

ATTACHMENT 4: ARTICLE II COASTAL ZONING ORDINANCE AMENDMENT

ORDINANCE NO. _____

AN ORDINANCE AMENDING ARTICLE II, THE COASTAL ZONING ORDINANCE, OF CHAPTER 35, ZONING, OF THE SANTA BARBARA COUNTY CODE BY AMENDING DIVISION 2, DEFINITIONS, DIVISION 4, ZONING DISTRICTS, AND DIVISION 7, GENERAL REGULATIONS, TO STREAMLINE THE PERMIT PROCESS FOR AGRICULTURAL EMPLOYEE DWELLINGS IN THE AGRICULTURE I AND AGRICULTURE II ZONES IN THE COASTAL ZONE.

Case No. 18ORD-00000-00003

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

SECTION 1:

DIVISION 2, Definitions, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to change Section 35-58, Definitions, to add definitions of “Park Trailer” and “Manufactured Home” and to read as follows:

Park Trailer. A trailer, with or without a permanent foundation, designed for human habitation that meets the requirements of the California Health and Safety Code Section 18009.3.

Manufactured Home. A structure constructed on or after June 15, 1976, that is certified under the National Manufactured Housing Construction and Safety Act of 1974, which is designed and equipped to be used as a single-family dwelling, with or without a permanent foundation, as defined in the California Health and Safety Code Section 18007.

SECTION 2:

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to change Subsection 35-68.3 Permitted Uses, of Section 35-68 AG-I - Agriculture I, to read as follows:

Section 35-68.3 Permitted Uses.

1. All types of agriculture and farming except a dairy, hog ranch, animal feed yard, or animal sales yard, subject to the limitations hereinafter provided in this [Section 35-68](#).
2. Raising of animals not to exceed one horse, mule, cow, llama or ostrich; or three goats, hogs, or other livestock not specifically enumerated herein, shall be permitted for each 20,000 square feet of gross area of the lot upon which the same are kept. In no case shall more than three hogs be kept on any such lot.
3. Private kennels, and small animals and poultry raising limited to reasonable family use on a non-commercial basis.
4. Sale of agricultural products pursuant to the provisions of [Section 35-131](#) (Agricultural Sales).
5. Greenhouses, hothouses, other plant protection structures, and related development, i.e., packing shed, parking, driveways, etc.; however, for any development of 20,000 square feet or more and all additions which when added to existing development total 20,000 square feet or more, a Development Plan shall be

submitted, processed, and approved as provided in [Section 35-174](#) (Development Plans). For any greenhouse or related development, packing and shipping facility, and shade and hoop structure in the Carpinteria Valley additional regulations of the Carpinteria Agricultural (CA) Overlay District ([Section 35-102F](#)) shall apply.

6. One single family dwelling unit per legal lot. Such dwelling may be a mobile home certified under the National Mobile Home Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401 *et seq.*) on a permanent foundation system, pursuant to Health & Safety Code Section 18551, subject to the provisions of [Section 35-141](#) (General Regulations).
7. One guest house or artist studio per legal lot subject to the provisions of [Section 35-120](#) (General Regulations) and accessory to the primary residential use of the same lot.
8. Home occupations, subject to the provisions of [Section 35-121](#) (General regulations) and accessory to a residential use of the same lot.
9. One Attached Residential Second Unit per legal lot zoned AG-I-5, AG-I-10 or AG-I-20, subject to the provisions of [Section 35-142](#) (Residential Second Units).
10. Special Care Homes, subject to the provisions of Section 35-143 (Community Care Facilities).
11. Transitional and Supportive Housing, subject to the provisions of Section 35-143.5 (Transitional and Supportive Housing).
12. Agricultural employee dwellings, including mobilehomes, manufactured homes, and park trailers, providing housing for one to nine employees in compliance with Section 35-144R (Agricultural Employee Dwellings).
13. Uses, buildings and structures accessory and customarily incidental to the above uses.

