

ORDINANCE NO. 4580

COUNTY OF VENTURA INITIATED TEXT AMENDMENTS TO ARTICLES 2, 5, 6, 7, 11 AND 13 OF THE NON-COASTAL ZONING ORDINANCE (VENTURA COUNTY ORDINANCE CODE DIVISION 8, CHAPTER 1), REGARDING THE KEEPING OF ROOSTERS, TIME PERIOD FOR EFFECTUATING ZONING CLEARANCES AND RELATED PROVISIONS, AND SETBACK REQUIREMENTS FOR INGROUND SWIMMING POOLS, SPAS, HOT TUBS AND SIMILAR STRUCTURES

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

Section 1

**ARTICLE 2:
DEFINITIONS**

Article 2, Sec. 8102-0, Application of Definitions of the Ventura County Ordinance Code is hereby amended by the addition of the following definitions in their appropriate alphabetical order:

Legitimate Poultry Hobbyist – Shall have the same definition as set forth in Ventura County Ordinance Code, Division 4, Chapter 4, Article 9, Section 4494.2(b), as may be amended, which states: "A *person* who owns and breeds poultry for exhibition or for sale of offspring in accordance with accepted poultry raising practices."

Nonprofit Humane Organization Animal Facility – Shall have the same definition as set forth in Ventura County Ordinance Code, Division 4, Chapter 4, Article 9, Section 4494.2(c), as may be amended, which states: "An animal facility operated by a bona fide charity in good standing under the provisions of Section 501(c)(3) of the Internal Revenue Code, where *roosters* are kept for adoption, recovery or sanctuary."

Rooster – Shall have the same definition as set forth in Ventura County Ordinance Code, Division 4, Chapter 4, Article 9, Section 4494.2(g), as may be amended, which states: "Any male chicken that: (1) Is six months old or older; or (2) Has full adult plumage; or (3) is capable of crowing."

Section 2

**ARTICLE 5:
USES AND STRUCTURES BY ZONE**

Article 5, Secs. 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 animal husbandry and animal keeping

land uses:

	OS	AE	RA	RE	RO	R1	R2	RPD	RHD	TP	TRU
AGRICULTURE AND AGRICULTURAL OPERATIONS											
<i>Animal Husbandry</i>											
<i>Domestic Animals Per Art. 7</i>	E	E	E	E	E						
more domestic animals than are permitted by Art. 7 (excluding the keeping of roosters – see sec. 8107-2.3.7) (3, 19)	CUP	CUP	CUP	CUP	CUP						
Reduced Setbacks for Animals (Excluding the Keeping of Roosters) Per Table 2, Sec.-8107-2.5.1 (16)	ZCW	ZCW	ZCW	ZCW	ZCW						

	OS	AE	RA	RE	RO	R1	R2	RPD	RHD	TP	TRU
ANIMAL KEEPING, NON-HUSBANDRY * (6, 2, 15)											
<i>Domestic Animals Per Art. 7</i>	E	E	E	E	E	CUP		E		E	
More Domestic Animals Than Are Permitted By Art. 7 (Excluding the Keeping of Roosters - See Sec. 8107-2.3.7)(15)	CUP	CUP	CUP	CUP	CUP	CUP		CUP		CUP	
Horses And Other Equines Per Art. 7 (15)	E	E	E	E	E	CUP		E		E	
More Horses and Other Equines Than Are Permitted By Art. 7 (15)	CUP	CUP	CUP	CUP	CUP	CUP		CUP		CUP	
<i>Kennels/Catteries (2, 15, 19)</i>	CUP	CUP	CUP	CUP							
<i>Equestrian Centers (16, 19)</i>	CUP		CUP	CUP	CUP						
<i>Wild Animals, Not Inherently Dangerous (15, 19)</i>	CUP	CUP	CUP	CUP	CUP	CUP		CUP		CUP	
<i>Inherently Dangerous Animals (16)</i>	CUP	CUP	CUP								
Reduced Setbacks for Animals, (Excluding the Keeping of Roosters), Per Table 2, Sec. 8107-2.5.1 (16)	ZCW	ZCW	ZCW	ZCW	ZCW	ZCW		ZCW		ZCW	
<i>Accessory Structures</i>	See Accessory Structures Related to Agriculture and Animal Husbandry and/or Animal Keeping; Animal Shade Structures; Animal Caretaker Dwelling Units (32)										

