

**CALIFORNIA COASTAL COMMISSION**

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**DATE:** April 22, 2021

**TO:** Commissioners and Interested Persons

**FROM:** Steve Hudson, Deputy Director  
Barbara Carey, District Manager  
Deanna Christensen, District Supervisor

**SUBJECT:** **County of Santa Barbara Local Coastal Program Amendment No. LCP-4-STB-20-0049-2 (Agricultural Employee Dwelling Ordinance)** for Public Hearing and Commission Action at the May 13, 2021 Commission Meeting

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## SUMMARY OF STAFF RECOMMENDATION

Staff recommends that the Commission, after public hearing, approve Santa Barbara County Local Coastal Program (LCP) Amendment No. LCP-4-STB-20-0049-2 as submitted. The proposed Implementation Plan/Coastal Zoning Ordinance (IP/CZO) amendment is consistent with and adequate to carry out the policies of the County's certified Land Use Plan (LUP). The motion and resolution for Commission action can be found on **page 6**. The proposed amendment includes changes to help streamline the permit process for agricultural employee dwellings, and other updates to the agricultural employee dwelling provisions of the County's certified IP/CZO.

This amendment is a re-submittal of a previous LCP amendment, No. LCP-4-STB-18-0098-3-Part B, which was approved by the Commission with suggested modifications on February 13, 2020. On April 7, 2020, the Santa Barbara County Board of Supervisors considered the Commission's suggested modifications for LCP Amendment No. LCP-4-STB-18-0098-3-Part B and directed County staff revise the approved amendment to change the employment location requirements for agricultural employee dwellings that may be permitted in the County's Agriculture I (AG-I) zone. County staff then coordinated with Commission staff regarding a potential change to the employment location requirements that would satisfy the direction of their Board of Supervisors while also ensuring consistency with the County's certified LUP. On June 2, 2020, the Santa Barbara County Board of Supervisors adopted a new resolution and ordinance to incorporate the Commission's approved suggested modifications regarding LCP Amendment No. LCP-4-STB-18-0098-3-Part B with the exception of a change to modify the employment location requirement for agricultural employee dwellings for 5-9 employees that may be permitted in the AG-I zone with an appealable CDP. Previously, the employees were required to be employed full time on the farm or ranch upon which the dwelling(s) would be located, The County has sought to change this to a majority-time (51% or more) employment requirement on the farm or ranch where the dwelling(s) would be located. This change would allow agricultural employees to split their time amongst multiple farms or ranches.

## LCP-4-STB-20-0049-2 (Agricultural Employee Dwelling Ordinance)

The majority of the Carpinteria valley in the unincorporated area of the County is designated AG-I. Within this area, the County has indicated that it is often infeasible to limit the occupancy of agricultural dwellings to employees who work full-time on the same site as where the dwelling(s) is located given that employees may split their time among a patchwork of farms/properties in common ownership.

Since this change by the County is inconsistent with the suggested modifications approved by the Commission in its February 13, 2020 action, the LCP Amendment was not properly accepted by the County and did not take effect. For this reason, and pursuant to California Code of Regulations (CCR) Section 13544.5, the Commission is treating the County's revised resolution and ordinance as an amendment resubmittal and has assigned it a new LCP Amendment No.: LCP-4-STB-20-0049-2. In addition, after the County's submittal of the revised resolution and ordinance on August 6, 2020, Commission staff and County staff noticed minor errors and omissions in the County's revised ordinance. The County corrected these errors and the County Board of Supervisors adopted a revised resolution and ordinance on February 9, 2021 to replace the one submitted in August 2020. The LCP Amendment now before the Commission therefore consists of the County's original LCP Amendment submittal that was never certified and all of the Commission's modifications suggested by the Commission in February 2020, with the exception of the one employment location change described above and four minor corrections within amended sections of the IP/CZO to ensure internal LCP consistency.

The County has indicated that high labor demand and a housing shortage countywide have created a significant need for affordable housing for agricultural employees and their families. The proposed amendment request includes changes to help encourage the development of, and streamline the permit process for, agricultural employee dwellings. Such streamlining is consistent with the Commission's environmental justice policy (EJ Policy), which recognizes that provision of affordable housing and agricultural worker housing are environmental justice issues, and that such housing should be encouraged in the coastal zone. However, the EJ Policy also states that housing must be encouraged in a manner that fully meets Coastal Act and LCP requirements.