SECTION 3:

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to change Section 35-68.4 Uses Permitted with a Major Conditional Use Permit, of Section 35-68 AG-I - Agriculture I, to read as follows:

Section 35-68.4 Uses Permitted with a Major Conditional Use Permit

1. Commercial raising of animals, boarding of animals, and commercial riding stables.
2. Animal hospitals, and animal husbandry services.
3. Facilities for the sorting, cleaning, packing, freezing, loading, transporting and storage of horticultural and agricultural products (not including animals) grown off the premises preparatory to wholesale or retail sale and/or shipment in their natural form provided:
 - a. The facility shall be accessory to and supportive of other agricultural operations located on the same premises as the proposed facility and on other local agricultural lands (defined as lands located within 25 miles of the boundaries of Santa Barbara County),
 - b. The primary purpose of the facility shall not be to import, on a continuing basis, horticultural or agricultural products from land more than 25 miles beyond the boundaries of Santa Barbara County for local processing, distribution, or sale,
 - c. The primary intent of the development of this facility shall be to serve south coast agriculture,
 - d. The products are determined by the Planning Commission to be similar to products grown on the premises where the facility is located or on other local agricultural lands,

- e. The facility processes products grown on the premises or on other local agricultural lands,
- f. All application for such facilities shall be accompanied by a landscape plan pursuant to the requirements of Section 35-68.4 of this Article,
- g. Siting of this type of facility on prime agricultural lands or agriculturally productive non-prime soils should be avoided where feasible, and
- h. All applications for such facilities shall be accompanied by defined truck and vehicle routes proposed to serve the facility.

No Conditional Use Permit shall be required under this section for such facilities if they are devoted primarily to the handling of products grown on the premises and the processing of products grown off premises if accessory and customarily incidental to the marketing of products in their natural form grown on the premises.

4. Agricultural employee dwellings, including mobilehomes, manufactured homes, and park trailers, providing housing for 20 or more employees in compliance with Section 35-144R (Agricultural Employee Dwellings).
5. Within the Carpinteria Agricultural Overlay District, greenhouses and greenhouse related development of any size on slopes between five and 10 percent. No exception to this requirement, such as that stated under subsection (3) above, shall apply.

SECTION 4:

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to change Subsection 35-68.5 Uses Permitted with a Minor Conditional Use Permit, of Section 35-68 AG-I - Agriculture I, to read as follows:

Section 35-68.5 Uses Permitted with a Minor Conditional Use Permit

1. Agricultural employee dwellings, including mobilehomes, manufactured homes, and park trailers, providing housing for 10 to 19 employees in compliance with Section 35-144R (Agricultural Employee Dwellings).
2. One Detached Residential Second Unit per legal lot zoned AG-I-5, AG-I-10, and AG-I-20 subject to the provisions of [Section 35-142](#) (Residential Second Units) and [Section 35-172](#) (Conditional Use Permits).
3. Commercial Kennels.

SECTION 5:

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to change Subsection 35-69.3 Permitted Uses, of Section 35-69 AG-II - Agriculture II, to read as follows:

Section 35-69.3 Permitted Uses.

1. All types of agriculture and farming, including commercial raising of animals, subject to the limitations hereinafter provided in this [Section 35-69](#).
2. Sale of agricultural products pursuant to the provisions of [Section 35-131](#) (Agricultural Sales).
3. Commercial boarding of animals.
4. Private and/or commercial kennels.

