

COUNTY PLANNING COMMISSION
Staff Report
Agricultural Employee Dwelling Ordinance Amendments

Hearing Date: May 9, 2018

Staff Report Date: May 1, 2018

Case Nos.: 18ORD-00000-00002 and
18ORD-00000-00003

Environmental Document: Negative
Declaration, 14NGD-00000-00014

Deputy Director: Dan Klemann

Division: Long Range Planning

Supervising Planner: David Lackie

Supervising Planner Phone #: 805-568-2023

Staff Contact: Jessi Steele

Staff Contact Phone #: 805-884-8082

1.0 REQUEST

Hearing on the request of the Planning and Development Department that the County Planning Commission:

- 1.1 Case No. 18ORD-00000-00002.** Recommend that the Board of Supervisors adopt an ordinance (Case No. 18ORD-00000-00002) amending Article 35.2, Zones and Allowable Land Uses, and Article 35.4, Standards for Specific Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code (LUDC), of Chapter 35, Zoning, of the Santa Barbara County Code.
- 1.2 Case No. 18ORD-00000-00003.** Recommend that the Board of Supervisors adopt an ordinance (Case No. 18ORD-00000-00003) amending Division 4, Zoning Districts, and Division 7, General Regulations, of Article II, the Coastal Zoning Ordinance (Article II), of Chapter 35, Zoning, of the Santa Barbara County Code.
- 1.3 Case Nos. 18ORD-00000-00002 and 18ORD-00000-00003.** Recommend that the Board of Supervisors determine that no subsequent environmental document shall be prepared for this project pursuant to the California Environmental Quality Act Guidelines Section 15162.

The proposed amendments will streamline the permit process for agricultural employee dwellings in the Agriculture I (AG-I) and Agriculture II (AG-II) zones in the unincorporated area of Santa Barbara County.

2.0 RECOMMENDATION AND PROCEDURES

- 2.1 Case No. 18ORD-00000-00002.** Follow the procedures outlined below and recommend that the Board of Supervisors approve Case No. 18ORD-00000-00002 based upon the ability to make the required findings. Your Commission's motion should include the following:
 1. Make the required findings for approval, including California Environmental Quality Act (CEQA) findings, and recommend that the Board of Supervisors make the findings for approval of the proposed amendment, including CEQA findings (Attachment A).
 2. Recommend that the Board of Supervisors, after considering the Negative Declaration (14NGD-00000-00014) adopted for the 2015-2023 Housing Element Update, determine that as reflected in the CEQA findings (Attachment A), no subsequent environmental

document shall be prepared for this project pursuant to CEQA Guidelines Section 15162.

3. Adopt a resolution recommending that the Board of Supervisors approve Case No. 18ORD-00000-00002, an ordinance amending Article 35.2, Zones and Allowable Land Uses, and Article 35.4, Standards for Specific Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code (LUDC), of Chapter 35, Zoning, of the Santa Barbara County Code (Attachment B).

2.2 Case No. 18ORD-00000-00003. Follow the procedures outlined below and recommend that the Board of Supervisors approve Case No. 18ORD-00000-00003 based upon the ability to make the required findings. Your Commission's motion should include the following:

1. Make the required findings for approval, including CEQA findings, and recommend that the Board of Supervisors make the findings for approval of the proposed amendment, including CEQA findings (Attachment A).
2. Recommend that the Board of Supervisors, after considering the Negative Declaration (14NGD-00000-00014) adopted for the 2015-2023 Housing Element Update, determine that as reflected in the CEQA findings (Attachment A), no subsequent environmental document shall be prepared for this project pursuant to CEQA Guidelines Section 15162.
3. Adopt a resolution recommending that the Board of Supervisors approve Case No. 18ORD-00000-00003, an ordinance amending Division 4, Zoning Districts, and Division 7, General Regulations, of Article II, the Coastal Zoning Ordinance (Article II), of Chapter 35, Zoning, of the Santa Barbara County Code (Attachment C).

Please refer the matter to staff if your Commission takes other than the recommended actions for the development of appropriate materials.

3.0 JURISDICTION

3.1 Case No. 18ORD-00000-00002. The County Planning Commission is considering the proposed amendment to the LUDC pursuant to LUDC Section 35.104.050.B.1. The LUDC requires that the County Planning Commission, as the designated planning agency for the unincorporated area of the county located outside of the Montecito Community Plan Area, review and consider proposed amendments to the LUDC and provide recommendations to the Board of Supervisors.

