



CHAPTER 13.10 ZONING REGULATIONS

PART VI. REGULATIONS FOR SPECIAL USES

ARTICLE III. AGRICULTURAL USES

This article is amended to add and regulate modern agricultural uses and ancillary uses that may occur in agricultural areas, allowing for continued economic viability for agricultural establishments. New regulations wineries, breweries and distilleries, hoop houses, farmstays/homestays, produce stands, and other ancillary uses, are included. Animal regulations are moved to SCCC 13.10.645-649.

- 13.10.631 Farmworker (agricultural employee) housing.
- 13.10.632 Agricultural processing and storage facilities.
- 13.10.633 Agricultural service establishments Agri-tourism and education.
- 13.10.634 Agriculture within structures. [no change]
- 13.10.635 ~~Recycled water facilities for the production of recycled municipal wastewater for agricultural irrigation use.~~ Storage of agricultural equipment or supplies.
- 13.10.636 Greenhouses and hoop houses.
- 13.10.637 Wineries, breweries and distilleries in the RR, RA, CA, and A zone districts.
- 13.10.638 ~~Agricultural custom work occupations~~ Agricultural service establishments.
- 13.10.639 ~~Sanitary landfill as interim use.~~ Outdoor container-grown crops.
- 13.10.640 Temporary produce sales areas, produce stands, and produce markets.
- 13.10.641 ~~Animal enclosures—Stables and paddocks.~~ Agricultural farmstays/homestays.
- 13.10.642 ~~Animal hospitals and kennels.~~ Sanitary landfill as interim use.
- 13.10.643 ~~Animal keeping in the Residential-Agricultural Zone District.~~ Recycled water facilities for agricultural irrigation use.
- 13.10.644 ~~Animal raising—Family.~~ Standards for agricultural structures and uses, miscellaneous.

13.10.631 Farmworker (agricultural employee) housing.

(A) Purposes. The purposes of regulations for farmworker housing are:

- (1) To recognize farmworker housing as an agricultural land use necessary for commercial agricultural operations;



- (2) To permit and encourage a sufficient supply of housing for agricultural employees (“Farmworker Housing”) to meet the needs of local growers and farmworkers and to address County goals related to farmworker housing;
 - (3) To comply with the California Employee Housing Act (“the Act” or “EHA”), as defined below, related to local regulation and permitting of employee housing, as defined in the Act, for farmworkers;
 - (4) To provide clear development standards and permitting procedures for the development of farmworker housing projects of up to 12 dwelling units, mobile homes, or recreational vehicle spaces, or five to 36 beds in group quarters, including permanent, temporary, or seasonal farmworker housing projects, consistent with Section 17021.6 of the Act, and for streamlined affordable farmworker projects of up to 36 units, consistent with Section 17021.8 of the Act (“EHA Projects”);
 - (5) To clarify development standards and permitting procedures for the development of small agricultural employee housing projects of one to four dwelling units or mobile home/trailer spaces (“Small Farmworker Housing Projects”), including permanent, temporary, or seasonal farmworker housing projects as defined in the Act;
 - (6) To codify review procedures and development standards for utilization of the Development Reserve (“DR”) established in the General Plan to allow development of up to 200 units of affordable rental housing for farmworker households (“Affordable Farmworker Housing Projects”) on qualifying sites within unincorporated South County, as defined herein;
 - (7) To provide clear provisions for monitoring and enforcement of applicable occupancy standards, licensing requirements, and health and safety codes for farmworker housing projects, to ensure the housing is occupied by farmworker households, and that the housing and associated infrastructure meets health and safety codes; and
 - (8) To prevent the conversion of agricultural land to non-agricultural uses, while allowing development of farmworker housing needed for farming operations to thrive.
- (B) Applicability. This section applies to farmworker housing projects proposed in the Commercial Agriculture (CA), Agricultural Preserve (AP), and Agriculture (A) zone districts. In the event of any conflicts between Chapter ~~SCCC~~ SCCC 13.10 ~~SCGG~~ and the Act with respect to Employee Housing, as defined below, the Act, as it may be amended, shall prevail. This is declaratory of existing law. Notwithstanding other provisions of this code, nothing in this section shall be deemed to eliminate already existing farm worker housing currently allowed by law, nor to prohibit rehabilitation of such existing farm worker housing so long as such rehabilitation complies with all applicable State and County health, safety, fire, housing, and construction codes.



(C) Definitions. For the purposes of this section, the following words and phrases shall be defined as set forth in this section and as further defined in the Act, where indicated. In the event of any conflict between the definitions in this section and definitions of the same or similar terms in SCCC 13.10.700, the definitions herein shall prevail.

- (1) “Affordable Rental Farmworker Housing Project” (“ARFH Project”) or “Affordable Project” means a subsidized, rent-restricted, multi-family rental housing development of more than 12 units developed by a non-profit housing provider for lower-income farmworker households, pursuant to the Development Reserve established in the General Plan, and subsection (G) of this section.
- (2) “Agricultural Employee” means an employee engaged in agriculture, which includes farming in all its branches, including but not limited to the cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities, the raising of livestock, bees, furbearing animals, or poultry, and any practices performed by a farmer or on a farm as an incident to or in conjunction with such farming operations, including preparation for market and delivery to storage or to market or to carriers for transportation to market, as further defined in California Labor Code §Section 1140.4(b). “Agricultural Employee” also means farm worker, farmworker, or farm laborer. “Agricultural Employee” does not include persons engaged in household domestic service, or certain employees of religious or charitable entities listed in Section 17005(b) and (c) of the Act. Agricultural Employees earn their primary income through permanent or seasonal agricultural labor.
- (3) “Agricultural Employer” means one engaged in ~~an~~ agriculture who employs employees, as further defined in Labor Code Section 1140.4(c).
- (4) “EHA Project” means a proposal to develop a project to provide housing for at least five farmworkers, pursuant to Section 17021.6 of the Act, including any of the following project types defined below: an Employer-Provided Farmworker Housing Project or Rural Farmworker Housing Project consisting of no more than 12 dwelling units or other housing accommodations designed for occupancy by a household, or up to 36 beds if the project consists of group quarters; or a Small Farmworker Housing Project.
- (5) “Employee Housing” as used in this section means housing for at least five employees as further defined in Section 17008 et seq. of the Act, and means the same as “labor camp” as that term may be used in various State of California laws.
- (6) “Employee Housing Act” or “EHA” or “Act” means California Health and Safety Code Section [17000-17062.5](#), as may be amended by the State of California from time to time.
- (7) “Employer-Provided Farmworker Housing” means housing accommodations described in Section 17008(a) of the Act for five or more farmworkers by their employer and maintained



in connection with any work or place where work is being performed, whether or not rent is involved.

- (8) “Enforcement Agency” or “Local Enforcement Agency” means the Environmental Health Services Division of the Health Services Agency of the County of Santa Cruz (“EHS”), which is authorized to enforce the Act within Santa Cruz County. In the event the County ceases to be the local enforcement agency, the California Department of Housing and Community Development (HCD) would be the Enforcement Agency.
- (9) “Farmworker” means an Agricultural Employee, as defined above.
- (10) “Farmworker Housing” means Employee Housing for agricultural employees, or any other type of farmworker housing project authorized by this section.
- (11) “HCD” means the California Department of Housing and Community Development, or its successor agency.
- (12) “Housing accommodations” as used in reference to EHA Projects, means any living quarters, dwelling, boardinghouse, tent, bunkhouse, maintenance-of-way car, mobilehome, manufactured home, recreational vehicle, travel trailer, or other housing accommodations, maintained in one or more buildings or one or more sites, and the premises upon which they are situated or the area set aside and provided for parking of mobilehomes or camping of five or more employees by the employer.
- (13) “License” means a permit to operate Employee Housing issued by the Enforcement Agency pursuant to Section 17030-17039 of the Act.
- (14) “Rural Farmworker Housing” means housing accommodations as described in Section 17008(b) of the Act which are: located in an agricultural zone, and in a rural area as defined in California Health and Safety Code Section 50101; provided by someone other than an agricultural employer; and provided for five or more farmworkers of any agricultural employer(s) for any of the following purposes:
 - (a) Temporary or seasonal occupancy, as defined herein;
 - (b) Permanent occupancy, if the housing accommodation is a mobilehome, manufactured home, travel trailer, or recreational vehicle; or
 - (c) Permanent occupancy, if the housing accommodation consists of one or more existing, conventionally built (i.e., subject to State Housing Code—Health and Safety Code Sections 17910-17998.3, also known as “stick-built”) structure(s) on the site that are at least 30 years old, and at least 51 percent of the dwelling units or 51 percent of the beds in group quarters in the existing structure(s), are occupied by farmworkers.



- (15) “Seasonal Occupancy” or “seasonal employee housing” means farmworker housing which is operated annually on the same site and which is occupied for not more than 180 days in any calendar year, as further defined in Section 17010(b) of the Act.
- (16) “Single-Family Farmworker Housing” means any housing accommodations occupied by no more than six farmworkers for which the owner/operator has obtained or seeks a License pursuant to Section 17021.5 of the Act, which allows such projects to be deemed a single-family dwelling and a residential use of the property.
- (17) “Small Farmworker Housing Project” or “Small Project” means a farmworker housing project of one to four dwelling units, each to be occupied exclusively by farmworker(s) or a farmworker family, including any existing or proposed caretaker’s unit. The four-unit limit for this project type does not include any existing or proposed primary residence and/or accessory dwelling unit on the same parcel.
- (18) “Streamlined EHA Project” or “Streamlined Project” means an affordable farmworker housing project of no more than 36 dwelling units, manufactured homes, or spaces for manufactured or mobile homes or recreational vehicles, subject to a 35-year affordability restriction, which may not include dormitory-style units or housing for H-2A visa-holders, and as further defined in the Act and in subsection (H) of this section, which is eligible for streamlined, ministerial processing pursuant to Section 17021.8 of the Act.
- (19) “Temporary Occupancy” or “Temporary employee housing” means farmworker housing which is not operated on the same site annually, and which is established for one operation and then removed, as further defined in Section 17010(a) of the Act.
- (D) EHA Projects. This section applies to farmworker housing projects that provide housing for at least five farmworkers and are proposed pursuant to Section 17021.6 of the Act (“EHA Projects”). Eligible project types include Employer-Provided Farmworker Housing or Rural Farmworker Housing projects, as defined above, of up to 12 dwelling units or up to 36 beds in group quarters (dormitory-style housing); or a Small Project, as defined above, that provides housing for at least five farmworkers. EHA Projects may be for Seasonal or Temporary Residency, as defined above. EHA Projects shall not include any proposed land division (i.e.e.g., parcel map, subdivision map or condominium map) for the purposes of creating a separate parcel for the EHA Project and/or for one or more EHA unit(s).
- (1) Required Permits and Approvals.
- (a) Site Development Permit. In the CA, AP and A zone districts, EHA Projects proposed pursuant to this subsection (D) are considered an agricultural use and require an Administrative Site Development Permit (Level III or V, as shown on use chart) from the Planning Department. Conditions of approval may be imposed by the Director to ensure compliance with the performance standards of this section and with the Act.



- (b) Water and Sanitation Permits. EHA Projects not connected to community sewer or water shall obtain required County permits for proposed well water and/or septic systems pursuant to ~~Chapters~~ SCCC 7.38, 7.70, 7.71 and 7.73 ~~SCCC~~ as applicable. EHA Projects on well water that meet the definition of a Public Drinking Water System shall comply with State Water Resources Control Board standards.
- (c) Building Permits. EHA Projects shall obtain building permits or other required permits, depending on type of housing accommodations proposed for the project. For EHA Projects consisting of two to four mobile or manufactured homes (not on a permanent foundation system) or recreational vehicles, or spaces for two to four mobile homes or recreational vehicles (a “trailer park”), HCD is the permitting agency. For EHA Projects of five to 12 spaces, mobile homes, or recreational vehicles, the County is the permitting agency.
- (d) Recorded Covenant. The site development permit shall include a condition of approval for the property owner to record a farmworker housing covenant with the County to provide constructive notice of and ensure owner’s compliance with the requirements of this section, the Act, and their License.
- (e) License. EHA Projects shall obtain and maintain a License to operate the proposed farmworker housing from the Enforcement Agency pursuant to Section 17030-17039 of the Act. The Enforcement Agency in the County is the Environmental Health Services Division of the County Health Services Agency.
 - (i) Applicants shall apply for the License at least 45 days before initial occupancy, after the Site Development Permit and any required building or other ministerial permits have been obtained for the project. The application form is available from the Enforcement Agency and requires applicant to provide all information listed in Section 17032 of the Act.
 - (ii) Applicant shall submit a letter requesting a modification to the License whenever there is a change in any of the information provided on the License application form, such as a reduction or increase in the number of units or beds occupied by farmworkers, or any other information on the form.
 - (iii) Licenses are issued for a one-year period and subject to annual monitoring by the Enforcement Agency. Applicant shall submit a letter each year requesting an annual renewal of the License for as long as the housing continues to be operated as employee housing.
 - (iv) Any operator of an EHA Project that fails to obtain or maintain the required License for the project shall be subject to the penalties of Section 17037 of the Act, including in some cases a requirement to pay double or 10 times the applicable licensing fees.