Currently, the LCP permits agricultural employee dwellings in the Agriculture I (AG-I) and Agriculture II (AG-II) zones with a CDP and either a conditional use permit (CUP) or minor CUP, depending on the number of employees occupying the dwellings. When a CUP is required in addition to a CDP, the time and cost of permit processing is greater. The proposed amendment would eliminate the need for a minor CUP and CUP for agricultural employee dwellings that accommodate less than 10 employees in the AG-I zone or less than 25 employees in the AG-II zone to help streamline the permit process. The proposed amendment also includes changes to make it clear when agricultural employee dwellings are considered a part of the "principal permitted use" of a property. This is important because Coastal Act Section 30603(a)(4) provides that County CDPs for development designated as the "principal permitted use" under the IP/CZO are not appealable to the Commission. A principal permitted use is a use that clearly carries out the designated land use and the intent and purpose of a particular zone. For example, the principal permitted use on land zoned for agriculture would be agricultural activities that include, but are not limited to, forms of cultivated agriculture, grazing, and ancillary agricultural accessory structures, while the principal permitted use on land zoned as residential would be

residential structures. Although some residential-type uses are essential to, or supportive of, continued agricultural use of the property, and thus may be considered a component of the agricultural principal permitted use, larger-scale housing may not be appropriate or compatible with agricultural uses. The proposed amendment, as submitted, appropriately specifies which types of agricultural employee dwellings shall be considered part of the agricultural principal permitted use.

The proposed amendment would also ensure that agricultural employee dwellings are sited in a manner that is consistent with the agricultural resource protection policies of the County's LUP, including Coastal Act Policies 30241 and 30242 (which are incorporated in the LUP as guiding policies). Currently, the LCP requires that agricultural employee dwellings avoid all prime agricultural soils. However, this existing provision does not address the preservation of non-prime lands suitable for agricultural use, as required by Coastal Act Section 30242. Also, since dwellings for agricultural employees are generally necessary for the continued use and operation of agricultural land, siting such structures to completely avoid prime and non-prime land suitable for agriculture is not always feasible. The proposed amendment would clarify that agricultural employee dwellings shall be sited and designed to: (1) avoid prime soils *and* non-prime land suitable for agriculture to the maximum extent feasible, and (2) maintain the long-term viability of agricultural resources and operations on the property and adjacent agricultural lands. As proposed, the amendment would ensure that prime agricultural soils and other land suitable for agriculture in the County's coastal zone are preserved consistent with the policies in the certified LUP.

In addition, the proposed amendment would modify the employment location requirements so that the larger scale agricultural employee dwellings that allow greater employment location flexibility would require a higher level discretionary permit due to their potential to undermine the protection of agricultural land by taking more land out of agricultural production for housing. For dwellings that accommodate one to four employees with the lowest level permit (non-appealable CDP) in the AG-I and AG-II zones, full-time employment in agriculture on the farm or ranch where the dwellings are located would be required. Dwellings for 5-19 employees in the AG-I zone and dwellings for 5-24 employees in the AG-II zone that require an appealable CDP (or Minor CUP in addition to an appealable CDP) would require full-time employment in agriculture, the majority of which (51% or more) must occur on the farm or ranch where the dwellings would be located. Dwellings for 20 or more employees in the AG-I zone and dwellings for 25 or more employees in the AG-II zone that require the highest level permit (a CUP in addition to a CDP) would have no restriction on location of employment relative to the location of the dwellings. As proposed, the changes would ensure that employee housing would be supportive of the coastal agricultural lands where it is located, and would avoid creating a disproportionate increase in employee housing relative to agricultural land uses. For the reasons described in this report, staff recommends that the Commission find the proposed IP/CZO amendment, as submitted, is consistent with and adequate to carry out the policies of the certified LUP. In addition, the proposed amendment encourages agricultural employee housing in a manner that meets Coastal Act Section 30604(h) and the Commission's EJ Policy.

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### EXHIBIT

[Exhibit 1 – County of Santa Barbara Ordinance No. 5129 - Proposed Amendment Text \(strike-out and underline version\)](#)

## **I. PROCEDURAL REQUIREMENTS**

### **A. Standard of Review**

The Coastal Act provides:

**The local government shall submit to the Commission the zoning ordinances, zoning district maps, and, where necessary, other implementing actions that are required pursuant to this chapter...**

**...The Commission may only reject ordinances, zoning district maps, or other implementing action on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. If the Commission rejects the zoning ordinances, zoning district maps, or other implementing actions, it shall give written notice of the rejection, specifying the provisions of the land use plan with which the rejected zoning ordinances do not conform, or which it finds will not be adequately carried out, together with its reasons for the action taken. (Section 30513)**

**The Commission may suggest modifications... (Section 30513)**

The standard of review for the proposed amendment to the Implementation Plan/Coastal Zoning Ordinance (IP/CZO) component of the County of Santa Barbara's certified Local Coastal Program (LCP), pursuant to Sections 30513 and 30514 ("proposed amendments to a certified [LCP] shall be submitted to, and processed by, the commission in accordance with the applicable procedures ... specified in Sections 30512 and 30513...") of the Coastal Act, is that the Commission must approve it unless the proposed IP/CZO amendment is not in conformance with, or is inadequate to carry out, the provisions of the Land Use Plan (LUP) portion of the certified County of Santa Barbara LCP. All Chapter 3 policies of the Coastal Act have been incorporated in their entirety in the certified County of Santa Barbara LUP as guiding policies pursuant to Policy 1-1 of the LUP.

