

ATTACHMENT 1

**May 17, 2017 Coastal Commission Certification Letter
Coastal Commission Case No. LCP-4-STB-16-0038-2
2016 General Package Ordinance Amendment**

THIS PAGE INTENTIONALLY LEFT BLANK

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 585-1800



May 17, 2017

Joan Hartmann, Chair
Board of Supervisors
County of Santa Barbara
105 East Anapamu Street
Santa Barbara, CA 93101

**RE: Santa Barbara County Local Coastal Program Amendment No. LCP-4-STB-16-0038-2
(2016 General Package)**

Dear Honorable Chair Hartmann and Supervisors:

On May 11, 2017 the Coastal Commission approved the subject Local Coastal Program (LCP) amendment with suggested modifications. The Commission's resolution of certification is contained in the staff report dated April 20, 2017. The suggested modifications, as approved by the Commission on May 11, 2017, are attached to this correspondence.

Section 13544 of the Commission's Administrative Regulations requires that after certification the Executive Director of the Commission shall transmit copies of the resolution of certification and any suggested modifications and findings to the governing authority, and any interested persons or agencies. Further, the certification shall not be deemed final and effective until all of the following occur:

- (a) The local government with jurisdiction over the area governed by the Local Coastal Program, by action of its governing body: (1) acknowledges receipt of the Commission's resolution of certification, including any terms or modifications suggested for final certification; (2) accepts and agrees to any such terms and modifications and takes whatever formal action is required to satisfy the terms and modifications; and (3) agrees to issue coastal development permits for the total area included in the certified Local Coastal Program. Unless the local government takes the action described above the Commission's certification with suggested modifications *shall expire six months* from the date of the Commission's action.
- (b) The Executive Director of the Commission determines in writing that the local government's action and the notification procedures for appealable development required pursuant to Article 17, Section 2 are legally adequate to satisfy any specific requirements set forth in the Commission's certification order.
- (c) The Executive Director reports the determination to the Commission at its next regularly scheduled public meeting and the Commission does not object to the Executive Director's determination. If a majority of the Commissioners present object to the Executive Director's determination and find that the local government action does not conform to the provisions of the Commission's action to certify the Local Coastal Program Amendment, the Commission shall review the local

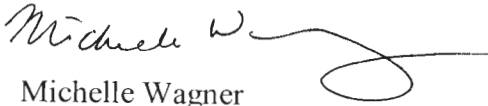
government's action and notification procedures pursuant to Articles 9-12 as if it were a resubmittal.

- (d) Notice of the certification of the Local Coastal Program Amendment shall be filed with the Secretary of Resources Agency for posting and inspection as provided in Public Resources Code Section 21080.5(d)(2)(v).

The Commission and staff greatly appreciate the County's consideration of this matter.

Authorized on behalf of the California Coastal Commission by:

John Ainsworth
Executive Director


By: Michelle Wagner
Coastal Program Analyst

Cc: Noel Langle, Santa Barbara County Planning and Development Department

**Final Approved Suggested Modifications
LCP Amendment LCP-4-STB-16-0038-2
(2016 General Package)**

The County proposed and approved amended language to the certified LCP Implementation Plan/Coastal Zoning Ordinance is shown in straight type. Language approved by the Commission to be deleted is shown in ~~line-out~~. Language approved by the Commission to be inserted is shown underlined.

SUGGESTED MODIFICATION NO. 1

Section 35-51, Applicability, shall be modified as follows:

Section 35-51. Applicability

Any person (including the County, any utility, any federal, state, local government, or special district or any agency thereof) wishing to perform or undertake any development within the Coastal Zone of the unincorporated area of the County of Santa Barbara shall comply with the provisions of this Article with the following exceptions:

1. Lands the use of which is by law subject solely to the discretion of or which is held in trust by the Federal Government, its officers or agents. (16 U.S.C. Section 1453, Federal Coastal Zone Management Act of 1972)
2. New or expanded thermal electric generating plants and electric transmission lines connecting such plants to existing electric transmission systems under the exclusive jurisdiction of the California Energy Resources Conservation and Development Commission. (Public Resources Code Section 25500 and 30264)
3. Any development proposed or undertaken within any state university or college. (Public Resources Code Section 30519)
4. Repair and maintenance, other than that within an environmentally sensitive habitat area, undertaken by the County or any district or agency of which the Board of Supervisors of County is the governing body.
5. Any development proposed or undertaken on any tidelands, submerged lands, or on public trust lands, whether filled or unfilled. (Public Resources Code Section 30519), unless the County has permitting authority because the public trust lands have been filled and developed and are located in an area committed to urban uses (Public Resources Code Section 30613).