- (f) Certificate of Non-operation. If the EHA Project ceases to be occupied by farmworkers, the operator shall submit a letter certifying non-operation to the Enforcement Agency within 30 days, noting the date on which the housing ceased to be occupied, consistent with Section 17037.5 of the Act. The Certification of Non-Operation shall be submitted to the Enforcement Agency annually for two years following discontinuation of the use of any area or structure on the property identified in operator's License as farmworker housing. The Certification shall attest under penalty of perjury that the farmworker housing has been destroyed, or is no longer owned and operated, or has not been and shall not be occupied by five or more employees during the calendar year. Operator shall send a copy of the Certification of Non-operation to the County Planning Department concurrently with delivery to the Enforcement Agency.
 - (i) If a Certification of Non-Operation is filed within 10 years of issuance of the initial certificate of occupancy for the EHA Project, the provisions of Section 17021.6(f) may be invoked by County for recovery of any waivers of impact fees, taxes or costs that may have been associated with the initial permitting of the EHA Project.
 - (ii) Filing of a Certification of Non-Operation shall be considered a conversion to another use. The EHA Project shall not be converted to any other use unless the conversion is approved in advance by the County through the Planning Department. Any conversion shall be subject to all applicable County codes (zoning, building, fire, etc.) and permitting requirements at the time of the conversion. Development initially permitted as an EHA Project and then converted without prior County approval will not be "grandfathered in" or considered legal non-conforming structures for uses other than farmworker housing.
 - (g) Environmental Review. EHA Projects are subject to environmental review ("CEQA"). The Public Resources Code provides some exemptions to CEQA that may apply to certain types of farmworker housing defined herein.
- (2) Development Standards and Criteria. EHA Projects shall comply with development standards of the CA, AP and A zone districts applicable to agricultural uses as provided in [SCCC 13.10.313](#), as well as the additional standards and criteria provided below. In the event of any conflict between [SCCC 13.10.313](#) and the standards and criteria provided in this section, those in this section shall prevail.
- (a) Density Limitations. EHA Projects proposed in agricultural zones are considered an agricultural use pursuant to the Act and as such are not subject to the residential density limitations set forth in the General Plan or [SCCC](#), including [Chapter SCCC 13.14 SCCC](#).



- (b) Unit Size. The maximum habitable floor area for a dwelling unit intended for occupancy by a single farmworker household (individual farmworker or farmworker family) in an EHA Project shall not exceed the following, measured in square feet (SF):

Table 13.10.631-1: Maximum Habitable Floor Area for EHA Projects

Unit Size	Maximum Habitable Floor Area*
Studio or 1 bedroom	640 SF
2 bedrooms	800 SF
3 bedrooms	1,200 SF
4 or more bedrooms	1,400 SF

* Defined in SCCC 13.10.700-H.

- (c) Group Quarters. Structures designed as group quarters or dormitories shall provide at least 50 square feet of habitable area per bed (per occupant) within the dormitory structure.
- (d) Height. Structures shall be limited to a height of 28 feet.
- (e) Parking. EHA Projects shall comply with the parking standards in SCCC ~~13.10.552 through 13.10.554~~ 13.16, except that the minimum number of spaces per unit or per bed in an EHA Project shall be as set forth below:

Table 13.10.631-2: Minimum Parking Spaces for EHA Projects

Unit Size	Minimum Parking Spaces required
Studio or 1-bedroom	1
2 or 3 bedrooms	2
4 or more bedrooms	2.5
Group Quarters	.5 per bed

- (i) Parking Exceptions. The Director may approve a reduction in required parking spaces without a variance, if the applicant provides evidence to the Director’s satisfaction that fewer parking spaces than otherwise required by this section will be adequate for the EHA Project, such as where transit service or alternative transportation is available or is provided by the operator.
- (ii) Alternate surfacing materials (e.g., base rock or gravel) may be allowed for parking areas and/or accessways to the EHA, if the Director finds that the alternate surfacing materials will help to preserve agricultural land, and the surfacing will be installed and maintained in a manner that will prevent erosion and will provide adequate drainage, and such alternate is acceptable to other involved reviewing agencies (i.e.g., fire district, Public Works).



- (f) Siting. EHA Projects shall be sited on the parcel, to the extent feasible, to avoid placing units or structures on prime agricultural land or other productive soils, and to avoid or minimize exposure of occupants to hazards associated with agricultural operations on the site or adjacent properties. As an agricultural use, EHA projects are not subject to SCCC 16.50.095, Agricultural buffer setbacks.
 - (i) Minimize disturbance. To the extent feasible, EHA Projects shall be sited on the least viable portion of the parcel or in such a way as to disturb the least amount of productive farmland. Depending on site conditions, this may be achieved by siting the EHA Project near existing development on the site, using existing site access, and minimizing the use of paving materials or other impervious surfacing to the minimum necessary to accommodate the EHA Project.
 - (ii) Buffers. To the extent feasible, housing accommodations shall be sited at least 50 feet from any active agricultural operations on the subject parcel, including areas subject to machine cultivation or pesticide application. If such distances are not feasible, buffering techniques, such as fencing, screening with vegetation, or other techniques may be used to provide a buffer between farmworker housing and farming operations, subject to Department approval. Housing accommodations shall not be located within 75 feet of any livestock barns, pens or similar quarters of livestock or poultry, consistent with State regulations.
- (3) Enforcement.
 - (a) Violation of any conditions of approval of a License, the Act, or any County permit or approval of an EHA Project shall be considered a violation of the Santa Cruz County Code, subject to enforcement in accordance with Chapter SCCC 19.01-SCCC, which may include fines, civil penalties, abatement of the use, conversion of the housing units to non-habitable structures, or removal of the structures. Any operator found to be leasing EHA units or beds in a licensed EHA Project to occupants other than farmworkers or farmworker families shall be deemed in violation of the County Code pursuant to this section.
 - (b) EHA Projects are subject to the enforcement provisions of the Act (Section 17050-17062.5). Violations of the relevant use, occupancy, or maintenance requirements, or conditions of the License, are considered a public nuisance under the Act, and subject to abatement if not made to conform. The Enforcement Agency may pursue all enforcement actions authorized under the Act to investigate and/or abate violations.
- (E) Single-Family Farmworker Housing. Single-Family Farmworker Housing projects as defined in subsection (C) of this section may, at the applicant's option, be proposed pursuant to Section 17021.5 of the Act, in which case they are deemed a residential use and subject to the same permitting requirements and development standards that apply to a single-family



dwelling proposed in the applicable zone, rather than being deemed an agricultural use pursuant to subsection (D) of this section. All Single-Family Farmworker Housing Projects that provide housing for at least five farmworkers shall obtain a License from the Enforcement Agency pursuant to the Act.

(F) Small Farmworker Housing Projects. A Small Farmworker Housing Project of one to four farmworker dwelling units per parcel, in addition to any primary residence and accessory dwelling unit that may exist on the site, shall be processed as follows:

(1) Applicability of the Act.

(a) Small Farmworker Housing Projects proposed to provide housing for at least five individual farmworkers (i.e., one to four dwelling units, with each unit housing at least one farmworker and at least one unit housing more than one farmworker) are considered an EHA project and may be approved pursuant to subsection (D) of this section on a parcel in an agricultural zoning district, subject to all provisions of subsection (D) of this section and the Act, including the requirement to obtain a License.

(b) Small Farmworker Projects proposed to provide housing for four or fewer individual farmworkers (at least one farmworker per proposed unit, not to exceed four farmworkers total in the project) are not EHA Projects and are not subject to the Act. Such projects may be approved in agricultural zones outside the Coastal Zone with an Administrative Site Development Permit (Level III), and inside the Coastal Zone with a Level V Site Development Permit, pursuant to all requirements of subsection (D) of this section, except for the requirement to obtain or maintain a License. In lieu of a License, such projects shall be subject to annual monitoring by the Planning Department to verify the owner's compliance with the recorded farmworker housing covenant and project conditions of approval. If, upon monitoring or in response to a complaint, any dwelling unit in such project is determined to be non-compliant with the occupancy requirements set forth in the farmworker housing covenant, after reasonable notice and opportunity to correct the violation as set forth in County Code, the project permit may be revoked and the unit(s) subject to enforcement pursuant to ~~Chapter~~ SCCC 19.01-SCGG, possibly including abatement of the structures.

(G) Affordable Rental Farmworker Housing. This subsection provides a discretionary land use approval process for Affordable Rental Farmworker Housing projects as defined above (AFH Project or ARFH Project) which exceed the maximum size of an EHA Project and are not subject to the requirements of the Act.

(1) Development Reserve. A Development Reserve for affordable farmworker housing (ARFH Projects) has been established by the County General Plan. This Reserve allows the County



to approve development of up to 200 units of affordable farmworker housing within qualifying unincorporated areas of the Pajaro Valley, outside of the Coastal Zone, as a conditional use in CA and A agricultural zones. The units authorized by this Reserve shall be made available on a first-come, first-served basis to qualified affordable housing providers as set forth below.

- (2) Qualified Affordable Housing Developers. In order to apply for a conditional use permit and a development permit pursuant to this section, project applicants shall meet the following criteria:
 - (a) Project sponsor (developer) and/or site owner is a 501(c)(3) nonprofit housing development organization and/or public agency;
 - (b) Project will be funded in full or part by public subsidies and/or low-income housing tax credits, or is being developed on land provided by the County or other public or non-profit agency for development of affordable rental farmworker housing; and
 - (c) All rental units in the project, except any property manager's units, will be subject to an affordability restriction of at least 55 years and a requirement that the units be occupied only by farmworkers and/or farmworker families, as defined above or as may be defined by the project financing source(s). In the case of any conflict, the stricter definition shall prevail.
- (3) Site Location Criteria. Sites proposed for an ARFH Project shall meet the following site location criteria ("qualifying areas"):
 - (a) The land is located within the unincorporated areas of the Pajaro Valley within Santa Cruz County (see Figure 13.10.631-1, below), and is in the CA, AP, or A zoning district.
 - (b) The development site, defined as the proposed development envelope of the project, not the entire agricultural parcel on which it is proposed, is not within any of the following zones or areas:
 - (i) A coastal zone, as defined in Division 20 (commencing with Section 30000) of the Public Resources Code.
 - (ii) Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).
 - (iii) Within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178 of the Government Code, or within a high or very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 of the Public Resources Code. This subsection does not apply to sites excluded from the specified hazard zones by a local agency, pursuant to subdivision (b) of