### **B. Procedural Requirements**

If the Commission certifies the LCP amendment as submitted, no further Board of Supervisors action will be necessary pursuant to Section 13544(b)(2) of Title 14 of the California Code of Regulations. Should the Commission deny the LCP Amendment, as submitted, without suggested modifications, no further action is required by either the Commission or the Board of Supervisors, and the LCP amendment is not effective, pursuant to Section 13542(f). Should the Commission deny the LCP Amendment, as submitted, but then approve it with suggested modifications, then the Board of Supervisors may consider accepting the suggested modifications and submitting them by resolution to the Executive Director for a determination that the Board of Supervisors' acceptance is consistent with the Commission's action. In that scenario, pursuant to Section 13544(c) of Title 14 of the California Code of Regulations, the modified LCP

Amendment will become final at a subsequent Commission meeting if the Commission concurs with the Executive Director's Determination that the Board of Supervisors' action in accepting the suggested modifications approved by the Commission for this LCP Amendment is legally adequate. If the Board of Supervisors does not accept the suggested modifications within six months of the Commission's action, then the LCP amendment remains uncertified and not effective within the coastal zone.

### **C. Public Participation**

Section 30503 of the Coastal Act requires the provision of maximum opportunities for public input in preparation, approval, certification and amendment of any LCP. The County held a series of public hearings regarding the amendment. The hearings were noticed to the public consistent with Section 13515 of Title 14 of the California Code of Regulations. Notice of the Commission's consideration of the subject amendment has been distributed to all known interested parties.

## **II. STAFF RECOMMENDATION, MOTION, AND RESOLUTION FOR CERTIFICATION OF THE IMPLEMENTATION PLAN AMENDMENT AS SUBMITTED**

Following public hearing, staff recommends the Commission adopt the following resolution and finding.

### **Motion:**

**I move that the Commission reject County of Santa Barbara Implementation Plan Amendment No. LCP-4-STB-20-0049-2 as submitted.**

### **Staff Recommendation of Certification as Submitted:**

Staff recommends a **NO** vote. Failure of this motion will result in certification of the Implementation Program as submitted and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

### **Resolution to Certify the Implementation Plan Amendment as Submitted:**

The Commission hereby **certifies** the County of Santa Barbara's Implementation Plan/Coastal Zoning Ordinance Amendment No. LCP-4-STB-20-0049-2, as submitted, and adopts the findings set forth below on grounds that the Implementation Plan Amendment, as submitted, conforms with, and is inadequate to carry out, the provisions of the certified Land Use Plan, and certification of the Implementation Plan will meet the requirements of the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Program on the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially

lessen any significant adverse impacts on the environment that will result from certification of the Implementation Program.

### **III. FINDINGS FOR CERTIFICATION OF THE AMENDMENT AS SUBMITTED**

The following findings support the Commission’s certification of the proposed Implementation Plan/Coastal Zoning Ordinance (IP/CZO) Amendment as submitted. The Commission hereby finds and declares as follows:

#### **A. Amendment Description**

Santa Barbara County is requesting an amendment to the Implementation Plan/Coastal Zoning Ordinance (IP/CZO) portion of its certified Local Coastal Program (LCP) to modify existing development standards and permit requirements for agricultural employee dwellings in order to help streamline the permit process for such dwellings (Exhibit 1). Agriculture is a dominant land use and a significant production industry in Santa Barbara County. The south coast areas of the County produce cut flowers and nursery products, avocados, citrus, row crops, exotic fruits, and cannabis. The combination of mild climatic conditions, prime agricultural soils, available water sources, and proximity to major markets, makes the area a valuable agricultural resource. Farther north, the Gaviota Coast supports avocado, nut, citrus and exotic fruit orchards, and cattle grazing. The primary land use in the North Gaviota Coast is cattle grazing.

There are two general categories of agricultural employee housing provided for in the County’s existing LCP—“farmworker housing” and “agricultural employee dwellings.” “Farmworker housing” is addressed in IP/CZO Section 35-144.P of the County’s LCP and is regulated by the County and the California Department of Housing and Community Development (HCD) in compliance with the State Employee Housing Act, which is codified in Sections 17000 through 17062.5 of the California Health and Safety Code. Farmworker housing dwellings that provides accommodations for six or fewer employees and their families are allowed in residential zones, subject to the same permit requirement as a single family residence. Farmworker housing dwellings and complexes that consists of no more than 36 beds in a group quarters or 12 units or spaces designed for use by a single family or household are allowed in agricultural zones (and other zones where agricultural uses are permitted), subject to the same permit requirements as other agricultural uses. The County updated its LCP provisions regarding State-regulated farmworker housing to comply with the State Employee Housing Act through an LCP amendment that was certified by the Commission in 2016. Those farmworker housing provisions of the LCP are not a part of the subject amendment request.

