

COUNTY PLANNING COMMISSION
Staff Report
Agricultural Employee Dwelling Ordinance Amendments

Hearing Date: July 11, 2018
Staff Report Date: July 3, 2018
Case Nos.: 18ORD-00000-00002 and
18ORD-00000-00003
Environmental Document: Negative
Declaration, 14NGD-00000-00014

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1.0 REQUEST

Hearing on the request of the Planning and Development Department that the County Planning Commission:

- 1.1 Case No. 18ORD-00000-00002.** Recommend that the Board of Supervisors adopt an ordinance (Case No. 18ORD-00000-00002) amending Article 35.2, Zones and Allowable Land Uses, Article 35.4, Standards for Specific Land Uses, and Article 35.11, Glossary, of Section 35-1, the Santa Barbara County Land Use and Development Code (LUDC), of Chapter 35, Zoning, of the Santa Barbara County Code.
- 1.2 Case No. 18ORD-00000-00003.** Recommend that the Board of Supervisors adopt an ordinance (Case No. 18ORD-00000-00003) amending Division 2, Definitions, Division 4, Zoning Districts, and Division 7, General Regulations, of Article II, the Coastal Zoning Ordinance (Article II), of Chapter 35, Zoning, of the Santa Barbara County Code.
- 1.3 Case Nos. 18ORD-00000-00002 and 18ORD-00000-00003.** Recommend that the Board of Supervisors determine that no subsequent environmental document shall be prepared for this project pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15162.

The proposed amendments will 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.

2.0 RECOMMENDATION AND PROCEDURES

- 2.1 Case No. 18ORD-00000-00002.** Follow the procedures outlined below and recommend that the Board of Supervisors approve Case No. 18ORD-00000-00002 based upon the ability to make the required findings. Your Commission's motion should include the following:
 1. Make the required findings for approval, including California Environmental Quality Act (CEQA) findings, and recommend that the Board of Supervisors make the findings for approval of the proposed amendment, including CEQA findings (Attachment A).
 2. Recommend that the Board of Supervisors, after considering the Negative Declaration (14NGD-00000-00014) adopted for the 2015-2023 Housing Element Update (Housing

Element) (Attachment B), determine that as reflected in the CEQA findings (Attachment A), no subsequent environmental document shall be prepared for this project pursuant to CEQA Guidelines Section 15162.

3. Adopt a resolution recommending that the Board of Supervisors approve Case No. 18ORD-00000-00002, an ordinance amending Article 35.2, Zones and Allowable Land Uses, Article 35.4, Standards for Specific Land Uses, and Article 35.11, Glossary, of Section 35-1, the County Land Use and Development Code (LUDC), of Chapter 35, Zoning, of the Santa Barbara County Code (Attachment C).

2.2 Case No. 18ORD-00000-00003. Follow the procedures outlined below and recommend that the Board of Supervisors approve Case No. 18ORD-00000-00003 based upon the ability to make the required findings. Your Commission's motion should include the following:

1. Make the required findings for approval, including CEQA findings, and recommend that the Board of Supervisors make the findings for approval of the proposed amendment, including CEQA findings (Attachment A).
2. Recommend that the Board of Supervisors, after considering the Negative Declaration (14NGD-00000-00014) adopted for the Housing Element (Attachment B), determine that as reflected in the CEQA findings (Attachment A), no subsequent environmental document shall be prepared for this project pursuant to CEQA Guidelines Section 15162.
3. Adopt a resolution recommending that the Board of Supervisors approve Case No. 18ORD-00000-00003, an ordinance amending Division 2, Definitions, Division 4, Zoning Districts, and Division 7, General Regulations, of Article II, the Coastal Zoning Ordinance (Article II), of Chapter 35, Zoning, of the Santa Barbara County Code (Attachment D).

Please refer the matter to staff if your Commission takes other than the recommended actions for the development of appropriate materials.

3.0 JURISDICTION

3.1 Case No. 18ORD-00000-00002. The County Planning Commission is considering the proposed LUDC amendment pursuant to LUDC Section 35.104.050.B.1. The LUDC requires that the County Planning Commission, as the designated planning agency for the unincorporated area of the county located outside of the Montecito Community Plan Area, review and consider proposed amendments to the LUDC and provide recommendations to the Board of Supervisors.

3.2 Case No. 18ORD-00000-00003. The County Planning Commission is considering the proposed Article II amendment pursuant to Article II Section 35-180.5. Article II requires that the County Planning Commission, as the designated planning agency for the unincorporated area of the county located outside of the Montecito Community Plan Area, review and consider proposed amendments to Article II affecting the Coastal Zone, including the Montecito Community Plan Area, and provide recommendations to the Board of Supervisors.

4.0 ISSUE SUMMARY

The AED ordinance amendments propose to amend the LUDC and Article II to streamline the permit process for AEDs in the AG-I and AG-II zones in the unincorporated areas of the county. On June 6, 2018, the County Planning Commission considered staff's recommended revisions to the proposed LUDC amendments and moved (with a vote of 5-0) to recommend that staff return to the Commission with revised amendments, as discussed in the staff memorandum dated May 29, 2018 (Attachment E).

Accordingly, staff made the following changes to the proposed LUDC amendments (Attachment C):

- Increased the employee occupancy limits for AEDs permitted with a Land Use Permit (LUP), Minor Conditional Use Permit (MCUP), and Conditional Use Permit (CUP) in the AG-I and AG-II zones;
- Removed the full-time and majority full-time on-site employment requirements for AEDs in the AG-II zones; and
- Added language to the AED provisions indicating that a higher level permit (i.e., a LUP or MCUP) and environmental review may be required for the utilities to serve AEDs permitted with a Zoning Clearance (ZC) or LUP. Similar language was added to the proposed Article II amendments to indicate that a MCUP and environmental review may be required for the utilities to serve an AED permitted with a Coastal Development Permit (CDP).