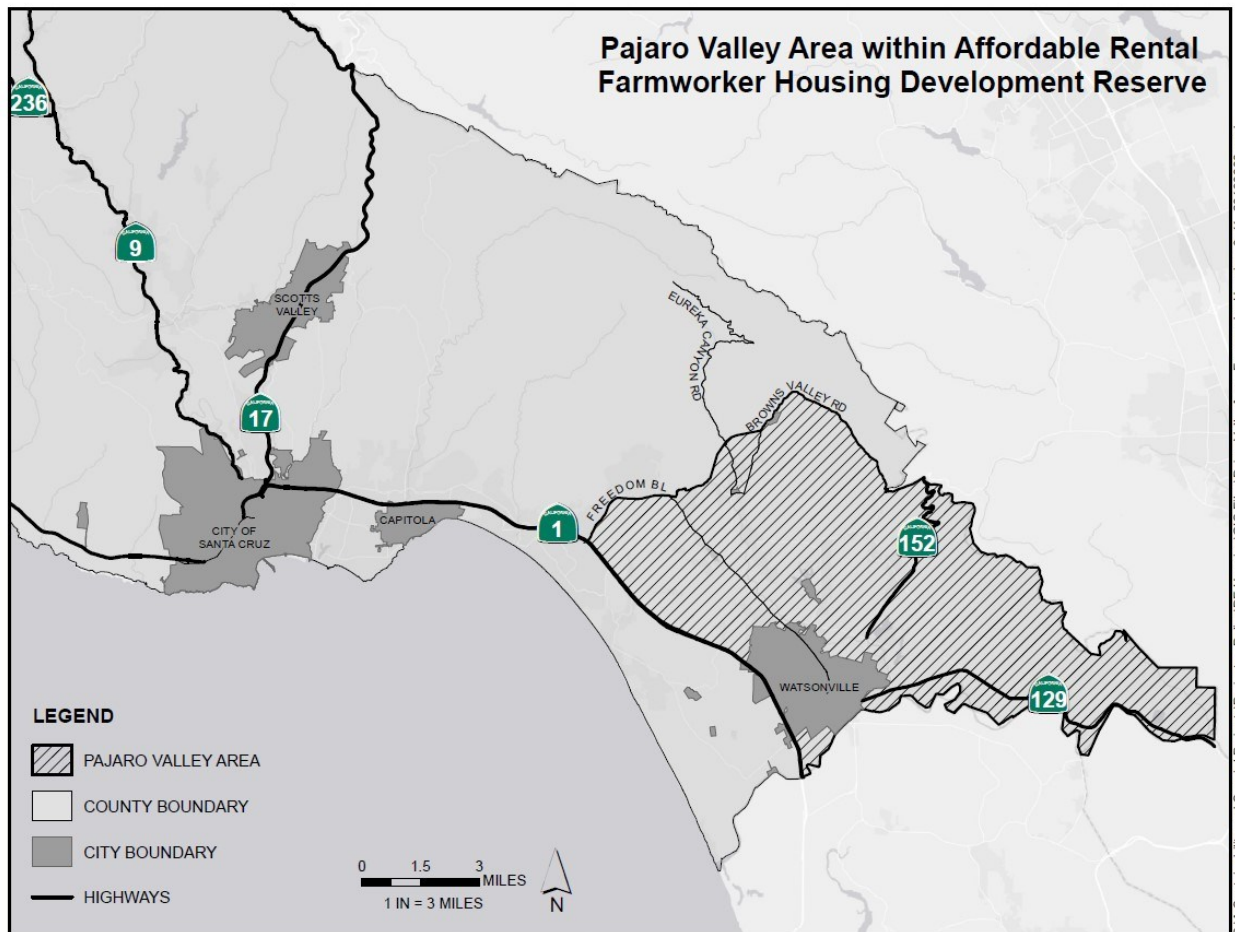
Section 51179 of the Government Code, or sites that have adopted fire hazard mitigation measures pursuant to existing building standards or State fire mitigation measures applicable to the development.

- (iv) A hazardous waste site that is listed pursuant to Section 65962.5 of the Government Code or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code, unless the Department of Toxic Substances Control has cleared the site for residential use or residential mixed uses.
- (v) Within a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2 of the Government Code.
- (vi) Within a flood plain as determined by maps promulgated by the Federal Emergency Management Agency, unless the development has been issued a flood plain development permit pursuant to Part 59 (commencing with Section 59.1) and Part 60 (commencing with Section 60.1) of Subchapter B of Chapter I of Title 44 of the Code of Federal Regulations and Chapter SCCC 16.13 SCCG, Floodplain Regulations.
- (vii) Within a floodway as determined by maps promulgated by the Federal Emergency Management Agency, unless the development has received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations.
- (viii) Lands identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code), habitat conservation plan pursuant to the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), or other adopted natural resource protection plan.
- (ix) Habitat for protected species identified as candidate, sensitive, or species of special status by State or ~~Federal~~ federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code).



- (x) Lands under conservation easement, unless the easement allows or can be amended to allow farmworker housing; each easement contains its applicable restrictions. For the purposes of this section, “conservation easement” does not include Williamson Act contracts.
- (c) The development shall not be allowed if it would require the demolition of a historic structure that is listed on a national, state, or local historic register.
- (d) The site meets the siting criteria of the proposed financing source(s) for the project, including proximity to community amenities such as schools, shopping, and transit service.

Figure 13.10.631-1
Map of Unincorporated Area of Pajaro Valley within Development Reserve
(See subsection (G)(3)(a) of this section)



A higher resolution map is available upon request from the Planning Department.

- (4) Discretionary Approval. Projects proposed pursuant to this section are not subject to the Act and not required to obtain a License, but are required to obtain a discretionary



conditional use permit and a site development permit (Level VII) from the County, with review by the Agricultural Policy Advisory Committee, Planning Commission, and approval by the Board of Supervisors.

(a) Application Procedures:

- (i) Reservation for Units pursuant to Development Reserve. In order to provide for orderly review and consideration of applications and to avoid duplication of effort for the same remaining unit capacity in the reserve, Project sponsor (developer) shall submit a written request for a reservation of the desired number of ARFH units to the Planning Department (Department) with evidence of sponsor's qualifications as an Affordable Rental Housing Developer pursuant to this subsection (G) and evidence of property ownership, or if sponsor is not the property owner, evidence of site control such as a ground lease, or a letter of interest from the current owner of the proposed project site, and designation of developer as an agent of the owner. Upon review by the Department to determine that the sponsor is eligible and site is eligible for an ARFH Project pursuant to this subsection, the Department will issue the Sponsor a reservation letter for the requested number of units, or for the number of units remaining in the Development Reserve, whichever is less. This reservation will preclude any other sponsor from reserving these same units for a period of up to nine months, to allow the sponsor adequate time to submit a complete application for the required land use approvals for the proposed project. Once the sponsor's application has been deemed complete by the Department, the reservation shall be extended by three years, or until any earlier date on which sponsor's ARFH project has been either approved or denied by the County, including applicable appeal periods. At the end of this reservation period, if the project was not approved, or if a lesser number of units was approved than the number reserved, the reservation for any unused units shall expire and become null and void, and other sponsors may request a reservation for those units. The Department Director shall be authorized to extend the three-year expiration date for good cause.
- (ii) All applications for permit approval of an ARFH project shall include the Department's reservation letter for at least the number of units proposed in the ARFH Project as evidence that sufficient capacity remains in the Development Reserve for the proposed project, in order to be deemed complete. The ARFH Project application shall otherwise meet all application requirements and follow all required Level VII procedures as set forth in the Zoning Code.
- (iii) Site Plan. Applications for an ARFH Project shall include a site plan to define the proposed Site Area, interior circulation patterns within the ARFH Project's site area, exterior site access through the remaining portion of the agricultural parcel to the first public road, fire access, infrastructure improvements, common area location



and amenities, and location of other existing development on the parcel(s) on which the Project is proposed.

- (5) ARFH Projects are deemed an agricultural land use and are not subject to the residential density limitations of the General Plan or SCCC, including Chapter SCCC 13.14 SCCC.
- (6) ARFH Projects are subject to CEQA review and may be considered for any exemptions available in the Public Resources Code that are applicable to the proposed project.
- (7) Water and Sanitation Permits. ARFH Projects not connected to community sewer or water shall obtain required County permits for proposed well water and/or septic systems pursuant to Chapters SCCC 7.38, 7.70, 7.71 and 7.73 SCCC as applicable. EHA Projects on well water that meet the definition of a Public Drinking Water System shall comply with State Water Resources Control Board standards.
- (8) Development Standards. ARFH Projects shall comply with the development standards below. For the purpose of this section, “site area” shall be defined as that portion of the property designated on the proposed site plan to be the development envelope for the ARFH Project and to be controlled by the sponsor upon completion of the project, and not the entire agricultural parcel(s) on which the project is proposed to be located. The site area of an ARFH Project shall be at least one acre and not more than five acres, unless an exception to this requirement is granted as part of the development permit for reasons such as unusual topography or the need for a lengthy access road across the parcel. ARFH Projects shall comply with development standards of the CA, AP and A zone districts applicable to agricultural uses as provided in SCCC 13.10.313, as well as the additional standards and criteria provided below.
 - (a) Density limitations. ARFH Projects proposed in agricultural zones may be developed at a density of up to 30 units per acre contained within the proposed site area.
 - (b) Unit Size. The maximum habitable floor area for a dwelling unit in an ARFH Project shall not exceed the following, measured in square feet (SF), unless the guidelines of a proposed public funding source of the project require a slightly larger unit size, in which case the requirements of that funding source shall prevail:

Table 13.10.631-3: Maximum Habitable Floor Area for ARFH Projects

Unit Size	Maximum Floor Area
Studio or 1 bedroom	640 SF
2 bedrooms	800 SF
3 bedrooms	1,200 SF
4 or more bedrooms	1,400 SF



- (c) Height. Structures shall be limited to a height of 35 feet measured from the preconstruction natural grade and up to three stories, exclusive of subsurface parking. Modifications of these standards may be approved based on unique site and design factors and/or feasibility constraints or requirements associated with the project's proposed public sector funding sources.
- (d) Parking. ARFH Projects shall comply with the parking standards and exception procedures provided in subsection (D)(2)(e) of this section.
- (e) Siting. ARFH Projects shall be sited on the parcel, to the extent feasible, to avoid placing units or structures on prime agricultural land or other productive soils, and to avoid or minimize exposure of occupants to hazards associated with agricultural operations on the site or adjacent properties. As an agricultural use, ARFH projects are not subject to SCCC 16.50.095, Agricultural buffer setbacks.
 - (i) Minimize Disturbance. To the extent feasible, ARFH Projects shall be sited on the least viable portion of the original agricultural parcel or in such a way as to disturb the least amount of productive farmland. Depending on the site, this may be achieved by siting the ARFH Project near existing development on the parcel, using existing site access, and minimizing the use of paving materials or other impervious surfacing to the minimum necessary to accommodate the ARFH Project.
 - (ii) Buffers. Residential structures within an ARFH Project shall be sited at least 100 feet from any active agricultural operations on the subject parcel or adjacent parcels, including areas subject to machine cultivation or pesticide application, measured in a straight line from the exterior wall of the residential structure to the nearest cultivated crops or orchards or other areas subject to agricultural operations. If a 100-foot buffer is not feasible in one or more directions, upon a recommendation from the Agricultural Policy Advisory Commission, the approving body may approve a lesser distance provided that fencing, vegetative screening, HVAC systems, noise-mitigating windows, or other buffering techniques are used to mitigate any nuisance or health and safety hazards due to the agricultural operations that might impact the occupants of the ARFH Project. If any State laws, codes or requirements provide an alternate means of protecting the occupants from agricultural hazards likely to be present on the property, or otherwise preempt this requirement, such other requirement shall prevail. Housing structures shall not be located within 75 feet of any livestock barns, pens or similar quarters of livestock or poultry.
- (f) Setbacks from Non-Agricultural Properties. If any portion of the site area of the ARFH Project abuts or is within 30 feet of any property that is zoned for residential or commercial uses, any structures within the ARFH Project shall be set back at least 20 feet from the property line of the adjoining non-agricultural parcel. If the adjoining property includes areas in active agricultural operations, the larger buffer required



pursuant to subsection (G)(8)(e) of this section, shall prevail. ARFH Projects shall be designed so to minimize excessive shading of any existing residential or commercial structures on an adjacent property, such as by stepping back upper stories if necessary. Applicant may provide a shading study to illustrate extent of shading caused by the proposed structures.

- (g) Maintain standard riparian setback but eliminate 10-foot additional riparian construction buffer.
- (h) Developments shall encourage energy and water efficiency, and environmentally sensitive design and building materials.

(H) Streamlined EHA Projects.