SUGGESTED MODIFICATION NO. 2

Section 35-51A, Allowable Development and Planning Permit Requirements, shall be deleted:

~~**Section 35-51A. Allowable Development and Planning Permit Requirements.**~~

~~A. — Allowable land uses.~~ The land uses allowed by this Article in each zone and overlay zone are listed in Division 4 (Zoning Districts), Division 5 (Overlay Districts), Division 7 (General Regulations), Division 8 (Services, Utilities and Other Related Facilities) and Division 9 (Oil and Gas Facilities), together with the type of planning permit required for each use.

~~1. — Establishment of an allowable use.~~ Any land use identified by Division 4 (Zoning Districts), Division 5 (Overlay Districts), Division 7 (General Regulations), Division 8 (Services, Utilities and Other Related Facilities) and Division 9 (Oil and Gas Facilities) as being allowable within a specific zone may be established on any lot within that zone, subject to the planning permit requirements identified in Division 4 (Zoning Districts), Division 5 (Overlay Districts), Division 7 (General Regulations), Division 8 (Services, Utilities and Other Related Facilities) and Division 9 (Oil and Gas Facilities), as applicable, and compliance with all applicable requirements of this Article, unless the approval and/or issuance of a planning permit is not required in compliance with Section 35-51B (Exemptions from Planning Permit Requirements).

~~2. — Use not listed.~~ A land use not listed Division 4 (Zoning Districts), Division 5 (Overlay Districts), Division 7 (General Regulations), Division 8 (Services, Utilities and Other Related Facilities) and Division 9 (Oil and Gas Facilities) as being allowable within a specific zone is not allowed except as otherwise provided in Subsection A.3 (Similar and compatible use may be allowed) below.

~~3. — Similar and compatible use may be allowed.~~ The Commission may determine that a proposed use not listed in this Article is allowable in compliance with Section 35-179C (Use Determinations) in the following zone districts:

~~a. — Applicable zones:~~

- ~~1) — C-1 (Limited Commercial) Section 35-77A.3.10;~~
- ~~2) — C-2 (Retail Commercial) Section 35-78.3.19;~~
- ~~3) — CH (Highway Commercial) Section 35-80.3.8;~~
- ~~4) — M-RP (Industrial Research Park) Section 35-84.4.14;~~
- ~~5) — PU (Public Utilities) Section 35-88.4.7;~~
- ~~6) — REC (Recreation) Section 35-89.5.4; and~~
- ~~7) — TC (Transportation Corridor) Section 35-93.3.13.~~

~~b. — Applicable standards and permit requirements.~~ When the Commission determines that a proposed but unlisted use is similar to a listed allowable use, the proposed use will be treated in the same manner as the listed use in determining where it is allowed, what permits are required, and what other standards and requirements of this Article apply.

~~c. — Medical Marijuana Dispensaries.~~ Medical Marijuana Dispensaries are not allowed in any zone district and shall not be approved through a Use Determination in compliance with Section 35-179C (Use Determinations).

Section 35-51B, Exemptions from Planning Permit Requirements, shall be modified as follows:

Section 35-571B Exemptions from Planning Permit Requirements.

A. General requirements for exemption. The land uses, structures, and activities identified by Subsection B. (Exempt activities and structures) below, are exempt from the planning permit requirements of this Article only when:

1. The use, activity, or structure is established and operated in compliance with the setback requirements, height limits, parking requirements, and all other applicable standards of this Article, the required provisions and conditions of any existing, approved permits for the subject lot and, where applicable, Division 10 (Nonconforming Structures and Uses); and
2. Any permit or approval required by regulations other than this Article is obtained (for example, a Building Permit and/or Grading Permit).

B. Exempt activities and structures. The following types of development are exempt from the requirements of this Article to obtain a Coastal Development Permit, except as noted below. Development that does not qualify as an exempt activity or structure in compliance with this Subsection AB (Exempt activities and structures) may still be allowed in compliance with a Coastal Development Permit issued in compliance with Section 35-169 (Coastal Development Permits).

