

**ATTACHMENT 3: COUNTY LAND USE AND DEVELOPMENT CODE ORDINANCE
AMENDMENT**

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 35-1, THE COUNTY LAND USE AND DEVELOPMENT CODE, OF CHAPTER 35, ZONING, OF THE SANTA BARBARA COUNTY CODE, BY AMENDING ARTICLE 35.2, ZONES AND ALLOWABLE LAND USES, ARTICLE 35.4, STANDARDS FOR SPECIFIC LAND USES, AND ARTICLE 35.11, GLOSSARY, TO STREAMLINE THE PERMIT PROCESS FOR AGRICULTURAL EMPLOYEE DWELLINGS IN THE AGRICULTURE I AND AGRICULTURE II ZONES IN THE INLAND AREA.

Case No. 18ORD-00000-00002

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 County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to change the Residential section 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:

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 Permit required (2)	
	MCUP	Minor Conditional Use Permit required	
	CUP	Conditional Use Permit required	
	ZC	Zoning Clearance required	
	S	Permit determined by Specific Use Regulations	
	—	Use Not Allowed	
LAND USE (1)	PERMIT REQUIRED BY ZONE		Specific Use Regulations
	AG-I	AG-II	

RESIDENTIAL USES

Agricultural employee housing, 4 or fewer employees	S P	S P	35.42.030
Agricultural employee housing, 5 or more employees	CUP	CUP	35.42.030
Artist studio	P	P	35.42.150
Dwelling, one-family (3)	P	P	
Farmworker dwelling unit	P	P	35.42.135
Farmworker housing complex	P	CUP	35.42.135
Guesthouse	P	P	35.42.150
Home occupation	P	P	35.42.190
Incentive dwelling unit	—	P (4)	35.28.210
Monastery	CUP	CUP	
Residential accessory uses and structures	P	P	35.42.020
Residential second unit - attached (5)	P	—	35.42.230
Residential second unit - detached (5)	P	—	35.42.230
Special care home, 7 or more clients	MCUP	MCUP	35.42.090
Transitional and supportive housing	S	S	35.42.090

Key to Zone Symbols

AG-I	Agriculture I	AG-II	Agriculture II
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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 locations within the Gaviota Coast Plan area; see Section 35.28.210.I.
- (5) Limited to specific locations. See the limitations on location for the use in Chapter 35.42 (Standards for Specific Land Uses).
- (6) See Section 35.42.050.E for special permit requirements and development standards that apply within the Gaviota Coast Plan area.
- (7) See Section 35.42.240.D for special permit requirements and development standards that apply within the Gaviota Coast Plan area.

SECTION 2:

Article 35.4, Standards for Specific Land Uses, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to change Section 35.42.030, Agricultural Employee Dwellings, of Chapter 35.42, Standards for Specific Land Uses, to read as follows:

- A. **Purpose and applicability.** This Section provides standards for agricultural employee dwellings, where allowed by Article 35.2 (Zones and Allowable Land Uses) or Section 35.42.260 (Temporary Uses and Trailers), that are not allowed in compliance with Section 35.42.135 (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 requirement identified in either Article 35.2 (Zones and Allowable Land Uses) or Section 35.42.260 (Temporary Uses and Trailers).~~

<u>Permit Requirements and Development Standards for Agricultural Employee Dwellings</u>			<u>ZC</u> <u>Zoning Clearance</u> <u>LUP</u> <u>Land Use Permit</u> <u>MCUP</u> <u>Minor Conditional Use Permit</u> <u>CUP</u> <u>Conditional Use Permit</u>
<u>Zone</u>	<u>Permit Requirement</u>	<u>Number of Employees</u>	<u>Employment/Location</u>
<u>AG-I</u>	<u>ZC</u> ^{1,2,3,4}	<u>1-4</u>	<u>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.</u>
	<u>LUP</u> ^{2,3,4}	<u>5-9</u>	<u>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.</u>
	<u>MCUP</u>	<u>10-19</u>	<u>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.</u>
	<u>CUP</u>	<u>20 or more</u>	<u>No restriction on location of employment.</u>
<u>AG-II</u>	<u>ZC</u> ^{1,2,3,4}	<u>1-9</u>	<u>No restriction on location of employment.</u>
	<u>LUP</u> ^{2,3,4}	<u>10-24</u>	
	<u>CUP</u>	<u>25 or more</u>	
<u>MT-GAV</u>	<u>MCUP</u>	<u>1-4</u>	<u>Employed full-time in agriculture on the farm or ranch upon which the dwelling(s) is located.</u>
<u>MT-GOL</u>	<u>MCUP</u>	<u>1-4</u>	<u>Employed full-time in agriculture on the farm or ranch upon which the dwelling(s) is located.</u>
<u>CH</u>	<u>See Section 35.24.030</u>		
<u>M-1</u>	<u>See Section 35.25.030</u>		
<u>M-2</u>	<u>See Section 35.25.030</u>		
<u>NTS</u>	<u>MCUP</u>	<u>1-4</u>	<u>Employed full-time in agriculture on the farm or ranch upon which the dwelling(s) is located.</u>
	<u>CUP</u>	<u>5 or more</u>	<u>Employed full-time in agriculture on the farm or ranch upon which the dwelling(s) is located.</u>
<u>All other zones where allowed by Article 35.2, Zones and Allowable Land Uses</u>	<u>MCUP</u>	<u>1-4</u>	<u>Employed full-time in agriculture on the farm or ranch upon which the dwelling(s) is located.</u>