(1) Eligibility for Streamlined Review. Streamlined EHA Projects as defined herein may be approved by the County through a streamlined, ministerial process pursuant to Section 17021.8 of the Act, not subject to a conditional use permit or CEQA review, if the project meets all of the following requirements:

- (a) The proposed project is located on land zoned for primarily agricultural uses (CA or A, with or without P combining zone);
- (b) The property on which the Streamlined EHA Project is located shall be either within one-half mile of a designated collector road with an Average Daily Trips (ADT) of 6,000 or greater; or adjacent to a designated collector road with an ADT of 2,000 or greater. If ADT data for the nearest collector road to the site is not available, applicant may conduct a traffic study to obtain such data and include it with the project application;
- (c) The proposed project site is not located on a site that is any of the following, each as further defined in EHA Section 17021.8:
 - (i) Within the Coastal Zone;
 - (ii) Wetlands as defined by the US Fish and Wildlife Service;
 - (iii) Within a very high or high fire hazard severity zone as defined by the State;
 - (iv) A State-designated hazardous waste site, unless the Department of Toxic Substances Control has cleared the site for residential use or residential mixed uses.
 - (v) Within a delineated earthquake fault zone, unless the development complies with applicable State and local seismic protection building code standards;
 - (vi) Within a flood plain, unless the development has been issued a flood plain development permit pursuant to Part 59 (commencing with Section 59.1) and Part 60 (commencing with Section 60.1) of Subchapter B of Chapter I of Title 44 of the



Code of Federal Regulations and Chapter SCCC 16.13 SCCC, Floodplain Regulations;

- (vii) Within a floodway;
 - (viii) Lands identified for conservation in an adopted natural community conservation plan, habitat conservation plan, or other adopted natural resource protection plan;
 - (ix) Lands under conservation easement, not including Williamson Act contracts; or
 - (x) Lands with groundwater levels within five feet of the soil surface, if the development would be served by an onsite wastewater disposal system serving more than six housing units for families or households.
- (d) The application demonstrates that proposed Streamlined EHA Project meets the following requirements:
- (i) It does not contain dormitory-style housing (group quarters, barracks, etc.); ;
 - (ii) It includes no more than 36 dwelling units, manufactured/mobile homes, or recreational vehicles, or spaces for manufactured/mobile homes or recreational vehicles; ;
 - (iii) It will be managed and operated by a qualified affordable housing organization (QAHO) certified by HCD or a local public housing agency, and that agency either directly maintains and operates the Streamlined EHA Project, or contracts with another QAHO that has been certified by HCD to manage the Project. Applicant shall provide a copy of the QAHO's HCD certification or documentation of the local public housing agency's role in the project, as applicable, in the Project's application for streamlined review; ;
 - (iv) The applicant for a Streamlined EHA Project shall sign and submit with the project application an affordability covenant in a form provided by the County to ensure the affordability of the Streamlined EHA Project for at least 35 years, and agree to its recordation by the County prior to issuance of building permits for the Project. For purposes of this paragraph, "affordability" means the housing within the Streamlined EHA Project will be rented or made available at an affordable rent, as defined in California Health and Safety Code (HSC) Section 50053, to lower-income households, as defined in HSC Section 50079.5 and in SCCC 17.10.020, and that the units will be made available to and occupied by farmworker households, not including H-2A workers, for the duration of the term; and
 - (v) The project is not being developed to provide housing for H-2A workers, as that term is defined in HSC Section 50205. The applicant shall document compliance with this requirement by providing either a marketing plan showing how the project's



units will be marketed to prospective farmworkers and/or the applicant's own agricultural employees, or other proof that the units will be occupied by income-eligible farmworker households, not H-2A workers.

(2) Development Standards for Streamlined EHA Projects.

- (a) Streamlined EHA Projects shall include adequate water supply, wastewater facilities, and dry utilities to serve the project, as follows:
 - (i) Dwelling units shall be connected to an existing public water system that has not been identified as failing or being at risk of failing to provide an adequate supply of safe drinking water; and
 - (ii) Projects of 10 or more units shall connect units to an existing municipal sewer system with adequate capacity to serve the project, or to an onsite wastewater treatment system approved by the Environmental Health Services Division of the County Health Services Agency.
- (b) The Streamlined EHA Project shall meet the density, parking and other development standards provided in subsection (G)(8) of this section. Streamlined EHA Projects may not include any land division or parcel map to create a new parcel for the Project, however a long-term ground lease of the project site may be recorded. Projects shall not be subject to the 12-unit limit specified in Section 17021.6 of the Act in order to constitute an agricultural land use for purposes of this section.
- (c) If the occupants of the Streamlined EHA Project would potentially be exposed to significant hazards from surrounding properties or activities, such as pesticide or herbicide exposure, the Project shall be designed and/or managed so as to mitigate the effects of the potential exposure to a level of insignificance, in compliance with State and Federal requirements. Such mitigations, which may include buffering techniques described in subsection (G)(8)(e)(ii) of this section, will be required as conditions of site development permit approval.

(3) Streamlined Review and Approval Procedures.

- (a) The County Planning Department and applicable reviewing agencies (e.g., fire, water, sanitation districts, Environmental Health) shall review an application for a Streamlined EHA Project within 30 days to determine whether it meets the eligibility requirements and standards described above. If the County determines it does not meet any of them, it will provide the applicant with a written list of which requirement(s) the development does not meet, and explanation of why it does not meet them, within 30 days of receipt of the Streamlined EHA Project application. Applicant may submit additional and/or revised materials to address the inadequacies noted in the County's letter within 90 days of original submittal in order to keep the application active.



- (b) If the County fails to provide the required response letter within 30 days, the development shall be deemed to satisfy the eligibility requirements and standards for a Streamlined EHA Project.
- (c) Applications that have been determined complete and eligible for further review by the Planning Department, and those for which no response letter was provided within the 30-day review period, shall be forwarded to the Planning Commission for a development review and public oversight of the Streamlined EHA Project compliant with Section 17021.8 of the Act. This review process shall be completed within 90 days of the application submittal, and shall not in any way inhibit, chill, or preclude the ministerial use approval provided by this section or its effect, as applicable. This review shall consist of confirmation that the Streamlined EHA Project meets the eligibility criteria and development standards provided herein, and confirmation of the appropriateness of the conditions of approval of a site development permit, consistent with Section 17021.8 of the Act.
- (d) Review and approval of a Streamlined EHA Project is a ministerial action not subject to the California Environmental Quality Act, pursuant to Section 17021.8 of the Act and Public Resources Code Section 21080(b)(1).
- (e) An applicant for a Streamlined EHA Project shall obtain all required ministerial permits for the project as listed in subsection (D)(1) of this section, including but not limited to a License from the Enforcement Agency, prior to commencement of construction.
- (f) Streamlined EHA Projects are subject to the enforcement provisions of subsection (D)(3) of this section, and to the enforcement and violation provisions of the Act.
- (g) Streamlined EHA Projects shall be subject to fees and other exactions authorized by law which may be imposed by the County and/or other reviewing agencies to provide necessary public services and facilities to the Streamlined EHA Project. Such fees and/or exactions shall be included as conditions of project approval, and payment shall be due at time of building permit issuance, or as otherwise specified in the County fee schedule or by the fee-imposing special district or agency.
- (h) Streamlined EHA Projects shall comply with the applicable development standards included in subsection (H)(2)(b) of this section, and conditions of approval of a site development permit consistent with the requirements of Section 17021.8 of the Act.
- (i) The County may only disapprove a Streamlined EHA Project if, as proposed, it would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact without rendering the Project unaffordable to lower-income households, or rendering it financially infeasible. A "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety



standards, policies, or conditions as they existed on the date the application was deemed complete.

- (j) The County may disapprove a Streamlined EHA Project if that project would be in violation of any applicable State or Federal law.
- (k) The applicant for a Streamlined EHA Project shall comply with any other laws, including, but not limited to Federal and California clean water laws.

Agricultural storage is removed from SCCC 13.10.632 and addressed in SCCC 13.10.635.

13.10.632 Agricultural processing and storage facilities.

- (A) Food processing facilities, such as cider pressing, jelly and jam making or honey making, shall be allowed in any agricultural zone district and the SU Zone District when:
 - ~~(1) The processing facility is incidental to the primary agricultural production use on-site;~~
 - ~~(2) The food processed is limited to that produced on-site;~~
 - ~~(3) Meets all Environmental Health sewage disposal requirements.~~
- (B) Facilities for processing, packing, drying, storage and refrigeration of agricultural products shall be developed and maintained according to the following standards:
 - ~~(1) Mitigations shall be required for any adverse visual impacts of facilities greater than 5,000 square feet which will be visible from designated scenic roads, beaches or recreation facilities. Mitigations may include such measures as vegetative screening or other landscaping, materials which produce less glare, berming, and/or arrangement of structures on the site to minimize bulky appearance. Facilities shall not be located where they would block ocean views from designated public areas.~~
 - ~~(2) Storm water runoff drainage shall be retained on-site in areas of primary groundwater recharge capacity; in other areas, the drainage shall be detained on-site such that the rate of runoff leaving the site after the project is no greater than the rate before the project. Drainage plans may be prepared by the applicant unless engineered plans are required by the building official.~~
 - ~~(3) On-site parking shall be provided commensurate with the need created by the proposed use.~~
 - ~~(4) Site preparation for buildings shall comply with regulations of the County grading ordinance (Chapter 16.20 SCCC).~~
 - ~~(5) Buildings used for labor operations (such as packing sheds or cold storage facilities) shall locate building entrances and window openings away from adjacent commercial agricultural lands unless the use conforms to the 200-foot agricultural buffer setback or the siting of the~~



use is approved by the Agricultural Policy Advisory Commission through agricultural buffer review.

(6) —The facility shall be designed and sized to serve primarily the produce grown on-site.

(7) —To the maximum extent possible any such facility shall be located on the nonproductive portions of the property, or on that portion of the property that is least productive for agricultural purposes.

(A) Purpose. The purpose of the agricultural processing section is to provide standards for the handling, processing, packing, packaging, storage, refrigeration, and distribution of agricultural products.

(B) Standards:

(1) Origin of products. Agricultural processing facilities shall process, package and distribute agricultural products grown primarily in Santa Cruz County or adjoining counties. This does not preclude the importation of agricultural commodities produced in non-adjoining counties in order to maintain a consistent production schedule or stock.

(2) Conserving farmland. To the maximum extent feasible, agricultural processing facilities shall be located on the non-productive portions of the property or on that portion of the property that is least productive for agricultural purposes. Development shall be sited and designed to cluster development, minimize the development of new or expanded site access, and minimize use of impervious or semi-pervious materials on Type 1-3 soils with the potential to impact underlying soils. Technical reports may be required to demonstrate conservation of farmland to the maximum extent feasible.

(3) Existing agricultural operations. The uses, structures, and improvements shall be sited so as to minimize conflicts with existing on and off-site agricultural operations.

(4) Off-site impacts. **New agricultural processing facilities shall be sited to minimize impacts to off-site residential uses.** Noise, odor, lighting, or traffic that is offensive to any person of ordinary sensitivities within his or her their place of residence shall be considered an impact.

(5) Visual Impacts. Mitigations shall be required for any potentially significant adverse visual impacts of facilities greater than 5,000 square feet that will be located within visual resource areas as described in the County General Plan and Local Coastal Program. Mitigations may include such measures as vegetative screening or other landscaping, use of materials which produce less glare, elevated topography, and/or arrangement of structures on the site to minimize bulky appearance.

(6) Building orientation, doors, fenestration and other applicable building features shall be designed to minimize potential exposure of building occupants to agricultural chemicals, dust and noise.



- (7) Proposed facilities with a total building footprint exceeding 10,000 square feet shall locate as much of the total floor area on a second story as is feasible.
- (8) Parking. On-site parking shall be provided consistent with the county's parking standards for manufacturing plants (SCCC 13.16), except that the number of parking spaces required may be reduced without a parking variance or alternate surfacing materials may be allowed by the approving body in order to preserve agricultural land, if the approving body finds that parking will be adequate for the use and the surfacing will be installed and maintained in a manner that will prevent erosion.
- (9) Special findings for Agricultural Processing Facilities on CA. The special findings provided in SCCC 13.10.313(E) for a total development area exceeding 35,000 sf applies to agricultural processing facilities located on Type 1-3 soils.

The following general regulations for agricultural service establishments are addressed and modified for better compatibility with agricultural operations and neighboring properties in section 13.10.638.

13.10.633 Agricultural service establishments.

- ~~(A) Agricultural service establishments shall be allowed in the A Zone District according to the following criteria:
 - ~~(1) The parcel shall be located on an arterial roadway.~~
 - ~~(2) The parcel shall not be contiguous to or located on the opposite side of a street or road from a property in the R-1 or RA Zone District.~~
 - ~~(3) One or more of the following conditions shall be present on the site:
 - ~~(a) The size of the parcel is not greater than two and one-half acres.~~
 - ~~(b) The parcel, or portion of the parcel proposed for the use, shall be separated from surrounding lands by natural or human-made barriers such as streams, major topographical changes, public roadways or development of similar uses.~~
 - ~~(c) Sixty percent or more of the land area of the parcel is utilized as an agricultural service establishment use as of January 1, 1985.~~~~
 - ~~(4) The proposed use must not create the potential for conflicts with surrounding agricultural lands.~~~~
- ~~(B) Agricultural service establishments, where permitted under subsection (A) of this section shall be developed and maintained according to the following standards:
 - ~~(1) Mitigations shall be required for any adverse visual impacts of facilities greater than 5,000 square feet which will be visible from designated scenic roads, beaches or recreation~~~~



facilities. Mitigations may include such measures as vegetative screening or other landscaping, materials which produce less glare, berming, and/or arrangement of structures on the site to minimize bulky appearance. Facilities shall not be located where they would block ocean views from designated public areas.