	OS	AE	RA	RE	RO	R1	R2	RPD	RHD	TP	TRU
<i>Dwellings, Accessory Uses To</i>											
Keeping Of Animals; Nonhusbandry *											
<i>equines and other domestic animals per art. 7 (19)</i>	E	E	E	E	E	CUP		E		E	
<i>more animals than are permitted by art. 7 (excluding the keeping of roosters – see sec. 8107-2.3.7) (3, 15)</i>	CUP	CUP	CUP	CUP	CUP	CUP		CUP		CUP	
<i>pet animals in accordance with standards of art. 7 (42)</i>	E	E	E	E	E	E	E	E	E	E	
<i>more animals than are permitted by art. 7 (3, 15)</i>	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP		CUP	
<i>wild animals as pets (sec. 8107-2.3.1) (15)</i>	ZC	ZC	ZC	ZC	ZC	ZC		ZC		ZC	
<i>more wild animals than are permitted (16)</i>	CUP	CUP	CUP	CUP	CUP	CUP		CUP		CUP	
<i>inherently dangerous animals</i>	Not permitted										

	OS	AE	RA	RE	RO	R1	R2	RPD	RHD	TP	TRU
<i>Dwellings, Accessory Uses To</i>											
Keeping Of Animals; Nonhusbandry *											
<i>youth projects, (excluding the keeping of roosters) * (16)</i>	ZCW	ZCW	ZCW	ZCW	ZCW	ZCW		ZCW		ZCW	
<i>rooster youth projects and rooster hobbyists (see secs. 8107-2.3.7 and -2.5.5)* (16)</i>	ZCW	ZCW	ZCW	ZCW	ZCW			ZCW		ZCW	

Section 3

ARTICLE 6:

LOT AREA AND COVERAGE, SETBACKS, HEIGHT AND RELATED PROVISIONS

Article 6, Sec. 8106-6.1 - Distance Between Structures on the Same Lot of the Ventura County Ordinance Code is hereby amended to read as follows:

Sec. 8106-6.1 - Distance Between Structures on the Same Lot

- a. The minimum distance between *structures* on the same *lot* shall be 6 feet, except that:
 - (1) Below-grade, uncovered swimming pools, spas, hot tubs and similar *structures* (having a water depth of 18 inches or more) shall be sited at least 3 feet from any other *structure*, and shall be structurally designed and engineered in compliance with the Ventura County Building Code. Gazebos, patio covers and similar above-grade shade *structures* that are part of the swimming pool, spa, and/or hot tub shall be sited at least 6 feet from any other *structure*; and
 - (2) Detached *dwellings* shall be sited at least 10 feet to any other detached *dwelling*.

- b. The *setback* requirements refer to minimum distances between exterior walls or other supports.

Section 4

ARTICLE 7: STANDARDS FOR SPECIFIC USES

Article 7, Sec. 8107-2.2.2 - Setbacks/Location of the Ventura County Ordinance Code is hereby amended to read as follows:

Sec. 8107-2.2.2 - Setbacks from Off-Site Dwelling Units

Except for movement onto and off of the property, *animals* shall not be kept, maintained, or used in any other way, inside or outside of any *structure* within the distance set forth in Table 2 of Section 8107-2.5.1 and Section 8107-2.3.7(f) of this Chapter.

Article 7, Section 8107-2.3.2 - Weanable Age of the County of Ventura Ordinance Code is hereby amended to read as follows:

Sec. 8107-2.3.2 - Weanable Age

The offspring of *animals* are allowed and shall not be counted as animal units until they are of weanable or self-sufficient age. For dogs and cats, this age shall be four months. For *equines*, this age shall be one year. For *roosters*, this age shall be six months, or when the *rooster* has full adult plumage, or is capable of crowing. For all other *animals*, the weanable ages for offspring shall be those ages determined by the *Planning Director* in consultation with appropriate experts.