“Agricultural employee dwellings” are addressed in IP/CZO Section 35-144.R of the County’s LCP and are only regulated by the County (not subject to State employee housing regulations and not required to house employee families). Currently, the LCP permits agricultural employee dwellings in the Agriculture I (AG-I) and Agriculture II (AG-II) zones with a conditional use permit or minor conditional use permit, depending

on the number of employees occupying the dwellings. The majority of privately owned land under the County's jurisdiction is zoned one of these two agricultural zoning designations. AG-I is used to designate lands for long-term agricultural use within or adjacent to urbanized areas and to preserve prime agricultural soils, such as the high return, specialty crop areas within the urbanized portion of the County's south coast. The majority of the Carpinteria valley in the unincorporated area of the County is designated AG-I. AG-II is used to designate large prime and non-prime agricultural lands in the rural areas of the County and to preserve prime and non-prime soils for long-term agricultural use. The ranches and large scale grazing operations typical of the rural area from Ellwood to Gaviota, the Hollister and Bixby Ranches, and North Coast are designated as AG-II.

In the AG-I and AG-II zones, dwellings for one to four agricultural employees currently requires a coastal development permit (CDP) and a minor conditional use permit (MCUP), and dwellings for five or more agricultural employees currently requires a CDP and a conditional use permit (CUP). The only exception is in the area of the County covered by Gaviota Coast Plan, in which dwellings for one to four agricultural employees do not require a minor conditional use permit (only a coastal development permit is required). The Gaviota Coast Plan was certified by the Commission in November 2018 and functions as a stand-alone area plan that is a component of the County's LCP.

Conditional Use Permits are a mechanism used by local governments to require special consideration of certain uses within each zoning designation. When a conditional use permit is required in addition to a coastal development permit for a development project in the coastal zone, the time and cost of permit processing is greater. The County has indicated that high labor demand and a housing shortage countywide have created a significant need for affordable housing for agricultural employees and their families. The intent of the proposed amendment request is to help streamline the permit process for agricultural employee dwellings by eliminating the need for a minor conditional use permit and conditional use permit for dwellings that accommodate less than 10 employees in the AG-I zone and for dwellings that accommodate less than 25 employees in the AG-II zone.

The proposed amendment would also modify the employment location requirements for agricultural employee dwellings at each permit level. Currently, for agricultural employee dwellings allowed with the lowest level permit (CDP only in Gaviota Coast Plan or CDP with MCUP in all other areas) in each of the agricultural zones, employees are required to be employed full-time in agriculture on the farm or ranch where the dwelling would be located. There is currently no restriction on employment location for the highest level permit (CDP with CUP) in each of the agricultural zones. The proposed amendment would retain this full-time, on-site employment location requirement for the lowest level permit (non-appealable CDP only) in the AG-I and AG-II zones. The proposed amendment would also modify the employment location requirements such that dwellings for 5-9 employees (appealable CDP) and dwellings for 10-19 employees (appealable CDP with a MCUP) in the AG-I zone, and dwellings for 5-24 employees (appealable CDP) in the AG-II zone, would require full-time employment in agriculture, the majority of which (51% or more) must occur on the farm or ranch where the

dwellings would be located. Dwellings for 20 or more employees in the AG-I and dwellings for 25 or more employees in the AG-II zone (appealable CDP with CUP) would have no restriction on location of employment relative to the location of the dwellings. Below is a table to summarize how the proposed permit requirements for agricultural employee dwellings compare to the existing permit requirements of the certified LCP.

<b>Agricultural Employee Dwellings in Agriculture I (AG-I) Zone</b>			
<b>Existing IP/CZO</b>	<u>1-4 Employees</u>		<u>5 + Employees</u>
	<ul style="list-style-type: none"> <li>- CDP and Minor Conditional Use Permit (MCUP)</li> <li>- requires full-time on-site employment</li> </ul>		<ul style="list-style-type: none"> <li>- CDP and Conditional Use Permit (CUP)</li> <li>- no restriction on employment location</li> </ul>
<b>Proposed Amendment</b>	<u>1-4 Employees</u>	<u>5-19 Employees</u>	<u>20 + Employees</u>
	<ul style="list-style-type: none"> <li>- CDP only</li> <li>- requires full-time on-site employment</li> </ul>	<ul style="list-style-type: none"> <li>- CDP for 5-9 employees</li> <li>- CDP and MCUP for 10-19 employees</li> <li>- requires majority (51% or more) time on-site employment</li> </ul>	<ul style="list-style-type: none"> <li>- CDP and CUP</li> <li>- no restriction on employment location</li> </ul>
<b>Agricultural Employee Dwellings in Agriculture II (AG-II) Zone</b>			
<b>Existing IP/CZO</b>	<u>1-4 Employees</u>		<u>5 + Employees</u>
	<ul style="list-style-type: none"> <li>- CDP and MCUP*</li> <li>- requires full-time on-site employment</li> </ul> <p>*CDP only in Gaviota Coast Plan area</p>		<ul style="list-style-type: none"> <li>- CDP and CUP</li> <li>- no restriction on employment location</li> </ul>
<b>Proposed Amendment</b>	<u>1-4 Employees</u>	<u>5-24 Employees</u>	<u>25 + Employees</u>
	<ul style="list-style-type: none"> <li>- CDP only</li> <li>- requires full-time on-site employment</li> </ul>	<ul style="list-style-type: none"> <li>- CDP only</li> <li>- requires majority (51% or more) time on-site employment</li> </ul>	<ul style="list-style-type: none"> <li>- CDP and CUP</li> <li>- no restriction on employment location</li> </ul>