3.2 Case No. 18ORD-00000-00003. The County Planning Commission is considering the proposed amendment to Article II, pursuant to Section 35-180.5 of Article II. Article II requires that the County Planning Commission, as the designated planning agency for the unincorporated area of the county located outside of the Montecito Community Plan Area, review and consider proposed amendments to Article II and provide recommendations to the Board of Supervisors.

4.0 ISSUE SUMMARY

The proposed agricultural employee dwelling ordinance amendments help implement Programs 1.4 and 2.4 of the Santa Barbara County 2015-2023 Housing Element Update. These programs direct the County to incentivize the development of affordable housing and streamline the permit process for agricultural employee dwellings. The proposed LUDC and Article II amendments (Exhibit 1 of Attachments B and C, respectively) will streamline the permit process for agricultural employee dwellings in the AG-I and AG-II zones by (1) allowing agricultural employee dwellings for one to four employees with a Zoning Clearance (ZC) in the Inland Area, or dwellings for one to nine employees with a Coastal Development Permit (CDP) in the Coastal Zone, (2) increasing the number of employees allowed to occupy dwellings at each permit level, and (3) modifying the employment location requirements for agricultural employee dwellings within certain zones and permit levels. In addition, the proposed amendments clarify that agricultural employee dwellings may include mobile homes or manufactured homes, but not trailers. Collectively, the proposed amendments will help facilitate agricultural employee dwelling production through increased flexibility, reduced permit costs, and reduced permit processing time.

5.0 PROJECT INFORMATION

5.1 Background

High labor demand and the countywide housing shortage have created a significant need for affordable housing for agricultural employees and their families. Chapter 2 of the 2015-2023 Housing Element Update highlights this need, stating “[t]he scale and the type of agricultural production throughout the county...point to a significant need for decent and sanitary housing options for the agricultural workforce.” Accordingly, Housing Element Program 1.4 directs the County to “adopt/apply...land-use tools... to encourage the development of unit types that are affordable by design, including...farm employee dwellings.” In a similar vein, Program 2.4 states:

...[T]he County shall continue to evaluate and revise as appropriate permit process procedures which streamline the permit process for farmworker housing. The County shall also provide opportunities for stakeholder input from growers, ranch owners, and other agricultural operators regarding the need and opportunities for additional farmworker housing.

To implement Programs 1.4 and 2.4, the proposed LUDC and Article II amendments will streamline the permit process for agricultural employee dwellings in the AG-I and AG-II zones as shown in Tables 1 and 2 below.

5.2 Current and Proposed Regulations

LUDC Amendment

The LUDC currently permits agricultural employee dwellings in the AG-I and AG-II zones in the Inland Area with a Land Use Permit (LUP), Minor Conditional Use Permit (MCUP), or Conditional Use Permit (CUP), depending on the number of employees occupying the dwellings (Table 1, below).

The proposed LUDC amendment reduces these permit requirements and thereby streamlines and clarifies the permit process as follows:

1. Requires a ZC rather than a LUP or MCUP for agricultural employee dwellings for one to four employees;
2. Increases the number of employees allowed to occupy dwellings at each permit level;
3. Modifies the employment location requirements for agricultural employee dwellings:
 - Full-time on-site employment: The current full-time on-site employment requirement will be retained for agricultural employee dwellings permitted with a ZC or LUP in the AG-I zone;
 - Majority full-time on-site employment: The current majority (51 percent or more) full-time on-site employment requirement will apply to agricultural employee dwellings permitted with a ZC and LUP in the AG-II zone and all agricultural employee dwellings permitted with an MCUP in the AG-I and AG-II zones. The proposed amendment eliminates the requirement that the remainder of work occur in the “nearby vicinity” to remove a potential barrier to the development of agricultural employee dwellings;
 - No employment location requirement: To encourage the development of larger agricultural operations, the proposed amendment does not include an employment location requirement for agricultural employee dwellings for 20 or more employees permitted with a CUP; and,
4. Clarifies that mobile homes and manufactured homes, but not trailers (e.g., recreational vehicles and travel trailers), may be used as agricultural employee dwellings. Mobile homes and manufactured homes, unlike trailers, must be installed on a permanent foundation in accordance with the California Code of Regulations, Title 25, Division 1, Housing and Community Development. Consistent with State law, the proposed LUDC amendment removes language regarding the use of trailers as agricultural employee dwellings and adds language clarifying that mobile homes and manufactured homes may be used as agricultural employee dwellings.