Article 7, Section 8107-2.3.7 - Keeping of Roosters of the Ventura County Ordinance Code is hereby added to read as follows:

Sec. 8107-2.3.7 - Roosters

The purpose of this Section 8107-2.3.7 is to limit the number of *roosters* that may be kept on a *lot* to eliminate the potential for a public nuisance, illegal cockfighting and the raising of birds to be used for cockfighting, to prevent the inhumane treatment of birds by those who engage in illegal cockfighting activities and for the protection of health and safety of the residents of Ventura County.

Definitions for all italicized terms in this section are set forth in Article 2 of this Chapter.

In accordance with Division 4, Chapter 4, Article 9, Sections 4494.1 through 4494.5 of the Ventura County Ordinance Code, the following limits and standards shall apply to the keeping of *roosters*:

- a. No *person* shall keep, maintain, control or harbor more than four *roosters* on any *lot* at any given time notwithstanding the maximum allowable animal keeping units allowed for a *lot* as set forth in Table 3 – Allowed Number of Animal Husbandry/Keeping Units of Section 8107-2.5.2. The four-*rooster* limit shall not apply to the following:
- (1) Commercial poultry ranches whose primary commodity is the production of eggs or meat for sale as permitted by the County;
 - (2) Public or private schools as registered with the California Department of Education;
 - (3) The County of Ventura;
 - (4) *Nonprofit humane organization animal facilities*; and

- (5) Youth-oriented poultry projects sanctioned by such organizations as Future Farmers of America (FFA), 4-H, or equivalent youth organizations, and *legitimate poultry hobbyists* who own and breed poultry for exhibition or for sale of offspring in accordance with accepted poultry raising practices, may have up to five *roosters* of the same breed for a maximum of 25 *roosters* in zone designations allowing *roosters* in accordance with Table 3 of Section 8107-2.5.2 and the waiver provisions set forth in Section 8107-2.5.5 of this Chapter, and provided that such projects or hobbyist activities are approved in writing by the Ventura County Animal Services Director or any *person* authorized to act on behalf of Ventura County Animal Services.
- b. No *roosters* are permitted in the R1 and R2 Zones, the RPD Zone on *lots* less than 1 acre, and in all other zone designations with a *gross lot area* of less than 20,000 square feet.
 - c. Section 8105-4's "Animal Husbandry, More Animals Than Are Permitted; Animal Keeping Non-Husbandry, More Animals Than Are Permitted; and, Keeping of Animals Accessory to Dwellings, More Animals Than Are Permitted" land use does not apply to the keeping of *roosters*. The maximum number of *roosters* allowed on a *lot* is set forth in Section 8107-2.3.7(a) above.
 - d. No *person* shall maintain or control any *rooster* by means of a tether attached to an object.
 - e. At all times *roosters* shall be provided: (1) access to water and shelter from the elements (i.e., rain, wind, direct sun, etc.); (2) sufficient room to spread both wings fully and to be able to turn in a complete circle without any impediment and without touching the side of an enclosure; and, (3) clean and sanitary premises that are kept in good repair.
 - f. *Setback* requirements for *roosters* (40 feet minimum from any *dwelling* unit, other than the *dwelling* unit of the property owner or keeper of the *roosters*) are set forth in Section 8107-2.2.2 of this Chapter.
 - g. By March 11, 2019, a property owner or *person* occupying or leasing the property or the premises of another who maintains, keeps, controls or harbors *roosters* shall have brought the number of *roosters* into conformance with the provisions of this section. Sections 8113-4 and 8113-5.4 of this Chapter do not apply to the keeping of *roosters*.

Article 7, Section 8107-2.5.1 - Animal Husbandry/Keeping Unit Factors, of the Ventura County Ordinance Code is hereby amended to read as follows:

Sec. 8107-2.5.1 - Animal Husbandry/Keeping Unit Factors

The range of *animals* allowed for keeping or for husbandry purposes is listed in Table 2 below, entitled "Animal Husbandry/Keeping," with additional specialty *animal husbandry* listed in Article 5 (e.g., *apiculture*). This range of allowed *animals* and their attendant animal unit factors may be expanded through the equivalency determination process pursuant to Section 8107-2.3.1.