The proposed amendment would also re-organize existing Section 35-144.R (Agricultural Employee Dwellings) of the certified IP/CZO; add a new permit requirement table in IP/CZO Section 35-144.R for agricultural employee dwellings; update the permit requirement table (Table 18-2) in IP/CZO Section 35-430 (Gaviota Coast Plan Overlay) to reflect the agricultural employee dwelling permit requirements of amended Section 35-144.R; update the proof of employment submittal requirements, minimum size requirements, and required findings for agricultural employee dwellings in Section 35-144.R; clarify that mobile homes, manufactured homes, and park trailers may be used for agricultural employee dwellings to comply with State law; and add definitions for “park trailer” and “manufactured home” that comply with the California Health and Safety Code.

## **B. Background**

This amendment is a re-submittal of a previous LCP amendment, No. LCP-4-STB-18-0098-3-Part B, which was approved by the Commission with suggested modifications on February 13, 2020. On April 7, 2020, the Santa Barbara County Board of Supervisors considered the Commission’s approved suggested modifications for LCP Amendment No. LCP-4-STB-18-0098-3-Part B and directed County staff to revise the approved amendment to change the employment location requirements for agricultural employee dwellings that may be permitted in the County’s Agriculture I (AG-I) zone.

County staff then coordinated with Commission staff regarding a potential change to the employment location requirements that would satisfy the direction of their Board of Supervisors while also ensuring consistency with the County’s certified LUP. On June 2, 2020, the Santa Barbara County Board of Supervisors adopted a new resolution and ordinance to incorporate the Commission’s approved suggested modifications regarding LCP Amendment No. LCP-4-STB-18-0098-3-Part B, with the exception of a change to modify the employment location requirement for agricultural employee dwellings for 5-9 employees that may be permitted in the AG-I zone with an appealable CDP from full time employment on the farm or ranch upon which the dwelling(s) would be located, to majority-time (51% or more) employment on the farm or ranch where the dwelling(s) would be located in order to allow agricultural employees to split their time amongst multiple farms or ranches. The majority of the Carpinteria valley in the unincorporated area of the County is designated AG-I, and within this area, the County has indicated that it is often infeasible to limit the occupancy of agricultural dwellings to employees who work full-time on the same site as where the dwelling(s) is located given that employees may split their time among a patchwork of farms/properties in common ownership.

Since this change by the County is inconsistent with the suggested modifications approved by the Commission in its February 13, 2020 action, the LCP Amendment was not properly accepted by the County and did not take effect. For this reason, and pursuant to California Code of Regulations (CCR) Section 13544.5, the Commission is

treating the County's revised resolution and ordinance as an amendment resubmittal and has assigned it a new LCP Amendment No.: LCP-4-STB-20-0049-2.

In addition, after the County's submittal of the revised resolution and ordinance on August 6, 2020, Commission staff and County staff noticed minor errors and omissions in the County's revised ordinance. The County corrected these errors and the County Board of Supervisors adopted a revised resolution and ordinance on February 9, 2021 to replace the one submitted in August 2020. The LCP Amendment now before the Commission therefore consists of the County's original LCP Amendment submittal that was never certified and all of the Commission's suggested modifications from its February 2020 action, with the exception of the one employment location change described above and four minor corrections within amended sections of the IP/CZO to ensure internal LCP consistency.

### **C. Consistency Analysis**

Pursuant to Sections 30513 and 30514 of the Coastal Act, the standard of review for the proposed amendment to the Implementation Plan/Coastal Zoning Ordinance (IP/CZO) portion of the certified LCP is whether the proposed amendment would be in conformance with, and adequate to carry out, the provisions of the certified Land Use Plan (LUP) component of the certified LCP.