5. One single family dwelling unit per legal lot. Such dwelling may be a mobile home certified under the National Mobile Home Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401 *et seq.*) on a permanent foundation system, pursuant to Health & Safety Code Section 18551, subject to the provisions of [Section 35-141](#) (General Regulations).
6. One guest house or artist studio per legal lot subject to the provisions of [Section 35-120](#) (General Regulations) and accessory to the primary residential use located on the same lot.
7. Greenhouses, hothouses, or other plant protection structures, and related development, i.e., packing shed, parking, driveways, etc.; however, for any development of 20,000 square feet or more and all additions which when added to existing development total 20,000 square feet or more, a development plan shall be submitted, processed, and approved as provided in [Section 35-174](#) (Development Plans).
8. On-shore oil development, including exploratory and production wells, pipelines, storage tanks, processing facilities for on-shore oil and gas, and truck terminals subject to the requirements set forth in [DIVISION 9, OIL & GAS FACILITIES](#).
9. Excavation or quarrying of building or construction materials, including diatomaceous earth, subject to the provisions of [Section 35-177](#) (Reclamation Plans).
10. Home occupations, subject to the provisions of [Section 35-121](#) (General Regulations) and accessory to a residential use located on the same lot.
11. Special Care Homes, subject to the provisions of Section 35-143 (Community Care Facilities).
12. Transitional and Supportive Housing, subject to the provisions of Section 35-143.5 (Transitional and Supportive Housing).
13. Agricultural employee dwellings, including mobilehomes, manufactured homes, and park trailers, providing housing for one to 24 employees in compliance with Section 35-144R (Agricultural Employee Dwellings).
14. Uses, buildings and structures accessory and customarily incidental to the above uses.

SECTION 6:

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to change Subsection 35-69.4 Uses Permitted with a Major Conditional Use Permit, of Section 35-69 AG-II - Agriculture II, to read as follows:

Section 35-69.4 Uses Permitted With a Major Conditional Use Permit.

1. Animal hospitals and clinics.
2. Low-intensity recreational development such as hiking trails, public riding stables, recreational camps, campgrounds, retreats, and guest ranches, provided that such development:
 - a. Is in character with the rural setting,
 - b. Does not interfere with agricultural production on or adjacent to the lot on which it is located,
 - c. Does not include commercial facilities open to the general public who are not using the recreational facility, and
 - d. Does not require an expansion of urban services which will increase pressure for conversion of the affected agricultural lands.
3. Wineries, including processing, distribution, and sale of wine grapes and wine grape products grown off the premises, provided:

- a. The winery is located on premises used for vineyard purposes,
 - b. The winery is operated in connection with the processing of wine grapes grown on the premises, and
 - c. Retail sales of wine grape products shall be limited to those processed on the premises.
4. Facilities for the sorting, cleaning, packing, freezing, and storage of horticultural and agricultural products (not including animals) grown off the premises preparatory to wholesale or retail sale and/or shipment in their natural form provided:
- a. The facility shall be accessory to and supportive of other agricultural operations located on the same premises as the proposed facility and on other local agricultural lands (defined as lands located within 25 miles of the boundaries of Santa Barbara County),
 - b. The primary purpose of the facility shall not be to import, on a continuing basis, horticultural or agricultural products from land more than 25 miles beyond the boundaries of Santa Barbara County for local processing, distribution, or sale,
 - c. The products are determined by the Planning Commission to be similar to products grown on the premises where the facility is located or on other local agricultural lands, and
 - d. The facility processes products grown on the premises or on other local agricultural lands.
5. Piers and staging areas for oil and gas development subject to the regulations in [DIVISION 9, OIL AND GAS FACILITIES](#).
6. Aquaculture, subject to the provisions of [Section 35-136](#) (General Regulations).
7. Sorting, cleaning, and further breaking and storing of abalone shells landed live in Santa Barbara County, preparatory to shipment in their natural form.
8. Agricultural employee dwellings, including mobilehomes, manufactured homes, and park trailers, providing housing for 25 or more employees in compliance with Section 35-144R (Agricultural Employee Dwellings).
9. Exploration and production of offshore oil and gas reservoirs from onshore locations, including exploratory and production wells, pipelines, temporary storage tanks, dehydration and separation facilities, and temporary truck terminals located within the Las Flores Canyon Consolidated Oil and Gas Processing Site, subject to the requirements set forth in [DIVISION 9, OIL & GAS FACILITIES](#).
10. Consolidated pipeline terminal, subject to being designated for such use in Policy 6-13A and B of the Coastal Plan and the requirements set forth in [DIVISION 9, OIL AND GAS FACILITIES](#).

