

ATTACHMENT D: 09ORD-00000-00009 ORDINANCE AMENDMENT

(showing added and deleted text)

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 35-1, THE SANTA BARBARA COUNTY LAND USE AND DEVELOPMENT CODE, OF CHAPTER 35, ZONING, OF THE COUNTY CODE, BY AMENDING CHAPTER 35.20, DEVELOPMENT AND LAND USE APPROVAL REQUIREMENTS, CHAPTER 35.21, AGRICULTURAL ZONES, AND CHAPTER 35.21, AGRICULTURAL ZONES, OF ARTICLE 35.2, ZONES AND ALLOWABLE LAND USES; AND CHAPTER 35.30, STANDARDS FOR ALL DEVELOPMENT AND LAND USES, OF ARTICLE 35.3, SITE PLANNING AND OTHER PROJECT STANDARDS; AND CHAPTER 35.42, STANDARDS FOR SPECIFIC LAND USES, OF ARTICLE 35.4, STANDARDS FOR SPECIFIC LAND USES; AND CHAPTER 35.110, DEFINITIONS, OF ARTICLE 35.11, GLOSSARY, OF SECTION 35-1, THE SANTA BARBARA COUNTY LAND USE AND DEVELOPMENT CODE, OF CHAPTER 35, ZONING, OF THE SANTA BARBARA COUNTY CODE, TO STREAMLINE THE PERMIT PROCESS FOR CERTAIN AGRICULTURAL PROJECTS ON LANDS ZONED AGRICULTURAL.

Case No. 09ORD-00000-00009

The Board of Supervisors of the County of Santa Barbara, State of California, ordains as follows:

SECTION 1:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection B.2.h of Subsection B.2 of Subsection B. of Section 35.20.040 (Exemptions from Planning Permit Requirements) of Chapter 35.20, Development and Land Use Approval Requirements, to read as follows:

- h. Minor additions, accessory and temporary filming structures.** The following improvements and structures are exempt from planning permit requirements within the Inland area, and are exempt within the Coastal Zone provided that the lot upon which the improvement is proposed is not located within 300 feet of the edge of a coastal bluff, or the inland extent of any beach, and is not within or contiguous to an Environmentally Sensitive Habitat area.
- (1) 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, roof area does not exceed 120 square feet, and the structure does not have plumbing or electrical facilities.
 - (2) Agricultural accessory structures.**
 - (a) Livestock loading ramps.** In the AG-II zone, loading ramps used for the purpose of loading livestock for transport.
 - (b) Pole barns.** In the RR, AG-I, and AG-II 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) 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.
 - (4) Door, 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.

- (5) **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.
- (6) **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, and is in compliance with all applicable requirements of County Code Chapter 14C (Film Permit Office).

SECTION 2:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend the Residential Uses portion of Table 2-1 (Allowed Land Uses and Permit Requirements for Agricultural Zones) of Section 35.21.030 (Agricultural Zones Allowable Land Uses) of Chapter 35.21, Agricultural Zones, to read as follows:

LAND USE (1)	PERMIT REQUIRED BY ZONE				Specific Use Regulations
	AG-I	AG-I CZ	AG-II	AG-II CZ	
Table 2-1 - Continued Allowed Land Uses and Permit Requirements for Agricultural Zones	E	Allowed use, no permit required (Exempt)			
	P	Permitted use, Land Use or Coastal Permit required (2)			
	MCUP	Minor Conditional Use Permit required			
	CUP	Conditional Use Permit required			
	S	Permit determined by Specific Use Regulations			
	—	Use Not Allowed			
RESIDENTIAL USES					
Agricultural employee housing, 4 or fewer employees	MCUP P	MCUP	MCUP P	MCUP	35.42.030
Agricultural employee housing, 5 or more employees	CUP	CUP	CUP	CUP	35.42.030
Artist studio	P	P	P	P	35.42.150
Dwelling, one-family (3)	P	P	P	P	
Guesthouse	P	P	P	P	35.42.150
Home occupation	P	P	P	P	35.42.190
Monastery	CUP	—	CUP	—	
Residential accessory uses and structures	P	P	P	P	35.42.020
Residential agricultural unit, attached (4)	—	—	P	—	35.42.210
Residential agricultural unit, detached and clustered (4)	—	—	P	—	35.42.210
Residential agricultural unit, remotely sited	—	—	MCUP	—	35.42.210
Residential second unit - attached (4)	P	P	—	—	35.42.230
Residential second unit - detached (4)	MCUP P	MCUP	—	—	35.42.230
Special care home, 7 or more clients	MCUP	MCUP	MCUP	MCUP	35.42.090

Key to Zone Symbols

AG-I	Agriculture I	CZ	Coastal Zone
AG-II	Agriculture II		

Notes:

- (1) See Article 35.11 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see Section 35.21.030.C.
- (3) One-family dwelling may be a mobile home on a permanent foundation, see Section 35.42.205.
- (4) Limited to specific locations. See the limitations on location for the use in Chapter 35.42 (Standards for Specific Land Uses).