- (2) Storm water runoff drainage shall be retained on-site in areas of primary groundwater recharge capacity; in other areas, the drainage shall be detained on-site such that the rate of runoff leaving the site after the project is no greater than the rate before the project. Drainage plans may be prepared by the applicant unless engineered plans are required by the building official.
- (3) On-site parking shall be provided commensurate with the need created by the proposed use.
- (4) Site preparation for buildings shall comply with regulations of the County grading ordinance (Chapter 16.20 SCCG).
- (5) The use shall comply with the agricultural buffer setback as specified by SCCG 16.50.095.

13.10.633 Agri-tourism and education.

(A) Purposes. The purpose of the agri-tourism and education regulations is to allow for parcels with a primary use of agriculture to carry on income producing activities including, but not limited to, marketing of products grown on site, farm dinners, educational activities, classes, workshops, tours, mazes, and petting zoos.

(B) Standards.

- (1) Agri-tourism and educational activities shall be ancillary to the principal agricultural use of the parcel.
- (2) Agri-tourism and educational activities shall be sited in a manner that minimizes disturbance of prime agricultural soils, with the exception of farm dinners, where the use may include temporary location of tables, chairs, and associated furniture and appliances on prime agricultural soils for the duration of the farm dinner.
- (3) To the maximum extent feasible, structures shall be located on the non-productive portions of the property, or on that portion of the property that is least productive for agricultural purposes. Technical reports may be required to support the proposed location(s) of facilities or improvements. In addition, structures or outdoor gathering areas associated with the activity shall be sited so as to minimize conflict with existing agricultural operations. Prohibited interference includes, but is not limited to, blocking access to farm roads, fields, or outbuildings, or locating activities in close proximity to areas where impacts of odor, dust, noise or safety hazards may be a concern to event participants.



- (4) Agri-tourism and educational activities shall promote Santa Cruz County and/or Pajaro Valley agricultural products.
- (5) All requirements of the County Environmental Health Services, the Sheriff's office, the Highway Patrol, and applicable Fire District shall be met.
- (6) All signage shall comply with the requirements in SCCC 13.10.580.
- (7) Agri-tourism events that require a use permit pursuant to SCCC 13.10.312(D) shall meet the following additional standards:
 - (a) The maximum number of guests per event and the maximum number of annual events allowed shall be stated in the conditions of approval, and shall be based on factors including, but not limited to, parking availability, safety and adequacy of vehicular access, septic capacity, maximum building occupancy, site conditions, and neighborhood compatibility.
 - (b) Limitations on amplified music and event hours shall be included as conditions of approval of the use permit based on the individual characteristics of the site, consistent with the General Plan Noise Element and SCCC 13.15.

Regulations specific to storage of agricultural equipment and supplies are moved to SCCC 13.10.635 and modified for the continued protection of agricultural soils.

13.10.635 Storage of agricultural equipment or supplies.

(A) Permit requirements.

- (1) Where the total development area for storage of agricultural equipment or supplies exceeds 12,000 square feet, and is located off Type 1-3 agricultural resource soils, a Minor Use Permit (MUP) shall be required.
- (2) Where the total development area for storage of equipment or supplies exceeds 12,000 square feet and is located on agricultural resources soils on CA zoned land, a Conditional Use Permit shall be required.
- (3) For storage sites that exceed 12,000 square feet, are located on agricultural resources soils, and serve multiple parcels, an Agricultural Storage Master Plan shall be required.
- (4) Storage areas that exceed 35,000 sf on CA that are located on agricultural resource soils are permitted only on sites that serve multiple farmed parcels, and an Agricultural Storage Master plan shall be required

(B) Standards. The following standards shall apply for storage of agricultural equipment or supplies:

- (1) The development area is sited off agricultural resource soils where possible. Where this is not possible, the development area is sited on the least agriculturally viable portions of the



parcel and is sited to minimize any conflict with primary agricultural activities on and off-site such as crop production. Technical reports may be required to support the proposed location(s) of agricultural storage facilities.

(2) Storage of agricultural equipment or supplies shall be ancillary to the principal agricultural use of the subject property, or of properties owned or leased by the operator as governed by an approved Agricultural Storage Master Plan.

(3) The development area is limited to the minimum necessary to meet the agricultural storage needs of the grower or operator.

(4) On CA land, the use of impermeable or semi-permeable surface material that may affect the long-term viability of the underlying soil is minimized to the greatest extent feasible.

(5) The agricultural storage is clustered with existing farm buildings and site development to the extent consistent with (1) above and appropriate to the intended use.

(6) On parcels zoned Agriculture (A), the storage location minimizes conflict with any residential use on adjacent parcels.

(7) Visual impact on designated scenic roads, beaches, or recreation facilities shall be 36minimized by measures such as locating agricultural storage structures and operations among existing groups of structures; using materials and colors which blend with existing buildings or the environment, and/or using design and landscaping to screen and soften the appearance of structures and equipment.

(C) Findings required. In addition to the above criteria (B), the following additional findings are required for approval of a conditional use permit for storage areas exceeding 12,000 square feet on Type 1-3 agricultural resource soils on CA land (see SCCC 13.10.313(E) for additional findings for development areas exceeding 35,000 sf):

(1) There is no feasible site available on the parcel, or on another parcel owned or leased by the applicant, that is located off of Type 1-3 soils and that could accommodate the intended agricultural storage use. Technical studies may be required evaluating other potential storage locations located off Type 1-3 soils; and

(2) There are no feasible alternatives for site design, surfacing materials, or other measures available to accommodate the proposed use that would reduce the total development area on Type 1-3 soils below 12,000 square feet and reduce impacts to agricultural soils.

(D) Conditions of approval for Agricultural Storage Master Plans serving multiple parcels. For a storage site serving multiple parcels, the applicant shall provide a list of parcels served by the master storage site, and provide an updated list annually to the Planning Department staff to the Agricultural Policy Advisory Commission. Conditions of approval for the Master Storage Plan may include limiting agricultural storage areas on other parcels served by the master



storage site, a requirement to protect agricultural resource soils on the subject parcel and on other parcels served by the master storage site for long-term farming use through easements or other mechanisms, a requirement to restore the agricultural land to productive use when the site is no longer used for agricultural storage, or other conditions as appropriate to protect agricultural land.

Hoop houses are added to SCCC 13.10.636 and are regulated similarly to greenhouses.

13.10.636 Greenhouses and hoop houses.

(A) New Greenhouse Development. New greenhouses and hoop houses over 500 square feet in area, where allowed pursuant to a building or discretionary use-permit in the basic zone district, shall be developed and maintained to the following standards:

- (1) Mitigations or project modifications shall be required for any potentially significant adverse visual impacts of greenhouses which that will be visible from designated scenic roads, beaches or recreation facilities. Mitigations may include such measures as vegetative screening or other landscaping, materials which that produce less glare, berming, and/or arrangement of structures on the site to minimize bulky appearance. Greenhouses shall not be located where they would block public ocean views. Mitigations shall be compatible with light and ventilation needs of the greenhouse operations.
- (2) Storm water runoff ~~drainage~~ shall be retained and percolated/infiltrated on-site in areas of primary groundwater recharge capacity; ~~in other areas, the drainage shall be detained on-site such that the rate of~~ so that natural runoff leaving the site after the project is no greater than the rate before the project ~~rates are not exceeded, in compliance with state requirements and County Design Criteria.~~ Drainage plans may be prepared by the applicant unless engineered plans are required by the building official.
- (3) Discarded greenhouse coverings shall be disposed of promptly according to plans submitted by the applicant and shall be recycled if feasible.
- (4) On-site parking shall be provided commensurate with the need created by the proposed greenhouse use.
- (5) The removal of indigenous prime farmland soil used as a growing medium for container plants which that are sold intact ~~shall not be allowed~~ is prohibited.
- (6) Flooring or impervious surfacing or other material such as baserock or gravel within the greenhouse structure which that impairs long-term soil capabilities shall be limited to the minimum area needed for access, loading and storage. The use of long-term sterilants sterilizing agents under impervious surfacing shall not be allowed.
- (7) Greenhouse structures shall be designed to maximize energy efficiency and to use alternative energy sources, where feasible.



- (8) Open ventilation shall be provided, when feasible. When exhaust fans are shown to be necessary, the fans should be located away from nonagricultural land uses and should maximize energy efficiency and shall include odor-reduction measures as warranted by crop type.
- (9) Irrigation systems shall be water conserving.
- (B) Conforming Greenhouse Replacement. The following conditions must be met in order for an existing conforming greenhouse to be reconstructed, replaced or structurally altered without prior approval of a discretionary use permit:
 - (1) The new or altered greenhouse must conform to the existing setbacks and height limits of the zone district.
 - (2) The project must be accompanied by plans, which may be prepared by the applicant, for drainage, screening of outdoor storage and adequate on-site parking relative to the proposed use.
 - (3) Discarded greenhouse coverings must be disposed of promptly according to plans submitted by the applicant, and shall be recycled if feasible.
- (C) Nonconforming Greenhouse or Hoop House Replacement. ~~The replacement, reconstruction or structural alteration of a nonconforming greenhouse of any size in any zone district shall be allowed without the requirement of a use permit; provided, that the replacement, reconstruction or structural alteration meets the following conditions~~ standards must be met prior to issuance of a building permit for reconstruction or replacement of a nonconforming greenhouse or hoop house:
 - (1) ~~The new or altered~~ reconstructed or replaced greenhouse shall cover an area no larger than that of the original greenhouse.
 - (2) ~~The new or altered~~ reconstructed or replaced greenhouse shall be no higher than 22 feet and in no case obstruct the existing solar access for habitable structures or agricultural uses on adjoining properties.
 - (3) The project shall be accompanied by plans, which may be prepared by the applicant, for drainage, for screening of any outdoor storage, and for adequate on-site parking relative to the proposed use.
 - (4) Discarded greenhouse coverings shall be disposed of promptly according to plans submitted by the applicant and shall be recycled if feasible.



In SCCC 1310.637, new regulations for wineries, breweries, and distilleries in the RA, RR, CA, and A zone districts as developed with the winery industry and previously reviewed by the Agricultural Policy Advisory Commission and the County Board of Supervisors are included.

13.10.637 Wineries, breweries and distilleries in the RR, RA, CA, and A zone districts.

(A) All Wineries. The following regulations apply to all winery uses requiring a Level III, V, or VI use approval in all residential and in all agricultural zone districts:

OPERATION:

(1) Production/Storage Limits. The application for a use approval shall include an estimate of the winery production and storage capacity, given in terms of number of gallons produced or made annually. For Level III approvals: the annual production capacity shall not exceed that denoted on the use chart for the Level III approval; and storage of wine shall be limited to wine made (as defined by the Bureau of Alcohol, Tobacco and Firearms) on the premises. These limits may be exceeded, however, by obtaining a Level V approval. For Level V or VI approvals: production and storage limits shall be set by condition on the use approval based on the individual merits of the location and surroundings of the proposed winery.

(2) Tasting and On-Site Sales. The application for a use approval shall include information describing on-site sales and/or tasting being proposed. All Environmental Health requirements shall be met for any food or beverage service. For Level III approvals: no public wine tasting shall be allowed; private tasting shall be by appointment only; in RR, RA and A-Zone Districts, private tasting shall be limited to 12 persons maximum at any one time; and sale of wine shall be limited to wine made and bottled (as defined by the Bureau of Alcohol, Tobacco, and Firearms) on the premises and shall be by appointment only. These limits may be exceeded by obtaining a Level V approval. For Level V or VI approvals: these limits shall be set by condition on the use approval based on the individual merits of the location and surroundings of the proposed winery.

(3) Liquid Waste Disposal. All requirements of the County Health Department shall be met.

DEVELOPMENT:

(4) Environmental Protection. All new development shall comply with the provisions of all County environmental protection ordinances, including the erosion control ordinance (Chapter 16.22 SCCC).

(5) Signs. The application for a use approval shall include a sign plan for review and approval. For Level III approvals: signs shall be limited to one nonilluminated nameplate not larger than one square foot. This limit may be exceeded by obtaining a Level V approval. For Level V or VI approvals: signs shall be limited to one nonilluminated sign not larger than 12 square feet.