1. **Exemption does not apply.** An exemption for the types of development described in Subsections B.2 through B.5, B.9 and B.11, below, shall not apply, and a Coastal Development Permit shall be required in addition to any other required planning permit, where:
 - a. The development or structure is located within or adjacent to a wetland, stream, beach, environmentally sensitive habitat area, or on or within 300 feet of a coastal bluff, or within areas designated in the Coastal Land Use Plan as highly scenic; or
 - b. Any significant alteration of land forms, including removal or placement of vegetation, occurs on a beach, wetland, stream, or sand dune, or within 50 feet (for improvements to existing single family residences) or 100 feet (for improvements to all other structures governed by subsection B.2 of this Section) of the edge of a coastal bluff, in environmentally sensitive habitat areas; or
 - c. The development or structure may result in any potential adverse effects to public access to the beach or public hiking and equestrian trails (including where there is substantial evidence of prescriptive rights); or
 - d. The development or structure may result in significant adverse impacts to scenic views from beaches, parklands, public viewing areas and public roadways; or
 - e. On property that is located between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide of the sea where there is no beach, whichever is the greater distance, or in designated significant scenic resources areas, a development results in:
 - 1) An increase of 10 percent or more of internal floor area of an existing structure or an additional improvement of 10 percent or less where an improvement to the structure had previously been undertaken pursuant to the exemption in Subsection B.2 (Improvements to a structure, other than a public works facility), below, or the analogous exemption in Coastal Act (PRC § 30610(a) or (b)), which would result in a total increase in floor area of 10 percent or more, and/or

- 2) An increase in height by more than 10 percent of an existing structure and/or any significant non-attached structure such as a garage, fence, or shoreline protective works or docks.
 - f. The improvement is to a ~~non-residential~~ structure other than an existing single family residence and changes the intensity of use of the structure.
 - g. The improvement is to a structure where the development permit issued for the original structure by the Coastal Commission, regional Coastal Commission, or County indicated that any future improvements would require a Coastal Development Permit.
 - h. In areas which the County or Coastal Commission has previously declared by resolution after public hearing to have a critically short water supply that must be maintained for the protection of coastal resources or public recreational use, the construction of any specified water-using development not essential to residential use including swimming pools, or the construction or extension of any landscaping irrigation system.
 - i. The development includes an expansion or construction of water wells or septic systems.
 - j. Any improvement to a structure other than an existing single family residence made pursuant to a conversion of an existing structure from a multiple unit rental use or visitor-serving commercial use to a use involving a fee ownership or long-term leasehold including but not limited to a condominium conversion, stock cooperative conversion or motel/hotel timesharing conversion.
2. **Improvements to a structure, other than a public works facility.** The following development and uses may constitute improvements to a structure, other than a public works facility, that are exempt from the requirement to obtain a Coastal Development Permit except as provided in Subsection AB.1 (Exemption does not apply), above. For purposes of this Subsection AB (Exempt activities and ~~uses-structures~~), where there is an existing structure, other than a public works facility, (1) all fixtures and other structures directly attached to the structure; and (2) landscaping on the lot, shall be considered a part of that structure. Additionally, the following development and uses may be determined by the Director to be improvements to a structure, other than a public works facility, even when the development and use is not directly attached to the existing structure, provided that the development and use is accessory to the existing structure:
- a. **Accessory structures.** One story detached accessory structures used as tool or storage sheds, playhouses, gazebos, pergolas, and similar structures, provided that the height does not exceed 12 feet, floor area does not exceed 120 square feet, and the structure does not have electrical, gas, or plumbing facilities.
 - b. **Antennas.** Ground or roof mounted receive-only satellite dish or wireless television antenna less than one meter in diameter used solely by the occupants of the property on which the antenna is located for the noncommercial, private reception of communication signals, see Section 35-144G (Noncommercial Telecommunications Facilities).
 - c. **Change of occupancy ~~or use~~.** A change in occupancy ~~or use~~ of an existing structure that complies with all of the following:
 - 1) The occupancy ~~or use~~ that exists prior to the change is a legal, permitted use of the structure.