SECTION 3:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use

and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35.21.030 (Agricultural Zones Allowable Land Uses) of Chapter 35.21, Agricultural Zones, to revise the existing text of Subsection C, and add a new Subsection D, to read as follows:

C. Development Plan approval required, Coastal Zone. Within the Coastal Zone, Final Development Plan approval in compliance with Section 35.82.080 (Development Plans) is required ~~prior to~~ concurrent with the approval of a Coastal Development Permit or Land Use Permit or Zoning Clearance for a structure, other than an agricultural reservoir, that is not otherwise required by this Development Code to have discretionary permit approval, and is 20,000 or more square feet in gross floor area, or is an attached or detached addition that together with existing structures on the site will total 20,000 square feet or more in gross floor area.

D. Development Plan approval required, Inland area.

1. AG-I zone. On property zoned AG-I located within the Inland area, the approval of a Final Development Plan in compliance with Section 35.82.080 (Development Plans) is required prior to the approval of a Land Use Permit or Zoning Clearance for a structure, other than an agricultural reservoir, that is not otherwise required by this Development Code to have discretionary permit approval, and (1) is 20,000 or more square feet in gross floor area or (2) is an attached or detached structure and the gross floor area thereof, when added to the gross floor area of existing structures on the lot, will equal or exceed 20,000 square feet.

2. AG-II zone. On property zoned AG-II located within the Inland area, the approval of a Final Development Plan in compliance with Section 35.82.080 (Development Plans) is required prior to the approval of a Land Use Permit or Zoning Clearance for the following structural development that is not otherwise required by this Development Code to have discretionary permit approval:

a. Non-agricultural structural development. The proposed structure and use thereof does not qualify as agricultural structural development (see Article 35.11, Glossary) and is either 15,000 or more square feet in gross floor area or the structure is an attached or detached addition that, together with existing structures on the site that do not qualify as agricultural structural development, will total 15,000 square feet or more in gross floor area.

(1) Floor area not included in total gross floor area. The gross floor area of structures that are exempt from planning permit requirements in compliance with Section 35.80.040 (Exemptions from Planning Permit Requirements) is not included in the total gross floor area on the lot for the purpose of determining whether the approval of a Final Development plan is required in compliance with Subsections D.2.a, above.

b. Agricultural structural development. The proposed structure and use thereof do qualify as agricultural structural development and meets one or more of the following:

(1) The proposed structure is 15,000 or more square feet in gross floor area or is an addition to an existing structure that will result in a structure of 15,000 or more square feet in gross floor area after completion of the addition, or the proposed structure is 10,000 or more square feet in gross floor area or is an addition to an existing structure that will result in a structure of 10,000 or more square feet in gross floor area after completion of the addition, and:

(a) A structure that qualifies as agricultural structural development that is 15,000 or more square feet in gross floor area exists on the lot, or

(b) There is an active planning permit that allows for the construction of a structure that qualifies as agricultural structural development that is 15,000 or more square feet in gross floor area, or

(c) The application for the proposed structure is submitted either in conjunction with or subsequent to an application for a structure that qualifies as agricultural

structural development that is 15,000 or more square feet in gross floor area.

- (2) The proposed structure(s) will result in a total gross floor area on a lot that exceeds the development plan threshold listed for the applicable lot area as shown in the table below. Total gross floor area includes the gross floor area of agricultural development and non-agricultural structural development, both existing and proposed.

<u>Lot Size (acres)</u>	<u>Threshold (sq. ft.)</u>
<u>Less than 40</u>	<u>20,000</u>
<u>40 to less than 100</u>	<u>25,000</u>
<u>100 to less than 200</u>	<u>30,000</u>
<u>200 to less than 320</u>	<u>40,000</u>
<u>320 or more</u>	<u>50,000</u>

- (3) **Floor area not included in total gross floor area.** The gross floor area of the following structures is not included in the total gross floor area on the lot for the purpose of determining whether the approval of a Final Development plan is required in compliance with Subsection D.2.b.(2), above.

(a) The gross floor area of structures that are exempt from planning permit requirements in compliance with Section 35.80.040 (Exemptions from Planning Permit Requirements).

(b) A maximum of 10,000 square feet of gross floor area of structures that qualify as agricultural structural development and comply with the following:

(i) Each structure does not exceed 3,000 square feet of gross floor area.