Article 7, Section 8107-2.5.1 - Table 2, Animal Husbandry/Keeping of the Ventura County Ordinance Code is hereby amended to read as follows:

**Table 2
(See Section 8107-2.5.1)
Animal Husbandry/Keeping**

ANIMAL TYPES	ANIMAL UNIT FACTOR	METHOD OF CONTAINMENT	SETBACK REQUIREMENTS (Sec. 8107-2.2.2 and Sec. 8107-2.3.7(f))
Alpacas	0.50	Pursuant to Secs. 8107-2.2.1 and 8107-2.3.7(d)-(f)	40'
Bison, Buffalos, Beefalos	1.00		
Bovines (cows, bulls, oxen)	1.00		
Chickens: Hens, <i>Roosters</i>	0.10		
Deer	0.50		
Ducks	0.10		
Emus	0.30		
Adult <i>Equines</i> :			
Small - (under 36 inches at the withers)	0.30		
Medium (over 36-58 inches at the withers)	0.50		
Large - (over 58 inches at the withers and including Donkeys and Burros)	1.00		
Goats	0.20		
Geese	0.16		
Guinea fowl	0.50		
Hogs/Swine	0.50		
Llamas	1.00		
Ostriches, Rheas	0.50		
Peafowl	0.50		
Pheasants	0.16		
<i>Pigeons/Squabs/Quail</i>	0.10		
Rabbits, or other fur-bearing <i>animal</i> of similar size at maturity	0.05		
Sheep	0.20		
Turkeys	0.16		

Article 7, Section 8107-2.5.2 - Table 3, Allowed Number of Animal Husbandry/Keeping Units of the Ventura County Ordinance Code is hereby amended to read as follows:

**Table 3
(Section 8107-2.5.2)**

Allowed Number of Animal Husbandry/Keeping Units

Zone	Minimum Lot Area Required ³	10,000 to 19,999 sq. ft.	20,000 to 24,999 sq. ft.	25,000 to 29,999 sq. ft.	30,000 to 34,999 sq. ft.	35,000 to 39,999 sq. ft.	40,000 to 43,559 sq. ft.	Lots Equal to or Greater than 1 acre (43,560 sq. ft.)	
OS	10,000 sq. ft.	2	2.5	3	3.5	4	4.36	SQ. FT. OF LOT ÷ 10,000 sq. ft. = TOTAL ANIMAL UNITS ALLOWED ⁴	OVER 10 ACRES: UNLIMITED ⁴
AE									
RA ¹									
RO ¹	20,000 sq. ft.	0	3	3	4.17	4.33	4.46	Animals of 1.0 unit or greater: [(SQ. FT. OF LOT - 30,000 sq. ft.) ÷ 30,000 sq. ft.] + 4 = TOTAL ANIMALS UNITS ALLOWED Animals of less than 1.0 unit: SQ. FT. OF LOT ÷ 10,000 sq. ft. = TOTAL ANIMAL UNITS ALLOWED ⁴	
RE ¹	10,000 sq. ft.	2	2	3.2	3.4	3.6	3.74	[(SQ. FT. OF LOT - 25,000 sq. ft.) ÷ 25,000] + 3 = TOTAL ANIMAL UNITS ALLOWED ⁴	
TP									
RPD	1 ac.	0	0	0	0	0	0	SQ. FT. OF LOT ÷ 20,000 sq. ft. = TOTAL ANIMAL UNITS ALLOWED ⁴	
R1 ²	Permitted Pursuant to Sec. 8105-4, excluding <i>roosters</i> , <i>peafowl</i> , <i>guinea fowl</i> and the like.								
R2	No animal keeping or husbandry allowed.								

