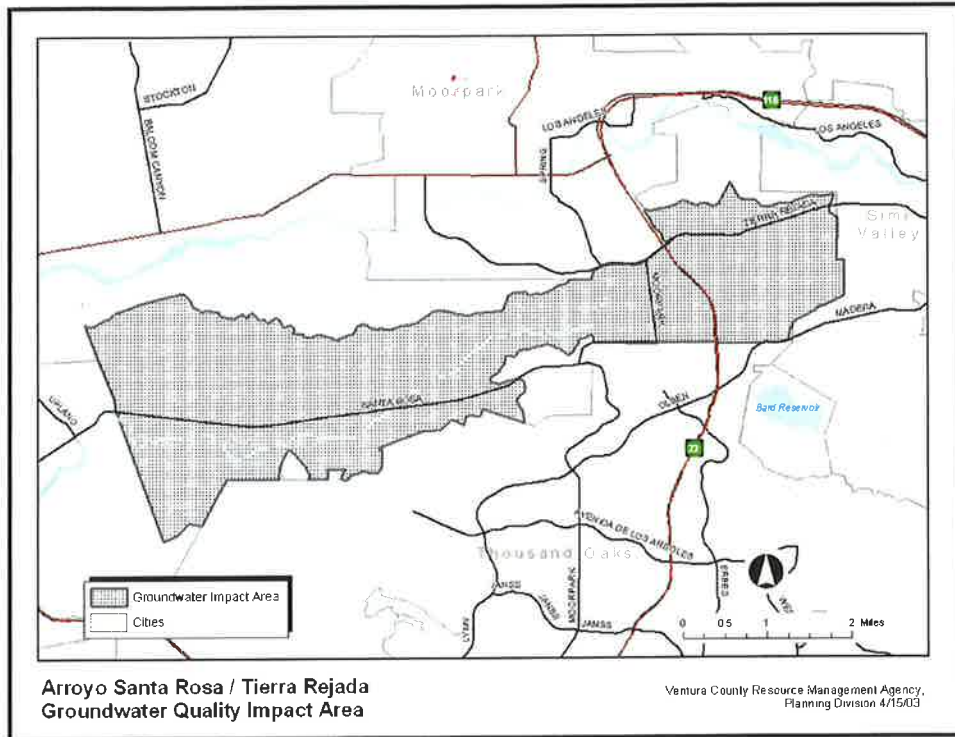
- e. For the purposes of this Sec. 8107-1.7.2 and Table 0.5, the Arroyo Santa Rosa/Tierra Rejada Groundwater Quality Impact Area shall mean those portions of the unincorporated area of Ventura County depicted on Map 1 below, and the Ojai Traffic Impact Area shall mean those portions of the unincorporated area of Ventura County depicted on Map 2, below. Both maps are accessible in the GIS Department of the Resource Management Agency.
- f. An existing principal dwelling unit that meets the development standards for an accessory dwelling unit may be designated the accessory dwelling unit and a separate principal dwelling unit may be permitted on the site. In such cases, both the new principal dwelling unit and the accessory dwelling unit shall meet all provisions of this Chapter.
- g. Gross floor area shall be calculated by including all floors and levels of the accessory dwelling unit, based on exterior measurements. For the limited purpose of Sec. 8107-1.7, the computation of total floor area shall not include any attached patio cover, deck, garage or any bay window that does not extend to the floor or protrude more than 18 inches from the adjoining exterior wall.
- h. Parking for an accessory dwelling unit may be provided as tandem parking on an existing driveway. Additionally, one uncovered parking space for an accessory dwelling unit may encroach into a required front and/or interior side setback, provided that all of the following conditions are met:
 - (1) The space is not closer than ten feet to any front lot line;
 - (2) The long dimension of the space is parallel to the centerline of the nearest driveway on the lot; and;
 - (3) On interior lots, a minimum three-foot wide area adjacent to one side lot line remains unobstructed by vehicles.