(ii) Each structure has three or fewer walls, and at least one of the long sides of the structure shall be open and shall only utilize posts to support the roof.

- (5) Proposed structures that do not require the approval of a Final Development Plan in compliance with Subsection D.2.b.(2) and Subsection D.2.b.(3), above, shall comply with Subsection 35.21.050.C (Development standards for agricultural structural development that does not require the approval of a Final Development Plan). Proposed structures that do not comply with Subsection 35.21.050.C may be allowed in compliance with an approved Final Development Plan.

- 13. Exemptions from floor area calculations, wineries.** Gross floor area associated with the following structures is not included in determining the 20,000 square foot gross floor area threshold for that development which requires a Development Plan in compliance with Subsection D.1 and D.2, above.

- a. The structure qualifies as winery structural development.
- b. If the structure is existing, then it was included in a Land Use Permit issued for a winery or is proposed to become part of a winery for which an application has been submitted to the Department.

SECTION 4:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35.21.050 (Agricultural Zones Development Standards) of Chapter 35.21, Agricultural Zones, to add a new Subsection C to read as follows:

C. Development standards for agricultural structural development that does not require the approval

of a Final Development Plan. In addition to the development standards listed in Subsections 35.21.050.A, above, all development associated with the construction of agricultural structural development that does not require the approval of a Final Development Plan in compliance with Subsection 35.21.030.D.2.b.(2) and Subsection 35.21.030.D.2.b.(3) shall comply with all of the additional development standards listed below. If these requirements are in conflict with other provisions of the Comprehensive Plan or any applicable community or area plan, this Development Code, or any permit conditions established by the County, the more restrictive requirements shall control.

1. The development shall avoid or minimize significant impacts to agriculture to the maximum extent feasible by siting structures so as to minimize impacts to productive agricultural land, prime soils, and adjacent agricultural operations.
2. The development shall be located no less than 100 feet from the following environmental sensitive habitat areas that are determined by a qualified professional to be intact and of high quality. This setback may be adjusted upward or downward on a case-by-case basis depending upon site specific conditions such as slopes, biological resources and erosion potential.
 - a. Native plant communities recognized as rare by California Department of Fish and Game (2003 or as amended). Examples include Native Grasslands, Maritime chaparral, Bishop Pine Forests, and Coastal Dune Scrub.
 - b. Native Woodlands and Forests.
 - c. Nesting, roosting, and/or breeding areas for Rare, Endangered or Threatened animal species.
 - (1) Rare, Endangered, or Threatened species are defined as those listed by State or Federal wildlife agencies under the State or Federal Endangered Species Acts, candidates for listing, species of special concern, and species that meet the definition of "rare" in Section 15380 of California Environmental Quality Act.
 - (2) A separation of greater than 100 feet may be required in order to fully protect formally listed Endangered Species (e.g., a 100 foot separation may not fully protect known breeding ponds for California Tiger Salamander).
 - d. Plant communities known to contain Rare, Endangered, or Threatened species.
 - e. Streams, riparian areas, vernal pools, and wetlands.
 - f. Any designated Environmental Sensitive Habitat Areas.
3. The development shall preserve natural features, landforms and native vegetation such as trees to the maximum extent feasible.
4. The development shall be compatible with the character of the surrounding natural environment, subordinate in appearance to natural landforms, and sited so that it does not intrude into the skyline as seen from public viewing places. At a minimum, the development shall comply with the following design standards.
 - a. Exterior lighting shall be for safety purposes only and shall comply with the following requirements:
 - (1) Light fixtures shall be fully shielded (full cutoff) and shall be directed downward to minimize impacts to the rural nighttime character.
 - (2) To the extent feasible, lighting shall be directed away from habitat areas, nearby residences, public roads and other areas of public use.
 - b. Building materials and colors (earth tones and non-reflective paints) compatible with the surrounding natural environment shall be used to maximize the visual compatibility of the development with surrounding areas.

SECTION 5:

ARTICLE 35.3, Site Planning and Other Project Standards, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to add a new Subsection C.2.a and revise Table 3-2 (Fence Height and Permit Requirements in Agricultural Zones) in C.2 of Subsection C. of Section 35.30.070 (Fences and Walls) of Chapter 35.30, Standards for All Development and Land Uses, to read as follows:

- a. Entrance gates, AG-II zone, Inland area.** In addition to fences allowed in compliance with Table 3-2 below, on property zoned AG-II and located in the Inland area, entrance gates that comply with the following are exempt from planning permits and may be located within required setback areas. Structures that do not comply with the following may be allowed with a Land Use Permit issued in compliance with Section 35.82.110 (Land Use Permits).
- (1) The height of the gateposts including any cross member, signage, and/or ornamentation, does not exceed 18 feet in height as measured from the ground level at the bottom of the gateposts to the top of the gatepost, cross member, signage, and/or ornamentation.
 - (2) The portion of each gatepost taller than eight feet if located in the front setback, or 10 feet in all other locations, does not exceed two feet in width.
 - (3) The cross member does not exceed two feet in height and thickness.
 - (4) Lighting associated with the entrance gate, gateposts, and cross member shall be for safety purposes only and shall comply with the following requirements. If these requirements are in conflict with other provisions of the Comprehensive Plan and any applicable community or area plan, this Development Code, and any permit conditions established by the County, the more restrictive requirement shall control.
 - (a) Light fixtures shall be fully shielded (full cutoff) and shall be directed downward to minimize impacts to the rural nighttime character.
 - (b) To the extent feasible, lighting shall be directed away from habitat areas, nearby residences, public roads and other areas of public use.
 - (5) Ornamentation that is appurtenant to the entrance gate, gateposts, and cross member shall be in compliance with the following:
 - (a) The size and scale of any ornamentation shall be secondary to the entrance gate.
 - (6) Signs that are allowed in agricultural zones in compliance with Chapter 35.38 (Sign Standards) may be affixed to the entrance gate, gateposts, and cross member provided that the size and scale of any signs shall be secondary to the entrance gate, gateposts, and cross member.
 - (7) In addition to the development standards listed above, all development associated with the construction of the entrance gate, gateposts, or cross member shall be located no less than 100 feet from the following environmental sensitive habitat areas that are determined by a qualified professional to be intact and of high quality. This setback may be adjusted upward or downward on a case-by-case basis depending upon site specific conditions such as slopes, biological resources and erosion potential. If these requirements are in conflict with other provisions of the Comprehensive Plan and any applicable community or area plan, this Development Code, and any permit conditions established by the County, the more restrictive requirement shall control.
 - (a) Native plant communities recognized as rare by California Department of Fish and Game (2003 or as amended). Examples include Native Grasslands, Maritime chaparral, Bishop Pine Forests, and Coastal Dune Scrub.

- (b) Native Woodlands and Forests.
- (c) Nesting, roosting, and/or breeding areas for Rare, Endangered or Threatened animal species.
 - (i) Rare, Endangered, or Threatened species are defined as those listed by State or Federal wildlife agencies under the State or Federal Endangered Species Acts, candidates for listing, species of special concern, and species that meet the definition of “rare” in Section 15380 of California Environmental Quality Act.
 - (ii) A separation of greater than 100 feet may be required in order to fully protect formally listed Endangered Species (e.g., a 100 foot separation may not fully protect known breeding ponds for California Tiger Salamander).
- (d) Plant communities known to contain Rare, Endangered, or Threatened species.
- (e) Streams, riparian areas, vernal pools, and wetlands.
- (f) Any designated Environmental Sensitive Habitat Areas.

Table 3-2 Fence Height and Permit Requirements in Agricultural Zones

Fence Location	Permit Requirement		
	Exempt from Planning Permit (1) (2)	Land Use or Coastal Development Permit Required (2)	Minor Conditional Use Permit Required
Within required front setback	Fence 6 ft or less in height; gatepost 8 ft or less in height	Fence more than 6 ft high; gatepost more than 8 ft high	Not Applicable
Within side and rear setbacks	Fence 8 ft or less in height; gatepost 10 ft or less in height	Fence more than 8 ft high; gatepost more than 10 ft high	Not Applicable
Within interior lot setback 20 ft or less from a street right-of-way	Fence 6 ft or less in height; gatepost 8 ft or less in height	Fence more than 6 ft high; gatepost more than 8 ft high	Not Applicable
Within interior lot setback more than 20 ft from a street right-of-way	Fence 8 ft or less in height; gatepost 10 ft or less in height	Fence more than 8 ft high; gatepost more than 10 ft high	Not Applicable
Outside of a required setback	Fence 8 ft or less in height; gatepost 10 ft or less in height	Fence more than 8 ft high; gatepost more than 10 ft high	Not Applicable

Notes:

- (1) Within the Coastal Zone, fences shall be exempt only if the development will:
 - a. Not be located within or adjacent to a wetland, beach, environmentally sensitive habitat area or on or within 50 feet of a coastal bluff; and
 - b. Not result in any potential adverse effects to public access to the beach or public hiking and equestrian trails (including where there is substantive evidence of prescriptive rights); and
 - c. Not result in significant adverse impacts to scenic views from beaches, parklands, public viewing areas, and public roadways.

If the fence does not meet the preceding criteria for an exemption, than a Coastal Development Permit in compliance with Section 35.82.050 (Coastal Development Permits) is required.