- 2) The change of occupancy is from a land use listed as a permitted use in the applicable zone in Division 4 (Zoning Districts) to the same land use (e.g., from restaurant, café or coffee shop to a restaurant, café or coffee shop) and does not result in a change in density or intensity of land use.
 - 3) The new occupancy ~~or use~~ does not result in an increase in the number of parking spaces required to be provided on-site.
 - 4) The new occupancy ~~or use~~ is established and operated in compliance with the setback requirements, height limits, parking requirements, and all other applicable standards of this Article, including any required provisions and conditions of any existing, approved permits for the subject lot.
 - 5) Any permit or approval required by regulations other than this Article is obtained (for example, a Building Permit and/or Grading Permit).
- d. **Decks, platforms, walk, driveways.** Decks, platforms, walks, and driveways that are not required to have a Building Permit or Grading Permit, and that are not over 30 inches above finish grade, or located over a basement or story below.
- e. **Doors, windows, window features and skylights.** Doors, windows, and skylights, and window awnings that are supported by an exterior wall and project no more than 54 inches from an exterior wall of a building.
- f. **Fences, gates, gateposts, and walls.** See Section 35-123 (Fences, Walls and Gate Posts).
- g. **Exterior parking.** Exterior parking on a residentially zoned lot that does not require a Coastal Development Permit pursuant to Section 35-117A.1.
- h. **Grading.** Grading activities of 50 cubic yards or less that do not require the approval of a Grading Permit.
- i. **Interior alterations.** Interior alterations that do not result in any of the following:
- 1) A conversion from non-habitable area to habitable area.
 - 2) An increase in the gross floor area within the structure.
 - 3) An increase in the required number of parking spaces.
 - 4) A change in the permitted use of the structure.
- j. **Onsite wastewater treatment systems.** The ~~modification, replacement or~~ repair of all ~~or~~ any portion of an existing onsite wastewater treatment system, including alternative wastewater treatment systems and wastewater treatment systems located on a lot in a Special Problem Area that is designated as such due to sewage disposal constraints, provided that the ~~modification, replacement or~~ repair does not result in expansion of the system ~~occurs in substantially the same area as the existing system~~.
- k. **Propane tanks.** Propane tanks located in residential or agricultural zones.
- l. ~~Replacement in-kind of an existing and conforming structure.~~ The replacement in-kind of an existing permitted and conforming structure provided:

- ~~1) The reconstructed structure shall comply with all requirements of the applicable zone, shall be for the same use, shall be in the same footprint location, and shall not exceed the floor area, height, or bulk of the existing structure. For the purposes of this Subsection B.2.1, bulk is defined as total interior cubic volume as measured from the exterior surfaces of the structure.~~
- ~~2) The exterior design or specifications is not proposed to be revised, or, if revisions are proposed, the revisions are determined to be minor by the Director.~~
- ~~3) The structure is less than 50 years old or, if the structure is 50 years old or greater, either the Director or the Historic Landmark Advisory Commission has determined that it is not historically significant.~~

ml. Seismic retrofits. Seismic retrofits to existing structures that are limited to the addition of foundation bolts, hold-downs, lateral bracing at cripple walls and other structural elements required by County Ordinance 4062. The seismic retrofits shall not increase the gross square footage of the structure, involve exterior alterations to the structure, alter the footprint of the structure, nor increase the height of the structure.

nm. Signs, flags, and similar devices.

- ~~1) Signs, flags and similar devices that are exempt from a permit in compliance with Section 35-138 (Signs and Advertising Structures), provided the development does not exceed a maximum height of 35 feet and is not lighted.~~
- ~~2) Signs that may be permitted in compliance with Section 35-138 (Signs and Advertising Structures) that are proposed to be affixed to existing, lawfully constructed structures.~~

on. Solar energy systems. The addition of solar energy systems to the roofs of existing lawful structures.

po. Spa, hot tub, pond. A spa, hot tub, fish pond, or other water feature that does not exceed a total area of 120 square feet, including related equipment, or does not contain more than 2,000 gallons of water.

qp. Storage of materials. Storage of materials accessory to the principal structure or use on the lot on which the storage is located on a residentially zoned lot that does not require a Coastal Development Permit pursuant to Section 35-144K.C.

rq. Structures of limited value. Except for telecommunications facilities regulated under Sections 35-144F (Commercial Telecommunication Facilities) and Section 35-144G (Non-commercial Telecommunication Facilities), structures having an aggregate value of less than \$2,000.00, as determined by the Planning and Development Department.

sr. Trailer storage. The storage of a trailer as an accessory use to residential use in compliance with Section 35-132.10.6.