- i. For newly constructed accessory dwelling units above a garage, setbacks from the side and rear lot lines shall be a minimum of five feet. The accessory dwelling unit can extend beyond the footprint of the garage but must maintain at least a five-foot setback.
- j. Mobilehomes and manufactured homes may be used as accessory dwelling units, in accordance with Sec. 8107-1.3.
- k. With the exception of deviations granted in accordance with Sec. 8107-37.3 and Sec. 8111-9, or as required by state law, no variance to the requirements of this Chapter may be approved for accessory dwelling units.
- l. Parking requirements for accessory dwelling units listed in Sec. 8108-4.7 shall be waived if in any of the following apply:
 - (1) The accessory dwelling unit is located within one-half mile of public transit; or
 - (2) The accessory dwelling unit is located within an historic district; or
 - (3) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit; or
 - (4) When there is a car share vehicle located within one block of the accessory dwelling unit.
- m. When a garage, carport or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, the replacement parking spaces may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts.
- n. No more than one accessory dwelling unit is allowed on each parcel.
- o. No other accessory structure shall be combined with a detached accessory dwelling unit, except:
 - (1) An accessory dwelling unit may be located adjacent to or above a garage if there is no means of internal access between the two, except internal access is permitted when the combined total area of the garage and the accessory dwelling unit does not exceed the allowable size of the accessory dwelling unit;
 - (2) An accessory dwelling unit may be attached to or located above a garage or carport that is itself attached to another accessory use such as a workshop or

storage room, provided that there is no common wall or floor between the accessory dwelling unit and the other accessory use.

- p. The applicant for an accessory dwelling unit shall be the owner of record and shall reside in the principal dwelling unit on the parcel. Applications for accessory dwelling units submitted after the effective date of this Interim Ordinance shall not be rented on a transient occupancy basis (rental terms of less than 30 consecutive days).
- q. An accessory dwelling unit will not be allowed in areas where adequate water supply and sewage disposal cannot be demonstrated. If the existing single-family detached residence is served by a public sewer system or a public water system, the accessory dwelling unit must be served by the same system or systems.
- r. If the proposed water supply is to be provided by any means other than an individual well on the lot, the applicant shall submit a water supply certificate on a form provided by the County Building and Safety Division and signed by the proposed water supplier, certifying that:
 - (1) Either of the following is true: (i) the owner of the lot and the water supplier have entered into a binding agreement, enforceable by the owner and the owner's successors in interest to the lot, providing for the connection of the water supplier's system to the accessory dwelling unit on substantially the same terms as those given to the water supplier's customers generally; or (ii) the accessory dwelling unit will be served through an existing connection provided by the water supplier to the lot; and
 - (2) Both of the following are true: (i) the water supplier's system complies with the quality and quantity standards set forth in Title 22 of the California Code of Regulations and the connection of the proposed accessory dwelling unit to the system will not cause any failure of such compliance; and (ii) the facilities of the water supplier's system meet or exceed the requirements set forth in the applicable Ventura County Improvement Standards and Specifications.
- s. If the proposed method of sewage disposal is by a public sewer system, the applicant shall submit a sewer service certificate, signed by the public sewer entity, certifying that either:
 - (1) The owner of the lot and the public sewer entity have entered into a binding agreement, enforceable by the owner and the owner's successors in interest to the lot, providing for the connection of the public sewer entity's system to the accessory dwelling unit on substantially the same terms as those given to the public sewer entity's customers generally; or
 - (2) The accessory dwelling unit will be served through an existing connection provided by the public sewer entity to the lot.

MAP 1



Section 4

ARTICLE 8: PARKING AND LOADING REQUIREMENTS

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

LAND USE	MOTOR VEHICLE SPACES REQUIRED	BICYCLE SPACES REQUIRED
RESIDENTIAL LAND USES	MINIMUM REQUIRED	
Accessory Dwelling Units	1 covered/uncovered space for 1 bedroom or fewer 2 covered/uncovered spaces for 2 or more bedrooms (in addition to the spaces required for the principal dwelling unit) Parking is not required for accessory dwelling units that meet the provisions of Sec. 8107-1.7.1(a) or Sec. 8107-1.7.2(k).	
Single-Family and Two-Family Dwellings ¹		
<i>1-4 Bedrooms (per unit)</i>	2 covered ² spaces	
<i>5 Bedrooms (per unit)</i>	3 spaces (2 shall be covered ²)	
<i>6 or More Bedrooms (per unit)</i>	4 spaces, (2 shall be covered ²)	

¹ Replacement parking for the principal dwelling unit, as a result of the garage being demolished or converted to an accessory dwelling unit, may be located in any configuration on the same lot as the accessory dwelling unit and as uncovered or tandem spaces, pursuant to Sec. 8107-1.7.1(c) and Sec. 8107-1.7.2(l).

² Except that on parcels larger than 1 acre located in OS, AE, RA, RE, RO, and TP zones, parking may be uncovered.