- (2) See Subsection C.2.a regarding entrance gates on property zoned AG-II located in the Inland area.

SECTION 6:

ARTICLE 35.4, Standards for Specific Land Uses, of Section 35-1, the Santa Barbara County Land

Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to add a new Subsection C. to Section 35.42.020 (Accessory Structures and Uses) of Chapter 35.42, Standards for Specific Land Uses, to read as follows:

C. Small agricultural accessory structures, AG-II zone, Inland area. On property zoned AG-II and located in the Inland area, small accessory structures that comply with the following may be allowed with a Zoning Clearance issued in compliance with Section 35.82.210 (Zoning Clearances). Structures that do not comply with the following may be allowed with a Land Use Permit issued in compliance with Section 35.82.110 (Land Use Permits).

1. The gross floor area of the structure is less than 5,000 square feet.
2. The structure is not located within 1,000 feet of a public road or other area of public use (e.g., park, trail), or, if the structure is located within 1,000 feet of a public road or other area of public use, the Director determines that the structure would not be visible from the public road or other area of public use. Landscape screening shall not be taken into consideration when determining whether the project is visible from a public road or other area of public use.
3. Utilities are limited to electricity and water.
4. The Director determines that:
 - a. The use of the structure is accessory to and supportive of the overall agricultural use of the property.
 - b. The structure is located so as to minimize impacts to productive agricultural land, prime soils, and adjacent agricultural operations.
5. The structure and use thereof is in compliance with Subsection B (Development Standards), above.
6. The structure does not require the approval of a Final Development Plan (Section 35.82.080) in compliance with Section 35.21.030.C (Development Plan approval required).
7. In addition to the development standards listed above, all development associated with the construction of a small agricultural accessory structure located in the Inland area shall comply with all of the additional development standards listed below. If these requirements are in conflict with other provisions of the Comprehensive Plan or any applicable community or area plan, this Development Code, or any permit conditions established by the County, the more restrictive requirements shall control.
 - a. The development shall be located no less than 100 feet from the following environmental sensitive habitat areas that are determined by a qualified professional to be intact and of high quality. This setback may be adjusted upward or downward on a case-by-case basis depending upon site specific conditions such as slopes, biological resources and erosion potential. If these requirements are in conflict with other provisions of the Comprehensive Plan and any applicable community or area plan, this Development Code, and any permit conditions established by the County, the more restrictive requirements shall control.
 - (1) Native plant communities recognized as rare by California Department of Fish and Game (2003 or as amended). Examples include Native Grasslands, Maritime chaparral, Bishop Pine Forests, and Coastal Dune Scrub.
 - (2) Native Woodlands and Forests.
 - (3) Nesting, roosting, and/or breeding areas for Rare, Endangered or Threatened animal species.
 - (a) Rare, Endangered, or Threatened species are defined as those listed by State or Federal wildlife agencies under the State or Federal Endangered Species Acts, candidates for listing, species of special concern, and species that meet the

definition of “rare” in Section 15380 of California Environmental Quality Act.

- (b) A separation of greater than 100 feet may be required in order to fully protect formally listed Endangered Species (e.g., a 100 foot separation may not fully protect known breeding ponds for California Tiger Salamander).
 - (4) Plant communities known to contain Rare, Endangered, or Threatened species.
 - (5) Streams, riparian areas, vernal pools, and wetlands.
 - (6) Any designated Environmental Sensitive Habitat Areas.
- b. The development shall be compatible with the character of the surrounding natural environment, subordinate in appearance to natural landforms, and sited so that it does not intrude into the skyline as seen from public viewing places. At a minimum, the development shall comply with the following design standards. If these requirements are in conflict with other provisions of the Comprehensive Plan and any applicable community or area plan, this Development Code, and any permit conditions established by the County, the more restrictive requirements shall control.
- (1) Exterior lighting shall be for safety purposes only and shall comply with the following requirements:
 - (a) Light fixtures shall be fully shielded (full cutoff) and shall be directed downward to minimize impacts to the rural nighttime character.
 - (b) To the extent feasible, lighting shall be directed away from habitat areas, nearby residences, public roads and other areas of public use.
 - (2) Building materials and colors (earth tones and non-reflective paints) compatible with the surrounding natural environment shall be used to maximize the visual compatibility of the development with surrounding areas.