¹ Projects with a water system with 2 to less than 5 connections will also require a LUP and may be subject to environmental review. (See Table 2-1 of Section 35.21.030 of this Development Code.)

² Projects with an individual alternative onsite wastewater treatment system will also require a MCUP and may be subject to environmental review. (See Table 2-1 of Section 35.21.030 of this Development Code.)

³ Projects with a water system with 5 or more connections will also require a MCUP and may be subject to environmental review. (See Table 2-1 of Section 35.21.030 of this Development Code.)

⁴ Projects meeting specified standards will also require a Development Plan and may be subject to environmental review. (See Table 2-1 of Section 35.21.030 of this Development Code.)

C. Location of employment.

1. Use is allowed in compliance with Article 35.2 (Zones and Allowable Land Uses).

- a. AG-II 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 zone.** The employees are engaged full-time in agriculture on the

~~farm or ranch upon which the dwelling is located.~~

~~2. Use is allowed in compliance with Section 35.42.260 (Temporary Uses and Trailers).~~

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

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

1. **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 agricultural use of the land where the work will occur.
2. **Proof of employment.** The applicant provides 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:
 - a. Employer's income tax return.
 - b. Employee's pay receipts.
 - c. Employer's DE-39 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.
 - e.h. A notarized contract document between the employer permittee and the employee which delineates work to be performed and wages to be received states that the occupant of the agricultural employee dwelling is employed in agriculture.
 - i. A description of the employee's job duties.
 - fj. 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, ~~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.
 - 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 ~~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, C.1, C.2, and ~~C.3D~~, above, shall be recorded by the property owner.

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

- 1. 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 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. 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. Additional standards for agricultural employee dwellings allowed in compliance with Article 35.2 (Zones and Allowable Land Uses) that do not require the approval of a Conditional Use Permit. In addition to the development standards listed above, all development associated with the construction of an agricultural employee dwelling allowed in compliance with Article 35.2 (Zones and Allowable Land Uses) that does not require the approval of a Minor Conditional Use Permit or Conditional Use Permit in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits) 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 (Conditional Use Permits and Minor 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.

F. Additional standards for agricultural employee dwellings located in the NTS zone. On a lot zoned NTS:

- a. The minimum gross lot area on which an agricultural employee dwelling may be approved is 100 acres.
- b. An agricultural employee dwelling shall not be allowed in addition to an artist studio, guesthouse or residential second unit.
- c. The gross floor area of an agricultural employee dwelling shall not exceed 1,200 square feet.
- d. Only one Conditional Use Permit that allows additional dwellings housing five or more employees may be allowed within each project site area covered by an approved Final Development Plan.

G. 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 3:

Article 35.42, Standards for Specific Land Uses, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to change the Temporary Dwellings section of Table 4-10, Allowed Temporary Uses and Permit Requirements for Agricultural Zones, of Section 35.42.260, Temporary Uses and Trailers, to read as follows:

Table 4-10 Allowed Temporary Uses and Permit Requirements for Agricultural Zones	E	Allowed use, no permit required (Exempt)			
	ZC	Permitted use, Zoning Clearance required			
	P	Permitted use, Land Use or Coastal Permit required			
	MCUP	Minor Conditional Use Permit required			
	CUP	Conditional Use Permit required			
	S	Permit determined by Specific Use Regulations			
	—	Use Not Allowed			
LAND USE (1)	PERMIT REQUIRED BY ZONE				Specific Use Regulations
	AG-I	AG-I CZ	AG-II	AG-II CZ	