SECTION 7:

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to delete Subsection 35-69.5, Uses Permitted with a Minor Conditional Use Permit, of Section 35-69 AG-II - Agriculture II, and renumber existing Subsections 35-69.6, 35-69.7, and 35-69.8, and 35-69 as Subsections 35-69.5, 35-69.6, and 35-69.7, respectively.

SECTION 8:

DIVISION 7, General Regulations, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to change Subsection 35-132.8 Use of Trailers for Agricultural Employee Dwellings Not Including Farmworker Housing, of Section 35-132 Trailer Use, to read as follows:

Section 35-132.8. Use of Trailers for Agricultural Employee Dwellings Not Including Farmworker Housing.

Not including Farmworker Housing permitted in compliance with Section 35-144P (Farmworker Housing), trailers may be used as dwellings for agricultural employees in compliance with Section 35-144R (Agricultural Employee Dwellings).

SECTION 9:

DIVISION 7, General Regulations, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to change Section 35-144R, Agricultural Employee Dwellings, to read 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. Allowed zones and permit requirements.** Additional dwellings, including mobilehomes, manufactured homes, and park trailers complying with the California Code of Regulations, Title 25, Division 1, Housing and Community Development, that provide housing for agricultural employees may be allowed in compliance with the following table.

Permit Requirements and Development Standards for Agricultural Employee Dwellings			CDP MCUP CUP	Coastal Development Permit Minor Conditional Use Permit Conditional Use Permit
Zone	Permit requirement	Number of employees	Employment/Location	
AG-I	CDP ^{1,2,3}	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 ^{1,2,3}	1-24	No restriction on location of employment.	
	CUP	25 or more		
M-CD	See Section 35-87.			
M-CR	See Section 35-92.			
TC	See Section 35-93.			
All other zones where allowed by Division 4, Zoning Districts	MCUP	1-4	Employed full-time in agriculture on the farm or ranch upon which the dwelling(s) is located.	

¹ Projects with a water system with 2 to less than 200 connections will also require a MCUP and may be subject to environmental review. (See Section 35-147.2.)

² Projects within a Special Problems Area with and onsite wastewater treatment system, including a dry well, will also require a MCUP and may be subject to environmental review. (See Section 35-147.2.)

³ Projects with an individual alternative onsite wastewater treatment system will also require a MCUP and may be subject to environmental review. (See Section 35-147.2.)

C. Standards that apply to agricultural employee dwellings in all zones except AG-I and AG-II.

1. **Need for additional dwellings.** The applicant shall demonstrate the need for additional dwellings to support the existing or proposed agricultural use of the land where the work will occur.
2. **Proof of employment.** The applicant shall provide proof of the full-time employment of the employee in agriculture. 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-39 form.
 4. Employer's DE-34 form.
 5. Employer's ETA 790 form.
 6. Employee's W-2 form.
 7. Employer's DLSE-NTE.
 8. A notarized contract between the employer and the employee which states that the occupant of the agricultural employee dwelling is employed in agriculture.
 9. A description of the employee's job duties.
 10. Other option approved by the Director.
3. **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 permit 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 C.3 including Subsection C.3.a, below, may be cause for revocation of the permit for the agricultural employee dwelling.
 - a. 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.
4. **Notice to property owner.** Before issuance of a permit for the agricultural employee dwelling, a Notice to Property Owner 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, C.1, C.2, and C.3, above, shall be recorded by the property owner.
5. **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):
 1. The project has been sited and designed to avoid all prime agricultural and has been sited and designed to maintain the long-term productivity of the farm's or ranch's agricultural resources and operations.

2. 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.