(AM. ORD. 4377 - 1/29/08)

1. Only *animals* of less than 1.00 animal unit may be allowed on *lots* less than 20,000 square feet in the RA, RO and RE Zones unless a waiver is obtained pursuant to Section 8111-1.1.2 of this Chapter.
2. No *roosters*, *peafowl*, *guinea fowl* or the like are permitted in the R1 Zone, or on *lots* less than 20,000 square feet in other zones.
3. No more than two *peafowl* are permitted on *lots* less than 1 acre; however, up to four *peafowl* may be permitted with a waiver pursuant to Section 8111-1.1.2.
4. On *lots* 20,000 square feet or more in size (except for in the R1 and R2 Zones) or on *lots* 1 acre or more in the RPD Zone, no more than four *roosters* are allowed notwithstanding the maximum allowable Animal Husbandry/Keeping Units per *lot* set forth in Table 3 above.

Article 7, Section 8107-2.5.4 - Youth Projects of the Ventura County Ordinance Code is hereby amended to read as follows:

Sec. 8107-2.5.4 - Youth Projects

Livestock and fowl identified in Table 2 of Section 8107-2.5.1 above, other than *roosters* (see Section 8107-2.5.5 below), may be kept in accordance with a waiver pursuant to Section

8111-1.1.2 of this Chapter for a limited period of time on *lots* where they would not otherwise be allowed because the *lot* does not meet minimum size requirements or the project would lead to *animals* in excess of the numbers otherwise allowed; or where a discretionary permit would otherwise be required; provided such *animals* are kept for youth oriented projects sanctioned by such organizations as 4-H or Future Farmers of America (FFA) and provided all of the following criteria are met:

- a. The *animals* shall be kept for no more than one year from the date of approval for keeping unless otherwise specifically set forth in the waiver.
- b. Written concurrence is provided by all abutting residents and abutting landowners surrounding the *lot* where the *animal* is to be kept. Said concurrence shall be in a form acceptable to the *Planning Director*.
- c. The *setbacks* for the keeping of *animals* may be waived with the written concurrence of the neighbors possibly impacted by the *setback* intrusion.
- d. *Animals* shall be kept in a manner consistent with Section 8107-2.2 et seq. "General Standards".

Article 7, Section 8107-2.5.5 Rooster Youth Projects and Rooster Hobbyists, of the Ventura County Ordinance Code is hereby added to read as follows:

Section 8107-2.5.5 – Rooster Youth Projects and Rooster Hobbyists

Roosters may be kept for youth-oriented poultry projects, provided such *roosters* are kept for youth-oriented poultry projects sanctioned by such organizations as 4-H or Future Farmers of America (FFA) or equivalent youth organizations as determined by the Ventura County Animal Services Director and the *Planning Director*. *Roosters* may also be kept by *legitimate poultry hobbyists*, as defined in Article 2 of this Chapter. *Roosters* may be kept for youth poultry projects and by *legitimate poultry hobbyists* in the numbers and types as set forth in Section 8107-2.3.7 of this Chapter and in accordance with the *setback* and containment standards and with the written approval by the Ventura County Animal Services Director as set forth in Sections 8107-2.2.2, 8107-2.3.7(f), and 8107-2.3.7(a)(5) of this Chapter, provided any necessary waiver of the number of *roosters* up to 25 *roosters* is obtained pursuant to Section 8111-1.1.2 of this Chapter.

Section 5

ARTICLE 11:

ENTITLEMENTS – PROCESS AND PROCEDURES

Article 11, Section 8111-1.1.1.c. of the Ventura County Ordinance Code is hereby amended to read as follows:

- c. Zoning Clearance: Expiration and Extensions Of – Zoning Clearances shall expire and may be extended in accordance with the following provisions unless specifically indicated otherwise on the Zoning Clearance or specifically indicated elsewhere in this chapter:
 - (1) Zoning Clearances for which a Building Permit is Required: Zoning Clearances issued to authorize the *inauguration* of construction or demolition of *structures*, certificates of occupancy, *uses* of land, and/or other development (collectively, "Development") for which a building permit is required pursuant to the Ventura County Building Code are valid for 180 days following issuance of the Zoning Clearance during which time a complete building permit application(s) for all *structures* and other Development that are subject of the