TEMPORARY DWELLINGS

During construction of new dwelling	P	P	P	P	35.42.260.F.15
Trailer (4 or less agricultural employees)	MCUP	MCUP	MCUP	MCUP	35.42.260.G.4
Trailer (5 or more agricultural employees)	—	—	CUP	CUP	35.42.260.G.4
Trailer (watchman during construction)	P	P	P	P	35.42.260.G.15
Trailer(dwelling after destruction of dwelling)	P	P	P	P	35.42.260.G.9
Trailer (dwelling during construction of new dwelling)	P	P	P	P	35.42.260.G.8
Trailer (railroad work camp)	MCUP	MCUP	MCUP	MCUP	35.42.260.G.11
Trailer (watchman)	MCUP	MCUP	MCUP	MCUP	35.42.260.G.14

Key to Zone Symbols

AG-I	Agricultural I	CZ	Coastal Zone
AG-II	Agricultural II		

Notes:

(1) See Article 35.11 (Glossary) for land use definitions.

SECTION 4:

Article 35.42, Standards for Specific Land Uses, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to change Subsection G, Trailer Use, of Section 35.42.260, Temporary Uses and Trailers, to read as follows:

G. Trailer use.

1. **Permit requirements and development standards.** This Section provides the permit requirements and development standards for specific temporary and semi-permanent uses of trailers in addition to the permit requirements and development standards identified in Table 4-10 through Table 4-15.
2. **Limitations on use.** Trailers shall only be allowed for the uses and activities described in this Section, except as otherwise expressly allowed in Article 35.2 (Zones and Allowable Land Uses).
3. **Accessory to a permanent structure.** A trailer may be used as a structure accessory to a permanent structure already on the same site in all zones for a use allowed under the provisions of the applicable zone and regulations of this Development Code, provided:
 - a. The required Minor Conditional Use Permit shall be valid for an initial period not to exceed two years.
 - b. The Minor Conditional Use Permit may be renewed for additional two-year periods subject to the restrictions of this Section and provided the request for the renewal is filed before the expiration date of the previously approved Minor Conditional Use Permit.
 - c. The cumulative time period for the Minor Conditional Use Permits and renewals shall not exceed a maximum of six years unless the review authority finds that:
 - (1) A permanent structure is under construction on the building site to contain the use and replace the trailer; or

- (2) The permanent structure that is being constructed on the building site to contain the use and replace the trailer has an active building permit; or
 - (3) The construction of a permanent structure on the building site to contain the use and replace the trailer is authorized in compliance with a discretionary permit that has not expired.
- d. The trailer, including any foundation, permitted in compliance with this Section shall be promptly removed upon completion of the permanent structure or after the authorized use of the trailer is discontinued.
 - e. The review authority may include, as a condition of approval of the Minor Conditional Use Permit, that a performance security, in a form acceptable to and approved by the County, be deposited with the County to guarantee the removal of the trailer and foundation to ensure compliance with this requirement.
- 4. Agricultural employee dwellings, not including Farmworker Housing.** Not including Farmworker Housing permitted in compliance with Section 35.42.135 (Farmworker Housing), trailers may be used as dwellings for agricultural employees in compliance with Section 35.42.030 (Agricultural Employee Dwellings), ~~and in compliance with the following development standards:~~
- ~~a. The permittee complies with the State Mobile Home Act.~~
 - ~~b. The trailer(s) complies with the applicable setbacks and building separation requirements required for structures of the zone district in which the trailer is located.~~
 - ~~e. The permit includes a condition that the trailer shall be removed from the premises within six months following the discontinuance of use of the premises for agricultural purposes.~~

SECTION 5:

Article 35.11, Glossary, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to change Section 35.110.020, Definitions of Specialized Terms and Phrases, of Chapter 35.10, Definitions, to add definitions of “Park Trailer” and “Manufactured Housing” 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 6:

All existing indices, section references, and figure and table numbers contained in Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, are hereby revised and renumbered as appropriate to reflect the revisions enumerated above.

SECTION 7:

Except as amended by this ordinance, Article 35.2, Zones and Allowable Land Uses, and Article 35.4, Standards for Specific Land Uses, of Section 35-1, the County Land Use and Development Code, of

Chapter 35, Zoning, of the Santa Barbara County Code, shall remain unchanged and shall continue in full force and effect.

SECTION 8:

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 _____, 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