Section 5

ARTICLE 19: SPECIFIC STANDARDS FOR AREA PLANS

Article 19, Sec. 8119-1.4:10 of the Ventura County Ordinance Code is hereby amended to read as follows:

See following page

TABLE 1.4.10. ACCESSORY DWELLINGS (AND OTHER HABITABLE STRUCTURES)				
STANDARD	ZONE			
	TC	R/MU	RES	IND
1. LOT SIZE				
A. Width	50 ft. min.			
B. Depth	100 ft. min.			
C. Min. Lot Size (SF)	As determined by the PD or CUP for the use on site		8,000 SF min. (for Accessory Dwelling Unit only)	As determined by the PD or CUP for the use on site
2. BUILDING SIZE AND MASSING				
A. Height (max.)	1 story / 15 ft.	1 story / 15 ft.	2 stories / 25 ft. ; 1 story / 15 ft.	1 story / 15 ft.
B. Length along alley	30 ft. max.	n/a	30 ft. max.	n/a
C. Length along side yard	20 ft. max.			
D. Building and Unit size for Accessory Dwelling Units (SF) ^{1,2}	Caretakers, and Superintendent/Owners: 700 SF max. building footprint; Dwelling size: 400 SF min. to 700 SF max		Accessory Dwelling Unit (ADU) ³ : 700 SF max. building footprint (for detached ADUs only); Dwelling size: 1,200 SF max	Same as TC and R/MU
3. PEDESTRIAN ACCESS FROM PRIMARY OR SIDE STREET				
A. Internal lots	Side yard connected to a Primary Street; or rear yard connected to an alley	Side yard connected to a Primary Street	Side yard connected to a Primary Street; or rear yard connected to an alley	Side yard connected to a Primary Street
B. Corner lots	From Side street, required			
4. PARKING ACCESS⁴				
A. Lot with alley	From alley	n/a	From alley	n/a
B. Corner lot without alley	Min. 12 ft. wide driveway connected to a Side Street			
C. Internal lot without alley	Min. 12 ft. wide driveway connected to a Primary Street, located as close to side yard property line as possible.			
5. PARKING TYPE				
A. Type	Surface lot, garage, carport, or open			
6. OPEN SPACE AND LANDSCAPE				
A. Side Street Setbacks	Landscaping required in Side Street setback			
B. Private Open Space	n/a	<ul style="list-style-type: none"> Ground floor units: Rear/ side yard; min. size: 80 SF. Balcony (for 2nd story unit only): min. size: 40 SF with min. dimensions 5 ft. x 8 ft. 		n/a
C. Common Open Space	10 ft. min. width along rear or side yard facing accessory structure			
7. FRONTAGE				
A. Ground Floor	No frontage type required (may include Stoop in RES zone - See Sec. 8119-1.5.4); Street- and alley-facing windows required.			
B. Upper Floors	Street- and alley-facing windows required			

[1] Refers to Gross Floor Area.

[2] Multiple accessory structures are allowed on one lot, but shall not exceed a cumulative gross floor area of 2,000 SF. This may include a combination of structures identified in [Sec. 8119-1.4.10\(b\)](#) and [Sec. 8119-1.4.11](#). Only one Accessory Dwelling Unit can be accommodated per lot (see max. size of Accessory Dwellings in 2.D. in [Table 1.4.10](#) above).

[3] Other than the specific provisions for ADUs listed in Sec. 8119-1.3.3 and Sec. 8119-1.4.10, all other standards regulating ADUs listed in Sec. 8107-1.7 shall apply. An Accessory Dwelling unit is allowed on a Residential parcel with a Single-Family home only if the lot size is 8,000 SF or more.

[4] Driveway standards may be adjusted as per requirements of the Ventura County Fire Prevention District.

Section 6: Severability

If any section, subsection, sentence, clause, or phrase of this Interim Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Interim Ordinance. The Board of Supervisors hereby declares that it would have passed this Interim Ordinance and every section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

Section 7: Urgency Clause

By reference to the findings in Section 1, the Board of Supervisors hereby finds and determines pursuant to Government Code Section 65858 that adoption of this Interim Ordinance is necessary for the immediate preservation of the public health, safety, and welfare.

Section 8: Effective Date

This Interim Ordinance shall be effective immediately upon its adoption and shall expire forty-five (45) days following its adoption unless otherwise extended in compliance with Government Code Section 65858.

PASSED AND ADOPTED this 14th day of March, 2017, by the following vote:

AYES: Supervisors Bennett, Parks, Lony, Zaragoza
NOES: Supervisors Foy
ABSENT: Supervisors none

Adm. Zuegg

CHAIR, BOARD OF SUPERVISORS
COUNTY OF VENTURA

ATTEST:

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



By: *Lori Gunnis*

Deputy Clerk of the Board