- (6) ~~Outside Lighting.~~ The application for a use approval shall include plans for all outdoor lighting for review and approval. All outdoor lighting shall have the illumination directed downward or be shielded so that glare is not produced onto adjacent properties.
- (7) ~~Water Conservation.~~ Water saving devices shall be incorporated into the winery design, and shall be indicated on building and landscaping plans for staff review and approval.
- (8) ~~Parking.~~ The application for a use approval shall include a parking plan and documentation of parking needs for review and approval. The plan shall provide adequate off-street parking for all winery employees and visitors, and for loading and unloading of grapes and wine.

SERVICES:

- (9) ~~Access.~~ Access shall meet County road standards, including adequacy for the proposed use, including delivery vehicles, for emergency vehicles, and, where appropriate, for serving two or more parcels.
 - (10) ~~Fire Protection.~~ All regulations of the local fire department or County Fire Marshal shall be met to ensure adequate water availability and other conditions for fire protection. No winery shall be established beyond a 20-minute fire response time from the nearest responsible fire station in rural areas.
 - (11) ~~Water.~~ A letter from the water district serving the area shall be submitted with the application stating that adequate capacity is available to serve the use; or water source standards of the Environmental Health Department shall be met.
 - (12) ~~Sewer/Septic.~~ A letter from the sewer district serving the parcel shall be submitted with the application stating that adequate capacity is available to serve the use; or septic standards of the Environmental Health Department shall be met.
- (B) Wineries in the RA, RR, and A Districts. In addition to the regulations in subsection (A) of this section, the following regulations apply to all wineries in the RR, RA, and A Zone Districts approved at Levels III, V, or VI:

DESIGN:

- (1) ~~Building Design.~~ For Level III approvals: the proposed building shall have sufficient architectural design to be compatible with the architectural character and scale of the surrounding neighborhood. For Level V or VI approvals: proposed buildings which are visible from off the parcel shall have sufficient architectural design to be compatible with the architectural character and scale of the surrounding neighborhood.
- (2) ~~Setbacks.~~ For Level III approvals: the winery structure and all winery operations shall be located at least 200 feet from the nearest off-site residence or potential building site, unless a use approval at Level V is obtained. For Level V or VI approvals: the winery structure and all winery operations shall be set back from the property line the minimum distance required



by the zone district and may be required as a condition of the use approval to set back a specified distance from the nearest off-site residence, depending on the individual circumstances of the application.

- (3) Landscaping. For Level III approvals: the winery building shall be landscaped or located in the natural setting to soften the geometric form and to blend it with the rural character of the surrounding area. Parking lots, outdoor work and storage areas shall be screened from view from adjacent properties and roadways by vegetative plantings or other natural features and screening. Plantings shall be completed before final building inspection is approved. For Level III, V, or VI approvals: a landscaping plan shall be submitted with the application for review and approval, showing existing and proposed trees, shrubs and groundcover species, size and placement.

OPERATION:

- (4) Outside Operations. The application for a use approval shall include information to describe the nature of outside operations. For Level III approvals: all outside operations shall be screened from view of adjacent residences and roads; and outside operating hours of the winery shall be limited to 7:00 a.m. to 7:00 p.m., except during harvest season. These limits may be exceeded by obtaining a Level V approval. For Level V or VI approvals: limits shall be set by condition on the use approval based on the individual merits of the location and surroundings of the proposed winery.

- (5) Noise Control. The application for a use approval shall include information regarding the anticipated noise levels of the winery operation. For Level III approvals: the following sound schedule limitations shall apply:

- (a) A maximum noise standard of 85 dba for a cumulative period of 15 minutes in any hour;
- (b) A maximum noise standard of 90 dba for a cumulative period of five minutes in any hour;
- (c) A maximum noise level of 100 dba.

These values shall apply during the day period and shall be reduced by 10 dba for the night period (10:00 p.m. to 7:00 a.m.). These values may be exceeded by the obtaining of a Level V approval. For Level V or VI approvals: these limits shall apply unless different limits are set by condition on the use approval based on the individual merits of the location and surroundings of the proposed winery.

- (6) Grape Residue Disposal. Grape residue shall be disposed of in a manner consistent with the fly and vector control requirements of Environmental Health.

- (7) Operating Hours. The application for a use approval shall include information regarding the proposed operating hours of the winery. The operating hours of the winery shall be



established and approved as a condition of the use approval, recognizing the unique requirements of winery operations during harvest season.

(C) Wineries in the CA and AP Districts. In addition to the regulations in subsection (A) of this section, the following regulations apply to all wineries in the CA and AP zone districts approved at Levels III, V, or VI:

PROTECTION OF AGRICULTURAL LANDS:

(1) Maximum Lot Coverage. The winery structure, and associated storage and parking facilities, shall be sited so as to remove no land from production (or potential production) if any nonfarmable potential building site is available, or, if this is not possible, to remove as little land as possible from production. The maximum area of farmable agricultural land coverage by all structures and impervious surfaces for the winery operations shall not exceed five percent of the parcel size. This limit may be extended to 10 percent by the obtaining of a Level V or VI approval.

(A) Application of Ordinance. The regulations provided herein shall apply to all uses and structures that meet the definition of wineries, breweries or distilleries pursuant to SCCC 13.10.700-W, 13.10.700-B, and 13.10.700-D in the RA, RR, CA, and A zone districts. Similar uses may be considered under this ordinance at the discretion of the Planning Director.

(B) Operational standards for small, medium and large wineries, breweries, and distilleries are shown in the following table:

Table 13.10.637-1: Operational Standards for Wineries, Breweries, and Distilleries

	<u>SMALL</u>	<u>MEDIUM</u>	<u>LARGE</u>
<u>Annual Wine/Distilled Spirit Production (gallons)</u>	<u>10,000 gallons or less</u>	<u>>10,000 –30,000 gallons</u>	<u>>30,000 gallons</u>
<u>Annual Beer Production (barrels)</u>	<u>3,000 barrels or less</u>	<u>>3,000 –6,000 barrels</u>	<u>>6,000 barrels</u>
<u>Structure size</u>	<u>On, RA, RR, A and CA. The combined floor area of all facility structures shall not exceed 10,000 sq. ft. with a Minor Site Development Permit. Facility structure size may be exceeded with</u>	<u>On, RA, RR, A and CA: The combined floor area of all facility structures shall not exceed 15,000 sq. ft. with an Administrative Site Development Permit.</u>	<u>On A and CA: The combined floor area of all facility structures shall not exceed 18,000 sq. ft. with a Conditional Site Development Permit.</u>



Table 13.10.637-1: Operational Standards for Wineries, Breweries, and Distilleries

	<u>SMALL</u>	<u>MEDIUM</u>	<u>LARGE</u>
	<u>Conditional Site Development Permit.</u>	<u>Facility structure size may be exceeded with a Conditional Site Development Permit.</u>	<u>Facility structure size may be exceeded with Planning Commission approval.</u>
Food / Kitchens	<u>Food may be served in association with an event or tasting only. A catering kitchen, not to exceed 300 sq. ft., shall be permitted. Food service separate from events or tastings requires approval of a permit for a restaurant or brewpub, and is allowed in commercial zone districts only.</u>	<u>Food may be served in association with an event or tasting only. A catering kitchen, not to exceed 300 sq. ft, shall be permitted. Food service separate from events or tastings requires approval of a permit for a restaurant or brewpub, and is allowed in commercial zone districts only.</u>	<u>Food may be served in association with an event or tasting only. Commercial kitchens for onsite food preparation shall be permitted as ancillary to wine or beer production. Food service separate from events or tastings requires a permit for a restaurant or brewpub, and is allowed in commercial zone districts only.</u>
Agricultural Production	<u>On CA: The winery or beer manufacturing facility shall be ancillary to the principal agricultural use of the parcel or site, which may include wine grapes, hops, or other agricultural crops.</u>		
Sales	<u>Sales of food and beverage products other than wine or beer that are grown on the premises shall be permitted pursuant to a Class B Cottage Food Permit (AB1616) and the appropriate ABC license. Ancillary retail products for marketing purposes may be sold.</u>		
Hours of Operation	<u>Facilities on RA, RR or A parcels located within 500 feet of a parcel with a residential use: Outdoor production operations, excluding farming, limited to the hours of 7 a.m. to 7 p.m. Hours of production do not apply during harvest season. Production hours may be exceeded with an administrative use permit, in consideration of the proximity of residential uses and other noise sensitive land uses.</u>		
Tasting Room Hours	<u>Within the RA or RR zone districts or within 500 feet of a parcel with a residential use: Monday – Sunday, 11:00 a.m. – 6:00 p.m. All other sites: Monday – Sunday, 11:00 a.m. – 8:00 p.m. Extended hours at all sites may be considered subject to a conditional use permit.</u>		
Tasting Room Area	<u>The floor area of an attached or detached tasting room shall be determined by the use permit, as appropriate to the maximum number of guests allowed.</u>		



Table 13.10.637-1: Operational Standards for Wineries, Breweries, and Distilleries

	<u>SMALL</u>	<u>MEDIUM</u>	<u>LARGE</u>
Music	<p><u>Indoors: amplified music and acoustic music are permitted during indoor tastings and events.</u></p> <p><u>Outdoors: Acoustic music is permitted during outdoor events.</u></p> <p><u>Amplified outdoor music may be considered with an “Amplified Music Permit,” a noticed administrative permit, where appropriate considering specific site conditions including proximity to noise-sensitive uses. The applicant may be required to submit an acoustic study and other documentation demonstrating that noise levels will be in accordance with the General Plan Noise Element and SCCC 13.15.</u></p>		
Indoor Events	<p><u>In the RA and RR zone district or within 500 feet of a parcel with a residential use: Indoor marketing events (such as wine classes and wine pairings) are permitted Monday – Sunday, 11:00 a.m. – 6:00 p.m.</u></p> <p><u>All other zone districts: Indoor events are permitted Monday – Sunday, 11:00 a.m. – 9 p.m.</u></p> <p><u>Alternative hours may be considered subject to approval of a conditional use permit, considering the proximity of residential uses and other noise sensitive noise receptors.</u></p>		
Small outdoor marketing events	<p><u>On parcels within the RA or RR zone district or within 500 feet from the property line of a parcel with a residential use: Outdoor marketing events such as tastings and tours are permitted from 11:00 a.m. to 6:00 p.m. The maximum number of guests permitted at events will be determined by the use permit for the facility, up to a maximum of 25 guests per event. Events with up to 50 guests may be considered with approval of a conditional use permit.</u></p> <p><u>At other sites: Outdoor marketing events such as tastings are permitted from 11:00 a.m. to 6:00 p.m. The maximum number of guests permitted at events will be determined by the use permit for the facility, up to a maximum of 50 guests per event.</u></p>		
Large outdoor marketing events (more than 50 guests)	<p><u>10 marketing events annually for a small facility, limited to the hours of 11 a.m. to 9 p.m. Additional events may be considered with a conditional use permit.</u></p>	<p><u>15 marketing events annually for a medium facility, limited to the hours of 11 a.m. to 9 p.m. Additional events may be considered with a conditional use permit.</u></p>	<p><u>15 marketing events annually for a large facility, limited to the hours of 11 a.m. to 9 p.m. Additional events may be considered with a conditional use permit.</u></p>
Maximum Number of guests permitted at events	<p><u>The maximum number of guests permitted at indoor and outdoor events will be determined by the use permit for the facility, considering site characteristics such as road access, tasting room capacity, parking, proximity to adjacent residential uses, topography and other physical characteristics that affect noise, and the capacity of sewage disposal system. The conditions of approval shall state the maximum number of persons allowed at indoor, small outdoor and large outdoor events.</u></p>		



Table 13.10.637-1: Operational Standards for Wineries, Breweries, and Distilleries

	<u>SMALL</u>	<u>MEDIUM</u>	<u>LARGE</u>
<u>Weddings and similar celebrations</u>	<u>Weddings and similar celebrations in the RA, RR, CA and A zone districts require a Conditional Use Permit in accordance with SCCC 13.10.615.</u>		

(C) Development and Design Standards for Wineries, Breweries and Distilleries.

- (1) Design Review. The requirements in SCCC 13.11 (Site Development and Design) shall apply to all new development, including the establishment of a new facility or a structural addition or improvement over 500 square feet in size.
- (2) Site Configuration. The site shall be designed to buffer areas intended for outdoor use from surrounding residential properties. Buildings are encouraged to be used as the primary buffer; however, other buffering methods may be utilized. Technical studies may be required to confirm compliance with the noise standards provided in the General Plan.
- (3) Visual Impacts. Mitigations shall be required for any potentially significant adverse visual impacts of facilities greater than 5,000 square feet that will be located within visual resource areas as described in the County General Plan and Local Coastal Program. Mitigations may include such measures as vegetative screening or other landscaping, use of materials which produce less glare, elevated topography, and/or arrangement of structures on the site to minimize bulky appearance.
- (4) Parking. Parking lot design is subject to the regulations of SCCC 13.16. The discretionary permit may modify the number of parking spaces based upon use and site characteristics without a variance, or may require that the parking area be surfaced with a material that does not impair the long-term viability of agricultural resource soils.