SECTION 7:

ARTICLE 35.4, Standards for Specific Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend to amend Subsection B. of Section 35.42.030 (Agricultural Employee Dwellings) of Chapter 35.42, Standards for Specific Land Uses, to read as follows:

35.42.030 - Agricultural Employee Dwellings

- A. Purpose and applicability.** This Section provides standards for agricultural employee dwellings, where allowed by Article 35.2 (Zones and Allowable Land Uses). However, where these permit requirements and standards conflict with State Health and Safety Code Sections 17021.5 and 17021.6 regarding employee housing, , the requirements of these Health and Safety Code sections shall prevail.
- 1. Coastal Zone.** Within the Coastal Zone, any employee housing allowed in compliance with State Health and Safety Code Sections 17021.5 and 17021.6 shall, at a minimum, require the issuance of a Coastal Development Permit in compliance with Section 35.82.060 prior to the commencement or the construction or use of the employee housing.
- B. Uses allowed with a Land Use Permit (Inland area) or a Minor Conditional Use Permit (Coastal Zone).** Additional dwellings housing up to, but not exceeding, four employees of the owner or lessee of the land ~~that are engaged full time in agriculture on the farm or ranch upon which the dwelling is located,~~ are allowed, provided:
- 1. Location of employment.**
- a. AG-II (Inland area) zone.** The employees are engaged full-time in agriculture, the majority of which occurs on the farm or ranch that the dwelling is located on and the remainder occurs

on a farm or ranch in the nearby vicinity.

- b. Zones other than the AG-II (Inland area) zone.** The employees are engaged full-time in agriculture on the farm or ranch upon which the dwelling is located.
- 12. Need for additional dwellings.** The applicant can document the existing and proposed agricultural use of the land and demonstrate a need for additional dwellings to support the use.
- 23. Proof of employment.** The applicant 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:

 - a. Employer's income tax return.
 - b. Employee's pay receipts.
 - c. Employer's DE-3 form.
 - d. Employee's W-2 form.
 - e. A notarized contract between the permittee and the employee which delineates work to be performed and wages to be received.
 - f. Other option approved by the Director.
- 4. 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 Coastal Development Permit, 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 may be cause for revocation of the permit for the Agricultural Employee Dwelling.
- 5. Notice to property owner.** Before issuance of a Coastal Development Permit, Land Use Permit or Zoning Clearance for the Agricultural Employee Dwelling, a Notice to Property Owner prepared 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 Subsections B.2, B.3, and B.4, above, shall be recorded by the property owner.
- 6. In addition to the development standards listed above, all development associated with the construction of an agricultural employee dwelling located in the Inland area shall comply with all of the additional development standards listed below. If these requirements are in conflict with other provisions of the Comprehensive Plan or any applicable community or area plan, this Development Code, or any permit conditions established by the County, the more restrictive requirements shall control. Agricultural employee dwellings that do not comply with the following may be allowed with a Minor Conditional Use Permit approved in compliance with Section 35.82.060 (Minor Conditional Use Permits and Conditional Use Permits).**

 - a. The development shall be located no less than 100 feet from the following environmental sensitive habitat areas that are determined by a qualified professional to be intact and of high quality. This setback may be adjusted upward or downward on a case-by-case basis depending upon site specific conditions such as slopes, biological resources and erosion potential.
 - (1) Native plant communities recognized as rare by California Department of Fish and Game (2003 or as amended). Examples include Native Grasslands, Maritime chaparral, Bishop Pine Forests, and Coastal Dune Scrub.

- (2) Native Woodlands and Forests.
 - (3) Nesting, roosting, and/or breeding areas for Rare, Endangered or Threatened animal species.
 - (a) Rare, Endangered, or Threatened species are defined as those listed by State or Federal wildlife agencies under the State or Federal Endangered Species Acts, candidates for listing, species of special concern, and species that meet the definition of "rare" in Section 15380 of California Environmental Quality Act.
 - (b) A separation of greater than 100 feet may be required in order to fully protect formally listed Endangered Species (e.g., a 100 foot separation may not fully protect known breeding ponds for California Tiger Salamander).
 - (4) Plant communities known to contain Rare, Endangered, or Threatened species.
 - (5) Streams, riparian areas, vernal pools, and wetlands.
 - (6) Any designated Environmental Sensitive Habitat Areas.
- b. The development shall be compatible with the character of the surrounding natural environment, subordinate in appearance to natural landforms, and sited so that it does not intrude into the skyline as seen from public viewing places. At a minimum, the development shall comply with the following design standards.
- (1) Exterior lighting shall be for safety purposes only and shall comply with the following requirements:
 - (a) Light fixtures shall be fully shielded (full cutoff) and shall be directed downward to minimize impacts to the rural nighttime character.
 - (b) To the extent feasible, lighting shall be directed away from habitat areas, nearby residences, public roads and other areas of public use.
 - (2) Building materials and colors (earth tones and non-reflective paints) compatible with the surrounding natural environment shall be used to maximize the visual compatibility of the development with surrounding areas.
- C. **Uses allowed with a Conditional Use Permit.** Additional dwellings housing five or more employees engaged full time in agriculture working on or off the farm or ranch upon which dwellings are located.