The County's LUP contains a number of policies aimed at the protection of a range of housing opportunities (Policies 5-1 through 5-10). Policies 2-1 and 2-6 of the County's LUP require that new development must ensure that adequate services (i.e., water, sewer, roads, etc.) are available. In addition, Policy 2-12 of the LUP provides that the densities specified in the land use plan are maximums and shall be reduced if it is determined that such reduction is warranted by site specific conditions to ensure consistency with the other policies of the LCP. In addition, all Chapter 3 policies of the Coastal Act have been incorporated in their entirety in the certified County LUP as guiding policies pursuant to Policy 1-1 of the LUP. In order to ensure that new development is sited in areas able to accommodate it and where it will not have significant cumulative impacts on coastal resources, as required by Section 30250 of the Coastal Act (incorporated by reference into the certified LUP), the siting and design of new development must adhere to the requirements of other applicable policies of the certified LUP. Such policies include, but are not limited to, policies and provisions regarding coastal protection and the protection of agricultural productivity, bluff top development, environmentally sensitive habitat areas, public access, visual resources, and shoreline processes and development.

The County's existing certified LCP allows farmworker housing and agricultural employee dwellings in many of the County's zoning designations that allow residential and agricultural land uses. The proposed amendment includes changes to help streamline the permit process for agricultural employee dwellings. However, future development of farmworker housing and agricultural employee dwellings would still require compliance with the Coastal Development Permit provisions of the LCP, and individual projects within the coastal zone must be consistent with all of the applicable

policies and provisions of the certified LCP including those pertaining to coastal resource protection.

The Commission's environmental justice policy (EJ Policy) recognizes that affordable housing and agricultural worker housing is an environmental justice issue and a priority that is to be encouraged in the coastal zone. The Commission's EJ Policy also states that the provision of housing cannot be permitted at the expense of coastal resource protection:

The Commission recognizes the myriad laws and regulations that regulate housing, including those that dictate the kinds and amounts of housing that local governments must provide in their communities. **Implementation of these housing laws must be undertaken in a manner fully consistent with the Coastal Act.** The Commission will work with local governments to adopt local coastal program policies that allow for a broad range of housing types including affordable housing, ADUs, transitional/supportive housing, homeless shelters, residential density bonuses, farmworker housing, and workforce/employee housing, **in a manner that protects coastal resources consistent with Chapter 3 of the Coastal Act.** (Emphasis added.)

**1. Siting of Agricultural Employee Dwellings and Protection of Agricultural Resources**

The proposed amendment would modify a required finding specific to agricultural employee dwellings in the existing IP/CZO that currently requires such dwellings to avoid all prime agricultural soils. The policies of the Santa Barbara County LCP and Coastal Act provide for the protection of agricultural resources and the continuation of coastal agriculture on prime agricultural lands. Coastal Act Section 30241 requires preservation of the maximum amount of prime agricultural land, and Coastal Act Section 30242 requires the preservation of lands suitable for agricultural use and limits the conversion of agricultural lands to non-agricultural uses. In comparison to Section 30241 and its focus on conversions of prime agricultural lands around the urban fringe and creating a stable urban-rural boundary, Coastal Act Section 30242 addresses conversions of any land suitable for agriculture in all locations—i.e., including in rural locations without conflicts “between agricultural and urban land uses.” Section 30242 includes no direct requirement for considering the resulting stability of the urban limit and in general provides a different standard of review than does Section 30241(b). Notably, Section 30242 does not deal with “agricultural land,” but rather with “all other lands suitable for agriculture.” One of the tests for conversion of such land is that agricultural use cannot feasibly be continued or renewed. This wording indicates that the policy was intended to be broadly applied, even to rural land that is not currently in agricultural use. These Coastal Act policies are incorporated into the County's LUP pursuant to Policy 1-1. In addition, Policies 8-1, 8-2, and 8-4 of the County's LUP provide for the designation of agricultural lands and limit the conversion of agricultural land uses to non-agricultural land uses.

The required finding specific to agricultural employee dwellings in the existing LCP does not address the preservation of non-prime lands suitable for agricultural use, as

required by Section 30242, and only requires that such dwellings shall avoid all prime agricultural soils. While agricultural employee housing is supportive of agricultural uses, the development of such structures can also harm the long-term productivity of agricultural soils and land suitable for agriculture. The cumulative effect of these structures may encourage urbanization or industrialization of an area. However, since dwellings for agricultural employees are generally necessary for the continued use and operation of agricultural land, siting such structures to completely avoid prime and non-prime land suitable for agriculture is not always feasible. The proposed amendment would ensure that prime agricultural soils *and* other land suitable for agriculture are preserved in the County's coastal zone by changing the required finding specific to agricultural employee dwellings to clarify that agricultural employee dwellings shall be sited and designed to: (1) avoid prime soils *and* non-prime land suitable for agriculture to the maximum extent feasible, and (2) maintain the long-term viability of agricultural resources and operations on the property and on adjacent agricultural lands. This change is consistent with the agricultural resource protection policies of the certified LUP.