Zoning Clearance (hereafter, "Building Permit Application") must be submitted to the Ventura County Building and Safety Division ("Effective Period"). The Effective Period may be extended pursuant to subsection (3) below. If a Building Permit Application is not submitted on or before expiration of the Effective Period for any or all of the *structures* and other Development requiring a building permit, the Zoning Clearance shall expire with respect to those *structures* and other Development. If a Building Permit Application is submitted prior to expiration of the Effective Period for any or all of the *structures* and other Development requiring a building permit, the Zoning Clearance shall thereafter expire with respect to those *structures* and Development if the Building Permit Application expires or requires renewal (i.e., Zoning Clearance shall expire 360 days from submittal of Building Permit Application even if Building Permit Application is renewed), is withdrawn, or is terminated without the finalized building permit being issued. If a Building Permit Application is timely submitted and a finalized building permit is issued, the Zoning Clearance shall remain valid authorizing the subject *structures* and other Development that have received all other County *entitlements* and licenses so long as the Development remains consistent with the Chapter or the conditions of a previously issued *entitlement*. Notwithstanding the foregoing, if only a portion of a Zoning Clearance's *structures* and other Development receive a finalized building permit that is applied for during the Effective Period, the Zoning Clearance shall only authorize and be effective as to those specific *structures* and Development, and shall not authorize or be effective as to any other *structure* or other Development requiring a building permit.

- (2) Zoning Clearances for which a Building Permit is not Required: Zoning Clearances issued to authorize the *inauguration* of construction or demolition of *structures, uses* of land, and/or development (collectively, "Development") for which a building permit is not required pursuant to the Ventura County Building Code are valid for 180 days following issuance of the Zoning Clearance ("Effective Period"). The Effective Period may be extended pursuant to subsection (3) below. If the Development has not received all other required County *entitlements* and licenses and/or Development activities (i.e., demolition and construction) have not commenced on or before expiration of the Effective Period, the Zoning Clearance shall expire. If the Development has received all other required County *entitlements* and licenses and Development activities have commenced on or before expiration of the Effective Period, the Zoning Clearance shall remain valid to authorize the Development so long as the Development remains consistent with this Chapter or the conditions of a previously issued *entitlement*.
- (3) Zoning Clearance Extensions: An *applicant* may file an application requesting an extension of the 180-day Effective Period with the Planning Division on the form provided. The application shall not be accepted for processing and decision unless accompanied by the required fees in accordance with the Board-adopted fee schedule, and may only be submitted within 30 days of expiration of the Effective Date. A one-time extension may be granted by the Planning Division for good cause shown extending the Effective Period for up to 180 days (i.e., the total, extended Effective Period may be up to 360 days), provided that (a) there are no material changes to the project or its constituent *structures* or development, (b) the project is consistent with all applicable General Plan policies, *entitlements*, and development standards of this Chapter in effect at the time the extension is sought, and (c) the project remains subject to the Zoning Clearance permitting requirement, as opposed to a newly

enacted discretionary permitting requirement, at the time the extension is sought.

Section 6

ARTICLE 13:

NONCONFORMITIES AND SUBSTANDARD LOTS

Article 13, Section 8113-4 of the Ventura County Ordinance Code is hereby amended to read as follows:

Sec. 8113-4 - The Keeping of Animals

Except for the nonconformities due to the keeping of *roosters* which are regulated by Section 8107-2.3.7 of this Chapter, nonconformities due to the keeping of all other *animals* as a use, number of *animals*, type of *animals*, *minimum lot area* required for *animals*, or other standards for the keeping of *animals* as an *accessory use* to *dwellings*, shall be brought into conformance not later than three years after the same becomes nonconforming, unless a Continuation Permit is granted in accordance with Section 8113-5.4 of this Chapter.

Section 7

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

PASSED AND ADOPTED this 13 day of April, 2021, by the following vote:

Ayes: Supervisors LAVire, Lang, Huber, Ramirez, & Parks

Noes: none

Absent: none

Linda Parks

Linda Parks, Chair
Board of Supervisors
County of Ventura

Attests:
Michael Powers, Clerk
of the Board of Supervisors,
County of Ventura, State of
California

By Jon Key
Deputy Clerk of the Board

