



BOARD MINUTES  
BOARD OF SUPERVISORS, COUNTY OF VENTURA, STATE OF CALIFORNIA

SUPERVISORS STEVE BENNETT, LINDA PARKS,  
KELLY LONG, PETER C. FOY AND JOHN C. ZARAGOZA  
April 18, 2017 at 10:30 a.m.

Public Hearing Regarding Adoption of an Urgency Ordinance Extending the Provisions of Ordinance No. 4507 (PL17-0008), an Interim Measure to Regulate Accessory Dwelling Units in the Non-Coastal Zone, and Issuance of a Written Report. (Resource Management Agency - Planning)

- (X) All board members are present, except Supervisor Foy is absent.
- (X) The Board holds a public hearing.
- (X) The following person is heard: Jennifer Butler.
- (X) Upon motion of Supervisor Parks, seconded by Supervisor Long, and duly carried, the Board hereby approves recommendations as stated in the Board letter.

I hereby certify that the annexed instrument is a true and correct copy of the document which is on file in this office.

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

4/20/17

By: *Doni Jones*  
Deputy Clerk of the Board

By: *Brian Palmer*  
Brian Palmer  
Chief Deputy Clerk of the Board



ORDINANCE NO. 4509

**AN ORDINANCE EXTENDING INTERIM ORDINANCE NO. 4507 OF THE VENTURA COUNTY BOARD OF SUPERVISORS ADOPTED AS AN URGENCY MEASURE PURSUANT TO GOVERNMENT CODE SECTION 65858 REGULATING ACCESSORY DWELLING UNITS IN THE NON-COASTAL ZONE**

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

**Section 1: Legislative Body Findings**

The Board finds and declares that the adoption of this ordinance extending Ordinance No. 4507 (ADU Interim Ordinance Extension) 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 if this ADU Interim Ordinance Extension is not adopted.

The Board finds that the following recitals and facts support the adoption of this ADU Interim Ordinance Extension:

- 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 (ADU). The term 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 not in compliance with the requirements of the New ADU Law became null and void, and only the default statewide standards set forth in Government Code section 65852.2 apply to ADU applications (Default ADU Standards) in the absence of a local ADU ordinance in compliance with the New ADU Law.
- d. The County's Non-Coastal Zoning Ordinance (NCZO) provisions that regulated SDUs set forth in NCZO section 8107-1.7 (Former SDU Ordinance) did not fully comply with the New ADU Law as of January 1, 2017, and were therefore rendered null and void at that time.
- e. The New ADU Law triggered a significant increase in the number of inquiries related to ADUs and the issuance of ADU permits.

- f. Once the Former SDU Ordinance was rendered void, immediate adoption of an interim ordinance became necessary to install ADU regulations in compliance with the New ADU Law and to ensure that the County retained authority to implement locally appropriate standards over the location and construction of ADUs.
- g. The County has unique local constraints that were addressed in the Former SDU Ordinance. The County has 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 allow ADUs to be as large as 1,200 square feet in floor area, regardless of the lot size, which is not adequate protection for the Impact Areas.
- i. To protect the health, safety and welfare in the Impact Areas, larger minimum lot size and smaller unit size thresholds are necessary.
- j. Furthermore, the County needs to perform additional studies 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. To protect the Impact Areas and bring the County regulations of ADUs into compliance with the New ADU Law, on March 14, 2017, pursuant to Government Code section 65858, the Board adopted Ordinance No. 4507, an urgency interim ordinance, which temporarily amended for forty-five days NCZO sections 8102-0, 8107-1.7, 8108-4.7, and 8119-1.4.10 regulating ADUs.
- l. Government Code section 65858(a) provides that Ordinance No. 4507 shall expire and be of no further force and effect forty-five days from its date of adoption. Therefore, unless extended, Ordinance No. 4507 will expire by its own terms on April 28, 2017.
- m. Government Code section 65858 authorizes the extension of an urgency interim ordinance for up to an additional ten months and fifteen days upon a four-fifths vote approving the extension if: (a) ten days prior to the expiration of the urgency interim ordinance, a written report describing the measures taken to alleviate the conditions which led to its adoption is issued by the Board (Written Report); (b) notice is given pursuant to Government Code section 65090 and a public hearing is held; and (c) the extension ordinance contains the legislative findings set forth above.
- n. On March 14, 2017, the Board directed preparation of a Written Report within thirty-five days in accordance with Government Code section 65858(d).
- o. On April 18, 2017, the Board of Supervisors received and issued the Written Report prepared by Planning Division staff.
- p. Based on the Written Report, the Board determined that the circumstances and conditions that led to the adoption of Ordinance No. 4507, which are set forth in Ordinance No. 4507 and hereinabove, have not been alleviated as of the date of adoption of this ordinance and continue to create the concerns described in Ordinance No. 4507.
- q. On April 18, 2017, the Board of Supervisors conducted a noticed public hearing as required by Government Code sections 65858(a) and 65090.

**Section 2: ADU Interim Ordinance Extension**

If any section, subsection, sentence, clause, or phrase of this ADU Interim Ordinance Extension is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ADU Interim Ordinance Extension. The Board of Supervisors hereby declares that it would have passed this ADU Interim Ordinance Extension 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 3: Severability**

Pursuant to Government Code section 65858(a), the Board hereby extends for an additional ten months and fifteen days, through March 13, 2018, unless otherwise extended in compliance with Government Code section 65858, the temporary amendments to the NCZO adopted by Ordinance No. 4507 in order for staff to continue to study, evaluate and develop permanent amendments to the NCZO regulating ADUs.

**Section 4: Effective Date**

This ADU Interim Ordinance Extension shall be effective immediately upon its adoption.

PASSED AND ADOPTED this 18th day of April, 2017, by the following vote:

AYES: Supervisors Bennett, Parks, Long, Zaragoza

NOES: Supervisors none

ABSENT: Supervisors Foy



John Zaragoza  
CHAIR, BOARD OF SUPERVISORS  
COUNTY OF VENTURA

ATTEST:

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

By: Lou Jannis  
Deputy Clerk of the Board