SECTION 8:

ARTICLE 35.4, Standards for Specific Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection G. of Section 35.42.230 (Residential Second Units) of Chapter 35.42, Standards for Specific Land Uses, to delete Subsection G.3.e and add new Subsections G.4 and G.5 to read as follows:

- e. ~~The following development standards shall also apply to detached residential second units located within the Inland area:~~
 - (1) ~~The development of a detached residential second unit in agricultural zone shall avoid or minimize significant impacts to agricultural and biological resources to the maximum extent feasible by:~~
 - (a) ~~Avoiding prime soils or where there are no prime soils be sited so as to minimize impacts to ongoing agriculturally related activities.~~
 - (b) ~~Including buffers from sensitive areas.~~
 - (c) ~~Preserving natural features, landforms and native vegetation such as trees to the~~

~~maximum extent feasible.~~

- (2) ~~In residential zones, all development associated with the construction of a detached residential second unit shall be located no less than 50 feet from a designated environmentally sensitive habitat area in urban areas and no less than 100 feet from a designated environmentally sensitive habitat area in rural areas. If the habitat area delineated on the applicable zoning maps is determined by the County not to be located on the particular lot or lots during review of an application for a permit, this development standard shall not apply.~~

4. Standards applicable only to detached residential second units located in the Inland area on agriculturally zoned property. In addition to the development standards listed in Subsections G.1 and G.3, above, all development associated with the construction of a detached residential second unit located in the Inland area on agriculturally zoned property shall comply with all of the additional development standards below. If these requirements are in conflict with other provisions of the Comprehensive Plan or any applicable community or area plan, this Development Code, or any permit conditions established by the County, the more restrictive requirements shall control. Detached residential second units that do not comply with the following may be allowed with a Minor Conditional Use Permit approved in compliance with Section 35.82.060 (Minor Conditional Use Permits and Conditional Use Permits).

- a. The development shall avoid or minimize significant impacts to agricultural to the maximum extent feasible by siting structures so as to minimize impacts to productive agricultural land, prime soils, and adjacent agricultural operations.
- b. The development shall be located no less than 100 feet from the following environmental sensitive habitat areas that are determined by a qualified professional to be intact and of high quality. This setback may be adjusted upward or downward on a case-by-case basis depending upon site specific conditions such as slopes, biological resources and erosion potential.
- (1) Native plant communities recognized as rare by California Department of Fish and Game (2003 or as amended). Examples include Native Grasslands, Maritime chaparral, Bishop Pine Forests, and Coastal Dune Scrub.
- (2) Native Woodlands and Forests.
- (3) Nesting, roosting, and/or breeding areas for Rare, Endangered or Threatened animal species.
- (a) Rare, Endangered, or Threatened species are defined as those listed by State or Federal wildlife agencies under the State or Federal Endangered Species Acts, candidates for listing, species of special concern, and species that meet the definition of "rare" in Section 15380 of California Environmental Quality Act.
- (b) A separation of greater than 100 feet may be required in order to fully protect formally listed Endangered Species (e.g., a 100 foot separation may not fully protect known breeding ponds for California Tiger Salamander).
- (4) Plant communities known to contain Rare, Endangered, or Threatened species.
- (5) Streams, riparian areas, vernal pools, and wetlands.
- (6) Any designated Environmental Sensitive Habitat Areas.
- c. The development shall preserve natural features, landforms and native vegetation such as trees to the maximum extent feasible.
- d. The development shall be compatible with the character of the surrounding natural environment, subordinate in appearance to natural landforms, and sited so that it does not

intrude into the skyline as seen from public viewing places. At a minimum, the development shall comply with the following design standards.

- (1) Exterior lighting shall be for safety purposes only and shall comply with the following requirements:
 - (a) Light fixtures shall be fully shielded (full cutoff) and shall be directed downward to minimize impacts to the rural nighttime character.
 - (b) To the extent feasible, lighting shall be directed away from habitat areas, nearby residences, public roads and other areas of public use.
- (2) Building materials and colors (earth tones and non-reflective paints) compatible with the surrounding natural environment shall be used to maximize the visual compatibility of the development with surrounding areas.

5. Standards applicable only to detached residential second units located in the Inland area on residentially zoned property. In addition to the development standards listed in Subsections G.1 and G.3, above, all development associated with the construction of a detached residential second unit located in the Inland area on residentially zoned property shall comply with all of the additional development standards below. If these requirements are in conflict with other provisions of the Comprehensive Plan or any applicable community or area plan, this Development Code, or any permit conditions established by the County, the more restrictive requirements shall control.

