



BOARD OF SUPERVISORS **Agenda Number:**
AGENDA LETTER

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Planning and Development
Department No.: 053
For Agenda Of: December 11, 2018
Placement: Departmental
Estimated Time: 90 minutes
Continued Item: Yes
If Yes, date from: November 13, 2018
Vote Required: Majority

TO: Board of Supervisors

FROM: Department Directors: Dianne Black, Director, Planning and Development
(805) 568-2086

Contact Info: Dan Klemann, Deputy Director, Long Range Planning Division
(805) 568-2072

SUBJECT: Agricultural Employee Dwelling Ordinance Amendments

County Counsel Concurrence

As to form: Yes

Other Concurrence:

As to form: N/A

Recommended Actions:

Staff recommends that the Board of Supervisors (Board) consider the adoption of 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 areas of Santa Barbara County.

On December 11, 2018, staff recommends that the Board take the following actions:

- a) Case No. 18ORD-00000-00002 (LUDC Amendment):
 - i) Make the findings for approval, including California Environmental Quality Act (CEQA) findings (Attachment 1);
 - ii) Determine that the Negative Declaration (14NGD-00000-00014) adopted for the 2015-2023 Housing Element Update (Housing Element) fulfills the environmental review requirements for this project and no subsequent environmental document shall be prepared pursuant to CEQA Guidelines Section 15162 (Attachment 2); and
 - iii) Adopt an ordinance (Case No. 18ORD-00000-00002) amending Section 35-1, the LUDC, of Chapter 35, Zoning, of the Santa Barbara County Code (Attachment 3).
- b) Case No. 18ORD-00000-00003 (Article II Amendment):
 - i) Make the findings for approval, including CEQA findings (Attachment 1);

- ii) Determine that the Negative Declaration (14NGD-00000-00014) adopted for the Housing Element fulfills the environmental review requirements for this project and no subsequent environmental document shall be prepared pursuant to CEQA Guidelines Section 15162 (Attachment 2); and
- iii) Adopt an ordinance (Case No. 18ORD-00000-00003) amending Article II of Chapter 35, Zoning, of the Santa Barbara County Code (Attachment 4).

Summary Text:

On November 13, 2018, the Board held a public hearing to consider the adoption of the proposed AED ordinance amendments and directed staff to revise the proposed LUDC and Article II amendments as follows:

1. Revise the number of employees allowed to occupy AEDs at the various permit levels in the AG-I and AG-II zones within the Inland Area and the AG-II zone within the Coastal Zone;
2. Require full-time on-site employment for AEDs permitted with a Zoning Clearance (ZC), Land Use Permit (LUP), or Coastal Development Permit (CDP) in the AG-I zone, and allow full-time on-site employment to include work on any farm(s) or ranch(es) operated by the same owner or employer as the farm or ranch upon which the AED is located; and,
3. Require majority (51 percent or more) full-time on-site employment for AEDs permitted with a Minor Conditional Use Permit (MCUP) in the AG-I zone, and allow full-time on-site employment to include work on any farm(s) or ranch(es) operated by the same owner or employer as the farm or ranch upon which the AED is located.

These revisions to the proposed LUDC and Article II amendments are discussed in the Background section below and reflected in Attachments 3 and 4.

Background:

Number of Employees

On November 13, 2018, the Board provided direction regarding the number of employees allowed to occupy AEDs permitted with a Conditional Use Permit (CUP) in both the Inland Area and Coastal Zone. Specifically, the Board directed staff to revise the amendments such that a CUP would be required to permit AEDs for 20 or more employees in the AG-I zone and 25 or more employees in the AG-II zone. To accommodate these changes, the Board also directed staff to remove the MCUP level for the AG-II zone and revise the number of employees for the preceding permit levels, as shown in Tables 1 and 2 below. As a result of these changes to the MCUP and CUP thresholds, the number of employees allowed to occupy AEDs permitted with a CDP in the AG-II zone would increase from one to nine employees to one to 24 employees.

Employment/Location Requirements

In addition, the Board directed staff to revise the proposed amendments to more closely align with the County Planning Commission's recommendations regarding the AED employment/location requirements in the AG-I zone within the Inland Area and Coastal Zone (Attachment 5). Accordingly, staff revised the proposed amendments to require full-time on-site employment for AEDs permitted with a ZC, LUP, or CDP, and majority (51 percent or more) full-time on-site employment for AEDs permitted with a MCUP in the AG-I zone. At the direction of the Board, staff added language to these requirements that would allow employees to work not only on the farm or ranch upon which the AED is located, but also any other farm or ranch operated by the same owner or employer of the farm or ranch upon which the AED is located.