3. Agricultural activities. As part of existing, on-going lawfully established agricultural

operations, the following development and uses are exempt from the requirement to obtain a Coastal Development Permit, except as provided in Subsection B.1 (Exemption does not apply), above.

a. Agricultural accessory structures.

- 1) One story detached accessory structures used as tool or storage sheds and similar structures, provided that the height does not exceed 12 feet, floor area does not exceed 120 square feet, and the structure does not have electrical, gas or plumbing facilities.
- 2) In the AG-I, AG-II and RR zones, agricultural accessory structures that are roofed and supported by posts or poles, do not exceed 500 square feet of roof area, are unenclosed on all sides, and do not have plumbing or electrical facilities.
- 3) In the AG-II zone, loading ramps used for the purpose of loading livestock for transport.

b. Agricultural product sales. See Section 35-131 (Agricultural Sales).

c. Fences, gates, gateposts, and walls. See Section 35-123 (Fences, Walls and Gate Posts).

d. Grading. Grading activities of 50 cubic yards or less that do not require the approval of a Grading Permit.

e. Irrigation lines. The installation of irrigation lines provided the approval of a Grading Permit is not required.

f. Propane tanks. Propane tanks located in residential or agricultural zones.

g. Signs, flags, and similar devices.

- 1) ~~Signs, flags and similar devices in compliance with Section 35-138 (Signs and Advertising Structures), provided the development does not exceed a maximum height of 35 feet and is not lighted.~~
- 2) Signs that may be permitted in compliance with Section 35-138 (Signs and Advertising Structures) that are proposed to be affixed to existing, lawfully constructed structures.

h. Structures of limited value. Except for telecommunications facilities regulated under Sections 35-144F (Commercial Telecommunication Facilities) and 35-144G (Non-commercial Telecommunication Facilities), structures having an aggregate value of less than \$2,000.00, as determined by the Planning and Development Department.

~~4. Demolition.~~ The demolition of a structure less than 50 years old or, if the structure is 50 years old or greater, either the Director or the Historic Landmark Advisory Commission has determined that it is not historically significant.

~~54.~~ **Drywells.** Performance testing and installation of dry wells, except for lots in designated Special Problem Areas for sewage disposal.

- 65. Final or Parcel Map recordation.** The recordation of a Final Map or Parcel Map following the approval of a Tentative Map including Vesting Tentative Maps provided a Coastal Development Permit was approved in conjunction with the approval of the Tentative Map and the Coastal Development Permit has not expired.
- 76. Lot Line Adjustment recordation.** The recordation of documents required to complete a Lot Line Adjustment provided a Coastal Development Permit was approved in conjunction with the approval of the Lot Line Adjustment and the Coastal Development Permit has not expired.
- 87. Repair and maintenance.**
- a. Repair and maintenance activities are exempt from the requirement to obtain a Coastal Development Permit, except as provided in Subsection B.87.b, below, provided the activities:
 - 1) Do not result in addition to, or enlargement or expansion of the object of the repair or maintenance activities; and
 - 2) Comply with Appendix C (County Guidelines on Repair and Maintenance, and Utility Connection to Permitted Development) of this Article herein incorporated by reference.
 - b. The exemption in Subsection B.87.a above shall not apply to the extraordinary methods of repair and maintenance which require a Coastal Development Permit because they involve a risk of adverse environmental impact as described in Section III of Appendix C (County Guidelines on Repair and Maintenance, and Utility Connection to Permitted Development) of this Article herein incorporated by reference.
- 98. Retaining walls.** Retaining walls (retaining earth only) that are not over four feet in height measured from the bottom of the footing to the top of the wall and does not require a Grading Permit in compliance with County Code Chapter 14.
- 109. Structure Destroyed By Natural Disaster.**
- a. **Damaged or destroyed structure.** In compliance with the intent of Public Resources Code Section 30610(g) and this Development Code, the restoration or reconstruction of a conforming structure (other than a public works facility) damaged or destroyed by a disaster, as determined by the Director. For the purposes of this Section only, disaster is defined as a situation in which the force or forces that destroyed the structure to be replaced were beyond the control of the owners.
 - 1) The replaced or restored structure shall comply with all requirements of the applicable zone (including permitted uses), shall be for the same use as the destroyed structure, shall be in the same footprint location, and shall not exceed the floor area, height, or bulk of the damaged or destroyed structure by more than 10 percent. For the purposes of this Section, "structure" shall include landscaping and any erosion control structure or device; and bulk is defined as total interior cubic volume as measured from the exterior surfaces of the structure.
 - 2) If the Director determines that the exterior design or specifications are proposed to be changed, the restored or replaced structure shall require review by the Board of Architectural Review in compliance with Section 35-