- a. All development shall be located no less than 50 feet from a designated environmentally sensitive habitat area in urban areas and no less than 100 feet from a designated environmentally sensitive habitat area in rural areas. If the habitat area delineated on the applicable zoning maps is determined by the County not to be located on the particular lot or lots during review of an application for a permit, this development standard shall not apply.

SECTION 9:

ARTICLE 35.4, Standards for Specific Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to revise Subsection I.1 of Subsection I. of Section 35.42.230 (Residential Second Units) of Chapter 35.42, Standards for Specific Land Uses, to read as follows:

I. Findings of approval (detached residential second units in agricultural zones).

1. Coastal Zone. In the Coastal Zone, in addition to the findings under Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits), before the approval of all detached residential second units in the AG-I-5, AG-I-10 or AG-I-20 zones the review authority shall make all of the following findings:

- ~~1~~a. The detached residential second unit is compatible with the design of adjacent residences and the surrounding neighborhood and shall not cause excessive noise, traffic, parking, or other disturbance to the existing neighborhood.
- ~~2~~b. Provisions for onsite parking are adequate for existing and proposed uses.
- ~~3~~c. The detached residential second unit shall not substantially change the character, or cause a concentration of residential second units sufficient to change the character of the neighborhood in which it is located.
- ~~4~~d. The detached residential second unit does not significantly infringe upon the privacy of the surrounding residents.
- ~~5~~e. The proposal complies with the standards in Subsection G. (Development standards) above.

2. Inland area. In the Inland area, in addition to the findings under Section 35.82.110 (Land Use

Permits), before the approval of all detached residential second units in the AG-I-5, AG-I-10 or AG-I-20 zones the Director shall make all of the following findings:

- a. The detached residential second unit is compatible with the design of adjacent residences and the surrounding neighborhood and shall not cause excessive noise, traffic, parking, or other disturbance to the existing neighborhood.
- b. Provisions for onsite parking are adequate for existing and proposed uses.
- c. The detached residential second unit shall not substantially change the character, or cause a concentration of residential second units sufficient to change the character of the neighborhood in which it is located.
- d. The detached residential second unit does not significantly infringe upon the privacy of the surrounding residents.
- e. The proposal complies with the standards in Subsection G. (Development standards) above.

SECTION 10:

ARTICLE 35.11, Glossary, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35.110.020 (Definitions of Specialized Terms and Phrases) of Chapter 35.110, Definitions, to add definitions of Agricultural Structural Development and Non-agricultural Structural Development as shown below.

Agricultural Structural Development. Any structure that is constructed, erected, or placed with or without a foundation, the use of which requires location on the ground and is covered by a roof, the use of which is restricted to those uses that are directly accessory, ancillary and secondary to the agricultural use of the property. Dwelling units are considered agricultural structural development only if they provide housing for agricultural employees of the owner or lessee of the land and are permitted in compliance with Section 35.42.030 (Agricultural Employee Dwellings) or Section 35.35.42.260 (Temporary Uses and Trailers).

Non-agricultural structural development. Any structure that is constructed, erected, or placed with or without a foundation, the use of which requires location on the ground and is covered by a roof, the use of which is not restricted to those uses that are directly accessory, ancillary and secondary to the agricultural use of the property.

SECTION 11:

Except as amended by this Ordinance, Article 35.2, Article 35.3, Article 35.4 and Article 35.11 of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the County Code, shall remain unchanged and shall continue in full force and effect.

SECTION 12:

Within the Coastal Zone portion of Santa Barbara County, this ordinance and any portion of this ordinance approved by the Coastal Commission shall take effect and be in force 30 days from the date of its passage or upon the date that it is certified by the Coastal Commission pursuant to Public Resources Code 30514, whichever occurs later; and before the expiration of 15 days after its passage a summary of it shall be published once together with the names of the members of the Board of Supervisors voting for and against the same in the Santa Barbara News-Press, a newspaper of general circulation published in the County of Santa Barbara.

SECTION 13:

Within the non-Coastal Zone portion of Santa Barbara County, this ordinance shall take effect and be in force 30 days from the date of its passage and before the expiration of 15 days after its passage a

summary of it shall be published once together with the names of the members of the Board of Supervisors voting for and against the same in the Santa Barbara News-Press, a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this _____ day of _____, 2010, by the following vote:

AYES:
NOES:
ABSTAINED:
ABSENT:

JANET WOLF
Chair, Board of Supervisors
County of Santa Barbara

ATTEST:

MICHAEL F. BROWN
Clerk of the Board of Supervisors

APPROVED AS TO FORM:

DENNIS A. MARSHALL
County Counsel

By _____
Deputy Clerk

By _____
Deputy County Counsel