



**COUNTY OF SANTA BARBARA  
PLANNING AND DEVELOPMENT**

**MEMORANDUM**

TO: County Planning Commission

FROM: Dan Klemann, Deputy Director  
Long Range Planning Division

DATE: May 29, 2018

RE: Agricultural Employee Dwelling Ordinance Amendments

County Planning Commission Hearing Date: June 6, 2018

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On May 9, 2018, the County Planning Commission (PC) held a public hearing to consider proposed amendments to the County Land Use and Development Code (LUDC) and Article II, the Coastal Zoning Ordinance (Article II), to streamline the permit process for agricultural employee dwellings (AEDs) in the Agriculture I (AG-I) and Agriculture II (AG-II) zones in the unincorporated area of the county. The proposed amendments help implement Programs 1.4 and 2.4 of the Santa Barbara County 2015-2023 Housing Element, which direct the County to incentivize the development of affordable housing and streamline the permit process for AEDs, respectively. This project was initially part of the Agricultural Tiered Permitting (ATP) project. However, staff separated the AED ordinance amendments from the ATP project because (1) the project had a limited scope of work, and (2) it had already been analyzed in the Negative Declaration adopted for the 2015-2023 Housing Element Update, and thus no additional environmental review was required.

At the May 9, 2018, hearing, the PC directed staff to consider the following recommendations and return to the PC on June 6, 2018. These recommendations may alter the scope of work for this project and thus require additional environmental review as part of the ATP project. Staff has provided an analysis of the regulatory challenges and potential options for each recommendation, below.

1. The PC directed staff to consider a further reduction in the permit requirements for AEDs, particularly within AG-II zones in the Inland Area, as shown in Table 2, below. Staff’s initial proposal is shown in Table 1 for comparison.

Table 1

| <b>Staff’s Initial Proposal - LUDC Permit Requirements</b> |                 |                  |                   |               |
|--|-----------------|------------------|-------------------|---------------|
| Zone   | 1-4 Employees   | 5-9 Employees    | 10-19 Employees   | 20+ Employees |
| AG-I   | ZC <sup>1</sup> | LUP <sup>1</sup> | MCUP <sup>2</sup> | CUP           |
| AG-II  | ZC <sup>2</sup> | LUP <sup>2</sup> | MCUP <sup>2</sup> | CUP           |

Table 2

| <b>PC’s Alternative Proposal - LUDC Permit Requirements</b> |               |                 |                 |               |
|---|---------------|-----------------|-----------------|---------------|
| Zone  | 1-9 Employees | 10-24 Employees | 25-34 Employees | 35+ Employees |
| AG-II   | ZC            | LUP             | MCUP            | CUP           |

<sup>1</sup> Requires full-time on-site employment.

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

**Challenges:** The proposed employee occupancy limits in Table 2, particularly those for the Zoning Clearance (ZC) and Land Use Permit (LUP) permit levels, pose a regulatory challenge because the LUDC may require higher level permits [i.e., LUP or Minor Conditional Use Permit (MCUP)] for utilities to serve those occupancy levels, especially if employees are accompanied by family members. Environmental Health Services (EHS) reviews water and wastewater treatment systems based on multiple factors, including the number of daily users and service connections required for the appropriate system. However, the LUDC dictates the type of land use entitlement that is required for a water and wastewater treatment system.

The LUDC permits water systems according to the number of service connections, and requires a LUP or MCUP for any water system with more than one connection. (See the LUDC § 35.21.030.A, Table 2-1, included as Attachment 1.) In addition, pursuant to the LUDC (Ibid), onsite wastewater treatment systems do not require a land use entitlement, except for alternative systems which require a MCUP. Therefore, although the permitting requirements could be reduced for AEDs, depending on the design and capacity of the utilities required to serve an AED, a project involving the development of an AED still might require a higher level land use entitlement.

**Options:** Given the PC’s direction and existing utility permit requirements, staff recommends revising the proposed LUDC permit requirements as shown in Table 3, below.

Table 3

| <b>Revised LUDC Permit Requirements</b> |                               |                              |                         |                      |
|---|-------------------------------|------------------------------|-------------------------|----------------------|
| <b>Zone</b>                             | <b>1-4 Employees</b>          | <b>5-24 Employees</b>        | <b>25-34 Employees</b>  | <b>35+ Employees</b> |
| <b>AG-I</b>                             | <b>ZC<sup>1,3,4,5,6</sup></b> | <b>LUP<sup>1,4,5,6</sup></b> | <b>MCUP<sup>2</sup></b> | <b>CUP</b>           |
| <b>AG-II</b>                            | <b>ZC<sup>3,4,5,6</sup></b>   | <b>LUP<sup>4,5,6</sup></b>   | <b>MCUP</b>             | <b>CUP</b>           |

<sup>1</sup> Requires full-time on-site employment.