See Table 1 (below) for a summary of the existing and proposed changes to the LUDC permitting requirements for agricultural employee dwellings.

Table 1

Current LUDC Permit Requirements				
Zone	1-4 Employees		5+ Employees	
	Dwelling	Trailer	Dwelling	Trailer
AG-I	LUP ¹	MCUP ¹	CUP ¹	–
AG-II	LUP ²	MCUP ¹	CUP ²	CUP ²

Proposed LUDC Permit Requirements				
Zone	1-4 Employees	5-9 Employees	10-19 Employees	20+ Employees
AG-I	ZC ¹	LUP ¹	MCUP ²	CUP
AG-II	ZC ²	LUP ²	MCUP ²	CUP

¹ Requires full-time on-site employment.

² Requires the majority (51 percent or more) of employment to occur on the ranch or farm where the dwelling is located.

Article II Amendment

Article II currently permits agricultural employee dwellings in the AG-I or AG-II zones with either a MCUP or CUP, depending on the number of employees occupying the dwellings (Table 2, below). Article II also requires full-time on-site employment for occupants of agricultural employee dwellings permitted with a MCUP. The proposed Article II amendment reduces these permit requirements and thereby streamlines and clarifies the permit process as follows:

1. Requires a CDP rather than a MCUP or CUP for agricultural employee dwellings for one to nine employees;
2. Increases the number of employees allowed to occupy dwellings at each permit level;
3. Modifies the employment location requirements for agricultural employee dwellings:
 - Full-time on-site employment: The current full-time on-site employment requirement will be retained for agricultural employee dwellings permitted with a CDP in the AG-I zone;
 - Majority full-time on-site employment: The current majority (51 percent or more) full-time on-site employment requirement will apply to agricultural employee dwellings permitted with a CDP in the AG-II zone or MCUP in both the AG-I and AG-II zones. A similar provision currently exists in the LUDC and will be incorporated into the proposed Article II amendment.
 - No employment location requirement: To encourage the development of larger agricultural operations, the proposed amendment does not include an employment location requirement for agricultural employee dwellings for 20 or more employees permitted with a CUP; and
4. As with the proposed LUDC amendment, the proposed Article II amendment removes language regarding the use of trailers as agricultural employee dwellings and adds language

clarifying that mobile homes and manufactured homes complying with the California Code of Regulations, Title 25, Division 1, Housing and Community Development, may be used as agricultural employee dwellings.

See Table 2 (below) for a summary of the existing and proposed changes to the Article II permitting requirements for agricultural employee dwellings.

Table 2

Current Article II Permit Requirements			
Zone	1-4 Employees		5+ Employees
AG-I	MCUP ¹		CUP
AG-II	MCUP ¹		CUP

Proposed Article II Permit Requirements			
Zone	1-9 Employees	10-19 Employees	20+ Employees
AG-I	CDP ¹	MCUP ²	CUP
AG-II	CDP ²	MCUP ²	CUP

¹ Requires full-time on-site employment.

² Requires the majority (51 percent or more) of employment to occur on the ranch or farm where the dwelling is located.

5.3 Stakeholder Input and Public Outreach

In June 2010, the Board of Supervisors adopted LUDC amendments that reduced the permit requirements for housing for up to four agricultural employees in the AG-I and AG-II zones in the Inland Area. However, stakeholders requested additional zoning ordinance amendments to further streamline the permit process. In part, they reasoned that employer-provided housing was not economically viable on a small scale (i.e., four or fewer employees), and high permitting costs were a disincentive to larger scale housing development.

In March 2018, County staff discussed potential permit streamlining options with the County Agricultural Advisory Committee (AAC). The proposed Article II amendment directly reflects the AAC’s recommended changes to the proposed permit types and occupancy requirements. Staff also presented the proposed Article II amendment to the Montecito Association Land Use Committee on April 3, 2018.

5.4 Montecito Planning Commission Action

On April 17, 2018, staff presented the proposed Article II amendment (Case NO. 18ORD-00000-00003) to the Montecito Planning Commission. The Montecito Planning Commission voted 3 to 0 (Commissioner Newman recused) to recommend that the County Planning Commission recommend that the Board of Supervisors approve the proposed Article II amendment. The Montecito Planning Commission action letter is included as Attachment D.