184 (Board of Architectural Review), if the structure is otherwise required to be reviewed by the Board of Architectural Review (for example, the site is within the Design Control (D) Overlay District).

11.10. Temporary Events and Filming.

a. **Temporary Events.** See Section 35-137 (Temporary Uses).

b. **Temporary filming structures.** Structures and related development required for temporary motion picture, television, and theater stage sets and scenery, and still photographic sessions, provided that the development does not require alterations of the natural environment such as removal of vegetation, grading, or earthwork.

~~12. **Tidelands, submerged lands, or public trust lands.** Any development proposed or undertaken on any tidelands, submerged lands, or on public trust lands, whether filled or unfilled. (Public Resources Code Section 30519).~~

~~13.11. **Utility connection to approved development.** Installation, testing, placement in service, or the replacement of any necessary utility connection between an existing service facility and any development that has been granted a Coastal Development Permit provided the installation, testing, placement in service, or replacement is in compliance with Appendix C (County Guidelines on Repair and Maintenance and Utility Connection to Permitted Development).~~

SUGGESTED MODIFICATION NO. 4

Subsection 1 of Section 35-68.5, Uses Permitted with a Minor Conditional Use Permit, of Section 35-68, AG-I – Agriculture I, shall be modified as follows:

1. Agricultural employee dwellings, ~~not~~ including trailers, providing housing for four or fewer employees in compliance with Section 35-144R (Agricultural Employee Dwellings).

SUGGESTED MODIFICATION NO. 5

Subsection 1 of Section 35-69.5, Uses Permitted with a Minor Conditional Use Permit, of Section 35-69, AG-II – Agriculture II, shall be modified as follows:

1. Agricultural employee dwellings, ~~not~~ including trailers, providing housing for four or fewer employees in compliance with Section 35-144R (Agricultural Employee Dwellings).

SUGGESTED MODIFICATION NO. 6

Section 35-95.2, Applicability, of Section 35-95, FA – Flood Hazard Area Overlay District, shall be modified as follows:

Section 35-95.2 Applicability.

The requirements of this Section apply to special flood hazard areas as which are defined in County Code Chapter 15A (Floodplain Management) as areas having special flood hazard shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map issued by the Federal Emergency Management Agency as Zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V.

1. **Additional standards.** Each land use shall comply with the requirements of the primary zone and "development" as defined in County Code Chapter 15A any man-made change to improved or unimproved real estate, including buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials shall also ~~comply with the additional requirements in~~ be subject to Chapter 15A.
2. **Flood Hazard Overlay Map.** The Flood Hazard Overlay Map shall reflect the boundaries of special flood hazard areas as shown on the current Federal Emergency Management Agency (FEMA) maps on file with the County Public Works Flood Control and Water Agency (referred to in this Section as the "Flood Control Agency").
3. **Relationship to primary zone.** Each land use and proposed development within the FA Overlay Zone shall comply with all applicable requirements of the primary zone, in addition to the requirements of this Section and all other applicable requirements of this Article and the Coastal Land Use Plan.

SUGGESTED MODIFICATION NO. 7

Subsection 12(c) of Section 35-120, **Guest House, Artist Studio, or Pool House/Cabaña**, shall be modified as follows:

- c. **Sequence of construction.** A cabaña may be approved in conjunction with a proposed swimming pool or sports court provided that construction of the proposed swimming pool or sports court is completed before or simultaneously with completion of the cabaña.