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

<sup>3</sup> Projects with a water system with 2 to less than 5 connections will also require a Land Use Permit and may be subject to CEQA (LUDC § 35.21.030, Table 2-1).

<sup>4</sup> Projects with an onsite wastewater treatment system, individual, alternative, will also require a MCUP and may be subject to CEQA (LUDC § 35.21.030, Table 2-1).

<sup>5</sup> Projects with a water system with 5 or more connections will also require a MCUP and may be subject to CEQA (LUDC § 35.21.030, Table 2-1).

<sup>6</sup> Projects meeting specified standards will also require a Development Plan and may be subject to CEQA (LUDC § 35.82.080).

The County does not provide public notice for ZC applications (LUDC § 35.106.020), and the Director’s action to issue or deny a ZC is final and not subject to appeal (LUDC § 35.82.210.D.2). Due to the limited opportunity for public input on development that requires the issuance of a ZC, staff recommends permitting AEDs for up to four employees with a ZC in the AG-I and AG-II zones. However, given the utility permit constraints discussed previously, it is likely that a LUP or higher level discretionary permit could also be required for the utility connection(s) in addition to the ZC for the AED.

2. The PC directed staff to reduce or eliminate the on-site employment requirements for AEDs permitted in the LUDC. However, the PC did not clarify whether this reduction/elimination should occur in the AG-I zone, AG-II zone, or both.

Challenges: AEDs have the most potential for conflict with surrounding land uses in the AG-I zone due to smaller parcel sizes. Reducing or eliminating the employment location requirements in this zone may create a disproportionate increase in housing to agricultural land uses and also lead to neighborhood compatibility issues. In the AG-I and AG-II zone, a reduction or elimination in employment location requirements, along with the proposed increase in the employee occupancy limits for each permit level, could have implications for AEDs and their compatibility on agricultural preserve contracted lands.

Options: To ensure that AEDs remain tied to the agricultural use of the land, staff recommends retaining the employment location requirements for AEDs permitted with a ZC, LUP, or MCUP in the AG-I zone. To assist property owners with larger agricultural operations on non-contiguous parcels, staff recommends removing the employment location requirements in the AG-II zone. These proposed changes are reflected in Table 3, above.

3. The PC directed staff to allow for “park models,” mobile homes, and other types of trailers, but not recreational vehicles (RVs), as AEDs.

Challenges: Park models are types of RVs that can be connected to utility services and used for human habitation. However, park models are typically issued a vehicle identification number (VIN) and regulated under the California Vehicle Code. The County Building and Safety Division does not have jurisdiction over park models and other trailers that are registered as vehicles. Therefore, Building and Safety cannot conduct inspections or issue building permits for park models unless they are installed on a permanent foundation.

Options: Staff recommends revising the proposed amendments to allow for park models, mobile homes, and manufactured homes as temporary or permanent AEDs. Staff also recommends adding language to explicitly prohibit the use of other RVs (e.g., truck campers, travel trailers, and camping trailers) as AEDs.

4. The PC directed staff to consider items discussed by Claire Wineman at the hearing of May 9, 2018 (Attachment 2). First, Ms. Wineman suggested permitting farmworker housing complexes with a LUP rather than a CUP. Second, she asked staff to consider permitting AEDs for up to 24 or 35 employees with a ZC or, alternatively, permitting AEDs up to 15,000 square feet with a ZC. Lastly, she suggested permitting AEDs for more than 25 or 36 employees with a CUP.

Challenges: Ms. Wineman’s suggestions pertain to the farmworker housing, which is regulated and permitted differently from AEDs pursuant to the zoning ordinances. This distinction exists because farmworker housing is operated through the State. Specifically, farmworker housing must be certified and inspected by the California Department of Housing and Community Development, and dwellings must comply with the Employee Housing Act, California Mobile Home Parks Act, and the California Special Occupancy Parks Act. As stated in LUDC § 35.42.030, the purpose of AEDs is to provide standards for dwellings that do not comply with these farmworker housing provisions.

Options: The scope of work for this project does not include amending the farmworker housing regulations. Therefore, staff does not recommend pursuing such amendments at this time. Ms. Wineman’s second suggestion regarding increased employee occupancy limits is addressed in Table 3.

Attachments:

1. LUDC Table 2-1
2. Claire Wineman’s Public Comment Letter (May 9, 2018)