6.0 ENVIRONMENTAL REVIEW

On January 20, 2015, the Board of Supervisors adopted the 2015-2023 Housing Element Update and the associated Negative Declaration (14NGD-00000-00014). The negative declaration concluded that the 2015-2023 Housing Element Update, including Programs 1.4 and 2.4, would not result in any significant environmental impacts. As discussed in the CEQA Findings (Attachment A), this negative declaration fulfills the environmental review requirements for the proposed LUDC and Article II amendments (Case Nos. 18ORD-00000-00002 and 18ORD-00000-00003, respectively) in accordance with CEQA Guidelines Section 15162. This section provides (in pertinent part) that the lead agency shall not prepare a subsequent environmental impact report (EIR) for a project when the lead agency or another entity has already adopted a negative declaration or certified an EIR for that project, unless one or more of the following have occurred: (1) substantial changes are proposed which will require major revisions to the previous negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; (2) substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or (3) new information of substantial importance which was not known and could not have been known at the time the previous negative declaration was adopted has become available.

The proposed amendments do not bring forth any new information or proposed changes that will alter the purpose or intent of the goals, policies, and programs of the Housing Element. Therefore, no new environmental document is required and the proposed LUDC and Article II amendments do not require subsequent environmental review pursuant to CEQA Guidelines Section 15162.

7.0 POLICY CONSISTENCY

The 2015-2023 Housing Element Update is one of the mandatory elements of the Comprehensive Plan. The Board of Supervisors adopted the 2015-2023 Housing Element Update after making a finding that the element was in conformity with other mandatory and optional elements of the Comprehensive Plan. The Housing Element contains Programs 1.4 and 2.4 along with 35 other programs to carry out the County's housing goals and policies. Therefore, the proposed LUDC and Article II amendments implement and are in conformity with the Comprehensive Plan, including the Housing Element and Coastal Land Use Plan.

Furthermore, the proposed amendments do not allow new land uses, increase permitted densities, or alter the purpose and intent of any policies or development standards of the Comprehensive Plan. In order for County decision-makers to approve a development permit based on the proposed amendments, the decision-makers would need to determine that the project is consistent with the policies and development standards of the Comprehensive Plan. As part of this process, Planning and Development staff would perform a policy consistency analysis during the review of the application, and County decision-makers would not approve the project unless they can determine it is consistent with applicable policies and the findings required for approval. Therefore, the proposed LUDC and Article II amendments are consistent with the policies of the Comprehensive Plan, including the Coastal Land Use Plan.

8.0 ORDINANCE COMPLIANCE

The proposed amendments are consistent with the remaining portions of the LUDC and Article II which will not be revised by these ordinance amendments. In order to approve a development project based on the proposed amendments, County decision-makers would need to determine that the project is consistent with all applicable requirements of the LUDC and Article II. Similar to the discussion in Section 7.0 above, the proposed amendments do not allow new land uses, increase permitted densities, or alter the purpose or intent of the LUDC or Article II. Rather, the proposed amendments change the permit requirements for development that is already allowed in specific zones and clarify that mobile homes and manufactured homes complying with the California Code of Regulations, Title 25, Division 1, Housing and Community Development, may be used as agricultural employee dwellings. Proposed projects based on the proposed amendments would still need to be consistent with LUDC and Article II standards and requirements. Therefore, the proposed amendments are consistent with the LUDC and Article II.

9.0 PROCEDURES

The County Planning Commission may recommend approval, approval with revisions, or denial of the proposed LUDC and Article II amendments to the Board of Supervisors.

10.0 APPEALS PROCEDURE

Ordinance amendments are legislative acts that require final action by the Board of Supervisors. Therefore, the action of the County Planning Commission does not require an appeal for the Board of Supervisors' consideration.

ATTACHMENTS

- A. Findings for Approval (Case Nos. 18ORD-00000-00002 and 18ORD-00000-00003)
- B. Resolution of the County Planning Commission (Case No. 18ORD-00000-00002)
 - Exhibit 1 – Santa Barbara County Land Use and Development Code Ordinance Amendment
- C. Resolution of the County Planning Commission (Case No. 18ORD-00000-00003)
 - Exhibit 1 – Article II Coastal Zoning Ordinance Amendment
- D. Montecito Planning Commission Action Letter, dated April 17, 2018