SUGGESTED MODIFICATION NO. 8

Section 35-144R, **Agricultural Employee Dwellings**, shall be modified as follows:

Section 35-144R Agricultural Employee Dwellings.

- A. **Purpose and applicability.** This Section provides standards for agricultural employee dwellings where allowed by Division 4 (Zoning Districts) or Section 35-132 (Trailer Use) that are not allowed in compliance with Section 35-144P (Farmworker Housing).
- B. **Permit requirement.**
 1. Additional dwellings housing up to, but not exceeding, four employees of the owner or lessee of the land that the agricultural employee dwelling is located on may be allowed in compliance with a Minor Conditional Use Permit approved or conditionally approved in compliance with Section 35-172 (Conditional Use Permits).

2. Additional dwellings housing five or more employees may be allowed in compliance with a Major Conditional Use Permit approved or conditionally approved in compliance with Section 35-172 (Conditional Use Permits).

C. Location of employment.

1. The employees are engaged full-time in agriculture on the farm or ranch upon which the dwelling(s) is located if the dwelling(s) is allowed with a Minor Conditional Use Permit.
2. The employees are engaged full-time in agriculture either on or off the farm or ranch upon which the dwelling(s) is located if the dwelling(s) is allowed with a Major Conditional Use Permit.

D. Need for additional dwellings. The applicant ~~can~~ shall demonstrate ~~a~~ the need for additional dwellings to support the existing or proposed agricultural use of the land where the work will occur.

E. Proof of employment. The applicant shall provides proof of the full-time employment of the employee. Said proof shall be to the satisfaction of the Department in the form of any one or combination of the following:

1. Employer's income tax return.
2. Employee's pay receipts.
3. Employer's DE-3 form.
4. Employee's W-2 form.
5. A notarized contract between the permittee and the employee which delineates work to be performed and wages to be received.
6. Other option approved by the Director.

F. Submittal of documentation of need and employment status of occupants subsequent to issuance of permit for the agricultural employee dwelling. Demonstration of the need for the Agricultural Employee Dwelling and proof of full-time employment in agriculture of the employee residing in the Agricultural Employee Dwelling shall also be provided every five years beginning from the issuance of the Land Use Permit or Zoning Clearance for the Agricultural Employee Dwelling or, if the occupancy of the Agricultural Employee Dwelling changes, upon the change in occupancy and every five years thereafter. Failure to provide said documentation in compliance with this Subsection F including Subsection F.1, below, may be cause for revocation of the permit for the Agricultural Employee Dwelling.

1. If the identity of the occupant of the Agricultural Employee Dwelling is not known at the time of issuance of the Land Use Permit or Zoning Clearance for the Agricultural Employee Dwelling, then proof of full-time employment in agriculture of the employee residing in the Agricultural Employee Dwelling shall be provided within 30 days following occupancy of the Agricultural Employee Dwelling by the employee.

G. Notice to property owner. Before issuance of a Land Use Permit or Zoning Clearance for the Agricultural Employee Dwelling, a Notice to Property Owner ~~prep~~ ³⁵⁻¹⁴⁴ared by the Department that specifies at a minimum (1) the occupancy requirements of the Agricultural

Employee Dwelling and (2) the requirement for provision of documentation of employment and the need for the Agricultural Employee Dwelling in compliance with Subsection F, above, shall be recorded by the property owner.

H. Findings Required for Approval. An application for an Agricultural Employee Dwelling shall not be approved unless the County makes all of the following findings (in addition to all other applicable required findings of Article II):

- a. The project has been sited and designed to avoid all prime agricultural soils and has been sited and designed to maintain the long-term productivity of the farm's or ranch's agricultural resources and operations.
- b. The project has been clustered with existing development to the maximum extent feasible and minimizes grading, landform alteration, and the need for construction of new roads.

SUGGESTED MODIFICATION NO. 9

Subsection 1(f) of Section 35-147, Processing, shall be modified as follows:

- f. Onsite Wastewater Treatment Systems, individual, conventional and Onsite Wastewater Treatment Systems, individual, supplemental on all lots not located in designated Special Problem Areas for sewage disposal, except for performance testing and installation of dry wells that are exempt from the issuance of a Coastal Development Permit in compliance with Section 35-571B (Exemptions from Planning Permit Requirements).