SCCC 13.10.637(C)(5)(d) below has been amended to be consistent with Development area limit of 35,000 sf as proposed in the Agricultural Uses Chart.

(5) Additional Standards for Facilities Located on CA-Zoned Land.

- (a) Operations shall be sited, sized and designed to minimize the removal of Type 1-3 agricultural soils from production or potential production to the greatest extent feasible, and shall be located off Type 1-3 soils when possible. The use of paving or other impermeable or semi-permeable materials such as baserock or gravel with the potential to impact underlying agricultural soils shall be minimized and shall be located off Type 1-3 soils to the greatest extent feasible.



- (b) Proposed facilities with a total building footprint exceeding 10,000 square feet shall locate as much of the total floor area on a second story as is feasible.
- (c) The uses, structures, and improvements shall be sited so as to minimize conflicts with existing agricultural operations.
- (d) For facilities on CA, the total development area shall not exceed 35,000 square feet.

(D) Signs for Wineries, Breweries and Distilleries.

- (1) Allowed signs in all zone districts where use permitted. One non-illuminated business identification sign not exceeding 12 square feet is allowed with a building permit as provided by County building codes. No discretionary permit is required.
- (2) Discretionary signs on parcels zoned A, CA, or RA. Signage consistent with criteria provided in SCCC 13.10.581 may be considered with approval of minor site development permit, or as part of the permit approval for the wine or beer manufacturing facility, subject to the following exceptions:
 - (a) Illumination. Direct illumination shall not be allowed. Indirect illumination shall be low-intensity and directed away from neighboring property;-. Sign illumination is permitted only during operational hours. Sign illumination is not permitted in designated scenic corridors.
 - (b) Size. No individual sign shall exceed 30 square feet.
- (3) Additional finding for discretionary signs. The following additional finding is required for discretionary sign approval: The signage is architecturally and aesthetically compatible with the surrounding neighborhood, environmental setting and associated buildings; does not create visual clutter; does not adversely impact coastal visual resources or viewsheds within scenic corridors; and, if lighted, avoids undue incidental illumination away from the signage.

(F) Overnight Accommodation. The following types of overnight tourism accommodations may be permitted as ancillary to wine or beer manufacturing facilities.

- (1) A bed and breakfast inn appurtenant to a winery or beer manufacturing facility may be authorized by Administrative Use Permit where allowed in the zone district. A bed and breakfast inn shall be situated within the primary residence on the subject property, and shall comply with SCCC 13.10.691.
- (2) Agricultural Farmstays. Uses classified as Agricultural Farmstays that are associated with a winery or beer manufacturing facility may be permitted pursuant to the requirements of SCCC 13.10.312(C) and 13.10.641.

Section SCCC 13.10.638 is revised to more generally address ancillary service establishments associated with agricultural uses and to provide additional protections for potential impacts in



agricultural districts. 13.10.638(B)(1) is amended to add a reference to the maximum development area.

13.10.638 Agricultural ~~custom work occupations~~ service establishments.

(A) Purposes. The purpose of regulations for agricultural ~~custom work occupations~~ service establishments are:

- (1) To allow persons to conduct commercial agricultural support activities ~~on a property with a primary use of agricultural production~~ within the (CA) Commercial Agriculture and (A) Agriculture zone districts.
- (2) To protect nearby agricultural and residential properties from the potential adverse effects of the allowed activity by not allowing agricultural ~~custom work occupations~~ service establishments that would create generate excessive traffic, public expense or nuisances to ~~nearby properties~~, create conflicts with other land uses, or adversely impact adjacent agricultural activities.

(B) Restrictions on Agricultural Custom Work Occupations: Standards for Agricultural Service Establishments.

- ~~(1) The occupation shall be carried on outside or in a structure allowed in the zone district where the site is located.~~
- ~~(2) Signing, advertising or identifying the occupation shall be limited to one unlighted sign not exceeding five square feet.~~
- ~~(3) The occupation shall be carried out by a maximum of two employees unless a Level IV use approval is obtained. Not more than five employees may be employed by the occupation on-site under Level IV use approval.~~
- ~~(4) The occupation shall not involve the use of a building or portion of a building greater than 1,000 square feet unless a Level IV use approval is obtained. A building or portion of a building of a maximum size of 2,000 square feet is allowed under Level IV use approval.~~
- ~~(5) Occupations involving on-site business with customers shall require Level IV use approval.~~
- ~~(6) Siting of an occupation within 200 feet of any residential use on another parcel shall require a Level IV use approval.~~
- (1) On parcels within the CA zone district, agricultural service establishments shall be ancillary either to the principal agricultural use of the subject parcel(s) or ancillary to the commercial agricultural use of parcels owned or leased by the applicant. On CA parcels, the development area for agricultural service establishments shall not exceed 10,000 square feet.



- (2) Farmland conservation. To the maximum extent feasible, facilities shall be located on the non-productive portions of the property, or on that portion of the property that is least productive for agricultural purposes. Technical studies may be required to ensure that the long-term agricultural viability of the soils is not adversely impacted by the proposed development. The development shall also be sited to minimize any conflict with primary agricultural activities on and off-site such as crop production.
- (3) Parking shall comply with SCCC 13.16, except that the number of parking spaces required may be reduced without a parking variance or alternate surfacing materials may be allowed or required by the approving body in order to preserve agricultural land, if the approving body finds that parking will be adequate for the use and the surfacing will be installed and maintained in a manner that will prevent erosion.
- (4) Visual Resources.
 - (a) Where agricultural service structures exceed 5,000 square feet in floor area, the visual impact on designated scenic roads, beaches, or recreation facilities shall be minimized by measures such as locating structures among existing groups of structures, using materials and colors which blend with existing buildings or the environment, and/or using design and landscaping to screen or soften the appearance of structures or to invoke historic architecture.
 - (b) Outdoor display of retail products associated with Agricultural Service Establishments may be located in view of publicly maintained, non-scenic roads, but shall be scaled and designed to minimize visual intrusion and impacts to neighborhood character along scenic roads and non-public roads.
 - (c) Service yards and outdoor storage associated with Agricultural Service Establishments shall be screened from public and private view through such measures as placement behind buildings, use of landscaping and topographic relief, and visually compatible fencing.
- (5) Signs shall be consistent with SCCC 13.10.580.
- (6) On any parcel within 200 feet of any residential use, hours of operation exceeding Monday–Friday, 8:30 a.m. –to 5:30 p.m., and Saturday-9:00 a.m. to 5:00 p.m. shall require a Conditional Use Permit.

New section SCCC 13.10.639 regulates crops grown in outdoor containers.

13.10.639 Outdoor container-grown crops.

- (A) Purpose. The purpose this section is to allow production of outdoor container-grown crops while protecting the long-term viability of agricultural soils.



(B) Criteria. All operations that grow crops above ground in containers on parcels within the Agriculture (A) and Commercial Agriculture (CA) zone districts shall comply with the following requirements. Technical studies may be required to ensure compliance with the standards.

- (1) Inorganic materials, such as baserock, gravel, or builder's sand, shall not be used as a surface for container placement or associated staging facilities unless it can be shown that the materials can later be removed without adversely impacting the underlying soils.
- (2) Permanent impervious surfacing, such as cement and asphalt pavement, shall not be permitted as a platform for crop containers.
- (3) Impermanent impervious surfacing, such as tarps, may be permitted with an approved drainage system to control irrigation and stormwater runoff. The impermanent impervious surfacing shall not adversely impact the on-site soils or adjacent properties.
- (4) On-site soils shall not be used as the medium for container crops and shall not be removed from the site.

New section SCCC 13.10.640 regulates temporary produce sales ancillary to agricultural operations.

13.10.640 Temporary produce sales areas, produce stands, and produce markets.

(A) The purpose of these regulations is to provide for and regulate the sale of farm commodities produced on-site, and also to allow the sale of related goods that promote agricultural products originating in Santa Cruz County and neighboring counties.

(B) Definitions.

- (1) "Retail food law" for purposes of this chapter, means any chapter of any California Code regulating health and sanitation standards for retail food facilities. Retail food law shall be administered and enforced by County of Santa Cruz Environmental Health Services, unless another agency is specifically identified by law.

(C) General Standards. The following general standards shall apply to all produce sales areas, stands and markets regulated by this chapter:

- (1) One temporary produce sales area, one produce stand, or one produce market per site is allowed, subject to approval as set forth in SCCC 13.10.312(D), Agricultural Uses Chart, and SCCC 13.11.
- (2) A temporary produce sales area or produce stand shall be allowed only if:
 - (a) It is located in the A (Agriculture) or CA (Commercial Agriculture) zoning district;
 - (b) It is accessory to agricultural production on the same parcel;
 - (c) At least 75% of the gross site area is devoted to agricultural production;



- (d) The entirety of any subject parcel is owned or leased by the produce area/stand proprietor; and
 - (e) The floor area, excluding storage, shall not exceed 800 square feet. A larger floor may be considered with an MUP.
- (3) A produce market shall be allowed only if:
- (a) It is located in the A zoning district;
 - (b) It is accessory to agricultural production on the same site;
 - (c) At least 75% of the gross site area is devoted to agricultural production; and
 - (d) The entirety of any subject parcel is owned or leased by the produce market proprietor; and
 - (e) The floor area, excluding storage, does not exceed ~~3,600~~ 1,800 square feet. A larger market may be considered with an MUP.
- (4) The produce stand, produce market, and associated parking and circulation areas shall remove as little land as possible from agricultural production or potential production. To minimize disturbance to agricultural soils, all associated improvements shall be located off, or on the perimeter of, Type 1-3 soils to the maximum extent feasible. Stands and markets should be located at the front of the parcel in conjunction with roadway access, or clustered with the existing development on the site.
- (5) Safe ingress and egress from the site shall be provided.
- (6) Produce stands and produce markets may have a maximum of one double-faced free-standing sign and one sign attached to the structure, not including small, pedestrian-oriented price signs up to ½ sq. ft. each placed with produce. No sign or face shall exceed 10 square feet. No illuminated signs or off-site signs shall be allowed. All signs shall be located outside the public right-of-way and shall not obstruct ingress, egress or vehicular site distance.
- (7) The point of origin of each commodity sold at the produce stand or produce market, including the name of the farm and county where it was grown, shall be prominently displayed indoors, using legible lettering, preferably with produce price signs.
- (8) Produce stands and produce markets shall be subject to the laws and regulations administered by other County of Santa Cruz departments, as well as the requirements of other jurisdictional agencies such as the California Department of Food and Agriculture, and California Department of Transportation.
- (D) Temporary Produce Sales Area. Temporary produce sales areas are subject to the following standards and requirements.



- (1) Three parking spaces shall be provided. Each parking space shall be at least 8.5' x 18' in size, shall be located off, of or on the perimeter of, good agricultural soils and shall not encroach upon any public rights-of-way or create a traffic hazard. Parking is not required to be paved unless specified by permit.
 - (2) A temporary produce sales area may sell only raw, unprocessed fruits, vegetables, nuts, cut flowers and other agricultural produce in its raw or natural state produced on land that the produce stand's proprietor controls. No other commodities may be sold from a temporary produce sales area.
 - (3) A temporary produce sales area may only be open for up to 90 consecutive days per year to coincide with the harvest of the commodity. The applicant must obtain an Administrative Use Permit to operate a produce stand if the produce sales area will be open for longer than 90 consecutive days in a year or if produce sales will be staggered (non-consecutive) due to differing harvest times.
 - (4) During the time when the temporary produce sales area is closed, all signage pertaining to the produce sales area, the temporary structure, and all for-sale products shall be removed from view.
- (E) Produce Stands. Produce stands are permitted subject to the following standards and requirements along with any other requirements deemed necessary due to the size, configuration and location of the site.
- (1) One off-street parking space shall be provided for each 400 square feet of gross floor area or a minimum of three parking spaces, whichever is greater. Each parking space shall be at least 8.5' x 18' in size, shall be located off, of or on the perimeter of, Type 1-3 agricultural soils and shall not encroach upon any public rights-of-way or create a traffic hazard. Parking is not required to be paved unless specified by discretionary permit as appropriate to control dust or mud, or to prevent erosion and sedimentation.
 - (2) A produce stand shall be used to sell primarily raw, unprocessed fruits, vegetables, eggs, honey, cut flowers and other agricultural produce in its raw or natural state produced on land that the produce stand's proprietor controls.
 - (3) Up to 15 percent of the area of the produce stand may be used for the sales of processed, pre-packaged, non-potentially hazardous foods produced by the stand proprietor, including, but not limited to, dried fruit, jams, jellies and fruit pies. All processed foods are subject to County use permit requirements for agricultural processing and any applicable retail food law.
 - (4) Produce stands not in use for a period of three consecutive years shall be removed from the premises at the landowner's expense.