At the direction of the County Planning Commission, staff revised both the proposed LUDC and Article II amendments to allow manufactured homes, mobile homes, and park trailers as temporary or permanent AEDs. Staff also added definitions of "park trailer" and "manufactured home" to the proposed amendments, which were derived from and contain references to the Health and Safety Code.

The County Planning Commission also directed staff to explore the costs associated with adding annual reporting requirements to the AED permit process. Specifically, several Commissioners suggested that the AED ordinance amendments require property owners to annually submit a form which verifies that the AED is being used and occupied as permitted. Staff estimates that such annual reporting would likely involve the following tasks to be completed by staff:

- Creating a database to track AED permits;
- Sending out reminders to property owners prior to the annual form submittal deadline;
- Following up with property owners that do not meet the submittal deadline; and
- Converting and filing the annual forms in digital format.

Though these recurring tasks would not require a substantial amount of staff time, they would likely pose a burden to applicants and provide little to no regulatory benefit to staff. For example, the LUDC and Article II already require applicants to "renew" AED permits every five years from the permit issuance date, which includes submitting documentation of need and the employment status of the

AED occupants. Furthermore, any complaints filed in the interim between renewals are investigated by staff and, if necessary, addressed by Code Enforcement as permit violations. Given the regulatory controls that are currently in place, staff recommends that the proposed AED ordinance amendments should not include additional annual reporting requirements.

5.0 ENVIRONMENTAL REVIEW

On January 20, 2015, the Board of Supervisors adopted the 2015-2023 Housing Element Update and the associated Negative Declaration (14NGD-00000-00014). This negative declaration concluded that the Housing Element, including Programs 1.4 and 2.4, would not result in any significant environmental impacts. Programs 1.4 and 2.4 direct the County to “encourage the development of unit types that are affordable by design, including ... farm employee dwellings” and “evaluate and revise ... procedures which streamline the permit process for farmworker housing,” respectively. The proposed LUDC and Article II amendments implement these programs and satisfy a local need for affordable agricultural employee housing by streamlining the permit process for AEDs.

As discussed in the CEQA Findings (Attachment A), the negative declaration adopted for the Housing Element fulfills the environmental review requirements for the proposed amendments in accordance with 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 LUDC and Article II amendments do not bring forth 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.

6.0 POLICY CONSISTENCY

The Housing Element is one of the mandatory elements of the Comprehensive Plan. The Board of Supervisors adopted the Housing Element after making a finding that it was in conformity with other mandatory and optional elements of the Comprehensive Plan. The Housing Element contains Programs 1.4 and 2.4 along with 35 other programs to carry out the County’s housing goals and policies. Thus, the proposed LUDC and Article II amendments implement and are in conformity with the Comprehensive Plan, including the Housing Element and Coastal Land Use Plan.

Furthermore, the proposed amendments do not allow new land uses, increase permitted densities, or alter the purpose and intent of any policies or development standards of the Comprehensive Plan. In

order for County decision-makers to approve a development permit based on the proposed amendments, the decision-makers would need to determine that the project is consistent with the policies and development standards of the Comprehensive Plan. As part of this process, Planning and Development staff would perform a policy consistency analysis during the review of the application, and County decision-makers would not approve the project unless they can determine it is consistent with applicable policies and the findings required for approval. Therefore, the proposed LUDC and Article II amendments are consistent with the policies of the Comprehensive Plan, including the Coastal Land Use Plan.

7.0 ORDINANCE COMPLIANCE

The proposed amendments are consistent with the remaining portions of the LUDC and Article II which will not be revised by the proposed amendments. In order to approve a development project based on the proposed amendments, County decision-makers would need to determine that the project is consistent with all applicable requirements of the LUDC and Article II. Similar to the discussion in Section 6.0 above, the proposed amendments do not allow new land uses, increase permitted densities, or alter the purpose or intent of the LUDC or Article II. Rather, the proposed amendments reduce the permit requirements for development that is already allowed in specific zones and clarify that mobilehomes, manufactured homes, and park trailers complying with the California Code of Regulations, Title 25, Division 1, Housing and Community Development, may be used as AEDs. Projects based on the proposed amendments would still need to be consistent with LUDC and Article II standards and requirements. Therefore, the proposed amendments are consistent with the LUDC and Article II.

8.0 PROCEDURES

The County Planning Commission may recommend approval, approval with revisions, or denial of the proposed LUDC and Article II amendments to the Board of Supervisors.

9.0 APPEALS PROCEDURE

Ordinance amendments are legislative acts that require final action by the Board of Supervisors. Therefore, the action of the County Planning Commission does not require an appeal for the Board of Supervisors' consideration.

ATTACHMENTS

- A. Findings for Approval (Case Nos. 18ORD-00000-00002 and 18ORD-00000-00003)
- B. Negative Declaration Adopted for the 2015-2023 Housing Element Update (14NGD-00000-00014)
- C. Resolution of the County Planning Commission (Case No. 18ORD-00000-00002)
Exhibit 1 – County Land Use and Development Code Ordinance Amendment
- D. Resolution of the County Planning Commission (Case No. 18ORD-00000-00003)
Exhibit 1 – Article II Coastal Zoning Ordinance Amendment
- E. Staff Memorandum dated May 29, 2018