SUGGESTED MODIFICATION NO. 10

Subsection 1 of Section 35-169.2, Applicability, shall be modified as follows:

1. Before using any land or structure, or commencing any work pertaining to any development or use in the Coastal Zone of the County, wherein permits are required under the provisions of this Article, a Coastal Development Permit shall be issued unless other regulations of this Article, including Section 35-571B (Exemptions from Planning Permit Requirements), specifically indicate that such activity is exempt. Activities which are exempt from the issuance of a Coastal Development Permit shall comply with all applicable regulations of this Article including use, setback, and height, as well as all required provisions and conditions of any existing approved permits for the subject property.

SUGGESTED MODIFICATION NO. 11

Subsections A and B of Section 35-179C, Use Determinations, shall be modified as follows:

- A. **Purpose and intent.** The purpose of this Section is to provide procedures for evaluating proposed land uses that are proposed pursuant to Section 35-77A.3.10, Section 35-78.3.19, Section 35-80.3.8, Section 35-84.4.14, Section 35-88.4.7, Section 35-89.5.4, and Section 35-93.3.13 not specifically enumerated in a zone district but may be allowed if they are found to be similar in character to uses that are already enumerated as permitted uses within that zone

~~district~~. The intent of this Section is to provide specific consideration of such proposed land uses which are not specifically enumerated but may be allowed if they are found to be similar in character to uses that are already enumerated as permitted uses within that zone district. Within this section “permitted uses” shall mean those uses listed in Division 4 (Zoning Districts) that do not require the approval of a Major or Minor Conditional Use Permit in compliance with Section 35-172 (Conditional Use Permits).

B. Applicability. The provisions of this Section shall only apply to zones ~~identified in Subsection 35-51A.A.3 (Similar and compatible use may be allowed)~~ C-1 (Limited Commercial), C-2 (Retail Commercial), CH (Highway Commercial), M-RP (Industrial Research Park), PU (Public Utilities), REC (Recreation), and TC (Transportation Corridor).

1. Medical Marijuana Dispensaries. In compliance with Section 35-144I (Medical Marijuana Dispensaries), Medical Marijuana Dispensaries are not allowed in any zone district and shall not be approved through a Use Determination in compliance with this Section 35-179C (Use Determinations).

SUGGESTED MODIFICATION NO. 12

The following sections shall be modified as follows:

Subsection 35-77A.3.10 of Section 35-77A, C-1 - Limited Commercial

10. Any other uses which the Planning Commission determines to be similar in character to those enumerated in this section and not more injurious to health, safety, or welfare of the neighborhood because of noise, odor, dust, smoke, or vibration, pursuant to Section 35-179C (Use Determinations).

Subsection 35-78.3.19 of Section 35-78, C-2 - Retail Commercial

19. Any other light commercial use which the Planning Commission finds is of similar character to those enumerated in this section and is not more injurious to the health, safety, or welfare of the neighborhood because of noise, odor, dust, vibration, danger to life or property, or other similar causes, pursuant to Section 35-179C (Use Determinations).

Subsection 35-80.3.8 of Section 35-80, CH - Highway Commercial

8. Any other use which the Planning Commission determines to be a commercial establishment operated primarily for the purpose of serving the essential needs of travelers on highways, pursuant to Section 35-179C (Use Determinations).

Subsection 35-84.4.14 of Section 35-84, M-RP - Industrial Research Park

14. Any other light industrial use, building, or structure which the Planning Commission finds is of similar character to those enumerated in this district and is not obnoxious or offensive because of noise, odor, dust, smoke, vibration, danger to life or property, or similar causes, pursuant to Section 35-179C (Use Determinations).

Subsection 35-88.4.7 of Section 35-88, PU - Public Utilities

7. Any other use which the Planning Commission finds similar to the uses listed above,
pursuant to Section 35-179C (Use Determinations).

Subsection 35-89.5.4 of Section 35-89, REC - Recreation

4. Any other use which the Planning Commission determines to be similar in nature to the
above uses, pursuant to Section 35-179C (Use Determinations).

Subsection 35-93.3.13 of Section 35-93, TC - Transportation Corridor

13. Any other uses which the Planning Commission determines to be required for the purpose of
operation a railroad or highway, pursuant to Section 35-179C (Use Determinations).