## **2. Permit Requirements for Agricultural Employee Dwellings**

The proposed amendment would modify existing permit requirements for agricultural employee dwellings in order to help streamline the permit process for such dwellings in the County's agricultural zones. The County's certified LCP currently allows agricultural employee dwellings subject to either a conditional use permit or minor conditional use permit (in addition to the required CDP). Dwellings for one to four agricultural employees currently requires a minor conditional use permit (MCUP), and dwellings for five or more agricultural employees currently requires a conditional use permit (CUP). The only exception is in the area of the County covered by the Gaviota Coast Plan, in which dwellings for one to four agricultural employees do not require a minor conditional use permit (only a CDP is required). CUPs are a mechanism used by local governments to require special consideration of certain uses within each zoning designation. When a CUP is required in addition to a CDP for a development project in the coastal zone, the time and cost of permit processing is greater.

The proposed amendment would eliminate the need for a minor CUP and CUP for dwellings that accommodate less than 10 employees in the AG-I zone and for dwellings that accommodate less than 25 employees in the AG-II zone. The proposed amendment adds a new permit requirement table for agricultural employee dwellings to existing Section 35-144.R (Agricultural Employee Dwellings) of the certified IP/CZO. The table identifies the type of permit required in each zone designation for agricultural employee dwellings of various magnitudes that is based on number of employees that can be accommodated. The proposed table provides clarity regarding when such dwellings are considered the "principal permitted use" pursuant to Section 30603(a)(4).

Section 30603(a)(4) of the Coastal Act requires that all development within the coastal zone of a coastal county be appealable to the Coastal Commission unless the development is designated as the "principal permitted use" under the zoning ordinance or zoning district map. A principal permitted use is a use that clearly carries out the designated land use and the intent and purpose of a particular zone. For example, the

principal permitted use on land zoned for agriculture would be agricultural activities that include, but are not limited to, forms of cultivated agriculture, grazing, and ancillary agricultural accessory structures, while the principal permitted use on land zoned as residential would be residential structures. However, there are a range of uses that are agricultural in nature and some residential-type uses that are essential to, or supportive of, continued agricultural use of the property and may be considered a component of the agricultural principal permitted use. Some uses may be appropriate or compatible with agricultural uses, but the permit processing procedures may vary depending on the type, magnitude, and location of development.

The proposed amendment specifies what types of agricultural employee dwellings are part of the principal permitted use in each zone designation they are allowed for the purposes of Section 30603(a)(4). This issue was addressed for the Gaviota Coast area already when the Gaviota Coast Plan was certified as a component of the LCP in 2018. Agriculture is the main land use on the Gaviota Coast, with approximately 77% of land zoned for agriculture (AG-II). In the Gaviota Coast Plan and its implementation measures, agricultural employee dwellings for one to four agricultural employees is identified as a component of the agricultural principal permitted use (and therefore a CDP for this use would not be appealable to the Commission). The proposed amendment that is the subject of this staff report does not propose to change the specific Gaviota Coast Plan permit requirement provisions. However, the County is proposing to change the general agricultural employee dwelling permit requirement provisions that would apply throughout the County's coastal zone. As with the Gaviota Coast Plan, dwellings that accommodate one to four agricultural employees would be considered a component of the agricultural principal permitted use under the proposed amendment, and thus, not appealable to the Coastal Commission. The permit levels proposed by the County that are based on the number of employees the dwellings can accommodate would be retained, which means that a conditional use permit or minor conditional use permit would no longer be required for dwellings that accommodate less than 10 employees in the AG-I zone and dwellings that accommodate less than 25 employees in the AG-II zone.

Although an appealable CDP would still be required for dwellings that accommodate 5-9 employees in the AG-I zone, and 5-24 employees in the AG-II zone, the County's LCP includes a provision that allows for the public hearing requirement to be waived for qualifying development that is appealable to the Commission. To qualify, the County must determine that the development is consistent with the certified LCP, requires no discretionary approvals other than the subject Coastal Development Permit, and has no individual or cumulative adverse effect on coastal resources or public access to and along the coast.

The permit levels proposed by the County for agricultural employee dwellings will serve to streamline the permit process and reduce costs for applicants. The requirement that larger scale dwellings are subject to a MCUP or CUP in the agricultural zones, as proposed by the County, recognizes that there is the potential to undermine the protection of agricultural land by taking land out of agricultural production, and thus such projects require greater scrutiny. However, agricultural employee housing development proposals at all permit levels must still be consistent with the policies and provisions of

the LCP.