The aforementioned revisions are shown in Tables 1 and 2, below, and are reflected in the proposed LUDC and Article II amendments (Attachments 3 and 4, respectively).

Table 1

Proposed LUDC AED Permit Requirements			
Zone	Permit	Employees	Employment/Location
AG-I	ZC	1-4	Employed full-time in agriculture on the farm(s) or ranch(es) of the owner or operator of the farm or ranch upon which the dwelling is located.
	LUP	5-9	Employed full-time in agriculture on the farm(s) or ranch(es) of the owner or operator of the farm or ranch upon which the dwelling is located.
	MCUP	10-19	Employed full-time in agriculture, the majority (51 percent or more) of which occurs on the farm(s) or ranch(es) of the owner or operator of the farm or ranch upon which the dwelling is located.
	CUP	20 or more	No restriction on location of employment.
AG-II	ZC	1-9	No restriction on location of employment.
	LUP	10-24	
	CUP	25 or more	

Table 2

Proposed Article II AED Permit Requirements			
Zone	Permit	Employees	Employment/Location
AG-I	CDP	1-9	Employed full-time in agriculture on the farm(s) or ranch(es) of the owner or operator of the farm or ranch upon which the dwelling is located.
	MCUP	10-19	Employed full-time in agriculture, the majority (51 percent or more) of which occurs on the farm(s) or ranch(es) of the owner or operator of the farm or ranch upon which the dwelling is located.
	CUP	20 or more	No restriction on location of employment.
AG-II	CDP	1-24	No restriction on location of employment.
	CUP	25 or more	

In other zones where AEDs are allowed (e.g., MT-GAV, MT-GOL, and NTS), employees must be employed full-time in agriculture on the farm or ranch upon which the AED is located.

Efficiency Units

The proposed amendments presented to the Board on November 13, 2018, included minimum size requirements for dwellings, including efficiency units (LUDC Section 35.42.030.D.4.b and Article II Section 35-144R.D.5.b). Previously, both the 2016 California Residential Code (CRC) and 2016 California Building Code (CBC) allowed for efficiency units with a minimum living room area of 220 square feet. However, as of July 1, 2018, the CRC, which applies to one- and two-family dwellings, was amended to repeal the sections related to efficiency units (Attachment 6). The CRC now requires habitable rooms to have a minimum floor area of not less than 70 square feet (CRC Section R304.1),

which is smaller than the previous efficiency unit size of 220 square feet (CBC Section 1208.4). As a result of these changes, staff revised the proposed amendments to remove references to efficiency units.

Environmental Review:

Staff recommends that the Board determine that the Negative Declaration (14NGD-00000-00014) (Attachment 2) adopted for the Housing Element fulfills the environmental review requirements for this project and no subsequent environmental document shall be prepared pursuant to CEQA Guidelines Section 15162. This section provides (in pertinent part) that the lead agency shall not prepare a subsequent environmental impact report (EIR) for a project when the lead agency or another entity has already adopted a negative declaration or certified an EIR for that project, unless one or more of the following have occurred: (1) substantial changes are proposed which will require major revisions to the previous negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; (2) substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or (3) new information of substantial importance which was not known and could not have been known at the time the previous Negative Declaration was adopted has become available.

The proposed AED ordinance amendments do not present any new information or proposed changes that will alter the purpose or intent of the goals, policies, and programs of the Housing Element. Therefore, no new environmental document is required and the proposed amendments do not require subsequent environmental review pursuant to CEQA Guidelines Section 15162. Projects subject to discretionary permits will be required to comply with CEQA, as applicable to the specific project proposed. Please see the CEQA Findings in Attachment 1 for additional details.

Fiscal Analysis:

Funding for the AED ordinance amendments is budgeted in the 2018-19 Long Range Planning Work Program as reflected in the Department's approved FY 2018-19 budget. To date, staff has expended approximately 875 hours/\$68,000 on preparing and processing the proposed AED ordinance amendments. There are no facilities impacts.

Special Instructions:

The Planning and Development Department will fulfill all noticing requirements.

The Clerk of the Board shall provide a copy of the minute order and signed ordinances to the Planning and Development Department, attention: Jessi Steele.

Authored by:

Jessi Steele, Planner, Long Range Planning Division, (805) 884-8082

Attachments:

1. Findings for Approval (Case Nos. 18ORD-00000-00002 and 18ORD-00000-00003)
2. Negative Declaration (14NGD-00000-00014) for the 2015-2023 Housing Element Update
3. LUDC Amendment (Case No. 18ORD-00000-00002)
4. Article II Amendment (Case No. 18ORD-00000-00003)
5. Board Agenda Letter, dated October 2, 2018
6. Department of Housing and Community Development Information Bulletin, dated November 9, 2016