D. Standards that apply to agricultural employee dwellings in the AG-I and AG-II zones.

1. **Need for additional dwellings.** The applicant shall demonstrate the need for additional dwellings to support the existing or proposed agricultural use of the land where the work will occur.
2. **Proof of employment.** The applicant shall provide proof of the employment of the employee in agriculture consistent with the requirements in the Table titled “Permit Requirements and Development Standards for Agricultural Employee Dwellings.” Said proof shall be to the satisfaction of the Department, and 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-9 form.
 - d. Employer’s DE-34 form.
 - e. Employer’s ETA 790 form.
 - f. Employee’s W-2 form.
 - g. Employer’s DLSE-NTE form.
 - h. A notarized document between the employer and the employee which states that the occupant of the agricultural employee dwelling is employed in agriculture.
 - i. A description of the employee’s job duties.
 - j. Other option approved by the Director.
3. **Submittal of proof of employment of occupants subsequent to issuance of a permit for the agricultural employee dwelling.** Documentation of proof of employment of the employee in agriculture consistent with the requirements in the Table titled “Permit Requirements and Development Standards for Agricultural Employee Dwellings” shall be provided every five years beginning from the issuance of the permit for the agricultural employee dwelling. Failure to provide said documentation may be cause for revocation of the permit for the agricultural employee dwelling.
 - a. **Additional requirements in the AG-I zone.** In addition to the requirements in Subsection D.3 above, agricultural employee dwellings located in the AG-I zone shall require the submittal of proof of employment in agriculture of the employee residing in the agricultural employee dwelling upon any change in occupancy and every five years thereafter.
 - i. If the identity of the occupant of the agricultural employee dwelling is not known at the time of issuance of the permit for the agricultural employee dwelling, then proof of 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.
4. **Notice to property owner.** Before issuance of a permit for the agricultural employee dwelling, a Notice to Property Owner that specifies at a minimum (1) the occupancy requirements of the agricultural employee dwelling and (2) the requirement for provision of documentation of employment in compliance with Subsections B, D.1, D.2, and D.3, above, shall be recorded by the property owner.

5. **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):
 1. The project has been sited and designed to avoid all prime agricultural soils to the maximum extent feasible and has been sited and designed to maintain the long-term productivity of the farm's or ranch's agricultural resources and operations.
 2. 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.
6. **Minimum dwelling size.** The agricultural employee dwelling shall comply with the following size requirements:
 - a. Mobilehomes, manufactured homes, and park trailers shall comply with the size requirements set forth in the Health and Safety Code, as applicable.
 - b. Dwellings shall comply with the minimum size requirements set forth in the current, adopted edition of the California Building Standards Code and any local amendments, as applicable.

E. Mobilehomes, manufactured homes, and park trailers.

1. A mobilehome, manufactured home, or park trailer, with or without a permanent foundation, may be used as an agricultural employee dwelling in compliance with the table in Subsection B, above, provided:
 - a. The mobilehome, manufactured home, or park trailer complies with the California Code of Regulations, Title 25, Division 1, Housing and Community Development.
 - b. The mobilehome, manufactured home, or park trailer complies with applicable setbacks and building separation requirements required for structures of the zone district in which the mobilehome, manufactured home, or park trailer is located.

SECTION 10:

All existing indices, section references, and figure and table numbers contained in Article II, Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, are hereby revised and renumbered as appropriate to reflect the revisions enumerated above.

SECTION 11:

Except as amended by this ordinance, Division 4, Zoning Districts, and Division 7, General Regulations, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, shall remain unchanged and shall continue in full force and effect.

SECTION 12:

This ordinance and any portion of it 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 Section 30514, whichever occurs later; and before the expiration of 15 days after its passage, it, or a summary of it, shall be published once, together with the names of the members of the Board of Supervisors noting 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 _____, 2018, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

DAS WILLIAMS, CHAIR
BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA

ATTEST:

MONA MIYASATO, COUNTY EXECUTIVE OFFICER
CLERK OF THE BOARD

By _____
Deputy Clerk

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI
COUNTY COUNSEL

By _____
Deputy County Counsel