The proposed amendment would also modify the employment location requirements for agricultural employee dwellings at each permit level. Currently, agricultural employee dwellings allowed with the lowest level permit (CDP with MCUP) in each of the agricultural zones are required to be employed full-time in agriculture on the farm or ranch where the dwelling would be located. There is currently no restriction on employment location for the highest level permit (CDP with CUP) in each of the agricultural zones. The proposed amendment would retain this full-time, on-site employment location requirement for the lowest level permit (non-appealable CDP only) in the AG-I and AG-II zones. The proposed amendment would also modify the employment location requirements such that dwellings for 5-9 employees (appealable CDP) and dwellings for 10-19 employees (appealable CDP with a MCUP) in the AG-I zone, and dwellings for 5-24 employees (appealable CDP) in the AG-II zone, would require full-time employment in agriculture, the majority of which (51% or more) must occur on the farm or ranch where the dwellings would be located. Dwellings for 20 or more employees in the AG-I zone and dwellings for 25 or more employees in the AG-II zone (appealable CDP with CUP) would have no restriction on location of employment relative to the location of the dwellings.

AG-I designated lands are for long-term agricultural use within or adjacent to urbanized areas. This designation is meant to preserve prime agricultural soils, such as the high return, specialty crop areas within the urbanized portion of the County's south coast. The majority of the Carpinteria valley in the unincorporated area of the County is designated AG-I. The AG-II designation is reserved for large prime and non-prime agricultural lands in the rural areas of the County from Ellwood to Gaviota, the Hollister and Bixby Ranches, and the County's north coast. The rationale for the proposed employment location requirement changes for the smaller scale agricultural employee dwellings in the AG-I and AG-II zones is that it is often infeasible to limit the occupancy of agricultural dwellings to employees who work full-time on the same site as where the dwelling(s) is located given that employees may split their time among a patchwork of farms/properties in common ownership. As proposed, the larger scale agricultural employee dwellings that allow greater employment location flexibility would require a higher level discretionary permit due to their potential to undermine the protection of agricultural land by taking more land out of direct agricultural production for housing. The proposed amendment would ensure that employee housing would be supportive of the coastal agricultural lands where it is located, and would avoid creating a disproportionate increase in employee housing relative to agricultural land uses. The Commission finds that these proposed changes are consistent with and adequate to carry out the policies of the LUP.

Lastly, the County also proposes to re-organize existing Section 35-144.R (Agricultural Employee Dwellings) of the certified IP/CZO; update the proof of employment submittal requirements and minimum size requirements for agricultural employee dwellings; clarify that mobile homes, manufactured homes, and park trailers may be used for agricultural employee dwellings to comply with State law; and add definitions for "park trailer" and "manufactured home" that comply with the California Health and Safety Code. The proposed amendment also includes other minor changes to the permit

requirement table in proposed Section 35-144R of the amendment request, and the permit requirement Table 18-2 in Section 35-430 (Gaviota Coast Plan Overlay Table), to ensure internal LCP consistency. These changes would not fundamentally alter the intent of the existing IP/CZO and would not affect the consistency of the IP/CZO with the policies of the LUP or its ability to carry out any of the other provisions of the LUP. Therefore, the Commission finds that these proposed changes are consistent with and adequate to carry out the policies of the LUP. In conclusion, for the reasons discussed above, the Commission finds the proposed IP/CZO amendment, as submitted, conforms with, and is adequate to carry out, the applicable policies of the certified Land Use Plan.

## **D. California Environmental Quality Act**

Section 21080.9 of the California Public Resources Code—within the California Environmental Quality Act (CEQA)—exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its activities and approvals necessary for the preparation and adoption of local coastal programs (LCPs) and LCP amendments. Instead, the CEQA responsibilities are assigned to the Coastal Commission; however, the Commission's LCP review and approval program has been found by the Secretary of the Natural Resources Agency to be functionally equivalent to the EIR process. Thus, under CEQA Section 21080.5, the Commission is relieved of the responsibility to prepare an EIR for each LCP or LCP amendment action.

Nevertheless, the Commission is required, in approving an LCP or LCP amendment submittal, to find that the approval of the proposed LCP, as amended, does conform with CEQA provisions, including the requirement in CEQA section 21080.5(d)(2)(A) that the amended LCP will not be approved or adopted as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. 14 C.C.R. §§ 13540(f) and 13555(b). In fulfilling that review, this report has discussed the relevant coastal resource issues with the proposed LCP amendment, and has concluded that approval is not expected to result in any significant environmental effects, including as those terms are understood in CEQA.

Thus, it is unnecessary for the Commission to suggest modifications (including through alternatives and/or mitigation measures) as there are no significant adverse environmental effects due to approval of the proposed LCP amendment that would necessitate such changes. Thus, the proposed LCP amendment will not result in any significant adverse environmental effects for which feasible mitigation measures have not been employed, consistent with CEQA Section 21080.5(d)(2)(A). In addition, the proposed amendment includes all feasible measures to ensure that potentially significant environmental impacts of new development are minimized to the maximum extent feasible consistent with the requirements of the Coastal Act. These findings represent the Commission's analysis and consideration of all significant environmental issues raised in public comments received, including with regard to potential direct and cumulative impacts of the proposed amendment, as well as potential alternatives to it.