- (5) Cold storage shall not be included as part of the allowable produce stand size and may require a separate approval, pursuant to SCCC 13.10.312 and 13.11.
- (6) A produce stand may be open to the public up to seven days a week as long as the farm is producing agricultural products to be sold at a produce stand.
- (F) Produce Markets. Produce markets are subject to the following standards and requirements along with any other requirements deemed necessary due to the size, configuration and location of the site.

 - (1) One off-street parking space shall be provided for each 400 square feet of gross floor area with a minimum of three parking spaces. Each parking space shall be at least 8.5' x 18' in size, shall be located off, of or on the perimeter of, Type 1-3 agricultural soils and shall not encroach upon any public rights-of-way or create a traffic hazard. Surfacing materials for the parking spaces shall be specified by discretionary permit.
 - (2) A produce market shall be used to sell primarily raw, unprocessed fruits, vegetables, eggs, honey, cut flowers, nursery plants or flowers, nuts and other agricultural produce in its raw or natural state that have been grown in the County of Santa Cruz.
 - (3) Up to 25 percent of the area of the produce market may be used for the display of processed, pre-packaged, non-potentially hazardous foods including, but not limited to, dried fruit, jams, jellies and fruit pies. All processed foods are subject to any applicable retail food law and must be obtained from approved sources. Products may also be obtained from Cottage Food Operations within the County of Santa Cruz.
 - (4) Up to 5 percent of the display area may be used for sales of taxable items that advance the sale of agricultural products or educate the public about the agricultural industry.
 - (5) Except as provided in subsection (4), no taxable items may be sold at produce markets and the sale of petroleum products, alcoholic beverages, tobacco or magazines is specifically prohibited.
 - (6) Cold storage accessory to a produce market shall be located within or attached to the main structure and shall be used to store raw produce products and bottled water only for on-site sale. Cold storage facilities for wholesale agricultural commodities may require a separate Site Development Permit pursuant to SCCC 13.11.
 - (7) A produce market may operate up to 365 days a year.



New section SCCC 13.10.641 regulates farmstays and homestays on agricultural lands as a ancillary use that allows for marketing, education, and better understanding of agricultural uses.

13.10.641 Agricultural farmstays/ homestays.

- (A) Purpose. The purpose of these regulations is to allow for farmers in Santa Cruz County to market their produce to consumers, travelers, and tourists by providing the educational experience of staying on a farm.
- (B) Agricultural farmstays shall be allowed in the A and CA Zoning Districts according to the following criteria:
 - (1) Guest rooms may be provided in the principal residence, in an accessory dwelling unit, or within a habitable accessory structure. A maximum of six guestrooms are allowed. Guest rooms are not permitted in barns, non-habitable structures, agricultural employee housing or storage facilities. The farmstay shall be ancillary to the principal agricultural use on the parcel.
 - (2) All California Building Code and Fire Code requirements, without limitation, shall be met.
 - (3) All Health and Safety Code and Environmental Health regulations shall be met.
 - (4) Parking requirements shall be established by the use permit. One identification sign, not directly illuminated, with a maximum size of 12 square feet may be displayed as provided by SCCC 13.10.580. The words "hotel," "motel" or "bed & breakfast" shall not be allowed. The sign size, color, text, and location shall be specified as part of the use permit.
 - (5) Either a farmstay or bed and breakfast is allowed. Both a farmstay and bed and breakfast are not permitted on the same parcel.
- (C) The farmstay shall be registered with the County Tax Collector as being subject to the transient occupancy tax, and no discretionary permit for an Agricultural Homestay shall take effect prior to issuance of a transient occupancy permit by the County Tax Collector.
- (D) A food service permit shall be obtained from Environmental Health Services as applicable.
- (E) Operation of the Agricultural Homestay shall be subject to the following continuing requirements:
 - (1) The operator shall reside within the main residence on the property.
 - (2) Guest stays shall be limited to 14 days.
 - (3) No cooking is allowed in guest rooms.
- (F) To the maximum extent possible, site development associated with the agricultural homestay shall be minimized and shall be located on the nonproductive portions of the property, or on that portion of the property that is least productive for agricultural purposes. Development shall



also be sited to minimize any conflict with any off-site agricultural activities such as crop production. Conditions of approval may specify a development envelope for the proposed use where appropriate to protect agricultural land.

Existing section SCCC 13.10.639 is retained as section SCCC 13.10.642 for any future landfill sites that may be proposed within the CA zone district, as well as septic sludge disposal sites on sites that do not meet the criteria for CA-zoned land.

13.10.639 13.10.642 Sanitary landfill as interim use.

A publicly owned and operated sanitary landfill either by contract or by public forces, as an interim use, on land zoned for agriculture shall be subject to the following regulations:

- (A) Land taken out of agricultural production shall, upon cessation of landfill activities, be rehabilitated and made available for subsequent agricultural uses. Rehabilitation actions shall include, but not be limited to, stockpiling of existing topsoil for replacement to the area taken out of production as a topsoil layer over the final cover of the landfill. Where stockpiling is not feasible, topsoil may be imported or produced, for example, through the use of compost made from plant waste entering the landfill; provided, that in any case if the land is Type 3 commercial agricultural land, the finished topsoil layer shall have physical-chemical parameters which give the soil a capability rating (as defined by the Santa Cruz County Local Coastal Program Land Use Plan) of prime agricultural land.
- (B) Existing water quality and quantity available to agricultural land used on an interim basis for a sanitary landfill and to other agricultural land in the vicinity of the landfill shall not be diminished by the landfill use, either during its operation or after closure.
- (C) No conflicts with adjacent commercial agricultural activities shall result from the landfill use, either during its operation or after closure.
- (D) The maximum amount of agricultural land shall be maintained in production through the following measures, as feasible:
 - (1) Phasing the nonagricultural use.
 - (2) Utilizing any nonagricultural areas available first.
 - (3) Utilizing lower quality soils (e.g., Class III II) instead of or before higher quality soils (e.g., Class I or III).
 - (4) Employing means of reducing the area necessary for the interim public use, such as resource recovery.
 - (5) Rehabilitating other areas, such as former landfill sites, for agricultural use.
- (E) The above provisions shall also apply to permitted septic sludge disposal sites within the Coastal Zone.



Existing section SCCC 13.10.635 is relocated to SCCC 13.10.643.

13.10.635 13.10.643 Recycled water facilities for the production of recycled municipal wastewater water for agricultural irrigation use.

Construction and operation of recycled water facilities providing tertiary-level treatment on land zoned CA, or A or AP shall be allowed, subject to the following regulations:

- (A) Such facilities shall be located adjacent to or in the immediate proximity of an existing publicly owned and operated municipal wastewater treatment plant.
- (B) Such facilities shall be intended and used for the sole purpose of producing recycled municipal wastewater to be used for agricultural irrigation.
- (C) Conflicts with adjacent commercial agricultural activities resulting from either construction or operation of the wastewater recycling facility use shall be avoided, among other ways, by staging construction activities and establishing traffic routes in a manner that does not interfere with adjacent agricultural activities.
- (D) The facility shall minimize reduction of acreage of agricultural lands and shall prevent a reduction in land available for agricultural production by offsetting the loss of agricultural land associated with facility construction. Mitigation measures that may be used to offset the loss of agricultural land resulting from project construction include, but are not limited to:
 - (1) Enabling fallow agricultural land to be put back into production;
 - (2) Protecting or restoring agricultural operations on lands where nonagricultural development has been permitted, among other ways by acquiring the land or obtaining an affirmative agricultural easement;
 - (3) Improving the productivity of degraded or marginal agricultural land by transporting the topsoil from the development site to such land; and
 - (4) Any combination of the above, or similar measures.

The mitigation measures used to offset the loss of agricultural land associated with facility construction shall enhance agricultural productivity within the project service area to an extent that is equal or better than the productivity of the agricultural land lost from project construction, and shall be implemented in a manner that is consistent with the coastal resource protection provisions of the General Plan/LCP, such as those protecting environmentally sensitive habitat areas, riparian corridors, wetlands, and coastal water quality.



New section SCCC 13.10.644 regulates a variety of uses that may occur on agricultural lands, providing standards for potential impacts to agricultural soils and other resources.

13.10.644 Standards for agricultural structures and uses, miscellaneous.

(A) Discretionary site development and use permits associated with the following structures shall include site designs and conditions of approval as necessary to ensure compliance with the criteria set forth in SCCC 13.10.644(B):

- (1) Agri-tourism/education structure;
- (2) Agricultural research and development facility;
- (3) Lumber mill or tree service establishment;
- (4) Structures indirectly related to agriculture (including animal hospital, museum, veterinary office, kennel, zoo, energy facilities, like structures or ancillary structures thereto); and
- (5) Agricultural administrative offices.

(B) Standards.

- (1) The development area shall be sited to eliminate or, if not possible, to minimize disturbance of Type 1-3 Commercial Agricultural Land.
- (2) If located on CA land, the proposed development and use shall be ancillary to the principal agricultural use of the subject property or of properties owned or leased by the operator.
- (3) Development shall be located near existing buildings, other site development, and utilize existing site access to the greatest extent feasible. Development shall also be sited to minimize any conflict with any off-site agricultural activities such as crop production.
- (4) If locating on CA land, the use of impermeable or semi-permeable surface material that may affect the long-term viability of Type 1-3 agricultural soil shall be minimized to the greatest extent feasible.
- (5) Visual impacts of structures and associated parking and lighting on designated scenic roads, beaches, or recreation facilities shall be minimized by measures such as locating structures among existing groups of structures; using materials and colors which blend with existing buildings or the environment, and/or using design and landscaping to screen and soften the appearance of structures.
- (6) Habitable structures shall comply with SCCC 16.50.095, Agricultural buffer setback requirements. Cultivation areas or plant cultivation structures used for research activities are agricultural and not subject to SCCC 16.50.095.



- (7) Parking areas shall be sited and designed to minimize disturbance of agricultural resource land or any land in commercial agricultural production both on and off-site. Parking shall comply with the following:
- (a) Parking for agricultural research and development establishments shall meet the standards of SCCC 13.16 as required for business offices. Parking for uses indirectly related to agriculture shall meet the standards of SCCC 13.16 as required for the use most closely resembling the subject use. Exception: the number of parking spaces required may be reduced without a parking variance or alternate surfacing materials may be allowed by the approving body in order to preserve agricultural land, if the approving body finds that parking will be adequate for the use and the surfacing will be installed and maintained in a manner that will prevent erosion.
- (b) Parking for agri-tourism and education shall be commensurate with the intensity of use, based on numbers of events and guests as mitigated by any on-site parking demand management measures, such as use of bus transportation or carpools.
- (8) Proposed facilities with a total building footprint exceeding 10,000 square feet shall locate as much of the total floor area on a second story as is feasible.
- (9) The establishment of any outdoor-grown container crop area at a research and development (R&D) facility shall comply with standards provided in SCCC 13.10.639, outdoor container crops. Where an R&D facility is existing or principally permitted, establishment of greater than one acre of outdoor-grown container crops, or expansion greater than one acre of any existing container crop area shall require approval of a minor site development permit or equivalent amendment. The area used for container crops is not included in tabulation of development area.
- (10) The establishment of any greenhouse at a research and development facility shall comply with standards provided in SCCC 13.10.636. Greenhouses or portions of greenhouses that include paving or other impermeable or semi-permeable surface material such as baserock or gravel which may affect the long-term viability of the underlying soil shall be considered part of the total development area of the R&D facility.
- (11) Special development area findings. The special findings provided in SCCC 13.10.313(E) apply to the agricultural structures and uses identified in this section, where the combined development area of multiple agricultural support structures on Type I-III agricultural land on a single parcel would exceed 35,000 square feet. Also see the Agricultural Uses Chart for development area limits for energy facilities, veterinary offices, and agricultural research and development facilities.